UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 91st CONGRESS
SECOND SESSION

VOLUME 116—PART 24

SEPTEMBER 16, 1970, TO SEPTEMBER 22, 1970

(PAGES 31967 TO 33258)

NOV 11 1971

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1970

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 91st CONGRESS, SECOND SESSION

SENATE—*Wednesday, September 16, 1970*

The Senate met at 9:30 a.m. and was called to order by Hon. QUENTIN N. BURDICK, a Senator from the State of North Dakota.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Divine Father, in the quietness of this new morning, speak to our wistful and burdened hearts the assurance of Thy presence. Impart to us the cleansing and power for which we yearn—peace in the midst of storm, poise under pressures, strength amid tensions, wisdom higher than our own powers. May we be joined by all the people in offering to Thee our best gift—our lives—clean, strong, honest, trustworthy, and sacrificial.

Suffer us not to despair if the day of peace seems far distant. Keep us striving everlastingly to remove the barriers which separate men and nations, to keep our lives saturated with friendliness, to infuse in others the spirit of good will and brotherhood, and to be receptive to the radiant light and sure direction of the Prince of Peace, in whose name we pray. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication from the President pro tempore of the Senate (Mr. RUSSELL).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., September 16, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. QUENTIN N. BURDICK, a Senator from the State of North Dakota, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. BURDICK thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, September 15, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the distinguished Senator from New York (Mr. JAVITS) there be a period for the transaction of routine morning business with statements limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND THE VICE PRESIDENT

AMENDMENT NO. 905

AMENDMENT TO PROVIDE FULL VOTING REPRESENTATION IN CONGRESS FOR THE DISTRICT OF COLUMBIA

Mr. KENNEDY. Mr. President, on behalf of myself and Senator MATHIAS, and Senator CHURCH, Senator CRANSTON, Senator EAGLETON, Senator GRAVEL, Senator HARRIS, Senator MAGNUSON, Senator MONDALE, Senator NELSON, Senator PROXMIRE, and Senator STEVENS, I submit an amendment to Senate Joint Resolution 1 and ask unanimous consent that it lie on the table and be printed.

The ACTING PRESIDENT pro tempore. The amendment will be received and printed, and will lie on the table.

Mr. KENNEDY. Mr. President, the purpose of the amendment is to amend the United States Constitution to provide full voting representation in Congress for the District of Columbia—two Senators and the number of Representatives to which the District would be entitled on the basis of its population. It is my intention to call up this amendment at the appropriate time during the present debate.

It is entirely proper for this amendment to be considered as part of Senate Joint Resolution 1, the proposed constitutional amendment to establish a system of direct popular election of the President of the United States. The attention of the Nation is now fixed on the current debate in the Senate, as we seek to resolve the question of the manner in which all our Nation's citizens are to be represented by their President and it is fitting that we also consider the manner in which the citizens of our Nation's Capital are to be represented in the Congress.

One of the most glaring injustices in our democracy today is our failure to give full voting representation in Congress to the people of the District of Columbia. In recent years, we have made substantial progress toward extending the franchise and broadening the base of representative government in America. Most recently, we voted overwhelmingly last spring to lower the voting age to 18, thereby bringing millions of young Americans into the mainstream of the political process.

I believe that the opportunity is now at hand to take another major step forward in our long march toward fulfilling the promise of representative government for all our people. The time has come to eliminate the injustice to which the people of the Nation's Capital have been so unfairly subjected for so long. The time has come to give full voting representation in Congress to the District of Columbia.

SUMMARY OF THE PROPOSED CONSTITUTIONAL AMENDMENT

The constitutional amendment I am offering would provide full voting representation in Congress for the District of Columbia. The amendment would contain seven principal provisions:

First, citizens of the District of Columbia would elect two Senators and the number of Representatives in Congress—probably two—to which the District would be entitled on the basis of population.

Second, each Senator or Representative would be required to be a resident of the District.

Third, each Senator or Representative would possess the same qualifications as to age and citizenship and have the same rights, privileges and obligations as other Senators or Representatives.

Fourth, a vacancy in the representation of the District of Columbia in the Senate or the House of Representatives would be filled by a special election by the voters in the District.

Fifth, the amendment would have no effect on the provision in the 23d amendment for determining the number of electors for President and Vice President to be appointed for the District. However, depending upon the outcome of the debate on Senate Joint Resolution 1, each Senator or Representative from the District would be entitled to participate in choosing the President or Vice President in cases where the presidential election is decided by the Congress.

Sixth, Congress would have the power to implement the amendment by appropriate legislation.

Seventh, the amendment would have

to be ratified by the States separately from the direct popular election amendment.

DISTRICT OF COLUMBIA REPRESENTATION IN CONGRESS AND HOME RULE FOR THE DISTRICT OF COLUMBIA

The proposed amendment deals only with representation in Congress for the District of Columbia. It is not a proposal for home rule for the District. Citizens of the Nation's Capital have never had representation in Congress. Ironically, however, in times past, they have had home rule—the right to choose their own local government. For almost a century—from 1800, when the District of Columbia was first established by Congress, until 1874, when Congress eliminated all elective offices for the District—citizens of the District had at least some form of elected self-government.

I strongly support the principle of home rule for the District of Columbia. In the next Congress, I intend to make a strong effort to end the years of frustrating effort to achieve this basic reform. Whatever the result of these efforts, however, at least we can agree now that representation in Congress for the District of Columbia is both deserved and justified.

THE NEED FOR FULL VOTING REPRESENTATION IN CONGRESS FOR THE DISTRICT OF COLUMBIA

Full voting representation in Congress is an act of simple justice for the District of Columbia that is long overdue. For nearly a century, every effort to accomplish this goal has met with uniform frustration and defeat. It is time now for Congress to act to end this injustice.

Thanks to the 23d amendment to the Constitution, adopted in 1961, the citizens of the District of Columbia are now eligible to vote for President and Vice President. But, there is still an unfair barrier against their participation in the national legislature. By some strange anomaly, citizens of the District can vote for their President, but not for their own representatives in Congress.

There is no reasonable basis to continue to exclude the citizens of the District from the right of representation in Congress. We can no longer ignore the fact that the power of the vote in Congress determines much of the life and direction of the Nation. Even without the power of this vote, the people of the District are still required to fulfill all the obligations of American citizenship. But because they have no voice in shaping the laws by which they are governed, they are relegated to the status of second-class citizens in our society.

The residents of the Federal City are as deeply concerned about their city's condition and future as are the residents of Boston, New York, Chicago, Los Angeles, or any other American metropolis. But Washingtonians do not share equally with other Americans in the opportunity to make the decisions that affect their lives. Only a constitutional amendment granting full representation in Congress will enable citizens of the District to enjoy each of the rights granted to all Americans by the Constitution of our country.

District of Columbia representation in Congress, however, is more than just a prize for the citizens of the District. It is also a symbol of the problems and aspirations of the Nation as a whole. For the United States, the world's greatest democracy, to deny the right of representation to the people of its capital is unconscionable, and the shame of the denial is compounded by the bitter racial emotions to which it gives rise. All of us in Congress, whatever the State or district we represent, have the obligation to eliminate this blight on the principles of our democracy.

The right of representative government is fundamental to democracy in America. Nowhere in America should the principle of representative government be more firmly established than in the Nation's Capital. In Washington today, however, democracy is weakest where it should be strongest. In this city where the principle of representative government should be practiced with pride as a symbol of freedom to the rest of the country and to the entire free world, democracy is shamefully lacking. By some cruel irony, a nation founded as a haven from oppression and tyranny denies to the citizens of its capital the blessings of democracy. Indeed, it is fairly said that Washington, D.C., is America's last colony.

Washington today is a city of 764,000 people. It has a population greater than that of each of 11 States. Together, those 11 States have a total of 39 representatives in the Senate and the House. Yet, the people of Washington have no voice whatever in Congress. By contrast, those 11 States are currently represented as follows:

	Population [1]
No Senators, no Representatives:	
District of Columbia	764,000
Two Senators, two Representatives:	
Hawaii	748,000
New Hampshire	722,000
Idaho	698,000
Montana	682,000
South Dakota	661,000
North Dakota	610,000
Two Senators, one Representative:	
Delaware	542,000
Nevada	481,000
Vermont	437,000
Wyoming	328,000
Alaska	294,000

[1] Preliminary 1970 census estimate.

The Nation is now completing the 1970 census, from which these figures are derived. Article I, section 2 of the Constitution requires that the census shall be taken at least once every 10 years. Although the census now fulfills many purposes, the Constitution makes clear that the primary purpose of the census is to determine congressional representation in the House of Representatives. Ironically, in the District of Columbia, the national census continues to fulfill every purpose except its primary purpose.

As viewed by our Nation's official policy, Washingtonians are equal for the purpose of taxation, the draft, and all the other duties of citizenship, but not for the purpose of representation. Each year, they are taxed for hundreds of millions of dollars without representation, and their sons are drafted to fight and die in Vietnam. In countless ways, the people of Washington bear the manifold responsibilities of Federal citizenship, but they are denied the opportunity to participate in making the laws by which they are governed.

To deny District citizens a voice and a vote in the Congress is not only to deny 764,000 people their rightful representation in the Senate or House. At least in part, it is also to deny more than 35 million people in 16 different States the full attention of their own Senators and Representatives. These are the people represented by the 12 Senators and 32 Representatives serving on the Senate and House Committees on the District of Columbia and the respective appropriations subcommittees.

Although representation in Congress for the District will not end the participation of Members of Congress on the Senate and House District Committees, it may reasonably be expected that at least Senators from the most populous States like New York, would be more free to devote their attention to their own constituents and would not also be assigned the responsibility of the detailed local work of a District Committee. It is notorious, in the present situation, that Senators and Representatives on the District Committees are too often obliged to put their work on national legislation ahead of their work on District legislation. Clearly, it would be desirable to have Senators and Representatives on those committees whose primary loyalty would be to the citizens of the District.

Of course, in the early years of our Republic the status of the District of Columbia was not the same as it is today. Our Founding Fathers had no idea that the pastures, marshes, and cornfields along the Potomac River would one day become the residence for nearly a million people and the center of one of the Nation's greatest metropolitan areas.

Today, however, the situation is different. The Nation's Capital has expanded into a vast and complex society, the heart of democracy in America. Washingtonians live with precisely the same issues that face every other part of the Nation. War and race, poverty and crime, education and health are the great issues of our time, and they vitally affect all our people. Only in Washington, however, are American citizens denied a voice in solving these problems. The laws and policies that personally affect the daily lives of Washington residents are entirely dictated by us in Congress. Yet, not one of us in Congress is a direct representative of the people of the Capital City.

Equally important, the vast political changes in our society in recent years have placed extraordinary emphasis on the fair and equal participation of every citizen in the most basic right of all in our democratic society—the right to vote. The decade of the sixties brought enormous progress in this area to millions of Americans. The Civil Rights Acts, the Voting Rights Act, the abolition of the poll tax, the reapportionment decisions of the Supreme Court, and now the 18-

year-old vote, are just a few of the great steps we have taken in recent years to achieve the ideal stated so eloquently in the Declaration of Independence, that "Governments are instituted among men, deriving their just powers from the consent of the governed."

At the same time, the remarkable advances we have secured in other areas demonstrate even more clearly the injustice to which hundreds of thousands of Washington citizens are condemned. By denying them the right to representation in Congress, we rob them of one of the basic birthrights of American citizens.

In large part, I believe, the absence of District of Columbia representation in Congress is the result of ignorance and apathy, not conscious discrimination. Wherever I travel in Massachusetts, I find that people are amazed to hear that the citizens of Washington have no representation in Congress. Now that the plight of the Nation's Capital is becoming familiar in States throughout the country, I am hopeful that the remedy will be swift.

I fully understand the issues raised by those concerned about the changing relationship of the Federal Government and the Congress to the District. We all know that this is not and has never been a static relationship. Rather, the relationship has undergone a process of continual evolution through the years.

It is fair to say, however, that the only real controversy in the debate has always been over the question of home rule—a question entirely separate from the fundamental issue of representation in Congress for the citizens of the District.

Agonizing debates over many years have produced a wide variety of proposals to resolve the question of home rule. Some have suggested a Federal enclave, withholding most of all Federal property from municipal jurisdiction, but restoring all the rest to local control. Others call for complete local self-government, subject only to such minimum controls as may be clearly essential to protect the seat of Federal Government.

No such bitter controversy surrounds the question of District of Columbia representation in Congress. This is one contemporary need to which Congress can and should respond. The people of Washington are entitled to full voting representation in the U.S. Senate and House of Representatives. It is long past time for Congress to demonstrate to our own people and to people throughout the world that in America, democracy exists for all.

SENATE JOINT RESOLUTION 1 AS AN APPROPRIATE VEHICLE FOR ACHIEVING FULL VOTING REPRESENTATION IN CONGRESS FOR THE DISTRICT OF COLUMBIA

As I have already briefly indicated, I believe that Senate Joint Resolution 1 is an appropriate vehicle for achieving full voting representation in Congress to the District of Columbia. At a time when we in Congress are considering a change in one of the fundamental aspects of our democracy—the way we choose our President—it is fitting that we also consider one of the most glaring additional flaws in our democracy—the lack of representation in Congress for the citizens of the Nation's Capital.

I firmly believe that no action we take on the amendment for District of Columbia representation should be permitted to jeopardize the pending amendment for popular election of the President. For far too long, we have failed to act to insure that our President is the people's President, not a minority President chosen by the electoral college or by the House of Representatives. Therefore, our first priority must be to insure prompt action by the Senate on the pending resolution, which has already passed the House, so that it may be sent quickly to the States for ratification.

Obviously, before proceeding with the amendment for District of Columbia representation, we must be certain that we will not jeopardize the popular election amendment. It is my belief that there will be no such jeopardy, and that the Senate and House procedures are fully adequate to insure this result.

Six months ago, similar arguments were made against our effort to lower the voting age to 18 by amending the voting rights bill on the Senate floor. To do so, it was said, might endanger passage of the voting rights bill itself. We know now that those arguments were wrong. By the overwhelming vote of 64 to 17, the Senate passed the amendment to lower the voting age. The entire Senate bill was accepted by the House and signed into law by the President. As a result, next January 1, the Supreme Court willing, 11 million new young voters between the ages of 18 and 21 will be eligible to go to the polls for the first time.

Indeed, it seems clear in retrospect that, far from jeopardizing the voting rights bill, the voting age amendment actually contributed to the overall passage of the bill. Similarly, I believe the amendment for District of Columbia representation may actually contribute to Senate and House passage of the pending amendment for popular election of the President.

Moreover, the overwhelming margin—300 to 58—by which the House of Representatives recently approved a nonvoting delegate in the House for the District of Columbia indicates the substantial likelihood that the House will also accept full voting representation for the District, once the House is permitted to vote on the question.

Of course, no argument can be made that the District of Columbia amendment will jeopardize ratification of the popular election amendment by the States. Under clearly established precedents, it is possible for Congress to pass a single resolution submitting a series of constitutional amendments to the States, with the provision that each of the amendments is to become effective as soon as it is separately ratified by the required number of States.

This was the procedure followed with respect to the bill of rights, the first 10 amendments to the Constitution. In September 1789, the First Congress approved a resolution submitting 12 proposed constitutional amendments to the States. Ratification of amendments 3 through 12, which became the Bill of Rights, was completed in 1791. But the first two amendments, one dealing with representation in the House and the other affecting the compensation of Members of Congress, were never ratified.

Similarly, in the 86th Congress, the full Senate approved a resolution containing three separate constitutional amendments. In 1959, the Senate Judiciary Committee had favorably reported an amendment authorizing State Governors to fill vacancies in the House of Representatives, whenever the total number of vacancies exceeded half the membership of the House. Under the 17th amendment, State Governors already had the power to fill vacancies in the Senate, and the proposed amendment was designed to enable the House to be reconstituted in the event of a devastating nuclear attack. In the course of the Senate floor debate on that amendment in 1960, two additional, unrelated amendments were added:

The first, offered by Senator SPESSARD HOLLAND, would have repealed the poll tax in Federal elections.

The second, an amendment offered by Senator Kenneth Keating, would have given citizens of the District of Columbia the right to vote in presidential elections, and a Representative in the House.

The House refused to accept the 3-part resolution passed by the Senate. Instead, the House passed a resolution containing only the provision for District of Columbia voting in presidential elections. The House version was accepted by the Senate, and eventually became the 23d amendment. Thus, what is now the 23d amendment to the Constitution began its life as a Senate floor amendment. It is precisely this procedure, justified by recent history, that I seek to follow for District of Columbia representation in Congress.

Moreover, as is well known, the 23d amendment was one of the most rapidly ratified amendments in the history of the Constitution. The amendment passed Congress and was submitted to the States for ratification in June 1960.

It was ratified before the end of March 1961. Less than 10 months elapsed between final action by Congress on the amendment and ratification by the States. Unlike the prospects of ratification of Senate Joint Resolution 1 by the States, therefore, which now seem increasingly uncertain, I am confident that the States will embrace the District of Columbia representation amendment as enthusiastically as they embraced the 23d amendment, if only Congress will lift the barrier it has imposed for so long.

It is also worth mentioning what I think is already clear. Over the past 80 years, hundreds of different resolutions have been introduced in Congress to establish voting representation for the District of Columbia, but all efforts to achieve this goal have met with uniform frustration and defeat. Just as in the case of the 18-year-old voting provision, there is no realistic possibility that a proposal on its own for District of Columbia representation in Congress will be reported by the Judiciary Committee in

the Senate or cleared by the Rules Committee in the House at any time in the foreseeable future.

Our goal of bringing a greater measure of democracy to the people of Washington can be accomplished, if at all, only by a floor amendment. I am hopeful, therefore, that all of us in the Senate will give the most careful consideration to the opportunity that is at hand.

FULL VOTING REPRESENTATION AND THE NONVOTING DELEGATE

On Wednesday, September 9, the Senate passed and sent to the President for his signature a bill to create a nonvoting delegate in the House of Representatives for the District of Columbia.

On August 10, the nonvoting delegate bill had passed the House of Representatives by the overwhelming vote of 300–57. Shortly thereafter, upon consulting publicly and privately with leaders in District of Columbia affairs and Members of the Senate, I asked the majority leader to defer Senate consideration of the nonvoting delegate bill until after the Labor Day recess.

I believed that this brief delay would enhance the prospect of achieving full voting representation in Congress for the District of Columbia. I was confident that the delay would in no way jeopardize the enactment of the nonvoting delegate bill in this Congress.

As I made clear at the time, I fully supported a nonvoting delegate in Congress for the District of Columbia. I commended the successful efforts of Senator TYDINGS, Congressman NELSEN, and District leaders in bringing this goal within easy reach at last. I especially commended Mayor Walter Washington, David Carliner, and the other leaders of the District for the common bond of unity they formed in successfully urging passage of the nonvoting delegate bill in the House. These leaders have served the District well. There is no difference among us on the overall goal. The question that arose was entirely one of timing and legislative strategy.

A number of Senators and District leaders with whom I conferred shared my concern that the immediate passage of the nonvoting delegate would diminish the very real opportunity we have in this Congress to achieve our vastly more important goal of full voting representation for the District of Columbia—two voting Senators and two voting Congressmen.

Already, sentiment had begun to develop in Congress that the nonvoting delegate is enough of an accomplishment for this session and this Congress. It is nothing of the sort. The nonvoting delegate is not an end in itself. The only real value it has is as an interim measure, a half-way house to tide us over the brief period while a constitutional amendment for full voting representation is enacted by Congress and ratified by the States.

Last Wednesday, when the Senate returned from its Labor Day recess, I conferred again with Members of the Senate and leaders of the District of Columbia. In light of the impending rush toward congressional adjournment, it was clear that the Senate action on the nonvoting delegate bill should no longer be delayed. More important, it was also clear that the brief delay in Senate action had succeeded in bringing an extraordinary amount of local and national attention to the higher goal we seek—full voting representation in Congress for the District—and a deeper understanding of the role of the nonvoting delegate as an interim measure en route to full voting representation.

Within hours after I removed my hold on the nonvoting delegate bill, it passed the Senate and was cleared for final action by the President.

Now that the nonvoting delegate is virtually a reality, I am hopeful that we can return our attention to the true goal. We must adopt the constitutional amendment I have offered, and submit it to the states for ratification. Of course, during the ratification process, the District will have the active voice and benefit of the nonvoting delegate, who will be a forerunner in Congress for the voting Senators and Congressmen who will come after him.

Only in this way can we maintain the momentum we have begun to generate. We simply cannot allow the status of the interim delegate to deteriorate into that of a permanent nonvoting representative. At last, we have a good chance of success, if only we keep our sights high, and do not relax our effort before the job is done.

POSSIBLE ARGUMENTS AGAINST FULL VOTING REPRESENTATION IN CONGRESS FOR THE DISTRICT OF COLUMBIA

In the past, representation in Congress for the District of Columbia has been the subject of a number of unconvincing opposing arguments. Because they are so unconvincing, most of us who favor representation for the District dismiss these arguments as a cover for partisan politics, or, worse, as a cover for racism.

Some opponents of representation for the District of Columbia claim that the amendment would treat the District as a State. They say that the District is not a State, but a city, smaller than at least eight other cities in the Nation, and that there is no greater reason for this city to be represented in Congress than larger cities which are denied the right. This argument ignores the obvious fact that other American cities are political subdivisions of States, which are already represented in both the Senate and the House of Representatives. For years, the District of Columbia has traditionally been treated as a State in virtually every major Federal grant legislation. In program after program, in statute after statute, all of us in Congress are familiar with the well-known clause—

> For the purposes of this legislation, the District of Columbia shall be treated as a State.

This argument against District of Columbia representation is heard most frequently in relation to the Senate. The objection is raised that only States should be represented in the Senate, and that the District of Columbia is not and cannot ever become a State.

I believe that we can accept the logic of this argument without making it dispositive. I share the strong concern of the Members of this body for the traditions and prerogatives of the Senate, but I also feel a strong concern against the injustice of denying a substantial group in our population the right to participate in making the laws by which they are governed. Vital legislation affecting the lives of all the citizens in the Nation is debated in every session of the Senate. Until the people of the District are represented in the Senate as well as in the House, they will not have the right of true self-government that is the birthright of every American citizen.

In addition, by accepting two Senators for the District of Columbia as part of the amendment, as well as representation in the House, the Senate itself will be demonstrating its good faith to the House. Too often, as the recent House debate on the nonvoting delegate made clear, the Senate has been generous in proposing representation in the House for the District of Columbia, but reluctant to invite the District into the well of the Senate itself. Once the Senate accepts the principle of full-voting representation in the Senate for the District of Columbia, I am confident that the House will follow suit.

To be sure, the status of the District of Columbia is unique in the politics and geography of America. Obviously, for example, we would not grant voting representation in either the Senate or the House to Puerto Rico, unless that Commonwealth chose to become a State. We know, however, that, unlike all our other territories, past or present, the District of Columbia can never aspire to statehood in the United States. Can we really maintain, therefore, that the citizens of the District are doomed to a perpetual colonial status, to denial of the most basic right in civilized society—the right that is preservative of all other rights, the right of self-government? Surely this is too high a price to pay for preserving the traditions and prerogatives of the Senate.

Nothing in our Constitution or its history supports the interpretation that the District of Columbia was not intended to be entitled to representation in both the Senate and the House. Indeed, in the Federalist, No. 43, James Madison, one of the principal architects of the Constitution, wrote that the prospective inhabitants of the Federal City "will have had their voice in the election of the government which is to exercise authority over them." Clearly, Madison was assuming that the citizens of the Nation's Capital would be represented in Congress.

Another, even less persuasive, objection to District representation rests on the proviso in article V of the Constitution, which declares that "No state, without its consent, shall be deprived of its equal suffrage in the Senate." It is far too late in our history to argue that the admission of the District of Columbia to representation in Congress would deprive any State of its "equal suffrage in the Senate." In light of the history of the Constitution and the precedents under it, the meaning of article V is clear—no single State may be given a larger number of Senators than any other State.

In other words, it was the intention of the Founding Fathers in the proviso of article V to make clear that the Senate could never—even by Constitutional amendment—be apportioned by population or on any other basis that would give one State more representatives in the Senate than any other State.

This was the essence of the Federal compromise at the Constitutional Convention in 1787. It has guided us for 200 years, and it is intended to endure throughout our history. This is all that article V means, and all that it requires.

In addition, article V has never been read as prohibiting the representation of new States in the Senate, even though—obviously—the admission of a new State dilutes the voice and power of the existing States in the Senate. Indeed, since the ratification of the Constitution by the original 13 States, 37 new States have been admitted to the Union. As a result, the power of the original 13 States in the Senate has been diluted nearly fourfold, from two twenty-sixths to two one-hundredths. Yet, no one has ever argued that any of the original 13 States has been deprived of its equal suffrage in the Senate.

The principle is clear. So long as the District of Columbia is represented in the Senate no more advantageously than any State, it cannot be said that representation for the District deprives any State of its equal suffrage in the Senate. Each State will still have two votes in the Senate, and each State will still have the same proportionate vote as any other State.

RECENT EFFORTS TO OBTAIN REPRESENTATION IN CONGRESS FOR THE DISTRICT OF COLUMBIA

Although a large number of proposed constitutional amendments for full voting representation in Congress in the District of Columbia have been introduced over the years, none has yet come to a vote on the floor of either the Senate or the House.

One of the most significant recent developments occurred in 1967, when the Johnson administration proposed a constitutional amendment to provide a single voting representative for the District in the House of Representatives. The proposal would also have authorized Congress to act by statute to enlarge the District of Columbia representation in either the Senate or the House, up to the representation to which the District's population entitles it. Hearings on this proposal were held before both the Senate and House Judiciary Committees in the 90th Congress.

No further action was taken in the Senate, but the House Judiciary Committee—under the leadership of its distinguished chairman, Congressman EMANUEL CELLER—reported the proposal in a much more far reaching form. As reported, the proposal—essentially the same proposal that I am now offering—would provide for the election of two Senators by the voters of the District and election of the number of Representatives based on the city's population. Unfortunately, the House Rules Committee failed to act on the proposal. No further action could be taken by the House, and the amendment died when the 90th Congress adjourned. Nevertheless, this action by the House Judiciary Committee is the high-water mark of all the efforts to achieve this reform. But for the remarkable record of achievement already compiled in the House, there would be no real prospect for enactment of the amendment at this time.

It is also significant that a few years earlier, in 1960, the full Senate itself had accepted the principle of representation in Congress for the District of Columbia. By a vote of 63 to 25—well over the two-thirds majority required to pass a constitutional amendment—the Senate accepted an amendment, sponsored by Senator Kenneth Keating, which would have given citizens of the District of Columbia the right not only to vote in presidential elections, but also to be represented in the House of Representatives. Under the provisions of the amendment, Congress was authorized to determine by statute whether the District representatives would be given voting privileges in the House. The provision for District of Columbia voting in presidential elections went on to become the 23d amendment, but the provision for District of Columbia representation in the House died in the House Judiciary Committee. Today, however, a decade later, the climate in that committee is obviously more favorable toward full voting representation in Congress for the District.

In addition, it is worth emphasizing that the principle of District of Columbia representation in Congress has broad and bipartisan support. In his message to Congress on the District of Columbia in April 1969, President Nixon expressed the administration's strong support for District of Columbia representation in Congress. As the President stated:

> It should offend the democratic sense of this nation that the . . . citizens of its capital comprising a population larger than eleven of its states have no voice in Congress.

Last October, and again as recently as last Friday, President Nixon reiterated his strong concern for voting representation in Congress for the citizens of the District. As part of his message to Congress on September 11, entitled "A Call for Cooperation," the President emphasized his view that the lack of representative government for the people of the District was "one of the truly unacceptable facts of American life." As the President said:

> I share the chagrin that most Americans feel at the fact that Congress continues to deny self-government to the nation's capital.

As long ago as December 1952, President-elect Eisenhower spoke eloquently of the need for District of Columbia representation in Congress. As he put it, taxation without representation was contrary to the principles of our Nation. He specifically expressed his strong feeling that something was basically wrong in America if we tax the citizens of the District and draft their children for military service, but do not give them the right to vote.

VOTING RIGHTS OF RESIDENTS OF THE DISTRICT OF COLUMBIA UPON ITS ESTABLISHMENT AS THE SEAT OF THE FEDERAL GOVERNMENT

The origin of the District of Columbia is found in article I, section 8, clause 17 of the Constitution, which provides:

> The Congress shall have Power . . . To exercise exclusive Legislation in all Cases whatsoever, over the District (not exceeding ten Miles square) as may, by Cession of particular States, and the acceptance of Congress, become the Seat of the Government of the United States.

In 1788, the year after the Constitution was ratified, Maryland ceded territory for the District. In 1789, Virginia also ceded territory. From the Maryland and Virginia cessions, the 10-mile square area on both sides of the Potomac River constituting the original District of Columbia was selected.

In the Residence Act of July 16, 1790, Congress approved the territory ceded by Maryland and Virginia as the site for the seat of the Federal Government, and empowered President Washington to engage in all activities necessary for the site to be ready for occupation and use by the Government of the United States on the first Monday of December 1800.

The original 10-mile-square area—100 square miles—approved for the Nation's Capital contained two municipalities—Georgetown and Alexandria. Georgetown had originally been laid out in 1752. It was incorporated by Maryland in 1789 and had a population of 3,000 persons in 1800. Alexandria had been founded in 1749. It was incorporated by Virginia in in 1790, and had a population of 5,000 in 1800.

Prior to the cut-off date of the first Monday of December 1800, residents of the area included in the District of Columbia continued to vote for Senators and Representatives from their respective States, as well as for the President of the United States and for local officials. In the case of the national election in 1800, for example, voters from the newly laid out city of Washington cast their ballots at Bladensburg, Md., and residents of Georgetown and Alexandria voted in their respective cities.

The right to vote in national elections remained in force until the first Monday in December 1800, when, as announced in an opinion by Justice William Cranch of the U.S. Circuit Court of the District of Columbia, the exclusive jurisdiction of Congress over the District took effect.

In 1846, at the solicitation of the citizens of Alexandria, aggrieved by the denial of their voting rights and their representation in the Federal Government, Congress ceded the 30 square miles of the Virginia portion of the District back to the State of Virginia. A referendum by the people of the area approved the retrocession by an overwhelming majority of nearly 80 percent. In 1838, Georgetown had sought retrocession unsuccessfully. Thus, the territory comprising the District of Columbia today is the 70 square miles of the original Maryland cession.

The grievances of the people of Alexandria leading to the demand for retro-

cession to Virginia were vividly described by Representative Robert M. T. Hunter of Virginia in a speech on the floor of the House during the debate on the retrocession bill. The reporter of the debates summarized Congressman Hunter's speech as follows:

He spoke of the importance of the retrocession to the people of Alexandria; and depicited, in glowing colors, the blight that had fallen on that city by reason of her dependence on the General Government; her declining commerce, her premature decay; the desolation which had come upon her, not by the scourge of God, but by the hand of man. He believed that if the boon contemplated by this bill were granted, the blessings of the people of Alexandria and of their posterity would fall upon Congress. If this opportunity was neglected, Congress would be responsible for whatever evils might result. Cong. Globe, 29th Cong., 1st Sess., p. 778.

The echoes of these grievances are still heard today, more than a century later, with respect to the descendants of the residents of the original Maryland territory ceded to the Nation. The call for action by Congress is now clear.

EARLY EFFORTS TO OBTAIN REPRESENTATION IN CONGRESS FOR THE DISTRICT OF COLUMBIA

From the beginning of the 19th century, there have been a number of strong proponents of full voting representation in Congress for the District of Columbia. One of the earliest advocates was Mr. Augustus B. Woodward, a protege of Thomas Jefferson, who wrote a series of eight articles and pamphlets on the issue for the National Intelligencer between 1801 and 1803. In this pamphlet, entitled "Considerations on the Government of the Territory of Columbia" and signed "Epaminondas," Mr. Woodward described the plight of the citizens of the new District, who were forced to endure the very sort of taxation without representation that had so recently triggered the Revolutionary War. As Mr. Woodward eloquently stated:

This body of people is as much entitled to the enjoyment of the rights of citizens as any other part of the people of the United States. There can exist no necessity for their disenfranchisement, no necessity for them to repose on the mere generosity of their countrymen to be protected from tyranny; to mere spontaneous attention for the regulation of their interests. They are entitled to a participation in the general councils on the principles of equity and reciprocity. Considerations on the Government of the Territory of Columbia, Nos. I–IV, Georgetown Museum, 1801–1803.

The other well-known early advocate of District of Columbia representation in Congress was Theodore W. Noyes, a native Washingtonian and the editor of the Evening Star from 1908 to 1946. In 1888, a year after he first came to the Star as an associate editor, Noyes wrote a series of five articles, entitled "Some of Washington's Grievances," in which he strongly urged that the District of Columbia deserved voting representation in Congress. Throughout his life, Noyes devoted much of his time and effort to the cause of District of Columbia representation in Congress, and he may legitimately be called the father of the contemporary movement for such representation.

Indeed, in large part, the history of the movement for District of Columbia representation in the late 19th century and the first half of the 20th century is a chronicle of Noye's activities. Following his famous series of articles in 1888, it is worth noting these additional landmarks:

In 1914, the movement began to gain broader support with the official backing of the Washington Chamber of Commerce, in a report written by Noyes himself.

In 1916, Noyes was the leading witness at the first Senate hearings ever held on representation in Congress for the District of Columbia.

In 1917, the Washington Board of Trade, the Chamber of Commerce, and many other organizations joined to organize the "Citizens' Joint Committee on National Representation for the District of Columbia," with Noyes as chairman. Noyes held the position until his death, and testified frequently for the committee in Senate and House hearings.

In 1922, in what stood for many years as the high water mark of the legislation until Congressman CELLER'S action in 1967, the Senate District Committee favorably reported the District of Columbia amendment, with a report closely tracking the testimony Noyes had given.

By 1928, Noyes had become known across the Nation for his crusade. Testifying before Congress at the age of 70, he was praised as a man "of invincible determination and unquenchable hope."

In 1946, at his death, Noyes' will created a small trust to continue the movement for District of Columbia representation in Congress. In the words he used in the bequest, Noyes created the trust because he was "convinced that no other representation is so essential to the welfare of the men and women of my home community." In 1951, the trust published a volume of Noyes' collected writings on the subject, entitled, "Our National Capital and Its Un-Americanized Americans."

The first constitutional amendment to be introduced in Congress for District of Columbia representation was proposed by Senator Henry W. Blair of New Hampshire in 1888, in response to a train of events set in motion by Noyes' articles. On March 10 of that year, the Star carried the fourth article of Noyes' series, describing the unfortunate political plight of the citizens of the District. In the article, Noyes proposed an amendment to provide voting representation in Congress for the District by one Senator and one or more Representatives, according to population. As Noyes stated in his article:

(The Amendment) would be a compromise between granting only local, qualified suffrage, which is highly objectionable to the District, and consenting to absolute self-government which involves a surrender of national control over the capital, and to which the United States as owner of one-half the city . . . would never consent. The wisdom of this course is sustained by all the arguments which go to show that the constitutional power of "exclusive legislation" by Congress should not be hastily yielded, and also by those who maintain that taxation without representation and inequality of citizens before the law should not be allowed to exist.

The District would be placed in certain respects on a level with the States. Taxed like them, it would have like them a voice in the disposition of the general taxes. It would not, however, stand upon precisely the same footing with them, for the States are subordinated to the general government only in certain defined particulars, whereas the District would be subordinated in all respects . . . Enjoying representation in Congress and participation in the choice of the President, who appoints its local officers, Washington would resemble in its municipal government a city which, after voting for the governor and legislature of a State is managed by a commission appointed by the former and approved by the latter. *Our National Capital and Its Unamericanized Americans,* pp. 62-63.

Shortly after publication of this article, Mr. Appleton P. Clark, Sr., a local civic leader, submitted a letter requesting presentation of an amendment to Congress for District of Columbia representation in Congress and in the electoral college. The amendment was presented by Senator Blair, and was printed in the CONGRESSIONAL RECORD of April 3, 1888—50th Congress. The amendment was identical to the proposal outlined by Mr. Noyes. On April 5, the Senate Judiciary Committee asked to be discharged from consideration of the amendment for technical procedural reasons, and asked that the amendment be referred to the Committee on Privileges and Elections.

On May 15, 1888, Senator Blair reintroduced the amendment as Senate Joint Resolution 82, and this resolution has come to be accepted as the first constitutional amendment to provide representation for the District of Columbia in Congress.

During the 51st Congress, two constitutional amendments were introduced in the Senate—Senate Joint Resolution 11—December 5, 1889—and Senate Joint Resolution 18—December 9, 1889. On December 19, 1889, both amendments were reported unfavorably by the Senate Committee on Privileges and Elections, with the recommendation that consideration be indefinitely postponed. On September 17, 1890, Senator Blair was recognized and spoke strongly before the Senate in support of the resolutions, but they remained on the calendar without further legislative action.

Although a number of individuals made efforts to promote congressional representation for the District and a number of constitutional amendments were introduced during the ensuing quarter of a century, the next period of major interest in the proposal did not begin until 1915.

In December 1915, House Joint Resolution 37 and Senate Joint Resolution 32—64th Congress—were introduced by Representative Richard W. Austin of Tennessee and Senator George E. Chamberlain of Oregon. The resolutions were identical, and provided that the citizens of the District should be accorded the status of citizens of a State in the elections of President and Vice President and should be represented in Congress on the same basis.

On February 24 and 25, 1916, and on March 2, 1916, the Senate Committee on the District of Columbia held the first

hearings on the proposal. Theodore Noyes, testifying before the committee, presented the arguments which had been promulgated as early as 1801 in the pamphlets of August B. Woodward.

In his testimony, Noyes emphasized that the arguments made since 1800 for the District of Columbia representation were the same, basically, as those he had presented in his article in the Star in 1888. The principle of self-government he said, was so basic to the human dignity and constitutional rights of the people in the District that Congress should act without delay. No further action was taken by the committee, however, and no committee report was filed.

On January 27, 1917, near the end of the 64th Congress, Senator Chamberlain introduced Senate Joint Resolution 196. This proposal is of importance because it was the first of the so-called permissive forms of the amendment to be introduced. Under Senator Chamberlain's new amendment, Congress would have been authorized to act by statute to give the residents of the District the status of citizens of a State for the purpose of representation in Congress and election of the President and Vice President. Under the earlier, "mandatory" forms of the constitutional amendment, representation in Congress would have been required by the terms of the amendment itself.

Between 1917 and 1921, 15 additional resolutions were introduced. The Senate District Committee held a new round of hearings on four of the proposals, and on February 21, 1922, Senate Joint Resolution 133, a permissive form of the amendment, was reported favorably by Senator Wesley L. Jones of Washington, the chairman of the committee—Senate report No. 507, 67th Congress. Except for the increased population of the District, the findings and conclusions of the committee are as valid and current today as they were in 1922, 48 years ago. As the committee report stated:

> Yet in the District of Columbia, the seat of the government of the United States, 437,571 Americans, performing justly and honorably all the duties of peace and war, remain without any representation whatever in the Government which rules and taxes them, makes the laws they must obey, and sends their sons to battle.
>
> What is there in our scheme of government that requires that the Capital of the United States should be the one capital among the civilized nations, the inhabitants of which are excluded, deliberately and of set purpose, from all participation in their government?

The 1922 report of the Senate District Committee was twice reaffirmed in subsequent Congresses without hearing, but no further substantial legislative action was taken. The rising tide of the movement had crested and begun to subside.

At the beginning of this period, various citizen groups had begun to lend increasingly active support to the District of Columbia representation movement. Outstanding among them was the Citizens' Joint Committee on National Representation for the District of Columbia, which convened initially on November 21, 1917. The committee was composed of delegates from Washington's principal commercial and civic bodies, and was intended to become a smooth working powerful organization, operating solely and with one voice for the passage by Congress and ratification by the State legislatures of a constitutional amendment to give representation in Congress for citizens of the District. Theodore Noyes was unanimously elected chairman and he served in that capacity until his death, July 4, 1946.

The injustice of taxation without representation, and the participation of District citizens in World War I without the full political status of their comrades, had succeeded in bringing the District of Columbia representation issue to the forefront. By 1919, the Citizens' Joint Committee had established an essentially all-inclusive membership among local organizations and institutions. The rolls of the committee contained every significant civic and business organization in Washington, such as the Chamber of Commerce, the Board of Trade, the Merchants' and Manufacturers' Association, the Central Labor Union, the Federation of Citizens' Associations, the Oldest Inhabitants Association, the Bar Association, and many others.

The joint committee's executive officers had laid effective groundwork by visiting several cities for the purpose of studying their tax structure. The Washington press carried long accounts of progress toward the goal, and out-of-town correspondents kept other localities aware of the movement.

Red stickers were printed emphasizing that the 400,000 inhabitants of the District paid taxes, obeyed Federal laws and went to war, but were forced to remain voteless. Businessmen attached the stickers to their nonlocal correspondence. The response throughout the country was surprisingly rapid and heartening. Many persons offered support and expressed astonishment at learning that Washingtonians were disfranchised, or that they were required to pay taxes in any form. And yet, although not a dissident note sounded in these early years, no action occurred in Congress.

Then, the civic front began to crack. The organizations making up the joint committee began to take differing positions on the amendment they desired Congress to enact. A severe blow fell in July 1919, when racial violence broke out in Washington. The disturbances produced deep political divisions within the city on the issue, causing a loss of faith in the people of Washington throughout the country.

Apathy set in. Although the joint committee remained in existence for many years it was never able to generate the strong combination of interests that it had secured in the early years.

Leaders in the District and in Congress sought to maintain the pressure to achieve the goal, but the next major step forward did not come until the action of the House Judiciary Committee in 1967. The time is now at hand to take the final step.

REPRESENTATION OF THE CAPITAL CITY IN THE NATIONAL LEGISLATURE OF FOREIGN NATIONS

The denial of representation in Congress to the District of Columbia stands in sharp contrast to the representation enjoyed by citizens of capital cities governed under a federal system in many foreign nations throughout the world.

Within the British Commonwealth, two of the three nations with national capitals under Federal jurisdiction—Australia and India—grant voting representation in the national legislature to citizens of the capital city. Australia's Capital Territory at Canberra is administered by the Commonwealth Government in much the same fashion as Congress governs the District of Columbia. Canberra, however, unlike the District, has an elected representative in the House of Parliament who has full voting privileges.

India's capital, New Delhi, is administered by the President of India through an administrator of his designation. Elections of representatives to both the upper and lower Houses of Parliament from the capital city are conducted in the same manner as elections for representatives from the other states and territories in India.

Of the British Commonwealth nations with federal systems, only Pakistan denies representation in the national legislature to the citizens of its capital. At the present time, Pakistan is under military rule. In an order of April 1, 1970, providing for a general election, the President of Pakistan excluded Isamabad, the capital, from the voting district of Punjab, in which the capital is located.

In general, the constitutions of European nations grant no special status to the capital cities, and they impose no limitations on the rights of citizens of the capital cities to vote in national elections. Even in countries with a federal structure, such as Austria, West Germany, Switzerland, and the Soviet Union, the electoral codes give the capital cities equal footing with other electoral districts, determined on the basis of population.

Similarly, in three of the four federated republics in Latin America in which a Federal District has been established—Argentina, Mexico, and Venezuela—the citizens of the capital city enjoy voting representation in the national legislature.

Only in Brazil are the citizens of the capital city, Brasilia, denied such voting representation. And even in Brasilia, the circumstances are unique and reminiscent of the District of Columbia at its origin. Until 1956, Rio de Janeiro was the capital of Brazil, and its citizens enjoyed full voting representation in the national legislature. When the capital was transferred to Brasilia in 1956, the capital was a "new city," like Washington in 1800, carved out of wilderness territory, with a "population ' expected to consist essentially of the members of the government and the national legislature. As in the case of Washington, the founding fathers in Brazil simply did not anticipate the rapid growth of their new capital city.

Indeed, half a century ago, in the first committee report of the U.S. Senate urging representation in Congress for the District of Columbia, the Senate District Committee emphasized the irony of the

disfranchisement of Washington residents compared to the citizens of the capital cities of Brazil and other Latin American nations.

As the committee stated in 1922:

National representation of the District will remove from the Nation the shame of impotency.

It will proclaim to the world that the great Republic is as devoted to the principles of representative government and as capable of enforcing them as other republics with capitals in nation-controlled districts, like Mexico, Brazil, and Argentina. These nations have not found themselves impotent to give full national representation to the people of their capitals.

It will proclaim to the world that the people of Washington are as fit to participate in national representative government as the people of Rio de Janeiro, Buenos Aires, and Mexico City. Washington will cease to be the only capital in all the world whose people, slurred as tainted or defective, are unworthy to enjoy the same national representation as that enjoyed by all other cities of the Nation.

The conclusion is inescapable. In nation after nation throughout the world, the citizens of capital cities are accorded the dignity and respect of representation in their national legislatures. Surely the citizens of the Capital of the United States deserve no less.

Mr. President, I ask unanimous consent for the text of the amendment to be printed in the RECORD, as well as a partial list of congressional hearings on representation in Congress for the District of Columbia, and a group of editorials from around the Nation on the issue.

There being no objection, the amendment and other material were ordered to be printed in the RECORD, as follows:

Beginning with the word "That" in line 5, page 4, strike out all to and including the colon in line 10, page 4, and insert in lieu thereof the following:

"That the following articles are hereby proposed as amendments to the Constitution of the United States, any one of which shall be valid to all intents and purposes as part of the Constitution only if ratified separately by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:".

On page 5, after line 25, insert the following:

"ARTICLE ——

"SECTION 1. The people of the District constituting the seat of government of the United States shall elect two Senators and the number of Representatives in Congress to which the District would be entitled by apportionment if it were a State. Each Senator or Representative so elected shall be an inhabitant of the District and shall possess the same qualifications as to age and citizenship, shall be elected for the same term, and shall have the same rights, privileges and obligations as a Senator or Representative from a State.

"SEC. 2. When vacancies happen in the representation of the District in either the Senate or the House of Representatives, the people of the District shall fill such vacancies by election.

"SEC. 3. This article shall have no effect on the provision made in the twenty-third article of amendment to the Constitution for determining the number of electors for President and Vice President to be appointed for the District. Each Representative or Senator from the District shall be entitled to participate in the choosing of the President or Vice President in the House of Representatives or Senate under the twelfth article of amendment as if the District were a State.

"SEC. 4. The Congress shall have power to enforce this article by appropriate legislation."

Amend the title so as to read: "Joint resolution proposing amendments to the Constitution to provide for the direct popular election of the President and Vice President of the United States, and to provide for the representation of the District of Columbia in the Congress."

PARTIAL LIST OF CONGRESSIONAL HEARINGS ON REPRESENTATION IN CONGRESS FOR THE DISTRICT OF COLUMBIA

Congressional Representation for the District of Columbia—June 1, 1970; 91st Congress, 2d session; Senate Judiciary Committee.

Congressional Representation for D.C.—November 8, 9, 1967; 90th Congress, 1st session; Senate Judiciary Committee.

D.C. Representation in Congress—July 19–August 2, 1967; 90th Congress, 1st session; House Judiciary Committee.

Congressional Representation for D.C.—May 23, 25, 1962; 87th Congress, Senate Judiciary Committee.

D.C. Enfranchisement—April 6, 7, 1960; 8th Congress; House Judiciary Committee.

D.C. Enfranchisement—September 9, 1959; 86th Congress; Senate Judiciary Committee.

D.C. Enfranchisement—September 9, 1959; 86th Congress; Senate Judiciary Committee.

D.C. Enfranchisement—August 17, 27, 1959; 86th Congress; Senate Judiciary Committee.

National Representation for D.C.—May 20, 1954; 83d Congress; Senate Judiciary.

Delegate to Congress for D.C.—July 1, 1953; 83d Congress; Senate District Committee.

Congressional Representation for D.C.—September 25, 1945; 79th Congress; Senate Judiciary Committee.

Congressional Representation for D.C.—February 14, 1945; 79th Congress; House Judiciary Committee.

Congressional Representation for D.C.—June 16, 1943; 78th Congress; House Judiciary Committee.

Congressional Representation for D.C.—April 16, 17, 29, May 6, 8, 1941; 77th Congress; Senate Judiciary Committee.

Suffrage for D.C.—May 18, 19, 20, 1938; 75th Congress; House Judiciary Committee.

National Representation for D.C.—January 24, February 2, 6, March 8, 15, 1928; 70th Congress, 1st Session; House Judiciary Committee.

National Representation for D.C.—April 20, 21, 28, 1926; 69th Congress; House Judiciary Committee.

Delegate to House of Representatives for D.C.—January 15, 1923; 67th Congress, 4th session; House District Committee.

Suffrage for D.C.—November 8, 14, 21; December 13, 1921; January 12, 13, 1922; 67th Congress; Senate District Committee.

Representation of D.C. in Congress and Electoral College—January 11, 12, 15, 1921; 66th Congress; House Judiciary Committee.

Representation of D.C. in Congress—February 24, 29, March 2, 1916; 64th Congress; Senate District Committee.

[From the New York Times, June 29, 1970]

THE D.C. RIDER

Ordinarily there is little to be said for legislating by "rider," that procedure whereby Congress may tack on to a bill under consideration a proposal that has little or nothing to do with the subject. Yet we favor Senator Edward Kennedy's intention to do just that in a desperate effort to achieve Congressional representation for the District of Columbia. We favor it because this simple act of justice has over and over again been thwarted by an even less excusable parliamentary device—burial in the pigeonholes of the House Rules Committee and the Senate Judiciary Committee.

The Senator from Massachusetts has clearly indicated that he will not allow his amendment to endanger passage of the resolution calling for popular election of the President, to which he proposes to link it. At any one of several points along the parliamentary way it will be easily possible to withdraw the added proposal. Since both are in the form of constitutional amendments, moreover, provision for separate consideration by the states will be written into the resolution.

As to the substance of the Kennedy amendment, there should be no doubts. Since the days when the Founding Fathers thought of the District of Columbia as a tiny Government preserve, purposely sited in a bucolic setting to avoid the political pressures of the mob, Washington has become the country's ninth city. As the Senator has pointed out, it has a population greater than that of eleven states. Together those states have a representation of 39 members in Congress.

Southerners in control of vital Congressional committees are entitled to whatever distaste they may feel for full representation of a community now predominantly black. Their power to forbid that representation should at long last be submitted to national referendum, even if it takes a "rider" to do it.

[From the Los Angeles Times, July 10, 1970]

OUR DISENFRANCHISED CAPITAL

(Issue: How can the citizens of the District of Columbia obtain the representation enjoyed by the rest of the nation?)

A hundred and 94 years after Independence, taxation without representation is a going concern in only one part of the United States—the District of Columbia.

Although residents of the district were given the right to vote for President and Vice President by constitutional amendment in 1961, a similar amendment giving the district senators and congressmen has been prevented from coming to a vote in the House and the Senate by political opposition, chiefly from the South.

The amendment to give the district representation in Congress has wide bipartisan support, but it has been bottled up in the House Rules Committee and the Senate Judiciary Committee. It is no secret in Washington that certain powerful Southerners on these committees dislike the idea of giving representation to a city a majority of whose citizens are black.

But representation, of course, is the fundamental right of all citizens. When the capital district was established the Founding Fathers envisioning it as a neutral place insulated from political pressure, set it up in a country swamp. Times have changed, and so has the district.

It is now a big city with a greater population than 11 of the states.

Its 900,000 disenfranchised citizens have an additional cause for complaint, for Congress is in effect the district's city council.

In an effort to get the representation amendment before Congress for a vote, Sen. Edward M. Kennedy (D-Mass.) plans to attach it as a rider to the upcoming constitutional amendment calling for popular election of the President.

We hope the tactic works. It seems to us only fair that the district's residents should have the representation the rest of us have. It is certainly only fair that Congress should have the opportunity to vote on whether to submit the amendment to the states for ratification.

[From the Columbia (S.C.) State, July 9, 1970]

RESIDENTS OF WASHINGTON SEEK A VOICE IN CONGRESS

The natives are restless again in the District of Columbia, and with reason. This is an election year and they can't vote.

Oh, they can vote for the President—and did so in 1964 and 1968 by virtue of the 23rd Amendment to the Constitution. And they elect the members of their local school board. But they have no voice whatever in Congress, a state of affairs understandably disgruntling to the persons in whose midst Congress conducts its business.

Now, a concerted effort is under way (sustained primarily by the League of Women Voters) to give District residents the right to elect two senators and as many House members (probably two) as their 800,000 poplation warrants. For what it is worth by way of argument 11 states have smaller populations than does the District.

We don't know how South Carolina's congressional delegation stands on the matter, but it seems only fair that Washingtonians—as Americans—should be entitled to representation in the national assembly.

Unfortunately, congressional backers of the constitutional change which would make this possible are going about the job in a characteristically slip-shod manner. That is to say, they are trying to tack the District amendment onto an already launched amendment aimed at substituting direct elections for the electoral college method of choosing the President and Vice President.

To us, the District of Columbia proposal has sufficient merit to stand on its own feet. It is our guess that it may gain more support in a number of quarters (including this one) than will the direct election proposal.

We do raise one qualification about extending the franchise to the District of Columbia. Whereas it is fit and proper to allow Washingtonians to vote for their national leaders, both executive and legislative, the District itself should remain under the ultimate control of the Congress.

The Constitution has said, from the beginning, that Congress shall "exercise exclusive jurisdiction . . . over such district . . . as may . . . become the seat of the Government of the United States."

Considerable latitude might be granted District residents in their choice of local as well as national officials, but the District holds a special status as the national capital—and thus is of concern to all Americans everywhere. To vest complete control of the District in the hands of its residents would be like having the troops at Fort Jackson elect their commanding general and set policies for the post.

In the final analysis, the District is a federal reservation and must be subject to federal control—enlightened though it should be.

[From the St. Louis Post-Dispatch, July 11, 1970]

JUSTICE FOR THE DISTRICT

Rather unexpectedly, an opportunity to achieve congressional representation for the District of Columbia has arisen, and we hope Congress goes along with it. The opportunity lies in the intention of Senator Kennedy of Massachusetts to attach a rider to a resolution calling for direct election of the President when the resolution comes before the Senate soon.

What is involved is giving Washington the right to elect two Senators and the number of Representatives to which the District would be entitled if it were a state, probably two. This is not the same as "home rule" for the District, which involves delegation by Congress of certain powers of self-government and which has been attained in part. A constitutional amendment would be necessary for adoption of the Kennedy proposal.

Ordinarily the attachment of an extraneous rider to another piece of legislation would be distasteful, but there are extenuating circumstances in this case. In the first place, Mr. Kennedy has promised he will withdraw his measure if it should jeopardize the popular election legislation, which would also require a constitutional amendment. Both the presidential election bill and the rider would provide for separate consideration by the states.

Why resort to the rider device? The reason is fairly simple, though it is not talked about very much. The population of the District of Columbia is more than two thirds black, and the Southerners who dominate the key congressional committees dislike the possibility of additional Negro legislators on Capitol Hill. So moves for District congressional representation have been consistently blocked.

Washington has come a long way from the days when it was a tiny federal enclave supposedly free from the pressures that afflicted the states. It is now the ninth city, with a population greater than that of 11 states. These states send 39 members to Congress. It is high time the District of Columbia was brought fully into the union, and the Kennedy rider may be the means of by-passing the Southern roadblock and doing just this.

[From the Gary (Ind.) Post-Tribune, July 10, 1970]

GIVE THEM REPRESENTATION

There's a chance now—even if through a side door—to provide congressional representation to 800,000 Americans now denied it. We think Congress should take advantage of the opportunity.

The 800,000 deprived Americans are the citizens of the District of Columbia. Until 10 years ago they couldn't even vote for President. That maladjustment was remedied through the same strategy now being tried to win them a say in the halls of Congress—which, for Washingtonians, serves ironically as city council, state legislature and national legislature.

What has happened is that Sen. Edward Kennedy has moved to amend the constitutional amendment for direct election of Presidents by including another amendment which would entitle the District of Columbia to two senators and two representatives—which they deserve on the basis of their population.

The reason this approach is recommended is that it would bypass the House Rules Committee which, often Dixie-dominated, has bottled up previous efforts to give the heavily black Washington population a chance to be heard in Congress. The House already has passed the presidential election amendment. Consequently, should it now pass the Senate with the DC representation amendment added, the entire package would go to a conference committee of the two houses. That same strategy had to be used a decade ago when the proposal, since approved, to give Washingtonians the right to vote for President was attached to another amendment killing the poll tax.

Lest there be some fear that tacking the one amendment on to the other might possibly knock out the presidential election amendment, it should be pointed out that in the legislatures which must ratify any constitutional change, the issues would be voted on separately.

In hearings before Indiana Sen. Birch Bayh's constitutional amendment subcommittee of the Senate Judiciary Committee, the issue on the Kennedy proposal has been not whether the District should get representation, but how much. Some favor only a House seat or seats at the outset. That, at least would be an opening wedge. Some way, though, the representation should be granted. It's a matter of simple justice.

[From the Trenton (N.J.) Evening Times, July 7, 1970]

A VOICE FOR "THE LAST COLONY"

The District of Columbia, the "last colony" in North America, has 800,000 residents who are still taxed without representation, deprived of a vote for their "mayor," and ruled by committees of a Congress in which they have no voice of their own choosing.

It has been 10 years since the residents of the nation's capital gained the right to vote for President and Vice President. That is their only voting privilege, and it's past time for more movement towards equal rights for those Americans.

Congress now has the chance to take a small step in that direction through the rider offered by Senator Kennedy to the House-approved bill that would amend the Constitution to elect the President by direct popular vote. The proposed constitutional amendment to give representation in Congress to the District of Columbia would be separate from electoral reform and would not endanger that desirable measure. The Kennedy rider would, however, hurdle two Southern-dominated road blocks, the Senate Judiciary Committee and the House Rules Committee.

The District of Columbia has more people than 11 states, which together have 39 members of the Congress. Simply justice demands that they, too, be given representation.

[From the Eugene (Oreg.) Register]

KENNEDY'S GAMBIT

Sen. Edward Kennedy has an idea for removing an absurdity from American government. That absurdity gives the good people of Noti more say in running the District of Columbia than the 800,000 people who live in the District.

How is that?

Well, Congress runs the District. And people in Noti are directly represented in Congress by one representative and two senators. Residents of the District are represented in Congress by no one at all.

As there was no District at the time, the founding fathers did not provide representatives for it when they wrote the Constitution. The obvious remedy is to amend the Constitution.

Amendments have been proposed in Congress for many years. They get part way through the mill, then die, usually killed quietly by committees ruled by southerners reluctant to bestow any privilege of citizenship upon the predominantly black colony of Washington.

Senator Kennedy now thinks he has a way of surmounting this old obstacle. When the resolution proposing the constitutional amendment on direct election of the President comes to the Senate floor, he plans to attach an amendment that would give the District representation—probably two senators and two members of the House, to which the city would be entitled by population.

(D.C. is the country's ninth largest city. It is more populous than 11 states.)

With luck, this resolution will get the necessary two-thirds approval of the Senate, then go directly to the House floor for concurrence.

The direct election amendment will not be jeopardized by this maneuver. Even though a common resolution would be used to move the direct election and the District representation amendments through Congress, they would be considered separately by the states in deciding upon ratification.

The tactics might work. We hope so. And so, surely, do the people of Noti, who have neither wish nor use for the unfair advantage

they hold over the unrepresented residents of the nation's capital.

[From the Washington Post, July 31, 1970]

A SCORECARD FOR THE VOTELESS

It's getting harder and harder these days to keep tabs on what Congress is or isn't doing to provide Washingtonians some degree of democracy. And since confusion can be a great tactical weapon in the hands of hard-core opponents of self-government and congressional representation for the city, the various legislative efforts at this point need some fresh sorting and reporting:

1. Real senators and representatives for the District—Though there are several formulas, any such move takes a constitutional amendment, approved by two thirds of each house and ratified by three fourths of the states. As it now stands, Sen. Birch Bayh (D-Ind.), who heads the Senate Judiciary Committee's subcommittee on constitutional amendments, can't stir up enough support to move any proposal, whether it's for full representation, for one House member and such others as Congress may later approve, or even just for a lone member of the House. He's thinking about adding a proposal to some other Senate bill to put the question "to a vote somehow." Meanwhile, Sen. Edward M. Kennedy (D-Mass.) already has proposed a way to do this, by adding a D.C. provision to a constitutional amendment bill on electoral reform. Senator Kennedy has stressed that the provision can be worded in such a way as not to jeopardize the main proposal. In this late stage of the Congress, with no sign of activity on this front in the House, it is worth a try.

2. Elected, nonvoting delegates to Congress—In what could be the setup for a parliamentary trap, the full House District Committee has now approved two bills on this subject; one, clearly the most realistic, calls for a delegate to the House only. It has solid bipartisan backing, led by Rep. Ancher Nelsen of Minnesota, ranking Republican member of the committee. If taken up first on the floor and approved, the Senate could deal with it promptly, for the Senate already has passed such a bill. The only significant difference in the Nelsen bill is a provision for a "little Hoover commission" to review the operation of the present city government, something the Senate also has approved in another bill and could accept in this form. The other House bill would provide a delegate and one in the Senate as well. While we think there would be nothing wrong with this as an idea, the Senate is likely to balk, and then nothing would be gained for the city in either chamber.

3. A commission to draw up a model charter for the city—This proposal, backed by the D.C. Democratic Central Committee in 1968, written into the Democratic Party platform, backed by President Nixon, and passed by the Senate, has been rejected by the House District Committee. An effort will be made to press for it when the other issues come to the House floor, so long as it does not threaten the overall outcome.

4. The so-called "Broyhill Plan" to change the city government—The House District Committee has approved a proposal to create a new nine-member city council stacked with four congressional appointees, two presidential choices and three people elected by the city. One of the two presidential members would be from the Army Corps of Engineers. When Mr. Broyhill first suggested the revisions, he talked about three members each from Congress, the President and the city's voters—and had no mention of an Army engineer. We thought then that his proposal at least merited drafting and some study, though we emphasized that it should not be used as an excuse for pigeonholing the charter commission bill. Now that other members have helped Mr. Broyhill slap together a mishmash revival of the brand of dilapidated government Washington finally got rid of three years ago, we think it should go smartly back to the drawing board.

Well, that's the scoreboard at this hour. The rest is up to the leaders of the two parties and the administration. The people of the city are once again hoping for at least some small sign of recognition somewhere. Last Wednesday afternoon, many of them—Mayor Washington, City Council members, representatives of both local parties, the League of Women Voters, the Washington Home Rule Committee, church leaders, Marion Barry and others—agreed to set aside any differences and work for the Nelsen bill and the charter commission proposal, and to fight the "Broyhill Plan." These modest requests can be met—if Congress cares at all.

[From the Washington Star, May 8, 1970]

THE LAST COLONY

During all these long years, the largest single impediment to a constitutional amendment granting Washingtonians voting representation in Congress has been congressional apathy. A good many members of Congress simply have failed to understand, for one thing, the widespread support which this measure of voting-rights reform commands throughout the nation.

Two days ago, the League of Women Voters moved to correct that misunderstanding by the means the members understand best—direct word from the voters back home.

Under a campaign banner reading, "D.C.—Last Colony," the ladies presented the senior senators of state delegations with a total of 1.2 million signatures on petitions urging full voting representation for the District. This was a remarkable campaign, for which all Washingtonians are deeply indebted to the league. We trust, furthermore, that the league will not let the matter rest with the completion of this monumental task, but will keep the letters of support pouring in to Capitol Hill.

The first salutary results already have been registered on three fronts. Chairman Bayh has promised to reopen hearings on the matter before his Senate Subcommittee on Constitutional Amendments. In a separate statement, Representatives Gude of Maryland and MacGregor of Minnesota announced the support of 30 Republican House members for immediate approval of the required constitutional resolution.

And most intriguing and hopeful of all, Senator Edward Kennedy, the majority whip, has disclosed an intention to offer the District resolution as an addition to the constitutional amendment on electoral reform when that measure reaches the Senate floor for debate later this month.

There are several obvious advantages to the Kennedy approach.

It would place before the senators a proposition on which full, ample hearings already have been completed in both the Senate and the House—with broad bipartisan support, and an absence of opposition, registered on every occasion. In the last Congress, such an amendment cleared the House Judiciary Committee, but was prevented from reaching the floor for a vote by the House Rules Committee.

There is no logical reason why the Kennedy motion, if offered, should fall on the Senate floor. Nor, assuming approval of the combined amendments by the necessary two-thirds vote of the House and Senate, would either be jeopardized by the linkage. For as Senator Kennedy notes, each could be considered separately by the states for the purposes of ratification.

Finally, there is a dramatic, historic precedent for "amending the amendment" in behalf of District suffrage. For this was precisely the mechanism by which Washingtonians gained the right to vote for President and Vice President—precisely 10 years ago—through the 23d Amendment.

Even the legislative situations, in fact, were virtually identical. Just as electoral reform has come of age today, the movement which caught fire then was a constitutional amendment to outlaw the poll tax as a prerequisite for voting. Kenneth Keating, then the Republican senator from New York, argued on the Senate floor that if it was wrong to prevent citizens from voting by requiring the poll tax, there was even greater wrong in preventing citizens from voting because they happened to live in the Nation's Capital. Accordingly, he moved to combine the two constitutional reforms.

In the months which followed a decision was made to sever the District amendment from the package and it emerged, in its final form, limited in scope to the presidential vote, with provisions for congressional representation disappointingly omitted. The point is, however, that given the opportunity 10 years ago, the members of Congress overwhelmingly approved that half-way measure. We are confident that given a similar opportunity in this session, the present members would finish the job with no less enthusiasm.

[From the Washington Star, June 3, 1970]

D.C. VOTE STRATEGY

It is gratifying, and not at all surprising, that Senator Bayh's hearing this week on proposed constitutional amendments to give the District of Columbia voting representation in Congress centered not on whether this voting reform should be approved, but by what means.

To be sure, two constitutional formulas were discussed: One would grant full representation—two senators and as many House members as the District would be entitled to if it were a state. The alternative resolution, advanced as more easily attainable, would provide for one voting House member immediately, but authorize Congress to give the District such additional representation as it sees fit at a later date, through the enactment of a simple law which would not require further constitutional amendment.

So far as we are concerned the former is of course the desirable choice, for it constitutes the franchise to which Washingtonians are entitled. It is the same birthright enjoyed by all other American citizens. It is the proposal approved enthusiastically two years ago by the House Judiciary Committee. And ultimately, nothing short of that should suffice. But if this full measure should not prove achievable this year, it would be foolhardy to oppose the alternative—offering, as it does not only a meaningful start but a logical, sensible political mechanism for a gradual fulfillment of the complete package.

The immediate problem, however, and the chief substance of discussion at Monday's hearing, is the means by which that choice should be brought to the Senate floor for debate and a vote.

Senator Kennedy intends, on the Senate floor later this month, to offer the full-package District resolution as an addition to the constitutional amendment providing for the popular election of the President. Bayh—in a belief that this might jeopardize the election reform measure—suggests, for the first time, incidentally, that he will seek immediately to attach the District resolution to some other measure in order to achieve the same result.

Senator Kennedy, as he has made clear, certainly has no desire to endanger the electoral reform move. And there is no reason, as he persuasively argues, that this should occur. The process of proposing, in a single resolution, more than one constitutional amendment to the states for ratification, dates back to the nation's birth. It is the means, in fact, by which the Bill of Rights itself was appended to the Constitution. In more recent memory, the 23d Amendment—allowing District residents to vote for Presi-

dent—had its origin in a procedure similar to that which Kennedy suggests.

If a Senator can come up with an alternative as good, it should be considered. But if not, we trust that Senator Kennedy will persevere with his plan. He should be encouraged to do so by the unanimous outpouring of bipartisan support for District representation at this week's hearing—a performance which by now has become almost commonplace through repetition.

[From the Washington Star, July 20, 1970]

THE RIGHT TO VOTE

In a discussion with reporters the other day, Senate Majority Leader Mansfield strongly favored amending the Constitution to give District residents voting representation in Congress—which certainly was gratifying to Washingtonians.

But Mansfield's reluctance to go along with Senator Edward Kennedy's proposal to add the D.C. provision to a constitutional amendment on electoral reform in the Senate was not at all gratifying. For as Mansfield knows, this is the first realistic maneuver to emerge in years that provides a means of bringing the District amendment to a vote.

As the majority leader explains it, he prefers to consider the District and the presidential voting reform amendments separately. To tie the two together, he says, might run the risk of "cluttering up what I think is a straight up-and-down vote on each issue. I'm in favor of both."

Unfortunately, however, Mansfield advanced no alternative means of achieving that feat. And this is hardly surprising in view of the record. Three years ago, the District amendment was reported enthusiastically by the full House Judiciary Committee—and was prevented from reaching the House floor by the Rules Committee. In the Senate, the amendment has not even surfaced from the appropriate subcommittee—despite favorable hearings and the strong, outspoken support of the subcommittee chairman, Senator Bayh. Last Tuesday, in fact, Bayh failed in two efforts to convene his subcommittee for the specific purpose of reporting out the amendment.

That is precisely the reason Senator Kennedy intends—when the direct-vote-for-President amendment hits the Senate floor in a few weeks—to offer the District amendment.

Kennedy merely is trying to provide the right to vote. He is not trying to slip anything over on anyone. He certainly is not trying to jeopardize electoral reform, which he supports. Indeed, he has left no room for doubt that if the electoral measure should run into any jeopardy as a result, the District move would be swiftly withdrawn. There are adequate parliamentary means of doing so.

The point is that the District resolution deserves to be considered on its merits, and it deserves that opportunity now.

[From the Washington Star, Aug. 7, 1970]

TOWARD REPRESENTATION

A critical juncture in the long effort to establish democracy in the Nation's Capital probably will be reached Monday. The House will consider measures to give the District non-voting congressional representation, and either mild hallelujahs or crepe-hanging will shortly be in order.

There is a better-than-fair chance, we believe, that Washingtonians will have reason to be pleased, because the movement to extend to them all the rights held by other Americans has been gaining ground slowly but surely. Most people across the country have long been sold on the rightness of the concept, and have felt growing embarrassment at the proscriptions against full citizenship for District residents.

Political realities, however, seem to dictate that representation may have to come in stages, the first being establishment of a District House seat whose occupant cannot vote. This is nothing new—there is a tradition extending back to the days of the Founders of non-voting territorial representation in the House. Puerto Rico now has such a congressman; Hawaii and Alaska did before they achieved statehood. But there is no such tradition in the Senate, and any attempt to tack on a voteless senator probably will carry the current endeavors to a collision finish and necessitate a new start. The Senate seems unalterably hostile to the idea.

And sure enough, a bill to create non-voting D.C. representation in both the House and Senate will be up for floor consideration Monday in the House of Representatives.

Thankfully, there is an alternative—a provision to add a non-voting post in the House only has been attached to the District "Little Hoover Commission" bill. Both the representation proposals have been reported out by the House District Committee, so the legislators have a clear choice.

We hope they will pass the one creating the House post alone, to avoid a tieup in the Senate. But they could pass both and let the Senate kill the dual proposition if it wished. Last October a bill that would allow Washingtonians to elect a non-voting House member sailed through the Senate without dissent, and there is no reason to believe the senators would not now concur in such a measure.

The larger picture is not too gloomy. Last month a Senate subcommittee shelved a proposed constitutional amendment that would give the District a full-fledged voting delegation in both houses. That is still the long-run objective, the best solution, and Senator Edward Kennedy plans a new thrust toward it. He will attempt to attach the proposition to the proposed electoral reform amendment, and he deserves stout support.

But amendments move slowly at best, and in the interim the addition of a non-voting D.C. congressman would be a modest gain.

[From the Washington Star, Aug. 12, 1970]

ONE LONG STEP REMAINS

No one alive can remember the inception of the drive for District of Columbia representation in Congress, so Mayor Washington wasn't overstating when he said that Monday was "a splendid day for our city." The House had just passed legislation to give the District non-voting representation, and Senate concurrence in the creation of a voteless House seat was virtually assured.

It was a day for rejoicing, but also for recommitment. One long stride remains to be taken—to full, proportionate, voting representation in both houses of Congress. That can only be achieved through amending the Constitution, and unfortunately, a Senate subcommittee last month sidetracked an amendment for that purpose.

But there is still hope for action in this session. Senator Edward Kennedy has said he will attempt to append the full-package D.C. representation proposal to the proposed amendment for direct election of presidents. Those landslide margins by which the House assented to the limited proposals on Monday certainly should strengthen Kennedy's resolve. We hope he will push his plan with strong determination. The tide seems to be running for extension of full citizenship rights to District residents, and the initiative should not be lost now that the paramount goal is in sight.

There is talk of efforts to tack other amendments onto the direct election proposal—perhaps the "equal rights for women" and 18-year-old vote propositions. That should be avoided, if possible, because overloading could cause a bogdown of the whole bundle in conference. The women's rights amendment should be referred to the states in the form approved Monday by the House. The D.C. representation issue probably would fare well as the sole companion of the direct election amendment, but its chances of advancing anywhere alone are slim indeed.

It would be a shame if on the 200th anniversary of national independence the Nation's Capital should still stand as a glaring denial of the thesis of the Declaration. Thirteen states have fewer residents than the District, and there is no defensible reason why its populace should bear all the obligations of citizenship while being deprived of rights enjoyed by Americans elsewhere. The national creed demands a fairer shake.

WMAL–TV EDITORIAL, WASHINGTON, MAY, 21, 1970

Senator Ted Kennedy has proposed a novel approach to give the District of Columbia two Senators and Representatives with full voting power in Congress. Kennedy recommends adding such a provision to the proposed constitutional amendment for direct election of the President. To avoid jeopardizing electoral reform, Kennedy wants to offer states a choice. They can ratify electoral reform with or without D.C. representation. He offers historical background for the package deal. The Bill of Rights originally contained a package of twelve amendments offered the states, of which ten were approved. And the Senate whip notes that the District gained the Presidential vote through the 23rd amendment . . . which began as a Senate floor amendment. Since we have long advocated D.C. Congressional representation in any form, we hope the Senate will go along with the suggested package. With the "escape clause," it need not endanger electoral reform. One good amendment deserves another.

[WTOP–TV, Washington, Sept. 15–16, 1970]

FULL MEMBERSHIP FOR DISTRICT OF COLUMBIA IN CONGRESS

Simple justice demands that the District of Columbia be given full *voting* membership in Congress.

The District's citizens are taxed, arrested, imprisoned, and drafted into military service under laws over which they have no influence whatsoever.

This gross perversion of justice supports the growing protest that the District is America's last colony.

The American colonists of two hundred years ago, ironically, hardly knew what oppressive taxation was all about. The sums extracted by the English king in that period can be measured only in the millions. A WTOP study of tax records for just the last 30 years shows that District residents and businesses coughed up better than *twelve billion* dollars in federal and District taxes of all kinds. No District citizen ever cast a vote on the laws which required those taxes.

The early colonists complained bitterly that such a system was unjust, and they laid down their lives to change it. Two centuries later, the injustice survives in an enclave of the nation which contains more people than at least ten states.

The District's people always have had equal standing in the courts. For nine years, they have had an equal voice in the choosing of the President.

But a *little* justice is no substitute for *full* justice. District citizens deserve a full voice in both houses of Congress, where the laws which govern their lives are made. That means two Senators and an appropriate number of Representatives.

Congress cannot continue to wink at this ugly holdover from an oppressive past.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHWEIKER. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered.

S. 4348—INTRODUCTION OF BILL TO MAKE ASSAULTS ON POLICEMEN, JUDGES, AND FIREMEN A FEDERAL CRIME

Mr. SCHWEIKER. Mr. President, I introduce a bill to make assaults on State and local law enforcement officers, firemen, and judicial officers a Federal crime. I ask that it be appropriately referred.

The ACTING PRESIDENT pro tempore (Mr. BURDICK). The bill will be received and appropriately referred.

The bill (S. 4348) to prohibit assaults on State law enforcement officers, firemen, and judicial officers, introduced by Mr. SCHWEIKER, was received, read twice by its title, and referred to the Committee on the Judiciary.

Mr. SCHWEIKER. In recent months, this Nation has witnessed brutal, and in some tragic cases fatal, attacks on State and local policemen and judges by radical revolutionaries. These attacks have been essentially politically oriented, and were conceived by the twisted minds of individuals bent on destroying law and order in our society. They seek to destroy our Government by attacking officials merely because of their official establishment position as a policeman, judge, or fireman.

Society must declare loud and clear that we will not tolerate such madness, and that we will stand by and protect the loyal men and women who serve in these official capacities in our governments.

Therefore, my bill will make it a Federal crime to assault, injure, or kill any State or local law enforcement officer, fireman, or judicial officer because of his official position. I emphasize that this bill is designed to apply to situations where an official is singled out and attacked as a symbol of the establishment because of his official position—that is, killing a policeman simply because he is a policeman.

Under this bill, in any case where an individual has traveled in interstate commerce or used any instrumentality of, or facility for interstate commerce with the intent of assaulting, injuring or killing such officials, or where a dangerous or deadly weapon which has been transported in, or is customarily distributed in, interstate commerce is used to commit the crime, Federal officials would be able to assist local authorities in investigating the crime and tracking down the criminals. The crime would be punishable under Federal statutes.

My primary reason for introducing this legislation is my serious concern over the shocking and brutal slaying of several policemen and a judicial officer in this Nation recently. Only 2 weeks ago, one policeman was killed and seven wounded in Philadelphia, including a totally unprovoked attack on two officers on duty, sitting at a desk, in a guardhouse located in Cobbs Creek Park. Three handgrenades and the pin of a fourth were found in the vicinity of the guardhouse. Over the same weekend, four officers were ambushed in Riverside, Calif., and one was shot in New York City. FBI statistics indicate that a record high of 86 law enforcement officers were killed by felonious criminal action in 1969, a 34-percent increase over 1968. Eight officers were killed in 1969 by being shot from ambush with no warning being given or by mentally deranged persons. However, 16 officers have been killed in unprovoked attacks this year already. Recent statements by police associations have indicated that they are very disturbed about the situation and the trend which appears to be developing.

Mr. President, I wish to elaborate my reasons for introducing this legislation. First, the FBI has just published, in its Uniform Crime Reports for 1969, a gruesome set of statistics concerning attacks on police officers which indicates the following:

A record high of 86 law enforcement officers were killed by felonious criminal action in 1969.

The 1969 figures reflect a 34-percent increase over 1968.

From 1960 to 1969, 561 police officers were killed by felons.

In 1969, eight officers were killed by mentally deranged persons or shot from ambush with no warning given. However, 16 officers have been killed in unprovoked attacks this year already.

In 1969, there were 35,202 assaults on police officers. The assault-with-injury rate was 5.7 per hundred officers.

I have received a communication from the International Conference of Police Associations which includes a resolution passed at their 18th annual convention on July 18, 1970. Let me quote from that resolution:

> All police officers represented by the International Conference of Police Associations will stand united together in all out retaliation against these senseless killings even if it is in the form of on-the-street justice against those persons, organized or otherwise, who injure or kill police officers, or we will collectively recommend to all of our representative members that they withhold their services until that necessary, definite, positive and tangible Government, Judicial and public support is forthcoming.
>
> It is a sad, graphic and horrifying commentary on our times that the two Chicago Police Officers, referred to in this Resolution, were members of a Community Relations Team and at the time they were murdered these officers were performing their community relations duties.

It is noteworthy that this resolution was passed before the brutal slayings took place in Philadelphia and before the ambushes took place in California. The International Conference of Police Associations represents over 150,000 law enforcement officers throughout the United States and Canada, and this resolution clearly indicates their serious concern over the situation.

Mr. President, I ask unanimous consent that the full resolution be reprinted at the conclusion of my remarks. I believe that it is entirely appropriate, and imperative, that Congress respond to this situation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SCHWEIKER. J. Edgar Hoover's report for 1969 indicates that police deaths "demonstrate a misplaced trust on the part of the officer with respect to the occasional and unpredictable violent nature of human behavior." Director Hoover also indicates that "one of the increasingly serious problems facing law enforcement today is the growing attitude of disrespect for the police and the failure of citizens to come to the aid of the officers being attacked as they attempt to perform their lawful duties. I believe that recent events clearly indicate that the police are becoming much more apprehensive about this situation and obviously this does not contribute to the establishment of a cooperative relationship between police departments and the communities which they serve.

My bill would provide a counterstroke in psychological warfare, to demonstrate to those who would kill policemen simply because they are policemen—that society, and those of us in Government, are going to meet this confrontation head on and that we are going to put the same high priority on protecting our policemen, firemen, and judges as these criminals put on assassinating them. We must illustrate that this Nation is deeply aroused and visibly moved by these shootings and that we do not intend to let this trend continue.

Let me elaborate at this point on what my bill specifically provides. First, as I have indicated, the bill is directed toward assaults on State and local law enforcement officers, firemen, and judicial officers because of their official position. In any case where an individual travels in interstate commerce or uses any instrumentality of, or facility for, interstate commerce with the intent to assault, injure, or kill any such officer or to aid, abet, or encourage any other person to assault, injure, or kill any such official, he could be prosecuted under Federal law. The bill also provides that in any case where an individual uses a dangerous or deadly weapon which has been transported in interstate commerce or which is of a kind customarily distributed in interstate commerce, he may be prosecuted under Federal law. Third, an individual who transports, causes to be transported or aids or abets another in transporting a dangerous or deadly weapon in interstate commerce with the intent that it be used to assault, injure, or kill such an officer, will be liable for prosecution under Federal law.

Unlike other proposals, my bill would allow Federal law enforcement agencies to step in immediately—not wait 24 hours—to assist local officials in tracking down the individuals who are suspected of committing the crime. The penalties would correspond to those which are currently provided for in murder and manslaughter cases under sections 1111 and 1112 of title 18, United States Code. The question of whether an individual has intended to kill a law en-

forcement officer, fireman, or judicial officer because of his official position would be determined in court by a judge or jury in the same manner as other questions of intent are currently determined under criminal law. That is, it would be a question of fact to be determined at the trial. However, as soon as Federal officials have determined that there is probable cause to believe that a crime has been committed under the provisions of this legislation, Federal officers, and the FBI could provide assistance in tracking down the suspect. My legislation broadens the coverage of the Fugitive Felon Act, which covers flight to avoid prosecution, by allowing Federal assistance where the weapon used has been transported in interstate commerce or is of the kind which is customarily distributed in interstate commerce. Therefore, the suspect need not flee across State lines before Federal assistance may be forthcoming.

I have limited my bill to State and local police, firemen, and judicial officers because the Federal law already provides assistance to Federal officials who are killed during or on account of the performance of their official duties. Federal laws also cover civil disorder situations for Federal, State, and local officials. Legislation which I introduced and strongly supported during the 89th Congress covers the assassination, kidnaping and assault of the President of the United States, the President-elect, the Vice President, or, if there is no Vice President, the officer next in the order of succession to the Office of President.

The killing of State law enforcement officers is, of course, a crime under State laws as well. My purpose in proposing that it be made a Federal crime is that I believe that we should recognize that this is a special kind of crime which deserves national attention. At a time when Congress and the President are striving to provide law enforcement officials with the tools and financial resources necessary to fight the war on crime, I feel that it is essential that we devote our attention and efforts toward stopping the brutal slaying of police and other officials simply because they are conscientiously trying to do the jobs which are so necessary for the preservation of order in our society. Although the time available in the 91st Congress is drawing short, I strongly urge that action be taken on this legislation at the earliest possible opportunity. It is my firm conviction that we must stop this serious trend now.

Mr. President, I ask unanimous consent that the text of my bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 4348

A bill to prohibit assaults on State law enforcement officers, firemen, and judicial officers

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 51 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1116. Assaults on State law enforcement officers, firemen, or judicial officers because of their official position

"(a) Whoever travels in interstate commerce or uses any instrumentality of, or facility for, interstate commerce with intent—

"(1) to assault, injure, or kill any law enforcement officer, fireman, or judicial officer because of his official position as a law enforcement officer, fireman, or judicial officer; or

"(2) to aid, abet, or encourage any other person to assault, injure, or kill any law enforcement officer, fireman, or judicial officer because of his official position as a law enforcement officer, fireman or judicial officer; or "Whoever assaults, injures, or kills or attempts to assault, injure, or kill by means of any dangerous or deadly weapon which has been transported in interstate commerce or which is of a kind customarily distributed in interstate commerce, any law enforcement officer, fireman or judicial officer because of his official position as a law enforcement officer, fireman, or judicial officer; or

"Whoever transports, causes to be transported, or aids or abets another in transporting, or receives, causes to be received, or aids or abets another in receiving, in interstate commerce or through the use of any instrumentality of or facility for interstate commerce, any dangerous or deadly weapon with knowledge that it will be used or with intent that it be used to assault, injure, or kill any law enforcement officer, fireman, or judicial officer because of his official position as a law enforcement officer, fireman, or judicial officer—

"Shall be punished as provided under sections 1111 and 1112 of this title.

"(b) As used in this section, the term—

"(1) 'dangerous or deadly weapon' includes any object, item, or device which, when used as a weapon, is capable of causing physical injury or death;

"(2) 'law enforcement officer' means any officer or employee of any State who is charged with the enforcement of any criminal laws of such State;

"(3) 'fireman' means any person serving as a member of a fire protective service organized and administered by a State or a volunteer fire protective service organized and administered under the laws of a State;

"(4) 'judicial officer' means any judge, officer or other employee of a court of any State;

"(5) 'interstate commerce' means commerce (A) between any State or the District of Columbia and any place outside thereof; (B) between points within any State or the District of Columbia, but through any place outside thereof; or (C) wholly within the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States; and

"(6) 'State' means any State of the United States, the Commonwealth of Puerto Rico, any political subdivision of any such State or Commonwealth, the District of Columbia, and any territory or possession of the United States."

(b) The section analysis of chapter 51 of title 18 of the United States Code is amended by adding at the end thereof the following new item:

"1116. Assaults on State law enforcement officers, firemen, or judicial officers because of their official position."

EXHIBIT 1.

INTERNATIONAL CONFERENCE OF POLICE ASSOCIATIONS—18TH ANNUAL ICPA CONVENTION

RESOLUTION

This resolution is a statement of fact presented by the International Conference of Police Associations whose members have dedicated their lives to the protection of life and property, to the prevention of crime and to guarding our respective democracies.

The International Conference of Police Associations representing over 150,000 law enforcement officers throughout the United States and Canada, sitting in session this 18th day of July 1970, abhors the organized, vengeful and senseless killings of police officers throughout the United States and Canada. The most recent of which was the tragic killing of Officers James Severin and Anthony Rizzatto of the Chicago Police Department.

We collectively demand that all levels of government, the judiciary, all law enforcement agencies, and all members of the law abiding public take whatever immediate steps are necessary to end these senseless killings.

The International Conference of Police Associations serves immediate notice that if government support and action is not forthcoming to stop these killings, if the judiciary does not take positive steps to deliver judgments that will serve as positive deterents to these killings and if the general public does not provide the necessary support to all law enforcement agencies in the United States and Canada we will be faced with two undesirable alternatives.

All police officers represented by the International Conference of Police Associations will stand united together in all out retaliation against these senseless killings even if it is in the form of on-the-street justice against those persons, organized or otherwise, who injure or kill police officers, or we will collectively recommend to all of our representative members that they withhold their services until that necessary, definite, positive and tangible Government, Judicial and public support is forthcoming.

It is a sad, graphic and horrifying commentary on our times that the two Chicago Police Officers, referred to in this Resolution, were members of a Community Relations Team and at the time they were murdered these officers were performing their community relations duties.

The International Conference of Police Associations commends the U.S. Government and the F.B.I. for the energy, resources, and effort that were expended during the most intensive investigation of the Kent State University incident. We demand that the same energies and resources will be expended to bring to justice those persons who perpetrated these murders.

Approved July 18, 1970.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from New York (Mr. JAVITS) is recognized for 30 minutes.

Mr. JAVITS. Mr. President, in order to give Senators notice that I am proceeding in this matter, as other Senators will be interested, I ask unanimous consent that I may suggest the absence of a quorum without losing my right to the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, may I request that the attachés notify such Senators as are interested of the fact that I intend to speak about my colleague, Senator GOODELL.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. Pres-

ident, if the Senator from New York will yield for a unanimous-consent request, I ask unanimous consent that the time of the Senator from New York, under the order, begin to run now and that the time consumed by the quorum shall not be charged against the Senator.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JAVITS. I thank the Senator from West Virginia very much. He is always so gracious.

CHARLES GOODELL'S FIRST 2 YEARS IN THE SENATE

Mr. JAVITS. Mr. President, last week my colleague, Senator GOODELL, completed his first 2 years representing New York in the U.S. Senate, and I think the occasion deserves some note, as it marks a milestone in a most remarkable career and a most effective tenure in public office of a high order.

When Senator GOODELL came to this body in September 1968, to fill the unexpired term of the late and much lamented Robert F. Kennedy, he occupied the seat of a Senator known nationally and internationally and at the center of about every major governmental and political issue of our time. As a freshman Senator, CHARLES GOODELL might have been expected to follow custom and eschew leadership; but in the unique position in which he found himself, he chose—most admirably, I think—to face the most troubling issues of our time and to offer his intelligence, his long experience as a Congressman, and his most honest judgment to help find solutions.

Unlike most of us, he will face an election campaign—and he is engaged in one now—after only one-third of the 6-year term for which a Senator is ordinarily elected. Under these circumstances, a man of lesser stature might have spent his first 2 years in political pursuits and in political fence-mending. CHARLES GOODELL chose the harder course. He chose to be a Senator first—and his record here is leaving the imprint on major domestic and international issues of a man whose positions were clear-cut, deeply and sincerely held, and expressive of the progressive spirit which has characterized all the best Senators of my State, of either party, in modern times.

He took his position, Mr. President, on the Indochinese war very early. It is well known that he was the originator of the amendment for a funds cutoff, in an effort to bring about a congressional impact in order to accelerate the end of the war, which amendment was dubbed the "Amendment To End the War." This concept was a turning point in our Vietnam deliberations in the Senate. Although it was defeated a few weeks ago, I predict that it will be a mighty force for two purposes, namely, one, to bring into the open the Nation's deep dissatisfaction with an indeterminate continuance of our participation in the tragic conflict in Vietnam, and, second, to bring about an earlier end to hostilities there so far as the United States is concerned.

On the recent mideast air hijackings, Senator GOODELL was one of the first to call for security guards on our planes, and introduced the bill to "quarantine" countries harboring hijackers.

He generally espoused the concept, for which he was given editorial credit, that the United States would hold responsible individual countries acting unilaterally, even if international action, so highly desirable, could not be obtained at this time.

On domestic issues, Senator GOODELL struck directly at the heart of our "national priorities" difficulties, and authored with Senator PROXMIRE of Wisconsin an amendment to require an annual report on military expenditures, in order to focus public attention on both the extent and the details of our massive military budget, and the policies necessary for reconversion to a peacetime economy.

Senator GOODELL supported, either by introduction or cosponsorship, an extraordinarily broad range of legislation dealing with a wide variety of domestic problems, running the gamut from air traffic congestion to rat control and antipollution legislation. This broad range of legislation includes revenue sharing—one of the great opportunities for the urban areas of the country—assistance to the States dealing with problems on drug abuse, city water and sewer facilities grants, revision and improvement of the formula affecting cost limits on subsidized housing, and housing abandonment. And Senator GOODELL's office informs me that that some 44 bills, resolutions and amendments authored or cosponsored by Senator GOODELL have been enacted into law since January 1970.

Indeed, only last night, I was privileged to present to the Senate, for Senator GOODELL, an amendment which would make funds from the Farmers Home Administration for water and sewer purposes much more available to the smaller towns and villages in the State of New York. That was praised by the manager of the bill, one of the leading members of the Committee on Agriculture and Forestry, the Senator from Georgia (Mr. TALMADGE), as being a fine amendment.

Thus, Mr. President, Senator GOODELL certainly has, even up to last night, had a profound impact upon our legislative processes.

Mr. President, there is no way to be an effective Senator from a State like New York without being prepared to deal with every issue, because in States like New York, every issue comes up all the time. It has been a matter of deep gratification to me, in the years I have served in the Senate, that the Senate has understood that the character of my State is such that I have an interest, as a Senator, in practically every issue that comes before us. So has it been with Senator GOODELL as well.

To be effective, a Senator must meet the challenge his State presents to him—and in this case, the challenge in New York is to know our State, and to know its millions—we have 18 million people there, more than most countries in the world—and its myriad problems, and to have the intelligence to understand, and the skill to devise solutions for those problems, and the determination to get things done.

Senator GOODELL has met that challenge in his first 2 years.

I congratulate him, Mr. President, and express my appreciation to him for the high service he has rendered to the people of New York and the Nation—and for peace and freedom in the world—in his relatively short Senate service.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of this colloquy the voting record of Senator GOODELL as prepared for me by his office, indicating the broad range of issues which he has been required as a Senator to consider, and the broad range of positions which he has considered to be most creditable on the whole, and most important of all, to the people of the State of New York.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HATFIELD. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I am glad to yield to the Senator from Oregon.

Mr. HATFIELD. I wish to associate myself with the remarks of the senior Senator from New York in paying recognition to an outstanding man and Senator, the junior Senator from New York, Mr. GOODELL.

I speak as one who has grown to know CHARLIE GOODELL well during his past 2 years in the Senate, and as one who has worked with him on several issues. In fact, I would point out that I have had an especially fortunate opportunity to become well acquainted with CHARLIE GOODELL since his desk is next to mine in the Senate; in fact, Senator GOODELL is directly to the right of me.

But all of us on this side of the aisle—we who are the Republican Senators—take a special pride in identifying ourselves with distinctive Republican political perspectives. We can find, I believe, a particular unity around the ideals and principles that were the foundation of our party, and take pride that we can claim such common cause. Of course, we encourage and foster diversity in our party—but it is genuine diversity, rather than bitter divisiveness. Every Senator on this side of the aisle is proud to identify himself with the traditions that have been at the foundation of this party.

Senator GOODELL has articulated and upheld genuine Republicanism in a distinctive way that has been an outstanding credit to our party during these past 2 years.

Now let me be perfectly candid. There are those who have felt that some of us in the Senate are more "Republican" than others, and that those of us who have taken positions which the press may identify as "liberal" or less true to the Republican cause than those who identify themselves as "conservatives." I can speak from personal experience as one whose lovalty to Republicanism has been called into question because of various positions I have taken on matters that have come before this body. But, I trust that we will get beyond the stage of trying to use outworn political labels and

convenient categories—such as "liberal" or "conservative"—in characterizing the nature of one's political philosophy. I suggest, rather, that we look honestly at the roots and the historic positions of the Republican Party in order to judge one's loyalty to this party today.

We must remember that the Republican Party was founded by a mixture of free-soldiers and others that were concerned, first of all, about the issue of slavery—the matter of human relations within our Republic—and also committed to revitalizing the relevance of the political system through the individual participation of its citizens. As our party evolved through the past 100 years, we have continued to warn against the centralization of power in the hands of government, called for proper attention to the intent and spirit of our Constitution, and focused on the importance of the individual. That is the heritage of our party.

Senator GOODELL has remained consistently true to that heritage.

As the first Republicans fought against the extension of slavery, Senator GOODELL has opposed legal measures which, in his judgment, would mean improper infringement on human rights and freedoms today.

Among many other measures, he gave his valuable and timely support to Senator GOLDWATER and me in efforts to bring an end to the draft, and thus eliminate the institution that is most reminiscent of slavery in this age.

CHARLIE GOODELL made legislative history, and worked with other Senators, including me, in attempting to reassert the Congress' constitutional responsibility in matters of war and peace. As we combined efforts in drafting and proposing the "Amendment to End the War," I discovered quickly that we shared the concern, expressed so often in the history of our party, about the over-centralization of power in the hands of the executive branch, particularly as it related to the issue of war. From the beginning, it was Senator GOODELL's intention to correct such an imbalance, and to follow more faithfully the intent of our Constitution. Senator GOODELL's commitment on the issue of Vietnam, and his determined personal effects were a large part of the reason why 39 Senators eventually agreed that Congress had to reassert its responsibilities for terminating, in an orderly fashion, this undeclared and costly war.

Senator GOODELL and I find ourselves in close alliance and philosophical agreement on the issue of military spending as well. We both take seriously the late President Eisenhower's warnings about the concentration of power in the hands of the military, and he as I, have worked closely to see that the Congress play its role in properly controlling and limiting the billions of dollars that are spent for military purposes, particularly in this time of inflation and fiscal instability.

In this area, Senator GOODELL made a most distinctive contribution by expressing his concern, beginning in 1969, about our country's policies in chemical and biological warfare. The legislative amendment he sponsored during that year eventually became the law of the land, imposing wise restrictions on these policies. The administration's decisions to do away with our biological warfare capability and reevaluate its entire policy resulted, to a significant extent, due to the role played by Senator GOODELL.

So I would say, if one is honestly interested in examining one's Republican credentials, let him honestly examine his loyalty to the distinctive, historic ideals of our party. Let him match his Republicanism with that of our party's first President, Abraham Lincoln. By that criteria, I submit that Senator GOODELL is as much of a true "old guard" Republican as anyone, and that I also associate myself with this kind of Republicanism.

This is the Republicanism that takes seriously the principles of our Constitution, that works consistently against the usurpation of power by the executive branch, that does not compromise on the issue of individual human rights, and that is dedicated to bringing the disenfranchised—the blacks, the young, the working man—into active political participation. That is the Republicanism that has the allegiance of Senator GOODELL, and our party is enriched by having Senators such as he call us to these historic ideals.

Mr. JAVITS. Mr. President, I am very gratified that my colleague, the Senator from Oregon, has made such an eloquent statement about Senator GOODELL. He himself typifies the very kind of Republicanism about which he speaks.

Mr. President, I ask unanimous consent that a statement prepared by the Senator from Massachusetts (Mr. BROOKE) be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SALUTE TO SENATOR CHARLES GOODELL

Mr. BROOKE. Two years ago a young, upstate New York Congressman was appointed to fill the tragically uncompleted term of one of the country's most dynamic Senators.

Charlie Goodell is not the kind of man who is intimidated by the magnitude of the task at hand or by the complexity of the issues confronting him. Representing an entire state, instead of a single district, he was confronted more directly with the multitude of problems facing our land. And he set about to correct them . . .

It takes courage for a freshman Senator to differ with a President of his own party on the major foreign policy question of the day. But Charlie Goodell believed the war was wrong, and he became an outstanding leader in the effort to reassert Congressional control over our foreign commitments.

Charlie Goodell believed that as a nation we were spending too much on military hardware, and he helped spearhead the drive to reduce our defense commitments; to cut out unnecessary and duplicative programs, and to save on scarce resources for the projects that really were needed.

Charlie Goodell has been deeply disturbed about events in the Middle East, and he has been foremost among those calling for direct negotiations and control of the arms traffic. Most recently, he introduced the first bill in the Senate dealing with airline hijackings.

As a Senator, Charlie Goodell has also been deeply concerned with the major domestic problems facing the American people. He has introduced pioneer legislation in the fields of criminal corrections, drug abuse, water and sewer facilities, and low and moderate income housing.

Charlie Goodell is a far-sighted legislator, attuned to present needs, and looking beyond them to solutions which will insure a better future. His contribution to the Senate and to the country in two short years has been phenomenal; his efforts in the years to come will surely fulfill this early promise.

Mr. JAVITS. Mr. President, I ask unanimous consent that other Senators may similarly file statements on this subject at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHWEIKER. Mr. President, as a Senator from one of our Nation's largest States, a State with large and small cities, and with urban and rural problems, I would like to join this colloquy with a word about the excellent grasp Senator GOODELL has on the needs of these areas.

His concern for sanitation and sewage improvements in our rural areas, and his concern for housing in our cities, both in ghetto and moderate-income areas, shows a comprehensive concern for the standards of living of the citizens of New York.

On my Senate Labor and Public Welfare Committee, I have been impressed by Senator GOODELL's interest in improving our community college systems, to extend education to more people, Senator GOODELL has also worked hard to further manpower training programs, and to bring about successful passage of the administration's outstanding programs in this area.

I have been particularly impressed by his bill, which I am cosponsoring, the Criminal Offender Corrections Education Act, to establish pilot programs in the field of corrections education, so that trained personnel will be able to work with juvenile delinquents, and other criminal offenders, so that these individuals can become responsible, law-abiding citizens, rather than turn to a life of crime.

The needs of our cities are enormous. The problems of our rural areas are vast. Senator GOODELL has made significant contributions in these areas, and has helped work on behalf of many American citizens.

Mr. BOGGS. Mr. President, I would like to join the distinguished senior Senator from New York in congratulating his colleague on 2 years of outstanding service in the Senate.

Senator CHARLES E. GOODELL is well known for his position on the war in Vietnam and his leadership of the opposition to American involvement in that conflict. He has been an eloquent spokesman for that group and has been instrumental in all its deliberations and actions.

What often goes unnoticed about the junior Senator from New York is the truly remarkable volume of well reasoned, responsible legislation he has advocated and sponsored in the domestic field.

In his 2 years in the Senate he has cosponsored more than 153 bills and 35 amendments. Some of them have dealt

with the vital questions of community college assistance, relief from air traffic congestion, job training for the unemployed and underemployed, and urban renewal.

In addition, he has been in the forefront in the effort to provide direct popular election of the President of the United States and to lower the voting age to 18.

I also would like to point out that since 1959 Senator GOODELL has introduced revenue-sharing measures designed to relieve our local governments of their financial bind. In the Senate, he is coauthor of the Intergovernmental Revenue Act.

In the field of pollution control and water facilities, in which I take an active interest as a member of the Public Works Committee, the junior Senator from New York has been most active. He sponsored amendments to add $300 million for city water and sewer grants and to add $272 million for direct loans to small communities.

All this is remarkable activity in a brief period, but it is nothing new to Senator GOODELL. He wrote an equally remarkable record of achievement in 9 years in the House of Representatives before his appointment to the Senate on September 10, 1968.

The junior Senator from New York is emminently qualified for his service in the Congress.

A Phi Beta Kappa and cum laude graduate of Williams College, he holds a law degree from Yale Law School and a master's degree from the Yale Graduate School of Government. He is a Navy veteran of World War II and an Air Force veteran of the Korean conflict.

He is married to the former Jean Rice of Buffalo and the father of five sons.

CHARLES GOODELL was elected to the Congress in a special election in 1959 and returned to the House of Representatives in four succeeding elections prior to his appointment to the Senate.

It has been a great pleasure for me to know the Senator from New York and to work with him in this Chamber. I look forward to working with him in the years to come.

Mr. CASE. Mr. President, vigorous, alert to the needs of his State and the Nation, CHARLES GOODELL adds greatly to the strength of the whole Senate. On the job all the time, he is a tireless worker for the public good.

It is a pleasure to work with a man of his devotion and ability, and I look forward to the continuation of our relationship in the years ahead.

Mr. ALLOTT. Mr. President, I congratulate Senator CHARLES GOODELL on the completion of his second year in the Senate.

He has been a spirited participant in some of the major controversies of the day.

Although he and I frequently disagree on particular policies, I admire his determination to follow his conscience wherever it leads.

Senator GOODELL came to the Senate after distinguished service in the House of Representatives. The qualities that distinguished his service there—a scrupulous attention to detail, an energetic devotion to his constituents, and a constant willingness to confront the controversies of the day—have continued to mark his service in the Senate.

As all of us here value Senator GOODELL for the unfailing good humor he brings to his participation in the crucial debates that have occupied the Senate recently. Senator GOODELL is not always on the winning side. But he always has a winning way about him. He understands that amity is a prerequisite for the smooth functioning of this body. And he knows that an even temper can accompany a deep and fervent commitment.

Mr. President, I am pleased to be able to join today in saluting Senator GOODELL for a job well done during two busy and difficult years.

Mr. HANSEN. Mr. President, I am pleased to join with my colleagues on this side of the aisle in taking note of and paying tribute to the distinguished junior Senator from New York (Mr. GOODELL) on the occasion of the second anniversary of his service in the U.S. Senate.

As a somewhat junior Senator myself, I am in a position to understand and appreciate the hard work and devotion with which the Senator from New York has served his constituency.

It happens that I have the honor of representing one of the Western States, while the Senator from New York represent's one of the Nation's most populous States with interest much different and varied from my own. This diversity is part of the Nation's strength and resiliency.

As I undertake to represent to the best of my ability the interest of my State, I am sure that the Senator from New York undertakes to represent the interest of his constituency.

So it is not surprising that we do not see eye-to-eye on the many issues coming before the Senate. Quite often, as the record will reveal, he will vote one way and I another. While we may differ, I admire the forthrightness, tenacity, and courage with which the Senator from New York pursues the objectives which he believes are in the best interest of his State and the Nation.

That is as it should be in the U.S. Senate.

Mr. BENNETT. Mr. President, I am pleased to join in this tribute to our distinguished colleague from New York, Senator GOODELL. Although the Senator has been in this body 2 years as of this month, after being appointed to fill the unexpired term of the late Robert F. Kennedy, it can safely be said that already his name is one of the best known of Senators among the American public.

I personally have been impressed with the work of my friend, Senator GOODELL, on the Banking and Currency Committee, where we have worked together to resolve many of the problems facing the housing, banking, and related national enterprises. His legal background, and distinguished career in the House of Representatives prior to appointment to the Senate, prepared CHARLES GOODELL well to serve the people of New York and of the United States in his committee assignments. I have been impressed with his grasp of issues and his ability to learn quickly the nuances of even the most complicated problems that have come before the committee on which we both sit.

Although I would be less than candid if I did not admit that there have been some issues on which Senator GOODELL and I have vigorously disagreed, it would be difficult to refute the sincerity of Senator GOODELL's personal philosophy of government, or to refute totally the logic on which he bases his positions.

We in the Senate, perhaps more than any other body, have learned over and over the wisdom of having our decisions challenged and tested in the crucible of spirited debate and incisive reasoning. When such debate and reasoning have been called for, CHARLIE GOODELL more often than not has been found helping to spearhead it.

I am confident that Senator GOODELL's eventful first 2 years in the Senate will be capped by a full 6-year term when the citizens of New York go to the polls in November.

Mr. BAKER. Mr. President, for several days the Senate has been considering a proposed amendment to the Constitution that would provide for the direct election of the President by the people. During the debate on this amendment, which I unreservedly support, I have often cited my own experience in Tennessee as being supportive of the need for such a change in our electoral procedures. I have argued that the existing electoral system has greatly contributed to the maintenance of what has been, for all practical purposes, a one-party system in the South. I am happy to be able to say that the two-party system is today, very much alive and well in Tennessee. But this is not so in some places.

This may seem like an unlikely introduction to remarks about Senator GOODELL, but it is entirely germane and appropriate. There are many issues on which a majority of people in Tennessee and a majority of people in New York would not agree. As a direct consequence of that fact, there are many issues about which my distinguished colleague, Senator GOODELL, and I would not agree. But each of us is a member of the Republican Party. And the fact that the Republican Party can and does accommodate men with often widely disparate views on important issues is one of the greatest—if not the chief—strengths of the Republican Party and of the two-party system.

The genius of the American political system has manifested itself in the evolution of two broad-based national parties, capable of containing the diverse interests of the millions of people of this sprawling Federal Republic. Idealists have often charged and charge today that such a broad base is evidence of a cruel cynicism, that the two national parties forfeit their right to public allegiance because they will not enforce upon their membership positions of "ideological purity." I could not agree less. It seems to me that because each of the parties has usually been able to accommodate views on extreme ends of

the spectrum the principal force and direction of American politics has been at the center, which is where it belongs.

Senator GOODELL has been an active and prolific participant in the legislative process. I have enjoyed my service with him in the Senate.

Mr. SCOTT. Mr. President, today marks the second anniversary of Senator CHARLES GOODELL's presence in the U.S. Senate. CHARLES GOODELL has a long and distinguished record in this body on a wide range of issues, particularly with regard to establishing new national priorities. All Republicans, and all of his New York constituents, can indeed take pride in his record. I am proud to add my hearty congratulations and support to him today.

CHARLIE GOODELL is a special kind of Senator. We need his spirit and action in this body. The people of New York need it. The Republican Party needs it. I want to go on record today as saying I am for CHARLES GOODELL. He is a fine Senator. I support his reelection. I urge the people of New York to consider his long and varied record, his record of deep concern for the people and problems of New York, and return him to this body next year.

Mr. PEARSON. Mr. President, I want to express my warm admiration for the achievements of the junior Senator from New York (Mr. GOODELL) during the year and a half he has served in the U.S. Senate.

Senator GOODELL has shown an energetic, issue-oriented approach to the job of being a Senator. He has pursued legislative proposals—and here I would note in particular his work in the field of chemical and biological weapons of war—in a thorough and professional manner that has served substantially to increase the understanding of the Senate, as well as the public, on this question of importance for the future military policies of our Nation. In carrying his own thinking on this issue to the attention of the Senate, Senator GOODELL has helped demonstrate that a critical evaluation of present policies can, in fact, lead to new thinking in the executive branch, and I consider that as the Senate moves to consider the Geneva Protocol on Poison Gas for ratification, a large portion of the responsibility for bringing this treaty back to the Senate belongs to Senator GOODELL.

In the field of transportation, where I happen to have worked with Senator GOODELL as a member of the Commerce Committee, I would like to testify to his active pursuit of progress in this rapidly expanding realm of Federal Government responsibility, not only as regarding his own State of New York, but in terms of the Nation as a whole. Most recently, he took the initiative in offering legislation to curb air piracy in a forceful, comprehensive manner. He has evidenced notable concern for the environmental problems created by transportation advances and, here again, he has—in spite of the short period of his service in this body—emerged as a leader in this field of increasing national concern.

Mr. President, much more could be said in complimentary terms about the accomplishments of CHARLES GOODELL. I would only add, however, my personal compliment to this distinguished man, whom I consider a friend and a Senator with whom I am honored to serve.

Mr. DOMINICK. Mr. President, I thank my friend, the Senator from New York.

I have been most interested listening to the discussion concerning Senator GOODELL. I first knew him when he was part of a training session in 1960 for those who were then running for Congress. I happened to be one of those. I was running against an incumbent Democrat at the time. I guess that the training session must have been all right because I managed to succeed in that election.

Senator GOODELL and I became very good friends. We participated, along with our distinguished assistant minority leader, the Senator from Michigan (Mr. GRIFFIN), in the Paul Revere panel for about 7 or 8 days during the fall of 1961 when we went around some seven or eight States in the process of trying to alert people to what was going on in Congress and what we thought was right, what we thought was wrong, and what we thought ought to be done in the way of changing certain policies which were then evident.

Since that time Senator GOODELL has of course moved into the Senate. As I understand it, this is the anniversary date of his second year in the Senate.

He and I do not always agree. As a matter of fact, we do not agree on a lot of matters as far as votes are concerned. But he always approaches the problems that he does believe in—whether I agree with him or whether I do not—with complete honesty and frankness and with great ability and forcibly argues his point. I think that he has made a real contribution to the party.

I am delighted that my efforts to try to persuade the Governor of New York to appoint him were successful. I certa nly wish him well in his reelection campaign.

Mr. JAVITS. Mr. President, I thank my colleague very much. I know that if Senator GOODELL were here, he would similiarly express himself.

The Senator from Colorado evidences, in my judgment, the finest traditions of the Senate.

I feel very deeply that we are an amalgam and that when we are at our best, our various contributions come into focus as part of the total vote of Congress.

The Senator from Colorado is a critically important element in that result. I am so pleased that he has so expressed himself concerning Senator GOODELL.

Mr. DOMINICK. I thank my friend from New York.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. JAVITS. Mr. President, I yield to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, I thank the distinguished senior Senator from New York for yielding so that I may add a few words to the expressions of tribute already extended this morning concerning the service in the Senate of the junior Senator from New York, Mr. GOODELL.

My close association with, and admiration for, CHARLIE GOODELL go back to the days when he first came to the House of Representatives. As I recall, he came to the House of Representatives in a special election in 1959, and was assigned to the Education and Labor Committee. In a very short period of time he began to demonstrate his great talent, his intellect, his independent and keen judgment. He was one of the most effective members of that committee, and he made major contributions to every one of the important pieces of legislation that came through the Education and Labor Committee.

I well recall that in those days the Education and Labor Committee was the most active committee in the House of Representatives.

I can also recall, of course, working with CHARLIE GOODELL in efforts that were made to bring about certain reforms in the other body. I recall that we worked hard together to install the present Republican leader of the House of Representatives who is one of the great leaders in the history of the Congress

Mr. President, CHARLIE GOODELL accents the positive. He always has a positive approach to the solution of problems which confront his State and the Nation.

I have always found that he is a man of deep and sincere conviction. From time to time he takes positions on issues with which I disagree. Needless to say, his views are sometimes at odds with the views of the President.

Although I have disagreed with him, I have always found that I must respect him for the thoughtful and positive contributions which he makes to the dialog on any subject.

On the other hand, Mr. President, as the Republican whip I am keenly aware of the strong support Senator GOODELL has given the President on many important issues including proposals to amend the manpower training legislation—an act which, incidentally, he originally authored in the House of Representatives. CHARLIE GOODELL has provided strong support for President Nixon's welfare reform proposal for tax reform, food assistance, modernizing the Federal prisons, tying social security to the cost of living, for President Nixon's proposals concerning rapid transit, and many others.

I recall that it was some 10 years ago when CHARLIE GOODELL dared to propose revenue sharing. Today, of course, that idea is central to the new federalism concept advanced by the Nixon administration and which Republicans are working toward.

Mr. President. Senator GOODELL has made many great and important contributions over the years of his service in both Houses. The State of New York and the U.S. Senate are well served by the distinguished junior Senator from New York.

I thank the senior Senator from New York for yielding.

Mr. JAVITS. Mr. President. I am very grateful to the distinguished assistant minority leader for his statement respecting my colleague, Senator GOODELL. The junior Senator from Michigan (Mr. GRIFFIN) is himself an outstanding fighter for what he believes in. It is clear

he recognizes that trait in others when he sees it.

In addition, Senator GOODELL has been subjected to much criticism in connection with support for the President. It is gratifying that the Senator from Michigan has set forth exceptions which I feel, are surely warranted for a man representing a vast area of the country with a vast population and vast interests. If he agreed with everyone, including the President, he would not be telling the truth. He is a Republican of fine standing and has made as many contributions of support to the President as could be expected of any Senator, consistent with his conscience and the State he represents. I am grateful to the Senator from Michigan.

Mr. HATFIELD. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. HATFIELD. I thank the Senator for yielding.

Mr. President, I ask unanimous consent to have printed in the RECORD, at the conclusion of the colloquy, a compilation of the legislation authored or cosponsored by the junior Senator from New York (Mr. GOODELL) as supplied to me by his staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. PERCY. Mr. President, will the Senator yield?

Mr. JAVITS. I yield to the Senator from Illinois.

Mr. PERCY. Mr. President, I appreciate my colleague yielding.

Mr. President, I am pleased to indicate my wholehearted support for Senator CHARLES GOODELL.

I first saw Senator GOODELL through the eyes of another member of my family. My daughter worked for him in the House of Representatives when he was the head of a committee of House Republicans that developed programs for the future. He was then, as he is now, hard working, tenacious, and factual. He commanded the respect of my daughter, and through her eyes I had the opportunity years ago to see Senator GOODELL and the kind of work he was doing in the House of Representatives.

I also had the opportunity as a businessman to occasionally work with him on legislation I felt was in the public interest. Of course, since he has come to the Senate I have had the privilege of serving with him on the Committee on Banking and Currency and have seen first hand his great contributions to its work.

We all know he has taken a very active role in the area of foreign affairs. He has been one of the staunchest friends and supporters of the State of Israel in the Senate. Typical of his quick responses to crises and of the responsible approaches he has taken to them was his action immediately after the recent multiple aircraft hijackings. He called on the Federal Aviation Agency to require security guards on all U.S. international flights, an action which the President has appropriately initiated.

He also introduced, on September 10, 1970, the Air Piracy Quarantine Act, which would prohibit any U.S. airline from serving any nation which harbors hijackers and prohibit that nation's airlines from landing in the United States. These measures indicate the degree of creativity and skill he uses in approaching problems.

With regard to the major area of nuclear deescalation, he has been actively supporting the SALT talks. He has urged several times that these talks to get underway, and he has taken positions which he feels would move them ahead.

He has evidenced deep concern over the mass deployment of MIRV and has shown his technical competence to deal with problems that affect the future of mankind. In the area of environmental control, he has been responsible, innovative, and creative.

I deeply appreciate his support for measures such as revenue sharing, which indicate his full understanding of the nature of the federal system, and his recognition that the federal system will only survive as long as States and local communities have adequate financing. The most efficient thing the Federal Government does is raise taxes, and we are not the most efficient spender of those funds, as he recognizes. He has great confidence in our State governments, legislatures, mayors, and local communities to spend the funds more effectively than we can by directing all efforts from Washington.

Although he is called a liberal, Senator GOODELL is a conservative in the approach he takes in supporting the federal system. He is a conservative in the approach he takes to eliminating waste from government. Many, many times on the floor of the Senate he has taken positions and cast votes which indicate his keen desire to eliminate duplication and waste, and find a way to reorder national priorities in such a way that we put first things first. Nation building here at home is, in CHARLES GOODELL's opinion, the best way to improve the America we know and reestablish and reassert our position of leadership in the world.

His contributions in housing have been significant, both in the House of Representatives and the Senate. He was a leader in the fight for homeownership for low-income people. He is completely conversant with the problems of urban housing. Some of the recent legislation he has proposed in the field of housing shows the kind of insight he has into the major problems we face.

I should like unqualifiedly to support Senator GOODELL's present campaign, and I wish him every success in that endeavor.

Mr. JAVITS. Mr. President, I am very grateful to the Senator from Illinois, who is an outstanding leader in the very fields for which he has given Senator GOODELL fine and deserving credit, for his statement about Senator GOODELL, which I know will gratify Senator GOODELL very much.

I am particularly grateful that the Senator from Illinois has spoken about the interest of my colleague from New York particularly with respect to two areas, United States-Israel relations and housing, since both Senators serve on the Banking and Currency Committee.

As for the latter, I think it has been too much overlooked by the people of our State that Senator GOODELL is not a one-issue Senator, to wit, a Senator who wants to end the Vietnam war, but that he has rendered magnificent service in every field in which we operate, and particularly in fields which are so clearly identified with urban problems of the United States, two of which have been here mentioned—revenue sharing, and, now mentioned by the Senator from Illinois, housing.

Mr. President, I believe that completes statements by Senators who are available and wish to speak in respect of Senator GOODELL.

Do I have any more time remaining, Mr. President?

The PRESIDING OFFICER (Mr. BIBLE). The Senator's time has just expired.

Mr. JAVITS. I thank the Chair, and thank my colleague from West Virginia very much for his forbearance and understanding.

I yield the floor.

Mr. BYRD of West Virginia. Mr. President, I thank the Senator from New York.

EXHIBIT I

EXCERPTS FROM VOTING RECORD OF SENATOR CHARLES E. GOODELL IN THE U.S. SENATE, SEPTEMBER 12, 1968 TO SEPTEMBER 1, 1970

Issue	Goodell			Senate	
	For	Against	Absent	For	Against
AID TO URBAN AREAS					
1. Transportation:					
(a) Airport development bill:					
(1) Javits-Goodell substitute amendment to speed up construction of 4th jetport in New York metropolitan area by giving some discretion to Secretary of Transportation	X			15	72
(2) Amendment to weaken role of Secretary of Transportation in constructing 4th jetport for New York metropolitan area	X			56	31
(3) Bar Federal money for freight and passenger terminals	X			20	69
(4) Table amendment to allow additional power to States					

Issue	Goodell For	Goodell Against	Goodell Absent	Senate For	Senate Against
in planning and developing airports	X			48	38
(5) Eliminate exemption from ticket tax for colleges and universities and State employees			(1)	26	52
(6) Eliminate aircraft user tax for general aviation	X			45	40
(7) Final passage	X			77	0
(b) Mass transit:					
(1) 1970 mass transit bill:					
(a) Cut discretionary fund		X		49	26
(b) Authorize funding of $10,000,000,000 in 12 years	X			24	62
(c) Goodell amendment to authorize $10,000,000,000 in 12 years but limit first 5 year authorization to $3,100,00,0000	X			16	67
(d) Final passage	X			84	4
(c) Railroad legislation:					
(1) Rail Passenger Service Act			(1)	78	3
(2) Temporary prohibition of railway strike	X			83	0
(3) Imposed settlement of railway labor-management dispute	X			88	3
(4) Expand pension benefits	X			85	1
(d) Auto safety: Increase appropriations for prototype safe car			(1)	52	29
2. Housing and urban development:					
(a) Urban renewal, Senator Goodell voted for all increases and against all cuts in urban renewal appropriations and authorizations					
(b) HUD appropriations, Senator Goodell voted for all HUD appropriation bills					
(c) Mortgage credit:					
(1) Strike provision authorizing voluntary credit restraints			(1)	30	49
(2) Passage of bill extending mortgage credit			(1)	69	14
(d) Emergency Home Financing Act: Passage of bill providing more funds for home mortgages and reducing interest rates and other expenses of home buyers			(1)	72	0
(e) Water and sewer facilities: Goodell amendment to increase water-sewer appropriations in metropolitan areas by $300,000,000	X			55	17
EDUCATION					
1. Funding:					
(a) Emergency Student Loan Act. Senator Goodell voted against amendments making it more difficult to obtain loans or reducing money available.	X			92	1
(b) Increase by 46 percent veterans' education benefits	X			77	0
(c) Ribicoff amendment (incorporating Goodell bill) to allow an individual tax credit for higher education expenses	X			53	32
(d) Extend aid for vocational education	X			58	11
(e) 1969 and 1970 education appropriations: Goodell supported amendments for more funds and opposed all cuts. Specifically, in 1970 bill:					
(1) Increase Teacher Corps funds (Goodell-Nelson Kennedy amendment)	X			46	37
(2) Increase aid to higher education	X			44	36
(3) Vote to override President's veto	X			77	16
(f) Education aid to areas impacted by Federal buildings and personnel (impact aid programs):					
(1) Senator Goodell has consistently voted against appropriating more funds for those programs which do not channel money into areas of real educational need					
(2) Qualify children in public housing eligible for impacted aid:					
(a) Delete eligibility for public housing		X		32	43
(b) Provide funds for children in public housing in 1970 appropriation bill			(1)	28	51
(g) Government aid to students (restrictions):					
(1) Delete language requiring Federal Government to act on campus disorder	X			49	43
(2) Substitute amendment to require a court conviction of crime in connection with use of force in campus disorders before student loses Federal aid, instead of having HEW determine whether force had been used	X			37	38
2. School desegration:					
(a) 1969 and 1970 Labor/HEW appropriations: Senator Goodell opposed all attempts to weaken school desegregation efforts. He supported amendments by Senators Scott, Griffin, and Mathias to add provision: "except as required by the constitution" to language in the bill allowing for "freedom of choice" in school desegregation					
(b) 1970 Elementary and Secondary Education Act amendments:					
(1) Scott amendment (as substitute for Stennis amendment) requiring equal enforcement of laws dealing with unconstitutional segregation	X			46	43
(2) Stennis amendment requiring equal enforcement throughout the country in dealing with de jure and de facto school segregation (Senator Goodell opposed this amendment because it would slow up the elimination of dual school systems in the South and would not correct de facto segregation in other parts of the country)		X		56	33
(c) Bill to establish Senate Select Committee on Equal Educational Opportunity:					
(1) Motion to table bill		X		31	56
(2) Passage of bill	X			61	26
POVERTY PROGRAMS AND HUNGER					
1. Programs for disadvantaged youth:					
(a) Recommit resolution stating opposition to closing of Job Corps centers without congressional review of antipoverty legislation	X			46	47
(b) Javits Senate resolution to assure all Job Corps enrollees in centers to be closed would be assured jobs or other manpower or education training	X			40	53
(c) Adoption of resolution to defer closing of centers		X		40	52
(d) Funds for Neighborhood Youth Corps summer jobs program. Senator Goodell supported Senator Javits' amendments to provide an additional $55,000,000 in 1969 and $50,000,000 in 1970					
2. OEO:					
(a) Murphy amendment to give Governors veto power over OEO legal services projects			(2)	45	40
(b) Passage of Senate bill extending OEO programs through fiscal year 1971			(1)	72	
(c) Increase OEO appropriations by $424,000,000 in fiscal year 1970	X			62	32
(d) Earmark $22,000,000 for OEO family planning program	X			49	38
(e) OEO funds must be spent as specifically earmarked in authorization bill (in order to insure funds for OEO alcoholism and drug abuse programs)	X			47	40
(f) Conference report on fiscal year 1970 OEO program					
(1) Recommit and delete funds for local initiative programs		X		31	42
(2) Final passage	X			54	21
3. Hunger:					
(a) Food stamps:					
(1) Free stamps for poor and large increases in authorizations of funds (1969 vote)	X			54	40
(2) Extend and expand program for 3 years (1969 vote)	X			78	14

Footnotes at end of table.

EXHIBIT I—Continued

EXCERPTS FROM VOTING RECORD OF SENATOR CHARLES E. GOODELL IN THE U.S. SENATE, SEPTEMBER 12, 1968 TO SEPTEMBER 1, 1970—Con.

Issue	Goodell For	Goodell Against	Goodell Absent	Senate For	Senate Against
3. Hunger—Continued					
(a) Food samps—Continued					
(3) McGovern amendment to increase food stamp funds in 1970 from $1,250,000,000 to $1,750,000,000	X			43	28
(b) Senator Goodell has consistently voted to extend the life of the Senate Select Committee on Nutrition and Human Needs and to give that committee increased funds to operate					
(c) Senator Goodell supported amendments to the Child Nutrition Act designed to increase appropriations and expand coverage of free lunch for low-income families. All but 1 of the amendments passed by narrow margins					
CIVIL RIGHTS, VOTING RIGHTS, EQUAL EMPLOYMENT [2]					
1. Voting rights:					
(a) Permit tax-exempt foundations to finance voter registration drives	X			53	35
(b) 1970 Voting Rights Act:					
(1) Senator Goodell voted or announced his position against attempts to reduce effectiveness of Voting Rights Act by limiting situations in which it could be applied					
(2) Mansfield amendment giving the vote to 10-year-olds:					
(a) Key vote on motion to table Mansfield amendment		X		21	62
(b) Senator Goodell opposed attempts to restrict 18-year-old vote					
(c) Final passage of Mansfield amendment			(1)	64	17
(3) Set uniform residency requirements for voting in national elections			(1)	78	5
(4) Scott amendment to extend 1965 Voting Rights Act	X			51	22
(5) Final passage of 1970 Voting Rights Act	X			64	12
2. Equal employment:					
(a) Increase appropriations for Equal Employment Opportunities Commission	X			50	26
(b) Senator Goodell voted consistently for increasing the effectiveness of the Philadelphia plan, which insures more jobs for minority groups on government-financed construction projects					
3. Civil rights appropriations:					
(a) Scott amendment increasing from $12,000,000 to $20,000,000 funds for civil rights programs in the Office of Education	X			51	22
(b) Brooke amendment calling for Justice Department and HEW to request enough funds to enforce school desegregation	X			80	1
CRIME CONTROL AND CIVIL LIBERTIES					
1. Gun Control: Senator Goodell voted in favor of the broadest possible gun control legislation to come before the Senate in 1968, including proposals for:					
(a) New regulations for a national firearms inventory	X			31	55
(b) Higher dealer licensing standards	X			35	48
(c) Restrictions on concealable weapons, and	X			35	49
(d) Final bill banning mail order and most out-of-State sales of rifles, shotguns and ammunition and limiting sales to minors	X			70	17
2. Organized Crime Control Act of 1970 (S. 30):					
(a) Create assistant attorney general for organized crime control			(1)	29	45
(b) Goodell amendment to delete provisions allowing grand juries to return presentments charging public officials with noncriminal misconduct	X			13	59
(c) Final passage	X			73	1
3. Drug Control: Controlled Dangerous Substances Act:					
(a) Lower penalties for marihuana	X			24	58
(b) Establish HEW committee on Marihuana	X			32	56
(c) Require Attorney General to have scientific approval before classifying dangerous substances	X			39	44
(d) Limit Attorney General's authority to perform research and education functions directly related to this act	X			36	46
(e) Final passage	X			82	0
4. Prison reform: Goodell amendment increasing funds for Bureau of Prisons rehabilitation program	X			27	41
5. Civil liberties:					
(a) District of Columbia crime bill: Adoption of conference report (Senator Goodell had introduced a substitute bill which deleted the "no knock," preventive detention, wiretapping, mandatory sentencing and objectionable juvenile code provisions of the conference report.)		X		54	33
(b) Delete language reversing Alderman & Alderisio vs. United States giving defendent a right to see Government files containing illegally obtained information			(1)	20	53
(c) Require proof beyond reasonable doubt to classify person as a "special dangerous offender" under bill S. 30	X			11	63
(d) Griffin amendment to S. 30 to permit "no-knock" entry if evidence likely to be destroyed		X		70	15
(e) Delete all funds for Subversive Activities Control Board	X			28	44
ECONOMIC POLICY					
1. Tax Reform Act of 1969 (Senator Goodell voted against the Tax Reform bill and many of the separate amendments to the bill because these provisions were inflationary and because of the tremendous need for revenues to solve domestic problems.):					
(a) Passage of bill:					
(1) Motion to table amendment to postpone date of tax reform provisions causing revenue loss until there is a budget surplus		X		56	28
(2) Recommit Senate bill in order to delete certain revenue-losing provisions	X			31	60
(3) Final passage of Senate bill		X		69	22
(4) Adoption of conference report		X		71	6
(b) Investment tax credit:					
(1) Table amendment repealing tax credit (H.R. 9951)	X			66	34
(2) Continue investment tax credit for investments up to $20,000	X			48	41
(3) Oppose investment tax credit for gas transmission pipelines	X			36	51
(c) Personal exemptions:					
(1) Increase to $1,200			(3)	13	46
(2) Percy amendment to increase to $750		X		23	72
(3) Tax credit of $150 per person instead of increasing personal exemption		X		25	
(4) Gore amendment to increase to $800		X		58	
(d) Political activity credits and barriers.					
(1) Fannin amendment denying exemptions for voter registration		X		27	
(2) Motion to table tax credit for political contributions up to $25	X			50	
(3) Motion to table tax credit of ½ of total given up to $25 for political contributors	X			55	
(e) Oil and mineral depletion allowances:					
(1) Restore oil depletion allowance to 27.5 percent		X		30	
(2) Cut depletion allowance from 23 to 20 percent	X			38	
(3) Cut depletion allowance on hard minerals by 25 percent	X			25	
(4) Dole amendment to remove intangible oil drilling costs from tax preference category		X		44	
(f) Charitable deductions:					
(1) Kennedy amendment to include in minimum tax preference unrealized increase in value of charitable contributions		X		16	63
(2) Restore unlimited deductions for charitable contributions	X			41	54
(3) Oppose limiting life of private charitable foundation					

Footnotes at end of table.

Issue	Goodell For	Goodell Against	Goodell Absent	Senate For	Senate Against
1. Tax Reform Act of 1969—Continued to 40 years	X			69	18
(g) Miscellaneous provisions:					
(1) Restrict foreign tax credits for oil producers	X			33	58
(2) Eliminate 3 and 1 percent floor on medical and dental expense deductions	X			46	44
(3) Tax cooperatives on unrelated business income		X		11	81
(4) 10-percent tax on sheltered income	X			72	11
(5) Exclude social security payments to dependent child when deciding if child is eligible dependent	X			46	41
(6) Postpone for 1 year end of tax free contributions to pensions for certain corporations		X		54	37
(7) Extend minimum age for receiving retirement benefits	X			54	37
(8) Tax single persons at same rates as married persons filing joint returns		X		25	66
2. Extension of 10-percent surtax:					
(a) Extend 10-percent surtax through Dec. 30, 1969	X			51	48
(b) Extend 5-percent surtax through June 30, 1970	X			41	59
(c) Extend 10-percent surtax through Dec. 30, 1969	X			70	30
(d) Permit surtax to lapse on Dec. 31, 1969 (Tax reform bill)			(2)	28	49
(e) Return 1971 surtax revenues to States (Tax reform bill)		X		8	74
3. Trade restrictions:					
(a) Export Control Act:					
(1) Ease East-West trade restrictions	X			46	27
(2) Final passage of bill	X			49	24
(b) Tax reform bill: Presidential authority to impose import restrictions:					
(1) Javits amendment to table motion granting authority	X			22	73
(2) Passage of amendment granting authority		X		65	3
4. Federal expenditures:					
(a) Increase debt ceiling (Mar. 26, 1969)	X			67	18
(b) Prohibit exceptions to ceiling on spending		X		16	80
(c) Exempt education from ceiling on spending	X			52	43
(d) Exempt HEW health programs from ceiling on spending	X			45	47
(e) Place ceiling on spending except uncontrollable expenditures (e.g., social security, veterans' benefits, etc.)	X			80	9
(f) Increase debt ceiling (June 29, 1970)	X			64	19
ENVIRONMENT AND NATURAL RESOURCES					
1. Interior Department 1969 Appropriations—$1,500,000,000	X			83	0
2. Water Quality Improvement Act of 1970 for water, air, and solid waste, pollution control, including requirements for oil producers to pay for oil spills:					
(a) Muskie amendment to strengthen role of Office of Environmental Quality	X			77	6
(b) Final passage of Senate bill			(1)	86	0
(c) Adoption of conference report			(1)	80	0
CONSUMER PROTECTION					
1. Credit card curbs: Bar distribution of unsolicited credit cards			(1)	79	1
2. Consumer Products Warranty and Guaranty Act:					
(a) Omit provision limiting type of products covered in bill			(1)	44	30
(b) Motion to table amendment to increase minimum cost of covered products from $5 to $25	X			47	26
3. Federal Credit Union Act:					
(a) Provide Federal insurance for credit union deposits	X			35	52
(b) Passage of bill establishing independent Federal agency to regulate federally chartered credit unions	X			73	15
AGRICULTURE					
1. Farm subsidies:					
(a) Place ceiling of $20,000 per farmer per year in 1968	X			23	41
(b) Exempt price supports from mandatory budget ceiling			(7)	31	25
(c) Eliminate $20,000 ceiling on subsidies in 1969		X		53	34
(d) Goodell amendment to place ceiling of $10,000 per crop in 1969	X			26	65
(e) Limit subsidy to $20,000 per farmer per year in 1970	X			40	35
(f) Eliminate tobacco price supports	X			15	52
2. Appropriations:					
(a) Passage of 1969 Agriculture Appropriations Act		X		88	2
(b) Increase funds for Farmers Home Administration:					
(1) Substitute for Goodell amendment to increase direct real estate loans for small communities from $83,000,000 to $123,000,000 instead of $355,000,000		X		53	24
(2) Goodell amendment to increase direct real estate loans for small communities to $123,000,000	X			70	7
(3) Goodell amendment to increase water and waste disposal grants in small communities from $60,000,000 to $100,000,000	X			77	0
(4) Substitute for Goodell amendment to increase salaries and expenses of FHA by $3,000,000 instead of $38,000,000		X		75	6
(5) Goodell amendment for increase in salaries and expenses	X			75	3
(c) $100,000 for horse disease research		X		40	38
(d) Passage of 1970 Agriculture Appropriations Act	X			73	6
HEALTH—SOCIAL SECURITY					
1. Health:					
(a) Cut Federal medicaid aid to welfare recipients		X		44	25
(b) Exempt HEW health programs from ceiling on spending	X			45	47
(c) Extend Hill-Burton Hospital Construction and Modernization Act			(1)	79	0
(d) Override President's veto of Hill-Burton Act	X			76	19
(e) Funds for mental retardation	X			69	0
(f) Public Health Smoking Act:					
(1) Strengthen warning on cigarette packages	X			38	35
(2) Passage of Senate bill to strengthen regulations on advertising cigarettes and ban broadcast advertising			(1)	70	7
(3) Passage of conference report	X			75	9
(g) Increase funds for Indian health services	X			80	0
2. Social security:					
(a) 10-percent increase in social security benefits	X			34	56
(b) Increase minimum payments from $55 to $70 per month	X			44	46
(c) Increase minimum payments to $100 per month for single persons and $150 per month for married couples		X		48	41
(d) Increase social security benefits by 15 percent as of Jan. 1, 1970, with increase in minimum monthly payments	X			73	14
(e) Lower eligibility age requirement for voluntary retirement with social security benefits, under certain conditions	X			54	37
DEFENSE					
1. 1969 procurement authorizations fiscal year 1970:					
(a) ABM:					
(1) Smith: 1st amendment: to prohibit funds from being used for any aspect of Safeguard ABM, including research and development		X		11	89
(2) Smith: 2d amendment to prevent funds from being used on Safeguard/to allow research and development on other ABM	X			50	50
(3) Cooper-Hart: To restrict funds for Safeguard to research and development	X			49	51
(4) McIntyre: To limit installation of Safeguard	X			27	70
(b) GAO audits on defense contracts:					
(1) Motion to table, amendment on GAO audits		X		44	51
(2) Amendment: Providing for regular reports by Department of Defense on major contracts; and for GAO audits/and reports on such contracts	X			47	46
(3) Motion to reconsider the vote					

Footnotes at end of table.

EXHIBIT I—Continued

EXCERPTS FROM VOTING RECORD OF SENATOR CHARLES E. GOODELL IN THE U.S. SENATE, SEPTEMBER 12, 1968 TO SEPTEMBER 1, 1970—Con.

Issue	Goodell			Senate	
	For	Against	Absent	For	Against
by which amendment was adopted	X			46	45
(c) CBW: Omnibus CBW amendment: Restrictions on CBW	X			91	0
(d) Emergency funds for R.D.T.E: Amendment to reduce such funds by $25,000,000 (from $100,000,000 to $75,000,000)	X			94	0
(e) Funds for research: Amendment to reduce by $45,000,000 funds for research; research must have a direct relationship to specific military function	X			49	44
(f) C-5A: Amendment to reduce by $533,000,000 funds for C-5A; limit to 58 number to be purchased until Comptroller General makes study in 90 days	X			23	64
(g) Employment disclosure: Amendment: To require disclosure by military employed by firms with defense contracts	X			90	0
(h) CVAN-69: Motion to table amendment on CVAN-69		X		51	34
Amendment: To prohibit funds for CVAN-69 until study of carrier costs/efficiency	X			7	75
Amend as modified providing for a study by Apr. 30, 1970, of cost/effectiveness/present number; results of study to be considered prior to authorization for next carrier, CVAN-70	X			84	0
(i) AMSA/B-1: Amendment: To reduce from $95,000,000 to $20,000,000	X			32	56
(j) Independent Research by Contractors: Amendment: To reduce funds for Department of Defense's independent research program by contractors from $585,000,000 to $468,000,000	X			85	0
(k) GAO study on profits/defense contracts: Amendment: provides for GAO study on profits on defense contracts (awarded without formal advertised competition)	X			85	0
(l) Laos/Thailand: Cooper amendment: Limits U.S. support to local forces in Laos/Thailand to supplies, materials, equipment, facilities, training except where protection of U.S. personnel was directly involved			(1)	86	0
(m) U.S. troop levels: Cook amendment: To set level of U.S. troops at 3,461,000; to reduce that level by the same number of troops withdrawn from Vietnam after July 1, 1969	X			71	10
(n) F-14: Motion to table Hartke amendment providing a study of F-14	X			63	23
(o) Commission on National Security Policy: (1) Amendment to create a Commission on National Security Policy	X			22	63
(p) Passage (authorizing $19,900,000,000 and $12,700,000 for Kwajalein)		X		81	5
(q) Conference report (authorizing $20,700,000,000 for fiscal year 1970)			(2)	58	9
2. 1969 Department of Defense appropriations fiscal year 1970					
(a) Laos and Thailand					
(1) Motion to table; Cooper-Mansfield amendment which placed restrictions on aid to Laos and Thailand		X		41	48
(2) Church Substitute amendment for Cooper-Mansfield; Stated that in line with expressed intention of President, no funds in bill could be used for introduction of ground combat troops to Laos/Thailand	X			73	17
(3) Cooper-Mansfield Amendment; As amended by Church (as originally introduced Cooper-Mansfield limited uses of funds for support of local forces in Laos/Thailand for supplies, material, equipment, facilities. maintenance, training)	X			80	9
(b) ABM; (1) Smith amendment to delete funds for Safeguard ABM	X			36	49
(c) Ship repair;					
(1) Javits-Goodell amendment that ship repair be opened to competitive bidding within 350 miles of home port unless repairs could be done at home port	X			45	43
(2) Javits-Goodell ship repair amendment reconsidered	X			43	45
(d) Final passage of bill: Appropriating $69,300,000		X		85	4
3. 1970 procurement authorizations fiscal year 1971:					
(a) Amendment requiring the Defense Department to be the first to issue public announcements of Defense contracts	X			77	0
(b) ABM:					
(1) Hughes amendment to prohibit funds for deployment of Safeguard phase I and II; to allow research and development to continue	X			33	62
(2) Cooper-Hart amendment to limit Safeguard to phase I; to cut funds for deployment of phase II; and to allow research and development to continue	X			47	52
(3) Brooke amendment requiring that funds requested for Safeguard be used only at existing Safeguard sites	X			45	53
(c) Environment and weapons testing: (1) Amendment to require defense Department to comply with National Environmental Policy Act regarding the effect of weapons testing on the environment	X			26	59
(d) Fly-before-buy amendment: Requiring that weapons be thoroughly tested to meet specifications before production			(1)	22	43
(e) National Guard: Authority to use ammunitions: Amendment requiring Presidential approval as contrasted to Governor's approval		X		2	87
(f) Armed Forces personnel; Amendment to improve rotation policy regarding tour of duty			(1)	69	0
(g) All volunteer Army to be established and to raise military salaries	X			35	52
(h) Herbicide and defoliant warfare: (1) Nelson-Goodell amendment to outlaw antiplant chemicals in warfare	X			22	62
(2) Goodell-Nelson amendment to outlaw antiplant chemicals for the purpose of crop destruction as a method of warfare	X			33	48
(i) C-5A: Amendment setting conditions under which a $200,000,000 contingency fund could be used for C-5A procurement	X			30	48
(j) Chemical weapons: Amendment requiring detoxification before disposal	X			82	1
(k) Overall spending cut of $5,000,000,000 placing a ceiling of $66,000,000,000 on total authorizations for the Department of Defense for fiscal year 1971	X			31	42
(l) Defense research: Amendment requiring that research done under defense contracts has a "direct relationship" to a specific military function	X			68	0
(m) Vietnam/Indochina: Amendment to end the war: McGovern, Hatfield, Goodell, Cranston, Hughes amendment as modified placing Congress on record in support of: U.S. troop reduction in Vietnam to 280,000 by Apr. 30, 1971; systematic withdrawal of remaining troops by Dec. 31, 1971; assurance that U.S. will move to secure release of prisoners of war and grant asylum to Vietnamese; and flexibility in withdrawal required to assure safety of U.S. troops	X			39	55
(n) Draftees: Amendment barring funds to send draftees to Vietnam unless they volunteered for such duty	X			22	71
(o) Destroyers: Amendment to require multiple contracts for construction of 30 DD-963 class destroyers	X			29	62
(p) Aid to Israel: Amendment delete open-ended authority for the transfer by sale or credit sale of military equipment to Israel		X		7	87
(q) Final passage of Military Procurement bill authorizing $19,200,000,000 for fiscal year 1971 for weapons procurement, military research and construction of of ABM	X			48	5

Footnotes at end of table.

Issue	Goodell For	Goodell Against	Goodell Absent	Senate For	Senate Against
FOREIGN AID					
1. 1969 foreign assistance authorization:					
(a) Amendment authorizing $80,000,000 for land reform in Vietnam	X			33	51
(b) Amendment to establish Overseas Private Investment Corporation with 2-year funds of $20,000,000 each for fiscal years 1970–71; establishes housing guaranty program for Latin America	X			53	34
(c) Amendment to eliminate prohibition on military aid to Greece		X		45	38
(d) Amendment to cut funds for fiscal year 1970 to level of fiscal year 1969 appropriations, $1,700,000,000		X		41	43
(e) Passage authorizing $1,600,000,000 fiscal year 1970 economic aid/$325,000,000 in military aid	X			52	31
2. 1969 Foreign aid appropriations, fiscal year 1970:					
(a) On jurisdictional issue of Authorization vs. Appropriation:					
(1) Motion to table Fulbright amendment which stated that appropriations for foreign aid fiscal year 1970 could not exceed authorizations for fiscal year 1970		X		34	57
(2) Amendment stating that funds could not exceed authorizations	X			62	28
(b) Amendment to reduce military aid from $375,000,000 to $350,000,000; and to eliminate earmarked funds of $50,000,000 for South Korea	X			38	47
(c) Passage	X			55	35
(d) Conference report:					
(1) Motion to table	X			39	29
(2) Motion to instruct conferees to insist that no funding exceed authorized levels	X			48	22
FOREIGN POLICY					
1. Aircraft hijacking: Convention on Offenses Committed on Board Aircraft (Tokyo Convention): Senate consent on May 13, 1969 to ratify	X			93	1
2. Nuclear Nonproliferation Treaty:					
(a) Senator Goodell opposed those amendments designed to weaken the treaty					
(b) Consent on ratification of treaty	X			83	15
3. National commitments: Resolution defined "national commitment" as the use of American troops in a foreign country or the contingent promise of such use; resolved that it is the sense of the Senate that such a national commitment requires affirmative action by the Executive and Legislative branches of the U.S. Government by means of a treaty, statute or resolution			(4)	70	16
4. Repeal of Gulf of Tonkin Resolution:					
(a) Amendment to Foreign Military Sales bill repealing the 1964 Gulf of Tonkin Resolution	X			81	10
(b) Senate Concurrent Resolution to repeal the 1964 Gulf of Tonkin Resolution			(1)	57	5
ARMS CONTROL					
1. United States-Soviet arms freeze: Resolution requesting the President to propose an immediate United States-Soviet suspension of testing and deployment of all offensive and defensive strategic nuclear weapons	X			72	6
2. Arms Control and Disarmament Agency Authorization bill providing $17,500,000 the agency in fiscal year 1971 and fiscal year 1972			(1)	79	
FOREIGN MILITARY SALES					
(a) Cambodia: (1) Cooper-Church amendment barring future U.S. military involvement in Cambodia in support of the Cambodian government; Goodell voted against all amendments designed to weaken the Cooper-Church prohibition on future U.S. military operations in Cambodia in support of the Cambodian government	X			58	37
(b) Chemical weapons shipments: Amendment prohibiting use of funds to transport chemical munitions from Okinawa to the United States; providing funds to destroy such munitions outside the United States	X			51	40
(c) Aid to Israel: (1) Amendment to strike from bill language which expressed the sense of Congress that the President negotiate a Middle East arms limitation with the Soviet Union and provide arms to Israel			(2)	1	59
(d) Final passage of foreign military sales bill authorizing $250,000,000 for military sales in each of fiscal years 1970 and 1971 and containing the Cooper-Church amendment with prohibitions on U.S. military involvement in Cambodia	X			75	20
DEFENSE PRODUCTION					
(a) Goodell-Proxmire amendment requiring an annual Presidential Report on Military Expenditures and the Economy	X			24	46
(b) Final passage of bill extending the Defense Production Act for 2 years and creating a uniform cost accounting board to set up standards for space, defense, and atomic contractors and limiting the use of U.S. loan guarantees	X			69	1
SPACE					
(a) Space shuttle and space station; amendment deleting $110,000,000 for these space programs	X			29	56
(b) Final passage of NASA authorization bill providing $3,300,000,000 for NASA for fiscal year 1971	X			69	15
SUPERSONIC TRANSPORT—SST					
(a) Proxmire amendment cosponsored by Goodell to strike $80,000,000 for the supersonic transport program (SST)			(1)	22	58
NOMINATIONS					
1. Cloture vote on Abraham Fortas—Chief Justice of Supreme Court	X			45	43
2. Walter Hickel—Secretary of Interior	X			73	16
3. David Packard—Deputy Secretary of Defense	X			82	1
4. James E. Allen—Commissioner of Education			(1)	55	15
5. Warren Burger—Chief Justice of Supreme Court	X			74	3
6. Clement Haynsworth—Supreme Court		X		45	55
7. Otto F. Otepka—Subversive Activities Control Board		X		61	28
8. G. Harrold Carswell—Supreme Court		X		45	51
9. Harry A. Blackmun—Supreme Court	X			94	0
10. Adm. Thomas H. Moorer—Chairman of Joint Chiefs of Staff	X			78	2
MISCELLANEOUS					
1. Regulations on TV and radio spending in campaigns:					
(a) Set limit of 7 cents for each vote cast in last election on TV and radio spending	X			50	35
(b) Table motion to recommit bill to committee	X			48	37
(c) Final passage of bill to limit spending and repeal "equal time" rules in presidential elections	X			58	27
2. Postal reorganization:					
(a) Substitute House for Senate bill	X			41	48
(b) Extend equal employment rights under Civil Rights Act to postal employees	X			93	0
(c) Strike right-to-work provision	X			52	38
(d) Amendment giving pay and rate increases without reorganization		X		5	84
(e) Javits amendment making pay increase retroactive to Apr. 16, 1970	X			73	14
(f) Bar mail of pornographic literature to persons asking not to receive such mail (Senator Goodell considered the language of this amendment to be unconstitutional)		X		83	2
(g) Final passage	X			77	9
3. Expanding of unemployment insurance compensation:					
(a) Extend coverage to migrant workers			(1)	42	36
(b) Require States to conform to Federal benefit standards in order to receive Federal tax credit			(1)	29	47
(c) Final passage of Senate bill extending coverage to additional 4,000,000 workers and providing more benefits during periods of high unemployment			(1)	77	0
(d) Adoption of conference report (Senator Goodell joined with Senators Javits, Mondale, and Harris to defeat report in order to get substitute which would cover migrant workers as Senate had originally passed)		X		50	19
4. Failing Newspaper Act: To exempt from antitrust laws newspaper joint operating arrangements: (a) Senator Goodell					

Footnotes at end of table.

EXHIBIT I—Continued

EXCERPTS FROM VOTING RECORD OF SENATOR CHARLES E. GOODELL IN THE U.S. SENATE, SEPTEMBER 12, 1968 TO SEPTEMBER 1, 1970—Con.

Issue	Goodell For	Goodell Against	Goodell Absent	Senate For	Senate Against
supported various amendments to limit anticompetitive agreements		X		[4]64	13
5. Coal mine safety bill:					
(a) Funding for research and disability provisions	X			91	[5]
(b) Assistance for small operators		X		45	31
(c) Revise Coal Mine Safety Review Board		X		24	53
(d) Final passage	X			73	0
6. Electoral vote count: Object to vote cast by North Carolina presidential elector		X		33	58
7. Senate rule XXIII ("filibuster rule") Senator Goodell has supported efforts to change this rule in order to reduce the number of votes needed to cut off debate					

[1] Announced for.
[2] Announced against.
[3] See Education for school desegregation.
[4] 59 votes needed.
[5] Final passage.
[6] Absent.

EXHIBIT 2

LEGISLATION AUTHORED AND COSPONSORED BY SENATOR CHARLES GOODELL, UNITED STATES SENATE, JANUARY 1969–AUGUST 10, 1970

AGRICULTURE

Amendment/bill number	Date introduced	Legislation	Sponsoring Senator	Committee referral
A. 60, H.R. 11612	July 1, 1969	Limit farm subsidies to $10,000 per crop	Goodell	Agriculture.
A. 610, S. 3068	May 5, 1970	Limit farm subsidies to $10,000 per crop	Goodell-Bayh coauthors	Do.
Floor A., H.R. 17923	July 9, 1970	Department of Agriculture appropriations: Increased funding for Farmers Home Administration salaries and expenses.	Goodell	
S. 2202	May 20, 1969	Finance rural telephone program	Dole	Do.
S. 3147	Nov. 17, 1969	Pay indemnities to dairy farmers for pesticide contamination	Proxmire	Do.

CONSERVATION, ENVIRONMENT, AND NATURAL RESOURCES

S. 2098	May 8, 1969	Establishes Lindenwald as an historic site in Kinderhook, New York	Goodell-Javits, coauthors	Interior.
S. 3596	Mar. 16, 1970	Humane Seal Protection Act	Goodell	Commerce.
S. 3774	Apr. 30, 1970	Increase federal participation in cost of hurricane protection	Goodell-Javits, coauthors	Public Works.
A. 640, S. 3809	May 19, 1970	Establishes fellowships for studying environment and pollution	Goodell	Labor and Public Welfare
A. 758, H.R. 17548	July 1, 1970	HUD Appropriations: Increase funds by $300,000,000 for urban water and sewer facilities.	do	Appropriations.
A. 759, H.R. 17923	July 1, 1970	Department of Agriculture Appropriations: Rural water and sewer grants and loans.	do	Appropriations.
S. 335	Jan. 16, 1969	Prohibits the importation into the United States of endangered species of fish or wildlife.	Yarborough	Commerce.
S. 1079	Feb. 19, 1969	Consent to Susquehanna River Basin compact	Scott	Judiciary.
S.J. Res. 53	Feb. 25, 1969	Create Mid-Atlantic States Air Pollution Control Commission	Javits	Do.
S. 1219	Feb. 28, 1969	Oil drilling study	Cranston	Interior.
S. 1474	Mar. 11, 1969	Guarantees for financing recreational development	Proxmire	Banking and Currency.
S. Res. 166	Mar. 13, 1969	International Conference on Problems of Human Environment	Tydings	Foreign Relations.
S. 1613	Mar. 20, 1969	Glen Canyon Dam renamed Eisenhower Dam	Bennett	Interior.
S. 1925	Apr. 22, 1969	Amend the Marine Resources and Engineering Development Act of 1966 to authorize study and funding.	Magnuson	Commerce.
S. 2360	June 12, 1969	Enlarges Grand Canyon National Park	Goldwater	Interior.
S. 2391	do	Environmental Quality Improvement Act	Muskie	Public Works.
S. 2543	July 2, 1969	Horse Protection Act	Tydings	Commerce.
S. 2831	Aug. 12, 1969	Additional water storage facilities for smaller cities to decrease water pollution	Javits	Agriculture.
S. 3072	Oct. 27, 1969	Stimulate development of low-emission motor vehicles	Magnuson	Commerce.
A. 434, S. 2893	Dec. 17, 1969	Provides for preservation of archeological data that might be affected by flooding or change in terrain.	Moss	
S. 3466	Feb. 18, 1970	Clean Air Act of 1970	Scott	Public Works.
S. 3551	Mar. 5, 1970	Prohibits discharge of untreated wastes from land vehicles into navigable waters. Requires sanitation device installation in such vehicles.	Pell	Commerce.
A. 705, S. 2005	June 17, 1970	Amendment to Solid Waste Disposal Act establishing a Motor Vehicle Disposal Act	Javits	Public Works.

CONSUMER PROTECTION

S. 2871	Sept. 9, 1969	Fair Credit Reporting Act	Goodell	Banking and Currency.
S. 861	Feb. 4, 1969	Consumer Protection Assistance Act	Javits	Commerce.
S. 1092	Feb. 19, 1969	Wholesome Fish and Fishery Products Act	Hart	Do.
S. 1132	Feb. 25, 1969	Defines "disability" under the Social Security Act	Metcalf	Finance.
S. 1689	Mar. 26, 1969	Toy Safety Act	Moss	Commerce.
S. 3204	Dec. 4, 1969	Require certain safety devices on household refrigerators shipped in interstate commerce.	Magnuson	Do.
S. 3522	Feb. 27, 1970	Motor Vehicle Disposal Act—requires each auto owner to pay $25 to $50 to register auto.	Javits	Do.
Floor A, S. 721	Apr. 15, 1970	Credit cards	Williams of New Jersey	
S. 3822	May 11, 1970	Insurance for federally chartered credit unions	Bennett	Banking and Currency.
S.J. Res. 222	July 16, 1970	Joint resolution granting the consent of Congress to the States of NewYork and New Jersey for certain amendments to the Waterfront Commission Compact and for entering into the Airport Commission Compact.	Javits	Judiciary and Commerce.

CRIMINAL JUSTICE

S. 2919	Sept. 18, 1969	Criminal Offender Rehabilitation and Crime Prevention Act	Goodell	Judiciary.
S. 2920	do	Authorizes limited preventive detention of persons, under strictly defined circumstances.	do	Do.
A. 444, S. 30	Jan. 20, 1970	Delete Jury Presentment Section of Organized Crime Bill	do	
S. 1872	Apr. 18, 1969	Repeal the Emergency Detention Act of 1950	Inouye	Do.
S. 2674	July 22, 1969	Procurement and retention of judge advocates	do	Armed Services.
S. 3117	Nov. 5, 1969	Improve military judicial machinery	Tydings	Do.
S. 3202	Dec. 4, 1969	Amend Immigration and Nationality Act	Kennedy	Judiciary.
S. 3248	Dec. 16, 1969	Permits suits to be brought against the United States to adjudicate disputed land titles.	Church	Do.
S. 3545	Mar. 4, 1970	Immigration and Nationality Act Amendments. Defines admission to United States for permanent residence procedure.	Muskie	Do.

DEFENSE AND FOREIGN AFFAIRS

Amendment/bill number	Date introduced	Legislation	Sponsoring Senator	Committee referral
A. 114, S. 2546	Aug. 5, 1969	Open air testing on CBW	Goodell	Armed Services.
A. 115, S. 2546	do	Delivery systems on CBW	do	Do.
A. 116, S. 2546	do	Prior notice before deployment on CBW	do	Do.
A. 131, S. 2546	Aug. 8, 1969	Omnibus anti-CBW amendment	(McIntyre, Goodell, Nelson, et. al., coauthors).	Do.
S. 3000	Oct. 7, 1969	Vietnam Disengagement Act	Goodell	Foreign Relations.
A. 420, H.R. 14580	Dec. 11, 1969	Restrictions on Aid to Nigeria. Amendment to Foreign Assistance Act of 1969	do	Do.
A. 421, H.R. 14580	do	Amends Foreign Assistance Act of 1961. No funds made available under the above act shall be expended for the improvement, or construction of the Calabar-Ikom Road in Nigeria.	do	Do.
S. 3324	Jan. 22, 1970	Draft Reform—Establishes National Selective Service Commission	Goodell	Armed Services.
S. 3325	do	Draft Reform—Establishes conscientious objector appeals board	do	Do.
S. 3326	do	Draft Reform—Eliminates College student deferments	do	Do.
S. Con. Res. 54	Feb. 5, 1970	Mideast security resolution	do	Foreign Relations.
A. 604, H.R. 15628	Apr. 30, 1970	Amends Foreign Military Sales Act to limit assistance to Cambodia	do	Do.
A. 609, H.R. 17123	May 13, 1970	Amendment to end the war	McGovern-Hatfield-Goodell-Hughes-Cranston, coauthors.	Armed Services.
A. 659, H.R. 17123	May 26, 1970	Prohibitions on environmental warfare	Goodell	Do.
A. 713, S. 3302	June 22, 1970	Annual Presidential Report on Military Expenditures and the Economy	Goodell-Proxmire, coauthors	Banking and Currency.
A. 784, H.R. 17123	July 16, 1970	Prohibit use of environmental warfare and eliminate antiplant chemical weapons	Goodell-Nelson, coauthors	Armed Services.
A. 838, H.R. 17123	Aug. 3, 1970	Prohibits use of Federal funds for bombardment of Culebra	Goodell	Do.
S. 1635	Mar. 4, 1969	Exemption from combat duty for those survivors of a soldier who died during military combat.	Inouye	Armed Services.
S. Res. 172	Mar. 26, 1969	Refuge for Iraqi Jews	Williams of New Jersey	Foreign Relations.
S. 1858	Apr. 18, 1969	Terminate the Republic of South Africa sugar quota	Kennedy	Finance.
S. 2283	May 27, 1969	East-West Trade Relations Act	Magnuson	Do.
S. Res. 11	June 17, 1969	USA should negotiate with U.S.S.R. to reach agreement on limiting offensive and defensive strategic weapons.	Brooke	Foreign Relations.
S. Res. 228	July 30, 1969	Reconsider Geneva protocol	Hartke	Do.
A. 130, S. 2546	Aug. 7, 1969	Sets limit to amount to be devoted to the development of a manned strategic aircraft	McGovern	Armed Services.
S. 2847	Aug. 13, 1969	Aid in development for prototype plant in Israel	Nelson	Foreign Relations.
A. 225, S. 2347	Oct. 6, 1969	Amendment to Foreign Assistance Act—Desalting plant in Israel	Nelson	Foreign Relations.
S. Con. Res. 39	Oct. 9, 1969	U.S. troop withdrawal from Vietnam	McGovern	Do.
S. Res. 285	Nov. 18, 1969	Study international cooperation in space exploration	Proxmire	Do.
S. Res. 292	Dec. 1, 1969	Reduce troop deployments in Europe	Mansfield	Do.
A. 424, H.R. 14580	Dec. 12, 1969	Amends Foreign Assistance Act of 1969—Establishes Overseas Private Investment Corporation.	Javits	Do.
S. Con. Res. 62	Apr. 27, 1970	Appeal for international justice for American prisoners of war	Dole	Judiciary.
A. 651, H.R. 17123	May 21, 1970	Prevents use of draftees in undeclared war	Hughes	Armed Services.
A. 671, H.R. 15628	June 11, 1970	Amendment—Foreign Military Sales Act. Prohibits storing of nerve gas in Okinawa, or transporting such gas to the United States.	Gravel	Foreign Relations.
A. 765, H.R. 17123	July 7, 1970	Established volunteer army	Hatfield	Armed Services.
A. 819, H.R. 17123	Aug. 4, 1970	Amendment limiting money to be spent on Safeguard ABM	Cooper-Hart	Do.
A. 820, H.R. 17123	Aug. 5, 1970	Amendment providing that $50,000,000 left over from fiscal 1970 must not be used for B–1 bomber.	McGovern	Do.

DISTRICT OF COLUMBIA

S. 2999	Oct. 9, 1969	District of Columbia Anatomical Gift Act	Goodell	District of Columbia.
S. 1991	Apr. 25, 1969	Representation for District of Columbia in Congress	Mathias	Do.
S. 2185	May 16, 1969	Federal contribution for District of Columbia transit development program	Tydings	Do.
S. 2601	July 11, 1969	District of Columbia Court Reorganization Act	do	Do.
S. 2820	Aug. 11, 1969	District of Columbia industrial safety	do	Do.
S. 3071	Oct. 27, 1969	District of Columbia Comprehensive Drug Abuse and Narcotics Crime Control Act	do	Do.
A. 394, H.R. 14916	Dec. 6, 1969	Makes appropriations for District of Columbia chargeable to its revenues	Eagleton	Appropriations.
S. 3974	June 16, 1970	Support for health manpower needs in nonprofit District of Columbia medical and dental schools.	Spong	District of Columbia.

ECONOMY

S. 50	Jan. 15, 1969	Federal Revenue-Sharing Act	Goodell	Finance.
S. 2483	June 25, 1969	Intergovernmental Revenue Act	Goodell-Muskie, coauthors	Government Operations.
A. 170, H.R. 13270	Sept. 17, 1969	To reform income-tax laws. (Keep investment tax credit for development in Brooklyn Navy Yard.)	Goodell	Finance.
S. 915	Feb. 4, 1969	Small Business Administration: to provide financial assistance to certain small businesses suffering economic injury due to east and gulf coast work stoppages.	Javits	Banking and Currency.
S. 1285	Mar. 4, 1969	National Economic Conversion Act	McGovern	Government Operations.
S. 1634	Mar. 24, 1969	Tax Sharing Act	Baker	Finance.
S.J. Res. 153	Sept. 19, 1969	Establishes Commission on Trade Policy to evaluate trade tariffs, in International trade.	Mathias	Do.
S. 3715	Apr. 14, 1970	Flexible Fiscal Policy Act	Brooke	Do.

EDUCATION AND MANPOWER

S. 1807	Apr. 15, 1969	Federal-State Education Act: Authorizes Federal block grants to States for educational programs.	Goodell	Labor and Public Welfare
S. 3187	Nov. 26, 1969	Criminal Offender Corrections Education Act: Teacher Corps corrections education program on permanent, nationwide basis.	do	Do.
S. 3237	Dec. 11, 1969	Environmental Reclamation Education Act	do	Do.
A. 460, H.R. 514	Jan. 27, 1970	Authorize Teacher Corps corrections education program on permanent, nationwide basis.	do	Do.
A. 654, H.R. 16916	May 25, 1970	Increase Funds for Teacher Corps in fiscal year 1971. Office of Education Appropriations bill.	Goodell-Nelson-Kennedy, coauthors.	Appropriations.
S. 1033	Feb. 17, 1969	Comprehensive Community College Act	Williams (New Jersey)	Labor and Public Works.
S. 1088	Feb. 19, 1969	Veterans' Employment and Relocation Assistance Act	Javits	Do.
S.J. Res. 86	Apr. 1, 1969	Declare National Play Schools Week	do	Judiciary.
S. 1866	Apr. 18, 1969	Amend Vocational Education Act, re: appointment of State advisory councils	do	Labor and Public Welfare.
S.J. Res. 100	May 6, 1969	Declare Youth Week	Inouye	Judiciary.
S. 2545	July 2, 1969	Directs money under Higher Education Act to finance community projects in schools	Javits	Labor and Public Welfare.
S.J. Res. 134	July 10, 1969	Declare National Adult-Youth Communications Week	Tydings	Judiciary.
S. 2769	Aug. 5, 1969	Human Investment Act: tax credits for establishing manpower training programs	Prouty	Finance.
S. 2838	Aug. 12, 1969	Manpower Training Act of 1970	Javits	Labor and Public Welfare.
S. 2893	Sept. 12, 1969	Preservation of historical and archeological data	Moss	Interior.
S.J. Res. 163	Oct. 28, 1969	Extend Education Funding	Montoya	Appropriations.
S. 3215	Dec. 5, 1969	Permanent authorizations for National Foundation of the Arts and Humanities	Pell	Labor and Public Welfare.
S. 3283	Dec. 11, 1969	Extends authorizations under the National Foundation on the Arts and the Humanities Act.	Javits	Do.
Floor A., H.R. 13111	Dec. 16, 1969	Manpower Development and Training Act: $20,000,000 for State programs	Murphy	
A. 313, H.R. 13270	Nov. 25, 1969	Provides tax credits for certain expenses of higher education	Dominick	Finance.
A. 718, H.R. 16916	June 22, 1970	Office of Education fiscal year 1971 appropriations: Permit use of unexpended funds in revolving loan fund for college activities construction.	Case	Appropriations.

EXHIBIT 2—Continued

LEGISLATION AUTHORED AND COSPONSORED BY SENATOR CHARLES GOODELL, UNITED STATES SENATE, JANUARY 1969–AUGUST 10, 1970—Continued

ELECTION REFORM

Amendment/bill number	Date introduced	Legislation	Sponsoring Senator	Committee referral
S. 77	Jan. 15, 1969	Federal Clean Elections Act of 1969	Goodell	Rules and Administration.
S.J. Res. 105	Mar. 29, 1969	Constitutional amendment to lower the voting age to 18 years of age	do	Judiciary.
A. 826, S. 734	Aug. 6, 1970	Amends "Election Reform Act of 1970" by creating Federal Elections Commission	do	Rules and Administration.
A. 827, S. 734	do	Amends "Election Reform Act of 1970" limiting amount candidate can spend of his own funds to $25,000.	do	Do.
S.J. Res. 1	Jan. 15, 1969	Constitutional amendment providing for direct popular election of President and Vice President.	Bayh	Judiciary.
S.J. Res. 52	Feb. 25, 1969	Constitutional amendment: That the District of Columbia shall elect 2 Senators and the appropriate number of Congressmen to the U.S. Congress.	Mathias and Bayh	Judiciary.
S.J. Res. 147	Aug. 12, 1969	Constitutional amendment: 18-year-old vote	Randolph	Judiciary.
S. 2876	Sept. 10, 1969	Lowers television advertisement rates for congressional candidates	Pearson	Commerce.
A. 545, H.R. 4248	Mar. 11, 1970	18-year-old vote	Mansfield	Judiciary.
GOVERNMENT IMPROVEMENT				
S. 66	Jan. 15, 1969	Executive Reorganization and Management Improvement Act: establishes Commission on Economy and Efficiency in Government.	Goodell	Government Operations.
S. 3758	Apr. 23, 1970	Federal agencies must notify Congress of organizational changes when government facilities close.	Goodell-Javits, coauthors	Post Office.
Floor A. S. 3302	July 9, 1970	Amend Defense Production Act to make cost accounting standards permanent	Goodell	
S. 2998	Oct. 7, 1970	U.S. district court for eastern district of New York shall be held at Brooklyn, Mineola, and Hempstead.	do	Judiciary.
S. 20	Jan. 15, 1969	Lower postage rates for volunteer fire companies to permit 2d and 3d class bulk mailings applicable to nonprofit organizations.	Boggs	Post Office.
S. 60	do	Program Information Act: Directs the President to transmit to Congress a catalogue of Federal assistance programs.	do	Government Operations.
S. Res. 47	Jan. 22, 1969	Authorizes expenditures to consider matters relating to the Federal Judicial System during 1969.	Eastland	Rules and Administration.
S. 1247	Mar. 4, 1969	Capital Guides Act	Dirksen	Do.
S. 1466	Mar. 11, 1969	Amateur Radio Liscenses to Aliens	Goldwater	Commerce.
S. 1506	Mar. 12, 1969	Judicial Reform Act: Establishes a Commission on Judicial Disabilities and Tenure	Tydings	Judiciary.
S. 1993	Apr. 29, 1969	Public Disclosure Act	Case	Rules and Administration.
S. 2029	Apr. 29, 1969	Improve machinery for jury selection	Hart	Judiciary.
S. 2644	July 17, 1969	Study price increases in Government contracts	Tydings	Government Operations.
Floor A. H.R. 15090	Dec. 15, 1969	Amends DOD requirements on Navy shipyard repair	Javits	
S. Res. 387	Apr. 10, 1970	Sense of the Senate that it will advise and consent to nominees for the Supreme Court from any section of the United States.	Cranston	Judiciary.
HEALTH				
S. 576	Jan. 23, 1969	Amends Public Health Services Act: Authorizes $20 million for rat control	Javits-Goodell, coauthors	Labor and Public Welfare.
S. 2921	Sept. 18, 1969	Drug Abuse Services and Marijuana Study Act	Goodell	Do.
S. 2992	Oct. 3, 1969	Tax Relief Act: allows 25 percent tax credit each year for medical services and education tax credit.	do	Finance.
S. 809	Jan. 31, 1969	Youth Camp Safety Act	Ribicoff	Labor and Public Welfare.
S. 942	Feb. 7, 1969	Prohibit sonic booms	Case	Commerce.
S. 1537	Mar. 13, 1969	Remove prohibition against importing articles for population control	Tydings	Finance.
S. 1865	Apr. 18, 1969	Amend Public Health Service Act to provide incentives to medical schools for study of malnutrition.	Javits	Labor and Public Welfare.
S. 1997	Apr. 29, 1969	Prevention and treatment of alcoholism	do	Do.
S. 2037	May 1, 1969	Improve neighborhood health services	Percy	Do.
S. 2482	June 25, 1969	National Kidney Disease Act	Javits	Do.
S. 3150	Nov. 18, 1969	Emergency grants to dental schools and medical schools in financial difficulty	do	Do.
S. 3216	Dec. 5, 1969	Eliminate hazards of lead-based paint	Kennedy	Do.
S.J. Res. 47	Feb. 17, 1969	Creates National Advisory Commission on Health Science and Society	Mondale	Do.
S.J. Res. 108	May 8, 1969	National Commission on Nuclear and Seismic Safety	Gravel	Atomic Energy.
S.J. Res. 150	Sept. 12, 1969	Declare "National Industrial Hygiene Week"	Scott	Judiciary.
S.J. Res. 154	Sept. 22, 1969	Proclaim January as "National Blood Donor Month"	Eagleton	Do.
A. 132, S. 7	Oct. 7, 1969	Water Quality Improvement Act of 1969 to provide for 2-year study for developing criteria by States for standards for pesticides in waterways.	Nelson	Public Works.
S. 3418	Feb. 9, 1970	Amend Public Health Services Act: appropriates funds, sets up advisory council	Yarborough	Labor and Public Welfare.
S. 3443	Feb. 16, 1970	Health Services Improvement Act	Javits	Do.
S. 3835	May 14, 1970	Prevention and treatment of alcoholism and alcohol abuse	Hughes	Do.
S. 3941	June 9, 1970	Penalties for use of lead-based paint in certain buildings	Schweiker	Banking and Currency.
S. J. Res. 214	June 18, 1970	Voluntary alleviation of population growth and its resulting problems	Tydings	Labor and Public Welfare.
S. J. Res. 223	July 30, 1970	Joint resolution to authorize and request the President to issue annually a proclamation designating the month of January of each year as "National Blood Donor Month."	Eagleton	Judiciary.
S. J. Res. 226	Aug. 4, 1970	Declares May 9 through June 21 as National "Multiple Sclerosis Annual Hope Chest Weeks."	Murphy	Do.
S. Res. 376	Mar. 25, 1970	Authorizes study of status of cancer research	Yarborough	Labor and Public Welfare.
A. 766, H.R. 17293	July 7, 1970	Department of Agriculture appropriations: Funds for research in nonchemical pest control.	Nelson	Appropriations.
HOUSING				
S. 2812	July 8, 1969	Cash credits for neighborhood development projects	Goodell	Banking and Currency.
Floor A, S. 2864	Sept. 23, 1969	Amendments to housing bill to increase construction cost limits	do	
S. 3239	Dec. 11, 1969	Permits the Government National Mortgage Association to purchase mortgages for rental and cooperative housing for lower-income families.	Javits-Goodell	Do.
S. 4093	July 16, 1970	A bill to authorize increases in construction cost limitations applicable to certain federally assisted housing.	Goodell-Javits, coauthors	Do.
S. 4094	do	A bill to amend sec. 236 of the National Housing Act change rent to income ratio from 25 percent to 20 percent of annual income.	Goodell	Do.
S. 4180	Aug. 4, 1970	A bill to provide urgently needed assistance to localities in revitalizing areas in which the abandonment of structures by owners has created acute housing shortages and serious blight and deterioration of neighborhoods.	do	Do.
S. 4181	do	A bill to encourage and assist in the development of community oriented and sponsored nonprofit organizations to provide at reasonable cost urgently needed management services for low- and moderate-income housing in declining neighborhoods.	do	Do.
S. 4182	do	A bill to authorize fellowships in housing management	do	Do.
S. 4194	Aug. 6, 1970	A bill to make sec. 235 homeownership payments available to a cooperative housing project financed under State or local programs.	do	Do.
S. 2368	June 12, 1969	Establishes nonprofit National Institute of Building Sciences	Javits	Do.
A. 270, H.R. 12307	Nov. 7, 1969	Increases HUD appropriations for the funding of urban renewal projects	Hart	Appropriations.
A. 273, H.R. 12307	Nov. 10, 1969	HUD appropriations. Increase fiscal year 1970 Urban Renewal funds	Javits	Do.
S. 3624	Mar. 23, 1970	Provides assistance in the purchase of mobile homes in rural areas	Hollings	Banking and Currency.

Amendment/Bill number	Date introduced	Legislation	Sponsoring Senator	Committee referral
A. 762, H.R. 17548	July 1, 1970	Increased appropriations for urban renewal to $2.3 billion	Hart	Appropriations
S. 4079	July 27, 1970	A bill to increase the authorization for annual contributions in aid of low-rent public housing.	Mondale	Banking and Currency.
S. 4086	July 15, 1970	A bill to provide decent and suitable living accommodations for low-income families	Brooke-Cranston-Goodell, coauthors.	Do.
S. 4087	do	A bill to address the growing problem of abandoned properties and neighborhoods	do	Do.
S. 4088	do	A bill to provide on an experimental basis, a housing allowance program	do	Do.
S. 4154	July 30, 1970	Housing for the Elderly Act	Williams (N.J.)	Do.

HUMAN RIGHTS

S. 4080. S. 4081	Aug. 4, 1970	Substitute for District of Columbia crime bill conference report	Goodell	Judiciary and District of Columbia.
S. 14	Jan. 15, 1969	Establishes Commission on Negro History and Culture	Scott	Labor and Public Welfare.
S.J. Res. 14	do	Designates Jan. 15 of each year as "Martin Luther King Day"	Brooke	Judiciary.
S. 7 40	Jan. 28, 1969	Establishes the Interagency Committee on Mexican-American Affairs	Montoya	Government Operations.
S.J. Res. 61	Feb. 28, 1969	Equal rights a nendment: Constitutional amendment providing that equality of rights under the law shall not be denied or abridged by the United States or any State because of sex.	McCarthy	Judiciary.
S. 2375	June 12, 1969	Permits Attorney General to institute desegregation actions for public education	Case-Hart, coauthors	Do.
S. 2453	June 19, 1969	Equal Employment Opportunities Enforcement Act	Williams	Labor and Public Welfare.
S. 2454	June 19, 1969	Discrimination in choosing members of a jury is unlawful	Hart	Judiciary.
S. 2455	do	Authorizes appropriations to carry out Civil Rights Act of 1957	do	Do.
S. 2456	do	Extends Voting Rights Act of 1965	do	Do.
S. 3566	Mar. 9, 1970	Establishes a National Council on American Minority History and Culture	Scott	Labor and Public Welfare.
S. 3643	Mar. 26, 1970	Authorizes funds to create Martin Luther King, Jr. memorial bronze medals	do	Banking and Currency.
A. 702, 703, H.R. 17399	June 22, 1970	Supplemental appropriations: Prohibits use of funds for segregated schools	Mondale	Appropriations.
A. 704, H.R. 17399	June 22, 1970	Supplemental appropriations: Allows use of funds for desegregating schools	Case	Do.
A. 776, H.R. 914	July 14, 1970	Substitute for District of Columbia crime bill conference report	Ervin	Judiciary.
A. 777, H.R. 914	July 14, 1970	Substitute for District of Columbia crime bill conference report	do	Do.

POVERTY AND HUMAN NEEDS

S. 33	Jan. 15, 1969	Community Self-Determination Act of 1969	Goodell	Finance.
S. 1806	Apr. 15, 1969	Federal Public Assistance Act	do	Do.
A. 59, H.R. 9551	July 1, 1969	Assist private foundation activities	do	Do.
A. 65. H.R. 9951	July 7, 1969	Assist private foundation activities	do	Do.
A. 66, H.R. 9951	do	Assist private foundations	do	Do.
S. Res. 68	Jan. 28, 1969	Extends the life of the Senate Select Committee on Nutrition and Human Needs	McGovern	Rules and Administration.
S. 1072	Feb. 18, 1969	Appalachian Regional Development Act Amendments	Randolph	Public Works.
S. 2367	June 12, 1969	Continuation of Economic Opportunity Act of 1964	Javits	Labor and Public Welfare.
S. 2461	June 20, 1969	Randolph-Sheppard Act for the Blind Amendments	Randolph	Do.
S. 2982	Oct. 1, 1969	Child Nutrition Act: Free or reduced price meals to any child in officially under-privileged family.	Javits	Agriculture.
A. 267, S. 2986	Nov. 5, 1969	Provides financial assistance to meet costs of construction of day-care centers	Percy	Finance.
A. 332, H.R. 13270	Dec. 2, 1969	Defines tax regulations for nonpartisan activities of foundations and nonprofit organizations.	Yarborough	Do.
Floor A., H.R. 13111	Dec. 16, 1969	Restores original appropriations to OEO and Headstart programs by increasing funds by $424,000,000 to Senate authorized level.	Nelson	Appropriations.
A. 582, H.R. 16311	Apr. 10, 1970	Increased funds for Food Stamp Plan	McGovern	Do.
A. 669, H.R. 17399	June 2, 1970	Supplemental Appropriations—Funds for Neighborhood Youth Corps	Javits	Do.
A. 693, H.R. 17399	June 11, 1970	Additional $100,000,000 for Neighborhood Youth Corps	do	Do.
S. 3607	June 23, 1970	Create Rural Community Development Bank	Pearson	Banking and Currency.
S. 4104	July 21, 1970	Amend the Child Nutrition Act of 1966 to strengthen and improve the school breakfast program.	Javits	Agriculture.
A. 699, H.R. 17399	June 22, 1970	Increased funding for Neighborhood Youth Corps	do	Appropriations.

TRANSPORTATION

S. 3197	Dec. 3, 1969	Authorizes bridge across St. Lawrence River	Goodell-Javits, coauthors	Foreign Relations.
A. 476, S. 3154	Feb. 2, 1970	Provides long-term financing for urban transportation	Goodell	Banking and Currency.
A. 477, S. 3154	Feb. 3, 1970	Protects natural resources in the development of urban mass transit system	do	Do.
A. 527, H.R. 14465	Feb. 25, 1970	Allow secretary of transportation certain authority to assist in site selection for fourth jetport for New York City.	Goodell-Javits, coauthors	Commerce.
S. 1070	Feb. 18, 1969	Establishes a 15-member Advisory Commission on Air Traffic Control	Brooke	Do.
S. 1179	Feb. 28, 1969	Provide half-fare airfare on stand-by basis for the young, elderly, military, and handicapped.	Percy	Do.
S. 1265	Mar. 4, 1969	Air Traffic Congestion Relief Act	Javits	Do.
S.J. Res. 81	Mar. 17, 1969	Declare May 12 as annual Smith-Earhart Aviation Day	Goldwater	Judiciary.
S. Con. Res. 17	Apr. 3, 1969	Celebration of benefits from St. Lawrence Seaway	Griffin	Do.
S. 1933	Apr. 22, 1969	Federal Railroad Safety Act	Hartke	Commerce.
S. Con. Res. 28	June 2, 1969	Route 219 incorporated into Interstate System	Schweiker	Public Works.
S. 2581	July 10, 1969	Reduce hazards on the District of Columbia-Boston railroad tracks	Scott	Commerce.
S. 2734	July 30, 1969	Connecticut-New York Railroad passenger transportation compact	Ribicoff	Judiciary.
S. 2821	Aug. 11, 1969	Public Transportation Assistance Act	Bennett	Banking and Currency.
S. 3154	Nov. 19, 1969	Public Transportation Assistance Act	Williams (NewJersey)	Do.
A. 430. H.R. 14794	Dec. 16, 1969	Department of Transportation funds for S.S.T. to be deleted	Proxmire	Appropriations.
A. 449 S. 3154	Jan. 22, 1970	Increase Urban Mass Transit funds	Cranston	Do.
S. 3760	Apr. 27, 1970	Provides for a Commission on Transportation Regulatory Agencies to study the regulation of transportation by certain Federal agencies.	Baker	Commerce.
S. 4014	June 23, 1970	Emergency Transportation Assistance Act of 1970	Javits	Do.
S. Con Res. 72	June 25, 1970	Create congressional commission to investigate Nation's railways	Javits	Do.

MISCELLANEOUS—LEGISLATION AUTHORED

Amendment/bill number	Date introduced	Legislation	Sponsoring Senator	Committee referral
S. 1365	Mar. 4, 1969	Amends National Labor Relations Act: Permits lawful picketing at construction sites		Labor and Public Welfare.
S. Res. 11	Jan. 9, 1969	Revises Senate rule XXIII on cloture	Church	Judiciary.
S. 1205	Feb. 28, 1969	Creation of Supreme Sacrifice Medal	Hartke	Banking and Currency.
S. Con. Res. 10	Mar. 7, 1969	Recognition of anniversary of Warsaw ghetto uprising	Javits	Judiciary.
S.J. Res. 78	Mar. 13, 1969	Designates 1969 as Diamond Jubilee Year of the American Motion Picture	Murphy	Do.
S. 2561	July 8, 1969	Incorporates Pop Warner Little Scholars	Scott	Do.
S. 2790	Aug. 7, 1969	Incorporates Catholic War Veterans of the United States	Scott	Do.
S. 2791	Aug. 8, 1969	Incorporates Jewish War Veterans of the United States	Scott	Do
S. 3253	Dec. 17, 1969	Naming of "Everett McKinley Dirksen Building East" in Chicago, Ill.	Percy	Public Works.
S. 3464	Feb. 18, 1970	Names Senate Office Buildings after Dirksen, Berkeley	Bellmon	Do.
S.J. Res. 187	Mar. 25, 1970	Authorize designation of third Sunday in June of each year as "Father's Day"	Hruska	Do.
S. Res. 388	Apr. 1, 1970	Prayer for Astronauts	Murphy	Do.
S. 3725	Mar. 16, 1970	Professional baseball leagues to be subject to Sherman Act regulations	Magnuson	Do.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. BIBLE). Pursuant to the previous order, the Senate will now consider routine morning business, on which there is a limitation of 3 minutes.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPRESSION

Mr. HATFIELD. Mr. President, the school year has begun in colleges across America and once again, the yearly ritual of confrontation between university administrators and so-called dissident factions is upon us.

No two campuses are alike, and the cause of unrest differs from college to college. Yet Vietnam is a perennial favorite of the disrupters.

While some grievances have merit, one cannot help but wonder why there have been so few demonstrations denouncing the most glaring example of repression in the world today.

North Vietnam now holds an undisclosed number of American citizens. The leaders of North Vietnam have acted illegally, and in the eyes of civilized countries have acted immorally.

The prisoners of Hanoi know what brutality is; they know what repression means.

I often wonder if the noisy minorities in many areas of the country have ever really considered the nature of a real police state. They should compare their deprivations to those of our brave men in North Vietnam before they complain too loudly about repression in the United States.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPRESSION OF CONCERN OF THE SENATE FOR THE WELL-BEING OF HIJACKED PASSENGERS AND AIR CREWS

Mr. PERCY. Mr. President, I ask unanimous consent that the Committee on Commerce be discharged from its responsibility in connection with Senate Resolution 459. This request has been cleared with the majority leader, the minority leader, the ranking members of the Commerce Committee on the minority side, the office of the Senator from New Hampshire (Mr. COTTON), and the Senator from Pennsylvania (Mr. SCOTT), who is second ranking, and on the majority side, the ranking member present in the Senate yesterday, the Senator from Michigan (Mr. HART), who approves of this procedure.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois that the Committee on Commerce be discharged from further consideration of Senate Resolution 459? The Chair hears none and, without objection, it is so ordered.

Mr. PERCY. Mr. President, I send to the desk Senate Resolution 459, together with an amendment that I wish to make for the purpose of clarity, without any change in the substance.

The PRESIDING OFFICER (Mr. BIBLE). Is it the Senator's wish that the Senate proceed to the immediate consideration of the resolution?

Mr. PERCY. I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

Mr. PERCY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read, as follows:

On page 1, line 4, after the word "aircrews," strike out "regardless of race or creed, of hijacked aircraft" and, on line 5, after the word "Jordan," insert "regardless of race, nationality, or creed,".

Mr. JAVITS. Mr. President, will the Senator from Illinois yield to me briefly?

Mr. PERCY. I am delighted to yield to my distinguished colleague from New York.

Mr. JAVITS. Mr. President, I congratulate the Senator on this action, which will put the Senate on record in this very trying matter, which represents really international brigandage and piracy, and I wish also to commend the White House for the statement that Americans will be treated in this matter, tragic as it is, without distinction of any kind or character, and that every American, whatever his faith or his origin, is just as vital to our Nation as every other.

Mr. President, again I thank the Senator from Illinois for the enterprise and initiative which brings this matter so promptly to the attention of the Senate. I believe it will ultimately have an important effect. The Senate of the United States is a critically important body to everyone in the world, so I think the resolution will have its effect on the governments, and perhaps even on the commandos themselves.

Mr. PERCY. I thank my distinguished colleague. I ask unanimous consent that any Senators who may wish to insert statements in connection with this resolution may have an opportunity to do so at any time before the close of business today.

The PRESIDING OFFICER. Will the Senator repeat his request?

Mr. PERCY. Mr. President, I ask unanimous consent for permission for any Senators who wish to insert statements in connection with this resolution to have an opportunity to do so before the close of business today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Illinois.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. PERCY. I am happy to yield to my distinguished colleague from Virginia.

Mr. BYRD of Virginia. Mr. President, I associate myself with the remarks made by the distinguished Senator from Illinois, and with the resolution which he has presented to the Senate. I think it is a very timely and desirable resolution, and I hope the Senate will approve it.

I commend the distinguished Senator from Illinois for its introduction on the floor today.

Mr. GRIFFIN. Mr. President, will the Senator from Illinois yield to me for a brief comment?

Mr. PERCY. I am happy to yield.

Mr. GRIFFIN. I join in commending the senior Senator from Illinois for offering this resolution. I interpret the resolution as an indication of strong support for the vigorous leadership the administration has provided and is providing to deal with the serious problem of hijacking. In addition, the resolution makes it clear that we also support the administration's call upon other nations to face up to their responsibilities. This is a serious problem which confronts the international community, and action is needed as soon as possible by the international community.

I thank the Senator for yielding.

Mr. PERCY. I thank my distinguished colleague from Michigan, the assistant minority leader.

I think, from the words that have already been stated, that it is apparent that there is a broad spectrum of support for this action, and I think it would be quite appropriate to begin my own brief comments by quoting a paragraph from an editorial in the Chicago Tribune of September 9, 1970. This Chicago Tribune editorial entitled "The Line Must Be Drawn," said:

As for the negotiations, it is hard to see why Israel would or should surrender all of the Arab prisoners apparently demanded, and it is equally hard to visualize the United States, Britain, or Switzerland agreeing to ransom the gentile passengers while leaving the Jewish passengers in the hands of Israel's bitterest enemies. As it turns out the Jews would have been safer in an Israeli plane; but it would be shameful for the United States to let them suffer because they chose an American plane.

Mr. President, yesterday in Jordan, a spokesman for the Popular Front for the Liberation of Palestine, discussing the negotiations for the release of the hostages held by the guerrilla movement, said, "We can't wait forever."

The point the guerrilla spokesman was making was that Britain, West Germany, and Switzerland would be wise to make separate "deals" now for the release of hostages of their nationalities in return for the release of guerrilla hijackers imprisoned in those countries.

This morning's New York Times reported that "Despite the demands, the British, West German and Swiss Governments adhere to the American position that a settlement must provide for

the release of all the hostages." I applaud the President and the administration for adopting and sustaining this position.

In fact, it is to reinforce that position, and to show the concurrence of the Senate with that position, that I call up Senate Resolution 459 this morning.

This resolution states that it is the sense of the Senate that the full influence of all governments and all international air line associations should be brought to bear for the release of all passengers and aircrews now detained involuntarily in Jordan, regardless of race, nationality or creed; and that such governments and associations should take such actions as may be necessary to prevent any further hijacking of aircraft.

The New York Times said editorially on September 15, 1970, that "Realizing their isolated position, the guerrillas have been hoping to separate the countries whose citizens they hold, and to break their common front." It is this point that the resolution before us involves—the unity of those dealing for the release of the hostages in Jordan.

Abba Eban said yesterday that the 55 known hostages in guerrilla hands include 32 Americans of whom 20 are Jews, including five rabbis. He said there are eight Britons, six Swiss, two West Germans, and one from the Netherlands. He said the nationalities of six others are not known.

Eban said two of the Americans have dual nationality but are residents of the United States and carry American passports.

Eleven of the hostages are crewmen—five from TWA, three from Swissair, and three from BOAC. Thirty-nine of the 55 hostages still held were traveling aboard the TWA plane, eight each aboard the Swissair and BOAC planes.

I believe that the United States, Israel, and the nations of Western Europe should maintain the position that no deals can be made which would leave any of the hostages in the hands of the Popular Front for the Liberation of Palestine. Every hostage must be released, be he European or American or Israeli or Catholic or Protestant or Jew or Eastern Orthodox or Moslem. None shall be left behind. None shall be dealt away.

In conclusion, Mr. President, I would like to add that many times when we deal with issues of this type, it is very difficult to really understand the impact of these atrocities until you live within the families of those deeply affected. I have had three families in Illinois deeply affected by these acts of piracy. On the TWA plane we had two children, one a boy from Chicago, Yosef Trachtman, 10 years old, the son of a rabbi; and a girl, Tzitorah Moraine, 8½ years old, from Peoria.

I have talked with their families many times to give them some ray of hope, and we share their joy in having the two children returned. I talked this morning with the mother of James Majer, a TWA pilot, who was among the hostages being held in Jordan. We were able to tell his mother that as far as we knew, her son was safe, certainly being retained against his will, but at least safe in that no harm has come to him, and we all join in the prayers of his wife, his mother, and his family and friends, in hoping that he will have a safe and speedy return.

There is little that we can do in the Senate, but at least we can take this resolve, that we clearly go on record—and I hope unanimously—that the Senate stands behind the actions expressed in this resolution.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the resolution, as amended.

The resolution (S. Res. 459), as amended, was agreed to, as follows:

Resolved, That it is the sense of the Senate that (1) the full influence of all governments and all international airline associations should be brought to bear for the release of all passengers and aircrews, now detained involuntarily in Jordan, regardless of race, nationality, or creed, and (2) such governments and associations should take such actions as may be necessary to prevent any further hijacking of aircraft.

The preamble was agreed to, as follows:

Whereas the lives of innocent travelers and aircrews are threatened by the hijacking of aircraft; and

Whereas hijacking of aircraft constitute criminal actions against the safety, security, and welfare of travelers and aircrews; be it

---

DIRECT POPULAR ELECTION OF THE PRESIDENT AND THE VICE PRESIDENT

AMENDMENT NO. 912

Mr. SPONG. Mr. President, I submit an amendment to Senate Joint Resolution 1, and I ask unanimous consent that it be considered as having been read for the purpose of complying with Senate rule XXII.

The PRESIDING OFFICER. Is there objection?

Mr. WILLIAMS of Delaware. Mr. President, reserving the right to object, this amendment is germane, is it not?

Mr. SPONG. This amendment is completely germane to Senate Joint Resolution 1. I might add that it is a modification of an amendment that has already been submitted.

Mr. WILLIAMS of Delaware. I will not object, because it is my understanding that the amendment would be in order, and all the Senator is asking is that the reading be waived at this time.

The PRESIDING OFFICER. That is correct.

Mr. WILLIAMS of Delaware. I have no objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Virginia?

Mr. STENNIS. Mr. President, reserving the right to object—and I do not know whether I will object—I did not hear the question of the Senator from Delaware.

The PRESIDING OFFICER. The question related to the germaneness of the amendment.

Mr. STENNIS. I thought the Senator then asked another question, and the Chair said, "That is correct."

The PRESIDING OFFICER. That had to do with the reading of the amendment.

Mr. WILLIAMS of Delaware. It would be in order if the Senator wanted it read.

Mr. STENNIS. Reserving the right to object—and I do not know whether I will object—it is a question of establishing a precedent. I have no objection to this amendment as such, but I do not want to establish a precedent or break the wall and open the door and let anything come in.

I should like to ask the Senator from Virginia a question. Is his amendment directly relevant to the Bayh amendment?

Mr. SPONG. It is.

Mr. STENNIS. As a matter of fact, the Senator from Virginia has said that it is just a modification of one that he has already offered.

Mr. SPONG. It is a modification of an amendment already offered by the Senator from North Carolina (Mr. ERVIN). It adds a new dimension to his amendment.

Mr. STENNIS. The Senator refers to the amendment submitted by the Senator from North Carolina, so the amendment of the Senator from North Carolina is already within the operation of the cloture motion.

Mr. SPONG. It is already before the Senate; that is correct.

Mr. STENNIS. Mr. President, under those circumstances I have no objection.

The PRESIDING OFFICER. The Parliamentarian advises the Chair that there is precedent. The waiving of the reading has been done many times in the past, so this does not establish a precedent.

Mr. SPONG. I thank the Senator from Mississippi and the Senator from Delaware.

The PRESIDING OFFICER. Without objection, the request of the Senator from Virginia is granted.

Mr. MANSFIELD. Mr. President, if I may have the attention of the distinguished Senator from Mississippi and the distinguished Senator from Delaware, I ask unanimous consent that all amendments to the unfinished business, Senate Joint Resolution 1, now at the desk and at the desk at the time the vote commences tomorrow under rule XXII, be considered as having been presented and read under the provisions of rule XXII.

Mr. WILLIAMS of Delaware. Mr. President, reserving the right to object, I do not know what amendments are at the desk; but, as I understand it, under rule XXII, once the cloture motion is filed, only amendments which are germane to the subject are in order.

Mr. MANSFIELD. That is correct.

Mr. WILLIAMS of Delaware. I think that since we are following rule XXII, we should not have nongermane amendments. I do not know what is at the desk. I do not know whether any nongermane amendments are at the desk, but if there are, I would object.

Mr. MANSFIELD. After all, those amendments are there already. The question was not raised until today. Under rule XXII, the question of germaneness is settled, because anything which is not germane will not be in order.

Mr. WILLIAMS of Delaware. They would be in order if the unanimous-con-

sent request is agreed to that all amendments at the desk be considered, as I understand it.

Mr. MANSFIELD. May I say that, without any discussion or debate, those amendments which are at the desk now are eligible under the rules.

Mr. WILLIAMS of Delaware. That is correct. And any germane amendment which is offered today would be eligible, as I understand it, under rule XXII.

Mr. MANSFIELD. Yes.

Mr. WILLIAMS of Delaware. So unanimous consent is not required, unless there is a nongermane amendment, in which event unanimous consent would be required, and I would object to a nongermane amendment.

Mr. MANSFIELD. Mr. President, I withdraw my request.

Mr. SPONG. Mr. President, the purpose of this amendment is to meet the specific defects of our present electoral system without, in the process, risking the profound disruption of our two-party system that I am convinced would follow the passage of Senate Joint Resolution 1.

Briefly, the amendment could be described as a modified Katzenbach plan. Like the proposal offered in 1966 by the then Attorney General and embodied in the amendment which has been introduced by the distinguished Senator from North Carolina (Mr. ERVIN), my amendment would preserve the electoral college system but eliminate electors as such. Division of the electoral college vote on a unit rule basis would become an automatic thing thus eliminating the problem of the faithless elector.

My amendment would also revise the procedure for selection of the President in the event no person won a majority of electoral votes. In place of selection by the House of Representatives operating on a unit rule basis, my amendment like that of the Senator from North Carolina, provides for selection by a joint session of the Congress with each Member having one vote.

Mr. President, where previous amendments of this kind have been limited to these changes, the amendment I am introducing today goes an important step further to provide that a person must win both a majority of electoral votes and a plurality of popular votes to be named President. Unless both of these tests are met the election would be decided by the Congress meeting in joint session as I have described.

In fact, there has been only one occasion in our history when the electoral college has elected a President who had fewer popular votes than his rival candidate. That was in 1888 when Benjamin Harrison was named to the office even though he had about 100,000 fewer votes than Grover Cleveland. In all other instances, however, the electoral vote has faithfully followed the decision at the polls even in such close contests as we had in 1960 and 1968.

Nevertheless, as rare as such an incident has been, I believe it is important for public confidence on our electoral system that we remove any chance that it will happen again. And it could not under my amendment which, in effect, converts the electoral college system into a direct popular election. But by retaining the electoral division of votes it avoids all of the problems of proliferating parties and splinter candidates that a simple popular vote would induce.

A system of direct election would almost certainly encourage this kind of development and I do not believe any of the amendments to the direct election proposal fully meet the danger. Whether with serious thoughts of winning or merely to spoil another candidate's chances and winning some bargaining power in the process, every candidate with some popular following and the means to finance a campaign would be tempted to enter the race.

Even more, there would be a premium on distinguishing oneself from all other candidates in the field by taking more extreme positions or emphasizing one or two issues to the exclusion of all others.

The great virtue of our present winner-take-all electoral system is that it discourages such single issue or ideological candidates by requiring a base of support broad enough to carry a majority in at least a few States. Historically, it has been this requirement that has prevented the factionalization of politics in this country and which has made our parties the broad-based, accommodating groups that alone can assure stability in a democratic government.

The direct election proposal even with the amendments which have been offered would not assure the election of a President who is the choice of a majority of Americans. Moreover, by eliminating the electoral college system, it cannot assure that the President even has a broad base of support in the country for his 40-percent plurality could as easily as not be concentrated in a few heavily populated areas.

There are other drawbacks to the direct election proposal. For example, it would certainly increase the cost of campaigns and with runoffs taken into account, it could make our highest political office a rich man's prize.

Moreover, without the protective buffer of the electoral college system, every vote would take on increased importance and become the object of intense and divisive postelection challenges. It could also enhance the profitability of corrupt voting practices.

To point out these weaknesses in the direct election proposal is not to argue that our present method of electing Presidents is the best of all possible systems. Rather, it is to counsel the utmost caution in tampering with a system that is basically sound and which has served us well for more than 180 years.

There are shortcomings in this system, particularly with the problem of the so-called faithless elector and with the provision for choosing a President in the event the electoral college does not produce a majority.

These proposals can be solved much more simply than is proposed in the direct election amendment and I believe my amendment accomplishes that. First, it would eliminate electors as such and make the division of electoral votes an automatic thing. Second, it would improve our method for naming a President outside the electoral vote system by making it a matter for the entire Congress to decide—Senate and House—with each Member having one vote.

Finally, and most important, this amendment assures a direct popular voice in the election of the President by requiring both an electoral majority and a popular plurality.

I urge the Senate to adopt this amendment.

Mr. President, I ask that the amendment be printed and lie on the table.

The PRESIDING OFFICER. The amendment will be received and printed and will lie on the table.

ESTABLISHMENT OF THE APOSTLE ISLANDS NATIONAL LAKESHORE, WISCONSIN

Mr. NELSON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 621.

The PRESIDING OFFICER (Mr. BIBLE) laid before the Senate the amendment of the House of Representatives to the bill (S. 621) to provide for the establishment of the Apostle Islands National Lakeshore in the State of Wisconsin, and for other purposes, which was to strike out all after the enacting clause, and insert:

That in order to conserve and develop for the benefit, inspiration, education, recreational use, and enjoyment of the public certain significant islands and shoreline of the United States and their related geographic, scenic, and scientific values, there is hereby established the Apostle Islands National Lakeshore (hereinafter referred to as the "lakeshore") in Ashland and Bayfield Counties, Wisconsin, consisting of the area generally depicted on the map entitled "Apostle Islands National Lakeshore", numbered NL-AI-91,000, sheets 1 and 2, and dated June 1970. The map shall be on file and available for public inspection in the office of the Director, National Park Service, Department of the Interior.

SEC. 2. No lands held in trust by the United States for either the Red Cliff Band or Bad River Band of the Lake Superior Chippewa Indians, or for allottees thereof, shall be acquired or included within the boundaries of the lakeshore established by this Act, with the following exception:

If the Indians who own more than 50 per centum of the interest in allotment number 74 GL or allotment number 135 in the Red Cliff Reservation agree to sell the allotment to the Secretary of the Interior (hereinafter referred to as the "Secretary"), the Secretary may consent to the sale on behalf of the other owners, purchase the allotment for the negotiated price and revise the boundaries of the lakeshore to include the allotment.

SEC. 3. The Secretary may acquire within the boundaries of the lakeshore lands and interests therein by donation, purchase with donated or appropriated funds, or exchange, but lands and interests in lands owned by the State of Wisconsin may be acquired only by donation. Notwithstanding any other provision of law, any Federal property located within the boundaries of the lakeshore may, with the concurrence of the agency having custody thereof, be transferred without transfer of funds to the administrative jurisdiction of the Secretary for the purposes of the lakeshore.

SEC. 4. (a) With the exception of not more than eighty acres of land to be designated within the lakeshore boundaries by the Secretary as an administrative site, visitor center, and related facilities, as soon as prac-

ticable, any owner or owners of improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term not to exceed twenty-five years, or, in lieu thereof, for a term ending at the death of the owner, or the death of his spouse, whichever is the later. The owner shall elect the term to be reserved. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner.

(b) A right of use and occupancy retained pursuant to this section may be terminated with respect to the entire property by the Secretary upon his determination that the property or any portion thereof has ceased to be used for noncommercial residential or for agricultural purposes, and upon tender to the holder of a right an amount equal to the fair market value, as of the date of the tender, of that portion of the right which remains unexpired on the date of termination.

(c) The term "improved property," as used in this section, shall mean a detached, noncommercial residential dwelling, the construction of which was begun before January 1, 1967 (hereinafter referred to as "dwelling"), together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

SEC. 5. The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the boundaries of the lakeshore in accordance with the appropriate laws of Wisconsin and the United States to the extent applicable, except that he may designate zones where, and establish periods when, no hunting, trapping, or fishing shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any regulations prescribing any such restrictions shall be put into effect only after consultation with the appropriate State agency responsible for hunting, trapping, and fishing activities.

SEC. 6. The lakeshore shall be administered, protected, and developed in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented; and the Act of April 9, 1924 (43 Stat. 90; 16 U.S.C. 8a et seq.), as amended, except that any other statutory authority available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of the Act.

SEC. 7. In the administration, protection, and development of the lakeshore, the Secretary shall adopt and implement, and may from time to time revise, a land and water use management plan which shall include specific provision for—

(a) protection of scenic, scientific, historic, geological, and archeological features contributing to public education, inspiration, and enjoyment;

(b) development of facilities to provide the benefits of public recreation together with such access roads as he deems appropriate; and

(c) preservation of the unique flora and fauna and the physiographic and geologic conditions now prevailing on the Apostle Islands within the lakeshore: *Provided,* That the Secretary may provide for the public enjoyment and understanding of the unique natural, historical, scientific, and archeological features of the Apostle Islands through the establishment of such trials, observation points, exhibits, and services as he may deem desirable.

SEC. 8. There are authorized to be appropriated not more than $4,250,000 for the acquisition of lands and interests in lands and not more than $5,000,000 for the development of the Apostle Islands National Lakeshore.

Mr. NELSON. Mr. President, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

Mr. NELSON subsequently said: Mr. President, the Senate's final approval today of the Apostle Island National Lakeshore bill, S. 621, culminates 40 years of hard work by conservationists, and represents the first congressional passage of a major national park-type proposal since the action almost 2 years ago creating the Redwoods and North Cascades national parks.

With the President's signature, S. 621 will become law, assuring the protection in perpetuity of 20 of the 22 Apostle Islands in northern Wisconsin, involving miles of remarkable sand beaches and sandstone cliffs, with heavily forested interiors abounding in wildlife. In addition to this collection of Lake Superior islands, unique in the continental United States, the lakeshore will include 11 miles of the mainland shoreline of Lake Superior—a rarity in the Nation's vanishing undeveloped coastline.

For both Wisconsin and the Nation, today's action is a great step to begin an environmental decade. It is heartening news to all conservationists and environmentalists, a dramatic example of what people can achieve when they get together and work for it.

The effort to protect this priceless national resource began in 1930 with the 71st Congress directing the Secretary of the Interior to investigate the potential for an Apostle Islands project. At my request in 1961 as Wisconsin Governor, a Federal-State-local study of the feasibility of the national lakeshore was undertaken.

Two years later, President Kennedy said at Ashland, Wis., during his national conservation tour, that the Apostle Islands were a unique asset that should be preserved. In September, 1965, I introduced the bill in Congress to establish the lakeshore, based on the expertise of the 1961 study. President Johnson in messages to Congress in both 1967 and early 1969 listed passage of the bill as a high administration priority, and the Apostle Islands concept was endorsed last spring by President Nixon's administration.

The Apostle Islands measure passed the Senate in the 90th Congress without a dissenting vote, and although the measure was received favorably during a House committee hearing, congressional adjournment prevented further House action.

The bill was introduced again this Congress and passed the Senate again without dissent last year. After House Interior Committee hearings and favorable action, the bill passed the House 6 days ago by an overwhelming vote with the strong, bipartisan effort and support of the Wisconsin Congressional delegation.

After representatives of local Indian bands testified that they opposed the inclusion of any of their lands in the Lakeshore, the House Interior Committee voted to exclude all Indian trust lands from the boundaries of the project, a step which has my unqualified support. In nine years of work on this proposal, it has always been my view that Indian lands were not essential to this project and need not be included to make it a magnificent addition to the Nation's park and recreation area system.

Today's favorable Senate action represents concurrence with the House amendment to S. 621.

The Lakeshore, a $9.2 million project, will provide a major new recreation and wilderness experience for the people of Wisconsin, the Upper Midwest, and the Nation. It has gained the broadest support of any conservation proposal in the history of Wisconsin, with endorsements from 180 labor, civic, farm, governmental, business, and conservation organizations and hundreds of individuals. And regionally, the Republican Governors of Wisconsin, Michigan, and Minnesota have expressed their support by joint statements as members of the Upper Great Lakes Regional Commission.

In sum, after the most careful consideration at the local, State, regional and national levels, and with broad support at all levels, the Apostle Islands National Lakeshore is an idea whose time has come.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. BURDICK) laid before the Senate the following letters, which were referred as indicated:

REPORT ON MILITARY CONSTRUCTION CONTRACTS AWARDED ON OTHER THAN A COMPETITIVE BID BASIS TO THE LOWEST RESPONSIBLE BIDDER

A letter from the Assistant Commander for Contracts, Naval Facilities Engineering Command, Washington, D.C., transmitting, pursuant to law, a report on military construction contracts awarded on other than a competitive bid basis to the lowest responsible bidder, for the 6-month period ended June 30, 1970 (with an accompanying report); to the Committee on Armed Services.

EXCHANGE OF NOTES RELATING TO SUPPLEMENTARY CONVENTION ON EXTRADITION BETWEEN THE UNITED STATES AND FRANCE

A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting an exchange of notes of June 2 and 11, 1970, between the United States and France which correct an error in the French text of the Supplementary Convention on Extradition between the United States and France, signed at Paris on February 12, 1970 (Executive F, 91st Congress, second session); to the Committee on Foreign Relations.

REPORT ON NURSE TRAINING

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report on the administration of title VIII (nurses training) of the Public Health Service Act, dated September 11, 1970

(with an accompanying report); to the Committee on Labor and Public Welfare.

REPORT ON ADMINISTRATION OF HEALTH PROFESSIONS EDUCATIONAL ASSISTANCE ACT

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report on administration of the Health Professions Educational Assistance Act, and its subsequent amendments, dated September 11, 1970 (with an accompanying report); to the Committee on Labor and Public Welfare.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 876. A bill for the relief of Marie M. Ridgely (Rept. No. 91–1165);

S. 2229. A bill for the relief of certain corporations, associations, and individuals (Rept. No. 91–1166);

S. 3420. A bill for the relief of Dr. Hassan Chaharsough Vakil (Rept. No. 91–1167);

S. 3771. A bill for the relief of Dr. Jocelyn Tandoc-Juarez (Rept. No. 91–1168);

S. 3869. A bill for the relief of Albina Lucio Z. Manlucu (Rept. No. 91–1169);

S. 3956. A bill for the relief of Mrs. Joan Lagois Hicks (Rept. No. 91–1170);

S. 4235. A bill to continue the jurisdiction of the U.S. District Court for the District of Puerto Rico over certain cases pending in that court on June 2, 1970 (Rept. No. 91–1171);

H.R. 1747. An act for the relief of Jose Luis Calleja-Perez (Rept. No. 91–1172); and

H.R. 10149. An act for the relief of Jack W. Herbstreit (Rept. No. 91–1182).

By Mr. BURDICK, from the Committee on the Judiciary, without amendment:

S. 4247. A bill to amend the Bankruptcy Act, sections 2, 14, 15, 17, 38, and 58, to permit the discharge of debts in a subsequent proceeding after denial of discharge for specified reasons in an earlier proceeding, to authorize courts of bankruptcy to determine the dischargeability or nondischargeability of provable debts, and to provide additional grounds for the revocation of discharges (Rept. No. 91–1173).

By Mr. McCLELLAN, from the Committee on the Judiciary, without amendment:

H.R. 17734. An act for the relief for Sherman Webb and others (Rept. No. 91–1181).

By Mr. HRUSKA, from the Committee on the Judiciary, without amendment:

S.J. Res. 218. Joint resolution providing for the establishment of an annual "Day of Bread" and "Harvest Festival Week" (Rept. No. 91–1183);

S.J. Res. 225. Joint resolution authorizing the President to proclaim the period October 25 through 31, 1970, as Law Officers Appreciation Week (Rept. No. 91–1184); and

S.J. Res. 228. Joint resolution to authorize the President to designate the period beginning October 5, 1970, and ending October 9, 1970, as "National PTA Week" (Rept. No. 91–1185).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 732. A bill for the relief of Mrs. Nimet Weiss (Rept. No. 91–1174);

S. 3620. A bill for the relief of Anastasia Pertsovitch (Rept. No. 91–1175);

S. 3805. A bill for the relief of Richard W. Yantis (Rept. No. 91–1176);

S. 3813. A bill for the relief of Kim Julia and Park Tong Op (Rept. No. 91–1177);

S. 3858. A bill for the relief of Bruce M. Smith (Rept. No. 91–1178); and

S. 4073. A bill for the relief of Hyun Joo Lee and Myung Joo Lee (Rept. No. 91–1179).

By Mr. ERVIN, from the Committee on the Judiciary, with an amendment:

S. 902. A bill to amend section 1162 of title 18, United States Code, relating to State jurisdiction over offenses committed by or against Indians in the Indian country (Rept. No. 91–1180).

By Mr. HRUSKA, from the Committee on the Judiciary, with amendments:

H.J. Res. 1154. Joint resolution authorizing the President to proclaim National Volunteer Firemen's Week from September 19, 1970, to September 26, 1970 (Rept. No. 91–1186); and

H.J. Res. 1178. Joint resolution authorizing the President to proclaim the month of May 1970 as "Project Concern Month" (Rept. No. 91–1187).

By Mr. YARBOROUGH, from the Committee on Labor and Public Welfare, without amendment:

H.R. 17613. An act to provide for the designation of the Veterans' Administration facility at Bonham, Tex. (Rept. No. 91–1188).

By Mr. SPARKMAN, from the Committee on Banking and Currency, without amendment:

S. 3938. A bill to amend title VII of the Housing and Urban Development Act of 1965 (Rept. No. 91–1189).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. YARBOROUGH, from the Committee on Labor and Public Welfare:

Raymond L. Bisplinghoff, of Massachusetts, to be Deputy Director of the National Science Foundation;

James Chipman Fletcher, of Utah, and John Phillip McGovern, of Texas, to be members of the Board of Regents, National Library of Medicine, Public Health Service; and

Edward E. David, Jr., of New Jersey, to be Director of the Office of Science and Technology.

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Donald G. MacDonald, of Vermont, to be an Assistant Administrator of the Agency for International Development.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. SCHWEIKER:

S. 4348. A bill to prohibit assaults on State law enforcement officers, firemen, and judicial officers; to the Committee on the Judiciary.

(The remarks of Mr. SCHWEIKER when he introduced the bill appear earlier in the RECORD under the appropriate heading.)

By Mr. BENNETT:

S. 4349. A bill for the relief of Julio Rojas and his wife, Juana Rojas; to the Committee on the Judiciary.

By Mr. THURMOND:

S. 4350. A bill for the relief of Ioannis Theofanis Siokos; to the Committee on the Judiciary.

By Mr. TOWER:

S. 4351. A bill relating to compensation in the case of disability or death of marine petroleum workers; to the Committee on Labor and Public Welfare.

(The remarks of Mr. TOWER when he introduced the bill appear below under the appropriate heading.)

By Mr. WILLIAMS of New Jersey:

S. 4352. A bill to extend certain benefits to National Guard Technicians, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; and

S. 4353. A bill to amend the Military Selective Service Act of 1967 to provide for the uniform application of the position classification and General Schedule pay rate provisions of title 5, United States Code, to all employees of the selective service system; to the Committee on Armed Services.

(The remarks of Mr. WILLIAMS of New Jersey when he introduced the bills appear below under the appropriate headings.)

S. 4351—INTRODUCTION OF THE MARINE PETROLEUM WORKERS' COMPENSATION ACT OF 1967

Mr. TOWER. Mr. President, I introduce a measure for the consideration of the Senate relating to the improvement of the compensation system for marine petroleum workers, and to bring such workers under the Longshoremen's and Harbor Workers' Compensation Act.

I hope that the appropriate committee will be able to at least give this matter an initial review before we adjourn this session.

The PRESIDING OFFICER (Mr. SCHWEIKER). The bill will be received and appropriately referred.

The bill (S. 4351) relating to compensation in the case of disability or death of marine petroleum workers, introduced by Mr. TOWER, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

S. 4352—INTRODUCTION OF A BILL RELATING TO EQUITABLE PROMOTIONS AND RETIREMENTS FOR NATIONAL GUARD TECHNICIANS

Mr. WILLIAMS of New Jersey. Mr. President, I am pleased to introduce today a bill that would correct several inequities of the 1968 National Guard Technicians Act. Under this law the National Guard technicians were granted status as Federal employees. Accordingly, I feel they should share the benefits of retirement and promotion. This bill will establish a uniform merit promotion system for these skilled technicians. It would also provide an equitable retirement program. A technician over 50 years of age with 20 years of service can, with the approval of the Secretary of the Military Department and the Civil Service Commission, receive an annuity. This bill would make this annuity a right.

Mr. President, the inequality is clear—the need for the proposed legislation is apparent. I am very pleased to state that this legislation has received the endorsement of the National Federation of Federal Employees.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. SCHWEIKER). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4352) to extend certain benefits to National Guard technicians, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes, introduced by Mr. WILLIAMS of New Jersey, was received, read twice by its title, referred to the Committee on Armed Serv-

ices, and ordered to be printed in the RECORD, as follows:

S. 4352

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (b) of section 709 of title 32 United States Code, is amended by adding at the end thereof the following new sentence: "The Secretary of the Army and the Secretary of the Air Force shall jointly establish and implement a uniform merit promotion program for technicians which shall apply in all States and the Commonwealth of Puerto Rico."

(b) Subsection (d) of such section 709 is amended by adding at the end thereof the following new sentence: "A technician may not be required to wear a military uniform while performing duties within the scope of his employment as a technician."

(c) Subsection (e) of such section 709 is amended by inserting "and" after the semicolon at the end of paragraph (4), and by striking out paragraphs (5) and (6) and inserting in lieu thereof the following:

"(5) A right of appeal to the adjutant general of the jurisdiction concerned exists with respect to paragraph (1), (2), (3), or (4) and if such appeal is made the adjutant general concerned shall make a written record of his decision and his findings supporting such decision. The technician concerned may appeal the decision by the adjutant general concerned to the Civil Service Commission in the manner provided for under chapter 77 of title 5, United States Code, with respect to adverse decisions affecting employees in the civil service. The adjutant general concerned shall take the corrective action which the Civil Service Commission finally recommends."

(d) (1) Paragraph (1) of subsection (g) of such section 709 is amended—

(A) by striking out "Secretary concerned may" and inserting in lieu thereof "Secretary concerned shall", and

(B) by striking out "may be fixed on an annual basis" and inserting in lieu thereof "shall be fixed on an annual basis".

(2) Paragraph (1) of such subsection (g) is further amended by striking out the period at the end thereof and inserting in lieu thereof the following ", except that such additional compensation shall be paid if such unusual or irregular duty or work on nonworkdays exceeds an average of eight hours per week. For the purpose of computing additional compensation, a technician shall be credited with twenty-four hours for each twenty-four-hour period he is required to be at a missile site."

(3) Subsection (g) of such section 709 is amended by adding at the end thereof the following new paragraph:

"(3) Notwithstanding any other provision of law, any technician who is required to fulfill annual missile-firing requirements in order to qualify for his technician's position shall, during any calendar year, be granted appropriate military leave for the purpose of meeting such qualifications, and such military leave shall be in addition to any other annual military leave authorized by law or regulation in the case of such technician."

SEC. 2. (a) Section 8332(b) of title 5, United States Code, relating to creditable service for civil service retirement purposes, is amended by striking out the last sentence thereof which reads as follows: "Service referred to in paragraph (6) is allowable only in the case of persons performing service under section 709 of title 32, United States Code, on or after the effective date of the National Guard Technicians Act of 1968."

(b) Section 8334(c) of title 5, United States Code, relating to deposits for periods of creditable service for civil service retirement purposes, is amended by striking out the last sentence thereof which reads as follows: "Notwithstanding the foregoing provisions of this subsection, the deposit with respect to a period of service referred to in section 8332(b)(6) which was performed prior to the effective date of the National Guard Technicians Act of 1968 shall be an amount equal to 55 per centum of a deposit computed in accordance with such provisions.".

(c) Section 8336 of title 5, United States Code, is amended by adding the following new subsection at the end thereof:

"(h) A person performing service under section 709 of title 32, United States Code, who is separated from such service after becoming fifty years of age and completing twenty years of service in the performance of such duty is entitled to an annuity if the Secretary of the military department concerned recommends his retirement and the Civil Service Commission approves the recommendation."

(d) Section 8339 of title 5, United States Code, relating to computation of civil service retirement annuities, is amended by striking out subsection (1) thereof which reads as follows:

"(1) In determining service for the purpose of computing an annuity under each paragraph of this section, 45 per centum of each year, or fraction thereof, of service referred to in section 8332(b)(6) which was performed prior to the effective date of the National Guard Technicians Act of 1968 shall be disregarded.".

(e) Section 3(c) of the National Guard Technicians Act of 1968 (82 Stat. 757; Public Law 90-486), relating to crediting of National Guard technician service for Federal employees' leave, death, and disability compensation, group life and health insurance, severance pay, tenure, and status, is amended by striking out the last sentence thereof which reads as follows: "This subsection shall apply only in the case of persons who perform service under section 709 of title 32 United States Code, on or after the effective date of this Act.".

(f) The foregoing provisions of this section (except subsection (c)) shall become effective as of January 1, 1969.

S. 4353—INTRODUCTION OF A BILL RELATING TO CIVIL SERVICE STATUS FOR SELECTIVE SERVICE SYSTEM EMPLOYEES

Mr. WILLIAMS of New Jersey. Mr. President, I am today introducing a bill which would bring employees of the selective service system under the classified civil service.

Although selective service employees are Federal employees, they have been denied many of the rights and benefits of other Federal employees. They are generally underpaid. The selective service system lacks the equity and order engendered by the Classification Act. More importantly they exist in the twilight zone between Federal and private employment. They enjoy the benefits of neither group.

This step to bring them under the provisions of the Classification Act is long overdue. Selective service employees should have the same opportunities other employees enjoy in connection with transfers, promotions, and other personnel action under the classified civil service system.

Mr. President, this matter in equity is long overdue. It is up to Congress to rectify this oversight. I ask unanimous consent that the bill be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. SCHWEIKER). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4353) to amend the Military Selective Service Act of 1967 to provide for the uniform application of the position classification and general schedule pay rate provisions of title 5, United States Code, to all employees of the selective service system, introduced by Mr. WILLIAMS of New Jersey, was received, read twice by its title, referred to the Committee on Armed Services, and ordered to be printed in the RECORD, as follows:

S. 4353

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) that part of section 10(b)(4) of the Military Selective Service Act of 1967 (50 App. U.S.C. 460(b)(4)) which precedes the words "That any officer on the active or retired list of the armed forces" is amended to read as follows:

"(4) to appoint, and fix, in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates, the basic pay of such officers, agents, and employees (including employees of local boards and appeal boards) as he may deem necessary to carry out the provision of this title: *Provided,".*

(b) Such section 10(b)(4) is further amended by striking out ": *Provided further,* That an employee of a local board having supervisory duties" and all that follows thereafter and inserting in lieu thereof a semicolon.

SEC. 2. The rate of basic pay of each employee in a position under a local board or appeal board of the Selective Service System on and immediately prior to the effective date of this section shall be adjusted, as of such effective date, as follows:

(1) If the rate of basic pay of such employee is equal to a scheduled rate of that grade of the General Schedule in section 5332 of title 5, United States Code, in which his position is placed, such rate of basic pay shall be the new rate of basic pay for such employee.

(2) If the rate of basic pay of such employee is less than the minimum scheduled rate of that grade of the General Schedule in which his position is placed, such minimum rate shall be the new rate of basic pay for such employee.

(3) If the rate of basic pay of such employee is between any two scheduled rates of that grade of the General Schedule in which his position is placed, the higher of such two rates shall be the new rate of basic pay for such employee.

(4) If the rate of basic pay of such employee is higher than the maximum scheduled rate of that grade of the General Schedule in which his position is placed, such rate of basic pay shall continue to be the rate of basic pay for such employee.

SEC. 3. The foregoing provisions of this Act shall take effect at the beginning of the first pay period which begins on or after the ninetieth day following the date of enactment of this Act.

ADDITIONAL COSPONSORS OF BILLS

S. 3650 AND S. 4107

TOUGHER BOMBING LAWS ADVOCATED

Mr. HARRIS. Mr. President, at the next printing of both S. 4107 and S. 3650, principally sponsored by the distinguished Senator from Nebraska (Mr. HRUSKA), I ask unanimous consent that my name be shown as a cosponsor.

The PRESIDING OFFICER (Mr. SCHWEIKER). Without objection, it is so ordered.

Mr. HARRIS. S. 4107 is a bill which would regulate the distribution of explosives, requiring all commercial importers, manufacturers and dealers in explosives to be licensed by the Secretary of the Interior and would require positive identification of purchasers of explosives. Small arms ammunition and components and black powder in quantities less than 5 pounds are excluded. The bill provides stiff penalties of up to 10 years imprisonment.

S. 3650 makes it a Federal crime to transport explosives across State lines for illegal purposes and provides penalties of up to 5 years in prison. Both bills recognize that prosecution for bombings and bomb threats is primarily a State and local responsibility, but I believe these bills are needed and can serve as an extra deterrent to such crimes.

Recent bombings and bomb threats throughout the country show that we need to give all the added help we can to law enforcement officials to see that the guilty persons are promptly brought to justice. Swift and sure punishment for those guilty of crimes is the best deterrent to the commission of crimes.

The loss of lives occurring from the bombing at the University of Wisconsin and the critical injuries suffered by State District Judge Fred Nelson of Tulsa from a bomb wired to his car's ignition are two of the more tragic bombings in the past 2 weeks.

I have discussed the bombing of Judge Nelson with Chief Jake Purdy of the Tulsa police. I have also discussed the case with officials of the Federal Bureau of Investigation in Washington, D.C., which has given assistance in helping to solve this crime. I am hopeful that the guilty person will be speedily apprehended, tried, and swiftly punished.

A recent survey reveals that from January 1969 to April 1970 there were 4,000 bombings in America and more than 40,000 attempted and threatened bombings. As a result, there were more than 40 deaths and in excess of $22 million in property damage. Violence of any kind and for any cause is immoral and absolutely intolerable in our society—and it must be stopped. And bombings are a particularly outrageous and cowardly kind of violence. We, as public officials, have an obligation to see that every effort is made to apprehend those who have committed any act of violence and bring them to justice. We must see that the penalties are in keeping with the seriousness of the crimes.

I have also written to the speaker of the Oklahoma House of Representatives, the Honorable Rex Privett, and the president pro tempore of the Oklahoma State Senate, the Honorable Finis Smith, respectfully suggesting to them that it would be well to examine the laws of the State of Oklahoma to see that State laws, also, in regard to explosives are strengthened wherever necessary. A recent survey conducted by the American Law Division of the Library of Congress states that 22 States, including Oklahoma, Arkansas, Colorado, Missouri, and Texas, have laws in regard to the sale of explosives which are considered to be inadequate.

S. 4106

At the request of the Senator from Montana (Mr. MANSFIELD), the Senator from Rhode Island (Mr. PELL), the Senator from Colorado (Mr. DOMINICK), and the Senator from California (Mr. MURPHY) were added as cosponsors of S. 4106, to amend the Public Health Service Act in order to provide for the establishment of a National Health Service Corps.

S. 4265

At the request of the Senator from Oregon (Mr. HATFIELD), the Senator from Montana (Mr. MANSFIELD), the Senator from Oklahoma (Mr. HARRIS), and the Senator from New York (Mr. JAVITS) were added as cosponsors of S. 4265, to amend section 306 of the Consolidated Farmers Home Administration Act to increase the aggregate annual limit on grants for water and waste facilities constructed to serve rural areas and to increase the aggregate annual limit on grants for plans for the development of such facilities.

S. 4325

At the request of the Senator from New Jersey (Mr. WILLIAMS), the Senator from Michigan (Mr. HART), the Senator from Nevada (Mr. CANNON), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S. 4325, to prohibit flight in interstate or foreign commerce to avoid prosecution for the killing of a policeman or fireman.

S. 4335

At the request of the Senator from Michigan (Mr. GRIFFIN), the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of S. 4335, to deter aircraft piracy by invoking a commercial air traffic quarantine against countries abetting aircraft piracy.

SENATE CONCURRENT RESOLUTION 82—SUBMISSION OF A CONCURRENT RESOLUTION TO IMPROVE THE METHOD OF TAXING CAPITAL GAINS

Mr. TOWER. Mr. President, today I have submitted a concurrent resolution which is designed to improve the Federal income tax treatment of capital gains. The concurrent resolution directs the Joint Committee on Internal Revenue Taxation to study the feasibility of providing progressively lower taxes on gains from capital assets which have been held by individuals for progressively longer periods of time.

I would like to briefly describe several of the major problems to which my proposal is directed.

Under our Federal individual income tax, realized gains from the sale or exchange of capital assets that are held for 6 months or less are subject to the regular marginal rates which range up to 70 percent. However, if the asset is held for more than 6 months, the gain is taxed, in effect, at preferential rates.

A primary reason for the difference in the treatment based on the holding period is to distinguish between speculative and true capital gains. However, to abruptly change the tax treatment after exactly 6 months is quite arbitrary. Moreover, under the present law, an asset that is held for a long period of time, such as 3, 10 or perhaps more years, is treated the same as if it were held 6 months and one day. This seems inequitable.

The PRESIDING OFFICER (Mr. SCHWEIKER). The concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 82), which reads as follows, was referred to the Committee on Finance:

S. CON. RES. 82

Resolved by the Senate (the House of Representatives concurring), That the Joint Committee on Internal Revenue Taxation, or any duly authorized subcommittee thereof, is authorized and directed to make a full and complete study of the feasibility of amending the Internal Revenue Code of 1954 so as to provide progressively lower taxes on gains from the sale or exchange of capital assets which have been held by individuals for progressively longer periods of time.

Sec. 2. The Joint Committee shall, not later than 3 months after the date on which this resolution is agreed to, report the results of the study required by this resolution, together with its recommendations, to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

Mr. TOWER. Mr. President, my proposal recognizes that the longer an asset is held the more likely it is a true capital gain and thus more justifiably deserves preferential treatment. Moreover, since most assets appreciate substantially over a long period of time, the tax is unduly burdensome when the asset is sold.

This leads us to the lock-in problem and its attendant adverse economic effects. Individuals often prefer to continue holding appreciated capital assets until death, at which time no tax is paid on the gain. This practice has reduced the mobility of capital and has resulted in undesirable instabilities in the securities market. Since my proposal would levy progressively lower tax rates on assets held for progressively longer periods of time, individuals would be more willing to sell or exchange these assets during their lifetime rather than hold them until death.

Capital gains treatment is a very complex area of taxation. Moreover, many widely varying views are held on the economic effects of capital gains treatment. That is why my bill directs the Joint Committee on Internal Revenue Taxation to study this problem area. This committee, which is recognized as an extremely competent tax authority, is the logical group to make legislative recommendations involving value judgments and the technical features of a bill. The committee could most ably devise, for example, a sliding scale of holding periods and applicable rates so as to implement the objectives of my bill.

Favorable legislative action on my bill will at least provide the Congress the opportunity to take a forward step in removing some inequities and adverse economic effects resulting from our present method of taxing individuals on their capital gains.

SENATE CONCURRENT RESOLUTION 83—SUBMISSION OF A CONCURRENT RESOLUTION TO DEAL WITH THE PROBLEM OF AIR PIRACY

Mr. COOK. Mr. President, I submit, for appropriate reference, a concurrent resolution to express the sense of Congress on international measures to discourage hijacking.

I ask unanimous consent to have printed in the RECORD a statement by the President announcing a program to deal with the problem of air piracy.

The PRESIDING OFFICER (Mr. SCHWEIKER). The concurrent resolution will be received and without objection, the statement will be printed in the RECORD.

The concurrent resolution (S. Con. Res. 83), which reads as follows, was referred to the Committee on Commerce:

S. CON. RES. 83

Whereas recent acts of hijacking, involving terrorization of men, women, and children by forced detention in crowded and unsanitary conditions and in aircraft wired with dangerous explosives, threats to the lives of innocent persons held as hostages as part of an irresponsible scheme of international blackmail, and senseless destruction of aircraft have shocked responsible governments of the world; and

Whereas these acts imperil the safety and security of air transportation for citizens everywhere; and

Whereas many innocent victims of these acts of hijacking continue to be detained in fear for their lives; and

Whereas the safety of air travellers will be menaced until acts of air piracy are stopped; and

Whereas acts of air piracy will continue so long as nations allow the detention of passengers, crew, and aircraft, and permit hijackers to remain unpunished; and

Whereas the President has announced a seven-point program to deal with the threat to air transportation posed by recent acts: Therefore be it

Resolved by the Senate (the House of Representatives concurring); That it is the sense of the Congress that the Administration should take steps to implement the seven-point program as rapidly as possible and should act immediately in appropriate international organizations to obtain concerted action of the international community to suspend all international civil air transport services to and from nations refusing to permit passengers, crew and aircraft to continue their journey when a hijacked aircraft lands in their territory or refusing to punish or extradite persons who engage in acts of hijacking for purposes of international blackmail.

The message from the President is as follows:

STATEMENT BY THE PRESIDENT ANNOUNCING A PROGRAM TO DEAL WITH THE PROBLEM OF AIR PIRACY

SEPTEMBER 11, 1970.

The menace of air piracy must be met—immediately and effectively. I am therefore announcing the following actions to deal with this problem:

1. To protect United States citizens and other U.S. flag carriers, we will place specially trained, armed United States Government personnel on flights of U.S. commercial airliners. A substantial number of such personnel are already available and they will begin their duties immediately. To the extent necessary they will be supplemented by specially trained members of the Armed Forces who will serve until an adequate force of civilian guards has been assembled and trained. We will also make antisabotage training available to airlines personnel.

2. I have directed the Department of Transportation to have American flag carriers extend the use of electronic surveillance equipment and other surveillance techniques to all gateway airports and other appropriate airports in the United States and—wherever possible—in other countries. The Federal Government will provide enforcement officers to work with this equipment, to conduct searches when appropriate, and to make necessary arrests. Such equipment and techniques have already helped to reduce the problem of air piracy in many areas.

3. I have directed the Departments of Transportation, Treasury, and Defense, the Central Intelligence Agency, the Federal Bureau of Investigation, the Office of Science and Technology, and other agencies to accelerate their present efforts to develop security measures, including new methods for detecting weapons and explosive devices. At the same time, the Departments of Defense and Transportation will work with all U.S. airlines in determining whether certain metal detectors and x-ray devices now available to the military could provide immediate improvement in airport surveillance efforts. To facilitate passenger surveillance, appropriate agencies of the Federal Government will intensify their efforts to assemble and evaluate all useful intelligence concerning this matter and to disseminate such information to airlines and law enforcement personnel.

4. I am directing the State Department and other appropriate agencies to consult fully with foreign governments and foreign carriers concerning the full range of techniques which they use to foil hijackers. Some foreign airlines—though they are particularly susceptible to hijacking—have been successful in deterring hijackers and in coping with piracy attempts. We want to learn all we can from their experience.

5. It is imperative that all countries accept the multilateral convention providing for the extradition or punishment of hijackers which will be considered at the International Conference which will be held under the auspices of the International Civil Aviation Organization. I affirm the support of the United States both for this Convention and for the Tokyo Convention, which provides for the prompt return of hijacked aircraft, passengers, and crew. I call upon other governments to become parties to these conventions.

I further call upon the international community to take joint action to suspend airline services with those countries which refuse to punish or extradite hijackers involved in international blackmail. For this purpose and in order to consider other ways and means of meeting this new international menace, I have directed the Secretary of State to ask the President of the Council of the International Civil Aviation Organization immeditely to convene that Council in an emergency meeting.

6. It is the policy of the United States Government to hold the countries in which hijacked planes are landed responsible for taking appropriate steps to protect the lives and the property of U.S. citizens.

7. An additional indication of our deep concern with the hijacking menace is the request which the United States and the United Kingdom made earlier this week for an urgent meeting of the United Nations Security Council to consider this problem. I am gratified by the unanimous action of the Security Council in calling upon the parties concerned immediately to release all hijacked passengers and crews. I am pleased, too, that the Security Council has asked all nations to take all possible legal steps to protect against further hijackings or other interference in international civil aviation.

These are not the only steps we will take in the coming months to meet the threat of airplane hijacking. But they do provide a decisive program for the immediate future. The Secretary of Transportation will direct this program and take responsibility for preparing further proposals. In this capacity he will work closely with the Secretary of State, the Secretary of the Treasury, the Attorney General, and the Secretary of Defense.

Piracy is not a new challenge for the community of nations. Most countries, including the United States, found effective means of dealing with piracy on the high seas a century and a half ago. We can—and we will—deal effectively with piracy in the skies today.

Mr. COOK subsequently said. Mr. President, earlier today I submitted a concurrent resolution. I ask unanimous consent that the concurrent resolution I submitted be referred to the Committee on Commerce, and if and when it is reported, it be referred to the Committee on Foreign Relations, if that committee so desires.

The PRESIDING OFFICER (Mr. SPONG). Without objection, it is so ordered.

SENATE RESOLUTION 462—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF PART 25 OF HEARINGS ENTITLED "RIOTS, CIVIL AND CRIMINAL DISORDERS"

Mr. McCLELLAN. Mr. President, I send to the desk a resolution and ask unanimous consent for its immediate consideration. I have previously discussed this matter with the majority leadership. I am confident that there will be no objection to it from the minority. It is a printing resolution.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 462) was considered and agreed to, as follows:

S. RES. 462

Resolved, That there be printed for the use of the Committee on Government Operations two thousand additional copies of Part 25 of the hearings before its Permanent Subcommittee on Investigations during the Ninety-first Congress, second session, entitled "Riots, Civil and Criminal Disorders."

SENATE RESOLUTION 463—SUBMISSION OF A RESOLUTION URGING THE ADOPTION OF A NATIONAL POLICY TO DISCOURAGE EXCESSIVE CONCENTRATION OF INDUSTRY AND POPULATION IN METROPOLITAN AREAS

Mr. McCLELLAN. Mr. President, some 3 years ago during the investigation of the riots that plagued our cities, I became convinced that the initial step necessary to solving the critical problems of our congested metropolitan centers was to launch a national program to stay and reverse the heavy flow of people who are migrating into these areas. Only by stopping the sprawling, haphazard, and unmanageable urbanization of our country, can we ever hope to alleviate the multitude of problems associated with

highly congested, over-populated and slum infested cities. To accomplish this purpose, we must encourage a reversal of the migration trend of people to the cities and give them some inducement to continue living where they now reside in the rural areas.

It will be no easy task to foster balanced and orderly growth in a country of 200 million free citizens. But much can be done by providing jobs, better economic opportunities and the attraction of a more decent and healthful living environment in the less populated areas of our Nation.

The cities are today's prime sources and repositories of pollution, and they engender and produce critical housing, health, transportation, and crime problems. Rapidly increasing population can only aggravate and perpetuate these unsavory and deplorable conditions.

Deteriorating and dilapidated housing abounds in our inner cities and contributes markedly to an unhealthy environment. Transportation problems in most major cities defy description. And, there is no doubt that congested slum areas are incubators of poverty and crime. For example, the crime rate in New York is double the national average.

The increased rate of population we are now experiencing is expected to continue. But our problem is not primarily over-population; it is over-concentration. Simply stated, our dilemma is over-populated areas and under-populated lands.

Presently, some 70 percent of our people live on about 1 percent of the land. The east and west coasts are practically paved with people as the population piles up along our shorelines. Yet, between 1960 and 1968, one out of every three counties in the United States actually lost population. Most of these counties are in the agricultural strip of the Middle West and across the southeastern tier of States. These sections of the country have been losing population since the depression of the 1930's.

The industrial expansion has passed these areas by, and they have not fully participated in the general economic advancements experienced by the Nation as a whole.

It is estimated that another 100 million people will be added to our population within the next 30 to 40 years. It is obvious, therefore, that today's metropolitan areas—already bursting at the seams—cannot adequately accommodate even a fraction of this multitude, nor can we hope to rid the skies of pervasive pollution by allowing further concentration of people and industries into already congested areas. New housing, hospitals, schools—whole new towns—will be needed to accommodate this monumental addition to our present population. Indeed, we would need to construct a city the size of Little Rock every month for the next 50 to 60 years to house the people who will increase our national population within that time.

If we are to provide our people with the best possible life in the most favorable environment, both social and economic, we must bring some semblance of order out of this chaos—some organization out of the confusion that abounds in our major cities and which adversely affects the lives of our citizens who inhabit them.

To this end, I have in the past urged President Nixon to adopt and to implement a national policy to encourage industry to decentralize and expand as much as possible in rural areas. Only by developing those sparsely populated areas, by providing jobs, opportunities, and educational facilities, can we ever hope to reverse the migration tide into our crowded cities.

In other words, we need to discourage people from migrating to our large cities in search of jobs which often do not exist, with the result that they then have no alternative except to join the already swollen relief rolls, and thus become a further economic burden on the community. What we need is a policy—a program—to provide jobs and opportunities for the people who now reside in rural America. Let us take the jobs to them, instead of having them go to the overcrowded cities looking for jobs, where too often no jobs are to be found.

The Government can take the lead in this endeavor by using its many existing Federal programs—from highways to housing—to facilitate industry's move into the countryside.

There are almost 600 Federal domestic aid programs now carried out by 47 departments and agencies. Many of these are broadly drawn to apply across the spectrum of America; however, other programs were enacted specifically to aid rural areas. For example, we have rural renewal loans; economic development grants and loans; loans for business and development companies; advance land acquisition loans; water, sewer, and public facility loans. Mortgage insurance for developing whole new towns; airport development programs; regional economic development commissions—which offer a variety of growth opportunities—a series of manpower training and development programs and a multitude of planning assistance programs are already on the statute books. All of these, plus Federal health and education projects are available to facilitate the development of our sparsely populated regions of the country.

In Arkansas we have enjoyed great success with projects developed under the Economic Development Administration. For example, some 1,500 new jobs are expected to result from the Pine Bluff waterfront industrial park, made possible by a $1,206,000 grant.

An $839,500 grant to the Southwest Arkansas Water District to aid in the construction of a five county water distribution system has led to an increase of 1,350 jobs.

EDA funds in the amount of $2.2 million to Fort Smith to expand the city's water and sewer facilities resulted in 1,300 new jobs with an estimated 1,750 to be added later on from the economic development of the area made possible by this grant.

Again the EDA, working with the State, helped to create the Southwest Technical Institute which is expected to have the capacity to train 2,000 skilled workers annually when it gets into full operation.

These are concrete examples—pilot projects—for the national decentralization program that I have recommended to the President, and which I am advised is receiving present attention and earnest consideration within his administration.

In addition to what I have already mentioned, we can explore the possibility of redirecting some of the $55 billion annual Government procurement contracts, and using more of our $28 billion grant-in-aid programs to develop our open spaces.

Tax incentives to induce industry to locate new plants and to provide new jobs in our rural communities can be used, and some of the 750-million-acre Federal landholdings can be used to provide industrial sites for these new industries. And while federally held property could be used for industrial sites in the economically underdeveloped areas of our country, that located in urban areas could be used for redevelopment, parks, and recreational purposes.

Mr. President, in a further effort to enlist the cooperation and support of the administration and the Congress in this endeavor, I now submit for appropriate reference, a resolution urging the adoption of a national policy to reduce and to avoid many of the problems resulting from the excessive concentration of industry and population in metropolitan areas.

The PRESIDING OFFICER (Mr. STENNIS). The resolution will be received and appropriately referred.

The resolution (S. Res. 463), which reads as follows, was referred to the Committee on Government Operations:

Whereas 70 percent of the American people live on only 1 percent of the land of the United States and this high concentration of population results in increased pollution, critical problems of housing and transportation, unhealthy living conditions, and increased crime;

Whereas the location and expansion of industries in the major metropolitan centers of the Nation continue to attract more people to these highly congested areas, thus further aggravating and intensifying these unwholesome conditions;

Whereas a more balanced distribution of our population and economic opportunities is needed to accommodate the anticipated population increase of more than 100 million persons in the United States over the next half century;

Whereas the population of 1 of every 3 counties in the United States decreased during the past decade because industries expanded in already overcrowded and congested population centers thus denying equal opportunities for economic advancement in the less populated communities of our Nation.

Whereas a more even and practical geographic distribution of industrial growth and activity would reduce the continued concentration of industry and would stimulate the growth and development of less heavily populated sections of our country, thereby encouraging a more diversified and better balanced distribution of our inhabitants, and facilitating the restoration and protection of the quality of our environment, thus enhancing and enriching the lives of all Americans: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President, with the cooperation of

the Congress, should establish and carry out a national policy designed to encourage the distribution of future industrial growth, and its attendant expansion more evenly throughout the United States by giving preference, to the maximum extent practicable, in

(1) awarding Federal contracts for the purchase of equipment, goods, or services for use by any agency or department of the Federal Government;

(2) locating new or additional facilities of any agency or department of the Federal Government; and

(3) administering or implementing new and existing government programs, particularly the multi-billion-dollar Federal grant-in-aid programs;

to those areas which have a low concentration of population and industry.

SEC. 2. (A) The President is requested to submit an annual report to the Congress not later than the first day of March of each year with respect to the progress made by the Federal Government in carrying out the national policy developed under this resolution.

(B) The General Accounting Office is requested to assist the President, to the maximum extent practicable, in carrying out the national policy developed under this resolution and in preparing the annual report requested in Section 2(A) of this resolution.

Mr. McCLELLAN. This proposed resolution calls upon the administration to give preference to those areas of our country which have a low concentration of population and industry in first, awarding Federal contracts for the purchase of equipment, goods or services for use by any agency or department of the Federal Government; second, locating new or additional facilities of any agency or department of the Federal Government; and third, in administering or implementing new and existing Federal programs.

The resolution also requests the President to submit an annual report to the Congress not later than the first day of March of each year, so that we might be apprised of the progress made by the Government in carrying out the national policy developed under this resolution.

In my opinion the policy enunciated in this resolution offers a corrective and effective remedy to relieve the unwholesome conditions now plaguing our congested cities and to promote the more balanced distribution and a healthier expansion of our industrial activity and our inhabitants throughout the Nation.

It is important to note, that it is not the intent of this policy to uproot or relocate the settled industrial complex of this country. Our purpose is to ease the burden of our cities and bring jobs to the people in our rural areas.

Earlier this year, a new domestic council was created by Reorganization Plan No. 2, to provide a vehicle through which domestic policy could be formulated and coordinated. This council would appear eminently qualified to carry out the policy proposed by this resolution. Obviously, a program of this magnitude is complex. Any attempt to foster balanced growth in a democratic society will be difficult. Indeed, it will never succeed without the cooperation, support and leadership of both the administration and industry. Fortunately, our industrial leaders have always responded to national needs and have shown a sense of social responsibility which, coupled with hard-headed business sense, can contribute greatly to the success of this program.

America has developed a highly sophisticated and efficient transportation system which makes decentralization both possible and provident.

Not only will it prove to be good business to decentralize, it will also contribute to rational, orderly economic growth, and provide a richer, fuller and more enhanced way of life for our people. Such a program will also contribute greatly to preserving and restoring our rapidly deteriorating environment.

We have been so imbued with the idea of conquering and using nature, that we have lost sight of the fact that there is only one crop of land on this earth—only so much clean water—and that our atmosphere can absorb only so much poison.

We have used and abused our resources as if there were no tomorrows—and no generations to follow. We have neglected our stewardship of our own habitat. America's unfettered growth has been mighty—but it has also been costly. Costly, and ironic—in terms of today's smog-bound, choking cities, and our smog-free, but withering rural towns. Mr. President, I have addressed this problem before. In May of 1968, in a U.S. News & World Report interview, regarding the Permanent Subcommittee on Investigations' riot study, I suggested that the problems of the ghetto could best be relieved by creating new jobs for people outside the cities. On July 25, 1969, I cosponsored S. 2701, to create a commission to study and recommend programs to alleviate the critical problems related to disproportionate population, which became public law on March 16 of this year. I look forward to the results of the commission's findings and intend to propose and to support any worthwhile suggestions it makes.

On March 3 and March 31 of this year, I outlined the crisis of our impacted metropolitan areas and suggested that the administration launch a campaign to relieve the pressures of our cities by developing the economic potential and new jobs in our rural communities. Included in that latter address was a letter from Mr. William E. Timmons, Assistant to the President, stating the administration was giving active consideration to my proposals.

I am convinced, Mr. President, that a concerted Federal effort as suggested by the resolution will do much to halt the myriad of environmental problems. This is not, as indicated, a scheme or plan born of parochialism to entice existing industry away from the various highly developed metropolitan areas of the Nation. The purpose is simply to achieve a better balanced population and industrial growth pattern.

I was pleased to learn that the National Governors Conference at its 62d annual meeting, held August 9–12, at the Lake of the Ozarks, Mo., adopted a "national population growth and distribution policy." I ask unanimous consent, Mr. President, that that policy position be printed in the RECORD at the conclusion of my remarks, along with policy positions adopted with regard to new community development and national economic development.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McCLELLAN. Rich and poor, black and white, young and old, we all breathe the same air—drink the same water—and view the same vistas. Each of us has an obligation to protect that air—that water—and that natural habitat which is vital not only to our mental and physical well-being but to our very survival.

I hope the resolution which I have submitted today will stimulate keener interest in this serious problem. Better economic opportunities in a healthier and more pleasant environment is an attainable goal for all our people. I am hopeful that the adoption of this resolution will encourage and persuade the administration to inaugurate and pursue a national policy designed to attain that goal.

EXHIBIT 1

ADOPTION OF A NATIONAL ECONOMIC DEVELOPMENT POLICY

A National Economic Development Policy should be adopted to coordinate economic assistance measures with a national population growth and distribution policy, thereby providing the employment concentrations and economic base that will make such a policy workable, offering more efficient operating environments for industry and concentrated employment centers accessible to workers in either rural or urban areas. Such policy should provide additional incentives to private business and look to new ways that public and private interest can be combined to meet public needs.

ADOPTION OF A NATIONAL POPULATION GROWTH AND DISTRIBUTION POLICY

There should be an adoption of a National Population Growth and Distribution Policy, developed in concert with state and local planning policies, to lessen the congestion, and reduce pressure, on the already overburdened resources of our cities, to offer opportunities for the free movement of all of our citizens to realize their maximum personal potential, to match manpower and job training programs with the needs for community development and to lessen the problems of transportation, environmental decay and social service delivery that are not being adequately dealt with for today's population. Such a policy shall be consonant with a rural-urban balance of needs and regional potentials.

ADOPTION OF A NEW COMMUNITIES DEVELOPMENT POLICY

To effectuate a population growth and distribution policy, there should be the adoption of a comprehensive New Communities Development Program which would include expanded communities, new-towns-in-towns and new towns as major components of a national policy designed to relieve growth stresses upon existing metropolitan areas and to promote growth in appropriate areas which have growth potential.

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 455

At the request of the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from North Dakota (Mr. BUR-

DICK), the Senator from Connecticut (Mr. DODD), the Senator from Kansas (Mr. DOLE), the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. GOLDWATER), the Senator from Massachusetts (Mr. KENNEDY), the Senator from California (Mr. MURPHY), the Senator from Oregon (Mr. PACKWOOD), the Senator from Illinois (Mr. PERCY), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Illinois (Mr. SMITH), the Senator from South Carolina (Mr. THURMOND), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of Senate Resolution 455, to designate January 22 as Ukrainian Independence Day.

HOUSE BILL PLACED ON THE CALENDAR

The bill (H.R. 17795) to amend title VII of the Housing and Urban Development Act of 1965, was read twice by its title and placed on the calendar.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, September 16, 1970, he presented to the President of the United States the following enrolled bills:

S. 203. An act to amend the act of June 13, 1962 (76 Stat. 96), with respect to the Navajo Indian Irrigation project;

S. 434. An act to authorize the Riverton extension unit, Missouri River Basin project, to include therein the entire Riverton reclamation project, and for other purposes;

S. 3617. An act to amend the Marine Resources and Engineering Development Act of 1966 to continue the National Council on Marine Resources and Engineering Development; and

S. 3838. An act to prevent the unauthorized manufacture and use of the character "Johnny Horizon," and for other purposes.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND THE VICE PRESIDENT—AMENDMENTS

AMENDMENT NO. 905

Mr. KENNEDY (for himself, Mr. MATHIAS, Mr. CHURCH, Mr. CRANSTON, Mr. EAGLETON, Mr. GRAVEL, Mr. HARRIS, Mr. MAGNUSON, Mr. MONDALE, Mr. NELSON, Mr. PROXMIRE, and Mr. STEVENS) submitted amendments, intended to be proposed by them, jointly, to the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States relating to the election of the President and the Vice President, which were ordered to lie on the table and to be printed.

(The remarks of Mr. KENNEDY when he submitted the amendments appear earlier in the RECORD under the appropriate heading.)

AMENDMENT NO. 912

Mr. SPONG submitted an amendment, intended to be proposed by him, to Senate Joint Resolution 1, supra, which was ordered to lie on the table and to be printed.

(The remarks of Mr. SPONG when he submitted the amendment appear earlier in the RECORD under the appropriate heading.)

AMENDMENT NO. 913

Mr. BROOKE (for himself and Mr. METCALF) submitted an amendment, intended to be proposed by them, jointly, to Senate Joint Resolution 1, supra, which was ordered to lie on the table and to be printed.

(The remarks of Mr. BROOKE when he submitted the amendment appear later in the RECORD under the appropriate heading.)

EMPLOYMENT AND TRAINING OPPORTUNITIES ACT OF 1970—AMENDMENTS

AMENDMENTS NOS. 906 THROUGH 911

Mr. DOMINICK submitted six amendments, intended to be proposed by him, to the bill (S. 3867) to assure opportunities for employment and training to unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 919

Mr. JAVITS submitted an amendment, intended to be proposed by him, to Senate bill 3867, supra, which was ordered to lie on the table and be printed.

SMALL BUSINESS AMENDMENTS ACT OF 1970—AMENDMENT

AMENDMENT NO. 914

Mr. JAVITS submitted an amendment, intended to be proposed by him, to the bill (S. 4316) to clarify and extend the authority of the Small Business Administration, and for other purposes, which was ordered to lie on the table and to be printed.

AUTHORIZATION OF CERTAIN CONSTRUCTION AT MILITARY INSTALLATIONS—AMENDMENTS

AMENDMENT NO. 915

Mr. GOODELL submitted amendments, intended to be proposed by him, to the bill (H.R. 17604) to authorize certain construction at military installations, and for other purposes, which were ordered to lie on the table and to be printed.

AMENDMENT OF OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968—AMENDMENTS

AMENDMENTS NOS. 916 AND 917

Mr. GOODELL. Mr. President, the Law Enforcement Assistance Administration in its 2 years of existence has made significant progress, and it has brought to light major new areas of concern for Federal assistance to State crime fighting efforts.

I am submitting two amendments to the Safe Streets Act that will, I hope, focus on several of these new areas. The first of these amendments would incorporate into section 301(b) in which the scope of State comprehensive crime plans is defined, provision for programs of pretrial release, correctional rehabilitation, the development of criminal justice professions, and the prevention and treatment of drug abuse. These programs for bail reform, correctional rehabilitation, and the prevention and treatment of drug abuse, would be made eligible for 75 percent Federal funding under section 301 (c) and would be given special emphasis under section 307.

In passing the Bail Reform Act of 1966 Congress found that the need was pressing for these revisions of procedures related to pretrial relief and supervision of defendants. My amendment would encourage States to design and implement programs aimed at overhauling currently inefficient and discriminatory bail practices, and to establish more equitable procedures for determining conditions of pretrial release and for supervising, and helping defendants before trial.

One of the most urgent aspects of our Nation's crime problem is the need for vast improvements in our correctional systems. Indeed, it can be said that our correctional institutions more often than not, serve to reinforce, rather than break down, the crime cycle. My first amendment would encourage the States to develop innovative programs of correctional rehabilitation and vocational guidance, and to provide for the development of those criminal justice professionals so urgently needed in institutions around the Nation. States would be urged to develop comprehensive programs for corrections reform and to renovate prison systems that now serve little or no rehabilitative purpose.

Finally, my amendment addresses the problem of drug abuse, which has reached epidemic proportions in most urban centers. There is a clear and demonstrable relationship between drug addiction and crime, yet our rehabilitative and treatment facilities for drug addicts are pitifully inadequate. Not only must we help States and local units of government protect their citizens from the actions of drug addicts who turn to crime to support their habits, but we must also see that the States are able to institute preventive and rehabilitative programs for drug addicts so that we may begin to deal with the problem of drug abuse with more than stopgap, punitive measures.

I am also offering a second amendment to the Safe Streets Act which would urge States to develop far-reaching programs of court reform. This amendment is aimed at helping States to revamp their criminal justice systems, which are rapidly and dangerously deteriorating. The need for court reform in State and local criminal courts is felt all over the country, as overcrowding and outdated administrative procedures create conditions in which defendants must wait up to 2 years before their cases are brought to trial. This amendment would, like the first, be included in part C, section 301 (b), would be eligible for 75 percent Federal funding under section 301(c), and would be given special emphasis under section 307.

The LEAA has proven itself to be an effective instrumentality through which the Federal Government can help State and local governments in their fights against crime. I feel that the time is right to expand the area of LEAA's concern, and to provide for the funding of programs that go beyond mere law enforce-

ment to deal with the basic causes of crime and with fundamental weaknesses in our criminal justice system.

Mr. President, I ask unanimous consent that the text of my amendments be printed in the RECORD.

The PRESIDING OFFICER (Mr. SCHWEIKER). The amendments will be received and printed, and will be appropriately referred; and, without objection, the amendments will be printed in the RECORD.

The amendments (Nos. 916 and 917) were referred to the Committee on the Judiciary, as follows:

AMENDMENT NO. 916

On page —, line —, insert the following: Section 301(b) of Public Law 90–351 is amended by adding after paragraph (7) the following paragraphs:

"(8) Programing relating to the maintenance of effective supervision and control under, and the provision of supporting services to, defendants released before trial, which programing may include, though not be limited to, collection and verification of information about the defendant in order to insure the provision of the requisite services to him, recruitment and training of pretrial relief services personnel, assistance in the provision of medical, employment, legal, education, family therapy, and other services, in programs designed to insure the reduction of pretrial crime, nonappearance for trial, and pretrial detention.

"(9) The rehabilitation of criminal and youth offenders, and the prevention of juvenile delinquency and criminal recidivism, through programs of vocational training, job placement, counseling, family therapy, correctional education, and recruitment and training of professional and subprofessional diagnostic and treatment staff personnel for corrections systems.

"(10) Criminal justice professions development through educational assistance to persons for study in academic subjects related to professional diagnostic and treatment services to be performed in corrections systems.

"(11) The prevention and treatment of drug abuse and narcotic addiction and the rehabilitation of drug addicts, including, but not limited to comprehensive programs designed to meet the cost of constructing, equipping, and operating treatment and rehabilitation facilities, including post-hospitalization and after-care, neighborhood rehabilitation centers for addicts who have had treatment; provision for legal, employment, counseling, education, medical and family therapy services on an out-patient basis to addicts who have had treatment; and programs of public education directed toward the prevention of drug abuse and narcotic addiction."

The first sentence of section 301(c) is amended to read:

"The amount of any Federal grant made under paragraphs (5), (6), (8), (9), and (11) may be up to 75 percent of the cost of the program or project specified in the application for such grants."

Part C, section 307(a) is amended to read as follows:

"In making grants under this part, the administration and each State planning agency, as the case may be, shall give special emphasis, where appropriate, or feasible, to programs and projects, dealing with the prevention, detention, and control of organized crime and of riots and other violent civil disorders; the provision of pretrial services to, and the maintenance of effective supervision over, defendants released before trial; the rehabilitation of criminal and youth offenders and the prevention of juvenile delinquency and criminal recidivism; the prevention and treatment of drug abuse and narcotic addiction, and the rehabilitation of drug addicts."

AMENDMENT NO. 917

On page —, line —, insert the following: Part C, section 301(b) a public law 90–351 is amended by adding after paragraph (7), the following paragraph:

"(8) Assuring all defendants of their rights to a speedy trial, through programs designed to alleviate overcrowded and antiquated conditions in non-Federal criminal courts, including but not limited to recruitment of judges and supporting personnel, modernization of court administration, and revision of the allocation of jurisdictional responsibilities among non-Federal criminal courts."

Part C, section 301(c) is amended to read as follows:

"The amount of any Federal grant made under paragraphs (5), (6), and (8) may be up to 75 per centum of the cost of the program or project specified in the application for such a grant."

Part C, Section 307 (a) is amended to read as follows:

"In making grants under this part, the Administration and each State planning agency, as the case may be, shall give special emphasis, where appropriate or feasible, to programs and projects dealing with the prevention, detention, and control of organized crime and of riots and other violent civil disorders, and provision of speedy trial to defendants in non-Federal criminal courts, through court reform, modernization and reorganization."

AMENDMENT OF MERCHANT MARINE ACT, 1936—AMENDMENTS

AMENDMENT NO. 918

Mr. WILLIAMS of Delaware submitted amendments, intended to be proposed by him, to the bill (H.R. 15424) to amend the Merchant Marine Act, 1936, which were ordered to lie on the table and to be printed.

ADDITIONAL STATEMENTS OF SENATORS

CBS NEWS SPECIAL—VIETNAM: VOICES IN OPPOSITION

Mr. MANSFIELD. Mr. President, on September 5, the Columbia Broadcasting System presented a program in compliance with the recent FCC ruling giving air time to opponents of the Vietnam war. Participating in the program were the distinguished Senator from Idaho (Mr. CHURCH); Dr. George Wald, Howard professor, and Nobel Prize winner; retired Maj. Gen. Thomas A. Lane, of the U.S. Army; Sam Brown, former National Coordinator of the Vietnam Moratorium; and retired Lt. Gen. James M. Gavin of the Army.

General Lane opposes the war as it is now being conducted; he asks that restraints on the military be lifted and a stronger posture be adopted toward Hanoi and Communist China. The others call for a scaling down of hostilities with an eye to eventual withdrawal.

I ask unanimous consent that the transcript of the CBS program be printed in the RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

[CBS news special as broadcast over the CBS TV Network]

VIETNAM: VOICES IN OPPOSITION

(Moderator: CBS National Correspondent Eric Sevareid; Summary and analysis: CBS News Correspondent George Herman CBS News Correspondent Marvin Kalb)

ANNOUNCER. This is a CBS News Special Report Vietnam: Voices in Opposition. Here is CBS News National Correspondent Eric Sevareid.

SEVAREID. Good evening. Three weeks ago the Federal Communications Commission ruled that, since President Nixon had addressed the country five times in prime evening time between last November and this June on matters relating to the war in Indochina, the networks were obliged to afford, I quote, "One more uninterrupted opportunity," unquote, to appropriate spokesmen to present viewpoints contrasting with those of the President.

Accordingly, tonight we will present five critics, with differing approaches and from different fields, of the President's Indochina policy. Our guests will be Senator Frank Church, Dr. George Wald, Major-General Thomas A. Lane, Sam Brown and Lieutenant-General James M. Gavin.

When you've heard them all, my colleagues, Marvin Kalb and George Herman, and I may have some observations.

Our first guest is Senator Frank Church, Democrat of Idaho. Senator Church was cosponsor of the Cooper-Church Amendment, which prohibited maintaining American combat troops or military advisers in Cambodia after July 1st. Senator Church is a member of the Foreign Relations Committee.

CHURCH. What was it that Alice said when she fell down the rabbit hole and found herself in Wonderland? "Curiouser and curiouser." That's the way it's been with the debate on the war. It's grown curiouser and curiouser. I'm not speaking of the violent protest, either way, the campus radicals or the draft-card burners or the hard-hats. I'm speaking, rather, of the responsible debate over the war which the press has stylized as that between the hawks and the doves.

The most curious feature of this debate is that it has long since been won by the doves. But the doves don't know it and the hawks keep pretending that it isn't so.

From the beginning, from the time that the United States first took over the war in Vietnam, the doves have stood for two basic propositions. First, a negotiated peace, and second, the withdrawal of American troops.

Now, today, after six years of blood and sacrifice, what is the official policy of the Government? As President Nixon explains it, he is seeking two objectives: a negotiated settlement in Paris and the withdrawal of American troops from South Vietnam. The two things that the doves have stood for all along.

The second curiosity about the debate is that the hawks, as they move toward the position of the doves, as this gap between the two sides closes, the argument grows more intense and more inflamed. The less there is to argue about, the hotter the argument gets. Every trick of the trade is employed. President Nixon sternly warns us against a precipitous withdrawal, which no responsible critic of the war has ever urged in the first place. And all at once, whether we should withdraw is forgotten, as the argument shifts to when. All sorts of bills are introduced in Congress of setting deadlines and schedules. Vice President Agnew has a field day castigating the sponsors of these schedules as defeatists, appeasers, architects of surrender.

Yet these proposed timetables actually differ very little from the withdrawal that President Nixon has publicly placed into effect, the pace of that withdrawal. We know that the Administration has a timetable. We

know that it must have been communicated to Saigon. And since anything Saigon knows is quickly grapevined to Hanoi, the truth is that only the American people have been left in the dark.

Now, that's how specious, that's how silly the debate on the war has become. Let's just set aside partisanship. Let's set aside politics, as we should where a war is concerned. If President Nixon, through negotiations tied to withdrawal, is doing what the critics have asked, then why keep heckling him? Why not just give him all the elbow room he thinks he needs to work things out?

Well, there are two good reasons why the doves can't claim their victory and retire. Two major tasks still remain to be performed. First of all, we must do everything possible to make sure that the current withdrawal of American forces from South Vietnam remains as irreversible as the Secretary of State pledges. For it's time to come home from Vietnam. We have done all that one government can do for another out there. We've waged the longest war in our history just to furnish the Saigon Government with an American shield, behind which to build its own military strength and political stability. At our expense, we have trained and equipped a South Vietnamese Army that has far greater fire-power and is five times the size of the forces arrayed against it in the field.

Saigon is now in a position to take back the war, if it ever will be. If its armies fight, the government will be saved. If its armies don't fight, the government can't be saved. After all, we didn't promise to make South Vietnam the 51st American state. Every promise we made we've kept. They may have been imprudent promises but we've kept them. For six long years we have waged a civil war on behalf of a foreign government that has yet to demonstrate that it possesses the majority support of its own people. We fought this war out on the opposite side of the world, in a country that's much too weak and much too small ever to threaten the United States. In its jungles we have lost 50,000 dead and nearly 300,000 maimed and wounded, and we have spent over a hundred billion dollars, and it's enough.

Now that we are leaving at last, we must make certain that nothing is allowed to turn us around and take us back in again.

Now, the final task of the doves—and it's one that's far from accomplished—is to cut the umbilical cord which still ties up so tightly to Saigon, to the Thieu-Ky regime. We must not leave behind in hostage to Saigon a vestigal force of Americans. Mr. Thieu wants 50,000 of our troops left in his country to guarantee his future. But the United States has no need to maintain a military foothold in Indo-china. It would keep us perched on top of a powder keg. It would postpone the day, which must come sooner or later, when an indigenous settlement is reached among the Vietnamese. And it would exacerbate against any improvement in our relations with China, which should, over the long term, be the central objective of American foreign policy in Asia.

Surely our Korean experience ought to be warning enough against converting South Vietnam into another American military outpost on the mainland of Asia. Seventeen years after the end of the fighting, we are still locked in Korea. At vast expense, we have kept an American Army there all these years and now, as fiscal pressures force a reduction in that Army, an indignant Korean Government is demanding three billion dollars more in military assistance, as severance pay.

So the final remaining service that the doves can perform for their country is to insist that President Nixon's withdrawal from Vietnam truly leads to the Vietnamization of this war. It must not become a device for lowering and then perpetuating an American military presence in South Vietnam for the indefinite future.

Our long ordeal in this mistaken war must end. The gathering crisis in our own land, the deepening divisions among our own people, the festering, unattended problems here at home, bear far more importantly upon the future of our Republic than anything we have ever had at stake out in Indochina.

That's what the doves have been saying. And their opposition to this war through the years has been based on the highest concept of patriotism. Not the patriotism of conformity, but the patriotism of Senator Carl Shertz, a dissenter from an earlier period in our history, who proclaimed, "Our country, right or wrong. When right to be kept right. When wrong to be put right."

SEVAREID. Dr. George Wald is Higgins Professor of Biology at Harvard University and winner of the Nobel Prize in 1967. Since early 1969, Dr. Wald has spent a great deal of his time speaking in opposition to the war and attempting to bridge the communications gap between young people and their elders.

WALD. Ten minutes on the Vietnam war makes me think of that monk who was asked to give the essence of Christianity while standing on one foot. He replied, "Do unto others as you would have them do unto you." Those were Jesus's words, as Jesus said, "That is the law and the prophets," for those words had been spoken in Leviticus centuries before. That makes a good place to begin. For we are destroying a land and a people, the land and the people that we say came to save. In South Vietnam we are said to generate mass expression—100,000 civilian casualties a year, millions of peasants are refugees. A society is in chaos.

In that small country we have destroyed forests over an area equal to that of the State of Massachusetts. Great expanses of flat fields, rice paddies, with not a military objective anywhere in sight. The B–52 bomb craters are edge to edge. And at what a cost to us. Forty three thousand American dead, 285,000 wounded. The President has spoken of it as America's finest hour. Many Americans think otherwise. They think more highly of our history than that.

It has already been by far the longest war in American history. We ask when is it going to end. The President seems to be fighting off every attempt to set a limit on it. He explains that, just as he needs more nuclear weapons, the ABM, the MIRV, so that he can negotiate disarmament from a position of strength, so he needs an unlimited war so that he can negotiate peace. He says he has a plan to end the war. It doesn't look quite like that to me. It seems to me that his plan is rather to professionalize the war and to institutionalize it.

Whenever Mr. Nixon talks about withdrawing troops or limiting their use, another world always creeps in. He talks of pulling out or not using ground troops, ground forces. He doesn't say much about the so-called support forces. What's that about?

Well, the ground forces, they're the infantry. And that's where the draftees are. Those draftees are taking plenty of punishment. More than half the deaths in Vietnam are in the infantry, two to tree times the casualty rate of the other services. As Senator Stennis said in the Senate the other day, "You couldn't get men to do that kind of thing for pay." That's why, he said, it was necessary to go on drafting them.

Pulling out the ground forces, that means pulling out the draftees, the main source of opposition to the war at home and in the services themselves. And that leaves the support forces, the professionals, to go on with the shelling, the bombing, the napalming, the defoliation, the destruction of crops. For how long? Perhaps indefinitely.

How many of those support forces will be left? Well, it's hard to say. We've heard all kinds of things. But it looks to many observers as though it will be about 200,000. It would take about that many Americans to keep the present government of South Vietnam in South Vietnam and our new client, the government of Lon Nol, in Cambodia.

It all goes along with the Nixon doctrine, named that by President Nixon. The Nixon doctrine boils down to Asians fighting Asians. And we'll pay. We'll pay them and we'll give them all the tools. And then that war can go on interminably. It can be a permanent war, like 1984. I used to argue against the Domino Theory. I thought it was wrong. But I was wrong. The Domino Theory is doing fine. We started in South Vietnam and then went into Laos and now we're in Cambodia, and we have Thailand in our corner all the time. Asians to fight Asians.

We already have so-called Asian allies. They're not there to fight, as we have recently learned in the Senate. They're there to give the appearance of being allies, and at a stiff price. Fifty million dollars a year to Thailand to buy 11,000 men. An American officer was quoted the other day as saying that those Tais would fight only if the Vietcong got between them and the PX.

Thirty-eight, point, eight million dollars to bring over 2,200 Filipinoes. Soon it was 1,600, and now they're all gone. They never fought at all. And the Thai and South Korean troops have been getting twice the allowances that American G.I.'s get. The Senate just voted the other day that that has to stop. But that's the way it's been up till now.

Those Asian allies, they're just so that we can say we have them. It's just like that rigged election in South Vietnam. It was less to elect a government than to permit Mr. Nixon to talk about it as the elected government. It costs a lot of money, 28 billion dollars a year for the war and 19.2 billion dollars this year for new arms. And all of that is pure inflation.

It would all be worth it if we were only defending our freedoms and our democracy. We're told we're fighting communism. Which communism? There are all kinds nowadays. And I don't like any of them. But neither do I like fascism. We were told we fought World War II to get rid of fascism, and now, in a kind of mindless anti-communism, we have gathered together and support the biggest collection of military dictatorships that has ever existed. The free world—nice phrase—now includes Spain, Greece, Brazil and South Vietnam. Let Lt. General Khiem, the Premier of South Vietnam, tell you about it. He says, "Democracy with peace is not so hard. Dictatorship with war is not so hard. But democracy with war is practically impossible." A smart general and a lesson for us.

I think this war is not defending freedom anywhere, least of all here. It's altogether incompatible with our American tradition, with all that we have stood for to our own people and to the world. It has by now become the greatest threat to our American democracy. It has to stop.

SEVAREID. Our next guest is Major General Thomas A. Lane. General Lane, a West Point graduate, served on General MacArthur's World War II staff and held several command posts in the Army, including Commissioner of the District of Columbia. He retired in 1962 to lecture and write a newspaper column on government policy. A former president of Americans for Constitutional Action, he is the author of several books. General Lane's criticism of Administration policy is based on his belief in the need for a "win" strategy in Indochina.

LANE. The long war of attrition in Vietnam, the division and strife at home, are the consequences of bad national policy. When our leaders commit the nation to an erroneous war policy, they shatter national unity. The people know the policy is wrong. They withhold approval, they search for alternative solutions.

In Vietnam, United States policy has been based on the proposition that if we just keep on fighting a war of attrition the enemy will in time recognize our resolution and will stop fighting. That proposition is contrary to everything man has ever learned about war since the beginning of time. There is no support in reason or in experience for such war policy. What all human history does tell us is that wars must be ended quickly and decisively by the side which is able to do so.

In Vietnam that side is our side. But our Presidents have failed to do what every consideration of prudence and wisdom required them to do. In this period, our people have been exposed to a mass of propaganda against winning the war. The thrust of government propaganda is logical because the government had decided not to win. The thrust of enemy propaganda is logical because the enemy does not want us to win.

But why have our news media, with a few notable exceptions, fallen in line? No doubt they believe the government propaganda that a sharp repulse of communist aggression might start World War III.

Let us turn to this map of Southeast Asia and examine some of the realities of this war. North Vietnam has a population of 20 million. Laos, Thailand, Cambodia and South Vietnam have a combined population of 60 million. Can these free countries protect themselves against North Vietnamese aggression? Of course they can. Why haven't they done so? Because the United States has imposed limitations on these countries which made their defense impossible.

In 1961, when Ho Chi Minh began his attack on South Vietnam, President Diem wanted to hit and destroy the North Vietnamese forces operating from bases in Laos. President Kennedy said no, if you move into Laos you will expand the war. You must defend yourself in South Vietnam.

That was the crucial error of this war. It made the defense of South Vietnam impossible. It invited the aggression which followed.

South Vietnam could defend itself against an attack from the North. The border at the Demilitarized Zone is only 45 miles long. It could be secured with the forces available. But it is clearly impossible to seal off the long border of South Vietnam with Laos and Cambodia. It is across this border that the war has been waged. With the enemy having sanctuary in Laos and Cambodia, our forces could only wait for the enemy to attack, then try to punish him before he returned to his sanctuaries. We could not tell where he would strike next. We could not protect the people. And because we could not protect the people, those who openly supported the government did so at the risk of their lives.

If the people of South Vietnam have been slow to give open support to their government, that is only because the government could not protect them from the enemy reprisals. Their government was made helpless by the sanctuary which United States policy had granted to the enemy.

Under these conditions of warfare, an army of one million men in South Vietnam cannot defend the country from an army of 100,000 men in the sanctuaries. But let us end the sanctuary. Let us send 200,000 of our men across the border to defeat the enemy. They will do so and the war will be ended. It is clear that the North could not have waged this war against the South without the advantage of sanctuary granted by the United States.

Why, you will ask, have our leaders given the enemy advantage that is so costly to our fighting men and to our South Vietnamese allies. The answer is hope and fear. Communist policy has used the carrot-and-stick tactic against our leaders. It has held out hopes of peace through disarmament and detente to soften their resolution. It has hinted at intervention by Red China if the United States tried to defeat North Vietnam. These false hopes and idle fears have held our leaders in a state of intellectual paralysis since President Kennedy's defeat at the Bay of Pigs.

It appears from the testimony of President Johnson's associates that he lived in continuing fear of starting World War III. This was the root of his war policy, the explanation of his inaction when the Pueblo was seized. I say this was an unwarranted fear. Decisions on war policy are not taken by communist leaders out of pique or face-saving. These men are influenced only by the prospect of winning. If you are a pushover, they will push, no matter how big you are. If you are not a pushover, they will not push.

Red China is a weak country. It could not intervene against the United States unless it were assured that the United States would not strike back. With such assurance, it would be free to intervene. This is the condition under which Red China intervened in Korea.

But why should the United States invite Red China's intervention with a policy which exempts Red China from retaliation? The chief responsibility of the United States in Southeast Asia is to keep Red China out of the conflict. Our allies can take care of North Vietnam. We must make it clear that if Red China intervenes we shall treat it as a belligerent. We shall bomb China and support the overthrow of the Red regime. If this is our policy. Red China will not intervene in the war in Vietnam. The Red leaders know that such a response by the United States would end their dictatorship over the Chinese people.

I say that the United States can maintain the peace and protect our world from communist aggression if we have the wit and resolution to use our power effectively. Both the Soviet Union and Red China respect our power. No one in the world can make war against the United States today unless we create the conditions which enable them to do so. This is precisely what our leaders have been doing in the past decade. That is why we are at war.

Why have our leaders served the country so poorly in the past decade Karl von Clausewitz, the German authority on war, said that war is simple but not easy. He meant that what must be done is simple, but few men have the moral courage to do it. So it has been. Our Presidents have sought escape from the reality of war in the illusion that peace can be negotiated. I can assure you that our leaders will never negotiate peace with the Communist powers. The Communist leaders said so 50 years ago and they have never wavered in their resolution.

Because our leaders have refused to win the war, some critics have alleged that we cannot win. That is of course sheer nonsense. We can win easily with the forces now in the field. We just have never had a President with the wit and the will to win. That is the only reason why this Communist aggression was not stopped in its infancy a decade ago.

At the end of April, after Prince Sihanouk had been deposed from the Government of Cambodia, President Nixon had authorized an attack against the enemy bases in the Cambodian sanctuary. The border areas were cleared, and in consequence the southern provinces of South Vietnam have been virtually free from war. Since May, the big battles have occurred in the northern provinces facing the Laotian sanctuary.

Why has President Nixon failed to clean out their sanctuary? If he destroys the enemy there, he will secure all of South Vietnam and will also secure Cambodia against North Vietnamese attack. The job can be done by South Vietnam and Thailand. All they need is our moral and material support.

When these are the realities of war, how can President Nixon retreat from Vietnam before repulsing the Communist aggression. Is he content to decrease our casualties while increasing the losses of our ally? That is what has happened under the Nixon policy. Is this what we now call peace with honor? Why don't we win the war, end the fighting and then come home? After the disgraceful response which our intellectuals gave to our attack on Cambodian sanctuaries in May, can the President believe that the people would support him in an attack on the Laotian sanctuary? Are our people today so disenchanted with the mistakes of our government that they are turning in despair to an even worse policy, that of quitting in the face of enemy pressure?

In recent years the propaganda against victory has foreclosed the one course of action which could have bought peace. I want to assure you that victory in Vietnam is not only possible, it is easy. And when victory is possible, it is tragic to go on fighting as we are doing today or to abandon the cause of civilization to the bluster of a decadent communism, as some leaders propose. We have the means to win, but so far we have lacked the wisdom to do so.

ANNOUNCER. Vietnam: Voices in Opposition, will continue after this pause for station identification.

VIETNAM. Voices in Opposition continues. Here again is Eric Sevareid.

SEVAREID. Speaking next will be Sam Brown. Mr. Brown, who is 27, is a graduate of the University of Redlands, California, and holds a masters degree in political science from Rutgers. He has also studied at the Harvard Divinity School. Mr. Brown was the organizer of Students for McCarthy and served as a national coordinator of the Vietnam Moratorium Committee.

BROWN. I'm honored that CBS has asked me to be here tonight to talk about peace in Indochina. But I'm sorry that it was not possible for many other people to be here in my place. Everyone knows that young people, even those pushing 28 like myself, have been active in opposing the Vietnam war. But there are many, many others.

The business community, for example, understands that the war has done tremendous damage to our economy. That's why the president of IBM, the president of the Bank of America, the president of the Dreyfus Fund, these and many other businessmen have spoken out in favor of an early end to the war. I speak here of big business and Wall Street. But who knows how many small businessmen have been forced to close their doors because of the drain in Vietnam and the resulting inflation?

More and more working people are also against this war. After all, they pay most heavily for Vietnam in extra taxes, inflation and job layoffs. People who feel their earnings squeezed by inflation realize that their homes suffer from the two million dollars which our leaders send to Vietnam every hour, day after day, week after week, year after year.

Their homes also suffer because the burden of military service falls more heavily on the sons of working people than on those of the more affluent. The dollars don't come back and neither do many of the men. The leaders of the auto workers, the clothing workers, the meatpackers, and many other unions, oppose the war. I wish they could be here to tell you why.

Many of the people who designed our Vietnam policy have spoken out recently for an end to American involvement there. Former Secretary of Defense Clark Gifford and former Undersecretary of State Nicholas Katzenbach are now outspokenly against the war. Cyrus Vance and Ambassador Averell Harriman, who were sent to Paris by President Johnson to negotiate peace, now call for our withdrawal.

Military personnel, all the way from re-

tired generals and admirals to thousands of men fighting in the front line, question our policy in Vietnam.

These days actually only a small minority of farout extremists argues that continuing the war in Vietnam is necessary, that it's just, or that it is good for America. The movement for peace is no longer a small group on the margin of American society. It is strong everywhere, in every occupation, in every walk of life.

Many of these people could speak more forcefully and eloquently than I. But then even President Nixon has said that he is against the war, that military victory is not possible and that we seek no military solution to the war. He was elected on his promise to bring American soldiers home from Vietnam, just as President Johnson was elected on his promise not to send American soldiers there. And President Nixon has told us again and again that he will bring them home. And yet the war continues. Four hundred thousand American troops are still in the field. And approximately 12,000 Americans and 350,000 Vietnamese have died since the President told us he had a plan for peace. The tragedy is that the Administration is dragging on a war; and it is no longer willing to justify or to defend it.

Every time President Nixon goes on television he says he wants to get out. He announces a few withdrawals for the distant future. And yet every month there are hazy new commitments driving us deeper and deeper into Cambodia and Laos.

We heard last April that we couldn't get out of Vietnam until we got into Cambodia. And the administration is now talking as if the defense of the Cambodian regime is necessary for peace in Vietnam or the safety of America.

So this war that no one wants continues. There's nothing new in talk of Vietnamization, President Kennedy talked of training the Vietnamese. President Johnson said, "We don't want to send our boys to do the fighting for Asian boys. Our Government has always sought to turn the burden of the fighting over to the Vietnamese."

Vietnamization is simply an old policy with a new label.

We once declared that our objective was to stay in Vietnam until we won the war. Now we declare that we will stay in Vietnam until the Vietnamese can win the war. That will be years. Maybe never. Meanwhile we see our sons and brothers march off to die for a war that they do not want; and we see our country torn, divided, and paralyzed.

In these few brief minutes, let me say some plain words about the real issues in Vietnam:

First, the tiny country of Vietnam is not essential to the National Security of the United States. It is not even essential to the defense of non-Communist Asia. The largest countries in the region, India and Japan, have not supported U.S. policy with their men or their money. Our principal SEATO allies, France, Great Britain, and Pakistan, have ignored the very treaty which we use to cite as our main reason for fighting in Vietnam. And the smaller countries of Asia have sent only expeditionary forces; and we now learn that even these are financed with U.S. tax dollars.

What, then, keeps us in Vietnam? President Nixon said, on April 30th, and repeatedly stated his fear that America would be humiliated if we withdrew from Vietnam.

But I submit, Mr. President, that many of us have enough faith in our country to say that one mistake will not irreparably damage our power, our prestige, or our morale.

Most Americans now believe that the war was a serious mistake. And we all learned as children the difficult lesson that the worst course is to insist that we are right when we know that we are wrong. How hard it is to be a man, to grow up, to admit our mistakes.

What is humiliating, Mr. President, is to watch the United States persist in the error of a stubborn child as we waste precious lives trying to grind a kind of triumph from a war that no one wants; and we all think is a mistake.

Our withdrawal from Indochnia will defeat only the foolish notion that the road to mor . . . to peace lies in more deaths, maimings, in a mistaken war in a small country on a remote continent. When it comes to this war the only way for the United States to humiliate itself is to continue. But what is it that prevents a political settlement in Vietnam? Isn't it non-swerving support of the Thieu-Ky government which jails and purges its opposition while floating on a sea of graft and corruption. Can we honestly support a government which builds tiger cages for its opponents? Censors its newspaper? And exiles its critics? I know that these things are true. I've been there. I've seen it.

To insist on the preservation of a government which does not command the support of its own people is not to seek an honorable peace. It is to seek a dishonorable victory.

In closing, I want to say something more about the growing numbers of people who want to bring this war to an end. I am more and more impressed with how many different kinds of Americans want it ended now; not at some vague date in the future. In and around my home town of Council Bluffs, Iowa, I've talked to farmers, workers, home owners, shop keepers who are increasingly for peace now; perhaps it's because we have a suspicion out in Iowa of throwing good money after bad. Or perhaps a casualty has taken someone in the family. And we can no longer square it. Or perhaps we have always felt that we shouldn't fight a war we can't even explain. In any case, all these people have something in common. And I think what we share is a belief in America. A kind of strained faith that this country can solve its problems peacefully and constructively. That its people can feel united and at home. And, I have a feeling that as long as we're in Vietnam the problems are not getting solved or even tackled. Our cities are crumbling, our schools are failing; even the air we breathe is getting thicker and thicker. And we stand here calling one another names. Or worse. Practically every one of us is afraid that the war is destroying our country.

Many Americans are angered at violence. Whether committed in the name of ending the war or in the name of law and order; and I am, too. No committed peace advocate can condone violence. For violence is no more moral in settling domestic disputes than it is in foreign ones. But this is a false issue. For all of us who truly believe in peace oppose violence. We also share a common desire to build this country, not to tear it down. We still believe in the kind of democracy we learned from our parents and our teachers. We are ready to devote ourselves, each in his own way, to realize that American dream. To make America a land where equality and justice can be obtained for everyone. It's tough work. It will take our full capacity. It will take the kind of leadership that gets us working together. Without hatred and abuse. That's why we try every day in so many ways with so many voices to tell you, Mr. President, "Stop the killing now. End this war. And let us have hope."

Thank you.

SEVAREID. Our last guest is James M. Gavin, Chairman of the Board of Arthur D. Little and manager of their industrial consulting firm. General Gavin was the wartime commander of the Eighty-Second Airborne Division. He retired from the Army in 1958 as Chief of Research and Development, and later served as President Kennedy's Ambassador to France.

GAVIN. Fellow Americans, I am pleased to take part in this program that will consider the many problems besetting our country, and particularly those in relationship to our involvement in Southeast Asia and the domestic condition.

First of all, let us begin with ourselves in constructive creative being we call "human". Sometimes irrational, but very productive. There was a time when man thought that he was the center of life on earth; and, indeed, the earth was the center of the universe. Now we know that this is not true. We are guests and our host is nature. Sometimes inhospitable. But usually man is the transgressor. Man continues to increase in numbers, then to increase in extent: to contaminate the atmosphere, to pollute the water, use the resources of the water, use the resources of land with little thought to the future as he ever onward pushes the gross national product upward.

Now, when we consider man: I would like to, first of all, say a word about man's central capacity to do things to frame. A Nobel Prize winner has recently described it as a "cave man's brain". Which indeed it is. But it is more than that, too. It is a type of computer. It has a memory core to store and retrieve information. It has several kinds of memory. It has batteries that must be charged on an approximately twenty-four hour cycle. There's an interesting aspect of the human brain, however, that concerns all of us in man's behavior: and that is, the young with not much information constantly thirst for more information and search and challenge and see heresies quickly. As man gets older; particularly if he ceases to learn, his mind begins to get cluttered up and, with irrelevant information, irrelevant in that he can not understand the current phenomenon in which he finds himself. As a consequence, he resorts to slogans, such as for example: "Massive retaliation at a time and place of their choosing", "Bigger bank for a buck", "Generation Gap", and this sort of thing.

Now the real problem of man today; and indeed the curse of mankind is his inability to understand contemporary events. For example, our involvement in Southeast Asia.

I know of nothing in our history that has been so costly in human life, in our National wealth, and indeed in the environment of our earth as that catastrophic affair. And yet, few of us seem to realize that our involvement comes about because we do not understand yet that all of man's pattern in war changed with Hiroshima. For no longer can man grub, scratch, take from the earth every resource he could get, fabricate weapon systems, stockpile them in his arsenal for, to use in war; then use the total arsenal to accomplish national objectives in a way that he thought was rational.

Indeed today, many nations in increasing numbers will be having, gaining atomic weapons. And already every man on earth has been affected by the weapons that have been tested; and if nuclear war were to befall the human race, not only would many, many be killed; but those surviving would be muted, genes would be muted, they would be harmed. And, in fact, life for most of them wouldn't be worth living.

So nuclear war itself is an unacceptable, unthinkable thing. Well, it isn't that the pattern of war has changed; that is, that man will not be aggressive and kill; indeed, they will continue as long as they are on earth. It is that the rules are changed. No longer can man use his total resources; and then think not of the consequences that will follow.

Now, I'd like to say a word about this, therefore, if I may.

In 1958 I retired from the Armed Forces; and at that time I rather tentatively postulated the theory that the pattern of war had changed. And, indeed, strategy no longer concerned itself with mere shifting of fleets, and so forth, and armies from continent to

continent. It was something else. In what way? What else was it?

Let's say a word about that. Strategy consists of those things that one does before going to war, and participating in tactical engagements. Tactics are merely the battles that are fought, that must be won in the theater of war. Now, if the strategy is correct; therefore, the war will be won. But if the tactical battles do not become necessary, a successful strategy is one that enables one to win anyway. As I thought about this some time ago, and wrote about it at the time: it seemed to me that the world had become a small tactical theater. A Greek once said that he could control a crowd as far as you could throw a stone. Man can throw a stone from any point on the earth to any other now. Almost instantly. He can cast his voice to any point on the globe. So the earth, indeed, has become a small tactical theater.

The degree of our misunderstanding of this is the fact that we still call long range missiles strategic missiles when, in fact, they exist to engage their opposite numbers in a would be enemy country. Strategy, therefore, in my opinion, ever since Hiroshima, consists of the domestic condition of any nation, the state of the economy, and what it is doing about its future: research and technology.

Now I mean these in the broadest sense. Our domestic condition refers to our national health programs which to me are rather appallingly deficient at the present time. Our educational programs, our housing programs. What are we doing about the ecology of our life? Improving the quality of life? Without contaminating it any further. The economy must be one that is productive and fulfills our needs for not only material things but fulfills our spiritual needs as well. And, of course, we must constantly look to the future in terms of research if we want into what is new; not only material things, again, but new things that can be done for our society.

Well, now, to the exact extent that we neglect these while we pursue tactical victories in Southeast Asia; to that extent, in my opinion, we're on a strategic disaster course. We can win one tactical battle after another in Southeast Asia. I've been there; I've seen our counts performed; they've been absolutely splendid. But our strategic course is a disastrous one. We, therefore, must bring that involvement to an end as rapidly as we possibly can. And then, having done so, begin to pay attention to the important things here in our own society.

Well, now, I touched upon tactics and strategy. In national defense affairs, there are two things further I would like to mention: that is, the recent report by Mr. Fitzhugh on the reorganization of the Department of Defense. I believe that it is a splendid report; and I particularly would like to support the two recommendations that would first give the Secretary of Defense an adequate staff and the second one that would relieve the Joint Chiefs of Staffs of their dual responsibilities as members of the chiefs and heads of their own services. This puts them in serious conflict; and they must be separated. And then the second report was by a former Secretary of Defense, Thomas Gates, on an all volunteer armed forces. I suggested something like this when I was in the Pentagon some years ago that received rather hostile reception. I believe it was a very good idea; however, it will take time. And we can only realize it when we tailor our commitments abroad to reality.

For example, we should extricate ourselves from Southeast Asia just as promptly as we can. I am glad that we are thinking about cutting back our forces in Korea. The biggest mistake of all, I think, is to maintain a full strength field army in Europe. Twenty-five years after peace. This must be reduced in scale to at least a corps; hopefully, a division. And then, we can have an all volunteer armed forces. Having done these things, I believe we can begin to put our attention where it should be placed. We should begin to think not only of an ever, ever growing gross national product while we take all the resources: the fresh water, the clean air, the timber, the minerals of our land and expend them and expending continuously in an ever growing gross national product.

We must begin to think in terms of net national product. And, indeed, I think it is high time that we think in terms of our various levels of government fixing responsibility on industry to the extent that these materials used then reprocessed for further use. You see, today, everything comes out of the private sector once having hand, gone into the hands of the private user, it's up to the public to dispose of all the waste. Seven million automobiles a year, for example, things of this sort.

I think this must be gotten under control. And we must plan so that our children in the future will have the kind of things they need, the kind of a life we would like them to have.

Well, now, ladies and gentlemen, I've talked about a few problems; but I would like to say what I consider to be the most important aspect of our daily lives. And it is this:

We need intelligent, well informed, activism to the extent that we have only the very best of people serving us in public office. I think that informed activism is a form of patriotism; indeed, perhaps, the highest form of patriotism our country needs. More patriotism. In fact, this is what our country deserves.

SEVAREID. You have heard five critics of the President's war policy, four so-called doves who want out and one General Lane, who wants to go in harder. He represents a persistent but now rather small minority of people. Whatever the merits of his hypothesis, that argument is moot. The whole thrust of policy now is toward winding down American participation.

Well, the President won a victory of sorts on Tuesday, when the Senate defeated that amendment which would have set a definite date for American withdrawal. But these four other critics are saying that he is not withdrawing fast enough. All are anxious about what prolonging this war will do, not only to the Vietnamese people but to our own American society.

Since a majority of people seem willing to let the President do it his way, and at his pace, are we hearing the final blasts from the anti-war critics, or is the dissent just heating up all over again? Marvin Kalb, what do you think?

KALB. Eric, I have a feeling that the Congressional doves, at any rate, are going to look towards the elections this fall as their next field of action in trying to curtail the President's operations in Southeast Asia. There are apparently, in their judgment, between 20 and 30 key races. They would like to swing sentiment in the next session of the Congress towards a fully dove view. They feel there is a swing area of about ten per cent of the membership in the Senate and perhaps about twenty per cent in the House that, if captured, can swing total sentiment around to a dove position. And they feel that this is the best way they can do now. And certainly the force of the anti-war sentiment in this session of the Congress has been spent.

SEVAREID. George Herman.

HERMAN. Well, I think that those students of politics in the Congress who have watched the recent elections are no longer quite so convinced that election is the way to do it. I think that really the emphasis that they are putting on now is on consensus, moving the whole population, moving the political center towards the dove position.

I think—you noticed in several of the speeches that we have just heard this massive feeling of legitimacy. We are now the majority, we have won our points. It is now labor and business and everybody behind us.

And I think that's what they are trying to do, really, is keep pushing the consensus in their direction rather than necessarily just seats in the Congress.

KALB. George, certainly they have been moving in that direction for some time and not really changing the direction of the Administration's policy. And I think there has been the sense in the—certainly in the Senate in the past couple of months, that, unless you legislate an end to America's participation in this war, it will simply go on and on. And that is why I believe there is going to be this emphasis on action in the Congress.

SEVAREID. Well, you've got the colleges coming back into action in a week, or two or three weeks, over most of the country. The President had said in late spring he'd take out 50,000 more men by October 15th. Those withdrawals will about coincide with the reopening of the universities. Do you think that's going to dampen it down, or do you think the students are going to be just as ferocious about this as they have been?

HERMAN. I think almost certainly it is going to dampen things down. The problem that the doves are going to have is that the first part, as I believe Senator Church said—the first part of the doves' goal is to withdraw and make the withdrawal irreversible. The second part is going to be to cut the ties with the Saigon Government. I think when you see the withdrawal hard, when you see the troops way down, when you see the casualty lists miniscule, that the pressure is going to die off and the doves are going to find that they are no longer quite so in possession of the center of sentiment.

SEVAREID. Obviously one thing, I would think, that would heat the whole movement of protest up all over again would be an obvious deeper involvement in Cambodia, even though that is only Air Force, even though it is mostly political. But as these commitments are made, this is going to be pretty heavily reported, and it's going to start this fear of another tarbaby situation that we can't get away from all over again. I would think the President is going to have to be extremely careful on that one, wouldn't you, Marvin?

KALB. I would think so. And I think that he is very much aware of it and probably will go with the politics of handling the war as well as he has in the past.

I thought it was interesting that a number of the doves we listened to on this broadcast felt it necessary to wrap the flag around their dissent in a very emotional way.

HERMAN. Three and a half of them, if you like. Senator Church, Sam Brown, General Gavin, and Professor Wald in a way saying that activism for peace is the greatest kind of patriotism . . .

KALB. Yes.

HERMAN. . . . for American democracy.

SEVAREID. I get the feeling, listening to the arguments in protest, that the concern with American lives is diminishing as the deaths diminish, but that it is starting up all over again with a concentration on the Asian lives, Cambodian, Laotians, South Vietnamese, that are being lost, and still being lost at a very heavy rate under our enormous, really massive, bombing raids.

KALB. I wonder if that cuts terribly much political ice in this country, though.

SEVAREID. Maybe not.

That ends our time for my colleagues, George Herman, Marvin Kalb. This is Eric Sevareid for CBS News. Good evening.

ANNOUNCER. This has been a CBS News Special Report in compliance with a Federal Communications Commission's directive to provide an uninterrupted opportunity for critics of the President's Indochina policy to be heard.

THE EDUCATION VOUCHER SYSTEM

Mr. WILLIAMS of Delaware. Mr. President, the Washington Daily News of June 8, 1970, contains an editorial entitled "Education by Voucher."

The editorial states that the Office of Economic Opportunity, using antipoverty funds, had made a grant of over $500,000 to a Harvard professor, Christopher S. Jencks, for the purpose of having him study a plan whereby each child would be given $1,000 a year by the Federal Government to use at any eligible private school.

I ask unanimous consent that the editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

EDUCATION BY VOUCHER

An experiment soon to be conducted with government blessing by Harvard professor Christopher S. Jencks raises serious questions about the use of taxpayer money.

Using anti-poverty funds, the Jencks team will set up an "education voucher" system in one or two selected school districts next year.

Each voucher will be equal to the average annual expenditure per pupil in the local public school system. A child may use the voucher at any school in the district—public, private or parochial.

Most likely to benefit from such an arrangement would be the hard-pressed Catholic schools and community schools that might be set up by parents who aren't satisfied with the present system.

This is similar to a plan recently proposed by the American Friends Service Committee, which suggested that each child be given $1,000 a year by the Federal government to use at any eligible school.

Predictably, the American Federation of Teachers and the American Jewish Congress have attacked the Jencks experiment as a threat to the public school system and an invitation to educational "hucksterism."

Whether these objections are valid remains to be seen. New approaches, particularly in places where the performance of public schools has been dismal, may be desirable.

But the notion that the public school system can be improved by pouring money into private schools is, at the very least, open to challenge.

Mr. WILLIAMS of Delaware. Mr. President, recognizing that the use of Federal funds to pay the tuition of a student at a private school could raise a constitutional question both as to how it would affect the church and state relationship and also as to the Supreme Court decisions dealing with freedom of choice, I directed a letter to the Office of Economic Opportunity asking for an explanation, along with the question as to the legal authority of the agency to conduct such a program.

I ask unanimous consent that my letter of August 19, 1970, as addressed to Mr. Donald Rumsfeld, Director of the Office of Economic Opportunity, be printed at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AUGUST 19, 1970.

MR. DONALD RUMSFELD,
Director, Office of Economic Opportunity, Washington, D.C.

DEAR MR. RUMSFELD: Enclosed is a copy of an editorial which appeared in the Washington Daily News of June 8, 1970, indicating that the Government is using anti-poverty funds to establish a new education voucher system under the jurisdiction of Mr. Christopher S. Jencks. Allegedly with these funds grants will be made to students of approximately $1000 which in turn can be used to pay their tuition at private schools.

I would appreciate a complete report as to this program, including dates, amounts of grants, to whom the grant was made, and how the funds are to be distributed to the students.

How much of the grant will be used as administrative expenses, and how much of it will ultimately go to students?

Under what authority or law was it decided that Government money could be used to subsidize private or religious schools without prior Congressional approval or constitution revision?

Yours sincerely,

JOHN J. WILLIAMS.

Mr. WILLIAMS of Delaware. Mr. President, in his reply, dated September 11, Mr. Rumsfeld advised that his agency had made two grants to the Center for the Study of Public Policy, Cambridge, Mass., for the purpose of studying this experiment. The first grant was made in November 25, 1969, and totaled $196,313. The second grant for the same project and to the same group was in the amount of $324,830 and was made June 18, 1970.

I ask unanimous consent that a list of these grants be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Grantee: Center for the Study of Public Policy, 56 Boylston Street, Cambridge, Massachusetts 02138.

Grant Number: OEO Grant CG 8542.

Title of Grant: Planning an Experiment with Educational Entitlements.

Funding: A/0 action November 25, 1969—$196,313; A/1 action June 18, 1970—$324,830.

Mr. WILLIAMS of Delaware. Mr. President, in this September 11 letter signed by Mr. Thomas K. Glennan, Jr., Director of the Office of Research and Evaluation, Office of Economic Opportunity, he further explained the background of these programs.

I quote one paragraph from that letter:

Your final question, relating to the church-state issue is receiving our very close examination. You will note that pp. 131–158 of the preliminary report are devoted exclusively to this subject. In addition, the agency is seeking further expert legal advice on this constitutional question before any decision is made on whether or not to proceed. Most assuredly it is not our intention to fund an unlawful activity, and we are taking extra precautions to be certain of our ground before we proceed.

In my opinion, this agency had no right to spend over $½ million of taxpayers' funds to examine a project without its first having determined its constitutionality. Surely they could have obtained a ruling from the Attorney General of the United States prior to spending this amount of money for a project which they admit may very well be unconstitutional.

I ask unanimous consent that their letter of September 11, replying to my inquiry of August 19, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF ECONOMIC OPPORTUNITY,
Washington, D.C., September 11, 1970.

HON. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: Mr. Rumsfeld has asked me to respond to your August 19 letter concerning the educational voucher experiment.

I am enclosing for your review a copy of a preliminary report on this project, prepared by the Center for the Study of Public Policy in Cambridge, together with a short description of the experiment which the agency published on August 6, 1970. As this material makes clear, the agency has not, contrary to the *Washington Daily News* editorial enclosed with your letter, made a decision to set up a voucher system experiment next year.

We are, however, studying both the general subject of increasing individual choice in public school education, and the specific question of how a voucher system might operate in this context. We have pursued the voucher concept to the extent of discussing with a variety of communities the feasibility and acceptability of such an experiment, and we expect to make a number of small planning grants to several communities in order to facilitate their consideration of the matter. However, we have not yet selected the communities to participate in even this preplanning process. In addition, you will note from pp. 8–11 of our August 6 release, that strict requirements have been established for applications. While we would hope that an experiment could be launched in the 1971–72 school year, the detailed planning steps must be completed before a decision is made to proceed to implementation.

I have enclosed on a separate sheet the information you requested on the grant. The methods proposed for distribution of the funds to participants is described in the attached preliminary report (see pp. 13-17). Since the proposal has not advanced beyond the preliminary planning phase, I do not yet have a breakdown on what the administrative costs would be.

Your final question, relating to the church-state issue is receiving our very close examination. You will note that pp. 131–158 of the preliminary report are devoted exclusively to this subject. In addition, the agency is seeking further expert legal advice on this constitutional question before any decision is made on whether or not to proceed. Most assuredly it is not our intention to fund an unlawful activity, and we are taking extra precautions to be certain of our ground before we proceed.

We view this as a potentially very important research activity. It is generally acknowledged that the public schools, particularly those serving the poor, are not adequately meeting the country's educational needs. Drop out rates have increased, achievement levels are often unsatisfactory, discipline and vandalism pose serious problems, and there is considerable dissatisfaction, among students, parents and administrators, over the current status of public education.

The Office of Economic Opportunity has no pre-conceived notion of how these conditions can be improved. As I have indicated, a voucher experiment is only one of the areas we believe warrants investigation. We are well aware, however, of the importance of an adequate education as a means for escaping poverty, and expect to continue our investigation of ways to increase the access of the poor to improved educational opportunity.

Sincerely,

THOMAS K. GLENNAN, Jr.,
Director, Office of Research and Evaluation.

HUBERT HUMPHREY—SOME COMMONSENSE THOUGHTS ON CRIME AND VIOLENCE

Mr. MONTOYA. Mr. President, during the 1968 presidential campaign, Vice President Hubert H. Humphrey made a number of strong statements against crime and violence. In a speech delivered on August 11, 1970, before the American Bar Association meeting in St. Louis, Mo., our great and honored former Vice President expressed an equally strong case in behalf of this same cause—law and order, with justice. He is determined that the issues of order, justice, and due process in our society must not be usurped by the extreme right wingers, since those who have really fought for these things through the years have been people of liberal and moderate persuasion.

Since coming into office, the administration has been concentrating on gaining a foothold in middle America by distorting and publicizing a serious national problem, playing on people's fears and prejudices by seeking to make crime the fault of so-called liberals. I believe Mr. Humphrey's remarks before the ABA point up most persuasively and eloquently that genuine American liberals have in the past and can continue to lead America forward on the vital matters of civil justice and social order. While they recognize the realities and "root" causes of crime, they will not excuse extremists, criminals nor mobsters and thugs who would destroy our society.

"The challenge is there." Mr. Humphrey says, and Americans must be made to understand that "the real struggle is not between hardhats and liberals or even the conservatives and liberals—it is between those who would destroy this system or make a mockery of it, and those who accept and support the system but are willing to work to make it better."

There is urgent need for American liberals to speak up, as Mr. Humphrey suggests, and help all Americans to recognize that they—both within Congress and the executive branch—have been the ones who have established the really meaningful ground rules and legislation to eliminate crime and violence in our society—in the 1966 Addict Control Act, the 1965 Law Enforcement and Assistance Act; the 1965 Prisoner Rehabilitation Act; the 1967 antiobscenity measures; establishment of a Select Congressional Committee on Crime; establishment and extension of the National Commission on Reform of Federal Criminal Laws, the 1968 Juvenile Delinquency Prevention and Control Act; the 1968 Omnibus Crime Control and Safe Streets Act; the 1970 Amendments to the Omnibus Crime Control and Safe Streets Act; the provision of 61 additional Federal judges; funding in 1970 of an additional $26 million more for "strike forces" against crime and $8 million more for the FBI fight against organized crime.

Unless we want a national police force and the repression of our rights and freedoms, law enforcement must remain a basic local responsibility. The Federal Government should provide all necessary support and assistance, and strive to eliminate deficiencies. Liberal Congresses and administrations, in safe streets legislation, narcotics control, and other measures cited above as well as those currently before Congress, recognize these realities and the "root" causes of crime. Respect for law is a universal responsibility, and it needs full bipartisan support.

Mr. President, I ask unanimous consent that an editorial entitled, "HHH Right on Law and Order," published in the Friday, August 14, issue of the Rochester, Minn., Post-Bulletin, and the complete text of former Vice President Humphrey's remarks before the ABA, entitled "'Liberalism' and 'Law and Order': Must There Be a Conflict?" be printed in the RECORD at this point.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

HHH RIGHT ON LAW AND ORDER

Unfortunately, "law and order" have almost become dirty words to some people who consider themselves, but obviously are not, liberals.

Just because the "law and order" slogan has been used by some ultra-conservatives and some racists doesn't mean that it does not have a valid, and commendable, meaning to the great majority of American people who are neither ultra-conservative or racist.

So-called liberals, who decry "guilt by association" in practically any other context, are quick to indict anyone who favors "law and order."

This unreasonable backlash is almost certain to be directed at the latest political figure to speak in favor of "law and order"—none other than Hubert H. Humphrey, former vice president of the United States, now the DFL-endorsed candidate for the U.S. Senate.

Speaking in St. Louis the other day at the American Bar Assn. meeting, Humphrey had some common sense things to say to his fellow liberals:

"Liberals must stop using the word 'well-meaning' about those who see violence and law-breaking as a way to influence public policy." He added that the "true liberal" should go down the line for "law and order" just as the hard-hats have done.

The real struggle, Humphrey pointed out, is not between hard-hats and liberals, or conservatives and liberals, but rather between "those who seek to destroy the system and those who accept and support the system and are willing to make it better."

The Humphrey, whose credentials of responsible liberalism are above reproach, said that liberals in the past have demonstrated the courage to take unpopular positions when they believe the case to be right. "What liberals must face up to now is an ironical imperative: They must show the courage to take a popular position when the cause is right. I happen to think the cause of justice and law and order is right," said Humphrey.

So do we, and so do most Americans. But you can be sure that Humphrey will be accused of all sorts of alleged "rightist" and "repressive" sins by those shrill but phony liberals who, as the saying goes in sports, couldn't carry his liberal glove.

That, unfortunately, is one of the hazards of speaking commonsense in these times.

"LIBERALISM" AND "LAW AND ORDER"—MUST THERE BE A CONFLICT?

HUBERT H. HUMPHREY

I am not a lawyer.

But I am a man interested in the law as I have been all of my adult life. I've tried to help create law, to shape law and to shape public attitude toward law.

And it's that I want to emphasize today. As I sense it, the legal profession is at the center of a major political issue and political conflict that may very well be shaping the future destiny of this nation. So I'm going to seize this opportunity to give you, perhaps, a slightly different perception of a problem that I know many of you have already wrestled with.

The problem centers to quite an extent around the phrase "law and order", a phrase which conjures up different images to various minds. To some, it means racial and social oppression; to some it means suppression of rightful and necessary and legitimate dissent; to some it means a slow, bureaucratic, unsatisfactory machine working ineffectively to right civil and criminal wrongs. On the other hand, to some the phrase "law and order" means the ability to walk safely in a city park on a summer evening; to some it means peace of mind in knowing social stability; and to some others it means the assurance of equal application of the law to all wrongdoers.

Maybe it would be best if we could just do away with the phrase in view of the difficult, conflicting interpretations of what it connotes to a Mississippi sheriff, a Berkeley student, a Minneapolis suburbanite, a labor construction worker, or a South Chicago Negro. But, I don't think we can toss it away. It's here.

So we need to emphasize to these and other Americans what the term really means in its generic sense and under our legal system. Leadership in this vital area must come from the legal profession—from the philosophy, the expertise and the desire of those who are trained in the law and what the law means to society. For this phrase "law and order" is very simplistic, and it is the lawyer who is supposed to have the trained mind that can break through this simplistic formula and come to grips with the realities.

The political conflict that rages over this "law and order" issue is usually described as involving two groups. These groups have generally been called the "liberals" and the "hard-hats."

We've seen some pictures of the conflict and the confrontation between hard-hats and the peace demonstrators up in Wall Street. And when I saw that, that brought to my mind what I wanted to talk to you about today and what I think I should have been talking to people about a long time ago. I am convinced that in that group of hard-hats there were lots of people who were not satisfied with the war, and there were many who were very discontented with their standard of living, just as there were people among the peace demonstrators who were obviously unhappy about the war and unhappy about things that were happening in their lives. Yet, they met head on, and it looked as if there might be an explosion. And really, all that the hard-hats were chanting on that day was "All the way with the USA" and I guess if you have to have a slogan that's a pretty good one. There has been a lot of interpretation back and forth as to what this was all about and today I want to try to get at it for you.

To begin, it is probably wise for us to try to see each side as seen by the other. Look for a moment at that cluster of cliches that surround the so-called "hard-hats". To read some accounts, one would assume that the American middle income group, the middle class, is racist, anti-student, anti-intellectual, hawkish, disdainful of civil liberties, incipiently fascist and, most of all, anxious for a crackdown of "law and order", even if it means repression.

Now you've read that, heard that; people have said that to you; and it isn't a very nice picture. And frankly, it's not at all accurate.

But the so-called "liberal"—he fares little better when described by some segments of society, and even in the media. He's often described as permissive, elitist, and wealthy. He is pictured as concerned primarily about

the welfare of the poor black man that he seldom sees—but not about the poor or the lower-middle income white man. He is seen as a dove and he is identified with dissent and disruption. And most of all, he's perceived as "soft" on "law and order", whatever that may mean.

Also not a very nice picture—and I submit, not very accurate!

Now the first contribution to sanity is to note emphatically that *both sets of these descriptions are far from the truth.*

In this instance, as in so many others in recent years, what we have seen in a strange sort of Gresham's Law at work: Bad Rhetoric Drives Out Good!

Let a fellow citizen express revulsion at flag-burning—and there are those who will immediately call him a "fascist". Let a fellow citizen protest the war that he doesn't like or a violation of civil liberties or censorship—and there are those that will right away condemn him as subversive or "permissive".

But the facts are really quite different, aren't they, from the labels?

Look first at those so-called "hard-hats". Depending on the usage or the user, that term has been used to describe "men employed in the construction industries", or "the rank and file of the American labor movement", or "the blue collar workers"—and my, how I used to hear about all of these in 1968, and what they were going to do.

But I submit that if we look at the American labor movement—with all of its limitations—if you look at its membership or its leadership, it's very hard to make the nasty rhetoric stick. For, the labor movement in the last forty years has been the point of the spear for every major liberal and progressive program enacted in the Congress of the United States. That includes, of course, obvious pro-labor measures like collective bargaining and the minimum wage and unemployment insurance. You'd expect that. But it also includes aid to education, job training, Job Corps, war on poverty, Medicare, aid to cities, medical research, and more specifically and dramatically, a concerted effort in support of a series of major civil rights measures and civil liberties protections. Now that's not so bad, is it, for a labor movement that some voices describe as reactionary and dead and stale.

In fact, while the critical pundits were sipping their martinis at Georgetown cocktail parties, and while a new breed of self-proclaimed militants were condemning the labor movement, that labor movement—from George Meany and the late Walter Reuther on down—was actively, peacefully helping to revamp the American social and economic fabric—and I think for the better!

But the charge has been made that it is only the *leadership* that is liberal and activist; that the *rank-and-file* of the union membership is really rather conservative, racist, reactionary, indifferent, and sitting around in their undershirts drinking beer, looking at TV, cursing hippies, and voting for George Wallace. Now that's what a lot of people read and heard.

Now I would like to ask you to look beyond the sometimes surly talk and look at the deeds and the actions. I'm sure that some of this talk has taken place. If you go down to a bar someplace, you might very well hear something like that. But in America, political deeds are enacted, most significantly, in the voting booth, not at the bar stool. I remember old Sam Rayburn used to say "There's no sense of feeling ignorant and weak when for one drink you can get smart and strong."

I repeat, however, that political deeds that are really of any significance take place at the voting booth. And the voting boxes in the so-called "hard-hat" labor districts have been—if you'll pardon the joy of the phrase for a moment—"solidly Democratic" since the New Deal of Franklin Roosevelt. And in most of the traditional ways of looking at politics, and I've been looking at politics for a long time—these workingmen districts have always been liberal and still are liberal. At root, and concerning the real gut liberal issues, the American workingmen are voting liberals.

That progress has been achieved in America on a number of things like the needs of our cities, on health and transportation, environment and race, is in a large part because these American labor hard-hats and others like them have supported it.

And I submit that if there is to be progress in the future of America, it will require the support of the American workingman among others. They are a powerful force in our political system. Reform and remedy for our social ills can be accomplished only with their support. Therefore, there is a vital need of maintaining this coalition and this worthy momentum.

But what about the liberals, particularly those that we call the "intellectual liberals"? Are they really the ivory-tower elitists that the critics say they are?

There are admittedy a few dilettantes within the current ranks of liberals, but most of the liberals in the 1960's were willing to do tough, hard and courageous work. The civil rights workers that went into the South were as courageous a group of young people as this nation has ever seen. And I can also tell you that those liberals, young and old, who have sincerely protested the war in Vietnam and its extension into Cambodia, who have protested hunger in America, who have condemned pollution, who have dramatized the plight of the migratory workers, are tough-minded idealists, no panty-waists, these people. And whether or not we like everything that they say or do, their effectiveness is there day in and day out.

And most importantly, liberals in America are not now and never have been—"anti-workingman". And I don't intend to let this sad and ugly myth grow in this country. Liberals have supported the same progressive programs that the labor movement has supported and the same candidates too, at least after primaries and conventions have been concluded. (That's a little disclaimer which you lawyers will clearly understand in my situation.)

In fact the most liberal areas of the nation, such as those surrounding college and universities, voted heavily Democratic in 1968 just as they voted for LBJ and JFK, and Stevenson, and Truman and FDR. And just as America will not get legislative progress on cities, on health, on schools, on the problems of the disadvantaged without the support of the labor movement, neither will we get progress without the leadership of America's articulate and active liberal idealists.

We need both. We need to keep this coalition working although some would like to divide it and some people are willing to accept as gone.

Well, then, what's the problem all about? What threatens this important vital coalition?

The problem is the code phrase "law and order".

In 1968 there was a cliche afloat that said, "law and order is a code word for racism".

Well, "law and order" may indeed sometimes and in some places be a code phrase for racism—but *it is also* a code phrase for domestic tranquility and for the protection of life, liberty and property. And Americans are deeply upset about crime, about riots, about violent disruption, about drugs—about all facets of "law and order", and they rightly should be.

But, again, there is something strange. *Both* the *hard-hats* and the *liberals*—who some people would have you believe are running off in diverse and divergent directions—are *all* for law and order. I don't have to tell this group that respect for the law and the establishment of order is the *very basis* of human society. You as lawyers know this better than anyone. And I need not tell you that the bedrock of political liberalism is respect for human life, is, indeed, orderly change within the system. Change with order, and order with change.

Liberals don't favor crime, or mugging, or riots in the ghetto or on the campus. Nor do they burn the flag or ransack draft boards. That's not what liberals do. Extremists do that. Violent, militant radicals may do that. Revolutionaries. But not liberals.

Yet all too often, that is how liberals are being portrayed by their critics—and we have to ask honestly, now, why? Why do people believe this? And I regret to tell you that some people do. I think I ought to know.

Let's see. The nub of the "law and order" issue was raised first as a national concern in the elections of 1964.

Senator Goldwater managed to suggest that law-and-order is part and parcel of his own brand of conservatism. Then Governor Wallace linked law and order to his very special brand of racism. The liberals naturally, after this kind of sponsorship, recoiled and many hesitated to talk out on this issue that was deeply disturbing tens of millions of Americans. And when finally they did begin to speak out, they spoke out too softly and apologetically and in the judgment of the electorate, they lacked credibility.

Now in the meantime, many Americans grew fearful as cities burned and campuses simmered. And as the extremists' antics were over-publicized on television screens across the land, real genuine American liberalism took a severe beating.

Black militants, burning and shooting, may well have set back the cause of civil rights for a decade. White radicals rampaging on campuses may well have spawned an anti-university backlash that could set back the cause of higher education by a decade. Draft resisters who took the law into their own hand have served neither the cause of *peace* nor of *draft reform.*

And when some liberals, seeing all of this, responded by saying "Well, I don't agree with it, of course, but they are *well-meaning* . . ." then the cherished goals of liberalism were set back.

Now I raise my voice once again, primarily to those with whom my political life has been involved. Liberals must stop using the words "well meaning" about those who see violence and law-breaking as the way to influence public policy. Extremists who poison the possibility of civil rights progress, of aid to the poor or the disadvantaged, of educational progress or of draft reform—are not *"well meaning"* in my book. And the extremists have contributed what they claim to abhor—polarization. Of course the extremists of the right have done that—that we know. We don't expect anything better out of them. But the extremists of the left—they have set white against black, rich against poor, young against old, and in my book, that's not very well-meaning.

Liberals above all other political types, should know and do know that violence and chaos can lead to no good—they know and they must know that the democratic process to which we are dedicated is based on persuasion, on due process of law, which you understand better than most, and on reason. They know that the first casualty of violence and disorder abroad or at home is liberalism itself.

Now, libera's have demonstrated the willingness—in fact they've sort of got a masochistic feeling of desire about it—the willingness and the courage to take on an *unpopular* position even when they know that it's very unpopular, particularly when they believe that their cause is right. For this we are ever indebted. The nation is indebted to great liberals who stood firm when it was difficult, when it was unpopular.

But what liberals must do now is an ironical imperative: *they must show the courage*

to take on a popular position when the cause is right. And I happen to think the cause of justice and law and order is right.

I don't intend to let the issue of order in our society, justice in our society, due process in our society be usurped by what I call the extreme right wingers. I think those who have really fought for these things through the years have at least been moderates or people of what I call liberal persuasion.

Politics is often a contest where atmospherics are as important as the substance—indeed, where atmospherics sometimes become substance. It's not so much what's true in politics as what people believe is true that moves people.

Now the atmospherics that liberals must now attune themselves to are obvious. They must let the hard-hats, *Mr. and Mrs. Middle America,* know that they understand what is bugging them, and, they must let America know that they too condemn crime and riots and violence and extreme social turbulence, and that they scorn extremists of the left as well as the extremists of the right—the black extremists with guns and the white extremists with sheets and guns. Just clean the record, make it unequivocal.

We've demanded, and I think quite properly so, that students be heard and that the administration at a college campus or in Washington, D.C. at least try to listen as to what is bothering them. Fine, I agree with that and agree with it fully.

But what about *middle America*—what about the hard-hats? Yes, what about the poor, what about the blacks? Aren't they entitled to the same thing? Sometimes we talk about alienation as if it were the exclusive province of people who write introspective novels. Well, it's not. What about the American who is working hard for his $6,000 or $9,000 a year or $10,000? What about the American who is angry because he feels that no one knows or wants to know what he feels? What about the farmer and the merchant, all deeply concerned about crime and lawlessness and violence and disruption and about what they perceive as permissiveness? And believe me a lot of them feel that way.

Whether liberals want to accept it or not it's true. The time has come for liberals to let America know in the most emphatic terms that they share these concerns.

And once that that's done, once the liberals re-establish credibility in this area, they then can lead America forward on programatic issues, because America is ready, I tell you, for bold, creative, experimentation. Everybody knows we're in trouble; everybody knows that this urbanized society of ours is different; everybody knows that there are vast social changes, almost of revolutionary impact. But what Americans want to know is are we prepared to deal with the fringes that would upset everything so that we can get on with the business of taking care of the substantive needs of this country. Yes, Americans are ready and the American liberal can lead America forward on the vital matters of civil justice and social order.

You see, a man who is perceived by his fellow citizens as cognizant of the real threat of extremism, need fear nothing from the voters if he makes it clear that he is equally cognizant of the real threat of repression or any real threat to civil liberties. The best way to be able to defend civil liberties is to be able to stand up and face up to the civil abuses or the uncivil abuses of some, and to not only face up to it but to meet it head on.

Having established credibility, we can more easily cope with a difficult and different kind of violence. There are all forms of violence: there's physical violence that does injury to body and property; and there's emotional and psychological violence that does injury to spirit and mind and soul and that kills just as surely as a bullet. We need to understand this different violence, and we then can move more easily to cope with it, the social and psychological violence of the slum and the conditions in the slum, which is the breeding ground, of course, of physical violence.

But I do not believe that the only solution to our problems is the so-called long-range solution. Somebody once asked what's the difference between the short run and the long run, and I think it was Lord Maynard Keynes who said "In the long run we're all dead". What you've got to do is get back on some of the short run problems too. So I don't believe that the only solution to our problems is the so-called long-run solution, that is the elimination of the heartless conditions that breed crime in our society. But I do believe that it is clearly one important approach and we can't ignore it. Poverty, discrimination, unemployment, deprivation—these factors do breed crime and violence. And if we want to really deal with violence and crime and that's part of your business—and deal with it realistically, we must get off the dime and reorder our social and economic priorities so that every American has the opportunity to lead a decent and dignified life. In the long run we cannot have civil order without social justice. But in the short run violence and crime are rapidly becoming a barrier to the attainment of these long-run goals. Violence and disorder are generating an ugly spirit in our communities, a spirit which threatens to rend and tear asunder the entire fabric of our society.

And what irony that it should happen now. Just when a host of new legislation has enabled some action in our cities, such as the Model Cities program, and the Safe Streets Act . . . just when law schools are turning out a new breed of young lawyers bent on service to the poor and to new measures of criminal justice . . . just when the courts are giving new vigor to the spirit of protection offered by your Constitution . . . now, comes a devastating crisis of disorder and urban crime, sure to bring repression if some people persist in looking the other way.

I submit that nobody with conviction in the rightness of this nation—and certainly no one who has given of himself in the welfare of its people—ought to keep silent, ought to stand aside, ought to speak quietly, on the subject of crime and violence in America.

You can't play Hamlet with crime. And you can't play Hamlet with violence. Those who are dedicated to social reform and progressive programs such as comprehensive health care, aid to education, consumer protection, yes, extension of civil rights, protection of civil liberties, urban rehabilitation, decent housing, you name it, pollution control, war on poverty, all of those things—if we're dedicated to them—we must realize and recognize that all of this is in jeopardy if fear and anger dominate the political environment. And the true liberal will insist that there can be no alternative to public safety. It is the heart—indeed it is the unspoken, unwritten, underlying premise of the social contract.

Now once that we understand this, we can more easily attack all the other agents that assault our system of justice; the policeman who disregards constitutional rights of the citizenry, the housing inspector who winks at the violations of the code, the judge who may abuse his judicial powers, the welfare system that violates privacy and compassion.

And believe me, having said this, I think it tells you we need to go to work. In all too many ways this system of justice is indeed stacked against the ignorant, the poor, the people of limited scope in their means and social contacts. Get a good look at some of the injustices of justice and you get fighting mad—but the answer is not to go on out and tear the place apart—the answer is more efficient systems of justice which you can help create—it is surely not the coddling of the criminals of any age, background or race—nor is it the condoning of violence in the name of sympathy.

When Americans finally understand that liberals as well as conservatives are not only concerned, but are deeply concerned, about violence and turbulence—then we establish the ground rules and the conditions that will permit us to establish a better America. We must come to understand, my fellow Americans, that the real struggle is not between the hardhats and the liberals or even the conservatives and the liberals—it is between those few who would destroy this system or make a mockery of it and those who accept and support the system but are willing to work to make it better. I submit that that's the challenge, and to make the system better is the order of the day and the time is now. There is an urgent need for your speaking up to improve the system of criminal justice, to make sure that rehabilitation is the pattern of the day, to make sure that trials are held and speedily so, that there are enough judges and that there are salaries commensurate with the responsibilities for all law enforcement officers and agents of justice.

It is also your job to see to it that America is a place where the Pledge of Allegiance in this country takes on real meaning. And there isn't a person in this room that some time or another has not said, as his own son or daughter has said, those very important words which possibly portray what America should stand for and what its hope is. And many is the time that I've talked to students about it, even though it seems old hat. But it's not old. It's the newest thing in the world. Because it speaks of what mankind cries out for. We make that pledge of allegiance to the flag of the United States and the republic—not the dictatorship, not the police state, but the republic—representative government, the republic for which it stands. We must make our commitment, as the founding fathers of this republic made their commitment for their lives, their fortune, and their sacred honor. We must do no less. And what is that commitment—one nation, not two separate and unequal, but one. Yes, under God—which is the one phrase that gives real meaning to that phrase called human dignity and what humanity and soul and spirit really means—one nation under God, indivisible—not black, not white, not north, not south, not urban, not rural—but one nation indivisible—not unanimous, but united—and with liberty, not license, just liberty—which means respect for the rights of others so that you can have rights for yourself, which means the willingness to fulfill the obligations of responsibility and duty as well as to expect the privileges that come with citizenship, with liberty and justice for all—not justice for your neighbor only for you, not justice for the rich and the powerful only, not justice even for a selected minority, but justice for all. And once we understand that, then we understand that there is no conflict between liberals and conservatives on the issue of law and order. What there is, is the necessity of better understanding.

A MOST HEARTWARMING STORY

Mr. MANSFIELD. Mr. President, I wish to share with the Senate a most heartwarming story involving the former Judith Ann Webb, now Judith Ann Harris, of Billings, Mont.

Judith Ann, now 23, was paralyzed at the age of 5 and has been confined to a wheelchair ever since. But she has remained active: driving her own car since high school, graduating with highest honors from the University of Illinois, specializing in archery and track as a "wheelchair athlete," and working in rehabilitation for the handicapped.

While at the university, she met Timothy Harris, of Rockford, Ill., himself

an extremely active person also confined to a wheelchair. Timothy, 26, is a senior who plans to go into teaching.

On August 22, Judith Ann and Timothy were married in their wheelchairs in church services in Billings. I ask unanimous consent that an Associated Press article, taken from the Billings, Mont., Gazette, telling their story, be printed in the RECORD. I am sorry that the accompanying photograph cannot be reproduced in the RECORD; these young people are indeed an attractive couple.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEWLYWEDS WHEEL INTO LIFE TOGETHER

BILLINGS, MONT.—They cruised off into life toge her—Mr. and Mrs. Timothy Michael Harris—and if they faced more difficulties than others, they'd be the last to admit it.

Timothy W. Harris of Rockford, Ill., took Judith Ann Webb of Billings for his bride, a fact fact not unusual for the summer wedding season. But Mr. and Mrs. Harris are unusual as newlyweds, for they are confined to wheelchairs.

"I wish you could have seen the wedding," Judith's father, Felix Webb, said. "To see the fulfillment of Judith's life. . . . words escape me in trying to say what it means."

The couple was married Saturday in Billings' St. Vincent Catholic Church in a special guitar Mass written by the bride. They dispensed with the normal recitation of vows and instead discussed in their own words their love and their understanding of their obligations to each other.

Felix Webb, asked whether his daughter and son-in-law needed physical assistance in getting to the altar during the special wedding ceremony, laughed in surprise.

"They don't need anyone's help," he said. "To do things by themselves is their whole life. It damn well has to be."

Judith, 23, was stricken by maningomyolitis when she was 5 and is permanently confined to a wheelchair. But her rehabilitation has, indeed, been impressive. She has been driving a car with her hands since her high school days.

She entered the University of Illinois and this year was graduated—summa cum laude—with a degree in physical education and recreation. She now has a job in Champaign-Urbana, Ill, in a special rehabilitation project for the handicapped.

She met Timothy at the university. Like Judith, he is permanently confined to a wheelchair They both were active in what is called a "wheelchair athletes" program, Judith specializing in archery and track and Timothy working his way into the National Wheelchair Hall of Fame in javelin throwing, archery, slalom and other track and field wheel chair activities.

Timothy, 26, is entering his senior year at the university, majoring in education, and plans to be a teacher. He has taken part in athletic competition in Tokyo, Spain, England, Scotland, Ireland and Canada, after winning National Wheelchair Association games held each year on New York's Long Island.

Judith similarly has competed in several foreign countries.

The young couple left Billings Sunday for a honeymoon in the Rocky Mountains.

ADMINISTRATIVE CONFERENCE CHAIRMAN DEPARTS

Mr. KENNEDY. Mr. President, almost 3 years ago the President of the United States prevailed upon Prof. Jerre S. Williams to interrupt a distinguished academic career of over 22 years to become the first Chairman of the Administrative Conference of the United States. The Administrative Conference was a new, permanent Federal agency composed of Government officials and private citizens devoted to the task of expediting, simplifying and making more fair Government procedures for carrying out important regulatory programs and to aid private citizens in their dealings with the agencies. Chairman Williams began his service on January 8, 1968. After 32 months of the most dedicated public service, he resigned, effective September 5, 1970, to return to the University of Texas Law School in Austin where he will occupy a newly established chair of civil jurisprudence.

As chairman of the Subcommittee on Administrative Practice and Procedure, I have had the pleasure of working closely with Jerre Williams. I have firsthand knowledge of the fine job Chairman Williams has done in organizing the Conference, nurturing it through its early growing pains, and securing an adequate financial base for its continued endeavors. Its membership consists of outstanding experts in the field of administrative law. During Chairman Williams' tenure, the Conference adopted 22 formal recommendations to improve agency procedure. A number of these require legislative implementation and I have been pleased to introduce legislation to carry out many of the Conference recommendations. Hearings before the Administrative Practice Subcommittee have already been held on some of these matters.

I ask unanimous consent to have printed in the RECORD a brief summary of the major accomplishments of the Administrative Conference during the tenure of Chairman Williams. Even the casual reader will agree that they are many and consequential. In addition, well over a dozen additional recommendations are actively under study with the promise of substantial reforms for better government in many other areas of administrative law.

Prof. Jerre S. Williams has been a most distinguished Chairman. He has earned and deserves our thanks and best wishes. Undoubtedly we will call upon him again for his very able counsel.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

RECOMMENDATIONS OF THE ADMINISTRATIVE CONFERENCE OF THE UNITED STATES ADOPTED UNDER THE CHAIRMANSHIP OF JERRE S. WILLIAMS

No. 1: Adequate Hearing Facilities for Hearing Examiners—The recommendation to improve the hearing room facilities of Federal Hearing Examiners particularly for those proceedings heard outside of Washington, D.C., is being implemented by a GSA Advisory Committee on Facilities for Federal Administrative Trials. An inventory of Federal space has been completed in 10 regions and space can be assigned upon request. The availability of non-Federal, State facilities is being catalogued.

No. 2: U.S. Government Organization Manual—This manual is the most widely used official and public document describing what agencies do and the names of those who do it. In many respects, it had become anachronistic. A Conference recommendation is resulting in its up-dating and greater readability.

No. 3: Parallel Table of Statutory Authorities and Rules (2 CFC Ch. I)—This involves a technical but highly needed overhaul of official citations to agency rules and regulations. Well over a dozen agencies have contacted the Office of Federal Register proposing changes and many agencies are responding to request to broaden the scope of coverage of authorities cited in their tables.

No. 4: Consumer Bulletin—This recommendation calls for a readable and widespread distribution of a bulletin for consumers on what the Government is proposing to do which affects consumers before the changes are made. The Presidential Message of October 1969 on "Protection of Interests of Consumers" designated his Special Assistant for Consumer Affairs to establish a Consumer Bulletin. A proposed new Office of Consumer Affairs in the White House is to assume publication when established.

No. 5: Representation of the Poor in Agency Rulemaking of Direct Consequence to Them.—This recommendation seeks to assure that the views of indigents are heard before agencies adopt rules affecting their interests. S. 3434 introduced by Senator Kennedy with bipartisan support would provide for a "Public Counsel Corporation" and would implement the statutory part of this recommendation for a "Peoples Counsel". See also H.R. 16174 (Mr. Ryan, identical); H.R. 15909 (Mr. Mivka).

No. 6: Delegation of Final Decisional Authority Subject to Discretionary Review by the Agency.—A major cause of delay has been too much intra-agency review of its own decisional process. The Conference has recommended that agencies in their discretion either establish a Review Board or provide for greater finality of Hearing Examiner decisions with only discretionary review of their determinations by the agency.

No. 7: Elimination of the $10,000 Jurisdictional Amount in Cases Involving Injury or the Threat of Injury by a Government Official.—Legislation to implement this recommendation has been introduced by Senator Kennedy with bipartisan support. See S. 3568. (Hearings were held June 3, 1970.)

No. 8: Judicial Review of Interstate Commerce Commission Orders.—This proposal would make Interstate Commerce Commission orders reviewable in U.S. Courts of Appeals rather than in special three judge District Courts. S. 2242 and H.R. 10851 introduced in the 91st Congress would implement this recommendation when enacted.

No. 9: Statutory Reform of the Doctrine of Sovereign Immunity.—This would limit the ancient doctrine that the "King can do no wrong" and forbid the use of the technical defense of Sovereign Immunity to defeat meritorious challenges to the legality of actions by Government administrators. S. 3568 introduced by Senator Kennedy with bipartisan support would implement this recommendation. (Hearings were held June 3, 1970.)

No. 10: Judicial Enforcement of Orders of the National Labor Relations Board—Under present law, orders of the NLRB do not become judicially enforceable unless the Board actually seeks an enforcement order in Federal Court. The NRLB has prepared a proposed bill to make its orders self-enforcing after 30 days.

No. 11: Publication of a Guide to Federal Reporting Requirements—For many years GSA has published a widely used document entitled "A Guide to Record Retention Requirements." It has now been established that a similar document involving federal reporting requirements would be equally useful. A pilot study of style and coverage of a proposed manual has been completed by GSA. The Federal Register is now consulting the Office of Management and Budget and will circulate agencies to secure necessary reporting requirements—for publication in early 1971.

No. 12: Analytical Subject-Indexes to Selected Volumes of the Code of Federal Regulations—The CFR which contains the rules

and regulations of federal agencies has a master index. However, individual volumes pertaining to individual agencies do not. Many people have need for only one or two volumes which are inadequately indexed. The Conference has recommended that each volume be separately indexed. Two agencies, Selective Service and Bureau of Land Management, have already indexed applicable volumes. Letter from GSA to other agencies urging compliance have been sent and the response is encouraging.

No. 13: Elimination of Duplicative Hearings in FAA–NTSB Safety De-certification Cases—For a number of years the FAA and the NTSB have conducted duplicative hearings, mostly involving infraction of rules by airline pilots. The recommendation to eliminate this duplicative hearing procedure was implemented in full, effective May 1, 1970, by new rules adopted by the Federal Aviation Agency to eliminate such hearings before the FAA, and they will not be held exclusively before the National Transportation Board.

No. 14: Compilation of Statistics of Administrative Proceedings by Federal Departments and Agencies—This recommendation would provide the basis for analysis of efficiency and delay of administrative proceedings. All agencies were notified of this recommendation by a letter from the Chairman in early December, 1969, and responses have been encouraging.

No. 15: Consideration of Alternatives in Licensing Procedures—This recommendation arose from the important *Scenic Hudson* Case, where a conflict between electric power interests and citizens concerned with environmental control clashed. The Conference's recommendation intends to insure that agencies consider reasonable alternatives before deciding a case where environmental issues are involved.

No. 16: Elimination of Certain Exemptions From the APA Rulemaking Requirements—This proposal would insure that the public has an opportunity to participate in rulemaking proceedings involving public property, loans, grant benefits and contracts which formerly had been exempt from the rulemaking procedures set forth in the Administrative Procedure Act. Legislation introduced by Senator Kennedy with bipartisan support would implement this recommendation. See S. 3569. Hearings are being scheduled for 1971.

No. 17: Recruitment and Selection of Hearing Examiners; Continuing Training for Government Attorneys and Hearing Examiners; Creation of a Center for Continuing Legal Education in Government—This recommendation is designed to improve the quality of the work of Federal hearing examiners and attorneys.

A Special Committee of the Civil Service Commission is preparing new experimental recruitment and selecton standards for hearing examiners.

In coordination with the ABA, bills to establish a Federal Administrative Justice Center have been introduced in both the House and Senate with bipartisan support. See S. 3686 by Mr. Kennedy with bipartisan support; H.R. 16663 by Mr. Kastenmeier with bipartisan support. Hearings were held before the Senate Subcommittee on June 22, 1970.

No. 18: Parties Defendant—This recommendation would eliminate the technicality of citing the proper government official as a defendant with the risk of dismissal of the case if the guess is wrong. It is incorporated in S. 3568, introduced by Senator Kennedy with bipartisan support, and on which hearings were held on June 3, 1970.

No. 19: SEC "No-Action" Letters—This calls upon the SEC to publicize its legal precedents, interpretations, policies and standards under this discretionary program which advises brokers when the proposed sale of nonregistered stock may be in violation of law. It is being partially implemented by proposed new rules recently issued by the SEC for public comment.

No. 20: Summary Decision in Agency Adjudication—Substantial delays in the administrative process have occurred because full evidentiary hearings have sometimes been held when there were no genuine issues of material fact to be tried. This recommendation calls upon all agencies having a substantial caseload of formal adjudications to develop and use a summary decision procedure similar to that which has been used successfully by the Federal courts.

No. 21: Discovery in Agency Adjudication—Agencies having adjudicatory proceedings are called upon to adopt discovery procedures meeting detailed minimum standards relating to such matters as pre-hearing conferences, depositions, written interrogatories, requests for admissions, and the like. To guard against the abuse of discovery for the purpose of delay, the recommendation urges that presiding officers be given broad discretion to control the use and timing of discovery.

No. 22: Practices and Procedures Under the Renegotiation Act of 1951—The Renegotiation Board has authority to eliminate excessive profits realized by contractors whose government contracts exceed one million dollar a year. The Board, however, has not publicized the standards applied in determining excess profits; its statements of facts and reasons underlying determinations have been most summary and inadequate; and contractors have not been given access to contract performance reports furnished by the contracting agency. The Conference has recommended that the Board publish its criteria for determinations, give greater elaboration in its statements of facts and reasons in support of its decision, and make performance reports available to contractors (with classified or confidential information deleted).

MEXICAN MEDICAL IMPOSTERS

Mr. WILLIAMS of Delaware. Mr. President, the Washington Post of June 17, 1970, contains an article entitled "Three City 'Doctors' Guilty of Fraud" written by Peter Osnos.

The article states that three men who had practiced medicine in Washington for as long as 5 years had been convicted in U.S. District Court for having submitted forged Mexican medical credentials in order to obtain their licenses.

Following this report, I directed an inquiry to Commissioner Ball of the Social Security Administration asking the extent of any payments to these three men under either the medicare or the medicaid programs.

It appears that Louis Vecchiarello treated 128 patients under the medicaid program, for which he was paid $7,876.22, and under the medicare program he was paid $2,849.17, or a total of $10,725.39.

The second man impersonating a doctor, Mr. Marino J. Maturo, was paid $6,930.01 for treating 130 patients under the medicaid program, and he collected $1,695.48 under the medicare program, or total of $8,625.49.

In the replies from the Department, I am advised by Commissioner Ball that efforts are being made to recoup the payments that were made to these two men.

The Department should take appropriate steps to recoup the full amount of the payment under both programs including interest and cost of collection and at the same time, I note that the Department is taking steps to provide for more stringent examination in order to prevent a recurrence of such fraudulent impersonations.

I ask unanimous consent that the article be printed in the RECORD, followed by copies of my correspondence with Commissioner Ball under dates of June 19, August 25, and September 1, and the memorandum attached to the latter letter as signed by Mr. Thomas M. Tierney, outlining the payments under the medicare program.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THREE CITY "DOCTORS" GUILTY OF FRAUD

(By Peter Osnos)

Three men who have practiced medicine in Washington for as long as five years were convicted in U.S. District Court yesterday of submitting forged Mexican medical credentials to obtain their licenses here.

Judge John Lewis Smith, Jr., ordered the men jailed immediately, citing as one of his reasons the threat they posed to the community by continuing to treat patients in the six months after they were indicted. Sentencing was deferred.

In his closing statement Monday, defense lawyer Herbert Siegal admitted that the three men were treating patients even while standing trial. "They are practicing medicine as of today," he declared.

It took the jury just over four hours to decide that the men were guilty of about 30 counts each of mail and wire fraud, forgery and uttering. Each count carries a maximum penalty of five years.

The three men convicted were Marino J. Maturo, 41, Louis P. Vecchiarello, 42, and his brother, Anthony Vecchiarello, 47. They had doctors' offices at 800 4th St. SW, and 2412 Minnesota Ave. SE.

Judge Smith yesterday cited "overwhelming" evidence against the men presented during the five-day trial by Assistant U.S. Attorneys Seymour Glanzer and Gene S. Anderson.

Among other things, the evidence showed:

Maturo's only college training of any kind was a few courses he took in 1949 and 1950 at the University of Miami that included chemistry, elementary Italian, mathematics and zoology, all of which he failed.

Anthony Vecchiarello, under aliases such as Tony Vincent, Joe Risi and Anthony De Rosa, was working as a salesman of water softeners and burglar alarms at the time he claimed to be in medical school. He also posed on occasion as a lawyer.

Louis Vecchiarello worked as a furniture refinisher at the time he claimed to be in medical school. His former employer from the Bronx, N.Y., testified that Vecchiarello was a "first rate mechanic."

The trial also showed that prior to December, 1969, when the three men were indicted, the procedure for handling applications for medical licenses in Washington did not include investigation of credentials.

Testimony to this effect was elicited from two officials of the Bureau of Occupations and Inspections, which oversees the issuing of doctors' licenses.

Paul Sarnella, one of the officials, answered "yes" when Glanzer asked him at one point, "Everything you do is reliance on the applicants? You don't inquire into the authenticity of the documents?"

Sarnella added, "We relied on the appearance of the documents."

Clark Coleman, the second official, was asked, "Do you assume the documents are genuine when you receive them for filing?

"Yes sir," he responded. He indicated that queries about the three defendants were sent to the American Medical Association and the Department of Health, Education, and Welfare.

The AMA, according to Coleman, merely indicates whether there is any "derogatory" information about the men. HEW simply verifies that schools exist for which the men have submitted diplomas.

Glanzer pointed out yesterday that the AMA responds that there is no "derogatory information on men whom they have never heard of—like the Vecchiarellos and Maturo.

The prosecutor said in court that four other persons who submitted bogus Mexican medical credentials are now under investigation by a grand jury. He did not indicate whether any of them have actually practiced here.

Anthony Vecchiarello and Maturo claimed to be graduates of the University of Guadalajara. Louis Vecchiarello said his diploma came from the University of Yucatan.

Officials and graduates of the two universities testified that none of the three men had ever studied there and carefully noted each error in the phony diplomas, transcripts and examination grades.

Louis Vecchiarello and Maturo had received medical licenses from the District's licensing agency. Anthony Vecchiarello had applied for a license, but it had not been granted when the indictments were returned.

Testimony at the trial said that Anthony Vecchiarello had practiced without a license. One patient described how Vecchiarello gave him injections near the spine.

Since 1965, Vecchiarello and Maturo had treated, by their own lawyer's count, thousands of patients, mostly for weight and dietary problems.

District officials did not move until March 6 to suspend immediately the licenses of Vecchiarello and Maturo—four months after they were indicted.

Through manuevering in the courts, lawyers for the three men were able to block suspension of the licenses until after the trial on fraud charges.

Yesterday, after the verdict, Siegal said that the men would "consent" to suspend their practice while they appealed their convictions. The judge then decided to send the men to jail.

U.S. SENATE,
Washington, D.C., June 19, 1970.

Mr. ROBERT M. BALL,
Commissioner, Social Security Administration, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. BALL: In the Washington Post of June 17 there appeared an article listing the following three individuals as having been convicted for practicing medicine without a license: Messrs. Marino J. Maturo, Louis P. Vecchiarello, and Anthony Vecchiarello, with offices at 800 Fourth Street S.W. and 2412 Minnesota Avenue S.E.

In this connection will you please advise me the total amount that has been paid to each of these three men under both the medicare and medicaid programs since these programs have been in effect. If any of these payments were for surgery please itemize along with the names of their patients. If there are regulations against giving the names of the patients I would appreciate information as to the results of the surgery and their present health status.

Any additional information relating to the type of medical services they rendered should be included.

Yours sincerely,

JOHN J. WILLIAMS.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., August 25, 1970.

Hon. JOHN J. WILLIAMS,
U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR MR. WILLIAMS: This is in further reply to your letter of June 19th which has been referred to us by the Social Security Administration.

Marino J. Maturo and Louis P. Vecchiarllo were paid by the D.C. Medicaid Program for services rendered between October, 1968 and September, 1969 as follows:

	Amount paid
No. of patients:	
Louis P. Vecchiarello (128)	$7,876.22
Marino J. Maturo (130)	6,930.01
Total	14,806.23

Anthony Vecchiarello, the third party indicted for having submitted forged foreign medical credentials to the D.C. licensing board, did not seek reimbursement from the D.C. Medicaid Program.

In order to answer the other questions in your letter, we spoke with Dillard Mills in the Region III Medicaid office who has been investigating this case with both Dr. Raymond Standard, Director of the D.C. Department of Public health and Dr. Herbert Wortman in the D.C. Medicaid Office. According to these sources, none of the three men implicated practiced surgery nor did they apply for or receive hospital privileges in any of the area institutions. Their practice was limited to general adult medicine; no attempt was made to feign specialty training. Following their criminal indictment on September 2, 1969 for using bogus credentials to obtain licenses, the sources cited above are not aware of any suits having been filed against either Vecchiarello brothers or Marino on behalf of any of their patients, nor is there any other evidence indicating that their patients suffered long-lasting ill effects as a direct result of their treatment.

On January 15, 1970, Charles T. Duncan, Corporation Counsel for the District of Columbia, began further legal action against Louis P. Vecchiarello and Marino J. Maturo to recoup funds in the amount of $14,806.23 for medical services rendered to participants in the D.C. Medicaid Programs. At this time, these proceedings have not been finalized but we will continue to follow this case closely.

Our investigation of the circumstances leading up to the fraudulent licensure of these individuals revealed that the D.C. Bureau of Occupations and Professions has already taken steps to prevent further abuses of the medical privileges. Previously, the District of Columbia granted reciprocity to "qualified" practitioners trained abroad only when they could demonstrate:

(1) Proof of graduation from a recognized foreign medical school;

(2) Possession of an internship certificate from a foreign hospital;

(3) Possession of an M.D. license from a recognized foreign licensing body;

(4) Proof of having passed an examination administered by the Educational Council on Foreign Medical Graduates to screen candidates for general medical knowledge and acuity in English;

(5) Proof of having completed at least one year of training or service in an accredited American or Canadian hospital.

Messrs. Maturo and Vecchiarello had submitted bogus papers which appeared to satisfy all these requirements. Moreover, on their subsequent applications for participation in the D.C. Medicaid Program they also claimed membership in the: Academy of General Practice, New York Academy of Sciences, American Medical Association and the Pan American Medical Association. Officials of the D.C. Commission on Licensure in the Healing Arts have stated that on their face-value, the credentials of these three individuals seemed to be genuine and in perfect order. Checks had also been made with the American Medical Association and the Department of Health, Education, and Welfare to establish whether any deleterious information was on record regarding these applicants; nothing was reported on file.

At this time, the District of Columbia no longer accepts certificates submitted directly by the applicant. He must arrange to have all pertinent credentials verified by the appropriate institution and sent *directly* to the D.C. licensing authorities. Furthermore, no reciprocity is granted in the District of Columbia at this time. A graduate of a foreign medical school must now submit all the credentials listed above as well as arrange to take the D.C. qualifying examination, a test of general medical knowledge, and must also obtain letters of recommendation accounting for any periods intervening between house staff training and the time of his application.

Parenthetically, in almost all jurisdictions in the United States reciprocity for physicians licensed abroad is not granted. Doctors trained away from the United States (or Canada) must usually have met citizenship requirements or, at least, have begun naturalization proceedings. The general rationale for this stipulation is that in the period between arrival here and acquiring citizenship the applicant will have spent time in an accredited American hospital which could vouch for his medical competence.

Nonetheless, the problem of maintaining standards and procedures which will assure valid medical licensure throughout the United States despite the geographic mobility of many of our physicians is one to which we will give increased attention.

Sincerely yours,

HOWARD N. NEWMAN,
Commissioner.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Baltimore, Md., September 1, 1970.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: I have now received the enclosed report from Mr. Thomas M. Tierney, Director of our Bureau of Health Insurance, concerning the effect of the medical practice of Messrs. Marino J. Maturo, Louis P. Vecchiarello, and Anthony Vecchiarello on Medicare.

As Mr. Tierney points out, no claims were submitted for payment by Mr. Anthony Vecchiarello. A total Medicare payment of $4,544.65 was made to the other two individuals, for which recovery action is being initiated.

We understand that the Medical Services Administration has already replied to your question about the payments made under the Medicaid program.

Sincerely yours,

ROBERT M. BALL,
Commissioner of Social Security.

REPORT TO COMMISSIONER ROBERT M. BALL REGARDING AN INQUIRY FROM SENATOR JOHN J. WILLIAMS

The Medical Service of D.C. is responsible for processing and making payments on medical insurance claims under Medicare for the District of Columbia. Officials of that organization inform me that Mr. Anthony Vecchiarello did not submit any claims and, therefore, no Medicare payments were made to him. However, Mr. Marino J. Maturo was paid $1,695.48, and Mr. Louis P. Vecchiarello was paid $2,849.17. Medical Service of D.C. is initiating action to recoup these payments which amount to $4,544.65. There were no claims submitted for surgery by either party.

Medicare payments to all three individuals were unilaterally suspended in December 1969, because there was a question of whether these individuals met the definition of "physician" contained in Section 1861(r) of Title XVII of the Social Security Act.

As you know, on June 16, 1970, all three individuals were convicted on numerous counts of mail fraud because they used forged credentials from a Mexican medical school to obtain licenses to practice medicine in the District of Columbia. The convictions of Mr. Marino J. Maturo and Mr. Louis P.

Vecchiarello included one count each of submitting false Medicare claims.

THOMAS M. TIERNEY,
Director, Bureau of Health Insurance.

RETIREMENT OF JACK FORSYTHE

Mr. PELL. Mr. President, yesterday, September 15, marked the retirement of Jack Forsythe as general counsel of the Committee on Labor and Public Welfare. After a 15-year tenure, during which he was truly invaluable, Jack has decided to end his Government service and enter a new career as an attorney in private practice.

One could go on and on, commenting on Jack's able staff work. Suffice it to say, I personally valued him, not only as the most competent technician that he was, not only for his great knowledge of the Senate, which he served so ably, but as a close personal friend whose advice I often sought and heeded.

As he leaves the Senate I should like to say many, many thanks for a job well done and best wishes for a happy and prosperous future.

WE HAVE COME A LONG WAY

Mr. HANSEN. Mr. President, on September 11, Vice President AGNEW addressed the California Republican State Convention in San Diego, Calif.

In his speech, the Vice President outlined again the administration's views on stopping inflation, fighting crime, and bringing peace to Vietnam.

The Vice President also pointed out the important part that my good friend and colleague Senator MURPHY has played in the work of the U.S. Senate, and the importance to California and indeed the entire country that Senator MURPHY be reelected so that he can continue in his efforts.

Mr. President, I ask unanimous consent that the address by the Vice President in San Diego be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY VICE PRESIDENT AGNEW

I hope you will not take it as a blow to your civic pride if I say it is a pleasure to be here in one of the big southern suburbs of San Clemente.

We have come a long way since the President located the Western White House out here. On my way back from Asia, somebody asked me "How does the President manage to run the country from back East?" The man who asked the question lived in Hawaii, and he was not referring to the White House in Washington, but the one here in California.

I have spoken in California before on behalf of your fine candidates, and I hope to be back again. That is not only because California, according to the latest census figures, is the most populous State in the Union and pulling ahead every day. It is because what happens here in California is crucial to the fate of the nation over the next few years.

Californians know Ronald Reagan as a Governor of great courage. He has shown his fortitude in many ways: in holding the line against the kind of big spending that drives up prices and taxes; in standing up to those who would abdicate their responsibility to the unreasoning or unreasonable; and in reorganizing the Government over the howls of the bureaucrats and hangers-on.

Governor Reagan is a leader of national stature as well, as befits the chief executive of our nation's largest State. He stands tall as a symbol of strong, responsive government; of citizen participation; of the kind of leadership we need to build a solid prosperity without inflation and with job opportunities for all.

We need more men like Ronald Reagan in the statehouses of the nation, and we need men in the State legislatures who will back them up.

Let me turn now to the kind of men you will be sending to Washington. It is not for any outsider to tell Californians how to vote, and I do not presume to do so. But I can suggest how you can achieve what the people of California said they wanted when they cast their ballot for President two years ago.

California voted then to reaffirm the principles that built this nation. You voted to end a war with honor; you voted to get tough on crime; you voted to bring a cruel inflation to an end.

We are making important progress on all these fronts, but we're doing it despite a Congress that is fighting us every step of the way. The reason I am traveling around this nation this fall is to urge my fellow Americans to turn back the nay-sayers, to reject the undercutters, and to send to Washington the kind of men who will support the President in carrying out the mandate of the people.

Congressman Bob Wilson is just such a man. I have seen Bob in close consultation with the President, coming up with positive solutions to the most pressing problems. If you want to continue to be proud of the kind of representation this district is getting at the highest levels of decision making, Bob Wilson is your man. I've seen him in action, and I know he and Richard Nixon date back a long time together, and he is one of the most stalwart supporters the President has in the Congress.

The main thrust of my own efforts this fall will be to call the people's attention to the national significance of senatorial campaigns.

Let me say it loud and clear: George Murphy has been a great Senator from California. George Murphy has been a great Senator for all the United States.

When it comes to job training and job development—Goerge Murphy has led the way in the United States Senate.

When it comes to fighting against higher taxes and higher prices—George Murphy has led the way.

When it comes to the fight against air pollution—George Murphy has led the way.

When it comes to education, and especially education of Spanish-speaking Americans, George Murphy has led the way.

When it comes to sharing Federal revenues with the States, so that more money from Californians can be used by Californians for Californians—George Murphy has led the way.

And when it comes to strongly supporting the President in achieving an honorable peace in Vietnam—George Murphy has consistently led the way.

I know you want the President to carry out his mandate. The best way you can help is to send George Murphy back to the U.S. Senate.

You won't find George Murphy—or Ronald Reagan or Bob Wilson—among those cheerless and timid souls who run down their country. And that brings me to my target for tonight: the professional pessimist.

I speak of the man whose theme song is "every silver lining has a cloud."

In the past, he has been called the prophet of gloom and doom, the troubador of trouble, the disciple of despair.

The professional pessimist has always been with us, and on the great movements of American history, he has always been wrong.

Today, he is out of office and out of sorts. You can find him poring over newspapers with a magnifying glass, eagerly seeking out any evidence to prove his point that America is on her way to perdition. To this man, bad news is good news.

A couple of years ago, he was sitting pretty. He could point to the steadily climbing rise in the cost of living. He could point to high casualties in a war that had no end in sight. He could point to ever-increasing rates of crime, and a Government that had lost the confidence of the people.

But ladies and gentlemen, the heyday of the professional pessimist is past. More and more, he is finding it harder to make his case that the United States of America is on its last legs.

Of course, he is in there trying. When wholesale prices drop, he is quick to say it's too soon to establish a firm trend; when the rate of inflation can be shown to have been cut in half, he says that it is still too high.

When he sees the rate of crime's increase dropping for the first time in five years, he can find a particularly lurid crime to show society's decay. When he sees defense plants humming with activity, he denounces the military-industrial complex, and when he sees a defense plant close down as a war comes to an end, he blames the peacemakers for a rise in unemployment.

In the United States today, we have more than our share of the nattering nabobs of negativism. They have formed their own 4-H Club—the "hopeless, hysterical hypochondriacs of history."

We have the Chairman of the Foreign Relations Committee condemning America as what he calls "a sick society."

If we were to believe men like these, we would buy the notion that the United States is headed for recession, repression and regression. Of course we are not; the dreaded "Doomsday Machine" is only that Senator's mimeograph machine.

The professional pessimists are wrong about America. It really is time to stop tearing America down, to stop the handwringing and the headshaking. It is time to reaffirm the values that make this nation the hope of the world.

I have a practical reason for saying this. If critics repeat often enough that a society is sick, then some easily frightened members of that healthy society are going to get a little green around the gills. Then others, observing these, will wonder whether they're sick too. Men in positions of power who keep bewailing our outcast state could cause the condition they profess to see.

Let me be specific. Early in our Administration, we had to combat something the economists called "inflation psychology." Businessmen and labor leaders alike thought the merry-go-round was going to keep spinning faster and faster, and the very fact of that expectation helped fuel an inflation that drove people on fixed incomes to the wall.

We had to convince everyone that government was at long last ready and willing to make a few painful decisions in order to get the cost of living under control. Because Government has talked big before and then backed off when the hard decisions were required, many businessmen took a wait-and-see attitude.

They waited and they saw. And what they saw was an Administration with the courage to cool down an overheated economy, despite the "slowing pains" that were an unavoidable part of the cure.

The inflation psychology shifted; people slowed their borrowing in expectation of ever-increasing rates of interest; labor's demands no longer were required to figure in a spiraling rate of inflation. This shift of psychology, in itself, was a significant contribu-

tion to the battle against the rising cost of living.

But it was important that we not replace inflation psychology with something just as bad—recession psychology. If that had happened, this nation could have talked itself into too great an economic slowdown. We had to combat that recession psychology quickly—because we were determined that this would be the first inflation in our history to be cured without a recession.

But here, against the public interest, enters the professional pessimist. You can hear his voice in the mouth of the Democratic National Chairman, direly predicting economic ruin for millions. When six economic indicators turn upward, he calls out the one or two that are still lagging behind and says that the sky is still falling.

This is the case with a few red-faced economists, too, who staked their reputation on the need for price controls, ignoring the rationing, black markets and strangulation of free enterprise that would surely have followed.

And on the floor of the Senate, one of the professional pessimists rises to do his bit to prevent prosperity. I quote the Senator: "the total economic picture will darken still further. I fear there is no light at the end of this tunnel."

You can imagine the disappointment on the faces of the professional pessimists when the unemployment rate, even amid a firm anti-inflation campaign, fails to rise to the levels chronic in the allegedly halycon years of Kennedy-Johnson. Or when food prices in the supermarkets slow their rise. Or when industrial production and housing starts show significant gains.

These men are hard up for hard times, and when a sound prosperity appears on the horizon, they are devastated. They can only make hay when the sun does *not* shine.

Of course, their moves are absolutely predictable. Soon they will realize that an economic upturn can no longer be doubted. Do you suppose they will admit they were wrong? Not on your life. They will take a new tack entirely.

They will say we are in the midst of another inflationary boom, that we have lost the battle against higher prices. They will drop the recession talk, and try to heat up the inflation talk once again. To them it doesn't really matter what kind of bad news they predict—just as long as the news is consistently bad.

Take another example, in an entirely different field. A year ago last summer, in the midst of the debate about the ABM, the charge you kept hearing on television and seeing in headlines was this: "ABM will doom the SALT talks, and ruin the chances for arms control."

Wel, now we have an ABM. And largely because we do, the SALT talks have been moving forward. Do you hear any of the doom-sayers standing up and saying "Well, I guess I was proven wrong about that." Hardly. Instead, they are saying "MIRV will doom the SALT talks." And when the time comes when the SALT talks show some specific progress toward arms control, do you suppose you will hear one cheer from the professional pessimists? Not a chance. They will say, with a perfectly straight face, that as long as one bow and one arrow exists in this world, we will have failed.

On the subject of national security, let us look at what the profesisonal pessimists had to say about our policy of Vietnamization. The Assistant Majority Leader of the Senate had this to say just one year ago: "The war in Vietnam is virtually unchanged . . . we have made only token troop withdrawals on the battlefield, more an exercise in politics and improvisation, while the level of fighting and casualties continues."

By next month, we will have brought home 165,000 troops; another 100,000 will be home by mid-April. At the same time, and I can say this from recent personal observation, the forces of freedom in South Vietnam are stronger than they have ever been. Our casualties since the Cambodian action have been lower than at any time in four years. Vietnamization, to the anguish of the prophets of doom, is working and working well.

Do you hear them admitting they were wrong that their policy of pull out and run would have been a distastrous mistake? To quote George Bernard Shaw's fair lady: not bloody likely. Do you see them publicly gratified when our casualties drop to four-year lows? Do you see them pleased at reports from correspondents on the scene that villages and hamlets are no longer havens for terrorists? Hardly. To them, nothing fails like our success.

This refusal to admit that America is on the right path colors everything the professional pessimists say and do. To our allies, they propose a policy of the double cross; before our enemies, they preen in blatant obsequiousness.

The men who smack their lips over any American setback in the world are also great prognosticators here at home. Do you remember, not long ago, how the decade of the seventies was supposed to become one long, hot summer? How all our cities were to be wracked by guerrilla war as riots were to become the disorder of the day?

Of course there have been tragic incidents in our cities in the past couple of years, and we have seen policemen and even judges become the targets for terror. But those who predicted a rising pattern of city-wide violence have been happily proven wrong. This is no reason for complacency; the combination of effective police work and responsive community relations must continue to avert riot situations before they boil over. But the very same people who were saying all our cities would become permanent battlegrounds two years ago—and were wrong—are saying our college campuses will become permanent battlegrounds today. Time and patience and firmness and understanding will prove them wrong again

The professional pessimists have been wrong about inflation, wrong about recession, wrong about Vietnamization, wrong about disorder, wrong about arms control, wrong about crime, wrong about the strength of the American character—and some of these "wrongos" have the collosal gall to ask you to elect them again.

I think that the men who sold America short will not be around for long.

I think the American voters, this year, will throw out the throwbacks to isolationism, and will affirm their faith in the affirmative men—men who believe in the American dream, men who are confident we can rise to our challenges, men who have faith in the American people.

Thomas Jefferson had to cope with the professional pessimists of his time as well. And this is what he said: "My theory has always been that if we are to dream, the flatteries of hope are as cheap, and pleasanter, than the gloom of despair."

The flatteries of hope he felt for this nation turned out to be right, and the gloom of despair felt by others turned out to be wrong.

Let us heed that lesson, and turn away from those who would tear down what generations of hardworking idealists have built. Let us turn toward men like the candidates here tonight—men like George Murphy and Ronald Reagan and Bob Wilson—men who reject the self defeating philosophy that ours is a "sick society." They believe as the President does, and as I do, that ours is the healthiest and most progressive society the world has ever known, and are committed to making it even better in the years to come.

RESEARCH AND DEVELOPMENTAL NEGLECT LEADS TO UNILATERAL DISARMAMENT

Mr. MONTOYA. Mr. President, since the dawn of the atomic age my State of New Mexico has played a fundamental role in research and development contributions toward our Nation's defense. I say this not in praise of any particular R. & D. center, but for those throughout the entire State.

From Los Alamos with its nuclear research, to Albuquerque with its Air Force Special Weapons Center, Scandia Base and Missile Development Center, to Las Cruces with its White Sands Missile Range's many varied missile and electronic warfare programs and NASA space facility—New Mexico continues to strengthen our Nation's defense.

This outlay of technical capability is no accident. The vast open space and contiguous mountain ranges provide the perfect blend of terrain for the instrumentation required to develop many of the weapon systems used by our Army, Navy and Air Force as well as components of space transportation, research and exploration. The citizens of New Mexico are proud of the contributions made by the scientific community of their State and support its goals on every occasion.

Likewise, I am certain that each of my distinguished colleagues can point with the same feeling of pride to R. & D. organizations or centers in their own illustrious States. What I wish to discuss is the impact of research and development on our Nation and its well being. If you reflect upon this very long it is obvious that this Nation's research and development effort not only provides the foundations for our own formidable defense posture, but is the technical fund from which our Nation will draw its future. If we were to bankrupt that fund we would bankrupt the very future of those people who have entrusted it to our deliberation.

And yet, periodically there develops in this Nation a mania to turn the R. & D. professional into a sacrificial offering upon the altar of economy. Where once the workings of this community appeared as an almost mystical salvation in time of danger, they suddenly are deemed obscure and superfluous as the Nation becomes plagued with shortsighted pragmatism.

The Scientific Adviser to the President, Dr. DuBridge, Secretary of Defense Laird, and Dr. Foster, Director of Defense Research and Development, have on many occasions pointed out the necessity for continuing our research and development toward maintenance of a viable national defense. My personal investigations have led me to believe that once again we will be forced by the advances of our adversaries to respond on a crash basis in countering the threats against our national existence. We are only too aware that crash basis means cash basis on a very large scale.

Notwithstanding the insistent demands to allocate our resources for weapons now, I believe that, at this time, it would be exceedingly foolish to con-

sider the Soviets' capability solely on the basis of the stated numbers of their weapons inventory. We must not ignore the increased emphasis being placed upon excellence within that inventory. Let me say now that such a viable threat could only have accrued through the continued application of well conceived and directed research efforts.

While we have allowed our huge national resources to become increasingly directed toward tactical pursuits on the Asian mainland, the Soviet Union has been focusing its attention, more than ever before, upon increased strategic weapons strength. It is the complex nature of these weapons systems that they must be developed with intense long-range commitments of national research and development resources. The Soviet Union has apparently made this commitment with such direction and drive that its national goal is certainly one of international technological preeminence. It is all too clear that our neglect of research and development will lead only to a bizarre form of unilateral disarmament.

Now clearly it is not possible to devote all of the Nation's defense expenditures toward R. & D. leaving nothing for actual weapons production. A proper and balanced funding allocation must be determined in order to realize the effectiveness of our weapons systems. And this allocation is a responsibility which we in our legislative capacity must oversee with wisdom and firmness.

It has never been my desire nor, I am certain, that of any other U.S. Senator to see our Nation's defense capability bettered by that of any potential adversary. However, when a legislative body such as this is asked to authorize production starts on weapons systems whose workability has been inadequately researched, it is no great wonder that unfavorable reactions develop against the military planners and their related services. Too often I find that the vulnerability aspects of major weapons systems appear to have been either neglected altogether or minimized by obfuscating semantics. It is a painful and shameful fact that even where our finest R. & D. establishments have pursued their work with skill and imagination, often beyond the limits of their resources, this work has been dangerously and systematically disregarded. Thus, at a time when the taxpayers defense dollars must necessarily be spent with even greater effectiveness, it should not seem surprising that large numbers of Senators vote against deployment of weapons systems whose development has been only partially indicated.

Further, one wonders how such developments can take place when vast segments of the R. & D. community are being completely dismantled. Many scientists who hold advanced positions with long years of experience in their respective fields have found their offices closed and their jobs terminated as defense production cutbacks have been improperly translated into a license for R. & D. cutbacks. When any nation allows its senior scientists to stand in unemployment lines, as they now are doing in this country, then that nation has sanctioned an unacceptable waste of human resources, and the only conclusion that can be reached from such examples is that we are confronted with a careless, reckless, almost mindless deteriorization of our R. & D. capability which, if allowed, can lead, I repeat, to unilateral disarmament with all its inherent dangers.

My fellow Senators, a nation's priorities develop with the dynamic and changing needs of its people. But let us distinguish between real priorities and shifting fancy. Today we must underscore a fundamental priority—that basic requisite of any nation—survival. And today more than ever this survival is a function of advanced research.

We may apply this research toward defense-oriented goals and see its impact translated into the solution of a variety of civilian problems. Likewise, many civilian research programs, such as space exploration, have vast military consequences.

But the days are long past when Americans can consider those expenditures allocated in pursuit of national research goals as impractical. Such flirtations with false pragmatism produce nothing more than false economy. For indeed, it is the very pinnacle of pragmatism to seek firm and considered foundations for any future.

I am not suggesting that foolish self-indulgence be allowed to prevail in the research community. If there is truly a need for this community then its value must be applicable to that need. However, the pendulum of priorities has swung far from any scientific self-indulgence. And if some corrective action is not taken by responsible leaders in these Chambers and committee rooms, then let me state once again that this Nation will have permitted a negligence that can lead only to unilateral disarmament. I ask the support of all Senators to see to it that this is not allowed to happen.

SUNRIVER—WHERE HARMONY WITH THE SURROUNDINGS IS PARAMOUNT

Mr. HATFIELD. Mr. President, one of Oregon's most respected editors, Mr. Eric W. Allen, Jr., of the Medford, Oregon Mail Tribune, recently devoted an editorial to the wonders of a new Oregon resort development. I use that description with caution, for Sunriver is far from any typical development currently being developed.

Mr. Allen captures much of the beauty and the spirit of Sunriver. I have been there and I echo his sentiments. I encourage Senators to visit Sunriver and Salishan as well, to see how a resort can be developed in complete harmony with its surroundings. We in Oregon owe a great deal to Mr. John Gray, the moving force behind these two projects.

Mr. President, I ask unanimous consent that Mr. Allen's fine editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD as follows:

[From the Medford (Oreg.) Mail Tribune, Aug. 31, 1970]

TRAVELING TO SUNRIVER

Sunriver Lodge, Deschutes County—This is the third of a new breed of hostelries in Oregon. The first was the Village Green near Cottage Grove; the second was Salishan at Gleneden Beach, and now Sunriver, 15 miles south of Bend and two miles off Highway 97, is the third.

Each, we believe, is in a class by itself. The Village Green is a highway-oriented luxury motel of such graciousness and fine planning that is much more than "just a motel."

Salishan is more a resort-plus-homesites arrangement, complete with semi-private beach, tennis courts and golf course. Sunriver, another resort-type establishment, is similar, with guest units, swimming, golf, tennis, horseback and bicycle riding, its own air strip, fishing, skiing in season, and private homes.

John D. Gray, who made his first reputation with Omark Industries, is also the moving spirit and major investor in both Salishan and Sunriver, and the care and taste they both display reflect his guiding hand. They are the kind of resort complexes Highway Commission Chairman Glenn Jackson had in mind when he said, with typical practicality, that Oregon should "cater to quality" in its tourist promotion.

It is designed to grow into a substantial town in its own right, located on the site of an old Army camp (the Engineers' Camp Abbot) on the Deschutes River. It may well do so, with plenty of acreage for expansion, and a high, dry, sunny climate and all-year attractions.

The designers were careful. They left as many of the original trees as they could, and where they had to cut them down, new ones were planted in their place. The landscaping still is "in process," with some bare scars still to be covered with vegetation, many of them created by artificial mounds and berms, gracefully done, to provide an aspect of change and slope among the lodgepole pines. The roads are winding, for the most part, and there are also trails for carts, walking and bikes.

The guest units are designed with windows to the west (to show off the splendid skyline of the Three Sisters) and parking to the east. They are constructed of rough-sawn native woods.

Good design, accompanied by fine art work (including pieces by such noted northwest artists as Jacksonville's Eugene Bennett and Portland's Tom Hardy and Manuel Izquierdo) add much to the environment.

The prices are comparable with those of a first class hotel in a large city—no less, but certainly no more. And the informality and surroundings are such that no hotel really can compete.

The resort that most nearly reminds us of the Salishan-Sunriver type is the Mauna Kea Beach Hotel that Laurance Rockefeller built on the Island of Hawaii, but the former have much more of a human feeling, and a more welcoming attitude than that splendid and palace-like place.

The drive here from Medford is just 165 miles, and can be done in an easy four hours or less, even with a stop or two on the way. We came up the familiar route of the Crater Lake Highway to the Diamond Lake Junction and then east to Highway 97. The drive was marred, for us, by the construction being done on the Diamond Lake highway south of Diamond Lake, where it is being widened and straightened much more than we believe is either necessary or desirable for safety or speed, and at a terrible cost in roadside beauty, with great swathes of roadside trees being sacrificed.

We are told the Bureau of Public Roads insists on such high standards. But to think

of such official vandalism threatening the lovely stretch of tree-lined highway between Prospect and Union Creek, and beyond, is sickening.

We know one who loves those roadside trees who talks seriously of chaining herself and some dedicated friends to these trees if the chain-saws and bulldozers ever begin to move in on them.

The worst of this has thus far been confined mostly to the lodgepole pine country (and it should be added, that some improvement has been made in that the trees are not cut in absolutely straight lines any more; the lines curve a bit now). Lodgepole pines are one thing, but the great Douglas firs and pines lower down begin to move in on them.

We might be persuaded to join the chain-gang unless the BPR can be persuaded to listen to lovers of the environment as closely as they do to the engineers.

SCHWEIKER PRAISES SELECTIVE SERVICE YOUTH ADVISORY COMMITTEE

Mr. SCHWEIKER. Mr. President, in January of 1969, the Selective Service System initiated a pilot project to inject new ideas into the System through youth advisory committees. The project was successful and by June of that year, President Nixon authorized the establishment of youth advisory committees to the Selective Service System in every State, New York City, Washington, D.C., and four territories. These committees, whose members have acquired reasonable expertise on the draft, meet regularly to examine the System. Recommendations and proposals for system changes are then channeled to State and national headquarters of the Selective Service System for appropriate consideration. The committee size, meeting schedule, and procedures differ from State to State as deemed necessary.

In March of 1969, regional meetings were held in Washington, D.C., and San Clemente, Calif. At this time, the youth delegates directed their attention to the study of such subjects as student deferments, occupational deferments, and sources of medical talent for the Armed Forces.

Under the direction of Selective Service Director Dr. Curtis W. Tarr, the program has been further expanded to include a full-time coordinator at the national level and, for the first time, a summer intern program.

In July of this year, youth advisers representing every committee gathered in Washington for the first Youth Advisory Committee National Conference. Their final report is the conscientious result of young people trying to make the draft, as long as it is necessary, as equitable as possible—a subject of vital concern to all Americans. Not all of the recommendations necessarily coincide with current selective service policy. However, the youth are speaking from a position of responsibility and have offered many valuable recommendations for implementation within the System.

The report includes interesting comments on the following topics: Communications between youth and government and public relations; conscientious objection; manipulation of the draft; student deferments; uniform national call, which were agenda items; and the all-volunteer armed force which was endorsed by the general session. Because of the importance of reforming our draft system, and knowing the views and insights of our young people who are most directly affected by the draft, I ask that the report of the Selective Service Youth Advisory Committee National Conference, entitled "Dialog—Action—Change" be inserted in the RECORD at the conclusion of my remarks.

Mr. President, we are fortunate to have an administration which is responsive to the inequities and inefficiencies of our current draft system, and a President who wants to improve it. President Nixon is to be commended for initiating the student advisory committee concept, and carrying it forward with speed and thoroughness and Director Tarr is to be commended for his implementation of this excellent program.

President Nixon showed his commitment to meaningful draft reform by instituting a draft lottery as soon as the congressional ban of such a procedure was lifted. He has showed his continued commitment by seeking out the views of young people.

I am personally in favor of the eventual creation of an all-volunteer army and voted for such a plan this year. However, we must also continue work now to make our draft system itself more equitable, so that it operates more fairly on all individuals until such time as we can practically have a volunteer military force.

I commend the students for their insights and initiatives, and call this report to the attention of all Senators. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

DIALOG—ACTION—CHANGE

Dear Committee Members: From June 28 to July 2 the First National Conference of the Youth Advisory Committees was held here in Washington, D.C. One hundred and nine delegates from the State YAC's attended the Conference, and participated in the lottery drawing. The Conference schedule was a rigorous one, and the efforts of the delegates were execptional. For this reason, I extend a special word of appreciation to the young men and women who worked so hard to make this program a success.

We consider the reports produced by the Conference as a significant step in our continued labors to improve the System. I have taken particular interest in reviewing these reports, and they are being studied by the staff, here at National Headquarters, who are developing specific analyses and responses. Several of the proposals made by the Conference have already produced positive results by stimulating our thinking, and by providing additional impetus to corrective actions that already have been initiated.

It is our sincere hope that the delegates will have carried back to you the message of our concern, and of our desire to seek new and fresh perspectives on problems facing both young people and the Selective Service System.

Please accept my gratitude for the job you are doing; through our mutual efforts we can make the System more responsive to the needs of our country. I wish you much good luck with your continued efforts.

Sincerely yours,

CURTIS W. TARR.

SELECTIVE SERVICE YOUTH ADVISORY COMMITTEE PROGRAM—THE NATIONAL CONFERENCE

For your information, the activities and procedures of the Conference are described below, and the recommendations of the Plenary Body are then reported.

It should be stressed that Dr. Tarr, when presented with the reports by the delegates, expressed strong and continued interest in the work of the Conference, the YAC Program, and in our future efforts. His support of our program, and his interest in what we say and do is sincere, and most encouraging to us. It is our hope that the delegates will carry this same message back to the home Committee. Good luck, let us know if we can be helpful.

YAC COMMITTEE MEMBERS SERVING AS SUMMER INTERNS

PROCEDURES OF THE NATIONAL CONFERENCE

Delegates from the States and Territories were divided into six committees. In establishing the committees, an attempt was made to achieve a balance on each panel. The responses of the delegates to a pre-conference questionnaire were used in an attempt to give each committee a varied composition, with all points of view presented.

Upon arrival Sunday, each delegate received a briefing pack including schedules, committee and room lists, and most important, a series of background papers on each of the five problems to be reviewed. The papers were not definite, but were meant merely to serve as ground breakers or resource material for the delegates.

From 8:30 A.M. to 9:00 P.M. (with meal breaks) these committees met on Monday. They also met Tuesday morning from about 8:30 A.M. to Noon. Each committee discussed the five prepared topics, and some also reviewed other matters. Each of these six committees selected one of its members to serve as a "topic spokesman" for each of the five subjects.

On Tuesday evening the topic spokesmen met in groups according to topic (five groups of six spokesmen each). They prepared a report on their topic designed to reflect the reports of the six constituent committees, and chose one of their number to present this report to the Wednesday Plenary Session.

At the same time the six committee chairmen met to coordinate the Plenary Session and select a chairman to preside over the conference.

It was from this effort, under a very taxing schedule, that your delegates' reports were developed.

COMMUNICATIONS

Youth and Government, at present, have poor communication and trust, which is causing a polarization of both groups. This can be remedied by increased dialogue substantiated by rational appeal rather than emotional rhetoric. Specific proposals directed at remedying the present situation can be undertaken in areas dealing with actual policy of government toward youth; however we realize there are functional, administrative, and philosophical functions which cannot be dealt with as a specific. Rather, change in this area must reflect a progressive and total reorientation of an approach to youth by government.

This presentation will deal with specific recommendations in relation to government policy change which would lead to better relationships between youth and government. Two particular areas will be covered: First, Communications and Public Relations in the Selective Service System, and second, communication as a general and total governmental approach to increased trust between youth and government.

I. Communications and public relations in the Selective Service System Youth Advisory Committees

We feel that many Youth Advisory Committees wish greater freedom of autonomy in expressing their work as youth advisors. This would include specifics such as ending the editing by State Selective Service System Directors of communications from Youth Advisory Committees to the national office and to other committees in other states, and also ending the undue control by some State Directors who impose their own views upon the committees mistakenly calling the Youth Advisory Committees "their personal spokesmen."

Next in the area of public relations and information dispersal to registrants. We feel that four basic proposals can be made.

First, an Information Director at state level, salaried and locally oriented by state, is advantageous to adequate information dispersal.

Second, it was a consensus that a Government Appeals Agent should be responsible only to the draftee. This recommendation presents the view that the Government Appeals Agent should not be under suspicion of releasing a draftee's statements, made in confidence, to local board members.

Third, we propose a high school-tailored program in the form of classes, films, and lecture assemblies to better inform potential draftees about the System. We feel partial obligation for this information system should rest with the education departments of the state, with the high schools as primary agents in the dispersal of information that defines the rights open to potential draftees.

Fourth, on the national and state level, television programs and public service announcements presented by the state and national Selective Service Systems would enhance a public relations program.

Youth and their relationship to the draft board itself is of concern to many Americans. First, age requirements of board members should be decreased from thirty years–seventy-five years to twenty-six years–sixty five years with length of service not to exceed ten years. Further, every two years there should be brought to the board a replacement for a member who has served ten years or less (if he drops off) bringing new experience to the board. Representation on the local board should be varied age-wise as well as racially (in appropriate areas). Secondly, minimum age for draft counsellors should be decreased from thirty years to twenty six years. These proposed changes would present an ample opportunity to reflect the changing needs and expressions of the youth sector.

II. Communication aimed at increasing trust between youth and government

We seek better communication in government through two proposed policy changes aimed at legislation as follows: First, the defeat of proposed legislation on both federal (H.R. 16098) and state level stopping financial aid to students who do riot. This was seen in a consensus view as repressive to the individual and counter-productive to the goals of better communications and understanding. It was felt that students who participated in riots and who are convicted of such action, would be suffering double jeopardy by also being faced with removal of financial aid. It was felt that if a person were convicted of riotous action, a move to rescind financial aid would not aid that for which it was intended—removal of the student from the university—for a student convicted of riotous action would be removed from school anyway.

Second, we felt that we do need, as soon as possible, legislation enacting the 18-year-old vote. Since the present law is open to a constitutional challenge, we would hope that all members of Congress who supported the proposal would enact machinery to work for a constitutional amendment, if present legislation is declared unconstitutional.

It was also the consensus of the body that philosophically we desire that enfranchisement of all territories so that they also have the vote. Although realizing that we do not undersand all the ramifications of such enfranchisement, we felt that there was a discrepancy in having an 18-year-old vote for the states while the territories, which are also susceptible to the draft and taxes, presently have no vote in national elections. We therefore recommend that the United States exempt the territories from compulsory military service, and that the U.S. work for enfranchisement or statehood for the territories with reinstatement of the draft at that time. Such legislation would incorporate all youth into the political structure causing an increase in identity with the American governmental process.

In conclusion we realize that these are only a few proposals which would aid in greater communications between youth and government, but they are essential in a collaboration between youth and government in matters which affect both.

CONSCIENTIOUS OBJECTION

The following, recommendations and conclusions have been reached by the Conscientious Objection topic committee.

In setting the standards for the qualifications used by a local board in determining a C.O. classification, we recommend the following:

I. A local board should research the personal background and history of an applicant. In doing so, the following points merit consideration:

A. That the claim for C.O. deferment be consistent with the person's life style.

B. That this objection be a prime motivation in his life.

C. That the length of time the person has held these beliefs is irrelevant, unless it is extremely short of, or on the order of, a few days.

II. That the State Director establish a special panel to assist the board in determining the C.O. deferment. This panel would provide a professional opinion for consideration by the board in making its final decision. It would be specialized for this one area and hence could reflect a greater insight in its recommendations than would the local board.

We suggest the panel consist of from three to five members whose occupations are pertinent to the problem. The number of panels in any state would be determined solely by the need of them in handling the appeals, and not on a proportion to the number of boards. We would further recommend that a C.O. applicant should make a personal appearance before this board.

III. As an aid to the local board in determining the psychological profile of a C.O. applicant, psychological testing should be utilized. Such tests now seem to produce results worthy of consideration. It would be necessary that the test be administered by a competent psychologist.

For those individuals applying for a C.O. deferment on a non-theistic basis, we concur with the Welsh decision.

IV. On the inequalities arising from differing educational backgrounds and the C.O. classification, we recommend:

To help guide and inform the C.O. applicant to Selective Service procedure, there should be established a position of Registrant Appeal Agent. The agent would act only as an information guide in helping the applicant prepare his case. For those individuals who simply feel opposed to war, the agent would help them to form a firm position, in keeping with the current written standards and requirements.

V. With regard to work programs for persons who have been granted C.O. deferments, we suggest the following:

That the C.O. be utilized in the national interest to the best of his abilities in a public service, non-profit organization, not necessarily connected with the government and with pay and benefit compensation similar to the actual military rate of pay and benefits. To be more explicit, we recommend the following guidelines:

A. The jobs must make a contribution to the national health, interest and welfare.

B. The job selected must be of a public service nature, and not solely a service to a particular sect or religion.

C. The individual must serve in an organization that has been established as non-profit. The job cannot be participation in industry.

D. The types of jobs considered might include such services and organizations as health education, research, government agencies (be they on the national, state or on the local level), and community development programs. Such national programs as VISTA, Peace Corps and Teacher Corps would be acceptable.

E. The selection of a job assignment should be such that it is not in competition with the local labor market.

VI. On the problem of selective C.O. deferments, it has been recommended that: The C.O. deferment not be granted to those individuals seeking such a deferment on the basis of opposition to a specific war. Granting such a deferment would be inconsistent with the standards and original purpose and definition of the C.O. classification, since the C.O. classification is in essence an objection to war in any form.

MINORITY REPORT: SCO's

The U.S. has, in the past, clearly established itself as a nation concerned with the conscience of the individual and has given the individual the opportunity to pursue his conscience in terms of all wars and his relationship to them (i.e. I–O and I–A–O classifications.) However, it must be noted that it is not an impossibility that the government can begin to evaluate and accredit thought—in other words, assign the degree of merit to different conscientious beliefs.

Yet this is clearly not a desirable area for government interference. Therefore, we as individuals must alert ourselves to this possibility and seek to avoid it. In this altering process, we as a committee must face the problems evolving from the limitations now imposed by the present C.O. classification. It is evident that the policies followed in this area clearly militate against one type of belief: that which distinguishes between the nature and practices of different wars (Selective Conscientious Objection).

At this time it is a popular belief, which we believe to be invalid, that in dealing with S.C.O. we are not dealing with a conscientious belief, but rather with a political or sociological one. If we logically study this problem we must consider the relationship between the three.

Assuming that an individual is sincere in conscientiously opposing a particular war, it is quite logical, considering the role the conscience of an individual plays in his life, to assume that such beliefs will also be reflected in his political and sociological behavior. That one's political behavior is derived from conscientious beliefs should not lead us to consider him a political objector. In other words, the individual's political and sociological beliefs are derivatives of one's conscience.

Now we arrive at the point where we must determine how the local board will identify the S.C.O. and what parameters will be used for this. This matter is not difficult to see, for we are still interested in determining a position of conscientiousness, as in I–O

and I–A–O. The local board will still be responsible for determining the depth and sincerity of the individual's supposed conscientious belief. The only difference lies in that rather than determining the sincerity in relation to all wars, the board must limit its decision of the individual's sincerity in relation to a particular one. The board would still subject the individual to intensive inquiry but relate it only to one particular war which the individual professes to conscientiously oppose. The local board would, of course, seek in the behavior of the individual conduct which would belie or support the beliefs claimed.

There remains, then, one objection to S.C.O. which merits further attention. It is an area not subject to logical interpretation, but is simply a "gut feeling" that S.C.O. would be a loophole through which the manipulative registrant could escape. We believe that this problem would be no more or less likely than with the current I–O. As honest men, we will admit however, that it could on occasion happen. It is a potential risk.

At this juncture, however, we must consider the foundations of the American ethic. We would certainly, for instance, find it easier to function without trials or juries, which sometimes err and free a guilty man. Yet this course is not taken, because we consider it more valuable to run the risk of this occasional mistake, rather than the greater dangers which follow from the conviction and punshment of the innocent.

So it must be with the S.C.O. Despite our concern for the mischief which may be attempted, we must, to be true to the basic tenets of our nation, run this risk. Not to do so would deny our historic concern for expanding recognition of individual conscience.

MANIPULATION OF THE DRAFT

The committee on manipulation of the draft has put together the results of the discussions of the six conference groups. Their recommendations fall into two general areas:

(a) The first area contains recommendations which attempt to reduce manipulation of the draft through better public relations and improved communication with the public.

(b) The second general area includes recommendations to discourage manipulation of the draft by improving the operating procedures and tightening the regulations of the Selective Service System.

I. In the first area of communication the committee has the following specific recommendations:

1. That the Selective Service System create better public relations with the media, including a positive campaign for Selective Service System functions. Such a campaign should explore possible ways to communicate the goals and responsibilities of the System. It should seek to show that the Selective Service System is fulfilling its purpose as impartially as possible.

2. That the Selective Service System offer information oriented programs to high schools. It should also urge that high schools include a study of the Selective Service System as part of the curriculum for high school history or government classes.

II. The second general area, discouraging manipulation of the draft, includes the following recommendations:

1. That the Selective Service System, by improving its administrative processes, make manipulation of the draft more difficult. This could include, but is not limited to, the following:

(a) To avoid legal problems there should be a closer supervision of local boards.

(b) To improve processing there should be computerization, and microfilming of documents which would make processing more efficient.

(c) To improve the Selective Service System's legal position we recommend a more extensive use of field attorneys in helping to organize files for effective use by U.S. Attorneys.

2. That the Selective Service System, by closing loopholes, minimize the opportunities and incentives for manipulation of the draft. Specific actions in this area could include that the Selective Service System:

(a) Rescind the requirement for permanent personal possession of registration cards.

(b) Prescribe that persons having lost or given up their II–S deferments, whose random selection numbers were reached during a calendar year but who were not drafted, should be called in the succeeding year prior to the calling of the new prime selection group.

(c) Require that a registrant provide more positive proof of residence, other than just a mailing address, before receiving approval on an application for transfer of induction.

3. To improve the legal situation of the Selective Service System the committee suggests that the following proposal be looked into: That the Selective Service seek judicial reviews of appeals at the state and local board levels.

SUMMARY

These recommendations are based on this conviction: to the degree that the Selective Service System eliminates inequities and loopholes in its laws, manipulation of the draft will be discouraged.

Committee on Student Deferments

Upon reviewing the proposals and arguments submitted by the delegates of this Conference, and reflecting the consensus of those delegates, it is the recommendation of this Conference that II–S Under-graduate Student Deferments be phased out at the earliest practical date. The major arguments leading to this recommendation are as follows:

1. The termination of student deferments would eliminate the present inequitable situation in which men favored with intelligence and money, and able to attend college, are enabled to "game" the system through a deferment they can relinquish at will thereby exposing themselves to the draft in a year during which their perceived chances of being taken are low.

2. In view of the Marshall Commission's statement that student deferments have been responsible for "some of the worst and most widespread unevenness in the administration of the whole Selective Service System", variances in local boards would be decreased, and arguments about "fair play" within the Selective Service System would be lessened.

3. Individuals would not be induced to continue in an unwanted educational process because of fear of the draft.

4. Individuals would no longer face service upon completion of their college education, at which time they have immediate offers of employment, more chance of being married, more financial ties (property, etc.), and represent an immediately more valuable asset as college graduates than as freshmen or sophomores.

Several ideas considered by the committee are felt to be necessary for the optimum implementation of the foregoing recommendation for the phasing out of student deferments.

These include:

1. The maintenance of the present I-S-H deferments for high school students.

2. The maintenance of the I-D for ROTC on college and university campuses. It is felt the continued presence of a liberal-arts-trained officer corps in the military is a positive asset in a free society.

3. The lottery drawing's being applied to those who attain the age of 17 years during a given calendar year, as opposed to its present application to 19-year-olds. A man would then be aware of his sequence number at an earlier age to better enable him to plan his future. Alleviating unnecessary doubts as to a registrant's future at this younger age is highly desirable.

4. Allowing postponement of induction for those individuals who are drafted during their college years, should they choose to enter an academic pursuit while holding a I-A status, until the end of the semester or quarter in which they are enrolled, or for four months, whichever comes first.

5. The phasing out of all IV-D (divinity exemptions) for the same reasons behind the phasing out of II-S (student deferments). Religious objections to military service are legally protected under the status of Conscientious Objectors.

6. The question was raised whether there might in the future be a shortage of medical or allied specialists in the armed forces. In the event of such a shortage, we suggest the establishment of a contract system wherein the medical student would have his tuition paid by the government for medical school, and for that payment he would in turn be obligated to serve a specified number of years in the military service.

7. The lowering of the age of vulnerability to eighteen, thus decreasing the amount of time in which the registrant is in a period of uncertainty.

As a final recommendation, it is suggested that in the future, conference planners avoid the treatment of identical subjects at two consecutive national meetings, unless some change in Selective Service regulations merits that reconsideration. There are enough topics to be discussed so that it is not necessary to dwell upon one which has already been dealt with by a National Conference representing the opinions of the Youth Advisory Committee.

Uniform national call

Question: Should a national uniform call be implemented in conjunction with the lottery?

Believing that the birthplace of a registrant is irrelevant to his personal commitment to national service, particularly in light of the current mobility of our population, and that all men in the country should face the same possibility of being called to serve their country regardless of their place of residence,

Recognizing that the filling of quotas using the present lottery system, under which the National Headquarters assigns a quota to each state, and in turn each state assigns a quota to each local board, has led to visible inequalities among individuals from different boards and states,

Realizing that these inequalities have resulted from the overcall factor, by which the number of registrants to which a state must send induction notices and orders for pre-induction physicals—in order to actually induct the same number of people as another state—may vary from state to state, and the fact that some boards have fewer registrants under their jurisdiction than others, and

Reminded that the initial purpose of the lottery system was to reduce such inequalities and also the uncertainty which is created in some areas of the country where states must reach higher into the sequence of numbers to fill their quotas,

Therefore for the above reasons, the delegates to the First National Youth Advisory Conference have decided in a nearly unanimous decision to support the President's request for legislation providing that a national call be implemented in conjunction with the lottery whereby men with a particular lottery sequence number would be called for induction at the same time, regardless of where they live. The legislation would not violate the present responsibility of local boards to classify registrants and prepare in-

duction notices, and State Headquarters would still be responsible for scheduling inductions.

We believe legislation providing that registrants be inducted on the basis of their birthdates alone is a step in the direction of making the draft system more equitable for all affected American men.

Policy statement on all-volunteer armed force

The delegates to the National Selective Service Youth Advisory Committee meeting of June 28–July 2, 1970, wish to voice their clear and unequivocal support of the concept of an All-Volunteer Armed Force. We feel that any system which compels service of some citizens and does not place an equal requirement on all citizens is unjust and should be eliminated. The Selective Service System is such a system. Compulsory military service creates the feeling that military service is a punishment which the Nation inflicts upon the citizen, not an honorable occupation.

We recognize that the procedural rights and rights of appeal which the Selective Service System must maintain to insure the protection of all citizens also provide opportunities for the manipulation of these protective devices by some citizens to the detriment of others. This possibility is particularly true for registrants with advanced educational backgrounds and for registrants who can afford to pay for the services of competent legal representation.

We salute the Selective Service System, the Congress, and the Executive for having the foresight to allow for the exemption of conscientious objectors from the military service. However, we believe it is impossible for one man to judge the validity of another man's personal convictions. The compulsory service system offers too many opportunities for human error in granting conscientious objector status. Only through voluntary service can this possibility be overcome.

We support the actions of the President to eliminate occupational, agricultural, and parental deferments and urge the Congress to enact appropriate legislation to eliminate student deferments. We believe the elimination of all deferments will lead to greater public acceptance of the All-Volunteer Armed force concept. We, furthermore, urge the Congress to enact legislation requested by the President to increase pay levels for first term officers and enlisted men as of July 1, 1970.

We recognize that certain procedural difficulties must be overcome before the All-Volunteer Armed Force can be implemented. However, we wish to stress to the Director of the Selective Service System, the Secretary of Defense, the Congress, and the President that this implementation period cannot be measured in terms of decades, perhaps not even in terms of years. The All-Volunteer Armed Force is of the utmost importance in the work of reuniting the country.

Minority reports

In addition to the approved committee reports, the Conference also authorized the transmittal of minority reports of those topics where a number of the participants maintained such views. These were originally contained in the topic reports, but are separated here to distinguish them and for ease of referral.

1. The first is from the Communications Committee. On students who riot, the minority stated that:

". . . in fact, a student who riots terminates his constructive interaction with the university community. The Federal and State aid was intended to allow the individual the opportunity of advancement toward a degree; by violent, destructive riots his benefit has been terminated, for all practical purposes, for the university community as well as the intended purpose for which the aid was given."

The minority also submits two other proposals.

"The first is that youth should be placed as advisors in other administrative areas of government which deal with problems affecting youth such as civil rights or environment. The second is that an executive board of the YAC should be formed from members of the State Committees."

2. The next minority comment is from the Student Deferments Committee, and opposes terminating the II-S.

"Arguments supporting this opposing viewpoint included disrupting educational continuity, paying for increased costs under the GI Bill, and suffering the loss of former students who, upon completion of their military obligation, might not choose to return to college. It was further stressed by the minority that the II-S classification is a deferment, as opposed to an exemption, and that the individual could always therefore serve after he has obtained his degree."

3. The Minority Report on Conscientious Objection is more complex and longer and has been included earlier in this paper.

4. The Committee which studied manipulation of the draft submitted no Minority Report.

5. The Committee on the National Call also submitted no Minority Report, and faced little dissent.

COMMISSIONER ELMAN AND THE FTC

Mr. KENNEDY. Mr. President, almost a year ago Commissioner Philip Elman, of the Federal Trade Commission, appeared before my Subcommittee on Administrative Practice and Procedure to discuss the problems of the Commission, the challenge of the Commission, and the future of the Commission. Mr. Elman had been a law clerk to Mr. Justice Frankfurter and had a distinguished legal career as an Assistant Solicitor General in the Justice Department and as a legal adviser to the Office of the Military Government in Berlin, before coming to the FTC. At our hearing on FTC procedures Commissioner Elman candidly and forthrightly discussed the Commission's activities, praised its achievements, criticized its failures and shortcomings. And he concluded on this note:

The Commission can improve its performance, or it can continue as a largely ineffectual, misdirected bureaucracy. It can retreat into the ways of the past, or it can, with prodding from Congress, the President, the bar, the press, the business community, and consumer representatives, became an effective agency serving the public interest.

In the past year there has been a great deal of progress at the Federal Trade Commission, including a number of basic procedural reforms and imaginative orders. It has been prodded by various sectors of the public, by the bar, and by some of us in Congress and it has responded. But its basic methods of handling cases, or defining policy, or regulating commercial practices and protecting consumers and businessmen have changed little. To many observers the Commission has gone through a period of successful self-renewal this past year; to others, including Commissioner Elman, self-renewal has not proved sufficient. For, as Mr. Elman observed in his speech earlier this month, at the American Bar Association meeting in St. Louis, "the chronic unresponsiveness and basic deficiencies in agency performance are largely rooted in its organic structure and will not be cured by minor or transient personnel or procedural improvements."

Commissioner Elman's term at the Commission expires next month. He leaves behind him at the Federal Trade Commission more than a stack of opinions and orders; he leaves behind a spirit of openness and responsiveness to the interests of the public—not just a narrow segment of the public, but of the general public, the consumer, the poor, the elderly, the underinformed, and the unrepresented.

Mr. Elman sees agency independence as a source of weakness, not of strength, and as impeding development of comprehensive and harmonious national policies. He views the result of multiple membership at the highest level of depersonalization and invisibility of agency activity. And he characterizes the case-by-case adjudication by agencies as inefficient, ineffective, unfair, slow, expensive, and inadequate. Like Louis Hector of the Civil Aeronautics Board and Newton Minnow of the Federal Communications Commission, Mr. Elman leaves the Government side of the regulatory processes with the kinds of concrete suggestions for reform that will be noticed and debated for a long time to come. I know my colleagues will be most interested in his observations.

Both because it bears reading by all of us, and as a tribute to his outstanding public service, I ask unanimous consent that Mr. Elman's speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE REGULATORY PROCESS: A PERSONAL VIEW

(By Philip Elman, Federal Trade Commissioner)

I appreciate very much your invitation, as I leave government service after more than 31 years, to express a personal view of the regulatory process, particularly in relation to the agency I know best—the Federal Trade Commission.

I came to the Commission in 1961 with the strong encouragement of Justice Frankfurter, who during our long friendship had instilled in me his profound faith in the administrative process. Indeed, no one ever came to an agency more convinced that the independent regulatory commission had an essential and important place in government; that its theory and structure were basically sound; and that, while reforms were necessary, they could be achieved simply with better men and better management. I went to law school in the late 1930's, when the New Deal agencies were in full flower. I learned about administrative law from such men as James M. Landis and Calvert Magruder, as well as Felix Frankfurter. As a government career lawyer, my work brought me in close contact with the federal agencies. In the Solicitor General's Office, where I spent 16 years, I argued or briefed hundreds of cases defending government agencies before the Supreme Court.

Thus, it was not unnatural that the only "instructions" I should receive when I was appointed to the FTC were that President Kennedy expected me to be "the lawyer" on the Commission. To others this might have seemed rather vague; but I knew precisely what was meant, and never forgot it. For, as

I said in my first speech as a Commissioner, "Lawyers are supposed to be experts in the administration of law, experts in the art of getting things done and in ways that are fair and just. And lawyers in government, especially, become inescapably involved in that most challenging process: the attainment of justice through legal institutions administered by men".

I have burdened you with this long preface so that you will know that the view of the regulatory process which I express is that of a friendly critic-in-residence, whose perspective has perhaps been distorted by being too close to the scene.

I

Today, when all institutions of government are being found wanting, none has been more criticized—and less responsive to such criticism—than the independent regulatory commission. With monotonous regularity, studies and reports appear in an unending procession, all saying essentially the same things. While the criticisms cover a very broad ground, the most fundamental deficiency has been found to be the agencies' chronic failure to fulfill their unique quasi-legislative functions of developing and implementing regulatory policies responsive to public needs and the public interest. With each new study and report, there is the same ritual call for better appointments and improved administration. Yet the agencies go on essentially unchanged and seemingly undisturbed, with little evidence of basic improvement in performance.

Without a doubt, the theory underlying the independent regulatory commission was original and brilliant. It emphasized the agency's independence; its ability to bring expert judgment to bear upon technical and complex economic issues; its insulation from political partisan control; its capacity to provide both continuity and flexibility of policy; and its blending in a single tribunal of a wide range of powers and functions, from general rule-making to case-by-case adjudication, permitting the agency to exercise broad discretion in choosing the best tool for dealing with a particular problem.

It is almost a century, however, since the Interstate Commerce Commission, the grandfather of the federal agencies, was created in 1887. We must now look to experience more than theory. And, like Louis Hector and Newton Minow before me, I have come to the view that the chronic unresponsiveness and basic deficiencies in agency performance are largely rooted in its organic structure and will not be cured by minor or transient personnel or procedural improvements.

Experience shows, I believe, that the independent multimember regulatory commission suffers from the defects of its virtues. Independence, collective deliberation and decision-making, and fusion of powers and functions in a single agency, are all useful values in the administrative process; but we have pushed them too far, relying too much on the pure simplicities of the original theory and neglecting the lessons of actual experience. It is time for radical structural reform.

II

At the outset, let me make a preliminary general observation. The public suffers from too much of the wrong kind of regulation. Broadly speaking, government regulation is necessary and justified only when it serves the *public* interest, not the special interests of private groups or industries. While the linest of demarcation are not always sharp and clear, we should recognize that preservation of the environment, and protection of the health and safety and other essential interests of the public, are proper objectives of government regulation; shielding businessmen from the risks of competition and the marketplace is not. So-called "infant" industries may perhaps need a helping hand from government for a short time; but we should not go on sheltering and subsidizing them forever in the guise of protective regulation. The present transportation mess is an obvious example of what results from misguided regulation. Regulatory institutions should not be allowed to develop permanent lives of their own, impervious to changing conditions and needs. Existing and proposed regulatory programs should constantly be reexamined, and, to the maximum extent possible, competition should be established and maintained as our national economic policy—in fact as well as in rhetoric.

Another basic point which seems to have been disregarded is that the regulatory agencies were created in order to redress those injuries to the public which can best be remedied by administrative action. Where only private interests are aggrieved, the proper remedy is private action in the courts. A tort, whether the victim is a competitor or a consumer, is a private, not a public, wrong—and the place to seek relief is a court, not a regulatory agency. To be sure, there may be disadvantaged individuals or groups who will need—at least for a time—some kind of government help in securing effective access to the courts. But this does not justify the transformation of regulatory agencies into courts. Just as the administrative process should not be used to insulate businessmen from the rigors of a free-enterprise economy, it should not be used to relieve the courts of their duty to redress violations of private rights.

III

Thus, there is much room for reducing the areas of agency regulation, thereby encouraging greater reliance on free competition and on private self-help through traditional legal methods. Inevitably, however, there will remain many areas in our economic life where administrative regulation is required to serve essential public needs, and where there will be continuing need for federal regulatory agencies.

In creating these agencies, Congress recognized its own liability, through self-enforcing legislation, to prescribe specific and detailed rules and regulations for dealing with complex and dynamic economic conditions. The agencies were established as continuing administrative bodies designed to keep pace with the evolution of a growing and ever-changing economy. Each of these "arms" of Congress was given—as its primary and principal assignment—the duty of developing and executing a body of subsidiary regulatory policies within the broad limits provided by the governing statute.

The agencies were designed to supplement, not to duplicate, the work of the courts. It was contemplated that an agency would sit, not like a court, as a passive and disinterested arbiter of cases or controversies brought fortuitously before it, but, rather, as the surrogate of Congress, exercising delegated legislative power to regulate commerce and affirmatively advancing basic national policies and objectives declared by statute. To that end, each agency was equipped with a broad array of flexible administrative tools, permitting a comprehensive approach to regulatory problems in their full dimensions.

According to the theory, the independence of the regulatory commission would be a source of institutional strength, insulating its members from partisan political pressures and enabling them to act creatively and boldly. Its multi-member structure would insure that agency decisions would be reached after group deliberation, providing both a barrier to hasty or arbitrary action and assurance of judicious and prudent policies. And its flexibility and fusion of powers would assure that case-by-case adjudication would be used, not in the traditional manner of the courts for the purpose of applying established legal rules to particular cases, but rather for the primary administrative purpose of developing new, wise, and informed regulatory policies responsive to changing conditions and public needs.

In each of these basic respects, however, there is a wide gap between the theory and the fact of the regulatory process.

In fact, independence and security of tenure for agency members have not achieved the intended result of insulating agencies from undesirable political pressures and special interest pleading. Of course, government regulators are—and should be—subjected to external pressures and influences. But we must distinguish between those that are improper or harmful to the public, and those that are not only legitimate but necessary and desirable. It is one thing for agency members to be responsive to narrow, partisan, political or special interests; it is quite another to be attentive to, and indeed welcome, the advocacy of consumer interests and public needs. Paradoxically, independence and security of tenure tend to encourage the former and to discourage the latter. In fact, they foster, on the one hand, agency passivity and a reluctance to "rock the boat" by antagonizing powerful special interest groups; and, on the other, an attitude of complacency and indifference to those larger public concerns for which there is as yet no effective "people's lobby."

Since agency members are appointed for long terms and cannot, for all practical purposes, be removed from office, the public cannot take effective action against the regulators directly. Nor, as matters stand now, does the public blame the President for poor agency appointments and continued agency failures. Despite such failures, the public can neither do anything to remedy the situation nor find anyone to hold accountable.

As long as I can remember, Presidents have said—and have been reminded by every new study and report—that revitalization of the agencies must begin by appointing better commissioners. Yet, as Kenneth Cox said the other day in commenting on the quality of agency appointments over the years, "I am appalled by the way Presidents generally have treated the agencies." While it is indeed appalling, it should not be surprising that this is the case, and will continue to be, no matter who is President.

So long as the agencies constitute a "fourth branch" of government for whose performance no one holds him accountable, a President is under little pressure either to seek out the best qualified men or to resist political influence. It would be instructive to compare the agency members appointed over, say, the last quarter of a century with the Assistant Secretaries (or Assistant Attorneys General) chosen during the same period. Both positions receive the same pay and, theoretically, enjoy the same status and prestige. In fact, however, the caliber of appointments to the two categories is vastly different, as are the criteria for selection.

A President knows that after an "independent" agency member is appointed, he is essentially on his own; and if he proves to be incompetent or unresponsive to the public interest, the President will usually not be held at fault. On the other hand, an incompetent Assistant Secretary reflects directly on the President, his Administration, and his standing with the public. Every President incurs political obligations. The "independence" of the regulatory agencies tempts a President to satisfy a political debt to a deserving friend or supporter by appointing him to a comfortable agency berth. It is no historical accident that President Roosevelt's decision to use the FTC, not as an instrumentality for advancing his New Deal programs but primarily for political patronage purposes, coincided with the Supreme Court's ringing declaration of agency independence in the 1935 *Humphrey's* case.

Contrary to the original theory, independ-

ence is a source of institutional weakness, not strength, and tends to discourage creative and courageous regulation in the public interest. Independence means that an agency lacks a constituency, a power base, and the backing of the President. Without these, the agency will stand naked and alone when it takes controversial action impinging on powerful private interests—as the Federal Trade Commission discovered when it promulgated its Cigarette Labeling Rule in 1964. Independence nourishes institutional timidity and fear of those who may use their political or economic influence to take reprisal action against the agency, reducing its powers or cutting its appropriations.

Another consequence of carrying the concept of independence too far is that it impedes the development of comprehensive and harmonious national policies in such broad areas, for example, as transportation, communications, and trade regulation, where a single agency's responsibility covers only part of the field. In these areas we should not let the abstract notion of agency independence interfere with the President's constitutional power and duty to take care that the laws enacted by Congress are faithfully executed; that the various agencies concerned do not neglect their statutory responsibilities; and that the specific regulatory policies followed by each of them are complementary and coordinated with basic national goals.

B

Turning now to its multi-member structure, experience shows that this produces a dangerous depersonalization and invisibility of agency activity. When the public is only dimly aware of an agency as a distant and impersonal institutional entity, when one man cannot clearly be identified as responsible, who is there to hold accountable for the agency's shortcomings? Group deliberation and decision-making also engender unnecessary delay as well as indecisiveness, compromise, and the expedient of solving difficult and controversial problems by waiting for them to go away. As everyone with agency experience knows, its multi-member structure is a substantial and frustrating obstacle whenever swift and incisive regulatory action is required.

C

Finally, as a device for developing regulatory policy, case-by-case adjudication of alleged violations of law has proved to be inefficient and ineffective, and, in many cases, unfair. Litigation is an excessively slow, expensive, clumsy, and inadequate process for resolving technical and complex economic issues. Yet, agencies like the Federal Trade Commission—staffed as they are by lawyers whose training and experience make them feel most comfortable with procedures drawn from the courts—continue to rely on adjudication as a policy-making technique where other quasi-legislative methods, principally rule-making, are far more efficient, expeditious, and advantageous to the public.

On the basis of my own experience and observations, the strongest argument I would make against agency adjudication of alleged violations of law is that the blending of prosecutorial and adjudicative powers in a single tribunal imposes intolerable strains on fairness. The problem of avoiding prejudgment, in appearance or in fact, constantly hovers over all agency activity, and is troublesome to agency members in almost every kind of action it takes. It can arise in the most subtle as well as obvious forms.

Consider, for example, the so-called test case where the agency issues a complaint in order to establish a new legal principle or remedy—precisely the "Rule in Shelley's Case" type of adjudication which agencies have been urged to undertake as an essential and proper method for developing new regulatory policies. Agency members frequently take an active part in the pre-complaint investigative and prosecutorial phases of these cases; and the complaint is usually issued with the knowledge that, because of the novelty and importance of the issues, it will be fully litigated and be back for adjudication on the record. When such a test case does come up on appeal to the agency members, while there is no bias or prejudgment of guilt in the classic sense, there is an inescapable predisposition in favor of the agency position, as set forth in the complaint. After all, the whole point of starting a test case is to let the case go forward into the reviewing courts, where the issues may be finally settled. To put it bluntly, once such a complaint is issued, one should ask for long odds before betting against issuance of a final order. While a test case may be and usually is vigorously contested, the result—at least in the agency phase—is likely to be a foregone conclusion.

Indeed, in such a case an agency member may vote for an order not because he is personally convinced that there is a violation of law but because he feels, perhaps in an excess of humility, that since it *is* a test case involving a doubtful or unsettled question of law, his duty is to find against the respondent so that the case may go on to the courts for definitive resolution. This Catch-22 process may reach full fruition when conscientious judges on the reviewing court affirm the agency ruling, whatever their own doubts about its merits, because they feel obliged to defer to the agency's expert judgment and discretion.

There are other institutional factors that intrude upon fair and impartial agency adjudication. Theoretically, when an agency member sits as a judge, his freedom to decide is the same as if he were on a court. But the judicial process is designed to insure that the judge is both neutral and disinterested, and has no interest other than that of applying the law fairly and evenhandedly. An agency member, on the other hand, cannot be unconcerned with whether the outcome of the case is to advance or to retard an important agency program to which substantial resources have been committed. Even the most conscientious regulator cannot, when he acts as judge, ignore the effect which the decision will have on the agency's regulatory policies and goals.

Moreover, an agency member cannot escape the implications of his leadership role in the agency. He may fear the effect on staff morale if he votes to dismiss the complaint or reject the agency position in an important case. He may prefer to see the onus of dismissal borne by a reviewing court. And an agency member, *qua* judge, may well be apprehensive that dismissal of a complaint will imply that he made an error in having voted, *qua* prosecutor, to issue it.

In these respects and others I have not mentioned, the context of agency deliberation and decision-making differs markedly from court adjudication. But the solution is not to judicialize the administrative process further, or to seek the appointment of "better" commissioners who will make better agency judges. Agency members are not, and should not be, selected for their judicial qualities; and the institutional environment in which they work does not nourish the development of such qualities. It should surprise no one that the agencies have not produced a Learned Hand or a Henry Friendly. Agency members should be chosen for their capacity to perform the essential regulatory task of developing policies that are wise, informed, enlightened, and in the public interest—and not for their judicial detachment and learning, or ability to write a polished legal opinion.

In short, agency members will become better regulators if we no longer expect them to act as judges as well as administrators. We should not require conscientious agency members to shoulder the irreconcilable burdens of both vigorously prosecuting and fairly judging in the same case. Those suspected of violating the law should indeed be proceeded against with vigor and dispatch; but the agency should prosecute its cases in an impartial and disinterested judicial tribunal. We should relieve agency members of the impossible duty of determining whether the allegation of their own complaint have been proved by the evidence in the record of a proceeding in which the agency itself is an adversary party.

IV

Thus, while I have long held to the opposite view, I am now convinced that we will lose nothing, and gain much, by eliminating from agencies like the Federal Trade Commission the function of case-of-case adjudication of alleged violations of law. This function should be transferred either to the district courts or, preferably, to a new Trade Court which is decentralized and holds hearings in every state, thus bringing the judicial phase of the regulatory process much closer to the people. The Trade Court could be given jurisdiction not only of complaints prosecuted by the agency, but also private class-action suits brought by consumers and competitors injured by the same alleged unfair trade practices. To permit full and comprehensive disposition of the case by a single tribunal, the Court should have authority not only to issue preliminary and final injunctions, but also, where appropriate, to award damages, civil penalties, and other equitable relief.

Relieved of its adjudicative responsibilities, the agency's remaining functions should be vested in a single Commissioner serving at the pleasure of *both* the President and Congress, and removable by either (in the case of Congress, by a majority vote of both Houses). This would permit the public to hold both the President and Congress accountable for an agency's continued failures or poor performance.

I do not offer this proposal as a panacea for all agency ills. Nor do I suggest that it is without risks and dangers. On the positive side, however, elimination of the adjudicative function will enable an agency to concentrate its resources on a single central objective: the development and enforcement of regulatory policies carrying out the statutory mandate. To that end, it would conduct investigations and studies, utilizing fully its power to gather information on emerging regulatory problems; it would make expanded use of its rule-making authority (including issuance of guides and enforcement statements) as the primary method for formulating policies and standards; it would proceed in court against persons charged with engaging in unlawful acts or practices, including those prohibited by valid agency rules or regulations; and it would advise the Congress and the President on any need for new legislation. All of these essential administrative tasks, executive and quasi-legislative in nature, are better performed, more quickly and more incisively, by a single administrator than by a multi-member tribunal.

Centralizing full authority and responsibility for an agency's activities in a single administrator will unquestionably facilitate the development and formulation of regulatory policy. It will also lighten the burden of fashioning comprehensive and coordinated national policies in those areas where other government agencies or departments have overlapping responsibilities.

Moreover, an agency should be no less independent, in the best sense of the term, because it is under the leadership of a single man. The agency should still be required to develop regulatory policies that are truly nonpartisan and responsive to public and consumer needs, and not to those of special in-

terest pleaders. By increasing its visibility and accountability to the public, the proposed change in structure should result in a far greater degree of agency responsiveness than now exists.

Admittedly, having only one man in charge may make it easier to exert political pressures on him, bad as well as good. I do not wish to overstate the case, but it seems clear that the present structure of the agencies has failed to insulate them from improper influences, while the proposed change at least offers the hope of increased responsiveness to consumer needs and the broad public interest. Nor do I see any reason why a policy-making government regulator should be appointed for a long term of years, and not be removable from office despite continued public dissatisfaction with his performance. Such a public official should be required to live dangerously in that respect. It cannot be repeated too often that visibility and accountability to the public are essential keys to good government. If Congress, the President, or the public is disappointed with an agency's performance, there should be one man upon whom attention can focus and from whom immediate improvement can be sought. We cannot do that with the independent regulatory commissions today; and both they and the public suffer from it.

With a single man given full authority and responsibility for an agency's activities, it should be easier to attract "better" men. A President will be more reluctant to appoint incompetent Commissioners, for their failure will be his failure; their incompetence will be his embarrassment; continuing them in office, despite poor performance, will be his responsibility.

We should make sure that an agency is not given more jobs than it can reasonably be expected to handle. If it is, we know from experience that the agency will concentrate on those which are easiest, least controversial, and yield the quickest results, putting aside those more difficult and complex tasks which may be more important to the public. Nor should we allow an agency to excuse its own failures by putting the blame on a parsimonious Congress. It makes no sense to assign a job to an agency and then withhold from it the necessary resources of money and manpower.

I think it would be a serious mistake to transfer the regulatory agencies to the large Executive Departments where they would disappear, like the Food and Drug Administration, submerged under massive layers of bureaucracy. Agencies should continue to be independent in that sense—so that they may be clearly visible, fully accountable, and unable to blame others for their own deficiencies.

I am not as fearful as I once was that transferring agency adjudication to the courts would create a competing organ of policy-making. If the proposed changes should result, as I believe they will, in far greater and more effective utilization by the agencies of their administrative powers—again I stress the tremendous potential of rulemaking as a practical and fair method for developing and articulating regulatory policy—, there will be little danger of judicial usurpation of the agencies' authority. Experience shows that where an agency is alert to its responsibilities, and is demonstrably endeavoring to fulfill its statutory duties in the public interest, reviewing courts generally give its actions the benefit of a reasonable doubt.

It is perhaps unnecessary to say, in conclusion, that no reforms in the structure of the regulatory agencies will succeed unless there also are radical changes in the climate of government and the political processes. As John W. Gardner has said, "Our political and governmental processes have grown so unresponsive, so ill-designed for contemporary purposes, that they waste the taxpayers' money, mangle good programs, and smother every good man who comes into the system. * * * Sooner or later, someone is going to have to tackle the central structures of our society or it isn't going to work." We must institutionalize the means whereby the public may be aware of, and participate in, political and governmental processes that affect the quality of all our lives. We must open wide the doors and windows of government agencies, so that the public may see for itself what is or is not being done, and demand an accounting from those in charge.

Every institution of government must be renewed and adapted to changing social and economic conditions. It is no criticism of the administrative process, and the creative scholars and statesmen who have nourished its growth, to find that it is no longer adequate to the needs of the present and the future. The current widespread dissatisfaction with the performance of the regulatory agencies offers an opportunity for genuine reform. I leave you with the hope that this opportunity will not once again be allowed to slip by, without meaningful change and improvement.

FEDERAL ASSISTANCE TO TEXAS DISASTER VICTIMS

Mr. TOWER. Mr. President, the Texas Panhandle suffered severe damage this year due to two major tornadoes and the city of San Marcos in Hays County suffered significant damage as a result of flooding in May. I believe the Federal Government operated in a most responsible and efficient manner to lend all possible assistance to the victims of these three disasters, all covered by the President disaster declaration of May 13.

I recently received a comprehensive report on Federal assistance measures taken in connection with these three disasters. The report was provided by the Office of Emergency Preparedness which is responsible for oversight of all Federal disaster assistance.

I ask unanimous consent that the text of the OEP report be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF 4 MONTHS OF FEDERAL ASSISTANCE IN TEXAS MAJOR DISASTER DECLARED MAY 13, 1970

On May 13, 1970, President Nixon declared a "major disaster" for Texas as a result of the tornadoes and windstorms April 17–18 in the Panhandle-South Plains area of the State and the devastating tornado May 11 in Lubbock. This declaration was amended June 26 to include Hays County because of flood damage in San Marcos May 14–15. This report covers the principal relief and recovery actions by Federal agencies, under Public Law 81–875 and other authorities, during the first four months after the Presidential declaration.

Under recently adopted procedures, the Office of Emergency Preparedness is responsible for allocating from the President's disaster relief funds whatever amounts may be required for a particular "major disaster." Thus far, $6 million has been earmarked for assistance in the OEP-designated disaster area—Hays County in the 10th Congressional District; Briscoe, Donley, Gray, Hale, Lamb, Parmer, and Swisher Counties in the 18th District; and Cochran, Hockley, and Lubbock Counties in the 19th District.

Of these funds, OEP has to date obligated $3,411,828 for 14 projects for debris clearance, protective and health measures, road and bridge repair, temporary housing, and repair of public facilities and utilities. (The project applications were submitted by the State or by local governments and approved by the OEP Regional Office.)

A list of project applications, by Congressional district and county, showing the amounts approved and the work categories involved, is appended to this report.

Funds are also used to reimburse other Federal agencies for work performed under mission assignments from OEP. To provide unemployment compensation for disaster victims, as authorized by Public Law 91–79, OEP advanced $250,000 to the Department of Labor. As of July 31, the Department had paid out $69,954 to 624 persons ($60,390 to 599 in Lubbock alone).

OEP authorized the U.S. Army Corps of Engineers to arrange with private contractors for removal of debris from both public and private property, with costs reimbursed by OEP. Corps contracts came to $1,079,846 in Lubbock and $112,000 in San Marcos by the end of August, with nearly 380,000 cubic yards of debris removed.

In rural areas, OEP assigned debris-removal assistance to USDA's Agricultural Stabilization and Conservation Service. So far, $130,000 has been allocated to the ASCS State Committee for this purpose. Of 240 applications made, work has been completed on 130, some 9,000 acres cleared, and $40,625 paid out.

Debris clearance and other eligible Public Law 81–875 work followed damage surveys by OEP, State and local officials with the assistance of the Corps of Engineers, the Bureau of Public Roads, the Defense Electric Power Administration, the Business and Defense Services Administration, the Department of Housing and Urban Development, and the Department of Health, Education, and Welfare.

In Lubbock, with the help of the General Services Administration, OEP promptly established a disaster field office—at 1420 Texas Street—under OEP Region 5 Director George Hastings, to coordinate Federal agencies' efforts. It remained in operation 2 months. Two "one-stop centers," where information could be obtained on all Federal disaster assistance programs, were also set up—at the Mi Casita Northeast Community Center, 2420 E. Erskine Street, and at the Guadalupe Center, First Street and Avenue P—each with an OEP official in charge and with representatives of Federal, State, and local agencies and relief organizations on hand to help.

The centers were publicized, in English and Spanish, through newspapers, radio, pamphlets distributed at churches, and loudspeakers in cars, to reach all disaster victims. Also, a 90-minute telecast over KCBD–TV, featuring Congressman George H. Mahon of Lubbock and George Grace, head of OEP's Field Operations Office, was viewed by an estimated 10,000 persons; the program was taped and translated into Spanish for rebroadcast by radio.

At least 19 Federal agencies were active in relief measures, many soon after disaster struck. Coordinated by the Fourth Army, military units supplying personnel and equipment included the Active Army itself (from Forts Bliss, Huachuca, Hood, and Sill), the Texas National Guard (called to State duty), the Army Reserve (engineering equipment), the Air Force (from Reese AFB), the Air Force Reserve, and the Civil Air Patrol.

The Agriculture Department's Food and Nutrition Service distributed more than 68 tons of food, with the help of the Red Cross and the Salvation Army as part of their traditional mass-care disaster services.

The Office of Economic Opportunity "outreach program" sought out disaster victims to determine their needs and to furnish information and assistance. Other agencies pro-

viding guidance to local officials or to individual citizens included the Office of Civil Defense, the Internal Revenue Service, HEW's Social Security Administration, and Food and Drug Administration, and USDA's Extension Service and Soil Conservation Service.

Homeowners and businessmen whose properties were damaged in these disasters could obtain long-term low-interest loans from the Small Business Administration under its own authority. Under Public Law 91–79, SBA also could cancel up to $1800 of such a loan. To date, more than 2,000 loans have been issued for $16.5 million.

SBA declared a disaster loan area for western Texas on April 18 and later one for Hays County because of the May 15 San Marcos flooding. SBA offices were quickly opened in Plainview and Clarendon, after the April tornadoes, in addition to its Lubbock office.

In Lubbock as of August 31, SBA had made loans to 1,470 homeowners for $5,798,375 and 271 businesses for $8,321,445, with many other applications in process. The Clarendon and Plainview offices, by late August, had approved 212 home loans for $792,835 and 31 business loans for $674,894. In Hays County, SBA had disbursed $962,890 by August 21, through 175 home loans ($557,390) and 8 business loans ($405,500).

(SBA also declared Zapata County a disaster loan area following a May 24 tornado in that part of South Texas—not included in major-disaster area under Public Law 81–875—and by August 28 had made 17 home loans for $36,950 and 8 business loans for $34,200.

Similar disaster loans, and provision for loan forgiveness, are available to rural residents through the USDA Farmers Home Administration. FHA has approved 44 emergency loans, for $341,220; the cancellation feature has been applied in 33 of these, for a total of $53,990. No loan applications have been rejected, and 14 are in process.

For its Emergency Conservation Measures assistance in Hays County, USDA has allocated $23,000 to the State ASCS Committee, with work underway by 61 applicants.

Under its own authority (Section 7 of Public Law 81–874) but triggered by the major-disaster declaration, HEW's Office of Education can provide disaster-assistance grants to school districts for operation of elementary or secondary schools, including temporary facilities and replacement equipment. Five school districts—Plainview (Hale County), Whitharral (Hockley County), Whiteface (Cochran County), Lubbock, and San Marcos—qualified for an estimated total of $229,921 in aid, based on uninsured damage. As of September 3, advance payments from HEW/OE came to $221,322.79.

The Labor Department authorized $350,000 for its Operation Mainstream activities in the disaster area. To assist in debris clearance, 219 persons were hired under the Neighborhood Youth Corps program.

Housing was the principal need in Lubbock. Red Cross surveys showed 469 homes destroyed, 489 with major damage, and 1,514 with minor damage—plus 110 house trailers destroyed or severely damaged. (The Red Cross gave emergency shelter to some 2,500 persons in the city's colosseum through May 18.) The Department of Housing and Urban Development, mainly by using a vacant HUD-owned housing project, placed 309 families immediately after the declaration, had 387 units ready for occupancy on May 14, and had turned over 543 properties to the city by May 17. By May 15, the Veterans Administration had delivered 38 properties, with 18 more repaired and available. The combined figures from both agencies as of August 28 showed 762 units available, of which 674 were then occupied. Those in use included 566 FHA-repossessed homes, 21 HUD-owned apartment units, 16 low-rent units of the Lubbock Housing Authority, and 71 VA properties. No more applications are pending.

Housing was also a factor in the San Marcos disaster. Flooding of the San Marcos River and Purgatory Creek in Hays County adversely affected 535 families. In the city, three homes were destroyed, 20 suffered major damage, and 495 had minor damage. Also, one farm building was destroyed and several others were damaged. In addition to SBA's loans and a $41,987 OEP grant to the San Marcos Housing Authority, HUD increased by $250,000 to $950,000 its funding for the existing Neighborhood Development Program in San Marcos and is assisting with a request for a $2 million increase in urban-renewal funding next year.

Because so many of the victims of the Lubbock tornado were Mexican-Americans, special efforts were made to assure observance of civil rights. An OEP compliance team, sent to Lubbock, worked closely with the White House Staff, the Department of Justice, the U.S. Civil Rights Commission, the Cabinet Committee on Opportunities for the Spanish-Speaking, the Labor Department's Office of Federal Contract Compliance, and, locally, several Mexican-American leaders, Mayor James Granberry's 11-member advisory committee on rehabilitation, and the Disaster Legal Assistance Project. Matters of principal concern to the team were employment, housing, transportation, legal services, insurance, and land ownership. As of August 1, legal assistance cases undertaken by the Disaster Project of the Lubbock County Bar Association and the legal aid society numbered 326. Approximately 65 percent of these have been closed. Over half have involved insurance claims. More than 100 lawyers took part.

Because the OEP compliance team was concerned with so many post-disaster aspects, it served as a catalyst in determining available assistance. Also, contract compliance procedures developed for Lubbock have now been formalized for application in future disasters. The team submitted a "Civil Rights Compliance Report" on the Lubbock disaster on June 9. A follow-up survey is planned for the fall of the year.

OEP also undertook a case study of Federal efforts in providing assistance to individuals in the Lubbock disaster (especially as authorized by Public Law 91–79), to determine better ways of helping to meet human needs in future disasters. The Sunday report was issued July 10.

PRISONERS OF WAR

Mr. MONTOYA. Mr. President, I have often spoken in the Chamber of this body to plead for more humanitarian treatment of the U.S. soldiers held prisoner by Hanoi. These men are the unfortunate victims of this difficult war, and Hanoi shows no willingness to even discuss the matter of their release. This is a deplorable condition.

Mr. President, I recently received from Mrs. Dollie Hughes a letter which had enclosed a pamphlet put together by the inmates of the New Mexico State Penitentary. Because I believe that this document should be available to a large public, I ask unanimous consent that Mrs. Hughes letter and the article entitled "Power Drive" be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

SANTA FE, N. MEX., *August 15, 1970.*

Senator JOSEPH MONTOYA,
Congress of the United States,
U.S. Senate, Washington, D.C.

DEAR SENATOR MONTOYA: I deeply appreciate the efforts of your office in the Senate and your moving speeches on the Senate floor in behalf of the nearly 1,600 chained American eagles and groundmen who still await rescue in Southeast Asia.

I visited Washington recently and spoke with some of the members of the Senate who, sadly, do not recognize the problem of the prisoners as a humanitarian matter, completely separate from the conflict itself. This is truly the only way we can save them. And, to me, this attitude on the part of some of our Senators is the same as signing a death warrant for these men for they cannot be expected to wait out a negotiated settlement to the entire problem, particularly when some have already waited six years!

I truly feel that you, Senator, recognize that we must come to their rescue now—not to save face, but to save lives.

Our own civil prisoners at the Penitentiary of New Mexico have even given their blood to help our cause. This outstanding project will be shown on the NOW show, ABC–TV on September 14th and it is something I hope you will put on your schedule for viewing. To me, there are no words to describe their spontaneous response, being prisoners themselves and still trying to rescue other prisoners.

Joe, I also wanted you to know how much I admire your vigorous campaign here in New Mexico and I can assure you that the theatre benefit held in your honor was a most enjoyable success.

It is my hope that you might encourage some of the more vocal members of the Senate who could do so much to help our cause but who thus far have not to modify their stand, even slightly, if only to press for the honoring by other nations of international codes and rules: release of the sick and wounded, comprehensive list of prisoners.

Gratefully,

DOTTIE,
Mrs. JAMES LINDBERG HUGHES.

[From the Enchanted News, April–June 1970]

POWER DRIVE

The stereotype image of a convict is a variable thing. It seems to depend upon the immediate purpose of its use. The image can be frightening, comical, or even pathetic. But it remains exactly that only—an image.

In fact, convicts are people . . . human beings . . . individuals. And it may come as a surprise to find that they possess the same emotions and capacities as their free-world counterparts. Convicts think, worry and regret. They get hungry, cold, sick, happy and lonesone. They work, play, laugh, and even cry. In other words they feel every single emotion that nonconvicts do. Maybe they feel some things even deeper.

Recently, Mrs. James L. Hughes met with Warden Felix Rodriguez and Deputy Warden H. O. Herrera at the Penitentiary of New Mexico to discuss the possibilities of having the penitentiary art department design and layout art work concerning release and humane treatment of prisoners of war. Mrs. Hughes' husband is a prisoner of war in North Viet Nam.

Mrs. Hughes told of many fruitless efforts to find out about her husband's status and welfare, including a trip to Thailand to visit the North Viet Nam Embassy in Bangkok. She heard from her husband only after purchasing a full-page ad in the *Bangkok Post* to appeal her situation. She has heard nothing since.

It became apparent to Mrs. Hughes, and many other families who have men held as a prisoner of war, that appeals through paid advertisements in neutral countries would be their greatest hope in securing word about their men. As a result, Rescue-Line was established toward that aim. The creation of Rescue-Line was a sort of last resort to effect the release—or at the very least, some news—of these men. The organization has been attempting to raise the funds necessary to ac-

complish their goal, but these efforts have not met with the success of which such a campaign is worthy. As an example, an advertisement soliciting funds was run in an Albuquerque newspaper at a cost of more than one hundred dollars. The ad drew some thirty dollars in contributions! This, and other experiences, moved Mrs. Hughes to seek assistance in other—some might say peculiar—places. With the idea of prisoners helping prisoners, Mrs. Hughes sought assistance at the Penitentiary of New Mexico. She felt that men at the penitentiary, being prisoners themselves and locked away from their families and loved ones, might be able to offer some suggestions in art and other ideas that would bring the situation concerning the men held as prisoners of war to the attention of the world.

Mrs. Hughes pointed out that some 1,406 families—including some 4,000 children—await anxiously some news, day by day, that their husbands or fathers are safe. But that word never comes. The men are held without even the privilege of communication.

Well now! What would you expect a bunch of "cons" to do? After all, they are convicts, aren't they? Well here is what they did. Are doing!

With the approval of Warden Felix Rodriguez and Deputy Warden H. O. Herrera, a committee was formed to organize ideas for a concentrated campaign. The name POWER DRIVE was coined—standing for Prisoners Of War Effective Release Drive—and to prevent anyone from taking part through the hope of personal gain or recognition, an agreement was made that there would be no names involved. All work would be performed anonymously. With this understanding, the planning got underway. Special art work was done and posters prepared. These have been designed for use anywhere in the world. Publicity and advertising ideas were worked out. Service clubs and other inmate groups were contacted and told the story. Ideas for an effective campaign began to take shape. And money started to come in; money from convicts.

Needless to say, convicts aren't among the nation's high income groups, but contributions ranging from $1.00 to $10.00 have been received. And through the combined cooperation of the administration and officials of the blood plasma program, arrangements have been made whereby inmates without money can give blood and have $5.00 deposited to the account of Rescue-Line. At the time of this writing well over $300.00 has been received, and money continues to come in.

Those inmates active in POWER DRIVE hope to spread the campaign from the Penitentiary of New Mexico to other penal institutions, and through inside service clubs, to the outside. It is their hope that enough money can be raised, enough publicity generated, to aid in the release of—or at least the establishment of communications with—those Americans held as Prisoners Of War.

One of the interesting aspects of the POWER DRIVE campaign is that personal feelings about American involvement in the Viet Nam conflict seems to have little effects on the willingness of inmates to help. One of the men summed up the general feeling when he said, "No matter why a man is locked up, he should be treated like a human." That seems to be the whole idea. Humanity. And right now, at this moment, for the first and probably only time, many of the inmates of the Penitentiary of New Mexico can say, "I'm proud to be a convict."

THE EQUAL RIGHTS AMENDMENT

Mr. COOK. Mr. President, yesterday I presided at hearings before the full Committee on the Judiciary on the proposed equal rights amendment from 10 in the morning until 5:30 in the evening. Everyone was given an opportunity to be heard, from a housewife in Maryland to prominent women representing the Republican and Democratic national committees.

Almost all agree on the need to provide equality under the law for women, but the question remaining is how best to achieve it. Some say a constitutional amendment is not necessary and that the fifth and 14th amendments and title VII of the Civil Rights Act are sufficient. Others say the equal rights amendment is necessary but that it contains faulty and potentially self-defeating language.

These contentions were successfully rebutted by two eminent law professors in yesterday's hearings. Senators should read these statements before making hasty decisions to support alternative language which would probably result in no equal rights amendment emerging from Congress for submission to the States this year.

Mr. President, I, therefore, ask unanimous consent that the statements of Prof. Thomas I. Emerson, of Yale Law School, and Prof. Norman Dorsen, of New York University Law School, before the Judiciary Committee on September 15, 1970, be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF THOMAS I. EMERSON OF THE WOMEN'S EQUAL RIGHTS AMENDMENT BEFORE THE SENATE JUDICIARY COMMITTEE, SEPTEMBER 15, 1970

My name is Thomas I. Emerson. I am Lines Professor of Law at Yale Law School. Most of my teaching and writing has been in the field of constitutional law, with particular emphasis on the political and civil rights of individuals. I believe that the Equal Rights Amendment provides a sound legal basis for achieving equal rights for women and I support it wholeheartedly.

The basic premise of the Equal Rights Amendment is that sex should not be a factor in determining the legal rights of women, or of men. Most of us, I think, agree with this fundamental proposition.

To take an example from my own field, virtually everybody would consider it unjust and irrational to provide by law that a person should not go to law school or be admitted to the practice of law because of his or her sex. The reason is that admission to the bar ought to depend upon legal training, competence in the law, moral character, and similar factors. Some women meet these qualifications and some do not; some men meet the qualifications and some do not. But the issue should be decided on an individual, not a group, basis. And in such a decision, the fact of maleness or femaleness is irrelevent. This remains true whether or not there are more men than women who qualify. It likewise remains true even if there were no women who presently qualified, because women potentially qualify and might do so under different conditions of education and upbringing. The law, in short, owes an obligation to treat females as persons, not statistical abstracts.

What is true of admission to the bar is true of all forms of legal rights. If we examine the various areas of the law one by one we will, I believe, reach the same conclusion in every case. Sex is an inadmissible category by which to determine the right to a minimum wage, the custody of children, the obligation to refrain from taking the life of another, and so on. The law should be concerned with the right to a living wage for all, the welfare of the particular child, the protection of citizens from murder—that is, with the real issues—not with stereotypes about one or the other half of the human race.

The fundamental legal principle underlying the Equal Rights Amendment, then, is that the law must deal with the individual attributes of the particular person, not with a vast overclassification based upon the irrelevant factor of sex. It should be noted at this point that there is one type of situation where the law may focus on a sexual characteristic but the basic principle just stated has no application. This occurs where the legal system deals directly with a physical characteristic that is unique to one sex. In this situation it could be said that, in a certain sense, the individual obtains a benefit or is subject to a restriction, because he or she belongs to one or the other sex. Thus a law providing for payment of the medical costs of child bearing would cover only women, and a law relating to sperm banks would restrict only men. Such legislation cannot be said to deny equal rights to the other sex. There is no basis here for seeking or achieving equality.

Instances of this kind, involving legislation directly concerned with physical differences found either in all women or in all men, are relatively rare. They do not include cases where the physical characteristic is not unique to one sex, or cases of real or assumed psychological or social differences between the sexes. Unless the difference is one that is characteristic of *all* women and *no* men, or *all* men and *no* women, it is not the sex factor but the individual factor which should be determinative.

The theoretical basis for outlawing differential treatment in the law based upon sex is thus, I think, quite clear. The practical reasons for doing so are equally compelling. History and experience have taught us that a legal system which undertakes to confer benefits or impose obligations on the basis of sex inevitably is repressive. It is perhaps too much to expect that the sex which wields the greater influence in formulating the law will not use its power to entrench its position at the expense of the other sex. At least this has been the outcome of sex differentiation in the American legal system.

The facts are rather well-known by now, and it suffices here simply to make brief reference to conditions in two areas; jury service and employment: At present only 28 States permit women to serve on juries on the same basis as men; 22 States and the District of Columbia permit women to claim exemptions not available to men. Of these, eleven states permit a woman to be excused solely on the basis of her sex. Rhode Island further provides that women shall be included in jury service only when courthouse facilities permit. Louisiana still requires that women come forward specially and register their desire to be called for jury duty before they may be considered. A similar statute was upheld by the United States Supreme Court in 1961.

Women have always been discriminated against in employment, not only in economic terms, but also in outright exclusion from certain occupations. Statutes which have been upheld range from denial of the right to practice law, to an Oregon statute prohibiting women from participating in wrestling competitions, which was upheld against Fourteenth Amendment challenge in 1956. Twenty-six States have laws or regulations that prohibit the employment of adult women in specified occupations or industries. Ohio, for example, prohibits the employment of women in many occupations including crossing watchmen, section hands, express drivers, metal molders, bellhops, gas- or electric-meter readers; in shoeshining parlors, bowling alleys as pinsetters, poolrooms; in delivery service on motor propelled vehicles of over one ton capacity; in operat-

ing certain freight or baggage elevators; in baggage and freight handling, by means of handtrucks, trucking and handling heavy materials of any kind; in blast furnaces, smelters and quarries except in offices thereof. Nine States prohibit women from mixing, selling or dispensing alcoholic beverages for on-premises consumption, and one State—Georgia—prohibits their employment in retail liquor stores. In Goesaert v. Cleary (335 U.S. 464 (1948)) the United States Supreme Court upheld one such law in a far-reaching opinion, proclaiming:

"The fact that women may now have achieved the virtues that men have long claimed as their prerogative and now indulge in vices that men have long practiced, does not preclude the States from drawing a sharp line between the sexes, certainly in such matters as the regulation of the liquor traffic."

The statute in question, which stands today, did not exclude all women, but only those who were not wives or daughters of male owners of bars.

Similarly, significant restrictions remain on businesswomen derived from traditional common law provisions under which married women were virtually legal nonentities. In four States court sanction and, in some cases, the husband's consent is required for a wife's legal venture into an independent business. In addition, Massachusetts requires a married woman or her husband to file a certificate with the city or town clerk's office to safeguard her business property from being liable for her husband's debts.

It is unnecessary to press these matters further. Abundant testimony before this Committee and available elsewhere demonstrates that our present legal system grossly discriminates against women. The major portion of that indictment is indeed admitted by most observers. And the critical need for substantial and immediate revisions in our legal structure is likewise conceded. The only serious issue before the Committee concerns the method which should be utilized to achieve reform.

There would appear to be three basic methods by which discrimination against women can be eliminated from our legal system. The first is by repeal or revision of each separate piece of existing legislation through action by the Federal, State and local legislature having jurisdiction, and change of each separate administrative rule or practice through similar action by every Federal, State and local executive agency concerned with administration. It goes without saying that such a procedure would involve interminable delay and lacks any guarantee of ultimate success. Only if no other course of action is possible, would a struggle on innumerable fronts over every separate issue be justified.

A second method is through court action under the equal protection clause of the Fourteenth Amendment and the comparable provision of the Fifth. This procedure has the advantage of affording a more broad-scale attack upon the problem, with a single agency of government, the United States Supreme Court, playing the primary role. Moreover, some progress has already been made. It is of course recognized that women are "persons" within the embrace of the Fourteenth and Fifth Amendments, and are entitled to "equal protection of the laws" under those provisions. Some State and lower Federal courts have rendered important decisions upholding equality of rights for women under the existing constitutional provisions. I feel reasonably confident that in the long run the United States Supreme Court would reach a position very close to or identical with that of the proponents of the Equal Rights Amendment. Nevertheless, there are serious drawbacks to this approach which must be considered.

In the first place there are some Supreme Court decisions and some lower court cases which move in the wrong direction. The task of overcoming or distinguishing these decisions could be a long and arduous one. There is, in short, a certain amount of legal deadwood which must be cleared away before the courts will be prepared to make clear-cut and rapid progress. In the second place the Supreme Court has been subjected over a period of time to powerful attack for moving too fast and too far into frontier areas of the law. The Court may consequently be somewhat reluctant to take the lead in bringing about another major social reform, regardless of how constitutionally justified that reform may appear to be. Hence it would be important for the courts, in performing such a task, to have the moral support of the other institutions of government and the people as a whole.

Thirdly, and most important, the problems involved in building a legislative framework assuring equality of rights to women are somewhat different from those which the courts have faced in other areas of equal protection law. In ordinary cases, when a claim is made that equal protection of the laws has been denied, the Supreme Court will apply the rule that differential treatment is valid providing there is a reasonable basis for the classification; and the Court will accept the legislative judgment that the classification is reasonable unless that judgment is beyond the pale of rationality. Yet such a legal doctrine is not appropriate where the differential treatment is based on sex. For reasons stated above, classification by sex, except where the law pertains to a unique physical characteristic of one sex, is *always* unreasonable. It would be inappropriate, time consuming, and ultimately futile for the courts to investigate in each case whether a legislature was justified in deciding that a particular piece of legislation or administrative practice favored women, disfavored women, benefited society as a whole, and so on. That decision—namely, that all discrimination is outlawed—must be made at the beginning and not relitigated in every decision.

In cases where differential treatment is based upon race the courts have developed a different rule under the equal protection clause. In racial cases the constitutional doctrine is that classification by race is a "suspect" classification, and the legislature has the burden of showing that it is not an "invidious" or harmful classification or that it is justified by the most compelling reasons. Such a rule is more applicable to the area of discrimination on account of sex. Yet, taken as a whole, the problems in the two areas are somewhat different. For example, questions of benevolent quotas, compensatory treatment, culture bias in psychological testing, separatism, and other issues are not alike. The increasingly complex doctrines being developed in the field of race discrimination are therefore not necessarily applicable to the field of sex discrimination.

The same can be said of the other areas of equal protection law. Discriminatory treatment on account of poverty or illegitimacy, classifications in enacting economic regulations, denial of the right of franchise through malapportionment of legislative districts—all these present issues peculiar to their own spheres. In short, the establishment of equal rights for women poses questions that are in important ways sui generis. An effective solution demands a separate constitutional guarantee. Starting with such a mandate the courts can fashion a body of constitutional doctrine that will be geared to the special requirements of this important field of law. Furthermore, as stated before, unless Congress and the States, through adoption of a constitutional amendment, express the firm conviction that this reform must be promptly and vigorously undertaken progress is bound to be slow and faltering.

We come then to the conclusion that the third method—a constitutional amendment—is by far the most appropriate form of legal remedy. The final question, then, is whether the Equal Rights Amendment now before us furnishes a satisfactory constitutional framework upon which to achieve the goal of equal rights for women. I believe that it does.

The proposed amendment states clearly and simply the fundamental objective: "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex." In this respect it follows the tradition of the great provision of the Constitution guaranteeing freedom of religion, freedom of speech, due process of law, protection against cruel and inhuman punishment, and other rights.

The word "rights," it seems clear, includes not only rights in the narrow sense of that term but all forms of rights, privileges, immunities, duties and responsibilities. Thus service on juries, whether it be looked upon as a "right" or a "duty," plainly falls within the scope of the amendment.

The term "equality," interpreted in light of the basic philosophy of the Amendment, means that women must be treated by the law in the same way as other persons, that is, their rights must be determined on the basis of the same factors that apply to men. The factor of femaleness or maleness is irrelevant. This principle is subject to the proposition, already noted that the laws may deal with physical characteristics that exclusively pertain to one sex or the other without infringing upon equality of rights. As previously stated, such instances would only rarely occur.

The phrase "shall not be denied or abridged" constitutes a complete prohibition. It means that differentiation on account of sex is totally precluded, regardless of whether a legislature or administrative agency may consider such a classification to be "reasonable," to be beneficial rather than "invidious," or to be justified by "compelling reasons." Furthermore, for much the same reasons as in the racial area, the clause would not sanction "separate but equal" treatment. Power to deny equality of rights on account of sex is wholly foreclosed.

The Equal Rights Amendment applies only to government conduct, Federal or State. It does not affect conduct in the private, nongovernmental sector of our society. The problems of "state action" raised here are similar to those the courts have dealt with under the Fourteenth and Fifteenth Amendments. The basic legal doctrines that govern are the same, but they may of course have somewhat different application in the area of sex discrimination.

Finally, it should be noted that the Equal Rights Amendment fits into the total framework of the Constitution and should be construed to mesh with the remainder of the constitutional structure. One particular aspect of this is worth brief attention. That concerns the constitutional right to privacy.

In *Griswold* v. *Connecticut* (381 U.S. 479 (1965)) the Supreme Court recognized an independent constitutional right of privacy, derived from a combination of various more specific constitutional guarantees. The scope and implications of the right to privacy have not yet been fully developed by the courts. But I think it correct to say that the central idea behind the concept is that there is an inner core of personal life which is protected against invasion by the laws and rules of the society, no matter how valid such laws and rules may be outside the protected sphere. If this be true then the constitutional right of privacy would prevail over other portions of the Constitution embodying the laws of the society in its collective capacity. This principle would have an important im-

pact, at some points, in the operation of the Equal Rights Amendment. Thus I think the constitutional right of privacy would justify police practices by which a search of a woman could be performed only by another woman and search of a man by another man. Similarly the right of privacy would permit, perhaps require, the separation of the sexes in public rest rooms, segregation by sex in sleeping quarters of prisons or similar public institutions, and a certain segregation of living conditions in the armed forces. The great concern over these issues expressed by opponents of the Equal Rights Amendment seems to me not only to have been magnified beyond all proportion but to have failed to take into account the impact of the young, but fully recognized, constitutional right of privacy.

I will not undertake at this time to consider in detail how the Equal Rights Amendment would affect various existing laws, regulations and practices. I understand that Professor Dorsen will discuss these problems with the Committee shortly. I will therefore merely state, without further elaboration, what seem to me the three essential points at issue here:

First, the courts are entirely capable of laying down the rules for a transitional period in a manner which will not create excessive uncertainty or undue disruption. Actually the courts face similar problems every time they hold that part of a statute is unconstitutional, and they have developed detailed rules for handling these issues under the concept of "separability" (or "severability"). The essential question is whether the legislature would have intended the statute to stand in its modified form. In making this decision the courts have the aid of legislative history, which can be supplied in this case. There is no reason to suppose, therefore, that formulation of a coherent legal theory applicable to the Equal Rights Amendment is too complex or too difficult for the legal system to cope with.

Second, there has been a great deal of talk that passage of the Equal Rights Amendment will cause vast changes in many features of our national life. I am inclined to feel that the alarms and warning are, as usual, overplayed. Whether that be the case or not, however, if such great changes do occur it will be only because they are necessary. Those opponents of the measure who stress this aspect of the Amendment are acknowledging that widespread discrimination against women persists throughout our society.

Third, it has been argued that adoption of a constitutional amendment will bring about, almost inadvertently, drastic alterations in important institutions of society before there has been time to work out the major policy changes required by the new provision. The example most frequently given is the Selective Service system. But one need not conclude that, in those few areas where major new policy must be formulated, there is not adequate time in which to do it. If Congress adopts the Equal Rights Amendment it will surely have full opportunity during the period of ratification by the States to take up amendments to the Selective Service Act. Other areas of our law, such as the marriage and divorce laws, may need similar attention from State legislatures. It is not a weakness but a strength of the Amendment that it will force prompt consideration of some changes that are long overdue.

My conclusion from this survey of the legal problems raised by the Equal Rights Amendment is that the method chosen is the proper one and the instrument proposed is constitutionally and legally sound. I urge the Senate to accept the pending Resolution and submit the Amendment to the States for ratification.

STATEMENT OF NORMAN DORSEN, PROFESSOR OF LAW, NEW YORK UNIVERSITY SCHOOL OF LAW, BEFORE THE SENATE JUDICIARY COMMITTEE, ON THE PROPOSED EQUAL RIGHTS AMENDMENT, SEPTEMBER 15, 1970

I am honored to appear before the Senate Judiciary Committee to give testimony in support of the Equal Rights Amendment, as passed by the House of Representatives. I am a professor of law at New York University School of Law, where I have specialized in Constitutional Law for more than nine years. I am also General Counsel of the American Civil Liberties Union, but I am appearing here in a purely personal capacity.

The thrust of my testimony has been suggested by witnesses before the Committee who have expressed opposition to the proposed Amendment. Most if not all of these witnesses have stated that they are in sympathy with efforts to remove laws from the statute books that are unjust to or exploit women. Despite these sentiments the witnesses opposed the Amendment because they felt that a constitutional change was not the way to accomplish the goal of eliminating discrimination on account of sex. Statutory techniques were said to be preferable, perhaps supplemented by Supreme Court rulings.

I disagree with this point of view. I believe that a constitutional amendment is peculiarly suitable to the problem presented, and today I shall present my reason for this conclusion.

My first reason is based on the nature and importance of constitutional amendments. I do not think the Constitution should be amended for trivial or transient consideration. Such solemn action should be taken only when a matter of sufficiently broad principle is at stake to warrant the long and complex process that the framers of the Constitution envisioned for alterations in the basic document. I believe that this is such a case. The decision to eliminate centuries old discrimination against women calls for a constitutional amendment. This is so because an amendment would best emphasize a national commitment to the ideal of equality between the sexes under the law. In addition, the requirement of ratification by three-quarters of the states is most appropriate because many of the areas of discrimination which the amendment will cure concern state law and practices.

My second reason for favoring a constitutional amendment responds to the contention of some critics of the Equal Rights Amendment that the Amendment will operate in unpredictable ways, cause confusion, and foster excessive litigation. I believe that this criticism is unjustified, that the difficulties have been magnified unrealistically, and that our legal institutions are sufficient to deal with any problems presented.

It should be recalled in this connection that many provisions of our Constitution are general statements that have had to be fleshed out by the courts over the decades. This is in the nature of a constitutional instrument which, except for housekeeping provisions, should not be as specific as a statute. For example, Article I, Section 8, of the original document authorizes Congress "To regulate Commerce with foreign Nations, and among the several States." These delphic words have provided the basis for the entire system of economic regulation in the United States. Hundreds, indeed thousands, of judicial interpretations have followed over the years both with respect to the powers of the Congress and the implied limitations on state authority over interstate commerce. This continuous judicial activity has not been a weakness of the Constitution. On the contrary. The courts were properly entrusted with the duty of reviewing the varied legislative enactments. So too here, where the primary authority will be in the Congress and the state legislatures "to enforce" the Amendment, subject to the overriding authority of the courts. This has been the classical American pattern.

Another example, even more pertinent, concerns the adoption of the Fourteenth Amendment, which was principally designed to protect the legal rights of former slaves. When this Amendment was passed no one could have predicted the ways it would affect life in the United States or the amount of litigation and the difficulties of interpretation that would ensue, many of which we still face today. This was to be expected because of the massive difficulties inherent in ending the institution and consequences of slavery. Yet, it surely was no mistake to pass that Amendment because of these difficulties. Could the nation have shirked the responsibility of guaranteeing in our basic charter of government the equal protection of the laws?

Women, too, have been subjected to centuries of discrimination sanctioned by our legal system. It is not so long since women lost their property when they married, lacked the right to vote or serve in government, had no right to serve on juries, no right to contract or sue in court, no right to receive an education, no right to keep their own earnings. Some of the worst manifestations of this lack of citizenship have been remedied, but others remain. The Equal Rights Amendment is needed to end these gross inequities in our legal system, and to complete the job of making women full citizens under the United States Constitution. It is wrong to suggest that because ending deepset and historic discrimination will result in some uncertainty and litigation, we should not act. The Fourteenth Amendment was needed and passed for blacks; the Equal Rights Amendment is needed and should be passed for women.

I would like to turn now to the problem most frequently stressed by those opposing the Amendment—the alleged impact on labor laws that protect women but not men. The fact is that the effect of the Amendment on protective labor legislation provides no sound basis for opposing it.

There are three interrelated points here. First, the crazy quilt of existing state protective laws reveal graphically that there is no consensus on what is needed protection for either men or women, and that much of the legislation, instead of providing solutions to the real problems of women workers, actually "protect" them out of jobs they are perfectly capable of fulfilling. Second, under Title VII of the Civil Rights Act of 1964 much state legislation of this type is being invalidated and will be of no long term importance. Third, such laws that confer genuine benefits can and should be extended to men under the Equal Rights Amendment.

Before dealing with each of these points, I would like to comment on the suggestion of at least one witness before this Committee that the Equal Rights Amendment is being advanced only by professional women and that working class women will be disadvantaged by it because they need the benefits of the protective legislation that is on the books. With all respect to that point of view, I would remind the Committee that virtually all reform measures are propounded and pushed by middle class professionals. Certainly that was true of the Civil Rights Act of 1964 and the Voting Rights Act of 1965. But this does not mean that others do not profit by reform. I do not have exact statistics available, but it is clear that a healthy proportion of Title VII cases under the Civil Rights Act have been brought by blue collar, working women who have been victimized by so-called "protective legislation." Moreover, at least half of the Equal Pay

cases involve factory workers. It would be a mistake to regard the Amendment as exclusively or even primarily for the professional class. Most of its beneficiaries—the overwhelming percentage of working women—would not be in this category.

I turn now to the three points regarding protective legislation that I mentioned above.

First. The pattern across the country of state laws shows that there is no coherent system of protection provided for women. For instance, while women are allowed chairs for rest periods in 45 states, they are given job security for maternity leaves of absence in *no* state and maternity benefits under temporary disability insurance laws in only two states. Women are even excluded from temporary disability benefits for pregnancy leaves in these two states.

Furthermore, in the benefit areas most people would consider most important—a minimum wage and a day of rest—men do receive substantial protection already. Only seven states have minimum wage laws for women only, but twenty-nine states, plus the District of Columbia and Puerto Rico, cover both men and women. More important, the federal minimum wage law covers both men and women at *higher* rates than all state laws except one (Alaska).

In contrast, maximum hour laws are a major area where men are not covered. Thirty-eight states cover women only, and three states cover men and women. Since the Supreme Court has upheld the validity of maximum hour legislation for both sexes since 1941, one can only suspect that unions have not pushed for maximum hour legislation, given their success in obtaining nationwide minimum wage laws for both sexes. This analysis would give credence to the EEOC and federal court decisions which have concluded that hour laws have been used as an excuse to keep women out of better-paying jobs.

Opponents of the Equal Rights Amendment often neglect to note the twenty-six states which altogether prohibit women from performing certain jobs. When forty states allow women to be barmaids, but ten bar them from this employment, can anyone seriously propose that women are thereby protected in those ten states? If anyone is protected, it would appear to be male bartenders.

Similar explanations suggest themselves regarding the eighteen states proscribing night work, and the six states prohibiting work for periods before and after childbirth. Women have not campaigned to obtain these "protections." This is for a very good reason. Women in fact do night work all the time. Nurses, telephone operators, airline reservationists, and scrub women have not been protected from night work. Pregnant women, too, often choose to work right up to the birth date. Who ever heard of a housewife being allowed time off from her housework and small children just because she was pregnant, or of a state law which prohibited *her* from working.

Weight laws also are of doubtful protection for women. There are only four states with weight limits applicable to all jobs, and these limits are set so low that, if literally applied, they would prohibit women from doing any serious labor, including carrying an unborn child. In the remaining few states with weight limits, they apply only to certain industries. In New York, for instance, women are "protected" from lifting weights only in the foundries. The theory, apparently, is that some mystical essence in foundry weight lifting will injure women, while lifting the same weights in other industries will not. Possibly it is the male workers in foundries who are being protected—from job competition.

Thus, when all of the state laws applying only to women are examined closely, it becomes clear that they do not provide a coherent system of meaningful protection. Nor do they deal with the real problem for women—exploitation by being underpaid and funneled into the lowest-paying, most menial jobs of our society. State labor laws have never dealt with this problem. Furthermore, the premise that real protection can be based on legislating by sex is fallacious.

Sex is an insufficient criterion to predict with accuracy who needs what protection. If injury due to lifting weights is a problem the answer is to forbid employers to fire individuals—both men and women—who refuse to lift weights above a safe limit. If some men and some women don't want to work overtime, laws should be passed forbidding employers to fire those who refuse overtime; both men and women who *do* want overtime pay should not be penalized.

In short, analysis of state laws that apply exclusively to women does not establish that they protect women in any important way. In fact, these laws do not protect women in the one area clearly applicable to women only—maternity benefits and job security; they are ineffective in dealing with the exploitation of women through lower pay than men; and they are used to discriminate against women in job, promotion, and higher-pay opportunities. They do not furnish a reliable basis for opposition to the Equal Rights Amendment.

Second. In light of the above it is not surprising that the Equal Employment Opportunity Commission, the federal agency charged with interpreting and administering Title VII, has concluded that state "protective" laws were superseded by Title VII and could not lawfully be enforced. The Commission stated that:

"Such State laws and regulations, although originally promulgated for the purpose of protecting females, have ceased to be relevant to our technology or the expanding role of the female worker in our economy. The Commission has found that such laws and regulations do not take into account the capacities, preferences, and abilities of individual females and tend to discriminate rather than protect." 29 C.F.R. § 1604.1(b)

The federal courts are apparently moving in the same direction. Three federal district courts—including one within the last month—have now squarely held that Title VII supersedes such restrictive state laws. In addition, both the Fifth and Seventh Circuits have held that company-imposed restriction paralleling state laws—that is, placing private weight limits on women's jobs—also violate Title VII. For instance, in *Weeks* v. *Southern Bell Telephone & Telegraph Co.*, 408 F.2d 228 (5th Cir. 1969), the court set a stringent standard for establishing a "bona fide occupational qualification" exception to Title VII. This is the exception under which employers have argued that state laws allow them to discriminate against women workers. The *Weeks* court held that:

The employer has the burden of proving that he has reasonable cause to believe, that is a factual basis for believing, that all or substantially all women would be unable to perform safely and efficiently the duties of the job involved.

Some states have also taken action under Title VII. Delaware has repealed all its labor laws for women only. So far, there has been no outraged cry from women workers. Five states have repealed their hours laws; in six states and the District of Columbia, the Attorneys General have ruled that state laws are superseded by Title VII or state fair employment practices laws; in another six states, women workers covered by the Fair Labor Standards Act are exempted from the state laws; in two states, there are no prosecutions under state laws; in two states, there are exemptions from laws if the employee voluntarily agrees; and in one, the weight lifting regulation has been extended to men. In other words, twenty-two states and the District of Columbia have already repealed or greatly weakened the effect of the state labor laws on women.

Given this action of the EEOC, of the Federal courts, and of the States, can we really say that the impact of the proposed amendment on State labor laws furnishes any basis for opposition to it? We must recognize that these laws are already invalidated or being invalidated. It appears that opponents of the amendment are trying to erect bridges which were crossed five years ago, when Title VII went into effect.

Third and finally with respect to State labor legislation. There is abundant evidence that if the amendment is ratified it would result in the general extension of certain benefits to men that are now available only to women rather than invalidating them altogether. I recognize that this issue has been the subject of some controversy before the Committee. Nevertheless, I suggest there is ample precedent already on the books to substantiate the conclusion that the fears of wholesale elimination of benefits for women are unwarranted.

In the first place, until Title VII the EEOC has consistently held that laws giving women benefits—such as a lunch break—must be extended to men. The Seventh Circuit has indicated it would be the same, when it held in *Bowe* v. *Colgate-Palmolive Co.*, 416 F. 2d 711 (7th Cir. 1969), that the company-imposed weight limit could be validly extended to men under Title VII, provided the company allowed members of either sex to show he or she could perform the job in question. And Georgia took a similar approach to its weight-lifting regulation, which was extended to men and rephrased to prohibit "strains or undue fatigue" rather than a set weight limit.

In other areas of the law, courts have also indicated a willingness to extend benefits to a class of people unconstitutionally excluded from the benefit, rather than voiding the law under which the class was improperly excluded. As long ago as 1880, in *Neal* v. *Delaware*, 103 U.S. 370, the Supreme Court ruled that a state constitution giving whites only the vote was not void under the Fifteenth Amendment, but rather that the right to vote must be extended to blacks. Likewise, in *Levy* v. *Louisiana*, 391 U.S. 68 (1968), when a Louisiana statute denied illegitimate children the right to recover for their mother's wrongful death, the Supreme Court held that the Fourteenth Amendment required the extension of protection to them rather than voiding the legitimate children's right to recover.

Clearly, if the courts have authority to extend benefits to an excluded class under the Fourteenth and Fifteenth Amendments, they will have the same authority to extend benefits under the proposed Equal Rights Amendment. Moreover, courts have a general obligation to interpret instruments reasonably. If this means granting a day of rest to men, rather than destroying this right for women, the courts should and presumably will follow that path, especially in view of the very ample expression of opinion by members of the Congress and witnesses that some protective laws should be extended to both sexes rather than voided.

Finally, with respect to this problem, we should not lose sight of the fact that the Congress and state legislatures will have the opportunity to enforce the Amendment and fashion its general command to specific situations in a comprehensive and reasonable manner.

I would now like to turn to another major area singled out by opponents of the Equal Rights Amendment—family law. Concern has

been voiced that women would lose their right to support and alimony if the Equal Rights Amendment passes. There are several answers to this concern. First, as already noted, the right to alimony and support can be extended to men by legislative act or as a matter of interpretation of the Amendment. Indeed, in one-third of the states alimony can be awarded to either spouse, and is based on the circumstances of the particular case, such as relative economic needs, duration of the marriage, and relative contributions to the marriage.

As for the right to support, although it has been much relied on, it is of somewhat illusory value to women. In the first place, in most jurisdictions not until the parties are separated, or sometimes even divorced, does a wife have the right to get a court order for a specific amount of support money. See H. H. Clark Law of Domestic Relations 181, 186 (1968). More important, the chief legal remedy for the wife during marriage—the ability to purchase household "necessaries" and charge them to the husband—is of far less value than is generally believed. As one authority has stated:

"The doctrine of necessaries may once have been an effective way of supporting wives and children (though one doubts it). Today, however, it is hedged about with so many limitations that few merchants would wish to rely on it. More importantly, it is of least value to those most in need of support, those wives and children too poor to be able to get credit. For these reasons the doctrine is of little practical value in the solution of the non-support problem." Clark, supra at p. 192.

The National Conference of Commissioners on Uniform State Laws recently adopted a Uniform Marriage and Divorce Act which takes an approach similar to that contemplated by the Equal Rights Amendment. It provides for alimony or maintenance for either spouse, and child support by either or both spouses, by defining all duties neutrally in terms of functions and needs of the people involved, rather than in terms of their sex.[1] The action by the Commissioners, a respected and prudent body, deserves special consideration.

Their approach—based on individual circumstances and needs—underlies the Equal Rights Amendment also. Put another way, laws which differentiate on the basis of sex are unjust because they arbitrarily treat all members of a class without looking at individual qualifications. State labor laws are unjust and do not protect women because they arbitrarily assume all women have stereotyped and uniform characteristics, which many individual women do not have. Alimony and support laws also have unjust consequences for both men and women when they assume that all women are weak, dependent, caretakers of children. Just as some men may need alimony, some women may prefer to pay maintenance to allow their husbands to be caretakers of children. In this connection, it is worth observing that several states already require a wife to support a husband unable to support himself.

The Uniform Marriage and Divorce Act eliminates definitions based on sex and substitutes those based on function. This is what the Equal Rights Amendment is intended to do. By passing it, we will help insure more genuine protection for those who really need it, and end the many injustices women still face.

The final issue I would deal with concerns the draft and military service. Critics of the proposed Amendment point to this as the *reductio ad absurdam* of the equal rights idea, saying that it is ridiculous to draft women into our armed services as the Amendment presumably would require.

I disagree with this point of view. Putting to one side the question whether either men or women should be subject to a draft, I see no reason to put the exclusive onus on men. It is now a commonplace that women can and do perform many useful functions in the services; and that appropriate physical examinations can weed out—as they do in the case of males—those who are unfit to serve. For example, pregnant women would be exempt.

As far as the draft is concerned there is double discrimination. There is discrimination against the men who are taken from their homes and placed in the armed services against their will. This is a form of discrimination that can easily be appreciated. But there is also discrimination against women of a more subtle character. This takes place in three ways.

First, women are denied the opportunity to obtain the job training and experience available to servicemen from working class and minority group backgrounds. It is well known that the armed services serve as a "college" for many of the nation's poor; I fail to see why women should be deprived of this opportunity.

Second, as is well known, there are laws providing extensive benefits to veterans of the armed service. They relate to the essentials of life—education, housing, employment, life insurance, and hospital care. These are now distributed almost exclusively to men.

Third, on a deeper level, when women are excluded from the draft—the most serious and onerous duty of citizenship—their status is generally reduced. The social stereotype is that women should be less concerned with the affairs of the world than men. Our political choices and our political debate often reflect a belief that men who have fought for their country have a special qualification or right to wield political power and make political decisions. Women are in no position to meet this qualification.

It is no answer to the above to say that if military service is such a benefit, women are always free to enlist in one of the Women's Armed Service Corps. It is not really that simple. The law limits the size of the Women's Corps to two percent of their parent services, and even this level is not being met; in 1969 women were only about 1% of the armed forces.

For the above reasons I believe that the Equal Rights Amendment should be approved by this Committee and by the Senate as a whole as an overdue measure to eliminate discrimination on account of sex.

---

[1] Section 308, which deals with maintenance, is typical of the Act's approach:

(a) In a proceeding for dissolution of marriage or legal separation . . . , the court may grant a maintenance order for either spouse only if it finds that the spouse seeking maintenance:

(1) lacks sufficient property, including marital property apportioned to him, to provide for his reasonable needs, and (2) is unable to support himself through appropriate employment or is the custodian of a child whose condition or circumstances make it appropriate that the custodian not be required to seek employment outside the home.

(b) The maintenance order shall be in such amount and for such periods of time as the court deems just, without regard to marital misconduct, and after considering all relevant factors including:

(1) the financial resources of the party seeking maintenance, . . . and his ability to meet his needs independently . . .; (2) the time necessary to acquire sufficient education or training to enable the party seeking maintenance to find appropriate employment; (3) the standard of living established during the marriage; (4) the duration of the marriage; (5) the age, and the physical and emotional condition of the spouse seeking maintenance; and (6) the ability of the spouse from whom maintenance is sought to meet his needs while meeting those of the spouse seeking maintenance.

BARRING OF NUCLEAR WEAPONS FROM THE SEABED AND OCEAN FLOOR

Mr. PELL. Mr. President, during the past 3 years, I have frequently taken the floor of the Senate in an effort to focus attention to the urgency of barring nuclear weapons from the seabed and ocean floor and, at the same time, moving toward the establishment of a multinational organization capable of governing the exploration, development and utilization of the international marine environment—an area which encompasses 70 percent of the surface of the globe; one which affects the daily life and well-being of every citizen of this planet; one which is afflicted to only a limited extent by national rivalries and petty jealousies, and one which therefore, by its very nature, conceivably affords a practical basis for supporting international community objectives.

In a very short period of time, President Nixon and his administration have seized upon this opportunity, as is evidenced by their genuine and concerted effort to prevent the spread of nuclear weapons to seabed, while simultaneously calling for the creation of an international organization to regulate activities on and in the world's seabed.

In a related development, the administration has indicated its willingness to accept the 12-mile territorial sea as the basis for securing international agreement on this, the most troublesome of all of the law of the sea issues.

Mr. President, all of these policy efforts are directed toward making the ocean space environment secure from further national encroachment by calling upon the international community to act as a unit and to assume primary responsibility for governing activities taking place in the marine environment. The logic of such a policy cannot be disputed, for the marine environment is, first and foremost, an international resource—a universal asset.

The administration's understanding of the nature of this colossal resource is particularly evident in the draft United Nations Convention on the International Seabed Area, which the United States introduced on August 3 at the U.N. Seabed Committee meeting in Geneva.

This treaty proposal—which served as the high point during that meeting—calls for the creation of an International Seabed Resource Authority, composed principally of a universal assembly of nations, a 24-member council and a 5- to 9-member tribunal. The primary functions of the Authority include licensing exploration and exploitation of deep seabed mineral resources; receiving and distributing revenues derived from these activities; and having overall regulatory powers with respect to all activities bear-

ing on the international seabed area, including overseeing the trustee functions reserved to coastal nations.

Mr. President, the internationalization of the seabed is an idea whose time has come; Ambassador Philips' closing remarks before the U.N. Committee in Geneva presented the case in the following way:

> We have a choice: one path may give future generations hope for a world in which international cooperation and sanity will prevail. We may for the first time in history share a common resource equitably. The other path will perpetuate a world of national rivalry and selfishness. I cannot express how deeply my Government believes that we should commit this last frontier on earth to international purposes.

Mr. President, I ask unanimous consent that the full text of Ambassador Philips' August 28 statement, together with the draft United Nations Convention on the International Seabed Area, be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PELL. Mr. President, I turn now to the issue of prohibiting the emplacement of nuclear weapons on the seabed and ocean floor, where prospects for immediate action are even more promising.

On September 1, the United States and the Soviet Union presented their revised seabed arms control draft treaty to the Geneva Disarmament Conference; and, having received near-unanimous endorsement, this treaty proposal now goes to the General Assembly for U.N. action. With such strong backing from the members of the Disarmament Conference, I am hopeful that the General Assembly will give its approval to this draft treaty, thereby underscoring the principle that the seabed and ocean floor ought to be used exclusively for peaceful purposes.

Mr. President, I ask unanimous consent that Ambassador Leonard's statement of September 1 concerning this treaty, along with the text of the treaty itself, be placed in the RECORD immediately following my earlier insertions.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. PELL. Mr. President, in directing attention to the revised seabed arms control proposal, I should point out that many of the changes contained in this, the third revision, relate not to the arms control issue but rather to specific, unresolved law of the sea questions, such as the territorial sea, the contiguous zone and continental shelf rights.

I bring up this point, Mr. President, merely to show how an issue as important as nuclear arms control can suffer because of the chaos nations have made of the law of sea; and here I should point out that in earlier years the United States has been just as guilty in helping to create this sad state of affairs as Chile and Ecuador or, more recently, Brazil and Canada.

But we now understand the error of our ways, and I am convinced that the policy initiatives which this administration has taken in trying to bring about a meaningful legal order of the oceans deserve the full support of every Member of this Chamber.

Mr. President, as I have tried to indicate, the momentum for a new international conference on all outstanding law of the sea issues is steadily mounting. The United States has done much to help build this momentum and, as a concluding note, I should like to express the hope that during the forthcoming General Assembly we will help to lead the way to just such a conference which, it seems to me, could be underway in Geneva as early as next summer.

EXHIBIT 1

STATEMENT BY AMBASSADOR CHRISTOPHER H. PHILLIPS, UNITED STATES REPRESENTATIVE ON THE UNITED NATIONS COMMITTEE ON THE PEACEFUL USES OF THE SEA-BED AND THE OCEAN FLOOR BEYOND THE LIMITS OF NATIONAL JURISDICTION, PALAIS DES NATIONS, GENEVA, AUGUST 28, 1970

Mr. Chairman: On this final day of the August session of the Seabeds Committee, I ask your indulgence for a moment to consider in perspective the work of this Committee. I do so because after four weeks of very intensive labor I think all of us need to take our minds off the trees and focus our attention on the forest.

The Seabeds Committee has one of the most enviable and most difficult mandates of any Committee ever created by the General Assembly. We are asked to propose an international regime which will ensure that three fourths of the earth's surface will not become a new arena of conflict for the sort of disputes which have characterized so much of man's history on land. We have been given a chance to seek international solutions to problems which are inherently international in nature. As a number of delegates have reminded us our primary purpose is to contribute to international peace and stability. We have been given an opportunity to create an important and independent source of revenue for the international community which will not depend upon the will of individual nation states. We can point the way to solutions to the critical boundary issue which already divides us and which threatens to become more aggravated. We can move to protect the ocean from pollution from all acts in this area. We have a chance to establish a new international machinery able to deal with problems of an unprecedented nature.

In the Committee and in the General Assembly we and our colleagues have devoted some 300,000 man hours to discussing the seabed problems in formal and informal sessions. While we were talking, the area which under our draft treaty is defined as the International Seabed Area, has been diminished by new unilateral national claims of jurisdiction of many hundreds of thousands of square miles. The significance of this for the international community is obvious. And, as time goes by, it is certain that our task of solving the fundamental problems is becoming more difficult.

Our failure to reach agreement even on principles, which we were charged to do by the General Assembly, is not owing to a lack of intensive hard work in this Committee. Rather, it is, I think, a reflection of our failure to make critical political decisions. We should have been able to do this in a spirit of accommodation. If we had, we would have promoted our mutual interest. We are in a very real sense not serving here merely as representatives of individual states, or even of the General Assembly, but as representatives of peoples everywhere who have a strong common interest in seeing fundamental equitable solutions to the seabed problems.

When President Nixon made the difficult political decisions inherent in his May 23 announcement and in our draft convention he placed great importance on international community interests. We, as a party to the 1958 Geneva Continental Shelf Convention, could have relied on the exploitability test to extend our boundary unilaterally. We felt, however, that in view of the uncertainties surrounding seabed boundaries, and in light of the great opportunity the international community now has to rectify the inequities of the law of the sea, it would be better for states to renounce under a treaty all national claims beyond the 200 meter isobath, leaving the international seabed area as the widest area possible. By this move we could wipe the slate clean and, in essence, re-think the proper relationship of international community interests to those of coastal states. We ask other coastal states to re-examine their own assertions of national jurisdiction and determine if they agree with us that the concept we offer furthers the international and domestic interests which they consider most important. Similarly, we ask landlocked and shelf-locked states to see whether the solution we suggest is the best possible.

In connection with our treaty, various delegations have raised several questions concerning some of its provisions. While it is obviously impossible to respond to all of these today, let me try to answer a few of the more important in the hope that this clarification may be helpful. But in doing so, let me assure delegations that we have listened attentively to their questions and criticisms and that these will be examined most carefully by government during the coming months.

Plainly our use of the word "trusteeship" has caused some delegations difficulties. In the minds of some it appears to evoke old ideas of colonialism. Nothing could be further from what we mean by "trusteeship". We are trying to convey the idea that in a portion of the international seabed area a coastal state acts for and on behalf of the international community. The coastal states' rights derive from and are specifically defined in the Treaty. Our proposal has also been criticized for giving "unfettered" power to the trustee state. While the coastal state does have limited, important functions, the international machinery has a supervisory role in the trusteeship zone, including such powers as inspection and suspension of licenses and of the trusteeship itself in certain cases.

On the other hand a few coastal state delegations have questioned whether our proposal adequately protects their interests. We believe that by providing a stable investment climate free of dispute, and by ensuring that coastal states can decide when, how, and to whom licenses for exploitation should be issued in the Trusteeship Area, coastal states will be able to protect their interests fully.

In addition to questions raised regarding what we meant by trusteeship, some delegations have raised a second major point, saying that the U.S. draft treaty places undue emphasis on distribution of revenues as distinguished from actual participation in exploration and exploitation by developing countries. Mr. Stevenson, in his statement yesterday in this Committee, pointed out that we believe that developing countries should develop their own exploitation capability and showed in concrete terms how our treaty attempts to help developing countries accomplish this. Nevertheless, we find the criticisms of delegates on this point most constructive and we are sympathetic to them. We will therefore want to have another look at this aspect of the draft convention.

A third question which has been raised with respect to our draft treaty is why we have structured the Council as it is. The Council is balanced between developing and developed countries in much the same way that comparable organs in commodity agreements are balanced between producers and consumers. We believe the Council arrangements ensure that all major interests will be reflected in the deliberations and actions of that body, and that this is necessary if it is to be effective.

A fourth point raised by some other delegations is, why is the machinery called "International Seabed Resources Authority" rather than International Seabed Authority." It is true that the Authority's function is broader than resources management but since its functions are *primarily* concerned with resources this name seemed more appropriate to us.

A fifth question which some delegations have raised with us is whether a distance criterion might be used instead of, or in conjunction with, the formula which is now employed for the limits of the trusteeship zone. It has been our belief that the 200-meter isobath criterion, which is founded in the 1958 Geneva Convention, and the use of a gradient formula to delimit the outer boundary of the trusteeship zone offers the best basis for agreement. We have not attempted to determine the outer boundary precisely but agree the treaty should draw a precise line and have pointed to the factors which would have to be taken into consideration in arriving at that limit.

I have not attempted today to respond to all of the many questions which other delegations have raised with respect to our draft treaty and I suspect that after further study they and their governments will have additional questions to raise. We sincerely hope that such questions will be directed to our government in any way delegations see fit so that we can continue the dialogue which has so usefully begun here.

As we complete this session at Geneva where regrettably we have not succeeded in doing what the Geneva Assembly asked of us, a major question remains—how can we best resolve the vital issues before us. We must recognize that time does not stand still. Technology continues to advance as we continue to debate. So too do unilateral claims of jurisdiction advance, to the detriment of the international seabed—the common heritage of mankind. We believe the answer to this difficult question has eluded us because as I implied earlier we have not been able to see the forest for the trees. Principles may be our most difficult task—if we can pass this stage and move on to the serious negotiation of a treaty we may all find it easier to agree on the principles. For our part, we discovered that it was easier to arrive at principles when we set them against the background of a comprehensive regime.

Perhaps others will find our experience equally useful.

Mr. Chairman, we are at a dangerous crossroads. We have a choice: one path may give future generations hope for a world in which international cooperation and sanity will prevail. We may for the first time in history share a common resource equitably. The other path will perpetuate a world of national rivalry and selfishness. I cannot express how deeply my Government believes that we should commit this last frontier on earth to international purposes. If we here do not act to protect the International Community, who will? This crossroads, Mr. Chairman, is all the more dangerous because mere inaction on our part precludes the first path and dooms us to the second.

EXHIBIT 2

DRAFT UNITED NATIONS CONVENTION ON THE INTERNATIONAL SEABED AREA, WORKING PAPER, AUGUST 3, 1970

The attached draft of a United Nations Convention on the International Seabed Area is submitted by the United States Government as a working paper for discussion purposes.

The draft Convention and its Appendices raise a number of questions with respect to which further detailed study is clearly necessary and do not necessarily represent the definitive views of the United States Government. The Appendices in particular are included solely by way of example.

CHAPTER I. BASIC PRINCIPLES

Article 1

1. The International Seabed Area shall be the common heritage of all mankind.

2. The International Seabed Area shall comprise all areas of the seabed and subsoil of the high seas[1] seaward of the 200 meter isobath adjacent to the coast of continents and islands.

3. Each Contracting Party shall permanently delineate the precise boundary of the International Seabed Area off its coast by straight lines not exceeding 60 nautical miles in length, following the general direction of the limit specified in paragraph 2. Such lines shall connect fixed points at the limit specified in paragraph 2, defined permanently by coordinates of latitude and longitude. Areas between or landward of such points may be deeper than 200 meters. Where a trench or trough deeper than 200 meters transects an area less than 200 meters in depth, a straight boundary line more than 60 nautical miles in length, but not exceeding the lesser of one fourth of the length of that part of trench or trough transecting the area 200 meters in depth or 120 nautical miles, may be drawn across the trench or trough.

4. Each Contracting Party shall submit the description of the boundary to the International Seabed Boundary Review Commission within five years of the entry into force of this Convention for such Contracting Party. Boundaries not accepted by the Commission and not resolved by negotiation between the Commission and the Contracting Party within one year shall be submitted by the Commission to the Tribunal in accordance with Section E of Chapter IV.

5. Nothing in this Article shall affect any agreement or prejudice the position of any Contracting Party with respect to the delimitation of boundaries between opposite or adjacent States in seabed areas landward of the International Seabed Area, or with respect to any delimitation pursuant to Article 30.

Article 2[2]

1. No State may claim or exercise sovereignty or sovereign rights over any part of the International Seabed Area or its resources. Each Contracting Party agrees not to recognize any such claim or exercise of sovereignty or sovereign rights.

2. No State has, nor may it acquire, any right, title, or interest in the International Seabed Area, or its resources except as provided in this Convention.

[1] The United States has simultaneously proposed an international Convention which would, *inter alia*, fix the boundary between the territorial sea and the high seas at a maximum distance of 12 nautical miles from the coast.

[2] The preceding Article is not intended to imply that States do not currently have rights under, or consistent with, the 1958 Geneva Convention on the Continental Shelf.

Article 3

The International Seabed Area shall be open to use by all States, without discrimination, except as otherwise provided in this Convention.

Article 4

The International Seabed Area shall be reserved exclusively for peaceful purposes.

Article 5

1. The International Seabed Resource Authority shall use revenues it derives from the exploration and exploitation of the mineral resources of the International Seabed Area for the benefit of all mankind, particularly to promote the economic advancement of developing States Parties to this Convention, irrespective of their geographic location. Payments to the Authority shall be established at levels designed to ensure that they make a continuing and substantial contribution to such economic advancement, bearing in mind the need to encourage investment in exploration and exploitation and to foster efficient development of mineral resources.

2. A portion of these revenues shall be used, through or in cooperation with other international or regional organizations, to promote efficient, safe and economic exploitation of mineral resources of the seabed; to promote research on means to protect the marine environment; to advance other international efforts designed to promote safe and efficient use of the marine environment; to promote development of knowledge of the International Seabed Area; and to provide technical assistance to Contracting Parties or their nationals for these purposes, without discrimination.

Article 6

Neither this Convention nor any rights granted or exercised pursuant thereto shall affect the legal status of the superjacent waters as high seas, or that of the air space above those waters.

Article 7

All activities in the marine environment shall be conducted with reasonable regard for exploration and exploitation of the natural resources of the International Seabed Area.

Article 8

Exploration and exploitation of the natural resources of the International Seabed Area must not result in any unjustifiable interference with other activities in the marine environment.

Article 9

All activities in the International Seabed Area shall be conducted with strict and adequate safeguards for the protection of human life and safety and of the marine environment.

Article 10

All exploration and exploitation activities in the International Seabed Area shall be conducted by a Contracting Party or group of Contracting Parties or natural or juridical persons under its or their authority or sponsorship.

Article 11

1. Each Contracting Party shall take appropriate measures to ensure that those conducting activities under its authority or sponsorship comply with this Convention.

2. Each Contracting Party shall make it an offense for those conducting activities under its authority or sponsorship in the International Seabed Area to violate the provisions of this Convention. Such offenses shall be punishable in accordance with administrative or judicial procedures established by the Authorizing or Sponoring Party.

3. Each Contracting Party shall be respon-

sible for maintaining public order on manned installations and equipment operated by those authorized or sponsored by it.

4. Each Contracting Party shall be responsible for damages caused by activities which it authorizes or sponsors to any other Contracting Party or its nationals.

5. A group of States acting together, pursuant to agreement among them or through an international organization, shall be jointly and severally responsible under this Convention.

Article 12

All disputes arising out of the interpretation or application of this Convention shall be settled in accordance with provisions of Section E of Chapter IV.

CHAPTER II. GENERAL RULES

A. Mineral resources

Article 13

1. All exploration and exploitation of the mineral deposits of the International Seabed Area shall be licensed by the International Seabed Resource Authority or the appropriate Trustee Party. All licenses shall be subject to the provisions of this Convention.

2. Detailed rules to implement this Chapter are contained in Appendices A, B and C.

Article 14

1. There shall be fees for licenses for mineral exploration and exploitation.

2. The fees referred to in paragraph 1 shall be reasonable and be designed to defray the administrative expenses of the International Seabed Resource Authority and of the Contracting Parties in discharging their responsibilities in the International Seabed Area.

Article 15

1. An exploitation license shall specify the minerals or categories of minerals and the precise area to which it applies. The categories established shall be those which will best promote simultaneous and efficient exploitation of different minerals.

2. Two or more licensees to whom licenses have been issued for different materials in the same or overlapping areas shall not unjustifiably interfere with each other's activities.

Article 16

The size of the area to which an exploitation license shall apply and the duration of the license shall not exceed the limits provided for in this Convention.

Article 17

Licensees must meet work requirements specified in this Convention as a condition of retaining an exploitation license prior to and after commercial production is achieved.

Article 18

Licensees shall submit work plans and production plans, as well as reports and technical data acquired under an exploitation license, to the Trustee Party or the Sponsoring Party, as appropriate, and, to the extent specified by this Convention, to the International Seabed Resource Authority.

Article 19

1. Each Contracting Party shall be responsible for inspecting, at regular intervals, the activities of licensees authorized or sponsored by it. Inspection reports shall be submitted to the International Seabed Resource Authority.

2. The International Seabed Resource Authority, on its own initiative or at the request of any interested Contracting Party, may inspect any licensed activity in cooperation with the Trustee Party or Sponsoring Party, as appropriate, in order to ascertain that the licensed operation is being conducted in accordance with this Convention. In the event the International Seabed Resource Authority believes that a violation of this Convention has occurred, it shall inform the Trustee Party or Sponsoring Party, as appropriate, and request that suitable action be taken. If, after a reasonable period of time, the alleged violation continues, the International Seabed Resource Authority may bring the matter before the Tribunal in accordance with Section E of Chapter IV.

Article 20

1. Licenses issued pursuant to this Convention may be revoked only for cause in accordance with the provisions of this Convention.

2. Expropriation of investments made, or unjustifiable interference with operations conducted, pursant to a license is prohibited.

Article 21

1. Due notice must be given, by Notices to Mariners or other recognized means of notification, of the construction or deployment of any installations or devices for the exploration or exploitation of mineral deposits, and permanent means for giving warning of their presence must be maintained. Any installations or devices extending into the superjacent waters which are abandoned or disused must be entirely removed.

2. Such installations and devices shall not possess the status of islands and shall have no territorial sea of their own.

3. Installations or devices may not be established where interference with the use of recognized sea lanes or airways is likely to occur.

B. Living Resources of the Seabed

Article 22

Subject to the provisions of Chapter III, each Contracting Party may explore and exploit the seabed living resources of the International Seabed Area in accordance with such conservation measures as are necessary to protect the living resources of the International Seabed Area and to maximize their growth and utilization.

C. Protection of the Marine Environment, Life and Property

Article 23

1. In the International Seabed Area, the International Seabed Resource Authority shall prescribe Rules and Recommended Practices, in accordance with Chapter V of this Convention, to ensure:

a. The protection of the marine environment against pollution arising from exploration and exploitation activities such as drilling, dredging, excavation, disposal of waste, construction and operation or maintenance of installations and pipelines and other devices;

b. The prevention of injury to persons, property and marine resources arising from the aforementioned activities;

c. The prevention of any unjustifiable interference with other activities in the marine environment arising from the aforementioned activities.

2. Deep drilling in the International Seabed Area shall be undertaken only in accordance with the provisions of this Convention.

D. Scientific Research

Article 24

1. Each Contracting Party agrees to encourage, and to obviate interference with, scientific research.

2. The Contracting Parties shall promote international cooperation in scientific research concerning the International Seabed Area;

a. By participating in international programs and by encouraging cooperation in scientific research by personnel of different countries;

b. Through effective publication of research programs and the results of research through international channels;

c. By cooperation in measures to strengthen the research capabilities of developing countries, including the participation of their nationals in research programs.

E. International Marine Parks and Preserves

Article 25

In consultation with the appropriate international organizations or agencies, the International Seabed Resource Authority may designate as international marine parks and preserves specific portions of the International Seabed Area that have unusual educational, scientific or recreational value. The establishment of such a park or preserve in the International Trusteeship Area shall require the approval of the appropriate Trustee Party.

CHAPTER III. THE INTERNATIONAL TRUSTEESHIP

Article 26

1. The International Trusteeship Area is that part of the International Seabed Area comprising the continental or island margin between the boundary described in Article I and a line, beyond the base of the continental slope, or beyond the base of the slope of an island situated beyond the continental slope, where the downward inclination of the surface of the seabed declines to a gradient of 1:—.[3]

2. Each Trustee Party shall permanently delineate the precise seaward boundary of the International Trusteeship Area off its coast by straight lines not exceeding 60 nautical miles in length, following the general direction of the limits specified in paragraph 1. Such lines shall connect fixed points at the limit specified in paragraph 1, defined permanently by coordinates of latitude and longitude. Areas between or landward of such points may have a surface gradient of less than 1:—. Where an elongate basin or plain having a surface gradient of less than 1:— transects an area having a gradient of more than 1:—, a straight boundary line more than 60 nautical miles in length, but not exceeding the lesser of one-fourth of the length of that part of the basin transecting the area having a gradient of more than 1:— or 120 nautical miles, may be drawn across the basin or plain.

3. Each Trustee Party shall submit the description of its boundary to the International Seabed Boundary Review Commission within five years of the entry into force of this Convention for that Party. Boundaries not accepted by that Commission and not resolved by negotiation between the Commission and the Trustee Party within one year shall be submitted by the Commission to the Tribunal for adjudication in accordance with Section E of Chapter IV.

(NOTE.—Additional consideration will be given to problems raised by enclosed and semi-enclosed seas.)

Article 27

1. Except as specifically provided for in this Chapter, the coastal State shall have no greater rights in the International Trusteeship Area off its coast than any other Contracting Party.

2. With respect to exploration and exploitation of the natural resources of that part of the International Trusteeship Area in which it acts as trustee for the interna-

[3] The precise gradient should be determined by technical experts, taking into account, among other factors, ease of determination, the need to avoid dual administration of single mineral deposits, and the avoidance of including excessively large areas in the International Trusteeship Area.

tional community, each coastal State, subject to the provisions of this Convention, shall be responsible for:

a. Issuing, suspending and revoking mineral exploration and exploitation licenses;

b. Establishing work requirements, provided that such requirements shall not be less than those specified in Appendix A;

c. Ensuring that its licensees comply with this Convention, and, if it deems it necessary, applying standards to its licensees higher than or in addition to those required under this Convention, provided such standards are promptly communicated to the International Seabed Resource Authority;

d. Supervising its licensees and their activities;

e. Exercise civil and criminal jurisdiction over its licensees, and persons acting on their behalf, while engaged in exploration or exploitation;

f. Filing reports with the International Seabed Resource Authority;

g. Collecting and transferring to the International Seabed Resource Authority all payments required by this Convention;

h. Determining the allowable catch of the living resources of the seabed and prescribing other conservation measures regarding them;

i. Enacting such laws and regulations as are necessary to perform the above functions.

3. Detailed rules to implement this Chapter are contained in Appendix C.

Article 28

In performing the functions referred to in Article 27, the Trustee Party may, in its discretion:

a. Establish the procedures for issuing licenses;

b. Decide whether a license shall be issued;

c. Decide to whom a license shall be issued, without regard to the provisions of Article 3;

d. Retain [a figure between 33⅓% and 50% will be inserted here] of all fees and payments required by this Convention;

e. Collect and retain additional license and rental fees to defray its administrative expenses, and collect, and retain [a figure between 33⅓% and 50% will be inserted here] of, other additional fees and payments related to the issuance or retention of a license, with annual notification to the International Seabed Resource Authority of the total amount collected;

f. Decide whether and by whom the living resources of the seabed shall be exploited, without regard to the provisions of Article 3.

Article 29

The Trustee Party may enter into an agreement with the International Seabed Resource Authority under which the International Seabed Resource Authority will perform some or all of the trusteeship supervisory and administrative functions provided for in this Chapter in return for an appropriate part of the Trustee Party's share of international fees and royalties.

Article 30

Where a part of the International Trusteeship Area is off the coast of two or more Contracting Parties, such Parties shall, by agreement, precisely delimit the boundary separating the areas in which they shall respectively perform their trusteeship functions and inform the International Seabed Boundary Review Commission of such delimitation. If agreement is not reached within three years after negotiations have commenced, the International Seabed Boundary Review Commission shall be requested to make recommendations to the Contracting Parties concerned regarding such delimitation. If agreement is not reached within one year after such recommendations are made, the delimitation recommended by the Commission shall take effect unless either Party, within 90 days thereafter, brings the matter before the Tribunal in accordance with Section E of Chapter IV.

CHAPTER IV.—THE INTERNATIONAL SEABED RESOURCE AUTHORITY

A. General

Article 31

1. The International Seabed Resource Authority is hereby established.

2. The principal organs of the Authority shall be the Assembly, the Council, and the Tribunal.

Article 32

The permanent seat of the Authority shall be at ————.

Article 33

Each Contracting Party shall recognize the juridical personality of the Authority. The legal capacity, privileges and immunities of the Authority shall be the same as those defined in the Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations.

B. The Assembly

Article 34

1. The Assembly shall be composed of all Contracting Parties.

2. The first session of the Assembly shall be convened ——. The Assembly shall thereafter be convened by the Council at least once every three years at a suitable time and place. Extraordinary sessions of the Assembly shall be convened at any time on the call of the Council, or the Secretary-General of the Authority at the request of one-fifth of the Contracting Parties.

3. At meetings of the Assembly a majority of the Contracting Parties is required to constitute a quorum.

4. In the Assembly each Contracting Party shall exercise one vote.

5. Decisions of the Assembly shall be taken by a majority of the members present and voting, except as otherwise provided in this Convention.

Article 35

The powers and duties of the Assembly shall be to:

a. Elect its President and other officers;

b. Elect the members of the Council in accordance with Article 36;

c. Determine its rules of procedure and constitute such subsidiary organs as it considers necessary or desirable;

d. Require the submission of reports from the Council;

e. Take action on any matter referred to it by the Council;

f. Approve proposed budgets for the Authority, or return them to the Council for reconsideration and resubmission;

g. Approve proposals by the Council for changes in the allocation of the net income of the Authority within the limits prescribed in Appendix D, or return them to the Council for reconsideration and resubmission;

h. Consider any matter within the scope of this Convention and make recommendations to the Council or Contracting Parties as appropriate;

i. Delegate such of its powers as it deems necessary or desirable to the Council and revoke or modify such delegation at any time;

j. Consider proposals for amendments of this Convention in accordance with Article 76.

C. The council

Article 36

1. The Council shall be composed of twenty-four Contracting Parties and shall meet as often as necessary.

2. Members of the Council shall be designated or elected in the following categories:

a. The six most industrially advanced Contracting Parties shall be designated in accordance with Appendix E;

b. Eighteen additional Contracting Parties, of which at least twelve shall be developing countries, shall be elected by the Assembly, taking into account the need for equitable geographical distribution.

3. At least two of the twenty-four members of the Council shall be landlocked or shelf-locked countries.

4. Elected members of the Council shall hold office for three years following the last day of the Assembly at which they are elected and thereafter until their successors are elected. Designated members of the Council shall hold office until replaced in accordance with Appendix E.

5. Representatives on the Council shall not be employees of the Authority.

Article 37

1. The Council shall elect its President for a term of three years.

2. The President of the Council may be a national or any Contracting Party, but may not serve during his term of office as its representative in the Assembly or on the Council.

3. The President shall have no vote.

4. The President shall:

a. Convene and conduct meetings of the Council;

b. Carry out the functions assigned to him by the Council.

Article 38

Decisions by the Council shall require approval by a majority of all its members, including a majority of members in each of the two categories referred to in paragraph 2 of Article 36.

Article 39

Any Contracting Party not represented on the Council may participate, without a vote, in the consideration by the Council or any of the subsidiary organs, of any question which is of particular interest to it.

Article 40

The powers and duties of the Council shall be to:

a. Submit annual reports to the Contracting Parties;

b. Carry out the duties specified in this Convention and any duties delegated to it by the Assembly;

c. Determine its rules of procedure;

d. Appoint and supervise the Commissions provided for in this Chapter, establish procedures for the coordination of their activities, and determine the terms of office of their members;

e. Establish other subsidiary organs, as may be necessary or desirable, and define their duties;

f. Appoint the Secretary-General of the Authority and establish general guidelines for the appointment of such other personnel as may be necessary;

g. Submit proposed budgets to the Assembly for its approval, and supervise their execution;

h. Submit proposals to the Assembly for changes in the allocation of the net income of the Authority within the limits prescribed in Appendix D;

i. Adopt and amend Rules and Recommended Practices in accordance with Chapter V, upon the recommendation of the Rules and Recommended Practices Commission;

j. Issue emergency orders, at the request of any Contracting Party, to prevent serious harm to the marine environment arising out of any exploration or exploitation activity and communicate them immediately to licensees, and Authorizing and Sponsoring Parties, as appropriate;

k. Establish a fund to provide emergency relief and assistance in the event of a disaster to the marine environment resulting from exploration or exploitation activities;

l. Establish procedures for coordination between the International Seabed Resource Authority, and the United Nations, its spe-

cialized agencies and other international or regional organizations concerned with the marine environment;

m. Establish or support such international or regional centers, through or in cooperation with other international and regional organizations, as may be appropriate to promote study and research of the natural resources of the seabed and to train nationals of any Contracting Party in related science and the technology of the exploration and exploitation, taking into account the special needs of developing States Parties to this Convention;

n. Authorize and approve agreements with a Trustee Party, pursuant to Article 29, under which the International Seabed Resource Authority will perform some or all of the Trustee Party's functions.

Article 41

In furtherance of Article 5, paragraph 2, of this Convention, the Council may, at the request of any Contracting Party and taking into account the special needs of developing States Parties to this Convention:

a. Provide technical assistance to any Contracting Party to further the objectives of this Convention;

b. Provide technical assistance to any Contracting Party to help it to meet its responsibilities and obligations under this Convention;

c. Assist any Contracting Party to augment its capability to derive maximum benefit from the efficient administration of the International Trusteeship Area.

D. The commissions

Article 42

1. There shall be a Rules and Recommended Practices Commission, an Operations Commission, and an International Seabed Boundary Review Commission.

2. Each Commission shall be composed of five to nine members appointed by the Council from among persons nominated by Contracting Parties. The Council shall invite all Contracting Parties to submit nominations.

3. No two members of a Commission may be nationals of the same State.

4. A member of each Commission shall be elected its President by a majority of the members of the Commission.

5. Each Commission shall perform the functions specified in this Convention and such other functions as the Council may specify from time to time.

Article 43

1. Members of the Rules and Recommended Practices Commission shall have suitable qualifications and experience in seabed resources management, ocean sciences, maritime safety, ocean and marine engineering, and mining and mineral technology and practices. They shall not be full-time employees of the Authority.

2. The Rules and Recommended Practices Commission shall:

a. Consider, and recommend to the Council for adoption Annexes to this Convention in accordance with Chapter V;

b. Collect from and communicate to Contracting Parties information which the Commission considers neecssary and useful in carrying out its functions.

Article 44

1. Members of the Operations Commission shall have suitable qualifications and experience in the management of seabed resources, and operation of marine installations, equipment and devices.

2. The Operations Commission shall:

a. Issue licenses for seabed mineral exploration and exploitation, except in the International Trusteeship Area;

b. Supervise the operations of licensees in cooperation with the Trustee or Sponsoring Party, as appropriate, but shall not itself engage in exploration or exploitation;

c. Perform such functions with respect to disputes between Contracting Parties as are specified in Section E of this Chapter;

d. Initiate proceedings pursuant to Section E of this Chapter for alleged violations of this Convention, including but not limited to proceedings for revocation or suspension of licenses;

e. Arrange for and review the collection of international fees and other forms of payment;

f. Arrange for the collection and dissemination of information relating to licensed operations;

g. Supervise the performance of the functions of the Authority pursuant to any agreement between a Trustee Party and the Authority under Article 29;

h. Issue deep drilling permits.

Article 45

1. Members of the International Seabed Boundary Review Commission shall have suitable qualifications and experience in marine hydrography, bathymetry, geodesy and geology. They shall not be full-time employees of the Authority.

2. The International Seabed Boundary Review Commission shall:

a. Review the delineation of boundaries submitted by Contracting Parties in accordance with Articles 1 and 26 to see that they conform to the provisions of this Convention, negotiate any differences with Contracting Parties, and if these differences are not resolved initiate proceedings before the Tribunal in accordance with Section E of this Chapter;

b. Make recommendations to the Contracting Parties in accordance with Article 30;

c. At the request of any Contracting Party, render advice on any boundary question arising under this Convention.

E. The Tribunal

Article 46

1. The Tribunal shall decide all disputes and advise on all questions relating to the interpretation and application of this Convention which have been submitted to it in accordance with the provisions of this Convention. In its decisions and advisory opinions the Tribunal shall also apply relevant principles of international law.

2. Subject to an authorization under Article 96 of the Charter of the United Nations, the Tribunal may request the International Court of Justice to give an advisory opinion on any question of international law.

Article 47

1. The Tribunal shall be composed of five, seven, or nine independent judges, who shall possess the qualifications required in their respective countries for appointment to the highest judicial offices, or shall be lawyers especially competent in matters within the scope of this Convention. In the Tribunal as a whole the representation of the principal legal systems of the world shall be assured.

2. No two of the members of the Tribunal may be nationals of the same State.

Article 48

1. Each Contracting Party shall be entitled to nominate candidates for membership on the Tribunal. The Council shall elect the Tribunal from a list of these nominations.

2. The members of the Tribunal shall be elected for nine years and may be re-elected, provided however, that the Council may establish procedures for staggered terms. Should such procedures be established, the judges whose terms are to expire in less than nine years shall be chosen by lots drawn by the Secretary-General.

3. The members of the Tribunal shall continue to discharge their duties until their places have been filled. Though replaced, they shall finish any cases which they may have begun.

4. A member of the Tribunal unable to perform his duties may be dismissed by the Council on the unanimous recommendation of the other members of the Tribunal.

5. In case of a vacancy, the Council shall elect a successor who shall hold office for the remainder of his predecessor's term.

Article 49

The Tribunal shall establish its rules of procedure; elect its President; appoint its Registrar and determine his duties and terms of service; and adopt regulations for the appointment of the remainder of its staff.

Article 50

1. Any Contracting Party which considers that another Contracting Party has failed to fulfill any of its obligations under this Convention may bring its complaint before the Tribunal.

2. Before a Contracting Party institutes such proceedings before the Tribunal it shall bring the matter before the Operations Commission.

3. The Operations Commission shall deliver a reasoned opinion in writing after the Contracting Parties concerned have been given the opportunity both to submit their own cases and to reply to each other's case.

4. If the Contracting Party accused of a violation does not comply with the terms of such opinion within the period laid down by the Commission, the other Party concerned may bring the matter before the Tribunal.

5. If the Commission has not given an opinion within a period of three months from the date when the matter was brought before it, either Party concerned may bring the matter before the Tribunal without waiting further for the opinion of the Commission.

Article 51

1. Whenever the Operations Commission, acting on its own initiative or at the request of any licensee, considers that a Contracting Party or a licensee has failed to fulfill any of its obligations under this Convention, it shall issue a reasoned opinion in writing on the matter after giving such party the opportunity to submit its comments.

2. If the party concerned does not comply with the terms of such opinion within the period laid down by the Commission, the latter may bring a complaint before the Tribunal.

Article 52

1. If the Tribunal finds that a Contracting Party or a licensee has failed to fulfill any of its obligations under this Convention, such party shall take the measures required for the implementation of the judgment of the Tribunal.

2. When appropriate, the Tribunal may decide that the Contracting Party or the licensee who has failed to fulfill its obligations under this Convention shall pay to the Authority a fine of not more than $1,000 for each day of the offense, or shall pay damages to the other party concerned, or both.

3. In the event the Tribunal determines that a licensee has committed a gross and persistent violation of the provisions of this Convention and has not within a reasonable time brought his operations into compliance, the Council may, as appropriate, either revoke his license or request that the Trustee Party revoke it. The licensee shall not, however, be deprived of his license if his actions were directed by a Trustee or Sponsoring Party.

Article 53

If disputes under Articles 1, 26 and 30 have not been resolved by the time and methods specified in those Articles, the International Seabed Boundary Review Commission shall bring the matter before the Tribunal.

Article 54

1. Any Contracting Party which questions the legality of measures taken by the Council, the Rules and Practices Commission, the Operations Commission, or the Seabed Boundary Review Commission on the grounds of a violation of this Convention, lack of jurisdiction, infringement of important procedural rules, unreasonableness, or misuse of powers, may bring the matter before the Tribunal.

2. Any person may, subject to the same conditions, bring a complaint to the Tribunal with regard to a decision directed to that person, or a decision which, although in the form of a rule or a decision directed to another person, is of direct concern to the complainant.

3. The proceedings provided for in this Article shall be instituted within a period of two months, dating, as the case may be, either from the publication of the measure concerned or from its notification to the complainant, or, in default thereof, from the day on which the latter learned of it.

4. If the Tribunal considers the appeal well-founded, it should declare the measure concerned to be null and void, and shall decide to what extent the annulment shall have retroactive application.

Article 55

1. The organ responsible for a measure declared null and void by the Tribunal shall be required to take the necessary steps to comply with the Tribunal's judgment.

2. When appropriate, the Tribunal may require that the Authority repair or pay for any damage caused by its organs or by its officials in the performance of their duties.

Article 56

When a case pending before a court or tribunal of one of the Contracting Parties raises a question of the interpretation of this Convention or of the validity or interpretation of measures taken by an organ of the Authority, the court or tribunal concerned may request the Tribunal to give its advice thereon.

Article 57

The Tribunal shall also be competent to decide any dispute connected with the subject matter of this Convention submitted to it pursuant to an agreement, license, or contract.

Article 58

If a Contracting Party fails to perform the obligations incumbent upon it under a judgment rendered by the Tribunal, the other Party to the case may have recourse to the Council, which shall decide upon measures to be taken to give effect to the judgment. When appropriate, the Council may decide to suspend temporarily, in whole or in part, the rights under this Convention of the Party failing to perform its obligations, without impairing the rights of licensees who have not contributed to the failure to perform such obligations. The extent of such a suspension should be related to the extent and seriousness of the violation.

Article 59

In any case in which the Council issues an order in emergency circumstances to prevent serious harm to the marine environment, any directly affected Contracting Party may request immediate review by the Tribunal, which shall promptly either confirm or suspend the application of the emergency order pending the decision of the case.

Article 60

Any organ of the International Seabed Resource Authority may request the Tribunal to give an advisory opinion on any legal question connected with the subject matter of this Convention.

F. The Secretariat

Article 61

The Secretariat shall comprise a Secretary-General and such staff as the International Seabed Resource Authority may require. The Secretary-General shall be appointed by the Council from among persons nominated by Contracting Parties. He shall serve for a term of six years, and may be reappointed.

Article 62

The Secretary-General shall:

a. Be the chief administrative officer of the International Seabed Resource Authority, and act in that capacity in all meetings of the Assembly and the Council;

b. Report to the Assembly and the Council on the work of the International Seabed Resource Authority;

c. Collect, publish and disseminate information which will contribute to mankind's knowledge of the seabed and its resources;

d. Perform such other functions as are entrusted to him by the Assembly or the Council.

Article 63

1. In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other external authority. They shall refrain from any action which might reflect on their position as international officials responsible only to the International Seabed Resource Authority.

2. Each Contracting Party shall respect the exclusively international character of the responsibilities of the Secretary-General and the staff and shall not seek to influence them in the discharge of their responsibilities.

Article 64

1. The staff of the International Seabed Resource Authority shall be appointed by the Secretary-General under the general guidelines established by the Council.

2. Appropriate staffs shall be assigned to the various organs of the Authority as required.

3. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

G. Conflicts of Interest

Article 65

No representative to the Assembly or the Council nor any member of the Tribunal, Commissions, subsidiary organs (other than advisory bodies or consultants), or the Secretariat, shall, while serving as such a representative or member, be actively associated with or financially interested in any of the operations of any enterprise concerned with exploration or exploitation of the natural resources of the International Seabed Area.

CHAPTER V. RULES AND RECOMMENDED PRACTICES

Article 66

1. Rules and Recommended Practices are contained in Annexes to this Convention.

2. Annexes shall be consistent with this Convention, its Appendices, and any amendments thereto. Any Contracting Party may challenge an Annex, an amendment to an Annex, or any of their provisions, on the grounds that it is unnecessary, unreasonable or constitutes a misuse of powers, by bringing the matter before the Tribunal in accordance with Article 54.

3. Annexes shall be adopted and amended in accordance with Article 67. Those Annexes adopted along with this Convention, if any, may be amended in accordance with Article 67.

Article 67

The Annexes to this Convention and amendments to such Annexes shall be adopted in accordance with the following procedure:

a. They shall be prepared by the Rules and Recommended Practices Commission and submitted to the Contracting Parties for comments;

b. After receiving the comments, the Commission shall prepare a revised text of the Annex or amendments thereto;

c. The text shall then be submitted to the Council which shall adopt it or return it to the Commission for further study;

d. If the Council adopts the text, it shall submit it to the Contracting Parties;

e. The Annex or an amendment thereto shall become effective within three months after its submission to the Contracting Parties, or at the end of such longer period of time as the Council may prescribe, unless in the meantime more than one-third of the Contracting Parties register their disapproval with the Authority;

f. The Secretary-General shall immediately notify all Contracting States of the coming into force of any Annex or amendment thereto.

Article 68

1. Annexes shall be limited to the Rules and Recommended Practices necessary to:

a. Fix the level, basis, and accounting procedures for determining international fees and other forms of payment, within the ranges specified in Appendix A;

b. Establish work requirements within the ranges specified in Appendices A and B;

c. Establish criteria for defining technical and financial competence of applicants for licenses;

d. Assure that all exploration and exploitation activities, and all deep drilling, are conducted with strict and adequate safeguards for the protection of human life and safety and of the marine environment;

e. Protect living marine organisms from damage arising from exploration and exploitation activities;

f. Prevent or reduce to acceptable limits interference arising from exploration and exploitation activities with other uses and users of the marine environment;

g. Assure safe design and construction of fixed exploration and exploitation installations and equipment;

h. Facilitate search and rescue services, including assistance to aquanauts, and the reporting of accidents;

i. Prevent unnecessary waste in the extraction of minerals from the seabed;

j. Standardize the measurement of water depth and the definition of other natural features pertinent to the determination of the precise location of International Seabed Area boundaries;

k. Prescribe the form in which Contracting Parties shall describe their boundaries and the kinds of information to be submitted in support of them;

l. Encourage uniformity in seabed mapping and charting;

m. Facilitate the management of a part of the international trusteeship area pursuant to any agreement between a Trustee Party and the Authority under Article 29;

n. Establish and prescribe conditions for the use of international marine parks and preserves;

2. Application of any Rule or Recommended Practice may be limited as to duration or geographic area, but without discrimination against any Contracting Party or licensee.

Article 69

The Contracting Parties agree to collaborate with each other and the appropriate Commission in securing the highest prac-

ticable degree of uniformity in regulations, standards, procedures and organizations in relation to the matters covered by Article 68 in order to facilitate and improve seabed resources exploration and exploitation.

Article 70

Annexes and amendments thereto shall take into account existing international agreements and, where appropriate, shall be prepared in collaboration with other competent international organizations. In particular, existing international agreements and regulations relating to safety of life at sea shall be respected.

Article 71

1. Except as otherwise provided in this Convention, the Annexes and amendments thereto adopted by the Council shall be binding on all Contracting Parties.

2. Recommended Practices shall have no binding effect.

Article 72

Any Contracting Party believing that a provision of an Annex or an amendment thereto cannot be reasonably applied because of special circumstances may seek a waiver from the Operations Commission and if such waiver is not granted within three months, it may appeal to the Tribunal within an additional period of two months.

CHAPTER VI. TRANSITION

Article 73

1. There shall be due protection for the integrity of investments made in the International Seabed Area prior to the coming into force of this Convention.

2. All authorizations by a Contracting Party to exploit the mineral resources of the International Seabed Area granted prior to July 1, 1970, shall be continued without change after the coming into force of this Convention provided that:

a. Activities pursuant to such authorizations shall, to the extent possible, be conducted in accordance with the provisions of this Convention;

b. New activities under such previous authorization which are begun after the coming into force of this Convention shall be subject to the regulatory provisions of this Convention regarding the protection of human life and safety and of the marine environment and the avoidance of unjustifiable interference with other uses of the marine environment;

c. Upon the expiration or relinquishment of such authorizations, or upon their revocation by the authorizing Party, the provisions of this Convention shall become fully applicable to any exploration or exploitation of resources remaining in the areas included in such authorizations;

d. Contracting Parties shall pay to the International Seabed Resource Authority, with respect to such authorizations, production payments provided for under this Convention.

3. A Contracting Party which has authorized exploitation of the mineral resources of the International Seabed Area on or after July 1, 1970, shall be bound, at the request of the person so authorized, either to issue new licenses under this Convention in its capacity as a Trustee Party, or to sponsor the application of the person so authorized to receive new licenses from the International Seabed Resource Authority. Such new license issued by a Trustee Party shall include the same terms and conditions as its previous authorization, provided that such license shall not be inconsistent with this Convention, and provided further that the Trustee Party shall itself be responsible for complying with increased obligations resulting from the application of this Convention, including fees and other payments required by this Convention.

4. The provisions of paragraph 3 shall apply within one year after this Convention enters into force for the Contracting Party concerned, but in no event more than five years after the entry into force of this Convention.

5. Until converted into new licenses under paragraph 3, all authorizations issued on or after July 1, 1970, to exploit the mineral resources of the International Seabed Area shall have the same status as authorizations under paragraph 2. Five years after the entry into force of this Convention all such authorizations not converted into new licenses under paragraph 3 shall be null and void.

6. Any Contracting Party that has authorized activities within the International Seabed Area after July 1, 1970, but before this Convention has entered into force for such Party, shall compensate the licensee for any investment losses resulting from the application of this Convention.

Article 74

1. The membership of the Tribunal, the Commissions, and the Secretariat shall be maintained at a level commensurate with the tasks being performed.

2. In the period before the International Seabed Resource Authority acquires income sufficient for the payment of its administrative expenses the Authority may borrow funds for the payment of those expenses. The Contracting Parties agree to give sympathetic consideration to requests by the Authority for such loans.

CHAPTER VII. DEFINITIONS

Article 75

Unless another meaning results from the context of a particular provision, the following definitions shall apply:

1. "Convention" refers to all provisions of and amendments to this Convention, its Appendices, and its Annexes.

2. "Trustee Party" refers to the Contracting Party exercising trusteeship functions in that part of the International Trusteeship Area off its coast in accordance with Chapter III.

3. "Sponsoring Party" refers to a Contracting Party which sponsors an application for a license or permit before the International Seabed Resource Authority. The term "sponsor" is used in this context.

4. "Authorizing Party" refers to a Contracting Party authorizing any activity in the International Seabed Area, including a Trustee Party issuing exploration or exploitation licenses. The term "authorize" is used in this context. In the case of a vessel, the term "Authorizing Party" shall be deemed to refer to the State of its nationality.

5. "Operating Party" refers to a Contracting Party which itself explores or exploits the natural resources of the International Seabed Area.

6. "Licensee" refers to a State, group of States, or natural or juridicial person holding a license for exploration or exploitation of the natural resources of the International Seabed Area.

7. "Exploration" refers to any operation in the International Seabed Area which has as its principal or ultimate purpose the discovery and appraisal, or exploitation, of mineral deposits, and does not refer to scientific research. The term does not refer to similar activities when undertaken pursuant to an exploitation license.

8. "Deep drilling" refers to any form of drilling or excavation in the International Seabed Area deeper than 300 meters below the surface of the seabed.

9. "Landlocked or shelf-locked country" refers to a Contracting Party which is not a Trustee Party.

CHAPTER VIII. AMENDMENT AND WITHDRAWAL

Article 76

Any proposed amendment to this Convention or the appendices thereto which has been approved by the Council and a two-thirds vote of the Assembly shall be submitted by the Secretary-General to the Contracting Parties for ratification in accordance with their respective constitutional processes. It shall come into force when ratified by two-thirds of the Contracting Parties, including each of the six States designated pursuant to subparagraph 2(a) of Article 36 at the time the Council approved the amendments. Amendments shall not apply retroactively.

Article 77

1. Any Contracting Party may withdraw from this Convention by a written notification addressed to the Secretary-General. The Secretary-General shall promptly inform the other Contracting Parties of any such withdrawal.

2. The withdrawal shall take effect one year from the date of the receipt by the Secretary-General of the notification.

CHAPTER IX. FINAL CLAUSES

Article 78

APPENDIX A. TERMS AND PROCEDURES APPLYING TO ALL LICENSES IN THE INTERNATIONAL SEABED AREA

1. Activities requiring a license or a permit

1.1. Pursuant to Article 13 of this Convention, all exploration and exploitation operations in the International Seabed Area which have as their principal or ultimate purpose the discovery or appraisal, and exploitation, of mineral deposits shall be licensed.

1.2. There shall be two categories of licenses:

(a) A non-exclusive exploration license shall authorize geophysical and geochemical measurements, and bottom sampling, for the purposes of exploration. This license shall not be restricted as to area and shall grant no exclusive right to exploration nor any preferential right in applying for an exploitation license. It shall be valid for two years following the date of its issuance and shall be renewable for successive two-year periods.

(b) An exploitation license shall authorize exploration and exploitation of one of the groups of minerals described in section 5 in a specified area. The exploitation license shall include the exclusive right to undertake deep drilling and other forms of subsurface entry for the purpose of exploration and exploitation of minerals described in paragraphs 5.1 (a) and 5.1(c). The license shall be for a limited period and shall expire at the end of fifteen years if no commercial production is achieved.

1.3. The right to undertake deep drilling for exploration or exploitation shall be granted only under an exploitation license.

1.4. Deep drilling for purposes other than exploration or exploitation of seabed minerals shall be authorized under a deep-drilling permit issued at no charge by the International Seabed Resource Authority, provided that:

(a) The application is accompanied by a statement from the Sponsoring Party certifying as to the applicant's technical competence and accepting liability for any damages that may result from such drilling;

(b) The application for such a permit is accompanied by a description of the location proposed for such holes, by seismograms and other pertinent information on the geology in the vicinity of the proposed drilling sites, and by a description of the equipment and procedures to be utilized;

(c) The proposed drilling, including the methods and equipment to be utilized, complies with the requirements of this Convention and is judged by the Authority not to pose an uncontrollable hazard to human safety, property, and the environment;

(d) The proposed drilling is either not within an area already under an exploitation

license or is not objected to by the holder of such a license.

(e) The applicant agrees to make available promptly the geologic information obtained from such drilling to the Authority and the public.

2. General license procedures

2.1. An Authorizing or Sponsoring Party shall certify the operator's financial and technical competence and shall require the operator to conform to the rules, provisions and procedures specified under the terms of the license.

2.2. Each Authorizing or Sponsoring Party shall formulate procedures to ensure that applications for licenses are handled expeditiously and fairly.

2.3. Any Authorizing or Sponsoring Party which considers that it is unable to exercise appropriate supervision over operators authorized or sponsored by it in accordance with this Convention shall be permitted to authorize or sponsor operators only if their operations are supervised by the International Seabed Resource Authority pursuant to an agreement between the Authorizing or Sponsoring Party and the International Seabed Resource Authority. In such event fees and rentals normally payable to the International Seabed Resource Authority will be increased appropriately to offset its supervisory costs.

3. Exploration licenses—Procedures

3.1. All applications for exploration licenses and for their renewal shall be accompanied by a fee of from $500 to $1,500 as specified in an Annex and a description of the location of the general area to be investigated and the kinds of activities to be undertaken. A portion (a figure between 50% and 66⅔% will be inserted here) of the fee shall be forwarded by the Authorizing or Sponsoring Party to the Authority together with a copy of the application.

3.2. The Authorizing or Sponsoring Party shall transmit to the Authority the description referred to in paragraph 3.1 and its assurance that the activities will not be harmful to the marine environment.

3.3. The Authorizing or Sponsoring Party may require the operator to pay and may retain an additional license fee not to exceed $3,000, to help cover the administrative expenses of that Party.

3.4. Exploration licenses shall not be renewed in the event the operator has failed to conform his activities under the prior license to the provisions of this Convention or to the conditions of the license.

4. Exploitation licenses—procedures

4.1. All applications for exploitation licenses shall be accompanied by a fee of from $5,000 to $15,000, per block, as specified in an Annex. A portion [a figure between 50% and 66⅔% will be inserted here] of the fee shall be forwarded by the Authorizing or Sponsoring Party to the Authority together with a copy of the application.

4.2. Pursuant to section 5 below, applications shall identify the category of minerals in the specific area for which a license is sought.

4.3. When a license is granted to an applicant for more than one block at the same time, only a single certificate need be issued.

4.4. The Authorizing or Sponsoring Party may require the operator to pay, and may retain, an additional license fee not to exceed $30,000, to help cover the administrative expenses of that Party.

4.5. The license fee described in paragraph 4.1 shall satisfy the first two years' rental fee.

5. Exploitation rights—categories and size of blocks

5.1. Licenses to exploit shall be limited to one of the following categories of minerals:

(a) Fluids or minerals extracted in a fluid state, such as oil, gas, helium, nitrogen, carbon dioxide, water, geothermal energy, sulfur and saline minerals.

(b) Manganese-oxide nodules and other minerals at the surface of the seabed.

(c) Other minerals, including category (b) minerals that occur beneath the surface of the seabed and metalliferous muds.

5.2. An exploitation license shall be issued for a specific area of the seabed and subsoil vertically below it, hereinafter referred to as a "block". The methods for defining the boundaries of blocks, and of portions thereof, shall be specified in an Annex.

5.3. In the category described in paragraph 5.1(a) the block shall be approximately 500 square kilometers, which shall be reduced to a quarter of a block when production begins. Each exploitation license shall apply to not more than one block, but exploitation licenses to a rectangle containing as many as 16 contiguous blocks may be taken out under a single certificate and reduced by three quarters to a number of blocks, a single block, or a portion of a single block when production begins. The relinquishment requirement shall not apply to licenses issued for areas of one quarter of a block or less.

5.4. In the category described in paragraph 5.1(b) the block shall be approximately 40,000 square kilometers, which shall be reduced to a quarter of a block when production begins. Each exploitation license shall apply to not more than one block, but exploitation licenses to a rectangle containing as many as four contiguous blocks may be taken out under a single certificate and reduced to a single block, or to a portion of a single block comprising one-fourth their total area, when production begins. The relinquishment requirement shall not apply to licenses issued for areas of one quarter of a block or less.

5.5. In the category described in paragraph 5.1(c) the block shall be approximately 500 square kilometers, which shall be reduced to one eighth of a block when production begins. Each license shall apply to not more than one block, but exploitation licenses to as many as 8 contiguous blocks may be taken out under a single certificate and reduced to a single block, or to a portion of a single block comprising one eighth their total area, when production begins. The relinquishment shall not apply to licenses issued for one eighth of a block or less.

5.6. Applications for exploitation licenses may be for areas smaller than the maximum stated above.

5.7. Operators may at any time relinquish rights to all or part of the licensed area.

5.8. Commercial production shall be deemed to have commenced or to be maintained when the value at the site of minerals exploited is not less than $100,000 per annum. The required minimum and the method of ascertaining this value shall be determined by the Authority.

5.9. If the commercial production is not maintained, the exploitation license shall expire within five years of its cessation, but when production is interrupted or suspended for reasons beyond the operator's control, the duration of the license shall be extended by a time equal to the period in which production has been suspended for reasons beyond the operator's control.

6. Rental fees and work requirements

Rental Fees

6.1. Prior to attaining commercial production the following annual rental fees shall be paid beginning in the third year after the license has been issued: (a) $2–$10 per square kilometer, as specified in an appropriate Annex, for the category of minerals described in paragraph 5.1(a); $2–$10 per 100 square kilometers for the category of minerals described in paragraph 5.1(b) of Appendix A; $2–$10 per square kilometer for the category of minerals described in paragraph 5.1(c).

6.2. The rates in paragraph 6.1 shall increase at the rate of 10% per annum, calculated on the original base rental fee, for the first ten years after the third year, and shall increase 20% per annum for the following two years, calculated on the original base rental fee.

6.3. After commercial production begins, the annual rental fee shall be $5,000–$25,000 per block, regardless of block size.

6.4. The rental fee shall be payable annually in advance to the Authorizing or Sponsoring Party which shall forward a portion [a figure between 50% and 66⅔% will be inserted here] of the fees to the Authority. The Authorizing or Sponsoring Party may require the operator to pay, and may retain, an additional rental fee, not to exceed an amount equal to the amount paid pursuant to paragraphs 6.1–6.3, to help cover the administration expenses of that Party.

Work Requirements

6.5. Prior to attaining commercial production, the operator shall deposit a work requirement fee or post a sufficient bond for that amount, for each license at the beginning of each year.

6.6. The minimum annual work requirement fee for each block shall increase in accordance with the following schedule:

Paragraph 5.1(a) and (c) minerals

Years:	*Amounts per annum*
1 to 5	$20,000
6 to 10	180,000
11 to 15	200,000
	2,000,000

Paragraph 5.1(b) minerals

Years:	*Amounts per annum*
1 to 2	$20,000
3 to 10	120,000
11 to 15	200,000
	2,000,000

The minimum annual work requirement for a portion of a block shall be an appropriate fraction of the above, to be specified in an Annex.

6.7. The work requirement fee shall be refunded to the operator upon receipt of proof by the Authorizing Party or Sponsoring Party that the amount equivalent to the fee has been expended in actual operations. Expenditures for on-land design or process research and equipment purchase or off-site construction cost directly related to the licensed block or group of blocks shall be considered to apply toward work requirements up to 75% of the amount required.

6.8. Expenditures in excess of the required amount for any given year shall be credited to the requirement for the subsequent year or years.

6.9. In the absence of satisfactory proof that the required expenditure has been made in accordance with the foregoing provisions of this section, the deposit will be forfeited.

6.10. If cumulative work requirement expenditures are not met at the end of the initial five-year period, the exploitation license shall be forfeited.

6.11. After commercial production begins the operator shall make an annual deposit of at least $100,000 at the beginning of each year; or shall post a sufficient bond for that amount, which shall be refunded in an amount equivalent to expenditures on or related to the block and the value of production at the site.

6.12. If production is suspended or delayed for reasons beyond the operator's control, the operator shall not be required to make the deposit or post the bond required in subparagraph 6.11.

7. Submission of work plans and data under exploitation licenses prior to commencement of commercial production

7.1. Exploitation license applications shall be accompanied by a general description of the work to be done and the equipment and methods to be used. The licensee shall submit subsequent changes in his work plan to the Sponsoring or Authorizing Party for review.

7.2. The licensee shall furnish reports at specified intervals to the Authorizing or Sponsoring Party supplying proof that he has fulfilled the specified work requirements. Copies of such reports shall be forwarded to the Authority.

7.3. The license shall maintain records of drill logs, geophysical data and other data acquired in the area to which his license refers, and shall provide access to them to the Authorizing or Sponsoring Party on request.

7.4. At intervals of five years, or when he relinquishes his rights to all or part of the area or when he submits a production plan as described in Section 8, the operator shall transmit to the Authorizing or Sponsoring Party such maps, seismic sections, logs, assays, or reports as are specified in an Annex to this Convention. The Authorizing or Sponsoring Party shall hold such data in confidence for ten years after receipt, but shall make the data available on request to the Authority for its confidential use in the inspection of operations.

7.5. The data referred to in paragraph 7.4 shall be transmitted to the Authority ten years after receipt by the Authorizing or Sponsoring Party, and made available by the Authority for public inspection. Such data shall be transmitted to the Authority immediately upon revocation of a license.

8. Production plan and producing operations

8.1. Prior to beginning commercial production the licensee shall submit a production plan to the Authorizing or Sponsoring Party and through such Party to the Authority.

8.2. The Authorizing or Sponsoring Party and the Authority shall require such modifications in the plan as may be necessary for it to meet the requirements of this Convention.

8.3. Any change in the licensee's production plan shall be submitted to the Authorizing or Sponsoring Party and through such Party to the Authority for their review and approval.

8.4. Not later than three months after the end of each year from the issuance of the license the licensee shall transmit to the Authorizing or Sponsoring Party for forwarding to the Authority production reports and such other data as may be specified in an Annex to this Convention.

8.5. The operator shall maintain geologic, geophysical and engineering records and shall provide access to them to the Authorizing or Sponsoring Party on its request. In addition, the operator shall submit annually such maps, sections, and summary reports as are specified in Annexes to this Convention.

8.6. The Sponsoring or Authorizing Party shall hold such maps and reports in confidence for ten years from the time received but shall make them available on request to the Authority for its confidential use in the inspection of operations.

8.7. Such maps and reports shall be transmitted to the authority and shall be made available by it for public inspection not later than ten years after receipt by the Sponsoring or Authorizing Party.

9. Unit operations

9.1. Accumulations of fluids and other minerals that can be made to migrate from one block to another and that would be most rationally mined by an operation under the control of a single operator but that lie astride the boundary of adjacent blocks licensed to different operators shall be brought into unit management and production.

9.2. With respect to deposits lying astride the seaward boundary of the International Trusteeship Area, the Operations Commission shall assure unit management and production, giving the Trustee and Sponsoring Parties and their licensees a reasonable time to reach agreement on an operation plan.

10. Payments on production

10.1. When commercial production begins under an exploitation license, the operator shall pay a cash production bonus of $500,000 to $2,000,000 per block, as specified in an Annex to this Convention, to the Authorizing or Sponsoring Party.

10.2. Thereafter, the operator shall make payments to the Authorizing or Sponsoring Party which are proportional to production, in the nature of total payments ordinarily made to governments under similar conditions. Such payments shall be equivalent to 5 to 40 percent of the gross value at the site of oil and gas, and 2 to 20 percent of the gross value at the site of other minerals, as specified in an Annex to this Convention. The total annual payment shall not be less than the annual rental fee under paragraph 6.3.

10.3. The Sponsoring Party shall forward all payments under this section to the Authority. The Authorizing Party shall forward a portion [a figure between 50% and 66⅔% will be inserted here] of such payments to the Authority.

11. Graduation of payments according to environment and other factors

11.1. The levels of payments and work requirements, as well as the rates at which such payments and work requirements escalate over time, may be graduated to take account of probable risk and cost to the investor, including such factors as water depth, climate, volume of production, proximity to existing production, or other factors affecting the economic rent that can reasonably be anticipated from mineral production in a given area.

11.2. Any graduated levels and rates shall be described and categorized in an Annex in such a way as to affect all licensees in each category equally and not to discriminate against or favor individual Parties or groups of Parties, or their nationals.

11.3. Any increases in such levels of payments or requirements shall apply only to new licenses or renewals and not to those already in force.

12. Liability

12.1. The operator and his Authorizing or Sponsoring Party, as appropriate, shall be liable for damage to other users of the marine environment and for clean-up and restoration costs of damage to the land environment.

12.2. The Authorizing or Sponsoring Party, as appropriate, shall require operators to subscribe to an insurance plan or provide other means of guaranteeing responsibility, adequate to cover the liability described in paragraph ____.

(*Note:* More detailed provisions on liability should be included.)

13. Revocation

13.1. In the event of revocation pursuant to Article 52 of this Convention, there shall be no reimbursement for any expense incurred by the licensee prior to the revocation. The licensee shall, however, have the right to recover installations or equipment within six months of the date of the revocation of his license. Any installations or devices not removed by that time shall be removed and disposed of by the Authority, or the Authorizing or Sponsoring Party, at the expense of the licensee.

14. International fees and payments

14.1. The Authority shall specify the intervals at which fees and other payments collected by an Authorizing or Sponsoring Party shall be transmitted.

14.2. No Contracting Party shall impose or collect any tax, direct or indirect, on fees and other payments to the Authority.

14.3. All fees and payments required under this Convention shall be those in force at the time a license was issued or renewed.

14.4. All fees and payments to the Authority shall be transmitted in convertible currency.

APPENDIX B. TERMS AND PROCEDURES APPLYING TO LICENSES IN THE INTERNATIONAL SEABED AREA BEYOND THE INTERNATIONAL TRUSTEESHIP AREA

1. Entities entitled to obtain licenses

1.1. Contracting Parties or a group of Contracting Parties, one of which shall act as the operating or sponsoring Party for purposes of fixing operational or supervisory responsibility, are authorized to apply for and obtain exploration and exploitation licenses. Any Contracting Party or group of Contracting Parties, which applies for a license to engage directly in exploration or exploitation, shall designate a specific agency to act as operator on its behalf for the purposes of this Convention.

1.2. Natural or juridical persons are authorized to apply for and obtain exploration and exploitation licenses from the International Seabed Resource Authority if they are sponsored by a Contracting Party.

2. Exploration licenses—procedures

2.1. Licenses shall be issued promptly by the Authority through the Sponsoring Party to applicants meeting the requirements specified in Appendix A.

3. Exploitation licenses—procedures

3.1. The Sponsoring Party shall certify as to the technical and financial competence of the operator, and shall transmit the operator's work plan.

3.2. An application for an exploitation license shall be preceded by a notice of intent to apply for a license submitted by the operator to the Authority and the prospective Sponsoring Party. Such a notice of intent, when accompanied by evidence of the deposit of the license fee referred to in paragraph 4.1 to Appendix A, shall reserve the block for one hundred and eighty days. Notices of intent may not be renewed.

3.3. Notices of intent shall be submitted sealed to the Authority and opened at monthly intervals at previously announced times.

3.4. Subject to the compliance with these procedures, if only one notice of intent has been received for a particular block, the applicant shall be granted a license, except as provided in paragraphs 3.6.–3.8.

3.5. If more than one notice of intent to apply for a license for the same block or portion thereof is received at the same opening, the Authority shall notify the applicants and their Sponsoring Parties that the exploitation license to the block or portion thereof will be sold to the highest bidder at a sale to be held one hundred and eighty days later, under the following terms:

(a) The bidding shall be on a cash bonus basis and the minimum bid shall be twice the license fee;

(b) Bids shall be sealed;

(c) The bidding shall be limited to such of the original applicants whose applications have been received in the interim from their sponsoring Parties;

(d) Bids shall be announced publicly by the Authority when they are opened. In the event of a tie, the tie bidders shall submit a second sealed bid to be opened 28 days later;

(e) The final award shall be announced

publicly by the Authority within seven days after the bids have been opened.

3.6. In the event of the termination, forfeiture, or revocation of an exploitation license to a block, or relinquishment of a part of a block, the block or portion thereof will be offered for sale by sealed competitive bidding on a cash bonus basis in addition to the current license fee. The following provisions shall apply to such a sale:

(a) The availability of such a block or portion thereof, for bidding shall be publicly announced by the Authority as soon as possible after it becomes available, and a sale following the above procedures shall be held within one hundred and eighty days after a request for an exploitation license on the block has been received;

(b) The bidding shall be open to all sponsored operators, including, except in the case of revocation, the operator who previously held the exploitation license to the block or to the available portion thereof;

(c) If the winning bid is submitted by an operator who previously held the exploitation right to the same block, or to the same portion thereof, the work requirement will begin at the level that would have applied if the operator had continuously held the block.

3.7. Blocks, or portions thereof, contiguous to a block on which production has begun shall also be sold by sealed competitive bidding under the terms specified in paragraph 3.6.

3.8. Blocks, or separate portions thereof, from which hydrocarbons or other fluids are being drained, or are believed to be drained, by production from another block shall be offered for sale by sealed competitive bidding under the terms specified in paragraph 3.7 at the initiative of the Authority.

3.9. Geologic and other data concerning blocks or portions thereof open for bidding pursuant to paragraph 3.6.–3.8. which are no longer confidential shall be made available to the public prior to the bidding data. Data on blocks, or separate portions thereof, for which the license has been revoked for violations shall be made available to the public within 30 days after revocation.

3.10. Exploitation licenses shall only be transferable with the approval of the Sponsoring Party and the Authority, provided that the transferee meets the requirements of this Convention, is sponsored by a Contracting Party, and a transfer fee is paid to the Authority in the amount of $250,000. This fee shall not apply in transfers between parts of the same operating enterprise.

4. Duration of exploitation licenses

4.1. If commercial production has been achieved within fifteen years after the license has been issued, the exploitation license shall be extended automatically for twenty additional years from the date commercial production has commenced.

4.2. At the completion of the twenty-year production period referred to in paragraph 4.1, the operator with the approval of the Sponsoring Party shall have the option to renew his license for another twenty years at the rental fees and payment rates in effect at the time of renewal.

4.3. At the end of the forty-year term, or earlier if the license is voluntarily relinquished or expires, pursuant to paragraph 5.9 of Appendix A, the block or blocks, or separate portions of blocks, to which the license applied shall be offered for sale by competitive bidding on a cash bonus basis. The previous licensee shall have no preferential right to such block, or separate portion thereof.

5. Work requirements

5.1. The annual work requirement fee per block shall be specified in an Annex in accordance with the following schedule:

Paragraph 5.1(a) and (c) minerals

Years:	Amount per annum	
1 to 5	$20,000–	60,000
6 to 10	180,000–	540,000
11 to 15	200,000–	600,000
Total	2,000,000–	6,000,000

Paragraph 5.1(b) minerals

Years:	Amount per annum	
1 to 2	$20,000–	60,000
3 to 10	120,000–	360,000
11 to 15	200,000–	600,000
Total	2,000,000–	6,000,000

The minimum annual work requirement for a portion of a block shall be an appropriate fraction of the above, to be specified in an Annex.

5.2. Work expenditures with respect to one or more blocks may be considered as meeting the aggregate work requirements on a group of blocks originally licensed in the same year, to the same operator, in the same category, provided that the number of such blocks shall not exceed sixteen in the case of category. 5.1(a) of Appendix A, four in the case of category 5.1(b) and eight in the case of category 5.1(c).

5.3. Should the aggregate work requirement expenditure of $2,000,000 to $6,000,000 be spent prior to the end of the thirteenth year, an additional work requirement of $25,000–$50,000 as specified in an Annex, shall be met until commercial production begins or until the expiration of the fifteen-year period.

5.4. After commercial production begins the operator shall at the beginning of each year, deposit $100,000 to $200,000 as specified in an Annex, or with the Sponsoring Party post a bond for that amount. Such deposit or bond shall be returned in an amount equivalent to expenditures on or related to the block and the value of production at the site. A portion [a figure between 50% and 66⅔% will be inserted here] of any funds not returned shall be transmitted to the Authority.

6. Unit Management

The Operations Commission shall assure unit management and production pursuant to Section 9 of Appendix A, giving the licensees and their Sponsoring Parties a reasonable time to reach agreement on a plan for unit operation.

APPENDIX C.—TERMS AND PROCEDURES FOR LICENSES IN THE INTERNATIONAL TRUSTEESHIP AREA

1. General

1.1 Unless otherwise specified in this Convention, all provisions of this Convention except those in Appendix B shall apply to the International Trusteeship Area.

2. Entities Entitled to Obtain Licenses

2.1. The Trustee Party, pursuant to Chapter III, shall have the exclusive right, in its discretion, to approve or disapprove applications for exploration and exploitation licenses.

3. Exploration and Exploitation Licenses

3.1. The Trustee Party may use any system for issuing and allocating exploration and exploitation licenses.

3.2. Copies of licenses issued shall be forwarded to the Authority.

4. Categories and Size of Blocks

4.1. The Trustee Party may license separately one or more related minerals of the categories listed in paragraph 5.1 of Appendix A.

4.2. The Trustee Party may establish the size of the block for which exploitation licenses are issued within the maximum limits specified in Appendix A.

5. Duration of Exploitation Licenses

5.1. The Trustee Party may establish the term of the exploitation license and the conditions if any, under which it may be renewed, provided that its continuance after the first 15 years is contingent upon the achievement of commercial production.

6. Work requirements

6.1. The Trustee Party may set the work requirements at or above those specified in Appendix A and put these in terms of work to be done rather than funds to be expended.

7. Unit management

7.1. When a deposit most rationally extracted under unit management lies wholly within the International Trusteeship Area, or astride its landward boundary, the Trustee Party concerned shall assure unit management and production pursuant to Section 9.1 of Appendix A, and shall submit the plan for unit operation to the Operations Commission.

7.2. With respect to deposits lying astride a boundary between two Trustee Parties in the International Trusteeship Area, such Parties shall agree on a plan to assure unit management and production, and shall submit the operation plan to the Operations Commission.

8. Proration

8.1. The Trustee Party may establish proration, to the extent permitted by its domestic law.

9. Payments

9.1. Pursuant to Subparagraph (e) of Article 28, the Trustee Party may collect fees and payments related to the issuance or retention of a license in addition to those specified in this Convention, including but not limited to payments on production higher than those required by this Convention.

9.2. The Trustee Party shall transfer to the Authority a portion [a figure between 50% and 66⅔% will be inserted here] of the fees and payments referred to in paragraph 9.1 except as otherwise provided in paragraphs 3.3, 4.4 and 6.4 of Appendix A.

(Note: Further study is required on the means to assure equitable application of the principle contained in paragraph 9.2 to socialist and non-socialist parties and their operations.)

10. Standards

10.1. The Trustee Party may impose higher operating, conservation, pollution, and safety standards than those established by the Authority, and may impose additional sanctions in case of violations of applicable standards.

11. Revocation

11.1. The Trustee Party may suspend or revoke licenses for violation of this Convention, or of the rules it has established pursuant thereto, or in accordance with the terms of the license.

APPENDIX D. DIVISION OF REVENUE

1. Disbursements

1.1. All disbursements shall be made out of the net income of the Authority, except as otherwise provided in paragraph 2 of Article 74.

2. Administrative expenses of the International Seabed Resource Authority

2.1. The Council, in submitting the proposed budget to the Assembly shall specify what proportion of the revenues of the Authority shall be used for the payment of the administrative expenses of the Authority.

2.2. Upon approval of the budget by the Assembly, the Secretary-General is authorized to use the sums allotted in the budget for the expenses specified therein.

3. Distribution of the net income of the authority

3.1. The net income, after administrative expenses, of the Authority shall be used to

promote the economic advancement of developing States Parties to this Convention and for the purposes specified in paragraph 2 of Article 5, and in other Articles of this Convention.

3.2. The portion to be devoted to economic advancement of developing States Parties to this Convention shall be divided among the following international development organizations as follows:

(*Note:* A list of international and regional development organizations should be included here, indicating percentages assigned to each organization.)

3.3. The Council shall submit to the Assembly proposals for the allocation of the income of the Authority within the limits prescribed by this Appendix.

3.4. Upon approval of the allocation by the Assembly, the Secretary-General is authorized to distribute the funds.

APPENDIX E. DESIGNATED MEMBERS OF THE COUNCIL

1. Those six Contracting Parties which are both developed States and have the highest gross national product shall be considered as the six most industrially advanced Contracting Parties.

2. The six most industrially advanced Contracting Parties at the time of the entry into force of this Convention shall be deemed to be: ----------. They shall hold office until replaced in accordance with this Appendix.

3. The Council, prior to every regular session of the Assembly, shall decide which are the six most industrially advanced Contracting Parties. It shall make rules to ensure that all questions relating to the determination of such Contracting Parties are considered by an impartial committee before being decided by the Council.

4. The Council shall report its decision to the Assembly, together with the recommendations of the impartial committee.

5. Any replacements of the designated members of the Council shall take effect on the day following the last day of the Assembly to which such a report is made.

STATEMENT BY AMBASSADOR JAMES F. LEONARD AT THE 492D PLENARY MEETING, SEPTEMBER 1, 1970

Mr. Chairman: This Committee has traveled a long and difficult road during the past year. Today, the delegations of the Soviet Union and the United States have tabled a new revised draft of the seabeds treaty, which has consumed so much of our collective energies. This draft represents the culmination of a negotiating process which had been under way for quite some time even last October, when the two delegations presented the first joint draft.

As is abundantly evident from the history of the Committee's work since that time, the Co-Chairmen put forth that joint proposal in a spirit of willingness to negotiate. The thoughtful and energetic participation of all delegations has led to a profound improvement in the treaty, making it both more effective and much more widely acceptable in the international community. In the process, we believe, this Committee has been substantially strengthened.

I shall comment only briefly on the amendments which have been incorporated in the new draft since they are already familiar to members of the Committee as a result of extensive formal and informal consultations.

A number of changes have been made in Article III in order to take into account the views of certain delegations concerning means of avoiding any implication of prejudice to differing positions on law-of-the-sea issues. In this connection, I want to emphasize again a point which has been fundamental to these negotiations: all the provisions of this treaty, including those relating to verification through observation as well as other verification activities, are designed to ensure that the treaty will accomplish its arms limitation purposes; the provisions of the treaty are not intended to affect any of the various outstanding problems regarding the law of the sea. While the United States has taken this position from the very beginning and has felt that previous drafts were responsive to this need, we have continued to work with other delegations to find formulations which all could accept as being entirely neutral on these issues. We believe that Article III as now drafted, together with the Article IV disclaimer which remains unchanged, should remove any remaining doubt as to the possibility that the treaty might affect law-of-the-sea issues.

Let me now note the principal changes which have been made in Article III as it appeared in the April 23 draft. First, the final phrase of paragraph 1 which provided that verification shall not infringe rights recognized under international law, including the freedoms of the high seas, has been moved to paragraph 6. This change improves the logical organization of the Article and, we trust, will be responsive to some of the suggestions advanced in this Committee.

As suggested by the delegation of Yugoslavia and working paper CCD/297, several changes were made in paragraph 2. First, a requirement has been added that, where there are persistent doubts concerning the fulfillment of obligations assumed under the Treaty, the State Party having such doubts shall notify the other States Parties. Moreover, after completion of such further verification procedures as may be agreed, the State Party which initiated such procedures shall circulate an appropriate report to the other States Parties. This addition is responsive to the concern of a number of delegations that a Party might not have adequate knowledge of verification activities conducted in areas in which it felt it had an interest.

In connection with this change, it appeared desirable to introduce in the second sentence of paragraph 2 the phrase "the Parties concerned." This term is intended to include the State Party responsible for the activities, the State Party having the doubts, and any other States Parties which, as Parties in the region or at their own request, are involved.

At the suggestion of Argentina, Brazil and others, two additional points have been clarified: first, a new phrase "including any coastal State" has been added to make clear beyond question that a coastal State Party would be included in the group of countries which, as Parties in the region, can participate in consultation and cooperation pursuant to paragraph 2. Second, the phrase "may participate" has been changed to "shall be entitled to participate" in order to make clear that such participation is a right, and not a mere possibility, under this treaty. The phrase "including any coastal State" has also been added in paragraph 3.

Paragraph 5 has been modified by the addition of the phrase "or through appropriate international procedures within the framework of the United Nations and in accordance with its Charter." This, of course, is the formulation proposed by nine non-aligned delegations in working paper CCD/297. We appreciate their helpful effort to find language which could be accepted by all delegations in order to meet the widely felt need for a reference to international procedures in paragraph 5.

Finally, paragraph 6 has been rephrased. In addition to the change I have already mentioned, the reference to the rights of coastal States has been reformulated. The new draft refers to rights with respect to exploration and exploitation. This change was made in response to the desire expressed by many delegations for a more general formulation which could not possibly be read as prejudicing or reinforcing any particular view of the scope of rights with respect to the continental shelf. The deletion of the words "sovereign or exclusive" from the April 23 draft contributes to the generality of the language, but it does not in any way call into question the existence of sovereign or exclusive rights of coastal States recognized under international law, including the 1958 Geneva Convention on the Continental Shelf.

In concluding my discussion of Article III I should like to recall that a number of the ideas embodied in the amendments I have described were suggested by the delegation of Brazil last year in its working paper ENDC/264.

As all delegations are aware, an operative article regarding further negotiations has been added as Article V in the new draft. In view of the great importance that was attached to such a provision by a large number of delegations in this Committee, all of whom have been striving with us to elaborate a widely acceptable treaty, we have made intensive efforts to find a formula which we could accept and which would satisfactorily meet this point. I believe that these efforts have been successful. We also note, in this connection, that under the proposal of the Polish delegation, which has been supported by many other delegations, the question of prevention of an arms race on the seabed will remain on this Committee's agenda.

I have covered in the preceding paragraphs the substance of the modifications in the current draft. In light of the fact that some concern has been expressed about certain other articles of the Treaty, however, I would like to comment briefly on one or two points. First, a question has been raised as to the relationship between this Treaty and treaties establishing nuclear free zones. The delegation of Mexico, in a working paper of December 1, 1969 (A/C.1/995), suggested that there be included in the Treaty two provisions, one ensuring that the Treaty cannot be interpreted as affecting obligations under treaties establishing nuclear free zones, and the second constituting an undertaking not to contribute to a violation of such obligations. The first, of course, was included in the April 23 draft and appears as Article IX of the new draft.

With respect to the second suggestion of Mexico for Article IX, it should be noted that paragraph 3 of Article I of the present Treaty contains an undertaking not to assist, encourage or induce any State to carry out activities falling within the prohibitions of paragraph 1 of that Article. This provision would, of course, be fully applicable within any nuclear free zone and it would seem to accomplish the same objectives, with respect to the activities covered by the Treaty, as would the second of the two provisions suggested by the delegation of Mexico. United States support for the principle of nuclear free zones is a matter of record, and I want to make it clear that my government would not take any action which might prejudice the integrity of a nuclear free zone.

With respect to paragraph 2 of Article I, a question has been raised as to whether this clause could lead to ambiguities. We do not believe that it could. The exemption in paragraph 2 of Article I with respect to the seabed beneath the territorial sea within the seabed zone does not in itself constitute granting of permission for the emplacement of weapons of mass destruction within such territorial sea; the Treaty therefore leaves unaffected the sovereign authority and control of the coastal State within such territorial sea.

Finally, just as the Treaty does not affect obligations assumed under treaties es-

tablishing nuclear free zones, it also does not affect or lessen obligations under other arms control treaties, including the NPT and the Limited Test Ban Treaty.

Mr. Chairman, I need not remind the members of this Committee what a complex structure we have developed in this Treaty. There is now scarcely a word in the main operative part of the Treaty—the first five Articles—which can be touched without upsetting some carefully balanced part of our structure of compromise. The difficult balancing of interests reflected in the instrument should, in our view, be a matter of pride to each of the delegations of this Committee, for it has emerged in its present form only as a result of long and cooperative work on the part of all delegations.

While the delicate series of compromises contained in the Treaty is, of course, well known to us within the Committee, it will be less clear to those whose participation in this project will begin with the submission of our final draft to the General Assembly. There will undoubtedly exist a temptation on the part of some to suggest changes in the Treaty—changes which will seem simple to those who have not spent the last year in lengthy, complicated, sometimes frustrating, negotiations.

The United States, for its part, is firmly convinced that the Treaty as presently drafted is worthy of the widest possible acceptance, and we intend to do everything possible to convey to governments not represented in this Committee our view that the Treaty fairly protects, and substantially advances, the interests of all members of the international community. It is our hope that the governments represented in this Committee will provide their full support to this last aspect of our work on the seabed treaty, to the end that we may achieve early and widespread support for the Treaty at the General Assembly and its opening for signature at the earliest possible date.

UNION OF SOVIET SOCIALIST REPUBLICS AND UNITED STATES OF AMERICA DRAFT TREATY ON THE PROHIBITION OF THE EMPLACEMENT OF NUCLEAR WEAPONS AND OTHER WEAPONS OF MASS DESTRUCTION ON THE SEABED AND THE OCEAN FLOOR AND IN THE SUBSOIL THEREOF

The States Parties to this Treaty,

Recognizing the common interest of mankind in the progress of the exploration and use of the seabed and the ocean floor for peaceful purposes,

Considering that the prevention of a nuclear arms race on the seabed and the ocean floor serves the interests of maintaining world peace, reduces international tensions, and strengthens friendly relations among States,

Convinced that this Treaty constitutes a step towards the exclusion of the seabed, the ocean floor and the subsoil thereof from the arms race,

Convinced that this Treaty constitutes a step towards a Treaty on general and complete disarmament under strict and effective international control, and determined to continue negotiations to this end,

Convinced that this Treaty will further the purposes and principles of the Charter of the United Nations, in a manner consistent with the principles of international law and without infringing the freedoms of the high seas,

Have agreed as follows:

ARTICLE I

1. The States Parties to this Treaty undertake not to emplant or emplace on the seabed and the ocean floor and in the subsoil thereof beyond the outer limit of a seabed zone as defined in Article II any nuclear weapons or any other types of weapons of mass destruction as well as structures, launching installations or any other facilities specifically designed for storing, testing or using such weapons.

2. The undertakings of paragraph 1 of this Article shall also apply to the seabed zone referred to in the same paragraph, except that within such seabed zone, they shall not apply either to the coastal State or to the seabed beneath its territorial waters.

3. The States Parties to this Treaty undertake not to assist, encourage or induce any State to carry out activities referred to in paragraph 1 of this Article and not to participate in any other way in such actions.

ARTICLE II

For the purpose of this Treaty the outer limit of the seabed zone referred to in Article I shall be coterminous with the twelve-mile outer limit of the zone referred to in Part II of the Convention on the Territorial Sea and the Contiguous Zone, signed in Geneva on 29 April 1958 and shall be measured in accordance with the provisions of Part I, Section II, of this Convention and in accordance with international law.

ARTICLE III

1. In order to promote the objectives of and ensure compliance with the provisions of this Treaty, each State Party to the Treaty shall have the right to verify through observation the activities of other States Parties to the Treaty on the seabed and the ocean floor and in the subsoil thereof beyond the zone referred to in Article I, provided that observation does not interfere with such activities.

2. If after such observation reasonable doubts remain concerning the fulfilment of the obligations assumed under the Treaty, the State Party having such doubts and the State Party that is responsible for the activities giving rise to the doubts shall consult with a view to removing the doubts. If the doubts persist, the State Party having such doubts shall notify the other States Parties, and the Parties concerned shall cooperate on such further procedures for verification as may be agreed, including appropriate inspection of objects, structures, installations or other facilities that reasonably may be expected to be of a kind described in Article I. The Parties in the region of the activities, including any coastal State, and any other Party so requesting, shall be entitled to participate in such consultation and cooperation. After completion of the further procedures for verification, an appropriate report shall be circulated to other Parties by the Party that initiated such procedures.

3. If the State responsible for the activities giving rise to the reasonable doubts is not identifiable by observation of the object, structure, installation or other facility, the State Party having such doubts shall notify and make appropriate inquiries of States Parties in the region of the activities and of any other State Party. If it is ascertained through these inquiries that a particular State Party is responsible for the activities, that State Party shall consult and cooperate with other Parties as provided in paragraph 2 of this Article. If the identity of the State responsible for the activities cannot be ascertained through these inquiries, then further verification procedures, including inspection, may be undertaken by the inquiring State Party, which shall invite the participation of the Parties in the region of the activities, including any coastal State, and of any other Party desiring to cooperate.

4. If consultation and cooperation pursuant to paragraphs 2 and 3 of this Article have not removed the doubts concerning the activities and there remains a serious question concerning fulfilment of the obligations assumed under this Treaty, a State Party may, in accordance with the provisions of the Charter of the United Nations, refer the matter to the Security Council, which may take action in accordance with the Charter.

5. Verification pursuant to this Article may be undertaken by any State Party using its own means, or with the full or partial assistance of any other State Party, or through appropriate international procedures within the framework of the United Nations and in accordance with its Charter.

6. Verification activities pursuant to this Treaty shall not interfere with activities of other States Parties and shall be conducted with due regard for rights recognized under international law including the freedoms of the high seas and the rights of coastal States with respect to the exploration and exploitation of their continental shelves.

ARTICLE IV

Nothing in this Treaty shall be interpreted as supporting or prejudicing the position of any State Party with respect to existing international conventions, including the 1958 Convention on the Territorial Sea and the Contiguous Zone, or with respect to rights or claims which such State Party may assert, or with respect to recognition or non-recognition of rights or claims asserted by any other State, related to waters off its coasts; including inter alia territorial seas and contiguous zones, or to the seabed and the ocean floor, including continental shelves.

ARTICLE V

The Parties to the Treaty undertake to continue negotiations in good faith concerning future measures in the field of disarmament for the prevention of arms race on the seabed, the ocean floor, and the subsoil thereof.

ARTICLE VI

Any State Party may propose amendments to this Treaty. Amendments shall enter into force for each State Party accepting the amendments upon their acceptance by a majority of the States Parties to the Treaty and thereafter for each remaining State Party on the date of acceptance by it.

ARTICLE VII

Five years after the entry into force of this Treaty, a conference of Parties to the Treaty shall be held in Geneva, Switzerland, in order to review the operation of this Treaty with a view to assuring that the purposes of the preamble and the provisions of the Treaty are being realized. Such review shall take into account any relevant technological developments. The review conference shall determine in accordance with the views of a majority of those Parties attending whether and when an additional review conference shall be convened.

ARTICLE VIII

Each State Party to this Treaty shall in exercising its national sovereignty have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject matter of this Treaty have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other State Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it considers to have jeopardized its supreme interests.

ARTICLE IX

The provisions of this Treaty shall in no way affect the obligations assumed by States Parties to the Treaty under international instruments establishing zones free from nuclear weapons.

ARTICLE X

1. This Treaty shall be open for signature to all States. Any State which does not sign the Treaty before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and of accession shall be deposited with the Government of ———, which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force after the deposit of instruments of ratification by twenty-two Governments, including the Governments designated as Depositary Governments of this Treaty.

4. For States whose instruments of ratification or accession are deposited after the entry into force of this Treaty it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall promptly inform the Governments of all signatory and acceding States of the date of each signature, of the date of deposit of each instrument of ratification or of accession, of the date of the entry into force of this Treaty, and of the receipt of other notices.

6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

ARTICLE XI

This Treaty, the Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the States signatory and acceding thereto.

In witness whereof the undersigned, being duly authorized thereto, have signed this Treaty.

Done in ——— at ———, this ——— day of ———, —.

ENVIRONMENTAL EFFECTS OF GEOTHERMAL STEAM LEASING ACT

Mr. HATFIELD. Mr. President, when the Senate considers S. 368, certainly one central consideration must be the environmental effects of geothermal steam. I was fortunate to receive from Raymond E. Corcoran, Oregon's State geologist, an enlightening memorandum on this subject.

Because of its germaneness to S. 368, I ask unanimous consent that the memorandum by Mr. Richard G. Bowen, an economic geologist, be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

IMPACT OF GEOTHERMAL POWER ON THE ENVIRONMENT

(By Richard G. Bowen)[1]

Perhaps the most important reason to encourage the development of geothermal power is its minimal effect on the environment. Any method of producing electric power, as you know, has some deleterious effect, but I believe I can demonstrate that geothermal production of steam has far less effect than any other method.

It is beginning to appear that thermal pollution may be the limiting factor for the development of new electric energy sources, because to produce one kilowatt of electricity, two are dissipated into the environment. In a fossil fuel plant, one-third of the waste heat goes up the stack and two-thirds goes into cooling water. A fossil fuel plant of 1,000 megawatts capacity requires about 1.3 billion gallons of water per day and from this amount, 15 to 25 million gallons is lost by evaporation. A nuclear plant requires about 50 percent more water than does the fossil fuel. The amount of cooling water necessary to supply the new generating facilities that are under construction or planned during the next decade staggers the imagination. To quote from *Science* magazine, January 9, 1970, page 160:

"It is estimated that by 1980 one-sixth of the freshwater runoff in the United States will be used to cool power plants and that by the end of the century this figure will have increased to one-third. Because of the large spring runoff, greater fractions of the flowing water are used for most of the year. For example, in 1980 one-half of the water will be needed for three-fourths of the year."

A geothermal plant, on the other hand, uses the steam condensate as its cooling water and, aside from the original make-up, requires no additional source. In much of the West where there is a shortage of water, this is a tremendous advantage and should be sufficient reason for the all-out development of natural steam. In some areas where the condensate is sufficiently pure, it could be added to the surface drainages and used for irrigation or other purposes.

At The Geysers area, about 75 miles north of San Francisco, where Pacific Gas & Electric is developing a geothermal field, the condensate has been discharged into the local surface drainage, However, because this particular field contains excess boron and ammonia it is now being recharged into the producing horizon and is no longer entering these streams.

Again, using The Geysers as an example, the air pollution from a geothermal plant is minimal because essentially the only product is water vapor or steam. At The Geysers, the steam has an average content of ½ of 1 percent noncondensable gas, of which 88 percent is carbon dioxide. This amounts to approximately $\frac{1}{20}$ of the CO_2 produced from a fossil fuel plant. Using a quantitative comparison, a 1,000 MW fossil fuel plant discharges 2,530,000 lbs. of CO_2 per hour while at The Geysers a 1,000 MW geothermal plant discharges about 132,000 lbs. per hour. Because there is no combustion at the geothermal plant there is no discharge of the oxides of sulfur and nitrogen nor is there any particulate matter.

It is very difficult to make a comparison between the effluent discharge of geothermal plants and nuclear plants because the proponents and opponents of nuclear plants make such widely divergent statements on the amount and quality of this material. Aside from the thermal pollution of a nuclear plant, the discharge of radionuclides into the environment by the total nuclear industry must include the *fuel reprocessing* facilities. When the reprocessing is included, the result is a net cumulative addition of radiation to the total environment even though one electric generating plant would not have a very large release.

Geothermal power will probably be found only under certain geologic conditions, but as we understand it now these conditions are present in the West and abundant in Oregon. In this state I believe geothermal energy has the potential of being an equal partner with fossil fuel and nuclear plants, with the possibility of surpassing them in the future. However, until the leasing law is passed there will be no opportunity to appraise this potential.

[1] Economic Geologist, State of Oregon Department of Geology and Mineral Industries.

ACHIEVEMENTS OF SENIOR CITIZENS

Mr. KENNEDY. Mr. President, a short time ago, I submitted for the RECORD an article entitled "The Old in the Country of the Young, published in Time magazine of August 3. It discussed many of the problems confronting the elderly today—such as inadequate medical care, poor housing, loneliness, unemployment, and poverty. At that time I said that in an age which emphasizes youth and change, action and newness there is a tendency to forget the obligation to our senior citizens. I said that we should not assume that once a person reaches the age of 65 he can no longer perform useful work or make a contribution to our society.

Therefore, I was greatly pleased to read the article in Parade magazine of the Washington Post of September 13, entitled "Senior Power Is on the Move," written by Theodore Irwin.

The article is a testimony to the effectiveness, enthusiasm, and organization of many of our senior citizens who are making great progress in standing up for their rights. It describes how many of our older Americans have organized through such groups as the National Council of Senior Citizens, and the Massachusetts Legislative Council for Older Americans. Their gains have been significant. In Boston, for example, our seniors have won—through their own initiative—reduced bus and subway fares, the extra $12-a-month in old age assistance which would have been cut when Social Security was raised, and Government grants for a nutrition program.

Much of the credit for such successes, I feel, must go to the dynamic leader of the Massachusetts Legislative Council for Older Americans, Mr. Frank Manning. He alone is excellent testimony to the fact that our senior citizens can achieve great effectiveness through extraordinary enthusiasm and dedication. Much credit for the successful efforts of our senior citizens must go, as well, to Jack Leff, of Boston's Council of Elders.

I have had the pleasure of working with both Mr. Manning and Mr. Leff on several occasions and have always been most favorably impressed with their excellent abilities and faithfulness to the cause of preserving our senior citizens' rights.

Of course, Massachusetts elders are not alone in such achievements. The resourcefulness of senior power has spread nationwide, enabling senior citizens themselves to work for solutions to those problems which have so long afflicted them.

Through the dedication of our senior citizens themselves their rights are beginning to be met and, at the same time, our senior citizens are beginning to feel young again by pursuing these useful and proud goals.

I commend our older Americans for their efforts and their achievements. They have proven that they can make a valuable and useful contribution to society. However, while an excellent beginning is being made, their aims are far from being completely met. Therefore, I, along with our senior citizens, urge that we in Congress continue to make every effort to provide them with the chance to achieve a fair and more enriching life.

I ask unanimous consent that Mr. Irwin's article be printed in the RECORD.

I urge that it be read by all those who believe in upholding the rights of our senior citizens.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SENIOR POWER IS ON THE MOVE

(By Theodore Irwin)

In Boston not too long ago during a crime wave, scores of elderly residents of a housing project were mugged. This outrage became too much for Mrs. Gertrude Pratt, a chipper lady in her 70's who represented a senior citizens' group—the Council of Elders. She sent a request to City Hall for an appointment to discuss the problem. She got no reply. She she sent a registered letter to City Hall which concluded:

"This is an election year. Would you like us to tell people that our Mayor doesn't want to listen to old citizens?"

That hit a raw nerve. City Hall phoned back immediately. A meeting with the Mayor was arranged. And two days later foot patrolmen were assigned to the housing project during the dangerous hours of darkness.

Most any politician in the country would understand immediately why the Mayor of Boston reacted so quickly to Mrs. Pratt's challenge. For U.S. politicians from coast to coast are awakening to an even louder sound of tramping feet.

It's the march of the latest pressure group—our senior citizens, desperately trying to make ends meet as inflation cuts into their inadequate Social Security checks. They're organizing, demonstrating, demanding and flashing ballot-box muscle as never before.

Their gains, already significant, show the promise of becoming far-reaching, indeed. The reason: there are more than 20 million citizens age 65 or over.

They represent more than 16 percent of all U.S. voters and their 70 percent turnout on Election Day is the highest of any age group. Officeholders and candidates—at local, state and national levels—simply can't ignore that kind of Senior Power.

The Washington-based National Council of Senior Citizens has 2,500,000 members. It's subsidized by big labor and played a major role in the Medicare fight.

MOVE WIDESPREAD

Then, from such states as Massachusetts and New York where the senior groups are well established and militant, to other sections where the movement is just getting started, the oldsters have won or are seeking various concessions to meet their needs. These include tax relief, bargain meals, free bus rides, better police protection and housing benefits. And other more extensive demands are on their drawing boards.

One of these is explained by Frank Manning, 68, a hard driving, former labor organizer and president of the 14,000-member Massachusetts Legislative Council for Older Americans:

"By 1972 in California, Massachusetts, Florida and other key states we will in some instances be fielding our own candidates, not necessarily senior citizens. Our main targets at the start will be Congress and state legislatures—that's where many of our basic problems lie. Today the aged are interested in issues, not personalities. Much of our voting strength will depend on the development of a really big issue, such as a government-guaranteed annual income for all over 65."

BAY STATE RECORD

At this stage in the building of Senior Power, the record of the aged activists in the Boston area is probably the most impressive. In addition to Mrs. Pratt's police ploy for the housing development, the Boston folks have won:

Reduced subway and bus fares to 10 cents (from 25) effective all hours.

Preserved the extra $12-a-month in Old Age Assistance which would have been cut when Social Security was raised. This saved the state's over-65's from losing some $2.2 million purchasing power.

Helped obtain government grants for a nutrition program and induced private cafeteria chains to offer senior citizen discount meals.

On top of those gains, the Massachusetts groups are now pressing for a 50 percent utility rate cut and a $100 million public housing bond issue for 6000 tenants. They also want a Cabinet-rank Department of Elderly Affairs, special meals for shut-ins, more jobs for the elderly and foster care in their homes to replace institutional care.

The oldsters' tactics vary. Frank Manning opposes picketing. "Our people," he told PARADE, "have a natural antipathy to pushing." In contrast, the Boston Council of Elders favors picket lines. During a hearing on a welfare bill, busloads of peppery seniors rallied around the State House with placards with such warnings as "You'll Be Old Someday."

Another time some Boston seniors heard that an important legislative committee chairman *had* to lunch at noon sharp every day because of his stomach ulcers. So at 11:50 a.m. 30 of them virtually barricaded his office door until, with the abdominal pains getting sharper and sharper, he agreed to release an Old Age Assistance Bill from his committee.

As Senior Power spreads through contagion, here's a sampling of what's going on in several states:

CALIFORNIA

In a step toward unity, a legislative council has brought together delegates acting for 10,000 persons. Emphasis so far is on pension programs and health care.

NEW JERSEY

Here Senior Power buttons originated. Activists are seeking to double property tax exemptions for the elderly.

ILLINOIS

Through the Chicago Area Council of some 40 clubs, low-priced nutritious meals are available in many parts of the city.

WISCONSIN

In Milwaukee emphasis is on more jobs for oldsters.

RHODE ISLAND

The Action Group won an $11.50 raise in old age assistance and is driving for rent and tax cuts.

KENTUCKY

A network representing 30,000 people achieved exemption of prescription drugs from the state sales tax and is lobbying hard for a State Department of Geriatrics.

NEW YORK

The militant Congress of Senior Citizens, speaking for over 200,000 members in some 200 clubs, won exemption for the low-income elderly from an increase in rent-controlled apartments.

IT'S A TONIC

Gains registered through Senior Power, of course, affect the material well-being of senior citizens—more cash in their pockets, more security. But many observers contend that it also affects their outlook toward life. They're fired with enthusiasm over the fact that they're *doing* something, making something happen. They're not so old anymore.

Says Jack Leff sparkplug of Boston's Council of Elders: "I've seen a man clutched in apathy turn into a tiger at a rally for a cause."

THEY SWARM

And William R. Hutton, executive director of the National Council of Senior Citizens, adds "Retired people need the therapy of doing something meaningful. What could be more meaningful than joining in social and political action for the public good?"

And in Frankfort, Kentucky's capital, there occurred a convincing though hammy acknowledgment of Senior Power. When 20 busloads of the aged rolled up to the State House, one Senator intoned in W. C. Fields style: "The old people have descended on us like a swarm of locusts and attention must be paid."

S. 4167 TO DEFINE THE TERM "UNITARY SCHOOL"

Mr. TOWER. Mr. President, I support the bill (S. 4167) introduced recently by the distinguished Senator from Virginia (Mr. SPONG).

This measure would help define the term "unitary school" which we have received as the essence of the desegregation doctrine of the Supreme Court in recent cases. In spite of the excruciating need in many school districts for some definitive, reasonable standard to be aiming for in their desegregation effort for the 1970–71 school year, and in spite of the good faith efforts and tireless hours of work that school board members in affected districts put in this year on improving the desegregation plans for their schools, the Supreme Court went out of session this summer without declaring what "unitary schools" really means in practice.

Consequently, a number of school districts in my State, which had been trying very hard to qualify under the vague guidance of "unitary schools" and "racially identifiable schools," were caught completely by surprise when HEW refused to accept their plans last month and required instead crash programs to achieve essentially "racial balance" in each district. HEW considered this to be required for compliance with Supreme Court doctrines.

Mr. President, I and a number of other Senators have expressed our view that "racial balance" is not the proper standard of acceptable desegregation. The Civil Rights Act of 1964 itself states that: "Desegregation means the assignment of students to public schools without regard to their race, color, religion or national origin, but 'desegregation' shall not mean the assignment of students to public schools in order to overcome racial imbalance." The 1971 education appropriation bill states that "No part of the funds contained in this act may be used to force any school district which is desegregated . . . to take action to force the busing of students."

But what the school districts in my State are being required to achieve this month is, in fact, "racial balance," and, in some instances, this is to be achieved by busing, Lower-level HEW officials are substituting their own policy judgments and social schemes for the judgment of the elected Representatives of the Congress. Congressional authority should be very clearly declared in this field in the absence of further clarification from the Supreme Court as to what the equal protection clause necessitates in the concept of "unitary schools."

I think that the bill introduced by

Senator SPONG will help define this term in a practical manner which will make implementation of the Supreme Court's desegregation doctrine feasible this fall. It sets up the basic rule that a unitary school system exists first, when a child attends the school nearest his residence, subject to the right of a child to transfer from a school in which his race is a majority to any school in which his race is a minority, or second, when each school in a community has a ratio of racial minority to racial majority that is within 50 to 150 percent of the community's racial balance percentage, again subject to the transfer proviso previously stated.

I think that this is an entirely reasonable method of clearing up the uncertainty in the Supreme Court's desegregation doctrines and that it is one which will give the affected school districts some needed flexibility in handling their own unique problems. If a neighborhood-oriented system can substantially integrate under the nearest school and transfer rules, this would suffice to satisfy desegregation requirements, without the need of achieving the exact racial balance figure and without the disruption of the neighborhood school system. On the other hand, if the residential pattern and the parental attitudes in a community make substantial integration unlikely under the first alternative, a school district can aim for qualification under the second alternative, which though it might require some busing and some degree of alteration of neighborhood schooling, is at least considerably more flexible in its requirements than HEW's racial balance target. This flexibility can save affected districts considerable busing costs and inconvenience; at the same time it can allow a basically neighborhood-oriented school system to survive with a degree of integration which I believe should satisfy the Supreme Court.

This bill also imposes a strong duty on the part of school boards to effect the desegregation required by the Supreme Court. There is in this bill no shirking of Congress' obligation to abide by the Supreme Court's interpretations of the Constitution. The Supreme Court has stated its broad policy in regard to desegregation, but very necessary details have not been filled in, and I think that it is clearly our duty to provide those details. We, as the elected representatives of the people, have closer contact with our constituents than the courts or the Department of Health, Education, and Welfare. We can recognize and allow for the need for flexibility in the qualifying standards for desegregation on the basis of our close contact with the school districts involved. The armchair liberals who set up a meaningless concept such as racial balance as the goal of desegregation are clearly lacking creativity and sensitivity in this matter. Racial balance is a meritless concept on its own because it has no direct relevance to the practicality of implementation of desegregation policies, to the quality of education received by the students, or to the social effects that the Supreme Court is desirous of achieving with desegregation.

Hence I urge Senators to support this measure as a matter of the most urgent necessity to bring a little reason into this very troubled area of desegregation.

TRIBUTE TO STEVE SISK

Mr. THURMOND. Mr. President, in September, 1969, South Carolina lost an outstanding athlete and a fine young man, Mr. Steve Sisk, of Columbia, S.C.

Steve demonstrated his leadership abilities among his teammates on the Falcon football squad at A. C. Flora High School in Columbia, S.C. He received a grant-in-aid at the University of South Carolina to further his football career. In September of last year, Steve's life came to a close when he collapsed on the Carolina football practice field from apparent heat exhaustion.

Not only was Steve a fine athlete; he was also a very intelligent young man, who perpetuated an unselfish concern for the young people of his generation. Steve wrote a series of poems, sketches, and short stories which are being compiled in a book, entitled "Come On Down," published by the State Printing Co., Columbia, S.C. Publication is expected by the early part of October, and copies of the book may be ordered direct from the publisher.

This small, 50-page hardback book with a dust jacket containing a foreword by Coach Paul Dietzel, head football coach at the University of South Carolina, also includes a painting and cartoon drawings done by Steve. A "Steve Sisk Educational Memorial Fund" has been established, and royalties from his book will go to this fund for education above the high school level at Carolina Children's Home, an orphanage in Columbia.

A study lounge in the Athletic Department of the University of South Carolina has been dedicated to Steve and a plaque, inscribed with one of his poems "Come On Down," which is also the title of his book, is displayed in the lounge.

Mr. President, I ask unanimous consent that the poem, entitled "Come On Down," and a tribute to Steve by Mr. Russ Benedict, a sports announcer for WIS Radio in Columbia, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE PLAQUE

STEPHEN MORRISON SISK, 1951–1969

(This meaningful poem, written by this talented Carolina student-athlete, who died in the prime of his life will perpetuate his memory)

COME ON DOWN

(By Steve Sisk)

Hey boy—you with your long black hair
You got it long so you think you're there.
You got your beads and sandals and you're smoking hash too.
You think you're so damn hip you don't know what to do.
You'd better get down and look around
People here trying to get along livin' like people should.
And maybe you'd like to try it too but you really don't think you could.
Step back young man and try to realize
Come down little boy see before your eyes
This world is a place where people live in harmony
Trying to live—trying to live

Come down from your psychedelic balloon
Quit thinking you're so tall you can grab the moon.
Listen my friend—you're rushing your own end.
A man's got to break his back to keep his head up in the Sky!
. . . Trying to live.

STEVE SISK

It was late in the High School Football Season of a year ago when the Falcon Squad at A. C. Flora appeared to be letting down.

Senior Steve Sisk, the ball club's blocking back was quick to recognize the situation. Taking matters into his own hands—quietly but effectively, Sisk visited with each of his teammates individually at their homes. He urged them to snap back, warning them against the loss of momentum, and how costly it could be.

The players responded, and despite a number of serious injuries to the squad, from that point on Flora went on to finish the season with a record of 9–1–1.

Falcon head Coach Jim Pinkerton refers to that experience as a display of unusual leadership from an unusual player by the name of Steve Sisk.

And so it was, that when Steve finally decided on a football career at the University of South Carolina—Pinkerton himself could not have been pleased more. Carolina is Pinkerton's Alma Mater, and when his school "lassos" a good athlete it makes him happy. He knew about Sisk; he knew he was a "good" one—he had coached him through three years of varsity football.

Steve Sisk could have chosen Alabama, Tennessee—or any number of schools in the A.C.C., including Clemson and North Carolina. But it seemed that never was really "close" at all; Steve Sisk had set his sights on U.S.C. and the Gamecocks were more than pleased when he cast his "lot" their way.

Sisk knew that at Carolina, he would be converted from offensive to backfield to a position in the line. But, this drove him on even more, as he re-dedicated himself to a game he had already declared as his first love. This summer he had put himself on a three month weight reducing plan. Prior to the start of college football practice Steve Sisk worked out on his own each day at the Flora Field—running religiously and practicing the snap from center in hopes of making the Carolina Frosh Squad as an offensive pivot man—for you see, it was Steve's feeling that if he was to be converted into a lineman, he would have some catching up to do with others who had been playing there for quite some time already.

But as things turned out Steve never got a chance to cash in on his determined effort—for early yesterday morning his life of 18 years came to an end, his collapse on the Carolina Football practice field last Wednesday from apparent heat exhaustion, and complicated by the possibility that he may have entered the practice session with a minor viral infection, with which he was *not* aware.

And so a life has been taken—but not wasted, for this young man's former Coach remembers him as a determined athlete who at 6'2" and 235 pounds was a tremendous blocking back—A team leader and an unselfish team member who loved football and always gave it everything he had.

By RUSS BENEDICT,
WIS Radio
An Eye on Sports

THE OLD CAN HELP THE YOUNG

Mr. WILLIAMS of New Jersey. Mr. President, in 1965, the Office of Economic Opportunity introduced 21 modest pilot projects titled, "Foster Grandparents Programs," to demonstrate that worthwhile activity and increased income could have a beneficial effect on the lives of older Americans.

Today, with 68 foster grandparent programs in operation across the Nation—now funded by the Administration on Aging—the program has proved its worth many times over.

It not only offers the elderly grandparents an opportunity to increase their limited incomes, but it also provides older people with the chance to use the wisdom and experience they have accumulated over a lifetime.

Equally important is the fact that these older people are providing warmth, kindness, direction, and hope to thousands of disturbed or retarded children.

The programs operate out of State mental institutions, schools, churches, and senior centers; but wherever they are located, the foster grandparent programs are answering a real need—for both age groups.

The foster grandparent program was one of the amendments to the Older Americans Act which I introduced in the Senate in 1969—and which passed overwhelmingly in both Houses of Congress.

It is understandable, therefore, that I derive a special pride from the success of the program; especially the wide range of benefits it is offering to the older and younger citizens of New Jersey.

An article in the August 30 issue of the Atlantic City Sunday Press describes the changes wrought in the lives of New Jersey's young and old participants in the foster grandparent program. A comment from an elderly grandparent in the Asbury United Methodist Church program seems to illustrate the feelings of so many older Americans who have participated in this program. The 79 year old grandmother said:

In my estimation, after you have passed what is looked upon as the active age in the business world, the feeling of being wanted, the love and happiness in the children's faces, do as much for me as I do for them.

The foster grandparent program deserves our continued support and attention. I, therefore, ask unanimous consent that the Atlantic City Sunday Press article, entitled "The Old Can Help the Young," written by Sandra Durant, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE OLD CAN HELP THE YOUNG

(By Sandra Durant)

At Asbury United Methodist Church in Atlantic City, a 79-year old woman bends to a proud 4-year old who has just completed an unusual assignment. On a large sheet of heavy construction paper, he has just finger-painted a whimsical animal—in chocolate pudding.

At Massachusetts Avenue School, a 6-year-old girl asks a 76-year-old man for help in making a necklace of colored macaroni.

These are merely two examples of ordinary daily occurrences helping to bring a new meaning of life to 135 senior citizens between the ages of 60 and 86, residing in Atlantic and Cape May counties, working in the Foster Grandparent program sponsored by Atlantic Human Resources Inc., the local community action agency.

According to AHR's executive director, Thomas C. Brown, purpose of the Foster Grandparent program is to provide part-time opportunities with pay for low-income persons, age sixty or over, to render supportive person-to-person services in health, education, welfare and related settings to children having special needs.

Mrs. Winnie Anderson, 79, a foster grandparent working at Asbury United Methodist Church, puts it a little bit differently. She said, "In my estimation, after you have passed what is looked upon as the active age in the business world, the feeling of being wanted, the love and happiness in the children's faces, do as much for me as I do for them."

Mrs. Anderson is one of those foster grandparents serving economically deprived children in a day-care setting. Joined by 68-year old Mrs. Cora Jones, they work on a one-to-one basis with the children in an attempt to assist in their physical, emotional and social development.

At the same time, the foster grandparents are able to enjoy the self respect and satisfaction that come from being needed by the children.

Stationed at Massachusetts Avenue School, 76-year old Evan McCree is called "Grandpop" by the two children he helps daily. McCree is one of the 30 foster grandparents assigned to various schools under the jurisdiction of the Atlantic City Board of Education. In the school setting, the foster grandparents work specifically with mentally retarded, nonverbal slow readers.

In describing the exercise in which the child made the macaroni necklace, McCree said, "There are two reasons for making the necklace. First of all, the child has to count to me the number of pieces of macaroni. Second, as he colors the macaroni, he learns the basic colors."

At this point, McCree was interrupted by a child who was very anxious to recite his name and address (for McCree).

He explained, "I promised the child I would take him to Steel Pier this Sunday if he could learn where he lives and what his name is."

McCree also mentioned that another treat enjoyed by children in previous years was a visit to his Inlet Tower apartment. "You'd be surprised," he said, "how excited the children become seeing the city from the 14th floor."

In addition to the foster grandparents working in day-care centers and in the Atlantic City Board of Education's various schools, 80 foster grandparents are serving mentally retarded children at Woodbine State Colony; 15 are working with emotionally disturbed youngsters in the Children's Ward of Ancora State Hospital; and ten are serving economically deprived children enrolled in the Head Start Program.

With their assigned children, all foster parents engage in activities which facilitate constructive person-to-person relationships and provide the warm friendship, interest, understanding, individualized attention, unhurried help and personal care required by the particular needs of the children. This is accomplished through such activities as talking, reading, playing, singing, listening, cuddling an infant, arranging social contact and interaction with other children, taking bus trips, and lending support and assistance to a child in learning or therapy activities.

Said project director Robert Hodges: "Probably the major strength of the program is the mutually derived benefits that come from an individualized continuing relationship between a concerned, mature adult and a child with special needs."

According to Hodges, the objectives of the program are to: establish a useful way for older adults to contribute to their community in the retirement years and to enjoy the self-respect and satisfactions that come from being needed and serving others; create opportunities for low-income older persons to supplement their income; provide a source of individual attention and personalized care for children with special needs in institutional settings to help these children grow physically, socially, emotionally and mentally; improve the attitudes of society, including attitudes of older persons about old age; demonstrate the willingness and capacity of retired persons to participate reliably in community service roles on a part-time basis; stimulate change in the field of group care for children; and promote new patterns of cooperation between professional and non-professional personnel.

A pertinent comment by Mrs. Cora Jones, who works in Asbury Methodist Church, was: "I enjoy my work. The children are adorable. This job is a big help for me. It was so monotonous doing nothing."

Said Miss Epaleta Braithwaite, who is stationed at Massachusetts Avenue School, "The $1.60 per hour we receive is a great financial help. I also enjoy working a twenty-hour week. It's just enough to keep me busy without making me tired."

Currently funded by the Department of Health, Education and Welfare through the Administration on Aging of the Social and Rehabilitation Service, the Foster Grandparent program was begun in August 1965 by the Office of Economic Opportunity. Originally, 21 demonstration projects were funded. There are presently 68 individual programs in 40 states and Puerto Rico; 183 participating institutions house 4,000 foster grandparents working with nearly 16,000 children each year.

PERSUASIVE AND COMPELLING TESTIMONY ON THE SUPERSONIC TRANSPORT PROTOTYPE PROGRAM

Mr. STEVENS. Mr. President, I did not have the opportunity to hear Mr. William Magruder, Director of the Department of Transportation's Office of Supersonic Transport, testify before the Senate Appropriations Committee on August 27, 1970. I have, however, since reviewed the statement he presented to the committee and, in my view, the program is proceeding very well and should be continued by granting the President's budget request for continued development of the two prototypes. The Department's testimony is confined to the facts, it deals with the issues, and it identifies the benefits which will flow from the program. For the benefit of Members who have not had an opportunity to review the program I ask unanimous consent that the statements be printed in the RECORD at the conclusion of my remarks.

Mr. President, I have also reviewed the statement the distinguished chairman of the Senate Interior and Insular Affairs Committee made before the committee on the environmental aspects of the program. I associate myself with the chairman's remarks and ask unanimous consent that his statement also be printed in the RECORD.

There being no objection, the items

were ordered to be printed in the RECORD, as follows:

STATEMENT BY WILLIAM M. MAGRUDER, DIRECTOR, SUPERSONIC TRANSPORT DEVELOPMENT, DEPARTMENT OF TRANSPORTATION BEFORE THE SENATE APPROPRIATIONS TRANSPORTATION SUBCOMMITTEE, AUGUST 27, 1970

Mr. Chairman, gentleman of the Committee, this is my first formal appearance before your Committee of the Senate in my capacity as Director of the SST Development Program for the Department of Transportation to present our fiscal year 1971 budget request. I appreciate the opportunity to report on the program, and the time you have extended to me for this statement. Perhaps, if I may, I should tell you something of the exercise I put myself through before I accepted Secretary Volpe's invitation to affiliate with the program.

Over a period of several months I engaged in a number of fundamental reviews to satisfy myself that the development of a supersonic transport prototype was in every way a wise program for the Government and for the industry.

Briefly, in the course of the evaluation, I made a complete review of the SST configuration with NASA Langley and talked with major U.S. airline presidents, most of the international airline presidents, and key members of their staffs. Major Air Force program contracts and project control procedures at Wright-Patterson Air Force Base were reviewed for lessons learned on programs like the F–111, C–5, F–15 and B–1. I went over the SST program with other airframe manufacturers to ascertain their moral and technical support and finally reviewed the British-French Concorde program with their government-industry leaders to assess the viability of that program and get a better sense of its timing.

Mr. Chairman, this is what I found: Our SST configuration is a good one, with a 21 to 27 percent economic advantage to the airlines over the Concorde.

Airlines contacted support our SST prototype program 100 percent. An in-service date of 1978 is considered good timing by the airlines. The SST can meet airline needs for increased productivity in that time frame, and still allow the airlines to recover from their heavy investments in prior aircraft purchases.

The SST contracts have been reviewed by many authorities and found to be excellent and workable documents.

Other manufacturers, some of whom are not directly engaged in the SST program, have nevertheless assured me of their staunch support. They do this in recognition of the importance of the SST project to our aviation industry and to the nation's economy.

I found, too, that the Concorde is a *real*, not imaginary, threat and that it may spearhead a family of European aircraft aimed at winning a larger share of the world air transport market.

At the present time, we are about midway in the prototype development phase, which began with the contract awards in 1967 and will be completed in calendar year 1973.

Since coming to Washington early last April, I have explored in some depth many of the compelling forces involved in the SST decision. Surely, I have not yet exhausted all the possibilities of the SST's potential impact on our society, but a summary of what this "inventory-taking" has entailed follows:

First, a re-evaluation of the SST's balance of trade impact. Having just come from the aviation industry, I am aware of several important and salient factors missing from previous trade balance analyses.

Second, an examination of SST and jumbo jet operating economics in the 1980's as reflected by the airlines' need for improved productivity per dollar. Since productivity is a measure of how much work an airplane can do continually, increasing productivity (by introducing larger and/or faster airplanes) offsets the rising costs of labor, maintenance, and materials and thereby allows airlines to maintain reasonably stable fares while improving service to the customer and earning reasonable yields.

Third, a careful examination of the progress of the development program since the last consideration by the Senate in the fall of 1969.

Fourth, a scientific community and government agency-wide search for answers to the strident claims of environmental degradation postulated for an SST fleet.

And, fifth, a review of progress in developing a finance plan for private industry and the financial community to handle the production portion of the program, following completition of the prototype phase.

I propose to address each one of these items and afterwards, of course, will be happy to answer your questions. In addition to the subjects already mentioned, some time was spent appraising the airplane itself, reexamining the competition, and assessing the impact of the SST on employment. With your permission, let's touch on those matters briefly.

First, then, with regard to the 2207–300, we are far enough along in the development program to have a high degree of confidence in its attractiveness, both for those who will buy it and for those who will fly it. The design is a good one, both from the technical and operational points of view. Our SST promises to be a safe, comfortable airplane for the passengers; and an efficient, profitable aircraft for the carriers.

More specifically in this respect, let me touch upon certain particulars which this aircraft will offer.

Initially, it will afford the passenger a new dimension in comfort. The fuselage will be one foot wider than contemporary jets, and the cabin width will equal or exceed the DC–9 and 707 in inches per passenger, and in the optional seven abreast configuration, will compare favorably with the 747 and the large trijets. Also, the cabin floor area, in square feet per passenger, is also commensurate with present jets.

The prime comfort feature, however, is the sharply reduced transit time. Studies by the Civil Aeronautical Research Institute of the FAA have shown that the human body begins to show distress (or at least displeasure) when sitting duration time exceeds four hours. With the SST, the long and tiring transoceanic flights of today will be cut drastically; in fact, many major city pairs will be three hours apart, or less, by SST. The films, stereo recordings, and lounges provided on today's jets are features designed to distract the passenger from the fact that travel is a necessary but not a very fulfilling use of one's time. The SST will afford the traveler the most attractive of all comfort factors—short duration exposure to the confinement of flight. Second, the SST when introduced into commercial service will provide a range capability which will make it competitive on the North Atlantic routes, the most lucrative route system in the world.

The range of the SST will be about 3500 nautical miles using airline operational rules and reserves, adequate for flights from Paris to New York at full payload. While the subsonic jets will hold the range advantage when the SST is introduced, one has only to think back to 1959 to recall that the first generation 707's and DC–8's could not fly the Atlantic non-stop routinely. Only the improved versions mastered the long range European and Asian routes. Airline operation of the initial SST appears certain of transatlantic range and will provide the guidance and impetus for further improvements in the SST fleet. It is, perhaps, worth noting that the first SST production plane is expected to exceed the range/payload capabilities of the initial 707 by about 700 miles. While the growth of the SST cannot be predicted in any absolute fashion today, all of our experience indicates that growth versions will, indeed, appear and probably sooner than we are now inclined to think. The development of the 707 is a case in point.

Third, the SST will be capable of operating from existing airports and will not entail an expensive modification of our airport system. The SST has been designed from the outset to be capable of operating from any airfield which presently accommodates long range subsonic jets. The maximum field length requirements for the SST are identical to the maximum requirements of the subsonic jets. As for airport compatibility on noise grounds, I want to emphasize that over the community, where most noise complaints originate, the SST will be about half as annoying as the intercontinental subsonic jets.

Fourth, the SST will be a profitable aircraft in airline operation. In this respect, let me point out that in the analyses of SST operating costs which are being conducted for planning purposes, the impact of speed on the fleets of the 1980's is considered to be favorable influence, and, that of cost escalation, an unfavorable influence.

As figure C–6 illustrates, these analyses show that, historically, the initial jet, the 707–120 through the latest jumbo 747 have been distinguished at their introduction by improved total operating costs (expressed on a cents per revenue passenger mile basis). This has been true because of two basic considerations. First, the improved productivity of each new type resulted in lower basic operating costs, partially offsetting the effects of escalating costs. Second, the higher than normal load factors during the introductory period served to reduce cost per revenue passenger mile. Following introduction, however, the costs tend to raise primarily because of labor. The SST, however, has a proportionally greater amount of cost in fuel which has a very low escalation rate. This is one of the reasons it appears the SST total operating costs may even better the best of the jumbo jets during most of the life of the aircraft. (figure C–6 omitted.)

THE COMPETITION

I realize, Mr. Chairman, that the members of this Committee are undoubtedly familiar with the British-French Concorde and the Russian TU–144, and I do not propose at this time to compare the foreign supersonics with the U.S. SST other than point out an examination of the Concorde program, together with the data compiled by the State Department, Air Force Technical Intelligence, and other sources indicate conclusively that the Concorde has exceeded expectations in its prototype flight test program to date. A number of planes have been committed to production, and an improved version—the Concorde II—is being given consideration by the British and French governments, very likely in accord with one or more other European nations. For the record, then, I would like to submit a Table of Characteristics and a Status Table on the three aircraft, for the Committee's reference.

THE ENVIRONMENT

Turning now to an aspect of the SST program that has come into sharper national focus in the past year, let me outline for you our position on the environmental concerns related to the SST. Simply stated, we are committed to the proposition that supersonic air transportation should not distress the quality of life or further blemish what Frank Borman so aptly described as "the good earth—an oasis in space."

By the time the United States SST makes its first commercial flight, 25,000 feet above

today's airways, it will have been 18 years in research and development. From the outset, the development program has taken into account such environmental concerns as engine exhaust emissions, sonic boom impact, community noise, passenger and crew radiation exposure, and ozone effects on passenger and crew.

More recently, other environmental questions have been raised and theories postulated. There has been speculation that the impact of water vapor upon upper atmospheric ozone content might cause a possible imbalance of ultra violet ray exposure at the world's surface; that the impact of water vapor on cloud formations might change weather or affect the surface temperature; and that the impact on the atmosphere from the injection of carbon dioxide, nitric oxide, sulphur dioxide and particulates might cause adverse effects.

According to existing data and available evidence, there is no evidence of likelihood that SST operations will cause significant adverse effects on our atmosphere or our environment. That is the considered opinion of the scientific authorities who have counseled the Government on these matters over the past five years. Nevertheless, the desired degree of certainty about these matters has not been attained and, for this reason, we have formed an Environmental Advisory Committee composed of some of the most knowledgeable atmospheric, radiation, and noise specialists in the United States, to further explore and advise me about these matters. This Committee will suggest and plan research in any areas where lack of information, doubts or uncertainties still exist. Where further research is necessary, it will be conducted so that unequivocal answers will be available in the 1973–1974 time period. This assures that, before SST production is initiated, the most expert scientists in the United States will have available pertinent information and definitive data necessary to determine whether or not environmental degradation could result from any SST fleet operations. The Chairman of the SST Environmental Advisory Committee is Dr. Myron Tribus, Assistant Secretary for Science and Technology, Department of Commerce, and former Dean of Engineering at Dartmouth. Those who have advised us on environmental matters and are available to assist Dr. Tribus include: Dr. Lester Machta—Director, Air Resources Lab, Environmental Science Services Administration; Mr. H. J. Mastenbrook—Atmospheric Physicist, U.S. Naval Research Lab; Mr. George Chatham—Aeronautics and Space Specialist, Legislative Reference Service, Library of Congress; Dr. Harald Rossi, Professor of Radiology Physics, Columbia University and Chairman, FAA Committee on Radio Biology Aspects of the SST: Dr. Paul Tompkin—Chairman, Federal Radiation Council; Dr. Robert M. White—Administrator, Environmental Science Services Administration; and Dr. S. J. Gerathewhol—Chief, Research Planning Branch, Office of Aviation Medicine, FAA.

Dr. Tribus, of course, is free to call on anyone else in or out of the Government whom he feels may be qualified to contribute an environmental appraisal of the SST. As a result of a number of conversations with Dr. Tribus on this subject, it is my understanding that he plans to expand the membership of the Committee significantly.

Two things should be made clear about the SST and the environment, One: environment is not a new issue; it has been a subject of some concern and considerable examination for more than five years. And, two: Mr. Russell Train, Chairman of the President's Council on Environmental Quality, in testimony before the Joint Economic Committee, Subcommittee on Economy in Government, in May of this year said, "In and of themselves the two prototype models would not give rise to environmental problems provided appropriate precautions are taken with regard to their test flights." The SST prototype program, therefore, while not a threat to the environment, does afford an excellent opportunity for the acquisition of empirical data of broad aeronautical and meteorological value.

Let's note in passing that Mr. Train has reviewed our Environmental Research Program on several occasions, and he approves of it wholeheartedly.

NOISE

Now . . . in recognition that noise is also an undesirable element in our environment, we have expanded our research and development efforts in noise identification and reduction. A number of distinguished specialists in this field have agreed to consult with us in an advisory capacity. The Chairman of our SST Community Noise Advisory Committee is Dr. Leo Beranek, a noted authority in the field of psychoacoustics. Dr. Beranek is General Manager and Chief Scientist of Bolt, Beranek, and Newman, Inc. of Cambridge, Massachusetts. Along with Dr. Beranek, other distinguished professionals who have counseled us on the noise aspects of the SST and have agreed to serve with Dr. Beranek on the Committee include: Mr. Frank W. Kolk—Vice President for Development Engineering, American Airlines and Chairman of the SAE A–21 Aircraft Noise Committee; Mr. Kenneth Eldred—Vice President and Technical Director, Wyle Labs, El Segundo, California; Mr. Harvey H. Hubbard—Director, Acoustics Branch, NASA Langley; Dr. John O. Powers—Director of Noise Abatement, FAA; Mr. Daniel R. Flynn—Executive Secretary of the Noise Abatement Panel, Department of Commerce; Mr. George Chatham, Aeronautics and Space Specialist, Legislative Reference Service, Library of Congress; Dr. Raymond A. Bauer, Professor of Business Administration, Harvard University; Dr. Jack L. Kerrebrock, Professor of Aeronautics and Astronautics and Director, Space Propulsion and Gas Turbine Laboratories, Massachusets Institute of Technology; Mr. Aubert L. McPike, Chief, Acoustics Branch, McDonnell-Douglas Corporation; Mr. Clifton A. Moore, General Manager, Los Angeles Department of Airports; Mr. Newell D. Sanders, Chief, Special Projects Division, NASA Lewis; Mr. Charles R. Foster, Director, Office of Noise Abatement, OST/DOT; and Dr. Henning E. von Gierke, Chief, Biodynamics and Bionics Division, Aerospace Medical Laboratory, Wright-Patterson Air Force Base.

Perhaps the most misunderstood and certainly the most easily confused of the SST environmental impact concerns is airport-community noise.

The facts, however, are as follows:

The take-off noise of the SST over the community will be lower than the typical jet in the present intercontinental fleet, and *will meet* the levels established in the FAA's Noise Rule for the latest subsonic jets. This means the SST will relieve, not aggravate, the present noise situation over the community, where people may live or work.

The approach noise of the SST over the community will also be lower than the current DC–8, and 707 jets. The high-pitched "whine" of the compressor (similar to the whine from today's subsonic jet aircraft) will not be heard from the SST because of the unique supersonic engine inlet. This inlet design prevents the whine from propagating forward out of the inlet thus reducing annoyance to the people on the ground.

The airport sideline noise, 2100 feet to the side of the runaway is higher than we would like it to be. We recognize the need to further reduce the airport sideline noise and research is underway to this end.

SONIC BOOM

I might say a word here about sonic boom, simply to reassure the public that safeguards do exist and will be enforced.

The President and Secretary Volpe have said that no SST, foreign or U.S., will be allowed to fly over United States territory at speeds or conditions that would cause a sonic boom to reach the ground. The FAA Notice of Proposed Rule Making (NPRM) dated 16 April 1970 formalizes this edict. Since 1958, fifteen sonic boom research programs have been completed, and, while continued research will seek out methods of design to produce a "boomless" SST, our design will not fly so as to cause sonic booms on populated land areas. Moreover, overland flights at boom-producing speeds are *not* mandatory in order for the SST to be successful. Over 70% of all the surface of the world is water; 89% of all international airline route mileage, over 700 miles, is over water.

The SST can fly efficiently (insignificant range loss due to flying at subsonic speeds) at below boom-producing speeds to the secondary gateway inland cities.

There will be a conservative market for at least 500 SST's by 1990, or about $20 billion worth of business in current dollars. (When spare parts and price level escalations are included, the sum of this business is considerably larger.)

I should also point out that the effects of sonic boom over oceans are not unknown. Extensive overwater supersonic flight, from 20 years of military operations, has not produced any damage claims or any *evidence of damage to marine life or* coastal wildlife. Nevertheless, research is being continued in this area as an added safeguard.

BALANCE OF PAYMENTS

Earlier in my statement, I mentioned that prior studies of the SST's effects on our balance of payments appeared to me to overlook certain important factors. Accordingly, I have explored this matter in some detail. Let me summarize for you what I have found.

I have personally discussed the balance of payments problem with the experts and have been amazed at its complexity. It is virtually impossible to accurately relate one account like aircraft exports to the total balance of payments. Our payments balance depends upon many interrelated aspects of the financial and economic fibers of our economy and for that reason our analyses are in terms of the narrower balance of trade considerations although the impact of the SST on our net tourist expenditures abroad can also be substantial. Historically, this country has had a strong position in its balance of trade that has enabled it to help other countries of the world and in so doing still maintain equilibrium in the total balance of payments picture. A few of the key examples of what our favorable trade balance means are:

Helping to finance various expenditure accounts in our balance of payments, including the tourist account, military expenditures, and substantial U.S. private investment abroad.

In so doing, helping to maintain the stability of the dollar as an international monetary standard, thus facilitating the free flow of international trade and investment which has added to the growth of real income of both the U.S. and the rest of the free world.

Permitting the removal of restraints on U.S. private investment abroad.

Providing a capability for the U.S. to meet its obligations for helping to develop the under-developed countries of the world.

Reducing the need to finance deficits by drawing down our reserve assets.

Over the years, governments have tried various methods of improving their balance of trade. (Figure G–14) For example:

Deflation.—Tighten credit, reduce money supply, budget surplus. But: depresses profits, reduces GNP growth.

Devaluation.—An option open to other

countries. But not to the U.S. because of its size in world trade and the reserve currency role of the dollar.

Import restrictions.—Increase tariffs or impose quotas. But: foreign nations will retaliate.

Export encouragement.—Provide incentives such as adequate export credit facilities. But: they cannot do the job alone.

Capital controls.—Restrict bank loans and investments abroad. But: contrary to U.S. policy of encouraging free international capital flows.

Restrict tourism.—Put ceilings on dollars spent abroad. But: naturally irritating and doubtful in effectiveness.

It is very significant that estimates of the magnitude of the SST impact upon our U.S. balance of trade, made last year, were, to a large extent, influenced by cables from our overseas embassies indicating the Concorde program would probably not reach the commercially viable production stage. Earlier this year, most of the Government agencies having concern with the SST development, including the State Department, concluded that the Concorde flight test program to date is going better than originally anticipated. While it is too early to precisely predict the eventual economic viability of the first production Concordes, it nonetheless appears that their program is headed for commercial service in 1974, provided it meets applicable certification criteria and operational rules of the major international airports. The airlines while not completely satisfied with the capacity of the first Concorde nonetheless continue to support the program and both the French and British Governments have made sizable financial investments to get the initial production Concordes underway. If a supersonic transport of British-French design appears on the world airways within four years, a few essential facts and factors related directly to trade balance considerations are worth considering.

In the earlier balance of payments studies there was serious concern that the SST through its speed would generate increased tourism and that this tourism would have an adverse effect on our total balance of payments picture and negate the advantages the U.S. would obtain in the trade account from selling 500 SST's. Underlying these studies was a general consensus by those departments having such concern that the Concorde program would not be viable.

However, if there is a viable Concorde, this oft-described "speed induced travel" factor almost disappears since only the difference between the Mach 2.2 Concorde and Mach 2.7 SST is relevant. The speed induced travel concept, if accepted, was used to illustrate a potential negative trade impact from travelers' expenditures abroad, port expenditures, and the like *that would all be charged to the SST.* Under the assumption of no Concorde, the amount could be sizable. But if the Concorde is in airline service, the induced U.S. expenditures abroad over the SST time period to 1990 are roughly estimated at about $3 to $4 billion as compared to a roughly estimated favorable trade swing of between $17 and $20 billion in 1967 dollars. I should also mention that there is considerable difference of opinion as to the validity of speed induced travel and for this reason we did not consider this input in our charts.

Second, the trade balance computations used prior to this year did not adequately reflect the "real world" of airline equipment purchases. The assumption is that the free world airlines presently buy about 84% of the civil subsonic jets in the U.S. and that this lion's share of the swept wing, aluminum subsonic civil aircraft market will continue to be American, regardless of our action on the SST. This is not a valid premise. Airline executives make their purchases only after careful examination of the manufacturer's "family of aircraft." If the United States restricts itself to the jumbo jets and the trijets for the 1980's then the foreign family of civil transports—the Concorde for "blue ribbon" overwater routes, the A-300/BAC-311 twin engine 250-passenger low cost airbus and the French Mercure replacement for the DC-9/Boeing 737—may well, and probably will, induce many airlines, especially nationally owned foreign airlines, to purchase their "family" outside the U.S., in fact, "closer to home."

Third, when the U.S. technology is matched by the civil aviation industry abroad, the U.S. airplane manufacturers begin to encounter a business arrangement commonly referred to as the "offset agreement." For example, for McDonnell-Douglas to make a Canadian airline sale, they may have to put the wing and tail manufacture into a Canadian plant, or, when Lockheed wants to sell to British airlines, a Rolls-Royce engine may be required, and for the McDonnell-Douglas jet to be eligible for Alitalia markings may require fuselage panels built in Italy. The significant impact of this fact (which reaches billion-dollar levels) upon balance of trade was not considered in prior trade-balance studies. Note, however, that when our technology takes a big jump ahead of foreign technology, this negative offset disappears. The labor and material to build the all-titanium U.S. SST will be American, an added safeguard to our trade-balance and national economy, for no other free nation has the titanium manufacturing technology of the United States.

One thing is clear in the balance of payments area: it is extremely difficult to predict with much precision future developments of the major nations and aircraft companies of the world. I don't believe that comparison of the U.S. SST vs. the Concorde should be done on an all-black or all-white premise. Nevertheless, in order to simplify the presentation of potential trade swings, it is necessary to make assumptions that there would or would not be a U.S. SST competing with the foreign-built supersonic transports. To the best of our ability, I have asked that our trade balance studies consider real life factors, but I must say, at best, these projections only convey possibilities of what could happen.

A summary of the results of DOT studies shows that if there is a viable Concorde and no U.S. SST, we suffer a trade imbalance from 200 Concordes imported worth $7.0 billion and lose by not building an SST, $10.1 billion from sales abroad, for an unfavorable swing in trade balance of $17.1 billion. If a more airline-economical Concorde II appears, this unfavorable trade impact would grow to $22.1 billion. I call this our conservative or base estimate. This is due to a greater impact upon the jumbo-trijet market from a more commercially attractive Concorde II. However, taking into account the effect on import sales of a more favorable "family of civil aircraft," this impact could grow to $27.1 billion and, when the real world offset agreements are accounted for, then this trade impact could reach almost $30 billion, all computed in 1967 dollars, over a 12-year period (1978–1990).

When we apply a conservative escalation of 3% per year to current dollars through 1985, only half the life of the production program, the trade impact numbers can boggle the mind; from a minimum of $17.1 billion to $45.6 billion over a 12-year period, or $3.5 billion per year.

Finally, when aircraft are sold over a time period such as the SST 1978-to-1990 time span, the spare parts for airframes and engine support can add exports with a value of 50% of the initial sales price. This factor has been largely ignored in our previous trade balance assessments. If we add this to the above highest estimate, *about $50 billion trade swing can be projected.*

As I am sure the gentlemen on this Committee recognize export business of this magnitude is no longer easily attained or duplicated in other product fields. An examination of Commerce Department statistics shows a steady erosion of our export markets and a migration of our technology abroad. Automobiles, for example, passed from a favorable to an unfavorable balance of trade in 1968 and last year we imported $1.4 billion more than we exported. Unfortunately this trend is continuing and information recently available indicates that imported car sales set a new high in July, up 25% from the year ago figure. Imports of iron and steel products are up 380% over a 10-year period. Consumer goods, excluding automobiles, has shown better than a 340% gain in the same period. Exports associated with our electrical and electronics industries also represent a disturbing situation. Since the mid 1960's, our exports have been growing approximately 15% per year. However, during this same period, imports have been increasing at the rate of 40% per year. Should these trends continue, it appears that by the end of 1972, our imports will exceed our exports in a field in which we originally excelled in technology. On the other hand, the products of American civil aircraft technology have been near the top of the export list for the past ten years. This is a strong technology base that we cannot afford to default.

It is a significant fact that our exports of civil aircraft are being converted to favorable trade balances at a ratio in excess of 90%. In other words, nine of every ten dollars of civil aircraft exports contribute to our favorable trade balance. This point has not been lost in the deliberations of Sir George Edwards, Managing Director of British Aircraft Corporation, who recently said that the economic future of Great Britain is largely dependent upon the advance of aerospace and related technologies, mainly due to the high conversion ratio of exports against imports.

Civil aviation leadership means advanced technology unmatched outside the U.S. and bulwarked by a stable trade balance. These attributes work together toward a common end—a sound U.S. economy. Without a sound economy, we can never honor our commitments to better education, better housing, better law enforcement, better transportation, and, to improve our environment, a better quality of life for all.

LABOR FORCE FOR SST PRODUCTION

The parallels of a sound economy and a growing labor force are such that there is a significant SST impact upon the U.S. labor force. As indicated earlier, when the governments and industries of Canada, Great Britain, France, Germany, Italy, and Japan determined that their technology in civil aircraft began to match that of the U.S. industry, they hastened to promote "offset agreements" as a means of augmenting their own employment base.

Quite obviously in these circumstances, U.S. aircraft manufacturers were placed in a position of having to adopt a "half-a-loaf" approach in dealing with these agreements. However, in the SST program we are now dealing with the whole loaf, since we alone possess the necessary titanium technology in the free world. Should we decide not to go forward with our technological edge, then the British and French would be afforded the opportunity to use their less advanced Concorde which is scheduled for airline service in 1974 as a family "leader" to attract sales to their airbus and other subsonic aircraft. Should this happen we could then lose not only the SST market but our dominance in commercial aviation as well, and afford the competition the necessary ingredients of time and resources with which to make the quantum jump from aluminum to titanium technology.

Estimates of the signficance of the SST upon our aircraft employment, indicates a loss of 28 percent of all jobs available at the end of 1979 if we do not have the U.S. SST program. If we have a less favorable family of civil airplanes to offer to the airlines of the world and if, as consequence, future subsonic sales are filled by foreign aircraft such as the A-300/BAC-311 and the French Mercure, then the 28 percent can be much larger and represent a material employment loss to this industry.

The U.S. SST program will provide a peak direct labor force of 50,000 jobs most of which are highly-skilled with potential application throughout the United States over the period to 1990. Taking into account the multiplier factor, the SST more reasonably affects 150,000 jobs if the economy is not fully employed. I do not want to give the impression, Mr. Chairman, that our position assumes total loss of these persons to the work force in the event the program does not go forward—it is our position, however, that minimally it will require substantial dislocation of families and material retraining efforts to adapt these workers to different skill requirements in different industries. Such changes are not accomplished without significant personal hardships or without some government expenditures. We are in full accord with the policy of this Administration to return to a full employment economy by 1972 and believe the nation is better off if these jobs are in the technologically progressive aircraft industry rather than elsewhere, particularly in view of the current downtrend.

Perhaps the present condition of aerospace employment in the United States can be used as a mirror of the future. In current perspective, employment in the aerospace industry is already suffering from declining sales of large civilian transport aircraft coupled with reduced expenditures for military aircraft and missiles and space programs. For the year ending September 1970 employment will have dropped by twelve and one-half percent from a year ago—a loss of 168,000 jobs or one out of every eight. Contrary to popular misconceptions that the aerospace industry employs only white collar workers, this job-loss is not restricted to any particular type of employee but rather has an across-the-board application. Scientists and engineers who comprise only fifteen percent of the work force will lose 28,000 jobs, down 13.8 percent from the year-ago level, production workers representing fifty-one percent of the force will lose 89,000 jobs, a drop of 12.8 percent and technicians representing five percent will lose 10,000 jobs, a drop of 14.1 percent.

Impressive as these statistics appear in totality, they tend not to convey the true import of the situation. For example, the 168,000 jobs comes more into perspective when viewed in light of the fact that this is roughly comparable to the population of Arlington County, Virginia, which according to the 1960 census was slightly more than 163,000 persons. Quite obviously, the loss of this number of tax-paying Americans, if even for a limited time, must have repercussions in various segments of the economy.

None of these statistics, of course, provide a reasonable measure of the personal hardships which necessarily accompany such situations. It is not an easy decision for most families which requires their total removal from a location which is their home—in certain instances it may not be an acceptable option to even attempt and they remain in the area, even if unemployed.

As I said earlier, Mr. Chairman, the present aerospace employment picture, depressing as it is, can be useful in that it can be a mirror of the future, if we experience the loss of employment from having exported one of our best national resources—which is what will happen if we fail to answer this foreign SST challenge. I am not projecting such a dire situation, but rather trying to illustrate that our aircraft industry is very vital to our overall economy and well being.

Before concluding my remarks concerning this vital area of consideration, I think it may be pertinent to highlight certain sections of a "Statement by the AFL-CIO Executive Council on SST." At their meeting on 3 August 1970, in Chicago the Council, in supporting this program said in part—

(1) "Today, the USSR and the French and British are developing airliners that will fly at supersonic speeds on trans-oceanic flights. These nations, using government funds, have produced prototypes and are now well along in their testing programs."

(2) "Without an SST, the American aerospace industry will be unable to maintain its leadership in world aviation, losing most of the market for trans-oceanic airliners."

(3) "American aerospace workers will also lose sorely needed employment."

(4) "We urge the United States Senate to vote funds for the development of an American SST. The age of supersonic travel over water will soon be here. The United States cannot afford to be left in the lurch."

AIRLINE NEED FOR PRODUCTIVITY

Turning now from the need for an SST as an overall U.S. national requirement for economic health, lets consider the importance of the SST to the airlines, both U.S. and international.

Productivity refers to an airplane's ability to do work efficiently. In air transportation terms, one measure of productivity is available seats per airplane times the speed (shown as the available seat miles per hour per plane). Analyses show the SST to be approximately:

Three times as productive as the Concorde (1974) and the jumbo tri-jets (1971).

Twice as productive as the largest jumbo jet (1969).

Four times as productive as the basic subsonic jet fleet (1965).

Sixteen times as productive as a DC-6 (1950).

About one hundred times as productive as as the DC-3 (1940).

New productivity levels provide the basis for the airlines to:

Accommodate the normal travel growth requirements coincident with attractive service in terms of departure and arrival schedule.

Maintain a reasonable financial return in spite of cost escalation.

Provide the traveling public with reasonable fares.

Maintain reasonable world-wide civil air transport fleet sizes.

If we look at the impact of productivity in the light of these factors, we see, first, the increase in intercontinental revenue passenger miles growth conservatively projected by Boeing to be such that by 1985, the SST traffic alone will equal the entire free world traffic today, 260 billion revenue passenger miles, or 100 million passengers traveling by SST—and this with no *supersonic* overland flights. Almost 75% of all intercontinental flights are projected to be in SST's.

Secondly, as a means of showing how important it is for aviation to plan ahead, and to underscore why we must go ahead now, examine what could have occurred had the aviation industry not been ready, capable and willing to offer the needed advances in aircraft technology, reflected in improved productivity per dollar, through improved models about every five to eight years.

Only 345 pre-war DC-3's were built to serve the airlines of the entire world. By 1947, the DC-3/4 and Constellation fleet had grown to 2000 civil aircraft.

At the end of the piston engine airplane era a total of some 4500 DC-6's, DC-7's, Constellations and other piston airplanes were in use by the airlines of the world.

Today the airline fleets of the Free World number about 3500 subsonic jets. Had the industry not pressed ahead with the jet age, in spite of all the outcry of the critics of progress of the early '50's, we would today be choking the airways and airports with piston aircraft and cause significant environmental degradation.

Now, looking ahead to the 1980's, if the U.S. aircraft industry does not continue to move ahead with its advanced generations of more productive, more comfortable, safer, more reliable air transportation, we will stifle our industry. The economic benefits resulting from meeting the increased demand will be reaped by countries currently planning and aggressively pursuing this lucrative market.

Some critics of the SST contend that international air travel is limited to an insignificant segment of the U.S. population. Consider the composition and magnitude of air transportation projected for the 1980's. It appears this next advance in travel—communication—cultural exchange—business will be of service to a significant segment of our U.S. population. Examination of present day travel and that predicted for the 1980's shows that:

Today, some 44.7 million separate Americans (22% of our population) travel by air domestically and over six million internationally (3% of our population).

By 1985, which is only the mid-life of the first generation of SST's, 50% of our population, 126.4 million Americans will travel by air domestically and 25 million, or 10% of our population, internationally. This is hardly a "jet set."

62.3% of international air passengers between the U.S. and foreign countries are U.S. citizens.

The business/pleasure split of international air passengers is 26%/74% for the North Atlantic and 24%/76% worldwide. Passengers in the Pacific area are split about 50–50, business and pleasure.

The North Atlantic routes alone represent the most lucrative airline route system in the world, carrying over six million people in 1969 between North America and Europe and projected to carry 28 million in 1985. About two million Americans or one percent of our population flew this route in 1969, and about nine million are expected to fly in 1985. During the 1960's, nineteen North Atlantic carriers flew 31.3 million passengers. Passenger volume increased 243% from 1960–1968. This air communications system links the two most powerful economic communities in world history—Europe and the United States. By shrinking distances on the entire globe to 12 hours or less, the SST will open up similar traffic in other directions from the U.S. From a profit standpoint, the SST clearly aims at the prime market. Long-haul routes are traditionally more profitable than short haul. Most SST flights will be "long distance." International operations have been shown from CAB statistics to be consistently 60% higher in rate of return than domestic operations, returning 9.6% internationally versus 5.9% on total investment, based on the 10-year average through 1969. This is important to the SST program and fleets of the future in terms of:

Repayment of the government cost share.

A healthy airline industry.

A more rapid payoff of the new equipment directly for a greater return on investment.

Greater productivity is also the way the airlines generate the funds to pay back the loans required for new equipment. Much has been said about the potential price of a U.S. SST escalating from a 1970 estimate of $37 million per airplane to the order of $50 million in 1978. Historically, new equipment has produced sufficient revenue to pay back its cost in about 5–6 years.

Notice that the SST is not expected to be an *exception*, and that this payback capability is due to its phenomenal productivity—

the ability of the airplane to produce revenue.

With all these productivity factors in mind: Holding fleet sizes to manageable levels; accommodating known travel growth trends with adequate service and at reasonable fares; providing airlines returns adequate for their solvency, we must yet ask what does SST productivity do for the average citizen—the traveling public—all 25 million of us in 1985? If we examine cost history and projections to 1985, we can see a steady rise in costs for all aspects of airline operations—except perhaps for fuel. In spite of this all too familiar trend, notice that airline fares, compared to the Department of Labor Consumer Price Indices, have actually decreased since 1947. The ability of the airplane manufacturing industry, combined with progressive and dedicated airline management, enables nearly 45 million Americans today or about 22% of our population, to enjoy the phenomenon of lower prices while other prices have *risen* an average of 50%! The SST will be available to everyone and specifically to the 25 million Americans who will choose to fly internationally. This is equivalent to 10% of our population which will further enjoy these benefits in the 1980's.

THE BUSINESS OF THE SST—A PARTNERSHIP

With all of the capabilities of the SST program to help undergird the economy from a national interest standpoint, it is at the same time a unique government-industry partnership that is more of an investment than a direct federal subsidy. This is, of course, in the nature of the American way of doing business, for the SST is a civil transport in the business sense and the Government is most certainly not to be involved in competing with private industry for profit. The contract arrangement provides for both parties to realize a reasonable return as follows:

The prototype costs will be returned to the government by the time the 300th airplane is delivered.

When the 500th airplane is delivered, Government royalties will reach one billion dollars above the investment. The constitutional government method of obtaining revenue, however, is through taxes, and, when the taxes calculated from SST employment (50,000 direct jobs and 150,000 total jobs, including indirect) are considered part of the return, an additional $6 to $7 billion will be returned by 1990 for a return on the prototype investment of almost 17%. Returns to the manufacturers are estimated to be 15% and 11% for Boeing and GE, respectively.

FINANCING PLAN

The Government's involvement in the financing of the *prototype program* has always been based on these basic economic realities:

The size of the financial burden exceeds the capabilities of any single or joint private U.S. industrial aerospace concern. The 100% government subsidized French-British Concorde is already at least four years ahead of our SST and has completed more than 220 hours of successful prototype flight testing.

The potential adverse impact upon our nation's balance of trade if we forfeit the SST market to the foreign manufacturers demands we build the prototype to protect future options. To forfeit the SST, in the face of intense and dedicated foreign subsidized civil aircraft competition could well lead to a serious erosion of our total civil aviation market and aircraft employment.

The cost-sharing/loan nature of the prototype U.S. program features:

A 90% government—10% industry cost share up to a cost incentive point of $625 million for Boeing and $284 million for General Electric after which industry shares 25% of added costs.

Industry bears the burden of all facility costs, about $54 million for the prototype and $100 million for production. The manufacturers also will spend about $78 million in commercial costs during the prototype time period.

For the prototype program through 100 hours of flight test: Boeing $122 million or 9% of allowable cost. G.E. $51 million or 4% of allowable cost.

Airlines $59 million or 5% of allowable cost.

Government* $1051 million or 82% of allowable costs, but with facility and commercial costs of $132 million by manufacturers the final share will be:

Government $1051 million of 74%.

Manufacturers and airlines $364 million or 26%.

The financing of the production phase has not relied on government participation nor was it, *nor is it, intended to do so.* The finance plan is evolving with discussions already in progress with financial organizations, industry, labor, CAB, etc. The present timing for a plan is June 30, 1972. It is hoped that this year an outline of the plan can be developed; however, the success of the prototype design and the associated research and development are the keys to attracting the private financial community to this program. As one leading financial expert put it, "with a proven successful prototype flying and the prospect of more than $25 billion worth of business, someone will find the cash to promote this business." The industrial financing of a program as large and with such national economic impact is a truly U.S. wide project. Labor, the airlines, the manufacturing industry, the lending institutions, the government fare-route regulating authorities and the international fare-route regulating authorities will all be directly involved in developing the necessary actions to assure.

A healthy airline-industry economy.

An attractive economical design.

A well-managed, imaginative total transportation system to accommodate the SST.

Two important factors, normally representing the only requirements for private financing assurance, are implicit in the SST Program already. These are:

A willing buyer. (10 airlines have put up nearly $60 million of risk money to show their willingness to support this program.)

A proven vehicle which will be provided by the prototype phase.

The magnitude of the financing used, the current economic status of the airlines and the industry make an accurate projection impracticable at this time; nevertheless, the objectives and plan for private financing remain unchanged.

FISCAL YEAR 1970 PROGRESS

In the year since the SST program was last reported to this Committee, considerable progress has been made by both the airframe and engine contractors, paving the way for prototype construction work. A Class II full-scale structures mockup was assembled. Prototype structure design releases have been started. Forging drawings, long-lead raw material items and specification control drawings are being released to support the progressive stages of manufacturing fabrication and assembly.

The major subcontractors have been awarded prototype production contracts. The contractors recently announced include Aeronca, Inc., North American Rockwell, Rohr Corporation, Fairchild Hiller, and Northrop Corporation for the airframe and Cleveland Pneumatic for the landing gears.

During FY–1970 Boeing also awarded the following subsystems and equipments contracts:

Sperry Rand—Flight Control Electronics.

Bertea Corp.—Horizontal Stabilizer Power Control Unit.

GE Company—Variable Speed Constant Frequency Elec. Sys.

Air Research Manufacturing Co.—Secondary Flight Controls.

Abex Corp.—Forebody Actuation System.

Hamilton Standard—Power Servo Inboard Flaperon.

At General Electric, engineering activities have demonstrated significant progress in the development of the GE4 engine for the SST. Initial testing of the 633 lb./sec. airflow engine at maximum nonaugmented conditions produced 54,250 pounds of thrust at a specific fuel consumption of 0.974. This is better than the contractual requirement by more than 5%. At full augmented power, the engine established a new world's record of 69,900 pounds thrust at a specific fuel consumption of 1.74. This is better than the contractual requirement by 2%. The 633 lbs./sec. compressor demonstrated the ability to meet the design objectives. The engine was successfully operated at simulated Mach 2.7 conditions with augmentation. Improved performance guarantees for the flight test engine were incorporated into the contractual engine specifications. About 80% of the design for the 68,600 pounds thrust Flight Test Status Engine has been completed.

Program management FY–70 activities.—In program management, some replanning was necessary in FY–70 to stay within the resource constraints placed on the program. To some extent this is like squeezing a balloon—the volume or work content is unchanged, but it is pushed out in other places and shows up in FY–1972, FY–1973, and FY–1974. Based on reviews of other programs, my programming people feel this may lead to a schedule slip of first flight. While we are making every effort to keep funding restrictions from impacting the program, analysis of the probable effects leads us to the conclusions that the first flight may slip approximately three months.

I am encouraged that Boeing and GE believe they can replan their efforts without a schedule slip or any resulting increase in costs. Based on estimates of my people, it appears that if the manufacturers are unable to meet the current first flight date, the prototype cost will be $1283 million to perform the prototype phase through 100 hours of test flight. This would represent a $76 million increase in the potential cost of the prototype phase over last year's estimate. On this issue, however, I would like to point out that we are presently underrunning our cost and indications of the companies are that they can replan and stay within their estimates. I'm not sounding an alarm; I do want to indicate that we are very cost and schedule conscious, and also that both Government and industry management must be on their toes. Funding must be provided at the planned rate in order to accomplish the program within forecast cost and schedule.

WHAT FISCAL YEAR 1971 WILL PRODUCE

Mr. Chairman, FY–71 is our critical year. This is the year when we will start to see the airplane take shape. We are going to begin assembly of the first major section near the end of the fiscal year. It also, as one would expect, is our major funding year. During this period of development, we will see our manpower reach its peak. To support this effort, we are requesting $290 million. I would like to review the highlights of some of the work that will be underway.

Boeing's FY–1971 planned major accomplishments

Engineering activites have proceeded rapidly and smoothly leading to fabrication of numerous prototype aircraft parts in FY–1971. Approximately 85% of all detailed

*Government and manufacturing also invested $291 million and $17 million respectively prior to the prototype phase.

structural drawings will be released to the shop before the end of the fiscal year. All procurement specifications will have been completed, most of the systems and parts orders will have been placed on contract and assembly of the first major airplane section (the wing aft section) will commence during FY–1971.

Analysis and test activities will have, by the end of FY–1971, passed their peak, phasing from production of design data to verification of components and systems before flight tests. Tests on numerous portions of the airplane will have been completed, such as all flutter model tests, nacelle model tests and full-scale inlet seal tests. Ground engine/nacelle tests will be in full sway, as will full-scale test of the fuselage movable forebody, the environmental control system, the flight control system, the electrical system, the full-scale engine air intake system, the fire detection system and various structural proof tests. The horizontal tail box and the vertical tail box static tests will be completed as verification of the structural design.

Manufacturing will commence early in 1971 on prototype detail parts. By the end of the fiscal year approximately 70% of all detail parts will be under construction by Boeing and the major subcontractors. Fabrication of major tools will start in the middle of the fiscal year and near the end of the year, assembly of the first major airplane section (the wing aft section) will begin in the major fixture. Refinement of the Class II mockup structure will occur during fiscal year 1971, and Engineering and Manufacturing will be using the mockup for tubing and electrical wiring development.

Procurement of law materials, both metallic and non-metallic, will continue to support the extensive fabrication effort occurring in fiscal year 1971. Systems and equipment items for test purposes will continue to be received throughout the fiscal year. Late in FY–1971, the initial prototype engines will be completed and available for qualification testing and later installation into the number one prototype airplane.

These engines will be extensively tested to demonstrate the satisfactory operation of the engine under various conditions which simulate actual operating conditions as well as increasing the durability and reliability of the engine. Approximately 1600 hours of full scale engine testing will be performed during this period, bringing the program total to about 2400 test hours, or over 50% of the contractual target.

The significant engine tests to be performed during this period are as follows:

Inlet—Engine aerodynamic compatibility tests will insure at static sea level conditions that the engine-inlet system is compatible and will meet the performance, safety, and reliability requirements for the SST. This test will provide full-scale compressor and engine results under simulated inflow conditions at an early date so that modifications, if necessary, can be made prior to the full-scale testing of the inlet and engine in the supersonic simulated flight conditions of the AEDC propulsion wind tunnel facility.

Hot gas re-ingestion test will demonstrate the ability of the engine to operate in the thrust reverser mode on landing.

Engine air start test will determine the ability of the engine to restart at operational altitudes.

Engine durability and reliability tests will confirm the life and endurance of the engine under operating conditions.

Engine component testing will continue including nozzle and reverser scale model performance tests and cyclic cascade tests of advanced turbine blade and vane designs. Approximately 12,000 component test hours will be performed during this period, bringing the program total to 122,000 test hours or about 95% of the contractual target.

Engine design of the 68,600 pounds thrust Flight Test Status engine will be completed by the first quarter of the fiscal year. Engineering analysis of test data resulting from engine and component tests will continue in support of the Flight Test Status engine.

Manufacturing of tools and hardware necessary to produce twenty-seven and a half equivalent sets of Flight Test Status engines will continue. During this period, all tools will be in place and approximately 35% of the material will be available to fabricate 28% of the Flight Test Status engine hardware.

Other FY–1971 planned major accomplishments

Supporting research and development will be conducted during FY–1971 by the Office of Supersonic Transport Development (OSTD) in accordance with overall program objectives. The effort will be applied in two main areas:

1. *Program financial planning and economic analysis and forecasting.*—Some of the effort and studies to be conducted or initiated in this area are: Macroeconomic impact of SST on the U.S. economy, update economic forecast and demand studies.

2. *Environmental studies and research and development.*—Due to increased concern of the environmental control aspects of the SST program, a parallel research program will be continued by OSTD with major emphasis in the following areas to obtain a part of the answers to questions of environmental uncertainties discussed previously prior to the commencement of the production program: Radiation Studies, noise Reduction Studies, high Altitude Weather Studies.

SUMMARY

In summary, a great deal has been said, and written, about the relationship of the United States SST to its leadership in aviation and the enhancement of the nation's prestige by fostering that leadership. These two intangibles, leadership and prestige, come not as a result of being bigger or faster, but from being *better*. They are not inputs to the SST program, but are very realistic and honest outputs earned when our free enterprise system plans ahead, succeeds in competing with the nationalized systems abroad, and produces benefits for the nation as a whole. The Supersonic Transport Program can be such a national effort, for it reflects:

An eighteen-year research and development planning effort by our entire technical and scientific community.

A carefully developed government-industry partnership with joint returns to the government and to the industry, and the promotion of a healthy industrial base in the United States.

A significant impact upon our balance of trade value.

A design which will answer airline industry needs for improved productivity in the 1980's and substantial economic advantage over the competition.

A significant labor base, which, if not undertaken, would default aircraft industry jobs to industrial concerns overseas.

Our task is not yet completed. There remains to be accomplished the construction and proof testing of the Boeing 2707–300 and the completion of the environmental research program. The development of the financing plan also must be completed. This will require the teamwork of labor, industry, the airlines, the government, and the financial community. Ultimately, the SST, imaginatively conceived and carefully developed, will be a part of the overall U.S. transportation plan designed to insure the United States of a healthy and versatile transportation system, a strong labor force, a vigorous industry, and the best aviation system in the world. When we have done all these things well, then we can quietly, and with dignity, take pride in having achieved leadership and earned the prestige which comes from doing something well in the eyes of others.

Mr. Chairman, that concludes my statement. My staff and I will be happy to answer any questions the Committee may have, and to provide such further information as may be desired.

SENATOR HENRY M. JACKSON STATEMENT ON THE SUPERSONIC TRANSPORT PROTOTYPE PROGRAM BEFORE THE SENATE APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, THURSDAY, AUGUST 27

Mr. Chairman, members of the Committee, I appreciate the opportunity to appear before this hearing of the Senate Appropriations Subcommittee on Transportation. I appear today in support of the Administration's Fiscal Year 1971 budget request for continued funding and development of the supersonic transport prototype. I also appear today to discuss the environmental concerns which some have expressed about this program and to offer the Committee my views together with some suggestions.

THE PROGRAM IN GENERAL

As members of the Committee are aware, the supersonic prototype program is now over half complete. $708.3 million of Federal funds have already been appropriated. $633 million will be required for completion of the two prototypes and for flight testing. $290 million of this amount is requested in the FY 71 budget. The program is designed so that this investment will be returned to the government upon the sale of 300 aircraft. Ultimately the program could return more than double the investment to the Treasury.

Private investment by the manufacturers and the airlines in this program will total $364 million or 26% of total cost. By way of contrast, no private capital is being used in development of the British-French Concorde, 2 of which have been tested and 10 of which are now under construction, or the Russia TU–144, which is now in test flight.

The program is, in my view, technically, fiscally and environmentally sound. President Nixon and the present administration concur in this judgment as did Presidents Johnson and Kennedy and members of Congress in every session of Congress since the 87th.

This program will be of benefit to the nation in many ways. These include:

Favorable impact on our balance of payments.

A source of employment in the aircraft industry.

The development of new technologies.

Tremendous savings in passenger time.

A healthy aviation industry.

Greater efficiency, productivity and comfort in the movement of people.

Continuing U.S. leadership in the production of commercial aircraft.

A failure to go forward with this program would, in my view, be irresponsible. It would mean *no return* on the large national investment already made. It would mean a *loss* in technological leadership. It would mean *terminating* a 9 year research and development effort without attaining the prescribed goal. Finally, failure to carry through would have a serious impact on our balance of trade.

THE ENVIRONMENT

As members of this Committee are aware, opponents of the prototype program have in recent months and weeks expressed concern over the possible effects on the environment which they allege would result from commercial development of a large fleet of 500 or more supersonic transports. These concerns relate to sideline noise levels, possible impact on weather and climate, and to some extent, radiation. Insofar as they have any

factual or scientific basis these expressions of concern represent a positive development in both public and governmental response to the potential impacts which new technological developments conceivably could have on the quality of man's environment. Too often in the past, technological developments have been allowed to proceed full scale without adequate consideration or evaluation of all environmental factors.

The U.S. supersonic prototype program provides a striking contrast to past practices. In the development of this program the environment has received continuous attention and careful analysis. Since the inception of the program over $23 million has been invested in environmental research by the Department of Transportation alone. This figure does not include other private and governmental research over the same period of time. In the area of noise suppression research alone, the present contract obligates the manufacturers to spend $24 million.

By the time the United States prototype makes its first flight, it will have been 11 years in research and development. From the outset, the development program has taken into account all environmental concerns which could conceivably be related to supersonic flight. On the basis of the best data and informaiton available there is *no* reliable evidence that supersonic operations will cause any significant adverse effects on the atmosphere or the environment.

It is my view that the supersonic prototype program provides a model of environmental decision-making in the development of technology for new modes of transportation. All areas of concern have or will be studied in depth. All alternatives have been considered. Research has been identified to further the resolution of potential problems. Studies are still underway so that certainty may be attained.

This procedure is entirely in accord with the stringent requirements of the National Environmental Policy Act which I sponsored in the first session of this Congress. The Department of Transportation has under preparation, I understand, a section 102 statement which discusses the history of the program, the alternatives considered and the intensive research which has been done or will be accomplished in each of the areas where concern has been expressed. I am confident that a review of this history will demonstrate that this program is not only environmentally very sound, but that it also is the most studied project in terms of environmental effects ever undertaken.

It is important in connection with the Committee's consideration of this program to bear one essential fact in mind. The prototype program involves *only* the development and testing of *two prototypes*. No responsible scientific organization has ever said or even intimated that the two prototypes will in any way be harmful to the environment. Quite the contrary in fact. Development of the prototypes will provide operational laboratories; they will greatly enlarge man's understanding of the upper atmosphere, environmental processes and noise abatement technology.

What has been said by some is that there are a few conditions relative to commercial operation of a fleet of 500 or more supersonic transports which represent areas of minor concern and for which more data is desired. Those of us who support the prototype program acknowledge these concerns. Those familiar with the prototype program know that the environmental aspects of supersonic flight were examined and comprehensively reviewed in 1965, and have been continuously re-examined in the years since. The Office of Supersonic Transport Development has been advised by ESSA and other agencies on the possible effects of increased aircraft operations in the upper atmosphere. While no absolute assurances can be given at this time, present information indicates that *no significant effects on weather or temperature should be expected from commercial supersonic transport operations.*

In earlier years such assurances would have been more than satisfactory. Today they are not. For that reason research and study continues. Those involved in the prototype program recognize as I do that we cannot address ourselves to the problems of improving our environment if we do not take all necessary steps to prevent its further impairment.

A few months ago, I urged the Administration to review its ongoing environmental research program insofar as it related to concerns that have been expressed. As a result, the Department of Transportation with the advice and assistance of the President's Council on Environmental Quality has prepared a comprehensive multi-agency research program and has convened an advisory committee of distinguished experts. The Chairman of the Environmental Committee is the Assistant Secretary of Commerce for Science and Technology, Dr. Myron Aribus. The committee has all of the scientific resources of the Federal government available to it and may call on others outside government to provide advice and assistance when and where needed.

This committee will suggest and plan research in any areas where lack of information or uncertainties still exist. Where further research is necessary, it will be conducted so that any uncertainties will be resolved and desired answers will be available in the 1973–1974 time period and prior to any final decision on commercial development. This assures that before commercial production may be initiated the most expert scientists in the United States will have available pertinent information and definitive data necessary to determine whether or not any environmental degradation could result from fleet operations.

As a result of the recent environmental research review conducted by the Department of Transportation a three-year $26.7 million research program has been formulated to provide the data which the committee, and others, will evaluate. This research program has been approved as an optimum program by Mr. Russell Train, Chairman of the President's Environmental Quality Council and other members of the Council. For the most part, the $12.8 million FY 71 funds to support this research program are provided for in existing budgets and the FY 71 budget requests for the various agencies involved. For example, most of the noise research was already firmly planned by NASA and DOT before the assembly of the total program plan. The Department of Transportation has done a commendable job in applying its own resources for environmental research purposes, and in identifying within other agencies projects which are already budgeted—totaling approximately $8.2 million for FY 71—which will help meet the desired objectives of the research program. The remaining $4.6 million FY 71 funds necessary are not available in existing or proposed budgets and must be funded this year for the program to be fully effective.

Mr. Chairman, I have had some summaries prepared of the proposed research program. They are attached to my statement and I would like to submit them for the record.

I would urge the Committee that the $4.6 million of new funds necessary this year for the optimum research program be added to the House allowance of $14.5 million for the Transportation Planning, Research and Development appropriation for the Office of the Secretary of the Department of Transportation. I suggest further that the Committee in its report direct the Secretary to use the added $4.6 million to reimburse, as appropriate, those Federal agencies conducting weather and climate research.

As members of this Committee are well aware, a U.S. supersonic transport is by no means the only vehicle designed to operate in the stratosphere and most certainly will not be the first commercial transport to operate there. Military supersonic vehicles, including our own, thousands of Russian and other nation's fighter aircraft, already operate at the altitudes where the prototype will fly. The British-French Concorde and the Soviet TU–144 are now in flight test and can be expected to be operating around the world years before a U.S. supersonic transport could go into commercial service.

Because we have no assurances and no evidence that Russia, France or England are paying the careful attention to environmental concerns that the Department of Transportation is in connection with the prototype program, I believe the following additional steps should be taken by the Administration:

First. The authority granted by section 102(E) of the National Environmental Policy Act should be used to enter into international negotiations and programs with other nations to insure that appropriate environmental research is undertaken and that any necessary international agreements are developed in advance of commercial supersonic transport development.

Second. The United States should continue discussions which are now underway and should make a commitment to exchange environmental research results and information which is relevant to supersonic flight with other nations and with any appropriate international bodies.

In my view, the Administration should adopt a policy which will insure that the results of our Nation's important environmental research investment will be made available to other countries so that the aircraft which Russia, England and France are already flying and the commercial fleets they clearly intend to develop may be made as environmentally safe as the prototype we are developing.

To a very significant degree the prototype program is a program in basic environmental research which has as one of its major objectives the development of data, information and technology which will insure that commercial supersonic flight will not result in degradation of the environment. By the time we decide to go into production of the U.S. supersonic aircraft almost $74 million will have been expended to expand our basic knowledge of the environment. Failure to go forward with the program will mean that the quality of supersonic aircraft will be less than it should be; that environmental unknows will remain; and that the U.S. will not make a contribution to development of a safe aircraft which can operate without environmental damage.

Failure to go forward with the supersonic prototype program would default on the very real national economic and employment benefits that will accrue from this project. Equally important, it would cancel the most effective assurances the U.S. could have against the possibility that foreign supersonic aircraft might in any way degrade the environment. The environmentally safe, economically sound American supersonic transport has the capability to sweep from the airways the foreign SST's—over which we have no control—on solid, competitive, economic grounds.

ALASKA NATIVES STILL WANT 40 MILLION ACRES

Mr. KENNEDY. Mr. President, in July, when the Alaska claims bill (S. 1830) was before the Senate, I supported an amendment to provide for a land settlement of 40 million acres for the Alaska natives. It was clear to me that the natives were

presently using over twice that amount of land for their livelihood and sustenance and thus have a valid claim to well over the 40 million acres they are willing to settle for. I believed them and believe now that for Alaska natives to share fully in the development of that State—their State—they must have more than the 10 million acres presently reserved to them by the Senate bill.

The House of Represenatives has not yet taken action on the Alaska claims question. I hope that that body, as it proceeds to consider this problem, will keep in mind that what is involved here is not a grant of land to the natives, but a retention of land by them. Thus viewed, an Alaska claims settlement bill actually extinguishes native title to acreage in that State, and Congress must not allow this bill to become but another step in the historical process of stripping native Americans of an adequate land base through governmental action. The monetary settlement provided in the Senate bill, large as it may seem, is minute by comparison with the value of native lands to which the natives will be relinquishing title.

Mr. President, the Alaska Federation of Natives, native leaders from across the State of Alaska, and the president of the National Congress of American Indians have all declared clearly and forcefully that only a 40-million-acre settlement will be considered a fair settlement of the native claims. And a fair settlement is what Congress should be prepared to provide.

I request unanimous consent that two articles from the Tundra Times and the NCAI statement be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

AFN PLANS FIGHT FOR FAIR LAND CLAIMS SETTLEMENT IN U.S. HOUSE

The Alaska Federation of Natives plans to make its fight for a fair land claims settlement to the U.S. House the first part of September, executive director of the AFN, Eben Hopson reported this week.

The decision was made last week at a board meeting of the native organization after telephone conversations with Ramsey Clark, general counsel for the AFN.

The board went through the recently-passed Senate land claims bill, Hopson said, and attempted to come up with some amendments it thought would have a chance on the House side.

The Senate bill provides for a settlement of $500 million in cash, $500 million in royalties, and about 10 million acres of land for Alaska's 55,000 natives.

The AFN has held to its request for 40 million acres of land and has voiced opposition to the bill's provisions for BIA termination and only two native members on the 5-member Alaska Native Commission.

While considering amendments, Hopson continued, the board was informed by Ramsey Clark that the plans of the House Subcommittee on Indian Affairs was still unknown. The committee is responsible for proposing a land claims settlement. If the subcommittee decides not to use the Senate bill as a base but rather drafts its own version then AFN proposed amendments might be left out in the cold.

In light of this consideration, Hopson added, the AFN decided not to propose amendments to the Senate bill but instead to wait and send representatives to Washington to confer with committee members before mark-up sessions scheduled for Sept. 17, 18, 21 and 22. Hopson and John Borbridge, Jr., first vice president of the AFN, plan to make the trip.

A mark-up session, Hopson explained, is an executive session of a congressional committee. Behind locked doors, the committee works on a bill with no one present but committee members.

Thus, supposedly, action taken during the sessions is unknown until the sessions end and the committee makes a report.

Hopson said that he and Borbridge plan to arrive in Washington several days before the session, the AFN could come up with a definite position, he said.

Hopson added that the AFN did not plan a trip to Washington before the mark-up session because the House adjourns Friday, August 14 until Sept. 9, and it was questionable whether anything could be accomplished before adjournment.

Chairman of the House Interior Subcommittee on Indian Affairs, Rep. James Haley, D-Fla., has indicated that his committee will not start with the Senate bill but will draft its own.

He also indicated that agreement on the bill might take weeks or months. Native leaders hoped that a bill could be passed during this session of Congress so as not to lose momentum gained during a long hard fight in the Senate.

Native leaders hope to hold on to what they consider desirable portions in the Senate bill and to improve upon other parts.

NATIVE PEOPLE ASKED TO WRITE REP. HALEY

Native people throughout Alaska: If you are not satisfied with the 10 million acres of land that would be given you under the land claims bill recently passed by the U.S. Senate, then let your thoughts be known before it is too late.

The man to write is Congressman James A. Haley of Florida, who is chairman of the House subcommittee on Indian Affairs. This committee will be drafting a bill for the U.S. House designed to settle the age-old land claims of Alaska's Natives.

According to a Washington source, Haley has a negative reaction to lawyers and lobbyists and wants to hear from the Native people themselves—especially the people of the villages.

Village chiefs, council members, and village people in general should write directly to him about their feelings concerning the land. Is 10 million acres of land sufficient? If not, how much land do the natives need? Why is the land so important;

Any such letters, the source said, should be sent to the Senator at his regular office, not at his Subcommittee's office. His regular office address is: Honorable James A. Haley, House of Representatives, Room 1236, Longworth Building, Washington, D.C.

In writing such letters, the timing is crucial, the source added. the House will be in recess from Aug. 15 to Sept. 9 and letters reaching his office during that time will not be seen by him but will merely be answered by his staff.

In order to reach Congressman Haley, the letters should be mailed so that they arrive at his office shortly after Sept. 9.

The source attacked the pessimistic talk about how the House of Representatives is likely to pass a bill less generous than that passed in the Senate.

The Senate bill provides for a settlement of $500 million in cash, $500 million in royalties, and about 10 million acres of land.

Such pessimistic talk, he said is likely to discourage the Native people from pressing a hard fight.

"The fact is," he continued, "that the House of Representatives and Congressman Haley, have a much better record than the Senate and Senator Jackson when it comes to just treatment of American Indians."

Sen. Henry Jackson of Washington state is the chairman of the Senate Committee on Interior and Insular Affairs which wrote the Senate land claims bill.

"This kind of pessimism is not only misplaced, but it can lead to a far worse bill than the House Committee would report out if they felt that the Natives had confidence in the House Committee."

Haley, he added, has fought to preserve the treaty between the Seneca Indians and the United States signed by George Washington and has fought to win back the religious shrines of the Taos Pueblo. (The House has consistently passed this bill, and the Senate has consistently failed to report it out of Committee, he said.)

Also, he added, Haley has refused to pass a bill to break up the land holdings of the Colville Indians of Washington State for sale to non-Indians—a bill that Senator Jackson annually gets passed by the Senate.

"It is absolutely vital to keep before the Congressmen who will be deciding the fate of native land the views of both the prominent Native leaders and of the villages themselves."

Until a July 29 issue of the Tundra Times, the source added, the word was passed around the House of Representatives and especially the House Committee on Interior and Insular Affairs that the Natives were delighted with the Senate bill and would be satisfied if the House of Representatives went along with 10 million acres.

On July 20, the Tundra Times ran as its lead story the results of a survey taken throughout the State concerning Native leaders reactions to the Senate land claims bill.

All of the 14 leaders contracted voiced strong dissatisfaction with the 10 million acres in the Senate bill and said they wanted more land.

The statewide check, he added, makes it clear to the people in Washington where the Natives stand.

"Without the survey, I must say it would have been nearly impossible to gain momentum for 40 million acres."

The survey and the AFN itself, he continued, have made it clear to AFN's Washington attorneys that they must not be content with 10 million acres and that an assimilationist policy is not acceptable to the Native people.

The AFN has consistently requested 40 million acres.

Both John Borbridge, first vice president of the AFN, and Eben Hopson, executive director of the AFN, plan to go to Washington to confer with members of Haley's subcommittee before the committee goes into executive session Sept. 17.

Haley has indicated that he does not like the Senate bill and that his committee will carve out its own.

A Fairbanks News Miner story quoted him as saying that the Senate bill is too sloppy and has too many corporations and too many places where people other than Natives can get the benefits.

The 70-year-old Democrat, it has been said, wants to carve out a niche for himself in history with this bill.

SURVEY: "WE WANT MORE LAND"

STATEWIDE CHECK SHOWS OVERWHELMING WANT FOR MORE LAND IN CLAIMS BILL

(By Susan Taylor)

Native leaders from all corners of the state made one point clear this week—they want more land than would be granted them under the recently-passed Senate land claims bill.

From Barrow, Nome, Fairbanks, Bethel, Kotzebue, Ft. Yukon, Juneau, and Anchorage, the words were the same . . . 10 million acres is not enough land.

That is the approximate amount that Alaska's 55,000 Indians, Eskimos, and Aleuts will receive under the bill. Also, the measure provides for a $500 million cash compensation and $500 million in royalties.

The land claims question has now gone to the U.S. House where chairman of the Subcommittee on Indian Affairs, Rep. James Haley, D-Fla., has indicated that he will not use the Senate bill as a base but will start from scratch.

At any rate, the organization representing Alaska's natives, the Alaska Federation of Natives, has said that it will stand by its original request for 40 million acres—about 10 per cent of the land in the state.

With the battle in the House being a very crucial and probably tough one, native leaders were contacted via telephone and asked what measures in the Senate bill they would like to see changed on the House side. An effort was made to contact a representative of each region in the State.

As previously stated, all called for more land.

MORE LAND IN CLAIMS BILL SAY NATIVE LEADERS

Following are the individual comments from native leaders:

President of Northwest Area Native Association, Harvey Vestal of Kotzebue: The land grant needs to be at least 40 million acres, Vestal stressed. A major portion of the native people in the Kotzebue area use the land for subsistence purposes about 90 per cent of the time. The native people are slowly converting to a cash economy.

However, the process will take many more years and in the meantime, "we need the land for hunting and fishing."

He said he would prefer that the land provisions be increased and the money payments remain the same but that he "would be willing to give up some of the money to get more land." The people feel that they might see regional improvements but are not going to get the money in their pocket, he said.

Secretary of the Alaska Federation of Natives, Margaret Nick Cooke of Bethel.

"One of my biggest concerns is the amount of land." A lot of people in the Bethel area feel that the land is too little. Unlike the natives in Southeast Alaska, she said, the people in Bethel do not have jobs and they need the land for hunting and fishing.

There is a lot of unemployment in Bethel, she said, and in the outlying villages there are no jobs at all except for seasonal fire fighting and cannery work.

(A 1967 BIA survey indicated that in the Bethel region only 17.4 per cent of native males and 10.4 per cent of native females of working age had either permanent or temporary employment and the bulk of this was temporary or seasonal. The median family income for the approximately 1,800 natives in Bethel is about $1,500 with the natives depending heavily on seasonal hunting and fishing for food.)

"The people move with the four seasons," explained Mrs. Cooke. In the fall they move out to where the wild berries are and pick from 300 to 400 pounds in August and September. During other seasons the natives in the Bethel region fish and hunt muskrat, mink, seal, beaver, and moose and move according to where these animals are.

The people are afraid, she added, that if they don't get title to land around the villages, other people will start exploring for oil and other resources there and will kill a lot of the animals now needed for subsistence purposes.

Mrs. Cooke said that she would be willing to receive less money in exchange for more land. "The native people have never had money, but they have always had land and have gotten by with little money and lot of land subsistence.

"If we lose the land," she stressed, "we will lose our people. Our culture is tied to the land and if the land is taken from us our culture will be killed and we will be forced to live like all others dependent on a cash economy."

President of the Bering Sea Area Native Association, Jerome Trigg of Nome:

"The general feeling of our area is that the land grant is not quite sufficient and that more acres are needed for subsistence." In some areas of the state, he added, land is more important than money.

He said he did not feel the monetary settlement should be decreased in exchange for more land. "The money should stand, and the land be increased," he stressed.

President of the Ft. Yukon Native Association, Larry Petersen:

"I would like to see the land changed from 10 million acres to 40 million acres. Land is what the people grew up with and have used all their lives. Money does not mean too much to them. Land is something they can see and can hold on to."

He added that he would be willing to see the money cut in order to increase the land, if necessary. The natives are a studied group but no one has asked them as a minority, what they want, he said.

President of the Fairbanks Native Association and the President of the Board of Directors of the DNH Development Corporation, Tim Wallis of Fairbanks:

(The DNH corporation was formed by the Tanana Chiefs Conference to take advantage of contract opportunities related to the proposed TAPS road and pipeline.) Stressing that he was voicing his own opinions and not necessarily those of either organizations, Wallis called for major changes in the land provisions.

The Tanana Chiefs Conference, which covers about 34 villages in the Interior, should be given special consideration he said. The area now includes two reservations, Tetlin and Venetie, which total over 2 million acres.

Wallis objected to the fact that under the land claims bill, Venetie and Tetlin would be required to give up this acreage for much less land. (Under the bill, the two could receive a maximum of about 46,000 acres.)

Wallis stressed that the villages should be given the opportunity to decide whether they want to retain their reservation land. If they are not given an option, he added, they should be compensated in cash for the land. (Under the bill, the Tyonek Indians would be given such an option, the Annette Island Reserve will remain as is, but all other reservations will be abolished.)

He added that he would not be willing to see the money decreased for a land increase.

Representative for the Upper Kuskokwim Native Association on the AFN Board of Directors, Gerald Ivy:

"I don't think we ought to stand still for any less than is in the Senate bill. I definitely feel that the land should be increased up to 40 million acres." However Ivy said that he would not settle for more land in exchange for less money.

Past President of the Cook Inlet Native Association and Regional Vice President in Alaska for The National Congress of American Indians, Don Wright of Anchorage:

The land grant should be at least 40 million acres. It is an investment in the future and will benefit generations to come. If the natives could get 40 million acres, he added, the money is just not important.

President of the Dot Lake Village Council, Carl Charles (Dot Lake, whose villagers are members of the United Crow Band, is about 150 miles southeast of Fairbanks on the Alaska Highway):

"I think that the land is not adequate. We are being robbed the way it is now. We should have more land and more money. If Congress cuts the 10 million acres, we will not accept it and will have to see what we can do."

President of the Tlingit and Haida Central Council and first Vice-president of the Alaska Federation of Natives John Borbridge of Juneau:

"Our position in the House is that we are going in to improve the land provisions. We made it clear in the Senate that we were not accepting the 10 million acres and are still pressing for 40 million acres.

President of the Alaska Federation of Natives, Emil Notti:

"The land in the Senate bill is not enough and we will be trying to change it to 40 million acres on the House side." Notti said that the land provisions had been the main concern of natives who had talked with him about the bill.

INTRODUCTION

The United States must not repeat in Alaska today the injustices that overwhelmed American Indian tribes a century ago.

The Native people of Alaska—60,000 Indians, Eskimos, Aleuts—are fighting in Congress and the courts to save their lands from expropriation by the State of Alaska.

They have not sold their land, lost it in war, nor ceded it by treaty. However, only Congress can grant them security of title.

Time and time again the Native people of Alaska's 200 villages have asked for title to their lands, and they are told that they cannot expect justice from Congress—they must compromise. And so they have. They have reduced their claims for title first to 80 million acres and then to 40 million acres. And now they are asked to compromise even more.

They are warned that they must accept a bad bargain or there will be no bargain at all. They are told that by asking for enough land to protect their livelihood, they risk losing it all. And their fears are reinforced by Interior Secretary Walter J. Hickel's stated intention to transfer their lands to the State of Alaska unless Congress acts by December 1970 to settle their claims.

The Alaska Claims Settlement Act of 1970 (S.1830) passed by the Senate on July 15 would extinguish Native claims to all of their lands in Alaska. In return, it provides the Natives with cash compensation and with title to only 10 million acres of land, less than 3% of the more than 350 million acres to which they have valid legal claims.

The cash compensation offered in the Senate bill will result in a net economic loss to the Native people. The present value of the land for subsistence hunting and fishing and for trapping and gathering, as well as its long-range commercial value, greatly exceeds what the Senate proposes in its cash settlement.

The cash settlement would be distributed in the form of social services and shares in a Native investment corporation. It is estimated that a Native shareholder will receive dividends on his stock of $53 in 1971, $152 in 1980 and $418 in 1990. By 1990, the Native population in Alaska will have doubled. Yet, none of the Natives born after the passage of the Senate bill will be entitled to shares in the investment corporation. Clearly, the proposed services and dividends will in no way constitute a livelihood for those Natives now living nor for those yet to be born.

Although the Senate has provided for conditional hunting and fishing rights on the lands that will be taken from the Natives, the history of our nation's treatment of American Indians shows that these rights, without the security of title, quickly disappear.

We reject the notion that the Alaska Natives cannot receive justice from Congress. We believe that this, the last, opportunity to deal fairly with them is worth fighting for.

TEXT

A secure and adequate land base is essential to the dignity and survival of Alaska's 60,000 Indians, Eskimos, and Aleuts.

We urge the U.S. House of Representatives to enact legislation that would confirm to the Native villages of Alaska title to a minimum of 40 million acres of their ancestral lands.

The Alaska Natives depend upon the land and its inland and coastal waters for their livelihood, hunting and fishing for subsistence as they have from time immemorial. Moreover, the land offers them their best opportunity for sharing in the future economic growth and development of the State and Nation. Equally important, the land is the foundation of their rich and varied cultures and a cherished source of their spiritual life.

To deny the Alaska Natives an adequate land base of at least 40 million acres will contribute to their dependency, to the disintegration of their communities, and to the erosion of their cultures. To strip the Alaska Natives of their land will destroy their traditional self-sufficiency, and it is certain to create among them bitterness toward other Alaskans and a deep distrust of our institutions and our laws.

The Natives' request for title to a minimum of 40 million acres of their land is fair, reasonable, and humane. The U.S. House of Representatives has a historic opportunity to secure to the Native people of Alaska a just settlement that will honor the Nation and be a source of pride to future generations of Americans.

EARL OLD PERSON,
President, National Congress of American Indians.

THE WELL-ORGANIZED HIJACKING PLOT

Mr. DOMINICK. Mr. President, I ask unanimous consent that the statement of the Senator from Illinois (Mr. SMITH) on the recent hijackings and in support of Senate Resolution 459 be printed in the RECORD.

There being no objection, the statement of Senator SMITH of Illinois was ordered to be printed in the RECORD, as follows:

Mr. SMITH of Illinois. Mr. President, I have been shocked by the total disregard for human life, international law, and world opinion evidenced by the well-organized hijacking plot against the airliners of four free-world countries.

The world has watched in horror as a small gang of bandits has defied its own government, holding the nationals of a dozen countries hostage for the release of convicted terrorists and murders. Not since Hitler, has the world seen a comparable attempt to place a different value on the lives of Jews and Gentiles.

I applaud the State Department's insistence that negitiations for the release of the hostages must include all hostages. This Government must not accept any attempt at international discrimination.

Several months ago I introduced legislation, S. 3939, to meet the problem of domestic airline hi-jackings head-on. I also support Senate Resolution 459 to promote international co-operation to prevent the use of innocent air travelers as pawns in international blackmail.

PRESIDENT NIXON'S FOREIGN AID PROPOSALS

Mr. BROOKE. Mr. President, it was with great interest that I read President Nixon's recent statement to Congress on the subject of foreign aid. The administration has given this subject the most careful and searching review, and has produced a program geared to the priorities of the 1970's. On both philosophical and administrative grounds, I find the proposals innovative and far reaching. They deserve the thorough consideration, constructive comment, and ultimate support of the Congress.

In particular, I was pleased to note that the President is recommending a functional division of our aid program. For far too long, foreign assistance has borne the brunt of critics opposed to military aid to developing countries, "national give away programs," ineffective management, and all the other areas of real or imagined weakness. As a result of this confusion, inadvisable reductions have frequently been made. Under this new proposal, however, foreign assistance will be broken down into its separate components: security assistance, humanitarian relief, and true development aid. These programs can be evaluated individually, voted upon in separate appropriations, and administered under separate agencies. The result can only be increased effectiveness of our aid program abroad, and greater understanding of its objectives and operations here at home.

The President has also proposed that the bulk of our development assistance be made through international lending organizations. I fully concur in this approach, and know that it is preferred by the developing countries as well. Multinational assistance avoids the tensions which so often developed between givers and recipients; dollar for dollar, therefore, it is far more effective. Multinational assistance also has the advantage of involving many nations in a joint development venture, and of securing diverse expertise in evaluating development proposals.

I was delighted to learn that steps are already being taken to increase trade between the developing and the industrialized nations. In all of my conversations with leaders of the newer nations of the world, one central fact has emerged: restrictions on foreign sales are retarding their development. Many times, I have been told that these states could relieve their unemployment problem, pay off their international debts, and begin to accumulate investment capital, if instead of being dependent on a single agricultural export, they could sell finished and semifinished goods to the developed nations. The President clearly understands this situation, and has recommended that procurement now be permitted in the lower income countries under our bilateral assistance program. He also intends to recommend an elimination of duties on manufactured products purchased from these states. I heartily commend this initiative, and it will have my full support.

Finally, I have noted the President's own injunction that all of the components of his foreign assistance program must be considered as a whole; that each will lose its effectiveness in proportion as the others are delayed or denied. I certainly hope that the proposal will be considered as a whole. No doubt Congress can and will suggest improvements in the specific legislative recommendations; cooperation between the branches of Government can only contribute to a more effective program. But I believe the President has made an excellent start to the debate, and I support his objectives.

SENATOR BROOKE SUPPORTS PERCY RESOLUTION CALLING FOR RELEASE OF HIJACKED PASSENGERS

Mr. BROOKE. Mr. President, I am indeed pleased to associate myself with the sentiments expressed so ably by the senior Senator from Illinois (Mr. PERCY) and other distinguished Senators.

The civilized world has been shocked and dismayed by the recent rash of hijackings. Hundreds of lives have been threatened, and millions of dollars worth of equipment and personal effects have been destroyed. But most important of all, the hijackings represent a direct and imminent threat to the authority of established governments to maintain free communications and to preserve the bases of our civilization.

Hijacking is every bit as reprehensible as piracy and kidnaping. And the nations of the world know that the threat represented by this form of outlawry will not be effectively removed until all states, working together, secure the release of all the remaining passengers and bring the outlaws to justice.

I commend my distinguished colleague for offering this resolution, demonstrating the unanimity of the American people on this vital point. I hope that the Palestinian guerrillas will heed this clear expression, which I am sure will be echoed in all the capitals of the world.

Let the prisoners be released. Let the hijackings cease. And let the question of a Palestinian homeland be resolved in the only possible and appropriate forum—an international conference table.

TRIBUTE TO SENATOR AIKEN ON PASSAGE OF THE FARM BILL

Mr. MANSFIELD. Mr. President, late yesterday evening, the Senate passed H.R. 18546, the Agricultural Act of 1970. Unfortunately, the Senate adjourned before I was able to commend the senior Senator from Vermont (Mr. AIKEN) for his indispensable role in the Senate's wide acceptance of this measure. Senator AIKEN has served with the highest degree of distinction and ability as the ranking minority member of the Senate Agriculture and Forestry Committee. He deserves special recognition for his outstanding cooperation and tireless efforts in behalf of this measure. It was only typical. No member of this body has better served to satisfy the agricultural needs of this Nation. Assisting to guide the 1970 farm bill through to successful passage in the Senate only adds to an already abundant record of outstanding service; service to

the people of his State and to the Nation as a whole.

Senator AIKEN's diligence and competence in the complex area of farm policy is widely known. He is unsurpassed in his broad range of knowledge on the subject. His contributions are, therefore, invaluable to the Senate. We are fortunate indeed that we are able to draw upon his great wisdom in this field as we do in the many other areas of endeavor that have obtained his lifelong devotion.

Once again, to Senator AIKEN goes our deep appreciation.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. BIBLE). Is there further morning business? If not, morning business is concluded.

CONSIDERATION OF BANK HOLDING COMPANY ACT TODAY

Mr. MANSFIELD. Mr. President, for the information of the Senate, the announcement made on yesterday by the acting majority leader, the distinguished Senator from West Virginia (Mr. BYRD), that the Senate would turn to the consideration of the proposal concerning the Bank Holding Company Act of 1956 not later than 5 p.m. today, does not mean that the Senate would wait until 5 p.m. If there is an opportunity to consider the bill earlier, during the interregnum or pause, or for any other reason, it is the intention of the joint leadership to move its consideration, so that we can make progress. There are five, six, or maybe seven amendments to the bill, but we have an agreement worked out pursuant to which expeditious action is assured.

The purpose of making these remarks at this time is to reinforce what the distinguished Senator from West Virginia announced on yesterday, and to inform the Senate that, circumstances permitting, the Senate will proceed to the consideration of Calendar No. 1094, H.R. 6778, an act to amend the Bank Holding Company Act of 1956, and for other purposes, as soon as reasonably possible, and probably before 5 p.m., today.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 4670. An act for the relief of Ok Yon (Mrs. Charles G.) Kirsch;

H.R. 10634. An act to amend the Interstate Commerce Act and the Federal Aviation Act of 1958 in order to exempt certain wages and salaries of employees from withholding for income tax purposes under the laws of States or subdivisions thereof other than the State or subdivision of the employee's residence;

H.R. 14271. An act for the relief of Jack A. Duggins; and

H.R. 14421. An act to provide for the conveyance of certain property of the United States located in Lawrence County, S. Dak., to John and Ruth Rachetto.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, they were signed by the Acting President pro tempore (Mr. BURDICK):

S. 1087. An act for the relief of Vernon Louis Hoberg;

S. 1170. An act to authorize the Department of Commerce to make special studies, to provide services, and to engage in joint projects, and for other purposes;

S. 2808. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Minot extension of the Garrison diversion unit of the Missouri River Basin project in North Dakota, and for other purposes;

S. 2882. An act to amend Public Law 394, 84th Congress, to authorize the construction of supplemental irrigation facilities for the Yuma Mesa Irrigation District, Ariz.;

S. 2976. An act for the relief of Margarita Anne Marie Baden (Nguyen Tan Nga);

S. 3337. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Yakima Tribes in Indian Claims Commission dockets numbered 47–A, 162, and consolidated 47 and 164, and for other purposes;

S. 3997. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Confederate Bands of Ute Indians in Court of Claims case 47567, and a judgment in favor of the Ute Tribe of the Uintah and Ouray Reservation for and on behalf of the Uncompahgre Band of Ute Indians in Indian Claims Commission docket numbered 349, and for other purposes;

S. 4033. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Chemeheuvi Tribe of Indians;

S.J. Res. 67. Joint resolution granting the consent of Congress to the States of Maryland and West Virginia and the Commonwealth of Virginia and Pennsylvania and the District of Columbia, as signatory bodies, for certain amendments to the compact creating the Potomac Valley Conservancy District and establishing the Interstate Commission on the Potomac River Basin; and

H.J. Res. 1247. Joint resolution to amend section 19(e) of the Securities Exchange Act of 1934.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 4670. An act for the relief of Ok Yon (Mrs. Charles G. Kirsch); and

H.R. 14271. An act for the relief of Jack A. Duggins; to the Committee on the Judiciary.

H.R. 10634. An act to amend the Interstate Commerce Act and the Federal Aviation Act of 1958 in order to exempt certain wages and salaries of employees from withholding for income tax purposes under the laws of States or subdivisions thereof other than the State or subdivision of the employee's residence; to the Committee on Commerce.

H.R. 14421. An act to provide for the conveyance of certain property of the United States located in Lawrence County, S. Dak., to John and Ruth Rachetto; to the Committee on Interior and Insular Affairs.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. BIBLE). Pursuant to the previous order, the Chair lays before the Senate the unfinished business, which the clerk will state.

The LEGISLATIVE CLERK. Senate Joint Resolution 1, proposing an amendment to the Constitution of the United States relating to the election of the President and the Vice President.

The Senate resumed the consideration of the joint resolution.

Mr. HOLLINGS. Mr. President, I rise today in a spirit of great apprehension and profound distress over the proposal to establish direct popular election of the President. This issue is, without doubt, the most important question Congress has debated this year or for that matter, many years. At stake are political institutions that have guided our Republic for many generations. Indeed, Mr. President, the future of our Nation may hang in the balance.

I do not speak lightly. And I will today introduce evidence which I believe will show the folly of our course. The proposed constitutional amendment will simply disrupt those political mechanisms which have made this country the stablest of all the world's representative democracies. It will establish provisions whose future consequences we cannot begin to predict.

The amendment we are debating today proposes that the electoral college system be abolished. The system by which each State has a proportionate share in the election of a President will no longer exist. In its stead would be created what proponents of this amendment call "direct election of the President." What this means is that the candidate with the largest number of popular votes will be elected, regardless of where these votes come from.

While this appears simple at first glance, the simplicity is grossly deceptive. I submit that this is no reform at all. Rather, it is ill-advised tinkering with not only the formalities of the presidential election process, but with those basic safeguards undergirding America's long-standing stability. I do not see how the two-party system could possibly withstand this ill-conceived, poorly studied political improvisation.

Ratification of this amendment would open up a Pandora's box of chaos and confusion. The Constitution of the United States is the instrument of the longest-standing government in the Western world. Over the years circumstances have necessitated certain occasional changes. The times made it both imperative and useful to bring constitutional theory into line with changing conditions. On all those occasions, circumstances dictated revision. This is not the case today. Neither time nor circumstance demand change in our constitutional election process.

No plan is perfect. And doubtless there are faults in the present election structure. I would hope that those deficiencies could be dealt with in an atmosphere of calm and reasoned debate. It is not reasoned consideration to overthrow summarily a process which has served us well, in good times and bad, since the inception of our Republic. Why exchange the proven institutions of past and present for a political theory whose conse-

quences cannot be foreseen? Is this needed change? No, Mr. President. It is simply change for the sake of change.

Reform grows out of need. It is a response to the imperatives of changing conditions. Yet I am frequently reminded of a statement John F. Kennedy was fond of quoting:

When it is not necessary to change, it is necessary not to change.

That quotation is strikingly appropriate to this debate. The electoral system has not failed us; on the contrary it has solved the most crucial problem any government has to face: succession to power. Change from administration to administration has been marked by an order and stability that is the envy of countries around the world. Party replaces party in a climate of relative calm. The wheels of Government have turned without interruption since George Washington first assumed the burdens of the Presidency.

We have elected Chief Executives during times of foreign war, and even in the midst of domestic upheaval and insurrection. This task has been accomplished by a diverse and varied population—truly, the steel cast in our great melting pot. Our population is composed of many different communities, each one deserving a voice in selecting its leadership. There is business and labor, farm and factory, rich and poor, young and old, black and white. We are a nation of communities and our forefathers devised an electoral system in which each community could achieve its due representation. That representation, I will show, will be lacking in the brave new world envisioned by the proponents of this radical departure from historical precedent. The electoral college furnishes the mechanism by which each of these many communities can exert its maximum leverage. On election day, it affords all segments of the Nation their opportunity to help chart the course of the future.

Envisioned by this amendment is a utopian political dream wherein all the faults of the past are wiped out in one sweep of the legislative paintbrush. "One man, one vote" supposedly will usher in the millennium. More likely, it will usher in the inferno. Our Founding Fathers foresaw the possibility of such a conflagration when they wrote the Constitution of the United States. All of them stood united in the proposition that simple majority rule—the mathematical counting of heads—could be the parent of tyranny. All of them stressed the importance of protecting not only the majority but the minority as well. The rights of all minorities must be safeguarded, whether they be 49 percent of the total population or one-half of 1 percent. Theoretically at least, under the proposed direct election plan, minority rights could be sacrificed to the changing whims of an ephemeral majority.

If that is what is meant by reform, I shall have no part of it. Under this scheme, nine States having just over 50 percent of the population could control the outcome of any presidential election. The major candidates will concentrate all of their energies on these nine populous States, to the utter neglect of the remaining 41 States in this Union. Minority interests will be forgotten, despite all the pious claims to the contrary. The candidates, financed by the vested interests of the large States on the eastern seaboard, will pour their millions of dollars into a television blitz of those key areas. Other sections will be forgotten. They may as well be nonexistent on election day. The western miner or southern farmer will have little chance to wield influence when the computers spew forth the overwhelming numbers of large-State voters on election night. Under this plan, 29 States would have a smaller voice in the selection of the President than they now have. Most of these States are in the West and South. True, their populations may not be as large as those of New York or Pennsylvania, but they are, nevertheless, just as much a part of America.

Their produce fills the American breadbasket and their raw materials lubricate the wheels of industry. Their stake in the future of America is every bit as great as those who, by chance, live in the populous East. Only under the electoral college can their voices be heard and their rights be protected.

To cite an instance, the farming population is obviously much smaller than the factory labor force. If simple majority rule is to be our guide, the rights of the farmer will clearly suffer. Sheer numerical weight will plow under his political effectiveness. That is regression of the worst sort. Our present mode of Presidential selection does safeguard minority interests. As matters now stand, all the votes of a predominantly agricultural State go to one candidate. It is winner take all. It may not be perfectly ideal, but it does insure that vital minority groups are accorded their rightful place in the American system. It does insure that a candidate running for national office will have to devise a national program. The candidate will not be allowed to simply court a handful of special interest groups. Instead, he will have to appeal to every American with a platform crossing all economic and social lines. That is what the Founding Fathers meant by representative government. Not the tyranny of the majority, not virtual dictatorship by a few large States, but protection for all.

Theodore White said it well in his testimony before the Judiciary Committee last April:

Finally, in politics, I believe there are things that are more important than statistics and vote counting. There are communities. We live in a world of communities which have been balanced and put together by our federalized American system. I believe it is good and right that when somebody goes to the polls in Boston, Mass., he feels he is doing something about the Massachusetts vote, and when the Tar Heel from North Carolina goes to the polls he feels he is doing something for North Carolina.

I would not want to strip this sense of identity from the great historic communities of the United States of America in which each man feels he has a role to play in the larger role of his community for a role which makes him just one more digit, one of those electronic figures that will come cascading in at 70 to 80 million votes in a 6-hour period some November night in which he has no identity whatsoever.

Mr. President, along the line of Teddy White's comments to the Senate hearings, I would like to read from an editorial in The State, a newspaper of Columbia, S.C., dated September 10, 1970, entitled, "Direct Presidential Vote Will Weaken Small States."

The editorial reads:

DIRECT PRESIDENTIAL VOTE WILL WEAKEN SMALL STATES

As Senators come to grips this week, and in the weeks to come, with the proposal that Presidents be elected by direct popular vote, they would do well to ponder the fact that our country, by name and by tradition, is the United *States* of America.

The point is: The Executive branch, no less than the Legislative branch, must represent the entire nation, not just the bulging centers of population.

The great 1787 compromise built into the Constitution established that principle insofar as Congress is concerned. In order to insure representation of the people and to reflect their patterns of growth and movement, the House of Representatives was based on the factor of population. But to insure that small states as well as large would have a voice in the nation's business, the Founding Fathers provided that each state should have equal voice (two members) in the Senate.

Thus, for a national policy to be determined, it would be necessary for a majority of the people (through the House) and a majority of the states (through the Senate) to agree.

The same sort of dual constituency was built into the selection of the President of the United States through the device known as the electoral college. Each state was given the same number of presidential electors as it had members of the House and Senate. Thus, a state's weight in the electoral college reflected both its population and its statehood.

Admittedly, the electoral college system has deficiencies and some measure of danger built into it. For one thing, the "winner take all" system whereby all of a state's electoral vote goes to the presidential slate receiving the greatest vote—even if the margin be minuscule—gives too much power to minority blocs which are thus enabled to tip an entire vote one way or the other with a relatively small "swing" vote.

But this and other drawbacks can be corrected without abandoning the arrangement whereby electoral votes are distributed throughout the nation. A number of remedial measures have been pending in Congress for years, but they seem now to have been shunted aside in favor of a scheme to elect the President by direct vote without regard to the distribution of those votes.

This particular scheme, being aggressively pushed by Indiana's Sen. Birch Bayh, could well relegate small states like South Carolina to even more remote fringes of national politics. Presidential candidates and party platforms would pander more than ever to the masses which have gathered in the nation's teeming metropolitan areas. The presidential constituency could change from a national basis to one made up of such populous states as California, New York, Pennsylvania, Illinois, and a few others—all to the exclusion of the smaller or less populous states.

It is fortunate that no such change can be accomplished without the concurrence of three-fourths of the states to the necessary constitutional amendment. States like South Carolina, for example, can defeat the proposal by refusing collectively to ratify an amendment proposing the change.

But it is a shame to devote so much time

and energy in debate over a proposition which runs counter to the principles on which this nation was founded. We trust that South Carolina's two senators will stand firm against Senator Bayh and his efforts to diminsh the role of the small states.

Mr. President, I should also like to read an editorial entitled "Not Really Democracy," published in the Greenville News of Greenville, S.C., on September 9, 1970:

NOT REALLY DEMOCRACY

As a rhetorical term "direct election of the President" has an appealing democratic ring. Yet, like an iceberg, it harbors beneath its surface enormous dangers for America's ship of state.

Congress appears determined to launch the nation into unchartered and obstacle-filled waters through a proposal that would scrap the battle-tried Electoral College and replace it with a plan for direct election. The House has given the measure overwhelming approval, and there is little hope that the Senate will put on the brakes.

The result will be a proposed Constitutional amendment, which seems to have much popular support, but little popular understanding of its real implications. It will be something just short of a miracle if enough state legislatures can withstand expected public and political pressure to prevent ratification.

The prevailing assumption is that the Electoral College is a worthless antique and even a detriment to allowing the true will of the people to be heard. The facts show, however, even in the face of passionate logic to the contrary, that the old system has done its job exceptionally well in maintaining an orderly and legitimate election process.

Political scientist Alexander M. Bickel in his book "The New Age of Political Reform" issues a grave warning that should be heeded by those eager to upset the electoral apple cart. He says:

"The sudden abandonment of institutions is an act that reverberates in ways no one can predict, and many come to regret. . . . We are well served by an attachment to institutions that are often the products more of accident than of design, or that no longer answer to their original purposes and plans, but that offer us the comfort of continuity, and challenge our resilience and inventiveness in bending old arrangements to present purposes with no outward change."

The Electoral College is such an institution, which certainly needs thoughtful reform, but does not deserve abolishment. It could be made to work better and still carry out the purposes for which it was intended by the Founding Fathers.

Those who advocate the direct election method are, in truth, calling for a complete upheaval of the election process as we now know it. The matter is not so simple, as columnist James J. Kilpatrick ably has pointed out on this page in recent days, as just allowing each voter to cast his ballot directly for the candidate of his choice.

Direct election would eliminate, along with the Electoral College, the nation's present two-party system which operates on the basis of coalitions with state parties and broad geographical support. Under the proposed amendment, a minority President answerable to only one faction of the nation could well become the rule instead of the exception. (It should be noted that a minority President has come out of the Electoral College only rarely in the country's history.) Only once has the Electoral College winner received fewer popular votes than the loser.

The amendment provides a runoff in the event that no candidate attains a plurality of 40 per cent. This should be at least 50 per cent, and even that percentage will not give a President the clear and undisputed mandate to rule that now comes through the Electoral College.

There have been several reasonable alternatives proposed over the years. Any one, or a combination, would be better than the proposed amendment because they seek to make the present system relevant without completely destroying it.

The chief reform proposals include:

—Abolishment of the electors and their college as a physical entity. This measure would automatically award the total electoral college vote of each state, calculated as at present, to the winner of a majority or plurality of the popular vote.

—Awarding each candidate the number of electoral votes from each state equal to his share of the popular vote.

—Use of the district method, whereby electors would be chosen from each congressional district in each state, with the two representating the state's senators elected at large.

The Senate would do this nation a great service by giving serious consideration to these and other reform proposals as it begins debate on the direct election amendment. Unfortunately, Congress appears to have closed its mind on the matter, and the only hope may be for the individual states to be alerted in time to the threat the amendment represents to our entire political system.

The two-party system, as every student of government knows, is part and parcel of our long history of political stability. It is a rare phenomenon in the annals of history and perhaps, occasionally, we take it for granted. We accept the two-party system as something that has always been and always will be. Yet it is my firm belief that the two-party system is no happy accident. Rather, it is the offspring of the very electoral procedure under frontal attack in this Chamber today.

We can either preserve it or destroy it. That is the decision we must make in the course of this debate. I can think of no more effective means of destroying the two-party system than by abolishing the electoral college. And with its demise, will come a society of numerous fragmented and ideologically oriented splinter parties. None of them will have national appeal. All of them will encourage instability. Their effect on our political system will be catastrophic. We will be importing the governmental chaos that has plagued countries such as France, Italy, and the banana republics of Latin America for so many years.

There appeared in the April 7 edition of National Review an article by Prof. Ronald C. Moe of the Department of Political Science at San Diego State College. Its analysis of the two-party system and the electoral college in perpetuating that system is cogent and incisive and deserves the considered attention of the Senate.

I ask unanimous consent that this article be printed, in its entirety, at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. BAYH). Without objection, it is so ordered.

(See exhibit 1.)

Mr. HOLLINGS. Mr. President, I will not utilize precious time by reading the entire article, but I would like to bring several important points to the attention of my colleagues. Mr. Moe states:

The Electoral College, then, provides certain statistical imperatives which steer Presidential politics toward a two-party pattern and moderate national leaders.

All of this is to suggest that our two-party system is no accident; it is not peculiarly a product of American "culture" or of some other sociological phenomenon. It is an institutional artifact which we have the option of preserving or destroying. And one of the surest ways to bring on destruction is to abolish the Electoral College.

The debate on reform of the Electoral College has been quite one-sided so far—that is, only the critics have been heard. This is, in part, understandable since virtually everyone today considers himself a critic of one type or another. The Electoral College, so the argument goes, is an anachronism and ought to be abolished before it causes chaos. This is one thing Gore Vidal and Richard Nixon can agree upon. If ever there was consensus on an issue, this is it.

But the first step toward wisdom in matters of electoral structure is to recognize that no electoral system will ever be able to eliminate in advance all chance of confusion and crisis. When we talk about elections, we really talk about one of the oldest problems known to man, succession to power. One of the traditional attractions of a republic as a polity has been its answer to the question of succession. Somehow elections seem a less expensive way to transfer power from one group to another than a clash of arms or interminable palace intrigues.

Recognizing the immensity of the problem, possibly our goal ought to be to devise a system in which the odds against crisis are minimized and the odds of a majority Executive maximized. This was the goal of the Founding Fathers—not the creation of a perfect system with all risks eliminated They were never utopian.

The unfortunate aspect to our inordinate affection for the present is that it makes it more difficult to raise meaningful questions about our political institutions. The relevant question with regard to the Electoral College, for example, is whether or not the Electoral College performs a useful function toward maintaining the two-party system today, not what were original purposes of the institution or what might have happened in a particular election a century ago if no candidate had received a majority. These kind of questions are of interest to historians, but are, essentially, irrelevant to the contemporary problem of succession of power.

Those who criticize the Electoral College cannot be charged with failure to offer an alternative. In fact, there are many alternative plans being circulated which run from pure proportional representation, to electoral voting according to congressional district, to simple, direct election.

The proposal enjoying the most support at present is the elimination of the Electoral College altogether and the substitution of simple direct election. Modifications have been added, however, in recent months. A provision generally accepted: If no candidate received 50 per cent of the popular vote in the general election, a second, run-off election would be held between the two candidates who had received the most votes. This proposal has subsequently been further modified so that if no candidate receives 40 per cent of the vote, a run-off election will be held. These modifications are designed to placate those who see the problem of a minority President and multiple parties becoming critical. The above described proposal, herein greatly simplified, is essentially that which both Senator Birch Bayh, Chairman of the Senate Constitutional Amendments Subcommittee, and the American Bar Association have vigorously campaigned for.

Their political goal, in philosophical terms, is to "have every vote count equally in the final counting process." Is there a price that must be paid in order to achieve this deceptively appealing end? The sponsors an-

swer in the negative. I suggest, to the contrary, that there's a very high price indeed. We had best be aware of it in advance.

The direct election plan is ironic in that it proposes to institutionalize a weakness which it alleges the Electoral College possesses but which, in reality, the Electoral College has not exhibited since the election of 1824. That flaw, according to political folklore, was that a third candidate, Henry Clay, was able to jockey for personal advantage in determining to whom he would shift his support. The great contemporary fear is that no Presidential candidate will get a majority of the electoral votes and hence the election will go to the House with the third-party candidate holding the critical balance of power. This fear was spelled out in great detail in the newspapers during the 1968 election as they conjured up horror stories about what would happen if the vote were thrown into the House.

Let us look briefly, then, at the cause of this fear: Mr. Wallace and his American Independent Party. It should be noted, at the outset, that it is impossible to ignore any candidate who receives 10, 15 or 20 per cent of the popular vote. He has a right to be heard. The question is: Under what conditions can the influence of a third party be kept minimal while still permitting all votes somehow to count?

The fear was that under the current Electoral College system Mr. Wallace would play a maximum role in terms of his voting strength rather than a minimal role.

The reasoning of those who believed this argument was faulty. The Electoral College, far from exaggerating the strength of third parties, minimizes their strength. Also, the Electoral College virtually assures, if we use history as a guide, a majority vote, in terms of electoral votes, to a major party candidate, thus eliminating the uncertainty which follows any run-off election whether popular or in the House.

Under the present system with its unit rule the probability of a majority President, that is, one cloaked with the legitimacy of over 50 per cent of the popular as well as electoral vote, is very high. If ever the system were to fail us, it should have been in 1968. The two major parties were evenly split with a strong third party, having a national base, challenging their hegemony. Why was the Wallace effort so unsuccessful?

It was unsuccessful because, and not in spite, of the Electoral College's unit rule. The functioning of the unit rule exhibits many subtle manifestations. It is not merely a mechanical process applied by the commentators on election night. It also influences how people will vote in the first place. Under direct election Mr. Wallace's vote would no doubt have been substantially greater, for then his votes would have been cumulated nationally. Many people realized that to vote for Wallace, as their first choice, was, in most states, wasting a vote since he would not gain a plurality in the state. Hence, they voted for one of the two major candidates. The unit rule, therefore, has an anticipatory impact on the voting decision of the individual citizen.

The Electoral College ensures, in virtually every case, that a majority President is elected in the first instance thus permitting the President to begin his job without the question of his legitimacy being raised. Is not the strength of our political system explained principally in terms of the stability of our succession process? The Electoral College permits us to settle the problem of Presidential selection quickly and bestow legitimacy on the man who captured enough states to win a majority of electoral votes.

The Electoral College is "undemocratic" only if we are willing to brand all forms of indirect selection of officials or distortions of the one-man, one-vote principle by definition as "undemocratic." Our Founding Fathers offered no such definition. They contended that they had established a "popular government," with "republic" and "democracy," as understood in the terms of the participants, being equally valid species of this genus. A republic, or rule by indirect participation, is a valid form of popular government. The Electoral College, while not democratic in the narrow sense, is surely within the intellectual framework of popular government and its sub-type, the republic. The Electoral College, with its traditional unit rule, is a subtle, yet effective method of keeping the politics of the Presidency, and hence, to a large degree, of our parties, within manageable proportions.

The indirect selection process of the Electoral College insures that splinter or third parties will have great difficulty in gaining sufficient strength to be decisive in the final outcome. Under any of the proposals, whether for direct election, proportional representation of electors or the host of variations on these two themes, the third party (in 1968, the American Independent Party) would have been permitted to exercise maximum leverage.

Under direct election, Mr. Wallace's strength would no doubt have reached that which the polls indicated he enjoyed prior to election day. If this assumption is correct—even with the 40 per cent requirement—a run-off election would have had to have been held with Wallace and his party providing the crucial swing factor.

In other words, the reformers want to rid us of a system which discourages splinter parties and which minimizes the odds of non-majority Presidents. They want to substitute instead a system whereby splinter parties and candidates will have maximum influence. We will change from a situation in which crisis is possible but unlikely, to a situation in which it might be chronic.

Few words cause more intellectual confusion than the word "reform." When someone says he wants to "reform" some institution, he has generally begun his intellectual deliberations with a conclusion and worked backward. Almost by definition the status quo is judged "bad" and it then becomes necessary to rewrite the rules governing that institution in order to provide advantages to a particular group promoting a particular set of policies. Change, a more neutral word than reform, is almost always justified in terms of the general welfare when, in fact, changes in rules and institutions invariably aid one group at the expense of another. Change, then, is not inherently good. There are good changes and bad changes. The criteria for good and bad is measured according to the general theory of politics one accepts.

Throughout this essay a theory of popular government has underlain my substantive arguments. The theory is that democracy, as generally defined today, functions best when there are two major parties, as opposed to a multiparty system. These parties ought to be relatively nondoctrinaire and national in their organization and appeal. They ought to conceive of themselves as the "ins" and the "outs," with both parties being committed to the fundamental values of the regime. Two-party politics suggests that both parties ought to contain a portion of most of the groups in the society and that neither ought to become exclusive or ideological. While such a politics may lack the momentary excitement of the righteous cause victorious, it is a politics which permits all groups to share in power and hence provides the environment necessary for the society to face real problems and make measured social progress.

The Electoral College, with its traditional unit rule, is a critical factor in the maintenance of our two-party politics. While it is conceivable that our politics would remain largely non-ideological and within the two major parties without the Electoral College, it is unlikely. The Electoral College does serve an important function today. One can, of course, be opposed to the two-party model of politics or one can desire to have ideologically oriented parties, as the New Left does. If this is the political theory you support, then the elimination of the Electoral College should be high on your list of priorities. What the facts do not support, however, is the argument that the demise of the Electoral College will actually strengthen the two major parties and curtail the potential dangers of third parties.

Our two-party system is capable of being maintained only if the three pillars described previously are maintained in good order. To destroy any one of them would be to endanger the entire structure. At the very least, we owe it to those who are to follow us not to scuttle our electoral system, which has served us so well for nearly two centuries, without first attempting to understand the system. We must not permit ourselves to fall into the trap of substituting emotion and slogans for reasoned analysis.

Expert testimony before the Committee on the Judiciary last April further documents and substantiates the arguments of Professor Moe. Charles Black, professor of law at Yale University, Alexander M. Bickel of the same school, Richard N. Goodwin, former assistant to Presidents Kennedy and Johnson, and previously quoted Theodore H. White, author and political analyst, all warned of the injurious consequences bound to flow from scuttling the present electoral process.

For example, Professor Black stated:

I think a case can be made for the proposition that this amendment, if it passes, will be the most deeply radical amendment which has ever entered the Constitution of the United States.

Professor Bickel joined in the criticism of the direct election plan by saying:

I think it altogether probable that under a system of popular election the situation would be as follows: the runoff would be, not an occasional occurrence, but the typical event. The major party nomination would count for much less than it does now—and might even eventually begin to count against a candidate—

I think, along with that quote, I should say that Vice President Humphrey experienced just that in 1968—

There would be little inducement to unity in each party at or following conventions. Coalitions would be formed not at conventions, but during the period between the general election and the runoff. All in all, the dominant positions of the two major parties would not be sustainable.

This sort of unstructured, volatile multiparty politics may look more open. So it would be—infinitely more open to demagogues, to quick-cure medicine men, and to fascists of left and right. It would offer, no doubt, all kinds of opportunities for blowing off steam and for standing up uncompromisingly for this or that cause, or passionately for one or another prejudice. But people who think that our democracy would become more participatory fool themselves. Weaker, yes. More participatory in any real sense, no.

While men continue to take varying positions on issues, compromise, and coalition remain unavoidable. The only question is when and how coalitions are formed and compromises take place. Coalitions are now formed chiefly in the two-party conventions, which are relatively open and accessible and can certainly be made more so. In a multi-

party system, the task of building coalitions will be relegated to a handful of candidates and their managers in the period between the election and the run-off. The net result will simply be that the task will be performed less openly, and that there will be less access to the process. Governments will be weaker, less stable and less capable than our governments are now of taking clear and coherent actions. Where multi-party systems have been tried, they have been found costly in just these ways, and they have scarcely yielded the ultimate in participatory democracy or good government. Nor have they lasted.

Concerned columnists such as John S. Knight and James J. Kilpatrick have shared this thoughtful concern and have repeatedly warned of the possible dangers which lie ahead.

There is no gainsaying the fact that direct election of the President will necessitate close Federal supervision. In spite of the disclaimers of the proponents of this measure, this sounds the death knell of States' rights concerning the conduct of elections in the United States.

Direct election means a uniform national voter registration law to make certain that each voter will be accorded equality in qualifying to vote in all States. It means rigid Federal supervision of elections at the lowest level, the voting booth. At every ward and precinct box, and there are 180,000 precincts in this country, there will have to be Federal enforcement agents overseeing the smallest details on election day. What a monstrosity we will have created, and all in the name and zeal of reform.

And who will control this vast bureaucracy to run our election process? It will be the party in power at the time. Are we so naive as to expect that such an arrangement would actually clean up the election machinery? I hope not. The first obligation of the party in power will be to perpetuate itself. And in the kind of politics this will usher in, means may very well be subordinated to the ends of political gain. Simply put, the opportunities for political graft are much more real than proponents of the measure have been willing to concede. Direct election envisions the probability of a multiplicity of political parties offering candidates for the Presidency. This would probably deny any candidate a majority sufficient for election, thus forcing a runoff. So it will be back to the polls again, with everything hinging on a runoff. Backstage political dealings will become commonplace. Votes will be stolen and the dead will cast ballots, making the corruption of today look pale in comparison. Even without outright graft, there will still be the urge for recounts and the search for irregularities. Professor Black of Yale showed how this would work:

It would become the duty of the manager of anybody's campaign that might be advantaged by a recount to search very carefully in good faith for fraud, irregularity, and the sort of technical objections to voting that you refer to, so that even without those willful obstruction elements, I should think that in a close election, it would be almost inevitable that the vote everywhere would be scrutinized and contested, and every possible irregularity sought after, whereas, under the present system, it usually does not matter and people just do not bother with it.

In other words the present system gives stability to our political system and political body at the very crucial time of the succession to power.

With several splinter party candidates in the field, we would have had election failures in both 1960 and 1968. Runoff elections would have been necessary. The candidate who became President would have won only after mind-boggling wheeling and dealing off the stage of the public political arena. Thanks to the electoral college, this potential political catastrophe was avoided in both of those election years.

Admittedly, the present system could fail in 1972. My point is that direct election would virtually guarantee failure and the disruption of stable political processes. In this decade, we simply cannot afford the luxury of experimentation with the election system. The country is polarized as never before. Ideology and extremism are running rampant. Many of the malcontents would be only too happy to have their own political party, some to gain power legitimately, others to destroy the system.

The situation, Mr. President, is made to order for chaos. The 1972 election, under the proposed constitutional amendment, could paralyze American Government. Let us take a hypothetical situation. The Congress has passed and the States have ratified the new amendment. It is the law of the land. The traditional party structure is in total disarray. Both the Republicans and Democratic organizations are in a state of shambles because of the overnight explosion in the ranks of splinter groups forming separate independent political parties. Using the Wallace strategy of 1968 as their textbook, these groups have expanded throughout the country at the grassroots level and have begun preparations for the general election. The two traditional parties went through the charade of their standard process of selecting candidates by convention, but the stage had already been stolen by the power hungry upstarts.

Mr. President, I remind you that this is just a hypothetical situation, but let us remember that all the things I am now discussing could come true.

The Republican Party has nominated Richard Nixon to a second term. The Democratic Party is torn by dissension. Sizable elements have left it. Senator Eugene McCarthy has emerged from political obscurity as the Presidential candidate of the Peace Party. The laboring man, so long a fixture in the Democratic Party, has also deserted the ranks. Wooed by the hard-hat oratory of agile Agnew, the Vice President, they have lost faith with the Democrats. Nevertheless, they have not quite got it in their hearts to swear allegiance to the GOP, the traditional home of big business. They have found a new leader, raised from the ranks of anonymity by the Nation's new-found tolerance for minority parties. Obviously, the Nation's youth will not have lapsed into silence, judging from their current behavior. They, too, have their candidate: Mayor John Lindsay of New York.

Anyone who thinks the Nation's racial problems will be resolved 2 years hence is living in a world of fantasy. The blacks will want a piece of the electoral action, but of course they are not all of one political persuasion. The radicals have nominated Huey Newton on the Black Panther ticket. The moderate Negroes have refused to join this group and, instead, have struck out on their own with a ticket headed by Whitney Young for President.

Down in Alabama, where the distinguished present Presiding Officer of the Senate (Mr. ALLEN) comes from, George Wallace still does not like the way things are going and resents the "pointy-headed, briefcase toting intellectual bureaucrats" interfering with his American Independent Party. He, too, is traveling the Nation in search of votes. He has found the going tough, for even in his own backyard, reactionary elements headed by Robert Shelton of the Ku Klux Klan are also making a national race.

The women's liberation movement, headed by Betty Friedan, has still not made a commitment to one of the existing parties. Perhaps it will form a political party of its own and Miss Friedan will throw her bra into the ring.

My recitation could continue to include farmworkers, Mexican Americans, Indians, Chinese Americans, Polish Americans, American Jews, religious groups, and go on and on and on.

Does this sound far fetched? Perhaps so. But I would remind you that it would only take one or two of these groups to disrupt the 1972 election.

A youth party, a black party, a peace party, a Wallace party are not only possibilities but distinct probabilities if we favorably pass on the legislation before us today. The two-party system has thus far shown sufficient flexibility to absorb and contain most of these groups. It nourishes compromise and fosters broad national political parties without which there would be no order. But fling open the gates with this so-called reform, and we will be consumed by the furies of our own creation.

Mr. President, I plead with the Members of this distinguished body to defeat the direct election amendment. To summarize what I have said, I believe that direct election would—

First. Destroy the two-party system which has served us well these many decades;

Second. Encourage the formation of numerous weak minority parties whose operation would greatly hinder the practice of stable and orderly self-government;

Third. Overturn thousands of State election laws and federalize elections throughout the country;

Fourth. Endanger minority rights politically, economically, and socially;

Fifth. Open the floodgates to electoral fraud and political wheeling-and-dealing of the worst sort.

To impose such a scheme on the country in its present state of ill temper and bitterness is to invite total disaster.

Once we have disposed of this ill-con-

ceived plan, I shall lend my efforts to needed reforms in the way we go about electing our national leadership. But we cannot reform an institution by destroying it. And to destroy an institution that has almost always served us well is the height of folly. I urge, Mr. President, that the Senate of the United States act immediately to set aside the direct election proposal. In doing so, it will be true to the dreams of the Founding Fathers, true to years of practical experience, and true to those who will come after us and must live with the laws we author.

Mr. FONG. Mr. President, will the Senator yield?

Mr. HOLLINGS. I am delighted to yield to the distinguished Senator from Hawaii.

Mr. FONG. Mr. President, I commend the distinguished Senator from South Carolina for his very excellent address this morning. I think he has really hit the nail on the head. We will have a proliferation of parties if this amendment is adopted. As the distinguished Senator from South Carolina has said, there will be many, many parties that will be seeking election. Is that true?

Mr. HOLLINGS. Very definitely, I say to the distinguished Senator from Hawaii.

I am grateful for the comments of the distinguished Senator from Hawaii and for the thorough research and work he has done in representing the new found State of Hawaii. I think it highly significant that the Senator, coming in and having studied this republic which Hawaii has recently joined, has such an awareness and an appreciation of what has given us stable and strong Government here in America. The answer is positively "Yes."

I cannot understand how, in an age of divisiveness, when we are supposed to be brought together, the leadership of both parties is now prepared to divide us, to legislate divisiveness, to bring about splinter parties, put them into law, put them into practice, and bring inevitable chaos. I cannot understand why, in an age when we are supposed to be looking out for the minorities, we legislate against the minorities.

Mr. FONG. Yes; and especially when the system has stood us so well for almost 200 years.

Mr. HOLLINGS. Exactly.

Mr. FONG. We have elected our Presidents and have not had any trouble at all so far.

Mr. HOLLINGS. It certainly has served us well.

The Senator from Hawaii comes from a new-found State. I come from a State that has tried about every variety or every flavor in the political spectrum. We started with my distinguished colleague, Senator THURMOND, 20 years ago, in 1948, who ran with the Dixiecrat Party. We have gone through some 20 years of trying to find our view as we see it and what we feel is best not just for us, but for the entire Nation. We have been to Independents for Senator Harry Byrd, Sr. We have been to Democrats for Eisenhower. We have had every variety. I have lived and grown up in this particular chaos, and I only say that, after 20 years, thank heavens for the two-party system: because we do have some stability and we are in a position to make some contribution as a State.

With this particular law, it would be hell take the hindmost. It would be complete chaos.

Mr. FONG. And the two-party system is primarily the result of our electoral system.

Mr. HOLLINGS. Exactly.

Mr. FONG. If it were not for this electoral system, we would have so many splinter parties that we would have something like the governments of Europe.

Mr. HOLLINGS. We could have 77 governments, as Italy has had since World War II, and we could end up with a minority choice, as happened 10 days or 2 weeks ago in Chile, with a 36-percent plurality President of Marxist persuasion. It could be—I do not think it would happen in this great land of ours—but whatever the case, it certainly is not the American way.

Mr. FONG. Mr. President, I commend the Senator from South Carolina for his very learned speech. I think he has made a tremendous contribution.

Mr. HOLLINGS. I thank the distinguished Senator from Hawaii.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. HANSEN. Mr. President, I have been in the Chamber during all the time the distinguished Senator from South Carolina has spoken. I must say that I find great merit in what he has said. It is a very knowledgeable presentation, reflecting the deeply probing study he has given the matter. I agree with him completely and wholeheartedly. I compliment him for his great scholarship.

Mr. HOLLINGS. I thank the distinguished Senator from Wyoming very much. There is not one I respect more in this body.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. ALLEN. I was very much interested in the views expressed by the distinguished Senator from South Carolina with respect to the fact that the direct election plan would provide for the proliferation of third-party or splinter-party candidates.

I should like to ask the Senator if it is not a fact that under the present system, the thing that discourages the formation of splinter parties in presidential races is the fact that to have their votes counted at all in the electoral college, they must carry at least one State.

Mr. HOLLINGS. Exactly.

Mr. ALLEN. And under the plan proposed by Senate Joint Resolution 1, that does not apply. Their votes would have some influence, certainly, in determining whether any candidate received the required 40 percent, even if they received only 5,000, 10,000, 15,000, or 20,000. It would be registered, would it not?

Mr. HOLLINGS. That is exactly right.

My distinguished colleague, the Senator from Alabama, is known for his logic. He knows our parliamentary system, he knows our Republican form, and he has analyzed it very accurately. That, in itself, is a tremendous contribution.

It can be seen quite clearly that what we are really doing is putting into law the very shout of irresponsibility we hear not just on the campus but all over the land: the plea that everybody do his own thing; and in a country where everybody does his own thing, nothing gets done. Now we are supposed to put that into law and say that is a great thing. We are asked to legislate irresponsibility and divisiveness at a time when we need responsibility in Congress, in the executive, in our Supreme Court, and particularly here, as a bastion, trying to hold the line and give a realistic appraisal to the war, which we have done in the Senate. It would be tragic indeed if we now, as a group, sponsor so strongly the legislating away of the very basis for our being here as Senators and Representatives of our States.

Mr. ALLEN. I appreciate the views of the distinguished Senator from South Carolina.

I should like to pursue the questioning a little farther and ask this question: Under the direct election plan, with a proliferation of third parties, which we could reasonably expect—and setting the requirement to prevent a runoff at 40 percent indicates that those who propose the amendment believe also that there would be a proliferation of third parties—would there not be more incentive or inducement to the average voter, knowing that there will be a runoff in all likelihood, to vote for a third party that has the ideological views of the particular voter or that has a regional background, those particular voters thereby giving the splinter parties still more strength and further dividing the American people?

Mr. HOLLINGS. It would bring about a discipline to the selfish, to the individual, to the noncompromising view. The voter would say, "I have a chance to vote my way," with no thought for the good of the State involved on the one hand or particularly the good of the Union on the other hand. You just would not have responsibility. You would not have that discipline or coercion, quite frankly, that we have under the present two-party system. It is hard to carry it. But it has provided stability.

In my race in 1968, the most difficult task I had was to explain the candidate of my national party, Vice President Humphrey. But I had to do it, and I ran on the same ticket with him, and it was a good discipline, and it was a good stabilizing influence.

I know it is very appealing to say there is not a dime's worth of difference between the two. Those who vote do not have the everyday responsibility of government. But they look to us for leadership and understanding and the true greatness of our republic form and the encouraging and controlling factors of the electoral college itself.

We here have been in the game and study these things, and we are voting supposedly for the good of the voter. But

to go to him and say, "I got you one-man, one-vote, and now you can do your own thing," and therefore vote him in as a hero, you are not going to be around as a hero. I can tell you that. You are going to have banana republics.

Mr. ALLEN. The distinguished Senator from South Carolina has referred to the 1968 election, which the junior Senator from Alabama recalls quite well.

He recalls that some 4 weeks prior to the general election of 1968, the third party candidate, Governor Wallace, of Alabama, was shown by the polls to have the support of approximately 21 percent of the national electorate, but yet, as the time for the election neared, and as the voting public recognized that the only time they were going to have the opportunity to register their views with respect to that particular race would be in November, as a consequence, a large number of the voters did not continue their support of Governor Wallace and his support diminished down to the point that on election day he carried only about 13½ percent of the national vote.

The junior Senator from Alabama has analyzed that situation in this fashion: That if the direct election plan had obtained at that time, those who supported Governor Wallace would have continued with that support, knowing that they would have the opportunity in the runoff to choose between Mr. Nixon and Mr. Humphrey. Yet, under the present electoral plan, support for the third party candidate was discouraged, whereas it would have been encouraged under the 40-percent runoff plan.

Would the Senator from South Carolina agree with that analysis?

Mr. HOLLINGS. I agree 100 percent with the analysis of my distinguished colleague from Alabama that it was a healthy coercive influence that brought the electorate into line and made them choose a national leader rather than a sectional leader. That is substantially what it did. We could extend this, of course, to Miami with Vice President Nixon receiving the nomination of his party, supposing for the moment that the direct election plan had then been on the books. Mr. Rockefeller, Mr. Romney, Mr. Lindsay, and Mr. Rhodes, of Ohio, would have picked up their marbles and left Miami and formed their party which, of course, Senator MCCARTHY virtually did in Chicago. We never did get him back to the ranch until the last week. We probably could have gotten him back a little quicker if we could have made the electoral college a little bit more quick and more positive and more firm, and then we might have had a Democratic President yet in the White House out of that 1968 election.

We thus had two parties in Chicago—easily two under any reasonable analysis. Under the Republican Party, they have not gotten together yet, let me say to my distinguished friend from Wyoming. So we have two parties in the Republicans, and two parties in the Democrats, and then we have Wallace. That makes five parties, any way we look at it. Then, we start running down the line. The blacks are not interested in any one of those five. So we would have six. If we passed this amendment this afternoon and had an election in the morning, we would start off and running with six parties.

Mr. ALLEN. The junior Senator from Alabama has noted the argument of the proponents of Senate Joint Resolution 1 that under the electoral plan, the system we have now, it is possible for someone to be elected as President who does not have the proper mandate from the people, does not have a majority vote, and does not necessarily have a plurality. Yet, to revise our present system, they have hit on the idea of providing that the leading candidate may be elected with as few as 40 percent of the votes cast in the election. Would that give a candidate for the presidency a proper mandate?

Mr. HOLLINGS. Obviously not.

Mr. ALLEN. So we could very definitely have a minority President with no mandate from the majority of the people; is that not correct?

Mr. HOLLINGS. We get immediately to the crux, following the logic here, and I say to my distinguished colleague from Wyoming, who represents a great and important State, that we do not know how many votes would carry an election in Wyoming—probably 60,000 to 70,000; but even in a small State like South Carolina, I could corral 60,000 to 70,000 votes from three or four counties. But, that is no reason for me to come up and say that another State is insignificant, that it is not important that, somehow, it is undemocratic, that in some way it is un-American and we have got to get rid of this flea or this bug which is on the body of the Republic.

That is exactly what they are saying to our colleagues here when they espouse direct election. Yet when we protect a small State, they point the finger at us and say, "Ha, ha, you are disenfranchising the individual voter." Not at all. We are giving the individual voter the best bargain our government has ever had to give under our system of government; namely, protection of the States. That is what we are doing.

Mr. ALLEN. There is other information the junior Senator from Alabama would like to elicit from the Senator from South Carolina, but he notes that the distinguished Senator from Hawaii (Mr. FONG) has been waiting patiently to speak, and may desire to ask some questions, so that I will yield to him.

Mr. BAYH. I know that the distinguished Senator from Hawaii has been very patiently waiting, but I would like to ask the Senator from South Carolina if he would yield to me for a question or two, unless there is some reason he would not care to do so at this time. He has made some eloquent observations which, on closer examination, do not bear the usual mark of excellence of his logic and I would like to pursue them just a bit further, unless he feels that the Senator from Hawaii is in a bind of some kind.

Mr. HOLLINGS. The Senator from Hawaii has a schedule to meet at this time, but I shall return to the Chamber and will be very glad to yield at that time to the Senator from Indiana (Mr. BAYH).

Mr. President, I yield the floor.

EXHIBIT 1

[From the National Review magazine, Apr. 7, 1970]

THE BAYH AMENDMENT: LET US KEEP THE ELECTORAL COLLEGE

(By Ronald C. Moe)

Every few years, politicians and pundits pound out an old tune on the tom-toms: Abolish the Electroal College. And the beat is especially strong this year, for a man named George Wallace badly scared the leaders of both major parties. In 1968, for some time before the votes actually came in, a third party candidate seemed capable of throwing a Presidential election into the House. And it is the memory of this threat that accounts for much of the fervor for electorial reform today.

This concern is certainly understandable. But it is misdirected. For, as I will attempt to show, three electoral institutions strengthen rather than weaken our two-party system, a system which, people as dissimilar as Hubert Humphrey and Barry Goldwater agree, accounts for the stability of American republican democracy. These three electoral institutions are: the state laws regulating parties; the single-member-district concept for Congress; and the Electoral College.

This two-party system has attracted international attention for decades. Why should America, the most heterogeneous of lands, enjoy the stability and moderation generally associated with a two-party system? Scholars foreign and domestic, are not entirely persuasive in their attempts to answer this question. Some have argued that a single "cause" has led to the establishment and maintenance of only two parties; others assume that several factors working together have accounted for our dualistic politics. In general, the explanations fall into three groups: dualistic theories; consensus theories; and institutional theories. I prefer the third.

The dualists trace the origin of our present party system back to the conflicts involving our Founding Fathers. The path is tortuous. Initially, the battle was between the Federalists and Anti-Federalists over the Constitution. Later the lines shifted. The conflict became sectional, first between the financial interests in the East and the agrarian interests of the West, then between the North and the South over slavery. Today, dualists believe, the battle is largely between urban and non-urban interests.

A variation of this historical theme is offered by social scientists who see our dualist politics as the offspring of our national character. Americans somehow like to think in dualistic either/or terms. They purposely shun shades of difference in favor of clear-cut contests between two groups. This tendency toward ideological dualisms encourages the maintenance of a two-party system. Americans, they contend, take many different positions on a single issue and establish interest groups to promote each view.

The second category of theories resolves around notions of social consensus. Many scholars attempt to explain our party system in terms of widely held social and political norms. Despite our heterogeneous cultural heritage and society, Americans, numerous studies have informed us, share a consensus over the fundamentals that divide many other societies. Virtually all Americans accept the prevailing social, economic and political institutions; they accept the Constitution and its governmental apparatus, the regulated free-enterprise economy and the social class pattern. This consensus is lacking in many other countries where the legitimacy of basic institutions is often questioned. In such countries, multiple-party systems thrive.

Finally, we come to the various institutional theories. Such theories argue that

America's heterogeneous society would spawn many parties, not few, without artificial checks. In other words, our two-party system is not a natural outgrowth of American character or history, nor is it a product of some ephemeral consensus. It is the result of our electoral system and our constitutional institutions. The corollary to this argument is that if we were substantially to alter our electoral system we would substantially alter our political party system. They are inseparable.

While the academic fashion is to attribute approximately equal credit to each of these three categories of explanation, I find that no such equal credit is warranted by the evidence. No doubt there are some supporting factors to be found in the arguments of the dualist and the consensus schools, but these are not determinative. I favor the third theory, for the best available evidence supports the idea that political party systems are electoral artifacts, easily altered by changing the rules of the game, notwithstanding cultural factors which might tend to militate against change.

ENCOURAGING NATIONAL PARTIES

Our national parties have been aptly described as loose alliances of state parties. E. E. Schattschneider notes: "Decentralization of power is by all odds the most important single characteristic of the American major party; more than anything else this trait distinguishes it from all others. Indeed, once this truth is understood, nearly everything else about American parties is greatly illuminated. . . ." The Massachusetts and Alabama Democratic parties, for example, bear little family resemblance. The state party systems are, for the most part, products of the various state electoral laws.

In the nineteenth century, states tended to view parties as private groups and made few laws to supervise their activities. Coincident with the progressive movement and its interest in direct primaries, state legislatures began to pass laws regulating parties and elections.

The situation became acute in many states during the 1912 campaign when secessionist Republicans formed the Bull Moose Party and attempted to wrest control of local party apparatuses. In most states it was relatively easy to get on the ballot, thus, Theodore Roosevelt was able to run a strong race against the regular party. The state parties became alarmed and passed a great deal of electoral legislation, the most important having to do with definitions of what constituted a legitimate party.

California provides an excellent example of how state laws encourage the two-party system and discourage the formation of splinter parties. If a group wants to run a candidate for President, it must first constitute itself a party. This means that it must have an enrolled membership of 1 per cent of the total registered voters by January 1 of the year it seeks to hold a primary and run a Presidential candidate. Thus, a new party cannot be established after the political conventions. This also means that the group has to work hard, well in advance, in order to run a candidate in November.

While the regulations appear rigorous, they are fair and surmountable as attested to by the success of the Peace and Freedom Party and the American Independent Party in 1968. The rules discourage secessionist movements and millionaires trying to buy their way on to the ballot.

The second electoral institution is the single-member district concept as it is applied to congressional elections. The single-member district concept refers to the method by which many countries elect members to their legislatures. It might be more accurately described as the first-past-the-post system. If a nation decides to have territorial units represented in its legislature it must devise a method for apportioning these districts and this in turn, affects the nominating process of the parties.

In a majority of instances where the single-member district concept prevails, plurality elections are followed. That is, the candidate who receives more votes than any other candidate wins the single seat at stake, even if his vote falls short of a majority.

It is well known that this system produces inaccurate results. A party may receive, for instance, a majority of seats without having received a majority vote from the electorate. Theoretically, at least, the Democrats could receive only 435 more votes than the Republicans nationwide, a minute fraction of 1 per cent, and enjoy complete control over the House, 435–0, if the votes were distributed perfectly among the districts. Realistically, of course, the problem is one of distortion. In 1968, for example, the Republicans, nationally, received 48.9 per cent of the votes cast for all representatives, yet received only 44 per cent of the seats in the House. In fact, since 1932, the Republicans have been underrepresented in every Congress except the Eightieth (1947–49).

The theory underlying the single-member district concept is best understood when compared with the opposite theory—proportional representation. Under pure proportional representation all votes in the country are tabulated together and the parties are awarded seats according to the percentage of votes received nationally. If the country had 25 or so parties, as was the situation in the French Fourth Republic (pre-de Gaulle), each party would submit a list of candidates in order of preference and then an agency of the national government would distribute the seats among them according to their relative strength. In a six-hundred member assembly, for example, if an extreme party received only 3 per cent of the votes spread over all the districts, it would still be assured of eighteen seats in the assembly. A party receiving only 3 per cent of the votes nationally in a country operating under the single-member district concept with plurality elections would, in all likelihood, have won no seats in the legislature.

IMPOSSIBILITY OF PARITY

The point is obvious—proportional representation, or the application of the one-man, one-vote principle to general legislature elections, increases the probability of legislatures composed of many small parties with coalition government required to rule. The weakness of the French Fourth Republic was attributed, in the main, to the plethora of parties and their inability to establish a stable government.

De Gaulle, upon ascension to power, eliminated proportional representation and instituted a single-member district system without, however, including a plurality election clause. Even with run-off election required (a gimmick to weaken the Communists), most of the minor parties were driven from the scene and the elections came to resemble rather closely their American and British counterparts.

The fact is that it is simply impossible to have an absolute parity of voting power—that is, every man's vote counting equal in the final distribution of seats in the legislature—if a nation wants its legislature to represent territorial units. It is equally impossible to have absolute parity of voting power except under a system of national proportional representation and such a system virtually assures a multiparty political system.

The goals of voting parity and the maintenance of a two-party system are, for all practical purposes, incompatible.

The final institutional pillar of our two-party system is the Electoral College. The concept underlying the Electoral College is similar to that of the single-member district system except that it applies to the Presidency. In effect, just as a congressman cannot be split in half because the opposition party received only a few votes short of the necessary plurality, a state is similarly viewed as indivisable. The unit rule means that all of the state's electoral votes will be cast for the one candidate, and his party, who garnered the greatest number of votes. (The unit rule for voting in the Electoral College is a tradition, not a constitutional requirement. Recently, the legislature of Maine voted to eliminate the unit rule and replace it with a modified congressional district elector plan.)

IMPORTANCE OF UNITY

Occasionally, critics will claim that the unit rule serves to disenfranchise the minority. This is false. First, they had an opportunity to vote and win. They did not win, but it does not follow that they were disenfranchized. To lose is not to be disenfranchized.

The race for President is not just another election race. This contest sets the tone for the whole political system. The fact that a party and its Presidential candidate must win more votes than any other candidate in a given state in order to receive any electoral votes means that a high premium is placed on remaining a unified party.

If a party permits its ranks to be split, it loses not just the amount of votes that the dissenters can subtract from the total, but any chance at all for the votes cast by the electors of the state.

Consequently, the stakes are high. Traditionally, the parties have been moderate and pluralistic for they found they lost when they indulged in exclusive ideologies. Both major parties were required to be inclusive in character. "True believers" and congenital reformers, eager to emulate European parties, are constantly annoyed at the non-doctrinaire approch to politics followed by the two parties.

Not only are the two parties required to be moderate and non-doctrinaire, they also are required to be national in orientation and organization. If a party confined its appeal to one section of the country, it might be able to build a majority in the popular vote and still lose in the Electoral College. Parties early found that it really did no good to build up a substantial lead in New York, say, if it meant that Minnesota and smaller Western states were ignored. They count too.

A Presidential candidate needs only one more vote than any other party to win New York, then the battle has to be shifted to other states. Building a massive plurality in one state, at the expense of attention to other problems and other areas of the country, is not smart politics. The big states, while crucial, do not hold the entire key to the election. Mr. Nixon proved this rather conclusively in 1968.[1]

---

[1] Some liberal groups have recently decided that the Electoral College with its unit rule ought to be maintained. Their reasoning is that it benefits the large industrial states wherein certain minority groups can exert maximum influence. Statistically, of course, this is a questionable argument. Because of the present system which provides for a base of three votes per state, every state with a population below the median gains political influence in relation to those states above the median in population. Using the 1960 census and the two most extreme states, Alaska and New York, each elector from Alaska represented 75,389 citizens while each elector from New York represented 390,286 citizens. The unit rule does not change the impact of these statistics. The real significance of the "malapportionment" of electors is that it forces the parties to think and operate in national terms. The greater the spread in appeal of the party, the greater the chance of victory. The election of 1968 is a classic

The Electoral College, then, provides certain statistical imperatives which steer Presidential politics toward a two-party pattern and moderate national leaders.

All of this is to suggest that our two-party system is no accident; it is *not* peculiarly a product of American "culture" or of some other sociological phenomenon. It is an institutional artifact which we have the option of preserving or destroying. And one of the surest ways to bring on destruction is to abolish the Electoral College.

The debate on reform of the Electoral College has been quite one-sided so far—that is, only the critics have been heard. This is, in part, understandable since virtually everyone today considers himself a critic of one type or another. The Electoral College, so the argument goes, is an anachronism and ought to be abolished before it causes chaos. This is one thing Gore Vidal and Richard Nixon can agree upon. If ever there was consensus on an issue, this is it.

But the first step toward wisdom in matters of electoral structure is to recognize that no electoral system will ever be able to eliminate in advance all chance of confusion and crisis. When we talk about elections, we really talk about one of the oldest problems known to man, succession to power. One of the traditional attractions of a republic as a polity has been its answer to the question of succession. Somehow elections seem a less expensive way to transfer power from one group to another than a clash of arms or interminable palace intrigues.

Recognizing the immensity of the problem, possibly our goal ought to be to devise a system in which the odds against crisis are minimized and the odds of a majority Executive maximized. This was the goal of the Founding Fathers—not the creation of a perfect system with all risks eliminated. They were never utopian.

AN ALTERNATIVE

The unfortunate aspect to our inordinate affection for the present is that it makes it more difficult to raise meaningful questions about our political institutions. The relevant question with regard to the Electoral College, for example, is whether or not the Electoral College performs a useful function toward maintaining the two party system today, *not* what were the original purposes of the institution or what might have happened in a particular election a century ago if no candidate had received a majority. These kind of questions are of interest to historians, but are, essentially, irrelevant to the contemporary problem of succession to power.

Those who criticize the Electoral College cannot be charged with failure to offer an alternative. In fact, there are many alternative plans being circulated which run from pure proportional representation, to electoral voting according to congressional district, to simple, direct election.

The proposal enjoying the most support at present is the elimination of the Electoral College altogether and the substitution of simple direct election. Modifications have been added, however, in recent months. A provision generally accepted: If no candidate received 50 per cent of the popular vote in the general election, a second, run-off election would be held between the two candidates who had received the most votes. This proposal has subsequently been further modified so that if no candidate receives 40 per cent of the vote, a run-off election will be held. These modifications are designed to placate those who see the problem of a minority President and multiple parties becoming critical. The above described proposal, herein greatly simplified, is essentially that which both Senator Birch Bayh, Chairman of the Senate Constitutional Amendments Subcommittee, and the American Bar Association have vigorously campaigned for.

FAULTY REASONING

Their political goal, in philosophical terms, is to "have every vote count equally in the final counting process." Is there a price that must be paid in order to achieve this deceptively appealing end? The sponsors answer in the negative. I suggest, to the contrary, that there's a very high price indeed. We had best be aware of it in advance.

The direct election plan is ironic in that it proposes to institutionalize a weakness which it alleges the Electoral College possesses, but which, in reality, the Electoral College has not exhibited since the election of 1824. That flaw, according to political folklore, was that a third candidate, Henry Clay, was able to jockey for personal advantage in determining to whom he would shift his support. The great contemporary fear is that no Presidential candidate will get a majority of the electoral votes and hence the election will go to the House with the third-party candidate holding the critical balance of power. This fear was spelled out in great detail in the newspapers during the 1968 election as they conjured up horror stories about what would happen if the vote were thrown into the House.

Let us look briefly, then, at the cause of this fear: Mr. Wallace and his American Independent Party. It should be noted, at the outset, that it is impossible to ignore any candidate who receives 10, 15 or 20 per cent of the popular vote. He has a right to be heard. The question is: Under what conditions can the influence of a third party be kept minimal while still permitting all votes somehow to count? The fear was that under the current Electoral College system Mr. Wallace would play a maximum role in terms of his voting strength rather than a minimal role.

The reasoning of those who believed this argument was faulty. The Electoral College, far from exaggerating the strength of third parties, minimizes their strength. Also, the Electoral College virtually assures, if we use history as a guide, a majority vote, in terms of electoral votes, to a major party candidate, thus eliminating the uncertainty which follows any run-off election whether popular or in the House.

Under the present system with its unit rule the probability of a majority President, that is, one cloaked with the legitimacy of over 50 per cent of the popular as well as electoral vote, is very high. If ever the system were to fail us, it should have been in 1968. The two major parties were evenly split with a strong third party, having a national base, challenging their hegemony. Why was the Wallace effort so unsuccessful?

It was unsuccessful because, and not in spite, of the Electoral College's unit rule. The functioning of the unit rule exhibits many subtle manifestations. It is not merely a mechanical process applied by the commentators on election night. It also influences how people will vote in the first place. Under direct election Mr. Wallace's vote would no doubt have been substantially greater, for then his votes would have been cumulated nationally. Many people realized that to vote for Wallace, as their first choice, was, in most states, wasting a vote since he would not gain a plurality in the state. Hence, they voted for one of the two major candidates. The unit rule, therefore, has an anticipatory impact on the voting decision of the individual citizen.

The Electoral College assures, in virtually every case, that a majority President is elected in the first instance thus permitting the President to begin his job without the question of his legitimacy being raised. Is not the strength of our political system explained principally in terms of the stability of our succession process? The Electoral College permits us to settle the problem of Presidential selection quickly and bestow legitimacy on the man who captured enough states to win a majority of electoral votes.

The Electoral College is "undemocratic" only if we are willing to brand all forms of indirect selection of officials or distortions of the one-man, one-vote principle by definition as "undemocratic." Our Founding Fathers offered no such definition. They contended that they had established a "popular government," with "republic" and "democracy," as understood in the terms of the participants, being equally valid species of this genus. A republic, or rule by indirect participation, is a valid form of popular government. The Electoral College, while not democratic in the narrow sense, is surely within the intellectual framework of popular government and its sub-type, the republic. The Electoral College, with its traditional unit rule, is a subtle, yet effective method of keeping the politics of the Presidency, and hence, to a large degree, of our parties, within manageable proportions.

PILLARS OF STABILITY

The indirect selection process of the Electoral College insures that splinter or third parties will have great difficulty in gaining sufficient strength to be decisive in the final outcome. Under any of the proposals, whether for direct election, proportional representation of electors or the host of variations on these two themes, the third party (in 1968, the American Independent Party) would have been permitted to exercise maximum leverage.

Under direct election, Mr. Wallace's strength would no doubt have reached that which the polls indicated he enjoyed prior to election day. If this assumption is correct—even with the 40 per cent requirement—a run-off election would have had to have been held with Wallace and his party providing the crucial swing factor.

In other words, the reformers want to rid us of a system which discourages splinter parties and which minimizes the odds of nonmajority Presidents. They want to substitute instead a system whereby splinter parties and candidates will have maximum influence. We will change from a situation in which crisis is possible but unlikely, to a situation in which it might be chronic.

Few words cause more intellectual confusion than the word "reform." When someone says he wants to "reform" some institution, he has generally begun his intellectual deliberations with a conclusion and worked backward. Almost by definition the status quo is judged "bad" and it then becomes necessary to rewrite the rules governing that institution in order to provide advantages to a particular group promoting a particular set of policies. Change, a more neutral word than reform, is almost always justified in terms of the general welfare when, in fact, changes in rules and institutions invariably aid one group at the expense of another. Change, then, is not inherently good. There are good changes and bad changes. The criteria for good and bad is measured according to the general theory of politics one accepts.

Throughout this essay a theory of popular government has underlain my substantive arguments. The theory is that democracy, as generally defined today, functions best when there are two major parties, as opposed to a

---

example of how distribution of votes may count for more than sheer numbers. While Nixon and Humphrey were close in the popular vote, Nixon's appeal was more national than Humphrey's so he was able to win one elector per 105,594 votes while Humphrey, whose appeal was largely in a few industrial states, required 163,696 votes to win one elector. Wallace was hampered ever more by the limitations imposed by his sectional strength and needed 215,185 votes to receive one electoral vote.

multiparty system. These parties ought to be relatively non-doctrinaire and national in their organization and appeal. They ought to conceive of themselves as the "ins" and the "outs," with both parties being committed to the fundamental values of the regime. Two-party politics suggests that both parties ought to contain a portion of most of the groups in the society and that neither ought to become exclusive or ideological. While such a politics may lack the momentary excitement of the righteous cause victorious, it is a politics which permits all groups to share in power and hence provides the environment necessary for the society to face real problems and make measured social progress.

The Electoral College, with its traditional unit rule, is a critical factor in the maintenance of our two-party politics. While it is conceivable that our politics would remain largely nonideological and within the two major parties without the Electoral College, it is unlikely. The Electoral College does serve an important function today. One can, of course, be opposed to the two-party model of politics or one can desire to have ideologically oriented parties, as the New Left does. If this is the political theory you support, then the elimination of the Electoral College should be high on your list of priorities. What the facts do not support, however, is the argument that the demise of the Electoral College will actually strengthen the two major parties and curtail the potential dangers of third parties.

Our two-party system is capable of being maintained only if the three pillars described previously are maintained in good order. To destroy any one of them would be to endanger the entire structure. At the very least, we owe it to those who are to follow us not to scuttle our electoral system, which has served us so well for nearly two centuries, without first attempting to understand the system. We must not permit ourselves to fall into the trap of substituting emotion and slogans for reasoned analysis.

PROPOSAL FOR DIRECT POPULAR ELECTION WOULD DIMINISH ROLE OF 41 STATES IN ELECTION OF PRESIDENT AND VICE PRESIDENT

Mr. FONG. Mr. President, I rise to speak in strong opposition to Senate Joint Resolution 1, which proposes an amendment to the Constitution of the United States to abolish the present method of electing the President and Vice President of the United States.

It would abolish the electoral college system and replace it with a system of direct popular election of President and Vice President, including runoff elections where no candidate receives 40 percent of the total popular vote.

Our electoral college system has enabled this country to elect 32 Presidents in 46 successive presidential elections. It has stood us in good stead for the almost 200 years of our history, since the election of President Washington in 1789. In fact, the only real substantive change in the procedure devised by our Founding Fathers for the election of the President and Vice President was effectuated when the XII amendment was ratified in 1804. That amendment provided that the electors cast separate votes for the President and Vice President.

Now, allegedly for fear that this system might not continue to function adequately, as it has for nearly two centuries—and I stress the critical words "might not"—it is proposed that an untried and unthought-out method of electing our President and Vice President by direct election be substituted, in disregard of the consequences likely to flow from such radical change.

The present system has worked and is working. This we know. Yet, based on fear of a possible malfunctioning of this electoral system, we are asked to discard entirely a system which has worked well for almost 200 years and replace it with a completely new and untested system for electing our President and Vice President.

We are asked to change a proven method for a totally different system which is fraught with far-reaching and radical consequences. We are not asked to improve the present system but we are asked to discard it.

There should be no misunderstanding. Senate Joint Resolution 1 is more than a change in the manner of electing our President and Vice President. It is a basic change in our Federal-State form of government. It goes to the heart and core of our Federal system.

This is a proposal to abandon our Federal system of government, with its delicate system of checks and balances between the large and small States, between the industrial and rural States, and between the States and the Federal Government.

It is this very balanced equation that unified our country and enabled it to survive longer than any other republic in history. We should not abandon what is a proven success in exchange for a radical, unknown system.

This amendment, which Prof. Charles Black, of Yale Law School, when he testified before the Senate Judiciary Committee, called the most deeply radical amendment which has ever entered the Constitution of the United States, would eradicate our brilliantly successful solar system of the allocation of power.

MAIN FEATURES OF SENATE JOINT RESOLUTION 1

What does Senate Joint Resolution 1 propose?

Senate Joint Resolution 1 proposes to abolish the electoral college system for the election of the President and the Vice President. It provides for the direct popular election of the President and Vice President as a team. A candidate for President is to be teamed with one other person as a candidate for Vice President. The people are to cast one vote for the two such persons joined as a team.

The persons, joined as candidates, receiving the greatest number of votes are to be declared elected as President and Vice President if they receive at least 40 percent of the votes cast throughout the Nation. If they receive less than 40 percent of the total number of votes cast for the offices of President and Vice President, a runoff election is to be held between the two pairs of persons joined as candidates for President and Vice President who received the highest number of votes for those offices.

At no point would the States' positions be of any significance in the election of the President.

GRAVE CONSEQUENCES OF SENATE JOINT RESOLUTION 1

Instead of being carefully analyzed as to its effect on our federal system of government, this amendment is being pushed by a catchy popular slogan—"one man, one vote."

I submit this sloganeer's amendment will destroy our federal system of government.

This amendment will destroy our two-party system.

This amendment will lead to a proliferation of parties such as we have been fortunate never to have known. Such proliferation has caused the downfall of many governments in Europe and elsewhere.

This amendment will change the nature of our process for nominating candidates for the offices of President and Vice President.

This amendment will change the nature of our presidential campaigns.

This amendment will encourage fraudulent elections.

This amendment will encourage election contests.

This amendment will require a Federal takeover of control of all laws affecting Federal elections, beginning with the takeover of control of the election of the President and the Vice President.

This amendment will diminish the role of the States in the federal system and vitiate the role of the States in the election of a President.

This amendment will result in our really having a minority President—with a 40-percent popular vote but no mandate to govern such as that given to the candidate who receives a majority of the votes in the electoral college under the present system.

This amendment will result in runoff elections which will be bitter and divisive, such as we recently witnessed, just to cite a few examples: In the gubernatorial election in Alabama and the mayoralty campaign in Newark, N.J., fought on bitter and divisive levels unapproached in the first election.

And, runoff elections will be the rule rather than the exception.

This amendment, as James J. Kilpatrick said, "rings all the congenial bells—democracy, equality, one-man, one-vote," but as Theodore White correctly stated in his testimony before the Judiciary Committee, it will lead to chaos.

MINORITY VIEWS DOCUMENT DANGERS OF SENATE JOINT RESOLUTION 1

At this time, I urge my colleagues to study the report of the Judiciary Committee. Sketchy arguments and flimsy assumptions are advanced in the majority report in an attempt to sustain their burden of proof that this amendment to the Constitution should be enacted.

As against these generalized statements in the majority report, I ask my colleagues to weigh the import of the minority report, which sets forth the political and practical reasons why this amendment should be soundly defeated. I fully agree with James J. Kilpatrick who in his column in the Evening Star of September 1, 1970 stated:

> If enough senators will read the report before the amendment is debated, this dangerous and drastic scheme will die on the floor.

To make this minority report even more easily available, I ask that the mi-

nority report and its appendices be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. FONG. Mr. President, various alternate proposals for the runoff have been suggested. None change the basic objection to abandonment of the electoral system.

What I propose to do at this time is give my colleagues in the Senate, their constituents at home, and the legislators in the 50 States, the facts as to what will happen to the relative voting strength of each of their States if the electoral college system is abandoned, as Senate Joint Resolution 1 proposes.

I urge everyone to analyze and consider these statistics. Before it is time for my colleagues to vote on Senate Joint Resolution 1—it is essential that they realize what this proposal will do to their States and the relative voting strength of their States in future presidential elections.

EFFECT ON STATES

What will this amendment do to their States? It will destroy—and I advisedly say destroy—the whole concept of States on which this Union of sovereign States is based.

A direct popular vote system will require Federal control of these elections. This was pointed out to the Judiciary Committee by eminent scholars such as Alexander M. Bickel of Yale Law School, and men of experience in such matters as my colleague, the distinguished junior Senator from Nebraska (Mr. CURTIS), and was perfectly expressed by our colleague the junior Senator from Michigan (Mr. GRIFFIN) on Thursday, September 10, on the floor of the Senate, when he stated:

> It will be necessary and logical if we are to elect the President by direct popular vote, for Congress to establish uniform voter qualifications and procedures for conducting such elections. Indeed, I believe Congress would be derelict in its duty if it did not establish such uniform standards in connection with, or directly following, adoption of a constitutional amendment to elect the President by popular vote.
>
> The people of the several States should realize, as we consider this popular vote amendment, that uniform voter qualifications and election procedures will be a necessary and logical result. No one should be fooled on that point.

One more erosion of the sovereign power of the State.

And let no one be fooled on another point. If we talk national fairness, democracy, "one man, one vote," to obtain proponents for direct election, we must make the people of the several States realize that carrying the logic of "one man, one vote," national fairness and pure democracy to its logical and only conclusion, we would be forced to abolish the most undemocratic institution under our Constitution—the U.S. Senate. Yes, gentlemen, nothing could be more undemocratic than the Senate of the United States.

California, our largest State, with a population of 19,696,840, and Alaska, our smallest State, with a population of 294,608, both have two Senators each in this body. What could be farther from "one man, one vote"? Farther from being democratic? Farther from national fairness?

Are we to tell the people of the sovereign State of California they are to divide themselves into 67 States of 294,000 people each? Or, are we to tell 21 sovereign States whose collective population equals California's 19 million people that they must fuse into one State entitled only to two Senators? Are we to take away the two Senators each from Alaska, Wyoming, Vermont, Nevada, Delaware, North Dakota, South Dakota, Montana, Idaho, New Hampshire, Hawaii, Rhode Island, Maine, Utah, New Mexico, Nebraska, West Virginia, Arizona, Arkansas, Oregon, and Mississippi? That is what it would take if one man, one vote, were to be logically and fairly applied.

Once the one-man, one-vote concept replaces the electoral college system, the next assault will be on applying one-man, one-vote to the U.S. Senate. Despite the provisions of article I, section 3 of the Constitution and the 17th amendment providing States with equal representation in the Senate, a Constitutional amendment could change States' representation in the Senate.

It is conceivable that the next step may be to repeal the equal senatorial representation provisions of the XVII amendment or to provide directly that a State's consent to the XIV amendment could be deemed consent to the repeal of article V of the Constitution. Article V, you will recall, requires that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

If we replace the electoral college with a direct popular vote system, pressure would surely be applied to revamp the Senate to obtain "one-man, one-vote" in the Senate.

Yes, tomorrow we could be called upon to abolish the Senate because it is undemocratic, or to reform it so that its "suffrage" is based on population and not on statehood.

And now, let us look at the relative voting strength of the States and how direct election will affect each State.

NINE OR 10 STATES WILL CONTROL ELECTION UNDER SENATE JOINT RESOLUTION 1: 34 STATES LOSE VOTING STRENGTH

Under the direct popular election proposed by Senate Joint Resolution 1, nine or 10 large States will control the election of the President and the Vice President despite the manifest wishes of all the other States and the District of Columbia.

This effect of the radical change in our constitutional method of electing the President which would result from the adoption of Senate Joint Resolution 1 can readily be seen from an analysis of the 1960 and 1968 presidential elections—two very close elections for that office.

IN BOTH 1960 AND 1968, 34 STATES WOULD HAVE LOST VOTING STRENGTH IF THE ELECTORAL COLLEGE SYSTEM HAD BEEN REPLACED BY A DIRECT POPULAR VOTE

In the 1960 presidential election, 34 States controlled a total of 242 electoral votes, or 44.84 percent of the electoral vote. These States were Alabama, Alaska, Arizona, Arkansas, Colorado, Delaware, Georgia, Hawaii, Idaho, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Oklahoma, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, and Wyoming.

Under Senate Joint Resolution 1, even assuming the impossible situation of all voters in a State voting for the same candidate, these 34 States would have a maximum voting strength based on their total number of votes cast, of 29.40 percent, as distinguished from the present strength of 44.84 percent, a loss of almost 35 percent of their actual total voting strength for the President.

I have had the figures, which were initially prepared by the Library of Congress, broken down to show the effect of direct election on each of these 34 States. I ask unanimous consent that the table which I have identified as table I and entitled, "1960: 34 States Lose Presidential Electoral Voting Strength Under Direct Popular Vote Proposed by Senate Joint Resolution 1," be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE I.—1960: 34 STATES LOSE PRESIDENTIAL ELECTORAL VOTING STRENGTH UNDER DIRECT POPULAR VOTE PROPOSED BY S.J. RES. 1

State	Electoral vote	Percentage of electoral vote	Percentage of popular vote
Alabama	11	2.04	0.82
Alaska	3	.55	.08
Arizona	4	.74	.57
Arkansas	8	1.48	.62
Colorado	6	1.11	1.06
Delaware	3	.55	.28
Georgia	12	2.23	1.06
Hawaii	3	.55	.26
Idaho	4	.74	.43
Iowa	10	1.86	1.85
Kansas	8	1.48	1.34
Kentucky	10	1.86	1.63
Louisiana	10	1.86	1.17
Maine	5	.93	.61
Maryland	9	1.67	1.33
Mississippi	8	1.48	.43
Montana	4	.74	.40
Nebraska	6	1.11	.89
Nevada	3	.55	.15
New Hampshire	4	.74	.42
New Mexico	4	.74	.45
North Carolina	14	2.60	1.98
North Dakota	4	.74	.40
Oklahoma	8	1.48	1.31
Rhode Island	4	.74	.58
South Carolina	8	1.48	.56
South Dakota	4	.74	.44
Tennessee	11	2.04	1.62
Texas	24	4.46	3.35
Utah	4	.74	.54
Vermont	3	.55	.24
Virginia	12	2.23	1.12
West Virginia	8	1.48	1.21
Wyoming	3	.55	.20
Total 34 States	242	44.84	29.40

Mr. FONG. In the 1968 presidential election, because of a reapportionment of electoral votes based on the 1960 census and the enactment of the XXIII amendment giving the District of Columbia the right to vote for President—which amendment became effective on its ratification by the several States in 1961—these 34 States and the District of Columbia had 238 electoral votes, or 44.06 percent of the total electoral vote. Under direct popular election envisoned by

Senate Joint Resolution 1, these 34 States and the District of Columbia would have had their total voting strength reduced from 44.06 percent to 33.32 percent. percent.

In other words, almost 25 percent of the total voice—Democratic, Republican, and third party—of these 34 States and the District of Columbia in the election of the President in 1968 would have been lost under Senate Joint Resolution 1.

I ask that table II, which I have entitled, "1968: 34 States and District of Columbia Lose Presidential Electoral Voting Strength Under Direct Popular Election Proposed by Senate Joint Resolution 1," showing a breakdown of the loss of power of each of these 34 States and the District of Columbia, be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE II.—1968: 34 STATES AND DISTRICT OF COLUMBIA LOSE PRESIDENTIAL ELECTORAL VOTING STRENGTH UNDER DIRECT POPULAR ELECTION PROPOSED BY S.J. RES. 1

State	Electoral vote	Percentage of electoral vote	Percentage of popular vote
Alabama	10	1.85	1.42
Alaska	3	.55	.11
Arizona	5	.92	.66
Arkansas	6	1.11	.83
Colorado	6	1.11	1.10
Delaware	3	.55	.29
District of Columbia	3	.55	.23
Georgia	12	2.23	1.68
Hawaii	4	.74	.32
Idaho	4	.74	.39
Iowa	9	1.67	1.59
Kansas	7	1.30	1.19
Kentucky	9	1.67	1.44
Louisiana	10	1.85	1.49
Maine	4	.74	.53
Maryland	10	1.85	1.68
Mississippi	7	1.30	.89
Montana	4	.74	.37
Nebraska	5	.92	.73
Nevada	3	.55	.21
New Hampshire	4	.74	.40
New Mexico	4	.74	.44
North Carolina	13	2.41	2.16
North Dakota	4	.74	.33
Oklahoma	8	1.48	1.29
Rhode Island	4	.74	.52
South Carolina	8	1.48	.91
South Dakota	4	.74	.38
Tennessee	11	2.04	1.70
Texas	25	4.64	4.20
Utah	4	.74	.57
Vermont	3	.55	.22
Virginia	12	2.23	1.85
West Virginia	7	1.30	1.03
Wyoming	3	.55	.17
Total 34 States and District of Columbia	238	44.06	33.32

Mr. FONG. It will be noted from these figures that actual voting strength in each of these 34 States would have been less under direct popular election in both the 1960 and 1968 presidential elections.

To show what this means to each of these States, I have analyzed the figures for my own State. My State of Hawaii would have had its 1960 voting strength reduced from 0.55 to 0.26 percent, a loss of 52.7 percent of its voting strength. In 1968, Hawaii's voting strength of 0.74 percent would have been reduced to 0.32 percent, a loss of 56.75 percent of its voting strength.

In other words, in both elections, direct popular vote would have cut Hawaii's voting strength by more than half.

This loss of voting strength similarly is true for each of the other 33 States. Each of my colleagues can see for himself from tables I and II the reduction in actual total voting strength which would have ensued in his State, in both the 1960 and 1968 presidential elections if our present system had been abandoned and Senate Joint Resolution 1, with its direct popular vote, were in effect.

Under our electoral college system, these 34 States, in 1960, with 242 electoral votes out of a total of 537 electoral votes, or 44.84 percent of the electoral vote, could have elected the President in conjunction with one large State, such as New York with its 45 electoral votes, California or Pennsylvania with their 32 electoral votes each, or with the 27 electoral votes of Illinois.

Similarly, in the 1968 presidential election these 34 States and the District of Columbia, having 238 electoral votes out of the total 538 electoral votes, together with either New York with its 43 electoral votes, or California with its 40 electoral votes, would have had the necessary 270 electoral votes to elect a President.

Contrast this situation with the total of 29.4 percent of the popular vote which these 34 States would have controlled in 1960, and the total of 33.32 percent of the popular vote these 34 States and the District of Columbia would have controlled in 1968 under the direct popular election proposed by Senate Joint Resolution 1. It is apparent that Senate Joint Resolution 1 would have rendered these 34 States impotent to influence the presidential election in those years, even if all of its citizens had voted for one candidate—a practical political impossibility.

EFFECT OF DIRECT ELECTION ON STATES WITH 12 OR FEWER ELECTORAL VOTES

Now, let us look at what would have happened to the "small" States with 12 or fewer electoral votes in 1960 and 1968 if the electoral college system had been replaced by a direct popular vote.

There are 39 States and the District of Columbia which had 12 or fewer electoral votes in 1960 or 1968. Interestingly, 32 of the 34 States which I previously showed would lose actual total voting strength under the direct popular vote proposed by Senate Joint Resolution 1, as well as the District of Columbia, each had 12 or fewer electoral votes; that is, were among the small States of this Union.

These 32 States which had 12 or fewer electoral votes and which lose voting strength under a direct popular vote are: Alabama, Alaska, Arizona, Arkansas, Colorado, Delaware, Georgia, Hawaii, Idaho, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, West Virginia, and Wyoming.

The other seven States which had 12 or fewer electoral votes in 1960 or 1968 were Connecticut, Florida, Minnesota, Missouri, Oregon, Washington, and Wisconsin.

In 1960, these 39 States controlled a total of 273 electoral votes, or 50.59 percent of the total electoral vote—enough theoretically to elect the President of the United States. In that year, under direct popular election proposed by Senate Joint Resolution 1, they would have had a total potential popular vote of only 38.49 percent—a far cry from the majority of electoral votes necessary to elect the President in 1960.

I ask that table III, which I have entitled "1960: 39 States With 12 or Fewer Electoral Votes in 1960 or 1968 Lose Control of Presidential Election Under Direct Popular Election Proposed by Senate Joint Resolution 1," showing the figures for these 39 States in the 1960 presidential election, be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE III.—1960: 39 STATES WITH 12 OR FEWER ELECTORAL VOTES IN 1960 LOSE CONTROL OF PRESIDENTIAL ELECTION UNDER DIRECT POPULAR VOTE PROPOSED BY J. RES. 1.

State	Electoral vote	Percentage of electoral vote	Percentage of popular vote
Alabama	11	2.04	0.82
Alaska	3	.55	.08
Arizona	4	.74	.57
Arkansas	8	1.48	.62
Colorado	6	1.11	1.06
Connecticut	8	1.48	1.71
Delaware	3	.55	.28
Florida	10	1.86	2.24
Georgia	12	2.23	1.06
Hawaii	3	.55	.26
Idaho	4	.74	.43
Iowa	10	1.86	1.85
Kansas	8	1.48	1.34
Kentucky	10	1.86	1.63
Louisiana	10	1.86	1.17
Maine	5	.93	.61
Maryland	9	1.67	1.33
Minnesota	11	2.04	2.23
Mississippi	8	1.48	.43
Missouri [1]	13	2.42	2.81
Montana	4	.74	.40
Nebraska	6	1.11	.89
Nevada	3	.55	.15
New Hampshire	4	.74	.42
New Mexico	4	.74	.45
North Dakota	4	.74	.40
Oklahoma	8	1.48	1.31
Oregon	6	1.11	1.12
Rhode Island	4	.74	.58
South Carolina	8	1.48	.56
South Dakota	4	.74	.44
Tennessee	11	2.04	1.62
Utah	4	.74	.54
Vermont	3	.55	.24
Virginia	12	2.23	1.12
Washington	9	1.67	1.80
West Virginia	8	1.48	1.21
Wisconsin	12	2.23	2.51
Wyoming	3	.55	.20
Total 39 States	273	50.59	38.49

[1] Included because Missouri had 12 electoral votes in 1968.

Mr. FONG. In the 1968 presidential election, 39 States, together with the District of Columbia, had a total electoral vote of 271—one more than necessary to elect the President in 1968. These 39 States are: Alabama, Alaska, Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. But under direct popular

election, these 39 States and the District of Columbia would have a total popular vote of 41.50 percent of the votes cast.

Obviously, in 1968, these 39 States and the District of Columbia would not have had the power to elect a President even if all their popular votes were combined and cast for one candidate.

I repeat, in 1968, even if all their popular votes had been cast for one candidate, the President could not have been elected by the total popular vote in these 39 States. But, under the present electoral system these 39 small States had enough electoral votes to elect the President.

Table IV, which I have entitled "1968: 39 States and the District of Columbia with 12 or Fewer Electoral Votes in 1960 or 1968 Lose Control of Presidential Election Under Direct Popular Election Proposed by Senate Joint Resolution 1," shows the figures for these 39 States and the District of Columbia for the 1968 presidential election. I ask that this table IV be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE IV.—1968: 39 STATES AND THE DISTRICT OF COLUMBIA WITH 12 OR FEWER ELECTORAL VOTES IN 1960 OR 1968 LOSE CONTROL OF PRESIDENTIAL ELECTION UNDER DIRECT POPULAR VOTE BY S.J. RES. 1.

State	Electoral vote	Percentage of electoral vote	Percentage of popular vote
Alabama	10	1.85	1.42
Alaska	3	.55	.11
Arizona	5	.92	.66
Arkansas	6	1.11	.83
Colorado	6	1.11	1.10
Connecticut	8	1.48	1.71
Delaware	3	.55	.29
District of Columbia	3	.55	.23
Florida [1]	14	2.60	2.98
Georgia	12	2.23	1.68
Hawaii	4	.74	.32
Idaho	4	.74	.39
Iowa	9	1.67	1.59
Kansas	7	1.30	1.19
Kentucky	9	1.67	1.44
Louisiana	10	1.85	1.49
Maine	4	.74	.53
Maryland	10	1.85	1.68
Minnesota	10	1.85	2.17
Mississippi	7	1.30	.89
Missouri	12	2.23	2.47
Montana	4	.74	.37
Nebraska	5	.92	.73
Nevada	3	.55	.21
New Hampshire	4	.74	.40
New Mexico	4	.74	.44
North Dakota	4	.74	.33
Oklahoma	8	1.48	1.29
Oregon	6	1.11	1.12
Rhode Island	4	.74	.52
South Carolina	8	1.48	.91
South Dakota	4	.74	.38
Tennessee	11	2.04	1.70
Utah	4	.74	.57
Vermont	3	.55	.22
Virginia	12	2.23	1.85
Washington	9	1.67	1.78
West Virginia	7	1.30	1.03
Wisconsin	12	2.23	2.31
Wyoming	3	.55	.17
Total 39 States and District of Columbia	271	50.48	41.50

[1] Included because Florida had 10 electoral votes in 1960.

Mr. FONG. These analyses answer the question of what would have happened to the 39 "small" States with 12 or fewer electoral votes. Even in combination they would have lost potential control of the presidential elections in both 1960 and 1968 if the electoral college system had been replaced by a direct popular vote.

Direct Election (in 1960 and 1968) would have shifted control of the Presidential Elections to 9 States.

Now, let me direct my colleagues' attention to another facet. Let us look at the picture from the other side. Who would have "controlled" the presidential elections of 1960 and 1968 if the electoral system had been replaced by a direct popular vote?

In 1960, 41 States—the 39 "small" States with 12 or fewer electoral votes, together with North Carolina and Texas, two of the States which, as table I indicates, would have lost voting strength in 1960—would, in that year, have had a total electoral vote of 311 out of the 537 electoral votes, or 57.65 percent of the electoral vote, much more than necessary to elect the President.

Under the Senate Joint Resolution 1 proposal for direct popular election, these 41 States would have had a total popular vote of 43.82 percent. They could have been outvoted by the popular votes cast in nine large States.

In 1960, nine large States—California, Illinois, Indiana, Massachusetts, Michigan, New Jersey, New York, Ohio, and Pennsylvania—controlled 226 electoral votes, or 42.02 percent of the electoral vote. But they controlled 55.91 percent of the popular vote in 1960.

In 1968, the 39 States with 12 or fewer electoral votes in 1960 or 1968, plus the electoral votes of North Carolina, Texas, and the District of Columbia, had an electoral vote count of 309 out of the 538 electoral votes, or 57.23 percent of the electoral vote.

In 1968, under Senate Joint Resolution 1, these 41 States and the District of Columbia would have had a total popular vote of only 47.86 percent of the total votes cast in the United States.

Again, in 1968, the nine large States—California, Illinois, Indiana, Massachusetts, Michigan, New Jersey, New York, Ohio, and Pennsylvania—could have controlled over 50 percent—to be exact, 51.88 percent—of the popular vote and the 1968 election of the President. Under the electoral system, however, they had 229 electoral votes, or 42.53 percent of the total electoral vote.

Table V, which I have entitled "1960: Nine States Gain Controlling Presidential Voting Strength Under Direct Popular Election Proposed by Senate Joint Resolution 1," shows the 1960 figures for each of these nine large States. I ask unanimous consent that table V be printed in the RECORD at this point.

There being no objection the table was ordered to be printed in the RECORD, as follows:

TABLE V.—1960: 9 STATES GAIN CONTROLLING PRESIDENTIAL VOTING STRENGTH UNDER DIRECT POPULAR ELECTION PROPOSED BY S.J. RES. 1

State	Electoral vote	Percentage of electoral vote	Percentage of popular vote
California	32	5.95	9.45
Illinois	27	5.02	6.91
Indiana	13	2.42	3.10
Massachusetts	16	2.97	3.58
Michigan	20	3.72	4.82
New Jersey	16	2.97	4.02
New York	45	8.37	10.72
Ohio	25	4.65	6.04
Pennsylvania	32	5.95	7.27
Total, 9 States	226	42.02	55.91

Mr. FONG. Table VI, which I have entitled "1968: Nine States Gain Controlling Presidential Voting Strength Under Direct Popular Election Proposed by Senate Joint Resolution 1," shows the figures of each of these nine States in the Presidential election of 1968. I ask unanimous consent that table VI be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE VI.—1968: 9 STATES GAIN CONTROLLING PRESIDENTIAL VOTING STRENGTH UNDER DIRECT POPULAR ELECTION PROPOSED BY S.J. RES. 1.

State	Electoral vote	Percentage of electoral vote	Percentage of popular vote
California	40	7.43	9.90
Illinois	26	4.83	6.31
Indiana	13	2.41	2.90
Massachusetts	14	2.60	3.18
Michigan	21	3.90	4.51
New Jersey	17	3.15	3.92
New York	43	7.99	9.27
Ohio	26	4.83	5.41
Pennsylvania	29	5.39	6.48
Total	229	42.53	51.88

Mr. FONG. Clearly, the number of votes concentrated in these nine large States could theoretically have been sufficient to elect a majority President in 1960 and 1968, in total disregard of the votes cast by the people of the other 41 States and the District of Columbia.

This amendment, Senate Joint Resolution 1, I point out, does not require that a majority of popular votes be cast for the presidential candidate for him to be the winner—only 40 percent of the popular vote is required. How much greater is the potential for these nine States to actually control a 40-percent minority presidential election?

ANALYSIS OF PRESIDENTIAL ELECTION POPULAR VOTES AS CAST IN 1960 AND 1968

But now, leaving theory aside, let us look at what actually happened in the 1960 and 1968 presidential elections and what would have happened to the relative voting strength of each State, particularly of the small States.

I have had prepared by the Legislative Reference Service of the Library of Congress an analysis of the 1960 and 1968 presidential elections showing the Republican and Democratic vote, as well as the third party vote cast in each State, and each State's percentage of Democratic and Republican votes of the total popular votes cast in all States throughout the United States. The figures for the 1960 presidential election are set forth in table VII, entitled "1960 Presidential Election, Breakdown by Party and State of Grand Total Popular Vote—68,838,979." I ask unanimous consent that table VII be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE VII.—1960 PRESIDENTIAL ELECTION BREAKDOWN BY PARTY AND STATE OF GRAND TOTAL POPULAR VOTE (68,838,979)

State	Republican Vote	Republican Percent	Democratic Vote	Democratic Percent
Alabama	237,981	0.346	324,050	0.47
Alaska	30,953	.05	29,809	.04
Arizona	221,241	.32	176,781	.26
Arkansas	184,508	.27	215,049	.31
California	3,259,722	4.74	3,224,099	4.68
Colorado	402,242	.58	330,629	.48
Connecticut	565,813	.82	657,055	.95
Delaware	96,373	.14	99,590	.14
District of Columbia				
Florida	795,476	1.16	748,700	1.09
Georgia	274,472	.34	458,638	.67
Hawaii	92,295	.13	92,410	.13
Idaho	161,597	.23	138,853	.20
Illinois	2,368,988	3.44	2,377,846	3.45
Indiana	1,175,120	1.70	952,358	1.38
Iowa	722,381	1.05	550,565	.80
Kansas	561,474	.82	363,213	.53
Kentucky	602,607	.88	521,855	.76
Louisiana	230,980	.34	407,339	.59
Maine	240,608	.35	181,159	.26
Maryland	489,538	.71	565,808	.82
Massachusetts	976,750	1.42	1,487,174	2.16
Michigan	1,620,428	2.35	1,687,269	2.45
Minnesota	757,915	1.10	779,933	1.13
Mississippi	73,561	.11	108,362	.16
Missouri	962,221	1.40	972,201	1.41
Montana	141,841	0.20	134,891	0.20
Nebraska	380,553	.55	232,542	.34
Nevada	52,837	.08	54,880	.08
New Hampshire	157,989	.23	137,772	.20
New Jersey	1,363,324	2.00	1,385,415	2.01
New Mexico	153,733	.22	156,027	.23
New York	3,446,419	5.00	3,830,086	5.56
North Carolina	655,420	.95	713,136	1.04
North Dakota	154,310	.22	123,963	.18
Ohio	2,217,611	3.22	1,944,248	2.82
Oklahoma	533,039	.77	370,111	.54
Oregon	408,060	.60	367,402	.53
Pennsylvania	2,439,956	3.54	2,566,282	3.71
Rhode Island	147,502	.21	258,032	.37
South Carolina	188,558	.27	198,129	.29
South Dakota	178,417	.26	128,070	.19
Tennessee	556,577	.80	481,453	.70
Texas	1,121,699	1.63	1,167,932	1.70
Utah	205,361	.30	169,248	.25
Vermont	98,131	.14	69,186	.10
Virginia	404,521	.59	362,327	.53
Washington	629,273	.91	599,298	.87
West Virginia	395,995	.58	441,786	.64
Wisconsin	895,175	1.30	830,805	1.20
Wyoming	77,451	.11	63,331	.09
Total		49.476		49.69

Mr. FONG. The figures for the 1968 presidential election are set forth in table VIII, entitled "1968 Presidential Election, Breakdown by Party and State of Grand Total Popular Vote—73,211,562." I ask unanimous consent that table VIII be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE VIII.—1968 PRESIDENTIAL ELECTION BREAKDOWN BY PARTY AND STATE OF GRAND TOTAL POPULAR VOTE (73,211,562)

State	Republican Vote	Republican Percent	Democratic Vote	Democratic Percent	American Independent Party Vote	American Independent Party Percent
Alabama	146,923	0.20	196,579	0.27	691,425	0.94
Alaska	37,600	.05	35,411	.05	10,024	.01
Arizona	266,721	.36	170,514	.23	46,573	.06
Arkansas	190,759	.26	188,228	.26	240,982	.33
California	3,467,664	4.74	3,244,318	4.43	487,270	.67
Colorado	409,345	.56	335,174	.46	60,813	.08
Connecticut	556,721	.76	621,561	.85	76,650	.10
Delaware	96,714	.13	89,194	.12	28,459	.04
District of Columbia	31,012	.04	139,566	.19		
Florida	886,804	1.21	676,794	.92	624,207	.85
Georgia	380,111	.52	334,439	.46	535,550	.73
Hawaii	91,425	.12	141,324	.19	3,469	.005
Idaho	165,369	.23	89,273	.12	36,541	.05
Illinois	2,174,774	2.97	2,039,814	2.78	390,958	.53
Indiana	1,067,885	1.46	806,659	1.10	243,108	.33
Iowa	619,106	.85	476,699	.65	66,422	.09
Kansas	478,674	.65	302,996	.41	88,921	.12
Kentucky	462,411	.63	397,541	.54	193,098	.26
Louisiana	257,535	.35	309,615	.42	530,300	.72
Maine	169,254	.23	217,312	.30	6,370	.008
Maryland	517,995	.71	538,310	.74	178,734	.24
Massachusetts	766,844	1.05	1,469,218	2.01	87,088	.12
Michigan	1,370,665	1.87	1,593,082	2.18	331,968	.45
Minnesota	658,643	.90	857,738	1.17	68,931	.09
Mississippi	88,516	.12	150,644	.21	415,349	.57
Missouri	811,932	1.11	791,444	1.08	206,126	.28
Montana	138,835	.19	114,117	.16	20,015	.027
Nebraska	321,163	0.44	170,784	0.23	44,904	0.06
Nevada	73,188	.10	60,598	.08	20,432	.027
New Hampshire	154,903	.21	130,589	.18	11,173	.015
New Jersey	1,325,467	1.81	1,264,206	1.73	262,187	.36
New Mexico	169,692	.23	130,081	.18	25,737	.04
New York	3,007,932	4.11	3,378,470	4.61	358,864	.49
North Carolina	627,192	.86	464,113	.63	496,188	.68
North Dakota	138,669	.19	94,769	.13	14,244	.02
Ohio	1,719,014	2.45	1,700,586	2.32	467,495	.64
Oklahoma	449,697	.61	301,658	.41	191,731	.26
Oregon	408,433	.56	358,866	.49	49,683	.07
Pennsylvania	2,090,017	2.85	2,259,405	3.09	378,582	.52
Rhode Island	122,359	.17	246,518	.34	15,678	.02
South Carolina	254,062	.35	197,486	.27	215,430	.29
South Dakota	149,841	.20	118,023	.16	13,400	.02
Tennessee	472,592	.65	351,233	.48	424,792	.58
Texas	1,227,844	1.68	1,266,804	1.73	584,269	.80
Utah	238,728	.33	156,665	.21	26,906	.04
Vermont	85,142	.12	70,255	.10	5,104	.007
Virginia	590,319	.81	442,387	.60	321,833	.44
Washington	588,510	.80	616,037	.84	96,990	.13
West Virginia	307,555	.42	374,091	.51	72,560	.10
Wisconsin	809,997	1.11	748,804	1.02	127,835	.17
Wyoming	70,927	.10	45,173	.06	11,150	.02
Total		43.43		42.70		13.50

ANALYSIS OF 1960 ELECTION

Mr. FONG. In 1960, a Democratic President was elected with 23 States giving their 303 electoral votes, or 56.26 percent of the electoral college vote, to the Democratic candidate for President—John F. Kennedy.

The popular vote cast for President Kennedy, according to the best figures I have been able to obtain, was 34,227,096, or 49.69 percent of the total popular vote. As against this, a vote of 34,108,546, or 49.476 percent of the popular vote, was cast for Richard M. Nixon. As Theodore White testified before the Senate Judiciary Committee, the exact vote is still in doubt. The third party candidate—the late Senator Harry F. Byrd—received 15 electoral votes, which was 2.775 percent of the electoral votes and approximately 1 percent of the total popular vote.

So that my colleagues may visualize and analyze what would have been the actual effect on each one of their States if the electoral college system had been replaced by the direct popular vote proposed by Senate Joint Resolution 1, I have compiled four tables covering the 1960 presidential election.

Table IX, entitled "1960 Presidential Election, Democratic Votes in 23 States Casting Electoral Votes for Winning Democratic Candidate," shows the States which cast a majority of their electoral votes and a majority of popular votes for the Democratic candidate for President. It is further broken down into two parts:

First. The 16 small States which I previously indicated would have lost voting strength under direct popular election—Alabama, Arkansas, Connecticut, Delaware, Georgia, Hawaii, Louisiana, Maryland, Minnesota, Missouri, Nevada, New Mexico, North Carolina, Rhode Island, South Carolina, and West Virginia; and

Second. The seven large States—Illinois, Massachusetts, Michigan, New Jersey, New York, Pennsylvania, and Texas.

Table X, entitled "1960 Presidential Election, Democratic Votes in 26 States Casting Electoral Votes for Losing Republican Candidate," lists the 26 States which cast their electoral votes for the losing candidate for President, the Republican candidate. This table also is broken down into two parts:

First. The 23 small States which I previously indicated would have lost voting strength under direct popular election—Alaska, Arizona, Colorado, Florida, Idaho, Iowa, Kansas, Kentucky, Maine, Montana, Nebraska New Hampshire, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Utah, Vermont, Virginia, Washington, Wisconsin, and Wyoming; and

Second. The three large States—California, Indiana, and Ohio—which cast

their electoral votes for the Republican candidate for President.

Table XI, entitled "1960 Presidential Election, Democratic Votes in States Casting Electoral Votes for Unpledged Electors, Byrd," shows the Democratic votes cast in the States which gave their electoral votes to the third party candidate—the late Senator Harry Flood Byrd of Virginia—Alabama, Mississippi, and Oklahoma.

Table XII, entitled "1960 Presidential Election, Summary," recapitulates the total votes in that presidential election.

I ask unanimous consent that these tables be printed in the RECORD at this point.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE IX.—1960 PRESIDENTIAL ELECTION, DEMOCRATIC VOTES IN 23 STATES CASTING ELECTORAL VOTES FOR WINNING DEMOCRATIC CANDIDATE

State	Electoral vote	Percentage of electoral vote	Democratic percentage, total popular vote	Percentage of loss of strength
Alabama	[1] 5	0.93	0.47	49.4
Arkansas	8	1.48	.31	79.1
Connecticut	8	1.48	.95	35.8
Delaware	3	.55	.14	74.6
Georgia	12	2.23	.67	70.
Hawaii	3	.55	.13	76.4
Louisiana	10	1.86	.59	68.3
Maryland	9	1.67	.82	50.9
Minnesota	11	2.04	1.13	44.7
Missouri	13	2.42	1.41	41.8
Nevada	3	.55	.08	85.5
New Mexico	4	.74	.23	69.
North Carolina	14	2.60	1.04	60.
Rhode Island	4	.74	.37	50.
South Carolina	8	1.48	.29	80.4
West Virginia	8	1.48	.64	56.8
Total, 16 Small States	123	22.80	9.27	
Illinois	27	5.02	3.45	31.3
Massachusetts	16	2.97	2.16	27.3
Michigan	20	3.72	2.45	34.2
New Jersey	16	2.97	2.01	32.4
New York	45	8.37	5.56	33.6
Pennsylvania	32	5.95	3.71	37.9
Texas	24	4.46	1.70	61.9
Total, 7 large states	180	33.46	21.04	
Total, 23 States	303	56.26	30.31	

[1] May 11, 1960.

TABLE X.—1960: PRESIDENTIAL ELECTION, DEMOCRATIC VOTES IN 26 STATES CASTING ELECTORAL VOTES FOR LOSING REPUBLICAN CANDIDATE

State	Electoral vote	Percentage of electoral vote	Democratic percentage of total popular vote
Alaska	3	0.55	0.04
Arizona	4	.74	.26
Colorado	6	1.11	.48
Florida	10	1.86	1.09
Idaho	4	.74	.20
Iowa	10	1.86	.80
Kansas	8	1.48	.53
Kentucky	10	1.86	.76
Maine	5	.93	.26
Montana	4	.74	.20
Nebraska	6	1.11	.34
New Hampshire	4	.74	.20
North Dakota	4	.74	.18
Oklahoma	7(7/8)	1.295	.54
Oregon	6	1.11	.53
South Dakota	4	.74	.19
Tennessee	11	2.04	.70
Utah	4	.74	.25
Vermont	3	.55	.10
Virginia	12	2.23	.53
Washington	9	1.67	.87
Wisconsin	12	2.23	1.20
Wyoming	3	.55	.09
23 States	149	27.615	10.34
California	32	5.95	4.68
Indiana	13	2.42	1.38
Ohio	25	4.65	2.82
3 Large States	70	13.02	8.88
Total, 26 States	219	40.63	19.22

TABLE XI.—1960: PRESIDENTIAL ELECTION, DEMOCRATIC VOTES IN STATES CASTING ELECTORAL VOTES FOR UNPLEDGED ELECTORS (BYRD)

State	Electoral vote	Percentage of electoral vote	Democratic percentage of total popular vote
Alabama	6(6/11)	1.110	[1]
Mississippi	8	1.480	.16
Oklahoma	1(1/8)	.185	[2]
Total	15	2.775	.16

[1] This percentage is included for Alabama in table IX under "Democratic percentage of total popular vote" (the percentage in that table is .47).

[2] This percentage is included for Oklahoma in table X under "Democratic percentage of total popular vote" (the percentage in that table is .54).

TABLE XII.—*1960: Presidential election, summary (50 States)*

Electoral vote:	
Democratic	303
Republican	219
Unpledged	15
Total	537
Percentage of electoral vote:	
Democratic	56.26
Republican	40.635
Unpledged	2.775
Democratic percentage of total vote:	
Democratic States	30.21
Republican States	19.22
Unpledged States	.16
Total	49.69
Republican percent of total vote	49.47
Unpledged percentage of total vote	+1.0

Mr. FONG. An analysis of these tables—tables IX through XII—shows that 16 "small" States which supported the election of President Kennedy in 1960 would have lost 59.3 percent of their voting strength in that election if the electoral college system had been replaced by a direct popular vote. Their collective percentage of the electoral vote cast in their States would have been reduced from 22.80 to 9.27 percent—a loss of 59.3 percent of their collective voting strength.

Among the 23 States which voted for the successful Democratic presidential candidate in 1960, Alabama, Arkansas, Connecticut, Delaware, Georgia, Hawaii, Louisiana, Maryland, Minnesota, Missouri, Nevada, New Mexico, North Carolina, Rhode Island, South Carolina, and West Virginia—are the 16 "small" States with 12 or fewer electoral votes and which lose their voting strength under direct popular election as against their relative strength under our present electoral system.

As table IX shows, these 16 States had 123 electoral votes, or 22.80 percent of the electoral vote; but, collectively they cast 9.27 percent of the total popular vote for the winning candidate for President. This, I repeat, would be a loss of 59.3 percent of their voting strength.

Seven large States—Illinois, Massachusetts, Michigan, New Jersey, New York, Pennsylvania, and Texas, with 180 electoral votes, or 33.46 percent of the electoral vote—cast 21.40 percent of the total popular vote for John F. Kennedy, the presidential candidate who won.

These 303 electoral votes cast in 23 States which amounted to 56.26 percent of the electoral votes in 1960 for the winning Democratic candidate for President translate into 30.21 percent of the total popular vote—not enough to elect a President.

What does that mean? It means that in 1960 if we had had a popular election of the President, 27 States which did not support the election of the winning Democratic candidate would have contributed over 19 percent of his popular vote.

How do I arrive at this? As I have indicated, President Kennedy was elected with a popular vote of 49.69 percent. Where did this vote come from? Only 30.31 percent came from the 23 large and small States which supported his election. In fact, of this 49.69 percent popular vote, 19.22 percent came from States in which a majority of votes went to President Kennedy's Republican opponent. This included 8.88 percent from three large States—California, Indiana, and Ohio, which cast their electoral vote for Richard M. Nixon. The balance of 0.16 percent of the 19.22 percent popular vote came from Mississippi, which cast its electoral votes for Senator BYRD.

What does this mean in practical terms? It means that insofar as our States have a voice in influencing Presidential elections, my distinguished colleagues and I are being asked not only to vitiate the roles of the States we were sent here to represent, but also, my col-

leagues and I from "small" States are being asked further to diminish the very role the people of our States can play in electing the President.

I say that advisedly.

Look at table IX—look at what would have happened to 23 States and their people in the 1960 election. My State of Hawaii in a Presidential election in which its electoral votes were cast for the winning Presidential candidate would have lost 76.4 percent of its voting strength in 1960.

The losses of the 16 small States which supported President Kennedy, as I pointed out, averaged 59.3 percent, but varied from 35.8 percent for Connecticut to 80.4 percent for South Carolina, and 85.5 percent for Nevada—and these States and a majority of their citizens voted for the winning presidential candidate.

True, table IX shows some loss of relative voting strength in the seven large States which in 1960 supported President Kennedy—but look at the percentage losses—from 27.3 percent for Massachusetts to 37.9 percent for Pennsylvania. Only Texas, a maverick State, would have had a high percentage loss of strength. However, I shall discuss this phase of the problem later.

ANALYSIS OF 1968 ELECTION

Let us look at what happened in 1968.

In 1968, the Republican candidate for President was elected by 301 out of 538 electoral votes. Of these, 179 were cast in 27 small States—Alaska, Arizona, Colorado, Delaware, Florida, Idaho, Iowa, Kansas, Kentucky, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, Wisconsin, and Wyoming. And, of the 301 electoral votes for President Nixon, 122 were cast in five large States—California, Illinois, Indiana, New Jersey, and Ohio. President Nixon carried a total of 55.79 percent of the electoral vote.

The 27 small States, which cast a majority of their votes for President Nixon, or 33.14 percent of the electoral votes cast for him, cast only 12.84 percent of the total popular vote for the Republican candidate—a loss of 61.2 percent of their voting strength.

Of the popular votes in the 1968 election, 43.43 percent were cast for President Nixon. California, Illinois, Indiana, New Jersey, and Ohio, the five large States whose electorate cast a majority of votes for the Republican candidate for President, cast 13.43 percent of the total popular vote for the President. Or, to put it another way, the 32 States casting their electoral vote and popular vote majority for the Republican candidate cast a total of only 26.27 percent of the popular vote cast for President Nixon, the winning candidate for the Presidency.

Where did the balance of President Nixon's 1968 popular vote—or 17.16 percent of the popular votes—come from?

Five States—Massachusetts, Michigan, New York, Pennsylvania, and Texas—whose electoral votes and majority of popular votes were cast for the losing Democratic candidate, Hubert H. Humphrey—gave 11.56 percent of the total votes cast throughout the United States to the winning candidate, President Nixon. He received 4.15 percent of his popular vote from Connecticut, the District of Columbia, Hawaii, Maine, Maryland, Minnesota, Rhode Island, Washington, and West Virginia, which cast their electoral votes for Hubert H. Humphrey. The balance of 1.45 percent of his popular vote came from the six States which cast electoral votes for George Wallace and his American Independent Party.

I have prepared an analysis of the 1968 election. The figures show exactly the same type of results when a Republican President was elected by a close vote in 1968 as when a Democratic President was elected by a close vote in 1960. The voice of the people of the small States in the presidential election is disproportionately reduced and the voice of the State eliminated.

Again, I point out to my distinguished colleagues, a vote for this amendment for direct election of the President is a vote negating the role of the States we were sent here to represent and of the role of the people of the small States in electing the President.

Table XIII, entitled, "1968 Presidential election: Republican vote in 32 States casting electoral votes for winning Republican candidate," shows the results in the 32 States which cast their electoral votes, representing a majority of the popular vote for the Republican candidate, President Nixon.

Table XIV, entitled "1968 Presidential Election: Republican Votes in 14 States Casting Electoral Vote for Losing Democratic Candidate," shows the results in the 14 States which cast their 191 electoral votes for the losing Democratic candidate, but which nevertheless cast 15.71 percent of the total popular vote for the winning Republican candidate.

Table XV, entitled "1968 Presidential Election: Republican Votes in States Casting Electoral Votes for American Independent Party (Wallace)," shows the six States which cast 46 electoral votes for Mr. Wallace. It also shows that the Republican vote cast in these six States represented 1.45 percent of the total popular votes cast in the presidential election throughout the United States for the Republican candidate.

Table XVI, entitled "1968 Presidential Election, Summary," is a recapitulation of the source of Republican votes in the 1968 presidential election.

I ask unanimous consent that tables XIII, XIV, XV, and XVI be printed in the RECORD at this point.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE XIII.—1968: PRESIDENTIAL ELECTION, REPUBLICAN VOTE IN 32 STATES CASTING ELECTORAL VOTES FOR WINNING REPUBLICAN CANDIDATE

State	Electoral vote	Percentage of electoral vote	Republican percentage, total popular vote	Percentage of loss of strength
Alaska	3	0.55	0.05	91.0
Arizona	5	.92	.36	60.9
Colorado	6	1.11	.56	49.6
Delaware	3	.55	.13	76.4
Florida	14	2.60	1.21	53.5
Idaho	4	.74	.23	69.0
Iowa	9	1.67	.85	49.9
Kansas	7	1.30	.65	50.0
Kentucky	9	1.67	.63	62.3
Missouri	12	2.23	1.11	50.3
Montana	4	.74	.19	74.4
Nebraska	5	.92	.44	52.2
Nevada	3	.55	.10	81.9
New Hampshire	4	.74	.21	71.7
New Mexico	4	.74	.23	69.0
North Carolina	[1]12	2.22	.86	61.3
North Dakota	4	.74	.19	74.4
Oklahoma	8	1.48	.61	59.0
Oregon	6	1.11	.56	50.0
South Carolina	8	1.48	.35	76.4
South Dakota	4	.74	.20	73.0
Tennessee	11	2.04	.65	68.2
Utah	4	.74	.33	55.4
Vermont	3	.55	.12	88.2
Virginia	12	2.23	.81	64.0
Wisconsin	12	2.23	1.11	50.3
Wyoming	3	.55	.10	82.0
27 small States	179	33.14	12.84	
California	40	7.43	4.74	36.1
Illinois	26	4.83	2.97	38.6
Indiana	13	2.41	1.46	39.5
New Jersey	17	3.15	1.81	43.9
Ohio	26	4.83	2.45	49.3
5 large States	122	22.65	13.43	
32 States	301	55.79	26.27	

[1] 12/13.

TABLE XIV.—1968: PRESIDENTIAL ELECTION, REPUBLICAN VOTES IN 14 STATES CASTING ELECTORAL VOTE FOR LOSING DEMOCRATIC CANDIDATE

State	Electoral vote	Percentage of electoral vote	Republican percentage of total popular vote
Connecticut	8	1.48	0.76
District of Columbia	3	.55	.04
Hawaii	4	.74	.12
Maine	4	.74	.23
Maryland	10	1.85	.71
Minnesota	10	1.85	.90
Rhode Island	4	.74	.17
Washington	9	1.67	.80
West Virginia	7	1.30	.42
Total, 9 States	59	10.92	4.15
Massachusetts	14	2.60	1.05
Michigan	21	3.90	1.87
New York	43	7.99	4.11
Pennsylvania	29	5.39	2.85
Texas	25	4.64	1.68
Total, 5 States	132	24.52	11.56
Total, 14 States	191	35.44	15.71

TABLE XV.—1968: PRESIDENTIAL ELECTION, REPUBLICAN VOTES IN STATES CASTING ELECTORAL VOTES FOR AMERICAN INDEPENDENT PARTY (WALLACE)

State	Electoral vote	Percentage of electoral vote	Republican percentage of total popular vote
Alabama	10	1.85	0.20
Arkansas	6	1.11	.26
Georgia	12	2.23	.52
Louisiana	10	1.85	.35
Mississippi	7	1.30	.12
North Carolina	[1]1	.19	[2]
Total	46	8.53	1.45

[1] 1/13.

[2] This percentage is included for North Carolina in table XIII under Republican percentage of total popular vote (the percentage in that table is 0.86 percent).

TABLE XVI.—*1968 Presidential election, summary (50 States and District of Columbia)*

Electoral vote:	
Republican	301
Democratic	191
A.I.P.	46
Total	538
Percentage of electoral vote:	
Republican	55.79
Democratic	35.44
A.I.P.	8.53
Republican percentage of total vote:	
Republican States	26.27
Democratic States	15.71
A.I.P.	1.45
Total	43.43
Democratic percentage of total vote	42.70
A.I.P. percentage of total vote	13.50

Mr. FONG. From the figures, it can readily be seen that in both the 1960 and 1968 presidential elections, "small" States, even when they supported the winning presidential candidate and cast their few electoral college votes for the winning candidate, would have lost over 60 percent of even that meager voting strength if the electoral college system had been replaced by a direct popular vote.

The percentage of voting strength each State would have lost in both 1960 and 1968 is shown in the last column on tables IX and XIII, respectively.

DIRECT ELECTION OF PRESIDENT WOULD REDUCE RELATIVE VOTING STRENGTH OF SMALL STATES IN MUCH LARGER PERCENTAGES THAN OF NINE LARGE STATES

A State's electoral college vote is now all cast as a unit for the candidate receiving a majority of the votes in that State. The percentage of popular votes for the winning candidate in each State as against the percentage of electoral votes for the winning candidate now cast by the State therefore must be a reduced figure because of the split in the popular vote that would result under a direct election.

Even in this situation, it is again the "small" States, along with Texas, as I pointed out, which would have been heavily penalized. As shown in table IX, six large States which supported President Kennedy in 1960 would have lost betwen 27.3 percent and 37.9 percent of their voting strength. Texas would have lost 61.9 percent of her Democratic voting strength. On the other hand, as also shown in table IX, 15 of the 16 States which supported President Kennedy would have lost anywhere from 41.8 percent in Missouri to 85.5 percent in Nevada. The only small State suffering a loss of influence in the election of the Democratic President of under 40 percent would have been Connecticut with a loss of 35.8 percent.

In 1968, the percentages of loss of influence in the election of the Republican presidential winner would have been even more marked. As I have shown in table XIII, the five large States which cast their electoral vote for President Nixon lost from 36.1 percent in Califorina to 49.3 percent in Ohio. Losses among the 27 small States would have run as high as 91 percent in Alaska, 88.2 percent in Vermont, 82 percent in Wyoming, and 81.9 percent in Nevada, just to cite a few of the worst examples of loss of voting strength in that election.

This greater reduction in voting strength of small States as against that in the large States is a further manifestation of the small and rural States getting less and less of a voice both actual and relative, in the election of their President.

UNDER DIRECT ELECTION, LARGE STATES REGARDLESS OF WHETHER STATE SUPPORTS WINNING OR LOSING CANDIDATE HAVE DISPROPORTIONATE EFFECT ON PRESIDENTIAL ELECTIONS—TO THE DETRIMENT OF SMALL STATES

Interestingly enough, in both the 1960 and 1968 presidential elections, the Democratic and Republican popular votes in California, Illinois, Indiana, Michigan, New Jersey, New York, Ohio, Pennsylvania, and Texas were very close and evenly divided.

In 1960, using the figures from table VII furnished by the Legislative Reference Service, these nine States cast 27.62 percent of the total popular votes for the losing Republican candidate and 27.76 percent of the total popular votes for the winning Democratic candidate.

In 1968, using the figures from table VIII also furnished by the Legislative Reference Service, these nine States cast 23.94 percent of the total popular votes for the winning Republican candidate and 23.97 percent of the total popular votes for the losing Democratic candidate.

I have omitted Massachusetts from this computation. Only Massachusetts among the large States in both the 1960 and 1968 elections had a wide difference in popular vote. In both years, the vote favored the Democratic candidates.

I have prepared a table entitled, "Table XVII, Democratic and Republican percentage of total popular votes cast in large States in 1960 and 1968 presidential elections," setting forth these statistics.

I ask unanimous consent that Table XVII be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE XVII—DEMOCRATIC AND REPUBLICAN PERCENTAGES OF TOTAL POPULAR VOTES CAST IN LARGE STATES IN 1960 AND 1968 PRESIDENTIAL ELECTIONS

State	1960 percentage of total vote		1968 percentage of total vote	
	Republican	Democratic	Republican	Democratic
California	4.74	4.68	4.74	4.43
Illinois	3.44	3.45	2.97	2.78
Indiana	1.70	1.38	1.46	1.10
Michigan	2.35	2.45	1.87	2.18
New Jersey	2.00	2.01	1.81	1.73
New York	5.00	5.56	4.11	4.61
Ohio	3.22	2.82	2.45	2.32
Pennsylvania	3.54	3.71	2.85	3.09
Texas	1.63	1.70	1.68	1.73
9 States	27.62	27.76	23.94	23.97
Massachusetts	1.42	2.16	1.05	2.01

Mr. FONG. Mr. President, even with the votes cast in these large States being almost equally divided between the Republican and Democratic candidates, because of the volume of votes in these States, they control approximately 60 percent of the popular vote necessary to make up the 40 percent popular vote required by Senate Joint Resolution 1.

In other words, even with their vote so evenly divided between the winning and losing candidates, these nine States would contribute over 60 percent of the winning candidate's popular vote.

I need not describe to my colleagues the effect this would have on those States' influence on the Presidency.

As I have shown, the sheer volume of votes cast in these nine States is sufficient to cancel out the effect of votes in the small States which support the winning candidate even when the majority of votes in these States is cast for the losing candidate. How much more influential in the presidential election is the volume of votes when the large State supports the winning candidate.

UNDER DIRECT ELECTION IN 1960 AND 1968, LARGE STATES VOTING FOR LOSING CANDIDATE WOULD HAVE NEGATED VOTES OF SMALL STATES VOTING FOR WINNING CANDIDATES FOR PRESIDENT

In 1960, California, Indiana and Ohio cast a majority of their votes for the losing Republican candidate. Yet, the Democratic votes in these three States amounted to 8.88 percent of the total vote, as shown in table X. This 8.88 percent of the total vote cast in States not supporting the winning Democratic candidate was almost sufficient to offset the influence on the presidential election of 16 small States, a majority of whose citizens voted for the Democratic Party. These 16 small States were Alabama, Arkansas, Connecticut, Delaware, Georgia, Hawaii, Louisiana, Maryland, Minnesota, Missouri, Nevada, New Mexico, North Carolina, Rhode Island, South Carolina, and West Virginia. As shown in table IX, these 16 States total Democratic vote amounted to only 9.27 percent of the total popular vote.

Minority votes in three large States which did not support the election of President Kennedy in 1960 would have negated the votes of 16 States which cast the majority of their votes for President Kennedy, the winner in the 1960 election.

As I show in table XVII, the 1968 total Democratic vote as a percentage of the total votes cast in nine large States amounted to 23.94 percent as against a total Republican vote as a percentage of the total votes in those nine States of 23.97 percent—a difference of a mere 0.03 percent—three-one hundredths of 1 percent.

Five States, Massachusetts, Michigan, New York, Pennsylvania, and Texas, cast a majority of their votes for Humphrey. Nevertheless, these five States cast 11.56 percent of the total popular vote for President Nixon. This 11.56 percent, in five States which gave a majority of their votes to the losing Democratic candidate, would have effectively offset the influence on the Presidency of the votes of the 27 small States which gave a majority of their votes to President Nixon, since the Republican votes in these 27 States amounted to only 12.84 percent of the total votes cast.

In other words, in 1968 the influence on the Presidency of the votes cast for President Nixon in Alaska, Arizona, Colorado, Delaware, Florida, Idaho, Iowa,

Kansas, Kentucky, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, Wisconsin, and Wyoming would have been almost offset by the Republican votes cast in the five States which cast a majority of votes for Hubert H. Humphrey.

Mere size in both the 1960 and 1968 elections would have caused the popular vote for the winning candidate in a few large States which supported the losing candidate—three in 1960; five in 1968—to offset the influence on the Presidency of the vote of 16 "small" States in 1960 and 27 "small" States in 1968 which supported the winning candidate.

DIRECT POPULAR ELECTION MAGNIFIES THE INFLUENCE OF LARGE STATES AND DIMINISHES THE INFLUENCE OF SMALL STATES

As an example of what effect this largeness, per se, has—my own State, Hawaii, with three electoral votes in 1960 or 0.55 percent of the electoral vote, cast 0.13 percent of the popular vote for the winning Democratic candidate. California, which cast the majority of its votes for the losing Republican candidate in that election, cast 4.68 percent of the popular votes cast for the winning Democratic candidate. This means that California, even though a majority of its citizens voted against President Kennedy, could have had 36 times the influence on the President, having cast 36 times the number of popular votes for him that my State did.

The direct popular vote proposed by Senate Joint Resolution 1 would increase the voting strength and influence of nine States with large populations at the expense of 41 States. Popular votes in large States could offset the effect of the total popular vote of many small States, even when the majority of voters in the few large States do not support the winning candidates and the majority of voters in the many small States do support the winning candidate.

EFFECT OF DIRECT POPULAR VOTE ON FUTURE ELECTIONS

Presidential contenders in elections of the future, should Senate Joint Resolution 1 be enacted, would have to concentrate their efforts where the large population centers are even more so than they do under the present electoral college system.

Being realistic, we must assume, as my colleague, the junior Senator from Arizona (Mr. GOLDWATER), so wisely observed from his experience as a candidate for the Presidency in 1964, presidential candidates "would go hunting where the ducks are, and the devil with the little States."

Presently, presidential candidates must go courting the 270 electoral votes to win the Presidency. My State of Hawaii with its four electoral votes in that perspective looms large as do the other 38 States with 12 or fewer electoral votes. Hawaii's four electoral votes amount to 1.4 percent of the 270 electoral votes needed to elect a President.

These 39 States as I have shown—in tables III and IV—together control more than 270 electoral votes—more than enough to elect a President—so each State is worth courting.

But, presidential campaigns of the future, should Senate Joint Resolution 1 be passed, will not be the same as presidential campaigns of the past. Presidential candidates will change their campaigns to focus attention where the ducks are. And where are the ducks? As I have shown, surely not in the 39 States with less than 12 electoral votes each. Their total popular vote would be negated by votes in the large States.

Hawaii, with its 275,000 voter registration out of 82,453,445 registered in the United States or its actual vote of 236,218 out of the 73,211,562 votes cast throughout the United States, is mighty poor game—as are the other small States. In either case, Hawaii's share is 0.33 percent—only three-tenths of 1 percent.

Hawaii and other small States would be practically ignored by presidential candidates in the campaign or in the distribution of Federal appointments.

As I showed—in tables III and IV—only 38.49 percent of the popular vote was cast in these 39 States in 1960; only 41.5 percent of the total vote was cast in these 39 States and the District of Columbia in 1968.

Attention in presidential elections under direct popular election will focus on California, Illinois, Indiana, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania—nine States with over 50 percent of the popular votes in 1960 and 1968—as shown in tables V and VI—and little attention will be paid to the 40 other States and the District of Columbia—the States which do not contribute substantially to the number of popular votes required to elect the President and Vice President under Senate Joint Resolution 1.

If the small States in these United States are to have any recognition, any dignity, any stature, and any claim to the attention of presidential candidates, the slight margin of benefit these States receive under the present electoral system must be retained.

If substantial attention is to be paid by the Federal Government to the particular needs of the smaller States, the Middle Western and the Southern States—which now control over 50 percent of the electoral vote for the President—the electoral system must be retained, else their influence on the Presidency will be even further reduced.

As the figures I have set forth show, under the direct popular election proposed by Senate Joint Resolution 1, 41 States would lose voting control and nine States could then very well gain control of the election of the President and Vice President.

It is interesting to note that the senior Senator from New York (Mr. JAVITS), in addressing the Senate on Friday, September 11, in support of the direct election did concede:

> Even a cursory reference to the figures reveals that votes in the larger States are significantly diluted by the minimum three-elector rule. Smaller States have a great advantage in the electoral college because no matter what their population, they exercise at least three votes. This means, for example, that only 75,380 Alaskans are needed to cast an electoral vote, and that 95,093 Nevadans and 110,022 Wyomingites are needed to cast an electoral vote in each State. But in New York, it takes 390,286, and in California 392,930, or, roughly speaking, at a very minimum, three to five times as many votes to exert the same measure of power in respect to our national election. The more populous States cannot help being benefited by a system under which each individual vote is counted equally.

In summing up his reasons for supporting direct election, he states:

> Finally, it would do away with the injustice of weighted voting in the electoral college, which favors the small States, as I have described.

Each of my distinguished colleagues from the States adversely affected by a direct popular vote should consider what effect his vote on Senate Joint Resolution 1 will have on his State's relative voting strength and his State's voice in the election of future Presidents of the United States.

I suggest that my colleagues analyze these figures carefully. They do not bear out the claim that direct popular election would make the President "the President of all the people." The figures prove that nine or, at most, 10 large States could control the election of the President; and the small States would lose the little voice they have in the election of the President.

Mr. President, I represent a very small State. We are 41st in rank by population, according to preliminary census figures for 1970.

My State is a very young State. It was only 11 years ago that Hawaii attained statehood.

We had struggled 60 long, long years for that glorious day in 1959, when we joined the Union and became our Nation's 50th State.

Many, many people in Hawaii worked hard and persevered despite the setbacks, delays, and disappointments decade after decade which blocked Hawaii's bid for statehood.

As a legislator in the Hawaii Territorial House of Representatives, where I was vice speaker for 4 years and speaker for 6 and as vice president of the 1950 Hawaii Statehood Constitutional Convention, I was an ardent advocate of statehood and, with my fellow citizens, toiled to make statehood a reality. The sweat and labor and tears of many, many people of our islands and of our many friends on the mainland went into the struggle for statehood.

The direct popular vote proposal would diminish Hawaii's hard-won battle for statehood and would diminish the role the people of Hawaii have in the election of President and Vice President.

For me to vote for this proposal—which could result in Hawaii losing as much as 76 percent of her voting strength even when Hawaii votes for the winning candidate—would be a betrayal of all that I have fought and labored for during my lifetime.

It would be a betrayal of Hawaii's long struggle for statehood.

It would be a betrayal, I believe, of the hopes and aspirations of the people of Hawaii.

Having actively participated in the arduous struggle for a full voice and a full vote in our Nation's affairs, I shall not vote away even one fraction of 1 percent of Hawaii's rights.

The people of Hawaii did not send me to the U.S. Senate to surrender any of Hawaii's hard-earned voting strength. I shall not betray my people.

A radical change is urged upon us. Before we act, let us know what our action entails. President Kennedy as a Senator from Massachusetts in 1956 spoke in defense of the electoral college system. He quoted from Lucius Cary, Viscount Falkland, 1610–43:

When it is not necessary to change, it is necessary not to change.

No system is perfect—including the electoral college as the proponents of Senate Joint Resolution 1 points out. But it is necessary not to change solely for the sake of change. We must know what our action will do—not just hopefully and innocently rush into direct election with its considerable potential for mischief.

We are now faced with Senate Joint Resolution 1—a new, untried system. It will, I submit, as between the two, be wiser to put this new concept aside and stick with the old tried system. When we have finished consideration of Senate Joint Resolution 1 and voted on that proposition, we can, in orderly fashion, proceed to consider necessary changes in our present system in an attempt to perfect it as much as mortals are capable of perfection.

EXHIBIT 1

DIRECT ELECTION OF THE PRESIDENT

MINORITY VIEWS OF MESSRS. EASTLAND, MCCLELLAN, ERVIN, HRUSKA, FONG, AND THURMOND

I think a case can be made for the proposition that direct election, if it passes, will be the most deeply radical amendment which has ever entered the Constitution of the United States.—CHARLES BLACK, Henry Luce Professor of Jurisprudence, Yale Law School.

I. INTRODUCTION

No more important business has come before the Senate in recent years than the consideration of our system of presidential election. Among the proposals for reform now being entertained are those which recommend moderate change, those which recommend extensive alteration, and those which demand complete abolition. We believe that the Judiciary Committee, in recommending the destruction of the electoral-vote system in favor of direct election, has embraced a scheme that will adversely affect the entire constitutional and political structure of the United States.

We realize that the present system has its defects. We believe, however, that remedies are available short of its wholesale destruction.

In his statement in opposition to direct election, former Attorney General Nicholas De B. Katzenbach commented:

I strongly feel that on a matter so basic to the confidence and structure of the country, we ought not to abandon the familiar and workable for the new and untried without the clearest demonstration of need. In my judgment, no such demonstration has been made. We should not substitute untried democratic dogma for proven democratic experience.

Direct election of the President, we believe would—

Destroy the two-party system and encourage the formation of a host of splinter parties;

Undermine the Federal system by removing the State *as* States from the electoral process;

Remove an indispensable institutional support for the separation of powers;

Radicalize public opinion and endanger the rights of all minorities by removing incentives to compromise;

Create an irresistible temptation to electoral fraud;

Lead to interminable electoral recounts and challenges;

Necessitate national direction and control of every aspect of the electoral process.

How, it will be asked, could an idea which enjoys such widespread popular support be so dangerous? The answer, we believe, is to be found in an examination of certain influences which have attended the current debate over electoral reform.

It must be acknowledged, first, that direct election is a simple and easily communicable idea. That fact alone may account for its great popularity and for the widespread and uncritical support it has had from the communications media. Simplicity in the governance of human affairs, however, is not always a virtue; nor is it the distinguishing characteristic of this 200-year-old Republic which seeks to secure the blessings of liberty for 200 millions of people. Human hopes and fears are complex; politics is complex; and the Constitution is complex. Still, simplicity has its charms, and not the least of them is the capacity to conceal danger.

To the appeal of simplicity must be added two other factors: the influence of the recent one-man, one-vote rulings, and the furor which has arisen from the presidential candidacy of Gov. George Wallace of Alabama. These have produced, on the one hand, a curiously abstract conception of democracy which has concealed difficult problems of representative government beneath an impenetrable mathematical screen; and, on the other hand, an emotional catch-all argument which has enabled proponents of direct election to avoid answering hard questions about their proposal.

Burden of proof

These three otherwise unrelated factors—the simplicity of the idea, the impact of the "one-man, one-vote" slogan, and the Wallace phenomenon—have combined, as chance would have it, to obscure the truly radical nature of direct election. They have cast such a talismanic charm over the discussion that the burden of proof traditionally assigned the proponents of change has been, for all intents and purposes, thrust onto the opposition. As Congressman William L. Clay of Missouri told the Judiciary Committee:

It is uncanny that the burden of proof in this debate has been assigned to those of us who defend the electoral system which has served us well, and that the proponents * * * of direct election, which is untried and necessarily unproven, do not discuss the need for change but only change itself.

This extraordinary attempt to transfer the burden of proof is without parallel in our constitutional history and must be condemned.

It is well known that the framers deliberately made the process of constitutional amendment a complicated and lengthy matter. They did so on the wise assumption that men can seldom be absolutely confident about the full range of consequences which may flow from even a seemingly minor alteration in the Constitution. Those who would amend the Constitution, therefore, are properly obliged to demonstrate that their proposal is salutary, not only for some apparent immediate purpose, but for the permanent and aggregate interests of the Nation.

The proponents of direct election, we believe, have not only failed to meet this obligation; they seem scarcely to be aware of it at all. Having fallen victim to the very forces which obscure the dangers of direct election from the public eye, they have grievously underestimated what is at stake in the matter of electoral reform. They have undertaken to alter a major part of the Constitution in the mistaken belief that the alteration is a mere housekeeping detail. With invincible innocence, they have reduced the manifold considerations which attend electoral reform to only one—the desire for a mathematical purity—without understanding what is implied by the application of "one-man, one-vote" to presidential elections. They would thus alter the most successful frame of government in history for the sake of an apparently harmless mathematical abstraction, and on behalf of a future the barest outlines of which can be only dimly perceived. Mr. Richard Goodwin, former advisor to Presidents Kennedy and Johnson, was quite correct when he testified that it is here proposed "for the first time to amend the Constitution simply because we think something might go wrong at a future date." Mr. Goodwin further detailed his opposition to direct election as follows:

We will exchange a mechanism which is clumsy but has worked well for an ideal construction of political theory whose consequences can't be foreseen. This, it seems to me, places a heavy burden of proof on the proponents of the measure, for it is difficult to predict the results of structural change in our democratic institutions. It is not enough to demonstrate that direct election will probably be an improvement. It must be shown beyond all reasonable doubt that the adverse consequences which are predicted by many, including myself, will not occur. I do not believe that this burden of proof can be sustained.

No other constitutional amendment to our knowledge, in our own time or in the entire history of the Republic, has been put forward with such an inadequate demonstration of what it might entail.

The good intentions of the proponents are not in issue here. What is in issue is the wisdom of direct election and the adequacy of the argument made on its behalf. It is not sufficient for the partisans of direct election to argue that the electoral college is somehow defective. All modes of election are less than perfect, all provide certain benefits at the expense of certain others. What has bothered us in the current discussion is the unquestioned assumption that the alleged benefits of direct election can be had without paying a price, and the equally strong and equally unquestioned assumption that the alleged faults of the electoral college are without redeeming merit. The partisans of direct election must prove that their proposal is meritorious both as to the removal of what they understand to be extant defects, and as to the avoidance of undesirable effects we believe their scheme will produce in its own right. On both counts, they have come up short. They have failed to make a case for the profound alteration in the Constitution embraced by their proposal.

Accordingly, we recommend to the Senate that the proposal be decisively rejected.

II. RADICAL NATURE OF DIRECT ELECTION

The radical nature of direct election, we have suggested, has been obscured by the narrow constitutional perspective of its proponents. That fact is nowhere better revealed than in the majority report, which is interesting more for what it does not say than for what it does. It makes no mention, for example, of the relation between the two-party system and presidential elections; it makes no mention of nominating procedures, or of any of the other processes which must necessarily precede any meaningful election contest; it makes no mention of the federal system and the importance of the States *as* States having a say in the selection and election of Presidents; and it makes no mention of the way in which the electoral college shores up the separation of powers. It makes no mention, in short, of those manifold institutions, laws, customs, and practices which

have grown up in response to presidential elections over the past 150 years; nor does it reveal the slightest awareness that the electoral college bears any relation to the rest of the Constitution. The report, taken as a whole, proceeds as if presidential elections took place in a vacuum and assumes, without supporting argument, that the mode of election can be changed while everything else remains constant.

This strange abstraction from political reality derives from the attempt to extend the logic of the "one-man, one-vote" decisions to presidential elections—a dangerous, if well-intentioned enterprise that will ultimately destroy the American constitutional system. Even if "one-man, one-vote" were unobjectionable as applied to local, State, and congressional offices, its application to presidential elections would not follow as a matter of course. For, there are constitutional and political questions which must be raised regarding the Presidency which need not be raised in the consideration of lesser offices. Such questions, however, will never be raised so long as the terms of debate are confined to the mathematical categories imposed by the "one-man, one-vote" criterion; and so long as such questions are not raised, the truly radical nature of direct election will remain forever obscured.

What is required is a comprehensive constitutional perspective, one which sees presidential elections as something more than a ritualistic ordeal by numbers. The selection of a single man for a single office is not the only purpose which has been, or which ought to be, served by our electoral system. For the Presidency is not only a constitutional office; it is a highly political office which exercises a massive and pervasive influence throughout the entire political structure, right down to the local level. Thus, a debate about electoral reform, if properly conducted, will soon or late touch upon every institution with which the Presidency is connected by law or custom, by design or accident. As John F. Kennedy said in defending the electoral college on the floor of the Senate in 1956:

It is not only the unit vote for the Presidency we are talking about, but a whole solar system of governmental powers. If it is proposed to change the balance of power of one of the elements of the system, it is necessary to consider the others.

This larger perspective, which understands the Presidency—and hence the mode of presidential election—as only part of a comprehensive and grand design, dominated all previous discussions on reform. It has, however, been lost sight of in the current debate, both in Congress and in the country at large. The proponents of direct election have circumscribed the question of electoral reform so as to obscure the relation between the electoral college and the rest of our constitutional and political structure. Seizing upon one goal in particular—that of giving every man a mathematically equal vote—they have proposed a drastic reform which, in order to achieve that goal, must reach ever outward to encompass matters scarcely intended to be dealt with at the outset. It is not surprising, therefore, that some of the early proponents of direct election are now beginning to have second thoughts about the panaceas of a plebiscite. They are beginning to see that the electoral college cannot be isolated from the constitutional and political system in its entirety, and that the repair of one part of the system may entail a tinkering with the rest. This growing awareness of the dangers of direct election was underscored last fall by *Congressional Quarterly:*

House passage September 18 of the proposed constitutional amendment to abolish the electoral college could mean the beginning of profound changes in American political institutions, traditions, and practices. *Just what those changes would be was largely a matter of opinion* during House debate. [Emphasis supplied.]

Clearly, there is more to direct election than its proponents would have us believe. When the House was ambigious, we must be forthright. Constitutional duty requires that we penetrate the screen of "one man, one vote."

III. DANGER OF APPLYING "ONE MAN, ONE VOTE" TO THE PRESIDENCY

It is not our purpose to criticize the recent reapportionment decisions except insofar as the attempt is made to apply them to presidential elections. It is their general rationale rather than a particular result in a particular case which interests us here. Their general argument is that the Constitution requires that the weight of interests be precisely and mathematically proportional to their numbers. Whatever its effect in particular cases, we are persuaded that this doctrine emanates from an understanding of representative government that is wholly at odds with the spirit of American politics.

Nothing could be clearer in the Framers' thought than their rejection of a merely numerical concept of representative government. If the Constitution stands for nothing else, it stands for the idea that mere numbers have no capacity to make legitimate that which is otherwise illegitimate—whether those numbers be 51 or 90 percent of the whole. All the unique features of the Constitution are explicit departures from simple majoritarianism. This is true of the federal system, which, among other things, prevents the less populous States from being engulfed by the more populous States; this is true of bicameralism, which divides legislative responsibilities between House and Senate on grounds other than those of population; this is true of the separation of powers, whereby, among other things, great power is invested in a nonelective judiciary; and this is true of the electoral college, which incorporates the Federal principle and grants to each State, however small, a minimum weight of three electoral votes.

Reasonable majorities

These departures from strict mathematical equality were designed, jointly and severally, to prevent any group of men, whether a minority or a majority, from seriously or permanently interfering with the rights of others. The understanding which produced these unique constitutional features was summarized with characteristic economy and eloquence by President Thomas Jefferson in his first inaugural address. He said:

The will of the majority is in all cases to prevail, but that will, to be rightful, must be reasonable.

By *reasonable* majorities, Jefferson meant those which, by the very manner of their composition, would be disinclined or unable to interfere with the rights of others. Since the Constitution is dedicated to securing equal rights for *all*, it follows that only those majorities are entitled to rule which respect the rights of those who do not agree with them. We may say that the Constitution, in whole and in part, is devoted to the creation and maintenance of reasonable majorities. In more familiar terms, we say that the Constitution is equally devoted to majority rule and minority rights. The central character of American politics requires that we be concerned not just with the *size* of majorities but with their *character*.

Accordingly, the crucial question in considering electoral reform is whether one method of election is better than another at creating *reasonable* majorities. One method might be better at obtaining a strictly numerical majority, but only at the price of failing to protect minorities; another might protect minorities very well indeed, but only at the price of frustrating a truly *reasonable* majority.

In presidential elections, which are politically and symbolically the most important elections in the country, the electoral college attempts to strike a golden mean: it attempts to create numerical majorities which are moderate in character. It does this in part by granting a certain weight to numbers—hence greater representation for the more populous States. But it denies, quite properly, that numbers alone should be the exclusive criterion—hence minimum representation for the least populous States. The electoral college seeks to satisfy qualitative—as well as quantitative—goals, among them:

The desirability of supporting the federal system by giving the States as States a say in the selection and election of Presidents;

The desirability of encouraging compromise among potentially antagonistic interests by seeing to it that compromises are worked out well in advance of elections and within geographically limited political areas;

The desirability of representing certain interests whose only drawback is the want of great numbers;

The desirability of placing institutional restraints upon the abuse of powers in the Chief Executive Office.

As we point out below, the electoral college brings together all the distinctive elements of the American Constitution. It provides indispensable institutional support for the Federal system and the separation of powers. Moreover, it has through the years become inextricably intertwined with the two-party system and the national conventions, which carry out the Constitution's dedication to reasonable majorities in the everyday political process. To understand the electoral college at all, it is necessary to understand it as the most important working part of an integral whole. The whole, as we have suggested, is devoted to the creation of reasonable majorities—majorities which represent the great diversity of the Nation without unduly interfering with minority rights. Such is no easy task, but none is more important to the survival of the Nation. The majority report, unfortunately, in reducing democratic processes to a mere "numbers game" understands neither the difficulty of the task nor its importance.

IV. WHAT'S WRONG WITH DIRECT ELECTION

We stated in the Introduction that direct election would destroy the party system and encourage splinter parties; undermine the federal system; alter the delicate balance underlying separation of powers! radicalize public opinion and endanger minorities; encourage electoral fraud; lead to interminable recounts and challenges; and necessitate national control of every aspect of the electoral process.

We propose now to document these charges in detail.

Direct election would destroy the party system

It is generally agreed that our two-party system has been an indispensable aid in carrying out the dual purpose of American politics: majority rule with minority rights. It is also generally agreed that in a multiparty system either or both of these goals would be frustrated. Given the extent and variety of interests which compose this land, the maintenance of a two-party system is a remarkable feat. Indeed, the striking fact about American party politics is not that we have had a number of third-party movements, but that we have not had more of them. All third-party movements in U.S. history, taken together, account for only 5 percent of the total vote cast in presidential elections.

The two-party system, however, is not a product of chance. Public opinion in this great and diversified land has no inherent tendency to divide itself into two, and only two, major political groupings. The ultimate causes of two-party politics are to be found

in the requirements of the presidential election system under which parties have operated for nearly a century and a half. In the words of Prof. Richard McCormick, perhaps our foremost authority on the formation of parties in the 1820's and 1830's, "In broad terms, it was the contest for the Presidency that shaped this party system and defined its essential purpose." From the very moment of their inception the major parties as we now know them had as their central organizing purpose the capturing of the Presidency. In order to carry out that goal, the parties had to contend with three constitutional requirements:

(1) The Constitution established a single office to be held by a single man. That is, it established winner-take-all on the national level.

(2) It required a majority of electoral votes for victory.

(3) It distributed a fixed number of electoral votes to each State.

In addition to these, there was a fourth requirement, which was a product of State law: the custom within each State of awarding electoral votes according to the unit rule.

These four requirements—a unitary Presidency; the necessity of carrying a majority of electoral votes; the distribution of electoral votes according to States; and the awarding of electoral votes within the States on the basis of winner-take-all—are chiefly responsible for the most important distinctive features of the American party system:

(1) We have only *two* major parties. Third party movements have been sporadic and, on the whole, ineffectual.

(2) The major parties, often called "national" are in fact coalitions of 50 State parties; the State parties, in turn, are coalitions of county and local party organizations.

(3) Both major parties include a wide range of interests and a broad spectrum of opinion.

Let us now consider briefly how these features are related to the requirements of the present electoral system.

The need for broadly based parties

Because a majority of electoral votes is required for victory, a party seeking the Presidency must expand its base of support beyond a narrow geographical region. And because electoral votes are apportioned according to the Federal principle, a party must campaign in all or most of the States. The States, thus, are the decisive political battlegrounds. The States, of course, are free to award their electoral votes as they see fit. All States, except one however, follow the practice of awarding electoral votes by the unit rule, winner-take-all; and they have followed the practice without notable exceptions for 150 years. Whatever else may be said about the custom, pro or con, it cannot be denied that winner-take-all has had a great impact on the character and structure of our political parties. Because of winner-take-all, a party is under a strong inducement to extend its platform as widely as possible within each State; it must expand its base of support to carry a popular plurality. Since both major parties face the same requirement, both must campaign in most of the same places before most of the same voters. Both must be hospitable to a wide range of minority interests which might otherwise be excluded from electoral competition. Every minority, in turn, is under an inducement to moderate its views to make them compatible to *both* major parties, at the risk of having to form a separate party.

Winner-take-all, in short, encourages both parties to include everyone and to exclude no one. Both, of course, have traditional bases of support which remain loyal over a considerable period of time; but with rare exceptions, these are seldom sufficient to provide the margin of victory. In most States most of the time, neither party can afford to alienate any sizable interest group; both are forced to seek the support of those who are not traditionally wedded to either party. Since both parties face the same requirements in all States, an electoral majority, when it does emerge, is both geographically dispersed and ideologically moderate. The victorious party is therefore capable of governing. The electoral college, in sum, produces truly competitive, State-based, moderate political parties.

Why, it will be asked, are there only two such parties? The answer is that the same inducements which produce broadly based, competitive, moderate national parties also operate to confine third parties to a narrow regional base. In order to compete with any hope of success outside a regional base, a third party must be able to outpoll the major parties in States where the major parties are strongest—a highly unlikely occurrence. The same difficulty is presented even within the regional base of the third party, for the major parties, or at least one of them, may be found competing there also.

Direct election would encourage splinter parties

Under direct election, most of the incentives toward moderate, broadly based, two-party competition are removed. It is true that a sizable popular plurality—40 percent—would be required for victory. But that, without more, is insufficient to sustain two-party competition of the kind we have known. Under direct election, it is not the distribution of the vote which matters, but only its size. Votes would be sought without regard to the States which happened to contain them. Interest groups would face no necessity to moderate their views or to compromise with other groups within their resident States. Candidates, in turn, would face no necessity to present a broadly based platform within each State. Indeed, there would be little necessity for a candidate to campaign in most, or even many, States. He would be encouraged to build a numerically sizable following without regard to its character. Since the same strategy would be followed by many others at the same time, there would be tendency toward a multiplicity of single-interest splinter parties, each uncompromisingly attached to a particular candidate. Only a few might realistically expect to win; but all would hope, at the very least, to maximize their bargaining position by accumulating as many popular votes as they could, if for no other reason than to prevent someone else from winning.

As Mr. Richard Goodwin told the Judiciary Committee:

To see that this is more than a theoretical possibility let us look at the experience of New York. That State is as close to a miniature nation, in terms of diversity of population and interests, as any in the Union. It is as large as some countries. New York now has four parties. The two smaller parties—liberals and conservatives—cannot carry a single city or borough, but within a State that does not matter. Popular vote is everything in statewide contests. The result is that both minor parties are important, and can make a decisive difference in a close race. They behave on a State scale, exactly as we speculate that minor parties might act on the national scale: offering endorsements, making deals, and running their own candidate. For their members a separate party has proved the surest route to real power. If we move to direct election, there is no reason whatsoever why the same will not be true at the national level. In fact, operating just in New York both the liberal and conservative parties receive more votes than the total margin of national victory in two of our last three presidential elections.

The proponents of direct election may reply that the 40 percent requirement would mitigate against the multiplication of parties. It must be noted, first, that proponents of direct election originally favored a 51 percent requirement. That was reduced to 40 percent precisely because they doubted whether anyone could get 51 percent under direct election. That concession, however, may prove fatal to the proponents of direct election, because it confirms one of our worst fears, namely, that direct election will undermine the two-party system.

Moreover, we cannot but think it somewhat disingenuous to condemn the electoral college for being "undemocratic" while at the same time embracing a 40 percent requirement under direct election. For that figure, turned upside down, says that the man who is not the choice of 60 percent of the electorate shall be President. To this, proponents of direct election like to reply that under the present system, Presidents have been elected with less than a simple majority of the popular vote even while winning a majority of the electoral vote. What this argument fails to recognize is the essential difference between the size of a plurality and the manner of its composition. A 43 percent vote under direct election, for example (assuming it could be acquired), represents a very different kind of popular plurality from a 43 percent popular vote under the electoral college. The popular vote under the electoral college, even when it is less than a simple majority, is always widely dispersed geographically and ideologically and is distributed, moreover, throughout all the States. Thus, even when the winning percentage is less than a popular majority, it is still possible for the electoral vote majority winner to govern. Under the direct election scheme, which is indifferent to the way in which majorities are formed or where they are located, there is no guarantee that a winner will actually be able to govern.

The direct election proposal makes no provision whatsoever for any pre-election machinery capable of putting together a 40 percent coalition, or of insuring that the coalition will be truly representative of the Nation as a whole. The proponents of direct election assume that all else in the political process will go on pretty much as-is, that the negotiation, compromise, and coalition now undertaken by the two major parties within the States will be performed in the same way. No argument is made, no facts are listed, to indicate how or why this would be the case. We are asked to take it on faith that everything will continue in the accustomed manner. Needless to say, we have strong reservations about that prospect.

Dangers of the run-off

Our reservations about direct election in general are in every respect strengthened when we come to consider the runoff provision. The general tendency of direct election toward party splintering is reinforced by the runoff. With a runoff, it is not only possible, but probable, that many candidates will enter the presidential race. With a runoff, there is absolutely no incentive for any candidate to withdraw until after the first election. Many candidates would run not necessarily with the hope of winning, but with the hope of maximizing their party's bargaining position in between the first election and the runoff. The consequences are not pleasant to behold. In the words of Prof. Alexander Bickel of the Yale Law School:

I think it altogether probable that under a system of popular election the situation would be as follows: the runoff would be, not an occasional occurrence, but the typical event. The major party nomination would count for much less than it does now—and might even eventually begin to count against a candidate. There would be little inducement to unity in each party at or following conventions. Coalitions would be formed not at conventions, but during the period between the general election and the runoff. All

in all, the dominant positions of the two major parties would not be sustainable.

This sort of unstructured, volatile multiparty politics may look more open. So it would be—infinitely more open to demagogues, to quick-cure medicine men, and to fascists of left and right. It would offer, no doubt, all kinds of opportunities for blowing off steam and for standing up uncompromisingly for this or that cause, or passionately for one or another prejudice. But people who think that our democracy would become more participatory fool themselves. Weaker, yes. More participatory in any real sense, no.

While men continue to take varying positions on issues, compromise and coalition remain unavoidable. The only question is when and how coalitions are formed and compromises take place. Coalitions are now formed chiefly in the two-party conventions, which are relatively open and accessible and can certainly be made more so. In a multiparty system, the task of building conditions will be relegated to a handful of candidates and their managers in the period between the election and the run-off. The net result will simply be that the task will be performed less openly, and that there will be less access to the process. Governments will be weaker, less stable and less capable than our governments are now of taking clear and coherent actions. Where multi-party systems have been tried, they have been found costly in just these ways, and they have scarcely yielded the ultimate in participatory democracy or good government. Nor have they lasted.

We are persuaded that direct election would encourage a disastrous multiplication of political parties.

Griffin-Tydings plan no cure for the ills of direct election

Some proponents of direct election, most notably Senators Griffin and Tydings, have expressed concern that the run-off provision of S.J. Res. 1 would encourage splinter party candidacies and therefore make it impossible for anyone to obtain 40 percent in the first election. They suggest that elimination of the run-off would insulate direct election against the threat of party proliferation.

Our fears about the dangers of direct election, however, are not significantly diminished by this proposal.

For one thing, the elimination of the runoff is only a partial solution to the problem of splinter parties. It would discourage some, but by no means all, troublesome minor party candidacies. It would have little effect, for example, on so-called spoiler candidates—those who run, not to win, but to prevent someone else from winning. The only way to guarantee that someone will be able to garner at least 40 percent of the vote under direct election is to limit sharply the number of candidates in a race. Absent rigid, universally applicable rules narrowing the field of candidates, the "spoiler" strategy may still be profitably pursued under direct election even if the runoff provision is removed.

The decisive factor now discouraging the formation of splinter parties, including "spoiler" parties, is the power of the States in the nominating and election process—a power that derives from the institution of electoral votes. Once the electoral vote system is abandoned in favor of direct election—with or without a runoff—the States will no longer have a significant voice in regulating minor party candidacies. The form and content of extant laws governing party and candidate eligibility differ widely from State to State.

Under direct election, however, this diversity could not be tolerated, since it might produce a sufficient number of minor candidacies to prevent a major candidate from obtaining at least 40 percent of the vote. As we point out below, a uniform Federal rule on candidate eligibility will be necessary. Congress will have to pass and enforce laws covering all the matters now regulated by State law, and the myriad functions now undertaken by 50 secretaries of state will have to be performed by a single national authority.

The advocates of direct election, however—including those who would eliminate the run-off—have yet to inform us as to the nature and content of this newly required body of federal law. What criteria of eligibility will Congress use to narrow the field of candidates? Will it still be possible to appear on the ballots of some states but not others? What would be the qualifications to appear on the ballots of all 50 states? It simply will not do, as some propose, to put off until later the consideration of what these new federal regulations should be.

It is possible that the elimination of the run-off may reduce the threat of some splinter parties. But, with that qualification, our arguments against S.J. Res. 1 apply with equal force against the Griffin-Tydings proposal.

Moreover, we find it intriguing that the Griffin-Tydings plan should seize upon the allegedly antiquated and outmoded electoral vote system as the remedy for the deficiencies of direct election. If the electoral-vote system is good enough to save us from the pitfalls of direct election, why is it unacceptable in the first place? Why should we rely upon the electoral college to get us out of a mess when its retention would prevent the mess in the first place?

Direct election would destroy State political power

One of the distinctive features of the American party system is that our parties are essentially State-dominated: the so-called "national" parties are, in fact, coalitions of State parties; and the State parties, in turn are coalitions of county and local party organizations. The major parties are thus organized from the grassroots up—a feature which enables them to accommodate a wide diversity of competing interests at the state and local level, and helps to keep elected officials responsive to State and local needs. What brings the hundreds, perhaps thousands of State and local party units together is the attempt, every 4 years, to capture the Presidency. It is the role of the States as States in that process which accounts for the fact that our "national" parties are State-based. And this structure of the parties reinforces the power of the States as members of the Union.

The most obvious symbol of the State orientation of the major parties is the national convention. Delegates come to the conventions as representatives of their States, and voting power is allocated in proportion to electoral vote strength. Direct election, of course, would destroy the utility of having delegates selected or votes distributed in this manner. There would be no reason whatsoever for the States as such to be represented; delegates would most likely represent interest groups. But without the States to act as mediators of compromise, there would be no way to determine beforehand what groups should be represented, or in what proportion. It is doubtful, indeed, whether there would be conventions at all under direct election. The logic of direct election leads inexorably toward presidential primaries, perhaps regional, but most likely national in scope. One could imagine without much difficulty a series of regional primaries, and, thereafter, a series of national primaries preceding the first election—to which must be added the likelihood of a run-off election after that.

It is apparent that the role of the States in the electoral college contributes greatly to national stability; it also contributes greatly to the cohesion of State party organizations. Cohesion—or the lack of it—will depend on many other factors as well, such as the strength and appeal of State and National party leaders, the volatility of issues at any given time, and the strength of the opposition party. But the importance of cohesion in State party organizations is obvious. In most States, most of the time, a single party organization is able to coordinate presidential, gubernatorial, senatorial, congressional, and other campaigns, and can thus act as a mediator among the conflicting aims of politicians and interest groups. But once the States *as* States are removed from the presidential election process, a strong inducement toward State party cohesion will also be removed. We cannot with any confidence predict what new forms party organization might assume; we can confidently predict, however, that a significant restructuring of State and hence national party organizations would take place. That restructuring, in turn, would alter in unforeseen ways the power of the States to carry on political business, especially in relation to the National Government. We simply do not know with any precision how much of a Governor's or a Senator's or a Congressman's power derives from his State's role in the electoral college. We may be certain, however, that it is often considerable, and that Presidents are influenced by it.

But for the electoral college, we might have had very different party organizations; and if we were at liberty to begin all over again, we might well wish to go about it differently. But we are now living in 1970 and we are carrying on political business according to laws, customs, and habits which have grown up around the attempt to carry a majority in the electoral college. An alteration in the mode of presidential election will necessarily affect the character of every institution related to the Presidency, just as it will affect the attitudes and expectations which accompany a 150-year-old tradition. To pretend that such things are not relevant, or to push them aside for "later" consideration, or to say that they must be abolished because they do not comport with the mathematical abstractions of "one-man, one-vote," is to indulge a naivete that borders on the irresponsible.

The electoral college asks, in effect, "Who is Maine's choice for President?", "Who is Kentucky's?", "Who is Texas'?", "Nebraska's?", "California's?", "Hawaii's?", and so on. In so doing, the electoral college shores up the power of the States in the Union. The commonly voiced argument that the Presidency is a "national" office and therefore demands a "national" constituency ignores a most important fact. For the term "national" as applied to the United States must include the most distinctive feature of our Constitution, a Constitution which established, in Mr. Justice Chase's famous phrase from his opinion in *Texas vs. White*, 74 U.S. 700 "an indestructible union of indestructible states." Some have lamented that fact, but no one can deny its significance. Nor can any proposal to reform the presidential election system ignore that fact without damaging the entire constitutional balance. What should be represented in the presidential elections are not only everyday political, social, and economic interests, but that paramount interest which is the precondition for the effectuation of all others: the preservation of those institutions which are essential to the maintenance of political equality. Chief among these, surely, is the federal system.

The details of the Philadelphia Convention have long since receded into the textbooks, but the substance of the Framers' work endures 200 years later in the structure of our governmental institutions. The key compromise at that convention was the creation of the federal system itself. This was not simply a compromise between large and small States on the matter of representation. It was a compromise on the *nature* of the Union, on the relationship between the National Gov-

ernment as a whole and the States as a whole. The Senate, with equal representation, was to represent the people as citizens of *States*. The House, with representation proportioned to population, was to represent the people as citizens of the *Union*. The bicameral structure of Congress, however, was not the only result of this great compromise. *The federal principle was incorporated within the Presidency itself*, by the involvement of the States in the presidential election process. The result is a delicately counterbalanced structure which, in the words of Prof. Alexander Bickel, "cures the inevitable underrepresentation of the large States in Congress, while at the same time requiring a sectional distribution of the vote that elects the President, thus making possible combinations that also give advantage to the smaller States. This is just a long way of saying that the genius of the present system is the genius of a popular democracy organized on the federal principle."

The proponents of direct election may reply that they bear no animus against the federal system; that, on the contrary, they support it by recommending retention of State equality in the Senate. State equality in the Senate is certainly a strong underpinning of federalism, but with the great powers at the disposal of the President, would it not be foolish to rely upon the Senate alone as the bulwark of the federal system? Certainly, the Framers did not think that equality of representation in the Senate would be sufficient—which is why they decided to give the States a role in the selection of Presidents, a role that has been reinforced by our federally structured political parties.

If one day, someone comes forward to say that it is surely an absurdity to give New York and Hawaii equal representation in the Senate; that a recent computer study has conclusively demonstrated that a citizen of New York is disfranchised 33 times relative to a citizen of Hawaii; and that, in so important a matter as the passage of national legislation this is tantamount to a denial of equal protection of the laws—when that day comes, what argument can the proponents of direct election make to defend State equality in the Senate?

The proponents of direct election must be asked how they proposed to defend the federal system in principle. It is one thing for them to say that they favor the retention of the federal system; it is quite another for them to make an argument for federalism on the basis of the logic which impelled them to propose direct election in the first place.

The federal system is an explicit departure from the doctrine of mere numerical majorities, from the doctrine of "one-man, one-vote." If no departure from that doctrine is to be permitted in the Presidency, by what reasoning is it to be defended in the federal system? Conversely, if it is to be tolerated in the federal system, why should it not be tolerated in the Presidency?

Direct election would undermine the separation of powers

One of the least discussed but most dangerous aspects of direct election is its tendency to undo the delicate balance among the three branches of the National Government. Proponents of direct election may argue that their proposal will have no effect upon the separation of powers, but we have nothing more than their unsubstantiated assertions that this will be the case.

Separation of powers is rightly and most commonly thought of as referring to the distribution of functions among the executive, legislative, and judicial branches; but the manner of that distribution exists in part by virtue of the balance which was struck between the States as a whole and the National Government as a whole. Among the considerations weighed by the Framers in designing the Presidency was the desirability of providing the President with a constituency essentially independent from that of Congress and that of the States. The purpose of an independent constituency was forthrightly stated: to give energy to the executive, to avoid that disunity and frustration which might arise if the President were overly indebted to Congress or to the States for his election or reelection. But there was an equally strong desire to prevent the President from abusing the great powers of his office. This latter desire was carried out, first, by involving the States in the election process; and, second, by distributing governmental powers at the national level, chiefly as between the two dominant branches. In practice, the balance of power between the executive and legislative branches has sometimes rested with the White House, sometimes with Congress, and sometimes—most frequently—somewhere in-between. The Constitution is content to remain flexible on this point; but its flexibility is not wholly subject to the contingencies of the moment. The balance can and does shift back and forth without adversely affecting the principle of separation.

Under direct election, there is a strong likelihood that the entire constitutional balance will come undone. For there is more to the relationship between President and Congress than the formal separation of powers on paper will ever reveal. Senators and Representatives are members of political parties, and on the national level parties derive what unity they have from the attempt to carry a majority in the electoral college. Insofar as the future under direct election can be foreseen at all, it is clear that there will be a radical restructuring of State and national party organizations. Just as it is difficult to say with precision how much of a State's power derives from its role in presidential elections, it is difficult to say how much congressional influence with the President rests on the fact that Senators and Congressmen occupy positions of influence within State and national party organizations. Once the States as States are excluded from the presidential election process, the subsequent restructuring of State and national party organizations will necessarily affect Members of Congress both in their capacity as representatives of their States and in their individual and collective relations with the President. But who will be affected, and whether favorably or unfavorably, cannot be predicted beforehand.

It is true that, even under direct election, the legislative powers of Congress would still account for the lion's share of congressional influence; but the contingencies affecting the use of those powers would be far different from those with which we are now familiar. Congress has been accustomed to deal with a President who is in part dependent upon, and therefore restrained by, the States. A President who is not only *not* dependent upon the States, but whose political obligations will bear no predictable relation to extant party organizations, may be an entirely different creature.

Direct election would radicalize American public opinion

The central political goal of the Constitution in general and the electoral college in particular is the creation of *reasonable* majorities, that is, of majorities which will not prey upon the rights of others. The Constitution and the electoral college seek to accomplish this task by providing salutory incentives to compromise—by rewarding moderation and penalizing extremism. This process requires for its effectuation a blurring rather than an accentuation of the differences among men. The genius of our present method of election may be said to consist precisely in its ability to reveal what men have in common and to conceal what they do not.

The significance of this accomplishment should not be underestimated. Given the paramount importance of the Presidency in political affairs generally and in party organization in particular, the compromises which are made before, during, and after a presidential campaign tend to filter down through the entire political system. Thus, in the normal course of events, presidential campaigns have a moderating influence on the character of American public opinion as a whole. Indeed, it is sometimes said that our presidential campaigns are drab, uninteresting affairs. It seldom occurs to those who make that comment that the phenomenon is more a virtue than a vice. The relatively mild tone of presidential campaigns derives from the fact that both major parties have to make essentially the same compromises because the electoral college forces both to campaign in all or most of the States. Most of the difficult compromises are worked out within the parties before election campaigns, rather than between the parties during or after election campaigns. And the major compromises are worked out at the State rather than the national level.

The fact that the major compromises are worked out early, within parties, and at the State level produces a number of salutary consequences: (1) it reduces the number of compromises which have to be made at the national conventions, and makes the job of party unification easier; (2) it leads to moderation in platforms and candidates; (3) it discourages ideological rigidity among all interest groups; and (4) it contributes to the cohesion of State party organizations.

Under direct election, it is difficult to see how or when these salutary compromises would be worked out. It does not suffice to say that they will be worked out within extant party organizations, because there is no guarantee that extant party organizations will continue. Once the States as States are removed from the electoral process, an interest group would face little compulsion to compromise with competing groups in its resident State. In fact, it might be penalized for doing so. Far Greater would be the incentive to aline with similar interest groups elsewhere, who would be under no compulsion to compromise within their States. There would thus be a national trend away from the major parties, which are State-based, toward single interest splinter parties; and since no one would be forced to compromise until after the election, there would be a widespread tendency toward extremism. Compromises would ultimately have to be made, but they would be made only at the last minute; and—because each group participating in the final compromise would have been encouraged toward extremism beforehand—the ultimate resolution of differences would be more difficult to achieve. The compromises, in short, would be both hastily contrived and inherently unstable. The winning coalition, however numerous, would have difficulty governing.

The "Media Masters"

Mr. Theodore H. White quite rightly testified that direct election would change the nature of our presidential campaigns. He said:

"Our presidential campaigns right now are balanced in each party to bring a compromise, to eliminate the extremes of both sides, and create a man who has at least the gift of unifying his party and thereafter the Nation.

"Once you go to the plebiscite form of vote you get the more romantic, the more eloquent and the more extreme politicians, plus their hacks and TV agents polarizing the Nation rather than bringing it together. It is that fundamental erosion of the U.S.A. that horrified me."

And as Mr. White has written:

"If States are abolished as voting units, TV becomes absolutely dominant. Campaign strategy changes from delicately assembling a winning coalition of States and becomes a

media effort to capture the largest share of the national 'vote market.' Instead of courting regional party leaders by compromise, candidates will reply on media masters. Issues will be shaped in national TV studios, and the heaviest swat will go to the candidate who raises the most money to buy the best time and most 'creative' TV talent."

Direct election would undermine moderate influence

The creation of a reasonable majority in a country of this size and diversity is a task of enormous magnitude. The number and variety of interests are such that any majority must necessarily be a coalition of minorities, each of which, quite naturally, tends to prefer its own interest to those of others. The peculiar "magic" of our present system is precisely that it forces every group to see the satisfaction of its own interest as depending in large part on the satisfaction of other interests. But the majority which merges from the coalition of essentially self-interested minorities retains the character of its parts, which is to say that a majority is only temporarily harmonious. A majority within either major party is constantly in tension, with the result that a party's capacity to command the allegiance of its followers—in power or out—is constantly being challenged. A coalition which wins at one election may not win at the next—a fact which induces party leaders and Presidents to seek new bases of support and to be wary of alienating any significant group presently loyal to their party.

The electoral college says, in effect, that so long as Presidents are going to be indebted to certain interests for their election or—what may be more important—for their reelection, it is better to have those interests funneled through the mediating influence of the States, (a) because the States as members of a Federal union ought properly to be represented as States in the Presidency; and (b) because the interests to which a President will be indebted will thereby be moderate in character. Under direct election, neither of these considerations are deemed important. The consequence is not only that the power of the States will be diminished, but that Presidents will be directly influenced by highly ideologized and uncompromising interest groups. Under direct election, a President would at once be driven toward demagogy and freed from the salutary restraints now imposed by the States and our State-based party organizations. We *may* obtain majorities under direct election, but will we be able to live with them?

Direct election would endanger minority rights

So successful has the electoral college been that most Americans are inclined to forget that they are, in one or more senses, members of a minority—geographic, ethnic, religious, social, or economic. Under our present system, to be a member of the losing party carries no long-term liability: it neither invites invidious discrimination nor endangers the security of one's liberty. We are therefore inclined to think of "minorities" in terms of others, as those proverbial "other fellows". Nonetheless, the fact remains that each of us is a member of a potentially vulnerable minority. What is true of one minority will, soon or late, be true of every other. This fact, as we say, has been obscured by the very success of the electoral college in putting together widely dispersed and virtually all-inclusive pluralities. But the significance of being a member of one or more minorities, at present largely obscured for most, might be much greater under a different system of election, especially direct election. One's fundamental rights may very well be affected by whether or not he is a member of the winning coalition.

The power of all minorities, everywhere, of whatever kind, comes from the skill with which they are able to join themselves to other minorities. It is a string of such minorities which constitutes a majority or a winning plurality. A minority which fails to aline itself with other minorities is a minority which finds its political power greatly diminished. One of the chief virtues of the electoral college is that it not only encourages such alliances, but virtually requires them. It builds moderate majorities while protecting the interests of all minorities that are willing to compromise.

Under direct election, with its emphasis on mere numbers, the strength of most so-called minorities—especially those which lack significant numbers—would likely be diminished. Congressman William Clay testified on this point:

"I firmly believe that the direct popular vote would inhibit the political influence of minority groups. The present system maximizes the importance of urban regions and especially of the high cohesion minority groups. The black vote presently and potentially registered—is more effectively applied within the two-party system which has evolved from the electoral system. And I am convinced—that the minority vote would likely follow a separationist trend without the cohesive influence of that electoral system."

The price extracted by the electoral college for the political success of minorities is compromise. Anything which discourages compromise in fact, or delays it in time, diminishes the power of minorities and encourages extremism accordingly. Under our two-party system, which is held together by the electoral college, those minorities which are not permanently wedded to one party have an opportunity to switch their support with maximum effect; for the loss to one is compounded by a gain for the other. The consequence is, in the words of Prof. Harry V. Jaffa, "that each major party is under an inducement to be hospitable to minorities within the opposing party; and, on the other hand, that minorities are under an inducement so as to moderate their demands that they are negotiable within both major parties." ("The Nature and Origin of the American Party System," in *Equality and Liberty*, 1965, p. 7)

The multiplication of parties, the removal of the States from the electoral process, and the other inducement toward extremism that would result from direct election—all these factors would diminish the power of minorities by encouraging them, so to speak, to price themselves out of the political market.

Direct election would be an invitation to fraud

One of the most calamitous and probable consequences of direct popular election will be the increased incidence of election fraud. At present, whenever and wherever fraud occurs, its impact is limited to determining the winner of a State's electoral vote. The incentive to steal votes is now restricted to close contests in States which have a sufficiently large electoral vote to alter the final results. Thus, fraud can be profitable only in a few States, and is seldom capable of affecting the national outcome.

In his testimony during the Judiciary Committee hearings, Mr. Theodore White described this limitation on the impact of fraud. He said:

"Right now what you have in the country is a system of self-sealing containers. Again, I speak the language of the press. If the crooks in Illinois, if the crooks in Cook County are going to steal votes, each State has built up some sort of antibody system, so that it seals the theft, the stealing, the rigging of elections. There are certain States like Minnesota, or Connecticut, California, Oregon, where I think the votes are counted with scrupulous honesty. But if the margin is going to be as thin as they were in 1960 and 1968, I can see the majority of honest States crumbling just like that."

Under direct election, a premium would be placed on stealing every vote in every precinct in every State. There would be no mechanism to prevent voting fraud from having a direct impact on the choice of the President. As votes are tabulated and reported in the Eastern States, for example, great pressure will develop in Western States to get every possible vote—even for a candidate who has no chance of winning—in order to offset early election returns from the East.

Mr. White cautioned:

"There is an almost unprecedented chaos that comes in the system where the change of one or two votes per precinct can switch the national election of the United States.

"Now we have 180,000 voting boxes in the precincts in the United States, and if by 10 or 11 o'clock it is going to be as close as 1960 and 1968, I hesitate to think of what is going to happen in the Western precinct boxes and some of the Southern precinct boxes."

In the case of a close popular election, such as in 1960 and 1968, the determination of the presidential candidates and their ardent supporters to win will place great temptations before every election official in the country. Those who control the polling places, whether they are State or Federal officials, may succumb to the pressure to obtain the largest popular vote margin for their favorite candidate.

Recalling the partisan nature of the deliberations of the National Election Commission established to resolve the Hayes-Tilden controversy of 1876, Professor Bickel told the Judiciary Committee:

"It seems to me inevitable if you go to the popular election system to set up, not only on an ad hoc basis, but on a permanent basis, national vote-counting, and I for one . . . am not at all that happy about central vote-counting. Honest men, when centrally in charge of a computer in Washington may be even more tempted than honest men in this or that county in the western part of the country or in the eastern part of the country."

Mr. White dramatically described what might occur on election night under direct elections:

"I wonder whether you can imagine what the scenario of election night might be with the entire Nation hanging awake for the returns if we had another election as close as 1960 or 1968 with no one knowing what was happening.

"You all remember how in 1960 when the Connecticut vote was coming in strong for John F. Kennedy. Eisenhower took to the air to plead with the people of California to get out there and vote. Connecticut closes 3 hours earlier than California; I think about 8 hours earlier than Hawaii. Once those eastern votes start piling up from the big cities one way or another, the pressure, the urge to—and if it is a close election—you can't steal a real election, a real majority, but if it is a close election, that election night would be an invitation to have militia out guarding the ballot boxes the next morning."

The likelihood of an increase in minor party presidential candidacies and the probability, therefore, that a runoff will become a common occurrence under direct election, make even more likely the prospect of election fraud. The encouragement which direct popular election would give to fraud could very well turn American presidential elections into nightmares of charges and countercharges, of chaos and crisis. During the days following a presidential election, the determination of a winner could become the regular and expected focus of political turmoil.

Direct election would encourage challenges and recounts

One of the most serious threats to our national stability under direct election would be the probability of contested elections. A

contested election under any system is certainly dangerous. But as Ernest Brown, Langdell Professor of Law at Harvard, testified, under direct election "the mere fact of contest is a disaster."

Under the present system, the popular vote in most States most of the time is insulated against challenge and recount. Only extremely close and bitter contests in certain strategic States would ever tempt one of the major parties to call for a recount. Under direct election, however, the popular vote in every State would be open to the perpetual threat of challenge. Whether a candidate wins or loses a State by a large or small margin of votes, recounted votes in that State under direct election could still affect the national result. As Professor Brown explained:

"Close elections lead to contest. And with direct election, the contest would be nationwide. Every ballot box, every voting machine, would be subject to contest."

He went on to illustrate how nationally contested elections would develop under direct election:

If one candidate contests a certain area, his opponent, to protect himself, warns of a contest where he thinks something might have been adverse to him. And in a little while the whole electorate is involved.

The uncertainties surrounding a recount to determine the outcome of a close presidential election could paralyze our Nation. Even the mechanical aspects of a sizable recount would be dangerous enough, but if legal questions concerning voter qualifications and other matters were to be raised, as they surely would be, the period of the recount would be nothing short of chaotic.

To Theodore H. White, the spectre of the recount under direct election is a "nightmare." He put it this way:

"I do not think direct election would have worked. It would have failed us twice in the last election. In the 1960 election—I have never been able to get the full story—Mr. Nixon spent several hours wondering whether he should challenge or not, and they began to examine the laws of the various States. You could not have a recount in Missouri until some time in early spring. The laws as to recounts were different everywhere. It is a nightmare to me that we should live through 1960 and 1968 under the proposed amendment."

Prof. Charles Black explained to the committee how he felt the professional politicians would call for recounts under direct election in close contests:

"It would become the duty of the manager of anybody's campaign that might be advantaged by a recount to search very carefully in good faith for fraud, irregularity, and the sort of technical objections to voting that you refer to, so that even without those willful obstruction elements, I should think that in a close election, it would be almost inevitable that the vote everywhere would be scrutinized and contested, and every possible irregularity sought after, whereas, under the present system, it usually does not matter and people just do not bother with it."

Mr. Richard Goodwin outlined to the committee his thoughts on the recount problem under direct election:

"Eliminating the electoral college can, as many have pointed out, transform the frequent and inevitable charges of election irregularity and fraud into demands for a nationwide recount. Since voting is now by State those charges are made with passion and they are allowed to lapse because even a change in a particular State would rarely affect the national electorate result. However, if only the popular vote counted, then a recount in a few States could change the result. After all, two of our last three Presidents had popular vote margins smaller than 5 percent of the vote in the State of Illinois alone. In such a situation there would be incentive to pursue reasonable charges of irregularity and fraud. Counter charges would be inevitable. And if there was any substance to the allegations a nationwide recount would not be merely likely but inevitable. Such a protest could continue for months, in election commissions and in the courts, while the country waited to find out who had been elected."

There can be no doubt that the present system protects the Nation from the paralysis of recounts. Professor Brown characterized the protection this way:

"The present system insulates the States. When the vote is counted by the States, those lines insulate the area of contest and keep it local, and they insulate the significance of the contest."

Professor Black also testified at length on the protections which the present system offers against the possibility of recounts and contests. He said:

"We have now a compartmentalization of the recount problem, like the compartmentalization of a ship. If it springs a leak in one part, that part is sealed off from the others. The recount problem is an infrequent incident, because very often the State in which fraud is charged or error is charged will be one which, on inspection of the electoral totals, does not matter anyway."

It is clear that recounts will be a disastrous problem for the United States should direct election of the President become law. Too many thoughtful experts have mentioned the recount problem for it to be only the idle speculation of those who would oppose direct election for political reasons. We believe the political stability of this Nation is the issue at stake; the Senate, before voting on the direct election proposal, should try to imagine this Nation, gripped by controversy, having to undergo a national recount every time there is a close election.

Direct election would necessitate Federal control of elections

There is no question that rigid uniformity must be an integral part of the direct election proposal if the one-man, one-vote rule is to be truly implemented. If the President is to be popularly elected in a nationwide election, State boundaries and jurisdictions will become inconveniences. All States would, of necessity, have to conform their election laws to a single Federal standard.

Serious questions must be raised concerning the new election machinery and standards which must be created in order to have a smoothly-run national plebiscite.

Federal laws or guidelines would have to be enacted to regulate, among other things, the eligibility of parties and candidates; the counting of ballots and the declaration of the winner; the validating and counting of absentee ballots; the penalties and prohibitions applicable to elections; the rules concerning recounts; the forum for the consideration of contested elections; the registration deadlines and a host of related matters now covered by State laws. Indeed, it is possible to envision a Federal Election Board charged with total responsibility for running the election down to and including the staffing of 180,000 polling places.

Beyond the question of enacting Federal election legislation, the matter of financial responsibility for the plebiscite must be considered. At present each State bears its share of the cost of running elections. If, however, all other administrative aspects of the election are to be assumed by the National Government, it seems logical that the financial burden must also reside in Washington.

The meaning of such fundamental shifts in election responsibility must be considered when analyzing the merits of the direct election proposal. These are not simply administrative matters which can be brushed aside for later consideration.

V. SPECIOUS ARGUMENTS CONCERNING THE ELECTORAL COLLEGE

Direct election would create some dramatic problems and bring some fundamental changes to our electoral process. These have been discussed in detail in the preceding section of this report. Before concluding this analysis of S.J. Res. 1, it is necessary to look at a few of the specious arguments made by the majority concerning the electoral college. Most of these take the form of "what might have happened if * * *"

The "faithless elector"

The "faithless elector" argument holds that electors may violate the implied pledges which bind them to vote for the most popular candidate in their State.

It is true that electors are frequently not bound by State law to vote for the winner of a popular plurality in their States, and it has been argued that Federal legislation would be powerless to compel them to do so. Nevertheless, custom, self-interest, and a sense of moral obligation have combined to do what the law has failed to require. The consequence is that electors, save for some symbolic purpose (as in 1968), hardly ever violate their pledges. The record on this point is unmistakable in its implications: out of more than 16,000 electoral votes which have been cast, electors have violated their pledges only six or seven times. In no case did the electors' chicanery ever threaten to alter the outcome of an election. Still, the freedom of electors does lend itself to mischief. That potential mischief, however, can be easily remedied without abolishing the electoral system altogether. Either the office of elector can be abolished, or the electors' pledge made binding by constitutional amendment. But to abolish the electoral vote system because of potentially faithless electors is a classic case of throwing the baby out with the bath water.

"A Shift of Only So Many Votes . . ."

Among the most frequently heard arguments against the electoral system is that which holds that a shift of only x thousand votes in y number of States would have caused the winner of the popular vote to lose the electoral vote. Of all the specious arguments, this is perhaps the most specious. One is of course free to surmise, *after election statistics are tabulated,* that the shift of a few votes here or a few votes there *might have changed* the outcome. That, however, is true of election statistics generally and bears no special relation to the electoral college. What gives this specious argument the favor it would not otherwise enjoy is the theoretical possibility under the electoral college of having a popular vote winner who is an electoral vote loser. In order for such to happen—and it never has—a precise number of votes must shift in specified States; otherwise, the shift will have no effect on the outcome.

The clinker in the argument, of course, is that these shifts, so horrible to imagine *in retrospect,* never in point of fact take place. The shifting that critics of the electoral system are always talking about exists nowhere but in their own retrospective imaginations. It is shifting which might have taken place—mathematically speaking—but which never occurs in fact. As to why such shifts do not take place, the critics have never provided an answer.

"If We Had Had Direct Election Back in . . ."

Critics of the electoral college frequently attempt to apply electoral reform plans to prior election statistics in the effort to see whether a different result would have obtained. Although well-intentioned, this attempt is essentially futile, for it is simply impossible to say what the outcome of a prior election might have been under a different system. The size of the vote, its distribution, the candidates, even the casting of the is-

sues—all the decisively important electoral phenomena—are primarily the products of the particular election system in which they occur. Hence any effort to say that, in such-and-such a year, the outcome under direct election might have been different is only a playful speculative exercise; but it is not in any sense an argument against the existing system.

*The 11 largest States**

A commonly heard indictment of the electoral college, one which the majority report embraces, is that the 11 largest States (plus another small State or the District of Columbia) would suffice to carry a candidate into office. The conclusion one is supposed to draw from this argument is that the 11 largest States are therefore in a position to dictate to the other 39. But what those who use this essentially emotional argument always conveniently forget to add is that the very compromises which enable a candidate to carry the 11 largest States also enable him to carry many others as well. And that is precisely why no candidate has even won with anything like 11 States. In point of fact, only one President in this century (John F. Kennedy) was ever elected with less than a *majority* of the States supporting him. That exception excluded, no one in this century has ever won with less than 29 States, and the average number carried by the winner has been nearly 37.

It should be noted that the proponents of direct election who fault the present system for giving undue weight to the large States, conveniently ignore the fact that under their scheme, the popular votes in only nine States—as shown in Appendix B—could control the election.

VI. THE WALLACE PHENOMENON

Assaults against the electoral college seem to escalate in number and intensity during or just after nip-and-tuck election campaigns, or in years when a third party candidate has made inroads into traditional major-party areas. Most commonly, the hue and cry for reform comes from the ranks of the party which has just lost or fears it is about to lose the White House, or from that party which is most adversely affected by the third-party movement. One of the rallying cries of this particular brand of assault may be stated in two words: "George Wallace."

We believe that opinion about Governor Wallace is, or should be, irrelevant to the discussion of electoral reform. It is inevitable and natural that we should speculate as to what his political power might be under one electoral system as opposed to another; but such speculation should be confined to its proper place—to political gatherings, to the classroom, to the newspapers and the journals of opinion, or wherever such things are discussed. It has no place in a senatorial debate when the subject in issue is a constitutional amendment. We take the strongest possible exception to the unwarranted intrusion of personality into a debate which concerns the highest matters of state and which, therefore, imposes upon us the obligation to remove, as far as we are able, those emotional considerations which might unduly affect our deliberations. The importance of deciding what kind of electoral system we shall have is obscured by the passions which are inevitably excited by the considerations of particular personalities. To encourage those passions is to render a disservice to the Senate and to the American people. A constitutional amendment will be with us long after Governor Wallace has disappeared from the scene. History is replete with examples of the danger of altering fundamental law in order to accomplish some immediate political purpose.

Since, however, the majority report raised the Wallace cry, we have no choice but to reply. We submit that the electoral college, far from making it possible for Governor Wallace to precipitate a constitutional crisis, in point of fact has prevented just such a crisis from taking place.

The majority report refers to the Wallace movement as "the most powerful third-party bid since 1924." But the immediate and obvious question is: What happened to "the most powerful third-party bid since 1924"? And the immediate and obvious answer must come forth: the same thing that has happened to *every* third-party movement in American history—nothing.

The decisive question is not what the Wallace movement intended in the past, or what it intends for the future. The decisive question, rather, is, What actually happened? What actually happened was that, in spite of Governor Wallace's intentions, his presidential effort was necessarily confined to a narrow sectional base. It was confined to a narrow sectional base precisely because the electoral college requires that a successful presidential campaign be conducted in all or most of the States, which requires, in turn, that a candidate make a broadly based appeal to the voters. Moreover, because of the strong two-party structure, many would-be Wallace supporters outside the South—and even many within the South—were induced to cast their ballots for one of the major party candidates.

It will be replied that the Wallace "problem" is not so much that of his winning as that of his being in a position to affect the outcome in the event no one obtains a majority of the electoral vote. A number of comments are in order: (1) Third-party movements are not created by the electoral college. They are the product of a discontent which asserts, in effect, that the major parties have abandoned a certain segment of the voters. Third parties sometimes have a harmful influence on the major parties, sometimes a salutary influence; but there is no way, so long as we are a democracy, to prevent third parties altogether. The crucial question is not whether there shall be third parties, but what actually happens to them. (2) Despite third-party movements, not since 1824 has anyone failed to obtain an electoral majority. In fact, the failure of that year was the proximate cause of the party and convention system we have today, which makes it highly unlikely that a major party candidate will ever fail to garner an electoral majority. (3) Means exist to diminish "unscrupulous" bargaining other than by taking the radical step of abolishing the electoral college altogether. Moreover, those who are concerned about "deals" among electors or in the House of Representatives, might do well to ponder the "deals" which would have to be made under Senate Joint Resolution 1 between the first election and the runoff.

Since the majority report ventures to speculate on what Governor Wallace might do in the future under the electoral college, we are invited to speculate on what he or others might do under direct election. Under direct election as we indicated earlier, there is absolutely no incentive for a candidate to moderate his views or to seek broad geographical support. Nor is there any incentive for a voter who is attracted by a third party candidate to cast his ballot for what is now called a "major" party candidate. Under the circumstances, a candidate would have everything to gain and nothing to lose by playing to deep-rooted fears and prejudices. Given the nature of the passions which are loosed in our time, on both the right and the left, and on a growing number of issues, it would not be at all surprising for a splinter party candidate to out-poll one of the so-called "major party" candidates—especially since the "major" parties as we now know them will probably cease to exist under direct election.

Those who fear George Wallace, in short, will find more fertile ground to plow in direct election than they will in the electoral college.

VII. SUMMARY AND CONCLUSION

The current debate over electoral reform has been unduly restricted by a myopic constitutional perspective. In this report, we have discussed the ultimate causes of that unfortunate shortsightedness: on the one hand, a well-meant but dangerously naive attempt to apply the logic of the "one-man, one-vote" decisions to presidential elections, regardless of the consequences; and, on the other, an understandable but unfounded fear that something might go wrong at some future election. Since in matters of constitutional reform perspective is everything, we have endeavored to show that "one-man, one-vote" can be bought only at the price of constitutional destruction and that the fears animating opponents of the electoral college have been greatly exaggerated.

We have attempted to restore a proper perspective by discussing electoral reform and the Presidency in relation to the constitutional and political structure of the Nation as a whole. It is only in the light of that perspective that the proposal for direct election can be understood as an unnecessary and dangerous undertaking. It is unnecessary because the major objections to the present system can be accommodated without its wholesale destruction; it is dangerous if for no other reason than that we cannot predict with any confidence what the character and structure of American politics will be like under it. Indeed, the matters left untouched by the proponents of direct election convince us that they are themselves rather unsure of the future under their own proposal. Unless and until they come forward with firmer assurances about crucial aspects of their proposal, constitutional duty requires us to oppose their recommendation in the strongest possible terms.

We do not intend, however, to rest our case solely on the ground of unforeseeable consequences. It is true that much of the future under direct election is murky and unpredictable; but there is much, also, that is *not* murky, and what we *can* see seems to us perilous in the extreme. The electoral college is so intimately involved with the two-party system, federalism, and the separation of powers that we do not see how these institutional arrangements can possibly survive under direct election in the long-run. Nor do we see how it will be possible, once the logic of direct election is accepted, to defend them in principle. The burden of proof, it seems to us, is properly upon the proponents of direct election. We have made what we believe to be compelling arguments against direct election. Let the proponents now come forward to answer them. Let them now take up the burden they so long ago sought to thrust upon the opposition. But let them come forward with something more than passionate appeals and hopeful assurances. Let them come forward with sound arguments and hard facts.

The electoral college may have its faults, but its true sins of commission and omission are not always apparent in the various and passionate bills of indictment which have traditionally been raised against it. For nearly a century-and-a-half the electoral college has been condemned as the "tool" of every imaginable interest. Conservatives have attacked it for producing liberal Presidents; liberals have attacked it for producing conservative Presidents. Republicans have said that it favors Democrats; Democrats have said that it favors Republicans. Northerners have accused it of aiding the South; Southerners have accused it of aiding the North. Easterners have deplored an alleged advantage it gives to the West; Westerners have deplored an alleged advantage it gives to the

*See Appendix B.

East. City dwellers have lamented that it exaggerates the influence of rural folk; rural inhabitants have lamented that it exaggerates the influence of city dwellers. Citizens of small States have argued that it is controlled by large States; citizens of large States have argued that it gives undue weight to the small States.

This list might be expanded to encompass almost every political, sectional, economic, and social interest in the Nation. Indeed, the fact that the electoral college has been criticized so variously is more significant than the fact that it has been criticized so persistently. The confusion among the critics suggests, at the very least, that there is more to the electoral college than meets the eye of the discontented. For the contradictory character of the criticisms is the most potent proof one might adduce to demonstate that the electoral college is not now, and has never been, the "tool" of any narrow political, sectional, economic, or social interest. Yet, to take the more ardent critics at their word, one might well wonder how the Republic has managed to survive all these years.

Yet, survive it does, and with it, an allegedly antiquated electoral system. After everything has been said about the electoral college, after the last indictment is in—and perhaps even after the computers have had their day—the fact remains that the electoral college has provided us with an extraordinary number of distinguished Chief Executives who have entered office after a solid demonstration of public support and have governed the Nation honorably and well. It has given us men who, by and large, have been free from the corrupting influence of faction precisely because their method of election forces them to understand the public good as something more than the sum of the interests of their friends. It has given us Presidents who have been for the most part independent of Congress and the States, but well aware of the powers and prerogatives of both. In short, the electoral college, in conjunction with the party system which grew up in response to it, now produces by more democratic means the very task that the Framers thought should be accomplished by a select body of enlightened men: an energetic and independent and yet responsible and limited Chief Executive. Thus, it will not do to say that the electoral college is antiquated or outmoded; no more viable institution, nor a more salutary one, will be found today. Let us, if need be, repair it; but let us not abandon it for the sake of a mathematical abstraction, or because we are angry that the world is not perfect.

JAMES O. EASTLAND.
JOHN L. MCCLELLAN.
SAM J. ERVIN, JR.
ROMAN L. HRUSKA.
HIRAM L. FONG.
STROM THURMOND.

APPENDIX A

HAS A POPULAR VOTE WINNER EVER LOST THE PRESIDENCY?

It is frequently said that the electoral college makes it possible for a candidate to be elected who receives fewer popular votes than his chief opponent. It is alleged that this has happened three times: in 1824, in 1876, and in 1888. We propose to examine this charge to see whether it is worthy of the attention it has received.

While it is theoretically possible for an electoral vote winner to be a popular vote loser, it is highly unlikely that such an event will occur. It is theoretically possible for the simple reason that there is not a perfect mathematical proportion between the size of the popular vote and the size of the electoral vote. That disproportion is due to the fact that each State has at least three electoral votes regardless of size—a concession that the Framers saw as necessary to shore up the federal system. So long as we believe it wise or useful for the States as States to have a say in the selection of Presidents, and so long as we believe that the smaller States ought properly to have a minimum representation, it will remain theoretically possible for an electoral winner to be a popular loser. Whether we have "winner-take-all" or some other system of awarding electoral votes, so long as the concept of electoral votes is retained with a minimum representation for small states, that theoretical possibility remains.

The decisive policy question is whether the risk of this theoretical possibility is worth running. And the most important factor in determining the worthiness of the risk is the likelihood of its occurrence. On the basis of past election results, the risk would appear to be minimal. Indeed, it is our belief that the much-feared result has never occurred.

Let us now turn to consider the three elections, which it is alleged, did produce the unwanted result.

(a) The election of 1824

In the election of 1824, Gen. Andrew Jackson obtained a plurality of both the popular and the electoral vote but, failing a majority in the electoral count, lost to John Quincy Adams in the House of Representatives.

The experience of 1824, however, is hardly relevant to present-day elections. None of the machinery we now possess to prevent such an outcome existed at the time; indeed, the growth of the party system and the birth of national conventions can both be directly attributed to the experience of 1824. The absence of nominating and other party machinery in 1824 accounts for the two facts which vitiate the election of 1824 as a relevant example: (1) unaffiliated a multiplicity of candidates, made it impossible for anyone to garner a majority of the electoral vote—a fact which, incidentally, was conceded by all prior to the election; (2) voters were not organized in any major sort of way on behalf of any of the candidates, with the result that voter turnout was minimal.

While accurate figures are especially difficult to obtain for early 19th century elections most authorities are agreed that something like 350,000 votes were cast in the election of 1824, out of a total population of roughly 11 million, of whom roughly 3 to 4 million were white adult males. Of the small number of votes which were cast, Jackson obtained a total of roughly 150,000—more than any other candidate, but it was not even a majority of those voting. Jackson's plurality can in no sense be termed a "victory," nor can it be said to have constituted a "mandate."

Further, there were four candidates in that election. Of the 24 States in the Union at the time, the four candidates appeared together on the ballots of only five States; in six States, only three were on the ballot; and in seven only two. Moreover, six States (including New York, at that time by far the most populous State) had no popular election at all, the electors being appointed by the State legislatures.

The Presidency, in short, had yet to be conceived of as an elective office in the sense that we now understand it. Anyone who ventures to claim that Jackson's popular plurality represented the "will of the people" or that his defeat in the House was a "frustration of the popular will" understands neither the election of 1824 nor why its inconclusiveness cannot be repeated today. In the words of Prof. Eugene Roseboom, "The popular will had been so dimly revealed in 1824 that the House could not have subverted it." (*A History of Presidential Elections*, 1957, p. 88).

(b) The election of 1876

It is claimed that in the election of 1876, Samuel Tilden carried the popular vote by 250,000 but had the election "stolen" from him by a "packed" special electoral commission which had been assembled to investigate vote-fraud allegations in a number of States. The only difficulty with this argument is that, in order to have any significance at all one must adjudge every decisive vote-fraud allegation in Tilden's favor—an act of naive generosity that even Tilden's most vociferous supporters at the time dared not make. The very thing which brought the matter to the special commission in the first place—and the matter which occupied its members for days on end—was the clear and present incidence of fraud. The accuracy of the popular vote or the credentials of electors were challenged in at least 10 States. No one but no one has any idea of what the actual popular vote count was in 1876.

(c) The election of 1888

In the election of 1888, it is alleged, Grover Cleveland received a plurality of the popular vote but lost the electoral vote and therefore the Presidency to Benjamin Harrison. Of the three examples used by critics of the electoral college, this is the strongest; but it remains a very weak reed indeed. Even if the tabulated popular vote were taken as wholly accurate, less than 1 percentage point (actually, 0.7) separated the two candidates in the popular vote. But the popular vote totals ought not to be taken as accurate. There is considerable evidence of fraud on both sides, involving both the size of the popular vote and the distribution of the electoral vote. The late Prof. Edward S. Corwin, perhaps the most distinguished constitutional authority of his generation, acknowledged that Cleveland's popular plurality (roughly 100,000) could be attributed entirely to the shenanigans of Tammany Hall alone. Neither man received a majority of the popular vote. As between two men, one receiving 48.6 percent of the vote, the other 47.9 percent, is it really possible to say that one is the clear choice of the people and the other not? Would the country have been ungovernable by either man? What is decisively important in presidential elections, as we have said before, is not so much the size of a majority as its distribution and character.

In any event, even if the election of 1888 is the strongest of the three examples used by electoral college critics, it provides no basis for condemning the electoral system as a whole. The record otherwise is clear and unmistakable: the popular winner has always been the electoral winner.

APPENDIX B

I. VOTING STRENGTH OF 34 STATES AND DISTRICT OF COLUMBIA ADVERSELY AFFECTED BY DIRECT POPULAR VOTE IN 1960 AND 1968 PRESIDENTIAL ELECTIONS

State	1960			1968		
	Electoral vote	Percent of electoral vote	Percent of popular vote	Electoral vote	Percent of electoral vote	Percent of popular vote
Alabama	11	2.04	0.82	10	1.85	1.42
Alaska	3	.55	.08	3	.55	.11
Arizona	4	.74	.57	5	.92	.66
Arkansas	8	1.48	.62	6	1.11	.83
Colorado	6	1.11	1.06	6	1.11	1.10
Delaware	3	.55	.28	3	.55	.29
District of Columbia				3	.55	.23
Georgia	12	2.23	1.06	12	2.23	1.68

State	1960 Electoral vote	1960 Percent of electoral vote	1960 Percent of popular vote	1968 Electoral vote	1968 Percent of electoral vote	1968 Percent of popular vote
Hawaii	3	0.55	0.26	4	0.74	0.32
Idaho	4	.74	.43	4	.74	.39
Iowa	10	1.86	1.85	9	1.67	1.59
Kansas	8	1.48	1.34	7	1.30	1.19
Kentucky	10	1.86	1.63	9	1.67	1.44
Louisiana	10	1.86	1.17	10	1.85	1.49
Maine	5	.93	.61	4	.74	.53
Maryland	9	1.67	1.33	10	1.85	1.68
Mississippi	8	1.48	.43	7	1.30	.89
Montana	4	.74	.40	4	.74	.37
Nebraska	6	1.11	.89	5	.92	.73
Nevada	3	.55	.15	3	.55	.21
New Hampshire	4	.74	.42	4	.74	.40
New Mexico	4	.74	.45	4	.74	.44
North Carolina	14	2.60	1.98	13	2.41	2.16
North Dakota	4	.74	.40	4	.74	.33
Oklahoma	8	1.48	1.31	8	1.48	1.29
Rhode Island	4	.74	.58	4	.74	.52
South Carolina	8	1.48	.56	8	1.48	.91
South Dakota	4	.74	.44	4	.74	.38
Tennessee	11	2.04	1.62	11	2.04	1.70
Texas	24	4.46	3.35	25	4.64	4.20
Utah	4	.74	.54	4	.74	.57
Vermont	3	.55	.24	3	.55	.22
Virginia	12	2.23	1.12	12	2.23	1.85
West Virginia	8	1.48	1.21	7	1.30	1.03
Wyoming	3	.55	.20	3	.55	.17
Total	242	44.84	29.40	238	44.06	33.32

These 34 States in the 1960 presidential election had a total electoral vote of 242, representing 44.84 percent of the electoral vote. Under a system of direct election of the President, these 34 States would have had that 44.84 percent voting strength percentage reduced to 29.40 percent, or a loss of 34.43 percent of their voice in the election of the President.

In the 1968 presidential election, because of a reapportionment of States based on the 1960 census, these States and the District of Columbia had 238 electoral votes or 44.06 percent of the total electoral votes. The voting strength of these 34 States and the District of Columbia would have been reduced to 33.32 percent by a change to a direct popular election system; 24.37 percent of the voice of these 34 States and the District of Columbia in the election of the President would have been lost under a direct popular vote system in the 1968 presidential election.

Under the present electoral college system, these 34 States and the District of Columbia could have elected a President in either 1960 or 1968 if they also had the vote of one large State such as California or New York, or a few of the other small States, as that would have given them a total electoral vote of over 270, or the majority necessary to elect a President. Obviously, the small percentage of vote they would have controlled under a direct popular election (29.40 percent in 1960 and 33.32 percent in 1968) would have rendered them collectively impotent to influence the presidential election in those years.

II. THE 9 MOST POPULOUS STATES WOULD CONTROL PRESIDENTIAL ELECTIONS UNDER DIRECT POPULAR VOTE

State	1960 Electoral vote	1960 Percentage of electoral vote	1960 Percentage of popular vote	1968 Electoral vote	1968 Percentage of electoral vote	1968 Percentage of popular vote
California	32	5.95	9.45	40	7.43	9.90
Illinois	27	5.02	6.91	26	4.83	6.31
Indiana	13	2.42	3.10	13	2.41	2.90
Massachusetts	16	2.97	3.58	14	2.60	3.18
Michigan	20	3.72	4.82	21	3.90	4.51
New Jersey	16	2.97	4.02	17	3.15	3.92
New York	45	8.37	10.72	43	7.99	9.27
Ohio	25	4.65	6.04	26	4.83	5.14
Pennsylvania	32	5.95	7.27	29	5.39	6.48
Total	226	42.02	55.91	229	42.53	51.88

Under direct popular vote, the 1960 electoral vote strength of these nine States would have increased from 42.02 to 55.91 percent. The 1968 electoral vote strength of these nine States would have increased from 42.53 to 51.88 percent of the votes cast throughout the United States—or control of the election. In other words, the votes tallied in these nine States could have elected a President in both 1960 and 1968—in total disregard of how the people in the other 41 States and the District of Columbia voted.

Mr. JORDAN of Idaho. Mr. President, many arguments have been advanced both in support of and in opposition to the proposal to provide direct popular election of the President. It appears to me that a great number of the arguments for both sides have been, at best, speculative in nature. I submit, however, that the strongest argument in opposition to this proposal is not speculative. It is clear to me that adoption of a direct popular election system would weaken our federal system of government by reducing the influence in presidential elections of our smaller States. Like many other vital parts of the Constitution, the electoral college plan was a compromise intended to preserve the identity of the States. The concept was to build into the presidential elections the same two principles of representation which are contained in congressional elections. We have the federal principle of equal representation of the States in the Senate, regardless of population, and then we have the national principle of unequal representation of the States in the House of Representatives, based on their differing populations. That is, we have a geographic concept and a population concept.

By giving each State a number of electors equal to the number of Senators and Representatives which the State has in Congress, the present system gives the small States a definite advantage. In other words, the influence of the smaller States in presidential elections is somewhat larger than their populations would warrant if the election were to be conducted on a strict population basis. Without regard to the method in which the electoral votes are cast, the small States then do have somewhat of an advantage. I do not think that those of us from the smaller States should be apologetic for having a little advantage because this arrangement was entered into after long and careful consideration by representatives of both large and small States and in recognition of the fact that the smaller States might have a difficult time making their views and needs known in the executive branch of Government.

While my State was not a party to the original agreement, I believe it is equitable that Idahoans accept the benefits of it. Idaho's admission to the Union entitled it to equal status with the original 13 States. The citizens of my State under the present system have a difficult enough time in their dealings with the executive, regardless of party, and I can only wonder what the situation would be like if their influence in Presidential elections were even further reduced as would happen under Senate Joint Resolution 1.

It does not take a statistician to understand the diminution in power which this would mean for the more sparsely populated States. My State currently has 4 electors. That gives it an influence factor of 0.74 percent in the electoral college which currently has 538 electors. Under a direct-election plan based on population, Idaho, with a voting population in the 1968 election of about 291,000, would have had an influence of 0.40 percent on the presidential election of that year. I ask unanimous consent that a table which illustrates the change in voting power for the various States which would occur under Senate Joint Resolution 1 appear in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

IF PRESIDENTS ARE ELECTED BY POPULAR VOTE—EFFECTS ON STATES

15 STATES WOULD GAIN POLITICAL POWER

State	Percent of electoral votes	Percent of popular votes cast in 1968	Difference	Percent of change
New York	7.99	9.49	1.50	+18.77
California	7.43	9.89	2.46	+33.10
Pennsylvania	5.39	6.47	1.08	+20.03
Illinois	4.83	6.30	1.47	+30.43
Ohio	4.83	5.40	.57	+11.80
Michigan	3.90	4.51	.61	+15.64
New Jersey	3.16	3.92	.76	+24.05
Florida	2.60	2.98	.38	+14.61
Massachusetts	2.60	3.18	.58	+22.30
Indiana	2.42	2.90	.48	+19.83
Missouri	2.23	2.47	.24	+10.76
Wisconsin	2.23	2.31	.08	+3.58
Minnesota	1.86	2.17	.31	+16.66
Washington	1.67	1.78	.11	+6.58
Connecticut	1.49	1.71	.22	+14.76

34 STATES AND THE DISTRICT OF COLUMBIA WOULD LOSE POLITICAL POWER

Texas	4.65	4.20	0.45	−9.67
North Carolina	2.42	2.16	.26	−10.74
Virginia	2.23	1.85	.38	−17.04
Georgia	2.23	1.70	.53	−23.76
Tennessee	2.04	1.70	.34	−16.66
Maryland	1.86	1.68	.18	−9.67
Louisiana	1.86	1.50	.36	−19.35
Alabama	1.86	1.42	.44	−23.65
Iowa	1.67	1.59	.08	−4.79
Kentucky	1.67	1.44	.23	−13.77
Oklahoma	1.49	1.29	.20	−13.42
South Carolina	1.49	.91	.58	−38.92
Kansas	1.30	1.19	.11	−8.46
West Virginia	1.30	1.03	.27	−20.76
Mississippi	1.30	.89	.41	−31.53
Colorado	1.12	1.10	.02	−1.78
Arkansas	1.12	.83	.29	−25.89
Nebraska	.93	.73	.20	−21.50
Arizona	.93	.66	.27	−29.03
Utah	.74	.58	.16	−21.62
Maine	.74	.54	.20	−27.02
Rhode Island	.74	.52	.22	−29.72
New Mexico	.74	.45	.29	−39.18
New Hampshire	.74	.40	.34	−45.94
Idaho	.74	.40	.34	−45.94
South Dakota	.74	.38	.36	−48.64
Montana	.74	.37	.37	−50.00
North Dakota	.74	.34	.40	−54.05
Hawaii	.74	.32	.42	−56.75
Delaware	.56	.29	.27	−48.21
District of Columbia	.56	.23	.33	−58.92
Vermont	.56	.22	.34	−60.71
Nevada	.56	.21	.35	−62.50
Wyoming	.56	.17	.39	−69.64
Alaska	.56	.11	.45	−80.35

1 STATE WOULD HAVE NO CHANGE

Oregon	1.12	1.12	0	0

Mr. JORDAN of Idaho. Mr. President, direct election would even further intensify the concentration of campaign efforts in the large urbanized areas and result in less attention to the smaller States because of their reduced influence. Not only would the emphasis on the large population centers be increased but the incentive for presenting a broad-based program designed to appeal to voters in the smaller States would be reduced. As pointed out by the distinguished Senator from North Carolina, (Mr. ERVIN) in his speech on the Senate floor of April 7:

A leader of this Nation must not only represent large numbers of our people, he must also represent a diverse cross section of our people.

This was graphically illustrated by an example which drew attention to another possible outcome of the 1968 elections. In 1968, Hubert Humphrey was the popular choice of 13 States, plus the District of Columbia. Had he simply carried New York State by the margin which Lyndon Johnson carried it in 1964, he could have lost all of the other States which he won and still have been elected by a sizable margin. However, he would have been the majority choice in only one State and the District of Columbia.

In recent days we have heard arguments presented in favor of the "one man, one vote" principle being applied in presidential elections. As I indicated before, I am not distressed that my State has a somewhat larger voice now than it would under a "one man, one vote" principle. It seems to me that arguments along this line with regard to presidential elections would be just as persuasive at some time in the future for "one man, one vote" with respect to representation in the Senate. I would not support that either.

Conceivably, under such a plan one Senator might be allocated to the States of Idaho, Montana, Wyoming, and Alaska—which States have a combined population of about 2,000,000 people. Applying the same "one man, one vote" rule, the metropolitan area of New York City with a population of about 12,000,000 people would be entitled to six Senators.

The evil which prompts the direct election proposal is an evil which I recognize and which should be alleviated. Laws adopted by the States which result in a candidate who carries the State receiving all of that State's votes in the electoral college or a winner take all system, are the basis of the problem. It seems to me that this problem could be solved by less drastic means than adoption of Senate Joint Resolution 1, which would institute winner take all on a national level instead of at the State level.

The district system proposed by the distinguished Senator from South Dakota (Mr. MUNDT) which I have always cosponsored, would eliminate the automatic winner take all on the State level while still preserving our federal system. Under this plan each voter would vote for three electors—one elector who would represent a congressional district and two electors running in the State at large. Thus, 100 electors would represent the 50 States and 438 electors—including three for the District of Columbia—would represent the population. Each elector would be required to cast his vote in accordance with the majority vote that elected him, minimizing the possibility of a difference in the total outcome between popular vote and electoral vote and eliminating the possibility of having an unfaithful elector. Unfortunately, this plan was discarded by the Judiciary Committee.

Mr. President, I believe that we must preserve our federal system. I submit that adoption of a direct election system for presidential elections would dilute the influence of the States, particularly the smaller States and thereby weaken federalism in the United States. I commend to the attention of my colleagues a letter which I received earlier this year from Prof. Alan Andrus, a teacher of American history at Ricks College in Rexburg, Idaho. His letter indicates Professor Andrus' profound understanding of the necessity of retaining the electoral vote in some form in order to preserve the delicate balance of federalism in our country. I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEBRUARY 15, 1970.

Senator LEN JORDAN,
Capitol Building,
Washington, D.C.

DEAR SENATOR JORDAN: A bill is due to come before the U.S. Senate in the near future which will call for direct election of the President of the United States by eligible voters rather than by members of the Electoral College. Since my feelings are quite poignant with regard to the way in which we elect our Chief Executive, I feel constrained to convey them to you insofar as this is possible by letter.

I am a teacher of American history, and I have developed a profound respect for our American heritage. Especially, I am awed by the wisdom of our Founding Fathers in developing and committing to us a constitution under which the United States has been governed for 181 years. Men such as Alexander Hamilton, James Madison, Gouverneur Morris, William Paterson and Oliver Ellsworth impress me with the power of their arguments which marked the Constitutional Convention.

Of course, I am aware that generations of American statesmen and voting citizens have altered from time to time some of the original provisions embodied in the Constitution. This, however, was anticipated by members of the Constitutional Convention and they provided a system for amending the Constitution which has seemed to serve Americans well. Moreover, no man today in his rational mind would expect changes in our national constitution to cease. What we must be concerned about, therefore, is not that changes will occur but what the nature of these changes shall be and how they may affect future generations. Certainly, I feel that dedicated scrutiny of any proposed changes in the machinery through which we elect our President is necessary because such changes will deal with a very basic part of the Constitution. In this connection then, I submit the following comments for your consideration.

James Madison wrote in *The Federalist No. 39* about the Constitution in relationship to the federal and national concepts of government. He defined these concepts as follows:

"The difference between a federal and national government, as it relates to the operation of the government, is supposed to consist in this, that in the former the powers operate on the political bodies composing the Confederacy, their political capacities; in the latter, on the individual citizens composing the nation, in their individual capacities."

Madison then went on to say that the Constitution is a composite of federal and national ideas. He wrote:

"The proposed Constitution, therefore, is, in strictness, neither a national nor a federal Constitution, but a composition of both. In its foundation it is federal, not national; in the sources from which the ordinary powers of the government are drawn, it is partly federal and partly national; in the operation of these powers, it is national not federal; in the extent of them, again, it is federal not national; and finally, in the authoritative mode of introducing amendments, it is neither wholly federal nor wholly national."

According to his definition of national and federal government, Madison is correct, and one does not need to be unusually perceptive to understand that the Electoral College was meant to help preserve the idea of federalism in our government. Even today, when our electors commit their votes before they cast them, the Electoral College contributes to a federal government.

We may now raise the question, is a federal government neecssary to this country? And I would answer, perhaps not, but it is desirable. Certainly I prefer to see the States retain some degree of sovereignty in relation to the federal government. Moreover, I'm not convinced yet that to eliminate the states as voting units in presidential elections would be beneficial to us. Obviously without an electoral vote, the more sparsely populated states would have even less a voice than they do now in selecting a president. Further more, the presidential election process would come under the control of the Federal Government. And finally, elimination of

the electoral vote would obscure the margin of victory in an election and thus a candidate conceivably might not concede his defeat until all the votes were in and counted. This of course might extend over a considerable period of time.

We could continue to discuss federalism, the States and the electoral vote in meaningful terms I suppose, but after all was said and done I would feel that we had not yet discussed the most significant consideration in relation to the electoral vote. That consideration involves our two-party system.

I sincerely feel that the two-party system as we know it in the United States would be jeopardized seriously if the electoral vote were eliminated. A situation would exist in which splinter parties would be encouraged, and to understand how splinter parties may weaken a government, one only needs to read the history of modern France. Undoubtedly, in the absence of an electoral vote the Office of President would be more vulnerable to control by minority and subversive groups. Finally, in a close election the electoral vote gives the President a sufficient margin of victory that perhaps he feels more supported by his party, more secure in his office than he would feel otherwise.

Now since I do not favor election of the President directly by popular vote, what then do I favor exactly? I think that the Electoral College is outdated and that it should be eliminated, since our electors have already committed their vote before they cast it, but I do not favor eliminating the electoral vote. Let us eliminate the College, but retain the vote. This would remove any variable over which we now have little control in some cases, but would preserve our federal system and a virile two-party system.

In conclusion, thank you for having taken the time out of your busy schedule to read this letter. I want you to know, I have confidence that what you do in Washington, you do only in the interests of our country.

Sincerely yours,

ALYN B. ANDRUS.

Mr. JORDAN of Idaho. Mr. President, I would now like to touch upon another point which, although less clear-cut than the last, brings out the fact that this is not merely a battle between large and small States. This proposal, if adopted, would not operate in a vacuum, but, rather, would very likely change the character of our whole political system. The most probable and least desirable change would be the encouragement which direct election would offer to minority or third parties. It seems to me that this proposal would result in the proliferation of political parties on a national basis.

Although we have experienced third party movements, these have generally been sporadic and ineffectual in presidential elections, with the exception of those which have been able to establish a strong geographical base. It seems reasonable to assume that our electoral system has operated as a deterrent to third party movements. Such parties have no success at all unless they are able to garner enough strength to carry a State and thus capture its electoral vote. Those people who may be tempted by a splinter party movement have probably been deterred from attempting them because of the probability that they would take away votes from those candidates who are closest to them in political philosophy, and thereby assist in their defeat.

Direct election, on the other hand, would offer an incentive for the establishment of third party movements. By gathering together various like-thinking interest groups, a third party candidate with a narrowly based appeal could gain a rather powerful swing position in a Presidential election. There would be no requirement for carrying a State—or, under the district plan, for carrying a district—in order to gain power in the election. I believe that the results of encouraging a multiplicity of splinter parties and would-be kingmakers would be indeed unfortunate. Mr. Richard M. Goodwin, in his testimony before the Senate Judiciary Committee, did an excellent job of bringing this issue clearly into focus. Mr. President, I ask unanimous consent that an excerpt from that testimony be printed in the RECORD at this point.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Mr. GOODWIN. It would seem so, unless there were a lot of coincidences. To continue, thirdly, the most serious objection to eliminating the electoral college is the distinct possibility that direct popular election might upset the stability of the party system.

We begin with a historical fact that the only third parties which have lasted for any period of time are those with a regional base, those which could reasonably hope to control and carry States. This was, for example, true of the Wisconsin based Progressive Party. In our own time there have been two major third party movements. Both of them began in 1948. That year Strom Thurmond and Henry Wallace received approximately the same popular vote. However, Thurmond got 39 electoral votes and Wallace none. The Progressive Party dissolved, and the Southern Party, now under George Wallace, is still with us. I believe that this history is not an accident, that it is a reflection that third party movements have been deterred by the knowledge they could not carry a single State and thus would be shut out in the electoral college. They have also been held back by the argument that the probable result of their effort would be to take away votes from the major party candidates closest to them in conviction, thus throwing the entire electoral vote of a State to his opponent. And in addition, it has been difficult to mount the resources necessary for a national campaign when the probable result will be a failure to win power in any State or region.

Now, this attitude is related as much to the psychology of the electoral college as to its reality. It has influenced parties and politicians to think in terms of States and blocs of States rather than numerical majorities. Therefore, if no State could be carried, if the electoral total was to be zero, a new party seemed like a futile undertaking.

Direct election may very well destroy these stabilizing attitudes. Groups united by general conviction or common interest could well see advantage in forming a new party. Even if they only organized in a few States, such groups could use a new party to maximize their power. They could bargain with the major party or party candidates for endorsement. They might offer to withdraw in the middle of a campaign in return for concessions. They might run candidates in the hope of forcing a runoff election where their support would be vital. This could be a very fruitful course based on our history because 15 of our Presidents have been elected with less than a majority of the total popular vote. Almost half of our elections, therefore, have been contests in which a third party could theoretically have held the balance of power.

To see that this is more than a theoretical possibility let us look at the experience of New York. That State is as close to a miniature nation, in terms of diversity of population and interests, as any in the Union. It is as large as some countries. New York now has four parties. The two smaller parties—liberals and conservatives—cannot carry a single city or borough, but within a State that does not matter. Popular vote is everything in statewide contests. The result is that both minor parties are important, and can make a decisive difference in a close race. They behave, on the State scale, exactly as we speculated that minor parties might act on the national scale: offering endorsements, making deals, and running their own candidates. For their members a separate party has proved the surest route to real power. If we move to direct election, there is no reason whatsoever why the same will not be true at the national level. In fact, operating just in New York both the liberal and conservative parties receive more votes than the total margin of national victory in two of our last three presidential elections.

During the 1968 campaign I had many talks with men interested in bypassing the Democratic Convention and beginning a third party or a fourth party. They had made a complete survey of election laws and ballot requirements.

Logical or not, the argument that no State could be carried and thus the probable result would simply be to increase Nixon's electoral vote was strong enough to deprive the movement of much of its force. Given the outcome of the party conventions, had there been direct elections there would very likely also have been an antiwar party. And the possibilities for the future are unlimited. Direct election might well bring us a farmer's party, a senior citizen's party, a black party, and other groups coalescing around common interest and beliefs.

And, of course, there have been similar parties on a statewide basis.

If you are willing to admit, not that this is certain but that it is possible, you must also agree that the direct election could not come at a worse time. We already have three parties. In my opinion a substantial fourth party movement is more likely than not in 1972. All around us we see an increasing tendency to political fragmentation and ideological division. Direct election might almost be just a trigger, perhaps accidental trigger, to transform such divisions into political conflict. It would not be the first time that an establishment has acted to undermine itself.

Mr. JORDAN of Idaho. The runoff provision of Senate Joint Resolution 1 appears to be a tacit admission that direct election would encourage the formation of third parties. Unfortunately, a runoff would merely aggravate the situation. This would offer many possibilities to the otherwise hopeless minor-party candidates. It would, first of all, be advantageous to these people to attempt to guarantee a runoff. The objective of each minor-party candidate under a runoff system is, at the minimum, to cause a runoff if he himself cannot win. This can be best achieved by fragmenting the electorate through use of a one-issue or very narrowly based campaign. Once a runoff has been achieved, any minor party with a substantial nucleus of support would have a great bargaining position in the second election. We need only look to some of our foreign neighbors in which multiple parties abound in order to see the vigorous bargaining and substantial concessions which multiple-party politics engenders. Divisive runoff campaigns and a resultant bitterly di-

vided electorate, outlandish concessions, and quite probably a greater incentive for vote fraud, would be the order of the day.

In the words of Prof. Alexander Bickel:

> The runoff system mandated by the proposed resolution appears to me to present a substantial threat to the stability of our political institutions—to the pattern that requires any Presidential candidate to take a position somewhere near the center of the political spectrum and to build out from there, if he is to have any chance of success.

Mr. President, I strongly urge that my colleagues seriously consider the effects of this proposal on the political system which we have carefully built up in the United States over the years, and I hope, after doing so, they will join me in voting to reject Senate Joint Resolution 1. Then we may get on with the business of providing much needed reforms for our electoral system.

Mr. ALLEN. Mr. President, I am opposed to the proposal for the election of the President and Vice President by plebiscite and particularly the amended version of Senate Joint Resolution 1 reported favorably from the Committee on the Judiciary by a vote of 11 for and 6 against.

The reasons for my opposition correspond in most respects with the reasons set forth in the minority views of the report. However, there are additional reasons which will be set out at a later date. For the moment it is sufficient to urge Senators to carefully analyze the majority report with a single question in mind. Do the facts presented and the arguments set forth in the majority report establish a reasonable case for the proposed amendment?

If the proposed amendment were considered from the standpoint of pleadings in a case at law, I am confident that most judges would sustain a general demurrer to the petition. In other words, if we were to accept all of the statements of fact and consider them independently of sweeping inferences, opinions, and unsupported conclusions in the argument, the report simply does not state a case to justify an amendment to the Constitution of the United States. This is the conclusion of the minority and I am confident that it will be the conclusion of most Senators who critically analyze the majority report.

Mr. President, I enter a general demurrer. Yet, I know that the issues presented cannot be disposed of in this fashion. It is unavoidable that we deal with the arguments presented in the majority report. In this respect, I commend the splendid job turned in by the minority.

The minority report refers to the reasoning in the majority report as being "specious." By any definition of the word, this is such a mild criticism as to rank it as one of the understatements of the year. Seldom have I seen a more prolific source of common fallacies and outlandish sophistries.

It is not my purpose at this time to demonstrate the logical flaws in the majority report. I merely suggest their presence as an aid to critical analysis of the report.

At this time and again for the purpose of inviting critical analysis of the report, let me comment on the few general impressions gathered from an initial evaluation.

The most striking impression conveyed is that the influence of Governor Wallace who like Banquo's ghost seems to stalk the councils of both major political parties. This imagery is noted in page after page. There are references to the Wallace movement; the Wallace American Independent Party; a Wallace regionally based party; forebodings of imminent constitutional crises; and other indications of fear and fright. In truth, a total of 339 Republicans and Democrats in the House of Representatives held hands, so to speak, and voted as one for direct election to expunge and expel Banquo's ghost. As I recall, one Representative suggested on the floor that the direct election amendment be called the Wallace amendment.

The next most persuasive impression conveyed by the majority report stems from the cavalier manner in which alternative proposals for electoral college reform were rejected. I am astounded that the distinguished Senators in the majority would appear to be so indifferent of the opinions of Thomas Jefferson, James Madison, John Quincy Adams, Martin Van Buren, Alexander Hamilton, and Daniel Webster to mention a few, all of whom believed that voting in congressional districts for electors was the fairest possible method of electing a President. James Madison said on this point that this method "was mostly, if not exclusively, in view when the Constitution was framed and adopted." These opinions are not noted in the majority report nor are the reasons in support of them.

Then, too, one must comment on the manifest symptoms of the computer syndrome which pervades the majority report. We find tabulated data of popular votes and electoral votes from the first presidential election to the last, together with manipulation of data and projections to make a point. Of course, the output of a computer is determined by the input. The data of past elections is no more relevant to the validity of the electoral college today than data on horse and buggy transportation is relevant to problems of modern transportation.

The significance of the computer in the present case is in the object of its application. We already have children assigned to schools by percentages, ratios, and racial balance spewed out by adding machines and computers; we have job allocations assigned on the basis of computerized surveillance of the public and private employers; we have the example of the Supreme Court of the United States prescribing the allocation of legislative powers of State government on the basis of formula and computerized data; now a radical and dangerous proposal is presented to revise our fundamental law on the basis of input and output of a computer.

Finally, in reading the majority report one cannot avoid being impressed by avoidance of discussion of fundamental issues presented. Such avoidance has its advantage. It enables the majority to evade an evaluation of consequences of vesting the vast bureaucratic powers of our sprawling and near ungovernable executive branch of Federal Government. On this point I beg indulgence. In view of the heavy reliance in the majority report on the fallacy of argument from authority, I ask the same privilege and quote from the authoritative "Commentaries on American Law" by James Kent, published in 1826:

> (I)f ever the tranquility of this nation is to be disturbed, and its (liberties) jeopardized, by a struggle for power . . . it will be upon this very subject of a choice of a President. This is the question that is eventually to test the goodness, and try the strength of the Constitution . . .

It should be noted that the same point of view is expressed in the minority report in the quotation from Charles Black, Henry Luce Professor of Jurisprudence, Yale Law School:

> I think a case can be made for the proposition that direct election, if it passes, will be the most deeply radical amendment which has ever entered the Constitution of the United States.

These opinions are shared by many eminent contemporary authorities but the majority report dismisses the possibility of dangerous consequences with a quotation from a college professor which the report said they found persuasive.

> There is no solid reason to expect that these foundations (referring to the two party system in Congress and the states) would be shaken by the direct election of the President.

The majority sees no possibility and no danger of a proliferation of minor political parties; it sees no danger of fraud in a national election involving 180,000 precincts; it sees no danger in a runoff election in which there is inadequate time to contest elections by tested and proven procedures in the separate States; it sees no danger and finds no objection or grounds for complaint in vesting Federal Government with power to preempt the field of law relating to the conduct of elections.

The majority report does not address itself to what might be referred to as the chain reaction of consequences flowing from an abandonment of the federalist principle and the traditional role of States and regions and regional interests in vesting the Executive power.

The majority report does not address itself to the drastic consequences flowing from the radical departure from the principle of population as an element in the basis of electing the Executive to the basis of qualified electors who may or may not choose to participate in presidential elections.

These and many additional flaws, evasions, and questions are raised by the radical proposal presently under consideration by the Senate. If extended debate on this subject should become necessary, I shall elaborate in much greater detail on the above and many additional objections to abandonment of the tested and proven method of vesting the Federal executive powers of our Government.

Mr. President, the October 1968 issue of the Alabama Lawyer contains an in-

teresting article entitled "An Analysis of Electoral College Reform," written by Hon. J. Edward Thornton.

The author, senior member of the firm of Thornton & McGowin, Mobile, Ala., is a graduate of Mississippi College, A.B., 1928, and Harvard University, LL.B., 1933, and was admitted to the bar of Alabama, 1934, and Massachusetts, 1936. He was assistant general counsel, Alabama State Department of Revenue, 1939–45; assistant circuit solicitor, Jefferson County, Ala., 1936–39; justice, Special Supreme Court of Alabama, 1967; 1968, member, house of delegates and State delegate for Alabama, American Bar Association, 1958–59; president, Mobile Bar Association, 1955; president, Alabama State bar, 1963. He is a member of American Law Institute and a fellow, American Bar Foundation.

Fifteen of Mr. Thornton's articles and addresses have been published in the Alabama Lawyer. He has also contributed articles to the Alabama Law Review. "Balancing Various Community Interests: Should This Be Part of the Judicial Function?" was published in ABA Journal, June 1949.

Since the issue of electoral college reform is being considered by the Senate, I believe that Mr. Thornton's article will furnish much valuable information to Members of the Senate and that his analysis of some of the proposals that have been suggested will aid the Senate in its consideration of this issue.

I ask unanimous consent to place the text of Mr. Thornton's article in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AN ANALYSIS OF ELECTORAL COLLEGE REFORM

(By J. Edward Thornton)

I

Suppose there were no United States, only the several States. Suppose the fifty States were now engaged in uniting into a United States. Suppose they all believed that governmental power should be separated so that policy be determined only by the legislature, that it be carried out only by the executive, and the judicial power be limited to "cases" and "controversies" only. Suppose that a single executive is decided upon to carry out the policy determined by Congress as construed and interpreted by the courts. The question then comes up before the Constitutional Convention of these fifty States, who should elect this executive, remembering all the time that the Constitution will limit his activities to carrying out Federal policy with such exceptions as those contained in Sections 2, 3, and 4 of Article II of the present Federal Constitution? The three most obvious alternatives are that the appointment be made by (1) the States, (2) the Congress, or (3) the people. Which should it be? Before answering this, several matters should be considered.

1. Elected officials from justices of the peace, up or down, are beholden unto those who select them, whether the selector is the governor, the legislature or the voters. If federal policy as fixed by Congress is to be administered by a chief executive, who is elected by the masses, that executive will not be obligated to the States or Congress. Would a President beholden to the masses enforce the laws fearlessly against White majorities, or Protestant majorities, or Catholic majorities or whatever majorities there are?

2. For Congress to select the person to carry out the policy fixed by Congress violates the principle of separation of powers, for if the President is selected by Congress, Congress will determine how the policy Congress fixes will be enforced or unenforced. This would never do because of the premises set for this hypothetical case of the Constitutional Convention for the fifty States.

3. Direct popular election of chief executive officers has never been used in any confederation, such as the United Nations, the League of Nations, the European Common Market, the American Bar Association, the American Medical Association, and so on. In fact, it is hard to find any federation where the chief executive officer has been chosen by popular vote.

4. It would be the States which would be giving up a portion of their sovereignty to gain the advantages of union, not the people. Since the States would be doing the negotiating, it would seem that they would be the ones most likely to demand a *quid pro quo* for such union.

5. Who would be most interested in seeing that the federal policy was being faithfully executed, the States or the masses? Congress might be interested in seeing that its policy be carried out, but what interest would the masses have in this? And if no one in a position of influence has any interest in seeing that the system is carried out, how long will the system last?

Bearing these facts in mind, we return to the hypothetical Constitutional Convention seeking to determine how to select a chief executive. Since the American Bar Association is now engaged in advising the States on constitutional issues, such as Amendment XXV, no doubt this Convention would call on the American Bar Association. Unfortunately, the Report of the Commission on Electoral College Reform contained in the March 1967, issue of the *American Bar Association Journal* will not shed much light on the issue before this hypothetical Constitutional Convention. Nor would President-Elect Gossett's article in the December 1967, issue of the *Journal* assist.

But isn't this hypothetical issue the very one which should have a very clear and positive answer before the American Bar Association or anyone else starts tinkering with the machinery of government which, after all, has brought us along for nearly 200 years? Before engaging in remedial action we should know precisely what the remedy is.

If there is a case for having the President of these United States selected by the people rather than the States, it hasn't been adequately made yet. But it would seem that this is crucial before any action be taken to change the system.

That the system set out in the Federal Constitution does not completely embody either of these alternatives does not excuse us from having an answer to these questions, even if the answer is that neither of these methods should be used to select the chief executive officer of this nation. We always need to know in which direction we ought to be going, even if we are not going that way.

Historically, it seems the consensus was that the States should select the President, and it is not without significance that the one plan with the least support was the present plan by the American Bar Association. Of course, the more heavily populated States in the Convention in 1787 refused to be reduced to the strength of less heavily populated States in selecting the chief executive. And it was on this issue that ultimately Benjamin Franklin, of all members of the Convention, suggested that the subsequent meetings be opened with prayer. But they never abandoned the idea that the selection of the President was to be made by the States. The compromise was that in this process the strength of these big States be reduced and the strength of the smaller States be increased by the number of electors which was fixed at the number of representatives in the Senate and House in Congress.

Before abandoning completely this idea that the States select the chief executive, an answer ought to be made to the question, should we?

II

The Report of the A.B.A. Commission on Electoral College Reform states:

"In summary, direct election of the President would be in harmony with the prevailing philosophy of one person, one vote."

It should hardly be necessary now to remind members of the legal profession that merely because a Justice of the Supreme Court of the United States makes an assertion, this does not make it so, nor does it make it right. This is also true of assertions by A.B.A. Commissions. Therefore, with a majority of the States about to amend the Federal Constitution in regard to the one man, one vote rule, it might well be said that such a philosophy is hardly "prevailing." But even if it were, it still would be wrong and not necessarily applicable to the election of the President.

History gives us only two illustrations of efforts at universal suffrage, namely ancient Greece and during the French Revolution, and both of these failed. Can it now be made to work here by the *ipse dixit* of a few judges?

Furthermore, the idea of spreading political power among the illiterates, [*Cf. Katzenbach* v. *Morgan*, 384 U.S. 641 (1966)] the paupers, [See, *Harper* v. *Virginia*, 383 U.S. 663 (1966)] and now possibly the criminals, the Communists and the insane, is sheer nonsense. One head is not as good as any other head particularly when one of them is, say, a Justice of the Supreme Court, or a Dean of a Law School. To cancel out their votes with the illiterates doesn't show maturity. It shows insanity.

If all heads are equal in electing men to govern us, why all the bother for *public* education? Public education assumes a need for improvement of the public for the public. But if voting belongs to the un-improved as well as the improved, it seems to remove the incentive for society to improve the illiterate. If public education aims solely at increasing the income of the pupils, why should all society join in paying for it? Why shouldn't the pupil pay for his own education, if the education is solely for his benefit? Assuming otherwise cannot be rational, much less right or just.

Furthermore, it assumes that a civic virtue and possibly a duty, has become a right. Exhaustive research in history and jurisprudence is not necessary to establish that voting has always been a privilege. Only in opinions by Justices of the United States Supreme Court can a different reading of history be found. And to find that in 1868 the States delegated away their rights to quality voters is not only a misreading of history, it is a misreading of the Constitution.

If voting is now a right, how about jury service? Do I have a right guaranteed by the Constitution to serve on the jury? And if I can serve on the jury, can a mere litigant or attorney peremptorily challenge my right to serve, and if they cannot, may I select the cases I choose to hear? So, is paying taxes a right? If so, can I determine the amount? Can the government now interfere with my right to pay taxes by assigning an arbitrary amount as my share?

This proliferation of "rights" found in the Constitution by Justices of the Supreme Court simply must be brought to a stop. The "right" to counsel has been extended to everyone, everywhere, in all types of cases. But now Justice Douglas has found in *Hackin v. Arizona*, 389 U.S. 143 (1967) a

"right" to non-counsel. And, of course, the Justices have found in the Constitution a "right" to possess and peddle pornography, [See *Smith v. Cal.*, 361 U.S. 147 (1959)] which has blown up to such proportions that the Justices themselves no longer know what is contained in the "right." [See *Redrup v. New York*, 386 U.S. 767 (1967).]

The newly discovered constitutional "right of association" [nowhere explicitly provided. *Cf.* Black's dissent in *Griswold v. Conn.* 381 U.S. 379, 509 (1965) concerning a constitutional "right of privacy" which he could not find in the Constitution] now prohibits States from protecting their citizens from unauthorized practice of law. See *N.A.A.C.P. v. Button*, 371 U.S. 415 (1963); *Railroad Trainmen v. Va.*, 377 U.S. 1 (1964); *UMW v. Ill. Bar Assn.*, 389 U.S. 217 (1967), Justice Black can find this "right" in the words in the Constitution!

Obviously the Court is not vindicating the Constitution in these absurd decisions; it is cheapening the Constitution so that the Constitution must get protection from the Court if it is to remain as our charter of government.

This one man-one vote "right" is such an absurdity. For the organized Bar to support and implement this sort of stupidity does not make it less stupid. Hence, if the best reason for scrapping the electoral college is this one man-one vote right, then no change in the electoral college is indicated.

III

It has been asserted by President-Elect Gossett that actually the electoral college was merely a temporary stop-gap to get the Constitution adopted, and now in this "age of speedy transportation, instantaneous communication and high literacy" the need for such a broad power of attorney by the voter to the elector is gone, hence, the voter should re-claim his right to select the President directly.

Of course, this premise is patently unsound historically. The Electoral College was a compromise, but it was not temporary. But even if it were, it does not follow that today is the time for this change, or that this is the change called for. If we do assume, however, that this is indicated, then we become the bald-headed peddler of hair restorer. If the individual vote is now to elect the chief executive of these United States, why does the American Bar Association utilize an indirect method of election for its President? What is there about the American Bar Association which makes the selection of its chief executive officer so different from the selection of a President for these United States?

IV

It shouldn't be assumed that the A.B.A. Plan is the only change proposed for the electoral college. It has been attacked several times. Among the proposed changes were those by the Southland Committee in 1878, the Lea Amendment proposed in 1928, and the Lodge-Gossett Plan proposed in 1948.

Interesting enough, however, this is the first time it has been seriously suggested that the President be elected by direct popular vote. Andrew Jackson recommended it in five of his messages to Congress. But no one else has seriously advanced it. The question naturally arises why it took the A.B.A. in 1967 to discover this system. If there is so much merit to it, why has it been so late in being advanced?

The Lodge-Gossett Plan of apportioning electoral votes to popular votes to two decimal places within the States has been by far the most popular plan advocated. This means that in Alabama, where there are now 10 electoral votes, they would be apportioned to the popular vote. Thus, if one candidate got 400,000 votes out of 700,000 votes cast, the candidate would get 4/7 of 10 electoral votes. The other candidate would get 3/7 of 10 electoral votes.

The trouble with this system is that it is complicated to compute, but worse than that, it gives most unexpected results. Under it, Nixon would have been elected over Kennedy in 1960 with 265.31 electoral votes to 264.12 for Kennedy. Furthermore, though Garfield had a greater popular vote than Hancock in 1880, under this plan Hancock would have been elected. So Bryan would have been elected over McKinley in 1896, though McKinley had 51% of the popular votes over 46.7% for Bryan. Even the election of 1924 changes complexion under this plan.

All of this goes to show that we should look before we leap into constitutional changes, even when advocated by the A.B.A.

V

It must be remembered that the present system for selecting the President was not worked out as the best or most logical plan possible. It was a compromise, and an obviously awkward and sometimes illogical system. But it was the only plan which had sufficient support to get the Constitution adopted. Hence, to engage in finding flaws in the present system now is not particularly brilliant. It wasn't thought to be flawless by those who created it. It was just the best that could be had under the circumstances.

1. When, however, criticism is made of the system, it should be valid. For example, the Commission criticizes the present system as containing a "winner-take-all feature which totally suppresses at an intermediate stage all minority votes cast in a state." Just how much less than all should the winner take? If the winner gets 50% plus one of the votes, does he serve 50% plus one day (or week or month)? There simply cannot be but one winner in an election and when the winner reaches that point (whether it is a ¾ or ⅔ or some other majority) he wins, and he has to take all when he wins.

The idea that the losing minority votes are *suppressed* is a strange observation. Who suppressed the minority votes? Those voting for the loser were a minority. They voted for their candidate and their preference was registered. Those voting for the winner, the majority, registered their preference. Every vote is counted. None are suppressed. But only the majority can win, and the minority must lose. That this process somehow *suppresses* votes, is a queer way to use words.

If there is any idea lurking here that minorities, say, in Alabama, are to be added to minorities, say in New York, and thereby become majorities, this will create chaos. In fact, it could be said that unless there are minorities in elections, there can be no majorities, and if there can be no majorities, there can be no winners. Therefore, we must create minorities in order that the majorities may be majorities and thereby give effect to the votes for the winners. How far should this sort of verbalizing be carried?

In every election there must be a majority and there must be a minority. The minority may be "right" and they may have our sympathy, but it is still a minority and nothing can be done about it. Hence, to complain about the winner taking all in the present system is without merit.

2. There is another complaint of the present system which is not valid. It is objected that in many States where Democrats and Republicans are about evenly matched, a small minority such as Negroes, or others, can and do control the electoral vote from that State. Hence, it is objected that this minority controls the election in that State. Therefore, it is argued the system should be scrapped. However, this is a rather superficial view of the election process. 50% plus one wins all elections controlled by majority vote. Which vote won the election? The one at the top, or the one at the bottom? The answer is, both votes won it, along with all the other votes. The only way to beat this system is to devise a system where 50% plus 1 does not win. To say that a minority won this election is to overlook the facts in the election. Suppose there are 49% Republicans and 49% Democrats, and 2% uncommitted. To say that 1% plus 1 of the uncommitted won the election is to overlook the 49%.

Furthermore, this sort of minority control would be true under the A.B.A. Plan. Suppose that out of 70,000,000 qualified voters there are 34,000,000 Democrats and 34,000,000 Republicans. This would make 1,000,001 votes controlling. Hence, would the candidates campaign only for these votes? If this premise is sound, this minority would govern the selection of a President.

3. It is also objected that since Alaska is sparsely populated, and cast only 67,259 votes in 1964 for 3 electoral votes, or some 22,000 popular votes per electoral vote, and Arkansas cast some 560,000 for 6 electoral votes, or some 90,000 popular votes per electoral vote, this present system gives popular votes in Alaska higher electoral count than in Arkansas, and somehow this is unfair. The idea is that one vote in Alaska should have the same weight for President as one vote in Arkansas. This, it is believed, is the real basis of the proposed change.

The fact of the matter is that the heavily populated States simply cannot stand having their power diluted by the Electoral College. But it was just this whittling down of the supposed power of the heavily populated States which made the adoption of the Constitution possible by the Constitutional Convention in 1787 and the adoption thereof by the less heavily populated States. Of course, Virginia (747,610 population), Pennsylvania (434,373), North Carolina (393,751), and the other States with larger populations, thought they should have more power than the less populated States, and they did not relish sharing this supposed power of numbers with the other States, but that simply was the price for these United States. Now to destroy this equalization of power would constitute a failure of consideration for the adoption of the Constitution by the other States. The complaint by the heavily populated States that the Electoral College denied them the influence they felt that their heavy populations warranted was true, but the exchange was negotiated fairly and squarely, and for the heavily populated States to reverse this now will very simply constitute a welching on the agreement made to achieve this Union.

VI

Finally, this A.B.A. Plan simply will not sell, at least to the less populated States. These States joined up with the heavily populated States only by having two Senators for each State, plus the Electoral College for selecting the President. That this gave the less populated States greater power in national affairs than their population might justify was precisely what was planned. This was the intention of the parties. A view at some figures today will show just how successful the plan was in accomplishing what was intended.

Alabama has approximately 2% of the voting strength in the Electoral College. New York has 8%, or four times Alabama's power in electing a President. But in 1964, the popular vote in Alabama was less than .9% of the total popular vote for President throughout the country. New York's popular vote was 10.2% of the vote cast throughout the country, or over ten times Alabama's vote. Alabama would hardly want to make that trade.

The figures on a few more States will also be enlightening.

States	Electoral vote	Percent of total electoral vote	Popular vote (in thousands)	Percent of popular vote
Alabama	10	2.0	689	0.9
Alaska	3	.56	67	.095
Arizona	5	1.0	480	.6
Arkansas	6	1.1	560	.8
Delaware	3	.56	201	.2
District of Columbia	3	.56	198	.2
Georgia	12	2.2	1,139	1.6
Hawaii	4	.74	207	.2
Idaho	4	.74	292	.4
Louisiana	10	2.0	896	1.2
Maine	4	.74	380	.5
Mississippi	7	1.3	409	.5
Montana	4	.74	278	.3
Nebraska	5	1.0	584	.8
Nevada	3	.56	135	.1
New Hampshire	4	.74	285	.4
New Mexico	4	.74	327	.4
North Carolina	13	2.4	1,424	2.0
North Dakota	4	.74	258	.3
Rhode Island	4	.74	390	.5
South Carolina	8	1.5	524	.7
Utah	4	.74	401	.5
Vermont	3	.56	162	.2
Virginia	12	2.2	1,042	1.4
Wyoming	3	.56	142	.2
Total	142		11,471	

The significance of this table is that it presents the voting strength of almost half of the States. The electoral vote from these amounts to 26% of all the votes cast in the Electoral College. But their popular vote was only 16% of the popular vote cast in 1964. Hence, the heavily populated States were not stripped of all the power inherent in their numbers. They still have 84% of the popular vote, and they have 74% of the electoral vote. Is that so bad that the less populous States must add to the strength of the heavily populated States?

Actually, it would seem that this is a fair compromise between overwhelming the less populous States with numbers and permitting the less populous States power in excess of the number of their inhabitants. Without this compromise the less populous States will lose all voice in selecting a President. If a candidate got all 11,000,000 votes in this almost 50% of the States, he would not have a majority of the popular or electoral votes. But if the A.B.A. Plan is adopted, a candidate would be foolish to campaign in these States. He must get a substantial number of the 84% of the votes in the other 25 States to win. He will campaign where those votes are, and it will be to the majorities in those States to whom the candidate will be beholden.

Why must the A.B.A. mount a campaign to crush even further half of the States in this Union?

Mr. TOWER. Mr. President, I have long felt that our electoral college system should be reformed. Both the proponents and the opponents of Senate Joint Resolution 1, the pending matter of business, have agreed that the present presidential election mechanism can be improved. I myself am a cosponsor of Senate Joint Resolution 12, the so-called district plan, which has been espoused for many years by my good friend from South Dakota, the honorable KARL MUNDT. In addition to this plan, I would support the so-called proportional plan, or the Katzenbach plan, which would simply make the electors automatic and, thereby, remove the problem of the faithless elector from the present unit rule system.

In my judgment, all of the above plans represent an improvement over the present system. The proponents of the direct election concept have taken the view that these plans represent a token effort to reform an antiquated and undemocratic system. This is, in effect, the crux of this debate—whether or not an electoral vote system is the most effective mechanism to insure that the individual we elect as President will serve under a popular mandate. Expanding upon this point, the reason why this debate is so crucial is simply because the type of mandate given to our President will determine how the entire federal system of Government set up by the Founding Fathers through the Constitution will be able to maintain and safeguard the institutions, traditions, and culture of the American experiment.

I strongly believe that the basic electoral college setup has been a major influence on the stability and growth of our political system. In our entire history, it has conclusively failed only once. In 1824, John Quincy Adams was elected President in the House of Representatives although Andrew Jackson had received a plurality of both the electoral and the popular vote. The minority report on Senate Joint Resolution 1, which I urge all of my colleagues to carefully consider, clearly documents the irrelevance of the results of this election with regard to the debate now ensuing in the U.S. Senate in the year 1970.

I do not intend to talk at length about the virtues of the electoral college system. They are uniquely documented by both the minority report on Senate Joint Resolution 1, as well as in the history books of this country. It is an imperfect system, as are all manmade systems. However, like democracy itself, it is the best system that we have yet been able to devise. While we may properly consider changes for improvement, we must be careful that what appears to be improvement will not actually prove to be detriment.

What I intend to speak about at this time, and what I feel should be the major concern in this debate, is what will happen if the United States abolishes the electoral college and opts for the direct popular election system. Theoretically the adoption of the direct election method will represent a disruption, if not the ruination, of our federal system of government. Under the federal system, our national political apparatus remains an extension of State and local mechanisms. In fact, there are 50 different Republican parties and 50 different Democratic parties. Each of these parties operate under the jurisdiction of the various State election codes. The 50 States also regulate the procedures which must be followed by any minor party which desires a ballot position. This format has, in my opinion, provided the stabilizing factor in a system which is truly unique when compared to the unitary system of Great Britain or the confederate concept which we attempted under the Articles of Confederation.

To my knowledge the proponents of direct election have not yet spelled out how the existing State election procedures would operate if we were to adopt a system of direct popular election. It would seem to me that if we did "nationalize" the presidential election system we would, in turn, have to adopt uniform national election codes. This curtailment and abandonment of the State and local prerogative will, as I see it, lead to the deterioration of national political parties whose strength and stability have been maintained by local political apparatuses.

In other words, the direct popular method will bring about the destruction of the uniquely American two-party system. This is the practical aspect of this debate. If we believe that this two-party system has served the Nation, then we should retain in some form the electoral college and defeat the pending direct election resolution. If we believe that this Nation's future can be better served by a multiparty system, then we should get about the business of passing this resolution and sending it on to the 50 State legislatures for ratification.

Mr. Richard Goodwin, former assistant to both Presidents Kennedy and Johnson, has forcefully presented a clear picture of what might happen should direct elections become operative. In his appearance earlier this year before the Senate Judiciary Committee, Mr. Goodwin stated the following:

> Direct election may very well destroy these stabilizing attitudes. Groups united by general conviction or common interest could well see advantage in forming a new party. Even if they only organized in a few States, such groups could use a new party to maximize their power. They could bargain with the major party or party candidates for endorsement. They might offer to withdraw in the middle of the campaign in return for concessions. They might run candidates in the hope of forcing a runoff election where their support would be vital. This could be a very fruitful course based on our history because 15 of our Presidents have been elected with less than a majority of the total popular vote. Almost half of our elections, therefore, have been contests in which a third party could theoretically have held the balance of power.

Now the proponents of direct election maintain that the effects of Senate Joint Resolution 1 would simply extend suffrage without jeopardizing the political structure of the country. They point out that the direct election system, if it had been operative throughout our history, would have only failed in 1860 when Abraham Lincoln received 39.9 percent of the popular vote. In all other elections, a candidate has always received the minimum 40 percent required for victory under Senate Joint Resolution 1. This is indeed true. However, one distinction should be emphasized when this line of reasoning is used—and that is simply the fact that the mere presence of the electoral college system has discouraged minor parties from running strong and effective campaigns. Again, Mr. Goodwin makes this point quite clear:

> During the 1968 campaign I had many talks with men interested in bypassing the Democratic Convention and beginning a third party or a fourth party. They had made a complete survey of election laws and ballot requirements.
>
> Logical or not, the argument that no State could be carried and thus the probable result would simply be to increase Nixon's electoral vote was strong enough to deprive the movement of much of its force. Given the outcome of the party conventions, had there been direct elections there would very likely also have been an antiwar party. And the possibilities for the future are unlimited.

Direct election might well bring us a farmer's party, a senior citizen's party, a black party, and other groups coalescing around common interest and beliefs.

Mr. President, the proponents of Senate Joint Resolution 1 have proposed a simple system to replace the electoral college. However, the ramifications of this new system are extremely complex and deserve the careful scrutiny of this body. I fear that the new system could result in the disintegration of our broadly based two-party system. In place of the two-party system will be substituted a party structure similar to that which exists in the State of New York today; in New York State, the two major political parties must depend on the support of the two minor political parties in order to govern. The situation on the national level would be much worse. This country is diverse enough so that a variety of parties would spring up. These parties would develop on either sectional, or ideological bases, or even for the purpose of promoting a single idea. The proliferation of these national minor parties would naturally lead to their establishment on the local level and, thereby, complete the cycle resulting in a multiparty system. This does not occur now because of the built-in safeguards of a system that has worked astonishingly well, I think: the electoral system.

While I must reject any plan which places direct election as the first step used to determine the election of the President, I shall remain flexible on alternative proposals which retain the basic electoral mechanism. It is quite easy to discern why direct election has the support it now has. It is by its name, as well as its nature, a popular proposal. I realize the appeal which this resolution has, but I am confident that the arguments which have been presented against the amendment are meritorious.

ELECTING THE PRESIDENT

Mr. GORE. Mr. President, much has been said during this debate on the manner by which we elect our President and Vice President, the mechanics of the process. The matter has been debated for years. The present debate was intense in the House. It has been thorough in the Senate. It is time, I believe, to vote.

And so, I shall not long detain my colleagues. I do wish, however, to state my own views on this matter, particularly so since the Senate may not bring this resolution to an actual vote. I favor a vote on the merits of the amendment and I shall vote for cloture on tomorrow.

Democracy in principle we surely subscribe to, and we would hotly deny any accusation to the contrary. But democracy in practice means different things to different people, if we are to take seriously some of the things which have been said in the Chamber.

The one absolutely essential ingredient in political democracy, so far as I am concerned, is the equality of each qualified citizen when he exercises the right of the franchise. When a citizen is eligible to vote, and he does choose to vote, his vote must be given the same weight as the vote cast by each of his fellow citizens who votes. Any mechanism designed to defeat this equality of the ballot is wrong. And any government which fosters such a mechanism falls that much short in its pretensions to democracy.

Unless the will of the people can be determined and maintained through the electoral system, there is no such thing as popular self-government. Such popular will cannot be determined absolutely, or even approximately, without a rigid application of the principle of one man, one vote. This principle is no longer endangered by violations relating to the casting of ballots, the counting of ballots, or the secrecy surrounding balloting. Instead, we find the ballots cast for the highest office in the land being given unequal weight through an antiquated, outmoded, and dangerous piece of politican machinery which does not function as it was originally intended that it should, and which, indeed, never did so function.

I have been proud of the march toward democracy. The United States has lead the way among the nations of the West. But we must keep moving forward.

We need to extend the vote to 18-year-olds.

We need to allow our highly mobile electorate to participate in presidential elections without having to fulfill the lengthy residence requirements currently in force.

We need to abolish the creaking antiquated college of electors.

The abolition of the electoral college and the substitution of the direct election of the President and Vice President is the matter now before us. Let me repeat, I believe we should proceed with a vote.

True, we need political machinery. We need political parties, for example. I would not for one moment want to weaken our national political parties or move to a multiparty system. For that reason, among others, I do not support nominations for President by national primary elections. We still need the party convention to winnow out the score of contenders. We must improve our convention machinery, but that is another subject.

What we are talking about now is one-man, one-vote applied across the board nationally in the selection of men to fill our two highest offices.

What are some of the objections which have been raised?

Some fear any change at all in our Constitution. For them, the Constitution seems immutable. But this is not a correct view. Those who wrote the Constitution and put it into practice knew succeeding generations would need, and make, changes. Specific provision for orderly change was written into the document.

Some fear a diminution in the power and prestige of the smaller States. As Senators all know, several compromises were necessary when the Constitution was adopted. The association of the individual States under the Articles of Confederation was a fragile thing, and the mechanism of the electoral college, among other nonrational compromises, gave the small States the necessary feeling of protection as they entered into a more permanent and more solid type of organization with their larger and more powerful neighbors. Surely our Nation and its Government are strong enough now to withstand the shock of this small readjustment to rationality and to democracy.

Some fear the control of the densely populated cities over the less populous, but somehow more virtuous, countryside. What degree of proximity to one's neighbor determines virtue, or predisposes to venality? Are the people of Maryland, who gave us the current Vice President more virtuous, because their State is less populous, than are the people of New York or California? I must include both New York and California to make this point, since I am not sure which State now claims President Nixon. Perhaps both.

I submit, Mr. President, the fears which have been expressed here and in some segments of the news media around the country are groundless.

The electoral college system offers no assurance that the candidate receiving the most votes will become President. A President could now be elected by the electoral college by obtaining the barest plurality in our 12 largest States, and he would not be required to obtain a single vote in the other States, or to give heed to the problems of their inhabitants. Direct election would assuredly come closer to giving the majority the man it had selected.

Elimination of the electoral college eliminates the possibility of defections by electors. In these days of astronomical costs for election campaigns, it is not inconceivable that a few hundred thousand dollars might one day be spent in purchasing a handful of votes in the electoral college.

But the gravest danger in the present scheme of things is the scandalous manipulation which would be possible should a third party candidate throw the election into the House of Representatives. Have we so soon forgotten the panic caused by Governor Wallace in 1968?

Mr. President, I urge Senators to vote for cloture and then to approve this joint resolution. Let us not fear to move forward.

ORDER OF BUSINESS

Mr. McCLELLAN was recognized.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, without the Senator losing his right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arkansas is recognized.

Mr. McCLELLAN. Mr. President, the senior Senator from Arkansas supports electoral reform. But the pending measure would not reform the system of electing our Presidents. It would destroy

that system. In its stead it would create a monstrosity that augurs ill—if not the end—of our Federal structure as we know it.

Simply stated, the proposed direct election amendment abolishes the electoral college and would provide that the pair of candidates for President and Vice President receiving the greatest number of popular votes shall be elected if they get at least 40 percent of the vote. Further, if no pair received that magical percentage, then a runoff election would be held between the two pairs receiving the highest number of votes.

That is all there is to it, Mr. President. A very simply, straightforward formula. Indeed, the apparent appeal of the direct election amendment is its simplicity. Beneath that simple facade, however, is a concept fraught with the potential for mischief of the gravest consequences. The adoption of this amendment would lead to the destruction of our two-party system; the elimination of the role of States in the election process; the elevation of the Federal Government to a position of complete control over elections; the creation of mass confusion; the undermining of the stability of our governing process; the enlargement of the potential for fraud; and the emergence of mass media appeal as the best—if not the only requirement—for election to the office of President.

The proponents do not bother with the details about how the proposal will work, instead they rather blindly—albeit sincerely—assume that the thing will work itself out. We are not told for example how the candidates will be chosen; how they will qualify; how contested and challenged returns will be handled; what happens if three, or even four pairs of candidates receive an identical percentage of popular votes below the 40-percent cutoff; or how the runoff will be conducted; but perhaps these are only minor problems when viewed in the context of the destruction of our delicately balanced federal system.

Indeed, one could speculate for hours on end about the potential of this amendment. And, we are reduced to speculating Mr. President, because the truth of the matter is that no one really knows how the proposal will work or, for that matter, if it will work at all. It is interesting to note that the idea of direct elections—although proposed as early as 1826, nearly a century and a half ago, has not gained sufficient appeal in the intervening 144 years to warrant adoption.

It has been dragged out again now, ostensibly for two reasons; to overcome the faithless elector and to perpetuate the idealistic conception of equalizing the weight of an individual vote.

But as in the case in many instances when a problem arises, real or fancied, we are confronted with a proposal that in essence is an overreaction. If the faithless elector is the problem—and this seems unreal since out of 16,000 electoral votes cast in our Nation's history, violations have occurred in less than a dozen cases—then it could easily be cured without abolishing the whole electoral college.

If we are striving for more equal voting weight, then why not seek this end within the existing framework of the electoral college?

More equal voting weight could, for example, be obtained by the adoption of a system to select electors from districts within the States much like the Members of Congress are now elected.

In fact, I think the same congressional districts could serve for that purpose.

But to destroy the entire system for two alleged and readily correctable faults seems to fly in the face of all reason and justification.

Presently the electoral college is the instrument—and the heart—of our Federal election system. Having the exact numerical counterpart of the members of the Congress, it is a clear reflection of the federal system. It recognizes the role of the States by assigning each at least two votes, and it takes into account population variations by adding further votes on the basis of representation in the House.

Mr. President, it is this uniquely and delicately balanced mix of States and citizens that stabilizes America's national politics and Government. It assures the rights of reasonable majorities and yet protects the rights of our minorities.

Each of the two major parties and their candidates are virtually forced, under the present system, to deal with the varied and diverse interests of our States. They must rely on State organizations which, in turn, draw their support from the individual and collective interests within the States. These respective interests are drawn together and homogenized through the national party machinery to emerge with a compromised but workable consensus, reflecting the interests of all, and moderating the extremes of the few. This is the essence—the strength—and the appeal of our present two-party system.

Just the opposite will prevail under the direct election approach. Under that system, the States and their party apparatus will no longer play a part—they will be ignored in favor of nationwide appeals to special interests groups because it will be sheer numbers—and numbers alone—that will count—that will dictate and govern the candidates and their positions under the direct election system.

The voice of the States will be effectively and forevermore silenced if we select our national leaders on the basis of direct elections. State lines will be obliterated and of absolutely no value. Presidential campaigning will focus on the major metropolitan areas for that is where the votes are and it will be these people who will decide and control future elections.

It should be noted, Mr. President, that 15 States would gain in political power under the popular-vote plan while 34 would forfeit power, and only one—Oregon—would experience no change. Moreover, under the new proposal, the nine most populous States in the Union could well control presidential elections. In 1968 these States—California, Illinois, Indiana, Massachusetts, Michigan, New Jersey, New York, Ohio, and Pennsylvania, had 51.88 percent of the popular vote, and in 1960, they had 55.91 percent.

My own State of Arkansas would suffer a drastic loss of political power. In 1968, that loss—that is, the difference between the electoral voting strength and the popular vote—would have amounted to 25 percent, and 1960 it would have amounted to 40 percent. Mr. President, I am not talking about some power or advantage allotted to my State by some political boss. I am talking about the voting strength duly accorded to Arkansas and to all other States under the electoral college system which is founded upon our notion of federalism. Once that restraining influence is lost or diminished, then we will be cutting away the foundation of our Government and our political process.

Passing fancies—momentary moods—and instant ideologies will be the target under the new system. The long view—the broad perspective—that innate sense of responsibility and appreciation for a continuum in Government—that indefinable but special quality that underlies today's major parties, will give way to efforts to capture the capricious spirit of the times, however fleeting, and however limited.

Emotionalism, extremism, and specialism will become the order of the day, as minor, self-oriented, special-interest groups spring forth across the country, seek a momentary national welding, and vie for political attention.

Beginning as small waves, these self-serving groups could gather enough strength and support to rock the ship of state, alter its course, and set its sails toward the sea of oblivion.

Governmental instability may well be the price that will be exacted by the institution of the direct election system, as the ardor of the quest for political advantage among the masses heats up in the campaign. The forging of momentary majorities that could possess the strength of tyrants may well result, and, when power supplants reason, it is the minorities who will suffer.

Mr. President, all of us are members of one minority or another. And it appears that it is the minorities who will suffer under the direct election system. How can their voices be heard, how can they hope to survive in the face of the juggernaut of sheer numbers? Today all minorities seek refuge and recognition by the major parties. Under the direct election system they may well be forced to square off one against the other and thus dissipate whatever strength and whatever merit their causes may have.

That could well become true of the several States. The small States would have to unite in large numbers against the others.

With the voice of the States silenced and shunted aside, the control over national elections will then pass into the hands of the Federal Government. And this situation was characterized during the hearings in the following way:

It is impossible to go to the system of direct voting without that being followed by other Federal Controls of our elections, and what other things I know not. But if we are

to have direct election of presidents, we obviously will have to have Federal election laws covering the times and places of voting, qualifications of voters, and the enforcement of election laws.

We clearly would have to set up a Federal bureau of elections to hold and supervise all presidental elections. We would have to have Federal clerks, Federal counting boards, Federal snoopers, and I suspect we would end up with not less than 25,000 additional Federal employees to run our elections. We will have Federal inspectors and Federal clerks of election, Federal counting boards in every county and sizable municipality within the United States.

The operation of such a plan, obviously would require a Federal compilation of voter lists. In other words, a list of all citizens entitled to vote. And once we have started down this road, how long will it be before there is a movement for a nationwide Federal referendum on the Acts of Congress utilizing these same Federal voting lists; and how long before we will have initiative proposals from these same voting lists; and how long will it be before there will be a campaign to the effect that these little States are not entitled to two senators but senators should be proportioned to the number of voters in the State?

In other words, do we change the basic government of the United States of a republic of sovereign states into a nationwide democracy knowing that attempted pure democracy throughout history has sown the seeds of its own destruction?

Little wonder, Mr. President, that some of us are apprehensive over the pending proposal.

We do not know, for example, how the runoff will be held, but obviously it will also have to be held under the auspices of the Federal Government. With 180,000 polling places in the United States, how long will a runoff take? Suppose there are allegations of irregularity and of fraud? Suppose one candidate challenges the returns from 100 polling places—might not his opponent challenge an equal number in another 100 places in still another section of the country. Would this necessitate a total nationwide recount? The possibilities are staggering. And so are the opportunities for pressures and fraud.

Certainly these same pressures and opportunities exist today, but only in a very limited and minuscule way. Under today's system of local control, the problems, if any, are localized, and readily discernible and correctable.

Prof. Charles Black of Yale has described the direct election proposal, if adopted, as "the most deeply radical amendment which has ever entered the Constitution of the United States."

Mr. President, I share this assessment and urge that the pending direct election amendment be defeated.

THE DISTRICT PLAN

Mr. President, I have previously stated my support for reform of the electoral college system and, have previously cosponsored Senator KARL MUNDT's district plan.

In general, the district plan would preserve the electoral college, but would eliminate the present procedure of giving a State's entire electoral vote to one candidate. Electors, equivalent to the number of Representatives in Congress of each State would be chosen by the voters, one for each congressional or other district, and in addition, two (equivalent to the State's two Senators) for each State at large. Each candidate for elector would be required to declare the persons for whom he would vote for President and Vice President and the declaration would be binding, thus, in effect, eliminating the independent elector. These electors in each State would meet and vote and the tallies for all persons voted for sent to the President of the Senate. The candidate receiving the highest number of the total votes from all States and the District of Columbia would be elected providing he had a majority. Failing a majority the Senate and the House, meeting jointly, would elect a President from the top three candidates.

The proposal would thus eliminate the unit-rule system, the independent elector, and the method of voting by States in the House of Representatives should no candidate for President receive a majority of the electoral college vote.

Casting of electoral votes by district would not be new in the United States. When State legislatures began in the late 1700's and early 1800's to provide for popular choice of presidential electors, it was normal for electors to be chosen in districts similar to congressional districts. James Madison has been quoted as saying that the district system was the one "mostly, if not exclusively, in view when the Constitution was formed and adopted."

Under the district system, popular vote results would tend to be reflected more accurately in electoral vote results than they are under the present system. Generally speaking, any group of voters capable of electing a Representative to Congress would be able to win electoral votes. Electoral vote results would not be distorted—and the majority of the winner exaggerated—by the practice of awarding all the electoral votes of a State to the party winning a plurality of popular votes. The proposal would eliminate the unit rule of winner-take-all system in each State. In at least 12 of the 13 presidential elections between 1916 and 1964, the district system would have reduced the electoral majority of the winning candidate and increased the electoral votes of his opponent. In one instance—1960—it would have changed the result of the election.

Under most circumstances the district system would prevent the election of minority Presidents. To the extent that popular strength was reflected in electoral votes, the possibility of a wide disparity between popular and electoral votes would be reduced. A large popular majority in a State would not be wasted. A winner of a bare plurality would not take all.

In addition, the requirement that districts be "composed of compact and contiguous territory, containing as nearly as practicable the number of persons which entitled the State to one Representative in Congress" would virtually eliminate malapportionment among districts and reflect more accurately popular will. Equal weight, based on population, would be given to urban and rural districts.

Furthermore, under the district system each voter would vote for only three electors rather than for all of the electors in his State as under the unit rule. There would be less difference in the value of each voter's vote among States.

The district system would limit the possible electoral effects of local frauds, bad weather, intense local issues, and other accidental circumstances.

Similarly to proposals for proportionate distribution, the district plan would preserve the present provision for relating electoral votes to population; the total electoral strength of a State would not vary with the relative size of the popular vote. The plan would provide an even more effective limitation of the effects of local frauds, et cetera, than would proportionate distribution of electoral votes. Under the district system, unusual circumstances in one local area could only determine the disposition of the electoral votes for the district and the State at large. With proportionate distribution, it would be possible for such circumstances to affect the total vote of the State.

By eliminating the unit rule, the proposal would consequently save large blocs of voters in a State from being disfranchised for having amassed a total statewide vote for a candidate less than that of the winner.

The district system would be more favorable than the present method of election to the establishment and maintenance of the two-party system. In any areas of a so-called "one-party" State which are now sometimes represented in Congress by members of another party, that other party would be encouraged by the district amendment to seek electoral votes for its presidential candidate.

The district plan would not be likely to encourage any undue growth of third or splinter parties. In order to win any electoral votes, the supporters of a third party would have to carry separate congressional districts. A third party would have little hope of diverting more than a few electoral votes from major party candidates. The district plan would not, as proportionate distribution would give electoral votes to a minority group thinly scattered through a State.

The district system would provide greater protection for the political power of small and sparsely populated States and areas. It would reduce the power of large, "doubtful" States to exert excessive political influences. With the possibility of dividing the electoral votes, it would be less important than it is now for a presidential candidate to come from one of these "key" States. It would be less likely that the "pivotal" States would carry undue weight in the development of national party programs, or that they would claim disportionate attention during the campaign.

The district system would place a check on the political power of large cities, and especially of certain pressure groups within those cities. The voters in the cities would not be able to control all the electoral votes in a State. At most they could determine their own electoral vote and the few electoral votes cast by

the State as a whole—for Senators and Representatives-at-large.

Small or sparsely populated States would not be deprived of the advantage they now possess in the distribution of electoral votes regardless of the size of its population.

The district system would diminish the excessive political importance of larger, doubtful States, and would encourage major parties to select candidates and seek electoral votes elsewhere throughout the country.

The district system would tend to equate the political pressures on the President with those felt by Congress. Votes would be cast for President and Vice President and for Members of Congress by the same voters in the same district at the same time. The main difference would be that electoral votes would be cast in a body and one-third of the Senate would be chosen at that time. Responsibility to virtually identical constituencies might foster harmony between the President and Congress.

By preserving the electors, the district system would not involve any unpopular threat to the role of States in the presidential election or to State control over voting qualifications. The present power of the States to set standards for voting would not be disturbed. The only change authorized would be a positive one, the incorporation into the Federal Constitution of a provision permitting States, at their discretion, to reduce residence requirements for voting, by new residents, in the presidential elections.

The district amendment would not create any unwanted precedent for proportional representation in Congress. It is unlikely that any party unable to elect representatives to Congress would be capable of winning electoral votes. Electoral votes would be mathematically proportionate to popular votes only if popular votes happened by chance to be distributed among districts in such a way as to produce that result.

The requirement of compact, contiguous districts of nearly equal population need not, under the developing state of the law, necessarily result in the creation of electoral districts different from congressional districts. With the Supreme Court decision in *Wesberry* v. *Sanders*, 376 U.S. 1 (1964), congressional districts within a State are now required to be substantially equal in population.

By, in effect, binding the electors, the proposal would eliminate criticism directed at the current system. Bound electors, unable to be independent, would accurately reflect the popular will.

The district plan would thus seek to correct the inbalance and inequities complained about in the present system. But while the direct election proposal would destroy the present system for a totally untested and unpredictable system, the district plan would retain and perfect the system that has worked so well for so long.

Mr. President, the complex and difficult process of amending the Constitution was deliberately conceived by the Founding Fathers in order that we would not rewrite that great document in moments of haste, or atmospheres of undue pressure and passions. In short, it is not a task to be lightly undertaken.

An article in the New York Times magazine of November 23, 1969, viewing the direct election proposal from this perspective stated:

One cannot casually tinker with the political origin of the nation's most important governmental institution without also affecting its powers, its ideological complexion, and the quality of its leadership. . . . Despite the fact that constitutional reform is the chanciest kind of political surgery, this nation, on this occasion, seems willing to operate upon its Constitution without much fear or trembling. In a way, this dogmatic self-confidence is itself the most interesting. the most revealing, and the most frightening aspect of the entire episode."

That article, incidentally, was entitled "A Bad Idea Whose Time Has Come."

Testifying before the Judiciary Committee, Richard N. Goodwin, former assistant to Presidents Kennedy and Johnson addressed this issue as follows:

The American Constitution is the foundation of the oldest system of government in the Western World. One of the reasons for its stability has been our unwillingness to change it except when malfunctions had already occurred or abuses had become so manifest that there was widespread and continuing public demand. Today, we propose for the first time to amend the Constitution simply because we think something might go wrong at a future date. We will exchange a mechanism which is clumsy but has worked for an ideal construction of political theory whose consequences can't be foreseen. This, it seems to me, places a heavy burden of proof on the proponents of the measure. For it is difficult to predict the results of structural change in our democratic institutions. It is not enough to demonstrate that direct elections will probably be an improvement. It must be shown beyond all reasonable doubt that the adverse consequences which are predicted by many, including myself, will not occur. I do not believe that this burden of proof can be sustained."

In an article entitled "Electoral College Finds a Defender" appearing in the October 5, 1969 issue of the Washington Post, Mr. Goodwin, commented in a similar vein on the direct election amendment as follows:

Nothing could be more startling or instructive than the unanimity with which the Establishment of politics and media is rushing to embrace a constitutional amendment which might unhinge the entire political structure. For there is good reason to believe that direct popular election of the President might end that two-party system which has helped make the United States the most able and long-lasting democracy in the history of the world.

Coming as it does, at a time of deepening national division and ideological strife, that result is even more likely. Yet this immense possibility—a likelihood in my judgment—has been barely mentioned in the curiously muted debate over a proposal to change a constitutional system which has worked well for two centuries.

There is, one must admit, the theoretical possibility that a presidential candidate could receive the most popular votes while his opponent won the most electors. Yet in almost two centuries, this has only happened once—in 1888, when Grover Cleveland lost the election to Benjamin Harrison. Even then, Cleveland's popular edge was only 100,000 votes hardly an overwhelming popular mandate.

If the system has been accurate for over 80 years, it is even more likely to work in the future. For television and other mass media operate to make an election more than ever an expression of a national mood rather than of differences based on state lines. Thus the direct election proposal violates the single most important rule of constitutional amendment: If something is working, don't change it.

We have never before amended the Constitution in anticipation of possible abuse or on the basis of abstract theory. Only after an abuse has manifested itself, and usually after considerable public pressure, have we acted, and even then with reluctance. Surely this is one of the reasons why the American Constitution has endured while more volatile republics rose and fell.

We must remember that no one really knows why this curious mixture of pure democracy, sectional power, protected interests and divided governments has lasted so long. That ignorance should give us pause before we begin to tinker with the mechanism of the Republic on the basis of abstract democratic theory.

The possibility of multiparty activity is as much a matter of the psychology of presidential politics as of pure reason, which is probably why it is so little discussed for relatively few of those involved have had direct experience in presidential campaigns. Yet I believe that our history combines with modern experience to demonstrate that the inability to receive any electoral votes has been a powerful deterrent to third and fourth and fifth party movements.

If this is so, then direct election could not come at a worse time—when the tendency to political fragmentation and ideological division is reaching new heights. This, to me, is the central issue of reform and deserves the most serious consideration. (It will always be possible, of course, for a new major party to emerge; that might well happen in 1972, for the first time since the 1850's.)

Other objections to direct election have been rather fully discussed. No great principle is involved in the speculation that it might increase the importance of small states. Purely as a matter of interest, however, I believe that those who anticipate such a consequence would be seriously disappointed.

Most presidential campaigns are directed at a "swing vote" of about 10 to 20 per cent of the electorate. Any candidate in search of those votes must focus his money and efforts on the large states, for that is where the people are and where the most volatile is to be found.

In 1968, about half the total vote for the two major candidates came from just seven states. A change of less than 1½ per cent in those states would have canceled out Richard Nixon's entire Southern margin over Hubert Humphrey. No political strategist could wisely advise a candidate to take the slightest risk in the big states in order to pick up a few Southern or border states.

"Thus if direct election is approved, the proponents of the "New Federalism" will preside over the dissolution of one of the few remaining levers which less populated sections have on national politics. This may be a healthy thing, but it always helps to be clear about what you are doing when you change the Constitution.

Finally, with regard to the nature of the electoral college Mr. Goodwin observes:

The electoral college has not only faithfully reflected the popular will; it has usually strengthened it by giving a candidate with a narrow popular margin a far larger electoral mandate. Against this historical experience is now set the argument that the electoral system offends the theoretical democratic principle of "one man, one vote."

This is certainly so, at least in abstract

possibility. We must remember, however, that this is not the uniform principle of our government. The Supreme Court, with its power to overrule President and Congress, is responsible to no electorate. And its insulation from popular will have helped strengthen it to protect popular liberties.

A Senator elected by a few hundred thousand votes in Idaho has as much power over national affairs as a man selected by several million citizens of New York. Yet the Senate has often been a more liberal and principled body than the House. Men like the Secretary of Defense, whose power over our lives far exceeds that of most of our earlier Presidents, are appointed and removed by one man.

Our national government is not a pure democracy, nor does anyone suggest that it should be. None of our institutions of governments acts exactly as the Founding Fathers expected. Yet they have managed to evolve some kind of enduring and relatively fruitful harmony.

The system is not perfect, and I believe we need some fundamental changes. But when we are asked to change an institution as basic as the Electoral College, the only relevant questions are practical ones. How is it working? What are its functions? What will be the consequences of change? To act on the basis of rhetoric about pure democracy may have threatening consequences for the future of our actual democracy, and would be in a spirit foreign to the institution itself.

For all the influence of mass media and fast planes, we are still a continent, sheltering diverse peoples with very different ways of living. The Electoral College has been one of the institutions tending to strengthen the curious, irrational and frustrating political system which has held us together. Before embarking on the irrevocable course of abolition we should be sure that we understand and are willing to risk the possible results.

Mr. President, the direct election amendment has been characterized as a means of obtaining a true reflection of the popular will—a means of obtaining a popular mandate to govern. The 40-percent plurality provision of the amendment seems, therefore, somewhat inconsistent with this laudatory aim. Why only 40 percent—why not a majority—why not 50 percent?

I supported an amendment offered by Chairman JAMES EASTLAND of the Judiciary Committee to change the 40-percent plurality requirement to 50 percent of the total popular vote cast. That amendment failed by a vote of 9–7. Senator EASTLAND has now offered that amendment on the floor and in so doing explained:

There are many theoretical and practical reasons for the adoption of my amendment.

In theory, the requirement that candidates receive at least 50 percent of the vote in order to be elected is preferable to the 40-percent plurality requirement. The stated purpose of this constitutional amendment is to place directly in the hands of the voters all power in the election of the President and Vice President. Another stated purpose of the amendment is to give effect to the "one person-one vote" rule and make it apply to presidential elections. The goal of these purposes is to assure that the national popular will is expressed in the selection of the President and Vice President.

Surely, these purposes would be better served by making certain that the President and Vice President represent the will and votes of a national majority, not merely a national 40-percent plurality.

The 40-percent-plurality rule could easily result, not in the expression of the national popular will, but its perversion. Under that system candidates for President and Vice President could be elected whom a clear majority of the American voters expressly wished to be defeated. In order to illustrate this point, and without dealing in personalities, one can examine the results of the last presidential election and make reasonable speculation about the 1972 presidential election.

Suppose that the 40-percent plurality is in effect when the 1972 elections are held and that the candidates are President Nixon, the Democratic nominee, and a candidate of the Urban Coalition Party or a Peace Party. Let us further suppose that the thrust of the Democratic campaign and the third party campaign is that the President has failed to deal adequately with important foreign and/or domestic problems. The basic thrust of the Nixon campaign would be that the President has done a good job in dealing with these problems.

These are not unreasonable assumptions. If the results of that election give President Nixon 43 percent of the vote, the Democratic nominee 42 percent of the vote, and the third party candidate 15 percent of the vote. President Nixon would be reelected. Would this be an adequate expression of the national will? In my judgment, it would not.

Mr. GRAVEL. Mr. President, I endorse Senate Joint Resolution 1 and the direct popular election of the President of the United States. I do not do this in blind pursuit of a slogan, but because I believe the direct election of the President is a logical and important extension of the idea of our democracy.

It is not necessary for me to recount the shortcomings and the dangers of the existing electoral college system. Many, if not most, of my colleagues opposed to the direct election of the President acknowledge that some change in the present system is required.

Those who would stop short of the direct election approach in the reform of the election process seem to assume that intervening mechanisms like the electoral college are required in the election of the President because the results make it easier for the losing presidential candidates and the people to accept the outcome—that is, that a small margin of victory in the popular vote becomes translated into a large margin of electoral votes in the present system and therefore makes the outcome more "decisive."

They conclude that recognition of the existence of States in the election of the President through a system which takes into account States as well as population must be preserved because of some inexplainable genius to the process.

I recognize that it is not possible to predict with precision all the possible ramifications to our political institutions of changing to the direct election of the President. Those who point out that the compromise process of the electoral college has worked for 184 years have a compelling argument. The system has worked; power has transferred peacefully from President to President and from party to party.

Parties have emerged and parties have disappeared within the context and we have grown to in excess of 200 million people. The system has survived a civil war and several external wars and internal depressions, and we have become the most powerful Nation in the world—in every way that power can be measured. Within our political system, our economic system has blossomed and we have more individual and collective wealth than man ever before enjoyed.

It is important to acknowledge the success of the past, but that neither pinpoints the cause of success nor argues that we cannot make the system even more responsive in the future. I am convinced that the electoral college standing between the people and the election of their President, is not the cause of, or a necessary condition to, our success. Indeed, I believe our current system has a dangerous potential for frustrating the popular will through willful actions by the nameless men who serve as electors.

We can easily overstate our success also. Despite the many achievements of our electoral system, it is clear we are beset by problems and are in a period of reexamination. Basic tenets and approaches throughout our society are being called into question. Energetic voices point to our failures, and rightly so, for example, in our treatment of poverty, in our inability to resolve international issues without bloodshed, in responding to the needs of our minorities and in our despoilment of our environment.

In dealing with these problems and with others many of our old ways and practices are inadequate. Unlike some, however, I take pride and I find comfort in the questioning voices and the resultant tumult. Not because I do not enjoy peace and quiet, but because the viability of the whole idea that the people's voice is important, is being demonstrated.

As a people we are not content with our prosperity, we are agitated by large human issues, and that tells me that as a people we are very much alive and that we believe our voice can influence decisionmaking power. In my view, this is the essence of democracy.

If I were convinced that our citizens did not really care about what happens or that their judgment has been jaded either by time or custom or success, I would have difficulty endorsing more direct participation by the people in the selection of the President. The ferment in our society leads me to the opposite conclusion. However: I conclude that the people do care, that they want to be involved and I believe they should be given every opportunity to do so.

Recent polls reveal that an overwhelming number of our people want a change to direct popular election and the extraordinary vote in the House certainly is endorsement of the proposition. We should not deny these expressed wishes unless we are convinced that direct election of the President is mischievous or contains potential destruction of the democratic process.

I for one am convinced of neither. I find it hard to understand that a practice that provides for direct expression of the poplar will is less desirable and more fraught with peril than an alternative system that is designed to filter that will and even at times to frustrate it. I submit that in the test of 200 years, our people have demonstrated their ability

to choose directly those whom they want to govern them.

Part of the genius of our political system is that it does provide for change in the fundamentals of the system itself. We are presented the opportunity to make a fundamental change and I believe we should seize it. Our federal system is a good one and the States are essential to it, but I do not believe that the States should be given primacy in the process of electing our National Executive. The President is the only elected official who speaks for all the people and he should be chosen by the people. Those of us in Congress may legitimately have more narrow or sectional interests, but the President must speak for the national whole.

I find a logical shortcoming in arguments that the equality of each person's vote—one man, one vote—properly applies to the election of Governors who have State constituencies, to Senators who also have State constituencies and to Congressmen with district constituencies, but not to the President who has the national constituency.

I represent the least populous State in the Union. I am not persuaded on this question of improving the presidential selection process by the argument that Alaska will lose an advantage if the electoral college is superseded by direct popular vote for the President. In no past election can I find evidence that Alaska would have served as a balance wheel of national power. And I personally see no justification in the argument that the vote of an Alaskan should count for more in the election of a President than the vote of one who resides in California. The principle is patently unfair. I see no parochial advantage to Alaska in retaining it. I see no difficulty for Alaskans in changing it.

On the question of presidential election, I speak not only as an Alaskan but as an American and a member of the larger constituency.

I believe that basic change is only possible in a time of change, and that time is surely now. I urge that we not get lost in confusion and arguments about past success, but that we instead think of tomorrow and our opportunity to perfect our democratic institutions.

I am not frightened of the people and I believe in the principle that people should govern themselves to the maximum extent possible. Surely we can entrust to the people the responsibility for selecting the leadership of our Nation. It is certainly not essential to the persistence of our federal system that, in the election of the President, the people's will be filtered through a process that has in it a possibility of denying that will.

Change is in the air today, and we have an opportunity to make a lasting contribution to the democratic idea. We have here the opportunity to extend to the people a larger role in their democracy. The people want this responsibility, and they should not be denied this opportunity to have it.

Mr. President, let me merely add that in Alaska, over the past 10 to 12 years, we have had only one person running for President who came to Alaska in an election year and that was President Nixon in 1960. I recall the instance so vividly because of what was considered at that time, certainly in Alaska, an inept remark of his opponent at that time, former President John F. Kennedy, who said that President Nixon was in such desperate straits for votes in the closing hours of the election that he had to go to Alaska.

The truth of the matter was, at that particular instant, that President Nixon had made a promise during the campaign to go to all 50 States. He was keeping that promise.

However, I think, in his own reflection, he realizes he kept it to his own detriment and that what had been the case before will be the case in the future—that is, that a presidential candidate, by and large, in the course of a heated campaign, does not have the time to go to the small States. I would venture to say that we in Alaska will never see a presidential candidate in an election year because he will never have the time to come to that particular area of the country as part of his quest for votes.

I think that underlies the feeling I experienced at that time, when we were placed somewhat in derision because we were a small and not very populous State and we felt piqued by it. It probably had an effect on the votes that President Nixon received from Alaska at that time because he carried the State. That was in no small measure due to the offending publicity over that particular instance.

It demonstrates in my mind that the small States enjoy no advantage under the present system. That is the reason why I stand here today in an effort to put down the bugaboo of the past and state that we can look at this solely on its merits, without any geographic or personal advantage, and say this is a good and proper concept that we should undertake; namely, to have the people vote directly for the person they want to be their Chief Executive.

Mr. STEVENS. Mr. President, will my colleague yield to me?

Mr. GRAVEL. I am happy to yield.

Mr. STEVENS. I want to commend my colleague from Alaska and say that I believe the people of Alaska are prepared to support a change in the electoral college system.

As one who cosponsored the Dole-Eagleton approach, I would personally favor that, but I believe that the people of Alaska recognize the need for a change in the method of electing the President.

I congratulate my colleague on his statement and I hope that he will join me in opposing the cloture petition because I think a cloture petition has great pitfalls for the future so far as the smaller States are concerned. I have opposed them in the past and will oppose them again. But, I believe that we are both in concert so far as the total objective of the purpose of Senate Joint Resolution 1 is concerned. I would hope that our State legislature would support it.

Mr. GRAVEL. Mr. President, I point out to my colleague that obviously this could be considered a delicate question in Alaska. I think that we have both risen to the level of statesmanship realizing that there is no advantage to the people and that to curry this advantage would be to pander on the very base feelings that some people in Alaska might have.

I can say that I am happy we share the same view in this regard. We might have differences of opinion on how this view is to be implemented. But I think that is all the more healthy for the people of Alaska.

I will support the motion for cloture since we must bring this matter to a vote. I think that the people have spoken numerous times through the process of polling. But I do want to underscore with my colleague that I have in no way changed my view toward changing the rule of the Senate on cloture.

I merely adopt, from my point of view, a more flexible position. If the rule is ever under attack, I will defend the existing situation but will allow myself flexibility to move. I think it is time that we move to make a decision. I think that time is now.

I think we have debated this. We are under a filibuster situation. This does not advance the cause of the Nation one iota. The issue is very plain and is understood.

There is no impediment to standing up and voting before God and country on this issue and settling it for once and for all.

Mr. President, I thank my colleague.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield.

Mr. BAYH. Mr. President, I add my gratitude for the eloquent way in which the Senator from Alaska handled one of the critical points of the debate before the Senate. The Senator from Indiana was about to state a little studied but much discussed point in an emotional vein. But he did not do so because he felt that might be considered by some of our colleagues as a derogation of their responsibility to study all the issues before the Senate.

May I say to the Senator from Alaska, one of the strong supporters of this measure, that one of the key questions that has to be answered is how direct popular election will affect the States.

If I were a member of a State legislature from a small State, I would want to look very carefully at how any measure would affect my State. And if I were a member of a State legislature from a large State, I would want to do the same thing.

A few of our colleagues this morning, the Senator from Hawaii and the Senator from South Carolina, discussed how the direct popular vote was going to detract from the ability of small States to make their influence felt.

While Alaska, of course, is our largest State from the standpoint of geography and probably the wealthiest of all the States in natural resources, it nevertheless is a small State from the standpoint of population. Yet the Senator from Alaska, who has discussed the matter with his constituents, still does not think that the direct popular vote would lessen the influence of the voters in Alaska.

Mr. GRAVEL. The Senator is correct. In fact, I would take the opposite view.

I would say that it is almost insulting to my constituents to say that they should have a little extra leverage. Of course, I want to place aside the point that I do not think we have that extra advantage. But let us say that we do have extra leverage. I do not think that Alaskans feel that way. And I do not think that the citizens of other small States feel that way.

I think that the American is basically a fair-minded individual. I do not think that he has the feeling that he has to have a little extra pull or a little built-in extra leverage to get service.

I would say that the best way for small States, and big States for that matter, to have their will felt is in the quality of the representation they send to the bodies where they want to have their will felt.

If the people in a small State or in a large State are concerned about the quality of the influence it wants to have, then it must be concerned about the quality of the people it sends here to effect that influence.

Mr. BAYH. Mr. President, I ask my friend, the Senator from Alaska, to indulge me a bit further. I know that his modesty would forbid his answering, but it is my observation that the State of Alaska has chosen well. They have considerable influence on this body through the Senator's participation in the work of the Senate. I think that the Senator has been very helpful.

Mr. GRAVEL. Mr. President, to underscore the point, suppose that we had one State with 10 Representatives in Congress and another State with only one Representative. Suppose further that the one State has 10 incompetent individuals serving in Congress and the other State had one capable individual serving. Which State does the Senator think would have the most influence on the will of Congress? I ask that as a rhetorical question.

Mr. BAYH. Mr. President, I think that the Senator from Alaska has answered the question very well by his eloquent remarks. There is no question about which State would receive the most attention.

Because of what the Senator from Alaska has said, as well as his statements contained in his prepared remarks, the Senator from Indiana comes to the conclusion that the Senator from Alaska does not see the basic structure of our country trembling on a narrow reed and in danger of destruction by giving the people the right to vote directly for the President.

Mr. GRAVEL. Not at all. I think that this type of reevaluation and reexamination of the priorities of our whole political involvement could be the healthiest thing that could happen. It would give people a sense of participation that they do not have if they feel frustrated and thwarted.

Mr. BAYH. Mr. President, my concluding point was that the people want this type of reform. I congratulate the Senator for concluding on such a high plane.

I am deeply concerned about some of the questions being asked by a few people—a small minority—about the ability of this body to respond. But I can see that minority growing in size if some Members of this body would blatantly deny the Senate an opportunity to vote up or down on this issue. The Senator from Indiana has no desire to see that happen.

Mr. GRAVEL. Mr. President, that would be the most blatant form of arrogance and would certainly tend to say that the system does not work because we cannot effect a change.

It is known to all in this country that the people have a view on this matter. The majority feel that a direct election would be beneficial and that a change is necessary.

If this body does not act in that regard, it would be guilty of the highest form of arrogance, in my mind.

I thank the Senator from Indiana.

Mr. President, I yield the floor.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. JORDAN of Idaho) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

DIRECT POPULAR ELECTION OF THE PRESIDENT AND THE VICE PRESIDENT

The Senate continued with the consideration of the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States relating to the election of the President and the Vice President.

DIRECT ELECTION OF THE PRESIDENT: AN ALTERNATIVE TO THE RUNOFF

Mr. BROOKE. Mr. President, the Senate is now considering a vital and constructive issue: the direct popular election of the President and Vice President. I heartily commend my distinguished colleague from Indiana (Mr. BAYH) and others on the Judiciary Committee who have worked so long and hard, absorbing so many hours of testimony, to bring this proposal before the Senate.

When our Constitution was adopted, with its provisions for an electoral college, the population of our country stood at 4 million. Towns, cities, and States were separated by many miles and many days of long and tedious travel. Telegraphs, telephones, radios, and railroads simply did not exist. People were isolated from one another, and from the candidates for political office. Even the newspapers enjoyed a limited circulation at best; and only a fraction of the population was even literate.

The changes which have been seen by our generation are the most revolutionary in the history of man: 97.6 percent of our population is now literate. Virtually every family has a radio or television set; equally high percentages read newspapers or weekly news magazines. In short, national candidates are no longer remote personages who may be known only to a few dignitaries and well-traveled men in each community. Every adult in America is now qualified to make judgments as to the ability and ideology of candidates for high office.

These changes should now be reflected in the method by which we conduct our national elections.

John Adams, who served as the first President of the Senate, wrote in 1776 that—

> All great changes are irksome to the human mind, especially those which are attended with great dangers and uncertain effects.

Certainly the proposal before us today represents such a change. Senate Joint Resolution 1 contains one of the most significant constitutional amendments ever debated in this Chamber. It proposes to do away with the archaic and widely repudiated electoral college, and to establish for the first time in our Nation's history direct popular election of the President. It recommends nothing less than the right of every eligible voter in the Nation to equal voting power. In my mind, this is an essential objective.

A change of this magnitude is indeed "irksome" to some Members of the Senate. As I have followed the debate, however, it has seemed that opposition is directed not so much at the need for some kind of reform of our method of electing a President but rather at the specific proposal which has been put forward. In particular the contingency plan for a popular runoff if no candidate receives 40 percent of the vote has been the source of considerable controversy.

Our Constitution—if we exclude the amendments constituting the Bill of Rights which were adopted en masse by the First Congress—has been amended only 15 times in 180 years. If we are to perform such a significant operation once again, all of us want to be sure it is done in as perfect a manner as is possible.

While I am in complete agreement with the need for direct election of the President and while I accept the minimum standard of 40 percent of the popular vote, I believe that there are certain problems with the contingency mechanism established by Senate Joint Resolution 1 to deal with a situation in which no candidate received at least 40 percent of the nationwide popular vote.

Many arguments have been made against the runoff, but I believe that two closely related issues ought to be paramount in our considerations. First, there is the possibility that a runoff election, following a grueling year-long race, might be seen as an anticlimax. A consequent lack of interest among a large segment of the electorate, with a significantly smaller voter turnout than during the original election, could have the most serious and undesirable consequences. We need only recall how slowly the 1968 presidential campaign developed in September following the tumultuous politi-

cal events of the previous spring and summer to see that this is possible.

Related to this factor and, in my mind, even more important, is the very serious danger of attempts at dealing for the votes of eliminated candidates should no candidate receive at least 40 percent of the popular vote total. Seemingly, the "wheeling and dealing" with which we are so concerned, and which many of us feared would have happened if the 1968 election had been deadlocked in the electoral college, could be amplified under the pressures of a runoff. To secure the support of defeated third party nominees, candidates could be prone to make promises which would severely bind the winner's authority as President and which could have potentially grave consequences for the Nation's political stability.

In short, while the runoff arrangement might offer valid benefits in terms of popular participation, its inherent defects are such that a modification of the proposal is desirable if a better system can be developed.

I sincerely believe that the amendment which I am introducing today accomplishes that purpose. By coupling direct election with an automatic and reliable contingency device, it provides an effective, simple, and dependable means of reforming the vote for the President. Its contingency provisions recognize the need for the selection of the candidate who has sufficiently broad national appeal.

The most significant advantage of this amendment is that it would allow the President to be selected as a result of the vote totals in the one and only election that would need to be held. By precluding any possibility of dangerous third party bargaining, it would discourage multiple candidacies, strengthen the two-party system, and reduce to the minimum the likelihood that the contingency plan would ever, in fact, have to be used.

If none of the pairs of persons joined as candidates for President and Vice President receives at least 40 percent of the popular vote, then the pair credited with a majority of all the congressional districts—plus the District of Columbia—shall be declared to be elected President and Vice President. The leading pair in each district will receive one unit.

Should no pair of candidates be credited with a majority of the electoral units of the United States, then the pair of candidates with the smallest number of such units and each pair of candidates credited with less than 10 percent of the total number of electoral units of the United States shall be eliminated from any further consideration. Each electoral unit of an eliminated pair shall then be transferred and credited to the eligible pair of candidates who received the next highest number of votes in that electoral district. This process would continue until one pair of candidates was credited with a majority of the electoral units of the United States.

In the event that no candidate receives an adequate total of the popular vote, this automatic device for measuring the national popular will should assure that the strength of each pair of candidates in the contingency process will be commensurate with its actual and proven voting strength in the only selection process which would need to be held.

As a result, third parties would have an influence in the outcome of the election only in direct relation to the number of votes which they received. Unlike the mechanism provided in other proposals which the Senate is considering, this amendment provides no opportunity for any candidate to distort the popular will by bargaining for special favors in a subsequent runoff process, whether through public or congressional action.

And, it guarantees that the will of the electorate is reasonably reflected in the selection of the President, with the result that the winner will have the broadest possible mandate to be able to govern the Nation with confidence. Finally, this proposal would mean that the winner could in all likelihood be known within a day of the election, in contrast to the 4- to 8-week process embodied in other plans.

Especially important in the discussion of electoral college reform has been the issue of third parties operating to exert political leverage in the election with the hope of wielding special influence—either in the electoral college, in some sort of congressional selection process—or in a popular runoff. There are obvious possibilities for third party candidates to bargain for favors and to gain influence far beyond that merited by their election performance and certainly beyond that desirable for the health of a two-party system.

By placing the emphasis in the contingency plan on winning specific units in the regular November election, and by requiring that a candidate perform so as to win a majority of all the units nationwide against all other eligible candidates, this proposal should clearly work against parties with limited geographical or issue orientation. Thus, any potential third-party candidate would have to consider very seriously before the election the ramifications of his decision to run. He would have to weigh whether his candidacy would work to the detriment of the major party candidate with whom he feels the more comfortable, with the possible result that the candidate whom he would least prefer to be elected President actually becomes the winner.

It becomes clear, then, that this amendment will serve not only to foster two-party politics, but to accomplish the noteworthy purpose of encouraging the moderation of political dialog and the strength of coalition politics which has so well served our Nation during the past century. Instead of encouraging third party inclinations to frustrate the election and force a runoff, either popular or congressional, this plan would induce alliances before the general election and would force third-party candidates to operate in the framework of the two-party system. That, I submit, is a decisive advantage.

Mr. President, we are dealing primarily with the question of the best method of selecting a President in the event that no pair of candidates receives a sufficient percentage of the popular vote, specifically 40 percent. In such an instance, the Nation's chief concern would be to guarantee the continued stability and viability of the Republic. We must insure that the winner would be the man with the broadest possible base of legitimate support from which he can govern a badly divided nation. I believe that the amendment which I am introducing today will accomplish that critical purpose.

The need for electoral college reform is glaring. We cannot let this opportunity for substantial reform be forsaken. But neither can we allow opportunities for disruption, distortion or delay to undermine our efforts. With these thoughts uppermost in mind, I commend this proposal to my colleagues for their serious consideration.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistance legislative clerk proceeded to call the roll.

Mr. BAYH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, I should like to make a brief observation. I think the remarks of our distinguished colleague from Massachusetts will add a great deal to the debate which has been going on for some time now on the whole matter of what to do with the electoral college system. I know, from previous off-the-record discussions with my friend and colleague from Massachusetts, that he has gone into this question at some length and has given a great deal of thought to it. As he has pointed out, he is concerned about the runoff provision of the proposal sponsored by the Senator from Indiana, the Senator from Oregon, and several other Senators.

As I have said more than once on the floor of the Senate, I hope we never need a runoff. History has shown that in the past 100 years we have fallen below the 40 percent mark only once, and that was in 1860, when the Great Emancipator got 39.79 percent of the votes. But he was not on the ballot in 10 of the States. Although we would not have had to use the runoff in the past, it does not necessarily follow that some time in the future we may not have to do so.

So I appreciate the remarks of the Senator from Massachusetts about providing for this contingency. I am not persuaded yet, but I am willing to listen. Of course, the Senate will work its will. I appreciate the Senator's efforts to study the whole problem. I know how busy he has been.

Again, in his own inimitable way, he has been an effective and cogent spokesman for equal liberties for all our citizens. He recognizes the basic equity and the underlying principle involved in the direct popular vote plan. I am hopeful that he and others will work together and that we can find some vehicle which will be both acceptable to two-thirds of

the membership of this body and at the same time the best possible plan. I just want to impose on the Senator's time long enough to express my gratitude.

Mr. BROOKE. I am certainly grateful to the distinguished proponent of Senate Joint Resolution 1 for his remarks. As he has pointed out, I heartily endorse the proposal for electoral reform. I agree with him that the 40-percent provision certainly should take care of problems that will arise normally. But as the Senator from Indiana has stated, there could be a contingency wherein the runoff provision would be called into effect.

What I am proposing to do by this amendment is to improve upon that provision. I have some serious doubts about a runoff election, not only as to the question of the time it would take, but, as I have pointed out in my text, the question of how it would be or could be abused by third-party candidates. There are many problems we could get into of wheeling and dealing in situations of this kind, which could be better met by an automatic system which would give us the final result within the day and also would give us the safeguards we need.

We do not know how close presidential elections in this Nation may be in the future. In very recent years there have been some extremely close ones. We do not know in just what direction the country is going to go. The amendment which I propose is merely a provision to build in certain safeguards in the event one of the candidates does not receive 40 percent of the popular vote.

I think one of the most important objectives, as the Senator has well said, is that the will of the people should be the controlling factor. He and other Senators who have joined with him in electoral reform have tried to provide for that. I commend him for that. I think it is a good step. I am hopeful that our colleagues, in their wisdom, will pass the measure. But in addition, I trust that the Senator, as he has just promised, will give serious consideration to my proposal, because I think it represents an improvement upon the runoff provision that is contained in the bill.

I thank the distinguished Senator from Indiana.

Mr. BAYH. Mr. President, I wish to make one or two further observations. I realize that the distinguished Senator from West Virginia (Mr. BYRD), our acting leader, is anxious to pursue other legislation. I do not wish to be a roadblock or even a small pitfall in the way of the normal progression of legislation through this body.

I think it would be somewhat irresponsible for the Senator from Indiana, as one of the principal proponents of the pending order of business, not to point out that the distinguished majority leader was roundly criticized yesterday by our good friend and distinguished colleague from Nebraska for putting before the Senate a cloture motion. We were told that there had not been sufficient debate on this subject. We were told that several Senators wanted to explore this issue in great detail. I was hopeful that our good friend and distinguished Senator from Nebraska would be here. I have not seen him. I am sure he is busy on the business of the Senate. But if we are going to pursue the issue of direct election of the President to its consummation, then we ought to get about it. We ought to take advantage of every opportunity.

I am convinced that my friend from Nebraska does not want to filibuster. But given the limited time available at the end of this session, I think all of us should use all the hours available to explore this question.

I think we can perhaps distinguish between the concern that was expressed earlier by the Senator from Alaska (Mr. STEVENS) and the desire of certain other Senators not to support the cloture motion. I refer particularly to those Senators who will not support the cloture motion despite their belief that there has been adequate debate. The Senator from Nebraska does not feel that adequate debate has occurred. I realize that some of my colleagues feel that the tradition of the Senate filibuster is important, not as an arbitrary means of denying the Senate the right to work its will, but as an opportunity to see to it that a measure as critical as this one not be rushed quickly into law.

A filibuster may well assure adequate debate to fully explore all the contingencies on a given measure that has to pass by only 51 votes. I must suggest that I do not think the same standard need be applied to a constitutional amendment, that must, by the Constitution itself, receive two-thirds of the votes of the Senate, and which is not sped into law, but must then be ratified by three-fourths of our States.

So I think, when we are voting tomorrow, we shall indeed be voting to determine whether the Senate is to have the opportunity to vote, up or down, on the merits of this issue. As I said yesterday, I think it will be extremely difficult, at this particular time on tomorrow, to persuade two-thirds of the Senators to stop talking. However, I am convinced that two-thirds of the Senators will support basic electoral reform, and the question we have to decide is, are we going to deny the right of this body to vote up or down on the pros and cons of all of the numerous amendments which are before us?

In closing, I would like to emphasize what I thought was an important contribution, today, of not only the distinguished Senator from Massachusetts, but particularly of some of our other colleagues who are concerned, and I think rightly so, about the effect that direct popular vote might have on them, if they happen to live in small States.

I call to the attention of the Senate the remarks of our distinguished colleague from Alaska (Mr. GRAVEL). Alaska, as we all know, is the least populous State. And I invite my colleagues to read the speech on the floor of the Senate by our colleague from Oklahoma (Mr. BELLMON), and to read the statement by our colleague from Idaho (Mr. CHURCH).

These three States are wonderful States; they are marvelous States. The State of our present presiding officer (Mr. JORDAN of Idaho) is one of them. I am glad we have all three of them.

I suggest that if the argument was real and persuasive that these smaller, less populous States would be hurt by a direct popular vote, it is difficult for me to perceive how these very astute politicians as well as statesmen could have been convinced to lend their support. Interestingly enough, we now know from the record that both of the Senators, one Republican and one Democrat, from our least populous State of Alaska have now declared their willingness to support direct popular election. I hope they will have a chance to cast their votes, if not following tomorrow's vote on cloture, then shortly thereafter.

Mr. President, I yield the floor.

AMENDMENT NO. 913

Mr. BROOKE. Mr. President, I send an amendment to the desk, and ask that it be read so it will comply with rule XXII.

The PRESIDING OFFICER. The amendment will be received, read, printed, and will lie on the table.

The amendment was read, as follows:

Beginning with line 20, page 2, strike out all to and including line 4, page 3, and insert in lieu thereof the following:

"SEC. 3. The persons joined as candidates for President and Vice President who received in the election the greatest number of votes cast in all States and the District of Columbia shall be declared to be elected President and Vice President, if that number is at least 40 per centum of the total number of such votes certified. If none of the pairs of persons joined as candidates for President and Vice President shall have received at least 40 per centum of the total number of such votes certified, the pair of candidates credited under the following paragraphs of this section with a majority of the electoral units of the United States shall be declared to be elected President and Vice President.

"In determining for the purposes of the preceding sentence the number of electoral units to be credited to each pair of candidates for President and Vice President, a pair of candidates shall be credited with one electoral unit for each electoral district of a State established for the selection of a single Representative of that State in the House of Representatives in which they received the greatest number of votes cast for President and Vice President; and one electoral unit for each electoral district of the District of Columbia in which they received the greatest number of votes cast for President and Vice President. Such electoral districts within the District of Columbia shall be established by the Congress in number equal to the number of Representatives in Congress to which the District would be entitled if it were a State.

"If none of the pairs of candidates for President and Vice President is credited under the preceding paragraph with a majority of the electoral units of the United States, the pair of candidates so credited with the smallest number of such units, and each pair of candidates so credited with less than 10 per centum of the total number of electoral units of the United States, shall be eliminated from further consideration. When a pair of candidates is so eliminated from further consideration, each electoral unit theretofore credited to them, for their receipt of the greatest number of votes cast for President and Vice President in an electoral district of a State or the District of Columbia, shall then be transferred and credited to the eligible pair of candidates who received the next largest number of votes cast for President and Vice President in that electoral district. If, after such transfer of elec-

toral units, no pair of candidates is credited with a majority of the electoral units of the United States, the pair of candidates then credited with the smallest number of such units shall be eliminated from further consideration, and each electoral unit credited to the pair of candidates so eliminated shall be transferred and credited to another pair of candidates in the manner prescribed by the preceding sentence. The elimination of pairs of candidates from consideration, and the transfer and crediting of electoral units to other pairs of candidates, shall continue in the manner prescribed by this paragraph until a pair of candidates is credited with a majority of the electoral units of the United States."

Mr. DOMINICK. Mr. President, will the Senator from Massachusetts yield for a question?

Mr. BROOKE. I yield.

Mr. DOMINICK. I unfortunately did not have the opportunity of hearing all of the Senator's statement, but I gather from hearing the clerk read the proposed amendment that he is talking about a situation where no candidate receives 40 percent of the votes; is that correct?

Mr. BROOKE. The Senator from Colorado is correct.

Mr. DOMINICK. And under those circumstances, and those circumstances only, the Senator would revise the electoral system insofar as electoral votes per State are concerned, and then see whether any candidate has received a majority of the votes; is that correct?

Mr. BROOKE. That is correct.

Mr. DOMINICK. The Senator would also do this on a district basis, or on a State basis?

Mr. BROOKE. On a district basis.

Mr. DOMINICK. So the electoral vote count, then, is on a district basis as opposed to a State basis?

Mr. BROOKE. Yes——

Mr. DOMINICK. Or either?

Mr. BROOKE. Or either, only in the sense that the districts would be within the States.

Mr. DOMINICK. Well, I am not sure that "or either" will work, and this was the problem, as I was listening to the clerk, that captured my attention again on this, I think, very important issue.

I happen to be a supporter of the district plan, and if we put it on an either-or basis, is it not possible—and I ask this as a mathematical question—that one candidate could capture 50 percent of the States, and still another candidate in the same election capture 50 percent of the districts?

Mr. BROOKE. No, I do not think it would work that way. Say a candidate did not get 40 percent; start off with that.

Mr. DOMINICK. Yes.

Mr. BROOKE. Under the present bill, we would then have a runoff. Substituting my proposal for the runoff system, the votes would be counted on the basis of electoral districts, in the event that no one received a clear 40 percent of the popular vote.

Mr. DOMINICK. Which would be the congressional districts.

Mr. BROOKE. Which would be the congressional districts, plus the District of Columbia, which would also be added.

Mr. DOMINICK. That is right.

Mr. BROOKE. The winner would then be the pair of candidates who won the majority of the electoral districts. For example, say one pair of candidates got 38 percent of the popular vote; another got 36 percent, and so on. Since no pair of candidates had 40 percent, we would automatically turn to the districts, and if one pair carried 50 percent of the electoral districts, they could be considered the winners. I do not understand the Senator's "either/or."

Mr. DOMINICK. I had misunderstood the Senator, then. I understood he was saying that the candidate would be considered to have won if he received either 50 percent of the electoral votes of the States or 50 percent of the electoral votes of the districts.

Mr. BROOKE. No, only 50 percent of the districts.

Mr. DOMINICK. What the Senator is evidently saying, in effect, is assuming that none of the candidates receives 40 percent of the popular vote, then that candidate among the group who wins the most electoral votes is considered to be the President?

Mr. BROOKE. Yes.

Mr. DOMINICK. Is it not also possible that this might be a minority President, in terms of popular vote?

Mr. BROOKE. Does the Senator mean he would have less than 50 percent of the popular vote?

Mr. DOMINICK. No; I meant let us suppose we have six candidates. One gets 38 percent, one gets 30 percent, one gets 20 percent, and so on. Is it not possible that the 38 percent popular vote man will carry fewer of the districts than the one who had 30 percent, we will say?

Mr. BROOKE. There is that possibility.

Mr. DOMINICK. So the point I am making—and this is the problem with direct vote, no matter how you look at it and no matter what system we put in for the runoff—is that it is designed to say that we are going to eliminate the possibility of a minority President.

But in fact we do not. We never eliminate that possibility. I made that point over and over again yesterday in a speech, when I sketched a scenario of what might have happened in 1968 if we had the direct vote system.

It strikes me that it is very hard to put the direct vote together with the electoral system, even though personally I would prefer it that way rather than alone. I think what we have to do is to finally come back to the electoral system as such, perhaps doing it on a district basis or perhaps doing it on a proportionate basis. A proportionate basis has mathematical problems. The district basis has problems in the question of whether the State legislatures are going to operate fairly in gerrymandering the districts.

Unless we do that, in my opinion, the chances of getting a President who received less than a majority, or even less than a plurality—of the popular vote is simply increased.

Mr. BROOKE. The Senator is saying that it is impossible, then, to be assured in every instance that we will be electing a President with the most popular votes.

Mr. DOMINICK. It seems to me that this is correct. That is why I asked the Senator from Massachusetts the series of questions about his system; because, even under his system, if more than two candidates are running, the chances are—it is not a chance; it just depends upon where the votes come—that a person with far less than the No. 1 position in the popular vote could win the most districts and still be considered President.

Mr. BROOKE. I am not sure that it would work that way. As I said earlier—the Senator from Colorado was not in the Chamber when I discussed it at length—I think that under this system which I feel is far superior to the runoff system, we would take care of the third party candidate situation and take care of the wheeling and dealing type of situation, and I think that by going to the electoral districts, we would have a far better system than by just having a general runoff.

Mr. DOMINICK. I think the Senator is correct on that.

Mr. BROOKE. The Senator from Colorado agrees with that?

Mr. DOMINICK. Yes.

Mr. BROOKE. The Senator's only misgiving, then, is that this possibly could mean that we still might end up with a pair of candidates receiving somewhat less than the majority vote?

Mr. DOMINICK. That is correct. I think it is pretty serious, because what we are doing is going to the direct vote system and, by doing so, abolishing the electoral system. The Senator is reviving it to some extent, so that gives me strength and courage.

The other problem is that in order to implement this, we will have to pass uniform Federal voting laws throughout all 50 States.

Mr. BROOKE. So that the districts will be fairly drawn.

Mr. DOMINICK. So that the district will be fairly drawn. So that the voting age will be the same for the President and Vice President. So that the State residency requirements will be the same. And all the State constitutional provisions will have to be knocked out. Can that be done constitutionally by Federal law? I do not know whether we can do that. That is provided for in the Bayh amendment.

So I think we are still loaded with problems on this. I do not have any opposition to the fact that the Senator from Montana has submitted a cloture motion, but it seems to me that the very volume of amendments we have before us at this point indicates the very complex nature of the issue with which we are dealing, and I am not a bit sure that we have come anywhere near the need of delving into it deep enough to really get at the root of the problem.

I was impressed, for example, in reading the proposal of the Senator from Missouri (Mr. EAGLETON) the other day. It seemed to me that this was a pretty good one. This is the one he had submitted before. Then I read it again, and I came to the same conclusion, that it leaves us in a state of flux, and we still do not have a majority President. So we are still in the same boat.

I thank the Senator from Massa-

chusetts very much for the opportunity for this discourse.

Mr. HRUSKA. Mr. President, reference was made earlier to the fact that there does not seem to be any evidencing of the amplitude of debate that was referred to yesterday when we discussed the filing of a motion for cloture. It was suggested that the Senator from Nebraska has not been around here, obviously away on official business. It was suggested that no great number of speeches have been made on the subject, and therefore that officially there was not a great need for any further debate, and that it would be in order to favorably consider the motion for cloture.

Mr. President, most of us have lived through these things before. We know that when a motion for cloture is filed, the pressure is off. The pressure is off from the time it is filed to the second day thereafter and another day, but one in between, and then an hour of debate. The pressure is off.

There is no shortage of work around here in these closing days of this Congress. Many committees have met; and even if they have not, there are other things to do. The fact that there was no debate means nothing except that we are waiting for the vote on the cloture motion. If cloture is approved, then we are going to get to work under rule XXII and dispose of the issue as best we can. If cloture is denied, then we are going to get in here and engage in the kind of debate that the Senate as an institution has developed for the purpose of making a record on as momentous a problem as we have ever had before us, in Senate Joint Resolution 1. So I just want the record to be furnished with that information.

So far as the Senator from Nebraska is concerned, a majority of our Judiciary Committee met today, and we reported some mighty important bills—bills that should have been considered before and which have been reported by subcommittees. We reported, for example, the dynamite and bombing bill, which is long overdue; the protection of the President in temporary quarters; the security of Members of Congress; the Expediting Act for antitrust cases; the Puerto Rico court bill, which should have been passed some time ago; the reference to the Interior Committee of two bills we had; and some six or eight other measures. That is a pretty good morning's work. We are going to resume our work on Monday, the Lord and the cloture situation willing.

So the mere fact that someone has not been here engaged in extended debate today does not show nor does it mean that the record is complete and that there is a scarcity of debate material or an unwillingness to talk on the subject. All things in turn and in due time.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. BAYH. I appreciate the remarks of the Senator from Nebraska. Inasmuch as they were precipitated by a remark of the Senator from Indiana, I hope that the Senator from Nebraska would read carefully what I said when the RECORD is printed. The Senator from Indiana suggested that he was certain that the Senator from Nebraska was busy with important Senate business.

The Senator from Indiana is also a member of the Judiciary Committee but, as principal sponsor of this measure, it was his responsibility to be here this morning. Therefore it was impossible for him to be at the meeting of the Judiciary Committee. I realize the difficulty involved between different responsibilities.

If the Senator from Nebraska feels that the period between the filing of the cloture motion and voting on it should be a hiatus period, with no debate on the issue, we all, of course, are entitled to make that judgment. The Senator from Indiana was operating under the feeling that we were trying to adjourn, that thus sometime before adjournment we would have to face up to this given issue, and that we should not let a day go by without debating it. I share the concern of the Senator from Nebraska that we have the issue fully debated.

I hope that the Senator from Nebraska does not interpret the statement of the Senator from Indiana as indicating that he is not fulfilling his Senatorial duties. I am sure the Senator realizes the strong feeling the Senator from Indiana has for him, even when he does not agree with his opinion on a given piece of legislation.

Mr. HRUSKA. I am sure that the Senator from Nebraska did not construe those remarks as derogatory to the Senator from Nebraska. I will say, however, my absence here in the Chamber does not mean that there was not a representative of those who are opposed to Senate Joint Resolution 1 in the Chamber. The Senator from Wyoming (Mr. HANSEN) was here. He was on duty. The time has been taken up until now. Yet, it is impossible to think of an all-round debate being crowded into a single parliamentary day so as to try to get Congress to get its work done and get out of here. I agree with the Senator on that, but I point out that lack of debate on this subject would not have impeded that objective. We could have taken up the bank holding bill and debated it and gotten it out of the way and been ready for whatever tomorrow's vote at 11 a.m. will bring. We will not have lost any time.

At the meeting of the Judiciary Committee, several members asked why did we not follow that course and lay Senate Joint Resolution 1 aside and recognize the realities of the situation and make some real progress in trying to get out of here. Of course, it is too late now, although we might start at 3 p.m. instead of 5 p.m. and get that bank holding bill out of the way. That would be the practical way to do it. I, for one, am willing to subscribe to it, to make that possible.

Mr. BAYH. I have been ready to go to the one bank holding bill for the last several minutes. I think the Senator from West Virginia (Mr. BYRD) can attest to that. But I want the record to be clear that although I respect every Senator's right to use the parliamentary rules, because they are his and they are ours, the Senator from Indiana intends to use his right to see that this measure is permitted to come to the floor and be voted on. I just want the record to reflect that. I want to be as congenial and as cooperative as I can, as I think the record will show I have been and will continue to be. But if the Senate will be denied the opportunity to vote on this measure, the Senator from Indiana feels obligated to use what little influence he may have—and it may be woefully little—to see that this measure is voted upon.

If the Senator wants to vote against it, that is fine. But the Senate has an obligation to the people of this country to stand up and be counted on this issue.

Mr. HRUSKA. I know of no one trying to prevent a vote on this subject. We have a vote coming up at 11 o'clock tomorrow morning. The Senator from Indiana is not being imposed on by anyone in this regard. The matter will be voted on. All we have to do is obey and abide by the rules which have been used in time-honored fashion over and over again. This matter will come up for a vote tomorrow so that any resort the Senator from Indiana has under the rules, I say God bless him and Godspeed. That is what we are here for, to abide by the rules and use them as we can, and be governed by them, as we should be. We will get to the vote and we will abide by the result. No one should feel imposed upon because of someone trying to prevent that from happening. It is on the schedule. It is on the books. It is on the way.

Mr. BAYH. I think the record should show, that I do not see how anyone who knows of the past experience of the Senate, who knows the reluctance of some Senators to vote in support of cloture, I do not know how anyone on the floor of the Senate 20 minutes ago who heard the remarks of the Senator from Alaska who said he was for direct popular vote but was going to vote against cloture could think that tomorrow's vote is in no way going to be a true test of the sentiment of the Senate on the direct popular vote issue or on electoral reform. I would hope that the Senate and the country would soon come to grips with reality, however. Some of us have an obligation to see that that question is put, not whether we are in favor of cloture, but whether we are in favor of continuing the present system of electing the President, whether we think the citizens of this country should have the right to make that choice themselves.

Mr. HRUSKA. It seems to me that a vote against cloture tomorrow is not a vote not to act and vote upon this measure.

It is totally consistent that this Senator spent an hour in this Chamber yesterday explaining why, and explaining the situation where that has been applicable. So the fact that we vote for or against cloture does not mean we will not vote for cloture at some future time. That problem remains open. There is nothing inconsistent about either the Senator from Alaska or the Senator from Nebraska, or others, who will vote in favor of cloture or against cloture.

Mr. BAYH. I am glad to see that the Senator from Indiana and the Senator from Nebraska are now on common ground. I was fearful that anyone who

may have read the earlier remarks would have gotten the impression that the vote tomorrow was going to be on electoral reform. Having had the opportunity to hear both Senators from Alaska express support for direct elections just a minute ago, one of them saying he was going to vote for cloture and the other one saying he was not going to vote for cloture, I wanted to make sure that the proper picture of what was and what was not going to happen tomorrow be in the RECORD and clearly set out. I am hopeful that, after what the Senator from Nebraska feels is adequate time for study and, hopefully, there will be that much time left in this session or in the year, he will either use his influence to persuade some of those who are now filibustering to change their ways, or that he will vote to see that the matter is put before the Senate on the merits. Only time will tell what will happen.

Mr. HRUSKA. A filibuster is a filibuster. It depends which side we are on, I suppose. No one seemed to complain about the 29 calendar days it took on a measure which had extended debate earlier this year, or the one we concluded last week with 46 calendar days. That was not a filibuster, Mr. President, apparently to some people. They were for that kind of tactic. But now we are going to set out the real question and say that a cloture motion is a filibuster after 5 days. So a filibuster is what we want to make it in our own thinking. It depends upon what side we are on. It is not a principle but just pragmatism.

Mr. BAYH. I am sure it is possible for each of us in good conscience to look at the same set of facts, to be in this Chamber, to hear the same arguments, and to come to different conclusions as to what the facts mean. There is this difference of opinion among conscientious Members of the Senate about the merits of the direct popular vote. Indeed, that same difference of opinion exists on this floor as to what constitutes a filibuster. But when some Members of this body do not even try to hide the fact that they are filibustering, then I think perhaps the RECORD speaks for itself.

Mr. BYRD of West Virginia. On behalf of the leadership, I wish to express appreciation to the able Senator from Indiana, the author of Senate Joint Resolution 1, and to those who are supporting his position, and I also want to express appreciation to those Senators who are opposed to that resolution, for the splendid cooperation the leadership has received today.

It is my intention to ask unanimous consent to proceed to the consideration—I am not asking yet, but I want to state my intention shortly to ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1094, which is the Banking Holding Company Act, unless some Senator now wishes to speak on Senate Joint Resolution 1.

Mr. BAYH. Would the distinguished leader permit a question?

Mr. BYRD of West Virginia. Surely.

Mr. BAYH. Is it the intention of the leadership to pursue this and to consummate it this evening, after which the pending business will once again be the pending business?

Mr. BYRD of West Virginia. It is the intention of the leadership to proceed with Calendar No. 1094, in conformity with the program which has already been publicized, because action on the Bank Holding Act today involves six amendments that we know about and 1 hour has been allotted to each of the six amendments. There may be other amendments. It is to be hoped that we will be able to conclude action on the bill at a reasonable hour tonight before midnight. The manpower training bill will then be laid before the Senate and made the pending business for action tomorrow afternoon. Of course, it is understood that under the previous order and under rule XXII, on tomorrow morning immediately upon the disposition of the reading of the Journal, the 1 hour allotted, under rule XXII before the quorum call on the motion to invoke cloture, would begin to run.

BANK HOLDING COMPANY ACT AMENDMENTS OF 1970

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1094.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows: A bill (H.R. 6778) to amend the Bank Holding Company Act of 1956, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate resumed consideration of the bill.

PRIVILEGE OF THE FLOOR

Mr. SPARKMAN. Mr. President, I ask unanimous consent that additional members of the staff of the Banking and Currency Committee be allowed the privilege of the floor during the consideration of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair would like to announce that the Senate is now under controlled time.

Mr. SPARKMAN. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 879

Mr. PROXMIRE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to state the amendment.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and that the amendment be printed in the RECORD. I will explain the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

On page 23, line 14, strike "(f)" and insert "(e)" in lieu thereof.

On page 23, line 14, strike "new subsections" and insert "a new subsection" in lieu thereof.

Strike all from line 16 on page 23 through line 8 on page 25.

On page 25, line 9, strike "(e)" and insert "(d)" in lieu thereof.

The PRESIDING OFFICER. The Chair would like to inquire from the Senator if this is the amendment to which the hour limitation would apply?

Mr. PROXMIRE. This is amendment No. 879 to which the hour limitation applies.

The PRESIDING OFFICER. How much time does the Senator yield himself?

Mr. PROXMIRE. Fifteen minutes.

The PRESIDING OFFICER. The Senator may proceed.

Mr. PROXMIRE. Mr. President, this amendment strikes the so-called conglomerate amendment from the bill reported by the committee. The conglomerate amendment adopted in committee would exempt 82 percent of all one-bank holding companies from the prohibition against engaging in nonbanking activities. It is no exaggeration to say that the conglomerate amendment makes a mockery of the entire bill. What started out as a bill to regulate one-bank holding companies has been transformed into a bill which largely exempts most one-bank holding companies from Federal regulation.

At the start of 1969, there seemed to be virtual unanimity on the need for an effective one-bank holding company bill. The chairman of the House Banking and Currency Committee, WRIGHT PATMAN, the then chairman of the Federal Reserve Board, William McChesney Martin, and President Nixon were all agreed that Federal legislation was urgent. Congressman PATMAN introduced a bill on February 17, 1969, followed by a bill which I introduced on February 18, 1969, and the bill introduced by Senator BENNETT and Senator SPARKMAN on behalf of the administration on March 24, 1969. The House of Representatives passed a modified one-bank holding company bill on November 6, 1969, which in many respects was tougher than the one originally introduced by Congressman PATMAN. None of these bills included the conglomerate exemptions contained in the bill reported by the Senate committee.

Mr. President, something obviously happened to the Senate bill on the way to the floor. Perhaps it is mere coincidence, but in my entire 13 years in the Senate I have never witnessed a more intense lobbying campaign on behalf of a special interest amendment. I use the term "special interest" deliberately because that is exactly what the conglomerate amendment is. It favors certain special interests at the expense of the public interest.

Lobbyists for the conglomerate amend-

ment were practically falling over one another in effort to get it into the bill. They swarmed around the committee offices like bees around honey. At one point they became so bothersome that the staff literally had to lock the doors to keep them out.

In pointing out the lobbying activities on behalf of the conglomerate amendment, I certainly intend no criticism of those members of the committee who voted for it. Considering the confusion and misinformation which has surrounded the amendment from the beginning, I can understand how some members of the committee may have been misled into voting for it.

Part of the blame must also be placed on the opponents of the conglomerate amendment who did not take it seriously enough. We more or less assumed the amendment's obvious lack of merit would lead to its summary rejection by the committee. The moral to the story is never underestimate the impact of an entrenched and tenacious lobby no matter how dubious the cause.

During the hearings the principal spokesman for the conglomerate amendment appeared to be the Sperry Hutchinson Co., more familiarly known as the S. & H. Green Stamp Co. S. & H. is chartered in the State of New Jersey although it has its main corporate offices in New York. In view of the strenuous lobbying activities conducted by Sperry Hutchinson we might call the amendment the S. & H. green stamp amendment instead of the conglomerate amendment. S. & H. certainly deserves a byline; nonetheless, I have chosen to use the term "conglomerate amendment" in recognition of the work done by other firms including the Baldwin Piano Co. and the General American Transportation Co. We certainly would not want to slight the lobbying done by these firms by giving exclusive credit to the S. & H. Green Stamp Co.

Mr. President, the principal thrust of the conglomerate amendment is to exempt from the bill certain large conglomerate holding companies who for one reason or another have acquired a commercial bank. A conglomerate holding company is defined as one in which the net worth of the subsidiary bank is less than 25 percent of the combined net worth of the holding company. Any one bank holding company which meets this 25-percent test would be exempt from the main regulatory provisions of the bill, providing the net worth of the subsidiary bank did not exceed $50 million. It should be pointed out that a bank whose net worth is $50 million would have approximately $500 million in deposits. Thus, banks of a substantial size would be exempted by the conglomerate amendment.

It is impossible to estimate the number of one-bank holding companies which could benefit by this conglomerate exemption since they would have until the effective date of the act to qualify. Thus, if passage of the conglomerate amendment seemed imminent, an existing bank holding company which had more than 25 percent of its net worth in banking could make enough nonbanking acquisitions to bring its banking net worth percentage below 25 percent. In other words, the conglomerate amendment would set up an incentive to do precisely what the one-bank holding company act seeks to prevent—the mixing of commerce and banking.

There are 60 existing conglomerate one-bank holding companies listed in the committee report which already qualify or could qualify under the 25-percent test. These include large corporate firms such as Gulf & Western, Tennaco, the S. & H. Green Stamp Co., Goodyear Rubber Co., Montgomery Wards, and Minnesota Mining and Manufacturing. These firms would be completely free to engage in any activities they desired while still retaining the ownership of a commercial bank.

In addition, any company would be able to qualify for the conglomerate exemption by acquiring a bank before final passage. The only restrictions are that the bank would have to have a net worth of less than $50 million, and the net worth of the holding company must be at least three times as great as the net worth of the bank. There are over 13,300 commercial banks with a net worth of less than $50 million. All of these banks would thus be subject to a conglomerate takeover. If the conglomerate amendment is left in the bill, the rush of large corporations to purchase a bank may rival the Oklahoma land rush. The conglomerate amendment is likely to set off a stampede of bank acquisitions which is 100-percent contrary to the purposes of the act.

Once a conglomerate one-bank holding company qualifies for an exemption, it would be given a permanent and unfair competitive advantage over its business rivals. This advantage would tend to become more inequitable as the conglomerate holding company grows and extends its corporate power into new sectors of the economy. For example, a conglomerate holding company which owns a commercial bank can promise its customers favorable access to bank credit. This advantage cannot be matched by the conglomerate's competitors, since they would be prevented from acquiring a bank by the Bank Holding Company Act. Thus, the passage of the Bank Holding Company Act with the conglomerate amendment will give conglomerate holding companies a monopoly and will enhance their economic power. It is difficult to imagine a provision which could be more contrary to the basic purposes of the legislation.

Mr. President, when President Nixon recommended the enactment of one-bank holding company legislation last year, he warned that the trend toward one-bank holding companies threatened to erase the traditional line between banking and commerce. He said that this trend "would be bad for banking, bad for business, and bad for borrowers and consumers."

I believe that most Members of the Senate would agree with the President's remarks. However, if the conglomerate amendment is left in the bill, the objectives of the legislation as spelled out by President Nixon would be seriously weakened if not destroyed.

Thus far, Congress has been strongly lobbied by a handful of large conglomerate one-bank holding companies who would benefit by the conglomerate amendment. However, if the conglomerate amendment is left in the bill, the Congress will ultimately have to hear the complaints of a far larger number of firms once the unfair economic advantage given conglomerate one-bank holding companies makes it weight felt in the market place.

Another provision of the conglomerate amendment would exempt one-bank holding companies if the net worth of the bank is less than $3 billion. This is equivalent to a bank with deposits with less than $30 million. There are about 870 existing one-bank holding companies which could qualify under this exemption. In addition, there are 11,000 commercial banks with deposits under $30 million who could qualify if they transformed themselves into a one-bank holding company prior to final passage. Such a transformation can easily be accomplished with little more than a stroke of a pen. Once converted, the holding company would then be free to engage in any activity it wanted notwithstanding the prohibitions of the Bank Holding Company Act.

For example, the Federal Reserve Board might determine that it is improper for regulated holding companies to operate a general insurance agency. However, this prohibition would not apply to the 60-odd conglomerate holding companies or the 870 smaller holding companies which could qualify under the conglomerate amendment nor the thousands of additional holding companies which could easily qualify by the time of final passage. These holding companies would be completely free to expand to any other activity including insurance, data processing, equipment leasing, accounting, travel services, and even manufacturing and retailing.

Thus, if the conglomerate amendment is left in the bill, hundred of thousands of small business firms would be threatened by unfair competition from one-bank holding companies exempted from the Bank Holding Company Act. A vote to sustain the conglomerate amendment is a vote to further the concentration of economic power in the hands of a few large conglomerate holding companies and a vote against small business. I hope that the Members of the Senate will give serious consideration to the impact which the conglomerate amendment will have upon small business if it is included in the bill.

Let us take a typical example of how the conglomerate amendment would adversely affect small business. One of the firms benefitted by the conglomerate amendment is the S. & H. Green Stamp Co. In 1968, the S. & H. Green Stamp Co. acquired a bank. It was no ordinary bank; as a matter of fact, it was the second largest bank in the city of Bridgeport, Conn., the State National Bank of Connecticut, with deposits of over $326 million.

It may be presumed that large conglomerate corporations do not invest in banks for their health. They are obvi-

ously interested in making money, and may be expected to require the bank to follow policies to increase and enhance its earning power. Thus, the State National Bank of Connecticut in Bridgeport, Conn., may be expected to engage in a wide variety of activities through the holding company device which would not be permitted to other banks. The S. & H. Green Stamp Co. would be free to buy up insurance agencies and any other small businesses in the city of Bridgeport in order to increase the earning power of its commercial bank. Ordinarily, these acquisitions would be regulated by the Federal Reserve Board. However, under the conglomerate amendment the S. & H. Green Stamp Co. would be given a free hand to acquire nonbanking businesses without Federal approval.

Already, for example, the S. & H. Green Stamp Co. has reached an agreement to merge with a large national insurance brokerage firm in Boston. This proposed acquisition would be beyond the reach of the Federal Reserve Board if the conglomerate amendment stays in the bill.

In addition, the S. & H. Green Stamp Co. operates three department stores, a carpet factory, and an office furniture plant. Thus, it is well on its way to becoming a large conglomerate. Undoubtedly, the control of a $326 million bank is a crucial factor in its plans for future corporate acquisitions. How many new customers will it be able to win for its furniture or carpet business or other future businesses by promising a favorable line of credit at the $326 million State National Bank of Bridgeport? How many independent small business firms will be injured due to the superior financial power of S. & H. Green Stamps and other exempted conglomerates?

Mr. President, the conglomerate amendment also sets up an attractive incentive for traditional small town one-bank holding companies to turn themselves into miniconglomerates. A small one-bank holding company qualifying for an exemption under the $3 million net worth test would have a powerful incentive to diversify as the growth of its bank's subsidiary approached the $3 million net worth ceiling. If the holding company could acquire enough nonbanking enterprises to bring its banking net worth below 25 percent of total net worth, the holding company would be able to keep its exemption even if the net worth of the bank grew beyond $3 million. Thus, the conglomerate amendment will stimulate a rash of acquisitions by small town bank holding companies who would have an incentive to buy up the entire town.

The only argument advanced on behalf of the conglomerate amendment is that it is needed to prevent undue hardships from being visited upon firms which have already made acquisitions outside the limits of the Bank Holding Company Act. This argument is false and misleading for several reasons.

First, there is nothing in the committee bill which requires a one-bank holding company to divest any of its activities acquired prior to March 24, 1969, as long as it does not expand into new activities not permitted under the Holding Company Act. Divestment would be required only if the conglomerate holding company chooses to expand into new nonbanking activities. If it chose to do so, it would have up to 10 years to divest its bank, during which time it would have complete freedom to expand into any other nonbanking activities. Thus, the decision to divest is a management decision and is not one required by the legislation.

Second, the grandfather clause in the committee bill will permit the several hundred traditional small town one-bank holding companies to retain their nonbanking activities. Since these firms have little desire to expand into new nonbanking activities, they would not be adversely affected if the conglomerate amendment were stricken from the bill.

Third, it can hardly be considered an undue hardship to prevent one-bank holding companies from expanding into nonbanking fields when these same restrictions apply to all regulated bank holding companies. If it is an undue hardship to prevent certain one-bank holding companies from expanding into new nonbanking activities, equity requires that all bank holding companies be given similar privileges.

Fourth, even if some one-bank holding companies choose to divest their bank, they are likely to obtain suitable tax relief. The committee report urges such relief and Congress has provided it in the past on similar occasions. Divestitures required by the 1956 Bank Holding Company Act have not resulted in any noticeable hardship.

Furthermore, it has been called to our attention that banks are very salable. Because of restrictions on entry, it is not like selling some companies, which often have to be sold at a sacrifice. Banks are in demand. There is a close restriction on entry. In this case sale of a bank by a conglomerate is not likely to be at a sacrifice.

Mr. President, the conglomerate amendment is without any redeeming features. It is strongly opposed by the Federal Reserve Board, which administers the Bank Holding Act and by the Department of Justice.

I cannot emphasize that enough. Here is the agency which has the responsibility of enforcing the Bank Holding Act, and the Federal Reserve Board opposes this provision in the bill and favors my amendment.

The Federal Reserve Board has written that the conglomerate amendment "is totally inconsistent with the purposes of the act." Likewise, Richard W. McLaren, Assistant Attorney General of the Antitrust Division has written that the conglomerate amendment would "substantially negate the intended effects of the proposed bill." Even the Treasury Department—which I think tends to have a very sympathetic attitude toward banks, because so many of its top officials are ex-bankers, including banks involved in the bank holding company operations—indicates that while it does not feel the conglomerate amendment defeats the purpose of the legislation, it still continues to prefer the original administration approach which does not include the conglomerate amendment.

Moreover, an editorial from the American Banker, a banking trade paper, has charged "the Senate Committee's bill can be discerned as a complete reversal of the primary purpose of one-bank holding company legislation."

I have recently discussed the conglomerate amendment with Arthur Burns, Chairman of the Federal Reserve Board. Chairman Burns assures me that the Board is still opposed to the conglomerate amendment and support my amendment to strike it from the bill.

The PRESIDING OFFICER. The Senator's 15 minutes have expired.

Mr. PROXMIRE. Mr. President, I yield myself an additional 5 minutes.

I would like to read into the RECORD at this point the Board's views on the conglomerate amendment as contained in a letter to me dated September 14, 1970:

> I am writing in response to your letter of September 10, in which you asked for the Board's position on your two amendments to H.R. 6778.
>
> The first amendment would strike section 103(d), the so-called conglomerate amendment adopted in Committee. As Vice Chairman Robertson wrote you on June 30, section 103(d) not only would "condone a continuation of a combination of a bank and nonbank corporations in one system, but it would also permit the holding company to expand virtually without limit into new nonbanking activities." The Board considers this wholly inconsistent with the purpose of confining bank holding companies to activities related to banking, and discriminatory in that those holding companies that are most heavily engaged in nonbanking activities would be granted privileges not accorded to others. Accordingly, the Board recommends adoption of your amendment.

Mr. President, an argument has been made by certain high Treasury officials that even though the conglomerate amendment is a bad provision, it should be retained in the Senate bill in order to give the Senate conferees more bargaining power with the House conferees on the one-bank holding company bill. Those who hold this view are in effect saying that the Senate should knowingly and deliberately pass a bad provision for essentially tactical purposes.

Mr. President, it seems to me this approach is morally bankrupt. It is a cynical and sleazy approach to the legislation and not worthy of the high traditions of the Senate. The conglomerate amendment should be considered on its merits. If it is a bad provision, it should be rejected as I hope the Senate will do.

The basic purpose of the one-bank holding company bill is to enforce a separation between banking and other business activities. A separation is needed to avoid anticompetitive practices and the concentration of economic power. As President Nixon has pointed out:

> The strength of our economic system is rooted in diversity and free competition; the strength of our banking system depends largely on its independence. Banking must not dominate commerce or be dominated by it.

The conglomerate amendment is totally inconsistent with these principles. It permits certain favored one-bank holding companies to expand into new

commercial and industrial activities while denying these privileges to all other holding companies. It is economically unsound and morally unfair. It should be rejected by the Senate.

Mr. President, I reserve the remainder of the time I did not use from the latest request for time.

I yield the floor.

Mr. SPARKMAN. Mr. President, I yield 10 minutes to the Senator from Oregon (Mr. PACKWOOD).

Mr. PACKWOOD. Mr. President, I think the Senator from Wisconsin misspeaks himself when he talks about the purpose of the one-bank holding company legislation because he indicates that it is intended to prevent banks from going into the insurance business or acting as a travel agent or into whatever other business it may operate not related to banking.

That was not the purpose of the One-Bank Holding Company Act when it was introduced. It was not the purpose when the committee considered it. It is not the purpose now. This legislation was given to us to consider, and finally passed out of the committee to prevent one specific abuse, and that is the collection of the mammoth financial resources that basically can only come from organizations like banks that have other people's money to work with so they can use the money to go out and buy out other, nonbank-related businesses, be they rug companies or other businesses.

We have a National Banking Act, and under it the Comptroller of the Currency determines whether banks can participate in the insurance business or travel business. Perhaps banks should so be allowed and perhaps they should not. Maybe the Banking and Currency Committee should have lengthy hearings on the Banking Act to determine what are the legitimate limits of a banking enterprise. But the sole purpose of the one-bank holding company legislation is to prevent the collection of financial resources to be used for nonbank-related businesses.

Let us take the figures the Senator from Wisconsin used. He says that under this bill 82 percent of all of the one-bank holding companies in the United States are exempt and it makes a mockery out of the law. His percentage is true, but his conclusion is not. Of the 82 percent of the companies that are exempt, their total deposits amount to 8.6 percent—8.6 percent of all the deposits of one-bank holding companies.

The conglomerates of which he speaks fall basically into two types. There are at the moment 894 such companies; 868 of them are small banks with a net worth of under $3 million, and that amounts to 6 percent of the total. These are basically banks in small towns where the banks may have travel agencies or insurance agencies, but in most cases it is the only travel agent or insurance agent or bank in town.

These are obviously not financial giants that threaten the business community of the Nation.

Let us talk about the other 26 companies, and the Senator from Wisconsin mentioned one, Sperry & Hutchinson. These are basically conglomerate companies, just like any other conglomerate we have heard about for the last year and a half, with one exception: They happen to own a bank.

In all cases, they are not big banks. The total banking assets of these 26 companies amount to 2.6 percent of the total assets held by all bank holding companies. Sperry & Hutchinson is not a financially centered organization. It is a business-centered organization, that happens to own a bank; and it is not in a position to use the financial assets of depositors to purchase other assets.

These 26 companies are not a threat to the American business community. They do not represent any substantial concentration of assets in one place.

Under the bill, with the grandfather clause date that is in it, which is the effective date of the passage of this act, these companies can continue so long as their total bank assets do not exceed 25 percent of the total assets of the parent company, or $50 million, whichever is lesser. So these companies are never, under this act, going to become financial monsters that are in a position to challenge business in this country.

I would conclude with just one paragraph from the bill. The Senator from Wisconsin says he is worried. If he is really worried then I call his attention on page 24, line 15, to the powers of the Federal Reserve Board as they relate to these 26 conglomerate companies limited by the 25 percent or $50 million figure. These are the powers that the Federal Reserve Board has vis-a-vis those companies or any other company which wants to get in under that exemption. The Board has the power to:

(B) terminate or modify the exemption provided by clause (B) of paragraph (1) with respect to any company, if it determines, having due regard to the purposes of this section, that such action is necessary to prevent undue concentration of resources decreased competition, conflicts of interest, or unsound banking practices.

With that kind of power in the Federal Reserve Board, and with the statutory financial and percentage limitation in the bill, there is no danger of any company being formed that is going to be a conglomerate financial threat to anyone.

If the Senate wants to get into the issue of what banks should be allowed to do, then let us face up to it. Let us have hearings on the National Bank Act, and let us determine if Chase Manhattan, or any other bank, ought to be required to divest itself of its travel agency or its insurance business, or anything else that may not be directly and specifically related to banking. But let us not back into it by virtue of this bill, and try to claim that the point of the bill is to keep those banks out of that kind of business. It is not.

Let us face up to the sole problem this bill is meant to face: Do we want or do we not want to prevent or to allow the collection of immense financial assets at one place, which can then be used to dominate and buy up other non-banking-related businesses?

The Committee on Banking and Currency has agreed that it is against the best interests of this Nation to allow the collection of that kind of financial power in one place, and this bill would prohibit it. Anything else we might want to consider concerning this subject is not germane to the bill.

Mr. SPARKMAN. Mr. President, I yield 10 minutes to the Senator from New Jersey.

Mr. WILLIAMS of New Jersey. Mr. President, section 103(7) of the Bank Holding Company Act Amendments of 1970 to which the Senator from Wisconsin has taken exception was adopted by the Banking and Currency Committee after extensive hearings and executive sessions on the equities involved. In taking this action the committee carefully reviewed the background and facts which lead to the introduction and consideration of this legislation which I would now like to briefly review.

The current era of bank regulation began nearly four decades ago with the enactment of the Banking Act of 1933. Through additional legislation, court interpretation, the Federal Reserve Act, the Sherman Act, and the Clayton Act our Nation's system of bank regulation has been developed. Part of this development arose from the enactment of the Bank Holding Company Act of 1956. This act established Federal Reserve Board regulation over the common ownership of two or more banks—multiple bank holding companies. Over the years the 1956 act has worked well in curbing abuses which could have otherwise arisen. However, as our committee report so ably states:

The Committee wishes to note its agreement with all of the government regulatory agencies who testified that there have been no major abuses affectuated through the one bank holding company device. It is clearly understood that the legislation is to prevent possible future problems rather than to solve existing ones. . . .

Even as far back as 1956 there was no danger or abuses found in the activities of commercial enterprises owning one bank. Because of this finding the 1956 act specifically excluded these corporations from regulation—corporations which were for the most part owners of small community type banks; a small number of which operate non-finance-related businesses.

Recently a completely new type of holding company has evolved. Relying on the 1956 act exemption some large commercial banks have created new one bank holding companies. These new holding companies are currently exempt from regulation. Some of our Nation's largest banks have used this provision thus escaping all of the provisions of the 1956 act—a result clearly not in accord with congressional intent.

The creation of large bank-originated one-bank holding companies is the sole reason for the legislation before us today. Businessmen fear disabling competition caused by large banks with their vast economic resources. Various proposals have been advanced to bring these banks under the regulatory framework. This is the purpose of H.R. 6778, the Bank Holding Company Act Amendments of 1970.

The legislation would restrict one-bank holding companies to activities which are functionally related to banking, and would prohibit them from owning certain types of businesses.

The corporate owners of small bank holding companies were intentionally excluded from past multiple-bank holding company acts. They were the ones who would be far more seriously injured by passage of the legislation before us if the Proxmire amendment were to be adopted, not the new bank-dominated holding companies. In fact, the large bank-created holding companies might welcome the Proxmire amendment as a means of affording them greater flexibility to enter other bank-related fields.

The facts concerning community and corporate one-bank holding companies have not changed since 1956. There are still approximately 800 of the small community-type one-bank holding companies and only two or three dozen of the corporate type—not the more than 60 that the Senator from Wisconsin claims are in existence on page 34 of his supplemental views to the committee report.

These companies would be unnecessarily and unfairly harmed if they were suddenly and retroactively prohibited from engaging in other business activities. It was to prevent this type of unwarranted regulation that the committee adopted section 103(7). Some of the companies which would be granted relief under this section invested in a bank while relying on the 1956 act, as well as on the Congress actions in 1966 which continued to exempt them from regulation. Therefore, in the absence of specific abuses, compulsory divestiture at this time would be grossly unfair. This would be the result if we were to adopt the amendment offered by the Senator from Wisconsin which would strike section 103 (7) from the committee bill.

Under section 103(7), existing community and nonbanking dominated corporate one bank holding companies would not if they met the conditions contained in this section be subject to the prohibitions on nonbanking activities contained in the legislation.

These companies are those owning a bank having a net worth of less than $3 million or less than 25 percent of the overall net worth of the holding company and all of its subsidiaries, including the bank.

No evidence has been offered indicating that these nonbanking dominated corporations have abused their relationships with their banks. As a preventive measure, however, section 103(7) contains safeguards which would prohibit either the holding company or its bank from benefiting from their relationship to the detriment of the public interest. One of these safeguards requires that the banks net worth continue to be less than 25 percent of the combined net worth of the enterprise.

As a further safeguard the net worth of the bank is limited to not more than $50 million unless the Federal Reserve Board approves further growth. The Board is also given the authority to terminate or modify the entire exemption if it determines that such action is necessary to prevent undue concentration of resources, increase competition, conflicts of interest, or unsound banking practices.

The growth of the banking subsidiary is further limited by restrictions on the flow of capital funds from the parent company. This is the principle means by which a holding company may alter a bank's normal growth pattern. The addition of large amounts of capital could obviously affect the bank's ability to make loans, thus drastically changing its relative competitive position. On the other hand, a continued withdrawal of dividends by the parent company could seriously impair the bank's ability to maintain its normal growth. Section 103(7) solves both of these potential problems by prohibiting withdrawals of dividends in excess of current earnings and by requiring Federal Reserve Board approval of contributions to the bank's capital by the parent holding company.

Section 103(7) would thus permit the continuation of existing community and corporate one bank holding companies under certain conditions. These conditions are designed to preserve the beneficial relationship between the holding company and the bank. They are designed to permit only normal ordinary growth by both entities.

It should be clearly understood that the only companies which would qualify under this section are those which have become holding companies by virtue of the enactment of this legislation. It would not permit additional companies to acquire banks. It is strictly limited. It is a grandfather clause. It only applies to existing companies which now own banks and it is limited exclusively to those companies.

As I have already stated there are only 800 or so community type holding companies in existence. There are also approximately 30 non-bank-dominated companies which would meet the conditions provided for by section 103(7).

Senator PROXMIRE has inflated this number to over 60 companies and provides a table on page 42 of his supplemental views to prove his statement. However, the Senator from Wisconsin's table contains numerous errors. He has included some companies which are already registered bank holding companies; some that clearly do not meet the 25 percent net worth test and some that are small community owned banks which would be covered by the grandfather clause.

Mr. President, I now offer for the RECORD an analysis of Senator PROXMIRE'S table that is the result of intensive research by the Department of the Treasury. As the Senator from Wisconsin will note:

World Airways, Inc. of California;
Helicopter Air Service, Inc. of Illinois;
GSC Enterprises of Illinois;
Berkshire Hathaway, Inc. of Illinois;
Rushmore Credit Corp. of Iowa;
Delta Loan & Finance Co. of Missouri;
C.I.T. Financial Corp. of New York;
American General Insurance Co. of Texas; and
Wilshire Oil Co. of New Jersey are just a few of the companies which have erroneously been listed as beneficiaries of section 103(7). These companies either do not meet the 25 percent net worth test or the $50 million limitation. Members of the Senate who have read the Senator from Wisconsin's supplemental views on this legislation have been grievously misled by the table which he included on pages 42 and 43 of the committee report. So that the record on this matter may be corrected, I now ask unanimous consent that this analysis of the one bank holding companies which qualify under section 103 (7) be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

THE DEPARTMENT OF THE TREASURY,
Washington, D.C., September 11, 1970.

To Jim Smith.
From Robert Joss.
Subject: One Bank Holding Company Legislation: Impact of the Williams Amendment.

Our best current information identifies 1,100 banks as affiliates of one bank holding companies. As of December 21, 1969, these 1,100 banks had total deposits of $147.9 billion (see Table 1).

Application of the Williams amendment, as contained in the Senate committee draft bill you sent to me, would operate to exempt 894 of these holding companies from Federal regulation. These 894 holding companies controlled banks with deposits of $12.7 billion or 8.59 percent of the total deposits controlled by banks affiliated with one-bank holding companies. (See Table 2)

The Williams amendment would operate to exempt two classes of holding companies.

First, all one bank holding companies controlling banks with net worth less than $3 million would be exempt. Defining "net worth" as total capital (including capital notes), there are 868 holding companies controlling banks of this size. These 868 banks had deposits of $9.0 billion or 6.08 percent of total deposits under OBHC control. (See Table 3)

Second, any one bank holding company controlling a bank having a net worth between $3 million and $50 million, and whose bank has a net worth of 25 percent or less of the holding company's net worth, would be exempt. There are presently 187 bank holding companies with banks in this total capital range. 26 of these have a net worth of 25 percent or less, and would, therefore, be exempt.

These 26 banks had deposits of $3.7 billion or 2.50 percent of total deposits under OBHC control (See Table 3). A complete list of the 26 banks is presented in Table 4.

This analysis covers *only* the impact of the Williams amendment. Other provisions in the bill, such as those covering banks controlled by foreign banks or companies, family-controlled companies and labor unions, have not been considered.

TABLE 1.—BANKS BELIEVED TO BE AFFILIATED WITH 1-BANK HOLDING COMPANIES

Type of bank	Number of banks	Deposits as of Dec. 31, 1969 (billions)
National banks	371	[1] $103.2
Insured, non-FRB member banks	626	10.5
State-chartered, FRB member banks	103	34.2
Total	1,100	147.9

[1] Domestic deposits only.

TABLE 2.—IMPACT OF THE WILLIAMS AMENDMENT: 1-BANK HOLDING COMPANIES WHICH WOULD BE EXEMPT

Type of bank	Number as exempt banks	Desposits as of Dec. 31, 1969 (billions)	Percent of total deposits under OBHC control
National banks	241	$4.7	3.18
Insured, non-FRB member banks	587	6.6	4.46
State-chartered, FRB member banks	66	1.4	0.95
Totals	894	12.7	8.59

TABLE 4

One-bank holding companies believed to control a bank whose net worth is 25 percent or less of the holding company's net worth

Bank and holding company

**National banks:*

State National Bank of Connecticut, Bridgeport, Connecticut, Sperry & Hutchinson Corp.

First National Bank in Palm Beach, Palm Beach, Florida, Lykes-Youngstown Corp.

LaSalle National Bank, Chicago, Illinois, General American Transportation.

National Security Bank, Chicago, Illinois, Bliss & Loughlin Industries.

North Shore National Bank, Chicago, Illinois, Rapid-American Corp.

National Boulevard Bank of Chicago, Miami Corporation.

National City Bank, Minneapolis, Minnesota, Archer-Daniels-Midland Corp.

Hackensack Trust Co. N.A., Hackensack, New Jersey, Kinney National Service.

Capital National Bank, Cleveland, Ohio, Shelter Resources Corp.

Security National Bank & Trust Co., Duncan, Okla., Halliburton Employees Benefit Fund.

Utica Square National Bank, Tulsa, Oklahoma, Helmerich and Payne, Inc.

Royal National Bank, New York, New York, Bankers Life & Casualty Co. and John D. MacArthur.

Insured non-member banks:

Arizona Bank, Phoenix, Arizona, The Signal Companies, Inc.

Pioneer Trust & Savings, Chicago, Illinois, Marcor, Inc.

Jefferson Trust & Savings, Peoria, Illinois, Keystone Consolidated Industries.

American Bank of Commerce, Akron, Ohio, Goodyear Bank, Akron, Ohio, Goodyear Tire & Rubber Co.

Dania Bank, Dania, Florida, Dania Corp.

First Security Trust & Savings, Enwood Park, Illinois, Wirtz Corp.

Southern Ohio Bank, Cincinnati, Ohio, Western Southern Life Insurance Co.

Bank of Commerce, Milwaukee, Wisconsin, Time Holdings, Inc.

Continental Bank & Trust Co., Milwaukee, Wisconsin, Universal Telephone, Inc.

State Member Banks:

Lakeview Trust & Savings, Chicago, Illinois, National Lead Company.

First Bank & Trust Co., South-Bend, Indiana, Gulf & Western Industries.

Schroder Trust Company, New York, New York, Schroder, Ltd.

Citizens Bank & Trust Co., Park Ridge, Illinois, Bankers Life & Casualty Co.

TABLE 3.—IMPACT OF THE WILLIAMS AMENDMENT: 1-BANK HOLDING COMPANIES WHICH WOULD BE EXEMPT

Type of bank	Exempt because of net worth under $3,000,000			Exempt because bank net worth is 25 percent or less of OBHC net worth		
	Number of banks	Deposits (billions)	Percent of total under OBHC control	Number of banks	Deposits (billions)	Percent of total under OBHC control
National banks	229	$2.9	1.96	12	$1.8	1.22
Insured, non-FRB member banks	577	5.4	3.65	10	1.2	.81
State chartered, FRB member banks	62	.7	.47	4	.7	.47
Total	868	9.0	6.08	26	3.7	2.50

Mr. WILLIAMS of New Jersey. Mr. President, I would also like to cite at this time some examples of the hardships which would be imposed by the forced divestiture which the Senator from Wisconsin advocates. Some hardships are extreme; others are less so, but in every instance divestiture would cause hardship.

First. The Argo State Bank of Summit, Ill. This bank was acquired in 1934 by CPC International, Inc., formerly the Corn Products Refining Co., because the bank could no longer operate during the depression. The bank was acquired when the alternative was closing its doors with complete loss to its depositors and stockholders, many of them CPC employees.

CPC has a net worth of $425 million. The bank has deposits of about $24 million. It is a small bank by any standard. This bank, during the entire period of its existence, has devoted its resources and banking facilities to the development of the community of Summit, Ill. If CPC had to sell its bank, it would most probably be sold to outsiders who would have no personal interest in Summit; they would probably view the bank as an investment and not as a service to the community.

Second. National City Bank of Minneapolis. Archer-Daniels-Midland Co. owns 80 percent of the shares of this bank. The holding company's net worth last year was $93.7 million while the bank's net worth was less than $4 billion.

The National City Bank, at the time of its chartering a few years ago, was the first new national bank to open its doors in Minneapolis and St. Paul in a half century. By comparison to the other national banks in the community, the National City Bank is small. Its presence has sharpened competition to the benefit of the consumer. If Archer-Daniels-Midland is forced to sell its bank, the most likely buyer will be another bank or bankers who presently compete with this bank. In this case, a hardship would be worked on consumers, competition would be lessened and the community's banking assets would become more highly concentrated.

Third. The Goodyear Bank of Akron. The Goodyear Tire & Rubber Co. acquired this small bank after it had been closed for 6 months during the depression. Goodyear wanted to assure the bank's survival because many Goodyear employees kept their accounts with this bank.

Now, more than 25 years later, Goodyear's gross revenues are more than $3.2 billion, and the net worth of the company is $1.25 billion. Yet the Goodyear Bank has total deposits of only $80 million and a net worth of only $7.2 million.

By a comparison of size, it is obvious that no unusual relationship exists between this holding company and its bank. Why then should any law be passed to force Goodyear to divest itself of this bank? What justification can there be?

Fourth. The Hershey National Bank of Hershey, Pa. This bank is owned by the Milton Hershey School Trust, a trust whose sole purpose is the maintenance of the Milton Hershey School, a primary and secondary school for poor orphan boys. Last year this bank earned a profit of $569,000. It has a net worth of $3.9 million.

If the Hershey School Trust were forced to sell this bank, the trust would suffer an obvious loss of income and control of the bank would undoubtedly leave the community. Absentee ownership of the bank would make it less responsive to the needs of the Hershey community because profits would likely be put above service. This is a case of hardship where the holding company, the community, and the consumer would all be losers by divestiture.

I repeat, Mr. President, that these nonfinancial corporations were specifically exempted from the 1956 Bank Holding Company Act. This exemption was affirmed by the Congress in 1966. The banks owned by these companies represent less than 2 percent of America's total banking deposits. These banks aid communities and consumers. They provide sharper competition. They do not dominate any market areas. They and their holding companies have never been criticized by any regulatory agency and no one has suggested that they represent any threat of undue economic concentration.

In support of my position I would like to insert into the RECORD two additional documents. The first is a letter dated June 30, 1970, in reply to a request submitted to the Treasury Department by the distinguished Senator from Wisconsin (Mr. PROXMIRE).

Although on page 38 of his supplemental views the Senator claims that "letters opposing the conglomerate amendment from the Federal Reserve Board and the Treasury are reprinted," no such letter appears in the Senator's supplemental views. In fact, Mr. Charls

* The Houston National Bank of Houston, Texas, is wholly owned by the Houston National Co. Tenneco Corp. holds 12.7 percent of the *voting* shares of Houston National Co., and 100 percent of the *non-voting* shares, or 40 percent of all shares. The bank net worth is not 25 percent or less of the net worth of Houston National Co., but it is less than 25 percent of the net worth of Tenneco Corp. However, since Tenneco does not control 25 percent or more of the voting shares, it is not shown as the One-Bank Holding Company in this case. Therefore, the bank is not shown as exempt under the Williams Amendment.

E. Walker, Under Secretary of the Treasury, stated in his letter to Senator PROXMIRE:

The type of economic and financial concentration which the legislation is designed to prevent has not yet occurred to any significant extent.

Accordingly, enactment of the Williams amendment, as described would not defeat the basic purpose of the legislation.

Mr. President, I now ask unanimous consent that the entire letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE UNDER SECRETARY OF THE TREASURY,
Washington, D.C., June 30, 1970.

Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: This is in response to your letter of June 29, requesting the Treasury Department to comment on Senator Williams' proposed amendment to the one bank holding company legislation You point out that the amendment would permit such companies to make any acquisitions, or engage in any activities, if the net worth of their banking subsidiaries was less than 25 percent of their consolidated net worth, or if their net worth was less than $10 million.

We continue to believe that the so-called "grandfather clause" in S. 1664—the original Administration bill—is the soundest approach to dealing with this problem.

However, we have repeatedly stressed that our legislative proposal is forward-looking, in that the type of economic and financial concentration which the legislation is designed to prevent has not yet occurred to any significant extent.

Accordingly, enactment of the Williams' amendment, as described, would not defeat the basic purpose of the legislation.

Sincerely yours,

CHARLS E. WALKER.

Finally, I would like to submit for the RECORD a letter dated September 14, 1970, from Mr. Willis W. Alexander, executive vice president of the American Bankers Association which states:

After hearing Mr. Rogers, and these other witnesses, the Committee included certain exemptions in an amended bill to require regulation of companies controlling one or more banks. I do not know all of the circumstances or considerations which persuaded the Committee to recommend these exemptions, but the American Bankers Association accepts the judgment of the Committee. If, in the future, evidence develops that these exemptions should not have been made, future Congresses may deal with such problems as they arise.

Mr. President, I now ask unanimous consent that the letter from the American Bankers Association be included in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE AMERICAN BANKERS ASSOCIATION,
Washington, D.C., September 14, 1970.

Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: Thank you for your letter of September 10, and for the copy of Amendment Number 879 which you intend to offer to H.R. 6778, as amended by the Senate Committee on Banking and Currency.

As you noted, Mr. Nat S. Rogers, President of The American Bankers Association, testified during hearings on this legislation, and made the following statement:

"The American Bankers Association endorses the principle that whatever legislation is adopted, temporarily or permanently, for bank holding companies, it should apply equally to all such holding companies, whether one bank or multibank."

The Association continues to endorse this principle. However, the Committee heard other witnesses, including other members of The American Bankers Association, who requested exemptions on the basis of hardship and the absence of any evidence of abuses which H.R. 6778 is designed to prevent in the future.

After hearing Mr. Rogers, and these other witnesses, the Committee included certain exemptions in an amended bill to require regulations of companies controlling one or more banks. I do not know all of the circumstances or considerations which persuaded the Committee to recommend these exemptions, but The American Bankers Association accepts the judgment of the Committee. If, in the future, evidence develops that these exemptions should not have been made, future Congresses may deal with such problems as they arise.

Cordially,

WILLIS W. ALEXANDER.

Mr. WILLIAMS of New Jersey. Mr. President, in summation, equity and simple justice require that the Proxmire amendment be rejected.

Mr. PROXMIRE. I yield myself 1 minute.

In reply to the Senator from New Jersey, I may say that this table, which he calls erroneous, was made up from the material we received from the banking agencies. We have footnoted every item in it. We got it from the Federal Reserve Board, the Comptroller of the Currency, and other agencies.

I ask the Senator from New Jersey, Who did the research that gave him the information he got that says that my information is in error?

Mr. WILLIAMS of New Jersey. It comes from the Department of the Treasury.

Mr. PROXMIRE. The Department of the Treasury, the Federal Reserve Board, and the Comptroller of the Currency had better get together. We documented every item we put in here, as the Senator from New Jersey can see.

Mr. WILLIAMS of New Jersey. May I ask the date on the Senator's information?

Mr. PROXMIRE. It was in the hearings, and it was provided the committee during the course of the hearings.

Mr. WILLIAMS of New Jersey. When were the hearings?

Mr. PROXMIRE. And also following the hearings.

Mr. WILLIAMS of New Jersey. When did the Senator from Wisconsin receive it?

Mr. PROXMIRE. During the committee markup.

Mr. WILLIAMS of New Jersey. And when was that?

Mr. PROXMIRE. That was about a month ago.

Mr. WILLIAMS of New Jersey. I submit that this is the document we can rely on with greater confidence. It is from the Department of the Treasury dated September 11 of this year.

The PRESIDING OFFICER. The 1 minute of the Senator has expired.

Mr. PROXMIRE. Mr. President, I ask for the yeas and nays.

Mr. BENNETT. Mr. President, how much time have the opponents remaining?

The PRESIDING OFFICER. Ten minutes.

Mr. BENNETT. I am glad to join in the request for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. BENNETT. Mr. President, will the Senator from Alabama yield me 2 minutes?

Mr. SPARKMAN. I yield 2 minutes to the Senator from Utah.

Mr. BENNETT. Mr. President, no bill in the Banking and Currency Committee in recent years has been worked over harder than this bill. One of the interesting demonstrations of that fact is that the Senator from Wisconsin submitted a proposed substitute for the committee's bill which says:

Shares retained or acquired or activities engaged in directly or through a subsidiary of any bank holding comany, if such company does not have a bank subsidiary the aggregate net worth of which is equal to 50 percent or more of the combined net worth of such company and its subsidiaries.

In other words, the Williams amendment, which the Senator from Wisconsin would remove, puts a limit of 25 percent. But in the course of the discussion of the bill, the Senator from Wisconsin was willing to recommend that they be allowed to hold banks that were equal to 50 percent of their total conglomerate, and the Senator's bill was a 2-year bill only. After June 30, 1972, under Senator PROXMIRE's proposal, all limitations would have been removed and we would be back with no limitations on bank holding companies.

Mr. PROXMIRE. Mr. President, will the Senator yield on my time?

Mr. BENNETT. I yield.

Mr. PROXMIRE. Obviously, what I was trying to do—and this seemed to me to be a wise approach—was to buy time so that we could study the problem further. At the end of 2 years, it would be possible for us to draft other legislation. At no point did I have the notion that the bank would be out from under any kind of regulation or control, and at no time did I feel that we should limit the control to those who had bank holdings that were 50 percent instead of 25 percent of their assets. I thought this was a tentative approach that would give us time, and that was it.

Mr. BENNETT. Let me read further:

The amendments made by section 2 of this act shall be in effect until June 30, 1972. Effective on June 30, 1972, the provisions of certain sections of the Bank Holding Act of 1956 as they existed immediately prior to such amendments are reinstated.

Mr. PROXMIRE. By that time, we expect the President's Commission to have made its report.

The PRESIDING OFFICER (Mr.

SCHWEIKER). The time of the Senator has expired.

Mr. BENNETT. How much of his time? The Senator from Wisconsin said he was going to speak on his time.

Mr. PROXMIRE. I beg the Senator's pardon.

The PRESIDING OFFICER. The time is charged against the Senator from Wisconsin.

Mr. BENNETT. Mr. President, have my 2 minutes been used up?

The PRESIDING OFFICER. The Senator is correct.

Mr. BENNETT. I thank the Chair.

Mr. PROXMIRE. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 1 additional minute.

Mr. PROXMIRE. Mr. President, I am delighted that the Senator has helped me clarify this situation. We put this in because the President's Commission, which it is hoped would study the financial structure in our country, should have the opportunity to make its report, especially in this area. The principal initial inspiration for that Commission was to study the bank holding situation. It seemed logical to me that we should have a law passed that would freeze the situation temporarily until we could get the advice of the President's Commission. I did not intend, obviously, to have legislation passed that would freeze all banks from effective holding company regulations.

The PRESIDING OFFICER. Who yields time?

Mr. BENNETT. Mr. President, will the Senator from Alabama yield me 1 minute?

Mr. SPARKMAN. I yield 1 minute to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized for 1 minute.

Mr. BENNETT. There was nothing in the Senator's proposal that would put in any restrictions. Congress could have completely ignored the business after the 2 years. It is interesting that all the agencies involved and the administration completely opposed the proposal of the Senator from Wisconsin at that time.

Mr. PROXMIRE. Mr. President, I yield myself 1 minute to point out that the agencies now support my amendment. The agencies oppose the proposal which the committee, with tremendous pressure from the lobbyists, wrote into the bill. The Federal Reserve System supports the amendment. The Justice Department supports the amendment. The Treasury seems to be equivocating and neutral about it, but it does not oppose the amendment. Under these circumstances, it is interesting that the Senator from Utah is now taking the advice of the agencies. If he will do that, I hope that he will vote for my amendment.

Mr. BENNETT. I think the record is clear, Mr. President.

Mr. BROOKE. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield 4 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 4 minutes.

Mr. BROOKE. Mr. President, I rise in support of the amendment offered by the distinguished Senator from Wisconsin (Mr. PROXMIRE).

Section 103(7)—the so-called conglomerate amendment—has been opposed by the Federal Reserve Board and the Justice Department and would exempt approximately 80 percent of all one-bank holding companies from the restrictions against engaging in nonbanking activities and could benefit an untold number of companies prior to the effective date of the act.

The conglomerate amendment exempts one-bank holding companies if the net worth of the bank's subsidiary is less than $3 million. There are presently approximately 870 one-bank holding companies who could qualify under this exemption; however, an additional 11,000 commercial banks with deposits under $30 million—or net worths of less than $3 million—could qualify if they transformed themselves into one-bank holding companies prior to the passage of this act.

In addition, the conglomerate amendment also exempts one-bank holding companies if the net worth of the bank is less than 5 percent of the holding company's total net worth and less than $50 million. Thus, there would be added incentives on the part of existing bank holding companies to increase acquisitions and incentives on the part of nonbanking businesses to engage in takeover bidding prior to the enactment of this bill.

Your Banking and Currency Committee endorsed the conglomerate amendment on the grounds that, in the case of small one-bank holding companies, the possibility of abuse was removed and, in the case of large conglomerates, growth should be permitted where abusive conduct is absent.

My very able colleague from Wisconsin, Senator PROXMIRE, has asserted that if small one-bank holding companies would incur hardships as a result of divestiture, such concerns are negated by the presence of a grandfather clause in the bill. I concur with this position.

In the case of large conglomerates, the position taken in the original administration bill—S. 1664—whereby one-bank holding companies would be permitted to retain their nonbanking activities acquired prior to a grandfather date provided they did not engage in any new activity appears to be a far more reasonable approach. Thus, the grandfather provision in the present bill serves the same function as the conglomerate amendment without creating large loopholes. I think this is the important service which the Proxmire amendment would render in thus amending the bill.

If a large conglomerate determines that the flexibility provided by the grandfather clause is insufficient, the instant bill would permit the conglomerate to continue to diversify provided it divested its bank within 10 years. The committee has been more than generous in its treatment of this issue and therefore section 103(7) constitutes unnecessary surplusage at best.

I therefore urge my colleagues in the Senate to support the amendment which the Senator from Wisconsin (Mr. PROXMIRE) has offered.

Mr. WILLIAMS of New Jersey. Mr. President, the Senator from Minnesota (Mr. MONDALE), cannot be here today, however he has asked me to have printed in the RECORD the statement which he would have made had he been able to be here. I ask unanimous consent that it be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The statement by Mr. MONDALE is as follows:

Mr. President, the Bank Holding Company Act of 1956 required companies owning or controlling *two* or more banks to engage only in activities "so closely related to the business of banking as to be a proper incident thereto." As a result of this Act, this type of holding company had to divest any of their non-related businesses if they chose to keep their banks. The reason for this legislation, according to the Banking and Currency Committee, was "to remove the danger that a bank holding company might misuse or abuse the resources of a bank it controls in order to gain an advantage in the operation of the nonbanking activities it controls."

In 1956 and again in 1966, Congress refused to apply this legislation to companies owning only *one* bank—one bank holding companies. This exemption was based on the Congressional finding that there had been no abuses by the one bank holding companies warranting coverage under the Act.

Up until this time, there were two basic types of one bank holding companies:

(1) *Traditional one bank holding companies*—there are approximatley 600–900 of these companies, and they consist primarily of smaller banks, most of which are in small towns and rural areas.

(2) *Large, diversified companies*—these are companies primarily engaged in other business, who for one reason or another have acquired *one* bank, some as early as the 1930's; according to an industry study, there are 30 to 34 of these companies, and their banks account for approximately 2% of the nation's total bank assets.

After 1966, a third type of one bank holding company was created—*congenerics*. These are the largest banks in the country, who reorganized themselves into one bank holding companies for the expressed purpose of taking advantage of the Congressional exemption.

I think it is clear that the greatest threat of harmful concentration is posed by the congenerics—holding companies which are dominated by large banks. These congenerics are the largest banks in the country which have *recently* formed themselves into holding companies, and if freely permitted to acquire any business they choose, these congenerics could become the centers of much larger industrial-commercial groups—after the pattern of Japan and other countries. Because of their unique position and power over money and credit, these large banks are particularly suited to become the keystones of powerful economic combinations.

The traditional one bank holding companies, which are generally "bank dominated," also theoretically pose the danger of harmful concentration in *local* markets. These companies engage in a variety of activities other than banking, but most of these activities are those which have traditionally been closely related to banking and allied financial services (*e.g.* insurance).

While the anti-competitive consequences of these small bank holding companies in small communities can be just as serious as large bank holding companies in large communities, there has been little if any evidence of actual abuses. Furthermore, unlike the congenerics, these traditional companies have been in existence for some time, and there is no evidence that they were formed for the purpose of dominating other businesses.

Most of these companies, such as those in Minnesota, use an insurance agency business in the one bank holding company structure to help amortize the debt they incurred when they purchased a bank. Otherwise, the individuals who, for the most part, own this type of holding company would have been unable to purchase their bank.

It would be unwise and also inequitable to enact legislation which would have the effect of breaking up these companies. It would be unwise because these banks might be forced to sell out to a larger multi-bank holding company or go out of business altogether—thus depriving many rural areas of needed banking services. It would be inequitable because these holding companies have relied in good faith on past Congressional exemptions.

The most difficult regulatory problem is posed by the third type of one bank holding company—the so-called conglomerates. These are the 30 some odd large and diverse companies which over the years have acquired one bank and are thus exempted one banking holding companies. In effect, they represent the fear of what the congenerics could become, but with one important difference—their banks, with few exceptions, are in no way the dominant part of their corporate structure.

Like the traditional one bank holding companies, the conglomerates have equity on their side. Most of these corporations acquired their banks in good faith reliance on the 1956 and 1966 exemptions from the Bank Holding Company Act.

But like the congenerics, these conglomerates can pose a significant threat of harmful concentration. If, for example, a bank increased its size so that it become a dominant or near-dominant part of the conglomerate this type of corporation could be just as dangerous as a diverse holding company dominated by a huge bank.

Thus, the danger from each type of one bank holding company is still potential—few actual abuses have been demonstrated. But because of the potential for abuse, the Senate Banking and Currency Committee decided to end the exemption presently enjoyed by one bank holding companies.

After reading this decision, the Committee had determined what to do about those one bank holding companies engaged in nonbanking activities prohibited by the Act. As the Committee report stated:

"One alternative method of handling these situations would be to require all of these companies to divest their prohibited subsidiaries or cease to engage in their prohibited activities within a stated period of time. However, as has been noted, the primary purpose of this legislation is to prevent possible future abuses rather than to remedy existing ones.

"Under this circumstance, the committee decided the most appropriate measure, would allow existing one-bank holding companies to continue to engage in the activities and retain the subsidiaries they held on a certain date, rather than requiring them to cease the activity or divest the subsidiary.

"Accordingly, the committee adopted a provision which would allow a company being brought under the Bank Holding Company Act by this legislation to engage in the activities in which it was directly or through a subsidiary engaged on March 24, 1969, so long as it has been continuously engaged in such activity since March 24, 1969."

After establishing this "grandfather date," the Committee came to the conclusion that this provision would not offer any relief to the diversified type of holding company. As the Committee report pointed out,

"The nature of the businesses of these companies is such that they must continue to broaden their nonbanking activities and affiliations. Their growth must be directed toward those businesses and activities in which they are not engaged. Consequently, the existence of a grandfather clause offers little aid to such companies. Without some provision in the act, they would in fact be required to either divest their bank or cease to expand in their nonbanking activities. Thus, in order to prevent these companies from suffering undue hardship as a result of the proposed legislation, it would be necessary to adopt a provision exempting these companies from the prohibition contained in the act against engaging in new nonbanking activities.

In short, without such a provision, this type of holding company would in effect be forced to divest their bank. The large congenerics, which created the problem in the first instance, would be allowed to engage in non-banking activities acquired before the "grandfather date" and would also be allowed to engage in future activities "functionally related" to banking.

In exempting these companies from the Act, the Committee wanted to ensure that none of these companies could become "bank dominated" holding companies—thereby enabling them to obtain an advantage over their competitors as a result of their bank ownership.

Consequently, as the report explains, the Committee

". . . provided that these companies are exempt from the prohibitions against nonbanking activities or subsidiaries so long as the net worth of their bank does not exceed the greater of $3 million or an amount equal to 25 percent of the combined net worth of the holding company all of its subsidiaries, or $50 million, whichever is the lesser.

"In addition, the Board is given the authority to waive the $50 million limitation where it determines that such action is consistent with the purposes of the act and is necessary or appropriate to avoid undue hardship to either the bank or its parent holding company or is necessary to meet a public need for banking services that is not otherwise available.

"The Board is also given the authority to terminate or modify the exemption provided in regard to the 25 percent net worth test or to $50 million maximum, if the Board determines that such action is necessary to prevent undue concentration of resources decreased competition, conflicts of interest, or unsound banking practices."

This provision applies only to those companies which qualify under the above criteria on the date of enactment of this legislation. This limited exemption thus only applies to those companies which acquired a bank in good faith reliance on existing legislation.

It has been argued that this limited exemption unduly favors the 30-some-odd diversified companies which own one bank. However, this argument overlooks the fact that without such a limited exemption, it is only these companies which would be forced to divest under the Senate bill. And the activities of the large congenerics would essentially be left undisturbed.

As I stated in the Committee's Executive Session, I am perfectly willing to support legislation which would treat both the congenerics *and* these diversified companies equally—*i.e.*, if the congenerics were required to divest themselves of all activities except commercial banking, then it would be equitable to force the diversified holding companies to divest themselves of their banks *or* their non-banking activities.

But under the Committee bill, the congenerics could continue to engage in all of their present activities. Without the limited exemption, only the 30-odd diversified holding companies would be treated inequitably.

It must be emphasized that the exemption provided these diversified holding companies will end if the bank approaches a dominating position in the entire holding company.

One other point needs to be made. If these diversified holding companies are forced to divest their banks, the result will be decreased competition in the banking industry and further concentration of economic power. For the logical purchasers of these divested banks would be large existing banks or bank holding companies.

If these diversified holding companies do in fact pose economic dangers, then the proper method for dealing with the problem is under anti-trust laws. I completely agree with Senator Proxmire, who on February 18, 1969, made the following point on the Senate floor:

"It might also be argued," Senator Proxmire stated, "that conglomerates in general represent an unhealthy economic trend and that their future growth should be curbed. This might very well be true—and I am inclined to believe it is—but prohibiting congolmerates from owning banks, however desirable that may be, would seem to be an extremely clumsy and backhanded method for attacking the spread of conglomerate mergers. Banks are now merely one of thousands of potential businesses which can come under the control of conglomerate combines. A prohibition of bank ownership by conglomerates will not appreciably retard the trend toward industrial concentration and could even divert attention from the wholesale reexamination of our antitrust statutes which is so badly needed. The appropriate forum for dealing with conglomerates is through antitrust policy and not through banking legislation."

Given the present structure of this legislation, I believe that the limited exemption in the Senate bill provides the most equitable solution to a difficult problem.

Mr. WILLIAMS of New Jersey. Mr. President, this statement strongly supports the position that many of us have taken this afternoon in opposition to the Proxmire amendment.

I believe I have included, earlier, the statement of the Department of the Treasury that indicates that the amendment that is in the bill, which the pending amendment would eliminate, is not opposed by the Department of the Treasury.

Mr. SPARKMAN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. SCHWEIKER). Six minutes remain to the Senator from Alabama.

Mr. SPARKMAN. Mr. President, I yield myself 4 minutes.

Mr. President, as has been previously discussed, the committee was aware of the existence of two types of holding companies whose hardship would not be adequately relieved by a grandfather clause.

The first of these types is the small one bank holding company located in small towns across the country. Their nonbanking activities are generally limited to one or two other types of businesses. The possibility of abuse of the purposes of the act by these companies is remote. Indeed, there has been no testimony that these types of companies comprise any problems at all. Accordingly, the committee adopted a provision

which would exempt from the prohibitions of the act all one-bank holding companies existing on the date of enactment of the proposed legislation so long as their bank subsidiary does not have a net worth in excess of $3 million. This would mean that all one-bank holding companies whose banks have no more than approximately $30 million in deposits and assets would not be subject to the prohibitions of the Bank Holding Company Act.

The second type of bank holding company which is not relieved by the grandfather clause is the large diversified company which is the owner of a bank as well as other diversified nonbanking subsidiaries. These corporations are owners of banks for a variety of reasons. Some have owned their banks for a number of years and acquired the bank to prevent its failure, or to insure their employees had adequate banking services at their disposal, or to insure that the community in which they were located would not have to do without banking facilities. Others of these companies acquired their banks on a more recent date again for a variety of reasons. The committee was convinced that these companies have not utilized their banking services to gain any special advantage for their nonbanking subsidiaries, nor have they perpetrated any other abuses in connection with their ownership or control of a bank.

These companies would not be adequately relieved by the grandfather clause because the nature of their business requires that they continue to expand into new activities which would be expressly prohibited under the grandfather clause.

Accordingly, the committee adopted a provision exempting these companies from the prohibitions of the act if the bank's net worth does not exceed 25 percent of the combined net worth of the holding company and all of its subsidiaries, or $50 million, whichever is the lesser. The Board is given the authority to waive the $50 million limitation where it determines such action to be necessary, and it is also given the authority to terminate or modify the exemption if necessary.

IMPACT OF THE WILLIAMS AMENDMENT

We have heard a great deal of discussion to the effect that the result of this provision in the bill will be to nullify the primary purposes of the act.

I think it might be helpful to us if we examine for a moment the facts and figures concerning the impact of this provision. I have asked the Treasury Department to compile the latest figures possible concerning the number of one-bank holding companies and the assets of the various banks that they own or control. The figures indicate that as of September 11, 1970, there are approximately 1,100 one-bank holding companies. The exemptive provision under discussion would exempt 894 of these holding companies from the prohibitions of the act. Of these 804, the vast majority are small one-bank holding companies whose banks have assets of less than $30 million. Only 26 of the 94 companies exempted have banking assets in excess of $30 million, and, therefore, must rely on the net asset test of the provision in order to obtain the exemption.

I think it is particularly interesting to examine the total banking assets which are controlled by these exempted companies. These companies have banks with total deposits of $12.7 billion. This is equal to only 8.59 percent of the total deposits controlled by banks affiliated with all one-bank holding companies. Therefore, this amendment does not exempt the one-bank holding companies controlling more than 91 percent of the banking assets of all one-bank holding companies. I think this is particularly pertinent in view of the major purpose of this legislation which is to bring the large one-bank holding companies under the provisions of the Bank Holding Company Act, while at the same time insuring that undue hardship is not borne by the long-existing one-bank holding companies.

Mr. President, the figure has been used repeatedly here that a high percentage of the banks were contained in this exemption. That is misleading when we number the banks. If we number the assets, those that are exempt are only 8.6 percent of the banking assets of the holding companies involved and only 2½ percent of the total banking assets of this country. That is how this section in the bill grew up. Everyone recognized the fact that there were a great many small banks, small bank holding companies, and small communities that we wanted to exempt. The problem was how to go about it. Thus, we prepared a section in the bill that would do that.

It may be true that a very small number of banks are included whose assets we would not have considered in regard to being small. But the great mass of these are the small people, the little businesses. They are the ones we are trying to protect. We cannot name them one by one. So we drew up general language to cover them in the manner in which we have.

I believe that the bill is an important bill, that this particular section is a good section, and that it should remain in the bill.

Mr. President, I conclude with these remarks.

Mr. PROXMIRE. Mr. President, I yield 1 minute to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 1 minute.

Mr. GOODELL. Mr. President, I was pleased to join with the Senator from Wisconsin (Mr. PROXMIRE) in the supplemental views to the committee report regarding the so-called conglomerate amendment, section 103(7) of H.R. 6778, as reported. I support the amendment he has introduced to delete the provision.

The conglomerate amendment exempts 82 percent of all one-bank holding companies from the restrictions against engaging in nonbanking activities. One provision of the amendment exempts one-bank holding companies from the prohibitions against engaging in nonbanking activities if the net worth of the bank is less than 25 percent of the holding company's total net worth and less than $50 million which is $500 million in deposits. It also exempts one-bank holding companies if the net worth of the bank is less than $3 million, or $30 million in deposits.

As a result, the committee has reported a bill with a gaping loophole—a loophole which, as I mentioned, exempts up to 82 percent of all one-bank holding companies. The loophole has the potential to undermine the purpose of the legislation. Those conglomerates which do not qualify under this very expansive exemption—and there are 60 existing conglomerate bank holding companies which do meet the qualifications now—will be encouraged to do so before enactment of this act. In addition, it also sets up an attractive incentive for traditional small town one-bank holding companies to turn themselves into mini-conglomerates by diversifying as their growth level reached the $3 million net worth ceiling.

Frankly, it is impossible to correctly estimate the exact number of companies which could benefit by this exemption.

The conglomerate amendment gives to certain exempted companies a permanent and unfair competitive advantage over other conglomerates or business rivals who because of this legislation will not be able to own a bank without extensive regulation regarding future expansion into nonbanking activities. The exempted conglomerate will have a steady stream of capital from its bank to finance its subsidiaries or new acquisitions while its competitor will have to make financial arrangements with an independent bank.

Furthermore, the conglomerate bank holding company has all the privileges of a bank holding company but none of the responsibilities. A bank holding company, dominated in assets by a bank, will be regulated by the Federal Reserve Board and the bank must prove that each acquisition will be "functionally related" to banking before it can be approved. The conglomerate on the other hand, can expand willy-nilly into any commercial activity it so desires, without regulation by the Fed and without meeting the "functionally-related" test. In addition, the conglomerate still has the privilege of owning a bank with its steady and free stream of capital to finance its acquisitions.

The conglomerates would have us believe that deletion of their amendment would pose extreme hardships. While I do not support that contention, the committee has passed a very flexible and generous divestiture provision in anticipation of this argument.

It seems to me that if a conglomerate wishes to kee pits bank with the attendant advantage, then it, like other business firms and banks, must undergo regulation by the Federal Reserve Board concerning new acquisitions. If it does not wish to retain its bank, it can divest over the 10-year period provided for in the bill, and expand into any new nonbanking activity without regulation.

I urge my colleagues to support this amendment.

Mr. PEARSON. Mr. President, earlier today I was absent from the Senate because I and the rest of the Kansas con-

gressional delegation were in Manhattan, Kans., where President Nixon spoke at Kansas State University.

During this absence I missed two record votes, the first of which was the Proxmire amendment striking the so-called "conglomerate" amendment from the committee bill. If I had been present and voting, I would have voted against this amendment. I ask unanimous consent that the permanent RECORD be changed to reflect this position.

My position is already recorded on the second Proxmire amendment dealing with the "grandfather" clause.

Mr. SPARKMAN. Mr. President, I yield 1 minute to the Senator from New Hampshire.

Mr. McINTYRE. Mr. President, I oppose the amendment to strike the conglomerate section from the bill before us. I do so for two reasons.

First, it is quite clear that the provision in the bill merely continues the legality of situations which have been legal for years and years. This section does not suddenly make legal heretofore illegal conduct, it merely avoids working any hardship on companies which have in the past made banking acquisitions in perfectly good faith.

Second, I will continue to maintain that the conglomerate exemption poses no threats to competition as long as the antitying provisions of section 104 are maintained in their present strong posture.

I would like to point out, Mr. President, that my support for the conglomerate exemption is thus based on my belief that no anti-competitive forces will be permitted by this exemption. In the event that future experience after this bill is enacted should reveal any such anti-competitive activity, I would propose that this exemption be deleted.

I want to have this comment on the record today in order to serve notice on those conglomerates who are exempted by the present bill that they have no right to count on receiving this exemption forever. If the exemption is abused, the Congress, I am certain, will act to remove the exemption.

Mr. SPARKMAN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Alabama has 1 minute remaining.

Mr. SPARKMAN. Mr. President, I yield my remaining time to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. PACKWOOD. Mr. President, we have heard thrown around the Chamber half a dozen times this 82-percent figure. Let us put it in perspective.

Today there are $148 billion—and I am rounding these figures off to the nearest billion dollar—in deposits held by one-bank holding companies. Of that amount, $135 billion will be affected by the bill as it came from the committee.

These are assets held by the one-bank holding companies that will not be allowed to be diversified into non-bank related business. These are basically assets held by bank holding companies, gigantic financial centers, centered around banks.

The committee has made the decision that the $135 billion consists of financial resources dangerously collected in a few businesses and therefore merit regulation.

With respect to the remaining $13 billion, it is not so dangerous to business or to competition, to the public or to anyone else, as to merit severe regulation.

I think the committee has taken a rather stern and strict attitude. It has given power to the Federal Reserve Board, even with respect to the $13 billion, to lower the requirements from the 25 percent or the $50 million ceiling down to zero for any company—any one of them—that might in any way threaten competition or in any way engage in unsound banking practices.

There is no justification for adding the $13 million that the committee has exempted from the restrictions that the committee has imposed.

It is a type of wealth that is substantially different. It is not financially centered. It is no threat to anybody. There is absolutely no need and no justification to submit it to absolute, mandatory regulation.

Mr. YARBOROUGH. Mr. President, the purposes for the important bill we are considering today are twofold.

First, to impose the restrictions of the Bank Holding Company Act of 1956 on companies that control only one bank; and second, to impose some measure of control on the type of non-banking activities bank holding companies and their controlled bank can engage in.

The history of bank activities during years since the passage of the 1956 act clearly shows that legislation of the nature of H.R. 6778 is urgently needed if the rapid concentration of wealth and economic power in the hands of a few large banks and giant corporations is to be halted and the continuation and growth of small independent businesses is to be encouraged.

As originally enacted in 1956, the Bank Holding Company Act provided for the regulation of the business activities of companies who control 25 percent or more of the stock of two or more banks. In 1956, most one-bank holdings were connected with small independent banks in the rural areas of America and therefore, posed no threat to free commercial competition in our country. However, in recent years large banks and commercial enterprises have used the one bank holding company as a device to gain control over commercial banks in various parts of the country and to involve banks in such non-banking activities as insurance, radio and television broadcasting, travel agencies, carpet and furniture manufacturing, and restaurant management, just to mention a few. The involvement of banks in such businesses not only present a conflict of interest between the bank and its customers who are involved in similar business activities, but also threatens the very existence of many small businesses.

The bill before us is designed to remedy these problems and bring under control the corporate and financial giants who are using the one-bank holding company as a means for controlling more and more economic power. The increase in the use of the one-bank holding company is evidenced by the fact that during the last 2 years, 112 have formed or announced the formation of one-bank holding companies. Included in this number are some of this Nation's largest banks. Twenty-three banks with a billion dollars or more in deposits are controlled by one-bank holding companies. In this number are the six largest banks in America which contain over 20 percent of the bank deposits in the country. With every day that passes, more of these financial arrangements are created.

What is particularly distressing is the way a large corporation, such as an insurance company or investment company, will use the one-bank holding company device as a means of cornering with the banking business in a particular geographical area. For example, a company can, as long as it owns less than 25 percent of the stock, control every bank in a particular county and still not be regulated. These practices must stop.

The bill that we are considering is supposed to correct the present situation. I feel that the House version of H.R. 6778 which was the end product of extensive work by Congressman WRIGHT PATMAN was the best approach to this problem, and I regret that the Senate Banking and Currency Committee was unable to accept that bill and report it out. However, I know that the distinguished chairman of the Committee on Banking and Currency (Mr. SPARKMAN) is vitally interested in bringing one-bank holding companies under control, and I commend him and his committee on its work on this bill. There are, however, two significant deficiencies in the Senate version of H.R. 6778 which must be corrected if the Senate is to pass a bill that is strong enough to be effective.

First, the Senate must adopt a reasonable "grandfather clause" which will allow one-bank holding companies to retain good-faith acquisitions that were made in the belief that the law would not be changed while prohibiting last-minute transactions which have been entered into by such companies in the hope of avoiding the impact of this bill. Under the committee version of H.R. 6778, one-bank holding companies will be allowed to continue activities they entered into prior to March 24, 1969. If this date remains in the bill, a number of large banking acquisitions that have been made for the purpose of avoiding potential Federal regulation will be allowed to stand. This would seriously undermine the purpose of the bill. Therefore, I shall support the amendment of the distinguished Senator from Wisconsin (Mr. PROXMIRE), which would establish a cut-off date of June 30, 1968, on acquisition by such companies. This, I submit is a reasonable amendment which should be adopted.

Second, the Senate version of H.R. 6778 contains an amendment which would exempt from the bill's restrictions on engaging in nonbanking activities, 82 percent of the one-bank holding companies in this country. This is ac-

complished by two formulas in the bill. Under one formula, a one-bank holding company whose subsidiary bank has a net worth of less than 25 percent of the holding company's total net worth provided that the bank's net worth does not exceed $50 million, which is equivalent to $500 million in bank deposits. Also exempted from the restrictions on nonbanking activities are one-bank holding companies whose subsidiary bank has a net worth of less than $3 million which is equivalent to $30 million in deposits. It is estimated that by applying these two formulas approximately 900 of these one-bank holding companies in America would be exempted from Federal regulation. Among these exempted companies would be many of the largest conglomerates in the Nation. To prevent this inequity from becoming part of this law, I urge Senators to join me in supporting Senator PROXMIRE's amendment which would eliminate these unwarranted exemptions.

In conclusion, Mr. President, I cannot emphasize too strongly the importance of this legislation in stabilizing economic competition in America. Over 130 years ago, Andrew Jackson was confronted with the problem of the abuse of banking power. In dealing with this problem, President Jackson made the following comments which are revelant to the problems we are trying to deal with today:

It is to be regretted that the rich and powerful too often bend the acts of government to their selfish purposes. Distinctions in society will always exist under every just government. Equality of talents, of education, or of wealth cannot be produced by human institutions. In the full enjoyment of the gifts of Heaven and the fruits of superior industry, economy, and virtue, every man is equally entitled to protection by law; but when the laws undertake to add to these natural and just advantages artificial distinctions, to grant titles, gratuities, and exclusive privileges, to make the rich richer and the potent more powerful, the humble members of society—the farmers, mechanics, and laborers—who have neither the time nor the means of securing like favors to themselves have a right to complain of the injustice of their government.

Let us pass a strong one-bank holding company bill and remedy the injustices that now exist.

Mr. PROXMIRE. Mr. President, the thrust of the argument of the Senator from Oregon as he explained, and as we all know, is that these conglomerates are not a threat to anybody, that they are not very big and that they are only a small percentage of the total amount and that we should therefore overlook the matter.

The point is that these conglomerates in the areas in which they operate can be anticompetitive and dominant.

In Bridgeport, Conn., one conglomerate controls about 30 percent of the assets of the entire banking community. They would be free and out from under the control of the Bank Holding Act.

We have a list of the size of some of these banks. These are not little country banks that would not cause anyone any real serious competitive problem.

The LaSalle National Bank in Chicago has $347 million in deposits.

The bank in Bridgeport to which I have just referred has $320 million in deposits.

The Lakeview Trust & Savings Bank in Chicago has $248 million in deposits.

The Central Bank & Trust Co. of Denver has $209 million in deposits.

The Sterling Bank & Trust Co. of New York has $227 million in deposits.

The First Bank & Trust Co. of South Bend has $144 million in deposits.

There are other large banks. I think that what we have to recognize, as the Senator from New York (Mr. GOODELL) said in his very excellent but brief speech, is that we do not know whether these conglomerates represent 8.6 percent of holding company assets or whether it would be a great deal larger than that of the bank assets of this country that could be included with the conglomerates.

This matter is open ended. It would be possible under this provision of the bill for the conglomerates up to the date of the enactment of the bill to move ahead. There could be a real rush in which a very large percentage of the assets would be included in the conglomerates.

I would like to point out that almost no one outside of those involved directly favor this provision in the bill. It is opposed emphatically by the Federal Reserve Board. Of course, they have the greatest responsibility of any agency, and they support my amendment.

It is imposed emphatically by the Department of Justice and by and large by the banking industry, which support my amendment.

Mr. President, I read from an editorial in the American Banker of August 14, 1970:

Almost everybody who bears governmental responsibility for the affairs of banking, except the Senators who went along with the committee bill, has gagged at the conglomerate amendment. The Federal Reserve Board and the antitrust division of the Justice Department have registered strong dislike.

The editorial also points out:

It is crucially important, as this bill goes now to the Senate floor, that the main purpose of this legislation be reaffirmed. Banks are designed to be different from commercial institutions. On the one hand, they are protected from certain threats, so they may carry out functions which are beneficial to the general public; on the other hand, because of those safeguards, they are also limited in some of the activities they can pursue. The definitions of those safeguards and limitations have become matters of public interest since they have recently been challenged from both inside and outside the banking industry.

But discussion of the definitions of those lines is an entirely different matter from the proposal to eradicate them, and to let commerce and banking run all together, and congeal.

Yet that is what the conglomerate amendment would do, and the banking industry is lucky that Sens. Proxmire and Goodell are standing over the legislative stewpot with long spoons, anxious to skim off the stuff that is indigestible.

The editorial points out that this conglomerate amendment is an amendment which does violate these principles.

Mr. President, I also point out that Business Week in a recent editorial asserted:

The Senate bill, moreover, would allow many of the manufacturers, retailers, and conglomerate corporations that own a bank to ignore all rules and keep making acquisitions as before. This provision, sponsored by Senator Harrison Williams (D–N.J.) has already come under attack from Richard W. McLaren, chief of the Justice Dept.'s Antitrust Div.

I ask unanimous consent that the editorials to which I have referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the American Banker, Aug. 14, 1970]

THIN AND LUMPY CONCOCTION

The one-bank holding company bill as reported out by the Senate Banking and Currency Committee this week is a curious mulligan stew of a legislative dish. It has solid, nourishing elements in it, particularly as it reaffirms the industry's need for flexibility and right to innovate. But it turns thin and lumpy, with raw chunks of special interests, casually blended, of scant nutritive value, and if taken as served, it seems virtually certain to cause severe cramps and indigestion. It needs a lot more judicious tasting, testing, and blending, and above all, simmering over a hot legislative flame.

It is expected to get that treatment on the floor of the Senate; and then the dish must go to a joint House-Senate conference for a final blending with the very different House bill, before final passage.

In the Senate committee bill the structures against tie-ins are ill-considered and for all practical purposes, irrelevant; and whatever change in banking practice they might be presumed to be seeking is pretty well nullified in advance by a clause maintaining firmly that traditional banking practices are not supposed to be affected no matter what.

But doughy though that morsel may be, it is the greasiness of the exemptions that makes this bill so uniquely hard to swallow. Of the 1,100 one-bank holding companies now in existence, the Senate committee bill exempts some 82%. And, thus, as Sen. William Proxmire (D., Wis.) and Sen. Charles Goodell (R., N.Y.) point out in a stinging critique, "what started out as an effort to bring one-bank holding companies under regulation has turned into a bill which excludes over 900 companies from Federal regulation while denying similar advantages to their competitors. Instead of preventing concentration of power and unfair competition, the conglomerate amendment encourages economic concentration and permits 900 companies to enjoy a permanent competitive advantage over their business rivals."

Almost everybody who bears governmental responsibility for the affairs of banking, except the Senators who went along with the committee bill, has gagged at the conglomerate amendment. The Federal Reserve Board and the antitrust division of the Justice Department have registered strong dislike.

One who has managed to get it down, to the surprise of all who have been watching the concocting of this legislation, is Charls E. Walker, Undersecretary of the Treasury. He has taken the lead from the beginning within the Administration in pressing for passage of one-bank holding company legislation, and has consistently laid great stress on the need for a clear line to be drawn between banking and commerce. So it was noteworthy indeed when Mr. Walker wrote Sen. Proxmire that the conglomerate exemption "would not defeat the basic purpose" of the legislation.

The Federal Reserve position was outlined in a letter to Sen. Proxmire from Vice Chair-

man J. L. Robertson, who maintained that the exemption is "totally inconsistent with the purposes of the Act." He added that "Not only would the proposed amendment condone a continuation of a combination of a bank and non-bank corporations in one system, but it would also permit the holding company to expand virtually without limit into new non-banking activities."

It is crucially important, as this bill goes now to the Senate floor, that the main purpose of this legislation be reaffirmed. Banks are designed to be different from commercial institutions. On the one hand, they are protected from certain threats, so they may carry out functions which are beneficial to the general public; on the other hand, because of those safeguards, they are also limited in some of the activities they can pursue. The definitions of those safeguards and limitations have become matters of public interest since they have recently been challenged from both inside and outside the banking industry.

But discussion of the definitions of those lines is an entirely different matter from the proposal to eradicate them, and to let commerce and banking run all together, and congeal.

Yet that is what the conglomerate amendment would do, and the banking industry is lucky that Sens. Proxmire and Goodell are standing over the legislative stewpot with long spoons, anxious to skim off the stuff that is indigestible.

[From Business Week magazine, July 18, 1970]

KEEPING THE BANKERS IN BANKING

Regulation of one-bank holding companies has been one of the hardest-fought issues in a session of Congress that has produced some spectacular fights. Late last year, bank-hating Representative Wright Patman, chairman of the House Banking and Currency Committee, caught the industry's lobbyists asleep and rammed through a bill that was tough to the point of viciousness. Last week, when the Senate Banking Committee produced its rewritten version of the bill, the lobbyists obviously were wide awake. The Banking Committee's idea of regulation is so lenient that it comes close to being no regulation at all.

The principal virtue of the Senate bill is that it would not try to rewrite history by making banks divest themselves of all the nonbank businesses they have acquired in recent years. The effective date would be Mar. 24, 1969, the day the Nixon Administration first sent one-bank holding company legislation to Congress. The House bill, by contrast would roll the date back to 1956.

The Senate bill, however, leaves far too much latitude when it prescribes the sort of businesses that the one-bank holding companies could enter. It would let them go into anything "functionally related" to banking, with the governors of the Federal Reserve Board deciding just what that meant.

The Senate bill, moreover, would allow many of the manufacturers, retailers, and conglomerate corporations that own a bank to ignore all rules and keep making acquisitions as before. This provision, sponsored by Senator Harrison Williams (D-N.J.) has already come under attack from Richard W. McLaren, chief of the Justice Dept.'s Antitrust Div.

The job for the Senate, when the bill comes to the floor, clearly will be to nail up the loopholes and produce a bill designed to keep banks in the business of banking. The argument that bankers, the custodians of other people's money, should be bankers and not travel agents or insurance salesmen gains force with each day that passes. In a time of falling business and tight credit, a bank should have its assets concentrated in the banking business, not spread all over the map. If the legislation does not establish that point once and for all, it might as well not pass.

Mr. PROXMIRE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from Wisconsin. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD (when his name was called). On this vote I have a pair with the Senator from Minnesota (Mr. MONDALE). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." Therefore, I withhold my vote.

Mr. McINTYRE. On this vote I have a live pair with the Senator from Maine (Mr. MUSKIE). If he were present, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. EAGLETON. On this vote I have a pair with the senior Senator from Indiana (Mr. HARTKE). If he were present, he would vote "yea." I have previously voted "nay." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Tennessee (Mr. GORE), the Senator from Indiana (Mr. HARTKE), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Wyoming (Mr. MCGEE), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON), the Senator from Nebraska (Mr. CURTIS), the Senators from Kansas (Mr. DOLE and Mr. PEARSON), the Senator from California (Mr. MURPHY), and the Senators from Illinois (Mr. PERCY and Mr. SMITH) are necessarily absent.

The Senator from Maryland (Mr. MATHIAS) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. JAVITS), and the Senator from Vermont (Mr. PROUTY) are detained on official business.

If present and voting, the Senator from Nebraska (Mr. CURTIS) and the Senator from South Dakota (Mr. MUNDT) would each vote "nay."

On this vote, the Senator from Vermont (Mr. PROUTY) is paired with the Senator from Illinois (Mr. PERCY). If present and voting, the Senator from Vermont would vote "yea" and the Senator from Illinois would vote "nay."

The result was announced—yeas 34, nays 37, as follows:

[No. 300 Leg.]

YEAS—34

Aiken	Griffin	Saxbe
Allen	Harris	Spong
Bayh	Hart	Stevens
Boggs	Hughes	Symington
Brooke	Jordan, Idaho	Talmadge
Byrd, Va.	Nelson	Thurmond
Byrd, W. Va.	Pastore	Tydings
Church	Pell	Williams, Del.
Cook	Proxmire	Yarborough
Cooper	Randolph	Young, Ohio
Fulbright	Ribicoff	
Goodell	Russell	

NAYS—37

Allott	Fannin	Metcalf
Anderson	Fong	Miller
Baker	Gravel	Packwood
Bellmon	Gurney	Schweiker
Bennett	Hansen	Scott
Bible	Hatfield	Smith, Maine
Burdick	Holland	Sparkman
Case	Hollings	Stennis
Cranston	Hruska	Tower
Dominick	Inouye	Williams, N.J.
Eastland	Jordan, N.C.	Young, N. Dak.
Ellender	Long	
Ervin	McGovern	

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY ANNOUNCED—3

Eagleton, against.
Mansfield, for.
McIntyre, against.

NOT VOTING—26

Cannon	Javits	Moss
Cotton	Kennedy	Mundt
Curtis	Magnuson	Murphy
Dodd	Mathias	Muskie
Dole	McCarthy	Pearson
Goldwater	McClellan	Percy
Gore	McGee	Prouty
Hartke	Mondale	Smith, Ill.
Jackson	Montoya	

So Mr. PROXMIRE's amendment (No. 879) was rejected.

Mr. SPARKMAN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BENNETT. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HART. Mr. President, the history of our country is replete with controversy about the extent to which banking institutions should influence our economy and the extent to which other lines of commerce should influence banking. Yet, a consistent purpose of our banking legislation has been the careful control of bank functions in order to protect the security of deposits, insure efficient banking operations, guarantee equality of treatment to all customers of a bank, and prevent the obvious anticompetitive dangers of bank influence upon nonbanking lines of commerce and the converse. Ever since the days of Andrew Jackson, the people of this Nation have had a healthy respect for the potential dangers of bank influence in nonbanking lines of commerce. The speculative splurge of the twenties and the resulting great crash of 1929 only served to justify and strengthen public opinion as the Gray-Pecora investigations of the early thirties laid bare

the abuse and misuse of bank power in securities markets. Ever since that time, the hallmark of national banking legislation has been the divorcement of banking from other lines of commerce. As a result, the banking industry has prospered; our general economy has benefited; and the safety of the people's money is now an assumed fact.

The Congress amended the Glass-Stegall Act in 1935 to exclude "accidental affiliates"—companies "not engaged, directly or indirectly, as a business in holding the stock of, or managing and controlling banks, banking associations, savings banks, or trust companies." (49 Stat. 707 (1935)), repealed 80 Stat. 242 (1966). The purpose of the exemption has been succinctly summarized by the Federal Reserve Bank of Chicago in its report "Business Conditions, July 1970":

> The effect of this amendment was to exempt from federal regulation virtually all one-bank holding companies then in existence because, for most of them, owning or controlling banks was only incidental to their primary business activities. These older one-bank holding companies, many of which still survive, generally involve small banks. Commonly they are owned by families or individuals and were established for the purpose of minimizing tax liabilities. Other old style one-bank holding companies are non-financial corporations that have acquired banks for the purpose of serving some group of persons, usually customers, suppliers, or employees of the holding company. Examples are retailers like Macy's, which have acquired banks for the convenience of their customers; or educational institutions like Cornell University and Dartmouth College, which own stock in local banks to assure convenient banking services for their students and faculty.

It seems clear that the original intent of Congress was to make an exception from the strong public policy of keeping banks out of other lines of commerce and vice versa, in order to facilitate unique or minor instances where an exemption was warranted. The general policy of divorcement remained the touchstone of our national banking legislation; and, so long as this exemption was not utilized to undermine the general policy of divorcing banking from other lines of commerce, Congress has allowed it to remain.

Congress has done nothing to deviate from this policy since the Banking Act of 1933 and the 1935 amendment. When the Bank Holding Company Act was passed in 1956, Congress did not extend the controls of that act to one-bank holding companies since there was no evidence that the exemption had become a loophole. The same general conclusion was reached in 1966 when the Bank Holding Company Act was amended to make the criteria of the Bank Merger Act of 1960 applicable to registered bank holding companies. Although the potential for circumventing Congress' historical policy with regard to divorcing banking from other lines of commerce remained, no clear pattern of deviation from the historical purpose of the one-bank holding company exemption had become evident. As of June 30, 1966, the total bank deposits in the 641 unregulated one-bank holding companies were $15.9 billion, 4.7 percent of the total deposits of all commercial banks in the United States.

Thereafter, a clear pattern evolved, if not mushroomed. By December 31, 1968, 783 banks with total deposits of $108.2 billion were in one-bank holding companies. The ratio of one-bank holding company deposits to total deposits of all banks had jumped from the 4.7 percent figure of 1966 to 27.5 percent. Between December 31, 1968, and April 1, 1970, the number of banks in one-bank holding companies increased from 783 banks to 1,116 banks; the total deposits under the control of one-bank holding companies leaped from $108.2 billion to $138.8 billion; and, the ratio of deposits in one-bank holding companies to total deposits in all banks jumped from 27.5 percent to 32.6 percent. It seems apparent that our belief that a narrow exemption would not become a means to break down the distinction between banking and other lines of commerce was misplaced. It has become self-evident that a narrow exemption has become a swinging barn door through which large banks have circumvented a longstanding policy to divorce banking from other lines of commerce and to keep other lines of commerce out of banking.

It is clear that the conglomerate movement has come to banking, and sizable segments of the banking industry have found means with which to become conglomerates. It has become absolutely essential that Congress close this loophole and restore the traditional division between banking and other lines of commerce; else, the stability of banking be undermined; the competitive equilibrium of many lines of commerce be destroyed by the intrusion of bank leverage and power; the further concentration of our economy be stimulated; the foreclosure of competitive sources for bank services be tolerated; and the creation of innumerable opportunities for unfair and anticompetitive practices be invited. This is why we are about to consder H.R. 6778. This is why I support the objectives of H.R. 6778. This is why I oppose some of the specifics of H.R. 6778 as it has been reported by the Banking and Currency Committee.

When banking legislation comes to the floor, there is a natural and justifiable tendency to leave the matter to the experts. This bill, however, involving almost a third of the total bank deposits in the country, as well as the competitive viability of several important lines of commerce, is simply too basic and too crucial for any Member of this body not to seek to understand fully and examine the measure. Three critical issues face the Senate:

First. What date shall be designated as the effective date of the bill thereby "grandfathering in" all one-bank holding companies formed prior to that date and requiring divorcement of bank functions by all that come after that date?

Second. Should conglomerates which have taken advantage of the loophole to acquire a bank before passage of the bill be permitted to retain the bank acquired?

Third. Should the prohibited tying devices in section 104 of the bill be applied to all banks?

GRANDFATHER CLAUSE

When any legislative body is asked to pass a grandfather clause, it is either engaged in the process of balancing equities or of conferring a benefit on a select group and denying the same to all others. The only group with any equities in this case are those one-bank holding companies formed in line with the historical purpose of the exemption. Those banks which have used the loophole to escape confinement to banking and those large conglomerates which have acquired a bank in recent years have equities which are something less than compelling, since the congressional purpose for allowing the exemption has been clear ever since 1935. Even if it could be argued that the large bank-centered and conglomerate-centered holding companies which have been formed since 1966 did so in ignorance of the clear purposes of our banking legislation, the potential dangers inherent in permitting one-third of all bank deposits to be in holding company hands certainly justify overriding these equities. If we do not override those equities, we will leave imbedded in our financial system and in several nonbanking lines of commerce a market structure capable of untold varieties of unfair and anticompetitive practices incapable of effective control. Unless this loophole-caused imbalance in banking structure is remedied, we will need an army to police all the alleged and actual unfair and anticompetitive practices which will follow.

How do we select a date for the effective date of the bill which will accommodate the equities of legitimate one-bank holding companies, yet escape the onus that this body is arbitrarily conferring a benefit on some, while denying it to others? I cannot agree with the committee's suggestion that fair notice of congressional policy in this area was only given on March 24, 1969.

The clear congressional purpose of divorcing commercial banking from other lines of commerce has been clear since at least 1933; the limited function of the one-bank holding company exemption has been clear since its inception in 1935; and, as the committee report amply demonstrates, on each occasion that Congress has considered the question, the reason for inaction has been a lack of any evidence that the limited purpose of the exemption was being utilized to breakdown the division between banking and other lines of commerce. Rather than supporting the otherwise arbitrary date of March 24, 1969, the committee's recitation of the legislative history amply demonstrates an intent to act when this division occurred.

The record in both the House and the Senate amply demonstrates that the destruction of the division between banking and nonbanking lines of commerce began in 1966, after the last amendment to the Bank Holdnig Company Act. By 1968, clearly, a scramble had began to capitalize on this exemption. This fact,

when coupled with the basic justification for any legislation—the divorcement of banks from other lines of commerce—fully justifies rolling back the effective date of this bill to June 30, 1966. If our primary concern is the divorcement of banks from conglomerates and conglomerates from banks to avoid the potential dangers history and experience have demonstrated, the equities must be overwhelming to "grandfather in" over 25 percent of all bank deposits in bank-centered or conglomerate-centered one-bank holding companies. How else do we rationally choose a date and escape the charge of favoritism to selected special interests, unless we adopt a date based upon the rationale for the bill? Our goal is to restore the historical purpose of our banking legislation to divorce commercial banking from other lines of commerce. Deviation from that clear-cut congressional purpose began in 1966 through an otherwise sound loophole. If the potential dangers of unregulated one-bank holding companies are to be avoided, we should restore the status quo before the breakdown of this traditional division between banking and nonbanking lines of commerce. That can only be done by rolling back the effective date of the act from the arbitrary date of March 24, 1969, contained in the reported bill.

CONGLOMERATE EXEMPTIONS

The proposed bill contains an exemption for conglomerate-centered one-bank holding companies formed prior to the final passage of the bill. This exemption appeared in the committee's executive session and would confer a special favor on large diversified firms which have taken advantage of the loophole to acquire a bank. Many of the banks involved are large indeed, with deposits ranging in the hundreds of millions of dollars.

As one who has devoted many hours to studies and hearings on the conglomerate movement, I must strongly object. The potentials for unfair and anticompetitive practices—particularly subtle tie-ins incapable of proof, reciprocal dealing, expanded leverage, and exclusive dealing—are far too great to overcome any equities the committee report advances. In addition, the formula for retaining the exemption will greatly increase the pressure for conglomerates to further concentrate their nonbank holdings. Assistant Attorney General McLaren succinctly observed in a letter reprinted on pages 40 and 41 of the committee report:

> The exemption for one-bank holding companies whose bank subsidiaries have a net worth of less than 25 percent of consolidated net worth also raises significant competitive and social dangers. The proposed amendment would place no limit on the size to which such exempted companies could grow. Since banks in this country grow at a substantial rate, companies seeking to retain exemption from the Act would be under pressure to increase their non-bank holdings at three times the growth rate of their banks. It is likely that such growth would require substantial acquisitions and mergers, thereby accelerating the trend toward concentration of economic power, a trend as to which Congress has been concerned for some time. . . . Moreover, the extent that adherence to the 25 percent limit would require exempted one-bank holding companies to increase their activities in non-banking fields, the proposed amendment could foster an increase in the number and extent of banking and commercial interrelationships with attendant anti-competitive effects.

The proposed conglomerate exemption becomes even more questionable when one realizes that it would exempt several large conglomerate-centered one-bank holding companies. Again, if the purpose of the bill is to remedy a loophole-caused structural defect in the banking industry, that objective will not be accomplished by an amendment which effectively disarms the bill, particularly as it applies to conglomerate-centered one-bank holding companies. We will be left with an important segment of the banking industry involved in or controlled by nonbanking lines of commerce. The potential for unfair and anticompetitive practices remain, and access to the select group will be deemed all who fail to slip in before passage of the bill.

Again, it is a case of the amendment losing sight of the basic purpose of the bill. Again, it is a case where this body has a special burden to formulate legislation in terms of the objective of divorcing banking from other lines of commerce in order to achieve the goal and avoid a charge of favoritism and special interest legislation. Again, it is a case where the equities have to be overwhelming in order to justify such an extensive undermining of the legislation. Again, it is a case where the committee report presents no such equities; and the Senate should remove the exemption.

TYING ARRANGEMENTS

Tying arrangements have little economic or social justification and much to condemn them as anticompetitive devices contrary to the basic policies of the antitrust laws. Considerable controversy has been raised with regard to section 104 of the proposed bill and its application to banks. I consider section 104 an excellent and explicit statement of the present status of antitrust policy as it applies to banks. Inclusion of such a provision in the bill is highly desirable, since explicit congressional definition of antitrust policy in this area will help end the subtle and difficult to prove tying arrangements engaged in by banks, as well as make clear to the industry that which is and that which is not lawful. In addition, it should be made clear to those one-bank holding companies "grandfathered in" by the selection of an appropriate effective date that tying arrangements are explicitly prohibited.

Since the potential abuse of tying arrangements is magnified greatly by allowing any commercial bank to enter nonbank lines of commerce or vice versa, there is a direct correlation between the scope of the grandfather clause and the urgency of an explicit antitying provision. If a June 30, 1966 date is selected, 641 banks with $15.9 billion in deposits will be "grandfathered in"; if December 31, 1968, is chosen, 783 banks with $108.2 billion in deposits will be "grandfathered in"; and, if some later date is chosen, it is possible that more than 1,100 banks and $125 billion in deposits will be "grandfather in."[1]

Whichever date is selected, the potentials for abuse are so significant as to warrant retention of section 104 in the bill.

It should be remembered that the basic issue is structural, not behavioral. We need not have evidence of actual abuse since the antitrust laws are concerned with market structures which have the inherent potential for anticompetitive practices and consequences. Consequently, we must remedy the growing structural problem of one-bank holding companies as well as spell out the most likely anticompetitive practices which the nature of the banking industry invites.

This measure is one of the most critical bills to come before the Congress in many years. If we do not act, the effect upon the structure of our economic society is beyond calculation. If we do not enact an appropriate bill along the lines I have suggested, inequities will abound, policing unfair and anticompetitive abuses will require an army, and the original objectives of our national banking legislation and this bill will be undermined. The issues are great; so are our responsibilities. It calls for economic statesmanship of the highest order.

AMENDMENT NO. 880

Mr. PROXMIRE. Mr. President, I call up my amendment No. 880 and ask unanimous consent that reading of the amendment be dispensed with. I shall explain the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (No. 880) are as follows:

> On page 15, line 18; page 19, line 1; page 19, line 2; page 19, line 5; page 19, lines 7 and 8; page 19, line 13; page 20, line 2; page 23, line 21; and page 21, line 25, strike "March 24, 1969" and insert "June 30, 1968" in lieu thereof.

The PRESIDING OFFICER. How much time does the Senator from Wisconsin yield to himself?

Mr. PROXMIRE. Ten minutes.

This is an amendment to move the so-called grandfather clause date in the bill back from March 24, 1969, to June 30, 1968, which was the date recommended by the administration. Under the committee bill, bank holding companies would be permitted to retain nonbanking activities acquired or established prior to March 24, 1969. My amendment would simply move this date back to June 30, 1968.

My amendment has the support of the Federal Reserve Board which administers the Bank Holding Company Act. A grandfather clause date of June 30, 1968, was also supported by the Justice and Treasury Departments during the hearings.

---

[1] Figures are taken from page 6, Business Conditions, July 1970, published by Federal Reserve Bank of Chicago.

In one sense, any grandfather clause is unfair because it permits the retention of activities which are denied to other bank holding companies. On the other hand, there are several hundred traditional, small town one-bank holding companies that have made nonbanking acquisitions over the years. These acquisitions were made in good faith on the expectation that the law would not be changed. To require divestiture could cause undue hardship to these smaller one-bank holding companies.

The administration accordingly recommended a grandfather clause date of June 30, 1968. This date would permit the several hundred traditional, small town one-bank holding companies to retain their nonbanking assets without approving the more recent acquisitions made by large banks and conglomerates during the latter part of 1968 and early 1969.

Mr. President, in view of the fact that there seems to be an adequate number of Senators present, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. PROXMIRE. Mr. President, the administration's reasoning in selecting a grandfather clause date of June 30, 1968, is best spelled out in Assistant Attorney General McLaren's testimony before the Senate Banking Committee. Mr. McLaren testified that—

> The date of June 30, 1968, was selected—and is supported by us—on the ground that it predated the wave of one-bank holding company formations by the nation's largest institutions. This wave was touched off by the announcement on July 3, 1968, that First National City Bank of New York intended to take this route as a means of expanding its activities outside the banking field. Thus, the "grandfather clause" in the Administration bill would not affect about 680 older one-bank holding companies controlling total bank deposits of less than $18 billion, while leaving the new rules in the bill fully applicable to the 200 or so new one-bank holding companies controlling over $160 billion[4] in deposits. The latter group includes all the very largest banks which have announced formation of one-bank holding companies. We believe that this compromise is fair, but that it would be undesirable to place the date later than June 30, 1968. Accordingly, we oppose the January 1, 1969 cutoff date in S. 1052, as being too late a date.

Mr. President, since I was the author of S. 1052, I have a certain proprietary interest in a grandfather clause date of January 1, 1969. It was my bill. Nonetheless, I was persuaded by the logic of the administration's position. I did not realize the wave of one-bank holding companies that had been set off after June 30, 1968.

Moreover, evidence supplied the committee by the Federal Reserve Board indicates there were a substantial number of large acquisitions involving one-bank holding companies after June 30, 1968, but prior to March 24, 1969. I was not aware of the extent of these acquisitions when I first suggested a January 1, 1969, cutoff date.

The committee bill goes in the opposite direction and establishes a grandfather date of March 24, 1969, the date the administration bill was introduced in the Senate. During the hearings and committee markup there were four one-bank holding company bills before the committee. One bill had a grandfather clause date of May 9, 1956; two had June 30, 1968; and one—my bill—had January 1, 1969. None of the bills on which hearings were held had a grandfather clause date as late as March 24, 1969, the date chosen by the committee. Thus the hearings give little information on the impact of advancing the grandfather date to March 24, 1969.

In justifying the March 24, 1969 date, the committee report states:

> The committee is convinced that by this date, all concerned parties had adequate notice that a change was about to be made in the law.

While this conclusion is undoubtedly correct, the report fails to discuss the relevant question—would all parties also have had adequate notice by an earlier date, say the one I propose in this amendment, June 30, 1968?

The committee report makes much of the fact that Congress failed to close the one-bank loophole when it amended the bank holding company act in 1966. However, the report neglects to mention that on September 23, 1965, the House of Representatives voted to regulate one-bank holding companies. The Senate did not concur and the Senate's position prevailed in conference. Nonetheless, any reasonably alert person should have been put on notice that there was substantial sentiment in at least one House of Congress to regulate one-bank holding companies, and that this sentiment might lead to a change in the law.

As a matter of fact, when President Eisenhower signed the Bank Holding Company Act of 1956, he complained about the exemption for one-bank holding companies and urged its repeal by the Congress. The President's views were followed up by the Federal Reserve Board which repeatedly urged Congress to close the one-bank exemption. Thus, any firm forming a one-bank holding company had every reason to know that it was doing so at its own risk.

In addition, the wave of large one-bank holding company formations which began in 1968 caused considerable speculation in the financial press that Congress would close the one-bank loophole. Banking consultants urged their clients to form one-bank holding companies before it was too late. Predictions were made that Congress might enact a late grandfather clause, thus rewarding those firms who struck while the iron was still hot.

Given this background and history, the claim that acquisitions of banks made by large conglomerates in late 1968 and early 1969 were made in "good faith" sounds a little hollow. These companies certainly knew or should have known that Federal legislation regulating one-bank holding companies was a strong possibility. Congress is now being asked to reward these same firms who pulled wires to beat the deadline while the more prudently managed firms properly waited for Congress to act.

Mr. President, here are just a few of the acquisitions which would be approved by the committee in moving the grandfather clause date up from June 30, 1968, to March 24, 1969, if we leave the bill the way it is, and refuse to accept this amendment:

General American Transportation Co. acquired LaSalle National Bank, Chicago—$374 million in deposits—on November 19, 1968.

Sperry & Hutchinson Corp. acquired State National Bank, Bridgeport, Conn.—$320 million in deposits—on September 30, 1968.

National Lead Co. acquired Lakeview Trust & Savings Bank, Chicago—$284 million in deposits—on January 15, 1969.

All of these banks are around $300 million in deposits. They are big banks.

Baldwin-Central, Inc., acquired Central Bank & Trust Co. of Denver—$209 million in deposits—in mid-1968.

Standard Prudential Corp. acquired the Sterling Bank & Trust Co. of New York—$227 million in deposits—on November 8, 1968.

Gulf & Western acquired Associates Corp. of North America—which owns First Bank & Trust Co. of South Bend with $144 million in deposits—on July 31, 1968.

Thus, by moving the grandfather clause date from June 30, 1968, to March 24, 1969, the committee bill would permit six large banks with deposits of over $1.5 billion to be controlled by large conglomerate corporations directly contrary to the purposes of the act. It is inconceivable that the managements of these corporations were unaware of the strong likelihood of one-bank holding company legislation at the time they acquired the banks.

In addition to these six large conglomerates, there are a wide variety of other activities which could be retained as a result of moving the grandfather date from June 30, 1968, to March 24, 1969. These include the following, all owned by bank holding companies:

Three computer services firms;
Four real estate firms;
Ten insurance agencies;
Five mortgage banking firms;
Five insurance companies;
One radio and TV station;
Two ranching and farming operations;
One advertising firm;
One management consulting firm;
Three department stores;
One travel agency;
Nine manufacturing firms;
Two restaurants;
One auction company;
One communications installation firm;
One pizza parlor chain;
Two equipment leasing firms;
One savings and loan association;
Two building contractors;

[4] At the end of 1969, there were more than 890 one-bank holding companies controlling deposits of about $180 billion. *Recent Changes in the Structure of Commercial Banking*, 56 F.R.B. 195, 200 (March, 1970).

One courier services firm;
One finance company; and
One warehousing firm.

When banks start getting into the pizza business or radio and TV, I believe the Congress needs to take notice. All of these activities could be retained and expanded under the committee's grandfather clause.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PROXMIRE. Mr. President, I yield myself 5 additional minutes. It should be emphasized that this list covers only national banks and is undoubtedly incomplete. As a matter of fact, it will be impossible to determine the full impact of the committee's departure from the administration's grandfather clause date until a full study has been completed.

There are no grounds for assuming an undue hardship if the grandfather clause date is rolled back to June 30, 1968. One-bank holding companies would be given up to 10 years to divest, which is double the time allowed in the existing law. Moreover, the committee report urges appropriate tax relief legislation which the Congress has enacted in the past on similar occasions. Divestitures required by the 1956 Bank Holding Company Act have not resulted in any undue hardships and, as a matter of fact, the firms affected are doing quite well.

To summarize the arguments for my amendment, let me make the following points:

First, a grandfather clause date of June 30, 1968, will avoid the approval of several acquisitions of large banks by large conglomerates directly contrary to the purposes of the act;

Second, the Federal Reserve, the Treasury, and the Justice Department have all supported a grandfather date of June 30, 1968;

Third, all one-bank holding companies were aware or should have been aware of the likelihood of one-bank holding company legislation on June 30, 1968;

Fourth and finally, no undue hardship will result given the liberal time for divestment and the strong probability of tax relief legislation.

Mr. BROOKE. Mr. President, will the Senator yield me 2 minutes?

Mr. PROXMIRE. I yield 2 minutes to the Senator from Massachusetts, and reserve the remainder of my time.

Mr. BROOKE. Mr. President, the grandfather date of March 25, 1969, contained in the instant bill departs from the administration recommendation and enables several large conglomerates which were on notice of pending bank holding company legislation to retain acquisitions in areas which are clearly forbidden to competitors. The grandfather date of June 30, 1968, which was chosen by the administration permits several hundred traditional, small town one-bank holding companies to retain their nonbanking assets without approving the more recent acquisitions made by large banks and conglomerates during the latter part of 1968 and early 1969. There is some justification for permitting small holding companies which relied in good faith on regulatory policies of the past to retain their acquisitions; however, there is no justification for permitting large conglomerates to reap rewards for having rushed to complete acquisitions prior to the passage of this law. The 10-year divestiture provision contained in the bill is more than adequate to prevent undue hardships.

I, therefore, urge my colleagues in the Senate to support Senator PROXMIRE's amendment on this subject.

The PRESIDING OFFICER. Who yields time?

Mr. SPARKMAN. Mr. President, I yield myself such time as I may require.

We selected, and the committee voted for, the cutoff date of March 24, 1969. The Proxmire amendment would select the date June 30, 1968.

On two different occasions, Congress has made the affirmative decision to continue an exemption from Federal regulations for those companies which own or control only one bank. The first of these decisions was in 1956, when Congress passed the original Bank Holding Act. This decision was endorsed by Congress in 1966, when an attempt to remove the one-bank holding company exemption failed.

Under these circumstances, companies contemplating the acquisition of a bank were entirely justified and entirely within the law in forming that one-bank holding company and acquiring the banks. That situation continued. They had no reason to believe that Congress was going to discontinue the exemption that had been running since 1956. It was absolutely lawful for them to do this, and they were without notice until the Senator from Utah and I, on March 24, 1969, introduced the bill proposing to cut off the exemptions to most of the one-bank holding companies.

It seems to me that it is perfectly within reason that we can require those companies that acquired their one-bank holding company status after March 24, 1969, to divest. But I do not see why we should attempt a rollback affecting one-bank holding companies that, clearly within the law, had established themselves, and that is the reason why we decided on this date.

I do not know of any argument I should make beyond that. It seems to me that it is the logical thing and it is the right thing to do. That is the reason why the committee voted as it did, to take as a cutoff date the time we put them on notice that most likely there would be one-bank holding company legislation.

That is all I care to say about it, Mr. President.

Mr. PACKWOOD. Mr. President, will the Senator yield me 5 minutes?

Mr. SPARKMAN. I yield 5 minutes to the Senator from Oregon.

Mr. PACKWOOD. If I understand correctly the Senator from Wisconsin's grandfather clause, it will not affect those conglomerates that we have just taken care of in the Williams amendment. Is that correct?

Mr. PROXMIRE. The reason why I talked about the effect on the conglomerates is because of how the conference may work out. This amendment would not affect these conglomerates unless it is done in conference, but I think there is a real chance the conference might do this; therefore, I think it is important to consider the potential effect of the grandfather clause on the conglomerates.

Mr. PACKWOOD. So, at the moment, the only ones that the amendment of the Senator from Wisconsin does affect are what we would call the congeneric institutions and not the conglomerates?

Mr. PROXMIRE. As I say, I would not want to take that position, because it might very well, depending on our conference action, affect conglomerates and congenerics.

Mr. PACKWOOD. I understand what the Senator said. But he just read a long list of companies none of which will be affected by his amendment unless the conference changes the Williams amendment.

Mr. PROXMIRE. That is correct.

Mr. PACKWOOD. Mr. President, what the Senator from Wisconsin has done with his amendment—if it were to pass—is to really limit what we call congeneric financial enterprises basically holding companies that are bank centered, limit them to what they have acquired between June 30, 1968, and March 24, 1969. I cannot recall in the testimony before the committee any holding companies that are bank centered that had acquired any nonbank related businesses during that period. There may be some. I do not say there are not.

Let us make it clear to Senators that, regardless of which way they vote on Senator PROXMIRE's amendment, it does not affect, as adopted—if it is adopted—the list of companies that he read; and that by voting against the Senator from Wisconsin's previous amendment, we have said that the S. & H.'s and the others on the list that he read have the right to continue as a conglomerate business, owning a bank, and that they are not affected, even if the Senator's present amendment is adopted, by his June 30, 1968, grandfather clause.

Mr. PROXMIRE. Mr. President, I yield myself 2 minutes to reply to the distinguished Senator from Oregon.

I might point out that following the list of conglomerates that I read, I also read a list of holdings, including computer services, radio, television, pizza parlor chain, building contractors. Virtually all of these are owned by congenerics. Not all, but most of them are.

I would also like to put in the RECORD at this point a list of those companies including conglomerates which would be affected by the grandfather clause. I ask unanimous consent that the list be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

1-BANK HOLDING COMPANIES FORMED AFTER JUNE 30, 1968—NATIONAL BANKS

Name of holding company	Component bank and resources	Effective date	Name of subsidiary and resources	Date acquired	Nature of business	Consideration
Industrial Bancorp., Inc.	Industrial National Bank of Rhode Island, Providence, R.I. ($865,100,000).	Sept. 18, 1968	Information Sciences, Inc. ($133,000).	Nov. 30, 1968	Computer services and systems.	Originally operating subsidiary of bank—spun off into holding company.
			Westminster Development Co. ($333,000).	do	Real estate investment	Capitalized by parent.
First National City Corp.	First National City Bank, New York, N.Y. ($14,245,885,000).		None			
NCNB Corp.	North Carolina National Bank, Charlotte, N.C. ($1,151,162,000).	Nov. 4, 1968	NCNB Properties, Inc. ($26,576,000).	November 1968	Hold bank premises	Spun off from bank.
			NCNB Mortgage Corp. ($23,231,000).	December 1968	Mortgage banking	Capitalized by parent.
			American Commercial Agency ($1,128,000).	Jan. 12, 1969	General insurance	Exchange for stock in holding company (company was owned by shareholders of North Carolina National Bank).
The Wachovia Corp.	Wachovia Bank & Trust Co., Winston-Salem, N.C. ($1,252,422,000).	Dec. 31, 1968	Wachovia Services, Inc. ($110,000).	Dec. 31, 1968	Computer services	Spun off from bank.
			Wachovia Mortgage Co. ($250,000).	do	Mortgage banking	Capitalized by parent.
			Wachovia Insurance Agency, Inc. ($1,017,000).	do	General insurance	Spun off from bank (in operation since about 1900).
			North Carolina Title Co. ($54,000).	do	Sells title insurance	Spun off from bank.
NLT Corp.	Third National Bank in Nashville, Nashville, Tenn. ($537,658,000).	do	National Life & Accident Insurance Co. ($1,580,897,000).	Dec. 23, 1968	Life and health insurance	Exchange for stock of holding company.
			WSM, Inc. ($2,220,000)	Dec. 24, 1968	Radio and TV broadcasting.	Spun off from National Life & Accident Insurance Co.
			Third National Co ($6,488,000).	Jan. 1, 1969	Mortgage banking	Originally trusteed for shareholders of bank—spun off into holding company.
Shorebank, Inc.	South Shore National Bank, Quincy, Mass. ($140,691,000).	do	None			
BTNB Corp.	Birmingham Trust National Bank, Birmingham, Ala. ($137,654,000).	do	do			
American Fletcher Corp.	American Fletcher National Bank & Trust Co. of Indianapolis, Ind. ($857,732,000).	do	do			
J.S. Bancorporation	U.S. National Bank of Portland, Oreg. ($1,695,655,000).	do	do			
Capital National Corp.	Capital National Bank, Houston, Tex. ($103,086,000).	do	do			
Do	Central National Bank of Richmond, Va. ($202,555,000).	do	do			
Simmons First National Corp.	Simmons First National Bank of Pine Bluff, Ark. ($78,496,000).	do	do			
The Southern National Corp.	Southern National Bank of North Carolina, Lumberton, N.C. ($145,821,000).	do	Williams & McLean Insurance Services ($163,000).	Jan. 19, 1969	Owns 4 general insurance agencies.	1 purchased for cash. 1 for exchange of stock in holding company. 2 spun off from bank.
			Farm Products Development Corp. ($65,000).	do	Experimental and demonstration farm.	Spun off from bank.
First National Holding Corp.	First National Bank of Memphis, Tenn. ($771,809,000).	Jan. 17, 1969	Investors Mortgage Service, Inc. ($5,171,000).	Feb. 6, 1969	Mortgage banking and services.	Cash purchase by holding company.
			Advertising/Communications, Inc. ($1,000).	Feb. 19, 1969	Advertising	Cash purchase by holding company (firm is nonoperational at present).
First & Merchants Corp.	First & Merchants National Bank, Richmond, Va. ($697,343,000).	Feb. 26, 1969	None			
Wells Fargo & Co.	Wells Fargo Bank, N.A., San Francisco, Calif. ($4,787,844,000).	Feb. 28, 1969	do			
Southern California First National Corp.	Southern California First National Bank of San Diego, Calif. ($539,491,000).	do	do			
Financial Corp.	First National Bank of Eastern North Carolina, Jacksonville, N.C. ($79,663,000).	Mar. 14, 1969	do			

ACQUISITION OF CONTROLLING INTEREST IN NATIONAL BANKS FROM JULY 1, 1968, THROUGH MAR. 17, 1969

Name of holding company	Component bank and resources	Date of bank acquisition	Name of subsidiary and resources	Date acquired	Nature of business
The Greater Ohio Corp.	The First National Bank in Mt. Gilead, Ohio ($8,056,000).	July 2, 1968	Greater Ohio Management & Research Corp. ($10,253,000).	Oct. 25, 1963	Management consultants and research.
			Greater Ohio Life Insurance Co. ($1,041,000).	Apr. 13, 1967	Life insurance company.
			Greater Ohio Realty Co. ($18,853,000).	Sept. 7, 1967	Real estate broker.
			Greater Ohio Casualty Agencies ($5,000,000).	Sept. 19, 1968	Underwriter-casualty insurance.
Trustees of Shannon West Texas Memorial Hospital, San Angelo, Tex.	First National Bank of Kerrville, Kerrville, Tex. ($17,449,000).	Aug. 16, 1968	Timbermountain Ranch Co. ($308,000).	Nov. 16, 1966	Ranching.
Greneto Co.	West Side National Bank, Glendale (St. Louis), Mo. ($6,252,000).	Aug. 22, 1968	None		
Cozad Elevators, Inc.	The First National Bank in Cozad, Nebr., ($7,508,000).	Aug. 15, 1968	None		
North Ogden Management Corp.	The Manufacturers National Bank of Chicago, Ill. ($80,844,000).	Aug. 30, 1968	None		
Midwestern Securities Corp.	First National Bank of Temple, Temple, Tex. ($40,999,000).	Sept. 28, 1968	None		
Sperry & Hutchinson Corp.	State National Bank of Bridgeport, Conn. ($312,213,000).	Sept. 30, 1968	Hens & Kelly, Buffalo, N.Y.[1]	Before 1967	Department store.
			Wurzburg Co., Grand Rapids, Mich.[1]	do	Do.
			F. N. Arbaugh Co., Lansing, Mich.[1]	do	Do.
			S. & H. Travel Awards, Inc.[1]	March 1964	Travel agency.
			Bigelow, Sanford ($81,000,000)	1967	Carpet manufacturer.
			Gunlocke Co., Inc. ($14,000,000)	January 1969	Office and institutional furniture manufacturer.
Dynamerica Corp.	First National Bank of Richardson, Tex. ($6,865,000).	Oct. 1, 1968	Mr. Dobbs Enterprises Inc. ($37,000)	Dec. 3, 1968	Restaurant.

Footnote at end of table.

ACQUISITION OF CONTROLLING INTEREST IN NATIONAL BANKS FROM JULY 1, 1968, THROUGH MAR. 17, 1969—Continued

Name of holding company	Component bank and resources	Date of bank acquisition	Name of subsidiary and resources	Date acquired	Nature of business
Civic Capital Corp	The South East National Bank of Chicago, Ill. ($69,253,000).	Oct. 3, 1968	None		
Barron Investment Co., Inc	First National Bank of Barron, Barron, Wis. ($6,922,000).	Oct. 18, 1968	None		
First Capital Corp	First National Bank of Jackson, Jackson, Miss. ($322,568,000).	Nov. 4, 1968	None		
Plaza Management Co	Plaza National Bank of Bartlesville, Okla. ($5,130,000).	Nov. 5, 1968	None		
Standard Prudential Corp	Sterling National Bank & Trust Co. of New York, New York, N.Y. ($279,000,000).	Nov. 8, 1968	Standard Financial Corp. ($116,000)	August 1966	Commercial and mortgage financing.
			Templon Spinning Mills, Inc. ($12,000).	September 1965	Spinner and dyer of yarns.
			Fabrics by Joyce, Inc. ($7,000)	December 1964	Printing and finishing unfinished fabrics.
			Yuba Industries, Inc. ($19,000)	Oct. 1, 1967	Designing and manufacturing of heaters, valves, and heating equipment.
			Southland Mowers Co., Inc., ($5,065,000).	August 1967	Lawnmower manufacturer.
			New York Auction Co., Division ($7,000).	July 1968	Fur auctions for account of clients.
			Eastland Shoe Corp. ($5,037,000)	do	Shoe manufacturer.
			United Communications, Inc. ($1,328,000).	June 1967	Installation of communication systems.
Texas Land & Equities, Inc	The First National Bank of Olathe, Kans. Nov. 9, 1968 ($15,283,000).	Nov. 9, 1968	T.L.E. & W. Inc. ($735,000)	Jan. 26, 1968	Shakey's Pizza Parlor.
			Fish and Chips of Texas ($150,000)	July 15, 1968	Fish and chips parlor.
General American Transportation Corp	LaSalle National Bank, Chicago, Ill. ($415,068,000).	Nov. 19, 1968	Fuller Co. ($40,794,000)	1954	Manufacturers industrial equipment.
			General American International S.A.R.L. ($14,000).	February 1963	Marketer and operator of parent's activities in Europe.
			GATX Booth Corp. ($94,914,000)	January 1968	Equipment leasing (jets, railroad cars, etc.).
Gem Agency, Inc	The Security National Bank of Amboy, Minn. ($3,314,000).	Dec. 2, 1968	None		
Parklane Financial Corp	Parklane National Bank of Wichita, Kans. ($10,336,000).	Dec. 27, 1968	None		
Northwest Investment Co. of Cloquet, Inc.	City National Bank of Colquet, Minn. ($5,089,000)	Dec. 28, 1968	None		
Peoples Savings, Inc., Ottawa, Kans	The Peoples National Bank of Ottawa, Kans. ($12,388,000).	Dec. 30, 1968	Ottawa Savings & Loan ($19,331,000).	Dec. 20, 1968	Stock savings and loan association.
A. M. Saylor, Inc	First National Bank of Hampton, Hampton, Iowa, ($11,032,000).	Jan. 2, 1969	None		
Melcar Holding Co	The First National Bank of Sleepy Eye, Minn. ($9,450,000).	Jan. 9, 1969	None		
Alabama National Life Insurance Co	Capital National Bank of Montgomery, Ala. ($9,826,000).	Jan. 10, 1969	None		
Associated Industries of Mobile, Inc	The Deposit National Bank of Mobile County, Prichard, Ala. ($6,806,000).	Jan. 14, 1969	B. H. Naphis Contractor, Inc. ($492,000).	May 1, 1968	Building contractor.
			Commercial Buildings, Steel & Equipment, Inc. ($109,000).	do	Steel erection and sales.
Vernon Financial Corp	The First National Bank of North Vernon, Ind. ($7,074,000).	Jan. 30, 1969	Capital Indemnity Co. ($1,450,000)	Dec. 31, 1962	Underwriter casualty insurance.
			Insurance Investments, Inc. ($399,000).	do	Real estate investments.
			Vernon Fire & Casualty Insurance Co. ($3,399,000).	Oct. 31, 1968	Fire and casualty insurance.
Packers Management Co	Packers National Bank, Omaha, Nebr. ($19,021,000).	Feb. 25, 1969	Packers Management Insurance Agency, Inc. (Less than $2,000).	Sept. 1, 1968	General insurance agency.
General Colorado Bank Corp., Inc	The Rocky Ford National Bank, Rocky Ford, Colo. ($4,442,000).	Feb. 28, 1969	None		
First Wyanet Investment Corp	The First National Bank of Wyanet, Ill. ($2,760,000).	Mar. 13, 1969	E. E. Williams Insurance Agency ($50,000).	Feb. 1, 1969	General insurance agency.

[1] Parent company does not want to reveal total resources of above-mentioned subsidiaries.

1-BANK HOLDING COMPANY FORMED PRIOR TO JUNE 30, 1968 (INCLUDING JUNE 30, 1968, TO FEB. 17, 1969, ACQUISITIONS)

Name of holding company	Component bank and resources	Effective date	Name of subsidiary and resources	Date acquired	Nature of business	Consideration
First Union National Bank Corp.	First Union National Bank of North Carolina, Charlotte, N.C. ($808,599,000).	May 8, 1968	First Card Corp. ($70,000)	Nov. 12, 1964	Credit card	Originally trusteed for shareholders of bank—spun off into holding company.
			Cameron Brown [1] ($6,251,000)	May 1, 1964	Mortgage banking	Do.
			General Financial Life Insurance ($2,475,000).	Feb. 5, 1965	Insurance company (credit insurance).	Originally operating subsidiary of bank—spun off into holding company.
			General Financial Agency, Inc. ($290,000).	Apr. 22, 1965	Insurance agency (credit life).	Do.
			Kincaid Advertising Agency, Inc. ($279,000).	July 30, 1965	General advertising	Do.
			First Courier Corp. (ICC rights pending) ($2,000).	July 29, 1968	General courier services, data processing.	If rights granted, will be a spin off of vehicles from the bank to the corporation.
			Commercial Research, Inc. (Less than $2,000).	Mar. 7, 1968	Economic surveys	Originally trusteed shareholders of bank spun off into holding company.
			House of Rothchild's Cheques, Inc. (less than $2,000).	Aug. 8, 1968	Specialty check sales, college towns.	Cash purchase.
			Guardian Credit Corp. (less than $2,000).	Dec. 9, 1968	Finance company	Capitalized by holding company.
			First Computer Services, Inc. (less than $2,000).	Nov. 19, 1968	Computer services, sales, and rentals (not activated).	Originally operating subsidiary of bank—spun off into holding company.
			Scotland Insurance Agency ($35,000).	September 1968.	General insurance agency	Exchange of stock and cash.
			First Commercial Finance Corp. ($5,014,000).	Nov. 6, 1968	Heavy equipment financing.	Spun off paper on heavy equipment held by bank.
			Cameron Brown Insurance Agency of South Carolina, Inc. ($45,000).	July 31, 1963	Insurance agency	Capitalized by parent.
			Charlotte Cold Storage, Inc. ($1,377,000).	Jan. 15, 1969	Cold storage warehouse	Acquired for stock of holding company.
			Real Estate Consultants of the South, Inc. (less than $2,000).	November 1968.	Real estate consultant	Capitalized by parent.
			Fairfax Enterprises, Inc. ($51,000).	Jan. 2, 1968	Real estate	Do.
			Fainsborough, Inc. ($1,230,000)	Feb. 28, 1967	do	Do.

[1] Subsidiaries of Cameron Brown.

Mr. PROXMIRE. In other words, both congenerics and conglomerates, as the Senator points out, would not be; but the congenerics would be affected and a number of very large banks would be affected by moving the grandfather clause date back from March 24 to July 1.

Mr. BENNETT. Mr. President, I would like time to ask the Senator from Wisconsin one question.

Mr. SPARKMAN. I yield the Senator from Utah such time as he may require.

Mr. BENNETT. Mr. President, I am very happy that the Senator from Oregon got that part of the record straight.

I ask the Senator from Wisconsin whether he knows of any important nonbank companies that were acquired by congenerics between June 30 and March 24. I do not regard a pizza parlor operation as being particularly important.

Mr. PROXMIRE. That pizza parlor was Shakey's Pizza, which is a very big national combination involving tens of millions of dollars. It is not one little restaurant.

I might say that, for example, the First Union National Bank Corp., Charlotte, N.C., acquired Courier Express Corp. The Wachovia Corp., which we know is an enormous bank in the South, acquired Wachovia Insurance Agency on January 2, 1969. Industrial Bancorp., Inc., acquired Information Sciences, Inc., and there are others. I have the list here.

Mr. BENNETT. In the course of the debate in the committee, was not the question raised, and is it not central to this discussion, that Courier Service and some of the others may be determined by the Federal Reserve Board to be bank related?

Mr. PROXMIRE. They may be. But my point is that this locks them in. This would lock them in regardless of whether the Federal Reserve Board determined they should be.

Mr. BENNETT. The Federal Reserve Board will have the power, under this bill, to lock them out if it chooses.

Mr. PROXMIRE. The Federal Reserve Board might permit them to hold these. The Federal Reserve Board supports my amendment, because it does give them discretion. If my amendment is defeated, then they would have no discretion with respect to the big banks acquiring the companies to which I have referred.

In answer to the Senator from Utah, I might read the argument of Chairman Burns of the Federal Reserve Board:

> The second amendment would change the grandfather date in the reported bill from March 24, 1969, to June 30, 1968. The impetus for one-bank holding company legislation in this Congress arose out of the new wave of one-bank holding companies formed by the country's largest banks, beginning in mid-1968. Several of these large, bank-centered companies established nonbank subsidiaries between July 1, 1968 and March 24, 1969. We continue to prefer the June 30, 1968 date—

I beg the Senator's pardon.

in order to provide—

This is the crucial part—

> for a review of these subsidiaries to determine whether they conform to whatever standards are ultimately established under the new legislation.

In other words, this would provide for equitable treatment, because they would be treated alike, instead of the present grandfather clause, which goes to March 24 and would give special consideration to those acquired after June 30.

Mr. BENNETT. That is all, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. SPARKMAN. I yield back the remainder of my time.

Mr. PROXMIRE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. GRAVEL). All remaining time on the amendment has now been yielded back.

The question is on agreeing to the amendment No. 880 of the Senator from Wisconsin (Mr. PROXMIRE).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. PELL (after having voted in the negative). On this vote I have a pair with the Senator from Indiana (Mr. HARTKE). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. MANSFIELD (after having voted in the affirmative). On this vote I have a pair with the Senator from Minnesota (Mr. MONDALE). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Tennessee (Mr. GORE), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) and the Senator from Oklahoma (Mr. HARRIS) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON), the Senator from Nebraska (Mr. CURTIS), the Senators from Kansas (Mr. DOLE and Mr. PEARSON), the Senator from California (Mr. MURPHY), and the Senators from Illinois (Mr. PERCY and Mr. SMITH) are necessarily absent.

The Senator from Maryland (Mr. MATHIAS) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) and the Senators from New York (Mr. GOODELL and Mr. JAVITS) are detained on official business.

On this vote, the Senator from Kansas (Mr. DOLE) is paired with the Senator from Illinois (Mr. PERCY). If present and voting, the Senator from Kansas would vote "yea" and the Senator from Illinois would vote "nay."

On this vote, the Senator from Nebraska (Mr. CURTIS) is paired with the Senator from New York (Mr. GOODELL). If present and voting, the Senator from Nebraska would vote "yea" and the Senator from New York would vote "nay."

On this vote, the Senator from Kansas (Mr. PEARSON) is paired with the Senator from South Dakota (Mr. MUNDT). If present and voting, the Senator from Kansas would vote "yea" and the Senator from South Dakota would vote "nay."

The result was announced—yeas 42, nays 31, as follows:

[No. 301 Leg.]

YEAS—42

Aiken	Hart	Randolph
Allen	Holland	Ribicoff
Bayh	Hollings	Russell
Bellmon	Hruska	Saxbe
Boggs	Hughes	Schweiker
Brooke	Jordan, N.C.	Spong
Byrd, W. Va.	Jordan, Idaho	Stevens
Cooper	Kennedy	Symington
Dominick	McIntyre	Talmadge
Eagleton	Metcalf	Thurmond
Ervin	Miller	Tydings
Fannin	Nelson	Williams, Del.
Gravel	Prouty	Yarborough
Griffin	Proxmire	Young, Ohio

NAYS—31

Allott	Eastland	Packwood
Anderson	Ellender	Pastore
Baker	Fong	Scott
Bennett	Fulbright	Smith, Maine
Bible	Gurney	Sparkman
Burdick	Hansen	Stennis
Byrd, Va.	Hatfield	Tower
Case	Inouye	Williams, N.J.
Church	Long	Young, N. Dak.
Cook	McClellan	
Cranston	McGovern	

PRESENT AND GIVING LIVE PAIRS AS PREVIOUSLY RECORDED—2

Mansfield, for.
Pell, against.

NOT VOTING—25

Cannon	Hartke	Moss
Cotton	Jackson	Mundt
Curtis	Javits	Murphy
Dodd	Magnuson	Muskie
Dole	Mathias	Pearson
Goldwater	McCarthy	Percy
Goodell	McGee	Smith, Ill.
Gore	Mondale	
Harris	Montoya	

So Mr. PROXMIRE's amendment (No. 880) was agreed to.

Mr. PROXMIRE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. YOUNG of Ohio. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PROVISION OF CONTINUED FINANCING FOR THE CORPORATION FOR PUBLIC BROADCASTING

Mr. PASTORE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3558.

The PRESIDING OFFICER (Mr. SCHWEIKER) laid before the Senate the amendment of the House of Representatives to the bill (S. 3558) to amend the Communications Act of 1934 to provide continued financing for the Corporation for Public Broadcasting, which was to strike out all after the enacting clause, and insert:

That this Act may be cited as the "Public Broadcasting Financing Act of 1970".

SEC. 2. Subsection (k) of section 396 of the Communications Act of 1934 (47 U.S.C. 396(k)) is amended to read as follows:

"(k)(1) There are authorized to be appropriated for expenses of the Corporation for the fiscal year ending June 30, 1969, the sum of $9,000,000, and for the fiscal year ending June 30, 1970, the sum of $20,000,000, and for the fiscal year ending June 30, 1971, the sum of $30,000,000.

"(2) In addition to the sums authorized to be appropriated by paragraph (1) of this subsection, there are authorized to be appropriated for payment to the Corporation for the fiscal year ending June 30, 1971, amounts equal to the amount of total grants, donations, bequests, or other contributions (including money and the fair market value of any property) from non-Federal sources received by the Corporation under section 396(g)(2)(A) of this Act, during such fiscal year; except that the amount appropriated pursuant to this paragraph may not exceed $5,000,000."

Mr. PASTORE. Mr. President, I move that the Senate disagree to the amendment of the House and request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chairman be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MAGNUSON, Mr. PASTORE, Mr. HARTKE, Mr. GRIFFIN, and Mr. BAKER conferees on the part of the Senate.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3637) to amend section 315 of the Communications Act of 1934 with respect to equal-time requirements for candidates for public office, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 16900) making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1971, and for other purposes; and that the House receded from its disagreement to the amendment of the Senate numbered 29 to the bill and concurred therein.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. RIVERS, Mr. PHILBIN, Mr. HÉBERT, Mr. PRICE of Illinois, Mr. BENNETT, Mr. STRATTON, Mr. ARENDS, Mr. O'KONSKI, Mr. BRAY, Mr. BOB WILSON, and Mr. GUBSER were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 18546) to establish improved programs for the benefit of producers and consumers of dairy products, wool, wheat, feed grains, cotton, and other commodities, to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. POAGE, Mr. ABERNETHY, Mr. PURCELL, Mr. SISK, Mr. BELCHER, Mr. TEAGUE of California, and Mrs. MAY were appointed managers on the part of the House at the conference.

BANK HOLDING COMPANY ACT AMENDMENTS OF 1970

The Senate continued with the consideration of the bill (H.R. 6778) to amend the Bank Holding Company Act of 1956, and for other purposes.

Mr. PASTORE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER (Mr. SCHWEIKER). The clerk will state the amendment.

The legislative clerk read as follows:

On Page 14, Line 12, insert after the word company, "or mutual savings bank."

On line 16, after the word control, insert "directly or indirectly."

On line 19, after the word company, insert "or mutual savings bank."

And on line 24, after the word company, insert, "or mutual savings bank."

Mr. PASTORE. Mr. President, I think that the manager of the bill is familiar with the amendment. As a matter of fact, the committee in making an allowance for certain trust companies in Missouri inserted on page 4 the following provision:

"(E) No trust company which is an insured bank under the Federal Deposit Insurance Act is a bank holding company by virtue of its ownership or control of one bank located in the same State—

And so forth.

What I am adding here is a provision to cover mutual savings banks.

In other words, I am including and putting the mutual savings banks in Rhode Island in the same category. These banks are under the jurisdiction of the State banking commissioner. They also come under the jurisdiction of the Federal Deposit Insurance Corporation.

I would hope that Senators would agree to take the amendment to conference. I think it is a good amendment. I hope they will accept it.

The PRESIDING OFFICER. Who yields time?

Mr. SPARKMAN. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 2 minutes.

Mr. SPARKMAN. Mr. President, I should like to say to the Senator from Rhode Island that I was told a short while ago that the Senator was proposing the amendment.

Are the mutual savings banks to which the Senator refers, so far as he knows, in the same category as the banks in Missouri? The banks in Missouri are especially controlled, as I understand it, by Missouri statute.

Mr. PASTORE. The Rhode Island banks are also controlled by statute.

Mr. SPARKMAN. What we did was to recognize the conditions that the statute provides.

Mr. PASTORE. Mr. President, I hope that the Senator from Utah will listen to this statement. I am told that it is identical, absolutely identical. Our mutual savings banks are in the same category as the trust companies in the State of Missouri that the bill proposes to exempt. I do not see why we should make fish of one and flesh of the other. That is all the amendment does.

If there is any difference between the two and it is discovered in conference, it can be hassled out in conference. However, I think the Senators ought to agree to take the amendment to conference and see if those institutions are not in the same category.

Mr. SPARKMAN. Mr. President, if the Senator from Utah would agree, I think that is a fair proposition that we should take the amendment to conference. We can get some information in the meantime. If they are identical, they should be given the same treatment.

Mr. BENNETT. Mr. President, I think the problem lies in the relationship of the laws in the two States. There is a specific provision in the law of Missouri which we did try to take care of.

If we find a similar provision in other States, I imagine we could take care of it.

Mr. PASTORE. Mr. President, the representatives of mutual banks have discussed this matter with the staff. The bill was completed, I think, before the committee could do anything about the matter. I think the amendment should be accepted and taken to conference. Then, on the other hand, if there is not, you could come back to the Senator from Rhode Island and we will talk about it. [Laughter.]

Mr. SPARKMAN. I was about to say I am perfectly willing to do that, if the Senator from Utah is.

Mr. BENNETT. I am.

Mr. SPARKMAN. I yield back the remainder of my time.

Mr. PASTORE. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Rhode Island.

The amendment was agreed to.

Mr. BENNETT. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. BENNETT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 26, line 2, after the period insert the following: "The term 'trust service' means any service customarily performed by a bank trust department."

On page 26, line 6, strike out "condition, agreement, or understanding—" and insert in lieu thereof "condition or requirement—."

On page 26, strike out lines 7 through 18 and insert in lieu thereof the following:

"(1) that the customer shall obtain some additional credit, property, or service from such bank other than a loan, discount, deposit, or trust service;

"(2) that the customer shall obtain some additional credit, property or service from a bank holding company of such bank, or from any other subsidiary of such bank holding company;

"(3) that the customer provide some additional credit, property, or service to such bank, other than those related to and usually provided in connection with a loan, discount, deposit, or trust service;

"(4) that the customer provide some additional credit, property, or service to a bank holding company of such bank, or to any other subsidiary of a bank holding company; or

"(5) that the customer shall not obtain some other credit, property, or service from a competitor of such bank, a bank holding company of such bank, or any subsidiary of such bank holding company, other than a condition or requirement that such bank shall reasonably impose in a credit transaction to assure the soundness of the credit."

Mr. BENNETT. Mr. President, this amendment has been proposed on behalf of myself, the chairman of the committee, the Senator from Alabama (Mr. SPARKMAN), and Senators CRANSTON, GOODELL, PACKWOOD, PERCY, STEVENS, TOWER, and WILLIAMS of New Jersey.

The amendment which I am proposing is to section 104 of the bill—the provision containing restrictions on anticompetitive tie-in exclusive dealing arrangements that may arise when banks and bank holding companies offer services functionally related to banking but not part of the traditional bank services.

This amendment, which is based on the committee report, is designed to eliminate from the restrictions of section 104 traditional banking practices which do not generally, if ever, have any anticompetitive effects and which in many cases are vital to the conduct of sound banking. Under the bill, the Federal Reserve Board would be authorized to grant specific exemptions for those traditional banking practices, since they have no serious anticompetitive effects. However, it seems much better legislative procedure for the Congress not to forbid practices which it wishes to permit, expecting the Federal Reserve Board to take the time, use the energy, and incur the expense of examining every one of these, and grant exemptions for desirable practices.

The Federal Reserve Board stated in the letter I shall insert that it believes it is better to include exemptions in the statute rather than to place them under administrative discretion. They state, "Accordingly, we recommend adoption of the amendment."

Instead, where we are satisfied that a practice is not anticompetitive and should be continued, let us say so in the law, and leave the Board only the task of exempting further activities of the same sort which it may determine to be desirable in the best interest of sound banking practices.

Where the bill might prohibit a bank from extending credit or furnishing a service, or varying the consideration therefor, on condition that the customer obtain some other credit or service from the bank, this amendment would except a loan, discount, deposit, or trust service. This will, among other things, enable the customer to continue to negotiate his costs and fees with the bank on the basis of his entire relationship with the bank, as the committee report points out at page 17. Clearly, neither a bank nor its customer should be attacked under section 104 for taking advantage of the economies and efficiencies of full-service banking.

Where the bill might prohibit a bank from extending credit or furnishing any service, or varying the consideration therefor, on condition that the customer provide some additional credit or service to the bank, this amendment would exempt services related to and usually provided in connection with a loan, discount, deposit, or trust service. This provision will, among other things, make it clear that section 104 is not intended to affect traditional correspondent bank relationships, compensating balances, and similar practices. If a country bank wishes to obtain investment advice, proof and transit work, or other services from a city bank, and should use its balance at the city bank to pay for these services, there should be no objection to this arrangement, and section 104 should not prohibit this practice.

Where the bill might prohibit a bank from extending credit or furnishing a service, or varying the consideration therefor, on condition that the customer shall not obtain some other credit or service from a competitor, this amendment would exempt such conditions or requirements as the bank shall reasonably impose in a credit transaction to assure the soundness of a credit. Bank loans are usually made on the basis of a careful analysis of the would-be borrower's financial position, including his assets, liabilities, income, expenses, cash flow, et cetera. It is customary, particularly where a customer is borrowing up to the limit of his ability to pay, to require that during the term of the loan he should not borrow or pledge his assets elsewhere. Such an arrangement is clearly required as a matter of sound banking.

In addition, this amendment would contain a definition of the term "trust service"—"any service customarily performed by a bank trust department"—and it would change the provision "on the condition, agreement or understanding" to read "condition or requirement." The definition of trust services, like the definition of trust powers in title 12 United States Code section 92a(a) for national banks, is defined in that statute and like the trust powers of national and State banks, it is subject to the scrutiny of the Federal and State supervisory authorities.

The elimination of the words "condition or understanding," and the substitution of the word "requirement," are intended to eliminate possible inferences and implications of tie-ins and exclusive dealing arrangements based on a bank's performance of two or more services for a particular customer, or the bank's providing a service to the customer and receiving a deposit or other service from the customer at the same time. The bill as amended would require that a condition or requirement imposed by the bank must be demonstrated in order to prove that a violation of the section has occurred.

Mr. President, this amendment has the unqualified support of the Treasury Department, the Justice Department, and the Federal Reserve Board.

At this point I would like to include some letters which I have received from each of those departments in support of the amendment. I ask unanimous consent that the entire text of the letters may be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF JUSTICE,
Washington, D.C.

Re tie-in provision in bank holding company bill.

Hon. JOHN J. SPARKMAN,
Chairman, Senate Banking and Currency Committee, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing to you in response to your request for our views on Section 104 of H.R. 6778 as reported by the Senate Banking and Currency Committee on August 10, 1970. This provision would prohibit tie-ins of products and services offered by banks and bank holding companies. Specifically, this section would prevent a bank from extending credit, leasing or selling property, furnishing any service, or fixing or varying the consideration for any of the foregoing, upon any condition, agreement or understanding, either overt or tacit, that the customer shall obtain some other credit, property or service from the bank or from any affiliate of the bank, or shall provide some other credit, property or service to the bank or to some affiliate of the bank, or shall not obtain some other credit, property or service from a competitor of the bank or of some affiliate of the bank.

This provision is in general terms analogous to existing antitrust law, imposing an absolute prohibition on tie-ins, without proof of actual competitive injury. Its purpose is to prevent bank customers from being required to accept unwanted products or services as a condition of obtaining bank services that they desire.

In general, we believe that the inclusion of an anti-tying provision in the Bank Holding Company Act would be desirable and the Administration suggested inclusion of such a provision in its original proposal (S. 1664). Moreover, we have also supported such a provision in letters to Senator Brooke dated June 8 and 26, 1970.

However, since then, it has been brought to our attention that the language contained in Section 104(b) may cover a variety of traditional banking arrangements on which the Committee has received no testimony or other evidence. These include the traditional practices of a bank's asking its loan customers to maintain compensating balances

as partial compensation for a loan, and calling upon correspondent banks to maintain correspondent balances as compensation for services. Section 104(b) may also reach various traditional loan agreement restrictions which are based on credit considerations (e.g., prohibitions on additional borrowing). Since these practices are almost universal and may serve necessary banking functions, we believe they should not be outlawed, or placed in doubt, without careful prior study.

In general, a strong case can be made for applying absolute legal prohibitions against tying agreements, for as the Supreme Court has stated, "tying agreements serve hardly any purpose beyond the suppression of competition." *Standard Oil Co.* v. *United States*, 337 U.S. 293, 305–06 (1949). The situation is different, however, where we are dealing with traditional banking arrangements of the type described above, which may reflect differing interest rates or terms, or other legitimate business ends.

The Administration's principal concern has been that to permit banks to enter into other financial areas via the holding company route would increase the opportunity of tying other holding company products and services to the offering of credit. Thus, it would be possible, for instance, for holding company banks to tie insurance, data processing, factoring or other non-bank services of affiliated firms to the offering of commercial credit by the bank. S. 1664 was designed to deal with the expanding risks in this area by prohibiting tie-ins involving subsidiaries of bank holding companies.

The proposed new Section 104(b) would extend coverage of this absolute prohibition to banks, whether or not they were subsidiaries of bank holding companies. This general extension of the absolute prohibition against tie-ins raises the difficulties mentioned above. To resolve this problam, we suggest that the language be revised to avoid any inference that Congress intended in this statute to prohibit the use of compensating balance, correspondent balances, and legitimate lending methods.

We recommend that this be accomplished by revising Section 104(b), on page 26 of the August 10, 1970 Committee Print, as shown in the attached drafts. These recommendations are identical to those being proposed by the Treasury Department in a separate letter today. Basically, these recommendations exempt from the absolute tie-in prohibition of Section 104 situations where the tied product is a "loan, discount, deposit, or trust service." In addition, the proposal would, in clause (5), specifically exempt negative covenants that the "bank shall reasonably impose in a credit transaction to assure the soundness of the credit." We believe that these exemptions will cover all the traditional banking arrangements which might otherwise be cast in doubt. At the same time, the absolute prohibition against tie-ins would be applied fully to nontraditional services (such as data processing when these are offered by the bank directly as well as by a bank affiliate. Finally, we would stress that any tie-ins in the area of traditional bank services would still be subject to normal antitrust prohibitions. See *Fortner Enterprises* v. *U.S. Steel Corp.*, 394 U.S. 495 (1969). We believe that together these provide adequate safeguards to the public.

The Department has been advised by the Office of Management and Budget that there is no objection from the standpoint of the Administration's program to the submission of this report to your Committee.

Sincerely yours,

RICHARD W. MCLAREN,
Assistant Attorney General, Antitrust Division.

CHAIRMAN OF THE BOARD OF GOVERNORS, FEDERAL RESERVE SYSTEM,
Washington, D.C., September 14, 1970.

Hon. JOHN SPARKMAN,
Chairman, Committee on Banking and Currency, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: As you requested, I am writing to express the views of the Board on your amendment to section 104 of H.R. 6778. We recommend adoption of the amendment, which would exempt from section 104 certain traditional banking arrangements.

Section 104, as reported, would prohibit coercive tie-ins involving banks, bank holding companies, and their subsidiaries, but would authorize the Board of Governors to grant such exemptions as it considers would not be contrary to the purposes of the section.

The committee report on H.R. 6778 states that the exemptive authority granted to the Board in section 104 should be used to guard against disruption of "appropriate traditional banking practices." It further states, in regard to this exemptive authority, that:

"This will enable the customer to continue to negotiate with the banks on the basis of his entire relationship with the bank. For example, where the customer uses multiple banking services such as deposit, loan, fiduciary, and commercial accounts or facilities, the parties may be free to fix or vary the consideration for any services upon the existence or extent of utilization of such banking services. Similarly, the language is not intended to effect bank correspondent relationships, but insures that traditional correspondent relationships cannot be perverted by being tied to or conditioned upon maintenance or establishment of relationships with nonbank subsidiaries of bank holding companies, or with businesses operated within the bank or by the people controlling a bank. Also, the language is not intended to prevent such traditional banking practices which protect extensions of credit by agreement to restrict other borrowing, but insures that such agreements may not be tied to or conditioned upon an agreement not to do business with competitors of other subsidiaries of the bank holding company, the bank, or of the operators of the bank."

The Board believes that it is better to include exemptions in the statute than to leave them to administrative discretion, and accordingly we recommend adoption of the amendment.

Sincerely yours,

ARTHUR F. BURNS.

THE GENERAL COUNSEL OF THE TREASURY,
Washington, D.C., September 11, 1970.

Hon. JOHN J. SPARKMAN,
Chairman, Banking and Currency Committee, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for our views on Section 104 of H.R. 6778 as reported by the Senate Banking and Currency Committee on August 10, 1970. This provision would prohibit tie-ins of products and services offered by banks and bank holding companies. In general, we are in favor of an anti-tying provision being included in the bill but do not believe it should cover traditional banking arrangements such as requiring a loan customer or a correspondent bank to maintain certain balances as compensation for a loan or for services rendered the correspondent bank. It is our opinion that Section 104, as presently written, may be construed to prohibit such traditional banking practices.

The language of Section 104 would also appear to prohibit arrangements with banks used by the Treasury for many years with great success to carry out important responsibilities of the Secretary of the Treasury.

An arrangement commonly referred to as the Tax and Loan Account System has been used since World War I to carry out the Secretary's responsibilities for assuring (a) that the Treasury's huge financial operations do not disrupt the money market, and (b) that the Treasury's sales of securities will in effect be "underwritten." Under the arrangement, certain taxes may be paid, and certain Treasury securities may be paid for, by transfers from a taxpayer's or purchaser's account in a commercial bank to a Treasury account in the same bank. The Treasury draws from these accounts in some 13,000 banks only as it disburses funds which go back into the banking system. Thus the Treasury's huge operations do not have the periodic effects of starving and flooding the money market, with the disruption that would otherwise ensue. At the same time, the ability to hold for several days funds used to purchase Treasury securities assures that banks will "underwrite" sales of Treasury securities. The value of the deposits retained under this system makes banks seek the transactions, which in turn assures that the system will work. The Treasury does not, however, lose the value of the deposits because it expects of banks, and banks do perform, services of value to the Government for which the Government would otherwise have to pay if the Tax and Loan Account System were not in existence. While the Treasury regards the services performed as a way of recouping the value of the deposits, rather than the deposits being a credit the Treasury provides for services furnished, Section 104 would seem to jeopardize the highly successful system used by the Treasury for over 50 years.

We urge, therefore, that the language of Section 104 be revised to make clear that it does not apply to traditional and unobjectionable banking practices. We believe that this could be done within the framework of Section 104 and consistent with its underlying purposes.

We are enclosing a proposed amendment for this purpose. We recommend that this amendment be adopted by the Senate.

Very sincerely yours,

SAMUEL R. PIERCE, JR.,
General Counsel.

Mr. BENNETT. Mr. President, the letter from the Department of Justice signed by Richard D. McLaren, Assistant Attorney General, Antitrust Division, states among other things:

Finally, we would stress that any tie-ins in the area of traditional bank services would still be subject to normal antitrust prohibitions. See Fortner Enterprises v. U.S. Steel Corp., 394 U.S. 495 (1969). We believe that together these provide adequate safeguards to the public.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. HOLLAND. The Senator will remember that the Senator from Florida received and sent to the committee following the reporting of the bill and the issuance of the report strong letters he had received from certain bankers and others in the State of Florida requesting that section 104 be reexamined and clarified in wording so as to really meet what is said about it in the report.

Mr. BENNETT. The Senator is correct.

Mr. HOLLAND. Do I understand now that that is what the amendment is proposing to do?

Mr. BENNETT. This amendment is the result of 5 or 6 weeks of intensive work by representatives of the Departments of Justice and the Treasury, the Federal Reserve Board, the committee staff, and staff men representing individual Senators on the committee. I know of no language that has been more carefully worked over to accomplish the exact purpose it was intended to accomplish.

We want to prevent the kind of tie-ins that will interfere with business which is not integrally a part of the banking process, but we do not want the language to be so written that, in order to prevent that kind of tie-in, we in fact upset and completely change what has been normal, accepted banking practice for many years, the kind of practice that has been under constant scrutiny by the banking regulatory agencies.

Mr. HOLLAND. Mr. President, if the Senator will yield further, I want to express my very grateful thanks to the Senator from Utah and to the Senator from Alabama (Mr. SPARKMAN), chairman of the committee, for cooperating and collaborating in this matter, and particularly for having taken it up with the official agency, so that this language could be classified so as to accomplish the objectives stated by the Senator from Utah. I think he has done a fine job.

Mr. BENNETT. I thank my friend from Florida. I think we have to remember that banking is a highly technical business. It is very carefully regulated. It was not the purpose of this legislation to change the accepted, tested pattern of the operation of a bank in selling its own services to its customers.

Mr. President, I reserve the remainder of my time.

How much time do I have left?

The PRESIDING OFFICER. The Senator has used 14 minutes.

Mr. BENNETT. I have 16 minutes left. I thank the Chair.

Mr. BROOKE. Mr. President, I rise today to discuss a subject which is of utmost importance to both the banking industry and small businessmen alike. Your Banking and Currency Committee has dealt with a most difficult issue, both in terms of the substantive impact and the political ramifications involved. I wish to commend the very able and dedicated chairman of our committee, Senator SPARKMAN, for his role in shaping this piece of legislation. I also wish to commend the distinguished senior Senator from Utah, Senator BENNETT, for his leadership and guidance. While honest men will certainly differ concerning difficult subjects such as this, our differences remain substantive and are therefore finally to be reconciled by this august body.

In 1956, Congress passed the Bank Holding Company Act which defined bank holding companies, controlled their formation and expansion, and required divestiture of nonbanking interests. The act related, however, to bank holding companies owning two or more banks and did not seek to regulate one-bank holding companies. In addition, the act permitted a broader range of financial activities through the holding company device than the bank could carry on directly.

Since 1956, the number of one-bank holding companies has grown from slightly over 100 to approximately 1,100 according to the latest Federal Reserve Board figures. This growth in one-bank holding companies has occasioned problems which President Nixon described on March 24, 1969, as disturbing and representing an "erosion of the traditional separation of powers between the suppliers of money—the banks—and the users of money—commerce and industry."

The President stated:

> Left unchecked, the trend toward the combining of banking and business could lead to the formation of a relatively small number of power centers dominating the American economy. This must not be permitted to happen; it would be bad for banking, bad for business, and bad for borrowers and consumers.

He went on to conclude that "banking must not dominate commerce or be dominated by it."

Implicit in the President's comments is the dilemma between equipping banks with sufficient flexibility to enable them to compete with other centers of financial power without, at the same time, concentrating such vast caches of economic resources in their hands that they are able to foreclose independent businessmen from competing in their fields of endeavor.

I introduced legislation earlier this year (S. 3823) which did not place arbitrary or indefensible limits on the scope of banking, but rather contained a flexible regulatory scheme embodying stringent competitive ground rules.

Your Banking and Currency Committee, in its wisdom, concluded that vast discretion should not be vested in bank holding companies and that their operations should be circumscribed by reasonable limits. I accept this judgment and find a few in the banking industry that disagree with this conclusion.

It should be pointed out, however, that certain provisions of the Bank Holding Company Act Amendments of 1970 go well beyond what is reasonably necessary to achieve and maintain a healthy banking industry. I refer specifically to the conglomerate amendment and the grandfather clause which have been discussed previously.

The act also presumably removes the exemption for partnerships; however, section 101(e) partially restores the exemption by making it more difficult for the Federal Reserve to find control by a partnership of both banking and nonbanking business because the interests of individuals cannot be aggregated with or attributed to the interest of the company as the only evidence of control.

Because of these shortcomings in the present bill, it becomes even more important to lay down adequate ground rules to prevent abusive practices on the part of banks and bank holding companies as they expand into, or grow within, nonbanking areas. It is also important to insure that existing bank practices—whether they be deemed "traditional" or not—be subjected to careful scrutiny to insure that anticompetitive effects do not arise. I am therefore concerned over the implications of certain amendments which are intended to circumscribe section 104's coverage of ties involving loans, discounts, deposits and trust services. I am saddened to see the regulatory agencies which are charged with overseeing abusive practices yield to industry pressure and thereby publicly reverse prior policy decisions.

Mr. President, I yield myself 15 minutes.

Section 104—the antitying provision—has been subject to a unique legislative history. A similar provision was contained in the original administration bill—S. 1664—which differed from the instant section in only two respects. First, the regulatory approach did not provide an escape clause whereby exemptions could be granted if anticompetitive practices were absent. Second, the provision related only to tying involving banks which were part of holding company arrangements.

The administration antitying provision was warmly endorsed by both the Treasury and Justice Departments at its inception. Assistant Attorney General Richard W. McLaren—the chief antitrust enforcement officer of the Government—concurred with the committee's views that there were no fundamental differences between tie-ins involving banks which are, and those which are not, affiliates of bank holding companies. In addition, at Mr. McLaren's suggestion the committee adopted an antitying provision which reached individuals owning or controlling banks. In Mr. McLaren's words:

> This approach would eliminate the most pernicious potential effects of individual control over banks.

In commenting on the tying provision which appears in the bill which we have before us, Assistant Attorney General McLaren stated that:

> The inclusion of this provision—

That is the provision under discussion at this time—

> would be a sound solution to the problem of tie-ins involving banks, particularly those which have developed as a result of bank control over credit. While we believe that the antitrust laws are applicable in this area, a serious question remains as to the extent to which they can practically eliminate such practices in view of our limited enforcement resources. As a practical matter, many tie-in arrangements involving banks are so limited in their scope and involve such small amounts that they do not seem to justify the expensive and time-consuming efforts of full scale antitrust investigation.

That was Mr. McLaren's statement on the committee bill.

Mr. McLaren concluded by stating that:

> Enactment of this proposed section would provide a most valuable supplement to existing remedies against anticompetitive tying arrangements.

He urged that the provision be included in the bill which we have before us today.

The provision is and was included in the bill.

Since the adoption of section 104 by

your Banking and Currency Committee, things have changed dramatically.

The Treasury Department, which strongly endorsed the original antitying provision, effectively reversed its earlier policies in a letter to Chairman SPARKMAN, dated September 11, which states as follows:

In general, we are in favor of an anti-tying provision being included in the bill but do not believe it should cover traditional banking arrangements such as requiring a loan customer or a correspondent bank to maintain certain balances as compensation for a loan or for services rendered the correspondent bank. It is our opinion that section 104, as presently written, may be construed to prohibit such traditional banking practices.

The Treasury Department then goes on to cite its tax and loan account system which involves the tying of Treasury deposits and certain services performed by depositary banks. With the chairman's permission, I ask that a copy of this letter be included in the RECORD at this point in my statement.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE GENERAL COUNSEL
OF THE TREASURY,
Washington, D.C., September 11, 1970.

Hon. JOHN J. SPARKMAN,
Chairman, Banking and Currency Committee, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for our views on Section 104 of H.R. 6778 as reported by the Senate Banking and Currency Committee on August 10, 1970. This provision would prohibit tie-ins of products and services offered by banks and bank holding companies. In general, we are in favor of an anti-tying provision being included in the bill but do not believe it should cover traditional banking arrangements such as requiring a loan customer or a correspondent bank to maintain certain balances as compensation for a loan or for services rendered the correspondent bank. It is our opinion that Section 104, as presently written, may be construed to prohibit such traditional banking practices.

The language of Section 104 would also appear to prohibit arrangements with banks used by the Treasury for many years with great success to carry out important responsibilities of the Secretary of the Treasury.

An arrangement commonly referred to as the Tax and Loan Account System has been used since World War I to carry out the Secretary's responsibilities for assuring (a) that the Treasury's huge financial operations do not disrupt the money market, and (b) that the Treasury's sales of securities will in effect be "underwritten". Under the arrangement, certain taxes may be paid, and certain Treasury securities may be paid for, by transfers from a taxpayer's or purchaser's account in a commercial bank to a Treasury account in the same bank. The Treasury draws from these accounts in some 13,000 banks only as it disburses funds which go back into the banking system. Thus the Treasury's huge operations do not have the periodic effects of starving and flooding the money market, with the disruption that would otherwise ensue. At the same time, the ability to hold for several days funds used to purchase Treasury securities assures that banks will "underwrite" sales of Treasury securities. The value of the deposits retained under this system makes banks seek the transactions, which in turn assures that the system will work. The Treasury does not, however, lose the value of the deposits because it expects of banks, and banks do perform, services of value to the Government for which the Government would otherwise have to pay if the Tax and Loan Account System were not in existence. While the Treasury regards the services performed as a way of recouping the value of the deposits, rather than the deposits being a credit the Treasury provides for services furnished, Section 104 would seem to jeopardize the highly successful system used by the Treasury for over 50 years.

We urge, therefore, that the language of Section 104 be revised to make clear that it does not apply to traditional and unobjectionable banking practices. We believe that this could be done within the framework of Section 104 and consistent with its underlying purposes.

We are enclosing a proposed amendment for this purpose. We recommend that this amendment be adopted by the Senate.

Very sincerely yours,

SAMUEL R. PIERCE, Jr.,
General Counsel.

PROPOSED AMENDMENTS TO H.R. 6778, SENATE CALENDAR NO. 1094

On page 26 make the following amendments:

At line 2 add the following sentence: "The term 'trust service' means any service customarily performed by a bank trust department."

At line 6 strike everything after the word "condition" and add the following: "or requirement".

Strike lines 7 through 18 and insert in place thereof the following:

(1) that the customer shall obtain some additional service from such bank other than a loan, discount, deposit, or trust service; or

(2) that the customer shall obtain some additional credit, property, or service from a bank holding company of such bank, or from any other subsidiary of such bank holding company; or

(3) that the customer provide some additional credit, property, or service to such bank, other than those related to and usually provided in connection with a loan, discount, deposit, or trust service; or

(4) that the customer provide some additional credit, property, or service to a bank holding company of such bank, or to any other subsidiary of a bank holding company; or

(5) that the customer shall not obtain some other credit, property, or service from a competitor of such bank, the bank holding company of such bank, or any subsidiary of such bank holding company, other than a condition or requirement that such bank shall reasonably impose in a credit transaction to assure the soundness of the credit.

CORDON DRAFT OF PROPOSED AMENDMENTS TO SECTION 104—BRACKETS INDICATE DELETIONS AND ITALIC INDICATES NEW MATERIAL

(a) As used in this section, the terms "bank", "bank holding company", "subsidiary", and "Board" have the meaning ascribed to such terms in section 2 of the Bank Holding Company Act of 1956. For purposes of this section only, the term "company", as used in section 2 of the Bank Holding Company Act of 1956, means any person, estate, trust, partnership, corporation, association, or similar organization, but does not include any corporation the majority of the shares of which are owned by the United States or by any State. *The term "trust service" means any service customarily performed by a bank trust department.*

(b) A bank shall not in any manner extend credit, lease or sell property of any kind, or furnish any service, or fix or vary the consideration for any of the foregoing, on the condition [, agreement, or understanding-] *or requirement*-

[(1) that the customer shall obtain some other credit, property, or service from such bank, a bank holding company of such bank, or from any subsidiary of such bank holding company;

[(2) that the customer provide some other credit, property, or service to such bank, the bank holding company of such bank, or to any subsidiary of such bank holding company; or

[(3) that the customer shall not obtain some other credit, property, or service from a competitor of such bank, bank holding company of such bank, or any subsidiary of such bank holding company.]

(1) *that the customer shall obtain some additional service from such bank other than a loan, discount, deposit or trust service; or*

(2) *that the customer shall obtain some additional credit, property, or service from a bank holding company of such bank, or from any other subsidiary of such bank holding company; or*

(3) *that the customer provide some additional credit, property, or service to such bank, other than those related to and usually provided in connection with a loan, discount, deposit, or trust service; or*

(4) *that the customer provide some additional credit, property, or service to a bank holding company of such bank, or to any other subsidiary of a bank holding company; or*

(5) *that a customer shall not obtain some other credit, property, or service from a competitor of such bank, the bank holding company of such bank, or any subsidiary of such bank holding company, other than a condition or requirement that such bank shall reasonably impose in a credit transaction to assure the soundness of the credit,* The Board may by regulation or order permit such exceptions to the foregoing prohibition as it considers will not be contrary to the purpose of this section.

Mr. BROOKE. Mr. President, the Treasury Department comment completely ignores the last paragraph in section 104(b) which states as follows:

The Board may by regulation or order permit such exceptions to the foregoing prohibition as it considers will not be contrary to the purposes of this section.

The "purposes" section, as set forth in the committee report, provides that:

Section 104 is designed to prohibit anticompetitive practices which require bank customers to accept or provide some other service or product or refrain from dealing with other parties in order to obtain the bank product or service they desire.

Thus, sufficient discretion is vested in the Board of Governors of the Federal Reserve Board to exempt banking practices which are not anticompetitive. Similarly, it is clear that the provision is restricted to ties involving banks and their customers and does not relate to relationships between Government agencies and individual banks. Even if such an implication were not clear, the Federal Reserve Board is vested with ample authority to obviate any uncertainty. The Treasury Department position is therefore untenable.

The Justice Department has strangely altered its previous unconditional support of this provision. In a letter dated September 11, Assistant Attorney General McLaren stated that:

It has been brought to our attention that the language contained in section 104 (b) may cover a variety of traditional banking arrangements on which the Committee has received no testimony or other evidence . . . Since these practices are almost universal and may serve necessary banking functions, we believe that they should not be outlawed,

or placed in doubt without careful prior study.

With deference to Mr. McLaren's acknowledged expertise in this area, I would point out that the provision as presently drafted would authorize the Federal Reserve Board to promulgate initial exemptions where necessary and supersede these exemptions when a thorough study had been completed.

Mr. McLaren's most recent letter went on to state:

The proposed new Section 104 (b) would extend coverage of [the absolute prohibition against tying] . . . to banks, whether or not they were subsidiaries of bank holding companies. This general extension of the absolute prohibition against tie-ins raises . . . difficulties . . . To resolve this problem, we suggest that the language be revised to avoid any inference that Congress intended in this statute to prohibit the use of compensating balances, correspondent balances and legitimate lending methods.

I am forced to remind Mr. McLaren that he has stated on a previous occasion that he sees "no fundamental difference between tie-ins involving banks which are, and those which are not, affiliates of bank holding companies."

I ask unanimous consent that Mr. McLaren's September 11 letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF JUSTICE,
Washington, D.C.

Re tie-in provision in bank holding company bill.

Hon. JOHN J. SPARKMAN,
Chairman, Senate Banking and Currency Committee, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing to you in response to your request for our views on Section 104 of H.R. 6778 as reported by the Senate Banking and Currency Committee on August 10, 1970. This provision would prohibit tie-ins of products and services offered by banks and bank holding companies. Specifically, this section would prevent a bank from extending credit, leasing or selling property, furnishing any service, or fixing or varying the consideration for any of the foregoing, upon any condition, agreement or understanding, either overt or tacit, that the customer shall obtain some other credit, property or service from the bank or from any affiliate of the bank, or shall provide some other credit, property or service to the bank or to some affiliate of the bank, or shall not obtain some other credit, property or service from a competitor of the bank or of some affiliate of the bank.

This provision is in general terms analogous to existing antitrust law, imposing an absolute prohibition on tie-ins, without proof of actual competitive injury. Its purpose is to prevent bank customers from being required to accept unwanted products or services as a condition of obtaining bank services that they desire.

In general, we believe that the inclusion of an anti-tying provision in the Bank Holding Company Act would be desirable and the Administration suggested inclusion of such a provision in its original proposal (S. 1664). Moreover, we have also supported such a provision in letters to Senator Brooke dated June 8 and 26, 1970.

However, since then, it has been brought to our attention that the language contained in Section 104(b) may cover a variety of traditional banking arrangements on which the Committee has received no testimony or other evidence. These include the traditional practices of a bank's asking its loan customers to maintain compensating balances as partial compensation for a loan, and calling upon correspondent banks to maintain corresponding balances as compensation for services. Section 104(b) may also reach various traditional loan agreement restrictions which are based on credit considerations (e.g., prohibitions on additional borrowing). Since these practices are almost universal and may serve necessary banking functions, we believe that they should not be outlawed, or placed in doubt, without careful prior study.

In general, a strong case can be made for applying absolute legal prohibitions against tying agreements, for as the Supreme Court has stated, "tying agreements serve hardly any purpose beyond the suppression of competition." *Standard Oil Co.* v. *United States,* 337 U.S. 293, 305–06 (1949). The situation is different, however, where we are dealing with traditional banking arrangements of the type described above, which may reflect differing interest rates or terms, or other legitimate business ends.

The Administration's principal concern has been that to permit banks to enter into other financial areas via the holding company route would increase the opportunity to tying other holding company products and services to the offering of credit. Thus, it would be possible, for instance, for holding company banks to tie insurance, data processing, factoring or other non-bank services of affiliated firms to the offering of commercial credit by the bank. S. 1664 was designed to deal with the expanding risks in this area by prohibiting tie-ins involving subsidiaries of bank holding companies.

The proposed new Section 104(b) would extend coverage of this absolute prohibition to banks, whether or not they were subsidiaries of bank holding companies. This general extension of the absolute prohibition against tie-ins raises the difficulties mentioned above. To resolve this problem, we suggest that the language be revised to avoid any inference that Congress intended in this statute to prohibit the use of compensating balances, correspondent balances, and legitimate lending methods.

We recommend that this be accomplished by revising Section 104(b), on page 26 of the August 10, 1970 Committee Print, as shown in the attached drafts. These recommendations are identical to those being proposed by the Treasury Department in a separate letter today. Basically, these recommendations exempt from the absolute tie-in prohibition of Section 104 situations where the tied product is a "loan, discount, deposit, or trust service." In addition, the proposal would, in clause (5), specifically exempt negative covenants that the "bank shall reasonably impose in a credit transaction to assure the soundness of the credit." We believe that these exemptions will cover all the traditional banking arrangements which might otherwise be cast in doubt. At the same time, the absolute prohibition against tie-ins would be applied fully to non-traditional services (such as data processing) when these are offered by the bank directly as well as by a bank affiliate. Finally, we would stress that any tie-ins in the area of traditional bank services would still be subject to normal antitrust prohibitions. See *Fortner Enterprises* v. *U.S. Steel Corp.,* 394 U.S. 495 (1969). We believe that together these provide adequate safeguards to the public.

The Department has been advised by the Office of Management and Budget that there is no objection from the standpoint of the Administration's program to the submission of this report to your Committee.

Sincerely yours,

RICHARD W. MCLAREN,
Assistant Attorney General,
Antitrust Division.

Mr. BROOKE. In summation, the very agencies which supported a similar provision in the original administration bill and which endorsed secton 104 have now decided—under heavy bank lobbying—that the provision should be narrowed in scope. They propose, in essence, that tie-ins involving "a loan, discount, deposit, or trust service" be excluded from the coverage of this act.

Thus, it would be possible for a bank to tie trust services such as pension trusts or escrow services to commercial loans or mortgage loans. In addition, banks could engage in the tying of high-grade, high interest retail paper to mortgage or commercial loans.

Furthermore, it would be possible to grant a loan on the condition that the bank customer terminate other loan arrangements and consolidate his loan position with the bank in question.

These are merely examples of the most flagrant abuses which could be sanctioned under the provisions recommended by the Treasury and Justice Departments. I am certain that these results were not intended by either Department. The agencies did intend, however, to preserve traditional banking practices which do not involve anti-competitive practices. I concur with this laudable end and believe that the Federal Reserve Board, in consultation with banking agencies and other interested parties, will produce reasonable regulations in this area.

I certainly understand the Board's position—

It is better to include exemptions in the statute [regarding traditional banking arrangements] than to leave them to administrative discretion.

The Board will be required to exercise considerable discretion in an exacting and responsible manner; however, its record with respect to the implementation of other pieces of legislation warrants the trust and confidence which your committee has placed in this body.

I believe, however, that certain technical amendments may enhance the implementation of this provision and, therefore, contemplate offering these amendments at an appropriate time. Finally, I would like to respond to an argument which some have advanced to the effect that section 104 somehow undermines the dual banking system. This argument is presumably based upon the fact that section 104 subjects all banks to Federal regulatory control.

As an advocate of the dual banking system, I have supported the concept that State banks should not be subjected to Federal regulation except in limited circumstances. Such a situation arises where the concentration of business power is involved and therefore previous bank holding regulations embrace banks which were neither members of the Federal Reserve or holders of Federal deposit insurance.

Accordingly, section 104 does not in any way derogate from the general proposition that traditional banking responsibilities for State banks rest primarily with State rather than Federal agencies. Thus, section 104 does not pose a threat to the dual banking system. I am happy

to see that the National Association of Supervisors of State Banks has recognized this fact and has no objections to the enactment of this provision.

In conclusion, I believe that your committee has dealt in a responsible fashion with the very difficult and politically sensitive issue of bank holding company regulation. We must, however, insure that potential abuses of banking powers are adequately checked by the tying provision contained in this legislation. In that respect, the committee acted responsibly by enacting this provision and I hope the Senate will respond similarly by retaining this provision virtually intact. To remove or substantively alter this provision, as proposed by the Senator from Utah, would confirm the belief of many that this legislation in no way checks abusive practices in the banking community and merely constitutes special interest legislation.

I think this is a position we wish to avoid. I think this is a position which the Senate Banking and Currency Committee did avoid in its committee print; and I urge that the amendment be defeated.

The PRESIDING OFFICER. Who yields time?

Mr. BENNETT. Mr. President, I yield myself 3 minutes.

The Senator from Massachusetts and I have been quoting, and I think we both may have introduced into the RECORD, the same three letters from Treasury, Justice, and the Federal Reserve Board. Perhaps he interprets them differently than I do, but I interpret them to mean that the Treasury has never changed its position, nor has Justice, nor has the Fed. But, as the committee has worked over the language of the bill, and particularly since the language in section 104 appeared therein, they have applied that position more specifically, and clarified that position with respect to that particular language.

Let me say that I have been concerned over the possibility of requiring customers of any business to accept services not desired or products which one might desire to obtain elsewhere in order to obtain goods or services from that business. This is not a practice which is more of a problem in banking than it is in other businesses and, in fact, since the banking industry is so fully regulated, I am sure that the practice is far less common among banks and their affiliates than it is in other segments of our economy. Let me add, however, that, even though this is true, we cannot accept improper tie-in practices in banking.

I am the one who introduced S. 1664, to which the Senator from Massachusetts has referred. It was never intended to affect internal bank operations. It contained a provision intended to prevent improper tie-in practices which could occur between banks and their affiliates, and at no time has there been any doubt in my mind that it would be appropriate to have some type of a tie-in provision in the bill which is now before us.

When we held our comprehensive hearings on bank holding company legislation and heard from all segments of the economy which had an interest in the legislation, there were complaints that banks were unfairly competing with other industries such as data processing, insurance, travel agencies, and others. The only complaint that had any merit, in my view, was that banks were in a position to use their power to grant credit as a tool to induce customers to patronize other services that might be offered by the bank or the bank holding company through its other subsidiaries.

There were two ways available through which to solve the problem which was alleged and it admittedly could occur through the tying of bank services to bank related services. One alternative was to prohibit banks from engaging in any activity which was capable of being tied to a normal bank service. The bill passed by the House of Representatives took that approach and prohibited banks and bank holding companies from engaging in certain activities by redefining the business of banking and listing activities which were not to be included in that definition. Some of the activities which were prohibited are ones that in the past had been considered to be closely related to banking. This approach was embraced by those industries with whom banks have competed because it would remove some of the competition. It seems a truism that while we all laud the benefits of competition for others, we do all within our power to minimize competition in areas where we must be a competitor.

It was, therefore, natural that such groups as independent insurance agents, data processors, travel agents, leasing companies, armored car services, tax accountants, courier services, and freight forwarders and custom brokers were anxious to have banks prohibited from engaging in what they considered to be their business and foreign to banking. The fact, of course, is that banks were engaged in many of these businesses long before the distinct industries which now consider the banks to be encroaching on their domain were established as specialized lines of business.

Instead of prohibiting banks from engaging in certain bank related activities, a simple but unrealistic approach, our committee decided to approve an alternative which would preserve the benefits to the public of banks being able to compete in appropriate related services, but would not allow the improper activities alleged by nonbank competitors.

It must be recognized by all who seriously study our economy that there is a tendency to establish one-stop shopping, whether it be for groceries or financial services. The supermarket is the embodiment of one-stop shopping in the one area. In the financial services area, nonbanking firms have broadened their activities to cover every banking practice except the acceptance of demand deposits upon which checks can be written. Even this area seems sure to be eroded if the present trend continues. While this expansion of financial activities has been taking place in nonbanking firms, the activities in which banks may engage have been strictly regulated by Federal and State laws. Each time the banking community has attempted to broaden its scope and thus provide greater service to its customers and, incidentally, a more stable banking industry, lawsuits from those with whom banks compete have resulted.

Our committee considered carefully the future of banking and the matter of competition by banks in bank related areas before making the decision to allow banks which are affiliated with holding companies to compete in areas which are determined by the Federal Reserve Board to be functionally related to banking. Our purpose in such a decision was not to provide any special benefits to banking, but to provide public benefits by assuring that the business of banking would not be so restricted as to make it impossible for the industry to adjust to changes in the economy and offer new services which are demanded by their customers. In order to assure that this flexible authority, was not misused, the committee decided that it would be proper to specifically restrict bank holding companies and their affiliate banks from practices which would tie the granting of a loan to some other service offered by another affiliate of the holding company.

In addition, the committee approved language which would restrict tie-in practices of banks which are not affiliated with bank holding companies. Unfortunately, in so doing, the committee bill language would not allow banks to continue their present normal banking practices through which they compete with each other for customers without a special exemption from the restrictions. It would make certain bank practices which exist for completely legitimate reasons and which increase competition among banks, per se violations of antitrust law whether there is any anticompetitive effect or not. Such legitimate practices include services provided for correspondent banks, compensating balances, and clauses limiting borrowing that would threaten repayment of the loan. The language of the bill, therefore, is punitive, since it would not allow normal banking practices unless the Federal Reserve Board made a specific exemption for such practices.

As I stated earlier, improper tie-ins should be prohibited. There is no justification for allowing a banking institution or any other institution to establish tying practices which are detrimental to the economy, reduce competition, or tend to produce a monopoly. Unfortunately, the bill as written is not limited to such improper practices.

I think in the amendment I am offering, we have the appropriate kind balanced anti-tie-in provision. Actually, the language in my amendment is stronger than the language in S. 1664 in protecting other companies which deal with banks, and at the same time protecting the traditional pattern of internal bank operations.

In addition, the language of the committee bill would apply to all banks, whether or not they are federally chartered, federally insured, or federally supervised. To provide Federal bank regulatory restrictions on State banking practices without reference to antitrust con-

siderations would be a reversal of a long standing policy under which State law regulates State banking practices except in instances where State bankings voluntarily subject themselves completely to Federal banking law or regulation. When the bill was reported by the committee, I joined with several other members of the committee in views which suggested that an amendment was in order to perfect section 104 as reported. In those views, we suggested that it was important to assure that State banking practices were not brought under the jurisdiction of a Federal bank regulatory agency and also that certain normal banking practices should be excluded from the effects of the section.

During the past 6 weeks, as I have stated, I have been working along with the chairman of the committee, the committee staff, the Treasury Department, the Justice Department, and the Federal Reserve Board to develop appropriate language to take care of the problems involved in section 104, while retaining the meritorious protection afforded under section 104. Language was finally worked out. It was not exactly what I thought it would be, but I accepted it because I believe that these people who worked on it have the best background that is available in the country to accomplish the purpose that I think we all wish to accomplish.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. BENNETT. I yield myself 2 additional minutes.

I have been happy, therefore, to join with the chairman of the committee in supporting this amendment, as well as enough other members of the committee to make up a majority of the group, and believe that it should be accepted by the Senate. The amendment which is supported by the Federal Reserve Board, the Treasury Department, and the Justice Department would exempt from the absolute tie-in prohibition of section 104 situations where the tied product is a loan, discount, deposit, or trust service. In addition, the proposal would exempt negative covenants which a "bank shall reasonably impose in its credit transaction to assure the soundness of the credit." It is my belief that these exemptions will cover traditional banking arrangements which otherwise would be prohibited but at the same time retain the prohibition against tie-ins of nontraditional services whether these are offered by a bank or an affiliate of a bank holding company.

Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. BENNETT. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BROOKE. Does the Senator from Utah wish further debate on this subject? if not, I will be willing to yield back the remainder of my time. I think we have covered it.

The PRESIDING OFFICER. Does the Senator from Utah yield back his time?

Mr. BENNETT. I will take 1 more minute.

It is my impression that every proposal suggested by the Senator from Massachusetts and every proposal that I understand he is going to offer if he fails to defeat this amendment was considered by the staff, by the representatives of the Federal Reserve Board, the Treasury Department, and the Department of Justice. So this ground has been plowed many, many times and rejected.

I hope that the Senate will support the committee and these regulatory and Cabinet agencies in approving this very necessary though highly technical language.

Mr. GOODELL. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. GOODELL. I thank the Senator.

Mr. President, I am pleased to join as a cosponsor of the amendment offered by my distinguished colleague, the Senator from Utah.

I do not support section 104 of the bill as it is presently written. I do not believe it belongs in a bill which regulates one-bank holding companies.

The purpose of H.R. 6778, as reported by the committee, is to regulate the affiliations between a bank and other corporations within the one-bank holding companies. The bill is designed to prevent giant combines of commercial and financial leadership which, because of their economic resources and power, would have the capability to control our economy. I believe this bill will prevent such cartelization.

The purpose of the bill was never, as I understood, to regulate the internal practices of a bank—that is, the relationship between the bank and its own customers.

This is a separate issue which should be considered as amendment to the National Banking Act and not the Bank Holding Company Act.

If such regulation is deemed necessary, we should have hearings on the subject. We should invite bankers, consumers, businessmen to testify on the need or lack of need for this intra-bank restriction.

As written, section 104 would prohibit coercive tie-ins involving banks, bank holding companies, and their subsidiaries. This language would, in effect, prevent a bank from extending credit, leasing or selling property, furnishing any service, upon any condition, agreement or understanding, either overt or tacit, that the customer shall obtain some other credit, property or service from the bank or from any affiliate of the bank.

In addition there should be no agreement that the customer shall perform a reciprocal service, to the bank or to some affiliate of the bank, or that the customer refrain from obtaining some other credit, property or service from a competitor of the bank or of some affiliate of the bank.

It would also include the customary and traditional practice of a bank's asking its loan customers to maintain compensating balances as partial compensation for a loan, and calling upon correspondent banks to maintain correspondent balances as compensation.

Violations would amount to per se violations of law, for the section does not permit a defendent to raise the reasonableness of the transactions in his defense. All that the Government or a civil plaintiff would have to prove is the existence of the transaction in order to prove the violation of law.

I see no reason why these practices should be endangered. Proponents of the amendment will say that they have included a provision which allows the Board of Governors of the Federal Reserve Board to make exemptions on the tie-in prohibitions for these traditional banking services.

Rather than leave this matter to administrative decision, I believe Congress should exempt traditional banking practices from the tie-in provision.

They can do so by adopting this amendment, which I favor.

If this amendment is adopted, I believe the Senate will have passed a good bill to regulate one-bank holding companies.

The bill regulates nonbanking acquisitions of one-bank holding companies and requires that they be approved by the Federal Reserve Board as functionally related to banking. The language in H.R. 6778 gives a flexibility to the banking industry to grow as the public need for banking—bank-related services grows.

The bill also protects the consumer by requiring that the nonbanking acquisition be in the public interest. This means that any such acquisition will be authorized only where positive advantages to the public can reasonably be established. Any acquisition which limits competition and therefore harms the consumer will not be approved.

Potential competitors of banks will also be permitted to participate in hearings held by the Federal Reserve Board to determine if an acquisition should be approved. In addition, these aggrieved parties will also be entitled, where necessary, to take the Fed's subsequent decision to the court of appeals.

I believe this is a good bill; it is not punitive. If the Bennett amendment is approved, it will be an invaluable addition to the committee bill. I feel certain the legislation will be administered fairly by the Federal Reserve Board.

Undoubtedly, compromises will have to be made with the House in conference. I urge our Senate conferees, however, to fight for the approach in our bill and not take the more harsh and punitive direction of the bill as passed by the House.

In conclusion, I once again express my support for this amendment and urge its passage.

Mr. BROOKE. Mr. President, this provision of the committee print has been in the bill for some time. Hearings were held. Witnesses appeared. This matter has been gone through at great length and in great depth.

I should like to address some questions, if I may, to the distinguished Senator from Utah.

Is it not true that under the amendment of the Senator from Utah, one seeking a loan from a bank could be required to consolidate all his other loans with other banks?

Mr. BENNETT. I do not think the bank could legally make that kind of requirement.

Mr. BROOKE. The Senator does not think it could?

Mr. BENNETT. No; I do not think so.

Mr. BROOKE. Or the Senator does not think it would make it?

Mr. BENNETT. I do not think my amendment gives a bank manager any power that he does not have now with respect to internal requirements in dealing with a customer for a loan, a deposit, or a trust instrument.

One other comment: The Senator from Massachusetts is an eminent lawyer. The Senator from Utah used to make paint. But it is my understanding that the present antitrust law would forbid that kind of requirement, and this does not change it.

Mr. BROOKE. We have had clear evidence before the Banking and Currency Committee that the antitrust laws would not cover this situation, that the case in point would not be relevant to this specific issue. I think that matter was very clearly brought to the attention of the members of the Banking and Currency Committee in a letter from the Justice Department, as I recall.

Mr. BENNETT. The Senator and I are reading from the same letter.

Mr. BROOKE. Could not the bank require someone, if someone asked for a loan, to transfer all his trust services to the bank as a condition of getting the loan?

Mr. BENNETT. The Bennett amendment preserves to the manager of a bank the same rights he has now in dealing with their customers on strictly banking procedures. If he can legally require it now, he could require it after my amendment. But I do not think that my amendment would give him permission to require anything that he cannot require now—subject to the antitrust provisions.

Mr. BROOKE. The purpose of the tie-in provision was to eliminate opportunities for abuses. Is that not true?

Mr. BENNETT. The purpose of the tie-in provision was to eliminate the use of the bank's power to impose its will on transactions which were outside the normal borrower, depositor, trustor arrangement.

Mr. BROOKE. That is one interpretation.

Mr. BENNETT. That is my interpretation.

Mr. BROOKE. That is the Senator's interpretation.

Mr. BENNETT. That is also the committee's interpretation.

Mr. BROOKE. That obviously is not the committee's interpretation because section 104 is the committee print. That is the committee action.

Mr. BENNETT. We have had an interesting experience with this bill. We have a situation where the committee report states a point of view which is different from what a technical study of the language would show. That is why we have to have my amendment, to bring the language of the bill in line with the intent of the committee.

Mr. BROOKE. Was it the intent of the committee, or was it the intent of this amendment that if one seeks a loan at a bank the borrower would have to transfer his deposits from other banks to the bank from which he hoped to acquire the loan?

Mr. BENNETT. I would like to read, in response, a quotation from the committee report:

> This will enable the customer to continue to negotiate with the bank on the basis of his entire relationship with the bank. For example, where the customer uses multiple banking services such as deposit, loan, fiduciary, and commercial accounts or facilities, the parties may be free to fix or vary the consideration for any services upon the existence or extent of utilization of such banking services. Similarly, the language is not intended to affect bank correspondent relationships, but insures that traditional correspondent relationships cannot be perverted by being tied to or conditioned upon maintenance or establishment of relationships with nonbank subsidiaries of bank holding companies.

They believe it is better to include the exemptions in the statute, rather than to leave them to administration discretion.

Mr. BROOKE. That may be. That is what the Federal regulations would do.

Mr. BENNETT. Fed does not want to start with a blank page, to be told they have got to consider the practice of every bank and decide whether they will accept it. Fed would rather have exemptions in the bill and then have the right to make additional exceptions if it wished.

Mr. BROOKE. The Fed has discretion to make those exemptions, does it not?

Mr. BENNETT. So far as I know as the bill is presently drafted.

Mr. BROOKE. Well, the committee never intended, nor did I ever intend, nor do I now intend to disrupt normal banking practices. I think that is perfectly clear. That is not what I am talking about.

Mr. BENNETT. Right.

Mr. BROOKE. We are trying to eliminate the possibility of abuses, either expressed or implied. If someone goes to a bank and wants to make a loan, if that person is subject to having a bank say to him, "All right, I will make that loan. I will make it only if you draw money from your existing banks and bring it into this bank prior to making the loan." Or if he has a trust, he might be coerced into bringing the trust to the new bank before he gets that loan. Either he does that expressly or impliedly. There are many ways of doing it, by saying,"Well, we look upon this favorably but we are short of money. Do you have any money in X,Y,Z banks?" They might say, "Why, yes, I have some money in X,Y,Z banks." They would say, "It would be easier to make this loan if you would take money out of X,Y,Z banks and put it in A bank." That could be done. These abuses could take place. We know they do take place in certain areas of the country. This provision is designed to prevent those abuses from taking place.

Mr. BENNETT. The law already forbids these practices. They are illegal under the antitrust laws. I see no reason to interfere with the accepted and tested programs which have been approved after years and years of regulatory supervision, by writing the kind of legislation that the Fed does not want.

Mr. BROOKE. The distinguished Senator from Utah and I have high respect for the painter, but the Senator from Utah is more than a painter. Even though he may not have gotten into a law firm, he is an able and skillful lawyer. The Senator has referred to antitrust legislation. I think he has referred without any question to the *Fortner* decision and I want to read briefly one paragraph from the McLaren letter and what he said about that. He brought it to the attention of the full Committee on Banking and Currency:

> The proposed new section—

The section we are now discussing—

> would go beyond the *Fortner* decision, which did not go so far as to hold tie-ins involving credit illegal per se. Thus, the proposed section would prevent the further spread of seriously anticompetitive practices which have developed in the banking and financial areas.

Mr. President, we know that has been developing. There is no doubt about it. We have had evidence of that. All I am saying is that if this amendment is agreed to, we are opening up the lending institutions to implied or express requirements along the lines I have set forth.

Mr. BENNETT. I read from the McLaren letter which refers to the same decision and states:

> Finally, we would stress that any tie-ins in the area of traditional bank services would still be subject to normal antitrust prohibitions. See *Fortner Enterprises* v. *U.S. Steel Corp.*, 394 U.S. 495 (1969). We believe that together these provide adequate safeguards to the public.

Mr. BROOKE. The burden of proof under existing antitrust law is much greater. If the Senator would refer to the date of that letter, I think we have a grave and rather strange discrepancy concerning what Mr. McLaren said initially, what he said after the committee print was reported—and after consultation with the banking community. But, at any rate, I think that the distinguished Senator from Utah would agree that if his amendment is agreed to, and his language is used in lieu of the committee language as adopted by the committee after full hearings, the effect would be to open up possibilities of abuses.

Mr. BENNETT. Section 104 was never studied specifically by the committee. It was written in at the last minute in the executive session, on the last day.

Mr. BROOKE. The administration's bill had practically the same provision in it. It certainly was discussed in committee. My bill—S. 3823—contained a similar provision in it originally. So I think that the Senator may not have the information as to that.

Mr. BENNETT. My information is clear and I have already stated on the floor that the administration bill which I introduced did not refer to internal banking practices.

Mr. BROOKE. That was true, but it did have similar language governing tie-ins.

Mr. BENNETT. The way the language was written in on the last day, we reached up and gathered the internal banking practices, in addition to those in relation to its customers.

Mr. BROOKE. I have no intention of hurting banks, but I certainly have no intention of hurting those who must go to the banks to borrow money and who could be exposed to these practices.

I am not talking only about individuals but small businesses that go to banking institutions, insurance agents, and others that have to go to them for this purpose. We should do all we can to protect them against potential abuses. The Fed can regulate adequately in this area. They have the sole authority to do that. I think that is the position of the committee, without having a laundry list as the Senator from Utah proposes in his amendment. I urge its rejection.

Mr. BENNETT. Mr. President, how much time do I have?

The PRESIDING OFFICER (Mr. SPONG). Six minutes.

Mr. BROOKE. Mr. President, how much time have we been using, or on whose time have we been on?

The PRESIDING OFFICER. The Senator from Massachusetts has 4 minutes remaining, and the Senator from Utah has 6 minutes remaining.

Mr. BENNETT. Mr. President, I will split the difference with the Senator from Massachusetts. We can each have 5 minutes.

Mr. President, if I felt that my amendment actually reduced the protection that customers have, I would be happy to join with anyone in trying to improve it. However, when the Department of Justice, the Treasury Department, and the Federal Reserve Board have worked for 6 weeks to try to solve this problem, it seems to me that this is a pretty safe solution to accept.

Mr. President, does the chairman of the committee, the Senator from Alabama, wish any time?

Mr. SPARKMAN. Mr. President, will the Senator from Utah yield me 2 minutes?

Mr. BENNETT. Mr. President, I yield 2 minutes to the Senator from Alabama.

Mr. SPARKMAN. Mr. President, I heartily support the amendment. As a matter of fact, this matter has been troubling us ever since the bill was written in the committee. We have been trying to get the matter worked out. We have consulted with the distinguished Senator from Massachusetts many times. We hoped that we would be able to get together on the exact language.

The language that is proposed here, as has been stated by the distinguished Senator from Utah, was suggested to us by the Department of Justice, the Treasury Department, and the Federal Reserve Board.

They say that it is language that is consistent with existing antitrust laws and that this will do the job and that the other would cause a great deal of trouble.

I think, to put it in a few words, that is the whole story. I think that we ought to make the change on the advice of the departments that have to handle the legislation.

Mr. BENNETT. Mr. President, I yield 1 minute to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 1 minute.

Mr. CRANSTON. Mr. President, I support the amendment of the Senator from Utah. We have had virtual unanimity from representatives of the executive branch who feel that this will make far clearer and more effective the law we are trying to pass.

I support the amendment and hope it will be agreed to.

Mr. BROOKE. Mr. President, we have debated the matter very fully. The distinguished chairman of the committee will agree that we have had a complete reversal of opinion on the part of the agencies on this matter.

I think it is unfortunate. I think, however, that if we do agree to the Bennett amendment, we will be opening up possible abuses in this field which we had hoped to close.

The committee initially adopted the language. I think that the committee was right. I think the committee is still right. I think the proposer of the amendment is wrong.

I think that it would be very damaging if the amendment were agreed to, and I hope that it will be rejected.

Mr. BENNETT. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Utah is recognized for 1 minute.

Mr. BENNETT. Mr. President, I do not think that the chairman will agree that there has been a complete reversal.

Mr. President, the yeas and nays have been ordered. I yield back the remainder of my time.

Mr. BROOKE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from Utah. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON. I have a live pair with the Senator from New Jersey (Mr. WILLIAMS). If he were present, he would vote "yea." If I were at liberty to vote, I would vote "nay." I therefore withhold my vote.

The rollcall was concluded.

Mr. KENNEDY. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Georgia (Mr. RUSSELL), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that, if present and voting, the Senator from Oklahoma (Mr. HARRIS), the Senator from Georgia (Mr. RUSSELL), and the Senator from Washington (Mr. JACKSON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON), the Senator from Nebraska (Mr. CURTIS), the Senator from California (Mr. MURPHY), and the Senators from Illinois (Mr. PERCY and Mr. SMITH) are necessarily absent.

The Senator from Maryland (Mr. MATHIAS) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from New York (Mr. JAVITS) are detained on official business.

If present and voting, the Senator from Nebraska (Mr. CURTIS) the Senator from South Dakota (Mr. MUNDT) and the Senator from Illinois (Mr. PERCY) would each vote "yea."

The result was announced—yeas 62, nays 14, as follows:

[No. 302 Leg.]

YEAS—62

Aiken	Fannin	Pastore
Allen	Fong	Pearson
Allott	Fulbright	Prouty
Anderson	Goodell	Proxmire
Baker	Gore	Randolph
Bayh	Griffin	Saxbe
Bellmon	Gurney	Schweiker
Bennett	Hansen	Scott
Bible	Hatfield	Smith, Maine
Boggs	Holland	Sparkman
Burdick	Hollings	Spong
Byrd, Va.	Hruska	Stennis
Byrd, W. Va.	Hughes	Symington
Cook	Inouye	Talmadge
Cranston	Jordan, N.C.	Thurmond
Dole	Jordan, Idaho	Tower
Dominick	Long	Williams, Del.
Eagleton	Mansfield	Yarborough
Eastland	McClellan	Young, N. Dak.
Ellender	Miller	Young, Ohio
Ervin	Packwood	

NAYS—14

Brooke	Hart	Pell
Case	Kennedy	Ribicoff
Church	McGovern	Stevens
Cooper	McIntyre	Tydings
Gravel	Metcalf	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY ANNOUNCED—1

Nelson, against.

NOT VOTING—23

Cannon	Javits	Mundt
Cotton	Magnuson	Murphy
Curtis	Mathias	Muskie
Dodd	McCarthy	Percy
Goldwater	McGee	Russell
Harris	Mondale	Smith, Ill.
Hartke	Montoya	Williams, N.J.
Jackson	Moss	

So Mr. BENNETT'S amendment was agreed to.

Mr. SPARKMAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. PROXMIRE. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 23, strike lines 18 and 19 all through the word "enactment," on line 20, and insert in lieu thereof: "covered in 1970."

Mr. PROXMIRE. Mr. President, I yield myself such time as I may require. I understand I have 15 minutes.

The PRESIDING OFFICER. The Senator is correct. The Senator from Wisconsin is recognized.

Mr. PROXMIRE. Mr. President, this amendment would attempt to conform the decision the Senate made a few moments ago to move the grandfather clause back to June 30, 1968, to all one-bank holding companies, conglomerates as well as other one-bank holding companies.

Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. PROXMIRE. Mr. President, a number of Senators have come to me and told me at the conclusion of the close vote we had, which we lost, that is the amendment that would have taken conglomerate exemptions from the bill, Senators told me that they would have voted for my amendment if the amendment had simply provided exemptions for the banks with a net worth of $3 million or less, but they felt they could not vote for my amendment with small banks included in my amendment and not given that attention.

This amendment provides that any conglomerate would have the protection in the bill, provided the acquisition of the conglomerate was before June 30, 1968. This would be consistent with the position of the Federal Reserve Board and the Justice Department, and with equity between the one-bank holding companies that are conglomerates and those that are not. Only five or six of the largest conglomerates would be affected.

The conglomerates that would be affected are the General American Transportation Co., Sperry & Hutchinson Corp., National Lead Co., Baldwin Central, Inc., Standard Prudential Corp., and Gulf & Western.

It seems logical and fair, in view of the fact that every other bank is limited by this June 30, 1968, date, that the large corporations that have a lot of clout and that have engaged in a great deal of lobbying, should be treated no differently—no better and no worse. That is what my amendment would accomplish.

I reserve the remainder of my time.

Mr. SPARKMAN. Mr. President, I yield myself 5 minutes.

I would like to ask the Senator from Wisconsin how many of these small banks would be covered by his amendment and would have to liquidate.

Mr. PROXMIRE. To the best of my knowledge, virtually none. All of them were formed before June 30, 1968. There would be very few. We have no knowledge of any.

Mr. SPARKMAN. The Senator was rather specific as to the large ones that were formed after that time. I wish he would be just as specific on the small ones.

This provision was written into the bill originally to try to take care of the small banks in small communities. Governor Robertson of the Federal Reserve Board recommended that something ought to be worked out. He did not ask for this identical language, but he did think, and I believe everybody on the committee felt, some arrangement ought to be made for the small banks.

Now the Senator is going back and cutting them out unless they were formed prior to——

Mr. PROXMIRE. June 30, 1968.

Mr. SPARKMAN. June 30, 1968, even though at that time it was perfectly lawful for them to set up the one-bank holding company operation. The law made it possible, and they did a lawful thing in so organizing.

The only reason we agreed to the March 24, 1969, date was that that was the date upon which we put the people on notice that there most likely would be legislation on this matter.

This amendment now cuts back the date to get these small banks as well as the five or six big ones. Just because it is desired to eliminate four or five big ones, the Senator is going to eliminate all the small ones that came in during that period of time also. I do not believe that should be done.

I wish the Senator from Wisconsin would not insist upon this amendment at this time. I told him, in a private conversation, that we could thresh this out in conference.

There is another aspect. The Senator from New Jersey (Mr. WILLIAMS) was the author of the so-called conglomerate amendment and handled it on the floor, had to leave. We knew he was going to leave. He had no notice of this proposal. I regret very much that he is not here to defend his position.

I wish the Senator would withhold his amendment and let us deal with it in conference. It is something that can be dealt with in conference.

Mr. PROXMIRE. Mr. President, I yield myself 2 minutes.

May I say to the Senator from Alabama that I appreciate his position. We did try to reach the Senator from New Jersey (Mr. WILLIAMS). We called his office. I do not like to bring the amendment up under those circumstances. We did our best to notify the Senator from New Jersey (Mr. WILLIAMS).

We asked the Federal Reserve Board to give us a list of the banks that would be affected by action taking the date back to June 30. These were the six banks the Federal Reserve Board knew about. There may be others, but they did not know about them. If there are others, they would be very few.

Under Secretary Walker, of the Treasury Department, testified that the overwhelming majority of the small conglomerates were formed before June 30, 1968.

Mr. SPARKMAN. I recall that Secretary Walker did propose the 1968 date because he said that a good many of them were formed after that date; but we decided in the committee, as the Senator knows, that the 1969 date was fair, because to cut back earlier than that would make holding companies divest themselves of something they had acquired lawfully under the law that we had previously approved. It seems to me that the other was the fairer date.

Mr. PROXMIRE. It may be that March 24 was a fairer date, but the Senate voted on it. The Senate cut the grandfather clause back to June 30. I am saying that we should apply it equally; there should not be discrimination.

Mr. BENNETT. Mr. President, will the Senator yield me 1 minute?

Mr. SPARKMAN. I yield 1 minute to the Senator from Utah.

Mr. BENNETT. Mr. President, we now are facing a very interesting situation. The House having passed a bill which affects these banks, retroactively for 14 years, they are going to wipe out everything that was legal for 14 years, and now we are edging back toward that same kind of situation.

We in the Finance Committee are very careful not to legislate retroactive tax bills, but now here we are legislating—and I voted against the other amendment of the Senator from Wisconsin—retroactive laws which take away from a man property which, when he acquired it, was perfectly legal. Perhaps that is due process—I am not a lawyer—but it seems to me this arbitrary playing around with dates leaves us with the question of just how responsible we are in feeling that we can make this kind of decision.

Mr. PROXMIRE. Mr. President, if the Senator will yield, we did that when we decided to move the grandfather clause date back to June 30, 1968. We did it in the committee bill when we made it March 24, 1969. That is what the grandfather clause did. It made it retroactive. I say we ought to provide for everybody alike. What it does now is provide for discrimination.

Under the bill, conglomerates will be able to acquire banks and escape from the regulations provided in this bill for all other holding companies until the President signs the bill, which may be 30 days from now, they may acquire anything they wish indefinitely without any effective legal restraint.

Mr. BENNETT. I thought we took an incorrect attitude, of retroactivity in order to balance out what I think was an unfair and improper point of view. It is one thing to sit back in the beginning of 1969 and suggest a date which was approximately current, and a different thing to come here at the end of 1970 and say that because that date was suggested in 1969, we had better write other dates back to 1968. This may be all right for some, but I will vote against it, as I did against the other amendment, on the moral basis.

Mr. PACKWOOD. Mr. President, will the Senator yield me some time?

Mr. SPARKMAN. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 10 minutes remaining.

Mr. SPARKMAN. I yield 6 minutes to the Senator from Oregon.

Mr. PACKWOOD. Let me ask the Senator from Wisconsin one question, to make sure I understand. He talks about the March date, and then talks about conglomerates, but the effective date for conglomerates was the effective date of the passage of the act.

Mr. PROXMIRE. That is exactly right; 40, 50, or 60 days from now.

Mr. PACKWOOD. Would the Senator tell me again what his amendment does?

Mr. PROXMIRE. It provides that the effective date as far as conglomerates are concerned will be the same as the effective date for other bank holding companies, or June 30, 1968.

Mr. PACKWOOD. Wait a minute, please. It is my understanding that the effective date for other bank holding companies is March 24, as to congenerics, and that anything they were involved in at that time they can continue to be involved in.

Mr. PROXMIRE. We changed the grandfather clause date from March 24 by a vote on an amendment which we passed a short time ago by a vote of 42 to 31, putting it back to June 30, 1968.

Mr. PACKWOOD. So we are getting the congenerics formed after June 30, 1968?

Mr. PROXMIRE. The congenerics cannot escape regulation if they became one-bank holding companies after June 30, 1968. Unless we adopt my amendment the conglomerates can buy up banks until this bill becomes law later this year. This amendment would put them all on the same basis.

Mr. PACKWOOD. But those formed before, the Senator would let go on and do whatever they want to do?

Mr. PROXMIRE. That is correct.

Mr. PACKWOOD. All right; then I shall vote against the amendment. It seems to me if that we are speaking about discrimination, the Senator is making a tremendous discrimination as to those conglomerates—and let us separate congenerics from conglomerates; we are not talking about S&H—that were formed after June 30, 1968, or are still to be formed, up to the date of the passage of this act, with the permission of the Federal Reserve Board—and saying, "Well, too bad, those companies should have had the foresight to realize that the Senate and House, in their wisdom, were going to act." They should have had the foresight, maybe, in 1965, when the House passed an elimination of more-than-one-bank holding companies, to have foreseen that the Senate might act, or maybe they should have had the foresight in 1956 to foresee that we might some day eliminate one-bank holding companies. But I do not think it is fair to say that those companies which acted within the existing law are going to be severed if they acted after June 30, 1968, and those conglomerates that were formed before will get to go on.

Mr. PROXMIRE. The Federal Reserve Board, the Justice Department, and the administration recommended to us a June 30, 1968 grandfather clause date. After that date, there was a large number of acquisitions, which it was clear were in anticipation of action by Congress for a cutoff.

That date may have been wrong, but the Senate has just decided by a 42-to-31 vote that the June 30, 1968 date was fair, and that we should go back to June 30, 1968. The only question is, Should we make it so discriminatory as to apply only to those holding companies that were not conglomerates?

Mr. PACKWOOD. Yes; we should, because the point of this legislation is to prevent the concentration of massive financial power in one place, and the conglomerates do not do that. The conglomerates do not have the assets, the reserves, nor the liquidity to go around buying up businesses. Their assets come from the operation of a business which they conduct at a profit. That is the reason we make a distinction between the conglomerates and the congenerics.

Mr. PROXMIRE. The Justice Department, speaking of this concentration of financial power, strongly disagreed. That is why they supported my original amendment. In Bridgeport, Conn., for example, a conglomerate owns about 30 percent of the banking assets of that community.

Mr. PACKWOOD. And we point out that under the bill, the Federal Reserve Board has the power to divest those banks if keeping the banks would allow undue concentration of resources, conflicts of interest, or unsound banking practices.

Mr. PROXMIRE. This is a power that the Federal Reserve Board has said it does not want. They have not asked for it, and they think Congress ought to make this decision. That is the reason for the policy I am trying to persuade the Senate to follow.

Mr. PACKWOOD. Then how do we arrive at this sort of magic figure of June 30, 1968? Why were the people who bought before that date acting in good faith, and those who bought after it somehow acting in bad faith?

Mr. PROXMIRE. Mr. President, I did not choose the date. I did not pick it out of the air. It was the figure recommended by President Nixon, by the Justice Department, by the Treasury, by the Federal Reserve Board, and by all the agencies that have the responsibility, the authority, and the knowledge in this area.

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. Mr. President, I am prepared to yield back the remainder of my time.

Mr. SPARKMAN. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. SPONG). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Wisconsin. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TALMADGE (when his name was called). On this vote, I have a pair with the Senator from Minnesota (Mr. MONDALE). If the Senator from Minnesota were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

The rollcall was concluded.

Mr. KENNEDY. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), and the Senator from Georgia (Mr. RUSSELL) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), and the Senator from Michigan (Mr. HART) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON), the Senator from Nebraska (Mr. CURTIS), the Senator from California (Mr. MURPHY) and the Senators from Illinois (Mr. PERCY and Mr. SMITH) are necessarily absent.

The Senator from Maryland (Mr. MATHIAS) is absent on official business

The Senator from South Dakota (Mr. MUNDT) is absent because of illness).

The Senator from Colorado (Mr. DOMINICK) the Senator from Arizona (Mr. GOLDWATER) and the Senator from New York (Mr. JAVITS) are detained on official business.

If present and voting, the Senator from Nebraska (Mr. CURTIS), the Senator from Colorado (Mr. DOMINICK), the Senator from South Dakota (Mr. MUNDT), and the Senator from Illinois (Mr. PERCY) would each vote "nay."

The result was announced—yeas 30, nays 45, as follows:

[No. 303 Leg.]

YEAS—30

Aiken	Gravel	Proxmire
Allen	Griffin	Randolph
Bayh	Jordan, Idaho	Ribicoff
Brooke	Kennedy	Saxbe
Byrd, Va.	Mansfield	Schweiker
Byrd, W. Va.	Metcalf	Spong
Cooper	Nelson	Stevens
Dole	Pastore	Tydings
Fulbright	Pearson	Yarborough
Goodell	Pell	Young, Ohio

NAYS—45

Allott	Ervin	McGovern
Anderson	Fannin	McIntyre
Baker	Fong	Miller
Bellmon	Gore	Packwood
Bennett	Gurney	Prouty
Bible	Hansen	Scott
Boggs	Hatfield	Smith, Maine
Burdick	Holland	Sparkman
Case	Hollings	Stennis
Church	Hruska	Symington
Cook	Hughes	Thurmond
Cranston	Inouye	Tower
Eagleton	Jordan, N.C.	Williams, N.J.
Eastland	Long	Williams, Del.
Ellender	McClellan	Young, N. Dak.

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY ANNOUNCED—1

Talmadge, against.

NOT VOTING—24

Cannon	Hartke	Montoya
Cotton	Jackson	Moss
Curtis	Javits	Mundt
Dodd	Magnuson	Murphy
Dominick	Mathias	Muskie
Goldwater	McCarthy	Percy
Harris	McGee	Russell
Hart	Mondale	Smith, Ill.

So Mr. PROXMIRE's amendment was rejected.

Mr. SPARKMAN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. SPARKMAN. I yield 2 minutes on the bill to the Senator from Louisiana.

Mr. LONG. Mr. President, we have a situation in Louisiana that needs some clarification under the proposed legislation. The National Bank of Commerce in New Orleans is presently in the process of reorganizing itself into a subsidiary of a one-bank holding company. The reorganization process is now in midstream. The holding company was formed on July 10, 1970, and it has subscribed to purchase all of the stock of a new national bank that will be chartered for the purpose of completing the reorganization. The plan is for National Bank of Commerce to merge into the new bank. The new national bank is, or soon will be, a body corporate, authorized by the Comptroller of the Currency to commence the business of banking. However, it may not be possible to complete the merger before this legislation is enacted. If this bill is passed before the reorganization is completed, will it be necessary for the National Bank of Commerce to get the approval of the Federal Reserve Board to complete the reorganization?

Mr. SPARKMAN. Mr. President, if the new national bank has been constituted as a body corporate, with authority to commence the business of banking under the national banking laws prior to the time this legislation is passed, it is my view that the corporation owning its stock would presently be considered a one-bank holding company within the meaning of this legislation. Therefore, it should not have to go to the Federal Reserve Board for additional approval to complete the reorganization after the legislation is enacted.

Mr. LONG. I thank the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. CRANSTON. Mr. President, I send an amendment to the desk and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment, as follows:

On page 25, line 14, after "shall" insert "have the right to".

Mr. SPARKMAN. Mr. President, will the Senator yield me 1 minute?

Mr. CRANSTON. I yield.

Mr. SPARKMAN. Mr. President, I understand that the amendments which the Senator from California is offering are technical and can be disposed of very quickly. I understand that there probably is no other amendment to be offered. Therefore, just as soon as this is disposed of, if that is true, I shall ask for a third reading and hope to have a rollcall vote.

Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. BENNETT. Mr. President, will the Senator yield 1 minute so that I may address a question to the Chairman?

Mr. SPARKMAN. I yield.

Mr. BENNETT. Mr. President, I think we can take these amendments without taking the time necessary to go through them individually. These are technical amendments, in effect, and, so far as I know, there is no objection to them.

Mr. SPARKMAN. I feel the same way. That would be up to the Senate. I am perfectly willing to take the amendments.

Mr. CRANSTON. Let me send the other two amendments to the desk. They are perfecting amendments, technical in nature, and not controversial. They have been discussed with the managers on both sides and they can be disposed of without further discussion.

The PRESIDING OFFICER (Mr. EAGLETON). Without objection, the three amendments will be considered en bloc. The clerk will state the last two amendments.

The legislative clerk read as follows:

On page 13, line 15, page 17, line 9, insert the word "sole" in front of the word "discretionary."

On page 28, line 18, change "seven" to "four".

Mr. SPARKMAN. Mr. President, I am perfectly willing to accept the amendments and move that they be agreed to.

Mr. President, I yield back the remainder of my time.

Mr. CRANSTON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendments of the Senator from California en bloc.

The amendments were agreed to en bloc.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment, as amended, was agreed to.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

All time has now been yielded back. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Okahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), and the Senator from Georgia (Mr. RUSSELL), are necessarily absent.

I further announce that, if present and voting, the Senator from Oklahoma (Mr. HARRIS), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), and the Senator from Georgia (Mr. RUSSELL) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON), the Senator from Nebraska (Mr. CURTIS), the Senator from California (Mr. MURPHY), and the Senators from Illinois (Mr. PERCY and Mr. SMITH) are necessarily absent.

The Senator from Maryland (Mr. MATHIAS) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from New York (Mr. JAVITS) are detained on official business.

If present and voting, the Senator from Nebraska (Mr. CURTIS), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), and the Senator from Illinois (Mr. PERCY) would each vote "yea."

The result was announced—yeas 77, nays 1, as follows:

[No. 304 Leg.]

YEAS—77

Aiken	Fong	Packwood
Allen	Fulbright	Pastore
Allott	Goodell	Pearson
Anderson	Gore	Pell
Baker	Gravel	Prouty
Bayh	Griffin	Randolph
Bellmon	Gurney	Ribicoff
Bennett	Hansen	Saxbe
Bible	Hart	Schweiker
Boggs	Hatfield	Scott
Brooke	Holland	Smith, Maine
Burdick	Hollings	Sparkman
Byrd, Va.	Hruska	Spong
Byrd, W. Va.	Hughes	Stennis
Case	Inouye	Stevens
Church	Jordan, N.C.	Symington
Cook	Jordan, Idaho	Talmadge
Cooper	Kennedy	Thurmond
Cranston	Long	Tower
Dole	Mansfield	Tydings
Dominick	McClellan	Williams, N.J.
Eagleton	McGovern	Williams, Del.
Eastland	McIntyre	Yarborough
Ellender	Metcalf	Young, N. Dak.
Ervin	Miller	Young, Ohio
Fannin	Nelson	

NAYS—1

Proxmire

NOT VOTING—22

Cannon	Javits	Mundt
Cotton	Magnuson	Murphy
Curtis	Mathias	Muskie
Dodd	McCarthy	Percy
Goldwater	McGee	Russell
Harris	Mondale	Smith, Ill.
Hartke	Montoya	
Jackson	Moss	

So the bill (H.R. 6778) was passed.

Mr. SPARKMAN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the bill be printed as it was passed by the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPARKMAN. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. SPARKMAN, Mr. PROXMIRE, Mr. WILLIAMS of New Jersey, Mr. BENNETT, and Mr. TOWER conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, the swift and efficient disposition of this bank holding measure was due in large measure to the strong and able efforts of the distinguished senior Senator from Alabama (Mr. SPARKMAN). The outstanding record of public service compiled by the chairman of the Committee on Banking and Currency need not now be recounted. It is well known. Witnessed by the Senate this evening, however, was the effective advocacy and persuasive leadership that is responsible for compiling such a record. Senator SPARKMAN's legislative ability is unexcelled. That fact was clearly shown in his handling of the bank holding measure. The Senate is deeply grateful.

The Senate is grateful as well for the strong and able efforts of the distinguished senior Senator from Utah (Mr. BENNETT). As the ranking minority member of the committee be joined with outstanding cooperation and assistance to assure final disposition this evening. It was only typical of Senator BENNETT and the Senate is truly in his debt.

Finally, I wish to extend my thanks to every Member for granting the cooperation and assistance that enabled such great progress in our legislative program.

EMPLOYMENT AND TRAINING OPPORTUNITIES ACT OF 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 1152, S. 3867.

The PRESIDING OFFICER. The bill will be stated by title.

The title of the bill was read, as follows:

A bill (S. 3867) to assure opportunities for employment and training to unemployed and underemployed persons, to assist State and local communities in providing needed public services, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert:

That this Act, with the following table of contents, may be cited as the "Employment and Training Opportunities Act of 1970".

TABLE OF CONTENTS

Sec. 1. Short title.
Sec. 2. Statement of findings and purpose.
Sec. 3. Authorized appropriations.
Sec. 4. Funds available for specific programs.
Sec. 5. Advance funding.
Sec. 6. Definitions.
Sec. 7. Legal authority.
Sec. 8. Specific limitations and conditions.
Sec. 9. Labor standards.
Sec. 10. Eligible participants.
Sec. 11. National Manpower Advisory Committee.
Sec. 12. Intergovernmental Advisory Council on Manpower.
Sec. 13. Reports.
Sec. 14. Authority to contract and expend funds.
Sec. 15. Acceptance of gifts.
Sec. 16. Acceptance of voluntary services.
Sec. 17. Acceptance of funds.
Sec. 18. Transfer of funds.
Sec. 19. Utilization of services and facilities.
Sec. 20. Rental, alteration, and improvement of buildings.
Sec. 21. Expenditures for printing and binding.
Sec. 22. Criminal provisions.
Sec. 23. Interstate agreements.
Sec. 24. Effective date.

TITLE I—COMPREHENSIVE MANPOWER SERVICES

Sec. 101. Program authorized.
Sec. 102. Uses of funds.
Sec. 103 Eligible applicants.
Sec. 104. Prime sponsors.
Sec. 105. Applications.
Sec. 106. Approval of applications.
Sec. 107. Concurrence of other agencies.
Sec. 108. Allocations.
Sec. 109. Special conditions.
Sec. 110. Allowances and compensation.

TITLE II—PUBLIC SERVICE EMPLOYMENT

Sec. 201. Financial assistance.
Sec. 202. Authorization.
Sec. 203. Eligible applicants.
Sec. 204. Applications.
Sec. 205. Approval of applications.
Sec. 206. Allocations.
Sec. 207. Special conditions.

TITLE III—SPECIAL WORK AND TRAINING PROGRAMS

PART A—GENERAL PROVISIONS

Sec. 301. Equitable distribution of assistance.
Sec. 302. Limitation on Federal assistance.
Sec. 303. Administrative regulations.

PART B—SPECIAL WORK, TRAINING, AND CAREER DEVELOPMENT PROGRAMS

Sec. 311. New Careers.
Sec. 312. Mainstream.
Sec. 313. Community Environment Service.
Sec. 314. Opportunities Industrialization Centers.
Sec. 315. Upgrading programs.
Sec. 316. Jobs for Progress-Operation SER programs.
Sec. 317. Management training programs.
Sec. 318. Manpower programs in correctional institutions.

PART C—JOB CORPS

Sec. 331. Statement of purpose.
Sec. 332. Individuals eligible for Job Corps.
Sec. 333. Screening and selection of applicants.
Sec. 334. Special limitations.
Sec. 335. Enrollment and assignment.
Sec. 336. Job Corps Centers.
Sec. 337. Program activities.
Sec. 338. Allowances and support.
Sec. 339. Standards of conduct.
Sec. 340. Community participation.
Sec. 341. Counseling and job placement.
Sec. 342. Evaluation; experimental demonstration projects.
Sec. 343. Advisory committees and boards.
Sec. 344. Participation of the States.
Sec. 345. Application of provisions of Federal law.
Sec. 346. Special limitations.
Sec. 347. Political discrimination and political activity.

PART D—NEIGHBORHOOD YOUTH PROGRAMS

Sec. 351. Programs authorized.
Sec. 352. Special conditions.
Sec. 353. Program participations.

TITLE IV—SPECIAL FEDERAL RESPONSIBILITIES

PART A—MANPOWER RESEARCH AND DEVELOPMENT

Sec. 401. Research and development.
Sec. 402. Labor market information.
Sec. 403. Manpower utilization.
Sec. 404. Evaluation.
Sec. 405. Removal of artificial barriers to employment and advancement.
Sec. 406. Training and technical assistance.
Sec. 407. Report on summer youth programs.

PART B—NATIONAL COMPUTERIZED JOB BANK PROGRAM

Sec. 431. Findings and purpose.
Sec. 432. Establishment of the program.
Sec. 433. Conduct of the program.
Sec. 434. Experiments, demonstrations, research, and development.
Sec. 435. Rules, regulations, and standards.

PART C—DEVELOPMENT OF EMPLOYMENT OPPORTUNITIES FOR DISADVANTAGED PERSONS IN FEDERALLY ASSISTED PROGRAMS

Sec. 451. Purpose.
Sec. 452. Research.
Sec. 453. Pilot programs.
Sec. 454. Reports.

TITLE V—MANPOWER PROGRAMS FOR INDIAN, BILINGUAL, MIGRANT, AND OLDER WORKERS

PART A—INDIAN MANPOWER PROGRAMS

Sec. 501. Statement of findings and purpose.
Sec. 502. Establishment of Office of Indian Manpower Programs.
Sec. 503. Authorization.
Sec. 504. National Indian Manpower Advisory Council.
Sec. 505. Manpower report.
Sec. 506. Trust responsibilities.

PART B—BILINGUAL MANPOWER PROGRAMS

Sec. 511. Declaration of policy.
Sec. 512. Authorization and distribution funds.
Sec. 513. Uses of funds.
Sec. 514. Applications for grants and conditions for approval.
Sec. 515. Definition.

PART C—MIGRANT AND SEASONAL FARMWORKER MANPOWER PROGRAMS

Sec. 521. Statement of findings and purpose.
Sec. 522. Establishment of an Office of Migrant and Seasonal Farmworker Manpower Programs.
Sec. 523. Authorization.
Sec. 524. Migrant and Seasonal Farmworker Manpower National Advisory Council.
Sec. 525. Duties of Council.
Sec. 526. Annual report.

PART D—MIDDLE-AGED AND OLDER WORKERS MANPOWER PROGRAMS

Subpart 1—General Provisions

Sec. 531. Declaration of findings.
Sec. 532. Statement of purpose.
Sec. 533. Authorization.
Sec. 534. Equitable distribution.
Sec. 535. Administration.
Sec. 536. Program development and coordination.
Sec. 537. Research and information programs.

Subpart 2—Mid-Career Development Service Program

Sec. 541. Program established.
Sec. 542. Training programs.

Sec. 543. Training persons to train and retrain middle-aged and older workers.
Sec. 544. Special services for mass lay-offs.
Sec. 545. Specialized services.
Sec. 546. Manpower study.

Subpart 3—Work Opportunity for Middle-Aged and Older Workers

Sec. 551. Increased job opportunities for middle-aged and older persons in federally assisted programs.
Sec. 552. Employment in economic opportunity programs.
Sec. 553. Employment services for part-time employment.

Subpart 4—Expanding Opportunities for Employment and Education

Sec. 561. Research, experimentation, and demonstration.
Sec. 562. Extended unemployment compensation.
Sec. 563. Compensation and disability insurance.

Subpart 5—Federal Employment Opportunities for Middle-Aged and Older Workers

Sec. 571. Study.
Sec. 572. Preparing middle-aged persons for new careers in Government.

TITLE VI—EMERGENCY EMPLOYMENT ASSISTANCE

Sec. 601. Program authorized.

TITLE VII—MISCELLANEOUS

Sec. 701. Effect on existing laws.
Sec. 702. Amendments to title 38, United States Code.

STATEMENTS OF FINDINGS AND PURPOSE

SEC. 2. The Congress finds and declares that—

(1) The Nation's prosperity, economic stability, and productive capacity are limited by a lack of workers with sufficient skills to perform the demanding production, service, and supervisory tasks necessary in an increasingly technological society. At the same time, there are many workers who are unemployed or are employed below their capacity, who, with additional education and training, could make a greater contribution to the national economy and share more fully in its benefits.

(2) The problem of assuring meaningful employment opportunities will be compounded by the continued rapid growth of the labor force. It is imperative that these new workers, including the many young people who will enter the labor force, persons who have recently been separated from military service, and older persons who desire to enter or reenter the labor force, be provided with adequate academic and vocational skills which will allow them to work at the level of their full potential.

(3) The placement in private employment of unemployed, underemployed, and low-income workers is hampered by the absence of entry level opportunities. These opportunities can be augmented by assisting workers now in entry level jobs to improve their skills and advance to more demanding employment.

(4) Expansion of public service employment opportunities which will both provide meaningful jobs for unemployed, underemployed, and low-income persons and allow the Nation to meet more adequately the unfilled public needs in such fields as health, family planning, public safety, education, transportation, recreation, maintenance of parks, streets, and other public facilities, solid waste removal, pollution control, housing and neighborhood improvements, rural development, conservation, beautification, and other fields of human betterment and community improvement.

(5) The public and private educational system has the major responsibility to provide the academic, technical, and vocational training opportunities necessary to prepare attending students for the world of work. This system must be strengthened to achieve its goals, and its success is critical to lessening the need for remedial manpower programs. But, where effective opportunities have not been provided to individuals or their accesses to them continues to be restricted, remedial services should be provided as a part of our Nation's manpower programs.

(6) Improved training and employment opportunities are vital to developing capacity for self-support by public assistance recipients, and the manpower system must assume special responsibility and accountability for training, placing, and upgrading these persons.

(7) Experience has shown that the administration and delivery of effective manpower programs are extremely complex matters, requiring a more comprehensive, unified, and flexible approach, and the active cooperation of employers, employees, and other public and private agencies, individuals, and organizations.

(8) Centers established and operated by low-income persons or their representatives have demonstrated a capacity to provide comprehensive employment and related services to unemployed and underemployed persons.

(9) The effectiveness of manpower programs would be improved by a more coordinated approach in evaluating the needs of individual participants and mobilizing available resources to meet these needs. It is, therefore, the purpose of this Act to establish a comprehensive and coordinated national manpower program, involving the efforts of all sectors of the economy and all levels of government. The program should be designed to provide greater opportunities for employment and training and related services necessary to assist individuals in developing their full economic and occupational potential.

AUTHORIZED APPROPRIATIONS

SEC. 3. (a) For the purposes of carrying out this Act, there are authorized to be appropriated $2,000,000,000 for the fiscal year ending June 30, 1972, $2,500,000,000 for the fiscal year ending June 30, 1973, and $3,000,000,000 for the fiscal year ending June 30, 1974.

(b) Notwithstanding any other provision of law, unless enacted in specific limitation of the provisions of this subsection, any funds appropriated to carry out this Act which are not obligated prior to the end of the fiscal year for which such funds were appropriated shall remain available for obligation during the succeeding fiscal year, and any funds obligated in any fiscal year may be expended during a period of two years from the date of obligation.

FUNDS AVAILABLE FOR SPECIFIC PROGRAMS

SEC. 4. (a) The amounts appropriated to carry out this Act for any fiscal year (except for amounts otherwise reserved in accordance with this Act or expressly limited in an appropriation Act to a specific purpose under this Act) shall be allocated among the titles of this Act in such a manner, subject to subsections (b) and (c) of this section, that of the amounts so appropriated—

(1) one-third shall be for comprehensive manpower services under title I of this Act;

(2) one-third shall be for public service employment programs under title II of this Act; and

(3) one-third shall be for special work and training programs under title III and special Federal responsibilities under title IV of this Act.

(b) Notwithstanding any limitation on appropriations for any program or activity under this Act or any Act authorizing or appropriating funds for any such program or activity, not to exceed 15 per centum of the amount appropriated or allocated from any appropriation for any fiscal year for carrying out any such program or activity under this Act may be transferred and used by the Secretary for carrying out any other such program or activity under this Act.

(c) To the extent necessary to enable the Secretary to make funds available to carry out any grant or contract entered into prior to the effective date of this Act under the Manpower Development and Training Act of 1962, as amended, or title I of the Economic Opportunity Act of 1964, as amended, the Secretary may transfer funds from amounts allocated for newly authorized programs under this Act.

ADVANCE FUNDING

SEC. 5. (a) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

(b) In order to effect a transition to the advance funding method of timing appropriation action, the amendment made by subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

DEFINITIONS

SEC. 6. For the purposes of this Act, except as otherwise specified, the term—

(1) "Secretary" means the Secretary of Labor.

(2) "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(3) "Local service company" means a community development corporation or other corporation, partnership, or other business entity organized to operate a community service manpower program or component thereof and owned or operated in substantial part by unemployed or low-income residents of the area to be served.

LEGAL AUTHORITY

SEC. 7. (a) The Secretary may prescribe such rules, regulations, guidelines, and other published interpretations or orders under this Act as he deems necessary. Rules, regulations, guidelines, and other published interpretations or orders issued by the Department of Labor, or any official thereof, for the purpose of carrying out this Act shall contain, with respect to each material provision of such rules, regulations, guidelines, interpretations, or orders, citations to the particular section or sections of statutory law or other legal authority upon which such provision is based. Such rules, regulations, guidelines, and other published interpretations or orders may include adjustments authorized by section 204 of the Intergovernmental Cooperation Act of 1968.

(b) The authority of the Secretary relating to disapproval of prime sponsorship plans under section 104(f) or relating to the challenge of an application of a prime sponsor by a community action agency or a unit of general local government under section 106(b) shall not be delegated outside the Office of the Secretary.

SPECIAL LIMITATIONS AND CONDITIONS

SEC. 8. (a) No authority conferred by this Act shall be used to enter into arrangements for, or otherwise establish, any training programs in the lower wage industries in jobs where prior skill or training is typically not a prerequisite to hiring and where labor turnover is high, or to assist in relocating establishments from one area to another. Such limitation on relocation shall not prohibit assistance to a business entity in the establishment of a new branch, affiliate, or

subsidiary of such entity if the Secretary of Labor finds that assistance will not result in an increase in unemployment in the area of original location or in any other area where such entity conducts business operations, unless he has reason to believe that such branch, affiliate, or subsidiary is being established with the intention of closing down the operations of the existing business entity in the area of its original location or in any other area where it conducts such operations.

(b) Any amounts received under chapters 11, 13, 31, 34, and 35 of title 38, United States Code, by any veteran of any war, as defined by section 101 of title 38, United States Code, who served on active duty for a period of more than one hundred and eighty days or was discharged or released from active duty for a service-connected disability or any eligible person as defined in section 1701 of such title, if otherwise eligible to participate in programs under this Act, shall not be considered for purposes of determining the needs or qualifications of participants in programs under this Act.

(c) Acceptance of family planning services provided to trainees shall be voluntary on the part of the individual to whom such services are offered and shall not be prerequisite to eligibility for or receipt of any benefit under the program.

(d) The Secretary shall not provide financial assistance for any program under this Act unless he determines, in accordance with regulations which he shall prescribe, that periodic reports will be submitted to him containing data designed to enable the Secretary and the Congress to measure the relative and, where programs can be compared appropriately, comparative effectiveness of the programs authorized under this Act. Such data shall include information on—

(1) enrollee characteristics, including age, sex, race, health, education level, and previous wage and employment experience;

(2) duration in training and employment situations, including information on the duration of employment of program participants for at least a year following the termination of participation in federally assisted programs and comparable information on other employees or trainees of participating employers;

(3) total dollar cost per trainee, including breakdown between salary or stipend, training and supportive services and administrative costs.

The Secretary shall compile such information on a State, regional, and national basis.

(e) The Secretary shall not provide financial assistance for any program under this Act unless the grant, contract, or agreement with respect thereto specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any program participant or any applicant for participation in such program because of race, creed, color, national origin, sex, political affiliation, or beliefs.

LABOR STANDARDS

SEC. 9. All laborers and mechanics employed by contractors or subcontractors in any construction, alteration, or repair, including painting and decorating of projects, buildings, and works which are federally assisted under this Act, shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 1, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276(c)).

ELIGIBLE PARTICIPANTS

SEC. 10. Eligibility for participation in any program under this Act shall be determined in accordance with the provisions of this Act authorizing such program; and persons who or persons heading families who receive benefits under title IV of the Social Security Act, or food stamps or surplus commodities under the Agricultural Act of 1949 and the Food Stamp Act of 1964, shall be included among individuals eligible to participate in programs conducted under the provisions of this Act, and such persons shall be included among individuals considered low-income persons or persons heading low-income families, as appropriate, for the purposes of this Act.

NATIONAL MANPOWER ADVISORY COMMITTEE

SEC. 11. (a) The President, in consultation with the Secretary of Labor, the Secretary of Health, Education, and Welfare, and the Director of the Office of Economic Opportunity, shall appoint a National Manpower Advisory Committee which shall consist of at least thirteen but not more than seventeen members and shall be composed of persons representative of labor, management, agriculture, public and private education, vocational education, vocational rehabilitation, manpower programs, and economic opportunity programs. From the members appointed to such Committee, the President shall designate a Chairman. Members shall be appointed for terms of three years except that (1) in the case of initial members, one-third of the members shall be appointed for terms of one year each and one-third of the members shall be appointed for terms of two years each, and (2) appointments to fill the unexpired portion of any term shall be for such portion only. Such Committee shall hold not less than two meetings during each calendar year.

(b) The National Manpower Advisory Committee shall—

(1) identify the manpower goals and needs of the Nation and assess the extent to which educational, vocational education, institutional training, vocational rehabilitation, manpower, economic opportunity, and other programs under this and related Acts represent a consistent, integrated, and coordinated approach to meeting such needs and achieving such goals;

(2) review the administration and operation of the programs referred to in clause (1) and advise the Secretary of Labor, the Secretary of Health, Education, and Welfare, and the Director of the Office of Economic Opportunity and other appropriate officials as to the carrying out of their duties under this Act and related Acts;

(3) conduct independent evaluations of programs carried out under this and related Acts and publish and distribute the results thereof; and

(4) make recommendations (including recommendations for changes in legislation) for the improvement of the administration and operation of such programs including the programs authorized under this and related Acts.

(c) The National Manpower Advisory Committee shall make an annual report, and such other reports as it deems appropriate on its findings, recommendations, and activities to the Congress and to the President. The President is requested to transmit to the Congress as a part of his report under section 13 of this Act such comments and recommendations as he may have with respect to such reports and activities of the National Manpower Advisory Committee.

(d) The National Manpower Advisory Committee may accept and employ or dispose of gifts or bequests, either for carrying out specific programs or for its general activities or for such responsibilities as it may be assigned in furtherance of subsection (b) of this section.

(e) Appointed members of the National Manpower Advisory Committee shall be paid compensation at a rate of up to the per diem equivalent of the rate for GS–18 when engaged in the work of the National Manpower Advisory Committee, including traveltime, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently and receiving compensation on a per diem, when actually employed, basis.

(f) The National Manpower Advisory Committee is authorized, without regard to the civil service laws, to engage such technical assistance as may be required to carry out its functions; to obtain the services of such full-time professional, technical, and clerical personnel as may be required in the performance of its duties, and to contract for such assistance as may be necessary.

(g) For the purposes of this section, funds may be reserved from the sums appropriated to carry out this Act, as directed by the Director of the Office of Management and Budget.

INTERGOVERNMENTAL ADVISORY COUNCIL ON MANPOWER

SEC. 12. (a) There is hereby established an Intergovernmental Advisory Council on Manpower to advise the Secretary of Labor, the Secretary of Health, Education, and Welfare, and the Director of the Office of Economic Opportunity with regard to matters involving intergovernmental relationships in the development and conduct of programs under this and related Acts, including but not limited to the assignment of manpower responsibilities among Federal, State, and local and governmental agencies, allocation of funds, designation of prime sponsors, State and local compliance with the various provisions of this Act and the extent to which educational, institutional training, vocational education, vocational rehabilitation, manpower, economic opportunity, and other programs under this and related Acts represent a consistent, integrated and coordinated approach to meeting manpower needs and achieving national manpower goals.

(b) The Council shall consist of at least five but not more than nine members who shall be appointed by the President. Members shall be selected from among Governors, mayors, and other elected State or local public officials. In selecting members of the Council the President shall assure an equitable balance in the political affiliation of its members. The members of the Council shall elect a Chairman from among themselves. The members of the Council shall receive no compensation and shall not be Federal employees for any purpose. They shall be allowed travel expenses and per diem in lieu of subsistence as authorized by section 5703 of title 5, United States Code, for persons in the governmental service employed intermittently and receiving compensation on a per diem when actually employed basis.

(c) For the purposes of this section, funds may be reserved from the sums appropriated to carry out this Act, as directed by the Director of the Office of Management and Budget.

REPORTS

SEC. 13. The Secretary of Labor shall make such reports and recommendations to the President as he deems appropriate pertaining to manpower requirements, resources, use, and training, and his recommendations for the forthcoming fiscal year, and the President shall transmit to the Congress within sixty days after the beginning of each regular session a report pertaining to manpower requirements, resources, utilization, and training.

AUTHORITY TO CONTRACT AND EXPEND FUNDS

SEC. 14. The Secretary may make such grants, contracts, or agreements, establish such procedures (subject to such policies,

rules, and regulations as he may prescribe), and make such payments, in installments and in advance or by way of reimbursement, or otherwise allocate or expend funds made available under this Act, as he may deem necessary to carry out the provisions of this Act, including (without regard to the provisions of section 4774(d) of title 10, United States Code) expenditures for construction, repairs, and capital improvements, and including necessary adjustments in payments on account of overpayments or underpayments. The Secretary may also withhold funds otherwise payable under this Act in order to recover any amounts expended in the current or immediately prior fiscal year in violation of any provision of this Act or any term or condition of assistance under this Act.

ACCEPTANCE OF GIFTS

SEC. 15. The Secretary is authorized, in carrying out his functions and responsibilities under this Act, to accept in the name of the Department, and employ or dispose of in furtherance of the purposes of this Act, or any title thereof, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise

ACCEPTANCE OF VOLUNTARY SERVICES

SEC. 16. The Secretary is authorized, in carrying out his functions and responsibilities under this Act to accept voluntary and uncompensated services, notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

ACCEPTANCE OF FUNDS

SEC. 17. The Secretary is authorized to accept and utilize in carrying out the provisions of this Act funds appropriated to carry out other Federal statutes if such funds are utilized for the purposes for which they are specifically authorized and appropriated.

TRANSFER OF FUNDS

SEC. 18. Funds appropriated under the authority of this Act may be transferred, with the approval of the Director of the Office of Management and Budget, between departments and agencies of the Federal Government, if such funds are used for the purposes for which they are specifically authorized and appropriated.

UTILIZATION OF SERVICES AND FACILITIES

SEC. 19. In addition to such other authority as he may have, the Secretary is authorized, in carrying out his functions under this Act, to utilize, with their assent, the services and facilities of Federal agencies without reimbursement, and with the consent of any State or political subdivision of a State, accept and utilize the services and facilities of the agencies of such State or subdivision without reimbursement.

RENTAL, ALTERATION, AND IMPROVEMENT OF BUILDINGS

SEC. 20. The Secretary is authorized, in carrying out his functions under this Act, to expend funds without regard to any other law or regulations for rent of buildings and space in buildings and for repair, alteration, and improvement of buildings and space in buildings rented by him; but the Secretary shall not utilize the authority contained in this section—

(1) except when necessary to obtain an item, service, or facility, which is required in the proper administration of this Act, and which otherwise could not be obtained, or could not be obtained in the quantity or quality needed, or at the time, in the form, or under the conditions in which it is needed, and

(2) prior to having given written notification to the Administrator of General Services (if the exercise of such authority would affect an activity which otherwise would be under the jurisdiction of the General Services Administration) of his intention to exercise such authority, the item, service, or facility with respect to which such authority is proposed to be exercised, and the reasons and justifications for the exercise of such authority.

EXPENDITURES FOR PRINTING AND BINDING

SEC. 21. In addition to such other authority as he may have, the Secretary is authorized, in carrying out his functions under this Act, to expend funds made available for the purposes of this Act for such printing and binding as he determines necessary, without regard to any other law or regulation.

CRIMINAL PROVISIONS

SEC. 22. Title 18 of the United States Code is amended by adding a new section 665 to read as follows:

"THEFT OR EMBEZZLEMENT FROM MANPOWER FUNDS; IMPROPER INDUCEMENT

"SEC. 665. (a) Whoever, being an officer, director, agent, or employee of, or connected in any capacity with, any agency receiving financial assistance under the Employment and Training Opportunities Act of 1970 embezzles, willfully misapplies, steals, or obtains by fraud any of the moneys, funds, assets, or property which are the subject of a grant or contract of assistance pursuant to this Act shall be fined not more than $10,000 or imprisoned for not more than two years, or both; but if the amount so embezzled, misapplied, stolen, or obtained by fraud does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(b) Whoever, by threat of procuring dismissal of any person from employment or of refusal to employ or refusal to renew a contract of employment in connection with a grant or contract of assistance under the Employment and Training Opportunities Act of 1970 induces any person to give up any money or thing of any value to any person (including such grantee agency) shall be fined not more than $1,000, or imprisoned not more than one year, or both."

INTERSTATE AGREEMENTS

SEC. 23. In the event that compliance with provisions of this Act requires cooperation or agreements between States, the consent of Congress is hereby given to such States to enter into such compacts and agreements to facilitate such compliance, subject to the approval of the Secretary.

EFFECTIVE DATE

SEC. 24. The effective date of this Act, except as otherwise provided, shall be July 1, 1971. Rules, regulations, guidelines and other published interpretations or orders may be issued by the Secretary at any time after the date of enactment.

TITLE I—COMPREHENSIVE MANPOWER SERVICES

PROGRAM AUTHORIZED

SEC. 101. The Secretary of Labor shall develop and carry out a program of comprehensive manpower services under this title that will—

(1) provide for the prompt referral to suitable employment opportunities of persons who are seeking work, with special consideration for the placement of qualified individuals who are unemployed, unskilled, or underemployed;

(2) provide training and related manpower services to persons who are unemployed, in danger of becoming unemployed, employed in public service jobs, eligible to receive benefits under title IV of the Social Security Act, or employed in low-paying jobs who could through further training qualify for job opportunities that would provide an adequate standard of living for themselves and their families;

(3) provide appropriate training and related manpower services for persons in correctional institutions to assist them in obtaining suitable employment upon release;

(4) provide the maximum of employment counseling, placement and related services, and training and related manpower services for persons who have recently been or will shortly be separated from military service;

(5) develop an early warning system and standby capability that will assure a timely and adequate response to major economic dislocations arising from changing markets, rapid technological change, plant shutdowns, or business failure;

(6) promote and encourage the adoption of employment practices by public agencies, private agencies, labor organizations, and private firms that will remove unreasonable barriers to employment, without reducing productivity, and expand opportunities for upward mobility;

(7) reduce the level of youth unemployment by improving the linkages between educational institutions and job markets;

(8) support and encourage the development of broad and diversified training programs by public, nonprofit, and private employers designed to improve the skills and thereby the promotion and employment opportunities of employed workers.

USES OF FUNDS

SEC. 102. The services for which funds under this title may be expended shall include but not be limited to the following:

(1) basic education, including literacy and communications skills, instruction courses in English language skills and, where appropriate, training programs conducted in languages other than English, which will assist individuals to become more employable or more suitable for participation in occupational training;

(2) outreach, counseling, testing, work evaluation and adjustment, work sampling, recruitment, placement, and followup services;

(3) orientation to work discipline and acclimation to the work situation;

(4) institutional and on-the-job occupational training, including training of employed workers for the purpose of upgrading their skills and improving the utilization of available manpower;

(5) supportive services, including health services, family planning, physical examinations, the furnishing of prosthetic devices, child care, bonding, and other special services, including residential support, deemed necessary for enhancing the employability of participants in programs assisted under this title;

(6) work experience for unemployed and disadvantaged individuals, including the performance of socially useful work in public and private agencies or organizations in the fields of health, family planning, public safety, education, transportation, recreation, maintenance of parks, streets, and other public facilities, solid waste removal, pollution control, housing and neighborhood improvements, rural development, conservation, beautification, and other fields of human betterment and community improvement, including the establishment, operation, or strengthening of any such program;

(7) part-time work for students in ninth through twelfth grades (and youths of equivalent ages) to assist them in remaining in or returning to school; and with such employment opportunities developed in consultation with educational agencies and institutions to enhance, to the extent feasible, the educational growth of such students;

(8) part-time and full-time work and manpower services for older persons who desire to enter or reenter the labor force;

(9) relocation assistance, including grants, loans, and the furnishing of such services as will aid an involuntarily unemployed individual to relocate in an area where he may obtain suitable employment;

(10) the development of job opportuni-

ties including activities designed to promote job restructuring and redesign for the purpose of providing more effective utilization of manpower;

(11) incentives to public or private employers including reimbursements for a limited period to the extent that an employee newly hired or being upgraded might not be fully productive;

(12) training for specialized or other personnel and technical assistance which is needed in connection with the programs established under this title or which otherwise pertain to the purposes of this title;

(13) the development of job opportunities through the establishment and operation of centers for low-income persons who are unemployed or underemployed, providing recruitment, counseling, remediation, vocational training, job development, job placement, and other appropriate services;

(14) training and experience in business management to enable individuals to secure and retain management opportunities or to establish their own business concerns; and

(15) such other services, consistent with the provisions of this Act, as the Secretary deems necessary.

ELIGIBLE APPLICANTS

SEC. 103. (a) To the extent consistent with the purposes of this title, the Secretary is authorized to enter into arrangements with any eligible applicant in accordance with the provisions of this title in order to make financial assistance available for the purpose of carrying out manpower services when the Secretary determines that such services can be most effectively implemented by such applicant.

(b) For the purpose of entering into arrangements with the Secretary under this title, eligible applicants shall be—

(1) prime sponsors designated pursuant to plans approved by the Secretary under section 104; and

(2) other public and private agencies, institutions, and organizations, including community action agencies.

PRIME SPONSORS

SEC. 104. (a) For the purposes of this title—

(1) any State; and

(2) any unit of general local government—

(A) which has a population of 75,000 or more persons on the basis of the most satisfactory current data available to the Secretary and (i) which is a city or (ii) which is a county or other unit of general local government which is determined by the Secretary, in accordance with such regulations as he shall prescribe, to have general governmental powers substantially similar to those of a city and to serve a substantial part of a functioning labor market area; or

(B) which has a population of less than 75,000 persons on the basis of the most satisfactory current data available to the Secretary and which has the largest population of any unit of general local government meeting the requirements of clause (i) or (ii) of subparagraph (2) (A) in a State; and

(3) any combination of units of general local government which covers a geographical area which has a population of 75,000 or more persons on the basis of the most satisfactory current data available to the Secretary and which is determined by the Secretary, in accordance with such regulations as he shall prescribe, to serve a substantial part of a functioning labor market area;

shall be eligible to be a prime sponsor of a comprehensive manpower services program in accordance with the provisions of this section.

(b) Any State or unit (or combination of units) of general local government which is eligible to be a prime sponsor under subsection (a) and which desires to be so designated in order to enter into arrangements with the Secretary under this title shall submit to the Secretary a prime sponsorship plan including provisions which evidence capability for carrying out a comprehensive manpower services plan in accordance with section 105(b) of this title and provisions for the establishment of a manpower services council which—

(1) provide that the chief executive officer or officers of the unit or units of government establishing such council shall appoint the members of the council and shall designate one member to be chairman;

(2) provide that the council shall include members who are representative of community action programs; other significant segments of the poverty community; the public employment service; education and training agencies and institutions, including vocational educational agencies and community postsecondary educational and training institutions; social service programs, including child care, environmental quality, health, family planning, recreation, vocational rehabilitation, and welfare agencies; industrial development organizations; apprenticeship programs; business; labor; and veterans organizations;

(3) provide that the chairman of the council shall, with the approval of the council, appoint a staff director who shall supervise professional, technical, and clerical staff serving the council;

(4) set forth procedures under which applications for financial assistance for any fiscal year will be submitted by the prime sponsor which shall be responsible for planning for and carrying out services for which financial assistance is provided under this title and under which appropriate arrangements may be made for the council's participation in planning and development, including initial preparation of such applications;

(5) set forth the council's plans for conducting on a continuing basis surveys and analyses of needs for manpower services in the area served by the council to be used in the development of applications for assistance under this title;

(6) set forth arrangements assuring that community action agencies will be involved in the development of applications for financial assistance and in the implementation of programs assisted under this title;

(7) set forth the council's plans for evaluating the effectiveness of programs for which financial assistance is provided under this title; and

(8) describe the area to be served by the council.

(c) In any case in which a State has submitted a plan under this section to serve a geographical area under the jurisdiction of a unit (or combination of units) of general local government which is eligible under clause (2) (A) or (3) of subsection (a) and which has submitted a plan under this section meeting the requirements set forth in subsection (b), the Secretary shall approve the latter plan after carrying out the procedures set forth in subsection (d). When two or more units (or combination of units) of general local government each submit plans which include a common geographical area under their respective jurisdictions and which are consistent with the purposes of this title and meet the requirements set forth in subsection (b), the Secretary, in accordance with such regulations as he shall prescribe, shall approve for that geographical area the unit of general local government plan which he determines will most effectively carry out the purposes of this title.

(d) The Secretary shall not approve a prime sponsorship plan submitted under this section unless—

(1) the plan was submitted to the Secretary by such date as the Secretary shall prescribe by regulation, prior to the beginning of the fiscal year when such plan is to take effect, in order to provide a reasonable period of time for review in accordance with the provisions of this section;

(2) a copy of such plan has been submitted for comment thereon to the Governor of the appropriate State; the Governor has been provided such period of time, as the Secretary shall prescribe by regulation, after the copy of such plan was sent to him, during which time he may submit comments on such plan to the Secretary, a copy of which comments shall be sent to the plan applicant; and, if comments have been submitted by the Governor, such additional period of time, as the Secretary shall prescribe by regulation, has passed, during which time the Secretary shall, to the extent practicable, confer with and encourage the plan applicant to resolve any differences arising from such comments;

(3) in the case of a plan submitted by a State, satisfactory arrangements are set forth for serving all geographical areas under its jurisdiction except for areas for which a local prime sponsorship plan is approved under this section.

(e) In the event that a unit (or combination of units) of general local government eligible to be a prime sponsor under subsection (a) does not submit a plan meeting the requirements set forth in this section, a community action agency serving a geographical area under the jurisdiction of such unit may submit a prime sponsorship plan for that area.

(f) Except as provided in subsections (c) and (d), the Secretary may approve any prime sponsorship plan submitted under this section if it is consistent with the provisions of this title. A plan submitted under this section may be disapproved or a prior designation of a prime sponsor may be withdrawn only if the Secretary, in accordance with regulations which he shall prescribe, has provided—

(1) written notice of intention to disapprove such plan, including a statement of the reasons therefor;

(2) for a reasonable time to submit corrective amendments to such plan; and

(3) an opportunity for a public hearing upon which basis an appeal to the Secretary may be taken as of right.

(g) For the purpose of making such payments as may be reasonably necessary to cover the staff and other administrative expenses of the councils established pursuant to subsection (b) and to support other planning and evaluation activities of prime sponsors, the Secretary shall reserve not less than 1 per centum of the amounts available for title I to be allocated in the same manner as set forth in section 108 and 1 per centum of the amounts available for title II to be allocated in the same manner as set forth in section 206.

APPLICATIONS

SEC. 105. (a) Financial assistance under this title may be provided by the Secretary for any fiscal year only pursuant to an application which is submitted by an eligible applicant and which is approved by the Secretary in accordance with the provisions of this title. Any such application shall set forth—

(1) a description of the services for which such financial assistance will be used;

(2) assurances that the services for which assistance is sought under this title will be administered by or under the supervision of the applicant, identifying any agency or agencies designated to carry out such services under such supervision;

(3) any arrangements made for services to be performed, on a reimbursable basis or otherwise, with the public employment service or any other public or private agency, institution, or organization;

(4) a description of the areas to be assisted by such programs, including data indicating the number of potential eligible participants, and their income and employment status;

(5) assurances, pursuant to regulations which the Secretary shall prescribe, that in providing training and employment opportunities among eligible persons special consideration will be given to individuals who are heads of households; and

(6) such other assurances, arrangements, and conditions, consistent with the provisions of this Act, as the Secretary deems necessary, in accordance with such regulations as he shall prescribe.

(b) An application submitted by a prime sponsor for financial assistance for any fiscal year shall set forth, in addition to the requirements set forth in subsection (a), a comprehensive manpower services plan for that fiscal year which shall include provisions for—

(1) coordinated and comprehensive assistance to those individuals requiring manpower and manpower-related services in order to achieve their full economic and occupational potential, effectively serving on an equitable basis the significant segments in that population;

(2) increased occupational opportunities and work experience for eligible individuals;

(3) intensified efforts to relieve skills shortages;

(4) effective utilization of manpower in our economy;

(5) appropriate arrangements with community action agencies, and, to the extent appropriate, with other community-based organizations serving the poverty community, for their participation in the conduct of programs for which financial assistance is provided under this title;

(6) utilizing wherever feasible, those services and facilities which are available, with or without reimbursement of the reasonable cost, from Federal, State, and local agencies, including but not limited to the State employment service, State vocational education and vocational rehabilitation agencies, area skills centers, local educational agencies, postsecondary training and education institutions, and community action agencies, but nothing contained herein shall be construed to limit the utilization of services and facilities of private agencies, institutions and organizations (such as private businesses, labor organizations, private employment agencies, and private educational and vocational institutions) which can, at comparable cost, provide substantially equivalent training or services or otherwise aid in reducing more quickly unemployment or current and prospective manpower shortages;

(7) long-term projections of requirements for manpower and manpower-related services, and planning for meeting such requirements, in the area served by the prime sponsor;

(8) evaluating the effectiveness of programs for which financial assistance is provided under this title in achieving the objectives of such programs; and

(9) arrangements in the area served by the prime sponsor for the conduct of services for which financial assistance is provided under programs administered by the Secretary of Labor relating to manpower and manpower-related services.

APPROVAL OF APPLICATIONS

SEC. 106. (a) An application, or modification or amendment thereof, for financial assistance under this title, may be approved only if the Secretary determines that—

(1) the application is consistent with the purposes of this title;

(2) the application meets the requirements set forth in section 105;

(3) an opportunity has been provided to the community action agency in the area to be served to submit comments with respect to the application to the applicant and to the Secretary;

(4) an opportunity has been provided to the Governor of the State to submit comments with respect to the application to the applicant and to the Secretary;

(5) an opportunity has been provided to officials of the appropriate units of general local government to submit comments with respect to the application to the applicant and to the Secretary;

(6) the approvable request for funds does not exceed 90 per centum of the cost of carrying out the program proposed in such application, unless the Secretary determines that special circumstances or other provisions of law warrant the waiver of this requirement.

(b) If any unit of general local government or any community action agency submits to the Secretary a written statement and supporting reasons alleging that, with respect to the area served by such unit or by such community action agency, the prime sponsor is not complying with the requirements for a comprehensive manpower services plan under section 105(b) and giving its reasons for the allegation, the Secretary shall, in accordance with regulations he shall prescribe, promptly make a decision on the allegation, after providing the prime sponsor with a copy of the written statement and with a reasonable opportunity to respond in writing and holding such conferences and hearings as he deems appropriate. The Secretary shall transmit to all interested parties a written statement of his decision, including his findings and supporting reasons. Until he makes such decision, the Secretary shall not approve a prime sponsor's pending application for financial assistance under this Act to the extent that such application relates to the matter under contention. If the Secretary determines that the requirements of section 105(b) will not be complied with, then he shall enter into direct arrangements with the appropriate unit of general local government or the appropriate community action agency or any other public or private agency with respect to those programs involved, and funds which would otherwise be available to the prime sponsor for such programs shall be made available through such direct arrangements.

CONCURRENCE OF OTHER AGENCIES

SEC. 107. (a) The Secretary of Labor shall not issue rules, regulations, standards of performance, or guidelines with respect to assistance for services of a health, education, or welfare character under this title and he shall not provide financial assistance for services of a health, education, or welfare character under this title unless he shall have first obtained the concurrence of the Secretary of Health, Education, and Welfare. Such services include but are not limited to basic or general education; educational programs conducted in correctional institutions; institutional training; health, family planning, child care, and other supportive services; and new careers and job restructuring in the health, education, and welfare professions.

(b) The Secretary of Labor shall not issue rules, regulations, standards of performance, or guidelines relating to the participation of community action agencies and other community-based organizations serving the poverty community under this Act unless he shall have first obtained the concurrence of the Director of the Office of Economic Opportunity.

ALLOCATIONS

SEC. 108. (a) The amounts available for any fiscal year for this title which are not otherwise reserved in accordance with this Act shall be allocated in such a manner that of such amounts—

(1) (A) not more than 5 per centum shall be available for financial assistance under subsection (c) of this section, and (B) not more than 5 per centum shall be available for financial assistance under subsection (d) of this section;

(2) not less than 75 per centum shall be apportioned among the States in the same proportions as the total number of persons in the labor force, of unemployed persons, and of persons heading low-income families and unrelated low-income persons, in such State bears to such total numbers, respectively, in the United States, but not less than $1,500,000 shall be apportioned to a State, except that not less than $150,000 each shall be apportioned to the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands; and

(3) the remainder shall be made available for such purposes under this title as the Secretary deems appropriate.

(b) The amount apportioned to each State under clause (2) of subsection (a) shall be apportioned among areas within each such State in such a manner that not less than 80 per centum thereof shall be apportioned in the same proportions as the total number of persons in the labor force, of unemployed persons, and of persons heading low-income families and unrelated low-income persons, in each such area bears to such total numbers, respectively, in the State.

(c) The amount available pursuant to clause (1)(A) of subsection (a) shall be available to the Secretary for the purpose of providing additional financial assistance as an incentive for the designation of prime sponsors for appropriate labor market areas or portions thereof. Financial assistance provided to any such prime sponsor may not exceed an amount equal to an additional 10 per centum of the financial assistance otherwise available to the area so covered under subsection (b) of this section. The Secretary shall confer with units of general local government eligible to be prime sponsors in appropriate labor market areas and encourage such units to cooperate on an areawide basis to the maximum extent practicable.

(d) The amount available pursuant to clause (1)(B) of subsection (a) for the purposes of this subsection shall be available to the Secretary for the purpose of providing additional financial assistance as an incentive for the establishment by the prime sponsor of appropriate procedures for coordination and cooperation with agencies administering vocational education programs in the area to be served by any such sponsor. Financial assistance provided to any such prime sponsor may not exceed an amount equal to an additional 10 per centum of the financial assistance otherwise available to such prime sponsor under subsection (b) of this section. The Secretary, with the concurrence of the Secretary of Health, Education, and Welfare, shall establish criteria for the establishment of such procedures.

(e) The Secretary is authorized to make reallocations for such purposes under this title as he deems appropriate of the unobligated amount of any apportionment under subsections (a)(2) and (b) to the extent that the Secretary determines that it will not be required for the period for which such apportionment is available. No amounts apportioned under subsections (a)(2) and (b) for any fiscal year may be reallocated for any reason before the expiration of the ninth month of the fiscal year for which such funds were appropriated and unless the Secretary has provided fifteen days advance notice to the prime sponsor for such area of the proposed reallocation. Any funds reallocated under this subsection are not required to be apportioned in accordance with subsection (a)(2) or (b), and no revision in the apportionment of the funds not so reallocated shall be made because of such reallocations.

(f) As soon as practicable after funds are appropriated to carry out this Act for any

fiscal year, the Secretary shall publish in the Federal Register the apportionments required by subsections (a)(2) and (b) of this section and the labor market areas described in subsection (c) of this section.

SPECIAL CONDITIONS

SEC. 109. The Secretary shall not provide financial assistance for any program under this title unless he determines, in accordance with such regulations as he shall prescribe, that—

(1) conditions of employment or training will be appropriate and reasonable in the light of such factors as the type of work, geographical region, and proficiency of the participant;

(2) appropriate standards for the health, safety, and other conditions applicable to the performance of work and training on any project are established and will be maintained;

(3) appropriate workmen's compensation protection will be provided to all participants;

(4) the program does not involve political activities;

(5) participants in the program will not be employed on the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship;

(6) the program will not result in the displacement of employed workers or impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

(7) persons shall not be referred for training in an occupation which requires less than two weeks of preemployment training unless there are immediate employment opportunities available in that occupation;

(8) funds will be used to supplement, to the extent practicable, the level of funds that would otherwise be made available from non-Federal sources for the purpose of planning and administration of programs within the scope of this title and not to supplant such other funds;

(9) the applicant will make such reports, in such form and containing such information as the Secretary may from time to time require, and will keep such records and afford such access thereto as the Secretary may find necessary to assure that funds are being expended in accordance with the provisions of this title.

ALLOWANCES AND COMPENSATION

SEC. 110. (a) The Secretary shall where appropriate provide for the payment of weekly allowances to individuals receiving services under this title. Such allowances shall be at a rate prescribed by the Secretary which, when added to amounts received by the trainee in the form of public assistance or unemployment compensation payments, shall approximate the minimum wage for a workweek of forty hours under section 6(a)(1) of the Fair Labor Standards Act of 1938 or, if higher, under the applicable State minimum wage law, or, where the trainee is being trained for particular employment, at a rate equal to 80 per centum of the weekly wage for such employment, whichever is greater. In prescribing allowances, the Secretary may allow additional sums for special circumstances such as exceptional expenses incurred by trainees, including but not limited to meal and travel allowances, or he may reduce such allowances by an amount reflecting the fair value of meals, lodging, or other necessaries furnished to the trainee. The Secretary shall take such action as may be necessary to insure that such persons receive no allowances with respect to periods during which they are failing to participate in such programs, training, or instruction as prescribed herein without good cause. Notwithstanding the preceding provisions of this subsection, the Secretary may, in accordance with such regulations as he shall prescribe, make such adjustments as he deems appropriate in allowances which would otherwise be payable under this Act, including but not limited to adjustments which take into account the amount of time per week spent by the individual participating in such programs and adjustments to reflect the special economic circumstances which exist in the area in which the program is to be carried on. Allowances shall not be paid for any course of training having a duration in excess of one hundred and four weeks.

(b) For purposes of subchapter I of chapter 81 of title 5, United States Code, any person receiving services under this title shall, under such circumstances and subject to such conditions and limitations as the Secretary shall by regulation prescribe, be considered an employee of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply, except that in computing compensation benefits for disability or death, the monthly pay of such a person shall be deemed to be his allowance for a month, if he is receiving one. Regulations prescribed by the Secretary under this subsection may include but are not limited to adjustments in the amount of compensation payable under this subsection to take into account entitlements to workmen's compensation under other applicable laws or arrangements.

TITLE II—PUBLIC SERVICE EMPLOYMENT

FINANCIAL ASSISTANCE

SEC. 201. The Secretary shall enter into arrangements with eligible applicants in accordance with the provisions of this title in order to make financial assistance available to public and private nonprofit agencies and institutions for the purpose of providing employment and related training and manpower services for unemployed and underemployed persons, with special consideration for persons who have participated in manpower training programs for whom employment opportunities would not be otherwise immediately available, in jobs providing needed public services.

AUTHORIZATION

SEC. 202. In addition to the amounts authorized to be appropriated pursuant to section 3 for carrying out this Act, there are further authorized to be appropriated for the purpose of carrying out this title $750,000,000 for the fiscal year ending June 30, 1971, $1,000,000,000 for the fiscal year ending June 30, 1972, $1,250,000,000 for the fiscal year ending June 30, 1973, and $1,500,000,000 for the fiscal year ending June 30, 1974.

ELIGIBLE APPLICANTS

SEC. 203. For the purpose of entering into arrangements with the Secretary under this title, eligible applicants shall be—

(1) prime sponsors designated pursuant to plans approved by the Secretary under section 104; and

(2) other public and private nonprofit agencies and institutions (including community action agencies, local service companies, and public service agencies and institutions of the Federal Government).

APPLICATIONS

SEC. 204. (a) Financial assistance under this title may be provided by the Secretary for any fiscal year only pursuant to an application which is submitted by an eligible applicant and which is approved by the Secretary in accordance with the provisions of this title. Any such application shall set forth a public service employment program designed to provide employment and related training and manpower services for unemployed and underemployed persons, and persons who have participated in manpower training programs for whom employment opportunities would not be otherwise immediately available, in jobs providing needed public services in such fields as health, family planning, public safety, education, transportation, recreation, maintenance of parks, streets, and other public facilities, solid waste removal, pollution control, housing and neighborhood improvements, rural development, conservation, beautification, and other fields of human betterment and community improvement.

(b) An application for financial assistance for a public service employment program under this title shall include provisions setting forth—

(1) an estimate of the expected productivity of the public service positions to be filled;

(2) assurances that the activities and services for which assistance is sought under this title will be administered by or under the supervision of the applicant, identifying any agency or agencies designated to carry out such activities or services under such supervision;

(3) a description of the area to be served by such programs, and a plan for effectively serving on an equitable basis the significant segments of the population to be served, including data indicating the number of potential eligible participants and their income and employment status;

(4) assurances that special consideration will be given to the filling of jobs which provide sufficient prospects for advancement or suitable continued employment by providing complementary training and manpower services designed to (A) promote the advancement of participants to employment or training opportunities suitable to the individuals involved, whether in the public or private sector of the economy, (B) provide participants with skills for which there is an anticipated high demand, or (C) provide participants with self-development skills, but nothing contained in this paragraph shall be construed to preclude persons for whom the foregoing goals are not feasible or appropriate;

(5) a description of the methods to be used to recruit, select, and orient participants, including specific eligibility criteria, and programs to prepare the participants for their job responsibilities;

(6) a description of unmet public service needs and a statement of priorities among such needs;

(7) description of jobs to be filled, a listing of the major kinds of work to be performed and skills to be acquired, and the approximate duration for which participants would be assigned to such jobs;

(8) the wages or salaries to be paid participants and a comparison with the prevailing wages in the area for similar work;

(9) the education, training, and supportive services (including counseling, medical care, and family planning) which complement the work performed;

(10) appropriate arrangements for the integration of training activities conducted under this title with similar training activities conducted under title I of this Act where programs with the same training objectives are to be conducted under both titles by the same prime sponsor;

(11) the planning for and training of supervisory personnel in working with participants;

(12) a description of career opportunities and job advancement potentialities for participants;

(13) appropriate arrangements with community action agencies, and, to the extent appropriate, with other community-based organizations serving the poverty community, for their participation in the conduct of programs for which financial assistance is provided under this title;

(14) an indication of the full participation and maximum cooperation among local

public officials, area residents, and representatives of private organizations in the development of the program and a description of their respective roles in the conduct and administration of the program;

(15) procedures pursuant to which participants, after one year and prior to the end of two years of employment in jobs providing public services under this title, will be interviewed and their employment and advancement prospects reviewed by an appropriate agency, as determined by the eligible applicant and the appropriate manpower services council; and in the event that any such participant and the reviewing agency find that the participant's current employment situation will not provide sufficient prospects for advancement or suitable continued employment, maximum efforts shall be made to locate employment or training opportunities providing such prospects, and the participant shall be offered appropriate assistance in securing placement in the opportunity which he chooses after appropriate counseling;

(16) assurance that public and private nonprofit agencies and institutions to whom financial assistance will be made available under this title will undertake analysis of job descriptions and a reevaluation of skill requirements at all levels of employment, including civil service requirements and practices relating thereto, in accordance with regulations promulgated by the Secretary; and

(17) such other assurances, arrangements, and conditions, consistent with the provisions of this Act, as the Secretary deems necessary, in accordance with such regulations as he shall prescribe.

APPROVAL OF APPLICATIONS

SEC. 205. An application, or modification or amendment thereof, for financial assistance under this title may be approved only if the Secretary determines that—

(1) the application is consistent with the purposes of this title;

(2) the application meets the requirements set forth in section 204;

(3) the public service positions to be financed will increase the productive capacity of the public services activities in which those positions are located;

(4) an opportunity has been provided to the community action agency in the area to be served to submit comments with respect to the application to the applicant and to the Secretary;

(5) an opportunity has been provided to the Governor of the State to submit comments with respect to the application to the applicant and to the Secretary;

(6) an opportunity has been provided to officials of the appropriate units of general local government to submit comments with respect to the application to the applicant and to the Secretary;

(7) the application has been reviewed by a panel of experts to which the application is referred in accordance with procedures established by regulation and is accompanied by the recommendation of the panel on the amount of funds requested in the application for which it finds adequate justification;

(8) the approvable request for funds does not exceed 80 per centum of the cost of carrying out the program proposed in such application, unless the Secretary determines that special circumstances or other provisions of law warrant the waiver of this requirement.

ALLOCATIONS

SEC. 206. (a) The amounts available for any fiscal year for this title which are not otherwise reserved in accordance with this Act shall be allocated in such a manner that of such amounts—

(1) not more than 5 per centum shall be available for financial assistance under subsection (c) of this section;

(2) not less than 80 per centum shall be apportioned among the States in the same proportions as the total number of unemployed persons, and of persons heading low-income families and unrelated low-income persons, in such State bears to such total numbers, respectively, but not less than $1,500,000 shall be apportioned to a State, except that not less than $150,000 each shall be apportioned to the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands; and

(3) the remainder shall be made available for such purposes under this title as the Secretary deems appropriate.

(b) The amount apportioned to each State under clause (2) of subsection (a) shall be apportioned among areas within each such State in such a manner that not less than 80 per centum thereof shall be apportioned in the same proportions as the total number of unemployed persons, and of persons heading low-income families and unrelated low-income persons, in each such area bears to such total numbers, respectively, in the State.

(c) The amount available pursuant to clause (1) of subsection (a) shall be available to the Secretary for the purpose of providing additional financial assistance as an incentive for the designation of prime sponsors for appropriate labor market areas or portions thereof. Financial assistance provided to any such prime sponsor may not exceed an amount equal to an additional 10 per centum of the financial assistance otherwise available to the area so covered under subsection (b) of this section. The Secretary shall confer with units of general local government eligible to be prime sponsors in appropriate labor market areas and encourage such units to cooperate on an areawide basis to the maximum extent practicable.

(d) The Secretary is authorized to make reallocations for such purposes under this title as he deems appropriate of the unobligated amount of any apportionment under subsections (a)(2) and (b) to the extent that the Secretary determines that it will not be required for the period for which such apportionment is available. No amounts apportioned under subsections (a)(2) and (b) for any fiscal year may be reallocated for any reason before the expiration of the ninth month of the fiscal year for which such funds were appropriated and unless the Secretary has provided fifteen days advance notice to the prime sponsor for such area of the proposed reallocation. Any funds reallocated under this subsection are not required to be apportioned in accordance with subsection (a)(2) or (b), and no revision in the apportionments of the funds not so reallocated shall be made because of such reallocations.

(e) As soon as practicable after funds are appropriated to carry out this Act for any fiscal year, the Secretary shall publish in the Federal Register the apportionments required by subsections (a)(2) and (b) of this section and the labor market areas described in subsection (c) of this section.

DISASTER RELIEF

SEC. 207. With respect to any area designated by the President as a major disaster area, the Secretary is authorized to utilize such funds as may be necessary, which are available to him under section 206 (a)(3) and (d), to make financial assistance available to eligible applicants to provide additional employment in carrying out public services needed in such area as a result of the disaster.

SPECIAL CONDITIONS

SEC. 208.(a) The Secretary shall not provide financial assistance for any program under this title unless he determines, in accordance with such regulations as he shall prescribe, that—

(1) no participant will be employed on projects involving political activities;

(2) participants in the program will not be employed on the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship;

(3) the program will result in an increase in employment opportunities over those which would otherwise by available and will not result in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of non-overtime work or wages or employment benefits), and will not impair existing contracts for services or result in the subsititution of Federal for other funds in connection with work that would otherwise be performed;

(4) wages paid to a participant shall not be lower than whichever is the highest of (A) the minimum wage which would be applicable to the employment under the Fair Labor Standards Act of 1938 if section 6(a)(1) of such Act applied to the participant and he were not exempt under section 13 thereof, (B) the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rate of wages in the area for similar work;

(5) the program will, to the maximum extent feasible, contribute to the occupational development or upward mobility of individual participants;

(6) all participants will be assured of adequate workmen's compensation, retirement, health insurance, unemployment insurance, and other employee benefits;

(7) the place of work provides employees with safe and healthful working conditions;

(8) every participant shall be advised, prior to entering upon employment, of his rights and benefits in connection with such employment.

(b) Programs approved under this title shall, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement, including civil service requirements which restrict employment opportunities for the disadvantaged.

(c) For programs which provide work and training related to physical improvements, special consideration shall be given to those improvements which will be substantially used by low-income persons and families or which will contribute substantially to amenities or facilities in urban or rural areas having high concentrations or proportions of low-income persons and families.

(d) Where a labor organization represents employees who are engaged in similar work in the same labor market area to that proposed to be performed under any program for which an application is submitted under this title, such organization shall be notified by the Secretary prior to the approval of such application.

(e) The Secretary shall prescribe regulations to assure that programs under this title have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, and other policies as may be necessary to promote the effective use of funds.

SPECIAL REPORT

SEC. 209. The Secretary shall transmit at least annually, as a part of the report required under section 12 of this Act, a detailed report setting forth the activities conducted under this title, including information on the extent to which participants in such activities subsequently secure and retain public or private employment or participate in training or employability development programs.

TITLE III—SPECIAL WORK AND TRAINING PROGRAMS

PART A—GENERAL PROVISIONS

EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 301. The Secretary shall establish criteria designed to achieve an equitable distribution of assistance among the States

under this title. In developing such criteria as are appropriate for each part, he shall consider, among other relevant factors, the ratios of population, unemployment, and income levels. Of the sums available for any fiscal year for programs authorized under each such part not more than 15 per centum shall be used within any one State.

LIMITATIONS ON FEDERAL ASSISTANCE

SEC. 302. Federal financial assistance to any program or activity carried out pursuant to this title shall not exceed 90 per centum of the cost of such program or activity including costs of administration. The Secretary may, however, approve assistance in excess of that percentage if he determines, pursuant to regulations establishing objective criteria for such determinations, that this is necessary in furtherance of the purposes of this part. Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, and services.

ADMINISTRATIVE REGULATIONS

SEC. 303. The Secretary shall prescribe regulations to assure that programs assisted under this title have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, availability of inservice training and technical assistance programs, and other policies as may be necessary to promote the effective use of funds.

PART B.—SPECIAL WORK, TRAINING, AND CAREER DEVELOPMENT PROGRAMS

NEW CAREERS

SEC. 311. The Secretary shall carry out a special program to be known as "New Careers" which will provide unemployed or low-income persons with jobs leading to career opportunities, including new types of careers, in programs designed to improve the physical, social, economic, or cultural condition of the community or area served in fields of public service, including but not limited to health family planning, education, welfare, recreation, day care, neighborhood redevelopment and public safety, which provide maximum prospects for on-the-job training, promotion and advancement and continued employment without Federal assistance, which give promise of contributing to the broader adoption of new methods of structuring jobs and new methods of providing career ladder opportunities, and which provide opportunities for further occupational training to facilitate career advancement. In carrying out this section, the Secretary is authorized to (1) provide financial assistance to public or private nonprofit agencies to stimulate and support efforts to provide the unemployed with jobs and the low-income worker with greater career opportunity; and (2) provide financial and other assistance to insure the provision of supportive and followup services to supplement programs under this section including health services, family planning services, counseling, day care for children, transportation assistance, and other special services necessary to assist individuals to achieve success in these programs and in employment.

MAINSTREAM

SEC. 312. The Secretary shall carry out a special program to be known as "Mainstream" by providing financial assistance to public or private nonprofit agencies for the support of projects which involve work activities directed to the needs of those chronically unemployed poor who have poor employment prospects and are unable (because of age, physical condition, obsolete or inadequate skills, declining economic conditions, other causes of a lack of employment opportunity, or otherwise) to secure appropriate employment or training assistance under other programs. Such projects, in addition to other services provided, shall enable such persons to participate in projects for the betterment or beautification of the community or area served by the program, including but not limited to activities which will contribute to the management, conservation, or development of natural resources, recreational areas, Federal, State, and local government parks, highways, and other lands; the rehabilitation of housing; the improvement of public facilities; and the improvement and expansion of health, family planning, education, day care, and recreation services.

COMMUNITY ENVIRONMENT SERVICE

SEC. 313. The Secretary shall carry out a special program to be known as the "Community Environment Service" by providing financial assistance to public or private nonprofit agencies, especially programs sponsored by State, county, and city governments. Such programs may provide employment on a full-time or part-time basis for persons to help restore a livable environment in urban and rural areas, including restoration of housing and neighborhoods; the planning, development, and maintenance of parks and recreation areas and facilities in inner cities as well as roadside recreation projects; and sanitation and cleanup projects, including solid waste removal. Support may also be provided for the employment of environmental health aides in community health facilities, family planning clinics, and water and air pollution control programs. Community environment service programs shall be encouraged to involve volunteers from the community in environmental planning and action campaigns.

OPPORTUNITIES INDUSTRIALIZATION CENTERS

SEC. 314. The Secretary shall make financial assistance available under this section for the establishment and operation of "Opportunities Industrialization Centers" designed to provide comprehensive employment services and job opportunities for low-income persons who are unemployed or underemployed. Such services shall include recruitment, counseling, remediation, vocational training, job development, job placement, family planning, and other appropriate services. No funds shall be made available for any program under this section unless the Secretary determines that adequate provisions are made to assure that (1) the residents of the area to be served by such program are involved in the planning and operation of such center, and (2) the business community in the area to be served by such program is consulted in its development and operation. The Secretary shall give priority to any program authorized under this section serving residents of an inner-city area with substantial unemployment or underemployment.

UPGRADING PROGRAMS

SEC. 315. The Secretary shall enter into arrangements with public or private employers under the terms of which the employer undertakes to provide the necessary education and skill training to prepare employees for positions of greater skill, responsibility, and remuneration in the employ of such employer. Financial assistance under this section may be provided by the Secretary only pursuant to an application setting forth arrangements satisfactory to the Secretary, including assurances that—

(1) the position for which employees will be trained are positions that cannot with reasonable effort be filled by the employer with unemployed or underemployed workers already possessing such skills and willing to accept such employment;

(2) the selection of trainees shall be based upon merit, ability, and length of service, and that no person shall be selected as a trainee until such person has been in the employ of the employer for a period of not less than six months;

(3) the training content of the program is adequate, involves reasonable progression, and will result in the qualification of trainees for suitable employment in a recognized skill or occupation in the service of that employer and of other employers in the same industry;

(4) the training period is reasonable and consistent with periods customarily required for comparable training;

(5) adequate and safe facilities, and adequate personnel and records of attendance and progress are provided;

(6) successful completion of the employee's training program can reasonably be expected to result in an offer of employment in the employer's own enterprise in the occupation for which he will be trained at wage rates not less than those prevailing for the same or similar occupations in that industry;

(7) the training and placement of such employees is part of a program that can reasonably be expected to lead directly to the employment of an equivalent number of new employees in entry level employment; and

(8) the trainees are compensated by the employer at such rates, including periodic increases, as may be deemed reasonable under regulations issued by the Secretary, considering such factors as industry practice and trainee proficiency, and that in no event shall the wages or employment benefits of any trainee be less than those received by him immediately before his starting such training program.

JORS FOR PROGRESS—OPERATION SER PROGRAMS

SEC. 316. The Secretary shall make financial assistance available under this section for the establishment and operation of "Jobs for Progress—Operation SER Programs" designed to provide comprehensive employment services and job opportunities for low income persons who are unemployed or underemployed. Such services shall include recruitment, counseling, remediation, vocational training, job development, job placement, and other appropriate services. No funds shall be made available for any program under this section unless the Secretary determines that adequate provisions are made to assure that (1) the residents of the area to be served by such program are involved in the planning and operation of such center, and (2) the business community in the area to be served by such program is consulted in its development and operation. The Secretary shall give priority to any program authorized under this section serving residents of an inner-city area with substantial unemployment or underemployment.

MANAGEMENT TRAINING PROGRAMS

SEC. 317. The Secretary, after consultation with the Secretary of Health, Education, and Welfare, the Secretary of Commerce, the Administrator of the Small Business Administration, and the Director of the Office of Economic Opportunity, shall carry out a special program under which education, training, and experience in business management are provided to enable individuals to secure and retain business management opportunities or to establish their own business concerns. In carrying out the provisions of this section, the Secretary is authorized to make grants to public agencies, including educational agencies, and to enter into contracts with private agencies and organizations. The Secretary shall obtain the prior concurrence of the Secretary of Health, Education, and Welfare with respect to any educational component of any program assisted under this section.

MANPOWER PROGRAMS IN CORRECTIONAL INSTITUTIONS

SEC. 318. (a) The Secretary of Labor is authorized to make grants to public agencies, including educational agencies, and to enter into contracts with private organizations for the establishment, conduct, and

evaluation of projects and programs, including demonstration projects and programs, under which inmates of correctional institutions are provided with educational, vocational, rehabilitative, work experience (including offsite training), placement assistance, and other related counseling and supportive services sufficient to enable them to acquire relevant skills and to secure and retain meaningful employment after their confinement. The education and training components of such project and programs shall be agreed to by the Secretary of Health, Education, and Welfare. In the case of projects and programs to be conducted in Federal correctional institutions, prior concurrence shall be obtained from the Attorney General of the United States. The Secretary of Labor shall consult with State and local correctional and educational officials where appropriate.

(b) Special consideration shall be given to applications under this section for programs and projects which—

(1) provide for participation of representatives of industry and labor and other qualified persons from the private sector of the economy in the development of curriculum, and as instructors,

(2) provide for the use of modern equipment in any such program, and

(3) make provision for the employment of persons confined in such institutions after their release.

(c) Programs and projects assisted under this section may include activities designed to test the effectiveness of pretrial or presentencing arrangements under which offenders awaiting trial or further hearings may receive manpower training in lieu of parole or confinement.

(d) Except as precluded by Federal, State, or local law, projects or programs assisted under this section may provide for the selection of persons confined in the correctional institutions as teacher aides in accordance with criteria prescribed by the Secretary.

(e)(1) The Secretary of Labor shall, with the concurrence of the Secretary of Health, Education, and Welfare, promulgate regulations and establish standards, including but not limited to standards or regulations designed to ensure that programs and projects assisted under this section will contain provisions for (A) the development of skills for which there is a demand on a local, regional, or other appropriate basis, and (B) adequate internal administrative controls, accounting requirements, personnel standards, and evaluation procedures.

(2) No Federal, State, or local correctional institution shall reduce the amount of funds previously available for education, training, work experience, and placement assistance by reason of assistance granted to inmates of such institutions by reason of this section.

(f) The Secretary of Labor is authorized to make arrangements for training, medical, and transportation allowances and bonding assistance as surety for financial loss where necessary to carry out the purposes of this section.

PART C—JOB CORPS

STATEMENT OF PURPOSE

SEC. 331. This part establishes a Job Corps for low-income, disadvantaged young men and women, sets forth standards and procedures for selecting individuals as enrollees in the Job Corps, authorizes the establishment of residential and nonresidential centers in which enrollees will participate in intensive programs of education, vocational training, work experience, counseling, and other activities, and prescribes various other powers, duties, and responsibilities incident to the operation and continuing development of the Job Corps. Its purpose is to assist young persons who need and can benefit from an unusually intensive program, operated in a group setting, to become more responsible, employable, and productive citizens, and to do so in a way that contributes, where feasible, to the development of national, State, and community resources, and to the development and dissemination of techniques for working with the disadvantaged that can be widely utilized by public and private institutions and agencies.

INDIVIDUALS ELIGIBLE FOR THE JOB CORPS

SEC. 332. To become an enrollee in the Job Corps, a young man or woman must be a person who has attained age fourteen but not attained age twenty-two at the time of enrollment and who—

(1) is a permanent resident of the United States or a native and citizen of Cuba who arrived in the United States from Cuba as a nonimmigrant or as a parolee subsequent to January 1, 1959, under the provisions of section 214(a) or 212(d)(5), respectively, or any person admitted as a conditional entrant under section 203(a)(7), of the Immigration and Nationality Act;

(2) is a low-income individual or member of a low-income family who requires additional education, training, or intensive counseling and related assistance in order to secure and hold meaningful employment, participate successful in regular schoolwork, qualify for other training programs suitable to his needs, or satisfy Armed Forces requirements;

(3) is currently living in an environment so characterized by cultural deprivation, a disruptive homelife, or other disorienting conditions as to substantially impair his prospects for successful participation in any other program providing needed training, education, or assistance;

(4) is determined, after careful screening as provided for in sections 332, and 333, to have the present capabilities and aspirations needed to complete and secure the full benefit of the program authorized in this part, and to be free of medical and behavioral problems so serious that he could not or would not be able to adjust to the standards of conduct and discipline or pattern of work and training which that program involves; and

(5) meets such other standards for enrollment as the Secretary may prescribe (including special standards for the enrollment on a residential basis of fourteen- and fifteen-year olds) and agrees to comply with all applicable Job Corps rules and regulations.

SCREENING AND SELECTION OF APPLICANTS

SEC. 333. (a) The Secretary shall prescribe necessary rules for the screening and selection of applicants for enrollment in the Job Corps. To the extent practicable, these rules shall be implemented through arrangements which make use of agencies and organizations such as community action agencies, public employment offices, professional groups, and labor organizations. The rules shall establish specific standards and procedures for conducting, screening and selection activities; shall encourage recruitment through agencies and individuals having contact with youths over substantial periods of time and able, accordingly, to offer reliable information as to their needs and problems; and shall provide for necessary consultation with other individuals and organizations, including court, probation, parole, law enforcement, education, welfare, and medical authorities and advisers. They shall also provide for—

(1) the interviewing of each applicant for the purpose of—

(A) determining whether his educational and vocational needs can best be met through the Job Corps or any alternative program in his home community;

(B) obtaining from the applicant pertinent data relating to his background, needs, and interests for evaluation in determining his eligibility and potential assignment; and

(C) giving the applicant a full understanding of the Job Corps program and making clear what will be expected of him as an enrollee in the event of his acceptance.

(2) the conduct of a careful and systematic inquiry concerning the applicant's background for the effective development and, as appropriate, clarification of information concerning his age, citizenship, school, and draft status, health, employability, past behavior, family income, environment, and other matters related to a determination of his eligibility.

(b) The Secretary shall make no payments to any individual or organization solely as compensation for the service of referring the names of candidates for enrollment in the Job Corps.

(c) The Secretary shall take all necessary steps to assure that the enrollment of the Job Corps includes an appropriate number of candidates selected from rural areas, taking into account the proportion of eligible youth who reside in rural areas and the need to provide residential facilities for such youth in order to meet problems of wide geographic dispersion.

SPECIAL LIMITATIONS

SEC. 334. (a) No individual shall be selected as an enrollee unless it is determined that there is reasonable expectation that he can participate successfully in group situations and activities with other enrollees, that he is not likely to engage in actions or behavior that would prevent other enrollees from receiving the benefit of the program or be incompatible with the maintenance of sound discipline and satisfactory relationships between any center to which he might be assigned and surrounding communities, and that he manifests a basic understanding of both the rules to which he will be subject and of the consequences of failure to observe those rules. Before selecting an individual who has a history of serious and violent behavior against persons or property, repetitive delinquent acts, narcotics addiction, or other major behavioral aberrations, the Secretary shall obtain a finding from a professionally qualified person who knows such potential enrollee's individual situation that there is reasonable expectation that his conduct will not be inimical to the goals and success of the Job Corps and that the opportunity provided by the Job Corps will help him to overcome his problem.

(b) An individual who otherwise qualifies for enrollment may be selected even though he is on probation or parole, but only if his release from the immediate supervision of the cognizant probation or parole officials is mutually satisfactory to those officials and the Secretary and does not violate applicable laws or regulations, and if the Secretary has arranged to provide all supervision of the individual and all reports to State or other authorities that may be necessary to comply with applicable probation or parole requirements.

ENROLLMENT AND ASSIGNMENT

SEC. 335. (a) No individual may be enrolled in the Job Corps for more than two years, except as the Secretary may authorize in special cases.

(b) Enrollment in the Job Corps shall not relieve any individual of obligations under the Selective Service Act of 1967 (50 U.S.C. App. 451 et seq.).

(c) Each enrollee (other than a native and citizen of Cuba who arrived in the United States from Cuba as a nonimmigrant or as a parolee subsequent to January 1, 1959, under the provisions of section 214(a) or 212(d)(5), respectively, or any person admitted as a conditional entrant under section 203(a)(7), of the Immigration and Nationality Act, or a permanent resident of the Trust Terri-

tory of the Pacific Islands) must take and subscribe to an oath or affirmation in the following form: "I do solemnly swear (or affirm) that I bear true faith and allegiance to the United States of America and will support and defend the Constitution and laws of the United States against all its enemies, foreign and domestic." The provisions of section 1001 of title 18, United States Code, shall be applicable to this oath or affirmation.

(d) After the Secretary has determined whether an enrollee is to be assigned to a men's training center, a conservation center, or a women's training center, the center to which he shall be assigned shall be that center of the appropriate type in which a vacancy exists which is closest to the enrollee's home, except that the Secretary, on an individual basis, may waive this requirement when overriding considerations justify such action. Assignments to centers in areas more remote from the enrollee's home shall be carefully limited to situations in which such action is necessary in order to insure an equitable opportunity for disadvantaged youth from various sections of the country to participate in the program, to prevent undue delays in the assignment of individual enrollees, to provide an assignment which adequately meets the educational or other needs of the enrollee or is necessary for efficiency and economy in the operation of the program.

(e) Assignments of male enrollees shall be made so that, at any one time, at least 40 per centum of those enrollees are assigned to conservation centers as described in section 336, or to other centers or projects where their work activity is primarily directed to the conservation, development, or management of public natural resources or recreational areas.

JOB CORPS CENTER

SEC. 336. (a) The Secretary may make agreements with Federal, State, or local agencies, or private organizations for the establishment and operation of Job Corps centers. These centers may be residential or nonresidential in character and shall be designed and operated so as to provide enrollees, in a well-supervised setting, with education, vocational training, work experience (either in direct program activities or through arrangements with employers), counseling, and other services (including family planning services) appropriate to their needs. The centers shall include conservation centers, to be known as Civilian Conservation Centers, to be located primarily in rural areas and to provide, in addition to other training and assistance, programs of work experience focused upon activities to conserve, develop, or manage public natural resources or public recreational areas or to assist in developing community projects in the public interest. They shall also include men's and women's training centers to be located in either urban or rural areas and to provide activities which shall include training and other service appropriate for enrollees who can be expected to participate successfully in training for specific types of skilled or semiskilled employment.

(b) To the extent feasible, men's and women's training centers shall offer education and vocational training opportunities, together with supportive services, on a nonresidential basis to participants in programs under other provisions of this Act. Such opportunities may be offered on a reimbursable basis or through such other arrangements as the Secretary may specify.

PROGRAM ACTIVITIES

SEC. 337. (a) Each Job Corps center shall be operated so as to provide enrollees with an intensive, well-organized, and fully supervised program of education, vocational training, work experience, planned avocational and recreational activities, physical rehabilitation and development, and counseling. To the fullest extent feasible, the required program for each enrollee shall include activities designed to assist him in choosing realistic career goals, coping with problems he may encounter in his home community or in adjusting to a new community, and planning and managing his daily affairs in a manner that will best contribute to long-term upward mobility. Center programs shall include required participation in center maintenance support and related work activity as appropriate to assist enrollees in increasing their sense of contribution, responsibility, and discipline.

(b) To the extent practicable, the Secretary may arrange for enrollee education and vocational training through local public or private educational agencies, vocational educational institutions, or technical institutes where these institutions or institutes can provide training comparable in cost and substantially equivalent in quality to that which he could provide through other means.

(c) Arrangements for education shall, to the extent feasible, provide opportunities for qualified enrollees to obtain the equivalent of a certificate of graduation from secondary school; and the Secretary of Labor, with the concurrence of the Secretary of Health, Education, and Welfare, shall develop certificates to be issued to enrollees who have satisfactorily completed their services in the Job Corps and which will reflect the enrollee's level of educational attainment.

(d) The Secretary shall prescribe regulations to assure that Job Corps work-experience programs or activities do not displace presently employed workers or impair existing contracts for service and will be coordinated with other work-experience programs in the community.

ALLOWANCES AND SUPPORT

SEC. 338. (a) The Secretary may provide enrollees with such personal, travel, and leave allowances, and such quarters, subsistence, transportation, equipment, clothing, recreational services, and other expenses as he may deem necessary or appropriate to their needs. Personal allowances shall be established at a rate not to exceed $50 per month during the first six months of an enrollee's participation in the program and not to exceed $75 per month thereafter, except that allowances in excess of $50 per month, but not exceeding $75 per month, may be provided from the beginning of an enrollee's participation if it is expected to be of less than six months' duration and the Secretary is authorized to pay personal allowances in excess of the rates specified herein in unusual circumstances as determined by him. Such allowances shall be graduated up to the maximum so as to encourage continued participation in the program, achievement and the best use by the enrollee of the funds so provided and shall be subject to reduction in appropriate cases as a disciplinary measure. Enrollees shall be required to a reasonable degree to meet or contribute to costs associated with their individual comfort and enjoyment from their personal allowances.

(b) The Secretary shall prescribe specific rules governing the accrual of leave by enrollees. Except in the case of emergency, he shall in no event assume transportation costs connected with leave of any enrollee who has not completed at least six months service in the Job Corps.

(c) The Secretary may provide each former enrollee, upon termination, a readjustment allowance at a rate not to exceed $50 for each month of satisfactory participation in the Job Corps. No enrollee shall be entitled to a readjustment allowance, however, unless he has remained in the program at least ninety days, except in unusual circumstances as determined by the Secretary. The Secretary may, from time to time, advance to or on behalf of an enrollee such portions of his readjustment allowance as the Secretary deems necessary to meet extraordinary financial obligations incurred by that enrollee; and he may also, pursuant to rules or regulations, reduce the amount of an enrollee's readjustment allowance as a penalty for misconduct during participation in the Job Corps. In the event of an enrollee's death during his period of service, the amount of any unpaid readjustment allowance shall be paid in accordance with the provisions of section 5582 of title 5, United States Code.

(d) Under such circumstances as the Secretary may determine, a portion of the readjustment allowance of an enrollee not exceeding $25 for each month of satisfactory service may be paid during the period of service of the enrollee directly to a spouse or child of an enrollee or to any other relative who draws substantial support from the enrollee, and any sum so paid shall be supplemental by the payment of an equal amount by the Secretary.

STANDARDS OF CONDUCT

SEC. 339. (a) Within Job Corps centers, standards of conduct and deportment shall be provided and stringently enforced. In the case of violations committed by enrollees, dismissals from the Corps or transfers to other locations shall be made in every instance where it is determined that retention in the Corps, or in the particular Job Corps center, will jeopardize the enforcement of such standards of conduct and deportment or diminish the opportunity of other enrollees.

(b) In order to promote the proper moral and disciplinary conditions in the Job Corps, the individual directors of Job Corps centers shall be given full authority to take appropriate disciplinary measures against enrollees including, but not limited to, dismissal from the Job Corps, subject to expeditious appeal procedures to higher authority, as provided under regulations set by the Secretary.

COMMUNITY PARTICIPATION

SEC. 340. The Secretary shall encourage and shall cooperate in activities designed to establish a mutually beneficial relationship between Job Corps centers and surrounding or nearby communities. These activities shall include the establishment of community advisory councils to provide a mechanism for joint discussion of common problems and for planning programs of mutual interest. Whenever possible, such advisory councils shall be formed by and coordinated under the local community action agency. Youth participation in advisory council affairs shall be encouraged and where feasible separate youth councils may be established, to be composed of representative enrollees and representative young people from the communities. The Secretary shall establish necessary rules and take necessary action to assure that each center is operated in a manner consistent with this section with a view to achieving, so far as possible, objectives which shall include: (1) giving community officials appropriate advance notice of change in center rules, procedures, or activities that may affect or be of interest to the community; (2) affording the community a meaningful voice in center affairs of direct concern to it, including policies governing the issuance and terms of passes to enrollees; (3) providing center officials with full and rapid access to relevant community groups and agencies, including law enforcement agencies and agencies which work with young people in the community; (4) encouraging the fullest practicable participation of enrollees in programs or projects for community improvement or betterment, with adequate advance consultation with business, labor, professional, and other interested community groups and organizations; (5) arranging recreational, athletic, or similar events in which enrollees and local residents may par-

ticipate together; (6) providing community residents with opportunities to work with enrollees directly, as part-time instructors, tutors, or advisers, either in the center or in the community; (7) developing, where feasible, job or career opportunities for enrollees in the community; and (8) promoting interchanges of information and techniques among, and cooperative projects involving the center and community schools, educational institutions, and agencies serving young people.

COUNSELING AND JOB PLACEMENT

SEC. 341. (a) The Secretary shall provide for the counseling and testing of each enrollee at regular intervals to follow his progress in educational and vocational programs.

(b) The Secretary shall counsel and test each enrollee prior to his scheduled termination to determine his capabilities and shall seek to place him in a job in the vocation for which he is trained and in which he is likely to succeed, or shall assist him in attaining further training or education. In placing enrollees in jobs, the Secretary shall utilize the United States Employment Service to the fullest extent possible.

(c) The Secretary shall make arrangements to determine the status and progress of former enrollees and to assure that their needs for further education, training, and counseling may be met.

(d) Upon termination of an enrollee's training, a copy of his pertinent records, including data derived from his counseling and testing, other than confidential information, shall be made available immediately to the Department of Labor.

(e) The Secretary shall, to the extent feasible, arrange for the readjustment allowance, provided for in section 338(c) of this Act, less any sums already paid pursuant to 338(d), to be paid to former enrollees (who have not already found employment) at the public employment service office nearest the home of any such former enrollee, if he is returning to his home, or at the nearest such office to the community in which the former enrollee has indicated an intent to reside. The Secretary of Labor shall make arrangements by which public employment service officers will maintain records regarding former enrollees who are thus paid at such offices including information as to—

(1) the number of former enrollees who have declined the office's help in finding a job;

(2) the number who were successfully placed in jobs without further education or training;

(3) the number who were found to require further training before being placed in jobs and the types of training programs in which they participated; and

(4) the number who were found to require further remedial or basic education in order to qualify for training programs, together with information as to the types of programs for which such former enrollees were found unqualified for enrollment.

If the Secretary deems it advisable to utilize the services of any other public or private organization or agency in lieu of the public employment office, he shall arrange for that organization or agency to make the payment of the readjustment allowance and maintain the same types of records regarding former enrollees as are herein specified for maintenance by public employment service offices, and shall furnish copies of such records to the Secretary. In the case of enrollees who are placed in jobs by the Secretary prior to the termination of their participation in the Job Corps, the Secretary shall maintain records providing pertinent placement and follow-up information.

EVALUTION; EXPERIMENTAL AND DEVELOPMENTAL PROJECTS

SEC. 342. (a) The Secretary shall provide for the careful and systematic evaluation of the Job Corps program, directly or by contracting for independent evaluations, with a view to measuring specific benefits, so far as practicable, and providing information needed to assess the effectiveness of program procedures, policies, and methods of operation. In particular, this evaluation shall seek to determine the costs and benefits resulting from the use of residential as opposed to nonresidential facilities, from the use of facilities combining residential and nonresidential components from the use of centers with large as opposed to small enrollments, and from the use of different types of program sponsors, including public agencies, institutions of higher education, boards of education, and private corporations. The evaluation shall also include comparisons with proper control groups composed of persons who have not participated in the program. In carrying out such evaluations, the Secretary shall arrange for obtaining the opinions of participants about the strengths and weaknesses of the program and shall consult with other agencies and officials in order to compare the relative effectiveness of Job Corps techniques with those used in other programs, and shall endeavor to secure, through employers, schools, or other Government and private agencies specific information concerning the residence of former enrollees, their employment status, compensation, and success in adjusting to community life. He shall also secure, to the extent feasible, similar information directly from enrollees at appropriate intervals following their completion of the Job Corps program.

(b) The Secretary may undertake or make grants or contracts for experimental, research, or demonstration projects designed to develop and test ways of securing the better use of facilities, of encouraging a more rapid adjustment of enrollees to community life that will permit a reduction in the period of their enrollment, of reducing transportation and support costs, or of otherwise promoting greater efficiency and effectiveness in the program authorized under this part. These projects shall include one or more projects providing youths with education, training, and other supportive services on a combined residential and nonresidential basis. The Secretary may, if he deems it advisable, undertake one or more pilot projects designed to involve youth who have a history of serious and violent behavior against persons or property, repetitive delinquent acts, narcotics addiction, or other behavioral aberrations. Projects under this subsection shall be developed after appropriate consultation with other Federal or State agencies conducting similar or related programs or projects and with the prime sponsors, as described in title I of this Act, in the communities where the projects will be carried out. They may be undertaken jointly with agencies conducting other Federal or federally assisted programs, and funds otherwise available for activities under such programs shall, with the consent of the head of any agency concerned, be available for projects under this section to the extent they include the same or substantially similar activities. The Secretary may waive any provision of this title which he finds would prevent the carrying out of elements of projects under this subsection essential to a determination of their feasibility and usefulness. He shall report to the Congress concerning the actions taken under this section, including a full description of progress made in connection with combined residential and nonresidential projects.

ADVISORY COMMITTEES AND BOARDS

SEC. 343. The Secretary shall make use of advisory committees or boards in connection with the operation of the Job Corps, and the operation of Job Corps centers, whenever he determines that the availability of outside advice and counsel on a regular basis would be of substantial benefit in identifying and overcoming problems, in planning program or center development, or in strengthening relationships between the Job Corps and agencies, institutions, or groups engaged in related activities.

PARTICIPATION OF THE STATES

SEC. 344. (a) The Secretary shall take necessary action to facilitate the effective participation of States in the Job Corps program, including, but not limited to, consultation with appropriate State agencies on matters pertaining to the enforcement of applicable State laws, standards of enrollee conduct and discipline, the development of meaningful work experience and other activities for enrollees, and coordination with State-operated programs.

(b) The Secretary may enter into agreements with State or local prime sponsors with prime sponsorship plans approved under title I of this Act to assist in the operation or administration of programs which carry out the purpose of this part. The Secretary may, pursuant to regulations, pay part or all of the operative or administrative costs of such programs.

(c) No Job Corps center or other similar facility designed to carry out the purpose of this part shall be established within a State unless a plan setting forth such proposed establishment has been submitted to the Governor, and such plan has not been disapproved by him within thirty days of such submission.

APPLICATION OF PROVISIONS OF FEDERAL LAW

SEC. 345. (a) Except as otherwise specifically provided in the following paragraphs of this subsection, enrollees in the Job Corps shall not be considered Federal employees and shall not be subject to the provisions of law relating to Federal employment including those regarding hours of work, rates of compensation, leave, unemployment compensation, and Federal employees benefits:

(1) For purposes of the Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.) and title II of the Social Security Act (42 U.S.C. 401 et seq.), enrollees shall be deemed employees of the United States and any service performed by an individual as an enrollee shall be deemed to be performed in the employ of the United States.

(2) For purposes of subchapter I of chapter 81 of title 5 of the United States Code (relating to compensation to Federal employees for work injuries), enrollees shall be deemed civil employees of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply except as follows:

(A) The term "performance of duty" shall not include any act of an enrollee while absent from his or her assigned post of duty, except while participating in an activity (including an activity while on pass or during travel to or from such post of duty) authorized by or under the direction and supervision of the Job Corps;

(B) In computing compensation benefits for disability or death, the monthly pay of an enrollee shall be deemed that received under the entrance salary for a grade GS–2 employee, and sections 8113 (a) and (b) of title 5, United States Code, shall apply to enrollees; and

(C) Compensation for disability shall not begin to accrue until the day following the date on which the injured enrollee is terminated.

(3) For purposes of the Federal tort claims provisions in title 28, United States Code, enrollees shall be considered employees of the Government.

(b) When the Secretary finds a claim for damage to persons or property resulting from the operation of the Job Corps to be a proper charge against the United States, and it is

not cognizable under section 2672 of title 28, United States Code, he may adjust and settle it in an amount not exceeding $500.

(c) Personnel of the uniformed services who are detailed or assigned to duty in the performance of agreements made by the Secretary for the support of the Job Corps shall not be counted in computing strength under any law limiting the strength of such services or in computing the percentage authorized by law for any grade therein.

SPECIAL LIMITATIONS

SEC. 346. (a) The Secretary shall take necessary action to assure that for any fiscal year the direct operating costs of Job Corps centers which have been in operation for more than nine months do not exceed $6,900 per enrollee.

(b) The Secretary shall take necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds in the course of the operation of any conservation or training center shall become the property of the United States.

POLITICAL DISCRIMINATION AND POLITICAL ACTIVITY

SEC. 347. (a) No officer or employee of the executive branch of the Federal Government shall make any inquiry concerning the political affiliation or beliefs of any enrollee or applicant for enrollment in the Job Corps. All disclosures concerning such matters shall be ignored, except as to such membership in political parties or organizations as constitutes by law a disqualification for Government employment. No discrimination shall be exercised, threatened, or promised by any person in the executive branch of the Federal Government against or in favor of any enrollee in the Job Corps, or any applicant for enrollment in the Job Corps because of his political affiliation or beliefs, except as may be specifically authorized or required by law.

(b) No officer, employee, or enrollee of the Job Corps shall take any active part in political management or in political campaigns, except as may be provided by or pursuant to statute, and no such officer, employee, or enrollee shall use his official position or influence for the purpose of interfering with an election or affecting the result thereof. All such persons shall retain the right to vote as they may choose and to express, in their private capacities, their opinions on all political subjects and candidates. Any officer, employee, enrollee, or Federal employee who solicits funds for political purposes from members of the Corps shall be in violation of section 602 of title 18, United States Code.

(c) Whenever the United States Civil Service Commission finds that any person has violated the foregoing provisions, it shall, after giving due notice and opportunity for explanation to the officer or employee or enrollee concerned, certify the facts to the Secretary with specific instructions as to discipline or dismissal or other corrective actions.

PART D—NEIGHBORHOOD YOUTH PROGRAMS

PROGRAMS AUTHORIZED

SEC. 351. (a) The Secretary shall provide financial assistance to public and private agencies serving urban and rural areas to carry out—

(1) programs to provide part-time employment, on-the-job training, and useful work experience for students from low-income families who are in the ninth through twelfth grades of school (or are of an age equivalent to that of students in such grades) and who are in need of the earnings to permit them to resume or maintain attendance in school;

(2) programs to provide unemployed, underemployed, or low-income persons (aged sixteen and over) with useful work and training (which must include sufficient basic education and institutional or on-the-job training) designed to assist those persons to develop their maximum occupational potential and to obtain regular competitive employment;

(3) programs to provide job and recreation opportunities for young persons during the summer months.

(b) In addition to the amounts authorized to be appropriated pursuant to section 3 for carrying out this Act, there are further authorized to be appropriated such additional amounts as the Congress may determine to be necessary for carrying out section 351(a)(3).

SPECIAL CONDITIONS

SEC. 352. (a) The Secretary shall not provide financial assistance for any program under this part unless he determines, in accordance with such regulations as he may prescribe, that—

(1) no participant will be employed on projects involving political activities, or the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship;

(2) the program will not result in the displacement of employed workers or impair existing contracts for services, or result in the substitution of Federal or other funds in connection with work that would otherwise be performed;

(3) the rates of pay for time spent in work-training and education, and other conditions of employment, will be appropriate and reasonable in the light of such factors as the type of work, geographical region, and proficiency of the participant; and

(4) the program will, to the maximum extent feasible, contribute to the occupational development or upward mobility of individual participants.

(b) For programs which provide work and training related to physical improvements, preference shall be given to those improvements which will be substantially used by low-income persons and families or which will contribute substantially to amenities or facilities in urban or rural areas having high concentrations or proportions of low-income persons and families.

(c) Programs approved under this part shall, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement.

(d) Programs under this part shall provide for maximum feasible use of resources under other Federal programs for work and training and the resources of the private sector.

(e) In the case of a program under section 351(a)(1), the Secretary shall not limit the number or percentage of participants in the program who are fourteen or fifteen years of age. In the case of a program under section 351(a)(2), the Secretary shall not limit the number or percentage of participants in any age group under twenty-two years of age, and the Secretary shall not limit the number of hours which participants may spend in work and on-the-job training to less than 80 per centum of the number of hours per week spent in the program, and allowances for such work and on-the-job training shall not be less than the minimum wage specified in section 6(a)(1) of the Fair Labor Standards Act of 1938.

PROGRAM PARTICIPANTS

SEC. 353. Participants in programs under this part must be unemployed or low-income persons. The Secretary, in consultation with the Social Security Administrator, shall establish criteria for low income, taking into consideration family size, urban-rural and farm-nonfarm differences, and other relevant factors.

TITLE IV—SPECIAL FEDERAL RESPONSIBILITIES

PART A—MANPOWER RESEARCH AND DEVELOPMENT

RESEARCH AND DEVELOPMENT

SEC. 401. (a) To assist the Nation in expanding work opportunities and assuring access to those opportunities for all who desire it, the Secretary shall establish a comprehensive program of manpower research utilizing the methods, techniques, and knowledge of the behavioral and social sciences and such other methods, techniques, and knowledge as will aid in the solution of the Nation's manpower problems. This program will include, but not be limited to, studies, the findings of which may contribute to the formulation of manpower policy; development or improvement of manpower programs; increased knowledge about labor market processes; reduction of unemployment and its relationships to price stability; promotion of more effective manpower development, training, and utilization; improved national, regional, and local means of measuring future labor demand and supply; enhancement of job opportunities; upgrading of skills; meeting of manpower shortages; easing of the transition from school to work, from one job to another, and from work to retirement, opportunities and services for older persons who desire to enter or reenter the labor force, and for improvements of opportunities for employment and advancement through the reduction of discrimination and disadvantage arising from poverty, ignorance, or prejudice.

(b) The Secretary shall establish a program of experimental, developmental, demonstration, and pilot projects, through grants to or contracts with public or private nonprofit organizations, or through contracts with other private organizations, for the purpose of improving techniques and demonstrating the effectiveness of specialized methods in meeting the manpower, employment, and training problems. In carrying out this subsection with respect to programs designed to provide employment and training opportunities for low-income people, the Secretary shall consult fully with the Director of the Office of Economic Opportunity. In carrying out this subsection the Secretary of Labor shall, where appropriate, also consult with the Secretaries of Health, Education, and Welfare, Commerce, Agriculture, and Housing and Urban Development, the Chairman of the Civil Service Commission, and such other agencies as may be appropriate. Where programs under this paragraph require institutional training, appropriate arrangements for such training shall be agreed to by the Secretary of Labor and the Secretary of Health, Education, and Welfare.

(c) The Secretary shall conduct such research and investigations as give promise of furthering the objectives of this Act either directly or through grants, contracts, or other arrangements.

LABOR MARKET INFORMATION

SEC. 402. (a) The Secretary of Labor shall develop a comprehensive system of labor market information on a national, State, local, or other appropriate basis, including but not limited to information regarding—

(1) the nature and extent of impediments to the maximum development of individual employment potential including the number and characteristics of all persons requiring manpower services;

(2) job opportunities and skill requirements;

(3) labor supply in various skills;

(4) occupational outlook and employment trends in various occupations; and

(5) in cooperation and after consultation with the Secretary of Commerce, economic and business development and location trends.

(b) Information collected under this section shall be developed and made available in a timely fashion to meet in a comprehensive manner the needs of public and private users, including the need for such information in recruitment, counseling, education, training, placement, job development, and other appropriate activities under this Act and under the Economic Opportunity Act, the Social Security Act, the Public Works and Economic Development Act of 1965, the Wagner-Peyser Act, the Vocational Education Act of 1963, the Vocational Rehabilitation Act, the Demonstration Cities and Metropolitan Development Act of 1966, and other relevant Federal statutes.

MANPOWER UTILIZATION

SEC. 403.—The Secretary shall establish a program for the improvement of manpower utilization in sectors of the economy experiencing persistent manpower shortages, or in other situations requiring maximum utilization of existing manpower. The Secretary shall conduct this program either directly or through such other arrangements as he may deem appropriate.

EVALUATION

SEC. 404. (a) The Secretary shall provide for a system of continuing evaluation of all programs and activities conducted pursuant to this Act, including their cost in relation to their effectiveness in achieving stated goals, their impact on communities and participants, their implication for related programs, the extent to which they meet the needs of persons of various ages, and the adequacy of their mechanism for the delivery of services. He shall also arrange for obtaining the opinions of participants about the strengths and weaknesses of the programs.

(b) The Director of the Office of Economic Opportunity is authorized to conduct, either directly or by way of contract, grant, or other arrangement, a thorough evaluation of all programs and activities conducted pursuant to this Act to determine the effectiveness of such programs and activities in meeting the special needs of disadvantaged, chronically unemployed, and low-income persons for meaningful employment opportunities and supportive services to continue or resume their education and employment and to become more responsible and productive citizens. The Director of the Office of Economic Oppportunity shall report to the Secretary on the evaluation authorized by this subsection at least once in each calendar year.

REMOVAL OF ARTIFICIAL BARRIERS TO EMPLOYMENT AND ADVANCEMENT

SEC. 405. The Secretary, in consultation with the Director of the Office of Economic Opportunity, shall conduct a continuing study of the extent to which artificial barriers to employment and occupation advancement, including civil service requirements and practices relating thereto, within agencies conducting programs under this Act restrict the opportunities for employment and advancement within such agencies and shall develop and promulgate guidelines, based upon such study, setting forth recommendations for task and skill requirements for specific jobs and recommended job descriptions at all levels of employment, designed to encourage career employment and occupational advancement within such agencies.

TRAINING AND TECHNICAL ASSISTANCE

SEC. 406. In carrying out his responsibilities under this Act, the Secretary of Labor, in consultation with the Secretary of Health, Education, and Welfare, and the Director of the Office of Economic Opportunity, where appropriate, shall provide, directly or through grants, contracts, or other arrangements, preservice and inservice training for specialized, supportive, and supervisory or other personnel and technical assistance which is needed in connection with the programs established under this Act or which otherwise pertains to the purposes of this Act. Upon request, the Secretary of Labor may make special assignments of personnel to public or private agencies, institutions, or employers to carry out the purposes of this section; but no such special assignments shall be for a period of more than two years. In order to encourage the establishment and operation by low-income persons and their representatives of centers on the local level which are designed to provide comprehensive employment and related services for low-income persons who are unemployed or underemployed, the Secretary of Labor shall, in consultation with the Secretary of Health, Education, and Welfare and the Director of the office of Economic Opportunity, wherever feasible, provide training and technical assistance by grants, contracts, or other arrangements with individuals and organizations who have demonstrated a capacity to establish and operate such programs.

REPORT ON SUMMER YOUTH PROGRAMS

SEC. 407. The Secretary shall transmit to the Congress at the earliest appropriate date, not later than March 1, in each calendar year a report setting forth a description of summer work experience programs to begin in June of such year, including the number of opportunities in public and private agencies or organizations that will be provided to disadvantaged youths in ninth through twelfth grades (and to youth of equivalent ages), in each of the several States and local areas within States, and a statement as to the total number of such persons who would be eligible for such programs, together with his recommendations, if any, for supplemental appropriations for such programs.

PART B—NATIONAL COMPUTERIZED JOB BANK PROGRAM

FINDINGS AND PURPOSE

SEC. 431. The Congress hereby finds that the lack of prompt and adequate information regarding manpower needs and availability contributes to unemployment, underemployment, and the inefficient utilization of the Nation's manpower resources. The Congress further finds that the development of electronic data processing and telecommunications systems has created new opportunities for dealing with this difficult problem. It is therefore the purpose of this title to enlist the tools of modern technology in a cooperative Federal-State effort to reduce unemployment and underemployment and more adequately meet the Nation's manpower needs.

ESTABLISHMENT OF THE PROGRAM

SEC. 432. The Secretary shall develop and establish a computerized job bank program for the purpose of—

(1) identifying sources of available manpower supply and job vacancies;

(2) providing an expeditious means of matching the qualifications of unemployed, underemployed, and disadvantaged persons with employer requirements and job opportunities on a national, State, local, or other appropriate basis;

(3) referring and placing such persons in jobs; and

(4) distributing and assuring the prompt and ready availability of information concerning manpower needs and resources to employers, employees, public and private job placement agencies, and other interested individuals and agencies.

Maximum effective use shall be made of electronic data processing and telecommunications systems in the development and administration of the program. The program established under this part shall be coordinated with the comprehensive manpower services program established under title I.

CONDUCT OF THE PROGRAM

SEC. 433. For the purpose of carrying out the program established in section 432, the Secretary is authorized to make grants to State or local agencies for the planning and administration of the program, including the purchase or other acquisition of necessary equipment. The Secretary, may conduct the program on a regional or interstate basis either directly or through grants, contracts, or other arrangements with public or private agencies and organizations. He may also conduct the program when he finds that a State or local program will not adequately serve the purposes of this part. The Secretary may require that any information concerning manpower resources or job vacancies utilized in the operation of job-bank programs financed under this part be furnished to him at his request. He may, in addition, require the integration of any information concerning job vacancies or applicants into a job-bank system assisted under this part.

EXPERIMENTS, DEMONSTRATIONS, RESEARCH AND DEVELOPMENT

SEC. 434. The Secretary may conduct directly, or through contracts, grants, or other arrangements with public or private agencies or organizations, such experimental or demonstration projects, research and development as he deems necessary to improve the effectiveness of the program established under this part.

RULES, REGULATIONS, AND STANDARDS

SEC. 435. The Secretary shall prescribe such rules and regulations and standards as may be necesary to carry out the purposes of this part, including standards to assure the compatibility on a nationwide basis of data systems used in carrying out the program established by this part, and including rules and regulations to asssure the confidentiality of information submitted in confidence.

PART C—DEVELOPMENT OF EMPLOYMENT OPPORTUNITIES FOR DISADVANTAGED PERSONS IN FEDERALLY ASSISTED PROGRAMS

PURPOSE

SEC. 451. The purpose of this part is to establish a program of research, development, and pilot activities for the purpose of determining the level of employment generated by Federal grant and assistance programs and the degree to which such programs can provide an increased source of opportunities for the employment and advancement of disadvantaged persons.

RESEARCH

SEC. 452. The Secretary is hereby authorized to undertake studies of the contribution of Federal grants-in-aid and other Federal assistance programs to the overall employment level. Such studies may include but are not limited to collection and analysis of information on the number of positions wholly or partially supported by Federal assistance programs, their occupational structure, wage, and salary levels, projections for future growth, requirements and qualifications for entry into such positions, promotional and career development opportunities, the educational, vocational, and other relevant characteristics of those who occupy such positions, and the effects of such employment on employment generally. The heads of all Federal departments and agencies administering grants-in-aid or other Federal assistance programs are hereby directed to cooperate fully with the Secretary in the conduct of such studies. They shall transmit to the Secretary annually estimates of the employment increases or decreases expected to result from the planned expansion or reduction of such programs, and as conditions warrant, on call from the Secretary, contingency plans and estimates relating to the increase in employment which would be cre-

ated if such programs are expanded under conditions of persistent high unemployment and underemployment.

PILOT PROGRAMS

SEC. 453. (a) The Secretary of Labor is authorized to conduct experimental, developmental, demonstration, and pilot programs to carry out the purposes of this part. In the conduct of these programs, the Secretary is authorized to enter into agreements with the heads of other Federal departments and agencies administering grants-in-aid and other forms of Federal assistance to establish annual and multiyear goals for the employment of disadvantaged persons in employment wholly or partially supported through such Federal assistance. For the purposes of carrying out these agreements, Federal departments and agencies may provide, notwithstanding any other provision of law, that the fulfillment of such goals shall be a condition for receiving such assistance.

(b) Programs under this part shall, to the extent practicable, be designed to eliminate artificial barriers to employment and occupational advancement, including merit system requirements and practices related thereto, which restrict opportunities for the employment and advancement of disadvantaged persons.

(c) Funds made available for the purpose of carrying out this part may be allocated and expended, or transferred to other Federal agencies for expenditure, as the Secretary of Labor deems necessary for carrying out the provisions hereof.

(d) Activities for which funds made available under this part may be expended shall include, but are not limited to the following:

(1) extraordinary costs of training and supportive services necessary to improve the performance of disadvantaged persons who are employed pursuant to agreement under this section;

(2) costs of providing orientation, counseling, testing, followup, and other similar manpower services determined necessary to assist such individuals to achieve success in employment.

REPORTS

SEC. 454. The Secretary shall transmit to the Congress annually a report of his findings and recommendations arising out of the programs and studies under this part.

TITLE V—MANPOWER PROGRAMS FOR INDIAN, BILINGUAL, MIGRANT, AND OLDER WORKERS

PART A—INDIAN MANPOWER PROGRAMS

STATEMENT OF FINDINGS AND PURPOSE

SEC. 501. (a) The Congress finds that (1) serious unemployment and economic disadvantage exist among members of Indian and Alaskan native communities; (2) there is a compelling need for the establishment of comprehensive manpower training and employment programs for members of those communities; (3) such programs are essential to the reduction of economic disadvantage among individual members of those communities and to the advancement of economic and social development in those communities consistent with their goals and life styles.

(b) The Congress therefore declares that, because of the special relationship between the Federal Government and most of those to be served by the provisions of this part, (1) such programs can best be administered at the national level; (2) such programs shall be available to federally recognized tribes, bands, and individuals and to other groups and individuals of native American descent such as, but not limited to, the Menominees in Wisconsin, the Klamaths in Oregon, the Oklahoma Indians, the Passamaquoddys and Penobscots in Maine, and Eskimos and Aleuts in Alaska; (3) such programs shall be administered in such a manner as to maximize the Federal commitment to support growth and development as determined by representatives of the communities and groups served by this part.

ESTABLISHMENT OF OFFICE OF INDIAN MANPOWER PROGRAMS

SEC. 502. (a) There is hereby established in the Department of Labor an Office of Indian Manpower Programs which, under the direction of the Secretary of Labor, shall have responsibility for administering the Indian manpower programs authorized by this part.

(b) The Secretary of Labor shall appoint a qualified person of native American ancestry as Director of the Office of Indian Manpower Programs. The appointment of the Director and such staff as may be required shall be without regard to the provisions of title 5, United States Code, relating to the competitive service, but such appointees shall be entitled to the same rights, privileges, and benefits provided employees in such service.

AUTHORIZATION

SEC. 503. (a) Funds available for this part shall be expended for programs and activities consistent with the purposes of this part, including but not limited to such programs and activities carried out by eligible applicants under other provision of this Act.

(b) For the purpose of carrying out this part, the Secretary shall reserve not less than that proportion of the total amounts available for carrying out this Act as is equivalent to that proportion which the total number of Indians and Alaska natives bears to the total number of low-income persons, as determined for the United States on the basis of the most satisfactory current data and estimates available to the Secretary. The Secretary shall make equitable adjustments in allocations under other provisions of this Act to take into account that persons counted for purposes of making such allocations are being counted for purposes of the reservation of funds provided for in this section.

NATIONAL INDIAN MANPOWER ADVISORY COUNCIL

SEC. 504. The Secretary of Labor shall appoint a National Indian Manpower Advisory Council which shall consist of at least five but not more than ten members, and shall be composed of men and women representing Indian tribes and groups, and other persons interested in the problems of manpower training and employment on Indian reservations and among Indian groups. Indians shall constitute a majority of the Council membership, which shall designate its own chairman. Such Council, or any duly established subcommittee thereof, shall from time to time make recommendations to the Secretary concerning problems and policy relating to employment and manpower and to the carrying out of his duties under this part. Such Council shall hold not less than two meetings during each calendar year. The appointed members of the National Indian Manpower Advisory Council shall be paid compensation at a rate not to exceed the daily equivalent for a GS–18 while engaged in the work of the National Indian Manpower Advisory Council, including traveltime, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently and receiving compensation on a per diem when actually employed basis. The Director and staff of the Office of Indian Manpower Programs shall provide the Council with such services as may be necessary for the Council to carry out its functions.

MANPOWER REPORT

SEC. 505. A special section of the manpower report of the President shall be directed to describing the activities prescribed under the provisions of this part.

TRUST RESPONSIBILITIES

SEC. 506. No provision of this part shall abrogate in any way the trust responsibilities of the Federal Government to Indian bands or tribes.

PART B—BILINGUAL MANPOWER PROGRAMS

DECLARATION OF POLICY

SEC. 511. In recognition of the difficulties and limitations of large numbers of persons of limited English-speaking ability in the United States in finding employment and in learning the technology required for employment today, Congress hereby declares it to be the policy of the United States to provide financial assistance to public and private nonprofit agencies, institutions, and organizations to develop and carry out imaginative programs to increase employment and training opportunities for persons with limited English-speaking ability, especially such persons who are unemployed or underemployed.

AUTHORIZATION AND DISTRIBUTION OF FUNDS

SEC. 512. (a) For the purpose of carrying out this part, the Secretary shall reserve not less than that proportion of the total amounts available for carrying out this Act as is equivalent to that proportion which the total number of persons of limited English-speaking ability bears to the total population, as determined for the United States on the basis of the most satisfactory current data and estimates available to the Secretary. The Secretary shall make equitable adjustments in allocations under other provisions of this Act to take into account that persons counted for purposes of making such allocations are being counted for purposes of the reservation of funds provided for in this section.

(b) In determining the distribution of funds under this part, the Secretary shall give the highest priority to States and areas within States having the greatest need for programs authorized by this part. For the purpose of achieving an equitable distribution of assistance under this part within each State, the Secretary shall establish criteria on the basis of a consideration of (1) the geographic distribution of persons of limited English-speaking ability who are unemployed or underemployed, (2) the relative need of such persons in different geographic areas within the State for the kind of programs described in section 513, and (3) the relative ability of particular public and private nonprofit agencies, institutions, and organizations within the State to carry out those programs.

USES OF FUNDS

SEC. 513. Funds available for this part shall be expended for programs and activities consistent with the purposes of this part, including but not limited to such programs and activities carried out by eligible applicants under other provisions of this Act, especially—

(1) planning for and developing programs designed to meet the special manpower needs of persons with limited English-speaking ability including—

(A) the development of training courses and materials to teach skills and occupations that do not require a high proficiency in English, particularly the development of course materials in languages other than English; and

(B) the development of training courses and materials designed to increase the technical English vocabulary necessary for the performance of specific occupations likely to provide employment opportunities for such persons;

(2) preservice training designed to prepare persons to participate in bilingual manpower training and placement programs such as instructors, interviewers, counselors, and placement specialists; and

(3) the establishment, maintenance, and

operation of programs, including acquisition of necessary teaching materials and equipment, designed to increase the employment opportunities and the opportunities for advancement of persons with limited English-speaking ability, which may include—

(A) programs to teach occupational skills in the primary language of any such persons for occupations that do not require a high proficiency in English;

(B) programs designed to teach specific technical English vocabulary necessary in the performance of specific skills and occupations in demand and which such persons may be reasonably expected to perform;

(C) programs developed in cooperation with employers designed to increase the English-speaking ability of such persons in order to enhance their opportunities for promotion;

(D) programs designed to assist any such person to further develop and capitalize on their bilingual ability for jobs that require such skills; and

(E) specialized placement programs including supportive services to encourage persons with limited English-speaking ability to find employment and to encourage employers to hire such persons.

APPLICATIONS FOR FINANCIAL ASSISTANCE AND CONDITIONS FOR APPROVAL

SEC. 514. (a) Financial assistance under this part may be made to any public or private nonprofit agency, institution, or organization, or to any such agencies, institutions, or organizations applying jointly or with a private employer, upon application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary deems necessary. Such application shall—

(1) provide that the programs and projects for which assistance under this part is sought will be administered by, or under the supervision of, the applicant and set forth assurances that the applicant is qualified to administer or supervise such programs or projects;

(2) set forth a program for carrying out the purposes of this part and provide for such methods of administration as are necessary for the proper and efficient operation of the program;

(3) provide for such fiscal control and fund-accounting procedures as may be necessary to assure the proper disbursement of and accounting for Federal funds paid to the applicant under this part;

(4) provide assurances that provision has been made for the maximum participation in the projects for which the application is made of persons with limited English-speaking ability who are unemployed or underemployed and who reside in the area to be served by the project; and

(5) provide for making an annual report and such other reports as the Secretary may reasonably require and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

(b) An application, or modification or amendment thereof, for financial assistance under this part may be approved by the Secretary only if the application is consistent with the purposes of this part and meets the requirements set forth in subsection (a).

DEFINITION

SEC. 515. As used in this part, the term "persons of limited English-speaking ability" shall include persons who come from environments where the dominant language is other than English and who are preparing for work in a labor market where the dominant language is English.

PART C—MIGRANT AND SEASONAL FARMWORKER MANPOWER PROGRAMS

STATEMENTS OF FINDINGS AND PURPOSE

SEC. 521. The Congress finds and declare that—

(1) chronic seasonal unemployment and under-employment in the agricultural industry, substantially affected by recent advances in technology and mechanization, constitute a substantial portion of the Nation's rural manpower problem and substantially affects the entire national economy;

(2) such severe employment pattern has led to family incomes below the poverty level, with resulting hardships and adverse effects on the health, education, and welfare of families and particularly of children;

(3) much of the migrant and seasonal farmwork force is untrained and unaccustomed to, and ill-equipped for, the requirements of steady, gainful employment;

(4) there is a compelling need for the modification and adaptation of manpower training and employment programs that have heretofore not included migrant and seasonal farmworkers within their scope to meet the needs of such farmworkers;

(5) because of the special nature of certain farmworker manpower problems, particularly those which are interstate in nature, such programs can best be administered at the national level.

ESTABLISHMENT OF AN OFFICE OF MIGRANT AND SEASONAL FARMWORKER MANPOWER PROGRAMS

SEC. 522. There is hereby established in the Department of Labor an Office of Migrant and Seasonal Farmworker Manpower Programs which, under the direction of the Secretary of Labor, shall have responsibility for administering the migrant and seasonal farmworker manpower programs authorized by this part.

AUTHORIZATION

SEC. 523. (a) Funds available for this part shall be expended for programs and activities consistent with the purposes of this part, including but not limited to such programs and activities carried out by eligible applicants under other provisions of this Act.

(b) For the purpose of carrying out this part, the Secretary shall reserve not less than that proportion of the total amounts available for carrying out this Act as is equivalent to that proportion which the total number of persons in migrant and seasonal farmworker families bears to the total number of low-income persons, as determined for the United States on the basis of the most satisfactory current data and estimates available to the Secretary. The Secretary shall make equitable adjustments in allocations under other provisions of this Act to take into account that persons counted for purposes of making such allocations are being counted for purposes of the reservation of funds provided for in this section. For the purposes of this part, persons shall be deemed to continue to be members of migrant and seasonal farmworker families for such period of time, not in excess of five years, as the Secretary may determine, in accordance with regulations which he shall prescribe, that such persons generally can benefit from the special programs authorized by this part.

(c) No financial assistance may be provided under this part unless the Secretary determines, upon the basis of evidence supplied by each applicant and evaluated and approved by the Migrant and Seasonal Farmworker Manpower National Advisory Council established by section 704, that persons broadly representative of the population to be served have been given an opportunity to participate in the development of programs to be assisted under this part, and will be given an opportunity to participate in the implementation of such programs.

MIGRANT AND SEASONAL FARMWORKER MANPOWER NATIONAL ADVISORY COUNCIL

SEC. 524. (a) The Secretary shall appoint a Migrant and Seasonal Farmworker Manpower National Advisory Council (referred to in this part as the "Council") which shall consist of—

(1) three individuals, appointed from private life, to represent farmers, who shall be individuals actively engaged in, and whose livelihoods are dependent upon, agriculture, and who employ labor in connection therewith;

(2) five individuals, appointed from private life, to represent the migratory agricultural workers;

(3) three individuals, appointed from private life, who shall have a demonstrated interest in and knowledge of the problems relating to agricultural labor and who are or have been actively engaged in activities concerned with determining and solving the health, education, housing, social, economic, or welfare problems of the agriculture worker, his family, his employer, and the community in which he works;

(5) two individuals who have had experience as State or local officials and who have first-hand knowledge of the problems of agricultural labor; and

(6) the Secretary of Labor, the Secretary of Agriculture, the Secretary of Health, Education, and Welfare, the Secretary of the Interior, the Secretary of Housing and Urban Development, and the Director of the Office of Economic Opportunity who shall be nonvoting members of the Council.

(b) From the members appointed to such Council, the Secretary shall designate a Chairman and a Vice Chairman. Such Council shall hold not less than twelve meetings during each calendar year.

(c) The appointed members of the Council shall be paid compensation at a rate not to exceed the daily rate prescribed for GS–18 under section 5332 of title 5, United States Code, while engaged in the work of the Council, including traveltime and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently.

(d) The Secretary of Labor is authorized to use in connection with the work of the Council such technical and support personnel from any of the agencies specified in paragraph (6) of subsection (a) as he deems necessary, with the consent of the head of the agency concerned.

DUTIES OF COUNCIL

SEC. 525. (a) It shall be the duty of the Council to advise the President, the Secretary, and the Congress, with respect to (1) the operation of Federal, State, and local laws, regulations, programs, and policies relating to any and all aspects of agricultural labor, (2) the extent of farmworker participation in the development and implementation of manpower programs authorized by this part and (3) any and all other matters relating to agricultural labor. The Council, or any duly established subcommittee thereof, shall from time to time make recommendations to the Secretary concerning his functions under this part to provide maximum employment and manpower opportunities for migrant and seasonal farmworkers.

(b) It shall also be the duty of the Council to consider, analyze, and evaluate periodically the problems relating to agricultural labor in order to devise plans and make recommendations for the establishment of policies and programs designed to meet such problems effectively. In carrying

out this subsection, the Council shall consider, among others, the following matters—

(1) the effect of existing laws, regulations, programs, and policies on the problems relating to agricultural labor, including the problems of the migratory agricultural worker, his employer, and the local area in which he resides or is employed;

(2) the effect of the open-border policy between Mexico and the United States upon (A) the labor supply, (B) the living and working conditions in border areas, (C) the need for American residents along the border to migrate north in search of jobs, and (D) the entire national farm labor and rural economy;

(3) the extent that available labor market information (A) improves or limits farmworkers' opportunities to find jobs and to increase earnings, (B) alleviate the problems of underemployment and unemployment, and (C) provides the means for improving coordination of Federal, State, and local public and private policies and programs relating to agricultural labor;

(4) the need for more effective programs for the recruitment, transportation, housing, and full employment, in and off season, of the farm work force;

(5) the efficacy of a nonprofit manpower corporation or other ways to help regularize the employment of farmworkers, particularly seasonal farmworkers, including the provision of employment opportunities in rural areas that complement the seasonal job demands of agriculture;

(6) the development of a comprehensive manpower program to train and develop workers for increased mechanization of farm jobs, for nonfarm jobs in rural areas, and for meeting urban job opportunities;

(7) the future demand for farmwork including an accurate appraisal of the changing levels of demands and requirements for employees, particularly in the face of increasing mechanization;

(8) the relationship of such factors as worker ability, employer attitudes, skill levels, and educational levels to the employment opportunities of such farmworkers;

(9) the effect of farmworkers' substantial exclusion from major social and worker benefit programs, including legislation protecting the right to organize and collectively bargain;

(10) the means to familiarize farmworkers with program benefits and basic civil rights, including voting, to help them participate more fully in the American economic and political mainstream;

(11) the relationship between the institution of migrancy and the factors which cause it, to overall poverty in the United States, and relocation and resettlement programs and activities previously developed to more adequately overcome such problems.

ANNUAL REPORT

SEC. 526. The Council shall study, investigate, conduct research, and prepare a report containing its findings and recommendations concerning matters relating to the purposes of this part, and shall transmit such report to the Secretary and the President no later than August 1 and to the Congress no later than October 1 of each year.

PART D—MIDDLE-AGED AND OLDER WORKERS MANPOWER PROGRAMS

Subpart 1—General Provisions

DECLARATION OF FINDINGS

SEC. 531. The Congress hereby finds and declares that—

(1) in a period of great affluence, middle-aged and older workers find it increasingly difficult to regain employment when out of work and to retain employment;

(2) inflation has forced middle-aged and older persons to bear growing economic burdens, particularly if they are living on limited, fixed incomes;

(3) the Age Discrimination in Employment Act of 1967 cannot reasonably be expected without supplementary legislation to cope adequately with age discrimination in employment and to provide employment opportunities for middle-aged and older workers;

(4) the incidence of unemployment, especially long-term unemployment with resultant deterioration of skill, morale, and employer acceptability, is higher among workers aged forty-five and over than among younger workers;

(5) as a result of unemployment, underemployment in low-skill jobs, and retirement with severely reduced incomes, millions of persons aged forty-five and over live in poverty;

(6) more than a million men between the ages of fifty-five and sixty-four have given up the active search for work and thousands of men and women between the ages of sixty-two to sixty-four have retired with inadequate benefits;

(7) there is almost no opportunity for continued training and education for older individuals who are employed to meet the needs of a dynamic economy and changing technology;

(8) the loss to the economy of the potential production of goods and services, and the costs of unemployment compensation and public assistance, can be reckoned in billions of dollars;

(9) the loss to the individual in terms of frustration, impaired morale, loss of the sense of worth and dignity, and of his status within the family and society is incalculable;

(10) providing such individuals with opportunities for useful work will increase their incomes, benefit their physical and mental well-being, and strengthen the economy.

STATEMENT OF PURPOSE

SEC. 532. It is the purpose of this part to establish and to assist programs which will—

(1) afford the middle-aged and older worker a range of real and reasonable opportunities for employment;

(2) eliminate arbitrary discriminatory practices which deny work to qualified persons solely on account of age;

(3) increase the availability of jobs by finding new work opportunities, including part-time employment to supplement income and to facilitate the transition to full retirement or the return to full-time work;

(4) improve and extend existing programs designed to facilitate training and the matching of skills and jobs;

(5) assist middle-aged and older workers, employers, labor unions, and educational institutions to prepare for and adjust to anticipated changes in technology in jobs, in educational requirements, and in personnel practices; and

(6) stimulate innovative approaches to provide increased employment opportunities for middle-aged and older persons.

AUTHORIZATION

SEC. 533. (a) Funds available for this part shall be expended for programs and activities consistent with the purposes of this part, including but not limited to such programs and activities carried out by eligible applicants under other provisions of this Act.

(b) For the purpose of carrying out this part, the Secretary shall reserve not less than that proportion of the total amounts available for carrying out this Act as is equivalent to that proportion which the total number of heads of households who are forty-five years of age or older and are not in the labor force or are unemployed bears to the total population, as determined for the United States on the basis of the most satisfactory current data and estimates available to the Secretary. The Secretary shall make equitable adjustments in allocations under other provisions of this Act to take into account that persons counted for purposes of making such allocations are being counted for purposes of the reservation of funds provided for in this section.

EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 534. The Secretary shall establish criteria designed to achieve an equitable distribution of assistance under this part among the States and between urban and rural areas.

ADMINISTRATION

SEC. 535. (a) In order to carry out the purposes of this part the Secretary is authorized to—

(1) prescribe such rules and regulations as he deems necessary;

(2) employ experts and consultants in accordance with section 3109 of title 5, United States Code;

(3) appoint such advisory committees composed of private citizens and public officials who, by reason of their experience or training, are knowledgeable in the area of job opportunities of middle-aged and older individuals, as he deems desirable to advise him with respect to his functions under this part;

(4) utilize, with their consent, the services, personnel, information, and facilities of other Federal and State agencies, with or without reimbursement therefor.

(b) Each member of a committee appointed pursuant to clause (3) of subsection (a) of this section who is not an officer or employee of the Federal Government shall receive an amount equal to the maximum daily rate prescribed for GS–18 under section 5332 of title 5, United States Code, for each day on which he is engaged in the actual performance of his duties (including traveltime) as a member of the committee. All members shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently and receiving compensation on a per diem, when actually employed, basis.

PROGRAM DEVELOPMENT AND COORDINATION

SEC. 536. (a) In addition to any other provisions for the administration of this part, the Secretary shall designate personnel to have responsibility for program leadership, development, and coordination and provide for a central office for information on and special attention to the problems of middle-aged and older workers and the programs concerning such workers.

(b) No individual, institution, organization, or agency shall evaluate any program under this part if that individual, or any member of any such institution, organization, or agency is associated with the program as a consultant, technical adviser, or in any other capacity.

RESEARCH AND INFORMATION PROGRAMS

SEC. 537. (a) The Secretary is authorized to enter into grants, contracts, and other arrangements with public and private agencies and institutions to conduct such research and demonstration projects as he determines will contribute to carrying out the purposes of this part.

(b) In carrying out the purposes of this part the Secretary is authorized to publish and disseminate materials and other information relating to training and job opportunities for middle-aged and older individuals and to conduct such special informational programs as he determines appropriate.

Subpart 2—Midcareer Development Service Program

PROGRAM ESTABLISHED

SEC. 541. There is hereby established a comprehensive midcareer development service program, to be administered by the Manpower Administration in the Department of Labor, to assist middle-aged and older workers to find employment by providing training, counseling, and special supportive services to such workers.

TRAINING PROGRAMS

SEC. 542. (a) The Secretary, through the Manpower Administration, is authorized to make loans and grants to public and private nonprofit agencies, institutions, and organizations and to individuals for training, including on-the-job, institutional, residential, and other training, designed to upgrade the work skills and capabilities of middle-aged and older persons who are at least forty-five years of age.

(b) Any grant or loan made pursuant to this section may be used to pay all or part of the cost of training under any such program plus such stipends (including allowances for subsistence or other expenses) for such persons and their dependents as he may determine to be consistent with prevailing practices under comparable Federal programs.

(c) A grant or loan under this section shall be made on such terms and conditions as the Secretary shall prescribe and may be made only upon application to the Secretary at such time or times and containing such information as he deems necessary. The Secretary shall not approve an application unless it sets forth a program for training which meets criteria established by him, including training costs and tuition schedules.

(d) The Secretary shall pay to each applicant who has an application approved by him part or all of the cost of the program provided for in such application.

(e) Individuals receiving payments under the provisions of this section while undergoing training shall continue to receive such payments only during such period as the Secretary finds that they are maintaining satisfactory proficiency in such training program.

(f) The Secretary is authorized to enter into agreements to provide loan guarantees to leading institutions on such terms and conditions as the Secretary shall prescribe in order to permit such institutions to make loans to persons who are at least forty-five years of age for training which qualifies under this section.

TRAINING PERSONS TO TRAIN AND RETRAIN MIDDLE-AGED AND OLDER WORKERS

SEC. 543. The Secretary is authorized to develop and carry out a program under which an adequate number of persons are trained to understand the learning processes of middle-aged and older persons and to become qualified to train and retrain middle-aged and older workers in skills needed in the economy. Such programs shall emphasize developing innovative techniques for training middle-aged and older persons.

SPECIAL SERVICES FOR MASS LAY-OFFS

SEC. 544. The Secretary is authorized to recruit and train personnel within the Department of Labor to be made available to localities in which substantial numbers of middle-aged and older person are unemployed as a result of the closing of a plant or factory or a permanent large-scale reduction in force. In carrying out the provisions of this section, the Secretary is authorized to provide such persons with recruitment, placement, and counseling services.

SPECIALIZED SERVICES

SEC. 545 (a) The Secretary shall establish and carry out specialized services for older workers who desire to improve their employability, to receive training to improve their capabilities at their present employment, or to obtain counseling in planning to maximize earning opportunities for the rest of their working lives.

(b) The Secretary is authorized to recruit and train manpower specialists, including older and retired employment counselors and personnel directors to serve in programs authorized under this section.

MANPOWER STUDY

SEC. 546. (a) The Secretary is authorized an directed to undertake, either directly or by way of grant or contract, a thorough study of manpower programs authorized by other provisions of this Act, the Economic Opportunity Act of 1964, and other federally assisted training programs to determine whether such programs are responsive to the needs of persons who are at least forty-five years of age. The Secretary shall report the findings and recommendations of this study, and his own recommendations with respect to additional legislation, to the President for transmittal to the Congress not later than July 1, 1972.

(b) In conducting this study the Secretary shall not employ or contract with any individual, institution, organization, or agency providing advice or technical assistance for any program described in subsection (a) of this section.

Subpart 3—Work Opportunities for Middle-Aged and Older Workers

INCREASED JOB OPPORTUNITIES FOR MIDDLE-AGED AND OLDER PERSONS IN FEDERALLY ASSISTED PROGRAMS

SEC. 551. (a) The Secretary shall review Federal grants-in-aid and other Federal assistance programs in order to determine their potential for maximizing employment opportunities for middle-aged and older persons. The review under this section shall include, but is not limited to, collection and analysis of information on the number of positions wholly or partially supported by such programs, their occupational structure, wage and salary levels, the number of persons forty-five years of age and older employed as a result of such programs, requirements and qualifications for entry and promotion especially with regard to any maximum employment age for job applicants, and projections for future growth of job opportunities, resulting from such programs. The heads of all Federal departments and agencies administering grants-in-aid or other Federal assistance programs are hereby directed to cooperate fully with the Secretary in the conduct of this review. At the request of the Secretary, the head of each Federal department and agency shall transmit estimates of employment increases or decreases anticipated as a result of the planned expansion or reduction of any such program, and the anticipated impact on employment opportunities for middle-aged and older workers.

(b) To increase employment opportunities for middle-aged and older workers the Secretary is authorized to enter into agreements with the heads of other Federal departments and agencies administering grants-in-aid and other forms of Federal assistance to establish annual and multiyear goals for the employment of middle-aged and older persons in employment wholly or partially supported through such Federal assistance. For the purposes of carrying out the agreements, the head of any Federal department or agency may, at his discretion, notwithstanding any other provision of law, require that the fulfillment of such goals shall be a condition for receiving assistance.

(c) The Secretary is authorized to take appropriate action, to the extent practicable, designed to eliminate artificial barriers to employment and occupational advancement of middle-aged and older workers in Federal assistance programs, especially mandatory provisions for maximum employment ages for job applicants, except where age would be a bona fide occupational qualification reasonably necessary to the normal operation of such employment.

(d) The provisions of this section shall not be construed to require the discharge of any employee to obtain a reasonable balance of middle-aged and older workers with younger workers.

(e) Federal grantees and Federal departments and agencies may fill a single job position with one or more persons provided that this will not exceed the funds or hours allocated to that position.

(f) The Secretary shall prescribe appropriate rules and regulations for the uniform administration of this section.

(g) The provisions of this section shall become effective one year after the date of enactment of this Act.

EMPLOYMENT IN ECONOMIC OPPORTUNITY PROGRAMS

SEC. 552. The Secretary shall consult with and advise the Director of the Office of Economic Opportunity and the heads of other departments and agencies responsible for the administration of programs under the Economic Opportunity Act of 1964, for the purpose of maximizing employment opportunities for middle-aged and older persons under programs assisted pursuant to that Act. The Secretary shall make recommendtions to the agency concerned with respect to programs and policies which will assure that services to the eligible middle-aged and older persons who wish employment will be assisted to the extent reasonably consistent with the proportion which the number of the middle-aged and older poor bears to all of the poor.

EMPLOYMENT SERVICES FOR PART-TIME EMPLOYMENT

SEC. 553. The Secretary may, where appropriate, make special provisions through the United States employment service, or with the advice and assistance of the employment service, by means of grants to or contracts with nonprofit volunteer agencies to assist such agencies in securing part-time or temporary employment for additional members of middle-aged and older persons who wish such employment.

SUBPART 4—EXPANDING OPPORTUNITIES FOR EMPLOYMENT AND EDUCATION

RESEARCH, EXPERIMENTATION, AND DEMONSTRATION

SEC. 561. (a) In order to carry out the purposes of this part the Secretary is authorized to conduct research, either directly or by way of grant, contract, or other arrangement with any public or private nonprofit agency, institution, or organization, including membership organizations of older persons, and to enter into contracts with any such private agency or with labor or management organizations or with any individual—

(1) to find, test, and promote solutions to problems presented by institutional arrangements which may work to the disadvantage of older workers in such matters as pensions and other private annuity coverage, workmen's compensation and disability income, and seniority in collective bargaining;

(2) to examine and evaluate proposals related to flexible or phased retirement, and preparing for and adjusting to retirement, including the causes of successful and unsuccessful adjustment;

(3) to examine and evaluate programs for continuing educational and training opportunities to prepare workers, while still employed, for job changes, to enhance their employability, to reduce their vulnerability to displacement, to promote satisfying activity in retirement; and to consider methods of financing educational programs consistent with the working life of older individuals, including such proposals as sabbaticals and contributory educational insurance;

(4) to develop principles and criteria for job redesign and effective methods for training middle-aged and older persons;

(5) to forecast and define goals in the relationship between work, leisure, and income with reference to a changing economy and social expectations, and to a balance

of the interests of all groups in the population;

(6) to develop techniques, guidelines, and models for advance planning of manpower requirements, for encouraging the employment of older workers, and for programs or public service employment by which the Government may assist in providing work for older persons otherwise deprived of opportunity in useful community enterprises;

(7) to conduct research designed to strengthen programs for meeting the employment needs of workers who are at least forty-five years of age, including part-time or temporary employment of persons who wish such work until full-time work opportunities are available or who wish to supplement their income from retirement benefits or other sources;

(8) to conduct such demonstration projects relating to meeting the employment needs of such persons as he deems will contribute to carrying out the purposes of this part;

(9) to conduct research and demonstration projects for recruiting, placement, and counseling services in localities in which a substantial number of middle-aged and older persons are unemployed as a result of the closing of a plant or factory or a permanent large-scale reduction in the labor force; and

(10) to develop demonstration in the application of precise and functional measurements of work capabilities. employability, and trainability of adult persons.

(b) The Secretary shall report not later than two years after the date of enactment of this Act his findings and recommendations based on the research and demonstration projects conducted under this section.

EXTENDED UNEMPLOYMENT COMPENSATION

SEC. 562. The Secretary shall study the feasibility of establishing a program of extended unemployment compensation benefits for unemployed workers aged fifty-five and older who have exhausted their unemployment compensation. On or before February 1, 1972, the Secretary shall report to the Congress and the President his findings and recommendations with respect to such a program of allowances.

COMPENSATION AND DISABILITY INSURANCE

SEC. 563. The Secretary shall prepare and submit a report to the Congress not later than February 1, 1972, on means of eliminating the lack of coverage and other inadequacies in workmen's compensation and disability insurance programs, health insurance, and pension plans, particularly as they affect adversely the employment of middle-aged and older workers.

Subpart 5—Federal Employment Opportunities for Middle-Aged and Older Workers

STUDY

SEC. 571. (a) The Civil Service Commission is authorized and directed to undertake a study of part-time employment in the executive branch of the Government of the United States and to make a report of its findings, together with any recommendations it considers appropriate or desirable to the Congress on or before July 1, 1971. Such study shall include a determination of—

(1) the extent to which part-time employment exists in the executive branch;

(2) the limitations, if any, that are imposed by Federal statutes, regulations, or administrative policies or practices on such part-time employment, and the extent to which such limitations are justified; and

(3) the measures that may be taken to increase the number of part-time positions available in the executive branch which may be filled by older individuals.

(b) The Commission is further authorized and directed to undertake a study of the feasibility of redesigning positions in the executive branch of the Government of the United States without impairing the effectiveness of efficiency of operations of any department, agency, or independent establishment, with a view to increasing the number of positions which are available to older individuals at the subprofessional level. The Commission shall make a report of its findings, together with any recommendations it considers appropriate or desirable, to the Congress on or before July 1, 1971. Such study shall include a determination of—

(1) the extent to which positions have been redesigned, resulting in an increase in the number of positions in the executive branch available to older individuals;

(2) the limitations, if any, imposed by Federal statutes, regulations, or administrative policies or practices on redesigning positions in the executive branch to increase the number of subprofessional positions available to older individuals and the extent to which such limitations are justified;

(3) the measures that may be taken to redesign positions so that the number of subprofessional positions available to older individuals may be increased; and

(4) the programs which would be needed to train older individuals to fill subprofessional positions created as a result of redesigning such position.

PREPARING MIDDLE-AGED PERSONS FOR NEW CAREERS IN GOVERNMENT

SEC. 572. The Commission is authorized and directed to undertake special work and training programs to provide middle-aged persons (those at least forty-five years of age) who are unemployed or whose income is within a low-income classification, as specified by the Director of the Office of Economic Opportunity, with job opportunities in the executive branch of the Government of the United States, including, without limitation, opportunities for new types of careers in the fields of health, education, welfare, neighborhood redevelopment, and public safety, which provide maximum prospects for advancement and continued employment, either within or without the executive branch, and which give promise of contributing to the adoption of new methods of structuring jobs and of providing job-ladder opportunities, and to provide such persons with opportunities for further occupational training to facilitate career advancement.

TITLE VI—EMERGENCY EMPLOYMENT ASSISTANCE

PROGRAM AUTHORIZED

SEC. 601. (a) In addition to amounts authorized to be appropriated for carrying out this Act under section 3, there are authorized to be appropriated such amounts as may be necessary for the purposes of carrying out this section.

(b) There is hereby established in the Treasury a revolving fund to be known as the Emergency Employment Assistance Fund (hereinafter referred to as the "Fund"). Amounts appropriated pursuant to subsection (a) which are not needed for immediate expenditure in accordance with this section shall be deposited in such Fund to be available for obligation without fiscal year limitation in accordance with the provisions of this section. The Secretary of Labor is authorized to utilize sums deposited in the Fund to provide assistance under this section.

(c) In order to provide financial assistance for employment and training activities in areas of high unemployment, there shall be available to the Secretary of Labor, out of appropriations for the purposes of this section or out of the Fund, such amounts as shall be equal to the sum of the following:

(1) the amount of $200,000,000 when the Secretary determines that the rate (seasonally adjusted) of national unemployment equals or exceeds 4½ per centum for three consecutive months; and

(2) the amount of $200,000,000 when the Secretary determines that the rate (seasonally adjusted) of national unemployment equals or exceeds 5 per centum for three consecutive months.

(d) The Secretary shall apportion funds made available pursuant to subsection (c) (1) or (c) (2) among areas of high unemployment throughout the United States on an equitable basis, and to the extent practicable such funds shall be apportioned in proportion to the extent that the rate of unemployment exceeds 4.5 per centum or 5 per centum, as the case may be, in each such area.

(e) No further obligation of funds appropriated under subsection (c) (1) may be made subsequent to a determination by the Secretary that the rate of national unemployment (seasonally adjusted) has receded below 4½ per centum for three consecutive months and no further obligation of funds appropriated under subsection (c) (2) may be made subsequent to a determination by the Secretary that the rate of national unemployment (seasonally adjusted) has receded below 5 per centum for three consecutive months.

(f) No more than one determination under subsection (c) (1) and no more than one determination under subsection (c) (2) shall be made in any given fiscal year.

TITLE VII—MISCELLANEOUS

EFFECT ON EXISTING LAWS

SEC. 701 (a) Effective with respect to fiscal years after June 30, 1971, the Manpower Development and Training Act of 1962 is repealed. Unexpended appropriations for carrying out such Act may be made available to carry out this Act, as directed by the President.

(b) Effective with respect to fiscal years ending after June 30, 1971, title I of the Economic Opportunity Act of 1964 is amended by—

(1) amending all of the matter that appears preceding part D thereof to read as follows:

"TITLE I—MANPOWER DEVELOPMENT AND COMMUNITY ECONOMIC DEVELOPMENT PROGRAMS

"PART A—RESEARCH, EXPERIMENTAL, AND DEVELOPMENTAL AUTHORITY IN THE MANPOWER AREA

"STATEMENT OF PURPOSE

"SEC. 101. It is the purpose of this part to provide authority for the conduct of research, experimental, and developmental activities focused on providing more effective means for dealing with the employment and employment-related problems of the economically disadvantaged.

"ACTIVITIES AUTHORIZED

"SEC. 102. (a) The Director is authorized to contract with or provide financial assistance to public or private agencies or organizations for the payment of all or part of the costs of developing and carrying out programs designed to further the purposes of this part. Programs assisted under this part shall be of an experimental, developmental, demonstration, or pilot nature and shall be structured in such manner as the Director deems will best equip them to yield information as to the relative effectiveness of various approaches (including new approaches and refinements or variations of traditional approaches) directed to the solution of the employment and employment-related problems of the economically disadvantaged. Such programs may include provision for supportive and followup services.

"(b) (1) Such programs shall include a demonstration program to determine the feasibility of various means of providing assistance to disadvantaged individuals to enable them to purchase or otherwise arrange for manpower training and related services from public and private agencies, institutions and business concerns approved by the Secretary.

"(2) Not less than twenty-four months after enactment of this provision, the Director shall report to the Congress the results of the program conducted under this section together with his recommendations.

"(c) In formulating plans for the implementation of this section, the Director shall consult with the Secretary of Labor, and, as appropriate, the heads of other Federal agencies.

"TECHNICAL ASSISTANCE AND TRAINING

"SEC. 103. The Director may provide (directly or through contracts or other appropriate arrangements) technical assistance to assist in the initiation or effective operation of programs under this part. He may also make arrangements for the training of instructors and other personnel needed to carry out programs under this part.

"RESEARCH AND EVALUATION

"SEC. 104. The Director is authorized to contract with or provide financial assistance to public or private agencies or organizations for research pertaining to the purposes of this part. He shall also provide for the careful and systematic evaluation of programs related to the purposes of this part, directly or by contracting for independent evaluations, with a view to measuring specific benefits, so far as practical, and providing information needed to assess the relative potential of the various approaches employed in such programs for contributing significantly to the solution of employment and employment-related problems of the economically disadvantaged. In formulating plans for the implementation of this section, the Director shall consult with the Secretary of Labor and, as appropriate, with the heads of other Federal agencies.

"SPECIAL CONDITIONS

"SEC. 105. Participants in programs under this part shall not be deemed Federal employees and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employment benefits.";

(2) redesignating part D thereof as part B and sections 150 through 155 as sections 121 through 126, respectively;

(3) striking out part E thereof; and

(4) redesignating part F as part C and section 171 as section 141.

(c) Effective with respect to fiscal years after June 30, 1971, section 810(a) of the Economic Opportunity Act of 1964 is amended by striking the word "and" at the end of paragraph (2) thereof, by inserting in lieu of the period at the end of paragraph (3) a semicolon and the word "and", and by adding the following new paragraph:

"(4) with the approval of the Secretary of Labor, in Job Corps centers operated under title III of the Employment and Training Opportunities Act of 1970.".

(d) Grants and contracts entered into pursuant to the provisions of title I of the Economic Opportunity Act of 1964 and the Manpower Development and Training Act of 1962 prior to the effective date set forth in subsections (a) and (b) of this section shall not be affected by the provisions of this section.

(e) Effective with respect to fiscal years ending after June 30, 1971, the Vocational Education Act of 1963, as amended, is amended by adding at the end thereof the following new part:

"PART J—OCCUPATIONAL TRAINING

"AUTHORIZATION

"SEC. 201. (a) The Commissioner of Education shall, with the concurrence of the Secretary of Labor, enter into agreements with States whereby the appropriate State educational agencies shall provide occupational training through public educational agencies or institutions, or through arrangements with private educational or training institutions where such private institutions can provide equipment or services not available in public institutions, particularly for training in technical or subprofessional occupations and for training the disadvantaged, or where such institutions can, at comparable cost, provide substantially equivalent training, make possible an expanded use of the individual-referral method, or aid in reducing more quickly unemployment or current and prospective manpower shortages.

"(b) There are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1972, to carry out this part."

AMENDMENTS TO TITLE 38, UNITED STATES CODE

SEC. 702. (a) Chapter 41 of title 38, United States Code, is amended to read as follows:

"Chapter 41—JOB COUNSELING, TRAINING, AND PLACEMENT SERVICE FOR VETERANS

"Sec.
"2001. Definitions.
"2002. Purpose.
"2003. Assignments of veterans' employment representative.
"2004. Employees of local offices.
"2005. Cooperation of Federal agencies.
"2006. Estimate of funds for administration; authorization of appropriations.
"2007. Administrative controls; annual report.
"2008. Cooperation and coordination with the Veterans' Administration.

"§ 2001. Definitions

"For the purposes of this chapter—

"(1) the term 'eligible veteran' means a veteran of any war of service after January 31, 1955, as defined in section 101 of this title; and

"(2) the term 'State' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico, and may include, to the extent determined necessary and feasible, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"§ 2002. Purpose

"The Congress declares as its intent and purpose that there shall be an effective (1) job and job training counseling service program, (2) employment placement service program, and (3) job training placement service program for eligible veterans and that, to this end, policies shall be promulgated and administered, so as to provide such veterans the maximum of employment and training opportunities.

"§ 2003. Assignment of veterans' employment representative

"The Secretary of Labor shall assign to each State a veterans' employment representative, and such assistant veterans' employment representative as he shall determine, based on the data collected pursuant to section 2007 of this title, to be necessary to assist the veterans' employment representative to carry out effectively in that State the purposes of this chapter. Each veterans' employment representative and assistant veterans' employment representatives shall be an eligible veteran who at the time of appointment shall have been a bona fide resident of the State for at least two years and who shall be appointed in accordance with the provisions of title 5, United States Code, governing appointments in competitive service and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and general schedule pay rates. Each such veterans' employment representative and assistant veterans' employment representative shall be attached to the staff of the public employment service in the State to which they have been assigned. They shall be administratively responsible to the Secretary of Labor for the execution of the Secretary's veterans' counseling and placement policies through the public employment service and in cooperation with manpower and training programs administered by the Secretary in the State. In cooperation with the public employment service staff and the staffs of each such other program in the State, the veterans' employment representative and his assistants shall—

"(1) be functionally responsible for the supervision of the registration of eligible veterans in local employment offices for suitable types of employment and training and for counseling and placement of eligible veterans in employment and job training programs;

"(2) engage in job development and job advancement activities for eligible veterans, including maximum coordination with appropriate officials of the Veterans' Administration in that agency's carrying out of its responsibilities under subchapter IV of chapter 3 of this title and in the conduct of job fairs, job marts, and other special programs to match eligible veterans with appropriate job and job training opportunities;

"(3) assist in securing and maintaining current information as to the various types of available employment and training opportunities, including maximum use of electronic data processing and telecommunications systems and the matching of an eligible veterans' particular qualifications with an available job or on-the-job training or apprenticeship opportunity which is commensurate with those qualifications;

"(4) promote the interest of employers and labor unions in employing eligible veterans and in conducting on-job training and apprenticeship programs for such veterans;

"(5) maintain regular contact with employers, labor unions, and training programs and veterans' organizations with a view to keeping them advised of eligible veterans available for employment and training and to keeping eligible veterans advised of opportunities for employment and training; and

"(6) assist in every possible way in improving working conditions and the advancement of employment of eligible veterans.

"§ 2004. Employees of local offices

"Except as may be determined by the Secretary of Labor based on a demonstrated lack of need for such services, there shall be assigned by the administrative head of the employment service in each State one or more employees, preferably eligible veterans, or the staffs of local employment service offices, whose services shall be fully devoted to discharging the duties prescribed for the veterans' employment representative and his assistants.

"§ 2005. Cooperation of Federal agencies

"All Federal agencies shall furnish the Secretary of Labor such records, statistics, or information as he may deem necessary or appropriate in administering the provisions of this chapter, and shall otherwise cooperate with the Secretary in providing continuous employment and training opportunities for eligible veterans.

"§ 2006. Estimate of funds for administration; authorization of appropriations

"(a) The Secretary of Labor shall estimate the funds necessary for the proper and efficient administration of this chapter. Such estimated sums shall include the annual amounts necessary for salaries, rents, printing and binding, travel, and communications. Sums thus estimated shall be included as a special item in the annual budget for the Department of Labor.

"(b) There are hereby authorized to be appropriated such sums as the Congress shall determine to be necessary for the proper and efficient administration of this chapter.

"(c) In the event that the regular appropriations Act making appropriations for administrative expenses for the Department of Labor with respect to any fiscal year does

not specify an amount for the purposes specified in subsection (b) of this section for that fiscal year, then of the amounts appropriated in such Act there shall be available only for the purposes specified in subsection (b) of this section such amount as was set forth in the budget estimate required pursuant to subsection (a).

"(d) Any funds made available pursuant to subsections (b) and (c) of this section shall not be available for any purpose other than those specified in such subsections, except with the approval of the Secretary based on a demonstrated lack of need for such funds for such purposes.

"§ 2007. Administrative controls; annual reports

"(a) The Secretary of Labor shall establish administrative controls for the following purposes:

"(1) To insure that each eligible veteran, especially those veterans who have been recently discharged or released from active duty, who requests assistance under this chapter shall promptly be placed in a satisfactory job or job training opportunity or receive some other specific form of assistance designed to enhance his employment prospects substantially, such as individual job development or employment counseling service.

"(2) To determine whether or not the employment service agencies in each State have committed the necessary staff to insure that the provisions of this chapter are carried out; and to arrange for necessary corrective action where staff resources have been determined by the Secretary to be inadequate.

"(b) The Secretary of Labor shall report annually to the Congress on the success of the Department of Labor and its affiliated State employment service agencies in carrying out the provisions of this chapter. The report shall include, by State, the number of recently discharged or released eligible veterans and other eligible veterans who requested assistance through the public employment service, and, of these, the number placed in suitable employment or job training opportunities or who were otherwise assisted, with separate reference to occupational training under appropriate Federal law. The report shall also include any determination by the Secretary under section 2004 or 2005 of this title and a statement of the reasons for such determination.

"§ 2008. Cooperation and coordination with the Veterans' Administration

"In carrying out his responsibilities under this chapter, the Secretary of Labor shall from time to time consult with the Administrator and keep him fully advised of activities carried out and data gathered pursuant to this chapter to insure maximum cooperation and coordination between the Department of Labor and the Veterans' Administration."

(b) The table of chapters at the beginning of title 38, United States Code, is amended by striking out

"41. Job Counseling and Employment Placement Service for Veterans ---------- 2001"

and inserting

"41. Job Counseling, Training, and Placement Service for Veterans ---------- 2001"

(c) The table of chapters at the beginning of part III of title 38, United States Code, is amended by striking out

"41. Job Counseling and Employment Placement Service for Veterans ---------- 2001"

and inserting in lieu thereof

"41. Job Counseling, Training, and Placement Service for Veterans ---------- 2001".

(d) The amendments made by this section shall become effective ninety days after the enactment of this Act.

PROGRAM

Mr. MANSFIELD. Mr. President, it is my understanding that the distinguished Senator from Wisconsin (Mr. NELSON) will have a few brief remarks, and at the conclusion of those brief remarks the pending business will be laid aside and the Senate will turn to the consideration of Calendar No. 1177, S. 368, having to do with the disposition of geothermal steam and associated geothermal resources, which has been cleared all the way around. The bill will be discussed in brief detail by the Senator from Nevada (Mr. BIBLE) and then the Senate will return to the pending business. There will be no votes tonight.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. DOMINICK. Mr. President, I should put the Senate on notice that I will offer a series of amendments to the manpower bill on which there will be votes.

Mr. MANSFIELD. We have heard rumors to that effect.

Mr. DOMINICK subsequently said: Mr. President, in connection with the remarks I just made to the Senate reporting on possible votes tomorrow on the manpower training bill, I have before me a telegram dated September 16, 1970, signed by the distinguished Governor of Missouri, Warren E. Hearnes, and the distinguished Governor of my State of Colorado, John A. Love, as chairman and past chairman of the National Governors' Conference, pointing out their opposition to the bill as now written and recommending that substantial changes be made before it is passed.

I ask unanimous consent that the telegram be included in the RECORD at his point.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

NATIONAL GOVERNORS' CONFERENCE,
September 16, 1970.

Hon. PETER H. DOMINICK,
Old Senate Office Building,
Washington, D.C.

On behalf of the Nation's Governors, we express our great concern about S. 3867, the employment and training opportunities act, now being considered by the Senate. Although it proposes consolidation and decentralization to correct confusion, profusion of authority and inefficiency prevailing in the manpower field, we are overwhelmed by the failure of the bill to provide for any overall State role. Without adequate statewide planning and coordinating responsibility and authority, the proposed legislation must fall far short of its desired goals. Absent an appropriate overall State involvement, neither the area delineation nor the operations of the local programs contemplated can be properly dovetailed. Equally important, effective blending of resources under S. 3867 with manpower related efforts under many other Federal and State acts also requires an overall State role. Such supplementary resources relevant for manpower solutions, much larger than those offered under S. 3867, are rendered typically by or through State agencies. It will be the needy who suffer from failures to integrate efforts and resources, in both the short and long run. The Governors protest most earnestly.

WARREN E. HEARNES,
Governor of Missouri and Chairman, National Governors' Conference.
JOHN A. LOVE,
Governor of Colorado and Immediate Past-Chairman, National Governors' Conference.

EMPLOYMENT AND TRAINING OPPORTUNITIES ACT OF 1970

The Senate continued with the consideration of the bill.

Mr. NELSON. Mr. President, as the Senate takes up bill S. 3867, the Employment and Training Opportunities Act of 1970, it comes to grips with one of the most significant issues in this session of the Congress.

This is a bill which will do something about rising unemployment all across the country.

This is a bill which will do something about the inadequate public services in many of our communities.

This is a bill which will do something to bring together the mayors, the Governors, and the Federal Government in a new cooperative partnership aimed at solving some of our most serious domestic problems.

This is a bipartisan bill, reported out of the Labor and Public Welfare Committee by a vote of 15 to 1, after many months of the most detailed consideration.

It includes one of the President's major proposals—the reorganization of Federal manpower programs and the transfer of major responsibility for their design and operation to Governors and mayors.

It adds to that proposal for manpower reform one of the major recommendations of the Kerner Commission—public service employment—which has been endorsed by the National Governors Conference, the National League of Cities, the U.S. Conference of Mayors, the Urban Coalition, the Leadership Conference on Civil Rights, the AFL–CIO, and many other national organizations.

Its third basic feature is the establishment of badly needed special programs for persons not ordinarily served by conventional manpower programs—Indians, migrant workers, the middle aged and older workers, the Spanish speaking and other bilingual minority groups. It also retains and strengthens as special programs some of those experimental programs which have proven to be highly effective.

These special programs have strong support from many Senators in both parties and from groups such as the Congress of American Indians, the National Council of Senior Citizens, the National Association of Neighborhood Youth Corps Directors, the National Farmers Union, and many other organizations and individuals.

Combined in this bipartisan bill are three major elements—manpower training reform, public service employment, and special programs for those who need them.

In this form, the bill has won the support of a major coalition of interested

and well informed citizens, concerned about joblessness and idleness on the one hand, and the steady deterioration and decay of our communities on the other hand.

The emergence of this bill on the floor of the U.S. Senate is a signal that the time has come to put this coalition to work, in a partnership with Federal, State, and locally elected officials, to do something solidly constructive about the most serious domestic problems which face the Nation.

But it is important to remember that this bill is a carefully balanced compromise, supported by a coalition of concerned citizens and organizations.

In reforming and improving manpower programs, almost every interested person has some interest which is especially strong to him.

Some want to invest all or most of the funds in on-the-job training as opposed to institutional training, or as opposed to creating some new job opportunities in the public sector. Some want to give the Governors a much stronger role than the mayors. Some want to do just the opposite. Some like certain of the special programs but not some of the others.

The responsibility of a Senate committee is to study an important area of public policy such as manpower training, and to try to balance and resolve these kinds of viewpoints so as to make the greatest possible contribution to the national interest.

That is exactly what the committee has done.

The President's manpower proposals were introduced in bill form by Senator JAVITS on August 12, 1969.

The Senate Subcommittee on Employment, Manpower, and Poverty began public hearings on the proposals on November 4, 1969.

Before we were finished, we had held 22 days of public hearings, in Washington as well as in six cities around the country, and compiled four volumes of hearing testimony totaling 3,115 pages.

We then held close to 2 months of executive sessions, both at the subcommittee and the committee level.

We considered more than 100 separate amendments offered by various Senators and the Department of Labor.

The result is a constructive blending of the best of many different points of view.

The bill before the Senate is not the original administration bill, S. 2838, although it contains, in my opinion, almost every significant reform which the President requested in his manpower message. The bill before us is not the revised bill I introduced on May 20. It has been almost completely redone, from top to bottom.

The bill before us is not S. 3878, introduced by Senator PROUTY, although it contains many outstanding suggestions made in that proposal.

The bill really is an amalgam of all these valuable proposals, revised and distilled by concerned Senators and experts from the Labor Department over a long period of time.

Let me caution those who may be tempted to reopen these extensive discussions and negotiations and try to go back to some of the earlier proposals. The three key parts of this bill are interdependent.

For example, our hearings documented the fact that training alone is not adequate to meet the needs of the unemployed, the dislocated, and the disadvantaged. We must create some new job opportunities. So title I and title II go hand in hand. We are not going to have one without the other.

Similarly, if we are to decentralize manpower training programs, turning much of the responsibility over to mayors and Governors, as the administration and many others strongly wish to do, we must take care that no one is lost in the changeover. Thus, it is perfectly understandable that the Congress of American Indians, for example, would urge a special program for Indians run directly by the Secretary of Labor, inasmuch as Indian problems are a Federal rather than a State and local responsibility in most instances. There are some who sincerely believe that we should not have what are referred to as "categorical" programs in the field of manpower. But the simple truth is, if we are to turn major new responsibilities over to Governors and mayors to design and operate their own programs at the State and local level, we must take certain steps to protect those who are not traditionally served by such programs. So those who want decentralization and reorganization in manpower programs in title I of this bill must accept the reality of the need for the special programs in titles III and V.

Let me reiterate, the various parts of this bill are interrelated and interdependent. Taken as a whole, they offer this Nation what it has needed for a long time—a comprehensive manpower policy which will serve all the different eligible groups in all the different parts of our country. Taken piece by piece, they offer nothing.

The bill which won a 15-to-1 vote in the committee after 9 months of consideration, the bill which has won impressive support from a long list of national organizations concerned about manpower and training, is a carefully constructed package. It will serve the Nation well, provided it is kept intact.

BRIEF SUMMARY OF THE LEGISLATION

Bill S. 3867 is necessarily long and detailed because of the large number and variety of programs with which it deals, but it can be described very simply.

First, the bill makes every Governor of a State and every mayor of a city of 75,000 or more population eligible to be a prime sponsor of Federal manpower programs. Each of these prime sponsors will appoint a Manpower Services Council, broadly representative of the State or community, which will draft a program of comprehensive manpower services to meet their individual needs. These manpower plans will be submitted to the Secretary of Labor. Approved plans will receive up to 90 percent Federal financing. Federal funds will be available to the mayors and Governors for planning and for hiring professional staff.

Second, this same national network of State and local officials will be eligible to operate public service employment programs. Each will inventory the need in his community for manpower to fill vital public service jobs, as well as the problems of poverty and unemployment. Public service employment programs approved by the Secretary of Labor will provide up to 80 percent Federal financing.

Third, to make certain that manpower services are made available to a number of groups with special problems, the Secretary of Labor himself is directed to maintain certain specialized programs. Among these are programs for Indians, migrant workers, the elderly, and for Spanish-speaking minorities. The Secretary also is directed to continue several programs now in operation, including the Neighborhood Youth Corps, the OIC program, Operation Mainstream, the New Careers program, the Job Corps, and a new community environment service program.

That is the basic outline of the comprehensive manpower policy which this bill would inaugurate—first, State and local programs of comprehensive manpower training; second, State and local programs of public service employment; third, special programs operated by the Secretary to meet the needs of those who might not otherwise be served.

The bill provides a basic authorization of $2 billion for fiscal year 1972. It would take effect July 1, 1971.

This is the amount which the administration requested.

The bill provides that that authorization shall be divided equally among the three basic parts of the bill: One-third for the State and local manpower training programs; one-third for public service employment; and one-third for the special programs.

For fiscal 1973 the basic authorization is $2.5 billion, and for fiscal 1974 the basic authorization is $3 billion.

In addition, the bill contains a specific authorization for public service employment, over and above the basic authorization. This additional authorization is $750 million for fiscal 1971; $1 billion for fiscal 1972; $1.25 billion for fiscal 1973; and $1.5 billion for fiscal 1974.

BACKGROUND OF THE LEGISLATION

Manpower development and training is an area of public policy which has developed very rapidly in recent years.

As the Nation's economy becomes more complex, and as changes in technology become more rapid and far reaching, the need for national programs to cope with manpower needs and problems becomes quite obvious.

Manpower policy for the postwar era was first expressed by the Congress in the Employment Act of 1946 which held out as a goal the achievement of full employment—a useful job at a reasonable wage for everyone who wished to work.

In 1962, reacting primarily to severe dislocations in the economy resulting from new technologies and automation, the Congress enacted the Manpower Development and Training Act. This act authorized Federal training programs, both on the job and in regular institutions such as vocational schools, to teach the skills that are needed in the modern labor market. The MDTA programs were intended to supplement efforts already

being made by State and local government, and to reach persons in need of manpower training services who were not reached by existing State and local programs.

Two years later, in 1964, Congress enacted the Economic Opportunity Act which, along with its successive amendments since then, considerably expanded the manpower training programs which are provided with Federal financial assistance. In the Economic Opportunity Act, most of the manpower programs were designed to serve the more disadvantaged members of society who were not being reached either by State and local programs or by the earlier MDTA programs.

Federal expenditures for manpower development and training increased from less than $60 million in 1962 to $1.6 billion for 1968, and have remained at that level since then.

According to a Labor Department release of July 20, 1970, about 450,000 persons are currently receiving services under these programs.

The Department listed the programs and the number of participants as follows:

Manpower program participation—June 1, 1970

Manpower Development and Training Act (MDTA)—helps unemployed gain new skills by training	97,597
(Institutional training)	(52,268)
(On-the-job training)	(45,329)
Neighborhood Youth Corps—help youngsters stay in school or receive work experience	133,287
(In-school program)	(100,902)
(Out-of-school program)	(32,384)
Operation Mainstream—hires chronically unemployed to work on public improvement projects, largely in small towns and rural areas	13,019
New Careers—trains people for public service type jobs leading to good career opportunities	4,099
Concentrated Employment Program (CEP)—provides one-stop service for all manpower and related program services	50,388
Job Corps—residential program combining skill training with broad remedial services	19,926
JOBS (Job Opportunities in the Business Sector)—Labor Department contracts directly with private business firms, paying up to half of wage and full cost of supportive services during contract period, for hiring disadvantaged	46,723
Work Incentive Program (WIN)—trains welfare recipients and seeks to place them in jobs	87,936
Total trainees in Labor Department manpower programs	452,975

Source: Labor Department press release, July 20, 1970.

When expressed in terms of training "slots," allowing for the fact that there is considerable turnover in these programs, the Labor Department states that more than 1 million "training opportunities" are offered each year in these various programs.

Manpower programs serve a definite need. No one sensitive to the problem they were created to serve would suggest for a moment that they are not necessary.

However, it is an inescapable fact that the results of most of our manpower programs have been disappointing. This does not indicate that the programs are not necessary, but rather it simply underlines the difficulties in such a program.

Most of the Federal manpower programs were set up in a relatively short period of time, and a wide variety of administrative mechanisms were developed.

Even those administering the programs regret the lack of administrative order in the programs.

The manpower programs are operated under two acts—MSTA and EOA—and three Federal agencies have responsibility—Labor; Health, Education, and Welfare; and the Office of Economic Opportunity—OEO.

There is no single administrative pattern at the local level. Programs are run through public schools; community action agencies; State employment services; State or local government agencies; labor unions; private corporations; nonprofit organizations; and in other ways.

Of all the administrative shortcomings of the existing programs, the biggest single weakness seems to be the lack of coordination with State and local government.

As we traveled around the country holding hearings, we learned that many mayors were not closely involved in the manpower programs operated in their own communities. In some instances, the mayors appeared to be even hostile or suspicious toward the manpower programs, as if they had been "imposed" upon the community by outside authority.

The administrators have not been the only ones concerned about manpower programs. Those suffering the most from the administrative weaknesses of the programs have been the intended beneficiaries. With half a dozen or more different programs with alphabetical names; with each program organized and operated in a different way in each community; with training opportunities depending on the number of "slots" budgeted for each program in each community; with different eligibility criteria for the various programs, it has often proven difficult for a person needing manpower services to get the help he desires.

As a result of the experience with the MDTA and EOA manpower programs, a rising demand has been heard for the past several years for reform of the manpower programs and development of a "comprehensive manpower policy."

The demand came from the previous manpower administrator in the Johnson administration, Mr. Stanley Rutenberg, as well as from the first Secretary of Labor in the Nixon administration, Mr. George Shultz. It came from the nonpartisan National Manpower Policy Task Force, a prestigious group of academic experts in the field of manpower.

The Manpower Policy Task Force said in a position paper on February 12, 1970:

IMPROVING THE NATION'S MANPOWER EFFORTS

During the sixties the Federal government launched a series of manpower programs. The over-all direction and thrust of these efforts was salutary; they emphasized the needs of millions of citizens who could not compete successfully in the labor market because of a lack of skills or motivation, deficient education, or discrimination. The execution of these programs, however, left much to be desired. The multiplicity of program sponsors at the local level made the delivery of effective manpower services very difficult. The programs were characterized by varying eligibility criteria, overlapping services, and conflicting regulations. After 7 years of expanding the manpower programs, there is a pressing need to overhaul these categorical and disjointed efforts.

The administration and Congress have recognized the pressing need for a comprehensive manpower effort building on the experience of the sixties. Three major proposals are now pending before Congress, and we believe that the enactment of new legislation will provide, in the words of Secretary of Labor George P. Shultz, "more effective services to the individuals and communities that need them * * * and at the same time invigorate established institutions of government * * * and our manpower programs." Enactment of the best provisions in each of the three bills would be an achievement comparable to the initiation and expansion of the manpower programs of the last 7 years.

In a research report entitled "State Manpower Organization" and dated July 1970, the Center for Governmental Studies in Washington, D.C., stated:

There is broad agreement that the United States should have a manpower system that provides individualized services which assist participants to prepare for and secure good jobs. There is also a consensus that the manpower system needs these improvements: Consolidation of Federal legislative authority, greater decentralization to the state and local levels, and provision of greater policy roles for elected chief executives of state and local governments.

Bills were introduced in the Senate by Senator JAVITS, by Senator PROUTY, and by myself. Bills were introduced in the House by Congressman JAMES O'HARA, Congressman WILLIAM STEIGER, Congressman AUGUSTUS HAWKINS, and Congressman JAMES CORMAN.

A LOCAL MANPOWER DELIVERY SYSTEM

When you set out to reform federally financed manpower programs, the first task is to develop an effective system which will deliver manpower services to an individual in the community in which he resides.

In a federal system such as ours, the obvious way to do this is through the existing structure of State and local government.

This bill, S. 3867, brings Governors and the mayors of larger cities into an active, responsible role in designing and operating local manpower programs.

Each Governor, and each mayor eligible to sponsor manpower programs, is to appoint a manpower services council, with representatives from the school system—including vocational schools and

community colleges—business, labor, the State employment service, community action agencies, welfare agencies, vocational rehabilitation groups, social service organizations, and veterans organizations.

This manpower services council will design the comprehensive manpower services program needed by the community or the State, and will submit it to the Secretary of Labor. If approved, Federal funds will finance up to 90 percent of the locally designed program.

Funds to implement these programs will be allocated among the States based on a formula which takes into consideration:

First. Total number of persons in the labor force.

Second. Number of persons unemployed.

Third. Number of low-income persons.

THE NEED FOR NEW JOB OPPORTUNITIES

Bad as the administrative problems are in manpower training, the biggest single shortcoming in our manpower system is the lack of real job opportunities. Time and time again, witnesses testified at our hearings about training programs which were unsuccessful because there were too few jobs at the end of the line.

Particularly, if manpower program responsibility is to be turned over to local and State elected officials, it is absolutely imperative that these local officials have some job slots as well as some training slots with which to work. We found few mayors who were interested in assuming manpower responsibilities if all they could offer was a series of training programs.

Manpower training programs are measured by their success in placing people in real jobs. All of these programs, therefore, have suffered a massive blow in the past year because of rising unemployment.

Between February of 1969 and July of 1970, unemployment increased by about 1,800,000.

When the President issued his manpower message in the summer of 1969, we had an unemployment rate of 3.5 percent. Today it is 5.1 percent.

Yet, even while millions of men and women remain unemployed, the needs of society for trained manpower have never been greater.

Almost every city in America and many of our rural areas suffer from inadequate public services which demand trained manpower.

For many years, students of America's domestic problems have urged that the Federal Government, in implementing its expressed policy of full employment, should assist State and local governments in filling some of the jobs which remain unfilled because of State and local budget limitations. They have argued that there is no more effective way to fight unemployment and poverty than to put people to work, especially to put them to work in jobs which will improve the quality of life and the standard of public services in our communities.

In 1968, the Kerner Commission stated as follows:

KERNER COMMISSION RECOMMENDATION

We recommend a 3-year program, aimed at creating 250,000 new public service jobs in the first year and a total of 1 million such jobs over the 3-year period. * * * In the public sector, a substantial number of such jobs can be provided quickly, particularly by government at the local level, where there are vast unmet needs in education, health, recreation, public safety, sanitation, and other municipal services. The National Commission on Technology, Automation, and Economic Progress estimated that there are 5.3 million potential jobs in public service. * * * Emphasis should also be placed on employing trainees to improve rundown neighborhoods and to perform a variety of other socially useful public services which are not "make-work," including community services officers in police departments, as recommended by the President's Commission on Law Enforcement and Administration of Justice.

Public service employment often has been related in the past to a program which would make the Federal Government "the employer of last resort." That implies an unlimited commitment which is not contained in this bill. Public service employment often is equated with the massive work programs of the 1930's, when more than 3 million persons at one time were put to work on roadbuilding, conservation programs, and community cleanup projects which were sometimes described as "make-work." This bill does not authorize that kind of program either.

This bill gives 50 Governors and about 235 mayors the authority to work with the Federal Government in designing manpower training and public service employment programs which will strike equally at unemployment and the inadequacy of public services. Job training and job creation can be closely coordinated so as to be really effective, both for the individuals served and for the community as a whole.

No open ended commitment is made. It is estimated that the initial authorization of $750 million could underwrite approximately 150,000 jobs the first year of the program. If fully funded, the bill might create as many as 300,000 jobs in the second year. This is still far from the Kerner Commission recommendation of 1 million jobs, but carefully managed in the hands of responsive State and local officials, 150,000 to 300,000 jobs could have a tremendous effect on conditions in the troubled ghettos and the depressed rural areas of America.

PUBLIC SERVICE EMPLOYMENT

BACKGROUND

In 1966, at a time of low national unemployment, rising prosperity and a growing shortage of skilled workers, the Labor Department took a close look at the unemployment situation in the poverty neighborhoods of 10 major cities.

In New Orleans, they found that while metropolitan area unemployment stood at only 3.3 percent of the labor force, underemployment in the slums stood at 45.3 percent.

That is to say, that nearly half of the people in the poverty neighborhoods of New Orleans were not able to make a living while areawide unemployment was as low as it is ever likely to get.

Now unemployment in the New Orleans area stands at 7.3 percent, more than double its 1966 level. How high is underemployment in the slums? Well, the Labor Department does not know, because it has ceased to compute underemployment.

There follows a chart from the committee report laying out the situation in these 10 cities in 1966:

INCOME UNEMPLOYMENT AND SUBEMPLOYMENT IN 10 URBAN GHETTOS

Ghetto and city	Unemployment rates		Ghetto subemployment rate [1]	Median individual weekly wage [1]	Median annual family income [1]	BLS minimum adequate family budget [2]
	Ghetto [1]	SMSA				
Roxbury (Boston)	6.5	[1] 2.9	24.2	$74	$4,224	$6,251
Central Harlem (New York City)	8.3	[3] 3.7	28.6	73	3,907	6,021
East Harlem (New York City)	9.1		33.1	67	3,641	
Bedford-Stuyvesant (New York City)	6.3		27.6	73	4,736	
North Philadelphia	9.1	[1] 3.7	34.2	65	3,392	5,898
North Side (St. Louis)	12.5	[1] 4.4	38.9	66	3,544	6,002
Slums of San Antonio	7.8	[2] 4.2	47.4	55	2,876	([3])
Mission-Fillmore (San Francisco)	11.4	[1] 5.4	24.6	74	4,200	6,571
Salt River Bed (Phoenix)	12.5	[2] 3.3	41.7	57	2,520	([3])
Slums of New Orleans	9.5	[2] 3.3	45.3	58	3,045	([3])

[1] November 1966.
[2] March 1967.
[3] Not available.

What is the underemployment rate? It includes not only those who are unemployed in the usual sense of seeking work and finding none, but also those seeking full-time work, but only able to find part-time jobs, those working full time but earning less than $3,000 a year, and a percentage of those who have dropped out of the labor market altogether.

In January 1967, then Labor Secretary Willard Wirtz passed this information on to President Johnson with a confidential message including this prophetic paragraph:

If a third of the people of the Nation couldn't make a living, regardless of the reason, there would be a revolution. This is the situation—and the prospect unless action is taken—in that nation-within-the-nation, the slums and ghettoes.

The plain, hard fact of the matter is that our economy simply does not produce enough jobs that pay a living wage,

require skills that people have or can be taught, located near enough to where people live.

If we are ever to deal with the problem of poverty in these United States we must face up to a number one cause: the lack of decent work opportunities.

Since the riots in the summer of 1967 the need for a massive public service employment program has been widely recognized. It was a principal recommendation of the Kerner Commission.

But even before the riots those working within the Office of Economic Opportunity recognized the crucial role the job gap played in the poverty cycle.

If a man couldn't support a family with money earned honestly, crime was encouraged, and family breakup, and the spiralling growth of welfare rolls followed inexorably.

As Joseph A. Kershaw states in his study of the Government poverty policy for the Brookings Institution published on Monday, September 14, a proposal was developed in the summer and fall of 1965 to create some 800,000 to 1 million public service jobs.

I ask unanimous consent that Prof. Kershaw's excellent study be placed in the RECORD at the close of my remarks.

As Kershaw relates, the Office of Economic Opportunity commissioned a study by the highly respected firm of Arthur Greenleigh Associates to determine the potential for job creation. The preliminary figures were published as part of "Technology and the American Economy," the report of the National Commission on Technology, Automation, and Economic Progress and the final data in "A Public Employment Program for the Unemployed Poor"—Greenleigh Associates, Inc., November 1965.

There follows a summary table of the Greenleigh results:

Source of employment:	*Potential jobs (thousands)*
Educational institutions	2,017
Medical institutions and health services	1,355
Defense	350
Public works	150
Recreation and beautification	136
Public welfare	65
Libraries	63
Police and fire	50
Institutions, dependent and delinquent children	38
Prisons	24
Other	30
Total	4,280

Following the Secretary Wirtz memo, and the riots of the summer of 1967, a major attempt was made through the JOBS—Job Opportunities in the Business Sector—program to enlist the help of the private sector in meeting the needs of those poor and unemployed.

The results—although there have been many individual companies that have made enormous and successful efforts—have been disappointing.

To January 31, 1970, the program looked like this:

Jobs pledged by business	99,846
Persons hired	84,703
Terminations	50,225
Presently in program	34,478

By last spring the Labor Department was reprograming substantial sums of money away from JOBS and feeding it into pilot job creation programs, such as Operation Mainstream.

It has become clear, then, that the private sector alone cannot supply the jobs that are needed. As former Ambassador George C. McGhee, testifying for the Urban Coalition on the manpower legislation told the committee:

> It would not be reasonable . . . to expect the private sector to do the whole job. The jobs are just not there.

The problem can perhaps best be understood through simplification. It is as if there were 100 people in the Nation seeking work and only 90 jobs. If you compare the 10 people without work you would find that they are less well qualified than the 90 who are employed—they would be less skilled, less well educated, and so forth. In any labor market there is some turnover; if there are 90 jobs in all, some of them are sure to be vacant at any one time. So that if you provide special training for two or three of the 10 unemployed people, and if you appeal to the employers—as the JOBS program did—either through incentives or for the public good to hire the disadvantaged, then you cannot only train but place the two or three people you have trained. But the basic problem remains. You have not created more jobs. You still have 100 people chasing 90 jobs and so 10 are going to be unemployed. The answer, of course, is to create more jobs—at a skill level the unemployed can reach.

In actuality, jobs are increasing in number in both the private and the public sectors. But so is the work force. And as jobs become more technically demanding, and tend to move toward the suburbs, the poor and the poorly trained find themselves in more and more serious trouble in the urban and rural backwaters of the national economy.

The Greenleigh study, with its report of a potential of 4.3 million public service jobs, has generally been accepted as authoritative. It was relied on by the Automation Commission, for instance. But it represents a distant potential goal.

And the original OEO estimate of the need for the creation of 800,000 to 1 million jobs which was accepted as the target by the Kerner Commission, is really an estimate of those jobs needed in the national economy to break the back of unemployment in poverty neighborhoods.

But realistically, how many jobs could State and local governments provide if Federal funds were available?

Harold L. Sheppard, an economist with the Upjohn Institute for Employment Research, working for the Urban Coalition, sent detailed questionnaires putting exactly that question to the officials of cities of 100,000 or more in population.

His report—including the following table—indicates that in those 130 cities 141,000 jobs in 13 categories could be created for the unskilled if Federal funds were available.

TABLE X.—PROJECTION OF ADDITIONAL NONPROFESSIONAL PUBLIC SERVICE JOB POSSIBILITIES IN 130 CITIES WITH POPULATION OF 100,000 OR MORE, BY POPULATION SIZE 1968

Function or program	Total (130 cities)	Population size: 100,000–250,000 (80 cities)	250,000–750,000 (40 cities)	750,000 or more (10 cities)
Total	141,144	44,920	40,580	55,644
Antipollution enforcement	900	568	232	100
Education	39,134	10,704	15,000	13,430
General administration	5,313	2,864	1,236	1,213
Health and hospitals	18,790	6,120	6,596	6,074
Highway and/or traffic	7,179	3,608	2,168	1,403
Housing codes and inspection	1,473	440	576	457
Library	3,159	1,176	908	1,075
Police	11,616	2,360	3,916	5,340
Fire	5,390	2,720	1,648	1,022
Recreation and parks	14,359	5,696	2,900	5,763
Urban renewal (or rehabilitation), including model cities	7,800	5,304	1,104	1,392
Sanitation	7,534	2,816	1,868	2,850
Welfare	18,497	544	2,428	15,525

Note: Based on replies of 34 cities. Excludes answers to "other" categories.

Note that this includes 11,600 nonprofessional jobs with police departments, and 5,300 nonprofessional jobs with fire departments, and 39,000 jobs in education.

In all of these fields, especially in poverty neighborhoods, there is a desperate need of trained personnel. Every time you hire a police aide, or a teacher aide you are freeing a highly trained professional to carry those specialized duties for which he has been trained.

This committee took testimony in Cleveland from Mayor Stokes. The mayor said that a survey of Cleveland agencies indicated an immediate need for 2,900 public service type jobs.

In Los Angeles, the county personnel director, Gordon Nesvig, identified for the committee 2,200 jobs that could be filled immediately, if Federal funds were available, in county jobs exclusive of police, fire, and school agencies.

One of the reasons that local officials have confidence in the public service employment approach is that since 1965 the new careers and mainstream programs have provided model programs, demonstrating that the poor and unemployed can perform effectively in public service jobs.

Nesvig, of Los Angeles, for instance said:

> We feel that New Careers is where the action is. After 2 years of experience, we now think that (it) has greater implications for

improving the responsiveness of government than anything else that has come out of the war on poverty. It is more than an anti-unemployment measure. It is an approach for meeting projected manpower shortages in the human services, while at the same time improving the quality of those services.

HOW IT WOULD WORK

Under the Employment and Training Opportunities Act now before the Senate we would be assured that public service employment jobs would be real jobs.

Here is how the program would work.

The mayor and Governor would be prime sponsors of manpower and public service employment programs.

These officials, together with their manpower services councils, would survey the public employment needs of their cities and States, drawing up a plan to be submitted for approval to the Secretary of Labor.

The manpower services council—to be appointed by the mayor or Governor—would be a broadly representative group including representatives from the school system, vocational education, the community action agency, the employment service, labor, business and welfare groups.

They would survey the needs of local hospitals, schools, police and fire, recreation, conservation, welfare, probation and other departments to see precisely how many people could be used, in precisely what jobs and with what training.

They would be required to make sure the jobs were productive, that they provided for advancement where possible, that they paid prevailing wages.

The bill requires that the State or city contribute 20 percent of the cost of the public service employment program, further assuring that the jobs will be worthwhile jobs, jobs the local community values enough to contribute to in a substantial way. One dollar of every five spent on the public service employment program will be a local dollar.

What kinds of work will be done?

A good example is the nurses aide program now underway in New York City.

Under that program women, most of them not having graduated from high school, have been trained, first, as nurses aides, helping in hospitals and relieving fully trained nurses to carry on professional, nonclerical duties.

These nurses aides have also continued, part time, in a special training program—and 95 percent of those who began the program are now licensed practical nurses, helping meet the desperate shortage of trained nurses in the city. And now many of these trained nurses are going on to become fully trained registered nurses.

Sheppard identifies a demand for 39,000 additional teacher aides. Teacher aides could be funded under this bill. The teacher aide concept has been widely tested under new careers and education legislation. Teacher aides can help with supervisory and clerical duties, relieving teachers to work full time in their professional capacities. Teacher aides from the poverty community are also immensely important in helping children from that community adjust to school and to learn. Teacher aides can often themselves play a crucial instructional role in tutoring children under the direction of experienced teachers.

Sheppard also reports a demand for over 11,600 community aides to work with police departments, to assume routine duties that free officers for patrol duty, and also to help in police and community relations.

Operation Mainstream has demonstrated in States all across the Nation that although rural workers are often too old, or too far away from the private employment market, they can make outstanding contributions in conservation, recreation and beautification projects. Thirteen thousand Americans are now enrolled in Mainstream at a cost of $41 million a year. The demand for Mainstream jobs is so great that the Labor Department reports five applicants for each job. And Clifford Ingram, the executive director of a rural community action agency in Tennessee reports that—

> The mayors, the county judges and others have publicly recognized the work we have done. . . .
>
> No program has found more favorable acceptance than the little Operation Mainstream. . . . It has given dignity, it has given these men dignity, these ex-coal miners and lumberjacks.

Mr. President, that is the whole purpose of the public service employment program. To give men and women dignity. To give them jobs. To make it possible for them to contribute to the solution of the common problems that so terribly threaten this society.

We can do that, we can give them dignity, and at the same time fight poverty in the most direct and effective way of all, by providing jobs, jobs planned by the local community and recognized by the local community as needing to be done.

Mr. President, I ask unanimous consent to have printed in the RECORD certain statistics, documentation, and comments from League of Cities and various other groups in connection with the bill, and also a section-by-section analysis of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

22,770 NEEDY ADULTS ARE HELPED BY MANPOWER'S "OPERATION MAINSTREAM"

Approximately 22,770 needy adults in more than 200 communities participated in Operation Mainstream during the year ending June 30, the Department of Labor reported today.

Operation Mainstream, now beginning its fourth year, operated during the year with $40,926,186 and funded about 12,500 new job opportunities.

Assistant Secretary of Labor-designate Malcolm R. Lovell, Jr., said demand for Mainstream work and training is so great "there must be five persons waiting for each opening that becomes available."

In addition to the regular program funds, a $10,037,963 appropriation is being used as an economic tool, to create 5,367 jobs for six months in selected areas of recession or high unemployment.

Operation Mainstream pays needy adults for work that improves communities where they live. It provides assistance for chronically unemployed adults, including older workers, who find themselves outside the "mainstream" of society because of their age or lack of skill.

Many of the trainees are 55 years of age and older. They receive work experience, usually in community beautification and improvement activities run by public and private nonprofit agencies, and at the same time may receive skill training, basic education, counseling, and other needed supportive services to supplement their work experience. They are paid at least minimum wages for their work.

Almost one-third (30 percent) were on welfare rolls immediately before enrollment, and a large number had had long periods of unemployment (over a year without any work in 20 percent of the cases). Skills gained in the program enable enrollees to find regular jobs.

Largest single contractor under the Mainstream program is the National Farmers Union, which operates Green Thumb, Inc. Green Thumb last year had slots for more than 2,300 older and retired, low-income rural men and women in 15 States, and this year is adding two more States. The Labor Department invested $5,364,880 in the Farmers Union contract last fiscal year.

Since March 1967, when the Labor Department's Manpower Administration launched Operation Mainstream, the program has enrolled and given job opportunities to some 73,458 persons. It has obligated $137,910,701 in Federal funds.

SUPPORT FOR PUBLIC SERVICE JOBS

A number of impressive testimonials to the need for Public Service Employment have been expressed in recent months.

The National Governor's Conference said in July:

We urge an additional Federal program for creating new, Federally financed job opportunities and related employability development and training.

The *National League of Cities and the United States Conference of Mayors* said in a joint statement dated June 1, 1970:

In Chicago at the 1968 annual conference of the U.S. Conference of Mayors, a resolution was passed which called for Congress (1) to enact a public service employment program to provide at least 1 million public service jobs for needed social services, and (2) to provide funds to implement improved local coordination of all manpower programs. In Pittsburgh, at the 1969 annual conference, the U.S. Conference of Mayors again urged Congress to place top priority on the enactment of a substantial public service employment program . . . The National League of Cities 1970 National Municipal Policy stated: "In most central cities, the unmet need of local government to provide greatly increased services and the continuing dangerously high level of unemployment (even during prolonged periods of prosperity) constitutes persuasive evidence for Federal support of a public service employment program."

The Urban Coalition Action Council, represented by George C. McGhee, testified before our subcommittee on May 18, 1970:

Public service employment should not merely be included in an array of manpower programs from which state and local administrators can pick and choose. It would be lost in the competition for limited funds. To the extent that resources are made available other important programs will suffer. A special appropriation and strong Federal direction, at least initially, is imperative. This in no way conflicts with the basic concepts of the new Federalism and new approaches to manpower control at the state and local levels.

Public service employment is not a cure-all. It will not provide enough jobs to eliminate unemployment. It will not eradicate poverty. It will not foreclose the need for economic growth to provide more jobs in the

private sector. It will not eliminate the need to combat inflation.

Such a program will, however, establish for the first time in our society a national commitment to offer to people who need and want work the opportunity to be trained to perform public services for which there is a clear need. With this we can start to reverse the present vicious cycle.

LEADERSHIP CONFERENCE ON
CIVIL RIGHTS,
Washington, D.C., July 30, 1970.

Re Public Service Jobs.

Senator GAYLORD NELSON,
U.S. Senate, Senate Labor and Public Welfare Committee, Washington, D.C.

DEAR GAYLORD: The terrible cycle of poverty in which millions of American minority families are caught, is an economic problem as well as a racial or ethnic one. For that reason, we are writing to urge your support of the public service jobs program embodied in the manpower legislation now being considered by the Senate Labor and Public Welfare Committee. We believe such a program will begin to generate the kind of meaningful employment that can give millions of Americans hope.

It is a truism that a crucial need of the nation's poor is jobs. Not training so much as jobs. The training can begin once they are employed. With unemployment rising (this summer, for instance, the unemployment rate for black teenagers is more than 40 per cent) it would seem evident that private industry cannot offer jobs in any significant number. But while jobs in the private sector shrink, the need for workers in the public area grows daily. The nation's hospitals, schools, libraries, parks and playgrounds suffer because of a lack of adequate help. A program that would create public service jobs—not as training courses for private employment, necessarily, but good public service jobs that would offer rewarding careers in themselves, would make a start toward alleviating chronic joblessness.

For many years the Leadership Conference on Civil Rights has advocated an employment program that would provide the nation's poor with the means for enjoying their constitutional rights. The slogan for the March on Washington in August 1963, was "Jobs and Freedom." In our mind the two are inextricably linked. We urge you to do all in your power to have the Committee report out a public service jobs program as soon as possible so that Congress can enact it into law this session.

Sincerely yours,
CLARENCE MITCHELL,
Chairman, Legislative Committee.

LEADERSHIP CONFERENCE ON
CIVIL RIGHTS,
Washington, D.C., July 17, 1970.

Hon. RALPH YARBOROUGH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR YARBOROUGH: The Leadership Conference on Civil Rights has long advocated a public service employment program as one way to provide the kind of economic assistance the nation's minority poor need in order to enjoy the rights they have won through enactment of the civil rights laws of the past decade.

Now that legislation embodying such a program is pending in the House and Senate we want to reiterate our position. The enclosed statement was unanimously approved by Conference representatives at our meeting today. We thought you would like to have it and hope it will prove helpful in your efforts to establish a meaningful manpower program.

Sincerely yours,
MARVIN CAPLAN,
Director Washington Office.

LEADERSHIP CONFERENCE STATEMENT ON NEED FOR PUBLIC SERVICE EMPLOYMENT PLAN

Seven years ago, Martin Luther King led an historic march in Washington, D.C., dedicated to "Jobs and Freedom."

Today, with unemployment plaguing the nation, the lack of decent jobs for members of minority groups continues to be a major domestic problem. This summer, the unemployment rate for Black teenagers is over 40%.

Faced with a worsening economy, the private sector has been unable to produce the necessary employment opportunities. By contrast, numerous studies have demonstrated that the public sector can provide millions of meaningful jobs if only the funds for employment were available.

These jobs are not of the leaf-raking variety. They are not dead-end occupations with no chance of advancement. They are aimed at curing many of the country's urban and rural ills in such areas as: environmental control, hospitals, police, recreation, and sanitation.

While Congress has continued to support a host of training efforts, it has failed to fund a job-creating program in the public sector. Too often, training has been provided where no jobs exist.

A job-creating program is long-overdue. Public service employment with funds for city, state, and county payrolls as well as provisions for upgrading represents a sound investment. It will provide employment for the jobless while bringing needed services to the nation.

Legislation creating such public service employment is now being considered in both the Senate and House.

The Leadership Conference on Civil Rights calls upon the Congress to speedily enact—and adequately fund—a public service employment program.

Civil rights legislation during the 1960's gave the members of minority groups the long-denied right to share in the benefits of America's society. Legislation providing decent job opportunities will help translate this right into reality.

HOLY FAMILY CONVENT,
Manitowoc, Wis., August 28, 1970.

Hon. GAYLORD NELSON,
U.S. Senate,
Washington, D.C.

DEAR SIR: Your bill to establish a "public service employment program" is exactly what (what) I was referring to in my recent letter. According to your plan federal money would be meted out on the *local scene* by officials who *know* what the needs are and *who the persons are* who deserve help. Such a plan is very commendable. It would help the Federal government as well as the states and communities. I hope the plan materializes. It should easily fit in with the President's welfare program. It would be a measure of strength.

Sincerely yours for success,
Sister M. JULITTA.

U.S. DEPARTMENT OF LABOR, OFFICE OF THE ASSISTANT SECRETARY FOR MANPOWER,
Washington, D.C., April 30, 1970.

Hon. GAYLORD NELSON,
U.S. Senate,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR NELSON: As I indicated in my letter of April 16, the table entitled "Characteristics of U.S. Department of Labor Manpower Programs" shown on page 237 of the hearings entitled "Closing of Job Corps Centers," May 1969, was being updated and would be submitted as it was completed.

The updated table has been prepared and is submitted for your use. Attached to the table are some technical notes which explain the differing definitions of termination and placement among the various programs. Because of the differences among the programs and reporting definitions, the data are not comparable and care must be exercised in using the data.

ARNOLD R. WEBER,
Assistant Secretary for Manpower.

CHARACTERISTICS OF U.S. DEPARTMENT OF LABOR MANPOWER PROGRAMS

Program	Planned man-year operating cost fiscal year 1970 [1]				Percent of terminees who left within 90 days	Placement (employment, Armed Forces and full-time school)
	Federal			State and local		
	Total	Wage/ allowances	Other			
Job Corps	$6,497	$1,234	$5,263	[2]	44.0	[3] 67.1
Neighborhood Youth Corps:						
In-school	832	721	111	$277	56.4	[4]
Out-of-school	2,997	2,298	699	334	58.5	[5]
Summer	1,749	1,419	330	195	[4]	[4]
Operation mainstream	3,565	2,724	841	626	58.0	[5]
Public service careers	3,493	1,502	1,991	620	[5]	[5]
Work incentive program	1,197	263	934	299	[6] 31.7	[7] 34.1
Concentrated employment program	3,705	1,556	2,149	412	[6] 40.0	[7] 43.2
Job opportunities in the business sector	3,000	0	3,000	0	65.0	[4]
Manpower Development and Training Act:						
Institutional training youth (under 22)	3,935	2,125	1,810	235	[8] 34.7	[9] 69.0
On-the-job training youth (under 22)	1,657	215	1,442	0	[8] 27.3	[9] 83.2

[1] Represents the man-year costs, not the average cost per trainee since periods of training vary from program to program.
[2] Sponsors share is negligible.
[3] Placements as a percentage of total enrollments.
[4] Not applicable.
[5] Information not available.
[6] Noncompleters as a percentage of cumulative enrollment. Includes those terminating after 90 days.
[7] Placements as a percentage of total terminations.
[8] Noncompleters as a percentage of total terminations. Includes those terminating after 90 days.
[9] Placements as a percentage of completions.

NOTES

Percent of terminees who left within 90 days: Since the various programs have different objectives, the concepts of and reporting system for completion and termination differ from the Job Corps concept of termination within 90 days. Data on terminees for Job Corps, NYC, Operation Mainstream and the JOBS program are available by length of stay prior to termination. Data for WIN and CEP are available on noncompleters as a percentage of total enrollment without regard to length of stay prior to termination. MDTA data show the percentage which noncompleters are of all terminees without regard to length of enrollment prior to termination.

Placement: For purposes of the table placement is defined as a person placed in employment entering full-time school or joining the Armed Forces. This item has meaning only for programs where the program is designed to result in job placement. The NYC programs, Operation Mainstream, Public Service Careers and the JOBS programs are employment programs. For the other programs the placement definitions vary. The Job Corps data system reports placements as a percentage of enrollments: for WIN and CEP placement is reported as a percentage of total terminations; and for MDTA placements are reported as a percentage of completions.

THE EMPLOYMENT SITUATION: AUGUST 1970

The Nation's unemployment rate was essentially unchanged in August, while employment declined on a seasonally adjusted basis, the U.S. Department of Labor's Bureau of Labor Statistics announced today.

The overall unemployment rate was 5.1 percent in August, compared with 5.0 percent in July. After rising sharply between December 1969 and May 1970, the unemployment rate has remained at about the same level. Jobless rates for most major groups in the labor force showed little or no change in August, although the rate for teenagers moved up sharply over the month.

Nonagricultural payroll employment declined by 90,000 in August, seasonally adjusted, the fourth monthly reduction in the last 5 months. The drop occurred almost entirely in manufacturing and construction; employment in the two industries has fallen by 1.1 million over the past year.

UNEMPLOYMENT

The number of unemployed workers totaled 4.2 million in August, down 300,000 from July. The reduction was about in line with the usual July-August pattern, and thus after seasonal adjustment unemployment was not significantly changed from the July level.

Although unemployment rates for most major labor force groups were little changed in August, the jobless rate for teenagers increased significantly, from 13.9 to 15.9 percent; most of this rise occurred among white girls. This brought the teenage rate to its highest point since April 1965.

For adult women (20 years and over), the unemployment rate edged down in August, from 5.0 to 4.8 percent. The jobless rates for all adult men (3.7 percent) and married men (2.8 percent) were essentially unchanged over the month. However, both rates have moved up since late 1969 and were at or near their highest levels in 5 years.

The unemployment rate for all full-time workers, at 4.7 percent, was unchanged in August. The rate for part-time workers edged up from 7.4 to 8.0 percent, the highest level since the series began in 1963. The August rise in the part-time rate reflected increased joblessness among teenagers. Over the year, however, the rate for full-time workers has increased much more rapidly than for part-time workers.

Jobless rates for both white (4.8 percent) and Negro workers (8.4 percent) were essentially unchanged in August. As a result, the ratio of Negro-to-white joblessness remained below the 2-to-1 pattern that has prevailed for many years. August marked the tenth month out of the last 12 in which this has occurred.

Among the occupational groups, there was a substantial decline in the jobless rate for white-collar workers. After reaching its highest level in nearly 10 years in July, the rate dropped in August from 3.1 to 2.7 percent. Within this broad group, declines occurred among professional, managerial, and clerical workers, while the rate for sales workers was unchanged.

By way of contrast, jobless rates for blue-collar workers continued to rise in August, moving from 6.6 to 7.0 percent, due primarily to increased joblessness among operatives, whose rate rose to 7.9 percent. The rate for nonfarm laborers, at 10.2 percent, remained at the 10-percent level for the third straight month. Both rates were at 5-year highs.

The jobless rate for workers who were last employed in construction moved up to 12.2 percent in August, the fourth consecutive month in which this rate has exceeded 10 percent. Unemployment rates were about unchanged over the month in most other major industry divisions.

The unemployment rate for workers covered by State unemployment insurance programs rose to 3.7 percent, a return to the June level following a drop in July. The August 1970 rate compares with a rate of 2.1 percent last August.

The number of persons unemployed 15 weeks or more reached 735,000 in August, nearly double the level of last August. However, the average (mean) duration of unemployment fell from 9.3 to 8.8 weeks (seasonally adjusted) as a result of the increased short-term joblessness among teenagers. Since August 1969, the average duration has risen by 1 week.

Over the year, total unemployment has increased by 1.4 million—735,000 adult men, 340,000 adult women, and 270,000 teenagers. Nearly two-thirds of the increase was among persons who lost their last jobs.

INDUSTRY PAYROLL EMPLOYMENT

Nonagricultural payroll employment, which usually rises between July and August, remained virtually unchanged this August at 70.7 million. As a result, after seasonal adjustment, payroll employment was down 90,000 over the month, the fourth decline in the last 5 months. Large employment drops in manufacturing and construction and small declines in several other industries more than offset moderate increases in services and State and local government. The August reduction brought nonfarm payroll employment down to about the same level as last August.

The largest over-the-month decline occurred in manufacturing, where employment fell by 75,000 (seasonally adjusted). Since last fall, factory employment has moved steadily downward and by August was 945,000 (or 4.6 percent) below last August. Over-the-month declines in manufacturing occurred in both the durable and nondurable goods industries. A 45,000 drop in durables took place largely in transportation equipment, electrical equipment, machinery, and instruments. In nondurable goods manufacturing, the August drop mainly reflected employment reductions in apparel and leather.

Employment in contract construction fell by 40,000 in August, seasonally adjusted. The decline would have been larger except for the net return to work of about 20,000 strikers. Over the year, employment in contract construction was down by 160,000, or about the same rate of decline as in manufacturing.

Payroll employment advanced in August in services and government by 25,000 each (seasonally adjusted). These gains were partly offset by declines in other service-producing industries—transportation and public utilities (15,000), trade (10,000), and finance, insurance, and real estate (10,000). Until April of this year, employment increases in the service sector of the economy had been adequate to counter the sharp losses in goods-producing industries. Beginning in April, however, employment in the service sector has shown little or no growth.

HOURS OF WORK

The workweek for all rank-and-file workers on private nonfarm payrolls held steady in August at 37.3 hours, seasonally adjusted, remaining 0.2 hour above the May 1970 low.

The average workweek for manufacturing workers fell 0.2 hour in August to 39.9 hours (seasonally adjusted), after rising sharply in July (as revised). These fluctuations partly reflected the effects of the automobile model changeover. The factory workweek in August, however, was only slightly higher than the 9-year lows of May and June and was 0.7 hour below year-ago levels.

In the durable goods industries, the average workweek and overtime hours each edged down 0.1 hour in August. Weekly hours, however, were still 0.3 hour above their 1970 low reached in May; overtime hours remained in the 3.0–3.2 hours range of the last 7 months.

In nondurable goods, the average workweek fell 0.2 hour over the month, a return to the June level. Overtime also edged down 0.1 hour to its lowest level since June 1964.

EARNINGS

Average hourly earnings of production and nonsupervisory workers on private payrolls edged up 1 cent in August to $3.24. Compared with a year ago, average hourly earnings were up 18 cents, or 5.9 percent.

Average weekly earnings increased by 70 cents over the month to $122.15, as declines in manufacturing and services were countered by gains in the other major industry divisions. Compared with August 1969, weekly earnnigs increased by $5.56, or 4.8 percent.

Over the year ending in July 1970, average weekly earnings also rose by 4.8 percent; after adjustment for consumer price changes, however, earnings were down by 1.0 percent.

CIVILIAN LABOR FORCE AND EMPLOYMENT

The civilian labor force declined in August to 84.1 million. The drop was in line with usual July-August movements, however, and after seasonal adjustment the labor force was little changed from July and was at about the same level as in the spring of this year. Over the year, the civilian labor force has risen by 1.6 million, with nearly three-fifths of the rise occurring among adult full-time workers, about evenly divided among men and women. The labor force growth among men reflected, in part, the entry into the civilian job market of returning veterans.

Total employment, at 79.9 million, declined slightly more than it usually does in August and after adjustment for seasonal factors inched down over the month by about 200,000. Compared with August 1969, total employment was up by only 250,000, with the increase occurring largely among part-time workers. Among full-time workers, employment gains for adult women were offset by declines among adult men and teenagers.

TABLE A-1.—EMPLOYMENT STATUS OF THE NONINSTITUTIONAL POPULATION BY SEX AND AGE

[In thousands]

Employment status, age, and sex	August 1970	July 1970	August 1969	Seasonally adjusted— August 1970	July 1970	June 1970	May 1970	April 1970
TOTAL								
Total labor force	87,248	87,955	86,046	85,810	85,967	85,304	85,783	86,143
Civilian labor force	84,115	84,801	82,516	82,676	82,813	82,125	82,555	82,872
Employed	79,894	80,291	79,646	78,445	78,638	78,225	78,449	78,924
Agriculture	3,782	4,118	3,997	3,420	3,519	3,554	3,613	3,586
Nonagricultural industries	76,112	76,173	75,669	75,025	75,119	74,671	74,836	75,338
On part time for economic reasons	2,697	2,763	2,323	2,298	2,326	2,105	2,249	2,360
Usually work full time	1,390	1,204	1,088	1,329	1,240	1,126	1,253	1,400
Usually work part time	1,307	1,559	1,235	969	1,086	979	996	960
Unemployed	4,220	4,510	2,869	4,231	4,175	3,900	4,106	3,948

TABLE A-1.—EMPLOYMENT STATUS OF THE NONINSTITUTIONAL POPULATION BY SEX AND AGE—Continued

[In thousands]

Employment status, age, and sex	August 1970	July 1970	August 1969	Seasonally adjusted— August 1970	July 1970	June 1970	May 1970	April 1970
MEN, 20 YEARS AND OVER								
Civilian labor force	47,652	47,700	46,981	47,178	47,294	47,154	47,226	47,199
Employed	46,030	46,033	46,096	45,424	45,524	45,521	45,593	45,667
Agriculture	2,614	2,759	2,766	2,523	2,593	2,603	2,625	2,602
Nonagricultural industries	43,416	43,274	43,329	42,901	42,931	42,918	42,968	43,065
Unemployed	1,622	1,667	886	1,754	1,770	1,633	1,633	1,532
WOMEN, 20 YEARS AND OVER								
Civilian labor force	27,690	27,730	26,909	28,447	28,500	28,026	27,885	28,274
Employed	26,229	26,339	25,790	27,092	27,073	26,772	26,476	27,022
Agriculture	581	713	658	514	545	573	567	571
Nonagricultural industries	25,648	25,626	25,132	26,578	26,528	26,199	25,909	26,451
Unemployed	1,461	1,391	1,119	1,355	1,427	1,254	1,409	1,252
BOTH SEXES, 16 TO 19 YEARS								
Civilian labor force	8,772	9,370	8,625	7,051	7,019	6,945	7,444	7,399
Employed	7,635	7,919	7,761	5,929	6,041	5,932	6,380	6,235
Agriculture	587	646	552	383	381	378	421	413
Nonagricultural industries	7,048	7,273	7,208	5,546	5,660	5,554	5,959	5,822
Unemployed	1,137	1,451	865	1,122	978	1,013	1,064	1,164

TABLE A-2.—FULL- AND PART-TIME STATUS OF THE CIVILIAN LABOR FORCE BY SEX AND AGE

[Numbers in thousands]

Full- and part-time employment status, sex, and age	August 1970	August 1969	Seasonally adjusted August 1970	July 1970	June 1970	May 1970	April 1970	August 1969
FULL TIME								
Total, 16 years and over:								
Civilian labor force	74,610	73,713	71,086	71,132	70,653	71,116	70,810	70,052
Employed	71,169	71,461	67,778	67,855	67,585	67,742	67,720	67,915
Unemployed	3,441	2,251	3,308	3,277	3,068	3,374	3,090	2,137
Unemployment rate	4.6	3.1	4.7	4.6	4.3	4.7	4.4	3.1
Men, 20 years and over:								
Civilian labor force	45,702	45,141	44,896	45,042	44,966	45,061	44,898	44,303
Employed	44,206	44,355	43,399	43,043	43,476	43,554	43,487	43,485
Unemployed	1,496	786	1,557	1,639	1,490	1,507	1,411	818
Unemployment rate	3.3	1.7	3.5	3.6	3.3	3.3	3.1	1.8
Women, 20 years and over:								
Civilian labor force	22,469	21,984	22,439	22,295	22,050	21,937	22,054	21,971
Employed	21,266	21,074	21,209	21,211	21,046	20,736	21,042	21,116
Unemployed	1,202	910	1,130	1,084	1,004	1,201	1,012	855
Unemployment rate	5.4	4.1	5.0	4.9	4.6	5.5	4.6	3.9
PART TIME								
Total, 16 years and over:								
Civilian labor force	9,504	8,803	11,944	11,640	11,455	11,425	11,949	11,032
Employed	8,725	8,185	10,984	10,775	10,685	10,689	11,064	10,272
Unemployed	779	618	960	865	770	736	885	760
Unemployment rate	8.2	7.0	8.0	7.4	6.7	6.4	7.4	6.9

Note: Persons on part-time schedules for economic reasons are included in the full-time employed category; unemployed persons are allocated by whether seeking full- or part-time work.

TABLE A-3.—MAJOR UNEMPLOYMENT INDICATORS

[Persons 16 years and over]

Selected categories	Thousands of persons unemployed August 1970	August 1969	Seasonally adjusted rates of unemployment August 1970	July 1970	June 1970	May 1970	April 1970	August 1969
Total (all civilian workers)	4,220	2,869	5.1	5.0	4.7	5.0	4.8	3.5
Men, 20 years and over	1,622	886	3.7	3.7	3.5	3.5	3.2	2.1
Women, 20 years and over	1,461	1,119	4.8	5.0	4.5	5.1	4.4	3.8
Both sexes, 16–19 years	1,137	865	15.9	13.9	14.6	14.3	15.7	12.3
White	3,407	2,257	4.8	4.7	4.2	4.6	4.3	3.2
Negro and other races	814	613	8.4	8.3	8.7	8.0	8.7	6.4
Married men	1,006	535	2.8	2.7	2.5	2.6	2.4	1.5
Full-time workers	3,441	2,251	4.7	4.6	4.3	4.7	4.4	3.1
Part-time workers	779	618	8.0	7.4	6.7	6.4	7.4	6.9
Unemployed 15 weeks and over [1]	598	313	.9	.9	.8	.7	.7	.5
State insured [2]	1,748	964	3.7	3.5	3.7	3.6	3.1	2.1
Labor force time lost [3]			5.5	5.4	4.9	5.4	5.1	4.0
OCCUPATION [4]								
White-collar workers	1,141	873	2.7	3.1	2.6	2.8	2.9	2.2
Professional and technical	282	189	1.9	2.2	1.5	2.1	2.1	1.3
Managers, officials, and proprietors	118	85	1.3	1.7	1.5	1.1	1.2	1.0
Clerical workers	565	475	3.9	4.4	4.0	3.9	4.0	3.2
Salesworkers	177	123	4.0	4.0	3.4	4.4	4.1	2.9
Blue-collar workers	1,863	1,022	7.0	6.6	6.3	6.2	5.7	3.8
Craftsmen and foremen	365	176	4.4	4.4	4.0	4.2	3.5	2.1
Operatives	1,121	610	7.9	7.2	6.8	6.7	6.3	4.2
Nonfarm laborers	377	236	10.2	9.9	10.4	9.1	8.8	6.8
Service workers	564	443	5.5	5.3	5.0	4.9	5.0	4.5
Farm workers	82	60	2.8	2.7	2.0	3.5	2.1	1.9
INDUSTRY [4]								
Nonagricultural private wage and salary workers [5]	3,177	2,006	5.5	5.6	5.2	5.2	4.8	3.5
Construction	324	180	12.2	11.0	10.9	11.9	8.1	7.0
Manufacturing	1,237	633	5.7	6.0	5.3	5.2	4.7	2.9
Durable goods	760	333	5.5	5.9	5.1	4.9	4.9	2.3
Nondurable goods	478	299	5.9	6.2	5.6	5.7	4.5	3.7
Transportation and public utilities	142	88	3.1	3.3	3.3	3.3	3.9	2.0
Wholesale and retail trade	715	551	5.4	5.3	5.4	5.1	5.5	4.3
Finance and service industries	734	538	4.4	4.8	4.1	4.2	3.9	3.4
Government wage and salary workers	328	284	2.1	2.0	1.9	2.2	2.2	1.9
Agricultural wage and salary workers	95	74	8.2	8.6	5.5	9.3	5.9	6.5

[1] Unemployment rate calculated as a percent of civilian labor force.
[2] Insured unemployment under State programs, unemployment rate calculated as a percent of average covered employment.
[3] Man-hours lost by the unemployed and persons on part time for economic reasons as a percent of potentially available labor force man-hours.
[4] Unemployment by occupation includes all experienced unemployed persons, whereas that by industry covers only unemployed wage and salary workers.
[5] Includes mining, not shown separately.

TABLE A-4.—UNEMPLOYED PERSONS 16 YEARS AND OVER BY DURATION OF UNEMPLOYMENT

[In thousands]

Duration of unemployment	August 1970	August 1969	Seasonally adjusted: August 1970	July 1970	June 1970	May 1970	April 1970	August 1969
Less than 5 weeks	2,144	1,600	2,206	2,061	1,961	2,219	2,295	1,646
5 to 14 weeks	1,478	957	1,320	1,334	1,303	1,214	1,075	854
15 weeks and over	598	313	736	711	685	612	569	385
15 to 26 weeks	349	181	479	470	450	352	372	250
27 weeks and over	249	131	257	241	235	260	197	135
Average (mean) duration, in weeks	8.6	7.7	8.8	9.3	9.5	9.0	8.2	7.8

TABLE A-5.—UNEMPLOYED PERSONS BY REASON FOR UNEMPLOYMENT

[Numbers in thousands]

Reason for unemployment	August 1970	August 1969	Seasonally adjusted: August 1970	July 1970	June 1970	May 1970	April 1970	August 1969
NUMBER OF UNEMPLOYED								
Lost last job	1,773	894	1,946	1,833	1,928	1,912	1,613	981
Left last job	639	507	570	600	569	550	573	452
Reentered labor force	1,242	997	1,296	1,284	1,036	1,168	1,207	1,041
Never worked before	567	471	495	439	468	464	550	411
PERCENT DISTRIBUTION								
Total unemployed	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Lost last job	42.0	31.2	45.2	44.1	48.2	46.7	40.9	34.0
Left last job	15.1	17.7	13.2	14.4	14.2	13.4	14.5	15.7
Reentered labor force	29.4	34.7	30.1	30.9	25.9	28.5	30.6	36.1
Never worked before	13.4	16.4	11.5	10.6	11.7	11.3	13.9	14.2
UNEMPLOYED AS A PERCENT OF THE CIVILIAN LABOR FORCE								
Lost last job	2.1	1.0	2.3	2.1	2.3	2.3	1.9	1.2
Left last job	.8	.6	.7	.8	.7	.7	.7	.6
Reentered labor force	1.5	1.2	1.5	1.6	1.3	1.4	1.5	1.3
Never worked before	.7	.6	.6	.5	.6	.6	.7	.5

TABLE A-6.—UNEMPLOYED PERSONS BY AGE AND SEX

Age and sex	Thousands of persons: August 1970	August 1969	Percent looking for full-time work: August 1970	Seasonally adjusted unemployment rates: August 1970	July 1970	June 1970	May 1970	April 1970	August 1969
Total 16 years and over	4,220	2,869	81.5	5.1	5.0	4.7	5.0	4.8	3.5
16 to 19 years	1,137	865	65.3	15.9	13.9	14.6	14.3	15.7	12.3
16 and 17 years	520	455	46.3	17.4	15.2	16.0	15.6	18.7	15.8
18 and 19 years	616	410	81.3	14.7	13.2	13.3	13.8	13.8	9.8
20 to 24 years	915	566	89.2	8.3	8.6	7.4	8.1	7.7	5.4
25 years and over	2,169	1,439	86.8	3.4	3.5	3.2	3.3	3.1	2.3
25 to 54 years	1,799	1,160	88.0	3.6	3.7	3.3	3.4	3.2	2.3
55 years and over	370	279	80.5	2.7	2.9	3.0	3.3	2.8	2.0
Males, 16 years and over	2,207	1,293	85.4	4.6	4.5	4.3	4.4	4.2	2.8
16 to 19 years	585	407	66.2	15.8	14.1	14.8	15.0	15.2	11.3
16 and 17 years	284	251	50.7	17.2	15.2	16.6	16.4	17.2	15.5
18 and 19 years	301	156	80.7	14.6	13.6	13.2	14.6	13.9	7.8
20 to 24 years	476	237	88.9	8.5	9.1	7.2	7.7	7.9	4.5
25 years and over	1,147	648	93.5	3.0	3.0	2.9	2.9	2.6	1.7
25 to 54 years	900	478	95.6	3.0	3.0	2.9	2.8	2.6	1.6
55 years and over	247	170	86.2	2.9	2.8	2.8	3.1	2.8	2.0
Females, 16 years and over	2,013	1,577	77.4	5.9	5.9	5.5	5.9	5.7	4.8
16 to 19 years	552	458	64.3	16.0	13.7	14.3	13.4	16.4	13.6
16 and 17 years	237	204	40.9	17.6	15.1	15.3	14.6	20.6	16.2
18 and 19 years	315	254	81.9	14.9	12.7	13.4	12.9	13.7	12.0
20 to 24 years	439	328	89.5	8.0	8.1	7.7	8.7	7.5	6.3
25 years and over	1,022	791	79.2	4.1	4.5	3.8	4.2	3.8	3.3
25 to 54 years	899	682	80.5	4.6	4.8	4.1	4.3	4.2	3.6
55 years and over	123	109	69.1	2.5	3.1	3.2	3.6	2.7	2.1

Seven Major Areas Added to Substantial Unemployment List; Total Now 31

WASHINGTON.—Seven major labor areas, including Detroit and New Orleans, and 14 smaller areas have been newly classified as having "substantial" unemployment—6.0 to 8.9 percent unemployment—the U.S. Department of Labor has announced.

This brings to 31, the highest in nearly six years, the number of major areas classified as having "substantial" or "persistent" unemployment. The last time as many as 31 major areas were so classified was in October, 1964.

Other major areas newly classified are: *San Jose*, Calif.; *Bridgeport*, Conn.; *Battle Creek*, Mich.; *Corpus Christi*, Texas, and *Spokane*, Washington.

Manufacturers in these labor areas and other areas having "substantial" joblessness, are eligible for preferential bidding on certain Federal procurement contracts under Defense Manpower Policy No. 4. The effective date of the new classifications is September 1, 1970.

The smaller areas newly classified as "substantial" are: *Florence-Sheffield*, Ala.; *Oxnard*, Calif.; *Ada, Altus, Anadarko, Claremore; Cordell, Marietta, Okemah, Tishomingo and Wagoner*, Okla.; *Bremerton*, Wash and *Dodgeville*, Wis.

Waurika, Okla., was removed from the smaller area substantial unemployment list.

As of September 1, 595 areas were classified by the Labor Department's Manpower Administration as areas of substantial or persistent unemployment.

Major areas previously classified include: *Fresno* and *Stockton, Calif.; New Britain* and *Waterbury*, Conn.; *South Bend*, Ind.; *Wichita*, Kans.; *Baton Rouge*, La., *Huntington-Ashland*, Ky. Ohio-W. Va.; *Brockton, Fall River, Lowell, New Bedford*, and *Springfield-Chicopee-Holyoke*, Mass.; *Grand Rapids* and *Muskegon-Muskegon Hts.*, Mich.; *Jersey City*, N.J.; *Utica-Rome*, N.Y.; *Portland*, Ore.; *Seattle and Tacoma*, Wash.; *Kenosha* and *Racine*, Wis.; and *Mayaguez* and *Ponce*, Puerto Rico.

LABOR AREAS OF SUBSTANTIAL OR PERSISTENT UNEMPLOYMENT—SEPT. 1, 1970

Size	Total	Substantial (only)	Persistent
Major	31	27	4
Smaller	564	115	449
Total	595	142	453

The table on page 32167 shows the number of major labor areas in the various unemployment categories for August, a month ago, and a year ago:

Labor supply groups	August 1970	July 1970	August 1969
Group:			
A (overall shortage)	0	0	0
B (low unemployment, 1.5 to 2.9 percent)	21	24	49
C (moderate unemployment, 3 to 5.9 percent)	98	102	95
D (substantial unemployment, 6 to 8.9 percent)	25	20	4
E (substantial unemployment, 9 to 11.9 percent)	4	2	0
F (substantial unemployment, 12 percent or more)	2	2	2

During the month, 12 major labor areas shifted to positions of higher rates of unemployment:

From Group B to C: Atlanta, Ga.; Honolulu, Hawaii, and Des Moines, Iowa.

From Group C to D: San Jose, California; Bridgeport, Conn.; New Orleans, La.; Battle Creek and Detroit, Mich.; Corpus Christi, Tex.; and Spokane, Wash.

From Group D to E: Wichita, Kans. and Tacoma, Wash.

Seattle, Wash., and Muskegon-Muskegon Hts., Mich., are the two other areas in Category E, and Mayaguez and Ponce, P.R. are the areas in E.

In addition to the areas listed in the table above, three large cities—Oakland, Calif., Newark, N.J., and Cleveland, Ohio—and 24 counties which are classified separately are considered "persistent" unemployment areas.

"Substantial unemployment" means the area has a jobless rate of six percent or more that is expected to continue for at least two more months. "Persistent" means that the average unemployment rate has been six percent or more for a year and has been at least 50 percent above the U.S. average for several years.

Persistent unemployment areas are potentially eligible for all types of assistance under the Public Works and Economic Development Act of 1965. The four major labor areas now in the persistent unemployment category are: Stockton, Calif., New Bedford, Mass., and Mayaguez and Ponce, Puerto Rico.

Business firms located in areas classified as having substantial or persistent unemployment may become eligible for certification by the Labor Department for first preference in government contract awards under Defense Manpower Policy No. 4. This policy is designed to give preference to firms that agree to hire disadvantaged jobless persons.

There were no changes this month in the list of classified sections of concentrated unemployment and underemployment. There are now 141 cities containing such sections. Parts or all of 163 counties in 18 States, 31 Indian reservations, and the Commonwealth of Puerto Rico are also classified as sections of concentrated unemployment or underemployment. Firms in or near these sections, which agree to hire disadvantaged workers, are eligible for first preference in bidding under Defense Manpower Policy No. 4.

Each month the U.S. Training and Employment Service classifies the 150 major employment centers, and several hundred smaller areas when they meet the substantial unemployment criteria. A major labor area usually has at least one central city with a population of 50,000 or more.

Unemployment Grows

Unemployment is in its steepest rise since the recession of 1960. Last month the unemployment rate reached 5 percent of the labor force—up from 3.5 per cent in December. There are now 1.3 million more people out of work than five months ago.

And the prospect is that unemployment will worsen in the months ahead. Industry is trimming its capital spending plans; it now looks as though outlays on new plant and equipment, corrected for inflation, will turn down before the end of the year. Housing is still in its slump, and industrial and commercial construction are starting to decline. The softness of the economy is so widespread that even the cautious analysts at the National Bureau of Economic Research appear ready to pronounce this the fifth postwar recession.

However, even if real Gross National Product, which declined in the last two quarters, should grow slowly in the months ahead, unemployment will probably continue to increase. The profits squeeze is forcing employers to lay off more and more workers as firms seek to boost productivity and cut costs.

The Nixon Administration had hoped to rely on general monetary and fiscal policies to steer the economy through a gradual readjustment that would check inflation without causing much unemployment; it is now compelled to re-examine its policies for dealing with both problems. As inflation has persisted at a rate in excess of 6 percent, pressures have grown for the Administration to adopt some form of wage-price restraints. And, as unemployment rises above 5 percent, pressures will build upon the Administration to make a more direct attack on the jobs problem.

As employment opportunities in the private sector disappear, the Labor Department has already begun to shift unused funds from the JOBS program, in cooperation with the National Alliance of Businessmen, to a public service employment program. The Administration should put still greater emphasis on job creation in such fields as education and health services, where there are pressing social needs. Such programs should not be Depression-style work-relief programs but should be designed to improve the skills and further the careers of new recruits. This will require better training programs—including the training of professionals to develop better manpower programs for the unemployed.

At the same time, the private sector cannot be neglected. It is more urgent than ever to break down discrimination against minority groups in employment—and also in housing and education, where racial discrimination does so much to aggravate structural unemployment problems.

In the cities, the highest unemployment rates by far are among young people, especially blacks. Mayor Thomas D'Alesandro 3d of Baltimore warns that unemployment rates among black youths will, in many cities, soon exceed 30 percent; this problem is being aggravated by the cutbacks in Federal support for summer jobs programs. New York City, for instance, has funds for only 28,000 summer jobs for young people, compared with 35,000 last year, although needs are now more acute. Under sustained criticism from the cities, the Nixon Administration is expected shortly to announce an increase in its summer jobs program for youth.

But more money must also be found to deal with the job problems of those who may be facing hardships lasting well beyond the summer. The stringency of the Federal budget, caused by the irresponsible tax cuts of 1969 and by the continuing costs of the war in Southeast Asia, has prevented the nation from dealing with its acute social needs. An overhaul of the Nixon Administration's economic policies and of its national priorities has become a necessity.

Summary of Proposed "Employment and Training Opportunities Act of 1970"

(S. 3867, as reported to the Senate by the Labor and Public Welfare Committee, August 20, 1970)

Authorization of Appropriations

The bill authorizes appropriations for the overall Act of $2,000,000,000 for the fiscal year 1972, $2,500,000,000 for fiscal year 1973, and $3,000,000,000 for fiscal year 1974. (The existing Manpower Development and Training Act and parts A and B of title I of the Economic Opportunity Act authorizing work and training program would remain in effect for the rest of the current fiscal year 1971.) Funds appropriated for a particular fiscal year are available for obligations over a two-year period. For better planning, advance funding is authorized so that funds may be appropriated in the fiscal year preceding the year when they are available for expenditure.

Title I—Comprehensive Manpower Service

The bill provides that the Secretary of Labor shall carry out a comprehensive manpower services program for all persons who need training and related manpower services. In carrying out such a program, the Secretary of Labor could enter into arrangements with prime sponsors and other public or private agencies, including community action agencies.

The Secretary of Labor would designate as prime sponsors of manpower services for their areas States and cities, as well as counties with general governmental functions, having 75,000 population or more, and community action agencies where the local government does not submit an approvable plan. Manpower services councils would be established to assist prime sponsors in planning and developing comprehensive manpower programs.

Prime sponsors are expected to utilize, wherever feasible, the services and facilities of public and private employment service agencies, vocational education, vocational rehabilitation, public and private educational agencies, postsecondary institutions, and community action agencies.

In order to provide financial assistance for services of a health, education, or welfare character, the concurrence of the Secretary of Health, Education, and Welfare would be required.

One-third of the funds for the overall act are allocated for this title.

Title II—Public Service Employment

This title provides that the Secretary of Labor shall provide financial assistance for public service employment programs which provide jobs for unemployed and underemployed persons, and persons who have participated in manpower training programs for whom employment opportunities would not be otherwise immediately available, in carrying out needed public services. In addition to authorizing special appropriations of $750,000,000 for fiscal year 1971, $1,000,000,000 for fiscal years 1972, $1,250,000,000 for fiscal year 1973, and $1,500,000,000 for fiscal year 1974, for public service employment, the bill provides that one-third of the total sum available overall for the Act must be used for public service employment programs.

Prime sponsors of manpower services programs under title I, as well as other public and private nonprofit agencies, including community action agencies, would be eligible applicants for carrying out public service employment programs. Examples of the kinds of public services which could be provided include jobs in health, family planning, public safety, education, transportation, recreation, parks, pollution control, housing and neighborhood improvements, rural development, conservation and beautification.

The bill also authorizes Emergency Employment Assistance funds of $200,000,000 when the national unemployment rate exceeds 4½ percent and an additional $200,000,000 when such rate exceeds 5 percent.

Titles III and IV—Special Programs

The bill further provides that the Secretary of Labor shall carry out the following special work and training programs: New Careers, Mainstream, Community Environ-

ment Service, Opportunities Industrialization Centers, Upgrading programs, Jobs for Progress-Operation SER programs, management training programs, and manpower programs in correctional institutions, Job Corps, and Neighborhood Youth programs.

One-third of the funds for the overall act are allocated for these programs as well as for such special Federal responsibilities as research and development, national computerized job bank program, and development of employment opportunities for disadvantaged persons in Federally-assisted programs.

TITLE V—MANPOWER PROGRAMS FOR INDIAN, BILINGUAL, MIGRANT AND OLDER WORKERS

The bill recognizes the special needs of Indians, bilingual persons of limited English-speaking ability, migrant and seasonal farmworkers and middle aged and older persons, by requiring that appropriate shares of funds available for the entire act be used in providing employment and training for these groups. This title establishes special programs in the Labor Department to be administered by specialized personnel familiar with the particular needs of each of these population groups.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section provides that the legislation may be cited as the "Employment and Training Opportunities Act of 1970" and includes a table of contents for the act.

Section 2. Statement of findings and purpose

This section sets forth congressional findings and declares that it is the purpose of the act to establish a comprehensive and coordinated national program, involving the efforts of all sectors of the economy and all levels of Government, which should be designed to provide greater opportunities for employment and training and related services necessary to assist individuals in developing their full economic and occupational potential.

Section 3. Authorized appropriations

Subsection (a) of this section authorizes appropriations of $2 billion for fiscal year 1972, $2,500,000,000 for fiscal year 1973, and $3 billion for fiscal year 1974 for carrying out the act.

Subsection (b) provides that funds which are not obligated prior to the end of the fiscal year for which such funds were appropriated under this act shall remain available for obligation during the next fiscal year and that obligated funds may be expended during a period of 2 years from the date of obligation.

Section 4. Funds available for specific programs

Subsection (a) of this section provides for allocating funds not reserved for specific purposes in the following manner: one-third for comprehensive manpower services under title I, one-third for public service employment programs under title II, and one-third for special work and training programs under title III and special Federal responsibilities under title IV.

Subsection (b) authorizes the Secretary to transfer up to 15 percent of the amount earmarked in the authorization legislation or limited in an appropriation act for specific programs under this act to any other program under this act.

Subsection (c) provides that the Secretary may transfer funds from amounts allocated for newly authorized programs under this act to the extent necessary to make funds available to carry out any grant or contract entered into prior to the effective date of this act under the Manpower Development and Training Act of 1962 or title I of the Economic Opportunity Act of 1964.

Section 5. Advance funding

Subsection (a) of this section authorizes appropriations for the purpose of carrying out this act for a particular fiscal year to be included in the appropriation act for the preceding fiscal year.

Subsection (b) makes clear that the advance funding authorized by this section shall be applicable even though its initial application may result in the enactment of two separate appropriations in 1 fiscal year, for example, whether in regular or supplemental appropriations acts.

Section 6. Definitions

This section defines the terms "Secretary," "State," and "Local service company" for purposes of the act.

Section 7. Legal Authority

Subsection (a) provides authority for rules, regulations, guidelines and other published interpretations or orders, and requires citations to the particular section or sections of statutory law or other legal authority upon which each material provision of such rules, regulations, guidelines, interpretations, or orders is based.

Subsection (b) prohibits any delegation outside the Office of the Secretary of Labor of the authority of the Secretary relating to disapproval of prime sponsorship plans under section 104(f) or relating to the challenge of an application of a prime sponsor by a community action agency or a unit of general local government under section 106 (b).

Section 8. Special Limitations and Conditions

Subsection (a) provides that no authority conferred by the act shall be used to enter into arrangements for, or otherwise establish any training programs in the lower wage industries in jobs where prior skilled training is typically not a prerequisite to hiring or where labor turnover is high, or to assist in relocating establishments from one area to another.

Subsection (b) provides that certain veterans benefits shall not be considered for purposes of determining the needs or qualifications of participants in programs under this act.

Subsection (c) provides that acceptance of family planning services provided to trainees shall be voluntary on the part of the individual to whom such services are offered and shall not be prerequisite to eligibility for or receipt of any benefit under the program.

Subsection (d) provides that financial assistance shall not be provided for any program under this act unless periodic reports will be submitted containing data designed to enable the Secretary and the Congress to measure the relative and comparative effectiveness of programs authorized under this act. Such data shall include enrollee characteristics, duration in training and employment situations, and total dollar cost per trainee. The Secretary is required to compile such data on a State, regional, and national basis.

Subsection (e) provides that financial assistance shall not be provided for any program under this act unless the grant, contract, or agreement for such financial assistance specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any person participating or applying for participation in such program because of race, creed, color, national origin, sex, political affiliation, or beliefs.

Section 9. Labor Standards

This section sets forth the usual labor standards provisions.

Section 10. Eligible Participants

This section makes clear that eligibility for participation in any program under the act shall be determined in accordance with the provisions authorizing such program, and provides that persons who, or persons heading families who, receive public assistance benefits or food stamps or surplus commodities shall be included among individuals eligible to participate in such programs and that such persons shall be considered as low-income persons or persons heading low-income families for purposes of the act (including allocations).

Section 11. National Manpower Advisory Committee

Subsection (a) of this section provides that the President shall appoint a National Manpower Advisory Committee composed of from 13 to 17 members representative of labor, management, agriculture, public and private education, vocational education, vocational rehabilitation, manpower programs, and economic opportunity programs.

Subsection (b) sets forth the Advisory Committee's responsibilities to consider manpower goals and needs, review manpower-related programs, conduct independent evaluations of such programs, and make recommendations for the improvement of such programs.

Subsection (c) provides that the Advisory Committee shall make an annual report and other appropriate reports.

Subsection (d) authorizes the Advisory Committee to accept and employ or dispose of gifts or bequests for carrying out its responsibilities.

Subsection (e) authorizes compensation for members of the Advisory Committee.

Subsection (f) authorizes the Advisory Committee to engage technical assistance to carry out its functions and to obtain the services of professional, technical, and clerical personnel and to contract for assistance.

Section 12. Intergovernmental Advisory Council on Manpower

Subsection (a) of this section establishes an Intergovernmental Advisory Council on Manpower to advise the Secretary of Labor, the Secretary of Health, Education, and Welfare, and the Director of the Office of Economic Opportunity on matters involving intergovernmental relationships in the development and conduct of programs under this act and related acts, including the respective manpower responsibilities of Federal, State, and local governmental agencies, allocation of funds, designation of prime sponsors, State and local compliance with provisions of this act, and the extent to which the various manpower-related acts represent a consistent, integrated, and coordinated approach to meeting manpower needs and achieving national manpower goals.

Subsection (b) provides that Council shall consist of from five to nine members, appointed by the President, from among Governors, mayors, and other elected State or local public officials.

Section 13. Reports

This section provides that the Secretary shall make reports and recommendations to the President pertaining to manpower requirements, resources, use, and training, and provides that the President shall make an annual report to the Congress.

Section 14. Authority to Contract and Expend Funds

This section provides that the Secretary may make such grants, contracts, or agreements, establish such procedures, and make such payments, in installments and in advance or by way of reimbursement, or otherwise allocate or expend funds made available under this act, as he deems necessary to carry out the provisions of this act. Funds may be withheld in order to recover any amounts expended in the current or immediately prior fiscal year in violation of any provision of this act or any term or condition of assistance under this act.

Section 15. Acceptance of Gifts

This section authorizes the Secretary to accept in the name of the Department, and to employ or dispose of, any money or property received by gift, devise, bequest, or otherwise, in furtherance of the purposes of the act.

Section 16. Acceptance of Voluntary Services

This section authorizes the Secretary to accept voluntary and uncompensated services.

Section 17. Acceptance of Funds

This section authorizes the Secretary to accept and utilize in carrying out the provisions of this act funds appropriated to carry out other Federal statutes if such funds are utilized for the purposes for which they are specifically authorized or appropriated.

Section 18. Transfer of Funds

This section authorizes the transfer, with the approval of the Director of the Office of Management and Budget, of funds appropriated for this act to other departments and agencies of the Federal Government, if such funds are used for the purposes for which they are specifically authorized and appropriated.

Section 19. Utilization of Services and Facilities

This section authorizes the Secretary to utilize the services and facilities of Federal agencies, and of States and political subdivisions of States, without reimbursement.

Section 20. Rental, Alteration, and Improvement of Buildings

This section authorizes the Secretary to expend funds for rent, repair, alteration, and improvement of buildings or space in buildings, under limited circumstances.

Section 21. Expenditures for Printing and Binding

This section authorizes the Secretary to expend funds under this act for necessary printing and binding.

Section 22. Criminal Provisions

This section amends title 18 of the United States Code by adding a new section 665. Subsection (a) thereof would provide that any person who, as an officer, director, agent, or employee of, or connected in any capacity with, any agency receiving financial assistance under the Employment and Training Opportunities Act of 1970, embezzles, willfully misapplies, steals, or obtains by fraud any of the moneys, funds, assets, or property under a grant or contract of assistance under such act shall be fined not more than $10,000 or imprisoned for not more than 2 years, or both; if the amount involved does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.

Subsection (b) thereof would provide that any person who, by threat of procuring dismissal of any person from employment or of refusal to employ or refusal to renew a contract of employment in connection with a grant or contract of assistance under the Employment and Training Opportunities Act of 1970, induces any person to give up any money or thing of any value shall be fined not more than $1,000, or imprisoned not more than one year, or both.

Section 23. Interstate Agreements

This section would give the consent of Congress to States to enter into compacts and agreements to facilitate compliance with provisions of this act, subject to the approval of the Secretary.

Section 24. Effective Date

This section provides that the effective date of the act, except as otherwise provided, shall be July 1, 1971, and that rules, regulations, guidelines and other published interpretations of orders may be issued by the Secretary at any time after the date of enactment.

TITLE I—COMPREHENSIVE MANPOWER SERVICES

Section 101. Program Authorized

This section provides that the Secretary of Labor shall develop and carry out a comprehensive manpower services program.

Section 102. Uses of Funds

This section sets forth uses for which funds may be expended under title I.

Section 103. Eligible Applicants

Subsection (a) of this section authorizes the Secretary to enter into arrangements with eligible applicants in order to make financial assistance available for the purposes of carrying out such manpower services when the Secretary determines that such services can be most effectively implemented by such applicant.

Subsection (b) provides that prime sponsors approved under section 104 and other public and private agencies, institutions, and organizations, including community action agencies, shall be eligible applicants for entering into arrangements with the Secretary under this title.

Section 104. Prime Sponsors

Subsection (a) provides that the following shall be eligible to be prime sponsors of comprehensive manpower services programs: any State; any city of 75,000 or more population or any county or other unit of general local government having general governmental powers substantially similar to a city and serving a substantial part of a functioning labor market area, and which has 75,000 or more population or, if less, has the largest population of any such local jurisdiction in the State; and any combinations of units of general local government covering a geographical area which has a population of 75,000 or more and serves a substantial part of a functioning labor market area.

Subsection (b) provides that any State or unit or combination of units of general local government eligible to be a prime sponsor may submit to the Secretary a prime sponsorship plan. Such plan must include provisions which evidence capability for carry out a comprehensive manpower services plan and provisions for the establishment of a manpower services council.

Subsection (c) provides that when a State has submitted a prime sponsorship plan and a unit or combination of units of general local government has also submitted a prime sponsorship plan meeting the requirements set forth in subsection (b), the Secretary shall approve the local plan after carrying out the consultation requirements of subsection (d). When two or more local governments or combination of such units each submit approvable plans including a common geographical area under their respective jurisdictions, the Secretary shall approve for that geographical area the unit of general local government plan which he determines will most effectively carry out the purposes of the title.

Subsection (d) provides that, before the Secretary may approve a prime sponsorship plan, the plan must have been submitted by a date prescribed by regulation before the beginning of the fiscal year for which it would be effective, a copy of the plan must have been submitted to the Governor for comment and if the Governor submits comments the Secretary shall encourage the resolution of differences arising from such comments, and a plan submitted by a State must set forth satisfactory arrangements for serving all geographical areas not covered by local prime sponsorship plans.

Subsection (e) provides that a community action may submit a prime sponsorship plan if the unit of general local government (or a combination of such units) does not submit an approvable plan for the area.

Subsection (f) provides that, except as provided in subsections (c) and (d), the Secretary may approve any prime sponsorship plan which is consistent with the provisions of the title. Such a plan may not be disapproved or a prior approval withdrawn unless the Secretary provides written notice, time for corrective amendments, and an opportunity for a public hearing on which an appeal to the Secretary may be based.

Subsection (g) provides that the Secretary shall reserve not less than 1 percent of the amounts available for title I and 1 percent of the amounts available for title II for staff and other administrative expenses of manpower services councils and other planning and evaluation activities of prime sponsors.

Section 105. Applications

Subsection (a) of this section provides that financial assistance under title I may be provided only pursuant to an approved application from an eligible applicant and sets forth provisions which must be included in the application.

Subsection (b) provides that an application from a prime sponsor must also set forth a comprehensive manpower services plan including certain provisions.

Section 106. Approval of Applications

Subsection (a) of this section provides that, before he may approve an application under this title, the Secretary must determine that the application meets the title's requirements, and that opportunities have been provided for comments by the community action agency, the Governor, and officials of appropriate units of general local government. The approvable request for funds may not ordinarily exceed 90 percent of program costs.

Subsection (b) provides that if a unit of general local government alleges that the prime sponsor is not complying with the requirements set forth in section 105(b) for a comprehensive manpower services plan, the Secretary shall promptly make a decision on the allegation, after providing the prime sponsor with a copy of the allegation and a reasonable opportunity to respond and holding such conferences and hearings as he deems appropriate. Pending his decision, the Secretary shall not approve the prime sponsor's application to the extent that it relates to the matter under contention. If the Secretary determines that the requirements of section 105(b) will not be complied with, then he shall enter into direct arrangements with a local government, community action agency, or other public or private agency to provide such programs.

Section 107. Concurrence of Other Agencies

Subsection (a) of this section provides that the Secretary of Labor shall not issue rules, regulations, standards of performance, or guidelines, or provide financial assistance for services of a health, education, or welfare character under this title without the concurrence of the Secretary of Health, Education, and Welfare.

Subsection (b) provides that the Secretary of Labor shall not issue rules, regulations, standards of performance, or guidelines relating to participation of community action agencies and other community-based organizations serving the poverty community under this act without the concurrence of the Director of the Office of Economic Opportunity.

Section 108. Allocations

Subsection (a) of this section provides for allocating funds under the title as follows: not more than 5 percent for incentives for the designation of prime sponsors for labor market areas under subsection (c); not more than 5 percent for incentives for prime sponsors to establish appropriate procedures for coordination and cooperation with agencies administering vocational education programs; not less than 75 percent apportioned among the States in proportion to the labor force, unemployment, and low-income per-

sons, with a minimum of $1,500,000 for each State and $150,000 each for the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands; and the remainder shall be available for such purposes under this title as the Secretary deems appropriate.

Subsection (b) provides that State apportionments shall be apportioned among areas within each State so that at least 80 percent of the State's apportionment is apportioned in proportion to labor force, unemployment, and low-income persons.

Subsection (c) provides that financial assistance available as an incentive for the designation of prime sponsors for labor market areas may not exceed an amount equal to an additional 10 percent of the funds otherwise available to the area under this section. The Secretary shall encourage areawide cooperation of units of general local government.

Subsection (d) provides that financial assistance available as an incentive for prime sponsors to establish procedures for coordination and cooperation with agencies administering vocational education programs may not exceed an amount equal to an additional 10 percent of the funds otherwise available to such prime sponsor under this section.

Subsection (e) authorizes the Secretary to make reallocations for such purposes under this title as he deems appropriate of the unobligated amount of any apportionment which the Secretary determines will not be required. Apportionments may not be reallocated for any reason prior to the end of the ninth month of the fiscal year and the Secretary must provide fifteen days advance notice to the prime sponsor of the proposed reallocation. Reallocations of funds under this subsection will not affect State-by-State or within-State apportionments.

Subsection (f) provides for publication in the Federal Register of apportionments and labor market areas.

Section 109. Special Conditions

This section sets forth special conditions which must be met before the Secretary may provide financial assistance under this title.

Section 110. Allowances and Compensation

Subsection (a) provides for the payment of allowances to participants in programs under this title. Allowances are to be based on the minimum wage or, where the trainee is being trained for particular employment, 80 percent of the wages for such employment. The Secretary is authorized to make appropriate adjustments in allowances.

Subsection (b) authorizes disability or death compensation benefits in behalf of program participants.

TITLE II—PUBLIC SERVICE EMPLOYMENT

Section 201. Financial Assistance

This section provides that the Secretary of Labor shall enter into arrangements with eligible applicants to make financial assistance available to public and private nonprofit agencies and institutions for the purpose of providing employment and related training and manpower services for unemployed and underemployed persons, with special consideration for persons who have participated in manpower training programs for whom employment opportunities would not be otherwise immediately available, in jobs providing needed public services.

Section 202. Authorization

This section authorizes, in addition to the amounts authorized to be appropriated under section 3 for carrying out this act, further appropriations specifically for carrying out title II as follows: $750 million for fiscal year 1971, $1 billion for fiscal year 1972, $1,250 million for fiscal year 1973, and $1,500 million for fiscal year 1974.

Section 203. Eligible Applicants

This section provides that prime sponsors approved under section 104 and other public and private nonprofit agencies and institutions (including community action agencies, local service companies, and public service agencies and institutions of the Federal Government) shall be eligible applicants to enter into arrangements with the Secretary under this title.

Section 204. Applications

Subsection (a) of this section provides that financial assistance under this title shall be available only pursuant to an application from an eligible applicant approved by the Secretary. Such application shall set forth a public service employment program designed to provide employment and related training and manpower services for unemployed and underemployed persons, and persons who have participated in manpower training programs for whom employment opportunities would not be otherwise immediately available, in jobs providing needed public services. Such public services include fields such as health, family planning, public safety, education, transportation, recreation, maintenance of parks, streets, and other public facilities, solid waste removal, pollution control, housing and neighborhood improvements, rural development, conservation, beautification, and other fields of human betterment and community improvement.

Subsection (b) sets forth provisions which an application for financial assistance for a public service employment program under this title must include.

Section 205. Approval of Applicants

This section provides that, before he may approve an application for financial assistance under this title, the Secretary must determine that the application meets the requirements of the title, that the public service positions to be financed will increase the productive capacity of the public services activities in which the positions are located, that opportunities have been provided to the community action agency, the Governor, and officials of local governments, for comments on the application, and that the application has been reviewed by a panel of experts who shall make recommendations on the amount of funds requested for which it finds adequate justification. The approvable request for funds may not exceed 80 percent of the program costs.

Section 206. Allocations

Subsection (a) provides for allocating funds under title II as follows: not more than 5 percent for financial assistance as an incentive for prime sponsors designated for labor market areas under subsection (c); not less than 80 percent apportioned among the States in proportion to unemployment and low-income persons, with a minimum of $1,500,000 for each State and $150,000 each for the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands; and the remainder shall be available for such purposes under this title as the Secretary deems appropriate.

Subsection (b) provides that State apportionments shall be apportioned within each State so that at least 80 percent of the State's apportionment is apportioned in proportion to unemployment and low-income persons.

Subsection (c) provides that financial assistance available as an incentive for prime sponsors designated for labor market areas may not exceed an amount equal to an additional 10 percent of the funds otherwise available for the area under this section. The Secretary shall encourage areawide cooperation of units of general local government.

Subsection (d) authorizes the Secretary to make reallocations for such purposes under this title as he deems appropriate of the unobligated amount of any apportionment which the Secretary determines will not be required. Apportionments may not be reallocated for any reason prior to the end of the ninth month of the fiscal year and the Secretary must provide 15 days advance notice to the prime sponsor of the proposed reallocation. Reallocations of funds under this subsection will not affect State-by-State or within-State apportionments.

Subsection (e) provides for publication in the Federal Register of apportionments and labor-market areas.

Section 207. Disaster relief

This section authorizes the Secretary to utilize discretionary and reallocated funds to assist eligible applicants in providing additional employment in carrying out public services needed in major disaster areas.

Section 208. Special conditions

Subsection (a) of this section sets forth certain special conditions which must be met before the Secretary may provide financial assistance under this title.

Subsection (b) provides that, to the maximum extent feasible, programs approved under this title shall contribute to the elimination of artificial barriers to employment and occupational advancement.

Subsection (c) provides that, in the case of work and training programs related to physical improvements, special consideration shall be given to improvements which will be used substantially by low-income persons and families or which will contribute substantially to amenities or facilities in low-income urban or rural areas.

Subsection (d) provides that where a labor organization represents employees engaged in similar work in the same labor market area to that proposed to be performed under programs for which an application is submitted under this title, the Secretary shall notify such organization prior to approval of such application.

Subsection (e) provides for regulations to assure that programs under this title have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, and other policies to promote the effective use of funds.

Section 209. Special report

This section provides that, as a part of his annual report required under section 12 of this act, the Secretary shall make a detailed report on the activities conducted under this title, including information on the extent to which participants subsequently secure and retain public or private employment or participate in training or employability development programs.

TITLE III—SPECIAL WORK AND TRAINING PROGRAMS

Part A—General provisions

Section 301. Equitable Distribution of Assistance

This section provides that the Secretary shall establish criteria designed to achieve an equitable distribution of assistance among the States under this title, considering among other relevant factors, the ratios of population, unemployment, and income levels. No more than 15 percent of the sums available for each part shall be used within any one State.

Section 302. Limitations on Federal Assistance

This section provides that Federal financial assistance may not ordinarily exceed 90 percent of program costs, including administrative costs.

Section 303. Administrative Regulations

This section provides for regulations to assure that programs under this title have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, availability of inservice training and technical assistance programs, and other policies to promote the effective use of funds.

Part B—Special work, training, and career development programs

Section 311. New Careers

This section provides that the Secretary shall carry out a special program known as "New Careers," providing financial assistance to public or private nonprofit agencies to provide the unemployed with jobs and the low-income worker with greater career opportunity.

Section 312. Mainstream

This section provides that the Secretary shall carry out a special program known as "Mainstream," providing financial assistance to public or private nonprofit agencies for projects which involve work activities directed to the needs of those chronically unemployed poor who have poor employment prospects.

Section 313. Community Environment Service

This section provides that the Secretary shall carry out a special program known as the "Community Environment Service," providing financial assistance to public or private nonprofit agencies, especially such programs sponsored by State, county, and city governments. Such programs may provide employment on a full-time or part-time basis for persons to help restore a livable environment in urban and rural areas.

Section 314. Opportunities Industrialization Centers

This section provides that the Secretary shall make financial assistance available for the establishment and operation of "Opportunities Industrialization Centers" designed to provide comprehensive employment services and job opportunities for low-income persons who are unemployed or underemployed.

Section 315. Upgrading Programs

This section provides that the Secretary shall enter into arrangements with public or private employers to provide the necessary education and skill training necessary to prepare employees for positions of greater skill, responsibility, and remuneration in the employ of such employer.

Section 316. Jobs for Progress—Operation SER Programs

This section provides that the Secretary shall make financial assistance available for the establishment and operation of "Jobs for Progress—Operation SER Programs" designed to provide comprehensive employment services and job opportunities for low-income persons who are unemployed or underemployed.

Section 317. Management Training Programs

This section provides that the Secretary shall carry out a special program under which education, training and experience in business management are provided to enable individuals to secure and retain business management opportunities or to establish their own business concerns.

Section 318. Management Programs in Correctional Institutions

This section authorizes the Secretary to make grants to and contracts with public and private agencies and organizations for programs providing educational, vocational, rehabilitative, work experience, placement assistance, and related counseling and supportive services to enable inmates of correctional institutions to acquire relevant skills and to secure and retain meaningful employment after their confinement.

PART C—JOB CORPS

Section 331. Statement of Purpose

This section states that the Job Corps is established for low-income disadvantaged young men and women to assist such persons who need and can benefit from intensive programs in residential and nonresidential centers.

Section 332. Individuals Eligible for the Job Corps

This section sets forth eligibility criteria for enrollment in the Job Corps.

Section 333. Screening and Selection of Applicants

This section provides for rules for screening and selecting applicants for enrollment in the Job Corps.

Section 334. Special Limitations

This section specifies certain limitations upon selection of enrollees in the Job Corps.

Section 335. Enrollment and Assignment

This section provides that individuals may not ordinarily be enrolled in the Job Corps for more than 2 years, that enrollment shall not relieve any individual of obligations under the Selective Service Act, for an oath, that an individual shall be assigned to a center close to home, and that at least 40 percent of male enrollees shall be assigned to conservation centers or projects where their work activity is primarily directed to conservation, development, or management of public natural resources or recreational areas.

Section 336. Job Corps Centers

This section sets forth the Secretary's authority to enter into agreements with Federal, State, or local agencies, or private organizations for the establishment and operation of Job Corps centers.

Section 337. Program Activities

This section describes program activities to be provided in Job Corps centers.

Section 338. Allowances and Support

This section authorizes allowances and expenses for Job Corps enrollees. Personal allowances may not ordinarily exceed $50 per month during the first 6 months of an enrollee's participation in the program and not to exceed $75 per month thereafter.

Section 339. Standards of Conduct

This section authorizes stringent enforcement of standards of conduct and appropriate disciplinary measures with respect to enrollees in Job Corps centers.

Section 340. Community Participation

This section requires the Secretary to encourage cooperative relationships between Job Corps centers and nearby communities.

Section 341. Counseling and Job Placement

This section provides for counseling, testing, job placement, and followup with respect to Job Corps enrollees.

Section 342. Evaluation; Experimental and Developmental Projects

This section requires the Secretary to provide for the careful and systematic evaluation of the Job Corps program and authorizes the Secretary to support experimental, research, or demonstration projects designed to promote greater efficiency and effectiveness in the Job Corps program.

Section 343. Advisory Committees and Boards

This section authorizes the Secretary to make use of advisory committees or boards in connection with the operation of the Job Corps and the operation of Job Corps centers.

Section 344. Participation of the States

This section provides that the Secretary take necessary action to facilitate the effective participation of States in the Job Corps program and authorizes the Secretary to enter into agreements with State or local prime sponsors designated under title I of this act to assist in the operation or administration of programs carrying out the purpose of this part. No Job Corps center may be established within a State if the Governor disapproves within 30 days after the plan therefor is submitted to him.

Section 345. Application of Provisions of Federal Law

This section provides that Job Corps enrollees shall not be considered Federal employees, with certain specified exceptions.

Section 346. Special Limitations

This section provides that direct operating costs of Job Corps centers may not exceed $6,900 per enrollee, and that all studies, evaluations, proposals, and data developed with Federal funds in the operation of any center shall become the property of the United States.

Section 347. Political Discrimination and Political Activity

This section prohibits any inquiry or discrimination with respect to the political affiliation or beliefs of any enrollee in the Job Corps, and prohibits political activity on the part of officers, employees, and enrollees of the Job Corps.

Part D—Neighborhood youth programs

Section 351. Programs Authorized

This section provides that the Secretary shall provide financial assistance to public or private agencies serving urban and rural areas to carry out in-school neighborhood youth programs, out-of-school neighborhood youth programs, and summer youth job and recreation programs. In addition to the amounts authorized to be appropriated under section 3 for carrying out this act, further appropriations of such sums as Congress may determine are authorized specifically for summer youth job and recreation programs under this part.

Section 352. Special Conditions

This section specifies certain conditions which must be met before the Secretary may provide financial assistance for any program under this part. In the case of out-of-school neighborhood youth programs, the Secretary shall not limit the number or percentage of participants in any age group under 22 years of age, and the Secretary shall not limit the number of hours which participants may spend in work and on-the-job training to less than 80 percent of the number of hours per week spent in the program, and allowances for such work and on-the-job training shall not be less than the Federal minimum wage.

Section 353. Program Participants

This section provides that participants in programs under this part must be unemployed or low-income persons taking into consideration family size, urban-rural and farm-nonfarm differences, and other relevant factors.

TITLE IV—SPECIAL FEDERAL RESPONSIBILITIES

Part A—Manpower research and development

Section 401. Research and Development

This section provides that the Secretary shall establish a comprehensive program of manpower research and shall support experimental, developmental, demonstration, and pilot projects.

Section 402. Labor Market Information

This section provides that the Secretary shall develop a comprehensive system of labor market information on a national, State, local, or other appropriate basis.

Section 403. Manpower utilization

This section provides that the Secretary shall establish a program for the improvement of manpower utilization in sectors of the economy with manpower shortages or maximum utilization of existing manpower.

Section 404. Evaluation

This section provides that the Secretary of Labor shall provide for a system of eval-

uation of programs under this act and authorizes the Director of the Office of Economic Opportunity to provide for evaluation of programs to determine the effectiveness of programs in meeting the special needs of disadvantaged, chronically unemployed, and low-income persons.

Section 405. Removal of artificial barriers to employment and advancement

This section provides for the Secretary, in consultation with the Director of the Office of Economic Opportunity, to conduct a study of the extent to which artificial barriers to employment and occupation advancement restrict such opportunities within agencies conducting programs under this title and make recommendations for improvements.

Section 406. Training and technical assistance

This section provides for preservice and inservice training for specialized, supportive, and supervisory and other personnel, and for technical assistance needed in connection with programs under this act.

Section 407. Report on summer youth programs

This section provides that the Secretary shall transmit, not later than March 1 of each year, a report on work experience opportunities in summer youth programs, and any recommendations for supplemental appropriations for such programs.

Part B—National computerized job bank program

Section 431. Findings and purpose

This section sets forth congressional findings and states the purpose of this part to enlist the tools of modern technology in a cooperative Federal-State effort to reduce unemployment and underemployment and more adequately meet the Nation's manpower needs.

Section 432. Establishment of the program

This section provides for the establishment of a computerized job bank program.

Section 433. Conduct of the program

This section authorizes the Secretary to make arrangements for carrying out this part directly or through arrangements with State and local agencies and with other public or private agencies or organizations.

Section 434. Experiments, demonstrations, research and development

This section authorizes the Secretary to support experimental or demonstration projects, research and demonstration to improve the effectiveness of the program established by this part.

Section 435. Rules, Regulations, and Standards

This section authorizes the Secretary to prescribe rules, regulations, and standards for this part.

Part C—Development of employment opportunities for disadvantaged persons in federally assisted programs

Section 451. Purpose

This section states the purpose of this part to establish a program of research, development, and pilot activities for determining if Federal grant and assistance programs can provide increased opportunities for the employment and advancement of disadvantaged persons.

Section 452. Research

This section authorizes the Secretary to undertake studies of the contribution of Federal assistance programs to the overall employment level.

Section 453. Pilot Programs

This section authorizes the Secretary to conduct experimental, developmental, demonstration, and pilot programs designed to carry out the purposes of this part.

Section 454. Reports

This section provides that the President shall transmit an annual report to the Congress of his findings and recommendations under this part.

TITLE V—MANPOWER PROGRAMS FOR INDIAN, BILINGUAL MIGRANT, AND OLDER WORKERS

Part A—Indian manpower programs

Section 501. Statement of Findings and Purpose

This section states the congressional findings and purpose in establishing this part, because of the special relationship between the Federal Government and Indians.

Section 502. Establishment of Office of Indian Manpower Programs

This section establishes in the Department of Labor an Office of Indian Manpower Programs.

Section 503. Authorization

This section provides that funds available for this part shall be expended for programs and activities consistent with the purposes of this part, including but not limited to such programs and activities carried out by eligible applicants under other provisions of this act. The Secretary shall reserve funds for this part on the basis of the proportion of Indians and Alaska Natives to total low-income population.

Section 504. National Indian Manpower Advisory Council

This section provides for the appointment of a National Indian Manpower Advisory Council by the Secretary.

Section 505. Manpower Report

This section provides that a special section of the President's manpower report shall describe activities under this part.

Section 506. Trust Responsibilities

This section makes clear that no provision of this legislation shall abrogate in any way the trust responsibilities of the Federal Government to Indian bands and tribes.

Part B—Bilingual Manpower Programs

Section 511. Declaration of Policy

This section declares the policy to increase employment and training opportunities for persons with limited English-speaking ability.

Section 512. Authorization and Distribution of Funds

This section provides that the Secretary shall reserve funds for this part on the basis of the proportion of number of persons of limited English-speaking ability to the total population and provides that the distribution of funds within States and areas within States shall be based on need and geographic distribution of such persons.

Section 513. Uses of Funds

This section provides that funds available for this part shall be expended for program and activities consistent with the purposes of this part, including but not limited to such programs and activities carried out by eligible applicants under other provisions of this act, and sets forth certain special programs and activities for the use of such funds.

Section 514. Applications for Financial Assistance and Conditions for Approval

This section sets forth provisions which might be included in applications in order to be approved under this part.

Section 515. Definition

This section defines the term "persons of limited English-speaking ability" for purposes of this part as including persons who come from environments where the dominant language is other than English and who are preparing for work in a labor market where the dominant language is English.

Part C—Migrant and Seasonal Farmworker Manpower Programs

Section 521. Statements of Findings and Purpose

This section states the congressional findings and declaration of policy in establishing this title.

Secton 522. Establishment of an Office of Migrant and Seasonal Farmworker Manpower Programs

This section establishes in the Department of Labor an Office of Migrant and Seasonal Farmworker Manpower Programs.

Section 523. Authorization

This section provides that funds available for this part shall be expended for programs and activities consistent with the purposes of this part, including but not limited to such programs and activities carried out by eligible applicants under other provisions of this act. The Secretary shall reserve funds for this part on the basis of the proportion of members of migrant and seasonal farmworker families to total low-income population. Before approving financial assistance under this part, the Secretary must determine, on the basis of evaluation by the Migrant and Seasonal Farmworker Manpower National Advisory Council, that persons broadly representative of the population to be served are given the opportunity to participate in the development and implementation of programs under this part.

Section 524. Migrant and Seasonal Farmworker National Advisory Council

This section provides for the appointment of members of the Migrant and Seasonal Farmworker Manpower National Advisory Council.

Section 525. Duties of Council

This section sets forth the duties of the council to advise the President, the Secretary of Labor, and the Congress with respect to the problems of migratory agriculture labor.

Section 526. Annual Report

This section provides that the council shall study, investigate, conduct research, and prepare a report annually concerning matters relating to the purposes of this part.

Part D—Middle-Aged and Older Workers Manpower Programs

Subpart 1—General Provisions

Section 531. Declaration of Findings

This section declares the congressional findings on which this part is based.

Section 532. Statement of Purpose

This section states the purpose of this part to establish and assist programs for middle-aged and older workers.

Section 533. Authorization

This section provides that funds available for this part shall be expended for programs and activities consistent with the purposes of this part, including but not limited to such programs and activities carried out by eligible applicants under other provisions of this act. The Secretary shall reserve funds for this part on the basis of the proportion of number of heads of households 45 and older who are not in the labor force or are unemployed to the total population.

Section 534. Equitable Distribution of Assistance

This section provides that the Secretary shall establish criteria designed to achieve an equitable distribution of assistance under this part among the States and between urban and rural areas.

Section 535. Administration

This section contains administrative authority for the Secretary in carrying out this part.

Section 536. Program Development and Coordination

This section provides that the Secretary shall designate personnel to have responsibility for program leadership, development, and coordination for programs for middle-aged and older workers.

Section 537. Research and Information Programs

This section authorizes support for research and demonstration projects and the dissemination of information relating to training and job opportunities for middle-aged and older individuals.

Subpart 2—Midcareer Development Service Program

Section 541. Program Established

This section establishes a comprehensive midcareer development service program in the Manpower Administration of the Department of Labor.

Section 542. Training Programs

This section authorizes the Secretary to assist training programs for upgrading the work skills and capabilities of middle-aged and older persons.

Section 543. Training Persons To Train and Retrain Middle-Aged and Older Workers

This section authorizes the Secretary to carry out a program for training an adequate number of persons to become qualified to train and retrain middle-aged and older workers in skills needed in the economy.

Section 544. Special Services for Mass Layoffs

This section authorizes the Secretary to recruit and train personnel within the Department of Labor to be made available for recruitment, placement, and counseling services for persons in areas where substantial numbers of middle-aged and older workers are employed due to plant closings or permanent large-scale reduction in force.

Section 545. Specialized Services

This section provides that the Secretary shall carry out specialized services to meet the needs of older workers.

Section 546. Manpower Study

This section directs the Secretary to provide for a study of whether Federal manpower-related programs are responsive to the needs of middle-aged and older persons.

Subpart 3—Work Opportunities for Middle-Aged and Older Persons

Section 551. Increased Job Opportunities for Middle-Aged and Older Persons in Federally Assisted Programs

This section provides for review by the Secretary of Labor of Federal assistance programs to determine their potential for maximizing employment opportunities for middle-aged and older persons.

Section 552. Employment in Economic Opportunity Programs

This section provides for the Secretary to consult with the appropriate agency heads under the Economic Opportunity Act to maximize employment opportunities for middle-aged and older persons in antipoverty programs.

Section 553. Employment Services for Part-Time Employment

This section authorizes the Secretary to provide employment services to assist nonprofit volunteer agencies in securing part-time or temporary employment for middle-aged and older persons.

Subpart 4—Expanding Opportunities for Employment and Education

Section 561. Research, experimentation, and demonstration

This section authorizes the Secretary to support research, experimental and demonstration programs for improved ways to meet the employment and education needs of middle-aged and older persons.

Section 562. Extended unemployment compensation

This section provides that the Secretary shall study and report to the President and Congress by February 1, 1972, on the feasibility of a program of extended unemployment compensation benefits for unemployed workers aged 55 and older who have exhausted their unemployment compensation.

Section 563. Compensation and disability insurance

This section provides for a report by the Secretary to Congress, not later than February 1, 1972, on means of eliminating the lack of coverage and other inadequacies in workmen's compensation and disability insurance programs, health insurance, and pension plans, particularly as they affect adversely the employment of middle-aged and older workers.

Subpart 5—Federal Employment Opportunities for Middle-Aged and Older Workers

Section 571. Study

This section authorizes the Civil Service Commission to undertake a study of part-time employment in the executive branch of the Federal Government, including a determination of measures that may be undertaken to increase the number of part-time positions which may be filled by older individuals. A similar study with respect to subprofessional positions is also authorized.

Section 572. Preparing middle-aged persons for new careers in Government

This section authorizes the Civil Service Commission to undertake special work and training programs for middle-aged persons who are employed or low-income with job opportunities in the executive branch of the Federal Government in new types of careers.

TITLE VI—EMERGENCY EMPLOYMENT ASSISTANCE

Section 601. Program authorized

This section authorizes appropriations (which may be deposited in a fund until needed) to be expended as follows: $200 million the national rate of unemployment (seasonally adjusted) exceeds 4½ percent, and an additional $200 million when such rate exceeds 5 per cent.

TITLE VII—MISCELLANEOUS

Section 701. Effect on existing laws

This section repeals the Manpower Development and Training Act of 1962, and in lieu of the present language of parts A and B of title I of the Economic Opportunity Act of 1964 substitutes authority for the conduct of research, experimental, and developmental activities focused on providing more effective means for dealing with employment and employment-related problems of the economically disadvantaged. The Vocational Education Act of 1963 is amended to place authority for occupational training through State vocational education agencies in the Commissioner of Education.

Section 702. Amendments to title 38, United States Code

This section recodifies chapter 41 of title 38, United States Code, regarding job counseling, training, and placement services for veterans.

NEW EMPLOYMENT OPPORTUNITIES IMPORTANT

Mr. RANDOLPH. Mr. President, I support the Employment and Training Opportunities Act. It is a privilege to cosponsor this measure, championed by Senator NELSON.

This bill, I strongly believe, contains a sound and sensible approach to meet a twin crisis confronting our Nation—widespread unemployment and seriously inadequate public services.

First, the proposal provides for a new and expanded system of public service employment. This will not only provide many vitally needed community services—in such fields as health, public safety, education, transportation, pollution control, housing and neighborhood development—but will also help to open the door for new employment opportunities for thousands of unemployed persons.

Second, the programs of comprehensive manpower services can prepare, train and place jobless persons in gainful employment.

Additionally, the Employment and Training Opportunities Act establishes a number of important special emphasis programs for segments of our population who have been underrepresented in the Nation's employment and training efforts—Indians, Spanish-speaking minorities, migrant workers and the elderly.

As a sponsor of one of these categorical programs—the Middle-Aged and Older Workers Employment amendment—I address my remarks to this much-needed provision.

Various indices suggest that the critical period in the worklives of adults occurs during their late forties or early fifties. For this age group, several discernible trends are evident:

Joblessness begins to rise;

Duration of unemployment increases sharply;

Labor force participation declines; and

Poverty increases.

Since 1947 the unemployment rate among adult men has risen in practically every year after the 35 to 44 age category. Further, unemployment continues to increase for persons aged 55 to 64.

Once unemployed, the older worker also runs the greatest risk of long-term joblessness. In 1969, persons 45 and over accounted for about 37 percent of long-term unemployment—15 weeks or longer.

While unemployment is higher for younger persons, individuals 45 and older constitute a disproportionately high percentage of the year long-term unemployed—27 weeks or longer. In 1969, they were 42 percent of the total long-term unemployed, compared with 27 percent for persons 20 to 34.

I stress to Senators that these figures represent only a small part of the problems involving middle aged and older workers because the unemployment statistics do not include the dropout rate. During the past 20 years alarmingly large numbers of middle aged and older men have withdrawn from the labor force—too often unwillingly.

From 1949 to 1969 the number of men 55 to 64 who were not in the labor force increased from 800,000 to 1.4 million, an astounding 75-percent jump. During this same period, the dropout rate for men 65 and older was even more substantial, increasing from 2.8 million to 5.8 million.

If current labor force participation trends continue, one out of every six men presently in the 55 to 59 age category will no longer be in the work force by the time he reaches his 64th birthday. Ten years ago this ratio was only 1 in 8.

Mr. President, as a consequence of this critical unemployment situation, large numbers of persons 45 and older live in

poverty. Last year 8.5 million middle aged and older persons fell below the poverty line, Particularly significant and serious is the sharp increase in poverty with advancing age.

For example, 7.2 percent of all persons in the 45 to 54 age category are considered poor. For individuals 55 to 64, the number existing below the poverty threshold rises to 11.1 percent. And for persons 65 and older, there is a precipitous jump to 25.3 percent.

I feel that the existing unemployment conditions are a tangible indication of the problem. All persons have felt the impact of the economic slowdown this year, but older persons and their families have been especially hard hit:

From January to July, unemployment for persons 45 and over has jumped sharply from 632,000 to 922,000;

Long-term unemployment has risen by 62,000, from 148,000 to 210,000; and

Unemployment for 27 weeks or longer has increased by 52 percent, from 62,000 to 94,000.

It is increasingly apparent that many of our older citizens are without jobs because of circumstances beyond their control. Automation, plant shutdowns, age discrimination, lack of training opportunities and widespread unemployment have placed these workers in a critical situation.

However, my amendment, which is a part of the pending bill, would for the first time provide a comprehensive national program directed at the special needs of middle-aged and older persons. In meeting these needs, part D of title V would:

Provide training for persons 45 and older to upgrade their work skills and capabilities;

Train personnel to become qualified to train and retrain older workers;

Provide recruitment and counseling services in communities where a substantial number of middle-aged and older workers are unemployed because of a plant closedown or permanent large scale reduction in the labor force;

Assist nonprofit volunteer agencies in increasing employment opportunities for individuals 45 and older;

Authorize a wide range of research and demonstration projects to provide new employment opportunities for mature workers and to seek solutions to problems hindering their employment;

Provide for studies to consider ways to institute part-time employment opportunities for older workers in the executive branch and to consider the feasibility of job redesign to increase employment opportunities for older persons; and

Authorize the Civil Service Commission to undertake special work and training programs to provide unemployed or low-income persons at least 45 years of age with job opportunities in the executive branch in the fields of health, education, welfare, neighborhood redevelopment and public safety.

Mr. President, the middle-aged and older unemployed workers can become as productive as their younger counterparts. But a flexible and comprehensive employment and training program, adequately funded and staffed, is urgently needed to assist in this endeavor. During the next 10 years, our Nation will have to train and retrain substantially more individuals for jobs than we do now, as new opportunities for public service arise and industrial techniques and products change. And 10 years from now that pace will be even more accelerated.

Mr. President, I strongly support the Employment and Training Opportunities Act. I urge favorable action by the Senate. The national interest will be well served if it becomes law and is effectively administered.

MESSAGE FROM THE HOUSE— ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 11060) for the relief of Victor L. Ashley.

SENATE JOINT RESOLUTION 1— ORDER THAT AMENDMENTS AT THE DESK BE CONSIDERED AS HAVING BEEN READ

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all amendments to Senate Joint Resolution 1 now at the desk or which may be presented prior to the vote tomorrow to invoke cloture, be considered as having been read so as to comply in that regard with the provisions of rule XXII.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, reserving the right to object—and I shall not object—I should like to make clear that it is my understanding that agreement to the unanimous-consent request in no way waives the requirement that amendments at the desk must be germane.

Mr. BYRD of West Virginia. That is my understanding. I would like to ask the Presiding Officer if that understanding is correct.

The PRESIDING OFFICER. The understanding of the Senator from Michigan is absolutely correct.

Mr. GRIFFIN. Agreement to this unanimous-consent request does not affect the time when such an objection could be raised.

The PRESIDING OFFICER. That has no effect at all.

Mr. GRIFFIN. I thank the Senator.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND THE VICE PRESIDENT

The Senate continued with the consideration of the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States relating to the election of the President and the Vice President.

Mr. BYRD of Virginia. Mr. President, I support the principle of electoral reform. I think that our present system of electing the President and the Vice President needs to be changed.

At the same time, I do not feel that the changes we make in the electoral system should be more drastic than necessary.

The reason for this is that while advocates may speak with confidence of the effects of their proposed changes, they cannot be really sure of these effects. I believe this is clearly shown by the multitude of plans which have been advanced and by the widely varying predictions of the effects of each of these plans.

We know how our present system operates. We cannot be certain, however, of the results of making major alterations in the election mechanism.

I would personally prefer to see the Congress and the States approve an amendment which would preserve the essentials of the federal system in presidential elections. I believe that the proportional plan or the district plan would achieve this objective, while at the same time accomplishing the essential reform of our present system.

I have long favored such a change—and, as an editorial writer, endorsed the Lodge-Gossett proportional plan of 20 years ago. I am a cosponsor of a similar plan this year with the distinguished senior Senator from North Carolina (Mr. ERVIN).

Under the proportional plan, each State's electoral votes would be divided according to each candidates' share of the popular vote. For example, Virginia has 12 electoral votes: if one candidate received two-thirds of the vote and another the remaining third, the first candidate would get eight electoral votes from Virginia and the second would receive four.

I also look with favor on the district plan. Under this system, a candidate would receive one electoral vote for each congressional district he carried, plus two for each State he carried.

We also have before us the proposal to institute direct popular election, and a number of other alternative methods of electing the President. The issues involved in selecting a new electoral system are extremely complex. The choice of a new method will be a difficult one.

It is not a choice which we can afford to make lightly. I believe the merits of each proposal must be carefully weighed.

The Senate has been debating the issue of electoral reform for just 7 days.

Already, however, a move has been made to shut off debate on this vital issue—an issue that affects every American.

There is no justification for invoking cloture—shutting off debate—at this point.

I speak as one who favors change in the present, outdated system of choosing the President. Under the present method, a candidate who wins 51 percent of the popular vote in any State receives its entire electoral vote. The 49 percent who opposed him are unrepresented in the selection of a President.

I hope that a new method can be approved—one that will remove the inequities of the present system without destroying the basic principle of voting by States.

We are not going to resolve this diffi-

cult issue in a few days of debate. A full discussion is essential.

I, therefore, urge that the Senate reject the petition to choke off debate on electoral reform.

GEOTHERMAL STEAM ACT OF 1970

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that S. 3867 be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 1177, S. 368.

The PRESIDING OFFICER. The bill will be stated by title.

The title of the bill was read, as follows: A bill (S. 368) to authorize the Secretary of the Interior to make disposition of geothermal steam and associated geothermal resources, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Geothermal Steam Act of 1970".

SEC. 2. As used in this Act, the term—

(a) "Secretary" means the Secretary of the Interior;

(b) "geothermal lease" means a lease issued under authority of this Act;

(c) "geothermal steam and associated geothermal resources" means (i) all products of geothermal processes, embracing indigenous steam, hot water and hot brines; (ii) steam and other gases, hot water and hot brines resulting from water, gas, or other fluids artificially introduced into geothermal formations; (iii) heat or other associated energy found in geothermal formations; and (iv) any byproduct derived from them;

(d) "byproduct" means any mineral or minerals (exclusive of oil, hydrocarbon gas, and helium) which are found in solution or in association with geothermal steam and which have a value of less than 75 per centum of the value of the geothermal steam or are not, because of quantity, quality, or technical difficulties in extraction and production, of sufficient value to warrant extraction and production by themselves;

(e) "known geothermal resources area" means an area in which the geology, nearby discoveries, competitive interests, or other indicia would, in the opinion of the Secretary, engender a belief in men who are experienced in the subject matter that the prospects for extraction of geothermal steam or associated geothermal resources are good enough to warrant expenditures of money for that purpose.

SEC. 3. Subject to the provisions of section 15 of this Act, the Secretary of the Interior may issue leases for the development and utilization of geothermal steam and associated geothermal resources (1) in lands administered by him, including public, withdrawn, and acquired lands, (2) in any national forest or other lands administered by the Department of Agriculture through the Forest Service, including public, withdrawn, and acquired lands, and (3) in lands which have been conveyed by the United States subject to a reservation to the United States of the geothermal steam and associated geothermal resources therein.

SEC. 4. If lands to be leased under this Act are within any known geothermal resources area, they shall be leased to the highest responsible qualified bidder by competitive bidding under regulations formulated by the Secretary. If the lands to be leased are not within any known geothermal resources area, the qualified person first making application for the lease shall be entitled to a lease of such lands without competitive bidding. Notwithstanding the foregoing, at any time within one hundred and eighty days following the effective date of this Act:

(a) with respect to all lands which were on September 7, 1965, subject to valid leases or permits issued under the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 181 et seq.), or under the Mineral Leasing Act of Acquired Lands, as amended (30 U.S.C. 351, 358), or to existing mining claims located on or prior to September 7, 1965, the lessees or permittees or claimants or their successors in interest who are qualified to hold geothermal leases shall have the right to convert such leases or permits or claims to geothermal leases covering the same lands;

(b) where there are conflicting claims, leases, or permits therefor embracing the same land, the person who first was issued a lease or permit, or who first recorded the mining claim shall be entitled to first consideration;

(c) with respect to all lands which were on September 7, 1965, the subject of applications for leases or permits under the above Acts, the applicants may convert their applications to applications for geothermal leases having priorities dating from the time of filing of such applications under such Acts;

(d) no person shall be permitted to convert mineral leases, permits, applications therefor, or mining claims for more than two geothermal leases under this Act in any one State, and no person shall be permitted to convert such mineral leases, permits, applications therefor, or mining claims for more than four geothermal leases in the United States; and

(e) the conversion of leases, permits, and mining claims and applications for leases and permits shall be accomplished in accordance with regulations prescribed by the Secretary. No right to conversion to a geothermal lease shall accrue to any person under this section unless such person shows to the reasonable satisfaction of the Secretary that substantial expenditures for the exploration, development, or production of geothermal steam have been made by the applicant who is seeking conversion, on the lands for which a lease is sought or on adjoining, adjacent, or nearby Federal or non-Federal lands.

SEC. 5. Geothermal leases shall provide for—

(a) a royalty of not less than 5 per centum or more than 15 per centum of the amount or value of steam, or any other form of heat or energy derived from production under the lease and sold or utilized by the lessee or reasonably susceptible to sale or utilization by the lessee;

(b) a royalty of not more than 5 per centum of the value of any byproduct derived from production under the lease and sold or utilized or reasonably susceptible of sale or utilization by the lessee, except that as to any byproduct which is a mineral named in section 1 of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 181), the rate of royalty for such mineral shall be the same as that provided in that Act and the maximum rate of royalty for such mineral shall not exceed the maximum royalty applicable under that Act;

(c) payment in advance of an annual rental of not less than $1 per acre or fraction thereof for each year of the lease. If there is no well on the leased lands capable of producing geothermal resources in commercial quantities, the failure to pay rental on or before the anniversary date shall terminate the lease by operation of law: *Provided, however,* That whenever the Secretary discovers that the rental payment due under a lease is paid timely but the amount of the payment is deficient because of an error or other reason and the deficiency is nominal, as determined by the Secretary pursuant to regulations prescribed by him, he shall notify the lessee of the deficiency and such lease shall not automatically terminate unless the lessee fails to pay the deficiency within the period prescribed in the notice: *Provided further,* That, where any lease has been terminated automatically by operation of law under this section for failure to pay rental timely and it is shown to the satisfaction of the Secretary of the Interior that the failure to pay timely the lease rental was justifiable or not due to a lack of reasonable diligence, he in his judgment may reinstate the lease if—

(1) a petition for reinstatement, together with the required rental, is filed with the Secretary of the Interior; and

(2) no valid lease has been issued affecting any of the lands in the terminated lease prior to the filing of the petition for reinstatement; and

(d) a minimum royalty of $2 per acre or fraction thereof in lieu of rental payable at the expiration of each lease year for each producing lease, commencing with the lease year beginning on or after the commencement of production in commercial quantities. For the purpose of determining royalties hereunder the value of any geothermal steam and byproduct used by the lessee and not sold and reasonably susceptible of sale shall be determined by the Secretary, who shall take into consideration the cost of exploration and production and the economic value of the resource in terms of its ultimate utilization.

SEC. 6. (a) Geothermal leases shall be for a primary term of ten year. If geothermal steam is produced or utilized in commercial quantities within this term, such lease shall continue for so long thereafter as geothermal steam is produced or utilized in commercial quantities, but such continuation shall not exceed an additional forty years.

(b) If, at the end of such forty years, steam is produced or utilized in commercial quantities and the lands are not needed for other purposes, the lessee shall have a preferential right to a renewal of such lease for a second forty-year term in accordance will such terms and conditions as the Secretary deems appropriate.

(c) Any lease for land on which, or for which under an approved cooperative or unit plan of development or operation, actual drilling operations were commenced prior to the end of its primary term and are being diligently prosecuted at that time shall be extended for five years and so long thereafter, but not more than thirty-five years, as geothermal steam is produced or utilized in commercial quantities. If, at the end of such extended term, steam is being produced or utilized in commercial quantities and the lands are not needed for other purposes, the lessee shall have a preferential right to a renewal of such lease for a second term in accordance with such terms and conditions as the Secretary deems appropriate.

(d) For purposes of subsection (a) of this section, production or utilization of geothermal steam in commercial quantities shall be deemed to include the completion of one or more wells producing or capable of producing geothermal steam in commercial quantities and a bona fide sale of such geothermal steam for delivery to or utilization by a facility or facilities not yet installed but scheduled for installation not later than fifteen years from the date of commencement of the primary term of the lease.

(e) Leases which have extended by reason of production, or which have produced geothermal steam, and have been determined by the Secretary to be incapable of further commercial production and utilization of geothermal steam may be further extended for a period of not more than five years from the date of such determination but only for so

long as one or more valuable byproducts are produced in commercial quantities. If such byproducts are leasable under the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 181, et seq.), or under the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351–358), and the leasehold is primarily valuable for the production thereof, the lessee shall be entitled to convert his geothermal lease to a mineral lease under, and subject to all the terms and conditions of, such appropriate Act upon application at any time before expiration of the lease extension by reason of byproduct production. The lessee shall be entitled to locate under the mining laws all minerals which are not leasable and which would constitute a byproduct if commercial production or utilization of geothermal steam continued. The lessee in order to acquire the rights herein granted him shall complete the location of mineral claims within ninety days after the termination of the lease for geothermal steam. Any such converted lease or the surface of any mining claim, located for geothermal byproducts mineral affecting lands withdrawn or acquired in aid of a function of a Federal department or agency, including the Department of the Interior, shall be subject to such additional terms and conditions as may be prescribed by such department or agency with respect to the additional operations or effects resulting from such conversion upon adequate utilization of the lands for the purposes for which they are administered.

(f) Minerals locatable under the mining laws of the United States in lands subject to a geothermal lease issued under the provisions of this Act which are not associated with the geothermal steam and associated geothermal resources of such lands as defined in section 2(c) herein shall be locatable under said mining laws in accordance with the principles of the Multiple Mineral Development Act (68 Stat. 708; found in 30 U.S.C. 521 et seq.).

SEC. 7. A geothermal lease shall embrace a reasonably compact area of not more than two thousand five hundred and sixty acres, except where a departure therefrom is occasioned by an irregular subdivision or subdivisions. No person, association, or corporation, except as otherwise provided in this Act, shall take, hold, own, or control at one time, whether acquired directly from the Secretary under this Act or otherwise, any direct or indirect interest in Federal geothermal leases in any one State exceeding twenty thousand four hundred and eighty acres, including leases acquired under the provisions of section 4 of this Act.

At any time after fifteen years from the effective date of this Act the Secretary, after public hearings, may increase this maximum holding in any one State by regulation, not to exceed fifty-one thousand two hundred acres.

SEC. 8. (a) The Secretary may readjust the terms and conditions, except as otherwise provided herein, of any geothermal lease issued under this Act at not less than ten-year intervals beginning ten years after the date the geothermal steam is produced, as determined by the Secretary. Each geothermal lease issued under this Act shall provide for such readjustment. The Secretary shall give notice of any proposed readjustment of terms and conditions, and, unless the lessee files with the Secretary objection to the proposed terms or relinquishes the lease within thirty days after receipt of such notice, the lessee shall conclusively be deemed to have agreed with such terms and conditions. If the lessee files objections, and no agreement can be reached between the Secretary and the lessee within a period of not less than sixty days, the lease may be terminated by either party.

(b) The Secretary may readjust the rentals and royalties of any geothermal lease issued under this Act at not less than twenty-year intervals beginning thirty-five years after the date geothermal steam is produced, as determined by the Secretary. In the event of any such readjustment neither the rental nor royalty may be increased by more than 50 per centum over the rental or royalty paid during the preceding period, and in no event shall the royalty payable exceed 22½ per centum. Each geothermal lease issue under this Act shall provide for such readjustment. The Secretary shall give notice of any proposed readjustment of rentals and royalties, and, unless the lessee files with the Secretary objection to the proposed rentals and royalties or relinquishes the lease within thirty days after receipt of such notice, the lessee shall conclusively be deemed to have agreed with such terms and conditions. If the lessee files objections, and no agreement can be reached between the Secretary and the lessee within a period of not less than sixty days, the lease may be terminated by either party.

(c) Any readjustment of the terms and conditions as to use, protection, or restoration of the surface of any lease of lands withdrawn or acquired in aid of a function of a Federal department or agency other than the Department of the Interior may be made only upon notice to, and with the approval of, such department or agency.

SEC. 9. If the production, use, or conversion of geothermal steam is susceptible of producing a valuable byproduct or byproducts, the Secretary shall require substantial beneficial production or use thereof unless, in individual circumstances he modifies or waives this requirement in the interest of conservation of natural resources or for other reasons satisfactory to him. However, the production or use of such byproducts shall be subject to the rights of the holders of preexisting leases, claims, or permits covering the same land or the same minerals, if any.

SEC. 10. The holder of any geothermal lease at any time may make and file in the appropriate land office a written relinquishment of all rights under such lease or of any legal subdivision of area covered by such lease. Such relinquishment shall be effective as of the date of its filing. Thereupon the lessee shall be released of all obligations thereafter accruing under said lease with respect to the lands relinquished, but no such relinquishment shall release such lessee, or his surety or bond, from any liability for breach of any obligation of the lease, other than an obligation to drill, accrued at the date of the relinquishment, or from the continued obligations, in accordance with the applicable lease terms and regulations, (1) to make payment of all accrued rentals and royalties, (2) to place all wells on the relinquished lands in condition for suspension or abandonment, and (3) to protect or restore substantially the surface and surface resources.

SEC. 11. The Secretary, upon application by the lessee, may authorize the lessee to suspend operations and production on a producing lease and he may, on his own motion, in the interest of conservation suspend operations on any lease but in either case he may extend the lease term for the period of any suspension, and he may waive, suspend, or reduce the rental or royalty required in such lease.

SEC. 12. Leases may be terminated by the Secretary for any violation of the regulations or lease terms after thirty days' notice provided that such violation is not corrected within the notice period, or in the event the violation is such that it cannot be corrected within the notice period then provided that lessee has not commenced in good faith within said notice period to correct such violation and thereafter to proceed diligently to correct such violation. Lessee shall be entitled to a hearing on the matter of such claimed violation or proposed termination of lease if request for a hearing is made to the Secretary within the thirty-day period after notice. The period for correction of violation or commencement to correct such violation of regulations or of lease terms, as aforesaid, shall be extended to thirty days after the Secretary's decision after such hearing if the Secretary shall find that a violation exists.

SEC. 13. The Secretary may waive, suspend, or reduce the rental or royalty for any lease or portion thereof in the interests of conservation and to encourage the greatest ultimate recovery of geothermal resources, if he determines that this is necessary to promote development or that the lease cannot be successfully operated under the lease terms.

SEC. 14. Subject to the other provisions of this Act, a lessee shall be entitled to use so much of the surface of the land covered by his geothermal lease as may be found by the Secretary to be necessary for the production, utilization, and conservation of geothermal resources.

SEC. 15. (a) Geothermal leases for lands withdrawn or acquired in aid of functions of the Department of the Interior may be issued only under such terms and conditions as the Secretary may prescribe to insure adequate utilization of the lands for the purposes for which they were withdrawn or acquired.

(b) Geothermal leases for lands withdrawn or acquired in aid of functions of the Department of Agriculture may be issued only with the consent of, and subject to such terms and conditions as may be prescribed by, the head of that Department to insure adequate utilization of the lands for the purposes for which they were withdrawn or acquired. Geothermal leases for lands to which section 24 of the Federal Power Act, as amended (16 U.S.C. 818), is applicable, may be issued only with the consent of, and subject to, such terms and conditions as the Federal Power Commission may prescribe to insure adequate utilization of such lands for power and related purposes.

(c) Geothermal leases under this Act shall not be issued for lands administered in accordance with (1) the Act of August 25, 1916 (39 Stat. 535), as amended or supplemented, (2) for lands within a national recreation area, (3) for lands in a fish hatchery administered by the Secretary, wildlife refuge, wildlife range, game range, wildlife management area, waterfowl production area, or for lands acquired or reserved for the protection and conservation of fish and wildlife that are threatened with extinction, (4) for tribally or individually owned Indian trust or restricted lands, within or without the boundaries of Indian reservations.

SEC. 16. Leases under this Act may be issued only to citizens of the United States, associations of such citizens, corporations organized under the laws of the United States or of any State or the District of Columbia, or governmental units, including, without limitation, municipalities.

SEC. 17. Administration of this Act shall be under the principles of multiple use of lands and resources, and geothermal leases shall, insofar as feasible, allow for coexistence of other leases of the same lands for deposits of minerals under the laws applicable to them, for the location and production of claims under the mining laws, and for other uses of the areas covered by them. Operations under such other leases or for such other uses, however, shall not unreasonably interfere with or endanger operations under any lease issued pursuant to this Act, nor shall operations under leases so issued unreasonably interfere with or endanger operations under any lease, license, claim, or permit issued pursuant to the provisions of any other Act.

SEC. 18. For the purpose of properly conserving the natural resources of any geothermal pool, field, or like area, or any part thereof, lessees thereof and their representatives may unite with each other, or

jointly or separately with others, in collectively adopting and operating under a cooperative or unit plan of development or operation of such pool, field, or like area, or any part thereof, whenever this is determined and certified by the Secretary to be necessary or advisable in the public interest. The Secretary may in his discretion and with the consent of the holders of leases involved, establish, alter, change, revoke, and make such regulations with reference to such leases in connection with the institution and operation of any such cooperative or unit plan as he may deem necessary or proper to secure reasonable protection of the public interest. He may include in geothermal leases a provision requiring the lessee to operate under such a reasonable cooperative or unit plan, and he may prescribe such a plan under which such lessee shall operate, which shall adequately protect the rights of all parties in interest, including the United States. Any such plan may, in the discretion of the Secretary, provide for vesting in the Secretary or any other person, committee, or Federal or State agency designated therein, authority to alter or modify from time to time the rate of prospecting and development and the quantity and rate of production under such plan. All leases operated under any such plan approved or prescribed by the Secretary shall be excepted in determining holdings or control for the purposes of section 7 of this Act.

When separate tracts cannot be independently developed and operated in conformity with an established well-spacing or development program, any lease, or a portion thereof, may be pooled with other lands, whether or not owned by the United States, under a communitization or drilling agreement providing for an apportionment of production or royalties among the separate tracts of land comprising the drilling or spacing unit when determined by the Secretary to be in the public interest, and operations or production pursuant to such an agreement shall be deemed to be operations or production as to each lease committed thereto.

The Secretary is hereby authorized, on such conditions as he may prescribe, to approve operating, drilling, or development contracts made by one or more lessees of geothermal leases, with one or more persons, associations, or corporations whenever, in his discretion, the conservation of natural products or the public convenience or necessity may require or the interests of the United States may be best served thereby. All leases operated under such approved operating, drilling, or development contracts, and interests thereunder, shall be expected in determining holdings or control under section 7 of this Act.

SEC. 19. Upon request of the Secretary, other Federal departments and agencies shall furnish him with any relevant data then in their possession or knowledge concerning or having bearing upon fair and adequate charges to be made for geothermal steam produced or to be produced for conversion to electric power or other purposes. Data given to any department or agency as confidential under law shall not be furnished in any fashion which identifies or tends to identify the business entity whose activities are the subject of such data or the person or persons who furnished such information.

SEC. 20. All moneys received under this Act from public lands under the jurisdiction of the Secretary shall be disposed of in the same manner as moneys received from the sale of public lands. Moneys received under this Act from other lands shall be disposed of in the same manner as other receipts from such lands.

SEC. 21. Within one hundred and twenty days after the effective date of this Act, the Secretary shall cause to be published in the Federal Register a determination of all lands which were included within any known geothermal resources area on the effective date of the Act. He shall likewise publish in the Federal Register from time to time his determination of other known geothermal resources areas specifying in each case the date the lands were included in such area.

SEC. 22. Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to its exemption from State water laws.

SEC. 23. (a) All leases under this Act shall be subject to the condition that the lessee will, in conducting his exploration, development, and producing operations, use all reasonable precautions to prevent waste of geothermal steam and associated geothermal resources developed in the lands leased.

(b) Rights to develop and utilize geothermal steam and associated geothermal resources underlying lands owned by the United States may be acquired solely in accordance with the provisions of this Act.

SEC. 24. The Secretary shall prescribe such rules and regulations as he may deem appropriate to carry out the provisions of this Act. Such regulations may include, with out limitation, provisions for (a) the prevention of waste, (b) development and conservation of geothermal and other natural resources, (c) the protection of the public interest, (d) assignment, segregation, extension of terms, relinquishment of leases, development contracts, unitization, pooling, and drilling agreements, (e) compensatory royalty agreements, suspension of operations or production, and suspension or reduction of rentals or royalties, (f) the filing of surety bonds to assure compliance with the terms of the lease and to protect surface use and resources, (g) use of the surface by a lessee of the lands embraced in his lease, (h) the maintenance by the lessee of an active development program, and (i) protection of water quality and other environmental qualities.

SEC. 25. As to any land subject to geothermal leasing under section 3 of this Act, all laws which either (a) provide for the disposal of land by patent or other form of conveyance or by grant or by operation of law subject to a reservation of any mineral or (b) prevent or restrict the disposal of such land because of the mineral character of the land, shall hereafter be deemed to embrace geothermal steam and associated geothermal resources as a substance which either must be reserved or must prevent or restrict the disposal of such land, as the case may be. This section shall not be construed to affect grants, patents, or other forms of conveyances made prior to the date of enactment of this Act.

SEC. 26. The first two clauses in section 11 of the Act of August 13, 1954 (68 Stat. 708, 716), are amended to read as follows:

"As used in this Act, 'mineral leasing laws' shall mean the Act of February 25, 1920 (41 Stat. 437); the Act of April 17, 1926 (44 Stat. 301); the Act of February 7, 1927 (44 Stat. 1057); Geothermal Steam Act of 1970, and all Acts heretofore or hereafter enacted which are amendatory of or supplementary to any of the foregoing Acts; 'Leasing Act minerals' shall mean all minerals which, upon the effective date of this Act, are provided in the mineral leasing laws to be disposed of thereunder and all geothermal steam and associated geothermal resources which, upon the effective date of the Geothermal Steam Act of 1970, are provided in that Act to be disposed of thereunder;".

SEC. 27. The United States reserves the ownership of and the right to extract under such rules and regulations as the Secretary may prescribe oil, hydrocarbon gas, and helium from all geothermal steam and associated geothermal resources produced from lands leased under this Act in accordance with presently applicable laws: *Provided*, That whenever the right to extract oil, hydrocarbon gas, and helium from geothermal steam and associated geothermal resources produced from such lands is exercised pursuant to this section, it shall be exercised so as to cause no substantial interference with the production of geothermal steam and associated geothermal resources from such lands.

Mr. BIBLE. Mr. President, I am pleased to have this opportunity to once again bring before the Senate a bill which will authorize the Secretary of the Interior to permit access to the public lands of the United States for the exploration and development of the geothermal steam and associated geothermal resources underlying the public domain lands—particularly in the West.

This subject is not new to the Senate. S. 368 is the latest in a long series of bills I have sponsored over the years in an effort to establish a proper statutory framework for the development of this little known, but potentially invaluable natural resource. In 1962, I introduced S. 3075 of the 87th Congress, followed by S. 883 of the 88th Congress, which passed the Senate on August 21, 1964, but was not acted on in the House. In April 1965 I introduced S. 1674 of the 89th Congress, which passed both Houses, but fell prey to an unfortunate and ill-advised Presidential veto. In 1967, I introduced S. 23 of the 90th Congress. The present bill S. 368 was introduced on January 17, 1969, and is cosponsored by our distinguished colleagues, Senators ALLOTT, BELLMON, BENNETT, CHURCH, FANNIN, HANSEN, Senator JORDAN of Idaho, and Senators McGEE and Moss. And, needless to say, I am pleased and gratified that they have joined me in the present effort to move this much needed, highly significant, legislation forward.

Mr. President, I have characterized geothermal steam and its associated by-products as a "little known" resource, so a word is in order as to just what it is we are talking about. Those who have taken the time to think about and search for new sources of energy are aware of it, but unfortunately the general public is not.

By dictionary definition "geothermal" means "of or relating to the heat of the earth's interior." In certain areas of relatively recent volcanic activity large pockets of earth heat are found sufficiently near the surface to be usable for the production of electric energy. As pointed out in the committees report under present technology, the accessible heat resources that have been developed are associated with highly pressurized underground water at tremendously high temperatures. As these superheated waters are brought to the surface the pressure drops. The water becomes steam energy capable of turning giant generators for the production of electric power. And as a collateral benefit, the superheated waters sometimes contain commercially valuable minerals in solution that are recoverable.

We are talking about "geothermal power," which is, literally, earth-heat-energy. Put another way, we are talking about tapping the earth's natural steam-

plants in an effort to help meet the mounting demand for electric power.

We are talking about an energy resource that is particularly attractive in this time of growing consciousness of environmental hazards. According to the available evidence, geothermal power production is relatively pollution free as compared to power production from fossile fuels.

Today, there is one very significant ongoing geothermal power project in the United States. It is located at the Geysers in Sonoma County, Calif., about 90 miles from San Francisco. The Pacific Gas and Electric Co. is now producing some 84,000 kilowatts of electricity from energy supplied by geothermal steam wells. And, according to a recent report, P.G. & E. expects to have over 600 megawatts of generating capacity operating on natural steam sources by the end of 1975.

So we already have a significant demonstration of geothermal power in the United States. We also know that other nations are showing increasing interest in the resource. Italy has been generating electricity from natural steam power since 1904. The present geothermally supplied generating capacity at Larderello, Italy, is some 390 megawatts. And New Zealand, Mexico, Japan, the Soviet Union, and Iceland are all concentrating a great deal of attention on geothermal power. The worldwide interest is such that I understand that a United Nations Symposium on the Development and Utilization of Geothermal Resources is scheduled to be held in Pisa, Italy, later this month.

Mr. President, the Department of the Interior estimates that there are some 1,350,000 acres of known geothermal resources areas on the public domain in the Western States. In fact, they have withdrawn these areas from all forms of mineral entry because of the indicated presence of this resource. The Government feels that it lacks legal authority to open these and other public domain lands for geothermal exploration and development, and a clearcut statutory system for disposal of the resource is already long overdue.

There is nothing strikingly new in the bill now before the Senate. S. 368 is patterned after the previous legislation on the same subject. The bill authorizes the Secretary of Interior to lease public lands for the development of this resource in much the same manner as he is now authorized to lease the public domain for the development of oil and gas deposits under the Mineral Leasing Act of 1920, as amended.

But I want to make one thing absolutely clear. The "Old Faithful Geyser" at Yellowstone National Park is a phenomenon familiar to all Americans from early in their school days. In connection with the veto of my earlier geothermal leasing bill, it was suggested that the legislation would have permitted encroachment on this kind of protected national asset. That was not true under the earlier bill, nor is it true under this bill. Under S. 368 geothermal leases would not—and I repeat—not—be issuable for lands within national parks, monuments, and recreation areas. And they would not be issuable for lands within fish hatcheries administered by the Secretary, any wildlife refuge, wildlife range, game range, wildlife management areas, waterfowl production area, for lands acquired or reserved for the protection and conservation of fish and wildlife threatened with extinction, or for Indian-owned trust or restricted lands.

Also, while a geothermal lease would include rights to byproduct minerals, it would not include rights to any oil, hydrocarbons, gas, and helium that might be found incidental to geothermal development.

Following the well-known pattern of the Mineral Leasing Acts, lands within a known geothermal resources area would be leased to the highest responsible qualified bidder by competitive bidding under regulation formulated by the Secretary. "Wildcat" lands not within a known resources area would be leasable to the first qualified person making application without competitive bidding—as is now the case for oil and gas leasing.

In recognition of the equities involved, the bill provides a very limited, carefully circumscribed, exception to competitive bidding requirements in the case of a very few—according to the record, not more than 20—early geothermal pioneers—persons who notwithstanding the legal uncertainty involved—ventured onto the public lands and made substantial expenditures in an effort to uncover and demonstrate the potential of this resource under valid mineral leases or permits issued under the Mineral Leasing Acts as of September 7, 1965, or mining claims located on or prior to that date.

This is the so-called grandfather provision. Provided they can demonstrate to the reasonable satisfaction of the Secretary of the Interior that they have made substantial expenditures for the exploration, development or production of geothermal steam on the lands involved, an early pioneer would be entitled to convert his pre-existing permits, leases, or claims into not more than two geothermal steam leases in any one State—a total of 5,120 acres—and no person would be permitted to convert such rights into more than four geothermal steam leases nationwide—an outside maximum of 10,240 acres.

The Department of the Interior estimates that not more than 70,000 acres, at the most, would be subject to conversion by pioneers under the bill. This is miniscule in comparison to the 1,350,000 acres of presently known geothermal resources areas and the many millions of acres of public land that will be opened for exploration under the bill.

I think it noteworthy that the recent report of the Public Land Law Review Commission recommends that any geothermal steam leasing legislation recognize the equities of early pioneers of the resource. The committee—and I personally—agree that this should be done. In the minerals industry generally, historically American citizens were encouraged to go out onto the public domain to discover its hidden resources. Those willing to take the risks and endure the hardships were rewarded with the right to develop their findings. This system and tradition has worked well, and I think it should be continued.

Geothermal pioneers are no exception. The fact that we know anything of real value concerning this natural resource is due in large part to their initiative, their willingness to risk substantial investment, their foresight. They have demonstrated the enormous potential value of this little-known national asset. The present narrowly drawn, highly restrictive "grandfather" provision is in no sense a bonanza to anyone. On the contrary, it is an invitation to further risktaking. The limited preference provided by the bill is consistent with the Nation's time-honored tradition, and with fundamental concepts of fairplay. It reaffirms the committee's—and my personal—strong conviction that pioneer initiative deserves reasonable recognition.

Otherwise, Mr. President, S. 368 establishes the size of a geothermal lease at 2,560 acres and limits any one person's holdings to not more than 20,480 acres in any one State. Leases would be issuable for a primary term of 10 years. If at the end of this initial proving period, geothermal steam is being produced or utilized in commercial quantities, then the lease would continue for so long as such production or utilization continues, but not to exceed 40 years. And, if at the end of the first 40-year period steam continues to be produced in commercial quantities—and the land is not needed for other purposes—the lessee would have a preferential right to a renewal of his lease for a second 40-year period. Provisions are also included establishing the rates of rentals and royalties to be applicable to geothermal leases, and providing for the readjustment of lease terms at appropriate intervals. Provisions are included in the bill to obviate waste of the resource, and to assure the protection of the environment. The Secretary of the Interior is given broad regulatory authority to assure that the resource is developed diligently and in the public interest.

Mr. President, in S. 368 the committee has developed a bill that will protect the public interest in this natural resource, and one that should at the same time encourage private enterprise to move promptly to harness the geothermal power waiting to be tapped beneath the public domain. Without question, the public interest will be well-served by the earliest possible exploitation of this new, relatively pollution-free source of energy. It is a national asset that can no longer be neglected. And geothermal development also holds promise of valuable incidental byproduct production, and possibly the opening of new fresh water supplies in water-scarce parts of the country.

Geothermal power is a challenging opportunity. I think this is landmark legislation. I have thought so over the years.

I commend S. 368 to the Senate and urge its passage.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BIBLE. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. BYRD of West Virginia. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

STUDY OF FEASIBILITY OF A NATIONAL LAKESHORE ON LAKE TAHOE, IN THE STATES OF NEVADA AND CALIFORNIA

Mr. BIBLE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2008.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 2208) to authorize the Secretary of the Interior to study the feasibility and desirability of a national lakeshore on Lake Tahoe in the States of Nevada and California, and for other purposes which were, on page 2, line 12, strike out "Congress" and insert "President and the Congress of the United States,".

On page 3, line 7, strike out "and".

On page 3, line 11, strike out "Basin." and insert "Basin; and".

On page 3, after line 11, insert:

(e) alternative means of restoring and preserving the values inherent in the area under present ownership patterns.

On page 4, lines 1 and 2, strike out "such sums as may be necessary", and insert "not more than $50,000".

Mr. BIBLE. Mr. President, I have checked this matter with both sides of the aisle. I understand there is no objection to the House amendments. The bill was passed unanimously in the Senate. The House added some perfecting amendments. I think they are good amendments.

I move that the Senate concur in the amendments of the House to S. 2208.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada.

The motion was agreed to.

ADDITION OF THE FREEMAN SCHOOL TO THE HOMESTEAD NATIONAL MONUMENT OF AMERICA, NEBR.

Mr. BYRD of West Virginia. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 58.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 58) providing for the addition of the Freeman School to the Homestead National Monument of America in the State of Nebraska, and for other purposes, which was to strike out all after the enacting clause, and insert:

That, in order to further the interpretation and commemoration of the pioneer life of early settlers of the West, the Secretary of the Interior is authorized to acquire by donation or purchase with donated or appropriated funds the following described lands and interests therein, on which is situated the old school building known as Freeman School:

Beginning at the southeast corner of the southeast quarter of section 22, township 4 north, range 5 east, sixth principal meridian, Gage County, Nebraska, thence running north on the east line of the said quarter section 297 feet, thence west 214.5 feet, thence south 297 feet, thence east 214.5 feet to the point of beginning.

The Secretary is further authorized, in order to protect the setting of the Freeman School, preserve an adequate visual relationship with the existing Homestead National Monument of America, and provide access to the school from the national monument, to acquire by any of the above methods such lands and interests therein, as he deems necessary within the areas in certain sections of township 4 north, range 5 east, sixth principal meridian, Gage County, Nebraska, which are described as follows:

Section 22, beginning at a point 297 feet north of the southeast corner of the southeast quarter on the east line of the said quarter section, thence north along the east line of the said quarter section 103 feet, thence west 300 feet, thence south 400 feet to the south line of said quarter section, thence east along the south line of said quarter section 85.5 feet to the boundary of the Freeman School property, thence north along the boundary of the school property 297 feet, thence east along the boundary of the school property 214.5 feet to the point of beginning;

Section 23, the south 300 feet of the southwest quarter thereof;

Section 26, the north 300 feet of the northwest quarter northwest quarter thereof;

Section 27, beginning at the northeast corner of the northeast quarter, thence south along the east line of the said quarter section 300 feet, thence west 300 feet, thence north 300 feet to the north line of said quarter section, thence east along the north line of said quarter section 300 feet to the point of beginning; all containing about 31 acres.

SEC. 2. The property acquired pursuant to this Act shall be administered by the Secretary of the Interior as part of the Homestead National Monument of America, in accordance with the Act of March 19, 1936 (49 Stat. 1184), and the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented (16 U.S.C. 1 et seq.).

SEC. 3. For the purposes of this Act, there are authorized to be appropriated not more than $50,000, of which not more than $45,000 (April 1970 prices), plus or minus such amounts, if any, as may be justified by reasons of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein shall be appropriated for the rehabilitation and development of the Freeman School.

Mr. BYRD of West Virginia. Mr. President, I move that the Senate concur in the amendment of the House to S. 58.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

EMPLOYMENT AND TRAINING OPPORTUNITIES ACT OF 1970

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. What is the pending business?

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate now return to the consideration of the manpower training bill, Calendar No. 1152, S. 3867.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate resumed the consideration of S. 3867, to assure opportunities for employment and training to unemployed and underemployed persons, to assist State and local communities in providing needed public services, and for other purposes.

Mr. JAVITS. Mr. President, I consider the Employment and Training Opportunities Act of 1970 to be essential legislation for this session, and while I may seek by amendment to improve its provisions in respect to public service programs and in any other necessary respect I wish to indicate my general support for its passage.

The Employment and Training Opportunities Act of 1970 has been reported by the Committee on Labor and Public Welfare after extensive hearings held on the administration's proposed Manpower Training Act of 1970, which I introduced on August 12, 1969, along with Senators COOK, COOPER, DOMINICK, GOODELL, MURPHY, PROUTY, SCHWEIKER, and our distinguished minority leader, Senator SCOTT.

The three major changes called for under the administration bill were: First, decentralized administration of manpower programs with greater responsibility to be assumed by the States and cities; second, decategorization of programs so that States and cities would have flexible funds to meet their particular needs at the local level; and third, consolidation of major manpower development programs with related programs such as welfare, employment security, and vocational education programs.

Mr. President, I think it might be helpful if I were to outline the extent to which I consider the bill now before us to have achieved these three original objectives and generally what I consider to be its particular strengths and weaknesses. As ranking minority member of the committee, I also consider it appropriate to show how the reported bill departs from the original proposal made by the administration.

PUBLIC SERVICE EMPLOYMENT

Before I do so, I wish to indicate my position on what I consider to be a key remaining issue in respect to this bill—public service employment.

The Employment and Training Opportunities Act incorporates as title VI an innovative provision proposed by the administration—and which I have refined by amendment—providing for a triggering of additional funds for employment activities, as well as for training, in the event of a rise in the level of national unemployment. Under the provision, which is contained in title VII, the Secretary would be authorized to provide financial assistance in the following amounts:

First. The amount of $200 million when the Secretary determines that the rates—seasonally adjusted—of national unemployment equals or exceeds 4½ per centum for 3 consecutive months.

Second. The amount of $200 million when the Secretary determines that the rate—seasonally adjusted—of national unemployment equals or exceeds 5 per centum for 3 consecutive months.

Mr. President, this is a commendable provision. Such additional sums at an early stage of an economic downturn would have two advantages. First, the funds would ease the effect on those individuals who are too often the victims of high levels of unemployment. Second, funds would provide a countercyclical effect and thus contribute to the return to economic stability.

However, I do not believe that employment opportunities should be made available only under such circumstances. The fact is that even in times of normal unemployment, there are some 7 million unemployed and underemployed persons whom public services programs could benefit.

Accordingly, I have consistently supported the concept of a separate public service job program to provide employment opportunities for those who are the victims of unemployment, and early this year I proposed such a program as an amendment to the administration's Manpower Training Act.

There can be no doubt that our urban and rural areas are in desperate need of personnel and additional funds to provide services to meet unsatisfied commitments to improve the social and environmental conditions in which rich and poor alike now live. There have been a number of studies that would corroborate a finding that as many as 4.3 million jobs would be required to provide essential public services, and these can be tied to the training concept.

Therefore, I conclude that a public service employment program is both necessary in terms of individual needs for employment and justified in terms of unmet social and environmental needs.

However, we must go beyond the general acceptance of these propositions to decide whether the greater emphasis is to be given to individual or public needs. In short, whether we are to design a program that favors the employer or the employed.

I personally favor a program that is tailored to give primary emphasis to the individual.

I cannot support a permanent public service employment program which focuses so strongly on public needs that it merely provides a rationale for a form of revenue sharing or runs the risks of subjecting the poor, the underemployed, and the unemployed to the indignity of dead end employment as the only affirmative to welfare dependency.

Accordingly, I am submitting an amendment to title II of the bill to insure that the public service employment program to be established under that title will be administered as to individual participants so as to contribute to their occupational development and mobility and eventual movement into regular jobs.

Mr. President, I shall now indicate the extent to which I believe that the reported bill meets the basic three administration objectives, to which I referred earlier.

DECENTRALIZATION

The administration took the initiative in proposing that the basic responsibility for the planning and conduct of manpower training and related programs be shifted from the Federal Government to the State and local governments.

Under the Manpower Training Act, it was proposed that the Governors direct statewide planning and assure the provision of manpower services in rural and nonmetropolitan areas through a State comprehensive manpower agency, while mayors would be responsible for planning and implementing manpower programs in metropolitan areas. A State would be unable to obtain a major portion of its apportioned funds unless it worked out suitable relationships with local prime sponsors and unless local manpower plans were incorporated into a State comprehensive manpower development plan.

The reported bill adopts the general principle of decentralization and the basic local prime sponsorship concept with its underlying recognition of the needs of mayors and other heads of local units of government to be responsible for planning and implementing programs in their areas, but it permits local prime sponsors to have a direct planning and funding relationship with the Secretary of Labor, both in respect to their designation as prime sponsors and in respect to the submission of operating plans or applications. While the Governors have the authority to comment on plans for the designation of local prime sponsors—and upon applications by local prime sponsors for the conduct of programs in such areas—the State can serve only as a prime sponsor for areas not covered by local prime sponsorship plans.

Under the bill each city of 75,000 or more and certain counties which exercise local governmental function—or combinations of such units—are eligible to apply to the Secretary of Labor to be a prime sponsor for the conduct of manpower programs.

The cities—which have a great number of unemployment and underemployment persons—must have the authority to design their own programs, subject to overview by the Federal Government, and to the right of the States to comment and coordinate.

The prime sponsorship provisions of title I contain a number of provisions—submitted by the minority members and others on the committee and included in the bill—to insure that the Secretary would have the ability to deny prime sponsorship where the political jurisdiction covered by the prime sponsor applicant are not such as to make designation appropriate for the effective conduct of manpower programs: Under section 103, the Secretary must determine that "such services can be most effectively implemented by such applicant." Section 104(a)(2) provides that a county may be a prime sponsor only if it is determined by the Secretary to have general governmental powers substantially similar to a city and to serve a substantial part of a functioning labor market area. Section 104(b) provides that a prime sponsor must submit to the Secretary a prime sponsorship plan including provisions "which evidence capability for carrying out a comprehensive manpower services plan."

Additionally, the bill reserves for the Secretary's use 5 percent of funds under title I and 5 percent of funds under title II as "additional financial assistance as an incentive for the designation of prime sponsors for appropriate labor market areas or portions thereof."

Mr. President, I believe that the bill represents a workable compromise between State and local interests and between the need to maintain local political autonomy and yet encourage groupings of jurisdictions along lines that will best serve relevant labor market areas.

The concept that local needs can best be determined on the local level must not stop with the statehouse or the mayor's office, but extend to the communities themselves.

Accordingly, the bill contains provisions which I originally proposed as amendments to the Manpower Training Act requiring that State and local prime sponsors set forth appropriate arrangements with community action agencies and other community-based organizations for their participation in the conduct as well as the planning and evaluation of programs. I also support the provisions submitted by Chairman NELSON giving such agencies a special opportunity to review and comment upon plans or to serve as a local prime sponsor in the event that local government heads choose not to do so.

Community action agencies, and other community-based agencies have demonstrated an ability to contribute substantially to the development of manpower programs relevant to the disadvantaged and the unemployed, and while they should in no sense be entitled to a preference, these provisions are necessary to indicate to State and local prime sponsors that such organizations should be involved whether they demonstrate a capacity to render effective services.

The bill contains also a number of provisions, initiated by Senators BOGGS, SCHWEIKER, NELSON, and myself to encourage the meaningful development of opportunity industrialization centers. This approach, first initiated by Rev. Leon Sullivan in Philadelphia in 1964, has demonstrated a great success where persons who are low-income persons or their representatives provide, in conjunction with the educational and business communities, a full spectrum of employment training and related services.

Under past administrative actions, and under provisions in the proposed act, a number of manpower programs originally begun under the Economic Opportunity Act of 1964, and directed at the disadvantaged, have been delegated or transferred to established agencies. While there can be no doubt that these programs have and will be administered by the Department of Labor with sensitivity to the poor, it remains essential that the Office of Economic Opportunity—as the one agency whose special concern is the poor—retain authority to see that programs focus on the disadvantaged as originally intended. In that connection, the bill contains special provision for evaluation by the Office of Economic Opportunity and for consultation

with the Director of the Office of Economic Opportunity in respect to guidelines affecting the participation of the poor in the conduct, as well as the planning and evaluation of manpower programs.

The reported bill contains provision for the establishment of manpower services councils similar to the advisory bodies on the State and local level proposed by the administration under the Manpower Training Act. I share the intent of the administration and the other members of the committee that such bodies be representationally reflective of, and therefore responsive to, all elements of community, including low-income persons and their representatives along with representatives of the educational, vocational education, vocational rehabilitation, business, labor, and other manpower elements of the community.

Section 105(b)(6) of the bill contains a provision to insure that State and local prime sponsors utilize wherever feasible, services and facilities which are available from Federal, State, and local agencies which fail to demonstrate a capacity to meet the needs of the disadvantaged or others to be served under the act. Until existing agencies—such as the employment service—uniformly exhibit over the Nation a special sensitivity to the needs of the disadvantaged, there must be flexibility in deciding what combination of agencies and services can best serve the clientel of manpower programs in a particular area.

DECATEGORIZATION

A principal objective of the administration's proposed Manpower Training Act was to provide State and local prime sponsors with liquid funds in order to enable them to respond more flexibly to particular local conditions and to training and related needs of individuals in their areas.

This objective arose from the recognition that under current manpower programs those seeking economic independence through employment frequently find it necessary to shop around among categorical programs seldom responsive to individual needs. Also, local program administrations have been forced too often to accept an arbitrary package of programs not suitable to their areas.

I think that the reported bill falls short of effecting the decategorization of programs that is desirable ultimately. However, I recognize the necessity of providing State and local prime sponsors with program models to assist in the formulation of activities to meet local needs. Accordingly, I express the hope that the categorical programs set forth in titles III and V of the reported bill be administered by the Secretary of Labor in such a way as to permit rather than to impede the development of activities on the State and local level relevant to the particular needs of the area.

Mr. President, I shall comment briefly on two special emphasis activities which I authored.

The committee adopted an amendment, which I offered, authorizing the Secretary of Labor to conduct a special program under which education, training and experience in business management would be provided to enable individuals to secure and retain business management opportunities or to establish their own business concerns. The authorization is found in section 317 of the reported bill.

Although the program would not be limited to particular groups, it is believed that members of minority groups could best benefit from assistance under the program. "One Year Later," published on March 1969 by Urban America, Inc., and the Urban Coalition, as a followup on the report of the National Advisory Commission on Civil Disorders, noted that blacks own only about 1 percent of the nearly 5 million businesses in the country, and fewer than 3 percent of those who classify themselves as self-employed are black. The record for other minorities is similar.

The authorized program is not intended to supplant existing programs conducted by the Small Business Administration, the Office of Economic Opportunity, or the Economic Development Administration, but merely to provide a business management training program as part of local manpower training opportunities.

As noted by Director of Office of Minority Business Enterprise, which is responsible for coordinating all programs in this area, in a letter addressed to me dated July 15, 1970:

In recent years the Federal Government has allocated an admirably large amount of resources to training programs which develop the skills necessary to be productive employees. Nevertheless, in the words of President Nixon . . . to foster the economic status and the pride of the members of our minority groups, we must seek to involve them more fully in our private enterprise system . . . and not only as workers, but also as managers and owners. Certain jobs can provide effective preparation for business ownership; unfortunately, however, too few of the jobs newly opened to minority citizens have been of such caliber to afford intensive exposure to the intricacies of business management. Therefore, jobs and Federal job training programs are not presently the fertile source of entrepreneurs that they might be.

Mr. President, I ask unanimous consent that full text of the letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF COMMERCE,
Washington, D.C., July 15, 1970.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: On July 7, you asked our office to provide you with some thoughts on business management training for minority citizens. We were glad to learn that you and others with the Senate Subcommittee for Employment, Manpower, and Poverty are looking into this area and we appreciate the opportunity of helping in any way we can.

Secretary Stans speaks figuratively of three basic "resource components" that must be combined with an entrepreneur to form a viable tax-paying business; they are: capital, realistic opportunity, and management and technical assistance. While all three of these are necessary components, it is possible that business skills (usually provided by a management assistance program) are the most important of the three components because they can be "the key" to securing the other two components.

Today, there are regrettably few places in which a minority entrepreneur can learn the important skills of business management.

In recent years, the Federal Government has allocated an admirably large amount of resources to training programs which develop the skills necessary to be productive employees. Nevertheless, in the words of President Nixon, ". . . to foster the economic status and the pride of the members of our minority groups, we must seek to involve them more fully in our private enterprise system . . . and not only as workers, but also as managers and owners." Certain jobs can provide effective preparation for business ownership; unfortunately, however, too few of the jobs newly opened to minority citizens have been of such caliber to afford intensive exposure to the intricacies of business management. Therefore, jobs and Federal job training programs are not presently the fertile source of entrepreneurs that they might be.

Formal collegiate education is another potential source of business training. While minority enrollment in business management schools is increasing, the number of minority business graduates still is unfortunately small. Cognizant of the need to increase the number of minority students in formal business education, the Office of Minority Business Enterprise has sought to help potential students by identifying sources of financial assistance available to them. Enclosed you will find a copy of the directory that resulted from our study; I am sure you will be interested to know that the directory lists a total of 107 business schools presently involved in business training for minority students. I hope our widespread distribution of the directory will enable more minorities to take advantage of those business schools.

Many universities, in addition to formal full-time business education courses, also sponsor seminars and short-course training programs for the part-time student or the adult businessman who wishes to upgrade his skills. From the descriptions in our directory, you will see that the typical course of this variety is one which meets one evening each week for 10–20 weeks. While these "enrichment" courses have proven extremely valuable, even their sponsors realize that they are not an effective substitute for intensive business and management training.

A final variety of management and technical assistance consists of specialized and short term consulting advice. In most cases, this assistance is offered by community organizations dedicated to minority business development (a type of agency which has become increasingly popular in recent years). Although these community organizations frequently provide start-up counselling to prospective minority entrepreneurs, and sometimes help put a new business together, they are not equipped to train businessmen and only in rare cases can they provide continuing assistance for any length of time after the business begins operation.

Today, an unprecedented amount of effort is being put forth by both government and private parties who seek to redeem the full meaning of our "free enterprise system" by providing minority citizens with realistic opportunities to become business owners. Literally millions of dollars and millions of very valuable man hours are expended annually. Unfortunately, that significant investment faces less-than-favorable odds for return. According to Dunn and Bradstreet, over 50 percent of all new businesses in the United States fail before the end of their second year; significantly, of 12,364 business failures in 1967, Dunn and Bradstreet attribute lack of managerial experience to 44 percent of

those failures and simple incompetence to 48 percent.

The Office of Minority Business Enterprise is putting its top priority efforts into improving those odds for success. Realizing the nearly total void that now exists in the area of intensive medium-term business management training, we have sought, over the past year, to locate the latest state-of-the-art expertise and support it with the resources necessary to deploy at least a workable pilot project that might lead to wide scale replication in the near future.

We have selected such a pilot project and have attempted to match it with Federal resources. The Whittemore School of Business, at the University of New Hampshire, under the leadership of Professor William Wetzel, was put in constant contact with the U.S. Departments of Labor and Health, Education and Welfare. Regrettably, these discussions have now continued for almost nine months and affirmative action steps still have not materialized.

The University of New Hampshire case is merely illustrative, but it carries major implications for the future Federal response to the critical need. OMBE, SBA, EDA and other Federal and private organizations dedicated to minority business development all stand ready to implement further projects of this type. But without the experience of a pilot project and, indeed, without a source of expeditious Federal support for projects of this type, we cannot meet the challenge.

It is for this reason that I am encouraged by your inquiry into the matter of minority business management development and I look forward to working with you further in the future. I would like to suggest that you contact our staff specialists on management assistance at your earliest convenience. You may reach Mr. Israel Rubin on 967-2865, and Messrs. Edward Shedlick and Daniel Lemanski on 967-3891.

Sincerely,

ABRAHAM S. VENABLE,
Director, Office of
Minority Business Enterprise.

Mr. JAVITS. Mr. President, in light of the interest and previous involvement of the educational community in such programs, the provision requires that all education components of programs be conducted with the prior concurrence of the Secretary of Health, Education, and Welfare, consultation with the Secretary of Health, Education, and Welfare, the Secretary of Commerce, the Administrator of the Small Business Administration, and the Director of the Office of Economic Opportunity is also required.

In carrying out the provisions of this section, the Secretary of Labor is authorized to make grants to public agencies, including education agencies, and to enter into contracts with private agencies and organizations.

The committee also adopted an amendment which I submitted authorizing the Secretary of Labor to make grants to and enter into contracts with public agencies and private organizations for the establishment, conduct, and evaluation of manpower training programs for the benefit of inmates in correctional institutions, to enable them to acquire relevant skills and to secure meaningful employment after their confinement. The provision is contained in section 318.

Under section 251 of the Manpower Development and Training Act of 1962, which expired June 30, 1970, a number of private programs of an experimental and demonstration nature were conducted by the Secretary of Labor together with the Secretary of Health, Education, and Welfare. In fiscal years 1968 and 1969, 37 demonstration projects at the Federal, State, and county levels were operated for 3,511 inmates, covering more than 44 different occupations. Of the 29 States that were participating in programs under the MDTA, three State agencies were usually responsible for the programs; the State education agency and the State employment service, working in cooperation with the State correctional agency. Only two prison institutions utilized public training facilities off the prison side.

Experience has established the value of programs of this kind. A field check of five prison programs operated under section 251, MDTA, conducted by the Manpower and Training Division of the Department of Health, Education, and Welfare reveals the following comparative rates of recidivism for prison inmates with training and those who did not undergo training:

[In percent]

State institution	Recidivism rate for inmates with training	Recidivism rate for inmates without training
Georgia	15	60
Minnesota	14	63
Tennessee	10	60
Florida	15	67
Texas	12	65

The potential of programs of this kind arises also from the fact that such a large percentage of the prison population is young. According to a Department of Health, Education, and Welfare study completed in April 1966, approximately 30 percent of all male prisoners are from 15 to 24 years old and almost 20 percent are between 20 and 24 years old, the crucial period when most young men are starting careers and beginning family life.

As under section 251 of the MDTA, the proposed provision would require agreement of the Secretary of Health, Education, and Welfare as to education and training components. The prior concurrence of the Attorney General of the United States would be required as to projects and programs being conducted in Federal correctional institutions, and where appropriate, consultation with State and local correctional and educational officials, would also be required.

Mr. President, returning to the bill as a whole, I note the desirability of having the special programs contained in titles III and V administered wherever feasible through the State and local prime sponsors designated under title I, unless the Secretary determines that it would not be in the interest of the particular groups or of program development to do so.

I support the reservation of funds contained in title IV for elements of the labor force which deserve particular attention, such as bilingual persons, Indians, migrants, middle-aged, and older workers.

The bill contains provisions submitted by Senator YARBOROUGH, chairman of the Committee on Labor and Public Welfare, Senator MURPHY, ranking minority member of the Subcommittee on Employment, Manpower, and Poverty, and myself to respond to the very special needs of persons for whom language is an impediment to full employment.

CONSOLIDATION

The third principal objective of the administration's proposed Manpower Training Act, consolidation of manpower-related programs at the local level—is accomplished to some extent under the reported bill.

Under section 105(b)(9) which I submitted along with other members of the minority, applications by State and local prime sponsors for the carrying out of programs under the act must also set forth arrangements for the conduct of programs administered by the Secretary of Labor, such as the Wagner-Peyser Act, and training and work programs to be conducted under the administration's proposed new Family Assistance Act.

I consider it desirable to encourage as much as possible coordination and cooperation between State and local prime sponsors and agencies administering vocational education, vocational rehabilitation, and related programs without granting such prime sponsors the authority to force inclusion of such programs under State or local plans. Hearings before the Subcommittee on Employment, Manpower and Poverty have identified the great need for such increased coordination and cooperation. The reported bill contains proposals, which Senator PROUTY and I submitted, authorizing the Secretary of Labor to expend 5 percent of funds apportioned to the States under title I as an incentive for such cooperation and coordination. The reported bill also adopts amendments which we proposed to insure an overview of manpower and manpower related programs by the National Manpower Advisory Committee and the Intergovernmental Advisory Council on Manpower which would be established under sections 11 and 12, respectively.

The bill contains the administration's proposed national computerized job bank to match jobseekers with job vacancies. This feature was originally suggested in 1966 by the National Commission on Technology, Automation, and Economic Progress, was endorsed by the Kerner Commission in 1968, and was included in the National Manpower Act of 1968, introduced by a number of the undersigned and other Republican Members of the Senate.

Mr. President, we face at the present time national unemployment at a level of 5.1 percent, with unemployment among teenagers at 15.9 percent, and among black teenagers approaching 30 percent. Although these special circumstances are by no means the only justification, they call attention to the plight of the underemployed and the unemployed.

Federal funding for manpower programs has increased from approximately 2 million in 1962 to approximately 2 billion in this fiscal year.

We desparately need a comprehensive system to insure that these funds reach their intended beneficiaries, and that new programs are initiated to help the more than 11 million persons who the

Department of Labor indicates fall into the target group for these programs.

The administration took the initiative in manpower—as it has in welfare—in proposing reform of the current system to make it more effective.

The committee has reported a bill which—while it differs in many respects from the administration's original approach—contains many of its provisions and, in my opinion holds forth the promise of greatly improving our efforts in the field of manpower and on-the-job training and job development for those who need it most.

AMENDMENT NO. 919

Mr. President, I submit an amendment to the pending bill, the Employment and Training Act of 1970 and ask that it be printed under the rule.

The PRESIDING OFFICER. The amendment will be received and printed and will lie on the table.

Mr. JAVITS. Mr. President, the purpose of my amendment is to insure that the public service employment program to be established under title II of the act will be administered as to individual participants so as to contribute to their occupational development and mobility and eventual movement into regular jobs.

Under the material part of my amendment, section 201 would authorize the Secretary of Labor to enter into arrangements in accordance with the provisions of title II in order to make financial assistance available to public and private nonprofit agencies and institutions for the purpose of:

> Providing employment opportunities to unemployed and underemployed persons in jobs providing needed public services where such opportunities will be accompanied by such on the job or related training, educational and other supportive services as may be necessary to promote the skill and occupational development and mobility of such persons and to enable them to obtain other employment.

The material portion of section 201 of the reported bill authorizes the Secretary of Labor to enter into arrangements in accordance with the provisions of the title in order to make financial assistance available to public and private nonprofit agencies and institutions for the purpose of:

> Providing employment and related training and manpower services for unemployed and underemployed persons . . . in jobs providing needed public services.

The amendment would also make a conforming change in section 204.

Mr. President, while I support the establishment of a public service employment program—and early this year proposed such a program as an amendment to the administration's Manpower Training Act, I am concerned that the public service employment provisions of title II training aspects of public service employment provisions of title II do not sufficiently emphasize the job training aspects of public service employment, and fail adequately to stress the expectation that such opportunities should lead to regular employment in the public or private sector.

I cannot support a public service employment program which runs the risk of serving as a disguised revenue sharing program or of subjecting the poor, the unemployed, and the underemployed to the indignity of dead end revenue, I personally favor a program that is tailored to give primary emphasis to the individual.

Accordingly, while the reported bill contains a number of provisions—which I shall note in particular later—included to stress the importance of training and manpower services and other efforts to promote occupational advancement, I consider it essential that the Senate make clear that it favors a public service employment program which will encourage movement into regular jobs.

Mr. President, if we are to establish a public service employment program which serves the participants, we must provide them not only with jobs, but with such on the job or related training—as well as educational and supportive services—necessary to promote individual skill and occupational development and mobility.

Those individuals and organizations which have most strongly advocated the establishment of public service employment programs have at all times made it clear that much more than the mere creation of a job "slot" is contemplated, and have stressed the importance of the job as an opportunity for one-the-job training and advancement to another position.

The National Advisory Commission on Civil Disorders—the Kerner Commission—which proposed the creation of 1 million jobs in the public sector, stated in its March 1968 report, at page 420:

> Emphasis in the expanded public employment programs should be shifted, as far as possible, from work experience to on-the-job training.

The National Commission on Technology, Automation, and Economic Progress report of February 1966, which indicated a public service emplyment program potential of 5.3 million jobs, stated at page 37:

> The public service employment program should be coupled with basic education, training, and counselling to raise the productivity of the employees and assist them to move on to better jobs. With this assistance, the opportunity for higher incomes would provide the necessary incentive to seek other jobs.

During the hearings on manpower legislation conducted by the Subcommittee on Employment, Manpower, and Poverty, early this year, individuals and organizations testifying in favor of public service programs repeatedly emphasized the need to couple employment opportunities with training and related services.

Testifying in Cleveland, Ohio, on February 20, 1970, Mayor Carl Stokes told the subcommittee:

> There will have to be some form of subsidized public service employee jobs created with upward mobility. Having learned from our experience of the thirties and forties with public service employment, it is not sufficient just to create a job on which a man or woman spends time, but, rather, a job which offers him the kind of compensation, offers him the kind of training, and also the upward mobility which then would bring him into being a contributing member of society and from which the society, itself would benefit. (Hearing Record, p. 750)

On May 14, 1970 Mrs. Betty Miller, on behalf of the American Federation of State, County, and Municipal Employees, AFL–CIO testified:

> Our union is in favor of a public service employment policy if such a policy is accompanied by the creation of jobs and advancement opportunities. It is specifically in relation to the opportunities for advancement of public employment that we speak today. Our experience with a recent manpower training program has led us to the conclusion that the components of career development and training are the key to meaningful public service opportunities. (Hearing Record, p. 2459)

Mr. President, I shall ask unanimous consent that there be included in the RECORD at the conclusion of my remarks an appendix "A" containing other statements contained in the hearing record and in other sources emphasizing the need for training and related services and for occupational development of persons employed under public service employment programs.

Mr. President, the necessity of providing extensive manpower training, education, and supportive services arises from the characteristics of the persons who can best benefit from an opportunity for a job in the public sector. The Department of Labor has estimated that the major target group for manpower programs—consisting of those who are poor and are unemployed, underemployed or out of the work force but willing to accept employment—includes some 7,328,000 persons. The current economic downturn has added between 400,000 and 500,000 persons to the 7.3 million estimate. Of the total target group, 78 percent have not completed high school. Current manpower training programs in the private and public sector can reach less than 1 million—or less than one-seventh of such persons in any given year.

In the 1965 study conducted by the Greenleigh Associates entitled "A Public Employment Program for the Unemployed Poor," it was noted that in Detroit, Mich., over 75 percent of heads of household in the poverty program were employed or had been employed as service, unskilled, or semiskilled workers, and that lack of skill was a common problem. In 35 percent of the households the employable adult lacked skills. Four percent had a literacy problem impeding employment.

Although persons on welfare rolls are by no means the only persons who can benefit from a public service employment program, we can expect that a great number of them will be provided opportunities under the reported act through referral by the Secretary of Labor under the proposed Family Assistance Act. A look at their characteristics, as outlined in tables appearing in a committee print dated June 1970, published by the Senate Committee on Finance, underscores the need for extensive on-the-job training and educational components. On the basis of a March 1969 population survey, only 6.8 percent of the 3,678,000 family heads of welfare families had 13 or more years of education while 45 percent had

only 8 years of education or no education whatsoever. The tables further indicate that 32.1 percent of family heads had no work experience during that year.

Mr. President, I shall ask unanimous consent that tables numbered 7, 15, and 17 from the Committee on Finance print dated June 1970 be included as Appendix B in the RECORD at the conclusion of my remarks.

The provision of extensive manpower training and related educational and other services in connection with public service employment is especially important because so many of those in the unemployed category are youths and can benefit from such activities. In fact, according to Department of Labor Statistics, 27 percent of the persons employed in the month of August 1970 were aged 16 to 19. While national unemployment in that month was 5.1 percent, teenage unemployment was at 15.9 percent, and black teenage unemployment approached 30 percent.

Mr. President, we would underestimate the great potential of the unemployed to assume from these statistics that those who are to participate in public service employment programs should be relegated to job slots where extensive training and an opportunity for mobility are not available. Experience with programs in both the private and the public sectors—for example the Job Opportunities in the Business Sector—JOBS—and the new careers program—suggest the great potential where training and upgrading are firmly attached to an actual job opportunity. On the other hand, experience with such programs as the Neighborhood Youth Corps and work experience and training programs under the Social Security Act suggest the limitations of offering jobs without strong training and upgrading elements. A Dunlap Associates survey indicates that about two-fifths of the trainees in the Neighborhood Youth Corps out-of-school programs had trouble getting or keeping jobs. Trainees reported that their lack of training—19 percent—and schooling—17 percent, as well as their belief in the shortage of jobs—37 percent—were the principal factors. On the other hand, training assisted both in obtaining a post-Neighborhood Youth Corps job and in holding a job that was directly related to the training received. Sixty percent of those who had a job were working in training-related jobs. Prof. Sar Levitan in his book "Antipoverty Work and Training Efforts: Goals and Reality," 1967, attributes the failure of community work and training projects authorized under the 1962 amendments to the Social Security Act to the fact that about 90 percent of the funds were disbursed for work payments, leaving very little for rehabilitative services. He concluded at page 77:

> Considering the economic climate in which the program operated, characterized by a tightening labor market, the effectiveness of the program could have been greatly enhanced by stressing an 'on-the-job' training approach—either utilizing the regular OJT program or its own special version involving waivers.

Mr. President, a review of the needed public service job positions suggests that a substantial number of opportunities—well in excess of the number which could be made available even under the authorizations contained in the proposed act—are of nature which relate naturally to on-the-job training leading to regular employment.

The 1965 Greenleigh Associates study concluded that 4,280,100 nonprofessional jobs could be filled in public and nonprofit agencies to perform useful and needed services, and that a goal of 469,500—plus or minus 100,000—could be set for the first year of the proposed program. Approximately 71 percent of public service jobs recommended by the report were in the health and education fields where training of persons to serve as hospital or education aides is already a normal part of the employers' activities.

The report notes that the theoretical potential of 2,016,900 employment opportunities in education includes 1,391,000 teacher aides. In regard to the latter, the report stresses the need to develop "a continuum in which it would be possible to advance from the entry position of teacher aide to the professional level."

However, the education and health areas are by no means alone in the need for on-the-job training as a necessary prerequisite to advancement and horizontal and vertical mobility. Public assistance aides, prison guards, recreation aides, patrolmen, service plant operators, environmental control technicians, and many other public service positions require on-the job training.

I shall ask unanimous consent that there be included in the RECORD at the conclusion of my remarks as Appendix "C" a table prepared by the Department of Labor at my request setting forth training times for various occupations as to which a definite need was identified by the Greenleigh Associates study.

Although I have emphasized the great potential for on-the-job training in the public sector as to "higher" positions, I neither suggest that initial entry level positions should be restricted to such positions nor that we should "look down" on activities that do not themselves require training. The essential point here is that the individual should either receive "on-the-job training" as to a job which he can later accept as "regular" employment or, while being employed in a "low-level" job receive training in a job which will enable him or her to advance.

Mobility is the key—whether it be horizontal or vertical—and individual mobility may be maintained only if a job is coupled with training and related services.

Mr. President, our goal must be to provide participants in the program with skills which will enable them to compete on an equal basis with others in the labor market for "regular" jobs. If we do, then, they will be in a solid position to have the benefit of new regular jobs that arise each year as a result of the natural growth of the public and private sectors. According to the most recent Bureau of Labor statistical projections in the next decade, nearly 400,000 opportunities will become available in the public sector each year. Moreover, a substantial number of the 1,050,000 new jobs which will arise each year for the private sector will be in fields where initial training and job opportunities may be in the public sector. Bureau of Labor Statistic projections indicate that in private health alone 73,000 jobs will be created each year, while there will be 31,000 new jobs in the private education field each year.

The report of the Committee on Labor and Public Welfare, on the bill itself, noting increases in jobs in New York City administrative offices of private manufacturing companies, comments at page 32:

> If New York's experience is at all a barometer of general urban trends in this particular respect, then there is an important potential "sidewise linkage" between the public and private sectors in the cities. Previously unemployed or subemployed ghetto residents may be given on-the-job training in local government offices, after which they may eventually move into basically similar positions in the administrative offices of the city's private firms. In this way, a public service job development program is potentially capable of generating important external benefits for the private employers in the urban economy by performing outreach, placement and training functions on their behalf.

Mr. President, section 204(b)(15) of the reported bill, which I initially proposed provides a mechanism for a review of a participants' situation leading to an opportunity for a "regular" job. Under that section, an application for financial assistance for a public service employment program must include provisions setting forth:

> (15) procedures pursuant to which participants, after one year and prior to the end of two years of employment in jobs providing public services under this title, will be interviewed and their employment and advancement prospects reviewed by an appropriate agency, as determined by the eligible applicant and the appropriate manpower services council; and in the event that any such participant and the reviewing agency find that the participant's current employment situation will not provide sufficient prospects for advancement or suitable continued employment, maximum efforts shall be made to locate employment or training opportunities providing such prospects, and the participant shall be offered appropriate assistance in securing placement in the opportunity which he chooses after appropriate counseling.

I emphasize that this provision contains at least three safeguards against coercion of individual participants in respect to the acceptance of "regular" employment. First, the review is to be made by "an appropriate agency, as determined by the eligible applicant—the prime sponsor—and the appropriate manpower services council." The Manpower Services Councils, required under section 104(b) of the bill, are to be established as bodies truly representative of "significant segments of the poverty community," as well as of the community at large, are and intended to serve as advocates for the clientele of the pro-

grams. Second, both the reviewing agency and the participant must find that the participant's current employment situation will not provide sufficient prospects for advancement or suitable continued employment. Third, it is provided that the "participant shall be offered appropriate assistance in securing placement in the opportunity which he chooses after appropriate counseling."

Mr. President, I emphasize, therefore, that nothing in the bill as reported or in the amendment which I have proposed would require any participant to accept "regular" employment after any fixed period of time.

We must recognize the fact that "regular" job opportunities may not be available for many participants immediately after or in some cases substantially after the initial training period. Indeed, the need for public service employment programs arises from the fact that there are not enough jobs to go around.

However, that fact should not deter us from encouraging the movement that is so essential to development of the individuals involved and to the continued support for a job creation program.

Section 209 of the bill contains a provision which I also submitted, requiring the Secretary of Labor to submit annually, as a part of his manpower report to the Congress, a detailed report setting forth the activities conducted under this title, including information on the extent to which participants in such activities subsequently secure and retain public or private employment. Thus, the Congress will have a means of assessing the extent to which the objective of the proposed amendment is achieved.

Mr. President, we will soon consider legislation to reform a welfare system which is out of control because it was not designed to provide incentives to work, and we are quite frankly in a society where the dignity of work—the pride in doing a job well—appears to be slipping.

Since the programs established under the Manpower Act will be utilized in our efforts to make it possible for persons to leave the welfare rolls and be put on payrolls and the kinds of jobs "created" will influence our attitudes toward our institutions of public service and toward work itself, it is absolutely essential that we avoid the mistakes of the past in establishing this new manpower program.

We will have gained very little if we merely substitute a "work relief" system for a welfare system, and if the poor leave the "welfare generation" to join a subclass of workers at the mercy of the needs of the cities and the States for a "slot" here or there, with little relation to individual needs or aspirations or regular employment.

The public service employment program—which we so desperately need—must be formulated in such a way as to establish the potential of the poor as well as their dignity and the integrity as well as the needs of the public sector.

Mr. President, I share the great commitment of Senator NELSON, the chairman of the Subcommittee on Employment, Manpower, and Poverty—who has made such commendable efforts in this area, as well as other members of the Labor and Public Welfare Committee and of the Congress to the enactment of a permanent public service employment program.

The Employment Training and Opportunities Act authorizes or allocates substantial amounts to public service employment to meet these needs.

Under title II of the act, a total of $750 million would be authorized for public service employment programs for the current fiscal year 1971. The bill authorizes $1 billion for fiscal year 1972; $1.25 billion for fiscal year 1973; and $1.5 billion for fiscal year 1974. Section 4 provides that beginning in fiscal year 1973 in addition to any sums authorized under title II, one-third of all funds under the act—exclusive of title II and funds reserved for other titles—would be allocated to title II programs.

The reported bill does contain a number of provisions that would act as safeguards against these sums being misused. As I indicated, section 201 authorizes financial assistance for "related training and manpower services" as well as for employment opportunities. Section 204(b)(9) requires that the application include provisions setting forth "the education, training and supportive services—which complement the work performed." Section 208(a)(5) gives the Secretary authority to impose, by a special condition, a regulation that programs contribute "to the maximum extent feasible" to the occupational development or upward mobility of individual participants.

However, I submit these factors—and the underlying policy decision that the public service employment programs should encourage movement to "regular" jobs—need to be emphasized. Accordingly, I consider it my duty to submit this amendment so that we establish the kind of program which will most clearly benefit its participants, and which will deserve, and have, the long-term support of the Congress and the Nation.

Under the proposed amendment, as under section 201 of the reported bill, special consideration would be given to persons who have participated in manpower training programs for whom employment opportunities would not be otherwise, immediately available, except, that former participants in employment as well as training programs under the act would be included under my amendment. The addition is necessary in order to give special consideration to persons who may need an employment opportunity after the conclusion of employment under authority of other titles of the act, including title VI, which provides for emergency employment assistance in the event of specified levels of unemployment for 3 consecutive months. Under title VI, funds would become unavailable upon a determination by the Secretary of Labor that unemployment had receded below the specified level for 3 consecutive months.

Mr. President, I believe that there will be another amendment to this particular provision for public service employment, which has been filed by the Senator from Colorado (Mr. DOMINICK), my colleague on this committee, and I believe that in order to have the full range of alternatives as to what can be accomplished before the Senate, it will be necessary to consider not only Senator DOMINICK'S amendment, which is, by the way, in accord with the administration's ideas as to how the public service employment program ought to read, but also the amendment which I shall present to the Senate.

Mr. President, I ask unanimous consent that the text of my amendment be printed at this point in the RECORD, together with the other supplementary statements and tables which I have mentioned.

The PRESIDING OFFICER. Without objection, the amendment statements and tables will be printed in the RECORD.

The amendment is as follows:

On page 122, strike out lines 6 through 15 and insert in lieu thereof the following:

"SEC. 201. The Secretary shall enter into arrangements with eligible applicants in accordance with the provisions of this title in order to make financial assistance available to public and private nonprofit agencies and institutions for the purpose of providing employment opportunities to unemployed and underemployed persons in jobs providing needed public services where such opportunities will be accompanied by such on the job or related training, educational and other supportive services as may be necessary to promote the skill and occupational development and mobility of such persons and to enable them to obtain other employment. Special consideration shall be given to the provision of employment opportunities for unemployed and underemployed persons who have participated in manpower training or employment programs under this Act, for whom employment would not be otherwise immediately available."

On page 123, line 18, strike out beginning with the word "employment" through the word "available" on line 22 and insert in lieu thereof the following: "employment opportunities, on the job or related training, educational, and other supportive services as set forth in section 201".

APPENDIX A

STATEMENTS EMPHASIZING THE NEED FOR EXTENSIVE TRAINING, EDUCATION, AND RELATED SERVICES IN CONNECTION WITH EMPLOYMENT

I. Testimony on S. 2838 before the Subcommittee on Employment, Manpower and Poverty. (All page references are to the Hearing record.)

On January 7, 1970 a representative of the Los Angeles Office of Urban Development testified that most public service jobs for which a need exists in his city would require skill but could be filled by the unemployed and the unskilled if training were provided. Specifically he said:

"Most would require skill. Presumably the people that we bring into our system would eventually qualify for many of these jobs through their on the job training through their off the job training. These programs would have to be coordinated. We don't think you could do this just by bringing people on to a job and eventually making a librarian out of them. We don't think that could happen. There has to be addon's in the form of supplemental training programs." (page 307)

Mr. Baltimore Scott, Chairman of the Los Angeles Urban Coalition emphasized January 7, 1970 the importance of building training into a public service employment pro-

gram in order that the jobs created be meaningful ones. He stated:

"Such a program must provide meaningful jobs, not dead-end, make-work projects. To place the disadvantaged unemployed in meaningless activities with no future (as we, unfortunately have in some of the present training programs) would merely reaffirm their hopelessness and despair. In addition, there is clearly sufficient meaningful work to be found in the public for workers to perform a multitude of jobs in the public sector of our economy (e.g. education and health services, police and fire protection). Many of these positions could provide an opportunity for the disadvantaged to render useful services as well as becoming productive members of the society.

"A major reason that local governments are not providing such positions is restricted revenues and inadequate budgets. Federal funding assistance is clearly needed before local government can make these jobs available.

"Building training into a public service employment program is also essential if persons so employed are to be given the opportunity to advance to higher skilled and/or better paying jobs." (page 378)

In Cleveland on February 20, 1970 the past director of that city's National Alliance of Businessmen also attested to the importance of having career development underlying a public service employment program:

"It is estimated by the National Alliance of Businessmen that about five out of seven jobs are in the private sector. It seems logical to assume that not all of the unemployed are going to be able to find employment in the private sector.

"This creates the need for higher employment in the public sector. This act should provide funds to build a local community services employment program to be operated by public and voluntary non-profit agencies in the areas of health, education, welfare, safety, sanitation, and so forth. Such a provision would allow for career development and could complement the new welfare proposal now in Congress." (pages 761–762)

On the same day Mr. Ernest Cooper, the Executive Director of the Cleveland Urban League, also spoke on the advantages of having a public service employment program with a career development component:

"I see the development of the public service program here, and I think it is conceived and being developed with the offer of hope of moving up the ladder.

"This is a bright ray of hope, I would suggest. The Urban League certainly endorses that part of the proposed legislation which envisions the Public Service component for career involvement. We would urge that this concept be expanded to include Community Services New Careers for people, to not only develop jobs in the badly needed area of human services, but also to help people get attracted into helping people. This provides a means of involvement that can do much for the community." (page 888)

Mr. George C. McGhee, testifying on behalf of the Urban Coalition Action Council on May 18, 1970 in favor of a program of job creation, cited a council resolution which stated:

"Basic education, training and counseling must be an integral part of the program. . . . Funds for training, education and counseling should be made available to private industry as well as to public and private non-profit agencies." (page 2589)

II. Statements in other sources:

Frank Riessman in his recent book, *Strategies Against Poverty*, (1967) urged implementation of the New Careers approach which stresses the opportunity for growth. On page 26 Mr. Riessman stated that:

"Such a job will have the greatest multiplier effect on changing a variety of poverty-related characteristics that keep families in the poverty cycle. People develop their identity, their interest in life, through working and the organized relationship with others that work brings."

APPENDIX B

TABLE 7.—SUMMARY OF CHARACTERISTICS OF FAMILIES ELIGIBLE FOR FAMILY ASSISTANCE BENEFITS IN 1971

Characteristic	Families covered: Number of families (thousands)	Families covered: Percent of total	Gross payments [1]: Dollars (millions)	Gross payments [1]: Percent of total	Number of persons (thousands)	Percent of total	Average payment per family	Average family size
Grand total	3,678	100.0	4,003	100.0	18,458	100.0	$1,088	5.0
Sex of family head:								
Male	1,846	50.2	1,724	43.1	10,538	57.1	934	5.7
Female	1,831	49.8	2,279	56.9	7,920	42.9	1,244	4.3
Race of head:								
White	2,258	61.4	2,226	55.6	10,814	58.6	986	4.8
Nonwhite	1,420	38.6	1,777	44.4	7,644	41.4	1,251	5.4
Age of family head:								
65 and over	132	3.6	130	3.2	661	3.6	985	5.0
Under 65	3,546	96.4	3,873	96.8	17,797	96.4	1,092	5.0
Region of residence:								
Northeast	776	21.1	895	22.4	3,519	19.1	1,153	4.5
North central	747	20.3	802	20.0	3,699	20.0	1,074	5.0
South	1,570	42.7	1,653	41.3	8,439	45.7	1,052	5.4
West	585	15.9	651	16.3	2,801	15.2	1,113	4.8
Work experience of family head:								
Worked full time all year	1,167	31.7	994	24.8	6,677	36.2	851	5.7
Some work experience during year	1,297	35.3	1,330	33.2	6,277	34.0	1,025	4.8
No work during year	1,182	32.1	1,667	41.6	5,349	29.0	1,410	4.5
Military	32	.9	12	.3	155	.8	375	4.8
Number of earners in family:								
No earners	883	24.0	1,297	32.4	3,730	20.2	1,469	4.2
1 earner	1,589	43.2	1,499	37.4	7,453	40.4	943	4.7
2 earners	768	20.0	660	16.5	4,039	21.9	859	5.3
3 or more earners	437	11.9	547	13.7	3,236	17.5	1,251	7.4

[1] Gross payments are total Federal payments to low-income families with children under part D. Does not include Puerto Rico, Virgin Islands, or Guam.

Source: Based on the March 1969 Current Population Survey which collected information on family status at the time of the interview and on income for the preceding year (1968). The survey data have been adjusted to account for changes in income and population between the time of the survey and 1971.

TABLE 15.—ESTIMATED NUMBER OF FAMILIES ELIGIBLE FOR FAMILY ASSISTANCE BENEFITS IN 1971 BY EDUCATION OF FAMILY HEAD

[Numbers in thousands]

	Total families: Number	Total families: Percent	Male heads: Number	Male heads: Percent	Female heads: Number	Female heads: Percent
No education	82	2.2	53	2.9	30	16.4
1 to 8 years	1,574	42.8	911	49.3	664	36.3
9 to 12 years	1,770	48.1	725	39.3	1,045	47.1
13 or more years	251	6.8	158	8.6	93	5.1
Total	3,678	100.0	1,846	100.0	1,831	100.0

Note: Detail may not add due to rounding.

Source: Based on the March 1969 current population survey which collected information on family status at the time of the interview and on family income in 1968. The survey data have been adjusted to account for changes in income and population between the time of the survey and 1971.

TABLE 17.—ESTIMATED NUMBER OF FAMILIES ELIGIBLE FOR FAMILY ASSISTANCE BENEFITS IN 1971 BY OCCUPATIONS OF FAMILY HEADS

[Numbers in thousands]

	Total families: Number	Total families: Percent	Male heads: Number	Male heads: Percent	Female heads: Number	Female heads: Percent
Professional, technical, kindred	57	2.6	40	2.6	16	2.4
Farmers	262	11.9	258	17.0	3	.4
Managers, officers, and proprietors, excluding farm	148	6.7	137	9.0	10	1.5
Clerical	130	5.9	28	1.8	101	14.9
Sales	72	3.3	42	2.8	29	4.3
Crafts	254	11.5	248	16.3	5	.7
Operatives	451	20.5	314	20.7	137	20.3
Private household	113	5.1	0	0	112	16.9
Service	343	15.6	95	6.3	248	36.7
Farm laborers	141	6.4	134	8.8	6	.6
Laborer, excluding farm	232	10.5	223	14.7	9	1.3
Subtotal	2,203	100.0	1,519	100.0	676	100.0
Occupation NA	1,486	-------	320	-------	1,148	-------
Total	3,678	100.0	1,846	100.0	1,831	100.0

Note: Detail may not add due to rounding.

Source: Based on the March 1969 current population survey collected information on family status at the time of the interview and on family income in 1968. The survey data have been adjusted to account for changes in income and population between the time the survey and 1971.

APPENDIX C

EXAMPLES OF POTENTIAL EMPLOYMENT OPPORTUNITIES IN SELECTED PUBLIC SERVICE OCCUPATIONS BY TRAINING TIME NECESSARY

[In thousands]

Occupation	Theoretical potential [1]	1st year potential [1]	Specific preparation time (in weeks) [2]
Total	4,280	470	
Health, including hospitals and mental health	1,355	173	
Hospital aides/orderlies	(300)	(60)	12–26
Hospital custodians	(200)	(20)	4–12
Hospital clerks	(100)	(10)	
Ward clerks			4–12
Receptionists			26–52
Hospital food workers	(100)	(100)	4–26
Psychiatric aides	(55)	(10)	12–26
Community mental health aides	(16)	(1)	12–26
Nursing home aides	(120)	(15)	12–26
Homemaker and home Health aide	(200)	(20)	4–12
Environmental health aides	(26)	(2)	26–52
Mental retarded institution aides	(34)	(5)	12–26
Day care	14	2	
Child care attendant	(14)	(2)	4–12
Recreation and beautification	136	52	
Recreation aides	(36)	(26)	12–26
Park worker	(100)	(26)	1–4
Education	2,017	163	
Teacher aides	(1,391)	(100)	12–26
School custodians	(114)	(11)	4–12
School clerks	(86)	(7)	4–12
Library aides	(131)	(13)	12–26
Laboratory helper	(90)	(9)	26–52
Food service workers	(69)	(7)	4–26
School health aides	(17)	(2)	12–26
Libraries	63	16	
Library assistant			12–26
Library custodian			4–12
Public welfare	65	7	
Public assistance aides	(50)	(5)	4–12
Child welfare aides	(10)	(1)	4–12
Probation and parole	16	2	
Institutions for deliquent children	39	4	
Juvenile delinquency aides	(30)	(3)	4–12
Public works	150	50	
Water treatment operator			12–26
Sewage plant operator (entry)			4–12
Reforestation aide			12–26
Police and fire	50	[3]	
Patrolmen			26–52
Firemen			12–26
Prisons	24	2	
Prison custodians and maintenance men	(18)	(2)	4–12

[1] Greenleigh Associates, A Public Employment Program for the Unemployed Poor, 1965, pp. 29–56.

[2] The amount of time required to learn the techniques, acquire information, and develop the facility needed for average performance in a specific job-worker situation. U.S. Department of Labor, "Dictionary of Occupational Titles, Supplement 2: Selected Characteristics of Occupations by Worker Traits and Physical Strength," 3d ed., 1968.

[3] Not available.

Mr. JAVITS. Mr. President, I yield the floor.

ORDER PROVIDING FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow, at the conclusion of the vote on the motion to invoke cloture, there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS ALLOTT, DOLE, AND PEARSON TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the able Senator from Colorado (Mr. ALLOTT) be recognized immediately under this order, and that he be permitted to proceed for not to exceed 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I ask unanimous consent that immediately following the remarks of the able Senator from Colorado (Mr. ALLOTT), the able Senators from Kansas (Mr. DOLE and Mr. PEARSON) be recognized jointly for not to exceed 15 minutes during the period for the transaction of routine morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I recognize that a demand for the regular order on tomorrow will negate this order under rule XXII, in the event the motion to invoke cloture is agreed to.

ANNOUNCEMENT OF POSITION ON VOTES

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the permanent RECORD of yesterday, September 15, 1970, be corrected to show that if present and voting, my colleague from West Virginia (Mr. RANDOLPH) would have voted "nay" on both Senator PERCY's amendment No. 890 and amendment No. 895 offered by the Senator from Illinois (Mr. SMITH), amendments to the farm bill (H.R. 18546).

The PRESIDING OFFICER. Without objection, it is so ordered.

ANNOUNCEMENT ON SENATOR McCLELLAN'S POSITION ON AMENDMENT NO. 879

Mr. BYRD of West Virginia. Mr. President, I announce that the senior Senator from Arkansas (Mr. MCCLELLAN) was unavoidably absent today at the time the vote was taken on amendment No. 879 of the Senator from Wisconsin (Mr. PROXMIRE). If he had been present, he would have voted "nay" on amendment No. 879.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, what is the pending business?

The PRESIDING OFFICER (Mr. EAGLETON). The pending business is S. 3867.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 7 o'clock and 47 minutes p.m.) the Senate adjourned until tomorrow, Thursday, September 17, 1970, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 16, 1970:

IN THE MARINE CORPS

The following named officers of the Marine Corps for temporary appointment to the grade of lieutenant colonel:

Arthur R. Anderson, Jr.	Joseph R. Gutheinz
Richard J. Alger	Roger C. Hagerty
Roi E. Andrews	Richard E. Haislip
Richard F. Armstrong	Thomas M. Hamlin
Roger W. Badeker	James L. Harrison
David H. Balius	Franklin A. Hart, Jr.
Brudge B. Barrow	Vincent P. Hart, Jr.
Charles A. Barstow	Joseph C. Hedrick
Eldon L. Baumwart	James R. Heflin
Daryl E. Benstead	Ted R. Henderson
Carl F. Bergstrom, Jr.	Joseph E. Hopkins
James L. Biegler	Edgar A. House
Daniel G. Bishop	John I. Hudson
Barry N. Bittner	John D. Ingraham
Richard J. Blanc	Kevin M. Johnston
Rudolph W. Bolves	Paul R. Jones, Jr.
Henry J. Bond	Thomas W. Jones
Paul G. Boozman	John J. Keenan
Donald P. Bowen	Harrison W. Kimbrell
William C. Bradley	Homer L. King
Harvey D. Bradshaw	Robert D. King
Charles R. Brindell	Robert W. Kirby
Jerome W. Brown	Peter N. Kress
Phil E. Brookshire	Jene R. Kutchmarek
Gordon H. Buckner II	Fred E. Lacey, Jr.
Louis H. Buehl III	Curtis G. Lawson
Wayne F. Burt	Willard T. Layton III
Ernest W. Buschhaus	Walter R. Ledbetter, Jr.
John B. Cantieny	David A. Lerps
Gary L. Carlson	Stanley P. Lewis
Gerald P. Carr	James F. Lloyd
Stanley A. Challgren	Horace S. Lowrey, Jr.
Donald R. Chapell	Anthony Lukeman
Ronald A. Clark	Dan J. Lyttle
John E. Clewes	Eddie R. Maag
James C. Click	Bruce M. MacLaren
John K. Cochran	Robert T. MacPherson
Eugene L. Conroy	Gene H. Martin
Arthur C. Crane	David J. Maysilles
George J. Delong	George X. McKenna
Richard L. Dennis	William E. McKinstry
Herman C. Deutschlander	William W. McMillan, Jr.
Laurin Dewolf	Stanley J. Michael, Jr.
Walter R. Dillow	
Clarence W. Dilworth	Morris A. Miller
Merritt W. Dinnage	Robert D. Miller
Arthur A. Dittmeier, Jr.	Robert L. Modjeski
	Jacob W. Moore
John C. Dixon	Jimmie G. Morgan
Alvin J. Doublet	James M. Moriarty
George H. Dunn II	Dennis J. Murphy
Thomas L. Edwards	Edmond J. Murphy
Martin J. Egan, Jr.	Louis B. Myers
William R. Etnyre	Donald J. Norris
Ernest E. Evans, Jr.	Jerome L. Norton
John W. Everett	Thomas J. Ortman
Joseph L. Felter	James L. Owens
Wallace E. Fogo	Vincent B. Pagano
William C. Frank	James C. Page
Francis X. Frey	Edwin C. Paige, Jr.
Lawrence Furstenberg	Charles B. Palmer
Louis Gasparine Jr.	Perry M. Peterson
Donald R. Gerber	Charles L. Phillips
Robert E. Gibson	Charles H. Pitman
Lawrence J. Godby	Charles O. Pitts, Jr.
Edwin J. Godfrey	Edward R. Pierce
Roland N. Grattan	James D. Pierce
Robert W. Gromme	Raymond R. Powell
Vincent J. Guinee, Jr.	Daniel Prudhomme

Delbert G. Ranney	Robert P. Rose	Patrick J. Saxton	Roland E. Smith	William G. Swigert	Robert C. Wise
Bobby J. Ready	Joseph S. Rosenthal	Charles W. Schreiner, Jr.	Howard L. Snider	Charles E. Thompson	Robert J. Woeckener
John E. Redelfs	Eugene B. Russell		Louis G. Snyder	William H. Tiernan	Fitz W. Woodrow, Jr.
Robert J. Reid	Gary L. Rutledge	Joseph A. Siler	Richard L. Spreitzer	Jan P. Vandersluis	Peter Yadlowsky
Richard D. Revie	Patrick J. Ryan	George P. Slade	Cleo P. Stapleton, Jr.	Donald L. Waldvogel	John R. Yates, Jr.
Alvin F. Ribbeck, Jr.	Paul M. Ryan	Alois A. Slepicka	Alfred E. Stark	Edwin G. Weatherford	Hans A. Zander
Francis Riney	George W. Ryhanych	Donald G. Smith	Willard M. Stephens	Robert D. White	Charels L. Zangas
Robert O. Ritts	Glen Sanford	Lloyd W. Smith, Jr.	William K. Stratford	Willis E. Wilson, Jr.	James R. Ziemann

HOUSE OF REPRESENTATIVES—*Wednesday, September 16, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

He that dwelleth in the secret place of the Most High shall abide under the shadow of the Almighty. Psalm 91: 1.

O God of all grace and goodness, we thank Thee for this quiet moment of prayer when facing the duties that confront us and seeking to carry the heavy responsibilities committed to our care we can look from the seen to the unseen, from the temporal to the eternal, and in so doing gain courage for these minutes, wisdom for these hours, and strength for these days. In the secret place of the Most High may we tap the resources which make us adequate for our tasks, give us an unswerving devotion to the right, and keep us dedicated to the high purpose for which our Nation was founded.

Amid the confusion and chaos of this generation may we know that Thy truth is marching on and may we here highly resolve that we will walk with Thee and work for Thee in building a world where righteousness and justice and love shall reign and war shall be no more.

In the spirit of the Prince of Peace we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 1247. Joint resolution to amend section 19(e) of the Securities Exchange Act of 1934.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 16542. An act to amend title 39, United States Code, to regulate the mailing of unsolicited credit cards, and for other purposes; and

H.R. 18546. An act to establish improved programs for the benefit of producers and consumers of dairy products, wool, wheat, feed grains, cotton, and other commodities, to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 16542) entitled "An act to amend title 39, United States Code, to regulate the mailing of unsolicited credit cards, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SPARKMAN, Mr. PROXMIRE, Mr. WILLIAMS of New Jersey, Mr. BENNETT, and Mr. TOWER to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 17123) entitled "An act to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. STENNIS, Mr. RUSSELL, Mr. SYMINGTON, Mr. JACKSON, Mr. CANNON, Mr. MCINTYRE, Mrs. SMITH of Maine, Mr. THURMOND, Mr. TOWER, and Mr. DOMINICK to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 18546) entitled "An act to establish improved programs for the benefit of producers and consumers of dairy products, wool, wheat, feed grains, cotton, and other commodities, to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ELLENDER, Mr. HOLLAND, Mr. EASTLAND, Mr. TALMADGE, Mr. AIKEN, Mr. YOUNG of North Dakota, and Mr. MILLER to be the conferees on the part of the Senate.

TEMPORARY EXTENSION OF FEDERAL HOUSING ADMINISTRATION'S INSURANCE AUTHORITY

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency be discharged from further consideration of the joint resolution (H.J. Res. 1366) to provide for the temporary extension of the Federal Housing Administration's insurance authority, and ask for the immediate consideration of the joint resolution.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object, may I ask the gentleman why this is necessary?

Mr. PATMAN. It is impossible to get the bill through before October 1, and the time expires then. It has been agreed by the committee members on both sides that we ask for a 30-day extension.

Mr. GROSS. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the joint resolution as follows:

H.J. RES. 1366

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2(a) of the National Housing Act is amended by striking out "October 1, 1970" in the first sentence and inserting in lieu thereof "November 1, 1970".

(b) Section 217 of such Act is amended by striking out "October 1, 1970" and inserting in lieu thereof "November 1, 1970".

(c) Section 221(f) of such Act is amended by striking out "October 1, 1970" in the fifth sentence and inserting in lieu thereof "November 1, 1970".

(d) Section 809(f) of such Act is amended by striking out "October 1, 1970" in the second sentence and inserting in lieu thereof "November 1, 1970".

(e) Section 810(k) of such Act is amended by striking out "October 1, 1970" in the second sentence and inserting in lieu thereof "November 1, 1970".

(f) Section 1002(a) of such Act is amended by striking out "October 1, 1970" in the second sentence and inserting in lieu thereof "November 1, 1970".

(g) Section 1101(a) of such Act is amended by striking out "October 1, 1970" in the second sentence and inserting in lieu thereof "November 1, 1970".

The joint resolution was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

NATIONAL COMMISSION ON FUELS AND ENERGY

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOCH. Mr. Speaker, those who live in New York City have just come through another power-crisis summer. The threat of blackouts and brownouts has left everyone rightfully distressed with the performance of Government and the utility industry. It is high time that rational planning replace crisis management. By 1990 we will have to triple our national power capacity to meet projected population and industrial demands.

Accordingly, I am introducing legislation to establish a National Commission on Fuels and Energy which will

recommend programs and policies capable of meeting future power demands and reconciling such demands with the protection of our health and environment.

I am pleased to join with the distinguished chairman of the House Committee on Interstate and Foreign Commerce the gentleman from West Virginia (Mr. STAGGERS) and a bipartisan group of our colleagues in sponsoring this important legislation.

My bill calls for the creation of a 21-member commission composed of six Members of both the House and Senate and nine public representatives who have particular knowledge and expertise with respect to fuels, energy, and the environment. In addition, one official from each of the 11 Federal departments and agencies concerned with fuel, energy, and the environment would serve as advisers to the Commission.

The Commission would submit a report to the President within 1 year after public hearings and a thorough investigation of our energy demands and resources.

With impending shortages of fuel oil, natural gas, coal, and electric power, we cannot afford to wait for new crises before getting down to the hard job of rational resource allocation. Therefore, Mr. Speaker, I urge prompt consideration and early enactment of this legislation.

SELECT SUBCOMMITTEE ON EDUCATION, COMMITTEE ON EDUCATION AND LABOR—REQUEST FOR PERMISSION TO SIT

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent that the Select Subcommittee on Education of the Committee on Education and Labor be permitted to sit this afternoon.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

Mr. GERALD R. FORD. Mr. Speaker, reserving the right to object, this has not been cleared with me. I simply ask has it been cleared with the ranking Republican member, the gentleman from Ohio (Mr. AYRES)?

Mr. AYRES. If the gentleman will yield, we have no objection.

Mr. GERALD R. FORD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

Mr. HALL. Mr. Speaker, I object.

AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT

Mr. POAGE. I ask unanimous consent to take from the Speaker's table the bill (H.R. 18546) to establish improved programs for the benefit of producers and consumers of dairy products, wool, wheat, feed grains, cotton, and other commodities, to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none and appoints the following conferees: Messrs. POAGE, ABERNETHY, PURCELL, SISK, BELCHER, TEAGUE of California, and Mrs. MAY.

BRINKS COURIER ROBERT DENISCO

(Mr. ROSTENKOWSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ROSTENKOWSKI. Mr. Speaker, the action taken yesterday by Brinks' courier Robert DeNisco, in thwarting the hijacking of a Trans World Airline flight to North Korea should be commended. This is an instance where a private citizen chose to become involved and his involvement in this case may have saved the life of one or more of the 62 people on board.

Mr. DeNisco's action aboard the jet bound from New York to San Francisco was taken at great personal risk. It is very unfortunate that in this case, violence was necessary to prevent violence.

Danger is by no means a stranger to Mr. DeNisco. While a sergeant with the military police in Vietnam, he was credited with breaking up a powerful smuggling ring in Saigon.

The Brinks Corp. of Chicago should also be commended for its selection of such courageous young men to carry out its often dangerous assignments. Mr. DeNisco is one of approximately 28 couriers that Brinks has in the air every night guarding its shipments. In this case, Mr. DeNisco was escorting a packet of negotiable securities to San Francisco.

Although I deplore violence in any form, I frankly feel that the action taken in this instance was justified and is especially noteworthy at this time. The recent flurry of airline hijackings has been both alarming and frustrating. It is time that we take strong action to stop this air piracy. I heartily applaud the President's recent action in this regard. His decision to intensify security at major airports and employ Federal marshals on certain flights was a very good one. I only hope these measures will make events like the harrowing one of yesterday unnecessary.

THE DEMOCRATIC PARTY IS ALIENATING WORKINGMAN

(Mr. AYRES asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. AYRES. Mr. Speaker, the Democratic Party is alienating the working man by letting archliberals take over the leadership in Congress and in party affairs.

AFL–CIO President George Meany said in a recent interview that the Democratic Party has "disintegrated" and that its remnants are being taken over by extremists. Meany himself said the Democrats are alienating the 20 million union men and women in America by their encouragement of extremism.

The leadership of organized labor is just beginning to see what the rank and file have been expressing with their votes for some time. The working man and woman has recognized that the Republican Party speaks for the solid middle ground of Americans, those who want change through law, who abhor the anarchy, violence, and extreme tactics that have become the hallmark of the new left embraced by so many Democratic Party figures.

The archliberal influence can be seen in the Democrats' recent apology for their 1968 Chicago Convention, in their failure to pass strong anticrime laws and new measures to curb drug abuse and in their day-to-day statements backing dissenters and lawless actions.

Labor is swinging away from its traditional taken-for-granted allegiance to the Democratic Party because of this sharp left turn by its leadership. The Democratic Party is rapidly alienating the workingman by letting archliberals take over the leadership in Congress and in party affairs.

GYMNASTIC TALENTS OF CERTAIN DEMOCRATS

(Mr. HUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNT. Mr. Speaker, it has become increasingly evident that certain Democrats in the Congress possess a talent that few of us knew about before, that of gymnastics. On the issue of extremism, these Democrats are performing the acrobatic feats of trying to bend over backward and get out from under. Those who condoned and even applauded violent dissent in the past now find themselves faced with an electorate at home, sick of violence and ready to place blame on those who unwittingly brought it about. The tolerance of the new left is now something the ultraliberals would like to forget about and divorce themselves from. I am not sure it will be that easy.

People remember those Members of Congress who greeted dissenters when they flocked to the Capitol and accorded them undue dignity and status. Those who served on such unofficial welcoming committees have some explaining to do. And how do you explain desecration of the flag, obscene insults flung at public officials, and the mindless flouting of all authority—worst of all, the real dangers on the campus and on the streets.

The ultraliberals are now engaged in their knee jerk athletics, hoping that the voter will be diverted and forget. It is a sorry exercise. Some of those, whose blandishments led to riot and upheaval, even have the brass now to preach law and order. They must be counting on some very short memories.

Mr. Speaker, we will have law and order in this country, but not because a lot of archliberals suddenly remember it. It is because the people, and the responsible men and women they elect, want it so.

ELIMINATING AIR PIRACY

(Mr. ADAIR asked and was given permission to address the House for 1 min-

ute and to revise and extend his remarks and include extraneous matter.)

Mr. ADAIR. Mr. Speaker, as one who has been concerned and, indeed, angered by the cruel, inhumane acts of air piracy that have occurred, I am today introducing a House concurrent resolution calling for the implementation of President Nixon's seven-point plan for eliminating air piracy.

The time has come for firm, decisive action to put an end to this breakdown of law and order, to this new form of gangsterism that has come to plague both domestic and international aviation.

These gangsters of the airways must be stopped from their terrorism of innocent men, women, and children. In the name of humanity, a stop must be put to the forced detention of innocent people as hostages in crowded and unsanitary conditions and in aircraft wired with dangerous explosives.

My resolution would call for the administration to take steps to implement President Nixon's seven-point program for eliminating air piracy as rapidly as possible and to act immediately in appropriate international organizations to obtain concerted action of the international community to suspend all international civil air transport services to and from nations refusing to permit passengers, crew, and aircraft to continue their journey when a hijacked aircraft lands in their territory or refusing to punish or extradite persons who engage in acts of hijacking for purposes of international blackmail.

It is my hope that this legislation will receive prompt and favorable consideration.

JOSEPH PARATORE, JR.—A GOOD SAMARITAN

(Mr. ADDABBO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ADDABBO. Mr. Speaker, recently the son of personal friends of mine was killed in a tragic accident while acting as a good samaritan. Joseph Paratore, Jr., a young man of 18 years of age, was bringing gasoline to a stranded motorist in Queens when he was caught between two cars struck by a third automobile.

It is ironic that this young man lost his life in the course of performing a good deed while millions of Americans were reading about other young men who have broken the law or shown no respect for the rights of others. There are many young men whose selfless actions go unnoticed or are taken for granted. In this particular case, I believe special attention should be given to the kind and good natured reaction of Joseph Paratore, Jr., to the sight of a stranded motorist. His parents, Mr. and Mrs. Joseph Paratore and his two sisters, Ramona and Annette, of South Ozone Park can be proud of their son and his attitude toward others and my regrets and prayers go to them and theirs.

The following article, describing the tragic incident, appeared in the August 31 edition of the Long Island Press:

GOOD SAMARITAN RUN DOWN BY CAR

Joseph Paratore Jr., an 18-year-old South Ozone Park youth who was crushed to death Monday morning while trying to be a good samaritan, will be buried Friday in Maple Grove Cemetery, Kew Gardens.

Mass will be offered Friday at 9:30 a.m. at St. Anthony's Catholic Church in South Ozone Park.

Mr. Paratore, who would have been an upper senior at Brooklyn Technical High School this fall, was on his way home Monday at 1:10 a.m. when he spotted motorist George McLaughlin of Rhode Island holding up a sign on South Conduit Avenue saying he was out of gas.

According to police, the Long Island youth arrived at his home at 124–15 152nd Ave., emptied his lawnmower of two gallons of gas and returned to the stranded Rhode Island motorist at the corner of South Conduit Avenue and Cohancy Street in Ozone Park.

Meanwhile, police said David Grayson, 18, of 110–29 164th St., Jamaica had parked his car in back of the vehicle driven by McLaughlin.

Police said Harold O'Connell, 31, of 153–34 129th St., South Ozone Park, going east on South Conduit Avenue then struck Grayson's auto, sending it into McLaughlin's vehicle. Mr. Paratore, Police said, was caught between the two cars and crushed to death.

O'Connell was questioned by police but released.

Mr. Paratore leaves his parents, Mr. and Mrs. Joseph Paratore, and two sisters, Ramona and Annette, all of South Ozone Park.

NEED FOR CRIME LEGISLATION

(Mr. DEVINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEVINE. Mr. Speaker, I was happy to note that the gentleman from Oklahoma (Mr. EDMONDSON) yesterday took the floor and said that he deplored the inactivity of the Congress and of the administration in the fight against crime.

I am very happy to see that the gentleman from Oklahoma has joined with the administration and those of us who have been concerned about the number of crime bills that are resting and languishing in the Committee on the Judiciary and other committees of this Congress.

It is easy to try to blame the administration for everything that does not happen, but we must keep in mind that the Congress is controlled by the Democratic Party and it will be through the offices of the gentleman from Oklahoma (Mr. EDMONDSON) and others like him who join us in this fight to try to pry some of these bills loose for consideration.

WAR ON CRIME

(Mrs. MAY asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. MAY. Mr. Speaker, speaking as a woman Member of this body, I know that the women of America have perhaps the greatest stake of all in the success of President Nixon's war on crime. It is women who are the victims of many crimes. It is wives and mothers who endure social wrongs and suffering when loved ones are caught up in the web of drug abuse and crime. It is women who suffer the traumatic experiences of purse snatching and assault.

I note that there are major crime bills still before this Congress after a year of dillydallying and nonaction. May I warn my colleagues on the other side of the aisle that women in this land are recognizing that crime can be stopped if law enforcement agencies have the backing of the public, strong laws to work with and the training and equipment to do the job.

I might add that the women of America are on the warpath over the crime issue—and there will be a substantially greater number of women going to the polls this fall. I think it is time for the 91st Congress to buckle down and give our country the legal weapons to stamp out the menace of crime that overshadows our daliy lives.

DEVELOPMENT ASSISTANCE

(Mr. ARENDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ARENDS. Mr. Speaker, for 25 years, our foreign assistance programs have received bipartisan support. With changes to make them consistent with today's needs, they should again receive that kind of support.

We are no longer alone in the development assistance area. The countries which we helped in the post World War II years are now providing more total aid than the United States, much of it through international institutions, such as the World Bank Group. Mr. Speaker, it is time much greater emphasis were placed on this type of cooperation.

As the best way to obtain such cooperation, the President has recommended that international lending institutions become the major channels for development assistance.

The new institutional framework proposed by the President will provide for different agencies handling development loans, most technical assistance, and the promotion of private investment. As you know, this latter recommendation has already been accepted by the Congress with the establishment of the Overseas Private Investment Corporation, which is soon to open its doors for business.

Mr. Speaker, this new organization is the first step in making foreign aid meet the needs of today's world.

CALL OF THE HOUSE

Mr. ASHBROOK. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently, a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 298]

Abbitt	Baring	Blatnik
Adams	Beall, Md.	Bow
Anderson, Tenn.	Belcher	Brock
	Berry	Brooks

Burton, Utah	Gettys	Price, Tex.
Bush	Gilbert	Pryor, Ark.
Button	Gray	Purcell
Cabell	Hébert	Rhodes
Celler	Heckler, Mass.	Rogers, Colo.
Clark	Holifield	Rosenthal
Clawson, Del	Horton	Roudebush
Collier	Karth	Roybal
Conyers	Kleppe	Scherle
Corman	Long, Md.	Scheuer
Cowger	Lowenstein	Schneebeli
Dawson	Lujan	Sebelius
Delaney	McCulloch	Shriver
Derwinski	McEwen	Skubitz
Dowdy	McMillan	Staggers
Edwards, Calif.	MacGregor	Taft
Edwards, La.	Meskill	Teague, Calif.
Eshleman	Michel	Thompson, N.J.
Fallon	Mink	Tunney
Feighan	Mize	Waggonner
Flynt	Morse	Weicker
Ford, William D.	Murphy, N.Y.	Wilson, Charles H.
Friedel	Ottinger	Winn
Fulton, Tenn.	Pelly	Wold
Gallagher	Philbin	Wolff
Gaydos	Pollock	
	Powell	

The SPEAKER. On this rollcall 340 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

ARMED FORCES PROCUREMENT AUTHORIZATION AND PERSONNEL STRENGTH OF RESERVES—APPOINTMENT OF CONFEREES

Mr. RIVERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the selected reserve of each reserve component of the Armed Forces, and for other purposes, with Senate amendments thereto, insist on disagreement, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina? The Chair hears none, and appoints the following conferees: Messrs. RIVERS, PHILBIN, HÉBERT, PRICE of Illinois, BENNETT, STRATTON, ARENDS, O'KONSKI, BRAY, BOB WILSON, and GUBSER.

TREASURY AND POST OFFICE APPROPRIATIONS, 1971

Mr. STEED. Mr. Speaker, I call up the conference report on the bill (H.R. 16900) making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1971, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of September 14, 1970.)

The SPEAKER. The Chair recognizes the gentleman from Oklahoma.

Mr. STEED. Mr. Speaker, I yield myself such time as I may require. The committee brings this conference report today on one of the major appropriation bills. The final amount is $9,525,711,000, which is $363,174,000 more than was expended for these same Federal activities in the fiscal year ending June 30, 1970. It is still $41,982,000 under the President's budget.

There are mostly routine items of difference between the House and the Senate. I know of no particular difficulty or controversy that was involved.

However, there are two items that I would like to comment on. After the bill was passed by the House, and prior to its being acted upon by the other body, the Post Office Department was able to make arrangements to lease a building in Chicago that was immediately available, which eliminated the necessity for expending $17,605,000 from their public buildings account to construct a facility. The amount released has now been made available to provide for four new and badly needed postal building projects, one at Tucson, Ariz., one at Stamford, Conn., one at Salt Lake City, Utah, and one at Lexington, Ky.

These are very necessary and much-needed buildings, and I think the ability of the Department to include these in this year's construction is very important. The savings in building these projects at this time would be very considerable.

The other matter I want to refer to is a new title V that was added to the bill by the other body on a matter that came up after the bill had been acted on by the House. This is a matter of appropriating $1,650,000 for the protection of visiting foreign dignitaries attending the observance of the 25th anniversary of the United Nations. This is an item that will be needed to cover the expenses of the Secret Service agents and others who are assigned to protect the visitors while they are inside the United States. We are advised that there will be about 75 heads of foreign states with their delegations. At this time there is no way to know how many will be involved or how long they will remain here. We agreed to the request hoping that the amount provided will be sufficient to meet any contingencies.

I want to point out that if any of this money is not needed, it will revert to the Treasury. It is just an amount to enable the President to do something we feel is very necessary in this country while these foreign dignitaries are visiting.

Mr. Speaker, I am happy to yield to the gentleman from New York (Mr. ROBISON), such time as he may consume.

(Mr. ROBISON asked and was given permission to revise and extend his remarks.)

Mr. ROBISON. Mr. Speaker, the gentleman from Oklahoma (Mr. STEED) has carefully explained the few items that were at issue between this and the other body concerning this appropriation bill, and the disposition made of the same by the conferees.

Just to summarize, once again, the bill as passed by this House on April 9—well before the beginning of this fiscal year, it deserves to be noted, for the effort to do so each year has become a tradition with this particular subcommittee—carried a total of $9,492,702,000, which figure was $330,165,000 over the comparable appropriation for fiscal 1970, but was also $74,991,000 below the fiscal 1971 budget estimate. As subsequently considered and passed by the other body, the bill's total was increased to $9,539,-079,000—thus standing at a preconference total of $46,377,000 over the figure approved by the House.

In conference, this increase was adjusted downward to a new, agreed total of $9,525,711,000—now $363,174,000 over fiscal 1970, but, still, $41,982,000 below the fiscal 1971 budget estimate. It is this latter figure that, I presume, will be of the most interest to those here in this Chamber who are worried—and quite properly so—about their votes on appropriation bills during this session that are above or below the budget request. So, Mr. Speaker, that there will then be no misunderstanding about the effect of this conference report, let me again just repeat that the new total we recommend to you is, in round figures, about $42 million below the budget.

I support the conference report—as do all members of the conference committee on the minority side; and we do so even though we managed less than an even split of our differences with the other body—our recommendation to you being $33,009,000 over the House figure, and only $13,368,000 under the Senate figure. One major reason we could not, with responsibility, do better in this regard relates to the continuing fiscal problems of the Post Office Department. These are problems with which we are all well familiar—as well as problems to which we have, with good intentions, contributed through our votes for postal pay increases larger than the Department had contemplated at the time of the budgetary submission and, though now with more questionable motivation, through our collective decision in an election year to let the blame for a necessary postal rate increase fall upon the "governors" of the newly created, semi-independent U.S. Postal Service instead of one of our own heads. Besides which, Mr. Speaker, all of us fully anticipate that the new Postal Service—we have got to try to remember to say that now instead of Post Office Department—will undoubtedly be up here sometime before this fiscal year ends with a supplemental request in amount yet to be determined, so that any "savings" we might attempt to make now would only be lost later, anyway.

To which prediction I would just like to add that, though I was, and am, a strong supporter of the kind of postal reform we finally got around to enacting none of us should expect any overnight miracles therefrom. Surely, the opportunity to make this reorganization of

one of our Government's most basic services work is now present, but only the first, tentative step in that direction has been taken. Countless numbers of hurdles lie ahead before, even under the best of circumstances, this Nation has the kind of prompt, reliable, and efficient postal service, at a reasonable cost, it ought to have, and as we all hope someday it will have. So, patience in this regard is very much required—both by the postal patron, by the taxpayers who will continue for a time to be required to subsidize the system, by those who work for the system and, most importantly, by those of us here in the Congress who must attempt, somehow, to represent the best interests of all these diverse groups. Just as one example of the uncertainties that pertain to all this, let it be noted—for the record—that, at the time of our hearings here on the House side, the Department anticipated a mail-volume increase of only 2.36 percent, while it now states that the anticipated increase in volume in this fiscal year looks more like 2.73 percent, instead. That may not sound like very much, Mr. Speaker, but in terms of actual pieces of mail it involves nearly a billion more pieces of mail, this year, than had originally been estimated; and, while that adds to the headaches the governors of the new Service may encounter in getting the old system for handling this flood of mail "unglued," if it at the same time indicates some improvement in our overall economic situation—as such increases generally have—it may be a blessing in disguise.

Mr. GROSS. Mr. Speaker, will the gentleman yield for a question or two or three?

Mr. STEED. I yield to the gentleman from Iowa.

Mr. GROSS. Will the gentleman please restate how much this conference report will cause to be spent above the figure for last year?

Mr. STEED. It is $363,174,000.

Mr. GROSS. How does the gentleman account for that very substantial increase in spending?

Mr. STEED. Since these are the oldest agencies of the Government, most of the increase is accounted for in terms of increased volume of work.

For instance, in the Customs Service there is a very sizable increase in the number of people traveling in and out of the country, and in shipments in and out of the country, so the workload has been going up for several years by leaps and bounds.

There is a heavier workload in the Internal Revenue Service. In additicn to their regular work the Congress added several new functions in the crime activity program, which has made a heavy manpower demand on them.

Then of course we have the Executive Protective Service, which adds to the need for more funds for the Secret Service.

Almost all of this is accounted for in the normal growth and increase of the work that these old agencies of the Government are required to perform.

Mr. GROSS. This bill is $363 million above the spending for the same general purposes last year; is that correct?

Mr. STEED. That is right.

Mr. GROSS. Does the gentleman anticipate a supplemental appropriation before this session ends?

Mr. STEED. I am sure there will have to be a supplemental appropriation bill this fall or early next year to pick up the increased cost for wage increases granted by act of Congress and imposed on these agencies. There are close to 900,000 Federal employees funded in this particular bill. When pay increases are voted by Congress the need for additional moneys to meet those pay increases is considerable.

I should think it would probably require $300 million or $400 million of additional funds for these departments to be able to finish this fiscal year and pay the new wage rates Congress authorized.

Mr. GROSS. The gentleman does not anticipate that the Post Office Department will resort to the same old argument that the volume of mail has increased as a requisite for more hundreds of millions of dollars through a supplemental appropriation bill?

Mr. STEED. We checked with the Department just prior to the conference. As the gentleman knows, we are now virtually through the first quarter of the year. I do not believe we are going to be faced with a mail volume increase problem this year anywhere like it has been for the past several years. I believe we have leveled off, at least temporarily, on that score.

It would be my guess at this time that any supplemental they will be able to justify will have to be in terms of these pay increases.

Mr. GROSS. Are these four buildings that are to be constructed for postal facilities?

Mr. STEED. The only buildings we fund in this bill are those which are used exclusively by the Post Office Department. If they are the type of Federal building the Post Office Department now occupies with other Federal agencies, they would be funded in the independent offices appropriation bill through GSA. These are projects which are wholly owned and occupied as postal facilities.

They have many more projects besides these that are urgently needed. These are the ones which lend themselves to the biggest savings by providing the new facilities immediately. That is why these particular four were selected.

Mr. GROSS. That argument of savings works in some places and does not in others, as I am sure the gentleman well knows.

Let me ask the gentleman another question. Did the Senate have these four postal facilities in its bill?

Mr. STEED. No; the Senate cut the $17.6 million out because the Department had decided they would not spend the amount budgeted for that facility in Chicago.

Since the need for these buildings is so urgent and since the losses that we suffer in trying to do business in these places under present circumstances are so high, it just seems to make good sense to go ahead with them now. They are ready to proceed with them, and the sooner we can get them in operation the sooner we can eliminate a lot of unnecessary waste and cost.

Mr. GROSS. So it was at the instance of the House conferees that the four facilities were put into this bill in conference?

Mr. STEED. Yes. For the benefit of the gentleman from Iowa, I might say that in studying the situation throughout the 300 larger communities of the country we found the amounts of money here for new postal buildings are about one-tenth of what the Department could justify spending this year if we were able to make sufficient funds available to them.

Mr. GROSS. That leads to this question. Why, for instance, did the committee pick Tucson, Ariz.?

Mr. STEED. We did not pick the projects. The Department selects the projects. They keep us advised all the time of all of the projects that they are justifying to get the money to build. These are selected on the basis of criteria where the greatest saving in having the new facility results. We go down the list, and it is just automatic.

Mr. GROSS. Is that what the Department tells you?

Mr. STEED. These are the prospectuses that are submitted to us, and that is what they indicate.

Mr. GROSS. This would have no relation to the support given by any individual Member of Congress to the so-called postal reform bill, would it? I am referring to the location of a post office in Tucson, Ariz.

Mr. STEED. I have no way of knowing that, but I will say to the gentleman they can probably make a very compelling case for at least 50 or 100 more projects if we were just able to provide the funds for them.

Mr. GROSS. Of course, you have to draw the line somewhere, but I do not understand why these four sites were picked out to the exclusion of, as the gentleman admits, many others across this country. That is what I am trying to do—get the real answer to why the Post Office Department picked these four places for the construction of post offices.

Mr. STEED. They have always had the criteria to justify projects before the committe because they need so many and we are able to fund so few. We have always accepted their findings as to which ones will do them the most good and which we will go ahead with first. Most of the money goes into the large centers like New York, Chicago, or Los Angeles, but we do put many of these smaller projects into smaller towns. But these are cases where rather remarkable savings can be made by getting them out of their presently inadequate facilities into new and better ones. We would like to keep this up. We are so far behind in trying to give the Post Office Department the physical plant that they need,

where they can do their work efficiently, that it just gets to be a matter of more or less discretion as to which one to go ahead with first because there are so many of them that are highly qualified. It takes some criteria to decide which one will go first. These are buildings that can be put under construction immediately. There are some that are very badly needed that they can go ahead with right now, but there is difficulty in clearing the site or in getting title to the land in some of them. We have always insisted that they put the first priority on the buildings which they can go ahead with immediately. One of the problems they have had, which I believe they are now solving, has been the long timelag between the time we appropriate the funds for the buildings and the start of construction. We are trying to reduce the present 5-year timelag to a 3-year timelag. It is one of the criteria they have used in making selections on how they can use these resources to the best advantage of the Government. I believe that all the projects funded in this bill would receive the highest priority under any criteria you wanted to apply in respect to their having the Department make use of their full resources.

Mr. GROSS. Based on the information given by the Department and without any relationship to the support given to the passage of the so-called postal reform bill, the gentleman is saying that this criterion is strictly based upon the efficient operation of the Post Office Department and has no relationship to anything else; is that right?

Mr. STEED. I might say to the gentleman from Iowa that as we go over these projects I do not have any interest in knowing where any of these projects are located. We are more interested in how badly they are needed, and what kind of savings will result from their being built.

Mr. GROSS. I will say to the gentleman that there are a great many sectional postal centers in the country that need expanded facilities or new facilities that are a long way from getting them. And it seems strange to me that these four would be selected, the other body having dropped them out, and they were selected on the insistence of the House conferees.

Mr. STEED. I agree with the gentleman that we have a long list of projects that are highly desirable, and they are very definitely justified, but we just could not give them enough funds in a single year to build them all.

But with the 34 projects that we are funding in this bill, this is the greatest step so far toward getting these badly needed facilities constructed that we have been able to make since I have been associated with this bill.

And I can tell the gentleman now that if we could proceed immediately in building all the facilities we can justify, I believe that when they were in being and useful as against what we are now faced with and forced to work with, it could result in a net savings of about half a billion dollars a year. And so to me this is one place where by investing money we can actually save money.

I do not know of any other way we can eliminate some of these unnecessary costs until we get modern facilities.

Mr. GROSS. I thank the gentleman for his explanation, but——

Mr. STEED. In other words, to leave these projects out, or leave any of the 34 out, you are not reducing the problem, you are just delaying something that has to be done, and the longer you delay the more it will cost the people in terms of unnecessary costs.

If I had my way about it, I would be willing to go ahead now and build every project in this country immediately that can be justified, because they will more than pay for themselves in the next 4 or 5 or 6 years, if we could do it. To me it seems that this is a time when we can make an investment with some sound judgment that will pay for itself in a very limited period of time. With the mail volume we have, and in trying to process the volume of mail with some of the outmoded facilities we have, there are identifiable costs that are rather high that cannot be eliminated until we do get new facilities. And I am one who hopes we do not have to wait much longer until every section of the country that can justify a new project gets it.

Mr. GROSS. I am not sure whether, allegedly having taken politics out of the Post Office Department, cronyism has not been substituted.

Mr. STEED. I have no evidence of that, I will say to the gentleman. We studied these prospectuses carefully, and the factors that justified them were very high and very good. I am sorry we are only able to fund the 34 projects contained in this bill. I wish it were possible for it to be for 100 or 150, because they could all be justified.

Mr. GROSS. Ask the gentleman to bear with me for one more observation, and that is concerning the luxury of entertaining the United Nations in this country, because it is well pointed up in this bill.

In this bill the taxpayers will have the dubious pleasure of putting up $1,650,000 to protect the so-called visiting Poo-Bahs who come to this country this year, to visit the United Nations. How much more this outfit in New York is going to cost the country I do not know. The taxpayers ought to rebel against it and throw it out.

I thank the gentleman for yielding.

Mr. ADDABBO. Mr. Speaker, will the gentleman yield?

Mr. STEED. I yield to the gentleman.

Mr. ADDABBO. Mr. Speaker, I am glad to see we are finally going to have the people of the country paying a part of the bill which the people of the city of New York have been paying for these many, many years to give protection to the dignitaries coming into New York City.

The New York City police force has been overburdened. It finally may be that the burden will be borne by the entire Nation which we should not bear at all. But the people of the city of New York should not be entirely penalized for the United Nations.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. STEED. I yield to the gentleman.

Mr. GROSS. The city of New York broke its figurative back to get this outfit there many years ago, and as far as I am concerned they can suffer with it now.

THE APPROPRIATIONS BILLS FOR FISCAL YEAR 1971

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. STEED. I yield to the gentleman from Texas, the chairman of the Committee on Appropriations.

Mr. MAHON. Mr. Speaker, I think it would be appropriate to make reference to the status of the overall appropriation business of the Congress relating to the current fiscal year 1971.

WHERE THE BILLS ARE

For the fiscal year 1971, the current fiscal year, we will be acting on 15 appropriation bills.

The pending bill makes the fifth appropriation bill to be sent to the President, not counting the vetoed independent offices-HUD bill. Therefore, 10 appropriation bills remain to be considered.

The five bills—including the pending bill—enacted are: Education, Interior, District of Columbia, legislative, and Treasury-Post Office, the pending bill.

Of the 10 remaining, there are three bills in conference between the House and Senate. They are: Public Works-AEC, State, Justice, Commerce, and the judiciary, and Agriculture.

The Agriculture appropriation bill passed both bodies quite some time ago, but action has been withheld pending a determination on the new farm bill. There is some indication that a new farm bill may be agreed upon in conference next week. If so, then we will be in position to go to conference on the Agriculture appropriation bill.

The Public Works-AEC bill will, I believe, be coming along quite soon. A conference is scheduled for tomorrow.

The State, Justice, Commerce, and judiciary bill should be coming along shortly. We have a conference scheduled on that bill next week.

There are four bills awaiting action by the Senate. They have, I believe, virtually concluded committee hearings, but they have not been considered by the Senate. They are: Transportation, Labor-HEW, foreign assistance, and military construction.

Waiting to be reported to the House is the Defense appropriation bill, which has not been brought forward because the related authorization bill only recently cleared the other body. The conference on that bill has not been completed and the Defense appropriation bill will not be presented until the conference undertakes to agree, or does agree, on the authorization bill.

The vetoed bill, the independent offices-HUD bill, involves some important questions. The veto was sustained. It will be necessary for us to scale down the overall amount when we bring in a new bill.

We see no real problem in bringing this bill in. I hope we will be able to move in that direction reasonably soon.

Finally, there will be a catchall sup-

plemental appropriation bill. The President has sent us a number of budget requests for the supplemental bill. Several others may soon be forthcoming.

Mr. Speaker, I thought this information would be appropriate for the RECORD at this time.

I shall revise my remarks and fill in more detail about the figures for these bills.

I want to thank the able chairman of the subcommittee, the gentleman from Oklahoma (Mr. STEED), for yielding to me and to commend him and all members of the conference committee for a good job on the pending Post Office and Treasury Department appropriation bill.

(Mr. MAHON asked and was given permission to revise and extend his remarks.)

APPROPRIATION BILL TOTALS

Mr. MAHON. Mr. Speaker, under leave granted, I am including certain summary figures of amounts involved in the appropriation bills dealing with fiscal 1971.

HOUSE TOTALS

Not counting the vetoed independent offices-HUD bill, the House has considered budget requests of $51.2 billion. It has approved a total of $50.4 billion, for a net reduction of about $0.8 billion. The precise reduction figure is $745,548,805. That is a net figure. Ten bills were under the budget; two were above.

SENATE TOTALS

Not counting the vetoed independent offices-HUD bill, the Senate has considered budget requests of $25.6 billion. It has approved a total of $27 billion, for a net increase of about $1.4 billion. The precise net increase figure is $1,368,843,754. Six bills were below the budget requests; two were above the requests.

ENACTED TOTALS

Including the pending conference report, five bills have cleared Congress. They involve budget requests of $9.4 billion, enacted amounts of $9.8 billion, for a net increase of about $0.4 billion. The precise net increase is $398,328,421. Four bills reflected a reduction; the education bill was above the budget.

TOTALS PENDING IN HOUSE COMMITTEE

The two regular bills in committee—yet to be reported to the House—involve budget requests of $86.2 billion—$68.7 billion in the Defense bill and $17.5 billion in the independent offices-HUD bill.

Budget requests presently in hand for the closing supplemental total $366 million. Other requests may be forthcoming.

The vetoed independent offices-HUD bill was $541 million above the budget. We shall have to accommodate the bill to the changed situation which will, of course, change the total.

TABLE BY BILLS

I include a table of the amounts of budget requests and the amounts approved for each of the regular bills for fiscal 1971. It does not include the closing supplemental bill because the amounts are, as of now, somewhat indeterminate:

NEW BUDGET (OBLIGATIONAL) AUTHORITY IN THE APPROPRIATIONS BILLS, FISCAL YEAR 1971

[As to fiscal year 1971 amounts only]

Bill	Budget requests considered	Approved	Change (+) or (−)
In the House:			
1. Legislative	$356,043,285	$346,649,230	−$9,394,055
2. Treasury-Post Office (net of estimated postal revenues appropriated)	3,044,755,000	2,971,702,000	−73,053,000
3. Education (veto overridden)	3,807,524,000	4,127,114,000	+319,590,000
4. Independent offices—HUD (veto sustained)	17,216,823,500	17,390,212,300	+173,388,800
5. State—Justice—Commerce—Judiciary	3,243,905,000	3,106,956,500	−136,948,500
6. Interior	1,610,757,600	1,610,026,700	−730,900
7. Transportation	2,455,814,937	2,429,579,937	−36,235,000
8. District of Columbia	109,088,000	108,938,000	−150,000
9. Foreign assistance	2,876,539,000	2,220,961,000	−655,578,000
10. Agriculture	7,531,775,500	7,450,188,150	−81,587,350
11. Military construction	2,134,800,000	1,997,037,000	−137,763,000
12. Public works—AEC	5,263,433,000	5,236,808,000	−26,625,000
13. Labor—HEW	18,731,737,000	18,824,663,000	+92,926,000
14. Defense	(68,745,666,000)		
Subtotal, House bills	68,392,995,822	67,820,835,817	−572,160,005
Deduct: Independent offices—HUD bill (veto sustained)	17,216,823,500	17,390,212,300	+173,388,800
Net total, House bills	51,176,172,322	50,430,623,517	−745,548,805
In the Senate:			
1. Legislative	421,414,899	413,889,653	−7,525,246
2. Education	3,966,824,000	4,782,871,000	+816,047,000
3. Independent offices-HUD	17,468,223,500	18,655,019,500	+1,186,796,000
4. Interior	1,839,974,600	1,835,337,500	−4,637,100
5. District of Columbia	109,088,000	108,938,000	−150,000
6. Agriculture	$7,748,354,500	$8,475,935,100	+$727,580,600
7. Public works-AEC	5,263,433,000	5,258,695,000	−4,738,000
8. State-Justice-Commerce-Judiciary	3,251,200,000	3,122,080,500	−129,119,500
9. Treasury-Post Office (net of estimated postal revenues appropriated)	3,046,693,000	3,018,079,000	−28,614,000
Subtotal, bills cleared Senate	43,115,205,499	45,670,845,253	+2,555,639,754
Deduct: Independent offices-HUD bill (Veto sustained by House)	17,468,223,500	18,655,019,500	+1,186,796,000
Net total, bills cleared Senate	25,646,981,999	27,015,825,753	+1,368,843,754
Enacted:			
1. Education (veto overriden by House)	3,966,824,000	4,420,145,000	+453,321,000
2. Interior	1,839,974,600	1,835,474,700	−4,499,900
3. District of Columbia	109,088,000	108,938,000	−150,000
4. Independent offices—HUD (veto sustained)	17,468,223,500	18,009,525,300	+541,301,800
5. Legislative	421,414,899	413,054,220	−8,360,679
6. Treasury-Post Office (net of estimated postal revenues appropriated	3,046,693,000	[1]3,004,711,000	[1]−41,982,000
Subtotal, bills cleared Congress	26,852,217,999	27,791,848,220	+939,630,221
Deduct: Independent offices—HUD (veto sustained)	17,468,223,500	18,009,525,300	+541,301,800
Net total, bills enacted	9,383,994,499	9,782,322,920	+398,328,421

[1] Based on conference report agreed to by House today.

Note: Prepared Sept. 16, 1970, in the House Committee on Appropriations.

COMPREHENSIVE SCOREKEEPING REPORT

Mr. MAHON. Mr. Speaker, the figures I have used relate only to the appropriations bills for the current fiscal year 1971. And they refer to appropriations and budget requests for appropriations, not expenditures.

A more comprehensive report on congressional actions and impact on the President's budget, in terms of both appropriations and spending as well as revenues, and including various legislative bills that affect the situation, is reflected in the "scorekeeping" report issued by the staff of the Joint Committee on Reductions of Federal Expenditures. A résumé of the most recent report, as of September 10, is included in the RECORD of September 15, at page 31955.

Mr. STEED. I thank my distinguished chairman.

Mr. FULTON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. STEED. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. May I make a request of the gentleman from Texas that he include with his remarks the budget figures originally submitted by the Nixon administration and how they compare with the House figures?

Mr. MAHON. I will be delighted to do so.

Mr. FULTON of Pennsylvania. I do have a question as to procedures for Congressmen either to request or to object to post office construction in his district. What will the procedures be under the new Post Office Reorganization Act?

For example, in my own district I have felt that the local communities should do the constructing themselves on their own land, so that it would cost the U.S. Government very much less to have the post offices built, and then they would lease them to the Government for a period of 20 years. In fact, I am one of those people who thought there were no politics in the Post Office Department; so I objected to the expressed need for and the construction of a post office in my district. The post office was constructed over my strong objections. How can we consider that the budget is so tight when they are able to construct a post office that the local Congressman

says is not needed, he did not want it, and the local community was willing to construct the post office building that they might be able to use for some other local purpose, such as a library, and rent it to the Government for 20 years so there would not be an investment by the U.S. Government?

We do need post offices in certain areas in our district, and post offices have been denied, and then they put two post offices in one town. I think that is a little bit too much. What is the procedure now going to be for the average Congressman to talk with the new Post Office Corporation about post offices and what has it been? I certainly have been surprised at some of the actions that have occurred.

Mr. STEED. As the gentleman knows, there are three ways in which the Post Office Department can obtain a new facility. One is through the General Services Administration, through the construction of a Federal building in which the post office is one of the tenants.

The second way is through the appropriation, 100 percent, for the construction of a post office facility, fully federally financed as we have been discussing in this bill as postal public buildings.

The third way is under building occupancy, and this is the so-called lease program. We are funding only about 35 projects in the federally financed public buildings item. Under the lease program, where buildings are privately owned and rented to the Government, the Department has been building about 1,000 new facilities a year throughout the country. They have had a rule-of-thumb policy down there that, generally speaking, a facility of less than 50,000 square feet would be funded through the lease program. If it is more than that, generally speaking, they would seek Federal funds to build it. So what the new Board of Governors will do I do not know. The only way that any Member of Congress will have any opportunity to influence any project whatsoever would be to approach the managers of the post office under the new corporate structure and present the merits of the case to them and hope they would react to it, because when we created the Postal Corporation, we took postal service one step further from the ability of the Members of the Congress to influence their action.

Mr. FULTON of Pennsylvania. The question is, Would there be a difference in policy? Does the new corporation favor the lease form for post office construction over construction by the corporation itself and owning by the corporation, or what is the recommended policy?

Mr. STEED. Under the Postal Corporation Act passed by Congress, when the Governors are appointed, they will choose a new Postmaster General and his assistants, and all of these policies will be reviewed. As to what they will be, the gentleman's guess is as good as mine. I would suspect that for the time being, at least, they would go pretty much along with what is being done now until they have had an opportunity to find better ways to meet their problems. There are a great many projects needed. Even at the rate of building a thousand a year, it would take about 31 years to get all the postal facilities under a new roof.

So when we look at the mammoth job they have to do, the amount we are authorizing here is a very small part. So, hopefully, the corporation will develop some kind of policy to get on with these badly needed facilities and eliminate about a half billion dollars a year in waste.

Mr. FULTON of Pennsylvania. Will Congress itself have anything to say about determination of the type of policy there will be on construction of post offices or general service buildings by the Post Office Department?

Mr. STEED. I understand the Postal Service will now operate as an independent corporation. I do not think it will be consulting the Congress.

Mr. FULTON of Pennsylvania. There will be no general guidelines set by Congress in this respect?

Mr. STEED. Not other than what is contained in the act itself.

Mr. Speaker, I include a table reflecting details of the bill just passed:

TREASURY, POST OFFICE, AND EXECUTIVE OFFICE APPROPRIATIONS BILLS, 1971 (H.R. 16900)

[In thousands of dollars]

Agency and items	New budget (obligational) authority appropriated, fiscal year 1970 [1]	Budget estimates of new (obligational) authority, fiscal year 1971	Allowances			Conference allowance compared with—			
			House	Senate	Conference	New budget (obligational) authority appropriated, 1970	Budget estimate of new (obligational) authority, 1971	House allowance	Senate allowance
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
TITLE I									
TREASURY DEPARTMENT									
Office of the Secretary	9,828	9,660	9,500	9,660	9,660	−168		+160	
Federal Law Enforcement Training Center:									
Salaries and expenses	58	1,113	1,000	1,113	1,080	+1,022	−$33	+80	−$33
Construction	1,000	5,000	5,000	5,000	5,000	+4,000			
Total, Federal Law Enforcement Training Center	1,058	6,113	6,000	6,113	6,080	+5,022	−33	+80	−33
Bureau of Accounts	47,375	47,250	47,250	47,250	47,250	−125			
Government losses in shipment		400	400	400	400	+400			
Bureau of Customs	125,131	137,085	135,500	137,085	137,000	+11,869	−85	+1,500	−85
Bureau of the Mint	17,500	19,663	18,000	19,663	19,600	+2,100	−63	+1,600	−63
Construction of Mint facilities	1,770					−1,770			
Bureau of the Public Debt	65,414	66,792	66,792	66,792	66,792	+1,378			
Internal Revenue Service:									
Salaries and expenses	24,926	26,096	25,500	26,096	26,096	+1,170		+596	
Revenue accounting and processing	211,920	222,239	220,000	222,239	221,500	+9,580	−739	+1,500	−739
Compliance	623,006	664,473	645,000	660,000	655,000	+31,994	−9,473	+10,000	−5,000
Total Internal Revenue Service	859,852	912,808	890,500	908,335	902,596	+42,744	−10,212	+12,096	−5,739
Office of the Treasurer	7,773	8,180	8,180	8,180	8,180	+407			
Check forgery insurance fund	100					−100			
U.S. Secret Service:									
Salaries and expenses	32,811	44,600	40,000	44,600	42,300	+9,489	−2,300	+2,300	−2,300
Construction of Secret Service training facilities	700					−700			
Total U.S. Secret Service	33,511	44,600	40,000	44,600	42,300	+8,789	−2,300	+2,300	−2,300
Total title I Treasury Department new budget (obligational) authority	1,169,312	1,252,551	1,222,122	1,248,078	1,239,858	+70,546	−12,693	+17,736	−8,220

TREASURY, POST OFFICE, AND EXECUTIVE OFFICE APPROPRIATIONS BILLS, 1971 (H.R. 16900)—Continued

[In thousands of dollars]

Agency and items	New budget (obligational) authority appropriated, fiscal year 1970 [1]	Budget estimates of new (obligational) authority, fiscal year 1971	Allowances			Conference allowance compared with—			
			House	Senate	Conference	New budget (obligational) authority appropriated, 1970	Budget estimate of new (obligational) authority, 1971	House allowance	Senate allowance
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
TITLE II									
POST OFFICE DEPARTMENT									
Authorizations and limitations on use of the Postal Fund:									
Administration and regional operation	(143,784)	(163,670)	(161,000)	(163,670)	(162,335)	(+18,551)	(−1,335)	(+1,335)	(−1,335)
Research, development, and engineering	(49,736)	(65,675)	(60,000)	(65,675)	(62,000)	(+12,264)	(−3,675)	(+2,000	(−3,675)
Operations	(6,403,667)	(6,517,138)	(6,500,000)	(6,517,138)	(6,508,000)	(+104,333)	(−9,138)	(+8,000)	(−9,138)
Transportation	(640,060)	(661,000)	(655,000)	(659,000)	(657,000)	(+16,400)	(−4,000)	(+2,000)	(−2,000)
Building occupancy	(230,000)	(260,590)	(255,000)	(259,000)	255,000))	(+25,000)	(−5,590)		(−4,000)
Supplies and services	(115,132)	(119,203)	(118,000)	(118,000)	(118,000)	(+2,868)	(−1,203)		
Plant and equipment	(210,000)	(221,158)	(217,000)	(219,000)	(217,000)	(+7,000)	(−4,158)		(−2,000)
Postal public buildings	(170,000)	(269,825)	(269,825)	(252,825)	(269,825)	(+99,825)			(+17,000)
Total authorizations and limitations on use of the Postal Fund	(7,962,919)	(8,278,259)	(8,235,825)	(8,254,308)	(8,249,160)	(+286,241)	(−29,099)	(+13,335)	(−5,148)
Less net revenues (estimated)	(−6,369,000)	(−6,521,000)	(−6,521,000)	(−6,521,000)	(−6,521,000)	(−152,000)			
Total, title II, Post Office Department new budget (obligational) authority (indefinite)	1,593,919	1,757,259	1,714,825	1,733,308	1,728,160	+134,241	−29,099	+13,335	−5,148
TITLE III									
EXECUTIVE OFFICE OF THE PRESIDENT									
Compensation of the President	250	250	250	250	250				
Operating expenses, Executive Residence	966	1,100	1,100	1,100	1,100	+134			
The White House Office	3,940	8,550	8,550	8,550	8,550	+4,610			
Special Assistants to the President		700	700	700	700	+700			
President's Advisory Council on Executive Organization	1,000	500	500	500	500	−500			
Office of Intergovernmental Relations	120	300	300	300	300	+180			
Special projects	2,500	1,500	1,500	1,500	1,500	−1,000			
Expenses of management improvement	350	350	350	350	350				
Emergency fund for the President	1,000	1,000	1,000	1,000	1,000				
Bureau of the Budget	12,141	13,290	13,100	13,100	13,100	+959	−190		
Council of Economic Advisers	1,187	1,233	1,233	1,233	1,233	+46			
National Security Council	1,860	2,182	2,182	2,182	2,182	+322			
Total, title III, Executive Office of the President, new budget (obligational) authority	25,314	30,955	30,765	30,765	30,765	+5,451	−190		
TITLE IV									
INDEPENDENT AGENCIES									
Administrative Conference of the United States	250	380	380	380	380	+130			
Advisory Commission on Intergovernmental Relations	620	610	610	610	610	−10			
Commission on Obscenity and Pornography	1,100					−1,100			
United States Tax Court	3,022	[2] 3,288	3,000	3,288	3,288	+266		+288	
Total, title IV, Independent agencies, new budget (obligational) authority	4,992	4,278	3,990	4,278	4,278	−714		+288	
TITLE V									
FUNDS APPROPRIATED TO THE PRESIDENT									
Protection of visiting foreign dignitaries attending the observance of the 25th anniversary of the United Nations		[3] 1,650		1,650	1,650	+1,650		+1,650	
Grand total, titles I, II, III, IV, and V, new budget (obligational) authority	2,793,537	3,046,693	2,971,702	3,018,079	3,004,711	+211,174	−41,982	+33,009	−13,368
Consisting of—									
Appropriations (definite)	1,199,618	1,289,434	1,256,877	1,284,771	1,276,551	+76,933	−12,883	+19,674	−8,220
Appropriations (indefinite)	1,593,919	1,757,259	1,714,825	1,733,308	1,728,160	+134,241	−29,099	+13,335	−5,148
Memoranda—									
Grand total, titles I, III, IV, and V, new budget (obligational) and title II, authorizations out of the Postal Fund	(9,162,537)	(9,567,693)	(9,492,702)	(9,539,079)	(9,525,711)	(+363,174)	(−41,982)	(+33,009)	(−13,368)

[1] Includes supplemental amounts contained in Second Supplemental Appropriations Act, 1970, (P.L. 91-305) approved July 6, 1970.

[2] Indexes revised estimate contained in H.Doc. 305, Apr. 13, 1970, not considered by House.

[3] Contained in Senate Document 91-100, Aug. 31, 1970, not considered by the House.

The SPEAKER. The question is on the conference report.

The question was taken.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 342, nays 8, not voting 79, as follows:

[Roll No. 299]

YEAS—342

Abbitt	Andrews, N. Dak.	Betts	Brademas	Byrne, Pa.	Cleveland
Abernethy	Annunzio	Bevill	Brasco	Byrnes, Wis.	Cohelan
Adair	Arends	Biaggi	Bray	Cabell	Collins
Addabbo	Ashley	Biester	Brinkley	Caffery	Colmer
Albert	Aspinall	Bingham	Broomfield	Camp	Conable
Alexander	Ayres	Blackburn	Brotzman	Carey	Conte
Anderson, Calif.	Baring	Blanton	Brown, Calif.	Carter	Corbett
Anderson, Ill.	Barrett	Boggs	Brown, Mich.	Casey	Coughlin
Andrews, Ala.	Bell, Calif.	Boland	Brown, Ohio	Cederberg	Cramer
		Bolling	Broyhill, N.C.	Chamberlain	Crane
			Broyhill, Va.	Chappell	Culver
			Buchanan	Chisholm	Cunningham
			Burke, Fla.	Clancy	Daddario
			Burke, Mass.	Clark	Daniel, Va.
			Burleson, Tex.	Clausen, Don H.	Daniels, N.J.
			Burlison, Mo.	Clay	Davis, Ga.
			Burton, Calif.		Davis, Wis.

de la Garza	Karth	Quie
Dellenback	Kastenmeier	Quillen
Denney	Kazen	Railsback
Devine	Kee	Randall
Dickinson	Keith	Reid, Ill.
Dingell	King	Reid, N.Y.
Donohue	Kluczynski	Reifel
Dorn	Koch	Reuss
Downing	Kuykendall	Riegle
Dulski	Kyl	Rivers
Duncan	Kyros	Roberts
Dwyer	Landgrebe	Robison
Eckhardt	Landrum	Rodino
Edmondson	Langen	Roe
Edwards, Ala.	Latta	Rogers, Fla.
Edwards, Calif.	Leggett	Rooney, N.Y.
Eilberg	Lennon	Rooney, Pa.
Erlenborn	Lloyd	Rosenthal
Esch	Long, La.	Rostenkowski
Evans, Colo.	Long, Md.	Roth
Evins, Tenn.	Lukens	Ruppe
Farbstein	McCarthy	Ruth
Fascell	McClory	Ryan
Findley	McCloskey	St Germain
Fish	McClure	Sandman
Fisher	McDade	Satterfield
Flood	McDonald, Mich.	Saylor
Flowers	McFall	Schadeberg
Foley	McKneally	Scheuer
Ford, Gerald R.	Macdonald, Mass	Schwengel
Foreman	Madden	Scott
Fountain	Mahon	Shipley
Frelinghuysen	Mailliard	Sikes
Frey	Mann	Sisk
Fulton, Pa.	Marsh	Slack
Fulton, Tenn.	Martin	Smith, Calif.
Fuqua	Mathias	Smith, Iowa
Galifianakis	Matsunaga	Smith, N.Y.
Gallagher	May	Snyder
Garmatz	Mayne	Springer
Giaimo	Meeds	Stafford
Gibbons	Melcher	Stanton
Gilbert	Mikva	Steed
Goldwater	Miller, Calif.	Steiger, Ariz.
Gonzalez	Miller, Ohio	Steiger, Wis.
Goodling	Mills	Stephens
Green, Oreg.	Minish	Stokes
Green, Pa.	Minshall	Stratton
Griffin	Mizell	Stubblefield
Griffiths	Mollohan	Stuckey
Grover	Monagan	Sullivan
Gubser	Montgomery	Symington
Gude	Moorhead	Talcott
Haley	Morgan	Taylor
Halpern	Morse	Teague, Calif.
Hamilton	Morton	Teague, Tex.
Hammer-schmidt	Mosher	Thompson, Ga.
Hanley	Moss	Thomson, Wis.
Hanna	Murphy, Ill.	Tiernan
Hansen, Idaho	Myers	Udall
Harrington	Natcher	Ullman
Harsha	Nedzi	Van Deerlin
Harvey	Nelsen	Vander Jagt
Hastings	Nichols	Vanik
Hathaway	Nix	Vigorito
Hawkins	Obey	Waldie
Hays	O'Hara	Wampler
Hechler, W. Va.	O'Konski	Watson
Helstoski	Olsen	Watts
Henderson	O'Neal, Ga.	Whalen
Hicks	O'Neill, Mass.	Whalley
Hogan	Passman	White
Holifield	Patman	Whitehurst
Hosmer	Patten	Whitten
Howard	Perkins	Widnall
Hull	Pettis	Wiggins
Hungate	Pickle	Williams
Hunt	Pike	Wilson, Bob
Hutchinson	Pirnie	Wright
Ichord	Poage	Wyatt
Jacobs	Podell	Wydler
Jarman	Poff	Wylie
Johnson, Calif.	Preyer, N.C.	Wyman
Johnson, Pa.	Price, Ill.	Yates
Jonas	Price, Tex.	Yatron
Jones, Ala.	Pryor, Ark.	Young
Jones, N.C.	Pucinski	Zablocki
Jones, Tenn.		Zion
		Zwach

NAYS—8

Ashbrook	Gross	Rousselot
Bennett	Hall	Schmitz
Dennis	Rarick	

NOT VOTING—79

Adams	Burton, Utah	Delaney
Anderson, Tenn.	Bush	Dent
Beall, Md.	Button	Derwinski
Belcher	Celler	Diggs
Berry	Clawson, Del	Dowdy
Blatnik	Collier	Edwards, La.
Bow	Conyers	Eshleman
Brock	Corman	Fallon
Brooks	Cowger	Feighan
	Dawson	Flynt
Ford, William D.	MacGregor	Scherle
Fraser	Meskill	Schneebeli
Friedel	Michel	Sebelius
Gaydos	Mink	Shriver
Gettys	Mize	Skubitz
Gray	Murphy, N.Y.	Staggers
Hagan	Ottinger	Taft
Hansen, Wash.	Pelly	Thompson, N.J.
Hébert	Pepper	Tunney
Heckler, Mass.	Philbin	Waggonner
Horton	Pollock	Weicker
Kleppe	Powell	Wilson, Charles H.
Lowenstein	Purcell	Winn
Lujan	Rees	Wold
McCulloch	Rhodes	Wolff
McEwen	Rogers, Colo.	
McMillan	Roudebush	
	Roybal	

So the conference report was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Rhodes.
Mr. Brooks with Mr. Mize.
Mr. Murphy of New York with Mr. Bow.
Mr. Philbin with Mrs. Heckler of Massachusetts.
Mr. Fallon with Mr. Beall of Maryland.
Mr. Thompson of New Jersey with Mr. Cowger.
Mr. Wolff with Mr. Pelly.
Mr. Waggonner with Mr. Belcher.
Mr. Celler with Mr. Horton.
Mr. Delaney with Mr. Button.
Mr. Dent with Mr. Pollock.
Mr. Edwards of Louisiana with Mr. Berry.
Mr. Flynt with Mr. Brock.
Mr. Friedel with Mr. McEwen.
Mr. Gettys with Mr. Burton, of Utah.
Mr. Rogers, of Colorado with Mr. Bush.
Mr. Staggers with Mr. Kleppe.
Mr. Purcell with Mr. Collier.
Mr. Gaydos with Mr. McCulloch.
Mr. Gray with Mr. Lujan.
Mr. Charles H. Wilson with Mr. Del Clawson.
Mr. Blatnik with Mr. MacGregor.
Mr. Adams with Mr. Michel.
Mr. Corman with Mr. Meskill.
Mr. Dowdy with Mr. Derwinski.
Mr. Feighan with Mr. Eshleman.
Mr. Hagan with Mr. Roudebush.
Mr. McMillan with Mr. Scherle.
Mr. Anderson of Tennessee with Mr. Wold.
Mrs. Hansen of Washington with Mr. Taft.
Mr. Pepper with Mr. Weicker.
Mr. Tunney with Mr. Schneebeli.
Mr. Fraser with Mr. Sebelius.
Mr. William D. Ford with Mr. Winn.
Mr. Ottinger with Mr. Skubitz.
Mrs. Mink with Mr. Shriver.
Mr. Roybal with Mr. Conyers.
Mr. Lowenstein with Mr. Diggs.
Mr. Powell with Mr. Rees.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDMENT IN DISAGREEMENT

The SPEAKER pro tempore. The Clerk will report the amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 29: On page 16, line 13, insert:

"TITLE V—FUNDS APPROPRIATED TO THE PRESIDENT

"PROTECTION OF VISITING FOREIGN DIGNITARIES ATTENDING THE OBSERVANCE OF THE TWENTY-FIFTH ANNIVERSARY OF THE UNITED NATIONS

"For expenses necessary to enable the President, through such officers or agencies of the Government as he may designate, and without regard to such provisions of law regarding the expenditure of Government funds as he may specify, to provide adequate security protection to foreign heads of state and other foreign dignitaries while visiting in the United States during or in connection with the twenty-fifth anniversary of the founding of the United Nations, $1,650,000."

MOTION OFFERED BY MR. STEED

Mr. STEED. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STEED moves that the House recede from its disagreement to the amendment of the Senate numbered 29 and concur therein.

The motion was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 3637, POLITICAL BROADCASTING

Mr. MACDONALD of Massachusetts. Mr. Speaker, I call up the conference report on the bill (S. 3637) to amend section 315 of the Communications Act of 1934 with respect to equal-time requirements for candidates for public office, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of August 13, 1970.)

Mr. MACDONALD of Massachusetts (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement of the managers be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MACDONALD) is recognized for 1 hour.

Mr. MACDONALD of Massachusetts. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois (Mr. SPRINGER) pending which I yield myself such time as I may consume.

Mr. Speaker, I am very happy, on behalf of the conferees on the part of the House, to report back to the House this very important bill which we passed August 11. The bill went to conference, and it came back intact from the point of view of the Members of the House. The other body receded on each and every article contained in the House-passed bill.

There was some controversy about the effective date of this bill, but that now has become moot, and the House effective date is in effect now in the conference report for all practical purposes.

The Senate receded as to the coverage of primaries, the inclusion of Governors, Lieutenant Governors, and the inclusion of other State officers, as will be decided by the various State legislatures when they decide that a very important individual office in any given State should be included. This can be done by the States.

I believe it is rather unusual that the other body should recede on each and

every disagreement that we had in the conference. I believe this is a tribute to the statesmanship of their management leader, Senator PASTORE, and the other members of the Senate conference group.

This is not a bill that affects Republicans or affects Democrats. The main thrust of it is to the public interest. This bill, as we all know, which was supported here so handsomely on August 11, goes to the public interest and goes to the prevention of the purchase of seats in this House, the other body, and the statehouses throughout the country.

A custom seems to be getting more and more prevalent in the various 50 States, as to people who have a good deal of money—either inherited or made in private business or by virtue of becoming indebted to sources who have ever so much money—to put on TV "blitzes" and radio "blitzes." The political contest ends up in a contest where the merit is not as to the individual candidate and his stand on the issues but rather the question of financial resources—how much the candidate either personally has or becomes indebted to acquire.

Therefore, I say again to the Members things they all know. This affects each and every Member of the House, each and every statehouse of the 50 States, and affects every Member of the other body.

I believe we have done a great service. For the first time since the enactment of the Communications Act of 1934 we have met a problem head on and have brought forward with bipartisan support a way in which a serious and real problem shall be met.

I congratulate the gentlemen on the other side, from whom we will hear very soon, I am sure, on their conduct in our hearings. One type of bill went in. It was expanded and broadened. It came out of our subcommittee with unanimous support. It came out of our full committee with just one member voting against it. It now comes back to the House for confirmation of the fact that the House still feels responsible to the public, as evidenced on August 11 when the vote here was recorded to be 272 ayes and only 97 noes.

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield?

Mr. MACDONALD of Massachusetts. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Speaker, I want to commend the able gentleman who is handling this bill, the gentleman from Massachusetts (Mr. MACDONALD) and the other House conferees, for the masterful way in which they have handled this bill from the outset, the way in which they won the major points of controversy in the conference and for the forward step which this bill represents.

I personally am one who feels that there should be effective campaign spending limitations across the board affecting all of the media at the earliest possible date. I hope we will see those in the very near future. This is an important step forward in that direction, and I congratulate the gentleman for what has been accomplished.

Mr. MACDONALD of Massachusetts. I thank the very able gentleman.

Mr. SPRINGER. Mr. Speaker, I yield myself such time as I may consume.

May I say I would like to congratulate the gentleman from Massachusetts, the chairman of the Subcommittee on Communications and Federal Power for the fine job that he did together with the gentleman from North Carolina (Mr. BROYHILL), the ranking minority member of that committee.

When we came to the floor with this bill in its original form it was a fine bill. I felt that all together it was certainly in the public interest. It was a reform measure in order to limit the amount of money which could be spent either in the primary or in the general election. Maybe some of you have forgotten what was in the bill. I think I should take a minute to give you just a brief outline of a few things that the bill still does do.

First of all, the bill repeals section 315, which is the equal-time provision as to the President. In other words, it puts into effect a repeal of a section which demanded equal time for any party. You will recall that in the election of 1960 we had as many as 13 parties appearing on the presidential ballot in some States. It was impossible to give equal time. We suspended this section 315 in 1960 as to the Presidency. Under this act we permanently repeal section 315 for all presidential elections. That is a good step forward, in my opinion, which then gives the networks the judicious right to allot time to the two major parties so that they can be heard on TV.

Second, this bill requires for the first time that all candidates for office who are covered by this bill shall be charged no more by any television station or any radio station than the lowest broadcast rate that the station has for that time segment. That is the second provision.

The third provision deals with the coverage of this bill. The major officers are the President, the Vice President, U.S. Senators, and Members of the House of Representatives, Governors, and Lieutenant Governors. They are all covered under this bill.

The next provision is that the broadcast expenses for radio and television cannot exceed 7 cents per vote or a total of $20,000, whichever is the higher. So it is very easy for you to multiply the number of voters who voted in the last general election and multiply that by 7 cents. Then you can find out if it is more than $20,000 and, if it is, you can use that figure. If the $20,000 is the greater figure, you can use that.

Now about primaries. We do cover primaries in this. You can only spend one-half of that amount in primaries. So it is easy to multiply the number by 7 cents; that is, the number in the last election, and divide by 2 and then you have the amount of money that can be spent in a primary for television and radio.

Now we are not applying the Corrupt Practices Act as to the total expenditures. I want to indicate to you this applies only to TV and radio, because this committee has jurisdiction over only those two media by way of the Communications Act.

Now, how do you enforce this law? And that is very important. The responsibility is on the candidate and on the TV station. For instance, if you go to station KMOX, we will say, in your district, and you ask to sign a contract with that particular TV or radio outlet, then you have to certify to the station with a sworn statement that you are not exceeding the limit which is allowed under the law for your own district. So there are two requirements. First you have to certify you are not exceeding that amount; second, the station has to receive that and keep it so that there is a record of the fact that you have signed a certificate that you have not exceeded the limitation.

We have another provision in here for States. We merely say in the bill that if the States themselves want to make other offices of any kind or character come within the provisions of this law by action of the State legislature, and after being signed by the Governor, they may bring all of the offices within that State within the provisions of this act, and make it inclusive as well.

Those are the seven things which this bill does.

Now, what is the difference between the House bill and the bill that comes back here—and as you will note, the minority members did not sign this report. I do not know whether this is a major difference or not. I think we should explain why we did not sign it. There was some difficulty in arriving at what the effective date of this bill should be.

Now, on the House bill we made it effective January 1, 1971. It would not have been effective in this November election. In the Senate bill they made it effective 30 days after it was signed by the President. Well, trying to reach a compromise between the two is not an easy matter, and they did arrive at this kind of a compromise which is certainly very questionable in my mind, but you are the judges, so that it is up to you to make up your own minds as to whether or not you think this is such a major thing that you cannot vote for it.

Frankly, I am going to vote for the bill, because I am going to explain to you in a minute that this bill is not going to have application to this election anyway. But what happened was that they finally agreed that if one of the candidates, we will say, in your State, either the incumbent Senator or the person that is challenging him for the office, had signed a contract exceeding the figures in this bill before the effective date and his expenditure under that contract exceeded what is contained in this bill under either way you figure it, then the bill was not applicable to either one of the candidates.

Now, this raised a serious question in my mind because I happen to know of two Senators who, at least, I am so informed, had already executed contracts which exceeded the amount contained in this bill. I also know of another set of candidates who come from adjoining States adjoining one of these two I mentioned, and neither one of which has signed any contract exceeding the provisions of this bill, which simply means this: If we had passed this bill back in August before we adjourned for the re-

cess it probably would have been effective by the middle of about September.

The result would have been that in one State you would have had the incumbent Senator and his opponent with no application of this law at all. In an adjoining State where neither one of them had signed a contract, exceeding the provisions of this bill, this bill would have been applicable.

So it was possible in a good many States in this country that this law would not have been applicable and in a good many States it would have been applicable.

I think this was an inconsistency and I did not feel under those circumstances that I could sign the report because I felt that here was a discrimination as between the States where definitely in the bill it provided under some circumstances that candidates in those States would certainly not be applied to this bill and in other States they would be.

Now whether I have made this plain, I have tried to give you the picture of what could happen if we had passed this bill back before we adjourned.

Now what is the actual situation existing now? Under the provisions of this bill, it would go into effect 30 days after it becomes law, which means either the President signs it, does not sign it or vetoes it, but he probably is not going to veto it. If he signs it, and we will say we pass it today, you allow 10 days to pass for the President to sign the bill. This would bring it to about the 27th of September. At the end of 30 days, after he signs it, which would be the 27th of October, it would be the 27th of October that it would go into effect. That is 5 days before election day.

It is my understanding if we cannot get it passed before the end of next week, which is another 5 days—then election day being on November 3—you can see that as a practical matter the bill is not going to go into effect this year anyway.

So, as I have said, discrimination, probably as a matter of actual fact, is not going to take place. So probably this bill by the very operation of the signing of it by the President, after it is passed, plus the 30-day period, is going to throw it over somewhere into November—beyond the November 3 election day.

This inconsistency which I have pointed out to you here thus far is probably not going to apply. So under those circumstances, if it does not apply, then everybody in the country will be treated the same.

Mr. TIERNAN. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman.

Mr. TIERNAN. We have no assurance that the time will expire. In other words, you say that the President can take 10 days to sign it. But what would happen if the other body passed it next week and the President acted on it when he picks up the bill rather than waiting 10 days?

Mr. SPRINGER. It would probably go into effect. So around the 23d of October, if it passed promptly next week, then it would probably go into effect on October 23.

I have a letter which was written by the FCC saying that if it was put into effect at these late dates, it cannot possibly, as I understand it, put into effect and put in any regulation in time to do any good in this election.

I will put that letter in the RECORD as a part of these proceedings so we will have the FCC on record saying that they cannot possibly do it if they only have 10 days.

Mr. PICKLE. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman.

Mr. PICKLE. When the bill was before the House, I offered an amendment relative to the equal time provision and I opposed the measure on final passage because of that and other matters that I thought were discrimination against the industry.

Can the gentleman tell me if the language is in the conference report now the same as passed the House with reference to equal time; namely, that the discretion is up to the broadcaster and he is not limited by any definition whether he would have to qualify under two-thirds of the laws of the various States.

Mr. SPRINGER. My understanding is that it is exactly the same as written in the House version. There has been no amendment to that effect.

Mr. BYRNES of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman.

Mr. BYRNES of Wisconsin. Mr. Speaker, I would just like to understand how it works in terms of, let us say, this situation—let us say it becomes effective on October 23 and one of the candidates as of that date has contracted for more than is allowed? Then what happens?

Mr. SPRINGER. The law is not applicable.

Mr. BYRNES of Wisconsin. How does a candidate find out in that length of time whether the other candidate has a contract in terms of those amounts?

Mr. SPRINGER. The FCC would have to put regulations into effect which would compel each of the candidates to file regularly on certain dates exactly how much he has contracted for. The FCC has said it is impossible for them to do it for 435 candidates. It would be more than that. There would be 878 candidates for the House and 200 candidates for the Senate.

Mr. BYRNES of Wisconsin. Then we are today under this conference report passing a law that is meaningless in certain aspects because it could not even be enforced or administered.

Mr. SPRINGER. There is not time, according to the FCC, to put the regulations into effect and make this effective for the coming election. That is what they said. I did not say that. That is what they said.

Mr. MACDONALD of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. I yield to the chairman of the committee.

Mr. MACDONALD of Massachusetts. I should like to make one point clear. The other body has said that they cannot possibly take up this conference report until at least September 23. Even if it was agreed to then, we all know the President would have 10 days after it reaches his desk to sign it. So I could not agree with the gentleman more than that, so far as the effective date of 1970 is concerned, it is a moot question. It is just past the essence of this bill.

The second point I would like to make, in answer to the question asked by the gentleman from Wisconsin, is that there is already on the books a law that makes it mandatory on demand to have the FCC make its records available to an opponent of a candidate who has spent that much money. I thank the gentleman for yielding.

Mr. DE LA GARZA. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Texas.

Mr. DE LA GARZA. I appreciate the gentleman yielding. He seems to be well informed on this legislation. I wonder if the gentleman can tell me if any position has been taken by members of the media, any association such as the Broadcasters Association, either in the hearings or in relation to the conference?

Mr. SPRINGER. I can state my impression. I do not know that anyone has written me a letter to this effect. But there are opposed to it, I would say, two sizable groups, the radio and TV stations and ownership thereof.

My answer to the ones who have approached me has been simple. This is a measure which I think is in the public interest. May I say to the distinguished gentleman from Texas that there was a great deal of sentiment over in the other body and also some on our side to compel the TV and radio stations to give free time—free time—so in effect I have told these people that this conference report is a compromise which we have arrived at so that the TV and radio stations can only charge the lowest commercial rate that they charge anyone else. Ordinarily, as the gentleman knows, the political rate on TV and radio broadcasting, just as it is in the newspaper fields, is the highest rate that they have on their schedule. What we have said to them is, "You cannot charge more than the minimum rate." Their opposition has been to that point.

But I think we have compromised this matter. We have not compelled them to give free time, but we have compelled them not to charge more than the minimum rate, the lowest commercial rate that they have on their schedule.

Mr. DE LA GARZA. Mr. Speaker, will the gentleman yield further?

Mr. SPRINGER. I yield to the gentleman from Texas.

Mr. DE LA GARZA. What about the inclusion of all media in this type of legislation? Was any thought given to that subject?

Mr. SPRINGER. If the gentleman is talking about journals and newspapers, that is a subject, as I understand it, for consideration by the Committee on the Judiciary. We do not have jurisdiction over them. That is my informal understanding. I do not have any formal ruling on it. But I believe that is correct.

Therefore, we could not regulate in that field if we wished to do so.

Mr. DE LA GARZA. I appreciate the gentleman yielding.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Texas.

Mr. WRIGHT. I thank the gentleman for yielding. I should like to congratulate the conferees on the part of the House on both sides of the aisle for having done a thoroughly workmanlike job in conference with the Senate. I should like to say further that I believe this is one of the most truly significant beginnings of real reform in the electoral process that could possibly be undertaken in the United States.

Is it not true, as I believe I understand the gentleman from Illinois and the gentleman from Massachusetts to have pointed out, that this bill in its present form and with the exception of its effective date is essentially the same bill now that approximately three-quarters of the Members of the House voted for and supported when it came before the House previously?

Mr. SPRINGER. This is the House bill, with the single exception as I said of the effective date.

Mr. WRIGHT. I thank the gentleman.

I think many of us would like to see a broader bill that would be inclusive of all media, but for the reasons the gentleman has explained, this is a beginning, and I believe it is a very long overdue beginning. I congratulate the gentleman.

Mr. SPRINGER. May I say even though the minority Members did not sign the conference report, in view of the time that has taken place, we have come to the conclusion that the objections we had no longer would be effective anyway. I am going to vote for the bill.

Mr. MYERS. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Indiana.

Mr. MYERS. Mr. Speaker, while on our recess it was implied to me by some broadcasters that should this bill be enacted into law, some broadcasters might retaliate by refusing to broadcast political advertising. It seems to me that may be possible. Has this been considered by the committee?

Mr. SPRINGER. Yes, and may I say I do not believe any radio or TV broadcasters, if the gentleman approaches them, will refuse to take the political advertisements. The FCC has made it clear that the primary purpose of radio and TV stations being licensed to use the public airways is that they have a public duty to hear candidates and also to advertise those candidates if they bring their money in and in reasonable competition with anybody else purchase time.

So I do not think the gentleman will have any trouble to obtain any reasonable time.

Mr. MYERS. But if any media in the past accepted political advertising, and if they now refuse to continue to take political advertising, it would be showing bad faith; would it not?

Mr. SPRINGER. It would. I hope the gentleman will let this committee know if he finds any such instance.

Mr. MACDONALD of Massachusetts. Mr. Speaker, if there are no more requests for time, I would like in closing to point out to the gentleman from Indiana that the broadcasters, small and big, all get their licenses in order to serve the public interest. I would think it very queer—and I would be glad to hear on behalf of our subcommittee and the full committee—if the gentleman has any communication citing threats made, either to the gentleman from Indiana or to others, saying if this bill were passed, the broadcasters will refuse to live up to the promises they subscribe to when they get their licenses to operate in the public interest. If there is anything more in the public interest than to permit the people of this country to see their presidential candidates or their senatorial candidates or their congressional candidates or their candidates for Governors and to hear what they stand for, as well as the other candidates, I would not know what it is, and the media certainly would not be operating in the public interest, to ignore this primary responsibility.

I, for one, have great confidence that the FCC will see that such abuses will not occur, and I guarantee that this committee, which has jurisdiction over the operations of the FCC, will see to it that any such veiled threats as the gentleman indicated he had will not be carried out.

Mr. MYERS. Mr. Speaker, if the gentleman will yield, I will say no station threatened me, but it was communicated to me that a station had heard discussions that this might be a retaliation.

Mr. MACDONALD of Massachusetts. I think this is one of the most solid arguments I have ever heard for having the policy of requiring the FCC to review the licenses of broadcasters every 3 years.

(Mr. SPRINGER asked and was given permission to revise and extend his remarks, and include a letter from the FCC to the Honorable GERALD R. FORD, dated September 9, signed by Dean Burch, Chairman.)

Mr. SPRINGER. Mr. Speaker, I would like to call the attention of the Members, if I may, to page 6 of this letter under "Conclusions" where these words are used:

> However, we would not have the resources to determine for the 1970 elections what amount of a candidate's total funds was expended after the effective date.

Mr. Speaker, the letter follows:

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C., September 9, 1970.

Hon. GERALD R. FORD,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FORD: This is in reply to the letter sent jointly by you and Senator Scott on August 20, 1970 requesting from the Commission (1) an analysis of the meaning and practical effect of S. 3637, the political broadcasting bill which would amend section 315 of the Communications Act, as reported by the conference committee, and (2) an assessment as to whether the Commission has the resources and manpower to enforce the provisions of this legislation during the 1970 Congressional and Gubernatorial elections. The bill would amend section 315 in three major areas. We shall discuss them in turn.

EQUAL OPPORTUNITIES

First, S. 3637 would amend section 315(a) to exempt the use of a broadcasting station by a legally qualified candidate for President or Vice President of the United States in a general election from the "equal opportunities" provision. Of course the fairness doctrine would remain applicable to broadcasts by such candidates. The effect of this amendment should be an increased use of broadcast facilities by the major presidential candidates and their running mates. Because the amendment would free licensees from the alleged inhibitions contained at present in the "equal opportunities" clause, more free time would probably be afforded to the major candidates for President. This provision becomes effective upon enactment but has no practical effect until the 1972 presidential elections.

LOWEST UNIT RATE

Second, the bill would amend section 315 (b) to limit charges made for the use of a broadcasting station by a legally qualified candidate for any public office to the "lowest unit charge of the station for the same amount of time in the same time period."[1] This amendment would result in varied reductions of costs for buying political broadcast time, since some broadcasters already have a policy of affording political candidates the lowest unit charge (or comparable reductions) while others give candidates no reductions at all. We expect this provision to be a significant step in reducing the costs of electronic campaigning in future elections. However, since the effective date is 30 days after enactment, the reduced rates could only be in effect for a few weeks, at most, for the 1970 elections. This would produce only moderate overall reductions in costs for 1970.

Under this provision the Commission would (1) inform licensees of their obligations under the new law to provide candidates with the "lowest unit rate" for broadcast time to be used after the effective date and (2) promulgate rules defining the method of computing the lowest unit rate for various time periods.

The Commission's staff is working on appropriate rules at the present time. We would expect to promulgate these rules in an expedited rule making proceeding with the rules to be effective concurrently with the effective date of the legislation. In view of the necessity of having the rules effective on the effective date of the legislation, the Commission would state at the time of promulgation that good cause existed for their promulgation without a notice of proposed rule making or participation by the public in the proceeding and without the lapse of 30 days before their effective date.[2]

SPENDING LIMITATION

The third change in section 315 is an amendment to impose a limitation on funds expended by or on behalf of certain politi-

---

[1] The lowest unit rate applies only to personal use by a candidate (including films). It does not apply to broadcasts on behalf of a candidate where he does not appear.

[2] U.S.C. § 553(b)(B) and (d) (3). We would of course give interested persons an opportunity to suggest revisions before the rules were applied to 1971 elections (e.g., by reconsideration, including an express invitation to do so in the Report published in the Federal Register). If the bill is inapplicable to the 1970 election, either because of the passage of time or a further amendment to that effect, we would follow the normal procedures set out in the Administrative Procedure Act (i.e., notice; effectiveness 30 days after publication in the Federal Register).

cal candidates for the use of broadcasting stations.[3] The limit would apply to candidates for the offices of President, United States Senator and Representative, and State Governor and Lieutenant-Governor. A State may, by law, include other state offices but, as a practical matter, it does not appear that any state could adopt legislation to this effect in time for the 1970 elections.

The amendment would impose a spending limit of 7 cents multiplied by the total number of votes cast for all candidates for the office in the preceding general election or $20,000, whichever is greater.[4] Funds spent by or on behalf of a vice presidential candidate are deemed spent on behalf of his presidential running mate.

A candidate could spend on each primary election no more than an amount equal to 50% of the above limit, with the exception of presidential elections. 1970 primaries, however, are not covered by the bill.

If S. 3637 is enacted in time for the 1970 general elections, the full spending limit would apply to the period from 30 days after enactment (the effective date) to the election. Thus a candidate who is limited to $20,000 for political broadcasts would be allowed to spend the full $20,000 after the effective date without violating the new law.

The bill provides that no station licensee may charge for the use of his station by or on behalf of a candidate covered by the section unless the candidate or his authorized representative certifies that the payment will not violate the applicable spending limit. Upon passage of the legislation the Commission will notify licensees of their obligations under this provision—that is, not to accept payment for political broadcasts without an authorized certification by the candidate that such payment does not exceed the limitation. Broadcasters who do not obtain written certifications would be subject to administrative sanctions including monetary forfeitures, cease and desist orders, and even loss of license. We are uncertain how this provision is to be enforced with respect to false certifications made by candidates.

Furthermore, the Commission will amend its questionnaires for its biennial political broadcast survey so that a licensee will report the amounts spent on his station by or on behalf of each candidate. This information will be coded and programmed into a computer so that we can furnish Congress with the total amount spent for broadcast time by each candidate.

We have already devised a new form for compilation of total spending by candidates for broadcast time during the campaign, but we would not have the resources to compute the total amount spent by each candidate for the short period of time when the law would be in effect for 1970. The results of our survey will not be available until the Spring of 1971. Furthermore, we do not have the facilities to keep a running account of the amounts spent for broadcast time by or on behalf of individual candidates during the campaign. This will be true of future elections as well as the immediate 1970 election.

In order to avoid disputes in the manner of computing the spending limit, we would advise candidates and licensees of the official sources to be used for arriving at the total number of votes cast for an office in the preceding election. The number of votes which would be necessary to exceed the $20,000 floor established in the bill is 285,715. Since the Congressional Director records that the votes cast in any single election for United States Representative in 1968 did not exceed that number, with the exception of the 35th District of California, it appears that no candidate for Representative, except in that District, would be entitled to spend more than $20,000 for broadcast time in 1970.

We would also instruct licensees to obtain written certificates from candidates or their authorized representatives for all time to be used after the effective date of the new legislation. If contracts have already been entered into for broadcast time after the effective date, licensees will still have to obtain certifications from the candidates for those broadcasts. At the same time, licensees would afford candidates the "lowest unit rate" for such time in accordance with new section 315(b).

SPENDING LIMIT EXEMPTION

Section 3 of the bill authorizes the Commission to exempt certain elections from the spending limitation. It provides, in part:

(2) If the Federal Communications Commission determines that—

(A) on August 12, 1970, a person is a legally qualified candidate for major elective office (or nomination thereto),

(B) there are in effect on such date one or more written agreements with station licensees for the purchase of broadcast time to be used after such thirtieth day on behalf of his candidacy for such office (or nomination thereto), and

(C) such agreements specify amounts to be paid for the purchase of such time to be used after such thirtieth day which, in the aggregate, exceed the limitation imposed by section 315(c)(2) of the Communications Act of 1934 with respect to the general election for such office,

then such amendments shall not apply to any of the candidates for election to such office in an election held before January 1, 1971.

The spending limit applies to all candidates unless the Commission determines that a race is exempt. If one candidate in an election qualifies for the exemption, then all candidates for that office are exempted. Thus all candidates for the same office are treated equally. If a candidate shows (1) that he was a legally qualified candidate on August 12, 1970 for one of the "major elective offices" listed in new section 315(c)(1); (2) that by August 12 he had entered into written agreements with broadcasting stations (including CATV) to buy time to be used after the law becomes effective, and (3) that the amounts to be paid under such agreements for time used after the effective date would exceed the new overall spending limitation, then all candidates for that office would be exempt.

In order to implement this provision if it becomes law, the Commission would, upon the President's signing of the bill, issue a public notice and promulgate rules concerning the provisions of the legislation. For example, we would—

a. Notify candidates and licensees that some elections may be exempted from the spending limit, and advise candidates that they have 15 days in which to file with the Commission certified copies of contracts entered into prior to August 12;

b. Notify licensees that the only candidates who are exempt from the spending limit will be listed (by office sought) by the Commission in a public notice to be issued prior to the effective date;

c. Warn licensees not to predate written contracts for political broadcast time under any circumstances, in order to avoid circumvention of the August 12 date in the law; and

d. Instruct licensees to place authorized certifications by candidates in their public files in order to facilitate checks by opposing candidates and other members of the public.

We anticipate a problem may arise where a candidate has contracted to spend more than his limit for broadcast time to be used during the effective period, has requested an exemption from the limit, and wants to purchase broadcast time before the Commission issues its public notice listing the exempt election contests. In this situation, the candidate cannot certify to the licensee that he would not be in violation of the spending limitation until we declare the candidates for that office are exempt from the spending limitation. Thus we would instruct licensees not to accept payments from or on behalf of such candidate for broadcast time during the effective period until we declare the contest exempt from the limitation. We will make every effort to publish a notification of exemptions as soon as possible, and in any event, no later than the effective date of the legislation.

Another problem arises where a candidate has entered into agreements prior to August 12 for broadcast time after the effective date, the cost of which, at the contract rates, totals more than his spending limit, but where the lowest unit rates would not qualify him for the exemption. At this point, we believe that we should accept the contract rates for the purposes of ascertaining whether the candidates for election to that office should be exempt from the spending limit.

CONCLUSIONS

As for the 1970 election campaign, we are able to implement the lowest unit rate provision and do not expect to encounter special difficulties if only a short time is involved. We also have the resources to determine exemptions from the spending limits pursuant to Section 3 of the bill. However, we would not have the resources to determine for the 1970 elections what amount of a candidate's total funds was expended after the effective date.

The Commission wishes to stress that in this and any subsequent election, the Commission would not be able to state at any time during the election process what amounts had been expended on behalf of any candidate coming within S. 3637; such information would become available only substantially after the election had ended. Further, since we anticipate the need to process additional complaints in view of the new substantive provisions, the Commission doubts that it has the resources and facilities to implement S. 3637 on a continuing basis for future elections without appropriations for additional personnel.

As a practical matter, if Congress does not pass this legislation by September 23, and if the President should not sign the bill until the tenth day of the ten-day period allowed, the provisions of the bill will not become effective before the November 3 elections.

This letter was adopted by the Commission on September 9, 1970.

By direction of the Commission,*

DEAN BURCH,
Chairman.

Mr. SPRINGER. Mr. Speaker, I also ask unanimous consent to insert in the RECORD a letter from the Federal Communications Commission to Mr. Robert F. Guthrie, counsel, Interstate and Foreign Commerce Committee, House of Representatives.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The letter is as follows:

[3] The bill defines "broadcasting station" for the purposes of section 315 to include cable television (CATV) systems.

[4] Proposed section 315(c)(2)(b) provides that for Senate elections where the last election for Senator had fewer total voters than a more recent statewide election, the limit is 7 cents times the total votes cast for the statewide office.

*Commissioner Johnson concurred in the result; Commissioner H. Rex Lee was absent.

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C.

Mr. ROBERT F. GUTHRIE,
Counsel, Interstate and Foreign Commerce Committee, House of Representatives, Washington, D.C.

DEAR MR. GUTHRIE: This is in response to your telephone request for clarification of a portion of the Commission's letters of September 9, 1970 to Congressman Ford and Senator Scott on S. 3637. The portion involved occurs on page 3, and is as follows:

"Upon passage of the legislation the Commission will notify licensees of their obligations under this provision—that is, not to accept payment for political broadcasts without an authorized certification by the candidate that such payment does not exceed the limitation. Broadcasters who do not obtain written certifications would be subject to administrative sanctions including monetary forfeitures, cease and desist orders, and even loss of license. We are uncertain how this provision is to be enforced with respect to false certifications made by candidates."

Clarification is particularly sought as to the last sentence.

By the above passage, the Commission intended to convey that it would discharge fully its enforcement responsibilities under the Act—namely, that it would notify licensees of their obligation under the new law and, where appropriate in the event of licensee failure to meet that obligation, impose administrative sanctions. These sanctions do constitute an effective deterrent to licensee malfeasance or nonfeasance in this respect. There is, of course, another deterrent, i.e., criminal prosecution under section 501 of the Communications Act. Such criminal prosecution comes within the jurisdiction of the Department of Justice.

This brings us to the last sentence of the above quotation. What we intended here is to convey the Commission's uncertainty as to any *administrative* enforcement proceedings concerning false certifications made by candidates. There is not, we believe, any effective administrative sanction which would be available. On the other hand, the Commission certainly did not mean to indicate that criminal prosecution would be unavailable. While, as stated, this is a matter coming within the jurisdiction of the Department of Justice, and thus the Department is the source of definitive views concerning the whole range of possibilities of such prosecution (e.g., 18 U.S.C. 1001; 47 U.S.C. 501), there is no question but that there could be criminal prosecution for the wilful and knowing violation by a candidate of new sections 315(c)(2) and 315(c)(3), which forbid certain candidates from spending more than specified amounts on electronic media.

We are of course sending a copy of this letter to Congressman Ford and Senator Scott.

This letter was adopted by the Commission on September 15, 1970.

By direction of the Commission.

DEAN BURCH,
Chairman.

Mr. MACDONALD of Massachusetts. Mr. Speaker, in approving the conference report on S. 3637, the Political Broadcasting Act, the House will complete action on one of the most important campaign-reform measures of our time. The legislation embodied in the conference report has one overriding purpose—to break the grip of sky-high campaign financing requirements caused principally by the large and rising costs of using the electronic media.

Both radio, and especially television, are indispensable to modern campaigns for our most important elective offices, where it is necessary to reach and motivate large numbers of voters. Unfortunately, the cost to candidates for the use of television has escalated to beyond the reach of all but the rich. But because it is indispensable, candidates must either match the expenditures of their opponents or risk defeat, not on merit, but on financial grounds. The winners of such campaigns must be either wealthy by inheritance, success in financial enterprise, or come under heavy obligation to the wealth of others who can provide large sums. The so-called "TV blitz campaign" is becoming an all-too-common practice, and the necessity of waging such campaigns is distorting the American political process. Sums now are routinely spent for television that vastly overshadow the actual salaries for the offices being sought.

The legislation before us has been designed to stop the purchase of elective office—for that is what it amounts to. The legislation includes steps to increase free time given presidential candidates by the networks, and provides for the elimination of premium rates charged by broadcasters for political paid time—thus for the first time placing candidates for all offices on a par with commercial advertisers. The measure also sets overall spending limits on the use of radio and television by candidates for major office, so that the first two benefits do not result in a further escalation of spending.

The effort to bring workable legislation to the floor was bipartisan in subcommittee and in committee, and a number of changes were made to broaden and perfect legislation that had been passed in considerably more limited form by the Senate. Both sides working closely together brought forth a bill with improvements of a most substantive nature. In addition, the measure was completely redrafted to resolve a number of technical difficulties.

The House, on August 11, concurred in the committee's work and concurred in the bipartisan spirit of the committee, passing the measure, without amendment, by a record vote of 272 to 97. The measure then went to conference. And the agreement that emerged from the conference is now before us today.

That agreement—and I cannot stress this too strongly—that agreement accepts every change the House has made in the bill. Every word the House approved stands intact here. The Senate majority conferees, adamant that an attempt be made to apply the legislation to at least a part of the fall campaigns, acceded to the entire House bill in all particulars except the effective date.

As the House knows, the majority conferees agreed to a complex compromise on the effective date and a bonafide effort was made to seek adoption of that compromise in both bodies before the House last recessed. But the minority conferees would not sign the conference report because of the change in the effective date, and for my part I had great reluctance to proceed in a partisan spirit on what had been so sensibly a nonpartisan matter. Nevertheless, careful language was drafted that would have brought some limited control of campaign spending for at least the closing weeks of this fall's elections. That language would have proved workable, as the Federal Communications Commission has observed in correspondence with the minority leader of this body. But the need for a speedup in the enactment caused by the plans of the House to go into recess further increased attempts to have the report adopted in both the Senate and the House before or during the House recess were not successful.

That being the situation, I would hope that the House can proceed with its consideration of this important matter, in the light of the long-range problem and in terms of the workable reforms the House has already approved. On August 11 the House passed landmark legislation—the most thoroughgoing reform of the political uses of the broadcasting media since the enactment of the original Communications Act in 1934. It was a good bill in August; it remains a good and necessary bill in September. In fact, because of the passage of these last few weeks, the conference report before us today is in effect identical to the bill we passed last month. In actuality, nothing has been added, nothing has been subtracted, and nothing has been changed. It remains only for the House to finish its work with a final formality.

Mr. Speaker, I urge the adoption of that report.

Mr. STRATTON. Mr. Speaker, I support the conference report on this bill, but with some reservations.

I strongly support the idea of legislation to prevent people with unlimited wealth at their disposal to "buy" their way into office by virtue of their ability to flood the advertising media far beyond the ability of average, ordinary candidates who just do not have such unlimited resources at their disposal. We have already seen this happen on several occasions in the year 1970, and we shall probably see still other examples before the campaign is over.

American political life is already fast becoming a preserve reserved only for the wealthy, especially statewide races. This is a bad and dangerous trend, and should be arrested if we are to preserve our democratic system.

It is also true, Mr. Speaker, whether we like it or not, that by far the most effective medium for the use of this saturation technique is television. This bill is therefore primarily directed toward that medium; but it also affects radio broadcasting as well.

But what disturbs me greatly, Mr. Speaker, is that by this bill we are singling out radio and television for this limitation, without placing any similar limitation on newspaper advertising, billboards or direct mail advertising. While I am personally of the opinion that television has proved to be far more effective for political advertising purposes, as we have already seen this year in several contests, it is manifestly unfair for us to put a limit only on one medium. Some congressional districts do not even lend themselves to the use of political

television advertising, such as the present 35th District of New York. In addition, if limits are placed only on radio and broadcasting, then the same excessive sums could well be spent on other media instead. Therefore, I believe we need legislation to put similar limits on these other media too. I realize that such legislation needs to come out of another committee. But I do hope that such legislation will be considered and reported early in the new 92d Congress. This bill will not, as a practical matter, apply to more than the last week or so of the 1970 campaign. So before it goes into effect on a full scale we will have plenty of time to deal with the whole issue of campaign spending, via all media, and I sincerely hope that we will face up to that issue early next year, so that we do not long single out the broadcasting industry for this separate and discriminatory treatment we are undertaking today.

Mr. SPRINGER. Mr. Speaker, I have no further requests for time.

Mr. MACDONALD of Massachusetts. Mr. Speaker, I have no further requests for time on this side, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. STEIGER of Wisconsin. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. The Chair will count.

Does the gentleman from Wisconsin insist on his point of order?

Mr. STEIGER of Wisconsin. No, Mr. Speaker, I will not insist on my point of order.

Mr. BURLESON of Texas. Mr. Speaker, I insist on the point of order. I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 246, nays 113, answered "present" 2, not voting 68, as follows:

[Roll No. 300]

YEAS—246

Addabbo	Biester	Carey
Albert	Bingham	Casey
Anderson, Calif.	Blanton	Cederberg
Anderson, Ill.	Boggs	Celler
Andrews, Ala.	Boland	Chamberlain
Andrews, N. Dak.	Bolling	Chisholm
Annunzio	Brademas	Clancy
Arends	Brasco	Clark
Ashley	Brinkley	Clay
Aspinall	Broomfield	Cleveland
Ayres	Brotzman	Cohelan
Baring	Brown, Calif.	Colmer
Barrett	Brown, Mich.	Conte
Bell, Calif.	Brown, Ohio	Corbett
Bennett	Broyhill, N.C.	Coughlin
Betts	Broyhill, Va.	Cramer
Bevill	Burke, Mass.	Culver
Biaggi	Burlison, Mo.	Cunningham
	Burton, Calif.	Daddario
	Byrne, Pa.	Daniels, N.J.
Davis, Ga.	Jones, Ala.	Rees
Dellenback	Karth	Reid, Ill.
Dent	Kastenmeier	Reid, N.Y.
Diggs	Kee	Reuss
Dingell	Keith	Riegle
Donohue	King	Rivers
Downing	Kluczynski	Robison
Dulski	Koch	Rodino
Dwyer	Kyros	Roe
Eckhardt	Landrum	Rogers, Fla.
Edmondson	Langen	Rooney, N.Y.
Edwards, Calif.	Latta	Rooney, Pa.
Eilberg	Leggett	Rosenthal
Erlenborn	Long, Md.	Rostenkowski
Esch	McCarthy	Roth
Evans, Colo.	McCloskey	Ruth
Farbstein	McDade	Ryan
Fish	McDonald, Mich.	St Germain
Flood	McEwen	Sandman
Flowers	McFall	Scheuer
Foley	Macdonald, Mass.	Schwengel
Ford, Gerald R.	Madden	Scott
Fraser	Mailliard	Shipley
Frelinghuysen	Mathias	Sisk
Frey	Matsunaga	Slack
Fulton, Tenn.	Meeds	Smith, Iowa
Gallagher	Mikva	Smith, N.Y.
Garmatz	Miller, Calif.	Snyder
Gaydos	Minish	Springer
Giaimo	Minshall	Stafford
Gibbons	Mizell	Stanton
Gilbert	Mollohan	Stephens
Green, Oreg.	Monagan	Stokes
Green, Pa.	Moorhead	Stratton
Griffin	Morgan	Stuckey
Griffiths	Morse	Sullivan
Grover	Mosher	Symington
Gude	Moss	Taylor
Hagan	Murphy, Ill.	Thompson, Ga.
Halpern	Myers	Tiernan
Hamilton	Nedzi	Udall
Hanley	Nichols	Ullman
Hanna	Nix	Van Deerlin
Hansen, Idaho	Obey	Vander Jagt
Hansen, Wash.	O'Hara	Vanik
Harrington	O'Neal, Ga.	Vigorito
Harvey	O'Neill, Mass.	Waldie
Hastings	Patman	Wampler
Hathaway	Patten	Watts
Hawkins	Pepper	Whitehurst
Hays	Perkins	Whitten
Hechler, W. Va.	Pike	Widnall
Heckler, Mass.	Pirnie	Williams
Helstoski	Poage	Wilson, Charles H.
Hicks	Podell	Wolff
Hogan	Poff	Wright
Holifield	Pollock	Wydler
Howard	Preyer, N.C.	Wyman
Hungate	Price, Ill.	Yates
Hutchinson	Pucinski	Yatron
Ichord	Purcell	Zablocki
Jacobs	Randall	Zwach
Jarman		
Johnson, Calif.		

NAYS—113

Abbitt	Gonzalez	Olsen
Abernethy	Goodling	Passman
Adair	Gross	Pettis
Alexander	Gubser	Pickle
Ashbrook	Haley	Price, Tex.
Blackburn	Hall	Pryor, Ark.
Bray	Hammer-schmidt	Quie
Buchanan	Harsha	Quillen
Burke, Fla.	Henderson	Railsback
Burleson, Tex.	Hosmer	Rarick
Byrnes, Wis.	Hull	Roberts
Cabell	Hunt	Rousselot
Caffery	Johnson, Pa.	Ruppe
Camp	Jonas	Satterfield
Carter	Jones, N.C.	Saylor
Chappell	Jones, Tenn.	Schadeberg
Clausen, Don H.	Kazen	Schmitz
Collins	Kyl	Sikes
Conable	Landgrebe	Smith, Calif.
Crane	Lennon	Steed
Daniel, Va.	Lloyd	Steiger, Ariz.
Davis, Wis.	Long, La.	Steiger, Wis.
de la Garza	Lukens	Stubblefield
Denney	McClory	Talcott
Dennis	McClure	Teague, Calif.
Devine	Mahon	Teague, Tex.
Dickinson	Mann	Thomson, Wis.
Dorn	Marsh	Watson
Duncan	Martin	Whalen
Edwards, Ala.	May	Whalley
Evins, Tenn.	Mayne	White
Fascell	Melcher	Wiggins
Findley	Miller, Ohio	Wilson, Bob
Foreman	Mills	Wyatt
Fulton, Pa.	Montgomery	Wylie
Fuqua	Morton	Young
Galifianakis	Natcher	Zion
Goldwater	Nelsen	

ANSWERED "PRESENT"—2

Fountain	O'Konski

NOT VOTING—68

Adams	Fallon	Ottinger
Anderson, Tenn.	Feighan	Pelly
Beall, Md.	Fisher	Philbin
Belcher	Flynt	Powell
Berry	Ford, William D.	Reifel
Blatnik	Friedel	Rhodes
Bow	Gettys	Rogers, Colo.
Brock	Gray	Roudebush
Brooks	Hébert	Roybal
Burton, Utah	Horton	Scherle
Bush	Kleppe	Schneebeli
Button	Kuykendall	Sebelius
Clawson, Del	Lowenstein	Shriver
Collier	Lujan	Skubitz
Conyers	McCulloch	Staggers
Corman	McKneally	Taft
Cowger	McMillan	Thompson, N.J.
Dawson	MacGregor	Tunney
Delaney	Meskill	Waggonner
Derwinski	Michel	Weicker
Dowdy	Mink	Winn
Edwards, La.	Mize	Wold
Eshleman	Murphy, N.Y.	

So the conference report was agreed to.

The clerk announced the following pairs:

On this vote:

Mr. Thompson of New Jersey for, with Mr. McMillan against.

Mr. Horton for, with Mr. Rhodes against.

Mr. Brooks for, with Mr. Waggonner against.

Mr. Adams for, with Mr. Dowdy against.

Mr. Gray for, with Mr. Fisher against.

Mr. Murphy of New York for, with Mr. Bow against.

Mr. Ottinger for, with Mr. Collier against.

Mr. Button for, with Mr. Scherle against.

Mr. Beall of Maryland for, with Mr. Skubitz against.

Mr. Staggers for, with Mr. Hébert against.

Until further notice:

Mr. Gettys with Mr. Bush.

Mr. Blatnik with Mr. Pelly.

Mr. Delaney with Mr. Berry.

Mr. Dawson with Mr. Powell.

Mrs. Mink with Mr. Conyers.

Mr. Lowenstein with Mr. Mize.

Mr. Corman with Mr. Brock.

Mr. Philbin with Mr. Reifel.

Mr. Fallon with Mr. Schneebeli.

Mr. Edwards of Louisiana with Mr. Burton of Utah.

Mr. Feighan with Mr. Cowger.

Mr. Rogers of Colorado with Mr. Taft.

Mr. Friedel with Mr. Eshleman.

Mr. Roybal with Mr. Weicker.

Mr. William D. Ford with Mr. Roudebush.

Mr. Flynt with Mr. Michel.

Mr. Anderson of Tennessee with Mr. Meskill.

Mr. Derwinski with Mr. Sebelius.

Mr. McKneally with Mr. Kleppe.

Mr. Kuykendall with Mr. Lujan.

Mr. McCulloch with Mr. MacGregor.

Mr. Del Clawson with Mr. Winn.

Mr. Tunney with Mr. Wold.

Messrs. WYATT and JOHNSON of Pennsylvania changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SISK. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days to revise and extend their remarks on the legislative reorganization bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

LEGISLATIVE REORGANIZATION ACT OF 1970

Mr. SISK. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 17654) to improve the operation of the legislative branch of the Federal Government, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from California.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 17654, with Mr. NATCHER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday it had agreed that part 5 of title II of the bill would be considered as read, printed in the RECORD, and open to amendment at any point.

If there are no amendments to part 5, the Clerk will read.

Mr. COHELAN. Mr. Chairman, I ask unanimous consent that the Committee return to page 54, line 3, so that I may be permitted to offer an amendment at that point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. HALL. Mr. Chairman, reserving the right to object, would this be reverting to a part of the bill that has previously been completed in its consideration as in the Committee of the Whole House on the State of the Union?

The CHAIRMAN. The gentleman is correct.

Mr. HALL. And this would be similar to the request that was made on yesterday on a similar request; and to which objection was heard?

The CHAIRMAN. The gentleman is correct.

Mr. HALL. Mr. Chairman, then I am constrained to object.

The CHAIRMAN. Objection is heard.

The Clerk will read.

The Clerk read as follows:

TITLE III—SOURCES OF INFORMATION

PART 1—STAFFS OF SENATE AND HOUSE STANDING COMMITTEES

INCREASE IN PROFESSIONAL STAFFS OF SENATE STANDING COMMITTEES; SENATE MINORITY PROFESSIONAL AND CLERICAL STAFFS; FAIR TREATMENT FOR SENATE MINORITY STAFFS

Mr. SISK. Mr. Chairman, I ask unanimous consent that title III be read by parts.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. GROSS. Mr. Chairman, reserving the right to object, if we consider this read, then where are we in the bill? Where does the next reading occur?

Mr. SISK. Mr. Chairman, would the gentleman yield?

Mr. GROSS. I yield to the gentleman from California.

Mr. SISK. Mr. Chairman, I would state to the gentleman from Iowa that title III is divided into I believe five parts, in a similar fashion to title II, which yesterday the gentleman from Iowa will remember we did read by parts, and I am simply asking that this be read by parts, and to have the first part considered as read, open for amendment at any point, and printed in the RECORD. Of course, any Member could object if he wanted, so that a particular part would be read.

But the purpose of my unanimous-consent request here is to read it by part rather than by section.

Mr. GROSS. And that pertains to what title?

Mr. SISK. Title III.

Mr. GROSS. Title III?

Mr. SISK. Yes. The Clerk has started to read, and in fact has read the first part of title III, part 1, and I am merely asking now that it be read—that this title III be read by parts, as we did on title II yesterday.

Mr. GROSS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read as follows:

SEC. 301. (a) Section 202(a) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(a)), is amended to read as follows:

"(a) Each standing committee of the Senate (other than the Committee on Appropriations) is authorized to appoint, by majority vote of the committee, not more than six professional staff members in addition to the clerical staffs. Such professional staff members shall be assigned to the chairman and the ranking minority member of such committee as the committee may deem advisable, except that whenever a majority of the minority members of such committee so request, two of such professional staff members may be selected for appointment by majority vote of the minority members and the committee shall appoint any staff members so selected. A staff member or members appointed pursuant to a request by the minority members of the committee shall be assigned to such committee business as such minority members deem advisable. Services of professional staff members appointed by majority vote of the committee may be terminated by a majority vote of the committee and services of professional staff members appointed pursuant to a request by the minority members of the committee shall be terminated by the committee when a majority of such minority members so request. Professional staff members authorized by this subsection shall be appointed on a permanent basis, without regard to political affiliation, and solely on the basis of fitness to perform the duties of their respective positions. Such professional staff members shall not engage in any work other than committee business and no other duties may be assigned to them.".

(b) Section 202(c) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(c)), is amended to read as follows:

"(c) The clerical staff of each standing committee of the Senate (other than the Committee on Apropriations), which shall be appointed by a majority vote of the committee, shall consist of not more than six clerks to be attached to the office of the chairman, to the ranking minority member, and to the professional staff, as the committee may deem advisable, except that whenever a majority of the minority members of such committee so requests, one of the members of the clerical staff may be selected for appointment by majority vote of such minority members and the committee shall appoint any staff member so selected. The clerical staff shall handle committee correspondence and stenographic work, both for the committee staff and for the chairman and ranking minority member on matters related to committee work, except that if a member of the clerical staff is appointed pursuant to a request by the minority members of the committee, such clerical staff member shall handle committee correspondence and stenographic work for the minority members of the committee and for any members of the committee staff appointed under subsection (a) pursuant to request by such minority members, on matters related to committee work. Services of clerical staff members appointed by majority vote of the committee may be terminated by majority vote of the committee and services of clerical staff members appointed pursuant to a request by the minority members of the committee shall be terminated by the committee when a majority of such minority members so request.".

(c) Section 202 of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a), is amended by striking out subsection (h) and by adding after subsection (f) the following new subsections:

"(g) In any case in which a request for the appointment of a minority staff member under subsection (a) or subsection (c) is made at any time when no vacancy exists to which the appointment requested may be made, the person appointed pursuant to such request may serve in addition to any other staff members authorized by such subsections and may be paid from the contingent fund of the Senate until such time as such a vacancy occurs, at which time such person shall be considered to have been appointed to such vacancy.

"(h) Staff members appointed pursuant to a request by minority members of a committee under subsection (a) or subsection (c), and staff members appointed to assist minority members of subcommittees pursuant to authority of Senate resolution, shall be accorded equitable treatment with respect to the fixing of salary rates, the assignment of facilities, and the accessibility of committee records.".

(d) Nothing in the amendments made by subsections (a) and (b) of this section shall be construed—

(1) to require a reduction in—

(A) the number of staff members authorized prior to January 1, 1971, to be employed by any committee of the Senate, by statute or by annual or permanent resolution, or

(B) the number of such staff members on such date assigned to, or authorized to be selected for appointment by or with the approval of, the minority members of any such committee; or

(2) to authorize the selection for appointment of staff members by the minority members of a committee in any case in which two or more professional staff members or one or more clerical staff members, as the case may be, who are satisfactory to a majority of such minority members, are otherwise assigned to assist such minority members.

(e) The additional professional staff members authorized to be employed by a committee by the amendment made by subsection (a) of this section shall be in addition to any other additional staff members authorized prior to January 1, 1971, to be employed by any such committee.

COMMITTEES; HOUSE MINORITY PROFESSIONAL AND CLERICAL STAFFS; FAIR TREATMENT FOR HOUSE MINORITY STAFFS

SEC. 302. (a) This section is enacted as an exercise of the rulemaking power of the House of Representatives, subject to and with full recognition of the power of the House of Representatives to enact or change any Rule of the House at any time in its exercise of its constitutional right to determine the rules of its proceedings.

(b) Paragraphs (a) and (b) of clause 29 Rule XI of the Rules of the House of Representatives are amended to read as follows:

"(a)(1) Subject to subparagraph (2) of this paragraph and paragraph (f) of this clause, each standing committee may appoint, by majority vote of the committee, not more than six professional staff members. Each professional staff member appointed under this subparagraph shall be assigned to the chairman and the ranking minority party member of such committee, as the committee considers advisable.

"(2) Subject to paragraph (f) of this clause, whenever a majority of the minority party members of a standing committee (except the Committee on Standards of Official Conduct) so request, not more than two persons may be selected, by majority vote of the minority party members, for appointment by the committee as professional staff members from among the number authorized by subparagraph (1) of this paragraph. The committee shall appoint any persons so selected whose character and qualifications are acceptable to a majority of the committee. If the committee determines that the character and qualifications of any person so selected are unacceptable to the committee, a majority of the minority party members may select other persons for appointment by the committee to the professional staff until such appointment is made. Each professional staff member appointed under this subparagraph shall be assigned to such committee business as the minority party members of the committee consider advisable.

"(3) The professional staff members of each standing committee—

"(A) shall be appointed on a permanent basis, without regard to political affiliation, and solely on the basis of fitness to perform the duties of their respective positions;

"(B) shall not engage in any work other than committee business; and

"(C) shall not be assigned any duties other than those pertaining to committee business.

"(4) Services of the professional staff members of each standing committee may be terminated by majority vote of the committee.

"(5) The foregoing provisions of this paragraph do not apply to the Committee on Appropriations.

"(b)(1) The clerical staff of each standing committee shall consist of not more than six clerks, to be attached to the office of the chairman, to the ranking minority party member, and to the professional staff, as the committee considers advisable. Subject to subparagraph (2) of this paragraph and paragraph (f) of this clause, the clerical staff shall be appointed by majority vote of the committee. Except as provided by subparagraph (2) of this paragraph, the clerical staff shall handle committee correspondence and stenographic work both for the committee staff and for the chairman and the ranking minority party member on matters related to committee work.

"(2) Subject to paragraph (f) of this clause, whenever a majority of the minority party members of a standing committee (except the Committee on Standards of Official Conduct) so request, one person may be selected, by majority vote of the minority party members, for appointment by the committee to a position on the clerical staff from among the number of clerks authorized by subparagraph (1) of this paragraph. The committee shall appoint to that position any person so selected whose character and qualifications are acceptable to a majority of the committee. If the committee determines that the character and qualifications of any person so selected are unacceptable to the committee, a majority of the minority party members may select other persons for appointment by the committee to that position on the clerical staff until such appointment is made. Each clerk appointed under this subparagraph shall handle committee correspondence and stenographic work for the minority party members of the committee and for any members of the professional staff appointed under subparagraph (2) of paragraph (a) of this clause on matters related to committee work.

"(3) Services of the clerical staff members of each standing committee may be terminated by majority vote of the committee.

"(4) The foregoing provisions of this paragraph do not apply to the Committee on Appropriations.".

(c) Clause 29 of Rule XI of the Rules of the House of Representatives, as amended by this Act, is further amended by adding at the end of such clause the following new paragraphs:

"(f) If a request for the appointment of a minority professional staff member under paragraph (a), or a minority clerical staff member under paragraph (b), of this clause, is made when no vacancy exists to which that appointment may be made, the committee nevertheless shall appoint, under paragraph (a) or paragraph (b), as applicable, the person selected by the minority and acceptable to the committee. The person so appointed shall serve as an additional member of the professional staff or the clerical staff, as the case may be, of the committee, and shall be paid from the contingent fund, until such time as such a vacancy (other than a vacancy in the position of head of the professional staff, by whatever title designated) occurs, at which time that person shall be deemed to have been appointed to that vacancy. If such vacancy occurs on the professional staff when two persons have been so appointed who are eligible to fill that vacancy, a majority of the minority party members shall designate which of those persons shall fill that vacancy.

"(g) Each staff member appointed pursuant to a request by minority party members under paragraph (a) or (b) of this clause, and each staff member appointed to assist minority party members of a committee pursuant to House resolution, shall be accorded equitable treatment with respect to the fixing of his rate of pay, the assignment to him of work facilities, and the accessibility to him of committee records.

"(h) Paragraphs (a) and (b) of this clause shall not be construed to authorize the appointment of additional professional or clerical staff members of a committee pursuant to request under either of such paragraphs by the minority party members of that committee if two or more professional staff members or one or more clerical staff members, provided for in paragraph (a)(1) or paragraph (b)(1) of this clause, as the case may be, who are satisfactory to a majority of the minority party members, are otherwise assigned to assist the minority party members.".

(d) Nothing in the amendments made by this section shall be construed to require a reduction in—

(1) the number of staff members otherwise authorized prior to January 1, 1971, to be employed by any committee of the House of Representatives by statute or by annual or permanent resolution, or

(2) the number of such staff members on such date assigned to, or authorized to be selected for appointment by or with the approval of, the minority members of any such committee.

(e) The additional professional staff members authorized to be employed by a committee by the amendment made by a subsection (a) of this section shall be in addition to any other additional staff members otherwise authorized prior to January 1, 1971, to be employed by any such committee.

PROCUREMENT OF TEMPORARY OR INTERMITTENT SERVICES OF CONSULTANTS FOR SENATE AND HOUSE STANDING COMMITTEES

SEC. 303. Section 202 of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a), as amended by this Act, is further amended by adding at the end thereof the following new subsection;

"(i)(1) Each standing committee of the Senate or House of Representatives is authorized, with the approval of the Committee on Rules and Administration in the case of standing committees of the Senate, or the Committee on House Administration in the case of standing committees of the House of Representatives, within the limits of funds made available from the contingent funds of the respective Houses pursuant to resolutions, which shall specify the maximum amounts which may be used for such purpose, approved by such respective Houses, to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, to make studies or advise the committee with respect to any matter within its jurisdiction.

"(2) Such services in the case of individuals or organizations may be procured by contract as independent contractors, or in the case of individuals by employment at daily rates of compensation not in excess of the per diem equivalent of the highest gross rate of compensation which may be paid to a regular employee of the committee, including payment of such rates for necessary travel time. Such contracts shall not be subject to the provisions of section 3709 of the Revised Statutes (41 U.S.C. 5) or any other provision of law requiring advertising.

"(3) With respect to the standing committees of the Senate, any such consultant or organization shall be selected by the chairman and ranking minority member of the committee, acting jointly. With respect to the standing committees of the House of Representatives, the standing committee concerned shall select any such consultant or organization. The committee shall submit to the Committee on Rules and Administration in the case of standing committees of the Senate, and the Committee on House Administration in the case of standing committees of the House of Representatives, information bearing on the qualifications of each consultant whose services are procured pursuant to this subsection, including organizations, and such information shall be retained by that committee and shall be made available for public inspection upon request.".

SPECIALIZED TRAINING FOR PROFESSIONAL STAFFS OF SENATE AND HOUSE STANDING COMMITTEES

SEC. 304. Section 202 of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a), as amended by this Act, is further amended by adding at the end thereof the following new subsection:

"(j)(1) Each standing committee of the Senate or House of Representatives is authorized, with the approval of the Committee on Rules and Aministration in the case of standing committees of the Senate, and the Committee on House Administration in the case of standing committees of the House of Representatives, and within the limits of funds made available from the contingent funds of the respective Houses pursuant to resolutions, which shall specify the maximum amounts which may be used for such purpose, approved by such respective Houses, to provide assistance for members of its professional staff in obtaining specialized training,

whenever that committee determines that such training will aid the committee in the discharge of its responsibilities.

"(2) Such assistance may be in the form of continuance of pay during periods of training or grants of funds to pay tuition, fees, or such other expenses of training, or both, as may be approved by the Committee on Rules and Administration or the Committee on House Administration, as the case may be.

"(3) A committee providing assistance under this subsection shall obtain from any employee receiving such assistance such agreement with respect to continued employment with the committee as the committee may deem necessary to assure that it will receive the benefits of such employee's services upon completion of his training.

"(4) During any period for which an employee is separated from employment with a committee for the purpose of undergoing training under this subsection, such employee shall be considered to have performed service (in a nonpay status) as an employee of the committee at the rate of compensation received immediately prior to commencing such training (inculding any increases in compensation provided by law during the period of training) for the purposes of—

"(A) subchapter III (relating to civil service retirement) of chapter 83 of title 5, United States Code,

"(B) chapter 87 (relating to Federal employees group life insurance) of title 5, United States Code, and

"(C) chapter 89 (relating to Federal employees group health insurance) of title 5, United States Code.".

COMPENSATION OF PROFESSIONAL AND CLERICAL STAFFS OF SENATE STANDING COMMITTEES

SEC. 305. Subsections (e) and (f) of section 105 of the Legislative Branch Appropriation Act, 1968 (81 Stat. 142–143; Public Law 90–57), as amended (2 U.S.C. 61–1), are amended to read as follows:

"(e) (1) Subject to the provisions of paragraph (3), the professional staff members of standing committees of the Senate shall receive gross annual compensation to be fixed by the chairman ranging from $17,301 to $30,897.

"(2) The rates of gross compensation of the clerical staff of each standing committee of the Senate shall be fixed by the chairman as follows:

"(A) for each committee (other than the Committee on Appropriations), one chief clerk and one assistant chief clerk at $7,446 to $30,879, and not to exceed four other clerical assistants at $7,446 to $12,921; and

"(B) for the Committee on Appropriations, one chief clerk and one assistant chief clerk and two assistant clerks at $19,272 to $30,879; such assistant clerks as may be necessary to at $13,140 to $19,053; and such other clerical assistants as may be necessary at $7,446 to $12,921.

"(3) No employee of any standing or select committee of the Senate (including the majority and minority policy committees and the conference majority and conference minority of the Senate), or of any joint committee the expenses of which are paid from the contingent fund of the Senate, shall be paid at a gross rate in excess of $30,879 per annum, except that—

"(A) four employees of any such committee (other than the Committee on Appropriations), who are otherwise authorized to be paid at such rate, may be paid at gross rates not in excess of $32,193 per annum, and two such employees may be paid at gross rates not in excess of $33,507 per annum; and

"(B) sixteen employees of the Committee on Appropriations who are otherwise authorized to be paid at such rate, may be paid at gross rates not in excess of $32,193 per annum, and two such employees may be paid at gross rates not in excess of $33,507 per annum.

For the purpose of this paragraph, an employee of a subcommittee shall be considered to be an employee of the full committee.

"(f) No officer or employee whose compensation is disbursed by the Secretary of the Senate shall be paid gross compensation at a rate less than $1,095 or in excess of $33,507, unless expressly authorized by law.".

Mr. SISK (during the reading.) Mr. Chairman, I ask unanimous consent that part 1 of title III be considered as read and open for amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 84, line 6, strike out "to" and insert "at".

The committee amendment was agreed to.

The CHAIRMAN. Are there additional amendments at this point? If not, the Clerk will read.

The Clerk read as follows:

PART 2—CONGRESSIONAL RESEARCH SERVICE

IMPROVEMENT OF RESEARCH FACILITIES OF CONGRESS

SEC. 321. (a) Section 203 of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 166) is amended to read as follows:

"CONGRESSIONAL RESEARCH SERVICE

"SEC. 203. (a) The Legislative Reference Service in the Library of Congress is hereby continued as a separate department in the Library of Congress and is redesignated the 'Congressional Research Service'.

"(b) It is the policy of Congress that—

"(1) the Librarian of Congress shall, in every possible way, encourage, assist, and promote the Congressional Research Service in—

"(A) rendering to Congress the most effective and efficient service,

"(B) responding most expeditiously, effectively, and efficiently to the special needs of Congress, and

"(C) discharging its responsibilities to Congress;

and

"(2) the Librarian of Congress shall grant and accord to the Congressional Research Service complete research independence and the maximum practicable administrative independence consistent with these objectives.

"(c) (1) After consultation with the Joint Committee on the Library and Congressional Research, the Librarian of Congress shall appoint the Director of the Congressional Research Service. The basic pay of the Director shall be at a per annum rate equal to the rate of basic pay provided for level V of the Executive Schedule contained in section 5316 of title 5, United States Code.

"(2) The Librarian of Congress, upon the recommendation of the Director, shall appoint a Deputy Director of the Congressional Research Service and all other necessary personnel thereof. The basic pay of the Deputy Director shall be fixed in accordance with chapter 51 (relating to classification) and subchapter III (relating to General Schedule pay rates) of chapter 53 of title 5, United States Code, but without regard to section 5108(a) of such title. The basic pay of all other necessary personnel of the Congressional Research Service shall be fixed in accordance with chapter 51 (relating to classification) and subchapter III (relating to General Schedule pay rates) of chapter 53 of title 5, United States Code, except that—

"(A) the grade of Senior Specialist in each field within the purview of subsection (e) of this section shall not be less than the highest grade in the executive branch of the Government to which research analysts and consultants, without supervisory responsibility, are currently assigned; and

"(B) the positions of Specialist and Senior Specialist in the Congressional Research Service may be placed in GS–16, 17, and 18 of the General Schedule of section 5332 of title 5, United States Code, without regard to section 5108(a) of such title, subject to the prior approval of the Joint Committee on the Library and Congressional Research, of the placement of each such position in any of such grades.

"(3) Each appointment made under paragraphs (1) and (2) of this subsection and subsection (e) of this section shall be without regard to the civil service laws, without regard to political affiliation, and solely on the basis of fitness to perform the duties of the position.

"(d) It shall be the duty of the Congressional Research Service, without partisan bias—

"(1) upon request, to advise and assist any committee of the Senate or House of Representatives and any joint committee of Congress in the analysis, appraisal, and evaluation of legislative proposals within that committee's jurisdiction, or of recommendations submitted to Congress, by the President or any executive agency, so as to assist the committee in—

"(A) determining the advisability of enacting such proposals;

"(B) estimating the probable results of such proposals and alternative thereto; and

"(C) evaluating alternative methods for accomplishing those results;

and, by providing such other research and analytical services as the committee considers appropriate for these purposes, otherwise to assist in furnishing a basis for the proper evaluation and determination of legislative proposals and recommendations generally; and in the performance of this duty the Service shall have authority, when so authorized by a committee and acting as the agent of that committee, to request of any department or agency of the United States the production of such books, records, correspondence, memoranda, papers, and documents as the Service considers necessary, and such department or agency of the United States shall comply with such request; and, further, in the performance of this and any other relevant duty, the Service shall maintain continuous liaison with all committees;

"(2) to make available to each committee of the Senate and House of Representatives and each joint committee of the two Houses, at the opening of a new Congress, a list of programs and activities being carried out under existing law scheduled to terminate during the current Congress, which are within the jurisdiction of the committee;

"(3) to make available to each committee of the Senate and House of Representatives and each joint committee of the two Houses, at the opening of a new Congress, a list of subjects and policy areas which the committee might profitably analyze in depth;

"(4) upon request, or upon its own initiative in anticipation of requests, to collect, classify, and analyze in the form of stuides, reports, compilations, digests, bulletins, indexes, translations, and otherwise, data having a bearing on legislation, and to make such data available and serviceable to committees and Members of the Senate and House of Representatives and joint committees of Congress;

"(5) upon request, or upon its own initiative in anticipation of requests, to prepare and provide information, research, and reference materials and services to committees and Members of the Senate and House of Representatives and joint committees of Congress to assist them in their legislative and representative functions;

"(6) to prepare summaries and digests of bills and resolutions of a public general nature introduced in the Senate or House of Representatives;

"(7) upon request made by any committee or Member of the Congress, to prepare and transmit to such committee or Member a concise memorandum with respect to one or more legislative measures upon which hearings by any committee of the Congress have been announced, which memorandum shall contain a statement of the purpose and effect of each such measure, a description of other relevant measures of similar purpose or effect previously introduced in the Congress, and a recitation of all action taken theretofore by or within the Congress with respect to each such other measure; and

"(8) to develop and maintain an information and research capability, to include Senior Specialists, Specialists, other employees, and consultants, as necessary, to perform the functions provided for in this subsection.

"(e) The Librarian of Congress is authorized to appoint in the Congressional Research Service, upon the recommendation of the Director, Specialists and Senior Specialists in the following broad fields:

"(1) agriculture;
"(2) American government and public administration;
"(3) American public law;
"(4) conservation;
"(5) education;
"(6) engineering and public works;
"(7) housing;
"(8) industrial organization and corporation finance;
"(9) international affairs;
"(10) international trade and economic geography;
"(11) labor and employment;
"(12) mineral economics;
"(13) money and banking;
"(14) national defense;
"(15) price economics;
"(16) science;
"(17) social welfare;
"(18) taxation and fiscal policy;
"(19) technology;
"(20) transportation and communications;
"(21) urban affairs;
"(22) veterans' affairs; and
"(23) such other broad fields as the Director may consider appropriate.

Such Specialists and Senior Specialists, together with such other employees of the Congressional Research Service as may be necessary, shall be available for special work with the committees and Members of the Senate and House of Representatives and the joint committees of Congress for any of the purposes of subsection (d) of this section.

"(f) The Director is authorized—

"(1) to classify, organize, arrange, group, and divide, from time to time, as he considers advisable, the requests for advice, assistance, and other services submitted to the Congressional Research Service by committees and Members of the Senate and House of Representatives and joint committees of Congress, into such classes and categories as he considers necessary to—

"(A) expedite and facilitate the handling of the individual requests submitted by Members of the Senate and House of Representatives,

"(B) promote efficiency in the performance of services for committees of the Senate and House of Representatives and joint committees of Congress; and

"(C) provide a basis for the efficient performance by the Congressional Research Service of its legislative research and related functions generally; and

"(2) to establish and change, from to time, as he considers advisable, within the Congressional Research Service, such research and reference divisions or other organizational units, or both, as he considers necessary to accomplish the purposes of this section.

(g) In order to facilitate the study, consideration, evaluation, and determination by the Congress of the budget requirements of the Congressional Research Service for each fiscal year, the Librarian of Congress shall receive from the Director and submit, for inclusion in the Budget of the United States Government, the budget estimates of the Congressional Research Service which shall be prepared separately by the Director in detail for each fiscal year as a separate item of the budget estimates of the Library of Congress for such fiscal year.

"(h) (1) The Director of the Congressional Research Service may procure the temporary or intermittent assistance of individual experts or consultants (including stenographic reporters) and of persons learned in particular fields of knowledge—

"(A) by nonpersonal service contract, without regard to any provision of law requiring advertising for contract bids, with the individual expert, consultant, or other person concerned, as an independent contractor, for the furnishing by him to the Congrssional Research Service of a written study, treatise, theme, discourse, dissertation, thesis, summary, advisory opinion, or other end product; or

"(B) by employment (for a period of not more than one year) in the Congressional Research Service of the individual expert, consultant, or other person concerned, by personal service contract or otherwise, without regard to the position classification laws, at a rate of pay not in excess of the per diem equivalent of the highest rate of basic pay then currently in effect for the General Schedule of section 5332 of title 5, United States Code, including payment of such rate for necessary travel time.

"(2) The Director of the Congressional Research Service may procure by contract, without regard to any provision of law requiring advertising for contract bids, the temporary (for respective periods not in excess of one year) or intermittent assistance of educational, research, or other organizations of experts and consultants (including stenographic reporters) and of educational, research, and other organizations of persons learned in particular or specialized fields of knowledge.

"(i) The Director of the Congressional Research Service shall prepare and file with the Joint Committee on the Library and Congressional Research at the beginning of each regular session of Congress a separate and special report covering, in summary and in detail, all phases of activity of the Congressional Research Service for the immediately preceding fiscal year.

"(j) There are hereby authorized to be appropriated to the Congressional Research Service each fiscal year such sums as may be necessary to carry on the work of the Service.".

(b) Title II of the table of contents of the Legislative Reorganization Act of 1946 (60 Stat. 813) is amended by striking out—

"Sec. 203. Legislative Reference Service."

and inserting in lieu thereof—

"Sec. 203. Congressional Research Service.".

REPEAL OF OBSOLETE LAW RELATING TO THE ABOLISHED OFFICE OF COORDINATOR OF INFORMATION

SEC. 322. House Resolution 183, Eightieth Congress, relating to the Office of the Coordinator of Information of the House of Representatives, as enacted into permanent law by section 105 of the Legislative Branch Appropriation Act, 1948 (1961 Stat. 377; Public Law 197, Eightieth Congress), is repealed.

Mr. SISK (during the reading). Mr. Chairman, I ask unanimous consent that part 2 of title III be considered as read and open for amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 87, line 23, strike out "this" and insert "the".

The committee amendment was agreed to.

AMENDMENTS OFFERED BY MR. DADDARIO

Mr. DADDARIO. Mr. Chairman, I offer three amendments, two of which are conforming amendments. I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

Mr. GROSS. Mr. Chairman, reserving the right to object, I would suggest that we have the amendments read.

I would reserve the right to object pending the reading of the amendments.

The CHAIRMAN. The Clerk will read the amendments.

The Clerk read as follows:

Amendments offered by Mr. DADDARIO: Page 95, immediately before line 16, insert the following new section:

"OFFICE OF TECHNOLOGY ASSESSMENT

"SEC. 322. (a) The Congress hereby finds and declares that:

"(1) Emergent national problems, physical, biological, and social, are of such a nature and are developing at such an unprecedented rate as to constitute a major threat to the security and general welfare of the United States.

"(2) Such problems are largely the result of and are allied to—

"(A) the increasing pressures of population;

"(B) the rapid consumption of natural resources; and

"(C) the deterioration of the human environment, natural and social,

though not necessarily limited to or by these factors.

"(3) The growth in scale and extent of technological application is a crucial element in such problems and either is or can be a pivotal influence with respect both to their cause and to their solution.

"(4) The present mechanisms of the Congress do not provide the legislative branch with adequate independent and timely information concerning the potential application or impact of such technology, particularly in those instances where the Federal Government may be called upon to consider support, management, or regulation of technological applications.

"(5) It is therefore imperative that the Congress equip itself with new and effective means for securing competent, unbiased information concerning the effects, physical, economic, social, and political, of the applications of technology, and that such information be utilized whenever appropriate as one element in the legislative assessment of matters pending before the Congress.

"(b) (1) In accordance with the rationale enunciated in subsection (a), there is hereby created the Office of Technology Assessment (hereinafter in this section referred to as the 'Office') which shall be within and responsible to the legislative branch of the Government.

"(2) The Office shall consist of a Technology Assessment Board (hereinafter in this section referred to as the 'Board') which shall formulate and promulgate the policies of the Office, and a Director who shall carry out such policies and administer the operations of the Office.

"(3) The basic responsibilities and duties of the Office shall be to provide an early warning of the probable impacts, positive and negative, of the applications of technology and to develop other coordinate information which may assist the Congress in determining the relative priorities of programs before it. In carrying out such function, the Office shall—

"(A) identify existing or probable impacts of technology or technological programs;

"(B) where possible establish cause and effect relationships;

"(C) determine alternative technological methods of implementing specific programs;

"(D) determine alternative programs for achieving requisite goals;

"(E) make estimates and comparisons of the impacts of alternative methods and programs;

"(F) present findings of completed analyses to the appropriate legislative authorities;

"(G) identify areas where additional research or data collection is required to provide adequate support for the assessments and estimates described in subparagraphs (A) through (E); and

"(H) undertake such additional associated tasks as the appropriate authorities specified under paragraph (4) may direct.

"(4) Activities undertaken by the Office may be initiated by—

"(A) the chairman of any standing, special, select, or joint committee of the Congress;

"(B) the Board; or

"(C) the Director.

"(5) Information, surveys, studies, reports, and findings produced by the Office shall be made freely available to the public except where (A) to do so would violate security statutes, or (B) the information or other matter involved could be withheld from the public, notwithstanding subsection (a) of section 662 of title 5, United States Code, under one or more of the numbered paragraphs in subsection (b) of such section.

"(6) In undertaking the duties set out in paragraph (3), full use shall be made of competent personnel and organizations outside the Office, public or private; and special ad hoc task forces or other arrangements may be formed by the Director when appropriate.

"(c) (1) The Board shall consist of thirteen members as follows:

"(A) two Members of the Senate who shall not be members of the same political party, to be appointed by the President of the Senate;

"(B) two Members of the House of Representatives who shall not be members of the same political party, to be appointed by the Speaker of the House of Representatives;

"(C) the Comptroller General of the United States;

"(D) the Director of the Congressional Research Service of the Library of Congress;

"(E) six members from the public, appointed by the President, by and with the advice and consent of the Senate, who shall be persons eminent in one or more fields of science or engineering or experienced in the adminstration of technological activities, or who may be judged qualified on the basis of contributions made to educational or public activities; and

"(F) the Director (except that he shall not be considered a voting member for purposes of appointment or removal under the first sentence of subsection (d) (1)).

"(2) The Board, by majority vote, shall elect from among its members appointed under paragraph (1) (E) a Chairman and a Vice Chairman, who shall serve for such time and under such conditions as the Board may prescribe. In the absence of the Chairman, or in the event of his incapacity, the Vice Chairman shall fulfill the duties and functions of the Chairman.

"(3) The Board shall meet upon the call of the Chairman or upon the petition of five or more of its members, but it shall meet not less than twice a year.

"(4) Seven members of the Board shall constitute a quorum.

"(5) Any vacancy in the Board shall not affect its powers, but shall be filled in the manner in which the vacant position was originally filled.

"(6) The term of office of each member of the Board appointed under paragraph (1) (E) shall be six years, except that (A) any such member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; (B the terms of office of such members first taking office after the enactment of this Act shall expire, as designated by the President at the time of appointment, two at the end of two years, two at the end of four years, and two at the end of six years, after the date of the enactment of this Act. No person shall be appointed a member of the Board under paragraph (1) (E) more than twice.

"(7) (A) The members of the Board other than those appointed under paragraph (1) (E) shall receive no compensation for their services as members of the Board, but shall be allowed necessary travel expenses (or, in the alternative, mileage for use of privately owned vehicles and a per diem in lieu of subsistence not to exceed the rates prescribed in sections 5702 and 5704 of title 5, United States Code), and other necessary expenses incurred by them in the performance of duties vested in the Board, without regard to the provisions of subchapter I of chapter 57 of title 5, United States Code, the Standardized Government Travel Regulations, or section 5731 of title 5, United States Code.

"(B) The members of the Board appointed under paragraph (1) (E) shall each receive compensation at the rate of $100 for each day engaged in the actual performance of duties vested in the Board, and in addition shall be reimbursed for travel, subsistence, and other necessary expenses in the manner provided in subparagraph (A) of this paragraph.

"(d) (1) The Director of the Office of Technology Assessment shall be appointed by the Board and shall serve for a term of six years unless sooner removed by the Board. He shall receive basic pay at the rate provided for level II of the Executive Schedule under section 5313 of title 5, United States Code.

"(2) In addition to the powers and duties vested in him by this section, the Director shall exercise such powers and duties as may be delegated to him by the Board.

"(3) The Director may appoint, with the approval of the Board, a Deputy Director who shall perform such functions as the Director may prescribe and who shall be Acting Director during the absence or incapacity of the Director or in the event of a vacancy in the office of Director. The Deputy Director shall receive basic pay at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code.

"(4) Neither the Director nor the Deputy Director shall engage in any other business, vocation, or employment than that of serving as such Director or Deputy Director, as the case may be; nor shall the Director or Deputy Director, except with the approval of the Board, hold any office in, or act in any capacity for, any organization, agency, or institution with which the Office makes any contract or other arrangement under this section.

"(e) (1) The Office shall have the authority, within the limits of available appropriations, to do all things necessary to carry out the provisions of this section, including, but without being limited to, the authority to—

"(A) prescribe such rules and regulations as it deems necessary governing the manner of its operation and its organization and personnel;

"(B) make such expenditures as may be necessary for administering the provisions of this section;

"(C) enter into contracts or other arrangements as may be necessary for the conduct of its work with any agency or instrumentality of the United States, with any foreign country or international agency, with any State, territory, or possession or any political subdivision thereof, or with any person, firm, association, corporation, or educational institution, with or without reimbursement, without performance or other bonds, and without regard to section 3709 of the Revised Statutes (41 U.S.C. 5);

"(D) make advance, progress, and other payments which relate to technology assessment without regard to the provisions of section 3648 oi the Revised Statutes (31 U.S.C. 529);

"(E) acquire by purchase, lease, loan, or gift, and hold and dispose of by sale, lease, or loan, real and personal property of all kinds necessary for, or resulting from, the exercise of authority granted by this section; and

"(F) accept and utilize the services of voluntary and uncompensated personnel and provide transportation and subsistence as authorized by section 5703 of title 5, United States Code, for persons serving without compensation.

"(2) The Director shall, in accordance with such policies as the Board shall prescribe, appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this section. Such appointments shall be made and such compensation shall be fixed in accordance with the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates; except that the Director may, in accordance with such policies as the Board shall prescribe, employ such technical and professional personnel to fix their compensation without regard to such provisions as he may deem necessary for the discharge of the responsibilities of the Office under this section.

"(3) The Office shall not, itself, operate any laboratories, pilot plants, or test facilities in the pursuit of its mission.

"(4) (A) The Office or (on the authorization of the Office) any of its duly constituted officers may, for the purpose of carrying out the provisions of this section, hold such hearings, take such testimony, and sit and act at such times and places as the Office deems advisable. For this purpose the Office is authorized to require the attendance of such persons and the production of such books, records, documents, or data, by subpena or otherwise, and to take such testimony and records, as it deems necessary. Subpenas may be issued by the Director or by any person designated by him. If compliance with such a subpena by the person to whom it is issued or upon whom it is served would (in such person's judgment) require the disclosure of trade secrets or other commercial, financial, or proprietary information which is privi-

leged or confidential, or constitute a clearly unwarranted invasion of privacy, such person may petition the United States district court for the district in which he resides or has his principal place of business, or in which the books, records, documents, or data involved are situated, and such court (after inspecting such books, records, documents, or data in camera) may exercise and release from the subpena any portion thereof which it determines would require such disclosure or constitute such invasion. Where the subpena or such portion thereof would require such disclosure or constitute such invasion but the books, records, documents, or data involved are shown to be germane to the matters under consideration and necessary for the effective conduct by the Office of its proceedings or deliberations with respect thereto, the court may require that such books, records, documents, or data be produced or made available to the Office in accordance with the subpena but subject to such conditions and limitations of access as will prevent their public disclosure and protect their confidentiality.

"(B) In case of contumacy or disobedience to a subpena issued under subparagraph (A) the Attorney General, at the request of the Office shall invoke the aid of the United States district court for the district in which the person to whom the subpena was issued or upon whom it was served resides or has his principal place of business, or in which the books, records, documents, or data involved are situated, or the aid of any other United States district court within the jurisdiction to which the Office's proceedings are being carried on, in requiring the production of such books, records, documents, or data or the attendance and testimony of such person in accordance with the subpena (subject to any conditions or limitations of access which may have been imposed by such court or any other court under the last sentence of subparagraph (A). Such court may issue an order requiring the person to whom the subpena was issued or upon whom it was served to produce the books, records, documents, or data involved, or to appear and testify, or both, in accordance with the subpena (subject to any such conditions or limitations of access); and any failure to obey such order of the court may be punished by the court as a contempt thereof.

"(5) Each department, agency, or instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Office, upon request by the Director, such information as the Office deems necessary to carry out its functions under this section.

"(6) Contractors and other parties entering into contracts and other arrangements under this subsection which involve costs to the Government shall maintain such books and related records as will facilitate an effective audit in such detail and in such manner as shall be prescribed by the Director, and such books and records (and related documents and papers) shall be available to the Director and the Comptroller General or any of their duly authorized representatives for the purpose of audit and examination.

"(f)(1) Pursuant to the objectives of this section the Librarian of Congress is authorized to make available to the Office such services and assistance by the Congressional Research Service as may be appropriate and feasible.

"(2) The foregoing services and assistance to the Office shall include all of the services and assistance which the Congressional Research Service is presently authorized to provide to the Congress, and shall particularly include, without being limited to, the following:

"(A) maintaining a monitoring indicator system with respect to the natural and social environments which might reveal early impacts of technological change, but any such system shall be coordinated with other assessment activities which may exist in the departments and agencies of the executive branch of the Government;

"(B) making surveys of ongoing and proposed programs of government with a high or novel technology content, together with timetables of applied science showing promising developments;

"(C) publishing, from time to time, anticipatory reports and forecasts;

"(D) recording the activities and responsibilities of Federal agencies in affecting or being affected by technological change;

"(E) when warranted, recommending full-scale assessments;

"(F) preparing background reports to aid in receiving and using the assessments;

"(G) providing staff assistance in preparing for or holding committee hearings to consider the findings of the assessments;

"(H) reviewing the findings of any assessment made by or for the Office; and

"(I) assisting the Office in the maintenance of liaison with executive agencies involved in technology assessments.

"(3) Nothing in this subsection shall alter or modify any services or responsibilities other than those performed for the Office, which the Congressional Research Service under law performs for or on behalf of the Congress. The Librarian is, however, authorized to establish within the Congressional Research Service such additional divisions, groups, or other organizational entities as may be necessary to carry out the objectives of this section, including the functions enumerated in this subsection.

"(4) Services and assistance made available to the Office by the Congressional Research Service in accordance with this section may be provided with or without reimbursement from funds of the Office, as agreed upon by the Chairman of the Board and the Librarian of Congress.

"(g)(1) The Office shall maintain a continuing liaison with the National Science Foundation with respect to—

"(A) grants and contracts formulated or activated by the Foundation which are for purposes of technology assessment, and

"(B) the promotion of coordination in areas of technology assessment, and the avoidance of unnecessary duplication or overlapping of research activities in the development of technology assessment techniques and programs.

"(h) The Office shall submit to the Congress and to the President an annual report which shall, among other things, evaluate the existing state of the art with regard to technology assessment techniques and forecast, insofar as may be feasible, technological areas requiring future attention. The report shall be submitted not later than March 15 each year.

"(i) Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) shall be provided the Office by the General Accounting Office, with or without reimbursement from funds of the Office, as may be agreed upon by the Chairman of the Board and the Comptroller General of the United States. The regulations of the General Accounting Office for the collection of indebtedness of personnel resulting from erroneous payments (under section 5514(b) of title 5, United States Code) shall apply to the collection of erroneous payments made to or on behalf of an Office employee, and the regulations of the Comptroller General for the administrative control of funds (under section 3679(g) of the Revised Statutes (31 U.S.C. 665(g)) shall apply to appropriations of the Office; and the office shall not be required to prescribe such regulations.

"(j) There are hereby authorized to be appropriated to the Office of Technology Assessment each fiscal year such sums as may be necessary to carry on the work of the Office."

Redesignate the succeeding section accordingly.

Conform the table of contents and make the following conforming amendments:

Page 95, after line 7, insert the following new subsection:

"(j) The duties, activities, and operations described in this section shall be coordinated with those of the Office of Technology Assessment."

Page 95, line 8, strike out "(j)" and insert in lieu thereof "(k)".

Page 90, line 21, strike out "and".

Page 90, line 25, strike out the period and insert in lieu thereof "; and".

Page 90, after line 25, add the following new paragraph:

"(9) to provide supportive services to the Office of Technology Assessment as described in section 322(f)."

Mr. SISK (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. GROSS. Mr. Chairman, reserving the right to object, how many pages are there of these amendments? I was handed this copy a few minutes ago and it looks to me as if there are 20 pages to this one amendment.

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman.

Mr. SISK. We were delivered a copy of the amendments some time ago and I had understood that various Members had been given copies of the amendments. This one amendment is quite lengthy, I agree with my friend and it is rather complex, I might say to my friend.

I had proposed making a point of order against the amendment. I have no idea as to whether it will be sustained or not, but at the appropriate time I expect to raise a point of order. I am trying to save a little time, if I may again say so to my friend, the gentleman from Iowa.

Mr. GROSS. Of course, if the point of order is not sustained, the gentleman will be unable to rescue the House from the situation of not having any knowledge of this 20-page amendment.

I do not know that we would be any better off having heard it read. As I stated previously, my hope is that this whole thing will be beaten. It ought never to have been resumed after the recess. We ought to have washed it out.

But it is not my desire to take time. I would do everything I could to kill the bill, but I do not know that that would do it. If somebody could assure me that reading the amendment would do it, I would be glad to insist upon the reservation of objection.

Mr. SISK. If the gentleman will yield further, the gentleman has the right to require that the amendment be read. I realize it is lengthy and is a rather complex amendment.

Mr. GROSS. Yes.

Mr. SISK. Of course, it is up to the gentleman. I was merely trying to save time. I do not know what the ruling would be on the point of order. I do intend to make such a point.

Mr. GROSS. Mr. Chairman, In order to give the gentleman an opportunity to get a ruling on his point of order immediately, if not sooner, I withdraw my reservation.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SISK. Mr. Chairman, I make a point of order that this amendment is not germane to title III of this bill.

First, title III relates to existing congressional institutions—the existing standing committees, the existing Legislative Reference Service, and the existing Joint Committee on the Library, which will assist the Congress in obtaining information in all areas of subject matter.

The amendment proposes a new, additional institution for specific subject area. This establishment of a new institution for a specific purpose is not germane to the utilization of existing institutions for a variety of purposes.

Second, the amendment involves more than the legislative branch alone. The proposed Technology Assessment Board provides for six members from the general public appointed by the President of the United States. This involves in specific terms the executive branch and is far beyond the format and purpose of title III.

Therefore, Mr. Chairman, for these reasons I make a point of order against this amendment.

The CHAIRMAN. Does the gentleman from Connecticut (Mr. DADDARIO) desire to be heard on the point of order?

Mr. DADDARIO. If I may, Mr. Chairman.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. DADDARIO. Mr. Chairman, I offered this amendment as a proper part of the reorganization bill. It really is an extension of something that the Reorganization Act attempts to do and that is to change the Legislative Reference Service into the Congressional Research Service. It takes from the General Accounting Office certain of its administrative functions. It adds to the ability of a Congress to have research done for it through the Congressional Research Service, which, as I said, is already an adjustment, a change from something we already have.

It appears to me that while we are talking about the reorganization of the Congress, that is an all-encompassing term, a term which certainly does a lot. This amendment, because it is a part of the reorganization, does give to the Congress strengths and abilities it does not have, and I believe it is germane.

The CHAIRMAN. The Chair is prepared to rule.

The amendment proposes the establishment of an Office of Technology Assessment, in the legislative branch of Government, responsible to the Congress.

The Office is to consist of a Technology Assessment Board and a Director. The Board is broadly constituted, drawing its membership from the Congress and including in addition to the Members of the House and Senate, the Comptroller General, the Director of the Congressional Research Service, and six public members, to be appointed by the President and confirmed by the Senate. The Board in turn appoints the Director.

All departments and agencies of the executive branch of the Government are directed to furnish the Office, upon the request of the Director, such information as the Office deems necessary. The Office is directed to maintain a continuing liaison with the National Science Foundation and to report to the President and the Congress annually on its findings and recommendations. It would also provide the Board with subpena powers, authority to hire consultants, and to contract for studies and research.

In both its organizational structure and in its powers the Office would be a departure from the concepts carried in the present bill.

The Chair feels that the creation of this new Office, with the broad authority conferred on it by this amendment, goes beyond the scope of the bill before the committee and is not germane.

The Chair sustains the point of order.

In both its organizational structure and in its powers, the office would be a departure from the concepts carried in the present bill. The Chair feels that the creation of this new office with the broad authority conferred on it by this amendment goes beyond the scope of the bill before the committee and is not germane. For this reason the Chair sustains the point of order raised by the gentleman from California (Mr. SISK).

The Chair is advised at this point that there is another committee amendment, which the Clerk will report.

COMMITTEE AMENDMENT

The Clerk read as follows:

Committee amendment: Page 93, line 23, after "particular" insert the words "or specialized".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PART 3—JOINT COMMITTEE ON THE LIBRARY AND CONGRESSIONAL RESEARCH

FUNCTIONS AND OPERATIONS OF JOINT COMMITTEE

SEC. 331. (a) Section 223 of the Legislative Reorganization Act of 1946 (2 U.S.C. 132b) is amended to read as follows:

"JOINT COMMITTEE ON THE LIBRARY AND CONGRESSIONAL RESEARCH

"SEC. 223. (a) There is hereby created a Joint Committee on the Library and Congressional Research (hereafter in this section referred to as the 'Joint Committee').

"(b) The Joint Committee shall be composed of twelve members, as follows:

"(1) six Members of the Senate, appointed by the President pro tempore of the Senate, including two from the Committee on Rules and Administration and four from among the remaining Members of the Senate (including but not limited to members of the Committee on Rules and Administration); and

"(2) six Members of the House of Representatives, appointed by the Speaker of the House, including two from the Committee on House Administration and four from among the remaining Members of the House (including but not limited to members of the Committee on House Administration).

"(c) Of each class of two members referred to in subsection (b), one shall be from the political party having the greatest number, and one shall be from the political party having the second greatest number, of Members of the Senate, or of the House of Representatives, as the case may be; and of each class of four members referred to in subsection (b), two shall be from the political party having the greatest number, and two shall be from the political party having the second greatest number, of Members of the Senate, or of the House of Representatives, as the case may be.

"(d) Any vacancy in the membership of the Joint Committee shall not affect the power of the remaining members to execute the functions of the Joint Committee and shall be filled in the same manner as the original appointment.

"(e) The Joint Committee shall select, in the manner provided by this subsection, a chairman and a vice chairman from among its members at the beginning of each Congress. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. The chairmanship and the vice chairmanship shall alternate between the Senate and the House of Representatives with each Congress. The chairman during each even-numbered Congress shall be selected by the Members of the House of Representatives on the Joint Committee from among their number and the chairman during each odd-numbered Congress shall be selected by the Members of the Senate on the Joint Committee from among their number. The vice chairman during each Congress shall be chosen in the same manner from that House of Congress other than the House of Congress of which the chairman is a Member. The vice chairman shall not be of the same political party as the chairman.

"(f) In order to provide for the expeditious and efficient consideration of matters within the jurisdiction of the Joint Committee, including matters pertaining to the Library generally and its operations and to the review of the operations of the Congressional Research Service, the Joint Committee is authorized to employ one professional staff member and not to exceed two employees as members of the clerical staff of the Joint Committee. Such professional and clerical staff members shall be appointed by the Joint Committee, on a permanent basis, without regard to political affiliation, and solely on the basis of fitness to perform the duties of their positions. The staff, under the joint direction and supervision of the chairman and the vice chairman, shall assist the Joint Committee in the performance of its review functions with respect to matters within the jurisdiction of the Joint Committee and shall perform such other duties as may be prescribed by the Joint Committee. The chairman and the vice chairman jointly shall, with the approval of a majority of the members of the Joint Committee, fix the pay of the members of the professional and clerical staffs of the Joint Committee at respective per annum gross rates not in excess of the highest rate of basic pay, as in effect from time to time, of the General Schedule of section 5332(a) of title 5, United States Code. The Joint Committee may terminate the employment of the members of the professional and clerical staff as it considers appropriate.

"(g) The expenses of the Joint Committee shall be paid out of the contingent fund of the House of Representatives, from funds appropriated for the Joint Committee, upon vouchers signed by the chairman of the Joint Committee.

"(h) In order to provide the Congress with current information regarding the operation of the Congressional Research Service and regarding other matters within the jurisdiction of the Joint Committee, the Joint

Committee shall submit to the Senate and House of Representatives an annual report with respect to—

"(1) the activities of the Congressional Research Service, and

"(2) such other matters within its jurisdiction as it considers appropriate.".

(b) Title II of the table of contents of the Legislative Reorganization Act of 1946 (60 Stat. 813) is amended by striking out—

"Sec. 223. Joint Committee on the Library."

and inserting in lieu thereof—

"Sec. 223. Joint Committee on the Library and Congressional Research.".

RELATED CHANGES IN EXISTING LAW

SEC. 332. (a) The thirty-seventh paragraph under the heading "Miscellaneous" in the first section of the Act of March 3, 1875 (18 Stat. (Part 3) 376; 40 U.S.C. 190), relating to art exhibits in the Capitol, is amended to read as follows:

"No room in the Capitol shall be used for private studios or works of art without the permission in writing of the Joint Committee on the Library and Congressional Research. It shall be the duty of the Architect of the Capitol to enforce this provision.".

(b) Section 1827 of the Revised Statutes (40 U.S.C. 216), relating to the Botanic Garden, is amended by striking out "Joint Committee on the Library" and inserting in lieu thereof "Joint Committee on the Library and Congressional Research".

(c) Section 1831 of the Revised Statutes (40 U.S.C. 188), relating to acceptance of, assignment of space to, and supervision of works of art on behalf of the Congress, is amended by striking out "Joint Committee on the Library" and inserting in lieu thereof "Joint Committee on the Library and Congressional Research".

(d) The last paragraph under the heading "Senate" in section 2 of the Act of March 3, 1883 (22 Stat. 592; 2 U.S.C. 133), relating to the Joint Committee on the Library during recesses of the Congress, is repealed.

(e) The first section of the Act entitled "An Act to create a Library of Congress Trust Fund Board, and for other purposes", approved March 3, 1925 (43 Stat. 1107; 2 U.S.C. 154), is amended by striking out "the chairman of the Joint Committee on the Library" and inserting in lieu thereof "the chairman of the Joint Committee on the Library and Congressional Research". Section 2 of such Act of March 3, 1925, as amended by the Act of April 13, 1936 (49 Stat. 1205; 2 U.S.C. 156), is amended by striking out "Joint Committee on the Library" and inserting in lieu thereof "Joint Committee on the Library and Congressional Research".

(f) The reference to the Joint Committee on the Library in House Concurrent Resolution Numbered 47, Seventy-second Congress, passed on February 24, 1933 (47 Stat. (Part 2) 1784; 40 U.S.C. 187, note), relating to location of statutes within the Capitol, shall be deemed to refer to the Joint Committee on the Library and Congressional Research under this Part.

(g) Whenever reference to the Joint Committee on the Library is made in any other law of current application and effect, that reference shall be deemed to refer to the Joint Committee on the Library and Congressional Research under this Part.

Mr. SISK (during the reading). Mr. Chairman, I ask unanimous consent that part 3 of title III be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PART 4—PARLIAMENTARY PRECEDENTS OF THE HOUSE OF REPRESENTATIVES

PERIODIC COMPILATION OF PARLIAMENTARY PRECEDENTS OF THE HOUSE OF REPRESENTATIVES

SEC. 341. (a) The Parliamentarian of the House of Representatives, at the beginning of the fifth fiscal year following the completion and publication of the parliamentary precedents of the House authorized by the Legislative Branch Appropriation Act, 1966 (79 Stat. 270; Public Law 89–90), and at the beginning of each fifth fiscal year thereafter, shall commence the compilation and preparation for printing of the parliamentary precedents of the House of Representatives, together with such other materials as may be useful in connection therewith, and an index digest of such precedents and other materials. Each such compilation and preparation for printing of the parliamentary precedents of the House shall be completed by the close of the fiscal year immediately following the fiscal year in which such work is commenced.

(b) As so compiled and prepared, such precedents and other materials and index digest shall be printed on pages of such size, and in such type and format, as the Parliamentarian may determine and shall be printed in such numbers and for such distribution as may be provided by law enacted prior to printing.

(c) For the purpose of carrying out each such compilation and preparation, the Parliamentarian may—

(1) subject to the approval of the Speaker, appoint (as employees of the House of Representatives) clerical and other personnel and fix their respective rates of pay; and

(2) utilize the services of personnel of the Library of Congress and the Government Printing Office.

PERIODIC PREPARATION BY HOUSE PARLIAMENTARIAN OF CONDENSED AND SIMPLIFIED VERSIONS OF HOUSE PRECEDENTS

SEC. 342. The Parliamentarian of the House of Representatives shall prepare, compile, and maintain on a current basis and in cumulative form, for each Congress commencing with the Ninety-third Congress, a condensed and, insofar as practicable, up-to-date version of all of the parliamentary precedents of the House of Representatives which have current use and application in the House, together with informative text prepared by the Parliamentarian and other useful related material in summary form. The Parliamentarian shall have such matter printed for each Congress on pages of such size and in such type and format as he considers advisable to promote the usefulness of such matter to the Members of the House and shall provide a printed copy thereof to each Member in each Congress, including the Resident Commissioner from Puerto Rico, and may make such other distribution of such printed copies as he considers advisable. In carrying out this section, the Parliamentarian may appoint and fix the pay of personnel and utilize the services of personnel of the Library of Congress and the Government Printin Office.

Mr. SISK (during the reading). Mr. Chairman, I ask unanimous consent that part 4 of title III be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENT OFFERED BY MR. JACOBS

Mr. JACOBS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JACOBS: On page 104, after line 10, add the following new section:

"SEC. 343. Any parliamentary precedent from any previous Congress which has not been printed, indexed, and distributed to all Members, as provided in either section 341 or section 342 of this title, shall be considered without effect as a precedent and may not be cited as the basis for any parliamentary ruling in the House of Representatives."

Mr. JACOBS. Mr. Chairman, the purpose of the amendment is self-evident. It is to accomplish that which all law is supposed to accomplish; namely, certainty in the anticipation of the affairs of whatever body is being governed. In the law it is called stare decisis. Whatever law is depended upon—and precedents in the House of Representatives certainly take on the very fundamental force of law—to govern any body should be a law that is written down and should be a law which is certain.

It should be law which can be determined by the governed; in this case the Members of the House of Representatives, governed by the rules.

I recall a few years ago our Governor in Indiana attended a dinner, and he was introduced to the then Chief Justice of the United States, Earl Warren. And in their discussion about "mice and men" the Governor said:

Well, I am not sure, but I think I just took an oath to uphold anything you have in your mind.

I do not believe we should proceed in the House of Representatives without the kind of certainty which I have suggested. Frankly, it is just that simple. I see no real reason for further explanation of it, although I shall be happy to respond to questions.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman from Missouri.

Mr. ICHORD. I do not quite understand the objective of the gentleman from Indiana. Would the gentleman require the rulings to be printed in a certain book? They are already printed in the CONGRESSIONAL RECORD.

Mr. JACOBS. Of course, the gentleman does not have a copy of the amendment, but the amendment says:

Any parliamentary precedent from any previous Congress which has not been printed, indexed, and distributed to all Members, as provided in either Sec. 341 or Sec. 342 of this Title, shall be considered without effect as a precedent and may not be cited as the basis for any parliamentary ruling in the House of Representatives.

Mr. ICHORD. Are they not available to all Members at the present time?

Mr. JACOBS. If they are they will be in compliance with this amendment, and no one should have any objection to it. If they are not, they should get in compliance with this amendment.

Certainly the amendment should be adopted. I am sure both gentlemen from California recognize this as a fundamental rule of fairness. I hope they can accept this amendment, which would bring my batting average on this bill up from zero to 0.0001.

Mr. McCORMACK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I was very much interested in the latter observation of my

friend from Indiana about his batting average being brought up from zero to 0.000—or a couple of zeros—1. I thought he had a good batting average. From what I have seen of my friend's batting average, it is at least 90 percent successful. I say that with in a complimentary angle.

I might say that the gentleman serves with great distinction in this body. He follows his father, who also served with great distinction in this body, who was also my dear and valued friend.

That observation does not need any reply. The gentleman's batting average, as I see it, is well over 90 percent. I would not want his observation to be caught by the people of his district, without having with it whatever value I might say as to his batting average, which is far above the batting average of the average Member of the House.

Mr. JACOBS. Mr. Chairman, will the distinguished Speaker yield?

Mr. McCORMACK. I yield to the gentleman from Indiana.

Mr. JACOBS. Modesty forbids or almost forbids my agreeing with the Speaker and I return the compliment many times over. The Speaker knows the high esteem in which all Members of this body hold him. But I was referring to amendments I have offered thus far on this bill.

Mr. McCORMACK. Mr. Chairman, this amendment deals with a rather delicate situation. This book in my hands gives Members an idea of the precedents established. The important ones are carried in the manual every 2 years. Then every certain number of years—I believe about once every 8 or 10 years—there is a research job done. It is going on now, I might say. It has been authorized by this body and has been going on.

With all due respect to my dear friend from Indiana, I am not in opposition to him, because I would not want to be construed as opposing him on anything at any time, but I might not agree with him all the time.

However, without being put in the position of opposing my friend from Indiana, I think that having presided here or having been Speaker for a number of years, I think it would be unwise at this time to adopt the amendment.

I present my views to the Committee of the Whole House for whatever they might be worth based on experience.

In any event, there is a thorough research job going on now. I can assure the gentleman the results of that will be a marked contribution due to the fact that we will have a Democratic Speaker of the House next year, my very dear and valued friend from Oklahoma, Mr. ALBERT.

Mr. SMITH of California. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I really do not think it is necessary for me to make a lengthy statement in view of the remarks of the distinguished Speaker, but if you remember, the bill on page 102 requires at the beginning of each fifth year thereafter the compilation, preparation, and printing of the precedents. Then on page 103 we require in the 93d Congress the printing of all presently applicable precedents. The precedents that occur during that 5-year period, before they are reprinted under section 341, if this amendment were adopted, could be completely nullified and could not be used. They will be printed every 5 years and, as the Speaker said, this is being worked on at the present time. I think this will be very bad and will throw out all of the precedents that were not printed in the 5 years or the 2 years before they were reviewed.

Mr. Chairman, again I object to the amendment and hope it is defeated.

Mr. REES. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, we have printed precedents up to 1936. These are the Cannon and Hinds precedents. If you wish to do any research in the precedents of the House of Representatives, you find that you have to go to Cannon and Hinds, but then you have an impossible task to research precedents between 1936 and 1970. They have not been kept up to date and have not been printed.

If you are doing research on the laws of the United States of America, you find that every year a pocket supplement will keep you up to date in U.S. law. But we have no such convenience in the House of Representatives on the precedents of the House of Representatives.

This is a good amendment; with this amendment it will mean that the office of the Parliamentarian will have to supply up-to-date printed precedents. This office has to be expanded so that every Member of this House can have at the beginning of every legislative session an up-to-date compilation of the precedents of the House. If the precedents are developed week by week, we can then be furnished pocket supplements or looseleaf supplements so that every Member will have in his own office this important and necessary tool if he is to be an effective Member of the House.

My constituent lawyers are amazed that the House of Representatives precedents are kept only up to 1936 and that we do not have anything from then on. We must go in to the office of the Parliamentarian to do our research. The Parliamentarian is very cordial and a very distinguished legal scholar, but we have nothing in our own congressional offices to develop an answer.

This amendment is necessary if we are to guarantee that every Member of this House has the tools that he must have if he is to be an effective Member, an up-to-date compilation of the precedents of the House of Representatives.

Mr. SISK. Mr. Chairman, I rise in vigorous opposition to the amendment.

I feel that the explanations already heretofore offered by the distinguished and able Speaker clearly show the impropriety of this amendment at this time.

There is a good deal of new language in the present bill which we have before us setting up procedures for bringing up to date the precedents of the House, and therefore I would urge the defeat of this amendment, Mr. Chairman.

Mr. FULTON of Pennsylvania. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to make known my full support of the amendments offered by the gentleman from Connecticut, Congressman DADDARIO, which has just been stricken down by a point of order. As the amendments have not been read, I believe the reasons should be made by me in my capacity as ranking minority member of the Science and Astronautics Committee. A strong bipartisan effort has gone into the development of this amendment by the Committee on Science and Astronautics. Our committee has held numerous hearings and has arranged for the conduct of three major studies on technology assessment. Frequent consultations have been held with interested specialists, including representatives of the executive branch of the U.S. Government.

The administration has no announced position on the amendment. It is apparent from these consultations, not only that the executive branch is aware of the technology assessment concept, but that it is sympathetic to the demonstrated need for implementation of that concept. As evidence, I should like to cite two reports, one made by the President's Task Force on Science Policy, in April 1970, and the other by the White House National Goals research staff, in July 1970.

The first report, entitled "Science and Technology—Tools for Progress," devoted a major part of its discussion to achieving more effective assessment in technology.

Indeed, this report states:

> Additional machinery for technology assessment is needed, and the base for developing such machinery now exists.

One of the report's concrete recommendations is—

> The Federal technology assessment structure should have components located strategically in both the executive and legislative branches to create a forum for responsible technological assessment activities not only in Government but also in the private sector.

Both reports mentioned were carried out under contract with the House Committee on Science and Astronautics and served as a partial basis for this legislation.

The report made by the White House National Goals staff, is "Toward Balanced Growth: Quantity with Quality." This report carries an entire chapter on technology assessment. It observes:

> The most comprehensive effort to pin down the complexity and range of elements identified with technology assessment is in the House-proposed bill to establish an Office of Technology Assessment for the Congress. * * * Since it is highly likely that some formal structure for technology assessment will be established, the implications for developing a national growth policy (must) be explored. * * * It would appear that the technology assessment movement not only as represented by congressional efforts but as expressed in the attitudes and behavior of the public at large—represents a turning point in our attitude toward technology about as profound as the change in our attitude toward the environment. * * * It is clear that in both the public and private sectors, assessments of the impact of technological advances are increasing.

In view of the vital importance of decisions on science, research, development, and technologly to the Congress, I strongly endorse the passage of the amendment under consideration.

Mr. HOLIFIELD. Mr. Chairman, I move to strike the requisite number of words.

(Mr. HOLIFIELD asked and was given permission to revise and extend his remarks.)

Mr. HOLIFIELD. Mr. Chairman, this is the first time I have spoken on this reorganization bill, and I am not in favor of the gentleman's amendment; I am against the amendment at this time. But I think the gentleman has rendered a service in bringing this matter to the attention of the House. It is almost unbelievable and, in my opinion, it is inexcusable that the Members of this House do not have access to a printed compilation of the rules and precedents since the year 1936. That is 34 years. Many of us who have handled bills on the floor and have been faced with parliamentary situations and questions as to whether what we were doing was contained in the rules and the precedents have been embarrassed many times. Our only recourse, of course, is to go to the Parliamentarian's office—and I will say that I have never had anything but the best of cooperation in the Parliamentarian's office. The very exhibition of that book of clippings that the Speaker had here today, how many of the Members have ever tried to go through a thing like that, or believe you could go through a thing like that. It is in such a condition that it is in inaccessible form, from a realistic standpoint, to the Members of the House.

I say that, regardless of what the cost would be—and there have been appropriations almost annually for the compilation of the rules and precedents of this House—I say that the leadership of this House, regardless of whether it is the gentleman from Oklahoma (Mr. ALBERT), next year, or the gentleman from Michigan (Mr. GERALD R. FORD) that they owe the Members of this House vigilant and determined action in printing the rules and precedents. And if they could only print up the first 25 years from 1936, and then print up the rest, volume by volume, later, they ought to do it because we simply do not know what we are doing from a parliamentary standpoint. We cannot refer or have available for reference to any compilation or annotated rules and precedents because there is none available.

I am heartily in favor of this matter being brought to the attention of the Members of the House. I believe that something should be done about it. I do not believe at this time, however, that this amendment should be passed.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield for a question?

Mr. HOLIFIELD. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. Mr. Chairman, my question is on the setting of the schedule of the House of Representatives. Is that a matter of the precedents of the House, or the rules of the House, that one Member can override the majority of the whole House by objecting to the time that the House meets, the time when the House opens or takes up each day.

Mr. HOLIFIELD. I think under certain circumstances a unanimous-consent request is necessary, but a motion would carry over an objection, in my opinion.

Mr. FULTON of Pennsylvania. But my point was, Is that a matter of the precedents of the House, or is that a matter of the rules of the House?

Mr. HOLIFIELD. It is a matter of the rules of the House, in my opinion. We meet at 12 o'clock normally; there is a permanent rule that we meet at 12 o'clock unless a unanimous-consent request is made to vary the time.

Mr. FULTON of Pennsylvania. But a unanimous consent is necessary to make the motion. My question is, Why is it that one Member objecting can prevent the House from meeting in the morning at 11 o'clock instead of the usual noon opening? What is the reason for that?

Mr. HOLIFIELD. I do not see any reason for one Member being able to control the business of the House. I believe that a great number of the quorum calls that are made are obstructive, and do not lend themselves to the efficient procedures of the House. I think they are made sometimes in a fit of pique, or because somebody wants to delay the proceeding, or some of those sort of things.

I think there are a number of rules of the House that need to be looked at and changed, and that is, of course, what we are doing in this bill.

There is some language in this bill that will affect the printing of the precedents. I believe, if I had been writing the bill, I might have written it a little bit different but I think we are going to have considerable trouble getting a bill like this passed and at this time I would not want to put so many controversial things in it so as to jeopardize the passage of the bill.

I think a motion was agreed to yesterday having to do with the germaneness of amendments of the other body. I think that was unwise to do that, but nevertheless the House did it and of course we abide by what the House does.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the distinguished Speaker, the gentleman from Massachusetts (Mr. McCORMACK).

Mr. McCORMACK. Mr. Chairman, just for the purposes of the record, I would point out that a compilation of the precedents has been going on now for about 5 years and is underway at the present time. Several volumes have been pretty well completed and they involve about 30,000 precedents. They are going to be looked into very carefully and as I say may comprise several volumes. So I think the membership should be alerted to the fact that this matter has been considered and has been anticipated. It takes years to make a careful compilation of the precedents, and that has been underway for at least 5 years.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. JACOBS).

The amendment was rejected.

Mr. COHELAN. Mr. Chairman, I would renew my unanimous-consent request that the Committee return to page 54, line 3, and that I be permitted to offer an amendment at that point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. BOLLING. Mr. Chairman, reserving the right to object, I will not object to this request but I merely wish to serve notice that in the interest of orderly procedure in the future, I would expect to object to any similiar requests But this is an unusual circumstance, Mr. Chairman, and I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENT OFFERED BY MR. COHELAN

Mr. COHELAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COHELAN: On page 54, after line 2 and before line 3, insert the following:

"ANNUAL GENERAL OUTLINES OF CURRENT FEDERAL BUDGETARY AND FISCAL SITUATIONS

"SEC. 222. (a) This section is enacted by the Congress—

"(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such the section is deemed a part of the rules of each House, respectively, insofar as applicable to that House; and

"(2) with full recognition of the constitutional right of either House to change the provisions of this section enacted a part of the rules of that House at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

"(b)(1) The Committee on Ways and Means of the House and the Committee on Finance of the Senate each shall, within the period beginning January 20 and ending March 1 of each calendar year, investigate, study, and hold hearings on the then current budgetary and fiscal situation of the Federal Government, and matters pertaining thereto, which will affect the fiscal, budgetary, and spending policies of the Federal Government for the following full fiscal year. On or before March 15 of the year in which such investigation, study, and hearings are conducted, the Committee on Ways and Means shall report to the House, and the Committee on Finance shall report to the Senate, a simple resolution of that House concerned, which shall be of high privilege and with respect to which not less than six hours of debate shall be allowed before final vote by that House on that resolution.

"(2) Each such resolution—

"(A) shall contain, on the basis of the investigation, study, and hearings conducted by the committee concerned, the determinations of that committee with respect to—

"(i) the anticipated gross national product in the following full fiscal year;

"(ii) the estimated national total of all personal income in that fiscal year;

"(iii) the estimated national total of all corporate and other business income in that fiscal year;

"(iv) the estimated situation of the United States with respect to its balance of payments with foreign nations in that fiscal year;

"(v) the estimated revenues of the Federal Government in that fiscal year under existing authority; and

"(vi) methods by which such estimated revenues may be increased or decreased, as necessary;

and

"(B) shall contain a provision to the effect that it is the sense of the Senate or the

House, as the case may be, that, at the time of the consideration of the resolution by that House concerned, the determinations of the committee concerned, as stated in the resolution, are substantially correct and generally reflect an accurate analysis of the estimated and anticipated budgetary and fiscal situation of the Federal Government for the first full fiscal year commencing after the date on which the resolution is adopted.

"(c)(1) The Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate each shall, within the period beginning January 20 and ending March 15 of each calendar year, investigate, study, and hold hearings on the entire appropriations program and policies of the Federal Government, and matters pertaining thereto, which will affect the specific appropriations program and policy of the Federal Government for the following full fiscal year. After March 20 and before April 1 of the year in which such investigation, study, and hearings are conducted, the House Committee on Appropriations shall report to the House, and the Senate Committee on Appropriations shall report to the Senate, a simple resolution of that House concerned which shall be of high privilege and with respect to which not less than six hours of debate shall be allowed before final vote by that House on that resolution.

"(2) Each such resolution—

"(A) shall contain, on the basis of the investigation, study, and hearings conducted by the committees concerned, the determinations of that committee with respect to—

"(i) the total anticipated appropriations objective, estimated in monetary terms, of the Congress and of the President in the following full fiscal year for which the Congress will provide appropriations for that year;

"(ii) the total anticipated objective, estimated in monetary terms, of the Congress and of the President in the following full fiscal year with respect to the provision of lending programs for which the Congress will provide appropriations for that year;

"(iii) the total anticipated allocations, estimated in monetary terms, of the Congress and of the President with respect to the costs of foreign exchange for programs in the following full fiscal year for which the Congress will provide appropriations in that year; and

"(iv) estimated monetary allocations of the Budget dollar, stated in aggregate dollar amounts, for the respective activities of the Federal Government listed in the principal categories of national defense, aid to education, urban renewal, social security, agriculture, and transportation, and such other categories as the committee concerned considers appropriate, in the following full fiscal year, for which the Congress will provide appropriations for that year;

and

"(B) shall contain a provision to the effect that it is the sense of the Senate or the House, as the case may be, that, at the time of the consideration of the resolution by that House concerned, the determinations of the committee concerned, as stated in the resolution, are substantially correct and generally reflect an accurate analysis of the estimated and anticipated conditions, problems, and limitations confronting the Congress in connection with the enactment of appropriations measures for the following full fiscal year and in the formulation of a specific Congressional appropriations policy and program for that year."

Mr. COHELAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. GROSS. Mr. Chairman, reserving the right to object, and I shall not object, I merely reserve the right to say to the gentleman I would hope he would explain in detail this reference to the anticipated gross national product and the full fiscal year and relate that to the title of this bill which is "To improve the operation of the legislative branch of the Federal Government, and for other purposes."

Mr. COHELAN. I propose to do that.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The gentleman from California (Mr. COHELAN) is recognized.

Mr. COHELAN. Mr. Chairman, I want to thank all members of the committee for the courtesy they have shown me in giving me the opportunity to offer my amendment.

Mr. Chairman, I rise to offer an amendment to the Legislative Reorganization Act. Knowing the pressure of time, I would not impose on the Chamber an amendment to this bill unless I thought it to be a significant contribution to the organization of Congress.

My amendment attempts to place the Congress in the center of the budgetary process by requiring that each Chamber establish a legislative budget that would guide the deliberations of each Chamber as it considers various appropriation and authorization measures. The effect of this amendment, if enacted, would be to strengthen the hand of the Congress in setting national priorities.

It is my opinion that the Congress can only forcefully exercise its constitutional prerogatives of realistic agenda-setting if it becomes involved in the establishment of its own spending priorities with a realistic revenue and expenditure budget. As it stands now, the Congress is relegated to the position of chipping away at the Executive budget requests without the overall perspective on reordering priorities.

The role of the Congress can only be changed when both the House and the Senate establish a legislative budget. Without this exercise the Congress will remain on the policy periphery.

Before I go into this amendment, Mr. Chairman, I want to say that this idea of a legislative budget has been around for years, but they were given their most impressive impetus in a thoughtful paper by the Hon. Joseph W. Barr, our former colleague and former Secretary of the Treasury.

How often during the course of a session of Congress are we confused by such questions as: "Is the defense appropriation realistic in terms of other domestic needs?"; "Is the educational budget too much?"; "What level of spending should be allowed for environmental pollution control?". These and other questions reoccur and the only answer that can usually be given in coherent, although not necessarily valid, terms is the impact on the President's budget. The President's budget request is the only budgetary document that the Congress has and there is no other form of reference.

When we move, correctly in my opinion, to increasing funds for education, housing, VA hospitals, and antipollution measures, we are subject to the charge that we have exceeded the President's budget, and, in terms of budgetary analysis, we have very little in the way of alternatives. But if the Congress had previously decided on a revenue pattern and had tentatively decided on the allocations of the budget, there would be the foreknowledge of whether there would be a deficit or a surplus.

The legislative budget is a partial answer to this dilemma. It might not be written to say whether or not there should be an SST, but it could be structured as to tell how much should be allocated for the problems of transportation.

I wish to emphasize that the legislative budget is essentially a working document, a financial plan, for each House. Hence it is composed of privileged but simple resolutions; it expresses the sense of each House about various items in the economy and in the allocation of the Federal budget. There is the possibility, in fact a distinct probability, that these resolutions will differ in each Chamber. But this fact would not diminish the advantages of having each House look both at the revenue anticipated and the allocation of this revenue in terms of Federal spending.

Essentially the legislative budget is a combination of four resolutions—two from each Chamber. It requires four committees to issue privileged resolutions. The first set of resolutions is drawn up by the House Ways and Means Committee and the Senate Finance Committee. After appropriate hearings, the respective committees issue a preferential resolution to the respective Chamber by March 15 of each year. These resolutions will be concerned with the general state of the economy and with the Federal revenue picture for the coming fiscal year. Included in this resolution will be, first, the estimated GNP; second, the estimated corporate income; third, the estimated personal income; and fourth, the estimated balance-of-payments situation. In addition, this resolution will specify (a) what are the estimates of Federal revenues for existing legislative authority for the coming fiscal year and (b) what proposals should be enacted to increase or decrease Federal revenue.

It should be pointed out that these committees are free to use any resources deemed appropriate in formulating its resolution. For example, the Joint Committee on the Internal Revenue Taxation could be used to formulate revenue estimates but the executive branch or, for that matter, private individuals could be utilized as well.

Thus, by the middle of March each Chamber would be studying, discussing, and voting on the economic and revenue prospects for the coming fiscal year. Each Member would have to understand how large the Federal "budgetary pie" will be. In addition there will be some preliminary votes on whether to raise

additional revenues or to end various forms of taxation. Each House would be in the possession of data to know what the revenue patterns will be based on various economic and revenue assumptions. Each House will then be prepared to decide how best to allocate the Federal budget which is the subject of the privileged resolution prepared by the House-Senate Appropriations Committee.

By April 1 the Appropriations Committees are required to submit a preferential resolution for action to their respective Chamber. This resolution will have been drawn up after appropriate hearings. Again, it should be pointed out that the Appropriations Committee can utilize the resources of other existing committees, executive branch, and private sources. For example, the information of the Joint Economic Committee might be relevant to some of the categories specified in the appropriations resolution. The resolutions will include the following information, first, the total congressional spending target, second, the total congressional lending target, third, the total Congressional target for foreign exchange on spending and lending which requires the use of foreign exchange is usually a hidden additional cost in the budget, fourth, most importantly, the committees will set up a tentative allocation for spending and lending in various budgetary categories—that is, defense, social security, education, agriculture, urban renewal, law enforcement, and so forth.

Since this resolution is preceded by consideration of the economy and the revenue, each House will have considered a revenue figure. The Appropriations Committee will then report its privileged resolution for deliberation. Debate and voting will take place on the various items. For example, Members will be able to see if the combined spending and lending figure is realistic with projected revenues. Or if one House desires a large surplus, it could decide if the surplus should be created at the expense of certain controllable items within the budget. Each House could decide if certain allocations be curtailed for example, agriculture, defense, education? If so, how much?

It has to be reemphasized that Appropriations Committee privileged resolutions are working documents. It is a legislative vehicle by which each House can express itself on a variety of budgetary topics.

I know that many Members will raise questions on using this procedure. "Do we not bind ourselves to a legislative budget?" The answer is "No." The budget is a working document subject to change, but at least each House will have some rudimentary conception of the limits of its own direction. We will not be faced with "add-ons" or "single shots" which bare no relation to the budgetary process.

I know that some Members will be concerned that the legislative budget will impose on the prerogatives of their committees. This will not be the case. First, it is important to remember that these resolutions that comprise the legislative budget are essentially simple but privileged resolutions—which will be used as working documents; hence they do not bind the Members to future action but they do provide an overall conception of the budgetary implications of legislative decisions. Second, each Member is given the opportunity to speak, amend, and vote on every section of the resolutions. Thus, the legislative budget becomes more widely deliberative.

Other Members will suggest that we already have the Joint Economic Committee and the Joint Committee on Internal Revenue Taxation to issue these types of facts and figures. I respectfully point out to each of these Members that the Joint Economic Committee and the Joint Committee on Internal Revenue Taxation do indeed issue a picture of the economy and a picture of the revenues anticipated. But what these Members fail to realize is that each of these committees first, issues its report usually at the sixth or eighth month of the new year, second, do not go into depth on the allocation of the Federal budget. In addition, the reports, however well written and researched, are often unread. The singular advantage of this legislative budget approach is that each Member is required to understand the implications of the budget because it is a voting matter.

Other Members will say "Yes," but we have two simple resolutions here albeit privileged. What if we have a disparity between the House and the Senate? How do we get together? To these questions there are no easy answers but it seems to me a step forward that each House is now considering the components of the budget and how the allocations should be made. If there is disparity between the two, so be it. At least each House will be thinking in terms of the total budgetary process financial plan and this I submit is a step forward from the ad hoc approach that usually characterizes so much legislative action.

My real reason for offering this amendment is that I respect both the House and the Senate. I have served 12 years in the House and have come to know and understand its processes. I am, however, troubled that the Federal legislature which contain equal branches are so often relegated to little more than rubber stamps operating at the periphery of policy setting. One way to remedy this I feel is to get Congress involved in setting up the budget. This is what I hope to do by this amendment.

Mr. SISK. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I commend my very able and distinguished colleague, the gentleman from California (Mr. COHELAN) for the work he has done and the efforts he has put in on this particular subject. I well know his knowledge and the time and effort he has spent on it. With some hesitancy I oppose the gentleman's amendment. I think frankly there are some worthy objectives involved in the effort he has made.

However, it is my position—and I believe it to be generally that of our committee—that this is a subject that requires additional study. It certainly is a subject that deals with the work of the Appropriations Committee and the Committee on Ways and Means. I do not mean to suggest there are any jurisdictional problems with this amendment, but I know certainly because of the implications involved in the amendment, there would be and there is considerable concern on the part of the chairmen of those committees and the members.

Therefore, Mr. Chairman, without taking additional time of the House, I would simply urge that for the time being this amendment be laid aside for further consideration. This is not in any way to take away from the work and the effort of my colleague, the gentleman from California. I simply feel it is not timely in nature to attempt to attach an amendment of this import to this bill at this time. Therefore, Mr. Chairman, I urge the defeat of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. COHELAN).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Page 104, line 1——

Mr. SISK (during the reading). Mr. Chairman, I rise to make a unanimous-consent request. I ask unanimous consent that consideration of part 1 of title IV be temporarily set aside and the Clerk now read part 2 of title IV.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. GIBBONS. Mr. Chairman, reserving the right to object, I do so only for the purpose of asking the gentleman from California to explain more fully his reason for his request at this time.

Mr. SISK. Mr. Chairman, if the gentleman will yield, I would say this is being done on behalf of a distinguished colleague of ours from Louisiana, who is serving as a pallbearer for a very dear friend today and who will not be able to return until tomorrow. It is the hope of this committee that this part 1 will be considered tomorrow.

Mr. GIBBONS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Clerk will read, beginning on page 125.

The Clerk read as follows:

PART 2—ABOLISHMENT OF JOINT COMMITTEE ON IMMIGRATION AND NATIONALITY POLICY

ABOLISHMENT OF JOINT COMMITTEE ON IMMIGRATION AND NATIONALITY POLICY

SEC. 421. The Joint Committee on Immigration and Nationality Policy established by section 401(a) of the Immigration and Nationality Act (66 Stat. 274; Public Law 414, Eighty-second Congress; 8 U.S.C. 1106(a)) is hereby abolished.

CONFORMING CHANGES IN EXISTING LAW

SEC. 422. (a) Section 401 of the Immigration and Nationality Act (66 Stat. 274; Public Law 414, Eighty-second Congress; 8 U.S.C. 1106) is hereby repealed.

(b) Title IV of the table of contents of the Immigration and Nationality Act (66 Stat. 166; Public Law 414, Eighty-second Congress) is amended by striking out—

"Sec. 401. Joint Congressional Committee.".

PART 3—AUTHORITY OF OFFICERS OF THE CONGRESS OVER CONGRESSIONAL EMPLOYEES

AUTHORITY OVER CONGRESSIONAL EMPLOYEES

SEC. 431. (a) Each officer of the Congress having responsibility for the supervision of employees, including employees appointed upon recommendation of Members of Congress, shall have authority—

(1) to determine, before the appointment of any individual as an employee under the supervision of that officer of the Congress, whether that individual possesses the qualifications necessary for the satisfactory performance of the duties and responsibilities to be assigned to him; and

(2) to remove or otherwise discipline any employee under his supervision.

(b) As used in this section, the term "officer of the Congress" means—

(1) an elected officer of the Senate or House of Representatives who is not a Member of the Senate or House.

(2) the Architect of the Capitol; and

(3) the Postmaster of the Senate.

AMENDMENT OFFERED BY MR. BROYHILL OF VIRGINIA

Mr. BROYHILL of Virginia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROYHILL of Virginia: On page 126, after line 14 and before line 15, insert the following:

"PART 4—LIMITATIONS ON EMPLOYMENT IN THE HOUSE UNDER THE POLITICAL PATRONAGE SYSTEM

"LIMITATIONS ON EMPLOYMENT ON THE BASIS OF POLITICAL PATRONAGE IN THE HOUSE OF REPRESENTATIVES

"SEC. 463. (a) The Committee on House Administration of the House of Representatives is authorized and directed to—

"(1) review the application, operation, and administration of the system of appointment, employment, and removal, on the basis of political patronage, of employee of the House of Representatives, including pages of the House of Representatives and employees under the Architect of the Capitol performing services for the House, but excluding employees paid out of the clerk hire allowances of Representatives and the Resident Commissioner from Puerto Rico, employees on the professional and clerical staffs of the standing committees of the House, and officers and employees of the House whose positions, in the judgment of the Committee on House Administration, should be filled with regard to political affiliation because of the nature and implications of their duties and responsibilities or of their employment generally; and

"(2) prepare a plan to eliminate such political patronage system in the House of Representatives.

"(b) Such plan shall include—

"(1) a procedure for the appointment and employment, on and after the date such plan becomes effective, without regard to political affiliation and solely on the basis of fitness to perform the duties concerned, of persons to fill vacancies in positions within the purview of such political patronage system on the date of enactment of this Act, subject to the exceptions contained in subparagraph (1) of subsection (a) of this section;

"(2) a provision extending the appointment and employment procedure referred to in subparagraph (1) of this subsection to positions in categories similar to those included in subparagraph (1) of subsection (a) of this section which are created on or after the date of enactment of this Act; and

"(3) a provision for periodic review by appropriate authority of the application, operation, and administration, of such plan.

"(c) The Committee on House Administration is authorized and directed to submit such plan to the appropriate authority or authorities in the House of Representatives and place such plan in effect at the earliest practicable date not later than the beginning of the second session of the Ninety-second Congress."

Mr. BROYHILL of Virginia (during the reading). Mr. Chairman, in view of the fact that the majority has a copy of the amendment, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SISK. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The reservation is heard.

The gentleman from Virginia (Mr. BROYHILL) is recognized for 5 minutes in support of his amendment.

Mr. BROYHILL of Virginia. Mr. Chairman, Maj. Gen. Andrew Jackson, "Old Hickory," he was called, introduced the spoils system into the Federal Government in 1828. He fired 252 Federal employees to make room for members of his political party. His slogan was: "To the victor belongs the spoils."

The Whigs won in 1840 and threw out the Democratic appointees. Then the Democrats, under President Polk, fired the Whigs.

The savage spoils system led to the assassination of President James A. Garfield by a disappointed jobseeker and caused the enactment of the civil service reform law of 1883.

Almost a century has passed since the Congress took action to end the spoils system in the executive branch of the Federal Government.

The spoils system of the House of Representatives is still in effect.

There are approximately 1,300 so-called patronage employees of the House: elevator operators, policemen, doorkeepers, publication workers, pages, and so on. The party holding the majority appoints about 98 percent of these jobs.

The minority party is allotted a few pages and policemen, and a miscellaneous assortment of other positions.

Whenever the majority changes in the House of Representatives, even by one seat, a tremendous upheaval is created among the House patronage employees. During the month of January following the election, hundreds of competent, experienced people are fired. Applicants, endorsed by the new majority are hired in a mad scramble. Production dwindles with untrained employees and those discharged may lose their income for months during their search for new employment.

Mr. Chairman, I ask for an end to the patronage appointment system. I recommend that the House develop procedures of selecting the best qualified candidates instead of determining which congressional sponsor has the priority. I suggest that the House concern itself with the supervision of employees on our rolls so that visiting citizens are not shocked by bookreading, sloppily dressed elevator operators and other such sights. A department store makes a better impression in this aspect than does the seat of our Government.

In this great legislative body we study and puzzle, even sweat and toil, to devise laws to solve our problems in a manner which will be as fair as possible to all segments of our population. We demand that the executive branch appoint on the basis of impartial testing—we investigate even rumors of violations.

Yet, whenever the majority changes from one political party to the other in the House we fire many times more employees than did "Old Hickory." We replace them with new, inexperienced applicants, who have one attribute that outweighs all qualifications of their predecessors—a political clearance from the majority party patronage committee.

I do not have statistics on the number replaced when the Republicans took the majority in 1952, nor when the Democrats won it back in 1954. Such statistics are not published in the CONGRESSIONAL RECORD. I do know those listed as being charged to my patronage account in 1954: two doorkeepers, seven elevator operators, and 22 folding room employees. All were handed dismissal notices during the month of January 1955.

There are about 600 House positions specifically under control of the patronage committee. The will of this committee is executed by the various elected officials of the House who have these positions in their departments. The Architect of the Capitol adds his elevator operators to the list. There are about 700 other jobs subject in one way or another to majority party control.

I propose that all patronage positions be converted to appointment on a merit basis, with separations only for worthy causes.

I have not attempted to prepare a specific plan for the conversion from our present system to a merit system. However, I would like to offer an amendment to H.R. 17654 which would provide for an expression of the sense of the House that our spoils system be eliminated. My amendment directs the House Administration Committee to formulate and install a plan and insure compliance through periodic review.

There is no reason to summarily dismiss those appointed by the opposition party when the majority changes. These employees serve every Member who calls upon them diligently and faithfully. They serve the majority well, they serve the minority equally well. They are not in a position to influence the welfare of either party nor would they desire to do so. We do not ask their political affiliation when they are hired; only the affiliation of their sponsor is of interest. These employees are primarily interested in doing a good job and earning funds for the support of their families. It is indeed a great injustice to place such a person's livelihood on the ballot at each election.

Let me give you an example of our present archaic employee-employer relationship. A man on our rolls had worked at the same job for 10 years. He had a wife and seven children to support. In an election his congressional sponsor was

defeated. In January of the following year, he was told by the patronage committee that he would be separated at the end of the month unless another member of the majority party agreed that the position could be charged to his patronage account. After 2 weeks of worry and anxious requests, the man fortunately found a new sponsor.

I personally observed this man's work as have most Members and legislative employees. He serves the public in his position. I can certify he is a capable, efficient person—courteous to all he served.

If a new sponsor had not been found, the House would have lost the value of 10 years' experience and training of this man. We would have traded him for a raw recruit from another congressional district. If a sponsor had not been found this man would have been dismissed without consideration of his excellent record and his seniority.

It is not, therefore, to the gain of the present minority party that I speak, nor to the detriment of the present majority party. I speak to the betterment of the House of Representatives. I rise in sympathy for the hundreds whose livelihoods are at risk in November of each even-numbered year. I speak for those who are not even privileged to apply for a position with their Congress simply because their Representative is currently in the minority party. The balancing out of appointments between the parties over a hundred years may bring equality to the parties but during that period it will bring injustices to thousands of individuals.

I speak for the use of merit in our selections of House patronage employees as a good business practice. I speak against mass dismissals as a bad business practice and a grave injustice to the employees. I speak for merit hiring for the positions as it is an injustice to any American citizen to deny him the right to compete for these jobs solely because the Congressman who represents the district in which the applicant lives happens to be a member of the party currently in the minority.

One final word on elimination of the patronage spoils system.

I want the members of the majority to note that I am recommending that all current appointees remain in their present positions. Merit appointments would only apply to future vacancies. Thus, the present majority party would have for many years whatever extra benefit was derived from having appointed present employees.

To the members of the minority I will give assurance that, with rare exceptions, the patronage employees serve us all with equal zeal. They are devoted in their duties to the Members and the public. They are earning a living for their families—not serving a political cause. That is the reason it is a tragedy for them to lose their employment in an election in which they are not the candidates and they take no part in the campaign.

The CHAIRMAN. Does the gentleman from California insist on his point of order?

Mr. SISK. I do insist on it, Mr. Chairman.

The CHAIRMAN. The Chair will be glad to hear the gentleman.

Mr. SISK. Mr. Chairman, the amendment is obviously in contravention of the rule under which we are operating and which rule, adopted back at the beginning of the debate, said on line 11 no amendment to this bill shall be in order which would have the effect of changing the jurisdiction of any committee of the House listed in rule XI.

In the very beginning of the proposed amendment it starts out with the House Committee on House Administration, and goes into a considerable amount of detail as to the jurisdiction and responsibilities of the committee, and, therefore, would be in violation of the rule under which this bill is being considered.

The CHAIRMAN. Does the gentleman from Virginia (Mr. BROYHILL) desire to be heard on the point of order?

Mr. BROYHILL of Virginia. Mr. Chairman, it is my understanding that the Chair has sustained a similar point of order on the bill prior to this, but I would say that the amendment does not change the jurisdiction of the House Committee on House Administration, but merely instructs the House Committee on House Administration to change the patronage procedures.

This is a committee that we organized in the House of Representatives, and this merely seeks to do just that.

The CHAIRMAN (Mr. NATCHER). The Chair is prepared to rule.

House Resolution 1093, adopted on July 13, 1970, as the Members of the Committee will remember, provides in part as follows:

> No amendment to the bill shall be in order which would have the effect of changing the jurisdiction of any committee of the House listed in rule XI.

It is the opinion of the Chair that the amendment offered by the gentleman from Virginia (Mr. BROYHILL) affects the jurisdiction of the Committee on House Administration, and, therefore, the point of order must be sustained.

The Chair therefore sustains the point of order.

The Clerk will read.

The Clerk read as follows:

PART 4—THE CAPITOL GUIDE SERVICE

ESTABLISHMENT AND OPERATION OF THE CAPITOL GUIDE SERVICE

SEC. 441. (a) There is hereby established an organization under the Congress of the United States, to be designated the "Capitol Guide Service", which shall be subject to the direction, supervision, and control of a Capitol Guide Board consisting of the Architect of the Capitol, the Sergeant at Arms of the Senate, the Sergeant at Arms of the House of Representatives, an employee under the Senate appointed by the minority leader of the Senate, and an employee under the House of Representatives appointed by the minority leader of the House.

(b) The Capitol Guide Service is authorized and directed to provide guided tours of the interior of the United States Capitol Building for the education and enlightenment of the general public, without charge for such tours. All such tours shall be conducted in compliance with regulations prescribed by the Capitol Guide Board.

(c) The Capitol Guide Board is authorized—

(1) with the prior approval of the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives, to establish and revise such number of positions of Guide in the Capitol Guide Service as the Board considers necessary to carry out effectively the activities of the Capitol Guide Service;

(2) to appoint, on a permanent basis, without regard to political affiliation, and solely on the basis of fitness to perform their duties, a Chief Guide and an Assistant Chief Guide, and, in addition, such number of Guides as may be authorized under subparagraph (1) of this subsection;

(3) to prescribe their duties and responsibilities;

(4) with the prior approval of the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives, to fix, and adjust from time to time, their respective rates of pay at single per annum (gross) rates; and

(5) to terminate their employment as the Board considers appropriate.

(d) The Capitol Guide Board shall—

(1) prescribe a uniform dress, including appropriate insignia, which shall be worn by personnel of the Capitol Guide Service when on duty; and

(2) from time to time, as may be necessary, procure and furnish such uniforms to such personnel without charge to such personnel.

(e) An employee of the Capitol Guide Service shall not charge or accept any fee, or accept any gratuity, for or on account of his official services.

(f) The Capitol Guide Board may detail personnel of the Capitol Guide Service to assist the United States Capitol Police by providing ushering and informational services, and other services not directly involving law enforcement, in connection with the inauguration of the President and Vice President of the United States, the official reception of representatives of foreign nations and other persons by the Senate or House of Representatives, and other special or ceremonial occasions in the United States Capitol Building or on the United States Capitol Grounds which require the presence of additional Government personnel and which cause the temporary suspension of the performance of the regular duties of the Capitol Guide Service.

(g) The Capitol Guide Board may receive and consider advice and information from any private historical or educational organization, association, or society with respect to those operations of the Capitol Guide Service which involve the furnishing of historical and educational information to the general public.

(h) With the prior approval of the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives, the Capitol Guide Board shall prescribe such regulations as the Board considers necessary and appropriate for the operation of the Capitol Guide Service.

(i) The Capitol Guide Board may take appropriate disciplinary action, including, when circumstances warrant, suspension from duty without pay, reduction in pay, demotion, or removal from employment with the Capitol Guide Service, against any employee who violates any provision of this section or any regulation prescribed by the Board pursuant to this section.

(j) The expenses of the Capitol Guide Service shall be paid from the contingent fund of the House of Representatives, until appropriations are available for the payment of such expenses.

COVERAGE OF EMPLOYEES OF THE CAPITOL GUIDE SERVICE UNDER THE FEDERAL CIVIL SERVICE RETIREMENT PROGRAM WITH RESULTANT COVERAGE UNDER FEDERAL LIFE INSURANCE AND HEALTH BENEFITS PROGRAMS

SEC. 442. (a) Section 2107 of title 5, United States Code, relating to the definition of "Congressional employee", is amended—

(1) by striking out the word "and" at the end of paragraph (7);

(2) by striking out the period at the end of paragraph (8) and inserting in lieu thereof a semicolon and the word "and"; and

(3) by adding at the end thereof the following paragraph:

"(9) an employee of the Capitol Guide Service.".

(b) Section 8332(b) of title 5, United States Code, relating to creditable service for retirement purposes, is amended—

(1) by striking out the word "and" at the end of paragraph (5);

(2) by striking out the period at the end of paragraph (6) and inserting in lieu thereof a semicolon and the word "and";

(3) by adding immediately below paragraph (6) the following paragraph:

"(7) subject to sections 8334(c) and 8339 (h) of this title, service performed on and after February 19, 1929, and prior to the effective date of section 442 of the Legislative Reorganization Act of 1970, as a United States Capitol Guide."; and

(4) by inserting immediately after the fourth sentence thereof the following sentence: "The Civil Service Commission shall accept the certification of the Capitol Guide Board concerning service for the purpose of this subchapter of the type described in paragraph (7) of this subsection and performed by an employee.".

TRANSITIONAL PROVISIONS RELATING TO THE ESTABLISHMENT OF THE CAPITOL GUIDE SERVICE AND THE CONCLUSION OF THE OPERATIONS OF THE EXISTING UNITED STATES CAPITOL GUIDES ORGANIZATION

SEC. 443. (a) The initial appointments, under section 441(c)(2) of this Act, of personnel of the Capitol Guide Service shall be effective on the effective date of this section. The Capitol Guide Board shall afford, to each person who is a member of the United States Capitol Guides immediately prior to such effective date, the opportunity to be appointed to a comparable position in the Capitol Guide Service without reduction in level of rank and seniority. For the purposes of the initial appointments of such persons, the number of such persons shall be considered to have been authorized for the Capitol Guide Service under section 441(c)(1) of this Act. The per annum (gross) rate of pay of each such person so initially appointed shall be a rate equal to the per annum rate of pay received by the United States Capitol Guides, who worked full tours of duty, averaged over the last five calendar years (excluding 1968) ending prior to the date of enactment of this Act. Subject to section 441(i) of this Act, the rate of each such person so initially appointed shall not, at any time after such initial appointment, be less than the rate at which he was initially appointed so long as he remains in the same position; but, when such position becomes vacant, the rate of pay of any subsequent appointee thereto shall be fixed in accordance with section 441 of this Act.

(b) The United States Capitol Police Board shall transfer, on the effective date of this section, to the Capitol Guide Board, all personnel records, financial records, assets, and other property of the United States Capitol Guides, which exist immediately prior to such effective date.

(c) As soon as practicable after the effective date of this section but not later than the close of the sixtieth day after such effective date, the Capitol Guide Board shall, out of the assets and property transferred under subsection (b) of this section, on the basis of a special audit which shall be conducted by the General Accounting Office—

(1) settle and pay any outstanding accounts payable of the United States Capitol Guides,

(2) discharge the financial and other obligations of the United States Capitol Guides (including reimbursement to purchasers of tickets for guided tours which are purchased and paid for in advance of intended use and are unused), and

(3) otherwise wind up the affairs of the United States Capitol Guides,

which exist immediately prior to such effective date. The Capitol Guide Board shall dispose of any net monetary amounts remaining after the winding up of the affairs of the United States Capitol Guides, in accordance with the practices and procedures of the United States Capitol Guides, existing immediately prior to the effective date of this section, with respect to disposal of monetary surpluses.

Mr. SISK (during the reading). Mr. Chairman, I ask unanimous consent that part 4 of title IV be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: On page 130, lines 23, strike out "(5)" and insert in lieu thereof "(6)".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: On page 130, line 25, strike out "(6)" insert in lieu thereof "(7)".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: On page 131, line 1, strike out "(6)" and insert in lieu thereof "(7)".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: On page 131, line 3, strike out "(7)" and insert in lieu thereof "(8)".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: On page 131, line 12, strike out "(7)" and insert in lieu thereof "(8)".

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DINGELL: On page 133, after line 18, insert the following:

"PROVIDING FOR AN AUDIT FOR ORGANIZATIONS CONDUCTING ACTIVITIES OR PERFORMING SERVICES IN OR ON THE UNITED STATES CAPITOL BUILDINGS OR GROUNDS

"SEC. 444(a) Any private organization, except political parties and committees constituted for election of Federal officials, whether or not organized for profit and whether or not any of its income inures to the benefit of any person, which performs services or conducts activities in or on the United States Capitol Buildings or Grounds, as defined by or pursuant to law, shall be subject, for each year in which it performs such services or conducts such activities, to a special audit of its accounts which shall be conducted by the General Accounting Office. The results of such audit shall be reported by the Comptroller General to the Senate and House of Representatives."

And renumber succeeding parts accordingly.

The CHAIRMAN. The gentleman from Michigan (Mr. DINGELL) is recognized in support of his amendment.

Mr. SMITH of California. Mr. Chairman, I reserve a point of order against the amendment. I have not seen this amendment and I am not certain which amendment the gentleman is offering. I discussed with the gentleman the amendment on page 135, but I have not seen this amendment at all.

Mr. DINGELL. I must confess, I will say to my good friend, that I had this amendment drawn up in the last day or so.

Mr. SMITH of California. Mr. Chairman, I make a point of order against this amendment.

The CHAIRMAN. The gentleman from California (Mr. SMITH) reserves a point of order against the amendment.

The gentleman from Michigan (Mr. DINGELL) is recognized.

Mr. DINGELL. Mr. Chairman, it has come to my attention that there are a large number of business activities conducted in or upon the Capitol Grounds. These businesses run all the way from contract businesses for the providing of services to the Architect of the Capitol, to the construction of large office buildings. They involve the operation of services upon the Capitol Grounds like lunchrooms, and they include concessionaires involving the providing of food services in the other body. They involve the operation of car washing services and other things in the garages in the House of Representatives and of the Senate.

These, I believe, are services and businesses on the Capitol Grounds and under the Congress of the United States that should be open to the public.

We should know who conducts this business and how, and this information should be made available to the people. We should know what the expenses are and what the contracts are and how the contracts are derived and carried out.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from California.

Mr. HOLIFIELD. What is the gentleman referring to? I assume he is re-

ferring to these different kinds of vending machines that are operated?

Mr. DINGELL. Included in this amendment, are the vending machines to which my friend refers.

Mr. HOLIFIELD. How about the souvenir stands and the bookselling stands in the Capitol?

Mr. DINGELL. Those would be included.

Mr. HOLIFIELD. Are you telling the Members of the House that these are not audited by the General Accounting Office and not within the knowledge of the House?

Mr. DINGELL. I tried to find out whether any of these organizations doing business in the Capitol, garages, souvenir stands, vending machines, restaurants, and so forth, are audited and I can find no evidence that they are. This amendment would cover those and the extension of the east front down to that to which the gentlemen refers and the vending machines in the basement and the restaurants run by concession. None are now subject to audit. Nobody knows what the expenses are or how the money is spent or how it is derived or anything else.

Mr. HOLIFIELD. It seems to me that the gentleman is calling the attention of the House to something that I was not aware of. I assumed that all of these matters were under the administration of the Committee on House Administration and they had regular audits and they were a matter of public record.

Mr. DINGELL. To the best of my knowledge there is no audit and no public scrutiny and no overview by any arm of the Congress.

Mr. HOLIFIELD. Who grants these vendors the right to put these cigarette machines and candy machines in the hallways of the House buildings?

Mr. DINGELL. I must confess to my friend, I do not know who does this or who gives the authority.

Mr. HOLIFIELD. I wonder if any member of the committee may supply us with that information?

Mr. DINGELL. I know of no information on these things, and it occurred to me since we are trying to open up the functions of the Congress for the benefit of the Congress and to give the people a full knowledge of what goes on here at the Capitol and how affairs involving the expenditures of oftentimes many millions of dollars are conducted, then the information should be made available. It occurred to me that the fairest and the best way to do that was to have an audit by the General Accounting Office.

I would say that this amendment is offered in that spirit to provide for an audit by the General Accounting Office of all of these facilities which do business in or on the Capitol Grounds.

I would note, because they are covered by the laws, everyone here will know first hand what the amendment says:

Any private organization except political parties and those instituted for the election of federal officials, whether or not organized for profit, and whether or not any of its income inures to the benefit of any person.

These are covered and we exclude committees, and Members of Congress.

The amendment carefully excludes the activities of political parties and committees to support election campaigns of Federal officials since they are covered by activities elsewhere.

Trying to cover the activities of political parties and campaign committees it would involve, I think, grave questions of germaneness that might probably render the amendment subject to a point of order.

Mr. SCHWENGEL. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Iowa.

Mr. SCHWENGEL. I am glad the gentleman in the well has taken this matter up. I can speak only for the Historical Society. If you will recall, an amendment was passed by the House authorizing and directing the Architect of the Capitol to negotiate with the Historical Society. One provision in the agreement provides for regular audits. They are on file on time, and they are available to the public. If you want a further audit, I have no objection, because our operations are completely an open book. Yesterday we had our annual meeting.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

(On request of Mr. REES, and by unanimous consent, Mr. DINGELL was allowed to proceed for 2 additional minutes.)

Mr. REES. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from California.

Mr. REES. Would the amendment include the majority and the minority printers?

Mr. DINGELL. I have every reason to believe it would.

Mr. REES. It would?

Mr. DINGELL Yes, indeed. They are businesses which are conducted here on the Capitol Grounds.

Mr. REES. That is the intent of the amendment?

Mr. DINGELL. Yes; it would include the majority and the minority rooms and their earnings.

Mr. SCHWENGEL. Mr. Chairman, will the gentleman yield further?

Mr. DINGELL. I yield to the gentleman from Iowa.

Mr. SCHWENGEL. I should like further to state that the Historical Society is pretty much managed by Members of the Congress. You will notice that Members are on the board of directors. Furthermore, I invite any Members of Congress and any member of the society anywhere to inspect our books and operation at any time. I have no opposition to this amendment. I merely wish to make clear that what the gentleman is aiming at has already been arranged for and probably is fully protected under the present arrangement.

The CHAIRMAN. Does the gentleman from California (Mr. SMITH) insist upon his point of order?

Mr. SMITH of California. Yes, I do.

The CHAIRMAN. The Chair will be glad to hear the gentleman.

Mr. SMITH of California. As I have said, I have not seen the amendment before. As I now read it, I see that it refers to "any private organization except a political party and committee," and it goes on to say, "which performs services on the Capitol Grounds," and so forth. The activities shall be subject to an audit of its accounts, which will be conducted by the General Accounting Office.

Pursuant to the resolution which we adopted at the beginning of the consideration of this bill, H.R. 1093, we could not change the jurisdiction of any committee. If the gentleman will refer to page 340 of the rules, under "Committee on House Administration," under article (1), he will note that the committee has jurisdiction of "measures relating to services in the House, including the House restaurant, and administration of the House Office Building and the House wing of the Capitol." It also has jurisdiction of "measures relating to accounts generally."

Mr. Chairman, it would seem to me that this does to some extent change the jurisdiction of the Committee on House Administration. For that reason I would urge that my point of order be sustained.

The CHAIRMAN. Does the gentleman from Michigan (Mr. DINGELL) desire to be heard on the point of order?

Mr. DINGELL. Very briefly.

The CHAIRMAN. The Chair is prepared to hear the gentleman.

Mr. DINGELL. Mr. Chairman, my very good friend from California, for whom I express the most high regard, has read the first two or three lines of the amendment. I have excepted political parties and I have excepted committees, but they are committees which are constituted for the election of Federal officials. This does not refer to the committees of the Congress.

With regard to the jurisdiction of the Committee on House Administration, I am somewhat aware of the jurisdiction of that committee, but I would like to point out to my friend that this neither expands, defines, nor does it in any way diminish the jurisdiction and powers of the Committee on House Administration. Indeed, the language of the amendment does not in any fashion mention or refer to the Committee on House Administration, nor does it in any fact either expand or contract the jurisdiction of the great Committee on House Administration.

In fact, I was aware of the point my friend from California made with regard to the jurisdiction of committees at the time the amendment was drawn, and I must confess that the amendment was drawn expressly to avoid imposing new responsibilities or duties upon any of the sitting committees of Congress, with specific reference to not changing or altering the responsibilities of the great Committee on House Administration of the House of Representatives.

The CHAIRMAN. The Chair is prepared to rule.

The amendment offered by the gentleman from Michigan (Mr. DINGELL) provides for an annual audit by the General Accounting Office of the accounts of any private organization which performs

services or conducts activities in the Capitol Building. The amendment follows part 4 of the pending title of the bill. Part 4 establishes and provides for the operation of the Capitol Guide Service. This service would supersede an existing organization, the Capitol Guides, and the bill provides, on page 133, for an audit to be conducted by the General Accounting Office of that organization.

Since the amendment is similar to this provision of the bill and is applicable only to organizations conducting activities in the Capitol, the Chair holds that the amendment is germane and overrules the point of order.

The question is on the amendment offered by the gentleman from Michigan (Mr. DINGELL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SCHEUER

Mr. SCHEUER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHEUER:

On page 133, after line 18 and before line 19, insert the following:

PART —— CONGRESSIONAL ADJOURNMENT

CONGRESSIONAL ADJOURNMENT

SEC. —. (a) This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such it shall be considered as part of the rules of each House, respectively; and such rule shall supersede other rules only to the extent inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

(b) Section 132 of the Legislative Reorganization Act of 1946 (2 U.S.C. 198) is amended to read as follows:

"CONGRESSIONAL ADJOURNMENT

"SEC. 132. (a) Unless otherwise provided by the Congress, the two Houses not later than July 31 of each year—

"(1) shall adjourn sine die; or

"(2) shall provide, by concurrent resolution adopted in each House by roll call vote, for the adjournment of the two Houses from that Friday in August which occurs at least thirty days before the first Monday in September (Labor Day) to the second day after Labor Day.

"(b) This section shall not be applicable in any year if on July 31 of such year a state of war exists pursuant to a declaration of war by the Congress.".

Mr. SCHEUER. Mr. Chairman, I am offering a simple but important amendment this afternoon that I believe will serve the convenience of House Members by providing for a regular annual recess. All too often the Members of this Chamber have been unnecessarily inconvenienced, and in some cases, their health impaired, by the uncertainty surrounding the scheduling of adjournment or of the fall recess. This amendment would provide that under normal circumstances, a period of about 30 days in August would be set aside for such a recess if the legislative schedule prevented adjournment. Not later than July 31 of each year, both Houses would either adjourn "sine die" or provide by concurrent resolution adopted by a rollcall vote in each House for an August recess from the first Friday in August to the second day after Labor Day. This recess would resemble the House of Representatives recent recess.

The amendment also provides that this period could be changed if otherwise provided by Congress, giving us the necessary flexibility in setting the time of adjournment or the dates of the recess that we do not now have. The amendment would not apply to a state of war formally declared by the Congress.

Similar provisions have been incorporated into almost every one of the proposals for legislative reorganization introduced in the last 20 years, including the version now pending in the Senate, but were inexplicably omitted from the present bill. An August recess was also recommended by the 1967 Joint Committee on the Organization of Congress.

These are sensible and necessary provisions providing a minimum of respite from the tensions and pressures of the responsibilities. No private corporation treats its senior executives the way the House treats its Members in this respect, keeping them guessing, often until the closing days of a session, about when Congress will adjourn and whether or not there will be a fall recess. Instead, these corporations guarantee their executives specified periods of time every year for vacations to maintain "mens sana in corpore sano." We should be able to count on being free during the month of August to pursue our affairs away from Washington, free to unwind for a few weeks away from the pressure of legislative affairs.

I urge my colleagues to join me in supporting this amendment.

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. SCHEUER. I yield to the gentleman from California, the distinguished chairman of the committee.

Mr. SISK. Mr. Chairman, I appreciate the gentleman yielding. In the interest of saving a few minutes here, as this Member understands the amendment, it would provide for a recess of approximately 4 weeks, or the month of August, unless the Congress otherwise saw fit not to take a recess.

Mr. SCHEUER. Yes, it does provide that flexibility, which the Senate bill does not provide. The Senate bill includes specific language for an August recess. I suppose the Congress could act in any event, but the language I am proposing provides a flexibility that the Senate provision does not provide.

Mr. SISK. I appreciate the gentleman clarifying it, because in my opinion this is actually better language then the other bill had. As far as this Member is concerned, with the flexibility I understand to be contained in the language, personally I would have no objection to the amendment.

Mr. SCHEUER. Mr. Chairman, I thank the gentleman from California.

Mr. SMITH of California. Mr. Chairman, will the gentleman yield?

Mr. SCHEUER. I yield to the gentleman from California (Mr. SMITH).

Mr. SMITH of California. Mr. Chairman, I find myself in agreement with the gentleman from California (Mr. SISK). I see no opposition to the amendment. It is agreeable to me.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. SCHEUER).

The amendment was agreed to.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I take this time to ask the gentleman from California (Mr. SISK) or some other manager of the bill, whether it is contemplated that there be a substantial staff with respect to the newly established Capitol Guide Service if this bill is passed?

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from California.

Mr. SISK. This was a subject, I might say to my good friend from Iowa, which was gone into rather thoroughly by our staff people. A study was made of cost and so on.

It is not anticipated that the present staff be enlarged. Of course, as I am sure my friend understands, these employees will be made employees of the Congress, rather than being independent as they are at the present time. Of course they charge 25 cents per person for furnishing guide service.

As I am sure the gentleman knows, there have long been questions raised about the propriety of charging visitors to the Capitol 25 cents for guide service. This would eliminate the 25 cents and would make these people employees and would provide for the normal benefits and so on that other congressional employees would have.

Mr. GROSS. There would be no charge under this newly established Capitol Guide Service for these tours, I take it?

Mr. SISK. The gentleman is correct.

Mr. GROSS. What kind of a staff will it take to administer the affairs of this new Capitol Guide Service? Is this going to result in another addition of Federal employees?

Mr. SISK. Let me say to my colleague from Iowa that there is no increase in the present staff, administrative, clerical, or otherwise over the present operation.

Mr. GROSS. Let me get at it this way: Who is going to administer this new guide service?

Mr. SISK. It will be administered by a board which is set up, as the gentleman will note in the language.

Mr. GROSS. Will the board have a staff?

Mr. SISK. No, it is not contemplated that there be any substantial staff for the board. In fact, I do not believe that there is any staff provided for the board itself.

Mr. GROSS. I never heard of a board or a council or a commission in Washington, D.C., that did not have a staff.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. HAYS. I will say to the gentleman I believe the gentleman from California,

with all due respect, is a little bit in error. The Committee on House Administration, on which I happen to be the ranking Member, studied this for some time. The Rules Committee decided we did not do it to suit them, and they moved in and took it over.

There will be a staff. The present guide staff will probably be doubled. There will be a staff for the board, and the gentleman can bet his bottom dollar on that. Did the gentleman ever see another board or commission in this town which did not have a staff?

Mr. GROSS. I never heard of one.

Mr. HAYS. This will be no exception.

The first thing we will hear is that due to the fact that they are not charging a fee there are a lot more people going on the tours and they need more guides, and the whole thing will mushroom, and we will have another young empire around here.

That is the reason why the Committee on House Administration never really saw fit to do this.

Does the gentleman have anything to say?

Mr. GROSS. I was going to extend the invitation. I am glad the gentleman did.

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Of course I yield to the gentleman from California.

Mr. SISK. I thought the gentleman had finished, but, if the gentleman will yield, I have great admiration for my good friend from Ohio, and I always enjoy his comments.

Let me say that in no way, at no time, did the subcommittee or the Committee on Rules have any intent of getting into any problem with the Committee on House Administration, for whom we have the highest respect. I am not even aware of this situation.

Mr. HAYS. If the gentleman will yield, I should like to comment.

Mr. SISK. Would the gentleman permit me to complete my statement?

Mr. HAYS. Of course.

Mr. SISK. I am not aware that the Committee on House Administration ever has been involved in this subject. That does not mean they have not, but this Member was not aware they had been involved in it.

There was a request made by a number of Members to our subcommittee. Also there was interest expressed on the part of the guide service itself.

Mr. HAYS. I agree.

Mr. SISK. The language then was put together as you see it here in the bill.

Mr. HAYS. Would the gentleman yield?

Mr. GROSS. Yes. I yield to the gentleman.

Mr. HAYS. I will say to the distinguished gentleman from California—and I consider him one of my friends—that he has a short memory. I told him about this a long time ago, that it was before the Committee on House Administration, and I told him who was behind it. Certainly the guide service wanted it, because they are all getting a fat increase. Why would they not want it? Who picked these guides in the first place?

This is one of the things that have grown up around here. They picked each other. That is how they got where they are. Somebody quit and some relative picked another relative. This is the most incestuous outfit around this Capitol.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. GROSS was allowed to proceed for 1 additional minute.)

Mr. GROSS. I think I should remind the House at this point that one of the real crosses the gentleman from California (Mr. SISK) has to bear is the fact that he is the chairman of the House Parking Committee. The gentleman from Ohio (Mr. HAYS) and the gentleman from Iowa presently speaking are the other two members of that committee.

Mr. HAYS. I would like to comment on that if the gentleman will yield.

Mr. GROSS. I am glad to yield to the gentleman.

Mr. HAYS. I remember when that committee was set up that somebody commiserated with the gentleman from California and said, "I cannot imagine being the chairman of a committee the other two members of which are the gentleman from Iowa (Mr. GROSS) and the gentleman from Ohio (Mr. HAYS)."

Now, to show you how easy it has been and how much younger he looks, that committee has not even met this session of the Congress. We run the thing by itself without even meeting.

Mr. GIBBONS. Do you have a staff?

Mr. HAYS. One person. Of course. Do you know of any committee or commission or board around here that does not have a staff? Of course we have a staff. But it is a staff of one only, and we have not really tried to build an empire. Maybe we should.

Mr. SISK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I appreciate very much the colloquy of my two good friends.

Mr. Chairman, I might say in fairness to my good friend from Ohio (Mr. HAYS), I do recall the gentleman speaking to me about a year ago on this. Unfortunately, we have been involved in this bill for a period of about 2 years or thereabouts, so I guess I do have a rather short memory.

Mr. HAYS. Will the gentleman yield?

Mr. SISK. Yes. I yield to the gentleman.

Mr. HAYS. The only comment I would have there is it has been a long gestation period, and it is just too bad it was not a lot longer.

Mr. SISK. I appreciate the comment of my friend. I know there are few who share it.

At the same time, seriously, we are attempting here to try to improve the procedures of the House. For a long time there has been concern among Members of Congress and comments by many of the visitors about the matter of charging for tours within the Capitol. We all understand that a visitor can come into the building and wander around on his own and he does not necessarily have to pay for the guide service. I think frankly that the guides are rendering a service that is worthwhile and which tends to improve the quality of the person's visit. I think the tour lasts 20 or 25 minutes.

With reference to the cost involved, let me say that the committee went to considerable lengths to try to stabilize the salaries or make a determination on them in line with their existing income. For example, I might cite the fact that in averaging out the salaries we did note, of course, 1 year in which actually their income went way down. In fact, I think it was only about half of what it was normally. That was, of course, 1968, the year that I suppose we refer to as the year of the riots. As a result of that, we eliminated that year in attempting to develop an average.

We did set up a salary schedule pretty much on the basis as I understand of the income they have earned over a period of the last several years, or the board, of course, is authorized to establish such a salary. There is no question but what this is going to cost additional money because they are going to be paid rather than collect their income 25 cents by 25 cents from the visitors. As far as this Member is concerned, and as far as the committee is concerned, it is up to the House, if the Members believe that this is the type of service that they would like to have furnished.

This was a rather time-consuming effort on the part of our committee. Let me say that I, of course, have felt that we were improving the service to the visitors, and that is the sole point of the legislation.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. SISK. I yield to the gentleman from Texas.

Mr. KAZEN. My understanding is that the guides here now are paid solely from what comes in from the quarters that they charge the tourists. Is that correct?

Mr. SISK. That is exactly correct.

Mr. KAZEN. So they are self-sufficient?

Mr. SISK. That is correct.

Mr. KAZEN. How many guides are there?

Mr. SISK. If the gentleman will give me just a moment, I think we have some figures on that. I believe that there are some 25 or 30 guides, as I recall.

Mr. KAZEN. What is the salary of each guide?

Mr. SISK. It varies some, of course; at the present time it varies based on their income from year to year. For example, I will say that about an average year, as I recall from our examination, was about $11,000 a year. Now, during the year of the riots, so to speak, it dropped down, I believe, to $5,000 or $6,000.

Mr. KAZEN. What will it be under the provisions of this bill?

Mr. SISK. It will be comparable, or approximately $11,000. And that, of course, will be determined by the board that is created in the legislation.

Mr. SCHWENGEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chariman and colleagues, I could not feel more deeply about what I think is a need here, and that is to make this Capitol better known and appreciated. Mr. Adams, the first President to speak here, declared in 1800 to be "The temple of liberty for us and the world."

And it has been that, and the millions who come here and just wander around with no guide because of the fee to better understand this institution.

You and I have appropriated millions of dollars to help people understand our history in the Archives Building and through our park services. The Ford Theater is free, the White House is a free tour. It does not cost you anything to go through the Library of Congress, and it does not cost you anything to go through the Supreme Court. And there is no good reason to charge to see the Capitol.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. SCHWENGEL. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Chairman, you do not have any guides down at the White House, you just walk through; is that right?

Mr. SCHWENGEL. You do have guide service for the special groups you and I and all of us send there, periodically sometimes in numbers that reaches 3,000 people a day—as many as six or seven tours of the White House are conducted tours at no cost.

Mr. HAYS. I am talking about the general public.

Mr. SCHWENGEL. The general public, no.

Mr. HAYS. They walk through free, and that is it.

Mr. SCHWENGEL. That is right.

Mr. HAYS. I thank the gentleman.

Mr. SCHWENGEL. But it still costs some money to provide all these services, and remember that in many, many of the park areas the guide service is free.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. SCHWENGEL. I yield to the gentleman from Minnesota.

Mr. FRASER. Is there an amendment to strike this from the bill?

Mr. SCHWENGEL. No; the provision for the guide service is in the bill.

Mr. FRASER. It is in the bill?

Mr. SCHWENGEL. That is right, and I hope it stays there.

And, Mr. Chairman, I want to speak in behalf of the people who are the guides. We are fortunate that we have the type of person, or the kind that becomes the type of person that they do when they become a guide, because they somehow become wrapped up in the history of our Capitol Building, and they are doing generally speaking an excellent job.

Now, the question of the salary has been raised here, and the salary that is provided is probably about the average of what you pay in the congressional offices, and it is about comparable to the doorkeepers here.

I do not know of any finer public service we could give to the public than to say "Come and visit your Capitol, and do it at no cost to you, and we will furnish you a guide. The bill protects the public interest in that the bill creates a board to properly direct the service. It is going to cost a little money, but I do not see any need for any great staff.

I see a need for improvement, for instance, for people who speak the principal foreign languages on the guide service so that when people come here from Germany, Japan, Spain, France, Italy, and Sweden, they can get adequate guide service. It would be very much in the interest of our Government to respect the foreigners who come here to visit.

I think this bill and especially this section is very, very much in the public interest. The amount of money that would be spent here just for educational purposes would be far greater than the benefits we get from many of our public schools all over the Nation.

I hope the amendment stays in the bill.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. SCHWENGEL. I yield to the gentleman.

Mr. GROSS. Is a charge made for tours, for sightseeing tours at the United Nations?

Mr. SCHWENGEL. I think they do.

Mr. GROSS. Yes, I thought so too. Do they have people who speak Swahili up there?

Mr. SCHWENGEL. Yes, I understand they have people who speak all the languages.

Mr. GROSS. All of the languages?

Mr. SCHWENGEL. I guess so—I do not know.

Mr. GROSS. If the gentleman has his way with respect to the tour guides here, we are going to have to spend some money; are we not—some real money?

Mr. SCHWENGEL. Yes, it is going to cost some money, but I think it would be the best money ever spent.

Mr. GROSS. Does the gentleman from Iowa think this is the time to be increasing the outlay of money on the part of the taxpayers of this country?

Mr. SCHWENGEL. Guides here do not have adequate protection and this provides while they are employed that they will get hospital care and all the fringe benefits we give our employees.

Let me cite a very tragic case of a lady who worked for 14 years and she had no hospital benefits. Her friends had to take up a collection to pay her hospital bill for the last 3 weeks before she passed away. These things will be taken care of here and I think these people deserve this kind of protection.

Mr. CONABLE. Mr. Chairman, will the gentleman yield?

Mr. SCHWENGEL. I yield to the gentleman.

Mr. CONABLE. Mr. Chairman, I would like to associate myself with the remarks of the gentleman in the well.

We would be pennywise and pound foolish if we did not try to put the best foot on representative government forward and do a better job in welcoming people here to their Capitol Building, the seat of our representative government. The public should feel at home here rather than having in effect to pay an admission charge for an informed visit. We should spend a little money on public relations for the Congress in this respect rather than charging people to see the site of representative government while the executive branch spends literally millions of dollars in more questionable public relations of one sort or another almost daily.

Mr. HAYS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am not going to take the 5 minutes, I hope. I do not want to make a big issue out of this. But this thing has been painted all one hue.

I would say to you that I do not know of any great institution in the world where you get free guide service furnished. At St. Peter's in Rome you do not. If you want to see it in detail, you pay for a guide.

Here at the National Capitol, if you want to see it, you can walk through it and take as much time as you want. If you want to know anything in detail and have it explained to you, then you pay a quarter.

Certainly, I understand that these people want this and they have been lobbying for it. Certainly, they want free insurance.

You know, you can get pretty worked up about a poor lady who made $12,000 a year for 10 years and she did not buy herself any hospitalization insurance. But she could have. You can get pretty emotional about this.

But I would invite some of you to come to the Committee on House Administration and find out how many rackets there are run around here like numbers selling and bookselling and the guides being picked by God knows who. Nobody has ever been able to find out how these people get their jobs. I never have and I have been here for 22 years, and I suppose all of them who are on now are going to inherit their job and be frozen on the tax rolls.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman.

Mr. GROSS. I assume from what I am hearing that all of these people will be getting all the benefits of Federal employees—insurance, retirement and everything else.

Mr. HAYS. That is correct.

Mr. GROSS. I wish somebody would tell us more about these staffers who will take care of the administration of this board or whatever it is.

Mr. HAYS. The next thing you know, the next amendment we will be getting will be to pay these people sitting around at the various doors selling books and they will be on the taxpayers' backs, so they can get all the fringe benefits. I assume they are working on commission now, but I really do not know. Maybe the Dingell amendment will enable us to find out.

Mr. GROSS. That is one more good reason for voting against the gentleman's amendment.

Mr. CONABLE. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from New York.

Mr. CONABLE. It seems to me that we cannot have it both ways. Either they will be employees of the Congress and we shall have some control over them, or this sort of semidetached or, to use the gentleman's word, "incestuous" relationship will continue. I think it is desirable to get some control.

Mr. HAYS. But, as I understand it, the people that you would freeze in there under the bill are those who are there now; maybe we would have some control over them from now on.

Mr. CONABLE. It seems to me that control would be desirable, although I certainly have no objection to the present quality of the guide service.

Mr. HAYS. If it had been my decision, I would have preferred to start over brand new and not freeze anybody on the payroll. That is my objection to it.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PART 5—ADMINISTRATIVE ASSISTANTS FOR HOUSE MEMBERS

ADMINISTRATIVE ASSISTANTS FOR MEMBERS OF THE HOUSE

SEC. 451. Each Member of the House of Representatives and the Resident Commissioner from Puerto Rico may designate, if he so elects, one of the number of employees authorized to be paid from his clerk hire allowance as "Administrative Assistant" by written notice to that effect to the Clerk of the House. The basic rate of clerk hire allowance of each Member of the House and the Resident Commissioner in effect immediately before the effective date of this section is increased by the additional basic amount of $1,455 per annum. Notwithstanding any other provision of law, no person shall be paid from the clerk hire allowance of a Member or the Resident Commissioner at a basic rate in excess of $8,955 per annum and not more than one person shall be paid at any one time from such allowance at a basic rate of $8,955 per annum. Sums necessary to carry out the purposes of this section with respect to the increase in the clerk hire allowance of each Member and the Resident Commissioner by the additional basic amount of $1,455 may be paid out of the contingent fund of the House until appropriations are available for such purposes.

AMENDMENT OFFERED BY MR. JACOBS

Mr. JACOBS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JACOBS: On pages 133 and 134, strike section 451.

The CHAIRMAN. The gentleman from Indiana (Mr. JACOBS) is recognized for 5 minutes in support of his amendment.

(By unanimous consent, Mr. JACOBS was permitted to proceed for an additional 5 minutes.)

Mr. JACOBS. Mr. Chairman, I should like to introduce to the Committee a friend of ours, Mr. John Q. Camel. You may recall he is the backup man for this operation in Washington.

Mr. SISK. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. SISK. It is my understanding that under the normal procedures of the House, the gentleman in the well would be addressing the Chair. I was curious to know if the Chair can observe the matter under discussion and whether the language in the statement of the gentleman could be understood without the Chair being able to observe the illustration.

The CHAIRMAN. The gentleman may proceed.

Mr. JACOBS. I would say to the gentleman I am proceeding in the normal way of visual aids. I have no objection at all to the Chairman, as well as all Members, having a good look at the illustration on the easel. As I said, he is the backup man for this operation. Some say he is beginning to get his back up about legislation such as is embodied in section 451 of the bill.

I understand this would raise the salaries of administrative assistance to slightly higher than the salaries of the Members of Congress ought to be right now. John Q. has borne up under many straws in recent years.

The first straw was put on in 1966. It was a 3.6-percent pay increase, which amounted to $1,300,000.

The next one was in 1967, when there was a 4.5-percent increase in the pay budget for staffers on Capitol Hill, which was $1,900,000.

In 1968, it was $4,260,000.

In 1969, there was a 9.1-percent pay increase, which was $3 million.

In 1969 again there was an additional clerk-hire which amounted to $3,784,500.

In 1970, there was a 6-percent pay increase, which came to $6,800,000.

In 1970, there was an addition to basic allowance of $1,853,012.

Mr. Chairman, this one might just be the one to break the camel's back. Let us see if it does.

I was afraid it might, Mr. Chairman.

It is not necessary to walk a mile for this camel. It is only necessary when the vote is taken to stand up and to walk just a few feet for this camel, because it has had a long dry spell for him. He thirsts for your votes.

PARLIAMENTARY INQUIRY

Mr. BROYHILL of Virginia. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BROYHILL of Virginia. Mr. Chairman, when the amendment offered by the gentleman from Indiana has been disposed of, will it still be in order to offer an amendment to this section of the bill?

The CHAIRMAN. The gentleman is correct.

Mr. BOLLING. Mr. Chairman, I rise in opposition to the amendment. I will not take the 5 minutes, Mr. Chairman.

This proposition which the gentleman from Indiana moves to strike would merely put the Members of the House of Representatives on a parity with the Senators in regard to what they could pay a top assistant. It limits the increase to one top assistant who would come to the level of a Senator's administrative assistant.

The Member who offered it felt very strongly that there were a number of reasons why this should be done. The primary reason was that there have been cases of Members of the House losing administrative assistants to Senators who could pay a higher salary.

There is nothing mandatory about this. No Member need pay an administrative assistant a higher salary. No Member at any time need pay any member of his staff the salary approved by a pay increase. There are many Members who return to the fund a substantial amount of their clerk-hire. A Member can have one clerk or the authorized number. This is entirely at the discretion of the individual Members.

While I have the deepest sympathy for John Q. Camel, and the position of my friend, the gentleman from Indiana, and his interest in saving John Q. Camel from breaking his back, it seems to me the matter is a significant one, and a matter that should be given serious consideration.

Mr. JACOBS. Mr. Chairman, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman from Indiana.

Mr. JACOBS. Mr. Chairman, I just point out to the gentleman the probabilities that present themselves to the Congress. I realize that one of the burning issues of our time is that administrative assistants in this body should earn the same salary as administrative assistants in the other body.

There are two ways to correct the disparity. The first way is to raise the salaries of the administrative assistants in this body. The other way would be to lower the salaries of the administrative assistants in the other body.

Mr. BOLLING. I have no argument with the gentleman's point, and I should like to comment on it.

The point remains it is still entirely permissive. No Member need add a nickel to the pay of anyone. If a Member does not feel that his employees are worth a particular amount, he should not pay it, and I assume that he would not.

I repeat that many Members return funds. They do not use all of the funds allotted to them under clerk hire.

I do not consider it a great issue. I am not the Member who offered the amendment. It is of very little consequence to me as an individual. It is not of any importance compared to other issues confronting the Congress, nor is the opposition to it any more important than the issue.

Mr. CLEVELAND. Mr. Chairman, will the gentleman yield?

Mr. BOLLING. I am glad to yield to the gentleman from New Hampshire.

Mr. CLEVELAND. I should like to pose a question and ask the gentleman if this was considered when the amendment was adopted?

Most Senate offices cover an entire State, as compared to a congressional office covering a district. There are some exceptions, as to one-Congressman States. Most Senate offices are substantially larger and more complicated than a Representative's office.

If we adopt this committee amendment and bring our top person up to parity with the Senator's top person, was there any discussion as to the obvious reaction which might occur in the Senate, that they would again raise the ante?

Mr. BOLLING. The next step in that process, if one wants to be logical, is that we should have a differential between the Members of the House and of the Senate because the Senators have a larger job. I do not believe the logic fits.

Mr. CLEVELAND. That logic does not follow, because the Senator works full

time, presumably, and so does the Congressman, presumably.

Mr. BOLLING. So does the AA.

Mr. CLEVELAND. The type of skill and experience needed to run a senatorial shop for one of the larger States obviously must be more demanding than for the average congressional district. I think Mr. JACOBS' amendment has merit and I support it.

Mr. BOLLING. They have a substantially larger clerk-hire allowance and they have a substantially larger number of employees, it is my understanding, although I am no expert on Senate pay. It does seem to me that to operate an office for a Member of the House or for a Member of the Senate requires equal good judgment, equal capacity, and equal ability. It does not seem that 12 or 24 makes that much difference.

Mr. SMITH of California. Mr. Chairman, I rise in support of the amendment.

Yesterday the distinguished gentleman from Missouri mentioned that some of us had reserved objection to certain parts of the bill. He mentioned the one he had.

This happens to be one of the points in the final bill which I reserved objection to. It does not seem to me that this belongs in a reorganization bill. It seems to me this should come under the jurisdiction of the Committee on House Administration. If that committee believes this should be done, they can bring in a resolution and bring it to the floor of the House, where Members can consider it.

We have less than a quorum here today on this measure. I realize that every Member does not pay his administrative assistant the top salary. In fact, I do not have one. I have only six employees.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. SMITH of California. I am happy to yield to the gentleman from Ohio.

Mr. HAYS. I am in a rather anomalous position here. I really do not oppose the amendment very much. On the other hand, the gentleman says that if the Committee on House Administration feels they ought to do this they can bring in a resolution. There is only one drawback, if the gentleman will recall what happened. I recall this with some distress mentally.

I brought in a resolution the other day from the Committee on House Administration to raise one man's salary to this figure. I did not consider it a personal defeat but, anyway, the resolution was defeated by a vote of 270 to 90.

I will throw this out for whatever it is worth. If we are going to do this we had better slide it through with this bill. If we bring it in as a separate measure—pardon the grammar—"It ain't going to go nowhere."

Mr. SMITH of California. Mr. Chairman, I am not interested in sliding anything through in this reorganization bill. In fact, that is one of the objections I have to this particular provision in the bill. I realize that every Member does not pay top salary, but if every Member did, as I understand, the increase could be as much as $2.65 million. It seems to me that we spend enough money around here and have raised enough salaries during this session of Congress. I for one am opposed to this increase being placed in this bill or it being passed at this time, prior to November 3, 1970. I support the amendment.

Mr. CONABLE. Mr. Chairman, will the gentleman yield?

Mr. SMITH of California. I am happy to yield to the gentleman from New York.

Mr. CONABLE. Mr. Chairman, I would like to associate myself with the remarks of the gentleman from California.

It seems to me this provision does not belong in a reorganization bill. It will distract not only the Members' attention but also the attention of the press and the public from the true nature of this bill.

The gentleman has made some very telling points in support of the amendment, which I intend to support, also.

Mr. GROSS. Mr. Chairman, will the gentleman yield to me?

Mr. SMITH of California. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

On the basis that the House Post Office and Civil Service Committee has handled these pay increases for administrative assistants and their staffs and congressional offices in the other pay bills, I join with the gentleman from California in questioning the jurisdiction in this matter. I do not know when the Committee on Rules, through a process of this kind, was given the jurisdiction to handle pay increases.

Mr. SMITH of California. I appreciate the gentleman's remarks.

Mr. JACOBS. Will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman.

Mr. JACOBS. The gentleman from Missouri said that if the pay increase goes through, it is entirely permissive for every Member to do as his conscience dictates. I submit that the vote on this amendment is exactly the same. It is entirely permissive and every Member can vote on this amendment as his conscience dictates.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman.

Mr. HAYS. I do not like to have legislative history made here which may be incorrect. I believe the Committee on House Administration handles the pay scale of employees and Members of Congress if there is an increase. We regulate how many they can have and how much money can be expended all together. What the Committee on Post Office and Civil Service does is blanket them in if there is a general white collar increase in the whole Government. Is that correct?

Mr. GROSS. That is correct.

Mr. SMITH of California. Mr. Chairman, then I have not only one committee but two committees that are anxious to have jurisdiction of this. I think they should have an opportunity to work on it. I support the amendment, and I should like to see the language stricken.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. JACOBS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BROYHILL OF VIRGINIA

Mr. BROYHILL of Virginia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROYHILL of Virginia: On page 134, immediately below line 16, insert the following:

"PART 5—PAYROLL ADMINISTRATION IN THE HOUSE OF REPRESENTATIVES

"SINGLE PER ANNUM GROSS RATES OF PAY FOR EMPLOYEES UNDER THE HOUSE OF REPRESENTATIVES

"SEC. 451. Whenever the rate of pay of an employee whose pay is disbursed by the Clerk of the House of Representatives is fixed or adjusted on or after the effective date of this section, that rate, as so fixed or adjusted, shall be a single per annum gross rate."

Mr. BROYHILL of Virginia. Mr. Chairman, this is a simple amendment. It merely converts the basic salary of all employees to a gross amount.

Mr. HAYS. Mr. Chairman, a point of order. The amendment has not been read. I do not see how the gentleman can make a speech on it before it has been read.

Mr. BROYHILL of Virginia. Mr. Chairman, I ask unanimous consent that the amendment be considered as read.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

Mr. HAYS. Mr. Chairman, I object.

The CHAIRMAN. The Clerk will report the balance of the amendment.

The Clerk read as follows:

"SINGLE PER ANNUM GROSS RATES OF CLERK HIRE ALLOWANCES OF MEMBERS RELATED MATTERS

"SEC. 452. (a) The clerk hire allowance of each Member of the House of Representatives and the Resident Commissioner from Puerto Rico shall be at a single per annum gross rate, determined on the basis of the population, as currently estimated by the Bureau of the Census, of the constituency of that Member or the Resident Commissioner within one of the following categories, as applicable—

"(1) a population of less than 500,000, with respect to which the single per annum gross rate of clerk hire allowance is $133,500; or

"(2) a population of 500,000 or more, with respect to which the single per annum gross rate of clerk hire allowance is $140,500.

"(b) The aggregate of the payments of pay, for each monthly pay period, to employees, out of the clerk hire allowance of a Member or the Resident Commissioner, shall not be at a rate greater than the single per annum gross rate of clerk hire allowance of that Member or the Resident Commissioner, divided by twelve and adjusted to the nearest lower whole dollar figure, not counting any remaining portion of a dollar.

"(c) An employee is not entitled to pay, out of the clerk hire allowance of a Member or the Resident Commissioner, at a single per annum gross rate in excess of the rate of basic pay, as in effect from time to time, for step 2 of GS–17 of the General Schedule of section 5332(a) of title 5, United States Code.

"(d) Each Member and the Resident Commissioner shall certify any rearrangements or changes of salary schedules of employees paid out of his clerk hire allowance, in writing to the Clerk of the House, on or before such day of any month, in which such rearrangements or changes of salary schedules are to become effective, as the Clerk, with the approval of the Committee on House Administration, may designate from

time to time. The Clerk shall disburse the pay of those employees in accordance with the certification of that Member or the Resident Commissioner.

"(e) Each Member and the Resident Commissioner may, by written notice to the Clerk of the House, establish such titles for positions in his office as he may desire to designate.

"SINGLE PER ANNUM GROSS RATES OF ALLOWANCES FOR PERSONAL SERVICES IN THE OFFICES OF THE SPEAKER, MAJORITY LEADER, MINORITY LEADER, MAJORITY WHIP, AND MINORITY WHIP

"SEC. 453. The allowance for additional office personnel in the office of each of the following officials of the House of Representatives shall be at a single per annum gross rate, as follows:

"(1) the Speaker, $110,000.
"(2) the Majority Leader, $90,000.
"(3) the Minority Leader, $55,000.
"(4) the Majority Whip, $55,000.
"(5) the Minority Whip, $55,000.

"CONVERSION BY CLERK OF THE HOUSE OF EXISTING BASIC PAY RATES TO PER ANNUM GROSS PAY RATES

"SEC. 454. The Clerk of the House of Representatives shall convert, as of the effective date of this section, to a single per annum gross rate, the rate of pay of each employee whose pay—

"(1) is disbursed by the Clerk; and

"(2) immediately prior to such effective date, was fixed at a basic rate with respect to which additional pay was payable by law.

"OBSOLETE REFERENCES IN EXISTING LAW TO BASIC PAY RATES

"SEC. 455. In any case in which—

"(1) the rate of pay of any employee or position, or class of employees or positions, the pay for whom or for which is disbursed by the Clerk of the House of Representatives, or any maximum or minimum rate with respect to any such employee, position, or class, is referred to in or provided by statute or House resolution; and

"(2) the rate so referred to or provided is a basic rate with respect to which additional pay is provided by law;

such statutory provision or resolution shall be deemed to refer, in lieu of such basic rate, to the per annum gross rate which an employee receiving such basic rate immediately prior to the effective date of this section would receive, without regard to such statutory provision or resolution, under section 454 of this Part on and after such date.

"SAVING PROVISION

"SEC. 456. The provisions of this Part shall not be construed to—

"(1) limit or otherwise affect any authority for the making of any appointment to, or for fixing or adjusting the pay for, any position for which the pay is disbursed by the Clerk of the House of Representatives; or

"(2) affect the continuity of employment of, or reduce the pay of, any employee whose pay is disbursed by the Clerk of the House.

"CHANGES IN EXISTING LAW; RELATED PROVISIONS

"SEC. 457. (a) There are hereby repealed—

"(1) the first section of the Act entitled 'An Act to increase clerk hire, and for other purposes', approved December 20, 1944 (58 Stat. 831; Public Law 512, Seventy-eighth Congress; 2 U.S.C. 60g);

"(2) section 11(a) of the Legislative Branch Appropriation Act, 1956 (2 U.S.C. 60g–1); and

"(3) section 202(e) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a–(e)).

"(b) All provisions of law inconsistent with any provision of this Part are hereby superseded to the extent of the inconsistency.

"(c)(1) This subsection is enacted as an exercise of the rulemaking power of the House of Representatives subject to and with full recognition of the power of the House of Representatives to enact or change any Rule of the House at any time in its exercise of its constitutional right to determine the rules of its proceedings.

"(2) Clause 29(c) of Rule XI of the Rules of the House of Representatives is amended to read as follows:

"'(c) Each employee on the professional staff, and each employee on the clerical staff, of each standing committee, is entitled to pay at a single per annum gross rate, to be fixed by the chairman, which does not exceed the highest rate of basic pay, as in effect from time to time, of the General Schedule of section 5332(a) of title 5, United States Code.'.

"(d) Section 5533(c) of title 5, United States Code, is amended to read as follows:

"'(c)(1) Unless otherwise authorized by law and except as otherwise provided by paragraph (2) of this subsection, appropriated funds are not available for payment to an individual of pay from more than one position if the pay of one of the positions is paid by the Secretary of the Senate or the Clerk of the House of Representatives, or one of the positions is under the Office of the Architect of the Capitol, and if the aggregate gross pay from the positions exceeds $7,724 a year.

"'(2) Notwithstanding paragraph (1) of this subsection, appropriated funds are not available for payment to an individual of pay from more than one position, for each of which the pay is disbursed by the Clerk of the House of Representatives, if the aggregate gross pay from those positions exceeds the maximum per annum gross rate of pay authorized to be paid to an employee out of the clerk hire allowance of a Member of the House.

"'(3) For the purposes of this subsection, "gross pay" means the annual rate of pay (or equivalent thereof in the case of an individual paid on other than an annual basis) received by an individual.'.

"PART 6—PER ANNUM GROSS PAY RATES OF EMPLOYEES OF THE OFFICE OF THE ARCHITECT OF THE CAPITOL

"SINGLE PER ANNUM GROSS RATES OF PAY FOR EMPLOYEES UNDER THE ARCHITECT OF THE CAPITOL

"SEC. 461. Whenever the rate of pay of—

"(1) an employee of the Office of the Architect of the Capitol; or

"(2) an employee of the House Restaurant, or of the Senate Restaurant, under the supervision of the Architect of the Capitol as an agent of the House or Senate, respectively, as the case may be;

is fixed or adjusted on or after the effective date of this section, that rate, as so fixed and adjusted, shall be a single per annum gross rate.

"CONVERSION BY THE ARCHITECT OF THE CAPITOL OF EXISTING BASIC PAY RATES TO PER ANNUM GROSS PAY RATES

"SEC. 462. The Architect of the Capitol shall convert, as of the effective date of this section, to a single per annum gross rate, the rate of pay of each employee described in subparagraph (1) or subparagraph (2) of section 461 of this part, whose pay immediately prior to such effective date was fixed at a basic rate with respect to which additional pay was payable by law.

"OBSOLETE REFERENCES IN EXISTING LAW TO BASIC PAY RATES OF EMPLOYEES UNDER THE ARCHITECT OF THE CAPITOL

"SEC. 463. In any case in which—

"(1) the rate of pay of, or any maximum or minimum rate of pay with respect to—

"(A) any employee described in subparagraph (1) or subparagraph (2) of section 461 of this part, or

"(B) the position of such employee, or

"(C) any class or group of such employees or positions,

is referred to in or provided by statute or other authority; and

"(2) the rate so referred to or provided is a basic rate with respect to which additional pay is provided by law;

such statutory provision or authority shall be deemed to refer, in lieu of such basic rate, to the per annum gross rate which an employee receiving such basic rate immediately prior to the effective date of this section would receive, without regard to such statutory provision or authority, under section 462 of this Part on and after such date.

"SAVING PROVISION

"SEC. 464. The provisions of this Part shall not be construed to—

"(1) limit or otherwise affect any authority for the making of any appointment to, or for fixing or adjusting the pay for, the position of any employee described in subparagraph (1) or subparagraph (2) of section 461 of this Part;

"(2) affect the continuity of employment of, or reduce the pay of, any employee holding any position referred to in subparagraph (1) of this section; or

"(3) modify, change, supersede, or otherwise affect the provisions of sections 5504 and 6101(a)(5) of title 5, United States Code, insofar as such sections relate to the Office of the Architect of the Capitol.

"EFFECT ON EXISTING LAW

"SEC. 465. (a) All provisions of law inconsistent with this part are hereby superseded to the extent of the inconsistency.

"(b) Sections 5504 and 6101(a)(5) of title 5, United States Code, shall apply to employees of the House and Senate Restaurants who are paid at per annum rates of pay as long as such employees are under the supervision of the Architect of the Capitol as an agent of the House or Senate, respectively, as the case may be.

"EXEMPTIONS

"SEC. 466. Notwithstanding any other provision of this part, the foregoing provisions of this part do not apply to any employee described in section 461 of this part whose pay is fixed and adjusted—

"(1) in accordance with chapter 51, and subchapter III of chapter 53, of title 5, United States Code, relating to classification and General Schedule pay rates;

"(2) in accordance with subchapter IV of chapter 53 of title 5, United States Code, relating to prevailing rate pay systems;

"(3) at per hour or per diem rates in accordance with section 3 of the Legislative Pay Act of 1929, as amended (46 Stat. 38; 55 Stat. 615), relating to employees performing professional and technical services for the Architect of the Capitol in connection with construction projects and employees under the Office of the Architect of the Capitol whose tenure of employment is temporary or of uncertain duration; or

"(4) in accordance with prevailing rates under authority of the Joint Resolution entitled 'Joint Resolution transferring the management of the Senate Restaurants to the Architect of the Capitol, and for other purposes', approved July 6, 1961 (75 Stat. 199; Public Law 87–82), or section 208 of the First Supplemental Civil Functions Appropriation Act, 1941 (54 Stat. 1056; Public Law No. 812, Seventy-sixth Congress), relating to the duties of the Architect of the Capitol with respect to the House of Representatives Restaurant."

Mr. HAYS (during the reading). Mr. Chairman, I have heard enough of the amendment to get some idea of what it is about, and therefore if it is in order I will withdraw my objection.

The CHAIRMAN. Is there objection to

the request of the gentleman from Virginia that the amendment be considered as read and printed in the RECORD?

There was no objection.

Mr. BOLLING. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BOLLING. Mr. Chairman, if I am correctly informed, on page 2 of the amendment, section (c), it says:

> An employee is not entitled to pay, out of the clerk hire allowance of a Member or the Resident Commissioner, at a single per annum gross rate in excess of the rate of basic pay, as in effect from time to time, for step 2 of GS–17 of the General Schedule of section 5332(a) of title 5, United States Code.

Mr. Chairman, perfectly frankly, I have had to examine this matter very quickly, but my impression is that the amendment offered by the gentleman from Virginia (Mr. BROYHILL) undoes the action of the House in adopting the amendment offered by the gentleman from Indiana (Mr. JACOBS) and, therefore, makes the whole section subject to a point of order. I, therefore, make the point of order that this amendment offered by the gentleman from Virginia (Mr. BROYHILL) is not in order, because it reverses an action just taken by the House.

The CHAIRMAN. Does the gentleman from Virginia (Mr. BROYHILL) desire to be heard on the point of order?

Mr. BROYHILL of Virginia. Yes, Mr. Chairman, I desire to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. BROYHILL of Virginia. Mr. Chairman, this amendment was drafted in anticipation that the amendment offered by the gentleman from Indiana (Mr. JACOBS) would be adopted. What this section, to which the gentleman from Missouri (Mr. BOLLING) referred, does is to set a maximum. Since the purpose of the whole amendment is to convert from the basic schedule to the gross schedule it will set a maximum that any individual can receive if he is on the payroll of several Members. Under the basic schedule you could put an individual on the payroll of a Member of Congress at a $5 per year basic, and he can be on the payroll of several Members, up to, under the basic schedule, up to the $2,000 per year basic limit. The gross salary could amount to several thousand dollars per year. By converting from a basic schedule to a gross schedule the intent of this section of the amendment was to still preserve for the individual Member the right to share the work of an employee and put him on several payrolls. But the maximum that that employee can receive is the maximum that one individual can receive on the payroll of a Member.

I feel, Mr. Chairman, that the point of order should be overruled.

The CHAIRMAN. Does the gentleman from Ohio (Mr. HAYS) desire to be heard on the point of order?

Mr. HAYS. Yes, Mr. Chairman.

I just want to say that the gentleman's argument seems to be completely specious when he says that this was drafted in anticipation of the fact that the Jacobs amendment was not going to pass. The Jacobs amendment did pass and this amendment will undo what the Jacobs amendment does. For that reason, Mr. Chairman, I maintain that it is subject to a point of order.

The CHAIRMAN. The Chair is prepared to rule.

Under the amendment offered by the gentleman from Indiana (Mr. JACOBS), part V was stricken.

The amendment offered by the gentleman from Virginia (Mr. BROYHILL) adds a new part V with additional provisions.

The committee at this point may add new germane sections if it so desires.

Therefore, the Chair overrules the point of order.

The gentleman from Virginia (Mr. BROYHILL) is recognized for 5 minutes in support of his amendment.

Mr. BROYHILL of Virginia. Mr. Chairman, as has already been stated, the purpose of this amendment is to convert the present basic salary structure from which we pay our employees in our offices and employees of the committees to a gross pay structure.

In other words, it eliminates this complicated confusing silly, and ridiculous pay structure which we are dealing with now and tells it like it is and states the pay of every employee of the Congress, as it should be stated.

There is no earthly reason why we should be stuck with a system that is 25 years old—a basic pay structure on which we would have to apply a 17-step formula in order to determine what the gross pay of an individual employee happened to be.

The only thing that has been accomplished as a result of this system, if you want to call it an accomplishment, is to conceal from the public the pay of the employees of the House of Representatives.

Mr. HAYS. The gentleman knows that that is not so.

Mr. BROYHILL of Virginia. That is sufficient reason within itself to abolish the system. I submit that the public has the right to know the salaries of our staff employees.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of Virginia. The gentleman will let me complete my statement, then I will be delighted to yield to the gentleman.

Mr. Chairman, we are not fooling anyone but ourselves.

As Lincoln once said:

> If you call a tail a leg, then how many legs has a dog? Five? No—by calling a tail a leg, don't make it a leg.

The people, in the final analysis really know what we are paying our employees. Any cub reporter can go over to the Disbursing Office and determine the salary of any employee of the Congress.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the gentleman.

Mr. HAYS. The reporter does not have to be a cub reporter. I think the gentleman made a mistake when he said it is concealed from the public, because every year when the Congress is in recess they are short of stories and the wire service sends out a list of staff members of every Congressman and what they get. All they have to do is to get the base pay and they can figure out the total pay and see what they get.

I am not against that part of the gentleman's amendment. But I am against the fact that the gentleman's amendment raises the top salary that you can pay by $3,000 or $4,000. That is what it does and it does not provide the money to do it with.

Mr. BROYHILL of Virginia. The gentleman has a misunderstanding.

Mr. HAYS. No; I do not have any misunderstanding about that.

Mr. BROYHILL of Virginia. I say abolish the system. It serves no useful purpose whatsoever.

What the amendment does do is to provide the same gross pay for every Member and every committee.

The pay of no individual employee or no employee of a committee staff will be changed as a result of this amendment. What the amendment does do, and that may be what the gentleman from Ohio was referring to.

It takes the present basic system and converts it to the maximum gross and provides a savings clause so that no individual employee's salary will be reduced as a result of the adoption of this amendment. It converts what is now a $34,500 basic salary for Members that have less than 500,000 constituents to a gross of $133,500. That is approximately what the Members that represent less than 500,000 people would pay their staff if they utilized the entire basic allowance, and if you represent more than 500,000 people, in instances in which the basic allowance is now $37,000, the amendment would provide for a gross of $140,500. It makes no change whatsoever in any other part of the system. It does not change the number of employees. It does make the change I referred to a moment ago, where under the present system several Members can hire an employee on a $5 per year basic and he will receive a gross of something like $1,200 per year and he can be on the payroll of enough Members of Congress to have a $2,000 basic with around $12,000 gross.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

(By unanimous consent, Mr. BROYHILL of Virginia was allowed to proceed for 2 additional minutes.)

Mr. BROYHILL of Virginia. Obviously when we convert this system from a basic system to a gross system we must make provision for more than one Member of Congress who wants to share the services of some individual. But you cannot permit a gross salary of $200,000. It merely provides in this amendment that the maximum salary that any individual can receive if he works for a number of Members of Congress is the maximum amount that one staff member can make as an employee of a single Member of Congress.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the gentleman from Texas.

Mr. KAZEN. Though I have not seen a copy of the amendment, I have followed what the gentleman has said very closely, and I am very interested in this one point: My understanding was that under the present system no person working for more than one Member, or being on more than one Member's payroll, could make over $5,000; is that correct?

Mr. BROYHILL of Virginia. The gentleman is incorrect. He can make a total of $2,000 basic, and if he is not working for a Member of the other body, he can make something in the neighborhood of $12,000 gross. There is a ceiling there, if you work for one Member of the other body, the maximum amount that can be paid one individual is $7,700.

Mr. KAZEN. You are bringing in the other body. I thought you were speaking of only this body.

Mr. BROYHILL of Virginia. It contains that provision. It makes no change for employees working for Members of the other body and Members of this body at the same time.

Mr. KAZEN. Is it true that under the present system any employee working for more than one Member of this body can make not more than $5,000?

Mr. BROYHILL of Virginia. That is not correct. He can make up to a total basic of $2,000, and whatever that gross amounts to.

Another advantage of this particular amendment is that in the future, when you add to the pay of our staff members, it could just be added to the gross salary allowance of each individual Member, automatically added to the pay of individual employees, and we will leave it up to the discretion of the individual Members to allocate the salaries.

Mr. HAYS. Mr. Chairman, I move to strike out the requisite number of words.

The CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. HAYS. Mr. Chairman, I oppose this amendment, not because I think the main thrust of it, as I understand it, is bad, but because the gentleman from Virginia has not done his homework and has a lot of extraordinary provisions in the amendment that do a lot of things that I do not think the House wants done.

In the first place, he is as wrong as he can be about anybody making $200,000. We went into that in the House Administration Committee, and we have rules and regulations about how many payrolls a person can be on and what they can be put on for, and the gentleman's statement is completely and entirely inaccurate.

The second thing that it does is to raise the permissible maximum for employees of Members to, I believe the gentleman's figure was $34,000 a year, which is a $6,000 increase over the present permissible maximum. Now he wants to do all of this to gain what he says is a right for the public to know. What we have—and I admit it is an archaic system, but there are some other inequities in this that I propose to explain—but all you have to do now, if somebody is on for $2,000 base, is to get the Clerk's sheet and find out how much the gross is. Any newspaperman can do it and they do it.

What else does the gentleman do? By setting this kind of maximum, he puts a hardship on the Member who wants to be his own administrative assistant and do the administrative assistant work himself, and not have one high-paid person but have maybe several secretarial-type persons who would have a lower base, and, therefore, lower gross. When we set an arbitrary figure, we have let the fellow with the high-paid work home free, but we have let down the fellow who has a lot of secretarial help and who has to have many people to help him do his work.

I have been dealing with these matters on the House Administration Committee for 21 of the 22 years I have been here. I think I know what I am talking about. When we start tampering with this system by an amendment that apparently even the author of it, himself, does not know what it will do, we will raise many difficulties.

If the House does want to raise the pay of the top person in each office to $31,700 a year, do not vote for this amendment, but if you do for heaven's sake let me come back to my bill that we beat the other day by a vote of 270 to 90 and pass a pay increase for the staff of this hard-working person, if that is what Members want to do. I do not think that is what they want to do. I think the amendment should be defeated without much more argument.

Mr. SMITH of California. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from California (Mr. SMITH).

Mr. SMITH of California. Mr. Chairman, I concur with the remarks of the gentleman from Ohio.

I would like to make one more statement about this. On page 2, the amendment talks about the employee. It says the annual gross rate shall not be in excess of step 2 of GS–17. Step 2 of GS–17 is $31,738 at the present time. Today, the ceiling is $27,000 or a little over, so it is an increase almost in the same amount as we had in the bill and which we struck down in accordance with the amendment offered by the gentleman from Indiana. There is definitely an increase contained in the amendment.

Mr. HAYS. That is correct. The gentleman from Virginia said he wanted to make everything clear, so why did he not put in what the gross salary would be? But no, he put in step so-and-so of grade so-and-so—and we have to get out another piece of paper to see what it is all about.

Mr. JACOBS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I just want to point out that it is rather frustrating to have an amendment like this introduced, which I must call "The-more-things-change—the - more - they - remain - the - same" amendment.

It seems to me incredible that an amendment purporting to uncomplicate the pay system should go through the double talk about step 2 of GS–17, which is much more difficult to master than the Greek I took in college. In plain English it is a pay raise to $31,738.

I compliment the gentleman from California (Mr. SMITH) for pointing out that step 2 of GS–17 is $31,738, which, by the way, is $1,738 higher than Members of Congress ought to be making right now.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman from Minnesota.

Mr. FRASER. Mr. Chairman, if the proposal of the gentleman from Virginia were amended to set the limitation at that which is currently authorized, would it, in the opinion of the gentleman, improve the amendment?

Mr. JACOBS. I think it would improve it.

Mr. FRASER. It would make clear and understandable the salary system for clerk-hire?

Mr. JACOBS. I would think it might, but I feel like a country boy at a carnival. I am not quite sure. There is too much fancy talk in this amendment. I cannot tell which shell the pea is under. I think it should be struck down.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman from Ohio.

Mr. HAYS. May I say, in answer to the gentleman from Minnesota, I attempted to explain that setting a bald formula without any study can do damage to some Members and perhaps would help others.

At the present time the staff of the Subcommittee on Accounts is studying this matter with the idea of doing just this, but trying to find out what would be an equitable figure to set as the top limit, which would not hurt any Member and still not cause a lot more money to be spent. This might in effect cause more money to be spent.

I would ask the gentleman about that. If we can defeat this amendment I can almost give my word we are going to come out with a proposal to simplify this and at the same time protect the Members who are in the position of having not too many high paid people on their staff but several in the medium range.

Mr. JACOBS. The gentleman's word is good enough for me.

Let me say that just a few minutes ago I thought all the king's horses and all the king's men in this body had put poor old John Q back together again. Do not let him fall again.

AMENDMENT OFFERED BY MR. GIBBONS TO THE AMENDMENT OFFERED BY MR. BROYHILL OF VIRGINIA

Mr. GIBBONS. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Virginia (Mr. BROYHILL).

The Clerk read as follows:

Amendment offered by Mr. GIBBONS to the amendment offered by Mr. BROYHILL of Virginia: Amend section (c) on page 2 of the amendment offered by Mr. BROYHILL of Virginia to read as follows:

"(c) an employee is not entitled to pay, out of clerk hire allowance of a Member of

the Resident Commissioner at a single per annum gross rate in excess of $27,000."

Mr. GIBBONS. Mr. Chairman, I am just attempting to do by my amendment here what I believe the Members of the House clearly want to do, judging from the discussion we have just had on the floor; that is, to limit the top pay to what it now is. I believe that is what the gentleman from Virginia (Mr. BROYHILL) was trying to do when he had the legislative counsel's office help him draft this amendment.

That is all my amendment would do. If my amendment is adopted, then all reasonable objection to the amendment of the gentleman from Virginia (Mr. BROYHILL) would be dispersed and dispensed with, and we could go on and adopt that amendment.

Mr. BOLLING. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I am glad to yield to the gentleman from Missouri.

Mr. BOLLING. I am afraid the gentleman has an imperfect amendment, because I believe the present scale provides for $27,000 plus. I cannot remember the exact figure, but I believe it is around $27,600 or $27,700.

The gentleman, in effect, would be cutting the pay of those whose employers give them the top pay. I am quite sure I am correct on that.

Mr. BROYHILL of Virginia. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I am glad to yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. There should not be any confusion about this amendment. There was a problem in the drafting of the amendment, some technical difficulty. We all know what we are talking about.

We are talking about more than one Member hiring the same individual, who is working for several Members of Congress. Under the present structure, he can get a greater amount than one individual working for one Member of the House. We want an abundance of protection. We were saying what we meant in this amendment is that he would not receive more than one employee working for one Member would receive.

I see no difficulty in understanding this amendment. I hope that the amendment to the amendment will be adopted.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I am glad to yield to the gentleman from Ohio.

Mr. HAYS. Specifically, on the gentleman's amendment, if it were adopted, it would cut some of the people around here by $343.27 a year.

Mr. GIBBONS. Mr. Chairman, I ask unanimous consent that my amendment then be amended so that we could include that figure of $343.27.

The CHAIRMAN. The Clerk will report the amendment with the corrected figure.

The Clerk read as follows:

Amendment offered by Mr. GIBBONS, to the amendment offered by Mr. BROYHILL of Virginia: Amend subsection (c) on page 2 of the amendment offered by Mr. BROYHILL of Virginia to read as follows:

"(c) An employee is not entitled to pay out of the clerk hire allowance of a Member or the Resident Commissioner at a single per annum gross rate in excess of $27,343.27."

The CHAIRMAN. Is there objection to the request of the gentleman from Florida to modify his amendment?

There was no objection.

The CHAIRMAN. The gentleman from Florida has 1 minute remaining.

Mr. GIBBONS. Mr. Chairman, I will try not to take that whole minute.

Mr. Chairman, we are simply seeking here to bring the Broyhill amendment in line with what the existing situation is today—not to increase anybody's pay and not to decrease anybody's pay. Other than that, the Broyhill amendment is a good amendment. It would eliminate quite a bit of the complicated procedure that you have to go through here to figure pay, and it will help the whole House.

Mr. CLEVELAND. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman.

Mr. CLEVELAND. I think the House should know before they vote on the Broyhill amendment that this was a proposal which was unanimously adopted by the Joint Committee on the Organization of the Congress. It was in the Legislative Reorganization Act of 1967, which did pass the Senate.

I might also inform the House that the gentleman from Virginia (Mr. BROYHILL) wrote a chapter in the book on congressional reform, "We Propose a Modern Congress," which sets out this proposal in some detail.

As I recall it—and I may be wrong—the Committee on House Administration has several times considered the possibility of doing away with the base pay system which is so complicated and causes so much misunderstanding.

I think both the amendments should be adopted.

Mr. GIBBONS. I thank the gentleman and I agree with him.

Mr. SISK. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the hour grows late. I would simply and briefly like to say that your committee has been up and down the hill a number of times in the last 18 months on this subject. I think something needs to be done. It is my understanding of the statement by the gentleman from Ohio, on the Committee on House Administration, that that committee has studied this matter. I simply believe now, in view of our experience in working with this, that it would be a good thing to defeat the existing amendment and any amendment thereto and let the Committee on House Administration go ahead and see what they can come up with on it.

Frankly, I am in favor of going to a gross pay. I recognize the problems of this house of cards that we have built up. It is a complicated problem in figuring it out. For example, I know the problem of the Clerk of the House in dealing with it. But again we have had a demonstration this afternoon of trying to arrive at the exact figure. As I note the total figures outlined, they could represent a cut in some cases, depending on the level of the employees you may have, and in others you may have an increase.

It seems to me, Mr. Chairman, that the best procedure at this point is to vote down these amendments and leave this in the hands of the Committee on House Administration.

Mr. HAYS. Will the gentleman yield?

Mr. SISK. I yield to the gentleman.

Mr. HAYS. I agree with the gentleman 100 percent.

Let me say this to you: I have no personal ax to grind.

But the danger is, as the gentleman from California has pointed out, due to the intricate arrangements of the various individual Members' offices, this thing could give some Members more money than they are now getting, and restrict others to where they would either have to cut their own staff or cut off a person.

What we are trying to do in the Committee on House Administration—and this belongs in that committee—is to find some kind of an equitable formula to replace the aggregate system. And whatever we get, if we take the gentleman's figure, it can be antiquated in 5 years because each time there is an increase there will be a percentage increase, and you get five increases and you will have to have another chart and another table.

But that is beside the point. What I am saying is that if you do it here with a figure picked out of the air you are going to have a lot of squawking from a lot of Members who are going to get hurt without knowing what happened to them.

So I think the amendment offered by the gentleman from Florida ought to be agreed to, and then the whole thing ought to be defeated.

Mr. SISK. Mr. Chairman, in closing I would hope that this amendment and the other amendment will be voted down.

Mr. BROYHILL of Virginia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will certainly not take the entire 5 minutes. However, I want to state that I do appreciate what the gentleman from Ohio has said, and I also appreciate his assurances that the Committee on House Administration would look into this matter further, and I do not question the gentleman's good faith or his word on this matter.

But I received a similar assurance from the chairman of the Committee on House Administration when a similar amendment was offered to a staff pay bill a number of years ago, and nothing ever happened. The Committee on House Administration is a very busy committee, and they have a lot of squeaky axles on their hands, and it is very difficult to get to this problem.

It is not a complicated problem. The gentleman from California pointed out that some of the Members would perhaps lose some staff allowance as a result of this. That is not so. This has been worked out in great detail by the House Disbursing Office, so as to be assured that the gross amount would be practically identical with what is now provided under the present system. I think, in any type of formula you might come up with to determine what the new gross amount

would be, there would be some variance between Members' salary allowance. Therefore, in an abundance of caution that no Member would lose any of his staff allowance and that no employees would receive any reduction; there is a saving clause in the amendment.

I think the colloquy here on the maximum that could be paid to an individual only further serves to bring up a good example as to the complexities and the confusion in the present basic structure, and that would be eliminated by this amendment.

Mr. FRASER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just want to say that the amendment offered by the gentleman from Florida (Mr. GIBBONS) is a useful amendment to attach to the amendment offered by the gentleman from Virginia (Mr. BROYHILL). I think that the gross amount that is provided here does cover any existing payroll. I hope that the Committee on House Administration will continue to take an interest in this subject, as they have in the past, and work out any further problems. But I do believe this system has been running so long that it is good to make a change.

I think the adoption of this amendment would be a very constructive and forward step. I hope it will be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. GIBBONS) to the amendment offered by the gentleman from Virginia (Mr. BROYHILL).

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. BROYHILL), as amended.

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 20, noes 26.

Mr. BROYHILL of Virginia. Mr. Chairman, I ask for tellers.

Mr. HAYS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Mr. HAYS. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The point of order of no quorum is withdrawn.

Mr. BROYHILL of Virginia. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Forty-five Members are present, not a quorum. The Clerk will call the roll.

Mr. SISK. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The Chair would like to inform the gentleman from California (Mr. SISK) that upon the request of the gentleman from Virginia (Mr. BROYHILL) a count was made and it was determined that a quorum was not present and the Chair had instructed the Clerk to call the roll. Therefore, the motion of the gentleman from California (Mr. SISK) comes too late.

The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 301]

Abbitt	Edmondson	Michel
Adams	Edwards, La.	Miller, Calif.
Alexander	Esch	Mizell
Anderson, Tenn.	Eshleman	Murphy, Ill.
	Fallon	Murphy, N.Y.
Ashbrook	Farbstein	Myers
Ashley	Feighan	Nix
Aspinall	Findley	Ottinger
Baring	Flynt	Patman
Barrett	Ford, Gerald R.	Patten
Beall, Md.	Ford, William D.	Pelly
Belcher		Philbin
Berry	Frelinghuysen	Pike
Betts	Friedel	Pollock
Blackburn	Garmatz	Powell
Blatnik	Gettys	Price, Tex.
Boggs	Gilbert	Reid, N.Y.
Boland	Gubser	Reifel
Bow	Hanley	Rivers
Brock	Hansen, Wash.	Roberts
Brooks	Harsha	Rogers, Colo.
Broomfield	Harvey	Rooney, N.Y.
Brown, Calif.	Hawkins	Rooney, Pa.
Burton, Utah	Hébert	Roudebush
Bush	Hogan	Roybal
Button	Horton	Satterfield
Cabell	Howard	Scherle
Camp	Hungate	Scheuer
Celler	Hunt	Schneebeli
Clancy	Johnson, Calif.	Shriver
Clark	Jonas	Sikes
Clawson, Del	King	Staggers
Clay	Kleppe	Stephens
Collier	Kluczynski	Stokes
Conyers	Kuykendall	Stratton
Corbett	Leggett	Symington
Corman	Long, Md.	Taft
Cowger	Lowenstein	Teague, Calif.
Cramer	Lujan	Teague, Tex.
Cunningham	Lukens	Thompson, N.J.
Daddario	McCulloch	Tunney
Daniels, N.J.	McKneally	Waggonner
Dawson	McMillan	Weicker
Delaney	MacGregor	Whitten
Derwinski	Martin	Widnall
Diggs	May	Wilson, Bob
Dowdy	Meskill	Wold

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MILLS) having assumed the chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill, H.R. 17654, and finding itself without a quorum, he had directed the roll to be called when 290 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The question is on the motion of the gentleman from Virginia (Mr. BROYHILL) to take a vote by tellers on his amendment as amended.

Tellers were ordered, and the Chairman appointed as tellers Mr. SISK and Mr. BROYHILL of Virginia.

The Committee divided, and the tellers reported that there were—ayes 84, noes 73.

So the amendment, as amended, was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PART 6—SENATE AND HOUSE PAGES

SENATE AND HOUSE PAGES

SEC. 461. (a) A person shall not be appointed as a page of the Senate or House of Representatives—

(1) unless he agrees that, in the absence of unforeseen circumstances preventing his service as a page after his appointment, he will continue to serve as a page for a period of not less than two months; and

(2) until complete information in writing is transmitted to his parent or parents, his legal guardian, or other appropriate person or persons acting as his parent or parents, with respect to the nature of the work of pages, their pay, their working conditions (including hours and scheduling of work), and the housing accommodations available to pages.

(b) A person shall not serve as a page of the Senate or House of Representatives—

(1) before he has completed the twelfth grade of his secondary school education; or

(2) except in the case of a chief page, telephone page, or riding page, during any session of the Congress which begins after he has attained the age of twenty-two years.

(c) The pay of pages of the Senate shall begin not more than five days before the convening of a session of the Congress or of the Senate and shall continue until the end of the month during which the Congress or the Senate adjourns or recesses, or until the fourteenth day after such adjournment or recess, whichever is the later date, except that, in any case in which the Congress or the Senate adjourns or recesses on or before the last day of July for a period of at least thirty days but not more than forty-five days, such pay shall continue until the end of such period of adjournment or recess.

(d) The pay of pages of the House of Representatives shall begin not more than five days before the convening of a session of the Congress and shall continue until the end of the month during which the Congress adjourns sine die or recesses or until the fourteenth day after such adjournment or recess, whichever is the later date, except that, in any case in which the House adjourns or recesses on or before the last day of July in any year for a period of at least thirty days but not more than forty-five days, such pay shall continue until the end of such period of adjournment or recess.

(e) (1) There are hereby repealed—

(A) section 243 of the Legislative Reorganization Act of 1946 (2 U.S.C. 88a);

(B) the proviso in the paragraph under the heading "Education of Senate and House Pages" in title I of the Urgent Deficiency Appropriation Act, 1947 (2 U.S.C. 88b);

(C) the proviso under the heading "Senate" and under the caption "Office of Sergeant at Arms and Doorkeeper", which relates to the pay of pages of the Senate, in the Legislative Branch Appropriation Act, 1952 (65 Stat. 390; Public Law 168, Eighty-second Congress; 2 U.S.C. 88c); and

(D) the proviso under the heading "House of Representatives" and under the caption "Office of the Doorkeeper", which relates to the pay of pages of the House of Representatives, in the Legislative Branch Appropriation Act, 1949, as amended (62 Stat. 426, 78 Stat. 1084; Public Law 641, Eightieth Congress, Public Law 88-652; 2 U.S.C. 88c).

(2) Title II of the table of contents of the Legislative Reorganization Act of 1946 (60 Stat. 813) is amended by striking out—

"Sec. 243. Senate and House pages.".

(f) (1) Subsection (b) of this section shall become effective on January 3, 1971, but the provisions of such subsection limiting service as a page to persons who have completed the twelfth grade of secondary school education shall not be construed to prohibit the continued service of any page appointed prior to the date of enactment of this Act.

(2) The repeal of existing law by subsection (e) (1) (A) and (B), and the amendment made by subsection (e) (2), of this section shall become effective at the end of the 1970-1971 school year.

Mr. SISK (during the reading). Mr. Chairman, I ask unanimous consent that part 6 of title IV be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENTS OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, I offer an amendment.

Mr. Chairman, I actually have a series of amendments to offer at this time, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan that his amendments be considered en bloc?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. DINGELL: Page 135, strike out lines 9 and 10 and insert in lieu thereof the following:

"(1) before he has attained the age of sixteen years; or".

Page 135, beginning in line 13, strike out "twenty-two years" and insert in lieu thereof "eighteen years".

Page 136, strike out lines 13 through 18, and redesignate the following subparagraphs accordingly.

Page 137, strike out line 7 and all that follows down to but not including line 10.

Page 137, line 10, strike out "(1)".

Page 137, beginning in line 12, strike out "completed the twelfth grade of secondary school education" and insert in lieu thereof "attained the age of sixteen years".

Page 137, strike out lines 16 through 19.

Mr. DINGELL. Mr. Chairman, as one who has had the privilege of serving in this body for more than 15 years now, and as one who had the privilege of serving in this youth as a page in the House of Representatives, I rise to offer this amendment. My good friend, the gentleman from Arkansas (Mr. PRYOR) joins me in our offering this amendment.

Mr. Chairman, it is very simple. It keeps our system of having pages as it is now rather than as the committee bill would change it. The committee bill would require that pages have completed high school and be in age in excess of 18 years, but not older than 22. The amendment would provide that the pages, with few exceptions, should be not older than age 18 and that they should be not younger in any instance than age 16.

It is my experience, Mr. Chairman, having served as a page, that this is one of the rich and excellent experiences which can be afforded to a young man.

Having had the privilege of sponsoring pages here now for several years, I can report to the body that the young men I have had the privilege of sponsoring have profited educationally, have profited in maturity and experience, and they have gone home richer and wiser in experience and knowledge and in their understanding of the system we have.

I am informed by those who have the responsibility for the page system that never were they consulted with regard to the change. Indeed, it is my experience, based on discussions with personnel here in the Congress, that those who are responsible for the page system unanimously prefer the system of sponsoring pages as it is done today, and that without exception they oppose the idea of changing pages from the youth we have today to young adults.

I would point out that we have achieved excellent service from our young pages, and I would point out that in instance after instance the Members with whom I have discussed this amendment have indicated to me their feelings as sponsors of pages.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to my good friend from Tennessee.

Mr. EVINS of Tennessee. In support of what the distinguished gentleman has said regarding the support for the present system, there were at one time pages 12 and 13 years old, who were too young, and the Committee on House Administration set the age at 16 to 18, juniors and seniors in high school. Some prefer college age. There was a time when they were too young.

I believe the Committee on House Administration has set this at the right level, for juniors and seniors in high school. The Committee on House Administration supports the gentleman's amendment, and certainly the patronage committee, which handles this matter, is unanimous in supporting the gentleman's amendment.

I hope the amendment will be adopted.

Mr. DINGELL. I thank my good friend.

I believe we can say that we have seen scores of young men who have had the privilege of serving here, and none has gotten into trouble and all have profited from their experience. All have gone home better citizens, richer in their affection not only for their country but also for the great institution in which they and we serve the people of this Nation together.

It is my hope that this body will adopt this amendment and keep the situation as it is and continue to afford to the young men of this Nation an opportunity to participate in the lawmaking function during their youthful informative years rather than after they become young adults.

Mr. DENT. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Pennsylvania.

Mr. DENT. I rise in support of the amendment. I do not know when I have ever met, in my 39 years as a legislator, a cleaner cut bunch of boys than those we have had serving here during the years I have been a Member of Congress.

I believe the service equips them with an understanding that goes very well with their future. Many page boys have come back here and served, and some have come back as Congressmen, as the Member before us today.

I do not believe one can gather together a group to serve this Congress in the capacity that they serve so willingly, to do the things that have to be done, so obedient to the rules of this House and so clean-cut and neat that would exceed this group.

I hope the amendment will be agreed to.

Mr. DINGELL. I thank my friend.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the distinguished majority leader.

Mr. ALBERT. I wish to associate myself with the gentleman. It is my judgment that this type of job which the pages perform can better be performed by juniors and seniors in high school than by college boys. I support the amendment.

Mr. DINGELL. I thoroughly agree.

I would tell my colleagues I have been informed by the leadership on the page bench that it is their opinion there would be a substantial increase in the number of pages needed if we made the changes suggested in the committee bill.

Mr. PRYOR of Arkansas. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to my friend from Arkansas, who joins me in sponsorship of this amendment.

Mr. PRYOR of Arkansas. I appreciate the gentleman's yielding.

I should like to say to the chairman and to the gentleman that some 19 years ago it was my very high honor and privilege to serve in this body as a page for former Congressman Oren Harris, whom I later succeeded.

I think the page system, I would say to the gentleman, that we have at this time—although I concede the sincerity of the committee in trying to bring about an even better system—I think that the page system we have now is the best of the two alternatives.

I concur in the remarks of the gentleman from Michigan, I say to my friend, but I also believe the system we have now, bringing 16- and 18-year-old young men into the Congress and letting them serve on the floor of this Congress, is a very good system because it sends them back into their communities better acquainted with democracy and more inspired to serve in positions of leadership and community responsibility within their various communities and States all across America.

I think if we could trace the history of those pages who graduated from this school and ultimately going back into their communities, we would see almost without exception that they have assumed roles of leadership because of the service that they have had and the opportunity to get an education here in the House of Representatives.

Mr. Chairman, there is one more fact that I would like to mention. If I interpret correctly what the committee's bill would do, the net result of the committee bill as it is written—and I stand to be corrected—is it would result in the abolition of the page school itself by raising the age to 18. I think we would ultimately see this school abolished. I frankly think it has done a remarkable job and has produced some remarkable graduates, and therefore I strongly support the gentleman's amendment.

Mr. DINGELL. I thank the gentleman from Arkansas for his remarks.

Mr. BOLLING. Mr. Chairman, I rise to oppose the amendment.

Mr. Chairman, it is no pleasure to oppose an amendment with so much sentimental value. Let us face the situation as it is. The last information I have is that there were 51 pages in the House and 26 in the Senate and four in the Supreme Court. Clearly the people who get to appoint these pages are the senior Members. I am authorized a page, which I do not use. The problem is a good deal larger than the one that has been stated here. The page school has been ac-

credited in the last 3 years only because of the necessary intervention of the Speaker. If we continue with high-school-age pages, we will have to set up a dormitory and we will have to do certain things about the school in order to keep it accredited. The only purpose of the proposition in the committee bill is to avoid that problem by making the pages college age so that we will not have the problem of the dormitory and the expense and so that we will not have the problem of the accreditation of the page school.

Frankly, it seems to me a reasonable solution, but, as is clear from what I have already said, I have no very strong personal involvement in it. I just felt that the House should understand it is talking about a substantial amount of money and a very limited privilege of appointment which falls to the senior members of the majority party in large part.

Mr. Chairman, I hope the amendment will be defeated so that we can get to a more rational approach.

Mr. SPRINGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, back some years ago there was a committee which happened to be set up on my side of the aisle for just one reason, and that was that we had some recommendations for reform. I happened to be assigned congressional pages, their work and schooling. It is contained in this chapter. I would like to read to you just the first page or two of the chapter.

The gentleman from Michigan, my very good friend on my own committee, has proposed a minimum age of 16. I do not care whether it is 16 or lower or higher.

I said this:

Imagine in this year of 1966 an employer who—

Hires 14- and 15-year-old boys.

Brings them from distant homes to a big city.

Limits their schooling to three hours a day.

Makes them work a minimum of eight, and occasionally 12 or even 14 hours a day.

And leaves them unsupervised the rest of the time, free to sleep where they can find a room, eat what they please, and study whenever they can find time; free also, should they desire, to roam a crime-infested metropolis.

Impossible, you say, in this age of child labor laws? Perhaps in the 19th century London that Charles Dickens wrote about, but not in modern Washington?

Unfortunately, it is not at all impossible when the employer is the Congress of the United States and the employees are pages of the Senate and House of Representatives.

It's true that the average congressional page bears scant resemblance to Dickens's Oliver Twist. Oliver was very poor. By comparison our pages are well-heeled members of the affluent society. Beginning pages are paid at the annual rate of $4,766, are stepped up to $5,077 after one year, and to $5,232 after two years. Not bad for teen-agers, particularly when it is considered that 34.1 million Americans are estimated to live in families with poverty-level incomes—less than $3,100 a year for a family of four.

Nevertheless, despite its generosity as a paymaster, Congress is a hard taskmaster. It makes demands on these boys that federal law and the laws of most states wouldn't countenance from a private employer.

Most pages work from 10 a.m. to 5 p.m. Monday through Friday and from 9 a.m. until noon on Saturday. When a session lasts until past 5 o'clock, the pages stay until the House adjourns. The House Select Committee on the Education and Welfare of Congressional Pages, created by the 88th Congress, found that pages average 40 or more hours of work a week.[1] Senate pages work longer hours than House pages because of the more numerous night sessions.

The pages' school day begins at 6:30 a.m. and for most of them is over at 9:45. Most pages have classes in four subjects. A few have a fifth classroom period which lasts until 10:30. Classes are held in makeshift quarters on the third floor of the Library of Congress. There is a 15-minute break at 8 o'clock each morning, presumably for breakfast. It has been noted, however, that for many of the boys it is more a coke-and-candy break than anything else.

The Federal Fair Labor Standards Act prohibits the employment of 14- and 15-year-old children for more than three hours on a school day, for more than 18 hours during any school week, and for night work after 7 p.m.

These limitations on child labor imposed on employers engaged in interstate commerce do not apply to Congress. But surely Congress has a moral obligation to maintain standards at least as high as those it prescribed for private industry almost 30 years ago.

May I say on that that we recommended some changes, and let me just come to those changes, they are over on page 187:

1. Congress should no longer be in a position of condoning its own use of child labor while condemning it for everyone else.

2. Mature college students would not require after-hours supervision.

3. There would be no need to build a costly school and residence.

4. The experience of being a page should prove more valuable to college students, particularly those majoring in government.

5. Meritorious students from all parts of the country can be helped to finance their college costs.

Those are the recommendations that we made because we felt that actually, if this were known generally as to what we do with pages, you would not get a vote for this in my district if I explained it in the language that I have told you right here. I do not think you would get 10 percent of the people that would back you up because it would be in violation of the Fair Labor Standards and the child labor laws of Illinois overwhelmingly.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Chairman, did I understand the gentleman to say something about 13- and 14-year-olds?

Mr. SPRINGER. No; I said 14- and 15-year-olds, but let us amend it and say 16- and 17-year-olds.

Mr. HAYS. I just wanted that correction. I do not really have very strong feelings about this, but the Committee on House Administration, I might say, did raise it to 16-year-olds. In other words, you cannot employ anyone under 16 years of age?

Mr. SPRINGER. You could in 1966, and you cannot now. The gentleman is correct.

Mr. HAYS. You cannot now?

Mr. SPRINGER. That is correct.

Mr. HAYS. I thank the gentleman.

Mr. SISK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, this is the one area in which I reserve the privilege to depart from the position of the committee. I am going to support the amendment offered by the gentleman from Michigan (Mr. DINGELL).

Mr. Chairman, the only reason this matter, I think, is before us tonight is the fact that some of us proposed the construction of a dormitory and a proper chaperoning of the pages in line with certain requirements in connection with accreditation. That language at one time at least was tentatively in the bill and was considered, and I think after consideration it was stricken out and the idea of college students was inserted.

I will simply say, I appreciate the comments of the gentleman from Illinois (Mr. SPRINGER). But he made the best possible case for the fact that college students simply will not work in connection with the services we expect here. I think there is no question but that it will prove to be a complete fiasco.

In the first place, they cannot carry the load and expect to carry a full workload in college.

It is my opinion that the proper way to handle this matter is to proceed as we originally proposed, to have a properly chaperoned dormitory for these young men.

I realize that the amendment offered by the gentleman from Michigan simply provides to restore it to the present situation, of 16- and 17-year-olds. Of course, I am sure that he hopes, as I do, that we will proceed before too long to construct adequate dormitory facilities and take care of the situation.

But from the standpoint of the services of these young men, any of you who have had any experience know that generally there is a long line of young men who desire this opportunity to come here to Washington. You can call it child labor. You can call it what you will, but I can assure you there is no drought of young men or parents who would like to have their sons have an opportunity to come here whether it be for a month or two or an entire school year.

Therefore, I feel this is a wonderful opportunity.

I agree with the gentleman from Arkansas and the gentleman from Michigan both as to the great opportunities that this has offered to young men, and I would hope, Mr. Chairman, that the amendment offered by the gentleman from Michigan is adopted.

Mr. CLEVELAND. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I will not take the 5 minutes, but I think the House should know before they vote on this amendment that my position follows the unanimous recommendations made by the Joint Committee on the Reorganization of the Congress. This was in the bill which we drafted and which passed the Senate by a vote of 75 to 9 in 1967.

The reasons for our recommendation have already been adequately stated by other Members in previous remarks, and I will not repeat them.

There is one aspect of this, however, which I think will interest the House. There was a good deal of talk even back in 1967 that perhaps we should consider hiring young women as well as young men as pages.

It became clear as we considered this in the joint committee that it would be more difficult to do this at the then prevailing ages. We felt that college students, however, would be old enough and mature enough so that the problem of whether or not we should have young women pages as well as young men pages, would thus be resolved.

That is another aspect of the legislative history of the proposal as it came before the Joint Committee on the Reorganization of the Congress. I just want to share it with the Members before they vote on the amendment.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. CLEVELAND. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Chairman, I think the current system has worked extremely well. I strongly support the Dingell amendment and I hope that it is adopted.

Mr. Chairman, I have appointed a large number of high-school-age page boys to work in the House of Representatives. They have been carefully selected by screening committees in the high schools they attend, and they are all top students before they come to Washington. All of them have grown by the experience, and have also contributed to the beter functioning of the House of Representatives.

I would hope that the present system of selection of House pages be retained, because I believe the system works very well. I support the Dingell amendment, because college-age pages would have neither the interest nor the enthusiasm to perform the assigned work. There are many other opportunities for college-age young men to work in conjunction with Congress, such as our summer internships, elevator operators, and some policemen.

Mr. Chairman, I recognize that there are some very legitimate supervisory, educational, and housing problems associated with high-school-age pages. From time to time there has been talk of the building of a dormitory for the pages, and I believe this is a necessary step which must be taken. All in all, however, I would support the amendment of my good friend from Michigan (Mr. DINGELL) because the present system works the best of any system yet suggested.

Mr. ANDREWS of Alabama. Mr. Chairman, I rise in support of the amendment, and move to strike the necessary number of words.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. ANDREWS of Alabama. At this hour I shall not use 5 minutes, but I do want to say a good word for the page school and for the page institution that we have had here. We speak of page boys. When have you ever heard of a page man or a page woman? If you get college students, you are bound to get men, and God help us if they should act in Congress as they have on many campuses of this country.

As chairman of the subcommittee of the Appropriations Committee, I have been closely associated with the page school for page boys for many years, and I want to tell you it is a good school. My son finished there in the class of 1964. The members of his class, with whom I was closely associated, went to Princeton, Harvard, Brown, Dartmouth, and MIT. My son went to Emory, a good school.

The page school has a wonderful reputation throughout America, and the by-products of that school have been great assets to the United States of America. I have had a page for 10 or 12 years. Some of them went to college, made Phi Beta Kappa, entered the medical profession, the legal profession. They have held their heads high in all areas of this land.

Members of this House are graduates of the page school.

I say we have done enough to upset old traditions that have existed in this House. I know that some of you want to get rid of this establishment. I am proud to say that I am a member of this establishment, and having been here for 27 years, I am chairman of the subcommittee that handles appropriations for your salary, the most important bill that comes before this House. It took me 27 years to become chairman of that little committee, so those of you who are impatient with the establishment, just let me ask you to have a little patience, be patient.

When I think about what you are proposing in connection with the page school; that is, abolishing page boys, I think about what Maurice Chevalier said when a reporter asked him on his 70th birthday, "How do you feel?" He said, "Well, considering the alternative, I feel fine."

We have a bunch of young page boys, and there have been page boys since we have had pages. They cut their hair. They shave. You had better stop, look, and listen before you supplant this group of fine young men. God knows what you will get if you get them from the college campuses.

Mr. McCORMACK. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Massachusetts is recognized.

Mr. McCORMACK. Mr. Chairman, I did not intend to get into this debate. Who could resist the dramatic appeal of my friend from Alabama, particularly when he talked about campus unrest, and so forth?

I have had a little practical experience with the page school. Personally, I favor the present system. But I want to call to the attention of Members that if the present system is carried on, which I expect it will be by a vote of the Members, you have got to build a dormitory. You have got to face the practicalities of life. These boys are doing a grand job. They are very cooperative. But for the last 3 years, at least, I have had confronting me the problem of the accreditation being taken away from the page school. That is something that lands in the Speaker's ashcan. If it should happen, it would be a disgrace to the Congress of the United States, that the accreditation of the Capitol Page School should be taken away.

The reason for it is the living conditions of the boys. They want the boys to have good living conditions. We hoped we had solved it a couple of years ago or 3 years ago. The gentleman from Texas (Mr. BURLESON) and I had a very difficult problem in connection with those who accredit the schools, asking them to give us a little more time in which to meet the conditions under which the pages live, and the supervision. They did. Then the question arose again this year. We have been able to get a little additional time.

So my only purpose in rising—and it is pretty hard to get an appropriation from the Subcommittee on Appropriations, I realize that, I have tried it—is to say with the preservation of the present system, which I think has been working very well, we will not have the final answer. We have to go ahead next year and face the realities of life and build a dormitory.

If the accreditation is taken away, it is going to be an act of humiliation upon the entire Congress of the United States, and while I will not be here nex year, I wanted to give the Members a little of the benefit of my experience of the past 3 years. It has taken many hours of my time any many hours of worry, because I realize that if the school were not accredited, it would have a serious impact upon the people of the United States. Fortunately, to date that has been averted

So when Members vote to keep this system, which I think has been a very satisfactory one, by all means next year they should take the necessary step to build a dormitory.

Mr. QUIE. Mr. Chairman, I rise in opposition to the amendment. Mr. Chairman, I think we ought to bear in mind that the young men who have been appointed, have been appointed, as the gentleman from Missouri has said, by the leadership on the majority side. They were screened and picked because they were ideal individuals. Now if the committee provision prevails, as I hope it will prevail. these same gentlemen will be picking some young men and maybe some young women from colleges. They will be screened, and they will be the best we can have.

So if we are worried about the long hair and the rebellious students in the colleges, and if we think all of the young men in high school are angels, perhaps we have not visited the high schools lately. The drug problems and juvenile delinquency problems are as great in the high schools as in the colleges. We have the long hair and the dissension and the disruptions.

We will not be bringing in a pack of people who are undesirables by bringing in college students. When we look at most of the college students today, we will find the finest young men and women this

country has ever produced. They are going to college today, and they need to know the establishment. I think it would be better if some of the young men and women were in the colleges who are here as pages and who are here as pages right now, and in the colleges right now. If they were in the colleges and universities of the Washington area, they would be speaking for us and about us. They would be talking about the present time and their present experiences rather than saying, "When I was a 14- or 15-year-old, I served as a page in the House." Then when they go to college, their peers think of them as having been children when they served here.

I think this would be a great advantage to the Congress of the United States, if we can have the young men who are of college age, those over 18, and permit them to be pages. They have as strong a desire as any of these younger young men have now, and they could fit it immediately into their courses on government or political science that they are taking. Here we would have the influence of ourselves on the young men in the colleges at this time. I think we could see a change for the betterment if that occurred.

It would save us money. We would not have to build a dormitory. I, for one, even if we were in the majority, would not want to recommend any young person who had not finished high school to come to Washington in order to be of service here.

Mr. FASCELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendments.

Mr. Chairman, the arguments are persuasive on both sides, but I think in the final analysis, we would have to recognize the fact that we extend opportunities to college students in many ways, but we extend opportunities only in a very limited number of ways to the young men of high school age.

One of the finest is being a page boy. I would hate to see us change that system.

Mrs. CHISHOLM. Mr. Chairman, I rise in opposition to the amendment.

I think it is wonderful to recognize that perhaps there is no finer experience for young men and hopefully, some day, young women to come to the Capitol of the United States of America and actually participate by being pages in this great body.

However, I think we must not overlook some of the human values and some of the real social factors we have to consider with respect to these young people.

These young people are unsupervised.

I had felt that perhaps I should not take the floor this evening, but because I do have some close contacts with some of the young men here in the Congress, and because they have spoken to me about many things concerning them, I thought, for what it might be worth, I would share with you the benefit of experiences shared with me.

Some of the gentlemen have indicated that for quite some time they have come here as pages; they have seen some of these fine young men who went on to college; and so forth. This is a different age in which we live. The young people are being exposed to many elements in our society today that were not present years ago and I feel that we as Members of Congress must share a tremendous responsibility when their parents send them here to become pages in this House.

I should like to see that we have a continuation of having young fellows 16 years of age or over serve, but at the same time we must assume the responsibility and know that we have the authorization and the money which is necessary to build a dormitory in order that these young men can have the supervision so very necessary and so vital to their general welfare.

It is one thing for us to come here and stand before the body and talk in most patriotic terms as to the glowing privileges and benefits of young men who come here and work, but it is another thing to be very responsible for the education and supervision of these young men who serve us here.

This is one reason why I feel, with respect to women pages, so far as I am personally concerned, although I should like to see young women come here and also have this opportunity, until we are able to do something as to the housing and supervision of pages it would be a most dangerous thing to bring young women here and expose them without supervision.

I am speaking on the basis of many things which some of the pages have discussed with me.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Michigan (Mr. DINGELL).

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 53, noes 33.

So the amendments were agreed to.

Mr. SISK. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. ALBERT) having assumed the chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 17654) to improve the operation of the legislative branch of the Federal Government, and for other purposes, had come to no resolution thereon.

LOWERING OF THE PRIME INTEREST RATE

(Mr. WIDNALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WIDNALL. Mr. Speaker, I should like to call to the attention of my colleagues a heartening development in the state of the Nation's economy—the lowering of the prime interest rate from 8 percent to 7½ percent by the First Pennsylvania Bank & Trust Co. on Monday. Although First Pennsylvania was the first major banking institution to take this step, I believe that it can be interpreted as a reassuring sign that the Nixon administration's efforts to halt the rampant inflation inherited from the previous administration are taking hold.

The prime interest rate, as I am sure you know, is the interest rate charged the most favored customers of a bank—those with the best credit ratings. Other borrowers must pay even higher rates, thus making the prime rate a highly important influence on and measure of the business and economic situation.

Actually, this was the second decrease in the prime rate this year. In March, the prime rate was reduced from a record high of 8½ percent to 8 percent by New York's large Irving Trust Co. At that time, many other banks were reluctant to follow suit, saying that Irving Trust had moved prematurely because the economic situation did not justify such a reduction at that time. Yet subsequent events bore out the correctness of Irving Trust's judgment in lowering the prime interest rate, and other banks slowly but surely followed its lead.

I am not surprised, therefore, that I hear similar comments today. At present, First Pennsylvania Banking & Trust is alone in its action, but I would not be surprised to see other banks follow its lead before long.

There are a number of other signs that inflation is ebbing. In the financial area, several smaller banks preceded First Pennsylvania in reducing their prime rates. State and local government bond rates have declined, in some States by as much as 1½ percentage points below peak May rates.

Other economic indicators are showing encouraging signs as well. Housing starts have increased significantly since January. The wholesale price index declined in August for the first time in 2 years; signaling a break in the rising cost of living spiral. The balance of trade is in a very healthy condition. Federal Reserve policies are moderately expansionist. And rising orders for durable goods dispel recessionary fears.

We all know that rising interest rates are a result rather than a cause of inflation. Inflation, in turn, is the end result of inadequate fiscal and monetary policies in the past—policies implemented, I might add, during the Democratic decade of the 1960's. These policies are still reflected today by the actions of the Democratic controlled Congress which must now bear the burden of responsibility for budgetary deficits stemming from overspending as well as tax measures which cut revenues.

But as inflation responds to the balancing of the Federal budget and the avoidance of deficits, interest rates will automatically decline. There is, simply, less competition for money to borrow and supply and demand works in the money market as it does elsewhere. Alone, the drop in the prime interest rate has limited but vital significance. Tied to the other generally hopeful signs we have seen in the past few weeks, it stands as a further indication that the Nixon approach to dealing with inflation is bearing fruit.

A SATURDAY REVIEW MAGAZINE ARTICLE PROVIDES A DISPASSIONATE ANALYSIS OF THE SUPERSONIC TRANSPORT

(Mr. WHALEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WHALEN. Mr. Speaker, the supersonic transport issue has raised a furor within the Congress and throughout the Nation that seems to escalate daily.

The voices of those opposed to the project appear to be louder than those who support the effort, at least at the present time. Many valid questions have been put forth in the dialog that has surrounded the aircraft. We are all familiar with the central points that have been aired.

However, the intensity of feeling against this program has generated no small amount of emotion in the process. Indeed, it seems to me, the emotion has begun to replace logic, hardly a plus in a consideration as serious at this one.

Thus, Mr. Speaker, I was pleasantly surprised to find an extensive, dispassionate analysis of the supersonic transport in the August 15 issue of the Saturday Review. The writer, Horace Sutton, has done an excellent job in putting the piece together. The magazine is to be commended for its timeliness in publishing the piece, particularly in view of the conclusion the writer reaches.

Mr. Speaker, I urge all Members of the House and also those in the other body to take the time to read carefully Mr. Sutton's article, titled "Is the SST Really Necessary?" which I insert herewith:

Is the SST Really Necessary?

(By Horace Sutton)

Few other means of transport, when first proposed, have created as much partisan fervor in the United States as the proposal to build a commercial airplane that can travel faster than the speed of sound.

Not since the first attempted introduction of the horseless carriage—which was to bring, with its conveniences, a major source of pollution and fatal accidents—has such a shrill cry of outrage swept the land.

It is a widely held opinion, and one widely trumpeted, that the noise of the supersonic airplane, or SST, is deafening; that the sonic boom is unbearable; that a fleet of supersonic planes, flying in the upper levels of the atmosphere at 60,000 feet, could change the climate. Testimony has been given the Congress by public persons, private citizens, and scientists in and out of government referring to ultraviolet radiation capable of stripping all life from the planet. Jet contrails, it has been suggested, could leave a permanent cloud cover, heating the earth, melting the polar icecaps, and flooding the continents. Less dramatically, there are those who are against it because the government is a partner in the project with the Boeing Company. Some consider government participation as a move toward socialism; others insist that the public money will never be recovered; still others, that the terms of the contract between Boeing and the government will never be met and the taxpayer will be paying for a highly sophisticated commercial airplane to be used by the privileged few. Prospective passengers aboard such aircraft, so some have warned, could suffer radiation exposure, or, in the event of a loss of pressure at the 60,000-foot level, suffer a boiling of blood and be rendered unconscious within a minute.

These pitfalls, dangers, annoyances, and disadvantages have been given wide public circulation by bands of outraged citizens, by conservation groups, by environmentalists, by academicians, by lawmakers, and by scientists of varying stripe. Full-page ads have appeared in the nation's newspapers. Mail campaigns have been organized in the schools. Quickie books have appeared. Hearings have been held in the Congress. Competing governments have allegedly essayed subtle intelligence techniques. Congressmen have waved smuggled "secret reports" in front of the press. As the summer matures, the fever has heightened. The bill to provide the funds to build a prototype of the American supersonic transport has already passed the House. This month it is expected to come before the Senate. On the other side of the ocean, a joint British-French supersonic plane called the Concorde, already built, is undergoing critical trials that may decide its future. The Soviet Union is eager to trade permission to fly the short route from Europe across Siberia to Asia for the purchase of its TU–144, an SST that it has already tested. In its waning weeks this is becoming the fateful summer of the SST, a plane which in its American version would carry 273 passengers in first and tourist class at a speed of 1,800 miles an hour.

A panel on the SST, organized by Dr. Lee DuBridge, President Nixon's science adviser, had as its chairman Dr. Richard Garwin, a forty-two-year-old IBM physicist and one of the most articulate and energetic opponents of the SST. The report submitted by the panel, while not made public, was widely held to be adverse, but the President elected to proceed with the SST program anyway. Dr. DuBridge, who had originally written a letter indicating his opposition to the SST, then wrote a second letter in which he reconsidered his opinion and came out in favor of the program. Congressman Henry Reuss, a vigorous opponent of the SST, sought to have the panel's report made public, but John Ehrlichman, the President's administrative assistant, invoked Presidential privilege. Dr. Garwin, although differing with DuBridge, who is chairman of the President's Science Advisory Board, remained on the committee, but aired his views through television to the editors of newspapers. "I'm not a full-time member of the administration," says Garwin, "and I feel myself in the same position as a lawyer who has many clients. The fact that he deals with one doesn't prevent him from dealing with another so long as he doesn't use the information he obtains from the first in dealing with the second. Since there are so few people familiar with these programs, it is important for me to give the Congress, as well as the administration, the benefit of my experience."

Noise

The most effective argument being used against the SST in this Year of the Environment, as it is being called, is noise. A popular term of reference that has been given wide display is that an American SST would, on the runway, sound like fifty subsonic jets taking off at the same time. This comparison, which was devised by Garwin, has been both supported and hotly contested by scientists and aeronautical engineers in and out of the SST program. It has become the touchstone of the great supersonic debate, a passionate dialogue that has inspired lay persons to learn the language of the scientists, and engineers to reduce their heady techniques to the sill of common understanding. One must first understand, for example, that noise is energy or pressure waves in the air, and a decibel, as a unit for measuring sound pressure level, was named for Alexander Graham Bell, and was established soon after 1900.

But it was reasoned, half a century later, that some kinds of noise can be more annoying than others. A fingernail running down a blackboard does not create many decibels, but it sends shivers down the backs of some people. Hi-fi sets, turned up loud, register many decibels, but young people find that sound enjoyable. In 1959, Dr. Karl Kryter of the Stanford Research Institute created a new measurement that included sound pressure level as well as frequency. A measure of both noise and annoyance, it is called Perceived Noise-level in decibels, or PNdB. Acoustic engineers realized that high tones or, more particularly, the high whines of certain aircraft engines, for example, persisting for longer or shorter periods, can alter the PNdB. Therefore, in 1966, a new measure, EPNdB or Effective Perceived Noise-level, was created by the Aircraft Exterior Noise Committee of the Society of Automotive Engineers. The Federal Aviation Agency, in order to denote the annoyance factor, has adopted EPNdB, and uses it to measure the noise of all subsonic airplanes.

Airplane noise is measured at three places: one mile from the threshold of the runway; about three-and-a-half miles from the start of the take-off run (for climb-out noise); and about 1,500 feet from the side of the runway. Experiments on the American SST engine, which is to be built by General Electric, indicate that the airplane is already within the FAA's acceptable noise limits when landing and on takeoff. Indeed, since an SST takes off at a higher and faster climb-out rate, it is more quiet than existing jets when flying over the community. On sideline noise—at the runway—it registers about 124 PNdB, whereas present jets register 108 PNdB. William Magruder, the forty-seven-year-old former test pilot who designed Lockheed's new jumbo, the L–1011, and who is in charge of the SST project for the Department of Transportation, concedes that the sideline noise of the SST is now three to four times as annoying as the noise produced by current jets. But there are still eight years to go in which to correct the sideline noise, he adds, before a production model of the American SST might appear.

"People like Garwin," says Magruder, "are creating technical mischief. He is playing on the difference between sound and annoyance." Garwin is quick with an answer. In his cluttered office on West 115th Street in New York City between Columbia University and the Hudson River, he told me, "When Magruder says I am in error in equating fifty subsonic jets taking off simultaneously with one SST, he is absolutely wrong. Whether disingenuous or ignorant is hard to tell, but I'm sure it's ignorant. All I want him to do is get the Department of Transportation to get one of their consultants, or Karl Kryter at Stanford Research Institute, who invented PNdB, to say I'm wrong, and I will be satisfied, but they don't."

Confronted with this challenge, the Department of Transportation, at *SR's* request, convened a panel of consultants. They included Dr. John Powers, director of the Office of Noise Abatement, Federal Aviation Administration; Harvey Hubbard, director, Acoustics Branch, NASA, Langley Research Center, Virginia; Charles Foster, director, Office of Noise Abatement, Office of the Secretary, Department of Transportation; Newton Lieurance, director of Aviation Affairs, Environmental Sciences Services Administration, Department of Commerce; and George Chatham, aeronautics and space specialist, Legislative Reference Service, Library of Congress, who was formerly with NASA's Office of Advanced Research Technology.

Referring to Dr. Garwin's widely quoted statement that one SST sounds like fifty subsonic jets at take-off, the panel members concerned with sound had the following comments:

Dr. Powers: "Technically, it is an accurate statement. It is a logarithmic ratio, but obvi-

ously you can't put fifty aircraft together, because the sound sources would cancel. The thing that is important is the manner in which the airport neighbor perceives the noise."

Mr. Chatham: "The statement from a technical point of view is correct. I've had to explain that statement many times, but it is a propaganda-type statement because it has a direct interpretation in terms of annoyance or perceived level. While it is technically correct, and the Bureau of Standards will say that it is correct, it is very misleading. It sounds as though an SST is fifty times as loud. That is the interpretation that everyone gives that statement. But it doesn't mean that at all. It appears as if you'll hear something with fifty times the loudness and you don't."

Mr. Hubbard: "Say you had a four-engine airplane and you were running just one engine. There is a certain loudness associated with that one engine. Then you turn on the second engine. With two engines running it isn't twice as loud on any scale. If you turn on all four engines, it isn't four times as loud. Four engines make four times as much acoustic power, but the sound is not four times as loud to a person."

Mr. Chatham: "If you had an airplane with ten engines and you were to overfly with one engine going and hear that noise, and then overfly again with all ten engines going, the effect you would receive would be double."

Pursuing Garwin's suggestion further, *SR* reached Dr. Karl Kryter, director of the Sensory Sciences Research Center at Stanford Research Institute. Dr. Kryter cautions that decibel measurements are preferred by engineers, but the "annoyance scale in your head doesn't go up as the physical noise increases in the air." Both Garwin and Magruder, as they state in their respective cases, are correct, according to Kryter. However, he says, "I don't think Garwin needs to use this example of one to fifty, because it overstates the case. While Garwin is absolutely correct, I think he is overkilling by using a technical fact that would mislead some people. On the other hand, I think a three hundred to four hundred per cent increase in noisiness to something that is already intolerable to some people is beyond acceptable limits."

As an experiment, Kryter says, a person might put his hand on a counter and put a one-ounce weight on it. By adding another ounce does he feel twice the amount of pressure? If four more ounces are added, does it feel like six times as much pressure? Kryter thinks not. The same is true in noise. As you increase the noise level measured in EPNdB, the subjective scale grows in such a way that every time ten EPNdB is added, it seems twice as bad as before.

THE BOOM

Quite apart from the noise created by the engines of the SST is the presence of the much-discussed sonic boom. Although some persons in the arena of the debate, among them Secretary of Transportation John Volpe and former FAA director Lt. Gen. Elwood Quesada (a vigorous opponent of SST), are confident the boom will ultimately be licked, the boom, or *le bang sonique* as the French call it, is there and it won't go away. The FAA established a rule this year forbidding SSTs to fly over land, thus the British-French Concorde, the Soviet TU–144, and the American SST, if it is eventually put in production, will, as far as the United States is concerned, be over-ocean planes only.

The opponents of the SST would like to see the FAA rule become a law. Should the SST not find a market in transoceanic flight, economic pressures might force the government to relax its rule, they argue. As Representative Sidney Yates (Democrat-Ill.) has said tartly, "Someday they'll say that the sonic boom is the voice of progress."

An elaborate system of world routes for planes flying at supersonic speeds has been planned, all of it over water. The New York-to-Paris flight profile, for example, calls for a southern track with supersonic speeds commencing twenty-five minutes out, or well after the plane has departed the southern tip of Long Island. The southern track would keep it below Newfoundland. The most intense part of the boom, known as the superboom, occurs just after transonic acceleration. The boom creates a carpet fifty miles wide, decreases as it spreads to the sides, and changes with the atmosphere.

The effect on sea birds is undetermined, but movies made of minks experimentally boomed in cages show a mother sniffing for danger and finding none, returning to her chore, washing her offspring. It is argued that the effect to passengers and crew on passenger liners and modern freighters and tankers will be minimal because ships are air conditioned and built to withstand heavy storms. The boom noise is expected to be attenuated by ocean waves and sounds of the ship itself. Those on sailboats and sports fishermen will not fare as well. Harvey Hubbard, director of NASA's acoustic branch, says, "There may be some cases where the noise will not be as sharp as a boom, but there will always be some disturbance there. In twenty thousand measurements, never once have we failed to get a signal. Our aerodynamics people feel it is pretty much the same as a boat going through water. It's pretty hard to eliminate the wake." While the sonic booms created by the SST flying at 60,000 feet should not be equated with military supersonics breaking windows while practicing evading techniques at low levels, about all science can do is to try to change the shape of the sound wave. These attempts are being called, in the elaborate argot of science, a "finite rise time pressure signature."

POLLUTION

Testifying before Senator William Proxmire's Joint Economic Committee studying the efficiency of the government, Russell Train, chairman of the Council on Environmental Quality, expressed doubt that a lowering of noise level can be made without cutting down the payload. Though building new airports would require enormous investment, some new airports will have to be built with or without an SST, and Dr. Train has acknowledged that "adequate land planning in such cases could minimize the effects of sideline noise."

While reaffirming the necessity of controlling the noise environment at the nation's airports, Train seemed more concerned with the problems that the airplane may create in the upper atmosphere. Accompanied by Dr. Gordon MacDonald, a member of the council, Train said, "The supersonic transport will fly at an altitude of between sixty thousand and seventy thousand feet. It will place into this part of the atmosphere large quantities of water, carbon dioxide, nitrogen oxides, and particulate matter. . . . A fleet of five hundred American SSTs and Concordes flying in this region of the atmosphere could, over a period of years, increase the water content by as much as fifty to one hundred percent. This could be very significant, because observations indicate that the water vapor content of the stratosphere has already increased about fifty per cent over the last five years, due presumably to natural processes. There is a possibility, which should be researched, that subsonic jets have been contributing to this increase."

Train has indicated that the water in the atmosphere might warm the average surface temperature by two-tenths to three-tenths of a degree Fahrenheit. The water vapor could destroy "some fraction" of the ozone, exposing the Earth to ultraviolet radiation. Train called his evaluations "speculative," making the further point that the development of a prototype does not in itself have environmental consequences. Ultimately, Train, a lawyer, stepped aside in favor of Dr. MacDonald, a scientist who told the committee that the area in which supersonics plan to fly is ordinarily a dry part of the atmosphere, containing about two parts per million of water vapor. In the last four or five years, for reasons yet unfathomed by scientists, it has increased to three parts per million. Water vapor stays in the atmosphere for eighteen months, affecting the amount of heat that reaches the lower atmosphere. "If the concentration is increased sufficiently," MacDonald testified, "it could form high, thin layers of cloud that could persist for a long time and potentially could have a very large effect on climate."

MacDonald described the sun's radiation, and told about ultraviolet or hard radiation, which destroys cells. Ultraviolet radiation causes sunburn—"the fraction that does reach the surface"—and the ozone acts as a shield. As ozone is decreased in the upper atmosphere, "we *might* have *some* effect at ground level." If the ozone were to be stripped from the atmosphere, MacDonald said, and the surface of the Earth exposed to the full force of solar radiation, "it would wipe out all life except in the oceans." Twice in his testimony MacDonald stopped to say, "But I must emphasize we are just beginning to understand these consequences. It is a very iffy subject," and later, "It would be my judgment as one who has worked in the field that the effects probably would be minor." But, he added, he would not want to take the risk of tinkering with the upper air without more information.

It has been claimed, in a so-called domino theory of the upper air, that the change of a few tenths of a degree could set off a chain reaction that might produce an ice age, or conversely, as others say, start a warming trend that would melt the polar icecaps. Yet, the National Center for Atmospheric Research records significant temperature declines because of volcanic activity in 1816, 1837, 1884, and 1912. "The year without a summer," was the term for 1816, but as the chemicals and the water were cleansed from the air in a natural cycle, the earth found its mean temperature again.

William Magruder, who has recently announced a $27.6-million research program for the SST, questions the effects that the aircraft may have on the stratospheric pollution or weather change. He has said, "There is no evidence of any kind to verify that the temperature of the atmosphere will rise because of the water vapor in it. It's true that it's increasing, and we should know more about why it is increasing. We do have large research and development programs looking into it and not just because of the SST. There is just as much evidence to say it's good as it's bad, but if you've made up your mind to shoot at the SST, you can turn all your ifs against it. You can say *if* the water vapor were to get too high and destroyed the ozone, *all* of it, then the ultraviolet rays would descend on Earth and strip it of all life. Now, the total amount of ozone that is going to be destroyed is about five or six per cent."

Many scientists agree that the amount of water placed in the atmosphere by a fleet of 400 SSTs in a day is the same amount injected into the upper atmosphere by one thunderstorm. There are about 3,000 to 6,000 thunderstorms exploding around the Earth every day.

"At one time," Magruder said, "the opponents in the scientific community wrote me a little paper that said the upper atmosphere went up nine degrees. From 1940 to 1955, it went down one degree. With the water being put out by the SST fleet in the atmosphere it *could* change the temperature one to three-tenths of a degree. However, if it changed it five degrees, it would melt the

polar icecap. We went to them and said, 'From 1880 to 1940 when it went up nine degrees, no ice melted.' Back in 1883 when Krakatoa blew up and put a cubic *mile* of sea water way into the upper atmosphere, the explosion was heard three thousand miles away, and for one whole year the world had green sunsets. And nothing happened. The world temperature didn't change. The icecaps didn't melt. Isn't what's going on with natural evolution and what man is doing up there with a couple of airplanes pathetically tiny?

"We all agree we'd better do some research. But Garwin, who is predisposed one way and who has outlets through Reuss, Yates and Proxmire, takes liberties with ifs and coulds and changes them to will and shall. There is nothing wrong with raising questions, but I very much disapprove of this approach people have that the end justifies the means. If I want the SST killed, it's okay for me to say it's going to melt the polar icecap, it's okay for me to play the sound game and make the housewife think it's fifty times as annoying while forgetting to say that out over the community it is half as annoying and it meets the best standards the FAA has set up to date. Only there on the runway do we have a problem, and we have eight years to work on it." Such attacks are very effective.

So, too, is the release of so-called secret reports attributed to the government in alleged collusion with the Boeing Company. Sometime this spring Congressman Henry Reuss received a page and a half of notes about the SST from an informant that were said to have been extracted from secret Boeing memos. "The uncertainties seem to surround nitrogen oxide enhancement and ozone deficiency in the stratosphere," said the report, a copy of which has come into the hands of SR. "You better check with some chemists or atmospheric scientists to see what effect this has on the environment. I think a stronger and possibly more politically powerful environmental argument can be made on jet engine noise level, particularly around the airports," the informant's note said.

A letter requesting a copy of the so-called Boeing report on which the informant's notes were based was sent by Reuss to Secretary of Transportation Volpe. The Secretary forwarded it immediately to Magruder, who had it by 5:30 Friday afternoon, June 5. Magruder ran a search of his organization, called Boeing in Seattle, and asked them to do the same. At 6:30 he called Reuss, who was on the floor and unreachable. Magruder left a message with his administrative assistant, James Verdier, offering to open his files and give the Congressman access to any material he had. Reuss's office declined the invitation.

Over the weekend Magruder did turn up a Boeing scientist who had been working in a laboratory environment employing a computer synthesis model. Using a hypothetical fleet of 500 SST's, he fed equations into the computer to determine the effects on the upper air. In the experiment, the answer came out showing that moisture could cause a temperature change of ten degrees. When the report was examined, it was found that the computer programming was off by an order of magnitude. What should have been a tenth of a degree was shown as ten degrees, and the direction was wrong.

Magruder then called Reuss's office back to say he had found an interoffice memo in the Boeing scientific research laboratory. He asked for a copy of the notes given to Reuss in order to correct the error. Verdier refused on the grounds that Reuss's notes were secret. Magruder told Verdier, "If some evidence comes up that we ought to stop the SST, my voice is to be the first one that says so, and everyboody in the administration will back me up. So I don't understand how you can have documents that are secret from me."

At 6 o'clock Sunday night, June 7, Reuss's office released a report to the press. The headline read: SECRET BOEING STUDY PREDICTS SST WILL INCREASE POLLUTANTS IN STRATOSPHERE. The text of the report implied that Boeing had discovered that water vapor in the upper atmosphere will be doubled and the protective ozone layer thinned by 10 to 30 percent in areas where the SST's travel; alongside these projections it juxtaposed Dr. Gordon MacDonald's claim that "if all ozone were stripped from the atmosphere, this would effectively wipe out all life." Oddly, in the press release, as in the report sent to Reuss by his informant the temperature was going the wrong way to produce the effect that was claimed.

THE ECONOMICS

Beyond all the threats to environment are the further twin detergents of national priorities and economic doubt. Should the monies that the government is investing in the SST program (and that, according to its contract with Boeing, it hopes to redeem as planes are sold to airlines) be put in medicine, education, and environmental control? Richard Ottinger, the New York Representative who is running for the U.S. Senate, has called the "funding bill for fiscal 1970 a gross distortion of our national priorities." Representative Reuss thinks Boeing ought to be making a mass transit vehicle and GE a pollution-free engine for it instead of making the SST, which he has called "an environment-despoiling superplane for the jet set."

"Instead of building pyramids, they ought to be doing something that benefits large numbers of people," Reuss says. "Putting $290-million into the SST and one-third of that into fighting air pollution—that's not a good allocation of priorities. This administration is unusually ga-ga about subsidizing business and banking, but it's very niggardly about appropriating funds for education, which it vetoes, or hospitals, which it vetoes, or the environment, which it underfunds. I think this is part of the administration syndrome of siphoning off as much as possible of the taxpayers' money and shoveling it out to their pals in the banks or large defense plants. I think it would be good elementary morality to stop all these Teapot Domes that have been going on for the last five or six years. The SST doesn't have real scientific or human aspirations to it. It is wicked and obscene to defend as job-creating anything under the sun. It's undignified to ask human beings to work at something that is useless. Even the Treasury Department itself—until it got suppressed—said there would be a negative balance of payments from the SST. That is, more Americans would be encouraged to go to Europe, and that would take the advantage out of what we got for selling the plane to foreign airlines."

Far from being muzzled, the Treasury Department in a letter from Paul Volcher, Undersecretary for Monetary Affairs, to Senator William Proxmire, stated on May 1:

"On the balance of payments aspects of this question [the SST], we have no reason to alter our view that the potentially adverse impact on our travel account from the development of a U.S. SST could equal or outweigh the positive impact on the aircraft sales account. . . . If one were fairly sure that a foreign SST would become a viable commercial proposition within the foreseeable future, then the balance of payments arguments against proceeding with a U.S. SST would lose force."

Four days later Rocco Siciliano, the Undersecretary of the Department of Commerce, wrote to Proxmire:

"We continue to believe that only the effect of sales of aircraft and equipment can be taken into account in any meaningful way in evaluating the impact of the U.S. SST program on the balance of payments."

Siciliano noted that the travel deficit has long endured and that the era of the wide-bodied airplanes (747s, L–10–11s, DC–10s) as well as the introduction of the Concorde in 1973 would already have increased international travel growth by the time an American SST would appear. But more international travel, he argued, increased the need for additional travel within foreign countries, thus requiring more short-range aircraft "predominantly of American manufacture." Most importantly, perhaps, Siciliano noted that further delay in a U.S. commitment to the SST would encourage substantial orders for the Concorde and "provide greater incentive to develop a second-generation Concorde, which would be more competitive with the U.S. SST."

There is reason to believe that during the Congressional hearings on the funding for the U.S. SST some efforts were made to leave an impression with the American side—deliberately erroneous—that the Concorde was in trouble. By use of this propaganda ploy, it was hoped to gain for the Concorde even more lead time over the U.S. entry.

Information available to the State Department by the end of the first week of May indicates the Concorde is proceeding so well that the construction of twelve aircraft has been ordered, including six production models, two prototypes, two preproduction models, one model for static testing, and one for thermal testing.

The Concorde has still to test—as it will this summer—its performances at Mach 2, or roughly 1,400 miles an hour, for payload, fuel, maintenance, and, of course, noise and boom, especially to meet restraints that might be placed on it in the United States or other foreign countries. Asked in Congressional hearings at Washington whether the United States and Britain couldn't jointly ban supersonic aircraft on the basis of noise alone, Mary Goldring of the London *Economist* thought not. "Britain is not a very noise-sensitive country," she said. "And we would not have a great deal of sympathy with what we thought was a deliberate American move to try and keep the Concorde out." Nor could she see at the present stage how Britain and France "could gracefully fade out." She expressed doubts whether the United States can offer a "spectacularly better supersonic aircraft than we can, in which case our reaction will be that we are simply giving away the market to big bad Boeing again."

There seems little chance of that. The State Department information further states that consideration is being given to a second-generation Concorde, which would compete in size with the American plane. It would cost half a billion, a financial consideration that might force an invitation to Germany to join a consortium to build Concorde II

"The trouble with our opponents," says Senator Henry Jackson, who with his fellow Washingtonian Senator Magnuson, is leading the floor fight for the SST in the Senate, "is that they only talk about an American SST which is not even yet flying. Let us address ourselves to an international SST. It is a fact of life that the SST is here. The question is whether America is going to participate in this technology."

While Senator Jackson is faulted because he represents the state of Washington, home of the Boeing Company, he is one of the leading environmentalists in the Congress, having been chairman of the Interior Committee of the Senate since 1963. He worked for four years on the National Environmental Policy Act, which passed the Senate a year ago and was signed by President Nixon on January 1 of this year.

Under the act, there is specific authority delegated to the President to enter into negotiations with other countries to deal with environmental problems that transcend national barriers. "I have strongly urged the White House to act under the authority of my bill to bring together the British and

the French and the Russians so we can undertake an honest analysis of this problem," Jackson says.

"The whole fight over environment in the Seventies, forgetting for a moment the SST, will revolve around this question of trying to provide a balance in our society between our social and economic goals and objectives and quality life, a good environment." As one who has labored for environment since the early Sixties, the Senator decries what he calls "these people who discovered the environment a few months ago, these instant environmentalists." They worry about the poor among us, he says, while forgetting that to aid the poor we have to allow for economic growth.

"Any economic growth has an impact on the environment," says Jackson. "The question is how much of an impact and what can you do to lessen the impact. You can't talk about twenty-six million new homes by 1978, which is a minimal goal, without talking about how many trees you are going to cut. This, too, has an impact on the environment. People in the Congress, in the White House, and in the State Houses will be trying to reconcile this conflict between proper social and economic goals and a good environment. It is simple to say we'll just shut down this operation and we'll solve it. It's much more difficult to be given the charter to go ahead and say we want to fulfill the proper national goals—and do it under a mandate that it provide for quality life at the same time."

Echoing Jackson's Senatorial statement is Paul Charrington, James J. Hill Professor of Transportation at Harvard Business School, who has been observing the SST since 1958. "Clearly," says Charrington, "this is a research and development project at this juncture. The two regimes that offer real promise are supersonics and some kind of V-STOL (vertical short takeoff and landing, i.e., helicopters). We have probably put more in V-STOL in dribs and drabs than we have put into the SST. If we abandon the project and gave the market to the Concorde and the Russians, we would damage our balance of payments by somewhere in the range of twenty-five to forty-five billion dollars over a fifteen-year period, so this would put us further under water than we are now. The fact that we go forward is no guarantee we are going to bring this home, but we surer than hell aren't going to bring it home if we haven't got an airplane. If there were an assurance that the dough would be returned, then I would not be in favor of the government's being in it, because then it would be merely a bankroll proposition; just find a friendly banker—big as the number is—to put up the dough. So, I look at it as an R-and-D project, and maybe the first of a series of advanced technology projects where there are a lot of chips and the government goes so far and then gets out."

While the Concorde might very well prove to be potent competition, there are those in aviation circles who say the Russians have never built a plane that makes any sense in a Western free enterprise market. Secor Browne, head of the Civil Aeronautics Board, who taught air transportation at MIT and who negotiated the delicate Soviet and American agreements that established regular flights between New York and Moscow, thinks the Russians are capable of developing a machine that could be sold on the world market. They could also hold out the bonus of a favorable route across the vast expanse of the Soviet Union. "If you are Japan Air Lines and you are offered a Concorde and a TU–144 and if the Russians can sweeten the arrangement by awarding favorable routes, what are you going to do? Then Mr. Halaby (president of Pan American) looks out the window while a TU–144 streaks past his 747, and he doesn't have much choice either."

Browne finds the Russians highly pragmatic, possessed of an infinite power to allocate men and resources. Skill is the one element they know is in short supply. "To the Russians, the SST is primarily an internal machine. It's a long, crummy ride from Moscow to Vladivostok or Novosibirsk, and if you can get your skilled people there in a half or a third of the time, you get more out of them. To move people who have the skills faster and get more productivity out of them—that's why they are interested."

The capability of moving skilled people around the world faster is a far different theory than calling the SST a fast plane for the jet set. Instead of seven hours to Europe it will fly in two-and-a-half, instead of fourteen hours to Asia, it will be five. These are the advantages to man. The continuity of an aircraft industry that provided $30-billion to the economy is among the advantages to the nation. Somehow along the way, the building of an SST became, in the minds of its detractors, a product of the military-industrial complex, the bogeyman of the Seventies. As Senator Jackson has said, "If the Ford Foundation were building this plane, I don't think there would be this opposition." Nor, had it surfaced in some other season, would the possible environmental dangers have provided such a fat target. Those who ask now whether we need the SST might well have asked similar questions at the onset of the steam-powered locomotive, of the electric trolley car, of the horseless carriage, and of the airplane itself. No nation that has placed a man on the moon needs to worry about national pride, and surely the American SST must not be built for reasons of national honor. But national economics is a vital issue, and employment is a vital issue, especially if we are to improve the lot of twenty-six million citizens who exist below the poverty level. If we are capable of producing a functional technology that will not despoil the planet, then the SST should be considered with favor.

It might be well to recall the Red Flag Act, a piece of British legislation passed in 1865 that required all steam carriages to carry a crew of three, one of whom was to walk not less than sixty yards in front of the vehicle and carry a red flag. The act, which diminished speeds of steampowered cars to two miles an hour in cities and four miles an hour in the country, was not repealed for thirty years. By that time, road travel had been effectively muffled in Britain.

Given today's concern for the environment and the authority which the President holds in the National Environment Policy Act, the time to seek international and reciprocal research and development is now. Whether we build one or not, the age of supersonic transport has arrived. Discovering its environmental offenses and working cooperatively with other governments to correct and control them will protect us from these environmental indignities similarly inflicted by the automobile, which are only now becoming apparent. Stifling the SST with a Red Flag Act of 1970 is not going to make supersonic travel go away.

INTERNATIONAL SUPERSONIC LINEUP

	U.S. SST	Concorde	TU–144
Maximum takeoff weight (pounds)	750,000	385,000	330,000
Length (feet)	298	193	188.5
Wing span (feet)	143	84	72
Height (feet)	52	38	34.5
Cruise speed:			
Mach number	2.7	2.05	2.35
Miles per hour	1,786	1,350	1,550
Passengers	298	128	120

AMENDMENT TO S. 30, ORGANIZED CRIME CONTROL ACT OF 1969

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ROTH. Mr. Speaker, today I am introducing an amendment to S. 30, the Organized Crime Control Act of 1969. This amendment will establish a commission to review the effect of laws recently enacted as a means of combating crime and practices of the executive branch and their impact on the individual rights of the people of the United States. It is to be known as the National Commission on Individual Rights.

It will be the duty of this Commission to determine: First, whether in fact these measures are effective in their fight against crime; second, whether these tools when used result in an infringement of individual rights; and third, to recommend changes, if any, which should be made in light of its findings. Specifically, the measures to which I refer are the laws and practices relating to the control of organized crime, wiretapping and preventive detention, no-knock search warrants, and the accumulation of data on individuals by Federal agencies as authorized by law or acquired by Executive action. While new tools are necessary in the fight against crime, it should also be made certain that they are not individually or collectively used in such a manner as to unnecessarily result in an infringement upon our basic freedoms. It is for that reason that I have authored this amendment.

I do not view this Commission as just another commission, but rather, one that will in some way affect every man, woman, and child in the country. I feel that such a commission is necessary to take an overview of the recent legislation we have enacted to arm our law-enforcement agencies with new tools to fight th eincreasingly sophisticated criminal elements of our society. To review each piece of legislation individually we would miss the impact that an overall study would provide. In taking an overview of the area, the Commission will be able to study the interrelation of these laws to determine how each affects the use of the other and whether there is a resulting violation of rights.

Not only will this Commission aid the Congress in reviewing the effect of the legislation which it has provided for the control of crime, but it is important for two other reasons.

This Commission will be of immense aid to the courts who will have to rule on the validity of these laws and the practices which the police will establish in their use. The Commission will provide a body of trained experts neutral in their approach to the problem and able to point out to our judicial officers what effect their rulings will have in the broad spectrum on other laws and practices as they affect the individual rights of the people. I do not believe that such matters should be within the province of the courts as the factfinders, since the facts that are brought out in one case cannot be broad enough to adequately review the interrelation and effect of such diverse laws.

Second, the Commission will be important in bringing to light intrusions upon our individual rights which al-

though protected by the Constitution have been violated seemingly without our knowledge, but violated all the same. For example, how many of us in public life were amazed to learn that the Department of the Army, on its own initiative, has been collecting and data banking personal information about civilians who are active in politics or who belong to organizations which are or might be active. Although such data banks have supposedly been destroyed, how could such information have been anything but an intrusion upon the personal lives of certain individuals.

Yet, as Senator ERVIN has pointed out, little is known about Government data gathering and its effect on constitutional rights. Further, there have been no congressional guidelines determined by Congress on how the executive may keep records and statistics on individuals. Congress, and not the executive branch, should establish basic policies on these matters.

I believe that the answer to this area is first to find out what types of information is being stored, then to determine the relative necessity of its being maintained and the way it could be used to subvert the individual. At that point, I believe definite guidelines could be determined. It is my belief that the Commission on Individual Rights is the proper vehicle to make this inquiry and to furnish recommended guidelines. Since the Commission is taking an overall approach to the subject, it cannot only report to the Congress the context in which such data keeping is obtained, but also how it is used in relation to the other laws we have enacted.

Finally, I note that section 804 of the Omnibus Crime Control and Safe Streets Act of 1968, Public Law 90–351, established a National Commission on Wiretapping and Electronic Surveillance. In order to avoid a multiplicity of such commissions, I propose that that Commission be repealed since the Commission I now propose would be serving the same function, but in a broader area. Further, I propose that the Commission on Individual Rights begin in office as of January 1, 1972, rather than wait until 1974 as is contemplated for the Commission on Wiretapping, and it should terminate 6 years later.

Under unanimous consent I include my amendment, as follows:

AMENDMENT OFFERED BY MR. ROTH TO S. 30

(Page 75, after line 9, insert the following)

TITLE XI—NATIONAL COMMISSION ON INDIVIDUAL RIGHTS

SEC. 1101. There is hereby established the National Commission on Individual Rights (hereinafter in this title referred to as the "Commission").

SEC. 1102. The Commission shall be composed of fifteen members appointed as follows:

(1) Four appointed by the President of the Senate from Members of the Senate;

(2) Four appointed by the Speaker of the House of Representatives from Members of the House of Representatives; and

(3) Seven appointed by the President of the United States from all segments of life in the United States, including lawyers, teachers, artists, businessmen, newspapermen, jurists, policemen, and community leaders, none of whom shall be officers of the executive branch of the Government.

SEC. 1103. The President of the United States shall designate a Chairman from among the members of the Commission. Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made.

SEC. 1104. It shall be the duty of the Commission to conduct a comprehensive study and review of Federal laws and practices relating to special grand juries authorized under chapter 216 of title 18, United States Code, dangerous special offender sentencing under section 3575 of title 18, United States Code, wiretapping and electronic surveillance, bail reform and preventive detention, no-knock search warrants, and the accumulation of data on individuals by Federal agencies as authorized by law or acquired by executive action. The Commission may also consider other Federal laws and practices which in its opinion may infringe upon the individual rights of the people of the United States. The Commission shall determine which laws and practices are needed, which are effective, and whether they infringe upon the individual rights of the people of the United States.

SEC. 1105. (a) Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power to—

(1) appoint and fix the compensation of an Executive Director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title; and

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals.

(b) In making appointments pursuant to subsection (a) of this section, the Chairman shall include among his appointment individuals determined by the Chairman to be competent social scientists, lawyers, and law enforcement officers.

SEC. 1106. (a) A member of the Commission who is a Member of Congress shall serve without additional compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of duties vested in the Commission.

(b) A member of the Commission from private life shall receive $100 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties.

SEC. 1107. Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman, such statistical data, reports, and other information as the Commission deems necessary to carry out its functions under this title. The Chairman is further authorized to call upon the departments, agencies, and other offices of the several States to furnish such statistical data, reports, and other information as the Commission deems necessary to carry out its functions under this title.

SEC. 1108. The Commission shall make interim reports and recommendations as it deems advisable, but at least every two years, and it shall make a final report of its findings and recommendations to the President of the United States and to the Congress at the end of six years following the effective date of this section. Sixty days after the submission of the final report, the Commission shall cease to exist.

SEC. 1109. (a) Except as provided in subsection (b) of this section, any member of the Commission is exempted, with respect to his appointment, from the operation of sections 203, 205, 207, and 209 of title 18, United States Code.

(b) The exemption granted by subsection (a) of this section shall not extend—

(1) to the receipt of payment of salary in connection with the appointee's Government service from any source other than the private employer of the appointee at the time of his appointment, or

(2) during the period of such appointment, to the prosecution, by any person so appointed, of any claim against the Government involving any matter with which such person, during such period, is or was directly connected by reason of such appointment.

SEC. 1110. The foregoing provisions of this title shall take effect on January 1, 1972.

SEC. 1111. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

SEC. 1112. Section 804 of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90–351; 18 U.S.C. 2510 Note) is repealed.

Redesignate title XI as title XII, and redesignate section 1101 as section 1201.

ARABS, UNITED STATES PEACE GROUPS SHARE A COMMON BURDEN: VIOLENCE-PRONE ALLIES

(Mr. ERLENBORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ERLENBORN. Mr. Speaker, the Arab States would like to have Israel dry up and blow away; and three of them, Syria, Jordan, and the United Arab Republic, fought a 6-day war in 1967. The intent then was to hasten the drying up process, but the result was quite opposite.

In recent days, the Arabs have been greatly embarrassed by the Palestinian guerillas whose aerial piracy has left the whole Arab cause looking bad in the eyes of the world. Jordan has been the most embarrassed, for the guerillas landed the aircraft on Jordanian soil, and dared the Jordanian Army to do something about it.

Heads of all the Arab States have publicly criticized the guerrillas, and that is commendable; but the world may be excused for asking, "What took you so long?"

Suppose you have a neighbor you do not like. And suppose you find a small poisonous snake. There is little wisdom in petting, feeding, and sheltering the snake in the hope it will obey your instructions to bite the people next door. With such treatment, the snake is likely to grow bigger and deadlier. Eventually, it will be too big to control.

This has happened between the Arabs and the Palestinian guerrillas. The Palestinians claim to have been dispossessed of their homeland by the Jews, and they have been feeling sorry for themselves for a quarter century. The Arabs do not like the Jews very well, either; so they took the Palestinians in. Now, they have a sizable guerrilla force, have become almost independent of the Governments of Jordan, Syria, and Lebanon, and now have embarrassed them mightily.

There has been a parallel development in the United States.

Opponents of the war in Vietnam—not all of them but some—have condoned or ignored violations of the law by so-called activists who also oppose the war. There has been a disposition to look the other way when buildings were occupied, draft offices ransacked, records were burned.

When minor lawlessness was condoned by people who should know better, some radicals have progressed to bombing and arson. Those who accepted the law violations and the minor violence as legitimate attempts to change our country's course now profess to be appalled by this latter, more virulent fury.

Their condemnations are, in most cases, sincere, but I wonder why they are so tardy. Why has it taken so long?

In a society such as ours, one may not choose the laws he will obey. The sooner everybody realizes this, the better it will be for all of us, including those who insist upon the need for change.

The Palestinian guerrillas could not have gotten strong enough to embarrass their hosts if they had not been encouraged by their hosts. The college "crazies" could not have gotten strong enough to close Columbia University and to threaten the existence of the University of Wisconsin except for the connivance of moderate students—and faculty members and laymen.

INSURANCE SITUATION HAS BECOME CHAOTIC

(Mr. MOORHEAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MOORHEAD. Mr. Speaker, the insurance situation in this country is chaotic. By this I mean what traditionally has been a rather simple acquisition, purchasing insurance for your home, automobile, or business, has suddenly become an expensive, involved, and many times fruitless endeavor.

This situation prevails not only in the volatile auto insurance area but in the homeowner's and commercial property area as well. And crime insurance just cannot be purchased unless the likelihood of a crime occurring in the neighborhood where you seek crime coverage is next to impossible. And those neighborhoods rapidly are ceasing to exist.

Insurance companies are reacting to the squeeze by raising rates, insisting on very high deductibles, and in many cases just refusing to write insurance for classes of people, properties, and neighborhoods.

My Banking and Currency Committee began its executive session on the 1970 Housing Act which contains an innovative proposal, which I support, to have the Government offer property and crime insurance where it is not available or available only at exorbitant rates.

This approach may seem radical to some but in regards to the current mess in the insurance industry, it is warranted and possibly overdue.

Today, I plan to introduce another set of unique and far-reaching insurance proposals, this time aimed at the problems consumers encounter trying to secure, maintain, and receive the benefits of automobile insurance coverage.

Included in this number is the much discussed no-fault provision, which would discount whose fault an accident was and have the individual's insurance company pick up his losses. This would, at one and the same time, be a more equitable way of compensation and free our clogged court system from hundreds of minor damage suits.

These three bills represent an effort to reform the archaic insurance system which has failed to keep pace with this Nation's insurance needs, but in failing the public has succeeded in reaping millions of dollars in profits for the industry itself.

As a recent article in the Pittsburgh Post-Gazette pointed out:

> In some families, auto insurance alone—not to mention what the car costs itself—is a $1,600-a-year payout.

Tne article goes on to state that what is helping push up costs is the number of traffic accidents and the size of medical and auto body damage claims stemming from the accidents.

As Senator HART so accurately put it:

> The social benefit we seek from insurance today is not protection from the other fellow's losses, but compensation for our own. The present auto liability insurance-fault system is not giving us that.

The person with automobile insurance today, if he can get it at prices he can afford, seldom gets totally compensated for the full extent of his losses, including personal physical damage, loss of his earning power, and whatever property damage is incurred also.

These three bills will lower the cost of insurance and increase the compensation to those victims of accidents and they represent a genuine step toward reforming the insurance delivery and payment system.

REDUCTION IN CRIME RATE NOTED

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BROWN of Ohio. Mr. Speaker, I note that my colleagues on the other side of the aisle are desperately attempting to "unload" their record of failure on the crime issue by delving into extensive statistical lore.

I can simplify the record for them. During the last year of the Johnson administration, crime went up 17 percent. Last year, it went up 12 percent—a 5-percent reduction in the rate of increase. This reduction was accomplished under the same laws the Democrats had to work with when they were in office—and a lot of them are not so hot.

Some of these laws should have been changed or strengthened years ago. Others are not really such bad legislation, but judges appointed to the courts by Democratic administrations in the past have bent them all out of shape with undesirable interpretations.

That is why the Republican administration of President Nixon has been trying to get some new laws passed to control crime in this country. The thing many people do not understand is why it is so difficult to get these crime control proposals through a Democratic Congress.

It is time for the Members of the opposite party, to use an old colloquialism, to "put up or shut up" on the issue of crime. There are 12 major anticrime bills before Congress. Law-enforcement officers need legal tools to work with—and they are not getting them from the party that suddenly has become concerned about crime.

The statistics are simple. Crime rose more than 100 percent between 1960 and 1969, when the opposition party had complete control of the machinery of Government—White House, the Congress, and the power to appoint and confirm Federal judges. They even had a wiretapping law, which has been used with devastating effect by Attorney General John Mitchell, but which was spurned by his predecessor.

The record of the Democratic Party on crime is clearly one of inaction. And they are continuing this sorry saga of playing pattycake in the war on crime in this Congress.

CONVERSION RESEARCH AND EDUCATION ACT OF 1970

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. GIAIMO) is recognized for 60 minutes.

Mr. GIAIMO. Mr. Speaker, 54 of my colleagues and I have introduced the Conversion Research and Education Act of 1970. We believe that the time has come to protect this Nation's investment in thousands of scientists, engineers, technicians, and skilled workmen who are losing their jobs in the defense and space industries. We believe that the time has come to save our invaluable scientific and technological resources from neglect and dissipation. We believe that this priceless talent must be used to solve many of the domestic problems which confront us. Above all, we believe that the time has come for America to stop talking about conversion and start doing something about it.

All of us have heard the stories about scientists driving taxicabs, engineers pumping gas, and skilled technicians collecting unemployment compensation. Tragically, these examples of wasted talent are neither exaggerated nor isolated; on the contrary, they are becoming more and more frequent throughout the United States. The following developments are testimony to this situation:

First. For the third consecutive month, the June demand for engineers and scientists hit a record low for the 10-year history of the Deutsch, Shea & Evans Index. According to the index, the demand was barely a quarter of that recorded for June 1966, just 4 years ago.

Second. A spokesman for the American Institute of Physics describes an atmosphere of emergency in the physics

community because of the employment situation.

Third. The Engineering Manpower Commission reports that hiring goals for many technological industries are down sharply from last year. In the aerospace industry, for instance, hiring is down to 62 percent of last year's job openings.

Fourth. The Commission warns that enrollments in many engineering and scientific fields continue to decline and that there are signs of disenchantment with and outright opposition to advanced education and academic research in fields which were popular just a few years ago.

As this Nation continues to disengage from the Vietnam war and reduce space expenditures, it is obvious that these conditions will grow worse. To fully comprehend the impact of defense and space spending cuts on our scientific and technological community, we must remember that—

First, approximately 83 percent of all federally funded research and development is carried out by the Department of Defense, Atomic Energy Commission, and the National Aeronautics and Space Administration. Over $14 billion is being spent on R. & D. by these three agencies alone;

Second, more than 2 million scientists, engineers, and technicians are currently employed by industry and Government. Of those in industry, one in every four is engaged in defense related work. Of those in Government, one in every two is employed by DOD, NASA, or the AEC.

Third, in 1969, the aircraft-missile and electronics industries employed 51 percent of all scientists and engineers working in the research and development field. They accounted for 55 percent of the total funding for R. & D. and 79 percent of the Federal funding. These industries are, of course, particularly susceptible to reductions in defense and space spending.

I submit, Mr. Speaker, that we are doing a grave disservice to our scientific community and to this Nation if we fail to plan for further reductions in defense and space research and development. As was pointed out clearly in the March issue of Scientific, Engineering and Technical Manpower Comments, we have made this mistake before:

> Periodically, we desperately seek professional talent to meet urgent national needs and then callously dump these highly trained people out onto a depressed job market again a few years later, wasting one of our most valuable national resources. Each time this happens—and it has occurred several times during the past two decades—more and more technical people become disillusioned and leave the technical field to work in other, non-professional jobs. And, year after year, our pool of engineering and science graduates grows relatively smaller.

I cannot stress strongly enough, Mr. Speaker, that our failure to convert our vast research and development effort to peacetime pursuits will do far more than put a few scientists out of work. In fact, it will endanger this Nation's leadership in science and technology, make more difficult our efforts to solve critical domestic problems, and adversely affect the entire economy.

THE TECHNOLOGY GAP IS CLOSING

The danger to our leadership role in science and technology was stressed recently by Dr. James Killian, Jr., former president of MIT and former science adviser to President Eisenhower. In testimony before the Subcommittee on Science, Research, and Development, chaired by my friend and colleague, the gentleman from Connecticut (Mr. DADDARIO), Dr. Killian warned of the effects of present Government policies on the scientific and technological community:

> Taken together, these actions may curtail the amount and quality of basic research. They may diminish our capacity to educate scientists and engineers. They threaten to discourage young people from selecting science and engineering as fields of study. They threaten the breakup of experienced teams of talented scientists and the closing of facilities. They threaten to erode the pre-eminent position of the United States in science and technology. They provide a telling example of the need for new policies which can help to reduce uncoordinated Federal decision.

The fact is, Mr. Speaker, that we live in a competitive world, a world in which the comfortable technology gap that we have enjoyed for so long is being closed by the other industrial nations of the world. Are we to close it further by dismantling our vast research and development effort instead of finding new uses for it? Are we to lose our lead in science and technology because we lack the initiative and foresight to sustain it? My colleagues and I do not want to lose that lead; the Conversion Research and Education Act is a product of our concern.

TECHNOLOGY AND THE BALANCE OF TRADE

The majority of this Nation's technological activity takes place in Connecticut, Massachusetts, New York, New Jersey, California, Texas, Florida, Missouri, and Maryland. These and surrounding States are already feeling the adverse effects of cutbacks in defense and space spending; a loss of 150,000 jobs is predicted in the New England area alone, for instance, as we disengage from the Vietnam war. Yet the need for conversion is far from parochial. The failure of the United States to sustain its scientific and technological community will influence the balance of trade and, subsequently, our entire national economy.

Soon we will be considering major foreign trade legislation. We will be reminded of the sad state of American foreign trade. We will be told that many of the products we are now importing were once produced by skilled workers in American industries. We will discover that of all the items produced in this country, only machinery, certain electronic equipment, chemicals, and aircraft remain important surplus items for export. We will realize that these are products which depend on a high degree of technology for their production. Then we will see the importance of technology to our economy.

The fact is, Mr. Speaker, that without high-technology products, we will lose our favorable balance of trade and our position of leadership in the international marketplace. As an example, let us look at the statistics for American foreign trade in 1968. In that year our favorable balance of trade for all exports and imports came to $1 billion. The balance of trade for high-technology products, however, was $9 billion. Without the export of high-technology products, therefore, the United States would have lost $8 billion in foreign trade in 1968 instead of gaining $1 billion.

The story was the same in previous years—the export of high-technology products made the difference between a favorable balance of trade and a loss of money. I wish to place in the RECORD at this point a table which gives these import-export statistics for the years 1962 through 1968:

SELECTIVE WORLD TRADE DATA 1962-68

[In billions of dollars]

	1962	1963	1964	1965	1966	1967	1968
All commodities:							
U.S. exports	21.4	23.1	26.2	27.2	30.0	31.2	34.2
U.S. imports	16.4	17.2	18.7	21.4	25.6	26.9	33.2
Balance	5.0	5.9	7.5	5.8	4.4	4.3	1.0
High-technology products:							
U.S. exports	10.2	10.6	12.1	13.0	14.4	16.0	18.4
U.S. imports	2.5	2.6	3.1	3.9	6.0	7.0	9.4
Balance	7.7	8.0	9.0	9.1	8.4	9.0	9.0
Net balance for other than high-technology products	2.7	2.1	1.5	3.3	4.0	4.6	8.0

The importance of high-technology products to our economy cannot be underestimated. Since the design and production of these products depend primarily upon the research and development efforts of highly trained technicians, and since the rate of technological obsolescence of such products demands sustained research, it is obvious that we must have more scientists, engineers, and technicians engaged in commerce and industry. Those put out of work because of defense and space spending cutbacks must be reoriented and retrained so that they may contribute to other areas of our economy. We believe that our proposal is an important first step toward protecting our leadership position in foreign trade circles and revitalizing our economy. Commonsense dictates that we take this step, both in the interest of our scientific and technological community and for the benefit of the entire Nation.

A WASTE OF TALENT

All of us in Congress have firsthand knowledge of the severity and complexity of the major domestic problems which confront this Nation. We realize, more than most, that these problems cannot be wished away. We know that it will take dedication, initiative and all the resources at our command to provide adequate housing, health care, education, employment, food, and transportation for all of our citizens. We know that it will take a massive effort to rid our streets of crime and our water and air of pollution. Yet, today we watch helplessly as thousands of our most talented, dedicated, and resourceful citizens are unable to find work and unable to contribute to the solution of these problems.

This is disgraceful, Mr. Speaker; it is a shocking waste of talent. We cannot afford to dissipate our precious scientific resources at a time when the need for new technology is greater than ever before. The scientists, engineers, and technicians who are now losing their jobs could be developing new methods of housing construction. They could be discovering cures for diseases and providing improved medical care. They could be testing new approaches in education. They could be devising new systems of mass transit while making our present transportation safer and more efficient. They could be developing new crime fighting techniques and better training procedures for law-enforcement personnel. They could be creating new methods of keeping our air and water clean and otherwise preserving our environment. They could be doing all of these things, but they are not.

Many small business firms once engaged in defense-related work are now facing bankruptcy because of Defense budget cuts. These businesses could be providing us with new goods and services to help meet our domestic needs. They could be, but they are not.

With the experiences of World War II and Korea in mind, the United States should have planned long ago for conversion. It should have retrained its unemployed scientists, assisted small businesses in conversion, and sustained the proper atmosphere for technological growth. It should have, but it did not.

For these reasons, we must begin to plan for conversion now.

THE CONSERVATION RESEARCH AND EDUCATION ACT OF 1970

The Conservation Research and Education Act is based on the principle that reductions in defense and space research and development must be met by corresponding increases in civilian, socially oriented research and development.

The bill authorizes $450 million over a 3-year period for specific programs of education, research, and assistance to small business firms, in order to aid in the conversion of defense research and development to civilian research and development.

It authorizes the National Science Foundation to sponsor research on conversion and to develop and administer retraining programs for scientists, engineers, and technicians.

It authorizes the Department of Commerce, through the Economic Development Administration, to sponsor conversion retraining programs for management personnel presently engaged in defense-related research and development.

It authorizes the Small Business Administration to assist small business firms in achieving conversion by providing technical grants, loan guarantees, and interest assistance payments.

It creates an advisory committee of industrialists, scientists, and educators to help shape and guide these programs.

A NEW ORDER OF RESPONSIBILITY

In 1962, with the encouragement of President Kennedy, the National Academy of Sciences appointed a Committee on Utilization of Scientific and Engineering Manpower. In its report 2 years later, the Committee noted even then a lack of available jobs for scientific and technological manpower. Pointing to what it called the massive influence of the Federal Government in the deployment and utilization of scientists and engineers, the Committee said:

> This influence imposes on Government an entirely new order of responsibility to prevent malutilization. Government must assess in advance the effects of its decisions on the deployment of large numbers of scientists and engineers, both in undertaking new projects and in discontinuing old ones.

That was sound advice in 1964. It is sound advice today. The time has come for the Federal Government to assume this responsibility. We believe that the Conversion Research and Education Act provides this opportunity through a practical, relatively inexpensive, effective series of programs. For the sake of our economy, for the sake of our scientific accomplishments, for the sake of the American people we commend this act to our colleagues for their consideration and support.

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of this special order.

Mr. Speaker, I include the text of the Conversion Research and Education Act of 1970 at this point in the RECORD, along with an anlysis of the bill, a list of cosponsors and a conversion fact sheet:

COSPONSORS OF THE CONVERSION RESEARCH AND EDUCATION ACT OF 1970

Mr. Giaimo, Mr. Anderson of California, Mr. Brown of California, Mr. Burton of California, Mr. Eilberg, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Horton, Mr. Hosmer, Mr. Mailliard, Mr. Matsunaga, Mr. McFall, Mr. Mikva, Mr. Moorhead, Mr. Nix, Mr. Obey, Mr. Ottinger, Mr. Rees, Mr. Roe, Mr. Rooney of Pennsylvania, Mr. Sikes.

Mr. Tiernan, Mr. Tunney, Mr. Van Deerlin, Mr. Charles H. Wilson, Mr. Beall of Maryland, Mr. Bingham, Mr. Boland, Mr. Brasco, Mr. Donohue, Mr. Dulski, Mr. Edwards of California, Mr. Gubser, Mr. Helstoski, Mr. Hicks, Mr. Howard, Mr. Lowenstein, Mr. Murphy of New York, Mr. Olsen, Mr. Pike.

Mr. Rosenthal, Mr. Shriver, Mr. Symington, Mr. Vanik, Mr. Wolff, Mr. Bell of California, Mr. Fraser, Mr. Frey, Mr. Gude, Mr. Halpern, Mr. Hathaway, Mr. Hogan, Mr. McKneally, Mr. O'Neill of Massachusetts, Mr. Scheuer.

ANALYSIS OF H.R. 19037: A BILL TO AUTHORIZE THE NATIONAL SCIENCE FOUNDATION TO CONDUCT RESEARCH AND EDUCATIONAL PROGRAMS TO PREPARE FOR CONVERSION OF DEFENSE RESEARCH AND DEVELOPMENT TO CIVILIAN AND SOCIALLY ORIENTED ACTIVITIES

H.R. 19037 embodies an important declaration of national policy followed by four titles that establish four specific Federal programs to foster conversion of defense research and development capabilities to civilian purposes. A fifth title provides for an advisory council, and authorizes appropriations for the next three fiscal years.

The Declaration of Policy deserves careful attention, for in it Congress clearly, visibly, and emphatically lays down the principle that the enormous national asset in the form of scientists, engineers and technicians now working on the diminishing defense programs must be conserved and utilized to resolve presently urgent social and economic problems of the nation. Here Congress explicitly declares that it is the continuing policy and responsibility of the Federal Government to take appropriate measures directed toward achieving the following goals:

(1) scientists, engineers and technicians will have continuing opportunities for socially useful employment in positions commensurate with their professional, technical capabilities;

(2) the total Federal investment in science and technology will be restored to an adequate annual expenditure level, and then continue to grow annually in proportion to the growth in the gross national product; and

(3) Federal obligations for civilian oriented research and development activities will be increased gradually until they reach a level of parity with Federal obligations for defense research and development activities, whereupon the level of parity will be maintained or exceeded, except when inconsistent with overriding considerations of national security.

This third goal will also have the desirable effect of reducing the present dependence of much of our university research upon defense appropriations, a matter of Congressional concern that last year was reflected in Section 203 of the Defense authorization for FY 1970.

H.R. 19037 next lays the foundation for four distinct programs that taken together provide important parallel supports for the goal of successful conversion. These four programs focus upon:

1. *Analyzing the situation:* Title I takes advantage of the present information collecting and analysis capabilities of the National Science Foundation by giving it three new functions:

(1) to analyze Federal expenditures for research and development and also information on scientific, engineering and technical manpower to appraise the implementation of the policies stated by this Act.

(2) to develop and recommend to the President programs and activities which will contribute to carrying out the policies of this Act.

(3) to prepare and submit to the President for transmittal to Congress a report on its activities and an appraisal of the implementation of the policies established in this Act, together with such recommendations, including recommendations for legislation, that it deems appropriate.

2. *Fostering necessary research.* To provide the basis for intelligent and innovative action in the future, even while we are grappling with the realities of today, Title II of H.R. 19037 provides for the National Science Foundation to fund research on conversion by grant or contract and to disseminate the results of that research. The bill specifies three aspects of this research, which should be designed to:

(1) study and appraise the economic, managerial and social science aspects of conversion from defense research and development to civilian research and development;

(2) identify priority subjects for civilian research and development, including, but not limited to, unemployment, poverty, racism, alienation, crime, environmental pollution, urban problems, energy sources and natural resources, transportation, education, and health; and

(3) advance the state of science and technology for priority areas specified above.

The Foundation, of course, would need authority to disseminate the results of such research and, in particular, to bring it to the attention of those most directly concerned. This is provided.

3. *Education for conversion.* Part of the business of conversion inevitably must deal with the retraining of our scientists, engineers and technicians so that they can effectively apply their defense experience and capabilities to the civilian sector.

Specifically, Title II authorizes the Foundation to fund educational programs designed to:

(1) retrain scientists, engineers and technicians for civilian research and development; and

(2) train or retrain officers and employees of Government—Federal, State and local—who will determine the government market for civilian, socially oriented research and development; and

(3) provide courses and curricula to prepare students for careers in civilian, socially oriented research and development.

For those scientists, engineers and technicians who are willing to make the commitment to seriously work towards reconversion, H.R. 19037 in Title II also provides for the Foundation to award conversion fellowships. The bill instructs the NSF to allocate such fellowships to provide an equitable geographic distribution; to award them to highly qualified applicants; and to give priority to applicants who have been or anticipate being out of work because of reductions in defense research and development.

4. *Management training.* Title III of H.R. 19037 authorizes the Secretary of Commerce to fund development and conducting of training programs for management to assist them in conversion. The bill specifies that this function shall be carried out by the Economic Development Administration.

5. *Small business and conversion.* Small business provides maximum opportunity for innovative thinking in applying what defense scientists and engineers have learned. Therefore, Title IV authorizes the Small Business Administration to make grants to small business concerns which have engaged in defense research and development to assist them to convert that experience to civilian research and development. In addition, Title IV authorizes the Administration to guarantee any loan for a conversion project made to small business. The bill also establishes a revolving fund for the Administration in carrying out this part. The initial capital is $30 million, transferred from the fund established under section 4(c)(1)(B) of the Small Business Act. As further assistance, the Administration may make interest assistance payments to any eligible lender.

Title IV also taps computer age technology by authorizing the Administration to establish and operate a computerized Conversion Information Service. This service will acquaint small business concerns with:

The conversion education programs and other forms of conversion assistance available; and

With market needs and opportunities for civilian research and development, especially those directed toward assisting in the resolution of the Nation's besetting social problems.

A special feature of H.R. 19037 is the Advisory Council on Conversion Education which is provided for in Title V. This Council has three purposes. It shall:

(1) advise the NSF Director and the Secretary of Commerce with respect to their responsibilities for education programs under this Act;

(2) review and evaluate the effectiveness of Federal educational assistance programs under this Act; and

(3) prepare and submit such interim reports as it deems advisable, and an annual report of its findings and recommendations.

The bill directs the NSF to make available to the Council such staff, information, and other assistance as it may require.

Title V authorizes appropriations of $100 million for fiscal year 1972, $150 million for fiscal year 1973, and $200 million for fiscal year 1974. Table I summarizes the allocation of these funds to the several programs for conversion.

TABLE I.—PROPOSED FUNDING FOR PROGRAMS TO CONVERT DEFENSE RESEARCH TO CIVIL PURPOSES

[In millions of dollars]

Title	Fiscal years		
	1972	1973	1974
Sec. 201: Conversion research	5	8	10
Sec. 202: Conversion education	25	35	45
Sec. 205: Fellowships for conversion education	40	60	80
Sec. 204: Government employee participation	10	20	30
Sec. 301: Management training for conversion	8	10	13
Sec. 401: Small business participation	12	17	22
Total	100	150	200

Economic Conversion Factsheet to Accompany H.R. 19037

I. Dimensions of the problem of postwar economic conversion

Speaking before the Senate Committee on Labor and Public Welfare during recent hearings on post-war economic conversion, U.S. Senator Thomas Eagleton of Missouri depicted the extent of defense-related spending:

"Our present economy has been conditioned by 25 years of cold war, inflated by 5 years of hot war and glutted by defense spending on new and evermore sophisticated and complex weapon systems to deter war . . . At least 3 million citizens are engaged directly in defense work, and many millions more are dependent on the economic activities it generates. Communities are greatly affected by the more than 8 percent of our Gross National Product spent on defense—many disproportionately so. Non-defense industries also feel the impact as they attempt to compete for the rarest of production resources—skilled manpower.

"So a great many individuals, communities and industries have a stake in what happens to defense spending. Certainly, the Federal government does. . . . unless we devise viable and effective methods of converting some of our defense production to civilian endeavors, we may be obliged to continue enormous defense spending, not because it is needed but rather because we fear the economic consequences which would flow from its discontinuance.[1]

Research, development and engineering comprise a significant segment of our defense-related activities. One in every four technical personnel in industry is engaged in defense-related work. One in every two scientists, engineers and technicians in the Federal Government is employed by the Department of Defense, the National Aeronautics and Space Administration or the Atomic Energy Commission. Approximately $26 billion is spent on research and development; over $17 billion of this comes from the Federal Government. Of this Federal outlay for R&D, approximately 83 percent, or more than $14 billion, is spent by the Department of Defense, NASA or AEC.[2]

A recent National Science Foundation report on industrial R&D dramatized the extent of specialization on defense and space activity and the dependency of R&D upon Federal funding. The report stated that over 95,000 scientists and engineers—more than 25 percent of all scientists and engineers engaged in R&D—are employed in aircraft and missile research. Their research and development effort in 1968 cost $5.6 billion, of which $4.5 billion, or 80 percent, came from the Federal Government. The electronics industry employed the equivalent of 101,000 full-time scientists and engineers for research and development—nearly 30 percent of all scientists and engineers engaged in R&D—that in 1968 cost $4 billion. The Federal government provided almost $2.3 billion, or 57 percent, of this amount.

The figures for 1969 reflect similar dependency upon Federal funds and specialization of R&D activities.[3] These two industries, electronics and aircraft-missile, employed 51 percent of all scientists and engineers engaged in research and development in 1969. They accounted for 55 percent of the total funding and 79 percent of the Federal funding for R&D last year.[4]

The dependency of defense-related industries on Federal funds for research and development has created an unhealthy situation, especially with the trend toward reduced defense spending. Defense Department procurement and research outlays for aircraft, missiles, space activities, electronics, and communications dropped to $17.5 billion in FY 1970 from $18.4 billion the previous fiscal year. The drop is expected to reach $16.2 billion by FY 1972. Expenditures by the National Aeronautics and Space Administration have been substantially cut—from a high of $4.2 billion in FY 1969, its budget may be trimmed to $3 billion by FY 1972.[5]

Military and space contracts usually require a much higher proportion of skilled and semi-skilled workers than does domestic production. The Department of Labor estimates that almost half of the workers in defense industries are either skilled or semi-skilled while only one-quarter of the total labor force falls into those categories. Reductions in defense-related spending have been reflected in employment trends for these workers. An employment index compiled by the advertising firm of Deutsch, Shea & Evans in June, 1970, showed for the third consecutive month a record low in the demand for scientists and engineers; this trend has been in evidence for the past four years. Thus, more and more highly trained, highly skilled professionals are becoming unemployed at a time when the need for new technology is greater than ever before.

The difficulty in carrying out the economic conversion of defense and space-related industries is compounded by two types of specialization. The first, industrial specialization, concerns firms and individuals whose skills and equipment are so technical that their transfer to a civilian-socially oriented market is more difficult than most. The second, regional specialization, refers to the direct and indirect dependence of many firms in a particular region on military needs.

---

[1] U.S. Congress, Senate, Committee on Labor and Public Welfare, *Postwar Economic Conversion*, Part 1, 91st Congress, 1st Session, Dec 1, 69, pg 4.

[2] U.S. Congress, Senate, *Congressional Record*, Speech of the Honorable Edward M. Kennedy, 91st Congress, 2nd Session, Aug 14, 1970, pgs. 29006–29007.

[3] National Science Foundation, "Industrial R&D Spending", *Science Resources Studies*, May, 1970, Rept. 70–12.

[4] *Ibid.*

[5] *The Wall Street Journal*, May 15, 1970.

Conversion is most difficult to achieve when both industrial and regional specialization are present.

The State of Connecticut provides an excellent example of dependency on defense and space activities. Fairfield University, through a grant from the Connecticut Research Commission, recently published the results of a joint study entitled: "Bridgeport Regional Economy in the Event of Reduction of Defense Allocations." This study encompassed the Bridgeport Standard Metropolitan Statistical Area, which consists of eight towns, two of which are located in the Third Congressional District. These two communities, Stratford and Milford, accounted for 93.13 percent of all defense contract activity in the region in 1968.

The Fairfield University research team found that in 1968, 29.6 percent of factory jobs in the Bridgeport region were defense-generated. Of the more than $704 million in defense contracts awarded to industries in the region in 1968, over 95 percent of the orders were concentrated in three industries—transportation equipment (aircraft), electronic equipment and ordnance. Transportation equipment constituted more than 92 percent of the total contracts in the region and represented approximately 25 percent of all prime contract awards for aircraft engines and related parts in the United States.[6]

For purposes of the study, defense-related employment was divided into three categories: Direct employment—jobs generated by defense contracts; indirect employment—jobs generated by allocations of sub-contracts; and induced employment—jobs generated in non-manufacturing areas as a result of the increase in direct and indirect employment. Using these criteria, the study concluded that a reduction of 1 percent from the present level of prime contracts in the Bridgeport region could result in the loss of 310 jobs, 10 percent in the loss of 3,100 jobs and 50 percent in the loss of 15,500 jobs.

If defense spending in the Bridgeport region were to return to its 1965 level of $250–300 million per year—less than 50 percent of that spent on the average between 1965 and 1968 (annually)—15,500 men and women would lose their jobs. An estimate of the occupational characteristics of those who would be affected by defense cutbacks shows that a 50 percent cutback would affect over 1,700 scientists, engineers and technicians. The total breakdown of estimated unemployment in the Bridgeport region due to defense cutbacks is illustrated in the following table: [7]

ESTIMATED [1] OCCUPATIONAL CHARACTERISTICS OF THE UNEMPLOYED DUE TO DEFENSE CUTBACKS, BRIDGEPORT SMSA

Defense cutbacks	1968 unemployed	Percent 10	25	50	75
Total unemployed	8,000	10,665	14,664	21,328	27,992
Male	3,800	5,589	8,272	12,744	17,216
Professional technical workers	120	333	652	1,184	1,716
Managers, officials, proprietors	90	260	514	934	1,362
Clerical and kindred	162	295	494	826	1,158
Sales workers	145	263	430	735	1,000
Craftsmen, foremen	648	1,078	1,723	2,798	3,903
Operatives	843	1,246	1,851	2,859	3,867
Service workers	910	1,019	1,182	1,454	1,726
Laborers	882	973	1,109	1,336	1,563
Not reported		126	315	630	945
Female	4,200	5,076	6,392	8,584	10,776
Professional technical workers	50	58	320	590	860
Managers, officials, proprietors	13	36	72	131	190
Clerical and kindred	850	1,126	1,540	2,230	2,920
Sales workers	160	216	301	442	583
Craftsmen	60	73	93	126	159
Operatives	900	1,112	1,431	1,962	2,493
Service workers	2,000	2,111	2,277	2,554	2,831
Laborers	127	134	144	161	178
Not reported		79	174	348	522

[1] Estimates based on 1960 distributions.

The estimated unemployment level in the Bridgeport Standard Metropolitan Statistical Area following a 10 percent defense cutback would be 6.1 percent of the labor force. A 20 percent defense cutback would produce an 8.4 percent level of unemployment, a 50 percent cutback 12 percent, and a 75 percent cutback 16.1 percent. Remembering that a 50 percent cutback would reduce defense contract awards to the region to their 1965 level, it is important to note that such a cutback would result in the loss of 21,328 jobs, almost 2,000 more than the 19,700 recorded during the 1958 recession. A 75 percent cutback—which would bring defense contract awards to their 1960 level—would result in the unemployment of 27,992 men and women in the Bridgeport region—the highest unemployment rate since the Great Depression of the 1930's.[8]

II. THE FEDERAL EFFORT TO CONFRONT THE PROBLEM OF ECONOMIC CONVERSION

The need for economic conversion has not gone unnoticed. On the contrary, the problem has very nearly been studied to death. Unfortunately, while everyone has been writing and speaking about economic conversion, very little direct action has been taken to make conversion a reality. Programs which have been established have not been coordinated and have received only minimal support.

Among the agencies which have been engaged in studying the transformation of defense-related industries into civilian, socially oriented industries are the Department of Defense, Arms Control and Disarmament Agency, and the Council of Economic Advisors. Within the Department of Defense, the Office of Economic Adjustment has been dealing with the specific economic impact associated with closings of defense installations and other major changes in military outlays within specific communities. The Office of Economic Adjustment has had varying success in assisting communities following the closing of defense installations, and it has assisted some professional and technical workers in finding new jobs in other areas with a concentration of defense-related industries. The Arms Control and Disarmament Agency has sponsored numerous contracts for research on the economic and political consequences of arms control and disarmament, including the problems of readjustment of industry and reallocation of national resources. Research has been divided into five areas: Measurement of impact, impact on industry, impact on manpower, impact on regions and communities, and general impact. By mid-1969, over thirty studies had been completed or were in progress.

The Council of Economic Advisors has conducted extensive research on economic conversion during the past six years. In January, 1964, President Johnson created the Committee on the Economic Impact of Defense and Disarmament. This committee was directed by Dr. Gardner Ackley, one of the President's Economic Advisors. Following the recommendations of the Ackley Committee in July, 1965, President Johnson appointed the Cabinet Coordinating Committee on Economic Planning for the End of Vietnam Hostilities. This committee's first report was included in the January, 1969, Economic Report of the President; it reiterated many of the earlier recommendations of the Committee on the Economic Impact of Defense and Disarmament. The strongest of these was the proposed establishment of a Readjustment Operations Committee to assume responsibility for detailed conversion planning and operation. In the absence of an official agency to promote conversion, the responsibility to formulate an economic conversion policy has been retained by the Council of Economic Advisors with assistance from the Cabinet Coordinating Committee.

The Executive Branch has not been alone in its efforts to formulate a workable conversion plan. Numerous Congressional hearings have been conducted by various committees and several legislative measures have been proposed.

The Joint Economic Committee has explored many facets of the economy during the past decade. Hearings on the impact of defense spending were conducted in 1960, 1961, 1963, 1967, and 1969. Although these hearings were not specifically concerned with economic conversion, many of the facts which were revealed underscored the effect defense spending has had on the economy and the traumatic consequences a reduction in defense spending would have in certain industries and communities.

The Senate Select Committee on Small Business has reviewed periodically the effect of defense spending on small businesses. These hearings have touched on the issue of economic conversion; however, few legislative proposals have been made to alleviate the situation.

Senator George McGovern has introduced legislation on several occasions to establish a National Economic Conversion Commission; he has done so in every Congress since the 88th. The McGovern proposal would establish a commission of designated Cabinet members and heads of agencies to initiate a study of appropriate conversion policies and programs to be carried out by Federal agencies. The legislation proposes a National Conference on Industrial Conversion and Growth to promulgate regulations and make recommendations to the President and Congress. In addition, the McGovern legislation would require each defense contract or grant to contain provisions requiring the contractor to set up an industrial conversion committee to plan for conversion to civilian work in case of curtailment or termination of the contract or grant. Hearings were held by the Senate Commerce Committee in the 88th Congress; however, the McGovern proposal has never been reported by that committee. Similar legislation has been introduced in the House of Representatives but has received little attention.

The Senate Committee on Labor and Pub-

[6] Fairfield University, *Joint Study for the Analysis of the Bridgeport Regional Economy in the Event of Reduction of Defense Allocations*, October, 1969.

[7] *Ibid.*

[8] *Ibid.*

lic Welfare has also reviewed the need to convert space and defense resources to civilian needs. A volume of selected readings on the subject was published by the committee in 1964. During its hearings on the Manpower Development and Training Act Amendments of 1965, this committee added the following amendment:

"The Congress finds further that many professional employees who have become unemployed because of the specialized nature of their previous employment are in need of brief refresher or reorientation educational courses in order to become qualified for other employment in their professions, where such training would further the purpose of the Act."

The training authorized by the above amendment was limited to certain professionals, and it has since received little or no mention by the Department of Labor which administers the Manpower Act. Hearings last year by the Senate Committee on Labor and Public Welfare exposed the serious lack of programs to assist the transformation of the economy and prompted the writing of the Kennedy-Giaimo legislation.

In addition to the Manpower Development and Training Act Amendments of 1965, the 89th Congress also passed the State Technical Services Act of 1965. It was the intent of this legislation to diffuse the Federal Government's research and development effort into domestic areas. Unfortunately, funds for this program were minimal, and the Nixon Administration has not provided funds in the budget for its continuance.

Congressman Robert N. Giaimo of Connecticut and the Chamber of Commerce of New Haven, Connecticut, sponsored a conference on economic conversion in November, 1967. The conference had a threefold purpose: To evaluate the critical nature of a reduction in defense spending upon the economy of the local area, to spark an awareness of the problem by local business and labor leaders, and to establish avenues of communication between business and labor leaders in order to stimulate legislation to lessen the impact of conversion. In addition to the foregoing statistics, H.R. 19037, is, in part, an outgrowth of the 1967 Economic Conversion Conference.

GENERAL LEAVE TO EXTEND

Mr. GIAIMO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of the special order.

The SPEAKER pro tempore (Mr. MATSUNAGA). Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. GIAIMO. Mr. Speaker, I ask unanimous consent that the text of the Conversion Research and Education Act of 1970 be printed in the RECORD along with an analysis of the bill and a list of the cosponsors and a conversion fact sheet.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. CHARLES H. WILSON. Mr. Speaker, will the gentleman yield?

Mr. GIAIMO. I am glad to yield to the gentleman.

Mr. CHARLES H. WILSON. Mr. Speaker, as a California Congressman I have become all too familiar with the problems caused by an economy that has been geared up for war for so long that the prospects of peace threaten to bring about a serious unemployment situation. California, with its huge number of defense industries has been especially hard hit by defense cutbacks. I am not surprised by this state of affairs, and unfortunately, while I have called for economic conversion studies for some time, my cries have not been heeded.

Today, I am glad to join Congressman GIAIMO and my other colleagues in cosponsoring the Conversion Research and Education Act of 1970. A few weeks ago I introduced House Concurrent Resolution 710 which called for the redirection of the activities of the National Aeronautics and Space Administration into the fight against pollution. Both these measures, I feel, take cognizance of the danger presented to one of this country's resources, its scientists, and engineers.

A perfect example of the problems caused by the transition from a warfare state to a nation at peace can be seen by examining the present condition of the aerospace industry. As defense funds have been cut and as we extricate ourselves from the bloody quagmire that is Vietnam, Cambodia, and Laos, unemployment has steadily risen in the industry. Today in southern California unemployment in some areas has risen to close to 15 percent. The United States is in a recession at a time when it is also experiencing soaring inflation. The worst of both worlds.

Attempts must be made to plan ahead, to anticipate our problems and thereby avoid many and more easily solve the ones remaining. The bill we introduced authorizes funds needed to effectively meet the challenges posed by a nation in transition. As more and more emphasis is shifted by the Government to the fight against environmental pollution, the need to preserve the work forces gathered by both the aerospace industry and NASA will become more evident.

The reductions in defense and space research and development must be met by corresponding increases in civilian, socially oriented research and development. To best meet the technical problems accompanying our social and economic trouble areas, who could be better qualified than the men and women who put man on the moon? These individuals constitute a national resource that should be protected. The Economic Research and Conversion Act addresses itself to this and seeks to encourage scientists, engineers, and technicians to help solve health, housing, transportation and even crime problems as well as those brought about by air, water, and land pollution.

Among other things the bill provides:

First. That a total of $450 million be authorized, over a 3-year period, for specific programs of education, research, and assistance to small business firms, in order to aid in the conversion of defense research and development to civilian, socially oriented R. & D. $100 million would be provided the first year; $150 million the second; and $200 million the third.

Second. That the National Science Foundation sponsor research on conversion and that it develop and administer retraining programs for scientists, engineers, technicians, and others involved in civilian R. & D.;

Third. That the Department of Commerce through the Economic Development Administration sponsor conversion retraining programs for management personnel in defense-related R. & D.;

Fourth. That the Small Business Administration assist small business firms in achieving conversion by providing technical grants, loan guarantees, and interest assistance payments; and

Fifth. That an advisory committee of industrialists, scientists, and educators be established to help shape and guide these programs.

In addition, my NASA resolution would insure that the unified, coordinated, and extremely competent work force assembled under that agency's auspices would be utilized to the maximum extent possible and in the most efficient manner. What is needed is a coordinated, well-directed national plan to make sure that activities of the defense industry as well as NASA will have maximum beneficial impact in dealing with the problems before us. While we must not overlook the primary duty of the defense industry and must maintain a posture consonant with our national security needs, the value of its participation in these other realms should not be underestimated.

I am hopeful that hearings on these proposals will be held during this session of Congress. Unfortunately, once again we are reacting to an existing problem rather than taking preventive measures. The sooner we take constructive action, the better will be our chances of success and the smaller the price we will have to pay. I urge my colleagues to join in support of both the Economic Research and Conversion Act of 1970 and my resolution to redirect NASA's energies into the fight against the problems facing our Nation that can be solved or alleviated through technical expertise. We have those persons with the requisite skill and intelligence. Now we must supply them with an expression of policy and determination as well as the funds needed to win the battles ahead.

Mr. HORTON. Mr. Speaker, we are guilty of wasting valuable scientific and technological talents. Recent cutbacks in defense and space spending have created serious job shortages for scientists, engineers, technicians, businessmen, and blue-collar workers.

Small business firms, depending on defense contracts, have had to shut down, leaving hundreds of people without work, and severely threatening any hope of economic stability.

Converting war technology to domestic technology is one of the promises of our times. There is so much that has to be accomplished. If we convert and utilize the knowledge we have gained through defense activities, we will be one step ahead of curing our social ills.

Because of the vast possibilities ahead of us, I am delighted to cosponsor the Conversion Research Education Act of 1970, introduced by my able colleague, ROBERT N. GIAIMO, and to participate in his special order today.

The bill provides for converting wartime research to peacetime research. It would establish retraining programs for defense and space oriented scientists,

engineers, technicians, and management personnel. It would offer assistance to small business firms to aid them in the changeover. It would establish an advisory committee of industrialists, scientists, and educators to help to shape and guide these programs.

This is a much needed bill. It is necessary for our economy, not to mention our moral obligation to society.

I am personally aware of the need for this measure in my 36th Congressional District. The General Dynamics Corp., employing close to 3,000 people, may have to close its Rochester plant because of diminishing military and weapons systems contracts.

In working on a solution to this problem, I have urged General Dynamics to outline a demonstration proposal detailing how the defense manufacturing capabilities of its Rochester facility can be applied to meeting such urgent domestic needs as housing, crime, waste disposal, or mass transportation.

The Rochester area has been experiencing a steadily increasing unemployment rate for more than a year. In October 1969, Rochester had a 1.5-percent unemployment rate, one of the lowest in the country. By July of this year, it was 3.9 percent.

In October 1968, the General Dynamics plant in Rochester employed 5,100 workers. By late August 1970, employment had dropped to 2,800. If the plant closes, it will bring the Rochester unemployment rate to almost 5 percent.

If this plant and others like it are permitted to close, and the skills of these thousands of workers are permitted to go to waste, it will appear that American economic health depends on massive overspending on war-related equipment. I do not believe that prosperity can be fed only by war and military expenditures.

Mr. Speaker, it is time to work toward domestic research and development. I urge my colleagues to support the Conversion Research and Education Act of 1970.

Mr. HOSMER. Mr. Speaker, I am happy to join in cosponsoring the Conversion Research and Education Act of 1970. The principal purpose of this bill will be to help the Nation convert its resources and talent from defense-oriented activities to civilian-oriented socially productive activities. Defense cutbacks and similar cuts in space efforts are producing serious problems in the scientific and technological communities. California has been particularly hard hit. Our Government should direct attention to keeping the scientific, technological, and engineering community intact as Government effort and expenditures are redirected from war-oriented projects to peacetime pursuits. California has a vast array of highly qualified scientific and engineering talent ready and willing to work on the Nation's environmental, transportation, housing, medical, and other problems. To achieve the necessary talent conversion, the bill provides specific educational programs for these people. It also provides for Federal, State, and local officials to make use of the new markets for socially oriented research and develoment activity. The legislation also contains special financial and educational assistance to small business firms in the defense industry to facilitate their conversion to civilian markets. We have created a highly skilled community and these skills should be directed toward our domestic needs. This legislation is an important step in that direction.

Mr. TIERNAN. Mr. Speaker, I am extremely pleased to be a cosponsor of the Conversion Research and Education Act of 1970, which will be the first step in changing from a war economy to a peacetime economy.

The purpose of this bill is to convert defense related research and development to civilian oriented work. It provides specific programs for individuals, as well as special financial and educational assistance to small business firms in defense industry to facilitate their conversion to civilian markets. The bill calls for a 3-year authorization of $450 million.

Presently, approximately 83 percent of all federally funded research and development is carried out by NASA, the Atomic Energy Commission, and the Department of Defense. Of those scientists, engineers, and technicians in Government, one in every two is employed by one of the above three departments. The time has long since passed for us to redirect our national priorities. We have but to turn on our radios or television sets, read the newspapers, or indeed just to look around us to see the serious domestic problems facing us. It is time for us to commit our hearts and our minds to working together to insure that the best talents of the Nation are devoted to our future.

Detailed advance planning is essential if the potentialities for progress after the Vietnam war ends are to be realized without severe transitional pains. The Conversion Research and Education Act takes the first step toward this goal. But we cannot rest alone on this bill. This is but the beginning if we are truly to deal effectively with our domestic ills.

Mr. BINGHAM. Mr. Speaker, I am pleased to be a cosponsor of the Conversion Research and Education Act of 1970 which is being reintroduced today by the able gentleman from Connecticut (Mr. GIAIMO).

The problem which our country is already facing and which it will face on an increasing scale as we redirect our national priorities have long been of great concern to me. On March 3, 1969, I introduced the National Economic Conversion Act (H.R. 8042 and 8043) with the bipartisan cosponsorship of the distinguished gentleman from Massachusetts (Mr. MORSE) and 48 other Members of the House. The bill was introduced in the Senate the following day by 32 Senators, led by Senator GEORGE MCGOVERN and Senator MARK HATFIELD.

President Nixon, in his inaugural address, promised that—

> We shall plan now for the day when our wealth can be transferred from the destruction of war abroad to the urgent needs of our people at home.

The National Economic Conversion Act would stimulate just such planning by creating a commission to define appropriate policies and programs to assist in adjusting to a peacetime economy. The Commission would convene a National Conference on Industrial Conversion and Growth and would provide 50 percent of the funds required for similar conferences held on a State and local level. The Commission would also consult with trade and industry associations, labor unions, and professional societies. It would make recommendations to the President and to the Congress regarding policies and legislation which would promote a smooth transition in the economy. Finally the Commission would have the power to promulgate regulations which would require all defense contracts and grants to include provisions which would insure that the contractor would take effective steps to convert his manpower, facilities, and other resources to civilian uses.

The Conversion Research and Education Act of 1970 includes these elements but adds an additional element: it would provide a mechanism for channeling funds to reeducate and retrain persons employed in defense related industries. Thus the National Economic Conversion Act would set in motion the actual process of adjustment which must accompany the redirection of national priorities.

And there is no doubt that it is time to start this process of conversion. Nationwide, unemployment is above 5 percent and in districts with heavy defense contracts is very much higher than that. Those of us who advocate severe cuts in defense spending must recognize the very real hardships that such cuts can bring about and we must press for steps to help alleviate these hardships.

The Conversion Research and Education Act of 1970 is an important measure designed to meet today's needs and I am happy to lend my support to it.

Mr. HARRINGTON. Mr. Speaker, today I have joined with Congressman GIAIMO and others in filing the Conversion Research and Education Act of 1970. I feel this is a most important piece of legislation and one that should receive the assistance of all the Members of this House, regardless of their position on other matters of national concern.

In my short time in the Congress I have often spoken out against what I have considered inflated military spending. I have also supported and continue to support a number of measures, the purpose of which is to curtail and end the war in Vietnam.

I do not have to repeat again the strong arguments put forth by an increasing number of people in this country as to the necessity of cutting waste out of and its presence in the military budget. I would simply state that if we are to overcome any of the threatening social ills of this country we must rethink a set of commitments that provides, for example, only 1.8 percent of the Federal budget for all environmental programs while nearly 50 percent of that budget goes toward military programs.

From 1946 to 1969 it has been estimated that the United States spent over $1 trillion on the military. According to MIKE MANSFIELD, the United States has spent $23 billion on missile systems that either were never deployed or were abandoned during development.

The huge expenditures for military

purposes have continued unabated with very little reduction in recent years despite the fact that as early as 1963 the United States already had the capacity to destroy the population and industrial centers of the U.S.S.R. 1,250 times over, and that is allowing for a 50-percent failure to deliver warheads.

Meanwhile, the critical internal problems faced by this country have gone on, with little attention except speeches and programs hollow with lack of funds.

While we have amassed a bulging inventory of military goods we have allowed to be created a human inventory of depletion. By 1968 it is estimated that there were 6 million dwellings in the United States that were totally substandard. It has also been estimated that 10 million Americans suffered from hunger in 1968 to 1969. The United States at last report ranked 18th among the nations of the world in the infant mortality rate. In 1950 there were 109 physicians in the United States per 100,000 population. In 1966 there were only 98 per 100,000. A recent report by the U.S. Public Health Service contains the alarming statement that approximately 8 million people in this country drink water with a bacteriological content that exceeds safety levels. This situation is caused by the fact that we put 899 billion gallons per day of waste and polluted waters back into our lakes and streams at the same time that we fail to commit the necessary funds to build water-pollution control plants.

These factors make imperative a reordering of the spending levels by the Federal Government.

Such a change in present priorities cannot be accomplished without dislocation. The unfortunate fact is that there is no institution in the Federal Government today which is presently engaged in developing research and planning on a large scale for this transition. It is clear that any individual calling for such a change must accept the responsibility to seek a way to alleviate the difficulties and personal hardships that will be caused.

It is in the hope of easing this transition from an emphasis on expenditures for death to an emphasis on expenditures for life that I have introduced this legislation today.

In my State of Massachusetts about 4.5 percent of the total labor force is defense generated. This represents some 106,000 jobs. Using a measure of the amount of defense contracts Massachusetts would rank sixth in the Nation. Along Route 128 in eastern Massachusetts a research and development community has grown to be one of the most important centers of science and technology in the United States. To a great extent this center is dependent upon military expenditures. We must attempt to find the methods to end this dependence.

In terms of impact in Massachusetts, if there were an actual cessation of the war in Vietnam or if the total defense budget were cut by 11 percent—$9 billion—it has been estimated that about 18,000 to 24,000 employees would lose their jobs. These employees would be mostly in the technical field including engineers, scientists and technicians.

At the present time the best judgment is that it would take at least 1 year before other Government or private programs could absorb these people. This is clearly unacceptable. With the passage of legislation such as the bill introduced today, we could greatly alleviate this problem.

Even with the minimal cuts in current defense and space programs in the past fiscal year there has already been in effect on these industries in Massachusetts. Of particular interest is the statistical comparison showing that by the end of July 1969, 5.5 percent of all Massachusetts unemployment claims were in the professional, technical and managerial categories. By the end of July 1970 the figure was 9.5 percent in this same category. In the past year, the greater Boston electronics work force suffered a loss of 2,000 jobs. Therefore, we can see that the hardships caused by conversion are not problems for some distant future but in fact problems we have already delayed in meeting.

I feel it is crucial that hearings be held on this proposal and other proposals on conversion as soon as possible. The object we all have in mind is that the great American technology that now is imprisoned within the framework of wasteful and unnecessary military programs can be turned loose on the domestic problems that threaten to engulf this Nation.

We have in the skills of the technicians, scientists and trained labor, a precious and greatly untapped resource of this country. If we are to solve the problem of housing, the problem of pollution, the problem of race relations, the problem of health care, the problem of transportation, the problem of crime, and all the other difficulties that face us, we have to bring to bear the full talent and resources of our people. When we are discussing conversion, we are discussing the method by which this goal can be brought about. No one can doubt that the survival of the Nation is dependent on achieving this goal as soon as possible.

Mr. SHRIVER. Mr. Speaker, I want to congratulate my colleagues from Connecticut for requesting this time to discuss the introduction of the Conversion Research and Education Act of 1970. I am happy to join in the introduction of this legislation designed to meet some of the problems of postwar economic conversion.

Through President Nixon's policies of Vietnamization of the conflict in Southeast Asia and concentrating on our many domestic needs, we are now experiencing a necessary but difficult period of economic transition. Overall defense expenditures, as well as the Vietnam costs, are being steadily reduced. In addition, research and development programs of the National Aeronautics and Space Administration and the Atomic Energy Commission are being stretched out, postponed, and even canceled in the effort to redirect national priorities toward problems of environment, transportation, housing, health, education, crime, and urban growth.

The Fourth Congressional District of Kansas, which I represent, has contributed much to the security needs of our country through technical expertise involved in defense contracts and subcontracts. There is a large reservoir of talent in the research and development fields in this district which can now be redirected to enriching the quality of our lives. And there are excellent educational and training institutions there which are available to retrain these scientists, engineers, and technicians.

Nationwide, one in every four technical personnel in industry is engaged in defense-related work. Over $17 billion of America's $26 billion research and development industry is funded by the Federal Government. Of this Federal total, over $14 billion, or 83 percent, is accounted for by the DOD, the AEC, and NASA.

Thus, in introducing this bill, we are recognizing the unprecedented involvement of our scientific and technical community in defense-related work. The bill provides a plan for orderly and productive reorientation of this important resource to civilian-related research and development activities. On a larger scale, the bill offers an opportunity for a concerted, cooperative effort on the part of government and industry to forestall further unemployment by creating additional jobs in the civilian economy.

In addition, the bill provides special financial and educational assistance to small business firms in the defense industry to facilitate their conversion to civilian markets.

The bill is divided into three basic sections with programs administered by the National Science Foundation, the Economic Development Administration, and the Small Business Administration. Overview responsibilities will be placed in the Advisory Commission on Conversion Education programs to be appointed by the President. The total authorization involved is $450 million, which is to be broken down as follows: $100 million in fiscal 1972; $150 million in fiscal 1973; and $200 million in fiscal 1974.

The National Science Foundation will be responsible for determining the national needs in this conversion process and with providing the means for academic institutions, nonprofit organizations, public agencies, and private business firms to retrain scientists, engineers, and technicians. Priority will be given to those who have been or anticipate being out of work because of reductions in defense related expenditures. Federal, State, and local government employees who have jurisdiction in needed research and development fields can also be trained.

The Economic Development Administration will provide grants to institutions and business firms to develop and operate training programs for business management personnel to assist them in the conversion of their research and development activities from defense related areas to civilian areas of work.

The Small Business Administration will provide grants of up to $25,000 per year to small business concerns which have engaged in defense-related activities to pay a maximum of 80 percent of the fees

for their personnel who enroll in the NSF and EDA training programs. SBA loan guarantees and interest assistance payments would also be available for small business conversion projects. The bill would establish a computerized Conversion Information Service within SBA to keep small businessmen advised about available conversion assistance programs and current market needs in the civilian research and development fields.

Mr. Speaker, as stated in the preamble of this bill—

The Federal investment in science and technology, especially in the education of scientists, engineers, and technicians, constitutes one of the Nation's most valuable resources, which is a prerequisite for America's continued progress in the future. To forestall and reduce unemployment and the related waste of national talent and resources, it is essential that the Federal Government take effective steps now to assist in the conversion of defense related programs to civilian-oriented activities.

The preamble concludes:

Federal obligations for civilian-oriented research and development activities must be increased so as to reach a level of parity with Federal obligations for defense related research and development activities, whereupon the level of parity must be maintained or exceeded, except when inconsistent with overriding considerations of national security.

Mr. VANIK. Mr. Speaker, because of the reduction of military activities in Southeast Asia and recent general cutbacks in the overall budget of the Department of Defense and the National Aeronautics and Space Administration, there is a very real need for detailed, but immediate, planning for postwar conversion, particularly in the area of reorienting the scientific and technical community from defense-related to civilian-related research and development.

At present there is an unprecedented involvement of scientific, technical, and engineering personnel in defense-related projects and activities. Approximately 83 percent of all federally financed research and development is carried out by the Department of Defense, NASA, and the Atomic Energy Commission. One out of every two scientists, engineers, and technicians in the Federal Government is employed by these three agencies. Of the engineers, technicians, and scientists employed by industry, one in every four is engaged in defense-related work. These statistics prove that the need for a plan for postwar conversion is imperative.

I have tried for some time to interest relevant Federal agencies in converting their specialized and talented manpower pools to new lines of research rather than laying off these specialized workers. The response from the agencies has not been good. For example, in order to deal with the present layoffs at NASA's Lewis Research Center in Cleveland, I have proposed that operations at Lewis' jet propulsion labs, the Nation's finest center for the study of propulsion systems, be partially directed to the research and development of feasible pollution-free propulsion systems. Rather than breaking up proven teams—such as the Lewis teams—the Government should be using this manpower for solving the problems of the future—before the problems of the future become the emergency crises of today.

There are a multitude of areas where these talented pools of manpower could be used. For example, I offered a successful amendment to the Clean Water Amendments of 1970 which provided $20 million for research and demonstration on methods for cleaning up the Great Lakes. It is obvious, of course, that more than $20 million will be needed to save the Great Lakes—and it is obvious that we will need the dedicated and talented skills of a great number of scientists and engineers working on the problems of the Great Lakes.

Nearly a year ago, on October 2, 1969, I introduced a resolution in the House of Representatives calling for a special House committee to hold hearings on plans for conversion and reorientation of the economy as a result of the winddown of the conflict in Southeast Asia. In brief, my resolution stated:

The Committee is authorized and directed to conduct a full and complete investigation and study of all aspects of the proper role, priorities, and impact of the Federal Government as the Vietnam conflict de-escalates, including a determination of the plans and preparations being made by all sectors of the economy to insure an orderly transition to peacetime uses of the Nation's resources to meet domestic needs and priorities.

Unfortunately, no action was taken and we have drifted on, month after month, with rising unemployment and some of the most talented and skilled workers in the Nation left without jobs.

Every effort must be made to plan and begin implementation of peacetime programs enabling an orderly transition from defense-related to civilian-related research and development in this time of relative leveling off of the military budget.

It is for this reason that I am joining in cosponsoring the Conversion Research and Education Act of 1970. This bill, which also has cosponsors in the other Chamber, provides for action in the following areas: general conversion research with emphasis on solving problems like crime, mass transportation and pollution; retraining programs for defense and space-oriented scientists, engineers, technicians, and management personnel, and assistance to defense-related small business firms.

It is my very strong hope that, in the little time remaining to it, this Congress will take up this legislation so that these talented workers can be utilized to solve the many problems that confront our society.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation. Over the past few years there has been an increasing flow of foreign scientists and engineers to the United States. In 1968, 3,660 world scientists came to the United States, compared to 1,899 in 1965; 9,313 engineers also left other nations for the United States in 1968 compared with 3,446 in 1965.

PEACEFUL INTEGRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 30 minutes.

Mr. RARICK. Mr. Speaker, we have been hearing a lot of glowing reports about peaceful school integration in the South—mostly from northern sources.

That great institution of liberty, the "free press," has been silent as to the great multitudes in many areas of the long-suffering and often persecuted South, where large percentages of the youth either no longer attend federalized schools or have had to abandon so-called racially balanced public schools to get an education in private schools.

Now, only a few weeks after school opening, the truth begins to seep into the news media: Mobile, Ala., parents submit to fear and keep children at home—Danville, Va., closes schools, only to reopen after security guards are stationed at the school—Bogalusa, La., a model of public school integration a year ago, now has been forced to shut down indefinitely because of violence resulting from a forced unitary system—Barnesville, Ga., requires State police—Memphis, Tenn., three schoolchildren shot—Houston, Tex., a school board meeting disrupted.

A record of peaceful integration Supreme Court Judges, liberals, and moderates can be proud of—and I fear we are seeing nothing yet.

Integration cannot be peaceful—it was intended to be disruptive and destructive—that is why it is only being forced upon the South.

Hijacking of airliners? We in the South have witnessed the hijacking of our educational system and an attempt in the name of our country to hijack our children and then justify holding them as hostages.

I submit several related newsclippings which follow:

[From the Washington Post, Sept. 16, 1970]

U.S. AIDE FINDS DISRUPTION OVER DESEGREGATION MINIMAL

(By Peter Milius)

The Nixon administration's ranking civil rights lawyer said yesterday that "fortunately" there has been "only minimal interference with the desegregation process" in the South so far this fall.

Assistant Attorney General Jerris Leonard noted in Atlanta that 650 school districts have "converted from the dual to unitary systems."

"And while there has not been universal agreement over the methods by which this was accomplished," he continued, "there has been a general willingness by the citizens involved to comply peacefully with the law."

Leonard's remarks were part of a speech on "Violence and the Law" before the American Society of Clinical Pathologists.

They came one day after two Southern school districts were shut down because of interracial violence growing out of desegregation.

The districts are Bogalusa, La., and Lamar County, Ga. The outbreaks there were the most serious of the fall term. There have been few others, and none of the same scope.

The Georgia outbreak occurred in the town of Barnesville. United Press International reported that about 2,000 blacks stormed through the town following the arrest of a black student on a school bus Monday afternoon.

TWO ARRESTS

The student was charged with harassing the bus driver. A contingent of 35 state policemen helped local police restore order. There were two arrests, and several minor injuries from thrown rocks.

The county has four schools, and about 2,500 students, about half of them black. Its schools were segregated by race last year. This year they are segregated by sex.

The superintendent's office said county schools were closed yesterday.

They were also closed in Bogalusa, where police used tear gas to break up a black-white fight at a high school Monday.

About 600 students were embroiled in the fight. Six were arrested, and several injured. The superintendent said one cause was disciplinary action taken against students involved in two earlier fights this year, at football games.

Bogalusa schools were also closed briefly because of interracial friction at the end of the last school year.

The Bogalusa and Barnesville outbreaks both followed a pattern forecast by civil rights groups over the summer.

They said black students were on edge, and likely to take swift offense at what they felt were slights inside desegregated schools.

HOUSTON PROTEST

The administration was preparing a memorandum warning Southern school officials against such problems. Officials here said yesterday they were still working on it.

Meanwhile, Mexican-American parents disrupted a Houston school board meeting Monday night, in a protest against that city's desegregation plan.

In Mobile, Ala., police arrested another black student at a high school where there were interracial fights last week. At the same time, the NAACP Legal Defense Fund sought contempt citations against the school board and several white organizations and parents. The fund charged them with circumventing a desegregation order.

And in Washington, it was reported that 50 members of the House have signed up as co-sponsors of an antibusing brief submitted to the Supreme Court by Rep. William C. Cramer (R-Fla.). The court has scheduled arguments on major busing cases from the South next month.

[From the Washington Star, Sept. 10, 1970]

SCHOOLS BOYCOTTED: WHITES IN MOBILE GIVE IN TO FEARS

(By Paul Clancy)

MOBILE, ALA.—Philip Belcher, 17, walked disgustedly from the high school building where he would have been a senior this year.

He wore a green stone ring with a large "V" for Vigor High School, a formerly all-white school in the town of Prichard, a working class Mobile subdivision. The ring cost him $38.

Under a recent ruling by the U.S. Fifth Circuit Court of Appeals, Philip is one of 854 whites assigned to Blount High School—formerly a black institution.

"I quit," he said. "Damned if I'm going to go to a nigger school."

He lit a cigarette as he stood on a dirt path outside the school where he had just attempted to register.

THOUSANDS STAY AWAY

Philip is one of thousands of white students in Mobile County who decided to stay away from school rather than attend classes with a large number of black students.

"I've done heard of too many people getting stabbed and shot and I'm just not going to be one of them," he said.

Only 150 of the 854 whites showed up at Blount yesterday, along with most of the 1,846 blacks assigned there.

Several hundred parents attempted to take their children to neighborhood schools to which they were not assigned, but were turned away.

LET COURTS ENFORCE

The Mobile County Board of School Commissioners said yesterday, in effect, that the federal courts had forced almost total desegregation of this district—and that the courts could enforce it.

A potentially unpleasant showdown with the Justice Department was postponed for at least one day. Civil rights lawyers delayed seeking court action against parents and school principals who disobey the law.

It was in Prichard that former Gov. George C. Wallace advised parents Monday night to ignore the court orders and send their children to schools of their choice.

For those who went to their assigned schools, yesterday was an uneventful first day in Prichard, an old and graceful city that has been buffeted by ideological blows from both right and left and now is the setting for a Supreme Court test case.

MANY SUCCUMB

Philip Belcher is among many students and parents who succumbed to white fears about attending school with a large number of blacks.

The school board reported that about 100 of 725 whites expected at formerly black Booker T. Washington High School showed up. Other schools reported a similar attendance.

Belcher said his parents bought some property and are building a new house in an area they thought would be within the new Vigor High Zone. But just two weeks ago a new court order cut them out of the Vigor attendance zone.

"It means a lot to my momma and daddy just to see me graduate. Ever since I saw my sister graduate I've been wanting to be in a graduation ceremony," he said.

WON'T GRADUATE

"I don't reckon I'll be able to do that now."

"Every day they're saying on the radio. 'Stay in school and graduate.' How in the heck can you do that? Unless you're a millionaire and can buy you a home every time they make a new ruling."

Spokesmen for the white parent group say they plan to continue trying to get into neighborhood schools, even if their children's continued absence from assigned classes amounts to a boycott.

This is just what school officials are worried about, because the amount of money the district gets from the state is determined by daily attendance.

But they are not worried enonugh to enforce the court order.

[From the Washington Star, Sept. 15, 1970]

BOGALUSA SCHOOLS CLOSED AFTER WHITE-BLACK BRAWL

Racial violence forced the closing of all public schools in Bogalusa, La., yesterday and sent state troopers rushing to Barnesville, Ga., last night.

Police used tear gas to break up a brawl involving 600 black students and whites at Bogalusa. Several students were injured and at least eight persons were arrested.

"It was a combination of provocation between both races," Police Chief Thomas J. Mixon, said. "A minimum amount of tear gas was used to separate the blacks and the whites. Then a police line was put between the blacks and whites until we could get buses to bus the majority of the students away."

The 10 public schools in Bogalusa, which were integrated last year, were closed indefinitely after the brawl.

BARNESVILLE RAMPAGE

The arrest of a Negro youth on charges of harassing a school bus driver touched off a rock-throwing, window-smashing rampage by 2,000 blacks at Barnesville. A force of 35 state troopers helped police restore order. Two persons were arrested. Several persons were injured by rocks.

Barnesville Mayor Herman Andrews said the root of the trouble was black objection to a federal court-approved segregation-by-sex program in public schools.

At Memphis, Tenn., three youths were wounded in a shoot-out at all-black Hamilton High School. Authorities said the incident apparently was a carryover from an argument at a weekend dance.

POLICE RING SCHOOL

A group of Mexican-Americans stormed a meeting of the Houston School board last night, throwing chairs, lamps, ashtrays and other objects. Mexican-Americans are boycotting schools to protest a desegregation order they claim fails to recognize them as a distinct minority.

Police at Mobile, Ala., ringed a formerly white, now predominantly black high school for the third day and conducted a room-to-room search for trespassers.

Federal Judge Daniel H. Thomas ordered the Mobile School Board to stop frustrating desegregation by allowing parents to enroll their children in the schools of their choice instead of the schools to which they were assigned. He told the board to stop the practice.

George Washington High School in Danville, Va., was closed yesterday after fighting among students. The school became Danville's only senior high school this year under a desegregation plan.

In Washington, more than 50 House members have decided to urge the Supreme Court to rule the constitution doesn't require busing to achieve a racial balance in public schools. The list, still growing, includes some congressmen from outside the South.

Gov. Ronald Reagan yesterday signed into law California's new prohibition against busing school children without the consent of parents. Petitions immediately were filed asking the California Supreme Court to rule on the constitutionality of the new law.

[From the Washington Post, Sept 15, 1970]

FIGHTS LEAD TO CLOSURE OF SCHOOLS

DANVILLE, VA., September 14.—Danville's school board and city officials decided late this afternoon to close all public schools in the city Tuesday in the wake of an apparent racial incident at George Washington Senior High School.

City Manager Frank Faison said he would arrange for security guards at George Washington and at all junior high schools in the city before schools reopen Wednesday.

Scuffling broke out in the hallways at George Washington today after Principal Everett Motley had met with about 200 protesting black students in the school gymnasium.

George Washington High is the city's only senior high school and has an enrollment of 2,237 pupils and a white to black ratio of 81 to 19.

There were reports that two students were slightly injured in the scuffling. Police were called and order was restored. The school was ordered closed at 11:25 a.m.

Radio Station WBTM said the trouble apparently grew out of a fight between a white youth and a black youth at a football game Friday night. The black youth was arrested

and as a result, the station said, the Negro students planned a boycott of classes today.

[From the Washington Post, Sept. 15, 1970]

END VIOLATION ON SCHOOLS, MOBILE TOLD

(By Peter Milius)

The Nixon administration accused the Mobile, Ala., school board yesterday of condoning violations of a federal desegregation order, and a federal judge told the board to stop it.

The Justice Department said the board was circumventing the order by "providing or . . . allowing the use of space, facilities and equipment . . . for the instruction of students" in schools other than those designated by the city's desegregation plan.

U.S. District Judge Daniel H. Thomas signed an order banning such arrangements.

About 1,000 Mobile whites have been trying since last Wednesday to enroll their children in schools of their choice, instead of those prescribed by the federal desegregation decree.

Their effort is perhaps the strongest challenge of the fall to the federal desegregation drive in the South.

When whites resisted a milder midterm desegregation order in Mobile last school year and exercised "freedom of choice," no steps were taken to stop them.

This year the courts ordered the school board not to enroll "non-conforming students," as they are called in Mobile, not to give them texts, tests, grades or credits, and not to let them take part in extracurricular activities.

The school board said last Wednesday it would go that far but no farther. It said it would allow non-conformers all privileges not specifically denied by the courts, and would not expel them from unassigned schools unless they were disorderly.

A board spokesman said later that this might mean letting such students "sit in classrooms" and "look at books."

Melvin F. Himes, a leader of the white parents, said he was confident the non-conformers ultimately would be intermingled with regular students as they were last school year.

Most Mobile schools spent most of last week on registration. Few began issuing textbooks or holding formal classes until yesterday.

The Nixon administration did not specifically ask that non-conformers be expelled from unassigned schools. It phrased its motion in the hope of avoiding such a direct confrontation.

The NAACP Legal Defense Fund said last night that it was preparing a stronger motion, seeking the removal of non-comforming students, and contempt citations against both their parents and the board.

Administration spokesmen here said this was the third time the government has gone to court this fall to make dissident whites obey desegregation orders.

They also said the government has found few violations of desegregation plans in its first checks across the South.

About 600 Southern school districts are supposed to be desegregating this year. The government intends to monitor some of them, and private civil rights groups hope to monitor them all, but neither of these reviews is in full swing yet.

Mobile is Alabama's largest school district. Its expected enrollment is about 71,000 pupils, 60 per cent of them white. On opening day last Wednesday, about 6,000 whites stayed home. About 2,000 of the absentees showed up on Thursday.

There were black-white fights in one Mobile high school last week, and two blacks were arrested there as trespassers yesterday.

There were also interracial fights at a high school in Bogalusa, La., yesterday. Police and sheriff's deputies used tear gas to break them up, and all schools there were closed "until further notice." The town has about 5,000 pupils in ten schools.

There were no incidents yesterday in Charlotte, N.C., another of the large Southern systems under a new order this fall. Attendance was up slightly, to about 84 per cent, but whites continued to stay away from some schools in black neighborhoods.

Charlotte's plan involves heavy crosstown busing, and leaves the city with no all-black schools. The Nixon administration opposes it. The Mobile plan, which the administration drew up, involves no such busing increase, and leaves about a fifth of the black children in all-black schools. Both are under legal challenge. They will be before the Supreme Court next month.

In Sacramento, Calif., Gov. Ronald Reagan branded forced busing "a ridiculous waste of time and public money" and signed a bill prohibiting transportation of public school children without their parents' permission.

SCHOOL BUSING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PURCELL) is recognized for 15 minutes.

Mr. PURCELL. Mr. Speaker, it is time for the people in charge of the Department of Health, Education, and Welfare to do some honest soul searching on the matter of school busing.

It is time for the agents of this powerful executive agency to ask themselves if they truly are serving the best interest of our schoolchildren by forcefully uprooting them from their familiar neighborhood schools and sending them rattling off across town to strange neighborhoods.

It is time, Mr. Speaker, to ask HEW officials if they really believe they are adhering to the law in their unflagging but surreptitious promotion of elaborate busing schemes.

It is time for all Americans to recognize that children—all children—are far too precious to be used as guinea pigs in the laboratory of social experimentation.

It is time to face the fact that discrimination is just as bad when practiced against one as when practiced against another. Any child denied the right to attend the closest and most convenient school and forced to spend an hour or more on the bus each day is the victim of discrimination—in this case deliberate and official discrimination. And this fact applies equally to children of all races.

In the past several weeks I have been forced to watch in mounting frustration as various schools in my north Texas district struggled to comply with the almost impossible demands laid down by HEW. These have resulted in many students being yanked out of their neighborhoods and trundled off like bags of laundry to unfamiliar and sometimes resentful areas in other parts of town. Like a majority of my colleagues in Congress, I simply do not feel this is necessary.

I know it is not desirable. I know it is not in the best interests of the children. And whom, if not them, is our educational policy supposed to serve?

Let me make clear that I challenge only HEW's methods, not its intent. All reasonable, fair minded Americans have the same hope for our children. We all want to assure every child in the United States the best possible education, free from discrimination or prejudice of any kind.

Yet, I question whether the cause of either education or equality is served by carting children around town in a schoolbus to meet artificial racial quotas set up by some wellmeaning social experimenter.

It would be difficult to find a concept more fundamental to American education than the neighborhood school. Traditionally they are located within walking distance. Parents are able to have close contact with teachers, and the school buildings often serve other community functions.

For preschool and elementary children especially, it is not just important but essential for them to have the right to begin the adventure of learning in the familiar surroundings of a school near their home.

The complex problems our schools face today came about in a way that is no credit to America. For more than a hundred years we discriminated shamefully against Negroes in jobs and housing, as well as in education. Even if a black man was qualified, we would not give him a good job. Even if he had the money, we would not let him buy a house in our neighborhood.

With housing thus segregated, the inevitable result was segregated schools. And, as the Supreme Court noted in its historic 1954 decision, segregated, separate schools are inherently unequal.

The present question, then, is how to correct this inequality in those situations where housing patterns have left us with all-black and all-white neighborhood schools. Can the problem really be solved by arbitrarily jerking children—either white children or black children—out of their home areas and taking them somewhere else? I doubt it. A problem is seldom solved merely by transferring it to some other point on the map.

School administrators overwhelmingly oppose busing. To a cross-section of school men in all 50 States the magazine Nation's Schools recently put this question:

Do you think busing students should be implemented to achieve desegregation, even if it means a weakening of the neighborhood school concept?

Nine out of ten school men said, "No."

On at least seven occasions Congress has enacted legislation to prohibit Federal officials from requiring busing "in order to achieve racial balance."

The first such provision was contained in the Civil Rights Act of 1964. Similar prohibitions have been included in the 1966 and 1967 amendments to the Elementary and Secondary Education Act of 1965 and in the Labor and Health, Education, and Welfare Appropriations Acts for fiscal 1968, 1969, 1970, and 1971.

Top officials of the Nixon administration understand this. Attorney General John N. Mitchell has pointed out that the law does not require busing to achieve racial balance, and President Nixon has expressed similar views.

The President, in fact, has cited the

neighborhood school as the keystone of a sound educational system. He said:

Federal officials should not go beyond the requirements of the law in attempting to impose their own judgment on the local school district.

Despite the judgment of professional school men, despite the laws enacted by Congress, and despite the interpretations provided by the Attorney General and even the President himself, HEW officials have done little more than pay lip service to the ban on busing.

In a policy statement a year ago, HEW admitted that the law forbids busing to overcome racial imbalance. But HEW insists that it is not busing to overcome racial imbalance. HEW says it merely is carrying out its "constitutionally required action of dismantling the dual school system."

Claims that HEW does not really require busing draw snorts of disbelief from school men. One Texas educator, quoted by U.S. News & World Report, put it this way:

They never mention busing, but they won't accept a plan unless it involves busing. What they do is force you to agree to a busing plan.

A major problem in school desegregation is that no clear national guidelines exist as to how much racial mixing is needed to constitute full integration. Must every school have the same proportional mix as the district as a whole? If so, who formally sets the ratio? The courts? The Office of Education? Your friendly neighborhood sociologist?

These questions can only be answered by the U.S. Supreme Court, which blithely adjourned for its 3-month vacation at the very time when the Nation's schools were wrestling with the tortuous problems that only the Court itself can resolve. As one example of how the confusion has been compounded by lack of clear guidance, three different courts in Virginia handed down three different types of school integration rulings in a single day last month.

In Texas schools, integration is not the issue. No responsible citizen in our State today would seriously contend that Negro children should not have precisely the same right to school facilities and educational opportunities as white children.

No, Mr. Speaker. The issue today is not integration. The issue today is the welfare of the individual schoolchild, be he either black or white. Let him not be victimized by what Winston Churchill once called "the lamps of perverted science."

Let us attack the evils of discrimination, but in doing so let us not reduce our children to the role of educational freight, to be carted hither and yon like so many crates of cabbage.

What are the alternatives? How can our children be assured true equality in educational opportunity?

The long-range solution lies, of course, in relieving the pattern of segregated housing that led, sadly but inevitably, to segregated schools.

Congress and the courts already have made significant strides in this direction. Racial restrictions in housing have been eliminated, and there has been genuine progress in wiping out the discrimination which for so many decades prevented black Americans from getting the good jobs they needed to pay for decent housing in decent neighborhoods. Let us continue to push forward on these fronts, because only through these efforts can we attack the disease, rather than just the symptoms, of segregated schools.

For more immediate steps, let us quit skimping on money for neighborhood schools in black areas. If a ghetto school gets a clean, well-designed building, quality instructional materials, a top-notch faculty and enlightened administration, it will not be long before our schools are integrated without the aid of rattletrap buses.

One farsighted educational concept calls for "magnet" schools—schools with such excellent full-time programs and supplementary services that they attract students from a wide geographical area. Unusual curriculums, designed to meet specialized needs, could provide powerful incentives to attract students for other areas.

Through such farsighted and innovative programs our schools could become genuinely, rather than artificially, integrated. Equally important, integration could be achieved voluntarily, rather than under duress.

For many decades, Mr. Speaker, America shamed itself by carrying only white students to certain schools, even though the buses often passed Negro neighborhood schools along the way. This was an artificial and inexcusable means of maintaining segregation—of bypassing the neighborhood school. Is it any less artificial or any less inexcusable today to bypass the neighborhood school to achieve what some Washington sociologist deems to be an adequate racial balance in a Texas school far from a child's own home?

It may be a splendid exercise for the sociologist. But America's schools are not operated for the benefit of HEW sociologists. They are operated for the benefit of our children. And our children are far too precious to be used as mere pawns in a sociological chess game.

"POLLUTION: EVERYONE'S RESPONSIBILITY"—AN EXCELLENT EDITORIAL BY EDWARD J. BENNETT

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, the problems of pollution of our water and air are of great concern to us all. By now it is generally recognized that the use of our water, land, and air as places to dump our waste must cease. The United States must develop more efficient manufacturing processes so that there will be much less waste to begin with. What waste is produced must be recycled so that it becomes a product useful to society, rather than something which must be disposed of.

While the ultimate solution is rather clear, there are immense problems involved in shifting our economy toward less waste and less pollution. New factories and machinery can be designed to be more efficient and able to reuse by-products which are now waste. There is evidence that most companies have gotten the message and are spending the necessary money to so design their facilities.

However, there is a much more serious problem involved with plants which are presently in operation, which often were built in a time when it was socially and legally acceptable to discharge large quantities of waste into our air and rivers. These existing facilities are often very old and low-profit enterprises which cannot afford large expenditures for costly treatment facilities without becoming unprofitable for their owners. These plants are often in rural areas where there are no job alternatives for employees who would be put out of work if they close. The harsh reality is that for plants like these, the alternatives are not pleasant. One quick way to get clean waters and air is to force the factory to close, and in the process put most of the town's population on the unemployment rolls. For these people there is no new job waiting, and they will have to leave the community to find work. The resulting movement to the cities then adds to our urban troubles.

An alternative to the above is to grant the existing factory a variance so that it can continue to exist and give employment to the town's residents, but at the price of continued pollution of our water and air. These alternatives are not pleasant to contemplate, and put the lie to the simplistic solutions which are heard so often. The fact is that immediate switch over to clean production can be done for many of those factories only if society is willing to pay the cost, which will be expensive.

These points, and many others, were recently made by Ed Bennett, publisher of the Claremont Daily Eagle, in an excellent editorial. I was fortunate to have been serving with Ed Bennett in the New Hampshire State Senate at the time he introduced the legislation referred to in the editorial, and can attest to his genuine concern for our environment. The dilemma outlined by Ed Bennett is one facing many communities in New Hampshire. It is not an easy one and is not subject to a simple, easy solution.

I offer this editorial today for the purpose of clarifying a common misconception, that our environmental cleanup—which is necessary and urgent—will be cheap and easy if only corporations can be made to stop polluting. This is not fact. We are going to have to pay for our clean-up in our tax bills, in higher prices for things we buy, and with changes in our buying habits such as using returnable containers instead of throwaway ones. Sometimes the solution will have to be delayed until dilemmas like the one Ed Bennett writes about can be resolved. Often there will be trade-offs which are unpleasant, so that really tough choices may have to be made.

This is in no way a suggestion that we should delay acting on this problem. Rather it is recognition of the difficulties which will have to be faced as we shift

from a waste discarding society to a waste recycling society. The move has to be made, and realism about the costs and alternatives will make it come more quickly and with less dislocation.

Because the ultimate problem in cleaning up our environment is deciding who is going to pay the cost of needed facilities, I offered an amendment to the Water Quality Act of 1970 directing the Secretary of the Interior to study all possible means of financing necessary abatement facilities. The amendment was accepted, and the report will be due at the end of this year. My own feeling is that some kind of user fee would be a realistic approach. The first annual report of the Council on Environmental Quality also urges consideration of alternative methods of financing. The need for the current study of alternative means of financing facilities simply reinforces the point Ed Bennett was making, that we have to face up to reality and make the hard decisions if we are to get a realistic solution to the problem.

The editorial follows:

POLLUTION: EVERYONE'S RESPONSIBILITY

Thirteen years ago this writer introduced a pioneer piece of legislation in the New Hampshire Senate.

The bill called for the reclassification, or cleanup, of the Pemigewasset River from Lincoln, New Hampshire, to Franklin.

The river is an interstate stream, which leads into the Merrimack, which empties into the Atlantic.

Basically, the "Pemi" was polluted by two sources: Domestic and industrial wastes. The latter, however, was its greatest and the pollution that a "moving" river—up to a utility dam—could not "digest."

The only material contributor to this industrial pollution was the Franconia Paper Co. in Lincoln, successor to the old Parker-Young Company where Sherman Adams was woods boss.

Pollution of a river by a paper company, or a woolen company is serious.

Wastes discharged poison water for fish and fowl.

Worse yet, treatment of waste matter from such mills is fearfully expensive.

Even ten years ago it was virtually impossible, technically speaking, and financially.

As hearings on our bill were held, the company responsible for the pollution asked for time; time to see what anti-pollution devices could be afforded; time to ask for more federal and state financial assistance. And just time.

At that point, any action of the legislature to force compliance from a "D", or polluted river, to a "C" or "B–1" river would have meant closure of the Franconia Paper Corporation.

At the time our bill was introduced, we were resident in Bristol, New Hampshire, just south of Ayers Island Dam, a utility-owned and operated generating unit.

In summer, Ayers Island Dam would close gates to conserve generating water. Water so passing through the wheels dropped several hundred feet to rocks in the dry river bed below.

In the process, the "poisoned" sulfate-laden water was aerated into clouds of air pollution which had the pungent odor of sulphur and literally removed lead-base paint from Bristol homes.

While we then had a constituency suffering from the noxious pollution of the Pemmigewasset River, we came to realize that full implementation of our bill to clean up the river would result in the closing of a paper company with 700 employes.

We consequently agreed to a number of modifying amendments to our bill, much to the anger of the Water Pollution Commission and over opposition of many of our constituents.

Now, thirteen years later, the Franconia Paper Corporation is bankrupt. More than 500 men formerly employed there are out of work.

Moreover, hundreds more selling pulp and chips to the mill for the manufacture of paper are out of work.

There is a moral to this editorial, and it is just this:

A big factor in the bankruptcy of Franconia Paper Corporation was force; forced compliance with stiff anti-pollution regulations which have or are, cleaning up the Pemmigewasset River.

But the price?

Bankruptcy for a company and losses to shareholders. Jobs, families, woodsmen, merchants.

It seemed to us then, after reflection, that Franconia Paper Company's problem was really our problem.

They had license to discharge sewage as we had; they were in business, providing jobs.

Now government has forced them to bankruptcy for a "crime" that was considered, even fifteen years ago, an accepted practice.

We write this "historical" piece because we want Sugar River cleaned up, and soon.

But do we want, and can we stand, to bankrupt companies which may be forced to comply beyond their resources?

Companies like Dorr Woolen, Brampton, Dartmouth Woolen, and Claremont and Coy Paper?

If men have allowed other men to foul rivers for centuries, all men are responsible to pay the bill when the rules have been changed.

COMPELLING THE RELEASE OF THE HOSTAGES

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, this Friday Golda Meir, Prime Minister of Israel, will be meeting with the President at the White House on the serious state of affairs facing not only Israel but the United States in the Mideast. The recent skyjackings by Arab terrorists and their holding 54 innocent hostages—39 of whom are American citizens—is surely the first item on the agenda.

The Government of Jordan is clearly unable to maintain law and order in its own country and it is a totally unacceptable and horrendous situation that Americans and other nationals are being kept hostage in the very capital city of Jordan.

The President must forcefully exercise his responsibility to protect U.S. citizens wherever they are. The United States should make clear that unless the Arab governments compel the immediate release of the hostages without harm that all U.S. aid to the U.N. Palestine Refugee Agency will be cut off. The United States is currently contributing approximately 70 percent of the funds going to the Arab refugee camps now under the control of terrorist organizations.

Further, the U.S. Government should make clear that unless Arab governments compel the immediate release of the hostages without harm, all U.S. air carriers will be required to suspend service to and from Arab States.

We must pursue current multilateral efforts to secure the release of all hostages but the United States should not shrink from these additional actions during this international crisis.

CONGRESSMAN HANSEN OF IDAHO INTRODUCES BILL TO PROVIDE MORE EFFECTIVE INSPECTION OF IMPORTED MEAT

(Mr. HANSEN of Idaho asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANSEN of Idaho. Mr. Speaker, today I am introducing H.R. 19233 to amend the Federal Meat Inspection Act to provide for more effective inspection of imported meat and meat products to prevent the importation into this country of diseased, contaminated, or unwholesome meat.

The principal objectives of this bill are twofold. First, and most important, it will help to provide assurance to the American consumer that meat and meat products imported from other countries are wholesome and free of disease and contaminants; and second, it represents an important step in the direction of bringing imported meat and meat products under inspection standards that apply to meat and meat products produced in the United States. This will help give assurance to the domestic livestock industry that all who compete in the American market are bound by the same set of rules.

Thus, the passage of this bill will, at the same time, provide protection to the American consumer and help to foster conditions of fair competition for the domestic livestock industry.

It is, of course, axiomatic that the inspection standards for meat produced in the United States assure the consumer the highest possible standards for wholesomeness. And, because of the growing public awareness of the dangers inherent in the unrestricted use of pesticides and herbicides the U.S. Department of Agriculture has taken action to limit their use.

Since the publication of Upton Sinclair's book, "The Jungle," some 60 years ago, the public has become increasingly aware of the hazards involved in the consumption of impure meat.

Since that time very significant steps have been taken to develop and enforce high standards to assure the wholesomeness and quality of meat products produced and sold in the United States. As a result of action on both the State and Federal level effective inspection laws and regulations have been developed and enforced. As a result public confidence in the wholesomeness of the meat available in the market has grown and frequently little thought is given to the possibility that such meat might be impure.

Unfortunately, that same confidence is not fully justified when it comes to meat imported from other countries. Hearings will shortly be held by the Livestock and Grains Subcommittee of the House Agriculture Committee on this

matter. I expect that the testimony produced at these hearings will confirm the mounting evidence that inspection standards applicable to imported meat fall far short of the standards that are needed to assure wholesomeness.

Mr. Speaker, I believe the following facts speak for themselves. Within the 40 countries that are presently permitted to export meat and meat products into the United States, there are over 1,100 certified plants. To inspect these 1,100 plants, which are located at points all around the world, the U.S. Department of Agriculture has only 15 veterinarians who serve as foreign review officers. It is the duty of this very limited force to make certain that each of the plants in each of the countries involved comply with the regulations set forth by the Secretary of Agriculture. Obviously, this is an impossible job even for a group as competent and dedicated as these 15 men.

There is reason for our concern about the wholesomeness of the meat products being shipped into this country. Recently, an article from an Australian newspaper came to my attention wherein meat inspection was identified as a major problem in that country. The article described the decline in inspection standards for export meat and noted recent incidents wherein it was discovered that unclean meat was being shipped to the United States.

It is also the practice to give plants advance notice of visits by U.S. inspectors. Obviously, this provides an opportunity for the plant to clean up their operation and eliminate any deficiencies in anticipation of the visit by the inspector. Furthermore, less than 1 percent of the meat imported into the United States is inspected at dockside.

The purpose of my bill is to correct these glaring deficiencies in the present law. Its passage will not only provide protection that does not now exist for the American consumer but will also help to assure more equitable treatment for the producers and processors of both domestic and foreign meat that is sold in the American market.

Mr. Speaker, I include as a part of my remarks the text of H.R. 19233.

H.R. 19233

A bill to amend the Federal Meat Inspection Act to provide for more effective inspection of imported meat and meat products to prevent the importation of diseased, contaminated, or otherwise unwholesome meat and meat products

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 20 of the Federal Meat Inspection Act (21 U.S.C. 620) is amended by adding at the end thereof the following new subsections:

"(f) The Secretary shall provide for the inspection at least four times a year, on an unannounced basis, of each plant referred to in subsection (e) (2) of this section.

"(g) The Secretary shall provide for the inspection of at least 2 percent of each imported lot of fresh or frozen meats. Core sampling techniques shall be used when appropriate in the inspection of such meats.

"(h) The Secretary shall prescribe appropriate inspection procedures to detect contamination from pesticides or other chemicals regardless of whether ingested or absorbed by the animals prior to slaughter or introduced into the meat or meat products subsequent thereto.

"(i) The Commissioner of Customs shall levy on all products entering the United States which are subject to this section, in addition to any tariffs, a charge or charges set by the Secretary of Agriculture at levels which are in his judgment sufficient to defray the probable costs of all examinations and inspections carried out pursuant to this section."

BANK CONDITIONS WOULD PLAINLY ALLOW A REDUCTION IN THE PRIME INTEREST RATE

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, as I have mentioned several times in recent days, there is no reason for the big commercial banks to delay an immediate and substantial reduction in the prime interest rate.

On September 10, the New York Times, in a column by Robert Metz, detailed the rapid gains for major bank stocks, particularly among the money center banks. Mr. Metz states:

The impact of these factors in money market bank earnings will be to raise third-quarter earnings of New York banks year-to-year by at least 15 per cent, and perhaps 20 per cent.

Mr. Speaker, I also call attention to an August 10 article from the Journal of Commerce which points out that the big banks are dropping out of the Euro-dollar market and are "literally rolling in dough." Both of these articles point to the fact that the big commercial banks could reduce interest rates tomorrow morning if they so desired.

Mr. Speaker, I place these articles in the RECORD.

[From the Journal of Commerce, Aug. 10, 1970]

MAJOR BANKS LITERALLY ARE "ROLLING IN DOUGH"

(By Ed Tyng)

The nation's large banks have been literally rolling in dough since the Penn Central Transportation Co. went bankrupt in June and they are fervently hoping the Federal Reserve Board will not soon close the gateway to heaven which means ample funds to lend or invest.

Since June 24, when the Federal Reserve Board removed the interest ceiling limit on bank certificates of deposit, all large commercial banks in the country have increased their CD volume by approximately $5 billion, giving them that much more money to lend or invest.

Confronted with a relatively modest demand for new loans, the banks which have raised so much through CD sales have used about half the funds received to pay off expensive Eurodollar borrowings from foreign branches. The Eurodollar borrowings have declined by nearly 2.5 billion to a total which is the lowest since May, 1969.

They have used the remainder of the new money gained through CD sales to make new loans or to repurchase loans previously sold to holding companies to get cash in the days when cash was at a premium, as now no longer is.

HOW LONG IS EAST STREET?

Even if the Federal Reserve later cracks down and says that the inflation of bank certificates of deposit is too much of a good thing, which the banks hope will not happen, the banks will still be on easy street, for in case of need they can restore to previous high figures their borrowings of Eurodollars and will still have plenty of money to lend or invest.

Eurodollar borrowing rates have fallen sharply in recent weeks but today still cost something over 8 per cent, which is of course much less than the banks were paying six months ago, when Eurodollar rates ranged as high as 11 per cent. As they pay off expensive Eurodollars major U.S. banks gain in earnings, since the Eurodollars repaid can be repaid with certificates of deposit which cost them well under 8 per cent. For the money gained by CD sales which is not used to repay Eurodollars, banks can get 8 to 8½ per cent by lending the money, or can buy tax exempt securities at yields up to 7 per cent which is equivalent to a taxable interest rate of 9 or 10 per cent.

WHAT FIGURES SHOW

Since June 24, when the Federal Reserve Board allowed banks to sell new certificates of deposit at any rate they cared to pay—which has ranged from 7¾ to slightly over 8 per cent—all large commercial banks increased their CD volume to $17,908 million on July 29 from $13,019 million as of June 24. In the same period they cut their Eurodollar borrowings to $19,890 million from $12,694 million.

Between June 24 and Aug. 5 New York banks increased their CD sales to $4,575 million from $2,719 million on June 24 while they reduced their borrowings of Eurodollars to $7,388 million from $8,482 million.

The high point reached by certificate of deposit sales by all large commercial banks was $24,326 million in the week of Dec. 4, 1968. For New York banks the high point on certificate sales was $7,507 million in the week of Nov. 29, 1967. The high point on borrowings of Eurodollars by New York banks was $10,441 million in the week of Oct. 15, 1969.

GETTING NEAR FLOOR

The heavy repayments of Eurodollar borrowings are bringing the amounts of such borrowings near the point where banks will not be charged 10 per cent reserve requirements on such borrowings in excess of those as of May 28, 1969. When the Federal Reserve Board imposed last year such reserve requirements it did so on borrowings which exceeded May 28, 1969 average levels. It also indicated that if banks paid off sufficiently to go below the levels of May 28, they might not be able to restore such borrowings without being subject to reserve requirements which would be based upon the paid-down level.

Nearly all large commercial banks outside of New York have reached their May 28, 1969 floor on Eurodollar borrowings while New York banks are getting close to that floor. So banks now are near a decision on whether to go below the floor, which means a decision that they will not need to resume in the near future extensive borrowings of Eurodollars. Several banks in the interior of the United States have already made the decision that they will not, in the near future, need to borrow Eurodollars in anything like the amounts they borrowed in 1969 and early 1970.

While banks are now on Easy Street so far as available funds are concerned, this does not mean that they are going to hurry and cut lending rates. The lending rates will continue to depend upon the cost of the money to the banks, and the cost has not yet got much under 8 per cent. By all past precedents the 8 per cent prime rate, reduced last March from 8½ per cent, should be increased, but for political reasons it probably will not be increased.

If the Penn Central Transportation Co. had not gone bankrupt, which is going to cost the banks some loan losses, the Federal

Reserve Board probably would have not eased money.

[From the New York Times, Sept. 10, 1970]

MARKET PLACE: GAINS ARE SEEN IN BANK STOCKS

(By Robert Metz)

Okay, so you're patting yourself on the back that you called the rise in bank stocks, and now you're thinking about locking up those summer rally profits.

But listen to Warren Marcus, bank stock analyst for Salomon Brothers. Sit tight, for a while, says he, particularly if you own stock in the money-market banks.

He acknowledges that Salomon's bank-stock price index is up 13 per cent at 54.78 from 48.50 on June 25 and that money-market banks have scored even larger gains—typically 15 to 20 per cent.

Still, he says that while "some moderate technical correction is appropriate," the underlying fundamental developments are "very powerful" and can easily produce further significant price gains this year.

He cites substantial cost relief for the money market banks due to a slide in Eurodollar rates from 9⅝ per cent in June to a current 8 per cent. Federal funds rates, generally in excess of 8 per cent and sometimes 9 per cent during the spring, have been running consistently below 6¾ per cent and sometimes below 6½ per cent during the last few weeks. Commercial paper rates are down about 75 basis points over the last two and one-half months.

"Finally, with the suspension of Regulation Q ceilings on short-maturity time deposits in June, the banks have been successful in attracting a substantial inflow of new deposits . . . exceeding $2.3 billion—an increase of more than 80 per cent in nine weeks.

"These additional funds, which cost the banks approximately 7⅜–7½ per cent have improved liquidity and allowed a reduction in the use of Eurodollars—the highest cost sector of the various non-deposit categories, which the banks have relied on during the past 18 months."

The impact of these factors in money market bank earnings will be to raise third-quarter earnings of New York banks year-to-year by at least 15 per cent, and perhaps 20 per cent."

RALPH NADER AND GENERAL MOTORS

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, on September 4, Ralph Nader wrote to the Secretary of Transportation, John A. Volpe, raising a number of new and very specific matters with reference to the safety of the Corvair automobile, and also involving more fundamental issues such as the nature of corporate responsibility. Mr. Edward Cole, president of General Motors, responded to Mr. Volpe and in effect denied Mr. Nader's charges. Secretary Volpe has since indicated that he is going to proceed to a full investigation of these matters.

I expect that all Americans, particularly the more than 1 million who still ride in Corvairs, should be aware of this investigation and its eventual outcome. For that reason I submit for the RECORD a copy of Mr. Nader's letter of September 4, Mr. Edward N. Cole's response of September 7, and the letters of September 9, 1970 from Secretary Volpe and Rodolfo A. Diaz, Acting Associate Director of Motor Vehicle Programs, Department of Transportation:

SEPTEMBER 4, 1970.

Hon. JOHN A. VOLPE,
Secretary of Transportation,
Department of Transportation,
Washington, D.C.

DEAR SECRETARY VOLPE: For five years, nearly four of them under the auto safety law, the federal government has declined to become involved in the Corvair matter, notwithstanding the mass of evidence as to its hazards which has been externally collected and transmitted to the government. Now comes decisive evidence which reveals a labyrinthic and systematic intra-company collusion, involving high General Motors officials, to sequester and suppress company produced data and films proving the Corvair (1960–63 models) dangerously unstable. The Department of Transportation can no longer avoid confronting the GM-Corvair depravity and the daily carnage of innocent people injured or killed in these vehicles. Probably 600,000 of these Corvairs are still on the roads, driven increasingly by the young and the poor. Little can be done about past Corvair casualties, except as a spur to end this dismaying refusal to act by the Department. Much can be done to prevent further crash-injuries and to understand additional, serious design defects affecting all Corvairs (1960–63 models). But first it is necessary to understand the enormity of what General Motors officials have done to their customers (and passengers), the federal government, the courts and any American who trusted the testimony and assurances of the nation's largest industrial corporation. For in a word, GM manufactured and maintained a massive lie.

The company's credibility is not at stake here. Its credibility is shattered here. It can now be reliably asserted that GM proving ground tests and films back in 1962–63 conclusively proved the Corvair to be uniquely unstable with unprecedented rollover capability unlike any other American car. (Such characteristics were known by GM engineers when the Corvair was in its design stage back in the late Fifties. But the cautions of the more concerned were over-ridden by management which refused to adopt a much safer suspension system then available.) None of this information was ever offered or disclosed in response to court orders to produce such or any other requests from federal and state officials. On the contrary, in a consistent posture of suppression and prevarication, the company declared the Corvair as safe as any other car and asserted that any claims to its lack of safety were false.

Before the Senate Subcommittee on Executive Reorganization on March 22, 1966, James M. Roche, then President, General Motors Corp. read approvingly into the hearing record a statement by GM's Assistant General Counsel, Louis H. Bridenstine and a technical account by Mr. Frank Winchell, Chief Engineer for Research and Development of Chevrolet Motor Division, which will become principal exhibits of the falsehoods and distortion utilized by the company's spokesmen. Other GM officials, including Mr. Edward Cole, now the company president and long known as the "father of the Corvair" stated what GM's own tests said was *not* so about the vehicle's handling.

Mr. Winchell's statement was replete with statements contradicted by GM's own, secret test data and films to which Mr. Winchell had access. For example, in words to be substantially repeated under oath before courts across the land, Mr. Winchell told the Michigan Senate Committee on Highways (February 21, 1966) that "The Corvair differs from other cars only in the arrangement of its components." and "Photographs of tire distortions with a car sliding sideways will show no significant difference between the proximity of the rim to the pavement of the Corvair and any other automobile." These statements were made by Mr. Winchell, now a special assistant to Mr. Cole, although they are contradicated by GM proving ground data and films which were completed between three and nearly four years earlier.

Despite repeated interrogatories and motions to produce in litigation involving crash victims, these data and films were secreted in a special category of "hot documents". For example, your Department should be interested in obtaining all the reports, memos and films growing out of PG Job No. 032127 beginning approximately April 11, 1962 and specifically including those portions dealing with Test run numbers 46–50, 58, 71, 75, 80, 86, 92, 99, 104; and arising out of PG Job No. 032307 beginning approximately Nov. 13, 1962 and specifically including those portions dealing with test run numbers 117, 120, 125, 126, 127–31, 134, 135–36. These films showing roll overs at speeds of 26 mph, 28 mph, and 30 mph would be enlightening repudiation of the shocking disparities articulated in courts and before legislative hearings by GM officials.

In the afore-mentioned Michigan testimony, Mr. Bridenstine, now GM's number two lawyer (after General Counsel Ross Malone) had the presumption of raising the Canons of Professional Ethics regarding the behavior of a Detroit attorney while he has been closely involved in keeping suppressed the test data and films by GM's own engineers showing the early Corvairs to be exceptionally facile roll over candidates. He maintained this stance against the regular crashes incident to Corvair rollovers week after week and against the court sanctioned interrogatories put to GM for this material. The canons may well be applied to Mr. Bridenstine's behavior.

Pertinent to this suppression of data damaging to the Corvair and the public statement and testimony that all was well with the vehicle is the company's tactics of attrition and judicial manipulation. In a major Corvair trial, GM's presentation misled the California judge, Bernard Jefferson, into writing a lengthy opinion concluding that the Corvair design was not unsafely designed. Having obtained such a decision, GM proceeded to transform it into a promotion and in an obscene gesture perhaps unheard of in corporate legal history, initiated its distribution to its Chevrolet dealers, state and federal legislators and other influential recipients including judges. Sizable settlements in Corvair litigation are associated with how close plaintiff's lawyer gets to the "hot documents" in his discovery motions. If GM's lawyers could not wear the plaintiff down by dilatory techniques, or flout the discovery orders with impunity, the company order from the top would be to "purchase the case" with a settlement. Several settlements have exceeded the $100,000 level.

The afore-mentioned test data, together with other memoranda, letters, and corroborating personnel, show conclusively that:

GM officials knew they had a safety problem involving rollover and uncontrollability before the Corvair litigation started about 1963, and dabbled with a cheap prospective technical "fix" that flopped;

GM officials consciously refused to issue warnings or recall the vehicles;

GM officials launched a policy of falsely stating that the Corvair did not behave differently than any other American car and misled members of three branches of government at both state and federal levels;

GM officials demanded or condoned unethical behavior by its lawyers and engineers which had major repercussions on the frequency of Corvair crashes and casualties;

GM officials at the highest level were responsible for the preceding policies and

spared no expense to perpetuate false defense strategies in the courts and suppression of GM's own tests adverse to the Corvair;

The gravity of the situation proceeds from the personal responsibility of the Chairman of the Board, Mr. Roche, and the President, Mr. Cole. For years, they have been on notice as to the problems of the Corvair; indeed Mr. Cole took a personal role in its design. For years, their legal duties to the public safety, not to mention their shareholders, should have required the disclosure of all company test data, regardless of its criticality, simply because American lives are involved. For years, they actively defended the Corvair and carefully avoided true disclosure. If in the annals of corporate irresponsibility this behavior is not grounds for resignation, then the monster of corporatism has overtaken the law. They should both resign.

The situation of Mr. Ross Malone, MG's General Counsel and former President of the American Bar Association is one of a need for prompt re-appraisal. Having joined the company nearly two years ago, he is the heir, rather than the shaper of most of the Corvair legal strategy. However, his duty is to require reversal of odious practices such as placing as many private, potential Corvair expert witnesses on a monthly retainer to monopolize this "market" around the country, or requiring attorneys with whom they settle to agree not to take any more Corvair cases. More important, Mr. Malone must realize the grave impropriety of using his lawyers as a shield to hide lifesaving company test data and as a sword to defeat attempts to obtain such information under judicial procedures. One has only to read the newspapers' regular descriptions of sudden rollover Corvair crashes to realize that the proper legal advice to the corporate client is to promptly warn motorists and to recall and fix the source of instability, not to camouflage the truth and mass the company's legal resources to overwhelm plaintiffs and tie up the courts. There is the added responsibility for corporate counsel to review all cases where interrogatories were not responded to truthfully and completely.

A design defect that affects all Corvair models from 1960 to 1969 permits the seepage of combustion chamber gases into the passenger compartment along with the heated air. These gases include carbon monoxide. This is a very common complaint, as many letters to the National Highway Safety Bureau and General Motors show. GM has hundreds of these complaints. Privately, both present and former engineers for the company concede the defect, but the company policy officials continue to cover up. In the opinion of specialists, this is a most serious hazard and has been known to overwhelm or sicken the driver. Further information known to GM is forthcoming for your consideration.

Clearly, the Department of Transportation has the authority to take action to protect motorists and passengers. It can require GM to send a notification of defect(s) to all Corvair owners. Although this year GM defeated a request by the National Highway Safety Bureau to obtain congressional authority to compel recalls, the requirement to notify usually involves a recall.

The Department should also request from Mr. Roche a complete report on the Corvair design and the company's secret test and film data and relevant memoranda. It must be emphasized that the materials and other associated facts will soon be released irrespective of whether or not he takes this opportunity to assert full corporate responsibility.

While to some, the cessation of Corvair production means the vehicle is history, the fact is that Corvairs are being driven every day hundreds of thousands of miles by hundreds of thousands of drivers under latent hazards that should be considered intolerable by your Department. Your counsel has exerted authority to require defect notification on pre–1966 vehicles in the Chevrolet truck wheel defect. This range of vehicle defects for the Corvair is much more serious in volume and severity. The preposterous pretext underlying National Highway Safety Bureau inaction regarding the Corvair—namely that there is civil litigation pending—borders on malfeasance in office. Civil litigation should never block enforcement of the law.

How corporations react to crises of their own making is increasing tending toward cataclysmic potential for many citizens, as companies become larger and their technology more complexly fraught with hazards. General Motors, thanks to outside pressures and inquiries, no longer receives uncritical deference to its alleged knowhow that was its unearned increment from society. Too many facts have been unloosed among the public in recent years about the company's suppression of pollution control technology, its profligate expenditures on profitable trivia and wasteful corporate ego trips to the detriment of attention to safety, durability, ease of repair and efficiency in vehicle operation. At the present time, GM lobbyists and lawyers are all over Washington pursuing callous drives to seriously weaken the air pollution legislation and to delay the installation of the air bag, or similar system, in motor vehicles so thousands of lives could be saved in crashes. Their collusion with other auto companies in these efforts, particularly the pollution lobbying, makes a mockery out of the consent decree which they signed last year with the Antitrust Division of the Justice Department.

Further revelations about Corvair collusion and suppression, known and condoned at the highest GM levels, will open new public understandings of the extent to which this company will go to shield its defective vehicles even from its own self-indictment of them.

I look forward to your response.

Sincerely yours,

RALPH NADER.

GENERAL MOTORS CORP.,
Detroit, Mich., September 7, 1970.

Hon. JOHN A. VOLPE,
Secretary of Transportation,
Department of Transportation,
Washington, D.C.

DEAR SECRETARY VOLPE: General Motors has received a copy of Ralph Nader's letter addressed to you under date of September 4, 1970. In this letter, Mr. Nader makes irresponsible and false charges against General Motors, its personnel, and the Department of Transportation. He seeks to revive his campaign against the Corvair, with the demand that you require General Motors to notify all Corvair owners in the country that their automobiles constitute safety hazards.

The tests to which Mr. Nader refers were General Motors Proving Ground tests, copies of which he apparently has obtained. These were reports of engineering development tests in which Corvairs, specially equipped with experimental parts, were intentionally overturned by experienced test drivers using violent maneuvers designed to overturn them. The purpose of the tests was to evaluate the experimental parts as to their effect upon the handling characteristics of the Corvair. We would like to have an opportunity to review these reports with you or your staff. As I am sure you know, any information or material on the Corvair relating either to handling characteristics or heater operation will be made available to you promptly upon request.

In this connection we would like to invite your attention to the fact that during the five years in which Mr. Nader has been conducting his anti-Corvair campaign, five cases involving these questions have gone to final judgment in various courts in the United States after trials ranging from four weeks to three months. In each of these five cases judgment was rendered in favor of General Motors. More than fifty cases involving the handling characteristics of the Corvair are in various pretrial stages in courts throughout the country at this time. One such case is expected to go to trial this week.

I am taking the liberty of forwarding to you with this letter a copy of the comprehensive opinion of Judge Bernard S. Jefferson, rendered July 29, 1966, which was referred to and attacked by Mr. Nader in his letter. After a three-month trial, in this comprehensive opinion setting out the basis of his decision, Judge Jefferson concluded that:

"The Corvair automobile of the 1960 through 1963 variety is not defectively designed nor a defective product."

The false and vitriolic statements of Mr. Nader notwithstanding, I want to assure you that General Motors and its executives have been faithful to their public trust. We at General Motors will continue to do everything in our power to merit the confidence of our customers and of the public—confidence which Mr. Nader's continuing campaign of the past five years has sought to destroy.

I will be glad to send a representative to Washington to answer whatever questions you may have concerning the test reports referred to and to supply any other material which the Department of Transportation may desire.

Newspaper accounts indicate that a copy of the Nader letter was forwarded to Senator Ribicoff. I, therefore, am taking the liberty of forwarding a copy of this letter to the Senator.

Very truly yours,

EDWARD N. COLE.

[Department of Transportation News,
Sept. 9, 1970]

Secretary of Transportation John A. Volpe said today that the Department of Transportation has asked General Motors Corporation for all of the information it has on the safety performance of the Corvair automobile.

Secretary Volpe has also asked consumer advocate Ralph Nader to supply whatever additional documentation of information he might have to supplement his earlier letter to the Department.

Secretary Volpe said he has instructed Douglas W. Toms, Director of the National Highway Safety Bureau, to get the information and "to assign high priority to a prompt and painstaking analysis of all relevant factual material received from whatever source . . ."

The text of these letters is attached.

OFFICE OF THE SECRETARY OF TRANSPORTATION,
Washington, D.C., September 9, 1970.

Mr. THOMAS A. MURPHY,
Vice President, Car and Truck Group, General Motors Corp., Detroit, Mich.

DEAR MR. MURPHY: With reference to the handling characteristics of the Corvair vehicle, the National Highway Safety Bureau has needed to be familiar with all General Motors data concerning testing of these characteristics as reportedly performed by General Motors beginning in April 1962. The Bureau will analyze these data in depth before concluding whether or not an investigation of possible safety defect in the Corvair should be initiated.

Accordingly, you are requested to furnish to the Bureau the following specific items for analysis:

1. Reports and associated films relating

to PG Job No. 032127, including reports of test runs numbered 46, 47, 48, 49, 50, 58, 71, 75, 80, 86, 92, 99, and 104.

2. Reports and associated films relating to PG Job No. 032307, including reports of test runs numbered 117, 120, 125, 126, 127, 128, 129, 130, 131, 135 and 136.

In addition, please furnish such other data as are pertinent to Corvair handling stability.

In order that the Bureau analysis may be completed promptly, I am requesting that the above information be delivered to my office by Wednesday, September 16, 1970.

Sincerely,

RODOLFO A. DIAZ,
Acting Associate Director, Motor Vehicle Programs.

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., September 9, 1970.

Mr. RALPH NADER,
Washington, D.C.

DEAR MR. NADER: Thank you for your letter of September 4 expressing your concern about the safety of the Corvair automobile and suggesting lines of action to be taken by this Department.

I have asked the Director of the National Highway Safety Bureau, Douglas W. Toms, to request from General Motors all of the documentation to which your letter refers plus any additional data they may have pertinent to the defects that you claim are inherent in the Corvair. We would also appreciate receiving whatever documentation or additional information you may have that would aid the Bureau in its analysis.

I have directed Mr. Toms to assign high priority to a prompt and painstaking analysis of all relevant factual material received from whatever source and we shall base any Departmental action in this matter on the findings of that analysis.

Again, my thanks for your continuing interest in improving highway safety.

Sincerely,

JOHN A. VOLPE.

LETTERS ON COAL MINE SAFETY

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, in connection with the serious problem of full enforcement of the Federal Coal Mine Health and Safety Act of 1969, there follow three letters which I wrote to Secretary of the Interior Walter J. Hickel and Assistant Secretary of the Interior Hollis Dole, dated September 11 and 14, 1970:

HOUSE OF REPRESENTATIVES,
Washington, D.C., September 11, 1970.

Hon. WALTER J. HICKEL,
Secretary of the Interior,
Department of Interior,
Washington, D.C.

DEAR SECRETARY HICKEL: Once again Under Secretary Fred J. Russell has shown his disdain for, and complete misunderstanding of, the Federal Coal Mine Health and Safety Act and its purpose. This time he issued on August 6, 1970, proposed regulations which were published in the *Federal Register* on August 12, 1970 (35 F.R. 12765) concerning coal mine investigations, reports, and accidents. Thirty days were given to comment, but this time was extended to September 30, 1970 (see 35 F.R. 14146).

In my opinion and, I am sure, that of many coal miners, once they study them, these proposed regulations are ineptly drafted, technically deficient, inconsistent with the law, and generally inadequate. I request that they be promptly modified consistent with the comments set forth below.

I

One of the most important revelations to come to the attention of Congress through the recent Senate committee hearings was the fact that the Bureau of Mines, in investigating coal mine accidents, permits and encourages operators and representatives of labor to be a part of the investigatory panel. Here, we have the Federal regulatory agency charged by law to investigate accidents at coal mines, to determine their causes, and whether any violation of law occurred, including a determination whether criminal prosecution under section 109(b) through (d) of the Act is warranted, and we find that the agency is sharing this duty with the very one it is investigating; namely the operator. Apparently, as a show of impartiality, the Bureau has decided that this practice is perfectly innocent if labor also participates. So representatives of the UMW sit on the panel too. In at least one instance, the hearing itself took place at facilities controlled by the operator.

Thus, the Bureau has established a procedure to investigate an accident which permits the regulated to judge whether or not they were at fault. They even appear on the investigation report. Also there are numerous statements throughout the report about the cooperation of the operator and his people and that the Bureau is grateful for their cooperation.

Possibly, before 1952, when the Bureau was at a coal mine at the sufferance of the operator, this practice made sense. But it does not today. It threatens, as a matter of fact, to make a sham of the Bureau's accident investigations. It smacks of a conspiracy to prevent criminal prosecutions. Each operator, who, after all, knows the facts anyway, can subtly control the very course of the investigation by the panel and avoid the possibility of any recommendation for criminal prosecution. The operator, through this panel and the use of his facilities, can intimidate the employees who testify before the panel.

Frankly, I am appalled that such a practice is actively supported by the Department's Solicitor who has often testified about the need to be "fair", but, of course, his point of reference when he uses that term has always been the operator. He gave nationwide application to an injunction sought and obtained by 77 small mine plaintiffs against the March 28, 1970, regulations in order that the Department would be "fair" to the big coal mine operators who did not participate in that suit. It was apparently his sense of "fairness" that caused him to abdicate his role of chief legal officer of the Department to Under Secretary Russell who then decided that the Department's lawyers, and technically qualified personnel, who already had plane reservations, should not go to Virginia to help the U.S. attorney at the hearing last April in the Federal district court at which the injunction was obtained.

But I am concerned about "fairness" to the coal miner who is killed or injured from a coal mine accident that was allegedly caused by the operator's negligence or criminal conduct. It is not "fair" to the miner to have that operator sitting on the panel judging that allegation, because common sense tells us he cannot be impartial. Congress wants the Bureau to conduct the investigation, not the operator or the U.M.W.

Mr. Secretary, I call upon you (a) to cease all such investigations immediately, and (b) to publish, in the above regulations which state in the preamble that they provide procedures with respect to investigations of accidents, a code of conduct, practices, and procedures for the Bureau to follow in investigating accidents in order that the coal miner may be assured the "fairness" Congress intended.

II

The proposed regulations do not indicate in any way what use the Bureau of Mines will make of the records and reports made. At present the Bureau publishes a monthly report of fatalities in the industry. It also publishes an annual report of injuries.

1. Please provide to me a detailed explanation of the use the Bureau intends to make of the information obtained on each of the forms referred to in the proposed regulations.

2. (a) Which division of the Bureau will collect, compile, analyze, and publish the statistics?

(b) Please state the amount of funds appropriated and devoted for this division for fiscal year 1971, and the estimate of funds for this division for fiscal year 1972.

(c) Will these funds be used solely to collect, compile, analyze, and publish the information derived under sections 103(e) and 111 of the Act?

(d) If not, please state why not.

III

The information obtained on the forms referred to in the regulations will be on a mine-by-mine basis. The Bureau's past practice has been to publish such statistical information by State and not on a mine-by-mine basis. This approach has not been satisfactory because one does not know what, if any, improvement in safety has occurred at a given mine compared to another coal mine with similar production and employees.

Section 111 of the Act provides that all of these forms and other records received by the Secretary may be published and shall be available for public inspection. It also provides that the Secretary "is authorized to . . . publish, either in summary or detailed form," the reports or information received by the Secretary.

I request that the Bureau publish, at least semi-annually, information received in detailed form on the number of accidents, including all deaths and injuries, hours worked, causes, and other pertinent information on a mine-by-mine basis, in addition to publishing on a monthly basis such information in summary form.

Section 80.1 of the proposed regulations defines various terms used in the proposed regulations.

Two terms "other injury" and "disabling injury" are defined but they are not used anywhere in the regulations. They therefore should be deleted.

The term "non-fatal injury" is defined to include a "work injury which . . . causes the injured person to lose one full day or more from work after the day of injury." Under section 80.33(b) of the proposed regulations, an operator must file a monthly form of "non-fatal" injuries. With this definition, the injured miner who is treated by a physician or at an outpatient clinic or hospital or requires reassignment to another less arduous task in the mine or is allowed to restrict his work activities or requires first aid only would not be included in that report. Only lost time injuries are reported monthly. Other injuries, whether lost time occurs or not, are, of course, required to be recorded on the daily ledger under section 80.31 of the proposed regulations and filed in summary form quarterly with the Bureau.

There is a long history, which is well-known to the Bureau, of injured miners being re-assigned by an operator to other jobs in order to avoid a bad lost time record by the operator. This matter was recently discussed by miners during the hearings before the Senate Committee on Labor and Public Welfare.

I request that the definition of "non-fatal" injuries be revised to cover all injuries except those where first aid is provided at the mine by someone other than a physician.

The regulations purport to cover accidents at surface coal mines, as well as underground coal mines. Yet within the definition of the term "accident" there appears only one occurrence that could properly be considered as applicable to surface mines; namely "any collapse of a highwall in a surface mine." Even as to underground coal mines, there are other events not specified in the definition of the term "accident".

While I am aware of the fact that the definition is not intended to be all inclusive of all events that can properly be considered an "accident", we believe operators will tend to view this definition to be all inclusive and will not consider other events as subject to the requirements of these proposed regulations. For example, no mention is made of the following:

1. equipment running off an embankment at a surface coal mine;
2. water damage at surface mines;
3. collapse of scaffolding or platforms at surface coal mines;
4. any event that resulted in the damage or destruction of equipment at a surface or underground coal mine; and
5. any event that caused or threatened to cause damage or destruction of personal or real property on or off any coal mine.

The above listing, I am sure, is not all inclusive, but does show that some events are not specified in the definition that should be so specified. I request that a more careful review be made of possible events which occur at coal mines—both surface and underground—before these regulations are finally adopted.

V

Under section 80.11, a coal mine operator must immediately notify the Bureau of Mines by the quickest means possible when one of several events listed in the proposed regulations occurs. These events are not necessarily all those listed under the definition of the term "accident" in section 80.1. Based on such notice, the Bureau, under section 80.12, determines whether it will investigate or not.

Several of the events listed contain serious flaws. Also, it is doubtful that the listing adequately covers many of the types of accidents that occur at surface coal mines. The events listed are generally peculiar to underground coal mines.

Section 80.11(b) requires such notification after the operator or some medical officer finds that a "non-fatal injury" (which is a defined term) is "serious" and "could result in the death of the injured person." This judgment factor which probably will be applied unevenly from one coal mine to another should not be added to the defined term.

Section 80.11(d) requires such notification if a mine fire cannot be "extinguished within 30 minutes."

1. What is the basis for selecting this time period?

2. (a) Isn't it true that the Bureau's manual under the old 1952 Act required notification after 10 minutes?

(b) If the answer to (a) is yes, why does the proposed regulations now triple this time?

3. Isn't it possible that by the time underground employees notify the operator, particularly on a night shift, and the Bureau, that considerably more time than "30 minutes" will elapse?

Section 80.11(h) requires such notification where there are "coal outbursts" that might cause "death or injury." A cursory review of the Bureau's dictionary of mining terms indicates that there are few, if any, coal outbursts that would not cause "death or injury" if a person was in the vicinity of one.

1. What is the scientific or engineering basis for including in the regulations an implication that some "coal outbursts" are not the type that would cause death or injury?

2. How does the Department expect coal mine operators to apply this judgment factor on some sort of even basis?

Section 80.11(i) requires notification where a roof fall occurs "of sufficient magnitude to restrict ventilation or the passage of men on active working sections." The word "restrict" as applied to ventilation or the passage of men is too narrow. If a roof fall occurs any where in a mine and it *affects* ventilation or the passage of persons in the active workings of the mine, not just in active working sections, such an occurrence is serious and warrants notification.

Section 80.11(o) requires notice where an event causes death outside the mine property. Such an event could cause injuries to persons or property, but not death. In such case, notice should be given also. Further, the term "mine property" is a new one and is undefined. The proper term is "coal mine" which is defined.

VI

In regard to the remainder of the provisions of the proposed regulations, please respond to the following:

1. Section 80.12:

(a) What is the basis under the Act for the Bureau not investigating *all* accidents?

(b) Is there any accident at a surface or underground coal mine not listed in section 80.11 which, although not warranting quick notice to the Bureau, does warrant an investigation?

(c) Should not the operator, at least by form letter, inform the Bureau of all accidents when they occur?

(d) What is the authority for the Bureau to give "advance notice" to an operator of accident investigation that may result in a violation when section 103(a) of the Act prohibits such notice?

(e) Does the Bureau have accident investigation teams whose sole responsibility is to investigate all accidents?

(f) If the answer to (c) is no, please state why not.

(g) When the Bureau estimated that 1100 inspectors would be needed to make inspections, did it include those needed for accident investigations at surface and underground coal mines? If not, why not?

2. Sections 80.20 through 80.24:

(a) Why doesn't the Bureau require an operator to submit to it his report on all accident investigations conducted by him within 48 hours?

(b) What good is served if the operator's report is kept at the mine but an inspector does not see it for days or weeks after the accident?

(c) Why should such records only be kept for three years? What if litigation occurs concerning the accident?

3. Sections 80.30 through 80.34:

(a) Please provide to me two copies of each form and the daily ledger referred to in these sections.

(b) Why didn't the Bureau publish these also?

(c) Why shouldn't all injuries be reported at least monthly?

(d) What is the basis under the law for distinguishing between mines with 20 and more employees and those with 20 and less employees?

VII

The Bureau has participated in a program of giving safety awards to various mines. It is called the Holmes Safety Award Program of 1916.

I understand that miners have, in recent times, boycotted these award ceremonies because the mines getting them do not have a truly good safety record. One of the reasons for this is that safety is measured on the basis of disabling injuries occurring at the mine and not on the entire accident record of the mine. Also, the larger mines get more awards because, in the case of a tie, a mine with greater man-hours of production wins.

1. (a) To what extent does the Bureau participate in this program?

(b) How many man-hours are annually expended on this program (i) by all Bureau personnel and (ii) by inspectors or their supervisors?

(c) Are Bureau funds expended for this program? If so, how much annually?

(d) Does the Bureau pay the expenses of the program for (i) collecting statistics to determine the awards, (ii) meetings, (iii) the preparing, printing, and publishing of the Holmes Safety Association Annual report, and (iv) other expenses of the awards program, such as the printing of forms, etc.? If so, what is this amount annually?

2. Why should the Bureau continue to participate in the program so long as the awards are not determined on the basis of the entire accident record of each coal mine?

(3) (a) What other non-Federal agencies, organizations, or individuals participate in the program?

(b) How many man-hours does each provide to the program?

(c) How much money does each expend on it?

4. Please provide to me a list of the people who select mines and individuals for awards and their affiliation.

5. (a) Does the Bureau participate in any other safety award programs?

(b) If the answer to (a) is yes, please (i) identify them and (ii) indicate the extent of the Bureau's participation in terms of man-hours, services, and funds expended for each.

Sincerely,

KEN HECHLER.

HOUSE OF REPRESENTATIVES,
Washington, D.C., September 14, 1970.

Hon. WALTER J. HICKEL,
Secretary of the Interior,
Department of the Interior,
Washington, D.C.

DEAR SECRETARY HICKEL: Recently, several petitions have been filed with Interior's Office of Hearings and Appeals pursuant to section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S. Code, Supp. V, 861(c)). The petitions are entitled "Petition for Modification of Safety Standard" and notice thereof was published in the *Federal Register*. A list of those petitions is enclosed.

Section 301(c) of the Act authorizes the Secretary of the Interior to modify "the application of any mandatory safety standard to a mine." Upon receipt of a petition requesting such modification, the Secretary must (1) publish notice of such petition; (2) give notice, in these cases, to the representatives of miners in each of the affected mines, and (3) "cause such investigation to be made" as the Secretary deems appropriate. This investigation must also provide an opportunity for a public hearing at the request of anyone. The Secretary must, upon completion of the investigation and, when held, the public hearing, make findings of fact and issue a decision. The Secretary's decision is subject to judicial review under section 109 of the Act.

The Interior Department's regulations of March 28, 1970 (35 F.R. 5221, 5256), which were adopted without an opportunity for public comment, set forth the form of the petition. These regulations also provide that "the Bureau and any other party affected" must file "an answer with the Examiner assigned to the case" within "20 days after

the date of service" (see Sec. 301.33 of regulations).

It is not my intention to go to the merits of any of these petitions. I believe, however, that the Department has committed serious procedural errors in connection with these petitions and the March 28 regulations and the Act. I request that the petitions be dismissed and that the regulations be modified in light of the following comments:

1. As I have said, section 301(c) of the Act directs the Secretary to conduct an "investigation" when a petition is filed and notice thereof given. Yet section 301.33 of the Department's regulations give the Bureau of Mines and the miners only 20 days to file an answer to the petition.

(a) How can the Bureau conduct a meaningful investigation to determine if the petitioner's allegations concerning the application of a standard to its mine are sound from a safety standpoint and file an answer within 20 days, particularly when several petitions cover more than one coal mine?

(b) If the Bureau or the miners fail to meet this unreasonable deadline are they forever precluded from objecting to the petition?

(c) If the answer to (b) is yes, please state what is the basis for imposing such a deadline?

(d) If the answer to (b) is no, please state what basis there is under the regulations for considering answers filed after the deadline without the petitioner's concurrence to an extension of that deadline.

(e) When does the 20 day period begin to run in the case of "other" parties affected who want to file an "answer" but have not been served?

(f) How does such "other party affected" learn who the "Examiner" is with whom he must file?

2. Notice of each petition was published in the *Federal Register* by the chairman of the Board of Mine Operations Appeals in differing form.

The notice of the first petition (Carbon Fuel Co.) contains a detailed statement by the petitioner describing his mining system and setting forth his arguments for modification. No similar statement is contained in any of the other petitions.

(a) Why did the Board fail to follow this notice procedure of the first petition in the case of all of the petitions?

(b) Since the Board adopted a notice procedure in the first petition that informs the public of the modification sought, are not all the other notices defective unless such procedure is also followed in their case?

3. The last paragraph of the first petition provides that an "opportunity is hereby given to interested parties to present information" relative to the petition within 20 days "from the date of publication of this notice" in the *Federal Register*. Also, the paragraph provides for reply comments and for requesting a public hearing within 30 days after such notice. No similar provision is found in the notice published in regard to the other petitions. The notice was filed with the *Federal Register* on June 9, 1970, but not published until June 17, 1970.

(a) Is the term "information" used in the above cited paragraph intended to be an "answer" under section 301.33 of the March 28 regulations?

(b) If the answer to (a) is no, what is intended?

(c) If the answer is yes, hasn't this notice, in effect, extended the time for filing an answer beyond the 20 days permitted under section 301.33 of the March 28 regulations?

(d) If the answer to (c) is yes, what is the basis for granting this extension?

(e) Who are the "interested parties" referred to in the above cited paragraph? Are (i) the Bureau, (ii) the miners, (iii) a State or, (iv) a congressman interested parties?

(f) Why wasn't this paragraph included in all of the other notices published in the *Federal Register*?

(g) Without such a paragraph, aren't the notices defective?

(h) When must one request a public hearing in the case of the other petitions where the notice or the March 28 regulations do not indicate the time for making such a request?

4. The first petition alleges that the application of a particular standard to its mine "would . . . result in diminution of safety to the miners." No similar allegation appears in the case of the other petitions. In fact, unlike the first petition, the other petitioners seek to modify the statutory language.

(a) Why don't the notices of all the petitions contain allegiations of what will happen at the particular mine if the standard is applied to it?

(b) Are not the notices therefore defective?

(c) Since section 301(c) merely authorizes the Secretary to "*modify* the application of any" statutory safety standard, are not the petitions defective for seeking, not a modification in application of the standard, but a change in its wording which can only be accomplished under section 101 of the Act?

(d) If the answer to (c) is no, please state why not.

5. Several of the petitions for which notices were issued appear to cover more than one coal mine. Section 301(c) only permits a modification on a mine-by-mine basis.

(a) Are not the notices, and possibly the petitions themselves, defective for not indicating that the petitions are for a modification of a standard on a mine-by-mine basis?

(b) If the answer to (a) is no, please state why not.

6. Please provide copies of (a) the petitions shown on the enclosed list, and (b) the answers filed by the Bureau of Mines.

I appreciate your cooperation in this matter.

Sincerely,

KEN HECHLER.

LIST OF PETITIONS FOR MODIFICATION OF INTERIOR MANDATORY SAFETY STANDARDS

1. Petition of Carbon Fuel Co. (35 F.R. 10035)—Doc. No. H70–417;
2. Petition of Armco Steel Corp. et al (35 F.R. 10383)—Doc. No. M70–1;
3. Petition of Kentucky Carbon Corp. (35 F.R. 10383)—Doc. No. N70–199;
4. Petition of Armco Steel Corp. et al (35 F.R. 12290)—Doc. No. M70–2;
5. Petition of Armco Steel Corp. et al (35 F.R. 12290)—Doc. No. M71–1;
6. Petition of Armco Steel Corp. et al (35 F.R. 12291)—Doc. No. M71–2;
7. Petition of Armco Steel Corp. et al (35 F.R. 12291)—Doc. No. M71–3;
8. Petition of Carbon Fuel Co. (35 F.R. 12292)—Doc. No. M71–4;
9. Petition of Jewell Ridge Coal Corp. (35 F.R. 12292)—Doc. No. 70–207;
10. Petition of Jewell Ridge Coal Corp. (35 F.R. 12292)—Doc. No. 70–208;
11. Petition of Jewell Ridge Coal Corp. (35 F.R. 12292)—Doc. No. 70–209;
12. Petition of Jewell Ridge Coal Corp. (35 F.R. 12292)—Doc. No. 70–210;
13. Petition of United States Steel Corp. (35 F.R. 12729)—Doc. No. M71–5;
14. Petition of Lanscoal Mining Co., Inc. (35 F.R. 14224)—Doc. No. M71–6;
15. Petition of Clinchfield Coal Corp. (35 F.R. 14409)—Doc. No. Nort 70–185.

HOUSE OF REPRESENTATIVES,
Washington, D.C., September 14, 1970.

Mr. HOLLIS DOLE,
Assistant Secretary of Interior,
Department of the Interior,
Washington, D.C.

DEAR MR. DOLE:

I

The Interior Department published on August 4, 1970, proposed regulations under section 301(d) of Public Law 91–173 concerning Part 75 of Title 30 of the Code of Federal Regulations. Thirty days were provided for public comment. This period was extended to September 30, 1970 (see 35 F.R. 14146).

I am anxious, of course, to see the regulations needed to enforce fully and effectively Title III of the Act quickly adopted. I am, however, uncertain, in view of various statements made by Department personnel that the Virginia lawsuit could not be "mooted" by a new publication of the March 28, 1970 regulations, even with modifications, as to what effect these new and voluminous regulations will have.

I, therefore, would appreciate your responding to the following questions by *September 23, 1970*, after consulting, where appropriate, with the Solicitor or the Justice Department:

1. (a) In view of the existing injunction prohibiting enforcement by the Interior Department of Part 75 of the March 28 regulations, does the Department intend to publish these regulations, assuming all comments thereon are favorable, before the scheduled court hearing concerning the lawsuit?

(b) If the answer to (a) is no, please (i) state why not, and (ii) estimate when they will be published.

(c) When published, will they be made effective immediately, even if the lawsuit is not resolved?

(d) If the answer to (c) is no, please state (i) why not, and (ii) why is it then necessary for the public to comment on these pages upon pages of technical provisions by September 30, 1970.

2. If these regulations are published and made effective immediately what issues remain to be resolved under the lawsuit?

3. (a) Has the Department, the Bureau, or the Justice Department filed a copy of these regulations (i) with the court, and (ii) with the plaintiffs in the lawsuit?

(b) If so, will the Department await for either the court or the plaintiffs or both to comment before the regulations are finally published?

4. In your letter of August 10, 1970, to me, you said that "the validity of the fee schedule is in issue in the case pending in the Western District of Virginia." It is my understanding that the "validity" of the March 28, 1970 regulations is also in issue in that case.

(a) What steps have been taken in connection with these proposed regulations to prevent them from also being in issue in that case?

(b) Has the Department received assurances from the plaintiffs in that case that they will not again seek to enjoin enforcement of these regulations?

(c) If the answer to (b) is yes, how and in what manner were those assurances obtained?

5. Please identify those provisions of the new regulations which are specifically designed to meet the objections of the plaintiffs in the lawsuit.

6. Under items XI and XII of your letter of August 10 to me, you indicated changes were needed in Part 300 of the March 28 regulations.

(a) When will they be published?

II

The Department published on August 1, 1970, regulations, without rule-making, (35 F.R. 12336) amending Part 300 of the March 28 regulations concerning the Board of Mine Operations Appeals and added a new Part 302 to Title 30 of the CFR.

1. Section 300.1(a) of the regulations describes the jurisdiction of the Board.

(a) Please list in tabular form (i) the cases pending under each of the six areas of jurisdiction set forth in that section, (ii) the date such cases were filed, and (iii) the current status of each.

2. Section 300.3 authorizes two of the three member Board to decide an appeal. Section 301.82 provides that "the Board may permit oral argument."

(a) What is the basis in the Act for the Board to decline providing an opportunity for a public hearing in the case of each of the six areas of jurisdiction listed in section 300.1 even if a person had, or did not request one, before the hearing examiner?

(b) Is the Board's power of review limited to the record before a hearing examiner?

(c) If not, why not?

(d) How does the establishment of a Board facilitate the handling of appeals?

(e) Must the two or three Board members who decide also hear the appeal?

(f) If not, why not?

3. Part 302 adds to the jurisdiction of the Board, appeals under the Federal Metal and Non-metallic Mine Safety Act of 1966.

(a) Does the Board have authority to decide any appeals except those arising under section 9 of that Act (30 U.S. Code, Supp. V, 728)?

(b) Section 10 of that Act also "created" a Board. Is that Board in operation? If not, why not? If so, please provide to me the names of the Board members and a brief biography of each.

(c) Will not the addition of review functions under the 1966 Act by the Interior Board tend to overburden that three-member Board and cause unreasonable delays to coal mine operators and miners who seek redress, particularly when members of the Solicitor's office have often complained about the already "huge backlog" of cases before hearing examiners or the Board?

(d) Please give to me a list of the Interior Board members, a brief biography of each, and indicate if each is a full-time Federal employee.

(e) Why not establish a different Board for the metal Act since, as you stated in your August 10 letter to me, "we cannot agree that the problems in the industries to which the separate laws apply are also similar. In fact, they are *so dissimilar as to require a considerable array of specialization?*"

Sincerely,

KEN HECHLER.

THE JERRY RUBIN FUND

(Mr. ICHORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ICHORD. Mr. Speaker, no one likes to pay taxes. Filling out the forms is a time-consuming nuisance. Sometimes one must hire an accountant or lawyer to help, and that can be costly. And, of course, paying the taxes themselves is an enormously expensive proposition in this day and age.

But those who most dislike the painful necessity of paying taxes are the self-styled radical revolutionaries who seek to destroy this society and leave anarchy in their wake. Paying taxes particularly annoys them because they calculate that the funds might be used in various ways to thwart their aims.

Now we learn of the interesting prospect of one of the most notorious of these revolutionaries of the New Left setting up a tax-exempt "charitable foundation." We are left to speculate whether the contrivance is a dodge to avoid paying taxes on what could be considerable income. Were the implications not so serious, the circumstances would be amusing.

I speak of one Jerry Rubin, member of the infamous Chicago Seven and one of those convicted of conspiracy in crossing State lines to incite riot at the 1968 Democratic convention. His conviction occurred at the end of a tumultuous trial in Federal District Court at Chicago that is still well remembered.

Rubin's wife, who goes by the name of Nancy Kurshan, filled out some routine Internal Revenue Service forms that eventually brought IRS recognition of the "Social Education Foundation," also known as the "Jerry Rubin Fund," as a charitable, tax-exempt entity.

This foundation's declaration of trust states that the untaxable fund and its income shall be used:

> Exclusively for religious, charitable, scientific, literary, or educational purposes or for the prevention of cruelty to children or animals.

Besides creating a receptacle for untaxable income, donations to this fund are also deductible from the donor's income tax.

The foundation's tax-exempt status was approved by the IRS on May 23, 1969. On June 13, 1969, the State of New York granted this foundation exemption from State income tax. The address given for location of the foundation was in care of a lawyer, Sidney M. Gerwanter, 225 Broadway, New York City. On June 11, 1969, the trust was amended so that it could also be referred to as the "Jerry Rubin Fund." Its grantor and sole trustee is Nancy Kurshan.

Then, on March 31, 1970, Jerry Rubin's bible on violent revolution entitled "Do It" was published and on the following May 10, the U.S. Copyright Office received an application for registration of a claim to copyright indicating the owner of the copyright on "Do It" is the Social Educational Foundation. In other words, the income due the author of "Do It" is to be funneled into the Social Educational Foundation or Jerry Rubin Fund.

So also, presumably, is income Rubin makes from speaking engagements, TV appearances, or from whatever other sources of income he has.

There is no way to predict exactly how much Rubin will earn from his obscene textbook on New Left life style and revolution. Writer Dr. Susan Huck has estimated that more than 200,000 copies of the $4.50 publication already have been sold.

Some advantages of this foundation status are obvious: the actual income is safe from Federal and State taxes, held in trust by sole trustee Nancy Kurshan. The foundation could employ a paid staff to assist in Rubin's bidding and to aid and abet his nefarious purposes. Foundation representatives could receive payments from the foundation for expenses incurred while traveling to further the aims of the revolutionary movement.

And it must be said of Rubin that he is energetic. He skips about the country urging his listeners to burn, bomb, and destroy so quickly that it is difficult to keep abreast of his activities.

But there is yet another aspect. The dodge of pouring the money Rubin earns into a large taxfree pool enables him to claim penury, and thus be an unlikely subject of civil damage suits.

A wealthy Jerry Rubin would be an attractive target for damage suits filed by victims of riots he caused.

Now just how might Rubin and his foundation spend this money? I am certain that his views on "religious, charitable, scientific, literary, or educational purposes" are vastly different from those, say, of most Members of this body.

Rubin is a self-professed revolutionary. He would undoubtedly believe that instructions in bomb manufacture, police harassment, and drug use all come under the purview of "education." The publication and dissemination of underground newspapers and of flyers and leaflets urging insurrection and anarchy would certainly be classified by Rubin as "literary."

He doubtlessly thinks it is "charitable" to blow up an ROTC building at a university, and certainly he would say that the application of fire to other academic buildings is "scientific." Let us hear a quote from "Do It."

> When in doubt burn. Fire is a revolutionary's god. Fire is instant theater . . . burn the flag. Burn churches. Burn, burn, burn.

Note here the "religious" endeavor he advocates.

But all this revolutionary rhetoric and likely abuse of tax law aside, Rubin and his trustee are not even now abiding by the IRS rules as applied to tax-free foundations.

The foundation's first annual report of income and expenditures was due last May 15, but IRS officials say they have no record of its submission.

It is my understanding that the regulations do authorize the revocation of the tax-exempt status for failure to file timely reports.

Rubin's foundation, of course, is merely one further example of how modern revolutionaries pervert our laws and shield themselves with the fabric of the very democracy they seek to destroy.

I am going to have the temerity to suggest that they should not be permitted to do this, that they should be denied the privilege of financing their revolution through tax-free income.

It would seem that some legislation concerning this matter is in order. Mean-

while, I strongly recommend to the Internal Revenue Service that the mantle of governmental recognition of Rubin's contrivance should be immediately revoked. The authority is present and I submit that this is a most appropriate occasion to use that authority.

I have written to the Commissioner of the Internal Revenue Service and asked that he do this.

Rubin is not alone in his ploy to avoid payment of taxes. William Kunstler, an attorney who frequently represents revolutionaries in their clashes with the law, is the founder and a member of a similar foundation in New York.

I wonder if there are other revolutionaries using the ploy. Eldridge Cleaver and Abbie Hoffman, to cite two, have also written bestsellers. Are they, too, and others, enjoying tax-free status?

I suggest that the IRS exercise meticulous scrutiny to find out whether they are.

FOR NEW CEASE-FIRE

(Mr. MORSE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneuos matter.)

Mr. MORSE. Mr. Speaker, the urgency and immediacy of securing the safety and the release of the hostages being held by Arab terrorists and preventing further hijackings must not blind us to the need to stop the continued military buildup in violation of the standstill ceasefire nor delay our working to set up a new cease-fire agreement.

The events of the past days do not change but rather, make even more important than ever, the basic imperatives that motivated the original cease-fire. Negotiations toward a new cease-fire are especially critical not only because of the dangers inherent in the continued military escalation, but also because failure to renew our efforts for some agreement will play directly into the hands of those Arab commandos whose goal is to disrupt any possibilities for progress toward peaceful settlement. Hesitation or reluctance would but reward and encourage tactics intolerable to the civilized world.

Our colleague from New York and former U.S. Ambassador to Israel, the Honorable Ogden R. Reid, has urged negotiating a new standstill cease-fire which would include the rectification of violations. In his recent letter to the New York Times which follows my remarks, he has set out in the most realistic and responsible terms, the challenge and the task before us. I cannot urge strongly enough my colleagues' attention to his recommendations, for the alternative to meaningful U.S. action can be but renewed hostilities, and disastrous consequences:

FOR NEW CEASE-FIRE

To the Editor:

While the eyes and hearts of the civilized world have been diverted by the horror of air piracy in the blazing desert, a duplicitous buildup of missiles and the construction of new sites has continued unabated inside the Suez standstill ceasefire zone.

Many more sites have been occupied, and more than twenty new missile complexes have been introduced, including both SAM-3's and SAM-2's.

The Soviet Union has chosen to follow its historic pattern of pushing until called to account. Moreover, both the Soviet Union and the United Arab Republic have had the effrontery to attempt to justify these actions by saying no missiles have been introduced into the zone, and that the U.A.R. had "the full right" to redeploy the missiles already there.

"BLATANT" VIOLATION

This is not only a blatant violation of the standstill ceasefire agreement, wherein it was agreed "neither side will introduce or construct any new military installation in the zones," but a direct challenge both to the U.S., as a guarantor of the military balance, and to the sanctity of international agreements. [Editorial Sept. 13.]

Moreover, it throws into sharp question the integrity of Soviet pledges in international agreements at a time when President Nixon is seeking an era of negotiations rather than further confrontation. Soviet complicity is clear.

Missile installation, operation and maintenance, particularly at the SAM-3 sites, can only be accomplished by Soviet technicians. It will be more than a year, it is estimated, before the U.A.R. will be capable of operating these sophisticated missile complexes.

The United States and other parties must now negotiate a new standstill cease-fire, including the rectification of violations and the rollback of missiles. To emphasize unmistakably the gravity with which the United States views these events—not dissimilar in methodology to the Cuban missile buildup—the President should use the "hot line" to enter into direct personal communication with both Premier Kosygin and party Chairman Brezhnev.

Further, consistent with President Nixon's pledge that the United States will not permit Israel's security to be "adversely affected," we must provide sufficient additional electronic equipment and Phantom aircraft to correct the clear imbalance.

Should the Soviets and the U.A.R. fail to roll back the missiles and rectify their violations, the Near East faces a repetition of 1967, NATO may be outflanked, and the world could lose a vital initiative for peace talks.

DISPOSAL OF LETHAL CHEMICALS

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, last month the Department of the Army announced plans to dispose of a considerable amount of lethal chemical agent GB in the Atlantic Ocean off the coast of Florida. The announcement was met with strong opposition from all directions: Members of the scientific community questioned precautions taken against polluting the ocean; governmental officials at the State and local level questioned safety precautions; members of the international community questioned this unilateral action by the United States and its possible detrimental pollutant effects on other countries; and Members of Congress questioned both the decisionmaking process and the decision.

In the final analysis, however, the Army was allowed to proceed with its disposal plan. This was done not because it was determined that ocean dumping was the best possible method of disposing of the gas but, rather, because time did not permit further investigation. The instability of the nerve gas rocket explosives dictated immediate disposal.

So far, we have been lucky that the recent dumping has not resulted in tragedy. But we must never again permit ourselves to rely on luck. Some means of review and control must be established.

With this objective, I introduced four proposals on August 11, 1970. Briefly, these proposals are:

(1) H. Con. Res. 704—An international agreement, under the auspices of the 1972 U.N. Conference on the Human Environment to be held in Stockholm, to prohibit any dumping in the waters of the world, and provide the necessary framework for review and enforcement;

(2) H.R. 18912—A requirement that before any new munition or chemical can be introduced into the U.S. arsenal by the Department of Defense (or any other Federal agency) there must first be formulated and simultaneously certified by the Council on Environmental Quality, a specific date by which it must be disposed, and the means of disposal. An immediate review would be required by the Department of Defense (all military services) of all munitions and chemicals on hand whose retention or ultimate disposal present a hazard or potential injury to mankind or the environment, for the purpose of determining the date of disposal and the means of disposal.

(3) H.R. 18913—Provide the Council on Environmental Quality with final authority within the Executive branch and would provide for congressional review of the Department of Defense study.

(4) H.R. 18914—A requirement that the Council on Environmental Quality make a full and complete review of United States policy with respect to the discharging of material into the oceans.

Because of the interest in these proposals I am again today reintroducing each of the bills with additional cosponsors. As of today 80 Members have joined in cosponsoring all or some of the bills.

The following 66 Members have cosponsored all four of the proposals:

Mr. Addabbo, Mr. Annunzio, Mr. Ayres, Mr. Bennett, Mr. Biaggi, Mr. Boland, Mr. Brasco, Mr. Brooks, Mr. Burke of Florida, Mr. Chappell, and Mr. Clark.

Mr. Don Clausen of California, Mr. Culver, Mr. Donohue, Mr. Downing, Mr. Dulski, Mr. Edwards of California, Mr. Eilberg, Mr. Findley, Mr. Flood, Mr. Fraser, and Mr. Frelinghuysen.

Mr. Fulton of Pennsylvania, Mr. Fuqua, Mr. Friedel, Mr. Galifianakis, Mr. Gibbons, Mr. Halpern, Mr. Hanley, Mr. Harrington, Mr. Hathaway, Mr. Helstoski, and Mr. Howard.

Mr. Kluczynski, Mr. Koch, Mr. Leggett, Mrs. May, Mr. McFall, Mr. McKneally, Mr. Michel, Mr. Mikva, Mr. Moorhead, and Mr. Morse.

Mr. Nix, Mr. O'Hara, Mr. Olsen, Mr. O'Neill, Mr. Ottinger, Mr. Pepper, Mr. Pettis, Mr. Pirnie, Mr. Podell, Mr. Rodino, and Mr. Reid of New York.

Mr. Roe, Mr. Rosenthal, Mr. Roybal, Mr. Ryan, Mr. Saylor, Mr. Tiernan, Mr. Udall, Mr. Waldie, Mr. Williams, Mr. Zablocki, and Mr. Tunney.

The following 14 Members have cosponsored some of the bills:

Mr. Blatnik, Mr. Burton of California, Mr. Daddario, Mr. Derwinski, Mr. Haley, Mr. Hanna, Mr. Lukens, Mr. Matsunaga, Mr. Meskill, Mrs. Mink, Mr. Scheuer, Mr. Sikes, Mr. Vanik, and Mr. Yatron.

Mr. Speaker, the United States and other nations of the world are using the oceans as an international garbage dump. Oil, sewage, garbage, chemical effluents, heavy metals, radioactive wastes, trace elements, dry cleaning fluids, chemical warfare agents and irritants, detergents and pesticides are just a portion of what man is dumping into the oceans, seemingly without regard for, or knowledge of, the consequences. The time has come for a reappraisal of this policy.

At this time, there is absolutely nothing to prevent any nation from dumping harmful and dangerous substances immediately outside of our territorial waters. The United Nations is the logical body in which to seek a solution, and I sincerely hope that the President will instruct the U.S. delegation to the United Nations' Stockholm Conference to take the lead in making this proposal to prohibit and prevent pollution of the waters of the world.

Mr. Speaker, little is heard today of the indignation voiced so loudly only a few weeks ago regarding the Army's disposal operation in the Atlantic Ocean. We must not allow the convenient lapse of memory—in time—to dull the urgency of the situation faced last month. We must take action to insure that a similar situation never occurs again.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. BUTTON (at the request of Mr. GERALD R. FORD), for the balance of the week, on account of official business as a member of the House Committee on Small Business.

Mr. HORTON (at the request of Mr. GERALD R. FORD), from 5 p.m., today, and the balance of the week on account of official business as a member of the House Committee on Small Business.

Mr. CORMAN, for Wednesday, September 16, on account of official business.

Mr. BLATNIK (at the request of Mr. BOGGS), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. MONTGOMERY, for 60 minutes, on September 21, to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. WHITEHURST) to revise and extend their remarks and include extraneous matter:)

Mr. WYDLER, for 30 minutes, on September 17.

Mr. MILLER of Ohio, for 5 minutes, today.

(The following Members (at the request of Mr. MCCARTHY) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. RARICK, for 30 minutes, today.

Mr. PURCELL, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. EDMONDSON in two instances and to include extraneous matter.

Mr. STEED to revise and extend remarks and insert tables in connection with conference report on H.R. 16900.

Mr. STRATTON, during consideration of the conference report on Political Broadcasting today.

(The following Members (at the request of Mr. WHITEHURST) and to include extraneous matter:)

Mr. GOLDWATER.

Mr. BURTON of Utah in 10 instances.

Mr. HALL.

Mr. GROVER.

Mr. SPRINGER.

Mr. DON H. CLAUSEN.

Mr. WYMAN in two instances.

Mr. FOREMAN.

Mr. FINDLEY.

Mr. STEIGER of Wisconsin.

Mrs. REID of Illinois.

Mr. ANDERSON of Illinois in two instances.

Mr. WHITEHURST.

Mr. CRANE in two instances.

Mr. ASHBROOK.

Mr. GROSS.

Mrs. DWYER in five instances.

(The following Members (at the request of Mr. MCCARTHY) and to include extraneous matter:)

Mr. EILBERG.

Mr. MOLLOHAN in five instances.

Mr. ASHLEY.

Mr. EDWARDS of California.

Mr. WOLFF.

Mr. PUCINSKI in six instances.

Mr. ROONEY of Pennsylvania.

Mr. MIKVA in six instances.

Mr. ROGERS of Florida in five instances.

Mr. DANIELS of New Jersey in two instances.

Mr. PREYER of North Carolina in two instances.

Mr. RYAN in five instances.

Mr. SLACK in two instances.

Mr. O'NEILL of Massachusetts in three instances.

Mr. MOSS.

Mr. BINGHAM.

Mr. COHELAN in five instances.

Mr. PATTEN.

Mr. DINGELL.

Mr. FOUNTAIN in two instances.

Mr. KLUCZYNSKI.

Mr. DORN in two instances.

Mr. DULSKI in five instances.

Mr. HAGAN in five instances.

Mr. BENNETT in two instances.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 11060. An act for the relief of Victor L. Ashley; and

H.J. Res. 1247. Joint Resolution to amend section 19(e) of the Securities Exchange Act of 1934.

SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The Speaker announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 1087. An act for the relief of Vernon Louis Hoberg;

S. 1170. An act to authorize the Department of Commerce to make special studies, to provide services, and to engage in joint projects, and for other purposes;

S. 2808. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Minot extension of the Garrison diversion unit of the Missouri River Basin project in North Dakota, and for other purposes;

S. 2882. An act to amend Public Law 394, Eighty-fourth Congress, to authorize the construction of supplemental irrigation facilities for the Yuma Mesa Irrigation District, Ariz.;

S. 2976. An act for the relief of Margarita Anne Marie Baden (Nguyen Tan Nga);

S. 3337. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Yakima Tribes in Indian Claims Commission dockets Nos. 47–A, 162, and consolidated 47 and 164, and for other purposes;

S. 3997. An act to provide for the disposition of fund appropriated to pay a judgment in favor of the Confederate Bands of Ute Indian in Court of Claims case 47567, and a judgment in favor of the Ute Tribe of the Uintah and Ouray Reservation for and on behalf of the Uncompahgre Band of Ute Indians in Indian Claims Commission docket No. 349, and for other purposes;

S. 4033. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Chemeheuvi Tribe of Indians; and

S.J. Res. 67. Joint resolution granting the consent of Congress to the States of Maryland and West Virginia and the Commonwealths of Virginia and Pennsylvania and the District of Columbia, as signatory bodies, for certain amendments to the compact creating the Potomac Valley Conservancy District and establishing the Interstate Commission on the Potomac River Basin.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on September 15, 1970, present to the President, for his approval, bills of the House of the following titles:

H.R. 16539. A bill to amend the National Aeronautics and Space Act of 1958 to provide that the Secretary of Transportation shall be a member of the National Aeronautics and Space Council; and

H.R. 16968. A bill to increase the contribution by the Federal Government to the cost of health benefits insurance, and for other purposes.

ADJOURNMENT

Mr. MCCARTHY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 10 minutes p.m.), the House adjourned until tomorrow,

Thursday, September 17, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2380. A letter from the Acting Director, Office of Management and Budget, Executive Office of the President, transmitting a report for the period ended August 31, 1970, on the operation of section 501 of the Second Supplemental Appropriations Act, 1970, establishing a limitation on budget outlays (H. Doc. 91–388); to the Committee on Appropriations and ordered to be printed.

2381. A letter from the Assistant Commander for Contracts, Naval Facilities Engineering Command, Department of the Navy, transmitting the semiannual report on Navy military construction contracts awarded on other than a competitive bid basis to the lowest responsible bidder, for the period ended June 30, 1970, pursuant to section 704 of Public Law 91–142; to the Committee on Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTION

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 17789. A bill to amend the act fixing the boundary of Everglades National Park, Fla., and authorizing the acquisition of land therein, in order to increase the authorization for such acquisitions; with amendments (Rept. No. 91–1455). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MILLS (for himself and Mr. BYRNES of Wisconsin):

H.R. 19225. A bill to provide for the protection of persons and property aboard U.S. air carrier aircraft, and for other purposes; to the Committee on Ways and Means.

By Mr. CLAY (for himself and Mr. WALDIE):

H.R. 19226. A bill; National Public Employee Relations Act; to the Committee on Education and Labor.

By Mr. EILBERG:

H.R. 19227. A bill to amend the National Emission Standards Act to provide for the elimination of automotive air pollution; to the Committee on Interstate and Foreign Commerce.

H.R. 19228. A bill to permit the Governor of a State to elect to use funds from the State's Federal-aid highway system apportionment for purposes of paying additional costs incurred by such State in purchasing low-emission vehicles; to the Committee on Public Works.

H.R. 19229. A bill to impose an excise tax on automobiles based on their horsepower and emission of pollutants, for the purpose of financing programs for research in, and Federal procurement of, low-emission vehicles; to the Committee on Ways and Means.

By Mr. FULTON of Pennsylvania:

H.R. 19230. A bill to provide a program to improve the opportunity of students in elementary and secondary schools to study cultural heritages of the major ethnic groups in the Nation; to the Committee on Education and Labor.

H.R. 19231. A bill to make the armed robbery of gasoline stations a Federal offense; to the Committee on the Judiciary.

H.R. 19232. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; and to provide that full benefits thereunder, when based upon the attainment of retirement age, will be payable to men at age 60 and to women at age 55; to the Committee on Ways and Means.

By Mr. HANSEN of Idaho:

H.R. 19233. A bill to amend the Federal Meat Inspection Act to provide for more effective inspection of imported meat and meat products to prevent the importation of diseased, contaminated, or otherwise unwholesome meat and meat products; to the Committee on Agriculture.

By Mr. HOWARD:

H.R. 19234. A bill to prohibit flight in interstate or foreign commerce to avoid prosecution for the killing of a policeman or fireman; to the Committee on the Judiciary.

By Mr. KOCH:

H.R. 19235. A bill to establish a Commission on Fuels and Energy to recommend programs and policies intended to insure, through maximum use of indigenous resources, that the U.S. requirements for low-cost energy be met, and to reconcile environmental quality requirements with future energy needs; to the Committee on Interstate and Foreign Commerce.

By Mr. McCARTHY (for himself, Mr. OTTINGER, and Mr. BRADEMAS):

H.R. 19236. A bill to amend the Older American Act of 1965; to the Committee on Education and Labor.

By Mr. MIKVA:

H.R. 19237. A bill amending title 13 of the United States Code by authorizing the Secretary of Commerce through the Bureau of the Census to undertake a quadrennial enrollment of those persons to vote in elections of the President and Vice President that meet the qualifications of the various States other than residency; to the Committee on House Administration.

By Mr. MOORHEAD:

H.R. 19238. A bill to regulate interstate commerce by requiring certain insurance as a condition precedent to using the public streets, roads, and highways, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 19239. A bill to promote the greater availability of motor vehicle insurance in interstate commerce under more efficient and beneficial marketing conditions; to the Committee on Interstate and Foreign Commerce.

H.R. 19240. A bill to amend the Internal Revenue Code of 1954, and for other purposes; to the Committee on Ways and Means.

By Mr. MOSS:

H.R. 19241. A bill to provide for the humane disposition of military dogs; to the Committee on Armed Services.

H.R. 19242. A bill to amend section 278 of the Internal Revenue Code of 1954 to extend its application from citrus groves to almond groves; to the Committee on Ways and Means.

By Mr. OBEY:

H.R. 19243. A bill to amend the Public Health Service Act to encourage physicians, dentists, optometrists, and other medical personnel to practice in areas where shortages of such personnel exist, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PIKE:

H.R. 19244. A bill to provide for the establishment of the Sagtikos Manor National Historical Site; to the Committee on Interior and Insular Affairs.

By Mr. RANDALL:

H.R. 19245. A bill to require State programs for controlling disruptive campus violence by students, staff, and other employees as a prerequisite for receiving Federal assistance under the Higher Education Act and other acts of Congress; to the Committee on Education and Labor.

By Mr. STAGGERS (for himself, Mr. ADAMS, and Mr. CAREY):

H.R. 19246. A bill to amend the Public Health Service Act in order to provide for the establishment of a National Health Service Corps; to the Committee on Interstate and Foreign Commerce.

By Mr. TALCOTT:

H.R. 19247. A bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, in order to extend under certain circumstances the expiration date specified in a power of attorney executed by a member of the Armed Forces who is missing in action or held as a prisoner of war; to the Committee on Veterans' Affairs.

By Mr. THOMPSON of Georgia:

H.R. 19248. A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance financed in whole for low-income groups, through issuance of certificates, and in part for all other persons through allowance of tax credits, and to provide a system of peer review of utilization, charges, and quality of medical service; to the Committee on Ways and Means.

By Mr. ULLMAN:

H.R. 19249. A bill to provide for the establishment of the Oregon Trail National Historic Site in the State of Oregon, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WIDNALL:

H.R. 19250. A bill to provide, under a newly established national urban growth policy, for a more rational, orderly, efficient, and economic urban growth and community development in the United States; to the Committee on Banking and Currency.

By Mr. WINN:

H.R. 19251. A bill to provide for a program of Federal assistance in the development, acquisition, and installation of aircraft antihijacking detection systems, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FALLON (for himself, Mr. BLATNIK, Mr. JONES of Alabama, Mr. KLUCZYNSKI, Mr. WRIGHT, Mr. GRAY, Mr. CLARK, Mr. EDMONDSON, Mr. JOHNSON of California, Mr. DORN, Mr. HENDERSON, Mr. OLSEN, Mr. ROBERTS, Mr. McCARTHY, Mr. KEE, Mr. HOWARD, Mr. ANDERSON of California, Mr. CAFFERY, Mr. ROE, Mr. CRAMER, Mr. HARSHA, Mr. GROVER, Mr. CLEVELAND, Mr. DON H. CLAUSEN, and Mr. McEWEN):

H.R. 19252. A bill to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes; to the Committee on Public Works.

By Mr. FALLON (for himself, Mr. DUNCAN, Mr. SCHWENGEL, Mr. SCHADEBERG, Mr. SNYDER, Mr. DENNEY, Mr. ZION, Mr. McDONALD of Michigan, Mr. HAMMERSCHMIDT, and Mr. MILLER of Ohio):

H.R. 19253. A bill to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes; to the Committee on Public Works.

By Mr. FASCELL (for himself, Mr. ADDABBO, Mr. BENNETT, Mr. CLARK, Mr. CULVER, Mr. DOWNING, Mr. DULSKI, Mr. EDWARDS of California, Mr. FRASER, Mr. HALPERN, Mr. HARRINGTON, Mr. KOCH, Mr. LEGGETT, Mr. McKNEALLY, Mr. MIKVA, Mr. O'HARA, Mr. OLSEN, Mr. PETTIS, Mr. PIRNIE, Mr. REID of New York, Mr. ROE, Mr. RYAN, Mr. SAYLOR, and Mr. WILLIAMS):

H.R. 19254. A bill to require the Depart-

ment of Defense to determine disposal dates and methods for disposing of certain military material; to the Committee on Armed Services.

By Mr. FASCELL (for himself, Mr. LUKENS, and Mrs. MINK):

H.R. 19255. A bill to require the Department of Defense to determine disposal dates and methods for disposing of certain military material; to the Committee on Armed Services.

By Mr. FASCELL (for himself, Mr. ADDABBO, Mr. BENNETT, Mr. CLARK, Mr. CULVER, Mr. DOWNING, Mr. DULSKI, Mr. EDWARDS of California, Mr. FRASER, Mr. HALPERN, Mr. HARRINGTON, Mr. KOCH, Mr. LEGGETT, Mr. MCKNEALLY, Mr. MIKVA, Mr. O'HARA, Mr. OLSEN, Mr. PETTIS, Mr. PIRNIE, Mr. REID of New York, Mr. ROE, Mr. RYAN, Mr. SAYLOR, and Mr. WILLIAMS):

H.R. 19256. A bill to require the Council on Environmental Quality to make a full and complete investigation and study of national policy with respect to the discharging of material into the oceans; to the Committee on Merchant Marine and Fisheries.

By Mr. FASCELL (for himself, Mr. DADDARIO, Mr. DERWINSKI, Mr. MESKILL, Mr. SCHEUER, and Mr. YATRON):

H.R. 19257. A bill to require the Council on Environmental Quality to make a full and complete investigation and study of national policy with respect to the discharging of material into the oceans; to the Committee on Merchant Marine and Fisheries.

By Mr. FASCELL (for himself, Mr. ADDABBO, Mr. BENNETT, Mr. CLARK, Mr. CULVER, Mr. DOWNING, Mr. DULSKI, Mr. EDWARDS of California, Mr. FRASER, Mr. HALPERN, Mr. HARRINGTON, Mr. KOCH, Mr. LEGGETT, Mr. MCKNEALLY, Mr. MIKVA, Mr. O'HARA, Mr. OLSEN, Mr. PETTIS, Mr. PIRNIE, Mr. REID of New York, Mr. ROE, Mr. RYAN, Mr. SAYLOR, and Mr. WILLIAMS):

H.R. 19258. A bill to prohibit the discharge into any of the navigable waters of the United States or into international waters of any military material without a certification by the Council on Environmental Quality approving such discharge; to the Committee on Merchant Marine and Fisheries.

By Mr. FASCELL (for himself, Mr. DADDARIO, Mr. VANIK, Mr. SCHEUER, and Mr. YATRON):

H.R. 19259. A bill to prohibit the discharge into any of the navigable waters of the United States or into international waters of any military material without a certification by the Council on Environmental Quality approving such discharge; to the Committee on Merchant Marine and Fisheries.

By Mr. FULTON of Pennsylvania:

H.R. 19260. A bill to authorize the erection of a statue of Queen Isabella of Spain in the rotunda of the U.S. Capitol; to the Committee on House Administration.

H.R. 19261. A bill to establish in the National Aeronautics and Space Administration an Inspector of Programs and Operations; to the Committee on Science and Astronautics.

H.R. 19262. A bill to amend the Internal Revenue Code of 1954 so as to permit charitable contributions, bequests, transfers, and gifts to the United Nation's Children's Fund (UNICEF) to be deductible for income tax, estate tax, and gift tax purposes; to the Committee on Ways and Means.

By Mr. PEPPER (for himself, Mr. ABBITT, Mr. ASHLEY, Mr. BIAGGI, Mr. BINGHAM, Mr. BROWN of California, Mr. BUTTON, Mr. CARTER, Mr. COUGHLIN, Mr. DERWINSKI, Mr. GARMATZ, Mr. GOLDWATER, Mr. HALPERN, Mr. HARRINGTON, Mr. HICKS, Mr. LEGGETT, Mr. LOWENSTEIN, Mr. MCKNEALLY, Mr. MANN, Mr. MATSUNAGA, Mr. MESKILL, Mr. MIKVA, Mr. MOORHEAD, and Mr. NICHOLS):

H.R. 19263. A bill to provide for a program of Federal assistance in the development, acquisition, and installation of aircraft antihijacking detection systems, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. OLSEN, Mr. O'NEILL of Massachusetts, Mr. OTTINGER, Mr. POLLOCK, Mr. REES, Mr. RODINO, Mr. ROSENTHAL, Mr. ST GERMAIN, Mr. TUNNEY, Mr. ULLMAN, Mr. WINN, Mr. WRIGHT, Mr. WYATT, and Mr. YATRON):

H.R. 19264. A bill to provide for a program of Federal assistance in the development, acquisition, and installation of aircraft antihijacking detection systems, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROTH:

H.R. 19265. A bill to amend section 620 of the Foreign Assistance Act of 1961 to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs produced or processed, in whole or in part, in such country from entering the United States unlawfully, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SCHADEBERG:

H.R. 19266. A bill to amend section 837 of title 18, United States Code, to strengthen the laws concerning illegal use, transportation, or possession of explosives and the penalties with respect thereto, and for other purposes; to the Committee on the Judiciary.

By Mr. COLLINS:

H.R. 19267. A bill to prohibit the involuntary busing of schoolchildren and to adopt freedom of choice as a national policy; to the Committee on the Judiciary.

By Mr. CRANE:

H.R. 19268. A bill to amend the Internal Revenue Code of 1954 to provide a deduction for trees destroyed by Dutch elm disease; to the Committee on Ways and Means.

By Mr. DAVIS of Georgia:

H.R. 19269. A bill to authorize the National Science Foundation to conduct research and educational programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes; to the Committee on Science and Astronautics.

By Mr. GIAIMO (for himself, Mr. BELL of California, Mr. FRASER, Mr. FREY, Mr. GUDE, Mr. HALPERN, Mr. HATHAWAY, Mr. HOGAN, Mr. MCKNEALLY, Mr. O'NEILL of Massachusetts, and Mr. SCHEUER):

H.R. 19270. A bill to authorize the National Science Foundation to conduct research and educational programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes; to the Committee on Science and Astronautics.

By Mr. PEPPER (for himself and Mr. BUCHANAN):

H.R. 19271. A bill to provide for a program of Federal assistance in the development, acquisition, and installation of aircraft antihijacking detecton systems, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WIDNALL:

H.R. 19272. A bill to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the U.S. Government, and for other purposes; to the Committee on Banking and Currency.

By Mr. TALCOTT:

H.J. Res. 1369. Joint resolution providing for the designation of the last Monday in October of each year as Peace Officers Appreciation Day; to the Committee on the Judiciary.

By Mr. WIGGINS:

H.J. Res. 1370. Joint resolution to authorize the President to issue a proclamation designating the week of November 2, 1970, through November 8, 1970, as "National Indian Week"; to the Committee on the Judiciary.

By Mr. MIZELL:

H.J. Res. 1371. Joint resolution to proclaim "National Good Grooming Week"; to the Committee on the Judiciary.

By Mr. ADAIR:

H. Con. Res. 731. Concurrent resolution to express the sense of Congress on international measures to discourage hijacking; to the Committee on Foreign Affairs.

By Mr. ARENDS:

H. Con. Res. 732. Concurrent resolution providing for the printing as a House Document of "The Pledge of Allegiance to the Flag"; to the Committee on House Administration.

By Mr. ASHLEY:

H. Con. Res. 733. Concurrent resolution expressing the sense of the Congress with respect to international aircraft hijacking; to the Committee on Foreign Affairs.

By Mr. FASCELL (for himself, Mr. ADDABBO, Mr. BENNETT, Mr. CLARK, Mr. CULVER, Mr. DOWNING, Mr. DULSKIE, Mr. EDWARDS of California, Mr. FRASER, Mr. HALPERN, Mr. HARRINGTON, Mr. KOCH, Mr. LEGGETT, Mr. MCKNEALLY, Mr. MIKVA, Mr. O'HARA, Mr. OLSEN, Mr. PETTIS, Mr. PIRNIE, Mr. REID of New York, Mr. ROE, Mr. RYAN, Mr. SAYLOR, and Mr. WILLIAMS):

H. Con. Res. 734. Concurrent resolution expressing the sense of the Congress with respect to the pollution of waters all over the world and the necessity for coordinated international action to prevent such pollution; to the Committee on Foreign Affairs.

By Mr. FASCELL (for himself, Mr. VANIK, and Mr. SCHEUER):

H. Con. Res. 735. Concurrent resolution expressing the sense of the Congress with respect to the pollution of waters all over the world and the necessity for coordinated international action to prevent such pollution; to the Committee on Foreign Affairs.

By Mr. GONZALEZ:

H. Con. Res. 736. Concurrent resolution expressing the sense of Congress that the President should immediately undertake to seek international arrangements and agreements with other nations desiring to foster international air service for purpose of prohibiting armed attacks on aircraft and passengers engaged in international commerce; to the Committee on Foreign Affairs.

By Mr. FULTON of Pennsylvania:

H. Res. 1211. Resolution declaring the Eastern Orthodox Church to be a major faith in the United States; to the Committee on the Judiciary.

By Mr. ROSENTHAL:

H. Res. 1212. Resolution urging the President to institute an air boycott against the planes of any country failing to act against aerial hijackers who land on its territory; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FISHER:

H.R. 19273. A bill for the relief of Maj. Lowell L. Glenn, U.S. Air Force, retired; to the Committee on the Judiciary.

By Mr. HANSEN of Idaho:

H.R. 19274. A bill for the relief of Esther Catherine Milner; to the Committee on the Judiciary.

By Mr. McFALL:

H.R. 19275. A bill for the relief of Abran (Amar) Singh; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

SOVIET DUPLICITY BLAMED FOR CRISIS IN MIDEAST

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. DERWINSKI. Mr. Speaker, as the growing difficulties facing the administration's Middle East diplomatic initiatives become obvious, a realistic appraisal certainly reveals the Soviet Union is fundamentally responsible for the obstacles preventing legitimate peace in the area. This point is well emphasized by columnist William F. Buckley, Jr., in the Washington Evening Star, Wednesday, September 9:

SOVIET DUPLICITY BLAMED FOR CRISIS IN MIDEAST

(By William F. Buckley, Jr.)

The administration, according to the papers, has decided to roll a great carpet over the Middle East crisis, leaving it to the professional diplomats carefully to stitch back together Israeli confidence in the desirability of a cease-fire.

The cause of the problem, of course, is Soviet duplicity. Since Soviet duplicity is about as unusual as polluted air in New York City, nobody seems to be paying much public attention to it, and the treatment of it has been relatively sleepy.

A week ago, Soviet party boss Leonid Brezhnev made a television speech stressing the desirability of peace in the Middle East. "What is needed is no new provocations and subterfuges designed to circumvent or violate the ceasefire agreement, but an honest observance of the agreement reached."

Those lines could have been spoken by Hitler, on the eve of any old invasion. Several days after they were spoken, it transpired that the Egyptians were moving fresh missile batteries into the "standstill" zone, and of course the terms of the cease-fire were that no side would take military advantage over the other in that zone.

Every Egyptian battalion is accompanied by at least one Soviet specialist, and every battery is, by Egyptian military terminology, the equivalent of a battalion. Since at least 15 batteries have sneaked into the standstill zone at this writing, that means at least 15 Soviet officials moved in concert in explicit defiance of what boss Brezhnev was prattling about on TV.

If indeed they were acting against Soviet orders, which is about as credible as that the invasion of Poland was a surprise to Hitler, then they could be recalled, and publicly executed in Red Square. It being unlikely that this is going to happen, we shall have to settle for the conventional wisdom, which is that the word of the Soviet Union is much, much worse than that of Al Capone.

Now the point of stressing this is not to make a moral judgment, but to describe some of the problems we repeatedly get into as a result of trusting the Soviet Union. The President of the United States solemnly assured Israel, at a press conference in San Clemente a few weeks ago, that it would have nothing to fear from a truce. Presumably Nixon would not have ventured such a guarantee except that he had the "word" of the Soviet Union that it would agree to abide by the truce.

Where do we go from here?

1. On the military point, Israel has been less agitated than one would expect—less agitated than she is entitled to be. One can only suppose that the United States has made it up to Israel by promising X number of extra jets or warships or whatever; and, of course, Congress behaved very magnanimously in giving to the executive, by overwhelming vote, the authority to give Israel just about anything she wants.

2. On the international point, Nixon has a good deal to retrieve. He must bury the entire episode in a tangle of conferences, meetings, pronouncements, explanations, elucidations, anything at all to distract from the reality. If he succeeds in appeasing Israel, he will have succeeded in stilling the voice of the party primarily wounded by the Soviet move.

What one hopes he realizes is that the wound upon Israel is easily sutured, but our own is not. What we suffer from is a loss of credibility as a world peacemaker. Why would any country in the future accept an American assurance, if it is so glibly overridden by the Soviet Union? Could it be that that was one of the intentions of the Soviet Union, which cares naught for public opinion (because she is sure of herself), but cares greatly to embarass the United States at every opportunity?

3. It is always possible that the objective force of the betrayal will assert itself, and that Nixon will need to go for a confrontation.

MALNUTRITION POPULATION AND RETRIBUTION

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. DIGGS. Mr. Speaker under unanimous consent, I include the following article from the July 1970 issue of Realty:

MALNUTRITION POPULATION AND RETRIBUTION

(By J. V. O. Reid, professor of physiology at the University of Natal)

(Anyone working in the field of nutrition must become greatly concerned with the incidence of malnutrition that is now known to exist in South Africa, and inevitably this concern must extend to the population explosion we are now experiencing. This article will try to deal both with malnutrition and the population explosion, their extent, causes and effects; and will try to demonstrate their importance for the future life of South Africa.)

Some years ago, as the result of recommendations made by a Government commission, the National Nutrition Research Institute of the C.S.I.R., at Pretoria, began a series of surveys designed to find out the incidence and severity of the various forms of malnutrition. The N.N.R.I. has done its task most diligently and carefully, and has together with other workers at for instance the University of Cape Town, been able to provide a far clearer picture of the situation than the impressionistic one of 10 years ago. Among the more important results of the NNRI surveys was the finding that about 80% of African school children in Pretoria came from homes too poor to afford the food which would prevent malnutrition. In another survey whose results were presented to the S.A. Nutrition Society Congress in 1969, over 80% of African children at a rural school near Pretoria had one kind of malnutrition, and over 80% had another—so that virtually every single child had one form or another. Pellagra, a simple vitamin deficiency, has been reported to occur in 50% of patients attending a mission hospital, during winter, and to account for half the African admissions to the mental hospital in Pretoria. Half the African children in a Pretoria survey were shown to be deficient in protein.

DISEASES

Malnutrition causes not only its own diseases, but makes people liable to infectious disease, and of course it is a cause of death. As regards infectious diseases, the figures for tuberculosis show that this disease, one closely associated with malnutrition, is more than 10 times as common among Africans as among whites, and appears to be increasing among the former, decreasing among the latter. Gastroenteritis and bronchopneumonia, diseases which very rarely cause death among white babies, are the commonest killers of African children. Their death rate in an African reserve was found to be over 25 times the rate for white children, an index of the severity of malnutrition.

Hunger and starvation are less prominent features of the scene than the widespread lack of proper food. Nevertheless they occur. "Marasmus" is the scientific term often used to cover a picture in infants and children which includes starvation, and it is by no means an uncommon diagnosis. Often it occurs in association with infections, and the effect of the one upon the other is too close to allow separation. In a survey conducted to see how accurately kwashiorkor was being notified by doctors the N.N.R.I. found a calculated incidence of 29,000 cases of marasmus in 1 year. The figure for kwashiorkor was 36,000. Then too those working in voluntary child feeding schemes in South Africa are all familiar with the child who eats hungrily when he first attends, and in the ensuing week fills out in a way which dramatically shows up his previous hunger. Moreover we have had 3 famines in South Africa in recent times, a phenomenon one associates more with India and the crowded Far East, than the sunny open land of South Africa. Perhaps the simple words of a Mission hospital superintendent in his 1969 report tell the story most eloquently: "The main feature this year was the apalling number of cases of malnutrition and frank starvation which had to be treated during the winter of 1968."

BRAIN FUNCTION

Another effect of malnutrition has drawn considerable interest from nutritionists in recent years, and indeed was one of the major points of interest at the recent International Congress of Nutrition where an impressive amount of evidence for it was presented. This is the effect of maternal and infantile malnutrition on the growth of the infant's brain, and on its subsequent function. It has been known for many years that malnutrition in child and adult life has a marked effect on behaviour, causing dullness, apathy, loss of initiative, slow and sparing effort, and under some circumstances markedly anti-social behaviour. But these effects reverse if good nutrition is restored. The pre-natal and infantile effects however do not reverse: malnutrition then stunts the brain in a way which does not allow for later full return to normal. These earliest stages of life are when the number of cells in the brain increase; after a year or so of life, they do so no longer, and thenceforward increase only in size. Mal-

nutrition during this critical phase limits their increase in number, and good nutrition later cannot restore the capacity to develop new cells.

TWO CAUSES

The causes of malnutrition in South Africa include two that predominate so much that it is enough to consider them only: poverty and ignorance, and they are closely interlinked. Of the two poverty certainly seems preeminent. There are many Africans ignorant of food values and with no formal education who yet earn comparatively reasonable incomes, and malnutrition among such people is uncommon, though certainly not absent. Moreover there are many evidences of an effective "evolved" sort of nutritional knowledge among Africans: the mixing of beans with mealie meal for example, and the taking of certain varieties of herb which are in fact excellent complements to other foods. On the other hand, all the knowledge in the world cannot help a man too poor in resources and income, to obtain sufficient proper food. The poverty datum line which is drawn at about R56 per month for a family with 3 children describes the absolute limit below which malnutrition must occur. Over 70% and probably 80% of Africans live below this line.

WHITE REACTION

The lack of reaction by white people to the remarkable extent of malnutrition which exists in South Africa is something that deserves explanation. In all probability the following are the important reasons: first, the white man sees largely only the relatively well nourished urban African, not the rural dweller who is the one that suffers chiefly. Second, he does not recognize malnutrition when he sees it—it need not be obvious to the lay eye, and indeed even the qualified eye without laboratory tests to help, may fail. Third, the white South African thinks that malnutrition among Africans always was there, and is coming right anyway—both of which are opinions having no basis in objective evidence. Fourth, he believes that agencies such as Kupugani are doing all that is needed; such organisations deserve the greatest credit for what they are doing, but their resources are quite inadequate to cope with the immensity of the problem. Fifth, he sees this problem of malnutrition as part of a whole picture of African existence—having low standards, low ambitions, low productivity. It therefore is identified in his mind with all the other problems he sees relating to the African, not least of which is the political problem. The right to the same quality and quantity of food as the white man, carries the connotation of equal rights in other spheres. And lastly: a white Christian, who may be conscious of his duty as a neighbour, willing to do something about the problem, thinks what a large problem it is, far beyond his capacity as an individual to affect. And so he does nothing.

MORAL DEFICIENCY

When all these excuses are given, the lack of reaction among the well-fed to the malnutrition in their midst is telling evidence of moral deficiency. The question arises—by what means does this deficiency reap its reward? For many believe that evil will in the long run bring retribution in this world, and to them the retribution may speak more loudly than the voice of virtue. The strong probability is that retribution will come through the effect on population growth. We are already in the midst of a population explosion, a quiet explosion where silence is ominous.

Fifteen years ago the expected African population for 30 years from now was 19 million; and now it is to be double that. Fifteen years ago the idea was tenable that if the reserves carried 9½ million Africans, only 9½ would remain in "white areas". Now there will be nearly 30 million, if the reserves carry that same maximum. In 60 years the African population alone will be about 80 million, if things go on as they are.

POPULATION EXPLOSIONS

Population explosions are a common feature of the under-developed countries of the present day, and it is worthwhile to regard the factors common to them. The first is a decline in mortality, brought about largely by improvements in public health standards, and very little indeed by personal medical services. The second is a rising birth rate, and all but a very few of such countries have this. The causes of the rise are clear: first because of the decline in mortality many more survive to become child bearers in due course. The decrease in mortality is often marked, and this cause for an increased birth rate correspondingly marked. It means among other things that almost inevitably a developing country must pass through a stage of great population increase; and this inevitably can only be avoided or mitigated if the other factors bearing in the birth rate act in the contrary direction. But these other factors to be discussed shortly, invariably are delayed in time, and in the first stages of development invariably act in the direction of accelerating the birth rate. Any country hoping to keep its population within any kind of reasonable bounds, should work as hard as possible to change the direction of their effect; the sooner it succeeds, the sooner does it gets to the stage of a birth rate commensurate with the new mortality rate, and a population within sight of levelling off. The shortest time any country has taken to pass through this stage is about 40 years, the country being Japan, and in the process the population rose about 3 fold, to 100 million. Some countries, for instance India, have taken so long, and are making so little progress through this stage that they have achieved almost unbelievable population figures. It is salutary to remember that even in the U.S.A., if from tomorrow every family had only 1 boy and 1 girl, the population would rise to 370 million before levelling off.

OTHER FACTORS

These other factors that bear on the birth rate are clearly the levels of income, education, nutrition, urban development and family stability and these can be looked at seriatim. A poor family is much more likely to be large, than a well-to-do one. This is a simple matter of observation. Among Coloured people in Bonteheuval, for instance, families with an average income of R14.57 per week were found to have an average 7 children; with the same community families with an average income of R25.86 per week had 3 children. The same was seen among poor whites in pre-war years; they had almost exactly twice the number of children per family of well-to-do whites.

The poor man has no security for his old age other than his children, and the present social welfare pension of R5 per month for Africans, and the rarity of pensions given to Africans by industry and employers in general are powerful inducements to the African to have many children.

The lowly educated similarly produces many children, partly because he is then likely to be able to earn little. But there are other factors operating here. The uneducated is further out of reach of the idea of family limitation; if reached by this idea he is much more likely to be antagonistic to it and if receptive he is much less likely anyway to be able to succeed in limiting his family.

PRODUCTIVITY

Malnutrition contributes powerfully, both on its own account and through its effect on productivity and earning capacity. The malnourished man thinks only of the present; he does not foresee the future and the commitments he accepts for later years by having children. Here is the effect of malnutrition on behaviour in the adult, and on the potential of the infant. The alcoholic, poverty-stricken, uneducated, malnourished, is the very epitome of this situation.

Urbanization invariably lowers the birth rate. Among Africans the number of children of an urban family is half that of the rural family. This difference has occurred, as with the Coloured families of Bonteheuvel, without there being any specific birth control programme. The rural family needs children—one for work in the fields, one to look after the animals, one to care for the house and other children, one to be married off for the lobola, one to work in the city and to send home wages, and several spares because the rural family above others knows how many will be lost in childhood. But in the city we do not depend on our family for these services: they are provided by other members of the community, and the urban family will be better off the fewer the number of children there are to support. The migratory labour system with its effect on family stability gets the worst of both worlds: the rural family still needs to be large, but the father for 11 months of the year is absolved from the burdens and responsibilities of children. He has no concern, when he returns "home" for a month each year, for the troubles of bringing up children, and on her side the wife knows that among the frail ties that keep her husband to her, the bearing of his children is the strongest. Indeed because he is largely absent from this rural home, she needs more children to do what he would have done, and he in turn may well father children in the city.

A migratory labour system of this kind is unique to South Africa, and will produce a unique population explosion. Where in other parts of the world migratory labour is found—for instance, the Mexicans in California—they bring their wives and children. Even slaves lived with their families.

FAMILY LIMITATION

Facile thinking has often sought to avoid the retribution of numbers through family limitation programmes, often covered by catch-phrases such as "scientifically planned" and "executed with determination". Again, the false brings its own reward, for the vigour of this effort will, if the motives are wrong, be in proportion to the failure to deal with the matter truly and properly, and the end result may be the worse for ever having had a determined, scientifically planned family limitation programme. The fact is that no one will use artificial means of limiting children below the number of children he wants and can limit to. You cannot ram pills down the throat of a resisting woman or sneak in an I.U.D. against her will. The crucial point is—what number of children does she want? Everywhere the poor, the uneducated, the malnourished and the rural dweller want many children, and all that a birth control programme in such circumstances can hope to achieve, is the reduction in birth rate to the high figure characteristic of these circumstances. It is the change from a fusion type atomic explosion to that of a fission device.

JAPAN

The proponents of birth control programmes often point to countries like Japan as an example, so it is worth while looking at the facts. In 1925 Japan had a childbearing rate of 155 per 1,000 childbearing mothers. From then until a birth control programme was initiated this rate fell to 67. Then the programme was instituted and in the next 7 years the rate fell to 64. From 1925 onwards the effect of improved education, nutrition and earning were enormous; the birth control programme added nothing. And it is

worth the comment that the improvements turned a population which was unproductive, inefficient, able only to copy, and ripening for trouble, into one whose industry draws delegations from the West to find out how to do things, and whose economy has shown the most spectacular and sustained rise of any country in the world.

It is also worth calculating what saving in numbers the rapid improvement in the economic, educational and nutrition standards of all Africans to the standard already achieved by the better off urban African, could bring about. A slow reduction in birth rate to half the present figure, taking 25 years to achieve this, is a realistic possiblity it view both of the experience of other countries, and of our own experience in the difference in birth rate between poor rural and better off urban people. This would reduce the African population expected in 2 generations times from about 80 million to 33 million, a saving of 47 million people. All white children under the age of 12 can expect to be living at that time—it is not so far away.

ECONOMIC PROSPECTS

The effects of population limitation on the economic prospects are equally enormous, and here again some figures can be calculated. As far as the economic "gap" is concerned if the African population is trebled in 30 years time and the white population doubled, as is now expected, then so long as Africans cannot move into the more highly paid jobs occupied by whites, the earning gap between them must increase by 50%. If at the moment whites earn 10 times as much as Africans, then from this factor alone they will earn 15 times as much after 30 years, and 22 times as much after 60 years.

But the effect on per capita output of halving the birth rate is more remarkable still. It is brought out by the saving in capital normally devoted to care of the unproductive young, capital which can now be put to productive use. After 30 years the output per consumer is more than doubled in the low birth rate population.

PERIOD OF RAPID GROWTH

South Africa has undoubtedly to go through a period of rapid African growth (and this applies equally to other non-white groups) whose extent can only be limited by prompt action, the action of uplifting economic, educational and nutritional standards. The danger is delay, for the rate of increase may become so high that the economic growth of the country—perhaps hindered by political moves that separate the people, prevent urbanization and full economic growth—fails to keep pace with the population growth. If South Africa's economic growth rate were to fall to 3.5% p.a., a figure common among the countries of the world, we would inevitably enter an "Indian" state, whereby the population doubles every 25–30 years, and economic standards remain static. One comes back to the starting point of this article: if we have 9 million Africans now living below the poverty datum line, what will it be like when my children are old, with an African population of 80 million?

RABBI JOACHIM PRINZ HONORED

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. RODINO. Mr. Speaker, my good and dear friend, Dr. Joachim Prinz, has received a deserved tribute from the Essex County committee of the Israel bond organization. I am pleased to add my name to the long list of individuals who honor Rabbi Prinz for his selfless, judicious, and persevering endeavors to bring harmony, trust, and justice in an increasing complex world.

Mr. Speaker, I would like to call to the attention of my colleagues a recent editorial from the Jewish News which so aptly describes Dr. Prinz:

DR. PRINZ HAS EARNED IT

Because of his extraordinary stature as a leader in many areas of concern to us as Jews and Americans committed to democratic ideals, any testimonial to Dr. Joachim Prinz necessarily has to be an exceptional event. The dinner in his honor Monday is sponsored by the Essex County Committee of the Israel Bond Organization, but it is obvious from the response to the affair that it transcends the parochial. And this is as it should be.

A man possessing rare qualities of mind and spirit, Dr. Prinz has a restless, subtle and creative intelligence that has made him a formidable figure of international renown. His cultural interests are legion, his sense of humor is unfailingly delightful, his dedication as a rabbi has been a beneficence to countless lives touched by his goodness and spontaneous warmth of personality. His prowess as a fighter in behalf of the just cause—be it Israel or a local civic issue—is legendary. Any opportunity to honor Dr. Prinz should be seized enthusiastically; he has earned every possible accolade many times over.

SENATE SUBCOMMITTEE REPORTS JOB SAFETY BILL

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. DANIELS of New Jersey. Mr. Speaker, last week the Senate Labor Subcommittee reported an occupational safety and health bill similar to H.R. 16785 which is pending before the House Rules Committee. These bills are designed to end the shameful and tragic waste of human life and limb through unsafe and unhealthy work conditions by providing Federal safety standards to cover workers engaged in interstate commerce.

The Senate version is sponsored by the junior Senator from my State, the Honorable HARRISON A. WILLIAMS, JR. Senator WILLIAMS has long been involved with protecting the rights of America's working men and women as evidenced by his outstanding guidance of the Senate Migratory Labor Subcommittee in previous Congresses, and by his conscientious chairmanship of the Labor Subcommittee in the 91st Congress.

The Williams bill will come before the full Senate Labor and Public Welfare Committee on Wednesday, September 16. I hope that the distinguished Senators on that committee will quickly report the Williams bill intact so that it will reach the Senate floor before the conclusion of its legislative calendar.

No other single piece of legislation is more urgently needed for the American worker than the occupational safety and health bill, H.R. 16785, and the similar Senate bill. A great deal of time was spent in drafting these bills to insure that the workers' safety would be protected without placing undue or inequitable requirements on employers, and I sincerely believe they are worthy of prompt passage by both Houses of Congress.

I want to call to my colleagues' attention a recent article in the New York Times which reports the approval of the Senate bill by its Labor Subcommittee.

[From the New York Times, Sept. 10, 1970]

SENATE PANEL BACKS JOB SAFETY MEASURE

WASHINGTON, September 9.—The Senate Labor Subcommittee approved a job safety bill today that would give the Secretary of Labor broad authority to set industry-wide more safety standards and to enforce compliance.

The bill was sent to the full Senate Labor and Public Welfare Committee without objection, indicating that Republican Senators may not oppose it. Republicans in the House have opposed such a bill.

The House bill is sponsored by Representative Dominick V. Daniels, Democrat of New Jersey, and supported by Democrats and organized labor. It is currently before the Rules Committee and is expected to be considered on the House floor early next month.

The senate bill, written by Senator Harrison A. Williams Jr., Democrat of New Jersey, is similar to the House bill.

Industry spokesmen have indicated that they will oppose any occupational health and safety bill that grants broad powers to the Secretary of Labor, and the Nixon Administration proposed a five-member safety board to set safety standards.

A TURN FOR THE BETTER

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. ERLENBORN. Mr. Speaker, one of the main lessons to be learned when dealing with the economy, as the Chicago Daily News points out in its editorial "A Turn for the Better," is that shifting the direction of the economy takes time. When inflation was not brought to the immediate halt we all desired, there was much gloomy talk about a recession. Now that the economy has "bottomed out," it is apparent that if there ever was a recession, it was negligible.

The Daily News commends the Nixon administration for recognizing that a swing in the economy must take place gradually in order to achieve the desired results. I insert this editorial in the RECORD.

A TURN FOR THE BETTER

The bits and pieces of good news from the economic front are beginning to fall into a bright pattern, government experts believe, and we hope they're right.

The experts are still wary about making predictions, for not all the news is bright. And the turnaround, if that's what it is, could be derailed by any one of a number of events, for instance a prolonged auto strike. But such signs as a dip in the wholesale price index and a new firmness in the stock market at least make for a pleasant change from the general gloom of recent months.

Government spokesmen have been saying all along, of course, that the swing in the

economy was proceeding more or less according to plan. These statements, however, tended to get lost in the wails from Wall Street and from the many feeling the pinch of inflation, rising unemployment or both.

Inflation still goes on and unemployment is uncomfortably high in many areas, as the statistics plainly show and the administration acknowledges. But if the pace of inflation continues to slacken at the same time the economy makes a recovery it will mark a big triumph for the government planners.

When President Nixon took office with a promise to beat inflation without plunging the nation into deep recession, few believed it could be done. And as the months went on and the momentum of inflation proved to be even stronger than had been suspected, doubts increased. Then as the restraints took effect and it became obvious that the economy was in a dive, the indicators began showing the worst of both possible worlds—rampaging inflation in the midst of recession.

Yet if the economy had indeed "bottomed out" as the economists say, this will show up on the charts as a relatively minor dip. And it will prove, as the Wall Street Journal has put it, that a maxi-inflation can be stopped by a minirecession.

There is small comfort here for those who have lost their jobs or had to sell stock at depressed levels, and the pinch on fixed incomes continues. Not many consumer goods prices are likely to sink, even though the rate of climb is slowing. But if economic growth now resumes from a more stable base, the over-all effect will be beneficial.

One lesson that emerges from this experience is that shifting the direction of the economy takes time. The administration grasped this fact, and to its credit applied remedies gingerly and did not panic when they were slow to take effect. Any other course could have brought a far different result. But the same can hardly be said for some of its volunteer advisers, in Congress and other high places. The demands for instant action have been insistent, and still continue.

Much could still go wrong, of course, and the American people are going to have to exhibit a quality they're not usually noted for—patience. But on the showing to date, the administration deserves high marks for its handling of a crisis that now appears to have passed its peak.

CONGRESSMAN GAYDOS' PUBLIC WORKSHOPS ARE MOST WORTHWHILE

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. GAYDOS. Mr. Speaker, during the recently completed recess of the House I took the opportunity to conduct a series of 10 public workshops throughout my 20th Congressional District. I found my constituents highly disturbed about many issues and problems facing the Nation. They are looking to us, here in the Congress, to provide the solutions.

Their fears, I am sure, are not restricted to my District alone. They exist in every section of the Nation. It is incumbent upon us, the elected leaders of this country, to join together and formulate the necessary legislation which will relieve these fears.

Our senior citizens are gravely concerned over the situation they now face. High taxes and a rising inflation are squeezing them financially and threatening to take away their homes acquired through a lifetime of sweat and toil. Social security increases have meant little. They are being eaten up by the rising cost of living. Men and women, who should be looking forward to their "golden years," are out searching for part-time employment to supplement meager incomes. Many of them cannot afford to become ill because they know they cannot afford treatment under the increasing cost of medicare and hospitalization.

Housing, or the lack of it, is a common problem among the old, the young, and the low income. The senior citizen, in many cases, must sell to meet the cost of living today, and cannot find other accommodations he can afford. At the same time the young adults, intent on starting a family, find the high interest rates prohibitive and make it virtually impossible for them to afford a home. The low-income group is frustrated by the failure of the Government to provide the necessary financial assistance to make better dwellings available.

Mr. Speaker, I found considerable attention being paid to private pension plans by men now in retirement or facing that eventuality. They have become aware of the many inadequacies and inequities of existing pension plans. They know now the nest egg they have been paying for over the years may not exist. Our production workers today also have become extremely conscious of health and safety in their field of employment and are insisting we do something to protect them in this area.

The shocking increase in crime, coupled with the spreading danger of drug abuse among young people, is another topic which has alarmed many people in my district. There is no easy solution to these problems but the public is demanding we try to find one. We must do something to reverse the trend. If one plan proves a failure, we must attempt another. We cannot just sit back and talk.

Our prolonged involvement in Vietnam has become a gnawing source of dissatisfaction among most Americans. I heard repeated demands to get out of that mess, which has cost us so much in American lives and dollars, and turn our attention to domestic issues of greater importance.

Pollution, whether it be of air, water or land, of course, was of prime concern to my constituents. They are clamoring for the Government to stop wasting money on unnecessary programs and projects and devote more time, money and effort instead, to preserving the Nation's natural resources and protecting its citizens.

Mr. Speaker, these workshops illustrated most clearly the importance of elected officials going back to their constituents. I found them more desirable than a printed questionnaire. In a questionnaire I would be asking the people for ideas on problems I think are important. In the workshops, the people asked me for solutions to problems they know exist.

I am so impressed with the need for such workshops, I plan to continue them, returning several times a year to each section of my district. The people do have something to say and I intend to listen.

SOVIETS TESTING

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. BOLLING. Mr. Speaker, the following article by Kenneth Crawford, "Soviets Testing," is accurate, realistic, and well worth reading. It appeared in Newsweek of September 21, 1970.

SOVIETS TESTING

(By Kenneth Crawford)

Bad as they are, the several acts of air piracy for blackmail are not the most disquieting aspects of the Middle East crisis. They are of a piece with kidnapings and assassinations in Latin America and terrorism for political effect in other parts of the world, including the United States. In the long run they must be self-defeating. But in the short run they can mock authority, create folk heroes and assuage the frustrations of the aggrieved, be they Palestinian refugees, repressed Latin Americans or militant North Americans.

The outlaws' methods are cleverly designed to exploit weaknesses in the fabric of organized society, national and international. Yet the fabric may prove to be tougher than the rippers think it is because the world is still capable of outrage when uninvolved bystanders are victimized. Ways will doubtless be found to cope with the terrorists, whether they hijack, kidnap, murder or bomb.

With attention focused on the Jordanian landing place where hostages sweated out desert heat and uncertainty about their fate, violations of the cease-fire agreement between Israel and Egypt slipped into the background. Yet it is these violations, far more than the hijackings, that now becloud the future. For these violations were deliberate, extensive and unconscionable. The Egyptians denied them in the face of evidence authenticated beyond doubt by U.S. intelligence. The Russians shrugged them off, professing to believe the denials of their Egyptian clients.

BROKEN PROMISE

More than a score of launching complexes for SAM missiles were moved into the buffer zone on the western side of the Suez Canal after the Egyptians and Russians had promised that nothing of this kind would be done during the 90-day period allowed for peace negotiations to be started under the auspices of the U.N. The agreement subscribed to by them and by the Israelis specified that neither side would "introduce or construct any new military installations in these zones," which extend 50 kilometers on each side of the canal. The violations could scarcely have been more flagrant.

Prodded by the Israelis to do something, the State Department first suggested that the violations were of minor importance, then protested mildly, asking for "rectification" of the missile dispositions, and finally agreed to send Israel enough Phantom jets to make up for its pre-cease-fire losses over the canal and an unspecified number of Shrike air-to-ground missiles. In effect, it said "There, there" to the Israelis and "See here" to the Russians and Egyptians. There were no ultimatums. By playing it low key, American

diplomats hoped to keep the U.N. negotiations alive.

But the Israelis refused to do any talking at the U.N. until satisfied that rectification had indeed been accomplished. Itzhak Rabin, Israeli ambassador in Washington, asked the pertinent question: if the Russians couldn't be trusted to honor terms of a cease-fire, how could they be relied upon to abide by the terms of a peace treaty? For it is the Russians who call the tune in Egypt, and it is their experts who install and operate the sophisticated SAM's. It is they who cannot be trusted.

DUPLICITY

The record of Kremlin duplicity in international affairs would fill an encyclopedia. It flouted the Yalta understandings by subjugating Middle Europe after the second world war. Its Foreign Minister looked President Kennedy in the eye and told him no Russian aggressive weapons had been installed in Cuba just before they were removed from Cuba. But apologists have always excused Soviet bad faith. After all, this was a new nation, struggling to become a great power, suffering from a sense of inferiority. It would mend its ways, becoming a reliable member of the world family, once it achieved parity in military might with the U.S.

But it has achieved parity and it has not mended its ways. To put it bluntly, it still lies when lying serves its purpose. And what is its purpose in the Middle East crunch? To destroy Israel? Probably not. To consolidate its hold on the Arab countries? Probably only incidentally. Experience suggests that its primary purpose is to discredit President Nixon, who promised the Israelis that they could safely consent to a cease-fire. It is a testing process to which the Soviets subject all new American Presidents. President Kennedy flunked it in Vienna but passed it in the Cuban missile crisis. Mr. Nixon is now getting it.

DETENTION WITHOUT TRIAL

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. DIGGS. Mr. Speaker, under unanimous consent, I include the following:

DETENTION WITHOUT TRIAL

"We are totally opposed to terrorism, and we believe that people who commit this crime must be severely punished. But only after they have been tried by a court and found guilty."

These recent words by Dr. Jan Steytler, Leader of the Progressive Party, sum up the feelings of a growing number of moderate and patriotic South Africans who are desperately worried about the ever-increasing trend in our country towards totalitarian-type laws, particularly those providing for detention without trial.

Let us look at these laws, and at what they mean.

1. Proclamation 400, of 1969, consists of special regulations for the administration of the Transkei. It includes the following provision:

If a Native Commissioner, police officer or N.C.O. is satisfied that any person has committed an offence under the regulations or under any law, or intends to do so, he may arrest such a person without warrant. A person so arrested may be held in custody until the Native Commissioner or policeman is satisfied that the prisoner has fully and truthfully answered all relevant questions put to him, or until the Minister has ordered his release.

90-DAY DETENTION

2. The General Law Amendment Act, 1963 (Section 17), allows for the arrest without warrant, and detention for 90 days, of persons suspected of committing or of intending to commit or of having information about specified types of offences. Recourse to the Courts is specifically excluded. This came into operation on May 1, 1963, and was suspended as from January 11, 1965. But Mr. Voster, then Minister of Justice, made it abundantly clear that the powers would be invoked again "should the need arise".

In Parliament, Mrs. Helen Sunman opposed both the principle of the Bill at Second Reading and Section 17 (90 days section) at the committee stage. The United Party voted for the principle of the Bill but against Section 17. At Third Reading only Mrs. Suzman opposed the Bill.

3. The 1965 Criminal Procedure Amendment Act makes provision for the detention of State witnesses for up to 180 days if there is a danger that they will abscond or will be intimidated.

NO JURISDICTION

The Act provides that a detained person will be visited by a magistrate in private at least once a week. Otherwise, no-one other than a State official acting in the performance of his duties will have access to him, except with the consent of and subject to conditions determined by the Attorney-General or a State official to whom this power has been delegated.

No court has the jurisdiction to order the release of a detained person, or to pronounce on the validity of regulation made by the Minister or any decisions made in regard to visitors.

Mrs. Suzman opposed the Bill in its entirety. She pointed out that the "180 days" section opened the way to obtaining evidence by coercion and duress. Members of the United Party moved various amendments but the Minister rejected these.

4. The General Law Amendment Act of 1966 empowers any commissioned officer of the police of or above the rank of Lieut-Collonel to arrest any person without warrant if he has reason to believe that this person is a terrorist, or favours terrorist activities, or has undergone training (inside or outside the country) for terrorism, or has encouraged others to do so, or has obtained information which could be of use in furthering the objects of communism or of an organization declared unlawful, or has committed sabotage or conspired with others to do so, or is found in the illegal possession of explosives, or intends to commit any of these offenses.

Persons so arrested may be detained for interrogation at such place and subject to such conditions as the Commissioner of Police may determine for a period not exceeding 14 days. The Commissioner may, however, apply to a judge of the Supreme Court for an extension of the period.

Mrs. Suzman opposed this legislation on the grounds that although a period of only 14 days was involved it was nevertheless detention without trial and thus a negation of the Rule of Law.

The United Party supported 14-day detention on the grounds that it was mild in comparison with 90-day or 180-day detention.

The *Daily Dispatch* commented: "There is no moral answer to this type of devious reasoning and there are no defensible degrees of evil. Detention without trial is bad in principle whether it is for 14 days or 1,400 and Mrs. Suzman was right to say so."

The *Rand Daily Mail* said: "The United Party . . . happily supported the measure and even found a spokesman to congratulate the Government on its moderation and restraint."

5. The Terrorism Act of 1967 introduced indefinite detention; defined "terrorist" in extremely wide and vague terms; created offences retrospective to 1962; placed the burden of proof of innocence on the accused; and denied bail for certain offenses.

REASON TO BELIEVE

It empowers any police officer of or above the rank of Lieut.-Colonel to order the arrest without warrant and the detention for interrogation of any person whom he has reason to believe is a terrorist, or is withholding from the police information relating to terrorists or to offences under the Act.

A person detained will be held, subject to such conditions as the Commissioner of Police and the Minister of Justice may determine, until the Commissioner is satisfied that he has replied adequately to all questions asked at his interrogation or that no useful purpose will be served by his further detention, or until the Minister orders his release.

No court of law may pronounce upon the validity of any action taken under this section, or order the release of a detainee.

Mrs. Suzman was the only M.P. who opposed the Bill throughout. The U.P., though it opposed the indefinite detention section at Committee stage, supported the Bill in principle.

Recent protests against detention without trial have referred specifically to 22 African men and women who were being held indefinitely under the Terrorism Act.

On June 19, after being in detention for more than 400 days, 19 were charged under the Terrorism Act and three were released.

After their arrest in 1969 they were detained incommunicado in solitary confinement under the Terrorism Act for 5½ months, after which they were charged in court under the Suppression of Communism Act. The police had completed a long and thorough investigation.

Among the 22 were young men and women, a husband and wife, fathers, mothers and a grandfather. The youngest was 19 and the oldest 73.

On December 1, 1969, the 22 appeared before Mr. Justice Bekker. All pleaded not guilty and the matter proceeded.

ACCUSED ACQUITTED

On February 16 the Attorney-General made his first appearance at the trial and advised the Judge that he was stopping the proceedings and withdrawing the prosecution.

The accused had pleaded not guilty and the Judge acquitted them. While they were rejoicing, the police acted. All 22 were immediately re-detained under the Terrorism Act and taken back to prison. Once again they were held indefinitely incommunicado, and probably in solitary confinement.

Here follows some recent comments on the case of the 22 detainees:

Dr. Barend van Niekerk, senior lecturer in law at the University of the Witwatersrand: "We are confronted here with a total abdication of the law."

Mr. Harris Gordon, National Chairman of the Young Progressives: "I call on the Minister of Justice to release the detainees immediately or bring charges against them in accordance with civilized practice."

Prof. John Dugard. Professor of Law at Witwatersrand University: "I do not like the use of the term 'law' to describe section 6 of the Act because it totally lacks any element of justice, fairness or morality.

"It is an abrogation of law. It is the type of law which was enunciated by Hitler and which, after World War II, was denied the name of law by the Nuremburg Tribunal by the German courts themselves."

"SUFFICIENT PROVISION"

Prof. S. A. Strauss. Professor of Law the University of South Africa: "I sincerely hope that the provision in our law enabling such detention will be withdrawn. Our Criminal Procedure Act makes sufficient provision for

the due process of the law, including the detention of criminal suspects."

Prof. H. L. Swanepoel, Dean of the Faculty of Law at Potchefstroom University: "Suspects should be brought to court as soon as possible, charged and then sentenced or acquitted. It is wrong to detain persons indefinitely, and it is the right of the court to decide on an accused's innocence or guilt."

The Rev. C. F. Beyers Naude, Director of the Christian Institute: "This way of dealing with human beings is a travesty of justice and a betrayal of the moral principles on which Christianity was built."

Dr. O. D. Wollheim, Chairman of the Civil Rights League: " . . . the State, unable to achieve its purpose through the normal proceedings of the Supreme Court, is now using extraordinary powers under the Terrorism Act to punish people it does not like."

Cape Times leading article: "The Nationalist Government, in terms of the Terrorism Act and other statutes, is equipped with arbitrary powers reminiscent of the brand of 'justice' meted out behind the Iron Curtain and in totalitarian societies generally."

Dr. Steytler, in his statement referred to at the beginning of this paper, summed up recent protests and delivered a warning to the Government. This is the full text:

MOCKERY OF LAW

For several weeks now South Africans of various political persuasions, in all walks of life, have spoken up in protest against detention without trial.

They have specifically asked the Government either to charge or to release the 22 men and women being held indefinitely under the Terrorism Act.

The Government has not even bothered to reply.*

It has for so long maintained laws that make a mockery of the Rule of Law that it now appears to accept such legislation as part of the "traditional way of life" in South Africa.

It is fortunate for our country that many thousands of citizens do not share the Government's unhealthy attitude.

Over the years the Progressive Party has steadfastly, and often alone, defended the Rule of Law against Nationalist onslaughts. We shall continue to do so, encouraged by the increased support shown for our cause at the polls on April 22.

We are totally opposed to terrorism, and we believe that people who commit this crime must be severely punished. But only after they have been tried by a court and found guilty.

I want to advise Mr. Vorster and his Government . . . take heed of the protests of your fellow countrymen, for South Africa's sake. Your policies are resulting in untold human suffering. If these policies had solved South Africa's problems you might have felt justified in continuing with them—but all your injustice, your racialism, your ruthless disregard for the rights and dignity of men, have been to no avail. South Africa's problems are greater in 1970 than they have ever been.

If South Africa is to prosper and to have true and lasting peace, the present political approach, and all those despicable laws which maintain it, must be scrapped and a new one—more enlightened, more realistic—must take its place.

It is not yet too late for South Africa to turn—but every day that passes will make the turning more difficult.

What is the position now? Three people, detained for more than a year, have been released, and 19 are to stand trial. While there has been no major victory for the protesters, it is significant that the Government, after the protests, felt it ncessary to charge or release the detainees. It is a pity that the Government did not feel thus obliged before protests were necessary.

There is no guarantee that next month or next year a similar situation will not arise again. Will it again be necessary for South Africans who believe in justice to raise their voices in protest in order to get a trial for detainees?

It is perfectly likely that this situation will arise again and again until the Terrorism Act, and similar legislation, is removed from the Statute Book and replaced with security laws which, while being as severe as necessary, do not make a mockery of justice by punishing people who have not yet been tried.

* Four days after Dr. Steytler's statement was issued the Minister of Justice announced that the 22 detainees would be charged or released "within a few days".

HAROLD J. ASHBY NAMED NEWARK BUSINESS MANAGER

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. RODINO. Mr. Speaker, my warmest congratulations and good wishes are extended to Harold J. Ashby, former Newark Board of Education president who has recently been named business manager for the city. Mr. Ashby brings to his new post the numerous talents of a broad experience in the fields of education, administration, and public service. These will, I am sure, serve him well in meeting the challenges ahead.

Mr. Speaker, I would like to bring to the attention of my colleagues a recent editorial from the Star-Ledger. I share the sentiments of this article and wish Mr. Ashby well in the task he is to undertake. The article follows:

PROMISING POTENTIAL

As president of the Newark Board of Education, Harold J. Ashby was an articulate surrogate of the fundamental need for upgrading the quality of education in the city's school system.

He was a discerning critic of the deficiencies in administration and other educational functions that have been glaringly apparent in the Newark system. As a board member, he was one of nine non-salaried officials who were concerned with establishing broad overall policies.

Mr. Ashby no longer is a member of the school board. He has been appointed to an influential administrative post as business manager of the city, a newly-created office that is expected to achieve a major realignment of responsibility.

Under the revised structure, business affairs have been removed from the superintendent's jurisdiction. This office can now concentrate on educational administration. Finances will be the province of the board secretary. Clear lines of authority have thus been established that should promote greater efficiency in all three areas.

For Mr. Ashby, the new post, which carries an attractive salary of $34,000, $12,000 more than he received as chairman of the State Parole Board, has enormous potential. He now has the opportunity to translate into deed the administrative reforms that he found sorely needed in the past.

As an administrator—unlike his former role as board member—Mr. Ashby will be closely involved on a daily basis with specific problems of the physical aspect of education—inferior maintenance of buildings (the traditional victim of budget-cutting), inadequate supplies, lackadaisical personnel and inept administrative practices.

Mr. Ashby is amply qualified for the challenging post he has assumed—academically, experience and a broad professional background in public services. His long association with the Board of Education should be especially helpful in his new administrative responsibility.

It will take time—and results—to fully evaluate the structural revision of administrative responsibility in the school system. The stern test—and the ultimate one—is whether the standards of education have been improved as a direct result of the changes at the top.

COMBATING JET NOISE

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. WOLFF. Mr. Speaker, several weeks ago several of my colleagues and I held hearings in New York on the problem of jet noise. Since then I placed into the RECORD the statements received at that hearing. Now I have received an outline of the comments made by John R. Wiley, director of aviation for the Port of New York Authority. Under leave to extend my remarks I would like to include that outline in the RECORD at this point:

JRW OUTLINE

1. It is a distressing fact of life that aircraft noise disturbs the lives of thousands near airports.

2. This situation is of utmost concern to Port Authority. It exists despite best efforts over twenty years to relieve problem.

3. Port Authority developed a number of pioneering techniques and strategies for countering and minimizing noise problem, such as—

A. perceived noise decibel measure;

B. maximum noise level on take-off;

C. preferential runway system;

D. lengthened runways and displaced landing thresholds; and

E. pressed FAA to enact noise-abatement routing procedures.

4. Port Authority recognized that scope and severity of the problem defied solution by the airport operator alone.

5. With remedies at its disposal exhausted, Port Authority took lead in seeking recognition of airport noise as national problem requiring legislative action on Federal level; encouraged noise suppression and quiet engine research.

6. Led the effort that resulted in enactment of P.L. 90-411 in 1968.

A. Authorized FAA to establish noise standards.

B. Empowered FAA to order acoustical treatment of engines to reduce noise at its source.

7. Two years after unanimous enactment, FAA yet to set noise standards for existing aircraft, yet to require retrofit despite demonstrated effectiveness.

A. NASA tests show noisiness of landing jets cut by half.

B. Noise-affected area on approach reduced by 85 per cent.

8. Retrofit will not totally solve problem but it is the most effective means available of relieving the plight of those suffering from aircraft noise. Most four-engined planes could be retrofitted within five years of a decision to do so.

9. The community should not have to deprive itself of the valuable resource of air transportation, nor be forced to commit valuable land as noise buffer zone when the technology exists for airport and community to live harmoniously and compatibly.

10. Those affected, those concerned—as we should all be concerned—can help by exerting efforts and influence on FAA to move ahead swiftly.

11. At this moment, could lend support to small FAA supplemental budget request—for flight testing retrofitted aircraft to point of certification—enabling FAA to promulgate noise standards more quickly thus alleviating the serious problem that is our mutual concern.

PORNOGRAPHY REPORT: PSYCHIATRIST DISPUTES IT

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. DELLENBACK. Mr. Speaker, in the growing controversy over the forthcoming report of the President's Commission on Obscenity and Pornography, another view has been presented by Dr. Natalie Shainess in a copyrighted article in the Washington Evening Star entitled "Psychiatrist Disputes It."

Also in the Star there appeared a related article, "Pornography, Deviance Related, Study Indicates" which states that one of the conclusions of the Commission was that young boys, when exposed to excessive pornography, tend to develop antisocial behavior.

I ask consent that both these articles be printed in the RECORD. It is important that the points of view they represent be given careful study and consideration:

PORNOGRAPHY REPORT: PSYCHIATRIST DISPUTES IT

(By Dr. Natalie Shainess)

(Leaked to the press in recent weeks, the draft report by the President's Commission on Pornography and Obscenity seems to indicate that pornography has no ill effects on society. Dr. Natalie Shainess, a psychoanalyst in private practice who lectures in psychiatry at Columbia College of Physicians and Surgeons and is on the faculty of New York's William Alanson White Institute of Psychiatry, spells out what she feels to be the true danger of pornography in the following copyrighted article)

NEW YORK.—In advertisements, films, and books, pornography washes over us all like a great wave of sewage.

It corrupts the body, and numbs the mind and senses.

So overwhelmingly is this tide that no body—not myself, a practicing psychoanalyst—can remain untouched by it.

From my own professional practice, I know that the more we are exposed to things that are degrading, the more we are degraded.

Despite the "research" of the President's Commission on Pornography and Obscenity, this observation should not come as a shock to anybody, especially social scientists.

REPEATED VIOLENCE

There has been considerable agreement, for example, that repeated acts of violence on television can condition viewers, particularly young viewers, to real-life violence.

Dr. Frederic Wertham, the pioneer in this field, graphically demonstrated this in such classic works as "The Show of Violence" and "Seduction of the Innocents."

Businessmen have always known that advertising does sell products. Put a picture of your product in the paper and show attractive, intelligent-looking people wanting it, and the reader will want it, too.

Repeat the ad often enough—in newspapers, magazines, billboards, television—and a national craze for the product can be created.

By what logic, then, can the commission conclude that pornography does not lure its audience into "buying" its wares?

First, let me define what pornography means to me. Then I'll give some examples of the pornography that intrudes on our daily lives, even without our knowledge or approval.

Pornography concentrates on the genitals and accessory sex organs.

It emphasizes and distorts them, and is preoccupied by the ways they can be manipulated to titillate, stimulate, or be estimulated.

One might say that the rest of one's person—body and mind—becomes a mere appendage to the sex organ, rather than the other way around.

The purpose of pornography is to sexually arouse the viewer or reader in a degrading way, rather than to suggest sex in a meaningful interpersonal relationship.

And if the beholder is aroused and unable to achieve mature sexual gratification, then the end result is that pornography leaves him unsatisfied.

You don't have to visit a dirty book store or go to a sex movie house to be raped by pornography. In fact, no matter how you try, you cannot escape it.

Instead of having achieved a sexual liberation, we have become enslaved by sex.

Today, no product seems marketable without a sugar-coating of sex.

Automobile ads show bikini-clad girls sprawling over the new-model cars as if they were the bodies of their lovers. A shaving commercial has a wet-lipped voluptuary urging her man to "take it all off," supercharging an everday washroom function with the sexuality of a striptease.

But the cigarette ads go furthest.

"It's not how long you make it; it's how you make it long."

"It's what's up front that counts."

(Or, for that matter, the beer with the "ten-minute head.")

Indeed, advertising bombards us with sexual allusions to the exhausting extent that we start finding sexual associations even where none were intended.

This suffusion of sex has reached the point where a New York off-Broadway show tries to top "Oh Calcutta!" by naming itself "The Dirtiest Show in Town."

On 42nd Street and Times Square the movie houses show films that would make a gynecologist blush.

Children browse in dirty book store windows that flaunt hard-core pornography, with magazines featuring lesbianism, sadism, and male homosexuality dominating the displays. (What must these children wonder about the "adult world" that lies ahead of them?)

Underground newspapers—but there is nothing "underground" about where they are sold, at major newsstands, candy stores and book shops—offer a whole supermarket of perverted sex in their classified ad columns.

Where did it all begin? How did we lose our sexual bearings, to be set loose in this strange and murky sea?

MASTERS AND JOHNSON

Although there has been a gradual lessening of sexual restraints in our society, it was six years ago, in 1964, that the floodgates were unlocked.

That was the year that Dr. William H. Masters, director of the Reproductive Biology Research Foundation, began reporting his "experiments" on human sexual performance.

Dr. Masters and his partner, Virginia Johnson, are now household names and their two books have been phenomenal best sellers ("Human Sexual Response" and "Human Sexual Inadequacy"). But their fame didn't just "happen."

It was during that same year, 1964, that the Sex Information and Education Council of the U.S., called SIECUS, was organized, with Dr. Harold J. Lief as president and Dr. Mary Calderone as executive director.

Dr. Lief and Dr. Calderone, who have been crusading to teach sex in school as if it were mathematics, were shopping for some scientific backing that would prop up their approach to sex with the appropriate research.

Dr. Masters was their man. In 1964 Dr. Lief, who is the director of Family Studies at the University of Pennsylvania, arranged for Dr. Masters' debut at the American Psychiatric Association, and then at the American Institute of Psychoanalysis.

Lectures to university audiences and reports to scientific journals followed, and the groundwork was laid for the publishing bombshell.

Strangely, nobody to date has verified the Masters and Johnson research, nor has anybody duplicated his experiments. This is unusual in a normally skeptical scientific community.

GOT OFF EASY

In brief, Masters and Johnson "got off easy." Some of their research short-cuts and ill-conceived experiments would be discarded as absurd by the accepted rules of scientific methodology.

For some reason, many psychologists and psychiatrists have winked at the Masters and Johnson infractions.

But even if their methodology were correct, the Masters and Johnson reports would still deserve our reproach. For these two "researchers" regard sex as an object.

Like two auto mechanics working over a car, their sole purpose is to keep the sex organs operating at peak efficiency. Orgasms are sought with religious zeal.

What better demonstration of this trend than the fact that, at a recent rock festival, a young man got up to the microphone and announced, "I need an orgasm."

This change of language, from "I want to love" to "I need an orgasm" lessons the need for interpersonal relationships and vastly diminishes the importance of the particular sex partner—if any sex partner is needed at all!

Although it is exceedingly difficult to get specific information on the Masters and Johnson patients, I do know authoritatively about one man who was sent back to New York by Dr. Masters with a list of sexual partners in Greenwich Village.

"Practice all you can," Dr. Masters told him, giving him the list of names. I also know of another case, of a man who narrowly averted a psychotic breakdown after his "treatment" at the Masters institute.

A constant barrage of pornography encourages marriage partners to indulge their own sexual needs, even if at the expense of the other. For orgasm has become a "right."

With this lowering of self-control, in and out of marriage, the weaker or anti-social individual who cannot get sex when and where he needs it, will take it when and where he pleases—by any means. In this sense, pornography is likely to lead to increased sex crimes.

Despite all this, the President's Commission on Pornography, according to a preliminary draft, will state: "Research indicates that erotic materials do not contribute to the development of character deficits, nor operate as a significant factor in anti-social behavior or in crime and delinquency causa-

tion. In sum, there is no evidence in either youths or adults."

The Commission relied primarily on two studies to reach this epochal conclusion.

First, a survey of sex offenders in New York and a Midwestern prison indicated that their maladjustment stemmed from sexually repressive family backgrounds, not from pornography.

This may well be, but it ignores the fact that man is the sum of the input into him and his responses to that input.

It may be quite true that a sex criminal often has a bad family background, but to deny the effect of a later influence, such as pornography, is unscientific.

Next, the Commission subjected 23 University of North Carolina male students to daily pornography viewings—90-minute sessions each day, five days a week, for three weeks running—apparently measuring their response, by their degree of penal erection.

The young men also were asked prior to each session if they had had intercourse or masturbated during the intervening 24 hours.

TOO MUCH WRONG

At the end of the three weeks, the report concluded, there was no heightened interest in pornography among the test cases, thereby "proving" that the materials had no effect on them.

There are so many things wrong with this experiment that one hardly knows where to begin.

But first, nowhere is there an attempt to measure the long-range effects of repeated exposure to pornography.

Surely the experimenters didn't expect the youths to commit gang rape at the end of each test period.

Then there is the fallacy that 23 college-educated boys are representative of the country.

What, for instance, is the effect of pornography on sixth-grade drop-outs?

What, too, was the attitude of the students to the fact that their viewing pornography had the support of the President of the United States, and that they were being paid $100 to boot?

Particularly disturbing is the fact that the three theologians on the Commission were not informed of the nature of this distasteful, indeed obscene, experiment.

The Commission reports that the great increase of explicit sex in films, books and magazines since 1960 has not brought about a corresponding increase in sex crime.

The fact is that forcible rape has increased 57 percent during the last 10 years, and the figure is 86 percent for males under 18.

Nor should it be overlooked that there has been an increase in covert sex misbehavior, by which I mean any kind of sex behavior which entails the use of force and is not mutually agreeable to both partners, whether in or out of marriage.

The Commission's major legislative recommendation is expected to be that all federal, state and local laws against pornography should be repealed for adults, but laws should be enacted to protect children.

To think that we can saturate adults with pornography and effectively isolate their children from it is a fool's dream.

The Commission spent three years and $2 million on its study.

I think one week of work by a few profound thinkers would have been of greater value.

[From the Evening Star, Sept. 2, 1970]

PORNOGRAPHY, DEVIANCE RELATED, STUDY INDICATES

A team of sex researchers, in a report submitted to the President's Commission of Obscenity and Pornography, has concluded boys exposed to large doses of erotic material before the age of 14 may tend to develop deviant sex behavior.

The report came from Keith E. Davis, chairman of the Rutgers University Psychology Department, and George N. Brauchton of the University of Colorado. They said they based their findings on a study of 365 men between the ages of 18 and 30, ranging from Denver jail inmates to black college students to Catholic seminarians.

The commission is scheduled to submit its already controversial report to the White House and Congress within three weeks. Preliminary reports have indicated the panel has concluded there is no evidence that adults exposed to pornography have a tendency toward deviant behavior.

The commission is also expected to call for a relaxation of laws governing the availability of pornography to adults, and to recommend continued measures to protect children from such material.

Excerpts from the Davis-Brauchton report and from several other studies done for the commission will be presented Monday at the 78th annual convention of the American Psychological Association in Miami. UPI obtained copies of these reports today.

"In the entire sample, exposure to pornography was significantly related to sexual deviance," Davis and Brauchton said of their study of the 365 men. They said the men were asked to tell whether they had engaged in 10 activities which the researchers defined as deviant, ranging from secretly watching a woman undress to forcing others to have sexual intercourse to exhibitionism and transvestism.

"Early and ample exposure (to pornography) may affect the youth's view of sexuality and willingness to engage in varieties of deviance," the researchers said. "In an old-fashioned language, his sexual inclinations may be warped by a very early significant exposure."

ANTI-SMITH EXILES RUN INTO PERMIT TROUBLE

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. DIGGS. Mr. Speaker, under unanimous consent, I include the following:

[From the Observer, Aug. 16, 1970]

ANTI-SMITH EXILES RUN INTO PERMIT TROUBLE

(By Colin Legum)

Several hundred Rhodesian opponents of the rebel regime, living in insecurity and many of them in penury in Britain because the Home Office refuses to grant them work permits, are angered by the decision of the Home Secretary, Mr. Maudling, to give a work permit to the 23-year-old stepson of Mr. Ian Emith.

Mrs. Sarah Francesca Mugabe, 38-year-old wife of a leading political opponent of the Smith regime now approaching his ninth year in a Salisbury prison, is one of those who faces the threat of deportation as well as being refused the right to work.

A Ghanaian before she married Robert Mugabe in Salisbury in 1961, she was herself imprisoned for so-called trespass. For most of her married life, her husband has been in Rhodesian prisons.

After losing their only child, she came to England in 1967 to take a teachers' training course at Queen Elizabeth College, London University, hoping to earn a living and to help her husband.

Having obtained her diploma she was refused a work permit and had to resign her temporary job almost a year ago, since then she has had to depend on charity. She is also threatened with deportation.

The Home Office insists that, since she entered Britain for purposes of study, she cannot apply for a work permit while remaining here. But they will not promise that she will get a permit even if she should find the money to leave the country and to return.

Where is she expected to go? Ghana, the Home Office answers, because she was born there. But this she refuses to do, insisting that "home is where my husband is."

Nobody, she says, suggested to her that there might be an easy way round by going to Eire, as Mr. Robert Smith did, and waiting there for his permit.

But although she is not allowed to earn her living, Mrs. Mugabe is determined to stay in London, because this is the only way she can help her husband. He has gained six degrees since being in prison, and is now working on a law doctorate.

His wife has been interviewing people in England for his thesis, and helps to provide him with the increasingly expensive textbooks he needs for his studies.

The Home Office has no clear policy on black Rhodesians. One young man, after completing an extensive training course with the BBC, was refused a permit to work as a broadcaster; but after eight months he has been allowed to stay on temporarily as a salesman for car spares.

Most of the black Rhodesians in this country come here as students or to become nurses; some are active political opponents of the regime who daren't go home. The great majority feel that if they returned they would have little chance of finding jobs in a situation where unemployment among school-leavers has gone up to 400,000 since 1960.

In his latest annual report, Mr. Smith's director of education points out that few children leaving school stand any chance of getting jobs commensurate with their qualifications.

The situation facing black Rhodesians is that the Home Office mostly insists on rigidly applying the requirements that nobody who enters this country for one purpose can have his stay prolonged for a different purpose.

Meanwhile, the problem facing British organizations concerned with their welfare is becoming increasingly difficult. One of those connected with this work said: "It is just about the most frightful thing we have to deal with. The pity, it seems, is that they are not all the children of Mr. Ian Smith."

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

TO BE OR NOT TO BE: THE U.S. SST

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. HALL. Mr. Speaker, much has been said about the proposed development of a supersonic transport airliner. I am confident that the discussions will escalate in the coming weeks.

In order to assure that the pros will be aired as well as the cons, I offer a complete and timely article on the subject by Leon Shloss, a senior editor of the magazine, "Government Executive."

The article follows:

TO BE OR NOT TO BE: THE U.S. SST

(By Leon Shloss)

HIGHLIGHTS

1—U.S. world aviation leadership is threatened by unfounded attacks on its supersonic transport program.

2—The program looked like it was going down the drain until, a few months ago, a new man was put in charge.

3—The new man has turned the ball game around—or is in process of doing so. He has converted a host of critics and, backed by an industry team of hundreds of companies, is hopeful that the program will continue and avert a $22-billion loss by the U.S. in international trade.

Continued U.S. world leadership in aviation, imperiled by massive attack by ill-informed conservationists and politically swayed economic prophets of doom, is right now at stake as the Senate prepares to vote on a $290 million appropriation that would keep alive the development of the supersonic transport airliner.

The stuttering history of the U.S. SST, which began 11 years ago, and to which "finis" appeared imminent five months ago, suddenly gained new life on April 1, 1970, with appointment of William M. Magruder as director of SST development in the Department of Transportation.

In that short interim the 47-year-old Air Force veteran, engineer and aircraft industry executive appears to have turned the tide until today there is a chance that development will continue on the aircraft.

Magruder, whose engaging grin does not mask his dedication to the SST, has already converted many of the critics simply by applying logic to the problem. To labor leaders he talked in terms of jobs the SST program would provide (150,000). To the conservationists he presented the results of studies demonstrating that the SST's sonic boom would cause no harm to human, animal or marine life, nor would it pose a threat of damage to property.

These same studies, he told the Sierra Club and other critical conservationist organizations, show that the SST will not, as charged, "pollute the upper atmosphere in such a way as may result in terrible alterations of global weather."

To the Friends of the Earth, Magruder said there is absolutely no scientific justification for their statement that the SST "will be far more dangerous than present aircraft because of severe problems of metal fatigue, landing speed, visibility and maneuverability." The fact is that the SST will be built of titanium which is stronger than steel. Its landing speed will be similar to many of the present air carrier jets, it will be instrument controlled all the way, and it will be the beneficiary of a greatly improved air traffic control system now being automated and expanded to meet the continuing growth in air traffic.

To other environmental critics, Magruder pointed out that the SST is the only aircraft development program ever undertaken with noise limitations written into the contract. In interviews with *Government Executive*, he said: "The SST engines (produced by General Electric) will be smoke-free, and powerful enough to take the airplane to altitude quickly to reduce the sound over the community.

"Overall," he continued, "the airplane is one of the most land-conservative forms of transportation. Airports consume far less real estate than is required for highways or railways. New airports will undoubtedly be redesigned to contain most of the objectionable noise of aircraft operations within their boundaries." Magruder added:

"Those of us who believe in the SST program also live on this earth and share the environment and we have asked many of the same questions certain ecologists are asking today. Only we asked them several years ago, and the program has moved forward with assurances from the best scientific counsel available to the Government that any adverse effects to the weather or from radiation are very unlikely."

But since some uncertainty does exist, Magruder has created an expanded environmental and noise research program representing about $27 million in ongoing or new reseach activities by various Government agencies, plus formation of two committees—the SST Environmental Advisory Council and the Community Noise Council—to explore further. Both of these councils are chaired by highly competent people—Dr. Myron Tribus, Assistant Secretary of Commerce for Science and Technology, who heads the Environmental Council, and Dr. Leo Beranek, general manager and chief scientist of Bolt, Beranek and Newman Inc., the eminent New York psychoacoustics firm. Each chairman has available 12 highly regarded experts in the areas of atmospheric phenomena, radiation, weather and noise.

Relevant to the noise issue, Magruder says: "The SST Boeing is proposing to build will be about half as annoying as present day 707s or DC–8s—the international-range subsonic jets. The high-pitched whine of the fanjets of today will be eliminated from the SST because of the unique supersonic engine inlet and the rapid climb-out capability of the SST on takeoff will take the airplane to about twice the altitude today's jets achieve at the three-and-a-half mile point from brake release. In effect, the SST will take the community noise of today's jets and confine it to the airport, where it belongs."

The two prototype aircraft, to be built within the next two years, for which the $290-million appropriation is sought from the Senate (the House has already given its approval) must demonstrate, among other requirements, that the airplane will meet the stringent environmental standards prescribed for it.

To "Jet Set" syndrome critics, Magruder points out: "The SST enables us to calculate distances in time, not miles. Because of the SST's great speed (1,800 mph) compared, for example, to the 747's 625 miles an hour, one airplane can carry more passengers on more trips in a given period of time. The SST, therefore, is more productive and potentially more profitable, which means that fares will probably be about the same as on subsonic aircraft."

To economic critics, including some Congressmen who complain that the raison d'etre for the SST is "just so that we can say to Britain, France and Russia that we can fly faster than you can." Magruder has presented these statistics: "With no U.S. SST program, American airlines will be forced, in order to meet their competition, to import $12 billion worth of *Concorde* SSTs (built jointly by Great Britain and France). With a U.S. SST program we will fill our own needs, plus export of $10 billion worth of airplanes."

A point on which Magruder feels very strongly is the criticism of Government "subsidization" of the SST. He says: "We must remember that nearly every American commercial transport airplane has grown out of design and production for the military. Thus the manufacturer has paid for him, by the Government, the research and development costs of the airframe, the engine and other components. Now, for the first time, a commercial transport is being developed without benefit of military research. The industry simply cannot bear the entire cost. The Government *should* help."

The facts on Government "subsidy" are these:

The SST program is being carried out as a partnership between Government, the manufacturers and the airlines, with each sharing the risks as well as the rewards.

The cost of the prototype development phase is estimated at $1.3 billion. The prime contractors, Boeing (airframe) and General Electric (powerplant) will invest about $300 million. Twelve U.S. and 14 non-U.S. airlines have deposited $22 million to assure 112 delivery positions.

The Government will collect a royalty on all U.S. SST sales to recover all of its costs plus interest by delivery of the 300th airplane. Further, the Government will get additional return on sales beyond 300. Delivery of 500 airplanes, predicted by 1990, would give this Government a $1.1 billion return on its investment.

Facing media opposition, doubtless inspired by SST opponents while the program leadership before his accession was less than dynamic, Magruder has been heartened by developments. He says: "I would guess the press is now about 50–50. And that's 50 percent better than it was two months ago." He didn't say that this might be so because he has had several off-the-record sessions with editors and reporters.

Magruder came to Washington from the post of Deputy Director of Commercial Engineering for Lockheed (where he doubtless made considerably more money than the new job pays). In Washington he found (to his honest surprise) two Santa Monica, Calif., high school classmates—John D. Ehrlichman and H. R. Haldeman—both very top-level aides to President Nixon. This acquaintanceship probably has not impeded his access to the White House. (The SST program was taken out of the Federal Aviation Administration (FAA) and placed directly under Department of Transportation Secretary John Volpe. What this appears to add up to is that Magruder reports to Volpe and through him directly to the White House.)

Magruder has another, unique handle on the situation. He is a Fellow in and past president of the international Society of Experimental Test Pilots. The French chief test pilot of the *Concorde*, and his British counterpart, are also "members of the lodge." Magruder talks to them via trans-Atlantic telephone almost weekly. The trio compares progress. Thus Magruder knows almost as much about the *Concorde* as the other two. Reportedly, he will fly the *Concorde* himself sometime in the future.

Magruder's approach to the job went, in his own words, thusly: "Before accepting Secretary Volpe's invitation to direct the SST program, I spent several months satisfying myself that the development of a supersonic transport was a wise, productive, and altogether fruitful venture for the two participants, the Government and the aviation industry.

"I made a complete review of the SST configuration with NASA. I talked with every major U.S. airline president, most of the in-

ternational airline presidents, and members of their staffs. I reviewed the major Air Force program contracts and project control procedures at Wright-Patterson AFB, for lessons learned on programs like the F–111 and C–5, the F–15 and B–1. I went over the SST program with other airframe manufacturers to ascertain their moral and technical support. Finally, I reviewed the British-French *Concorde* program with their government-industry leaders to assess the viability of that program and get a better sense of its timing.

"I found our configuration is a good one, with a 21 to 27 percent economic advantage to the airlines over the *Concorde*. Airline support for our program is 100 percent. The report that the airlines wish the SST would go away just plain isn't true. An in-service date of 1978 is considered by the airlines to be good timing. The SST will meet airline needs for increased productivity in that time frame and still allow the airlines to recover from their heavy investments in prior aircraft purchases.

"These findings comprise the foundation on which I agreed to pick up and carry forward the direction of the prototype program. At present we are about midway in the prototype development phase which will be completed in calendar year 1973."

Discussing passenger comfort, Magruder said: "The prime comfort feature is, of course, the sharply reduced transit time. Studies have shown that the human body begins to show distress when sitting duration time exceeds four hours. With the SST, the five to thirteen hour transoceanic flights of today will be cut drastically; many major city pairs will be four hours apart, or less, by SST.

"The films, stero recordings and lounges provided on today's jets," he continued, "are features designed to distract the passenger from the fact that travel is a necessary but not a very fulfilling use of one's time. The SST affords the traveler the most attractive of all comfort factors—short duration exposure to the confinement of flight."

Returning to the economic issue, Magruder said: "The assumption is that because the free world airlines buy about 84 percent of their jets from the U.S., this large share of the aluminum subsonic civil aircraft market would continue to be American-dominated. This isn't necessarily so. I have done some marketing of commercial aircraft and I can assure you that airline executives make their purchases only after careful examination of the manufacturer's 'family' of aircraft.

"There are logics of economy implicit in single-source purchasing. The European aviation 'cartel' could become such a source. With the *Concorde* on the blue-ribbon international routes, a twin-engine 250-passenger low-cost air-bus for high density domestic routes, and the *Mercure* for the DC–9 and 727 market, the French/British industry would be in good position to challenge the U.S. aviation industry. Considering that the civil aircraft market represents a 100 billion dollar business (in the next 20 years) it's not surprising that other nations would be willing to compete aggressively for a larger piece of the action."

An airplane of the U.S. SST's capabilities, Magruder said, is not only economically practical "but virtually essential in a growing world with a large consumer appetite for air transportation." Continuing: "The SST's great redeeming value is its greater productivity. While the U.S. 2707 has about two-thirds the passenger capacity of the 747, it will be nearly twice as productive. Its ability to earn revenue will be about double the work capacity of the 747. The improvements in productivity that come with succeeding generations of aircraft are what enable airlines to accommodate travel growth requirements, maintain favorable departure and arrival schedules and, most important, stabilize fares in the face of rapidly rising costs.

"By 1985 the international traffic levels—the traffic SSTs can carry without violating overland supersonic flight restrictions—will equal the total free world traffic today. If productivity hadn't kept pace with demand, we would need nearly 300,000 DC–3s in the early 1980s."

The SST, said Magruder, is clearly designed to meet future needs of travelers, airlines and the nation. To continue the current prototype development program, with the environmental safeguards implicit in it, he declared, "is also the best assurance we can give to ourselves and to the peoples of the world that supersonic air transportation will not distress the quality of life or further blemish what astronaut Frank Borman so aptly described as 'the good earth, an oasis in space.'"

The 2707 will be bigger, faster, and will carry more fare-paying passengers in greater comfort, and with commercial aircraft safety, than the *Concorde*, Magruder said, adding: "Without a U.S. SST, however, the *Concorde* and the Russian TU–144 would be the fastest planes in the commercial skies. Airlines will buy them and people will fly on them."

As far as "sharing the wealth" goes, the 2707 will. Boeing ultimately will subcontract at least 90 percent of the fabrication work. As of mid-year more than $150 million in subcontracts had already been let by the Seattle-based company to companies in 36 states, plus two in Canada.

To the dispassionate guy on the sidelines a few truths become self-evident:

There are very few, if any, land areas over which the SST would fly at supersonic speed. Further, once an SST reached supersonic speed it would be at such a high altitude that the sonic boom which would be transmitted to land or water surfaces would be greatly reduced from the sonic booms created by military aircraft with which the public is familiar.

Abandonment of the U.S. SST program would not prevent supersonic flights at the 60,000-foot altitude where the SSTs will fly, because both the *Concorde* and the Soviet TU–144 will cruise at the same altitude.

The threefold increase in flight speed will provide opportunity for international commuting. As an example, a passenger could leave the U.S. at 8 a.m., fly to Europe, spend eight hours there, and return to the U.S. at 10 p.m. the same evening.

So this is the plane that Bill Magruder, whom a few engineers in industry looked upon as the "the upstart test pilot who went and got an aeronautical engineering degree," is trying to get built. For the record, he joined Douglas Aircraft when he left the Air Force in 1956. In '60 he was named Chief Engineering Test Pilot. In that job he was responsible for reducing the landing field length requirements for the DC–8F by 1,000 feet. He was Director of Market Development for Advanced Systems and Research Programs when he left in 1963 to join Lockheed, where he was assigned as Chief Research and Test Engineer and Project Pilot for the SST. In 1967 he was SST Assistant General Manager when the Government contract for development of an SST prototype was awarded to Boeing.

Magruder has logged more than 6,000 flying hours—4,000 of them in jets. He has piloted 144 different kinds of aircraft, including 62 transports and 10 helicopters. He is an Associate Fellow of the American Institute of Aeronautics and Astronautics, won the Iven C. Kincheloe Award for his work on the DC–8.

The tale of the U.S. SST tape

Maximum takeoff weight (pounds)	750,000
Length (feet)	298
Wing span (feet)	143
Height (feet)	52
Cruise speed (miles per hour)	1,786
Passengers	298

Powerplant—General Electric GE–4J turbojet (four of 67,000 lbs. thrust each).

MAN AND HIS WORLD

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. DON H. CLAUSEN. Mr. Speaker, a column by Dr. Dennison Morey appeared recently in the Santa Rosa, Calif., Press Democrat, in which Dr. Morey, who holds a Ph. D. in biology, made a most eloquent, reasonable, balanced, forceful statement regarding environment and ecology.

In my judgment, Dr. Morey has hit the nail right on the head in his comments about the sensationalists who have climbed on the bandwagon and, as Dr. Morey states, "proceed to create havoc for personal glory and professional advancement."

I urge my colleagues to read carefully what this well qualified biologist has to say about the problem of improving the environment and his recommendations for a solution.

The article follows:

MAN AND HIS WORLD

(By Dennison Morey, Ph. D.)

Two of the most popular words in recent vocabulary are "environment" and "ecology." In reading and listening lately, I have been forced to conclude that a great many people are convinced that if these two magic words are repeated often enough all of the problems of the world will somehow disappear.

The environment—that is the world around us—has obviously been with us for a long time.

The science of ecology has been an important academic discipline for nearly 60 years. The fact is that thousands upon thousands of dedicated men and women have spent their lives studying and working to understand the ways in which man influences his environment, and the resultant ways man ruins the natural ecology of the other organisms that share his environment.

At long last more and more people have suddenly realized that the world in which we live is becoming intolerable.

It has become intolerable because of public ignorance and complacency. The current method used to deal with these problems is senationalism, which serves as a means of easing man's well-earned sense of guilt, yet seldom solves problems or offers alternatives.

The unfortunate fact is that sensationalists in both the press and academic circles take a particular point of public interest and magnify it into some horrible demon, an area of fear, and then they proceed to create havoc for personal glory and professional advancement.

No serious problem has ever been solved in the absence of knowledge. If you are seriously and sincerely concerned with salvaging and improving man's environment, you must first of all concern yourself with an uderstanding of what the environment is, learning the relationship human ecology has on determining the ultimate quality of our environment.

Fortunately, there is a way to understanding which is available to everyone, regardless of where you live. A way of understanding which is both pleasant, rewarding, enjoyable and thoroughly productive.

By learning all there is to know about ecology and environment, we can extend

them into the world around us so that not only ourselves but our fellow men can look forward to a better and happier life.

When I first started to learn to read I discovered that the alphabet came first. I soon learned the ways in which the letters could be put together to make words, and gradually I became aware that the words, combined to convey ideas, making it possible to learn and understand a great deal that would otherwise have been impossible.

The easiest way to understand what ecology is, what the environment is, and what they both mean to us, is to use the very best primer available to each of us.

The key lies close at hand in our gardens, planter boxes, potted plants, or any other place in which we might try to grow and enjoy the beauty of nature, controlled as best we can to give us pleasure and relief from the pressures of our hectic world.

Your garden is a book. The plants are the words and the language of real living ecology. The factors of the environment—sunshine, rain, temperature, humidity, soil, pests and diseases—are the letters of the environmental alphabet.

TRIBUTE TO RUBEN SALAZAR

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. EDWARDS of California. Mr. Speaker, today is being celebrated as Mexican Independence Day in San Jose. They are celebrating with a parade, with marching and music and charros—Mexican horsemen—and open cars for dignitaries. So it is timely, I think, for a few words of tribute to a man who gave everything he had to Americans of Mexican descent. Ruben Salazar was a remarkable man, a human bridge between two worlds. His writing helped to make the world of the barrio comprehensible to the middle-Americans to whom he wrote. One of his last and best writings, "Stranger in One's Land," is a moving account of his people. It is available through the U.S. Commission on Civil Rights, a 49-page booklet that should be required reading for anyone interested in the second largest ethnic minority group in the United States. Mr. Salazar's death in Los Angeles from a police tear gas shell was a great loss and will be widely felt by Chicanos and Anglos alike. With that I would like to include in the RECORD the September 3 editorial from the San Jose News, reprinted from the Los Angeles Times:

RUBEN SALAZAR'S VOICE

Ruben Salazar was a most uncommon man who fought mightily for the cause of a group of underprivileged common men—those of the economically deprived Mexican-American community.

When Mr. Salazar, whose column appeared weekly in The Times, was killed during last Saturday's East Side rioting, he died on the job at 42. We fervently wish he were here with us today, to help explain what really happened.

He wrote of dropouts from inferior schools, of the Mexican-Americans' lack of political power, of their search for identity in an Anglo world.

Sometimes Mr. Salazar was an angry man, and properly so, as he observed the inequities around him. Yet he spoke out with a calm vigor that made his words all the more impressive—and influential.—Los Angeles Times.

ISSUES AND ANSWERS

HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. SKUBITZ. Mr. Speaker, the junior Senator from Kansas is a fellow who is plenty willing to stand up and be counted. I am sure his colleagues in the other body can vouch for Senator BOB DOLE'S courage.

The Emporia, Kans., Gazette, one of the leading midwestern newspapers, recently published an editorial entitled "Issues and Answers" incorporating an article written by Walter Trohan for the Chicago Tribune. I would like to share with my colleagues this laudatory editorial about my good friend and fellow Kansan, BOB DOLE. I include this editorial, as follows:

ISSUES AND ANSWERS

Kansas Sen. Robert Dole debated with Sen. George McGovern on the television show "Issues and Answers" Sunday afternoon.

Of course Senator Dole did a good job of presenting the sensible point of view on the Vietnam situation while Senator McGovern was demanding, in effect, that the U.S. turn over southeast Asia to the Communists.

Senator Dole's television appearance Sunday emphasizes the fact that he is fast emerging as one of the nation's strong conservative leaders. That image is reflected in the following column written by Walter Trohan for the Chicago Tribune:

By all means, look at the Senate now to watch the emergence of a new conservative leader. He is Sen. Robert J. Dole (R., Kans.), who is succeeding to the mantle of the late Sen. Robert A. Taft of Ohio.

Of course Barry Goldwater (R., Ariz.) is still in the Senate and active. He also is neglected by the news media, which seldom carry his speeches and generally fail to chronicle his activities. But Goldwater has to tread cautiously these days, because, after all, Richard M. Nixon did campaign and campaign strenuously for him in the losing 1964 Presidential race.

There are other conservative stalwarts in the Senate, including John Williams of Delaware, Strom Thurmond of South Carolina, Roman Hruska of Nebraska, John Tower of Texas, Gordon Allott of Colorado, Karl Mundt of South Dakota, George Murphy of California, and Peter Dominick of Colorado. And there are conservatives on the Democratic side like John Stennis of Mississippi, Richard Russell of Georgia, Spessard L. Holland of Florida, and James Eastland of Mississippi.

Harry Flood Byrd Jr., who has left the Democratic Party to run as an independent but has not joined the G.O.P., is still another of the firmness believers in fiscal responsibility and personal integrity in public office.

Most of these look upon Dole as a comer. Those on the left respect and fear him. Didn't he tie up in parliamentary knots no less a veteran than J. William Fulbright of Arkansas, the chairman of the powerful if often misguided Senate Foreign Relations Committee? Whether Dole can lead the Senate toward restoration of traditional American conservative principles is something else again. Every President from Franklin D. Roosevelt has taken this country deeper into the welfare socialist state by vote of the people, including conservative voters.

Dole is a relatively young man and a fighter, who knows all the tricks of the trade. He was born in Russell, Kan., July 22, 1923, which makes him 47 years old.

He attended the University of Kansas and received his law degree from Washburn Municipal University of Topeka in 1952. He enlisted in the Army in 1943, served 5½ years and was twice wounded and twice decorated for heroism in Italy.

Dole remained in the Army after the war and was discharged in 1948 with the rank of Captain. He plunged into politics early and was elected to the Kansas legislature in 1951. He later served four terms as Russell County attorney.

In 1960 he set his eyes on Washington and was elected to the House, where he attracted wide attention. He was re-elected in 1962, 1964 and 1966. In 1967 he decided to try for the Senate and in 1968 he won.

Although actually a freshman senator, Dole came to a body marked by a vacuum in leadership. On the Democratic side, Mike Mansfield of Montana is a nice fellow, but hardly the wheeler-dealer that Lyndon B. Johnson was. And on the Republican side Everett McKinley Dirksen was declining; he died a year ago. His place has been taken by Hugh Scott of Pennsylvania, a gentleman and a scholar but no Dirksen. In fact, many wonder whether he is a Republican, because he seems to disagree with Mr. Nixon as often as he agrees with him.

In this atmosphere, Dole is attracting a great deal of notice in a Senate which seems to be doing less every day, partly from lack of direction. It is more than probable he will emerge as the new conservative leader.

Senator Dole is making quite a name for himself and Kansas at the same time. Kansasans should be proud of their junior senator.

PROPER WAGE SCALE FOR AIRPORT POLICE

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. OLSEN. Mr. Speaker, the rash of recent airline hijackings has been further proof of the desperate need for improved airport and in-flight security. The largest and most well-protected airports in the world have proven to be susceptible to this type of piracy, and only through improving the qualifications and effectiveness of our airport police systems will we be able to combat this growing problem.

Here in our national capital we are discovering that our airports are especially vulnerable. One of the main reasons for this is the simple fact that working conditions and wage benefits at National Airport and Dulles International Airport are not attractive enough to provide the necessary influx of police recruits, and in fact force many experienced airport policemen to seek employment elsewhere. We need an experienced, effective force to protect our air services, and one practical way of helping achieve that goal would be for us to improve the wage scale at our Washington area airports. It was for this reason that I introduced a bill yesterday to provide a proper wage scale for airport police.

HOUSE OF REPRESENTATIVES—*Thursday, September 17, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

I had fainted, unless I had believed to see the goodness of the Lord in the land of the living. Psalm 27: 13.

Eternal Father, whose strength undergirds those who trust in Thee and whose love gives understanding to those who walk in Thy way, amid the shifting scenes of this earth help us to look up and to see the shining truth of Thine eternal presence. Forgive us when we forget that above our pride and prejudice Thou art calling us to higher principles, underneath our frailties and faults Thou art offering us the strength of Thy spirit and around our failures and frustrations Thou art summoning us to wider fields of human service.

Make our country worthy of Thy blessing and willing to be a channel through which the spirit of democracy may flow into our world. Grant us grace to heal the broken relationships of mankind, to give light to those who sit in darkness, and to lead the nations in the ways of peace.

In the spirit of Christ our Lord we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 58. An act providing for the addition of the Freeman School to the Homestead National Monument of America in the State of Nebraska, and for other purposes;

S. 621. An act to provide for the establishment of the Apostle Islands National Lakeshore in the State of Wisconsin, and for other purposes; and

S. 2208. An act to authorize the Secretary of the Interior to study the feasibility and desirability of a national lakeshore on Lake Tahoe in the States of Nevada and California, and for other purposes.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 3558) entitled "An act to amend the Communications Act of 1934 to provide continued financing for the Corporation for Public Broadcasting," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MAGNUSON, Mr. PASTORE, Mr. HARTKE, Mr. GRIFFIN, and Mr. BAKER to be the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 6778. An act to amend the Bank Holding Company Act of 1956, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 6778) entitled "An act to amend the Bank Holding Company Act of 1956, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SPARKMAN, Mr. PROXMIRE, Mr. WILLIAMS of New Jersey, Mr. BENNETT, and Mr. TOWER to be the conferees on the part of the Senate.

PROTECTION OF GOVERNMENT WEAPONS

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SIKES. Mr. Speaker, it is time for more security at military installations and Reserve component armories for the protection of weapons. An increasing number of thefts in recent months point to the growing seriousness of the problem. Additional occurrences are to be anticipated in view of higher militancy among some of the protest groups and in view of the rising crime rates. Stolen weapons have figured in terrorist activities where lives were lost, and there will be other instances of their unlawful use.

Apparently there has not been sufficient recognition of the problem by those charged with the protection of Government weapons, and easy access can be had to these weapons in some instances. There have been times when I personally have been struck by the obvious lack of security at armories and other storage areas where weapons are kept. This carelessness and indifference cannot be tolerated by those in authority. It is time to understand the serious nature of the problem and time for stronger steps to be taken to protect these weapons and to keep them out of the wrong hands.

CONSTITUTION DAY

(Mr. DORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DORN. Mr. Speaker, it is appropriate that today, Constitution Day, we commemorate the signing of the Constitution. The Constitution is by its nature, of course, a limitation on the powers of Government. Unless a governmental function is expressly stated therein or can be fairly implied from it, the Federal Government has no power to perform that function. And, of course, we are all familiar with the express prohibitions against certain governmental action that are contained in the Bill of Rights' amendments to the Constitution.

Perhaps the most important of the prohibitions against governmental action is the first amendment to the Constitution's guarantee of our right of free expression, as this freedom guarantees our right to express our views and opinions on any subject. But even this most important right does not exist in a vacuum. The Founding Fathers did not intend for this to be an absolute right which would automatically override the public's interest in other values, such as law and order. In other words, Mr. Speaker, nothing in the Constitution holds that freedom of expression goes to the extent of justifying violent and raucous behavior which would infringe on the rights of others.

Today's anarchists and terrorists who shout down other speakers and who destroy buildings in the name of some nameless anarchist-Marxist theory would also do well to reflect on the fact that the chaos they create might someday lead to the erosion of the personal and political rights that the Constitution guarantees. Some of them might at first welcome such an event but they should realize that it is the Constitution that presently protects their right to peacefully protest and parade. Should they destroy the Constitution, the real winner would be some harsh, repressive authoritarian regime brought to power in reaction to chaos and anarchy. Under that kind of repressive regime, today's violence-prone anarchist would enjoy far less freedom, if any at all, than they do under the Constitution. They would be the first to suffer.

In closing, Mr. Speaker, I would remind you that anarchy creates nothing but disorder and violence, and that disorder and violence are the opposite of stable, progressive and equitable government under the Constitution. I urge all of our people to study the history of governmental repression and cruelty that inspired our Founding Fathers to frame the Constitution as they did. I urge them to consider the danger that anarchy and chaos might lead to a reversion back to unbridled and repressive governmental power.

JOINT MEETING TO RECEIVE COL. FRANK BORMAN, SPECIAL REPRESENTATIVE OF THE PRESIDENT ON PRISONERS OF WAR

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that it may be in order on Tuesday, September 22, 1970, for the Speaker to declare a recess, subject to the call of the Chair, to receive in joint meeting the special representative of the President on prisoners of war, Col. Frank Borman, U.S. Air Force, retired.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

ERADICATION OF CRIME IS THE FIRST ORDER OF BUSINESS

(Mr. SCHADEBERG asked and was given permission to address the House for 1 minute.)

Mr. SCHADEBERG. Mr. Speaker, the United States stands at a curious point in time. We have achieved a technological apogee that the wildest science fiction paperbacks of 20 years ago could not have foreseen and at the same time our

cities are reverting to the medieval. Crime, organized or spontaneous, ranges from the downtown streets to the suburbs and we appear powerless to stop it. It has gotten far beyond the ugly stage, it is now beyond reason. Our citizens die in meaningless attacks, robbed and murdered for the princely sum of a dollar and 18 cents, or are killed in public buildings by a blast of explosives.

President Nixon made the eradication of crime the first order of business in his administration. The President sent to this Congress a monumental amount of legislative requests to combat what has become a national crisis. It took a year and a half for the model bill of the whole package, on the District of Columbia crime, to finally pass. Most of the remainder is still stalled and for that, I point an accusing finger at the Democrats. They control both Houses of this Congress and they have made those bodies almost untenable for the Nixon administration's legislative program. In the case of the anticrime bills, there just is no excuse. The partisan exercise of blocking the crime program beggars rationality. I say to those Democrats responsible: Forget which side of the aisle you are on in this critical time and help us act.

TERRORIST BOMBING

(Mr. STEIGER of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEIGER of Wisconsin. Mr. Speaker, almost 6 months ago, President Nixon asked for legislation to combat bombing—a recent and terrible outgrowth of extremism. The President requested a tough law that would make the sale, possession, and transportation for illegal use of explosives punishable by $10,000 fines or 10 years in prison. That legislation would place the act of terrorist bombing where it properly belongs, out of the category of simple dissent and demonstration and into the classification of murderous intent. There is no other way to deal with the rash of explosive attacks on institutions and public and private property.

Where is that badly needed legislation at the moment? It is stalled, hung up in this Congress. The tragic events at the University of Wisconsin, where a graduate student lost his life, make us painfully aware that the problem we must deal with is vitally serious. A Justice Department survey shows that at least 50 persons have died in explosive and incendiary attacks in this country since January 1969. It is time for our Democratic colleagues to get this legislation to the House of Representatives for action. I recognize this legislation is now being considered by the Committee on the Judiciary in executive session but, quite frankly, Congress has delayed long enough and this bill at least should be reported promptly.

COMMENDATION OF CONGRESSMAN LARRY WINN, JR., OF KANSAS

(Mr. MAYNE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. MAYNE. Mr. Speaker, as president of the Republican 90th Club, which is composed of 58 Members of the House elected in the fall of 1966, I am happy to call the attention of my colleagues to the following resolution which was passed at a recent meeting of the club.

The resolution honors one of our most active and respected members, the Honorable LARRY WINN, JR., of Kansas, for his notable contribution to this country in the 90th and 91st Congresses.

RESOLUTION

Whereas, the prudent and wise spending of public funds is a precept of long-standing for dedicated and loyal Republicans;

Whereas, Congressman Larry Winn, Jr., Kansas, has consistently used his talents as a businessman in the citizen-interest and has demonstrated initiative and leadership in making positive recommendations toward achieving greater economy in the Federal Government;

Whereas, Congressman Winn's recent recommendations to the President's Advisory Council on Management Improvement promise to result in substantial savings in Federal expenditures;

Now, therefore, be it resolved, that his colleagues and peers in the Republican 90th Club do hereby specially commend Larry Winn, Jr. for his leadership work in the fight for economy in the Federal Government;

Be it further resolved, that the 90th Club publicly declare this commendation and proclamation.

WILEY MAYNE,
President, 90th Club.

SO-CALLED CONGRESSIONAL CONFERENCE

(Mr. Hall asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HALL. Mr. Speaker, it has become apparent within the past few days that the Republic has been blessed with a new, self-appointed congressional body.

I refer to the so-called Congressional Conference To Examine Nutrition Policy.

Prior to reading its news release, I had heard of no such conference being appointed by the Speaker.

I had heard of no such group requesting permission to meet while the House is in session.

I had heard of no legitimate congressional committee holding hearings on nutrition, at least not in recent days.

I have, therefore, reached the conclusion that there is no such congressional conference.

I have reached the conclusion that the so-called congressional conference is nothing less then an attempt by the Democratic Study Group to "grab" publicity under the guise of a duly appointed House Committee. I note that television coverage has been mentioned which is unheard of in any House committee meeting.

Mr. Speaker, I understand that it is an election year. I do not object in any way to the Democratic Study Group Holding hearings on whatever subject they desire, although a committee or subcommittee could and would not without provision. I do, however, object to them inferring that they are a congressional committee.

I can well understand their reluctance to use their rightful and chosen title, but I remind them they are stuck with it.

Let me make it clear. There is no congressional conference to examine nutrition. Many of us know the difference between malnutrition and hunger. There are some Members of Congress, who are also members of the Democratic Study Group, who are having a conference to play politics.

RESIGNATION FROM COMMITTEE

The SPEAKER laid before the House the following communication, which was read:

WASHINGTON, D.C.,
September 16, 1970.

Hon. JOHN W. MCCORMACK,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: It has been a privilege and an honor for me to work with the members of the Committee on Banking and Currency during the Second Session of the 91st Congress. My association with and participation in the deliberations of this group will always remain a pleasant and rewarding experience.

However, I wish to submit my resignation from the Committee on Banking and Currency effective today, September 16, 1970.

With best regards,

Sincerely,

CLARK MACGREGOR,
Member of Congress.

The SPEAKER. Without objection, the resignation is agreed to.

There was no objection.

CALL OF THE HOUSE

Mr. GROVER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 302]

Abbitt	Derwinski	Myers
Alexander	Dingell	Ottinger
Anderson, Tenn.	Dowdy	Patman
Baring	Edmondson	Pelly
Barrett	Edwards, La.	Philbin
Beall, Md.	Fallon	Pike
Belcher	Flynt	Powell
Berry	Ford, William D.	Price, Tex.
Biaggi	Gallagher	Pryor, Ark.
Blatnik	Garmatz	Rarick
Bow	Gettys	Reid, N.Y.
Brock	Gilbert	Riegle
Brooks	Gubser	Rogers, Colo.
Brown, Calif.	Hébert	Rosenthal
Broyhill, Va.	Holifield	Roudebush
Burton, Utah	Horton	Roybal
Bush	Howard	Ruth
Button	Hungate	Scherle
Celler	Ichord	Scheuer
Clark	King	Schneebeli
Clawson, Del	Kleppe	Skubitz
Clay	Kluczynski	Staggers
Collier	Lujan	Stokes
Colmer	McCulloch	Stratton
Conyers	McMillan	Thompson, N.J.
Corman	Macdonald, Mass.	Tunney
Cowger	Melcher	Widnall
Dawson	Meskill	Wold
Delaney	Minshall	Zion
Denney		

The SPEAKER pro tempore (Mr. BOLAND). On this rollcall 341 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 18127, PUBLIC WORKS APPROPRIATION BILL FOR FISCAL YEAR 1971

Mr. EVINS of Tennessee. Mr. Speaker, I ask unanimous consent that the managers on the part of the House have until midnight tonight to file a conference report on the public works appropriation bill for fiscal year 1971, H.R. 18127.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

RESPONSIBLE LEADERSHIP BY PRESIDENT NIXON

(Mr. ARENDS asked and was given permission to address the House for 1 minute.)

Mr. ARENDS. Mr. Speaker, President Nixon's masterful speech yesterday at Kansas State University recalls a speech he delivered on June 25 to the Jaycees Convention in St. Louis. On both of these occasions, the President was careful to point out the problems which face America, but he was equally careful to emphasize that America is not falling apart at the seams.

I think it is significant to note that on both of these occasions the President received an overwhelmingly favorable and enthusiastic response. The conclusion to be drawn is that America's young people do not believe the incessant propaganda from the extremists that America is on the wrong course—either at home or abroad.

No responsible leader would deny that America is confronted with many problems today. But our foreign problems will not be resolved by a retreat into isolationism. Neither will our problems at home be resolved by a retreat before those who would tear down the American system.

What the students at Kansas State University—and the young businessmen in St. Louis—want is responsible leadership. They clearly have faith that President Nixon is providing that kind of leadership.

LEGISLATIVE REORGANIZATION ACT OF 1970

Mr. SISK. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 17654) to improve the operation of the legislative branch of the Federal Government, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 17654, with Mr. NATCHER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday the Clerk had read through part 6 of title IV ending on page 137, line 19. It had also been agreed that part 1 of title IV, beginning on page 104 line 12, through line 26 on page 124 of the bill, would be temporarily set aside.

If there are no further amendments to part 6 of title IV, the Clerk will read.

Mr. SISK. Mr. Chairman, I move to strike the last word.

(By unanimous consent, Mr. SISK was allowed to proceed for 5 additional minutes.)

Mr. SISK. Mr. Chairman, I take this time to make a few comments as we approach what certainly we expect to be the final day of debate on this legislative reform or legislative reorganization bill, whichever one prefers to call it.

I do this because of the fact that there were a great many people—both Members, I am sure, from time to time who spoke to me, as well as news media sources and others—who said that we would never reach this day.

So, after almost 2 years of work, 2 years less some 3 or 4 months, I am happy that we do come to what I believe will be a final vote on a legislative reform bill in this year of our Lord 1970.

Mr. Chairman, I appreciate the urgency of this and the desire of all Members to finish as rapidly as possible today. Again I say this is one of the reasons why I do take just a few moments here kind of to sum up as to where we are. We do propose to proceed just as rapidly as we can today on the balance of the amendments that are outstanding. I would appreciate the cooperation of all Members in trying as much as possible to limit those things that will be discussed to the subject matter in order that we can bring this matter to a final vote today as early as we possibly can. At the same time I wish to assure everyone who has amendments that there is no intent to try to cut off your amendment, but there are many of us who hope that we can finish fairly early this afternoon. It is the desire of the committee to do that.

Mr. ARENDS. Mr. Chairman, will the gentleman yield?

Mr. SISK. I am glad to yield to the minority whip.

Mr. ARENDS. May I say that I concur entirely with what the gentleman from California has just stated. If you were present on the floor during the last couple of days, during the consideration of this bill, and you must have noted that there has been a marked absenteeism on the part of those who supposedly were so interested in this bill. I think we are justified in moving along as rapidly as possible this afternoon.

Mr. SISK. Mr. Chairman, at this time I would like to express our deep appreciation to all Members of the House for the cooperation that we have had from all sources, the chairman and the individual Members of the House. At this time particularly I want to express my personal appreciation to the distinguished gentleman from Kentucky, the present occupant of the chair, for his patience with what at times I am sure have been rather amateurish efforts on my part. I wish to thank him for bearing with us. I appreciate his courtesy and appreciate the manner in which the Committee of the Whole has been chaired during the past many weeks. So I particularly want to pay tribute to the gentleman from Kentucky.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. SISK. I am glad to yield to the distinguished Speaker.

Mr. McCORMACK. I think we ought also to pay our respects to the distinguished chairman of the subcommittee who has handled this bill on the floor of the House and who has been very patient and who has been very considerate of the feelings and the views of all Members of the House. He has handled in a masterful manner a most sensitive and delicate bill. I know I express the sentiments of all of my colleagues in paying tribute to and expressing our thanks to the distinguished gentleman from California (Mr. SISK).

Mr. SISK. Thank you, Mr. Speaker.

Again let me say that I want to express my deep appreciation to our leadership, to the Speaker, to Mr. ALBERT, the majority leader, and to Mr. GERALD R. FORD, the minority leader, to the whips, Mr. ARENDS and Mr. BOGGS, to the parliamentarian of the House, Lew Deschler, and especially to his staff for helping and assisting us in devising and developing the language that we have brought to you, as well as to all others who have worked and cooperated with us.

At this time, also, Mr. Chairman, I would like to express deep appreciation to the staff of our subcommittee and to the staff of the full Committee on Rules. I am not sure whether you are aware of it, but this subcommittee has not hired one single additional staff person and not one person was put on the payroll additionally as a result of the subcommittee's work during the past 2 years. We borrowed and utilized the staff of the full Committee on Rules. We borrowed the staff from the Legislative Reference Service. We borrowed Mr. Walter Kravitz, senior specialist in American National Government of the Legislative Reference Service of the Library of Congress, who has done an outstanding job for us. We also borrowed from Mr. David B. Carper, assistant counsel, Office of the Legislative Counsel, House of Representatives, who has also contributed greatly to the committee's work.

At this time I particularly want to pay tribute to all members of the staff who have been here on the floor and to our many good friends who have worked so diligently with us. I mention among others Laurie C. Battle, counsel, Robert D. Hynes, Jr., minority counsel, Jonna Lynne Cullen, staff member, and Waller Batson, professional staff member, Walter Oleszek, analyst in American National Government, Legislative Reference Service, Library of Congress, Gordon Nelson, my administrative assistant, and Eleanor Lewis, assistant to Representative RICHARD BOLLING from the State of Missouri.

I would like to say to the House that, contrary to what sometimes happens, the subcommittee has not gone out and hired any great big staff, or spent any money in connection with this; we have utilized 100 percent the staff made available through cooperation of the Committee on Rules and of the various agencies within the Congress itself. We also have had the cooperation of a working group on the Republican side and a working group on the Democratic side. They have worked wih us, and they furnished us copies of amendments which have been helpful in being able to discuss intelligently the subject matter before us.

Finally, Mr. Chairman, I do hope that we may have the complete cooperation of all Members. I recognize, as my good friend, the gentleman from Illinois, said a while ago, that there have been times when we have not had as much attendance as there should have been, as indicated by the number of bills that have been introduced on this subject, but we do appreciate the attendance of those who have been here.

So if we may at this point proceed to discuss as briefly as possible and yet intelligently such amendments as we have remaining, we will assure you that before today is over this bill will come to a final close.

AMENDMENT OFFERED BY MR. BENNETT

Mr. BENNETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BENNETT: On page 137, immediately after line 19, insert the following:

"(G) (1) The Committee on House Administration is authorized and directed to rent or otherwise acquire a suitable resident, within a reasonable distance from the Capitol, to be maintained as a home for pages employed by the House, and to appoint an individual or individuals of mature years to act as supervisor of the home and to be responsible for its operation under rules and regulations made by the committee.

"(2) Each page employed by the House shall be required to reside in such home unless he is authorized to live elsewhere by the committee. Pages employed by the Senate, with the approval of the committee, may reside in such home.

"(3) The expenses of renting and operating such home shall be paid out of the contingent fund of the House on vouchers approved by the committee and signed by the chairman thereof. The committee shall establish such rates for room and board as it may deem appropriate to carry out the purposes of this resolution and to make the maintenance of such home, including the supervisor's salary, a self-sustaining proposition. The obligations for room and board incurred by each page shall be deducted by the House Disbursing Office from the compensation which such page is entitled to receive from the United States and shall be transferred to the contingent fund."

Mr. BENNETT. Mr. Chairman, during the years I have been here in Congress I have had many, many pages, and they have all reflected well upon Congress, and deported themselves properly, but I have always had the feeling that there should be a greater maintenance of supervision. And, therefore, in 1951 I introduced the first bill I introduced on this subject, and I have had a bill pending on this subject ever since 1951.

The bills have varied from time to time, because occasionally we would have hearings, and when those hearings were held various points of criticism were cited against the bills which were suggested by me and other Members of the Congress. Many Members of the Congress have introduced such legislation and, as a result of this, from time to time I have changed the proposed legislation to meet these criticisms. The legislation that you have before you now is the composite of all the things that were said in those hearings which have been held, to try to make the legislation conform with what seemed to be the most practical thing.

As you will see, it provides for the Committee on House Administration to regulate and have responsibility in this field. Of course, they can delegate this to Members of the Congress or to staff members, but they have been given wide latitude in what they will do. They are furthermore even given wide latitude as to whether they would rent or whether they would purchase, or whether condemnation would be required.

Very wide latitude is allowed in all of this, including whether or not Senate pages would be required to be here. All this sort of thing is left this way because it is the result of hearings. I sincerely hope that you will give serious consideration to this and favor it, because it is needed.

The idea of bringing young people here as pages is a good one. It has been inspiring to them and it has been helpful to the country. But we cannot escape the responsibility that comes with that. You cannot say that these people are not people for whom we have some responsibility. Overlooking responsibility does not relieve you of the responsibility.

The major argument that is usually made against having a page home and proper school facilities is that it establishes new responsibilities. That is far from the case. It is not true that it establishes any new responsibility. The responsibilities are already here when you have a page system. What this does is to fulfill that responsibility.

Therefore, I hope, Mr. Chairman, and all Members of the Congress here, that you will approve of this measure because I think it is long overdue.

We, Members of Congress, face a responsibility which for years we have in fact failed to meet. Most of us favor a page home but pay only lipservice to the idea. Yet the years go by and many of the pages remain adolescents footloose and fancy free.

The young men who would live in the home, work and go to school on Capitol Hill and are not supervised after they complete their work in the Capitol.

There's no need to document the need for a page home. Nearly everyone acknowledges that the need exists, and even that it is urgent, especially in light of the House action Wednesday to retain the present page system.

Not long ago we got a timely reminder of the risk we have been running. Four pages—one whom I appointed—were robbed, cut, and beaten up by a band of young hoodlums. Perhaps such incidents would occur even with a page home, but certainly the present lack of adult supervision for the pages during their off-duty hours invites trouble.

When something shocking enough occurs to arouse the public we will have to establish a page home. Our consciences will be so troubled and the public demand for action so insistent that we'll have no other choice.

During the debate yesterday on the legislative reorganization bill and the amendment to continue the 16- to 18-year-old pages, our distinguished and beloved Speaker challenged the House to build a page dormitory. He said we should take the necessary steps to build such a dormitory. I hope the House will approve my amendment and a page home can be established.

SUBSTITUTE AMENDMENT OFFERED BY MRS. GREEN OF OREGON FOR THE AMENDMENT OF MR. BENNETT OF FLORIDA

Mrs. GREEN of Oregon. Mr. Chairman, I offer an amendment as a substitute for the amendment offered by the gentleman from Florida.

The Clerk read as follows:

Amendment offered by Mrs. GREEN of Oregon as a substitute for the amendment offered by Mr. BENNETT: On page 137, immediately after line 19, insert the following:

"DORMITORY BUILDING FOR CONGRESSIONAL PAGES

"SEC. 462. (a) There is hereby authorized to be constructed, on a site jointly approved by the Senate Office Building Commission and the House Office Building Commission, in accordance with plans which shall be prepared by or under the direction of the Architect of the Capitol and which shall be submitted to and jointly approved by the Senate Office Building Commission and the House Office Building Commission, a fireproof building containing dormitory and classroom facilities, including necessary furnishings and equipment, for pages of the Senate, the House of Representatives, and the Supreme Court of the United States.

"(b) The Architect of the Capitol, under the joint direction and supervision of the Senate Office Building Commission and the House Office Building Commission, is authorized to acquire on behalf of the United States, by purchase, condemnation, transfer, or otherwise, such publicly or privately owned real property in the District of Columbia (including all alleys, and parts of alleys, and streets within the curblines surrounding such real property) located in the vicinity of the United States Capitol Grounds, as may be approved jointly by the Senate Office Building Commission and the House Office Building Commission, for the purpose of constructing on such real property, in accordance with this section, a suitable dormitory and classroom facilities complex for pages of the Senate, the House of Representatives, and the Supreme Court of the United States.

"(c) Any proceeding for condemnation instituted under subsection (a) of this section shall be conducted in accordance with subchapter IV of chapter 13 of title 16 of the District of Columbia Code.

"(d) Notwithstanding any other provision of law, any real property owned by the United States, and any alleys, or parts of alleys and streets, contained within the curblines surrounding the real property acquired on behalf of the United States under this section shall be transferred, upon the request of the Architect of the Capitol made with the joint approval of the Senate Office Building Commission and the House Office

Building Commission, to the jurisdiction and control of the Architect of the Capitol.

"(e) Notwithstanding any other provision of law, any alleys, or parts of alleys and streets, contained within the curblines surrounding the real property acquired on behalf of the United States under this section shall be closed and vacated by the Commissioner of the District of Columbia in accordance with any request therefor made by the Architect of the Capitol with the joint approval of the Senate Office Building Commission and the House Office Building Commission.

"(f) Upon the acquisition on behalf of the United States of all real property under this section, such property shall be a part of the United States Capitol Grounds and shall be subject to the provisions of the Act entitled 'An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes', approved July 31, 1946.

"(g) The building constructed on the real property acquired under this section shall be designated the 'Congressional Pages Residential School.' The employment of all services (other than that of the United States Capitol Police) necessary for its protection, care, maintenance, and use, for which appropriations are made by Congress, shall be under the control and supervision of the Architect of the Capitol. Such supervision and control shall be subject to the joint approval and direction of the Speaker and the President pro tempore. The Architect shall submit annually to the Congress estimates in detail for all services, other than those of the United States Capitol Police or those provided in connection with the conduct of school operations and the personal supervision of pages, and for all other expenses in connection with the protection, care, maintenance, and use of the Congressional Pages Residence. The Speaker and the President pro tempore shall prescribe, from time to time, regulations governing the Architect in the provision of services and the protection, care, and maintenance, of the Congressional Pages Residence.

"(h) The Speaker of the House of Representatives and the President pro tempore of the Senate jointly shall designate an officer of the House and an officer of the Senate, other than a Member of the House or Senate, who shall jointly exercise supervision and control over the activities of the pages resident in the Congressional Pages Residence. With the approval of the Speaker and the President pro tempore, such officers so designated shall prescribe regulations governing—

"(1) the actual use and occupancy of the Congressional Pages Residence including, if necessary, the imposition of a curfew for pages;

"(2) the conduct of pages generally; and

"(3) other matters pertaining to the supervision, direction, safety, and well-being of pages in off-duty hours.

Such officers, subject to the approval of the Speaker and the President pro tempore, jointly shall appoint and fix the per annum gross rate of pay of a Residence Superintendent of Pages, who shall perform such duties with respect to the supervision of pages resident therein as those officials shall prescribe. In addition, such officers, subject to the approval of the Speaker and the President pro tempore, jointly shall appoint and fix the per annum gross rates of pay of such additional personnel as may be necessary to assist those officers and the Residence Superintendent of Pages in carrying out their functions under this section.

"(i) Nothing in this Part shall affect the operation of section 243 of the Legislative Reorganization Act of 1946 (2 U.S.C. 88a) or the proviso under the heading 'Education of Senate and House Pages' in title I of the Urgent Deficiency Appropriation Act, 1947 (2 U.S.C. 88b), relating to educational facilities of pages and other minors who are congressional employees."

Mrs. GREEN of Oregon (during the reading). Mr. Chairman, I ask unanimous consent that the further reading of the amendment be dispensed with.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The CHAIRMAN. The gentlewoman from Oregon is recognized.

Mrs. GREEN of Oregon. Mr. Chairman, the purpose of my amendment is very similar to the amendment just offered by the gentleman from Florida. I am sorry I did not have the opportunity to talk with him before this and I hope, indeed, that it does meet with his approval.

The primary difference would be to construct a combined dormitory and classroom facility instead of just providing a dormitory.

I think the statements made by the gentleman from Florida are entirely accurate. I think we are living on a powder keg. So far we have been just plain lucky that a major scandal has not occurred.

This is the only school in the United States that the Members of Congress are directly and entirely responsible for. Yet, the Speaker of the House of Representatives yesterday very accurately and eloquently pointed out that for 3 years this school has been threatened with loss of accreditation—this in spite of the fact that we are spending on an average per pupil per year cost, $1,616 while the national average per pupil per year cost is $696—that is if you do not include the construction of facilities.

The $1,616 figure for the page school does not include any capital outlay at all. If capital outlay is included, the national average is $834 per pupil per year.

At the present time, as you know, these young men get up sometime early in the morning and they report at 6:30 a.m. Then they have an 8 o'clock break and go down to the snack bar or cafeteria in the Library of Congress. From my personal observation, breakfast often consists of a candy bar and a coke. Then they report for classes. They are dismissed at 9:45 a.m. and then they report to the House for their jobs for the day.

There was a combination of reasons why the school was about to lose its accreditation, and in fact it was threatened a few years ago. It was only because of the intervention of people in powerful positions that really prevented that loss of accreditation from actually occurring.

I know of nothing that could be any more embarrassing to any Member of the Congress of the United States than to have to go back to his congressional districts and admit that the one school that you are directly responsible for—because you bring these young people here to Washington and supervise it and have control of it—as I say, have to admit that this school would lose its accreditation in spite of the fact that 2½ times as much is being spent per pupil per year than in the average school in this country.

In addition, the Library of Congress is concerned about this high school in the attic. They are concerned about the danger of fire.

There are certain science courses that cannot be provided in the page school because of this danger of fire. The Library of Congress desperately needs additional room for their own books, their own manuscripts, and so if we build a combination dormitory and classroom facility, it would allow the attic to be returned to the Library of Congress, where it would be put to good use.

I would also suggest that part of the cost of the construction of the dormitory and classroom facility could be recovered through setting a nominal amount for board and room, the same as college dormitory housing throughout the United States is financed. When kids go to college, they pay for board and room, and this helps to amortize the cost of dormitory construction.

Mr. Chairman, it is inconceivable to me that this situation has been allowed to continue, when we appropriate millions of dollars in loans and debt service grants for college housing across the United States, and that for years we have provided no housing facilities for 14-, 15-, 16-, and 17-year-old high school youngsters for whom we are personally responsible and whom we brought to Washington.

We bring youngsters—oftentimes from rural areas—turn them loose in a metropolitan area with more money than they have ever before had in their pockets and with absolutely no supervision in off hours. We pay the pages over $6,300. They receive more a week than the average full-time workingman in this country who has three dependents to support. The page receives $531 monthly. The Bureau of Labor Statistics advises me that as of July—the salary earned—the average salary of U.S. workers with three dependents is $512.72 a month. It is not unreasonable for the Committee on House Administration to see that a reasonable sum would be withheld from their salaries to cover the cost of board and room in the dormitory facilities and require them to live there under supervision.

I suggest, that since the House did decide yesterday or at least in the committee that it would retain the 16-year-olds as the age for pages, it is incumbent upon us to provide these facilities in terms of housing and also in terms of classrooms. They find their own rooms in rooming houses or in tourist homes. I repeat—they have no supervision at all in their spare time. There is absolutely no one who is looking after their nutrition, their meals. You have seen them out there in the cloakrooms grabbing a meal on the run.

In 1965, the Evaluation Committee of the Middle Atlantic States Association for Secondary Schools said this:

It seems inconceivable to the members of this committee, all but one of whom are parents, that a 14-year or 16-year-old boy should be turned loose in a large metropolis to find his own room, to make his own arrangements for eating well-balanced and nourishing meals, engage in healthy and moral activities, and watch over his own physical and moral well-being. It is one thing for a page to live at home or in the home of his sponsor, where he can be a part of normal family living so necessary at this stage in growth. It is something else again to give these youngsters the great opportunity to be of direct service to their gov-

ernment, and at the same time, *deprive* them of the *basic protections* to which they are entitled at this stage in their development. The Washington of today is a different city from that of 20 years ago.

As I say, this statement was made in 1965 at the time we still were appointing 14- and 15-year-olds but the statement is equally true today for 16- and 17-year-olds coming to the large urban area where the crime rate has increased immeasurably. If the committee which appoints the pages limits the appointments to junior and senior high school students, it would allow the school to concentrate its resources in a more limited area and enrich the academic program. Proper supervision in a dormitory would also provide a setting which would lead to greater academic progress.

Mr. Chairman, I suggest that this situation can no longer continue. I do hope that the gentleman from Florida will accept my amendment as an alternative.

The CHAIRMAN. The time of the gentlewoman from Oregon has expired.

(On request of Mr. WAGGONNER, and by unanimous consent, Mrs. GREEN of Oregon was allowed to proceed for 3 additional minutes.)

Mr. WAGGONNER. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the very able and distinguished gentleman from Louisiana.

Mr. WAGGONNER. Mr. Chairman, I agree completely with the conclusion, as I almost always do, of the gentlewoman who is without a peer in this House that we cannot continue as we have been doing. I do agree, although I was not present yesterday, with the action the House took in deciding to stay with high-school-age students to serve as pages here in the Chamber. I believe that we do need a facility such as the gentlewoman projects. I know that they do need supervision. It is fortunate we have not had more trouble than we have had. I think it is because we have had good pages, by and large, that we have not had the trouble that is ever possible.

It would seem to me that to provide this facility, Mr. GRAY's subcommittee of the Committee on Public Works of the House would probably be, though I am a member of the Commitee on House Administration, the appropriate committee to handle the facility if we do proceed to provide it.

The thought I really wanted to express is that in concurring with the recommendation you have just made, it seems entirely appropriate to me that, since our Great Speaker has contributed so much to the education of the youth of this country, this might well be named, if the gentlewoman will accept an amendment, the JOHN W. MCCORMACK Page School.

Mrs. GREEN of Oregon. I thank the gentleman from Louisiana. There is nothing that would please me more than that. I think the gentleman's suggestion is simply great and I hope we may see it become a reality.

In conclusion, may I just suggest that my own preference probably would be college age, but the House has decided otherwise. However, even if it remained college age, I think we would still be obligated to build a dormitory as we do for other college students in every State in the country. The residential page school here in the Nation's Capital ought to be the greatest school in the United States, instead of being threatened with loss of accreditation. I think it ought to be the greatest honor for any 16- or 17-year-old young person in this country to be a page in the House of Representatives, the U.S. Senate, or the Supreme Court. Let us take the preliminary steps today to build the JOHN MCCORMACK School in the Capital area.

The CHAIRMAN. The time of the gentlewoman from Oregon has expired.

(On request of Mr. CAREY, and by unanimous consent, Mrs. GREEN of Oregon was allowed to proceed for 1 additional minute.)

Mr. CAREY. Mr. Charman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I am delighted to yield to the gentleman from New York, who makes such a tremendous contribution on the Education Committee of the House.

Mr. CAREY. I thank the gentlewoman for yielding. I know of her long-term dedication to better schooling facilities for the pages, and her work particularly when she headed up our study committee on this subject.

In supporting the gentlewoman's amendment, I wish also to concur in the suggestion made by our colleague from Louisiana (Mr. WAGGONNER) that we recognize not only the Speaker's great dedication to youth but also his continued and everlasting dedication to better educational facilities in our country, and make this truly the kind of model school which would be worthy of the name of Speaker JOHN W. MCCORMACK.

Mrs. GREEN of Oregon. Mr. Chairman, I thank the gentleman from New York. This would not be simply a monument to cement and concrete. It would be a monument to his great works. What finer tribute could there be than a living memorial such as has been recommended—a living memorial down through the decades ahead that speaks of JOHN MCCORMACK's lifetime concern about boys and girls.

Mr. ALBERT. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the distinguished majority leader.

Mr. ALBERT. Mr. Chairman, I want to concur with the gentleman from Louisiana and the gentlewoman from Oregon. I think the Speaker would not only concur in this, but I think nothing would delight him more. I think the basic legislation should be adopted now and the details worked out later. Therefore, I support the gentlewoman's amendment.

Mrs. GREEN of Oregon. Mr. Chairman, I thank the distinguished majority leader.

(On request of Mr. FRASER, and by unanimous consent, Mrs. GREEN of Oregon was allowed to proceed for 1 additional minute.)

Mr. FRASER. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Minnesota.

Mr. FRASER. Mr. Chairman, I am very much interested in the proposal which the gentlewoman from Oregon has made. I would have preferred to have college-age students, but the House made its decision yesterday.

In the judgment of the gentlewoman, would her proposal permit appointment, and under it would it be feasible to appoint young ladies as well as young men as pages under these circumstances?

Mrs. GREEN of Oregon. Mr. Chairman, this amendment does not touch upon that matter at all. I think under the present law it would be possible and we would not be violating that law if we did appoint girl pages. However, I would have to say to my colleague, my friend, the gentleman from Minnesota, that I would recommend against anyone sending a 16- or 17-year-old daughter to Washington as a page under present conditions. I think the gentleman from Minnesota knows of my deepfelt sentiments about discrimination against women and girls in the country. In spite of this, I just do not happen to think that under the present circumstances and conditions this is the time to discuss whether we should have girl pages. After the dormitory is constructed and maybe crime in the city is reduced, then we could discuss it in realistic terms. I would not want to take the responsibility for bringing a 16- or 17-year-old girl to Washington. But I leave it to the wisdom of the committee that has jurisdiction over such appointments.

Mr. SCHWENGEL. Mr. Chairman, I support the bill.

Mr. SISK. Mr. Chairman, I rise in support of the substitute amendment offered by the gentlewoman from Oregon.

Mr. Chairman, let me say that the language of the substitute offered by the gentlewoman from Oregon is language that at one time was in the committee bill. Frankly, I supported the idea of developing a dormitory and a system of classrooms for our pages. I well recognize the problem we have today in this country with high school youngsters who are here without proper chaperoning and the problems resulting from a lack of proper facilities in which they can spend their time.

So actually, as I say, this conforms to the position that I took in the very beginning. It was unfortunately dropped out of the text of our original bill quite some time ago, because of some possible new approaches, and, of course, because of what at one time was the idea of having college students, and that finally became the committee version.

I supported the Dingell amendment on our page system. Therefore, I think this amendment by the gentlewoman from Oregon would place the system on a sound basis. It will place our school, I think, in a good condition. Certainly it will protect the accreditation, which, as many of us have heard, has been questioned recently because of the living conditions of the pages.

Therefore, Mr. Chairman, I urge the adoption of the substitute amendment.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. SISK. I yield to the gentlewoman from Oregon.

Mrs. GREEN or Oregon. Mr. Chairman, would it be in order at this time to ask unanimous consent to include in my amendment that it shall be called the

JOHN MCCORMACK Residential Page School? If so, I ask unanimous consent to do this.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

The CHAIRMAN. The Clerk will reread the amendment, with the additional words which have been included.

Mr. SISK. Mr. Chairman, the modification should occur on page 3 at about the third line of the second paragraph under (g). The present language states it shall be designated the congressional page residence. That would be stricken out, and it would be designated in line with the unanimous-consent request of the gentlewoman from Oregon.

Mr. Chairman, there will be a need for a conforming amendment on page 3, also and elsewhere throughout the bill.

The CHAIRMAN. The Clerk will report the modification of the substitute amendment offered by the gentlewoman from Oregon.

The Clerk read as follows:

On page 3 of the substitute amendment, line 9, after the quotation mark, strike out "Congressional Residential School" and insert "John W. McCormack Residential Page School."

The CHAIRMAN. Is there objection to the request of the gentlewoman from Oregon (Mrs. GREEN)?

There was no objection.

Mr. SISK. Mr. Chairman, I conclude by saying I certainly support the unanimous-consent request of the gentlewoman from Oregon. This is a tribute to a great man, to a man who has contributed his entire life to the building of America and certainly to education and the enhancement of education. I wholeheartedly support this addition to the language which is pending before the House.

Mr. BENNETT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, my modest proposal has much improved over what I originally suggested.

If I am any judge of the sense of the House, I believe the substitute is also something most of the Members would like to have.

It is a big improvement over what I originally introduced.

I am delighted to join the gentlewoman from Oregon (Mrs. GREEN) on this very constructive improvement. It is a particularly heartfelt thing to have the name of our great Speaker attached to it, so I delightedly accept the suggestion of the gentlewoman from Oregon (Mrs. GREEN).

(Mr. ZABLOCKI asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ZABLOCKI. Mr. Chairman, I wish to commend and congratulate the gentlewoman from Oregon, Mrs. EDITH GREEN, and the gentleman from Florida, Mr. CHARLES BENNETT, for proposing the amendments providing for the construction of a long overdue dormitory and adequate educational facilities for Capitol pages.

Even prior to the year I had the privilege of appointing a page, I was deeply concerned about the conditions under which pages resided in Washington. As the sponsors of the amendments so adequately stated, pages have lived under conditions with little or no supervision, inadequate housing and generally poor meals. Under this system of pursuing educational activities and living conditions, it is surprising that there have not been a great number of embarrassing incidents reflecting unfavorably upon the entire Congress.

In 1961, I first introduced H.R. 601, legislation to provide a permanent residence for congressional pages and measures were reintroduced in succeeding Congresses because of my continuing interest in this important matter. Although the boys are supervised at school and on their jobs, after work they are on their own, at a time when they need the direction, guidance, and supervision which they would ordinarily receive at home.

Most of the pages, I wish to emphasize, are good boys. They leave Washington with more than a passing knowledge of how our democratic society functions, and their stay is a fruitful one.

But I am less than satisfied with many aspects of their lives while they are in Washington. Too often their environment is not conducive to good health, good behavior, or good study habits.

The responsibility to remedy the situation lies with the Congress, therefore, I heartily support the proposals made today and I am confident they will receive the unanimous approval of the committee and the entire Congress.

(Mr. BOLAND asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BOLAND. Mr. Chairman, I want to express my support for the amendment offered by my distinguished colleague from Oregon, Mrs. EDITH GREEN, to establish a dormitory and school for pages. To be called the John W. McCormack Residential Page School, the new facility would answer the pages' most pressing need: a place where they can live together and go to school together under pleasant conditions.

Pages are now scattered all over Capitol Hill, living in roominghouses and old hotels. Their quarters, needless to say, are often cramped and dingy. Such living conditions make close supervision virtually impossible and, still worse, make impossible the sense of close comradeship that schoolboys away from home need. School quarters are nearly as bad as living quarters. The attic of the Library of Congress, where page school is now held, is something less than an ideal educational atmosphere.

I am particularly delighted, Mr. Chairman, that the proposed school-dormitory would be named after Speaker MCCORMACK. An ardent advocate of expanded educational opportunities during all of his 40 years in the Congress, the Speaker would feel honored more by this residential school than by any monument. Mr. MCCORMACK always made a special effort to help pages, often engaging them in conversation and offering them advice. His friendship and counsel was extended to hundreds—indeed, thousands—of pages over the years.

Again, Mr. Chairman, I urge passage of the amendment.

The CHAIRMAN. The question is on the substitute amendment offered by the gentlewoman from Oregon (Mrs. GREEN), as modified.

The substitute amendment, as modified, was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. BENNETT), as amended by the substitute amendment, as modified.

The amendment, as amended and modified, was agreed to.

AMENDMENT OFFERED BY MR. JACOBS

Mr. JACOBS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JACOBS: On page 135, line 14, strike out the period and insert in lieu thereof a comma; and on page 135 insert after line 14 the following: "nor shall any person be denied employment as a page of the House of Representatives on account of sex, race, color or religion."

Mr. SISK. Mr. Chairman, I reserve a point of order to the amendment offered by the gentleman from Indiana.

Mr. JACOBS. Mr. Chairman, I, of course, listened with interest to the remarks of the gentlewoman from Oregon, but I think really that we have overlooked one of the possibilities to achieve what I assume everyone in this body favors; namely, the opportunity for little women to have the same rights as others in our country. Certainly, girls should have the opportunity to serve as pages in the House of Representatives. It was mentioned yesterday that nobody ever heard of a page girl and there have only been page boys. That does not necessarily make it right. Let us face it. It is a fact that there are only page boys in the U.S. House of Representatives, but there are both page boys and girls in the Indiana General Assembly. The fact that there are only page boys here in the Congress is a throwback to an earlier era when women did not have full citizenship in this country or the right to vote. The possibility I had in mind is clearly indicated by a proviso in the amendment just adopted. That proviso was that residence elsewhere than in the dormitory could be authorized by the committee. For example, there are several Members of Congress who live here in Washington who have daughters who live in their homes and go to school here in Washington despite the crime rate and despite the other problems that have been indicated here concerning living in a large city. There is no reason in the world why a little girl could not be appointed as a page and stay with some relatives in Washington. Indeed, perhaps she could stay in the home of the appointing Member. There are some Members who have families here in Washington with whom summer interns stay during the summer. The young girl could be brought in to attend school and to perform her page duties during the day.

It was said yesterday that the page boys should not continue under the present circumstances here at the age of 16 and 17 and it was really not proper to maintain them here under the present circumstances. Somehow or other, although it would seem bad for them, it seems even worse for the girls.

I am reminded of a story about Presi-

dent Grant, who at a stag party at the White House arose and showed indignation when a rather vulgar story was being told. One of the persons present said, "Mr. President, there are no ladies present." The President replied, "There are gentlemen present."

So I think that the same high standards should be maintained for girls and boys and that at long last, at this late date, in our Republic, we should not stand on a ceremony or deal with this question superficially. We should recognize that facilities are indeed available and can be made available for girl pages. Certainly when those facilities are available under circumstances where relatives do live in Washington, a girl should have the opportunity to serve as a page.

Mr. Chairman, I have no further comments to make other than to respond to questions.

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. JACOBS. Yes; I yield to the gentleman. In yielding I might also echo the comments made by the majority leader of my deep admiration for the gentleman from California and the job he has done on this bill.

Mr. SISK. I thank the gentleman for his comments.

Let me say that the reason why I asked him to yield was in order to withdraw my reservation of a point of order. The reason why I raised the reservation was because I was thinking in the initial glance at the amendment that it was to a Senate provision rather than general in nature, but I now find that it does conform.

Let me say to the gentleman that so far as I know at the present time actually there is no discrimination. I recognize that certain problems exist, but I certainly agree completely with the intent of what the gentleman's amendment is.

The CHAIRMAN. The Chair inquires of the gentleman does he withdraw his point of order?

Mr. SISK. I withdraw my point of order, Mr. Chairman.

Mr. JACOBS. I might say finally that the committee, of course, will have to continue to use good, sound discretion in administering the program, but under the circumstances where proper facilities are available, such as an aunt living in Washington or perhaps parents living in nearby Virginia or Maryland, I think it would be well for us to be on record to the effect that it is a fundamental act of justice that young girls in this country have an opportunity to serve here.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. JACOBS).

The question was taken; and the chairman being in doubt, the committee divided, and there were—ayes 16, noes 26.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PART 7—MODERNIZATION OF HOUSE GALLERIES

MODERNIZATION AND IMPROVEMENT OF GALLERY FACILITIES IN THE HOUSE CHAMBER

SEC. 471. The Speaker of the House of Representatives shall appoint a special commission of the House, to be designated the "Special Commission on Modernization of House Gallery Facilities", composed of five Members of the House, three from the majority party and two from the minority party. The Speaker shall designate as chairman of the commission one of the Members so appointed. A vacancy in the membership of the commission shall be filled in the same manner as the original appointment. The commission shall conduct a study of the structure and uses of the gallery facilities in the Chamber of the House of Representatives and shall formulate and develop a program for the modernization and improvement of the House gallery facilities in order to improve the physical conditions under which the proceedings on the floor of the House are conducted and to provide for spectators in the House galleries modernized and improved accommodations for their enlightenment, information, and understanding with respect to the proceedings on the floor of the House and the role of the House generally in the legislative branch of the Government. Any such program formulated and developed by the commission shall provide for—

(1) the enclosure of the galleries with soundproof transparent coverage in such manner as to preserve the visibility from the galleries of proceedings on the House floor and eliminate the audibility on the House floor of noise in the galleries;

(2) the installation of facilities and devices which will permit the proceedings on the floor of the House to be heard by spectators in the galleries, together with facilities and devices by which appropriate comments and explanations may be made to spectators in the galleries with respect to the proceedings on the House floor; and

(3) such other items or features of modernization and improvement of the House galleries as may be directed by the commission.

(b) At the request of the commission, the Architect of the Capitol shall provide advice, counsel, and assistance to the commission in the conduct of its study.

(c) Such study shall be completed not later than the close of the first session of the Ninety-second Congress.

(d) After the completion of such study, the commission through the Architect of the Capitol, subject to the availability of appropriations for such purpose, shall put the program for the modernization and improvement of the galleries into effect. The Architect of the Capitol may procure or make such plans, enter into such contracts, employ such personnel, and take such other actions and make such expenditures, as may be necessary to complete such program of modernization and improvement of the House galleries. In all matters connected with such program, the Architect shall be subject to the supervision, direction, and control of the commission.

(e) The commission shall cease to exist when the Speaker determines that the program for modernization and improvement of the galleries has been completed.

(f) There are hereby authorized to be appropriated, to remain available until expended, such sums as may be necessary to carry out the provisions of this section.

Mr. SISK (during the reading). Mr. Chairman, I ask unanimous consent that part 7 of title IV be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 137, line 23, insert "(a)" immediately after "Sec. 471.".

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. FRASER

Mr. FRASER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FRASER: On page 138, line 21, strike lines 21 through 25 and renumber the succeeding clauses accordingly.

Mr. FRASER. Mr. Chairman I will be very brief.

This is an amendment which strikes out the mandatory direction to the Study Commission on Modernizing the Galleries that they must proceed to enclose the galleries with transparent coverages.

If my amendment is adopted it would not preclude the Commission from considering this, but it takes out the mandatory direction that the Commission shall do it. I think many of us have had misgivings about the proposals in the past to enclose the galleries in glass or other material in the belief that in a free society that we do not want to interpose this kind of insulation between the public and the press on the one hand, and the Members of the House of Representatives on the other.

Now, it may be that as this Commission studies the problem they will conclude that this is desirable. My amendment will not preclude their reaching such a conclusion, but it would take out the mandatory direction that they must do this prior to the commencement of their study.

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from California.

Mr. SISK. I appreciate the gentleman yielding. I believe the last statement clarifies the question that I had in mind. I will, however, ask it for legislative history, and that is that actually what the gentleman seeks to do is to simply change what amounts to a requirement that they shall do those things enumerated here in the language which he strikes.

Mr. FRASER. Just to clause (1).

Mr. SISK. And it makes it possible that they could still do those things, and they might do them if they felt it was necessary to conform to the other objectives of the legislation. Is that basically the intent of the gentleman?

Mr. FRASER. Yes, the gentleman has accurately stated my intention.

Mr. SISK. In other words, that the gentleman would not then find any inconsistency in striking part (1) at the bottom of page 138 with leaving in, of course, the material on part (2) at the top of page 139?

Mr. FRASER. No, clauses (2) and (3) are left in and simply renumbered.

Mr. SISK. They are renumbered.

Mr. CONABLE. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman.

Mr. CONABLE. I would like to thank the gentleman from California for clarifying the intent here because the remarks of the gentleman from Minnesota indicated that he had grave doubts about interposing a barrier between the people and the Representatives on the floor.

I want to tell you that we have the worst barrier between the people in the gallaries and the Representatives on the floor frequently now, namely, the barrier of misunderstanding about the processes of representative government.

By improving the possibility for some sort of sound system or a current commentary about what is going on on the floor, the enclosing of the galleries will add greatly to the educational opportunities of a visit to the Capitol.

Frankly, when I am sitting with my constitutents in the galleries, I find that they get a great deal more of what is going on on the floor than just wondering about it and having no way of knowing what is happening here.

As I said yesterday, we have to get our best foot forward with respect to this situation to a greater degree than we have heretofore.

Mr. FRASER. I agree with the gentleman. An illustration of one of the systems the committee could consider is what they do in Ottawa, where they have a bilingual parliament. They provide earphones and visitors can pick them up.

We could use the same thing with simultaneous translations when we have foreign visitors. We could have running commentaries.

There are a number of options. One option is to enclose the galleries. This is a simple amendment to avoid a mandate on that particular feature before the study is begun.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman.

Mr. YATES. On the question of a sound system—I am a member of the House Committee on Appropriations for the legislative branch and we are now engaged in appropriating funds to improve the sound system up in the gallery.

Mr. FRASER. I thank the gentleman for his comment.

Mr. REES. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman.

Mr. REES. According to your amendment, you knock out clause 1 so clause 2 is still there?

Mr. FRASER. That is right.

Mr. REES. Clause 2 is in the bill and mandates that the Commission shall provide for the installation of facilities or a device which will permit proceedings on the floor of the House to be heard by spectators together with a facility or device which will interpret appropriate comments and explanations and so forth.

So we are still mandating the type of facility which will explain to the people in the gallery what we are doing—and maybe we might also have such facilities down here.

Mr. MAYNE. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman.

Mr. MAYNE. Mr. Chairman, I support the gentleman's amendment and commend this very sound suggestion for enclosure of the galleries which should not be mandatory but discretionary.

I rise in support of part 7.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of California. Mr. Chairman, I ask unanimous consent that the gentleman be permitted to proceed for 2 additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. SMITH of California. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman.

Mr. SMITH of California. What I do not understand is why you just did not strike the word "shall" on line 19 and then leave the other things in—so this commission could conduct a study and proceed to implement its program.

We suggest a study and we want it to be comprehensive.

Why did not the gentleman just change the word "shall" next to the last word on line 19 and say "may provide for, et cetera" and then leave it at that.

Maybe this commission will find out that we need to enclose the galleries. It depends on the study. But you make the remaining two provisions here mandatory.

I simply propound the question. From a parliamentary standpoint, it seems to me much simpler and much more in keeping with proper legislative procedure if you would simply amend it and change the word "shall" and make it permissive.

I think you are defeating your own purpose by proceeding this way.

Mr. FRASER. I thank the gentleman. Originally I had an amendment which would do just that, change the word "shall" to "may." But I found that if I simply dealt with the question of enclosure and left that discretionary, it would be sufficient. I have no objection to mandating the doing of other things, such as providing for more effective hearing by those in the gallery and the possibility of the commentary. The language does provide that once they have completed their study they may proceed. It might have been wise to have them come back to the House with the results of their study, but I do not feel strongly on that point.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. Was the gentleman here in 1953 or 1954, whatever the year—I believe it was 1953—when the Puerto Ricans shot up the House?

Mr. FRASER. No, I was not here, but I have heard of the incident.

Mr. GROSS. If the gentleman had been here, I think he probably would want to mandate the House to do something about enclosing the galleries.

Mr. FRASER. I appreciate that problem. I do not intend to foreclose that possibility. I know of a number of Members who have reservations about moving in that direction. I would just hope the Commission would look at it very carefully rather than mandate it.

Mr. GROSS. If the gentleman had seen three Members on the Democrat side wounded, and another Member lying in the well of the House badly wounded and apparently near death, and still another on the Republican side shot in the back, I think he would change his mind about the mandatory provision in this bill to do something about enclosing the galleries.

Mr. HAYS. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. HAYS. Mr. Chairman, I did not intend to participate in this discussion. I think it might be all right to mandate the Congress to get this thing done. I was here that day. I was sitting on the floor when it happened. I saw it happen. But that does not disturb me; that is, somebody carrying a pistol in the gallery, nearly as much—because there is a limited amount of damage that can be done with a pistol—as what I predict will happen here one of these days with some of these crazies who are running around this country, and that is some nut coming in here and throwing a hand grenade down on the floor which may kill a dozen, 15, or 20 Members.

I do not want to isolate the galleries any more than anyone else does, but I think we ought to do something before it is too late, before something like this happens, and then everybody will say, "Why didn't we do it?"

The only thing that bothers me about the gentleman's amendment is that it might be taken as an indication that we do not want anything done, and I think it is time that something is done.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the majority leader.

Mr. ALBERT. I hope the gentleman from Minnesota does not mean that he hopes or does not expect anything to be done. I was here in 1954, I will say to the gentleman from Iowa, at the time of the incident. We had just had a quorum call. The Committee on Agriculture was in charge of the bill. Our friend from Kentucky, who is now the chairman, was saying, "They are just firing blanks." But many of us were lying on the floor. There were over 200 Members present. I do not see how they missed so many. It was like shooting into a covey of quail sitting on the ground. I am not opposed to the gentleman's amendment, but I think this commission had better take a good look at this subject.

Mr. HAYS. I appreciate the majority leader's contribution.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman makes an excellent point. Suppose the Puerto Ricans had used four fragmentation grenades instead of four automatic pistols. They would have made a shambles out of the House of Representatives.

Mr. HAYS. There is no doubt about it. This is something that actually took place in 1954. Enclosing the gallery was talked about at that time, but I for one did not think it was urgent to do it. A lot of things have happened since 1954. There are many more of these nutty people running around hijacking airplanes without any regard for human life whatever.

This morning we had a hearing in the Foreign Affairs Committee on the subject of what to do about airplane hijackings. A young stewardess from one of the airlines told about an experience she had had with a fellow who not only had a Molotov cocktail on board the plane, but who lighted the thing and carried it up

through the aisles and told them to go to Cuba or else.

I do not think we ought to weaken this in any way. Frankly, I would not mind if the gentleman's amendment were defeated and it was mandated, because if we do not mandate it some time, it is never going to be done.

Mr. MOSS. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from California.

Mr. MOSS. Mr. Chairman, I agree with the statements made by the gentleman from Ohio.

I recall rather vividly the shooting, but I share the concern voiced as to a more extreme form of attack on this body. It is frequently held up to public contempt. It is not the best understood institution of government, because it is composed of men and women of strong individual views. It is difficult for this body to project a single image. But there are certainly the elements of unrest in this country that could cause the kind of thing the gentleman has voiced fear over. I think mandating a security provision now would be a very prudent thing for the House to do.

Mr. HAYS. Mr. Chairman, I thank the gentleman. I think the gentleman is exactly right. As I say, if we do not do something, we are going to live to regret it or maybe I should say some of us may live to regret it. These witnesses this morning had all kinds of suggestions, such as making treaties with every country. As I pointed out in the committee, most of the hijacked planes go to Cuba or to areas controlled by guerrillas, and we cannot make treaties with them.

Then it was suggested there be electronic devices, and I bring this up because it is relevant. We can have an electronic device at every door up there, but it will not detect a plastic bomb, and it will not detect a grenade encased in plastic—and they are made like that. As I pointed out over there this morning, at London Airport, at Heathrow, they have electronic detectors, and according to the front page of the newspapers, the detectors are going crazy detecting, among other things, the metal in women's bras, car keys and everything else with metal in it, so they are not foolproof.

I tell the Members I do not fear for myself particularly, and I do not say that in a spirit of bravado. I do fear that some crazy person is going to come in here some day and wipe out 15 or 20 Members who happen to be sitting adjacent to one of the galleries.

Mr. CONABLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to repeat again what I think was the spirit back of the original amendment proposed by the gentleman from Minnesota. Our emphasis here should not necessarily be on security, although I acknowledge that security is a problem. Our emphasis should not be on putting barriers between the people who come to see their representative government function and those of us here on the floor.

Our emphasis, Mr. Chairman, should be on trying to find some way of making our procedures here more readily understood by the visiting public. There is real reason for concern if people come to Washington to see their Government function and do not have the opportunity of understanding it because of the pressure of time, because of the problems of acoustics, or because our procedures here are complicated. We can add a great deal to the public relations of representative government—and after all, there is nothing more important to the survival of this Government than preserving its representative character—if we are willing to take the steps necessary to improve the opportunities for the visiting public in the gallery to hear what is going on here on the floor, to understand it and to have some concurrent instruction in the nature of our rules.

I oppose the amendment. I want to mandate the glassing of the galleries, not to put a barrier between us and the people, but to make possible a new opening of understanding for the visiting public.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. FRASER).

The amendment was rejected.

Mr. KYL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as we discuss this portion of the bill I should like to relate a little experience. As the bill now stands there will be recorded teller votes, votes which according to some who write for the press are devices through which a Member of Congress can hide his vote from constituents.

Now, what I should like to note at this point is that the recording of teller votes will provide a protection for Members which is now lacking.

On May 27 the House had before it an SST amendment offered by our distinguished colleague from Illinois (Mr. YATES). There was a teller vote.

Apparently what we have now, in lieu of record teller votes, is a monitoring system from the galleries. The monitor who was in charge of watching me declared that I had voted a certain way on a teller vote—and this is indeed an interesting observation because, as a matter of fact, at that very moment I was in Iowa 1,000 miles away trying to save a packinghouse operation in my district.

When I noted this fact, the newspapers carried a story sponsored by a little political group certifying that I had voted against the Yates amendment on a teller and decrying the fact that I would try to deny it.

Subsequently we have had apologies from about everyone concerned, but the point of the story still stands. A Member can get some protection by recorded teller votes rather than having them monitored by some anonymous person in the gallery.

There is a little more to this story. The person who did the monitoring, according to his own word, was a staff member—I say, was a staff member—of a Congressman. He did the monitoring, he said, not for his boss but for the Democrat study group. The Democrat study group then relayed this information to another organization which announced the vote but attributed it to two fine organizations who had not given them permission to use their names.

The nondescript little political group, of course, was trying in this endeavor to gain a little unearned respectability for itself.

Here we see there may be a little thickening of the plot when we consider all this reform. The Democrat study group, which is not the only such organization around here, operates from offices in the House Office Building, frequently utilizing as staff members people who are actually on the payroll of Members of the House. These people are paid from tax funds and are supposedly working for the people rather than for organizations, political or otherwise.

It occurred to me that while we are in a reforming mood we ought to do something about that kind of situation wherever it exists. I seriously considered offering an amendment to try to do something about it, but having taken a small head count I concluded it would be futile. One of the most interesting things about some reformers is that they really do not want to be reformed.

Mr. SCHADEBERG. Mr. Chairman, will the gentleman yield?

Mr. KYL. I yield to the gentleman from Wisconsin.

Mr. SCHADEBERG. I thank the gentleman for bringing this to the attention of the House. I was somewhat similarly involved. In the case in which I was involved, I was not absent but was on the House floor and on three separate teller votes I have been misrepresented.

AMENDMENT OFFERED BY MR. HECHLER OF WEST VIRGINIA

Mr. HECHLER of West Virginia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HECHLER of West Virginia: On page 139, immediately before the period in line 10, insert a comma and the following: "including items and features of modernization designed to provide for and facilitate the consultation of legislative materials and the taking of written notes by visitors to the House galleries, under such regulations as the Speaker may from time to time prescribe, without any distraction to or disturbance of the conduct of proceedings on the floor of the House".

Mr. HECHLER of West Virginia. Mr. Chairman, I shall take only a few minutes, since this subject has been very thoroughly aired in the past few days.

As the Committee knows, in the Senate galleries it is within the rules to read and consult a seating chart of the Senate in order to ascertain where the individual Members of the Senate sit and to try to identify who is speaking. It is unfortunate that we cannot take our constituents into the public galleries of the House and even open a pictorial directory to find out who is addressing the House, providing that the photos are reasonably up to date. Nor is it within the House rules to look at a copy of the bill being debated, or pencil out a section of the bill as it is being amended on the floor.

I am very happy that the House has voted to include the provision in the bill which enables the modernization of the House galleries. For many months the gentleman from Indiana (Mr. JACOBS) and I have jointly advocated the program which is outlined on page 138 of the pending bill, which requires the "Special Commission on Modernization of

House Gallery Facilities" to develop a program to be presented not later than the close of the next Congress. I am particularly pleased that the strong language of the pending bill was retained; namely, that—

Any such program formulated and developed by the commission shall provide for the enclosure of the galleries with soundproof and transparent coverage in such manner as to preserve the visibility from the galleries of proceedings on the House floor and eliminate the audibility on the House floor of noise in the galleries.

On this point, the record should show that Prof. Arthur W. Macmahon of the Department of Public Law and Government at Columbia University first proposed the concept we are discussing not long after the armed attack by a group of Puerto Rican nationalists in 1954. Professor Macmahon, now retired, would modestly deny his major role in bringing to this point his fine idea, but I am honored to call attention to and acknowledge his efforts as we debate this bill.

Down through the years, I have never hesitated to advocate and support this idea whose time has now come. I was privileged to serve as a member of the Joint Committee on the Organization of Congress, which made its report in 1966. Although I could not persuade a majority of my colleagues to support this proposal, the gentleman from New Hampshire (Mr. CLEVELAND), and a former member, the gentleman from Missouri, Mr. Curtis, concurred in the following proposal which I offered in my supplemental views:

The galleries should be enclosed with soundproofed, transparent covering, with the floor debates piped into the galleries. The floor proceedings would then be clearly audible to visitors, and gallery noises would not disturb floor proceedings. Gallery visitors should be provided with a periodic commentary on bills being debated, the issues at stake, the legislative leaders, etc. Gallery visitors should be allowed to consult bills, committee reports, and pictorial directories of members.

I made these comments in 1966, supplemental to the Final Report of the Joint Committee on the Organization of Congress.

In conjunction with the enclosure of the galleries, it follows that measures should be taken to allow visitors in the public galleries to consult materials which relate to the legislative process, and to take notes on the same. Nowhere in the House rules is there a prohibition against reading or notetaking, yet it is one of the rules listed on the back of every visitor's pass, and the rule is strictly enforced by the doorkeepers.

Notetaking or consultation of legislative materials by visitors to the House gallery in no way would detract from the dignity of this Chamber, nor disrupt any of its activities. We already allow members of the press to take notes on our floor proceedings, and it is only fair that we allow this same privilege to be granted to those who come to witness the House in session. Many observers, scholars, and everyone from the general public would benefit from increased knowledge and understanding of Congress if this rule could be altered to allow notetaking and consultation of legislative materials. Many members have indicated to me their support of this simple amendment, and I urge its passage.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. HECHLER).

The question was taken; and the Chairman being in doubt, the committee divided and there were—ayes 32, noes 23.

So the amendment was agreed to.

Mr. REES. Mr. Chairman, I move to strike the requisite number of words.

I wish to ask the distinguished chairman of the subcommittee for an interpretation of the language of the bill on page 138 concerning enclosure of the gallery. Under the bill as it now is the enclosure of the gallery is mandated. Would this affect the Press Gallery?

Mr. SISK. Will the gentleman yield?

Mr. REES. I am glad to yield to the gentleman.

Mr. SISK. It would not be my assumption it would. The Press Gallery, of course, is separate and apart from the Visitors Gallery. Basically the intent of the subcommittee in dealing with it is strictly that area set aside for visitors to the gallery.

Mr. REES. I thank the gentleman.

The CHAIRMAN. Are there any additional amendments to this section of the bill?

MOTION OFFERED BY MR. SISK

Mr. SISK. Mr. Chairman, I move that the committee now return to part 1 of title IV.

The motion was agreed to.

The CHAIRMAN. The Clerk will read part 1 of title IV.

Mr. SISK (during the reading). Mr. Chairman, I ask unanimous consent that part 1 of title IV be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

PARLIAMENTARY INQUIRY

Mr. HALL. Mr. Chairman, reserving the right to object, I do so only to propound a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. HALL. Mr. Chairman, one of the Members having a series of perfecting amendments to part 1 of title IV and understanding that another Member intends to offer an amendment to strike part 1, my parliamentary inquiry is, in the event the amendment prevails to strike or in the event that it is defeated, in either event would it then be in order to offer perfecting amendments to part 1?

The CHAIRMAN. The Chair would like to inform the gentleman from Missouri that if the amendment to strike was agreed to, a new germane part 1 could be offered. If the motion to strike is not agreed to, further germane amendments would be in order.

Mr. HALL. I thank the Chairman, and I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from California that this part of the bill be considered as read, printed in the RECORD, and open to amendment at any point?

There was no objection.

The Clerk read as follows:

TITLE IV—CONGRESS AS AN INSTITUTION

PART 1—JOINT COMMITTEE ON DATA PROCESSING

CONGRESSIONAL FINDINGS AND POLICY

SEC. 401. (a) It is the sense of the Congress that there is an urgent, critical, and continuing need on the part of the Congress and the legislative branch generally for a modern, effective, and coordinated automatic data processing and information storage and retrieval system—

(1) to assist the Congress, its committees and Members, its officers and employees, and its offices and other organizational units, and the respective agencies, offices, and other organizational units in the legislative branch generally, in obtaining and analyzing information;

(2) to expedite their operations and activities; and

(3) to facilitate and improve the performance of the legislative and representative functions of the Congress.

(b) It is, therefore, the policy of the Congress, in view of this need—

(1) that the Congress and the legislative branch shall be provided with, and shall acquire, establish, and maintain, by purchase, lease, or otherwise, the most modern, up-to-date, efficient, effective and coordinated automatic data processing and information storage and retrieval equipment and facilities which are appropriate to the needs and requirements of the Congress and the legislative branch generally;

(2) that a method of continuous, coordinated, comprehensive, and efficient planning and review shall be established and maintained by the Congress for the continuing development and improvement of such equipment and facilities and the use thereof; and

(3) that the supervision, control, regulation, and coordination of the acquisition, operation, maintenance, development, improvement, and use of the automatic data processing and information storage and retrieval equipment, facilities, and system of the Congress and the legislative branch shall be effectuated by, under, and through a single comprehensive authority under the Congress—the Joint Committee on Data Processing created by this Part.

ESTABLISHMENT OF THE JOINT COMMITTEE ON LEGISLATIVE DATA PROCESSING

SEC. 402. (a) There is hereby created a Joint Committee on Data Processing (hereafter in this Part referred to as the "Joint Committee").

(b) The Joint Committee shall be composed of twelve members, as follows:

(1) six Members of the Senate, appointed by the President pro tempore of the Senate; and

(2) six Members of the House of Representatives, appointed by the Speaker of the House.

(c) Of the Members of the Senate, or of the House of Representatives, as the case may be, appointed to the Joint Committee, three shall be from the political party having the greatest number, and three shall be from the political party having the second greatest number, of Members of the Senate, or of the House of Representatives, as the case may be.

(d) Any vacancy in the membership of the Joint Committee shall not affect the power of the remaining members to execute the functions of the Joint Committee and shall be filled in the same manner as the original appointment.

(e) The Joint Committee shall select, in the manner provided by this subsection, a chairman and a vice chairman from among its members at the beginning of each Congress. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. The chairmanship

and the vice chairmanship shall alternate between the Senate and the House of Representatives with each Congress. The chairman during each even-numbered Congress shall be selected by the Members of the House of Representatives on the Joint Committee from among their number. The chairman during each odd-numbered Congress shall be selected by the Members of the Senate on the Joint Committee from among their number. The vice chairman during each Congress shall be chosen in the same manner from that House of Congress other than the House of Congress of which the chairman is a Member. The vice chairman shall not be of the same political party as the chairman.

(f) The members of the Joint Committee shall serve without pay in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Joint Committee, other than expenses in connection with meetings of the Joint Committee in the District of Columbia when the Congress is in session.

FUNCTIONS, POWER, AND DUTIES OF THE JOINT COMMITTEE

SEC. 403. (a) It shall be the general duty of the Joint Committee to implement the policy of the Congress stated in section 401 (b) of this Part.

(b) In the implementation of the policy of the Congress and in carrying out the purposes of this Part, the Joint Committee—

(1) shall prepare, develop, place in effect, and maintain, and may revise as it considers necessary, a comprehensive and coordinated program for the establishment and maintenance of a comprehensive, modern, up-to-date, and efficient automatic data processing and information storage and retrieval system for the Congress, its committees and Members, its offices and other organizational units, and the respective agencies, offices, and other organizational units in the legislative branch generally, which is appropriate to the needs and requirements of the Congress and the legislative branch;

(2) shall prepare, develop, and place in effect, and may revise as it considers necessary, plans and programs for the acquisition, by purchase, lease, or otherwise, including the lease, as necessary, of the use, for specified periods or at regular or irregular intervals, of automatic data processing and information storage and retrieval equipment, Machinery, and facilities of private enterprise, of such equipment, machinery, and other facilities as may be necessary for the operation and maintenance of such automatic data processing and information storage and retrieval system;

(3) shall conduct, on a continuing basis or from time to time, as it considers necessary, comprehensive and coordinated reviews and studies, and prepare comprehensive and coordinated plans and programs, for the continuing development and improvement of such automatic data processing and information storage and retrieval system;

(4) shall conduct, on a continuing basis or from time to time, as it considers necessary, comprehensive and coordinated reviews and studies of uses and applications of such automatic data processing and information storage and retrieval system for the Congress and the legislative branch in order to achieve the most effective, efficient, and coordinated uses and applications of that system and the maximum benefits therefrom for the Congress, its committees and Members, its officers and employees, and its offices and other organizational units, and the respective agencies, offices and other organizational units in the legislative branch generally;

(5) shall have the authority as it considers necessary and appropriate—

(A) to establish, operate, maintain, develop, and improve an automatic data processing and information storage and retrieval system of the Joint Committee;

(B) to regulate and prescribe the uses and applications of that system of the Joint Committee;

(C) to acquire for that system, by purchase, lease, or otherwise, equipment, machinery, supplies, and related items; and

(D) to employ, for the operation, maintenance, development, and improvement of that system, personnel, as members of the staff of the Joint Committee, at respective per annum gross rates of pay, fixed by the Joint Committee, not in excess of the highest rate of basic pay, as in effect from time to time, of the General Schedule of section 5332 (a) of title 5, United States Code, and terminate the employment of such personnel;

(6) shall prepare, establish, and promulgate, and may revise from time to time, appropriate standards, criteria, and priorities governing the acquisition, operation, use, and application of all automatic data processing and information storage and retrieval equipment, machinery, and facilities for the Congress, or either House, and the legislative branch generally;

(7) shall prepare, establish, and promulgate, and may revise from time to time, such appropriate standards, criteria, and priorities as may be necessary to ensure that automatic data processing and information storage and retrieval equipment, machinery, and facilities for the Congress, including those of the Joint Committee, and the legislative branch generally shall be available for use, on a fair and equitable basis, by the respective committees and Members of each House of Congress, the Resident Commissioner from Puerto Rico, and the respective officers, offices, and organizational units of the Congress, or of either House;

(8) shall have the authority to issue such directives and to take such other action, in accordance with law, as it considers necessary to eliminate duplication, waste, and inefficiency in the operation, maintenance, development, use, and application of the automatic data processing and information storage and retrieval equipment, machinery, facilities, and system of the Congress, either House of the Congress, and the legislative branch generally; and

(9) shall have such general authority and power of supervision, coordination, regulation, and control over the acquisition, operation, maintenance, development, improvement, use, and application of automatic data processing and information storage and retrieval equipment, machinery, and facilities for the Congress, or either House, and the legislative branch generally, as may be necessary to implement and educate the policy of the Congress and the purposes of this Part.

(c) With respect to any automatic data processing and information storage and retrieval facility and operation of the Congress, or either House, or any committee, officer, office, or organizational unit of the Congress or either House, or of any agency, office, or other organizational unit in the legislative branch generally, other than those of the Joint Committee, each officer or other authority having jurisdiction and control over any such facility and operation—

(1) shall obtain the approval of the Joint Committee before that officer or authority—

(A) acquires new or additional automatic data processing and information storage and retrieval machinery; or

(B) places in effect and operation any new or different use or application of automatic data processing and information storage and retrieval machinery for the Congress, or either House, or any Member, committee, officer, employee, office, or organizational unit of the Congress or either House; and

(2) shall observe and follow the standards, criteria, and priorities promulgated by the Joint Committee under subparagraph (7) of subsection (b) of this section with respect to the availability, on a fair and equitable basis, of automatic data processing and information storage and retrieval equipment, machinery, and facilities, for use by the respective committee and Members of each House of Congress, the Resident Commissioner from Puerto Rico, and the respective officers, offices, and organizational units of the Congress or of either House.

(d) In carrying out its functions, powers, and duties, the Joint Committee shall consider, observe, and conform to the rights, powers, and prerogatives of the two Houses of Congress as separate legislative bodies in the legislative branch of the Government, the internal organizational structure of each House and the organizational units therein with regard to separate automatic data processing and information storage and retrieval facilities in payroll administration, pay disbursing, and any other operations of any nature, and the general needs, requirements, customs, rules, procedures, and methods of operation particularly applicable to or followed in each House.

(e) In carrying out its functions, powers, and duties, the Joint Committee shall accord to the respective agencies, offices, and other organizational units which are outside the organizational structure of the Congress but within the legislative branch generally the maximum practicable administrative and operational independence in connection with their respective functions, projects, and activities which involve automatic data processing and information storage and retrieval but which are not directly connected with the legislative and representative functions, and the informational needs and requirement, of the Congress.

(f) The Joint Committee shall establish, and may revise from time to time, such policies, procedures, standards, and safeguards as the Joint Committee considers necessary and appropriate to protect and preserve the privacy, security, and confidentiality of information and data stored in the automatic data processing and information storage and retrieval facilities under its jurisdiction by Members and committees of the Senate and House, the Resident Commissioner from Puerto Rico, the respective offices and other organizational units under the Congress, and the respective agencies, offices, and other organizational units in the legislative branch generally.

STAFF OF THE JOINT COMMITTEE

SEC. 404. (a) The Joint Committee may—

(1) appoint, as chief of staff of the Joint Committee, a Director of Data Processing;

(2) prescribe his duties and responsibilities; and

(3) terminate his employment as the Joint Committee considers appropriate.

The pay of the Director of Data Processing shall be at a per annum gross rate not in excess of the rate of basic pay, as in effect from time to time, for Level III of the Executive Schedule of section 5315 of title 5, United States Code.

(b) The Joint Committee may—

(1) appoint, as deputy chief of staff of the Joint Committee, a Deputy Director of Data Processing;

(2) prescribe his duties and responsibilities;

(3) fix his pay at a per annum gross rate not in excess of the rate of basic pay, as in effect from time to time, for Level V of the Executive Schedule of section 5316 of title 5, United States Code; and

(4) terminate his employment as the Joint Committee considers appropriate.

(c) The Joint Committee may—

(1) appoint, as members of the staff of the Joint Committee, such professional, technical, clerical, and other personnel as the Joint Committee considers appropriate;

(2) prescribe their respective duties and responsibilities;

(3) fix their pay at respective per annum gross rates not in excess of the highest rate of basic pay, as in effect from time to time, of the General Schedule of section 5332(a) of title 5, United States Code; and

(4) terminate their employment as the Joint Committee considers appropriate.

(d) The Director of Data Processing, the Deputy Director of Data Processing, and all members of the staff of the Joint Committee, whether appointed under subsection (c) of this section or section 403(b)(5)(D) of this Part, shall be appointed on a permanent basis, without regard to political affiliation, and solely on the basis of fitness to perform the duties of their respective positions.

(e) The Joint Committee may reimburse any member of its staff for travel, subsistence, and other necessary expenses incurred by him in the performance of the functions, powers, and duties of the Joint Committee while outside the District of Columbia.

CONSULTANT AND ADVISORY SERVICES FOR THE JOINT COMMITTEE

SEC. 405. (a)(1) The Joint Committee may procure, as it considers necessary and appropriate, the temporary or intermittent assistance of individuals who are experts or consultants in the field of automatic data processing and information storage and retrieval—

(A) by nonpersonal service contract with the individual expert or consultant concerned as an independent contractor for the furnishing by him to the Joint Committee of a written study, anlaysis, summary, opinion, synopsis, treatise, monograph, or other end product pertaining to the field of automatic data processing and information storage and retrieval to assist the Joint Committee in carrying out its functions and duties; or.

(B) by temporary employment, by personal service contract or otherwise, of the individual expert or consultant concerned to perform services for the Joint Committee at a rate of pay fixed by the Joint Committee not in excess of the per diem equivalent of the highest rate of basic pay then currently in effect for the General Schedule of section 5332 of title 5, United States Code, including payment for necessary travel time of the rate fixed by the Joint Committee.

(2) The Joint Committee may procure, as it considers necessary and appropriate, by contract, the temporary or intermittent assistance of organizations of experts and consultants in the field of automatic data processing and information storage and retrieval to assist the Joint Committee in carrying out its functions and duties.

(3) Contracts, agreements, and arrangements under this subsection are not subject to any requirements of advertising for bids thereon.

(b)(1) The Joint Committee may establish, appoint, maintain, and utilize, and revise or discontinue, from time to time, such panels, groups, or other bodies of advisers as the Joint Committee considers necessary and appropriate to provide, from time to time, advice, counsel, and assistance to the Joint Committee in carrying out its functions and duties.

(2) A person appointed to serve on any such panel group, or body of advisers who is not an officer or employee of the Federal Government or the Government of the District of Columbia shall be paid, for each day of service performed by him for the Joint Committee, at a rate fixed by the Joint Committee not in excess of the per diem equivalent of the highest rate of basic pay then currently in effect for the General Schedule of section 5332 of title 5, United States Code. A person appointed to serve on any such panel, group, or body of advisers who is an officer or employee of the Federal Government or the Government of the District of Columbia is not entitled to any pay for his services for the Joint Committee other than his pay as an officer or employee of the Federal Government or the government of the District of Columbia.

(3) Each person appointed to serve on any such panel, group, or body of advisers may be allowed and paid his actual and necessary travel expenses, and a per diem allowance for his subsistence expenses, as determined and approved by the Joint Committee, while away from his home or regular place of business or official duty station to perform advisory services for the Joint Committee.

COORDINATION WITH AUTOMATIC DATA PROCESSING AND INFORMATION STORAGE AND RETRIEVAL FACILITIES IN THE EXECUTIVE BRANCH

SEC. 406. (a) The Joint Committee may negotiate and enter into appropriate agreements and arrangements with appropriate authorities in the executive branch pursuant to which—

(1) automatic data processing and information storage and retrieval machinery, equipment, and facilities in the executive branch may be made available, at regular or irregular intervals, and to the extent consistent with the efficient operation of the executive branch, and on such reimbursable or nonreimbursable basis as may be agreed upon by the Joint Committee and the executive branch authority or authorities concerned, for use by the Congress, its offices and organizational units, and the respective agencies, offices, and other organizational units in the legislative branch generally; and

(2) data stored in the automatic data processing and information storage and retrieval facilities of the executive branch may be made available for use, to the extent consistent with the national security and the public interest, by the Congress, its offices, and organizational units, and the respective agencies, offices, and other organizational units in the legislative branch generally.

OPERATIONAL AUTHORITY OF THE JOINT COMMITTEE

SEC. 407. The Joint Committee may—

(1) hold such hearings and sit and act at such times and places;

(2) require, by subpena (to be issued under the signature of the chairman or the vice chairman and to be served by any person designated by the chairman or the vice chairman) or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, papers, and documents;

(3) administer oaths;

(4) take such testimony;

(5) procure such printing and binding;

(6) make such expenditures; and

(7) adopt such rules regarding its procedures;

as it considers necessary and appropriate.

RECORDS OF THE JOINT COMMITTEE

SEC. 408. The Joint Committee shall keep a complete record of all of its committee actions, including a record of the votes on any question on which a record vote is demanded. All records, papers, documents, and files of the Joint Committee shall be the property of the Joint Committee and shall be kept in the offices of the Joint Committee or at such other places as the Joint Committee may direct.

PROCEDURE FOR CONSIDERATION BY THE JOINT COMMITTEE OF SUGGESTIONS REGARDING USES AND APPLICATIONS OF THE AUTOMATIC DATA PROCESSING AND INFORMATION STORAGE AND RETRIEVAL SYSTEM

SEC. 409. The Joint Committee shall establish, and may revise from time to time, appropriate and equitable procedures—

(1) for the submission to the Joint Committee, by Members and committees of the Congress and its officers, offices, and other organizational units, and by the respective agencies, offices, and other organizational units in the legislative branch generally, and by other appropriate parties, of suggestions and proposals with respect to uses and applications of the automatic data processing and information storage and retrieval facilities for the Congress and the legislative branch; and

(2) for the consideration and evaluation by the Joint Committee of the suggestions and proposals so submitted.

CONTRACTS OF THE JOINT COMMITTEE TO BE OPEN TO PUBLIC INSPECTION

SEC. 410. The Joint Committee shall keep in its offices copies of each contract entered into by the Joint Committee and shall make such copies available for inspection by the public at reasonable times in the offices of the Joint Committee.

REPORTS TO THE CONGRESS BY THE JOINT COMMITTEE

SEC. 411. (a) The Joint Committee shall submit to the Senate and the House of Representatives, on such day in each odd-numbered year as the Joint Committee considers appropriate, but not later than April 1 of each such year, a report, in summary and in detail, of its programs, studies, reviews, operations, and activities during the immediately preceding Congress. Such report shall include detailed and informative discussions, statements, and explanations with respect to—

(1) the automatic data processing and information storage and retrieval facilities then currently available to the Congress and its committees, Members, officers, offices, and other organizational units;

(2) the respective uses and applications of those facilities then currently being made;

(3) the plans and programs of the Joint Committee regarding the acquisition or replacement, or both, by purchase, lease, or otherwise, of automatic data processing and information storage and retrieval facilities in the immediate future, and new or additional uses and applications of such facilities;

(4) the operation and results of the program of the Joint Committee for the submission, consideration, and evaluation of suggestions and proposals regarding uses and applications of automatic data processing and information storage and retrieval facilities.

(5) each contract entered into by the Joint Committee with any person or organization in private enterprise for the acquisition, by purchase, lease, or otherwise, of automatic data processing and information storage and retrieval equipment, machinery, and facilities, including the name of such person or organization and the monetary cost to the Government under such contract; and each agreement or arrangement entered into by the Joint Committee with the executive branch under section 406 of this Part;

(6) the total monetary cost to the Government under all contracts covered by subparagraph (5) of this section;

(7) the procurement by the Joint Committee of the services of individual experts or consultants and organizations thereof, and of panels, groups, or other bodies of advisors to the Joint Committee, including the name of each such individual or organization and of each such advisor, the cost to the Government for the services of each, and the total cost of all such services; and

(8) such other matters as may be necessary to provide the Congress with full and complete information regarding the activities and operations of the Joint Committee.

(b) Each report of the Joint Committee under this section shall be printed as a House Document and as a Senate Document.

EXPENSES OF THE JOINT COMMITTEE

SEC. 412. The expenses of the Joint Committee shall be paid out of the contingent fund of the House of Representatives, from funds appropriated for the Joint Committee,

upon vouchers signed by the chairman or the vice chairman of the Joint Committee.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: On page 104, line 13, strike out "PROCESSING".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 106, line 4, strike out "Legislative".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 119, line 18, strike out "(a)".

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. MOORHEAD

Mr. MOORHEAD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MOORHEAD: Page 105, line 20, immediately after "(3)" insert "except as otherwise provided in this paragraph,".

Page 106, insert the following immediately after the period in line 3: "Nothing in this Part shall impair the continuing authority of the Committee on House Administration of the House of Representatives, the Committee on Rules and Administration of the Senate, after consultation with the Joint Committee, to acquire and use, to any extent otherwise authorized, such automatic data processing and information storage and retrieval equipment and facilities as they may respectively deem appropriate to aid them in the discharge of their respective functions."

Mr. MOORHEAD. Mr. Chairman, I rise to support the amendment offered on behalf of myself and the distinguished gentleman from Illinois, Mr. MCCLORY. This amendment, which we think clarifies and strengthens the intent of title IV, establishing a Joint Committee on Legislative Data Processing, charged with the responsibility of bringing computers to Congress. You have all received our letter explaining this amendment.

This letter states:

As the original authors of legislation to create such a Joint Committee to bring ADP support to the Legislative Branch, we want to make it clear that we did not intend to infringe in any way upon the jurisdiction of the House Administration Committee, and we do not believe that Title IV does so. However, to avoid any misunderstanding, we intend at the proper time to offer the following amendment:

The amendment is as follows:

Page 105, line 20, immediately after "(3)" insert the following: "except as otherwise provided in this paragraph,".

Page 106, insert the following immediately after the period in line 3: "Nothing in this Part shall impair the continuing authority of the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate, after consultation with the Joint Committee, to acquire and use, to any extent otherwise authorized, such automatic data processing and information storage and retrieval equipment and facilities as they may respectively deem appropriate to aid them in the discharge of their respective functions."

In H.R. 20422, which I introduced in the 90th Congress, and again in H.R. 7012, the Moorhead-McClory bill of the 91st, I called for an independent facility under the jurisdiction of a Joint Committee on Legislative Data Processing, aided by a professional staff to operate the facility, an independent advisory board comprised of key legislative branch individuals and outside data processing experts.

I am delighted that the Subcommittee on Congressional Reorganization, under the able leadership of Chairman SISK, has unanimously adopted this concept of the Joint Committee and has provided broad enough language in the report which would not rule out adoption of the other provisions should we pass this legislation.

We are all indebted to the gentleman from Louisiana (Mr. WAGGONNER), chairman of the Special Subcommittee on Electrical and Mechanical Equipment of the House Administration Committee for his leadership in this area, and I must emphasize that the creation of a joint committee would in no way detract from the efforts of the working group on automatic data processing set up by this committee for the House. Indeed we will learn from it, as we did from the pioneering efforts of the Office of the Clerk of the House of Representatives.

Let us not get lost in jurisdictional disputes. Congress needs help.

I was one of the eight signers of the resolution adopted by the Democratic caucus February 19, 1969, which stated:

Resolved, That the Committee on House Administration be fully supported by Democratic members in efforts to improve the efficiency of operations of the House of Representatives and we urge that these efforts include, but not be limited to the use of computers and of a centralized mail processing system.

In signing this resolution introduced by my able colleague (Mr. BRADEMAS), I said:

That the Resolution we offer is but the first step, and we should take it, but if we are really to accomplish our purposes, we need much more. We need to develop a *coordinated* system where the computer capabilities of the Library of Congress, the Clerk of the House, the Secretary of the Senate, all of whom are going their separate ways, can communicate with each other, and those systems downtown.

As Congress moves into the computer age, it is my feeling that the biggest mistake we can make is to acquire one system for mailing service and find that another is required for research, another for file maintenance, another for publication of the Digest, and so forth. The result will be an expensive, inefficient group of incompatible machines and programs which will leave the Congress little better served and probably as far behind as it is now.

Coordination on Capitol Hill is not the easiest of tasks when one realizes that we have a bicameral legislature, one House having 435 Members and the other 100, and no single leader over both Houses. In addition there are semiautonomous bodies such as the Library of Congress, the Comptroller General, the Public Printer, and the Legislative Counsel of both Houses.

Mr. Chairman, I am all for continuing our support of the particular and special computer activities now being handled by the Clerk, the Legislative Reference Service of the Library of Congress, the GAO and most importantly, the House Administration Committee.

But we must not continue to be short sighted. A single authority is urgently needed to set policy, coordinate existing programs, acquire equipment, continue to study improved technology and techniques, and plan for the future.

Testifying last November before the Sisk Subcommittee on Congressional Reorganization, the gentleman from Texas (Mr. BROOKS) said:

In terms of the Congress, a unified approach to achieve compatibility and to avoid duplications in computer capability means that some organization must coordinate computer acquisition and use for both the House and the Senate, as well as all of the support units of the Congress.

He further went on to state that as a result of the work done by the Government Activities Subcommittee, of which he is chairman, in the coordinated, business-like approach to the management of computers in the executive branch, more than a billion and a half dollars has been saved, and additional savings are accruing at the rate of between four and five hundred million dollars annually.

THE SURVEY OF THE USE OF ELECTRONIC DATA PROCESSING BY STATE

"Legislatures," recently published by the Institute of Government at the University of Georgia, states that 34 States, or 84 percent are currently employing computerized legislature information systems or are actively planning to do so in the near future, and all systems in the State legislatures are set up for the joint use of the House and Senate. Twenty-two States have systems for statutory retrieval in full operation and five more are definitely planning to do so.

Of particular note to me is that the State of Louisiana, has established a Joint Committee on Legislative Data Processing, composed of two Senators, three Representatives and the Commissioner of the Division of Administration.

A Joint Committee on Legislative Data Processing is our best bet to achieve strong congressional computer coordination without infringement upon the proper prerogatives of either House.

With the adoption of this amendment to the Joint Committee concept we would assure ourselves of the best of all possible worlds. One, the House Administration Committee and the Clerk of the House of Representatives could provide us with computer capability when the House alone is concerned and two, the Joint Committee could move to achieve coordination of computer capability when both the House and Senate are concerned or when both Houses of Congress are involved with such semiautonomous bodies as the Library of Congress, the Legislative Counsel of both Houses, the Public Printer, the General Accounting Office, and the Bureau of the Budget.

I urge all of my colleagues who have

been active in their own way to modernize Congress to come together on this, and vote for this perfecting amendment to title IV.

Mr. WAGGONNER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I know that the gentleman from Pennsylvania (Mr. MOORHEAD) has with good intentions offered this amendment. But I want you to pay careful attention to the reading of this amendment, because I doubt seriously that most of you have, at this point.

The amendment says:

Nothing in this Part shall impair the continuing authority of the Committee on House Administration of the House of Representatives, the Committee on Rules and Administration of the Senate, * * *

And listen carefully now to these next words—

After consultation with the Joint Committee, to acquire and use, to any extent otherwise authorized, such automatic data processing and information storage and retrieval equipment and facilities as they may respectively deem appropriate to aid them in the discharge of their respective functions.

Now exactly what does this mean? It means that the House Committee on Administration—no committee to the House of Representatives—no officer of the House of Representatives can provide anything in the way of ADP services for their committee or for this body without consultation—and consultation requires approval of the joint committee.

Now how many of you Members of the House are willing to make subordinate to the joint committee, to the U.S. Senate, the services provided for the House of Representatives? We, for example, are in the process of trying to devise a system of computers for addressing the mass mailing of Members of the House. The Senate already has a computerized addressing system.

If we adopt this amendment, this means that we, in effect, have to have the approval of the Senate before we can proceed to provide these services for the House.

Mr. MOORHEAD. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I am glad to yield to the gentleman.

Mr. MOORHEAD. I want to assure the gentleman that it is my intention in using the language consultation to mean consultation and only that. You must talk to the committee, and if the committee says, "Get an IBM 110 and if the Committee on House Administration does not want to go along with it, then under this amendment it would not have to." It would have completed its duty as long as it consults.

It would have completed its duty——

Mr. WAGGONNER. Then the gentleman's amendment is totally meaningless.

Mr. MOORHEAD. No.

Mr. WAGGONNER. Then why should we consult if we are not forced to comply with the result of the consultation?

Mr. MOORHEAD. If the gentleman wishes to offer an amendment stating that no approval is necessary in order to clarify the matter, that would be satisfactory. I merely want to make legislative history on the floor of the House.

Mr. WAGGONNER. The argument was advanced Tuesday—I said at the outset the gentleman offered this with good intent, but the argument was made here then, "Let the House run its business and let the Senate run its business" when we were arguing germaneness. Is there anything more proper for the House to work its will and the Senate to work its will than in the area of housekeeping and services for Members of the House?

Mr. MOORHEAD. I agree with the gentleman, but where there are joint things such as bill retrieval—if the House cannot retrieve from the Senate and the Senate cannot retrieve from the House—we do not have an effective bill retrieval system.

Mr. WAGGONNER. Of course, the gentleman is aware that the Senate has done nothing while the House has done something.

Mr. MOORHEAD. I agree, the House is far ahead of the other body. I congratulate the gentleman for it. Ultimately there will have to be coordination.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from Ohio.

Mr. HAYS. I will say to the gentleman that if you want to kill any possibilities of the House of Representatives having any computerization, you set up a joint committee with the other body. I do not speak with lack of experience. I have been a member, or was a member of a joint committee with the other body for 20 years, and it did less in 20 years than a subcommittee of this House will do in 30 minutes.

In the first place, you never get them to attend. You never could get a quorum. The only time they came was when a Senator who had been chairman of it for years wanted to be reelected chairman. Then they never met again for another 2 years when he ran again for the office.

If you want to have a retrieval system, this whole section should be stricken out and the amendment of the gentleman from Pennsylvania ought to be defeated. The gentleman from Louisiana will offer an amendment to let the House go ahead, and it ought to be adopted. If you have ever been in a conference with Members of the other body, you do not need any more experience. You have had enough.

Mr. WAGGONNER. Mr. Chairman, I do not feel that any further debate on my part is necessary. I think I have made the point. I yield back the remainder of my time.

Mr. McCLORY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. I joined in the amendment because it is my hope that the hard work, the effort, and the very thorough consideration which has been given by the Committee on Reorganization can be sustained in the provisions that they have included in this bill.

I would say at the outset that the subject of applying data processing to our work in Congress is an extremely complex and difficult one.

I introduced legislation several years ago—and I think mine was the first bill—which would have vested in the Legislative Reference Service of the Library of Congress, which is jointly utilized by the other body and this body, the establishment of an automatic data processing facility. That would be the appropriate agency where we would be able to store the vital information which can help us to do our jobs better. That concept was enacted, as a matter of fact and was embodied in the reorganization bill passed by the other body in 1967.

It is true that automatic data processing has a great many applications. When I served formerly on the House Committee on Government Operations I learned of the terrible overlap, the terrible waste which was involved in the executive branch, which I understand now has over 4,600 pieces of computer hardware costing hundreds of millions of dollars. So, when we get into this new area of data processing and the purchase or lease of ADP equipment, we are talking about an awful lot of money and we are talking about equipment which most of the time, no matter what we do here, will not be in use. In other words, most of the time the ADP hardware, will be idle. It seems to me that what we should try to do in this bill is to try to advance the efficiency of Congress. We should try to develop a means whereby we can utilize the hardware to a maximum.

I want to say this, that insofar as the independent operations of the House are concerned, insofar as our attendance records, insofar as House bills and amendments are concerned, the entire operations of the Clerk of the House, and things of that nature. In other words, our housekeeping and our payroll and all the other House applications of ADP, should be entirely and exclusively in the control of the House Administration Committee. But when we talk about ADP in the General Accounting Office and in the Legislative Reference Service, it does not seem to me that it is our exclusive prerogative to control what is going to be there.

If we are talking about having an exclusive facility, it seems to me what we are doing is to authorize duplication and added expense. So, I am hopeful we can support the validity of the Special Committee's recommendation, which is embodied in the bill before us.

I am reminded that in connection with the Penn Central bankruptcy, it was pointed out that another affiliate of this great railroad had a computer operation which could not be meshed with the Penn Central, and that was accounted as one of the principal bases for its bankruptcy, because one computer could not talk to the other. If we are speaking about an independent computer facility, one for this body and one for the other body, with respect to needs which we have jointly, then we are talking about adding waste and not efficiency.

Mr. NEDZI. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from Michigan.

Mr. NEDZI. Mr. Chairman, I agree with the gentleman on everything he said except the final conclusion. The problem I have is with respect to overlapping jurisdiction of these two parts of the bill, the original bill and the gentleman's amendment. It seems to me we are authorizing both committees to do the same thing.

Mr. McCLORY. It seems to me what we are doing with the joint committee is establishing the professional technical assistance both for the other body and for this body of a kind which the House Administration Committee can utilize. In the committee bill we are going to take advantage of this service which is jointly available to both bodies and available to all the Members, and to all the committees of this body, and the other body. In utilizing that professional talent we can apply automatic data processing for our benefit almost endlessly.

Mr. NEDZI. That is not what the bill says. The bill says the Joint Committee:

(1) shall prepare, develop, place in effect, and maintain, and may revise as it considers necessary, a comprehensive and coordinated program for the establishment and maintenance of a comprehensive, modern, up-to-date, and efficient automatic data processing and—

And so forth.

Mr. McCLORY. The gentleman from Pennsylvania and I have said in a sense that the provisions as contained in the bill do not tread on the toes of the House Administration Committee and do not impair their prerogatives with regard to the individual applications of ADP of the House which are for the exclusive benefit of the House.

Mr. HAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me amplify this business of joint committees and joint operations a little further. I am chairman of the Accounts Committee. The jurisdiction of that committee covers finances for the radio and television department around here. We had a joint operation and we had to quit it, because the House Members could not get in. It was preempted by the Senate. Every time a Senator wanted it, the staff made arrangements for the Senator to have it. If we have a joint data retrieval system, the House will be able to use it when no Senator wants to. We do not have joint mail rooms, because if we did, at this time of the year, our mail would not get through until Christmas. There would be too much Senate mail around there. If we had a joint addressing arrangement, Members could bet their bottom dollar they would be coming in last.

If Members do not believe me, they should go on a joint trip with Members of the other body some time, and they will get whatever seats are left in the plane if they are House Members, and when they arrive, if the embassy has enough cars, the Senate will ride and our Members will walk.

I believe in the two Houses working together, if possible, but one cannot work together with some of those people because they feel, "We are superior to the House Members," and that they should come first.

Do the Members want to junk everything the gentleman from Louisiana (Mr. WAGGONNER) and his subcommittee have done? I am not on that subcommittee. I am glad I am not, because they have worked too hard, too long for too many hours. I would not like to put in all those hours. They are right in the discussion as to getting something for the House.

Do Members want to establish a joint committee and start all over? They can bet their bottom dollar who is going to run the joint committee. I already know, so I am asking the Members to defeat the amendment of the gentleman from Pennsylvania. Let us get on with the amendment of the gentleman from Louisiana (Mr. WAGGONNER) adopt it, wrap this bill up, and quit for the weekend.

Mr. BOLLING. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I hesitate to get into this particular aspect of the subject. I no more enjoy tangling with the gentleman from Ohio on this subject than on anything else.

The gentleman from Ohio said a couple of things with respect to which I have had some experience, also. I do not know, frankly, whether the gentleman from Ohio has used the recording facility. I have, from the day I got here. I recorded regularly when it was a joint facility. I never was kept waiting by anybody. I would make an appointment, I would be there, and I would get my time.

When the matter broke up into separate groups, it broke up for a very specific reason of conflict of personalities, which had very little to do with anything except staff.

Furthermore, I have been a Member for 20 years on the Joint Economic Committee. There has never been a time when I have had the experience the gentleman from Ohio seems to have had with the U.S. Senators. They are treated just like other members of the committee. The gentleman from Pennsylvania (Mr. MOORHEAD) can testify to that. He serves on that committee.

It may be that in different ways there are greater difficulties in other circumstances, but my experience has been a perfectly pleasant one, and when I have been on trips with them, there has never been anything about front and back seats.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. BOLLING. I am delighted to yield to the gentleman from Ohio.

Mr. HAYS. I will say to the gentleman when we asked why the recording facility was being compartmentalized into the Senate and the House, my committee was told that the Senate was setting up its own facility because the staff here, where it was, had been instructed not to give the Senators preference. So they said, "If that is the case we will set up our own."

Mr. BOLLING. I am not questioning the gentleman's word.

Mr. HAYS. I understand the gentleman is not, but that is how I got the information.

Mr. BOLLING. I am interested in that, because at the time of that breakup I was actively involved in the problem and my understanding was different. I am not prepared to go into it. It had to do with personalities and individuals rather than Senators and House Members. I do not know what the explanation is today.

The committee gave very careful consideration to the question whether there should be a joint operation or a singular operation. There is absolutely no question that the gentleman from Louisiana has done a great deal of work. At one time, as a matter of fact, the gentleman from Louisiana was working quite closely with our committee and seemed in agreement with our approach. But, as things developed, he apparently changed.

I am perfectly willing, obviously, to accept the decision of the House.

Without going into vast detail or pretending to be a great expert on computers, although I do have some knowledge of them and have made some study of the problem, I for one am totally convinced that while it may be a little bit more difficult to accomplish and a little bit more difficult to do in the long run the American people and the people on the Hill, including the House Members and the Senate Members, and all the agencies which work with and for them will be better served by a coordinated operation stemming from a joint committee.

I also believe, further, that there is a possibility and even a probability that a significant sum of money may be saved if we have an umbrella approach rather than a series of singular approaches to the problem.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. BOLLING. I am glad to yield to the gentleman.

Mr. McCLORY. I thank the gentleman for yielding.

I might say that the Committee on Government Operations and this House has taken steps to prevent the executive branch from doing what we are about to do if we reject the special committee's approach to this subject. In other words, each of the executive departments want to have their own computer facility, each one separately. That is terribly wasteful. We have taken steps to see to it that they are coordinated under the General Services Administration. It has effected savings and enabled a much better and more efficient use of the computer facilities. That is what it seems to me we should try to attain in connection with this reorganization bill.

Mr. BOLLING. I thank the gentleman.

I say in conclusion, Mr. Chairman, it seems to me that the Moorhead amendment preserves the jurisdiction of the Committee on House Administration and that the provisions of the bill are in the interests of this institution and of the whole Congress and its various agencies and, above all, in the interests of the American people.

Mr. SCHWENGEL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I shall not take 5 minutes.

We have heard some pretty potent arguments against the amendment. I rise against it not because I am against data processing—I am very much in favor of it—but I want to testify as a member of the committee, and I think the chairman will say that I am a very active member, because I have never missed a meeting in considering data processing. I want to testify that I think that progress on data processing is very important. We must proceed on this front. But I also point out that this bill has yet to pass the Senate. There are some who say that it may not pass the Senate when we pass it here today, which I certainly hope we will do. Then we should have no

data processing at all and three-point action will make no progress in this field unless the Committee on House Administration continues in the field. This, of course, they will do. It seems to me that it would be wise for us to defeat the amendment here and follow the leadership of our chairman [Mr. WAGGONNER], who has done a magnificent job in investigating this matter and holding hearings and getting testimony and information on it. We have made significant progress which I am sure that he will tell you about.

So, Mr. Chairman, I rise in opposition to the amendment because we may not get a bill at all, which will be some handicap, although I am sure that the Committee on House Administration will continue on it.

More than that, though, the committee will move ahead very rapidly. If you want real reform, therefore, and want it soon, let the Committee on House Administration proceed by knocking out this amendment. First of all, let us defeat the amendment.

Mr. MAYNE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to commend the gentleman from Illinois (Mr. MCCLORY) on the very strong statement he has made pointing out the dangers of duplication and the great cost of this computer equipment. While computers can be very useful, there is no product of modern technology that is more expensive and which has been more subject to waste. Many corporations have rushed into computer programs willy-nilly, getting more of them than they should or procuring the wrong types of systems for their real present or projected needs.

There is an unfortunate tendency to do the same in Government. Too often computer procurement within the Federal agencies has resulted through failure to coordinate programs in duplication and waste. I certainly hope that we will not make that mistake here but, rather, will make a good-faith effort to try to coordinate the procurement and use of these computers so that great savings can be made for the American taxpayer.

I am pleased that the House Rules Committee has provided in the pending Legislative Reorganization Act for establishment of a Joint Committee on Legislative Data Processing, responsible for upgrading and improving congressional sources of information and coordination of the development of computer facilities for the Congress. As pointed out by the House Committee on Government Operations, in it reporting H.R. 10791—

> Any effort to apply data processing techniques to the legislative branch is immediately confronted by two consideration: First, the need for a unified and compatible approach to system development, and, second, the need to avoid any unnecessary duplications in computer system capability . . . if systems are developed independently, there will be voids or duplications which will also limit system effectiveness and waste public funds. . . . The development of a compatible system to support the legislative branch without duplications or voids in system capacity, therefore, requires coordination among those units having common information needs.

It may well be that a coordinated study of the needs of the Congress would find that one computer system could be adopted or devised to serve both Houses and the Library of Congress. I do not believe it could be in the interests either of the House, the Senate, or the American taxpayer for either body of this Congress to pursue independent acquisition and use of automatic data processing and information storage and retrieval equipment and facilities for use by that body alone, without first coordinating with the other body and considering fully the possibility of obtaining such a data processing system or systems as would serve to meet the real needs of the whole Congress. The Joint Committee on Legislative Data Processing which would be established by the bill as it would be modified by the pending amendment would provide the mechanism for such study and coordination. I commend the able and foresighted leadership of the distinguished gentlemen from Illinois (Mr. MCCLORY) and Pennsylvania (Mr. MOORHEAD) in this effort, and urge the House approval of the proposed language providing for this coordination.

The Legislative Reorganization Act as amended is the first congressional reorganization measure since 1946. The bill would incorporate important changes in procedures of the House and its committees. It would provide the Congress with new sources of information and research, including development of an automatic data processing system, expansion of the present Legislative Reference Service into the proposed Congressional Research Service, increased budgetary information and expansion in committee staff.

The bill would write into the House Rules more democratic and equitable committee practices. As amended, the bill would give greater protection to all members of each committee by insuring them time in which to file supplemental, minority or additional views for inclusion in committee reports. It would provide greater investigatory staffs on committees for minority members if they want it, insuring that the minority party members be provided with at least one-third of the funds allocated to the committee for such purposes. The bill as amended would ban proxy votes in committees and require names and numbers on record votes taken in committees to be made public. It would open more committee proceedings to the public and permit committee hearings to be broadcast under stringent regulation. Although I am disappointed that the bill fails to make needed corrections to remove the strangleholds of the present seniority system, the other changes made by the bill as amended are of great significance.

Most important of all reforms in this bill, by itself in my view sufficient justification for enactment of this bill into law, the Legislative Reorganization Act as amended enables one-fifth of a quorum of the Committee of the Whole—20—to ask that clerks record the names of Members voting on teller votes, how they voted, and the names of Members who did not vote. This major change along with the others contained in this bill as amended, should go far in enabling the House, to regain public confidence in its ability to respond effectively and with relevance to real needs.

I commend and congratulate the Rules Committee and other Members who have helped evolve the bill to this point and I strongly urge my colleagues to support wholeheartedly the enactment of this legislation.

Mr. ANDERSON of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I shall not take the full 5 minutes. I certainly do not this afternoon pose as an expert on the subject of data processing, and use of computers in connection with the words of the House of Representatives, but I would certainly want to express my wholehearted support for the committee bill, and for the provisions of title IV, as they begin on page 104 of the bill, and express the hope that with the assurance that the House has now received, that is, if we adopt the amendment offerred by the gentleman from Pennsylvania (Mr. MOORHEAD), that it will not in any way impinge on or curtail the activities of the House Committee on House Administration; that they will accept the language of the committee bill.

I for one certainly would join in paying tribute to the distinguished gentleman from Louisiana (Mr. WAGGONNER), and the other members of the committee, for the many months of work, and very fine work, that they have done in researching this whole subject of how we can use automatic data processing equipment to the benefit and advantage of the House.

But as the gentleman from Missouri (Mr. BOLLING), and others have pointed out on the floor this afternoon, what we are talking about essentially is a retrieval system, an information retrieval system. What a tragedy it would be if we were to go off in an uncoordinated manner and at great cost to the taxpayers of this country, prepare and install a system that was incompatible with other branches of the Government, with other organizations within the Government like the General Accounting Office, the other body of the Congress, and so on.

It seems to me that the case is very strong indeed for making sure that we do make a coordinated approach to this whole problem. And what better way—what better way of doing it than by setting up the kind of joint committee that has been proposed in the language of the committee bill.

So I would seriously urge——

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. Yes, of course I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Chairman, is the gentleman aware that the chairman of the full committee, at the request of the subcommittee, addressed a letter last year to the majority leader and the minority leader of the U.S. Senate, asking them if they would come and work with us, and they refused to even give us the courtesy of a reply?

Mr. ANDERSON of Illinois. I am informed that, regrettable as that incident

was, that there was a change in attitude on the part of the gentlemen on the other side of the Capitol. I am sorry that the gentleman suffered that sort of a slight, and I do not believe the gentleman should have been turned off in that very cavalier manner, if indeed he was.

Mr. WAGGONNER. The slight was not to this gentleman. It was to the gentleman who addressed the letter to the majority and minority leadership of the U.S. Senate, and that was the chairman of the full committee, the gentleman from Maryland (Mr. FRIEDEL).

Further, I would ask the gentleman if the gentleman is aware that since hurriedly the Senate committee has created an ADP Subcommittee, that they sent some staff over to talk with us about what we were doing. And they were specifically asked if the Senate now wanted to work with us, and their reply was, "No, we only want to know what you are doing."

Mr. ANDERSON of Illinois. I am not aware of what the gentleman has just related, but I feel sure that if we proceed in the manner suggested in the bill by setting up a joint committte, and this bill is approved, as I hope—and seriously hope—it will be by the other body, and they are able to appoint Members to the joint committee, I see no reason at all why we cannot and should not work effectively and harmoniously with the other body in order to have, not an added voice interfering with the intermural affairs of this body, but in an effort to attack the broader problem of retrieving information from various sources, from various branches of the Government so that we can coordinate the whole approach, that we ought to make on the whole subject of legislation, and be more effective legislators.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, first let me say that I agree with what we have heard as far as the tenor and thrust of what should be accomplished, but I think the gentleman should be informed that that is exactly the attitude that the subcommittee has taken. That is the manner in which we are proceeding. We have already expended in the form of contacting this problem some half a million dollars to do exactly this. And nothing that this committee anticipates doing, and nothing that we have even discussed so far would limit what we have done just to the House.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(Mr. ANDERSON of Illinois asked and was given permission to proceed for 1 additional minute.)

Mr. ANDERSON of Illinois. Mr. Chairman, let me conclude merely by saying that my support of the joint committee and my support of this title of the bill is not in any way based on any desire to criticise what we have done and what other members of the Committee on House Administration have done.

I think it rather is out of a desire to correct some of the very things that the gentleman from Louisiana (Mr. WAGGONNER) has been talking about—to bring the Senate in on a formal basis in the planning and coordination of that study and the acquisition and procurement of this equipment and to avoid some of the very problems that you have pointed out that have arisen in the efforts you have made in informally consulting with the other body.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman.

Mr. DICKINSON. We are agreed where we want to get and to go as to the final point. The question is—how best to arrive at that point? We are well down the road now. We do know how to get there. We will accomplish what you seek.

Mr. PODELL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am a member of the House Committee on Administration and of Mr. WAGGONNER'S subcommittee in connection with the study of the computerization for the House of Representatives.

I have the utmost regard for the gentleman from Illinois and the Committee on Rules who propose that we establish a joint committee with the Senate.

The only problem is that this desire for establishing a joint committee with the Senate may be a one-way desire. It is obviously not the desire of the other body to work with us—and not only in this instance. It might interest the Members to know that we tried to do a similar thing with the radio and television room downstairs and we tried to work in connection with the other body and they refused to work with us and this would save us a considerable amount of money.

More important, however, we have gone a long way in discussing the use of computers for the House of Representatives. We worked closely with a working group of people from the GAO and the Legislative Reference Service who are very familiar with computer programing throughout the entire administration and in the Senate. We have worked with these people who are familiar with the Senate operation and it is our intention to make sure that the hardware we do use will be the same hardware that could lead into the computers presently in existence throughout the administration—let alone that which is in existence in the Senate and even in the Library of Congress.

I think what you are going to do by frustrating the attempt of the Committee on House Administration to continue in its work is delay and unnecessarily encumber our activity.

I would personally feel extremely frustrated because I worked many arduous hours—attending committee meeting after committee meeting, both in session and out of session on this subject. We have gone a long way—we have let out contracts, we are on our way.

If we have to consult with the other body it will frustrate all of our efforts.

Historically we have worked hard and long on this and so have other Members of the House. I think this body should permit the Committee on House Administration to continue these efforts.

Yes, we would be delighted to consult with the other body if they wish to consult with us. But if they do not and we want to continue on our own and in our efforts, I can assure the body at the end of next year we will have a complete system to submit to this House in the same manner as we shall have a system of electronic voting to be submitted to this House before the end of this session.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. PODELL. I yield to the gentleman.

Mr. McCLORY. The thing that bothers me is this. If we are going to store information in computers, we can certainly store the same information for the benefit of both the other body and of this body in the same manner as we utilize the legislative reference service at the present time. It seems to me rather odd that we would establish a facility for our independent use which would not be available to both bodies.

It seems to me furthter that it would be a waste for us to do that. So with regard to the legislative reference service and the GAO, and in numerous other areas it should be a joint operation or it is going to be a complete duplication.

Mr. PODELL. In response to the gentleman, let me say first of all that the legislative reference service have three men at this time who are working together with the GAO, and have been working together on this from the very inception.

The other body could establish their own hardware. We certainly would be delighted if they would share the cost of our own hardware. But this is up to the other body. They can work with us if they wish. But up to now they did not wish to participate.

If they wanted, they could go out and install their own equipment and that is their prerogative to do so. We invite them to participate with us, but we do not make it a mandate so that we cannot continue without their prior consent and approval.

Mr. McCLORY. If the gentleman will yield further, in the earlier reorganization bill which passed the other body there was a provision that an automatic data processing facility would be established in the Legislative Reference Service. Also there was provision for a Joint Committee on Congressional Operations which would specifically study improvements in automatic data processing.

The CHAIRMAN. The time of the gentleman from New York has expired.

(By unanimous consent, Mr. PODELL was allowed to proceed for 1 additional minute.)

Mr. PODELL. I would just like to point out you are referring to the legislative reorganization bill of the other body.

Mr. McCLORY. That is correct, the bill that passed the other body but did not pass this body.

Mr. PODELL. That particular bill may have passed the other body, but there has certainly been no indication that they have had any desire to deal with us ever since.

Mr. MOORHEAD. Mr. Chairman, will the gentleman yield?

Mr. PODELL. I yield to the gentleman from Pennsylvania.

Mr. MOORHEAD. Let me say to the gentleman that if my amendment is adopted, the only obligation on your committee would be to consult with the Joint Committee. You could continue to do everything that you are now doing. The only thing is that if the Joint Committee says, "Maybe you can share time on this machine," or "Maybe you could consider using this machine," such use of the facility could be made. But if you say, "No," this amendment says the House administration can proceed regardless.

Mr. PODELL. If the gentleman would be satisfied, for purposes of legislative history I am sure the chairman of our committee would state that he would be delighted to consult with the other body if they would be willing to consult with us. By putting the committee provision into the language of the bill, you would be mandating something that may not be possible.

Mr. MOORHEAD. I merely say that if the other body enacts this legislation, you will have machinery to effect coordination.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. MOORHEAD).

The question was taken; and on a division (demanded by Mr. MOORHEAD) there were—ayes 20, noes 50.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. WAGGONNER

Mr. WAGGONNER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WAGGONNER: Strike out part 1 of title IV, which includes all of section 401 through section 412, beginning on page 104, line 12, down through page 124, line 26.

The CHAIRMAN. The gentleman from Louisiana (Mr. WAGGONNER) is recognized for 5 minutes.

Mr. WAGGONNER. Mr. Chairman, the amendment just read would strike part 1 of title IV of this legislative reorganization proposal. It specifically would remove everything from the bill which makes in order or makes mandatory a Joint House-Senate Committee on Automatic Data Processing.

Mr. Chairman, the House Committee on Administration has for nearly 2 years now, for the better part of the 91st Congress, been looking into the need and the possibility for providing the House of Representatives and the Congress, if the Congress as a whole wants it, a system for retrieving storable information.

We have been looking into all the aspects of updating the operation of the Congress. We have been considering, for example, something this bill deals with as well, and that is what we shall do about our voting procedures. I mentioned earlier, and I want to specifically talk about it now, that on July 9 of last year, the gentleman from Maryland (Mr. FRIEDEL) the chairman of the House Committee on Administration, addressed a letter, which I have a copy of here in my hand, to the majority leader of the other body, which said this—and it is important:

JULY 9, 1969.

Senator MIKE MANSFIELD,
Majority Leader,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: Because of the ever increasing demands on the Congress and because of the tremendous strides which have been made in the automatic data processing field, the Committee on House Administration has undertaken an in depth study of a data retrieval program calculated to fill the needs of the Congress in meeting its obligations. In this connection our special Subcommittee on Electrical and Mechanical Office Equipment has been designated to undertake the development of an automatic data retrieval system for the House of Representatives. Most of the work for the Subcommittee will be accomplished by a task force comprised by experts in the computer field from the General Accounting Office, the Library of Congress and the office of the Clerk of the House. This group has been selected because of its wide experience in the data processing field with expertise which we believe could not be matched anywhere in the computer industry. Furthermore, those individuals who comprise the group have excellent knowledge of the needs of the Congress.

Much of the planning will involve data relative to the status of legislation in the Senate as well as the House of Representatives and other information, most of which is of common interest to both the House and the Senate. It is expected that the ultimate system will go far beyond the legislative field and the retrieval of data calculated to assist Congressional committees. The system we hope to develop will readily provide Members with necessary material for the day by day operation of a Congressional office.

Because it would appear highly desirable that any system designed for the House be compatible with any system which might be considered or under study in the Senate, you may wish to consider joining with the House of Representatives in this effort which is still in the initial stage. Should you wish to learn more of our plans you may want to designate a committee or staff group in the Senate to discuss the objectives and procedures we have in mind. I would be available for such a discussion and so would Chairman Joe D. Waggonner, Jr., of the Subcommittee handling the project. The staff of the Subcommittee would be glad to assist in any way that is possible. Attached for your information is a copy of the procedural outline which the study group will generally follow.

With best wishes, I am

Sincerely yours,

SAMUEL N. FRIEDEL, *Chairman.*

Mr. Chairman, that letter was completely ignored by the other body. The word—when we made an inquiry as to why we had not had an answer—which came back to us, was that the majority leader of the other body did not do business with committee chairmen, he did business with the Speaker and the majority leader of this body.

If we cannot communicate any better than that, there is no way under God's blue canopy of heaven that a joint committee can succeed.

(By unanimous consent, Mr. WAGGONNER was allowed to proceed for five additional minutes.)

Mr. WAGGONNER. Mr. Chairman, after we created our committee and after we were at work, the other body came back to us and wanted to know what we were doing. They were asked, as I told the Members a few moments earlier, "Do you now want to work with us?" Their answer was, "No, we only want to know what you are doing."

As of last night the Senate had created a sham committee, because they have not hired a single employee. It is a paperwork committee in its entirety.

In November of last year this body, as a result of our work and at our request, passed a resolution which gave the committee $500,000. To do what? To do exactly this: It authorized the committee to incur such additional expenses, not in excess of $500,000, as it deemed advisable in carrying out its duties, including the development of a computer system for the House of Representatives.

In the process of this we have held 22 special subcommittee meetings and some full committee meetings. We have had 14 presentations from corporate groups. We have had 30 working group meetings. We have interviewed 101 Members of Congress, 210 staff members of the House of Representatives which is a total of 311 interviews in number.

In June, earlier this year, we let a contract to the Stanford Research Institute as the primary conceptual planning contractor, and also to the Mitre Corp., to be our auditor to review what we were doing, to be sure that the contractors we were doing business with did not get off base. We let contracts to the Computer Sciences Corp., to the System Development Corp., to EDP Technology, Inc., to General Computing Corp., and Scientific Resources Corp., to InTech Corp., and to Systems Consultants, Inc., to design the concept of this system.

If the Members want to proceed now and get a system, which we have to have, which is something as important to this Congress as it was years ago to establish a Library of Congress, then I say we should not undo this work. It is our only chance to begin to free ourselves from domination by the executive. If the Members reject this they are going to be 3 years getting back to where we are now, and make no mistake about it.

Mr. Chairman, we are taking into account completely the need to interface with the executive branch of the Government and the other body of the U.S. Congress, if they want to. We are behind in designing a system which must interface with what the executive branch of the Government has already done, and it will likewise be necessary, if we do our work properly—and we are—for the Senate merely to tie on in an expansionary way with whatever we do.

Mr. NEDZI. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I am happy to yield to the gentleman from Michigan, a distinguished member of the committee.

Mr. NEDZI. Is it not true in consulting with all these corporations the working group and the subcommittee has consulted with all the major corporations involved in this kind of a program and at every step of the way we have always inquired of them to make certain that they take the Senate requirements into consideration and that any computer system devised for this House had to interface not with just the executive branch but also with the Senate?

Mr. WAGGONNER. Exactly. We have talked with every computer corporation, every software corporation in the country which wanted to talk with us. I believe they now number 59. They are the best in the business.

Mr. NEDZI. If I may correct the chairman, it is 65.

Mr. WAGGONNER. I thank the gentleman.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I am happy to yield to the gentleman from Illinois.

Mr. McCLORY. I do not want to apologize for the other body, and I do not want to question any affronts directed toward this body or personalities in this body by representatives of the other body. Also, I do not like to have our decision here made on the basis of pique or on the basis of insult or something like that. It seems to me we are dealing with a very practical problem, a dollars-and-cents problem. That is the basis on which I am trying to make my decision.

Mr. WAGGONNER. The gentleman is exactly right, but it is a practical fact of life that they have said they do not want to work with us. If we are going to deal on a dollars-and-cents basis, we have already done the preliminary work. If we want the service then we should vote to strike the provisions of this proposal which require the establishment of a Joint Committee on Data Processing because that would mean we would have to start all over again.

Mr. SISK. Mr. Chairman, I rise in opposition to the amendment.

(By unanimous consent, Mr. SISK was allowed to revise and extend his remarks and proceed for an additional 5 minutes.)

Mr. SISK. Mr. Chairman, we have come down to what our committee feels to be probably the most important amendment, the most important subject that faces this body and has faced it in the past 2 months of discussion on this bill.

As has already been stated, of course, I bow to the judgment of Members of this House. There is no question in my mind but what at some point—and I would hope in the next hour—we make a decision on this matter, but I want to say that if there is any validity to the study, the effort, and the consultation that your subcommittee has gone through and has developed in the last 18 months, then we will be making a terrible mistake if we adopt the amendment of the gentleman from Louisiana (Mr. WAGGONNER).

I have great respect for the gentleman from Louisiana (Mr. WAGGONNER) and, as he knows, he and I consulted from time to time on this matter at the time that the committee first began its work in connection with the creation of a Joint Committee on Computers and Data Processing.

I understand some of the miffed feelings that apparently exist. I am not here attempting to justify or to apologize for any Member of the other body as to why they did not answer their mail or anything of that kind. I will say, since the question has become somewhat current, that without a letter even having been directed to him, I have a letter here dated February 4, 1970, direct to me as chairman of the subcommittee. It is signed by HUGH SCOTT, the Republican leader of the Senate. The letter reads as follows:

U.S. SENATE,
OFFICE OF THE MINORITY LEADER,
Washington, D.C., February 4, 1970.

Hon. B. F. SISK,
Chairman, Special Subcommittee on Congressional Organization, Committee on Rules, House of Representatives, Washington, D.C.

DEAR CHAIRMAN SISK: I understand that a subcommittee of the House Committee on Rules, under your chairmanship, has produced a draft legislative reorganization bill upon which you are currently considering. I understand further that the bill contains provisions that will provide for comprehensive planning on congressional use of computers.

While I have not had an opportunity to familiarize myself with the details of your draft, I want to take this opportunity to congratulate you on your subcommittee's efforts to advance the cause of congressional reorganization. I have long been a supporter of that cause and especially of any movement that would encourage Congress to make the fullest and most efficient use of automatic data processing techniques in a coordinated fashion.

May I express the hope that your efforts will result in the passage of a workable reorganization act by the House of Representatives at the earliest opportunity so that the Senate may consider it in this Congress.

Sincerely,

HUGH SCOTT,
Republican Leader.

Mr. SISK. On April 21 of this year, again unsolicited—and I had not even directed a letter to him—I have a letter addressed to me as follows:

OFFICE OF THE ASSISTANT
MAJORITY LEADER,
Washington, D.C., April 21, 1970.

Hon. BERNIE SISK,
House of Representatives,
Washington, D.C.

DEAR BERNIE: I understand that the Special Rules Subcommittee which you head is about to report out a bill dealing with legislative reorganization, and that you are proposing a Joint Committee on Legislative Data Processing.

I have long been concerned that Congress was not moving fast enough to introduce the use of data processing and have felt that very beneficial results can come from a systematic approach to match our need with data processing capabilities.

Some of us in the Senate are very interested in your proposal and I want to encourage you and your colleagues in this significant step.

With best wishes.

Sincerely,

EDWARD M. KENNEDY.

I have talked on many occasions to many Members of the other body. We have consulted with both Members as well as staff people in at least two different committees of the other body, and I can assure my colleagues that there is great interest and great concern about the need to move into the computer age, and to utilize and to make use, for the benefit of improving our operations, of this kind and type of equipment.

Now, I, as I say, have no idea why the relations between the Committee on House Administration and whoever may have been contacted exists, and I will not express comment on that.

Let me say again, as I said earlier, I have great respect for the gentleman from Louisiana, and I am particularly appreciative for the work that he and his committee have done. We have followed quite closely the work of the Committee and of the Subcommittee on House Administration, the Waggonner committee. I might say that is the reason why we did not get involved in the procedures in connection with electronic voting. We know of the great work and effort that is being made, for example, as the gentleman from Maryland (Mr. FRIEDEL) mentioned a little while ago, and we feel that the progress they are making is substantial, and therefore that that is an area in which they have jurisdiction, and so we made a determination not to get involved.

I have very strong feeling, and certainly I believe this was the intent of the subcommittee members all the way through, that the work, the effort, the knowledge, the progress that is being made by the committee of the distinguished gentleman from Louisiana would be fully utilized and made a part of any such procedure as might develop as a result of this language. I could not conceive of this joint committee not including, for example, the gentleman from Louisiana, because of his background. It was never anticipated by our subcommittee that the committee would be made up otherwise than with the proper members of the Committee on House Administration, and the comparable committee on the other side, Government Operations, and comparable Members on the other side. And that they would certainly carry the major part of the load for purposes of coordination, because of their knowledge, because of their background, because of their progress they have accomplished in connection with it.

I will yield to the gentleman from Ohio in just one moment.

Let me say that yesterday this House approved a Congressional Research Service, and for a Joint Committee on the Library, and Congressional Research Service. Maybe some of the Members are not aware that that is what the House did yesterday, because it ties right in with what we are doing here today, they are one and part of the same—we even provided that on that committee shall be members of the Committee on House Administration and its counterpart on the other side.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. SISK. I yield to my good friend, the gentleman from Ohio.

Mr. HAYS. You do not provide in this section that there shall be members from the Committee on House Administration, do you?

Mr. SISK. I discussed with the gentleman from Louisiana, and I am sure the gentleman will verify this—the possibility of some kind of arrangement of that kind, and that we even discussed doing it at the time, because we have done it with the other committee.

Mr. HAYS. Yes, but you did not do it; is that right?

Mr. SISK. The gentleman is correct; it is not provided for, per se.

But would the gentleman feel that in

the appointment of the members of this committee that that would be overlooked by the leadership in doing such appointing?

Mr. HAYS. I do not know. I do not know who the leadership would be, and therefore I cannot comment.

Let me ask the gentleman this question: If the amendment offered by the gentleman from Louisiana (Mr. WAGGONNER) is not carried, does not your proposal take away from the Committee on House Administration whatever jurisdiction it has had, and what it has done, and turn it over to a joint committee?

Mr. SISK. In my opinion, it will make as a final matter of jurisdiction in connection with computer operations for the House, the Senate, the GAO, and the Library of Congress to be vested in this joint committee, and will utilize all the information and all the talent and all the material developed by both the House Committee on House Administration, as well as the Committee on Rules and Administration of the other side.

Mr. HAYS. Let me further pursue my question: If the Senate does not like something that is proposed, then they can do like they used to in the Joint Committee on Printing, not show up, no quorum, no action.

Mr. SISK. Let me say to my good friend from Ohio I accept a man at his face value. As I have indicated already, there has been substantial interest manifested to our committee by Members of the other body.

We are talking here about hardware that is going to cost hundreds of millions of dollars. If you are going to permit it to proliferate all over the place—and we have today, for example, a computer here in the House and the other body has a computer over there and the GAO has one and the Library of Congress has one—everybody is playing with one now but so far as I know not one of them is being utilized within probably 20 percent of its capacity.

Again, I am no expert but I do know this.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. PEPPER. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 5 additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. SISK. Mr. Chairman, I shall attempt not to have to ask for any further extension of time. I know we are all anxious to vote.

But as I said, this issue is the most important single issue in this bill. If we are going to make it possible for this Congress of the United States—and I am talking of the Congress and its subservient agencies, those that work with it, the GAO, the Library of the two bodies—if we want to do a job and coordinate our efforts and save untold millions of dollars in expenditures, this committee, my colleagues, is important to bring this matter under one single operating head and to tie them together.

This again, as has been demonstrated time and time again as to how expensive it can be when you begin to permit the proliferation, as I say, that to some extent is already developing.

So far as I am concerned, and I am sure many others are too, we probably will not be around here to see the ultimate full development of this kind of program, but for the benefit of the taxpayers of the future, whether they may be our grandchildren, I think it is important that we take a look at what we are doing today.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. SISK. I yield to the gentleman.

Mr. EVANS of Colorado. I am concerned about this bill going over to the other body without a provision for a joint committee because of the extent to which it might stick out as a sore thumb and incur their displeasure.

Let us assume that the joint committee provision passes and is accepted by the Senate and becomes law. Let us assume that thereafter we in the House are not satisfied with our relationship with the other body in this joint committee. My question is that—at such time in the future would it not be possible for the House by resolution of the House to withdraw itself from that committee and establish its own procedure in this regard?

Mr. SISK. Of course, we today cannot bind by any action of this Congress any future Congress. You know that certainly this 91st Congress cannot bind the 92d Congress.

Anytime, by a simple House resolution, of course, this matter can be terminated.

Mr. MOORHEAD. Mr. Chairman, will the gentleman yield?

Mr. SISK. I yield to the gentleman.

Mr. MOORHEAD. Mr. Chairman, is it not true that under this bill the chairmanship of the joint committee alternates between the House and the Senate as is the case with the Joint Economic Committee and the Joint Committee on Atomic Energy?

Mr. SISK. The gentleman is correct.

Mr. MOORHEAD. The House will have a chairman every other Congress.

Mr. SISK. That is right.

Mr. MOORHEAD.Mr. Chairman, I rise in opposition to the amendment and in support of title IV, which establishes a Joint Committee on Legislative Data Processing.

The creation of a joint committee is our best vehicle for achieving strong congressional computer coordination between House and Senate.

In his latest book, "Recovery of Confidence," John Gardner said.

> Every day at every level, outworn government machinery is wasting taxpayers' money, thwarting the efforts of elected leaders and frustrating the citizenry.

No where is this more obvious than in the U.S. Congress. It need not be so. Information can be managed.

Many of our institutions are woefully out of date and in need of change, but nowhere is this more obvious than right here in the Congress where we creak along in our offices, committees, and on the floor, using procedures and in many cases equipment reminiscent of a bygone era—yet attempting to cope with today's "information explosion."

All of us are inundated with more material than we can possibly digest, much less analyze intelligently and make timely decisions upon concerning a multitude of complicated and controversial issues affecting our constituents and the country at large.

We have a unique opportunity to bring ourselves up to date today.

Reflect on this. At a time when there are about 70,000 computers at work in the private sector, a number expected to zoom to 120,000 by 1975, and 4,200 serving the executive branch, we in the Congress have scarcely more than a dozen computers; no overall coordination between our two Chambers, no planning effort for the future.

We have been spending about $1 million annually and the executive about $1.5 billion in information technology, which puts us at a decided disadvantage throughout the whole policymaking process.

In May of 1966 I made a speech in Philadelphia in which I said:

> Today except for one small unit which the Library of Congress uses to handle its payroll, the Congress of the United States does not own one penny's worth of ADP equipment. When I tell you this I am expressing my concern for the future of representative government in the United States.

Again in 1966, I said that—

> Our constitutional government with its delicate system of checks and balances depends on the development of computer capability in the legislative branch. I propose that we bring Congress from the horse and buggy age into the age of the computer.

Last year I urged that—

> With private enterprise, the executive branch and state legislatures in the computer age, Congress must change its ways or it will fail the American people. Computers cannot make congressional decisions, but as our world gets more complex, Congress will be unable to make rational decisions without computers.

Having reviewed the various alternatives over the years since serving or the committee which passed the Brooks bill, Public Law 89-306, authorizing ADP for the executive branch, it was my determination that the most effective support for the Congress would be provided by legislation that could offer these major points: coordination and planning for the future; permanent oversight capability; and special assistance from computer experts in the private sector.

As I mentioned earlier, in H.R. 20422, which I introduced in the 90th Congress, and again, in H.R. 7012 with Mr. McCLORY in the 91st, I call for an independent facility under the jurisdiction of a Joint Committee on Legislative Data Processing, aided by a professional staff to operate the facility, an independent advisory board comprised of key legislative branch individuals and outside data processing experts.

I was delighted that this concept has been unanimnusly endorsed by the Sisk Subcommittee on Congressional Reorganization.

As Congress moves into the computer age, it is my feeling that the biggest mistake we can make is to acquire one system for mailing service and find that another is required for research, another for file maintenance, another for publication of the Digest and so forth. The result will be an expensive, inefficient group

of incompatible machines and programs which will leave the Congress little better served and probably as far behind as it is now.

Coordination on Capitol Hill is not the easiest of tasks when one realizes that we have a bicameral legislature, one House having 435 Members and the other 100, and no single leader over both Houses.

In addition there are semiautonomous bodies such as the Library of Congress, the Comptroller General, the Public Printer, and the Legislative Counsel of both Houses.

Mr. Chairman, I am all for continuing our support of the particular and special functions now being handled by the Clerk, the Legislative Reference Service of the Library of Congress, the GAO, and most importantly, the House Administration Committee.

But we must not continue to be shortsighted. A single authority is urgently needed to set policy, coordinate existing programs, acquire equipment and continue to study improved technology and techniques for the future.

A Joint Committee on Legislative Data Processing is our best bet to achieve strong congressional coordination between House and Senate. I urge my colleagues, particularly those who have been active in their own way to modernize the Congress, to come together on this and accept title IV as reported by the Rules Committee. Vote "no" on the Waggonner amendment.

Mr. HAYS. Mr. Chairman, in line with the remarks of the gentleman from Colorado that the House is 2 or 3 years on the way on this project, would it not be possible if the Senate shows some inclination to join in it—and I would be all for it if we had a joint retrieval system or an interlocking system—that we by simple resolution could let them into the club and give them the benefit of the 3 years of work that Mr. WAGGONNER and company have done just as well as we could opt out by simple resolution?

Mr. SISK. As the gentleman has said, that is correct. That is exactly what I seek. But I am sure that my good friend from Ohio would agree with me that they would not desire to do so without some kind of joint operating committee where they, too, would have some voice. What the gentleman is proposing is exactly what I hope to accomplish by this joint committee. It would utilize the great work that has been done by the gentleman from Louisiana (Mr. WAGGONNER) and the gentleman from Ohio (Mr. HAYS) in the Committee on House Administration. We would pull this together under a joint committee, and the language would permit us to proceed. Otherwise, we will waste untold millions.

The necessity of utilizing the capacity of this equipment up to 80 or 90 percent or full capacity is terribly important. Otherwise the efficiency goes down to such a great extent that, as I have said, there would be a substantial loss.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. SISK. I yield to the majority leader.

Mr. ALBERT. It is very difficult for Members who have not studied both plans in detail to know what we have here. Does it mean that if we adopt the language proposed the work that the subcommittee has done cannot proceed, that we would have to wait for the other body or for a joint committee to act?

Mr. SISK. Nothing in this bill and none of its language would hinder the able work and effort of our good friend from Louisiana. He has worked hard, and I admire the work he has done.

Mr. ALBERT. Could the work of the Committee on House Administration proceed without delay?

Mr. SISK. Yes. There is nothing in this bill that would stop any of the work or effort of the House Administration Committee that is now going on, once the effective date comes, as included in title V, and upon the setting up of the joint committee. As I have said, it is impossible for me to believe that the Members of the House would prevent the gentleman from Louisiana and others associated with him from beginning to put together and utilizing the progress already made in connection with this project.

Mr. ALBERT. If the the work of the Committee on House Administration proceeds and the joint committee does not function quickly, would it be an expensive and difficult thing if the joint committee and the other body were later to agree to a unified system for the use of the entire Congress? Would that be difficult?

Mr. SISK. Of course, to the extent that we are going to utilize all the progress we have made, to that extent we will have money. The point is the sooner we pull this together, the more money we will save. The permitting of the proliferation, I might say to the distinguished majority leader, which is already in existence by the fact that there are—and I name the computers—one in GAO, one in the Library of Congress, one on this side and one on the other side, none being utilized at the present time to anything close to capacity——

Mr. ALBERT. I hope that nothing the gentleman is attempting will thwart what the House has directed the Committee on House Administration to do and what data processing and use of computers.

Mr. SISK. Let me assure the gentleman that we will not do that. That is not our purpose.

Mr. DICKINSON. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Seventy-seven Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 303]

Abbitt	Camp	Dowdy
Alexander	Cederberg	Edmondson
Baring	Celler	Edwards, Ala.
Barrett	Chappell	Edwards, La.
Beall, Md.	Clark	Evins, Tenn.
Belcher	Clawson, Del	Fallon
Berry	Clay	Flynt
Biaggi	Collier	Gettys
Blackburn	Corman	Gilbert
Blatnik	Cowger	Gubser
Bow	Daddario	Hanley
Brock	Dawson	Hanna
Brooks	Delaney	Hébert
Brown, Ohio	Denney	Horton
Burton, Utah	Derwinski	Hull
Bush	Diggs	Hungate
Button	Dingell	Ichord
King	Olsen	Ruth
Kleppe	Ottinger	Scherle
Kluczynski	Patman	Schneebeli
Lujan	Pelly	Slack
McCulloch	Powell	Staggers
McMillan	Price, Tex.	Stokes
Melcher	Purcell	Stratton
Meskill	Rivers	Stuckey
Miller, Calif.	Rogers, Colo.	Tunney
Murphy, N.Y.	Roudebush	Widnall
Myers	Roybal	Wold

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 17654, and finding itself without a quorum, he had directed the roll to be called, when 345 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. ALBERT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, now that we are nearing the end of a bill which has consumed more time than any other bill in several years in the House of Representatives, may I take the time to commend the distinguished gentleman from California (Mr. SISK), for the courtesy, the diligence and the ability with which he has managed this very important and complicated bill. I congratulate him and his distinguished and able counterpart on the Republican side of the aisle, and the committee. I congratulate all the members of the Committee on Rules.

I believe the Members of the House are to be congratulated on the interest they have shown in this matter, on the patience that the House has demonstrated. We have had fine debate. We have considered many amendments. We do not all agree on all of them, but I believe every Member can say that everyone has had his day in the House if not in court.

Mr. Chairman, before I sit down may I say the House owes a deep debt of gratitude for the patience and skill with which the distinguished gentleman from Kentucky has presided over the many sessions on this bill. His conduct in the chair has set high standards for those who will follow him in presiding over the Committee of the Whole.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the comments just made by the distinguished majority leader are fully shared by myself.

I desire also to commend the gentleman from California (Mr. SISK) for the outstanding job he has done in handling this very, very important legislation.

I would be remiss if I did not ask that his day in the sun be likewise shared by another Member in this body from the State of California, the gentleman from California (Mr. SMITH). Both of them in this long and difficult consideration of highly important legislation have earned the deep respect and admiration of all Members of the House of Representatives.

I know how many countless hours the subcommittee of the Committee on Rules worked on this important legislation.

I think we are indebted to them as a group of three for the masterful job that

they have done before the proposed legislation came to the floor of the House. I know of no higher performance in the consideration of legislation on the floor than that which has been shown by both of them in the manner that the House has considered this very basic and very important legislation.

Mr. Chairman, I think we owe a standing tribute to the gentleman from California (Mr. SISK) and the gentleman from California (Mr. SMITH).

Mr. Chairman, if there is any time left, may I make an observation and comment concerning the amendment which I understand is pending at the present time, the amendment offered by the gentleman from Louisiana (Mr. WAGGONNER).

Some time ago the House gave authority to the Committee on House Administration and the responsibility for doing a job for all of us in the computer field and related areas. It is my best judgment that that group has done a first-class job. I am sure if they are given the continued responsibility, they will bring to the floor of the House recommendations that can be adopted by the House for the benefit of the legislative process in the House of Representatives.

Now, I know that the subcommittee of the Committee on Rules and the Committee on Rules itself have adopted a provision that would in effect tie the efforts of the House with those of the Senate. I have no objection to that eventually being the result. However, it seems to me that we should not undercut an effort that has been underway which I believe will produce results when all we have at this stage is a good-faith promise from the other body that they will join with us in seeking to achieve something for the benefit of the Congress as a whole.

Mr. Chairman, my only feeling is that we should support the Waggonner amendment, send this measure to the other body, and, if the other body is as firm in its conviction as they allege they are, then they can take the necessary affirmative action to put what they said in words on the line in the legislation. If they do not, we have then preserved our own position to proceed and proceed effectively. On the other hand, if they incorporate in this proposed legislation when it reaches the other body affirmative legislation that shows their good faith, then I think that the gentleman from Louisiana and those associated with him would be satisfied for a joint effort.

Mr. WAGGONNER. Mr. Chairman, would the distinguished minority leader yield?

Mr. GERALD R. FORD. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Chairman, the distinguished gentleman from Michigan, Mr. GERALD R. FORD, has hit the nail on the head. He said that he believed eventually what is done should be coordinated. I agree. The letter we addressed to the Senate in July of last year set forth exactly the same position; namely, that we thought it would be in the best interests of the Congress, of both bodies, and of the country as a whole to coordinate what we do.

I made the point earlier that if we are stopped where we are now, and completely relegate ourselves to the dictates of a joint committe, then we would make no progress that anyone would see for 3 years, because it would take us 3 years under the 93d Congress to get back where we are now.

I agree that coordination is necessary. Everything we have done is aimed at coordinating what we do so that the information which we desire may be retrievable.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

(By unanimous consent, Mr. GERALD R. FORD was allowed to proceed for 2 additional minutes.)

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield further?

Mr. GERALD R. FORD. I yield further to the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Chairman, we want this information coordinated, and it does seem to be desirable now to go ahead and strike this joint committee and then let us create a coordinating committee in time which does work in the area that we are concerned with, but do not create a committee now that gives a joint committee veto authority over what this House is proceeding to do.

Mr. PEPPER. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Florida.

Mr. PEPPER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I know that all of us appreciate the spendid job which has been done by the committee chairman, and by the gentleman from Louisiana, and, as he has indicated, that he thinks it is desirable that the efforts of the two be coordinated. I was going to ask the able gentleman from Louisiana if he would accept a compromise amendment that would provide, in consideration of the provisions here, and, in lieu of the joint committee, that of a joint coordinating committee, the function of which would simply be to coordinate the efforts of the two Houses in achieving and implementing data processing.

Mr. WAGGONNER. Mr. Chairman, if the gentleman will yield further, I will not agree to such an amendment until I see it. I want to see it in writing so as to see if it expresses what it is intended to convey. If a joint coordinating committee simply has the function of mediating so that we coordinate, and has no veto authority over what the House does, and they cannot stop the House from working, then the public will benefit from it. But I want to see it in writing. I do not want it to be a deceptive amendment like we had earlier today where we had to consult with the joint committee before we could even provide computer services to existing committees of the House.

Mr. PEPPER. Mr. Chairman, if the gentleman will yield further, may I ask the able gentleman from California (Mr. SISK) whether the gentleman would be agreeable to the kind of an amendment that the gentleman from Louisiana has spoken of now?

Mr. SISK. If the gentleman will yield, let me say that we have had our staff people working desperately here for the last half hour in attempt to come up with language, which we actually have, that would actually create a coordinating committee without power other than to coordinate the efforts of the two Houses.

Of course, as I understand the gentleman from Louisiana, he would of course want to read the amendment first, and I do not blame the gentleman one little bit for that.

Let me say that, in my opinion, of course, what we have proposed would not stop the gentleman and his committee, and would not hurt their activities.

I recognize the feelings of some of the members of the committee.

But if the language which we have now prepared is satisfactory, we are prepared, because it is an essential step in the right direction, and the beginning of a proposal to solve the problem.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. COLMER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am not sure but that what I had intended to say when I started to seek recognition has not pretty largely already been said.

However, Mr. Chairman, the amendment that has been worked out here, in my judgment, meets the desired objective of the gentleman from Louisiana, the gentleman from Michigan (Mr. GERALD R. FORD), and others.

The gentleman from Louisiana is now inspecting this amendment in the nature of a compromise. He is studying it, as certainly he should. I know of no one in this House who has worked more diligently on this question than the gentleman from Louisiana and he is certainly entitled to recognition and to credit therefor. He is a reasonable man. He recognizes that in the process of legislation there must be some compromise along the line, and I am very much in hope that he will see fit to agree to this amendment as a principal author of the opposition to the committee language.

Now, Mr. Chairman, I am no authority on this matter. But I recognize the facts of life and that we have to do something here. Not for reform's sake itself, but because we do have to recognize the realities.

I wanted to say something about the work that has been done by this subcommittee. I want to associate myself with all of the remarks and the compliments that have been paid to the gentleman from California (Mr. SISK) and the gentleman from California (Mr. SMITH).

I think also that we should take public knowledge of the fact that there are three other members of the committee, including the gentleman from Missouri (Mr. BOLLING), who have made a substantial contribution to the work of this subcommittee. He should certainly be included in these compliments. That goes for the gentleman from Ohio (Mr. LATTA) and the gentleman from Texas (Mr. YOUNG). And surely the able staff, who have worked so diligently and ably over these many months, are entitled to the appreciation of the House.

I feel that this committee has done a good job on a very controversial subject.

Permit me to say, Mr. Chairman, to those who oppose this legislation, and I must confess that I was not too enthusi-

astic in the inception of the legislation, that the end result is not as bad as some believe.

But let me remind you who oppose it—who think it is radical—that you could have had a much worse bill from your point of view if it had not been for the splendid work of this committee.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

(By unanimous consent, Mr. COLMER was allowed to proceed for 1 additional minute.)

Mr. COLMER. Recurring to my main observation, I hope that the contending forces here can get together on this amendment as a substitute and that we can go on and finish this bill.

Mr. SCHWENGEL. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Iowa is recognized.

Mr. SCHWENGEL. First, I wish to point out that I speak for the Republican side of the aisle on the House Administration Committee, the subcommittee, in dealing with this question. We are unanimous in our support of this amendment to take this provision out of this bill. There are good reasons for it. I think many Members of the House know that I have long been an advocate of instituting a system of data processing, evaluation systems, to give ourselves the capability to more effectively legislate. I have long been an advocate of doing this through a joint committee. I was one of those who suggested that we make contact with the Senate, which we have already done, as has been pointed out, to determine whether they really did want to cooperate.

We made this effort repeatedly, and nothing has happened. So I, along with many others, changed my mind, believing that we could proceed in a manner that would enlist and encourage the Senate, the other body, to join us and set up a system that we could coordinate with any system that they would have or to cooperate with them in any way necessary. This is possible.

As has already been pointed out and is generally agreed upon, from the standpoint of saving dollars, let me say to you that the billions we could save by instituting this plan now, or as soon as possible, is a significant saving. My prediction is that if this amendment is adopted, or some version of it, some form of it that may be worked out with some amendments that may be agreed to, we can proceed to have this system probably 2 years in advance. So the dollars we would save by going under one umbrella is as nothing compared with the dollars we could save by instituting this program now, at an earlier time.

In addition, and more importantly, we would help this House to be the kind of effective legislature that it can and should be. So I urge this House to support the amendment and give the House Administration Committee the opportunity to be way down the road, 2 years ahead of what we would be if we went into a joint committee. We have authority already. There is authorization to spend $500 million, which can be of great service not only to the Congress but also the people whom we serve. That is our ultimate objective.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. SCHWENGEL. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, what the gentleman is saying is very important, it seems to me, because there is no area in which the Congress can demonstrate that it wants to advance into the 20th century more than by taking advantage of the facilities of automatic data processing. We can improve our capability, and our decisionmaking ability, and our lawmaking ability, and expedite our business.

Mr. SCHWENGEL. I agree.

Mr. McCLORY. If a joint committee would delay establishment of an automatic data processing facility, certainly we should not adopt that approach, but if we can permit the House Administration Committee to proceed unabated, it seems to me, in addition, that by adopting the joint committee approach we can lay the groundwork for the efficient application of automatic data processing in areas we have not discussed and that are probably not even being considered yet.

Mr. SCHWENGEL. If somebody could convince me the Senate is ready to go to work with us now, I could not agree more with the gentleman, but I am convinced they are not. We have given them all kinds of opportunity to join us and apparently they are too busy or otherwise neglectful.

Mr. McCLORY. I suggest in the legislation we adopt that we leave the door open and that we provide the mechanics and facilities for a joint operation with the other body, so we can take advantage of such a joint operation if it is possible to work it out with the other body.

Mr. SCHWENGEL. My answer to that would be I believe it would be in the interest of the House if we go in the direction of the amendment, and then invite them to come in, and that we proceed with this legislation.

Mr. GIBBONS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the Waggonner amendment. I have followed the development of this legislation very closely. I am a great admirer of the gentleman from California (Mr. SISK). I think his patience and his endurance and his very gentlemanliness have been exhibited here on the floor as being of the top order and reflecting great tribute to himself and his committee and staff and other people who have worked with him.

I hope we can dispose of this question now very soon. The hour is late. The Rules Committee has within its power the ability to bring this question up at almost any occasion in the future if the need for further coordination arises.

The gentleman from Louisiana, as have all other Members of the House Administration Committee, has said that they were willing to coordinate with the Senate whenever the Senate wants to move on this matter. I believe they will. I have had some experience serving with those Members a few years ago when I was on that committee. I know how difficult it is though to carry out coordination like this with an independent body such as the Senate.

I think we can save time and save money and save everything else now by adopting the Waggonner amendment.

I urge its adoption.

Mr. THOMPSON of New Jersey. Mr. Chairman will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. Mr. Chairman, I associate myself with the remarks of the gentleman. I do not think it is at all necessary to adopt any form of an amendment requiring coordination, which, in itself, is implicit in the action which this body is taking. As a matter of fact, I think the best interest of this body would be served by adopting the Waggonner amendment and rejecting any amendments thereto.

Mr. GIBBONS. Mr. Chairman, I agree with that.

Mr. Chairman, as we conclude discussion on the Legislative Reorganization Act of 1970, I just want to take this opportunity to reflect for a moment on the far-reaching effects this bill will have on the procedures of the House.

As we will all agree, the bill as reported by the Committee on Rules, H.R. 17654, was basically a good one. It made many changes in the procedures of the House and, therefore, improved its operation in significant ways.

However, many of us felt that more changes should be made, and a group of bipartisan Members began meeting in an effort to discuss and carefully draft amendments which would only add to the fine work already done by the committee.

As I have said, the group was bipartisan in nature. All in all, it consisted of well over 100 members. However, those Republicans who worked most consistently in the preparation of the amendments were BARBER CONABLE, JOHN DELLENBACK, and WILLIAM STEIGER. The Democrats included DON FRASER, TOM REES, JIM CORMAN, JOHN BRADEMAS, JIM O'HARA, JOE WAGGONNER, and myself. We were ably assisted by Dick Conlon, Linda Kamm, and Dona O'Bannon who spent many hours and worked tirelessly along with several congressional staff members.

The group settled on a set of amendments which had the approval of all the members. After much laborious drafting, the text of each of these amendments was agreed to by all the members of the bipartisan group.

To recap briefly, the amendments dealt with the following areas:

First, recording of teller votes;

Second, providing debate time on motions to recommit with instructions;

Third, shortening quorum calls;

Fourth, further opening of committee business meetings and hearings;

Fifth, disclosure of rollcall votes on measures and matters in committees;

Sixth, providing minority with adequate committee staffing;

Seventh, provide debate time on amendments printed in advance of discussion on House floor;

Eighth, provide 3-day layover on conference reports;

Ninth, establishment of Joint Committee on Operations of Congress; and

Tenth, formalizing and strengthening of legislative counsel's office.

As is now recorded, we have had great success in having many of these amendments adopted. Our biggest victory is the fact that teller votes will now be recorded in the Committee of the Whole. Votes of individuals in committees will be disclosed and made public information. An adequate amount of debate time will be allowed for amendments which have been printed at least 1 day in advance of consideration on the House floor. The minority is guaranteed at least one-third of the investigative funds for each committee so that their staffing needs can be met. Conference reports will have to be printed and available to Members at least 3 days before they can be called to a vote on the House floor. Quorum calls will no longer be so lengthy and laborious due to a shortened procedure that has been accepted by the Members of the House. These are only some of the far-reaching changes which have been made in the procedures of the House.

In addition, the members of the bipartisan group also supported the Broyhill amendment which would provide for conversion from the base to the gross system of pay in the House. This is just another example of the efforts to end secrecy in the procedures of the House.

However, we did not have complete success. Unfortunately, one of the amendments did not pass. Although we will have limited open committee hearings and business sessions as provided in the committee bill, the Members of the House did not choose to further open these business meetings and hearings to the press and public.

The efforts of this bipartisan group have resulted in resounding success. This success means not only that the House will operate under more open and fair conditions, but it means that the people of the United States will have an opportunity to know how their representatives vote on the vital issues of the day.

Secrecy has been curtailed. This is to the credit of the Congress.

Hopefully, all action on this important bill should be completed and final passage voted today. I certainly hope the Senate will act expeditiously on this important measure so that it can be signed into law by the end of the year.

Mr. Chairman, I include a list of the amendments and an explanation thereof:

BIPARTISAN AMENDMENTS WHICH HAVE BEEN PASSED BY THE HOUSE AS PART OF THE LEGISLATIVE REORGANIZATION ACT OF 1970

1. Record Teller Votes: Provides that teller votes be recorded by clerks or electronic devices on demand of one-fifth of a quorum. Each Member's vote and a list of the absentees would be printed in the Congressional Record.

2. Provide Debate Time on Motions To Recommit With Instructions: Provides ten minutes of debate on any motion to recommit with instructions with time equally divided between the mover and those opposed to the motion.

3. Shortening Quorum Calls: Permits Member to sign in for quorum calls for 30 minutes from the start of the call and permits dispensing with the call when a quorum is reached.

4. Disclosure of Votes in Committee: Requires that a record of all roll call votes in Committees be available to the public. In addition, where there is a record vote on a motion to report a measure, the total number of votes for and against the measure would be included in the report.

5. Committee Staffing: Provides that not less than one-third of committee investigative funds be allocated to the minority party.

6. Guaranteed Debate Time: Provides 10 minutes of debate time on any amendment published in the *Congressional Record* at least one day in advance of floor consideration.

7. Three-Day Layover on Conference Reports: Requires that conference reports be printed in the *Congressional Record* at least three days before floor consideration. Reports will also be available on floor.

Mr. SISK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the time has arrived when it seems to me we could reach some kind of agreement on time. I would like to see if we can reach an agreement. Does the gentleman from Louisiana remember the day before yesterday we did discuss the intent to limit this to a reasonable amount of time?

Mr. Chairman, I think most people have pretty well expressed their opinion.

I appreciate the temper and the tenor of the debate. I recognize the differences of opinion.

It seems to me now is the time for us to reach some reasonable agreement and set a time certain to vote. At least it is my understanding there is only one other amendment on which there will be some debate. I believe the gentleman from Missouri will recall that. There is one other amendment which I understand will not require debate.

I make these statements so that Members may know the situation. It would be my hope we could start voting on this bill no later than 5 o'clock.

With reference to this, Mr. Chairman, I ask unanimous consent that all debate on this amendment and any amendments to the pending amendment close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California that all debate on this amendment and any amendments thereto close in——

Mr. SISK. Five minutes, Mr. Chairman.

The CHAIRMAN. Five minutes?

Mr. HAYS. Mr. Chairman, reserving the right to object——

The CHAIRMAN. Reservation is heard.

Mr. SISK. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Members standing will be recognized for 1⅔ minutes each.

The Chair recognizes the gentleman from Michigan (Mr. BROWN).

Mr. BROWN of Michigan. Mr. Chairman, I shall be very brief. Having introduced legislation in 1967 to provide for an Office of Program Analysis and Evaluation which would be headed by a joint committee of the Congress, I feel it is incumbent upon me to speak at this time.

At the outset I wish to commend the gentleman from Louisiana for his activities in bringing the House of Representatives into the computer age.

However, I believe it is essential that we incorporate in this legislation the concept and principle of coordination which is inherent in the proposal for a joint committee.

The private sector and the executive branch have seen the fallacy of proceedings to utilize computer services on an individual basis, whether it be an individual department or an individual activity within the private sector. I do not believe the House of Representatives, in acting upon this legislation today, can act responsibly if it does not at least recognize and profit from the errors of the past and of others.

I am sorry there is not an opportunity at this late hour to consider a substitute which might be offered so that, as I have said, the principle and concept of coordination, of joint control, of joint action can be incorporated in the legislation.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. HAYS).

Mr. HAYS. Mr. Chairman, I believe it has been made perfectly clear about a dozen times today, by the gentleman from Louisiana (Mr. WAGGONNER) and others on the Committee on House Administration, that we are willing and anxious to meet with and coordinate with the Senate any time they will meet.

I have not spoken on this amendment. I support the amendment of the gentleman from Louisiana for a lot of reasons.

First. If it does not pass we will be set back 2 or 3 years.

Second. If it does not pass we have wasted a half million dollars.

Third. If it does not pass—and this is something perhaps the Members did not read—there is a provision in the bill for the pay of the Director of Data Processing to be at the per annum gross rate not in excess of the basic pay in effect from time to time for level III of the executive schedule. Do Members know what that means? It is $40,000 a year. They set that up mandatorily. These joint committees are not cheap. Then they provide for a deputy director with a lot of words in there, and no figures, but when one looks it up it is $35,500 a year.

Then they go further and say that the joint committee may appoint as members of the staff such professional, technical, clerical, and other personnel as they see fit. God knows how many thousands of dollars a year.

Now let me say to you that the distinguished gentleman from California—and I want to join with others in congratulating him on the long, hard job—talked about spending millions and maybe billions of dollars. This is not right. The estimate is a fraction of that.

Somebody over here said that the executive departments had billions of dollars worth of computers.

The CHAIRMAN. The time of the gentleman has expired.

The Chair recognizes the gentleman from Louisiana (Mr. WAGGONNER).

Mr. WAGGONNER. Mr. Chairman, I yield to the gentleman from Ohio (Mr. HAYS).

Mr. HAYS. Mr. Chairman, I thank the gentleman for yielding.

I would say to you that compared to the billions of dollars worth of computers, that this projected expenditure for the House, and if the Senate joins in, for the other body, is chickenfeed.

Now, let us not set up another joint committee with a lot of fancy salaried and fancy titled people to redo 3 years from now what Mr. WAGGONNER and his committee, with a minimum of staff, have already done.

Let us pass the Waggonner amendment. If the Senate wants to join in with us, we will be delighted. If the Committee on Rules wants to bring in a coordinated amendment which coordinates but does not give the power to them to dominate, then I will be the first one down here in the well supporting them. But at this late date I think that the Waggonner amendment is the answer. We are ready to go. We are on the threshold, and I do not want to see us back up.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. MCCLORY).

Mr. MCCLORY. Mr. Chairman, I think it should be recognized that the subject of automatic data processing for the Congress is something that has been considered for a great many years by a great many Members. Such ADP facilities and services can be utilized by all of the committees and Members of the Congress. Its applications are almost unlimited. What we should be doing today, it seems to me, is not deciding the question of who is going to have control of the computers, but we should be deciding what machinery should be established to plan and provide for a maximum utilization of ADP techniques and services.

As I say, we are going to establish this for determining the extent to which automatic data processing can be utilized by us. In this connection, we should attempt to utilize it to the maximum and with the greatest efficiency and so as to prevent duplication. That is why, it seems to me, the special committee was very wise in giving consideration to all of these factors and has recommended the joint committee concept. It seems to me it is very valid.

I also know that the other body 2 years ago passed a reorganization bill which in general endorsed this concept that we should have a joint effort for utilization of automatic data processing.

I feel we should not in any way impinge on the Committee on House Administration but that we should offer it the opportunity for the maximum joint utilization for this type of facility. This would be the clearest possible evidence that we are prepared to move into the 20th century and that we are going to take advantage of all the opportunities available to us to do a good job.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. MOORHEAD).

Mr. MOORHEAD. Mr. Chairman, I can read the mood of the House. I know what the outcome of this vote will be. But I hope that the debate has informed the Members that utilmately there is an absolute necessity that we set up an establishment, some organization—and I think that a joint committee is the best way—to coordinate the efforts not only of the two bodies of Congress but also those semiautonomous agencies that are a part of the legislative branch, such as the General Accounting Office, the Library of Congress, the Legislative Reference Service, the Public Printer, and the two legislative counsels of the two bodies.

Imagine the situation where the Senate directs the Library of Congress to do such and such with this computer capability, and the House directs them to do something different. Who or what is going to coordinate? Who is going to make the decision? Let us recognize that we do have a bicameral legislature, 100 Members in one body, and 435 Members in the other body, and there is no one leader over both of them. Eventually machinery will have to be established, and I submit, Mr. Chairman, that the best way is the way recommended by the Committee on Rules, the establishment of a new special joint committee.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. SISK) to close debate.

Mr. SISK. Mr. Chairman, as my good friend, the gentleman from Pennsylvania, said, I recognize the facts of life, and certainly I bow to the wisdom of the House. Unfortunately I feel that that matter is not altogether being settled on the merits of the case, but I do feel, and would trust and hope that the debate and discussion here has brought out the fact that the Congress must proceed at some time, and the sooner in point of time the better, to save money, to bring this under one single control agency. There is no other way.

Unfortunately, the comment has been made, for example, about the salaries. I do not know but maybe some of the ladies and gentlemen this afternoon are not aware of what these top experts get in the field of computers, but $40,000 is a pretty nominal figure, I can assure you, for those with expertise in the field of computers. Of course, if we are going to operate that kind of a setup, the one which we have proposed, we would have to have qualified people from the private sector, and we simply were attempting to provide a way to get them.

Mr. Chairman, again I appreciate the concern of all of the Members, and I would of course hope that the amendment offered by the gentleman from Louisiana (Mr. WAGGONNER) would be defeated, and we proceed with the joint committee. However, whatever the House may decide to do temporarily, I think the results of this debate will be to serve notice upon those who follow us that it is terribly important that we proceed in as timely a fashion as possible to bring this matter into a uniform agreement between the two bodies and between its subservient agencies if we are to save untold millions of dollars.

Mr. Chairman, I urge defeat of the amendment.

Mr. NEDZI. Mr. Chairman, I rise in support of the amendment because I am firmly convinced that the way to develop an effective data processing and data retrieval system for the Congress is not through a joint committee. To be sure each body of the Congress should coordinate its efforts in this area and make certain that any system which is installed has the capability for interface with not only the other body but with other pertinent agencies of Government. I can assure the House that the Subcommittee on Electrical and Mechanical Equipment as well as the working group which has been immersed in this problem for over a year has this as a cardinal premise. Indeed, continual contact is maintained with representatives of the Senate for this reason.

As has frequently been stated the Committee on House Administration has done much work already and to deprive them of their jurisdiction at this time would be wasteful and would result in creating machinery which would not be in the best interest of either House. Members will quickly concede that there are substantial differences between the bodies. We represent with few exceptions smaller constituencies, we have 2 year terms in contrast to the 6 for Senators, we have smaller staffs, Senators have more committee assignments, House Members represent smaller geographical areas. All of these factors may have an influence on the type of system which will best satisfy the requirements of either House. Each body, therefore, should be free to work on their own peculiar requirements and then coordinate through a liaison committee which can be readily established on a less inclusive basis than is called for in this legislation. To do otherwise would necessitate Senators passing judgment on measures of particular concern to House Members and House Members passing judgment on measures of particular concern to Senate Members and except for those House Members aspiring to be Senators, this, in my judgment, is not a very satisfactory arrangement.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. WAGGONNER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HALL

Mr. HALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HALL: On page 124, immediately after line 26, insert the following:

"PART 2—JOINT COMMITTEE ON CONGRESSIONAL OPERATIONS

"ESTABLISHMENT OF JOINT COMMITTEE ON CONGRESSIONAL OPERATIONS

"SEC. 421. (a) There is hereby created a Joint Committee on Congressional Operations (hereafter in this Part referred to as the 'Joint Committee').

"(b) The Joint Committee shall be composed of ten members as follows:

"(1) five Members of the Senate, appointed by the President pro tempore of the Senate, three from the majority party and two from the minority party; and

"(2) five Members of the House of Representatives appointed by the Speaker of the House of Representatives, three from the majority party and two from the minority party.

"(c) Vacancies in the membership of the Joint Committee shall not affect the power of the remaining members to execute the functions of the Joint Committee and shall be filled in the same manner as in the case of the original appointment.

"(d) The Joint Committee shall select a chairman and a vice chairman from among its members at the beginning of each Con-

gress. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. The chairmanship and the vice chairmanship shall alternate between the Senate and the House of Representatives with each Congress. The chairman during each even-numbered Congress shall be selected by the Members of the House of Representatives on the Joint Committee from among their number and the chairman during each odd-numbered Congress shall be selected by the Members of the Senate on the Joint Committee from among their number. The vice chairman during each Congress shall be chosen in the same manner from that House of Congress other than the House of Congress of which the chairman is a Member.

"DUTIES OF JOINT COMMITTEE

"SEC. 422. (a) The Joint Committee shall—

"(1) make a continuing study of the organization and operation of the Congress of the United States and shall recommend improvements in such organization and operation with a view toward strengthening Congress, simplifying its operations, improving its relationships with other branches of the United States Government, and enabling it better to meet its responsibilities under the Constitution of the United States;

"(2) make a continuing study of automatic data processing and information retrieval systems with a view to determining the feasibility of the use of such systems in the operations of the Senate or the House of Representatives, or both, and make such recommendations with respect to the use of such systems as the Joint Committee may deem appropriate; and

"(3) identify any court proceeding or action which, in the opinion of the Joint Committee, is of vital interest to the Congress, or to either House of the Congress, as a constitutionally established institution of the Federal Government and call such proceeding or action to the attention of that House of the Congress which is specifically concerned or to both Houses of the Congress if both Houses are concerned.

"(b) The Joint Committee shall exercise all functions vested in it by section 426 of this part.

"(c) The Joint Committee shall report, from time to time, to the Senate and the House of Representatives their recommendations with respect to matters within the jurisdiction of the Joint Committee.

"(d) Nothing in this part shall be construed to authorize the Joint Committee to make any recommendations with respect to the rules, parliamentary procedure, practices, or precedents of either House, or the consideration of any matter on the floor of either House.

"'POWERS OF JOINT COMMITTEE

"SEC. 423. The Joint Committee, or any duly authorized subcommittee thereof, is authorized to sit and act at such places and times during the sessions, recesses, and adjourned periods of Congress, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths and affirmations, to take such testimony, to procure such printing and binding, and to make such expenditures, as it deems advisable. The Joint Committee may make such rules respecting its organization and procedures as it deems necessary, except that no recommendation shall be reported from the Joint Committee unless a majority of the Joint Committee assent. Subpenas may be issued over the signature of the chairman of the Joint Committee or of any member designated by him or by the Joint Committee, and may be served by such person or persons as may be designated by such chairman or member. The chairman of the Joint Committee or any member thereof may administer oaths or affirmations to witnesses.

"STAFF OF JOINT COMMITTEE

"SEC. 424. (a) In carrying out its functions under subsections (a) and (c) of section 422 of this Part, the Joint Committee is authorized, by record vote of a majority of the members of the Joint Committee—

"(1) to appoint, on a permanent basis, without regard to political affiliation and solely on the basis of fitness to perform their duties, not more than six professional staff members and not more than six clerical staff members;

"(2) to prescribe their duties and responsibilities;

"(3) to fix their compensation at respective per annum gross rates not in excess of the highest rate of basic pay, as in effect from time to time, of the General Schedule of section 5332(a) of title 5, United States Code; and

"(4) to terminate their employment as the Joint Committee may deem appropriate.

"(b) In carrying out any of its functions under this Part, the Joint Committee is authorized to utilize the services, information, facilities, and personnel of the departments and establishments of the Government, and to procure the temporary (not to exceed one year) or intermittent services of experts or consultants or organizations thereof by contract at rates of pay not in excess of the per diem equivalent of the highest rate of basic pay set forth in the General Schedule of section 5332 of title 5, United States Code, including payment of such rates for necessary traveltime.

"RECORDS OF JOINT COMMITTEE

"SEC. 425. The Joint Committee shall keep a complete record of all Joint Committee actions, including a record of the votes on any question on which a record vote is demanded. All records, data, charts, and files of the Joint Committee shall be the property of the Joint Committee and shall be kept in the offices of the Joint Committee or such other places as the Joint Committee may direct.

"OFFICE OF PLACEMENT AND OFFICE MANAGEMENT

"SEC. 426. (a) There is hereby established for the Congress an Office of Placement and Office Management which shall be subject to the supervision and control of the Joint Committee. The Joint Committee is authorized, by record vote of a majority of the members of the Joint Committee—

"(1) to appoint, on a permanent basis, without regard to political affiliation, and solely on the basis of fitness to perform his duties, a Director of the Office of Placement and Office Management to serve as the head of the staff of the Office and such personnel as the Joint Committee deems necessary;

"(2) to prescribe their duties and responsibilities;

"(3) to fix their compensation at respective per annum gross rates not in excess of the highest rate of basic pay, as in effect from time to time, of the General Schedule of section 5332(a) of title 5, United States Code; and

"(4) to terminate their employment, as the Joint Committee may deem appropriate.

"(b) It shall be the duty of the Office, upon request, to assist Members, committees, and officers of the Senate and House of Representatives seeking competent personnel with specified qualifications and to furnish advice and information with respect to office management procedures.

"(c) Nothing in this section shall be held or considered to require the use of the facilities of the Office by any Member, committee, or officer of the Senate or House of Representatives, if, in the opinion of such Member, committee, or officer, the use of such facilities is inappropriate.

"EXPENSES

"SEC. 427. The expenses of the Joint Committee shall be paid from the contingent fund of the House of Representatives, from funds appropriated for the Joint Committee, upon vouchers approved by the Chairman."

Mr. HALL (during the reading). Mr. Chairman, I have two requests.

Mr. Chairman, I ask unanimous consent that the further reading of the amendment on the continuing committee on the reorganization of the Congress be dispensed with inasmuch as copies have been supplied both at the majority and minority desks and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HALL. Mr. Chairman, I also ask unanimous consent, in view of the action just taken by the House, to strike out paragraph (2) in section 422 of this amendment which pertains to oversight of data processing and insert the word "and" at the end of paragraph (1) in section 422 and renumber paragraph (3) in section 422 as paragraph (2), which is printed on the mimeographed copy supplied to the Clerk herewith.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HALL. Mr. Chairman, we now near the completion of a program which had its birth back in March of 1965 when the Joint Committee on Reorganization of the Congress was formed. As many of you know, I was privileged to serve on that committee along with others in the House, and there are five of us remaining.

Therefore, I had more than a passing interest in the legislation that was brought forth.

As I said in the beginning, so I repeat today, I compliment the Committee on Rules for keeping this "package" alive. Much of the joint committee bill as passed by the other body and in the committee report has been adopted and implemented in the interim.

I have always been and I am today particularly interested in bringing about a continuing study of the organization and operation of the Congress as recommended by that joint committee. This would be done by the establishment of a permanent joint committee, per the amendment I have submitted herewith, which would have as its mission the constant review of the Congress—its updating and its reorganization as needed so that we would not have another 20 years, or go for 60 years with less than two completed reorganizations.

This committee would be composed of Members of both Houses and aided by a staff which would report from time to time on the relations between the Congress and the executive and even the judicial branch of our tripartite Government.

Mr. Chairman, the executive gradually, and largely by its expertise and expenditures—which we as a body have provided—has taken over the origination and the spelling out of national policy. We in the Congress are in the position of ratifying and sometimes altering or shaping that policy. The answer to that question is still to be found.

We know that it was the intent of the drafters of our form of government, a representative republic under a limited constitution, that we be the policymaking body.

What are we about to do, Mr. Chairman? More and better committee staffs, use of electronic data storage and retrieval systems, which we have just discussed may, if we can find out how to do it, help to get us back on top of this policy-formation business, or at least permit us to be a better and more intelligent participant in policy formation. The answer to that question is still to be found.

But what are we to do about the courts' abrupt, unanticipated, nor preannounced intrusion into policymaking, through strained interpretations of constitutional phrases?

This is a new problem that no one yet in the Congress seems to have come to grips with. Rather, it seems no one recognizes what is happening, or if anyone realizes what is happening, some appear not to care.

But the responsibility for protecting and promoting the Congress as an institution is dispersed. Historically, the function has been discharged—sometimes well, sometimes not at all—as the interest of some individual legislator has led him to take up the defense of the Congress. An agency of the Congress should be established as a permanent institution—to be alert to threats to its powers and its public acceptance and to consider what, if any action should be taken for its protection.

It was quite apparent to the members of the Joint Committee, that had over 3½ years of hearings, that a study of the procedures and the organization structure of the Congress should be a continuing one, seeking to adapt the Congress to a rapidly changing society, continuously searching for methods and facilities to enable the Congress to discharge its policymaking functions more effectively and in a more timely manner.

In addition, this joint committee will identify and apprise the Congress, its committees, and its Members, of any court proceeding or action which is of vital interest to the Congress. For too long, Congress as an institution—and as a coequal entity of the Federal Government—has been unaware or has failed to act when pending litigation would affect Congress as a whole or as an institution.

If we desire to promote and protect Congress as an institution we would without doubt need, and must have such information.

Mr. Chairman, this amendment will do exactly, while continuing as a committee on the organization of Congress, what was talked about profusely on the floor awhile ago as staff coordination in dealing with other adjunctive bodies of Government. It is imperative that this body do everything within its power to protect the institution of which we are a part.

I need not remind Members that the Constitution makes the Congress the chief organ of Government. The Congress bears the chief responsibility for Government, creating the structure, enacting our laws, levying taxes, authorizing expenditures, waging war, and Congress makes the policies.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

(By unanimous consent, Mr. HALL was allowed to proceed for 1 additional minute.)

Mr. HALL. The Congress protects the course of the Nation, Mr. Chairman. This, then, is the very reason for the formation of the original Joint Committee and the very reason why it should continue.

I strongly recommend that we incorporate in this bill here today this amendment, which would simply give a coordinating state of oversight on the needed reorganization, updating and timeliness as well as the effectiveness of the Congress. If Congress does not continually look within itself and take the necessary steps to reassert its constitutional prerogatives, it will be the Republic that suffers. I think it is time we got on with the job.

Mr. SISK. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from California is recognized.

Mr. SISK. Mr. Chairman, I recognize the time and effort that the gentleman from Missouri (Mr. HALL), has spent on this subject. This matter was considered by the subcommittee. The gentleman from Missouri appeared before our subcommittee, and there were other Members who supported this particular idea of a continuing Joint Committee on Congressional Operations. I think there are certain benefits that probably could be achieved. However, we have just been through a bit of a hassle here which showed that apparently joint committees are not at the moment in very good repute. I would have to say that your subcommittee, after having carefully considered it, felt that this was not a necessary adjunct to a legislative reform bill at the present time, and therefore removed it from the bill which we finally produced.

As I say, I do not feel strongly about the matter. However, it is my feeling that at least for the time being we ought to permit the various committees of each body, each one of the Houses, to continue to appraise the operations within each body, and if and when this bill should become law, in whatever form it might take—and we hope it will become law—from that time then I think we can take a look in the hopes it will not be 25 or 30 years before we attempt again to reform or to reorganize the Congress of the United States. Therefore, Mr. Chairman, on behalf of the committee, we will oppose the amendment.

Mr. Chairman, again I am not trying to rush things, but I would like to inquire of the gentleman from Missouri about the possibility of general agreement on time on the amendment and as to how many Members may wish to speak on it. I am considering asking unanimous consent that all debate on the amendment cease within 10 minutes.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. SISK. I yield to the gentleman from Missouri for comment. I do not wish to cut off discussion of his amendment.

Mr. HALL. Mr. Chairman, if the gentleman will yield, in view of the gentleman's statement that he did not personally oppose the continuing committee amendment, I am ready in 5 minutes to have the vote.

Mr. SISK. Let me be quite clear about it. Of course, the gentleman from Missouri knows that on behalf of the committee we did take a position against it.

Mr. HALL. I understand that.

Mr. SISK. I do not feel very strongly. I respect the gentleman, but I did want to be sure he did understand the committee did oppose it.

Mr. HALL. I understood the gentleman full well, and I appreciate the charming and dulcet way he handled the matter on behalf of the committee. I think we ought to have the vote.

Mr. SISK. Mr. Chairman, I ask unanimous consent that all debate on this amendment and amendments thereto close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Each Member will be recognized for 1 minute.

The Chair recognizes the gentleman from New York (Mr. CONABLE).

Mr. CONABLE. Mr. Chairman, I support this amendment. I urge its acceptance by the committee. It would certainly seem to me the process of continuing reform is an extremely important and desirable part of our institutional life. For that reason the existence of a permanent committee will, I think, enhance the public image of representative Government.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. GIBBONS).

Mr. GIBBONS. Mr. Chairman, I have examined the amendment of the gentleman from Missouri (Mr. HALL). He has had it circulating around this body for quite some time. It is well drawn and well thought out. I support it and I hope it will be passed.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, it seems to me that the amendment offered by the gentleman from Missouri is obviously sound and constructive and to the benefit of the country and of this body. I should like to associate myself with him in support of his amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. NEDZI).

Mr. NEDZI. Mr. Chairman, I rise in support of the amendment.

The CHAIRMAN. The Chair recognizes at this time, to close the debate, the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Chairman, Congress is not very good at reforming itself. About once a generation pressures accumulate to such an extent that some type of reform legislation, with much ado, is enacted. If the bill brought forth by the Rules Committee is passed without substantial modification, it is my feeling that the ado will be again about little. There are many commendable items in the proposed measure, but it can be improved.

One of the most glaring omissions in the bill is the failure to include provisions to create a joint committee on congressional operations. As you will remember, the temporary Joint Committee on the Organization of the Congress recommended the establishment of such a committee. As that body noted in its final report:

In our judgement, it is essential that the Congress establish a centrally constituted agency under which certain existing functions can be consolidated, and which can be charged with new and important functions that significantly involve the Congress as an institution, as well as continuing scrutiny of its organization and operations, including implementation of the present recommendations.

Many of the reorganization bills introduced in the House and the other body in the past several years have included such a provision. I have supported such a committee in the past and today again call for its establishment.

The pending amendment, proposed by Representatives HALL, FOLEY, MOSHER, HALPERN, RUPPE, HOGAN, KEITH, BEALL OF Maryland, DENNIS, CRANE, RIEGLE, DELLENBACK, COUGHLIN, MORSE, CLEVELAND, ROTH, SCHWENGEL, LUKENS, MACGREGOR, REES, and myself, would create a joint committee consisting of 10 members, five appointed by the Speaker of the House, and five chosen by the President pro tempore of the Senate. Two of the Representatives would be from the Committee on Government Operations, two others from the Committee on House Administration, with the other Representative selected from the remaining Members of the House. Two of the Senators chosen would come from the Senate Rules Committee, two others from the Senate Government Operations Committee and the final member chosen from among the other Senators. This selection procedure follows the advice of the Joint Committee on the Organization of Congress

"It is fitting that Members serving on these designated committees predominate the membership of the proposed joint committee because of their familiarity with issues of this nature."

The members of the proposed joint committee will choose a chairman and a vice chairman, who shall be from different Houses of the Congress. These two posts shall alternate between the two Houses with each Congress.

What will the joint committee do? It will be charged with the responsibility of making "a continuing study of the organization and operation of the Congress * * * and shall recommend improvement in such organization and operation with a view toward strengthening Congress, simplifying its operations, improving its relationships with other branches of the U.S. Government, and enabling it better to meet its responsibilities under the Constitution."

In other words, the creation of such a committee would eliminate the need for the Congress to create once a generation a temporary joint committee to examine the operations of the congressional process. Such temporary committees can at best tell the Congress what it has been doing wrong for the previous two decades. Their short-term duration insures that they will be unable to conduct a continuing in-depth study of the Congress—something that we need desperately.

In addition the joint committee will "call to the attention of the Congress any court proceeding or action which, in the opinion of the joint committee, is of vital interest to the Congress, or to either House of the Congress, as a constitutionally established institution of the Federal Government."

This provision can trace its origin to a passage in the final report of the Joint Committee on the Organization of the Congress. That committee's report noted:

The Congress, its committees and its Members are sometimes involved as parties litigant. Traditionally, representation in these cases has been by a private counsel, sometimes not paid for by the Congress or by the Department of Justice. In addition, the constitutional authority of the Congress, the will or intent of Congress, and even the application of parliamentary rules have been passed upon by the courts. In a few cases involving constitutional powers, the Congress has been represented through appearances by Senators, Representatives or attorney as amicus curiae. This representation has been on a sporadic basis and sometimes at no expense to the Congress. In contempt and perjury cases involving the powers of the Congress and its parliamentary procedures, Congress usually has been represented by the Department of Justice. This legal representation of the Congress with respect to its vital interests is unsatisfactory and the effect upon Congress of court decisions should be a matter of continuous concern for which some agency of the Congress should take responsibility. This function appropriately can be vested in the proposed joint committee, acting with approval of the leadership of both Houses.

The joint committee will issue periodic reports to the two Houses with respect to matters within its jurisdiction. However, the committee will not be authorized "to make recommendations with respect to the rules, parliamentary procedure, practices, or precedents of either House, or the consideration of any matter on the floor of either House."

The joint committee will have the power to subpena witnesses to take testimony and make such expenditures as it deems advisable. The joint committee is authorized, if approved by a majority of the committee to appoint on a permanent basis a staff of not more than six professionals and not more than six clerical staff members.

To assist it in its operations, the joint committee "is authorized to utilize the services, information, facilities, and personnel of the departments and establishments of the Government, and to procure the temporary—not to exceed 1 year—or intermittent services of experts or consultants or organizations—by contract at rates not in excess of $100 per diem."

The amendment before us also creates an office of placement and office management which shall be under the supervision and control of the joint committee. The committee will appoint a director of the office of placement and office management. Subject to the prior approval of the committee, the director shall appoint and set the salaries of such persons as may be necessary to carry out the duties of the office.

The duties of the office include those assisting upon request, Members, committees, and officers of the House and Senate who seek competent personnel and to furnish information with regard to office management procedures. The Office will operate as the central clearinghouse for applications for employment with the Congress, test the qualifications of individuals submitting applications for employment, assist those Members seeking to improve the efficiency of their offices. However, no Member, committee, or officer of the Congress shall be required to use the facilities of the Office of Placement and Office Management.

We need a permanent, joint Committee on Congressional Operations to insure that Congress will meet its responsibilities in the last third of the 20th century. I urge adoption of this amendment.

Mr. STEIGER of Wisconsin. Mr. Chairman, I rise in support of the amendment and urge its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. HALL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. REES

Mr. REES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Page 140, after line 8, insert a new title as follows—

Mr. SISK. Mr. Chairman, we have not yet completed action on title IV. It is my understanding, or am I correct, that the gentleman is offering a new title V?

Mr. REES. It is between title IV and title V.

Mr. SISK. We have not yet completed action on title IV.

The CHAIRMAN. The Chair would like to inform the gentleman from California it is the understanding of the Chair the gentleman from California (Mr. REES) is offering a new title which comes between title IV and title V, which will be in order at this time.

Mr. SISK. And therefore we have completed title IV.

The CHAIRMAN. The gentleman from California is correct.

The Clerk will read.

The Clerk read as follows:

Amendment offered by Mr. REES: Page 140, after line 8, insert a new title as follows:

"OFFICE OF THE LEGISLATIVE COUNSEL

"SUBTITLE A—HOUSE OF REPRESENTATIVES

"PART 1—PURPOSE, POLICY, AND FUNCTION

"ESTABLISHMENT

"SEC. 601. There is established in the House of Representatives an office to be known as the Office of the Legislative Counsel, referred to hereinafter in this subtitle as the 'Office'.

"PURPOSE AND POLICY

"SEC. 602. The purpose of the Office shall be to advise and assist the House of Representatives, and its committees and Members, in the achievement of a clear, faithful, and coherent expression of legislative policies. The Office shall maintain impartiality as to issues of legislative policy to be determined by the House of Representatives, and shall not advocate the adoption or rejection of any legislation except when duly requested by the Speaker or a committee to comment on a proposal directly affecting the functions

of the Office. The Office shall maintain the attorney-client relationship with respect to all communications between it and any Member or committee of the House.

"FUNCTIONS

"SEC. 603. The functions of the Office shall be as follows:

"(1) Upon request of the managers on the part of the House at any conference on the disagreeing votes of the two Houses, to advise and assist the managers on the part of the House in the course of the conference, and to assist the committee of conference in the preparation of the conference report and any accompanying explanatory statement.

"(2) Upon request of any committee of the House, or any joint committee having authority to report legislation to the House, to advise and assist the committee in the consideration of any legislation before it, and to assist the committee in the preparation of drafts of any such legislation, amendments thereto, and reports thereon.

"(3) Upon request of any Member having control of time during the consideration of any legislation by the House, to have in attendance on the floor of the House not more than two members of the staff of the Office (and, in his discretion, the Legislative Counsel) to advise and assist such Member and, to the extent feasible, any other Member in the course of such consideration.

"(4) Upon request of any Member, subject to such reasonable restrictions as the Legislative Counsel may impose with the approval of the Speaker on the proportion of the resources of the Office which may be devoted to the requests of any one Member, to prepare drafts of legislation and to furnish drafting advice with respect to drafts of legislation prepared by others.

"(5) At the direction of the Speaker, to perform on behalf of the House of Representatives any legal services which are within the capabilities of the Office and the performance of which would not be inconsistent with the provisions of section 602 or the preceding provisions of this section.

"PART 2—ADMINISTRATION

"LEGISLATIVE COUNSEL

"SEC. 611. The management, supervision, and administration of the Office are vested in the Legislative Counsel, who shall be appointed by the Speaker of the House of Representatives without regard to political affiliation and solely on the basis of fitness to perform the duties of the position. Any person so appointed shall serve at the pleasure of the Speaker.

"STAFF

"SEC. 612. (a) With the approval of the Speaker, or in accordance with policies and procedures approved by the Speaker, the Legislative Counsel shall appoint such attorneys and other employees as may be necessary for the prompt and efficient performance of the functions of the Office. Any such appointment shall be made without regard to political affiliation and solely on the basis of fitness to perform the duties of the position. Any person so appointed may be removed by the Legislative Counsel with the approval of the Speaker, or in accordance with policies and procedures approved by the Speaker.

"(b) One of the employees appointed under subsection (a) shall be a full-time Office Administrator, who shall exercise the management, supervisory, and administrative functions of the Office as delegated to him by the Legislative Counsel.

"COMPENSATION

"SEC. 613. (a) The Legislative Counsel shall be paid at a per annum gross rate equal to the rate of basic pay, as in effect from time to time, for Level III of the Executive Schedule of section 5314 of title 5, United States Code.

"(b) Members of the staff of the Office other than the Legislative Counsel shall be paid at per annum gross rates fixed by the Legislative Counsel with the approval of the Speaker or in accordance with policies approved by the Speaker, but not in excess of a per annum gross rate equal to the rate of basic pay, as in effect from time to time, for level V of the Executive Schedule of section 5316 of title 5, United States Code.

"EXPENDITURES

"SEC. 614. In accordance with policies and procedures approved by the Speaker, the Legislative Counsel may make such expenditures as may be necessary or appropriate for the functioning of the Office.

"OFFICIAL MAIL MATTER

"SEC. 615. The Office shall have the same privilege of free transmission of official mail matter as other offices of the United States Government.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 616. There are authorized to be appropriated, for the fiscal year ending June 30, 1971, and for each fiscal year thereafter, such sums as may be necessary to carry out this subtitle and to increase the efficiency of the Office and the quality of the services which it provides.

"PART 3—TRANSITIONAL PROVISIONS

"PERSONNEL, PROPERTY, RECORDS, ETC.

"SEC. 621. Any individual who on the date of the enactment of this Act is serving under an appointment by the Speaker as Legislative Counsel of the House of Representatives shall continue as Legislative Counsel of the House of Representatives in accordance with this subtitle. All personnel, positions, property, records, and unexpended balances of appropriations of or for that part of the Office of the Legislative Counsel established under section 1303 of the Revenue Act of 1918 (2 U.S.C., ch. 9) employed or held in or for the House of Representatives shall be transferred to the Office established under this subtitle; and, effective upon the date of enactment of this Act, the provisions of section 1303 of the Revenue Act of 1918 shall have no further applicability of any kind to the Speaker or to any committee, officer, employee, or property of the House of Representatives."

Amend the table of contents by adding at the end thereof the following:

"TITLE VI—OFFICE OF THE LEGISLATIVE COUNSEL

"SUBTITLE A—HOUSE OF REPRESENTATIVES

"PART 1—PURPOSE, POLICY, AND FUNCTION

"Sec. 601. Establishment.
Sec. 602. Purpose and policy.
Sec. 603. Functions.

"PART 2—ADMINISTRATION

"Sec. 611. Legislative Counsel.
Sec. 612. Staff.
Sec. 613. Compensation.
Sec. 614. Expenditures.
Sec. 615. Official mail matter.
Sec. 616. Authorization of appropriations.

"PART 3—TRANSITIONAL PROVISIONS

"Sec. 621. Personnel, property, records, etc."

Mr. REES (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. REES. Mr. Chairman and Members of the House, the purpose of this amendment is to codify into the statute the Office of Legislative Counsel which serves the House of Representatives. The amendment defines the duties of the Office. For example, to serve the committee, to serve the Members on the floor when bills are being taken up, and also to serve individual Members who would desire bill drafting services.

At the present time I believe we have 12 or 13 members in the Office of the Legislative Counsel. This amendment will create a larger framework in which to expand. As an example, the Office of Legislative Counsel in the California Legislature has 46 attorneys.

This has been worked on by all parties. I believe it is a sincere attempt to upgrade the Office of Legislative Counsel and to make it an office to serve all Members of the House.

This amendment was drafted by the legislative counsel. I know of no opposition to it.

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. REES. I yield to the gentleman from California.

Mr. SISK. I appreciate the gentleman's yielding.

Let me say I am most happy to say I am in complete agreement with the amendment offered by my colleague from California. I would ask the gentleman to comment on whether my understanding is correct that this has been cleared not only with our committee but also with the leadership of the House which would be affected and therefore is fully acceptable, at least so far as my colleague knows.

Mr. REES. This amendment has been cleared through the leadership and through the Office of Legislative Counsel.

Mr. SISK. I would be happy to accept the amendment, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. REES).

The amendment was agreed to.

Mr. SMITH of California. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, first I wish to explain what I shall attempt to do, because there was some confusion the other day when an effort was made to do this. After explaining the issue I intend to make a unanimous-consent request to return to the consideration of page 39 of the bill immediately below line 4.

When the amendment of the gentleman from Texas (Mr. WHITE) originally was adopted it was written rather hurriedly. It was almost, I guess, unanimously adopted on the floor. Subsequent to that time the staff, together with distinguished men from the Office of Legislative Counsel and the Library of Congress, advised the subcommittee that we would have to add language to this particular amendment or else we would get into a state of considerable confusion.

When it was explained the other day I believe there was some misapprehension which may have been left in some minds, that it would take away something on the minority side or some right of an individual.

The sole purpose of this language to be added, which is, "which is privileged and shall be decided without debate," can be easily explained. That means if we go through the quorum call under the new language, and if it prevails, at such

time as a quorum is reached a motion will be made that further proceedings under the call of the House be dispensed with. Unless this language is in there, "which is privileged and shall be decided without debate," it means that any Member could get up and object to the motion to dispense with further proceedings under the call of the House and could then debate that for 1 hour, and even demand a rollcall on it.

It is much the same as the situation which happened to me a couple of years ago. I agreed with the gentleman from Missouri, who is no longer present. He did not have an opportunity to talk, because there was very little time. He had a quorum call. I was ready to proceed, and I asked unanimous consent to revise and extend my remarks. He reserved the right to object so he was recognized at that time, and, under that particular procedure, he did get an opportunity to talk for some considerable period of time.

That is the sole purpose of this, Mr. Chairman. If we do not have this language I believe we will be making ourselves worse off. Frankly, I am not so certain I agree with the White amendment, but it has been accepted and I want it to be as workable as possible.

So with that explanation, Mr. Chairman, I ask unanimous consent to return to page 39 of H.R. 17654, immediately below line 4, for the purpose of offering a perfecting amendment to the amendment offered by Mr. WHITE which was adopted in this committee. The amendment would read as follows:

In paragraph (b) of clause 2 of rule XV of the rules of the House as contained in the amendment offered by Mr. WHITE to page 39, immediately below line 4, insert "which is privileged and shall be decided without debate" after the words "a motion."

Now I would renew my request and ask unanimous consent to refer back so that I may offer this perfecting amendment which I personally feel is very essential if we are going to proceed in this way.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. GROSS. Mr. Chairman, reserving the right to object, would the gentleman from California explain briefly the purpose of the White amendment and what effect the proposed amendment would have on the White amendment?

Mr. SMITH of California. You will remember the White amendment, as I recall it, was that once we have a quorum, the call of the House could have a cutoff. Let us say that somebody makes a point of order that a quorum is not present and a motion is made to have a call of the House. Then we start calling off the names. When we have reached a quorum, as I understand it, that is, the proper number of people are present who have answered to their names and the Members apparently have signed their names in, and that number is 218, then a motion can be made to dispense with further proceedings under the call of the House.

My amendment is to prohibit, yes, to avoid the possibility of having another hour's debate on that particular motion to dispense with further proceedings under the call of the House.

As I said, I am not enthusiastic about this particular White amendment, but it is in the bill, and if that is the way the bill is going to be written, I feel that we should do something about this.

Mr. GROSS. I want to say to the gentleman that I am less than enthused about the bill and the White amendment, and if there is any way to destroy the effectiveness of either; if the failure to go back to amend the bill will do that, then I certainly would be ready, willing, and able here and now to object to going back into the bill.

The present procedure is, as I understand it, that after a quorum call has been taken and the number of those responding is announced by the Speaker, he then states that without objection further proceedings under the call be dispensed with. He does not make a motion. He merely states that without objection it is dispensed with.

Mr. SMITH of California. That is true. Technically a motion has to be made. That has always been the procedure. You go through all of the names twice and you go through the procedure with the Members in the well, too.

Mr. GROSS. Yes. Then, if there is objection, a motion must be made for the purpose of ending further proceedings under the call and an hour of debate can ensue if the motion is made under the present rules. What the gentleman from California would do by this, taken in concert with the White amendment, would be to strike out that opportunity for an hour's debate. Is that not correct?

Mr. SMITH of California. You had a quorum call going at the time. What I am attempting to do is not have the quorum call go on indefinitely with an hour's debate afterward.

Mr. GROSS. I understand what the gentleman says.

Mr. SMITH of California. Now, I do not say that I agree entirely with the White amendment, but we do have this language in the bill now, and this will simply make the situation even worse than it will be of going up to the point of a quorum being here, and I am merely trying to save a little time.

I have attempted to explain this to the gentleman, and I think that the gentleman from Iowa is actually on my side on this——

Mr. GROSS. I do not know whether I am or not. I do not see why we should dispense with the motion and debate if someone feels constrained to object to the statement of the Speaker that "Without objection, further proceedings under the call of the House will be dispensed with." This would nullify and further deprive someone in the minority, or any Member of the House for that matter of a right that he now has.

Mr. SMITH of California. I do not believe it affects the minority any more than it affects the majority. If we had to debate this, it could be subject to a point of order, or a motion calling for a vote. So if we are going to spend 3 or 4 hours in trying to get a quorum in the House it could cause great delay. This is certainly a step in the right direction if we are going to do it that way, and not put in 2 or 3 hours before we get a quorum here.

Mr. GROSS. As far as this bill is concerned—this so-called facelifting job on the House of Representatives without benefit of beautician—it has deprived and whittled down the rights of individual Members in several instances. I am not exactly sure how this will operate, but on the face of it I do not think——

Mr. SMITH of California. If it does not operate successfully, and the gentleman objects to it next year, then let us have the Committee on Rules come down and say that it does not work, and change it back to the old way.

As I say, I am not enthusiastic about the so-called White amendment, but what I am trying to do is make it so that it will actually work.

I think the gentleman from Iowa is really talking on my side of this, and I think the gentleman agrees with me, and if the gentleman objects to the bill then the gentleman will have a chance to explain that a little bit later on.

Mr. GROSS. I am not at all sure, because I doubt that any Member of this body can predict how the White amendment is going to work. In my opinion it is going to work very badly.

Mr. SMITH of California. Please do not object to this, I would ask the gentleman from Iowa; let me get this one through.

Mr. GROSS. Mr. Chairman, the gentleman is so persuasive, and I am so mellow, that I withdraw my reservation of objection.

Mr. McCORMACK. Mr. Chairman, if the gentleman will yield further, I would say to the gentleman from California that it is my understanding this is very similar to a motion to lay on the table, and that is not debatable at the time.

Mr. SMITH of California. That is right; it is a privileged motion.

Mr. GROSS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENT OFFERED BY MR. SMITH OF CALIFORNIA TO THE AMENDMENT OFFERED BY MR. WHITE

Mr. SMITH of California. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Texas (Mr. WHITE).

The Clerk read as follows:

Amendment offered by Mr. SMITH of California to the amendment offered by Mr. WHITE: In paragraph (b) of clause 2 of rule XV of the rules of the House as contained in the amendment offered by Mr. WHITE to page 39, immediately below line 4, insert "which is privileged and shall be decided without debate," immediately after the words "a motion".

Mr. SMITH of California. Mr. Chairman, I request that the matter come to a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. SMITH) to the amendment offered by the gentleman from Texas (Mr. WHITE).

The amendment to the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE V—EFFECTIVE DATES

EFFECTIVE DATES

SEC. 501. The foregoing provisions of this Act shall take effect as follows:

(1) Title I, title II (except part 2 thereof), title III (except section 203 (d)(2), (d)(3), and (i) of the Legislative Reorganization Act of 1946, as amended by section 321 of this Act), and title IV, of this Act shall become effective immediately prior to noon January 3, 1971.

(2) Part 2 of title II shall be effective with respect to fiscal years beginning on or after July 1, 1972.

(3) Section 203(d) (2) and (3) of the Legislative Reorganization Act of 1946, as amended by section 321 of this Act, shall become effective at the close of the first session of the Ninety-second Congress.

(4) Section 203(i) of the Legislative Reorganization Act of 1946, as amended by section 321 of this Act, shall be effective with respect to fiscal years beginning on or after July 1, 1970.

Mr. SISK (during the reading). Mr. Chairman, I ask unanimous consent that the reading of title V be dispensed with and that it be open for amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DELLENBACK. Mr. Chairman, many of us—from both sides of the aisle—have labored long and hard to bring about this moment in the history of the House. Today's vote will be one of the most significant actions of the 91st Congress.

H.R. 17654 in its present form is certainly not perfect. It does not accomplish by any means all of the revisions and reforms that would be required to make this House the perfect instrument that all of us would like it to be in the ideal world.

But as proposed by the Rules Committee H.R. 17654 was a good bill. By and large the amendments made to the bill in its 9 legislative days of debate on this measure have made it even better. It takes some very significant and meaningful steps in the direction of improving the process of committee deliberation, of making essential and helpful information available during the legislative process, of reducing arbitrary conduct of legislative affairs, and of making certain that the public can see clearly and know about as much of its procedures in committee and on the floor as it wants to, and cares to make it its business to.

I commend all of my colleagues who have helped to bring us to where we are today. I urge an aye vote on H.R. 17654. It is my earnest hope that this House will pass H.R. 17654 overwhelmingly, and that the Senate will then proceed to act swiftly and favorably thereon, so that the 92d and subsequent Congresses, and even more important, the Nation and all its cities, will benefit from this significant action of the 91st Congress.

Mr. ANDERSON of California. Mr. Chairman, I rise in support of H.R. 17654, the Legislative Reorganization Act.

Of special significance is the amendment which would allow record teller votes. In an age when faith in our Government is becoming more and more fragile, it is our duty to bring our actions out in the open. We owe it to the public; we owe it to ourselves. For too long the House has decided important matters in secrecy. For too long Members have failed to vote on important issues because no record would be kept of their votes. It is time that the cloak of secrecy was lifted from the actions of the House. It is time that the Members of the House stood up and were counted on the important issues of our times.

Most of the truly important decisions that occur in the House are not made during the vote on final passage of a bill. The crucial votes, particularly on vital appropriations bills, come not on final passage but rather on the amendments which decide exactly what provisions will remain in a bill, and what provisions will be deleted. As is the case with the reorganization bill we are now debating, amendments are generally considered in the Committee of the Whole, where no record of how a Member votes, or even if he votes, is kept. Because of this, the public is unable to judge a Member accurately on his record. The record simply is not there.

During the first session, such important items as the decisions whether or not to appropriate funds for both the ABM, and chemical and biological weapons were made in this anonymous fashion. This is a situation which we should not tolerate. The public has the right to know how its Representatives feel about every bill which comes before the House. Any situation less than full disclosure of the voting record of the Members of the House, is a dangerous departure from the principles of democracy.

This secrecy has a second, and equally damaging, effect on the workings of the House. Because there is no record kept of how a Representative votes in the Committee of the Whole, or even if he votes at all, the number of Members who participate in the secret teller votes is substantially less than the number who participate in the votes that are recorded. Members feel that they have more important things to do than to sit with a relative handful of other Members and participate in votes which will remain unknown to their constituents. Thus, many important votes take place with less than half of the Members participating. Indeed, many decisions are made with fewer than 100 Members voting.

The vote on last year's appropriation bill for the Peace Corps is one of the more blatant examples of this problem. An amendment which would have substantially reduced the funding for the program was defeated in the Committee of the Whole by a mere two votes. Sixty-one Members voted for the amendment, 63 against it, and 311 members did not vote at all. Even the vote on the ABM, certainly one of the most crucial legislative decisions in recent years, saw less than three-fourths of the Members participating. The effect of this massive nonparticipation is obvious. Its damage to the legislative functioning of the House is severe.

The amendment to allow record teller votes would do much to correct both of the problems I have discussed. It would allow a record of the Member's votes on important issues in the Committee of the Whole to be kept, and, by doing so, it would encourage the Members to participate in the Committee by giving them the credit they deserve for casting their vote. I urge all the Members of the House to join with me in lifting the veil of secrecy from the legislative branch of Government.

Mr. ANDERSON of Illinois. Mr. Chairman, I think today will go down in the annals of Congress as a day of great historical significance, for today we have passed the most monumental and comprehensive congressional reform bill since the LaFollette-Monroney Act of 1946. I want to take this opportunity to pay special tribute to those Members who served on the Monroney-Madden Joint Committee on the Organization of Congress which began working on this problem way back in 1965. They did a most commendable job and we are deeply indebted to their efforts. I also want to extend my praise to my colleagues on the Rules Committee who devoted a great deal of time and effort to this legislation both in their special subcommittee and here on the floor of the House. Their patience and perseverance have been an inspiration to us all.

I think it is especially fitting that this body has demonstrated to the Nation its commitment to the proposition that this should be a decade of government reform. Reform, like charity, should begin at home, and this body, through this sweeping legislation, has proven to the Nation that it is very serious about keeping its own house in order. At a time when our institutions are under increasing attack from all directions for not being responsive, we have passed a bill that will make this Congress more responsive to its own membership and more responsive to the people it serves. This to me is the heart of the Legislative Reorganization Act of 1970, and I am proud to have been a part of this most historic moment.

Mr. RYAN. Mr. Chairman, the House, in the past weeks of debate and votes on amendments to the Legislative Reorganization Act, H.R. 17654, has undertaken its first meaningful reform in 24 years. Of course, these amendments have been added to a piece of legislation which does credit to our distinguished colleague from California (Mr. SISK) and his colleagues who produced H.R. 17654.

Several amendments have been added which, when enacted into law, will have a tremendous impact in reforming the operations of the House. As one who has, since I first entered this Chamber 10 years ago, argued, cajoled, lobbied, and pushed for reform, I am particularly heartened that the number of Members, who have now come to realize and support what I and a few others have long maintained, is sufficient to pass these amendments.

I cannot be entirely sanguine about the outcome of the debates and votes, however, for several key amendments have been rejected. Those which would have overturned the seniority system were particularly important. Given the momentum for reform which the Legislative Reorganization Act has generated, and which the growing voice of the public supports and demands, the House

must not now comfortably relax into self-satisfied approval of our actions. Only the first steps have been taken.

The key amendment adopted in the Committee of the Whole, and of which I am a cosponsor, provides for the recording of teller votes. This amendment, offered by our distinguished colleagues from Massachusetts (Mr. O'NEILL) and California (Mr. GUBSER), provides that teller votes be recorded by clerks or electronic devices on demand of one-fifth of a quorum. Each Member's vote, and a list of the absentees, would be printed in the CONGRESSIONAL RECORD.

To understand the real importance of this provision, one need only run down the list of some of the major votes which were cast in secrecy, by means of the nonrecord teller vote system, in the 91st Congress:

The House vote on the Cooper-Church amendment to the Foreign Military Sales Act bill, H.R. 15628;

The amendment to cut the funds for the SST;

Amendments regarding the no-knock and preventive detention provisions in the District of Columbia Court Reform and Criminal Procedure Act of 1970, H.R. 16196;

Amendments regarding the infamous Whitten amendments, tacked on to the fiscal year 1970 Labor-HEW appropriation bill, H.R. 15931, and the Office of Education appropriation bill for fiscal year 1971, H.R. 16916.

The teller vote has been used as a means to shield Members from the scrutiny of their constituencies. It has been employed as a device to curtail responsive representation. The abolition of secrecy attendant upon this vote was long overdue, and certainly passage of the O'Neill-Gubser amendment to the Legislative Reorganization Act is a milestone in our struggle for congressional reform.

A second amendment to the act which was passed by the Committee of the Whole House requires that a record of all rollcall votes in committees be available to the public. In addition, where there is a record vote on a motion to report a measure, the total number of votes for and against the measure would be included in the committee report. This amendment was offered by the gentleman from Florida (Mr. FASCELL) on behalf of 60 Members, including myself.

Again, this amendment will help to lift the veil of secrecy which surrounds so much of what the House does, and thereby enable the public to see and to know how the House is working.

A third amendment, offered by our distinguished colleague from Arizona (Mr. STEIGER) on behalf of himself and 70 of his colleagues, including myself, provides 10 minutes of debate on motions to recommit with instruction, with time equally divided between the Member offering the motion, and the opposition. This amendment will permit Members to debate briefly, at least, motions to recommit with instructions.

A fourth amendment requires that conference reports and explanatory statements must be printed in the CONGRESSIONAL RECORD 3 calendar days, excluding Saturdays, Sundays, and legal holidays, prior to consideration by the House. In addition, these reports and statements must be available on the floor during consideration of the report. This amendment was offered by our distinguished colleague from Indiana (Mr. BRADEMAS) on behalf of himself and more than 80 Members, including myself.

All too often, a committee report is printed in the CONGRESSIONAL RECORD one night, and it is voted on the succeeding day. Its complexity and length make the report extremely difficult to analyze with sufficient scrutiny. Particularly notorious in this regard are the committee reports inserted in the RECORD by the Appropriations Committee on bills providing billions of dollars of funding. Thus, this amendment, by providing time for study, is extremely important.

Several other amendments, which have been adopted in the Committee of the Whole, also provide significant changes in the proposed Legislative Reorganization Act, and their inclusion considerably improves this bill.

These other amendments—all of which I supported—included one which gives the Resident Commissioner of Puerto Rico the right to vote in committee. Another very important amendment served to nullify a provision of the proposed Legislative Reorganization Act which would give any Member the right to demand a two-thirds vote for approval of a nongermane Senate amendment. This two-thirds vote requirement which was nullified would have stymied much progressive legislation originating in the Senate, such as the 18-year-old vote provision which was added by the Senate to the bill extending the Voting Rights Act of 1965.

These, then, are some of the amendments which have been added to the already significant reform provided by the Legislative Reorganization Act. Unfortunately, several equally significant—if not more so—amendments were rejected. These mark the objectives for which we must continue to fight.

An amendment offered by our distinguished colleague from Maine (Mr. HATHAWAY) and 42 other Members, including myself, would have opened committee meetings to the public unless the committee by rollcall vote in open session, with a quorum present, decided otherwise. It would have also prohibited committees from voting to close more than 1 meeting day at a time.

Serving on two committees—the House Committee on the Judiciary, and the House Committee on Interior and Insular Affairs—I, like my colleagues, know the importance of committee work. Much, if not most, of the important legislative work of the Congress is done in committee.

Without question, the most secretive committee is Appropriations. Each subcommittee of the Appropriations Committee holds its hearings on budgetary matters within its jurisdiction in executive session. Similarly, markup sessions are held in secret.

Thus, the amendment which was offered—and defeated—would have been a significant step in ending the secrecy which attends so much of the substantive work which Congress does. Its defeat was unfortunate; it must serve as a spur to renewed effort by those of us committed to full and effective congressional reform to continue working for these ends.

The most needed reform is a change in the seniority system, which is responsible for the failure of Congress to adequately respond to, and reflect, the needs of our Nation. Above all else, this is the internal reform which I have consistently advocated. For this system places in entrenched positions of power too many chairmen committed to maintaining the status quo, and to rejecting the needs of today and of tomorrow for the outmoded measures of yesterday.

I believe an amendment abolishing the seniority system should have been adopted. At the very least, the modest amendment which was offered providing that, in electing committee chairmen, the House need not select the member with the longest consecutive service, should have been adopted.

This amendment was not adopted. Nor were the amendments which provided that the majority party members of each committee would select a chairman from among the three senior committee members of the majority party, and that tenure of committee chairmen would be limited to four terms unless the House, by a two-thirds vote, suspended the rule.

Thus, although the amendments adopted have effected worthwhile and important changes in the Legislative Reorganization Act bill, the failure to abolish, or at least modify, the seniority system demonstrates the need to continue to press for reform, so that the Congress can be a legislative body able to confront, and deal with, the issues and problems of the last third of the 20th century.

Mr. BEALL of Maryland. Mr. Chairman, I am certainly pleased that the House approved the Legislative Reorganization Act of 1970. Because of an unexpected delay which occurred just before the vote, I did not have the chance to record my approval. Had I been present, I would have voted "yea" on the measure.

Mr. RANDALL. Mr. Chairman, I rise in support of H.R. 17654, entitled Legislative Reorganization Act of 1970.

The very title itself bespeaks the purpose of the measure which is to change some of the procedures or ways of legislating in Congress. I am glad that the emphasis is on the word "reorganization" because it carries a more constructive connotation than the word reform. Too frequently, in the early days of debate the press and others referred to this as a reform measure.

The word reform as I understand it means to abandon some evil conduct or to turn over a new leaf. Such a word carries with it the idea that one who reforms must atone for their past errors or do penance for their past wrongs. Now, I know there has been room for improvement in congressional procedures. We are making corrections now. But it should not be argued that all of our procedures in the past have been wrong or in error and that they are all going to be abandoned because that is just not the situation. Most of our procedures have been time-tested and have worked well. They do need amending or improvement. Thus the word reorganization which means to

remodel or make better and to revise, but not to abandon, is the best description of what we are trying to do.

Mr. Chairman, we have been working off and on toward enactment of the reorganization bill for almost so long that the memory of Members runs not to the contrary; we were working on one legislative bill quite some time before the recess. While I have not made an accurate count of legislative days, or portions thereof, I am sure this has been a measure that has taken more of the time of the House of Representatives than many other subject matters in recent years. I am sure we have worked on it more than a dozen days and perhaps some part of 15 legislative days.

While there has been no limitation of debate, so also there was no limitation of space taken to clearly spell out the provisions in the bill, H.R. 17654, which was itself a voluminous document.

Now, in retrospect, after the debate is over and in consideration of the contents of the bill, it becomes somewhat of a task to capsulize or recapitulate what could be generally regarded and accepted by most Members as the most beneficial or helpful changes that have been made which will improve the operation of the Congress the most and at the same time improve the image of the Congress in the eyes of the American people.

For my part, the one single accomplishment that overshadows all others is what could be described as the secrecy package. For far too long Members have enjoyed the privilege of hiding their voting record in what has been called a teller count in the Committee of the Whole House on the State of the Union. These votes have never been recorded or there has never been any announcement of who voted on either side of the issue. Of course, if a Member wished to announce himself what stand he had taken on the teller count that was his prerogative. But even then he would have to be taken at his word unless he could get another Member to vouch for him because they had walked up the aisle together. While a teller count was in view of those in the gallery, it became almost impossible to know exactly how all of the Members voted as they marched between the tellers. Now this will be changed and these votes will be recorded and publicized.

For my part, this is the greatest accomplishment of this bill. The Congress should not operate in secrecy. If a Member is not willing to account publicly for his stand on every phase of every issue then such a reluctance is indicative of some kind of fear that he entertains that he has taken a course not representative of his people or that he has cast his vote not in the general interest, but instead in a direction that may not be good for either his own district or for the country. If the Congress demands freedom of information from the executive branch then certainly the Congress should be willing to make its entire record available to the people of this country and not limited to just a few rollcall votes that may or may never be taken under present procedures.

It was good to see the change made which will require all votes in committees be publicized. If a Member is ashamed of his vote in committee or does not want it publicized it may be he is on the defensive and has some reason to apologize for his action or conduct. If a Member is right or believes he is right then he should never be fearful of his vote in the teller live or in committee being publicized for the benefit of his constituents, and even those he does not represent.

Another advance that has been made is that meetings of committees and hearings be open unless there is a valid reason to have it otherwise such as classified information or for security reasons. Then meetings can be closed upon a majority vote of the committee.

Then as a portion of the thread running through all of H.R. 17654 against secrecy and for freedom of information is the requirement of publication in advance of such documents as reports which accompany appropriations bills and also conference reports. Also, as a part of what could be said to be this lifting of the veil of secrecy is the access by the radio and electronic media to committee hearings. Quite wisely the bill provided for written rules to be formulated by each committee. While the bill did not go so far as to permit electronic media to operate in the House galleries during meetings of the House nonetheless it is a step forward to have committee meetings opened to the radio and electronic media. Once again nothing should take place in any committee meetings for which Members should be ashamed. There should be no fear about any matter transacted in committee meetings being made public, if everything is proper and above board.

Mr. Chairman, another significant advance provided for in H.R. 17654 is the whole thrust toward democratization of committee procedures. There is a thread running through this bill that from here on the decisionmaking power will rest with the committee itself rather than with the chairman alone. In other words, the power shall rest with the majority of the committee rather than with only the chairman. This will include such things as decisions over the order of business and the provisions for regular committee meetings which would mean that power over the staff would rest with the majority of the committee rather than the chairman alone. Then, of course, if a meeting were called the chairman could no longer prevent the meeting simply because as head of the committee he could absent himself. Provisions have been made if a chairman is not present the ranking member takes over and the committee meeting proceeds.

As I look about trying to find some of the better things that have been accomplished by this bill I suppose one of the best things in the bill was something over which there was no controversy. I refer to the creation of a Congressional Research Service put in place of the old Library Reference Service. This was essentially an upgrading but it is quite a vast improvement over what we have had in the past. It will mean this research service can, hopefully, evaluate all legislative programs. As an adjunct to this new research service the bill itself provided for joint data processing which, of course, was struck out before final passage. I supported this because at this point we had received no assurance from the other body they would go along and we should continue with data processing on our own until such time as there is an assurance of cooperation from the other body.

I opposed and will continue to oppose the effort to ban all proxies in committee. This is not a matter of secrecy. In fact, it is the very opposite of secrecy. Proxies may be tailor-made, that is, limited as to time and content. The entire business world is carried on by means of principal and agent. The use of proxies is an application of the law of agency. Quite frequently, a Member could find it utterly impossible to be in two committee meetings both of which were conducting important matters at exactly the same time, even though the committee rooms may be located close together. The time could conceivably come, when a Member would have to be present to physically vote in one committee and lose his voice in the other except by means of a proxy. If there has been abuse of proxy it has not been by the committee but by the principal or in this case the Member. If there has been any abuse this has been by the Members themselves who sign a whole pad of proxies in advance and proceed to turn them over to a chairman with no specification as to their use or limitations as to time.

There was created by H.R. 17654 a Joint Committee on Congressional Operations which will provide for a continuous review of the operations of Congress and that means the rules and procedures. This is certainly a salutary provision and could hopefully mean that instead of having a reorganization bill once every 25 years this Committee on Congressional Operations would recommend programs regularly at least every few years.

So far as I am concerned one advance we have made is to convert the pay scales from so-called base pay to gross pay or real dollars. This is the so-called Broyhill amendment which was adopted. To me this makes sense. I have never had any reason to fail to divulge the pay of people on my staff. This is simply another portion of the thread of antisecrecy that goes all through this bill. If a Member has any reason to hide the pay scale of his staff then such pay may be excessive. Those of us from Missouri have never had any worry or concern over this matter because quite regularly the papers in our State translate the base into real dollars and publicize the salaries of each member of the staff of those Members of Congress from Missouri.

Yet another substantial step forward is the compilation of parliamentary procedures. I must confess that when a point of order has been raised it takes a lot of research to locate the precedents. Precedents are on file in the Parliamentarian's office but not always of easy

access. Now, by the terms of this bill all of us will know what rulings have been in the past. Members will no longer have to second-guess what kind of ruling the Parliamentarian will make or whether the amendment they plan to introduce will or will not be subject to a point of order.

I was glad that the amendment was adopted which will modernize and upgrade our page school including better accommodations for pages. I was also glad galleries will be made more useful to constituents.

It has been a long and tedious debate over the reorganization bill, but at this point it seems all of the effort has been worth the struggle. Of course, only time will tell which provisions will be more helpful and beneficial than others. I still lean toward the view the single or outstanding advance we have made is to the direction of elimination of secrecy.

Mr. DANIELS of New Jersey. Mr. Chairman, I rise in support of the passage of the Legislative Reorganization Act of 1970.

The Committee on Rules provided us with a forward looking bill. The procedural changes point us toward modernizing the House so that we can deal more efficiently with our ever-increasing workload.

New developments in information retrieval will provide Congress with an independent means of legislative analysis. Knowledge is power and with that power we can perform our rightful role not only in the development of legislation, but in review of existing programs as well as more efficient constituent services.

Too often, in all three areas—analysis, legislation, and constituent services—we are dependent on executive agencies and departments for information upon which the Constitution requires us to make independent legislative judgments. It is essential that the Congress develop independent facilities for judgment in a most expeditious and timely manner.

Consistent with the development of congressional information retrieval and analysis systems is the expansion of the Legislative Reference Service and the General Accounting Office. Both of these congressional agencies have aided us in the past and should be strengthened.

In supporting this committee bill, however, I am forced to admit that it fails to go far enough in opening the Congress to the full view of the people. We are almost daily attacked for being secretive; our ethics are impugned; we are held up to ridicule and abuse. We are accused of gutting progressive legislation while in the Committee of the Whole and then voting on the record so as to seem to support it.

Because committee votes are not disclosed, we are accused of secretly making unholy alliances and self-serving deals on legislation.

Even within the House itself, many Members complain of authoritarian rules designed to prevent minority expression during debate.

Mr. Chairman, the people of this country talk of losing faith in their institutions. So we have actually come to expect their representatives to be ingenuous. Many of our young people have "dropped out" because they compare the problems in America with the apparent slow pace of their solution and they have come to mistrust us.

The information explosion of the last 25 years bring far-away events into the living room. People are more aware than ever of what goes on in different parts of the country and the world. The appetite for information has been whetted and people demand to know more about how their Congress operates.

Our constituents have a right to know as much as possible about their Government and the record of those whose salaries they pay. Furthermore, there would be less misunderstanding today about the rightful role of Congress in the legislative process if our procedures were open to public knowledge.

Too much of what we do seems cursory and arbitrary. Too much of our real work is hidden behind closed doors. As a result, too many people look upon our deliberations as obstructionist and feel that our role should be to merely approve or perfect what the Chief Executive proposes. The secrecy which has developed over the years works against and destroy not only our personal credibility with our constituents but our institutional credibility with the people.

Mr. Chairman, it is time to open the doors. It is time to let the sunshine in. It is time to clear away even the semblance of secrecy and let the people know and judge for themselves whether we represent their interests. It is time to restore the faith of all our people and especially regain the trust of our children. And it is time to restore to the Congress its greater rightful role in legislating.

Mr. Chairman, it is for these reasons that I am on record as a sponsor of amendments to record teller votes; to provide for 3-day conference report layover; for open committee sessions; for disclosure of record votes in committee; for debate time on motions to recommit; and for guaranteed debate time on amendments. I have also voted to strengthen other parts of this bill as well.

All of these amendments make our procedures more democratic and open the House to public view.

I recognize the problem is amending House procedures. Often amendments intended to make procedures more fair will be turned around in changing circumstances and become undemocratic. These amendments, however, have undergone long study and review and I am confident they will strengthen this great House and the Congress.

Mr. Chairman, I commend the Committee on Rules for drafting a progressive reform. That it has been amended beyond their draft is not to their discredit; they have pointed the way and the House has worked its will in a democratic fashion.

Mr. HORTON. Mr. Chairman, as one who has offered ideas for reform of the legislative branch of our Government, and who has for several Congresses sponsored legislation to improve the workings, streamline the procedures, and enhance the responsiveness of the Congress, I support the Legislative Reorganization Act of 1970 which the House has been considering for several weeks.

I support this bill, not as a perfect or even as an adequate set of legislative reform—for it is neither perfect nor adequate. Rather I support the bill for the few tiny steps forward it takes toward meaningful legislative reform. For some weeks, I was fearful that we would let the entire 91st Congress slip by without taking any decisive action in the House on congressional reforms. Indeed, it is still possible that no bill will become public law this year. But I am glad to see that the public outcry for a more modern and effective national legislature has not fallen on deaf ears once again, but rather that we have moved forward to provide more democratic voting procedures both within committees and on the floor.

I am particularly pleased that the bill contains a title authorizing the computerization of many functions of the Congress. In an address in New York City earlier this week, before the Computer Audit System symposium, I stated that Congress would continue to lose its co-equal power with the executive branch if it did not equip itself with the computers and adequate staff needed to give our Members the same access to complex data and policy analysis tools which are presently available to Federal agencies.

This bill is a step toward this goal, if only a small one. Hopefully, we will carry this bill into public law and as we implement its modest reforms, they will serve to whet our appetite, and that of the public, for even more modernizations in our legislative process.

I want to congratulate those who have led the fight for this bill for putting aside self-centered motives designed to preserve all of the current powers and prerogatives within Congress, and for emphasizing, instead, the need for reforms that will serve Congress as an institution and the Nation as a whole far better in the long run than we are now equipped to do.

I think many colleagues join me in hoping that this will be the first in a series of increasingly meaningful and bold legislative reorganization acts to emerge from Congress in the coming years.

The CHAIRMAN. Are there any amendments? If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the Chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 17654) to improve the operation of the legislative branch of the Federal Government, and for other purposes, pursuant to House Resolution 1093, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

Mr. SISK. Mr. Speaker, I ask for a separate vote on the Schwengel amendment dealing with proxy voting.

The SPEAKER. Is a separate vote de-

manded on any other amendment? If not, the Chair will put them en gros. The question is on the amendments.

The amendments were agreed to.

The SPEAKER. The Clerk will report the so-called Schwengel amendment.

The Clerk read as follows:

On page 13, strike out lines 15 to 24, inclusive, and insert in lieu thereof the following:

"(b) Clause 27(e) of Rule XI of the Rules of the House of Representatives is amended by adding at the end thereof the following: 'No vote of any member of any committee with respect to any measure or matter may be cast by proxy.'."

The SPEAKER. The question is on the amendment.

Mr. SISK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 156, nays 187, not voting 86, as follows:

[Roll No. 304]

YEAS—156

Abbitt	Ford, Gerald R.	O'Konski
Adair	Foreman	Passman
Andrews, Ala.	Frey	Pike
Andrews, N. Dak.	Fulton, Pa.	Pirnie
Ashbrook	Galifianakis	Poff
Ayres	Green, Oreg.	Pucinski
Bell, Calif.	Griffin	Quie
Bennett	Gross	Quillen
Bevill	Grover	Railsback
Biester	Gude	Rarick
Bingham	Haley	Reid, Ill.
Brinkley	Hall	Reid, N.Y.
Broomfield	Halpern	Riegle
Brotzman	Hammer-schmidt	Robison
Brown, Mich.	Hansen, Idaho	Roe
Brown, Ohio	Harrington	Roth
Broyhill, N.C.	Harsha	Ryan
Broyhill, Va.	Harvey	Sandman
Buchanan	Hastings	Satterfield
Burke, Fla.	Hechler, W. Va.	Schadeberg
Burlison, Mo.	Heckler, Mass.	Scheuer
Caffery	Helstoski	Schmitz
Chamberlain	Henderson	Schwengel
Chappell	Hogan	Sebelius
Chisholm	Hutchinson	Shriver
Clancy	Jarman	Sikes
Cleveland	Jonas	Skubitz
Collins	Karth	Slack
Colmer	Kastenmeier	Smith, Iowa
Conte	Koch	Springer
Corbett	Kyl	Stafford
Coughlin	Langen	Stanton
Cramer	Latta	Steiger, Ariz.
Crane	Lennon	Talcott
Culver	McClory	Taylor
Cunningham	McCloskey	Teague, Calif.
Daniel, Va.	McClure	Thompson, Ga.
Davis, Wis.	McDade	Thomson, Wis.
de la Garza	McKneally	Tiernan
Dellenback	MacGregor	Vander Jagt
Dennis	Mann	Vanik
Dickinson	Marsh	Vigorito
Dorn	Martin	Waldie
Duncan	Mayne	Wampler
Dwyer	Miller, Ohio	Whalen
Edwards, Ala.	Minish	Williams
Erlenborn	Minshall	Winn
Esch	Mize	Wydler
Eshleman	Mizell	Wylie
Findley	Morse	Wyman
Fish	Mosher	Zion
Flowers	Nichols	Zwach

NAYS—187

Abernethy	Boggs	Clausen, Don H.
Adams	Boland	Clay
Addabbo	Bolling	Cohelan
Albert	Brademas	Conable
Anderson, Calif.	Brasco	Conyers
Anderson, Ill.	Bray	Daniels, N.J.
Anderson, Tenn.	Brown, Calif.	Davis, Ga.
Andrews, N. Dak.	Burke, Mass.	Dent
Annunzio	Burleson, Tex.	Diggs
Arends	Burton, Calif.	Donohue
Ashley	Byrne, Pa.	Downing
Aspinall	Byrnes, Wis.	Dulski
Betts	Cabell	Eckhardt
Biaggi	Carey	Edwards, Calif.
Blanton	Carter	Eilberg
Boland	Clark	Evans, Colo.
Bolling	Clausen, Don H.	Evins, Tenn.
Brademas	Clay	Fascell
Brasco	Cohelan	Feighan
Bray	Conable	Fisher
Brown, Calif.	Conyers	Flood
Burke, Mass.	Daniels, N.J.	Foley
Burleson, Tex.	Davis, Ga.	Ford, William D.
Burton, Calif.	Dent	Fountain
Byrne, Pa.	Diggs	Fraser
Byrnes, Wis.	Donohue	Frelinghuysen
Cabell	Downing	Friedel
Carey	Dulski	Fulton, Tenn.
Carter	Eckhardt	Fuqua
Clark	Edwards, Calif.	Gallagher
Clausen, Don H.	Eilberg	Garmatz
Clay	Evans, Colo.	Gaydos
Cohelan	Evins, Tenn.	Giaimo
Conable	Fascell	Gibbons
Conyers	Feighan	Gilbert
Daniels, N.J.	Fisher	Goldwater
Davis, Ga.	Flood	Gonzalez
Dent	Foley	Goodling
Diggs	Ford, William D.	Gray
Donohue	Fountain	Green, Pa.
Downing	Fraser	Griffiths
Dulski	Frelinghuysen	Gubser
Eckhardt	Friedel	Hagan
Edwards, Calif.	Fulton, Tenn.	Hamilton
Eilberg	Fuqua	Hanna
Evans, Colo.	Gallagher	Hansen, Wash.
Evins, Tenn.	Garmatz	Hathaway
Fascell	Gaydos	Hawkins
Feighan	Giaimo	Hays
Fisher	Gibbons	Hicks
Flood	Gilbert	Holifield
Foley	Goldwater	Hosmer
Ford, William D.	Gonzalez	Howard
Fountain	Goodling	Jacobs
Fraser	Gray	Johnson, Calif.
Frelinghuysen	Green, Pa.	Johnson, Pa.
Friedel	Griffiths	Jones, Ala.
Fulton, Tenn.	Gubser	Jones, N.C.
Fuqua	Hagan	Jones, Tenn.
Gallagher	Hamilton	Kazen
Garmatz	Hanna	Kee
Gaydos	Hansen, Wash.	Keith
Giaimo	Hathaway	Kuykendall
Gibbons	Hawkins	
Gilbert	Hays	
Goldwater	Hicks	
Gonzalez	Holifield	
Goodling	Hosmer	
Gray	Howard	
Green, Pa.	Jacobs	
Griffiths	Johnson, Calif.	
Gubser	Johnson, Pa.	
Hagan	Jones, Ala.	
Hamilton	Jones, N.C.	
Hanna	Jones, Tenn.	
Hansen, Wash.	Kazen	
Hathaway	Kee	
Hawkins	Keith	
Hays	Kuykendall	
Hicks	Kyros	
Holifield	Landgrebe	
Hosmer	Landrum	
Howard	Leggett	
Jacobs	Lloyd	
Johnson, Calif.	Long, La.	
Johnson, Pa.	Long, Md.	
Jones, Ala.	Lowenstein	
Jones, N.C.	McCarthy	
Jones, Tenn.	McDonald, Mich.	
Kazen	McEwen	
Kee	Macdonald, Mass.	
Keith	Madden	
Kuykendall	Mahon	
Kyros	Mailliard	
Landgrebe	Mathias	
Landrum	Matsunaga	
Leggett	Meeds	
Lloyd	Mikva	
Long, La.	Miller, Calif.	
Long, Md.	Mills	
Lowenstein	Mink	
McCarthy	Mollohan	
McDonald, Mich.	Monagan	
McEwen	Montgomery	
Macdonald, Mass.	Moorhead	
Madden	Morgan	
Mahon	Morton	
Mailliard	Moss	
Mathias	Murphy, Ill.	
Matsunaga	Natcher	
Meeds	Nedzi	
Mikva	Nix	
Miller, Calif.	Obey	
Mills	O'Hara	
Mink	Olsen	
Mollohan	O'Neal, Ga.	
Monagan	O'Neill, Mass.	
Montgomery	Ottinger	
Moorhead	Patten	
Morgan	Pepper	
Morton	Perkins	
Moss	Philbin	
Murphy, Ill.	Podell	
Natcher	Preyer, N.C.	
Nedzi	Price, Ill.	
Nix	Price, Tex.	
Obey	Randall	
O'Hara	Rees	
Olsen	Reuss	
O'Neal, Ga.	Rhodes	
O'Neill, Mass.	Roberts	
Ottinger	Rodino	
Patten	Rogers, Fla.	
Pepper	Rooney, N.Y.	
Perkins	Rooney, Pa.	
Philbin	Rosenthal	
Podell	Rostenkowski	
Preyer, N.C.	Rousselot	
Price, Ill.	Ruppe	
Price, Tex.	St Germain	
Randall	Scott	
Rees	Shipley	
Reuss	Sisk	
Rhodes	Smith, Calif.	
Roberts	Snyder	
Rodino	Steed	
Rogers, Fla.	Steiger, Wis.	
Rooney, N.Y.	Stephens	
Rooney, Pa.	Stratton	
Rosenthal	Stubblefield	
Rostenkowski	Stuckey	
Rousselot	Sullivan	
Ruppe	Symington	
St Germain	Teague, Tex.	
Scott	Thompson, N.J.	
Shipley	Udall	
Sisk	Ullman	
Smith, Calif.	Van Deerlin	
Snyder	Waggonner	
Steed	Watts	
Steiger, Wis.	Whalley	
Stephens	White	
Stratton	Whitten	
Stubblefield	Wiggins	
Stuckey	Wilson, Bob	
Sullivan	Wilson, Charles H.	
Symington	Wolff	
Teague, Tex.	Wright	
Thompson, N.J.	Wyatt	
Udall	Yates	
Ullman	Yatron	
Van Deerlin	Young	
Waggonner	Zablocki	
Watts		
Whalley		
White		
Whitten		
Wiggins		
Wilson, Bob		
Wilson, Charles H.		
Wolff		
Wright		
Wyatt		
Yates		
Yatron		
Young		
Zablocki		

NOT VOTING—86

Alexander	Dowdy	Patman
Baring	Edmondson	Pelly
Barrett	Edwards, La.	Pettis
Beall, Md.	Fallon	Pickle
Belcher	Farbstein	Poage
Berry	Flynt	Pollock
Blackburn	Gettys	Powell
Blatnik	Hanley	Pryor, Ark.
Bow	Hébert	Purcell
Brock	Horton	Reifel
Brooks	Hull	Rivers
Burton, Utah	Hungate	Rogers, Colo.
Bush	Hunt	Roudebush
Button	Ichord	Roybal
Camp	King	Ruth
Casey	Kleppe	Saylor
Cederberg	Kluczynski	Scherle
Celler	Lujan	Schneebeli
Clawson, Del	Lukens	Smith, N.Y.
Collier	McCulloch	Staggers
Corman	McFall	Stokes
Cowger	McMillan	Taft
Daddario	May	Tunney
Dawson	Melcher	Watson
Delaney	Meskill	Weicker
Denney	Michel	Whitehurst
Derwinski	Murphy, N.Y.	Widnall
Devine	Myers	Wold
Dingell	Nelsen	

So the amendment was rejected.

The clerk announced the following pairs:

Mr. Hébert with Mr. Beall of Maryland.
Mr. Casey with Mr. Meskill.
Mr. Pryor of Arkansas with Mr. Bush.
Mr. Brooks with Mr. Roudebush.
Mr. Blatnik with Mr. Denney.
Mr. Kluczynski with Mr. Taft.
Mr. Dingell with Mr. Pelly.
Mr. Edmondson with Mr. Horton.
Mr. Gettys with Mr. Berry.
Mr. Staggers with Mr. Devine.
Mr. Rivers with Mr. Widnall.
Mr. Purcell with Mr. Saylor.
Mr. Murphy of New York with Mr. Smith of New York.
Mr. Celler with Mr. Stokes.
Mr. McFall with Mr. Collier.
Mr. Hull with Mr. Blackburn.
Mr. Barrett with Mr. Hunt.
Mr. Alexander with Mr. Michel.
Mr. Corman with Mr. Powell.
Mr. Delaney with Mr. Burton of Utah.
Mr. Daddario with Mr. Cederberg.
Mr. Pickle with Mr. Scherle.
Mr. Handley with Mr. Wold.
Mr. Melcher with Mr. Schneebeli.
Mr. Edwards of Louisiana with Mr. Reifel.
Mr. Fallon with Mr. Pettis.
Mr. Baring with Mr. Lukens.
Mr. Ichord with Mr. Belcher.
Mr. Rogers of Colorado with Mr. Brock.
Mr. Roybal with Mr. King.
Mr. Flynt with Mr. Bow.
Mr. Farbstein with Mr. Myers.
Mr. Dowdy with Mr. Button.
Mr. McMillan with Mr. Ruth.
Mr. Patman with Mr. Watson.
Mr. Hungate with Mr. Derwinski.
Mr. Tunney with Mr. Kleppe.
Mr. McCulloch with Mr. Camp.
Mr. Del Clawson with Mr. Whitehurst.
Mr. Pollock with Mr. Nelsen.
Mr. Lujan with Mr. Cowger.

Mr. McEWEN changed his vote from "yea" to "nay."

Mr. PEPPER changed his vote from "yea" to "nay."

Mr. NICHOLS changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. GROSS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. GROSS. Unqualifiedly, Mr. Speaker.

The SPEAKER. The gentleman qualifies. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GROSS of Iowa moves to recommit the Bill H.R. 17654 to the Committee on Rules.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

Mr. GROSS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

The SPEAKER. The question is on passage of the bill.

Mr. SISK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 326, nays 19, not voting 84, as follows:

[Roll No. 305]

YEAS—326

Abbitt	Bevill	Buchanan
Adair	Biaggi	Burke, Fla.
Adams	Biester	Burke, Mass.
Addabbo	Bingham	Burleson, Tex.
Albert	Blanton	Burlison, Mo.
Anderson, Calif.	Boggs	Burton, Calif.
Anderson, Ill.	Boland	Byrne, Pa.
Anderson, Tenn.	Bolling	Byrnes, Wis.
Andrews, N. Dak.	Brademas	Caffery
Annunzio	Brasco	Carey
Arends	Bray	Carter
Ashley	Brinkley	Chamberlain
Ayres	Broomfield	Chappell
Bell, Calif.	Brotzman	Chisholm
Bennett	Brown, Calif.	Clancy
Betts	Brown, Mich.	Clark
	Brown, Ohio	Clausen, Don H.
	Broyhill, N.C.	Clay
	Broyhill, Va.	

Cleveland	Heckler, Mass.	Preyer, N.C.
Cohelan	Helstoski	Price, Ill.
Collins	Henderson	Price, Tex.
Colmer	Hicks	Pucinski
Conable	Hogan	Quie
Conte	Holifield	Quillen
Conyers	Hosmer	Railsback
Corbett	Howard	Randall
Coughlin	Hutchinson	Rees
Cramer	Jacobs	Reid, Ill.
Crane	Jarman	Reid, N.Y.
Culver	Johnson, Calif.	Reuss
Cunningham	Johnson, Pa.	Rhodes
Daniel, Va.	Jonas	Riegle
Daniels, N.J.	Jones, N.C.	Roberts
Davis, Ga.	Jones, Tenn.	Robison
Davis, Wis.	Karth	Rodino
de la Garza	Kastenmeier	Roe
Dellenback	Kazen	Rogers, Fla.
Dennis	Kee	Rooney, N.Y.
Dent	Keith	Rooney, Pa.
Dickinson	Koch	Rosenthal
Diggs	Kuykendall	Rostenkowski
Donohue	Kyl	Roth
Dorn	Kyros	Rousselot
Downing	Landrum	Ruppe
Dulski	Langen	Ryan
Dwyer	Latta	St Germain
Eckhardt	Leggett	Sandman
Edwards, Ala.	Lennon	Satterfield
Edwards, Calif.	Lloyd	Schadeberg
Eilberg	Long, La.	Scheuer
Erlenborn	Long, Md.	Schwengel
Esch	Lowenstein	Scott
Eshleman	McCarthy	Sebelius
Evans, Colo.	McClory	Shipley
Evins, Tenn.	McCloskey	Shriver
Fascell	McClure	Sisk
Feighan	McDade	Skubitz
Findley	McDonald, Mich.	Slack
Fish	McEwen	Smith, Calif.
Fisher	McKneally	Smith, Iowa
Flood	Macdonald, Mass.	Smith, N.Y.
Flowers	MacGregor	Snyder
Foley	Madden	Springer
Ford, Gerald R.	Mahon	Stafford
Ford, William D.	Mailliard	Stanton
Foreman	Mann	Steiger, Ariz.
Fountain	Marsh	Steiger, Wis.
Fraser	Martin	Stephens
Frelinghuysen	Mathias	Stratton
Frey	Matsunaga	Stubblefield
Friedel	May	Sullivan
Fulton, Pa.	Mayne	Symington
Fulton, Tenn.	Meeds	Talcott
Fuqua	Mikva	Taylor
Galifianakis	Miller, Calif.	Teague, Calif.
Gallagher	Miller, Ohio	Thompson, Ga.
Garmatz	Minish	Thompson, N.J.
Gaydos	Mink	Thomson, Wis.
Giaimo	Minshall	Tiernan
Gibbons	Mize	Udall
Gilbert	Mizell	Ullman
Goldwater	Mollohan	Van Deerlin
Gonzalez	Monagan	Vander Jagt
Goodling	Moorhead	Vanik
Gray	Morgan	Vigorito
Green, Oreg.	Morse	Waggonner
Green, Pa.	Morton	Waldie
Griffin	Mosher	Wampler
Griffiths	Moss	Watts
Grover	Murphy, Ill.	Whalen
Gubser	Natcher	Whalley
Gude	Nedzi	White
Hagan	Nichols	Wiggins
Haley	Nix	Williams
Hall	Obey	Wilson, Bob
Halpern	O'Hara	Wilson, Charles H.
Hamilton	O'Konski	Winn
Hammer-schmidt	Olsen	Wolff
Hanna	O'Neal, Ga.	Wright
Hansen, Idaho	O'Neill, Mass.	Wyatt
Hansen, Wash.	Ottinger	Wydler
Harrington	Patten	Wylie
Harsha	Pepper	Wyman
Harvey	Perkins	Yates
Hastings	Pike	Yatron
Hathaway	Pirnie	Young
Hawkins	Podell	Zablocki
Hays	Poff	Zion
Hechler, W. Va.	Pollock	Zwach

NAYS—19

Abernethy	Jones, Ala.	Schmitz
Andrews, Ala.	Landgrebe	Sikes
Ashbrook	Michel	Steed
Aspinall	Mills	Teague, Tex.
Cabell	Montgomery	Whitten
Duncan	Passman	
Gross	Rarick	

NOT VOTING—84

Alexander	Dingell	Patman
Baring	Dowdy	Pelly
Barrett	Edmondson	Pettis
Beall, Md.	Edwards, La.	Philbin
Belcher	Fallon	Pickle
Berry	Farbstein	Poage
Blackburn	Flynt	Powell
Blatnik	Gettys	Pryor, Ark.
Bow	Hanley	Purcell
Brock	Hébert	Reifel
Brooks	Horton	Rivers
Burton, Utah	Hull	Rogers, Colo.
Bush	Hungate	Roudebush
Button	Hunt	Roybal
Camp	Ichord	Ruth
Casey	King	Saylor
Cederberg	Kleppe	Scherle
Celler	Kluczynski	Schneebeli
Clawson, Del	Lujan	Staggers
Collier	Lukens	Stokes
Corman	McCulloch	Stuckey
Cowger	McFall	Taft
Daddario	McMillan	Tunney
Dawson	Melcher	Watson
Delaney	Meskill	Weicker
Denney	Murphy, N.Y.	Whitehurst
Derwinski	Nelsen	Widnall
Devine	Myers	Wold

So the bill was passed.

The clerk announced the following pairs:

Mr. Hébert with Mr. Beall of Maryland.
Mr. Casey with Mr. Cederberg.
Mr. Pryor of Arkansas with Mr. Bush.
Mr. Brooks with Mr. Roudebush.
Mr. Blatnik with Mr. Denney.
Mr. Kluczynski with Mr. Taft.
Mr. Dingell with Mr. Pelly.
Mr. Edmondson with Mr. Horton.
Mr. Gettys with Mr. Berry.
Mr. Staggers with Mr. Devine.
Mr. Rivers with Mr. Widnall.
Mr. Purcell with Mr. Saylor.
Mr. Murphy of New York with Mr. Weicker.
Mr. Celler with Mr. Stokes.
Mr. McFall with Mr. Collier.
Mr. Hull with Mr. Blackburn.
Mr. Barrett with Mr. Hunt.
Mr. Alexander with Mr. Cowger.
Mr. Corman with Mr. Powell.
Mr. Delaney with Mr. Burton of Utah.
Mr. Daddario with Mr. Meskill.
Mr. Pickle with Mr. Scherle.
Mr. Hanley with Mr. Wold.
Mr. Melcher with Mr. Schneebeli.
Mr. Edwards of Louisiana with Mr. Reifel.
Mr. Fallon with Mr. Pettis.
Mr. Baring with Mr. Lukens.
Mr. Ichord with Mr. Belcher.
Mr. Rogers of Colorado with Mr. Brock.
Mr. Roybal with Mr. Derwinski.
Mr. Flynt with Mr. Bow.
Mr. Farbstein with Mr. Button.
Mr. Dowdy with Mr. Myers.
Mr. McMillan with Mr. Watson.
Mr. Patman with Mr. King.
Mr. Hungate with Mr. Ruth.
Mr. Tunney with Mr. McCulloch.
Mr. Philbin with Mr. Camp.
Mr. Stuckey with Mr. Nelsen.
Mr. Lujan with Mr. Kleppe.
Mr. Whitehurst with Mr. Del Clawson.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. SISK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

AUTHORIZATION FOR THE CLERK OF THE HOUSE TO MAKE APPROPRIATE TECHNICAL AND CONFORMING CHANGES IN H.R. 17654

Mr. SISK. Mr. Speaker, I ask unanimous consent that, in the engrossment of H.R. 17654, the Clerk of the House be permitted to make appropriate technical and conforming changes and adjustments with respect to the table of contents, section numbers and references, section headings, punctuation and grammar, the spelling of words, the numbering of the respective parts of titles, references to parts and titles, the consolidation and relocation of sections and amendments, and other technical and conforming changes and adjustments with respect to the format of H.R. 17654.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 368. An act to authorize the Secretary of the Interior to make disposition of geothermal steam and associated geothermal resources, and for other purposes.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 2264) entitled "An act to amend the Public Health Service Act to provide authorization for grants for communicable disease control and vaccination assistance," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. YARBOROUGH, Mr. WILLIAMS of New Jersey, Mr. KENNEDY, Mr. NELSON, Mr. EAGLETON, Mr. CRANSTON, Mr. HUGHES, Mr. DOMINICK, Mr. JAVITS, Mr. MURPHY, Mr. PROUTY, and Mr. SAXBE to be the conferees on the part of the Senate.

APPOINTMENT OF CONFEREES ON S. 3558, AMENDING COMMUNICATIONS ACT OF 1934

Mr. MACDONALD of Massachusetts. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3558) to amend the Communications Act of 1934 to provide continued financing for the Corporation for Public Broadcasting, with a House amendment thereto, insist on the amendment of the House, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, MACDONALD of Massachusetts, VAN DEERLIN, SPRINGER, and BROYHILL of North Carolina.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker,

I take this time to ask the distinguished majority leader the program for the remainder of this week, if any, and the schedule for next week.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the distinguished majority leader, the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the distinguished minority leader, we will not take up any other business this week. The program for next week is as follows:

Monday is Consent Calendar day.

We will have 11 suspensions as follows:

S. 2763, to allow purchase of systems and equipment for passenger motor vehicles over statutory price limitation;

H.R. 14678, penalties for illegal fishing in fishery zone;

S. 3153, conservation of protective coral reefs;

H.R. 18686, to authorize the transfer of Burley tobacco acreage allotments;

H.R. 15911, to increase rates of pension and dependency and indemnity compensation;

H.R. 18448, group mortgage insurance for service-connected paraplegic and quadriplegic veterans;

H.R. 16710, to authorize loans for mobile homes for veterans;

S. 719, to establish a national mining and minerals policy;

H.R. 19007, to designate certain lands as wilderness;

H.R. 12870, to establish the King Range National Conservation Area, Calif., and

H.R. 17789, to amend act fixing boundary of Everglades National Park, Fla.

Mr. Speaker, on Tuesday, there will be a joint meeting of the two Houses of Congress on the prisoners of war in Southeast Asia, with Colonel—and former Astronaut—Frank Borman speaking.

Also on Tuesday, we will have H.R. 18776, to establish the Sleeping Bear Dunes National Lakeshore, Mich., with an open rule and 2 hours of debate.

On Wednesday and the balance of the week, we will have:

A House resolution to cite Arnold S. Johnson for contempt of Congress;

H.R. 17333, Investment Company Amendments Act of 1970, with an open rule and 2 hours of debate; and

H.R. 18583, Comprehensive Drug Abuse Prevention and Control Act of 1970, subject to a rule being granted.

Mr. Speaker, I might add the distinguished chairman of the Committee on Rules has advised me he hopes to hold a meeting of his committee on Monday on that bill.

Mr. Speaker, this announcement is made subject to the usual reservation that conference reports may be brought up at any time, and any further program may be announced later.

ADJOURNMENT TO MONDAY, SEPTEMBER 21

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PERMISSION FOR SUBCOMMITTEE NO. 5 OF COMMITTEE ON THE JUDICIARY TO SIT DURING GENERAL DEBATE ON SEPTEMBER 21

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee No. 5 of the Committee on the Judiciary may be permitted to sit during general debate on Monday, September 21.

Mr. Speaker, that is the subcommittee dealing with the crime bill.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

THE PRESIDENT'S SPEECH AT KANSAS STATE UNIVERSITY

(Mr. ANDERSON of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON of Illinois. Mr. Speaker, yesterday afternoon the President spoke to a university audience on the campus of Kansas State University. When he had finished his audience of 15,000 students, faculty, and friends of the university rose to give him a 10-minute standing ovation. Their response was eloquent testimony to the fact that Richard Nixon had met the need of the hour for firmness and commonsense within the framework of respect for the law—that necessary respect which Abraham Lincoln called "the religion of liberty."

It is worth noting, Mr. Speaker, that the violence condemned by the President has not been limited by any means to the campuses. It is spreading in our streets and now in our skies. I say this not out of alarm—for alarmism has never helped to solve the most difficult problems we have faced—but out of quiet conviction that on the question of violence every law-abiding American, of whatever political persuasion, must put his foot down at precisely the line drawn by the President yeterday afternoon. The merit of the Kansas State speech lies in the fact that it focuses unequivocally on this one issue: Are we going to solve our problems through give and take, through due process, through the rule of law—or are we going to surrender to threat and counterthreat, to calculated acts of terrorism, and to the cult of violence which abhors the religion of liberty?

Every American has the right to disagree with the President or any other elected official about how our problems should be solved, and the vitality of our political system is due in large measure to the fact that our citizens over the years have not hesitated to exercise that right. But each of us has an obligation to eschew violence as a means of winning political points, and the person who hesitates to denounce terrorism because he may sympathize with the alienated who resort to it, is as much at fault for the contagion of violence as the committed revolutionary who does not hesitate to destroy himself as he tries to bring down "the system." It is time for all of us to bring the political game back within bounds, and the President's address yesterday made clear that the ground rules must include a respect for "those decencies, those self-restraints, those patterns of mutual respect for the rights and feelings of others" that must be preserved if freedom itself is to be preserved.

Mr. Speaker, may I commend the President's speech to any of my colleagues who may not have read it.

MIDDLE EAST HIJACKINGS REPRESENT INTERNATIONAL BLACKMAIL

(Mr. PREYER of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PREYER of North Carolina. Mr. Speaker, the recent Middle East hijackings represent international blackmail of the worst kind. The lives of scores of innocent people have been put on the auction block by a gang of fanatical outlaws.

The danger in the present wave at skyjackings is that it can easily spread into an infectious disorder all over the world. It is a quick and easy way for any fanatical minority to dramatize its case. It is also the kind of thing that appeals to deranged minds.

We must do all that can be done to deter aerial hijackings. I may feel especially strongly about this since my son was a passenger on the 747 that was hijacked to Cairo and destroyed, and a friend and former resident of my city is still a hostage in Jordan, but I am sure all civilized mankind is outraged and not just relatives of victims. Have we done all that is reasonably possible to do?

There seems to be no one final answer to the problem. Electronic devices are not sufficiently sensitive—but they help and we should increase their use. Sealed or locked pilot cabins are no solution as long as a hijacker can hold a pistol to a stewardess' or a passenger's head. Armed guards are not a final solution, since this is importing an additional risk onto a plane. Armed guards will help prevent hijacking, but the best long range solution is to deter such crimes—by having the hijacker returned promptly to the country of the hijacked plane where he can be quickly and effectively punished. The hijackers must have no hope of finding a safe haven and must know they face swift justice wherever they land.

I have today introduced a bill whose purpose is to accomplish this. It provides that in any case in which an aircraft is hijacked to a foreign country, it shall be unlawful for any air carrier to carry as a passenger any citizen of such foreign country until that country has extradited the hijacker to the flag country of the hijacked aircraft. The President is requested to take the steps necessary to establish this policy on an international basis.

Under this procedure, the citizens of a country will exert pressure on their own government to force that government to return the hijacker, since the citizens will be unable to fly anywhere on any plane until this is done.

Proposals to quarantine any nation which fails to deal effectively with hijackers will be made before the Foreign Affairs Committee next week. My bill may be a practical way to do this.

This is an extraordinary step. It has the disadvantage of punishing the innocent by depriving them of the right to aircraft travel through no fault of their own. But the situation is extraordinary. We are no longer dealing with the demented or the irrational but with purposeful terrorists. Firm steps are necessary.

All of us are sick and tired of violence. It must be stopped.

PERSONAL FINANCIAL STATEMENT

(Mr. VAN DEERLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VAN DEERLIN. Mr. Speaker, it has become my practice at the outset of each general election campaign to submit for the RECORD a full disclosure of my personal financial status. I may regret that these regular listings of my assets consume only a few brief lines of type. I offer them, obviously, in no spirit of flaunting my worth—which, with six children to raise and educate, has never moved far from the brink of insolvency.

Rather, I make these biennial accountings in the belief that the people of my district are entitled to know whether I, as the nominee of my party for a 2-year term in Congress, am free of financial ties which might influence my actions as their representative.

Under California's community property law, my wife and I jointly own a mortgaged residential rental property of about 2½ acres on Poway Road in Poway, Calif.; equity of about $24,500 in our present residence at 3930 Argyle Terrace NW., in Washington, D.C.; a commercial lot and residential lot in Imperial County, Calif.; 2½ unimproved acres in Mojave County, Ariz.; and 9 undeveloped acres near Hilo, Hawaii.

We own no corporate stocks, and no bonds of any nature. My salary as a Member of Congress represents slightly more than 95 percent of our gross income. Our Internal Revenue Service forms will be made available for scrutiny, if requested, by news media or any other responsible body.

CITIZENSHIP COMMENTARY CEREMONY

(Mr. FINDLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FINDLEY. Mr. Speaker, today is Citizenship Day. It was so designated by Congress almost two decades ago to commemorate the signing of the Constitution on September 17, 1787, and in recognition of all persons who, by coming of age or by naturalization, have attained citizenship during the past year.

Unfortunately, relatively little public notice will be taken of this special day. Few Americans are even aware that today is anything except Thursday. Although 3½ million young people have attained the right to vote in the past year, for most of them nothing special will be done today, or any other day, to celebrate and sanctify their attainment of this most precious of all democratic rights.

President Nixon will give a speech, yet few other public officials, religious, civic, or educational leaders, in any part of the Nation will hold any type of ceremony or special observance to recognize the importance of this very special day. Although President Nixon issued a proclamation over 3 months ago asking for such observances to be planned for today, since it is not a holiday, for most Americans it will be business as usual.

This blasé attitude would be unfortunate during normal times. It is tragic during a period of our history when democracy is being challenged by a doubting generation of young people, many of whom have lost faith in democratic institutions which have made this country so unique in all human history, so durable, so strong.

At a time when all too many seem willing to countenance rioting, burning, and some even bombing, it is sad, indeed, that the adult community does not impress upon young people the most powerful and important weapon of social change they can ever receive—the right to vote.

And, in great measure, because the adult community makes no fuss over this newly acquired right of young people who have just become of age, because we rarely publicly reaffirm our own faith in the right to vote, few young people attribute much significance to this newly acquired right and power. The infectious disease of not voting, from which many never recover, takes over. And it takes its heaviest toll among the young, the ignorant, the poor, the disenchanted.

Is it any wonder?

When a person from a foreign land becomes a naturalized citizen of the United States, there is often a very elaborate and impressive ceremony. He assembles with others to be naturalized in the Federal or State court nearest his home. Relatives and other friends are present. Typically, after an invocation, a color guard presents the flag of the United States. Standing before the flag of his newly adopted nation, the person to be naturalized repeats the oath of allegiance to the United States and becomes at that moment a citizen. Following this, the new citizen is addressed and welcomed by various community leaders such as the mayor of his city. All present, new and old citizens alike, then sing the national anthem together.

After participating in such an impressive, patriotic event, it is no wonder that new citizens tend to cherish the right to vote and to exercise it at each election.

As a naturalized citizen he has actively chosen to make the United States his new home, to abide by its laws, to defend it if necessary, and to participate in the functioning of its government. For these rights and privileges he has waited for a period of 5 years, studied its history and form of government, and finally taken an oath to defend his new country.

A person who is born in this country usually lives here 21 years before he gains the right to vote. He generally attends 12 years of school in which he spends much of his time, or at least thinks that he does, trying to learn the language, history, and government of our country. At 18 he registers for the draft. Yet when he becomes of age to vote there is no ceremony, no recognition, no event to impress upon him that voting is what democracy is all about.

There should be such a ceremony and it should be on September 17. Becoming 18 in a democracy should be more than the point at which a young man becomes eligible to go to war. Furthermore, I cannot think of a better time to begin planning for such an appropriate ceremony than right now. Next year, we may very well be welcoming over 10½ million young people to the rolls of new voters if the Supreme Court upholds the constitutionality of the 18-year-old vote. In any event it is vitally important that we impress upon all new voters of whatever age the opportunity and the responsibility that are attached to their newly acquired right.

I propose that a citizenship commencement ceremony be held each year on September 17 in Washington, and simultaneously in every city and town in the Nation. To that end, I am introducing a joint resolution today calling upon the President of the United States and the Chief Justice of the Supreme Court to participate with congressional leaders in a ceremony in Washington, D.C., which shall occur at a joint session of the House of Representatives and the Senate whenever the Congress is sitting on that day. At such a ceremony, selected citizens would be honored, including at least one from each of the 50 States who have achieved within the previous year a status entitling them to vote. This would obviously be the most appropriate forum for the President's traditional Citizenship Day speech, and the Chief Justice should administer a simple, but important, oath of citizenship to the participants. An appropriate certificate would be presented to each.

Such ceremony, coming approximately 6 weeks before the November elections, would remind us all—and especially young people—of the importance of registering so that each will be able to exer-

cise his franchise when election day comes. It will help demonstrate to young people, including the disenchanted and the despairing, the significance and the power of citizenship and hopefully motivate them to use the American system and make it work for them according to the time-honored means which alone form the strength and security of our Nation.

The text of the resolution follows:

H.J. RES. 1374

Concerning a Citizenship Commencement Ceremony for new voters.

Whereas September 17 is designated Citizenship Day nationally and should be a day of celebration in which all individuals are given personal honor, attention and recognition who in the previous 12 months have achieved a status entitling them to the most precious of all rights of citizenship—the right to vote; and

Whereas the appropriate fulfillment of this special day requires the participation of the highest officials of all levels of government; Now

Therefore, be it resolved by the House of Representatives (the Senate concurring), that on each September 17 beginning in the year 1971, a Citizenship Commencement Ceremony be held in the city of Washington, District of Columbia, during which:

1. Appropriate remarks will be delivered by the President of the United States.

2. Citizenship Commencement certificates will be presented jointly by the Speaker of the House of Representatives and the President of the Senate to selected persons who achieved during the preceding 12 months a status entitling them to vote, such selection to include at least one from each State of the Union;

3. An oath of citizenship will be administered to this selected group by the Chief Justice of the United States.

Be it resolved further, that whenever the Congress is in session on September 17, this ceremony shall occur during a joint meeting of the House of Representatives and the Senate; and

Be it resolved further, that state and local officials be encouraged to hold similar simultaneous ceremonies coordinated to the fullest extent possible with the one in Washington, and that they be encouraged, in addition, to provide for the registration for voting of these citizens as a part of the ceremony.

FREE POLAND GIVES AWARD TO REP. JOHN J. ROONEY

(Mr. DULSKI asked and was given permission to address the House for 1 minute to revise and extend his remarks and include extraneous matter.)

Mr. DULSKI. Mr. Speaker, one of the free Polish government's highest awards was presented Wednesday, September 16, to our distinguished colleague and my personal friend, the gentleman from New York (Mr. ROONEY).

I had the honor to be present and to take part in the ceremony as Zbigniew Stypulkowski, representative in the United States of the free Polish government in exile, awarded the Officer's Cross of Polonia Restituta to JOHN ROONEY.

There are few persons in public life today who are deserving of this special recognition and JOHN ROONEY is one of them. His efforts on behalf of the people of Poland and our Polish-American citizens amply justify this high honor.

In paying this tribute to our colleague from Brooklyn, we also had the opportunity to once again to remind one and all of the undying spirit of free Poland. Although she stands occupied by the Communists, Poland still strives for freedom—a goal she will one day achieve.

Mr. Stypulkowski knows well of the efforts of free Poland. He was one of the underground leaders in World War II and was imprisoned and tried by the Communists.

Presiding at the ceremony was Col. Casimir Lenard, Washington representative of the Polish-American Congress. Others taking part were: Stefan Korbonski, former chairman of the Assembly of Captive European Nations; Karol Burke, Anthony Tarnowski, Miss Kristine Malinowska, Ing Jan Miska, and Richard Mossin.

Mr. Speaker, as part of my remarks I include the text of Mr. Stypulkowski in presenting the award, Congressman ROONEY's response and my own remarks:

REMARKS OF MR. STYPULKOWSKI

Congressman Rooney: I am instructed by the Polish Supreme Council in London to bestow upon you the Officer's Cross of the Polonia Restituta.

This high distinction has been established after the First World War, when Poland—partitioned between Prussia, Russia and Austria for more then one hundred years—regained its independence and its rightful place among free nations.

Alas, after six years of uninterrupted struggle during the second World War, after losing in it over six million human lives and 40% of its national assets, Poland is again in the bondage of her foes.

Called during that war the "world's inspiration", later she was left at the mercy of Stalin and his henchmen. Twenty five years passed since the war—Poland is still occupied by the Soviet armed forces, the communist system is still being forcibly imposed on her.

The Teheran and Yalta agreements were not only a crime, they were more than that—they were a great blunder. They were made in the name of world peace. It is evident now what kind of a peace has been achieved.

To safeguard it the U.S. has to spend nearly 80 billion dollars a year on armaments, nuclear devices and ABM stands. We look with ever increasing anxiety on what is going on around in the world.

WORLD FUTURE AT STAKE

The center of the gathering storm is in Europe. Let there be no doubt. The just concluded pact between Kosygin and Brandt—with all its implications—proves that Soviet Russia in her offensive mood wants first to solidify her hegemony in Central and Eastern Europe, obtain its confirmation and then to wreck the Western Alliance in Europe. The world's future domination by communism is at stake.

Money, armaments and so called treaties aimed at peace do not suffice to defend the World from communist danger. Such treaties often are not worthy of the paper on which they have been scribbled. Modern wars are laden with the risk of bringing about the extinction of humanity.

The outcome of the present world struggle will be resolved first of all by the spiritual forces—the strength of moral forces. The deadly enemies of these forces are fear, cynicism and hyporcisy with which so many governments and people are inclined to meet every offensive move of the Soviets.

The Poles cannot fight for freedom and their historically justified independence with a shooting war against the Soviets. In the present circumstances it would be suicidal. They do not advise the Western World—although they are a part of it, to declare a nuclear war against Russia in order to get rid of the vestiges of brutal colonialism in Europe—this colonialism disappeared from other continents and is so detrimental to the just and lasting peace.

POLES REALIZE RESPONSIBILITY

The Poles are fully conscious that the problem of Poland's freedom is primarily their own responsibility. They proved it during a thousand years of history. Thus, they agree entirely with the political doctrine of the President of the United States, which can be summarized in a few words: "He who expects to be helped must first help himself".

Well—in this context the Polish people deserve to have not only the respect and sympathy of the Western Word, but also the active assistance of that World. Poland is in the forefront of the struggle for the preservation of the Christian civilization.

Soviet Russia has swallowed this country but is still unable to digest it. The Polish nation with its unbroken moral strength, with its large sphere of influence in the whole region of Eastern Europe, is still a formidable obstacle to the further ambitions of the communist conquerors.

The Polish people badly need this practical assistance from their friends in the Free World. They are pressing for it not from a position of poor relatives but as partners in the common heritage—proud of it and more than the others aware of how much it is in danger.

But even the American administration endowed with far-reaching vision and imbued with best intentions can do little for the Polish cause unless it finds strong, determined support in this respect from the public opinion in this great country. Our common adversaries are watching this determination very carefully and play on its weaknesses.

NEED FOR INFORMED HELP

Therefore, it is so vital to have in the American public life dedicated, well informed, firm and talented supporters of the Polish cause. You, our distinguished Congressman, are one of them. During your long and brilliant political career you watched the events in Poland intensely. You never failed to publicly condemn acts of enslavement and terror in Poland. You never gave approval to the present status quo in Eastern Europe, and—we are sure—you will never give it in the future.

Although, I understand that you are very economy-minded in respect to public funds, you helped appropriate considerable means aimed at helping the Polish people—who live and survive that ordeal.

You were always ready to stretch out a helping hand to the Polish political refugees, many thousands of them are now living in the U.S. In your constituency you managed to establish firm bonds with the Americans of Polish extraction, who reciprocate your services with warm feelings.

Last year you graciously attended the Polish celebration at Monte Cassino in Italy in connection with the 25th anniversary of the historical battle won by the Polish troops. Your presence there, as a distinguished American citizen and statesman, was of symbolic significance and was so well received by my countrymen.

You are continuously proving the exactness of the English saying: "A friend in need is a friend indeed".

This is why—I am so proud and feel so privileged to confer on you—on behalf of the Polish political authorities in the free World—the high decoration of the "Polonia Restituta".

RESPONSE BY REPRESENTATIVE JOHN ROONEY

Mr. Chairman, my distinguished colleague, Representative Dulski, officers of Free Poland, my friends: I feel quite inadequate in attempting to tell you how deeply grateful I am to you for the honor you do me today here in Washington. It is always a pleasant experience to have one's efforts recognized, but it is even more pleasant when those who so honor you are longtime personal friends. In this respect I always cherish the small boy's definition of a friend as "a person who knows all about you and loves you just the same."

Some of you who have given such long and dedicated leadership to "Free Poland" are among my closest friends. Many of you know all about me, so it's gratifying you still can show affection for me.

I am deeply impressed with the tributes which have been paid me. I am particularly grateful for the words of my warm friend and colleague, Congressman Dulski.

It is not only a pleasant interlude in these hectic days to visit with you old friends and to meet some new ones, but it is an inspiration to see gathered together again men who have devoted themselves for many years to the betterment of Polish-American benefits and to ultimate re-winning of freedom for the people of Poland.

In my long years in the Congress I have known and worked with countless organizations and individuals. Few such working relationships were as pleasant or as productive as have been those with our fine Polish-American organizations.

The leadership of such organizations as the Polish American Congress has always been most generous with their counsel and support. I have marvelled at the fighting spirit of these leaders. I have been blessed richly by having the opportunity to serve and to be helped by illustrious Polish churchmen.

These courageous "soldiers of the cross" have contributed greatly to the lofty aspirations of the Polish-American organizations and to the unremitting determination of all Polish Americans to restore Polish sovereignty.

Many of you who are in attendance here today have long displayed the same valor and determination which I saw so clearly demonstrated by the magnificent Polish hero, the late General Wladyslaw Anders, with whom I was privileged to confer in Monte Cassino in Italy shortly before his death.

I shall always count as one of my most meaningful associations the privilege of working with your leadership. Your cooperation and your timely support given time after time have given me renewed confidence and increased determination to fight for all legislation which will improve the well-being of all our citizens and which will help us in sharing our blessings of freedom with people of the world to whom these blessings have long been denied.

So it is with deep humility but with genuine pleasure that I accept this honor. I thank all of you who have played a part in considering me worthy of this recognition. Please accept my warmest thanks and my assurances that I shall rededicate my efforts to the achievement of the goals to which we all aspire.

REMARKS OF REPRESENTATIVE T. J. DULSKI

Mr. Chairman, Ladies and Gentlemen, It gives me real pleasure to share with the leadership of Free Poland in honoring my warm personal friend and colleague, John Rooney.

No man in public life is more deserving to receive the coveted medal of "Polonia Restituta" than the man who so closely identified himself for more than a quarter of a century with the problems and programs of Polonia world wide.

It is not happenstance that John Rooney is often listed as one of the "Polish" Congressmen. His efforts and his successes in behalf of the people of Poland and our own Polish-American citizens amply justify this designation.

It has been my privilege to work closely with the man you honor today. I know first hand the degree to which he has devoted himself to his constitutents of Brooklyn as well as to the people of America.

No man in Congress can boast a better attendance and voting record than John Rooney. Few can equal the dynamic leadership which has distinguished his more than 27 years of service. Few members have served longer or more faithfully on the House committees of which they are members.

As Chairman of one of the extremely important House Appropriations Sub-committees, John Rooney has established a brilliant reputation for handling the appropriations for such key departments as State and Justice.

Many of us, who are indebted to John Rooney for his wise counsel and willing cooperation, look with what is tantamount to awe at the imposing number of major legislative achievements accomplished during the last 25 years for which John Rooney merits a great deal of credit.

The laws which he sponsored and for which he fought cover most of the broad humanitarian gains which the American people enjoy today. Gains such as broadened social security and medicare benefits, improved immigration laws, civil rights legislation and anti-crime measures are but a few of the legislative achievements of our friend, John J. Rooney.

Perhaps it is because of his own background of being born of immigrant parents and growing up in Brooklyn among the families of the foreign-born that John Rooney has so long been a champion of our "newer Americans" and a loyal supporter of our fine nationality groups, that he has won the deep respect and admiration of these groups and organizations.

We of Polish extraction feel a particularly close bond with John Rooney because of his efforts. Polish veterans who fought both Hitler and Stalin were permitted to enter this country as immigrants. He waged a long and successful battle to assure that thousands of our Polish friends and neighbors displaced from their homelands and living in filth and squalor in refugee camps were given a safe haven here and elsewhere in the free world.

John Rooney has been the recipient of many honors from numerous governments and organizations. In recent days he has been honored by his own government in being named as a Regent of the Smithsonian Institute. The honor which you bestow upon him today is a fine example of the recognition which his Polish-American friends have given him time after time.

The people in Poland know and admire John Rooney not only because of his visits to Poland and the material assistance he has given them in the form of hospitals and school feeding programs but for his forthright stand in condemning the Soviet grab of Poland and in seeking to redress the wrongs suffered by the people of Poland.

I commend the leadership of Free Poland for their decision to honor Congressman John J. Rooney. I congratulate you, John, in receiving this significant award, which you have surely earned.

I look forward personally to many more years of working with you in the Congress and most particularly in working together with the fine people who honor you today.

NIXON ADMINISTRATION HAS GIVEN MORE AID TO ISRAEL THAN PREDECESSORS

(Mr. FISH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FISH. Mr. Speaker, between August 31 and September 4, I was in Israel. During that time I had a number of talks with a number of Israeli leaders. One of these interviews was with the Deputy Prime Minister of Education and Culture, Yigel Allon.

During the past 20 months, I have repeatedly called for increased military aid to Israel. My recent personal fact-finding tour to that country reinforced my belief in the importance of a strong and viable State of Israel in the Middle East to the United States.

On the eve of meetings between Israel's Prime Minister, Golda Meir and President Nixon, I believe a transcript of at least a portion of my interview with Mr. Allon would be of interest to my colleagues.

Question. HAMILTON FISH, Jr.: First of all, it is my understanding the Russians are flying operational missions over Egypt. I have also heard that there has actually been combat flights against Israeli pilots. I have also heard that the number of Russian and Egyptian pilots now outweigh the number of Israeli pilots. In the United States we hear that the policy of our country is to maintain a balance and to see that it does not tip against Israel. If this is true, and if air power is a key here, it would seem to me the point could be reached where the numerical superiority of Russian and Egyptian pilots and aircraft could change this balance . . .

Answer. YIGEL ALLON: Yes. But we have the advantage of not seeking expansion. We don't have to bother about controlling Egypt. For us it is enough if we are capable of controlling our own skies. Therefore the supply of arms must be a little more generous.

I must say, that the Nixon administration is doing a lot—more than any other administration before. Johnson's promise to supply us with Phantoms was fulfilled by Nixon, including the Sky Hawks and some other weapons.

Yet the United States is weighing this balance with milligrams, not even kilograms. As if it can be so weighed. So be a little more generous and open-hearted. Supply a little more. Let the Israelis have the necessary weapons in plenty. We shall pay for them—if not in cash then in 10 years, in 5 years, and sometimes in cash. But I must do justice to the Nixon administration. They gave much more than any other administration before, which we appreciate.

Mr. Speaker, I know that I express the feeling of all my colleagues when I state that I hope the present meeting between President Nixon and Mrs. Meir heals the apparent breach which has developed between our two countries since the start of the standstill cease-fire. From meetings with constituents in my district, I have become aware that a credibiilty gap has occurred. Mr. Allon has clearly stated that the Nixon administration has done far more than any previous administration in assistance to Israel. I hope from the current meetings will come both military and economic credits for Israel, and that the traditional warm and

friendly relationship between our two countries will again become clear and unquestioned.

THE ADMINISTRATION MUST RESPOND TO ISRAEL'S PREMIER

(Mr. RYAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. RYAN. Mr. Speaker, Premier Golda Meir of Israel has arrived in the United States. Tomorrow she will meet with the President. Certainly, the urgency of this meeting is apparent. The cease-fire violations by the Egyptians and the Soviets have gravely imperiled the tenuous hopes for peace in the Mideast. The despicable acts of the Palestinian guerrillas in hijacking planes flying in international commerce and their holding of hostages show the nature of those dedicated to the destruction of Israel.

Various reports have indicated that the administration is contemplating a large economic aid package for Israel, and I urge the administration to meet Israel's needs. It is essential that actual extension of such aid be one of the outcomes of the meeting between Premier Meir and President Nixon tomorrow.

In addition, the President must state in the strongest terms the U.S. condemnation of the cease-fire violations, and the U.S. firm support for Israel. While the administration's desire to effect a state of peace in the Mideast is commendable, the cease-fire, which has so much been the initiative of the administration, has been working to the very severe detriment of Israel, skewing the balance of power and, thereby, imperiling her very survival.

The administration must make clear that it has no intention that this balance be upset—whether through Israel suffering combat losses, or through the inviduous violations of a paper cease-fire. One way to do so is to provide Israel with the sophisticated weaponry necessary to counteract the SAM–2 and SAM–3 missiles which have been emplaced within the cease-fire zone in violation of the cease-fire by the Egyptians and the Soviets. Another way is to exercise through diplomatic channels the firmest of positions, leaving no doubt or question that the United States is committed to the survival of Israel in strength and prosperity.

WHERE IS THE ADVICE FROM CONGRESS IN THIS CRITICAL HOUR?

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, over the past several months many of our most respected colleagues in the Congress who serve in the other body have debated the prerogatives of that body and its Committee on Foreign Relations with regard to the making of America's foreign policy. They feel they should advise and consent to the actions of the President.

Well, now is the time.

The critical situation in the nation of Jordan presents extremely difficult and delicate choices to those who shape the foreign policy of the United States. The very lives of Americans in Jordan may be endangered as I speak. Some of these are businessmen and tourists who are in Jordan willingly dealing with the established Government and businesses there. Others are the Americans among the hostages being held by the Arab guerrilla forces after the guerrillas highjacked and destroyed the airplanes on which these innocent people were flying.

So, in this civil war or revolution Americans are under the control and protection of both sides—the established government of King Hussein and the guerrilla rebels trying to destroy that government.

What should America do?

Where is the advice from the Congress in this critical hour? Why is it not forthcoming in the same clear, righteous, and stentorian tones with which we will be told—some months from now—what should or should not have been done?

Is it possible that those who would want to advise are too busy now with legislative matters put off while they debated resolutions on Cambodia and Vietnam after the fact? Or is it because of the campaign year that such advice is slow? Could it be that the members of that committee which feels its prerogatives particularly keenly cannot come to agreement on what should or should not be done? Or is it that they feel that they just do not know enough of the facts on which to take action? Surely their chairman will have an opinion, at least.

Lest any of my colleagues feel it is rude for me to press for this advice without offering my own, let me make my view clear. I feel King Hussein has been one of the few voices of reason in the Arab world in recent years and that his positions of moderate reasonableness must be maintained if lasting peace is ever to be found in the Middle East. The United States should do all possible to see that this exceptional man stays in power in Jordan and remains a position of leadership among Arabs—but we should not commit American men to the area or our Nation to war there.

However, my view is limited by my own limited knowledge of the intricate situation in this involved and complex part of the world. And so I shall place my faith in the President of the United States and his knowledgeable advisers to do the wise and right thing. And I shall pray that it will prove to be the best course of action—even where all the choices may be bad.

That is the best advice and consent I can offer.

NATIONAL COMMITMENT TO DESTROY MANKIND'S MOST MONSTROUS ENEMY: CANCER

(Mr. GALLAGHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GALLAGHER. Mr. Speaker, on June 17, 84 Members of this House joined me in proposing a national commitment to destroy mankind's most monstrous enemy: cancer.

On that date, we introduced House Resolution 1086, to provide for a 10-year national commitment to cure and control cancer in this decade. Our bill authorizes appropriations of no less than $6.5 billion over the next 10 fiscal years to achieve that goal.

Also, on that date, over 600 prominent American cancer specialists and researchers publicly endorsed House Resolution 1086, and expressed their conviction that cancer could be cured if it were enacted. See CONGRESSIONAL RECORD, pages 20268–20273.

But since that date, Mr. Speaker, House Resolution 1086 has remained stalled in committee, with no action scheduled or planned.

Also, since that date, more than 82,000 Americans have died of cancer, while countless others have contracted that killer disease.

The paradox is as striking as it is tragic.

For since we know that cancer can be cured, there is simply no excuse for permitting so many people to die such horrible deaths from this nightmarish affliction for lack of sufficient research funds.

There is no excuse for permitting this lack of funds to stand as the only formidable obstacle between cancer and cure.

And each day that we permit this paradox to exist, the same, terrible questions arise: How many more men in the prime of their lives—such as the late Vince Lombardi—will continue to be struck down by malignancy for our failure to cure cancer?

How many more families will be saddled with the overwhelming economic burdens of paying treatment costs for children or spouses or parents afflicted with cancer, for our failure to appropriate sufficient research funds?

These questions gnaw at our sensibilities, and tear at our consciences.

It is time that we provided a definitive answer.

For it is within our power to eliminate the scourge of malignancy by providing the necessary weapons to those dedicated scientists and physicians who now fight on the frontlines against cancer.

We can give them the powerful weapons they need to win the war which they fight so well today.

I believe that House Resolution 1086 fulfills this function, and that it should be acted upon without further delay.

Therefore, Mr. Speaker, I am today filing a discharge petition to bring House Resolution 1086 to the floor for an immediate vote.

And I strongly urge all of my colleagues to sign this petition.

The issue of cancer is one which does not require extensive debate.

We, as all other people, are not immune to this disease.

We, as all other people, know its random terror and its mortal attack.

And it is up to us to act. For in the case of cancer, none serve who only stand and wait.

The thousands of letters reaching this body since the introduction of House Resolution 1086 attest to the fact that the American people will not permit this Congress to wait any longer.

It is time that we undertook a firm, meaningful, and adequately funded national commitment to life, a national commitment to erase cancer, and the fear of cancer, from all of our lives.

I ask the support of this body on the discharge petition for House Resolution 1086.

Thank you.

SITUATION IN THE MIDDLE EAST

(Mr. LOWENSTEIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOWENSTEIN. Mr. Speaker, I know I have discussed the situation in the Middle East many times in this Chamber, but I must do so again today. Tomorrow, Mrs. Meir will be meeting with the President to discuss the crisis there, and that meeting ought not occur without some indication of the feelings of millions of Americans. I believe I am voicing some of those feelings today.

Foremost on our minds are the lives and well-being of those innocent people who have been made hostages by Arab terrorists—57 men and women—39 of them American citizens—are still in the hands of the air bandits, and one wants to avoid any public posturing that might add to the difficulty of obtaining their safe return. But surely the United States should make it clear that unless the hostages are released quickly and unharmed, all U.S. aid to refugee camps now under the control of Arab terrorist organizations will be stopped. We contribute more than two-thirds of the funds for the maintenance of these camps, and the plight of all refugees must be the concern of those who are more fortunate. But we cannot continue to finance sanctuaries—much less training grounds—for those who would blackmail the civilized world by kidnaping hundreds of travelers and then detaining some of them after a selection process that appears to have peculiarly sinister overtones. Furthermore, the U.S. Government will have to launch, and organize support for, an air boycott of all states that refuse to punish or extradite hijackers.

But our concern over the horror of the hijackings must not make us forget or fall silent about the larger problem presented by the flamboyant disregard of the terms of the cease-fire by the Soviet Union and the United Arab Republic. America has a special responsibility to see that violations of the cease-fire agreement are rectified—we had so much to do with negotiating it in the first place. We simply strengthen the hands of those in the Arab States and the Soviet Union who want another war when we allow good faith on the part of Israel to become a device for weakening her military position and threatening her very existence. So our interests as well as Israel's—and the interests of world peace generally—make it imperative that we not tolerate violations of a cease-fire we had so much to do with bringing about. We become patsies, not statesmen, when we allow our desire for peace to be used as a device for potential aggressors to gain advantages they could not otherwise gain over their potential victims.

For that reason, if for no other, we must support the demand of the Israeli Government for a return to the status quo ante as a precondition for the beginning of the negotiations. If the U.S.S.R. and the United Arab Republic refuse this demand, we must make available to Israel immediately whatever weaponry she requires to restore the military balance that has been undercut by the Soviet-Egyptian violations of the cease-fire.

I include in the RECORD at this point an editorial that appeared in the distinguished newspaper Newsday and the text of a statement placed in the New York Times of Thursday, September 17, by the Zionist Organization of America.

I hope the President takes note of the recommendations encompassed in these statements, and that he understands how many Americans agree that these measures are essential if there is to be any hope for lasting peace in the Middle East.

ISRAEL'S COMPLAINT

We'd give a lot to be in on the little chat that Golda Meir, the Israeli prime minister, and President Nixon plan to have at the White House tomorrow. For when the President looks across the table he's not going to behold a woman in love with the administration's Middle East policy. Not by any means. The complaints Mrs. Meir is likely to tick off to the President range from the administraton's willingness to bargain for a "deal" with the Palestinian kidnapers to its inability to persuade the Russians and the Egypitans to keep their half of the bargain that was the American peace initiative. What Mrs. Meir's list of grievances is likely to add up to is a grave crisis in Israeli-American relations. It could not come at a worse time.

Even as Mr. Nixon and Mrs. Meir talk, the Middle East situation deteroirates. One Jordanian government crumbled yesterday, and the Palestianian commandos who are holding onto some 54 hostages would like nothing more than to see this new, Army-controlled government fall once again. We're afraid to contemplate what would happen if the hostages—at least 34 are Americans—are caught in the middle of a shoot-out in Amman. And, to make matters worse, Egypt just the other day moved extremely sophisticated, Russian manned SAM-3 missiles into the so-called "standstill" zone around the Suez Canal. Since the cease-fire Egypt's violations had been limited to introducing the more primitive SAM-2. This is a clear indication, in case there was any doubt, that that Kremlin condones if not encourages the Egyptian violations.

This is why Friday's meeting, if it produces nothing else must at least result in a closer working relationship between Washington and Jerusalem than so far has been evidenced. For the first principle of any American policy in the Middle East must be support for Israel. In confused times like these it would be wise to reaffirm that cardinal fact. Indeed the success of any further American peace initiative in the Middle East—and we hope that the administration tries again—depends in no little measure on Israel's enemies knowing exactly on whose side the Americans would stand should the crunch ever come.

UNAVOIDABLE CONFRONTATION WITH THE TRUTH

Americans want peace in the Middle East.

Americans accept our government's conclusion that a massive movement of missiles into the prohibited cease-fire zones by Egypt, aided and abetted by the Soviet Union, violated the newly agreed-upon military standstill agreement, thereby impairing the balance of power which the United States has pledged to maintain.

Americans are satisfied with the representations to Congress by our Department of State that military grants and economic aid are needed to enable Israel to maintain the status quo of the cease-fire lines.

It is appropriate for the United States to begin to treat Israel, the only democracy in the Middle East, as a de facto ally for the safeguarding of American interests.

Americans recognize that Israel took the risk of making substantial concessions regarding the conduct of peace negotiations in response to the urgings and recommendations of our Department of State.

Americans appreciate the contrast between our government's sincere initiative for Peace in the Middle East and the Soviet Union's military support and political advocacy of the extreme demands of the Arabs upon Israel.

Americans deplore that Soviet-controlled Egypt and terrorist-occupied Jordan lack genuine capacity to negotiate for peace.

Soviet military officers command Egyptian units. The Soviets control Egyptian ports and airfields. They man Nasser's missiles and supply trained jet crews. Jordan is occupied by bands of marauders who roam the country at will, paralyze Hussein's government, raid Israel and terrorize international airlines and their passengers. Arab governments have shown neither the willingness nor power to control Arab terrorist groups.

Americans will disassociate themselves from pressures upon Israel to negotiate for peace at any price.

Americans know that only the courage of confrontation with the truth today can prevent confrontation with disaster tomorrow.

Americans know that Israel has been and will remain the southern anchor for NATO. Israel can be counted on to help the Free World maintain the freedom of the Mediterranean. Israel is the last barrier against complete Soviet domination of the gateway to Asia and Africa.

We submit that wide dissemination of these views will strengthen the hands of our government to proceed on a realistic basis to safeguard American interests and achieve a genuine peace in the Middle East.

WYDLER ASKS HELP FOR CONSUMERS TO OBTAIN AN ADEQUATE SUPPLY OF BEEF

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. WYDLER) is recognized for 30 minutes.

Mr. WYDLER. Mr. Speaker, it appears that pressure brought to bear by a special interest lobby successfully aborted efforts of a congressional subcommittee to make public its investigative findings and recommendations on the increasing

retail price of beef. Such a turn of events raises a serious question as to which should come first—public or private interests.

Complaints from consumers over the unusually high and sudden price increase for beef, which began in early January 1969, were the basis for an investigation into the possible causes for such retail price hikes by the Special Studies Subcommittee of the House Committee on Government Operations. The investigation was conducted for several months and public hearings were held at my urging on October 7, 8, and 9, 1969.

The resulting 28-page report was critical of procedures used by both the Economic Research Service of the Department of Agriculture and of the Bureau of Labor Statistics of the Department of Labor in determining beef consumption and domestic beef needs. But the report did not find the efforts of these two departments at the base of the price increases.

Instead, the report generally concluded that the problem of supply and demand and an inadequate system of import quotas not geared to consumer demands were primarily responsible for the inflated prices of beef.

Two recommendations were made in the draft report of the subcommittee: First, that import quotas be determined on the basis of domestic need—perhaps established on the basis of the difference between domestic production and demand, and second, that an 18-member congressional commission be established for a 2-year period to study the entire beef industry—production, processing and distributing cycles—to make recommendations to assure that an adequate supply of beef would be continually available to the American consumer "at reasonable prices."

It was felt that assurance of a constant supply of beef would help to prevent a wild fluctuation in prices resulting from fluctuations in supply.

As the ranking Republican member of the subcommittee, I felt that consumer interests had to be heard and considered as the subcommittee conducted its investigation. Unfortunately, consumer interests were subverted by a powerful special interest lobby, namely the American National Cattlemen's Association—ANCA—which lobbied and pressured against adoption of the final report—and succeeded.

Although the ANCA was violently opposed to any import quota increases, it should be made clear that the committee report made no recommendations to abolish import controls. On the contrary, the committee was deeply conscious of the problem of imports and their effect on the American economy. What the beef producers decried in the import recommendation was the simple suggestion that the meat import quota formula have a component connecting it to demand as well as production—so that the modest manufactured beef imports could be adjusted depending on consumer demand as well as producer supply. This would currently amount, at most, to only one-tenth of the current quota amount. I believe that to inflate this suggestion into a proposal to abolish restrictions on imports is pure sensationalism.

On the question of a study commission, it is difficult to determine what the lobbyists found objectionable. Why should not the problem of rising beef prices be studied by competent experts? That is, unless there is something to hide.

A few years ago the National Commission on Food Marketing was set up to study and submit recommendations on many aspects of the American food supply problem. But this commission did not cover the area of beef supplies in any depth.

Would it not be beneficial, therefore, to consumers as well as to producers, processors, and retailers to have a similar body look into their problems and make recommendations for improvements?

The beef producer is interested, of course, in higher market prices which in turn will raise overall profit margins and dollar returns for his efforts.

Testimony from the meat producers revealed that the yearly increases in beef demand is about 3 percent—a figure which accounts for a 1-percent increase in population and a 2-percent increase in demand. According to industry spokesmen it is this 3-percent figure which is used by the producers in planning for production increases on a yearly basis.

If demand and supply are maintained at a constant level from year to year, prices should remain stable or increase only with the general naionwide inflationary trend.

What is most disturbing, however, is that the price of beef took a tremendous leap in the early months of 1969, over a very short period of time, far outstripping a significantly lower increase in prices resulting from inflation. Why?

This question was pursued by the subcommittee especially since an allegation had been made that the market development committee of the National Cattlemen's Association had attempted to create a supply lag in 1967 to artificially increase the price of live beef sold by the farmer and beef producer.

ANCA spokesmen told the subcommittee that in 1967 their market development committee had recommended to the industry, in general and on a voluntary basis, that it reduce the beef supply by 5 percent—that is 5 percent less tonnage of beef available for marketing—in order "for us to move into a net profit position" and "get ourselves in balance with effective demand."

I still find it difficult to rationalize how such an action as this jibes or blends itself with a "free market" concept of operation when producers can agree together to reduce production, lessen supply and in effect force an increase in prices which will be passed on to them. This is hardly what I would call a free market. And I, for one, would prefer Government control rather than industry control if we are not to have a truly free market.

I find this whole matter especially difficult to comprehend because it was the beef producers who, during the hearings, so ardently defended the free market concept of operation which allows the law of supply and demand to take its normal course.

Would not such an action by the market development committee be considered in most circles an illegal act to openly restrain trade?

Our committee was not the first to make this observation, and I was interested to learn that the same question had been raised several years earlier.

In 1967 the Antitrust Division of the Department of Justice was requested to investigate an allegation that the American National Cattlemen's Association was promoting a plan to increase beef prices through a reduction in size of cattle herds—in other words to cut back production or "hold production constant" to use ANCA's own terms. The net effect would be a growing demand and a strict supply resulting in higher prices. The Department of Justice determined that no price fixing effort was being attempted in this case by the American National Cattlemen's Association, mainly because it only recommended such actions. I, for one, am still not convinced that such activity is proper or should be allowed to continue.

Furthermore, based on comments during the course of the hearings, I am convinced that the action in 1967 may well have been one of the prime factors causing the tremendous and sharp price hike in 1969.

Regardless of what action was taken in 1967 one must still wish to ask if any sector of the meat industry is profiteering from price increases.

Representatives of the beef industry—the producers and growers—ardently maintained that they were not engaged in a profitable business under current market conditions. And that, despite price increases, profits were not finding their way down to the producer. It is logical then to ask where the consumer's beef dollar is going as prices increase.

Three days of intensive questioning failed, in my opinion, to provide me with a satisfactory answer to just who gets what portion of the average housewife's beef dollar.

If we can believe the statistics of "expert witnesses" that the cattlemen receive 60 cents of the meat dollar, that the processor—slaughterhouse and packer—get 10 cents and that the retailer gets between 24 and 25 cents we are still left with an unaccounted 5 to 6 cents which, as evidenced by the price situation, is certainly not being passed back to the consumer.

Testimony offered later in the hearings stated that the producer was actually getting the unaccounted for 5 to 6 cents from "offals"—hides, fats, leftovers. Another witness claimed, however, that it was the processor who profited from the leftovers. Just who is getting the missing 5 cents may still be a mystery—but it is no mystery that the consumer and housewife is not.

If offals are worth 5 cents of the beef dollar, where are they being used? I am shocked to even consider the possibility that offals, which I believe make up the missing 5 cents of the beef dollar, are being used in processed meats. If this indeed is the case, which many sources have indicated to me it is, it is no wonder that the beef producers are fighting lean beef imports because such imports would be substituted for offals in processed meat production and, therefore, destroy a market for what might otherwise be waste products. The report was voted on affirmatively with my support in the subcommittee.

Objections to the report began, interestingly enough, before the report was to have been made public.

The draft report was supposed to be a confidential and internal working paper subject to changes and revision before possible passage and public release. Industry representatives obtained a copy of the report and began their attack, however, before the final review and analysis of the report was made by the full committee.

The American Farm Bureau Federation even sent a telegram to my office on April 8, 1970, the day before committee consideration of the report, which began "we have hurriedly analysed the Special Studies Subcommittee Report." How did the American Farm Bureau Federation get a copy of the report? It is amusing to me that they attempted to advise a Member of Congress on a confidential report which they should not have had access to at that stage in the committee's work.

Why was it that those opposed to the contents and recommendations of the report and only those opposed conducted an intensive lobby effort? No consumer interests had copies of the report or lobbied in favor of approval. Therefore, it is now time for all Americans to have access to the significant portions of the report, and I intend to take such action.

The lobby efforts of the American National Cattlemen's Association did result in the killing of recommendations for impartial and objective measures which are vitally needed to help correct some of the inequities responsible for the rising retail price of beef.

There is no doubt that this report was also rejected because the ANCA is opposed to any imports of foreign beef. They do not even want the matter discussed.

As many Americans who have followed this issue in the press, I too, wonder whether it was a committee of the Congress or the American National Cattlemen's Association which made the decision for the general public that beef supplies and beef prices were not to be investigated further and that the recommendations of the subcommittee were not to be made public.

The concentrated negative effort of the ANCA to defeat this report is, to me, convincing by itself that the congressional initiative in this area was necessary, timely, and in the interest of the American consumer.

Consumers have the right to expect government agencies to see to it that the supply of beef reaching the American market is of the proper quality and quantity to satisfy the public's demand.

The public also has the right to expect that the supply of beef will be consistent throughout the year to assure retail price stability. But most importantly, the public has the right to demand that the Congress makes its decisions in this area independent from the lobby efforts of either domestic producers or importers of foreign beef whose aim may be to manipulate the retail beef market at the cost of the consumer's food dollar.

Questions will now be left unanswered because no study of the general problem will be made. The question of imports, who gets what portion of the consumer's beef dollar, or whether the 1967 action—recommendation—by the ANCA was responsible for price increases, and how to better equip our Federal departments with procedures to more accurately predict both production and demand, all these questions require answers if the American housewife and American consumer in general is to have an adequate supply of quality beef in the 1970's—at reasonable prices.

I strongly support the measures outlined in the report of the special studies subcommittee. And in the interest of consumer protection as well as in the interest of seeing an unbiased and objective study of this very complex subject undertaken, I intend to make every effort to encourage reconsideration of this subject by the committee even if this requires redrafting the body of the report so as to gain approval of a majority of the committee members.

The following findings and recommendations were contained in the report. They had my support and approval and I feel it my duty to make them a matter of public record.

FINDINGS AND CONCLUSIONS

1. The Federal Government, by purchases for the military, VA hospitals, Public Health Service hospitals, Bureau of Prisons facilities, and Agricultural Department school lunch and donation programs absorbs approximately 5 percent of the country's beef supply. As the country's largest beef purchaser, increases in the retail price of beef, such as occurred in the second quarter of calendar 1969, adds an extra burden to the Federal budget.

2. The upsurge of 10 cents per pound in the second quarter of 1969 represented a cost of approximately $25 million in increased prices to the Government or about 28 million pounds less beef that it could purchase than before that price rise.

3. The Department of Agriculture, which issues through its Economic Research Service forecasts as to beef supply and prices, did not forecast any such price rise on either the farm, wholesale or retail level nor any reduction in supply.

4. The Department of Agriculture determines the farm-retail spread by establishing a composite retail price for choice beef, and wholesale and farm values, by weight price and product equivalents and deducting by-product values. The complexity of its procedures and formulae, and its varying assumptions, make it almost impossible to ascertain whether its determinations are reasonably accurate.

5. The method (changed since the hearings) and statistics used by the Department of Agriculture to determine the composite retail price of beef, may well still be open to attack for not taking into account the higher cost of primal and subprimal [1] cuts to the retailer for use in "special" sales.

6. The Department of Labor, through its Bureau of Labor Statistics, collects retail prices of various beef cuts, but admits that the prices it reports do not necessarily reflect the effect of special sales of beef, nor has it established the difference in the quality of beef at regular and sales prices, although it believes such difference exists.

7. The automatic operation of the Meat Import Quota Act of 1964 has been prevented by the Department of Agriculture and the Department of State by means of so-called 'voluntary' agreements to restrict beef imports.

8. The Department of Agriculture believes that there is no short-term beef shortage, notwithstanding that its estimates of beef production for 1969 and 1970, together with imports, show that the beef supply will not increase at the generally accepted minimal rate of 3 percent per annum needed to keep pace with increased consumer demand.

9. The sharp rise in the retail price of beef, more than 10 cents a pound, in the second quarter of 1969, cannot be justified by the slight drop in production of 2.5 percent during that period, since previous drops in production have not produced such a result.

10. None of the explanations advanced before or during the hearings justify the extent of the retail price rise and the continuation of retail prices at high levels.

11. The projections given to the committee by the Department of Agriculture and the American Meat Institute lead to the conclusion that the United States will encounter a beef shortage of some magnitude and sharply rising beef prices between now and the end of 1975, even if imports are increased. The Meat Import Quota Act, which requires a quota based only on domestic production will accentuate this adverse picture for the consumer.

12. Restrictions on meat imports are not needed at present to protect the domestic beef producers because the forecast is that the supply of beef, including available imports for the next 6 years, will be less than sufficient to meet demand in this country. This is especially true as to lean beef used for hamburger and processed meats, for which imported beef is used.

13. To determine whether consumers will have, in the 1970's, an adequate supply at reasonable prices of beef and other red meats,[2] supplemented by imports as needed, requires the establishment of a statutory commission for this purpose, in view of the complex issues and the various departments involved.

RECOMMENDATIONS

1. In view of the need for more lean beef, the appropriate committee of the Congress should give immediate consideration to the amendment of the Meat Import Quota Act of 1964 to provide for adjusting the annual import quota on the basis of changes in consumer demand as well as in production.

2. Congress should establish a commission to determine the adequacy of the meat supply for American consumers at reasonable

---

[1] A primal cut is the first breakdown of the carcass into parts, such as the chuck, sirloin, round, flank, etc. A subprimal cut is the breakdown of a primal cut, such as eye of the round, round steak, standing rump, etc. from the round. Food For Us All, 1969 Agriculture Yearbook, p. 96.

[2] Red meats, according to the Department of Agriculture, are beef, veal, pork, lamb, and mutton. Livestock Slaughter, October 1969, p. 2.

prices with a reasonable return to producers, packers and distributors. This commission's mandate should include formulating procedures which will produce better and more relevant statistics for making meaningful determinations and forecasts as to consumer demand for, production and imports of, and prices for beef. This should include estimating the share of the retail price going to each major subdivision of the above three segments of the industry, the costs incurred and the profits realized by each. The commission should determine whether an adequate meat supply requires imports, and, if so, how this need should be determined for each class of meat. Its recommendation to Congress should specify that provisions of law, if any, are needed to control such imports to assure a stable market at reasonable prices.

CHAOS IN THE PUBLIC SCHOOLS

The SPEAKER. Under a previous order of the House, the gentleman from Alabama (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, while most of the Nation has been closely following the escapades of air hijackers, campus dissidents, and revolutionary types in Latin America and the Middle East, a much more costly revolution in terms of the future of this Nation has been going on in the South.

At the sacrifice of a standard of quality education, thousands of young southern schoolchildren are being subjugated to the most disheartening, frustrating, and irrational scheme ever perpetrated in the history of education in this Nation. At the whim and complacent conniving of a handful of Federal court judges and a star-studded cast of HEW and Justice Department bureaucrats, these children are being forced to board buses or any number of other travel conveyances in order to attend schools miles from their neighborhoods. They are being forced to do this to comply with what the courts and bureaucrats have decided is the necessary and proper method of arriving at a standard of racial balance within the public school system.

This is poppycock. This is about as realistic a method of letting our schoolchildren obtain a quality education as trying to keep a snowball frozen down in you know where. This is all contrary to sections 401 and 407 of the 1964 Civil Rights Act. As we are all well aware by this time, those two vital sections of the 1964 act specifically prohibited the assignment and busing of pupils for the purpose of overcoming racial imbalance.

Well, 6 years have passed since that Civil Rights Act became the law of the land, and yet these Federal court judges and HEW and Justice Department bureaucrats still have not tuned in on the right wavelength.

On October 12, 1970, many Members of Congress, and I will be among them, will appear before the Supreme Court to intervene in the now famous Charlotte-Mecklenburg school case. This case has been incorporated with the critical Mobile County school case and several other similar cases which will ultimately decide the legality of pupil assignment and busing to overcome racial imbalance in public schools throughout the Nation.

On Tuesday of this week, I joined with nearly 70 other House Members from 19 States across the Nation in support of the amicus curiae brief of our colleague from Florida (Mr. CRAMER) which has been filed in the Supreme Court in this matter.

The logic of our intervention in this case is simple. It is a strictly nonsectional, nonpartisan move to clearly point out to the Supreme Court the undisputed intention of Congress when it adopted sections 401 and 407 of the Civil Rights Act. It should have been clear all these years, but the bureaucrats and the lower Federal courts have completely ignored this clear intent.

The emphasis of this matter is far divorced from the confines of a civil rights controversy. The very survival of our cherished system of neighborhood schools is at stake.

Mr. Speaker, there is still time for others to join in support of the Cramer brief. I urge all Members to do so.

TAKE PRIDE IN AMERICA

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. U.S. factories produce a flow of goods almost equal in size to the combined output of the Soviet Union and Western Europe.

AMICUS CURIAE BRIEF IN CHARLOTTE-MECKLENBURG CASE

The SPEAKER. Under a previous order of the House, the gentleman from South Carolina (Mr. WATSON) is recognized for 5 minutes.

Mr. WATSON. Mr. Speaker, our able and distinguished colleague, the gentleman from Florida (Mr. CRAMER), the author of the antiassignment amendment to the 1964 Civil Rights Act, has prepared a legal brief of monumental significance in the annals of American jurisprudence. This amicus curiae brief has been filed by him with the consent of the parties in the case of James E. Swann, et al. against Charlotte-Mecklenburg Board of Education, et al., which as we all know is a case that will no doubt result in a Supreme Court ruling on the legality of pupil assignment and bussing to overcome racial imbalance.

As a friend and admirer of the gentleman from Florida, I am proud that he called upon me to send a letter to our colleagues in an effort to obtain their support for the brief. He intends to petition the Supreme Court to accept an amended brief containing the list of colleagues who also want to join as amicus curiae in the case.

The purpose of the brief is to acquaint the U.S. Supreme Court with the legislative history of sections 401 and 407 of the 1964 Civil Rights Act. Our colleagues who are now signatories to the brief are partners in an historic and precedent-setting event which represents one of the last hopes the American people have to save quality public education in this country, and I am hopeful that, in the next few days, more of our colleagues will swell the ranks of supporters which as of now number 74.

The balance of powers among the branches of our Federal Government, as prescribed by our Constitution, exists as a defense of our liberty. For too long, Congress has stood by while the Federal courts have assaulted that balance of power. The U.S. Supreme Court in case after case has extended its powers at the expense of the power of Congress and the people. Congress has enacted legislation, all too often dissipated by Federal court rulings. It is time, using the Charlotte-Mecklenburg case as the vehicle, to insure that the will and directives of Congress and the people are carried out and not contravened.

The Members of Congress acting as friends of the court, or amicus curiae, can communicate to the Supreme Court exactly what the Congress meant by sections 401 and 407 of the 1964 act. By taking this action, we will take a long step toward restoring much-needed balance to our governmental system and we will carry out our responsibility to the people to see that what they will through acts of Congress becomes and remains the law of the land. The mere fact that so many Members of Congress are not willing to confront the Court and explain in no uncertain terms what we have enacted into law is an indication that people everywhere are concerned. I dare say that just 5 years ago only a handful of Members would have been willing to join such a brief, and now we have over 70 and the list grows daily.

Mr. Speaker, the busing of innocent children to facilitate the whim and fancy of misguided Federal bureaucrats and Federal judges is unjust, immoral, and illegal. Parents, whether they be black or white, are at wits end to stop this horrible exercise in tyranny by the Federal Government and the courts. This matter transcends racial differences and political geography. The parent and schoolchild in California are just as distressed over this matter as those in Charlotte, N.C., and they are looking to this Congress to do something. We must not fail them. Never have the stakes been higher. It boils down to whether we are to have free, stable, and quality public education or complete anarchy in our schools.

I earnestly hope that our colleagues will see the utmost necessity of this attempt to enforce our prerogatives and that they will join the gentleman from Florida in this amicus curiae brief.

CONSTITUTION WEEK

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. SCHMITZ) is recognized for 5 minutes.

Mr. SCHMITZ. Mr. Speaker, every year, in accordance with Public Law 915, the President proclaims September 17 to September 23 as Constitution Week. This is the 183d anniversary of the signing of the Constitution of the United

States of America at Independence Hall, Philadelphia, in 1787.

The Daughters of the American Revolution have urged that the opening of Constitution Week be commemorated by a reading of the Preamble of the Constitution of the United States and the Preamble to the Bill of Rights on the floor of both Houses of Congress, and I am happy to take this opportunity to do so.

The Preamble to the Constitution of the United States reads:

> We, the People of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

The Preamble of the Bill of Rights is not as well known as the Preamble to the Constitution, but deserves to be. It reads as follows:

> The conventions of a number of the States having at the time of their adopting of the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best insure the beneficent ends of its institution.

THE COMING DESTRUCTION OF ISRAEL

The SPEAKER. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 5 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, if it were not for Israel, the entire Arabian Peninsula might have been forced into the Soviet sphere during the past decade. The oil of the Persian Gulf, on which Europe and Japan depend, would today be in Russian hands—to be used as a powerful geopolitical weapon. It is Israel that makes possible the continued independence of the Christian community of Lebanon.

Israel is a wedge that keeps a Russian-dominated Egypt from invading the Arabian Peninsula. This, above all, is the reason why Russia wants Israel weakened, reduced, or preferably destroyed. It was the Soviet Union that, for months before the 6-day war, urged Nasser to mass an invasion force against the Negev. The purpose was to break through Israel and give Egypt a short land route into Saudi Arabia. For several years Egypt had been seeking a military foothold on Saudi Arabia's other flank, through Yemen, logistically a far more difficult operation.

"The Coming Destruction of Israel," by Myron S. Kaufmann, a book just published as a Signet Broadside, discusses these matters. It sets forth concisely the imminent Soviet threat not only to Israel's existence, but to the whole Middle East and the world balance of power.

I commend the book to the attention of my colleagues in the Congress. It will be controversial. The author has strong views, which not everyone may agree with. Nevertheless, I believe this book presents many challenging ideas. It may contribute to a greater understanding of the forces at work in the Middle East. It suggests horrifying possibilities. Certainly, Mr. Kaufmann has a message which should arouse urgent attention to the need to insure Israel's survival.

"The Coming Destruction of Israel" points out that Russia today again seeks the very same breakthrough into the Arabian Peninsula, either cheaply by diplomatic means, or by military force, or by a combination of diplomacy followed by force. The book asserts that, if the Soviet Union succeeds in rolling back Israel, the very next move will be a phony civil war in Saudi Arabia. Egypt will intervene, while Russia warns the United States to keep out.

As for Christian Lebanon, the book points out that the totalitarian regime in Syria has long wished to wipe her off the map and reduce the Christians to an impoverished minority—but a warning from Israel has already served to prevent this.

The book is extremely current. It notes that today, unlike the situation in 1967, Israel is confronted by the Soviet Air Force itself. Russia has readied an overwhelming military force, with all the equipment for a canal crossing, with all the equipment for breaking Israel's air cover, and with underground hangars to prevent the kind of victory that saved Israel three years ago. Further, it states that the Soviet Union's violations of the terms of the new cease-fire has made a shambles of the good name of the United States. They threaten to do much worse.

"The Coming Destruction of Israel" emphasizes that the water of the Suez Canal is the best natural defensive line between Israel and Egypt, from the point of view of either side, just as the Jordan River is the best defensive line between Israel and Jordan. It says that nothing could be more foolhardy than for the United States to repeat the mistake of 1957 and force Israel back, thereby opening the road to a Russian beachhead.

It is obviously true that the Sinai and the Negev are the shortest, quickest, handiest route from Egypt to Saudi Arabia. If it were not for Israel, that route would long since be wide open—to the Soviet Union.

I strongly agree with its statement that, in Israel, we have an ally which can stand off the Soviet Union in the Middle East, provided that we supply her with weapons and diplomatic support.

"The Coming Destruction of Israel" brings the alternatives into clear focus. It analyzes the nature of Israeli and Arab claims in the area, and the true situation of the refugees. I believe it should be of great interest to both Members of Congress and the Administration who are concerned with these vital foreign policy issues.

SCRAP STEEL AND IRON

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. SHIPLEY) is recognized for 10 minutes.

Mr. SHIPLEY. Mr. Speaker, for several months a serious shortage of steel scrap has existed in this country. Several representatives from various steel companies have met with officials of the Department of Commerce in order to try to work out a solution to this problem, however, no action has yet been taken by the Department.

For the past year the United States has been using and exporting much more scrap steel and iron than is being generated in this country. Scrap prices this year are 60 to 70 percent higher than they have been for the past several years and exports of scrap increased 40 percent in 1969 over 1968. It is possible that if this situation continues, small steel companies, steel casting shops, and iron foundries, caught with a full backlog of normally priced orders, face the very real possibility of going out of business.

It is the opinion of the representatives who have been meeting with the Department of Commerce that the time has come to place a restraint on the export of steel scrap, since the exportation of the scrap can result in shortages causing the shutdown of operations and the subsequent loss of jobs.

Under the Export Administration Act of 1969, the Secretary of Commerce has the right to impose export controls on a commodity to protect the domestic economy from the excessive drain of scarce materials and to reduce the serious inflationary impact of abnormal foreign demand.

The Department of Commerce has been studying this problem for several months, but in the meantime the situation is growing more critical. I would urge the Department to give full consideration to this matter and act as quickly as possible.

PRESIDENT NIXON'S SPEECH AT KANSAS STATE UNIVERSITY

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. MCCARTHY) is recognized for 10 minutes.

Mr. MCCARTHY. Mr. Speaker, yesterday President Nixon spoke at Kansas State University on the subject of campus unrest. He sounded a note that finds a responsive chord in every thoughtful American today. He stated that although we welcome the free expression of ideas both on the campus and throughout our Nation, there is no room for violence and intolerance on our campuses. President Nixon made it clear that no responsible American condones in any way the wanton and tragic bombing of the University of Wisconsin Research Center. The response of practically all of the students at Kansas State to President Nixon's address was overwhelmingly favorable.

Mr. Speaker, President Nixon spoke for me when he voiced this view. It has become increasingly clear that a small minority have lost sight of the purpose of education in their attack on our institutions of higher learning. I have long believed that every young man or woman who wishes to obtain a college education should be able to do so. But higher education is a privilege and not a right. For those who are fortunate enough to attend college it is a tragedy

when their education is disrupted by the few. Students can and should work for legitimate changes in college curricula so that education meets current rather than outdated needs. But these efforts toward change must be channeled through peaceful and legitimate processes—not through crowd coercion or by force. There is always room for dissent, peaceful dissent. There is no room for senseless violence or manipulation of the many by the few.

Although I am a Democrat I want to make it clear that I fully share the theme expressed by President Nixon yesterday at Kansas State University. The issue that he spoke to transcends partisan boundaries. His approach merits the support of Americans from both parties. He has mine.

CITIZENSHIP DAY

The SPEAKER. Under a previous order of the House, the gentleman from New Jersey (Mr. THOMPSON) is recognized for 10 minutes.

Mr. THOMPSON of New Jersey. Mr. Speaker, today, all over the Nation, we mark the occasion of Citizenship Day, 1970. Our Federal Constitution was approved by the Convention on this date 183 years ago. It is fitting that we pause each year to reflect on the meaning of good citizenship and count our blessings on being Americans in these days of global strife.

Today is also an occasion for us to rededicate ourselves to the historic principles of our Nation—justice for all citizens; loyalty to fundamental democratic beliefs; tolerance for the points of view of others; respect for the law, and full participation in the affairs of our Government. These are principles that good citizens should live and practice each day of the year. They have helped to make America great. We must increasingly rely on them if we are to meet the great challenges of the 1970's at home and abroad.

One way in which Americans can clearly demonstrate their support of these basic principles is to register and vote in each election. Many thousands of residents of the Fourth Congressional District who are eligible to participate in our electoral processes have not taken the trouble to register. Final date to register for the important November election is Thursday, September 24.

Voter participation in off-year elections—nonpresidential years—in the Fourth District has been woefully poor. Statistics show that in the 1966 off-year election, only 60.9 percent of the registered voters in Mercer County went to the polls, compared with 85.6 percent who voted in the 1968 presidential election and 69.4 percent who voted last year in the election for Governor, assemblymen, and other local offices. The figures for Hunterdon County were 68.4 percent in 1966, as compared with 88.7 percent in the 1968 presidential election and 75.8 percent in the 1969 gubernatorial election. Statistics for Warren and Sussex Counties show a similar pattern of lower voter participation in the off-year elections in 1966 and 1969.

Apathy among voters—for whatever the reason—is a deadly disease that threatens the body politic. It deprives our district, State, and Nation of the type of clear public expression of views on vital issues that is essential for our democratic form of government to exist.

Let us all pledge ourselves on this Citizenship Day, 1970, to live each day to carry out the basic American principles of good citizenship, brotherhood, and justice to our fellow men. To be a good American is to be an aware, participating citizen.

The SPEAKER. Under a previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 10 minutes.

PRISONERS OF KAUNDA THE LIBERATOR

Mr. RARICK. Mr. Speaker, the great liberator of Africa, President Kenneth Kaunda of Zambia has shattered his image. Recent events more clearly prove him to be just another power seeking dictator operating a fifth-rate police state.

Last week during Kaunda's so-called nonalined countries summit conference at Lusaka, at least nine newspaper men were arrested at midnight, thrown in prison, and deported from the country for reasons that their presence was "inimical to the public interest." Interestingly enough, each of the banished newsmen claims to not only been invited to the conference but were given visas and proper documents processed by Zambian immigration officials for their entry.

But, the most repressive revelation was yet to come. When the newsmen were imprisoned, like so many common criminals, they discovered in their midst some other 20 prisoners who also questioned Kaunda as being any liberator. These other prisoners were black Africans from Kenya, Malawi, Rhodesia, South Africa, and Somalia, who had been detained in prison without trial for periods ranging from 4 months to 2½ years. Most indicated that they had never been informed of the nature of charges against them and had no idea of why they were being held.

This is strange behavior, indeed, for the great Kaunda, ruler of Zambia, a country to which both the United States and England have given substantial financial assistance as well as moral and political support against Rhodesia and South Africa under the guise of obeying the United Nations' unilateral economic declaration of war. For interestingly enough, among newsmen so mishandled were an American and an Englishman.

It would be misleading to resolve that Kaunda's action in expelling the newsmen was simply because of his fear that they might truthfully report what they saw or heard in Zambia. After all, he had given these men a real news story; that is, the prisoners of Kaunda, rotting in a dingy prison at Lusaka without the benefit of the protection of individual liberties which are taken for granted in all civilized countries.

But then, after all, this is the mentality of Kaunda the liberator who would squander $14 million to build a hall for his royal guests in a country whose gross national product is only $1 billion.

This is why emerging countries never seem to emerge.

Mr. Speaker, I ask that several newsclippings follow:

[From the Rhodesia Herald, Sept. 10, 1970]

JOURNALISTS SEE KAUNDA'S CAPTIVES

PRISONERS OF KAUNDA

(By Edwin Linington, of Iana, who was one of the journalists detained in Lusaka)

The conference of the non-aligned nations now meeting in Luska is much occupied by the question of freedom in South Africa and Rhodesia, but there is a group of about 20 men in Lusaka's remand prison who would like their position aired.

They are Africans from Rhodesia, South Africa, Kenya, Malawi and even Somalia who have been detained there without trial for periods ranging from four months to 2½ years.

Most of them say they have no idea why they are there—other than that the Immigration Department has alleged some unspecified vague infringement of the immigration laws.

They pleaded with me and other journalists detained there yesterday to try to help them.

"We are going mad," one said as they gathered around us in the large communal cell we were sharing last night.

CAUGHT UP

"All we want to do is go home. How can they keep us here without charge, without trial, for as long as two years? If they don't want us they can send us away instead of keeping us here," said one young Rhodesian who has been there for more than four months now.

His story is one of an individual being caught up in administrative machinery. He was granted a trade union scholarship to go to Britain for study, and the Rhodesian Government gave permission and granted a passport.

However, he found he could not get beyond Blantyre with the documents he had and could not get a British passport from the British High Commission in Malawi. He then decided to go to Lusaka to approach the British High Commission there. The Zambian immigration officers arrested him on arrival and he has been in the remand prison since.

AIR TICKET

Equally mysterious is the case of a young Somali who had been working on the railways in Zambia. At the end of his contract he bought an air ticket to Rome, booked his seat on a plane and was preparing to leave when he was arrested and put in the remand prison on an allegation of being a prohibited immigrant. He has been there for more than four months.

A Bulawayo schoolteacher, Mr. Misheck Mpofu, has been there for eight months. He entered Zambia to visit his young brother on fully valid travel documents which were accepted by the immigration officers. But he was detained "at the President's pleasure," because he had once been in the Rhodesian Army.

"But I left the Army in 1959 after Malaya, and now I am a schoolteacher," Mr. Mpofu told me.

PROTEST

I played four games of chess with a young South African who said he had arrived without documents but had never been accepted as a refugee. A charge of illegal possession of a firearm had been made but never put before a court.

Yesterday the "PI" men, as they are known

in prison, staged a protest to the senior prison officer, appealing to him to bring the immigration authorities to see them.

An immigration officer who was escorting a journalist into the prison at the time was surrounded by "PIs," who told him to tell his senior officers of their wish to go home.

One man suggested that the immigration officer should not leave until the senior officials came, but warders soon quietened the prisoners.

---

18 HOURS IN GAOL

INSIDE STORY OF LUSAKA DETENTION

The Zambian police came knocking on the door at 1 a.m. "Get dressed, pack your bags and come with us," they said. "You are being deported."

That, writes Edwin Linington, of Iana, was my first taste of the non-aligned summit fever that has turned the minds of Zambians. It ended 18 hours later when I and seven other journalists who had been detained, were released from Lusaka's remand prison on Tuesday night—weary, filthy and devoutly wishing to get out of Zambia as soon as duty and transport would allow.

The arrests of journalists started on Monday evening—the eve of the conference opening. The first man picked up was taken in at about 8 p.m. But news of this did not get out until about 11.30 p.m., when the second man was arrested in the vast new Mulungushi conference hall.

Another, who was summoned by public address system, saw what was happening and quietly slipped away and escaped detention.

The police then went to Africa House at the University, picking up first The Times Southern Africa man from Cape Town, Mr. Dan van der Vat, then myself.

As we were sitting in the police vehicle Mr. Hans Reinhardt, German Press Agency man from Johannesburg, was brought along to join us.

He was taken back to his room to collect his bags, and later, we heard the police summoning an ambulance by radio—Mr. Reinhardt had had a heart attack on the steps of Africa House.

The police continued their search for Pressmen on their list, and Mr. Ron McDonell, Visnews cameraman from Salisbury, joined us. We were then taken to the central police station, and searched before being put into the remand prison.

There we found the first two detained men—Mr. Anthony White of Reuters and Mr. Kenneth Whiting of Associated Press, both stationed in Johannesburg.

They were lying in prison blankets on the cement floor of a cell about 15 ft. by 10 ft. with five other men.

CONSULAR HELP

"Look out, the blankets are lousy," we were warned as we entered. The time was then about 5.30 a.m., most of the night having been occupied in waiting about at the police station and in the prison guard room, where our money, watches, belts and ties were taken from us.

First an American and later a British official called. We said we had had no breakfast other than a mug of cocoa served in a tin mug that had been badly washed.

The result was that chocolate, sandwiches, fruit and milk arrived for us. Complaints about the state of the blankets resulted in the consular officers gaining for us brand new prison blankets.

The prison warders, all Zambians, did their best to settle us into their overcrowded gaol, treating us courteously and allowing us to eat in private. But the prison is small, antiquated and extremely dirty and uncomfortable.

WELCOME TO ZAMBIA

By Tuesday night our strength—as arrested Pressmen—had risen to eight, whose nationalities included British, American, Rhodesian, Italian and South African.

One man had come from Nairobi, but all the others had come from South Africa or Rhodesia.

We had all arrived with proper documents and were processed by Zambian immigration officials. We were all there legally and, as far as we knew, the "Welcome to Zambia" notices in our rooms at the university were genuinely meant.

But we had all been detained in prison on warrants from the Immigration Department which alleged that we were suspected of being prohibited immigrants.

The one common factor seemed to be that we came from south of the Zambezi River, but if they had not wanted us there for the conference, they need not have admitted us in the first place—in my case only eight hours before my arrest.

MINISTER UPSET

But the journalists who were there last week recalled two occasions when Press arrangements had been criticized—once to an Information Department official and once to Mr. Sikota Wina, the Minister of Information.

The Minister had reacted strongly to the criticism and accused one man of bringing to Zambia from South Africa his attitude of "racial superiority" and of talking down to Zambians.

A senior Foreign Office official told several of the detained newsmen after their release that he was very sorry about their arrest.

The official said that President Kaunda was displeased when he heard of the round-up and ordered it to stop. A statement vaguely accusing three unnamed journalists of having abused Zambia's hospitality in an unspecified way, was issued as an excuse for the action.

In the event, three Press men were served with deportation orders, as their continued stay in Zambia was considered "inimical to the public interest".

[From the Rhodesia Herald, Sept. 10, 1970]

LUSAKA: U.K. PRESS REACTS SHARPLY

Leading British newspapers reacted sharply today to the detention of journalists at the summit conference of non-aligned nations in Lusaka.

In an editorial headed "Lusaka's bad start", The Times commented: "The sin of the group was that they were based in South Africa or Rhodesia, and this outweighed the fact that they had earlier applied for, and had been given, valid visas too attend and report the conference.

"This action is silly and self-contradictory. Mr. van de Vat, a staff correspondent of The Times and one of those detained, was born in Holland and brought up in Britain. He is a British subject. Until he went there as a correspondent last year he had never visited South Africa.

"There is no professional reason why he, or the others concerned, should not report the conference equally objectively wherever their points of departure may be.

"But perhaps objective reporting is not what is expected of them or any other correspondents present.

"A conference of this sort is for many of those present primarily an occasion for propaganda, and putting journalists in gaol makes more obvious propaganda than letting them report debates."

The Guardian said that if the reason for the detention of the reporters was that they were all based in South Africa or Rhodesia, it was not a good one.

The Guardian went on: "It may have been annoying for Zambia that reporters based in South Africa had come up to cover the conference.

"But Zambia ought in all honesty to admit that these same reporters were one of its own sources of news about South Africa, since no Zambian reporters are allowed in.

"Zambia should not at one and the same time accept their usefulness in South Africa and then deny them access. A country is rarely wise to ban journalists. Zambia was hitting the wrong target.

"As it is, the amount of international coverage of the conference in the World Press has been desperately meagre."

"NONSENSE"

The Daily Telegraph, in an editorial headed "non-aligned nonsense," said: "Petty vindictiveness of this kind, far from influencing Western Governments and public opinion against the white regimes in Southern Africa, will only make them the more inclined to disregard the complaints of Zambia and her associates.

"Another result will be to raise for the third time the hitherto unanswered question of what these 'non-aligned' jamborees are supposed to achieve."

In its main editorial headed "exercise in futility," the Daily Express said: "That this should happen in Zambia—a country with which Britain, at great cost, has cooperated in imposing sanctions against Rhodesia—will strengthen the critics of official British policy in Southern Africa.

"The British Government can make a swift start in changing this by scrapping the Beira patrol—the Royal Navy's blockade of Mozambique to prevent oil supplies reaching Rhodesia.

"Lifting this unnecessary burden from the Royal Navy would be a good start to a complete rethink of Britain's policy towards Southern Africa."

KAUNDA'S ACTIONS DISTURBING

The actions of Zambia's President Kenneth Kaunda in his apparent bid for Pan-African leadership are being observed here with growing misgiving by officials and others who have until lately been voluble in their admiration for him.

Inevitably, President Kaunda's growing preoccupation with foreign affairs has called to mind the history of former President Kwame Nkrumah of Ghana after he assumed the mantle of the "Libertor of Africa".

State Department officials decline to comment either on the meeting in Lusaka of the "non-aligned" heads of State or on the arrest of journalists who went to cover the event.

ACTUALLY INVITED

In private, however, some officials concede that events in Zambia are "disquieting". It was noted that the first newspaperman arrested and deported was Stanley Meisler of the Los Angeles Times, who did not come from the south but from Nairobi, and who was actually invited to the conference.

Also mentioned is the cost of the conference. The New York Times, one of Dr. Kaunda's more constant champions, has reported that Zambia "which has a gross national product of about U.S.$1,000m. and is hard pressed for funds," spent U.S.$14m to build the hall and other facilities.

The tone of the report, with its implied criticism, caused raised eyebrows here among diplomats accustomed to the newspaper's usual sympathy for Zambia.

ZAMBIA WILL TAKE A LONG TIME TO LIVE DOWN PRESS FIASCO

(From Our Africa News Service)

It will take a long time before Zambia lives down the fiasco of the newsmen here to cover the conference of non-aligned States, who were detained by immigration authorities.

Thinking Zambians themselves are shaking their heads over an affair which, in the Western Press, eclipsed the sought-after news on the deliberations of leaders and

leading lights of about 50 "third world" nations.

But the purge of the media men was not accidental. It was being carefully planned behind closed doors in the Immigration Department last week, after the first of the South African-based correspondents and film men arrived.

It started, in fact, after one Johannesburg-based reporter strode around the Secretariat here where photographs for accreditation cards were being issued, muttering anti-Zambian slogans.

It gathered strength after the same man was involved in an altercation with the Information Minister, Mr. Sikota Wina, on Saturday night at a Press reception.

But the person concerned remains in Zambia to cover the conference.

Those detained for a night on Monday, and who were picked up left, right and centre by Immigration were all—with the exception of an international wire service correspondent from Nairobi—from South Africa or Rhodesia, even though they were attached to American, British and international media.

One of those detained was a Rhodesian African, Justin Nyoka, from Salisbury, who is covering the conference for the World Council of Churches among other organizations.

Today, the affair is the subject of nervous laughter in the top floor bar of the plush conference hall. For the three journalists who have been given 48 hours to leave the country it is no laughing matter. "We are completely baffled by it," one of them said. "Obviously some names have been mixed up."

The three who are to fly to Johannesburg are Mr. Ken Whiting, an American with Associated Press, Mr. Mike Keats, an Australian with United Press International and Mr. Ernest Christie, a South African of Christie Films. All live in Johannesburg.

Two other journalists—one from Nairobi, John Platter (UPI), and one from the South African Press Association, Mr. Edwin Linington—have had their accreditations seized from them.

The detention of newsmen (the Government said in an official statement there were 16, but it actually seems there were nine), has been regarded by foreign Pressmen and delegates to the conference as a major blunder.

[The Rhodesia Herald, Sept. 10, 1970]

JOURNALISTS UNAWARE OF REASON FOR DETENTION

(Herald Reporter)

Journalists who arrived in Salisbury yesterday evening after their release from the Lusaka Remand Prison insisted that they knew of no reason for their detention and were completely unaware of any incident which could have given rise to the allegation of "misconduct".

Among them was Mr. Anthony White, a Reuters representative based in Johannesburg, who was the first foreign journalist "detained for questioning" by Zambia police at about 8 p.m. on Monday. He remained in a remand cell for 22 hours.

His personal belongings were thoroughly searched before he was escorted to prison where he said he was well treated.

He said he had not the slightest idea why he and other foreign journalists had been "picked up."

As far as he knew only eight journalists had been detained and not 16 as reported earlier. All had been released and he believed that accreditation to the summit conference of non-aligned States had restored to all but three.

Mr. White travelled from Lusaka by car with Mr. Ron McDonell, of Visnews, Salisbury, and Mr. Edward Linington, South African Press Association, Johannesburg.

SEARCH

Mr. McDonell's prison spell was shorter—he was not called upon until 1:30 a.m. on Tuesday. A thorough search of his photographic equipment followed.

He, too, had no idea of the reason for the detentions, and no idea of what could have been construed as misconduct. There had been nothing unpleasant about the treatment apart from the detention.

The general impression was that everybody concerned was from South Africa or Rhodesia but then it was realized that one journalist, Mr. John Platter, accredited to UPI, was from Nairobi.

Then Mr. McDonell thought there must have been a bomb scare because of the particular attention paid to his baggage. He dropped the idea when he realized that the search was for documents.

RESTORED

His accreditation to the conference was also restored but he decided it was expedient to leave Zambia on the ground that what had happened once could well happen again.

Both he and Mr. White agreed that there had been some criticism of the facilities to cover the summit conference but none could be described as "misconduct".

All eight correspondents were detained at intervals during Monday night and the early hours of Tuesday morning. They were all placed in the same cell, were provided with three blankets each but had to sleep on the floor because there were no beds.

Food was provided.

CHANCE FOR RHODESIA TO BENEFIT

If Zambia wants to keep certain reporters out of the country she is perfectly entitled to forbid them entry. She might be foolish in barring perfectly respectable men representing perfectly respectable newspapers or news agencies—we think she would be—but she would not expose herself to ridicule.

But when she issues visas to individual reporters and lets them in without any fuss, and then at dead of night rounds them up and gaols them like common pickpockets, she does make herself ridiculous.

When it turns out that one of the arrested men was specially invited to come down from Nairobi to report the conference of the "nonaligned" Heads of State, the situation becomes more than merely ridiculous.

And when it is shown that the arrested men's crimes—so serious that the authorities could not delay whisking them off to prison—were being based in South Africa or Rhodesia; or associating with journalists based in those countries; or—horror of horrors!—criticizing the arrangements made for reporting the conference; then one begins to doubt the sanity of the people responsible.

Those thoughts and more will have undoubtedly crossed the minds of the reporters concerned; and of their employers; and of their home Governments.

How can a responsible Government respect a country that behaves so illogically, so irresponsibly, so vindictively, with such crass stupidity? It cannot. Out of imagined self-interest it can continue to act as if it does, but is far less likely to go overboard in her support.

Zambia's actions will not mean that the West will stop courting her and the other Governments represented at Lusaka, will not mean a drift into support for the "white camp" in Africa. But it will mean the dropping of a few more scales from the West's official eye.

Rhodesia can take advantage of Zambia's immaturity by opening her doors wider to foreign journalists, and letting the world know they are open.

The Times of London, for instance, has told its readers that it doubts if the Lusaka delegates want objective reporting; they want propaganda. Let there be no doubt that objective reporting is just what Rhodesia does want. The contrast between the two attitudes cannot fail to be noted by the impartial.

[From the New York Times, Sept. 13, 1970]

THE "NONALIGNED" AT LUSAKA

The first question a disinterested observer might raise about the summit conference of "nonaligned" nations just concluded in Zambia is: What do they mean by nonalignment? On their performance at Lusaka it is clearer than ever that they do not mean to signify a neutral or even-handed stand on some of the world's most complicated problems.

As expected, the "nonaligned" leaders lined up decisively with the Arab side in the Middle East conflict. Their resolutions contained no censure of Palestinian guerrillas for hijacking aircraft and holding innocent humans as hostages; but they demanded the removal of Israel troops from occupied Arab territory and United Nations action against Israel for "obstructing" Middle East peace negotiations.

Their approach to the South African problem was equally one-sided. They condemned Britain for its intention to resume arms sales to South Africa but deleted a specific censure of France for selling arms to Pretoria for years in violation of United Nations resolutions. This represented a successful lobbying effort by France's "independent" African colonies.

Evidently it did no violence to the conference's "nonaligned" principles to give the floor and its greatest ovation to the Foreign Minister of the Vietcong regime in South Vietnam. Though calling for withdrawal of "all foreign forces" from South Vietnam, one resolution blamed the American armed forces exclusively for the suffering and deaths in that country. There was no resolution condemning the Soviet Army's occupation of Czechoslovakia.

President Kaunda, the conference host, implored the departing "soldiers of nonalignment" to fight for freedom and justice, but his Government had done violence to both by arresting sixteen reporters for Western news organizations because some of them were based in South African and Rhodesia.

When the first of these meetings was held in Yugoslavia in 1961, it seemed to make sense to bring nonaligned leaders together for common objectives, including efforts to ease relations between the power blocs led by the United States and Russia. Today it is no longer clear what nonalignment really means, if anything, or what shared goals the self-styled "nonaligned" can best pursue collectively.

[From Newsweek, Sept. 21, 1970]

AFRICA: THE BEST OF EVERYTHING

As the first Black African nation to play host to a nonaligned summit meeting, Zambia had spared no expense to turn its small, dusty capital of Lusaka into a conference site fit to accommodate the high and mighty. For seventeen frantic weeks, Zambians uncrated expensive imported goods, including everything from a new Italian telephone-exchange system to more than 40 tons of sophisticated communications gear from Holland. And to top everything off, a Yugoslav-Zambian consortium rushed to completion a 1,500-seat, pagoda-shaped conference hall, complete with wood paneling and mustard-colored carpeting. For Zambia's President Kenneth Kaunda, the estimated $20 million his country spent preparing to entertain the Third World conclave seemed worth every penny. Indeed, when Kaunda was presented with the golden keys to the conference hall just a few days before the summit opened,

he gasped: "It's better than the U.N. General Assembly Hall."

Unfortunately, however, when the kings, presidents and prime ministers representing 54 nonaligned nations finally got together last week, the standard of rhetoric did not match the impressive surroundings. For three days, the delegates, led by President Josip Broz Tito of Yugoslavia, Prime Minister Indira Gandhi of India and Emperor Haile Selassie of Ethiopia, left no cliché unspoken as they hammered away at the issue of the Vietnam war, South Africa apartheid and the failure of the developed world to improve the lot of poor nations.

Perhaps even more disappointing than the stale oratory was the host country's attitude toward visiting newsmen. For although the summit had been billed as a conference that would make a tough, vigorous attack on racism and imperialism, few observers expected that the offensive would take the form of a roundup of Western reporters. Yet without warning, security police arrested one black and seven white journalists (including a West German correspondent who suffered a heart attack when awakened by police) and hustled them off for an overnight stay in Lusaka's grim Remand Prison. At first, a Zambian official claimed the newsmen had been "drunken" and had offended the Zambian people. Later, however, the government said that the journalists had been arrested because "the monopoly press of the West decided to send to the Lusaka summit their reporters based in South Africa . . . like waving a red flag to a bull, this was tantamount to deliberate provocation."

DISSENTERS

But if there was confusion surrounding events outside the conference hall, most observers seemed equally perplexed by the results of the summit itself. In his final address to the conference, Kaunda, who had broken into tears during an earlier speech, fervently declared: "Today marks the end of an era of uncertainty about the future and direction of the nonaligned movement. Our deliberations have revealed an unquestionable identity of views about the fundamental purpose of our various nations and of the nonaligned movement in particular." Yet at the close of the meeting, the texts of the resolutions—the very heart of the conference's work—were not ready for publication. And committee sources revealed that practically none of the resolutions had been properly approved. "The scene in the committee rooms was chaotic," said one delegate. "Our objections were brushed aside and we were told that we could record them later." In fact, dissenters were told to circulate their objections in writing to all 54 delegations—which suggested that the achievements of the Lusaka summit would not be known for several weeks—or, perhaps, that there were none.

MALI'S 10TH INDEPENDENCE DAY, SEPTEMBER 22, 1970

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. DIGGS) is recognized for 10 minutes.

Mr. DIGGS. Mr. Speaker, the Republic of Mali celebrates its 10th Anniversary of Independence on September 22. On behalf of the subcommittee on Africa I am pleased to extend to Lt. Moussa Traore, Chief of State and President of the Military Committee of National Liberation, and to the people of Mali congratulations and every best wish for the future.

Until 1960 Mali was part of the large colonial territory of French West Africa. Prior to the arrival of the French in the 1880's Mali had a long and interesting history. Historians will recall the grandeur of the ancient Kingdom of Mali, which reached its height in the 14th century with the conquest of the fabled city of Timbuktu. Today Mali is a progressive West African nation whose primary concern is national development, in which we have been privileged to assist. On November 19, 1968, the former regime of Modibo Keita was overthrown in a bloodless coup led by the Military Committee of National Liberation. The military committee has announced its intention to return Mali to constitutional civilian rule as the pressing problems of national development are solved. We are confident of Mali's future and of the continued close friendship between our two countries.

DON BERNARDO DE GALVEZ DAY

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, as we approach the bicentennial of the American Revolution, there has been a spirited and refreshing increase in interest in the great events of the Revolution. This includes emphasis on many events during that epochal conflict which heretofore have received comparatively little attention and are little known. One in particular which should be better known is the contributions of Don Bernardo de Galvez, a great Spanish general who fought against the British in Florida, Louisiana, Mississippi, and Alabama. Although students and historians of the American Revolution are aware of the victorious role of the youthful Galvez in capturing Mobile, Baton Rouge, Nachez, and Manchac from the British, it is not generally known that his smashing victory at the Battle of Pensacola has long been considered by many qualified authorities to be the most brilliantly executed battle of the Revolution.

In recognizing the critical role of Spain and her distinguished son, General Galvez, in the American Revolution, the Honorable Bryant Liggett, mayor of the city of Pensacola, has proclaimed September 26, 1970, as Don Bernardo de Galvez Day in Pensacola. In addition, similar proclamations for Galvez Day has been issued in the cities of Mobile and New Orleans for September 26, and in Baton Rouge for September 21. I am very pleased indeed that these cities are taking note of this important part of their history and that of our Nation.

WHAT'S RIGHT WITH AMERICA

(Mr. DORN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DORN. Mr. Speaker, we have heard much lately from the prophets of doom who predict a dreadful decline for America much like the decline and fall of Rome.

I submit, Mr. Speaker, that it is time for those of us who have faith in America to go from the negative to the positive. We are living in an exciting time that is the birth of a new era of greatness for America.

Mr. Speaker, I call to my colleagues' attention the following excellent article about "What's Right With America" by the Honorable H. Ross Perot.

WHAT'S RIGHT WITH AMERICA

(By H. Ross Perot)

In spite of the cacophonous criticism of the "system" these days, you don't really have to look far for examples of what's right with America. The opportunity that makes careers such as H. Ross Perot's possible is one of them, obviously.

A Texarkana, Tex., cotton broker's son whose first experience as a businessman involved breaking horses at $1 a head (at age seven), Ross Perot founded Electronic Data Systems Corp. in Dallas with $1,000 of his savings in 1962. EDS profits have doubled every year since then, and his net worth today (he's just turned 40) is in the many millions, even after a stock price nose dive.

Mr. Perot, an energetic, articulate philanthropist who preaches that more Americans must become involved in public affairs, has been particularly concerned about freeing, or at least helping, U.S. prisoners in North Viet Nam. At one point he offered, in vain, to ransom them. At Christmastime he tried to bring supplies to them, but got no closer that Laos. To show sincerity, at Eastertime he visited POW camps in South Viet Nam and tried to pass on to Hanoi information about the well-being of its captured men. He was rebuffed again, but he's still trying to help our POW's.

When Nation's Business asked Mr. Perot to write for it on the theme headlined here, he took pencil in hand while on a business trip, and produced this article.

The greatest thing about America is that its people are free.

The concept of freedom has a new, special meaning for me, after having visited refugee camps in Laos. Like most Americans, I just assumed freedom was my birthright and did not think much about it until I talked with the refugees in Laos and saw the awful sacrifices these primitive, illiterate, tribal people were willing to make to be free—to protect their families and keep them together.

I asked every refugee I talked with, "Why did you flee the North Vietnamese?" I had read that the refugees were fleeing the bombing. I was unable to find a single refugee who was doing so.

The refugees in Laos flee the North Vietnamese to keep them from impressing the boys and men as slaves to carry goods down the Ho Chi Minh Trail. They flee to keep them from sending the girls and women to North Viet Nam into other forms of slavery. Freedom assumes a new dimension when you learn of the absolute brutality of North Viet Nam in dealing with these people.

The next time you read about the North Vietnamese taking another village in Laos or pursuing refugee groups through the jungles, realize that they are simply capturing slaves. As you sit comfortably in your home, surrounded by your family, try to picture yourself and your family fleeing through dense jungle, trying to run ahead of the North Vietnamese, knowing that if you are overtaken your family will be broken up, put into bondage and lost.

That does not happen in America, but it is happening every day throughout the world in cultures where human life is subjugated to national goals.

The American society's concept of concern for others is another thing that is right about America.

"THE BEAUTIFUL AMERICANS"

One of my finest experiences has been meeting the "Beautiful Americans" scattered

all over the world who have dedicated their lives to helping people less fortunate than we are.

Some of these people are missionaries in the classic sense. Others are carrying out missions of medicine, education, agriculture and construction, just to name a few. I wish every American could get to know these people as I have, and could actually watch them working to help others. What other society has ever produced selfless people in such great numbers?

What other government or culture would want to—or could—produce men willing to fly, day after day, into North Vietnamese antiaircraft fire, to drop rice—not bombs—to Laotians fleeing the North Vietnamese?

Only America produces men like that. These pilots who risk their lives daily to bring food to helpless people are missionaries of the air, willing to face death to keep life and freedom alive among people who can offer them nothing in return.

What other nation in the history of man has produced men willing to fly through North Vietnamese gunfire, land on dirt strips and absorb gunfire while on the ground, to pick up planeloads of Laotian refugees about to be captured by North Viet Nam—to rescue them from slavery? This is happening every day in Laos.

Cynics might ask, "What is in it for us?" The answer—nothing but preserving the lives and freedom of a very primitive people. Our country produces men and women who will risk and give their lives to help others. What other nation can claim that?

When my group went to Southeast Asia in an effort to aid American prisoners in North Viet Nam, the most difficult thing for the North Vietnamese to understand in dealing with us was that any private citizen could be free to do the things we were doing. Having the freedom to do such things was far more impressive to them than having the economic resources.

The paramount importance of the individual, the uniqueness and preciousness of each life in our country, is a great American strength. The North Vietnamese just cannot understand why anyone, particularly a capitalist, would be concerned about "just 1,500 men"—a phrase they use repeatedly when referring to the prisoners. I have tried to convince them that, in our country, the entire nation can become concerned over one person in need.

They just cannot accept this, because in North Viet Nam people are merely instruments to further national policy. The individual is subordinated to the national goals of North Viet Nam—he is a tool to be used by the state.

The North Vietnamese see our country as "inherently weak," because the people select the leaders, and the leaders are the servants, not the masters, of the people. North Viet Nam feels that having the people determine the future is a great weakness. I feel that this is one of our greatest strengths.

It is great to live in a country where the government can be changed by its people to adapt to changing conditions. It is difficult for the North Vietnamese, or any other closed society, even to comprehend that concept.

Speaking of closed societies, after having seen them, I have an even deeper appreciation for our open society. The North Vietnamese do not understand the concept of public opinion, since there is no public opinion in North Viet Nam—only the official position. Dissent is not tolerated. There are no demonstrations in North Viet Nam.

An exchange of differing views, and respect for another's position on an issue, are basic to our society. I was amazed to learn that the North Vietnamese could not argue. They would take the official position but become ineffective when asked, "What is your reasoning behind this position?" There was no reasoning. It was policy—not to be questioned or debated, just carried out. Contrast that to our society.

PRACTICAL DREAMERS

It is great to bring up a family in a nation where each person decides what type of work he will do, where he will live and what his goals are. In our country, one person can move mountains. We have a nation that provides a climate that produces practical dreamers—men and women who have great dreams and the desires, discipline, capacity and freedom to make these dreams materialize.

Compare that to societies that are indoctrinating children instead of educating them. The children are trained to be loyal to the state—not the family. The child's life is planned for him by the state. The child may want to be a composer, but the state needs scientists, so he becomes a scientist.

This is a more subtle form of slavery than that imposed on the Laotians, but nevertheless, it is slavery.

Take a minute; think about your children. Would you want some bureaucrat, armed with aptitude tests and national manpower quotas, determining your child's fate? That is another thing that is right with America.

You have probably noticed I have not mentioned that we provide our people with a standard of living that is unique in the world, and in the history of man. I have not pointed out that persons living in poverty in this country would be upper-middle-class in most of the world. I have not boasted about our highways, schools, medicine, industry and technological prowess.

I have confined myself to the real American Dream, the one the Pilgrims had—the dream of freedom.

TRUE RICHES

When we boast that America is the richest nation on earth, we should only be boasting of our true riches—our freedom, our people and our concern for others.

In this article, I have limited my examples to personal experiences of recent months. If I were to include all the pertinent examples from just my personal experiences, this article would become an encyclopedia. The neighbors, friends, teachers, children's organization leaders, Sunday school teachers, businessmen, policemen, firemen, military and religious leaders and elected officials who touch our lives and build our nation are intertwined in a magnificent web that represents the strongest society ever devised by man. It is bound together with powerful glue—concern for one another and a dedication to building an even better nation and world.

I would like to describe my own American Dream to you. I dream of an America that has a strong family unit and deep religious conviction in each home. I dream of an America made up of families who have a great sense of destiny for their nation, and a deep, unabashed love for it. I dream of these families developing great men and women, who will have the wisdom to manage our vast resources and technology, and direct them toward the best interests of our nation and the world.

These families will produce leaders who are honest, intelligent, disciplined and concerned enough to melt away the problems facing us today. They will keep us free.

I plan to spend the rest of my life as a private citizen and a practical dreamer, working to make that dream materialize. Only in America could a private citizen have such a dream, and the freedom to direct his energies toward it.

EACH GENERATION'S CHALLENGE

The challenge for each generation is to preserve and enhance our great freedoms, passing them on to the next generation, stronger and better, never forgetting that they are precious and fragile, and require continuing care by each of us.

This article is a love story—the story of one man's deep love for his country, and his dreams for its future. I hope you share my dreams for this great country.

The key to our future is for millions of private citizens, like you and me, to start once again to act like proud part owners of our country.

We will not always agree, and that is not important. We will be involved in doing everything we can to see that the things we feel need to be done are done. We can be the generation that made the real American Dream come true. We can deliver the constitutional guarantees to our people—to our children.

Let's stop talking, accusing and fretting. Let's get to work!

"RETURN TO SCHOOL" PROGRAM

(Mr. McCORMACK (at the request of Mr. ALBERT) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. McCORMACK. Mr. Speaker, Tommy Shulman, editor of the popular and educational column—Carter Guidance—which is published in the Record American and Sunday Advertiser in Boston, Mass., arranged in cooperation with the Boston Public Schools, representatives of industry and Raymond's Department Store to conduct a week long "Return to School" program—August 31 through September 4. The event took place on the second floor of Raymond's Store.

Six Boston school guidance counselors under the direction of Maurice J. Downey, director of guidance, Boston Public Schools conducted meetings with students and parents to help prepare them for their school programs. Parents and students who were shopping for school days found this program convenient and helpful.

A special section was arranged in the store for private meetings with school guidance counselors and dropouts.

Demonstrations, slides, brochures, and entertainment were featured on the program. Shulman's columns in the Boston Record American and Sunday Advertiser invited students to attend and also announced the program of events.

Students were invited to write an essay telling the career they selected and the reason. A board of educators selected the best written essay and the writer will be presented a complete set of Encyclopaedia Britannica at school assembly.

The attached letters and messages, which I include in my remarks, certify the success of the program.

The following guidance counselors of the Boston Public Schools participated with Mr. Downey:

Caesar J. Tarallo, Roslindale High; William P. Gilligan, assistant director of guidance; Thomas J. McGrimley, Hyde Park High; Joan Eldridge, William Barton Rogers School; Elton Avery, J. E. Burke School, Roxbury.

Among the participants representing industry: New England Telephone; Trans World Airlines, Hilton International Hotels; Massachusetts Restaurant Association; WBZ Radio; WNAC Television; Massachusetts Medical So-

ciety; Boston Police Department Safety Squad; U.S. Weather Bureau, Logan International Airport; N. E. Aquarium; Scholarship Department, Massachusetts Department of Education; Wilfred Academy of Hairdressing; Vocational Education and Physical Education, Boston Public Schools; Massachusetts Port Authority and Interactive Learning.

A double spread layout of pictures and stories recording the events of the week was featured in the Record American dated Saturday, September 5, 1970. Shulman's column of September 7 featured a plea for dropouts to return to school telling them the new opportunities available and telling them who to see for help.

I include in my remarks, tearsheets from the Record American-Sunday Advertiser dated September 5, and 7, and August 30.

It is Mr. Shulman's hope with which I agree, that other cities in our country will conduct similar programs preparing students for school and also saving dropouts from leaving school and help them continue school and get the most important diploma.

This program has been a notable success in Boston. It is a most constructive one that other cities throughout the country might well consider and follow.

BOSTON PUBLIC SCHOOLS,
September 10, 1970.

MR. HAROLD G. KERN,
Publisher, Boston Record-American,
Boston, Mass.

DEAR MR. KERN: My sincere appreciation to the Record-American for the very active role it has played in supporting the Boston Public School's Return-to-School Program. More than two thousand school dropouts have been assisted by the Return-to-School Program since its inception.

The Record-American has contributed significantly to the success of Return-to-School Week through its news columns and especially through the efforts of Mr. Thomas Shulman and his helpful column.

Once again, my gratitude to you and the staff of the Record-American for assisting the Boston Schools in this important work.

Sincerely,

WILLIAM H. OHRENBERGER,
Superintendent of Public Schools.

BOSTON, MASS.

THOMAS SHULMAN,
Career Guidance Editor,
Record American.

Congratulations and thanks to you and the Boston Record American Sunday Advertiser for cooperating in our successful career guidance clinic at Raymonds. We topped last year's attendance. As a result, thousands of pupils will return to school better prepared for their studies and hundreds of dropouts will continue their education. This clinic was another public service participated in by your fine newspapers. Again, thanks and congratulations.

MAURICE J. DOWNEY,
Director of Guidance.

BOSTON PUBLIC SCHOOLS,
Boston, Mass., September 10, 1970.

DEAR MR. SHULMAN: What a thorough organizational and informational job you have done!

Your writing pulls the tedious details of notifying, counseling, and re-enrolling youth right back into your reader's stream of living—and carries along.

I wish we had you on our regular staff.

JOSEPH LEE,
Chairman of School Committee.

[From the Record American, Sept. 7, 1970]

DROPOUTS: FINISH SCHOOLING

(By Tommy Shulman)

Last week, I had the opportunity to speak with potential drop-outs and parents. It was interesting to learn why they left school before receiving that all-important high school diploma.

Some told me that they lost time because of illness and couldn't catch up; others claimed school had no interest for them and they were bored. A few said that there was a lack of communication between student and teacher. Slow readers blamed their handicap as responsible for failing in school.

Behavior problems, money problems and drugs were other reasons given for leaving school.

I also learned that the highest dropout period takes place in the 9th and 10th grades, a time when most students turn 16.

We watched with great interest as children discussed their school problems with guidance counselors at our Career Guidance Clinic conducted last week at Raymonds.

Although each case differed, the staff of Boston Public Schools guidance counselors gave careful consideration and treated each child with patience and understanding. They were told about the many new and exciting and interesting courses which are now available; the new school work study programs and occupational on-the-job training programs; part time employment after school; organizations offering remedial courses; cooperative courses; youth opportunity centers and others.

It was my pleasure to see the students walk out of their meetings with guidance counselors much happier than they came in. I know that these boys and girls were no longer dropouts—they were going back to complete their education and get that important diploma.

Yet, it is a fact, that our guidance clinic did not reach all dropouts. That's the reason for this column. We'd like to see all dropouts drop in at school Wednesday! Hence the reason for this column—to make a last minute urgent plea for all students to go back to school.

One of the first questions an employer asks a jobseeker: "Have you got a high school diploma?" Competition in the job market is keen. Guidance counselors find it difficult to help students who leave school during their high school years.

The Boston area is rich with educational opportunities with day or evening classes.

We urge you to take inventory of yourself, determine what type of a job you would like to do—then prepare yourself for it—and go after it!

The United States Dept. of Labor tells us that high school graduates average about $2000 more per year than non-graduates. College grads make $2000 more than that.

We strongly urge that you make an early appointment with your school guidance counselor and talk your problems over with him or her. He will tell you what is best for you and if you need special help, he will arrange it.

Remember: There are few problems facing a dropout which cannot be solved. But you have to make the first move.

For your own success in life and for your parents happiness, take advantage of a good education. It will prepare you for your life's work and will be a stepping stone for a successful profitable future. You can reach for your star—if you want to—the choice is yours.

Here are some people who you may phone for advice and help:

Maurice J. Downey, Director of Guidance, Boston Public Schools, 45 Myrtle Street, Boston 742–7400.

Victor B. Stevens, Jr., Guidance Supervisor, Mas. Dept. of Education, 182 Tremont Street, Boston 727–5750.

Education is an investment in your future. The more you invest—the more dividends you reap. A good education is "Earning Power".

You want to do yourself a favor? Go back to school!

CLINIC AT RAYMOND'S VARIED

(By Tommy Shulman)

Four Boston Public Schools Guidance Counselors will be at the Record American-Sunday Advertiser Career Guidance Clinic on the second floor of Raymond's Store, Washington St., Boston, all this week from 2 to 5 p.m. for the purpose of guiding and advising students who are preparing for their school programs.

The are: Maurice J. Downey, director of Guidance, Boston Public Schools; William P. Gilligan, assistant director, Guidance Dept.; Thomas J. McGrimley, guidance counselor, Hyde Park High, and Caesar J. Tarallo, guidance counselor, Roslindale High School.

Students and parents who wish to consult with the educators will enjoy the privacy of a special section of the clinic. Free brochures and career material will be distributed.

Here are some of the highlights of the week's activities:

Students (boys and girls) will be invited to submit essays telling the career they selected and the reason. Best one chosen by a board of educators will receive a complete set of Encyclopedia Brittanica.

A boy 12 to 17½ will have an opportunity to register and receive a brochure pertaining to our Junior Diplomat Around The World Adventure Tour via TWA and enjoying the luxuries of Hilton International hotels.

Students may submit questions pertaining to college placement into an "Interactive Learning" computer; Mass. Port Authority will display educational photos of Logan International Airport and an architect's model of Mass. Port's new containerized terminal at Castle Island, South Boston; Mrs. Clinton Bagenstose, president of the Mass. Medical Society will present a film description of Blood Function.

Charles Archambault of the U.S. Weather Bureau will discuss weather forecasting and displays and free material; Boston's M–1 Safety Policeman will present a school safety program; Mass. Dept. of Education Scholarship Division will tell about scholarships available and how to get them.

Also Miss Lynn Zimmerman, N. E. Aquarium; Charles Towell, Trans World Airlines; Bart Whalen and Herman Wells of the FAA will discuss air traffic control and other subjects; Sandra Talanian, John Hancock Insurance Co.; New England Telephone Co., Edward J. King, John Halloran and Thomas Kuhn, Massport; Jeff Keating, vocation director, V. McCabe, physical education director, Boston Public Schools; and James Schmidt, editorial art director, Record American-Sunday Advertiser.

Entertainment will be furnished by: Larry Glick, WBZ Radio; Clive Baldwin, popular recording artist; Bob Munstead, ventriloquist; Mt. Carmel Choir of East Boston; Pianist William Smiddy and organist Bob Baratta; Matilde Giannotti, soloist and radio broadcasting—Newsboys Radio Show.

Remember the place: Raymond's 2nd floor; all this week from 2 to 5 p.m. except Saturday. Everybody is welcome.

RA–A SPONSORS WEEK-LONG GUIDANCE CLINIC

Thousands of students will go back to school on Wednesday better prepared for studies—and hundreds of dropouts will finish their education and receive that most important high school diploma—all because they took time out to visit the Boston Record American-Sunday Advertiser's third annual Career Guidance Seminar this week as Raymond's Department Store, Washington St., Boston.

Gov. Sargeant proclaimed the week as

"Career Guidance Week" and praised these newspapers, Boston Public Schools and Raymond's for the public service performed for the youth of our community.

Maurice J. Downey, Director of Guidance, Boston Public Schools, and his staff of Guidance Counselors—Caesar J. Tarallo, Roslindale High; Thomas G. McGrimley, Hyde Park High; Mrs. Joan Eldridge, William B. Rogers School, Jamaica Plain and William P. Gilligan, Asst. Director of Guidance, were on hand all week to discuss with students and parents problems and programs pertaining to schools.

Special private consultations were held with school dropouts and potential dropouts.

Industry was represented by the following who discussed their careers and distributed free pamphlets: Massport, New England Telephone, Mass. Medical Society, Mass Dept. of Education Scholarship Dept., U.S. Weather Bureau, N. E. Aquarium, Federal Aviation Administration, John Hancock Insurance Co., Wilfred Academy Hairdressing School, Vocational Education and Physical Education Depts., Boston Public Schools, and Interactive Learning (college placements), M-1 Safety Squad, Boston Police Dept. and Record American-Sunday Advertiser represented by Artist James Schmidt.

Entertainment was furnished by Larry Glick, WBZ; Clive Baldwin, recording star; Lynda Day, ABC-TV star; Bob Munstetd, ventriloquist; Mt. Carmel Choir; Organist Bob Barratta, and Pianist William Smiddy.

Students were invited to write essays telling the career they selected and the reason. The winner will receive a complete set of Encyclopedia Britannica.

The Boston Public Schools, Raymond's and Industry made the clinic posible by their participation in another community youth-building program arranged by these newspapers.

PRESIDENT NIXON'S ADDRESS AT KANSAS STATE UNIVERSITY

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, yesterday the President addressed the students of Kansas State University. What he had to say about the "crisis of the spirit" that troubles many of our great institutions of higher learning in America is meaningful for all of us. The President's comments on dissent and violence deserve wide dissemination. I, therefore, ask unanimous consent to insert the President's address in the CONGRESSIONAL RECORD at this point. The speech follows:

TEXT OF AN ADDRESS BY THE PRESIDENT AT KANSAS STATE UNIVERSITY, MANHATTAN, KANS.

At this great university, in this distinguished company, I cannot help thinking about the twists of fate—and of how we learn from them.

I think of the fans of Wildcat football here today who have known what it is to lose—and then who have known what it is to win.

I think back to 1936, when Governor Landon—who already knew what it was to win—learned what it was like to lose.

And I think too of some of the moments in my own career: as a football player who spent most of his time on the bench; as a candidate who knew the thrill, the great satisfaction, of winning—and then as a candidate who learned what it meant to lose.

Having won some and lost some, I know—as you know—that winning is a lot more fun.

But I also know that defeat or adversity can react on a person in different ways.

He can give up; he can complain about "a world he never made;" or he can search the lessons of defeat and find the inspiration for another try, or a new career, or a richer understanding of the world and of life itself.

When Alf Landon lost his race to Franklin Roosevelt, he was not a man to waste his life in brooding over might-have-beens. In the 34 years since then, the world has been transformed. Enriched by his experience, Alf Landon has continued to grow with it—until now he is one of the great elder statesmen of America, a man whose wisdom and common sense, and whose outspoken concern for the welfare of this nation, have inspired and aided generations that have come after.

Or take Kansas State and its football team.

Just three years ago the Wildcats had a dismal seven-year record of eight wins and sixty losses. But there was a dogged spirit here, a determination, a readiness to learn new ways—and when Vince Gibson came to the campus it was that spirit, that determination, that "Purple Pride" that he helped translate into the Purple Power of today.

As for myself, I doubt that I would be President today if I had not learned from the lessons of defeat in 1960 and 1962—and I hope that I can be a better President because of those lessons.

I cite these not only to suggest that we here today have something in common—but also because this pattern of playing by the rules, of losing some and winning some, of accepting the verdict and having another chance, is fundamental to the whole structure on which our liberty rests.

There are those who protest that if the verdict of democracy goes against them democracy itself is at fault—who say that if they don't get their own way, the answer is to burn a bus or bomb a building.

Yet we can maintain a free society only if we recognize that in a free society no one can win all the time; no one can have his own way all the time; and no one is right all the time. Whether in a campaign or a football game, or in debate on the great issues of the day, the answer to "losing one" is not a rush to the barricades but a study of why, and then a careful rebuilding—or perhaps a careful re-examination of whether the other fellow may have been right after all.

When Palestinian guerrillas hijacked four airliners in flight, they brought to 250 the number of aircraft seized since the skyjacking era began in 1961. And as they held their hundreds of passengers hostage under threat of murder, they sent shock-waves of alarm around the world at the spreading disease of violence and terror and its use as a political tactic.

That same cancerous disease has been spreading here in the United States.

We saw it three weeks ago in the vicious bombing at the University of Wisconsin, in which one man lost his life, four were injured and years of painstaking research by a score of others destroyed.

We have seen it in other bombings and burnings on our campuses, and in our cities; in the wanton shootings of policemen; in the attacks on school buses; in the destruction of offices, the seizure and harassment of college officials, the us of force and coercion to bar students and teachers from classrooms and even to close down whole campuses.

Consider just a few items in the news:

—A courtroom spectator pulls out a gun, halts the trial, gives arms to the defendants, takes the judge and four other hostages, moves to a waiting getaway van—and in the gunfight that follows four die, including the judge.

—A man walks into the guardhouse of a city park and pumps five bullets into a police sergeant sitting quietly at his desk.

—A Nobel Prize winner working on a cancer cure returns to the cages of his experimental rats and mice to find them vandalized, with some of the animals running loose, some thrown out of the window into the sea, and hundreds missing.

—A police patrolman responds to an anonymous emergency call that reported a woman screaming, arrives at the address, finds the house deserted but a suitcase left behind; as he bends over to examine the suitcase it explodes, blowing off his head and wounding seven others.

These acts of viciousness all took place in the United States—and all within the past five weeks.

America at its best has stood steadfastly for the rule of law among nations. But we cannot stand successfully for the rule of law abroad unless we respect the rule of law at home. A nation that condones blackmail and terror at home can hardly stand as the example in putting an end to international piracies or tensions that could explode into war.

The time has come for us to recognize that violence and terror has no place in a free society, whoever the perpetrators and whatever their purported cause. In a system that provides the means for peaceful change, no cause justifies violence in the name of change.

Those who bomb universities, who ambush policemen, who hijack airplanes and hold their passengers hostage, all share in common not only a contempt for human life but also a contempt for those elemental decencies on which a free society rests—and they deserve the contempt of every American who values those decencies.

Those decencies, those self-restraints, those patterns of mutual respect for the rights and the feelings of one another, are what we must preserve if freedom itself is to be preserved.

There always have been those among us who chose violence or intimidation to get what they wanted. Their existence is not new. What is new is their numbers, and the extent of the passive acquiescence, or even fawning approval, that in some fashionable circles has become the mark of being "with it."

Commenting on the bombing three weeks ago at the University of Wisconsin, the Wisconsin State Journal recently said:

"It isn't just the radicals who set the bomb in a lighted, occupied building who are guilty. The blood is on the hands of anyone who has encouraged them, anyone who has talked recklessly of 'revolution,' anyone who has chided with mild disparagement the violence of extremists while hinting that the cause is right all the same."

And I would add that what corrodes a society even more deeply than violence itself is the acceptance of violence, the condoning of terror, the excusing of inhuman acts in a misguided effort to accommodate the community's standards to those of the violent few.

For when this happens, the community sacrifices more than its calm, and more even than its safety. It loses its integrity and corrupts its soul.

Nowhere should the rule of reason be more respected, or more jealously guarded, than in the halls of our great universities.

Yet, as we know, at some of our great universities small bands of destructionists have been allowed to impose their own rule of arbitrary force.

Because of this, we face the greatest crisis in the history of American education today.

In times past we have faced shortages of classrooms, shortages of teachers, shortages that could always be made up by appropriations of money.

These material shortages are nothing compared to the crisis of the spirit which rocks hundreds of campuses across the country

today. And because of this, to put it bluntly, today higher education in America risks losing that essential support it has had since the beginning of this country—the support of the American people.

America has been rightly proud in the past of its enormous strides in higher education. The number of students in college today has doubled in the past decade. But at a time when the quantity of education is going dramatically up its quality is massively threatened by assaults which terrorize faculty, students and university and college administrators alike.

It is time for responsible university and college administrators, faculty and student leaders to stand up and be counted. Only they can save higher education in America. It cannot be saved by government. To attempt to blame government for all the woes of the universities is to seek an excuse, not a reason, for their troubles. If the war were ended today, if the environment were cleaned up tomorrow morning and all the other problems for which government has the responsibility were solved tomorrow afternoon—the moral and spiritual crisis in the universities would still exist.

The destructive activists at our colleges and universities are a small minority. But their voices have been allowed to drown out the responsible majority. As a result, there is a growing, dangerous attitude among millions of people that all youth are like those few who appear night after night on the television screen shouting obscenities, making threats or engaging in destructive and illegal acts.

One of the greatest disservices the disrupters have done, in fact, is precisely this: to reflect unfairly on those millions of students who *do* go to college for an education, who do study, who do respect the rules and who go on to make constructive contributions to peaceful change and progress in this country.

I would not for one moment call for a dull, passive conformity on the part of our university and college students, or for an acceptance of the world as it is. The great strength of this nation is that our young people, in generation after generation, give the nation new ideas, new directions, new energy. I do not call for a conformity in which the young simply ape the old or in which we freeze the faults that we have. We must be honest enough to find what is right and to change what is wrong. But at the same time we must take an uncompromising stand against those who reject the rules of civilized conduct and of respect for others—those who would destroy what is right in our society and whose actions would do nothing to right what is wrong.

Automatic conformity with the older generation is wrong. At the same time, it is just as wrong to fall into a slavish conformity with those who falsely claim to be the leaders of the new generation, out of fear that it would be unpopular—or considered square—not to follow their lead. It would be a tragedy for our young generation simply to parrot the policies of the past. It would be just as great a tragedy for the new generation to become simply parrots for the slogans of protest, uniformly chanting the same few phrases—often with the same four-letter words.

Let us take one example that deeply troubles many of our young people today: the war in Vietnam.

Many of the slogans simply say we should end the war.

We *are* ending the war. The great question is how we end it, and what kind of peace we achieve.

A "peace now" that led only to a bigger and more terrible war later would be peace at too great a price.

As we look back over the 20th Century, we see that not yet in this century has America been able to enjoy a full generation of peace.

The whole thrust, the whole purpose, of this Administration's foreign policy—whether in Vietnam or the Middle East, or in Europe, or in relations with the developing countries or the Communist powers—is to meet our responsibilities in such a way that at last we *can* have what we have not had in this century: a full generation of peace.

That is why, in Vietnam, we are carrying out a plan that will end the war, and that will do it in a way that contributes to a just and a lasting peace in Vietnam and in the world.

There are those who say that this is the worst of times to be alive.

But we in America have a great deal to be proud of—and a great deal to be hopeful about.

If we open our eyes, if we look at all that for the first time in the whole history of man is becoming possible here in America, what do we see?

—We see a natural environment that has been damaged by the careless misuses of technology, true; but we also see that the same technology gives us the ability to clean up that environment and restore the clean water, the clean air, the open spaces, that are our rightful heritage.

—We see a nation now rich enough so that everyone willing and able to work can earn a decent living, and so that we can care for those who are not able to do so.

—We see a nation that now has the capacity to make enormous strides in these years just ahead in health care, in education, in the creative use of our increasing leisure time.

—We see a nation poised to progress more in the next five years, in a material sense, than it did in fifty only a short time ago.

—We see that because of our wealth, because of our freedom, because of our "system," we can go on to develop those great qualities of the spirit that only decades ago were still buried by the weight of drudgery—and that we can do this not just for an elite, not just for the few, but for the many.

The question is: How shall we use our great opportunity?

Shall we toss it away in mindless disruption and terror? Shall we let it wither away in despair? Or shall we so prepare ourselves, and so conduct ourselves, that this will be looked back upon as the beginning of the brightest chapter ever in the unfolding of the American dream?

Making its promise real requires an atmosphere of reason, of tolerance, of common courtesy—with that basic regard for the rights and feelings of others that is the mark of a civilized society.

It requires that the members of the academic community rise firmly in defense of the free pursuit of truth—that they defend it as zealously today against threats from within as they have at other times against threats from without.

It requires that the idealism of the young—and indeed, the idealism of all ages—be focused on what can be done within the framework of a free society, recognizing that its structure of rights and responsibilities is complex and fragile and as precious as freedom itself.

The true idealist pursues what his heart says is right in a way that his head says will work. But the final test of his idealism lies in the respect he shows for the rights of others.

Despite all the difficulties, all the divisions, all the troubles that we have had, we can look to the future with pride and with confidence.

As I speak on the campus of this great university, I recall one of the great sons of Kansas, Dwight David Eisenhower. And I recall the eloquent address he delivered in London's historic Guildhall in 1945, at a ceremony in his honor after he had led the allied forces to victory in Europe.

On that day, to the huge assemblage that had gathered in his honor, made up of the officialdom of all Britain, he said: "I come from the heart of America."

Now, 25 years later, as I speak in the heart of America, I can truly say to you here today that you are the heart of America—and the heart of America is strong. It is sound. It is good. It will give us—you will give us—the sound and responsible leadership that the great promise of America calls for—and in doing so you will give my generation what it most fervently hopes for: the knowledge that your generation will see that promise fulfilled.

Mr. RHODES. Mr. Speaker, yesterday I had the double privilege of being very proud of my President and of my alma mater.

The President's speech at Kansas State University yesterday will surely stand as one of the high marks of the Nixon Presidency. In the fact of persistent, loud heckling from a very small but determined band of student protesters, the President refused to be shouted down and went on to deliver one of the most reasoned and inspired speeches given during his term of office. I was there and I was never more impressed with his calm and courage.

The President put it to the students straight when he said:

> If the war were ended today, if the environment were cleaned up tomorrow morning and all the other problems for which government has the responsibility were solved tomorrow afternoon—the normal and spiritual crisis in the universities would still exist.

This country has recently been treated to a spectacular show put on by a commission which purports to examine the underlying causes for campus unrest. This investigation was conducted with great fanfare as the radical, dissident minority of students unleashed their inflammatory rhetoric in testimony before the commission. Rhetoric which was promptly and duly reported—with equal fanfares—in the Nation's media.

Now we are anxiously awaiting the report of this commission, and I fervently hope that the members of this investigating body recognize the truth in the President's words yesterday. The students at Kansas State University did—when the President told them the truth, they gave him a standing ovation in return. And so did I.

Mr. TAFT. Mr. Speaker, there was a portion of the President's speech yesterday at Kansas State University which especially bears repeating in the Congress:

> To put it bluntly, today higher education in America risks losing that essential support it has had since the beginning of this country—the support of the American people.
>
> America has been rightly proud in the past of its enormous strides in higher education. The number of students in college today has doubled in the past decade. But at a time when the quantity of education is going dramatically up its quality is massively threatened by assaults which terrorize faculty, students and university and college administrators alike.
>
> It is time for responsible university and college administrators, faculty and student

leaders to stand up and be counted. Only they can save higher education in America. It cannot be saved by government. To attempt to blame government for all the woes of the universities is to seek an excuse, not a reason, for their troubles.

Mr. Speaker, President Nixon has stated the situation correctly. There is a crisis in higher education and our universities are in danger of losing the support of the American people. The President cannot resolve this crisis, neither can the Congress resolve it. Government can help but by far the larger burden rests upon the academic community. As the President said, it is time for responsible academic leaders—students, faculty, and administrators—to stand up and be counted.

GENERAL LEAVE

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the address of the President of the United States at Kansas State University yesterday, following the text of the President's remarks which I inserted in the RECORD at an earlier time.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

DESEGREGATION OF SCHOOLS

(Mr. STEIGER of Wisconsin asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. STEIGER of Wisconsin. Mr. Speaker, I am troubled by some counterproductive claims that have come from the National Education Association concerning the desegregation of our schools.

Objective observers of the administration's work for school desegregation must feel forced to take issue with NEA's undercutting of desegregation efforts.

NEA has misleadingly claimed that its organization has received thousands of complaints of teacher firings—failing to mention that those complaints date back so far as the middle 1950's.

NEA officers have alleged that Federal court orders have been violated, yet the organization has failed to offer details of violations to the Department of Justice.

This past weekend an NEA southeast regional director was quoted by UPI as charging that the National Education Association officials were attempting to monitor school desegregation because of the Nixon administration's "failure to take those steps necessary to insure the peaceful and orderly desegregation of public schools."

This charge of failure, if quoted accurately, and coming after 3 full weeks of orderly and peaceful school openings, is scarcely worthy of a high official of the National Education Association.

To anyone, who is watching closely, the Nixon administration is conducting an impressive, watchful effort. Every time a problem occurs in a judicial district, the U.S. attorney and Department of Justice lawyers seem to be present on the scene to give aid and assistance to school officials, parents, teachers, and judges.

While I do not have intimate knowledge of administration plans and efforts for school desegregation, I want to commend the early results. Whatever it is you are doing, keep it up because it seems obviously successful.

Accordingly I do not have personal knowledge of the plans and strategies of my friends in the National Education Association, but I fear the results. Whatever it is you are doing, I urge that NEA time and talent be redirected to the searching problems of education.

Working at odds we can deliver neither racial harmony nor quality education. Working in concert and mutual support, we might finally achieve both the desegregation and the education for which the Nixon administration as well as the education profession is very earnestly striving.

PUBLIC CONCERN ABOUT WORLD'S ENVIRONMENTAL HEALTH

(Mr. DADDARIO asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. DADDARIO. Mr. Speaker, during the past few years, we have witnessed a great upsurge of public concern about the state of the world's environmental health. The pollution crisis has been with us for a long time, but we are just now aroused enough to take the substantial steps necessary to restore our physical world to a cleaner condition. In meeting the challenges of pollution, Congress and the States have enacted new environmental quality standards, and there are constant demands for more stringent requirements. Basically, the response of government to the environmental crisis has been to pass new laws limiting the amount of polluting material that can be discharged into our air and water.

It has become readily apparent that attacking the problem through environmental quality standards alone is simply not enough. We pat ourselves on the back for passing "tough" environmental protection laws, then sit and watch while they remain largely unenforced. Often what happens is that the people who are doing the polluting—the industries, manufacturers, and individual citizens—would like to do something to reduce their own pollution, but they are faced with substantial economic barriers. We have allowed the environment to deteriorate to the point where the costs of cure now far exceed the costs of prevention that we would have incurred had we begun action earlier. These costs are sometimes so prohibitive that a small businessman simply cannot afford to install pollution control devices without risking financial bankruptcy. In part, this condition arises because American consumers are sometimes not as willing to pay for pollution abatement through higher prices for goods and services as they are to demand legislation that restricts or eliminates pollution. What we must realize is that the fight to save the environment is going to be a costly one and that unless we begin now to spend what is necessary we will lose far more in economic and human costs.

Individual businesses are reluctant to commit funds for voluntary pollution abatement because they simply are not sure that the public really wants pollution-free products enough to pay the higher prices necessary to give businesses a sufficient return on their investment. The laws of economics thus can be at odds with the laws of Government. We can pass all the stringent pollution control legislation we want, but unless we are prepared to commit the necessary financial resources, those laws will be meaningless. I believe that the American people are in fact ready to pay what is needed, but that realization of this fact may take some time. Presently we are in a state of mild recession and understandably businesses are especially reluctant to make capital investments that are, from their viewpoint, of questionable profitability. Moreover, because of the simultaneous inflation in the money market, businesses are faced with exorbitant interest costs whenever they need new capital. Putting all this together, it is apparent that a major obstacle to rapid installation of pollution control devices in American industry is a reluctance and inability on the part of manufacturers themselves to make the necessary capital investments. The problem is particularly serious for the small businessman who does not have the substantial resources of the corporate giants and simply cannot afford risky investments.

To meet part of this problem I am today introducing, together with the gentleman from Massachusetts (Mr. MORSE), a bill to amend the Small Business Act to provide disaster loan assistance to any small business that is required to install pollution control devices to meet applicable national, State, or local environmental quality standards. This bill would make available Federal loans at interest rates considerably below rates now available from commercial lending institutions. Small businesses could obtain loans for periods up to 30 years at "current money" interest rates, defined as the average interest rate on outstanding governmental obligations. Thus, in effect, the Federal Government would be using its borrowing power to raise money which it would in turn loan to businesses. As a result, small businesses that ordinarily pay around 10 percent in interest on loans could obtain funds at around 5.125 percent under current conditions. Since the interest rate charged by the Government is the same rate at which it borrows the money, there would be no increased tax burden on the taxpayer. The overall effect of these low interest bans would be to allow businessmen to make the necessary investments in pollution-free machinery now, while postponing the necessity of immediately raising prices to reflect these higher operational costs. These costs can be gradually phased in, and will hopefully coincide with consumers' growing awareness and willingness to absorb most of the costs for protecting our environment.

The bill is designed to provide funds under the disaster loan provisions of the Small Business Act. At the present time

the Bureau of the Budget has placed an administrative freeze on all loans under the Small Business Act except the disaster loans. Last year Congress amended the disaster loan provisions to permit loans to the coal mining industry to aid them in meeting the safety requirements of the Coal Mine Health and Safety Act of 1969. In so acting Congress recognized that we faced "disaster conditions" in the coal industry. Our failure to act in the past had resulted in a crisis condition. Tough new standards were needed, but the economically depressed coal industry simply could not meet these standards without some Federal assistance. Low interest loans under the Small Business Act was one such form of assistance. Exactly the same conditions exist with regard to pollution control in many small businesses. We now realize that we face an immediate crisis and imminent disaster. There is ample precedent for meeting the environmental crisis as we did in the coal safety crisis—by providing disaster loan assistance to businesses forced to make capital investments to meet new governmental standards.

Obviously the legislation we introduce today will not meet all the problems of the environmental crisis. Much more is needed than just Federal loan assistance. But this legislation is very important. American business is resourceful and capable. Given the necessary incentives and resources, it can and will move to meet the pollution crisis. This bill can be a significant step in the direction of governmental cooperation with the private sector in jointly solving a problem of the first magnitude. We commend this legislation to the attention of the Congress and urge its rapid consideration and approval.

REGARDING MERCURY POISONING

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, man's unthinking and growing abuse of the natural environment is a mounting tragedy. The latest chapter in this unfortunate saga concerns mercury poisoning which poses an immediate and deadly threat to human and animal life.

In previous statements here I have attempted to describe the urgency of the situation by, among other things, relating the facts of a recent mercury poisoning tragedy in Texas that put two children in a coma and left their older sister blinded and paralyzed; noting that fish and water in 14 States are contaminated by mercury; and by pointing out that mercury residues can persist up to 100 years in polluted lakes. On August 20 the Washington Post reported that mercury in dangerous amounts has been found in wild ducks in North Dakota and in Detroit, and recent testimony before a subcommittee of the other body indicates that the average person's intake of mercury is 10 times as high as it was 35 years ago.

It seems incredible to me that, knowing the seriousness of the problem, the Government agencies responsible for protecting the quality of our soil, waterways, and the air are not vigorously carrying out their responsibilities to prevent any further contamination of the food chain.

An excellent editorial underscoring the urgency for enforcing existing laws to prevent future mercury poisoning appeared in the July 30 edition of the Redding Pilot, and I am including the article, written by Mr. Steve Harris, editor, for the benefit of my colleagues. The editorial follows:

EVEN VERMONT

When was the last time you ate fish? Last night? Last Friday? Last month? How did it taste?

It takes within two to four hours for a large fish to transform inorganic mercury once in the blood stream into organ methylmercury, making consumption of the fish a health hazard.

But that's okay in America because we'd rather take the risk of suffering brain damage or even of dying if it is profitable or pleasurable. That's why most of us keep on smoking, disregarding that annoying cough or slight chest pain. Like the man says on television: "Come to where the pleasure is, come to Marlboro Country."

That's also why Vermont's Gov. Deane Davis, running for a second term, is supporting a move to relax the stringent regulations of his state's tough new environmental-control law so a New York City paper-processing company will settle on the shores of the Hoosic River in Pownal.

The heck with the rivers, the heck with the mercury-poisoned fish and the heck with the people who fish the rivers and eat the fish. The Spruce Tissue Company is coming to Vermont to build a $7.2 million plant and that means more tax money for the state.

State Rep. Luther F. Hackett, a Republican, and State Sen. Leo O'Brien, Jr., a Democrat, both from South Burlington and both friends in the political off-season, were the prime movers in getting the environmental-control law passed in the last session of the Vermont legislature.

But what good is this law or any environmental-control law in the country when men like Gov. Davis will not support it when he has a chance to make money for his state?

It was only last year, testifying before a hearing of the subcommittee on economic development of the U.S. Committee on Public Works in Boston, that Gov. Davis said "We are fast losing control of our environment in New England and disaster will surely result unless programs for environmental control are soon implemented."

Now, with all the lakes and streams in Vermont reported by the state's Fish and Game Commissioner Edward Kehoe to contain mercury, Gov. Davis is willing to risk disaster for a $7.2 million paper processing plant.

Maybe it will take an epidemic of mercury poisoning sweeping across America before we wake up and realize that bringing in more tax revenue isn't worth the price of somebody's life.

PROPOSALS TO END HIJACKING

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, we all welcome the fact that the majority of the hostages taken and held by the Palestinian terrorist hijackers have been released. However, we must bear in mind that about 50 innocent people, including a number of American citizens, are still being held. It is essential that the civilized world take every possible step to secure their safe release and to make sure that these acts of piracy are brought to an end.

There are a number of steps that can and should be taken to stop hijacking. The framework of international law must be strengthened and both multilateral and bilateral treaties must be sought to assure that countries will not give asylum to hijackers and will extradite them as criminals to the countries where the offenses occurred. In the Middle East, as I have previously indicated to this House, I agree with the proposal that there should be a boycott by all the airlines of those countries that encourage hijacking by not taking any steps against the hijackers. At the present time the Foreign Affairs Committee of the House, of which I have the honor to be a member, is holding hearings to consider what steps can be taken along these lines.

All this is important for the future. Unfortunately, however, none of these measures is likely to help to secure the release of the hostages by the Palestinian terrorists. Pressure on the Government of Jordan is useless, since clearly that Government would release the hostages if it could, but does not have the power to do so.

I am not suggesting that the demands of the terrorists—assuming those demands have been made clear—should be met. To take this step would only be to encourage further outrages and further threats to the lives of innocent people.

Nor am I suggesting that there should be international military action in an attempt to recover the hostages. Even if this were practicable, it would greatly endanger the lives of the hostages themselves.

Some way must be found, however, to make the Palestinian terrorists realize that they have made international outlaws of themselves and that someday, somehow, they will be adequately punished for their crimes.

One immediate step that could be taken, it seems to me, is for this Government and the other governments involved to seek to cut off, at least temporarily, the flow of funds to the Palestinian terrorists which makes it possible for them to carry on their despicable activities.

The Palestinian terrorists are today receiving financial assistance from oil-rich Arab States. Yet all the Arab States, including the most radical, have condemned the hijacking. Why, then, should the Arab States which are supplying funds to the Palestinian terrorists not agree to suspend any further financial assistance until the hostages have been released?

Another possible approach for the U.S. Government—not inconsistent with the foregoing—would be for the President to announce that, first, the American people are angered and revolted by the acts of the hijackers and their terrorist backers; second, the U.S. Government is determined to show that such crimes will not be allowed to further the cause of the Palestinian irredentists; and, third, in order to demonstrate that the hijacking will only produce the contrary of what the Palestinians want, the U.S. Government is announcing additional

support for the State of Israel in the form of economic aid and the provision of additional supersonic jets for Israel's defense.

I am today making these suggestions to the President and the Secretary of State in the hope that they will be pursued.

Whether or not these are the best ways in which to proceed, it is unthinkable that the U.S. Government should stand idly by while these horrible acts of international barbarism countinue and while some 50 hostages and their relatives continue to suffer.

CITIZENSHIP DAY AND CONSTITUTION WEEK—SEPTEMBER 17 TO 23

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MONAGAN. Mr. Speaker, I am pleased to participate in the observance of Citizenship Day and the first day of Constitution Week.

Largely due to the stimulation of the U.S. Immigration and Naturalization Service and other interested organizations which for many years supported the movement to establish a specific day for recognition of U.S. citizenship, Congress passed two joint resolutions authorizing the President to issue annual proclamations for the observance of Citizenship Day and Constitution Week. The Immigration and Naturalization Service, through yearly bulletins provides valuable advice to communities desiring to hold special ceremonies honoring new U.S. citizens and commemorating the historic signing of our Constitution.

My own State of Connecticut is fortunate to have Mr. James E. Smith as District Director of the Immigration and Naturalization Service in Hartford. Mr. Smith, an able and dedicated public servant, actively works for the proper observance of Citizenship Day and Constitution Week in Connecticut so that the two historic events receive the recognition they deserve.

THE NEED FOR A NATIONAL LAND USE POLICY

(Mr. TAFT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. TAFT. Mr. Speaker, in a country so rich in natural resources, our greatest fundamental resource is probably our land. Not only does it provide us with the food necessary to survival but much of the material needed to clothe and shelter us, as well as the meadows and wooded areas, the lowlands and the rocky crags so essential for human recreation and a favorable balance of nature.

Those among us who were reared close to the land or who continue to provide the Nation's needs from it know the value of each parcel of land all too well. Yet the numbers of such people decrease as the dynamic agricultural revolution frees more and more men to produce other goods and services. There is an increasing danger that those who do not appreciate the proper value of our land will misuse it.

Too often, rich productive agricultural land is paved over in an unthinking, unplanned accommodation to suburban sprawl. Farmers, in that case, may have to move into less productive locations where the cost of creating meals for their fellow Americans must necessarily increase.

This need not happen. As America grows, there is plenty of room for both farmer and city dweller.

The dangers that face us if we take an unenlightened path in the development of our land and the necessity for a national land-use policy are spelled out quite clearly in a recent speech by U.S. Secretary of Agriculture Clifford M. Hardin. I commend it to my colleagues as a thoughtful treatise on one of the most critical issues of our times.

Secretary Hardin's September 12 address at the National Plowing Contest matches in Versailles, Ohio, follows:

It is a great privilege to take part in this program. All of us here know and love this land—these fertile acres that stretch across America's heartland.

I recall driving through this area many times, in past years, from my home in eastern Indiana. The changes are spectacular. Back in the '20's when I first made this trip, Ohio's population was only half what it is today.

This has been an interesting day for me. On landing at Dayton we were met by Congressman Bob Taft, who has been one of my helpful advisors in Washington. En route here Bob and I talked about the spectacular changes that have taken place in agriculture in recent years, and the progress here in Ohio.

The Congressman and I also discussed President Nixon's address to the Jaycees in St. Louis, in which he emphasized that people ought to think and talk more about the good things in America. Looking out the car window as we drove along, we were certainly impressed by the good things we could see along the way—the good things of agriculture, especially here in Darke County.

I am pleased to be here in the district so well represented in Washington by Congressman McCulloch; I am pleased indeed to share the platform today with your outstanding candidate for governor, Roger Cloud, and to hear his comments.

The National Plowing Matches are part of an agricultural tradition that goes back 300 years in Europe and a century or more in this country and Canada—events identified with recognizing the importance of *land* to mankind.

Your contests and exhibits highlight the farm revolution that has made American agriculture the best in the world. This is an appropriate occasion to give special thought to what will be happening to the Nation's land and the development of policies for the use of that land and their relationship to the quality of our total environment. First, however, let me touch on matters of immediate concern—the corn situation and farm legislation.

The latest estimate of this year's corn crop is contained in the September 1 crop report which became available after the market closed yesterday afternoon. The 1970 harvest is now expected to total about 4.4 billion bushels, down 290 million bushels from the 4.7 billion estimate of a month ago. This compares with last year's crop of 4.6 billion bushels.

The drop in the prospects over the past month amounts to about 6 percent, due partly to adverse weather but mostly to corn leaf blight.

This is the first time that a disease has struck this Nation's corn crop in anything like these proportions. Because of this and because no one knows the extent to which it will recur next year, it has to be regarded seriously. But we are not faced with a crisis as was feared by some spokesmen earlier.

Actually, this year's estimated crop has been exceeded only twice in the past. Furthermore, total carryover stocks of corn and other grains amount to about 2 and a half billion bushels, which is more than ample to take care of domestic feeding requirements through the 1971 harvest and still permit sizable increases in export sales.

In the meantime we are working closely with the seed companies in an effort to maximize supplies of blight-resistant seed for planting next year. Fortunately some stocks are on hand and some more can be produced in warm climates during the winter months.

The amount of international concern with our corn crop has, I think, surprised everyone. We have had urgent requests for information from almost every part of the world—from Japan, from the Southwest Pacific, from several of the Latin American countries, and from most of the European countries.

In fact, the German Minister of Agriculture who has been in Washington this week asked as he left that a copy of yesterday's crop report be cabled to him immediately. Corn definitely has become an international commodity, reflecting the rising levels of living around the world—which in turn is reflected in an expanded demand for animal products and, therefore, more feed grain.

With regard to legislation, the House of Representatives approved the Agricultural Act of 1970, a carefully structured proposal reflecting months of intensive, bipartisan effort. It is now in the hands of the Senate and is scheduled for a Senate vote next Tuesday. It is our strong hope that the new law will closely resemble the measure passed by the House.

The House Bill provides leverage for expanding exports; it removes penalties for over-planting and abolishes marketing quotas; it will set a course for agriculture more firmly in the direction of crop specialization, making best use of land and water resources, and gearing production to changing markets.

If approved in a form similar to the House version, I sincerely believe the new farm law will enhance the economic position of farmers and serve the long-term best interests of all consumers and taxpayers as we move into the decade of the 1970's.

As I've worked with the members of Congress during the past many months, I have become more and more aware of the need for greater public understanding of both the problems and the contributions of American agriculture.

For example, there have been loud complaints about food prices. Yet food prices haven't gone up as much as other items in the cost of living index. They haven't gone up as much as incomes, and the average American consumer in 1970 can buy his family's food supply with the smallest percent of his income in the history of this or any country.

To the extent that this results from increased efficiency in agriculture we can take great pride. And this has occurred. On the other hand, some of our low food prices are due to inadequate returns to farm producers—and this is a matter that should not be tolerated. This is really what the new farm legislation is all about.

The corn blight alarm brought home for millions of Americans the importance of support programs and commodity credit operations. When a great, basic commodity seems threatened, the public has reason to feel reassured in that the ancient Biblican lesson of saving during good years against scarcity in poor years is a concept that still has merit. It underlies the whole partnership structure of programs of the Federal

Government, the States and farmers to assure continuing agricultural abundance.

Indeed, the essential significance of America's farm revolution lies in the fact that natural resources, public funds, scientific research, modern technology and improved management are welded into a versatile, evermore powerful agricultural capability.

By producing more with fewer people, the American farmer has made it possible for more people to be employed in producing other goods we all want. This has happened to a greater extent here than anywhere.

No less significant is the freedom won by the man with the plow in liberating land, by producing more on fewer acres. If our output had not steadily increased over the past 50 years, we would need all our present acreage plus additional land equal to the area of all the States east of the Mississippi and south of the Ohio River in order to meet today's food needs.

This aspect of farm progress—the saving of land—has immense implications for the future. Today we still have more farm land than we need. In fact, this year we are holding about 50 million acres of cropland out of use.

This picture seems likely to change, however. Each year our expanding cities eat up more farm land. Still more goes into highways, airports and recreational facilities. And the trend will be stepped up as the new national growth policy takes form, and we begin to see a redistribution of the population and the emergency of hundreds of new growth centers throughout the Nation's great heartland.

Now is the time, while we still have some elbow room, to take a hard and critical look at our land and how we want to use it.

President Nixon recognizes this. He said in a message to Congress last month that ". . . Society as a whole has a legitimate interest in planning proper land use."

His message accompanied the first report of the Council on Environmental Quality, which asserted that misuse of land is "the most out-of-hand and irreversible" of all environmental problems.

How land can be put to best use for the greatest number of people is a matter that could be, in a very real sense, a key to America's future. It involves such vital issues as: adequate supplies of pure water, continuing abundance of farm products, living and working space for a growing population, protection of species and ecological systems, development of increased transportation facilities such as the many airports that will be needed in years to come, location of industrial and power plants, and the creation of safer, pleasanter environments for recreation and cultural purposes.

Solutions proposed for such problems will inevitably hinge, in many instances, on land utilization. Pressures will be brought to force greater amounts of land into non-agricultural uses. We know this because it is happening now, all the time.

A typical situation that quite often comes up may be seen in the need of a new airport or new manufacturing facility to be built, and the engineers decide the site they want is right in the middle of prime farm land. People can legitimately ask why the choice of a site in marginal land will not serve the purpose just as well.

The area of America's usable land is fixed, by and large. How land is to be apportioned for various purposes will have to be governed sooner or later, by sensible, carefully thought out guidelines. In developing a guidance policy, the Department of Agriculture and numerous other agencies of government at Federal, State and local levels will have important contributions to make.

Since most of the land involved is privately owned, many of the decisions for formulating and carrying out national land use policy will be made by landowners in terms of personal gain—hopefully in the best traditions of enlightened self-interest. Persons like yourselves who are engaged in agriculture will be in a position to take a leading part in this decision making.

In the judgment of competent authorities, the United States has the land, and the ability, to satisfy the food requirements of a population perhaps double the size of today's provided we plan the use of land wisely.

A crucial question arises, however, and policy makers must keep it constantly in mind: It is this: In planning for greater economic, urban and industrial growth, how do we preserve our better farm lands for future needs and at the same time assure adequate land areas for other open space uses?

As answers to this question are sought, it will be helpful for people in agriculture to take a new look at their own real estate—to evaluate land not only for its productive capacity but also for its location and use potentials.

In many situations it will be highly advantageous for landowners and policy makers alike to consider the multiple uses to which given areas can be put.

Recent years have made it increasingly apparent, for example, that agricultural bounty and environmental quality can and should go together. Thousands on thousands of farmers are proving every day that the best conservation practices are synonymous with the best agricultural methods. The new farm bill, by the way, gives important support in that direction.

All together, these represent experience, "know how," leadership, facts, and organization—all necessary ingredients in further developing and carrying out a coordinated and innovative program of land use.

An outstanding example of USDA's capabilities may be found in some of the magnificent work of the Soil Conservation Service, which has been concerned with environmental improvement for 40 years. There is more to the environmental problem than smog and water pollution. In small watershed projects alone, SCS has prevented $180 million in property damage from flooding. They have kept millions of tons of sediment out of streams, brought new municipal water supplies to many communities and created increased values in new recreational opportunities.

Successful land use policy will foster a climate conducive to the best agricultural practices by those who choose to farm. Good technology and good land are essential to achieving adequate farm income.

In the development of land use policy, many differing aims and different interests will have to be reconciled. As the President has said, "I believe that the problems of urbanization, of resources management, and of land and water use generally, can only be met by comprehensive approaches which take into account the widest range of social, economic and ecological concerns."

Already, a good start has been made. The Department of Agriculture has long had a leading role in the national land policy area, a tradition reflected in the Department's many rural development programs—experience in conservation, in the use of credit, and in planning.

The millions of acres of National Forests and Grasslands are important assets. So, likewise, are the cooperative programs that are under way with State departments of agriculture, experiment stations, land grant educational institutions and other universities, and the State extension services. There are the ASC county committees and more than 3,000 local conservation districts; and hundreds of thousands of farmers cooperating under voluntary agreements.

The best efforts of everybody concerned will be needed to assure that America's land and natural resources are properly developed to produce ample food and serve the space requirements of a growing population and economy.

This is the challenge that can be foreseen in President Nixon's words when he said: "I believe we must work toward the development of a National Land Use Policy to be carried out by an effective partnership of Federal, State and local governments together and, where appropriate, with new regional arrangements."

I am confident that those who are the providers of plenty from America's farms, groves, forests and ranches will rise to the challenge—and to the opportunities—presented by the President. In the final analysis, individual and community action by people dedicated to America's great heritage will achieve these new steps of progress in building the better Nation we want for our posterity.

May the day come when grateful citizens, enjoying the benefits of farsighted national land use policy, once again will say: "The man with the plow did it!"

A BILL TO MAKE ASSAULTS ON POLICEMEN, JUDGES, AND FIREMEN A FEDERAL CRIME

(Mr. DON H. CLAUSEN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DON H. CLAUSEN. Mr. Speaker, I have today joined with the gentleman from Florida (Mr. CRAMER) in the introduction of legislation intended to make it a Federal crime to assault a policeman, judge, or fireman.

The recent attempted "shoot-out" at the Marin County Civic Center in California, in which a respected judge was slain, is graphic evidence of the need for this legislation.

This tragic incident is only one example of a long series of brutal and unprovoked assaults that this Nation has witnessed against law enforcement personnel, firemen, and court officials in recent months. Evidence clearly proves that these attacks have been diliberately perpetrated by so-called radical revolutionaries and were conceived by vicious minds attempting to destroy our society and its established institutions.

As I have stated before:

America is in a state of anarchy and the bomb, the torch and the gun have become the debating tools of these "Radical Revolutionaries"!

Our bill will make it a Federal crime to assault, injure, or kill any State or local law enforcement officer or judicial official because of his official position, and would also cover firemen during the performance of their duties. As we are all aware, there have been numerous instances when unprotected firemen were fired upon by hiding snipers while fighting to protect lives and property.

An example of exactly what is happening in this country today was reported by the San Francisco Examiner just this past weekend and I would like to include the article at this point in the RECORD.

GUERRILLAS' WAR AGAINST POLICE

New York City Mayor John V. Lindsay, who is very good at blurring political and social realities, recently took to the tube to proclaim there is no proof of an organized subversive plot to attack policemen.

This may have reassured some of his gullible and fearful listeners, but it was pure nonsense all the same—as he surely should have known.

His attention is hereby called to a report by the old House Committee on Un-Ameri-

can Activities. It is dated May 6, 1968; bears the Government Printing Office number 87-359, and is entitled, "Guerrilla Warfare Advocates in the United States."

In this disturbing summary of hearings before the committee, whose report should be read by all our mayors, there is compiled a devil's long index of groups that are united in a thoroughly documented common aim—the disruption and overthrow of our social system.

Eventual out and out armed urban warfare with the forces of government is the last step of their detailed blueprint for insurrection activities. The first steps include campus violence, then bombing of public buildings, then attacks on policemen, and then sabotage of public facilities such as transportation.

To date the blueprint is being followed exactly, step by step, and the police attack stage clearly seems now to have been reached. A national survey by the United Press International shows that over 1000 policemen have been shot, stabbed or otherwise wounded in deliberate assaults this year—16 of them fatally.

These figures already are double those of 1969 and four times those of 1968. Furthermore, in an eight-month period which has had upwards of 2000 terror bombings, the police attacks have greatly accelerated in the last three months. In the last weekend of August alone, 13 policemen were shot without warning or provocation.

We spotlight these facts here because the public should know the facts, however unpleasant. An enlightened public is the strongest bulwark of our republic. And one of its continuing weaknesses is the public official who tries to obscure grim realities by refusing to face them, or by trying to obscure them with a wash of soft soap.

It is incumbent on the Congress, in my judgment, to make it crystal clear that this is a critical national problem that must be met with the full and potent force of the law. By the simple expedient of making these attacks a crime under Federal statutes, it will permit the FBI and other Federal officials to cooperate with local officials in the investigation of such crimes.

Vigilante-type retaliation is not the answer to the problem, but, when due process of law fails to quell these attacks, then people invariably turn to self-imposed repression or attempt to take the law into their own hands.

If we are to avoid this type of confrontation, new laws with real teeth in them, such as the one we have introduced today, are desperatedly needed.

ADDRESS OF VICE PRESIDENT AGNEW IN GRAND RAPIDS, MICH.

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent to place in the RECORD at this point the text of an address by the Vice President of the United States last night in Grand Rapids, Mich., at which I had the honor of presenting him to an enthusiastic audience of Michigan Republicans.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The address is as follows:

ADDRESS BY THE VICE PRESIDENT AT THE MICHIGAN REPUBLICAN DINNER, GRAND RAPIDS, MICH., SEPTEMBER 16, 1970

I am glad to be back in Grand Rapids, where you gave the Nixon-Agnew ticket such a warm and friendly reception in 1968.

And I can think of no more appropriate place to visit in this first full week of the 1970 campaign than the home district of a future Speaker of the House of Representatives—Jerry Ford.

Make no mistake about it, Ladies and Gentlemen, that is the primary goal of this national campaign—to give President Nixon a Congress ready and able to work with him in carrying out the mandate you gave him.

And no one would appreciate that more than Jerry Ford. Jerry has the experience, the drive, and the legislative savvy to do the job. All he needs are the horses—good, strong steady Republican horses.

I have seen him in leadership meetings with the President of the United States. I have seen him called upon for advice in critical situations. And I have heard him deliver his judgment cooly, sensibly and persuasively.

If you could see him in action behind the scenes, where the pressure of national affairs separates the men from the boys, you would know why I am traveling all around this nation in this campaign: to get more all-Americans like Jerry Ford to support the President in Congress in the years ahead.

Important to the success of any State campaign is the man at the head of the ticket. You are fortunate, here in Michigan, to have a man with the ability and solid experience of Governor Bill Milliken.

Of course, you are all aware that Michigan is the land of leadership. When the chips are down, we know we can turn to a freshman Senator whose talent and brainpower have catapulted him to one of the most responsible leadership positions in American government—I refer, of course, to Bob Griffin.

Bob would be the first to admit that the Senate offers plenty of room for improvement.

There is something to be said about President Theodore Roosevelt's remark: "When they call the roll in the Senate, the Senators do not know whether to answer 'present' or 'not guilty.'" These days, though, Teddy's remarks , would be considered "polarizing."

Michigan has a splendid opportunity this year to help us reverse the political balance of the Senate—to break the grip of a little band of unwilling men who are holding back the will of the people. You have a first-class candidate to do this in Lenore Romney.

I have known Lenore since she was Michigan's First Lady. She is profoundly concerned with the well-being of people. She is totally dedicated to public service. And if anybody is tempted to underestimate the power of a woman, let them talk to Senator Margaret Chase Smith—and Senator-to-be Lenore Romney.

You won't find Lenore Romney, for example, exculpating draft dodgers . . . voting against crime control . . . cooing with political doves who seek to sabotage our effort to secure an honorable peace in Southeast Asia . . . you won't find Lenore Romney voting for wild spending that drives up the cost of living . . . or saying that marijuana should be legalized.

It's incredible, really, that the opposition party of this State would formally embrace resolutions favoring a unilateral pullout of all of our forces from South Vietnam by Christmas of 1970—thereby accepting an American defeat.

It is hard to believe that the platform of the Democratic Party of this State urges the granting of amnesty to draft evaders who are in prison or who have fled to Canada. In effect, they vote no confidence in our men who are doing their duty, and put their blessing on those who shirked their duty.

Any political leadership that far out of touch with the people is not worthy of holding elective office—State or national.

This idea of welcoming home the runaways did not originate here in Michigan. On February 25, 1969, Senator Edward Kennedy proposed a commission to explore the granting amnesty to draft evaders. This Senator, who today finds it popular to rail against the "campus commandos," last year pointed out that—and I quote: "Many times in our history we have, as a nation, been magnanimous enough to grant amnesty."

Rest assured, my friends, that there will be no amnesty for draft dodgers. There are great choices in life. Millions of young Americans chose the path of courage, and more than 40,000 of them died for their decision. The few hundred slackers who chose another path are just going to have to live with the consequences of their decision.

I make that point tonight, Ladies and Gentlemen, to illustrate a larger choice that faces our entire society.

There is a segment of our society that embraces amnesty as a way of life. This segment is represented far beyond its number in the United States Senate.

When a decision is required to keep America strong enough to encourage a peaceful world order, a little band of Senators can be counted upon to come down on the side of weakness.

When a decision is needed to restrain federal spending to hold down the cost of living, this same little band of unwilling men is sure to decide against the President and against the interest of all the people.

When a decision is needed to crack down on lawlessness, to sweep the dope peddlers and thugs off the streets of America, this little band of men says no.

This little band of radical-liberals has long marched behind banners that say "police brutality" and "repression"—at a time when innocent human beings are being brutalized by crime, and the civil rights of millions are being repressed by fear of senseless violence.

This little band of men is guided by a policy of calculated weakness. They vote to weaken our defenses; they vote to weaken our moral fiber; they vote to weaken the forces of law. They were raised on a book by Dr. Spock, and a paralyzing permissive philosophy pervades every policy they espouse.

These are not evil men. They are not disloyal men, or unpatriotic men. And, with the exception of election time, when they trim their beliefs to appear to be more in accord with the will of the people, these are not insincere men. They deeply believe that permissiveness at home and isolation abroad would be the best course for our country.

But because these men are so wrong about America, they are doing great wrong to America. And that is why they must be driven from their positions of power.

You might wonder why, in a democratic society, this little band of unwilling men is so confident that it can get away with frustrating the will of the great majority of Americans.

I think I know the reason. They believe they will automatically be returned to power every six years by a force more powerful than any other force in politics—the force of habit.

They believe that the American working man, who supported them years ago, will go down the line, in F.D.R.'s phrase "again and again and again."

Well, this year the apostles of the old political order are due for a rude awakening. The working people of America will no longer be taken for granted.

I am convinced that George Meany is absolutely right when he says that the American working man is the captive of no party. More and more, the American working man is turning away from the people who have sold out his interests; more and more, he is turning to candidates who understand his needs and respect his views.

Never forget this: the only kind of govern-

ment that works is the kind that respects people who work.

This is the man who has built America—with his heart and his mind and his hands. He is proud of his country. He properly resents seeing it run down by people who have never had to work as hard as he does.

He and his sons have served proudly in our armed services. Many of them have fought, and some have died in Vietnam. He does not appreciate the suggestion by some Senators that this sacrifice be thrown away. He respects the flag.

This forgotten American has strong family ties and keeps faith with his religion. He is fed up with the tired rationales and the general permissiveness that have brought rioting in the streets and on the campuses. He is fed up with watching college buildings destroyed in the name of academic freedom—especially when the wanton destruction drives up the tuition he must scrape to pay.

He does not enjoy being called a bigot for wanting his children to go to a public school in their own neighborhood.

For too long, this American has been forgotten—but on this election day the forgotten American won't forget.

I speak of the backbone of America—the working man, earning between $5,000 and $15,000 a year, supporting his family with no hand-outs from Uncle Sam. He has to fight and scrimp to make ends meet; often, he moonlights at a second job, or his wife works to supplement the family income. His real wages didn't go up one thin dime in the second half of the Sixties, thanks to higher taxes and inflation, the legacy of his former political friends.

The President has acted responsibly and effectively to curb the runaway inflation which was brought on by $57 billion in consecutive budget deficits in the spending spree of the Sixties. We have strong evidence now that he is succeeding, and that we are now on the road toward full employment with reasonable price stability.

Lenore Romney's opponent and some of the other kneejerk spenders in Congress have constantly contributed to this problem. They are still trying to pile on more spending than the country can afford. Mrs. Romney's opponent alone has sponsored bills that would add $17 billion to the national debt.

Crime is another matter of prime concern to the working man where this Administration is moving aggressively, but has been hamstrung by Congress. The President has sent fourteen crime bills to Capitol Hill, thirteen of them last year. Only one has come back for his signature—the District of Columbia Crime Act which should produce dramatic results on a local scale, and serve as a model for similar local legislation across the nation.

Despite this "ho-hum" attitude in Congress, the national crime rate was curbed last year through strong administrative efforts and better local law enforcement. The FBI report issued last month for 1969 showed that the increase in serious crimes nationwide slowed down last year—for the first time in five years. And in cities over 250,000 the increase in serious crimes was cut in half. That's not enough—but that's progress.

I am sure Lenore Romney will continue reminding Michigan audiences that her opponent was one of only four Senators who voted in 1968 against the Omnibus Crime Bill. This legislation needed to fight crime was passed despite the opposition of this Senator from Michigan, and it brought $1.6 million to Michigan last year for improved law enforcement.

Our Administration has also undertaken a host of other programs of great importance to the working man.

We asked for nearly $3 billion for manpower programs to provide skill training and employability development to well over one million unemployed or underemployed workers.

We installed forty-six computer job banks to serve metropolitan areas in thirty-three states. These help job seekers to find out quickly what jobs are available throughout an entire metropolitan area.

Our Department of Labor has undertaken strong efforts on behalf of minority-group workers.

Income tax relief will be granted to lower income groups under the Tax Reform Act of 1969.

Well over a million heads of families who work full time but whose annual income is less than the poverty level—the so-called working poor—will qualify for assistance under the Family Assistance Act.

Improved health and safety standards for workers are now before Congress.

The Administration has proposed equal opportunities in higher education for children in families below the $10,000-a-year level—to be achieved through a combination of grants and loans. For the first time in our history, no qualified student would be denied higher education because his family could not afford it.

We have succeeded in providing unemployment insurance protection for almost five million additional workers.

Improved retirement benefits were included in the Social Security Bill signed recently by the President.

These are all long strides forward for the American working man and woman, taken at the initiative of President Nixon and, in most cases, pushed through a reluctant Congress.

But let us not delude ourselves, as our opponents do, into thinking that there is a monolithic bloc of votes that can be labeled "The American Worker."

And let us not delude ourselves, as our opponents do, into thinking that any group of individuals votes strictly on the basis of group self-interest.

When political pundits look at the working man, they say with their usual absolute certainty that the Republican appeal is on the social issues, while the Democratic appeal is on the economic issues. I submit that today's conventional wisdom will turn out to be tomorrow's mistake.

I believe that we have a powerful case to make on that "gut issue" called "The Pocketbook Issue."

That case is based on one single unpleasant fact that everybody hates to face. Let me give it to you without the frills: The only time the Democrat leaders have been able to bring about full employment is during a war or during preparations for a war.

I'm sorry if that hard fact upsets the squeamish, but it happens to be true. And once you have said it out loud the first time, it becomes easier to say again: "The only time the Democrat leaders have been able to bring about full employment is during a war or during preparations for a war."

Therefore, to use a phrase of Dickens, they brought about "the best of times and the worst of times"—both at the same time. That is not an economic record that merits pride.

This Administration, on the other hand, offers the American working man something new and different—prosperity in peacetime, and without a runaway inflation.

Right now, today, we can point to an economy that is headed upward while a war is heading downward. We're not talking "pie in the sky." We're talking about solid, measurable progress toward a goal that the opposition never was able to achieve.

Just the other day, a survey of almost two hundred leading economists showed an overwhelming agreement with our policies. Production is on the rise, and that will surely mean more jobs. And since it will take place in peacetime, that will mean less inflation and more real take-home pay for more workers.

We do not belong on the defensive when it comes to jobs and real prosperity for the working man. Just the opposite—the record of 1970 offers greater economic hope than the average family has ever had before.

Remember this: the hardest times are the war times. The American people are ready to trade a helmet in for a hard hat any day.

One great difference between this Administration and previous Administrations is this: We put the interests of all the people ahead of any special interest.

We don't say, "Stick with us, and you'll get a better deal than your neighbor." Instead, we say, "Think as Americans first, and then as American workers, or American employers, or American veterans or housewives or suburbanites or whatever."

If there is a "new politics" abroad in our land, that is it. The old way of assembling majorities by appealing to people by ethnic group or social class or region is doomed to defeat.

Ours is a more inspiring message. We say, "Whoever you are, whatever you do, wherever you live—think of yourself first as an American, and support what is best for the whole country."

Idealistic? Maybe. But there is a streak of idealism that is part of the American character, and it has not been preempted by highbrows or longhairs.

The American worker doesn't need politicians to tell him that unemployment is higher now than it was when we were spending ten billion dollars more to support a wider war. He knows it, and we know it.

But he also knows that something had to be done to restrain a runaway inflation that snatched away his pay increase. He knows that the big spending that sounds so good to specific groups on the receiving end has to come from somewhere—and it's the worker who pays, in higher taxes and higher prices.

Most important of all the American worker knows that what is best for the whole nation is best for every single American in it.

And now, at long last, we have a President in Washington with the courage to do what is best for all the people.

The forgotten American is forgotten no more.

We remember who pays the taxes. We remember who has had to fight the wars. We remember who makes the automobiles, build the plants, and makes this country run.

And by our action to end this war with honor; by our action to slam the brakes on the cost of living; by our action to crack down on the racketeers and thugs who prey on honest people; by these actions on behalf of all the people, I believe we have earned the strong support of the working people of America.

One important way to improve the quality of life is to enhance the dignity of work. To do this, we must show a new and decent respect for the decent people who respect the law, respect the flag, respect their neighbors, and have earned respect for themselves.

Let me say it again—the forgotten American is forgotten no more. And as long as he joins in sending Senators and Representatives to Washington like Jerry Ford and Lenore Romney, who will stand shoulder to shoulder with the President of the United States, he will never be forgotten again.

JUVENILE JUSTICE INSTITUTE AND TRAINING CENTER ACT OF 1970

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, today, I have introduced the Juvenile Justice Institute and Training Center Act of 1970, H.R. 19327.

Cosponsoring this bill with me are Messrs. NIX, WALDIE, ADAMS, BIAGGI, BROWN of California, DADDARIO, HATHAWAY, KEE, KYROS, LEGGETT, MURPHY of New York, OTTINGER, ROSENTHAL, GILBERT, GARMATZ, BINGHAM, HALPERN, HARRINGTON, MATSUNAGA, SYMINGTON, FRASER, EILBERG, TUNNEY, WILLIAM D. FORD, WOLFF, ROONEY of Pennsylvania, GUDE, ANDERSON of Tennessee, KOCH, FARBSTEIN, GALIFIANAKIS, ECKHARDT, BRADEMAS, MCCARTHY, and FRIEDEL.

My cosponsors and I feel that this bill is of prime importance when confronted with the terrifying statistics attesting to the increase of juvenile crime and delinquency.

Over a year ago, the House Select Committee on Crime received the shocking testimony that the 15- to 17-age group, representing less than 6 percent of the population of the United States, accounts for almost 13 percent of all arrests. This represents the highest arrest rate of any age group. In that age group from 1960 to 1967, crime increased 59 percent, while the amount of people in the group increased only 22 percent.

The Juvenile Justice Institute and Training Center would serve needed functions in the juvenile justice area. At present, there are 11 Federal agencies dealing with juvenile justice; however, there is no central research facility coordinating and listing all data in the area. The Institute would perform that function.

The Institute, further, would commission original, independent research into various aspects of juvenile justice. In addition, the Institute would each year report to the President and to the Congress on all activities of the Institute, discuss various areas of the juvenile justice system wherein changes are needed, and propose legislation to effect those changes.

The Institute would prepare a series of Minimum Standards of Juvenile Justice and a Model Juvenile Justice Code. Both of these would serve as models for local jurisdictions.

Experts will be made available by the Institute to assist State and local communities in improving procedures and operating methods.

Long- and medium-term training courses will be made available to personnel in all aspects of juvenile justice. This would include police, judges, probation officers, and corrections personnel. The new techniques learned would then be available to local jurisdictions to help them upgrade their fight against the rise in youth crime.

Finally, grants would be made by the Institute to various programs with a history of successful experimentation in the past. Such programs would include home substitutes; diversion of juveniles from the judicial process; community involvement programs; and special training of lawyers and law students in the juvenile justice field.

Mr. Speaker, as chairman of the House Select Committee on Crime, I have been saddened and alarmed by the rapid growth of our juvenile crime problem. I feel that an Institute such as the one proposed today will make an affirmative and important step toward alleviating this problem.

Mr. Speaker, the text of the bill follows:

H.R. 19327

A bill to establish a Juvenile Research Institute and Training Center

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SEC. 1. This Act may be cited as the "Juvenile Research Institute and Training Center Act of 1970".

FINDINGS AND POLICY

SEC. 2. The Congress finds that the problems of juvenile crime and juvenile justice are among the most urgent problems facing the United States, and not enough has been done to stem the growing tide of juvenile crime or to improve the administration of the juvenile justice system. Consequently, it is the policy of the Congress that there should be established a single agency charged with improving the juvenile justice system. It should be the duty of such agency to promote research, collect and disseminate data, make grants, initiate experimental projects for the improvement of the juvenile justice system, and take responsibility for coordinating the activities of the various Federal agencies presently involved with juvenile justice.

DEFINITIONS

SEC. 3. As used in this Act—

(a) The term "Federal agency" means any department, agency, or instrumentality, including any wholly owned Government corporation, of the executive branch of Government.

(b) The term "State" means any State of the United States, any territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or political subdivision, department, agency, or instrumentality of any of them, but does not include the Panama Canal Zone.

(c) The terms "juvenile justice" and "juvenile justice system" refer to the Federal, State, and local laws and procedures designed to deal with the care and handling of juveniles and juvenile delinquency and includes, but is not limited to, educational, social, psychological, and vocational services, corrective and preventative care, guidance, and training, and other rehabilitative services designed to protect the public and assist juveniles.

ESTABLISHMENT OF INSTITUTION; DIRECTORS

SEC. 4. (a) ESTABLISHMENT.—There is established within the executive branch of the Government an independent agency to be known as the Juvenile Research Institute and Training Center (referred to hereinafter as the "Institute"). The Institute shall be headed by an Executive Director, who shall be appointed for a term of four years by the President, by and with the advice and consent of the Senate, and who shall receive compensation at the rate provided for GS–18 of the General Schedule contained in section 5332 of title 5 of the United States Code. In addition, there shall be two Deputy Directors, who shall be appointed for a term of four years by the President, by and with the advice and consent of the Senate, and who shall receive compensation at the rate of GS–16 of the General Schedule contained in section 5332 of title 5 of the United States Code.

(b) (1) AUTHORITY OF THE EXECUTIVE DIRECTIVE WITH RESPECT TO RULES AND REGULATIONS AND DELEGATION OF AUTHORITY.—The Executive Director may—

(A) promulgate such rules and regulations as may be required to carry out the functions of the Institute; and

(B) delegate to any other officer or employee of the Institute authority for the performance of any duty imposed, or the exercise of any power conferred, upon the Institute by this Act, and any reference herein to the Executive Director shall include his duly authorized delegate or delegates.

(2) DUTIES OF DEPUTY DIRECTORS.—The Deputy Directors, in addition to their duties under section 9(b) of this Act, shall perform such duties as are assigned to them by the Executive Director.

STAFF AND RELATED MATTERS

SEC. 5. (a) STAFF.—The Director may appoint and fix the compensation of such personnel as he deems advisable. The staff shall be appointed subject to the provisions of title 5 of the United States Code governing appointments in the competitive service and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(b) ADDITIONAL ASSISTANCE; EXPERTS.—In the performance of the functions of the Institute the Executive Director is authorized—

(1) to obtain the service of experts and consultants in accordance with section 3109 of title 5 of the United States Code;

(2) to appoint such advisory committees as he may determine to be necessary or desirable for the effective performance of the functions of the Institute;

(3) to designate representatives to serve on such committees as he may determine to be necessary or desirable to maintain effective liaison with Federal agencies, with departments, agencies, and instrumentalities of the States, and with private organizations, which are engaged in activities related to the functions of the Institute; and

(4) to use the services, personnel, and facilities of Federal and State agencies, with their consent, with or without reimbursement therefor as determined by them.

(c) ASSISTANCE FROM FEDERAL AGENCIES.—Upon request made by the Executive Director, each Federal agency is authorized and directed—

(1) to make its services, personnel, and facilities available to the greatest practicable extent to the Institute in the performance of its functions; and

(2) subject to provisions of law and regulations relating to the classification of information, to furnish to the Institute such information, suggestions, estimates, and statistics as the Institute may determine to be necessary or desirable for the performance of the functions of the Institute.

REPORT

SEC. 6. Each year, the Institute shall transmit to the President and the Congress a report containing (A) a full and complete description of the activities of the Institute during the preceding year, (B) a discussion of matters currently affecting the interests of juveniles and juvenile justice systems, (C) recommendations for the solution of problems relating to juvenile justice, and (D) such recommendations for proposed legislation as the Institute may consider to be necessary or desirable.

Coordinating Committee for Juvenile Justice.

SEC. 7. (a) ESTABLISHMENT AND MEMBERS.—The Juvenile Research Institute and Training Center shall establish, in the Institute, a Coordinating Committee for Juvenile Justice (referred to hereinafter as "Committee"). The Committee shall be composed of the following members:

(1) The Executive Director of the Institute.

(2) The Director of the Office of Education.
(3) The Administrator of the Law Enforcement Assistance Administration.
(4) The Director of the Children's Bureau.
(5) The Director of the Office of Juvenile Delinquency.
(6) The Director of the National Institute of Mental Health.
(7) The Director of the Office of Manpower Training.
(8) The Director of the Federal Bureau of Prisons.
(9) The Director of the Model Cities Program.
(10) The Director of the United States Employment Service.
(11) The Chief Counsel of the legal service division of the Office of Economic Opportunity.
(12) Two United States Senators to be appointed by the President.
(13) Two Representatives in Congress to be appointed by the President.

(b) SPECIAL TERMS OF OFFICE.—The United States Senators and Representatives in Congress shall be appointed to serve on the Committee for a term of two years, and may be reappointed. Any United States Senator or Representative in Congress appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term.

(c) CHAIRMAN.—The Executive Director of the Institute shall serve as chairman of the Committee and shall designate another member of the Committee to serve as chairman in his absence.

(d) DUTIES.—It shall be the duty of the Committee—

(1) to advise, consult with, and make recommendations with respect to all activities relating to the functions of the Institute;

(2) to assure transmission to the Institute of complete information and data on all activities and projects being carried on within the Federal Government that affect juvenile justice and related matters;

(3) to evaluate the activities of the Federal agencies represented on the Committee and, with respect to matters relating to juvenile justice, identify (A) programs in need of improvement, (B) matters with respect to which there is a needless duplication of effort, and (C) problems which warrant Federal attention; and

(4) to appraise the entire Federal involvement in the juvenile justice system.

(e) MEETINGS.—The Committee shall meet at least six times a year, and at such other times as the chairman or a majority of the Committee deems appropriate.

PROGRAMS

SEC. 8. (a) DATA COLLECTION.—The Institute shall collect, synthesize, and formulate into useful information all available data on juvenile justice and related matters.

(b) PUBLICATIONS.—The Institute from time to time shall compile and disseminate to appropriate, Federal, State, local, and private agencies, through such publications (including a periodic journal) and other means as it determines appropriate, such information as it considers to be necessary or helpful with respect to juvenile justice and related matters.

(c) MODEL LAWS AND MINIMUM STANDARDS.—The Institute shall make a full and complete investigation and study for the purpose of—

(1) preparing a comparison and analysis of State and Federal laws relating to juveniles and juvenile justice;

(2) preparing model laws and recommendations designed to effect a helpful and efficient system of juvenile justice; and

(3) preparing minimum standards with respect to the administrative structure, procedure, and operation of those agencies, institutions, and facilities operated in connected with juvenile justice programs and related matters.

In conducting such investigation and study the Institute shall cooperate with bar associations, Federal, State, and local agencies, and appropriate individuals and private agencies.

(d) CERTIFICATE OF ACCOMPLISHMENT.—Under such rules and regulations as the Executive Director shall establish, the Institute may from time to time issue a certificate of accomplishment to those Federal, State, local, and private agencies, institutions, and facilities involved with juvenile justice which meet such standards of proficiency and excellence as the Institute may establish.

(e) PROGRAM EVALUATION AND ASSISTANCE.—The Institute shall make available trained personnel to Federal, State, local, and private agencies for the purpose of evaluating juvenile justice programs and providing guidance and assistance in carrying out such programs.

(f) MEDIUM AND LONG-TERM TRAINING COURSES.—The Institute shall establish and conduct medium and long-term training courses in matters relating to juvenile justice for such executive and administrative personnel as it may deem appropriate, including community leaders, judges, referees, and persons responsible for programs relating to law enforcement, probation, correction, legal aid, and community based rehabilitation projects. In addition to such other courses of instruction as the Institute may deem appropriate, the curriculum shall include courses on operating methods, administration of juvenile courts and facilities, and procedures for the control and rehabilitation of juveniles who have committed criminal offenses.

(g) SHORT-TERM REGIONAL TRAINING PROGRAMS.—The Institute shall conduct short-term regional training programs, work shops, and seminars with respect to all matters relating to juvenile justice for operating-level personnel employed by Federal, State, and local governments, and private agencies.

GRANTS

SEC. 9. (a) GENERALLY.—Under such rules and regulations as it may establish, the Institute is authorized to make grants under this section to Federal, State, and local governments and private agencies whose programs or projects meet such standards and whose applications meet such requirements as the Institute may require.

(b) AWARD BY DIRECTORS.—The Executive Director and the two Deputy Directors shall act as a review board in awarding grants under this section, and no grant shall be awarded unless a majority of such directors agree thereto.

(c) PURPOSES FOR WHICH GRANTS MAY BE MADE.—Grants for the following purposes are authorized under this section:

(1) COMMUNITY RESIDENTIAL FACILITIES FOR JUVENILES.—The Institute may make grants to aid any institution or facility which—

(A) is operated as a home substitute,

(B) provides supervision, guidance, or therapy,

(C) admits juveniles between the ages of 7 and 17, who are classified as truant, drug addicts or drug abusers, runaways, or ungovernable, and

(D) does not house more than 25 such juveniles.

No grant under this paragraph shall be for an amount in excess of 66 per centum of the costs of maintenance, rental, staff, and auxiliary services under the project or program with respect to which such grant is made.

(2) PROGRAMS TO DIVERT JUVENILES FROM THE JUDICIAL PROCESS.—The Institute may make grants to aid communities in establishing programs to which police agencies or courts may refer apprehended or pre-delinquent juveniles. No grant under this paragraph shall be for an amount in excess of 66 per centum of the costs of maintenance and staff of the project or program with respect to which such grant is made.

(3) COMMUNITY INVOLVEMENT PROGRAMS.—The Institute may make grants to aid in the establishment of local "volunteer corps" which provide effective community involvement to youths. No grant under this paragraph shall be for an amount in excess of 66 per centum of the costs of the salary and other expenses of a full-time staff worker for the project or program with respect to which such grant is made.

(4) LEGAL REPRESENTATION.—The Institute may make grants to assist in the formation of a trained corps of juvenile court attorneys if the program or project for which a grant is requested will—

(A) insure representation of not less than two-thirds of all juveniles appearing in the juvenile courts of the jurisdiction in which the corps is to be formed, and

(B) incorporate for the participating attorneys special training approved or conducted in conjunction with standards and policies established by the Institute.

With respect to any program or project for which a grant is made under this paragraph, the Institute shall conduct, within the twelve month period beginning on the date a grant is received under this paragraph, an evaluation of such program or project with special reference to such factors as the time of appointment of counsel, the degree of delay in effecting disposition of cases, the extent to which juveniles are accorded all legal rights in the trial process, the percentage of cases disposed of other than by plea, and the extent of counsel's involvement in detention hearings and disposition hearings. No grant under this paragraph shall be for an amount in excess of 50 per centum of the cost of the fees of the attorneys participating in the project or program with respect to which such grant is made.

(5) POSTGRADUATE LEGAL TRAINING.—The Institute may make grants for the purpose of aiding law schools in developing postgraduate legal training in programs in relating to juvenile justice if—

(A) such law schools submit an itemized plan, with respect to courses, practical work, and the theory of such training,

(B) such training includes prosecution and defense techniques, and

(C) such training programs are designed to meet certain minimum standards established by the Institute in cooperation with participating law schools. No grant under this paragraph shall be for an amount in excess of the total amount which represents 40 per centum of the costs for teachers' salaries, 50 per centum of the costs of all other expenses, and 60 per centum of the cost of fellowship stipends for study in the project or program with respect to which such grant is made.

(6) POST-INSTITUTIONAL EDUCATION AND EMPLOYMENT.—The Institute may make grants for education and training to youths leaving institutions to reenter the community and to youths on probation, if such programs are coordinated by public juvenile agencies in conjunction with private industry.

TRAINING

SEC. 10 (a) AUTHORIZATION.—The Institute is authorized, with the concurrence of the Secretary of Labor, to make grants or contracts for projects for the training of personnel employed in or preparing for employment in fields related to the diagnosis, treatment, or rehabilitation of youths who are delinquent or in danger of becoming delinquent, or for the counseling or instruction of parents in the improving or parental instruction and supervision of youths who are delinquent or in danger of becoming delinquent. Such projects shall include special programs which provide youths and adults with training for career opportunities, in-

cluding new types of careers, in such fields. Such projects may include, among other things, development of courses of study and of interrelated curricula in schools, colleges, and universities, establishment of short-term institutes for training at such schools, colleges, and universities, inservice training, and traineeships with such stipends, including allowances for travel and subsistence expenses, as the Secretary may determine to be necessary.

(b) RECIPIENTS AND CONDITIONS OF GRANTS AND CONTRACTS.—Such grants may be made to and such contracts may be made with any Federal, State, or local public or nonprofit private agency or organization; and to the extent it deems it appropriate, the Institute shall require the recipient of any such grant or contract to contribute money, facilities, or services for carrying out the projects for which the grant of contract is made.

APPROPRIATIONS AUTHORIZED

SEC. 11. For the purpose of carrying out this Act, there is authorized to be appropriated the sum of $1,000,000 for the fiscal year ending June 30, 1971, $3,000,000 for the fiscal year ending June 30, 1972, and $4,000,000 for the fiscal year ending June 30, 1973.

PUBLIC WORKS APPROPRIATION—CONFERENCE REPORT

Mr. EVINS of Tennessee submitted the following conference report and statement on the bill (H.R. 18127) making appropriations for public works for water, pollution control, and power development, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 91-1456)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 18127) "making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Quality Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1971, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 13, 26, and 28.

That the House recede from its disagreement to the amendments of the Senate numbered 6, 8, 9, 10, 11, 12, 14, 15, 16, 25, 27, and 29; and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,929,160,000"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$353,600,000"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$39,597,000"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$84,000,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$25,480,000"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$19,065,000"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$186,793,000"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$22,375,000"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$21,230,000"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$5,150,000"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,600,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 4, 17, 20, 21, and 22.

JOE L. EVINS,
EDWARD P. BOLAND,
JAMIE L. WHITTEN,
GEORGE W. ANDREWS,
GEORGE MAHON,
JOHN J. RHODES,
GLENN R. DAVIS,
(except amendment No. 4),
HOWARD W. ROBISON,
(I reserve on amendment No. 4),
FRANK T. BOW,
(except amendment No. 4),
Managers on the Part of the House.

ALLEN J. ELLENDER,
RICHARD B. RUSSELL,
WARREN G. MAGNUSON,
SPESSARD L. HOLLAND,
JOHN L. MCCLELLAN,
JOHN STENNIS,
JOHN O. PASTORE,
JENNINGS RANDOLPH,
MILTON R. YOUNG,
ROMAN L. HRUSKA,
MARGARET CHASE SMITH,
GORDON ALLOTT,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at a conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 18127) making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Quality Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1971, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments; namely:

TITLE I—ATOMIC ENERGY COMMISSION

Operating Expenses

Amendment No. 1: Appropriates $1,929,160,000 instead of $1,965,500,000 as proposed by the House, and $1,900,300,000 as proposed by the Senate. The increase over the Senate bill includes $8,000,000 for the Weapons program for increased costs arising from strikes at Oak Ridge, Tennessee, Rocky Flats, Colorado, and the Nevada test site; $390,000 for research on an isotopic powered artificial heart; and $1,700,000 for related changes in selected resources. The increase over the Senate bill figure also reflects an adjustment of $18,770,000 to correct an error in the Senate bill total.

The reduction below the House bill includes $2,000,000 in the Special nuclear materials program; $3,560,000 in the Reactor development program; $2,000,000 in the Physical research program; $140,000 in the Biology and medicine program; $100,000 in the Civilian application of nuclear explosives program (Plowshare); $3,540,000 in changes in selected resources; and $25,000,000 based on the availability of carryover of unobligated balances from fiscal year 1970.

Plant and Capital Equipment

Amendment No. 2: Appropriates $353,600,000 instead of $360,100,000 as proposed by the House, and $336,100,000 as proposed by the Senate. The increase over the Senate bill consists of $500,000 for planning the Addition to the physics building (human radiobiology facility), Argonne National Laboratory, Illinois; $600,000 for planning the National Nuclear Science Information Center, Oak Ridge, Tennessee; and $300,000 for a radiotherapy linear accelerator facility at the Puerto Rico Nuclear Center. The increase also reflects an adjustment of $16,100,000 to correct an error in the Senate bill total.

The reduction below the House bill includes $5,000,000 in the allowance for the 200 BEV accelerator, Du Page and Kane Counties near Chicago, Illinois, for which a total of $60 million is appropriated to continue construction, and $1,500,000 for the Addition to the physics building (human radiobiology facility), Argonne National Laboratory, Illinois.

The conferees are in agreement that available funds shall be reprogrammed to provide for necessary repair and replacement of the Tandem Vande Graaff Accelerator and Computer damaged by fire at the University of Wisconsin, at Madison.

TITLE II—DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

Corps of Engineers—Civil

General Investigations

Amendment No. 3: Appropriates $39,597,000 instead of $38,559,000 as proposed by the House and $41,616,000 as proposed by the Senate. The increase over the House bill includes $689,000 for studies as listed below and restoration of $349,000 of the House reduction for anticipated additional unobligated carryover balances.

The conferees are in agreement that the funds provided for the San Francisco Bay Area in-depth study will not be used until review and approval by the committees of the detailed plan of survey now being formulated.

The increase provided over the House bill shall be allocated to the following studies:

Alaska:		
(N)	Anchorage small boat basin	$20,000
(FC)	Ship Creek and Eagle River	10,000
Arkansas:		
(FC)	Arkansas River, vicinity of North Little Rock (Dark Hollow)	[1] 15,000
California:		
(N)	Richmond Harbor	10,000
(N)	San Francisco Bay Area (in depth)	150,000
(FC)	Wildcat and San Pablo Creeks	30,000
Florida:		
(N)	Eastern and Redfish Lakes	10,000
Georgia:		
(N)	Altamaha River	[1] 8,000
(FC)	Satilla River Basin	15,000
Illinois:		
(FC)	Mississippi River, Mile 123–162 (Ohio to Missouri River)	10,000
(N)	Muscooten Bay, Illinois River	5,000
Indiana:		
(FC)	Fall Creek	[1] 10,000
Kansas:		
(FC)	Missouri River at Atchison, Kansas	5,000
Louisiana:		
(FC)	Louisiana Coastal area	[1] 30,000
Maine:		
(FC)	South coastal urban areas	[1] 25,000
Missouri:		
(N)	Cape Girardeau Harbor	15,000
(FC)	Kansas City-North Kansas City-Birmingham	4,000
Nebraska:		
(FC)	Lost-Dry and Twin Creek Basins	[1] 10,000
New Jersey:		
(N)	Sandy Hook Bay	$10,000
New Mexico:		
(FC)	Pojoaque River and Tributaries	[1] 10,000
New York:		
(N)	Niagara River, Niagara Falls improvement	[1] 50,000
North Carolina:		
(BE)	Bogue Banks	[1] 10,000
(FC)	Eastern North Carolina above Cape Lookout	[1] 10,000
(N)	Hatteras Inlet	10,000
North Dakota:		
(FC)	Buford-Trenton	15,000
(FC)	Pembina River	25,000
Oklahoma:		
(FC)	Red River Bank Stabilization Index to Denison Dam, Ark., Okla., and Texas	10,000
Oregon:		
(FC)	Luckiamute River	10,000
Rhode Island:		
(N)	Newport Harbor	8,000
Texas:		
(FC)	Red River and tributaries above Denison Dam, Texas & Oklahoma	[1] 10,000
Virginia:		
(N)	Norfolk Harbor, Craney Island disposal area	[1] 20,000
(FC)	Upper Roanoke River	20,000
Washington:		
(FC)	Crab Creek	[1] 6,000
(N)	Grays Harbor & Chehalis River and Hoquiam River	[1] 83,000

[1] Increase in House bill figure.

Construction, General

Amendment No. 4: Reported in technical disagreement. The managers on the part of the House will offer a motion to concur in the Senate amendment with an amendment providing a total appropriation of $852,063,000, of which $807,000 shall be available to continue planning on the Dickey-Lincoln School Dam and Reservoirs, Maine.

The funds appropriated under this heading are to be allocated as shown in the following tabulation:

	Construction, general, State and project	Approved budget estimate for fiscal year 1971 (including reserve)		Conference allowance (including reserve)	
		Construction	Planning	Construction	Planning
	Alabama:				
(N)	Alabama River channel improvement	$792,000		$792,000	
(N)	Claiborne lock and dam	[1] 2,802,000		[1] 2,802,000	
(R)	John Hollis Bankhead lock and dam	5,000,000		5,000,000	
(MP)	Jones Bluff lock and dam	[1] 6,400,000		[1] 6,400,000	
(MP)	Millers Ferry lock and dam	2,544,000		2,544,000	
(FC)	Montgomery				$50,000
(N)	Tennessee-Tombigbee Waterway, Ala. and Miss	1,000,000		1,000,000	
	Tombigbee River and tributaries, Alabama and Mississippi. (See Mississippi.)				
	West Point Dam, Ala. and Ga. (See Georgia.)				
	Alaska:				
(FC)	Chena River Reservoirs, Fairbanks		$950,000		950,000
(N)	Kake Harbor		50,000		100,000
(N)	King Cove Harbor		[2] 60,000	100,000	[2] 60,000
(N)	Sergius and Whitestone Narrows	200,000		200,000	
(MP)	Snettisham power project	12,000,000		12,000,000	
	Arizona:				
(FC)	Gila River Camelsback Reservoir Site to Salt River	500,000		500,000	
(FC)	Gila River and tributaries downstream from Painted Rock Reservoir		[2] 1,715,000	1,000,000	[2] 1,715,000
(FC)	Indian Bend Wash		40,000		40,000
(FC)	Phoenix and vicinity	300,000		300,000	
(FC)	Santa Rosa Wash (Tat Momolikot Dam)	[1] 1,000,000		[1] 1,000,000	
(FC)	Winslow	[1] 1,390,000		[1] 1,390,000	
	Arkansas:				
(N)	Arkansas River and tributaries, Arkansas and Oklahoma; navigation locks and dams	25,333,000		25,333,000	
(FC)	Bayou Bartholomew (1950 and 1966 acts), Ark. and La.		260,000		260,000
(FC)	Bell Foley Reservoir		[1] 160,000		[1] 160,000
(MP)	De Gray Reservoir	8,500,000		8,500,000	
(FC)	De Queen Reservoir	1,030,000		1,030,000	
(FC)	Dierks Reservoir	1,600,000		1,600,000	
(FC)	Garland City	135,000		135,000	
(FC)	Gillham Reservoir	[1] 900,000		[1] 900,000	
(FC)	Little Rock levee			433,000	
(MP)	Narrows Dam (3d unit)	150,000		150,000	
(N)	Ouachita and Black Rivers, Ark. and La.	[1] 5,750,000		[1] 5,750,000	
(MP)	Ozark lock and dam	$11,700,000		$11,700,000	
(FC)	Red River levees and bank stabilization below Denison Dam, Ark., La. and Tex.	[1] 2,600,000		[1] 2,900,000	
	California:				
(FC)	Alameda Creek, Del Valle Dam	2,800,000		2,800,000	
(FC)	Buchanan Reservoir	[2] 350,000		[1] 1,550,000	
(FC)	Butler Valley Reservoir		$900,000		$900,000
(FC)	Chester, Feather River				50,000
(FC)	Corte Madera Creek	1,100,000		1,100,000	
(N)	Crescent City Harbor		85,000		85,000
(FC)	Cucamonga Creek		[1] 430,000		[1] 620,000
(FC)	Dry Creek (Warm Springs) Reservoir	[1] 8,000,000		[1] 8,000,000	
(FC)	Hidden Reservoir	[2] 240,000		[1] 2,040,000	
(FC)	Klamath River	853,000		853,000	
(FC)	Lakeport Reservoir, Scotts Creek		225,000		225,000
(FC)	Los Angeles County drainage area	750,000		750,000	
(FC)	Lower San Joaquin River			720,000	
(FC)	Lytle and Warm Creeks			1,500,000	
	Martis Creek Reservoir, Calif. and Nev. (See Nevada.)				
(MP)	Marysville Reservoir		894,000		894,000
(FC)	Merced Reservoir (New Exchequer) (Reimbursement)	390,000		390,000	
(FC)	Mojave River Reservoir (West Fork)	7,060,000		7,060,000	
(N)	Monterey Harbor		150,000	300,000	150,000
(FC)	Napa River			400,000	
(FC)	New Bullards Bar Reservoir (reimbursement)	751,000		751,000	
(FC)	New Don Pedro Reservoir (reimbursement)	2,200,000		2,200,000	
(MP)	New Melones Reservoir	[1] 11,900,000		[1] 11,900,000	
(N)	Oakland Harbor	3,400,000		3,400,000	
(FC)	Oroville Reservoir (reimbursement)	3,213,000		3,213,000	
(FC)	Pajaro River (1966 act)		200,000		200,000
(N)	Port Hueneme Harbor		[1] 60,000		[1] 60,000
(FC)	Russian River Basin (Coyote Valley Dam)	300,000		300,000	
(FC)	Sacramento River and major and minor tributaries	500,000		500,000	
(FC)	Sacramento River bank protection	2,600,000		2,600,000	
(N)	San Diego Harbor		[1] 120,000		[1] 150,000
(FC)	San Diego River and Mission Valley		558,000		558,000
(N)	San Francisco Bay to Stockton (John F. Baldwin and Stockton ship channels)	[1] 1,000,000		[1] 1,000,000	

Footnotes at end of table.

	Construction, general, State and project	Approved budget estimate for fiscal year 1971 (including reserve) Construction	Planning	Conference allowance (including reserve) Construction	Planning
	California—Continued				
(N)	Santa Paula Creek	[2] $250,000		[1] $500,000	
(FC)	Sonoma Creek		$210,000		$210,000
(FC)	Sweetwater River		575,000		575,000
(FC)	Tahquitz Creek	[2] 250,000		[1] 500,000	
(FC)	Walnut Creek	1,500,000		1,500,000	
	Colorado:				
(FC)	Bear Creek (Mount Carbon) Reservoir (land acquisition)		400,000	400,000	600,000
(FC)	Boulder				50,000
(FC)	Chatfield Reservoir	[1] 13,200,000		[1] 13,200,000	
(FC)	Trinidad Reservoir	[1] 3,400,000		[1] 3,400,000	
	Connecticut:				
(FC)	Ansonia-Derby	5,600,000		5,600,000	
(FC)	Derby	[1] 2,700,000		[1] 2,700,000	
(FC)	New London Barrier	1,150,000		1,150,000	
(FC)	Park River				100,000
(FC)	Stratford		250,000		250,000
(FC)	Trumbull Pond Reservoir	250,000		250,000	
	Delaware:				
(FC)	Delaware coast		50,000		50,000
	Delaware River, Philadelphia to sea, anchorages, Del.; Pa. and N.J. (See New Jersey.)				
(N)	Inland waterway, Delaware River to Chesapeake Bay (Chesapeake and Delaware Canal), pt. II, Delaware and Maryland.	[1] 9,200,000		[1] 9,200,000	
	Florida:				
(N)	Apalachicola River channel improvement	1,110,000		1,110,000	
(BE)	Brevard County		50,000		50,000
(N)	Canaveral Harbor	450,000		450,000	
(FC)	Central and Southern Florida	[1] 9,400,000		[1] 10,500,000	
(N)	Cross-Florida Barge Canal	[1] 6,000,000		[1] 7,000,000	
(FC)	Four Rivers basins	[1] 5,000,000		[1] 5,000,000	
(N)	Gulf Intracoastal Waterway St. Marks to Tampa Bay (ecological study)		[2] 20,000		[2] 200,000
(N)	Jacksonville Harbor (1965 act)	[1] 2,300,000		[1] 2,500,000	
(N)	Miami Harbor		[1] 150,000		[1] 210,000
(BE)	Mullet Key	100,000		100,000	
(BE)	Pinellas County, Treasure Island	50,000		50,000	
	Georgia:				
(MP)	Carters Dam	[1] 13,400,000		[1] 13,400,000	
(N)	Savannah Harbor, 40 feet (widening and deepening)	[1] 2,060,000		[1] 2,060,000	
(N)	Savannah Harbor (sediment basin)	[1] 2,300,000		[1] 2,300,000	
(MP)	Sprewell Bluff Dam	[2] 750,000		[1] 1,800,000	
(MP)	Trotters Shoals Reservoir, Ga. and S.C. (land acquisition)			500,000	
(MP)	West Point Reservoir, Ala. and Ga.	13,000,000		13,000,000	
	Hawaii:				
(N)	Heeia-Kea Harbor				49,000
(N)	Kawaihae Harbor	[2] 750,000		[1] 1,852,000	
(N)	Lahaina Harbor		41,000		41,000
(N)	Nawiliwili Harbor (section 107)	(211,000)		(211,000)	
(BE)	Waikiki Beach	[2] 500,000		[1] 700,000	
	Idaho:				
(MP)	Dworshak (Bruces Eddy) Reservoir	[1] 57,400,000		[1] 57,400,000	
(FC)	Ririe Reservoir	[1] 4,800,000		[1] 4,800,000	
(FC)	Stuart Gulch Reservoir (resumption)				75,000
(FC)	Weiser River (Restudy)		40,000		40,000
	Illinois:				
(N)	Calumet River and Harbor (1962 and 1965 acts)	290,000		290,000	
(FC)	East Moline		30,000		30,000
(FC)	East St. Louis and vicinity		[1] 379,000		[1] 379,000
(FC)	England Pond Levee	200,000		200,000	
(FC)	Freeport	1,000,000		300,000	
(FC)	Fulton		120,000		120,000
(N)	Horse Island and Crescent Bridge (Mississippi River), Ill. and Iowa	367,000		367,000	
(N)	Illinois Waterway, Calumet-Sag modification, pt. I, Illinois and Indiana	3,364,000		3,364,000	
(N)	Illinois Waterway, Calumet-Sag modification, pt. II, Illinois and Indiana		100,000		100,000
(N)	Illinois Waterway Duplicate Locks		400,000		400,000
(N)	Kaskaskia River (navigation)	[1] 12,317,000		[1] 12,317,000	
(FC)	Levee District 23 (Dively), Kaskaskia River			$60,000	
(FC)	Levee unit No. 1, Wabash River (restudy)		$50,000		$50,000
(FC)	Lincoln Dam and Reservoir	[2] $500,000		[1] 1,100,000	
(N)	Lock and dam, 26, Alton, Ill. and Mo.		200,000		1,000,000
(FC)	Louisville Dam and Reservoir		[1] 90,000		[1] 90,000
(FC)	Milan		[1] 40,000		[1] 40,000
(N)	Mississippi River between Ohio and Missouri Rivers, Ill. and Mo.: (a) Chain of rocks	750,000		750,000	
	(b) Regulating works	[1] 1,340,000		[1] 2,340,000	
(N)	Mound City lock and dam, Ill. and Ky. (land acquisition)			200,000	
(FC)	Oakley Reservoir (land acquisition)	298,000		298,000	
(FC)	Peoria		100,000		100,000
(FC)	Rend Lake Reservoir	9,825,000		9,825,000	
(FC)	Rochester and McCleary's Bluff Levee	400,000		400,000	
(FC)	Rock Island	1,000,000		1,000,000	
(FC)	Saline River and tributaries	[1] 1,800,000		[1] 1,800,000	
(FC)	Shelbyville Reservoir	[1] 3,700,000		[1] 3,700,000	
(N)	Smithland locks and dam, Ill. and Ky.	[1] 8,200,000		[1] 8,200,000	
	Indiana:				
(FC)	Big Pine Dam and Reservoir (land acquisition)			100,000	
(FC)	Brookville Reservoir	3,240,000		3,240,000	
(N)	Cannelton locks and dam, Indiana and Kentucky	8,000,000		8,000,000	
(FC)	Clifty Creek Reservoir (land acquisition)			150,000	
(FC)	Greenfield Bayou Levee			100,000	
	Illinois Waterway, Calumet-Sag modifications, pts. I and II, Illinois and Indiana. (See Illinois.)				
(FC)	Island levee	660,000		660,000	
(FC)	Lafayette Dam and Reservoir	[2] 400,000		[1] 800,000	
(FC)	Mason J. Niblack (pumping facilities)		[1] 50,000		[1] 50,000
(N)	Newburgh locks and dam, Indiana and Kentucky	[1] 6,900,000		[1] 6,900,000	
(FC)	Patoka Dam and Reservoir (land acquisition)	525,000		525,000	
(N)	Uniontown locks and dam, Indiana and Kentucky	5,300,000		5,300,000	
(FC)	West Terre Haute	495,000		495,000	
	Iowa:				
(FC)	Ames Reservoir	[2] 400,000		[1] 600,000	
(FC)	Bettendorf		30,000		30,000
(FC)	Big Sioux River at Sioux City, Iowa and S. Dak.		[1] 80,000		[1] 150,000
(FC)	Clinton		176,000		176,000
(FC)	Davids Creek Reservoir		[1] 110,000		[1] 110,000
(FC)	Des Moines	600,000		600,000	
(FC)	Dubuque	[1] 3,500,000		[1] 3,500,000	
(N)	Fort Madison Harbor	100,000		100,000	
(FC)	Guttenberg	[1] 800,000		[1] 1,100,000	
	Horse Island and Crescent Bridge, Mississippi River Ill. and Iowa. (See Illinois.)				
(FC)	Iowa River Flint Creek Levee District No. 16	[1] 987,000		[1] 987,000	
(FC)	Marshalltown	900,000		900,000	
(FC)	Missouri River levee system, Iowa, Kansas, Missouri, and Nebraska	[1] 3,700,000		[1] 3,700,000	
(N)	Missouri River, Sioux City to mouth, Iowa, Kansas, Missouri, and Nebraska	[1] 5,000,000		[1] 6,000,000	
(FC)	Rathbun Reservoir	[1] 2,706,000		[1] 2,706,000	
(FC)	Red Rock Dam and Lake Red Rock	1,570,000		1,570,000	
(FC)	Saylorville Reservoir	3,250,000		3,250,000	
(FC)	Waterloo	[2] 200,000		[1] 500,000	
	Kansas:				
	Arkansas—Red River chloride control, Texas, Oklahoma, and Kansas (see Texas).				

Footnotes at end of table.

	Construction, general, State and project	Approved budget estimate for fiscal year 1971 (including reserve) Construction	Planning	Conference allowance (including reserve) Construction	Planning
	Kansas—Continued				
(FC)	Cedar Point Reservoir		[1] $90,000		[1] $125,000
(FC)	Clinton Reservoir (land acquisition)	$1,960,000		$1,960,000	
(FC)	Cow Creek, Hutchinson	[1] 850,000		[1] 850,000	
(FC)	Dodge City			500,000	
(FC)	El Dorado Reservoir	[2] 700,000		[1] 1,100,000	
(FC)	Garnett Reservoir (restudy)		75,000		75,000
(FC)	Grove Reservoir (resumption)				150,000
(FC)	Hays	200,000		200,000	
(FC)	Hillsdale Reservoir		225,000		225,000
(FC)	Kansas City (1962 mod)	[1] 1,300,000		[1] 1,300,000	
(FC)	Lawrence	[1] 2,000,000		[1] 2,000,000	
(FC)	Melvern Reservoir	7,000,000		7,000,000	
	Missouri River levee system, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)				
	Missouri River, Sioux City to mouth, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)				
(FC)	Onaga Reservoir		325,000		325,000
(EC)	Perry Reservoir	[1] 2,281,000		[1] 2,281,000	
(FC)	Topeka	1,000,000		1,000,000	
	Kentucky:				
	Cannelton locks and dam, Indiana and Kentucky. (See Indiana.)				
(FC)	Carr Fork Reservoir	[1] 6,500,000		[1] 6,500,000	
(FC)	Cave Run Reservoir	6,425,000		6,475,000	
(FC)	Falmouth Reservoir		50,000		50,000
(FC)	Fishtrap Reservoir	1,600,000		1,600,000	
(FC)	Frankfort-North Frankfort	314,000		314,000	
(FC)	Green River Reservoir	1,643,000		1,643,000	
(FC)	Kehoe Reservoir		200,000		200,000
(MP)	Laurel River Reservoir	4,300,000		4,300,000	
(FC)	Martin	[2] 150,000		[1] 300,000	
(FC)	Martins Fork Reservoir	[2] 300,000		[1] 700,000	
	Mound City lock and dam Ill. and Ky. (see Illinois.)				
	Newburgh locks and dam, Indiana and Kentucky. (See Indiana.)				
(FC)	Paintsville Reservoir			900,000	
	Smithland lock and dam, Illinois and Kentucky. (See Illinois.)				
(FC)	Southwestern Jefferson County		170,000		170,000
(FC)	Taylorsville Reservoir		90,000	300,000	90,000
	Uniontown locks and dam, Indiana and Kentucky. (See Indiana.)				
(FC)	Yatesville Reservoir		75,000		75,000
	Louisiana:				
(N)	Atchafalaya River, Bayous Chene, Boeuf and Black		10,000		70,000
	Bayou Bartholomew, Ark. and La. (See Arkansas.)				
(FC)	Bayou Bodcau and tributaries	[2] 100,000		[1] 150,000	
(N)	Bayou LaFourche and LaFourche Jump Waterway	[1] 930,000		[1] 930,000	
(FC)	Caddo Dam	687,000		687,000	
(FC)	Lake Pontchartrain, and vicinity	[1] 10,750,000		[1] 14,500,000	
(N)	Mermentau River (Lake Arthur Bridge)	[2] 500,000		[1] 1,000,000	
(N)	Michoud Canal			50,000	
(N)	Mississippi River, gulf outlet	2,000,000		2,000,000	
(N)	Mississippi River outlets, Venice		50,000		50,000
(FC)	Monroe floodwall			30,000	
(FC)	Morgan City and vicinity	1,100,000		1,100,000	
(FC)	New Orleans to Venice hurricane protection	3,500,000		4,400,000	
	Ouachita and Black Rivers, Ark. and La. (See Arkansas.)				
(FC)	Ouachita River, levees			80,000	
(N)	Overton-Red River Waterway (lower 31 miles only)	1,000,000		1,000,000	
	Louisiana—Continued				
(N)	Red River emergency bank protection	$1,900,000		$1,900,000	
N and (Bank Stab.)	Red River Waterway, La., Ark., Okla., and Tex. (Mississippi River to Shreveport only)				$600,000
	Red River levees and bank stabilization below Denison Dam, Ark., La., and Tex. (See Arkansas.)				
(N)	Vermilion lock (replacement)		$100,000		100,000
	Maine:				
(MP)	Dickey-Lincoln School Dam and reservoirs		807,000		807,000
	Maryland:				
(FC)	Anacostia River (northeast and northwest branches) (sec. 205)			(450,000)	
(N)	Baltimore Harbor and channels	400,000		400,000	
(FC)	Bloomington Reservoir, Md. and W. Va	[1] 4,800,000		[1] 4,800,000	
	Inland waterway, Delaware River to Chesapeake Bay, Del. and Md. (C. & D. Canal), pt. II. (See Delaware.)				
	Massachusetts:				
(FC)	Charles River Dam		450,000		450,000
(N)	Fall River Harbor, Mass. and R.I		[1] 125,000	325,000	[1] 125,000
(FC)	Nookagee Reservoir		200,000		200,000
(N)	Provincetown Harbor	[1] 1,300,000		[1] 1,300,000	
(FC)	Saxonville				50,000
(BE)	Wessagussett Beach (reimbursement)	175,000		175,000	
(N)	Weymouth Fore and Town Rivers	[1] 3,600,000		[1] 3,600,000	
(FC)	Whitmanville Reservoir		100,000		100,000
	Michigan:				
(N)	Great Lakes connecting channels	1,800,000		1,800,000	
(N)	Lexington Harbor		[1] 55,000		[1] 70,000
(N)	Point Lookout Harbor, Au Gres River	1,100,000		1,100,000	
(FC)	River Rouge	3,500,000		3,500,000	
(FC)	Saginaw River (flood control)	1,200,000		1,200,000	
(R)	South Haven Harbor	275,000		275,000	
	Minnesota:				
(FC)	Big Stone Lake-Whetstone River, Minn. and S. Dak	[1] 685,000		[1] 685,000	
(FC)	Mankato and North Mankato	1,000,000		1,000,000	
(FC)	Roseau River			150,000	
(FC)	Zumbro River			50,000	
	Mississippi:				
(FC)	Jackson and East Jackson	600,000		600,000	
(FC)	Tallahala Reservoir		[1] 240,000		[1] 300,000
	Tennessee-Tombigbee Waterway, Ala., and Miss. (See Alabama.)				
(FC)	Tombigbee River and tributaries, Alabama and Mississippi	[1] 1,700,000		[1] 1,700,000	
	Missouri:				
(FC)	Brookfield Reservoir		[1] 110,000		[1] 200,000
(FC)	Chariton-Little Chariton Basins			400,000	
(FC)	Chariton River (1944 act)	[1] 1,400,000		[1] 1,400,000	
(MP)	Clarence Cannon (Joanna) Reservoir	[1] 5,400,000		[1] 5,400,000	
(FC)	Dry Fork and East Fork Reservoirs (Fishing River) (restudy)				50,000
(MP)	Harry S. Truman Reservoir (formerly Kaysinger Bluff Reservoir)	13,000,000		[1] 14,000,000	
(FC)	Little Blue River Channel		50,000		50,000
(FC)	Little Blue River Reservoirs, land acquisition)	2,180,000		[1] 4,000,000	
	Lock and dam 26, Alton, Ill., and Mo. (See Illinois.)				
(FC)	Meramec Park Reservoir (land acquisition)	1,450,000		1,450,000	
(FC)	Mercer Reservoir				150,000

Footnotes at end of table.

	Construction, general, State and project	Approved budget estimate for fiscal year 1971 (including reserve) Construction	Planning	Conference allowance (including reserve) Construction	Planning
	Missouri—Continued				
(FC)	Mississippi River Agricultural Area No. 8 (Elsberry drainage district)				$120,000
	Mississippi River between Ohio and Missouri Rivers, Ill. and Mo. (See Illinois.)				
	Missouri River levee system, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)				
	Missouri River, Sioux City to mouth, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)				
(FC)	Pattonsburg Reservoir (town relocation only)				50,000
(FC)	St. Louis	[1] $2,700,000		[1] $2,700,000	
(FC)	Smithville Reservoir		$396,000		396,000
(MP)	Stockton Reservoir	5,000,000		5,000,000	
(FC)	Union Reservoir		422,000		422,000
(FC)	Union Reservoir (advance participation, highway bridge)	[2] 300,000		[1] 600,000	
	Montana:				
(FC)	Great Falls	[1] 1,200,000		[1] 900,000	
(MP)	Libby Reservoir	55,000,000		57,500,000	
(FC)	Miles City (restudy)		35,000		35,000
	Nebraska:				
(FC)	Little Papillion Creek	373,000		373,000	
	Missouri River levee system, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)				
	Missouri River, Sioux City to mouth, Iowa, Kansas, Missouri and Nebraska. (See Iowa.)				
(FC)	Papillion Creek and Tributaries (land acquisition)		[1] 515,000	1,850,000	[1] 515,000
	Nevada:				
(FC)	Martis Creek Reservoir, Calif. and Nev	2,400,000		2,400,000	
	New Hampshire:				
(FC)	Beaver Brook Reservoir		150,000		150,000
	New Jersey:				
(FC)	Elizabeth	1,500,000		1,500,000	
(N)	Newark Bay Hackensack and Passaic Rivers	[1] 2,550,000		[1] 3,500,000	
(FC)	Raritan and Sandy Hook Bays	1,000,000		1,000,000	
(N)	Shrewsbury River Inlet		140,000		140,000
(FC)	South Orange, Rahway River	[2] 125,000		[1] 295,000	
	Tocks Island Reservoir Pa. N.J. and N.Y. (See Pennsylvania).				
	New Mexico:				
(FC)	Albuquerque diversion channels	200,000		700,000	
(FC)	Cochiti Reservoir	6,850,000		6,850,000	
(FC)	Los Esteros Reservoir and modification of Alamogordo Dam	200,000		200,000	
	New York:				
(N)	Cattaraugus Harbor				30,000
(FC)	East Rockaway Inlet to Rockaway Inlet and Jamaica Bay		180,000		180,000
(BE)	Fire Island Inlet to Jones Inlet	[2] 500,000		[1] 550,000	
(FC)	Fire Island Inlet to Montauk Point	[1] 1,500,000		[1] 1,500,000	
(N)	Hamlin Beach Harbor		[1] 50,000		[1] 50,000
(N)	Irondequoit Bay	[2] 100,000		[1] 200,000	
(N)	Moriches Inlet		114,000		114,000
(N)	New York Harbor (anchorages)	[1] 3,600,000		[1] 3,600,000	
(FC)	Nichols	525,000		525,000	
(FC)	North Ellenville	1,250,000		1,250,000	
(N)	Oak Orchard Harbor			200,000	
(FC)	Red Creek		135,000		135,000
(FC)	Rosendale	657,000		657,000	
(FC)	Salamanca	330,000		330,000	
(FC)	Staten Island (Fort Wadsworth to Arthur Kill)		120,000		120,000
	Tocks Island Reservoir, Pa., N.J., and N.Y. (See Pennsylvania.)				
(FC)	Yonkers		[1] 35,000		[1] 90,000
	North Carolina:				
(BE)	Carolina Beach and vicinity	487,000		487,000	
(N)	Drum Inlet (Section 107)			(90,000)	
(FC)	Falls Reservoir	[1] 800,000		[1] 800,000	
(FC)	Howards Mill Reservoir				100,000
(FC)	New Hope Reservoir	[1] 6,500,000		[1] 6,500,000	
(FC)	Randleman Reservoir		[1] 125,000		[1] 210,000
(FC)	Reddies River Reservoir		[1] 175,000		[1] 175,000
	North Dakota:				
(R)	Garrison Reservoir Lake Sakakawea (embankment repair)	$1,480,000		$700,000	
	Oahe Reservoir, S. Dak. and N. Dak. (See South Dakota.)				
(FC)	Minot		[2] $75,000	100,000	[1] $300,000
(FC)	Missouri River, Garrison Dam to Lake Oahe	1,200,000		1,200,000	
(FC)	Pembina (Section 205)			(300,000)	
(FC)	Pipestem Reservoir	450,000		1,000,000	
	Ohio:				
(FC)	Alum Creek Reservoir	[1] 3,100,000		[1] 4,400,000	
(FC)	Athens	2,078,000		2,078,000	
(FC)	Bellaire (restudy)		100,000		100,000
(FC)	Caesar Creek Reservoir	[1] 2,800,000		[1] 2,800,000	
(FC)	Chillicothe				75,000
(FC)	Clarence J. Brown Dam and Reservoir	3,300,000		3,300,000	
(N)	Cleveland Harbor	1,500,000		1,500,000	
(FC)	East Fork Reservoir	3,500,000		3,500,000	
(FC)	East Lake Chagrin River				60,000
(FC)	Fremont	[1] 1,000,000		[1] 1,000,000	
(N)	Hannibal locks and dam, Ohio and West Virginia	15,200,000		15,200,000	
(N)	Lorain Harbor	1,000,000		1,000,000	
(FC)	Mill Creek Reservoir		288,000		288,000
(FC)	Newark		[1] 85,000		[1] 85,000
(FC)	North Branch Kokosing River Reservoir	[1] 2,300,000		[1] 2,300,000	
(FC)	Paint Creek Reservoir	2,500,000		2,500,000	
(N)	Racine locks and dam, Ohio and West Virginia	3,350,000		3,350,000	
(FC)	Salt Creek Reservoir (land acquisition)			400,000	
(FC)	Utica Reservoir		225,000		225,000
(N)	Vermilion Harbor		30,000		30,000
(N)	Willow Island locks and dam, Ohio and West Virginia	[1] 15,200,000		[1] 15,200,000	
(FC)	Youngstown, Crab Creek	900,000		900,000	
	Oklahoma:				
	Arkansas Red River chloride control, Texas, Oklahoma, and Kansas. (See Texas.)				
	Arkansas River and tributaries, Arkansas and Oklahoma. (See Arkansas.)				
(FC)	Birch Reservoir			500,000	
(FC)	Clayton Reservoir		238,000		238,000
(FC)	Copan Reservoir	[2] 600,000		[1] 1,500,000	
(FC)	Crutcho Creek	[1] 1,200,000		[1] 1,200,000	
(FC)	Hugo Reservoir	6,100,000		6,100,000	
(FC)	Joe Creek (section 205)	(300,000)		(300,000)	
(FC)	Kaw Reservoir	[1] 11,550,000		[1] 11,550,000	
(FC)	Lukfata Reservoir	[2] 525,000		[2] 525,000	
(FC)	Oologah Reservoir	700,000		700,000	
(FC)	Optima Reservoir	1,300,000		1,300,000	
(MP)	Robert S. Kerr (Short Mountain) lock and dam	5,986,000		5,986,000	
(FC)	Waurika Reservoir	1,100,000		1,100,000	
(MP)	Webbers Falls lock and dam	11,500,000		11,500,000	
	Oregon:				
(MP)	Bonneville lock and dam (2d power unit) Oregon and Washington		400,000		400,000
(MP)	Bonneville lock and dam (mod. for peaking) Oregon and Washington	[1] 6,500,000		[1] 6,500,000	
(FC)	Catherine Creek Reservoir		250,000		250,000
(N)	Columbia River and lower Willamette River 35- and 40-foot projects, Oregon and Washington	3,000,000		3,450,000	
(FC)	Elk Creek Reservoir	400,000		1,000,000	
(MP)	Green Peter Reservoir (including Foster Regulating Dam)	1,394,000		1,394,000	
(MP)	John Day lock and dam, Oregon and Washington	7,200,000		7,200,000	
(FC)	John Day River	380,000		380,000	
(MP)	Lost Creek Reservoir	6,100,000		6,100,000	
(FC)	Lower Columbia River bank protection, Oregon and Washington	[1] 400,000		[1] 400,000	
(MP)	McNary lock and dam, Oregon and Washington	1,420,000		1,420,000	
(MP)	The Dalles lock and dam, Oregon and Washington (additional power units)	[1] 13,000,000		[1] 13,000,000	

Footnotes at end of table.

	Construction, general, State and project	Approved budget estimate for fiscal year 1971 (including reserve)		Conference allowance (including reserve)	
		Construction	Planning	Construction	Planning
	Oregon—Continued				
(N)	Tillamook Bay (south jetty)	$1,700,000		$2,100,000	
(FC)	Willamette River Basin bank protection	230,000		230,000	
(N)	Yaquina Bay and Harbor	[1] 2,200,000		[1] 2,200,000	
	Pennsylvania:				
(FC)	Beltzville Reservoir	2,318,000		2,318,000	
(FC)	Blue Marsh Reservoir (land acquisition)	640,000		640,000	
(FC)	Chartiers Creek	5,700,000		5,700,000	
	Delaware River Philadelphia to Sea Anchorages, Del., Pa., and N.J. (see New Jersey).				
(FC)	DuBois	[2] 100,000		[1] 200,000	
(FC)	Foster Joseph Sayers Dam (Blanchard)	824,000		824,000	
(FC)	Kinzua Dam and Allegheny Reservoir	1,625,000		1,625,000	
BE)	Presque Isle Peninsula (reimbursement)	350,000		350,000	
(FC)	Raystown Reservoir	[1] 13,900,000		[1] 13,900,000	
(FC)	Tioga-Hammond Reservoir	1,750,000		1,750,000	
(MP)	Tocks Island Reservoir, Pa., N.J., and N.Y.	8,250,000		11,850,000	
(FC)	Union City Reservoir	2,905,000		2,905,000	
(FC)	Woodcock Creek Reservoir	4,750,000		4,750,000	
	Rhode Island:				
(BE)	Cliff Walk, Newport	50,000		50,000	
	Fall River Harbor, Mass. and R.I. (See Mass.)				
(N)	Providence River and Harbor	[1] 4,800,000		[1] 4,800,000	
	South Carolina:				
(N)	Cooper River-Charleston Harbor		$25,000		$150,000
(BE)	Hunting Island Beach	284,000		284,000	
	Trotters Shoals Reservoir, Georgia and South Carolina (See Georgia).				
	South Dakota:				
(MP)	Big Bend Dam-Lake Sharpe	[1] 1,700,000		[1] 1,700,000	
	Big Sioux River at Sioux City, Iowa and S.Dak. (See Iowa).				
	Big Stone Lake-Whetstone River, Minn. and S. Dak. (See Minnesota).				
(MP)	Oahe Reservoir, S. Dak. and N. Dak	[1] 900,000		[1] 900,000	
	Tennessee:				
(MP)	Cordell Hull lock and dam	9,500,000		9,500,000	
(MP)	J. Percy Priest Reservoir (Nashville Davidson County Bridge)			839,000	
	Texas:				
(FC)	Aquilla Creek Reservoir				100,000
(FC)	Arkansas-Red River chloride control (pt. I), Texas, Oklahoma, and Kansas		250,000		250,000
(FC)	Arkansas-Red River chloride control (supplemental studies) Texas, Oklahoma, and Kansas. (Resumption)				410,000
(FC)	Aubrey Reservoir		[1] 175,000		[1] 300,000
(FC)	Belton Reservoir (raise water level)	[1] 1,688,000		[1] 1,688,000	
(FC)	Big Pine Reservoir				40,000
(R)	Brazos Island Harbor	770,000		770,000	
(FC)	Buffalo Bayou and tributaries	1,000,000		1,000,000	
(N)	Cedar Bayou (deferred)		[2] 15,000		[1] 60,000
(FC)	Cooper Reservoir and channels	[1] 2,500,000		[1] 2,900,000	
(N)	Corpus Christi ship channel		[2] 35,000	350,000	[2] 35,000
(FC)	Duck Creek channel improvement		182,000		182,000
(FC)	Elm Fork Floodway		220,000		220,000
(FC)	El Paso	[1] 2,800,000		[1] 2,800,000	
(FC)	Freeport and vicinity	2,000,000		2,000,000	
(N)	Gulf Intracoastal Waterway, New Orleans to Houston 16 ft. channel, La. and Tex. (Corpus Christi cutoff only.)			200,000	
(FC)	Highland Bayou	[1] 1,000,000		[1] 1,000,000	
(FC)	Lake Kemp Reservoir	1,300,000		1,300,000	
(FC)	Lakeview Reservoir		112,000		112,000
(FC)	Lavon Reservoir modification and channel improvement	[1] 8,400,000		[1] 8,400,000	
	Texas—Continued				
(FC)	Millican Reservoir		$50,000		$150,000
(N)	Mouth of Colorado River		[1] 90,000		[1] 185,000
(FC)	Navasota Reservoir		100,000		
(N)	Port Aransas (section 107)	($365,000)		($365,000)	
(N)	Port Isabel, side channel (section 107)	(15,000)		(15,000)	
(FC)	Port Arthur and vicinity (hurricane flood protection)	6,840,000		6,840,000	
	Red River levees and bank stabilization, below Denison Dam, Ark., La., and Tex. (See Arkansas.)				
(N)	Sabine-Neches Waterway 40 feet and channel to Echo	[1] 5,400,000		[1] 5,400,000	
(FC)	San Antonio Channel	[1] 1,000,000		[1] 1,000,000	
(FC)	San Gabriel River tributary to Brazos River	[1] 2,000,000		[1] 4,000,000	
(FC)	Taylors Bayou	[2] 250,000		[2] 250,000	
(FC)	Texas City and vicinity hurricane protection	1,200,000		1,200,000	
(N)	Trinity River bridges	[1] 2,750,000		[1] 2,750,000	
(N)	Trinity River project		500,000		500,000
(FC)	Vince and Little Vince Bayous	1,000,000		1,000,000	
(N)	Wallisville Reservoir, Trinity River	2,500,000		2,500,000	
(MP)	Whitney Reservoir	[2] 300,000		[2] 300,000	
	Utah:				
(FC)	Little Dell Reservoir		25,000		150,000
	Vermont:				
(FC)	Bennington	250,000		250,000	
	Virginia:				
(FC)	Four Mile Run				175,000
(FC)	Gathright Reservoir	[1] 3,300,000		[1] 3,300,000	
(N)	Hampton Roads	[1] 6,100,000		[1] 6,100,000	
(MP)	Salem Church Reservoir		600,000		600,000
(BE)	Virginia Beach (reimbursement)	90,000		90,000	
	Washington:				
	Bonneville lock and dam (2d power unit), Oregon and Washington. (See Oregon.)				
(MP)	Chief Joseph Dam (additional units)				650,000
	Columbia River and lower Willamette River, 35- and 40-foot projects, Oregon and Washington. (See Oregon.)				
(MP)	Ice Harbor lock and dam (additional units)	600,000		600,000	
	John Day lock and dam, Oregon and Washington. (See Oregon.)				
(MP)	Little Goose lock and dam	9,570,000		9,570,000	
(MP)	Little Goose lock and dam (additional units)				150,000
	Lower Columbia River bank protection, Oregon and Washington. (See Oregon.)				
(MP)	Lower Granite lock and dam	[1] 21,150,000		[1] 21,150,000	
(MP)	Lower Monumental lock and dam	2,250,000		2,250,000	
	McNary lock and dam, Oregon and Washington. (See Oregon.)				
(FC)	Pullman (restudy)		20,000		20,000
	The Dalles lock and dam, Oregon and Washington. (See Oregon.)				
(FC)	Vancouver Lake		[2] 65,000		[1] 150,000
(FC)	Wynoochee River Reservoir	[1] 6,250,000		[1] 8,150,000	
	West Virginia:				
(FC)	Beech Fork Lake	2,400,000		2,400,000	
	Bloomington Reservoir, Md. and W. Va. (See Maryland.)				
(FC)	Burnsville Lake	[1] 570,000		[1] 1,050,000	
(FC)	East Lynn Lake	2,100,000		2,100,000	
	Hannibal locks and dam, Ohio and West Virginia. (See Ohio.)				
(FC)	Leading Creek Lake				150,000
(FC)	R. D. Bailey (Justice) Lake	10,700,000		10,700,000	
	Racine locks and dam, Ohio and West Virginia. (See Ohio.)				
(FC)	Rowlesburg Lake (land acquisition)	[2] 900,000		[1] 1,500,000	

Footnotes at end of table.

	Construction, general, State and project	Approved budget estimate for fiscal year 1971 (including reserve) Construction	Planning	Conference allowance (including reserve) Construction	Planning
	Washington—Continued				
(FC)	Stonewall Jackson Lake	[1] $1,050,000		[1] $1,700,000	
(FC)	West Fork Lake		$200,000		$200,000
	Willow Island lock and dam, Ohio and West Virginia. (See Ohio)				
	Wisconsin:				
(N)	Green Bay Harbor (1962 act)	1,200,000		1,200,000	
(R)	Kenosha Harbor	240,000		240,000	
(FC)	La Farge Reservoir, Kickapoo River	1,280,000		1,280,000	
(N)	Manitowoc Harbor	200,000		200,000	
(R)	Racine Harbor	630,000		630,000	
	Miscellaneous:				
(N)	Small navigation projects not requiring specific legislation costing up to $500,000 (sec. 107)	3,000,000		3,090,000	
(FC)	Small projects for flood control and related purposes not requiring specific legislation (sec. 205)	10,000,000		10,750,000	
(FC)	Emergency bank protection	200,000		200,000	
(FC)	Miscellaneous—Continued Snagging and clearing	$200,000		$200,000	
	Recreation facilities, completed projects	[1] 7,000,000		[1] 8,000,000	
	Land acquisition fund	2,000,000		2,000,000	
	Fish and wildlife studies (U.S. Fish and Wildlife Service)	625,000		625,000	
	Aquatic plant control (1965 act)	[1] 1,400,000		[1] 1,400,000	
	Employees compensation	925,000		925,000	
	Reduction for anticipated savings and slippages	−66,700,000		−70,125,000	
	Reduction based on anticipated additional carryover balances			−25,168,000	
	Less fiscal year 1970 budgetary reserve included above	−67,836,000	−$4,464,000	−67,836,000	−$4,464,000
	Grand total, construction, general	804,720,000 (821,398,000)	16,678,000	829,096,000 (852,063,000)	22,967,000

[1] Total includes congressional add-on in 1970 placed in budgetary reserve which will be released or use in fiscal year 1971.

[2] Financed from fiscal year 1970 budgetary reserve.

Sprewell Bluff Dam and Reservoir, Ga.—The conferees have approved the advance participation by the Corps of Engineers with the Georgia State Highway Department in the construction of a high level bridge in connection with State Route #190.

Pattonsburg Reservoir, Highway I-35 Crossing, Mo.—The conferees are in agreement that the participation by the Corps of Engineers with the Missouri State Highway Department shall be limited at the present time to the acquisition of rights-of-way for which funds are available.

Tocks Island Dam and Reservoir, Pa. and N.J.—In reference to the increase provided in the House bill of $3.6 million for land acquisition, the conferees are in agreement that all hardship cases, including both split and non-split tracts, shall be given equal consideration in establishing land to be acquired for project purposes within the available funds.

Millican and Navasota Reservoirs, Texas.—The conferees are in agreement that the $150,000 allocated for preconstruction planning on the Millican project shall be used primarily for environmental and ecological studies of the Millican and Navasota Reservoirs, as specified in the Senate Committee report.

Recreation facilities, completed projects.—The increase over the House Bill figure shall be allocated as follows: Millwood Reservoir, Arkansas, $75,000; John Redmond Reservoir, Kansas, $30,000; Keystone Reservoir, Oklahoma, $75,000; and Ferrells Bridge Reservoir, Texas, $78,000.

Flood Control, Mississippi River and Tributaries

Amendment No. 5: Appropriates $84,000,000 instead of $79,578,000 as proposed by the House and $91,004,000 as proposed by the Senate. The increase provided over the House bill includes $20,000 for the Old and Atchafalaya Rivers, Louisiana, study; $20,000 for the Mississippi River at Memphis, Tennessee, study; $10,000 for the Wolf and Loosahatchie Rivers, Tenn., and Miss., study; $1,250,000 for Channel improvement; $1,250,000 for the St. Francis Basin; $2,000,000 for the Atchafalaya Basin; and a decrease of $128,000 for savings and slippage.

Operation and Maintenance, General

Amendment No. 6: Appropriates $292,600,000 as proposed by the Senate instead of $290,000,000 as proposed by the House.

General Expenses

Amendment No. 7: Appropriates $25,480,000 instead of $25,350,000 as proposed by the House and $25,800,000 as proposed by the Senate. The increase over the House bill amount includes $67,000 for six new positions in the Office of the Chief and $63,000 to make provision for five additional positions in the Division offices for environmental quality activities.

Administrative Provisions

Amendment No. 8: Provides a limitation of $181,000,000 on the capital of the revolving funds, Corps of Engineers, as proposed by the Senate instead of $178,500,000 as proposed by the House.

THE PANAMA CANAL

Canal Zone Government

Operating Expenses

Amendment No. 9: Appropriates $44,129,000 as proposed by the Senate instead of $43,800,000 as proposed by the House. The increase over the House bill amount is for unanticipated cost increases which occurred subsequent to the budget submission.

Capital Outlay

Amendments Nos. 10, 11, and 12: Adjust passenger motor vehicle limitations to provide two additional ambulances as proposed by the Senate.

Amendment No. 13: Appropriates $1,500,000 as proposed by the House instead of $1,850,000 as proposed by the Senate.

Panama Canal Company

Corporation

Amendments Nos. 14 and 15: Adjust passenger motor vehicle limitations for the Corporation to delete authority for the addition of two vehicles related to the adjustments made under amendments 10, 11, and 12 for the Canal Zone Government.

TITLE III—DEPARTMENT OF THE INTERIOR

FEDERAL WATER QUALITY ADMINISTRATION

Pollution Control Operations and Research

Amendment No. 16: Appropriates $98,618,000 as proposed by the Senate instead of $98,018,000 as proposed by the House. The increase provided over the House bill is for initiation of the Alaska Village Safe Water Facilities Demonstration Project authorized in the Water Quality Improvement Act of 1970.

Construction Grants for Waste Treatment Works

Amendment No. 17: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment. The Senate amendment provides that funds appropriated for fiscal year 1970 and allocated to States shall not be reallotted in accordance with section 8(c) of the Federal Water Pollution Control Act, as amended, until May 15, 1971, instead of December 31, 1970.

BUREAU OF RECLAMATION

General Investigations

Amendment No. 18: Appropriates $19,065,000 instead of $19,000,000 as proposed by the House and $19,100,000 as proposed by the Senate. The increase provided over the House bill includes $40,000 for a reappraisal of the feasibility study of the Medford Division, Rogue River Project, Oregon, and $25,000 to initiate a reconnaissance study of Western Box Elder County, Utah.

Construction and Rehabilitation

Amendment No. 19: Appropriates $186,793,000 instead of $181,810,000 as proposed by the House and $187,931,000 as proposed by the Senate. The increase provided over the House bill shall be allocated as follows: Central Valley Project, Auburn-Folsom South Unit, Calif., $2,000,000; Tualatin Project, Ore., (land acquisition), $400,000; Washoe Project, Nev. and Calif. (drainage and minor construction), $185,000; Cascade Irrigation District, Wash. (rehabilitation and betterment), $5,000; Shoshone project, Garland Division, Wyo. (rehabilitation and betterment), $200,000; Uncompahgre project, Gunnison Tunnel, Colo. (rehabilitation and betterment), $133,000; Garrison Diversion Unit, N.D., $1,000,000; Garrison Diversion Unit, Minot Extension, N.D., $470,000; Oahe Unit, S.D. (land acquisition), $350,000; Investigations, Missouri River Basin Division, to initiate a study for water development in eastern Montana, $100,000; and Other Department Agencies, Missouri River Basin, to continue artifact preservation work in connection with the steamboat Bertrand, $140,000.

The allowance of $16,840,000 approved for the Westlands distribution and drainage system of the San Luis Unit of the Central Valley Project, California, includes $1,500,000 for the Pleasant Valley Canal.

Amendments Nos. 20 and 21: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendments which appropriate $5,000 for the Cascade Irrigation District, Ellenberg, Wash., to initiate a rehabilitation and betterment program under the Act of August 7, 1949, as amended, to be repaid in full under conditions satisfactory to the Secretary of the Interior.

Amendment No. 22: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and

concur in the Senate amendment which provides that not to exceed $140,000 of the appropriation may be used for archeological salvage of the cargo of the steamboat "Bertrand" in the Missouri River Basin.

Upper Colorado River Storage Project

Amendments Nos. 23, 24, and 25: Appropriate $22,375,000 instead of $21,260,000 as proposed by the House and $23,175,000 as proposed by the Senate. The increase provided over the House bill includes $150,000 for the Curecanti unit, Colo.; $100,000 for additional advance planning on the Animas-LaPlata participating project, Colo.; $475,000 for the San Juan-Chama participating project, Colo. and N.M.; $50,000 to initiate advance planning on the San Miguel participating project, Colo.; and $340,000 for recreation and fish and wildlife facilities (Bureau of Sport Fisheries and Wildlife), including: $300,000 for additional facilities at the Jones Hole National Fish Hatchery, Utah; $18,000 for reservoir fishery investigations, Heron Reservoir, San Juan-Chama project, Colo. and New Mexico; and $22,000 for waterfowl area land acquisition, Hammond project, New Mexico.

The allowance of $165,000 for the Fruitland Mesa Participating project, Colorado, includes $30,000 for initiating construction on the replacement of siphons on the Gould Canal and $135,000 to continue advance planning on the project. Construction approval at this time is limited to the siphon replacement.

The conferees have approved the acceptance of $10,000 in contributed funds from the San Miguel Water Conservancy District for pre-construction planning on the San Miguel Participating project, Colorado.

Colorado River Basin Project

Amendment No. 26: Appropriates $7,698,000 as proposed by the House instead of $6,498,000 as proposed by the Senate. The increase provided over the Senate bill is for the initiation of construction of the Central Arizona project.

BONNEVILLE POWER ADMINISTRATION

Construction

Amendment No. 27: Appropriates $91,600,000 as proposed by the Senate instead of $90,500,000 as proposed by the House. The increase provided over the House bill is for the procurement of equipment in connection with the 230 KV line from Toledo to Wendson.

SOUTHEASTERN POWER ADMINISTRATION

The conferees have approved the proposal of the Southeastern Power Administration to use consolidated net billing for the settlement of its accounts with the Alabama Power Company and the Georgia Power Company.

OFFICE OF THE SECRETARY

Underground Electric Power Transmission Research

Amendment No. 28: Appropriates $750,000 as proposed by the House instead of $1,000,000 as proposed by the Senate. The allowance includes $50,000 for administration and contract supervision, including the provision for two additional positions, as proposed by the House.

TITLE IV—INDEPENDENT OFFICES

TENNESSEE VALLEY AUTHORITY

Payment to Tennessee Valley Authority Fund

Amendment No. 29: Appropriates $56,180,000 as proposed by the Senate instead of $54,180,000 as proposed by the House. The increase provides $2,000,000 for the Upper French Broad Project, Mills River Reservoir, North Carolina, consisting of $600,000 for planning and administration and $1,400,000 for land acquisition.

To comply with the requirements of state law, the conferees are in agreement that, prior to the expenditure of any of the funds provided for the Yellow Creek Port project, the Tennessee Valley Authority enter into a new contract, or modify repayment provisions of the existing contract, with the Mississippi Agricultural and Industrial Board and the Tombigbee River Valley Water Management District of Mississippi, providing that funds available from the sale or lease of industrial sites and related lands or interests in lands owned other than by the United States shall be paid into the Bond and Interest Sinking Fund of the Port, and such excess revenues shall then be paid into the Federal Sinking Fund together with all available revenues derived from the use of federal facilities.

WATER RESOURCES COUNCIL

Water Resources Planning

Amendments Nos. 30 and 31: Appropriate $5,150,000 instead of $4,550,000 as proposed by the House and $5,550,000 as proposed by the Senate. The increase provided over the House bill is for planning grants to the states under title III providing a total of $3,600,000 for this purpose.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1971 recommended by the Committee of Conference, with comparisons to the fiscal year 1970 total, the 1971 budget estimate total, and the House and the Senate bills follow:

New budget (obligational) authority, fiscal year 1970	$4,768,767,500
Budget estimates of new (obligational) authority, fiscal year 1971 (as amended)	5,263,433,000
House bill, fiscal year 1971	5,236,808,000
Senate bill, fiscal year 1971	5,258,695,000
Conference agreement [1]	5,239,324,000

[1] Includes $852,208,000 in amendments Nos. 4, 21 and 22 reported in technical disagreement.

Conference agreement compared with:

New budget (obligational) authority, fiscal year 1970	+470,556,500
Budget estimates of new (obligational) authority, fiscal year 1971 (as amended)	−24,109,000
House bill, fiscal year 1971	+2,516,000
Senate bill, fiscal year 1971	−19,371,000

JOE L. EVINS,
EDWARD P. BOLAND,
JAMIE L. WHITTEN,
GEORGE W. ANDREWS,
GEORGE MAHON,
JOHN J. RHODES,
GLENN R. DAVIS,
(except Amendment No. 4),
HOWARD W. ROBISON,
(I reserve on Amendment No. 4),
FRANK T. BOW,
(except Amendment No. 4),
Managers on the Part of the House.

LEAVE OF ABSENCE

By unanimous request, leave of absence was granted to:

Mr. HUNGATE (at the request of Mr. ALBERT), for today, on account of official business.

Mr. KLUCZYNSKI (at the request of Mr. ALBERT), for today, on account of official business.

Mr. WIDNALL (at the request of Mr. GERALD R. FORD), for today through September 25, on account of official business.

Mr. CORMAN, for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MIKVA) to revise and extend their remarks and include therein extraneous matter:)

Mr. SHIPLEY, for 10 minutes, today.

Mr. MCCARTHY, for 10 minutes, today.

Mr. THOMPSON of New Jersey, for 10 minutes, today.

Mr. RARICK, for 10 minutes, today.

Mr. DIGGS, for 10 minutes, today.

Mr. ALEXANDER, for 60 minutes, on September 23.

(The following Members (at the request of Mr. WINN) to revise and extend their remarks and include therein extraneous matter:)

Mr. EDWARDS of Alabama, for 5 minutes, today.

Mr. MILLER of Ohio, for 5 minutes, today.

Mr. WATSON, for 5 minutes, today.

Mr. SCHMITZ, for 5 minutes, today.

Mrs. HECKLER of Massachusetts, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BENNETT in two instances.

(The following Members (at the request of Mr. WINN) and to include extraneous matter:)

Mr. STEIGER of Wisconsin in two instances.

Mr. WYDLER.

Mr. ZWACH in two instances.

Mr. HOSMER in two instances.

Mr. ADAIR.

Mr. HANSEN of Idaho.

Mr. SCOTT.

Mr. TAFT.

Mr. WYMAN in two instances.

Mr. SHRIVER in two instances.

Mr. SCHMITZ in two instances.

Mr. WEICKER.

Mr. MESKILL.

Mr. WOLD in two instances.

Mr. SCHADEBERG.

Mr. MIZE.

Mr. WHALEN.

Mr. CHAMBERLAIN.

Mr. MAILLIARD.

Mr. BROOMFIELD.

Mr. ASHBROOK.

Mr. ROUSSELOT.

Mr. WATSON.

(The following Members (at the request of Mr. MIKVA), and to include extraneous matter:)

Mr. FISHER in three instances.

Mr. MCCARTHY in five instances.

Mr. EILBERG in three instances.

Mr. FLOOD.

Mr. WOLFF.

Mr. CASEY.

Mr. PATMAN in two instances.

Mr. BINGHAM in two instances.

Mr. MIKVA in three instances.

Mr. WALDIE in four instances.

Mr. COHELAN in five instances.

Mr. HAGAN.

Mr. KOCH in two instances.

Mr. BOGGS.
Mr. DIGGS in two instances.
Mr. ANDERSON of California in three instances.
Mr. SIKES in five instances.
Mr. RODINO in two instances.
Mr. FOUNTAIN in two instances.
Mr. KLUCZYNSKI.
Mr. RYAN in four instances.
Mr. FLOWERS in three instances.
Mr. ROONEY of New York in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 368. An act to authorize the Secretary of the Interior to make disposition of geothermal steam and associated geothermal resources, and for other purposes; to the Committee on Interior and Insular Affairs.

SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 58. An act providing for the addition of the Freeman School to the Homestead National Monument of America in the State of Nebraska, and for other purposes;

S. 621. An act to provide for the establishment of the Apostle Islands National Lakeshore in the State of Wisconsin, and for other purposes; and

S. 2208. An act to authorize the Secretary of the Interior to study the feasibility and desirability of a national lakeshore on Lake Tahoe in the State of Nevada and California, and for other purposes.

ADJOURNMENT

Mr. MIKVA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 22 minutes p.m.), under its previous order, the House adjourned until Monday, September 21, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2382. A letter from the Assistant Administrator, Agency for International Development, Department of State, transmitting the semiannual report on architectural and engineering fees in excess of $25,000, covering the period ended December 31, 1969, pursuant to section 102 of the Foreign Assistance and Related Agencies Appropriations Act; to the Committee on Appropriations.

2383. A letter from the Chairman, Indian Claims Commission, transmitting a report that proceedings have been finally concluded with respect to Docket Nos. 105, 106, 107, and 108, *The Osage Nation, Plaintiff* v. *The United States of America, Defendant*, pursuant to 60 Stat. 1055, 25 U.S.C., 70t; to the Committee on Interior and Insular Affairs.

2384. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend title 5, United States Code, to provide for maximum entrance and retention ages, training, and early retirement for air traffic controllers, and for other purposes; to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. EVINS of Tennessee: Committee of conference. Conference report on H.R. 18127 (Rept. No. 91–1456). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CRANE:

H.R. 19276. A bill to amend the Internal Revenue Code of 1954 to increase from $625 to $1,000 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. DADDARIO (for himself and Mr. MORSE):

H.R. 19277. A bill to amend the Small Business Act to encourage the development and utilization of new and improved methods of waste disposal and pollution control; to assist small business concerns to effect conversions required to meet applicable pollution control standards; and for other purposes; to the Committee on Banking and Currency.

By Mr. DINGELL:

H.R. 19278. A bill to amend section 12 of the Federal Water Pollution Control Act relating to the control of hazardous polluting substances; to the Committee on Public Works.

By Mr. FULTON of Pennsylvania:

H.R. 19279. A bill to amend the Internal Revenue Code of 1954 to provide that pensions paid to retired law enforcement officers shall not be subject to the income tax; to the Committee on Ways and Means.

H.R. 19280. A bill to amend the Internal Revenue Code of 1954 to provide that a portion of the salary of a full-time policeman or other State or local law enforcement officer shall not be subject to the income tax; to the Committee on Ways and Means.

H.R. 19281. A bill to amend the Internal Revenue Code of 1954 to provide a deduction from gross income for certain nonreimbursable expenses incurred by volunteer firemen; to the Committee on Ways and Means.

H.R. 19282. A bill to amend the Internal Revenue Code of 1954 to exempt from income tax the interest on certain obligations of volunteer fire departments; to the Committee on Ways and Means.

By Mr. HAYS:

H.R. 19283. A bill to amend the Public Health Service Act to provide a program of grants to medical schools to provide scholarships to students who will provide service to communities determined to have a shortage of and need for physicians; to the Committee on Interstate and Foreign Commerce.

By Mr. KEE:

H.R. 19284. A bill to create a health security program; to the Committee on Ways and Means.

By Mr. LOWENSTEIN:

H.R. 19285. A bill to provide for the development of a uniform system of quality grades for consumer food products; to the Committee on Agriculture.

H.R. 19286. A bill to enable consumers to protect themselves against arbitrary, erroneous, and malicious credit information; to the Committee on Banking and Currency.

H.R. 19287. A bill to make the provisions of the Vocational Education Act of 1963 applicable to individuals preparing to be volunteer firemen; to the Committee on Education and Labor.

H.R. 19288. A bill to amend the Intergovernmental Cooperation Act of 1968 to improve intergovernmental relationships between the United States and the States and municipalities, and the economy and efficiency of government, by providing Federal cooperation and assistance in the establishment and strengthening of State and local offices of consumer protection; to the Committee on Government Operations.

H.R. 19289. A bill to establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes; to the Committee on Government Operations.

H.R. 19290. A bill to require that certain durable products be prominently labeled as to date of manufacture, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 19291. A bill to require that durable consumer products be labeled as to durability and performance life; to the Committee on Interstate and Foreign Commerce.

H.R. 19292. A bill to amend the Federal Hazardous Substances Act to provide for child-resistant packaging to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting any hazardous substance, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 19293. A bill to provide minimum disclosure standards for written warranties and guarantees of consumer products against defect or malfunction; to define minimum Federal content standards for such warranties and guarantees; and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 19294. A bill to amend the Federal Trade Commission Act to provide increased protection for consumers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 19295. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966, to add an additional title to provide for motor vehicle safety collision standards; to the Committee on Interstate and Foreign Commerce.

H.R. 19296. A bill to require that certain short-shelf-life durable products be prominently labeled as to the date beyond which performance life becomes diminished; to the Committee on Interstate and Foreign Commerce.

H.R. 19297. A bill to amend the Federal Food, Drug, and Cosmetic Act so as to require that in the labeling and advertising of certain drugs sold by prescription the "established name" of such drugs must appear each time the proprietary name is used, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 19298. A bill to amend the Fair Packaging and Labeling Act; to the Committee on Interstate and Foreign Commerce.

H.R. 19299. A bill to require that certain processed or packaged consumer products be labeled with certain information, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 19300. A bill to require that certain drugs and pharmaceuticals be prominently labeled as to the date beyond which potency or efficacy becomes diminished; to the Committee on Interstate and Foreign Commerce.

H.R. 19301. A bill to prohibit commercial flights over land areas of the United States until the problem of sonic boom has been solved and its effects controlled; to the Committee on Interstate and Foreign Commerce.

H.R. 19302. A bill to ban the mailing of unsolicited credit cards and require that solicited credit cards sent through the mails

be sent by registered or certified mail; to the Committee on the Judiciary.

H.R. 19303. A bill to amend the Internal Revenue Code of 1954 to provide a deduction from gross income for certain nonreimbursable expenses incurred by volunteer firemen; to the Committee on Ways and Means.

H.R. 19304. A bill relating to the status of volunteer firemen's organizations for purposes of liability for Federal income taxes and reports; to the Committee on Ways and Means.

By Mr. MIKVA:

H.R. 19305. A bill to require that the procedures and conduct of National Guard organizations used by States to control civil disturbances within their borders in time of peace conforms to the discipline of the Army and Air Force; to the Committee on Armed Services.

By Mr. MINISH:

H.R. 19306. A bill to prohibit commercial flights by aircraft at supersonic speeds within the United States until the Congress approves findings by the Administrator of the Environmental Protection Agency that such flights will not have detrimental physiological or psychological effects on persons on the ground; to the Committee on Interstate and Foreign Commerce.

By Mr. MOSS (for himself, Mr. SPRINGER, Mr. MAILLIARD, Mr. PICKLE, Mr. DINGELL, Mr. VAN DEERLIN, Mr. LEGGETT, Mr. SCHEUER, Mr. UDALL, Mr. SYMINGTON, Mr. HECHLER of West Virginia, Mr. ZABLOCKI, Mr. FRASER, Mr. O'HARA, Mr. REES, Mr. TEAGUE of Texas, Mr. CABELL, Mr. MOORHEAD, Mr. PEPPER, Mr. ALBERT, Mr. REID of New York, Mr. FOLEY, Mr. JACOBS, Mr. GIBBONS, and Mr. HAYS):

H.R. 19307. A bill to amend title XI of the Federal Aviation Act of 1958 to provide that the Civil Aeronautics Board shall require the boycotting of certain movement by aircraft in cases of international aircraft hijacking, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MOSS (for himself, Mr. KYROS, Mr. GIAIMO, Mr. ECKHARDT, Mrs. GRIFFITHS, Mr. RODINO, Mr. EILBERG, Mr. ROE, Mr. BRADEMAS, Mr. MOSHER, Mr. BROOMFIELD, and Mr. FINDLEY):

H.R. 19308. A bill to amend title XI of the Federal Aviation Act of 1958 to provide that the Civil Aeronautics Board shall require the boycotting of certain movement by aircraft in cases of international aircraft hijacking, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. NEDZI:

H.R. 19309. A bill to amend section 203 of title 18, United States Code, to forbid the solicitation or acceptance of payment in return for assisting individuals with regard to positions in any military component, and for other purposes; to the Committee on the Judiciary.

By Mr. PREYER of North Carolina:

H.R. 19310. A bill to amend title XI of the Federal Aviation Act of 1958 to provide that, in cases of international aircraft hijacking, American air carriers shall be prohibited from transporting certain persons until such time as the hijacker has been extradited to the flag country of the hijacked aircraft, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RODINO:

H.R. 19311. A bill to amend section 319 of the Immigration and Nationality Act; to the Committee on the Judiciary.

H.R. 19312. A bill to prohibit flight in interstate or foreign commerce to avoid prosecution for the killing of a policeman or fireman; to the Committee on the Judiciary.

By Mr. ROTH:

H.R. 19317. A bill to prohibit assaults on State law enforcement officers, firemen, and judicial officers; to the Committee on the Judiciary.

By Mr. SHRIVER:

H.R. 19314. A bill to amend title 38, United States Code, to permit educational assistance allowances to be paid for refresher training in certain aviation mechanics; to the Committee on Veterans' Affairs.

By Mr. WEICKER:

H.R. 19315. A bill to require the Secretary of Transportation to prescribe regulations governing the humane treatment of animals transported in air commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. WHITE:

H.R. 19316. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act, so as to prohibit the distribution, sale, or offer for sale of the element mercury, or chemical compounds containing mercury, for use in insecticides, fungicides, and rodenticides; to the Committee on Agriculture.

By Mr. BEALL of Maryland (for himself, Mr. COUGHLIN, and Mr. ESCH):

H.R. 19317. A bill to prohibit assaults on State law enforcement officers, firemen, and judicial officers; to the Committee on the Judiciary.

By Mr. CARTER (for himself, Mr. JARMAN, Mr. ROGERS of Florida, Mr. SATTERFIELD, Mr. KYROS, Mr. PREYER of North Carolina, and Mr. HASTINGS):

H.R. 19318. A bill to amend the Public Health Service Act to expand, improve, and better coordinate the family planning services and population research activities of the Federal Government, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DOWNING:

H.R. 19319. A bill to authorize the National Science Foundation to conduct research and educational programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes; to the Committee on Science and Astronautics.

By Mr. FISH:

H.R. 19320. A bill to deter aircraft piracy by invoking a commercial air traffic quarantine against countries abetting aircraft piracy; to the Committee on Interstate and Foreign Commerce.

By Mr. GERALD R. FORD:

H.R. 19321. A bill to provide a private right of action to protect the air, water, and other natural resources of the United States and the public trust therein; to the Committee on the Judiciary.

By Mr. FRASER:

H.R. 19322. A bill to authorize the National Science Foundation to conduct research and educational programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes; to the Committee on Science and Astronautics.

By Mr. GIAIMO (for himself, Mr. ECKHARDT, and Mr. PEPPER):

H.R. 19323. A bill to authorize the National Science Foundation to conduct research and educational programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes; to the Committee on Science and Astronautics.

By Mr. HANNA (for himself, Mr. LEGGETT, Mr. ANNUNZIO, Mr. BYRNE of Pennsylvania, and Mr. FEIGHAN):

H.R. 19324. A bill to provide protection for the fish resources of the United States including the freshwater and marine fish cultural industries against the introduction and dissemination of diseases of fish and shellfish, for the study of water pollution and fish diseases, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. MIKVA (for himself, Mr. BROWN of California, Mrs. CHISHOLM, Mr. EILBERG, Mr. HALPERN, Mr. HARRINGTON, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mr. MATSUNAGA, Mr. NICHOLS, Mr. O'HARA, Mr. OTTINGER, Mr. PODELL, Mr. ROSENTHAL, Mr. ROYBAL, and Mrs. SULLIVAN):

H.R. 19325. A bill to carry out the recommendations of the Presidential Task Force on Women's Rights and Responsibilities, and for other purposes; to the Committee on the Judiciary.

By Mr. PEPPER (for himself and Mrs. CHISHOLM):

H.R. 19326. A bill to provide for a program of Federal assistance in the development, acquisition, and installation of aircraft antihijacking detection systems, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. NIX, Mr. WALDIE, Mr. ADAMS, Mr. BIAGGI, Mr. BROWN of California, Mr. DADDARIO, Mr. HATHAWAY, Mr. KEE, Mr. KYROS, Mr. LEGGETT, Mr. MURPHY of New York, Mr. OTTINGER, Mr. ROSENTHAL, Mr. GILBERT, Mr. GARMATZ, Mr. BINGHAM, Mr. HALPERN, Mr. HARRINGTON, Mr. MATSUNAGA, Mr. SYMINGTON, Mr. FRASER, Mr. EILBERG, and Mr. TUNNEY):

H.R. 19327. A bill to establish a Juvenile Research Institute and Training Center; to the Committee on the Judiciary.

By Mr. ROBISON:

H.R. 19328. A bill to establish a Commission on the medical and psychological adequacy of the physical and mental examinations conducted by the Armed Forces with respect to registrants under the selective service laws; to the Committee on Armed Services.

H.R. 19329. A bill to require the Department of Defense to determine disposal dates and methods for disposing of certain military material; to the Committee on Armed Services.

By Mr. WHALLEY:

H.R. 19330. A bill to provide that amounts in the highway trust fund may be used only for highway purposes; to the Committee on Public Works.

By Mr. BUCHANAN (for himself, Mr. STEIGER of Arizona, Mr. RHODES, Mr. DERWINSKI, Mr. HOSMER, Mr. FEIGHAN, Mr. ROE, and Mr. TALCOTT):

H.R. 19331. A bill to establish a Consumer Affairs Service in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes; to the Committee on Government Operations.

By Mr. CRAMER (for himself, Mr. BUCHANAN, Mr. BURKE of Florida, Mr. DON H. CLAUSEN, and Mr. FREY):

H.R. 19332. A bill to provide a penalty for unlawful assault upon policemen, firemen, and other law enforcement personnel, and for other purposes; to the Committee on the Judiciary.

By Mr. MOSS (for himself, Mr. MURPHY of New York, Mr. BLANTON, Mr. STUCKEY, Mr. ECKHARDT, Mr. KEITH, Mr. HARVEY, and Mr. THOMPSON of Georgia):

H.R. 19333. A bill to provide greater protection for customers of registered brokers and dealers and members of national securities exchanges; to the Committee on Interstate and Foreign Commerce.

By Mr. MOSS (for himself, Mr. BUSH, Mr. SCHEUER, Mr. BENNETT, Mr. OTTINGER, Mr. HARRINGTON, Mr. TIERNAN, Mr. MOORHEAD, Mr. ECKHARDT, Mr. BROYHILL of North Carolina, Mrs. MAY, Mr. TALCOTT, Mr. MOSHER,

Mr. THOMPSON of Georgia, Mr. BRASCO, Mr. HALPERN, Mr. FARBSTEIN, Mr. CLEVELAND, Mr. PEPPER, Mr. CLAY, Mr. HELSTOSKI, Mr. NIX, Mr. MEEDS, Mr. O'KONSKI, and Mr. ARENDS):

H.R. 19334. A bill to promote public health and welfare by expanding, improving, and better coordinating the family planning services and population research activities of the Federal Government, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HORTON (for himself, Mr. BUTTON, Mr. SMITH of New York, Mr. BROWN of Michigan, and Mr. TAYLOR):

H.R. 19335. A bill to promote public health and welfare by expanding, improving, and better coordinating the family planning services and population research activities of the Federal Government, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DE LA GARZA:

H.R. 19336. A bill authorizing the Secretary of Agriculture to carry out a program for flood prevention and other purposes in the Lower Rio Grande Basin, Tex., to enhance and stabilize the agricultural economy of the area; to the Committee on Agriculture.

By Mr. FLOWERS:

H.R. 19337. A bill to amend title 38, United States Code, to make certain disabled veterans eligible for assistance in acquiring specially adapted housing; to the Committee on Veterans' Affairs.

By Mr. HECHLER of West Virginia:

H.R. 19338. A bill to amend the Public Health Service Act in order to provide for the establishment of a National Health Service Corps; to the Committee on Interstate and Foreign Commerce.

By Mr. LOWENSTEIN:

H.R. 19339. A bill to prohibit flight in interstate or foreign commerce to avoid prosecution for the killing of a policeman or fireman; to the Committee on the Judiciary.

By Mr. MACGREGOR:

H.R. 19340. A bill relating to the control of organized crime in the United States; to the Committee on the Judiciary.

By Mr. OTTINGER:

H.R. 19341. A bill to create a health security program; to the Committee on Ways and Means.

By Mr. SAYLOR (for himself, Mr. ASPINALL, Mr. TAYLOR, Mr. JOHNSON of California, Mr. UDALL, Mr. KASTENMEIER, Mr. O'HARA, Mr. RYAN, Mr. MCCLURE, Mr. RUPPE, Mr. STRATTON, Mr. MORTON, Mr. GUDE, and Mr. BEALL of Maryland):

H.R. 19342. A bill to establish and develop the Chesapeake and Ohio Canal National Historical Park, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. THOMPSON of New Jersey:

H.R. 19343. A bill to create a National Agricultural Bargaining Board, to provide standards for the accreditation of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes; to the Committee on Agriculture.

By Mr. WHITE:

H.R. 19344. A bill to provide for control of the use of the element mercury or its compounds, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FULTON of Tennessee:

H.J. Res. 1372. Joint resolution to authorize the President to designate the period beginning October 5, 1970, and ending October 9, 1970, as "National PTA Week"; to the Committee on the Judiciary.

By Mr. LOWENSTEIN:

H.J. Res. 1373. Joint resolution to authorize and direct the Federal Trade Commission to conduct a comprehensive investigation of unfair methods of competition and unfair or deceptive acts or practices in the home improvement industry, to expand its enforcement activities in this area, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FINDLEY:

H.J. Res. 1374. Joint resolution concerning a Citizenship Commencement Ceremony for new voters; to the Committee on Rules.

By Mr. DEVINE:

H. Con. Res. 737. Concurrent resolution urging the President to determine and undertake appropriate actions with respect to stopping armed attacks on aircraft and passengers engaged in international travel; to the Committee on Foreign Affairs.

By Mr. YATES (for himself, Mr. ABBITT, Mr. BIESTER, Mr. BRINKLEY, Mr. CORBETT, Mr. DUNCAN, Mrs. DWYER, Mr. EILBERG, Mr. FISH, Mr. FISHER, Mr. FULTON of Pennsylvania, Mr. GROVER, Mr. HELSTOSKI, Mr. HOSMER, Mr. HULL, Mr. LEGGETT, Mr. MCKNEALLY, Mr. NELSEN, Mr. NICHOLS, Mr. PEPPER, Mr. PERKINS, Mr. ROGERS, of Florida, Mr. SIKES, Mr. WHALEN, and Mr. WRIGHT):

H. Con. Res. 738. Concurrent resolution urging the President to determine and undertake appropriate actions with respect to stopping armed attacks on aircraft and passengers engaged in international travel; to the Committee on Foreign Affairs.

By Mr. ADAIR:

H. Con. Res. 739. Concurrent resolution expressing the sense of Congress on representation of China in the United Nations; to the Committee on Foreign Affairs.

By Mr. CRAMER (for himself, Mr. ABBITT, Mr. ABERNETHY, Mr. BENNETT, Mr. BUCHANAN, Mr. BURKE of Florida, Mr. BUSH, Mr. DON H. CLAUSEN, Mr. COLLINS, Mr. DERWINSKI, Mr. DICKINSON, Mr. DUNCAN, Mr. FLYNT, Mr. FREY, Mr. FULTON of Pennsylvania, Mr. JONES of North Carolina, Mr. LENNON, Mr. MICHEL, Mr. MIZELL, Mr. PIRNIE, Mr. RUTH, Mr. SATTERFIELD, Mr. SIKES, Mr. WATSON, and Mr. WHITTEN):

H. Res. 1213. Resolution expressing the sense of the House with respect to an early resolution by the Supreme Court of the problems involved in desegregating the Nation's public schools; to the Committee on the Judiciary.

By Mr. MURPHY of New York (for himself, Mr. THOMPSON of New Jersey, Mr. LEGGETT, Mr. DON H. CLAUSEN, Mr. STUCKEY, Mr. JOHNSON of California, Mr. HUNT Mr. PODELL Mr. RODINO, Mr. EILBERG, Mr. PICKLE, Mr. HICKS, Mr. ROONEY of Pennsylvania, Mr. BRASCO, Mr. MIKVA, Mr. MCKNEALLY, Mr. HAYS, Mr. ROE, Mr. BIAGGI, Mr. HALPERN, Mr. O'NEILL of Massachusetts, Mr. CAREY, Mr. DUNCAN, Mr. HELSTOSKI, and Mr. WEICKER):

H. Res. 1214. Resolution calling for a national commitment to cure and control cancer within this decade; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHWENGEL:

H. Res. 1215. Resolution providing for the copying and distribution by the U.S. Capitol Historical Society of the film of the ceremonies and reenactment of the 100th anniversary of the Second Inauguration of President Abraham Lincoln; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HANNA:

H.R. 19345. A bill for the relief of Mrs. Marie E. Yotz; to the Committee on the Judiciary.

By Mr. HICKS:

H.R. 19346. A bill for the relief of Walter O. Ivey, sergeant, U.S. army (retired); to the Committee on the Judiciary.

By Mr. PRICE of Illinois:

H.R. 19347. A bill for the relief of Wallace L. Locke, Jr., lance corporal, U.S. Marine Corps Reserve; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

437. By the SPEAKER: Memorial of the Legislature of the State of California, relative to private enterprise; to the Committee on Government Operations.

438. Also, a memorial of the Legislature of the State of California, relative to fish and wildlife; to the Committee on Merchant Marine and Fisheries.

439. Also, a memorial of the Legislature of the State of California, relative to Federal earned income exemption for welfare families; to the Committee on Ways and Means.

SENATE—*Thursday, September 17, 1970*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. RUSSELL).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, whose ear is open to those of humble spirit and of contrite heart, hear us in our morning prayer. Watch over the deliberations of the Members of this body. Embue them with the spirit of wisdom, goodness, and truth; and so rule their hearts and the hearts of all the people as to make this Nation strong and great in the fear of God.

Brood over the nations of the world dispelling fear and hate, instilling brotherhood and mutual good will. Convert peace talkers into peacemakers—the patient builders of understanding and cooperation and fraternity. May mankind win by persuasion and love what cannot be attained by threats and force. May Thy kingdom come and Thy will be done on earth as it is in heaven.

In the name of Him in whose will is our peace. Amen.

THE JOURNAL

The PRESIDENT pro tempore. Without objection, the reading of the Journal of the proceedings of yesterday, September 16, 1970, is dispensed with.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND THE VICE PRESIDENT

The PRESIDENT pro tempore. The Chair now lays before the Senate the

unfinished business of the previous day, which will be stated.

The assistant legislative clerk read as follows: Senate Joint Resolution 1, proposing an amendment to the Constitution of the United States relating to the election of the President and the Vice President.

The Senate resumed the consideration of the joint resolution.

CONTROLLED TIME UNDER CLOTURE MOTION

The PRESIDENT pro tempore. Under the order entered on yesterday, the first hour of today's session will be equally divided between the Senator from Indiana (Mr. BAYH) and the minority leader, the Senator from Pennsylvania (Mr. SCOTT).

COMMITTEE MEETING DURING SENATE SESSION—OBJECTION

Mr. MANSFIELD. Mr. President, will the Senator from Indiana yield me one-half minute?

Mr. BAYH. I yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare and the Subcommittee on Alcoholism and Narcotics of the Committee on Labor and Public Welfare be authorized to meet during the session of the Senate today.

Mr. SCOTT. Mr. President, by request, I must object.

The PRESIDENT pro tempore. Objection is heard, and committee meetings cannot be held during the Senate's session today.

ORDER OF BUSINESS

Mr. SCOTT. If the Senator from Indiana will yield briefly, as minority leader I designate the junior Senator from Colorado (Mr. DOMINICK) to be in control of the time on this side for the present.

The PRESIDENT pro tempore. The Senator has that right, of course, to designate any Member he desires.

Who yields time, and to whom?

Well, if no Senator desires to speak——

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the time to be taken out of both sides.

The PRESIDENT pro tempore. Without objection, it is so ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Who yields time?

Mr. BAYH. Mr. President, I yield 1 minute to the Senator from West Virginia.

The PRESIDENT pro tempore. The Senator from West Virginia is recognized for 1 minute.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the rollcall starts today on the motion to invoke cloture, and until the vote is announced, the Senate floor and the Senate lobby be cleared of all aides to Senators with the exception of aides to the leadership.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

Mr. DOMINICK. Will the Senator from West Virginia withhold that request?

Mr. BYRD of West Virginia. Mr. President, I withhold my request.

Mr. DOMINICK. Mr. President, I yield 4 minutes to the distinguished Senator from Kentucky (Mr. COOPER).

The PRESIDENT pro tempore. The Senator from Kentucky is recognized for 4 minutes.

Mr. COOPER. Mr. President, I had not intended to intervene in the debate at this time and would not do so except that we are to vote on cloture and a vote for or against cloture does not indicate definitely one's position upon the substantive issue—Senate Joint Resolution 1.

I would be against cloture at this time, whether for or against Senate Joint Resolution 1, because I think it impossible at this late hour in the session when many Senators are engaged in their election campaigns, when many bills must be passed in order to continue the operation of the Government, to have a thorough debate upon an issue which would change radically the federal structure of the country so far as election of the President and Vice President is concerned.

I want to make it clear, and I have made it clear to those who have talked to me—that I am against Senate Joint Resolution 1. In the brief time I have, I cannot elaborate, but I am against it, first, because I consider the present federal system has worked well and has enabled the majority to assert its will during the history of this country, with the clear exception of one election, and it has not caused the election of President to be thrown into the House of Representatives since 1825. With a constitutional amendment which would deny the possibility of the "faithless elector," the system will continue to work well. The arguments that are made against the present system, and for Senate Joint Resolution 1, cannot be proved or disapproved with exactitude, but if the so-called direct popular election of President and the Vice President should be approved, I think that the very defects its supporters predict for the future in our present system—defects which have not occurred in the past—would be more likely to occur under a so-called direct popular vote system which appeals chiefly to the idea that it would be a democratic procedure.

I would believe it is more likely with such a system that there would be greater chances for fraud and for defects in elections in the States which would be difficult to determine and difficult to correct.

I think it is more likely, instead of assuring the popular election of a President by a majority vote, that with the advent of the splinter parties which would certainly be established in this country, and the runoff provision there would be less likelihood for the election of a President by popular vote. We had one experience in my State with a so-called runoff system. I had a chance to observe it, and in other States. It seems to me that a runoff system—doubted by practically everyone who spoke on the subject whether for or against the measure, would tend to bring about coalitions of dissimilar groups united to defeat the candidates who had received the most votes in the first election.

Finally, as the Senator from Colorado pointed out so well on the 16th, I think it inevitable that the amendment would cause candidates for the Office of President to devote and direct their appeals, their programs and their principles to the most populous States of the Union. Of course, they would have to cater to the special interests of those States.

Today, under the federal system a candidate must appeal with his views and program to every citizen of this country, and direct his efforts alike to the urban areas of the eastern seaboard and the western seaboard, to the plains and Mountain States, the Southwest, the South, the Border States, of which my State is one, the great Midwest, and to all the peoples and interests of the country. This is a much more democratic way than would be fostered by Senate Joint Resolution 1. It is much more likely to result in the election of a President who, in the federal sense, is representative of the people and who, in the democratic sense, has considered the interests of the whole Nation and not simply of those areas which have the largest popular vote.

I shall vote against the motion for cloture. There cannot be a comprehensive debate at this time. I make my position known chiefly because I am against Senate Joint Resolution 1.

Mr. BAYH. Mr. President, would the Senator permit me 30 seconds in which to ask him a question?

The PRESIDENT pro tempore. The time of the Senator from Kentucky has expired.

Mr. BAYH. Mr. President, the Senator from Indiana yields himself 1 minute in which to ask a question which would be very simple to answer.

Considering my great respect for the Senator from Kentucky. I had hoped that logic would find him on the other side. But I respect his difference of opinion. He makes a very telling presentation in support of another proposal which is presently before the Senate and which the Senator from Indiana sought unanimous consent to get scheduled for a vote the other day, which request was objected to by the Senator from North Carolina.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. BAYH. Mr. President, I yield myself 1 additional minute.

The PRESIDENT pro tempore. The Senator from Indiana is recognized.

Mr. BAYH. Mr. President, I would like to ask the Senator from Kentucky if, after we have had an opportunity to discuss this matter more fully—if indeed the Senator is going to vote against cloture—will he join with those of us who want the Senate to work its will and to have a chance to vote on the matter that the Senator from Kentucky says he favors?

The PRESIDENT pro tempore. The time of the Senator has expired. Who yields time?

Mr. DOMINICK. Mr. President, I yield the Senator from Kentucky 1 additional minute.

The PRESIDENT pro tempore. The Senator from Kentucky is recognized for 1 additional minute.

Mr. COOPER. Mr. President, I said that I favor an amendment which would deny the possibility of the faithless voter. If that were the only matter before the Senate, of course, I would be ready to vote on it. But there are other matters before the Senate, as I have said, and there cannot be any comprehensive debate at this time.

Mr. DOMINICK. Mr. President, I yield myself 1 minute.

The PRESIDENT pro tempore. The Senator from Colorado is recognized for 1 minute.

Mr. DOMINICK. Mr. President, I congratulate the Senator from Kentucky. I think he has summarized the feeling of many of us with respect to this cloture motion as well as Senate Joint Resolution 1.

It strikes me that all too often we get caught up in a wave of emotion in which it is said that the direct vote will solve the matter of the minority President and the faithless elector.

I think it has been shown time and time again that the direct popular vote is more likely to get us a minority President than any other system I have seen yet.

I think the Senator from Kentucky has performed a very fruitful and useful service in his discussion this morning. And I congratulate him.

Mr. President, I yield 5 minutes to the Senator from Delaware.

The PRESIDENT pro tempore. The Senator from Delaware is recognized for 5 minutes.

Mr. WILLIAMS of Delaware. Mr. President, I have not taken any position as far as Senate Joint Resolution 1 is concerned. I personally feel that our existing electoral system should be changed. I personally prefer the district system.

I was hoping that the Senate could get a chance to vote on these various measures. I still hope that it can, but this is not the way to have these measures intelligently considered.

I think that we would make a big mistake to invoke cloture on something this important and have to vote under the rules of cloture. I call to the attention of the Senate the fact that once we invoke cloture we start voting on these series of amendments without any debate whatever and without any chance to explain the amendments. We have at least 12 amendments pending. Amendments can be offered at any time during the hour. I understand that there might be six or eight more amendments presented this morning before the cloture vote.

We have no idea what the amendments would embrace. We might have an amendment to abolish the present system of apportionment in the Senate.

We do not get intelligent action by invoking cloture, and it is a drastic measure which should only be used as a last resort.

I have voted in the past for cloture. I would do so again under circumstances where the Senate was being denied the right to work its will on a measure of national importance. I think this measure is of national importance, but cloture should be enacted only after the Senate has tried to get to a vote by holding the measure before the Senate and trying to get action.

In this particular case we have had no filibuster. The Senate has been, in effect, going through a complete farce as far as seriously trying to get this measure to a vote.

This measure, Senate Joint Resolution 1, was reported on June 18 but was not laid before the Senate until the eve of the Labor Day recess. We came back September 8. The measure was made the pending business. Since that time there seems to have been a gentleman's agreement that there would be no votes. The Senate has been convening as early as 9 o'clock and listened to many nongermane speeches. Then later in the afternoon we would lay the resolution aside and proceed to the other business of the Senate. During the past 2 weeks we have had a series of votes on other types of legislation. This week we passed the farm bill. Last night we passed the bill dealing with the Bank Holding Company Act. They are important—I do not object to that—but let us face the fact that during the time we have been supposed to be debating this resolution, there would often be no speakers available for either side of the argument. The Senate would stand in recess waiting for speakers.

It has been my experience—and I am sure the Presiding Officer, the Senator from Georgia (Mr. RUSSELL), will support this point—that in a bona fide filibuster the Senate considers only the pending business, coming in early in the morning and not laying it aside for any other business. We stay in session late at night and work until we can get to a vote. In the meantime all committees would cease work in order that Members could be in attendance on the floor.

I want to make it clear that I want no part of such a farcial procedure where we go through the political action of voting on cloture merely to let Senators say they are for or against the measure without having a direct vote. If the leadership really wants a vote on this resolution, they should keep the Senate in session and try to get to a vote. In a week or so, after a real effort has been made and after both the opponents and the proponents have had ample opportunity to express their views, cloture could be considered.

I have said I would vote for cloture whether I am for a measure or not, but only as a last resort. But I am not willing to vote at this time for cloture on a measure which involves this country as much as this measure does, when there has been no real effort made to get it to a vote otherwise.

I repeat, for the past 2 weeks committees have been having daily meetings, other major bills have been considered and passed, no Saturday sessions have been held, and on two occasions the Senate adjourned without a quorum.

Such procedure does not come under the classification of a filibuster and does not merit a cloture vote.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. DOMINICK. Mr. President, I yield 4 minutes to the Senator from Mississippi.

The PRESIDENT pro tempore. The Senator from Mississippi is recognized for 4 minutes.

Mr. STENNIS. Mr. President, I thank the Senator from Colorado. I am very glad that I was able to get here in time to hear the splendid statement made by the Senator from Kentucky. I commend the Senator for a real statesmanlike statement that belongs in the archives of the history of this great institution, the U.S. Senate.

I was shocked to hear the Senator from Indiana refer to the statement of the Senator from Kentucky as representing the opposition. The Senator from Indiana represents the opposition. He is opposed to the whole electoral process.

It has served this Nation well for almost 200 years and he would sweep away the whole thing. He represents the opposition.

I say further that this matter has been debated here, to my personal knowledge, for over 20 years. In 1948 we passed an amendment proposing the two-thirds vote plus one, and as a new Senator I voted for it. That is where an amendment like this should originate, right on the floor of the Senate. We are the ones who represent the States, and this electoral system is tied to the States. Talk about the opposition, the opposition is composed of those who oppose the present system.

We debated this matter in the 1950's and the Senator from South Dakota convinced me that the district plan was perhaps better than the Gossett plan in 1948. I favored it and did what I could in favor of that plan.

We are in favor of some modification, but as the Senator from Delaware said, to come here now at the end of the session and have an upside down presentation and consideration of this matter, and a presentation that impairs other legislation, which is commendable at the end of the session—but my point is that it is absolutely impossible during calendar year 1970 to give this matter the consideration that it deserves in an atmosphere that might provoke thinking. No—down with all that; rush this matter through; the virtue of a majority is enough.

I say here is one of the most effective and most sensitive instruments that was phrased, and not perfectly, in the Constitution of the United States. Let us not get in a big hurry now just to pass a bill. Let us do it when there is time for all the membership to weigh and reweigh these matters and see if we cannot find a common ground without the urgency and immediacy of other legislation, appropriation bills, and everything else.

I respectfully submit there is not a chance to get proper consideration of this

grave question now. Certainly there would be none if debate were cut off. I hope that by a sizable vote this idea will be rejected, and whatever else the Senate sees fit to do with this subject matter, very well; but in my humble opinion, and that is my counsel, it cannot be considered now and it should not be considered under the pressure of the circumstances we are faced with here, the shortness of time, the elections, and everything else.

I thank the Senator for yielding.

Mr. BAYH. Mr. President, I yield myself 5 minutes.

The PRESIDENT pro tempore. The Senator from Indiana is recognized for 5 minutes.

Mr. BAYH. Mr. President, I say to my colleagues that this is the first time the Senator from Indiana has been involved in a constitutional amendment of this gravity. Although he was a principal sponsor of the 25th amendment, that measure did not evoke the type of strong support and opposition that this matter has evoked.

The Senator from Indiana cannot be at all critical of his friends and colleagues for wanting this matter thoroughly discussed. I must say I have a great deal of sympathy for the statement made by the distinguished Senator from Delaware. Perhaps the Senator from Indiana has been in error to try to reconcile too many different interests, to try to get along—which I understand is one of the cardinal rules of the Senate, to try to be as sympathetic with the problems of other Senators as one can be.

The Senator from Indiana has said that as far as he is concerned his patience is not unlimited. In his judgment the time will come when the Senate will be put to the test of standing up and being counted on this issue or not. I find great sympathy with the position of the Senator from Delaware.

But if the Senator from Mississippi will examine the record, he will have to come to the conclusion that if, indeed, we are being rushed now it it because of arbitrary tactics which have been taken by some Members of the Senate in the last year. This measure, which is before us now in September, was the pending order of business in the Committee on the Judiciary last September. And it was because of the arbitrary action of one Senator that that matter could not be considered by the Committee on the Judiciary until February. The Senator from Indiana likes to be kind and gracious to his colleagues but when one Member uses the system to distort the system and prevents us from having the opportunity to consider something, we have to look at it in an entirely different perspective. We are either going to take the unusual step of invoking cloture or let a few people deny this body the opportunity to vote on anything.

The Senator from Kentucky, whom I dearly love, says that he is in favor of one system. The Senator from Indiana proposed a unanimous consent agreement the other day that we consider this proposal. It was objected to by our friend and colleague from North Carolina. I made the suggestion that we consider the district plan. That was objected to. I made the suggestion that we consider the proportional plan and that was objected to. Every single proposal on electoral reform before the Senate was objected to the other day.

We are going to have to be responsible to the people of this country. Either we are willing to do something about the imperfections of our present electoral system or have the thing backfire and have our constitutional system come tumbling down upon us. It is sort of like patching the roof when it is not raining. There is not much inclination to go out and patch the roof when it is raining, but rather one is inclined to wait until the sun comes out and then it is not leaking any more.

It seems to me that it is not being totally aware, as I think most Senators are, that there are certain shortcomings that need perfection. I feel that Senate Joint Resolution 1 is the answer. I am hopeful we will have a chance to pursue this at greater length if the Senate refuses to invoke cloture, but I suggest the question is not whether one is for Senate Joint Resolution 1 or some other well intentioned proposal, because we are being denied the opportunity to vote on anything.

We were within 42,000 votes of not electing any President in 1968, and yet some say this system has nothing wrong with it. We are working on a system under which on three occasions the man who was elected President had fewer votes than the man he was running against. That could happen tomorrow. Yet we are told there are no imperfections.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. BAYH. Mr. President, I yield myself 1 additional minute.

The PRESIDENT pro tempore. The Senator is recognized for 1 additional minute.

Mr. BAYH. Mr. President, I think the President himself has spoken of the great difficulty if, indeed, not the impossibility of any President, and I do not care whether he is a Republican or a Democrat or a member of a third party or the American Independent Party, would have in these times to make the critical life and death decisions which he is required to make if he is not the choice of the people he is to govern. That is the question before the Senate. Are we going to continue to let this possibility hover over our country?

Mr. BAKER. Mr. President, will the Senator yield for 2 minutes?

Mr. BAYH. I yield 2 minutes to the Senator from Tennessee.

Mr. BAKER. Mr. President, we are entering the final stages of this era in the continuing development of change in the electoral process for selection of the President. I respect those who are concerned with the inevitable effects of cloture and the limitations on time to consider amendments. But I suggest that the time is at hand when all of us must agree that something must be done.

I have not heard a single person say the system is perfect or that no change should be made. I wonder if we are not really avoiding the basic and fundamental concern of this Nation, and that is the ability to elect a President who is able to govern.

This President and his predecessors have all faced the prospect that not only would the patent distortion of the electoral college system operate but, as the distinguished Senator from Indiana pointed out, the system might produce no President at all, and the election would be submitted to the House of Representatives where each State has one vote, which is the ultimate distortion of equality of the right to elect a President.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. PERCY. I would like to add that some States would have no vote. The State of Illinois, our fifth largest State, has 12 Democratic Representatives and 12 Republican Representatives. We would be wiped out and we would not have any voice in the election of the President.

Mr. BAKER. I thank my colleague. That is entirely true. It could happen in any State, or virtually any State, in the Union.

This final concluding remark: We have gone through the trauma of three or four parties in our electoral process.

We have wondered whether we would be able to select a President. We have talked about polarization of our society. We have talked about our concern for minorities in this Nation. But one thing we must talk about is our ability to elect our President other than on a bargain-and-sell basis, and here is an opportunity to provide that the majority of the people of this Nation vote directly for President and Vice President. There is not a man living, other than those who have been elected as electors, in the United States, who has ever voted for a President; and I doubt if one person in a million in the United States knows that, but it is true. In electing those electors, they were getting one part of 389,000, or one part of——

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. BAYH. Mr. President, I yield 1 minute to the Senator from Tennessee, or 2 or 3.

The PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. BAKER. Where each elector in each State receives a proportionate ability to select the President of the United States depending on the population of the State.

I have been criticized by some persons for urging equality of opportunity for selection of the President. May I point out, as I have heretofore, that the President and Vice President are the only two officers under this system of ours who are not elected by the people and on the basis of equality. This business of abolishng the Senate or the Senate not being on an equal basis is not true, in the humble judgment of the Senator from Tennessee. Every one of us was elected on a perfect one-man, one-vote basis. Every Member, every elector, every citizen who voted in each State had his vote counted precisely the same as every other per-

son's vote, regardless of the size of that State, regardless of whether he was white or black or Indian or whatever, regardless of whether it was in the North or South, East or West. But that is not so with the President of the United States. And until we eliminate the danger of bargaining for the Presidency, until we eliminate the danger of substantial minority Presidents, until we eliminate the inequality of the groups who select the President of the United States, we run the real risk that we will elect a President some day who cannot govern. It is that which concerns me.

The PRESIDENT pro tempore. Who yields time?

Mr. HRUSKA. Mr. President, may I inquire how much time is left on each side?

The PRESIDENT pro tempore. Sixteen minutes remain for the proponents, and 12 minutes for the opponents.

Mr. HRUSKA. Mr. President, I yield 3 minutes to the Senator from Colorado (Mr. DOMINICK).

The PRESIDENT pro tempore. The Senator from Colorado is recognized for 3 minutes.

Mr. DOMINICK. Mr. President, I thank my colleague. I asked for this time to refute some of the arguments made by my friend from Tennessee. One of the points he made is that we are one of the few countries in the world that has an electoral college system, the implication being that that system is wrong——

Mr. BAKER. Mr. President, if the Senator will yield me 30 seconds, let me say that I feel that my colleague misunderstood me. I did not say that. I said that the President of the United States and the Vice President of the United States were the only two officers in this Republic that the people did not elect. I did not make any reference to any other nation of the world.

Mr. DOMINICK. Perhaps I misunderstood him. I hope so, because my point was going to be that in other areas, in other countries, where they have a direct vote for whomever they select as President or Prime Minister, very seldom is anyone elected in any of those countries by a vote of the majority. That is because there has been a proliferation of parties there; they do not have the two-party system. There is the total incentive—I think is the best way of putting it—of having coalitions. Groups get together and there are more deals made than under the system we have.

Mr. BAKER. Mr. President, if the Senator will yield briefly, I agree with him. I reiterate that the Senator from Colorado misunderstood me. I made no reference to any other country. Not only that, but I think our federal system in the election of the President and Vice President has created our two-national-party system which has served us so well.

Mr. DOMINICK. Mr. President, I assume this is on the Senator's time.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. BAYH. Mr. President, I yield 1 minute to the Senator from Tennessee.

Mr. BAKER. Mr. President, I apologize to the Senator from Colorado. I will ask the Senator from Indiana to make up the time I have used to correct that misunderstanding.

The last and final point: In response to the Senator's statement on the two-party system, under the winner-take-all system, it has made my part of the country a one-party region, and I am opposed to any sort of one-party domination—South, urban centers, or any place else, including any sort of strategy that evolves for North or South, East or West, and I think that is an inevitable result of the electoral college system.

Mr. DOMINICK. Mr. President, will the Senator from Indiana yield me 1½ minutes?

Mr. BAYH. Mr. President, I yield 1 minute to the Senator from Colorado. I am sure the Senator can be eloquent in 1 minute.

Mr. DOMINICK. Mr. President, I just want to say I find it hard to conceive of the fact that the electoral college system of voting for President and Vice President results in a one-party system in certain areas. That does not seem to follow, from what I have been able to observe. If we look at other countries and observe what has happened under their electoral systems and the patterns that have resulted, we would be wise to avoid their systems.

I want to say, last, we are in a parliamentary situation now wherein the House has already passed this measure by a large vote. If the Senate passes it in any form whatsoever and it goes to conference, it is almost certainly going to come back in that form, or we are not going to have anything at all. So it seems to me we would be far better off to delay doing anything about electoral reform until next year, when we can come in with a clean slate, and consider the different proposals like the proportional plan, the district plan, or other suggested plans.

The PRESIDENT pro tempore. Who yields time? If no Senator yields time, the question is——

Mr. BELLMON. Mr. President, may I have 1 minute?

Mr. BAYH. Mr. President, I yield 1 minute to the Senator from Oklahoma.

Mr. BELLMON. Mr. President, I came in late and did not hear all of the remarks of the Senator from Colorado, but he seems to fear that giving a direct vote under provisions which allow a President to be elected by a 40-percent plurality might cause a proliferation of political parties in this country.

As one who served as a member of the American Bar Association commission that studied this plan, I would like to say that this question probably caused more concern than anything else. It was the feeling of the commission that the present system, which requires one of the candidates for President to receive a majority of the votes of the electors, probably tends more to encourage splinter parties than would the system which the ABA has recommended, which is now generally embodied in Senate Joint Resolution 1.

The reason is that under the terms of Senate Joint Resolution 1 a political party, to have any influence on the outcome of the election, would need to siphon off 20 percent of the total vote; and in our country this has never happened. In other words, if a party is going to have any effect—that is, if a splinter party is going to have any effect—it would need to throw the election into a runoff, and to do this it would need to get 20 percent of the votes.

Up to the present time there have been occasions when splinter parties have felt that by drawing off a small number of electors they might possibly put the election into the House of Representatives or possibly be able to use their influence on the electors, and in that way gain an influence far beyond their numerical strength.

So the Senator from Oklahoma reached the conclusion that the requirement that a candidate must have 40 percent of the votes, as provided in Senate Joint Resolution 1, would, in the judgment of the Senator from Oklahoma, discourage rather than encourage splinter parties.

I am also one who thinks the two-party system is the one that serves our country best. I would not favor any change in our laws that would encourage splinter parties. I feel that the proposal the Senate is now considering would work best to strengthen our two-party system.

The PRESIDENT pro tempore. Who yields time?

Mr. HRUSKA. Mr. President, I yield 3 minutes to the Senator from Alabama.

The PRESIDENT pro tempore. The Senator from Alabama is recognized for 3 minutes.

Mr. ALLEN. Mr. President, I oppose Senate Joint Resolution 1, not because I am a Southerner and not because I come from a relatively small State, but I oppose it because I am an American; and I believe that this plan, this proposed change from the basic law of the land that has served this country well for 180 years, has the potential to tear this country asunder.

I believe that is exactly what would happen. We would not have rule by a majority; we would have rule by a plurality.

At least, under the present electoral college system if there is no majority there, then there is a runoff in the House of Representatives. This system does provide for a majority of something; and the 40-percent requirement of Senate Joint Resolution 1 does not require a majority of anything. A 40-percent plurality would win the election with out a runoff.

Mr. BELLMON. Mr. President, will the Senator yield?

Mr. ALLEN. I yield on the other side's time.

Mr. BAYH. The Senator from Indiana yields a minute to the Senator from Oklahoma to explore the thoughts of the Senator from Alabama.

Mr. BELLMON. I would like to inquire of the Senator from Alabama whether he feels that this 40-percent plurality provision would tend to encourage splinter parties.

Mr. ALLEN. I am glad the distinguished Senator asked that. Certainly this provision will encourage splinter parties, because all the votes under the direct election would be registered and

counted in ascertaining whether a majority had been obtained. Under the present system, a splinter party must carry at least one State to have any effect whatsoever; so that results in there being fewer splinter parties under the present system.

Mr. BELLMON. Will the Senator agree that a splinter party would have to siphon off 20 percent of the vote before it made any difference, under Senate Resolution 1?

Mr. ALLEN. It may siphon off 50 percent; after the direct system had been in effect for a number of years, there would be 25 splinter parties. There were some 20 in 1968 throughout the country.

Mr. BELLMON. They would no longer be splinter parties if they got 50 percent.

Mr. ALLEN. If 25 parties got 2 percent each, they would be splinter parties. I appreciate the question and comment of the Senator from Oklahoma.

Mr. President, there is no unanimity of opinion on Senate Joint Resolution 1. Two of the so-called proponents have submitted the current amendment that abolishes the runoff system. The distinguished Senator from Missouri has submitted his plan. There are about as many plans as there are Senators.

In addition, the Senate itself, some years ago, passed a proportional plan. The distinguished Senator from Indiana (Mr. BAYH) at one time pushed the automatic electoral plan.

Mr. President, in answer to a point raised by the distinguished Senator from Tennessee (Mr. BAKER) that every Member of the Senate is elected on the one-man, one-vote plan——

The PRESIDENT pro tempore. The time yielded to the Senator has expired.

Mr. ALLEN. May I have an additional minute

Mr. HRUSKA. I yield the Senator 1 additional minute.

Mr. ALLEN. I say to the Senator, that is true. One-man, one-vote, as to how that State should decide who would represent the State in the Senate.

I submit that under the present plan, we do have one-man, one-vote in electing the President and Vice President, because each person in each State has the same vote as every other citizen of the State in deciding how the electoral vote of his particular State shall be cast. So we do have the one-man, one-vote principle, if that is believed to be desirable under the present circumstances.

I yield back my remaining time.

Mr. BAKER. Mr. President, will the Senator from Indiana yield me 2 minutes?

Mr. BAYH. I yield 2 minutes to the distinguished Senator from Tennessee.

Mr. BAKER. At this late hour, it is not the time to inject an emotional issue into the debate, and I do not intend to do so, but I do not intend to beat around the bush, either.

Let us think for a minute about the winner-take-all electoral college system as it relates to splinter or third parties. I am glad that the colloquy between the Senator from Alabama and the Senator from Oklahoma occurred, because it makes a point that I believe is vitally important to the country. Under Senate Joint Resolution 1, we might have one splinter party that got 10 or even 20 percent of the vote, and it would not be a very small splinter; the Republican Party was once smaller than that, in 1856.

We ought to have room for splinter parties, if they can get that big, nationally. But not regionally. The last thing on earth I want in this Nation is a southern party, a northern party, an eastern party, or a western party. Under the present system, a group of States in the West, the North, or the South can throw the election into the House of Representatives. That is what is wrong: regionalism.

If Governor Wallace gets 10 or 20 percent of the vote nationally in the next election—and he may; he is quite a campaigner, and a really remarkable man—he is entitled to be a respected part of the political system in this Nation. But if it is a regional appeal, then it is different, and in my humble judgment it is inimical to the best interests of this Republic.

So the 40-percent requirement, although I do not entirely agree with it—I think it ought to be 50 percent or you have a runoff—institutionalizes our respect, and the fact that we recognize that third or splinter parties may become second or dominant parties, and we have to provide for them as long as they do it on a nonregional basis.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. BAKER. If I have any time remaining.

The PRESIDENT pro tempore. The time the Senator from Tennessee was yielded has expired.

Mr. BAKER. I am sorry.

The PRESIDENT pro tempore. Who yields time?

Mr. BAYH. I yield 2 minutes to the Senator from Illinois.

Mr. PERCY. Mr. President, I have 3 points I would like to make.

First of all, I think this issue should not be penalized simply because of the dilatory tactics that have been used to delay us to the point where we are rushing other legislation through in time to adjourn and are anxious to get on with it. I think we have had ample time to consider electoral reform, and if the Members of this body have not had time to make their minds up, the American people apparently have. There are not many people who, when asked by Harris or Gallup, have failed to respond. On one poll 79 percent and on the other 80 percent said we ought to change our electoral system. When seven or eight Members of Congress from Illinois polled their constituents, they came up with exactly the same figure; between 75 and 80 percent of the people said we must change the electoral system of electing a President.

Why? The people of Illinois feel we ought to change it because we sat there for a year wondering whether, with a split delegation of 12 Republicans and 12 Democrats, we would have any voice, with a State of 11 million people, in the selection of the President of the United States. We would have been dealt out by this system.

We can think back to the narrow escapes this country has had under the electoral college system, which is condemned overwhelmingly by 4 out of 5 people in the United States. But it is not just the people of Illinois who would not have a voice. The State of Oklahoma and the State of Oregon and the State of Virginia would be disfranchised. They today might not have a voice in voting for President of the United States, under our present system.

Moreover, I think we have to get away from the danger we might face of having a President of one party selected by the House of Representatives and a Vice President of the second party selected by the Senate.

The PRESIDENT pro tempore. The Senator's time has expired.

Mr. BAYH. I yield 1 more minute to the Senator from Illinois.

Mr. PERCY. I just ask Senators who are Democrats to give consideration to this: How would Lyndon Johnson, as President of the United States, have felt having Spiro Agnew as his Vice President? Who would be speaking for the administration? Who would be speaking for the United States of America, with that combination?

It is not a partisan issue. I cannot imagine that President Nixon would feel very comfortable as President of the United States, as the Chief Executive Officer of this country, if Hubert Humphrey, who could have been selected by the Democratic controlled Senate as Vice President, were to serve as Vice President. Who would speak for the United States.

In South Vietnam there is a situation where, even now, with President Thieu and Vice President Ky, of the same party——

The PRESIDING OFFICER. The Chair regrets to advise the Senator that his time has expired.

Mr. BAYH. I yield 30 seconds to the Senator.

Mr. PERCY. Even in a situation in which they are of the same party, there is an embarrassing national situation when there is not harmony between the President and the Vice President.

For these compelling reasons, I urge that we face this issue, stand up to it, and make a decision, as the American people have made a decision, and not continue to procrastinate.

The PRESIDENT pro tempore. Who yields time, and to whom?

Mr. HRUSKA. Mr. President, how much time remains?

The PRESIDENT pro tempore. Each side has 4 minutes remaining.

Who yields time?

Mr. HRUSKA. I yield myself 3 minutes.

Mr. President, the importance of this issue, of course, is taken for granted; but, for the sake of the RECORD, I ask unanimous consent to have printed in the RECORD the eight propositions listed in the minority report on this amendment which appear on page 49, together with a list of quotations on the threat to American political stability of direct

elections, compiled by the Senator from North Carolina. I ask unanimous consent to have this material printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Destroy the two-party system by encouraging a host of splinter parties;

Undermine the federal system by removing the States from an active role in the electoral process;

Remove an indispensable institutional support for the separation of powers;

Radicalize and divide public opinion by removing incentives to compromise;

Endanger the rights of all minorities;

Create an irresistible temptation to electoral fraud;

Lead to interminable recounts and challenges; and

Necessitate national direction and control of every aspect of the electoral process.

QUOTES ON THE THREAT TO AMERICAN POLITICAL STABILITY OF DIRECT ELECTIONS

Theodore H. White, Political Analyst and Writer: ". . . this amendment is a direct invitation to chaos. In modern times, other nations have tried direct election of presidents. Germany did. They tried it by a direct unitary vote of the nation, and they got Hitler."

Alexander Bickel, Yale Law School: "There is a tendency, visible in the last two or three elections, toward fragmentation and I think any structural arrangement, such as direct election, that encourages that fragmentation risks, God help us, the end of this Republic and of the finest experiment in government ever known to man."

Nicholas De B. Katzenbach, Former Attorney General of U.S.: ". . . I strongly feel that on a matter so basic to the confidence and structure of the country, we ought not to abandon the familiar and workable for the new and untried without the clearest demonstration of need. In my judgment, no such demonstration has been made. We should not substitute untried democratic dogma (direct election) for proven democratic experience. And this is no time to tinker with success."

Professor Albert J. Rosenthal, Columbia Law School: ". . . the direct popular vote proposal would change the political balance of power in the country, possibly in a direction which would prove disastrous."

Professor Charles Black, Yale Law School: "I think a case can be made for the proposition that this amendment, if it passes, will be the most deeply radical amendment which has ever entered the Constitution of the United States. . . ."

Richard N. Goodwin, Former Assistant to Presidents Kennedy and Johnson: "There is good reason to believe that direct popular election of the President might end that two-party system which has helped make the United States the most able and long-lasting democracy in the history of the world. . . . All around us we see an increasing tendency to political fragmentation and ideological division. Direct election might almost be just the trigger, perhaps accidental triger, to transform such divisions into political conflict."

Editorial, Time Magazine, May 1970: ". . . there is a possibility, not yet fully appreciated, that the entire political makeup of the country might be affected in ways yet unanticipated and unexplored."

Professor Dan Elazar, Director of Institute for Federalism, Temple University: "Direct election is a device designed to remedy a supposed evil that has not materialized and which, in doing so, would create an evil far worse."

Congressman William L. Clay, Missouri: "This effort (direct election) to perfect our system by thinking in terms of pure democracy borders, in my opinion, on the realm of insanity. . . . The flinch of fear which provides the momentum for this proposed revision of the electoral system flows directly from the scare instilled in us by Wallace. But, responding to this fear through an elimination of the electoral system in favor of the popular vote will actually promote and reward the factionalism and sectional movements which now divide this Nation."

Editorial, Wall Street Journal, April, 1970: ". . . direct election has its own considerable potential for mischief, and if the nation is given an all-or-nothing choice between direct election and no change, it will be far wiser to stick to the devil it knows."

Mr. HRUSKA. Mr. President, the debate this morning illustrates the necessity to defeat this motion for cloture. The propositions that have been declared and the arguments made here show that a period of 7 days—and that is all the debate we have had in this matter—just will not be sufficient for the purpose at hand.

Reference has been made to dilatory tactics which have resulted in the situation in which we now find ourselves, toward the end of the session, and we do not have enough time, and we are under pressure, and so forth. Let me cite some dilatory tactics, Mr. President.

From March 13 to April 8, there was discussed the qualifications of a single nominee to the Supreme Court, for a total of 17 days.

From May 13 to June 30, we discussed the question of foreign military sales. That was 47 calendar days.

We had from July 23 until September to discuss the military procurement bill. That took 29 days.

Here we have 7 days—skinny days, I might say—on a proposition that is as important as this, changing the structure of our Government, and getting nowhere.

It seems to me that if we are going to talk about dilatory tactics, not a single voice was raised during those respective 17 days and 47 days and 29 days. Not a single voice was raised.

Now, after 7 days, on a most important proposition on a constitutional basis, we find ourselves facing the necessity to vote down a cloture motion—and it should be voted down. I hope it will be. All the propositions that were touched upon today are involved. They have not been covered thoroughly.

My judgment is that when the time will come for the several State legislatures to consider the proposition of direct election or some other proposition and when they find staring them in the face the loss of the voting strength that they would encounter if direct election is resorted to, they will take a second look at it; and their people will take a very severe look at them, when they find, in one group of States, the Southwestern States, that they will lose 37 percent of their voting power.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. HRUSKA. I yield myself 1 additional minute.

In the North Central States, we have seven States in number losing approximately 30 percent of our voting power. We do not like that. When that message is brought home, together with some of the other implications and direct results of direct election, I have confidence that the required three-fourths of the States will not ratify.

This motion for cloture should be turned down, and an opportunity should be given for thorough discussion of all the issues presented.

Mr. BAYH. Mr. President, how much time do I have remaining?

The PRESIDENT pro tempore. The Senator has 4 minutes remaining.

Mr. BAYH. Mr. President, I ask unanimous consent to have printed in the RECORD two editorials, one from the Washington Post and one from the New York Times, plus a telegram showing that the Leadership Conference on Civil Rights came out yesterday strongly endorsing electoral reform.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.,
September 16, 1970.

Hon. BIRCH BAYH,
U.S. Senate,
Washington, D.C.:

The leadership conference on civil rights representing one hundred twenty-seven civic, religious, labor, civil rights and other groups urges you to support the direct election of the President and Vice-President. This may be the last chance to cure this anachronistic potential for serious mischief. Please vote to close debate tomorrow and give every Senator a right to vote on this constitutional amendment.

CLARENCE MITCHELL,
Legislative Chairman,
JOSEPH L. RAUH,
Counsel.

[From the Washington Post, Sept. 17, 1970]

AFRAID TO VOTE ON ELECTORAL REFORM?

The Senate faces one of its severest tests of the 1970 session today. It will vote on Majority Leader Mansfield's petition to close debate on the proposed constitutional amendment for direct election of the President. The outcome will determine, not only the fate of this vital reform, but also the ability of the Senate to function as a modern legislative body.

There is no point whatever in further debate on Senate Joint Resolution 1 which embodies the proposed amendment. This debate has been going on intermittently ever since the subcommittee on Constitutional Amendments began its hearings on a new presidential electoral system back in February, 1966. Further extensive hearings were held after the country narrowly avoided a crisis in the election of the President in 1968. Last year the House passed a widely accepted reform calling for abolition of the electoral college and direct election of the President. Since September, 1969, electoral reform has been the pending business before the Senate Judiciary Committee. After additional hearings, that committee adopted S.J. Res. 1 last April by a vote of 11–6. The debate in the Senate itself has been in progress for more than a week and a half. All the arguments on both sides have been made, and there is no point in further talk—unless the Senate intends to strangle the measure by delay.

In these circumstances the Senate has no rational alternative to voting cloture and proceeding to dispose of the direct election plan on its merits. Senators who oppose the resolution ought to be no less eager to meet the issue head-on than those who favor it. We think it would be utterly unconscionable, as Senator Bayh has pointed out, for the Senate as a body to say in this vote that

it does not have the courage to stand up and be counted on a matter of such great importance to the country.

The Senate has often resisted application of the cloture rule in the past because of the desire to preserve the right of unlimited debate. In the present instance, however, the basic question is not whether the debate shall continue. The Majority Leader intends to lay the electoral reform measure aside if cloture is not approved because of the pressure for action on other parts of the legislative program. In effect, therefore, a vote against cloture will be a vote to kill electoral reform without ever facing the question of its merits. Every senator ought to think twice about such a crass evasion of responsibility before the roll is called.

The proposed amendment has been carefully written and closely scrutinized by some of the best minds in public and private life. It has overwhelming support from organizations and civic groups and, according to the polls, more than 80 per cent of the people. It is not a utopian scheme but a practical device designed to correct the most glaring defect in our Constitution. At the very least it merits a straight-forward and candid response from the Senate.

Senators who will face the electorate in November ought to be especially concerned about this challenge. Can any one of them afford to tell his constituents that he was afraid to vote on a plan to give them a direct voice in choosing the President? If this great reform which has four fifths of the House and probably more than three fifths of the Senate behind it should go down before a filibuster, another basic reform—of the Senate itself—will have to be added to the list of urgent governmental tasks.

[From the New York Times, Sept. 17, 1970]

SEIZING THE TIME

The vote in the Senate today on whether to shut off debate on an amendment abolishing the Electoral College and substituting instead the simple, popular election of President and Vice President is a vote on the merits of the issue itself. To prolong debate is to kill reform at the present session of Congress. It is even more than this. The amendment has already passed the House. To kill reform at present session is to lose vital momentum and very probably to delay action for years to come.

There can be no doubt on either of two points:

(1) The Electoral College has outlived its usefulness.

(2) Direct, popular election of the President and Vice President, recognizing the one-man, one-vote principle, is the most fundamentally democratic method of cohice.

The Electoral College has never functioned as the Founding Fathers intended. It looms now as an electoral hazard, opening the way for deadlock, delay and a thwarting of the popular will. Under present procedure, the voter casts his ballot not directly for President and Vice President but for a number of electors equal, in each state, to a state's total representation in the Congress. The votes of some voters under this scheme count more than the votes of others. While every state has at least three electoral votes regardless of its size, the winner-take-all rule for awarding a state's electoral votes gives an advantage to voters in the larger states with most electoral votes.

Other evils of the system include disfranchisement of voters in several ways. All votes exhaust their effectiveness at the state level; those of the minority are added to those of the majority in the awarding of electoral votes. Electors are pledged to candidates and selected by voters on the basis of their pledge, but once selected they are free to vote their whim, as one elector did in 1968, switching from Richard Nixon to George Wallace.

Because the Electoral College works on a winner-take-all basis at the state level, it is possible for candidates with fewer popular votes nationally to defeat candidates with more popular votes nationally. This has happened several times.

The only way to make sure that every voter's vote counts toward the ultimate outcome, that it counts equally with all other votes and that the candidate for President with the most popular votes becomes the President is to move to a system of popular election. Since ratification of the Seventeenth Amendment providing for popular election of Senators, the President and Vice President are the only top officials not selected in this way.

For members of the Senate to oppose this reform now is for them to expose the nation in 1972 (and quadrennially until reform does come) to the dangers inherent in an electoral vote tabulation. Perhaps acceptable in times past when life was simpler and slower and the world was wider, these dangers in a time of space flights and nuclear weapons are acceptable no longer. It is vital for the nation to know who its leader is, for any hiatus in leadership to be avoided, for government to become more representative and more responsive to the will of the people.

The opportunity for fundamental electoral reform is at hand. The Senate must not let it slip away.

Mr. MANSFIELD. Mr. President, after 7 days of debate and weeks of stalling and delay, the Senate will vote on the question of whether or not there has been sufficient debate on the pending business. The pending business proposes an amendment to the Constitution that would abolish the electoral college and provide for the election of the President and the Vice President of the United States by the people. It thus involves two questions: First, the abolition of the electoral college—no building, no faculty, but a great deal of leeway; and, second, the transfer of its functions directly to the people of the United States.

These issues did not just arise this week, or just last week or just the week before. The debate did not just begin yesterday or the day before or when this measure was laid before the Senate last September 2. Nor did it begin some 4½ years ago when the hearings were first held before the Committee on the Judiciary. These questions have been discussed and debated for years and years and years.

It should be pointed out that two-thirds of the Senate is required to decide these constitutional questions. Our Constitution says that two-thirds of both the Senate and the House of Representatives must vote to amend its terms. That is a rigid requirement. It is plain that the authors of the Constitution did not feel that a bare majority provided sufficient support to tamper with the terms of the document that established our Government. So they said that it would take two-thirds before a change could be effected.

Now the Senate faces a dilemma; for, under its own rules, two-thirds must vote to close debate. So a few Senators, it would seem, are telling the rest that not only is two-thirds required to effect a constitutional change, but even further, that two-thirds is required before that question can even come to a vote. It seems clear to me that using the filibuster device in this fashion to force a two-thirds vote, when the question itself calls for two-thirds, abuses the clear purpose and intent of the Senate rules. It seems clear to me that some reform is necessary if rule XXII is to have any meaning at all; especially in a case where the minority is so clearly protected by the Constitution itself.

I hope Senators reject this effort. I hope the Senate is permitted to vote on this question.

Mr. SAXBE. Mr. President, I rise only because it seems to me that we have failed to question the effectiveness of the discussion that we have had on this matter.

I have occupied the chair of the Presiding Officer for several times in the last 10 days during this debate. There have been endless and delaying quorum calls. There has been no great desire to influence Senators; but, rather, to read in boilerplate which has gone into the RECORD for somebody else.

If we are trying to change people's minds by talking to them on the floor, it is one thing. If, on the other hand, as the majority leader said last week, not one vote has been changed by all this discussion, it seems to me that we are doing the people a great disservice by not proceeding to vote—either adopt it or reject it—but to stand up and be counted.

Mr. HATFIELD. Mr. President, before we vote on cloture on debate on Senate Joint Resolution 1, I wish to call attention to a fine statement of support from Oregon's secretary of state, Clay Myers.

As a former Oregon secretary of state myself, I am familiar with the practical experiences of the secretary of state in overseeing our elections. In addition, Clay Myers' long experience in Republican Party affairs enables him to offer practical advice on the effects of Senate Joint Resolution 1.

Because I wish to share this with my colleagues, I ask unanimous consent that the letter from Mr. Myers to Senator BAYH appear at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SECRETARY OF STATE,
Salem, Oreg., September 4, 1970.

HON. BIRCH BAYH,
U.S. Senator,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR BAYH: As the chief election officer of our state, I know questions have been raised concerning the feasibility of a direct popular election of the president and vice president of the United States, and though it might be helpful for you to have my views.

After studying the electoral college question for several years and also as the individual who administered Oregon's first statewide recount (the Packwood-Morse Senate race), I am a strong convert to, and an advocate of, the popular vote election of our President. This is a non-partisan position I share with you—I am a Republican office holder with more than a quarter century of volunteer service to my Republican Party and my endorsement of the direct election has been reinforced by serving for two years as one of a handful of Secretaries of State on our National Association's Presidential Election Committee.

Unfortunately, I was not able to appear in mid April of 1970 when another member of

our Association testified before the Judiciary Committee, and, therefore, I want to present my feelings to you at this time, as well as answer questions that might arise in the minds of some who question the proposed constitutional amendment.

We should ask: What can improve the presidential election process? What is workable? What is popular with our citizens and can pass the Congress and be ratified by the necessary number of states?

My firm belief, after extensive study of all points of view, including the minority viewpoint of the Secretary who testified to the contrary, leads me to strongly support the direct election amendment and to favor abolishing the electoral college. Every member of the last three committees of NASS that studied the question has agreed that the present electoral college system is bad and should be changed. The only question is which alternative should be adopted.

Any compromise plan (other than direct election) would make it possible for a second choice candidate in the popular vote to wind up being designated President, thus thwarting the will of the people. Any compromise also contains built in inequities giving the voters in some states a proportionately larger vote than the voters of other states and, unnecessarily complicates the process of presidential selection by creating artificial and illogical barriers between the people and the office of President.

The direct election of the President is not new, nor revolutionary, in approach. Some of the strongest delegates to the constitutional convention of our founding fathers favored it: James Madison, Gouverneur Morris and James Wilson. Said Madison: "After all, the President is to act for the people, not the states." Our states are represented in the Congress—particularly in the Senate—but too often we have thwarted the will of a majority of our people by electing a President who receives fewer votes than his opponent.

Direct election is the only reform proposal that remedies the possibility of a "minority" President—the election of a candidate who ran second. With, however, 15 different elections producing presidents who did not receive one-half of the popular vote, most of whom were accepted by the people where they had a plurality of 40% or more, the "runoff" election provision at 40%, advocated by President Nixon, and by you and others, makes sense.

FEASIBILITY OF THE DIRECT ELECTION PLAN

Questions have been raised about the direct election approach and, as an elections official, my conclusions about these doubts are:

1. Voter qualifications—Who is eligible to vote?

Since passage of the amendment of 1970 to the voting rights act, there appears to be no reason for further Federal legislation in this area.

No particular administrative problems are posed for the several states by the popular election proposal. It is nonsense to argue this would cause chaos or confusion in our state elections administration or would require a "dual" system. We can rely on state laws.

2. Who gets on the ballot—eligible to run for President.

Again, there is no need for further Federal directives to the states. And, there is no incentive in the proposal to create new parties. Our present situation is much worse (an existing multitude of splinter parties easily able to get on every state's ballot, each hoping to capture one or more state's electoral votes) than would be true where 40% or more of the popular vote is required to elect.

In 1964, Lyndon B. Johnson was not even on the ticket in Alabama, a state that in 1968 also had five different presidential tickets. All 50 states had a minimum of three parties in 1968 and thirteen states had at least six different presidential candidates apiece, with out neighbor, Washington, fielding seven slates.

Our two-party system operates well in 49 states (New York usually having three or four state parties) without an electoral college system for electing governors or senators. Only when we ignore the direct vote in presidential races do we find, consistently in history, multi-parties in many or most of our states. The two-party system would be strengthened with the direct election system.

The objection that some states have many candidates in a first primary, before a runoff, is not valid. States without a runoff have as many candidates competing in a primary race requiring only a simple plurality. Party nominations must be separated from the final general election process in your considerations.

3. The fraud argument—massive fraud might occur.

There will be even less danger of fraud than exists today. The statement of William T. Gossett, last retiring President of the American Bar Association and Chairman of the Special Committee on Electoral College Reform of the ABA, covers this point well on page 196 of the April 15, 16 and 17, 1970, hearings before the United States Senate Committee on the Judiciary on Electoral College Reform. Now—in the present system—we have greater inducement for fraud and other irregularities than would exist under the proposed change.

A shift of a few votes in some populous states in a close election can today shift massive numbers of electoral votes, but would have only a minor effect in the overall national popular vote. Vote-counting problems are no different whether electing a President, a Senator or a Governor.

With the proven disinclination of presidential candidates for 180 years to request recounts in close elections, there will be even less problems with a direct election system. And, when every vote counts, both parties will participate much more actively in ". . . policing the polls, thus minimizing fraud and other irregularities. . . ."

4. Early eastern vote reporting might affect late western voting.

This has not been true in our or in other western states, either in discouraging evening turnout or in an already evident national trend influencing for whom they vote. Should, however, Congress ever fear such a possibility then consideration could be given to a national uniform 24-hour poll time. I understand such a proposal has some bipartisan support already. Based on Oregon's experience as a West Coast state, I do not see a real problem.

5. Who would count and certify the election results?

It is "scare" talk, unsubstantiated, to claim that there would have to be a "dual" election system or that there would need to be Federal counting of votes down to the precinct level, or that different people would count Federal and state returns.

Counting of ballots and certification of the results can be handled exactly as they are done at present by our states, without having to seriously consider the nonsensical fear of some people that we would be faced with Federal elections officials in all our precincts.

6. How "workable" is a presidential election runoff and what are the prospects of such a runoff?

There has not—even with the multiparties encouraged under the existing electoral college system—been an election for 110 years where one or more presidential candidates failed to get at least 40% of the vote. Even in 1860, Lincoln had 39.7% and was not even on the ballot in ten states (a fair percentage of 1860's states). With the assurance that major parties today can get on the ballot in all states if they desire, any likelihood of a runoff being required is dim, indeed.

The "workability" of a runoff is demonstrated again and again in our states today. In Texas, Florida, Virginia, or any of the 12 states with provisions for state-wide primary runoff elections, we find machinery already working for runoffs, should a comparable presidential one ever be required. These states, in most instances (based on statements by their Secretary of State at our NASS Convention in Newport, Rhode Island this past month) handle runoffs 28 or 30 days after the first primary election.

I would suggest that any Senator with serious questions in this area check with one or more of these Secretaries of State to get their viewpoints on the "doability" of such a runoff. I have done so in recent weeks, visiting with the Republican Secretary of Virginia and the Democratic Secretary of Texas, as well as viewing Florida TV regarding their September primary that is expected to result in some runoffs in October—before their general election of November 3. In Florida (and other states) this can mean three elections in a 60-day span, handled expeditiously and well under existing state laws.

The unlikely event of a recount is not a tremendous expense, either. While, to run an entire election with many score or hundreds of candidates, as well as several ballot measures in our states, often costs in the neighborhood of one dollar per vote to administer, the cost is greatly reduced for a runoff or in a single candidate or issue election. In June, 1969, Oregon had a combined total state and county cost of less than 30¢ per vote statewide. The total cost of $168,293.89 was for 569,351 votes cast. This is close to Arkansas' Secretary of State Kelly Bryant's estimate of $250,000 for a state-wide runoff cost.

Any reasonable expense to prevent a constitutional crisis is a good investment in making our democracy work.

Those who fear a gross dropoff in presidential runoff voting are also engaging in baseless fears. Oregon had a higher percentage vote in the single issue special election in June, 1969, than in an important statewide 1970 primary that had eight major ballot issues, plus all state legislative races, United States Congress and Governor on the ballot, with many other contests as well. Presidential elections always bring out the highest votes—and this would be further encouraged in one-party states where today there often is not the incentive for the second party to turn out under the electoral college system.

7. Will complicated machinery for counting ballots, recounting or contests be necessary?

No. States generally have the necessary statutory and/or administrative procedures now. Again, there is no need for setting up "dual" state and Federal laws. States count and report now. As in Title 3, U.S. Code (sections 5 and 7) where the states today must have their "final determination" in at least six days before the time fixed for the meeting of Electors—we need only to require that the states shall provide for a slightly earlier final count and report.

In the rare event of a recount, it should be handled either under present state laws and rules (à la Oregon's Packwood-Morse recount in 1968) or our respective states could adopt "Uniform Presidential Recount Laws" as we have done in the servicemen's absentee voting laws.

Oregon had its very first statewide recount in the U.S. Senate race of 1968 and the only delay was statutory on the time necessary to certify the first election results and for the time for a recount demand and for bond posting to pass. The total time to actually recount was very brief—even including the

certification by all the counties of the recount results, and Senator Packwood had no trouble taking his seat before Congress convened.

Contrary to Senator Hruska's statement on page 235 of the Hearings testimony, it is possible to recount hundreds of thousands of votes in five days. We count that number every election. And, the Senator seems to have confused two different and totally unrelated elections in our state when he talks of a recount contest that went until the following May.

The recount was Packwood-Morse and completed before January 1. The litigation for some months of a state Attorney General's race was not a recount—it was an entirely different question than any that could face a presidential election since it involved a state corrupt practice violation question only.

8. Can we be assured there will be a President on Inauguration Day?

Yes. Even in the unlikely event of a runoff election on the first or second Tuesday of December, more than another month would elapse before an inauguration. We need only make a minor change, as mentioned before, in the date for our states to provide their final determination of the presidential election results from the November election. Title 3 already makes this point, but existing Federal laws on this point are a mess because they do not require how the final state determinations shall be returned. The present dangers can be corrected with legislation accompanying the direct election constitutional amendment.

A Federal deadline for returning each state's count, together with provisions for Federal court determination if a state fails to act, or the state's final determination is flagrantly in error, appear to be the only necessary controls. Electoral college abolition also means we can clean up and update the Federal code which is today dangerously defective.

CONCLUSION

Other plans have been submitted and do eliminate many of the present problems. But, only direct election completely cures all the evils, dangers and inequities of the present system that did not work in 1824—and led us close to disaster several times since.

No other plan has anywhere near 50% support (much less ⅔) in the Congress or among state legislators who have been polled. Only the direct election system has overwhelming public support in all of our states—large or small, east or west, north or south, Democratic or Republican. And, only direct election is predicted by legislators in a majority of our states as having a substantial chance of receiving state legislative approval.

I agree with Congressman McCulloch's statement that: "Anyone who subscribes to the neutral principles that government should be representative, that every vote should count, that individual voting power should be equal, that winners should be declared winners and losers should be declared losers, must also subscribe to the direct election proposal."

As a Secretary of State who was on our NASS Congressional Liaison Committee on Presidential Elections, if I can furnish any other information to you or other Senators as we hopefully obtain the objective of abolishing the electoral college and providing for the direct popular election of our President, please feel free to contact me.

Sincerely,

CLAY MYERS,
Secretary of State.

Mr. MUSKIE. Mr. President, no issue in the history of this Nation has been studied and debated as extensively and as frequently as the issue of electoral reform. End on end, the pile of literature dealing with the subject could reach across the Nation.

But the results that have emerged from years of national debate and tons of expert study could hardly reach across this Chamber.

It was no easier for those who drafted the Constitution. The debate over the process through which a President was to be elected was, as one of the delegates noted: "The most difficult facing the Convention."

The issue was resolved only after complicated compromises that reconciled the competing power interests of the period. There was no mysticism binding the system that finally emerged. There was no eternal sanctity attached to the electoral college. No delegate considered it perfect or foolproof.

It was exactly what it was intended to be: A compromise that could receive enough support to be approved by the constitutional convention. And as many compromises do, the system has worked reasonably well for a reasonable period of time.

We would make a mistake to suggest that the electoral college has been a failure. Remarkably and with reasonable consistency, the system invented in 1787, with one or two minor failures along the way, has done an effective job.

But the difference between building a democracy and maintaining one is the degree to which responsible officials will improve institutions that reveal flaws before calamity strikes.

The present electoral system suffers at least three basic flaws that jeopardize the proper functioning of the Nation's political process. These include:

First. The havoc that can be caused by the fickle behavior of unpledged electors;

Second. The inadequacy of national election machinery that cannot guarantee a fair and smooth election result; and

Third. The potential danger of a contingent election where a handful of Members in the House of Representatives representing less than 25 percent of the population could completely stifle or obscure the election process.

Thus far none of those weaknesses has torn the Nation apart. However, they did come close:

In 1800, it took the House 32 ballots and threats of civil war and anarchy to finally choose Thomas Jefferson over Aaron Burr.

In 1876, it took a Presidential commission loaded with political intrigue to finally choose a President.

On three occasions the man who received the fewest votes won the Presidency.

On other occasions the mere shift of a few thousand votes in one or two States would have jeopardized the result and thrown the Nation into political chaos.

Why we tolerate such a condition is hard to conceive. If we are afraid to break with the past, we are shortsighted. If we cannot agree on alternatives, we are hardheaded.

No one can convince me that this body is not capable of improving our national institutions in such a way as to satisfy the needs and desires of the people of our Nation. And those desires today demand that we abolish the electoral system and replace it with a direct election of the President.

Forget complicated alternatives with formulas that favor small or large States, urban or rural blocks, conservative or liberal interests.

The time has come to stop quibbling—to stop debating proposed plans that favor North or South—district plans that favor Republicans or Democrats.

The people of this Nation want an election process that is fair. They want a system that offers each citizen one vote and lets each citizen cast that vote directly and unequivocally for the man he thinks should lead the Nation. The American citizen no longer needs middlemen casting votes for him. He no longer needs protection from his passions by "wise electors." Hawks, doves, hard hats or soft hats, the American voter can think for himself and stand on his own two feet.

When all the arguing is done and the shouting and debating diminishes, only one system offers that clear opportunity: direct election of the President.

It is simple.

It is clean.

It is practical.

It has passed the House of Representatives. It has received the broadest possible support from a cross current of national interest groups. It has, off and on, had the support of the President of the United States.

What more inducement does this body need to act? The details dealing with runoffs to prevent minority victories or to safeguard a reasonable result, are legislative tactics that can be compromised by men of good will.

So let us stop the flow of words. Let us stop the bickering. Let us stop the regional hem and haw, the political twists and turns, and let us emerge from this debate with a constitutional amendment that offers the citizens of America a chance to vote directly for their President.

Then let the people and the States determine whether Congress has acted wisely. If they reject our proposal, we can return to our Chambers and begin again.

But now, let us act. And let us act fairly and consistently with our belief that democracy means trusting people not most of the time—but all of the time.

CLOTURE MOTION

The PRESIDENT pro tempore. The clerk will report the cloture motion.

The assistant legislative clerk read as follows:

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the pending joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States.

Signed by 20 Members.

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Under rule XXII, the Chair directs that the clerk call the roll to ascertain the presence of a quorum.

The assistant legislative clerk called the roll, and the following Senators answered to their names:

[No. 305 Leg.]

Aiken	Goldwater	Muskie
Allen	Goodell	Nelson
Allott	Gore	Packwood
Anderson	Gravel	Pastore
Baker	Griffin	Pearson
Bayh	Gurney	Pell
Bellmon	Hansen	Percy
Bennett	Harris	Prouty
Bible	Hart	Proxmire
Boggs	Hartke	Randolph
Brooke	Hatfield	Ribicoff
Burdick	Holland	Russell
Byrd, Va.	Hollings	Saxbe
Byrd, W. Va.	Hruska	Schweiker
Case	Hughes	Scott
Church	Inouye	Smith, Maine
Cook	Javits	Sparkman
Cooper	Jordan, N.C.	Spong
Cranston	Jordan, Idaho	Stennis
Curtis	Kennedy	Stevens
Dodd	Long	Symington
Dole	Mansfield	Talmadge
Dominick	Mathias	Thurmond
Eagleton	McCarthy	Tower
Eastland	McClellan	Tydings
Ellender	McGovern	Williams, N.J.
Ervin	McIntyre	Williams, Del.
Fannin	Metcalf	Yarborough
Fong	Miller	Young, N. Dak.
Fulbright	Mondale	Young, Ohio

Mr. KENNEDY. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. MCGEE), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Utah (Mr. Moss) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON), the Senator from California (Mr. MURPHY), and the Senator from Illinois (Mr. SMITH) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The PRESIDENT pro tempore. A quorum is present.

Mr. HRUSKA. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Nebraska will state it.

Mr. HRUSKA. Is it accurate to say that a vote of "yea" would invoke limitation of debate pursuant to rule XXII, and that a vote of "nay" would revoke such a limitation?

The PRESIDENT pro tempore. The Senator is correct.

The clerk will now call the roll.

Pursuant to rule XXII, a rollcall has been had, and a quorum is present.

The question before the Senate now is, Is it the sense of the Senate that debate on the pending motion shall be brought to a close?

The yeas and nays are automatic.

Those in favor of closing debate will vote "yea." Those opposed will vote "nay."

The clerk will now call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. MCGEE), the Senator from New Mexico (Mr. MONTOYA) and the Senator from Utah (Mr. Moss) are necessarily absent.

On this vote, the Senators from Washington (Mr. MAGNUSON and Mr. JACKSON) are paired with the Senator from New Hampshire (Mr. COTTON). If present and voting, the Senators from Washington would vote "yea" and the Senator from New Hampshire would vote "nay."

Also on this vote, the Senator from Utah (Mr. Moss) and the Senator from New Mexico (Mr. MONTOYA) are paired with the Senator from Nevada (Mr. CANNON). If present and voting, the Senator from Utah and the Senator from New Mexico would vote "yea" and the Senator from Nevada would vote "nay."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON), the Senator from California (Mr. MURPHY), and the Senator from Illinois (Mr. SMITH) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from New Hampshire (Mr. COTTON) is paired with the Senators from Washington (Mr. MAGNUSON and Mr. JACKSON). If present and voting, the Senator from New Hampshire would vote "nay" and the Senators from Washington would each vote "yea."

If present and voting, the Senator from Illinois (Mr. SMITH) would vote "yea."

Also, if present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "nay."

The yeas and nays resulted—yeas 54, nays 36, as follows:

[No. 306 Leg.]

YEAS—54

Aiken	Griffin	Packwood
Allott	Harris	Pastore
Anderson	Hart	Pearson
Baker	Hartke	Pell
Bayh	Hatfield	Percy
Bellmon	Hughes	Prouty
Boggs	Inouye	Proxmire
Brooke	Javits	Randolph
Burdick	Kennedy	Ribicoff
Case	Mansfield	Saxbe
Church	Mathias	Schweiker
Cook	McCarthy	Scott
Cranston	McGovern	Smith, Maine
Dodd	McIntyre	Symington
Eagleton	Metcalf	Tydings
Goodell	Mondale	Williams, N.J.
Gore	Muskie	Yarborough
Gravel	Nelson	Young, Ohio

NAYS—36

Allen	Fannin	McClellan
Bennett	Fong	Miller
Bible	Fulbright	Russell
Byrd, Va.	Goldwater	Sparkman
Byrd, W. Va.	Gurney	Spong
Cooper	Hansen	Stennis
Curtis	Holland	Stevens
Dole	Hollings	Talmadge
Dominick	Hruska	Thurmond
Eastland	Jordan, N.C.	Tower
Ellender	Jordan, Idaho	Williams, Del.
Ervin	Long	Young, N. Dak.

NOT VOTING—10

Cannon	McGee	Murphy
Cotton	Montoya	Smith, Ill.
Jackson	Moss	
Magnuson	Mundt	

The PRESIDENT pro tempore. On this vote the yeas are 54 and the nays are 36. Fewer than two-thirds of the Senators present and voting having voted in the affirmative, the motion is rejected.

Mr. STENNIS. Mr. President, will the Chair announce the result of the vote again?

The PRESIDENT pro tempore. Yes. The Chair did announce the result but will announce it again—54 yeas and 36 nays.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet on social security, medicare, and medicaid matters during the session of the Senate today.

I ask unanimous consent that the Committee on Public Works be authorized to meet on the nominations for regional commissions; that the Subcommittee on Roads of the Committee on Public Works be authorized to meet on the highway bill; and that the Committee on Foreign Relations be authorized to meet during the session of the Senate today.

This request has been cleared on both sides.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, do we now go into the period for routine morning business?

The PRESIDENT pro tempore. We are now in the regular morning hour.

Pursuant to the order previously entered, the Senator from Colorado (Mr. ALLOTT) is allowed 20 minutes.

Let there be order in the Senate and in the galleries.

Several Senators addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Colorado yield; and if so, to whom?

Mr. ALLOTT. Mr. President, may we have order before we proceed?

The PRESIDENT pro tempore. Let us have order. The Chair will suspend proceedings until we have order in the Chamber.

Mr. ALLOTT. Mr. President——

The PRESIDENT pro tempore. The Senator from Colorado will suspend. The Senate is not in order. Senators will please take their seats or retire to the cloakroom.

The Senator from Colorado is recognized.

ORDER OF BUSINESS

Mr. ALLOTT. Mr. President, I yield to the Senator from Texas for the purpose of asking for the appointment of conferees.

The PRESIDENT pro tempore. The Senator from Texas is recognized.

Mr. SYMINGTON. Mr. President, may we have order?

The PRESIDENT pro tempore. Senators should not be holding private conversations in the Chamber, but if they do they should be considerate enough to at least lower their voices.

AUTHORIZATION FOR GRANTS FOR COMMUNICABLE DISEASE CONTROL AND VACCINATION ASSISTANCE

Mr. YARBOROUGH. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2264.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 2264) to amend the Public Health Service Act to provide authorization for grants for communicable disease control and vaccination assistance, which was to strike out all after the enacting clause, and insert:

That this Act may be cited as the "Communicable Disease Control Amendments of 1970".

GRANTS FOR COMMUNICABLE DISEASE CONTROL

SEC. 2. Section 317 of the Public Health Service Act (42 U.S.C. 247b) is amended to read as follows:

"COMMUNICABLE DISEASE CONTROL AND VACCINATION ASSISTANCE

"SEC. 317. (a) There are hereby authorized to be appropriated $75,000,000 for the fiscal year ending June 30, 1971, and $90,000,000 for the fiscal year ending June 30, 1972, to enable the Secretary to make grants to States and, with the approval of the State health authority, to political subdivisions or instrumentalities of the States under this subsection. In the award of such grants the Secretary shall give consideration to the relative extent of the problems relating to one or more of the diseases referred to in subsection (b)(1) and to the levels of performance in preventing and controlling such diseases. Such grants may be used for meeting the cost of communicable disease control programs, including the cost of studies to determine the communicable disease control needs of communities and the means of best meeting such needs.

"(b) For the purposes of this subsection—

"(1) a 'communicable disease control program' means a program which is designed and conducted so as to contribute to national protection against tuberculosis, venereal disease, rubella, measles, Rh disease, poliomyelitis, diphtheria, tetanus, whooping cough or other communicable diseases which are transmitted from State to State, are amenable to reduction, and which are determined by the Secretary on the recommendation of the National Advisory Health Council to be of national significance, and

"(2) the term 'State' includes the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and the District of Columbia.

"(c) Payments under this section may be made in advance on the basis of estimates or by way of reimbursement, with necessary adjustments on account of underpayments, or overpayments, in such installments and on such terms and conditions as the Secretary finds necessary to carry out the purposes of this section.

"(d) The Secretary, at the request of a recipient of a grant under this section, may reduce such grant by the fair market value of any supplies (including vaccines and other preventive agents), or equipment furnished to such recipient and by the amount of pay, allowances, traveling expenses, and any other costs in connection with the detail of an officer or employee to the recipient when the furnishing of such supplies or equipment, or of the detail of such officer or employee (as the case may be), is for the convenience of and at the request of such recipient and for the purpose of carrying out the program with respect to which the grant under this section is made. The amount by which any such grant is so reduced shall be available for payment by the Secretary of the costs incurred in furnishing the supplies, equipment, or personal services on which the reduction of such grant is based, but such amount shall be deemed a part of the grant to such recipient and shall, for the purposes of subsection (c), be deemed to have been paid to such agency.

"(e) Nothing in this section shall limit or otherwise restrict the use of funds which are granted to a State or to a political subdivision of a State under other provisions of this Act or other Federal law and which are available for the conduct of communicable disease control programs from being used in connection with programs assisted through grants under this section.

"(f) The Secretary shall submit an annual report to the President for submission to the Congress on the effectiveness of activities assisted under this section in preventing and controlling communicable diseases.

"(g) Nothing in this section shall be construed to require any State or any political subdivision or instrumentality of a State to have a communicable disease control or vaccination program which would require any person who objects to such treatment to be treated, or to have any child or ward of his treated."

Mr. YARBOROUGH. Mr. President, I move that the Senate disagree to the amendments of the House of Representatives and ask for a conference with the House thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and, the Presiding Officer (Mr. HART) appointed Mr. YARBOROUGH, Mr. WILLIAMS of New Jersey, Mr. KENNEDY, Mr. NELSON, Mr. EAGLETON, Mr. CRANSTON, Mr. HUGHES, Mr. DOMINICK, Mr. JAVITS, Mr. MURPHY, Mr. PROUTY, and Mr. SAXBE conferees on the part of the Senate.

ORDER OF BUSINESS

Mr. ALLOTT. Mr. President, I yield to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

COMMITTEE MEETING DURING SENATE SESSION

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the Committee on Banking and Currency be authorized to meet during the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

PLANNED VISIT OF VICE PRESIDENT KY TO THE UNITED STATES

Mr. ALLOTT. Mr. President, I am disturbed by the persistent reports that South Vietnam's Vice President Nguyen Cao Ky is planning a visit to the United States that will feature a speech at a "March for Victory" rally here in Washington.

There is no reason why Vice President Ky should not feel free to visit this country. But I feel strongly that Vice President Ky, as a citizen of another country, and as an official in another government, should not participate in American political activities.

This proposed appearance at the "March for Victory" is objectionable on two grounds, one philosophic and the other practical.

The philosophic objection is that it is wrong for an official of a foreign government to attempt to tamper with the political process and public opinion of another country.

The practical objection is that Vice President Ky's appearance at a highly partisan rally will aggravate American conflicts.

I want to elaborate briefly on both of these objections.

I think it would be most improper for Vice President Ky—or any other official of any other government—to participate in a public demonstration designed to influence American public opinion.

In saying this I intend no disparagement of Vice President Ky. I am speaking to a very limited, but very important point: The integrity of the American political process.

I think all public officials should adhere to a rule of noninterference in the political affairs of other nations. This rule is applicable—indeed, it is especially applicable—to officials of nations that are allied in military effort.

The fact that two nations are military allies in no way diminishes the importance of mutual respect for the integrity of the political processes of the respective nations. Indeed, military alliances inevitably generate political tensions that can only be exacerbated by intrusions by officials of one nation into the domestic processes of another nation.

What is involved here is a question of the basic integrity of the American political process.

We are a pluralistic nation with a healthy complement of factions, opinions, and spirited participants in the political process. That is as it should be.

What would not be proper would be to institute the practice of further leavening our political life by importing foreign political participants from other nations. Such political participants come equipped with their own commitments; they represent the interests of their own nations, or governments, or parties—and themselves.

Sometimes their interests will coincide with our interests; sometimes they will not. But the coincidence of their interests with our own interests is immaterial. The crucial point is that American political processes should not be considered open to any and all who might choose to play.

All Americans are free to promote their vision of the national interest. Indeed, it is a civic duty to do so. But the very concept of civic duty is integrally related to the idea of citizenship.

Citizens should be attentive to the political processes of their own nations. And they should avoid interference with the political processes of those who are of different citizenship.

I know that there have been occasions when American public officials have violated what I consider to be the rule of good behavior. Some American officials—including Senators—have visited foreign nations and made public speeches designed to influence the policies—foreign or domestic—of the host country. I would

hope that, in the future, American public officials would set an example to officials of other nations.

Thus far, Mr. President, I have dealt with a question of basic political philosophy. I have argued that the very essence of citizenship is that it confers an exclusive right to participate in the political processes of a particular polity. That principle is one ground on which I base my objection to Vice President Ky participating in an American political demonstration.

There is also a very practical objection to such participation. One of President Nixon's greatest achievements has been his reversal of the tide of escalation in South Vietnam. He has set America irreversibly on the road to honorable disengagement from that war. The vast majority of Americans understand and applaud this policy. That is why the most serious divisions in American public opinion have begun to heal.

I am afraid that an appearance by Vice President Ky at a partisan rally will exacerbate old divisions within our society. The organizers of the "March of Victory" are billing the event as "a great gathering of hawks" and they are promising that Vice President Ky will deliver a very bellicose speech.

Whatever one thinks of the objectives of the "March for Victory," one must conclude that the organizers of the event are adopting policies which are self-defeating. Americans of all political persuasions will react strongly against any intrusion into our political processes.

If Vice President Ky undertakes to generate support for his nation by interfering in our Nation, it is predictable that he will generate only a strong backlash against the cause he seeks to serve most. Further, his performance will inspire the extremists of the left to take to the streets once again. This will give the enemy the impression that America is lapsing into bitter dissension.

All this will work against the President's policy and our policy of orderly and honorable disengagement, a policy which the American people support. The American people will not look kindly on any political activity which generates an atmosphere that hinders the President's policy.

This country never needs interference from other nations' political leaders. And President Nixon certainly does not need any gratuitous advice on how to win the peace in Vietnam. He is doing fine on his own.

In short, Mr. President, I think Vice President Ky is being ill-served by those who are advising him to speak at the so-called "March for Victory." Very frankly, I had hoped that, after the Washington demonstrations of last October and November, we had passed the stage at which Americans—of any persuasion—would take to the streets in an attempt to pressure policy makers.

Still, the right to petition for redress of grievances is inviolable, and such petitioning can take the form of mass demonstrations. Therefore, although I question their judgment, those organizing the "March for Victory" are well within their rights. But their judgment is doubly faulty when they import a foreign political figure to participate in pressuring the American Government.

Mr. STENNIS. Mr. President, will the Senator yield, since I must leave the floor?

Mr. ALLOTT. I yield.

Mr. STENNIS. I am very impressed with the Senator's speech. I heartily endorse what he has said and commend him highly for his remarks. I join with him in what he has said on the principle involved, that affecting international affairs, such as the one we are in now. I commend him. I am not surprised that he has come forth with a good, solid talk, because he comes forth with many of them.

Mr. ALLOTT. I thank the Senator. Very little has been said about this matter, chiefly because the Senate has been involved in other matters. But I thought that now it would be well to voice one Senator's thoughts not only on the philosophical side, but also on the practical side of this question. I thank the Senator.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. PERCY. I was pleased also to see the position of leadership taken by the Senator from Colorado in this matter and the support given to it by the Senator from Mississippi (Mr. STENNIS), chairman of the Armed Services Committee.

I would like to add a voice from the Midwest. I hope that Vice President Ky would give due weight to a feeling that is very strong in this body, and give more weight to it than pleas, eloquent as they may have been, by a citizen who flew out there to persuade him to intervene in this matter.

His coming to the United States for such purpose would be a great disservice to South Vietnam, his own country, and I think would backfire on the Vice President of Vietnam personally, as well.

There is an urgent feeling that these matters be left to the citizens of the United States without intervention of an official of a foreign government; that the Vice President could have a complete reversal of what the Vice President might anticipate. It is very difficult to anticipate reactions. It is very difficult for us to understand the full nature and impact of our own politics, much less for someone coming from 10,000 or 11,000 miles away, who intervenes in what appears to him, on the surface, to be a demonstration for a cause he believes in, but which I think would backfire on the very purpose he intends to serve.

I think a great disservice would be rendered not only to the Government of South Vietnam and its people and its cause, but to the domestic tranquility we are trying to maintain. We are trying to deal with reason in these complex problems, rather than emotion.

The chairman of the Republican Policy Committee, the distinguished Senator from Colorado (Mr. ALLOTT), has made a valuable contribution at a very crucial moment when too many have been silent on this issue.

Mr. ALLOTT. I thank the Senator. I appreciate his words, particularly his support of this position. I had not had the opportunity to discuss it with him beforehand, but to me it constitutes a major question. As he points out, it could well work into a blacklash as far as public opinion is concerned.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I would like to add my strong endorsement and sincere commendation to my distinguished colleague from Colorado (Mr. ALLOTT) for calling attention to some political facts of life and the sensitivity that I am certain is shared by every American—that we resent the instrusion of anyone, even though he might come in and speak on the side that we favor, in a matter of domestic internal political concern.

What the distinguished Senator from Colorado has pointed out should be apparent to anyone. It is like trying to inject oneself into a family argument. All one does is to encourage the wrath and ill will of both sides.

I can only say that Vice President Ky's coming to America, or anyone else's coming over there and attempting to advise us, will serve no useful purpose at all. We have demonstrated, I think, considerable ability in working our national will out from time to time. Admittedly we do not always agree, and sometimes we may pursue courses that do not lead us in the direction we may eventually reach; but we do have a way of deciding for ourselves in a way exclusively American what course of action we think will best serve this great Republic of ours.

I hope that the Vice President of South Vietnam will heed the very wise and sagacious counsel of the distinguished Senator from Colorado, the chairman of the Republican Policy Committee in the Senate, but more importantly, a great American.

Mr. ALLOTT. I thank the Senator very much. I yield to the Senator from Kansas.

Mr. DOLE. Mr. President, let me say very briefly that I share the views expressed by the distinguished Senator from Colorado. I am familiar with the so-called march for victory, and understand the objectives of the promoters of the march. They are inconsistent with the policy being pursued by President Nixon. He does have a plan for peace, it is working, and we are disengaging in Southeast Asia.

Therefore, I join the Senator from Colorado, the Senator from Illinois, and the Senator from Wyoming in suggesting that perhaps Vice President Ky might find some other task more important and more compelling than participation in this so-called march for victory.

Mr. ALLOTT. I thank the Senator very much. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, I thank the Senator from Colorado for giving very sage counsel to Vice President Ky.

If he came here on an official mission, dealing with the affairs of his country,

and his government, that would be one thing; but to come here in connection with some propagandistic activity is only bound to distort the clarity of vision which all Americans wish to exercise in respect to Vietnam.

As the Senator knows, I am very strong for our gettng out of Vietnam. Others who have spoken have different points of view on that score, and it is very interesting that we should all have the same point of view as to the desirability of Vice President Ky's trip for this purpose which has been described.

I think the important thing here is to give us as tranquil an opportunity to appraise the relationship of the United States to the war in Vietnam as possible; and I believe it would only be an exercise in exacerbation if, for this purpose, the Vice President of Vietnam came here.

I thank my colleague.

Mr. ALLOTT. I thank my distinguished friend from New York for his remarks in support of the thoughts put forth by me a few moments ago.

I yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, from this side of the aisle, I commend the distinguished Senator from Colorado for taking the initiative on this particular question, which could prove most embarrassing to the administration, to Congress, and to the American people as a whole.

We have enough confusion, discontent, and dissatisfaction in this country to contend with, and it will take all our efforts to face up to those difficulties and find ways and means to cope with them. Just to mention an illustration, I was very much disturbed at some of the activities engaged in and some of the obscenities shouted at the President of the United States and the Vice President yesterday. I fear we are losing our sense of perspective and proportion.

I would hope that we could restore some of the old virtues, which are still good: The virtues of civility toward one another, respect toward one another, and at least listening to the other fellow's point of view, because he may be right.

Certainly what we need in this country now is not causes for further dissention, or situations which might bring about incidents which could explode into some sort of a difficult situation, but, instead, to work together for the common good to solve our own problems by ourselves; and I just want the RECORD to show that I cannot too highly commend the distinguished Senator from Colorado, one of the leaders of his own party in the Senate, for the initiative which he has shown today.

Mr. ALLOTT. I thank the Senator very much. I am sure he agrees with me that on the broad front, all public officials, whether of this country or other countries, would do well to remove themselves from situations which cause them to participate in the internal political processes of other countries. So I am very appreciative of the Senator's words.

I yield to the distinguished Senator from Florida.

Mr. GURNEY. Mr. President, I, too, commend the Senator from Colorado for bringing to the attention of the Senate this matter of the pending planned visit of Vice President Ky to this country.

Certainly we have had all sorts of demonstrations of radical elements in this country, including those not only wanting to stir up antiwar sentiment, but using that, often, as a ruse and a guise simply to stir up confusion and revolution within our Nation.

Certainly one of the potential dangers of a visit from Vice President Ky would be, I think, as a rallying point for some of these very radical elements in our country, to use it as a means of further stirring up dissention and confusion, and even exercising and sowing the seeds of the spirit of revolution which is abroad in the land here and there today; and it would defeat the very purpose, I think, that the Vice President of South Vietnam would have in coming here. I expect he probably wants to bolster his country's cause here, and to aid its war effort; and his visit might serve the exact opposite purpose, as the able senior Senator from Colorado has so forcefully brought out.

I certainly support the Senator in his remarks. He has done the country a service in bringing this matter to the attention of the Senate.

Mr. ALLOTT. I thank the distinguished Senator from Florida. Mr. President, I am about to yield the floor. I would just like to say one thing: I had not anticipated that there would be so much interest in this issue. I certainly appreciate the support for the point of view one Senator as an individual has expressed concerning an aspect of Vice President Ky's proposed visit.

I yield the floor.

Mr. SCOTT. Mr. President, I join with my distinguished colleagues who spoke so eloquently against the proposed visit of Vice President Ky to a rally in Washington.

It is my opinion that no purpose whatever would be served by bringing in an official from Vietnam, who is not that country's chief executive, by a group of people whose only contribution to the dialogue would be to increase divisiveness in America.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the joint resolution (H.J. Res. 1366) to provide for the temporary extension of the Federal Housing Administration's insurance authority, in which it requested the concurrence of the Senate.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H.J. Res. 1366) to provide for the temporary extension of the Federal Housing Administration's insurance authority, was read twice by its title and referred to the Committee on Banking and Currency.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. HART). Under an order previously entered, the Chair recognizes the Senators from Kansas (Mr. PEARSON and Mr. DOLE).

PRESIDENT NIXON'S VISIT TO KANSAS STATE UNIVERSITY

Mr. PEARSON. Mr. President, yesterday the President of the United States delivered the Alf M. Landon lecture at Kansas State Universtiy. I am proud to say many Members of the Senate, including, I think, the distinguished Senator from Massachusetts (Mr. BROOKE) and the distinguished majority leader (Mr. MANSFIELD), have participated in this series of lectures. The purpose of these annual lectures is to recognize, in a growing, expanding, complex society, with all of its problems, that there must be some union, some association, between the seat of power and the world of thought.

What the President said yesterday was most significant; and my distinguished colleague will put the President's speech into the RECORD in a moment. But the manner of his delivery was also important.

The President heeded his own admonition to speak low, to use cool rhetoric. In an area, on a campus, where logic and reason should prevail, his presentation was most thoughtful. There were present a few who, by some special effort or unique talent, have perfected all of the bad manners that one may acquire. I would guess that there were no more than 25 or 50, in a crowd of about 15,000 people, who heckled the President of the United States, shouting obscenities and vulgar slogans; and in doing so, they not only sought to insult him but also the country and the institutions he represents.

Mr. President, I was surprised and glad that there were so few. I was astonished that these few could make so much noise, that their voices would carry so far. But the 15,000 who were there responded enthusiastically. The press says that they were with the President. I know they were with him. But I think they were also with something else. I think they were seeking to express for themselves not only the right to speak but also the right to listen, and to say to those who sought to disrupt the meeting that, on at least one campus in the United States, good manners, thoughtful presentation, and the courtesies that make it possible to live together are going to be observed.

I fear not so much today the confrontation between the town and the gown. But I think today that those who would seek to close our schools, those who would seek to disrupt the educational process, are going to have to deal with their own contemporaries on the campus.

I was very proud of Kansas State University yesterday. I was very proud of the President of the United States. I urge my colleagues in the Senate to read and study the address of the President of the United States of yesterday.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. PEARSON. I am happy to yield to my distinguished colleague.

Mr. DOLE. Let me say, first, that I

share each view and thought expressed by my senior colleague from Kansas.

Yesterday, the State of Kansas and its first citizen, the Honorable Alf Landon, and Kansas State University were paid a singular honor. As pointed out by my senior colleague, in Manhattan, Kans., the President of the United States delivered the 1970 lecture in a distinguished series endowed by and named after the State's former Governor and 1936 Republican candidate for President.

As has been pointed out, the audience was almost entirely composed of students—students from some 50 States, and numerous foreign nations. Kansas State University is a great university. We are proud of our young people, but never have we been as proud as yesterday, when we witnessed a truly dramatic event in the Nation's history.

I have said, on reflection, that it could signify the turning point in the wave of campus unrest, violence, and unreason; because the students at Kansas State University clearly indicated they welcome a voice of reason and responsibility. There is no doubt about it. Time after time, there were thunderous standing ovations. When the President said at one point that we cannot expect law and order abroad unless we have law and order at home, the reaction was similar to that which one would expect at a basketball game between Kansas State University and their arch rival, Kansas University, in an overtime, with one side gaining a last-second lead. The ovation was tremendous.

Speaking frankly, I say that hundreds of the students who came to listen yesterday were not pro-Richard Nixon students; they may not be great supporters of Richard Nixon; but they came and listened with an open mind—and respectfully.

As my colleague has pointed out, yes, there were a few—a very few—who had different ideas. There were those, some 20 or 30, who sought to embarrass the President, who sought to embarrass the very distinguished president of Kansas State University, James McCain, and our distinguished elder statesman, Alf Landon, by shouting obscenities and by shouting slogans, and yes there were a few tense moments.

I am certain that my colleague was anxious at times, as I was, and as was Dr. McCain. But, it was a great day—yes, for Kansas; yes, for the President; but, above all, a great day for students in America. It proves that a President of the United States may visit a college campus without fear for his safety; and, even more importantly, it indicated that the great, great majority—all but a very few—of the college students in America will welcome a visit by the President of the United States.

The President spoke to the students about matters which are foremost in the minds of young people throughout our country, the war in Vietnam, the crisis of our environment and campus turmoil. The central thrust of the President's remarks was that violence has no place in efforts to bring change and reform to American institutions, and disruption will not achieve solutions to America's problems.

The students gave the President and Mrs. Nixon a thunderous reception, and his address was frequently interrupted by sustained ovations. The New York Times this morning said it was "one of the most enthusiastic public appearances of his Presidency." The warmth and spontaneity of the Kansas State students signified much more than the generous hospitality for which Kansas is so widely known. Their attitude illustrated that American youth, the overwhelming majority of it, appreciates and recognizes being talked to reasonably, seriously and positively; that American youth knows constructive, dedicated, and vigorous efforts within the framework of society's institutions are the practical and necessary way to bring change and improvement to our country; and that American youth rejects and scorns the doctrine of upheaval, disorder, and revolt so loudly proclaimed by some self-designated leaders and pseudospokesmen in this country.

Dr. McCain, told me last night of the overwhelming national response to the courtesy, appearance, and enthusiasm of the Kansas State student body. He has received telephone calls and telegrams from every part of the country praising the students and congratulating him for the quality of young people at the university.

It was a day of pride at Manhattan—purple pride for Kansas State; pride in a distinguished elder statesman and a historic visitor for the State of Kansas; and American pride in young people who proved, as the President said, that the heart of this country is strong and good and sound.

Mr. President, I ask unanimous consent that President Nixon's address to the students of Kansas State University at the Alf M. Landon lecture be printed in the RECORD at this point.

There being no objection, the President's address was ordered to be printed in the RECORD, as follows:

TEXT OF AN ADDRESS BY THE PRESIDENT AT KANSAS STATE UNIVERSITY, MANHATTAN, KANS.

At this great university, in this distinguished company, I cannot help thinking about the twists of fate—and of how we learn from them.

I think of the fans of Wildcat football here today who have known what it is to lose—and then who have known what it is to win.

I think back to 1936, when Governor Landon—who already knew what it was to win—learned what it was like to lose.

And I think too of some of the moments in my own career: as a football player who spent most of his time on the bench; as a candidate who knew the thrill, the great satisfaction, of winning—and then as a candidate who learned what it meant to lose.

Having won some and lost some, I know—as you know—that winning is a lot more fun.

But I also know that defeat or adversity can react on a person in different ways.

He can give up; he can complain about "a world he never made;" or he can search the lessons of defeat and find the inspiration for another try, or a new career, or a richer understanding of the world and of life itself.

When Alf Landon lost his race to Franklin Roosevelt, he was not a man to waste his life in brooding over might-have-beens. In the 34 years since then, the world has been transformed. Enriched by his experience, Alf Landon has continued to grow with it—until now he is one of the great elder statesmen of America, a man whose wisdom and common sense, and whose outspoken concern for the welfare of this nation, have inspired and aided generations that have come after.

Or take Kansas State and its football team.

Just three years ago the Wildcats had a dismal seven-year record of eight wins and sixty losses. But there was a dogged spirit here, a determination, a readiness to learn new ways—and when Vince Gibson came to the campus it was that spirit, that determination, the "Purple Pride" that he helped translate into the Purple Power of today.

As for myself, I doubt that I would be President today if I had not learned from the lessons of defeat in 1960 and 1962—and I hope that I can be a better President because of those lessons.

I cite these not only to suggest that we here today have something in common—but also because this pattern of playing by the rules, of losing some and winning some, of accepting the verdict and having another chance, is fundamental to the whole structure on which our liberty rests.

There are those who protest that if the verdict of democracy goes against them democracy itself is at fault—who say that if they don't get their own way, the answer is to burn a bus or bomb a building.

Yet we can maintain a free society only if we recognize that in a free society no one can win all the time; no one can have his own way all the time; and no one is right all the time. Whether in a campaign or a football game, or in debate on the great issues of the day, the answer to "losing one" is not a rush to the barricades but a study of why, and then a careful rebuilding—or perhaps a careful re-examination of whether the other fellow may have been right after all.

When Palestinian guerrillas hijacked four airliners in flight, they brought to 250 the number of aircraft seized since the skyjacking era began in 1961. And as they held their hundreds of passengers hostage under threat of murder, they sent shock-waves of alarm around the world at the spreading disease of violence and terror and its use as a political tactic.

That same cancerous disease has been spreading here in the United States.

We saw it three weeks ago in the vicious bombing at the University of Wisconsin, in which one man lost his life, four were injured and years of painstaking research by a score of others destroyed.

We have seen it in other bombings and burnings on our campuses, and in our cities; in the wanton shootings of policemen; in the attacks on school buses; in the destruction of offices, the seizure and harassment of college officials, the use of force and coercion to bar students and teachers from classrooms and even to close down whole campuses.

Consider just a few items in the news:

A courtroom spectator pulls out a gun, halts the trial, gives arms to the defendants, takes the judge and four other hostages, moves to a waiting getaway van—and in the gunfight that follows four die, including the judge.

A man walks into the guardhouse of a city park and pumps five bullets into a police sergeant sitting quietly at his desk.

A Nobel Prize winner working on a cancer cure returns to the cages of his experimental rats and mice to find them vandalized, with some of the animals running loose, some thrown out of the window into the sea, and hundreds missing.

A police patrolman responds to an anonymous emergency call that reported a woman screaming, arrives at the address, finds the

house deserted but a suitcase left behind; as he bends over to examine the suitcase it explodes, blowing off his head and wounding seven others.

These acts of viciousness all took place in the United States—and all within the past five weeks.

America at its best has stood steadfastly for the rule of law among nations. But we cannot stand successfully for the rule of law abroad unless we respect the rule of law at home. A nation that condones blackmail and terror at home can hardly stand as the example in putting an end to international piracies or tensions that could explode into war.

The time has come for us to recognize that violence and terror have no place in a free society, whoever the perpetrators and whatever their purported cause. In a system that provides the means for peaceful change, no cause justifies violence in the name of change.

Those who bomb universities, who ambush policemen, who hijack airplanes and hold their passengers hostage, all share in common not only a contempt for human life but also a contempt for those elemental decencies on which a free society rests—and they deserve the contempt of every American who values those decencies.

Those decencies, those self-restraints, those patterns of mutual respect for the rights and the feelings of one another, and the willingness to listen to someone else and not shout him down, are what we must preserve if freedom itself is to be preserved.

There always have been those among us who chose violence or intimidation to get what they wanted. Their existence is not new. What is new is their numbers, and the extent of the passive acquiescence, or even fawning approval, that in some fashionable circles has become the mark of being "with it."

Commenting on the bombing three weeks ago at the University of Wisconsin, the Wisconsin State Journal recently said:

". . . it isn't just the radicals who set the bomb in a lighted, occupied building who are guilty. The blood is on the hands of anyone who has encouraged them, anyone who has talked recklessly of 'revolution,' anyone who has chided with mild disparagement the violence of extremists while hinting that the cause is right all the same."

And I would add that what corrodes a society even more deeply than violence itself is the acceptance of violence, the condoning of terror, the excusing of inhuman acts in a misguided effort to accommodate the community's standards to those of the violent few.

For when this happens, the community sacrifices more than its calm, and more even than its safety. It loses its integrity and corrupts its soul.

Nowhere should the rule of reason be more respected, or more jealously guarded, than in the halls of our great universities.

Yet, as we know, at some of our great universities small bands of destructionists have been allowed to impose their own rule of arbitrary force.

Because of this, we face the greatest crisis in the history of American education today.

In times past we have faced shortages of classrooms, shortages of teachers, shortages that could always be made up by appropriations of money.

These material shortages are nothing compared to the crisis of the spirit which rocks hundreds of campuses across the country today. And because of this, to put it bluntly, today higher education in America risks losing that essential support it has had since the beginning of this country—the support of the American people.

America has been rightly proud in the past of its enormous strides in higher education. The number of students in college today has doubled in the past decade. But at a time when the quantity of education is going dramatically up its quality is massively threatened by assaults which terrorize faculty, students and university and college administrators alike.

It is time for responsible university and college administrators, faculty and student leaders to stand up and be counted. Only they can save higher education in America. It cannot be saved by government. To attempt to blame government for all the woes of the universities is to seek an excuse, not a reason, for their troubles. If the war were ended today, if the environment were cleaned up tomorrow morning and all the other problems for which government has the responsibility were solved tomorrow afternoon—the moral and spiritual crisis in the universities would still exist.

The destructive activists at our colleges and universities are a small minority. But their voices have been allowed to drown out the responsible majority. (That may be true at some places, but not here at Kansas State). As a result, there is a growing, dangerous attitude among millions of people that all youth are like those few who appear night after night on the television screen shouting obscenities, making threats or engaging in destructive and illegal acts.

One of the greatest disservices the disrupters have done, in fact, is precisely this: to reflect unfairly on those millions of students who *do* go to college for an education, who do study, who do respect the rules and who go on to make constructive contributions to peaceful change and progress in this country.

I would not for one moment call for a dull, passive conformity on the part of our university and college students, or for an acceptance of the world as it is. The great strength of this nation is that our young people, in generation after generation, give the nation new ideas, new directions, new energy. I do not call for a conformity in which the young simply ape the old or in which we freeze the faults that we have. We must be honest to find what is right and to change what is wrong. But at the same time we must take an uncompromising stand against those who reject the rules of civilized conduct and of respect for others—those who would destroy what is right in our society and whose actions would do nothing to right what is wrong.

Automatic conformity with the older generation is wrong. At the same time, it is just as wrong to fall into a slavish conformity with those who falsely claim to be the leaders of the new generation, out of fear that it would be unpopular—or considered square—not to follow their lead. It would be a tragedy for our young generation simply to parrot the policies of the past. It would be just as great a tragedy for the new generation to become simply parrots for the slogans of protest, uniformity chanting the same few phrases—often with the same four-letter words.

Let us take one example that deeply troubles many of our young people today: the war in Vietnam.

Many of the slogans simply say we should end the war.

We *are* ending the war. The great question is how we end it, and what kind of peace we achieve.

A "peace now" that led only to a bigger and more terrible war later would be peace at too great a price.

As we look back over the 20th Century, we see that not yet in this century has America been able to enjoy a full generation of peace.

The whole thrust, the whole purpose, of this Administration's foreign policy—whether in Vietnam or the Middle East, or in Europe, or in relations with the developing countries or the Communist powers—is to meet our responsibilities in such a way that at last we *can* have what we have not had in this century: a full generation of peace.

That is why, in Vietnam, we are carrying out a plan that will end the war, and that will do it in a way that contributes to a just and a lasting peace in Vietnam and in the world.

There are those who say that this is the worst of times to be alive. What self-pitying nonsense that is.

But we in America have a great deal to be proud of—and a great deal to be hopeful about.

If we open our eyes, if we look at all that for the first time in the whole history of man is becoming possible here in America, what do we see?

We see a natural environment that has been damaged by the careless misuses of technology, true; but we also see that the same technology gives us the ability to clean up that environment and restore the clean water, the clean air, the open spaces, that are our rightful heritage.

We see a nation now rich enough so that everyone willing and able to work can earn a decent living, and so that we can care for those who are not able to do so.

We see a nation that now has the capacity to make enormous strides in these years just ahead in health care, in education, in the creative use of our increasing leisure time.

We see a nation poised to progress more in the next five years, in a material sense, than it did in fifty only a short time ago.

We see that because our wealth, because of our freedom, because of our "system," we can go on to develop those great qualities of the spirit that only decades ago were still buried by the weight of drudgery—and that we can do this not just for an elite, not just for the few, but for the many.

The question is: How shall we use our great opportunity?

Shall we toss it away in mindless disruption and terror? Shall we let it wither away in despair? Or shall we so prepare ourselves and so conduct ourselves, that this will be looked back upon as the beginning of the brightest chapter ever in the unfolding of the American dream?

Making its promise real requires an atmosphere of reason, of tolerance, of common courtesy—with that basic regard for the rights and feelings of others that is the mark of a civilized society.

It requires that the members of the academic community rise firmly in defense of the free pursuit of truth—that they defend it as zealously today against threats from within as they have at other times against threats from without.

It requires that the idealism of the young—and indeed, the idealism of all ages—be focused on what can be done within the framework of a free society, recognizing that its structure of rights and responsibilities is complex and fragile and as precious as freedom itself.

The true idealist pursues what his heart says is right in a way that his head says will work. But the final test of his idealism lies in the respect he shows for the rights of others.

Despite all the difficulties, all the divisions, all the troubles that we have had, we can look to the future with pride and with confidence.

As I speak here today on the campus of this great university, I recall one of the great sons of Kansas, Dwight David Eisenhower. And I recall the eloquent address he delivered in London's historic Guildhall in 1945, at a ceremony in his honor after he had led the allied forces to victory in Europe.

On that day, to the huge assemblage that had gathered in his honor, made up of the officialdom of all Britain, he said: "I come from the heart of America."

Now, 25 years later, as I speak in the heart of America, I can truly say to you here today

that you are the heart of America—and the heart of America is strong. It is sound. It is good. It will give us—you will give us—the sound and responsible leadership that the great promise of America calls for—and in doing so you will give my generation what it most fervently hopes for: the knowledge that your generation will see that promise fulfilled.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. PEARSON. I yield.

Mr. SCOTT. I thank the distinguished Senator from Kansas.

Mr. President, I have two or three observations.

First, I was very pleased to be asked by my great and good friend, the former Governor of Kansas, Alf Landon, to support the request—which was successful—of the two Senators from Kansas in inviting the President to speak at Kansas State University. Alf Landon is one of the great Americans for whom I have the warmest kind of regard. Here is a man who, at 83, alertly follows all the developments at home and abroad, whose observations are frequently bold and frequently stirring in their imaginativeness, a man who has the most progressive kind of approach to America's problems. So it was for me an act of friendship to say that I would indeed join in the request of the two Senators from Kansas that the President deliver the Landon lecture.

Second, I was delighted with the reception. Americans could see it on television. It was evident that the President was speaking with candor, with friendliness toward youth and toward the whole educative process; that he was tolerant of dissent as, unfortunately, a handful of dissenters were not tolerant of him. He was, of course, helped, I would say, with the student body and with the American people by the utter shameless nastiness of a handful of obscene biological sports who were exhibiting for the world to see what the violent type of dissenter is like. This little group of nasties simply served to highlight the fact that the President was speaking with reason, with judgment, with compassion, and with understanding of the problems which so frustrate and so concern and so arouse the student bodies in America.

Several Senators were watching the news event in late afternoon, and we joined in a common prediction that the first network commentator to appear would of course say that the President had chosen a friendly university in the heartland of America and that he was speaking there because he chose this, but they would have an implication that he would not dare speak anywhere else.

I regret to say that NBC's commentator promptly said exactly that, 5 minutes after we had predicted that he would say it. It simply indicates either that we are good prophets or that we know exactly what to expect from some people.

Now that was an unfair comment. It was deliberate. It was made with intent to be biased. Every time I get a letter from some of the networks about the fact that they are free of bias, I often wonder whom they are fooling.

I should like to make it clear that they are not fooling me.

I wrote a book once in which I stated, "Never quarrel with the news media or the clergy, because the media will get back at you in their next column or in their next broadcast, and the clergy always have a higher court of appeal than you do."

Of course, like any other person in politics, I violate my own precepts occasionally; nevertheless, I have got to say it, because I am simply fed up with this kind of broadcast reporting. The press did not do it. The newspapers did not do it. They reported the speech perfectly fairly and perfectly objectively. Even newspapers that had been criticized by the people of my party reported it objectively and fairly.

It is time the networks pulled up their socks and realized how many people in this country they are making angry by these assertions of calculated bias.

I have a third observation to make, Mr. President, and that is that I am perfectly certain the President of the United States delivered a temperate, considered, logical, and understanding address. The President would be equally welcome at Penn State, the University of Pennsylvania, and the University of Pittsburgh. The implication that the President of the United States must be frightened off by a little handful of contemptibles is, to my mind, something which should be rejected right here on the floor of the Senate. It should also be rejected by the American people.

It was an historic speech. It was a turning point. As the two Senators from Kansas say, we have every right to be proud that the President of the United States addressed himself to the problems of youth with such grace and with such distinction.

I thank both Senators from Kansas for having brought this matter to the attention of the Senate.

Mr. PEARSON. Mr. President, I now yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, I am very happy that the President of the United States went to one of the major universities of the Midwest, one of the truly good universities in the Nation, and there was treated, on the whole, with respect, consideration, and understanding.

I have heard reference to the appellation given to Kansas State as a "friendly" university.

Several years ago, I gave one of the Landon lectures, a series endowed in the name of the former Governor of Kansas, Alf Landon, the Republican presidential candidate in 1936, a man of wisdom and understanding.

I want to assure my colleagues that, at that time, Kansas State was having its share of difficulties. It was only, in my opinion, through the administration of a great man, Jim McCain, the president of that university, that the situation was kept in hand and under control.

I can speak of Jim McCain with a great deal of personal knowledge because he is a close personal friend of mine. When he left the Navy at the end of the Second World War, his first job was to assume the presidency of the University of Montana in Missoula. I was on the faculty with Jim McCain. I have been on the faculty of the university there for the past 28 years. Of course, I do not get paid for it. But they carry my name and I sign a contract every year. So I came to know Jim McCain very well and through him I had the opportunity to see some of the problems which confronted him at Kansas State, how he was handling them, and how he was facing up to them and solving them.

So I could not emphasize the words "friendly university" too much. In fact, in my opinion, practically all the universities in this country could be so classified so far as the great majority of their student bodies are concerned.

As I said earlier today, I am very much disturbed at some of the trends in this country. I am disturbed that some of the old virtues seem to be on the way out, such as the virtue of stability, the virtue of respectability, the virtue of listening to the other fellow—who knows, he may be right. To put it simply, there is a need to bring about a better understanding of one with another.

I am also disturbed at the attitude of a great many people, both on and off campus, toward the police forces and the lawmen in general of this country. The most inoffensive of the words used is "pig" so far as a policeman is concerned, and the most offensive, of course, are the coarsest words in the English language.

I am delighted that the President of the United States went to Kansas State University. I hope that he finds it possible to go to other universities. I would expect that, as a guest of any university, and as the President of the United States, he would be treated with respect and that he would be listened to. We might disagree with him, but, after all, if we are going to have a democracy, if we are going to have a system which is based not on one person or on one group's idea of what is right or what is wrong, we must listen to reasonable discussion and reasonable debate, to the end that out of it can come a more solidified citizenry, a more unified country, and a decrease—a decided decrease—in the divisiveness and the polarization which is becoming, and has been for some time now, so apparent in different parts of the country.

So, to the President of the United States goes my congratulations for doing a fine job at Kansas State University; and to Governor Landon goes my congratulations for making it possible for the President to appear under the auspices of the series which he founded; and to Jim McCain I offer my congratulations for doing an outstanding job as president of Kansas State; and to the student body, 99 percent of whom reacted with respect, understanding, and a proper recognition of what the office of the presidency of the United States means in this democracy, I offer my congratulations as well.

Mr. PEARSON. The majority leader is precisely correct and I thank him for his comments.

Mr. President, I now yield to the Senator from Ohio.

Mr. SAXBE. Mr. President, I read with interest the speech delivered by the President at Kansas State University on yesterday. I also watched it on television and observed the bad manners and the instability of a few of those present.

I associate myself with the remarks of the distinguished majority leader, and certainly with those of the two Senators from Kansas, and our minority leader the Senator from Pennsylvania (Mr. SCOTT).

There was one area in which I was particularly interested, this was the part concerning the internal organization of universities in controlling the violence that appears to be growing on campuses.

Perhaps I am overly sensitive to this because we in Ohio have had more of our share of unpleasantness in regard to student disorders.

The President stated in his speech that outside forces cannot make peace on a campus, that it was necessary the students themselves, through their student organizations and student governments, cooperate with the administration of their university, and with their local law enforcement officials.

This indicates a new approach to university management. As many of us can recall, from our college days, a student government was something that was around the fringes of the operation of a campus, but never really entered into it.

Today, there is new recognition, by the 18-year-old vote and other means, that we recognize our young people are capable of voting and making their own decisions. I believe that we must put upon them the burden of maintaining order on the campuses such as at Kansas State and those in Ohio. Doing so by self-government, self-control, by good manners, and by policing themselves. No outside force is capable of doing it.

I have said many times that the National Guard is the poorest possible agency to try to maintain order in a campus.

Outside police forces are also a poor agency with which to control disorders on a campus. Disorders must be controlled. But the university is not a proper battleground between the dissidents and the establishment, as it is called.

I firmly believe that the President did make a real contribution yesterday when he spoke of the necessity of pulling the student elements together so that the campuses can be orderly and peaceful institutions while, at the same time, the individuals must behave themselves with the maturity that is necessary for self-government.

I think that it is time for the universities to recognize that the old loco parentis approach that has so long been the preoccupation of university administrations is on the way out and that administrators can no longer dictate to the students when they eat, where they eat, where they live, who their companions will be and otherwise lay down strict conditions of personal behavior.

The loco parentis concept is one of the first casualties—and perhaps it should be—of this present unrest. They will have to cooperate one with the other, with the university and its administration in getting to the very seat of the disorders. If it is necessary that the National Guard and the outside police forces are the only means to maintain order there is something radically wrong. We should question whether that university should stay open.

If we presume that these students are mature but by their actions they indicate they do not want to go to school or are indifferent, then nothing is going to force them to go to school or keep the school open. If they do not want to maintain the institutions, nothing from the outside will force them to do so.

I think that the President has laid it right on the line. I think that the President exemplified the inaugural motto, "Bring us together," in this effort he made yesterday at Kansas State University. The great majority of the students there yesterday indicated by their attendance and good manners that they can and will govern themselves and protect their university.

The PRESIDING OFFICER. The time of the Senator under the previous order has expired.

Mr. PEARSON. Mr. President, I ask unanimous consent that the time be extended for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PEARSON. Mr. President, at this time I would be pleased to yield to the distinguished Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. HART. Mr. President, I appreciate the Senator's yielding to me.

It has been my privilege to be in the Chair for the last hour. I have had an opportunity to listen to the many sound comments made by my colleagues. I join in their expressions. Free and useful discussion of public issues requires a time for speaking and a time for listening. And have never understood why shouting was debate or obscenity was rebuttal.

I hope that all of us would understand the value of the sage comments of our majority leader to the effect that we ought to listen because, who knows, the other fellow indeed may be right. But in any event, the only way to discover the truth is by permitting the opinions of others to be voiced. Identifying the course which is in our best long-term national interest often is not easy. Absent the orderly conduct of debate we make impossible the development of sound public policy.

I do salute Kansas State and all those who were involved on yesterday.

Mr. PEARSON. Mr. President, I thank the distinguished Senator from Michigan. I yield now to the distinguished Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. HANSEN. Mr. President, I join with Senators on both sides of the aisle in paying tribute to the leadership that the President of the United States displayed in Kansas yesterday when he spoke on the Kansas State University campus.

I wish also to pay my respects to the wisdom and the considered good judgment of the students and other persons in attendance. I understand that 15,000 were present when the President delivered the annual Alfred M. Landon address.

Another Senator earlier today spoke about reason and responsibility as epitomizing two of the characteristics we should hope for in the individuals who are to be found on the university campuses. To those characteristics would add the obvious one: learning.

It certainly goes without saying that unless we are willing to stop, to remain quiet, and to listen while someone else speaks, we are not going to harm him who speaks so much as we will deprive ourselves of the opportunity to learn.

After having served on a university board of trustees for some 17 years, I have great confidence and strong belief that an overwhelming majority of all students on the college campuses throughout the United States shares the nearly unanimous sentiment exhibited by the people on the State University campus in Kansas yesterday.

I was told a rather interesting story about something that happened while the President was speaking. One of the hecklers—and only a few were on the campus—kept trying to interrupt the President by shouting. After this had gone on for some time, the vociferous and obnoxious heckler was poked in the back by someone immediately behind him.

This greatly surprised the heckler. He turned around and said, "What are you trying to do?" The fellow behind him happened to be a member of one of the athletic squads at Kansas State University. He said, "I wish you would shut up."

The heckler said, "Well, I have just as much right to speak as does the President of the United States."

The person behind the heckler said, "I don't deny you the right to speak, and I do not challenge your statement that you may have as much right to speak as does the President. But I have a right to listen. You are interfering with my right to listen, and I don't like it. If you don't like that, let's step outside and I will tell you in a little more positive manner exactly what my feelings are."

Perhaps there is not any great moral to the story. But I would hope that it might call attention to the fact that the right to listen, to learn, is being abridged by hecklers and shouters. The right to an education is denied students when universities are shut down or closed.

Mr. DOLE. Mr. President, will the Senator yield at that point?

Mr. HANSEN. I yield.

Mr. DOLE. Mr. President, there is a moral. The fellow decided that he would listen, too.

Mr. HANSEN. Mr. President, I thank the Senator from Kansas. I should add parenthetically that the Senator was some distance removed from this incident and played no part in it.

Mr. President, I do want to say that

for a long time large number of students attending a great many of universities have been denied their right to listen. As a matter of fact, suits have been filed against universities and university administrations.

One of the important and prominent colleges in southern California is now being sued by students who have contended—I think with validity—that they are being denied their right to learn. I cannot help recalling in this context the words of the late Chief Justice Oliver Wendell Holmes, who said:

> The most stringent protection of free speech would not protect a man in falsely shouting fire in a theater and causing a panic.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HANSEN. Mr. President, I ask unanimous consent that the time of the distinguished Senator from Kansas may be extended for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HANSEN. Mr. President, the significance of the statement of the Chief Justice is applicable on campuses today because obviously any person who wants to go onto a campus and exercise his right to freedom of speech, it seems to me, should be prevented from going onto a campus and saying, "Let's burn and destroy." Maybe that infringes upon the basic and fundamental right of freedom of speech. I do not know; I am not a lawyer. But as far as I am concerned, the right to freedom of speech should not be extended in that way.

I think I am only typical and only average when I express and proclaim my belief that policemen, those persons in many walks of life who are charged with protecting the freedom of the people of this country, are our friends. I do not look upon a "cop," a sheriff, a police officer, or anyone else who is a law enforcement official, as anything but a friend of society. By standing between the law abiding and the violent, they protect our rights. I am pretty weary with those who would seek to spread the image that the police and others engaged in law enforcement are not always friends of society.

I think that was apparent, although it was not spoken of, as reflected in the sentiments of those on the campus of Kansas State University yesterday. We all know that a great many things are wrong with our society. We all know that there is discrimination, deprivation of opportunity, and inequality that must and will be corrected; but I say, along with the President of the United States, that we have a way under the uniqueness of our system to bring about, in a peaceful manner, those changes which can and surely will make life better for everyone.

There is no excuse at all for violence in this country. If we have violence and if it should grow and flourish unstopped, the chances of righting the wrongs we know exist would be minimized and, indeed, could be snuffed out.

I hope we will all join with the President in the overwhelming sentiment that inspired all of us yesterday, reflected in the attitudes, actions, attentiveness, and spontaneous applause of the 15,000 students and townspeople on the campus of Kansas State University, as being useful guides in the life of each of us as we get on with the task of improving and perfecting life in America. If we will follow the guidelines set by the President, I think this cause will be advanced.

Mr. PEARSON. I thank my distinguished colleague.

Mr. President, I yield to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. PERCY. Mr. President, I thank both of my distinguished colleagues for raising this issue this morning.

I had the pleasure of greeting the President at Chicago's O'Hare Airport yesterday when he arrived from Kansas, and my colleague from Illinois, RALPH SMITH, and I rode with Mrs. Nixon and the President, together with Donald Rumsfield, director of the Office of Economic Opportunity in the helicopter from O'Hare to Meigs Field. I am happy to report he was very pleased with the warm reception given him at Kansas and the great pleasure he had with being with a distinguished American, Alf Landon. He seemed not at all bothered by the few hecklers that tried to interfere with his speech.

This past Monday, after spending a week drafting and redrafting a letter that has probably taken me longer to write than any letter I have ever written before, I sent this open letter to college and university students, faculty and administrators in Illinois. I will not read the entire letter because I feel that would not be necessary, but I wish to quote just a few separate sections as it relates to the 80 college and university campuses of Illinois because it also relates very much to the experience the President had at Kansas and the Vice President had in Michigan.

I said in part:

> Without debating the merits of the prevailing attitudes, let me concisely and candidly summarize them. In my view, both the general public and public officials are, in words I have heard a thousand times, "fed-up." Their patience is exhausted. The majority wants order restored to our campuses, by whatever means, and it is no longer interested in what it considers to be esoteric debates over "responsiveness," or "relevance" or "social consciousness."
>
> * * * * *
>
> On many campuses today, tolerance and irrationality have grown to alarming proportions. Hisses and obscene chants bury the words of a speaker representing a different point of view. Meaningless slogans camouflage an absence of independent thought. Non-negotiable demands destroy any effort at negotiation. Civility is a lost art. Acts of terrorism—bombings, snipings, burnings—are regarded as acceptable expressions of free speech.

For some of these radicals to use their reprehensible tactics as a form of free speech certainly perverts entirely what was intended by the draftees of our Constitution. I feel we have grave consequences ahead if this minority element in society continues these tactics and if the vast overwhelming majority remains silent, acquiesces, and permits the radicals to take over, whether they are radicals on the left or radicals on the right.

I have tried to speak in this regard to college and university students on Illinois campuses, and on how change can be brought about and how it is being brought about in the great democratic Republic under which we work. Our system has flaws, as has been pointed out in debate in the Senate this morning. But certainly the framework of the Constitution is broad enough and has sufficient latitude so that due process can bring about responsiveness and change.

These radicals do a great disservice to the country and the change they presume to want to bring about, when they engage in tactics which bring such discredit to them.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PEARSON. Mr. President, I ask unanimous consent that I may proceed for 3 additional minutes so that I may yield to the Senator from Oregon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PEARSON. Mr. President, I thank my distinguished colleague for his valuable contribution. At the proper time I hope he will insert in the RECORD the letter to which he has referred.

Mr. HATFIELD. Mr. President, will the Senator yield?

Mr. PEARSON. I yield.

Mr. HATFIELD. Mr. President, I am grateful to the Senators from Kansas, both senior and junior, for having brought this subject to the floor of the Senate today about the President's appearance on the campus of Kansas State University yesterday.

I am very pleased to note that the President has gone to the campus of the Kansas State University, and I hope there will be future occasions when he will see fit to express some of these views on other campuses, as well.

I would like to ask a question which I think bears on this subject and perhaps clarify a little bit what we come to call a group of people who are dissidents or a group of young people who represent dissident viewpoints under the title of students.

Does the Senator know whether for certain those who were hecklers on the campus yesterday were actually registered students? Were they actually a part of the community of the campus? Were they legitimate members of the student body? I can recall when I was Governor and we had a riot in one of our seacoast cities, one of our resort cities, and the newspapers kept referring to the "students" who were there and rioting.

Actually, when the police made the arrests and we had a careful survey made, we found that a very small minority of the group that had been arrested were actually students. They were trouble makers, or whatever we call radicals—revolutionaries—but they were not actually students. And yet the onus was upon all students because of the actions of the few.

I would be interested in knowing whether the hecklers were identified as students at Kansas State University.

Mr. PEARSON. Let me respond in this manner and with some lack of preciseness: I know that those who used tactics described as heckling were students at Kansas State University. I want to expand that statement immediately by repeating how few there were—25 to 50, out of about 15,000 students.

The reason why I responded in that fashion is that the Alf M. Landon lectures are for the students at the University. It was a requirement that those admitted into the hall yesterday show student identification cards. The reason for this was not to exclude some, which might make it awkward at some time, but to reassure that this university function be for the students.

Parenthetically, the other evidence I have that they were students is from my own son, a student at Kansas State University. I might add that he was not one of the hecklers.

Mr. HATFIELD. I was going to ask that question.

Mr. PEARSON. I asked my son, "Who were those people?" He chuckled and said, "Well, we know who they are. They are students here at the university, but no one pays much attention to them."

I will say to the Senator from Oregon, who has had so much experience on campuses and universities, I think that is a further indication that the confrontation is going to become one between the students themselves.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HATFIELD. Mr. President, I ask unanimous consent that I may have 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I just want to thank the Senator from Kansas for that point, because here again I think, without condoning or other than really outright condemning that kind of action—I have no time for that; for me that is the most illiberal, illogical, irrational kind of action that any kind of person involved in an academic institution can take, and I decry that type of action—I do appreciate the emphasis by both Senators from Kansas of the fact that it was a minority, a small handful. I think people as a whole will realize that the overwhelming majority of students are responsible students and concerned citizens of this country. In fact, they have much to say to us.

I am hopeful that out of this will come a new understanding. I believe the junior Senator from Kansas said it might become the beginning of a new era of communication between the campus and the rest of the community.

I hope that can come out of a demonstration showing how the President of the United States went to a campus and was heard by about 15,000 and was discourteously treated by only a handful.

I might say that discourtesy is not a monopoly just of young people, because in the last four years I have appeared on about 200 campuses. Fortunately I have not been heckled. But I can say that the times when I have been heckled has been by adult audiences, and not by students.

I would not want even this colloquy to pass without the point being made that bad manners and discourtesy certainly are not the exclusive monopoly of students or young people. It should be condemned and it should be criticized at any point where it happens in our society, because to me it is a sign of immaturity and insecurity in one's own point of view when he has to resort to discourtesy to his fellow man.

I thank the Senators from Kansas for the interest they have shown in this matter. I think the University of Kansas State is no different in this respect than other universities around the country. This is not an isolated condition. I think it is something that can be repeated many times when the President goes to other universities.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. PEARSON. Mr. President, I yield the floor.

Mr. DOLE. There has been a very significant coverage of the event and, I think on the whole, a very fair coverage.

As has been pointed out, this occasion was to pay tribute to Alf Landon on his 83d birthday. The only campus with an Alf M. Landon series is the University of Kansas State. It just happens that the Alf M. Landon series has been conducted at the University of Kansas State now for years. Some of the distinguished gentlemen who have lectured at it previously have been the late President John F. Kennedy, General Westmoreland, our majority leader, Senator MANSFIELD, and many other distinguished Americans who have contributed to these outstanding lecture series.

Let me indicate again that, as far as I am concerned, the high point was the tremendous positive response of the student body. There were 15,500 students there from all across the Nation and many foreign nations, who demonstrated again that they are willing to listen to a voice of reason and a voice of responsibility. To me that was demonstrated loud and clear, not just for Kansans, but for college students and parents who are concerned all across America.

Mr. GURNEY. Mr. President, President Nixon in his speech at Kansas State University said many things that have needed to be said.

The response of the students was clear evidence that there is general agreement among them that the President hit the nail on the head with each of his remarks.

Among his most significant statements was his charge to responsible administrators, faculty, and student leaders to stand up and be counted.

The President said, and I quote:

> Only they can save higher education in America. It cannot be saved by government. To attempt to blame government for the woes of the universities is to seek an excuse, not a reason, for their troubles. If the war were ended today, if the environment were cleaned up tomorrow morning and all the other problems for which government has the responsibility were solved tomorrow afternoon—the moral and spiritual crisis in the universities would still exist.

Mr. President, how true are the words of the President.

The time has come to quit seeking to excuse those who disrupt, those who riot and pillage and burn and destroy, those who deliberately violate the laws, those who seek to use the campuses as staging grounds for revolution—and those who let them and excuse them.

The President made it clear; it is time to root out the causes of campus disruption. It is time for those who administer higher education and those who truly seek a higher education to stand up and be counted.

Mr. HRUSKA. Mr. President, from time to time, it becomes necessary for those in positions of leadership to repeat publicly some of the eternal verities because, unfortunately, no matter how great the truth, man has an innate capacity for overlooking it from time to time.

Thus, it was well yesterday that President Nixon, in his speech at Kansas State University, reminded the students there—and the Nation—of things that might seem pretty obvious to most of us, yet have certainly been ignored by some of us.

For example, the President said, and I quote:

> We can maintain a free society only if we recognize that in a free society no one can win all the time; no one can have his own way all the time, and no one is right all the time.

Or, again:

> We cannot stand successfully for the rule of law abroad unless we respect the rule of law at home. A nation that condones blackmail and terror at home can hardly stand as the example in putting an end to international piracies or tensions that could explode into war.

Or, again:

> In a system that provides the means for peaceful change, no cause justifies violence in the name of change.

Mr. President, these are, indeed, words for all Americans to remember. For they express truths that no American should ever have forgotten.

Mr. BAKER. Mr. President, the significance of the President's visit to Kansas State University yesterday goes far beyond the important things he said there.

The reception given the President at this large university indicates a new mood among America's youth, a willingness to listen, a willingness to give the other man his right to be heard.

The heckling of a small band of malcontents only served to emphasize the attitudes of the more than 15,000 persons in the audience.

Mr. President, it is clear that the President has turned the mood of our country around.

When President Nixon took office, the President of the United States dared not appear on a major college campus. Indeed, the President hardly dared to appear at any public gathering of any size.

The feel of violence and danger was in the air in those days.

Today, despite the bombers and the burners, the Nation as a whole is calmer and the voice of reason can again be heard.

Mr. President, I believe much of the change can be attributed to a President who has kept his word and his commitments, who has led by actions and low-key explanations instead of by inflamed rhetoric.

Mr. President, the people of America can see peace coming abroad. They see real efforts to curb inflation, to reduce crime at home. They see a President working for the entire Nation, not pitting faction against faction or race against race, a President who seeks not to divide but to unify—and they are responding.

Mr. President, the President's appearance at Kansas State yesterday, I believe, was but the start. I believe that more and more Government leaders are going to be welcome on the campus in the months ahead and that students will want to listen to them and learn from them.

I believe that President Nixon by word and example is bringing internal peace and order back to America.

And for that we can all be grateful.

A CONCERNED PRESIDENT

Mr. DOLE. Mr. President, there was another occurrence yesterday in Kansas, besides the President's magnificent speech at Kansas State University's Alfred M. Landon lecture.

It also involved the President.

After landing in Topeka, the President met briefly with Mrs. Ronald Mastin of Overland Park, the wife of a prisoner of war of the North Vietnamese. She has not seen her husband for 3 years.

Mrs. Mastin spoke to the President on behalf of the wives and mothers of all American POW's and MIA's.

The President assured Mrs. Mastin that everything possible is being done to obtain the release of prisoners of war and information on those who are listed as missing in action in Southeast Asia.

It was a generous and a thoughtful gesture from a truly concerned President.

As one who has spent much time talking and working with the wives and mothers of our POW's and MIA's, I know how much the President's concern means to them.

On their behalf, I wish to express a deep appreciation for his efforts and for considerateness in meeting yesterday with Mrs. Mastin.

AMERICAN PRISONERS OF WAR IN NORTH VIETNAM—A DECLARATION OF CONDEMNATION

Mr. GURNEY. Mr. President, at the present time there are at least 37 American servicemen from Florida in North Vietnamese prisons, as well as countless other Americans. They are suffering untold torture and inhumanity daily. I deplore this humiliation of our men, the suffering of their families, and the anguish to our country.

It has been brought to my attention that the Orlando Sentinel recently published a declaration condemning the North Vietnamese for their inhumane actions. To date this declaration has been endorsed by over 3,000 concerned Floridians. I ask unanimous consent that the declaration be reprinted in today's RECORD.

There being no objection, the declaration was ordered to be printed in the RECORD, as follows:

A DECLARATION

We, aroused citizens of the United States of America, condemn the leaders of North Vietnam, President Ton Duc Thang, Premier Pham Van Dong, and their military staff:

1. For inhumane treatment of our American young men who are prisoners of war in North Vietnam, and for failure to observe the Geneva Convention agreements on these matters with special reference to immediate repatriation of the sick and wounded.

2. For lack of human dignity and compassion, and for failure to reveal complete information to the families of the men held captive as specified in the agreements.

3. For directing the invasion of South Vietnam, Cambodia, and Laos by the military forces of North Vietnam, which is common knowledge, in violation of the International Accords established in Geneva for peace in Indochina.

4. For failure to direct their envoys to conduct meaningful negotiations at the Paris Peace Conference for the exchange of prisoners of war and for the restoration of peace and goodwill in all Vietnam, North and South.

ENDING THE WAR IN VIETNAM

Mr. GURNEY. Mr. President, the long and protracted debate in this Chamber on the Vietnam war has ended. Too often, Mr. President, I believe the real message of this debate was lost in rhetoric.

Mr. Roscoe Drummond, writing in the September 15, 1970, issue of the Christian Science Monitor, has aptly illuminated this message:

The issue at stake in the U.S. was never whether to continue the war; it was how best to discontinue the war.

Mr. Drummond also captures the most important fact emerging from the debate—to wit that a vast majority of Congressmen and Americans are in support of President Nixon's policies aimed at ending this conflict:

These congressional decisions add up to a wide-ranging vote of confidence in the way the President is pursuing two of the nation's most urgent goals: end war in Indo-China and avert war in the Middle East.

But because in defeating Hatfield-McGovern the administration "won the ball game" this doesn't mean that the peace forces in the U.S. lost the ball game. The issue at stake in the U.S. was never whether to continue the war; it was how best to discontinue the war.

The majority of the American people, the majority in Congress, and the President, are now on the same side.

Mr. President, I think Mr. Drummond's words are worthy of everybody's attention. I, therefore, ask unanimous consent that his article be reprinted in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ENDING THE WAR IN VIETNAM

(By Roscoe Drummond)

WASHINGTON.—The long, worrisome, wasteful Senate debate on how to end the war in Vietnam has run its course and the end result is a source of strength to President Nixon.

A persistent critic of the President's Vietnam policies, the New York Times, candidly reports that "in defeating the Hatfield-McGovern measure (to remove all U.S. troops by next year) the administration won the ball game that counted most."

But it is far more than either a political or a personal victory for Richard Nixon. The defeat of Hatfield-McGovern means:

That the President has won the battle on the home front. Hanoi fervently hoped it would go the other way, making the American people so divided that the U.S. would have to quit Vietnam in confusion.

The vote in the Senate demonstrates that a substantial majority in Congress, and in the country, support the Nixon pace of withdrawal as best calculated to end the war with a decent peace.

It gives the President the needed maneuverability to further strengthen the South Vietnamese forces before putting the whole brunt of the war in their hands.

It enhances the prospects of moving toward a negotiated settlement in Paris.

The New York Times notes that if the Hatfield-McGovern "amendment to end the war" had passed, it would have forced (Nixon) to tailor his policy to the Senate's wishes."

The fact that the amendment could only muster 39 votes shows that the wishes of the majority of the Senate and the wishes of the President for an orderly, prudent, steady withdrawal from Vietnam are the same.

On a wide range of foreign policy and defense issues the Senate voted so substantially in support of the administration as to leave little doubt that the country as a whole is similarly united. The politicians do not affront public opinion on the eve of a congressional election. Here's what has happened:

1. The Cooper-Church amendment was passed in the Senate but will fail in the House. It set out to cut back the President's powers as Commander in Chief, but was so watered down by its sponsors as to be meaningless.

2. The Senate voted not to create an all-volunteer military force right now. President Nixon favors it as do many congressmen but not until the Vietnam war is over.

3. The Senate rejected a proposal to permit draftees to decide whether they could be sent for combat duty in Vietnam.

4. It turned down all efforts to make any substantial cuts in the defense appropriation beyond the reductions already made by the administration. It passed it 84-to-5.

5. The Senate voted the necessary funds to carry forward the Nixon program for limited deployment of antiballistic missiles.

6. In defeating Hatfield-McGovern by a vote of 55-to-39, the Senate rejected the public timetable approach to withdrawal from Vietnam.

7. By 87-to-7 the Senate approved nearly unlimited military aid to Israel on favorable terms.

These congressional decisions add up to a wide-ranging vote of confidence in the way the President is pursuing two of the nation's most urgent goals: end war in Indo-China and avert war in the Middle East.

But because in defeating Hatfield-McGovern the administration "won the ball game"—this doesn't mean that the peace forces in the U.S. lost the ball game. The issue at stake in the U.S. was never whether to continue the war; it was how best to discontinue the war.

The majority of the American people, the majority in Congress and the President are now on the same side.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON OPERATION OF SECTION 501 OF THE SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1970

A letter from the Acting Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on operation of section 501 of the Second Supplemental Appropriation Act, 1970 (with an accompanying report); to the Committee on Appropriations.

PROPOSED RETIREMENT FOR AIR TRAFFIC CONTROLLERS

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend title 5, United States Code, to provide for maximum entrance and retention ages, training, and early retirement for air traffic controllers, and for other purposes (with accompanying papers); to the Committee on Commerce.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of California; to the Committee on Agriculture and Forestry:

"ASSEMBLY JOINT RESOLUTION No. 59—RELATIVE TO PRIVATE ENTERPRISE.

"Whereas, The government of the United States is increasingly engaging in business, professional, commercial, financial, and industrial enterprises in competition with the private sector of our economy; and

"Whereas, While the services and goods provided by many of such enterprises are necessary, the competition by the government with private enterprise in these endeavors threatens the basis of our economic system; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to take steps wherever practical and feasible to remove the government of the United States from activities which are competitive with private enterprise and which private enterprise is capable of performing without governmental support; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Agriculture and Forestry:

"ASSEMBLY JOINT RESOLUTION No. 61—RELATIVE TO FOOD STAMPS

"Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President, Congress, and the United States Secretary of Agriculture to change such laws and regulations as are necessary to require as a condition of eligibility for participation in the food stamp program, under the federal Food Stamp Act of 1964, that every employable member of an eligible household be currently registered with the public employment office in the state; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of Agriculture, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

ENROLLED BILL SIGNED

The PRESIDENT pro tempore announced that on today, September 17, 1970, he signed the enrolled bill (H.R. 11060) for the relief of Victor L. Ashley, which had previously been signed by the Speaker of the House of Representatives.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FONG, from the Committee on Post Office and Civil Service, without amendment:

S. 4269. A bill to provide for employment within the Environmental Protection Agency of commissioned officers of the Public Health Service, and for other purposes (Rept. No. 91–1190).

By Mr. FONG, from the Committee on Post Office and Civil Service, with amendments:

S. 2984. A bill to permit certain service performed as a temporary employee of the field service of the Post Office Department to be counted toward civil service retirement (Rept. No. 91–1191);

S. 3958. A bill to adjust the pay of employees of the Federal Government, and for other purposes (Rept. No. 91–1192); and

H.R. 14485. An act to amend sections 501 and 504 of title 18, United States Code, so as to strengthen the law relating to the counterfeiting of postage meter stamps or other improper uses of the metered mail system (Rept. No. 91–1193).

By Mr. YARBOROUGH, from the Committee on Labor and Public Welfare, with amendments:

S. 4106. A bill to amend the Public Health Service Act in order to provide for the establishment of a National Health Service Corps (Rept. No. 91–1194).

By Mr. AIKEN, from the Committee on Agriculture and Forestry, without amendment:

S. 3942. A bill to provide for thorough health and sanitation inspection of all livestock products imported into the United States, and for other purposes (Rept. No. 91–1195).

By Mr. EASTLAND, from the Committee on Agriculture and Forestry, without amendment:

H.R. 11953. An act to amend section 205 of the act of September 21, 1944 (58 Stat. 736), as amended (Rept. No. 91–1202).

By Mr. YOUNG of North Dakota, from the Committee on Agriculture and Forestry, without amendment:

H.R. 13543. An act to establish a program of research and promotion for U.S. wheat (Rept. No. 91–1203).

By Mr. HOLLAND, from the Committee on Agriculture and Forestry, with amendments:

H.R. 13978. An act to amend the Agricultural Adjustment Act of 1933, as amended, and reenacted and amended by the Agricultural Marketing Act of 1937, as amended, to authorize marketing research and promotion projects including paid advertising for almonds (Rept. No. 91–1204).

By Mr. BYRD of West Virginia (for Mr. MUSKIE), from the Committee on Public Works, without amendment:

S. 4358. A bill to amend the Clean Air Act, and for other purposes (Rept. No. 91–1196).

By Mr. HART, from the Committee on the Judiciary, without amendment:

S. 1008. A bill for the relief of Robert J. Ebbert and Design Products Corp., Troy, Mich. (Rept. No. 91–1197); and

S. 1779. A bill for the relief of Bogdan Bereznicki (Rept. No. 91–1198).

By Mr. BURDICK, from the Committee on the Judiciary, without amendment:

S. 1074. A bill for the relief of Mr. and Mrs. Arvel Glinz (Rept. No. 91–1199); and

S. 2835. A bill for the relief of Albert G. Feller and Flora Feller (Rept. No. 91–1200).

By Mr. FONG, from the Committee on the Judiciary, without amendment:

S. 626. A bill for the relief of William Phillips (Rept. No. 91–1201).

REPORT ENTITLED "CONSTITUTIONAL RIGHTS"—REPORT OF A COMMITTEE (S. REPT. NO. 91–1205)

Mr. ERVIN, from the Committee on the Judiciary, submitted a report entitled "Constitutional Rights," pursuant to Senate Resolution 43, as amended, 91st Congress, first session, which was ordered to be printed.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. RANDOLPH, from the Committee on Public Works:

Stanley Womer, of Arizona, to be Federal Cochairman of the Four Corners Regional Commission; and

Chester M. Wiggin, Jr., of New Hampshire, to be Federal Cochairman of the New England Regional Commission.

By Mr. PASTORE, from the Joint Committee on Atomic Energy:

Glenn T. Seaborg, of California, to be the representative of the United States of America to the 14th session of the General Conference of the International Atomic Energy Agency; and

T. Keith Glennan, of Virginia, Clarence E. Larson, of Tennessee, Verne B. Lewis, of Maryland, and Dwight J. Porter, of Nebraska, to be alternate representatives of the United States of America to the 14th session of the General Conference of the International Atomic Energy Agency.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FONG:

S. 4354. A bill for the relief of Ruby Y. K. Kum; to the Committee on the Judiciary.

By Mr. DODD:

S. 4355. A bill for the relief of Spiridon Lytras, also known as Spiros Lutras; and

S. 4356. A bill for the relief of Ana Rubio-Majias de Masas; to the Committee on the Judiciary.

By Mr. GORE:

S. 4357. A bill to amend the Federal Aviation Act of 1958, to provide for regulation of adjustments of air fares to the nearest whole dollar; to the Committee on Commerce.

(The remarks of Mr. GORE when he introduced the bill appear below under the appropriate heading.)

By Mr. BYRD of West Virginia (for Mr. MUSKIE) (for himself, Mr. BAKER, Mr. BAYH, Mr. BOGGS, Mr. COOPER, Mr. DOLE, Mr. EAGLETON, Mr. GRAVEL, Mr. GURNEY, Mr. JORDAN of North Carolina, Mr. MONTOYA, Mr. PACKWOOD, Mr. RANDOLPH, Mr. SPONG, and Mr. YOUNG of Ohio):

S. 4358. A bill to amend the Clean Air Act, and for other purposes; to the Committee on Public Works.

(See reference to the bill when reported by Mr. BYRD of West Virginia (for Mr. MUSKIE), which appears under the headings "Reports of Committees.")

By Mr. EASTLAND:

S. 4359. A bill to amend chapter 84 of title 18 of the United States Code, relating to the

injuring or killing of police officers because of their official character, and for other purposes; to the Committee on the Judiciary.

By Mr. SCOTT:

S. 4360. A bill for the relief of Carmela Verrecchia; to the Committee on the Judiciary.

By Mr. CRANSTON:

S. 4361. A bill for the relief of Stanley Varga; to the Committee on the Judiciary.

By Mr. PERCY:

S. 4362. A bill for the relief of Mrs. Cancey Louise Thurton; to the Committee on the Judiciary.

By Mr. MATHIAS:

S. 4363. A bill for the relief of Vieiro Marques-Palmira dos Santos; and

S. 4364. A bill for the relief of Adela Escobar de Rosales; to the Committee on the Judiciary.

S. 4357—INTRODUCTION OF A BILL RELATING TO REGULATION OF ADJUSTMENTS OF AIR FARES

Mr. GORE. Mr. President, another instance of the consumer being forced to pay unduly by private industry, with the connivance of a Federal agency, has come to my attention.

I refer to the hidden fare increase that the Civil Aeronautics Board has bestowed on the airlines under the guise of the Airport and Airways Revenue Act of 1970.

Under this act, Congress increased the airline ticket tax from 5 to 8 percent. The Finance Committee provided that this tax should be included in the total price of the airline ticket so that the passenger would be given a single total price that would include both his fare and the tax. The House conferees agreed with this recommendation by the Finance Committee and it was included in the law signed by the President.

Neither the Finance Committee nor the conference committee intended, however, by this proposal, which was intended as a protection for the consumer, to grant a hidden fare increase to the airlines. I believe it was generally assumed that the Civil Aeronautics Board would approve the tax as a part of the overall fare charged by the airlines.

Now, however, I am advised by the Civil Aeronautics Board that it has granted a $49 million bonanza to the airlines, using the Airport and Airways Revenue Act of 1970 as its excuse. This $49 million comes out of the pocket of all airline passengers.

For some years airline carriers have been permitted to state their fares, exclusive of tax, in whole dollar amounts. The Civil Aeronautics Board, therefore, concluded that under the new law the fare inclusive of tax should be rounded off to whole dollar amounts.

If one accepts the Civil Aeronautics Board's decision as sound—and it certainly is not an inevitable result—one would have thought that the rounding off would have been to the nearest whole dollar amount.

But the CAB in its zeal to protect the airlines and in total disregard of consumer rights has permitted the airlines to round off their fares inclusive of tax to the next higher dollar amount. Thus, if an airline ticket, inclusive of the 8 percent tax, comes to $79.01, the CAB rules permit the airlines to charge the passenger $80 for his ticket. This is based on the theorem, I suppose—"heads the airlines win, tails the passenger loses."

In a letter from the CAB, which I ask unanimous consent be inserted in the RECORD at the conclusion of my remarks, the CAB advises that this rule will produce additional revenues for the airlines of $49 million per year. This money comes out of the pocket of the consumer. If the fares had been made to the nearest whole dollar, the airlines would have received a $7 million windfall. The CAB has concluded that the $42 million difference "would not result in a significant impact upon the traveling public."

I find the position of the airlines and the CAB outrageous both in result and in the devious and underhanded method by which it was achieved. The consumer is entitled to protection and obviously the CAB cannot be relied upon to give it to him.

I am therefore introducing legislation today requiring that all airline fares, inclusive of the ticket tax, be required to be rounded off to the nearest whole dollar amount. If the CAB thinks that the airlines need $49 million more per year "in light of the industry's current marginal earnings position," then it can institute public hearings on a fare increase to achieve this result, and give the consuming public an opportunity to be heard.

I hope that the Senate will pass this corrective legislation quickly.

The PRESIDING OFFICER (Mr. HART). The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 4357) to amend the Federal Aviation Act of 1958, to provide for regulation of adjustments of air fares to the nearest whole dollar, introduced by Mr. GORE, was received, read twice by its title, and referred to the Committee on Commerce.

The letter presented by Mr. GORE is as follows:

CIVIL AERONAUTICS BOARD,
Washington, D.C., August 26, 1970.

Hon. ALBERT GORE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR GORE: Thank you for your letter concerning the Board's action regarding the temporary rounding of fares taken on June 18.

As you know, this matter was occasioned by the Airport and Airway Revenue Act of 1970 which increased the Federal tax on tickets from 5 percent to 8 percent and required that the ticket price be stated inclusive of the tax. Previously, the fares and the tax were stated separately. The carriers have long stated their fares exclusive of tax in whole dollar amounts. Adding the new tax and stating the price on a tax-inclusive basis would generally produce fares in odd dollar-and-cents amounts unless these fares were rounded off.

The Board considered that the whole dollar policy was administratively efficient and convenient to the public and the carriers and should be continued. The basic question was whether the rounding off should be to the nearest whole dollar or the next higher whole dollar, as proposed by the carriers. Board staff estimates are that either method would produce an increase: $7 million in annual revenues under the nearest whole dollar method, $49 million under the next higher whole dollar method. The Board concluded to permit the upward rounding in light of the industry's current marginal earnings position, and in the belief that it would not result in a significant impact upon the traveling public.

I hope this information will clarify the basis for the Board's action on this matter.

Sincerely yours,

JOHN W. DREGGE,
Director, Community and Congressional Relations.

ADDITIONAL COSPONSORS OF BILLS

S. 1025

At the request of the Senator from New York (Mr. JAVITS), the Senator from Michigan (Mr. HART) was added as a cosponsor of S. 1025, to amend section 837, title 18, of the United States Code, to prohibit certain acts involving the use of incendiary devices, and for other purposes.

S. 1812

At the request of the Senator from New Mexico (Mr. ANDERSON), the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 1812, to amend title XVIII of the Social Security Act so as to include chiropractic services among the benefits provided under subpart (B) of this title.

S. 3865

At the request of the Senator from Maryland (Mr. TYDINGS), the Senator from Michigan (Mr. HART) was added as a cosponsor of S. 3865, to amend the Internal Revenue Code of 1954 by imposing a tax on the transfer of explosives to persons who may lawfully possess them and to prohibit possession of explosives by certain persons.

S. 4268

At the request of the Senator from Illinois (Mr. PERCY), he was added as a cosponsor of S. 4268, to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude bank deposit receipts and disbursements from the budget of the U.S. Government, and for other purposes.

ADDITIONAL COSPONSOR OF A JOINT RESOLUTION

SENATE JOINT RESOLUTION 234

At the request of the Senator from New York (Mr. JAVITS), the Senator from Texas (Mr. TOWER) was added as a cosponsor of Senate Joint Resolution 234, to authorize and request the President to proclaim the period September 12, 1970, through September 20, 1970, as Myasthenia Gravis Week.

ADDITIONAL COSPONSOR OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 83

At a request of the Senator from Kentucky (Mr. COOK), the Senator from Illinois (Mr. SMITH) was added as a cosponsor of Senate Concurrent Resolution 83, to express the sense of Congress on international measures to discourage hijacking.

SENATE RESOLUTION 464—RESOLUTION REPORTED RELATING TO APPEARANCE OF A SENATE EMPLOYEE AS A WITNESS

Mr. FONG (for Mr. McGEE), from the Committee on Post Office and Civil Service, reported the following original resolution (S. Res. 464); which was placed on the calendar:

S. RES. 464

Whereas in the case of the United States of America against Daniel B. Brewster, et al. (criminal action numbered 1872–69), pending in the United States District Court for the District of Columbia, a subpena ad testificandum and duces tecum was issued by such court addressed to David Minton, Staff Director and Counsel of the Committee on Post Office and Civil Service, United States Senate, directing him to appear as a witness before that court at 9:00 a.m. on November 9, 1970, and to bring with him certain minutes and records (including tabulations of votes) of executive sessions of that Committee pertaining to the postage rate sections of H.R. 7977, 90th Congress, 1st Session, such material being in the possession and under the control of the Senate of the United States: Now, therefore, be it

Resolved, That by the privileges of the Senate of the United States no evidence in the possession and under the control of the Senate of the United States can, by the mandate of process of ordinary courts of justice, be taken from such possession or control but by its permission; be it further

Resolved, That by the privilege of the Senate and by rule XXX thereof, no Member or Senate employee is authorized to produce Senate documents, papers, or evidence but by order of the Senate, and information secured by Senate staff employees pursuant to their official duties as employees of the Senate may not be revealed without the consent of the Senate; be it further

Resolved, That when it appears by the order of the court or of the judge thereof, or of any legal officer charged with the administration of the orders of such court or judge, that testimony of an employee of the Senate is needful for use in any court of justice or before any judge or legal officer for the promotion of justice and that such testimony may involve documents, papers, or evidence related thereto under the control of or in the possession of the Senate, the Senate will take such order thereon as will promote the ends of justice consistently with the privileges and rights of the Senate; be it further

Resolved, That David Minton, Staff Director and Counsel of the Committee on Post Office and Civil Service, be authorized to appear at the time and place and before the court named in such subpena, but shall not take with him any papers, documents or evidence on file in his office, under his control, or in his possession as Staff Director and Counsel of the Committee on Post Office and Civil Service; be it further

Resolved, That when the court determines (1) that any of the documents, papers, or evidence called for in such subpena have become part of the official transcripts of public proceedings of the Senate by virtue of their inclusion in the official minutes and official transcripts of such proceedings for dissemination to the public upon order of the Senate or pursuant to the rules of the Senate, and (2) that such documents, papers, and evidence are material and relevant to the issues pending before the court, then the court, through any of its officers or agents, shall have full permission to attend with all proper parties to the proceeding, and then always at a place under the orders and control of the Senate, and there to take copies of such documents, papers, and evidence in the possession or control of the said David Minton, excepting any other documents, papers, and evidence (including but not limited to, minutes and transcripts of executive sessions and any evidence of witnesses in respect thereto) which the court or other proper official thereof shall desire as such matters are within the privileges of the Senate; be it further

Resolved, That, notwithstanding any other provision of this resolution, when the court finds that the voting records of the Committee on Post Office and Civil Service insofar as they reflect the votes cast on the postage rate sections of H.R. 7977, 90th Congress, 1st Session, by Daniel B. Brewster as a member of that Committee are material and relevant to the issues pending before the court, then the court, through any of its officers or agents, shall have full power to attend with all proper parties to the proceeding, and then always at a place under the orders and control of the Senate, and there to take copies of so much of such voting records as reflects the votes cast by Daniel B. Brewster, but no votes cast by any other member of that Committee; be it further

Resolved, That David Minton, Staff Director and Counsel of the Committee on Post Office and Civil Service, in response to such subpena may testify to any matter determined by the court to be material and relevant for the purposes of identification of any document, paper, or evidence if such document, paper, or evidence has previously been made available to the general public, or if its disclosure is authorized by this resolution, but the said David Minton shall respectfully decline to testify concerning any and all other matters that may be based on his knowledge acquired by him in his official capacity either by reason of documents, papers, or evidence appearing in the files of the Committee on Post Office and Civil Service or by virtue of conversations or communications with any person or persons and he shall respectfully decline to testify concerning any matters within the privilege of the attorney-client relationship existing between said David Minton and the said Committee or any of its members; and be it further

Resolved, That a copy of this resolution be transmitted to such court as a respectful answer to such subpena.

SENATE RESOLUTION 465—RESOLUTION REPORTED RELATING TO ADDITIONAL EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND, from the Committee on the Judiciary, reported the following original resolution (S. Res. 465); which was referred to the Committee on Rules and Administration:

S. RES. 465

Resolved, That the Committee on the Judiciary is authorized to expend from the contingent fund of the Senate $10,000, in addition to the amount, and for the same purposes and during the same period, specified in Senate Resolution 340, Ninety-first Congress, agreed to February 16, 1970, authorizing a study of matters pertaining to improvements in judicial machinery.

SENATE RESOLUTION 466—RESOLUTION REPORTED RELATING TO ADDITIONAL EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND, from the Committee on the Judiciary, reported the following original resolution (S. Res. 466); which was referred to the Committee on Rules and Administration:

S. RES. 466

Resolved, That the Committee on the Judiciary is authorized to expend from the contingent fund of the Senate $6,000, in addition to the amount, and for the same purposes and during the same period, specified in Senate Resolution 345, Ninety-first Congress, agreed to February 16, 1970, authorizing a study of matters pertaining to refugees and escapees.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, September 17, 1970, he presented to the President of the United States the following enrolled bills and joint resolution:

S. 1087. An act for the relief of Vernon Louis Hoberg;

S. 1170. An act to authorize the Department of Commerce to make special studies, to provide services, and to engage in joint projects, and for other purposes;

S. 2808. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Minot extension of the Garrison diversion unit of the Missouri River Basin project in North Dakota, and for other purposes;

S. 2882. An act to amend Public Law 394, Eighty-fourth Congress, to authorize the construction of supplemental irrigation facilities for the Yuma Mesa Irrigation District;

S. 2976. An act for the relief of Margarita Anne Marie Baden (Nguyen Tan Nga);

S. 3337. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Yakima Tribes in Indian Claims Dockets numbered 47–A, 162, and consolidated 47 and 164, and for other purposes;

S. 3997. An act to provide for the disposition of fund appropriated to pay a judgment in favor of the Confederate Bands of Ute Indians in Court of Claims case 47567, and a judgment in favor of the Ute Tribe of the Unitah and Ouray Reservation for and on behalf of the Uncompahgre Band of Ute Indians in Indian Claims Commission docket numbered 349, and for other purposes;

S. 4033. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Chemeheuvi Tribe of Indians; and

S.J. Res. 67. Joint resolution granting the consent of Congress to the States of Maryland and West Virginia and the Commonwealths of Virginia and Pennsylvania and the District of Columbia, as signatory bodies, for certain amendments to the compact creating the Potomac Valley Conservancy District and establishing the Interstate Commission on the Potomac River Basin.

SOCIAL SECURITY AMENDMENTS OF 1970—AMENDMENT

AMENDMENT NO. 920

Mr. TOWER. Mr. President, I have today submitted in the Senate an amendment to H.R. 17550, the Social Security Amendments of 1970. The purpose of this amendment is to modify a regulation in the Medicare Act which, in my opinion, has proved to be countereffective in providing the best possible health care system to the American people. The amendment would loosen the present registered nurse requirement established under the medicare program. Under the

current statute all hospitals must have at least one registered nurse on duty during each of the three 8-hour shifts, if they are to receive benefits under the medicare program.

This regulation has posed a most serious problem to many of our community hospitals located in rural areas. In Texas alone, more than 150 hospitals face medicare termination if they do not soon abide by this regulation. Although the Social Security Administration has in many instances given small community hospitals over a year to comply with this regulation, I continually receive notices that a certain hospital's medicare benefits are being terminated.

Mr. President, this problem is most acute because in these times of rising health cost a small community hospital cannot remain open without medicare assistance.

Compounding this problem is the simple fact that this country faces a terrible manpower shortage of nurses. It is quite obvious that this shortage is most critical in rural areas. These rural areas simply do not offer financial and other incentives for young women to take up residence in those areas. Young women from urban areas would naturally prefer to practice nursing in large urban communities. There are just not enough registered nurses in the smaller communities to fill the gap and, thereby, comply with the medicare regulation.

I am confident that a licensed vocational nurse can, if assisted by a doctor, provide the minimum amount of care needed. If we do not take the action that I am now advocating, the alternative will be the closing down of many of our smaller community hospitals. These hospitals serve a high proportion of elderly citizens who can best be served if they remain in their local community. Many of these elderly citizens need not be transported to metropolitan areas, and if this need did arise many of them would refuse to leave their homes and travel such a long distance.

Mr. President, this Nation faces a terrible health manpower shortage. At the same time, we all would like to provide the best possible health care delivery system to the American people. However, to specifically require a smaller hospital to have registered nurses on duty around-the-clock 7 days a week is unrealistic and does not necessarily insure the total safety of the patient. Adequate procedures built around registered nurses, licensed vocational nurses and licensed physicians can produce a combination that gives 24 hours, 7 day-a-week coverage and full-time attention to the patients in these hospitals.

I have come to the conclusion that this amendment is in the best interest of the American people and the health care system upon which they must rely. I urge my colleagues in the Senate and specifically the members of the Senate Finance Committee, who are considering H.R. 17750, to give it the attention it deserves.

The PRESIDING OFFICER (Mr. HART). The amendment will be received and printed, and will be appropriately referred.

The amendment (No. 920) was referred to the Committee on Finance.

AMENDMENT NO. 921

Mr. EAGLETON submitted an amendment, intended to be proposed by him, to the bill (H.R. 17550) to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

AMENDMENT NO. 922

Mr. HARTKE submitted amendments, intended to be proposed by him, to House bill 17550, supra, which were referred to the Committee on Finance and ordered to be printed.

EXTENSION OF AUTHORITY OF THE SMALL BUSINESS ADMINISTRATION—AMENDMENT

AMENDMENT NO. 923

Mr. PERCY (for himself and Mr. STEVENS) submitted an amendment, intended to be proposed by them, jointly, to the bill (S. 4316) to clarify and extend the authority of the Small Business Administration, and for other purposes, which was ordered to lie on the table and to be printed.

(The remarks of Mr. PERCY when he submitted the amendment appear later in the RECORD under the appropriate heading.)

The PRESIDING OFFICER. Is there further morning business?

AUTHORITY TO FILE REPORT ON BILL TO AMEND THE CLEAN AIR ACT BY MIDNIGHT FRIDAY

Mr. BYRD of West Virginia. Mr. President, in behalf of the able Senator from Maine (Mr. MUSKIE), I report an original bill from the Committee on Public Works, to amend the Clean Air Act, and for other purposes. I ask unanimous consent that the bill in its entirety be printed in the RECORD, and I also ask unanimous consent that the committee have until midnight Friday, September 18, 1970, to file the accompanying report, together with individual views, if any.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill will be printed in the RECORD.

The bill (S. 4358) is as follows:

S. 4358

A bill to amend the Clean Air Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Air Quality Standards Act of 1970".

SEC. 2. (a) Clause (1) of section 104(a) of the Clean Air Act is amended to read as follows:

"(1) conduct and accelerate research programs directed toward development of improved, low-cost techniques for—

"(A) control of combustion byproducts of fuels,

"(B) removal of potential air pollution agents or combination of such agents from fuels prior to combustion,

"(C) control of emissions from the evaporation of fuels.

"(D) improving the efficiency of fuels combustion so as to decrease atmospheric emissions, and

"(E) producing synthetic or new fuels which, when combusted, result in decreased atmospheric emissions;"

(b) Section 104(a)(2) of the Clean Air Act is further amended by striking "and" before clause (B) and redesignating clause (B) as clause (D) and inserting two new clauses (B) and (C) to read as follows:

"(B) part of the cost of programs to develop low emission alternatives to the present internal combustion engine;

"(C) the cost to purchase vehicles and vehicle engines, or portions thereof, for research, development, and testing purposes; and"

(c) Section 104(c) of the Clean Air Act is further amended to read as follows:

"(c) For the purposes of this section there are authorized to be appropriated (1) for the fiscal year ending June 30, 1971, $125,000,000, (2) for the fiscal year ending June 30, 1972, $150,000,000, and (3) for the fiscal year ending June 30, 1973, $175,000,000. Amounts appropriated pursuant to this subsection shall remain available until expended."

SEC. 3. (a) Section 105(a) of the Clean Air Act is amended by adding at the end thereof a new paragraph to read as follows:

"(4) Notwithstanding any other provision of this section, the Secretary is authorized to make grants to any State air pollution control agency in an amount not to exceed three-fourths of the cost of planning, developing, establishing, or improving, and grants to any such agency in an amount of not to exceed three-fifths of the cost of maintaining, a regional air quality control program within the meaning of this subsection if the Secretary determines that—

"(A) such regional program is operated by such State agency and is serving or will serve an air quality control region within the meaning of this Act;

"(B) such State agency has adequate authority to abate and control air pollution from all sources in the area served by such regional program;

"(C) such regional program will not supplant any air pollution control program established by any municipality or group of municipalities unless the Governor of such State determines that it is in the public interest to supplant such air pollution control programs;

"(D) development, establishment, improvement, or maintenance of such regional program will not result in a reduction of non-Federal matching funds available for air pollution control activities in the area served by such regional program, and that such grants shall supplement, not supplant, any other funds available to such agency; and

"(E) such State agency has made adequate provision for coordination of such program with the related activities of any municipal, intermunicipal, or interstate programs serving all or any portion of such air quality control region."

(b) Section 105 of the Clean Air Act is further amended by adding at the end thereof the following new subsections;

"(d) The Secretary, with the concurrence of any recipient of a grant under this section, may reduce the payments to such recipient by the amount of the pay, allowances, traveling expenses, and any other costs in connection with the detail of any officer or employee to the recipient under section 301 of this Act,

when such detail is for the convenience of, and at the request of, such recipient and for the purpose of carrying out the provisions of this Act. The amount by which such payments have been reduced shall be available for payment of such costs by the Secretary, but shall, for the purpose of determining the amount of any grant to a recipient under subsection (a) of this section, be deemed to have been paid to such agency.

"(c) If the Secretary determines that the program of any agency eligible for a grant pursuant to this section is inadequately staffed or funded to implement the requirements of this Act in any region, he shall withhold from such agency all or any portion of the funds which would be otherwise made available pursuant to this section. Such funds as would have been available to such agency shall be available to the Secretary to implement the purposes of this Act in such State or region."

SEC. 4. Section 106 of the Clean Air Act is amended—

(1) by striking "(a)" after "Sec. 106";

(2) by striking subsection (b);

(3) by striking in the first sentence thereof "section 107(a)(2)" and inserting in lieu thereof "this title"; and

(4) by inserting in the first sentence after the word "thereof" the following: "and coordinating effectively the enforcement thereof".

SEC. 5. Sections 107 through 109 of the Clean Air Act are amended to read as follows:

"RESEARCH RELATING TO AIR POLLUTION EFFECTS

"SEC. 107. (a) In carrying out research pursuant to this Act, the Secretary shall give special emphasis to research on the short- and long-term effects of air pollution agents or combinations of such agents on public health and welfare. In the furtherance of such research, he shall conduct an accelerated research program—

"(1) to improve knowledge of the contribution of air pollution agents to the occurrence of adverse effects on health, including, but not limited to, behavioral, physiological, toxicological, and biochemical effects; and

"(2) to improve knowledge of the short- and long-term effects of air pollution agents on the environment, including effects on soils, water, vegetation, manmade materials, animals wildlife, weather, visibility, and climate as well as effects on esthetic, recreation, and economic values.

"(b) In carrying out the provisions of this section the Secretary shall, as may be necessary—

"(1) conduct epidemiological studies of the effects of air pollution agents or combination of such agents on mortality and morbidity;

"(2) conduct clinical and laboratory studies on the immunologic, biochemical, physiological, and the toxicological effects including carcinogenic, teratogenic, and mutagenic effects of air pollution agents or combination of such agents;

"(3) utilize, on a reimbursable basis, the facilities of existing Federal scientific laboratories and research centers;

"(4) utilize the authority contained in section 103(b)(1) through (4) of this Act; and

"(5) consult with other appropriate Federal agencies to assure that research or studies conducted pursuant to this section shall be in addition to and not duplicative of research and studies of such other Federal agencies.

"(c) In entering into contracts under this section, the Secretary is authorized to contract for a term not to exceed ten years in duration. For the purposes of this subsection there are authorized to be appropriated $15,000,000. Such amounts as are appropriated shall remain available until expended and shall be in addition to any other appropriation under this Act.

"(d) No research, demonstrations, experiments, or other such work shall be carried out, contracted for, sponsored, or authorized under this Act after the effective date of this subsection, unless all information, uses, products, processes, patents, and other developments resulting from such work will (with such exception and limitation, if any, as the Secretary may find to be necessary in the public interest and he publishes his findings) be available to the general public.

"AIR QUALITY CONTROL REGIONS

"SEC. 108. (a) For the purpose of implementing applicable ambient air quality standards and for administrative and other purposes, the Secretary, after consultation with appropriate State and local authorities, shall, within ninety days after enactment of this section, designate any interstate and major intrastate air quality control region which he deems necessary and appropriate. Any such designation shall be based on jurisdictional boundaries, urban-industrial concentrations, existing levels of ambient air quality, and other factors necessary to provide for effective implementation of ambient air quality standards. The Secretary shall immediately notify the Governor or Governors of the affected State or States of such designation. Any area of any State which is not a part of a region designated by the Secretary pursuant to this Act, including regions designated prior to enactment of this subsection, shall be considered an air quality control region for the purpose of this Act. The Governor of a State may subdivide such areas into two or more air quality control regions for the purpose of developing implementation plans pursuant to this Act.

"(b) All designations of air quality control regions made pursuant to this Act shall be reviewed periodically and modified, if necessary, by the Secretary, after consultation with the appropriate State and local authorities in the affected region and in any States and regions adjoining the State or affected region, to insure the application of the most effective and timely means of protecting and enhancing air quality. In no event shall such review be less frequent than once every five years.

"AIR QUALITY CRITERIA AND CONTROL TECHNIQUES

"SEC. 109. (a)(1). The Secretary shall, within thirty days after enactment of this section and from time to time thereafter, publish in the Federal Register a list of air pollution agents or combination of such agents—

"(A) which have, or may be expected to have, an adverse effect on public health or welfare;

"(B) the presence of which in the ambient air results from numerous and diverse mobile or stationary sources; and

"(C) for which air quality criteria requisite for the protection of public health and welfare are planned.

The Secretary shall, after consultation with appropriate advisory committees and Federal departments and agencies and within twelve months after such publication, develop and issue to the States such criteria.

"(2) Such criteria shall accurately reflect the latest scientific knowledge useful in indicating the kind and extent of all identifiable effects on public health or welfare which may be expected from the presence of any air pollution agent or combination of such agents in the ambient air, in varying quantities.

"(3) Such criteria, to the extent practicable, shall include information on—

"(A) those variable factors which of themselves or in combination with other factors may alter the effects on public health and welfare of any air pollution agent or combination of such agents, including, but not limited to, atmospheric conditions;

"(B) the types of any air pollution agent or combination of such agents which, when present in the atmosphere, may interact to produce an effect on public health and welfare; and

"(C) any known or anticipated effects associated with the presence of any air pollution agent or combination of such agents in the ambient air, including, but not limited to, effects on soils, water, vegetation, manmade materials, animals, wildlife, weather, visibility, and climate, as well as effects on economic values.

"(b)(1) Simultaneously with the issuance of criteria, the Secretary shall, after consultation with appropriate advisory committees and Federal departments and agencies, issue to the States and appropriate air pollution control agencies information on pollution control techniques, which information shall include data relating to the technology and costs of emission control. Such information shall include such data as are available on available technology and alternative methods of prevention and control of air pollution. Such information shall also include data on alternative fuels, processes, and operating methods which will result in elimination or significant reduction of emissions.

"(2) The Secretary shall also, from time to time, issue information on pollution control techniques for air pollution agents or combinations of such agents subject to the provisions of sections 114 and 115 of this Act.

"(c) Any air quality criteria or information on air pollution control techniques issued under this Act by the Secretary prior to the enactment of this subsection shall continue in effect. The Secretary shall from time to time review, and, as appropriate, modify, and reissue any criteria or information on control techniques issued pursuant to this Act.

"(d) The issuance of air quality criteria and information on air pollution control techniques shall be announced in the Federal Register and copies shall be made available to the general public."

SEC. 6. (a) Sections 110 and 111 of the Clean Air Act are redesignated as sections 117 and 118.

(b) The Clean Air Act is further amended by inserting after section 109 the following new sections:

"NATIONAL AIR QUALITY STANDARDS AND GOALS

"SEC. 110. (a)(1) Within thirty days after the date of enactment of this section, the Secretary shall publish in the Federal Register, in accordance with section 553 of title 5 of the United States Code, proposed national ambient air quality standards for any air pollution agent or combination of such agents for which air quality criteria have been issued prior to the date of enactment of this section. He shall, after a reasonable time for interested persons to submit written comments thereon, promulgate such proposed national ambient air quality standards with such modifications as he deems appropriate. Such promulgation shall occur no later than ninety days after the initial publication of such proposed national ambient air quality standards.

"(2) With respect to any air pollution agent or combination of such agents for which air quality criteria and information on control techniques are issued subsequent to enactment of this section, the Secretary shall publish, simultaneously with the issuance of such criteria and information, proposed national ambient air quality standards for any such pollution agent or combination of such agents. The procedure provided for in paragraph (1) of this subsection shall apply.

"(3) National ambient air quality standards, proposed and promulgated pursuant to paragraphs (1) and (2) of this subsection, shall be ambient air quality standards the attainment and maintenance of which are

necessary to protect the health of persons. Such standards shall be revised, as necessary, in the same manner as promulgated.

"(b) Simultaneously with the initial publication of proposed national ambient air quality standards pursuant to subsection (a) of this section, the Secretary shall publish proposed national ambient air quality goals the attainment and maintenance of which are necessary to protect the public health and welfare from any known or anticipated adverse effects associated with the presence of such air pollution agent or combination of such agents in the ambient air, including, but not limited to, adverse effects on soils, water, vegetation, manmade materials, animals, wildlife, weather, visibility, and climate, as well as effects on economic values. Such national ambient air quality goals shall be published and promulgated in the same manner as prescribed in subsection (a) of this section for proposed national ambient air quality standards. Such goals shall be revised, as necessary, in the same manner as promulgated.

"IMPLEMENTATION PLANS

"SEC. 111. (a)(1) After the promulgation of national ambient air quality standards and national ambient air quality goals, or revisions thereof, under section 110 of this Act for any air pollution agent or combination of such agents, each State shall, after reasonable notice and public hearings, adopt and submit to the Secretary, within nine months after such promulgation, a plan for implementation, maintenance, and enforcement of such standards and goals in each air quality region designated or established pursuant to this Act. Unless a separate public hearing is provided, each State shall consider adoption of ambient air quality standards which are more restrictive than the national ambient air quality standards at the hearing required by this paragraph.

"(2) The Secretary shall, within four months after the date required for such submission, act to approve or to disapprove such plan or portion thereof. The Secretary shall approve such plan, or any portion thereof, if he determines that it—

"(A) provides for the attainment of such national ambient air quality standards within three years from the date of approval of such plan;

"(B) includes emission requirements, schedules and timetables of compliance, and such other measures as necessary to insure attainment of any applicable ambient air quality standard and goal;

"(C) includes provision for establishment and operation of appropriate devices, methods, systems, and procedures necessary to (i) monitor, compile, and analyze data on ambient air quality and, (ii) upon request, make such data available to the Secretary;

"(D) includes, to the extent necessary, appropriate procedures, including, but not limited to, land-use and air and surface transportation controls and permits, for insuring that any source of air pollution agents or combination of such agents will be located, operated, and for other than moving sources, designed, constructed, and equipped in such a way that such sources will not interfere with implementation, maintenance, and enforcement of any applicable air quality standard and goal;

"(E) contains adequate provisions for intergovernmental cooperation, including measures necessary to insure that emissions of such agents or combination of such agents from sources located in one air quality control region will not cause or contribute to a violation of such air quality standards or prevent attainment of such air quality goals in any other air quality control region or portion thereof;

"(F) provides (i) that any person who owns, leases, operates, or controls any stationary source subject to the provisions and requirements of such implementation plan shall be required to furnish to the appropriate State agency periodic reports on the nature and amounts of emissions of any air pollution agent or combinations of such agents from such source, and (ii) that such reports shall be correlated by the State agency with any emission requirements or standards established pursuant to this Act which reports shall be part of the public record and available at reasonable times for public inspection;

"(G) provides necessary assurances that the State will have adequate personnel, funding, and authority to carry out such implementation plan, including requirements for installation of monitoring equipment and methods on sources subject to emission requirements; periodic reporting on the nature and amounts of emissions; and authority comparable to that in section 303 of this Act, and contingency plans to implement such authority as determined by the Secretary;

(H) provides, to the extent necessary, for a program of periodic inspection and testing of motor vehicles, as authorized by section 208 of this Act;

"(I) provides for revision, after public hearings, of such plan from time to time as may be necessary to take account of revisions of such ambient air quality standards and goals or availability of improved or more expeditious methods of achieving such standards and goals; and

"(J) identifies the air quality control region to which such plan applies including the boundaries of such region if it is one resulting from a subdivision under section 108 (a) of this Act.

"(3) Each approved plan, or portion thereof, for implementation, maintenance, and enforcement of such standards and goals shall be the implementation plan applicable to such air quality control region.

"(b) The Secretary may, wherever he determines necessary, extend the period for submission of any portion of any plan for implementation of any national ambient air quality goal for a period not to exceed eighteen months from the date otherwise required for submission of such plan.

"(c) The Secretary shall, after consideration of any State hearing record, promptly prepare and publish proposed regulations setting forth such a plan, or portion thereof, for such quality air control region if (1) a State fails to submit for any air quality control region, or portion thereof, a plan for implementation, maintenance, and enforcement of ambient air quality standards and goals within the time prescribed, or (2) the plan, or portion thereof, submitted for any such region is determined by the Secretary not to be in accordance with the requirements of this section. If such State held no public hearing associated with adoption of an implementation plan, the Secretary shall provide opportunity for such hearing within such region on any proposed regulation for such region. The Secretary shall, within six months after the date required for submission of such plans, promulgate any such regulations unless, prior to such promulgation, such State has adopted and submitted a plan which the Secretary determines to be in accordance with the requirements of this section. A plan promulgated by the Secretary for any air quality control region shall be the plan applicable to such region in the same manner as if such plan had been adopted by such State and approved by the Secretary pursuant to subsection (a) of this section and shall remain in effect until such State submits a plan and it is approved under this section.

"(d) Ambient air quality standards and implementation plans adopted by States and submitted to the Secretary pursuant to this Act prior to enactment of this section shall remain in effect, unless the Secretary determines that such air quality standards and implementation plans, or portions thereof, are not consistent with the applicable requirements of this Act and will not provide for the attainment of national ambient air quality standards in the time required by this Act. If the Secretary so determines, he shall, within ninety days after promulgation of any national ambient air quality standards pursuant to section 110(a)(1) of this Act; notify the appropriate State or States and specify in what respects changes are needed to meet the additional requirements of this Act, including requirements to implement ambient air quality goals. If such changes are not adopted by the State or States after public hearings and within six months after such notification, the Secretary shall promulgate such changes pursuant to subsection (c) of this section.

"(e)(1) Whenever the Secretary or his authorized representative finds new information developed from surveys, studies, investigation, or reports, or any information otherwise made available to him, that, in any air quality control region, an approved or promulgated implementation plan will be, or has been, substantially inadequate to achieve national ambient air quality standards promulgated pursuant to this Act, the Secretary shall notify the appropriate State or States of such new information and shall allow the appropriate State or States an opportunity to respond. If such State or States fails to respond within ninety days after receipt of such notice, or if such response is inadequate, the Secretary shall revise and promulgate such plan within four months, in accordance with provisions of section 553 of title 5 of the United States Code. Such revision may include an extension of the period required to obtain the quality of air established by any national ambient air quality standard established pursuant to this Act, except that such extension shall not exceed one year. No further extension shall be granted pursuant to this provision and no extension shall affect any emission requirement, timetable, or schedule of compliance adopted as a part of the plan subject to revision unless such requirement, timetable, or schedule is the subject of such revision.

"(2) Any revised plan promulgated pursuant to this subsection shall be the plan applicable to such region in the same manner as if such plan had been adopted by the State and approved by the Secretary pursuant to this section.

"(f)(1) No later than one year before the expiration of the period for the attainment of ambient air of the quality established for any national ambient air quality standard promulgated pursuant to section 110 of this Act, the Governor of a State in which is located all or part of an air quality control region designated or established pursuant to this Act may file a petition in the district court of the United States for the district in which all or a part of such air quality control region is located against the United States for relief from the effect of such expiration (A) on such region or portion thereof, or (B) on a person or persons in such air quality control region. In the event that such region is an interstate air quality control region or portion thereof, any Governor of any State which is wholly or partially included in such interstate region shall be permitted to intervene for the presentation of evidence and argument on the question of such relief.

"(2) Any action brought pursuant to this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and appeal shall be to the Supreme Court. Proceedings before the three judge court, as authorized by this subsection, shall take precedence on the docket over all other causes of action and shall be assigned

for hearing and decision at the earliest practicable date and expedited in every way.

"(3)(A) In any such proceeding the Secretary shall intervene for the purpose of presenting evidence and argument on the question of whether relief should be granted.

"(B) The court, in its discretion, may permit any interested person residing in any affected State to intervene for the presentation of evidence and argument on the question of relief.

"(4) The court, in view of the paramount interest of the United States in achieving ambient air quality necessary to protect the health of persons shall grant relief only if it determines such relief is essential to the public interest and the general welfare of the persons in such region, after finding—

"(A) that substantial efforts have been made to protect the health of persons in such region; and

"(B) that means to control emissions causing or contributing to such failure are not available or have not been available for a sufficient period to achieve compliance prior to the expiration of the period to attain an applicable standard; or

"(C) that the failure to achieve such ambient air quality standard is caused by emissions from a Federal facility for which the President has granted an exemption pursuant to section 118 of this Act.

"(5) The court, in granting such relief shall not extend the period established by this Act for more than one year and may grant renewals for additional one year periods only after the filing of a new petition with the court.

"(6) The Secretary in consultation with any affected State or States, shall take such action as may be necessary to modify any implementation plan or formulate any new implementation plan for the period of such extension.

"(7) No extension granted pursuant to this section shall effect compliance with any emission requirement, timetable, schedule of compliance, or other element of any implementation plan unless such requirement, timetable, schedule of compliance, or other elements of such plan is the subject of the specific order extending the time for compliance with such national ambient air quality standard.

"STATE STANDARDS AND PLANS TO ACHIEVE GREATER AIR QUALITY CONTROL

"SEC. 112. Nothing in this title shall be construed as preventing a State, political subdivision thereof, intermunicipal or interstate agency from adopting, within the time provided in sections 110 and 111 of this Act, or revising after such time, ambient air quality standards and implementation plans, including emission requirements, to implement an air quality program which will (A) attain and maintain a higher level of air quality than is specified in any national ambient air quality standard promulgated to this Act, or (B) attain and maintain the level of air quality specified in any national ambient air quality standard within a shorter period of time than required by this Act, or from adopting within the time provided in section 114 or section 115 of this Act, or revising after such time, emission standards more stringent than those established by the Secretary.

"NEW SOURCE STANDARDS OF PERFORMANCE

"SEC. 113. (a) For the purpose of this section, the term—

"(1) 'stationary sources' means those buildings, structures, facilities, or installations, which, regardless of location, emit or may emit any air pollution agent or combination of such agents in amounts which cause or contribute to the endangerment of of the public health and welfare;

"(2) 'new source' means any stationary source, the construction or modification of which is begun on or after the effective date of any standard of performance establish under this section applicable to such source;

"(3) 'construction' means any placement, assembly, or installation of facilities or equipment (including contractual obligations to purchase such facilities or equipment) at the premises where such equipment will be used, including preparatory work at such premises;

"(4) 'modification' means any construction (other than pollution abatement facilities as determined by the Secretary or appropriate State agency) which may alter the nature or may increase the amounts of air pollution agents or combination of such agents emitted by a stationary source; and

"(5) 'owner or operator' means any person who owns, leases, operates, controls, or supervises a new source.

"(b)(1) The Secretary shall, within ninety days after the enactment of this section and from time to time thereafter, publish in the Federal Register a list of categories of stationary sources which shall be subject to standards of performance established under this section.

"(2) Within one hundred and twenty days after the publication of such a list or revision thereof, the Secretary shall publish in the Federal Register proposed regulations, in accordance with section 553 of title 5 of the United States Code, establishing Federal standards of performance for new sources. Such standards shall reflect the greatest degree of emissioin control which the Secretary determines to be achievable through application of the latest available control technology, processes, operating methods, or other alternatives. The Secretary shall afford interested persons an opportunity for written comment on such proposed regulations. After considering such comments, he shall promulgate, within ninety days after such publication, such standards with such modifications as he deems appropriate and shall notify the States of such promulgation. The Secretary may from time to time revise such standards following the procedure required by this subsection for promulgation of such standards.

"(3) Standards of performance of revisions thereof shall become effective upon promulgation.

"(4) The Secretary may distinguish among classes, types, and sizes within categories of new sources for the purpose of establishing such standards.

"(c) Prior to publishing any lists or regulations pursuant to this section the Secretary shall, to the maximum extent practicable within the time provided, consult with appropriate advisory committees, independent experts and Federal departments and agencies.

"(d) The provisions of this section shall apply to any new source owned and operated by the United States.

"(e)(1) The Secretary shall, within ninety days after enactment of this section, promulgate regulations, in accordance with section 553 of title 5 of the United States Code, establishing a procedure for certification of compliance with any standard of performance promulgated pursuant to this section. Such procedure shall include—

"(A) provisions for preconstruction review of the locations and design of any new source;

"(B) provisions for performance tests within a reasonable time after commencement of operation of any new source;

"(C) methods to identify violations and enforce compliance with such standards of performance; and

"(D) methods to insure that any such new source shall not prevent implementation of national ambient air quality standards or national ambient air quality goals promulgated under this title.

"(2) Except as provided in subsection (f) of this section, upon application by any owner or operator of any new source the Secretary shall, within ninety days after application for certification, act on such application. If the Secretary determines, in accordance with the provisions of this section, that such source complies with the applicable standards of performance promulgated under this section he shall certify such source.

"(f)(1) Each State may develop and submit to the Secretary a procedure for certification of compliance with any standard of performance for any new source located in such State. If the Secretary finds the State procedure is at least equal to the requirements established pursuant to subsection (d) of this section, he shall delegate certification authority provided in this section to such State for other than new sources owned and operated by the United States.

"(2) Nothing in this section shall prohibit the Secretary from enforcing any applicable standard of performance promulgated pursuant to this section, including suspending any State certification granted pursuant to this section.

"(g) Every owner or operator of a new source subject to standards established under this section shall (1) establish and maintain such records, make such reports, install, use, and maintain monitoring equipment or methods, and provide such information as the Secretary may reasonably require to enable him to determine whether such source is in compliance with this section and regulations established thereunder, and (2) upon request of an officer or employee, duly designated by the Secretary permit such officer or employee at reasonable times, to have access to and copy such records, and to inspect any such monitoring equipment or method. Except for emission data, upon a showing satisfactory to the Secretary by such owner or operator that such records, reports, or information or particular part thereof, if made public, would divulge trade secrets or secret processes of such owner or operator, the Secretary shall consider such record, report, or information or particular portion thereof confidential in accordance with the purposes of section 1905 of title 18 of the United States Code, except that such record, report, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act or when relevant in any proceeding under this Act.

"(h)(1) After the effective date of standards of performance promulgated under this section, it shall be unlawful—

"(A) for any owner or operator to operate any new source without certification issued under this section; or

"(B) for any owner or operator of any certified new source to operate such source in violation of any standard of performance applicable to such source; or

"(C) for any owner or operator to fail or refuse to permit access to, or copying of, records or to fail to make reports, or to fail to install, use, or maintain monitoring equipment or methods, or provide information required under this section.

"(2) The district courts of the United States shall have jurisdiction to enjoin violations of paragraph (1)(A) or paragraph (1)(C) of this subsection. In any action to restrain violations, subpenas for witnesses who are required to attend a district court in any district may run into any other district.

"(3) Any owner or operator who violates paragraph (1)(A) or paragraph (1)(C) of this subsection shall be liable to a civil penalty of not more than $5,000 for each offense which shall be assessed by the Secretary after an opportunity for a public hearing. Each day of violation shall be a separate offense.

"(4) Any violation of paragraph (1)(B) of this subsection shall be subject to abate-

ment pursuant to section 116 of this Act. If any owner or operator of a certified new source does not initiate abatement within seventy-two hours as provided in any order issued pursuant to section 116(a)(2) of this Act to abate such violation, the Secretary shall suspend any applicable Federal or State certification. Failure to suspend operation of such source after such suspension shall be considered a knowing violation for purposes of section 116(b) of this Act and shall, upon conviction, subject the owner or operator to a fine of at least $5,000 for each day of operation after such suspension.

"NATIONAL EMISSION STANDARDS—SELECTED AIR POLLUTION AGENTS

"SEC. 114. (a) For the purpose of this section the term—

"(1) 'selected air pollution agent' means any air pollution agent or combination of such agents which is not subject to the provisions of sections 109 and 110 or 115 of this Act, and which has or may be expected to have an adverse effect on public health and the presence of which, in the ambient air, results from emissions from categories of stationary sources as defined pursuant to the provisions of section 113 of this Act; and

"(2) 'owner or operator' means any person who owns, leases, operates, controls, or supervises a stationary source.

"(b) The Secretary shall, within one hundred and eighty days after the enactment of this section and from time to time thereafter, compile and publish in the Federal Register a list of selected air pollution agents or combinations of agents for which he deems that emission standards are appropriate under this section in order to carry out the purposes of this Act.

"(c)(1) The Secretary shall from time to time publish in the Federal Register, in accordance with section 553 of title 5 of the United States Code, proposed regulations establishing emission standards for such air pollution agents or combination of such agents included in such list. Such standards shall be designed to insure that emissions of such pollution agent or combination of agents from any such stationary source shall not endanger public health. The Secretary shall afford interested persons an opportunity for written comment on such proposed regulations, and, after considering such comments, shall promulgate, within one hundred and twenty days after such publication, such emission standards with such modifications as he deems appropriate. The Secretary may distinguish among classes, types, and sizes within categories of such sources for the purpose of this section.

"(2) Any emission standard promulgated pursuant to this section shall be reviewed and, if appropriate, revised in the same manner as initially promulgated.

"(3) Such standards shall become effective on the date specified in such promulgation, but in no event more than twenty-four months after such promulgation.

"(4) The Secretary may, upon application filed by any owner or operator, waive, subject to such terms and conditions as he may prescribe, the application of any emission standard established under this section to any stationary source of such owner or operator if he finds, and publishes his finding, that such source has achieved the greatest degree of air pollution control currently technically feasible and that the health of persons is not adversely affected by such waiver, Such waiver shall be subject to the review provision of section 308 of thi_ Act.

"(d) Prior to publishing any lists or regulations pursuant to this section the Secretary shall, to the maximum extent practicable within the time provided, consult with appropriate advisory committees, independent experts and Federal departments and agencies.

"(e) After the effective date of the standards promulgated under this section, every owner or operator of a stationary source to which such standards apply shall (1) establish and maintain such records, make such reports, install, use, and maintain monitoring equipment or methods and provide such information as the Secretary may reasonably require to enable him to determine whether such source is in compliance with this section and the standards established hereunder, and (2) upon request of an officer or employee duly designated by the Secretary permit such officer or employee at reasonable times, to have access to and copy such records, to inspect any such monitoring equipment or method. Except for emission data, upon a showing satisfactory to the Secretary by such owner or operator that such records, reports, or information or particular part thereof, if made public, would divulge trade secrets or secret processes of such owner or operator, the Secretary shall consider such record, report, or information or particular portion thereof confidential in accordance with the purposes of section 1905 of title 18 of the United States Code, except that such record, report, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act or when relevant in any proceeding under this Act.

"(f)(1) Beginning on and after the effective date of any emission standard promulgated under this section, it shall be unlawful for any owner or operator to operate any stationary source in violation of such standard.

"(2) Beginning on and after the effective date of any emission standard promulgated under this section, it shall be unlawful for any owner or operator of a stationary source subject to such standard to fail or refuse to permit access to, or copying of, records, or to fail to make reports, or to fail to install, maintain, and use monitoring equipment or methods, or provide information required by the Secretary pursuant to subsection (d) of this section.

"(g) Any violation of paragraph (1) of subsection (f) of this section shall be subject to abatement pursuant to section 116 of this Act.

"(h) Any owner or operator who violates paragraph (2) of subsection (f) of this section shall be liable to a civil penalty of not more than $5,000 for each offense which, after an opportunity for a hearing, shall be assessed by the Secretary.

"(i) Any failure of such owner or operator to comply with an order issued pursuant to section 116(a)(2) of this Act shall be considered a knowing violation for purposes of section 116(b) of this Act, and shall, upon conviction, subject such owner or operator to a fine of at least $5,000 for each day of operation after such suspension.

"(j)(1) Each State may develop and submit to the Secretary a procedure for enforcement of any emission standards established under this section for any stationary source located in any State. If the Secretary finds the State procedure is adequate to implement the purposes of this section he shall delegate enforcement authority provided in this section to such State.

"(2) Nothing in this subsection shall prohibit the Secretary from enforcing any applicable emission standard promulgated pursuant to this section.

"NATIONAL EMISSION STANDARDS—HAZARDOUS AIR POLLUTION AGENTS

"SEC. 115. (a)(1) The Secretary, shall, within ninety days after the enactment of this section and from time to time thereafter, publish in the Federal Register a list of those air pollution agents or combination of such agents which available material evidence indicates are hazardous to the health of persons and which shall be subject to a prohibition or emission standard established under this section.

"(2) Within one hundred and eighty days after the publication of such list, or revision thereof, the Secretary, in accordance with section 553 of title 5 of the United States Code, shall publish a proposed prohibition of emissions of each such agent or combination of agents from any stationary source together with a summary of such evidence and a notice of a public hearing within thirty days. As soon as possible after such hearing, but not later than six months after such publication, the Secretary shall promulgate such prohibition, unless, based upon a preponderance of evidence adduced at such hearing, he finds within such period and publishes his finding—

"(A) that such agent is not hazardous to the health of persons; or

"(B) that a departure from such prohibition for stationary source will not be hazardous to the health of persons.

"(3) If the Secretary finds under paragraph (2)(A) of this subsection that such agent is not hazardous to the health of persons, he shall immediately publish an emission standard in accordance with the procedures established under section 114 of this Act.

"(4) If the Secretary finds under paragraph (2)(B) of this subsection that a departure from such prohibition for any stationary source will not be hazardous to the health of persons, he shall immediately promulgate an emission standard for such agent or combination of agents for any such stationary source to protect the health of persons.

"(5) When proposing or promulgating any prohibition or emission standard under this section, the Secretary shall designate the category or categories of stationary sources to which the prohibition or emission standard shall apply.

"(6) Any prohibition or emission standard established pursuant to this section shall become effective upon promulgation.

"(7) Prior to publishing any lists or regulations pursuant to this section the Secretary shall, to the maximum extent practicable within the time provided, consult with appropriate advisory committees, independent experts and Federal departments and agencies.

"(b) For purposes of this section, an air pollution agent which is 'hazardous to the health of persons' is one whose presence, chronically or intermittently; in trace concentrations in the ambient air, either alone or in combination with other agents, causes or will cause, or contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible damage to health.

"(c) After the effective date of any prohibition or emission standard promulgated under this section, every owner or operator of a stationary source subject to such prohibition or standard shall (1) establish and maintain such records, make such reports, install, use, and maintain monitoring equipment or methods and provide such information as the Secretary may reasonably require to enable him to determine whether such source is in compliance with this section and the prohibition or standards established hereunder, and (2) upon request of an officer or employee duly designated by the Secretary permit such officer or employee, at reasonable times to have access to and copy such records, and to inspect any such monitoring equipment or method. Except for emission data, upon a showing satisfactory to the Secretary by such owner or operator that such records, reports or information or particular part thereof, if made public, would divulge trade secrets or secret processes of such owner or operator, the Secretary shall consider such record, report, or information or particular portion thereof

confidential in accordance with the purposes of section 1905 of title 18 of the United States Code, except that such record, report, or information may be disclosed to other officers or employees of the United States concerned with carrying out this Act or when relevant in any proceeding under this Act.

"(d) Upon evidence of a violation of any prohibition or emission standard established pursuant to this section, the Secretary shall bring a civil suit on behalf of the United States against the owner or operator of such source which causes or contributes to such violation for immediate abatement, including a permanent or temporary injunction, restraining order, or any other appropriate order, in the appropriate United States district court for the district in which such stationary source is located or in which the owner or operator thereof has his principal office or resides. Each court shall have jurisdiction to provide such relief as may be appropriate. In any such action, the findings of the Secretary under subsection (a) of this section shall be presumed correct.

"(e) Any prohibition or emission standard promulgated pursuant to this section shall be subject to review, and if appropriate, revision in the same manner as initially promulgated.

"FEDERAL ENFORCEMENT

"SEC. 116. (a)(1). The violation of any implementation plan, including any emission requirements therein, or any emission standard, or standard of performance established pursuant to this Act is prohibited.

"(2) Whenever, on the basis of surveys, studies, investigations, reports or any information otherwise made available to him, the Secretary or an authorized representative of the Secretary finds (A) that any person is in violation of, or is causing or contributing to a violation of, an implementation plan, including any emission requirement therein, and that, in the judgment of the Secretary, a State has not satisfactorily administered its implementation plan, particularly the requirements of section 111(a)(2)(G); or (B) that any person is in violation or is causing or contributing to a violation of standards of performance established under section 113 of this Act; or (C) that any person is in violation of an emission standard established under section 114 of this Act; he shall promptly issue an order in writing to such person requiring such person to initiate abatement of such violation as soon as possible and within a time to be prescribed therein. In the case of a violation of any emission requirement, emission standard, or standard of performance, such time shall not exceed seventy-two hours from the receipt of such notice. A copy of the order shall be sent to the State air pollution control agency of the State or States in which the violation occurred, or is occurring, and, in any case where the order issued is to a corporation, to appropriate corporate officers. All such orders shall state with reasonable specificity the nature of the violation. Nothing in this section shall affect the authority of the Secretary pursuant to section 303 of this Act.

"(3) For the purpose of (A) establishing any ambient air quality standard, prohibition, emission standard, or standard of performance pursuant to this Act; or (B) making any investigation under this Act of any building, structure, monitoring equipment, or other facility subject to any air quality standard, implementation plan, emission requirement, prohibition, emission standard, waiver, or standard of performance established under this Act, the Secretary or his authorized representative shall have a right of entry to, upon, or through such building, structure, or facility, upon presentation of his credentials. The Secretary shall, when appropriate, require any person who owns, leases, operates, or controls such building, structure, or other facility to install, use and maintain monitoring equipment and methods and to sample any emission subject to emission requirements, emission standards, or standards of performance in accordance with such methods, at such locations, at such intervals, and in such manner as the Secretary shall prescribe and to report such samples to the Secretary as he may prescribe and such report shall be public.

"(4) The Secretary shall institute a civil action for appropriate relief, including a permanent or temporary injunction, in the district court of the United States for the district in which a person subject to any implementation plan, emission requirement, emission standard, or standard of performance established under this Act is located or resides or is doing business, whenever such person——

"(A) violates or fails or refuses to comply with any order issued under paragraph (2) of this subsection (any such order shall be in force unless and until the court determines that the interests of the public are best served by staying such order and that there is a substantial likelihood that such party will prevail on the merits of the matters subject to review); or

"(B) violates or fails or refuses to comply with any requirement established under section 113, 114, or 115 of this Act; or

"(C) refuses to furnish any information, data, or reports, or refuses to install, maintain, or use monitoring equipment or methods required by the Secretary or appropriate State agency in furtherance of the provisions of this Act; or

"(D) refuses to permit access to, and copying of, such records as the Secretary determines necessary in carrying out the provisions of this Act.

"(5) Any person subject to an order issued pursuant to paragraph (2) of this subsection and who undertakes compliance with such order shall not be foreclosed from instituting in the United States district court for the district in which the alleged violation occurred an action against the Secretary to challenge such order.

"(b) Any person (A) who knowingly violates any schedule or timetable of compliance or emission requirement included in any implementation plan, or (B) who knowingly violates any (i) emission standard established under section 114 of this Act, or (ii) prohibition or emission standard established under section 115 of this Act, or (C) who knowingly violates any standard of performance under section 113, or (D) who knowingly violates or fails or refuses to comply with any order issued under this section, shall, upon conviction, be punished by a fine of not more than $25,000 per day of violation, or by imprisonment for not more than one year, or by both. If the conviction is for a violation committed after the first conviction of such person under this subsection, punishment shall be by a fine of not more than $50,000 per day of violation, or by imprisonment for not more than two years, or by both.

"(c) Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Act or who falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under this Act, shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than six months, or by both."

SEC. 7. Redesignated section 118 of the Clean Air Act is amended to read as follows:

"CONTROL OF POLLUTION FROM FEDERAL FACILITIES

"SEC. 118. (a) Each agency of the executive, legislative, and judicial branches of the Federal Government (1) having jurisdiction over any real property or facility including any vehicle or vessel which it owns and operates, or (2) engaged in any activity resulting, or which may result, in the discharge of air pollution agents or combinations of such agents, shall provide leadership in carrying out the policy and purposes of this Act and shall comply with the requirements of this Act in the same manner as any person must so comply in the administration of such property, facility, or actiivty. Except for new sources subject to standards of performance under subsection (c) of section 113 of this Act, the President may exempt any such property, facility, vehicle, or vessel of any such agency of the executive branch from such compliance if he determines it to be in the paramount interest of the United States to do so. No such exemption shall be granted due to lack of appropriation unless the President shall have specifically requested such appropriation as a part of the budgetary process and the Congress shall have failed to make available such requested appropriation. Any exemption shall be for a period not to excess of one year, but additional exemptions may be granted for periods of not to exceed one year upon the President making a new determination. The President shall report each January to the Congress all exemptions from the requirements of this section granted during the preceding calendar year, together with his reason for granting each such exemption. Exemptions for agencies of the legislative or judicial branches shall be by act of Congress.

"(b) The Governor, the attorney general or any citizen of any State in which any Federal property, facility, or activity is located may seek to enforce the provision of this section pursuant to section 304 of this Act."

SEC. 8. Sections 202 through 212 of the Clean Air Act are amended to read as follows:

"ESTABLISHMENT OF STANDARDS

"SEC. 202. (a) Except as provided in subsection (b) of this section:

"(1) The Secretary shall by regulation prescribe, as soon as practicable and in accordance with the provisions of this section, standards applicable to the emission of all known substances of any kind or description from any class or classes of (A) vessels, aircraft, commercial vehicles and new non-commercial vehicles, and (B) vessel, aircraft, commercial vehicle, and new non-commercial-vehicle engines, which in his judgment cause or contribute to, or are likely to cause or to contribute to, air pollution which endangers the health or welfare of any persons. Such standards shall apply to such vessels, aircraft, vehicles, or engines whether they are designed as complete systems or incorporate other devices to prevent or control such pollution.

"(2) Consistent with the requirements of subsection (b) of this section, any such standards for the control of emissions from new vehicles and new vehicle engines shall be established without regard to the source of power or the propulsion system used to obtain such emission reduction.

"(3) Regulations or standards issued by the Secretary under this title prior to the enactment of this section shall continue in effect until revised by the Secretary consistent with the purposes of this Act.

"(4) Regulations shall be published in accordance with section 553 of title 5 of the United States Code, in the Federal Register and interested persons shall be given an opportunity to submit written comments thereon. After considering such comments, the Secretary shall promulgate such regulations with such modifications as he deems appropriate consistent with the purposes of this section. The Secretary shall from time to time review and, when appropriate, revise such regulations in accordance with this section.

"(5) Any regulation promulgated under this section and revisions thereof shall become effective on the date or dates specified in such regulations, which date or dates shall be determined by the Secretary after consideration of the period reasonably necessary from a technical standpoint for compliance.

"(6) Prior to publishing any standard or regulation pursuant to this subsection the Secretary shall, to the maximum extent practicable within the time provided, consult with appropriate advisory committees, independent experts and Federal departments and agencies.

"(b) (1) Beginning with model year 1975 or after January 1, 1975, any new light duty vehicle or any new light duty vehicle engine, as determined by the Secretary, shall be required, for purposes of certification under this Act, to meet emission standards established by the Secretary for those air pollution agents for which emission standards were in effect prior to the date of enactment of the National Air Quality Standards Act of 1970, which at a minimum, shall represent a 90 per centum reduction from allowable emissions for 1970 model year vehicles or engines.

"(2) Beginning on the first day of the fifth year following publication of criteria for air pollution agents for which no emission standards were in effect prior to the date of enactment of the National Air Quality Standards Act of 1970, any new light duty vehicle or any new light duty vehicle engine, as determined by the Secretary, shall be required, for purposes of certification under this Act, to meet emission standards established by the Secretary which at a minimum represent a 90 per centum reduction from the average of such pollution agents as actually measured from 1970 model year vehicles or engines. The Secretary shall publish the emission standards required by this paragraph from such pollution agents simultaneously with promulgation of applicable national ambient air quality standards. The Secretary shall promulgate such emission standards in final form within ninety days, unless during such period and after opportunity for comment he finds that a departure from such standards is necessary to achieve and maintain national ambient air quality standards in any air quality control region. If the Secretary makes such a finding, he shall immediately promulgate in final form revised standards which will achieve and maintain national ambient air quality standards in any air quality control region.

"(3) Emission standards established by the Secretary to implement the requirements of paragraph (1) of this subsection shall be based on measurement techniques which shall be established within one hundred and eighty days after enactment of this subsection and, for paragraph (2), not later than ninety days after publication of appropriate criteria.

"(4) (A) Within twenty-four months, but no later than twelve months before the effective date of any emission standard established pursuant to this subsection, any manufacturer or manufacturers may file with the Secretary an application requesting a suspension of the effective date of such standard for one year only. Upon receipt of such application, the Secretary shall promptly hold a public hearing to enable such manufacturer or manufacturers to present information relevant to the implementation of such standard. The Secretary, in his discretion, may permit any interested person to intervene to present information relevant to the implementation of such standards. The filing of such an application under this paragraph shall not operate as a stay of such standard.

"(B) In connection with any hearing under this subsection, the Secretary may sign and issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and he shall administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpena served upon any person under this subparagraph, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce papers, books, and documents before the Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(C) Within six months after receipt of the application for such suspension, the Secretary shall issue a decision granting or refusing such suspension. The Secretary shall grant such suspension only if he determines that (i) such suspension is essential to the public interest and the general welfare of the United States, (ii) all good faith efforts have been made to meet the standards established by this subsection, and (iii) the applicants have established by a preponderance of the evidence that effective control technology, processes, operating methods, or other alternatives are not available or have not been available for a sufficient period of time to achieve compliance prior to the effective date of such standards, even with the full application of section 309 of this Act. If the Secretary grants such suspension, the Secretary shall, at the same time, promulgate interim standards for emissions which reflect the greatest degree of emission control which is achievable by application of technology which the Secretary determines is available to the applicant for the year for which the relief has been granted.

"(D) Any decision issued, or interim standard promulgated, pursuant to this paragraph shall be subject to judicial review by the United States Court of Appeals for the District of Columbia upon the filing in such court within thirty days from the date of such decision of a petition by the manufacturer or manufacturers or any interested person thereby praying that the decision be modified or set aside in whole or in part. A copy of the petition shall forthwith be sent by registered or certified mail to the Secretary and thereupon the Secretary shall certify and file in such court the record upon which the final decision complained of was issued, as provided in section 2112 of title 28, United States Code. The court shall hear such petition on the record made before the Secretary. The findings of the Secretary shall be presumed correct. The court shall affirm a decision of the Secretary to grant a one-year suspension or reverse a decision not to grant such suspension only after determining that (i) such suspension is essential to the public interest and the general welfare of the United States (ii) all good faith efforts have been made to meet the standards established by this subsection, and (iii) the applicants have established by a preponderance of the evidence that effective control technology, processes, operating methods, or other alternatives are not available or have not been available for a sufficient period of time to achieve compliance prior to the effective date of such standards, even with the full application of section 309 of this Act. The judgment of the court shall be subject to review only by the Supreme Court of the United States upon a writ of certiorari or certification as provided in section 1254 of title 28, United States Code.

"(E) The commencement of any proceeding under subparagraph (D) of this paragraph shall not operate as a stay of any decision of the Secretary, or any interim standard promulgated by the Secretary, unless and until the court determines that the interests of the public are best served by a stay of such decision or interim standard and that there is a substantial likelihood that the appellant will prevail on the merits of the matter subject to review. Proceedings before the court, as authorized by this subsection, shall take precedence over all other causes of action on the docket and shall be assigned for hearing and decision at the earliest practicable date and expedited in every way.

"(F) Nothing in this subsection shall extend the effective date of any emission standard established pursuant to this subsection for more than one year.

"(5) Nothing in this subsection shall be construed to prohibit the Secretary from exercising his authority under subsection (a) of this section.

"(6) In the event a new power source or propulsion system for new vehicles or new vehicle engines is submitted for certification pursuant to this Act, the Secretary shall determine, prior to certification, that such source shall comply with the requirements of this subsection, and shall not cause or contribute to a violation of national ambient air quality standards.

"(c) The Secretary shall, before publishing any regulation or revisions thereof, pursuant to subsection (a) of this section, consult with (1) the Federal Aviation Administrator with respect to aircraft and aircraft engines in order to assure appropriate consideration of aircraft safety and (2) the Secretary of the department in which the Coast Guard is operating with respect to vessels and vessel engines in order to insure appropriate consideration of vessel safety and navigation. The Secretary of Defense may exempt, for a period of not to exceed one year, military vessels and aircraft from the application thereto of such regulations upon determining that such exemption is necessary for the purpose of national security and shall notify the Congress of such exemption.

"PROHIBITED ACTS

"SEC. 203. (a) The following acts and the causing thereof are prohibited—

"(1) (A) in the case of a manufacturer of new vessels, new aircraft, new vehicles, new vessel engines, new aircraft engines, or new vehicle engines for distribution in commerce, to sell or to offer to sell or to deliver for introduction into commerce any such vessel, aircraft, vehicle, or engine, or (B) in the case of any person, the importation into the United States of any such vessel, aircraft, vehicle, or engine, which is manufactured or imported after the effective date of regulations promulgated under section 202 which are applicable to such vessel, aircraft, vehicle, or engine, unless it is in conformity with such regulations (except as provided in subsection (b) of this section) and section 206 of this Act;

"(2) in the case of an owner or operator of a vessel, aircraft, or commercial vehicle, or a vessel, or commercial vehicle, or aircraft engine, the use in commerce of such vessel, aircraft, vehicle, or engine after the effective date of such regulations which are applicable thereto, unless it is in conformity with such regulations (except as provided in subsection (b) of this section) and section 206 of this Act;

"(3) for any person to fail or refuse to permit access to, or copying of, records or to fail to make reports or provide information required under this title; or

"(4) for any person to knowingly remove or render inoperative, other than for purposes of maintenance, repair, or replacement, any device or element of design installed on or in any such vessel, aircraft, or vehicle or such vessel, aircraft, or vehicle engine in compliance with such regulations prior to its sale and delivery to the ultimate purchaser or during its term of use, other than to install a device or system certified pursuant to section 211.

"(b)(1) The Secretary may exempt any vessel, aircraft, or vehicle, or vessel, aircraft, or vehicle engine, from the requirements of subsection (a) of this section upon such terms and conditions as he may find necessary for the purpose of research, investigations, studies, demonstrations, or training.

"(2) A new vessel, aircraft, or vehicle, or a new vessel, aircraft, or vehicle engine imported, or offered for importation, by any person in violation of subsection (a) shall be refused admission into the United States. The Secretary of the Treasury and the Secretary may, by joint regulation, provide for deferring final determination as to such admission and authorize the delivery of such a vessel, aircraft, vehicle, or engine offered for import to the owner or operator or consignee thereof upon such terms and conditions (including the furnishing of a bond) as may appear to them appropriate to insure that any such vessel, aircraft, vehicle, or engine will be brought into conformity with the standard, requirements, and limitations applicable to it under this title. The Secretary of the Treasury shall, if such vessel, aircraft, vehicle, or engine is finally refused admission under this paragraph, cause disposition thereof in accordance with the customs laws unless it is exported, under regulations prescribed by the Secretary of the Treasury within ninety days after the date of notice of such refusal or such additional time as may be permitted pursuant to such regulations, except that disposition in accordance with the customs laws may not be made in such manner as may result, directly, or indirectly, in the sale, to the ultimate purchaser, of a new vessel, aircraft, vehicle, or engine that fails to comply with applicable standards of the Secretary.

"INJUNCTION PROCEEDINGS

"SEC. 204. (a) The district courts of the United States shall have jurisdiction to restrain violations of section 203 of this title. Actions to restrain such violations shall be brought by, and in, the name of the United States. In any such action, subpenas for witnesses who are required to attend a district court in any district may run into any other district.

"(b) If the Secretary determines that any State has adequate authority to restrain violations of section 203 of this title, he shall delegate to such State any such enforcement authority under this title, except that nothing in this subsection shall operate to prohibit the Secretary from also acting at any time to restrain such violations.

"PENALTIES

"SEC. 205. Any person who violates section 203(a) of this title shall be subject, upon conviction, to a civil penalty of not more than $10,000. Any such violation of paragraph (1), (2) or (4) of section 203(a) of this title shall constitute a separate offense with respect to each vessel, aircraft, vehicle, or engine subject to its requirements.

"CERTIFICATION AND PRODUCTION MODEL TESTING

"SEC. 206. (a)(1) The Secretary shall test or require to be tested, in such manner as he deems appropriate, any new vehicle, or new vehicle engine, or class thereof, submitted by a manufacturer to determine whether such vehicle, or engine conforms with the regulations prescribed under section 202 of this title. If such vehicle, or engine conforms to such regulations, the Secretary shall issue a certificate of conformity upon such terms and conditions, and for such period as he may prescribe.

"(2) The Secretary shall develop and publish in the Federal Register, after consultation with, as appropriate, the Secretary of Transportation, the Secretary of the Department in which the Coast Guard is operating, and the Secretary of Defense and other interested Federal agencies, regulations simultaneously with those published under section 202 of this title, in accordance with section 553 of title 5 of the United States Code, concerning the testing of vessels, aircraft, and vessel or aircraft engines. Such regulations shall provide, among other things, such technical data and other information as shall be required in conducting such tests. The Secretary shall provide an opportunity for interested persons to submit written comments thereon. He shall thereafter promulgate such regulations with such modifications as he deems appropriate and such regulations shall become effective upon promulgation.

"(3) Any vehicle or vehicle engine sold by such manufacturer which is in all material respects substantially the same construction as the test vehicle or vehicle engine for which a certificate has been issued under paragraph (1) of this subsection and is in effect, shall for the purposes of this Act be deemed to be in conformity with the regulations issued under section 202 of this title, except as provided in subsection (b) of this section and section 207 of this Act.

"(b)(1) The Secretary shall establish and inform the manufacturers of (1) methods and procedures to be used in making tests under this section; and (2) methods and procedures to be used in determining the relationship of test results to applicable regulations established under section 202 of this Act.

"(2) In order to determine whether any new vessels, vehicles, or aircraft, or new vessel, vehicle, or aircraft engines under the control or custody of a manufacturer conform with the regulations with respect to a certificate of conformity was issued, the Secretary is authorized to test or require testing of any such vessels, vehicles, aircraft, or engines, or class thereof, while in the control or custody of the manufacturer.

"(3) If, based on such test, the Secretary determines that such vessels, vehicles, aircraft, or engines do not conform with the regulations with respect to which the certificate of conformity was issued, he shall notify the manufacturer and he may by notice suspend or revoke such certificate in whole or in part. Such suspension or revocation shall apply in the case of any new vessels, vehicles, or aircraft or any new vessel, vehicle, or aircraft engines manufactured for sale after the date of such notification (or manufactured before such date if still in the control or custody of the manufacturer), and until such time as the Secretary finds that such vessels, vehicles, aircraft, or engines manufactured by the manufacturer conforms to such regulations. If, during any period of suspension or revocation the Secretary finds that such vessels, vehicles, aircraft, or engines or class thereof, conforms to such regulations, he shall by notice reinstate such certificate.

"(4)(A) Within thirty days of receipt of notice of such suspension or revocation under this subsection or denial of a request for certification under subsection (a), the manufacturer may file with the Secretary an application for a public hearing for review thereof. Upon receipt of such application, the Secretary shall promptly hold a hearing to enable such manufacturer to present information relating thereto. The filing of an application for review under this paragraph shall not operate as a stay of such suspension, revocation, or denial;

"(B) In connection with any hearing under this subsection, the Secretary may sign and issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpena served upon any person under this subparagraph, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(C) Any decision issued by the Secretary under this subsection shall be subject to judicial review by the United States court of appeals for the circuit in which such manufacturer resides or has his principal place of business, or the United States Court of Appeals for the District of Columbia, upon the filing in such court within thirty days from the day of such decision of a petition by any person aggrieved thereby praying that the decision be modified or set aside in whole or in part. A copy of the petition shall forthwith be sent by registered or certified mail to the Secretary and thereupon the Secretary shall certify and file in such court the record upon which the final decision complained of was issued, as provided in section 2112 of title 28, United States Code. The court shall hear such petition on the record made before the Secretary. The findings of the Secretary shall be presumed correct. The court may affirm, vacate, or modify any decision of the Secretary and, when appropriate, issue such process as may be necessary, or may remand the proceedings to the Secretary for such further actions as it may direct. The judgment of the court shall be subject to review only by the Supreme Court of the United States upon a writ of certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of a proceeding under this subparagraph shall not operate as a stay of the final decision of the Secretary, unless and until the court determines that the interest of the public are best served by a stay of such final decision and that there is a substantial likelihood that the petitioner will prevail on the merits of the matter subject to review.

"(D) For purposes of enforcement of this title, authorized representatives of the Secretary, upon presenting appropriate credentials to the manufacturer, his agent in charge, or dealer are authorized (i) to enter, at reasonable time, any factory, warehouse, establishment, or other facility of such manufacturer or dealer, in or at which such vessels, vehicles, aircraft, or engines are manufactured, assembled, or constructed, or are held for introduction into commerce or are held for sale, or resale after such introduction; and (ii) to inspect, at reasonable times and in a reasonable manner, such factory, warehouse, establishment, or other facility and the vessels, vehicles, aircraft, and engines therein. Each such inspection shall be commenced and completed with reasonable promptness.

"(F) Every manufacturer of such vessel, vehicle, aircraft, or engine shall furnish to the dealer or, if appropriate, to the ultimate purchaser at the time of delivery thereof by such manufacturer a certification that such vessel, vehicle, aircraft, or engine conforms to all applicable standards issued under this title. Such certification shall be in such form as to be clearly visible and shall be permanently affixed thereto.

"(c) With respect to vessels and vessel engines, the testing, certification, and related actions required by this section shall be conducted by the Secretary of the department in which the Coast Guard is operating pursuant to laws administered by him. With respect to aircraft and aircraft engines, the testing, certification, and related actions required by this section shall be conducted by the Secretary of Transportation pursuant to the Federal Aviation Act of 1958, as amended. With respect to vessels and aircraft and the engines thereof owned or operated by, or be-

ing manufactured for the Department of Defense, that Department shall conduct the testing, certification, and related actions required by this section.

"VEHICLE AND VEHICLE ENGINE COMPLIANCE TESTING

"SEC. 207. (a) Every manufacturer of a new vehicle or new vehicle engine, or both, subject to the regulations issued under section 202 of this title, shall, prior to the delivery thereof to the dealer, or if appropriate, the ultimate purchaser, test or cause to be tested such vehicles or engines, in accordance with good engineering practices and such regulations as the Secretary may prescribe under this section, to ascertain that such vehicles or engines will conform to the applicable certificate issued under this title for the lifetime emissions of such vehicle or engine. No certificate shall be issued for such vehicles or engines under this title unless the manufacturer has such a testing program.

"(b) The Secretary shall establish methods and procedures for making tests under this section and inform the manufacturers with respect thereto by regulation promulgated in accordance with section 553 of title 5 of the United States Code. Such regulations adopted by the Secretary prior to enactment of the National Air Quality Standards Act of 1970 shall continue in force until modified by him consistent with the purposes of this section.

"(c) Every new vehicle or new vehicle engine introduced in commerce for sale or resale shall be warranted by the manufacturer to be designed, built, and equipped so as to conform with applicable regulations issued under this title, and shall further be warranted to remain in conformity with such regulations for the lifetime of such vehicles or engines if properly maintained, serviced, and operated. Operation for fifty thousand miles shall be taken as the basis for the lifetime of a vehicle or engine under this section. As a condition to the obligation of manufacturers to correct deficient performance, manufacturers may require the ultimate purchaser and subsequent purchasers of such vehicles or engines (a) to provide reasonable evidence of the time when such vehicles or engines were first placed in regular service and (b) to provide reasonable evidence that prescribed maintenance, adjustment, and service requirements and schedules have been observed. The manufacturer shall furnish with each vehicle or engine written instructions for the proper maintenance, adjustment, operation, and service by the owner or operator. Such warranty shall apply to the vehicle on behalf of the ultimate purchaser and subsequent purchasers thereof. In addition, the manufacturer shall include on a label or tag permanently affixed to such vehicle or engine such information relating to control of vehicle emissions and compliance with this Act as the Secretary shall prescribe by regulation. The actual cost to the manufacturer of such systems or devices and installation thereof and warranty shall be disclosed in accordance with the provisions of the Act of July 7, 1958 (15 U.S.C. 1231–1233).

"(d)(1) The Secretary shall conduct, or cause to be conducted, such inspections, tests, studies, research, and investigations as may be necessary to determine whether any class of vehicles or engines continue to conform to the regulations prescribed under section 202 of this Act after such vehicles or engines have been in operation for such period or number of miles as the Secretary may deem appropriate. Any such inspection of a vehicle or engine, after its sale to the ultimate purchaser, shall be made only if the owner of such vehicle or engine voluntarily permits such inspection to be made, except as may be provided by any State or local inspection program.

"(2) If through testing, inspection, studies, or other investigation of statistically representative samples of any class or category of vehicles or vehicle engines, or by other means, the Secretary determines that such class or category of vehicles or engines, operated under proper maintenance and use, do not conform to the regulations prescribed under section 202 of this Act, or the certification issued under this title, he shall immediately notify the manufacturer thereof of such determination of nonconformity. The Secretary shall publish such notice and, with reasonable specificity, information concerning his determination of nonconformity in the Federal Register as promptly as possible. The Secretary shall within thirty days after such notice is issued afford the manufacturer and other interested persons an opportunity to present their views and evidence in support thereof at a public hearing or in writing with regard to such determination of nonconformity. The Secretary shall, within a reasonable time, but in no event more than sixty days from the date of notice of nonconformity, order the manufacturer to provide prompt notification of such nonconformity to the ultimate purchaser and, if known, subsequent purchasers of all such vehicles or vehicle engines included within the class or category unless the Secretary, on the basis of all the facts and evidence in the public record of such proceedings, shall conclude that the class or category of vehicles or engines is in conformity with the regulation and certification and publish such conclusion together with the reasons therefor in the Federal Register as promptly as possible.

"(e)(1) Every manufacturer of vehicles or engines subject to the provisions of this section shall furnish notification of any defect in such vehicle or engine produced by him, which he discovers during the term of any warranty required by this title, and which he determines, in good faith, causes or will cause such vehicle or engine to be in nonconformity with such certification or regulations, to the ultimate purchaser or subsequent purchaser thereof (where known to the manufacturer) within a reasonable time not to exceed sixty days after discovery of such defect.

"(2) The notification required by this section shall be—

"(A) by any expeditious process, which, for those purchasers who do not initially respond must include notice by certified mail to the last-known address of the ultimate purchaser of such vehicle or engine, and to any subsequent purchasers, if known, to whom has been transferred any warranty required by this title;

"(B) by certified mail to the dealer of such vehicle or engine; and

"(C) by such other expeditious and reasonable means of informing purchasers thereof not known to the manufacturer.

"(3) The notification to such purchasers provided for in this subsection shall contain a clear description of the nonconformity, a statement of measures to be taken to remedy such nonconformity, and a commitment of the manufacturer to cause such nonconformity to be remedied at no cost to the owner.

"(4) The manufacturer shall furnish, at the Secretary's request, copies of such notification to him.

"(f) The United States district court shall have jurisdiction to restrain violations of this section or any order of the Secretary issued under this section.

"STATE GRANTS

"SEC. 208. (a) The Secretary is authorized to make grants to appropriate State agencies in an amount up to two-thirds of the cost of developing and maintaining effective vehicle emission devices and systems inspection and emission testing and control programs, except that—

"(1) no grant shall be made for any part of any State vehicle inspection program which does not directly relate to the cost of the air pollution control aspects of such a program; and

"(2) no such grant shall be made unless the Secretary of Transportation has certified to the Secretary that such program is consistent with any highway safety program developed pursuant to section 402 of title 23 of the United States Code.

"(b) Such grants shall be in addition to, and shall not supplant, existing funding programs of a State for air pollution control.

"RECORDS AND REPORTS

"SEC. 209. (a) Every manufacturer of a vessel, vehicle, aircraft, or vessel, vehicle, or aircraft engine subject to the provisions of this title shall establish and maintain such records, make such reports, perform such tests, and provide such information as the Secretary may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this title and regulations thereunder, and shall, upon request of an authorized representative of the Secretary, permit such officer or employee at reasonable times to have access to and copy such records.

"(b) Except for emission data, upon a showing satisfactory to the Secretary by the person filing such records and reports that such records or reports or portion thereof, if made public, would divulge trade secrets or secret processes of such person, the Secretary shall consider such records or reports or portions thereof confidential in accordance with the purposes of section 1905 of title 18 of the United States Code, except that such records or reports may be disclosed to other officers or employees concerned with carrying out this Act or when relevant in any proceeding under this Act.

"STATE STANDARDS

"SEC. 210. (a) No State or any political subdivision thereof shall adopt or attempt to enforce any standard relating to the control of emissions from commercial vehicles, new noncommercial vehicles, vessels, aircraft, or commercial vehicle, new noncommercial vehicle, vessel, or aircraft engines subject to this title, or to control or prohibit for the purpose of emission control, the sale or use of any fuel or fuels which are registered in accordance with section 212(a) of this Act, except where such State demonstrates, after public hearings, to the satisfaction of the Secretary that more restrictive emission standards for vehicles or engines are required to implement national ambient air quality standards for any air quality control region within such State. Except to implement such more restrictive standards, no State shall require certification, inspection, or any other approval relating to the control of emissions from any commercial vehicle, new noncommercial vehicle, vessel, or aircraft or commercial vehicle, new noncommercial vehicle, vessel, or aircraft engine as condition precedent to the initial retail sale to an ultimate purchaser, titling (if any), or registration of such vehicle, vessel, aircraft, or engine.

"(b) The Secretary shall, after notice and opportunity for public hearing, waive application of this section to any State which has adopted standards (other than crankcase emission standards) for the control of emissions from new motor vehicles or new motor vehicle engines prior to March 30, 1966, unless he finds that such State does not require standards more stringent than applicable Federal standards to meet compelling and extraordinary conditions or that such State standards and accompanying enforcement procedures are not consistent with section 202 of this title.

"(c) Nothing in this title shall preclude or deny to any State or political subdivision thereof the right otherwise to control, regulate, or restrict the use, operation, or movement of any aircraft, vessel, or registered or

licensed vehicle, particularly such controls, regulations, or restrictions necessary to achieve compliance with national ambient air quality standards and national ambient air quality goals established pursuant to title I of this Act.

"USED VEHICLES

"SEC. 211. (a) (1) As soon as possible after the enactment of this section, the Secretary shall promulgate Federal standards of performance for emission control devices or systems designed to prevent or reduce air pollution emissions from used vehicles.

(2) As soon as possible after promulgation of the standards required in paragraph (1), the Secretary shall develop and publish in the Federal Register, in accordance with section 553 of title 5 of the United States Code, regulations providing for certification and warranty of such devices or systems. Such regulations shall consider the technical feasibility of installing and maintaining in proper condition such devices or systems for used vehicles or engines or classes thereof. The Secretary shall afford a reasonable opportunity for interested persons to submit written comments thereon and, after consideration thereof, shall promulgate such regulations which shall become effective upon promulgation.

"(b) (1) No manufacturer of a device for application on used vehicles shall sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States for sale or resale, any such device or system manufactured after the effective date of the standards and regulations promulgated under this section unless such device or system is in all material respects substantially the same as a test device or system certified under this subsection.

"(2) Upon application of the manufacturer, the Secretary shall so certify a used vehicle device or system if he determines, in accordance with the provisions of this paragraph, that it meets the appropriate standards and regulations promulgated under this section. The Secretary shall test or require such testing of the device or system as to standards of performance and for such other purposes as may be appropriate. If the Secretary determines that the device or system is satisfactory after consideration of the design, installation, operation, reliability material, or other appropriate factors, he shall certify the device. Any device or system manufactured by such manufacturer which is in all material respects substantially the same as the certified test device or system shall be deemed to be in conformity with the appropriate standards and regulations established under this section.

"(c) After the effective date of standards and regulations promulgated under this section, it shall be unlawful—

"(1) for the manufacturer of any device or system subject to such standards and regulations to sell or offer for sale, or to distribute for sale any such device or system unless it is in all material respects substantially the same as the appropriate test device or system certified pursuant to this section; or

"(2) for any person, prior to the sale or delivery of a device or system subject to such standards and regulations to the ultimate purchaser, wrongfully to remove or render inoperative any certified device or system or element of design of such device or system; or

"(3) for any person to fail or refuse to permit access to or copying of records or to fail to make reports or provide information required under this section.

"(d) The district courts of the United States shall have jurisdiction to restrain violators of subsection (c) of this section. Actions to restrain such violators shall be brought by, and in, the name of the United States. In any such action, subpenas for witnesses who are required to attend a district court in any district may run into any other district. In case of contumacy or refusal to obey a subpena served upon any person under this subsection, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such persons, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(e) Any person who violates clause (2) of subsection (c) of this section shall be liable to a civil penalty of not more than $1,000 for each violation. Each violation shall be a separate offense. No penalty shall be assessed until the person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by said Secretary.

"REGULATION OF FUELS

"SEC. 212. (a) The Secretary may by regulation designate any fuel or fuels for use in vehicles and engines and, after such date or dates as may be prescribed by him, no manufacturer or processor of any such fuel may introduce such fuel into commerce unless the Secretary has registered such fuel in accordance with subsection (b) of this section.

"b) (1) For the purpose of registration of fuels, the Secretary shall require—

"(A) the manufacturer of such fuel to notify him as to the commercial identifying name and manufacturer of any additive contained in such fuel; the range of concentration of such additive or additives in the fuel; and the purpose-in-use of such additives; and

"(B) the manufacturer of any such additive to notify him as to the chemical composition of such additive or additives as indicated by compliance with clause (A) of this paragraph, the description of any analytical technique that can be used to detect and measure such additive in fuel, the recommended range of concentration of such additive, and the chemical structure of such additive or additives.

"(2) The Secretary shall issue test procedures and protocols to determine potential public health effects, including, but not limited to, carcinogenic, teratogenic, or mutagenic effects, and may require that manufacturers of fuels and additives submitted for registration to conduct tests consistent with such procedures and protocols. The results of such tests shall not be considered confidential.

"(3) The Secretary may also require the manufacturer of any fuel or fuel additive to furnish such information as is reasonable and necessary to determine the emissions resulting from the use of the fuel or additive contained in such fuel, the effect of such fuel on the emission control performance of any vehicle or vehicle engine, or the extent to which such emissions affect the public health.

"(4) Upon compliance with the provision of this subsection, including assurances that the Secretary will receive changes in the information required, the Secretary shall register such fuel.

"(c) (1) The Secretary may from time to time on the basis of information obtained under subsection (b) of this section or other information available to him, by regulation control or prohibit the introduction into commerce of any fuel or fuels for use in vehicle engines if the combustion or evaporation of such fuel produces emissions which endanger the public health or welfare, or if such emissions prevent operation of effective systems for the control of emissions from any vehicle or vehicle engine which the Secretary finds would otherwise conform to standards promulgated pursuant to section 202 of this Act.

"(2) Except for fuels the combustion or evaporation of which produce emissions that endanger the public health, the Secretary shall, after public hearings and prior to controlling or prohibiting the introduction into commerce of any fuel, find and publish such finding that control or prohibition of such fuel is necessary for the achievement of an effective program of emission control to meet the standards established by section 202(b) of this Act or that such control or prohibition is necessary to achieve an economic alternative in emissions control over the lifetime of the vehicle as established in section 207 of this Act, or that such control or prohibition is necessary for the effective use of an emission control device certified pursuant to section 211 of this Act, or that such control or prohibition is necessary to protect the general welfare.

"(3) The Secretary shall not prohibit the use of any fuel unless he finds, and publishes such finding, that such prohibition would not cause the use of any other fuel which will produce emissions which will endanger the public health or welfare to the same or greater degree.

"(2) In obtaining information under this subsection, the Secretary may sign and issue subpenas for the deposition of relevant persons and the production of relevant records, reports, and documents, and administer oaths. In case of contumacy or refusal to obey a subpena served upon any person under this paragraph, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof. Upon a showing satisfactory to the Secretary by the person filing or submitting such information that such information or portion thereof, if made public, would divulge trade secrets or secret processes of such person, the Secretary shall consider such information or portion thereof confidential for the purposes of section 1905 of title 18 of the United States Code, except that such information may be disclosed to other officers or employees of the United States concerned with carrying out this Act or when relevant in any proceeding under this title. The Secretary shall make available any such information which is not so considered confidential and which will contribute to scientific or public understanding of the relationship between the components of such fuels and their contribution to the problem of air pollution.

"(d) Any person who violates subsection (a) or (b) of this section shall forfeit and pay to the United States a civil penalty of $10,000 for each and every day of the continuance of such violation, which shall accrue to the United States and be recovered in a civil suit in the name of the United States, brought in the district where such person has his principal office or in any district in which he does business. The Secretary may, upon application therefor, remit or mitigate any forfeiture provided for in this subsection and he shall have authority to determine the facts upon all such applications.

"(e) Regulations issued under this section and section 211 shall be published in the Federal Register, in accordance with section 553

of title 5 of the United States Code, and shall afford interested persons a reasonable period to submit written comments thereon."

SEC. 9. The Clean Air Act is amended by adding after section 212 the following new sections:

"DEVELOPMENT OF LOW-EMISSION VEHICLES

"SEC. 213. In order to encourage research and promote the development of low-emission vehicles the Secretary is authorized to—

"(1) prescribe special low-emission standards for any class or classes of vehicles or engines not subject to section 202(b) of this Act;

"(2) provide testing procedures to determine if vehicles and engines meet such standards; and

"(3) certify vehicles or engines meeting such standards as low-emission vehicles or engines for the purpose of this section.

"DEFINITIONS

"SEC. 214. For the purpose of this title, the term—

"(1) 'vessel' means every description of self-propelled watercraft or other artificial contrivance used, or capable of being used, as a means of commercial transportation in water;

"(2) 'vessel engine' means an engine used for the propulsion of a vessel and located either therein or separated therefrom, but is intended for such use, and includes all parts, appurtenances, and accessories thereof;

"(3) 'aircraft' means any contrivance now known or hereinafter invented, used, or designed for navigation of, or flight in, the air;

"(4) 'aircraft engine' means an engine used, or intended to be used, for propulsion of aircraft and located either therein or separated therefrom, but is intended for such use, and includes all parts, appurtenances, and accessories thereof;

"(5) 'vehicle' means any self-propelled vehicle designed for transporting persons or property on a road, street, parkway, or highway or on rails, or for agricultural use;

"(6) 'vehicle engine' means an engine used for the propulsion of a vehicle or motor vehicle and located therein or separated therefrom, but is intended for such use, and includes all parts, appurtenances, and accessories thereof;

"(7) 'new' when applied to a vessel, aircraft, or vehicle, or vessel, aircraft, or vehicle engine means that the equitable or legal title thereto has not, under applicable law, been transferred to an ultimate purchaser, except that, with respect to vessels, aircraft, or vehicles, or vessels, aircraft, or vehicle engines imported or offered for importation, such term shall mean a vessel, aircraft, or vehicle, or vessel, aircraft, or vehicle engine imported into the United States on or after the day following the date of enactment of this paragraph;

"(8) 'ultimate purchaser' means the first person who in good faith purchases a new vessel, aircraft, or vehicle, or a new vessel aircraft, or vehicle engine for purposes other than resale;

"(9) 'commercial' means any business activity of any kind or description by any person engaged in trade or commerce;

"(10) 'manufacturer' means, except in section 212, any person engaged in the manufacturing or assembling of new vessels, aircraft, or vehicles, or new vessel, aircraft, or vehicle engines, or importing such vessels, aircraft, vehicles or engines for resale, or who acts for, and is under the control of, any such person in connection with the distribution of such vessels, aircraft, vehicles, or engines, but shall not include any dealer;

"(11) 'owner or operator' means any person who owns, leases, operates, controls, or supervises a vessel, aircraft, or vehicle or engine thereof;

"(12) 'commerce' means trade, traffic, commerce, transportation, or communication among the several States, or between a place in a State and any place outside thereof, or within the District of Columbia or a possession of the United States, or between points in the same State but through a point outside thereof;

"(13) 'dealer' means any person who is engaged in the sale or the distribution of aircraft, new vehicles, vessels or aircraft, new vehicle, or vessel engines to the ultimate purchaser.

"APPLICABILITY

"SEC. 215. The amendments made by sections 206(b)(4)(F), 207(c), 207(d), and 207(e) shall apply in the case of vehicles and vehicle engines manufactured after the ninetieth day after the enactment of this section."

SEC. 10. Section 301 of the Clean Air Act is amended by adding a new subsection (d) at the end thereof as follows:

"(d) Contracts made under this Act may be made without regard to the civil service laws and the Classification Act of 1949, as amended, 5 U.S.C. 5101, et seq. as they relate to the procurement of personal sevices."

SEC. 11. (a) The Clean Air Act is amended by redesignating sections 303 through 310 as sections 311 through 318.

(b) The Clean Air Act is amended by inserting after section 302 the following new sections to read as follows:

"EMERGENCY POWERS

"SEC. 303. Notwithstanding any other provision of this Act, the Secretary upon receipt of evidence that a pollution source or combination of sources (including moving sources) is presenting an imminent and substantial endangerment to the health of persons, and that appropriate State or local authorities have not acted to abate such sources, may bring suit on behalf of the United States in the appropriate United States district court to immediately restrain any person causing or contributing to the alleged pollution to stop the emission of air pollution agents or combination of such agents causing or contributing to such pollution or to take such other action as may be necessary.

"CITIZEN SUITS

"SEC. 304. (a)(1) In furtherance of the purpose of this Act to protect the public health and welfare and control air pollution, the district courts of the United States shall have original jurisdiction, regardless of the amount in controversy or the citizenship of the parties, to enforce, or to require the enforcement of, any applicable schedule or timetable of compliance, emission requirement, standard of performance, emission standard, or prohibition established pursuant to this Act. Civil actions for such enforcement, or to require such enforcement, may be brought by one or more persons on their own behalf, (A) against any person, including, but not limited to, a governmental instrumentality or agency, where there is alleged a violation by such person of any such schedule, timetable, emission requirement, standard of performance, emission standard, or prohibition, or (B) against the Secretary where there is alleged a failure of the Secretary to exercise (i) his authority to enforce standards or orders established under this Act; or (ii) any duty established by this Act.

"(2) Nothing in this section shall affect the right of such persons as a class or as individuals under any other law to seek enforcement of such standards or any other relief.

"(3) Prior to instituting any suit, under this subsection, such person or persons shall, by certified or registered mail or personal service, notify (A) the Secretary, (B) an authorized representative of the Secretary, if any, in the field office responsible for the area in which the alleged violation occurs, (C) an authorized representative of the air pollution control agency of the State in which the alleged violation occurs, and (D) the person, or persons alleged to be in violation of such alleged violation. Such notice shall be in accordance with regulations prescribed by the Secretary as to content and specificity. No such suit shall be filed unless such person or persons shall have afforded the Secretary, his representative, or such agency, at least thirty days from the receipt of such notice to institute enforcement proceedings under this Act to abate such alleged violation; except any action under this section to abate a violation of (i) an order issued by the Secretary pursuant to section 116, (ii) clause (A) or (B) of section 113(h)(1), (iii) section 114(f)(1), or (iv) section 115, may be undertaken, after notice, without regard to the time limitations of this subsection. In any such action, the Secretary, if not a party, may intervene as a matter of right.

"(b) The court, in issuing any order in any action brought pursuant to subsection (a) of this section, may award costs of litigation, including reasonable attorney and expert witness fees, whenever the court determines such action is in the public interest.

"APPEARANCE

"SEC. 305. In actions instituted under this Act, attorneys appointed by the Secretary shall appear for and represent the Secretary, as provided in section 516 of title 28 of the United States Code.

"FEDERAL PROCUREMENT

"SEC. 306. (a) Any person (1) required to comply with a order issued by a Federal court pursuant to this Act who fails to comply within the time period specified in such order, or (2) convicted by a Federal court for a knowing violation of any applicable schedule or timetable of compliance, emission requirement, prohibition, emission standard, or standard of performance, shall be ineligible to enter into any contract with any Federal agency for the procurement of goods, materials, and services to perform such work at or with any facilities subject to such action by the court, which are owned, leased, or supervised by such person. Such ineligibility shall continue under clause (1) of this subsection until the Secretary certifies compliance with such order, or that its condition giving rise to its violation has been corrected.

"(b) The Secretary shall establish procedures to provide all such Federal agencies with the notification necessary for the purposes of subsection (a) of this section.

"(c) In order to further implement the purposes and policy of this Act to protect and enhance the quality of the Nation's air, the President shall, not more than one hundred and eighty days after enactment of this section cause to be issued an order (A) requiring each Federal agency authorized to enter into contracts and each Federal agency which is empowered to extend Federal assistance by way of grant, loan, or contract to effectuate the purpose and policy of this Act in such contracting or assistance activities, and (B) setting forth procedures, sanctions, penalties, and such other provisions, as the President determines necessary to carry out such requirement.

"(d) The President may exempt any contract, loan, or grant from all or part of the provisions of this section where he determines such exemption is necessary in the paramount interest of the United States and he shall notify the Congress of such exemption.

"(e) The President shall annually report to the Congress on measures taken toward implementing the purpose and intent of this section, including but not limited to the progress and problems associated with implementation of this section.

"EMPLOYEE PROTECTION

"SEC. 307. (a) No person shall discharge or in any other way discriminate against or cause to be discharged or discriminated against any employee or any authorized representative of employees of any alleged violator by reason of the fact that such employee or representative has filed, instituted, or caused to be filed or instituted any proceeding under this Act, or has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this Act.

"(b) Any employee or a representative of employees who believes that he has been discharged or otherwise discriminated against by any person in violation of subsection (a) of this section may, within thirty days after such violation occurs, apply to the Secretary of Labor for a review of such alleged discharge or discrimination. A copy of the application shall be sent to such person who shall be the respondent. Upon receipt of such application, the Secretary of Labor shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party to enable the parties to present information relating to such violation. The parties shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code. Upon receiving the report of such investigation, the Secretary of Labor shall make findings of fact. If he finds that such violation did occur, he shall issue a decision, incorporating an order therein, requiring the person committing such violation to take such affirmative action to abate the violation as the Secretary of Labor deems appropriate, including, but not limited to, the rehiring or reinstatement of the employee or representative of employees to his former position with compensation. If he finds that there was no such violation, he shall issue an order denying the application. Such order issued by the Secretary of Labor under this subparagraph shall be subject to judicial review in accordance with this subsection. Violations by any person of subsection (a) of this section shall be subject to the provisions of section 116(a)(4).

"(c) Whenever an order is issued under this paragraph, at the request of the applicant, a sum equal to the aggregate amount of all costs and expenses (including the attorney's fees) as determined by the Secretary of Labor to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the person committing the violation.

"JUDICIAL REVIEW

"SEC. 308. (a) Any interested person may file a petition against the Secretary for review (1) of any promulgated national ambient air quality standard, goal, prohibition, emission standard, standard of performance, or waiver granted pursuant to section 114(c)(4) of this Act, in the United States Court of Appeals for the District of Columbia or (2) of any approved or promulgated implementation plan, including any emission requirement therein, in the United States Court of Appeals for the appropriate Circuit. Such petition shall be filed within thirty days from the date of such promulgation, approval, or waiver, or after such date whenever it is alleged that significant new information has become available, praying that such promulgation or approval be modified or set aside in whole or in part. Any determination or finding of the Secretary, subject to challenge under this subsection, shall be presumed correct. The court shall provide such relief as may be appropriate.

"(b) The commencement of a proceeding under this subsection or any other provision of law shall not operate as a stay of such standard, goal, plan, including any emission requirement therein, prohibition, emission standard, standard of performance, or waiver, or any regulation or determination established or made pursuant to this Act, unless and until the court determines that the party requesting such stay shows that there is a substantial likelihood that such party will prevail on the merits of the matter subject to review and that the interest of the public will not be harmed by such a stay.

"(c) The judgment of the court shall be subject to review only by the Supreme Court of the United States upon a writ of certiorari or certification as provided in section 1254 of title 28 of the United States Code.

"MANDATORY LICENSING

"SEC. 309. (a) Whenever the Secretary determines, in accordance with the provisions of section 554 of title 5 of the United States Code, that the implementation of the requirements of sections 113, 115, or 202 of this Act requires a right or rights under any United States letters patent or any trade secret or knowhow not otherwise reasonably available be made available to others to facilitate compliance with such sections, he shall order the owner of such patent, trade secret, or know-how to grant to each applicant making written request therefor a nonexclusive, nontransferable license under any such patent, patent application, trade secret, or know-how. For the purpose of this subsection, know-how shall include technical information known to the owner thereof relating to control technology, processes, operating methods, or other alternatives, including written manuals, blueprints, drawings, and specifications.

"(b) No license granted pursuant to subsection (a) shall include any restriction, except:

"(1) reasonable royalties may be charged;

"(2) reasonable provisions may be made to prevent the disclosure of know-how or trade secrets to third persons;

"(3) reasonable provisions may be made for periodic royalty payments by the licensee and inspection of the relevant books and records of the licensee by an independent auditor or other person acceptable to both licensor and licensee, who shall report to the licensor only the amount of the royalty due and payable;

"(4) reasonable provisions may be made for cancellation of the license upon failure of the licensee to make the reports, pay the royalties, permit the inspection of his books and records, or for disclosure of knowhow or trade secrets to a third person as hereinabove provided;

"(5) reasonable provisions may be made to prevent further use or disclosure by the licensee, in the event of cancellation of know-how or trade secrets acquired by the licensee pursuant to such license.

"(c) If the owner of any United States letters patent, patent application, trade secret, or know-how and any applicant for a license thereunder pursuant to subsection (a) are unable to agree upon reasonable royalties to be charged under such license or upon any other provision which may be included in such license pursuant to subsection (b), any such disagreement shall be resolved by arbitration under the rules and procedures of the American Arbitration Association then in effect.

"(d) Nothing in this section shall be construed to grant an exemption from the antitrust laws of the United States or any judgments, orders, or decrees issued thereunder.

"POLICY REVIEW

"SEC. 310. (a) The Secretary shall review any matter relating to duties and responsibilities granted pursuant to this Act contained in any (1) detailed statement prepared by any agency or Department of the Federal Government pursuant to Public Law 91-190, and (2) proposed regulations published by any agency or Department of the Federal Government pursuant to any statutory authority.

"(b) In the event the Secretary determines that such detailed statement or such proposed regulations is unsatisfactory from the standpoint of public health or welfare or environmental quality, the matter shall be referred to the Council on Environmental Quality for a determination and recommendation to the President which shall be made public."

SEC. 12. Redesignated section 317 of the Clean Air Act is amended by striking out "and" before "$134,300,000" and inserting before the period at the end thereof a comma and the following: "$150,000,000 for the fiscal year ending June 30, 1971, $250,000,000 for the fiscal year ending June 30, 1972, and $325,000,000 for the fiscal year ending June 30, 1973".

SEC. 13. The Clean Air Act is amended by adding at the end thereof a new title to read as follows:

"TITLE IV—NOISE POLLUTION

"SEC. 401. This title may be cited as the 'Noise Pollution and Abatement Act of 1970'.

"SEC. 402. (a) The Secretary shall establish within the Department of Health, Education, and Welfare an Office of Noise Abatement and Control, and shall carry out through such Office a full and complete investigation and study of noise and its effect on the public health and welfare in order to (1) identify and classify causes and sources of noise, and (2) determine—

"(A) effects at various levels;

"(B) projected growth of noise levels in urban areas through the year 2000;

"(C) the psychological and physiological effect on humans;

"(D) effects of sporadic extreme noise (such as jet noise near airports) as compared with constant noise;

"(E) effect on wildlife and property (including values);

"(F) effect of sonic booms on property (including values); and

"(G) such other matters as may be of interest in the public welfare.

"(b) In considering such investigation, the Secretary shall hold public hearings, conduct research, experiments, demonstrations, and studies. The Secretary shall report the results of such investigation and study, together with his recommendations for legislation or other action, to the President and the Congress not later than one year after the date of enactment of this title.

"(c) In any case where any Federal department or agency is carrying out or sponsoring any activity resulting in noise which the Secretary determines amounts to a public nuisance or is otherwise objectionable, such department or agency shall consult with the Secretary to determine possible means of abating such noise.

"SEC. 403. There is authorized to be appropriated such amount, not to exceed $30,000,000, as may be necessary for the purposes of this title."

OFFICIAL MISSTATEMENTS ABOUT OUR REAL FOREIGN TRADE POSITION

Mr. LONG. Mr. President, the International Monetary Fund has recently issued a report warning against the consequences of prolonged U.S. balance-of-payments deficits. We have been running deficits in our balance of payments in every year since 1950 with the exceptions of 1957 and 1967.

For the first half of 1970 the balance-

of-payments deficit, under the traditional basis of measurement, was running at an annual rate of $6 billion. On another basis of measurement—the so-called official settlement method—the balance-of-payments deficit for the first half of this year was running at an annual rate of $9 billion

One of the major problems we face in searching for solutions to our balance-of-payments problem is misleading information on our balance of trade.

The Department of Commerce has recently issued monthly trade statistics which have been widely reported by the press as showing "a booming surplus" of exports over imports, "running at an annual rate of more than $5 billion" for June and July. It has been suggested that this so-called surplus indicates that the country would be better off without the major trade legislation awaiting House action that would impose mandatory import quotas on textiles and shoes, and facilitate import limitations on other products. To cite 2 months' statistics as evidence of a basic reversal in our trade position is grasping at straws. It is a classic example of how misleading facts create erroneous conclusions.

The Department of Commerce statistics give a false impression that this country enjoys a highly favorable balance of trade when, in fact, if our trade balance were accurately tabulated, it would show an unfavorable balance of trade.

For too long the public has been misled into believing that we have a "favorable balance of trade." The proponents of our "one way free trade philosophy" have argued that our trade negotiations have been an unmitigated success since they have resulted in a "favorable balance of trade." Even our negotiators have put themselves at a disadvantage by using our misleading statistics and providing their negotiating counterparts with the ammunition to destroy our negotiating position. All the foreign negotiator has to do is read back the statements of our negotiators about how favorable our trade picture is, and how if we do anything here to protect our industries, they—the foreigners—will retaliate, and our negotiating position is destroyed. If you read back to a man his own words it is hard for him to repudiate the thought behind them.

So here are our own negotiators using misleading trade statistics, misleading Congress, misleading the American public, misleading the world, and defeating their own objectives in representing American interests.

All foreign countries have to do is read back to them their own false statements which they make. Those false statements are picked up and published in the New York Times, which is probably the only American newspaper that diplomats in foreign governments usually read, and they cannot understand why the United States is trying to save some domestic interests, when our national policy requires it.

In past years—during the first half of the sixties—our misleading statistics indicated that our balance of trade was in surplus by $5 to $7 billion. In more recent years, since 1967, this so-called surplus has dwindled to a rate of about $1 billion. So, even under the most rosy method of calculation, the balance of trade has deteriorated sharply over the last 4 or 5 years.

But, Mr. President, this is not the whole story. Those official figures belie the fact that our balance of trade was never as favorable as the official figures would suggest, and that we have a large net deficit on commercial exports and imports.

Under the traditional method of calculating our trade balance, our exports include foreign aid giveaways which do not earn a penny of foreign exchange for the United States. When we give wheat or corn away to India, for example, the farmer receives his money from the U.S. Government, not from the Indian Government. The American taxpayer pays for the wheat, not the Indian Government. As far as our balance of trade is concerned, we just as well might be dumping it into the ocean. In fact, we would save money, because we would save the ocean freight.

On the import side of the equation we do not include the cost of insurance and freight in computing imports, even though most other countries in the world, the United Nations, and the International Monetary Fund calculate imports on a c.i.f. basis. The Tariff Commission has done some calculations showing that if you computed our imports, on the same basis that most other countries compute their imports, it would increase our import value by 10 percent.

So, Mr. President, if we deduct the foreign giveaways from our exports and calculate our imports the same way that most foreign countries do, instead of having a $1.4 billion balance-of-trade surplus—last year—in 1969, we would have about a $4.4 billion balance-of-trade deficit. In other words, the statistics overstate our position by more than $5 billion.

Let us look at what has happened in 1970. Our exports are reported to total $24.9 billion for the period January through July. If we subtract the foreign aid giveaways, the net figure would be about $23.4 billion. Our imports, f.o.b., were running at $22.9 billion and, if we add the c.i.f. factor of 10 percent, this would increase to $25.2 billion, leaving us with a net unfavorable balance of trade of $2.3 billion. So, what is widely reported in the press as "a booming surplus" actually turns out to be a blooming deficit.

Let us look at the July data which is being widely circulated as evidence that we do not need the major trade legislation just about to pass the House. The Department of Commerce statistics show exports of $3,683 million and imports of $3,242 million for a net "surplus" of $441 million. Some analysts multiply this by 12 and say we are running a surplus of over $5 billion.

Now let us see what happens if we revise these misleading figures. Take out the foreign aid giveaways and our exports drop some $200 million to $3,483 million; add the c.i.f. factor and our import bill for July increase by some $324 million to some $3,566 million, leaving us with a net deficit of $83 million for July. If we then multiplied that by 12 we could say our balance of trade is running in deficit by $996 million. Not a $5 billion annualized surplus, Mr. President, a $996 million annualized deficit for that month on that basis of calculation; and that is the best month so far this year.

I am not going to elaborate on the fact that what has been hailed as a big export surplus in June or July, occurred at a time of domestic recession, growing unemployment, and huge balance-of-payments deficits. If we need a domestic recession to create a phony trade surplus is that any cause for rejoicing about our competitive position? It is suffice to say that the trade statistics currently published are a misleading indicator of the competitive position of this country in world markets and they should be changed to more accurately reflect our true competitive position.

Mr. President, I ask unanimous consent to have printed in the RECORD a chart which shows how completely misleading are the figures offered by the American negotiators to their own Government.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

BALANCE OF TRADE, 1960-69

[In billions of dollars]

	Total exports (1)	Less Government-financed exports (2)	Commercial exports (3)=(1)−(2)	Total imports f.o.b. (4)	Estimated imports c.i.f. [1] (5)	Overall balance (6)=(1)−(4)	Commercial balance (7)=(3)−(5)
1969	37.4	2.2	35.2	36.0	39.6	+1.4	−4.4
1968	33.0	2.9	30.1	32.0	35.2	+1.0	−5.1
1967	39.9	2.8	28.1	26.8	29.5	+4.1	−1.4
1966	29.4	2.7	26.7	25.6	28.2	+3.8	−1.5
1965	26.7	2.6	24.1	21.4	23.5	+5.3	+0.6
1964	25.7	2.8	22.9	18.7	20.6	+7.0	+2.3
1963	22.4	2.6	19.8	17.1	18.6	+5.3	+1.2
1962	21.0	2.1	18.9	16.4	18.0	+4.6	+0.9
1961	20.2	1.7	18.5	14.5	16.0	+5.7	+2.5
1960	19.6	1.6	18.0	14.7	16.2	+4.9	+1.8

[1] Imports including the cost of insurance and freight.

Source: Survey of Current Business.

Mr. LONG. I ask unanimous consent that another chart, showing the July trade figures before and after adjustment and also a statement of the American Federation of Labor, which has changed its position on foreign trade because it has been forced to conclude that what I am saying here is right, as well as for other reasons that are equally cogent, be printed in the RECORD at this point.

There being no objection, the chart and the statement were ordered to be printed in the RECORD, as follows:

July trade data

[Dollars in millions]

Traditional method of measurement:	
Exports	$3,683
Imports	3,242
Balance	+441
Revised methods of calculation:	
Exports [1]	3,483
Imports [2]	3,566
Balance	−83

[1] Government-financed exports estimated at $200 million ($95 million P.L. 480; $105 million AID).

[2] Imports calculated on c.i.f. by Tariff Commission +IMF (10 percent difference).

THE EXPORT OF AMERICAN JOBS

(By Andrew J. Biemiller)

The United States position in world trade deteriorated in the 1960s, with adverse impacts on American workers, communities and industries. The deterioration continues in the 1970s, with further displacement of U.S. production and loss of American jobs.

The basic causes are major changes in world economic relationships during the past 25 years, which accelerated in the 1960s. Among these changes are the spread of government-managed national economies, the internationalization of technology, the skyrocketing rise of investments of U.S. companies in foreign subsidiaries and the mushrooming growth of the U.S.-based multi-national corporations.

U.S. government policies and doctrines, which were developed to meet world economic conditions of the 1930s and 1940s, are utterly unrealistic today. Moreover they contribute to undermining the U.S. economic position in the world. Their continuation in the 1970s spells further losses for U.S. production and employment.

Solutions cannot await additional long-range studies. Action must start now. Workers, whose jobs are at stake—from a rising tide of imports, frequently produced with modern technology at wages 50%–90% below U.S. levels—must not be told to wait another year or two or three for the findings of yet another study, while the displacement of U.S. production and export of American job accelerates.

Changes in world economic relationships have made two old concepts—"free trade" and "protectionism"—outdated and increasingly irrelevant. U.S. government policy must face up squarely to the increasing export of American technology and jobs by U.S. companies for their own private advantage. U.S. government policy must also face up to the reality that foreign governments directly and indirectly bar imports from the U.S., while they spur exports to the huge American market.

A thorough revision of U.S. government posture and policies, in the related areas of international trade and investment, is required. The AFL–CIO urges this committee to initiate the legislation needed to enable America to meet the economic realities of the world of the 1970s—for the orderly expansion of world trade, on a reciprocal basis, and the improvement of the U.S. trade position in the interest of the American people.

The U.S. ranks first among nations in world trade. But this rating is essentially based on the huge size of the American economy. In terms of the share of world trade, the U.S. position has been declining throughout the post-World War II period. This decline continued even after the war-ravaged economies of other industrial nations returned to world markets, and it continues at a more rapid rate today.

While U.S. exports continued to increase—although at a much slower pace than that of most other industrial countries—imports also rose throughout the past 25 years. In most of the latter 1960, imports rose much faster than exports. Imports also increased faster than their share of the total national output of goods (excluding services and structures)—from 5.8% in 1960 to approximately 8% in 1969. For many specific industries and products, the impact is much greater than 8%.

Since imports rose much faster than exports during most of the latter 1960s, the reported merchandise trade surplus dropped from about $5 billion in the early 1960s and $7.1 billion in 1964 to $800 million in 1968 and $1.3 billion in 1969. If government-financed AID and PL 480 shipments are excluded from the reported volume of merchandise exports, the U.S. had trade deficits in both 1968 and 1969.

The U.S. trade position has been worsening in composition, as well as volume, with imports of manufactured goods—parts and components, as well as finished products—rising most rapidly.

By 1968 and 1969, the U.S. had become a net importer of steel, autos, trucks and parts, as well as such products as clothing, footwear and glass. A flood of shoe imports absorbed the entire expansion of U.S. domestic shoe sales in the 1960s. Even in electrical and non-electrical machinery, exports increased less rapidly than imports, with clear signs of danger for the period ahead. In consumer electrical products, imports took over major parts of the U.S. market in recent years.

From 1960 to 1969, exports of manufactured goods doubled. But imports of such goods tripled. Imports of finished manufactured goods rose from about 35% of all imports in 1961 to over half of all imports in 1969. In the latter year, when imports generally rose about 8.7%, imports of finished manufactured goods soared 18%.

During the 1960s, the expansion of manufactured exports was strongest in products which are based on advanced technology, such as computers, jet aircraft, control instruments and some organic chemicals. Such industries are generally capital-intensive, with relatively few production and maintenance workers for each dollar of production.

The expansion of exports of most products was hampered by barriers of foreign governments by the sharply increasing operations of foreign subsidiaries and other foreign affiliates of U.S. companies.

Detailed information on the job impact of imports is not available. There are some jobs involved in the transportation and distribution of imports. However, there are job losses due to imports that compete with U.S.-made products. Moreover, the labor-intensive nature of much of the great import-expansion of the 1960s has caused significant losses of job opportunities, particularly for semi-skilled and unskilled production workers—at a time when such job opportunities were sorely needed. And the shift of imports to relatively sophisticated products has also caused the loss of skilled industrial jobs.

An indication of the deterioration of the U.S. trade position and related job-losses can be found in the substantial change in the competitive nature of imports. In the 1950s, according to foreign trade experts, only about 30%–40% of imports were considered competitive with U.S.-made products. By 1966, according to a report by Secretary Shultz to the Joint Economic Committee of Congress, about 74% of the much greater volume of imports were "nearly competitive with domestic products." About 13% of imports in 1966, were products not produced in the U.S. and another 13% were goods "produced in the U.S. but in short supply," according to Secretary Shultz. Between the 1950s and the latter 1960s, the total volume of imports increased sharply and competitive imports, as a share of the rapidly rising total volume, approximately doubled.

Temporary factors in the 1960s can explain only part of the deterioration of the U.S. trade position. The rising price level in the U.S. since 1965 and the boom of business investment in new plants and machines undoubtedly contributed to the sharp rise of imports and the deterioration of the U.S. position.

But there are basic, underlying causes of the deterioration of the U.S. trade position. Temporary factors—the rising U.S. price level, the business investment boom and the Vietnam war—merely aggravated them.

The Chase-Manhattan Bank Newsletter for June 1969 predicted a further slippage of the U.S. share of world trade by 1973. Moreover, it predicts a slower rise of exports of "technologically advanced products," while imports of such products are expected to continue to increase rather rapidly. "Thus," states the bank newsletter, "prospects for an improved U.S. trade balance remain dim."

NEW DEVELOPMENTS IN THE 1960'S

Among the major changes in world economic relationships during the past 25 years, which accelerated in the 1960s, have been the following:

1. By the latter 1950s, the war-shattered economies of Germany, Japan, etc., were revived, with newly installed plant and equipment and increasing strength in world trade. Some effects of such American-aided revival of the war-ravaged economies on the U.S. trade position were to be expected. But these effects have not stabilized. The U.S. share of world exports of manufactured goods continued to decline in both the 1950s and 1960s.

However, the desired revival of these war-ravaged economies, in itself, can hardly be the reason for the deterioration of the U.S. position.

2. In the 1960s, another development was the emergence of trading blocs, such as the European Common Market, with its inward-looking, protectionist tendencies.

The Common Market countries have greatly expanded their world trade. As a bloc, the Common Market is now the world's greatest exporter. Yet these Common Market countries maintain barriers to U.S. exports and many of these barriers have been imposed in the past 10 years—despite U.S.-aided economic revival and increasing prowess in world trade.

These major trading nations have not significantly readjusted their trade arrangements—after achieving great export strength—to provide equitable, two-way arrangements with the U.S.

3. In the past 25 years, there has been the spread of managed national economies—with varying degrees of government management, regulation and control over economic activities, including foreign trade and investment. The U.S. is now confronted by complex governmental economic arrangements in other countries to spur exports (direct and indirect subsidies, etc.) and to bar or hold down imports (direct and indirect barriers). Examples include numerous Japanese quotas on imports, the German border tax and the Mexican border problem.

The Federal Reserve Bulletin of April 1968

reported that "some goods in which the U.S. competitive advantage is large are not freely admitted to some foreign markets. They are subject to quotas, usually stringent health and technical standards, equalization levies and other special import taxes, marketing agreements, and mixing requirements whereby stipulated amounts of local products must be used. Such restrictions have limited U.S. exports of wheat and other grains, tobacco, poultry and some agricultural products; and also coal and a wide range of manufactured products, including computers, autos, heavy electrical equipment, drugs and fabrics."

4. The internationalization of technology has been reducing or eliminating the former U.S. productivity lead in many industries and product lines.

In many products, the lead in technology and productivity, which enabled high-wage U.S. industries to compete successfully in world markets, even against low-wage competition, has been reduced or eliminated.

Deputy Undersecretary of Labor George Hildebrand explained to the National Foreign Trade Council's Labor Affairs Committee in September 1969: "It has often been assumed that high U.S. wages and better working conditions were largely offset by high U.S. productivity and a strong internal market. Increasingly, however, the spread of skills and technology, licensing arrangements and heavy investment in new and efficient facilities in foreign lands have all served to increase foreign productivity without comparable increases in wages."

Much of the U.S. technology, which has rapidly skipped over national boundary lines, has been developed with U.S. government expenditures, at the expense of American taxpayers.

5. The sharp rise of foreign investments of U.S. firms in foreign subsidiaries—accompanied by licensing arrangements, patent agreements, joint ventures, etc., of U.S. companies with foreign firms—has contributed substantially to the internationalization of technology and its deteriorating effects on the U.S. trade position.

It is estimated that in the past 25 years, U.S. firms established about 8,000 foreign subsidiaries, mostly in manufacturing.

Direct investments of U.S. firms in foreign subsidiaries, plants and other facilities soared from $3.8 billion in 1960 to $10.6 billion in 1969 and an estimated $12.7 billion in 1970—partly financed by outflows of U.S. capital, partly by plowed-back profits and depreciation of foreign subsidiaries and partly by foreign-raised capital. The outflows of private U.S. capital that have financed part of these soaring investments have been a major factor in U.S. balance of payments problems.

Foreign subsidiaries of U.S. firms and foreign companies using U.S. license, patents, etc. with U.S. technology—and, thereby, with productivity levels that are close to those in similar U.S. plants—can take maximum advantage of lower wage- and fringe-benefit costs and produce goods at lower unit costs. Many such foreign subsidiary plants, operating with American technology and know-how, pay workers as little as 15 cents an hour.

This development has displaced U.S. production. It has meant the export of American jobs to subsidiary plants of American companies in foreign countries. It has resulted in the loss of exports to third-country markets. It has meant a growing tide of imports from foreign subsidiaries into the U.S. American workers have been the losers.

6. The rapid spread of U.S.-based multi-national corporations—firms with plants, offices, sales agencies, licensing arrangements, etc., in as many as 40 or more countries—is a new factor of growing importance in the deteriorating U.S. position in world trade. They can manipulate the location of operations, depending on labor costs, taxes and foreign exchange rates. They can juggle exports, imports, prices, dividends, from one country to another within the same corporate structure.

Multi-national companies attempt to use a systems approach to global production, distribution and sales. With plants and other facilities spread through numerous countries, multinational firms can and do juggle the production of components and assembly operations, license and patent agreements, distribution and shipping and sales arrangements to maximize the gains of the firm. What finally shows up as U.S. exports and imports is, to an increasing degree, the result of intra-corporate decisions, made by the private managers of U.S.-based international companies for the private advantage of the firm.

A multi-national corporation can produce components in widely separated plants in Korea, Taiwan and the U.S. assemble the product in a plant in Mexico and sell the goods in the U.S.—with a U.S.-brand name.

Moreover, when such goods are sold in the American market, they are sold at American prices. So the American worker loses his job and the American consumer pays the same price or close to it. The beneficiaries are the U.S.-based multi-national companies.

The fact that other nations have high, and often prohibitive, barriers to U.S. exports, while the U.S. is a relatively open market for industrial goods, means that U.S.-based multi-national companies can have relatively free rein both abroad and at home, while U.S. workers' jobs, incomes and communities pay the price. No wonder that spokesmen for multi-national corporations usually advocate a free trade policy for the U.S.—freedom to manipulate operations, prices, sales, profits, etc., and to ship back whatever they wish, for sale in the U.S. market—for the benefit of the managers and stockholders of the corporation, regardless of adverse impacts on American workers, communities and the nation.

The claims of multi-national corporations that foreign investments always help to boost U.S. exports is not true. A study by the Department of Commerce, reported in the Survey of Current Business, May 1969, stated: "The great majority of U.S. parent companies (and) of foreign affiliates contributed very little of U.S. export trade. This suggests that foreign direct investments by U.S. corporations do not necessarily contribute to the export trade of these corporations."

In fact the operations of foreign subsidiaries often substitute for U.S. exports—to the countries of the subsidiary operations and to third-country markets, with impacts on job opportunities. For example, the Commerce Department reports that in chemicals, non-electrical and electrical machinery—which account for about one-half of U.S. manufactured exports—foreign subsidiaries of U.S. firms exported $1.9 billion in 1965 to third countries, amounting to about one-fifth of all such exports from the U.S.

Moreover, foreign subsidiary operations result in increased imports into the U.S.—frequently displacing U.S. production and employment. In April 1969 Commerce Department report on foreign trade states: "The increase in imports of manufactures has resulted in part from the establishment of plants by U.S. firms in low-wage countries to produce for the U.S. market, as in the case of TV picture tubes and clothing. Precise data are not available to develop this observation fully." The report also declares: "Technology is rapidly diffused among advanced countries. European and Japanese manufacturers are penetrating the American market even in the most advanced product areas where we have been exporting technology. The more rapid rate of increase of imports than exports implies a larger problem in future years. Some of these imports will come from foreign subsidiaries of affiliates of U.S. firms."

The growth of multi-national companies, in the 1960s, has been accompanied by the rapid expansion of international banking—much of it by U.S.-based banks. The London Economist of November 15, 1969, stated: "It is without precedent that banks should have joined forces across national frontiers to establish multi-national institutions with their own separate identities."

These international banks have been servicing and helping to finance the multi-national companies. They move money back and forth across national boundary lines "beyond the effective reach of the national monetary policies of any country," as the London Economist pointed out.

U.S.-based multi-national banks have succeeded, increasingly, in moving beyond the effects of U.S. monetary policy, just as U.S.-based multi-national companies have succeeded in juggling production, distribution and sales across national frontiers, with different laws, customs, taxes, living standards and currencies.

The spreading operations of U.S.-based multi-national companies are an important factor in both the surge of manufactured imports into the U.S. and the absolute slowdown or the slowing rise of U.S. exports in many product-lines.

Foreign trade experts are particularly concerned about the near-future impacts of foreign subsidiaries of U.S.-based multi-national corporations on exports and imports of such major commodities as chemicals, non-electrical machinery (including engines, office and metal-working machinery, construction and factory equipment) and electrical products (including generators, power machinery, motors, TV radios, household equipment and control instruments).

These multi-nationals now account for about one-half of U.S. exports. About 25% are direct transactions between the parent and subsidiaries. Probably another 25% involve the multi-nationals and their other business relations—licensees, foreign patent holders, foreign joint ventures, etc.

A similar or larger percentage of imports is also intra-corporate—involving the transactions of U.S.-based multi-national firms with their subsidiaries and other business arrangements.

These closed-system, intra-corporate transactions are hardly competitive. They are not trade. And "foreign" is hardly the word for them.

The U.S.-based multi-nationals have substantially affected the volume and composition of U.S. exports—through competition with U.S.-produced goods in third-country markets, as well as in the country of the subsidiary. They have greatly affected the volume and composition of imports into the U.S.

At the same time, a large percentage of U.S. exports is affected by the management of foreign trade by foreign governments—direct and indirect subsidies for exports and barriers to imports.

Therefore, most U.S. foreign trade has little to do with what most people consider competition. Text book theories of foreign trade—and government policies based on such theories— are increasingly irrelevant in the real world of trade and investment in 1970.

THE IMPACT OF U.S. TRADE DETERIORATION ON WORKERS

The deterioration of the U.S. foreign trade position has obvious impacts on jobs, on collective bargaining strength of unions, on wages and labor standards in adversely affected industries.

Precise statistics on the job loss of imports are not available and estimates of the

job impact of exports are only rough guesses that are clouded by the increasing complexity of trade patterns.

Unfortunately, foreign trade experts usually show little interest and even less knowledge about the employment impacts of developments in foreign trade.

One rough indication of job loses was Secretary Shultz's estimate, presented to the Joint Economic Committee of Congress, that "about 1.8 million jobs in 1966 would have been required in the U.S. to produce the equivalent value" of the 74% of imports into the U.S. that were competitive with U.S.-made products.

Secretary Shultz brought these figures up to date in his statement to this committee last week, when he said: "In 1969, if we had attempted to produce domestically goods equivalent in value to such imports, the Bureau of Labor Statistics has estimated that we would have needed 2.5 million additional workers. . . ."

These rough estimates indicate the loss of approximately 700,000 American jobs in the three years 1966–1969, as a result of the rising tide of imports that compete with U.S.-made products.

Secretary Shultz's estimates omitted the additional job losses due to the sales of foreign subsidiaries in foreign countries, in competition with the U.S.-made products. Anything like a full picture of the job-impact of foreign trade developments is lacking.

The fact of increasing job losses is clear. And recent changes in the composition of exports and imports have been a special burden on semi-skilled and unskilled production workers in an increasing number of industries and product lines.

The loss of job opportunities has occurred at a time of urgently-needed unskilled and semi-skilled production jobs, as well as skilled industrial jobs, in the U.S. labor force, which is growing about 1.5 million persons each year. These are the blue-collar jobs that are being affected by spreading layoffs and production cutbacks.

Production and maintenance workers are being forced to bear most of the burden of the deterioration of the U.S. position in foreign trade. There are the same non-supervisory workers—including skilled employes—who bear most of the heavy burden of the Administration policy of severe economic restraint, as well as the impact of radical and rapid technological change.

Two months ago, for example, The Wall Street Journal provided an illustration. It reported that Zenith Radio Corporation had said it would "reduce its work force by about 3,000 jobs this year, and more than one-third of those laid off will be blacks." The chairman, Joseph S. Wright, said that, in addition to the 3,000 layoffs this year, probably another 4,000 layoffs will occur in 1971.

Why? Because Zenith is building a giant new plant in Taiwan.

The increasing export of American jobs threatens to undermine domestic living standards and the growth of consumer markets at home. When an American corporation exports American jobs, it weakens a part of its potential market. Zenith won't be selling many of its products in Taiwan. It will be paying wages as little as 15 cents an hour so none of Zenith's workers in Taiwan will be able to afford them. And, of course, the workers Zenith lays off here—black and white alike—won't be able to buy them either.

Another story, in the New York Times of May 12, 1970, reported from South Korea, about a Motorola plant, outside of Seoul: "Because labor is less expensive in Korea, production costs are one-tenth those of a similar plant in Phoenix."

The report stated: "George A. Needham, representative director of the Motorola Company's electronic component assembly plant on the outskirts of Seoul, told visitors to the bright, modern factory that total production costs in Korea were one-tenth of costs for similar production at Motorola's plant in Phoenix, Arizona.

"He also noted that it took two weeks less time to train Korean girls to assemble semiconductors and transistors than to teach American girls the same job.

" 'The girls here are more motivated,' explained Mr. Needham. 'Life is tough in this country. These people really need this work.' "

Although this account did not report the wage levels in the Motorola plant, it noted that wages in a nearby plywood plant ranged from $32 to $48 a month, for six-day weeks of 10 to 11 hours of work per day.

There have been other adverse impacts on workers, as well as job losses. Imports are sometimes encouraged as a supposed "discipline" on prices. Often, the American consumer benefits not at all—the imports are sold at the American price. Or, frequently, the price differential to the customer is small and the profit margin to the business widens. The "discipline" is usually most effectively directed to the labor cost—to the workers' collective bargaining strength and their ability to negotiate improved wages and fringe benefits. For example, in 1967 and 1968, the copper imports of major corporations contributed to delaying achievement of a settlement of the strike of U.S. copper workers.

The adverse impacts of the deterioration of the U.S. position in foreign trade are much tougher and more direct on workers than on capital or top-managment officials. Capital is mobile—investments can be moved out of an unprofitable business to other industries, companies and countries. Owners and top-management are more mobile than workers. In contrast, workers have great stakes in their jobs and their communities—skills that are related to the job or industry, seniority and seniority-related benefits, investment in a home, a stake in the neighborhood, schools and church.

NEW POLICIES FOR THE 1970'S

In the setting of world economic realities, in 1970, there is an urgent need for immediate action to thoroughly revise government policies affecting international trade and investment.

The choice is not between free trade and protectionist theories. Free, competitive trade relations hardly exist any longer in this world of managed national economics and the large-scale operations of foreign subsidiaries of U.S. companies. It is neither possible for the American economy to hide behind high tariff walls nor to pretend that free, competitive trade relations are possible.

There is a need to: 1) move ahead rapidly for an orderly expansion of world trade, with U.S. considerations as the starting point for U.S. policy and posture, based on the premise that trade is a complex network of interrelationships and 2) establish trade and investment policies to deal with the foreign investments and operations of U.S. companies and banks.

U.S. government measures are required:

1. To stop helping and subsidizing U.S. companies in setting up and operating foreign subsidies—to repeal Section 807 and similar provisions of the Tariff Code, for example, and to repeal the tax provision which permits the deferral of U.S. taxes on the income of U.S. companies from their foreign subsidiaries.

2. To supervise and curb the substantial outflows of American companies for investment in foreign operations.

3. To develop regulations covering U.S.-based multi-national companies.

4. To press, in appropriate international agencies, for the establishment of international fair labor standards in world trade.

5. As a stop-gap in the face of growing unresolved problems, to regulate the flow of imports into the U.S. of a variety of goods and product-lines, in which sharply rising imports are displacing significant percentages of U.S. production and employment in such markets.

Orderly marketing

The need for guarding against a sharp inrush of imports of any product or component—to prevent adverse impacts on American workers, communities, firms or industries—has become crucial.

The existing escape clause mechanism is woefully inadequate, as experience has unfortunately proven. Even a much-needed, improved escape clause, in itself, is not sufficient to guard against the harmful effects of a rising tide of imports on American workers and the disruption of domestic markets.

The AFL–CIO, therefore, supports the general approach of the Orderly Marketing bill, H.R. 9912, introduced by Congressman James A. Burke of Massachusetts, to stem the tide of imports through the imposition of quotas on imports of a product or component, whenever a significant share of the U.S. market in such a product or component is threatened. International agreements to accomplish this purpose would supersede the imposition of import limitations, but quotas would be established for imports from countries that are not party to the agreements.

This approach provides for the orderly marketing of articles imported into the U.S., as well as a flexible basis for allowing foreign-produced products to enjoy a fair share of the growth of the U.S. market in the product or component.

In the Trade Expansion Act of 1962, Congress recognized the concept of orderly marketing in Section 352, which provides for international agreements on such import limitations. But this provision has not worked.

The AFL–CIO urges the Committee to adopt legislation along the lines of the Orderly Marketing bill.

The escape clause

The Escape Clause, under Title III of the Trade Expansion Act of 1962, has not worked satisfactorily.

Both the Administration bill (H.R. 14870) and the bill introduced by the Chairman of this Committee (H.R. 16920) recognize the need to remove the requirement to find a causal relationship between a tariff concession and the injury that results from imports. Thus, both bills would remove the burdensome, technical impediments to finding injury from imports.

However, these two bills differ on whether the imports are a "primary cause" of injury, as in the Administration bill, or a "substantial cause," as in Chairman Mills' bill. We believe that the Chairman's bill provides a more realistic test and we support it. Our concern is that imports be recognized as a cause of injury.

Both bills propose changes that affect the government's authority to reduce duties, in compensation for an Escape-Clause action. We believe that the 20% request of the Administration is too great and support the proposal of H.R. 16920, as more in line with the AFL-CIO request that this authority should be "minimal."

However, the most important cause of injury is the displacement of U.S. production and export of American jobs, while the Escape Clause deals with injury from imports. We suggest, therefore, that the relationship of injury to a decline in U.S. production be fitted into the Escape Clause and other adjustment assistance provisions.

Unfair foreign restrictions

The Administration has requested that the Congress strengthen the government's ability to act, when unfair trade barriers in

foreign countries are applied to manufactured goods from the U.S.

The AFL-CIO believes that such authority is contained in the 1962 Act. But it has not been operative for manufactured goods. Therefore, we urge the Congress to clarify its intent on this.

Adjustment assistance

The AFL-CIO has consistently advocated the concept of adjustment assistance. The AFL-CIO hailed the adjustment assistance provision in the Trade Expansion Act of 1962. But due to a rigid interpretation of the Tariff Commission, this provision has been of little value. Between 1962 and 1969, there were only three findings of injury to workers; in 1970, there have been three more.

While the AFL-CIO continues to support the necessity of workable and effective adjustment assistance, we believe that it is merely a supplement to the needed, meaningful legislation on international trade and investment. Adjustment assistance is most decidedly not a substitute for such legislation. Those workers, adversely affected by trade-problems, who can be retrained and helped to relocate, most certainly should have adjustment assistance. Those whose jobs have been lost through injury from imports should most certainly receive benefits. But the basic core of U.S. trade and investment policies should be aimed primarily at preventing such job losses, with adjustment assistance is a cushion for those few workers who are, nevertheless, adversely affected.

Therefore, the AFL–CIO supports the Administration's proposals for a workable adjustment assistance policy, which would provide for findings of injury by the President, with the Tariff Commission supplying factual information.

Item 807 and similar provisions of the tariff schedules

The AFL–CIO urges immediate adoption of H.R. 14188, introduced by Chairman Wilbur Mills, to repeal Item 807 of the Tariff Schedules. We also urge repeal of Item 806.30, which is a similar provision of the Tariff Schedules.

In introducing H.R. 14188 to delete Item 807 from the Tariff Schedules, Chairman Mills declared on October 3, 1969, that "item 807.00 is being exploited in a manner not originally anticipated by the Congress. If operations under it continue to expand and its use is adopted by other industries, the result will be loss of many jobs. While there may be meaningful economic operations being conducted under this provision, I am convinced that in many instances, it is being misused in some industries. Therefore, I feel the provision should be repealed until such time as the government can develop new language and assure that the operations under such a provision are economically viable and contribute to rather than damage the wellbeing of the U.S. labor force."

The AFL–CIO agrees with the Chairman of this Committee. Item 807 should be repealed. And the similar item in the Tariff Schedules, 806.30, should also be repealed.

Both Items 806.30 and 807 provide reduced U.S. tariff duties on imports which contain U.S.-produced components and which have been assembled or processed abroad. The U.S. tariff duty is applied effectively to merely the value added in foreign assembly or processing—often, to merely the very low wages of workers in the foreign operations. Under 807, the advantage to the firm is twofold. There is a substantial advantage from the utilization of American equipment and know-how in foreign assembly operations, usually combined with wages and fringe benefits that are 50% to 90% less than in the U.S., and frequently accompanied by lower taxes in the foreign country. Item 807 adds to this a reduced-tariff subsidy.

Item 807 is one small loophole in the trade and investment structure for the advantage of U.S.-based multi-national companies. It operates as a lubricant for the growing export of U.S. capital, which is a major factor in America's balance of payments difficulties. It provides financial encouragement of foreign production, by U.S. firms of goods that are sold in the U.S. market. It is a factor in the deterioration of both the volume and composition of the U.S. trade balance.

Like many tax loopholes, 807 and similar provisions tend to grow. Reported imports under 807 shot up from $577 million in 1965 to $1.6 billion in 1969. Moreover, these figures may well be understated, since multi-national firms can juggle their prices in intra-corporate transactions, for the benefit of the firm.

In addition, even the so-called U.S.-produced component, under 807, may not be what it appears. Such component may be an imported item, processed in the U.S. and assembled abroad, for shipment back to the U.S. under 807.

From 1967 to 1969, when reported 807 imports rose 77%, overall U.S. imports of all commodities increased 33.8.% Thus 807 imports are growing at double the rate of overall U.S. imports.

The expansion of 807 operations has been phenomenally rapid since 1967, in countries like Mexico, Taiwan, other countries in the Far East as well as the lowest-wage areas of this hemisphere. Reported imports, under 807, from Mexico alone soared from $3.1 million in 1965 and $19.2 million in 1967 to $145.2 million in 1969.

The operations of U.S. firms in foreign countries, with the utilization of this provision, have led to the export of one hundred thousand or more American jobs between 1967 and 1969.

At home, the U.S. government is engaging in numerous efforts to train unemployed workers for low-skilled jobs—jobs that are now disappearing, due to recent and current economic developments. But 807 provides firms with a federal subsidy to export such assembly and production jobs for the advantage of some companies and to the detriment of the American labor force, including the most disadvantaged. Thus, while the Executive Branch has been examining the issue in these past few years, and while the National Alliance of Businessmen has been training, with federal subsidies, a small portion of the disadvantaged unemployed for jobs in U.S. plants, many companies, including NAB members, have used the encouragement of 807 to export jobs to low-wage foreign subsidiaries.

The issue of 807 involved tariff savings to the companies of approximately $24 million in 1968, which may have increased to about $30 million in 1969. Of the $1.6 billion in imports under 807 in 1969, all but $339 million were charged the duties appropriate for the imported items. Payment of the appropriate duties on the excluded $339 million would surely not break the companies involved, but it would eliminate this specific type of federal inducement for the displacement of U.S. production and employment by runaway operations to countries whose wage levels are as low as 15 cents an hour. Moreover, it would end this federal government inducement for the export of American jobs.

International fair labor standards

Labor organizations in various parts of the world, as well as the AFL–CIO in the U.S., have advocated the establishment of international fair labor standards. The development of such standards, through appropriate international channels, is essential to protect and advance living standards in the U.S. and in other nations, as well.

For years, there have been occasional discussions of this issue within the U.S. government and in international agencies. But there has been no follow-through and no action.

This issue has grown in importance, as multinational business has been expanding its search to produce goods in subsidiaries in low-wage countries for sale at high prices in the industrial nations, particularly, the U.S.—without regard for labor standards or consumers.

The report to the President, "Future United States Foreign Trade Policy," issued on January 14, 1969, states:

"The United States should bring for review and resolution under appropriate provisions of the GATT cases of exports to this country produced under what it believes to be clearly unfair labor standards. The United States should also seek, through the GATT and the ILO and possibly other international organizations, to develop international agreement upon a workable definition of fair labor standards and upon realistic means for their enforcement."

The AFL–CIO urges the Congress to direct the Executive Branch to press for the establishment of international fair labor standards, as one essential step towards the development of a rational and socially responsible international trade and investment policy for the U.S. and all trading nations.

American selling price

The AFL–CIO is opposed to the Administration's proposed repeal of the American Selling Price.

The resolution on international trade, adopted by the AFL–CIO convention in October 1969, declared: "No tariff-cutting authority, beyond the authorization of the Trade Expansion Act of 1962 should be approved if there is any change of the methods of valuation of imports, such as the American Selling Price."

The Trade Expansion Act placed a 50% limit on tariff reductions. The Administration's proposed repeal of A.S.P., as negotiated, could result in considerably greater tariff cuts for affected products. Such action, therefore, would be unfair.

In conclusion, Mr. Chairman, we of the AFL–CIO are not isolationists and have no intention of becoming isolationists.

We support an orderly expansion of world trade. We oppose the promotion of private greed at public expense or the undercutting of United States wage and labor standards. We want expanded trade that expands employment at home and abroad and that improves living standards and working conditions, here and abroad.

No single action or one-shot panacea can meet the complex issues of world trade, foreign investments of United States companies and the operations of U.S.-based multi-national corporations.

A battery of realistic policies and measures must be adopted to meet the needs of the American people in world economic relations in the 1970s.

Practical, common-sense foreign trade and investment policies are needed that promote employment and achieve decent wages and working conditions—in the United States and in every nation with which we trade.

Mr. LONG. I pointed out, Mr. President, that this country is faced with an unfortunate situation where bad figures lead to bad conclusions. The books are deliberately kept in an erroneous fashion, in my judgment, to justify an erroneous policy that is benefiting somebody, but it is not benefiting this Government.

EXTENSION OF TIME FOR COMMITTEE ON THE JUDICIARY TO REPORT S. 3201, THE CONSUMER PROTECTION ACT OF 1970

Mr. EASTLAND. Mr. President, I ask unanimous consent, on behalf of the Committee on the Judiciary, that the date of reporting S. 3201, the Consumer

Protection Act of 1970, be extended to September 28, 1970.

This has been cleared with the Senator from Washington (Mr. MAGNUSON), chairman of the Committee on Commerce, and with the Senator from New Hampshire (Mr. COTTON), the ranking minority member.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield.

Mr. HRUSKA. I should like to confirm that Senator COTTON was consulted and that he is in agreement with the extension

The PRESIDING OFFICER. Without objection, it is so ordered.

PALO VERDE LAND CLAIMS—CHANGE OF REFERENCE

Mr. EASTLAND. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 3248, relating to Palo Verde land claims, and that it be referred to the Committee on Interior and Insular Affairs. I make this request on behalf of the Committee on the Judiciary.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of morning business today, the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 1152, the manpower training bill, which was laid before the Senate last evening.

The PRESIDING OFFICER. Is there objection?

Mr. BAYH. Mr. President, will the Senator yield?

Mr. ALLEN. Mr. President, reserving the right to object——

The PRESIDING OFFICER. Is there objection?

Mr. BYRD of West Virginia. I yield to the Senator from Indiana.

Mr. BAYH. Mr. President, I should like to propose one question—reserving the right to object, and I have no intention of objecting. It is my understanding that the effect of this would be to proceed with the other business on the calendar and then on tomorrow to again come back to Senate Joint Resolution 1.

Mr. BYRD of West Virginia. Mr. President, I have asked that we lay it aside only temporarily. I did not say until the conclusion of morning business. tomorrow. Therefore, a demand for the regular order at any time during the afternoon could bring Senate Joint Resolution 1 before the Senate.

I wanted to leave it in that status until the Senator from Indiana, the Senator from Nebraska, the Senator from Alabama, and others are willing to put it aside until tomorrow. I want to protect them to that extent. The request I have made is only to allow us, at the conclusion of morning business today, to take up the manpower training bill. We could proceed all afternoon if no Senator demanded the regular order. If any Senator did demand the regular order, then Senate Joint Resolution 1 would come back before the Senate.

Later in the afternoon I should like to ask unanimous consent that the unfinished business remain in the status of being temporarily laid aside until the conclusion of morning business tomorrow. I can do that now, if all sides are agreeable.

Mr. BAYH. I do not anticipate any reason to object to either this suggestion or the other one. I prefer the approach of the distinguished Senator from West Virginia.

Some thoughts have been raised most recently by the distinguished Senator from Delaware about what the Senate should do to show its determination to clear the calendar of the pending business. I should like to pursue this with the majority leader, the Senator from Nebraska, and the Senator from Delaware before making a final determination as to what we should do on Senate Joint Resolution 1, on which I am most anxious to have the Senate consummate business.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to proceed for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The request is still before the Senate.

Mr. BYRD of West Virginia. I yield to the Senator from Alabama.

Mr. ALLEN. I should like to inquire of the distinguished Senator from West Virginia whether he would be willing to put the unanimous-consent request that the present business, Senate Joint Resolution 1, be laid aside until the conclusion of morning business tomorrow. Otherwise, as the distinguished Senator from West Virginia has stated, on the call of a single Senator, the regular order could be demanded.

The effect of the Senator's present request is to have the bill in a state of suspended animation that could be ended in 1 minute's time, and that is entirely too indefinite to suit the junior Senator from Alabama.

Mr. BYRD of West Virginia. Mr. President, I thought I would begin by asking for an inch before I sought to take a mile. I would much prefer to proceed as the Senator from Alabama has suggested.

I gather now, from what Senators have said, that all Senators who are participating in this conversation at the moment would be agreeable to a unanimous-consent request to set aside temporarily Senate Joint Resolution 1 and that it remain in that status until the conclusion of morning business tomorrow.

Mr. ALLEN. Mr. President, reserving the right to object——

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. HRUSKA. This Senator would certainly agree with the suggestion of the Senator from Alabama. In that way, we can assess the situation tomorrow and see what it is.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. PERCY. I would certainly support that position, because we have been waiting in a state of suspended animation to bring forward Calendar No. 1176, which is one of the urgent matters the President has asked for in connection with small business.

I think it would mean a great deal to the small business community to have a very forward-looking bill adopted by the Senate. The Senator from New Hampshire (Mr. MCINTYRE), as I understand it, is ready to go forward; and it would facilitate us a great deal if we could know that we could proceed with that business and dispose of tonight, manpower training as well as this additional important item that the President wrote us about just a few days ago.

Mr. ALLEN. Mr. President, reserving the right to object, the Senator said he was asking for an inch before asking for a mile, and he has not yet asked for the mile. The junior Senator from Alabama wonders whether he would then make a unanimous-consent request that the business be laid aside permanently, rather than until the following day.

Mr. BYRD of West Virginia. Mr. President, that unanimous-consent request may at some point down the road be made. The majority leader, and the Senator from Indiana, and various other Senators will discuss this matter during the afternoon, but at this point I could not make that request. But I would hope that Senators would allow me to get the following request adopted.

I revise my previous request, Mr. President. I ask unanimous consent that at the conclusion of morning business today, the unfinished business, Senate Joint Resolution 1, be temporarily laid aside; that it remain in that temporary status until the conclusion of morning business tomorrow; that the Senate proceed, immediately upon the conclusion of morning business today, to the consideration of Calendar No. 1152; and that it become the pending business.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. HRUSKA. I want to make our position clear. We are prepared to proceed with the debate on Senate Joint Resolution 1, pursuant to the regular order, at any time. We have many requests on this side for opportunities to speak. We do, however, want to cooperate with the schedule that was adopted by the Senate some time ago and are willing to accommodate any such adjustments as we engage in at this moment.

Mr. BYRD of West Virginia. I thank the Senator for his statement. I also thank the Senator from Indiana.

There is no question that all sides have speakers and are prepared to talk, but in

the interest of cooperation and in the expedition of the business of the Senate, so that we might remain on the schedule that was promulgated, Senators have been willing to accede to the request, and I thank them.

Mr. ALLEN. Mr. President, as the junior Senator from Alabama understands, we can return to Senate Joint Resolution 1 by unanimous consent at any time.

The PRESIDING OFFICER. That is correct.

UNITED NATIONS DEVELOPMENT PROGRAM

Mr. JAVITS. Mr. President, in the very near future the Senate will have before it the foreign aid appropriations bill. Provisions of this bill relate to the U.S. contribution to the U.N. Development program. At the same time that the Senate considers this bill, the United Nations in New York will begin the final negotiations which will result in the strategy document for the Second Development Decade. This strategy document will be one of the most important policy papers to come out of the Unitec Nations in the past 10 years.

To better acquaint my colleagues with the workings of the U.N. Development program and the progress the United Nations has made over the past 10 years in the field of economic development programs, I ask unanimous consent that an excellent and balanced article that appeared in the Orbis Quarterly be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CRITICAL CHOICES FOR THE U.N. SYSTEM: THE SECOND DEVELOPMENT DECADE

(By Leon Gordenker and Harold Karan Jacobson)

The completion of the First United Nations Development Decade, marking both a clear failure to achieve goals and the beginning of a new effort, provides a critical juncture at which governments and international organizations can make significant choices about the future of assistance for development and modernization offered through the UN system. The Development Decade idea evolved from an imaginative proposal made by President John F. Kennedy in 1961. It foresaw a grand effort during the 1960's to link all UN components—specialized agencies, regional commissions, the United Nations itself and hitherto autonomous programs—in work toward a more satisfactory pace in the economic development of the less developed countries (LDC's). Increased financial contributions from governments were expected and would be essential if the goals set for the First Development Decade were to be reached.

Public and private assessments have incontrovertibly concluded that the main target of an annual growth rate of 5 per cent in the economies of the LDC's was not met. The total assistance offered by the developed countries failed to reach the hoped-for levels and, in particular, the United States government, which hesitates to assume but cannot avoid a leading position, gave financial support well below the rate implied by its sponsorship of the Development Decade idea. Nor have the other major donors, France, West Germany and the United Kingdom, shown much inclination to push up their contributions to development assistance in accordance with increases in their own Gross National Product.

With a new administration in Washington and the planning for the Second Development Decade approaching the point of decision, both the UN system and the United States can make choices that will contribute to real progress and enthusiastic cooperation in the LDC's. If the UN system ties together its programs, practices and proposals in such a way as to convince the Nixon Administration of their viability and potential success, subsequent strong support and leadership by the United States could produce an unparalleled global effort. Even if Washington chooses to downgrade its foreign assistance policies, it could still channel enough through the UN system to make the Second Development Decade a much more promising proposition. The decision made in the UN system and the U.S. government will influence each other. Both will help to shape the policies chosen by other donors.

Although assessments of the First Development Decade rely heavily on economic data, other aspects of its central concept deserve attention. From the beginning, a prominent feature has been an attempt to make existing programs and institutions more efficient and beneficial by means of coordination, selection of priorities and acquisition of firmer knowledge of obstacles and possibilities. Decisions for these purposes can be made without advance commitment to new financial support. They rest preeminently within the UN system, rather than primarily within national political arenas. Because these decisions, which make up a large proportion of the deliberations in the UN organs, are reached in a political process, the LDC's can exert a major influence. Because the outcome of this process of deliberation and negotiation, in which the secretariats of the UN system also play an important part, may have a discernible and perhaps critical effect on eventual financial support and general assistance policies of the developed countries, it needs more scrutiny than it usually has gotten. It is therefore useful to review the issues that have arisen in the First Development Decade, to seek the accomplishments as well as the shortcomings, to trace the evolution of the whole UN system, and to give special examination to the UN Development Program (UNDP), which has become a principal international instrument to encourage the progress of the LDC's.

II

The First Development Decade can be regarded as a process of role definition and "tooling up." In the General Assembly, the Economic and Social Council and other United Nations organs, the most extended and controversial debates have concerned what is to be done and which components of the system will perform which roles. The polar extremes in debate generally have been maintained by the developed countries of the West (although there are some exceptions) and the LDC's. Somewhere between the poles have been found the socialist countries, which vary their exact position with time and issue, usually speaking boldly but acting conservatively. This debate will certainly continue. Nevertheless, a number of decisions have been taken which at least establish certain patterns and approaches for the UN system.

Concerning what is to be done, three important issues have been raised. The first, in order of chronology, emanates from the LDC's and relates to the role of foreign trade, especially exports, in promoting economic development. After a long argument revolving around the doctrine developed by Dr. Raul Prebisch and his associates in the UN Economic Commission for Latin America during the late 1950's and early 1960's, the pressure and voting strength of the LDC's determined that the UN system should step up its activities to use changes in the terms and practices of foreign trade as a means of stimulating economic development. Even though professional economists are far from unanimity on this issue, the LDC's won their point in organizational terms with the convocation in 1964 of the UN Conference on Trade and Development (UNCTAD) and the decision then to create continuing machinery to carry out functions which were in considerable part opposed by the developed countries.

The second issue, also raised mainly by the LDC's, concerns the place of industrialization in advancing development. The LDC's have insisted on increasing the activities of the UN system to drive toward rapid and widespread industrialization, despite the fact that this approach is disputed by an even broader group of professional economists than the trade avenue to development. In 1966 the LDC's induced the General Assembly to create the UN Industrial Development Organization (UNIDO), an institution whose establishment reflects their zeal and ambition.

In raising and meeting both these issues, the LDC's have used their voting power to make certain that their point of view would be the basis of continuing institutions within the UN system. They did not succeed in this institution-creating course without opposition and deep questioning by governments lacking faith in the methods they proposed. Nor did they cope with the possibility of competing economic interests between themselves and developed countries. Such competition is inherent in, for example, the promotion of processing and light manufacturing industries in such fields as textiles. Yet the pursuit of industrialization clearly has been given higher priority than rationalization of the competitive and trade problems that may result.

The third issue is whether and to what extent the UN system should become involved, or take the lead, in population control activities. After many years of inability even to discuss the subject, the World Health Organization in 1966 made a tentative beginning on a population control program. The United Nations has contributed in a modest way to population control ventures, initially by fostering understanding of demographic developments and more recently by aiding in planning public acceptance of birth control programs and by sending advisory missions to the field. During 1968, both Paul Hoffman, the Administrator of UNDP, and Robert S. McNamara, President of the International Bank for Reconstruction and Development (IBRD), announced that their organizations would support sharply increased activities in this line of endeavor. In view of ever-widening governmental appreciation of the causal connection between explosive population growth and restricted economic expansion, and the public debate resulting from pronouncements by Pope Paul VI on the attitude of the Roman Catholic Church toward contraception, it seems likely that the UN system will eventually mount a substantial population control program. Even if the LDC's failed to favor population control programs—and on the contrary many LDC's are deeply committed to them—some major donor countries would probably insist on their establishment as the price for continued or additional collaboration on economic development.

Whatever the doctrinal arguments that remain unsettled, the decisions taken with respect to these three issues have had positive effects on the ability of the UN system to field a more comprehensive program during the Second Development Decade than it could manage in the First. The United Nations has additional institutions covering areas heretofore left with relatively little attention, and in the matter of population control it has made a start on one of the

most important substantive problems affecting a global program for economic development.

Concerning which components of the UN system should perform which roles, the central issue involves the provision of capital assistance. Since the 1950's, the LDC's have sought to have at least some of the capital assistance distributed through the UN system administered by an organization in which they had control or at least a greater voice than they have in the IBRD and its affiliates, the International Development Association and the International Finance Corporation, known collectively as the World Bank Group. The developed countries have a preponderant voice in these institutions because of weighted voting systems. With the swelling of their ranks in the General Assembly in 1960, the LDC's overrode the opposition of the developed countries and voted in principle to create a United Nations Capital Development Fund. In 1966, again despite the opposition of the developed countries, the General Assembly decided to bring the Capital Development Fund into operation. The limits of the powers of the Assembly majority were demonstrated, however, at the pledging conferences held in 1967, 1968 and 1969. The developed countries from both East and West refused to attend, and on each occasion the LDC's present pledged about $1 million, mostly in nonconvertible currencies. The developed countries are averse to being forced by General Assembly resolutions to distribute, through organizations of which they do not approve, the funds that they may be willing to make available for capital assistance to LDC's. For the time being, therefore, it seems likely that among the components of the UN system the task of distributing capital assistance will remain primarily the responsibility of the International Monetary Fund and the World Bank Group. The regional development banks will also have a role, although their formal relationship to the UN system is tenuous or nonexistent.

III

Some of the most important steps in the evolution of the UN system during the First Development Decade involve the UNDP. The mere existence of the UNDP is a major achievement. At the outset of the First Development Decade, the UN system had a variety of separate programs for providing technical assistance, the largest of which were the Expanded Program of Technical Assistance (EPTA) and the United Nations Special Fund. Although the latter had as its purview so-called pre-investment activities, in terms of the common distinction between capital and technical assistance both programs were confined to the technical assistance area. They were financed by voluntary contributions and were collaborative efforts, involving the UN and several specialized agencies. In addition, the UN and a number of the agencies had their own technical assistance programs, known as the regular programs because they were included in the organizations' regular budgets, financed by obligatory assessments. The creation of the United Nations Development Program in 1966 through the merger of EPTA and the United Nations Special Fund was a noteworthy move in the direction of increasing the coherence of these diverse programs. It has been followed by other steps with similar intent. For example, at its Twenty-third Session in the fall of 1968, the General Assembly voted to place the OPEX program, under which operational and executive personnel are provided to LDC's, within the framework of the UNDP.

Even more important that the creation of the UNDP, perhaps, is the fact that funds available within the UN system for technical assistance to LDC's have increased substantially. In 1958, before the Special Fund had begun its operations, the total costs of EPTA were $33.8 million, and those of the regular programs $10.7 million. Two years later EPTA's financial outlay had increased less than one million dollars, but the regular programs had grown by nearly 50 percent. By the end of 1960, the Special Fund reported after its second year of operation, 115 projects had been approved with a total allocation of $95.9 million. In 1967 expenditures for the technical assistance component of the UNDP amounted to $50.6 million, regular program expenditures were $45.5 million, and expenditures from special Trust Funds within the UN system totaled $14.4 million. Expenditures of the Special Fund component of the UNDP were $92.9 million. Through 1967 the Special Fund had approved 778 projects, involving a total allocation of $770.6 million. Many of these projects continued as long as five years. The immense increase in the resources channeled through the United Nations system can be seen with even more clarity by comparing the total amount expended on technical assistance and pre-investment projects in 1959 with that in 1967. In the former year, the UN system expended $44.5 million. Eight years later expenditures had reached $203.4 million, representing a growth of more than 450 per cent.

While the capital assistance activities of the UN system have not grown as dramatically, they too have increased. In 1960 the IBRD disbursed $516 million to LDC's, and the International Finance Corporation $19 million, making a total of $535 million. The International Development Association had just come into existence that year. In 1966 IBRD disbursed $603 million, the International Development Association $457 million, and the International Finance Corporation $54 million, adding up to $1,114 million for the World Bank Group. Thus in six years the disbursements more than doubled.

IV

By treating these developments as trends that could confidently be projected into the 1970's, the conclusion could be reached that the UN system would play an enhanced role during the Second Development Decade. The resources at its command and the comprehensiveness of its machinery would go far toward providing the LDC's with a vital means for attaining their goal of a rapidly rising rate of economic development. The system would be well on the way toward the role many delegates, secretariat members and scholars have long advocated for it. Unfortunately the period of substantial and successful growth appears to be hovering at a critical juncture and not moving over the threshold which would give confidence to the beneficiaries and advocates of the multilateral program. It remains possible that the apex of expansion now reached could become a base for further construction, but it is just as possible that it could remain the high point.

The decisions of fourteen crucial donor states, grouped in the Development Assistance Committee of the Organization for Economic Cooperation and Development, will have the strongest single effect on the magnitude of resources channeled through the UN system. In 1967 pledges of contributions by Australia, Austria, Belgium, Canada, Denmark, France, Germany, Italy, Japan, the Netherlands, Norway, Sweden, the United Kingdom and the United States made up 87 per cent of the financing available to the UNDP. The U.S. contribution by Congressional mandate may not exceed 40 per cent of the total. As for the World Bank Group, in 1966 the same fourteen countries accounted for 70 per cent of the funds of the IBRD, 78 per cent of those of the International Finance Corporation and 73 per cent of those of the International Development Association. The contribution of the United States was, respectively, 28 per cent, 35 per cent and 32 per cent.

There is no reason to expect a basic alteration in the pattern of support for the UN system in the foreseeable future. It is possible that the U.S. government, in which influential persons have sought to reduce bilateral aid programs, may prove willing to shift additional resources to multilateral programs. But so far no weakening in the support for a fixed upper limit on American contributions to the UN system has appeared.

The decisions of these major donor countries will be affected by their perceptions of the UN system, its problems and potentialities. Furthermore, the success or progress of the system will depend on more than the level of resources available to it. In this connection, the uses the LDC's make of assistance from the UN will contribute to decisions about the character and level of work to be undertaken in the 1970's.

Put in sharp terms, it is still not clear that the UN system can operate a large and coherent program adequately designed to promote development. The components of the system are legally, geographically and conceptually separate organizations; for them to mount a coherent program requires intricate coordination. The creation of the UNDP, and earlier of EPTA and the Special Fund, were important steps in this direction. The altered structural form has shifted the system toward more central budgetary controls and has enhanced the possibility of coordination. Simultaneously, the size of the programs and their particular emphases have stimulated unanticipated but important growth in the specialized agencies. Indeed, in recent years the annual allocations to the Food and Agriculture Organization (FAO) have been about twice as large as its overall regular administrative budget. Although the situation in FAO is the most extreme, other agencies, such as the Educational, Scientific and Cultural Organization (UNESCO) and the International Labor Organization (ILO), now depend heavily on UNDP funds for their most sought after activities in the LDC's. This dependence has been used as a force for coordination. And in this complex system of overlapping tasks, independent organizations and possibly competing interests, coordination achieves a value of its own, representing efficient use of resources and assignment of priorities according to some known scheme with its own presumed rationality.

Even so, coordination has come slowly. Despite the general statements emanating from the deliberative organs at various headquarters, what coordination there is in a practical sense has come mainly from the field level. From an institutional point of view, coordination in the field receives much impetus from the UN Resident Representative who can be found in almost all of the recipient countries. Whatever his background—he may be carried as a permanent employee of one of the specialized agencies—as Resident Representative he reports to and receives instructions from UNDP headquarters. His is the sole channel of communication concerning requests for UNDP assistance. His office has the theoretical ability to provide a central clearing agency for information and inspection of all UNDP-financed projects within a country. But even slight acquaintance with the realities of the field situation makes it obvious that mere formal powers do not overcome the administrative independence, pride of expertness and sheer bureaucratic protectiveness displayed by some representatives of the various UN institutions. The independent status of the specialized agencies in itself probably would have provided a nearly unmanageable dose of autonomy or a propensity to bargain in the system. It is further complicated by the increasing tendency to endow the UN regional economic commissions with operating functions.

As for capital assistance, Resident Representative of the UNDP have almost no au-

thority and sometimes not more than a distant and tenuous connection with representatives of the World Bank Group operating in the same territory. It is quite common for a Resident Representative to hear of an impending visit by World Bank Group representative only through governmental channel, not directly. Some World Bank Group representatives freely admit, almost flaunt, their lack of interest in consulting resident representatives, although this attitude is far from constant or consistent. Furthermore, the authority—either formal or actual—of the Resident Representative with regard to technical assistance provided by agencies of the UN system outside UNDP is ambiguous. Yet such programs accounted for 29 per cent of the technical assistance provided by the UN system to LDC's in 1967.

Nevertheless, where the government has a firm sense of its own priorities and a willingness and ability to enforce these, a strong and capable Resident Representative can use his position to shape a connected, well-designed program, at least with respect to that portion of it financed by UNDP. Given good will and a favorable situation, he can coordinate the UNDP program with regular programs and even occasionally with those of bilateral agencies so as to form a coherent whole. The total package can fit and sustain the local development efforts, while advancing the interests and ideas of the several donors.

Where these conditions do not prevail, or if agency salesmen are particularly persistent and can find allies within the bureaucracies of the recipient countries, serious distortions can easily arise. Because requests for UNDP projects result in the expansion of administrative agencies, a constant encouragement to "sell" new schemes is at work. At the same time, the agencies execute UNDP programs and furnish personnel for the recipient countries, which must provide counterpart personnel and assign officials to deal with the substance of agency work. In these circumstances, the growth of client groups naturally takes place. This tendency frequently receives impetus through the presence of a high official who serves as country representative for his own agency and sometimes simultaneously as a principal adviser to the relevant ministry. In addition, the agencies produce a flood of documentation which inevitably tends to support and give credence to specialized (and parochial) points of view. The resulting distortions of the UNDP program or the national program may have serious consequences not only because of using scarce external resources for less than priority tasks but also because they can involve important losses of opportunity in the utilization of internal resources.

In recent years the authority of Resident Representatives has grown steadily. In part this has been attributable to the appointment of men with the requisite skills for such demanding posts. Giving them increased administrative and executive support has helped, and an organizational innovation promises to strengthen their hand further. In several instances, as a result of an agreement between FAO and UNDP, the chief of the FAO program has been appointed as senior agricultural adviser to the Resident Representative, and his salary has been assumed by the UNDP. This arrangement is being extended to other agencies.

But there are limits to what can be achieved through steps such as these, although they certainly should be pursued vigorously. In any recipient country, the technical assistance program of the UN system will tend to appear as a series of discrete, though perhaps coordinated, sectoral projects, undertaken in separate geographic areas. There are few truly collaborative efforts among the components of the UN system. Economic and political modernization cannot always be approached in a sectoral fashion, and if the UN is going to make a maximum contribution to this process there will have to be far more collaboration among the components of the system than there has been in the past. Such collaboration may not be possible unless the UNDP moves beyond its basic concept of appointing one organization as the executing agency for its major projects.

Another difficulty caused by the historical development of the UN system is that the components were not created with the aim of providing comprehensive coverage with respect to the processes of economic and political modernization. Even with perfect coordination, not every aspect of development would be covered by the purposes of the UN agencies. Consequently, new programs have been improvised by the UN itself, which has entered such areas as public administration, urbanization, statistics, and development planning. The creation of UNIDO, in 1966, was a promising step toward closing a major gap, but whether or not UNIDO's record of achievement will fulfill this promise is as yet unclear. It is clear that the accomplishments of the UN system in the field of industrialization have up to now been minimal.

This is also true in the field of trade promotion. UNCTAD and the General Agreement on Tariffs and Trade have jointly established an International Trade Center, which conceivably could play an important role. The pressure to have UNCTAD become an executing agent for the UNDP, however, has thus far been rebuffed.

Still another difficulty attributable to the nature of the UN system is that because most of the agencies were not created with the primary purpose of conducting extensive operational activities, the great increase in such activities has seriously taxed their capabilities and has inspired them hastily to construct new administrative structures. Many of them are now administering total budgets several times the size of those for which they were responsible a decade ago. The agencies have grown rapidly, rather than deliberately, and many of them now suffer the consequences associated with such growth.

Moreover, technical assistance programs often are more than an end in themselves. They are intended to lead to capital assistance. This progression encounters a final difficulty attributable to the nature of the UN system. Moving from technical to capital assistance in a project deliberately set up by UNDP and the recipient governments to produce such an outcome requires steady coordination. But this is a particularly difficult task, because the structure and membership of the World Bank Group are substantially different from those of the other UN agencies. Fortunately, the World Bank's relationship with the UNDP shows signs of growing increasingly close, but it could be improved still further.

V

Thus far what we have dealt with might be termed administrative and institutional problems. There are also conceptual issues, relating to the role of the UN system in disbursing assistance. These issues can be summarized by the questions of to whom aid should be given and for what purposes.

Traditionally, the UN system has discriminated very little in choosing recipients. Particularly within the UNDP there has been strong pressure for distribution according to some concept of "air shares." The World Bank Group, to the extent that it has discriminated, has done so primarily on the basis of banking principles.

One consequence of this lack of discrimination is that during the period from 1963 through 1967, some 11 per cent of UNDP funds was given to eleven countries with per capita GNP's of more than $500 per year: Argentina, Cyprus, Czechoslovakia, Hungary, Iceland, Ireland, Israel, Kuwait, Poland, Trinidad and Tobago, and Venezuela. In 1966 four countries in this category, South Africa, Iceland, Japan and Venezuela, received 20 per cent of the loans made by the IBRD, and three, Greece, Spain and Venezuela, received 13 per cent of the commitments made by the International Finance Corporation. This distribution clearly conformed to a policy of giving assistance as widely as possible, so that recipients at both the upper and lower ends of the per-capita-GNP spectrum were included. But there is little evidence of the application of a doctrine that makes possible distribution of aid either where the need is most pressing or where developmental potentials are highest.

Particularly in the case of the UNDP, questions have been raised about whether there ought to be some level of per capita GNP beyond which countries would have to pay all or a substantial share of the costs of any assistance they received. The UNDP administration and the United States have resisted moves in this direction, mainly because of the effect they would have on assistance to some communist countries. Without questioning the objective of facilitating contact with Czechoslovakia, Hungary and Poland, it is not clear that the UNDP is the most appropriate vehicle for such efforts.

Overall economic performance is already an important criterion in the granting of assistance by the World Bank Group. If the UNDP is to grow substantially, some donor states will undoubtedly insist that more attention be given to performance in decisions relating to assistance under this program also. However, insistence on this qualification may meet strong objections from the LDC's, which would see in it another form of the "strings" they strenuously resist in bilateral programs.

In similar fashion, the UN system has been open-minded about the purposes of its assistance. Within its substantive and resource capacity, it has generally sought to respond to the wishes of the recipients. This was undoubtedly appropriate, for at the beginning the funds involved were minimal, and even as the program grew, it was still to a considerable extent experimental. But by 1969 the United Nations had approved a large body of doctrine, in the form of recommendations from the Economic and Social Council and the General Assembly, on economic development. While it is doubtful that member governments have been strongly influenced by this outpouring of which the Development Decade idea is a part, UNDP could base its decisions to discriminate among projects on those approved recommendations. Indeed this reasoning suggests that in addition to striving for administrative coordination a similar effort along conceptual lines might pay dividends.

In relationship to the bilateral programs, the posture of the UN system has implied that if it had the money it could do anything better than the bilaterals. It now seems clear than any foreseeable expansion in the assistance administered by the system will continue to be far less than the total of the resources transferred to LDC's. Given this situation, and for other reasons, it will increasingly be incumbent on the system to apply a strategic doctrine to guide its assistance efforts. This doctrine ought to stress the comparative advantages the UN system has.

The chief advantages of the system over bilateral sources are that it is relatively commercially disinterested and politically neutral. This would suggest that it should concentrate its efforts in fields where these qualities are particularly important assets. Pre-investment surveys and central planning are undoubtedly such areas. The UN system, because of its universality, also ought to have an advantage in fields where regional

and interregional collaboration is important. To some extent it already has interested itself in these areas, but it could go even further.

Beyond doubt, a necessary condition for development is the political viability of the country involved. A disorderly and turbulent society, wrecking what is new along with the fruits of the past, clearly cannot proceed to transform itself merely by deliberate planning, technical improvement and investment. Among the most important ingredients in political viability are internal security and innovative political leadership. To date, except for minimal involvement through its programs in public administration and through fellowships for upgrading the skills of government personnel, the UN system has largely steered clear of these provinces. It probably could not enter them overtly and would have to proceed quietly and obliquely. Yet the system, given its concentration on manpower training and planning advice, surely could help governments prepare better and more numerous officials to deal with the special social problems that cause turbulence in the economic development process. So far, it has barely begun to deal with social side-effects of economic development. To some extent, by the adroit use of fellowships and training and orientation tours, it has already begun to help prepare leaders for their roles, but in view of the cruciality of maintaining conditions of political viability, and the comparative advantages of the UN system, perhaps additional activity should be brought about. With the record of the Viet Nam imbroglio all too apparent, a number of major donors might find this a welcome step. Even if such expansion proves impossible, administrators in the UN system should give more attention to the often unavoidable consequences of their own programs.

VI

In the style of the UN system, a number of *ad hoc* groups, committees and commissions have been appointed to review the development activities of the system and to make recommendations for the future. The most illustrious of these are the commission headed by Sir Robert Jackson, appointed to consider the capacity of the UN and its associated agencies to administer an enlarged program of assistance under the UNDP; Lester Pearson's committee considering the role of the World Bank Group; and the Preparatory Committee of fifty-four governmental delegates appointed to consider the role of the UN system as a whole in the Second Development Decade. The Pearson and Jackson commissions have already issued their reports. Both have called for new action, and the latter particularly for reform of the UN system. Now the system itself must act. The hard questions already posed must be asked again, this time in meetings of governmental representatives. More than is often the case, these representatives have a serious responsibility. The answers they give will determine the role that the UN system will play in the 1970's. The new decade could end as a confusion of futile symbols, diffuse programs and frustrated hopes. Or it could end as a successful effort to deal with some of the pressing problems of international relations.

PRESIDENT TO DISCUSS POW PROBLEM WITH THE POPE

Mr. PERCY. Mr. President, I should like to commend President Nixon for his initiative, once again, in going to Europe for the purpose of consultation with our allies and for the further purpose of exploration and study in various parts of the continent of Europe.

Late this month President Nixon will visit Rome and Vatican City where he will confer with Pope Paul. High on the agenda of that conference will be a discussion of the prisoner of war issue. President Nixon is hoping to enlist the Pope's good offices in a still stronger effort to gain humane treatment for Americans held by the North Vietnamese.

The administration is making use of every possible avenue of contact with the North Vietnamese in its drive to gain at least the minimum of care for these prisoners. Failing direct agreement with North Vietnam, our drive has been to strengthen world opinion against the irresponsible attitude and actions of our enemy.

The President's discussions with the Pope will be another and perhaps hopeful move in that direction.

EXPORT-IMPORT BANK

Mr. PERCY. Mr. President, this morning, September 17, the Banking and Currency Committee is holding 1 day of hearings on S. 4268. This bill, introduced by Senators SPARKMAN and BENNETT, of which I am a cosponsor, would exclude receipts and disbursements of the Export-Import Bank from inclusion in the budget total and would exempt the Bank from any annual expenditure ceiling.

Under the present budget, Eximbank net disbursements, the difference between loans made and receipts, impact the Federal budget as well as the expenditure ceiling. Yet all Eximbank activities result in a 100-percent positive contribution to the U.S. balance of payments. All repayments are made to this country in dollars. The Eximbank is sound. Since it began operations, it has authorized direct loans, guarantees, and insurance for $35 billion of export sales. Out of this total, less than one-tenth of 1 percent is either in default or delinquent.

In making this change, the Eximbank still has full executive branch and congressional oversight over its activities. Eximbank will have to coordinate its work with the Treasury and its operations will be subject to review by the Congress. The President would submit an annual budget to the Congress for Eximbank program activities and for administrative expenses.

The exemption from the budget for the Eximbank should not be seen as precedent for other Government agencies. Eximbank activities are unique in Government. The Eximbank is a major factor in keeping the U.S. balance of payments strong. All its disbursements are repaid with interest. Eximbank programs benefit nearly all segments of industry and the country and help solve the balance-of-payments problem which makes the overall economic position of this country stronger.

Therefore, Mr. President, I am pleased to support S. 4268 and urge its swift adoption.

THE UNITED METHODIST CHURCH AND JOB TRAINING PROGRAMS

Mr. PERCY. Mr. President, as our attention turns more directly to the crisis in health care delivery which our Nation faces in this immediate decade, many of us in the governmental as well as private sector are questioning what steps will best insure the availability of adequate health services to every citizen. We know that we face a critical shortage of manpower; our medicare/medicaid program has proved ineffective and overly expensive; and we have not set an obvious national priority on good health care at a reasonable cost. In the Congress we have a heavy responsibility to implement that kind of legislation which will provide the means for rechanneling both funds and manpower to obtain the greatest benefit from our health dollar. It is important to recognize, however, that the greatest share of the leadership burden or financial responsibility cannot ultimately be assumed by the Federal Government. While we must support programs aimed at solving our domestic needs, the initiative and drive of private groups and State agencies will have to be the key to the resolution of our social ills. I would, today, Mr. President, like to mention one organization which has shown the kind of initiative and leadership that is so needed to meet some of the failings of our current health care delivery system. That organization is the United Methodist Church, through its General Board of Health and Welfare Ministries.

The Department of Labor recently announced the approval of a $1.3 million contract to the Board of Health and Welfare Ministries for the implementation of a jobs 1970 program oriented toward the training of over 700 hard-core disadvantaged persons in hospital services. This grant represents the first time, to my knowledge, that a major Protestant denomination has signed such an agreement with the Federal Government. I believe that several of its aims are worthy of attention.

Recognizing that part of the formulation of an effective comprehensive health care delivery system revolves around the availability of a sufficient level of subprofessional manpower, the United Methodist Church is undertaking, in five of its major hospitals around the country, to train men and women to become X-ray clerks, nurses aides, inhalation therapists, ward clerks, dietary aides, and hospital maids.

Under the direction of the Reverend James C. Moore of the board staff, the program will offer on-the-job training for a variety of individuals from economically depressed areas who have heretofore been unable to obtain employment because they lack appropriate skills or experience. The applicant, referred to the board through the State employment service, will only have to qualify, meet good health standards, aptitude to complete the necessary training, with a sixth grade reading capacity, and be free of alcoholism or drug addiction. The trainee will have the benefit of regular supervisors, an income while training, and the likelihood of permanent employment.

To further insure the applicant's success in the program, 4 weeks of job-related basic education have been designed

to improve reading, mathematics, and communications skills. Since many of the trainees may have personal problems in adjusting to the startling conditions of hospital service, its long hours, and necessity for discretion, there are two counselling services available. Within the hospital the trainee may have special counselling, or "job coaches," to help maximize vocational and social adjustment. In addition, community volunteer assistants, offered through Joint Action in Community Service, Inc., will advise the participants on problems related to housing, transportation, family problems, budgetary advice, and community harmony.

Although a high turnover is anticipated, as it does occur now under regular hospital administration, this job program offers the trainee the advantage of a job guarantee upon completion of his 5-week training period. With the knowledge that his job offers upward mobility, an inhalation therapist, for instance, may and probably will develop significant interest in further learning.

It is yet too early to judge whether the program will completely succeed or whether it may fall short of its intended goal in some way. One thing is certain, and that is that the Board has accepted its responsibility to the community to improve conditions of life for at least a few of our economically disadvantaged citizens.

As Dr. Roger Egeberg has stated, the allied health profession is desperately needed to "extend the doctor's arms." I would offer that this venture by the United Methodist Church also extends and makes more relevant the real mission of the church.

ADDITIONAL STATEMENTS OF SENATORS

AIRPLANE HIJACKING

Mr. STENNIS. Mr. President, the lives of hundreds of Americans have been placed in jeopardy due to the dangerous practice of airplane hijacking. The time has long passed for this Nation to take affirmative steps in seeking an effective end to this kind of activity. In recent days hijackings have seriously strained relations in the international community and over the past 2½ years this country has suffered the embarrassment of having some of its airliners hijacked to Cuba. The more recent events concerning the Middle East have caused the President and our diplomatic corps undue and unnecessary hours of anguish.

I was pleased when the President of the United States took what I consider to be effective, positive steps toward remedying this situation. The President directed that specially trained, armed U.S. Government personnel be placed on flights of U.S. commercial airliners; and called for extension of the use of surveillance equipment and techniques, acceleration of the development of security measures, and for international cooperation in blacklisting those countries which refuse to punish or extradite hijackers involved in international blackmail.

I am also pleased to know that the President is apparently planning to take additional steps in the coming months to meet this menacing threat. I fully support the President's actions in regard to this serious matter, as a temporary solution. Mr. President, I am pleased to introduce an amendment to the request for appropriations transmitted in the budget for fiscal year 1971 in the amount of $28 million for the Department of Transportation.

The funds made available by this amendment are designated for the protection of persons and property aboard U.S. air carrier aircraft. The administration has indicated the funds will be used for training of personnel and purchasing of equipment to facilitate the directives President Nixon has outlined.

I am becoming more and more convinced that as long as hijackers do not fear the certainty of being returned to the country in which the plane is registered, and do not fear the certainty of punishment, we cannot expect these incidents to cease. The United States has got to show that it means business. A handful of international bandits should not be allowed to exercise authority and strength while this Nation is made to look helpless and defenseless. We should take the initiative and not wait on these outlaws to strike.

I think the only effective remedy is to have an extensive international agreement defining the crime of hijacking, prescribing the punishment for those found guilty, conferring and assigning jurisdiction in the crime, and providing for the return of those charged to the country which has jurisdiction. I think it will be necessary to invoke the rule that nations that do not go into a treaty and carry it out will be blacklisted and international air travel to or from those nations will not be permitted by other nations.

It is obvious there are no easy, instant solutions to this problem. However, I am hardpressed to imagine any action at this country's disposal which could be considered an over-reaction. I think for this country to blacklist any nation that refuses to extradite to the United States any person accused by the United States of committing aircraft piracy is indeed an extreme measure, but I also believe it is a solution that will meet the problem.

It is clear the civilized world is faced with a tremendous challenge, however, the future of commercial aviation, not only in this country but throughout the world, and the cause of international stability and peace, demand a prompt and effective answer.

PEACE CORPS TRAINING CAMP IN MONTANA

Mr. MANSFIELD. Mr. President, the Peace Corps has done a great deal in recent years to improve the image of the American in many isolated and faraway places in the world. Peace Corps trainees have given a great deal in their efforts to help others to help themselves.

As a part of his training, every Peace Corpsman must be indoctrinated into the problems and customs of the country where he will be assigned. Much of this training is done in exotic places such as Puerto Rico, the Virgin Islands, and Hawaii. I am delighted to report that one of the special training camps is located on a dude ranch in Montana.

The current program at the Dot-Dot-S dude ranch, near Big Timber, Mont., is training the young people for work in Ecuador, South America. This program, under the guidance of Montana State University, has a fine record, and is the subject of a feature article appearing in several Montana newspapers, written by Fred Martin, editor of the Livingston Enterprise.

Mr. President, I ask unanimous consent to have this feature printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IN THE YELLOWSTONE BASIN—VISIT TO PEACE CORPS TRAINING CAMP

(By Fred Martin)

Up at the former Dot-Dot-S dude ranch about 25 miles northwest of Big Timber 44 young Americans, including six young women, all with college degrees or their equivalent, are preparing to dwarf their egos and to substitute humility and modesty as Peace Corps evangelists in Ecuador, South America.

Here in the U.S. we talk of setting aside the wilderness. Down in Ecuador there's a great need to carve out new homesteads in the equatorial jungles in a locale in sharp contrast to the multi-variations in the United States.

"Organizational promises and ideals here (in Ecuador) are worth less than the mud on the trails", Gary Dunlap, a dedicated veteran Peace Corps member who has done a superb job there declares in a mimeographed textbook letter which the trainees have a chance to read. The texts are down-to-earth exchanges between instructors and former Peace Corps veterans, Ecuadorian advisors, Peace Corps officials and a Montana State University staff under the overall direction of Dr. Robert G. Dunbar, MSU professor of history and director or participant during the nine years MSU has been in charge of the Ecuadorian training program in Montana.

The training program was held on the MSU campus at Bozeman for seven years, but the Dot-Dot-S ranch and dude ranch buildings provide a more primitive and isolated base for the training program, the emphasis of which is a crash program in equipping the Corpsmen with a speaking knowledge of Spanish, the problems they are likely to encounter, how to understand and work with the people they will work with in Ecuador and a knowledge of Ecuador's history, climate, soils, economy, crops, industry and what they might expect. The group talks Spanish six hours each day.

"Best of all, these people come equipped with the most essential elements, enthusiasm and dedication," Dr. Robert G. Dunbar, the director declares. "They know their task will not be an easy one, that they likely will have to face up to disappointments and discouragement, but that doesn't phase them, but, as Gary Dunlap wrote, '. . . So about all I can say to end this drivel is that in this colonization program the problems and hardships are fantastic, but there is fully an equal amount of satisfaction available.' So these people aren't looking at their assignment in Ecuador through rose-colored glasses—they readily accept the challenges, which mean a decided downturn in living standards.

"But, the formula is dedication on the part

of the trainees and the staff. We have had helpful assistance and understanding from the rancher neighbors, the folks in Melville and Big Timber. The food is purchased, prepared and served by the MSU staff."

Paul J. Miller of Gardiner and Yellowstone National Park is assistant to the director and his wife, Marilyn, is secretary to the director. George Hyland, a Spanish instructor from the state of Washington, is coordinator of the Spanish language staff, which includes five instructors and four junior instructors (In this group are a Franciscan nun, Concetta Fabo from Pennsylvania, four Ecuadorians and one from Peru).

David H. Drummond is coordinator of technical skills with John R. Baringer, former Park County agent, as associated coordinator, assisted by John Lowry and Ann Wederspahn, instructors. Then, there's the division of Cross-Cultural Studies with Gary Wederspahn as coordinator with Robert E. K. Wilson, a veterinarian, as instructors. All of these have served in Ecuador in the Peace Corps program. Jerry Thursh of MSU is orientation director.

Dr. Vernon D. Standish is medical consultant and program physician.

Besides their instructors, the trainees have practical work experience with cattle, sheep, hogs and chickens, even a smelly goat. They vaccinate, de-worm, castrate and get other practical tips and practice in the care and handling of livestock, plus instruction in agronomy, soils and other agricultural problems they will encounter. Some of the trainees are accountants, others are teachers, some have degrees in forestry, nursing and other skills which they hope to utilize to the best advantage to assist the Ecuadorians.

Ecuador covers 106,000 square miles. The Spanish name Ecuador stands for equator. So, Ecuador, about the size of Colorado, is considerably smaller in size than Montana's 147,138 square miles, though Ecuador now has an estimated population of nearly 6,000,000, compared to Montana's approximate 750,000. But, the elevation ranges from sea level to the Chimborazo volcano, still active, 20,577 feet. The coastal lowlands stretch along the country's 500-mile coastline; the Andes highlands, often called the Sierra, lie in the center with two parallel ranges of the Andes Mountains, which contain more than 30 volcanoes. The two cordilleras are 24 to 40 miles apart. Then, there's the Eastern Lowlands, the Oriente, made up of slopes and foothills of the Andes and plains of the Amazon River basin.

The colonization is in the highlands area, difficult of access with few roads, no bridges across the swift rivers, and access primarily by air.

More than half the people of Ecuador are Indians, many descended from the Incas. The Indians live mostly in the highlands. Almost one of three Ecuadorians is a mestizo (mixed white and Indian). The Mestizos live in the coastal and highlands area. About one in 10 Ecuadorians is white, mostly descendants of the old Spanish families. Very few people live in the hot, wet land east of the Andes. A high percentage of the Ecuadorians cannot read or write.

Although Agriculture is the chief industry, only a small percentage of the land is cultivated, much of it on large estates. Principal crops on the coastal lowlands include bananas, cacao, coffee, rice and sugar cane. Generally, the small farmers try to subsist from the land and they have formed colonization cooperatives for the establishment of colonies with the size of the individual's holdings approximately 40 hectares.

Here's the job ahead, as described in the writings of Gary Hill, another successful Peace Corps Volunteer:

" . . . As a colonization volunteer, you eat, work, drink, live, with a group of very warm and energetic people. Such a situation lends itself to making a good number of intimate relationships from which a candid understanding of their lives and thoughts can be achieved. Within all of this, the most interesting and crucial thoughts for the volunteer concern himself: What do they think of me? Do they consider my presence useful? What do they expect from me? . . . That's the challenge these 44 Peace Corps Dot-Dot-S ranch are working on.

They know that similar challenges, such as those of the pioneers and others on the threshold of progress had to face, and they are going into them with their eyes wide open. Some of the girls are signing up because they plan on getting married and their fiances are already in Ecuador in the Peace Corps. There's one married couple, Maureen B. Byrd, formerly of Helena, and Christ H. Byrd, Martin City (near Columbia Falls in Flathead county), in the group. Chris received his degree in agronomy and while in college Maureen majored in Spanish and English.

But, the trainees and the faculty enjoy their tasks and each other. They eagerly look forward to the next step on the schedule, four weeks of on-the-spot training and adjustment in Ecuador. The Montana camp will disband on Sept. 1. After that—there's work to do, the face-to-face challenges, new friends to meet and work with, and the hope that it all adds up to better living for scores, hopefully hundreds and thousands in the years to come.

If the living standards of Ecuadorians, Africans and Asians could be bolstered by just a few hundred dollars per year; if the health and educational standards could be bolstered; if Ecuadorians and their counterparts in the less privileged countries could appreciate the fact that Americans seek nothing but to help their neighbors—these would be priceless dividends. That's what the Peace Corps, Dr. Dunbar and his staff and the 1970 volunteers to Ecuador have as their goal—nothing more.

THE HOSTAGES IN AMMAN

Mr. PROXMIRE. Mr. President, for 11 days the latest Middle East skyjacking crisis has continued. And, for this period of time, countless families in the United States, Germany, Switzerland, and England have been kept in agonizing doubt over the welfare of their relatives or friends who are being held hostage by the Popular Front for the Liberation of Palestine—PFLP.

Since the skyjacking occurred, I have been in constant touch with the family of 20-year-old Mark Shain of Milwaukee. Mark was unfortunate enough to have been aboard one of the airlines hijacked on September 6. He is presently being held hostage, along with 53 other persons, in Amman. Mark has not been able to communicate with his family since he was taken hostage. The uncertainty of Mark's welfare, caused by the PFLP's refusal to allow those being held hostage to communicate with the outside world, has meant untold agony and grief for his family and friends in Wisconsin.

Mr. President, our first responsibility is to obtain the release of all hostages held in Amman. Until this objective is achieved, however, I believe it is essential that the United States demand humane treatment for those persons held captive by the PFLP. This humanitarian issue could be dealt with separately from the political questions that are now being faced in this most recent Middle East crisis.

The hostages in this international crisis are innocent victims. They are not soldiers of war, or soldiers of fortune. They are innocent pawns in a cruel conflict.

Even prisoners of war are protected by most belligerents under the Geneva Conventions on the Protection of War Victims. Yet, the hostages of the Palestinian guerrillas, in some important respects, have fewer rights than actual combatants who are captured by one side or the other. I think we must insist that the Amman hostages receive, in every way, treatment which is comparable to that required under the Geneva Conventions.

In order to achieve this humane treatment, I have written President Nixon asking him to insist through Secretary Rogers, in intercessions with the United Nations, the International Committee of the Red Cross, or in direct or indirect negotiations over the hostages, that the PFLP abide by the international standards governing the treatment of prisoners.

Mr. President, I ask unanimous consent that my letter to President Nixon regarding Mark Shain and the other Amman hostages be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PROXMIRE. Mr. President, certain actions would clearly flow from the application of the Geneva Conventions. The Conventions set forth the requirements of the humanitarian treatment of prisoners. First, all persons held must be immediately identified so that their families and their governments will know who has been captured. Second, persons held must be permitted to correspond freely with their families. Third, impartial observers, such as the International Red Cross, must be allowed to visit, on a regular basis, persons held to verify that their treatment is fair.

Although these minimum standards are recognized and applied by all civilized nations, the PFLP has steadfastly refused to recognize them. Although the airlines have given us fairly accurate lists, the hostages have not been identified by the guerrillas themselves.

The hostages have not been allowed to communicate freely with their families. And, the Red Cross has not been granted permission to visit regularly with the hostages to verify their welfare.

If these elementary and fundamental conditions could exist, at least some of the agony experienced by the relatives of the hostages would be relieved. At least they could communicate with them by letter, transatlantic phone, or wire. I know this would be of tremendous value to the parents and family of Mark Shain. I think this is an elementary condition upon which we should all insist.

Mr. President, the treatment of the hostages by the PFLP in Amman is of deep humanitarian concern to people throughout the world. It is an issue that transcends the political questions that are involved in the crisis. I trust that

President Nixon will instruct Secretary Rogers to insist that the PFLP live up to the international standards for the treatment of those who have been made prisoners in this act of international air piracy.

There is a long tradition among civilized nations on the treatment of captured persons. This tradition has been codified in the Geneva Convention of 1949 to which there are over 120 signatories. The denial of the Popular Front for the Liberation of Palestine of these principles in relation to the 54 hostages now being held in Amman will only result in unanimous public condemnation of its actions. The act of skyjacking is totally reprehensible in itself. The refusal by the PFLP to grant those persons held hostage their basic humanitarian rights is a moral outrage.

EXHIBIT 1

SEPTEMBER 16, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: For eleven days the latest Middle East skyjacking crisis has continued. And, for this period of time, countless families in the United States, Germany, Switzerland and England have been kept in agonizing doubt over the welfare of their relatives or friends who are being held hostage by the Popular Front for the Liberation of Palestine (PFLP).

Since the skyjacking occurred, I have been in constant touch with the family of 20-year-old Mark Shain of Milwaukee. Mark was unfortunate enough to have been aboard one of the airlines hijacked on September 6th. He is presently being held hostage, along with 53 other persons, in Amman. Mark has not been able to communicate with his family since he was taken hostage. The uncertainty of Mark's welfare, caused by the PFLP's refusal to allow those being held hostage to communicate with the outside world, has meant untold agony and grief for his family and friends in Wisconsin.

Our first responsibility is to obtain the release of all hostages held in Amman. Until this objective is achieved, however, I believe it is essential that the United States demand humane treatment for those persons held captive by the PFLP. This humanitarian issue could be dealt with separately from the political questions that are now being faced in this most recent Middle East crisis.

The hostages in this international crisis are innocent victims. They are not soldiers of war, or soldiers of fortune. They are innocent pawns in a cruel conflict.

Even prisoners of war are protected by most belligerents under the Geneva Conventions on the Protection of War Victims. Yet, the hostages of the Palestinian guerrillas, in some important respects, have fewer rights than actual combatants who are captured by one side or the other. I think we must insist that the Amman hostages receive, in every way, treatment which is comparable to that required under the Geneva Conventions.

In order to achieve this humane treatment, I urge you to insist through Secretary of State Rogers, in intercessions with the United Nations, the International Committee of the Red Cross, or in direct or indirect negotiations over the hostages, that the PFLP abide by the international standards governing the treatment of prisoners. Certain actions would clearly flow from the application of the Geneva Conventions.

The Conventions set forth the requirements of the humanitarian treatment of prisoners. First, all persons held must be immediately identified so that their families and their governments will know who has been captured. Second, persons held must be permitted to correspond freely with their families. Third, impartial observers, such as the International Red Cross, must be allowed to visit, on a regular basis, persons held to verify that their treatment is fair.

Although these minimum standards are recognized and applied by all civilized nations, the PFLP has steadfastly refused to recognize them. Although the airlines have given us fairly accurate lists, the hostages have not been identified by the guerillas, themselves.

The hostages have not been allowed to communicate freely with their families. And, the Red Cross has not been granted permission to visit regularly with the hostages to verify their welfare.

If these elementary and fundamental conditions could exist, at least some of the agony experienced by the relatives of the hostages would be relieved. At least they could communicate with them by letter, transatlantic phone or wire. I know this would be of tremendous value to the parents and family of Mark Shain. I think this is an elementary condition upon which we should all insist.

With best wishes.

Sincerely,

WILLIAM PROXMIRE,
U.S. Senator.

COLUMBIA FALLS HIGH SCHOOL BAND RECEIVES AWARD

Mr. MANSFIELD. Mr. President, during the spring of this year the Columbia Falls High School Band toured western Europe for 3 months. Its members proved to be very fine young ambassadors of our Nation, the State of Montana, and their own communities. All reports indicate that this was a most successful tour. On previous occasions the band has been complimented not only for its fine performances, but for the better image it created of young Americans.

The Columbia Falls High School Band was recently honored by the Flathead Associated Chambers of Commerce, which presented the group with the Civic Service Award. It was presented to the band's director, Don Lawrence, and its president, Ralph Mack. I am pleased not only that this tour by our Montana group was so successful, but also because the chairman of the civic group giving the award is Mrs. William Krall, who formerly was a student while I was on the faculty of the University of Montana, and a good friend today.

Mr. President, I ask unanimous consent that an article published in the Hungry Horse News of September 11, 1970, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BAND TO EUROPE GETS FLATHEAD SERVICE AWARD

HUNGRY HORSE.—Civic Service Award of Flathead Associated Chambers of Commerce was presented Columbia Falls High School Band Wednesday noon for their performance as "American good will ambassadors in Europe last spring."

Presentation was by Mrs. William Krall, Hungry Horse, president of the Associated Chambers, at the September meeting held at Willow's Honeyberry Farm. Receiving the award was Don Lawrence, band director, who was a guest along with Mrs. Lawrence, and Ralph Mack, band president.

Mrs. Krall referred to herself as "an ex band mother." Her son, Mike, now an Air Force officer and pilot, had been a band member.

She said that Columbia Falls High School band trip to Europe last spring saw "these young people serve as ambassadors for the nation, state and area."

Mrs. Krall continued: "It was a tremendous undertaking with much work and many headaches." "We've heard nothing but wonderful reports. They gave Europeans a better image of what young Americans are like."

Mrs. Krall praised Director Lawrence who "makes the band what it is," and introduced Lawrence, Mrs. Lawrence and Ralph Mack.

Lawrence thanked Mrs. Krall, the Associated Chambers for the award and "the support given the band by every one." He termed the students "excellent ambassadors for the United States, Montana and the Flathead."

Lawrence referred to the concert given at the great church in Purmerend, Holland near end of April 27–May 17 trip. The band played the Dutch national anthem, and then was asked to play the Star Spangled Banner. Lawrence commented the band hadn't played our national anthem since the last basketball game.

He noted tears on cheeks of the players and "The Star Spangled Banner was never played better by our band than in this Dutch cathedral."

Further comment was about the extremely friendly Dutch audience.

NORTH BEND, OREG., AND RUSSIAN FISHING

Mr. HATFIELD. Mr. President, recently, I received a resolution from the North Bend Chamber of Commerce relating to Russian fishing off the Oregon coast.

Mr. President, the fishermen of my State are very much alarmed at the recent increases in the number of Russian fishing vessels operating within the 12-mile limit. I share their deep concern, for we cannot let a foreign country decimate our fishing grounds without taking action.

Some time ago, I wrote the Secretaries of State, the Interior, and Transportation, asking for a full statement on their powers, their interpretation of existing treaties, and what assistance I could expect from them. Recently, following a meeting with Under Secretary of Transportation James Beggs, at which I was represented, the Coast Guard announced it will take some limited steps to assist this situation for the duration of this fishing season. I certainly appreciate the Coast Guard's response to our request. I recognize that this is a temporary measure.

Mr. President, many of my friends are members of the North Bend Chamber of Commerce. I know them to be reasonable men, who share my desire to resolve this question on a long-term basis. I ask unanimous consent, therefore, that their resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

NORTH BEND CHAMBER OF COMMERCE,
North Bend, Oreg., September 10, 1970.

Hon. MARK HATFIELD,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR HATFIELD: The North Bend Chamber of Commerce at their regularly scheduled Board Meeting Friday Sep-

tember 4, 1970 unanimously passed the following resolution:

"In as much as there is evidence that vessels of the Russian fishing fleet are in fact violating the existing fishing treaties and that certain species of fish (ocean perch) are endangered by the intensive fishing of foreign vessels the following resolution was enacted:

"Be it resolved that the congress of the United States take all necessary measures in the ways of commitments of funds, equipment, and personnel to enforce present fishing treaties existing between this nation and other nations to insure the protection of our fish resources.

"Be it further resolved that the congress of the United States take necessary action to dissolve the agreement between the Government of the United States and the USSR that allows Russian research vessels to operate within the treaty waters."

Very truly yours,

CLIFFORD C. SHAW,
President.

RESPONSE FROM THE MEDICAL SCHOOLS ON INCREASING ENROLLMENT IS "VERY MEAGER"

Mr. YARBOROUGH. Mr. President, although two-thirds of all medical school funds come from the Federal Government, when we asked them to help alleviate the growing shortage of doctors, I received only very meager response from the medical schools.

Only five medical schools have informed me that, as a direct result of my requests to them, they will increase the number of first-year students this fall above the number they had planned to accept.

On August 20, 1970, I wrote to the deans of the 105 medical schools in the country urging them to accept 10-percent more first-year students than they originally had planned to accept.

When the medical schools said they could not meet this request, I followed my letter with a telegram on September 10. In my telegram, I said:

Therefore, I earnestly appeal to you to make room for at least one or two new students this fall. Even this small increase in enrollment would be a significant step toward eliminating the shortage of doctors in America and thus improving the health of our people. There are 134 counties in America without a medical doctor. Such a miniscule enlargement would at least educate that many doctors.

The deans of Brown University Medical School, Providence, R.I.; University of Colorado Medical Center, Denver, Colo.; the University of Alabama in Birmingham School of Medicine; Tufts University School of Medicine, Boston, Mass.; and Loyola University of Chicago's Stritch School of Medicine, have informed me that they are increasing their first-year enrollment in response to my urgings. The five medical schools among them will accept a total of 15 additional students.

These five medical schools are to be commended very strongly for their extended efforts. If each of the remaining 100 medical schools would increase their enrollments by an average of just three students, it would mean 300 more potential doctors, or a number equal to the entering classes in three new medical schools.

With a shortage of 50,000 doctors in this country, the medical schools must start producing more doctors. Only around 11,000 are expected to enter medical schools this year.

It is to offset some of this shortage of doctors that I have been pressing the medical schools to accept more first-year students.

Mr. President, once again I call upon the medical schools to refigure their space and budget situations, to see if it is not possible to accept some additional students. As I said in my telegram, 134 counties in this country are without at least one doctor. I would like to see admitted enough additional first-year students to average at least a doctor for each of these 134 counties, in addition to meeting some of the other needs in sections of the country where there is a serious doctor shortage.

MONTANA TWINS ENTER AIR FORCE ACADEMY

Mr. MANSFIELD. Mr. President, all Members of Congress take pride in their appointments of young men to the military academies, and occasionally the situation arises which gives them a special degree of pleasure.

I am delighted to report that twin brothers, Brian and Bruce Leverson, of Whitefish, Mont., are among the 1,410 freshman cadets entering the U.S. Air Force Academy at Colorado Springs, Colo., this fall. The two young men, sons of Mr. and Mrs. Myron Leverson, are graduates of the Whitefish High School and have outstanding academic records as well as letters in football.

Mrs. Mansfield and I join in sending our congratulations and wishing them every success during their 4 years at this fine institution.

I ask unanimous consent that a news item published in the Hungry Horse News of September 11, 1970, be printed in the RECORD.

There being no objection, the item was ordered to be printed in the RECORD, as follows:

TWINS ENTER AIR FORCE ACADEMY

Our congratulations to Whitefish twins, Brian R. and Bruce N. Leverson, sons of Mr. and Mrs. Myron Leverson, who are two of the 1,410 freshman cadets entering the U.S. Air Force Academy.

The young men are 1970 Whitefish High graduates who lettered in football and were in other activities.

The Hungry Horse News presented a picture story of the Air Force Academy ten years ago. It's a great education for a young man, stressing languages and the humanities, more like engineering schools. The Air Force Academy provides five years education in four.

On our tip, information was that Montana wasn't sufficiently aware of the Air Force Academy, and there was comparative lack of young men from this state. That situation has changed.

THE 240TH ANNIVERSARY OF BIRTH OF GENERAL VON STEUBEN

Mr. SCOTT. Mr. President, today marks the 240th anniversary of the birth of the great German general, Baron Friedrich Wilhelm August Heinrich Ferdinand von Steuben. This outstanding soldier can be credited with saving the Revolutionary Army during the winter at Valley Forge.

After a distinguished career in the Prussian Army, the general came to America in December 1777. He was sent to Valley Forge, where General Washington made him Acting Inspector General of the Continental Army. Von Steuben's experience enabled him to bring to Washington's staff a technical training that was unknown in either the French or the British Armies at that time. He quickly made a profound impression on the officers and men at Valley Forge. He set out to train the woefully unprepared troops. Von Steuben transcended the language barrier and managed to instill a new order.

It was this new order and discipline which helped to keep the Continental Army together that bleak winter. The value of his instructions first became manifest at the Battle of Monmouth in the spring of 1778. From that time on, the Continental Army proved itself, battalion for battalion, the equal in discipline and skill of the best British regulars.

Von Steuben went on to distinguish himself during the rest of the war and afterward became an American citizen.

The contributions of Von Steuben accent the importance of German Americans to our country. From its inception to the present, our country has been greatly aided by the accomplishments of German Americans. On this day honoring the Revolutionary War hero General Von Steuben, it is appropriate to salute all German Americans.

WOMEN'S RIGHTS: A MATTER OF SIMPLE JUSTICE

Mr. HARTKE. Mr. President, I have long been an enthusiastic supporter of equal rights for women. That is why I have cosponsored and will support the proposed equal rights amendment to the U.S. Constitution, providing that—

Equality of rights under the law shall not be denied or abridged by the United States or any state on account of sex.

It would authorize the Congress and the States to enforce the amendment by appropriate legislation. The purpose of the proposed amendment will be to provide constitutional protection against laws and official practices that discriminate against women.

Some maintain that such a constitutional amendment is unnecessary and would represent a "constitutional frill." That view might have been excusable when an equal rights amendment was first introduced in Congress in 1923. Since then, however, hearings have been held in 1948 and 1956 in both the House and Senate Judiciary Committees. The amendment has often been reported favorably by the Senate Judiciary Committee, most recently in 1964, and it has twice passed the Senate in 1950 and 1953. Given the existence of such extensive legislative records, ignorance of the need of this amendment can no longer be excused. The most indifferent survey of State and Federal laws reveals a dark, insidious pattern of discrimination.

For example: laws and practices operating to exclude women from State colleges and universities; discrimination in employment by State and local governments; dual pay schedules for men and women; State laws placing restriction on the legal capacity of married women or on their right to establish a legal domicile; State laws that require married women, but not married men, to go through a formal procedure and obtain court approval before they may engage in independent business; and social security and other social benefits legislation which give greater benefits to one sex than to the other. These, of course, and the myriad of other discriminating laws and practices can be abolished one by one, but there is no adequate substitute for a constitutional guarantee against prejudice. A constitutional protection is not only a guarantee but also a symbol of women's full equality.

Unfair laws do not create discrimination but merely reflect it. Society and, in this case, men, act out their prejudices by enacting discriminatory laws. The discrimination exists before the law and is reflected in the money we pay women and the jobs we give them. In industry and in government, in the home and in the office, women are paid less, hired last, promoted least, and given the most boring work. Statistics as well as statutes reveal the same sad discriminatory pattern. This is so, even though women are becoming a more and more vital part of the economy. Today 31 million American working women represent 38 percent of the U.S. work force. Despite the growing number of working women and the enactment of various legislation, like the Equal Pay Act and the Civil Rights Act, relating specifically to sex discrimination in employment, economic discrimination against women is worsening, not improving.

In 1955 the median salary of full-time, year-round workers was $2,719 for women and $4,252 for men. Women were receiving only 63.9 percent of what their male counterparts received. In 1968 while the median salary for women workers had increased to $4,457, that of men had reached $7,664. In other words, women in 1968 received only 58.2 percent of what their male counterparts earned.

Even in fields traditionally associated with women, such as teaching, the economic bias persists. The National Education Association found that in 1965–66 the median wage of women who were members of teaching staffs on the college level was less than that of men on all professional levels. In fact, women who were full professors had a median annual salary of $11,649 and men $12,768.

Women are discriminated against not only in the money they receive, but also in the jobs they are offered. There is not only a money gap, but also a professional gap. Few women have been allowed to enter the professions. Only 1 percent of Federal judges are women, only 1 percent of engineers are women. Despite greater education for women and more freedom from household tasks, women's job opportunities have declined. In 1940 women constituted 45 percent of the work force in professional and technical work, but by 1968 they constituted only 30 percent. Once again we see that the problem is getting worse, not better.

Women are barred from professions partly by discriminatory practices in our colleges and universities. Hearings before the House Special Subcommittee on Education indicate that higher levels of previous achievement are required of women in order to gain admission to a college or university. Colleges discriminate against women by having administrative quotas and by providing fewer scholarships and less financial assistance for coeds.

These are some of the facts and situations that necessitate the enactment of the equal rights amendment. For these reasons, I support and cosponsor the equal rights amendment and oppose any substitute to it. There can be no substitute for justice. What women want is equality, nothing more, nothing less. A recent Presidential task force report on women's rights was entitled "A Matter of Simple Justice." And that is what is involved in this amendment. The concept of justice is simple, but its achievement is never easy or simple. It takes hard work, long years, persistent attention, and courage in the face of many setbacks and defeats, but justice is never defeated. I urge the Senate to respond unanimously to this longstanding call to justice.

IMPACT ON HUMAN BEINGS OF DAY-TO-DAY EXPOSURE TO POLLUTION

Mr. MUSKIE. Mr. President, the Subcommittee on Air and Water Pollution has long been fearful of the unhealthy impact on human beings of day-to-day exposure to pollution. There is strong evidence that regular exposure to even low levels of pollution aggrevates a host of human ailments.

Good Housekeeping magazine for August contains an account of how pollution affects health in a very personal way. The article, written by Charles and Bonnie Remsberg, is entitled "The First Victims."

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE FIRST VICTIMS

(By Charles and Bonnie Remsberg)

(EDITOR'S NOTE.—Every day Americans are bombarded with alarming facts and figures about pollution. In recent months we have learned that: the last traces of clear air anywhere in the United States vanished 7 years ago . . . more than 90,000,000 of us today drink water that is unfit . . . the DDT concentration in mothers' milk has become so high that it could not be sold commercially . . . the incidence of chronic bronchitis and emphysema—two pollution-related diseases—is doubling every 5 years . . . the average man, woman, and child in this country throws away more than 5 pounds of refuse every day . . . world population is expected to double, with domestic, municipal, and industrial wastes skyrocketing along with it, in less than 30 years.

(Too often it is possible to shrug off the urgency of these facts by viewing them as worries for the distant future. Recently Good Housekeeping sent reporters Charles and Bonnie Remsberg on a cross-country investigation, searching for families who know that pollution is not just a future threat because their lives already have been seriously damaged by it.

(In large towns and small in all parts of the Nation, the Remsbergs found people whose health, livelihoods, dreams for children, and zest for living are currently being radically altered by the sudden or gradual intrusion of pollution. Here are the stories of just three such families. They are among the first victims of a growing world epidemic, the plague of pollution. The rest of us, scientists say, are or soon will be affected in ways no less alarming.)

I

One night a little more than a year ago, Mrs. Rose Mallon heard choking from the bedroom where her four-year-old twin daughters, Dorothy and Donna, sleep. "I ran in," she recalls, "and found blood all over Dorothy's face. Her hair was matted—the bed, mattress, everything was covered with blood. She was strangling in it."

Frantically, Mrs. Mallon pulled large lumps of blood out of the panicked child's mouth and discovered that fresh and clotted blood was erupting from broken sores on Dorothy's inner cheeks. Eventually the bleeding stopped. But it returned without warning off and on during the summer, remembers Mrs. Mallon, a dark-haired, weary-looking woman. "I started taking Dorothy to bed with me to be sure I'd hear her choking, and we both would wake up covered with blood."

At about the same time, Dorothy's gums and those of her twin swelled until they nearly covered the little girls' teeth. For days they could not eat because of the pain of chewing. Last spring Donna, too, suffered an attack of bleeding cheek sores. Both sisters have been subject to mysterious fevers for more than a year.

"So much has happened to the twins," says Mrs. Mallon, "it's hard to remember they're still so young." Sometimes they can play outdoors for no more than 30 minutes before they slump to the ground, exhausted. Once Dorothy sobbed that her legs hurt too much to walk, and her mother had to carry her into the house. Frequently they have aches in their joints so severe that they cry, and they massage their knuckles and knees like arthritics. At times, too, the children have needed medication for sleep because of intense abdominal pains.

What is wrong with Dorothy and Donna is the air they breathe. With their parents and seven older brothers and sisters they live in a new $25,000 home on a quiet, tree-lined street on the far southeast side of Chicago, the nation's second-most polluted city (New York is first). From their street they can watch traffic whizzing by on an interstate skyway, and plumes of blue, red, white, gray, yellow and black smoke rising from a nearby asphalt batching plant, a smelter, four steel mills, two electric power plants, two public school incinerators, a coke plant, a chemical company and a municipal garbage incinerator.

Night and day, foul odors, dust and chemical poisons, including carbon monoxide, sulfur dioxide, lead, iron oxides and dozens more, spew from the traffic and from the smokestacks ringing the Mallon neighborhood—and invisibly enter the lungs and bloodstreams of the twins, their family and neighbors.

Three years ago, when Chicago policeman Thomas Mallon moved his family to the neighborhood, few laymen were aware of the human dangers of polluted air. As longtime residents of the city's industrialized south side, the Mallons had learned to accept smoke and acrid smells as normal months after their move, however, as plant production in the area increased and more smoke-emitting industries started up, pollution began to take on grimmer overtones.

Some of the older Mallon youngsters, who range in age from nine to 16, complained of dizzy spells and developed mild rashes. They sometimes seemed listless and they tired easily. Under certain atmospheric and wind conditions, an intermittent sulfur-like stench—"like a hundred matches being lighted in your face," says Mrs. Mallon—swept through the house and caused members of the family, guests and neighbors to vomit repeatedly. Other odors were so strong that on several occasions the Mallons thought their house was on fire. Neighbors complained of runny noses and nosebleeds, burning eyes, coughing, sleeplessness. Then in May last year, Donna and Dorothy, previously in good health, came down with severe symptoms almost simultaneously.

"They ran a fever of 102 that wouldn't go down no matter what I did," recalls Mrs. Mallon. "They broke out in a rash that left little white scars. The itching almost drove them wild. Their legs, their eyes, their stomachs—everything hurt so bad they just lay around as though they were half dead. At first I thought it was the flu. Then Dorothy's mouth started bleeding."

Since then the twins have been in and out of the hospital, but exhaustive, costly tests and a search of medical literature have disclosed no disease, allergy or congenital condition to explain their recurring symptoms. "All the symptoms suggest that the twins are reacting to a variety of chemical 'insults' to their systems," says an expert on environmental health. But, he explains, present knowledge and technology are insufficient to determine precisely which pollutants are affecting the children—and how. "We haven't the vaguest notion of what all they—or any of us—are breathing," he told us. "Science comes up with 500 to 700 new chemicals a year, and many of these end up polluting the air. They mix entirely new compounds. Nobody knows how the vast majority affect us or how they interact in our bodies. For the most part we don't even have tests that can detect their presence in our systems."

"We know," says the twins' doctor, "that when the girls are away from their neighborhood, wherever the air is better, their symptoms disappear without medication. And we know that other children in the area suffer many of the same symptoms, although not as severely." Also, studies in Buffalo, N.Y., and other cities show that hospital admissions of youngsters with many of the same ailments—especially respiratory distresses and skin disorders—increase markedly on days of high pollution. In Los Angeles, the air is considered so harmful that some schools keep children in from recess on smoggy days.

"People say we should move," sighs Mrs. Mallon, "but dirty air is everywhere. You can't just leave the problem to somebody else forever. Sooner or later you have to stand and fight,"

And so she goes door to door urging people to complain about the polluted air. But she often finds apathy, indifference, hostility. One person tells her, "No smoke, no paychecks." Others say, "You're not going to get clean air, so why bother?"

"People don't want to get involved," she says, "I guess they'd rather breathe this stuff and let it kill them."

With the help of some concerned neighbors and interested outsiders, Mrs. Mallon has managed to bring one polluter in the area to court. But for the most part, she has found the machinery of city government unaggressive in fighting against pollution.

As this is written, the city administration is talking of "waging war" on pollution with "tough" new ordinances, but behind the headline-making statements is a dismal track record. Chicago's pollution-control department is understaffed, underfinanced and politically dominated. Air pollution in the city frequently rises beyond the level Federal authorities consider hazardous to health but antipollution ordinances are unenforced. Some of the major polluters are operating under long-term special exemptions from "clean air" standards, while their contribution to the city's air contamination continues to mount. When nationally recognized medical authorities announced last November that Chicago's air quality was contributing to a significant increase in the city's death rate, industry-oriented Mayor Richard Daley pooh-poohed the findings as "exaggerated." City councilmen have told complaining constituents that to crack down hard on polluting industries would be irresponsible.

A regional planning commission report states that, in the Chicago area, as in most U.S. cities, new pollution sources are developing faster than old ones are being brought under control, and a top state expert states that no abatement is likely for at least another 30 years.

Meanwhile, with no medication available to ease her children's plight, Mrs. Mallon keeps the twins indoors as much as possible. Even so, her doctor told us, "It is hard to believe that those kids are going to develop normally." Already, their mother reports, their experiences have "made nervous wrecks of them."

Dorothy and Donna often are afraid to go outside their house because they can see the smokestacks and that makes them cry. "They don't play with dolls," Mrs. Mallon says. "They play 'Pollution,' pretending to write letters to the mayor, or calling up mad to the pollution inspectors or going to court with different papers." Now and then they look outside and ask, "Mommy, why does bad air hurt us?"

Their mother has some questions of her own.

"What right do polluters have to take people's lives into their own hands?" she asks. "God gave us clean air, clean water to drink. What right do these people have to take this all away from us?"

II

The clear lake lapping the backyard of his home was the center of 18-year-old Fred Compton's world that summer of 1965. "Fred and his two brothers were spending half their lives diving, waterskiing, swimming," remembers his slender, soft-spoken mother, Virginia. "We were so happy to have that lake because we didn't have to worry about the boys being out in cars."

When Virginia and the elder Fred Compton, then a junior-high-school history teacher, bought the ranch-style house in Winter Park, Fla., they had expected scenic Lake Spier to be a source of recreation for the whole family. But for their eldest son, Fred, it had become something more. "Fred wanted to be a marine biologist," explains his father. "He loved to hunt for new fish specimens in the lake. He'd follow the fish right down into holes or into the weeds on the bottom."

It was a lovely setting. The rain-washed streets drained, by design, into the lake, which was surrounded by well-fertilized green lawns. Thriving orange groves dotted the nearby landscape, and even the area's septic tanks, made necessary by a population that outgrew the city sewer system, were hidden well below ground.

The last Saturday that August, Fred spent all day snorkeling in the lake, "trying to cram in as much as he could before he left home for college," Mrs. Compton recalls. Saturday and again Sunday after church he complained of a headache, "a blazing band of pain from temple to temple," that grew steadily worse.

On Monday, although he had an injection at the doctor's office, the pain was still so excruciating it made him vomit. The doctor ordered him into the hospital. Massive doses of penicillin, steroids, cortisone and antibiotics did not affect him. His temperature climbed relentlessly. Late Tuesday, the day he was to have left for college, he clutched his mother's hand and gasped, 'Mom, I can't see you! I'm blind!" That night, delirious with fever, he lurched from the bed, jerking the intravenous tubes from his arm and smearing blood all over the room. By Wednesday morning, he was in a coma and struggling for every breath. Doctors performed an emergency tracheotomy and inserted a respirator tube into his throat, but his lungs were becoming paralyzed. Saturday morning, at about three o'clock, he died.

"At first the doctors told us it was a virus, then spinal meningitis," says Fred's father. Tests after an autopsy, however, led to a startling discovery. Lodged in the boy's brain, a local pathologist found, were hundreds of strange microscopic, one-celled parasites—live naegleria amoebas, Fred had fallen victim to a rarely diagnosed, incurable disease of the central nervous system: primary amoebic meningo-encephalitis. And, as experts later reconstructed the circumstances, it became apparant that the lake that had been so much of Fred's life had quietly harbored the cause of his death.

A combination of pollutants—seepage from the underground septic tanks; lawn fertilizer; pesticide and fertilizer residue from the orange groves, automobile drippings, leaves and other materials from the street—were being washed by rain into the lake. There they had built up over the years, adding enough nutrient material, on which organisms could feed, to dangerously distort the lake's delicately balanced ecology.

This is the deadly chain these nutrients create. They produce abnormal quantities of weeds on the lake bottom. The nutrients themselves, plus decaying organic matter from the weeds, provide food for unusually large armies of certain bacteria which, in turn, arouse the deadly naegleria amoeba from its dormant state and serve as its food. One or more of these amoebas rushed up Fred's nose as he dove among the weeds. It then bore into a nerve and, using the nerve as a passageway, migrated into his brain cavity. There the amoebas multiplied and brought his swift and agonizing death.

Soon after their own loss, the Comptons learned that Fred had not been the first in the area to die under such bizarre circumstances.

In chance encounters with two other sets of parents, they discovered that two boys had died in 1962 from the same disease, one of them after swimming in Lake Spier.

"No public announcement about the disease or any warning about the lakes had been made," Mr. Compton recalls. Yet the pathologist who diagnosed the disease said privately that water samples taken from the area's lakes showed the amoeba to be widespread.

"Fred's mother and I met with city officials and county health-department doctors and pleaded that they ban swimming or at least make some official statement about the potential danger," says Compton. "Nothing happened. I think the city fathers were afraid it would lower property values on the lakefronts, and a town with many lakes that calls itself 'the Venice of America' doesn't want that."

It was 1968 before a detailed news account of the amoeba threat finally made the papers in neighboring Orlando. By then, the deadly parasite had claimed the lives of two more teen-age swimmers.

In Texas and Virgina, in Australia, Czechoslovakia and the British Isles, there have been other deaths from the disease. According to experts, other victims undoubtedly have been misdiagnosed throughout the U.S. because the amoeba is hard to detect and doctors often are unfamiliar with its symptoms.

"As pollution of waters in all parts of the country by sewage and other nutrients increases, the danger of an epidemic mounts," one scientist told us.

"The proliferation of the amoeba is just one small example of the changes pollution is bringing to our environment," we were told. "Many changes and what they mean to us may not be clear for years yet. But this we know: Pollution does not have to be gross and overwhelming to be serious. When man 'mixes in' with nature, he affects the normal balance of things—and the result is often tragic."

Not long after Fred's death, "to get away from the lake," the Comptons and their two surviving sons moved to Mount Dora, a little town 25 miles north of Winter Park. Compton opened a real estate office and set about trying to fight the pollution of lakes in that area as a city councilman.

"Back in Winter Park," says Mrs. Compton, "not much has changed."

At this writing, a county pollution-control official says his agency is seeking funds with which to study and correct some of the pollution problems relating to the area's waterways. But meantime, lawns around Lake Spier are still kept green with fertilizer, and streets still drain into the water. An anti-pollution adviser to the Governor told us there is nothing in state law and no legal measures proposed to stop those sources of contamination.

Pending promised new sewer lines, septic tanks still serve the families around Lake Spier and an estimated one-half of the other families in surrounding Orange County.

Weeds that provide additional food for the bacteria still grow in the city's chain of lakes. On some of the lakes, city crews cut off and harvest the tops in a $125,000-a-year "weed control" program. Often new weeds are able to generate from clippings that drop to the bottom. On some of Orange County's lakes, says the pollution officer, weeds are sprayed with chemicals, which cause them to crumple to the bottom where, through decay, they "offer more food for the bacteria, give rise to leeches and other undesirable life and make it difficult for fish to breed." According to the Governor's adviser, there are 39 separate government agencies in Florida that are supposed to "deal" with the aquatic weed problem, "but there is only fragmented research and development and no coordination. The problem gets bigger by at least 30 percent every year."

County pollution-and-health officials say they conduct no regular testing for the presence of the naegleria amoeba in local waters because they lack the necessary manpower, money, equipment.

On hot summer days, youngsters still ski, swim and dive in Lake Spier, which carries no warning of danger. And in Palm Cemetery, a headstone carved with a fishing rod and a fish marks the grave of young Fred Compton, who had hoped the lake would help him become a marine biologist.

III

"Red" Allen first spotted the oil as he steered his old fishing boat through the gathering darkness toward the Santa Barbara, Calif., harbor. "It was running in big, black tide-rips on the ocean surface," he remembers. "I tried to dodge around them, but as I got closer in, the oil got so thick I couldn't keep out of the stuff."

The harbor, ordinarily a scene of tranquil picture-postcard beauty against a backdrop of gentle mountains, was in uproar. Vainly, workmen were struggling to blockade the entrance against tides of tarry crude oil sweeping in from the sea. Oil-company maintenance boat crews were frantically spreading straw and chemicals on the water in a desperate attempt to absorb or break up the oil. Birds caught in the goo were washing helplessly against jagged rocks, and many were drowning. Fishermen, angry at being doused with waves of oil churned by a passing maintenance boat, were trying to hurl sharks onto its decks. The gagging stink of oil hung thick in the ocean air.

When Allen finally dropped anchor in a "lake of oil" inside the harbor and went home, "My boots were filled with oil, my clothes and boat were black, it was even in my hair." He told his wife, Josie, "People can't imagine what kind of tragedy is happening here."

For more than 30 years, Forrest "Red" Allen, a ruddy-faced 51-year-old grandfather, has been gill-net fishing from the same boat his father had used before him, the 38-foot *Vincent-K*. His main catches come from two seasonal runs of barracuda along the coast and through the scenic Santa Barbara Channel, which stretches 25 miles wide between the shore and a string of islands.

The first of those runs, normally his most lucrative season, was about to begin that evening in February, 1969, when the oil reached Santa Barbara harbor. About a week earlier, a well being drilled in the ocean floor by Union Oil Company from a platform in Federal waters five and a half miles out in the channel had suddenly "blown wild." Thousands of gallons of crude oil had surged out of control to the surface and spread toward shore at the rate of 5,000 barrels a day.

Critics of offshore oil operations had warned before the drilling began that undersea technology is not advanced enough to prevent such catastrophes. But officials of the oil company and the U.S. Department of Interior, which leases out the publicly owned drilling sites, had promised that nothing detrimental would happen. By the time the big leak was reported plugged eleven and a half days after it erupted, however, an estimated 2,000,000 gallons of oil had spurted out; oil slicks covered more than 800 square miles of ocean off Santa Barbara; more than 30 miles of beaches were fouled; thousands of birds were dead or dying, and baby sea lions were starving on the channel islands because their mothers' breasts were so caked with oil they could not nurse.

And Red and Josie Allen, along with his fellow fishermen and their families (many of whom were already deeply in debt for costly fishing gear), were abruptly cut off from their livelihoods.

"Spotters," the pilots of small planes who normally locate schools of fish up and down the coast for the commerical fleet, couldn't see through the oil on the surface. When Red took the *Vincent-K* out in hopes of discovering some fishing place the spotters had missed, he found oil fouling the big kelp beds where the barracuda hide. "Putting a net down in that stuff would ruin it," he explains, "and a net costs $3,000." Anyway, by the time they were brought up through the scum, the fish would have been unsalable. "You just had to sit there with dead birds floating all around you."

His fellow fishermen fared no better. Lobstermen, for example, found their traps on the ocean bottom filled with tarry oil and straw and their buoys soaked beyond salvaging. Trap lines were cut by oil skimmers trying to clean the ocean surface. Crab fishermen found their catch suffocated because the oil covered their gills.

Weeks dragged by and the oil remained on the waters. Red went out time and again, even when the expenses of running the boat began to pinch hard—and always he came back emptyhanded. Before long, the Allens had exhausted their savings and were forced into debt. "We were so discouraged every time he came back," says Mrs. Allen. "We wondered if it was ever going to be over."

It was not until May, three months after the well blew, that the ocean was clean enough for Red to lay his nets again. By then the barracuda were gone.

Based on previous years' averages, that episode cost Red at least $5,300—about half a normal year's income. Now, more than a year later, he and other fishermen claim that their incomes are still running below normal, for oil continues to ooze from fissures opened in the ocean floor by drilling. Last December a ruptured pipeline added to the flow when "safety" devices failed to function properly. Allen still sometimes finds kelp beds clogged. At times chemicals used by oil workers to break up oil slicks around the drilling platforms seem to destroy the nighttime luminescence of organisms on the ocean surface, and Allen depends upon this "fire" to guide him to the fish after dark. Yet, as this is written, Allen and his colleagues have been unable to win settlements from the oil company for any of their lost profits.

Several groups of aroused Santa Barbarans and elected officials are trying to prohibit further drilling and pumping in the channel. They are heartened that responsive California authorities have declared a moratorium on all such operations in state waters, which extend three miles out from the shore. But at this writing, lawsuits, proposed legislation, appeals from the state administration and citizens' petitions to government agencies and the President have produced no tangible results to stop pollution originating in Federal waters.

Federal officials have refused to hold public hearings on the matter even though public waters are involved. They would just "stir up the natives," said one bureaucrat. Instead, the Interior Department, under pressure from the politically powerful oil companies, has arbitrarily cleared the way for *more* drilling and pumping. There are now 13 oil-rig platforms dotting the channel horizon. If all Federal leases off Santa Barbara are exploited fully, there could eventually be more than 4,000 wells sunk there, threatening the channel with an estimated four major oil-drilling blowouts every year, plus countless possible spills from production accidents—a prospect from which the ocean's life might never recover.

As subsequent well leaks, pipeline breaks and tanker accidents in waters off Louisiana, Florida, Massachusetts and Alaska have shown, Santa Barbara is only one coastline area threatened by offshore oil. Worldwide, an estimated 284,000,000 gallons of oil a year empty into the sea.

In Red Allen's world, oil is only one encroaching pollutant. As he travels the coastal waters, he notices kelp beds dying and fish beginning to move in strange, erratic patterns. Some species seem to be disappearing, and the tiny animal life that he used to find in abundance on the ocean bottom seems to be diminishing, too. Recently he caught a grotesquely misshapen sardine, its spawn matted and hard instead of jellylike. Another fisherman showed him a sea bass blinded by deformity. "You can tell there's something in the water that's hurting them," Red says.

Scientists say that these fishermen are beginning to see the long-range by-products of raw, inadequately treated sewage and industrial wastes pouring into the sea from rivers and coastal cities, and of DDT and other pesticides washing down from farmlands and citrus groves. Added are the components of smog that drifts up from cities like Los Angeles and settles into the water.

Red Allen worries that he will be unable to fish if things get worse. He knows, too, that we all depend, for most of our oxygen on the microscopic phytoplankton that live in the ocean. Water pollutants are killing these tiny organisms, some scientists say, and air pollution is shutting out some of the sunlight they need for their vital work.

"Fishing used to be more than just a

way to make a living," Allen remembers. "You'd go out and the ocean was like something new, something young. Everything smelled fresh and looked clean. You'd go up the coast and you'd hear big flocks of birds squawking as they fed on bait. It was all *alive.*"

It was men like Red Allen, fishermen toughened by years on the sea, who, on the night the oil poured into Santa Barbara harbor, stood on the wharf and wept.

Significant victories against pollution will be hard won and, unless the mood of those in power changes radically, long in coming. For, despite all the rhetoric and the political exploitation of the issue, there is little indication that the leaders in industry and government—indeed, even average citizens—are yet fully committed to cleaning up the mess they've made and mending their ways in the future.

Much of industry, large and small, still drags its feet on meaningful reforms while mounting expensive propaganda campaigns to convince the public that real progress is being made.

For all of President Nixon's promises to save the environment "now or never," objective analysts warn that his proposals for cleaning our air and water are, so far, too vaguely drawn, too underfinanced and too soft on enforcement to get the massive job done. Columnist Michael Harrington has predicted that, on pollution, Nixon will soon create the same public "credibility gap" that President Johnson suffered concerning the war on poverty and the war in Vietnam.

As for state and local governments "there is very little evidence," says Senator Edmund Muskie, a leader in the anti-pollution fight, that with rare exceptions "they are doing anything" about pollution. At all levels of government, the bureaucrats who are supposed to regulate polluters often are, in fact, controlled by them.

Anti-pollution laws already on the books—and some have been there since the last century—are still largely unenforced and for the most part too toothless to be meaningful. It is a reflection of our national priorities on the subject that a businessman whose company is, through pollution, quite literally helping bring the end of the world is still safer from prosecution and punishment than the ghetto kid who holds up a candy store.

We ordinary citizens aren't changing very fast, either. Most of us would still rather buy phosphate detergents, unreturnable bottles, high-powered lawn fertilizer, extra cars and the latest electrical gadget than to sacrifice their "convenience" and "luxury"—even though increased demand for electricity, for example, usually means more toxic smoke pouring from some power plant; and phosphates, once they wash down our drains, end up causing useful life to die in a river or lake somewhere. We still vote down bond issues to improve antiquated sewer systems. And many of us still choose to ignore the fact that population increase is, in the long run, one of the greatest problems of all. "We have met the enemy," one observer puts it, "and the enemy is us."

Some experts say that America won't make the total social commitment, won't generate the lasting dedication and unremitting pressure that is necessary to stop pollution in time. We shall know very soon.

If present trends continue, some scientists predict that:

By 1980 the pollution problems of some major cities will be unsolvable.

By 1982 or 1983, an air-pollution catastrophe will kill thousands in some U.S. city.

By the mid-1980s, if not before, every man, woman and child in the hemisphere will have to wear a breathing helmet to survive outdoors. Most animals and plants will be dead.

By the end of the '80s, the U.S. will begin to experience major ecological breakdowns of its soil and water. Plagues of new diseases—which humans cannot resist and which our medicines cannot cure—will rage.

By 1990, those of us who are left will be living in doomed cities.

Within a generation, it may be all over for man.

Discussing pollution the other day, our 10-year-old daughter said, "If we don't stop *it*, it's going to stop *us*." The first victims have already fallen.

CRANE NAVAL DEPOT MUST BE SAVED

Mr. HARTKE. Mr. President, Crane Naval Ammunition Depot is not only the Navy's largest but the largest employer in southwest Indiana. Crane has, therefore, a vital role both in preserving our national security and in preserving the economy of this part of Indiana.

Over 95 percent of the employees at Crane come from the eight-county region surrounding the installation. These Indiana counties are Sullivan, Greene, Monroe, Lawrence, Orange, Martin, Daviess, and Knox. Four of these eight counties—Daviess, Greene, Lawrence, and Martin—supply over 82 percent of Crane's labor force.

Fifty-five percent of the people of Martin County are directly dependent upon Crane for their livelihood; 20 percent of the people in Greene County, 16 percent of the people in Daviess County, and 14 percent of the people in Lawrence County are similarly affected.

Crane is the largest source of income for the entire region. In 1969, the total annual payroll of all employees in Lawrence County covered by the Indiana Employment Security Act, which excludes Crane's employees, was $50,863,000. The total for the four-county area was $95,230,000. The Crane payroll for that year was $52,000,000—more than half as much as the total of all the salaries and wages otherwise earned in Daviess, Greene, Lawrence, and Martin Counties.

It does not take any imagination to realize the profound and devastating effect any reduction in employment or payroll by Crane would have on this part of Indiana. This would be true even if the region was booming and prosperous. Unfortunately, this is not the case. It is a depressed area of persistent unemployment. With the exception of Monroe County, unemployment in all of the eight counties is above the national average. Lawrence and Greene counties have long been officially classified as areas of high or persistent unemployment. Their unemployment rates of 12.9 percent and 10.6 percent respectively, mean great hardship for the people involved.

With this economic background, the decision by the Defense Department to reduce the labor force of Crane comes as an especially cruel blow. In October of 1969, Crane's labor force was 7,000 people. By October of this year it will be about 5,200. It is estimated that by January 9, 1971, the labor force will be further reduced to 4,700 and to 4,200 by July, with the eventual labor force to be as low as 3,200 employees. Such reductions seem to me to be not only unnecessary but unwise. The Crane facilities offer unique advantages to the Defense Department and to the country.

The workers at Crane want not special favors but adequate consideration of the merits and capabilities of this outstanding facility. Decisions involving its future should consider its potential, efficiency and cost record in relation not only to Navy and other defense installations, but to private industry as well. Also, any decision about Crane's future should take into account the high unemployment of this region and its great dependancy on Crane.

In trying to shape Crane's future, I have asked every Federal Department and agency to determine what work may be performed at Crane. Also, I have undertaken a review of the Navy's contracting out procedure to determine if there is any work being contracted out that can and should be done at Crane. Its loyal and hardworking labor force, large size and many facilities offer this country a rare opportunity for quality work.

America must always be strong and secure. Crane Naval Depot has a vital role to play in providing that security.

DEMAND EXCEEDS SUPPLY OF FAMILY DOCTORS

Mr. YARBOROUGH. Mr. President, the people of America are encountering grave problems in their efforts to obtain adequate health care. In recent years it has become increasingly fashionable for medical students to specialize in gynecology, neurosurgery, ophthalmology, internal medicine, and the like. This trend toward specialization has left the Nation with a serious shortage of family doctors. To meet this critical national need, I introduced the family practice bill, S. 3814, which is designed to attract more doctors into family practice.

The Senate, recognizing the urgency of the need for more family doctors, passed my family practice bill on September 14, 1970, by the overwhelming vote of 64 to 1. I applaud the action of the Senate, and urge Members of the House to take positive action on the bill before the end of this legislative session.

In 1931, three-fourths of all physicians in private practice were general practitioners. Over the years the enthusiasm for going into this field of medicine has diminished to the point that today only one doctor in five goes into family practice. This trend, coupled with the skyrocketing cost of medical care, is quickly becoming a major domestic crisis. If something is not done soon to remedy the situation, adequate health care will be available only to the very wealthy among our people. There are not enough doctors today to meet the needs of the poor, the disadvantaged, and even many middle-class-income citizens. The problem can only grow more severe in the absence of meaningful action.

As pointed out by Carl M. Cobb in an article entitled "Solving the Doctor Shortage," published in the Saturday Review of August 22, 1970, there are two primary ways to go about solving the

problem. We can either start training more doctors or start making more efficient use of the ones we have.

Mr. Cobb suggests that the establishment of a well organized group practice can provide care for more patients than would the same number of doctors engaged in individual practice. Another avenue for increasing the productivity of existing doctors is through the use of physician's assistants who are trained to assume many of the routine duties of the doctor. Both of these steps are important and necessary, but they are only "Band-Aids" designed to alleviate the crisis in the delivery of medical care. We must not only increase the productivity of doctors, but also increase the number of doctors.

My family practice bill would authorize $425 million over a 5-year period for making grants to medical schools and hospitals in order to assist them in establishing special programs in the field of family practice. These programs would include the training of family practitioners and related supporting staff. This legislation will help in supplying medical care to the 30 million Americans who presently have no access to a family doctor.

Mr. President, I ask unanimous consent that the very knowledgeable article by Carl M. Cobb, entitled "Solving the Doctor Shortage," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOLVING THE DOCTOR SHORTAGE

(By Carl M. Cobb)

The physician is the central figure in American medicine, a role magnified by the near absence of a consumer or governmental voice in the health policy of this country. The doctor is the key factor in the cost of care, for he determines his patient's treatment, its duration, where it will be given, what drugs will be used, and what consulting services will be utilized. As an individual making a free choice and through groups such as specialty boards and medical school faculties, he also has been the determinant of how many specialists and of what kind our medical system will produce.

One result has been that neurosurgeons, thoracic surgeons, and even general surgeons have been produced in numbers all out of proportion to national need, while the general practitioner has all but disappeared. A poll of graduating seniors at the three medical schools in Boston in 1968 failed to turn up one student with the intention of entering general practice.

Another result has been geographic maldistribution along three lines: large city versus rural area, suburb versus core city, and medical center teaching hospital versus small clinic. Every major city has its statistics about the ghetto in which the ratio of doctors is one to a population of 20,000 or 30,000, and most of those in practice are at or beyond retirement age or are graduates of long since defunct medical diploma mills. The plight of poor rural areas of the nation tells a similar story.

The demand for medical care clearly exceeds the ability of physicians in practice to provide it. In its simplest terms, this is called a doctor shortage, and the nation is indeed short of physicians engaged in delivery of health care. Of some 318,000 living Americans with an M.D. after their names, only some 203,000 actually are treating patients. Others are retired, in training, in administrative posts, in full-time teaching or research, or in positions not involved with the dispensing of medical care. Further, as noted elsewhere in these pages, the full extent of the demand for medical care is just beginning to emerge.

The most direct solution would seem to be to train a batch of doctors adequate to meet the demand. If, as national policy, every medical school doubled the size of its freshman class, after eight years—four for attendance in medical school, one as an intern, and three in residency training—there would be 16,000 new doctors instead of the present 8,000 per year. Since current patterns indicate 25 per cent would choose not to be directly involved in patient care, this would be an increase of slightly over 6,000 practicing physicians. Thus, 18,000 practicing physicians could be added by 1980, and 78,000 additional doctors would be available by 1990.

Unfortunately, immediate doubling of the size of every U.S. medical school is a hopelessly unrealistic goal. The necessary teaching manpower is lacking; many experts say laboratory space necessary to double the first two years' class sizes is not available; and many schools are in such precarious financial straits that an additional load might sink them. Of some $11,000 per year required to educate a medical student, the student pays only some $1,200 in tuition and fees (on a national average); the rest must be made up from other sources. This is not to say that medical schools should not be expanded, or that new financing mechanisms should not be developed. However, a realistic goal of an immediate 10 per cent increase in medical school enrollment would add only 7,800 extra physicians to the national pool by 1990.

The obvious alternative to more physicians is greater productivity from existing doctors. Doubling the output of practicing doctors would have the same impact as doubling the number in practice. But increasing physician productivity is not simply a matter of longer hours. Many practicing doctors are already working sixty- to eighty-hour weeks and are giving up weekends and vacations to meet the demands for their attention.

The inefficiencies and waste of solo practice are well documented. Group practice is hardly a revolutionary step forward, but a well-organized group practice with physicians of different specialties, and in sufficient numbers to fill in for each other, can provide more care for more patients than the same number in solo practice. This is especially true if the group is willing to use its size to hire non-physician manpower as part of the practice. A good example is the Kaiser-Permanente prepaid group practice plan in California. Founded during World War II for his employees by Henry Kaiser, the plan now has nearly two million members. By emphasizing ambulatory and preventive care in the context of a group practice, the plan has been able to reduce the days of hospitalization for its members by nearly half. After years of opposition, the American Medical Association is now willing to tolerate group practice, while vigorously defending the physician's right to practice in whatever inefficient manner he chooses, most notably solo practice.

Increased productivity also requires delegating selected tasks to persons with briefer, less expensive training. A notable current example of this is military medicine. The range of tasks performed by corpsmen, nurses, and technicians is indeed remarkable. At one extreme is the medical corpsman trained to work with Special Forces teams. He is expected to cope with medical situations ranging up through appendectomies, on the assumption that no physician will be available. In noncombat zones and peacetime situations, the corpsman is the backbone of sick call and the practitioner of a wide range of routine procedures. With no adverse effects many a man has had his superficial laceration stitched by a corpsman. Military medicine has its shortcomings, and civilians would not be satisfied with it on a regular basis, but it does have valuable lessons to offer.

Programs attempting to adapt the skills of the military corpsman to civilian practice are under way on a limited basis. One, launched by Dr. Richard Smith, associate professor of preventive medicine at the University of Washington, is called Medex. In cooperation with the Washington State Medical Society, a class of fifteen former military corpsmen was enrolled in a three-month training program and is now in a one-year apprenticeship with rural physicians. The intention is that each rural doctor will hire his Medex student at the completion of the apprenticeship period.

"These fellows are treating, under our general supervision, children's upper respiratory infections, lacerations, and moderate traumas, and replacing one of us in surgery where normally two doctors are needed," says Dr. Richard Bunch of Othello, Washington, one general practitioner participating in Medex. "When they've finished their break-in period with us, I estimate we'll each be able to take care of twenty additional patients per day."

Some 30,000 medical corpsmen are discharged from the military every year, each with roughly $25,000 worth of training in medical skills. If only half of these were trained to participate in the delivery of civilian medicine, and each were to add twenty patients per day to the physician's service load, the results would be impressive. At the end of five years, 75,000 corpsmen practicing with physicians would permit them to see an additional 7.5 million patients every week. The Department of Health, Education, and Welfare is apparently favorably impressed with the potential of the Medex program. At a time of tight money and before the first class completed its training, HEW announced funding for similar programs at Dartmouth, University of North Dakota, and University of California at Los Angeles medical schools, and expansion of the University of Washington program into Alaska.

A similar philosophy underlies an experiment started in 1965 by Dr. Eugene Stead at the Duke University Medical Center. There, in a twenty-four-month program, civilians with some college education are trained to assume many routine duties of the practicing physician. Wherever they work, the physician assistants (twenty-nine have been graduated thus far) will make a contribution, but few are engaged with physicians in the delivery of primary ambulatory care.

Delegation of selected tasks is fundamental to the nurse midwife programs springing up across the nation. Of the deliveries at most municipal and county hospitals, 5 to 10 per cent have received little or no prenatal care. In many rural areas, the very poor and the black are routinely delivered by "granny midwives" who have had no training. If obstetricians and gynecologists continue to organize and practice as they now do, there will not be enough of them by 1976. Many services currently performed by a physician can be adequately provided by a nurse midwife, including routine prenatal care, supervision during labor, post partum care, and family and premarital counseling.

Johns Hopkins launched a midwife training program in Baltimore in 1961. Designed for girls holding baccalaureate degrees who are R.N.'s, the course lasted nine months. By 1969, eighty nurses had received this training. Then in 1969 the program was redesigned into a two-year course leading to a master's in public health. Spokesmen for the new program make it clear they do not anticipate that graduates will be involved in direct patient care. However, other programs are

clearly aimed at producing nurse midwives to participate directly in patient care. These include a nine-month program at Kings County Hospital in Brooklyn, and one-year programs at the University of Mississippi and in Hyden, Kentucky, as part of the Frontier Nursing Service.

Similarly, in pediatrics, the pediatric nurse practitioner can perform many tasks now carried out by the physician. Half the children in families with incomes under $2,500 a year have received no protection against polio, and there is a great list of confirmed medical needs among children in Head Start programs. Well baby care, inoculation, camp physicals, screening tests for hearing and vision, and routine home visits are all within the capability of a properly trained pediatric assistant.

Effective use of non-M.D. personnel is not the only way to increase physician productivity. There also is growing reason to believe that a variety of mechanical devices could help the doctor care for more patients. In Washington, D.C. a computer is now being used to interpret the electrocardiograms of patients at the Hartford Hospital in Connecticut. Computers are being used to automate history-taking, where questions are flashed on a screen and answered yes/no, and answers are correlated. Development of this approach is proceeding at several centers, including the University of Wisconsin and the Lahey Clinic in Boston.

Another potential contribution of the computer is in diagnosis. Here the physician feeds into the computer information about a patient's symptoms and laboratory results. The computer then provides the physician with the statistical probability of various disease-entities. Research on such computer-aided diagnosis is under way at the University of Utah Medical School and at the Massachusetts Institute of Technology.

Closed-circuit TV also may make a contribution by bringing expert consultation to patients never before within reach of such services. A pilot program at Dartmouth Medical School uses closed-circuit TV to make psychiatric consultations available to rural physicians and their patients, and Massachusetts General Hospital is using this technique to link a first aid station at Logan International Airport with the base hospital, where a wide range of specialists are available for immediate consultation.

If the physician assistant, nurse midwife, pediatric assistant, computer, TV camera and a host of other machines and people can be employed to increase the efficiency of physicians, why is so little being done to employ them? This brings us back to the physician, the central figure in medical care. The physician assistant must find a doctor willing to use his talents; the nurse midwife, an obstetrician willing to employ her. The computer with no one willing to use it has zero impact.

The nation's physicians must be willing to acknowledge that there is a problem. They must recognize that there are potential solutions other than more doctors. Yet, the attitude of even some of the most distinguished physicians of the medical profession has been, on the whole, negative.

Physicians acquire attitudes about the use of manpower and technology during their medical education. Their expectations about medical practice are molded during the seven- to ten-year period of medical school and training as an intern, resident, and fellow. If the attitudes and expectations of physicians are to be changed, this entire sequence must be examined and altered.

Medical education begins with selection of students. Here the traditions are well understood and have been very effective in providing carbon copies of the previous generation of doctors. Studies of medical school freshmen document the overwhelming predominance of white, male, upper- or upper middle-class students. Every medical school admits women, usually at the rate of 10 to 12 per cent of enrollment, and for decades enrollment of blacks (excluding foreign nationals) has hovered around 1 per cent. Today this is up to 10 or in a few instances 20 per cent of the entering classes. But there is some reason to believe that in 1969–1970 the nation's 101 medical schools admitted only 184 more black freshmen than were admitted the previous year by ninety-nine medical schools. Most doctors prefer to practice with and on those from their own socioeconomic background. As a result many doctors are not comfortable in rural or ghetto settings, regardless of the financial rewards.

The educational system's models are professors who impart not only factual knowledge but ethics, attitudes, and values. If, as is usually the case, these distinguished and revered men are specialists or subspecialists, it is not strange that their value system is imparted to the students. If promotion, peer approval, and prestige in academic medicine come from research and publication and not from patient care, it is only natural that the students should be drawn into research and the "publish or perish" syndrome.

Medical education is loaded with cues, subtle and overt, that help the student become a physician in the mold of his teachers and the previous generation. Harvard Medical School, for example, has no required course or rotation that teaches the student about private practice, group practice, community or rural clinic practice. It is argued that all of these experiences are available on an elective basis in a variety of settings, and that there is increasing free time in the curriculum to pursue such interests. Here is one of the less subtle cues. Group practice, rural practice, and similar concerns are appropriate as free-time electives if the student happens to be interested.

The second major component of medical education is the maze known as internship and residency training. It is not an educational experience in the usual sense, but rather a mélange of apprenticeship, cheap labor, and tradition. Perhaps the single most important theme of this training is that it occurs in the hospital. Students become convinced the real challenge in medicine is identifying and curing the one case in a hundred thousand, or doing the procedure so complex it requires a fleet of assistants, diagnostic tests, and/or equipment. Hence, the student comes to "understand" that the only good work is performed at hospitals actively affiliated with medical schools.

Another more subtle form of brain-washing occurs in this training. Exposure is primarily to specialists and subspecialists, not to first-class family doctors. These big, shiny referral centers get the unsolved problems, the botched jobs, the missed diagnoses; they do not see the good results of other kinds of medicine. It is not surprising that the students come to feel all the "shlunks" are out there, and all the quality is in here; the suburban hospital is just not as good as the teaching hospital. This helps create a "them and us" setting. Nor is it surprising that this system produces large numbers of doctors who want to specialize, who want to be on the staff of the large teaching hospital, who feel cut off from the mainstream of medicine if not in a city with a medical school.

The physician in training is exposed to a wide variety of non-M.D. personnel in the hospital, but rarely is taught how to work with or effectively use other kinds of manpower outside the hospital. For the most part paramedical personnel are used to achieve higher levels of excellence in treatment of the acutely ill, not to increase physician productivity. There are no lessons in how best to increase productivity through use of physician assistants, pediatric nurse assistants, or midwives in obstetric practice. In fact, in many medical schools students do not see a single tenured professor who treats the majority of his patients outside the hospital setting—with or without physician assistants or other non-M.D. manpower. Also, the medical student is too often separated from the student who is learning to become a nurse midwife or physician assistant, even when the training occurs at the same institution. It is little wonder there is marginal interest in this type of manpower.

Until the doctor is willing and able to use physician assistants and other types of manpower, and until he demands that such people be trained in much larger number, this approach to solving the doctor shortage will have little significance. Similar arguments can be made about technology in medicine. The young doctor has no trouble in using—even demanding—electronic monitoring equipment for his critically ill patient, because he has been exposed to it throughout his training. This is not the case with multiphasic screening (use of automated laboratory equipment in combination with computerized history-taking and screening tests), or computers, or closed-circuit TV. Because today's doctor is not learning with it, watching it in use, or coming to depend on it, this type of technology will have little impact outside the teaching hospital.

Solving the doctor shortage, then, ultimately will depend on doctors. While there are imaginative leaders—flexible men willing to experiment with new patterns—widespread solutions will probably have to wait for changes in the process that produces physicians. As long as the majority of those in positions of influence believe the system is good and getting better, and as long as protection of the status quo is financially rewarding, the prospects for change are dim.

SENATE COULD STRENGTHEN U.N. BY RATIFICATION OF HUMAN RIGHTS CONVENTIONS

Mr. PROXMIRE. Mr. President, I am sure that Senators are aware that the United Nations is becoming increasingly inefficient in dealing with the many critical problems facing the world today. According to the President's Commission on the United Nations, the major reason for this increasing inefficiency is due, in part, to the actions and attitudes of the powerful nations of the world. The Commission said:

> Too many national governments have either given lip service to the principles of the United Nations Charter or interpreted them for petty advantage and narrow self interest.

To date 75 countries have ratified the Genocide Convention, which was adopted unanimously by the U.N. General Assembly but not the United States, which is a charter member of the U.N. We have also failed to ratify the Convention on Political Rights for Women, as well as the Convention on the Abolition of Forced Labor. All three of these United Nations conventions guarantee some of the basic human liberties for which we as a country stand.

It is my firm conviction that a major step toward rectifing the apparent loss of influence by the U.N., would be ratification of the Genocide Convention, the Convention on the Political Rights for Women and the Convention on Abolition

of Forced Labor. By this affirmative action we would demonstrate to the world our continued belief in the U.N. as a preserver of peace in the world.

SALUTE TO AMERICA PARADE, ATLANTA, GA.

Mr. TALMADGE. Mr. President, each year for 10 years, a Salute to America parade has been held in Atlanta, Ga., on Independence Day. It has become a yearly event and an important part of Atlanta's desire to demonstrate patriotism and love of country. The Salute to America parade is the Nation's largest annual Fourth of July celebration.

The parade last July 4 attracted more than 300,000 persons and another 300,000 saw the celebration on Atlanta's famous Peachtree Street by way of live, color coverage of WSB–Television, principal sponsor of the Salute to America event for the past decade.

According to all the participants and virtually everyone who saw it, this year's parade was extra special. Traditionally, patriotic people from the world of entertainment have been chosen to act as grand marshal of the parade. This year, however, it was decided to dedicate the parade to wounded veterans of all branches of the Armed Forces and, symbolically, all Americans in Veterans' Administration hospitals served as grand marshal of the 1970 parade. Through the assistance of the Veterans' Administration in Atlanta, a young man was chosen to lead the parade and appropriately symbolize the many men who have given so much for their country.

This was Capt. Johnny Thomas Clack, a hospitalized Army veteran at the Atlanta VA Hospital. Because of wounds suffered in Vietnam, Captain Clack is a triple amputee. He was awarded the Silver Star, the Bronze Star, the Army Commendation Medal, and he was presented the WSB–TV Salute to America Award in recognition of his courage. Captain Clack is a brave young man and won the respect and admiration of everyone who came to know him in connection with the parade activities. He plans to attend the University of Georgia this fall to continue his education, and I certainly want to take my hat off to him and wish him every future success and happiness. We owe our veterans more than could ever be paid.

I was also very much impressed by the Salute to America parade because it was such an inspiring demonstration of patriotism and expression of dedication to the principles for which the United States stands. Notwithstanding some of the things we have been witnessing in some quarters in recent years, I firmly believe the turnout and interest in the Salute to America parade was reflective of how a vast majority of Americans feel about their country today.

Through the facilities of WSB–TV a film was produced on the parade and Captain Clack's role as a symbol of all American veterans. I screened the film here in Washington, and thought it was a tribute to our Nation and its veterans that deserved wide distribution. I contacted the Veterans' Administration, and last week I was advised that the VA plans to reproduce the film for showing in the Nation's 166 veterans hospitals, before veterans organizations and at such public gatherings as would be appropriate. I understand that VA Administrator Donald Johnson has personally commended WSB–TV for its part in the Salute to America. I also want to express my appreciation to Atlanta Regional VA Director A. W. Tate and Assistant Director Harry W. Piper for their assistance in this project.

I am proud to bring this to the attention of the Senate, and I ask unanimous consent that an audio transcription of the Salute to America film, along with correspondence from the Veterans' Administration and a WSB–TV news release, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AUDIO OF WSB–TELEVISION'S SALUTE TO AMERICA PARADE, JULY 4, 1970

DON ELLIOTT HEALD. This is White Columns on Peachtree in Atlanta, Georgia. It's the home of WSB Television. We're proud of the opportunity to serve our community and the nation. On July 4, 1970, WSB–Television did something which has given us a great deal of satisfaction and has brought about a long overdue recognition of the wounded veterans of America. Each year the station puts on a Fourth of July parade. Because we've worked hard at it, the WSB–Television "Salute to America" parade has become the most famous and the biggest Independence Day parade in America. For the past nine years we've chosen patriotic people from the entertainment field to act as grand marshals of the parades. As grand marshal of the 1970 parade which was our 10th and best, we selected all Americans in Veterans Administration Hospitals. We asked the Veterans Administration here in Atlanta to help us find a suitable representation, someone who would appropriately symbolize the many men who have given so much for their country. This then is the story of the man chosen, and it's your story too if you were wounded while serving America.

TOMMY CLACK. I'm Tommy Clack. I was a Captain in the U.S. Army. I served as an artillery fort observer in Vietnam.

JOHN PHILP. I'm John Philp. I was a company commander in Vietnam. Both Tommy and I were wounded there. I'm now a newsman at WSB–Television here in Atlanta and Tommy is a patient at the Veterans Hospital here. What you are about to see is a couple of days in the life of Captain Johnny Thomas Clack, U.S. Army.

Tommy Clack, like thousands of others of us who were wounded in combat, is planning to go back to school. He'll go to the University of Georgia to finish his education. He'll study history and physical education and he hopes to teach and coach track. Tommy was hit in May of 1969 while serving with the 25th division on an operation along the Cambodian border. He was seriously wounded when an artillery shell exploded. Thirteen operations have saved his life, but the artillery shell cost him his right arm and both legs. Tommy was awarded the Silver Star, the Bronze Star, the Army Commendation Medal, the Purple Heart and several other decorations by the Army. This year on the third of July he received another decoration, another recognition of his courage.

Atlanta's WSB–Television honored Tommy Clack with its "Salute to America" award. The award is presented to persons who have made outstanding contributions to American patriotism. Before this year, the award had been presented only three times. Bob Hope, John Wayne and Raymond Burr, all of whom had made numerous trips to visit American servicemen overseas, were the three recipients. When WSB–Television presented its "Salute to America" award to Tommy Clack this year, thousands of other men could add their names to a list which contained the names Hope, Wayne and Burr. Captain Johnny Thomas Clack received the award on behalf of all American servicemen in Veterans Hospitals. James M. Cox, Jr., the Chairman of the Board of Cox Broadcasting Corp., WSB–Television's parent company, presented the award. On July Fourth, 1970, Atlanta was the sight of the nation's biggest Independence Day parade, WSB–Television's "Salute to America" parade. The presentation of the "Salute to America" award was held in conjunction with the parade. As "Salute to America" award recipient, Tommy Clack served as the parade's Grand Marshal. And more than 300,000 persons lined Atlanta's Peachtree Street to watch the parade and to honor Tommy Clack. An additional 300,000, according to estimates, saw the parade, live and in color on WSB–Television and some 4,000 persons actually participated in the parade with Tommy. Thirty floats, 14 bands, 40 marching units and hundreds of crack horsemen made the 1970 "Salute to America" parade the best in the parade's 10-year history. Led by city and state officials the parade featured beautiful Southern belles and celebrities from the world of professional sports. A number of prominent television and motion picture personalities also participated, including movie, television and singing star Debbie Reynolds, NBC newsman Frank Blair, nationally known comedian Stu Gilliam and Mr. Guitar Chet Atkins. No city in America honored this nation's flag with more patriotism and respect than Atlanta, Georgia, on Independence Day, 1970.

In the past nine years, nine other prominent Americans have come to Atlanta to serve as Grand Marshal of WSB–Television's "Salute to America" parade, but no one ever brought out more of the meaning of Independence Day than Tommy Clack did in Atlanta this year. Following the parade, Atlanta celebrated WSB–TV night at the stadium at the Braves-Padres game. Peanuts, popcorn, hot dogs, soda pop, and beer, a win for the home town Braves, and a fireworks display capped off a most all-American day in Atlanta, Georgia.

The celebrities who participated in the parade received special introduction to the 18,000 plus crowd at the stadium. When Tommy Clack was introduced it was an introduction unmatched in the history of Atlanta stadium. Here's the way the voice of the Braves, Milo Hamilton, remembers the event:

MILO HAMILTON. As a fellow celebrating a quarter of a century in the sports broadcasting business, I'm sure you can imagine I've seen a lot of thrilling things happen in sports arenas, especially right here in the Atlanta Stadium for the past five years. Three thousand hits by Henry Aaron, Hoyt Wilhelm, 1,000 appearances, years ago seeing Stan Musial hit five home runs in a double header. I know what an ovation can be and how much it can touch the person involved, but I'll have to say that connected with a sports affiliated event, as it was in this particular evening, in Atlanta stadium, some 18,000 fans were in here and almost as if one as if they had rehearsed it and planned it, they stood and joined in a real heartfelt, in-unison ovation and a heartfelt welcome for Captain Tommy Clack, a fellow we all learned to admire in two short days. Yes, it was the kind of ovation normally reserved in this ball park for fellows like Henry Aaron and Rico Carty. It's one that I'll never forget—the day they stood in Atlanta stadium for Tommy Clack.

JOHN PHILP. But all these people were thinking about more than this one man

Tommy Clack. They were paying tribute to the thousands of other men like Tommy in Veterans Hospitals throughout the world. They too were remembered in Atlanta on the Fourth of July. No one can ever forget them. We remember not only because they've given a lot more than the rest of us but because when they were knocked down they got back up, forgot about the grim past and began to look forward to a bright future. Despite all that these veterans have lost—arms, legs and perhaps the most valuable commodity of all, time—they go on living full and productive lives. Somehow more than anything else, that brings out the courage and what is best in the rest of us. Our feelings for Tommy and these other men is difficult to express. In a letter to Tommy the President of the United States put it this way:

Dear Captain Clack; I am very pleased to see that you received the "Salute to America" award at the recent 4th of July festivities in Atlanta. And after reading a newspaper report of your fighting spirit I can easily understand why you were selected for this honor. You have been asked to carry a special burden with the injuries you suffered while on duty in Vietnam. But your great enthusiasm and your determination to lead an active life tells me that while you may have a handicap you are still going to be away out in front in the days ahead. Keep up the good work. Mrs. Nixon joins me in sending our appreciation and our best wishes for your future, Sincerely, Richard Nixon.

VETERANS' ADMINISTRATION,
Washington, D.C., September 11, 1970.

Hon. HERMAN TALMADGE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TALMADGE: The film "Salute to America" from the Atlanta 4th of July Parade has been screened here and we were very impressed with the ceremonies and particularly the relation and salute to the VA hospital and Capt. Tommy Clack.

As you have suggested this certainly is of interest to other veterans, their families and to the general public. As a result of your interest we have ordered a number of prints of this film that we will circulate on a scheduled basis in the 166 veterans hospitals, before veterans organizations and at such public gatherings as would be appropriate.

You will be interested to know that Administrator Donald E. Johnson has thanked the personnel of Television Station WSB for their great effort and a personal Certificate of Appreciation has been awarded to Mr. James M. Cox, Jr., Chairman of the Board of Cox Broadcasting Corp.

The Veterans' Administration greatly appreciates your personal interest in those who have been hospitalized through service and devotion to their country and it is a pleasure to have had this opportunity to acknowledge the services of a community such as Atlanta. I am sure those throughout the country who see this film will join in their appreciation.

Sincerely,
CHAS. F. BATCHFELDER,
Assistant Director,
Radio and TV Division.

VETERANS' ADMINISTRATION,
Atlanta, Ga., July 8, 1970.

To: Field Director, Area 2 (201B), Department of Veterans Benefits, VA Central Office, 810 Vermont Avenue NW., Washington, D.C.

Attention: Assistant Field Director, Area 2.

Subject: WSB TV's Salute to America, Fourth of July Parade—1970.

1. In response to your request, I am enclosing newspaper accounts of the WSB TV's annual Salute to America Parade held July 4, 1970 in Atlanta. We are including in the report information provided us by Miss Jean Hendrix, WSB TV Station (Cox Broadcasting Company), since it is believed this information will be of interest to the Central Office.

2. During the latter week of June, this office was contacted by Mr. William Bohn, Director of Personnel and Public Relations, Cox Broadcasting Company, asking our advice on a proposed plan to select a hospitalized Vietnam veteran as the parade's grand marshal with the idea of symbolically awarding to the selected veteran the cherished Salute to America Medal. It was explained the medal had been awarded only three times heretofore and that the recipients of the medal were movie stars John Wayne, Raymond Burr, and Bob Hope. At the time of his call, Mr. Bohn explained that Miss Jean Hendrix originated the idea of selecting a Vietnam veteran and that in fact Miss Hendrix, Parade Director, had originated and guided the parade activity over the nine years of its existence. We expressed the opinion that we thought the idea to salute a Vietnam veteran to symbolically represent all veterans and all branches of the Armed Forces was particularly appropriate for any outstanding Fourth of July celebration.

3. We advised Mr. Paul Mills, Information Service Representative, of our contact with Cox Broadcasting Company and requested that he talk with Mr. Bohn for the purpose of arrangements, etc.

4. Eventual contact by Mr. Mills and WSB TV officials with the Director of the Atlanta VA Hospital resulted in the selection of Captain Johnny T. Clack, C 24 997 383, a hospitalized veteran at the Atlanta VA Hospital.

5. Capt. Clack incurred severe disabilities in the Vietnam Conflict. He now has service connection established for traumatic amputation of both legs, and right arm at shoulder level, multiple scars of the trunk and extremities, impairment of clavicle and scapula with partial removal, perforation of tympanic membrane, bilateral, with hearing loss and residuals of fracture of fifth rib, right. His combined disability evaluation is 100 percent. He is also entitled to special monthly compensation on account of anatomical loss of one foot and on account of traumatic amputation of his left foot and right arm. Action has been taken by our office to increase his compensation to $697 monthly. Further evaluation of left lower extremity has been deferred pending receipt of a hospital report which we have requested.

6. The WSB TV officials are all tremendously proud of the selection of Capt. Clack, stating they could not have found an individual more capable of symbolically representing the Armed Forces. On the day before the parade festivities, they asked Capt. Clack to act as cohost with movie actress Pat Delaney on their popular one hour TV show entitled "Today in Georgia". Miss Delaney is currently starring in the picture entitled "JC" now being filmed in Atlanta. The July 3d "Today in Georgia" program provoked tremendous interest in Capt. J. T. Clack.

7. The parade itself lasted for more than two hours. Local police authorities and Mr. Don Heald, General Manager of WSB TV, have stated that 250,000 people were spectators on the parade route. A conservative estimate by the news media indicates that the parade was witnessed on TV by an audience of more than 400,000.

8. Among the participants of the parade were Actress Debbie Reynolds, Honorary Grand Marshall; Tony Fontane (who had made eight prior appearances in this parade); Elizabeth Allen, currently starring in TV show "Bracken's World"; Leif Erickson, the High Chaparral's leading star, Big John; Stu Gilliam, nationally known comedian; Frank Blair of NBC News; Chet Atkins, nationally prominent guitar player, etc; Governor Lester Maddox; Lt. Governor George T. Smith; Mayor Sam Massell; Vice-Mayor Maynard Jackson; Atlanta Chief of Police Herbert Jenkins; Yaarab Shrine nationally known parade marshal, L. W. McPherson; candidates currently running for the Office of Governor; members of the Atlanta Braves; the Atlanta Hawks; elements of the Third U.S. Army; numerous colleges and schools throughout Georgia, Tennessee and Florida; and, of course, many, many others.

9. There were several outstanding memorable events concerning the parade and post-parade activities that WSB TV officials and members of the news media asked that we relate to you.

10. First, there is a consensus by the professional news media that they had never witnessed to a greater degree the unrehearsed spontaneous wave of emotion on the part of the parade spectators in their roaring moving ovation as was apparent when the Grand Marshal's automobile came into view. The appearance of the Grand Marshal, Capt. Clack, and the response of the people truly symbolized the real meaning of the Fourth of July and Salute to America to those who saw him.

11. The second memorable event occurred during the evening following the parade. Visiting parade dignitaries, including movie and TV stars, etc., were invited to a reception and party given by the Atlanta Braves. It is related that when Capt. Clack came into the Atlanta Stadium, immediately prior to the Atlanta Braves-San Diego Padres baseball game, he received the greatest spontaneous standing ovation ever witnessed in Atlanta.

12. A third significant event occurred the following morning, July 5, 1970. Movie and TV stars, Elizabeth Allen, Leif Erickson, and Stu Gilliam, despite a departure scheduled for 12:00 noon on July 5th, insisted on personally visiting Capt. Clack and other patients at the VA Hospital in Atlanta. We are advised by WSB–TV that their appearance was not suggested or planned by the Hospital officials or by the TV people—that they personally wanted to do this after a hard two-day schedule and after being with Capt. Clack.

13. Miss Hendrix has advised us that WSB–TV made some 800 feet of film of Capt. Johnny T. Clack. They state that this film will make an outstanding presentation for civic groups and in VA Hospitals. The Cox Broadcasting Company also advises they have 40 minutes of preparade video tape plus two hours of parade video tape. We are of the impression that the film and video tape may be given to the VA.

14. In summation, we believe that Atlanta held the largest and most outstanding Fourth of July celebration in the Nation. We know that the VA contributed greatly to the program and that Capt. J. T. Clack will be ever remembered for his symbolic representation of veterans of the United States. Certainly, we owe a debt of gratitude to the Cox Broadcasting Company, to the participants, and particularly to Capt. Johnny T. Clack. Johnny's request during the festivities that all Americans should support our President and our boys fighting in Vietnam and his expression that he wished he could grow another arm and two legs so he could return to Vietnam had a profound effect upon all who heard him speak.

15. We may have additional information to send you—information in which Central Office will be interested.

A. W. TATE, *Director.*

WSB TELEVISION'S "SALUTE TO AMERICA" PARADE HELD JULY 4TH

More than 300,000 persons, according to Atlanta Police Department estimates, swarmed to downtown Atlanta, Georgia, to see the nation's largest Independence Day parade, WSB Television's 10th Annual "Salute to America" parade. An additional 300,000, according to WSB–TV estimates, watched the station's live, color telecast of the Fourth of July celebration which is held every year on Atlanta's Peachtree Street.

The parade, which was inaugurated ten years ago by WSB Television, was led by Captain Johnny Thomas Clack, a wounded veteran of the Vietnam conflict, who served as Grand Marshal. A triple amputee, Clack received WSB Television's "Salute to America" award, an honor presented in conjunction with the parade, on behalf of wounded veterans of all branches of military service.

The presentation of the award was made during a special WSB–TV pre-parade telecast on the evening of July Third. James M. Cox, Jr., chairman of the Board of Cox Broadcasting Corporation, WSB Television's parent company, presented the award to Captain Clack.

A native Atlantan, Captain Clack went to the University of Houston on a track scholarship to study history and physical education in 1965. After a year and a half at the university, Captain Clack joined the U.S. Army and went to Vietnam as a forward observer. He was seriously wounded in May of 1969 and is currently recuperating in the Atlanta Veterans Administration Hospital. He plans to attend the University of Georgia this fall and hopes to become a track coach.

Debbie Reynolds, Leif Erickson, Chet Atkins, Stu Gilliam, Frank Blair, Tony Fontane and Elizabeth Allen joined Captain Clack for the two-hour parade.

Led by Georgia Governor Lester Maddox, the state's Lieutenant Governor, George T. Smith, Atlanta Mayor Sam Massell, the city's Vice Mayor, Maynard Jackson, and Atlanta Police Chief Herbert Jenkins, the parade was a colorful composite of patriotic Americana.

Thirty floats, fourteen bands and forty marching units were cheered for the entire one-mile parade route. Judges selected Atlanta's Frederick Douglass High School Band, the Third U.S. Army Band, the American Legion Post No. 574 marching unit, the Mechanicsville Advisory Council and C & S Community Development Corporation float and Twirling Champion Dixie Lee as the most outstanding participants in the parade.

Following the parade the celebrities helped station employees celebrate WSB–TV night at the Atlanta Braves-San Diego Padres game. Tony Fontane sang the National Anthem, Debbie Reynolds threw out the first ball and the parade celebrities were presented. When Captain Clack was introduced the entire 18,000-plus crowd stood in unison and gave the "Salute to America" award recipient an ovation.

On the morning following the parade, Leif Erickson, Elizabeth Allen and Stu Gilliam paid a surprise visit to the Atlanta Veterans Administration Hospital to say goodbye to Captain Clack and to visit the many patients about whom the captain had told them so much.

CULEBRA

Mr. MUSKIE. Mr. President, on July 14 I expressed my concern about naval shelling and bombardment of the inhabited island of Culebra, a municipality of Puerto Rico. In spite of strong objections expressed by many Senators from both parties, conservatives and liberals alike—as the Honorable JORGE L. CÓRDOVA, Resident Commissioner for Puerto Rico, recently expressed it in a letter to the Senator from New York (Mr. GOODELL).

The Navy has of late assumed a position of utter and arrogant intransigence, and it is my opinion that passage of your proposed amendment is necessary.

There are powerful reasons for terminating the shelling of Culebra now. Injuries, near misses, economic deprivation, and constant fear have resulted. All of Puerto Rico is united in demanding an end to this intolerable abuse. Continued naval bombardment and shelling of Culebra threatens the very presence of the Navy in the Caribbean at a time of increased Soviet activity there. The stakes are simply too high to permit this to continue.

Tragically these human and political costs have been borne needlessly. Alternative uninhabited sites are available and others could be constructed. These are not only adequate; they would provide superior training to that now conducted on the tiny inhabited island of Culebra. On uninhabited sites firing restrictions necessarily imposed on operations near Culebra could be removed to permit more realistic training with modern weaponry.

The Senator from Washington (Mr. JACKSON) has undertaken efforts to persuade the Navy to solve the political problem it has created. There can be only one solution—cessation of all firing activity on Culebra and its neighboring keys.

I hope that Senator JACKSON is successful in his efforts, but I am in agreement with the Commissioner from Puerto Rico. If the Navy does not agree to a complete cessation of its operations on Culebra within a brief and reasonable period of time, Senator GOODELL's amendment to the military construction authorization bill aimed at cutting off funding of further shelling of Culebra must be passed by the entire Senate, and I am pleased to ask Senator GOODELL to add my name as a cosponsor of this amendment.

There is, of course, a simple solution to this increasingly serious problem. The President as Commander in Chief has full authority to order the Navy to cease firing on tiny Culebra. I call upon him in the name of humanity and commonsense to do so immediately.

THE "DELTA QUEEN": A CHERISHED LINK WITH THE PAST

Mr. HARTKE. Mr. President, today, as on most days, we are engaged on the Senate floor in the difficult task of trying to shape this great Nation's future. It is an arduous labor and rightly permits little time for other concerns. Nonetheless, I urge Senators to pause for a moment to consider an imminent threat to our country's cherished past. For the quality of life in America of the future will depend in some measure on how wisely we have dealt with the America of the past.

Unless Congress acts soon, an American heritage and tradition of some 160 years' duration will be legislated out of existence on November 2, 1970. The *Delta Queen*, the last overnight paddlewheel passenger steamboat, will be forced out of operation on that date unless we act to save her. The *Delta Queen* is the sole surviving reminder of the age when the riverboat was king and when hundreds of sternwheelers plied the Ohio, Mississippi, Tennessee, and Cumberland Rivers. Her end would mean the unhappy closing of an important and cherished chapter of American history.

The demise of the *Delta Queen* is ordained by the inscrutable logic of a marine safety law enacted in response to a problem which arose a long way from the Ohio and Mississippi Rivers. Public Law 89–777, the safety-at-sea law, was enacted in 1966 following two disastrous ship fires in the Atlantic Ocean. The primary focus of that law was to protect American citizens from substandard ocean passenger vessels. The law requires that passenger vessels with overnight accommodations be constructed of fire retardant materials. It is a good law and was badly needed. Unfortunately, it also applies to the *Delta Queen*.

I urge Congress to act now to save the *Delta Queen* from being needlessly destroyed by this law aimed at ocean vessels. There are good reasons why this law should not apply to her. Unlike an ocean vessel, the *Delta Queen* is never more than a few hundred yards or a few minutes from shore. Unlike ocean vessels, the *Delta Queen's* staterooms open directly to outside decks and there are no long enclosed corridors where passengers or crewmembers could be trapped. She is generally regarded as one of the safest river steamboats ever built. She is equipped with full coverage sprinkler systems, and fire-retardant coatings have been applied to nearly every surface. Her owners have installed new and additional safety devices and equipment and have promised to do even more. In the 44 years since her launching, her safety record is unblemished.

However, there is no practical way that the *Delta Queen* can comply with the safety-at-sea law. For one thing, that law requires that no wood be used on a vessel. Although the *Delta Queen's* hull is steel, the elegant teak, mahogany, ironwood, and oak of her superstructure and interior obviously cannot comply. Her curved staircase is mahogany trimmed with brass. In short, practically every piece of the vessel would have to be rebuilt. The cost would be astronomical and, in the process, much of her historical charm would be lost.

Mr. President, I have had the privilege of traveling on the *Delta Queen*. It is a delightfully scenic and historic experience which I earnestly recommend to my colleagues. There cannot be many rivers in the world as fine to travel as the Ohio. As the crimson paddlewheel churns, the verdant, varied river banks glide softly by. On the Indiana shore a great water meadow stretches serenely around a majestic river bend and later down the river gives way to steep wooded banks. Gnarled trees, the splash of the muskrat, the call of the heron and the chirp of the cricket all combine to turn back the hastening hands of the clock, and to transport the mind to days now bathed in the golden haze of history and nostalgia. The genial ghost of Mark Twain is elicited, and the passenger's thoughts move to a bygone area when the characters of Twain could be found along mid-America's riverbanks and not just in books. A feeling of continuity with our history and pride in our rich heritage is heightened.

The *Delta Queen* is far more than a mere means of transportation, and this should be taken into account. We Ameri-

cans have a curious affinity for thoughtlessly discarding anything old or out of style, and for rushing headlong into a life that is increasingly strained and standardized. We have let too much of our cherished past disappear. How much harder will it be to instill pride and understanding in our young people if we destroy not only much of our environment, but all of the physical reminders of our heritage and the building of our country? The *Delta Queen*'s continued operation on the rivers of the central United States can help to keep alive a small part of our past.

A law to save the *Delta Queen* would be one of the rare pieces of legislation that would cost the Government nothing. In fact, it would mean that she could continue to pay taxes. Her continued operation would also provide an excellent tourist attraction and further our national objective of encouraging travel to and within the United States both by Americans and our foreign visitors.

For all these reasons, I urge Senators to preserve this last vestige of our river heritage and not to let it be whimsically eliminated. I urge them to save the *Delta Queen*.

THE DAY IS GETTING LATE: PRESERVE THE BIG THICKET NOW

Mr. YARBOROUGH. Mr. President, it has been my wish for more than a decade, now, to see, before the end of my service in this distinguished body, the creation of a national park in the Big Thicket in southeast Texas.

The day is getting late. It has been my great honor to serve and represent my fine State of Texas in the Senate for now some 13 years. But my term of office is soon coming to a close. And the reality of a national park in this forest wonderland still seems to be dreadfully far away.

It is imperative, not only for the sake of ecological balance in the Big Thicket but also for the sake of our people's esthetic and enjoyment needs, that we have immediate action by this Congress on the Big Thicket.

Tens and tens of citizens' groups, along with a multitude of conservation groups from all parts of the Nation, have endorsed the establishment of a national park in these "biological crossroads of America" in the Big Thicket. The first step toward this park can and, with the massive popular support it has received, should be taken at this session with the approval by both Houses of Congress of my bill, S. 4.

We can and should have affirmative action now. To turn the Vice President's accusation that the Congress is "goldbricking" on its legislative responsibilities around to where it actually belongs, we should point out and note the administration's footdragging on this most important conservation matter, the preservation of the Big Thicket. Without a clearcut administration recommendation and with a share of apathy on the part of some lack-of-conservation-interest Members of Congress, we have been unable to move this vital piece of legislation. Let us get down to the business of creating this park, and thus provide the people of our country another magnificent land source for scenic and ecological preservation. And let us postpone the undertaking of that business no longer.

Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "The Big Thicket Should be Preserved—and Now," from page 3 of the Texas Council for Wildlife Protection news bulletin of September of 1970. This fine article speaks to the urgency involved with the creation of the Big Thicket National Park.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE BIG THICKET SHOULD BE PRESERVED—AND NOW

The Big Thicket of Southeast Texas, parts of which are really jungle, is a beautiful, unique botanical wonder. It has more kinds of trees and plants than any other area in Texas, or perhaps anywhere else in the country. Preservationists (or conservationists), see the Thicket as a preserve to be held free from spoilation by campers and hunters, with their beer cans and other refuse, and dangers, such as camp fires. The business men—the lumber men, want to use it for their own enrichment. If the Thicket is made into a National Park there is no doubt that tourism would increase.

Conservationists, alerted by Sen. Ralph Yarborough, are now making a strong effort for a bill to preserve it. In the meantime, it is being rapidly "whittled" away by the lumber interests.

The Big Thicket covers parts of seven counties. Once it was more than three million acres. Now, however, it amounts to about 350,000 acres. Senator Ralph Yarborough began urging a 100,000-acre park four years ago. Now, Representative George Bush, Houston, has come up with another bill. It calls for a number of separate plots of ground selected in the choicest areas and set aside for "a string of pearls," amounting to 35,000 acres of "pearls" plus another 115,000 acres of adjacent woods and wet lands, with a scenic roadway running through.

Ecologists have said that if the destruction of mammals continues at the present rate, in forty years there will not be any left on earth.

Though Senator Yarborough was the first to call the public's attention to the unique importance of the Big Thicket, Rep. Bush's bill is more likely to be accepted by the Administration, since they are very anxious to see Rep. Bush elected to the Senate.

We wish the Big Thicket could be preserved like the Brewster Wilderness in Maine, which is kept in its natural state, camping being allowed in certain areas and no hunting whatever. It would permit coming generations to see nature as it once was.

The reason for urgency has been many times pointed out by Senator Yarborough—the Big Thicket is growing smaller every day. It would be delightful if one could drive through it, as we did in the Brewster Wilderness, and see in the thickly growing timber, deer, while raccoons peered at us from tree-tops.

If the Big Thicket is to be saved, write to your Congressman, NOW!

NATIONAL GALLERY OF ART AND SCHOLASTIC MAGAZINE SPONSOR MAGAZINE ART AND MAN

Mr. PELL. Mr. President, yesterday the National Gallery of Art, in conjunction with Scholastic magazine, announced the publication of their jointly sponsored magazine, Art and Man. This important event was marked by a special exhibit at the gallery of certain works of art which will be featured in the magazine.

It is most fitting that the National Gallery, under its brilliant director, J. Carter Brown, should be publishing such a magazine. The gallery is chartered as a national entity and indeed it has endeavored to make its resources available to the country at large. It is interesting to note that while 2 million people passed through the gallery doors during 1969, another 4 million viewed exhibits which traveled throughout the country under the aegis of the extension division. This national impact will now be enlarged by the use of the printed page as a vehicle to reach more and more citizens.

Art and Man, a magazine for schoolchildren, will bring to students an understanding and appreciation of the cultural heritage of our Nation. In this day, we speak of environment and ecology as concepts, but we all too often forget that too much of our Nation suffers from visual pollution. How many of us have driven down the main street of a town and remarked on the surrounding ugliness? Some means must be found to teach our youngsters that there is beauty and order in our world. Therefore, it is proper that the first issue of Art and Man should concern itself with the American wilderness, and present to schoolchildren the view of a United States, past and contemporary, as envisioned by poets, writers, and artists.

Perhaps the raison d'etue for this fine publication is best summed up by the following paragraph from the first page of Art and Man.

The arts cross all boundaries of time, space, nation, politics, religion. They offer a world of ideas and ideals, of experience for you to explore, where you will discover yesterday, today, and tomorrow. "Art and Man" invites you to share this world, to gain insight into yourselves and your part in the great adventure of human history.

I take this opportunity to congratulate J. Carter Brown of the National Gallery and Mr. Maurice Robinson of Scholastic magazine for their farsighted cooperative effort, and it is my hope that the magazine will be most successful in the years to come.

THE FAMILY ASSISTANCE PLAN

Mr. PERCY. Mr. President, the time for reform of the present welfare system has long since passed. The system is degrading to the recipient and burdensome to the taxpayer. The enormous drain the system places on the fiscal resources of the States seriously jeopardizes their fiscal viability and prevents them from devoting these limited resources to other important State programs.

The President's family assistance plan is a bold initiative designed to completely reform the present system. The plan rejects the old approach of merely "tinkering" with the system and establishes an entirely new approach which will grant dignity and justice to the recipients and relieve the States of some of the tremendous burden they now bear.

In a recent intensive survey that I took of Illinois citizens on the question, welfare, 99 percent took the position that our present welfare system must be altered and reformed—only 1 out of 100 supported it.

The Nixon administration family assistance program, though not perfect in every detail, is the first major attempt to overhaul and reform our completely discredited welfare system.

Recently, the Governor of Illinois, the Honorable Richard B. Ogilvie, announced his support of the family assistance plan. As the Governor pointed out in his statement, the plan is not perfect. Nevertheless, the need for reform is so urgent, that we should not delay the enactment of this landmark legislation.

The Senate—

The Governor noted—

has before it the greatest single opportunity to reform by one legislative act the way government treats poor people that any legislative body in this nation has had in three decades.

We should not permit this session of Congress to end without taking advantage of this opportunity.

Mr. President, because I believe my colleagues may find Governor Ogilvie's statement announcing his support of the family assistance plan of interest, I ask unanimous consent that the statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT ON THE FAMILY ASSISTANCE PLAN

The Administration of the State of Illinois has carefully reviewed the Family Assistance Plan now under consideration by the Senate Finance Committee.

After extensive consultation and thorough consideration of the implications of the proposal, I am convinced that the program is fundamentally sound. The Senate has before it the greatest single opportunity to reform by one legislative act the way government treats poor people that any legislative body in this nation has had in three decades.

The President has adjudged our welfare system a "colossal failure." On the basis of my experience as the Governor of a major industrial state I must agree.

The present system is a waste of state and federal money.

It is a system that no one likes. And for good reason.

I have heard Illinois residents complain of intolerable injustices in the system. Benefits are granted begrudgingly, without dignity and often arbitrarily. Desertion of families by fathers is encouraged. The present system builds in incentives not to work.

I have also seen another side. The system places state government in an impossible fiscal and administrative situation. I have seen astronomic growths in caseload insidiously eat up moneys planned for other important state programs. I have watched these incredible increases in our caseloads undermine the ability of my state to deliver services such as child care, job training and work referrals which are badly needed to get people off of welfare. These sky rocketing costs have diverted scarce dollars from housing, education and health programs which are essential to break the dependency cycle. I have experienced the frustration of seeing directives not carried out because the system is unwieldy and hopelessly complex.

To my mind the present welfare system is the single greatest threat to the continuing vitality and fiscal health of the state.

This archaic and haphazard system simply must be reformed. The Family Assistance Plan is the way to do it. Meaningful improvement can come only from the bold and comprehensive change mandated by this landmark legislation.

The Family Assistance Plan would benefit the citizens of Illinois and other states in the following ways:

(1) It would provide, for the first time, federal assistance for families in which the father works full time but does not earn enough to keep his family out of poverty. It would do this with the most effective mechanism I know—dollars, rather than services, the effectiveness of which we have no adequate way of measuring. I believe this approach gives the poor a freedom of choice in purchasing goods and services that will inspire those qualities of human dignity and motivation essential for true human renewal. Moreover, the Nixon plan giving an earnings supplement to the working poor builds in a direct dollar incentive to work. For many worthy citizens of Illinois, Family Assistance will provide deserved and significant new help.

(2) It will require fundamental changes in the administration of welfare which are long overdue. Enactment of Family Assistance would clear away what the President has described as a "federal welfare guagmire" and permit the states to revamp their welfare delivery system. Only if eligibility determination for financial assistance is separated from the provision of the myriad of social services, can better management be achieved. In Illinois, in anticipation of the enactment of legislation such as this, we have already taken steps to test out the basic precepts of the President's plan in a designated geographical area. We need and welcome the challenge and the opportunity this legislation provides.

(3) The plan will assist the states to meet the crushing fiscal burdens of welfare, figures now available show ADC costs for August were fully 43% over the costs just one year ago. This is a rate of growth that totally dwarfs our annual revenue growth of 6%. Its size means that we must either cut back severely on existing state programs in other important areas, or place further strains on a state revenue structure that is highly regressive compared with the federal. Neither of these alternatives is sound in policy or makes sense to the people.

I have repeatedly urged the federal government to come to the aid of the states with revenue sharing. For the same reasons, it must more fully fund welfare costs. The Family Assistance Plan is revenue sharing *now*. That is the real New Federalism.

Many shortcomings of the welfare system today exist because we have merely tinkered with its details and added band-aid solutions, thereby warping its underlying objectives. The result is an unworkable system for moving people out of poverty into the mainstream of American life. It is my strong hope that well-intentioned efforts to improve the Family Assistance legislation will not be responsible for its failure. It is time for all persons truly interested in the improvement of our welfare system to come to the support of this legislation.

It is imperative that the states that bear the most direct responsibility for welfare have a major voice in shaping welfare reform policy. We all know that this legislation does not provide the full federal funding of welfare that the National Governors' Conference has sought. In my own budget message last April, I called upon the federal government to assume this cost and said "The greatest single contribution that the federal government could make to state and local government would be to pay *all* public aid grants." Nonetheless I am convinced that the Family Assistance Plan is a giant step in this direction.

We must recognize and accept the administrative problems which are inherent in shifting from the entrenched system to this new departure. But we cannot let these considerations distract us from the benefits this change will bring. We should not wait for the achievement of perfection while the vicious poverty cycle in this country continues unabated.

No one piece of legislation could do everything I would like to see done in the field of social welfare.

The Family Assistance Plan is the right beginning. There will be other opportunities for further reform. I am convinced they will come only if we succeed in this initial effort. Only if we turn the corner with this legislation will be able to meet the pressing demands for similar fundamental reform in medical care and other essential programs.

As the Governor of Illinois I stand four square behind the Family Assistance Plan and offer my services to assist in its passage. I intend to work with the Governors of the Midwest Governors' Conference as well as the chief executives of the large industrial states to see what can be done to move the Nixon Family Assistance Plan out of the Senate Finance Committee and into final enactment this year.

URGENT NEED FOR PERMISSION TO ACT ON OCCUPATIONAL HEALTH AND SAFETY LEGISLATION

Mr. WILLIAMS of New Jersey. Mr. President, in his congressional message of September 11, 1970, President Nixon called for action on various administration proposals, including legislation on the subject of occupational safety and health. The President said:

Unaccountably, this urgent legislation has not been enacted.

Many Members of this body received the President's message objectively and with open minds, for we share many of the President's legislative goals. I certainly am in complete agreement regarding the pressing need to enact meaningful occupational health and safety legislation.

The concern of the Labor and Public Welfare Committee over this matter is amply demonstrated by the fact that the occupational safety and health bills received 12 days of hearings with 86 witnesses and 1,790 pages of hearing record.

Unfortunately for the public interest, and the health and safety of working America, some of the President's own party in the Senate do not subscribe to the President's lofty statement of legislative goals.

A member of the President's own party objected this morning to the Labor Committee's executive consideration of the occupational health and safety bill. And although I am sure that a committee member did not object, the fact still stands that supporters of such legislation from both parties were denied a day of executive consideration in these critical closing days of this Congress.

In yesterday's executive meeting we received notice of 18 administration amendments intended to be offered by minority members of the committee. My Democratic colleagues and I were prepared to meet this morning at 10 a.m. to consider and vote on these amendments. It is not certain of course that we could have voted on all these amendments or that we could have reported the bill to the Senate today. It is clear, however,

that we would have been quite far along in our work if there had not been an objection to our meeting by a member of the President's party.

In relating these facts to the Senate, I convey to the President, himself, an account of why this legislation has not been enacted: Specifically, that the President's own party has used obstructionist's tactics against this vital legislation. And just so long as the President's party obstructs action on the health and safety bill, just so long will the President's party continue to imperil the health and safety of millions of working men and women throughout industrial America who daily work on inadequately protected work sites, or on sites with no protection of any kind. The urgent need for corrective legislation is reinforced by these tragic statistics:

More than 14,000 workers are killed each year on the job, and another 2½ million receive disabling injuries. Industrial accidents cause the loss of over 250 million man-days of productivity each year, with an estimated cost of $7 billion to the gross national product. Each year, employers or their insurers pay out almost $2 billion in workmen's compensation.

President Nixon, in his September 11 message respecting the health and safety bill, said:

> It does not exaggerate to declare that such a program ought to have become federal law three generations ago. This was not done, and three generations of American workers have paid for it.

I agree with the President's statement, and I wish him well in persuading all members of his own party to agreement and so demonstrate by actions taken here in the Senate.

The administration has advanced a bill which differs from my proposal on one major point. My bill places in the Secretary of Labor full and final responsibility for the development and promulgation of standards and the enforcement of such standards. In contrast, the administration bill would place these responsibilities and powers in an independent presidentially appointed board rather than the Secretary. The proper way to resolve these differences is by consideration and vote either in the committee or on the floor of the Senate. Instead of rational discussion and vote, however, we are confronted with obstruction of committee action altogether.

Executive consideration of the occupational health and safety bill is scheduled again for 9 a.m. tomorrow. I would hope that some special message from the White House to members of the President's party in the Senate will make it possible for the Committee on Labor and Public Welfare to meet, so that the work on this important measure can go forward.

PRISONERS OF WAR IN SOUTHEAST ASIA

Mr. JORDAN of Idaho. Mr. President, in June of this year I had the opportunity to address the Idaho Republican State Convention shortly after the Cambodian operation was completed. I discussed the ramifications of that operation and addressed the greater topic of our military commitment in Southeast Asia. At that time I said:

> Total withdrawal should not be made without complete release of all American prisoners of war now held by the enemy. This point should be made crystal clear.

Since then I have continually given constructive support for an orderly withdrawal of American forces from Southeast Asia. I shall continue to give my support to this policy, but not at the expense of those American men being held captive or listed missing in action in North Vietnam today.

These men are not an abstract group from some unknown part of the United States who are missing; their families live in places like Pocatello, Boise, Burley, Coeur d'Alene, Idaho Falls, and Kellogg, Idaho. They are husbands, fathers, and sons of our neighbors, and their families are active community members.

Even while living in this never-never land of uncertainty some of the families are more fortunate than others. Mrs. Donald G. Waltman of Kellogg, State coordinator for Idaho for the National League of Families of American Prisoners Missing in Southeast Asia, recognized her husband in a 1969 Christmas film taken in a North Vietnamese prisoner of war camp. The Idaho Statesman reports that:

> Mrs. Waltman and her daughter Melinda, both of Kellogg, viewed the film in Spokane . . . it was the first time Mrs. Waltman had seen a picture of her husband since the North Vietnamese released a "poor photograph" of the downed pilot shortly after he was captured in September of 1966.

Others are not so fortunate. The Idaho State Journal of October 8, 1969, reported:

> Since June of 1967 Susan Lemmons has been wondering if her husband is dead or alive. Captain William E. Lemmons, an army helicopter pilot, has been missing since he and two others failed to return from a helicopter reconnaisance flight in Vietnam. There has been no sign of the helicopter or the men.
>
> Each month Defense Department officials send Captain Lemmon's attractive young wife Susan a form letter telling her that they're sorry but there is no word of her husband.

The Lemmons have two children who do not know whether they have a father or not.

What has happened to this brave man and the hundreds like him? In spite of repeated calls from the President, the Congress, the families, and the people of the United States, the Government of North Vietnam has not adhered to even the basic provisions of the Geneva Convention of identifying and caring for prisoners of war. It is apparent that this country's repeated calls for observance of the Geneva Convention have, for the most part, fallen on deaf ears in North Vietnam. We shall not forget this gross inhumanity which is being perpetrated on the American servicemen in North Vietnam nor their families. I urge all citizens to write to Premier Phan Van Dong in North Vietnam and express their outrage at this callous attitude and lack of human decency.

Let me go on record as insisting that we not forget or abandon those sons of ours whose sacrifice has been so great. Some of them were there in 1965. They were there when Neil Armstrong made his historic "one small step for man." They have children 5 years older now, with little prospect in sight of a reunion. The world is passing them by. We cannot have total withdrawal without them.

CLARIFICATION OF POSITION ON VOTE ON GRANDFATHER CLAUSE AMENDMENT TO BANK HOLDING COMPANY ACT

Mr. MONDALE. Mr. President, during yesterday's debate on the Bank Holding Company Act of 1970, the Senator from Wisconsin (Mr. PROXMIRE) offered an amendment to roll back the grandfather clause date in the Senate bill from March 24, 1969, to June 30, 1968. The amendment was adopted by a rollcall vote of 42 to 31.

Although I was unable to be present for this vote, I strongly supported the effort to set the "grandfather clause" date at June 30, 1968. Had I been there, I would have voted for the Proxmire amendment.

Unfortunately, my vote was announced as against this amendment. The confusion may have resulted because of a misunderstanding of the instructions I left with the staff of the Committee on Banking and Currency.

In any event, I want to make it clear that I was very much in favor of changing this "grandfather" date to June 30, 1968. I am pleased that the amendment to accomplish this result was adopted by the Senate.

TRIBUTE TO SENATOR GOODELL

Mr. SAXBE. Mr. President, I should like to add my voice to those rising to pay respects to the distinguished junior Senator from New York (Mr. GOODELL). The Senator is marking a milestone of sorts this week—the occasion of his second anniversay as a Member of this body. I express my hope that the junior Senator from New York will be on the floor of this body a year from now to mark his third anniversay and, for that matter, for many years beyond.

I know the distinguished Senator as a serious and fair-minded man, a progressive, social-conscious lawmaker who makes an important contribution to this body.

When he was appointed by the Governor of his State on September 10, 1968, to fill the unexpired term of the late Robert F. Kennedy, there were many, I know, who perhaps were not familiar with the name of the distinguished junior Senator. Although he served in the other body as the Representative of the Jamestown area of New York, his name was not exactly a household word in many other parts of that State.

As we all know now, it is not particularly difficult to become a household word today. I submit that the distiguished Senator has done a great deal on his own

merits to carve out the beginnings of a productive career in this body. I submit further that if the career is based on ability, his will be a long one.

MILITARY ACKNOWLEDGES DRUG PROBLEM: DOD INVESTIGATORS IN FAR EAST

Mr. DODD. Mr. President, for the past 4 years, the Senate Subcommittee to Investigate Juvenile Delinquency has investigated what has finally been recognized as a severe drug abuse problem in the military and particularly among our troops in Vietnam.

The Juvenile Delinquency Subcommittee's hearings revealed studies by Department of Defense researchers which show that from 30 to 46 percent of the men in Vietnam smoke marihuana, and there is other material in our files that places the percentage of drug abuse in our military units even higher.

I point to these findings because several Senators questioned the need for such an investigation.

Our main concern, of course, was the health and welfare of our young people in uniform, although this whole topic has serious implications regarding the combat effectiveness of U.S. forces in Vietnam.

During the course of our hearings, we continually called on the Defense Department for a more intensive response to the drug problem.

I can now report that the Pentagon has taken steps to counteract the military drug menace, for I have received a letter today from the Office of the General Counsel of the Department of Defense informing me that the Pentagon was dispatching drug abuse control teams to Southeast Asia to determine the present state of the drug situation and to seek better ways of managing the problem.

The Defense Department has promised to submit the team's findings to the Juvenile Delinquency Subcommittee on its return from overseas.

Mr. President, I commend the Department for this step to confront the drug problem, and I hope that it will be followed by even more effective drug control measures.

I ask unanimous consent that the letter dated September 15, 1970, from Frank A. Bartimo, Chairman, Department of Defense Drug Abuse Control Committee, to me, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF DEFENSE,
OFFICE OF GENERAL COUNSEL,
Washington, D.C., September 15, 1970.

Hon. THOMAS J. DODD,
Chairman, Subcommittee to Investigate Juvenile Delinquency, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your letter dated September 8, 1970 to the Secretary of Defense concerning a team sent to Southeast Asia regarding drug abuse problems among servicemen in that area of the world.

This team is part of the Department of Defense Drug Abuse Control Committee program for continual surveillance of drug abuse problems world-wide. The purpose of the team's on-site visits is as follows:

(a) To evaluate current training and educational programs and practices.

(b) To determine adequacies of military customs procedures, to include the extent of employment of detection devices, such as the Buckey and Picker X-Ray units.

(c) To determine adequacies of investigations, laboratories, employment of informant networks, marijuana detecting dogs.

(d) Conduct spot checks of Service Records to determine if Service personnel received drug abuse orientation prior to departure to West Pac and that notation of such orientation was placed in the aforesaid record as required by DoD Directive 1300.11.

(e) Extent of problem in areas of marijuana, dangerous drugs and opiates.

(f) Cooperation and working relationship by military law enforcement components with local civilian authorities.

(g) Interview of selected service personnel to receive their views regarding adequacies/inadequacies of DoD Drug Abuse Control Program.

(h) Inquire into manner of statistical reporting.

(i) Determine effectiveness of any eradication/smuggling enforcement practices being employed by foreign governments and whether military resources can contribute to these endeavors.

You can be assured that we are most happy to cooperate with your committee and we will apprise you of the results of the team's inquiry on their return.

Sincerely yours,

FRANK A. BARTIMO,
Chairman, DoD Drug Abuse Control Committee.

SPACE SHUTTLE STATION

Mr. MONDALE. Mr. President, on July 6, 1970, the Senate narrowly defeated an amendment to delete $110 million from the HUD—independent offices appropriations bill for design and definition of the space shuttle station. This amendment, which was jointly sponsored by the Senator from New Jersey (Mr. CASE), the Senator from New York (Mr. JAVITS), the Senator from Wisconsin (Mr. PROXMIRE) and me, represented an effort to avoid a commitment to a program which could cost at least $20 billion over the next 6 or 7 years.

Because of President Nixon's veto of the HUD-independent offices appropriations bill, the Senate will again have a chance to consider whether the United States should start down the road toward a new venture in manned space flight—a venture which could prove to be more costly than Apollo.

During the Senate debate in July on this issue, I pointed out that many of the Nation's leading space scientists strongly opposed development of the space shuttle station. These scientists are convinced that the U.S. space program must begin to emphasize unmanned space flight. As Dr. James Van Allen stated:

> Automated, commandable space equipment provides a much more economical method than do manned systems for the conduct of both utilitarian and scientific missions.

Unfortunately, NASA is headed in precisely the opposite direction. By advocating development of the space shuttle station, NASA is insuring that manned space efforts will continue to dominate its annual budget for many years.

When the NASA appropriations bill comes to the Senate floor, I shall again offer an amendment to eliminate funding for design and definition of the space shuttle/station. Before this debate begins, I think it is important that everyone be aware of the significant opposition to this project in the scientific community. Accordingly, I ask unanimous consent that the following letters addressed to me from three prominent space scientists be inserted at this point in the RECORD:

A letter of June 29, 1970, from Dr. James Van Allen—discoverer of the Van Allen Radiation Belts in space; consultant to the Space Science Board of the National Academy of Sciences; consultant to the President's Science Advisory Committee; chairman of the Department of Physics and Astronomy, University of Iowa.

A letter of July 3, 1970, from Dr. Thomas Gold—chairman, Space Science Panel of the President's Science Advisory Committee; consultant to NASA and member of NASA Lunar and Planetary Missions Board; director, Cornell University's Center for Radiophysics and Space Research.

A letter of June 29, 1970, from Dr. W. Ross Adey—principal investigator for NASA of the Biosatellite III Mission; professor of anatomy and physiology and director of the Space Biology Laboratory, UCLA.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE UNIVERSITY OF IOWA,
Iowa City, Iowa, June 29, 1970.

Hon. WALTER MONDALE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: I am writing to give you my views on the proposed *space shuttle* program of the National Aeronautics and Space Administration, as outlined in testimony before the Committee on Aeronautical and Space Sciences of the United States Senate on 20 and 27 February 1970.

During over 24 years of professional experience in space research, I have come to the considered view that automated, commandable space equipment provides a much more economical method than do manned systems for the conduct of both utilitarian and scientific missions. Nothing within the Mercury, Gemini, and Apollo programs has changed my mind. On the contrary they have reinforced my stand in a massive way.

The current and proposed space shuttle studies are being conducted on a competent engineering basis and may very well demonstrate the technical feasibility of developing such a system for $6,000,000,000 or thereabouts.

The *real questions* are, however, the following:

(a) Do manned systems possess any unique, useful capabilities in space that an unmanned system cannot be built to possess?

(b) Are manned systems at present or in the foreseeable future economically competitive for any specific purpose with automated, commandable systems?

(c) Can men operate alertly, intelligently, and healthfully for long periods of space flight?

I believe that the answers to Questions (a) and (b) are almost certainly "No". The answer to Question (c) is still unclear.

On these grounds I hold that large scale engineering studies looking toward the development of a space shuttle are not sufficiently well grounded in purpose or signifi-

cance to justfy a substantial commitment of national resources at this time.

Sincerely yours,

J. A. VAN ALLEN,
Head of Department.

CORNELL UNIVERSITY,
Ithaca, N.Y., July 3, 1970.

Senator WALTER MONDALE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: This is to present briefly my views as to the future importance to exploration, science, and technological development of manned and of unmanned, instrumented space flight.

1. The exploration and science of the planets is, in the foreseeable future, wholly in the hands of the unmanned instrumented space program.

The reason for this is that space flight by means of the presently known technology to the planet Mars will involve a round trip of more than 1½ years. This is so far removed from present day capabilities, and the uncertainties of prolonged manned space flight are so great, that no space program at the present time should be based on such a prospect. The suggestion that this prospect is a driving force behind the present space program has been made, but it is, in my view, irresponsible.

Planets other than Mars have circumstances that make a manned visit quite impracticable, and for the most part much longer travel times still would be involved. Asteroids and the satellites of the major planets are, it is true, no more inhospitable than the moon, but both because of their distance and the smaller intrinsic interest they have for us, the prospect for a manned visit is even smaller than for Mars.

On the other hand, complex remotely controlled instrumentation can be devised and is indeed being devised to perform almost all the actions in a remote location that a man could perform working under the constraints of space or Martian environment. One foresees a very successful period of instrumented discoveries in space, perhaps in the long run of great value to mankind.

2. Manned earth orbital flight is of very doubtful value for either science or applications. The prestige value, once no doubt very great, is by now very low also and will not be heightened very much by merely increasing the number of men or the size of the ship.

Many attempts have been made to find real uses for a group of men in earth orbital flight, but these have largely failed. Man in a spaceship is capable only of a rather limited and well-defined set of actions, and almost in all cases remote control mechanisms can be provided whereby all the information that would be available to him is equally available to the man on the ground, and whereby the actions that he could have taken can equally be initiated by the man on the ground. The man on the ground has, so to speak, remote eyes and hands in the space vehicle.

It is my opinion that all scientific experiments proposed for earth orbit can be done both more cheaply and better with suitable instruments. Repair and updating of expensive instruments is the one area where the methods of remote control would have to be advanced the most before they would be superior to the presence of a man in the remote location. Economically this will not make a case for a large manned space flight program. In any case, the remote control can be improved to take over this activity also.

3. The Apollo program was devised firstly as a great demonstration of capability and secondly for the exploration of the moon. Once this decision was taken, there was no point in competing in the lunar exploration with remotely controlled instrumentation. There will be good reasons, however, in continuing the exploration of the moon by unmanned devices at the end of the Apollo program.

When the success of the first Apollo landing had been achieved and when the end of the program was in sight, the whole question of the justification for a large manned operation should have been reviewed. The inertia of a large organization is a poor reason for the continuation of a program. I am sure this view is shared by most of the scientific community and even by many people within NASA. The argument only has been that the availability of funds is so dependent on the popular appeal of manned flight that the alternatives were to do a job that is worth doing by uneconomical means or not at all. That of course is a situation which the Congress could rectify.

4. Money spent on manned and on unmanned space flight has totally different consequences for general technological evolution and the economy. A large fraction of the money spent on manned flight goes into devising very large vehicles and the environment required by man. Comparatively little of this technology is applicable in other fields.

Sophisticated instrumentation, complex electronics, computers and remote control devices appear now to be the major line of evolution of technology, an evolution that pomises to improve greatly all of industry. The economic value of these advances will be immense, and the leadership of the United States in these areas is essential if the country is to remain the major economic and military power in the world. The space program has significantly contributed in the last ten years to this technological evolution, and a large instrumented space program would be a decisive factor in the future.

In the field of economically valuable applications no case has been made for manned flight. Communication satellites and, before very long, direct broadcasting and TV to the individual consumer would provide a very large political and economic stimulus for instrumented space technology. Meteorological satellites and other sensing systems from orbit will of course also improve, but almost certainly without any need for the presence of a man in orbit.

5. The biomedical problems of prolonged space flight are almost certainly severe. The fact that short duration flights have not incapacitated men seriously must not be taken to mean that very long duration flights will be safe. The indications are indeed that major problems do arise, and medical science cannot at the present time foresee their solution. From this point of view also it would be foolish to commit large sums to the development of space technology for long duration manned flights, which it may then not be possible to undertake.

I hope these remarks are helpful to you, and I would of course be happy to give you and your colleagues in Congress more details and substantiation for them if this were desired.

Yours sincerely,

T. GOLD,
Director, Center for Radiophysics and Space Research.

UNIVERSITY OF CALIFORNIA,
LOS ANGELES,
Los Angeles, Calif., June 29, 1970.

Senator WALTER F. MONDALE
Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: With Senate action now pending on the Space Shuttle, I submit for your consideration the following viewpoints as important in the determination of priorities in the space program in the coming decade. I write as a concerned biomedical scientist who has participated in the space program for the past ten years, both as an investigator in manned and unmanned flights, and as a member of committees and review bodies with an advisory role to both government and NASA.

Priorities in the space program since its inception have placed major emphasis on manned programs, with particular emphasis on the engineering aspects of needed hardware for reliable mission accomplishment. Although there can be no quarrel with the development of spacecraft engineering with reliability assured for manned flight, the price paid has been very high, so high that it appears to have been markedly detrimental to a balance between manned and unmanned space developments. Moreover, emphasis within the manned program has been on man as a test pilot in evaluation of engineering goals, rather than as a biological system himself, requiring the same careful long-term and detailed evaluation if the goal of long-term space flight is to be accomplished.

Biomedical information currently available is not adequate in critically important areas for the design or construction of space stations or interplanetary spacecraft. Specifically, we do not know whether it will be necessary to provide artificial gravity by some form of rotation of part or all of the spacecraft. Biomedical evidence from the U.S. manned program, and particularly from the recent U.S. monkey biosatellite flight, and from the Soviet Soyuz-9 manned flight, all indicate that there are significant problems of cardiovascular instability, body weight loss, and associated disturbances in daily body rhythms and certain nervous functions.

Yet to build spacecraft with a full artificial gravity as on earth, provided by rotation, predicates systems of very large dimensions for acceptable human comfort. Moreover, levels of gravity much less than 1 G may be adequate to prevent medical deterioration, and it is possible that drug and hormone therapy, properly developed, may greatly assist on long missions.

No adequate biomedical basis for these engineering systems is now available, either in the NASA or in the biomedical community. Therefore, it is imperative that NASA collect comprehensive biomedical data as an engineering baseline for design of future spacecraft for prolonged human occupancy.

It is here that there are grounds for concern. NASA has a long history of making commitments to biomedical investigations, which have been repeatedly reduced or even shelved in favor of mission goals of a primarily engineering character. The proposed medical studies in the Skylab missions were initially designed to overcome many deficiencies in the current status of space medicine and physiology. Every effort should be made to safeguard the prime importance of the biomedical aspects of these missions.

In this context, development of a Space Shuttle should be reviewed in terms of its potential contribution to acquisition of needed biomedical information. Its use as an adjunct to physical and life science investigations should be evaluated against likely progress of biomedical research in the Skylab program in the absence of such a vehicle. Medical and psychological studies planned for Skylab will provide much needed information relevant to design of spacecraft for prolonged human occupancy. They are expected to settle many basic issues concerning needs for artificial gravity.

Therefore, it is submitted that the program for a Space Shuttle might well remain in the phase of fundamental research and feasibility studies, pending the outcome of medical investigations in the Skylab program. At the same time, avoiding commitment to heavy expenditure in this area would afford an excellent opportunity to redress the traditional imbalance between manned spaceflight programs and other more modest but highly important developments. These include fundamental space biology related to medical problems of man in space, and studies in the physical sciences in plane-

tary programs, as well as in areas of the NASA Space Applications program.

Thank you for your consideration.

Sincerely,

W. Ross Adey, M.D.,
Director, Space Biology Laboratory.

THE SST PROGRAM

Mr. TOWER. Mr. President, amidst the turmoil over national priorities expressed in Congress and in the Nation's news media, usually a few objective analyses are to be found intelligently assessing the actual merits of a given program and its place in our national priorities. I would like to introduce two such articles on the much-blasphemed, little-analyzed SST program, which will come up for funding before the Senate in several weeks. These articles from Saturday Review and Government Executive need to be read by all those in Congress who are interested in the sound management of our national goals.

I share the concern of the citizens of my State and of our country that environmental protection be accorded a position of highest priority by Congress in order to help insure that we and our children might have a decent, livable world in the future. In the case of the SST, it is evident that we are not risking damage to the environment for a very simple reason, and that is that this program is for prototype development only. As the research on the plane progresses, so will research on its environmental effects. After full testing of the prototype and before commercial fleets are in production, the full story of any effects of the SST on the environment will be known. If it should prove to be unfavorable, we will know to drop the SST commercial program. If we do not test our SST, we will not know what effect the French and Russian supersonics will have on the environment because they do not appear to be testing the effect of their planes on the environment. Once they produce their commercial fleets and we can buy one to test its effects, the die will be cast. Because of the investment that will have been made in these fleets, these countries will be unlikely to remove them from service even if we point out harmful effects that the planes might have on the environment.

In addition, the economics of the situation have become fully apparent from recent DOT and Treasury studies. If we do not produce a plane to compete with the foreign models—and we consequently have not been able to convince foreign countries to drop their commercial production if environmental studies so warrant—we will suffer a heavy loss in our export earnings due to airline "family buying" preferences and due to purchases by our own airlines of the foreign planes—if we do not proscribe their use here. Aircraft have been our leading export for years, and we have the most advanced technology in the industry. We can continue to improve our aircraft capacity, speed, and efficiency if we continue on this program, and, consequently, maintain our trade advantage in this product. Moreover, the SST would help keep fares down in spite of rising costs and keep airways congestion and aircraft disasters to a minimum. This prototype SST program must be allowed to progress to a testing stage.

I urge Senators to consider these crucial facts. I ask unanimous consent that these two articles be printed in the Record for consideration and review.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Saturday Review, Aug. 15, 1970]

Is the SST Really Necessary?

(By Horace Sutton)

Few other means of transport, when first proposed, have created as much partisan fervor in the United States as the proposal to build a commercial airplane that can travel faster than the speed of sound.

Not since the first attempted introduction of the horseless carriage—which was to bring with its conveniences a major source of pollution and fatal accidents—has such a shrill cry of outrage swept the land.

It is a widely held opinion, and one widely trumpeted, that the noise of the supersonic airplane, or SST, is deafening; that the sonic boom is unbearable; that a fleet of supersonic planes, flying in the upper levels of the atmosphere at 60,000 feet, could change the climate. Testimony has been given the Congress by public persons, private citizens, and scientists in and out of government referring to ultraviolent radiation capable of stripping all life from the planet. Jet contrails, it has been suggested, could leave a permanent cloud cover, heating the earth, melting the polar ice-caps, and flooding the continents. Less dramatically, there are those who are against it because the government is a partner in the project with the Boeing Company. Some consider government participation as a move toward socialism; others insist that the public money will never be recovered; still others, that the terms of the contract between Boeing and the government will never be met and the taxpayer will be paying for a highly sophisticated commercial airplane to be used by the privileged few. Prospective passengers aboard such aircraft, so some have warned, could suffer radiation exposure, or, in the event of a loss of pressure at the 60,000-foot level, suffer a boiling of blood and be rendered unconscious within a minute.

These pitfalls, dangers, annoyances, and disadvantages have been given wide public circulation by bands of outraged citizens, by conservation groups, by environmentalists, by academicians, by lawmakers, and by scientists of varying stripe. Full-page ads have appeared in the nation's newspapers. Mail campaigns have been organized in the schools. Quickie books have appeared. Hearings have been held in the Congress. Competing governments have allegedly essayed subtle intelligence techniques. Congressmen have waved smuggled "secret reports" in front of the press. As the summer matures, the fever has heightened. The bill to provide the funds to build a prototype of the American supersonic transport has already passed the House. This month it is expected to come before the Senate. On the other side of the ocean, a joint British-French supersonic plane called the Concorde, already built, is undergoing critical trials that may decide its future. The Soviet Union is eager to trade permission to fly the short route from Europe across Siberia to Asia for the purchase of its TU–144, an SST that it has already tested. In its waning weeks this is becoming the fateful summer of the SST, a plane which in its American version would carry 273 passengers in first and tourist class at a speed of 1,800 miles an hour.

A panel on the SST, organized by Dr. Lee DuBridge, President Nixon's science adviser, had as its chairman Dr. Richard Garwin, a forty-two-year-old IBM physicist and one of the most articulate and energetic opponents of the SST. The report submitted by the panel, while not made public, was widely held to be adverse, but the President elected to proceed with the SST program anyway. Dr. DuBridge, who had originally written a letter indicating his opposition to the SST, then wrote a second letter in which he reconsidered his opinion and came out in favor of the program. Congressman Henry Reuss, a vigorous opponent of the SST, sought to have the panel's report made public, but John Ehrlichman, the President's administrative assistant, invoked Presidential privileges. Dr. Garwin, although differing with DuBridge, who is chairman of the President's Science Advisory Board, remained on the committee, but aired his views through television broadcasts, interviews, and letters to the editors of newspapers. "I'm not a full-time member of the administration," says Garwin, "and I feel myself in the same position as a lawyer who has many clients. The fact that he deals with one doesn't prevent him from dealing with another so long as he doesn't use the information he obtains from the first in dealing with the second. Since there are so few people familiar with these programs, it is important for me to give the Congress, as well as the administration, the benefit of my experience."

NOISE

The most effective argument being used against the SST in this Year of the Environment, as it is being called, is noise. A popular term of reference that has been given wide display is that an American SST would, on the runway, sound like fifty subsonic jets taking off at the same time. This comparison, which was devised by Dr. Garwin, has been both supported and hotly contested by scientists and aeronautical engineers in and out of the SST program. It has become the touchstone of the great supersonic debate, a passionate dialogue that has inspired lay persons to learn the language of the scientists, and engineers to reduce their heady techniques to the sill of common understanding. One must first understand, for example, that noise is energy or pressure waves in the air, and a decibel is a unit of its measure. The decibel, as a unit for measuring sound pressure level, was named for Alexander Graham Bell, and was established soon after 1900.

But it was reasoned, half a century later, that some kinds of noise can be more annoying than others. A fingernail running down a blackboard does not create many decibels, but it sends shivers down the backs of some people. Hi-fi sets, turned up loud, register many decibels, but young people find that sound enjoyable. In 1959, Dr. Karl Kryter of the Stanford Research Institute created a new measurement that included sound pressure level as well as frequency. A measure of both noise and annoyance, it is called Perceived Noise-level in decibels, or PNdB. Acoustic engineers realized that high tones or, more particularly, the high whines of certain aircraft engines, for example, persisting for longer or shorter periods, can alter the PNdB. Therefore, in 1966, a new measure, EPNdB or Effective Perceived Noise-level, was created by the Aircraft Exterior Noise Committee of the Society of Automotive Engineers. The Federal Aviation Agency, in order to denote the annoyance factor, has adopted EPNdB, and uses it to measure the noise of all subsonic airplanes.

Airplane noise is measured at three places: one mile from the threshhold of the runway; about three-and-a-half miles from the start of the take-off run (for climbed-out noise); and about 1,500 feet from the side of the runway. Experiments on the American SST engine, which is to be built by General Electric, indicate that the airplane is already within the FAA's acceptable noise limits when landing and on takeoff. Indeed, since an SST takes off at a higher and faster climb-out rate, it is more quiet than existing jets when flying over the community. On sideline noise—at

the runway—it registers about 124 PNdB, whereas present jets register 108 PNdB. William Magruder, the forty-seven-year-old former test pilot who designed Lockheed's new jumbo, the L–1011, and who is in charge of the SST project for the Department of Transportation, concedes that the sideline noise of the SST is now three to four times as annoying as the noise produced by current jets. But there are still eight years to go in which to correct the sideline noise, he adds, before a production model of the American SST might appear.

"People like Garwin," says Magruder, "are creating technical mischief. He is playing on the difference between sound and annoyance." Garwin is quick with an answer. In his cluttered office on West 115th Street in New York City between Columbia University and the Hudson River, he told me, "When Magruder says I am in error in equating fifty subsonic jets taking off simultaneously with one SST, he is absolutely wrong. Whether disingenuous or ignorant is hard to tell, but I'm sure it's ignorant. All I want him to do is get the Department of Transportation to get one of their consultants, or Karl Kryter at Stanford Research Institute, who invented PNdB, to say I'm wrong, and I will be satisfied, but they don't."

Confronted with this challenge, the Department of Transportation, at *SR*'s request, convened a panel of consultants. They included Dr. John Powers, director of the Office of Noise Abatement, Federal Aviation Administration; Harvey Hubbard, director, Acoustics Branch, NASA, Langley Research Center, Virginia; Charles Foster, director, Office of Noise Abatement, Office of the Secretary, Department of Transportation; Newton Lieurance, director of Aviation Affairs, Environmental Sciences Services Administration, Department of Commerce; and George Chatham, aeronautics and space specialist, Legislative Reference Service, Library of Congress, who was formerly with NASA's Office of Advanced Research Technology.

Referring to Dr. Garwin's widely quoted statement that one SST sounds like fifty subsonic jets at take-off, the panel members concerned with sound had the following comments:

Dr. POWERS. "Technically, it is an accurate statement. It is a logarithmic ratio, but obviously you can't put fifty aircraft together, because the sound sources would cancel. The thing that is important is the manner in which the airport neighbor perceives the noise."

Mr. CHATHAM. "The statement from a technical point of view is correct. I've had to explain that statement many times, but it is a propaganda-type statement because it has a direct interpretation in terms of annoyance or perceived level. While it is technically correct, and the Bureau of Standards will say that it is correct, it is very misleading. It sounds as though an SST is fifty times as loud. That is the interpretation that everyone gives that statement. But it doesn't mean that at all. It appears as if you'll hear something with fifty times the loudness and you don't."

Mr. HUBBARD. "Say you had a four-engine airplane and you were running just one engine. There is a certain loudness associated with that one engine. Then you turn on the second engine. With two engines running it isn't twice as loud on any scale. If you turn all four engines on, it isn't four times as loud. Four engines make four times as much acoustic power, but the sound is not four times as loud to a person."

Mr. CHATHAM. "If you had an airplane with ten engines and you were to overfly with one engine going and hear that noise, and then overfly again with all ten engines going, the effect you would perceive would be double."

Pursuing Garwin's suggestion further, *SR* reached Dr. Karl Kryter, director of the Sensory Sciences Research Center at Stanford Research Institute. Dr. Kryter cautions that decibel measurements are preferred by engineers, but the "annoyance scale in your head doesn't go up as the physical noise increases in the air." Both Garwin and Magruder, as they state their respective cases, are correct, according to Kryter. However, says he: "I don't think Garwin needs to use this example of one to fifty, because it overstates the case. While Garwin is absolutely correct, I think he is overkilling by using a technical fact that would mislead some people. On the other hand, I think a three hundred to four hundred per cent increase in noisiness to something that is absolutely intolerable to some people is beyond acceptable limits."

As an experiment, Kryter says, a person might put his hand on a counter and put a one-ounce weight on it. By adding another ounce does he feel twice the amount of pressure? If four more ounces are added, does it feel like six times as much pressure? Kryter thinks not. The same is true in noise. As you increase the noise level measured in EPNdB, the subjective scale grows in such a way that every time ten EPNdB is added, it seems twice as bad as before.

THE BOOM

Quite apart from the noise created by the engines of the SST is the presence of the much-discussed sonic boom. Although some persons in the arena of the debate, among them Secretary of Transportation John Volpe and former FAA director Lt. Gen. Elwood Quesada (a vigorous opponent of SST), are confident the boom will ultimately be licked, the boom, or *le bang sonique* as the French call it, is there and it won't go away. The FAA established a rule this year forbidding SSTs to fly over land, thus the British-French Concorde, the Soviet TU–144, and the American SST, if it is eventually put in production, will, as far as the United States is concerned, be over-ocean planes only.

The opponents of the SST would like to see the FAA rule become a law. Should the SST not find a market in transoceanic flight, economic pressures might force the government to relax its rule, they argue. As Representative Sidney Yates (Democrat-Ill.) has said tartly, "Someday they'll say that the sonic boom is the voice of progress."

An elaborate system of world routes for planes flying at supersonic speeds has been planned, all of it over water. The New York-to-Paris flight profile, for example, calls for a southern track with supersonic speeds commencing twenty-five minutes out, or well after the plane has departed the southern tip of Long Island. The southern track would keep it below Newfoundland. The most intense part of the boom, known as the super boom, occurs just after transonic acceleration. The boom creates a carpet fifty miles wide, decreases as it spreads to the sides, and changes with the atmosphere.

The effect on sea birds is undetermined, but movies made of minks experimentally boomed in cages show a mother sniffing for danger and finding none, returning to her chore, washing her offspring. It is argued that the effect to passengers and crew on passenger liners and modern freighters and tankers will be minimal because ships are air conditioned and built to withstand heavy storms. The boom noise is expected to be attenuated by ocean waves and sounds of the ship itself. Those on sailboats and sports fishermen will not fare as well.

Harvey Hubbard, director of NASA's acoustic branch, says, "There may be some cases where the noise will not be as sharp as a boom, but there will always be some disturbance there. In twenty thousand measurements, never once have we failed to get a signal. Our aerodynamics people feel it is is pretty much the same as a boat going through water. It's pretty hard to eliminate the wake." While the sonic booms created by the SST flying at 60,000 feet should not be equated with military supersonics breaking windows while practicing evading techniques at low levels, about all science can do is to try to change the shape of the sound wave. These attempts are being called, in the elaborate argot of science, a "finite rise time pressure signature."

POLLUTION

Testifying before Senator William Proxmire's Joint Economic Committee studying the efficiency of the government, Russell Train, chairman of the Council on Environmental Quality, expressed doubt that a lowering of noise level can be made without cutting down the payload. Though building new airports would require enormous investment, some new airports will have to be built with or without an SST, and Dr. Train has acknowledged that "adequate land planning in such cases could minimize the effects of sideline noise."

While reaffirming the necessity of controlling the noise environment at the nation's airports, Train seemed more concerned with the problems that the airplane may create in the upper atmosphere. Accompanied by Dr. Gordon MacDonald, a member of the council, Train said, "The supersonic transport will fly at an altitude of between sixty thousand and seventy thousand feet. It will place into this part of the atmosphere large quantities of water, carbon dioxide, nitrogen oxides, and particulate matter. . . . A fleet of five hundred American SSTs and Concordes flying in this region of the atmosphere could, over a period of years, increase the water content by as much as fifty to one hundred per cent. This could be very significant, because observations indicate that the water vapor content of the stratosphere has already increased about fifty per cent over the last five years, due presumably to natural processes. There is a possibility, which should be researched, that subsonic jets have been contributing to this increase."

Train has indicated that the water in the atmosphere might warm the average surface temperature by two-tenths to three-tenths of a degree Fahrenheit. The water vapor could destroy "some fraction" of the ozone, exposing the Earth to ultraviolet radiation. Train called his evaluations "speculative," making the further point that the development of a prototype does not in itself have environmental consequences. Ultimately, Train, a lawyer, stepped aside in favor of Dr. MacDonald, a scientist who told the committee that the area in which supersonics plan to fly is ordinarily a dry part of the atmosphere, containing about two parts per million of water vapor. In the last four or five years, for reasons yet unfathomed by scientists it has increastd to three parts per million. Water vapor stays in the asmosphere for eighteen months, affecting the amount of heat that reaches the lower atmosphere. "If the concentration is increased sufficiently," MacDonald testified, "it could form high, thin layers of cloud that could persist for a long time and potentially could have a very large effect on climate."

MacDonald described the sun's radiation, and told about ultraviolet or hard radiation, which destroys cells. Ultraviolet radiation causes sunburn—"the fraction that does reach the surface"—and the ozone acts as a shield. As ozone is decreased in the upper atmosphere, "we *might* have *some* effect at ground level." If the ozone were to be stripped from the atmosphere, MacDonald said, and the surface of the Earth exposed to the full force of solar radiation, "it would wipe out all of life except in the oceans." Twice in his testimony MacDonald stopped to say, "But I must emphasize we are just beginning to understand these consequences. It is a very iffy subject," and later, "It would be my judgment as one who has worked in

the field that the effects probably would be minor." But, he added, he would not want to take the risk of tinkering with the upper air without more information.

It has been claimed, in a so-called domino theory of the upper air, that the change of a few tenths of a degree could set off a chain reaction that might produce an ice age, or conversely, as others say, start a warming trend that would melt the polar icecaps. Yet, the National Center for Atmospheric Research records significant temperature declines because of volcanic activity in 1816, 1837, 1844, 1893, and 1912. "The year without a summer," was the term for 1816, but as the chemicals and the water were cleansed from the air in a natural cycle, the earth found its mean temperature again.

William Magruder, who has recently announced a $27.6-million research program for the SST, questions the effects that the aircraft may have on the stratospheric pollution or weather change. He has said, "There is no evidence of any kind to verify that the temperature of the atmosphere will rise because of the water vapor in it. It's true that it's increasing, and we should know more about why it is increasing. We do have large research and development programs looking into it and not just because of the SST. There is just as much evidence to say it's good as it's bad, but if you've made up your mind to shoot at the SST, you can turn all your ifs against it. You can say *if* the water vapor were to get too high and destroyed the ozone, *all* of it, then the ultraviolet rays would descend on Earth and strip it of all life. Now, the total amount of zone that is going to be destroyed is about five or six per cent."

Many scientists agree that the amount of water placed in the atmosphere by a fleet of 400 SSTs in a day is the same amount injected into the upper atmosphere by one thunderstorm. There are about 3,000 to 6,000 thunderstorms exploding around the Earth every day.

"At one time," Magruder said, "the opponents in the scientific community wrote me a little paper that said the upper atmosphere went up nine degrees. From 1940 to 1955, it went down one degree. With the water being put out by the SST fleet in the atmosphere it *could* change the temperature one- to three-tenths of a degree. However, if it changed it five degrees, it would melt the polar icecap. Well, I went to them and said, 'From 1880 to 1940 when it went up nine degrees, no ice melted.' Back in 1883 when Krakatoa blew up and put a cubic *mile* of sea water way into the upper atmosphere, the explosion was heard three thousand miles away, and for one whole year the world had green sunsets. And nothing happened. The world temperature didn't change. The icecaps didn't melt. Isn't what's going on with natural evolution and what man is doing up there with a couple of airplanes pathetically tiny?

"We all agree we'd better do some research. But Garwin, who is predisposed one way and who has outlets through Reuss, Yates, and Proxmire, takes liberties with ifs and coulds and changes them to will and shall. There is nothing wrong with raising questions, but I very much disapprove of this approach people have that the end justifies the means. If I want the SST killed, it's okay for me to say it's going to melt the polar icecap, it's okay for me to play the sound game and make the housewife think it's fifty times as annoying while forgetting to say that out over the community it is half as annoying and it meets the best standards the FAA has set up to date. Only there on the runway do we have a problem, and we have eight years to work on it." Such attacks are very effective.

So, too, is the release of so-called secret reports attributed to the government in alleged collusion with the Boeing Company. Sometime this spring Congressman Henry Reuss received a page and a half of notes about the SST from an informant that were said to have been extracted from secret Boeing memos. "The uncertainties seem to surround nitrogen oxide enhancement and ozone deficiency in the stratosphere," said the report, a copy of which has come into the hands of *SR*. "You better check with some chemists or atmospheric scientists to see what effects this has on the environment. I think a stronger and possibly more politically powerful environmental argument can be made on jet engine noise level, particularly around the airports," the informant's note said.

A letter requesting a copy of the so-called Boeing report on which the informant's notes were based was sent by Reuss to Secretary of Transportation Volpe. The Secretary forwarded it immediately to Magruder, who had it by 5:30 Friday afternoon, June 5. Magruder ran a search of his organization, called Boeing in Seattle, and asked them to do the same. At 6:30 he called Reuss, who was on the floor and unreachable. Magruder left a message with his administrative assistant, James Verdier, offering to open his files and give the Congressman access to any material he had. Reuss's office declined the invitation.

Over the weekend Magruder did turn up a Boeing scientist who had been working in a laboratory environment employing a computer synthesis model. Using a hypothetical fleet of 500 SSTs, he fed equations into the computer to determine the effects on the upper air. In the experiment, the answer came out showing that moisture could cause a temperature change of ten degrees. When the report was examined, it was found that the computer programing was off by an order of magnitude. What should have been a tenth of a degree was shown as ten degrees, and the direction was wrong.

Magruder then called Reuss's office back to say he had found an interoffice memo in the Boeing scientific research laboratory. He asked for a copy of the notes given to Reuss in order to correct the error. Verdier refused on the grounds that Reuss's notes were secret. Magruder told Verdier, "If some evidence comes up that we ought to stop the SST, my voice is to be the first one that says so, and everybody in the administration will back me up. So I don't understand how you can have documents that are secret from me."

At 6 o'clock Sunday night, June 7, Reuss's office released a report to the press. The headline read: SECRET BOEING STUDY PREDICTS SST WILL INCREASE POLLUTANTS IN STRATOSPHERE. The text of the report implied that Boeing had discovered that water vapor in the upper atmosphere will be doubled and the protective ozone layer thinned by 10 to 30 per cent in areas where the SSTs travel; alongside these projections it juxtaposed Dr. Gordon MacDonald's claim that "if all ozone were stripped from the atmosphere, this would effectively wipe out all life." Oddly, in the press release, as in the report sent to Reuss by his informant, the temperature was going the wrong way to produce the effect that was claimed.

THE ECONOMICS

Beyond all the threats to environment are the further twin deterrents of national priorities and economic doubt. Should the monies that the government is investing in the SST program (and that, according to its contract with Boeing, it hopes to redeem as planes are sold to airlines) be put in medicine, education, and environmental control? Richard Ottinger, the New York Representative who is running for the U.S. Senate, has called the "funding bill for fiscal 1970 a gross distortion of our national priorities." Representative Reuss thinks Boeing ought to be making a mass transit vehicle and GE a pollution-free engine for it instead of making the SST, which he has called "an environment-despoiling superplane for the jet set."

"Instead of building pyramids, they ought to be doing something that benefits large numbers of people," Reuss says. "Putting $290-million into the SST and one-third of that into fighting air pollution—that's not a good allocation of priorities. This administration is unusually ga-ga about subsidizing business and banking, but it's very niggardly about appropriating funds for education, which it vetoes, or hospitals, which it vetoes, or the environment, which it underfunds. I think this is part of the administration syndrome of siphoning off as much as possible of the taxpayers' money and shoveling it out to their pals in the banks or large defense plants. I think it would be good elementary morality to stop all these Teapot Domes that have been going on for the last five or six years. The SST doesn't have real scientific or human aspirations to it. It is wicked and obscence to defend as job-creating anything under the sun. It's undignified to ask human beings to work at something that is useless. Even the Treasury Department itself—until it got suppressed—said there would be a negative balance of payments from the SST. That is, more Americans would be encouraged to go to Europe, and that would take the advantage out of what we got for selling the plane to foreign airlines."

Far from being muzzled, the Treasury Department in a letter from Paul Volcher, Undersecretary for Monetary Affairs, to Senator William Proxmire, stated on May 1:

"On the balance of payments aspects of this question [the SST], we have no reason to alter our view that the potentially adverse impact on our travel account from the development of a U.S. SST could equal or outweigh the positive impact on the aircraft sales account. . . . If one were fairly sure that a foreign SST would become a viable commercial proposition within the foreseeable future, then the balance of payments arguments against proceeding with a U.S. SST would lose force."

Four days later Rocco Siciliano, the Undersecretary of the Department of Commerce, wrote to Proxmire:

"We continue to believe that only the effect of sales of aircraft and equipment can be taken into account in any meaningful way in evaluating the impact of the U.S. SST program on the balance of payments."

Siciliano noted that the travel deficit has long endured and that the era of the wide-bodied airplanes (747s, L–10–11s, DC–10s) as well as the introduction of the Concorde in 1973 would already have increased international travel growth by the time an American SST would appear. But more international travel, he argued, increased the need for additional travel within foreign countries, thus requiring more short-range aircraft "predominantly of American manufacture." Most importantly, perhaps, Siciliano noted that further delay in a U.S. commitment to the SST would encourage substantial orders for the Concorde and "provide greater incentive to develop a second-generation Concorde, which would be more competitive with the U.S. SST."

There is reason to believe that during the Congressional hearings on the funding for the U.S. SST some efforts were made to leave an impression with the American side—deliberately erroneous—that the Concorde was in trouble. By use of this propaganda ploy, it was hoped to gain for the Concorde even more lead time over the U.S. entry.

Information available to the State Department by the end of the first week of May indicates the Concorde is proceeding so well that the construction of twelve aircraft has been ordered, including six production models, two prototypes, two pre-production models, one model for static testing, and one for thermal testing.

The Concorde has still to test—as it will this summer—its performances at Mach 2, or roughly 1,400 miles an hour, for payload, fuel, maintenance, and, of course, noise and boom, especially to meet restraints that might be placed on it in the United States or other foreign countries. Asked in Congressional hearings at Washington whether the United States and Britain couldn't jointly ban supersonic aircraft on the basis of noise alone, Mary Goldring of the London *Economist* thought not. "Britain is not a very noise-sensitive country," she said. "And we would not have a great deal of sympathy with what we thought was a deliberate American move to try and keep the Concorde out." Nor could she see at the present stage how Britain and France "could gracefully fade out." She expressed doubts whether the United States can offer a "spectacularly better supersonic aircraft than we can, in which case our reaction will be that we are simply giving away the market to big bad Boeing again."

There seems little chance of that. The State Department information further states that consideration is being given to a second-generation Concorde, which would compete in size with the American plane. It would cost half a billion, a financial consideration that might force an invitation to Germany to join a consortium to build Concorde II.

"The trouble with our opponents," says Senator Henry Jackson, who, with his fellow Washingtonian Senator Magnuson, is leading the floor fight for the SST in the Senate, "is that they only talk about an American SST, which is not even yet flying. Let us address ourselves to an international SST. It is a fact of life that the SST is here. The question is whether America is going to participate in this technology."

While Senator Jackson is faulted because he represents the state of Washington, home of the Boeing Company, he is one of the leading environmentalists in the Congress, having been chairman of the Interior Committee of the Senate since 1963. He worked for four years on the National Environmental Policy Act, which passed the Senate a year ago and was signed by President Nixon on January 1 of this year.

Under the act, there is specific authority delegated to the President to enter into negotiations with other countries to deal with environmental problems that transcend national barriers. "I have strongly urged the White House to act under the authority of my bill to bring together the British and the French and the Russians so we can undertake an honest analysis of this problem," Jackson says.

"The whole fight over environment in the Seventies, forgetting for a moment the SST, will revolve around this question of trying to provide a balance in our society between our social and economic goals and objectives and quality life, a good environment." As one who has labored for environment since the early Sixties, the Senator decries what he calls "these people who discovered the environment a few months ago, these instant environmentalists." They worry about the poor among us, he says, while forgetting that to aid the poor we have to allow for economic growth.

"Any economic growth has an impact on the environment," says Jackson. "The question is how much of an impact and what can you do to lessen the impact. You can't talk about twenty-six million new homes by 1978, which is a minimal goal, without talking about how many trees you are going to cut. This, too, has an impact on the environment. People in the Congress, in the White House, and in the State Houses will be trying to reconcile this conflict between proper social and economic goals and a good environment. It is simple to say we'll just shut down this operation and we'll solve it. It's much more difficult to be given the charter to go ahead and say we want to fulfill the proper national goals—and do it under a mandate that it provide for quality life at the same time."

Echoing Jackson's Senatorial statement is Paul Charrington, James J. Hill, Professor of Transportation at Harvard Business School, who has been observing the SST since 1958. "Clearly," says Charrington, "this is a research and development project at this juncture. The two regimes that offer real promise are supersonics and some kind of V-STOL [vertical short takeoff and landing, i.e., helicopters]. We have probably put more in V-STOL in dribs and drabs than we have put into the SST. If we abandon the project and give the market to the Concorde and the Russians, we would damage our balance of payments by somewhere in the range of twenty-five to forty-five billion dollars over a fifteen-year period, so this would put us further under water than we are now.

"The fact that we go forward is no guarantee we are going to bring this home, but we surer than hell aren't going to bring it home if we haven't got an airplane. If there were an assurance that the dough would be returned, then I would not be in favor of the government's being in it, because then it would be merely a bankroll proposition; just find a friendly banker—big as the number is—to put up the dough. So, I look at it as an R-and-D project, and maybe the first of a series of advanced technology projects where there are a lot of chips and the government goes so far and then gets out."

While the Concorde might very well prove to be potent competition, there are those in aviation circles who say the Russians have never built a plane that makes any sense in a Western free enterprise market. Secor Browne, head of the Civil Aeronautics Board, who taught air transportation at MIT and who negotiated the delicate Soviet and American agreements that established regular flights between New York and Moscow, thinks the Russians are capable of developing a machine that could be sold on the world market. They could also hold out the bonus of a favorable route across the vast expanse of the Soviet Union. "If you are Japan Air Lines and you are offered a Concorde and a TU–144 and if the Russians can sweeten the arrangement by awarding favorable routes, what are you going to do? Then Mr. Halaby [president of Pan American] looks out the window while a TU–144 streaks past his 747, and he doesn't have much choice either."

Browne finds the Russians highly pragmatic, possessed of an infinite power to allocate men and resources. Skill is the one element they know is in short supply. "To the Russians, the SST is primarily an internal machine. It's a long, crummy ride from Moscow to Vladivostok or Novosibirsk, and if you can get your skilled people there in a half or a third of the time, you get more out of them. To move people who have the skills faster and get more productivity out of them—that's why they are interested."

The capability of moving skilled people around the world faster is a far different theory than calling the SST a fast plane for the jet set. Instead of seven hours to Europe it will fly in two-and-a-half, instead of fourteen hours to Asia, it will be five. These are the advantages to man. The continuity of an aircraft industry that provided $30-billion to the economy is among the advantages to the nation. Somehow along the way, the building of an SST became, in the minds of its detractors, a product of the military-industrial complex, the bogeyman of the Seventies. As Senator Jackson has said, "If the Ford Foundation were building this plane, I don't think there would be this opposition." Nor, had it surfaced in some other season, would the possible environmental dangers have provided such a fat target. Those who ask now whether we need the SST might well have asked similar questions at the onset of the steam-powered locomotive, of the electric trolley car, of the horseless carriage, and of the airplane itself. No nation that has placed a man on the moon needs to worry about national pride, and surely the American SST must not be built for reasons of national honor. But national economics is a vital issue, and employment is a vital issue, especially if we are to improve the lot of twenty-six million citizens who exist below the poverty level. If we are capable of producing a functional technology that will not despoil the planet, then the SST should be considered with favor.

It might be well to recall the Red Flag Act, a piece of British legislation passed in 1865 that required all steam carriages to carry a crew of three, one of whom was to walk not less than sixty yards in front of the vehicle and carry a red flag. The act, which diminished speeds of steam-powered cars to two miles an hour in cities and four miles an hour in the country, was not repealed for thirty years. By that time, road travel had been effectively muffled in Britain.

Given today's concern for the environment and the authority which the President holds in the National Environment Policy Act, the time to seek international and reciprocal research and development is now. Whether we build one or not, the age of supersonic transport has arrived. Discovering its environmental offenses and working cooperatively with other governments to correct and control them will protect us from these environmental indignities similarly inflicted by the automobile, which are only now becoming apparent. Stifling the SST with a Red Flag Act of 1970 is not going to make supersonic travel go away.

[From the Government Executive, September 1970]

"WOLF" CRIERS IN THE POLLUTION BUSINESS

(By C. W. Borklund)

Who hasn't heard the story of the shepherd boy who cried, "Wolf!" so often as a joke that when one did show up nobody believed him? About a month ago, a study group of presumed experts from 17 universities, 13 Federal agencies, three national laboratories and 11 "think tanks" or industries, convened at Massachusetts Institute of Technology, ended a long study of critical environmental problems with, among other things, their own pollution version of the "Wolf" parable.

Said they: "The world in general is reacting to the environmental crisis without really understanding it." Relevant data on serious global problems, they added, "is very poor and this seriously limits our understanding of their meaning."

They didn't have to look very far for proof of their argument. Their own subgroup analyzing the possible ecological impact of the Supersonic Transport (SST) gave a marvelous demonstration of how a collection of supposedly knowledgeable people can drive us commoners up the wall—while at the same time confessing they aren't at all sure the SST will even cause a problem.

In brief, the SST study panel urged that development of the aircraft be delayed until they can determine for sure if what they fear is true, i.e. that a 500-plane herd of SST's zapping across the stratosphere by 1990 at 2.7 times the speed of sound will spew out of its engines a permanent layer of smog, upsetting the radiation balance between earth, sun and space. And, they added, in fine witch doctor fashion: "We simply don't know enough to know if they will cool or heat (the earth) and lead to long-term climatic changes."

Worrying about the SST's impact on the environment is quite proper and worthy, we think. More importantly, so does SST project

officer Bill Magruder (see story, this issue) to the point where he has set up two advisory councils for the program, one for noise abatement and one for pollution control, to make sure he builds an ecologically acceptable clean and quiet aircraft.

But, to delay the program while some guys fuss around in a laboratory trying to learn what they don't know is to us not just silly but technologically, economically, sociologically and politically dangerous—for lots of reasons. For one thing, using their own 1990 timetable, they've got at least 10 years to find out if their worry is well-founded or not; and all that time plus a decade more to rework the aircraft to avoid the problem if there is one. And, these same experts keep telling us, man is currently doubling his wealth of knowledge every 10 years. To us, that seems like more than enough time-and-technology cushion to neutralize what may not even be a threat.

And the onus ought to be on them to deliver within the program's timetable, not at their convenience. Because doing what they want, delaying the program one more time, shoves the U.S. just that much closer to paying some clearly recognized, not just "possible," penalties.

Among them: no SST just means more *Concordes* (the French-British SST) in the air not counting all the world's supersonic military aircraft sailing around up there, so no SST doesn't means no ecology "problem" at all; no SST would aggravate the currently developing brain drain in reverse, i.e. aeronautical experts out of work here taking jobs in Europe, a trend leading to loss of U.S. aeronautic leadership if continued for any stretch of time; a nasty kick in the slats for the U.S. aircraft industry which could lead to, among other things, U.S. balance-of-payments losses and weakening of the dollar.

Predictably some wet-lipped do-gooder is going to decry our bringing up the subject of economics when he or she is trying to "save humanity from the money grubbers." And if the problem was that starkly simply, they'd be right. But it's not and neither are they.

Best analogy, we think, is in the automotive industry where, again, a lot of goofy charge and countercharge is rolling around based, it becomes more and more evident, on a lot of misinformation.

For several years now, critics of the automobile and its "rotten" internal combustion engine have been claiming the Nation's main form of land transportation is causing 70 percent of the air pollution (some critics claim 80 percent) in the country. Yet, the Department of Health, Education and Welfare has long since published a report, based on 1966 data, saying motor vehicles contributed about 61 percent of air pollutants by tonnage.

In March this year, based on revised data, they dropped that contribution for the entire transportation industry to 43.5 percent; and they are working up a new report based on far more thorough and extensive measurements of source emissions in 1968. The result, we hear, is that the automobile will be blamed for less than 40 percent of the problem on a tonnage basis.

Far more important: two University of California professors, using the same old 1966 data but evaluated on a health hazard rather than tonnage basis, say the car is only 12 percent of the total pollution threat to people. And the auto industry thinks the new HEW report based on 1968 data is going to drop somewhere between five and 10 percent. The real source of as much as 75 percent of the health hazard: industry and public utility smokestacks pumping out dirt and sulphur dioxide.

That doesn't mean the industry is copping out on its responsibilities. Notes General Motors President Ed Cole (see story, this issue): "We have the technical feasibility to make the internal combustion engine essentially pollution free." More to the point: by 1975 GM cars will meet the Federal auto emission standards (based on 1970–71 certification procedures); and the goal for 1980 is "to eliminate all pollution from our vehicles."

They are going to need two big assists: the oil companies have to get the lead out of their gasoline; Government must stick to technically and economically feasible standards and apply them to all cars.

Thus, promises Cole, given the necessary evolutionary time and the benefit of Government exercising responsible common sense, the automobile is not going to be a part of the problem. What bothers us, however, is that it begins to look as though, when it comes to automobiles and airplanes, we taxpayers and Government referees operating on misinformation have been pumping a lot of time and money into the wrong parts of the problem. And, as part of that, who's going to be answerable a few years from now when the car is clean and the aircraft are clean and the pollution is still just as bad as it is today?

Continued U.S. world leadership in aviation, imperiled by massive attack by ill-informed conservationists and politically swayed economic prophets of doom, is right now at stake as the Senate prepares to vote on a $290 million appropriation that would keep alive the development of the supersonic transport airliner.

The stuttering history of the U.S. SST, which began 11 years ago, and to which "finis" appeared imminent five months ago, suddenly gained new life on April 1, 1970, with appointment of William M. Magruder as director of SST development in the Department of Transportation.

In that short interim the 47-year-old Air Force veteran, engineer and aircraft industry executive appears to have turned the tide until today there is a chance that development will continue on the aircraft.

Magruder, whose engaging grin does not mask his dedication to the SST, has already converted many of the critics simply by applying logic to the problem. To labor leaders he talked in terms of jobs the SST program would provide (150,000). To the conservationists he presented the results of studies demonstrating that the SST's sonic boom would cause no harm to human, animal or marine life, nor would it pose a threat of damage to property.

These same studies, he told the Sierra Club and other critical conservationist organizations, show that the SST will not, as charged, "pollute the upper atmosphere in such a way as may result in terrible alterations of global weather."

To the Friends of the Earth, Magruder said there is absolutely no scientific justification for their statement that the SST "will be far more dangerous than present aircraft because of severe problems of metal fatigue, landing speed, visibility and maneuverability." The fact is that the SST will be built of titanium which is stronger than steel. Its landing speed will be similar to many of the present air carrier jets, it will be instrument controlled all the way, and it will be the beneficiary of a greatly improved air traffic control system now being automated and expanded to meet the continuing growth in air traffic.

To other environmental critics, Magruder pointed out that the SST is the only aircraft development program ever undertaken with noise limitations written into the contract. In interviews with *Government Executive*, he said: "The SST engines (produced by General Electric) will be smoke-free, and powerful enough to take the airplane to altitude quickly to reduce the sound over the community.

"Overall," he continued, "the airplane is one of the most land-conservative forms of transportation. Airports consume far less real estate than is required for highways or railways. New airports will undoubtedly be designed to contain most of the objectionable noise of aircraft operations within their boundaries." Magruder added:

"Those of us who believe in the SST program also live on this earth and share the environment and we have asked many of the same questions certain ecologists are asking today. Only we asked them several years ago, and the program has moved forward with assurances from the best scientific counsel available to the Government that any adverse effects to the weather or from radiation are very unlikely."

But since some uncertainty does exist, Magruder has created an expanded environmental and noise research program representing about $27 million in ongoing or new research activities by various Government agencies, plus formation of two committees—the SST Environmental Advisory Council and the Community Noise Council—to explore further. Both of these councils are chaired by highly competent people—Dr. Myron Tribus, Assistant Secretary of Commerce for Science and Technology, who heads the Environmental Council, and Dr. Leo Beranek, general manager and chief scientist of Bolt, Beranek and Newman Inc., the eminent New York psychoacoustics firm. Each chairman has available 12 highly regarded experts in the areas of atmospheric phenomena, radiation, weather and noise.

Relevant to the noise issue, Magruder says: "The SST Boeing is proposing to build will be about half as annoying as present day 707s or DC–8s—the international-range subsonic jets. The high-pitched whine of the fanjets of today will be eliminated from the SST because of the unique supersonic engine inlet and the rapid climb-out capability of the SST on takeoff will take the airplane to about twice the altitude today's jets achieve at the three-and-a-half mile point from brake release. In effect, the SST will take the community noise of today's jets and confine it to the airport where it belongs."

The two prototype aircraft, to be built within the next two years, for which the $290-million appropriation is sought from the Senate (the House has already given its approval) must demonstrate, among other requirements, that the airplane will meet the stringent environmental standards prescribed for it.

To "Jet Set" syndrome critics, Magruder points out: "The SST enables us to calculate distances in time, not miles. Because of the SST's great speed (1,800 mph) compared, for example, to the 747's 625 miles an hour, one airplane can carry more passengers on more trips in a given period of time. The SST, therefore, is more productive and potentially more profitable, which means that fares will probably be about the same as on subsonic aircraft."

To economic critics, including some Congressmen who complain that the raison d'etre for the SST is "just so that we can say to Britain, France and Russia that we can fly faster than you can," Magruder has presented these statistics: "With no U.S. SST program, American airlines will be forced, in order to meet their competition, to import $12 billion worth of *Concorde* SSTs (built jointly by Great Britain and France). With a U.S. SST program we will fill our own needs, plus export of $10 billion worth of airplanes."

A point on which Magruder feels very strongly is the criticism of Government "subsidization" of the SST. He says: "We must remember that nearly every American commercial transport airplane has grown out of design and production for the military. Thus the manufacturer has paid for him, by the Government, the research and development costs of the airframe, the engine and other components. Now, for the first time, a commercial transport is being developed

without benefit of military research. The industry simply cannot bear the entire cost. The Government *should* help."

The facts on Government "subsidy" are these:

The SST program is being carried out as a partnership between Government, the manufacturers and the airlines, with each sharing the risks as well as the rewards.

The costs of the prototype development phase is estimated at $1.3 billion. The prime contractors, Boeing (aircraft), and General Electric (powerplant), will invest about $300 million. Twelve U.S. and 14 non-U.S. airlines have deposited $22 million to assure 112 delivery positions.

The Government will collect a royalty on all U.S. SST sales to recover all of its costs plus interest by delivery of the 300th airplane. Further, the Government will get additional return on sales beyond 300. Delivery of 500 airplanes, predicted by 1990, would give the Government a $1.1 billion return on its investment.

Facing media opposition, doubtless inspired by SST opponents while the program leadership before his accession was less than dynamic, Magruder has been heartened by developments. He says: "I would guess the press is now about 50–50. And that's 50 percent better than it was two months ago." He didn't say that this might be so because he has had several off-the-record sessions with editors and reporters.

Magruder came to Washington from the post of Deputy Director of Commercial Engineering for Lockheed (where he doubtlessly made considerably more money than the new job pays). In Washington he found (to his honest surprise) two Santa Monica, Calif., high school classmates—John D. Ehrlichman and H. R. Haldeman—both very top-level aides to President Nixon. This acquaintanceship probably has not impeded his access to the White House. (The SST program was taken out of the Federal Aviation Administration (FAA) and placed directly under Department of Transportation Secretary John Volpe. What this appears to add up to is that Magruder reports to Volpe and through him directly to the White House.)

Magruder has another, unique handle on the situation. He is a Fellow in and past president of the international Society of Experimental Test Pilots. The French chief test pilot of the *Concorde,* and his British counterpart, are also "members of the lodge." Magruder talks to them via trans-Atlantic telephone almost weekly. The trio compares progress. Thus Magruder knows almost as much about the *Concorde* as the other two. Reportedly, he will fly the *Concorde* himself sometime in the future.

Magruder's approach to the job went, in his own words, thusly: "Before accepting Secretary Volpe's invitation to direct the SST program, I spent several months satisfying myself that the development of a supersonic transport was a wise, productive, and altogether fruitful venture for the two participants, the Government and the aviation industry.

"I made a complete review of the SST configuration with NASA. I talked with every major U.S. airline president, most of the international airline presidents, and members of their staffs. I reviewed the major Air Force program contracts and project control procedures at Wright-Patterson AFB, for lessons learned on programs like the F–111 and C–5, the F–15 and B–1. I went over the SST program with other airframe manufacturers to ascertain their moral and technical support. Finally, I reviewed the British-French *Concorde* program with their government-industry leaders to assess the viability of that program and get a better sense of its timing.

"I found our configuration is a good one, with a 21 to 27 percent economic advantage to the airlines over the *Concorde.* Airline support for our program is 100 percent. The report that the airlines wish the SST would go away just plain isn't true. An in-service date of 1978 is considered by the airlines to be good timing. The SST will meet airline needs for increased productivity in that time frame, and still allow the airlines to recover from their heavy investments in prior aircraft purchases.

"These findings comprise the foundation on which I agreed to pick up and carry forward the direction of the prototype program. At present we are about midway in the prototype development phase which will be completed in calendar year 1973."

Discussing passenger comfort, Magruder said: "The prime comfort feature is, of course, the sharply reduced transit time. Studies have shown that the human body begins to show distress when sitting duration time exceeds four hours. With the SST, the five to thirteen hour transoceanic flights of today will be cut drastically; many major city pairs will be four hours apart, or less, by SST.

"The films, stereo recordings and lounges provided on today's jets," he continued, "are features designed to distract the passenger from the fact that travel is a necessary but not a very fulfilling use of one's time. The SST affords the traveler the most attractive of all comfort factors—short duration exposure to the confinement of flight."

Returning to the economic issue, Magruder said: "The assumption is that because the free world airlines buy about 84 percent of their jets from the U.S., this large share of the aluminum subsonic civil aircraft market would continue to be American-dominated. This isn't necessarily so. I have done some marketing of commercial aircraft and I can assure you that airline executives make their purchases only after careful examination of the manufacturers' 'family' of aircraft.

"There are logics of economy implicit in single-source purchasing. The European aviation 'cartel' could become such a source. With the *Concorde* on the blue-ribbon international routes, a twin-engine 250-passenger low-cost airbus for high density domestic routes, and the *Mercure* for the DC–9 and 727 market, the French/British industry would be in good position to challenge the U.S. aviation industry. Considering that the civil aircraft market represents a 100 billion dollar business (in the next 20 years) it's not surprising that other nations would be willing to compete aggressively for a larger piece of the action."

An airplane of the U.S. SST's capabilities, Magruder said, is not only economically practical "but virtually essential in a growing world with a large consumer appetite for air transportation." Continuing: "The SST's great redeeming value is its greater productivity. While the U.S. 2707 has about two-thirds the passenger capacity of the 747, it will be nearly twice as productive. Its ability to earn revenue will be about double the work capacity of the 747. The improvements in productivity that come with succeeding generations of aircraft are what enable airlines to accommodate travel growth requirements, maintain favorable departure and arrival schedules and, most important, stabilize fares in the face of rapidly rising costs.

"By 1985 the international traffic levels—the traffic SSTs can carry without violating overland supersonic flight restrictions—will equal the total free world traffic today. If productivity hadn't kept pace with demand, we would need nearly 300,000 DC–3s in the early 1980."

The SST, said Magruder, is clearly designed to meet future needs of travelers, airlines and the nation. To continue the current prototype development program, with the environmental safeguards implicit in it, he declared, "is also the best assurance we can give to ourselves and to the peoples of the world that supersonic air transportation will not distress the quality of life or further blemish what astronaut Frank Borman so aptly described as 'the good earth, an oasis in space.' "

The 2707 will be bigger, faster, and will carry more fare-paying passengers in greater comfort, and with commercial aircraft safety, than the *Concorde,* Magruder said, adding: "Without a U.S. SST, however, the *Concorde* and the Russian TU–144 would be the fastest planes in the commercial skies. Airlines will buy them and people will fly on them."

As far as "sharing the wealth" goes, the 2707 will. Boeing ultimately will subcontract at least 90 percent of the fabrication work. As of mid-year more than $150 million in subcontracts had already been let by the Seattle-based company to companies in 36 states, plus two in Canada.

To the dispassionate guy on the sidelines a few truths become self-evident:

There are very few, if any, land areas over which the SST would fly at supersonic speed. Further, once an SST reached supersonic speed it would be at such a high altitude that the sonic boom which would be transmitted to land or water surfaces would be greatly reduced from the sonic booms created by military aircraft with which the public is familiar.

Abandonment of the U.S. SST program would not prevent supersonic flights at the 60,000-foot altitude where the SSTs will fly, because both the *Concorde* and the Soviet TU–144 will cruise at the same altitude.

The threefold increase in flight speed will provide opportunity for international commuting. As an example, a passenger could leave the U.S. at 8 a.m., fly to Europe, spend eight hours there, and return to the U.S. at 10 p.m. the same evening.

So this is the plane that Bill Magruder, whom a few engineers in industry looked upon as the "the upstart test pilot who went and got an aeronautical engineering degree," is trying to get built. For the record, he joined Douglas Aircraft when he left the Air Force in 1956. In '60 he was named Chief Engineering Test Pilot. In that job he was responsible for reducing the landing field length requirements for the DC–8F by 1,000 feet. He was Director of Market Development for Advanced Systems and Research Programs when he left in 1963 to join Lockheed, where he was assigned as Chief Research and Test Engineer and Project for the SST. In 1967 he was SST Assistant General Manager when the Government contract for development of an SST prototype was awarded to Boeing.

Magruder has logged more than 6,000 flying hours—4,000 of them in jets. He has piloted 144 different kinds of aircraft, including 62 transports and 10 helicopters. He is an Associate Fellow of the American Institute of Aeronautics and Astronautics, won the Iven C. Kincheloe Award for his work on the DC–8.

THE BOEING STORY

Bob Withington is "the SST man from Boeing." He is very high on its chances for success.

H. W. (Bob) Withington has been an engineering executive at Boeing since he joined the company in 1941. He is a company vice president and became General Manager of the company's Supersonic Transport Division on March 9, 1967. In a recent interview with *Government Executive,* he summed up progress:

"I think one of the most significant things is the technical stability our design has maintained over the last year and half. We have been working more than a dozen years on the SST, and during most of that time almost every configuration we had gradually seemed to get worse the more we worked on it. This one has stayed good all the way and in some places has even improved. We know where we are technically and we are really ready to go with the prototypes."

Withington said the full-scale mockup,

with tolerances of plus or minus one thirty-secondth of an inch, has made possible testing of systems that will go into the prototypes. "So," he explained, "when we're ready to build the prototypes we can simply take the systems out of the mockup and move them into the airplanes. This will save at least a year—and money."

"We are," he continued, "ahead of schedule and under budget. All the major subcontracts are on board and drawings for the first two planes have gone to the shop. Our technical manpower is at full strength, with 2,582 people in the engineering department."

Withington emphasized the importance of overseas sales of the SST: "We need them to make the program an economic success. Right now, commercial transports are one of the very few kinds of manufactured products in which the U.S. still has a marked edge in the world market."

In re the environmental critics, Withington said: "It's popular these days to attack a great many things on environmental grounds, and a lot of these things should be attacked because we've got to stop the deterioration of our environment. In the case of the SST, though, the critics simply have the wrong whipping boy."

Regarding charges that the SST would magnify the already-dangerous congestion on the airways and airports, Withington said: "I guess you could call it that. But if anyone is suggesting that the SST will compound the congestion, he is still talking about the wrong whipping boy. This airplane will fly at 60,000 feet and above. This is a complete new chunk of airspace, so we actually will be helping to alleviate the airways congestion problem.

"As far as airports are concerned, obviously we'll have to go into the same traffic pattern as other aircraft. But the SST's short time of flight will give us an opportunity for wholly different schedules in terms of departure and arrival times.

"You know," Withington concluded, "there were equally unrealistic criticisms from some Congressmen when we were introducing the B–17 *Flying Fortress* in World War II. Some Congressmen opposed anything bigger than two-engine planes because 'there would be too many eggs in one basket.' Then when we were going from piston engines to jets for commercial travel, there were scare stories about what would happen if we tried to break the so-called sonic barrier. All those criticisms faded away promptly as soon as the airplanes had a chance to prove themselves. I expect the same thing will happen to the criticisms of the SST once we've got it in the air and demonstrated what it can do."

U.S. SST TECHNOLOGICAL BENEFITS

Technical advancements resulting from the SST program will bring about improvements in products used by consumers and industry in the future just as investments in research and development made in previous years have paid off in the products in use today.

The widespread use of aluminum as a common material in automobiles, building materials and consumer products was made possible through the development of this material for aircraft structure in the 1930s and 1940s. The SST will make possible similar exploitations of titanium where high-strength, light-weight, high-temperature materials are required. Industrial uses will include high temperature processing equipment in food, petroleum and chemical industries; components for internal combustible engines on tomorrow's automobiles, such as afterburners in the exhaust systems to reduce the level of pollutants; improvements in home and industrial heating equipment; and marine applications.

Man's progress has been paced by the development, control and efficient use of energy. The progress from animal power, to steam power, to the internal combustion engine and finally to the high performance aircraft engines in use on today's jet aircraft has made possible man's achievement in many other areas. The use of light-weight high-energy producing equipment has brought about the development of man's present transportation systems.

The improved burner technology resulting in the high thermodynamic efficiency of the SST's GE–4 engine will make possible more efficient, smokeless powerplants.

The development of automated flight control systems will make automated control systems possible for automobile and truck traffic of tomorrow's cities.

The total scope of the advancements of technology resulting from the SST program is only beginning to be realized. The effect of the benefits of these improvements in technology will soon be felt in the U.S. economy.

The long term benefits are impossible to predict at this time. However, past experience has shown that the ingenuity of American industry in the application of technological improvement is virtually unlimited.

THE FAMILY TREE

Even the official Department of Transportation biography doesn't tell what the middle initial "M." stands for in William M. Magruder. He was asked if there is any reason for this "secrecy." He replied: "None at all. It stands for Marshall, and thereon hangs a tale often told in our family.

"My grandmother was brought up in Marshall Hall, Va., which is named for John Marshall, Chief Justice of the United States. My grandfather was brought up a short distance away at Mt. Vernon by a foster parent, Bushrod Washington, a descendant of George Washington who, incidentally, was also a Supreme Court justice."

Other limbs of the family tree:

Magruder's father, Maj. Gen. Bruce Magruder, served under Pershing in World War I, and later formed and commanded the first armored division to exist in the U.S. Army.

Magruder's brother, Bruce, is a Colonel in the Marine Corps.

Magruder himself started down the military road, flying B–17s and B–29s in World War II. From 1949 to 1954 he served at the U.S. Air Force Flight Test Division at Wright-Patterson AFB (Ohio) and at the Flight Test Center, Edwards AFB (Calif.). As both pilot and engineer, he supervised the engineering and evaluated the performance of many aircraft, including the B–57, XB–52, C–124, F–86, C–133 and H–19. From 1954 until 1956, he was B–52 Test Task Force Commander at Edwards. He held the rank of Captain when he left USAF to join Douglas Aircraft.

His intimates believe that Magruder felt there was not enough of a further challenge in a military career.

THE NEW ACADEMIC YEAR

Mr. BAKER. Mr. President, most of the Nation's approximately 2,500 colleges and universities will open their doors for another academic year this month. A large majority of them will carry on their traditional functions of teaching and scholarship in an orderly fashion. But the experience of the past few years tells us that on a relatively small number of campuses, a destructive minority will take the law into its own hands and attempt to inflict its ideals on the majority by force and criminal acts of violence.

Mr. President, on September 14, the distinguished senior Senator from Illinois (Mr. PERCY), sent an open letter to college and university students, faculty and administrators in his State which I think merits the attention of us all. In an appeal for tolerance and reason on campus, Senator PERCY bluntly—and accurately, in my view—describes the mood of the country and urges the academic community to work to prevent violence and the unwelcome intrusions into campus affairs that violence would invite.

Mr. President, I ask unanimous consent that the text of Senator PERCY's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
Washington, D.C., September 14, 1970.

AN OPEN LETTER TO COLLEGE AND UNIVERSITY STUDENTS, FACULTY, AND ADMINISTRATORS IN ILLINOIS:

As a new academic year opens, I want to share with you some of my thoughts on why I believe the next few months will be crucial ones in determining the future course of higher education in our country.

I do not have to tell you that many campuses are in ferment. That would belabor the obvious. Nor would I presume to prescribe specific remedies for the situation on your own campus. I realize that different situations require different responses, and despite my service on the Senate committee investigating campus disorders, I do not presume to be imbued with any special insight that has eluded educational experts from New York to California.

Moreover, I am confident that the overwhelming majority of the approximately 80 college and university campuses in Illinois will adapt themselves to a changing society within the flexible framework of the Constitution. Only a comparatively small number is likely to attract the headlines through their excesses, but this potentially explosive minority has become a major source of concern throughout the state and the nation.

As a United States Senator from your state, I believe I have a good grasp of the sentiment of the public at large in Illinois and of the federal government toward campus unrest.

Without debating the merits of the prevailing attitudes, let me concisely and candidly summarize them. In my view, both the general public and public officials are, in words I have heard a thousand times, "fed-up." Their patience is exhausted. The majority wants order restored to our campuses, by whatever means, and it is no longer interested in what it considers to be esoteric debates over "responsiveness," or "relevance" or "social consciousness." Perhaps you sensed this during the summer recess, so I may be telling you something you already know.

I am presenting the situation to you very bluntly, however, because, as I assess it, the non-violent elements on college and university campuses have two choices open to them.

They can permit relatively few radicals, bent on challenging the overall temper of the country, to control their destinies. By their mute approval, they will in many instances be responsible for the transforming of campuses into armed camps.

Or, they can decide, as the largest component in the academic community, that their institutions will remain open. They can choose to shape their own futures, rather than having them determined by external forces.

It is an indisputable fact that no free society can ever deploy sufficient numbers of policemen or guardsmen to put down an irresponsible citizenry without resorting to repressive measures and sacrificing individual liberty and freedom. The majority of our citizens must be committed to the preservation of order, or there will be chaos. That is as true of the campus society as it is of society at large.

Quite properly, I believe, institutions of higher learning resent outside involvement in their affairs. They believe that self-government can work if allowed to flourish in an atmosphere of tolerance and reason.

But on many campuses today, intolerance and irrationality have grown to alarming proportions. Hisses and obscene chants bury the words of a speaker representing a different point of view. Meaningless slogans camouflage an absence of independent thought. Non-negotiable demands destroy any effort at negotiation. Civility is a lost art. Acts of terrorism—bombings, snippings, burnings—are regarded as acceptable expressions of free speech.

Perhaps most disillusioning of all, few voices within the academic population are raised in protest. Most of those who do not condone such behavior—a majority, I would surmise, albeit a shrinking one—acquiesce in it. Rarely does one hear a distinction made between laudable ends and deplorable—or criminal—means.

Some moderates speak despairingly of their inability to influence the direction of American institutions, and especially government, by working "within the system." I take strong exception to this attitude. As evidence that such defeatism is unwarranted, I would point to voter registration in the South, the impact of the McCarthy campaign in New Hampshire, the present policy of a steady withdrawal of American troops from Southeast Asia, the new willingness in the Congress to thoroughly scrutinize military expenditures and an increasing national commitment to preservation of our environment. The academic community has played a major role in bringing about each of these historic developments, and other similar examples could be found.

Yet, let me concede, for the sake of argument, that campus opinion cannot quickly and drastically alter the course of a complex society consisting of more than 200 million people. The fact remains that the non-violent elements can—and must—be instruments of orderly, appropriate change in their campus societies. To argue that a numerical majority must sit idly by and watch its institutions disappear in flames, clubs, and bullets, is wholly illogical.

If radicals—on the left or the right, Weathermen or Minutemen—gain control of life on a campus, responsibility for such a takeover is not theirs alone. It must be shared by those members of the academic community who retreat into silence, and thereby give their tacit authorization to the most destructive element in their society.

Both the extreme left and the extreme right employ violence for a single purpose—to encourage repressive measures by government. The radical right wants repression as an end in itself because of its distrust of the democratic process, civil liberties and established law enforcement processes. The radical left wants repression as a means of encouraging a revolution of class warfare that will destroy society as we know it.

To stand up against those who would substitute force for reason on our campuses will mean inconvenience and may require courage. But moderates must join together to stem the tide of campus violence by firmly stating that they will not permit it. If they abdicate their responsibility, in all likelihood they will invite swift and unwelcome intrusions into their affairs by the heavy hand of government. Make no mistake about it, given the choice between anarchy and repression, government will always choose repression. And even a free people will support such measures, abhorrent as they might be.

My plea, then, is not for less involvement in matters of public policy. We in government desperately need the contributions of young people and academicians. Nor do I urge anyone to refrain from expressing himself on the obligations and the functioning of his institution. Colleges and universities are not exempt from the flaws that scar the other segments of our society.

But I am earnestly suggesting that all members of the academic community in Illinois dedicate themselves to insuring peace on their campuses in this academic year. With a strong commitment to non-violence, you can rescue your institutions from an obstreperous minority who would sacrifice your right to teach and to learn to further their own ultimate interests—interests that you do not share no matter how they are disguised.

The future of this nation is inextricably linked to the future of its colleges and universities. With the stakes so high, Americans will not and cannot permit these institutions to cease their operations.

The key question is whether the campuses will function as centers of free inquiry, governed by the will of the majority, or as strongholds of anarchy, marked by riot and repression. In large measure, the moderate majority holds the answer—and it must be decisive.

Sincerely,

CHARLES H. PERCY,
United States Senator.

A TRIBUTE TO EVERETT McKINLEY DIRKSEN

Mr. PERCY. Mr. President, on September 7, 1969, Everett McKinley Dirksen passed away. The Senate and the Nation have not been the same since. One year later, in the caucus room of the Old Senate Office Building, scene of many dramatic moments in the history of this body, several hundred friends gathered to pay memorial tribute to this great American whom President Nixon so rightly described as "one of a kind."

The evening was sponsored by the Everett McKinley Dirksen Republican Forum, of which Mrs. Dirksen is the honorary president. The forum was established last October 1, 1969, as a "living memorial" to the Senator and presents public discussions and debates on the major issues of the day.

Representative JOHN RHODES recounted that he had first met Senator Dirksen in 1952 when he came to Arizona to campaign for two unknown Republicans running for national office for the first time. The two "unknowns" were JOHN RHODES and BARRY GOLDWATER. Representative RHODES revealed that the 1968 Republican platform had been written over one weekend by Senator Dirksen and was one of the best platforms the GOP ever had.

In his eulogy, the distinguished Senator from Pennsylvania, HUGH SCOTT, who succeeded Senator Dirksen as minority leader, described our late colleague as one who "had the courage to agree and the courage to dissent." Senator SCOTT recalled one of the first meetings that Senate leaders had with President Nixon in early 1969, when the President mentioned something he intended to carry out. Senator SCOTT described how Senator Dirksen expressed disagreement, wagged a finger at the President, and said:

Mr. President, I'm not going to let you do that.

The last eulogy was delivered by Representative CHARLOTTE REID, of Illinois, a close personal friend of the Dirksens. She brought tears to the eyes of many in the audience when she sang, without benefit of accompaniment, Senator Dirksen's favorite song, "Danny Boy."

In her brief but eloquent response, Mrs. Dirksen said that her husband often reflected that if he could leave one legacy to the people of America, it would be enthusiasm:

But it must be constructive enthusiasm.

she said,

for that is the one thing that could carry this country to what he always wanted it to be.

Mr. President, it was indeed a moving and fitting tribute to a friend and colleague who became a legend in his own time, a legend that grows brighter and more inspiring with every passing day.

EQUITY FOR U.S. AIR CARRIERS

Mr. HARTKE. Mr. President, this week in Tokyo our State Department is beginning consultations with the Japanese Government which are of the utmost importance to the future of international aviation. The purpose of these talks is to lay the groundwork for a bilateral treaty governing the landing rights of commercial charter flights.

Charter transportation has become a very important element of the international air transport system. It has enabled thousands of Americans, who would not otherwise be able to afford to fly, to travel by air. The development of this important mode of transportation has been greatly impeded, however, by the fact that up to now each country has been permitted to impose its own unilateral regulations or restrictions on charter operations. Despite the liberality of our own Government in granting access to foreign charter operators, U.S. carriers have had great difficulty obtaining landing rights in other countries. Again and again, our carriers find themselves stymied by highly restrictive, anticompetitive, and inconsistent regulations. Some countries permit no charter flights at all; other permit only certain limited types of charters; and many impose very severe quotas on charter flights. Recently, a number of European governments have adopted a policy of forbidding inclusive tour charters if the price paid by the tour participants is below the minimum price applicable to certain scheduled carrier inclusive tour services. Some countries will grant access to a foreign carrier only if its own flag carrier is unwilling or unable to perform the flight. The rules change so often and so unpredictably that it is difficult for the carriers and charter groups to make firm plans or commitments.

While our State Department has frequently expressed concern over this situation, it has so far done very little to remedy it. To my knowledge, the current negotiations with Japan are the first serious effort that has been made to establish treaty rights for charters. I certainly hope that this effort will be more than halfhearted, and that it will be followed up with similar negotiations with other countries.

Last June 22, the President of the United States approved a new statement

of international air transportation policy, which emphasizes the major importance of charter operations to a balanced system of air transportation. One of the key recommendations of that policy statement is that "the foreign landing rights for charter services should be regularized, as free as possible from substantial restrictions." The statement goes on to say that "intergovernmental agreements covering the operation of charter services should be vigorously sought." In my mind, Mr. President, that word "vigorously" should be underscored, because unless our Government pursues this goal "vigorously" it will not succeed.

The current Japanese negotiations are the first real test of this new policy. The world will be watching closely to see just how serious we are. I certainly hope these negotiations bear fruit, and that they will be followed by similar negotiations with other foreign governments.

DOT REPORT CONCEDES SST MIGHT HARM ENVIRONMENT

Mr. PROXMIRE. Mr. President, at long last the Department of Transportation has filed the first draft of the environmental report on the SST required by the recently-enacted Environmental Quality Act.

The report acknowledges that the SST may cause harm to the environment. But, in general, the report claims that the amount of the harm will be small, and should not be of concern to us.

For example: The DOT concedes that flying the SST may cause temperature changes in the earth's climate. But it states that the changes "should not be of practical significance in temperature and tropical zones but could be in some isolated polar areas of the world." Mr. President, it's hardly reassuring to be told that the climate in our part of the world will not be affected too much, and that all we have to worry about is what the temperature changes in the polar regions may do to the polar ice cap.

Another example: The report considers the possible radiation hazard resulting from flying at 65,000 feet and soothingly concludes that "the radiation doses which would be received by the passengers and the crew of an SST should be acceptable." However, the report conditions its finding that the dose "should be acceptable" on the absence of "significant solar activity."

The report does say that solar flares are infrequent. But do we ground the SST's when solar flares occur? Or do we simply fly them at lower altitudes and increase the strength of the boom? Or, worse yet, will we continue to fly them and hope that most of the passengers and crew will be able to tolerate the higher radiation dose? Again, the report is hardly reassuring on this.

Or, again: The report acknowledges that "SST sideline noise levels are higher than desired," but points out that prime and major research is underway to bring this problem under control. The report fails to note that one top scientific adviser to Presidents Kennedy, Johnson, and Nixon has estimated the SST's sideline noise level as equivalent to the sound of 30 jets taking off simultaneously. The report fails to note that even DOT's estimate of the sideline noise for the SST is three to four times as loud as the maximum now permitted. And the report fails to note that even the ultimate goal set for GE engineers for the sideline noise is 112 decibels, a full 40 percent above present standards. Clearly, the sideline noise associated with the SST just is not going to go away.

A potentially more serious noise problem associated with sideline noise is the noise generated by the SST just after liftoff. An MIT scientist, Laurence Moss, has estimated that this noise will prove intolerable to residents in single-family dwellings living within 15 miles of a heavily-trafficked airport, such as J. F. K. in New York; for a somewhat less busy airport, such as Los Angeles International Airport, the radius for intolerable noise levels is 9 miles. It would cost an average of $6,500 per dwelling to insulate one's home from this type of steady noise exposure. The DOT report at least partially acknowledges the severity of this problem:

> Failure to develop improved noise reduction devices that will significantly lower sideline noise without impairing engine performance might either cause a limitation on the number of airports from which the SST could operate, or expose areas perpendicular to runways to increased noise.

Finally, the most obvious environmental intrusion dealt with by the report is the sonic boom. The report acknowledges that if SST flights were permitted over populated areas, this would "undoubtedly be objectionable to the public." If it is that objectionable, why has the DOT consistently opposed congressional efforts to outlaw SST flights over populated areas at boom-producing speeds? And why did President Nixon say on television a few weeks ago that by 1980 we will be able to go from Washington to Los Angeles in an hour and a half. The President said:

> That's how fast we'll be moving with the new planes that will be available then.

This is an impossibility, of course, unless the SST is flown across the United States at boom-producing speeds. Congress is entitled to far greater assurances than it has thus far received that under no circumstances will the SST be flown across populated areas—the United States or elsewhere—at boom producing speeds.

Mr. President, I am pleased that the Department has finally made this initial effort to account for the SST's potential environmental impact. But I regret very much that DOT waited until this very late date to file this report. What this delay means is that the comments by 11 other Federal agencies on this report will not be coming in until after the Senate acts on the SST appropriations request. The agencies' comments are not due in for 30 days, and by that time the Senate will have voted up or down the $290 million requested this year for the SST.

This is most unfortunate. The Department of the Interior, the Department of Health, Education, and Welfare, and the Presidential Office of Science and Technology last year expressed very serious reservations about the SST's potential impact on the environment. Serving on the SST Ad Hoc Review Committee, those agencies spoke of possible cloud formation, and even weather modification, from the regular use of 400 SST's flying four flights a day. Interior, HEW, and OST warned of "a significant increase in cirrus clouds," and of "a significant increase in the relative humidity from a fleet of SST's." They also cautioned that these effects could "alter the radiation balance" and possibly affect "the general circulation of atmospheric components."

These are serious concerns, Mr. President. It would be very helpful for the Senate to have the benefit of any further thoughts these agencies may have before voting on SST appropriations. Unfortunately, because of DOT's delay in filing its draft, they would not be available in time.

But this is not all. This spring Chairman Russell Train of the Environmental Quality Council appeared before the Joint Economic Committee and warned that the water vapor emitted by the SST's flying at 60,000 to 70,000 feet "would react so as to destroy some fraction of the ozone in this part of the atmosphere." The effect of destroying the ozone, Chairman Train said, could be "that the shielding capacity of the atmosphere to penetrating and potentially highly dangerous ultraviolet radiation is decreased."

Subsequently, the Joint Economic Committee asked Dr. Gordon MacDonald, also a member of the Environmental Quality Council, about the importance of the protective layer of ozone and what would happen if it were destroyed. Dr. MacDonald's reply was chilling:

> Well, let us suppose that through some other means you stripped the ozone from the atmosphere and exposed the surface to the full force of solar ultraviolet. This would effectively wipe out life, except in the oceans, anything that would be exposed.

What will Mr. Train's and Dr. MacDonald's comments on the DOT environmental report be? It would be helpful to know. Again, the Senate would not have this either, because of DOT's tardiness.

Mr. President, I ask unanimous consent that an article from today's Washington Post entitled "U.S. Report Concedes SST Might Harm Environment," be printed in the RECORD. I also ask unanimous consent that the full text of the DOT report on the SST's environmental impact be printed in the RECORD.

There being no objection, the article and report were ordered to be printed in the RECORD, as follows:

U.S. REPORT CONCEDES SST MIGHT HARM ENVIRONMENT

(By G. C. Thelen, Jr.)

The Department of Transportation concedes in a confidential report to the White House that the much-disputed supersonic transport may have some harmful effects on the environment. But it says they would be minor.

The document presented to the President's Council on Environmental Quality terms the still unbuilt SST an insignificant polluter but adds: "In a few areas additional research is needed to increase confidence that large-

scale SST operations will not significantly affect the environment."

The report says more research in particular is needed on temperature increases that would be caused by water vapor and exhaust from the 1,800-mile-an-hour aircraft.

A summary of the document was obtained yesterday from qualified sources.

The report concedes that airport noise from the SST would be higher than desired and that occupants would receive radiation doses greater than persons flying in subsonic jets at lower altitudes.

But compensating factors are offered in both cases.

Because of the SST's steep rate of climb, the report said, over-all community noise should be no higher than from existing jets.

Pollution from the SST will be a significant issue when the Senate votes later this fall on an additional $290 million for developing a prototype plane.

The Transportation Department report says the SST might decrease the amount of ozone in the upper atmosphere and increase the ultraviolet radiation reaching the earth's surface. But in any case, both possibilities "were found to be of insignificant effect and within present day-to-day variations," it says.

"The possible effect on temperature resulting from increased water vapor should not be of practical significance in temperate and tropical zones but could be in some isolated polar areas," the report says.

ENVIRONMENTAL STATEMENT FOR SUPERSONIC TRANSPORT DEVELOPMENT PROGRAM

I. BACKGROUND

This environmental statement is submitted in conjunction with an ongoing program to design, develop, manufacture, and test two identical prototype United States supersonic transport aircraft. This program has been underway since 1963. The purpose of the prototype program is to provide the basis for the eventual development of a commercial SST which is safe for the passenger, economically sound for the world's airlines, and whose operating performance is superior to that of any comparable airplane. The U.S. SST Development Program is also committed to developing an SST that will be compatible with sound environmental practice.

The Department of Transportation has carefully separated prototype development from possible future commercial development. At this stage a decision has been made only to construct two prototype SST's and to subject these prototypes to a 100-hour flight test program and an intensive research and development effort. During this phase of the SST program, an environmental research program will be conducted to provide more concise information by 1973 regarding the effect of the operation of a fleet of SST's on the environment. The decision whether to proceed into commercial production of the SST is not scheduled to be made by the United States until 1973. The results obtained from the flight tests and from the environmental research program will be available to assist in determining the feasibility and the desirability of proceeding into commercial production of the U.S. SST's and to assess the environmental impact of military supersonic aircraft and foreign SST's.

Since the inception of the Supersonic Transport Development Program, the environmental aspects of the supersonic flight have received significant attention. Since 1963, the Government has funded studies and sought advice and guidance from throughout the scientific community to identify and resolve all areas of environmental concern. Early in the program three primary areas for additional research were identified: sonic boom, aircraft noise, and cosmic radiation. Regarding possible climate modification aspects resulting from large scale commercial SST operation, the Supersonic Transport Development Office turned to the primary source of Government expertise, The Environmental Science Services Administration, for advice and counsel in 1965.

A number of studies in these four areas have been conducted since that time. Studies to evaluate the effect of sonic boom on people, structures and animals were started in 1964. Data obtained from the research efforts provided the basis for recently adopted national policy and for the FAA Notice of Proposed Rule Making issued on April 16, 1970 (39 FR6189) that would prohibit the operation within the U.S. of civil aircraft at speeds which would cause a sonic boom on the ground. SST noise reduction research efforts have been carried out since the beginning of the program, primarily by the airplane and engine manufacturers. Tests regarding cosmic radiation were started in 1965 and are still ongoing. With respect to possible climate modification aspects of commercial supersonic flight, the Supersonic Transport Development Office has frequently consulted with the Environmental Science Services Administration of the Department of Commerce for advice and counseling in this area. Discussion of the significant research accomplished to date regarding the potential environmental effects of large scale SST operations will be found later in this statement under the discussion of specific environmental effects.

With the recently increased national concern for environmental quality, additional concerns have been expressed about certain environmental aspects of large scale SST operation. The Department of Transportation recognizes that in some areas more data is necessary to increase confidence that large scale SST operations will not significantly affect the environment. As a result, the Department in May 1970 assembled an environmental research program plan to provide more precise answers to the environmental aspects of supersonic flight. This program plan represents a cooperative effort of several Government agencies and includes research that was firmly planned or already ongoing within the Government. In some instances, planned or ongoing programs were modified to be more applicable to SST research requirements. New programs were identified and included in the plan to provide more complete environmental intelligence, particularly as concerns weather modification. The projects identified in the program will be further refined as necessary through the guidance of advisory or by parent organizations responsible for the projects. This program plan has been reviewed and approved by the President's Council on Environmental Quality. The proposed environmental research program is estimated to cost $26.68 million over a three year period. Action is now underway to determine funding sources and assignment of organizational responsibility for the new programs identified in the plan. A more detailed description of this plan is found in the appendix.

Additionally, the Department of Transportation has established two interdisciplinary advisory committees, the Environmental Advisory Committee is under the chairmanship of Dr. Myron Tribus, Assistant Secretary for Science and Technology, Department of Commerce, and the Noise Advisory Committee is chaired by Dr. Leo Beranek, Chief Scientist, Bolt, Beranek, and Newman, Inc., Cambridge, Massachusetts. Both teams will be comprised of scientists, and experts from a variety of backgrounds and experience. These two committees will monitor research activites and suggest and plan additional research programs where there exists a lack of information, or where doubts or uncertainties exist about current information.

The SST Development Program is committed to the development of two prototype aircraft that will demonstrate the performance, economic, safety and environmental qualities of the design before proceeding into large-scale production. The environmental aspects will be examined by:

Continuing ongoing research into all known areas of potential impact upon the environment and examining new concerns or unknowns as they arise.

Continuing ongoing discussions with other nations and manufacturers of civil SST aircraft to share knowledge regarding research into areas of potential environmental concern.

Continuing ongoing U.S. development of regulatory standards, and international development of criteria to assure that no significant degradation of the environment will occur from large-scale SST operations.

II. THE POSSIBLE ENVIRONMENTAL IMPACT

The development and testing of two prototype models of the SST will have no significant impact on the environment. Flight tests of the prototype will be conducted in designated flight areas, and will be subject to rigid controls to minimize any direct effect on the environment during the 100-hour flight test program.

The possibility of the future operation of a large fleet of SST's has raised questions regarding the cumulative environmental impact of such a fleet. Questions concerning sonic boom generated by flight at supersonic speeds, noise during takeoff, and effect on world climate have been raised as possible environmental effects which might occur from the commercial operation of SST's. In this regard the questions relate not only to future U.S. SST production models but those already being flown by foreign countries and scheduled to enter service in the near future.

Much environmental research has already been accomplished to date during the SST prototype development program, and most of the areas of potential environmental concern have been eliminated. Additional research is needed in a few areas to provide more data and increased confidence that large-scale SST operations will not have any significant effect on the environment. The concurrent environmental research program, discussed elsewhere in this statement, will allow the accumulation of necessary data to more adequately assess potential effects on world climate. This information, together with the results of the 100-hour prototype flight test program, will be available for use in judging the impact of foreign SST operations and will provide a scientific basis for use in deciding whether to proceed into commercial SST production.

III. POSSIBLE ADVERSE ENVIRONMENTAL EFFECTS

As indicated in Section II, only an SST prototype development phase is being proposed at the present time, and such a program will have no significant adverse environmental effect.

Because the prototype development phase may well constitute a major step toward a production model, the possible adverse environmental effects of a large-scale SST operation and the research being done in the prototype development stage are discussed below.

A. Airport and community noise

Aircraft noise is usually categorized as airport or community noise. Airport noise is produced by aircraft ground operations such as engine runup, taxi or takeoff roll. Community noise occurs during takeoff climb and approach to landing. It decreases as the aircraft altitude is increased. Both airport and community noise decrease as distance from the aircraft is increased. The preponderance of complaints about airplane noise originate as a result of noise over the community, not from noise on the airport.

SST noise values are calculated according to standard procedures and practices and are defined in EPNdB units. This method of calculating aircraft noise is contained in FAA's noise rule for new subsonic jets and is used

internationally for predicting human reaction to aircraft noise.

Since 1963, SST airplane and engine noise reduction research efforts have been carried out primarily by the airplane and engine manufacturers. Through their efforts, the noise predicated to be generated by the U.S. SST over the community adjacent to the airport during takeoff climb (3.5 nautical miles from brake release) in the direction of the flight path and on landing approach (one mile from the runway threshold) is less than that now generated by present four-engine jet transports such as the B707 and the DC8, and should be no higher than the even more stringent noise limits established for new subsonic jets in the recently issued FAA noise rule. Community noise after takeoff is less because the excellent climb performance of the SST enables it to achieve higher altitudes over the community.

The approach noise of the SST over the community will also be lower than the current DC8 and 707 jets. The high-pitched "whine" of the compressor (similar to the whine from today's subsonic jet aircraft) will not be heard from the SST because of the unique supersonic engine inlet. This inlet design prevents the whine from propagating forward out of the inlet thus reducing annoyance to the people on the ground. The 3.5 and one nautical mile points are standard measuring points used in Part 36 of the Federal Aviation Regulations which establishes noise levels for new subsonic aircraft. The favorable results of development efforts to date are best shown by comparing the 1963 noise objectives of 107 EPNdB on takeoff and 115 EPNdB on approach, with the presently predicted noise levels of 108 EPNdB for takeoff and approach.

Using today's demonstrated noise technology, the airport sideline noise generated during takeoff roll and measured 2100 feet to the side of the runway is greater than the sideline noise generated by presently operating four-engine subsonic jet transport aircraft. These SST sideline noise levels are higher than desired, therefore, sideline noise is the area of prime and major action by both the airplane and engine manufacturers and Government SST noise reduction research. Sideline noise concerns are relatively new in airport considerations. For example, no airport in the free world presently requires sideline noise limitation, all emphasis having been on approach and takeoff noise. The lack of exposure in this area has made the setting of sideline noise standards difficult for the subsonic jets and has been the subject of certification ruling for new subsonic jet transports. Sideline and community standards for supersonic aircraft are in the process of being developed through an ANPRM issued August 6, 1970. (See 35 F.R. 12555).

Vigorous noise reduction research programs are underway by both manufacturers and the Government. These programs include fundamental research to explore factors involved in the generation and propagation of jet noise, and applied research. The applied research incorporates results of previous noise research programs in developing practical concepts and devices to reduce sideline noise. For example, scale-model tests conducted by the airframe manufacturer indicate that a substantial reduction of sideline noise should be possible through use of multitube suppressor techniques. There are practical problems to be solved, however, and the research program will explore solutions to these problems in a program ultimately leading to full-scale technique application as may be warranted. Further research will continue to optimize all of the most promising noise reduction devices and techniques to provide maximum reduction of sideline noise with minimum loss of airplane performance.

Failure to develop improved noise reduction devices that will significantly lower sideline noise without impairing engine performance might either cause a limitation on the number of airports from which the SST could operate, or expose areas perpendicular to runways to increased noise. The possibility of an adverse environmental effect due to noise is therefore contingent upon noise reduction research, airport design, local zoning laws for land surrounding airports, the degree of compatible land use in the area, and local determinations regarding SST operations at a specific airport. Changes in land use are difficult for existing airports, but compatible land use can be planned for when developing new airports. In fact, the Airport and Airway Development Act of 1970 (P.L. 91–258), which provides $2,500,000,000 over a 10-year period for the development of new airport facilities, requires that proper consideration be given to environmental factors and land use compatibility before Federal funds can be granted for airport development.

It is reasonable to expect considerable improvements in SST airport sideline noise characteristics as the result of research programs can be incorporated in the SST production aircraft prior to its commercial introduction in 1978. It should be noted that the production program can enjoy the added advantage of the availability of the prototype aircraft for possible use in flight tests of actual noise reduction hardware.

The community noise generated during the takeoff and landing phases of SST operation is expected to be no higher than the levels established by Federal regulations for new subsonic aircraft, levels which are significantly lower than met by most presently operating four-engine subsonic jet transport aircraft such as the B707 and DC8.

B. Weather and climate modification

With respect to the possible weather modification aspects of large-scale commercial supersonic flight, the Supersonic Transport Development Office in 1965 turned to the primary source of Government expertise in this area, the Environmental Science Services Administration (ESSA) of the Department of Commerce for advice and counseling. ESSA responded to this request by soliciting advice and guidance from individuals and groups of scientists throughout the country and in a report to the Office of SST in October 1965 indicated that, "although an unequivocal answer could not be offered, the general opinion of a large number of scientific groups almost unanimously rejected any significant threat to modification of the weather. Many of the scientific efforts in progress, both in and out of Government, will increase our knowledge of the consequences of SST pollution of the stratosphere, but there is no sense of urgency in such research. Weather modification considerations should not in themselves alter plans by our Government to develop the SST."

Based on this advice, the program office elected to continue to monitor, through ESSA, those programs already in being within and outside of the Government to obtain additional weather modification information as such became available.

With the recently increased national concern regarding environmental quality, ESSA and other eminently qualified scientific organizations have identified new concerns relating to possible weather and climate modification effects of large-scale SST operations for which only a limited amount of data is available. In recognition of this newly identified need, ESSA, at the Department of Transportation's request, submitted in early 1970 an outline of a proposed program of additional research to obtain the needed data which was incorporated into the environmental research program plan. The concerns relating to the possible weather and climate modification effects of large-scale SST operations and the proposed research to resolve these concerns are discussed below. A detailed description of the proposed research can be found in the appendix.

1. Carbon Dioxide

The possibility that the carbon dioxide constituent of SST engine exhaust products might adversely affect world climate has been examined. It is known that carbon dioxide does not affect incoming solar radiation but that it can reduce the amount of heat radiated back into space. Increasing the CO_2 concentration in the atmosphere would tend to cool the stratosphere and increase surface temperatures, sometimes referred to as the "greenhouse effect."

At this time, the best indications are that the effect of CO_2 emitted by SST engines should be insignificant. The atmospheric working group of the August 1970 MIT sponsored "Study of Critical Environmental Problems" considered the carbon dioxide aspects of the operation of a large fleet of SST's and concluded that "We do not believe that CO_2 resulting from such operations is likely to affect climate," and that "CO_2 creates no special problem."

2. Water Vapor

It has been hypothesized that increased water vapor in the stratosphere might cause three effects: There might be an increase in cloudiness which could affect climate; there might be a depletion effect on ozone which could increase ultraviolet radiation reaching the earth's surface; and there might be an effect on temperature similar to that of carbon dioxide.

The effects of large-scale SST operations on water vapor in the stratosphere were considered in August 1970 by the atmospheric working group of the MIT sponsored "Study of Critical Environmental Problems." This group calculated the amounts of water vapor that would be produced by large-scale SST operations. Using a residence time of two years, they allowed the water vapor to increase in the stratosphere until concentrations reached a new balance. The group found that water vapor concentrations, for the global average, might be increased from the presently existing 3.0 parts per million by mass to 3.2 parts per million as a result of large-scale SST operations, and that water vapor concentrations might be increased to as much as 5.0 parts per million in regional areas of the northern hemisphere where traffic is heavy. In considering the possible effects of increased water vapor in the stratosphere, the MIT Study Group expressed the opinion that increased winter cloudiness in the polar region might result from the added water vapor. While there was no indication of the practical significance of increased winter cloudiness in polar regions, the group made the following recommendations:

"Determine whether additional cloudiness will occur in the stratosphere and the effects of such changes."

This information is to be obtained as a result of the environmental research program.

The MIT sponsored study group reexamined ozone depletion due to water vapor and the effects on ultraviolet radiation. On August 12, 1970, Dr. Lester Machta, a member of the group, provided information to the Office of Supersonic Transport Development indicating that the 0.2 and the 2.0 parts per million global and local increases in water vapor in the stratosphere had been estimated to produce 0.002 cm Standard Temperature and Pressure (STP) and .02 cm STP reductions in ozone concentrations, respectively. These ozone depletions were compared to day-to-day and place-to-place variations that occur due to nature and were found to be of trivial magnitude. For example, the predicted depletion in ozone concentrations in the stratosphere due to water

vapor from large-scale SST operations is generally less than 10% of the differences that are observed if one were to move from Bedford, Massachusetts, to Nashville, Tennessee, or from Nashville, Tennessee, to Tallahassee, Florida. Also, the normal day-to-day variations in ozone concentration over a given location are observed to be as much as 50 times greater than the predicted depletion of ozone due to large-scale SST operations. It would be difficult to detect this effect due to its relatively small magnitude and very much more difficult to detect the trivial effect upon ultraviolet radiation. Nonetheless, the effect of water vapor on ozone will be further examined through the environmental research program.

With respect to the possible temperature effects of increased water vapor on world climate, recent calculations by ESSA indicate that the predicted global and local region water vapor concentration increases of 0.2 and 2.0 parts per million might increase air temperatures at the ground by as much as 0.04°C. and 0.4°C. respectivelly. In this connection, it should be noted that observations made by H. J. Mastenbrook of the Navy Research Laboratory often include variations of 1.0 to 2.0 parts per million between observations taken from one location on consecutive months. The temperature changes due to this effect should not be of practical significance in temperate and tropical zones but could be in some isolated polar areas of the world.

3. Contrails

Observers all over the world have upon occasions watched jet contrails spread out to form a thin layer of cirrus clouds. Jet contrails are most probable at the flight levels used by subsonic jet transport aircraft because of the temperature and moisture content of these altitudes. Contrails rarely occur at SST cruise altitudes because the air is normally too warm and too dry. Mr. Herbert S. Appleman, Chief, USAF Physical Scientists Office, Air Weather Service, considered this question in 1965,[1] and concluded that the change in jet flight altitudes from 35,000 feet to 70,000 feet would result in a large relative decrease in contrail frequency.

4. Particles

SST operations will introduce particles into the stratosphere according to the sulfur content of fuels and the amount of hydrocarbons and soot contained in exhaust products. Introduction of these particles into the stratosphere has been suggested as a possible factor which might produce climate change. As a basis for comparisons, it is known that particles have been introduced into the stratosphere as a result of volcanic eruptions and that the Mt. Agung eruption of 1963 caused a 30 fold increase in sulfate aerosol concentrations in the stratosphere. Temperatures in the equatorial stratosphere were observed to increase 6 to 7°C regionally above pre-eruption levels for several years. The stratospheric warming effect apparently resulted from heat absorption by the particles. No apparent temperature change was observed in the lower troposphere as a result of the eruption. The comparison suggests that large-scale SST operations might also increase temperatures in the stratosphere if the production of particles was sufficiently great. This possibility was considered in the MIT Study of Critical Environmental Problems. Assuming the use of fuel having a sulfur concentration of .05% by weight, the Study Group found that particle injections into the stratosphere from large-scale operations might be sufficient to produce a comparable effect. There was considerable uncertainty in this comparison and the published "Summary of Findings and Results" therefore contained the following recommendation:

"Obtain better estimates of emission of combustion products under simulated flight conditions and under real flight conditions at the earliest opportunity."

The major source of particles that would be emitted by an SST is the result of the sulfur concentration found in today's aviation fuels. Sulfur in fuel serves no useful purpose and is found only because it occurs naturally in crude oil. This sulfur content does not contribute to combustion processes and will be increasingly eliminated because it is a pollutant, causes corrosion, and because it can be removed from fuels. Moreover, since the reduction of sulfur in fuel will be useful in preventing engine corrosion, additional incentives exist to remove the sulfur content of fuels irrespective of particle emission.

The sulfur content of fuels has recently received national attention as a factor which adversely affects environmental quality. A Cabinet level Presidential group has been directed to suggest ways to ensure an adequate supply of low sulfur fuel within the next five years. The Office of Supersonic Transport Development has also explored this question with major oil companies. Standard Oil Company of California, for example, has indicated that a hydrofining technique should enable an 80% reduction of sulfur concentration from 0.05% to less than 0.01% sulfur by weight. Texaco also considered the question for the Office of SST and has indicated that sulfur concentration by weight from their facilities is about .004% to 0.33% at the larger production plants with increasing concentrations up to 0.13% at the smaller plants. Texaco noted that aviation fuel generally would not be furnished by the small plants to airports used for SST operation. Texaco also indicated that the desired range of 0.005% to 0.01% sulfur by weight would be reached by 1978 irrespective of SST development.

When these reductions in sulfur content are achieved, the potential problem with regard to particles emitted by large-scale SST operations should be largely eliminated.

C. Cosmic radiation

The possibility that SST passenger and crew exposures to high altitude radiation environments might be unacceptable has been extensively investigated. A task group of the International Commission for Radiological Protection examined the biological aspects of SST operations in 1965. Their report which was published in February 1966 in Health Physics, Pergamon Press, indicated that the cumulative exposure of crew and passengers to solar as well as galactic cosmic radiation should be well within permissible limits. The report made an exception in the instance of major solar flares for which descent to lower altitudes were recommended. Uncertainties were also identified which required investigation.

A joint FAA/USAF/NASA radiation program was initiated in 1965. The Air Force provided RB57 aircraft which have the capability of operating at SST cruise altitudes. These aircraft were equipped with special airborne instrumentation to collect and record radiation levels. In this program, the USAF during the past two years has been collecting data at SST altitudes in polar regions where maximum radiation is known to exist. This data collection effort has been performed during the peak period of the solar cycle so that data during solar flare activity would be available. In 1967, a committee of eminent radiation biologists, headed by Dr. Harald Rossi of Columbia University was also established by the Federal Aviation Administration to review all available information pertinent to this environmental aspect of SST operations. Analysis of the data presently available has led these prominent radiobiologists to the conclusion that, in the absence of significant solar activity,[2] the radiation doses which would be received by the passengers and the crew of an SST should be acceptable. Indeed, the higher galactic radiation dose rates at SST altitudes are more than compensated for by the shorter transit time due to the higher speed of the SST compared to present subsonic aircraft. As a result, the doses received in an SST transoceanic crossing should be less than currently received in subsonic aircraft.

Details of further high altitude radiation research can be found in the appendix.

D. Sonic boom

The subject of sonic booms caused by supersonic flight has been a matter of serious concern since the inception of the SST program, and has been the subject of continuing inquiry. The most extensive study of public reaction to sonic boom ever conducted was initiated in Oklahoma City in 1964. This 6-month effort was followed by an extensive sonic boom structure response test at White Sands, New Mexico, followed by a third major study effort at Edwards Air Force Base involving sonic boom effect on people, structures and animals. In June of 1964, at the request of the Government, the National Academy of Sciences established a sonic boom committee under the Chairmanship of Dr. John Dunning, Dean of Engineering and Applied Sciences, Columbia University. This committee provided valuable guidance and data analysis expertise for Government conducted sonic boom research. Data obtained from these research efforts has provided the basis for subsequent policy decisions relating to sonic boom.

Sonic booms caused by supersonic flight of known versions of SST's over populated areas would, if allowed, undoubtedly be objectionable to the public. The Department of Transportation has based all of its program decisions, economic and technical on the assumption that supersonic flight over populated areas would not be allowed.

The Federal Aviation Administration issued a Notice of Proposed Rule Making on 16 April 1970 (39FR6189) which prohibits the operation of civil aircraft at speeds which would cause a sonic boom on the ground over United States territory. SST program decisions have been based on the assumption that the SST is to be operated primarily on international, long-range, overwater flights with overland subsonic operations to primary and secondary gateway cities.

With regard to the possible effect of the SST sonic boom on marine life, Dr. John C. Calhoun, Chairman of the National Academy of Sciences Committee on Oceanography, has stated that "A substantial amount of work has been done on the effects of explosions in air, which demonstrates clearly that acoustic energy is transmitted very inefficiently from the atmosphere to the ocean. Other experiments on attempts to influence fish acoustically are trivial if detectable."

E. Environmental research

The Office of Supersonic Transport Development of the Department of Transporta-

[1] PSO Report No. 20 June 1965, by Herbert S. Appleman, "Effect of Supersonic Transports on Artificial Cirrus Formation in the Stratosphere and Resultant Effects on Circulation and Climate."

[2] Solar flares will not pose a problem to SST operations because: (1) Solar flares occur very rarely in significant degrees. The committee of radiobiologists mentioned above concluded that occasions when solar flare radiation would change normal conditions appreciably should be rare (once in 25–50 years) and situations when permissible limits are exceeded are much rarer still. (2) Operational procedures can be employed if necessary on the rare occasions that solar flares do occur. Solar flare observation and early warning techniques are being developed in connection with space programs and the Concorde will have radiation monitoring equipment on board.

tion in April–May 1970 took the initiative to formulate a document that describes Government programs of environmental research that will provide more concise answers to the few remaining environmental unknowns related to the operation of a fleet of supersonic transports in commercial service. These many projects will provide additional valuable information to enhance a sound decision as concerns the environmental aspects of commercial SST fleet operations before the United States SST production program is initiated. Also, these data will be available before foreign-produced SST's enter fleet service.

Enclosed in the appendix is a brief discussion of each of the projects in the environmental research program, and the identification of the responsible agency under which each component will be accomplished.

IV. ALTERNATIVES

A. As proposed, the U.S. could continue the program of developing the two SST prototypes and accompany this program with an extensive environmental research program which continues to examine any known area of possible environmental impact arising from large-scale commercial SST operation and examines new concerns as they arise. Since the development of two prototype aircraft will have no environmental impact, selection of this alternative would cause no degradation of the environment. This course would commit this country only to the building of two prototypes, and not to large-scale production of SST's. This alternative would keep the U.S. in a competitive position for the commercial aircraft market, while at the same time permitting continuing valuable research to be done on possible environmental effects arising from large-scale commercial SST operations. The results of the 100–hour flight test of the prototype and of the desired environmental research would give this country substantial data on which to base a reasoned decision on whether to continue into commercial production of the U.S. SST, and by which the environmental impact of military supersonic aircraft and foreign SST's can be judged.

B. The U.S. could withdraw from SST competition. Russia, England, and France are presently testing SST's for use in providing transportation between major population centers of the world. Failure to construct a U.S. SST which is competitive with these aircraft would yield a major market to foreign countries and cause a major financial loss to the United States commerce. The magnitude of this loss would be increased due to the probable loss of sales of subsonic aircraft which would result from failure to provide a complete product line and demonstrated technical excellence. This alternative would not eliminate the need for an environmental research program, because large-scale SST operations of foreign SST's in other parts of the world could still affect climate in the U.S. if indeed climate would in any way be affected by such operation.

C. The U.S. could withdraw from SST competition and attempt to prohibit the operation of foreign supersonic aircraft at U.S. airports. This alternative is impracticable due to the retaliatory actions of other countries, and it would violate current international agreements. This alternative would not eliminate the need for an environmental research program, because large-scale SST operations of foreign SST's in other parts of the world could still affect climate in the U.S. if indeed climate would in any way be affected by such operation. It is of international interest that all aspects of SST environmental effect be factually understood.

D. The United States could wait for the results of environmental research programs before proceeding with the development of its prototype SST. Delaying the U.S. SST program to wait for the results of environmental research programs would not remove the potential environmental impacts, since other countries are now developing SST's for commercial production and because of the existence of military supersonic aviation. It is expected that sales of these foreign produced aircraft will occur to United States and foreign airlines whether or not there are U.S. SST's available.

Thus, a delay in producing a U.S. SST prototype could produce significant economic losses for the United States without any decrease in potential environmental impairments arising from large-scale SST flights. The risk to the Government would be significantly increased since later market introduction would find the U.S. SST seven years behind the Concorde and in competition with advanced versions of the Concorde. Delaying the present program would result in dispersing the present SST engineers and manufacturing teams requiring their reassembly later at a significant cost. The manufacturers would probably also be unwilling to cost share in such a venture and a significant fundamental cost increase would result over and above the increase in cost from the delay.

E. The United States could delay production of an SST prototype, and urge that production of all SST's on a worldwide basis be halted until the environmental effects of SST flight can be explored. However, the development of the British-French SST, and the new Russian SST is significantly ahead of the U.S. model and it is unlikely that at this state production could be halted since it would appear to be a U.S. attempt to overcome their lead. Furthermore, construction of a U.S. prototype now would permit continuing research to be done to provide more precise answers regarding environmental effects.

It is clear that the environmental aspects of the SST must be dealt with during the SST prototype development program so thoroughly and effectively that the results are convincing enough to affect all nations involved in SST development in the same amount that the U.S. SST program will be affected.

V. RELATIONSHIP BETWEEN LOCAL SHORT-TERM USE OF MAN'S ENVIRONMENT AND THE MAINTENANCE AND ENHANCEMENT OF LONG-TERM PRODUCTIVITY

The development of two prototype SST's will not give rise to any long-range environmental problems. The results of the prototype flight tests and the environmental research program will be available and used in determining the feasibility and desirability of constructing a fleet of U.S. supersonic transports. The possible adverse environmental consequences discussed elsewhere arising from fleet operations of SST's represent the only possibly effects on long-term productivity of environment.

VI. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

The development of the two prototype model SST's will not involve an irreversible commitment of any environmental resources. The possible adverse environmental impacts discussed elsewhere with respect to large-scale SST fleet operations represent the only known possibility of environmental degradation. Any adverse environmental effect of large-cale operations of the SST on the environment remain in the realm of speculation at this time. Answers to such questions will be obtained through an intensive environmental research program and flight testing of the two prototypes, prior to the decision to progress into the stage of commercial production of the SST.

VII. SST PROGRAM PLAN

The SST Development Program is committed to the development of two prototype aircraft that will demonstrate the performance, economic, safety, and environmental qualities of the design before proceeding into large-scale production. The environmental aspects will be examined by:

Continuing ongoing research into all known areas of potential impact upon the environment and examining new concerns or unknowns as they arise.

Continuing ongoing discussions with other nations and manufacturers of civil SST aircraft to share knowledge regarding research into areas of potential environmental concern.

Continuing ongoing U.S. development of regulatory standards, and international development of criteria to assure that no significant degradation of the environment will occur from large-scale SST operations.

GOVERNMENT RESEARCH APPLICABLE TO SST ENVIRONMENTAL FACTORS

Noise reduction research program

1. NASA's Lewis Research Center has agreed to conduct a research and development program to further examine the feasibility of the tubular noise suppression technique for SST engines. This program plan, developed by The Boeing Company, will be accomplished by NASA up to full scale hardware demonstration. At this point the potential value of this suppression technique will be assessed and a "full scale" engine demonstration will be conducted as warranted. The assignment of organizational responsibility and resources for accomplishing the full scale test will be determined after this evaluation.

2. Other noise research programs applicable to the SST that are either ongoing or firmly planned by the Department of Transportation and/or NASA include:

(a) Noise Reduction and Control at the Source—The work will involve investigation into parameters that cause or influence the generation of aircraft noise, plus development of guidelines for changes to the engine hardware to minimize noise.

(b) System Analysis—This program involves a systematic study of all facets of the aircraft noise abatement. Costs and benefits of alternative solutions, land use guidelines and operational standards will be defined.

(c) University Research Program—This project is to develop and expand noise research interest and activities within educational institutions throughout the Nation. Research grants will be directed toward identifying transportation modes including the SST.

(d) Studies—Both theoretical and experimental, of the overall structure and turbulence levels of supersonic jets toward reducing the SST sideline noise at jet velocity above 2,000 fps and the reduction of turbomachinery noise at the lower jet velocities.

(e) NASA Lewis Studies on Supersonic Jet Noise—This work would provide increased emphasis on investigating noise reduction potential of different types of suppressors and engine cycles.

(f) Noise Reduction and Control/Human Factors—This work concerns efforts to reduce, control and evaluate noise at the receiving end. The work involves developing and refining acceptable yard stocks for evaluating and rating of various levels of aircraft noise and development of guidelines for planning for control of the residual noise inherent in airplane operations.

High altitude radiation research program

1. Since 1965 a combined DOT, NASA and USAF program has been underway to obtain cosmic radiation intensity data at SST cruise altitudes. This data collecting effort has been conducted primarily in the polar regions where radiation intensity is normally higher than elsewhere throughout the world. Since 1967 the flight program has been in operation including the use of RB–57 aircraft equipped with special radiation data collec-

tion devices. In addition to obtaining normal or average intensity levels, another program objective is to obtain intensity levels associated with major solar flare activity. The solar flare cycle, normally every 11 years, is currently in the latter stage of peak activity. Some minor flare radiation levels have already been recorded. Late last spring this program was increased to include the assignment of 3 RB–57 aircraft and 5 crews to Eilson Air Force Base, Alaska.

2. Other cosmic radiation research programs soon to be initiated by the Department of Transportation include:

(a) Measurement of radiation over polar routes at subsonic aircraft altitudes. Compare these data with that collected at supersonic altitudes.

(b) Parametric study considering subsonic vs. supersonic flight parameters as concerns the occurrence of a solar flare. This study would provide the answer as to whether descent to subsonic altitudes is required in the case of solar flare occurrence or whether continuation at supersonic speed at cruise altitudes is more desirable.

(c) Prepare an operations analysis to predict radiation exposures of subsonic and supersonic crews according to airline system flight requirements.

(d) Study and define the operational system and procedures for rapid dissemination of solar flare warning information to pilots.

(e) Development of inflight radiation monitoring system.

Air transportation atmospheric weather modification research program

1. At the request of the Department of Transportation, the Environmental Science Services Administration has prepared a research plan to further examine atmospheric environmental aspects of aviation activity including the SST. This research will be initiated as soon as funds are obtained and organizational responsibility assignments are completed. This program includes:

(a) Monitoring the Atmosphere—To measure the geographical and altitude distribution, day-to-day variability, and long term trends of air composition and atmospheric properties likely to be affected by present and future, including SST, aviation activities.

(1) Ground based stations—Although the properties such as solar radiation, dust loading will be altered by other natural and human activities than aviation, it is desirable to initiate new stations and improve existing stations in the ESSA ground based network. These measurements will include the receipt of solar radiation at the ground in selected spectral bands, growth of carbon dioxide, vertical profiles of electrical properties, lidar, and other indirect sensors. Emphasis will be devoted to instruments and programs which contribute primarily to aviation sources of contamination (such as lidar which measures layers of dust aloft).

(2) Tropospheric measurements—Again, the aviation contribution to upper tropospheric (30–40,000 feet (pollution represents only a fraction of the natural and manmade sources. However, by sampling both at the earth's surface (see (1) above) and in the free air some indication of the aviation contribution can be ascertained. The proposed mode of sampling envisages development of small "black boxes" attached to commercial airlines flying selected, representative routes around the world which would automatically sample and record the properties of the air. These will include sampling total particulates by filtration and by continuous recording, water vapor, oxides of nitrogen, and hydrocarbons. After development, about 15 of these systems should be available to be used on about 10 selected aircraft.

(3) Stratosphere—This important segment of the atmosphere will be monitored in situ by an aircraft which flies in the same layer (60–70,000 feet) as the SST. The air qualities to be measured include the distribution and composition of particulates which are of special concern because a unique layer of dust in this altitude range), water vapor (in situ and total between aircraft and sun), oxides of nitrogen, hydrocarbons, ozone, and other photochemical products. Experimental programs to track specific aircraft and study changes downwind of exhaust constituents in the stratosphere will be undertaken.

(b) Stratospheric Photochemistry—To determine the altered stratospheric photochemistry from the addition of SST pollutants including water vapor, oxides of nitrogen, and carbon particles.

There is uncertainty in the reaction rates of many of the photochemical reactions in the present "uncontaminated" stratosphere and in a hypothetical SST "contaminated" stratosphere. Many of these reaction rates can be found from simulated laboratory experiments. The composition of relevant atmospheric constituents such as ozone, oxides of nitrogen, O and OH radicals may be measured in the present atmosphere as well as the intensity of sunlight as input to the photochemical theory of a real atmosphere. A numerical model of detailed photochemical reactions and atmospheric motions in the stratosphere will simulate the existing distribution of photochemical products such as ozone; the expected distribution of SST products will be added to let the model reflect the predicted distribution of the photochemical products in the stratosphere.

(c) Geophysical Modelling—To convert predicted changes in air quality and properties from aviation activities to changes in weather and climate.

ESSA is developing large-scale models of atmosphere-ocean circulations which, it is hoped, will simulate the present day climate and weather patterns. These models can simulate the alterations or lack thereof, which might result from any alterations of atmospheric qualities and properties due to aviation activities. The proposed program will accelerate the model development in the first several years and run cases of altered atmospheric conditions in later years.

(b) Contrails and Climatic Change—To determine whether contrails from both existing and future, including SST, aircraft can alter the climate by upsetting the atmospheric heat budget or by seeding lower clouds with ice crystals.

The presence of contrails is a matter of everyday experience; increases in cirrus cloudiness over two American cities from routine weather observations, probably from contrails, have been documented. Two climatic effects may be expected from increased cirrus cloudiness; the first is an upset in the radiation balance and second the seeding of lower altitude clouds. Existing field tests of the radiation budget around cirrus clouds should be expanded and made more precise. They should be conducted with a greater variety of contrail cirrus clouds.

Experiments to form and record persistent contrails in the polar winter stratosphere and just above the equatorial tropopause will test the possibility that these cold parts of the stratosphere can form persistent clouds from increased moisture. Creation of the contrails will require aircraft capable of reaching 60–70,000 feet. Finally, a field study will examine the fate of ice crystals formed in contrails under a variety of weather conditions particularly as they may artificially seed lower clouds and stimulate precipitation.

(e) Monitoring Possible Weather Effects at Airports—To determine whether and by how much an airport and airport aviation activities alter local climate.

The construction of an airport alters the character of terrain; aircraft activities add heat, moisture and exhaust products to the local environment. It is desired to ascertain whether these environmental changes influence the weather. Three airports of varying size and in different climatic regions will be surveyed using both existing weather data and short term field studies. Noise is excluded, however. The airport locations will be chosen which are as far from their serving cities as possible to permit distinguishing between urban and airport effects. Studies using existing data and formulating theoretical models will be undertaken. Field surveys by helicopters, small aircraft, and ground vehicles will delineate differences found between airports and their environs. A final integration of all information will assess the impact on weather and climate created by airports and aviation activity.

(F) Program Office—To direct, collate, and evaluate findings obtained by the entire aviation weather modification program.

The ESSA aviation—weather modification program will be problem oriented to environmental quality. Its objective will be the assessment of actual or expected alternatives of climate or weather resulting from aviation activities. Overall direction will be vested in a full time Director with a staff of nine. The Director will be responsible for the program execution and for preparing continuing assessments of all of the findings. He will prepare reports for the Administrators of ESSA and Federal Aviation Agency and for the Director of the SST program. These reports will include evaluations relating to the reality and magnitude of weather changes from an enhanced aviation industry and the introduction of SST aircraft and recommendations for program modifications and techniques to minimize observed or predicted weather changes due to aviation activities.

These noise, cosmic radiation and atmospheric environmental research programs will provide additional valuable information to enhance sound judgment of the environmental aspects of commercial SST flight operation before the U.S. SST production effort is initiated.

ED SYNAKOWSKI

Mr. HANSEN. Mr. President, on Saturday, September 12, tragedy struck when Ed Synakowski, a student at the University of Wyoming and the senior quarterback on the Wyoming Cowboys football team, was drowned in a boating accident near Laramie, Wyo.

Ed was a transplant to Wyoming who had been recruited to come from his home in Utica, N.Y., to participate in Cowboy football at the university.

For 2 years it had been my pleasure to watch this fine young man lead Wyoming's football team. It was obvious to everyone that Ed had the qualities of leadership which enabled him to be a fine football player. But even more important, these same qualities carried over into his academic and social life at the university to make him loved and respected by his classmates, teammates, and friends.

Ed was admired both on and off the athletic field. His easy-going, friendly manner became a trademark and quickly won him friends and companions. In this regard it is especially meaningful that his classmates at the university have seen fit to initiate a memorial fund to his name.

My sympathy goes out to the Synakowski family and his wife. I am sure that Ed will be missed tremendously as a football player, a student, a friend, and a man.

Today is the funeral for Ed Synakowski, and I join with his family, his

friends, and his university in paying my respects.

JAPAN—THE FIRST BILLION-DOLLAR EXPORT MARKET

Mr. DOLE. Mr. President, recently at a luncheon sponsored by the National Feed and Grain Association Secretary of Agriculture Clifford Hardin recognized Japan for its purchase of over a billion dollars of agricultural exports from the United States in the fiscal year 1970. This amount more than doubled their purchases of 10 years ago. These purchases signify the tremendous growth in the economic growth of Japan. At the same time, Secretary Hardin honored the agricultural commodity groups who assisted in the promotion of this market.

So the entire Nation may be made aware of the importance of trade with Japan, I ask unanimous consent that Secretary Hardin's remarks on this occasion and the response of Japanese Ambassador Nobuhiko Ushirba be printed in the RECORD.

There being no objection, the speeches were ordered to be printed in the RECORD, as follows:

STATEMENT OF SECRETARY HARDIN

Mr. Ambassador, Minister Yoshino, distinguished members of Congress, embassy guests, leaders in American agriculture and the councils of international trade, Mr. Theis and others of the National Grain and Feed Association—our hosts on this memorable occasion: We are here to celebrate a landmark year in agricultural trade relations between our two countries.

We do this in optimism that the success we celebrate will continue and grow.

We do this in recognition that trade is essential to good living in both of our countries.

And we do this in tribute to a remarkable island people whose energy and productive genius have made this observance possible.

The Japan story is without precedent—without parallel.

The Japanese economy is the third largest in the world—and growing at a rate that is unmatched by any nation in history.

In the 1950's, Japan's gross national product grew at a rate approaching 10 percent a year.

In the 1960's, it rose at an annual rate of 11.4 percent.

In recent years, the pace has quickened still further—to above 13.5 percent in the past two fiscal years.

This growth in the Japanese economy has paralleled that nation's growth in trade.

In the years between 1960 and 1965, Japanese shipments in world trade more than doubled. By 1969, they had almost doubled again, reaching $16 billion. Shipments to the United States increased in those nine years by more than four times—to $4.9 billion.

Of course, these figures are important only if they benefit people. And when you apply the yardstick to better living and family prosperity the Japan story is just as dramatic.

The Japanese householder's disposable income has more than tripled since 1960.

His demand for meat, milk, and eggs—a good "horseback" measure of consumer prosperity—has increased by more than four times in 15 years.

He is diversifying his eating habits as his income goes up. For example, per person consumption of wheat flour in this traditionally rice-eating society has increased by 30 percent in a decade and a half.

It is this remarkable economic rise—plus an equally remarkable ability of American agriculture to produce efficiently the food and feedstuffs demanded by increasing affluence—that have brought us together at this luncheon today.

Ten years ago, Japan's agricultural imports from the U.S. were $440 million. In the fiscal year just past, they were more than twice as great—nearly $1.1 billion.

That's good! But we think Japan can do even better. And we're going to be pushing you to do it. I still think, Mr. Ambassador-Designate, that it would be to Japan's advantage and ours to entirely remove your duty on soybeans.

But agricultural exports are only one aspect of a beneficial trading relationship that can be summarized very simply: In terms of total exports, the United States is Japan's best customer, and Japan is the United States' best off-shore customer.

As you might expect, two-thirds of U.S. shipments to Japan last year were raw materials, mineral fuels, and food-stuffs while 90 percent of Japan's shipments to the U.S. were manufactured goods.

But this is the basis of beneficial world trade—an exchange of goods based primarily on production efficiency.

It is this principle that led Japan to look to efficient producers on the broad farm lands overseas for the feed grains needed to satisfy its people's rising demand for livestock products.

As a result, imported feed grains have triggered a rapid expansion of Japanese livestock production. This has brought Japanese consumers more meat and poultry at better prices; it has opened opportunities for Japanese farmers for new and profitable livestock enterprises; it has meant an important and expanding feed grain market for world agriculture.

And I am happy to say here that it has been particularly important for U.S. agriculture, which shipped more than 6 million tons of feed grains to Japan last fiscal year—just about one-third of our feed grain exports. The dollar value of U.S. feed grain exports to Japan last year was $335.5 million, a dramatic contrast to shipments of $13.7 million in 1960.

Soybean and wheat exports to Japan have also gone up dramatically. In 10 years, soybeans increased from $103 million to $251 million—wheat from $54 million to $136 million.

In fiscal 1970, we supplied Japan with more than two-thirds of its imports of fats and oils, and of feed grains; more than half of its wheat, and hides and skins; Japan took nearly half of our lemon exports. Japan is our best cotton customer, taking one-fourth of its cotton from us. We sold Japan $50 million worth of tobacco last fiscal year, up almost 40 percent from the previous year.

Almost the whole range of U.S. farm commodities finds Japan a leading customer.

Japan wants, needs and can afford these products, and the U.S. can supply them in any system of international trade in which price, quality and availability are the primary factors.

I am not here to tell you that we have no problems. I am not here to pretend that all questions relating to market access have been solved. But I can tell you that I am optimistic that we can resolve any differences—and that trade between our countries will continue to grow. As far as I am concerned, the record of the past year is simply a new "take-off" level, and I will do everything I can to make that proposition come true.

And now, Mr. Ambassador-Designate, may I take a few moments to recognize the U.S. farm producers and marketers who have contributed and are contributing so much to trade between our countries.

In a world of competition, export expansion means salesmanship and service as well as price, quality and availability. The producers and marketers of the major U.S. agricultural products have understood this, and they support some 68 private trade organizations formed to develop markets overseas in cooperation with the Department of Agriculture. This is, of course, a mutual effort—with many strong Japanese organizations bringing to it their special knowledge, their special abilities.

Today, I want to recognize with a special certificate the producers and marketers of three U.S. commodities who have, through their trade organizations, maintained offices and market development programs in Japan for 10 years or more, and who last year, among them, exported two-thirds of our total agricultural exports to Japan.

For the feed grain industry:

Mr. Clayton W. Johnson of the U.S. Feed Grains Council.

For soybeans:

Mr. Leslie Tindall of the American Soybean Association.

For wheat:

Mr. Don Woodward representing Western Wheat Associates and Great Plains Wheat, Inc.

Mr. Ambassador-Designate, before I take my seat, I give you a special welcome to this country—on behalf of my colleagues and American agriculture. You have our best wishes for a most successful and most enjoyable tour of duty in the United States of America.

REMARKS BY AMBASSADOR-DESIGNATE NOBUHIKO USHIBA

Secretary Hardin, other leaders of the Administration, distinguished members of the Congress, leaders of American agriculture, ladies and gentlemen, I appreciate the words of tribute to Japan and the warm welcome to Washington. I want to add my word of appreciation to the National Grain and Feed Association, our hosts for this occasion.

Mr. Secretary, for me, in my respects, coming to Washington is like a reunion with old friends, and I am pleased to see that so many of mine have prospered and advanced. I am glad to say that many of the leaders of American agriculture are longtime friends of mine. Assistant Secretary Clarence Palmby and I have had several occasions in the past, while he was the U.S. Feed Grains Council, to work together. Mr. Carl Campbell, of the National Cotton Council, and I have known each other for over 20 years and had many fruitful conversations about American cotton, and there are others whose friendship I am looking forward to renewing.

I am happy that my first public speech after arriving in Washington is at an event to commemorate such a significant milestone, the fact that Japan has become the first billion-dollar customer for the United States agriculture. I might add that forestry products are not included in that figure, and if they were added, agricultural and forestry product sales to Japan would have exceeded $1.5 billion.

While in one sense Japan is the honoree today, the real honorees are the American farmers and their (as I would call them) "supersalesmen." American agriculture in a number of commodities is competitive in price and quality, and importantly for Japan, on a continuing basis. And, as the affluence of the Japanese consumer increases, the demand for more and better food increases. For example, present per capita consumption of red meat is only 17 pounds per year. To grow more red meat, more grain, mostly from the United States, will be necessary. Bread is another item of increasing importance in the Japanese diet, increasing the demand for wheat, again substantially from the United States. The market for soybeans, your biggest agricultural export item, is also expanding in Japan. During the 1960's Japanese consumption of United States soybeans increased 115 percent; wheat 120 per-

cent; feed grains just more than 400 percent. It is my sincere hope that these agricultural products will continue to be supplied to Japan on a stable basis in the years to come.

Your agricultural marketing experts, many of whom are present at this luncheon, have served the Japanese market well. Their innovative ideas, such as the promotion of the livestock and poultry industries as a means of increasing demand for United States feed grains, have contributed to the increased sales of American agricultural products in Japan.

In the broad perspective, today's commemoration is also a tribute to the policy of free trade which has been mutually beneficial to both our countries. Each is the other's best offshore customer. The United States has been for years in the foremost leadership position in seeking free world trade. This policy has worked well for both countries. During the past ten years, for example, Japan imported $21.4 billion worth of American products and exported $24.1 billion worth of Japanese products to the United States. In the first seven months of 1970, according to United States Department of Commerce figures, United States exports to Japan are up 46 percent and imports from Japan are up 18 percent compared with the figures for the corresponding period of the last year. The 46 percent increase in sales to Japan is more than twice the 20 percent average increase in American exports to all countries. These figures accurately indicate the importance that each country's market is to the other, and they also indicate a significant strengthening of the U.S. balance of trade position.

A continuation of free trade policies is essential if the successes of the past decade are to be exceeded during the 1970's. By free trade, I mean free trade in all countries. Although Japan had to establish artificial barriers to trade during its reconstruction period, it is incumbent upon Japan, now that the Japanese economy has emerged as the second strongest in the free world, to remove all unnecessary barriers to international trade.

I am happy to say that, at a time when many countries of the world are erecting or threatening to erect new trade barriers, Japan is removing its trade restrictions. On September 11, my Government announced a new accelerated schedule for trade liberalization. By the end of September, 1971, residual import restrictions will be removed on more than 50 additional items. In 1963 Japan had more than 200 such items. It had been reduced to 121 by 1968. According to the new schedule, in a year's time, the number will be drastically reduced to fewer than 40, which compares favorably with those of other industrial countries. I know that this has not been done as rapidly or dramatically as some of our foreign friends would have wished, but *it is a continuous and irreversible movement.*

As you might imagine, the affected industries have resisted the liberalization, but the Japanese Government has been persistent. In political terms, increased liberalization at home while Japanese products are discriminated against in European and other markets has been controversial. The question is often asked by Japanese businessmen, "Why should Japan liberalize at a time when other countries are establishing new trade barriers?" But the consensus in Japan is that trade liberalization must continue in Japan's own interest, in order to effect the most efficient allocation of resources—and this is why it will be carried out notwithstanding the objection of some of the Japanese interests that are affected.

I think that Japan and the United States have in the past few years reached a new relationship; as statesmanship has defused some of the politically explosive issues, the focus of attention is now being placed increasingly on economic problems, which are bound to arise in a relationship between two countries enjoying the volume of mutual trade of nearly $10 billion. It is, however, not easy for us to grasp full implications of this development or to find out how to tackle these problems. At any rate, it is essential that decisions be generated out of the inner life of Japan and not appear to be dictated from abroad. In my opinion this is a healthy devedopment, which will strengthen our friendly relationship of mutual respect and trust, and create the circumstances in which to work out differences.

In closing, Mr. Secretary, I want to note that your "SUPERSALESMEN" have not been content with reaching the goal of selling $1 billion worth of agricultural products to Japan. They exceeded it by over $100 million. It seems to me that they are well on their way to selling Japan $2 billion worth of American farm products. Knowing many of them as I do, I am sure they will in typical American fashion reach that goal ahead of schedule, and I am already looking forward to commemorating that event.

ISRAEL

Mr. WILLIAMS of New Jersey. Mr. President, in the midst of the Middle East crisis, the Prime Minister of Israel, Mrs. Golda Meir, has arrived in this country for top-level meetings which hopefully will result in the necessary agreements to assure Israel's continued, secure existence.

For 22 years, Israel has led a very precarious existence in the Middle East. It is in the interest of the United States and the interest of world peace for the United States to assure Israel's continued existence within secure and recognized boundaries on the shore of the Mediterranean.

Out of the holocaust of the Second World War and the slaughter of 6 million Jews, the world witnessed and approved the rebirth of a nation. Israel declared its statehood on May 14, 1948. Within minutes of this declaration by Israel, President Truman announced the recognition of Israel by the United States. This was the beginning of a continuing commitment reiterated by Presidents Eisenhower, Kennedy, Johnson, and Nixon, a commitment to the little pro-Western bulwark of democracy to help Israel to fulfill its dream to reclaim and rebuild the Holy Land.

During the 22 years of Israel's existence, she has been forced into a continuing state of hostilities with her Arab neighbors. Reaching its peaks of hostility in 1948, 1957, 1967, and now in 1970, this constant state of war has drained Israel of the resources necessary for peaceful economic development. It has forced Israel into a continual state of military preparedness and has taken a heavy toll in the life of its youth.

Although I deplore a continuing arms race in the Middle East, I believe that the hostilities can only be brought to a peaceful conclusion if the Arab nations know beyond a doubt that America's commitment to Israel is resolute and firm, and that our resolve will not be weakened by international blackmail, economic or otherwise, and if the Arab nations realize that they must reach agreement, directly with Israel, to live together in peace.

History has demonstrated that the Arab nations respond to any and every apparent weakening of American resolve with acts of belligerence. For example, in May 1967, Egypt blockaded the Gulf of Aqaba, Israel's only southern sea outlet. Despite my urging and the urging of numerous congressional leaders, the United States and other naval powers, failed to test this blatant violation of international law and grave threat to Israel's security. Within days, Egypt moved its divisions to the Israel border and the 6-day war of June 1967 had erupted.

Since that war, America's commitment has been tested on numerous occasions, and has been found wanting. Two years ago, despite our recognition that peace can only come to the Middle East through direct negotiations by the parties to the dispute, the United States undertook negotiations with the Soviet Union, Great Britain, and France over the Middle East crisis. These negotiations proved to be fruitless. Moreover, they relieved the Arabs of the urgency of dealing directly with Israel and provided the cloak for a complete rebuilding of Arab military potential by the Soviet Union. I joined with the overwhelming majority of both Houses of Congress in 1969, and again in 1970, in urging that the United States insist on direct negotiations between Israel and the Arabs.

Similarly, since the fall of 1969, Israel has pleaded with the United States for the opportunity to purchase jet aircraft. Since Israel is greatly outnumbered in military manpower, the military balance can only be maintained if Israel retains superiority in the air.

The refusal by the United States to agree to the sale of these new jet aircraft for the year since October 1969, in my judgment, inexorably led the Soviet Union to continue to increase its military buildup in Egypt. The Soviet Union and Egypt apparently interpreted American hesitancy as a weakening of our resolve.

I joined with three-quarters of the U.S. Senate in calling upon the administration to demonstrate to Israel and to the Soviet-Egyptian axis our support for Israel by agreeing to sell jets to Israel to maintain her air force as a credible deterrent. After several delays by the administration, the Soviet Union moved its missiles into Egypt, closer and closer to Israel-occupied territory. Then Russian pilots began to fly Middle Eastern skies. Yet, the United States delayed at a time when a display of solidarity with Israel was clearly called for and could have been effective.

I believe that out of both self-interest, and moral imperative, it is incumbent upon the United States to help maintain the security and sovereign rights of the democratic State of Israel. To this end, it is of the utmost importance that peace be established in the Middle East through direct negotiations between Israel and her Arab neighbors.

Therefore, I have joined in praising the President for recent efforts by our Government to bring about a cease-fire and negotiations, albeit indirect, between the parties. The negotiations have broken down because of the Soviet-Egyp-

tian serious violations of the standstill understanding. If the cease-fire is to remain in effect and hopefully lead to ultimate peace, it can only come about if Israel is able to maintain a credible deterrent against potential Arab aggression.

Further, I am convinced that there is a vital role that can be filled by the United States in the sphere of economic development.

Economic development is not only vital to Israel's survival, it is an absolute necessity for the well-being of 100 million Arab people in the Middle East. Also, in my view, it is essential to peace.

When I visited Israel last year, I discussed economic development of the entire region with the Prime Minister, Mrs. Golda Meir. In discussing the potential for Arab-Israel cooperative economic development, she explained the view of a relatively advanced technological and economic society such as Israel toward her underdeveloped Arab neighbors, by saying:

> No one likes to have the only decent flat in a bad neighborhood.

Yet, neither the Arabs nor our own Government have been willing to commit themselves toward peaceful economic development of the region. For example, for years the Arabs have been attempting to strangle Israel economically. As I learned in 1965, during my hearings on the Williams-Javits anti-Arab boycott bill, the Arabs have demonstrated a suicidal tendency to forgo the possibility of improving their own condition in order to destroy Israel economic security.

The administration, on the other hand, has quite inexplicably refused for 2 years to activate the financial aid program for a desalinization project in Israel. When I had the privilege of sponsoring that project with several of my colleagues and when Congress, in a nonpartisan manner, approved it, we all hoped that this might signal a more rational future. Israel's 2.5 million inhabitants are more than willing, even eager, to share the benefits of this brackish water conversion program with her 100 million Arab neighbors, as she has shared her other economic and technological advances with countless millions of African and Asian peoples.

I believe there is a peaceful solution to the Middle East crisis, one which will result in long term stability and growing prosperity for all the peoples of that region. It can be found through a double-barreled effort to wind down military hostilities while simultaneously promoting economic cooperation.

I will, therefore, be proposing a series of measures during the next several days which I believe will help to achieve that goal.

I believe that in order to achieve that objective, we must look beyond Israel's military needs.

Since the date of the rebirth of the State of Israel, she has had to expend an undue portion of her resources on maintaining a credible military deterrent. This has been necessary because of the day in, day out pressures and challenges to her continued existence from many quarters.

The demands have multiplied immensely since the 1967 war. In part this excessive demand is attributable to our timidity in support of Israel which, in turn led to increasing Arab and Soviet pressures.

Furthermore, Israel's defensive posture, in my judgment, has been seriously prejudiced by our failure to insure compliance with the cease-fire arrangements.

All of this has resulted in a serious weakening of Israel's economy to the point where she is finding it more and more difficult, almost impossible, to carry her defensive burden. Nor can she develop economically.

I believe we must view this as a real crisis for world peace. We cannot allow disaster to occur in Israel whether by the military threat of the Soviet-Egyptian axis or by the awesome prospect of internal economic collapse.

This crisis must be averted. And it can be averted if we approach the situation with the same urgency we approached the European situation after World War II.

What is needed today is a Marshall plan to insure Israel's survival and growth. What is needed today is the same kind of far-sighted commitment to Israel's economic development as this Nation gave, in one of its finest hours, to Europe's reconstruction.

The financing of such a new Marshall plan need not be limited to American grants. Rather, it would best be a composite of grants, development loans, and Government-guaranteed private loans on the most satisfactory and long-term credit arrangements.

For such a plan to achieve its purpose requires a commitment between public and private funds of between $1 and $1½ billion annually at least until peace in the Middle East relieves Israel of the heavy financial burden of maintaining a strong defensive posture, a defensive posture which, let us never forget is in the national interests of the United States without ever having cost the life of one American soldier.

I know that many will be concerned about the cost of such a program and about the prospects of repayment of that part of the funds which are committed through loans. First, let me repeat that I propose a combination of public grants and public and private long-term loans.

And second, let me note that when we talk of loans to Israel we are talking about extending credit to one of the best credit risks in the world. Just as an example, since 1949, the Export-Import Bank has loaned Israel $288.4 million in long-term loans. Of this amount Israel has repaid $247.6 million already leaving a balance due of only $40.8 million, a sum just slightly in excess of the amount loaned to Israel in 1969. In other words, Israel already has paid back every penny loaned to it by Eximbank between 1949 and 1968.

I will be introducing legislation to accomplish this objective next week and I would welcome the joint sponsorship of my colleagues. I will also be proposing in the coming weeks a specific legislative measure dealing with Israel's military needs and a measure which I consider to be vital to the ultimate peaceful development of the entire Middle East.

"DELTA QUEEN"—HER MAJESTY SHOULD NOT BE DETHRONED

Mr. YOUNG of Ohio. Mr. President, the *Delta Queen* is a sternwheel passenger vessel which for 44 years has carried Americans along the Mississippi, Ohio, Tennessee, and Cumberland Rivers. She is the only passenger vessel with overnight accommodations and operating solely on the inland rivers of the United States.

The provisions of Public Law 89–777, enacted in 1966, would end the *Delta Queen's* long, colorful history of service for the reason owners are unable to make her comply with all the safety regulations imposed by that law.

Mr. President, a Senate Commerce Committee amendment to H.R. 15424 would exempt the *Delta Queen* from the fire retardant construction requirements of Public Law 89–777, permitting her to continue her many years of service. That bill has been reported favorably and is now on the Senate calendar.

In the committee's words:

> The committee is thoroughly familiar with the *Delta Queen* and her manner of operation and believes that she presents a special case worthy of exemption. Unlike an ocean vessel, the *Delta Queen* is never more than a few hundred yards or a few minutes from shore. Unlike ocean vessels, the *Delta Queen's* staterooms open directly to the outside decks and there are no long enclosed corridors where passengers or crew members could be trapped. Her compartments and rooms are equipped with full coverage sprinkler systems maintaining constant pressure. In the 44 years since her launching, her safety record is unblemished.

The committee goes on:

> Although her hull is steel, the elegant teak, mahogany, ironwork and oak of her superstructures and interiors do not conform to the provisions of the 1966 law which permits no woods to be used, and her stairways, steamplants and electrical machinery do not conform to the law's requirements. Practically every piece of the vessel would have to be rebuilt to make her conform; the cost would be astronomical and, even so, much of her historical charm would be lost.

Mr. President, I agree with the committee's conclusion:

> The *Delta Queen* brings back memories of a bygone era and her continued operation on the rivers of mid-America will permit us to recall the day when the riverboat was king, the primary means of transportation for all of the central United States, and when the characters of Mark Twain could be found along the riverbanks and not just in books.

Mr. President, I am reminded of George Pope Morris' great poem, "Woodman, Spare That Tree":

> Woodman, spare that tree!
> Touch not a single bough.
> In youth it sheltered me,
> And I'll protect it now.
> 'Twas my forefather's hand
> That placed it near his cot;
> There, Woodman, let it stand,
> Thy axe shall harm it not!
>
> That old familiar tree,
> Whose glory and renown
> Are spread o'er land and sea
> And wouldst thou hew it down,
> Woodman, forebear thy stroke.
> Cut not its earthbound ties,
> Oh, spare that aged oak,
> Now towering to the skies!

When but an idle boy
I sought its grateful shade;
In all that gushing joy
Here, too, my sisters played.
My father pressed my hand—
Forgive this foolish tear,
But let that old oak stand!

My heartstrings round thee cling,
Close as thy bark, old friend!
Here shall the wild bird sing
And still thy branches bend.
Oh tree! The storm still brave!
And, Woodman, leave the spot;
While I've a hand to save,
Thy axe shall harm it not.

Mr. President, the *Delta Queen* is a great towering oak in America's history. To cut her down now would be to remove an important remnant of our past, and for no purpose. She has served us well and we must not abandon her.

Mr. President, the committee is right and I commend them for a fine amendment. In permitting the *Delta Queen* to continue its colorful and romantic history, they have shown not only compassion for those who love her but concern that this important vestige of another era be preserved for Americans to enjoy. I urge my colleagues to support this amendment.

WE SHOULD SCRAP ARCHAIC PAGE SYSTEM

Mr. YOUNG of Ohio. Mr. President, earlier this session on May 27, I introduced S. 3886, a bill to provide for the appointment of congressional messengers from among young men and women between the ages of 17 and 24, who are attending college in the Washington area. This bill is presently pending before the Senate Committee on Rules and Administration.

The fact is that the time is long past for the Senate to establish a more equitable and sensible system of hiring pages and abolish the archaic page program that has been in operation for so many years.

The Rules Committee of the House of Representatives, in its wisdom, has already adopted rules changing the page program in the other Chamber, adopting the rule that as of the opening of the coming session of Congress next January, pages or messengers will be selected from young ladies and young men who are college students.

If the Senate were to also modernize its outmoded method of selecting pages this session as the other body has done, it would provide an excellent opportunity for employment for the many young men and women attending universities in this area.

Mr. President, in 1965 when I introduced the first bill on this subject and again in 1967 when I was the author of a similar measure, officials of universities in the District of Columbia informed me that they would make class hours of any young men or women who are selected to be pages and messengers conform with their duties here. I am sure that now with the intensified interest of students in participating in the political process as shown by the movement for a new Congress and the plan to campaign for peace candidates in the upcoming elections that universities would welcome and encourage the chance to give college-age youth an opportunity to work in the Senate and observe its operations. Mr. President, under the present system pages from the ages of 14 to 17 are employed. Some remain in this employment until they are too large to serve inconspicuously—a nebulous standard for terminating employment.

The boys who presently serve as pages and messengers in both the Senate and the House of Representatives are fine boys. However, they are part of a system which developed historically but has no validity today.

Mr. President, historically, the custom of hiring pages goes back to the very first Congress of the United States.

In those days, Members of Congress who knew of young orphan boys in destitute circumstances had their sympathies aroused. They were successful in having officers of the House of Representatives and of the Senate employ these boys as runners.

Originally, in 1789, a few runners were employed—three, I believe. The early records show that in the 20th Congress, which sat from 1827 to 1829, three boys were also employed as runners.

In succeeding Congresses, the numbers have increased. But the custom has continued of bringing youngsters from 14 to 17 years of age to Washington to serve as pages or runners—taking them from their dates, and from their homes, and from their fathers and mothers.

In the 27th Congress, which sat from 1841 to 1843, a select committee was appointed to look into the number of persons employed by the House of Representatives to ascertain whether there were "more than the public good required," and also to determine whether their pay should be adjusted.

One result of the inquiry was that the number of pages at that time was reduced from 12 to 8 and their compensation was increased from $1.50 to $2 a day, a far cry, Mr. President, from the salaries now paid the pages of the U.S. Senate.

Mr. President, at the present time, page positions in the Senate are filled with youngsters barely out of grade school whose average age is 15 and who draw an annual salary of $6,960. This is quite a lot of money for a young boy just out of grade school to send home to mama and dad for carrying messages and taking telephone calls.

In addition, when these youngsters come to Washington, they are left on their own to secure adequate housing and meals and they are without the benefit of parental guidance that is so necessary for young boys of this age.

They attend the Capitol Page School for 3 hours daily and at some times they work for as much as 40 hours a week—perhaps longer on occasions.

We all know that the pages are very willing and that they are always on the job as long as the Senate is in session. This sort of a schedule would not be tolerated in any job covered by the Federal child labor regulations. Yet, that practice is in effect in the Senate and in the House of Representatives at the present time. And there has even been talk that the Government should buy valuable land close to Capitol Hill and erect a dormitory for pages, together with personnel—I suppose including house mothers and other help—at huge expense. I did my best to combat that and spoke out against it in the Public Works Committee and in the Senate Chamber.

Besides giving young men and women of college age the invaluable opportunity to view the workings of Congress first hand, it would help them and their parents pay their way through college. Also, it would relieve the Senate—I do not need to say the House of Representatives, because the other body has already taken care of this situation as of next January—of the responsibility of looking after the welfare of young boys, many of whom are on their own for the first time in their young lives, far away from their parents and from their homes in the various States.

The fact is, Mr. President, that working in Congress would be far more meaningful for college students who have greater experience and maturity than young boys just out of grade school. Certainly, having young college students as pages or messengers with a uniform or dress would add dignity to the Senate.

Mr. President, I realize that whenever a long-established tradition or custom is set aside, very careful consideration should be given to the reason for doing so. I am convinced that in this fast-moving space age of change and challenge, the present method of selecting very young teenage boys as pages for Congress is outmoded and really serves no useful purpose.

Mr. President, change is not necessarily reform. However, the change that I am suggesting today would be real reform and would be highly beneficial not only to worthy young ladies and men attending the many universities in this area, but also to the Senators and the operation of the Senate. To continue the present page program would be to perpetuate an unnecessary, unjustified, and archaic system.

TRIBUTE TO SENATOR GOODELL

Mr. MATHIAS. Mr. President, it is a real pleasure to join so many of my colleagues in paying tribute to the distinguished Senator from New York, Senator GOODELL, as he ends his 2d year of service in the Senate.

During the past 2 years Senator GOODELL has made a mark here as a forceful advocate, a creative legislator, and an energetic champion of the interests of his State.

This record is not at all surprising to one who had the privilege, as I did, of working with CHARLIE GOODELL during his years of service in the House of Representatives. It was in the House that he first established a record of constructive action and perceptive initiatives, for he was instrumental in shaping Republican alternatives to many Great Society proposals in fields such as economic opportunity and manpower training.

Through my service with Senator GOODELL on the Senate District of Columbia Committee, I have been particularly impressed with his understanding of urban problems and the needs of our great metropolitan areas. For example, during a District Committee hearing on narcotics, Senator GOODELL took the opportunity to urge Justice Department witnesses to give far greater priority and support to a nationwide drug control and addict rehabilitation program, as proposed in the legislation he has introduced. His work on the omnibus D.C. crime control legislation has also shown his keen grasp of the real challenges of law enforcement and the administration of justice in the 1970's.

I want to join in congratulating my colleague from New York on his contributions during his first 2 years in the Senate.

INTEREST SUBSIDY AMENDMENT TO SMALL BUSINESS BILL

Mr. PERCY. Mr. President, I intend to offer an amendment to S. 4316, a bill to clarify and extend the authority of the Small Business Administration. This amendment will authorize the SBA to grant interest subsidies to borrowers who receive loans guaranteed by the Administration. The language proximates that contained in the original bill which, for want of sufficient background information at the time of our executive session, the Banking and Currency Committee chose to delete, and I participate in that decision.

Since that time, Mr. President, the Small Business Administration and the Department of Commerce have come forward with the sort of information and assurances that I think warrant our reinserting this section in the pending legislation. In short, they made their case, and I am pleased to have this opportunity to sponsor an amendment which will provide essential funds for the Nation's small businessman.

Specifically, this amendment would authorize SBA to make interest subsidy grants to small business concerns which borrow money from private lenders under SBA guarantees. The maximum amount of such a grant would be governed by a formula, but in no case could the grant exceed 3 percent of the amount of the loan. Grants would be made annually to small business concerns which are about to be established or have been in existence for less than 5 years and no grant shall be made later than 3 years from the time the loan was disbursed.

The subsidy program is intended to assist those small businesses suffering the special problems of their first years in existence. As President Nixon said in the small business message which he transmitted to Congress in March of this year:

> The risk of failure for small business is high, and the early years are the most perilous. These are the years in which the small businessman most often finds himself short of working capital and when high interest rates can have their greatest impact.

I doubt if there are many Senators, certainly no small businessmen struggling to get their enterprises on their feet, who would take issue with the President's observation.

If direct funding money were available, SBA would probably prefer to assist borrowers directly rather than through the guarantee program. However, the shortage of funds has been a longstanding, conspicuous problem, a "fact-of-life" for Government agencies who are charged with the responsibility of injecting capital at pressure points in our economy. It was out of this situation that the SBA loan guarantee program developed. However, the loan guarantee program does not stand on a par with the direct funding program because of the disparities in interest rates: a borrower from the Government has to repay his loan at 5½ percent; a borrower from the private sector has to repay his loan at the open market rate, most recently set at around 8½ percent.

The amendment I am offering represents an attempt to make the guarantee program come as close to the direct funding program as possible.

I should reemphasize the fact that in no case could the subsidy exceed 3 percent of the loan amount according to the terms of the amendment, and the authority granted is not couched in mandatory terms requiring that every borrower who falls within the guidelines of the amendment automatically receive the subsidy.

The SBA has estimated that this program will cost approximately $3 to $5 million the first year, $6 to $10 million the second year, and $11 to $15 million continuing at that level each year thereafter.

The amendment requires a careful report to Congress each year on the implementation of this subsidy authority and the activities accordingly undertaken.

As I indicated earlier, Mr. President, the Banking and Currency Committee on which I serve expressed initial reservations about the interest subsidy. Our reservations were largely predicated on a lack of understanding as to how it would be implemented. The SBA and Department of Commerce have in the meantime supplied us with sufficient information to warrant our granting them this additional power.

I ask unanimous consent that the text of this letter from Hilary Sandoval, Administrator of the Small Business Administration, be printed in the RECORD at this point wherein many of the questions raised by the committee are clearly and carefully answered.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SMALL BUSINESS ADMINISTRATION,
Washington, D.C., August 17, 1970.

Hon. THOMAS J. MCINTYRE,
Chairman, Subcommittee on Small Business, Committee on Banking and Currency, U.S. Senate, Washington, D.C.

DEAR SENATOR MCINTYRE: This communication is in response to your oral request, transmitted through your staff, for a description of the manner in which the Small Business Administration plans to conduct the *interest subsidy program* which will be established in the event section 101(3) of S. 3699 is enacted into law.

Section 101(3) would authorize SBA to make interest subsidy grants to small business concerns which borrow money from private lenders under SBA guarantees. The maximum amount of such a grant would be governed by a formula. In no case, however, could the grant exceed 3 percent of the amount of the loan.

Grants would be made on an annual basis. A borrower could obtain as many as three grants applicable to the interest due on each of the first three years of his loan.

It is to be noted that section 101(3) is not couched in mandatory form. It would not require SBA to make grants across the board to all small business borrowers. Instead, we would have discretion to provide such assistance on a selective basis. In the exercise of this discretion, we would decline grants to borrowers who fail to demonstrate their need for such assistance.

Another factor to be considered is that the subsidy program is intended to benefit those businesses which are in the early years of their existence. Relevant in this connection is the following observation made by the President in the small business message he transmitted to the Congress on March 20, 1970:

"The risk of failure for small business is high, and the early years are the most perilous. These are the years in which the small businessman most often finds himself short of working capital and when high interest rates can have their greatest impact. In order to help small businessmen in such crucial early years, I propose legislation to authorize the Small Business Administration to make grants to borrowers whose loans are guaranteed by the SBA. . . ."

As a general rule, therefore, we contemplate making these grants to those small business borrowers who are in their first three years of operation.

In contrast to some of the other programs proposed by S. 3699, however, the benefits of section 101(3) are not limited to persons who are socially or economically disadvantaged. Nobody would be denied an interest subsidy grant merely because he does not fall into the disadvantaged category.

I trust you will find these comments useful in evaluating the merits of S. 3699. If you have any further questions, I would be glad to answer them.

Sincerely,

EINER JOHNSON,
(For Hilary Sandoval, Jr., Administrator).

SMALL BUSINESS ADMINISTRATION,
Washington, D.C., September 8, 1970.

Hon. THOMAS J. MCINTYRE,
Chairman, Subcommittee on Small Business, Committee on Banking and Currency, U.S. Senate, Washington, D.C.

DEAR SENATOR MCINTYRE: Reference is made to my letter to you of August 17, 1970, concerning Small Business Administration implementation of the interest subsidy program which would be established if section 101(3) of S. 3699 were enacted into law. The importance of this legislation cannot be overemphasized and therefore, I would like to take this opportunity to supplement my earlier comments.

As the President has stated, the early years of a small business are the most perilous and at this time high interest rates can have their greatest impact. Moreover, as we have pointed out on several occasions the interest subsidy provision as a part of our guaranty program would put eligible small businessmen in substantially the same shoes as are borrowers included in our direct loan

program. In addition to narrowing the interest gap between our guaranty program and our direct loan program, the interest subsidy would provide the additional advantage of establishing an early rapport between a private banking institution and a small businessman—a relationship that must inevitably be nurtured if the small business borrower is to achieve success.

In a recent meeting of SBA officials, committee staff and representatives of the Commerce Department and the Office of Management and Budget, the various concerns about this legislative proposal and its administration were discussed. The purpose of this letter is to respond to some of the concerns expressed in the meeting and to broaden our explanation of how we would administer the interest rate subsidy if enacted.

1. *The interest rate subsidy could result in an escalation of interest rates.* Under current procedures our district offices may not accept an application for guaranty that bears an interest rate more than 2 percent above prime without approval of and written justification by the district director. Our local offices are familiar with interest rates in their areas of operations, particularly those of banks that participate with SBA. If the subsidy were available, additional emphasis would be placed on interest rate surveillance. We would be able to detect interest rates that were not out of line in individual cases as well as any trends toward escalation. But to provide more assurance to the Committee on this point, we are suggesting that the legislation include language requiring that SBA control this problem by regulation.

2. *Loans may be put to SBA for guaranty simply to accommodate borrowers in obtaining the subsidy.* Our statute prohibits us from guarantying a loan if the financing is available without it. In its application, a lender must certify that it cannot make the loan without the SBA guaranty. We review the small business applicant's financial information submitted in detail with the lender's application as well as the lender's evaluation of the credit information. Once again, with the availability of an interest rate subsidy, we would be especially alert for cases that should not require Government guaranty assistance.

3. *Businesses not initially in need or subsequently becoming successful would have the benefit of the subsidy.* The existence of SBA rests on the recognition that a large and healthy small business community is vital to the economic well being of the Nation. Since small businesses are at a competitive disadvantage with their big business counterparts, a primary objective of SBA is to reduce this competitive disadvantage in a variety of ways.

We know that high interest rates and tight money fall most heavily on the smaller businesses. Their financial needs tend to be served last by the financial community and at higher interest rates. New businesses and those with a short business history are at the greatest disadvantage.

The legislative proposal and our administration of it are designed to make the interest rate subsidy available when and where it is needed most. First, the subsidy would be available only during the first 3 years of the loan. Second, we would make it available only to new businesses and to those in business for less than 5 years. Third, the subsidy would be available only during the first 5 years of the business. In other words, new businesses and businesses up to 2 years old would receive the maximum subsidy for 3 years allowable under the legislative proposal. A 3 year old business would get the subsidy for only 2 years, and a 4 year old business would receive the subsidy for only 1 year.

The approach described above relates to the Dun & Bradstreet statistics on business failure. In 1969, 53.2 percent of the failures were in businesses in existence 5 years or less. The highest percentages of failure were in the second and third years, with a steady decline in the percentage of failures for each year of business age thereafter. The 1969 failure experience quite closely follows that of earlier years.

If business discontinuances that are not included within the Dun & Bradstreet definition of failure were added to the statistics, it is certain that the difficulties of businesses during their first 5 years would be illustrated even more dramatically.

It is our opinion that it would be extremely difficult and inequitable to try to distinguish the various shadings of need for the interest rate subsidy among small business loan guaranty applicants. We *do* think that we can identify and eliminate those especially strong applications for which a Government guaranty should not be sought. Since the risk of failure remains disproportionately high for small business during the first 5 years of their business life, even businesses that might look quite strong at loan inception or a year or two later, could get caught by the volatile array of adversities that beset small businesses in their early years.

Limiting the subsidy to the first 3 years of the loan and to businesses less than 5 years old, with less than the full 3 year subsidy available for businesses over 2 years old, will go far toward meeting the concern expressed in this section heading. We recommended that the legislative provision be so limited.

4. *The interest rate subsidy will cut into funds available for direct loans.* The funds required for interest rate subsidy would be carried as a separate line item for Agency budget and appropriations purposes and would thereby not affect a reduction in direct loan funds. We want to increase our guaranty program and the small businessman's chances of success. More leverage in the form of loan dollars to small businessmen will be accomplished by interest rate subsidy than by the use of the same funds for direct loans, at substantially less cost to the Government.

Interest rate subsidy will put the guaranty loan about on par with a direct loan insofar as interest rate impact on the small businessman is concerned. In addition, another legislatively recognized objective of the Agency is achieved; that of helping the small businessman establish a banking relationship with a lender who makes and services his loan and may consequently be more ready to assist him with respect to other financial needs of the business. Limiting the interest rate subsidy to guaranty loans rather than extending it to other forms of participation on guaranty loans which the Congress wisely saw fit to place in our basic legislation. Since only about 25 percent of an immediate participation loan bears a bank interest rate (limited to a maximum of 8 percent), there is little justification for interest rate subsidy in our immediate participation program. Again, to provide the Committee with more assurance on this point, we would suggest that the legislative provision so provide.

5. *It is unclear how SBA will define new businesses and businesses 3 or 5 years old.* We have been making distinctions between new and existing businesses and determining age of business establishments for some years. The guidance that our field offices follow now should be sufficient for purposes of administering the interest rate subsidy provision. The basic instruction on this matter follows:

"*Year Established.* This is the year the business became a recognized, continuously operating entity. Business structure and ownership may have changed over the years (as in the case of a partnership, incorporation, ownership of a family firm being turned over to succeeding generation), but if the firm is recognizably the same regardless of these changes, year firm established applies to the originating date rather than to dates of these later changes."

We would want to tie the administration of an interest rate subsidy program into our existing fiscal and loan accounting system. Details of this have not been worked out but no basic changes would result in the administration of the program described in this and my letter of August 17, 1970. As we achieved experience with the program, we would no doubt see opportunities to improve its usage and effectiveness in accomplishing our objectives, and we would be in further communication with your Committee and staff about any significant changes contemplated.

We continue to feel that an interest rate subsidy authority would be an important new tool with which to achieve additional and more effective financing for small businessmen in their early years of business. We urge that such a provision be included with the SBA legislation now under consideration. Enclosed is a proposed provision in line with the foregoing discussion to amend S. 3699.

Incidentally, your Committee staff has asked that we express our thoughts with respect to the mechanics that would be used to implement the interest subsidy. One possibility would be for SBA to make payments periodically, perhaps annually on the loan disbursement anniversary date, upon receipt of certification that the borrower made interest payments on the loan during the year.

As an alternative, the borrower could pay the bank the interest due less the subsidy as determined by SBA at the time the loan is made. Then the bank could bill SBA periodically, perhaps annually on the loan disbursement anniversary date, for the subsidy amount.

If you, members of your Committee or staff have further questions about the proposal or its implementation, we would be pleased to try to answer them.

Thank you for this opportunity to discuss this matter in more detail.

Sincerely,

HILARY SANDOVAL, Jr.,
Administrator.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. HOLLINGS). Is there further morning business? If not, morning business is concluded.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EASTLAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISCHARGE OF COMMITTEE AND REFERRAL OF BILL

Mr. EASTLAND. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 298 for the relief of Nick Norbert Reis, and that it be referred to the Committee on Finance.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMPLOYMENT AND TRAINING OPPORTUNITIES ACT OF 1970

The PRESIDING OFFICER (Mr. HOLLINGS). The Chair now lays before the Senate Calendar No. 1152, S. 3867, which the clerk will state.

The legislative clerk read as follows:

S. 3867, to assure opportunities for employment and training to unemployed and underemployed persons, to assist State and local communities in providing needed public services, and for other purposes.

The Senate resumed the consideration of the bill.

Mr. EASTLAND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMINICK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHURCH). Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, we have before us perhaps one of the more important bills we will consider in this session, a bill which, if implemented correctly, will be of enormous value in reducing unemployment and decreasing underemployment, giving aid and assistance to those who would like to move up in their own scale of productivity and their standard of living; a bill which hopefully, with some amendments, can provide a very useful function for the country as a whole.

In the process of the hearings and the discussion on this particular measure, it became apparent that the comprehensive manpower legislation—and I emphasize the word "comprehensive"—which had been embodied in the manpower bill proposed by the administration, S. 2338, was widely different from the approach taken by the majority of the committee during the executive sessions and widely different from the bill as it has been reported to the Senate. Many of these differences are spelled out in the supplemental views of the Senator from New York (Mr. JAVITS), the Senator from Vermont (Mr. PROUTY), and the Senator from Pennsylvania (Mr. SCHWEIKER).

Many of the statements which are made in those supplemental views I would subscribe to; not all of them, because I felt the bill, as reported from committee, did not approach the problem correctly. Supplemental views were drafted, and we were joined by the Senator from California (Mr. MURPHY) and the Senator from Illinois (Mr. SMITH).

The supplemental views can be found in the report starting at page 133.

There are at least two or three areas that I think illustrate what could almost be called ideological differences between many of us here on the floor of the Senate and the majority of the committee. One of them, of course, is the question of public service employment, Should the Government, through public service employment, be an employer of last resort?

If it is used in that way, as has been envisaged by many, it would be nothing more than a dole, a make-work program. Or should it be used in trying to bring people into a productive capacity and into the mainstream of life.

In addition, it seemed to me that what we were trying to do was to develop a flexible, comprehensive series of training programs which would upgrade the skills of those people who are minimally employed or not employed at all. I do not think we have done this in terms of fitting together the tremendous variety of categorical approaches we now have in the training program, nor have we made adequate use of the differing needs of the various States.

The problem of how to put our respective citizens into training programs which will fit within their areas and within their States seems to me to be, in many cases, dependent upon what training programs are available in those States and also, it seems to me, to be dependent upon the circumstances of the areas themselves.

Yet, this bill does not give the States an adequate role in the shaping of these training programs into an overall manpower program.

Those are only two ideological differences, and those are some of the areas where I will try in my amendments to focus the issues.

I will give just a few examples of the bill as it is now written. We are dealing with a massive amount of money. The authorization in the bill as reported by the committee is $2 billion. That is a lot of money. The authorization is split into one-third for title I, one-third for title II, and one-third for title III, as being separate types of programs. Why is it insisted that the money be put together that way? This is one of the things to which the first amendment I offer will be addressed.

Why is it necessary to do that rather than leaving it much more flexible with an overall approach, with the ability of the States to use funds wherever they think they could be used, and thereby to have more value in their own areas.

The bill in the public service employment as I have said provides only the most minimal link between the public service employment program and the basic manpower delivery system.

We do want a manpower delivery system and it would seem to me whatever public service is going to be in the bill, and there will be provision for that, should be directly geared to the opportunity of that person to get training there and then move into the mainstream of life and not simply be an additional number of State or federally supported employees.

The only reference in the bill with respect to the link between public service and the basic manpower delivery system is in section 204(b) (10) which provides for "appropriate arrangements for the integration of training activities conducted under title I of the act where programs with the same training objectives are to be conducted under both titles by the same prime sponsor."

If the bill were enacted in this form, only those public service employment programs with training components similar to training already conducted by a particular prime sponsor would become part of a local comprehensive manpower program. Very likely, the large bulk of public service job programs would not meet these specific requirements and would therefore be conducted independently of the basic manpower program.

There are other concepts here which I think are of importance, but in order to shorten the length of the debate, I ask unanimous consent that the supplemental views of myself, Senator MURPHY, and Senator SMITH of Illinois, encompassing pages 133 through part of page 135 of the committee report, be incorporated at this point in the RECORD.

There being no objection, the extract was ordered to be printed in the RECORD, as follows:

SUPPLEMENTAL VIEWS OF MR. DOMINICK, MR. MURPHY, AND MR. SMITH OF ILLINOIS

We strongly favor the approach to comprehensive manpower legislation embodied in the manpower bill proposed by the administration, S. 2838. As the "supplemental views" of Messrs. Javits, Prouty, and Schweiker indicate, there are wide differences between that approach and the one taken in the bill reported by this committee. We agree with many of the reservations of these Senators to the bill as reported by the committee. We also believe, however, that in at least two areas of fundamental importance, a stronger emphasis is required, further delineating the differences which separate us from the approach of the majority.

PUBLIC SERVICE EMPLOYMENT

Title II of S. 3867 would establish a massive permanent job creation program in the public sector. In addition to the separate authorization in section 202 ($750 million for the remainder of fiscal year 1971; $1 billion for fiscal year 1972; $1.25 billion for fiscal year 1973; $1.5 billion for fiscal year 1974), section 4 would allocate one-third of the total unreserved funds appropriated under the bill ($2 billion is authorized for fiscal year 1972, $2.5 billion for fiscal year 1973, and $3 billion for fiscal year 1974) for title II public service employment programs. Section 601 would make additional funds available when the national unemployment rate exceeds certain levels.

These funds would be used by the Secretary of Labor to contract with prime sponsors (States and eligible units of local government) or other public and private nonprofit agencies for the establishment of public service jobs for unemployed persons. While section 204(b)(4) would require that "special consideration" be given to subsidizing jobs involving preparation for advancement to higher level skills or other suitable employment, this section also specifically includes "persons for whom the foregoing goals are not feasible or appropriate." Thus, the bill would permit the creation of employment for such individuals on a permanent basis. The procedures provided in section 204(b)(15) for review of a participant's employment after 1 year to determine his advancement prospects do not provide for mandatory termination of an individual's participation in the program when these prospects are not being served effectively.

The bill provides only the most minimal link between the public service employment program and the basic manpower delivery system provided in the bill. The sole such reference is contained in section 204(b(10) which provides for "appropriate arrangements for the integration of training activities conducted under title I of the act where programs with the same training objectives are to be conducted under both titles by the same prime sponsor." If the bill were

enacted in this form, only those public service employment programs with training components similar to training already conducted by a particular prime sponsor would become part of a local comprehensive manpower program. Very likely, the large bulk of public service job programs would not meet these specific requirements and would therefore be conducted independently of the basic manpower program.

While we recognize that involvement of the public sector in manpower training programs is desirable, we strongly disagree with the concept that manpower funds should be used to finance either mere job creation or a permanent expansion of public services. The Congress should determine independently whether additional Federal financial support is required to provide adequate levels of public services, recognizing that such action would automatically generate additional employment opportunities.

We oppose the concept of Government as the employer of last resort. By whatever name it is given, we are deeply apprehensive that the type of public service employment program envisaged under this bill would establish a permanent submarket in the public sector characterized by minimum wages and poor advancement opportunities, regardless of overall economic conditions.

Certainly, the manpower development process could be substantially aided by a variety of related, nonpermanent public service employment mechanisms. The preparation of low-income persons for placement in jobs in State and local government, supported by regular State and/or local revenues—or by the administration's revenue sharing plan—is one example. The utilization of federally supported work stations in public agencies, as part of an individual's employability development, is another example. Moreover, the program could also provide short-term employment programs to cushion manpower program graduates during periods of weak labor demand. Temporary job creation as an antirecession measure is feasible and desirable. Such a response should be triggered in a seriously deteriorating employment situation. This would be just one tool to deal with the full problem of cyclical unemployment and also serve specific manpower goals.

We hold it a crucial concept that the role of public service employment in the manpower program should be one of providing temporary jobs as part of the preparation of disadvantaged individuals for placement in nonsubsidized public and private employment. Such programs should be tied securely into the manpower services network administered by the local comprehensive manpower agency.

THE ROLE OF THE STATES IN THE DELIVERY OF MANPOWER SERVICES

In order to decentralize and consolidate the administration of what has become an almost unmanageable collection of manpower programs (the Labor Department directly administers about 10,000 separate manpower agreements), the administration's bill would have shifted the major responsibility for planning and delivery of manpower services to the State and local levels. The States would have been responsible for developing, in cooperation with localities, comprehensive statewide manpower programs designed to meet local needs.

The delivery system set forth in title I of the bill reported by the committee falls far short of that objective. It perpetuates the administration of manpower programs through direct relationships between the Secretary of Labor and the localities. The States are given no significant role in terms of reviewing local plans and operations, coordinating all manpower activities in the State, and integrating State resources into locally developed programs to be financed under the proposed act. Section 104 would make the States responsible for planning and administering manpower programs and services in nonmetropolitan and rural areas. However, there would be a complete separation of State and local governments' conduct of manpower programs in the urban areas. The Governor would only have the right to "comment" on local plans.

In short, as presently written, rather than providing for the establishment of coherent, integrated State-local comprehensive manpower plans, the bill would permit State and local governments to go their separate ways in delivering manpower services in metropolitan areas.

Ongoing State programs, such as adult and vocational education and employment services, could continue to serve local applicants while independent local sponsors establish redundant and competitive service facilities.

In place of the integrated Federal-State-local partnership envisioned by the "New Federalism" in the administration's bill, the bill reported by the Committee provides little authority or incentive for State governments to integrate State and local applications, or State resources, into comprehensive and coordinated manpower systems. This is shortsighted and excludes a vital partner in any efforts to provide improved delivery of manpower programs and services.

The role of the States is employment and unemployment within its boundaries is clearly established by its activities under the Wagner-Peyser Act operated through the State Employment Service, in unemployment compensation, the regulation of labor-management relations, workmen's compensation, general and vocational education, vocational rehabilitation, and a myriad of other State responsibilities, resources, and services. Further, the vocational education and employment service agencies in each State have been directly engaged in manpower development activities under the Manpower Development and Training Act. Consistent with the foregoing responsibilities, each State would be the logical partner to perform the review and coordination role for manpower programs and services within its boundaries.

AMENDMENTS

We think the bill should be substantially amended in order to make it more compatible with the foregoing principles and those set forth in the administration's bill.

PETER H. DOMINICK.
GEORGE MURPHY.
RALPH T. SMITH.

AMENDMENT NO. 906

Mr. DOMINICK. Mr. President, having made those preliminary remarks and having tried to reassure the Senate that I am neither attempting to block this bill nor objecting to its concept—as a matter of fact, I have been one of the strong supporters of a manpower training program—at this time I bring up my amendment No. 906 and ask that it be stated by the clerk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read amendment No. 906.

Mr. DOMINICK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Amendment No. 906 is as follows:

AMENDMENT NO. 906

On page 81, strike out lines 15 through 21 and insert in lieu thereof the following:

"(1) three-quarters shall be for training and employment programs carried out under titles I, II, and III of this Act; and

"(2) one-quarter shall be reserved to the Secretary of Labor to carry out his special Federal responsibilities under title IV of this Act."

On page 82, between lines 12 and 13, insert the following new section:

"APPORTIONMENT OF FUNDS

"SEC. 5. (a) The amounts available for any fiscal year for titles I, II, and III which are not otherwise reserved in accordance with this Act shall be allocated in such a manner that of such amounts—

"(1)(A) not more than 5 per centum shall be available for financial assistance under subsection (c) of this section, and (B) not more than 5 per centum shall be available for financial assistance under subsection (d) of this section;

"(2) not less than 70 per centum shall be apportioned among the States in the same proportions as the total number of persons in the labor force, of unemployed persons, and of persons heading low-income families and unrelated low-income persons, in such State bears to such total numbers, respectively, in the United States, but not less than $1,500,000 shall be apportioned to a State, except that not less than $150,000 each shall be apportioned to the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands; and

"(3) the remainder shall be made available for such purposes under this title as the Secretary deems appropriate.

"(b) The amount apportioned to each State under clause (2) of subsection (a) shall be apportioned among areas within each such State which are served by prime sponsors approved under the provisions of section 104 of this Act in the same proportions as the total number of persons in the labor force, of unemployed persons, and of persons heading low-income families and unrelated low-income persons, in each such area bears to such total numbers, respectively, in the State. To the maximum extent feasible, such apportioned funds shall be expended through approved applications submitted by such prime sponsors.

"(c) The amount available pursuant to clause (1)(A) of subsection (a) shall be available to the Secretary for the purpose of providing additional financial assistance as an incentive for the designation of prime sponsors for appropriate labor market areas or portions thereof. Financial assistance provided to any such prime sponsor may not exceed an amount equal to an additional 20 per centum of the financial assistance otherwise available to the area so covered under subsection (b) of this section. The Secretary shall confer with units of general local government eligible to be prime sponsors in appropriate labor market areas and encourage such units to cooperate on an areawide basis to the maximum extent practicable.

"(d) The amount available pursuant to clause (1)(B) of subsection (a) for the purposes of this subsection shall be available to the Secretary for the purpose of providing additional financial assistance as an incentive for the establishment by the prime sponsor of appropriate procedures for coordination and cooperation with agencies administering vocational education programs in the area to be served by any such sponsor. Financial assistance provided to any such prime sponsor may not exceed an amount equal to an additional 20 per centum of the financial assistance otherwise available to such prime sponsor under subsection (b) of this section. The Secretary, with the concurrence of the Secretary of Health, Education, and Welfare, shall establish criteria for the establishment of such procedures.

"(e) The Secretary is authorized to make reallocations for such purposes under this title as he deems appropriate of the unobligated amount of any apportionment under

subsections (a) (2) and (b) to the extent that the Secretary determines that it will not be required for the period for which such apportionment is available. No amounts apportioned under subsections (a) (2) and (b) for any fiscal year may be reallocated for any reason before the expiration of the ninth month of the fiscal year for which such funds were appropriated and unless the Secretary has provided fifteen days' advance notice to the prime sponsor for such area of the proposed reallocation. Any funds reallocated under this subsection are not required to be apportioned in accordance with subsection (a) (2) or (b), and no revision in the apportionment of the funds not so reallocated shall be made because of such reallocations.

"(f) As soon as practicable after funds are appropriated to carry out this Act for any fiscal year, the Secretary shall publish in the Federal Register the apportionments required by subsections (a) (2) and (b) of this section and the labor market areas described in subsection (d) of this section."

On page 115, beginning with line 10, strike out all through page 118, line 13.

On page 129, beginning with line 10, strike out all through page 131, line 21.

On page 82, line 14, strike out "SEC. 5", and in lieu thereof insert "SEC. 6".

On page 83, line 2, strike out "SEC. 6", and in lieu thereof insert "SEC. 7"; on line 17, strike out "SEC. 7", and in lieu thereof insert "SEC. 8".

On page 84, line 12, strike out "SEC. 8", and in lieu thereof insert "SEC. 9".

On page 86, line 24, strike out "SEC. 9", and in lieu thereof insert "SEC. 10".

On page 87, line 13, strike out "SEC. 10", and in lieu thereof insert "SEC. 11".

On page 88, line 2, strike out "SEC. 11", and in lieu thereof insert "SEC. 12".

On page 91, line 2, strike out "SEC. 12", and in lieu thereof insert "SEC. 13".

On page 92, line 13 strike out "SEC. 13", and in lieu thereof insert "SEC. 14"; on line 22 strike out "SEC. 14", and in lieu thereof insert "SEC. 15".

On page 93, line 14, strike out "SEC. 15", and in lieu thereof insert "SEC. 16"; on line 21 strike out "SEC. 16", and in lieu thereof insert "SEC. 17".

On page 94, line 2, strike out "SEC. 17", and in lieu thereof insert "SEC. 18"; on line 8, strike out "SEC. 18", and in lieu thereof insert "SEC. 19"; on line 15, strike out "SEC. 19", and in lieu thereof insert "SEC. 20"; on line 23, strike out "SEC. 20", and in lieu thereof insert "SEC. 21".

On page 95, line 20, strike out "SEC. 21", and in lieu thereof insert "SEC. 22".

On page 96, line 2, strike out "SEC. 22", and insert in lieu thereof "SEC. 23".

Mr. DOMINICK. Mr. President, at the outset, let me say that this amendment has been carefully gone over as to its mechanics. It was originally drafted by the Department of Labor. We have reviewed it and gone into it very carefully to make sure it is satisfactory.

Let me outline just briefly for the record what it does. Under the present program, as I said, there are fixed amounts for each of the first three titles of the bill. My amendment, if adopted, will eliminate that, but will retain the formula apportioning funds to the States.

It will put into one section of the bill uniform provision that 75 percent of the funds will be used for titles I, II, and III. The other 25 percent of the funds will be reserved for the Secretary, largely to be used for title IV, perhaps to be used in part for some special activities in the other titles.

Then it has an apportionment of the 75 percent I referred to in order to assure that minimum amounts go to the States. There would be a minimum amount of $1.5 million which goes to each State, and the remainder of the 75 percent goes to the States in proportion to the people who need the training and services as compared with the total number of people in the country.

Mr. President, it seems to me that this provision is necessary if we hope to create a really comprehensive approach aimed at solving the national manpower problems; and they are national in scope.

The main reason for the legislation's being considered during this session is the fact that in the last year or so many of us have heard from manpower program administrators, elected officials from all levels of government, organizations and agencies planning manpower programs, that have requested consolidation of the various manpower training programs.

We were asked, in public hearings on the bill, to combine the numerous categorical programs passed during the last 8 years into one joint program under which it would be possible to refer eligible individuals to training courses which would fit their individual needs.

The pending amendment, as I said, specifies that 75 percent of the total appropriation will be for the training and employment programs under titles I, II, and III. It does not set aside an arbitrary one-third, one-third, and one-third of the $2 billion as the bill does.

The State and local authorities will be apportioned 70 percent of that. Ten percent will be set aside for incentives. The remaining 20 percent will be set aside for the Secretary's discretionary use.

Local officials and Governors will be able to determine for themselves the mix of manpower and training programs that they feel is necessary in order to be able to upgrade the people in their own communities. I want to emphasize that.

As a result, I think we could view this 70 percent of the total authorization as a block grant to the States and the local communities to use as they decide.

The committee bill, as I said, imposes a division between manpower training and public service employment on the part of communities and permits local prime sponsors to submit separate applications for the title I and II programs.

I ask my colleagues to consider these amendments, and to join me in voting for their inclusion in the Senate bill.

The type of rigid legislation in the present bill, it seems to me, as I have said before, and I want to reemphasize at this point, totally fails to recognize the existence of different local labor markets even within States. One area might most effectively utilize a larger portion of its funds for comprehensive manpower services to support training for private sector employment. At the same time, another area might find it necessary to use a much greater portion of its funds to create new public service opportunities.

The critical point is that each area should be allowed to make its determination in the context of its own labor market and economic conditions.

Unless we express confidence in the State and local officials by giving them this authority, we seriously hamper those officials who are most directly involved in trying to solve problems in their own communities.

I mentioned what the 70 percent of the 75 percent would be used for. In general, one could say that they are bloc grants designed to go to the Governors and to the local prime sponsors in order to try to get them to integrate their overall employment policies. Of the remaining funds—in other words, 30 percent of the 75 percent—that are left, 5 percent would be available as an incentive for the local governmental sponsors to join together to create a single prime sponsor. This would be an incentive to try to get groups of people who want to do something in this area to try to funnel themselves as one main group in order to try to provide manpower services for an entire labor market area. This 5 percent is by way of being an incentive to encourage those people to go that way.

Another 5 percent is available as incentive grants to prime sponsors who develop effective linkages between manpower and vocational education programs at State and local levels. It has always seemed to me necessary, in the process of our trying to take care of the training and educational requirements of people who are in the productive stage of life, to integrate these two, so that, where you can see there is a growth in certain areas—in an industry or in a new pattern of living, or whatever it may be—you can also feed this information into the vocational schools, so that they will have the opportunity to be able to pick these patterns up, and be able to train more people for those areas. Wherever we can develop this effective linkage, I think we will be much better off; and there will be a 5-percent incentive for this purpose.

In both instances, both where the local sponsors can get together to service a labor market area and where effective linkages are developed, the maximum amount by which such supplementary grants could increase prime sponsors' basic allocations would be increased from 10 percent in the bill as it is presently written to 20 percent to make these provisions more effective incentives for improved cooperation between political jurisdictions and between our manpower and educational agencies.

Finally, the remaining 20 percent or more would be available for the Secretary's discretionary allotment. It seems to me this flexibility is necessary to meet the problems of communities—often major urban areas—whose manpower problems are severely concentrated.

In addition, the amendment would clearly focus on the importance of State and local governments who are recognized as prime sponsors. The committee bill does not, after careful analysis, provide prime sponsors with any special standing with regard to any other groups or organizations which are eligible applicants to conduct manpower programs. In fact, it places a number of further limitations and administrative complexities upon State and local prime sponsors. In reality, many governmental units might be better advised to apply for sponsorship of manpower programs simply as eligible applicants rather than

undergo the additional problems of recognition as prime sponsors.

This amendment, if adopted, will, to the maximum feasible extent, provide prime sponsors with the planning and administrative opportunities which they need in order to be able to implement these programs within their own areas.

Mr. President, that explains in brief, I think, the major portions of this amendment. As I say, it is a detailed amendment, and it requires that several changes be made in the bill; but the effective function of it is to eliminate the rigidity of the bill, to give more flexibility, and to provide more opportunity for State and local governments to participate in these programs in ways to fit the needs of their own areas.

The PRESIDING OFFICER. What is the pleasure of the Senate?

Mr. DOMINICK. Mr. President, I reserve the remainder of my time.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

Mr. NELSON. Mr. President, first I wish to say that the Senator from Colorado has been and is a very valuable member of the Manpower and Poverty Subcommittee and the full Labor and Public Welfare Committee, and has constantly made a valuable contribution to the development of this bill. I would guess we are probably in agreement on more than 90 percent of what is in the bill. I appreciate his help in the development of this measure.

This issue on this amendment is simply one as to which we differ—that is, the majority of the committee and the Senator from Colorado—as to how much flexibility the Secretary should have. In the bill, there is a great deal of flexibility—more than we have put into any other manpower bills or OEO bills in the time that I have been in the Senate.

Before I comment specifically on the amendment offered by the Senator from Colorado, I should like to point out that after 9 months of hearings in 22 days, including hearings in San Francisco, Los Angeles, Corpus Christi, Cleveland, Milwaukee, and Washington, and after a long series of executive session markups in the subcommittee and the full committee, we completed the draft of a bill which I think is the better because of all the confrontations, discussions, and revisions that we made in the bill over this long period of time.

It came out of the committee by a vote of 15-to-1. I recognize that among the 15 who voted for the bill, there were those who reserved the right to support amendments during its consideration on the Senate floor. The majority of the committee were unanimous in their support of the allocation of money, one-third to comprehensive manpower services, title I; one-third to public service employment, title II; and one-third to special work and training programs and special Federal responsibilities. That concept was also supported by some Members of the minority.

Again, before I discuss the amendment in any detail, I should like to point out that after all of this effort, the bill has now received the strong endorsement and support of the U.S. Conference of Mayors, the National League of Cities, the Urban Coalition, the AFL–CIO, the National Farmers Union, the Leadership Conference on Civil Rights, the Congress of American Indians, and the National Council of Senior Citizens, plus many other endorsements by special groups on special provisions within the bill, those groups being listed in the remarks that I made on this floor last night.

Mr. President, as I stated earlier, the difference between my position and that of the Senator from Colorado is as to how much flexibility should be granted to the Secretary to spend the money authorized in the bill and subsequently appropriated.

As I have stated, the position of the committee was that one-third of the money should be spent on comprehensive manpower services, title I; one-third on public service employment, title II, and one-third on the other titles, special work and training programs and special Federal responsibilities.

The bill also provides that the Secretary may take 15 percent of the money from any title and transfer it to any other title or any other purpose authorized. That means that the Secretary has about $200 million that he can transfer among the titles within the bill.

Furthermore, within any particular title, whatever money is there unallocated, unrequested by any State or local prime sponsor, which is not committed, the Secretray can reallocate.

So we have given the Secretary the flexibility of about $200 million plus reallocation of funds uncommitted 9 months after the beginning of the fiscal year.

Furthermore, built into the bill is the fact that the Secretary has the plenary power to approve or disapprove the application for manpower programs by prime sponsors. If a city of 75,000, or New York City or San Francisco or Philadelphia, develops a manpower program and applies to be the prime sponsor for that particular area, that program has to be submitted to the Governor for comment, and the original goes to the Secretary of Labor.

So the Governor has a right to look at the prime sponsor's plan for the city; and if he thinks that it needs to be changed, needs to be improved, he then submits his comments to the Secretary of Labor. The Secretary of Labor has the authority to attempt to reconcile their differences. He has the final authority.

If the prime sponsor, be it the State or a local prime sponsor, has included in its application some manpower programs or methods of operating the manpower programs that the Secretary believes are not in the best interest of a good manpower program, he sends it back. He gives the prime sponsor an opportunity to be heard. He gives the prime sponsor an opportunity to amend the application. But he has the final authority to deny it and to require the prime sponsor to amend it to comply with what the Secretary, himself, believes is a sound manpower program.

Titles III and V, special work and training programs. include such programs as all Senators are familiar with—New Careers; Operation Mainstream, a new one, Community Environment Service; and Opportunities Industrialization Centers OIC. That program has demonstrated, by its actions in 90 cities around the country, that it is a very successful, very creative job training program, led by a very distinguished, creative, and forceful leader, the Reverend Leon Sullivan. That is one of the programs in title III.

We have allowed the Secretary the flexibility within title III to spend whatever amount he feels is necessary for each of the programs and in the best interests of the programs, without our insisting upon a specific amount for each special program as has sometimes been done in the past. But we insist that one-third of the authorization be spent in those titles, and we insist that these special programs, as we have authorized them, be continued by the Secretary. But we leave the size of each program up to the Secretary, because we think that it is wise to give him some flexibility to expand or contract a particular program, depending upon how effective that program is, for example.

There is a tremendous amount of flexibility in every way. I favor that because I think the Secretary has to have a voice in reviewing programs to be sure that the money is not being wasted; but, at the same time, we are giving local responsibility that was never given to local groups before, unifying their efforts by requiring the local prime sponsor to create a manpower services council. On that local manpower services council they have to have the mayor, representatives of the employment service, vocational education, the school system, representatives from labor, from business, and others. They then work up their program which they think best suits the local needs of the area they represent. The governor appoints a similar council. Then they submit their plans to the Secretary for approval.

This is a superb concept. I think everybody here favors it. The President of the United States advocated it and favors it, and I think this is going to be a vast improvement over the present system. We will have local responsibility, and State responsibility, for manpower programs with an overview by the Secretary to be sure that they are in fact developing sound, feasible, flexible, workable manpower programs at the local level. Therefore, I would hope that we would not unearmark, so to speak, all of the moneys for titles I, II, and III and simply provide that 75 percent of all the money that is going to go to titles I, II, and III shall be handled by the Secretary, with no requirement that he spend anything on public service employment or on any one of these other special programs which Congress has authorized.

Mr. JAVITS. Mr. President, a reading of the report will indicate that this entire bill is the result of a most intensive process of committee consideration, bargaining, and adjustment, which has brought it to this point of consideration legislatively.

From the number of references to

amendments which I and other members of the minority have incorporated in the bill—and the majority was gracious enough to state that by name of the proposing Senator—it is also obvious that the final result is an amalgam of the thinking of the minority and the majority, with some exceptions which have been highlighted by Senator DOMINICK'S amendments.

In the process, a good deal of the bill's structure has been compromised as between the majority and the minority, and has given accommodation to the views of the administration. I think that this is important, because we always look closely at where we differ. We look all too infrequently at where we agree.

It is very significant, for example, that the amendments proposed by the Senator from Colorado do not even contest the authorized amounts for the total manpower training program which approximates $2 billion, or even for the public service portion which runs to a billion dollars and more as time goes on. Indeed, it is interesting Republicans should have accepted that some element of public service employment must be incorporated in the bill. I remember that I joined former Senator Clark of Pennsylvania in early efforts to get some acceptance of this principle but we were frustrated and turned back time and again. Now both Republicans and Democrats accept it, and so does the administration to some extent.

There will be other amendments which the Senator from Colorado (Mr. DOMINICK) will offer, which will point up the differences in view between the administration and the majority of the committee respecting who shall administer the programs. The administration is largely committed to State administration. The majority favors local administration by the mayors.

Again, there has been great give and take. We have evolved a workable system. Indeed, the amendments of the Senator from Colorado do not really change the basic structure of the bill. We may be working on a little refinement. The role of the States was perhaps depreciated in the course of trying to arrive at some amalgam of views. The important point I make here is that the critical nature of the measure, which is one of the real elements of the cornerstone of the U.S. economy, should be borne in mind as we vote on the amendments. The fundamental proposition as to major manpower training efforts and public service employment will be inaugurated by the bill, even if we take all the amendments offered by Senator DOMINICK.

The administration favors that proposition. Indeed, it proposes a $2 billion budget for such a program and it will insure training for approximately 1 million people, which is a large number. Also I beg Members to consider, in connection with voting on the amendments, that we face a serious unemployment situation. One of the big defects in our economy is the unemployment rate which is unacceptable—over 5 percent generally, with a tremendous impact upon the poor and teenagers who have unemployment at triple the national rate. In the ghettos and the slums, it runs more than five times as high. Almost 30 percent of teenagers in the slums and ghettos among the poor and the blacks are unemployed.

We are seeking to reach into that tremendous group which, as everyone knows, amounts to over 4 million in unemployment, with the underemployed added to that in an equal number, and those who really do not work on jobs up to their capacity, even taking their full time.

In regard to Senator DOMINICK'S present amendment, there is a fundamental issue involved and it is the following: Shall we devote a given part of the appropriation to each of the categories by categories? In short, shall we devote $600 million to manpower training, and $600 million to public service employment, and $600 million to various categorical programs including New careers, Mainstream for older people, and so forth.

The issue raised by the Dominick amendment is whether we shall support $600 million for each of these broad categories, or shall lump all the categories and give decategorized discretion to the Secretary of Labor in administering the programs?

The majority contends for the categorization and they have made many concessions in that regard. The administration position is for decategorization, as exercised in the Dominick amendment.

I shall explain the reason for my not offering an amendment, I felt that the administration's position was entitled to be presented exactly as the administration had it before, similar to the bill which I introduced for the administration. In the course of trying to work out a compromise in the bill with the majority. A good deal was done. I think the administration had a right to assume that I was also bargaining my own position. Hence, I thought it was proper for me to be free to vote yea or nay on the amendments and on the bill in its final form, so that the majority would not feel the concessions they had made, so far as I was concerned, had really not moved the case for it at all.

Accordingly, I am pleased that the Senator from Colorado (Mr. DOMINICK) was willing to undertake the arduous responsibility to present the pure administration's position.

Now, on the merits of the case, Mr. President——

Mr. NELSON. Will the Senator from New York yield right there?

Mr. JAVITS. I yield.

Mr. NELSON. When the Senator from Colorado (Mr. DOMINICK) called up his amendment, I think the Senator from New York was not in the Chamber. I should like to comment that the Senator from New York mentioned the fact we keep discussing points on which we differ which comprise a small fraction of the bill. The fact is, we did not end up either with the bill introduced by the Senator from New York or the bill introduced by myself, but we refined, refined, and refined the language and, I think, vastly improved the bill as a consequence, and left open two or three items on which there were some slight differences.

As I pointed out, the difference between Senator DOMINICK'S position and mine is not whether the Secretary should have flexibility but whether he should have as much flexibility as the Senator from Colorado says, or the amount that the committee agreed on.

I also want to say that it was the distinguished Senator from New York, by his careful work and regular attendance at executive sessions, who made it possible to get out a bill at all. Without the assistance of the Senator from New York, there would not be a manpower bill on the floor of the Senate today.

I wish publicly to thank him for the valuable contribution he has made.

Mr. JAVITS. The Senator from Wisconsin is most gracious. Of course, he is the chairman of the subcommittee and this is essentially his work. I am very glad to have been his collaborator.

Mr. President, I am sure that with the cooperation of the Senator from Colorado (Mr. DOMINICK)—I am sure we have it—we will then have a completed measure today with which we all can live. I appreciate so much his understanding and cooperation in that regard.

Now, Mr. President, I have presented the choice on allocation respecting manpower training, public service employment, and categorical programs.

The majority, in order to get a bill reported at all, made a concession in respect of its insistence on categorization, in permitting a 15 percent transferability clause between the titles.

The Dominick amendment—and the Senator will correct me if I am wrong—does not disturb that at all. So, there will be transferability whether or not we combine the categories.

Also, we gave certain incentives. We gave an incentive of 5 percent to encourage consolidation of areas. There again, the Dominick amendment preserves that 5 percent. We then give another 5 percent incentive for linkage with voc-educational programs. The Dominick amendment also does not disturb that.

I repeat again that the Senator from Colorado tries to preserve in every way the best features of what we did, while making a bid for the administration's desires regarding decategorization.

I should like to ask the Senator two things concerning his amendment.

First, his amendment provide that not less than $1.5 million shall be apportioned every State—and that is on line 17 of page 2—and that not less than $150,000 shall be apportioned to the Virgin Islands, and so forth.

As a practical matter, the committee bill provides that $3 million shall be apportioned to every State and $300,000 to these various possessions, because each State's guarantee appears in a different title. I think that it would be desirable that the committee's intention in that respect be retained. I wonder whether the Senator might be willing to do that.

Mr. DOMINICK. Mr. President, I might say to the Senator from New York that he has just gladdened my heart. I have been active for a long time in trying to increase the direct allowances to the States.

I would be delighted to accept the modification. I ask unanimous consent

that the amendment be modified in that respect.

The PRESIDING OFFICER. Is there objection?

Mr. NELSON. Mr. President, what was the request?

Mr. JAVITS. Mr. President, since I requested the floor and have the floor in my own right, I state to the Senator from Wisconsin that the request is that the $3 million guarantee for each State which we have in the committee bill and the $300,000 assurance to the possessions may also appear in the Dominick amendment. He is willing to do that, and I think that is desirable.

Mr. DOMINICK. Mr. President, that would be a modification in lines 17 and 18 on page 2 of the amendment.

Mr. President, I ask unanimous consent to modify the amendment in that respect. I understand that I must ask unanimous consent because the yeas and nays have been ordered.

Mr. NELSON. The Senator is asking unanimous consent to modify his amendment?

Mr. DOMINICK. The Senator is correct.

The PRESIDING OFFICER. Without objection, it is so ordered. Will the Senator send his modification to the desk?

Mr. DOMINICK. Mr. President, I can state it for the RECORD. It concerns lines 17 and 18 of page 2. In line 17, change $1.5 to $3 million. In line 18, change $150,000 to $300,000.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

Mr. JAVITS. Mr. President, there is one other question that I would like to ask the Senator. The Senator provides in his amendment that the amount apportioned to each State, under his concept of the decategorization of titles 1, 2, and 3, shall be apportioned among areas within each State which are served by prime sponsors by the same criteria as applies to the State.

I point out to the Senator that this is rather inconsistent with a subsequent amendment of the Senator relating to a State manpower plan.

He will make an endeavor in due course to strengthen the power of the State to have a manpower program for the whole State.

If we build into this amendment, I say to the Senator from Colorado, a strict rule of distribution, it seems to me that we would take a very material element of discretion and flexibility away from the Governor of a State.

If we wish to do that, fine. But I do think that the Senator ought to examine that provision in the light of his own intention when he comes to seeking to give the State greater flexibility and greater authority. He need not decide it at this minute. We will undoubtedly be talking about it later. I merely suggest it as a problem.

Mr. DOMINICK. Mr. President, I think the purpose, since it applies only to an apportioning of the funds within the State, is to make sure that we do not run into the problems of some States where, for some particular reason, one area gets all the money.

If we want to be able to have it distributed throughout the State wherever there is need, this is the only way at the moment that looks as though it would fit into the apportionment formula we had for the bill as a whole.

Mr. JAVITS. Mr. President, I have no objection on that score. I might point out that under these circumstances the city of New York will probably do a lot better than it would otherwise do. But I did think that if the Senator was giving us the administration's position on the bill, he ought to give that matter consideration because it does have bearing on his subsequent effort to give more authority to the governor of a State.

The sentence which follows the one we have just been discussing says: "To the maximum extent feasible, such apportioned funds shall be expended . . ."— and I emphasize the word "expended"— ". . . through approved applications submitted by such prime sponsors.

The word "expended" means that if we get a local political unit, for example a mayor or county executive, administering this program, we are really compelling him, whether desirable or advantageous or wise for the community, to expend the funds. Again, I would ask the Senator if he could explain to us his reason for that; It is really not an essential point.

Mr. DOMINICK. Mr. President, I say to the Senator from New York in reply that I do not interpret the word "expended" as being a mandatory requirement. The purpose is simply to say that whatever funds are expended should be expended through approved applications submitted by the prime sponsors. And the words "approved applications" are the key as far as I am concerned without trying to imply that there is any mandatory provision in the word "expended."

Mr. JAVITS. Mr. President, I realize that the Senator's explanation is to that effect. But the fact is that if we do make this law, we are hung on the word "expended," and that means what it says. Of course, where a word is as clear as that, an explanation of the intent of the sponsor will not change it.

Mr. DOMINICK. Mr. President, if the Senator had a word that he would be more happy with, I think I would be perfectly happy to accept the suggestion.

Mr. JAVITS. Mr. President, we may make a suggestion on that score later.

In view of the insistence of the other side upon categorization and in view of the feeling on this side that some decategorization is desirable, I have been thinking through the possibility of finding some middle ground which might be acceptable to the Senator from Colorado and which might be acceptable to the committee.

I would endeavor, if the Senator would show any interest in it, to make a provision for a share of the aggregate to be vested in the Secretary, giving him a much larger share of the total—perhaps as much as one-third of the total—to be administered without categorization.

If the Senator perhaps would give that proposal consideration we might find a way to give a greater degree of flexibility and decategorization and still preserve for the majority two-thirds of the funds which would be available in the scheme which they have in the bill—which does provide for transferability.

The Senator does not have to give us his views on that now, but that would be a possibility of getting over the first hurdle with respect to this bill.

Mr. DOMINICK. Mr. President, will the Senator yield so I might comment on that?

Mr. JAVITS. I yield.

Mr. DOMINICK. I am not quite sure we are in agreement on the effect of the amendment I am offering.

The effect of the amendment I am offering would be to eliminate the one-third, one-third, one-third apportionment of funds between titles I, II, and III, and lump that $2 billion in one provision in the bill, and then say that 75 percent of that one lump sum may be used for title I, title II, and title II, as proposed plans within the particular area involved 25 percent of the total amount will be reserved for the Secretary for title IV Federal programs. And out of that 75 percent lump sum, 20 percent is reserved for the discretionary use of the Secretary.

So I think we have already reached that maximum degree of flexibility we could willingly ask for.

Mr. JAVITS. The proposal I have made would split up the 75 percent so that that is devoted, subject to the other conditions of transferability to the three programs by category; that is, manpower training; public service; and the group of categorical programs which I have described before.

On that basis the Secretary would have his funds, but the majority would have the benefit of allocations to the three major program areas. To that extent it would pay some heed to their deep interest in some categorization.

Mr. DOMINICK. Do I understand the Senator to suggest that we leave the 75 percent as it now is in the bill, but that we say that within the 25 percent that is left, that one-third of that amount goes to each——

Mr. JAVITS. No. Just the other way. The 75 percent, which is in the Senator's amendment, be divided three ways among titles I, II, and III, and otherwise the treatment of the 25 percent be treated as it is in the Senator's amendment.

Mr. DOMINICK. I thank the Senator for clarifying that point. I think the amendment would more rigidly categorize it.

Mr. JAVITS. I do not agree with that. It is obviously less in percentage and amount. In any case, the Senator would not find that attractive?

Mr. DOMINICK. Not at the moment.

Mr. JAVITS. Mr. President, to sum up, I think the issue which has been made before the Senate is the following: Shall we place in the hands of the Secretary an aggregate fund, which in round figures we can call $2 billion, and he can then use 25 percent of that fund for any of the purposes of the bill, which includes the three major aspects of the bill—manpower training, public service employment, and certain specialized categories—or shall we earmark one-third each in these categories?

That is the issue which faces the Senate and I hope very much that having sharpened the issue that closely we might again hear from the Senator from Wisconsin and the Senator from Colorado on that one specific point—the majority accounting for why it wants funds earmarked. Of course, as any of us can easily point out in terms of the aggregate percentage involved, we are dealing with approximately $1.5 billion that would be earmarked. Again, in the order of magnitude, something in the area of $400 million to $500 million, with transferability, would go to each of these three titles and something on the order of $500 million would go to the Secretary which he could use in any of the titles under the committee plan.

Under the plan of the Senator from Colorado the $1.5 billion could be used by the Secretary in different proportions for any of the first three titles.

I think the Senate would be helped in its consideration of how to make this decision if we could have some pinpointed explanation as to why the majority is dissatisfied with the latter proposition of the Senator from Colorado and why the Senator from Colorado is dissatisfied with the committee proposition.

Mr. PROUTY. Mr. President, as we enter the debate on S. 3867, the Employment and Training Opportunities Act of 1970, I would like to comment briefly on the bill. It comes from committee after consideration for more than a year. It is the product of diligent work, lengthy hearings, careful analysis of the issues, and much compromise between divergent views. The bill comes before the Senate at a time when the legislative calendar is jammed with many equally important measures to be considered. Yet, this is no reason to treat it lightly, for the issues of manpower training reform and employment opportunities must be addressed if we are to right the imbalances affecting our economy and help millions of deserving individuals.

In looking at the composite bill, one can see there were many sources or inputs, not all of them consistent with each other. In committee we struggled to reconcile them, but the result may contain provisions which please very few.

For this reason, I believe we must examine carefully the issues raised in the bill so that through our debates here in the Senate Chamber, we may bring improvement by clarifying the specifics and the legislative intent. In so doing, we need not disavow the work of the committee. It has gone far in setting the stage for further beneficial debate. The bill we bring to the Senate pleases me because it incorporates issues worthy of deep discussion. I am grateful to all those members of the committee who made this possible. However, should the bill remain basically intact when disposed of by this body, I believe each Member must review once again the vital issues that are raised.

The basic topics are not new—categorical programs, decentralization of operation, public service employment—and they have been considered many times before in regard to several poverty or manpower bills. But times have changed, not only in terms of our economy or social outlook, but particularly in view of other legislation that has been enacted or is being considered now. We have had time to evaluate alternative methods devised to accommodate previous congressional mandates. They deal with categorical versus block-agent funding procedures or centralized/Federal versus decentralized/State and local operations.

We are taking time to evaluate proposals for massive welfare reform affecting all the disadvantaged, including those to be served under manpower programs. We must take time to examine the relation of the new proposals to the bill under consideration. We must also take time to determine the present conditions of our economy and our culture. Otherwise, whatever we enact now will not incorporate solutions of today suited to minize the needs of tomorrow.

Very briefly, I would like to review the major issues mentioned earlier. For too long we have had to contend with a multiplicity of programs and administrative mechanisms that hinder our efforts on behalf of those needing manpower services. I can cite over 20 programs designed to help such individuals, but even with these multiple approaches there are many whose needs go unmet. This is because there is no pattern to the way these programs are run at the Federal level, no way of determining what gaps exist, no way of assuring that each participant gets the mix of services that he needs, and no uniform system of delivery among the States that engender better coordination or dissemination of information.

For these reasons, I strongly supported the administration in its desire to provide a uniform system for delivering a comprehensive range of services to all participants. In committee, we had to compromise our original position calling for overall State plans and coordination through the Governors by exempting those municipalities having populations over 75,000.

As I said in committee, I believe this population figure is too low and should be raised so that the number of eligible prime sponsors can be reduced to a more workable level. Beyond this, I believe the role of the Governor could be enhanced so that the potentially poor coordination between the cities and the State is minimized. It pleases me that the Governors will be responsible for all rural and nonurban areas, thus assuring delivery of services to such residents. But I fear that unless there is some mechanism for overall statewide planning and coordination, inefficiencies will result. These will be very costly to sparsely populated areas where it is difficult to provide services. In such cases coordination with or reliance upon delivery systems available elsewhere in the State would be helpful. I am also concerned that without statewide planning, coordination, and evaluation, the quality of services available throughout a State may vary unfairly. Proper evaluation and improvement is not likely to be generated from a Federal bureaucracy unfamiliar with the local situation.

Out of this same desire to provide all participants a uniform quality of services, I am opposed to the continuation of categorical programs. In my own State, we have encountered much difficulty in providing needed services because very often we are too small to comply with the regulations of each categorical program. If given greater flexibility, however, we could blend or add components to programs and provide each applicant with services tailored to his needs. Admittedly, it is beneficial that funds are not earmarked for each of the categorical programs. I would like to see each of them continued because they have proved to be good models. However, I would like to see more flexibility allowed in the way they are administered.

My views on public service employment are known to those of you who were present for the 1967 debates on the poverty bill. Title II of the bill amending the Economic Opportunity Act contained a $2.8 billion, 2-year emergency employment program to create public service jobs for the hardcore unemployed. This measure was opposed by the Johnson administration because of the costs and by others opposed to make-work programs in general. In an attempt to prevent total defeat of a program providing needed jobs and out of a desire to upgrade the make-work approach, the senior Senator from Pennsylvania and I offered a substitute measure. The Prouty-Scott plan called for a $925 million program allocating most of the funds to training programs run by private industry and on-the-job training or other vocational and institutional training programs under the Manpower Development and Training Act. In offering this substitute proposal, it was my intention to reduce the costs to a level more justified for initial operation and at the same time prevent a return to the "30" approach of WPA.

My views on the bill under consideration today are very similar to the ones that I expressed then. Again, we are considering a provision involving great cost and a startup size which may be unjustified. Again we are considering a measure which encompasses the make-work approach to job creation. It is ironic that many of those who were so quick to join the Johnson administration in defeating the 1967 Emergency Employment Act are supporting a measure of greater size and similar nature now.

Admittedly, times have changed and the conditions are different, but several basic tenets still prevail. First, very few programs can justify a first-year expenditure of some $2 billion. This case is particularly doubtful, since the prime sponsors specified for in the delivery system will not come into existence until the following year.

Second, make-work programs alone are not likely to solve the problems of unemployment and underemployment. There must be a dignity to work lest it becomes futile. Salary alone does not assure this dignity. Unless we assure that the jobs provided have a dignity of their own and add to the employee's growth and measure of self-worth, we will be creating a second-class category of jobs sure to go unfilled or sure to be filled by

complacent and inefficient workers. We need not risk defeat of our objectives and reduced support of the program because with a little forethought this can be prevented. To do so, we must assure that these jobs are not relegated to a secondary position and assure for such employees the same opportunities for job mobility and fulfillment as are given trainees of any other manpower program. We must recognize that there are many jobs in the public interest—some which require training, others which do not—that are going unfilled, to the detriment of our society. At the same time, many able persons are available to work but cannot find opportunities in the private sector and may not be able to do so for quite some time, if ever. The handicapped and the marginally employable persons have been too often overlooked in this regard.

When it comes to a choice between a job and no job or welfare, then I do not believe there is any choice. But when it comes to a choice between a job with dignity, mobility, or fulfillment versus none of these prospects ever, I believe the needs of the individual are paramount, and must rule the decision. In the same way, I do not think we can look upon this public service employment program solely as a means for helping the cities. Approximately one-half the poverty in this country is outside of the cities and many opportunities for jobs benefiting the public interest do exist in rural areas, too. Here, again, the needs of the individual must rule so that persons are not uprooted but can find jobs in areas where they live.

Several of the amendments that I offered in committee were designed to carry out these beliefs. One would prevent the placement of employees in public service jobs in separate training programs, when similar training programs were also being conducted by the same prime sponsor. Another would assure special consideration in filling jobs which provide prospects for advancement or continual employment through training, and so forth. A third amendment I offered protected the employee from an unfulfilling experience by prohibiting referral to training programs of less than 2 weeks duration unless a job is already available. My belief is that in such cases, on-the-job training is better and prevents false promises of employment when it does not exist.

Also designed to concentrate services where they will do the most good is an amendment which gives special consideration to heads of households with dependents who can serve as models to their children or others.

Efficient administration of manpower programs is another way to assure that benefits are spread to all who need them. One amendment I offered assures that referral to jobs will include special consideration for the unemployed, underemployed, and the unskilled. Another will allow the Secretary of Health, Education, and Welfare, to enter into agreements directly with the States for institutional training. This will clear away unnecessary paperwork that only interferes with speedy disbursement of services.

One of the amendments I proposed will help the smaller States that are often hampered in their efforts to develop good programs for lack of adequate resources. It establishes a minimum State allocation of $1.5 million and was worked out in agreement with the distinguished chairman of our subcommittee. This minimum allocation is fashioned after one that I established under MDTA in 1967. I am very pleased that it has been accepted for I have already seen first-hand the good it has done for Vermont.

Another amendment benefiting smaller States will prevent reallocation of funds until after the 9th month of the fiscal year and then only with 15 days' notice to the State. Unfortunately, we from the smaller States often have difficulty marshalling resources to qualify for funds. We have been greatly distressed in the past when our funds were reallocated before we could use them.

Finally, I offered two ideas which should further improve administration of manpower programs. When we were considering eligibility for prime sponsorship, it was suggested that a very broad base of local units should participate. Knowing that this would create administrative turmoil here in Washington, I suggested that some limitation be imposed in terms of size. This was worked out to be the 75,000 population level. I also suggested that in cases where a State had no local unit of that size, the largest metropolis within the State be considered as a prime sponsor also. It was my hope that we could give flexibility in this manner and at the same time maximize the possibilities for coordination by limiting the number of sponsors which must relate to each other. The other idea also concerns the need for coordination at the local level. Realizing that coercion is not often as effective as inducement, I supported a set-aside of 5 percent of the funds under title I. The funds will be used as incentive grants for coordination with vocational education and other educational programs at the local level.

Mr. President, I am hopeful that we can dispense with this bill in the same manner of cooperation which brought it from the committee. The need for manpower reform is urgent and I would very much like to see a good bill providing comprehensive services enacted this year.

Mr. WILLIAMS of New Jersey. Mr. President, it is with a sense of grave concern that I join in support of S. 3867—the Employment and Training Opportunities Act—a bill which I cosponsored. I am proud to say, too, that as chairman of the Committee on Aging, I had a hand in making the case for certain provisions for a special emphasis program for middle-aged and older persons which I will describe later.

First, however, I would like to congratulate the chairman of the Subcommittee on Employment, Manpower, and Poverty (Mr. NELSON) for his outstanding leadership in bringing this legislation to the Senate floor for a vote. He has helped to alert the Nation to the serious problems now crippling our greater resource: the working men and women of our Nation.

Today our Nation is confronted with a crisis of mounting proportions. From January 1969 to August 1970, unemployment has jumped sharply from 3.4 to 5.1 percent, adding nearly 1.6 million individuals to the joblessness rolls.

Unemployment is now at its highest level since October 1964. More disturbing, administration economists have warned that the rate is likely to increase in the months ahead.

Unfortunately, this is just one striking example of the suffering sustained from the administration's economic policies. Today every American is paying the price for these policies in one way or another, whether it is in the form of mass layoffs, large scale unemployment or underemployment, shorter work weeks, the highest interest rates in nearly 100 years, forced salary cuts, rampant inflation, or slow business.

In a strange reversal of economics we have seen everything that should go up—corporate profits, real spendable income, productivity—go down; and all things that should go down—unemployment, prices, interest rates—go up.

Despite Pollyanna prophecies by the administration, most Americans expect continued hard times for themselves and millions of their fellow citizens.

However, the measure before us now can provide an effective and far-reaching weapon to combat widespread unemployment.

PUBLIC SERVICE EMPLOYMENT

One important feature in the bill is the establishment of a new system of public service employment to fill vitally needed jobs in health, public safety, education, pollution control, neighborhood development, and other public programs.

According to estimates by the National Commission on Technology, Automation, and Economic Progress, there are approximately 5.3 million potential jobs in public services.

Yet, despite the critical need for expanded community services, many localities are finding it virtually impossible to provide these crucial services for their citizens. Many cities are crumbling at the core. Their neighborhoods are blighted. Their schools, libraries, hospitals, and recreation programs are deteriorating or overcrowded. And their public health and sanitation programs are seriously understaffed.

But, the provisions in this bill can help to provide new, realistic career opportunities for thousands of persons who now find themselves unemployed or underemployed. It will also open the doors for opportunities for occupational development or upward mobility in jobs that are needed and vital. At the same time, necessary community services can be greatly strengthened and improved.

COMPREHENSIVE MANPOWER SERVICES

Moreover, the bill authorizes a comprehensive range of manpower services. Before jobless individuals can become gainfully employed, they must first be interviewed, counseled, trained, and placed in productive work.

In this manner they can be successfully integrated in the labor market for long-term employment.

S. 3867 will help to do this by an effec-

tive and orderly delivery system tailored to the diverse community needs.

Equally important, it will help provide a coordinated program of supportive services:

An early warning system to assure a timely and adequate response to major economic dislocations from changing markets, rapid technological changes, plant shutdowns, or business failures;

Relocation assistance for persons desiring to move to obtain more productive employment;

Improvements in the linkages between vocational institutions and job markets to reduce the level of youth unemployment;

Placement and related services for persons discharged from military service;

Prompt referral to suitable employment opportunities for persons seeking work;

Child care and health services; and

Orientation to work discipline and acclimation to the work situation.

Particularly helpful, I believe, will be the provision for a strike force to assist communities with large-scale unemployment. Several major cities now experiencing a permanent large reduction in their labor forces can be helped by this standby capability.

In my own State of New Jersey, Atlantic City and Jersey City—with August unemployment rates of 6.1 and 7.5 percent—could be helped substantially by the counseling, placement, and recruitment services authorized under the bill.

SPECIAL EMPHASIS PROGRAM

In addition, S. 3867 authorizes a number of special emphasis programs for the pressing problems of groups who have been frequently overlooked or ignored under present manpower programs—Indians, migrant workers, Spanish-speaking minorities, and the elderly.

Although no sector of our labor force has been spared by the grim upward climb in joblessness, these groups have been especially hard hit.

Without specific statutory direction, their outlook for improvement would be bleak.

But, the categorical programs authorized in title V of the bill can help to assure that these disadvantaged groups—because of race, nationality, or advancing age—will be more active participants in our employment and training programs.

MIDDLE-AGED AND OLDER WORKERS EMPLOYMENT AMENDMENT

One such measure, which I sponsored with the Senator from West Virginia (Mr. RANDOLPH) and the Senator from Massachusetts (Mr. KENNEDY), is the middle-aged and older workers employment amendment.

This amendment authorizes a mid-career development service program in the Department of Labor to provide training, counseling, and other supportive services directed at the special needs of persons 45 and older.

From January 1969 to August 1970, the unemployment rate increased by 50 percent for all age groups. But for individuals 45 and older, it rose by 55 percent—from 596,000 to 922,000. During this same period, their long-term unemployment—15 weeks or longer—has jumped precipitously from 115,000 to 210,000—nearly an 83-percent increase.

Today nearly 1 million persons 45 and over are unemployed. Yet, this total is conservative because the unemployment figures to not reflect the labor force "drop-outs"—those who have given up the active search for work.

This rate would also be even higher if it were not for the "escape" through pre-65 social security eligibility. In recent years, about 50 percent of all men claiming social security have taken actuarially reduced benefits at an earlier age. In many instances, this decision was made only as an alternative to long-term unemployment or sporadic underemployment.

Despite the urgent employment needs of middle-aged and older persons, we still do not have a clearcut, effective policy for maximum utilization of individuals now regarded as "older" workers. The price the Nation pays for this neglect is a growing dependency ration of nonworkers to workers.

In terms of dollars and cents, underutilization of middle-aged and older persons is probably costing the United States billions of dollars in lost production plus added costs for unemployment insurance and public assistance. And in terms of loss of dignity, frustration and despair, these costs are incalculable.

Much more can be gained, I strongly believe, through a national effort to raise our productive capacity and to provide new employment opportunities and related manpower services for persons 45 and older.

NEED FOR FAST ACTION ON S. 3867

With unemployment reaching critical proportions, prompt enactment of the Employment and Training Opportunities Act is urgently needed now.

The rewards of this action await us at all levels.

For the unemployed worker, a regular paycheck can be a passport for self-sufficiency and self-respect.

For his family a paycheck offers the promise of a better standard of living.

Our society will also benefit when welfare recipients become taxpayers, and new jobholders increase the Nation's purchasing power.

These are concrete dollars and cents advantages.

But there is no way to measure the value of a decent job, which can replace despair and hostility with new hope and opportunity.

And there is no way to measure the respect of a child for his parent who can once again provide for his family.

For these reasons, I emphatically urge passage of this much needed measure.

Mr. BAYH. Mr. President, the lack of jobs in our economy, jobs that pay a living wage, jobs near where people live, jobs that require skill that people have or can be taught is at the heart of the poverty problem in the Nation.

It is obvious now—with over 4 million unemployed and the unemployment rate standing at 5.1 percent—that there simply are not enough jobs.

But even during the late 1960's with national rates of unemployment unusually low, the underemployment rate in our city's poverty neighborhoods averaged over 30 percent.

As former Labor Secretary Willard Wirtz told President Johnson in January 1967:

> If a third of the people in the Nation couldn't make a living, regardless of the reason, there would be a revolution. This is the situation—and the prospect unless action is taken—in that nation-within-the-nation, the slums and ghettos.

Manpower training programs in such neighborhoods, and during such a time are a farce unless these programs can provide jobs as well as training.

Therefore, I believe that the Employment and Training Opportunities Act, S. 3867, now before the Senate, which for the first time would face this challenge head on and provide jobs as well as training is vital legislation and deserves the support of every Senator.

This legislation can have real impact on joblessness and hopelessness in poverty communities and the Nation.

It is legislation that will also establish a new partnership between mayors, Governors, and the Federal Government in the administration of manpower programs.

It is a bill that will make it possible for mayors and Governors, to do something about the inadequacy of public services in many poverty communities, urban and rural.

The Labor and Public Welfare Committee has worked on the bill for nearly a year now, holding 23 days of hearings in cities across the Nation and reported a bipartisan bill after months of detailed consideration. I believe the committee deserves much credit for the work they have put into the legislation. I support the bill as reported. I believe it deserves the support of the Senate.

The bill has three major elements: public service employment, manpower reform and decentralization and special programs for neglected groups in the country.

For public service employment—the employment of the unemployed and underemployed on vitally needed public service projects—the bill would require that a third of the money in the funds for on-going manpower programs be spent for such a program. In addition, it would authorize special appropriations for public service employment of $750 million this fiscal year, $1 billion for fiscal year 1972, $1.25 billion for fiscal year 1973, and $1.5 billion for fiscal year 1974.

At an average cost of $5,000 per job, and the Federal Government paying 80 percent of that cost, about 250,000 jobs could be created for each $1 billion in Federal outlay.

The fact that the Federal Government would supply only 80 percent of the funds is an important assurance that only truely needed jobs would be carried out. The local and State governments would be required to appropriate $1 in every $5 spent.

Under the bill local officials working together with broadly representative manpower services councils would develop the public service employment proposals assuring local determination and local control of the program.

Public service employment may well

be an idea whose time has finally come. A million public service jobs were recommended by the Kerner Commission. There is a potential of 4.3 million jobs to be done according to Greenhigh Associates. The concept has been endorsed by the National Governors' Conference, the National League of Cities, the Urban Coalition, the AFL–CIO, the Leadership Conference on Civil Rights, and many other organizations.

Witnesses appearing before the committee at hearings all across the country pleaded for jobs as well as training opportunities.

And mayors in particular, under obligation to provide better public services but restricted by inadequate or dwindling property tax bases, asked for public service employment funds to help meet the crisis in sanitation, health, education, fire, police, recreation, probation, and welfare staffing.

DECENTRALIZATION AND REFORM

Manpower training programs, first authorized by the Manpower Development and Training Act of 1962 and then expanded by the Economic Opportunity Act of 1964, and by later amendments to both acts, have grown rapidly throughout the 1960's.

Now nearly all of the programs authorized by these pieces of legislation are administered by the Labor Department through some 10,000 separate contracts with a welter of State and local and private agencies and companies.

Manpower experts agree that the system cannot be efficiently administered directly by the Labor Department.

The administration in its proposed manpower reform bill asked that the system be turned over to the Governors to run on a State-plan basis.

However, the Nation's mayors—and community action agency representatives at hearings made it perfectly clear to the committee that turning the program over to the control of Governors at a time when big city mayors and Governors often locked in political battles could lead to even greater friction and chaos in the system.

So the committee worked out a careful compromise to share power and responsibility between mayors, Governors, and the Department of Labor.

Under this system, Governors would have responsibility for rural area and smaller city manpower programs in their States. The mayors of cities of 75,000 or more population would have responsibility independent of the Governor for programs within their communities:

Both would send their applications to the Department of Labor. The Secretary would have the power and the responsibility to resolve differences between the State and local plans where that became necessary.

Community Action agencies would be represented on the Manpower Services Councils at the State and local level. The plans drawn up would require their participation both in planning and in operation of the manpower programs.

I believe that the compromise worked out by the committee is sensible and deserves support against all of the amendments to it that have been proposed.

SPECIAL GROUPS

The bill also adds to the manpower programs now in operation special funds to be used for programs for Indians, migrants, those who are handicapped because their first language is not English, and older workers. Each of these groups has been seriously neglected in the past. The new programs included in the committee bill are designed to assure that they will receive a just share of the available manpower resources and that programs responsive to their particular needs will be carried out.

This bill would give the 50 Governors and about 235 mayors an opportunity to devise local manpower programs to attack both joblessness and inadequate public services. It deserves our strong support.

In the final analysis we cannot have a just and stable society unless we provide job opportunities for those who need work. It is a first principle. At the present time we do not meet this test. Despite the generous intentions of the Employment Act of 1946, Congress has never acted to assure full employment. Now the hour is very late. It is essential that we begin.

THE FAMILY ASSISTANCE PLAN AND CRIME

Mr. LONG. Mr. President, in connection with the legislation to be considered today and in connection with the family assistance plan, there was published in the St. Louis Globe-Democrat a thoughtful editorial entitled "Put 'Crime Pros' Out of Business."

It occurs to me that we might very well find, unless we take precautions in connection with the family assistance plan, that we could be paying out billions of dollars to professional criminals because many of them would be eligible for the family assistance plan. I am sure no one would want that to happen.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PUT "CRIME PROS" OUT OF BUSINESS

Law enforcement authorities are becoming more and more convinced the best hope for a sizable reduction of crime in America are tougher new laws aimed at putting professional criminals out of business.

Police chiefs and prosecutors have long recognized that the same group of hardened hoodlums commit most of the crimes day in and day out. They remain in the business of crime because under present laws and court penalties they can make it pay.

J. Edgar Hoover, head of the FBI, estimates there are at least 1.1 million full-time criminals in the United States. They had a banner year in 1969 as serious crimes increased 16 per cent over 1968 but arrests rose only 4 per cent, and convictions actually decreased 8 per cent.

In a five-year study made by the FBI on 18,333 persons who were released from the federal criminal justice system, it was found that by the end of the fifth year 63 per cent had been arrested again on new criminal charges.

In St. Louis County, Prosecutor Gene McNary estimates professional criminals commit more than half the crimes.

Present Missouri law is no deterrent to the professional thief.

Take the case of the expert burglar. In the first place, he is difficult to catch because he knows his illicit trade. It is estimated he can steal up to $250,000 in valuables in a year's time. But under Missouri law and court practices, he really has little to fear.

If he is caught, the general rule is to give him probation after his first conviction. Even when he is caught a second time, the general practice of juries and judges is to give him close to the minimum of the prescribed 2 to 10 years sentence.

If he gets two years, the statutes give him an automatic reduction of one-fourth of this "flat time." Under present parole procedures, nearly everyone sent to prison in Missouri is released after serving only half his sentence. This usually includes repeaters as well as first-time offenders.

Thus the professional burglar probably would serve only about a year even if convicted a second time. By the time society catches up with him a second time he might well have stolen $500,000 worth of valuables.

The wealthy burglar therefore doesn't feel too badly about being locked up for a year. He has an illicit fortune to which he can return and may steal another half million in merchandise before he is caught again and given another light sentence.

To put the professional criminals and other crime repeaters out of business, Missouri should adopt a new crime control act similar to the recently passed District of Columbia crime law.

The D.C. crime act, for example, authorizes imposition of a life sentence for a third felony conviction and up to three times the maximum penalty for the third misdemeanor.

It sets a mandatory additional sentence of five years for a second armed crime of violence.

Beyond this there should be mandatory minimum sentences for all serious crimes—minimums of two or more years that must be served with no time off for parole or any other reason.

Another section of the D.C. statute that could be adopted in a new Missouri crime control law is one that authorizes pretrial detention for up to 60 days in certain kinds of cases involving dangerous defendants, repeaters of violent crimes and those charged with threatening a witness or juror.

Missourians have to wake up to the fact that crime "pros" consider them patsies, too soft and too pre-occupied to take the tough measures necessary to put the year-round hoods out of action.

It is up to the law-abiding citizens to throw off their lethargy and take the initiative to get new laws passed that will give law enforcement officials and the courts the powers needed to put the crime professionals and other repeaters out of business for long terms.

Only then will it be possible to cut the rate of crime in Missouri drastically.

EMPLOYMENT AND TRAINING OPPORTUNITIES ACT OF 1970

The Senate continued with the consideration of the bill (S. 3867) to assure opportunities for employment and training to unemployed and underemployed persons, to assist State and local communities in providing needed public services, and for other purposes.

PRIVILEGE OF THE FLOOR FOR STAFF MEMBERS OF COMMITTEE ON LABOR AND PUBLIC WELFARE

Mr. NELSON. Mr. President, I ask unanimous consent that staff members of the Committee on Labor and Public Welfare be permitted access to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, unless another Senator wants to speak, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMINICK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, my remarks will be brief. A half hour or so ago I presented in some detail the argument against the amendment proposed by the Senator from Colorado. I shall repeat very briefly here that the proposal of the Senator from Colorado simply desegregates the money allocated to titles I, II, and III and authorizes the Secretary to spend money within those titles or not to spend it on any of the programs—special programs, for example.

The committee considered the proposal. The issue was fought out. Of course, when the OEO took the same position against congressional earmarking, its position lost on the floor of the Senate and on the floor of the House and in the committee of the Senate and in the committee of the House. They too argued that they needed more flexibility.

I simply repeat that one-third of the money goes to title I, one-third to title II, one-third to title III and the other titles, and that the Secretary can take 15 percent from any title and apply it to any purpose authorized in the bill. That is about $200 million of flexible funds.

Within the title comprising the special programs—such as OIC, Neighborhood Youth Corps, Job Corps, Operation Mainstream, and New Careers—he is not directed or required to spend any specific amount on any special program within that title. He has one-third of $2 billion that he can spend within those titles. He is required to maintain the programs authorized by the Congress, but we do not direct him to maintain the special programs at any particular level. So if the Secretary decides that Mainstream—which I hope he will, because not only am I the author of it, but it is the least criticized program in the whole program—should be doubled or tripled, or if he decides, based on his best judgment, that the Neighborhood Youth Corps or some other program would be the best program on which to spend more money, he has the flexibility to do that.

As I said previously, he has additional flexibility in that no prime sponsor can get any money until the Secretary approves his application, and, if he is a local prime sponsor, until the Governor of the State has had the opportunity to comment on the viability and the effectiveness of the proposed prime sponsor's plan.

So the Secretary, in looking at a plan developed by a prime sponsor and his Manpower Services Council, has a chance to look at that and say, "I think you are spending money on a program here that simply will not work."

The Governor has a chance to comment on it, and the Secretary has authority to resolve their differences. The flexibility in the program is vast. I think the bill has enough flexibility, and I do not think that this house nor the House of Representatives will accept the proposition that these special categorical programs can simply not be funded at all.

Yet, under the proposal of the Senator from Colorado, if the Secretary decided he did not want to spend a single penny on special programs, he would not have to spend a penny. If he decided that he did not want to spend any money on New Careers, he would not have to spend a penny. He could abolish a program that has been voted and reinforced by votes on the floors of both Houses of Congress.

Mr. President, I do not think the Secretary should have that authority. I am not critical of the Secretary for making the request. That is exactly the request made by previous Secretaries, and by the Director of OEO, when we fought that out on this floor. The Secretary of Labor under the Johnson administration took the same position.

They all take that position. If I were the Secretary, I would also. I would take the position, "You give me $2 billion; I am smarter than you, and I will spend it on the programs I think best."

Congress has yet to accept the concept that we just appropriate money and the executive branch spends it, and I do not think we should. If, after 3 or 4 years' experience, we develop prime sponsors, whether they be the State governments or local prime sponsors, who demonstrate great skill and creativity in developing programs, then I would guess that pretty soon we would move to just authorizing them to develop any program they pleased, under the supervision or the veto power of the Secretary. But I do not think we have reached that stage at this time. So I believe that we have provided enough flexibility, and that, at this stage in history, it would be a mistake to accept the amendment of the Senator from Colorado.

Mr. JAVITS. Mr. President, I have given this matter a little more thought in the course of our debate, and it is my judgment that, in view of the negotiations which I conducted in the committee and the concessions which I received in respect to this particular matter and many others, I shall have to vote "nay" on this amendment.

I wish to state, however, that if the amendment should be successful, that is fine, and the administration position will have been very much sustained. As I authored its bill, I can be nothing but gratified. If it should fail, I would propose to offer the proposal for decategorization—giving the Secretary more flexibility and a greater fund which will be flexible—that I suggested to the Senator from Colorado.

Mr. DOMINICK. Mr. President, I shall wind this up, unless the Senator from Wisconsin has something more to say, in a very short way. Just for the record, I wish to make a couple of points.

What I am trying to do here is to persuade the Senate as a whole that the position for decategorization is correct, and that is what I am presenting on behalf of the administration, and I might add on behalf of myself, because I have brought this point up with the Senator from New York in committee on many occasions.

What are we talking about here? Granted that we are talking, first of all, about an enormous amount of money—$2 billion. If any one of us had started spending a thousand dollars a day, 7 days a week, in the year 1, and tried to spend a billion dollars, we still would not have spent it by now, and we would not for another 650-some-odd years. That is an enormous amount of money; and we are talking about $2 billion in 1 year on these programs.

So we immediately become bemazed by the enormity of the figure. That does not mean we will have appropriations for this much. We know this is an authorization bill; but this is the degree of need we think the country has for these types of programs, and we are not attacking the figure.

What I am attacking is the assumptions by the committee that they have more expertise in committee than do the Government and the local sponsors in their own areas, as to what their manpower training needs are. We do that by insisting that there be a certain amount of money for each one of these titles.

We insist, for example, that there be $600 million authorized for the Mainstream, New Careers, and similar programs included in title III. We insist that $600 million be used for public service employment.

There may be places where this is not needed. There may be many areas in our country where we can be far more productive by concentrating on manpower training services rather than on public service. There may be some States where they are going to have to go more heavily into public service in order to take care of concentrated areas of unemployment.

It seems to me it is only proper, in view of these facts, to give the maximum amount of flexibility so that the moneys can be used for the mix of manpower services determined by the States and localities to be necessary to satisfy the needs of their own areas. That would be far more effective, in my opinion, and far more productive of the results we all want, to do it that way rather than the way the committee bill provides.

The PRESIDING OFFICER (Mr. JORDAN of Idaho). The question is on agreeing to the amendment of the Senator from Colorado, as modified. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SAXBE (after having voted in the affirmative). On this vote I have a pair with the Senator from Maine (Mr. MUSKIE). If he were present, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withdraw my vote.

Mr. STEVENS (after having voted in the affirmative). On this vote I have a pair with the Senator from New York (Mr. GOODELL). If he were present, he would vote "nay." If I were permitted

to vote, I would vote "yea." I therefore withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Wyoming (Mr. MCGEE), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Mississippi (Mr. STENNIS), the Senator from Georgia (Mr. TALMADGE), and the Senator from Maryland (Mr. TYDINGS), are necessarily absent.

I further announce that, if present and voting, the Senator from Arkansas (Mr. FULBRIGHT), and the Senator from Washington (Mr. JACKSON), would each vote "Nay."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON), the Senator from Hawaii (Mr. FONG), the Senator from New York (Mr. GOODELL), the Senator from Arizona (Mr. GOLDWATER), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), and the Senator from Texas (Mr. TOWER) would vote "yea".

The pair of the Senator from New York (Mr. GOODELL) has been previously announced.

The result was announced—yeas 19, nays 55, as follows:

[No. 307 Leg.]

YEAS—19

Aiken	Dominick	Miller
Allott	Fannin	Pearson
Baker	Griffin	Prouty
Bellmon	Gurney	Thurmond
Bennett	Hansen	Williams, Del.
Curtis	Hruska	
Dole	Jordan, Idaho	

NAYS—55

Allen	Hart	Pastore
Anderson	Hartke	Pell
Bayh	Hatfield	Percy
Bible	Holland	Proxmire
Boggs	Hollings	Randolph
Brooke	Hughes	Ribicoff
Burdick	Inouye	Russell
Byrd, Va.	Javits	Schweiker
Byrd, W. Va.	Jordan, N.C.	Scott
Case	Kennedy	Smith, Maine
Church	Long	Sparkman
Cook	Mansfield	Spong
Cooper	Mathias	Symington
Cranston	McCarthy	Williams, N.J.
Dodd	McGovern	Yarborough
Ellender	McIntyre	Young, N. Dak.
Ervin	Mondale	Young, Ohio
Gore	Nelson	
Harris	Packwood	

PRESENT AND GIVING LIVE PAIRS AS PREVIOUSLY RECORDED—2

Saxbe, for.
Stevens, for.

NOT VOTING—24

Cannon	Eastland	Goldwater
Cotton	Fong	Goodell
Eagleton	Fulbright	Gravel
Jackson	Montoya	Smith, Ill.
Magnuson	Moss	Stennis
McClellan	Mundt	Talmadge
McGee	Murphy	Tower
Metcalf	Muskie	Tydings

So Mr. DOMINICK's amendment was rejected.

Mr. NELSON. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. KENNEDY. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

AMENDMENT

Mr. JAVITS. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER (Mr. DOLE). The amendment will be stated.

The amendment was read, as follows:

On page 82, line 1, strike the numeral "15" and insert "25".

Mr. JAVITS. Mr. President, the amendment which I have submitted, goes precisely to the same point Senator DOMINICK was trying to make; namely, that the Secretary should have more flexibility among the various activities under the bill.

As the Senate has rejected the idea of doing that by eliminating the categorization programs as between manpower, public service, and so forth, I am now subjecting that the general flexibility already provided by the bill, which is 15 percent in the hands of the Secretary, be increased to 25 percent, so that there will be flexibility.

We fought this out hard in committee—but in view of the feeling of many Members that we should give some consideration to the need, for greater flexibility—I would hope that the manager of the bill might look at this amendment with more sympathy than he did the last time.

Mr. NELSON. Mr. President, as I mentioned previously, we put into the bill the 15-percent transferability from title to title totaling about $200 million out of $2 billion. The Senator suggests that we make it 25 percent. That would be about $333 million of flexibility.

I have always felt that we should give flexibility when we can to an administrator so long as we have some assurance that he is carrying out the authorized objectives of whatever program Congress devises. I do not think that the figure 15 percent, 20 percent, 25 percent has any special magic. I will accept the 25-percent amendment of the Senator from New York which would increase the flexibility to $333 million. I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOMINICK. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 907

Mr. DOMINICK. Mr. President, I call up amendment No. 907.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk proceeded to state the amendment.

Mr. DOMINICK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the RECORD.

The amendment (No. 907) reads as follows:

On page 112, strike out lines 8 through 12, and in lieu thereof insert the following:

"(9) integrating the services provided under this title with other manpower and manpower-related services in the area served by the prime sponsor for which financial assistance is provided by the Secretary of Labor."

On page 112, beginning with line 25, strike out all through page 113, line 2, and in lieu thereof, insert the following:

"(4) the Governor of the State has reviewed the application and has determined that it is consistent with the State comprehensive manpower plan developed pursuant to section 111 and that it makes effective utilization of available resources and facilities to meet local needs. If the Governor, after consultation with the applicant, determines that modifications of the application are necessary to meet the above criteria, he shall transmit the application, together with his recommendations for modification and reasons therefore, to the Secretary who shall determine whether such modifications are required."

On page 122, following line 3, insert the following new section:

"STATE PLANS

"SEC. 111. (a) Any State seeking assistance under this Act or the Wagner-Peyser Act (48 Stat. 113) shall submit an annual State comprehensive manpower plan to the Secretary for approval in accordance with the requirements of this section.

"(b) The State comprehensive manpower plan shall—

"(1) Provide for the cooperation and participation of all State agencies providing manpower and manpower related services in the development and implementation of comprehensive manpower services plans by prime sponsors in accordance with the provisions of this Act;

"(2) Set forth an overall State plan for the development and sharing of resources and facilities needed to conduct manpower programs without unnecessary duplication and otherwise in the most efficient and economical manner;

"(3) Contain information regarding economic, industrial, and labor market conditions which will be useful to prime sponsors in the development and implementation of comprehensive manpower services plans under this Act including, but not limited to, job opportunities and skill requirements, labor supply in various occupations, and economic and business development and location trends;

"(4) Provide for the conduct of programs financed under the Wagner-Peyser Act in accordance with such rules, regulations, and guidelines as the Secretary determines necessary for the purpose of providing coordinated and comprehensive assistance to those individuals requiring manpower and manpower related services to achieve their full occupational potential in accordance with the policies of this Act; and

"(5) Contain other items as the Secretary deems necessary, in accordance with such regulations as he shall prescribe."

Mr. DOMINICK. Mr. President, I say to the Senators that since we took about

an hour to get a rather sharp licking on the last one, maybe I will do better by taking only 5 minutes on this one. That is the way I intend to proceed.

Mr. President, I ask for the yeas and nays at this time.

The yeas and nays were ordered.

This particular amendment is the one that the Governors are particularly concerned with and one that the administration is particularly concerned with and one that I think most of us are particularly concerned with.

What it is designed to do is to strengthen the opportunities of Governors and local mayors within cities and towns to be able to run their own programs and to integrate them into an overall plan for the State.

It is the feeling of the Governors that the bill as now worded—and I think there is a copy of this wire on the desk of every Senator from the present chairman of the National Governors Conference and the ex-chairman of the National Governors Conference pointing out their concern—provides neither the authority nor incentives for State governments to integrate State and local applications for manpower services programs into a comprehensive and coordinated statewide plan. Moreover, it does not establish a system which would relate Nelson bill-funded programs to other manpower activities, such as FAP, local operations of the employment service, and others. Thus, the current bill would perpetuate the gaps in services, duplication of programs, and general lack of coordination which characterizes present manpower activities.

I might point out concerning the telegram which is on every desk that the second sentence says:

> Although it proposes consolidation and decentralization to correct confusion, profusion of authority and inefficiency prevailing in the manpower field, we are overwhelmed by the failure of the bill to provide for any overall State role.

This is the key.

The amendment I propose would require State and local prime sponsors to integrate manpower and manpower related services under other Labor Department programs with services supported under this act. This would turn the "application" into a quasi-comprehensive local manpower plan and allow applications for funds under this act to be judged in the context of the community's overall activities.

Second, a new section 111 would require States to develop annual comprehensive manpower plans if they are to receive funds for programs under this act and under the Wagner-Peyser Act. This annual State comprehensive manpower plan would analyze manpower needs and economic trends, set forth a State plan for sharing resources and facilities for the conduct of manpower programs through the State, require the cooperation and participation of all State agencies in comprehensive manpower services plans developed by local prime sponsors, and incorporate Wagner-Peyser activities as an integral part of State and local manpower operations.

Finally, the Governor would be required to review local applications to assure that they are consistent with the State comprehensive manpower plan. If the Governor feels that modification of such plans are desirable, he shall submit his comments to the Secretary of Labor. The Secretary of Labor will then decide whether such modifications are required during his review of local applications.

Mr. NELSON. Mr. President, may we have order? I cannot hear the distinguished Senator from Colorado.

The PRESIDING OFFICER. There will be order in the Chamber.

Mr. DOMINICK. Mr. President, I thank the Senator from Wisconsin. I am a little hoarse already, and it is a little hard to talk over the noise.

In short, what the amendment tries to do is to provide that the States have a larger role in developing statewide plans and that the Governors have the right to review and comment on the local plans to see if they can coordinate the manpower activities of each State.

Mr. NELSON. Mr. President, I do not interpret the amendment quite in the way that the Senator from Colorado does. I think that the amendment gives the Governor a veto over a prime sponsor's plan, although the final word rests with the Secretary of Labor.

The original proposal of the administration was that the prime sponsor shall send his proposals to the Governor and that the Governor shall develop a statewide plan. The Governor, in effect, had a veto power over what was proposed by the prime sponsor with, of course, the Secretary of Labor again having the final determination.

The Dominick amendment reads that the plan of the prime sponsor is submitted to the Governor. The Governor, after reviewing the application, must determine that it is consistent with the State comprehensive manpower plan and that it makes effective utlization of available resources and facilities. Without this determination, the local prime sponsor's plan could not go into effect.

What we would have is a confrontation between mayors of large cities and Governors around the country. In fact, I think it will work out to be a Governor's veto, because it amounts to a veto when the prime sponsor's plan must conform with the State plan.

We can continue on this point and discuss it in detail and decide upon a formula which I think treats everybody fairly and does not force unnatural confrontations between Governors and the mayors of larger cities.

The bill provides that the prime sponsor, the city of New York, the city of Philadelphia, the city of Pittsburgh, or smaller communities, shall develop a manpower plan. They are required under the bill to send their applications to the Secretary of Labor with a copy going to the Governor.

The Governor has the right to comment on the plan of the prime sponsor. If the Governor is critical of the plan of the prime sponsor, the Secretary is to attempt to reconcile differences.

Following this procedure, you will have coordination; but you are not forcing the cities to go through the States with Governors having the advantage of saying, "I do not like this plan," and the mayor having to go to the Secretary to get him to overrule the Governor. We do not think that is a good approach. The mayors are absolutely opposed to it. They sent a letter which I think all Senators received. The letter is dated September 1, 1970. The letter is from the National League of Cities and the U.S. Conference of Mayors, and it states as follows:

> The proposed manpower bill coming before you this week will for the first time give the mayors throughout the country the major role in planning and operating federally financed local manpower programs. Under the proposed legislation every mayor in a city of 75,000 or more would be given the opportunity to designate the prime sponsor of the local manpower training system. This step, in our opinion, would go a long way toward giving the mayor the needed flexibility at the local level to insure coordination, avoid duplication and overlap, and thus begin to move toward truly meeting the needs of our citizens.

In the testimony by the U.S. Conference of Mayors and the National League of Cities on June 1, 1970, they say in their statement on page 3027 of the hearing record:

> (a) The U.S. Department of Labor should make manpower funds available directly to the cities for the planning, evaluation, coordination, and administration of manpower programs;
>
> (b) The mayor should be given authority to coordinate all local manpower programs.

Mr. President, we think we have designed a bill to provide for development of good and comprehensive plans with appropriate authority in the Secretary to require coordination without forcing the mayors into a fight with the Governors unnecessarily.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. PERCY. Mr. President, I have been impressed with the complexity of the problems and programs mayors must deal with, with respect to the Federal Government. Last year I sponsored a conference of 150 mayors, to have them come to Washington and have various agencies of the Government present to them the kind of programs they have for their better understanding.

The turnover of mayors, their sometimes inadequate staffs, the complexity of the problems they are dealing with, are all such that I feel it a good thing to have the Governors, in a rebirth of federalism, take over more responsibility for coordination of these programs within their own States.

I am rather surprised that a distinguished former Governor, who held that Chief Executive responsibility, would see fit to have so many mayors deal direct with Washington on local community problems rather than in the federal system through the 50 Governors.

I would be very much interested in the observations and personal experience of the distinguished Senator, but my feeling is we have to work to strengthen our Governors rather than to weaken them. I hope this Congress will take many steps

to strengthen our federal system, leaving for the Governors and States an adequate role as was originally envisioned.

Mr. NELSON. Mr. President, I thank the Senator for raising the question.

The bill does strengthen the Governors. But here is the problem, and I would say this as a former Governor. I really did not, as the Governor of my State, know anything significant about the manpower problems of our major cities compared to what was known by the mayor, the city council, the employment service in the city, the vocational schools in the city, the school system, the labor leaders, and the business leaders of that local community. This is true all over.

What we are trying to do in this program is to have the manpower programs originate with the people who have the problem at that place where it exists. Starting out in these programs there was no competence, understanding, or experience at either the State or local level in the development of manpower programs. So Congress started out to pass bills in which we said, "We will establish this national program," and then say to Chicago or some other city, "We will give you 300 slots in the Neighborhood Youth Corps and X amount of money for this program and that program," without ever having developed a comprehensive manpower program to service the needs of that city.

The State government is not nearly as qualified as the people in the local community to develop a manpower program for Chicago, for example. Under this bill there would be created a local manpower services council. On that manpower services council in Chicago you would have the employment service, the community action agency, the educational institutions, the mayor, representatives of labor and representatives of business; you would have the people who have studied and lived in the community and who know the problem.

They would develop a comprehensive manpower program. But in order to be sure it makes sense and that it fits in with what should be done in that State, they have to send a copy of their plan to the Governor. He would have an opportunity to review what Chicago proposes. If he has a sensible objection he makes it to the Secretary. The Secretary has the authority to review the Chicago plan or a part of the Chicago plan or make requirements, if he thinks the Governor is right. So you have the Governor commenting on it and the Secretary responsible for coordination, if it is necessary.

The State is not as well equipped to perform that functon as the city; the city of Chicago has to do it. This would give authority in communities of 75,000 people or more to develop their own manpower program.

Mr. PERCY. The same argument, in principle, could be made about almost any of the great problems we have; and it could be urged that we simply proved that all your larger cities deal directly with Washington, bypassing the States.

My feeling is that in my own State, our Governor, Richard Ogilvie, is developing a tremendous amount of competence in certain fields at the State level which is providing invaluable service to communities on a coordinated basis; many of our mayors would rather deal with Springfield—though on second thought perhaps Mayor Daley would not want to—but most mayors would rather than with Washington.

I hope the thrust and direction of our work here in the Senate would be toward strengthening Governors and State capitals rather than having duplicative services developed in many cities and a tremendous hierarchy developed here in Washington, where it is pretty hard to find the answer and when we have so many duplicated, complex, and overlapping programs very difficult for our mayors to even discern much less fully utilize.

Mr. NELSON. First, I would say that the Secretary may approve anything the State is developing that makes sense. The National League of Cities was unanimous in urging that mayors be able to develop their plans without having veto power in the hands of the Governor.

Mr. JAVITS. Mr. President, again, this was a tremendous struggle in the committee. I sponsored the administration bill, which bill called for the State comprehensive manpower plan and everything else to be a satellite to that plan. We were unsuccessful in that effort in the committee. We fought that battle very, very hard, but we did have a decent compromise.

It is interesting to me that the decency of that compromise has not even been disclosed in this debate.

I ask Senators to follow me on this. It is not very technical, but Senators will have to follow me. I ask them to look at page 103 of the bill, headed "Prime Sponsors," which has not yet been mentioned in the debate. The first entry says:

For the purposes of this title, any State—

So that the first prime sponsor that is contemplated by the bill is a State. So we then go on and reserve this right to the States and to any units of general local government which have less than 75,000 persons, because they cannot participate as a prime sponsor. So we really make for the State a comprehensive plan; otherwise it is sent out to the rural community.

It was understood that the State would take care of that end of the bill. Then we would come to other prime sponsors, which can be aggregate units which must be in some kind of related position so that they can represent a labor market.

When we get to that point we put the State on a parity with other eligible prime sponsors. Those prime sponsors can be a city or a county or a group of governmental units. If they are competing, the Secretary has to make a choice. For example, there might be a labor market of 75,000 in which a county executive will compete with an ad hoc committee that commissioners have put together. The Secretary will make a choice.

So, we did provide the States a role. The Governors wired us. Having lived with this matter and understanding that it is one of the most complicated measures we have put together, the Governors are not entirely right, because the fact is that there is a big role for the States if—and this is a big "if"—they will take it.

I was on the side of the Governors to this extent, but I must say I had to be impressed—because of the substantive facts—with the view of the majority. The fact is that there are many States in which—if it were left to the States and the Governors—the big cities and the major population areas would have a rough time, logically and politically——

Mr. PASTORE. Mr. President, if the Senator will yield, like New York City and Providence? Is that right?

Mr. JAVITS. I am afraid so, although I am Governor Rockefeller's campaign manager. I have to be very careful about it.

Mr. PASTORE. I know, but the Senator lives in New York City.

Mr. JAVITS. Hence, we worked out this compromise so that when we get to the level of below 75,000 population, the States have to do it or it is not done. That is not too happy a situation. But that is made a rough rule of thumb. When we get above the 75,000, the States and local units of governments are really competing. That is what it comes down to. The decider is the Secretary of Labor.

In order to give the State adequate play, as it were, we wrote in the requirement that before the Secretary can act he has to have the State's view, through the Governor. It is not a veto, but, public life being what it is, it is a pretty potent thing. The Governor does not have to be in a terrible flap about giving his views. The Secretary may say, "We have waited 2 months and we are not going to wait longer."

Consistent with the fact that the majority was flatly against the concept which we espoused on the part of the administration—to wit, a State comprehensive manpower plan I think we did really preserve a very important role for the States, if—I repeat—the States want it. If the Governors are animate, themselves, they can really run it within the bounds I have described. If the Governors are going to be asleep and be against it, that fact does not hamstring the cities.

It seems to me that is about as fair a compromise as we can make if we lose the main battle, which was that the States should run it.

I do not look down my nose at them, although I do not agree with them; but there are some people who argue that freedom requires that we should make a sacrifice, and if a State does not like a certain program, whether welfare or manpower training or poverty, that State ought to be able to veto it; freedom in the United States demands that kind of power in the States.

To me, that is a reputable argument. I do not look down my nose at anybody who makes it; I do not agree with him; but that is the essence of a very important ideological difference between me and many of those who think likewise and others here. On that ground, they should vote for the amendment of the Senator from Colorado (Mr. DOMINICK) at the least.

The last point with respect to the Dominick amendment is this, and I know he will——

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. DOMINICK. I want to make clear that there is no veto by Governors in this amendment.

Mr. JAVITS. The Senator is absolutely right. I was just coming to that.

The other factor which determines my point of view is that apparently the administration, for the purpose of these amendments, has reached the conclusion that these provisions will be in the bill, because—as the Senator from Colorado has said—his amendment does not impose any veto. His amendment does not say there shall not be direct relations between municipalities and the Secretary of Labor. What he says is that this machinery shall not get going until the State produces a comprehensive manpower plan.

Once we get over that difference of principle, then we should go to the most efficient way to proceed. If we are going to stick to a principle that there shall be no plan by a municipality unless the State wills it, that is one thing. Then we get into the question of yes or no. But when we get to the finite details of whether——

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. PASTORE. Getting back to New York State, the problems of New York State generally may be different from the problems of New York City, and the Governor may not be interested because of the overall situation of the New York State, and yet the mayor of New York City may be very interested.

Mr. JAVITS. The Senator has tempted me very much on New York.

Mr. PASTORE. All right. Let me bring it back to Rhode Island, if the Senator does not want to talk about New York.

Mr. JAVITS. No; I love New York. I will stick to that.

I wish to confirm my confidence and faith in the progressiveness of Governor Rockefeller. To be sure he would be among the first to have a comprehensive manpower plan within which New York City could do very well.

Mr. PASTORE. I did not mean this in derogation of Governor Rockefeller.

Mr. JAVITS. I know that.

Mr. PASTORE. But there may be a situation in which the rest of the whole State may lead him to one conclusion as against one large city which may look at it from the opposite point of view. The Senator has settled it so it can be worked both ways. Is not that the purpose of the compromise?

Mr. JAVITS. That is right.

The Senator from Colorado (Mr. DOMINICK), who is not bashful, will interrupt me if I am wrong. The administration has pretty well come to the conclusion that they are really arguing about degree rather than the issue of principle. They are accepting the issue of principle that we have to allow—one way or another—local units of government to have a direct relation, if need, be, with the Secretary of Labor.

Therefore, I feel that this scheme in the amendment simply makes it a little more difficult to run through the same process; and as long as we have made that decision in principle, I am in favor of using the machinery in the bill.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. JAVITS. Certainly.

Mr. PERCY. Do I correctly understand, though, that the amendment offered by the Senator from Colorado is essentially the position taken originally by the administration?

Mr. JAVITS. No. I say again, the Senator from Colorado is not bashful, and may interrupt me.

The administration originally took the position that you had to have 50 State plans, and everything else became a satellite within that plan, and only in extreme emergency situations could you pierce that State veil—to use the lawyer's term, like the corporate veil.

Now the administration's position is that it is apparently willing to come some distance toward the majority, and it is not insisting that any direct local plans be barred absolutely unless they have a State plan as paramount. It is willing to accept local plans after there is a comprehensive State plan in being. That is all they ask for now.

I do think there is a fundamental difference in concept between the original position—which I introduced as the administration's bill—and their present position, as incorporated in Senator DOMINICK's amendment, which is the administration position today.

Mr. PERCY. I think we are indebted to the minority members of the committee for having brought the bill to its present stage. It is somewhat more realistic, possibly, in concept than the original introduction, but also, the administration has modified its position somewhat. It is being presented to us by the Senator from Colorado in such a way as to take into account some of the testimony heard and new experience, so that neither position is as extreme as, possibly, when it started. I commend the Nixon administration for its position and I support it.

Though I still support the position of Senator DOMINICK, we are grateful to the ranking minority member and to the other members of the committee, together with the majority, for working out a much better bill than we would have had otherwise.

Mr. JAVITS. I thank my colleague.

One thing we have to add to Senator DOMINICK's argument, and that is that it represents the administration's evaluation of what is the most successful way to run a national manpower training program. I may not agree, but we have to add that that is their view, and it has a lot of expertise in an enormous department back of it.

Mr. COOPER. Mr. President, the Senator from New York makes a very persuasive argument for his position, as does the Senator from Colorado.

I remember the beginnings of the conflict between the positions of Federal control, or State control or at least State participation in connection with manpower programs. I am glad that at last the programs have been joined and many improvements made and this is greatly to the credit of the committee.

But on the question of relative powers of the States and the Secretary, I would ask these questions. It is correct, is it not, that the committee bill does not mandate that there shall be a State plan?

Mr. JAVITS. No.

Mr. COOPER. It is correct is it not that other than asking for the comments of the Governor of the State, there is no further participation guaranteed in this bill as far as the State is concerned?

Mr. JAVITS. The word "guarantee" could be misleading, and I cannot accept it, because it all depends on the State and the Governor. If it is not guaranteed, it is only because the State and its Governor are either indolent or against the idea of a manpower training program. If they are on the ball and they are interested, then it is guaranteed.

Therefore, I think that, as a legal concept, it depends solely upon a person's own volition as to whether he has a right or not. I would say that the right is guaranteed.

Mr. COOPER. Well, perhaps the characterization by word is unimportant. What I am saying substantively is that the language of the bill provides no assurance or mandate that there shall be a State plan and provides no authority to the Governor other than to make comments on programs.

Mr. JAVITS. No, I cannot agree with that. There is no mandate, but there is an assurance. A State has a topflight right to a plan, and, indeed, it is the duty of the State to have a plan, because if it does not, it shuts out all its less populated areas from participation in the program at all. So, I would construe it to really give assurance that there is a State plan. It is hardly conceivable to me that if a rural State has one big city, and that big city is definitely going to have a manpower training program, that the Governor of that State and its legislature would—simply, because they will not prepare a State plan—deprive all of its less populated areas of Federal manpower training funds.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. DOMINICK. My amendment does not do that.

Mr. JAVITS. No. The Senator from Kentucky is talking about the bill.

Mr. COOPER. Yes. We have already provided assurance that the States will have programs by our vote on the first amendment of the Senator from Colorado.

I voted against the amendment, because I wanted to be sure that the States will have programs. Also, I was concerned about the concentration of authority in the Secretary which the amendment directed. We might be for control in this administration, but we might have been very much against it

in past administration; and I say "past" because I do not see any prospect of Democratic administrations in the immediate future.

All of us have been familiar, through experience, with systems and programs in our own States with the overlapping of programs, duplication, lack of priorities, and actual waste of money. I do not wish to speak against my own State, but I know that in certain cases and in certain areas of our States, there have been millions and millions of dollars spent with very little result, I am sorry to say.

It seems to me that the amendment of the Senator from Colorado provides, for the Governor of the State—though he cannot veto these applications—the opportunity to say, upon the basis of information which is certainly more currently available to him than to an agency in Washington, that there are certain programs that are duplications, that are wasteful, and that really do not move toward the objectives of these programs and provides him authority to recommend changes and priorities, which the Secretary can and must consider.

This is almost the minimum that the Senator from Colorado is asking for, and, while I am not an expert in this area, I have had the experience of discussing this problem with people who were sponsors with public officials and with the people who participate in the programs.

I shall digress for a moment, and say that I can remember, on many occasions, applicants for OEO programs came to Washington to discuss their applications and secure their approval from people, who while doing their best, had little understanding of the necessity or nature of the program being asked for, but had to pass upon it. It seems to me this is a sensible and limited approach to provide this authority to the Governors, so I shall vote for it.

I hope the Senator from New York will respond to my question about duplication, establishment of priorities, and whether or not it is a limited amendment.

Mr. JAVITS. Yes. I shall respond to the last question first. It is a limited amendment, and within the parameters of its limitation, it does not involve a veto. It involves more restraint upon the localities than is provided in the bill, because it does require—as a condition precedent to local plans—that there be a State plan and the State plan can be stalled for years. It may never come into being.

Again, the dynamics of life are such that that is unlikely, except in some really dug-in situation. But it is precisely the dug-in situations which we are trying to reach. Accordingly, given the choice between the two, an indeterminate, nonvetoing block, which a State could throw in—using the word "block" in the football sense—and the procedures of the bill, I would choose the procedures of the bill, because I do think that they give the Governor—a lively Governor in a lively State, which is really interested—everything which Senator DOMINICK's amendment gives it if they move. But Senator DOMINICK's amendment does build in a right in a State which is superior to the power of the Secretary of Labor to move it. That is why I feel there is not a chasm of difference between the Senator from Kentucky and myself.

If the Senate prefers to build in such a block—it is not a veto—then of course the Senate will support this amendment. If the Senate prefers to require Governors and States to be activists in order to put themselves in the same position which Senator DOMINICK's amendment would put them in, then it will reject the Dominick amendment.

I thank the Senator.

Mr. DOMINICK. Mr. President, I have enjoyed listening to the very distinguished Senator from New York make counterpoint after counterpoint concerning my amendment. I should like, if I may, simply to interpret my own amendment the way I think it is designed, without infringing on his interpretation in any way.

First, this amendment does not in any way change the prime sponsor provision. Cities and localities meeting certain size criteria, and a State can still be the prime sponsors. That provision would not be affected by this amendment.

Second, no legal authority is given under this amendment or in the bill for anyone to hold up anybody's program.

What this does is to say that where you have an overall State plan and a local sponsor has another plan, that plan shall be submitted to the Governor for his comments, to see whether or not it fits with the State plan which has already been adopted, and to see whether it makes effective utilization of resources and facilities which are already available. If in his opinion it does, he can so state. If in his opinion it does not, he can so state. Those comments are sent on with the local sponsor's plan to the Secretary, for the Secretary's review. Hopefully, it will introduce a greater partnership between the mayors and the Governors than there is in many areas of the country at this time.

The only other point I wish to make—and I think this is accurate—is that, so far as I am concerned, if there is no State plan, there is no reason why the local prime sponsor cannot submit his application. The Governor could review the plan and comment on it, but the absence of a State plan would not mean the local prime sponsor's application could not be approved by the Secretary.

What I think this does—and I think it is important—is that it gives a coordinating role to the Governor of the State. It creates an atmosphere for partnership between the Governor and the mayors and the localities, and it requires that existing facilities be used, to avoid the duplication of facilities and services which has occurred in the past.

This is the purpose of the amendment. I think it strengthens the Governor's role; but, more important, I think it strengthens the opportunity for partnership among the localities, the mayors, and the Governors.

Mr. JAVITS. Mr. President, will the Senator yield for a question?

Mr. DOMINICK. I yield.

Mr. JAVITS. Strictly on the technical interpretation of the amendment.

I invite the Senator's attention to page 2, lines 1 to 6, which is what I call the condition precedent before a local unit of the State can submit a plan. It reads as follows:

> The Governor of the State has reviewed the application and has determined that it is consistent with the State comprehensive manpower plan developed pursuant to section 111 and that it makes effective utilization of available resources and facilities to meet local needs.

As I understand the Senator now, he wishes us to take that language to mean that this only is true if the State has a comprehensive manpower plan. If it has not, then the Senator says that that is not a condition precedent. In other words, if it does not have a comprehensive manpower plan, then the Governor, nonetheless, is under the duty to determine what modification he wants and to send it on to the Secretary.

The language, it seems to me, does not permit me to agree with that interpretation. I did want to be sure that the Senator's comment was directed precisely at what made me say what I did about the condition precedent.

Mr. DOMINICK. The Senator from New York is totally correct. If he will look at lines 16, 17, and 18, he will see that it starts out under section 111 saying "any State seeking assistance under the act." It does not talk about a local prime sponsor or anything else—"any State seeking assistance under the act shall submit an annual State comprehensive manpower plan."

It is my hope—and the Senator has said it is his expectation—that all States would do this. But if they do not, it seems to me that the local sponsor can certainly go ahead and submit their plan to the Governor, saying, "We have not been able to get anywhere with the local plan."

Mr. NELSON. Mr. President, I realize that in reading legal language, statutory language, lawyers will disagree about what it means. My interpretation of the language in the amendment is that the Governor has veto power. Senator DOMINICK's amendment provides that an application for financial assistance under this title "may be approved only if the Secretary determines that"—and I quote Senator DOMINICK's amendment beginning on page 2, line 1—"the Governor of the State has reviewed the application and has determined that it is consistent with the State comprehensive manpower plan." If he determines that it is not consistent, he has vetoed it, because the Secretary cannot approve it unless the Governor takes that position. So the Governor has the veto power.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. DOMINICK. Let me say for the record—and I think it ought to be crystal clear—that the administration has assured me, and I specifically asked them, that this is not intended and is not designed and is not worded to give the Governors the veto. All it is designed

to do is to give them the opportunity to review the applications of local prime sponsors to see whether their plans fit into the overall State plan, and if not, to suggest changes. The Secretary would decide whether the changes should be made.

Mr. NELSON. But if that is their intent, I do not think that is what they say. If the Senator will look at the bill, section 106, page 112, it says that an application for financial assistance under this title "may be approved only if the Secretary determines that"—and the Dominick amendment adds this language—"the Governor of the State has reviewed the application and has determined that it is consistent with the State comprehensive manpower plan."

If the Governor determines that if it is not consistent with the State comprehensive manpower plan, the Secretary may not approve it. I consider that a veto power, and I do not think we should approve that.

As I stated earlier, it is opposed by the people who are most directly involved. The National League of Cities opposes this. The U.S. Conference of Mayors opposes this.

I may say that it is interesting that the Governors' Conference was invited to testify, and the Governors could not agree on what to say, so they never appeared before our committee despite 7 months of hearings.

In the committee bill, all the power that is necessary to require the development of sensible plans is in the hands of the Secretary, without forcing those kinds of confrontations that all the mayors in this country want to avoid.

Mr. DOMINICK. Mr. President, I am ready to vote, with the final comment that I do not agree with this interpretation. As carefully as I read the language, I do not see how the Senator arrives at that conclusion.

I am ready to vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BOGGS (after having voted in the affirmative). On this vote I have a pair with the Senator from Maine (Mr. MUSKIE). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Washington (Mr. JACKSON), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Wyoming (Mr. MCGEE), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Mississippi (Mr. STENNIS), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) and the Senator from Arkansas (Mr. FULBRIGHT) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. GOODELL), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from South Carolina (Mr. THURMOND) is absent on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 28, nays 46, as follows:

[No. 308 Leg.]

YEAS—28

Aiken	Ervin	Packwood
Allen	Fannin	Percy
Allott	Griffin	Prouty
Baker	Gurney	Saxbe
Bennett	Hansen	Scott
Byrd, Va.	Holland	Talmadge
Cook	Hollings	Williams, Del.
Cooper	Hruska	Young, N. Dak.
Curtis	Jordan, N.C.	
Dominick	Jordan, Idaho	

NAYS—46

Anderson	Hartke	Pell
Bayh	Hatfield	Proxmire
Bellmon	Hughes	Randolph
Bible	Inouye	Ribicoff
Brooke	Javits	Russell
Burdick	Kennedy	Schwengel
Byrd, W. Va.	Mansfield	Smith, Maine
Case	Mathias	Sparkman
Church	McCarthy	Spong
Cranston	McGovern	Stevens
Dodd	McIntyre	Symington
Dole	Miller	Williams, N.J.
Ellender	Mondale	Yarborough
Gore	Nelson	Young, Ohio
Harris	Pastore	
Hart	Pearson	

PRESENT AND ANNOUNCING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Boggs, for.

NOT VOTING—25

Cannon	Jackson	Murphy
Cotton	Long	Muskie
Eagleton	Magnuson	Smith, Ill.
Eastland	McClellan	Stennis
Fong	McGee	Thurmond
Fulbright	Metcalf	Tower
Goldwater	Montoya	Tydings
Goodell	Moss	
Gravel	Mundt	

So Mr. DOMINICK's amendment No. 907, was rejected.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all debate on each of the four remaining amendments to be offered by the Senator from Colorado (Mr. DOMINICK) be limited to 30 minutes, the time to be equally divided between the Senator from Colorado (Mr. DOMINICK) and the manager of the bill, the Senator from Wisconsin (Mr. NELSON).

The PRESIDING OFFICER (Mr. COOK). Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time on the bill be limited to 30 minutes to be equally divided between the able Senator from Wisconsin, the manager of the bill, and the minority leader or his designee.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

The bill is open to further amendment. The Senator from Colorado is recognized.

AMENDMENT 908

Mr. DOMINICK. Mr. President, I call up Amendment No. 908.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to state the amendment.

Mr. DOMINICK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the RECORD.

The amendment reads as follows:

On page 132, beginning with line 25, strike out all through page 133, line 8, and in lieu thereof insert the following:

"(4) wages paid to a participant shall be equal to (A) the minimum wage which would be applicable to the employment under the Fair Labor Standards Act of 1938 if section 6(a) (1) of such Act applied to the participant and he were not exempt under section 13 thereof, or (B) if higher, the State or local minimum wage for the most nearly comparable covered employment, or (C) where the participant is being prepared for particular employment which will not be supported by funds under this Act, a rate equal to 80 per centum of the prevailing weekly wage for such employment, whichever is greater: *Provided further,* That such additional wages as the applicant may pay the participant from non-Federal sources may not be applied to meet the matching requirements under section 205(8)."

On page 125, beginning with "skills" on line 6, strike out through line 8, and in lieu thereof insert "skills,".

On page 126, strike out line 23, and in lieu thereof insert the following: "at least once every six months during their em-".

On page 127, line 8, strike out the word "locate", and in lieu thereof insert the following: "place the participant in"; on line 11, strike out the words "which he chooses", and in lieu thereof insert the following: "to which he is referred"; after line 12, insert the following new subparagraph:

"(16) assurance that no participant shall receive assistance under this title for a period which exceeds two years from the date of his placement in public service employment under this title, except that eligibility may be extended for such period as emergency employment assistance is in effect under the provision of title VI of this Act;".

On line 13, strike out "(16)", and in lieu thereof insert "(17)"; on line 21, strike out "(17)", and in lieu thereof insert "(18)".

On page 191, line 6, beginning with the words "The Secretary" strike out through line 10 and in lieu thereof insert the following: "The Secretary may make equitable adjustments in the funds reserved to carry out this part to take into account that persons eligible for assistance under this part are receiving assistance under other provisions of this Act."

On page 197, line 8, beginning with the word "including", strike out through line 10 and in lieu thereof insert the following: ". . . and the Secretary may make appropriate arrangements for the conduct of such programs and activities, including but not limited to arrangements with eligible applicants under other provisions of this Act."

On line 18, beginning with the words "The Secretary", strike out through the word "section" on line 22 and in lieu thereof insert the following: "The Secretary may make equitable adjustments in the funds reserved to carry out this part to take into account that persons eligible for assistance under this part are receiving assistance under other provisions of this Act."

On page 206, line 14, beginning with the word "including" strike out through line 16 and in lieu thereof insert the following: ". . . and the Secretary may make appropriate arrangements for the conduct of such programs and activities, including but not limited to arrangements with eligible applicants under other provisions of this Act."

On page 206, line 25, beginning with the words "The Secretary" strike out through page 207, line 3, and in lieu thereof insert the following: "The Secretary may make equitable adjustments in the funds reserved to carry out this part to take into account that persons eligible for assistance under this part are receiving assistance under other provisions of this Act."

Mr. DOMINICK. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. DOMINICK. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 5 minutes.

This amendment will strengthen the emphasis on the career development of individual participants in public service employment programs under the bill. It will also safeguard against possible abuse of this program which might convert it into a permanent program of disguised revenue sharing without relationship to a community's manpower needs and economic conditions.

Mr. President, may we have quiet?

The PRESIDING OFFICER. May we have order in the Chamber, please.

The Senator from Colorado may resume.

Mr. DOMINICK. Mr. President, first, this amendment would modify the proposed wage levels which would be paid participants in public service employment programs. The committee bill would require that wages paid public service employees be at least equal to the Federal minimum wage—as if it were applicable—the State or local wage for comparable covered employment, or the prevailing rate of wages in the area for similar work.

The committee bill will only establish a floor for wages in federally subsidized public service employment.

Keep in mind that the Federal Government is going to pay 80 percent on this. So, there would be no ceiling or limit to the level of Federal wage subsidies. Under such conditions, limited manpower appropriations might be fairly rapidly exhausted. Furthermore, all incentive might be removed for participants to move out of subsidized employment and into nonsubsidized career opportunities in both the public and private sectors.

My amendment would establish a ceiling or limit on the level of Federal wage subsidies. Federal wage payments for public service employment would be fixed at the Federal minimum wage—as if it were applicable—the State or local minimum wage for comparable covered employment, or 80 percent of the prevailing weekly wage in employment for which the participant might be preparing, provided that nothing shall be less than the Federal minimum wage. This would focus both participants and sponsors on training and preparation for placement in nonsubsidized employment.

Sponsors could further supplement Federal wage subsidies out of non-Federal funds. Additional wage payments could not be applied to the sponsor's obligation to provide a 20-percent matching share for title II funds.

This amendment will also bring wage payments for public service employment conceptually into accord with the level of allowances and compensation for other manpower training programs authorized by this act. These provisions are laid out in title I. This will permit participants and counselors to choose between different types of occupational training opportunities and public service employment in terms of the participants' overall career objectives. Such decisions will not be distorted in favor of programs which may have a higher immediate income maintenance effect but offer less in terms of long-range earning power and family income.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. DOMINICK. Mr. President, I yield myself 4 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 4 additional minutes.

Mr. DOMINICK. Mr. President, second, this amendment will limit eligibility for any individual placed in public service employment to 2 years from the date of entry into the program.

The purpose of this is to assure that public service employment would be used only as one part of an overall manpower training program. Applicants for funds under this title would be required to design their programs to insure that participants moved up the job ladder and into other employment within 2 years.

It will provide for a community manpower agency to review his status periodically and make every attempt to place him in other employment or training opportunities. This review must occur at least every 6 months during the course of the participant's enrollment in public service employment.

At the same time the amendment recognizes that there are periods when our economy has slowed and no longer maintains a high demand for trained labor. Title VI of this act would trigger automatically additional manpower appropriations when the rate of national unemployment exceeds first 4.5 percent, then 5 percent for 3 consecutive months. That remains the same. Such funds would be available until overall national unemployment has fallen below these levels for 3 consecutive months.

During such periods as this national "trigger" is in effect, the eligibility of those who have exhausted their 2 years' placement in public service employment would be extended.

Overall, these amendments will assure that public service employment plays its proper role within a comprehensive manpower system. This is a long way from where the administration originally started. Federally subsidized work stations in public agencies should be used to prepare disadvantaged persons for career placement in nonsubsidized public and private job opportunities. Furthermore, during periods of higher unemployment such public service jobs can form a needed bridge for more skilled workers until the regular demand for their skills returns with overall economic recovery.

It would seem to me that this amendment, as it does put a ceiling on the amount that can be federally subsidized in the way of payments and requiring review every 6 months to try to get them into higher income jobs, and the 2-year limit, would make public service employment more closely fit into a manpower training bill.

I reserve the remainder of my time.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield to the Senator from Iowa.

Mr. MILLER. I would like to ask a question so I can understand the matter of the minimum wage to be paid under the Senator's amendment. If the individual concerned is being trained for employment which would be covered by the Fair Labor Standards Act, would he be paid 80 percent of the prevailing weekly wage for such employment or would he be paid, if it is higher, the minimum wage under the Fair Labor Standards Act?

Mr. DOMINICK. He would be paid the latter. In no event, wherever the job is covered by that, would he be paid less than the Federal minimum wage.

Mr. MILLER. If he were being trained for a position not covered by the Fair Labor Standards Act, would he be paid 80 percent of the prevailing weekly wage or would he be paid the minimum wage under State or local minimum wage law?

Mr. DOMINICK. Whichever is higher. He would be paid whichever is higher.

Mr. MILLER. I have another question I wish to ask the Senator.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOMINICK. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator is recognized for 1 additional minute.

Mr. MILLER. I wish to ask whether this is realistic because I can understand that if he is being trained to work, let us say in a local municipal courthouse building, the people who are there earning the minimum wage under the State or local minimum wage law could be resentful of him coming in and receiving as much as they are receiving, or is that the intention behind the Senator's amendment?

Mr. DOMINICK. The intention is to be

sure that participants in public service employment have some incentive to move out into other jobs. That is why we put the limitation on. They cannot continue to stay indefinitely.

Mr. President, I reserve the remainder of my time.

Mr. NELSON. Mr. President, I will be very brief. The amendment demonstrates the fundamental difference in position between those who believe that there are a large number of public service employment jobs to be performed in the country, which are not now being performed and those who do not. Studies indicate that there are about 5 million such jobs. The National Commission on Technology, Automation, and Economic Progress estimated there are 5.3 million potential jobs in public service. So this represents the difference in position of those who believe that there should be permanent public service jobs of some great number and those who do not. Under the bill public service jobs would be funded 80 percent by the Federal Government and 20 percent by the municipality. Jobs would include assistance and aid in the schools, supervision of classrooms, assistance in various nonprofessional work, on police departments, or work in the field of transportation or in the parks.

Under the bill they could go to better jobs elsewhere, but this amendment provides they could only work for 2 years in some necessary public service job in some city or community, and at the end of that time they would have to leave, whether there was another job for them or not. Then, they would take another person and he would work for 2 years and be released whether there was a job or not.

Then the amendment provides for paying only 80 percent of the prevailing wage. I do not think we can justify taking an employee and putting him in some department of the municipal government next to another employee and have him work at a wage 20-percent less than the other employee is getting. I do not think that is fair or that it makes sense.

The question is, Do we establish public service jobs to perform these necessary jobs, or only to serve a training function? Some agree with the amendment's position and some people agree with the committee position which was very strongly in favor of public service jobs.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. MILLER. The Senator said he does not think that one of these public service employees should be brought into a purely local job and paid 80 percent of what regular employees are receiving. By the same token does he think that person should be paid more than the regular employees?

Mr. NELSON. That the person who is brought in to perform——

Mr. MILLER. The Senator made the point he did not believe a person on this public service training program should come in and work for only 80 percent of what regular employees were getting.

Mr. NELSON. Yes.

My question now is, does he think that this public service employee should be brought in and be paid more than the regular employee is getting?

No. I think he should work for comparable pay for comparable work. Whatever the pay for that job classification is, he should receive it.

Mr. MILLER. I would think the Senator from Wisconsin would say that is what he believes. I anticipated his answer.

If that is so, then why does the committee insist upon this language:

> Wages paid to a participant shall not be lower. . . .

Why does not the bill just say: "Wages shall be equal to?" When the language is "shall not be lower," that gives discretion in the Government to pay higher. I do not think that would reflect the Senator from Wisconsin's intent.

I am referring to the language at the bottom of page 132 of the bill, which begins:

> Wages paid to a participant shall not be lower—

Mr. NELSON. The draftsman of the bill tells me it is technical language which fits in with the rest of the paragraph, but, for legislative history, I want to make it clear, of course, that they should not be paid more to perform the same function.

Mr. MILLER. I think it is well for the legislative history to show that. I would feel more comfortable if the Senator from Wisconsin might, depending upon the outcome of the pending amendment, have the words "shall be equal to" or "substantially equal to" in there.

Mr. NELSON. Let me point out the problem. The provision says:

> Wages paid to a participant shall not be lower than whichever is the highest of (A) the minimum wage which would be applicable to the employment under the Fair Labor Standards Act of 1938—
>
> And so forth—
>
> (B) the State or local minimum wage . . .
> (C) the prevailing rate of wages . . .

I think the use of the word "lower," matched against sections or part (A) and (B), is the technical, legal way to phrase it. However, so there will be no misunderstanding, it is the intent that one get equal pay for equal work for the same type of position as any other employee performing the same type of work.

Mr. MILLER. I am pleased to get the intent of the Senator from Wisconsin. That is what I would expect it to be, but I must say I have great admiration for his capability as a legislator. He is a long-time legislator. I do not think when he says in the bill that here are three areas of wages—this one, this one, and this one—and we are going to manage this program so that we will see to it that the wages paid to a public service employee shall not be any lower that the highest one of those three, it exactly follows his intent.

That, to me, means the wages shall not be lower than the highest, but they can still be higher. That is why I think, if we are going to do a good, clean job of legislating here, the Senator from Wisconsin ought to consider modifying that language so it will be exactly what the legislative intent is—that it shall be equal to the highest of those three. Then we will have it in the law, and there will not be any problems in its administration.

Mr. NELSON. Counsel advises me that the Senator's perceptive eye has found a little point in there that ought to be corrected, and he is drafting a technical amendment.

Mr. MILLER. I thank my colleague from Wisconsin. I am merely trying to be helpful. I thought the Senator from Wisconsin and the Senator from Iowa would be seeing eye to eye on it. I think most of us, if not all of us, in this Chamber have this in mind.

With respect to able counsel, may I say that, because this bill is so complex, I would be the last one in the world to suggest any criticism for anybody overlooking something like this. After all, that is what debate on the floor is supposed to do. If we can dig out any defect, this is the time to do it.

Mr. NELSON. I would suggest to the Senator that counsel has drafted a technical amendment. If the Senator and counsel want to consult on it at the rear of the Chamber and check it over, they may do so. If it clarifies the situation, we will offer it as an amendment. I think he has raised a good point.

Mr. President, I have made all the remarks that I care to make. I am willing to yield back the remainder of my time.

Mr. DOMINICK. Mr. President, how much time do I have?

The PRESIDING OFFICER (Mr. DOLE). The Senator from Colorado has 4 minutes. The Senator from Wisconsin has 6 minutes.

Mr. DOMINICK. Mr. President, I yield myself 3 minutes.

I think one thing that we want to keep well in mind here is that we are embarking on a new program. To the best of my knowledge, this whole title is a new concept in manpower training. Never before, as far as I know, has the Federal Government undertaken to establish a program by which it will pay the wages of local and State employees. That is exactly what we are doing under title 2.

The very least we can do under title 2, as far as I am concerned, is to make sure that this is not a permanent program in which, all of a sudden, the Federal Government is required to pay salaries of all State and local employees who need training throughout the whole country, and keep them there forever.

This amendment will put a 2-year limitation on it, providing that at the end of 2 years they will have to get off the Federal payroll; they cannot any longer suck the juice from the old Federal mother. They are going to have to be paid by the State and local government or get another job.

It seems to me this is a very fundamental principle we are dealing with in this bill. Unless we recognize that this is a new program and what we are embarking on is subsidizing any employee that any local or State government may want we are not going to get the full import of the amendment.

The important portion of it is that

there is a 2-year limitation and the employee then gets off the Federal payroll. That is not in the bill. Under no circumstance is it in the bill.

What is being proposed in the bill is just another effort to make sure that everybody goes to work, whether for the local, State, or Federal governments, all at the cost of the Federal Government.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. DOLE). Who yields time?

Mr. NELSON. Mr. President, I yield back the remainder of my time.

Mr. DOMINICK. Mr. President, I yield back the remainder of my time

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado. All time on the amendment has been yielded back. The yeas and nays have been ordered, and the clerk will call the roll.

Mr. SPARKMAN (after having voted in the affirmative). Mr. President, on this vote I have a pair with the Senator from Maine (Mr. MUSKIE). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mr. ELLENDER), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Washington (Mr. JACKSON), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Wyoming (Mr. MCGEE), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Mississippi (Mr. STENNIS), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

On this vote, the Senator from Louisiana (Mr. ELLENDER) is paired with the Senator from South Carolina (Mr. THURMOND). If present and voting, the Senator from Louisiana would vote "nay" and the Senator from South Carolina would vote "yea."

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. GOODELL), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from South Carolina (Mr. THURMOND) is absent on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT), and the Senator from Texas (Mr. TOWER) would each vote "yea."

On this vote, the Senator from South Carolina (Mr. THURMOND) is paired with the Senator from Louisiana (Mr. ELLENDER). If present and voting, the Senator from South Carolina would vote "yea" and the Senator from Louisiana would vote "nay."

The result was announced—yeas 29, nays 43, as follows:

[No. 309 Leg.]

YEAS—29

Allen	Dominick	Jordan, Idaho
Allott	Ervin	Miller
Baker	Fannin	Pearson
Bennett	Griffin	Russell
Boggs	Gurney	Spong
Byrd, Va.	Hansen	Stevens
Cook	Holland	Talmadge
Cooper	Hollings	Williams, Del.
Curtis	Hruska	Young, N. Dak.
Dole	Jordan, N.C.	

NAYS—43

Aiken	Hartke	Percy
Anderson	Hatfield	Prouty
Bayh	Hughes	Proxmire
Bellmon	Inouye	Randolph
Bible	Javits	Ribicoff
Brooke	Kennedy	Saxbe
Burdick	Mansfield	Schweiker
Byrd, W. Va.	Mathias	Scott
Case	McGovern	Smith, Maine
Church	McIntyre	Symington
Cranston	Mondale	Williams, N.J.
Dodd	Nelson	Yarborough
Gore	Packwood	Young, Ohio
Harris	Pastore	
Hart	Pell	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Sparkman, for.

NOT VOTING—27

Cannon	Gravel	Moss
Cotton	Jackson	Mundt
Eagleton	Long	Murphy
Eastland	Magnuson	Muskie
Ellender	McCarthy	Smith, Ill.
Fong	McClellan	Stennis
Fulbright	McGee	Thurmond
Goldwater	Metcalf	Tower
Goodell	Montoya	Tydings

So Mr. DOMINICK's amendment was rejected.

Mr. BOGGS. Mr. President, I wish to express my strong support for the section of this legislation dealing with the opportunities industrialization centers.

It seems to me that this is the only section of this legislation which enjoys near-unanimous support in this body.

I wish to make it clear that I realize the need for reform of our job training programs, although I have some reservations about this legislation as reported. There can be no doubt of the need for some changes, since our present manpower efforts have existed for 7 years with little change and little success.

The National Manpower Policy Task Force, earlier this year, took note of the situation and said:

> There is a pressing need to overhaul these categorical and disjointed efforts.

The opportunities industrialization centers had their beginning 7 years ago in Philadelphia under the dynamic leadership of a local minister, the Reverend Dr. Leon H. Sullivan. Since that time, the OIC's have spread and grown to the point where they now are located in about 90 cities across the country.

They are offering to the unemployed and underemployed opportunities to receive counseling, job training, and other necessary tools for entering today's labor marketplace.

I had the honor to introduce legislation more than a year ago to officially recognize the opportunities industrialization centers and offering Federal financial support to the national OIC program. When the Senator from New York (Mr. JAVITS) introduced S. 2838, I introduced an amendment No. 440 to insure Federal support for the OIC concept.

A great number of Senators have joined as cosponsors in this effort and we are indebted to them.

The chairman of the subcommittee, the distinguished Senator from Wisconsin (Mr. NELSON) held a hearing on the OIC; and I believe this hearing was one of the most exciting and stimulating that I have ever attended as a Member of this body.

The support evidenced for the OIC at that time was startling. Many trainees from OIC programs and many OIC leaders from across the Nation came to Washington to demonstrate their full support for this self-help community action program.

This hearing brought forth the information that the OIC's offer not only the best job training program that is available in the inner city, but in many cases the best value for the money. OIC training programs cost approximately $1,000 per trainee, a third of what many Federal programs cost. And job retention averages about 76 percent, much better than comparable programs.

While there has been Federal support for the opportunities industrialization centers on a city-by-city basis, this program can grow to better meet the needs of the Nation with Federal support on a national basis. I, therefore, urge my colleagues to give their strong and essential support to this very important provision in the manpower bill.

Mr. YARBOROUGH. Mr. President, as chairman of the Committee on Labor and Public Welfare, I want to thank the distinguished Senator from Wisconsin (Mr. NELSON) and to commend him highly for his outstanding and dedicated efforts to design the most comprehensive and forward-looking manpower legislation ever introduced on the floor of the Senate.

I also want to thank the ranking minority member of my committee, the distinguished Senator from New York (Mr. JAVITS), for his able leadership and his extremely valuable contributions which are incorporated as essential parts of this legislation.

Mr. President, the members of the Committee on Labor and Public Welfare, particularly those who sit on its Subcommittee on Employment, Manpower, and Poverty, are the Senate experts on the manpower needs of this country.

The subcommittee held 22 days of public hearings and traveled from one end of the country to the other to give those who could not come to Washington an opportunity to present their views. Thus, the subcommittee was able to hear not only from the Secretary of Labor and other high governmental officials, but also from community leaders and persons who run the manpower programs at the local level and from individuals who had

gone through the training programs and experienced its benefits and limitations. These are the most extensive hearings ever held on a manpower bill.

This proposed legislation, which resulted from these hearings and from detailed discussion in subcommittee and committee, represents the combined best judgment of most of the members in the committee of the programs that can provide the strongest remedy to poverty in this country.

It is an accepted fact that the major cause of poverty in the cities of this Nation is unemployment and underemployment. In 1968, about half of the 25.4 million persons in poverty lived in the metropolitan areas. This figure has increased considerably as this recession continues. The unemployment rate, which has been used as an indicator of the incidence of poverty, increased from 3.5 percent in July 1969 to 5 percent in July 1970. This tremendous increase in unemployment has completely wiped out any gains that had been made up to now by all of our programs to decrease poverty.

The problems of the poor can be temporarily relieved by welfare programs. I have consistently supported programs that help provide some of the basic necessities of life for those whose income falls below the poverty line. But we must remember that the only permanent effective way out of the poverty rut is to provide jobs and training. There is nothing we can provide that will contribute more to the dignity and self-esteem of an individual than the opportunity to make his own way in our society.

There is another equally compelling reason for my support of this bill. Unemployment and underemployment, aside from their impact on the individuals involved, are a continuing drag on the national economy. The Committee for Economic Development, in their publication entitled "Training and Jobs for the Urban Poor" points out that if we could increase the average productivity, employment, and wage rates of blacks to a level commensurate with those of whites in 1968, the national income that year would have been increased by $34 billion. And blacks are only a small segment of the poor in this country. There are about four times as many whites among the hard-core unemployed as there are blacks.

A major thrust of this bill is designed to increase the productivity of the national economy by increasing the productivity of the labor force and utilizing it more fully.

I have always been convinced that money spent for education and training of our citizens is the soundest investment we can make. Every dollar our Government invests in education and training programs comes back many times over in the form of taxes on the increased earnings of the people who receive the training. Under the cold war GI bill which I authored and which was passed after 8 years of hard work, the Government realized a return of eight times the money it pays out for veterans' education.

This manpower bill is another investment in the future of this country. It is an investment toward dignity and self-esteem for millions who need a job or need additional training for a better job to provide more for their families. It is an investment toward the permanent reduction of our welfare rolls. It is an investment toward solving the social maladies of poor health, alienation, crime, and civil disorders. It is an investment toward a more productive Nation where the skills of its work force are utilized to its highest potential.

Mr. President, as author of a number of provisions on this bill I want to extend my remarks to cover the specific programs on the bill that I introduced.

Following the passage of the Bilingual Education Act, which I authored, I became increasingly concerned about the job opportunities of the persons who did not have an opportunity to take advantage of bilingual education in the public schools. I found that most of those from my State whose mother tongue was Spanish and who had a limited knowledge of English, were underemployed in jobs that had little opportunity for advancement.

The employment limitations were based on artificial impediments. It all boiled down to the fact that these persons had difficulty with the English language.

The manpower programs that we have passed to alleviate poverty, unemployment, and underemployment simply do not reach the Mexican Americans who need help the most: the unskilled worker with minimal education and limited English.

This section is intended to make available to persons with limited command of the English language special bilingual programs to increase their opportunities for employment and promotion.

I also have an amendment that will authorize the Secretary of Labor to use discretionary and reallocated funds under this bill to assist communities that are victims of a national disaster by providing additional employment to carry out public services needed as a result of the disaster.

My State has suffered from several disasters this year. In Lubbock, where a tornado devastated the entire Mexican-American barrio and a large part of the business section, a number of enrollees in the various manpower programs were used to assist the authorities to recover from the immediate emergency situations caused by the tornado. We could have used this type of assistance in Corpus Christi and all the other areas in my State that were also damaged by natural disasters.

Mr. President, as the Nation's economy becomes more complex, and as changes in technology become more rapid and far-reaching, the need for national programs to cope with manpower needs and problems becomes quite obvious.

This historic legislation will begin a new era in the Nation's effort to combat unemployment and poverty. It provides sweeping reforms in which mayors and Governors will assume major responsibility for planning and operating new comprehensive manpower programs which will meet the real needs of citizens. It also provides for programs by State and local governmental authorities to provide public service employment. Third, it provides for special programs operated by the Secretary to meet the needs of those that might not otherwise be served.

Federal expenditures for manpower development and training increased from less than $60 million in 1962 to $1.6 billion for 1968, and have remained at that level since then.

The bill provides a basic authorization of $2 billion for fiscal year 1972. It would take effect July 1, 1971.

This is the amount which the administration requested.

The bill provides that that authorization shall be divided equally among the three basic parts of the bill: One-third for the State and local manpower training programs; one-third for public service employment; and one-third for the special programs.

For fiscal 1973 the basic authorization is $2.5 billion and for fiscal 1974 the basic authorization is $3 billion.

In addition, the bill contains a specific authorization for public service employment, over and above the basic authorization. This additional authorization is $750 million for fiscal 1971; $1 billion for fiscal 1972; $1.25 billion for fiscal 1973; and $1.5 billion for fiscal 1974.

Present programs have not solved the urgent problem of joblessness in our society. In fact, the problem becomes increasingly worse each month. This bill addresses itself to the unmet needs of unemployment and underemployment as well as the problem of seriously inadequate public services in our cities and towns.

I am proud to be a consponsor of the bill, and I urge Senators to support the committee's recommendation on these important programs.

Mr. RUSSELL. Mr. President, may we have order?

Mr. MILLER. Mr. President, I send an amendment to the desk and ask that it be read.

The PRESIDING OFFICER. The Senate will suspend until the Senate is in order.

The amendment will be stated.

The amendment was read, as follows:

Strike "not be lower" from line 25 on page 132 and "then whichever is" from line 1 on page 133, and insert in lieu thereof the following: "be substantially equal to."

Mr. MILLER. I yield myself 2 minutes.

Mr. President, referring to our earlier colloquy with the Senator from Wisconsin, I pointed out that the way the bill now reads would permit the director of the program to set wages higher, if he wished, than the highest of the three categories set forth on page 133. The Senator from Wisconsin indicated that this was not the intention and that the intention was that the wages to be paid to a participant be substantially equal to the highest of the three categories.

My amendment is merely designed to record the intent of the manager of the bill and, indeed, the Senator from

Iowa, and, I trust, the intent of all Members of the Senate. I trust that the Senator from Wisconsin will accept the amendment.

Mr. NELSON. Yes; I think the Senator has offered a corrective amendment that needs to be in the bill. It is perfectly acceptable to me.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa.

The amendment was agreed to.

AMENDMENT NO. 910

Mr. DOMINICK. Mr. President, I call up my amendment No. 910.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. DOMINICK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 186, after line 8, insert the following new section:

"PART D—SECRETARY'S RESPONSIBILITIES

"SEC. 455. In carrying out his responsibilities under this Act, the Secretary is authorized under this title to provide for services and activities authorized under any other part of this Act."

Mr. RUSSELL. Mr. President, will the Senator explain the amendment?

Mr. DOMINICK. Yes. As it is now conceived, the bill, even with the adoption of the amendment of Senator JAVITS, has certain restrictions on services for which the Secretary can use funds retained by him. This amendment would broaden that and permit him to use these funds in any program under any of the titles as a supplement to titles I and II or as the prime support of the national functions in titles IV and V.

It is my understanding that the manager of the bill is willing to accept this amendment, and I hope he will.

Mr. NELSON. Yes; I think the amendment is necessary. I had thought all along that that is what the bill provided, but apparently this clarifying language is necessary.

I agree with the Senator that funds reserved for the Secretary's discretion ought to be available for other titles of the bill as well as for national programs.

I am perfectly willing to accept the amendment.

Mr. DOMINICK. Mr. President, I yield myself 1 minute. I might say that I do not intend to call up my other two amendments, and I will have no further rollcalls after this.

I thank the Senator from Wisconsin. I am through for the day.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado.

The amendment was agreed to.

AMENDMENT NO. 919

Mr. JAVITS. Mr. President, I call up my amendment No. 919 and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. JAVITS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 122, strike out lines 6 through 15 and insert in lieu thereof the following:

"SEC. 201. The Secretary shall enter into arrangements with eligible applicants in accordance with the provisions of this title in order to make financial assistance available to public and private nonprofit agencies and institutions for the purpose of providing employment opportunities to unemployed and underemployed persons in jobs providing needed public services where such opportunities will be accompanied by such on-the-job or related training, educational, and other supportive services as may be necessary to promote the skill and occupational development and mobility of such persons and to enable them to obtain other employment. Special consideration shall be given to the provision of employment opportunities for unemployed and underemployed persons who have participated in manpower training or employment programs under this Act for whom employment would not be otherwise immediately available."

On page 123, line 18, strike out beginning with the word "employment" through the word "available" on line 22 and insert in lieu thereof the following: "employment opportunities, on-the-job or related training, educational, and other supportive services as set forth in section 201".

Mr. JAVITS. Mr. President, I have not agreed to a limitation of time as yet on this amendment, but I promise the Senate that it will not take me more than 15 minutes, if that, and also that I shall make every effort to arrive at some accommodation with Senator NELSON, to see if we can work out the problems.

I should like to read my amendment to the Senate and to explain why I have offered it; and if other Senators feel moved to comment, I will be very grateful, because this is a subject which troubles me very deeply.

The question of public service employment, if one reads the bill literally, would make one feel that we are really writing an employment program which many have described as of last resort or in lieu of revenue sharing or some other concept of public service employment which is not necessarily directly related to manpower training.

This has worried me throughout, and we have fought it uphill and downhill in the committee. This is one question which we really did not resolve, and we came out with a provision which has the capability for providing many such jobs at approximately $5,000 a job, with one-third of the aggregate amount appropriated for this bill allocated for public service employment—plus whatever may be appropriated under the authorization contained in the bill, which is in addition to the allocation.

My amendment, which I will read, in its present form, is an effort to tie directly the public service employment section of this bill to manpower training and the concept of a transition—that is, to take the individual who has been trained or is being trained, give him a Government job, because there is nothing else to offer him at a given moment, but always with an eye single to the fact that he will get out of that and into some other kind of regular employment. Now regular employment could be both public and private. It does not necessarily have to be only private. So, that is the key question involved here.

The need for public service employment is undeniable. We have to tie some public service employment into this measure because otherwise we have no capstone to the arch of training. As is so often the case, there is no job available at the end of the road.

We are dealing with people with whom we should make some try to train. More and more, a good deal of trainees will go into jobs which are essentially public service jobs.

There is an enormous deficiency—as the Senator from Wisconsin has argued—in public service employment around the country, making this a suitable field so far as the partial objective of a manpower training program is concerned.

It will be noted that I voted against the last amendment. I do not believe in putting a tight ceiling on jobs, as to compensation, making them second-class citizens with only 80 percent of normal compensation; nor did I wish to impose a time limit and make it 2 years, 6 months, or something else.

There are provisions in the bill which move toward what I have in mind. I would not wish to deny that. The Senator from Wisconsin yielded that much in committee. It was kind of him to do so. I will refer to that as we go along. But let me now, within that framework, read my amendment so that the Senate may understand why I have offered it and what the concern is that exists in my mind, and how the amendment tries to answer it.

It reads in part:

The Secretary shall enter into arrangements with eligible applicants in accordance with the provisions of this title in order to make financial assistance available to public and private nonprofit agencies and institutions for the purpose of providing employment opportunities to unemployed and underemployed persons in jobs providing needed public services where such opportunities will be accompanied by such on-the-job related training, educational, and other supportive services as may be necessary to promote the skill and occupational development and mobility of such persons—

And here is the significance of this—

and to enable them to obtain other employment.

I repeat:

To enable them to obtain other employment.

Mr. President, now the rest of the amendment is not material to the main point, which is this: Shall we write into the criteria for public service employment a provision which enables the Secretary to make it transitional—leading to something—rather than necessarily the same job for an indeterminate period of time. Or, shall we leave it as it is now in the bill, which would enable the Secre-

tary to carry on a public service employment program for persons for an indeterminate period of time, on a theory, similar to revenue sharing. There is a need. Indeed, I am a stanch advocate of revenue sharing. There is need in the cities and in one way or the other, the Federal Government will have to do something about it.

I have been deeply troubled that this bill, which is essentially a manpower training bill, may, by a sense of indirection—and the Senator from Wisconsin is not trying to mislead anyone—get itself into the revenue sharing. That is the reason I offer this amendment.

The bill does a number of things which move toward the concept which I have. The bill provides on page 122, lines 9 to 12:

For the purpose of providing employment and related training and manpower services for unemployed and underemployed persons, . . .

Accordingly, in its fundamental purpose, the bill does pay some respect to the fact that a job shall include related training and manpower services.

The second thing that the bill does is to require as one of its conditions—and this was inserted, incidentally, by the Senator from Vermont (Mr. PROUTY) and myself—beginning on page 124, line 21,

Assurances that special consideration will be given to the filling of jobs which provide sufficient prospects for advancement or suitable continued employment by providing complementary training and manpower services designed to (A) promote the advancement of participants to employment or training opportunities suitable to the individuals involved, whether in the public or private sector of the economy, (B) provide participants with skills for which there is an anticipated high demand, or (C) provide participants with self-development skills, . . .

Finally, on page 126, line 22, the bill requires:

Procedures pursuant to which participants, after one year and prior to the end of two years of employment in jobs providing public services under this title, will be interviewed and their employment and advancement prospects reviewed by an appropriate agency,

And in the event that any such participant and the reviewing agency find that the participant's current employment situation will not provide sufficient prospects for advancement or suitable continued employment, maximum efforts shall be made to locate employment or training opportunities providing such prospects, and the participant shall be offered appropriate assistance in securing placement in the opportunity which he chooses after appropriate counseling;

In short, we have, as it were, tipped our hat to these concepts. However, fundamentally unless we provide that the concept of public service employment shall be essentially transitional, we really are not accomplishing anything too material.

The fact remains that this bill could create a permanent 250,000 job program in public service employment, not necessarily related to training. I use those words "not necessarily" advisedly. The Secretary could hitch it to training in whatever contracts he made. He could make them transitional. However, he does not have to. He could easily make it the 250,000-job public service employment provision. That has worried me and that is why I propose the amendment I have.

I shall be greatly interested in any reactions Senators may have to my amendment.

Mr. CASE. Mr. President, I think the Senator from New York is following his habitual practice, to make us understand better the problem which is, for many of us, a little bit in the esoteric area. The Senator from New York has the kind of conscience which requires him to keep our noses, as well as his, to the grindstone on matters of this kind.

I agree with his purpose, with this exception—perhaps I am not sure I disagree even on that point—it may be that I do not understand his thinking completely—but in the Prouty amendment there is a provision on page 125, lines 6, 7, and 8 that—

Nothing in this paragraph—

And that paragraph—

shall be construed to preclude persons for whom the foregoing programs are not feasible or appropriate.

I wonder if there would be some way of making the same kind of exception without destroying substantially the Senator's objective by writing some language similar to that or for the same purpose applicable in his amendment.

I am thinking about older people for whom a great number of public service jobs would be available in the area of very simple tasks, but important tasks, such as raking leaves and things that people sometimes make fun of but ought not to because we all do it ourselves at our own places. There is nothing wrong with raking leaves or cutting grass or doing the other kind of things which need to be done and which would greatly improve our environment.

Would there be some way of providing that work so that the older people would be happier and more content in doing such work, although it did not lead to a job running a computer—and I am just saying that in an exaggerated fashion. But the older people would not be precluded.

Mr. JAVITS. Certainly the older people would not be precluded.

Mr. CASE. Why would they not be included in such things as the green thumb idea? I would be very happy if the Senator brought that out.

Mr. JAVITS. They would not be precluded because they shall be given training, educational, and other supportive services as may be necessary to promote their skill and occupational development and mobility and to enable them to obtain other employment. That does not mean that if they cannot obtain other employment, they are necessarily cut out of the program.

We will give them the kind of training in connection with public service jobs which would enable them to get other employment. That does not mean that they would be barred from the employment offered under title II.

As I pointed out when I first discussed the matter, I am not aborting the period during which they can be employed on the job. The Senator from Colorado might have been willing to limit it to 2 years. I was not willing to go along with that.

I say to the Senator that obviously if we struck out that clause, we would be saying that there would be public service jobs accompanied by training, and so forth, but we would not necessarily point that training toward the capacity to get other jobs.

To that extent, it would reduce its impact. But when we reduce its impact, we reduce the impact substantially. It does open the door to the public service employment program without real regard to whether anything follows after or not. That is substantially what is being done in the bill.

It is the one point with respect to which the Senator from Wisconsin and I had our deep differences. I am still not satisfied to let it go at that without some feeling regarding the view of the Senate. And that is the purpose of the debate.

Mr. CASE. Mr. President, the Senator would be very helpful to me, and I think to many of us, if he could indicate what other kinds of programs are available for the older people who do not really need to be trained in order to rake leaves, cut grass, or do a lot of useful things around parks and playgrounds, such as supervisory work, care of younger people, and that sort of thing.

Certainly, I know, because I know the Senator from New York so well, that he is for that kind of program, but he does not want it here. Is that correct?

Mr. JAVITS. No, it is not. I am for that kind of program. I would define it as the degree of upgrading which would be required for that purpose—taking the green thumb concept, of older persons—in order to learn about flowers, shrubs, time for planting, and so forth and be much more skilled in terms of gardening than if they are older persons whom we give employment to rake leaves, and so forth.

The Senator mentions the care of younger people. That is a technique. They have to know something about it. They have to have some training, some acquaintance with the principles involved and some actual experience in doing it.

I think the examples given by the Senator would include related training. The committee bill calls for related training. That is why I point out that we cannot fudge away this difference between us on these grounds. There is a fundamental question involved with the Senate. Does the Senator want to authorize essentially—and I use the word authorize in its strict legal sense—250,000 public service jobs. Then, a good Secretary, as contrasted with a poor Secretary, could do all of the things possible within administrative discretion, availability of appropriations, the contracts he makes, and so forth. However, he does not have to do that. He can treat it as a straight job program for 250,000 jobs. The way we have written it in the bill permits him to do it.

Mr. CASE. Mr. President, let me go a little further, because this is a matter that has concerned many of us. Would

the Senator consider the possibility of putting in some kind of language which would make the requirement for training dependent upon the ability of the person employed to absorb it?

This is a kind of backward way of saying it, but I refer to something of that sort, that we would not turn anybody down who could do the job.

Perhaps legislative history on that point—if the Senator will not keep on insisting that he has to sharply differentiate between this and that—might help.

Surely, everyone can improve somewhat, even if it is only by way of time studies which would enable him to wash dishes more efficiently because of fewer movements.

If the Senator is going to be flexible enough to permit that kind of training and to qualify them, many of us, I think, would be much relieved.

Mr. JAVITS. Mr. President, I think I might just say to the Senator that I really came here today to present this to the Senate and determine its disposition.

The Senator from Wisconsin and I cannot agree because we actually had the language on an amendment which would do what the Senator from New Jersey says. However, I felt it my duty to the Senate to put the issue before the Senate. If it is generally felt here that there is no visceral feeling about the way in which this is set up, we can certainly tighten up the language and agree on that. However, the principle of the bill would remain essentially as it is.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. PERCY. Mr. President, I appreciate the Senator's yielding. Philosophically and ideologically, if I can simplify it——

Mr. NELSON. Mr. President, will the Senator from Illinois speak so that I can hear him?

Mr. PERCY. Mr. President, I would not want this matter to be a secret between the two of us. I have tried to simplify the ideological and philosophical position taken by my distinguished friend, the Senator from New York—who is known as a liberal—but now is trying to take a little more conservative approach. He finds himself somewhat between the position of the majority of the committee and our distinguished friend, the Senator from Colorado, who has made a very worthwhile point.

It seems to be the feeling of the Senate that the feeling was carried a little too far, and the Senator from New York is trying to bring back into this program something other than the 250,000 permanent jobs, with the Federal Government as the employer of last resort.

Mr. JAVITS. The Senator from Illinois defines my position precisely.

Mr. PERCY. Mr. President, in other words, some form of public service employment program appears necessary and desirable. It is my feeling that such programs have been recommended by the Kerner Commission, the National League of Citizens, the AFL–CIO, and other highly respected and fine organizations.

However, it is necessary to guarantee that such a program will be of benefit to those employed and not simply a means of providing the public with what may be termed cheap labor. For that reason I feel the amendment should be supported. I hope we will be joined by the Senator's distinguished colleague on the committee, for whom we have such a high regard but who, in trying to accomplish the same purpose, carried it a step further than the Senate was willing to go. But this is a good middle course, and I support it.

Mr. JAVITS. I thank the Senator.

Mr. NELSON. Mr. President, I have been thinking as hard as I can about this amendment. I cannot puzzle out what it would do. Either the Senator from New York has a wit that is more acutely honed than mine, or he is proposing an amendment that makes a distinction without a difference.

The bill carefully provides for appropriate training, educational programs, supporting services, and assurance that special consideration will be given to filling jobs that provide prospects for advancement. However, to take care of the question of the Senator from New Jersey (Mr. CASE) about the person who takes a perfectly valuable, useful, necessary job which matches his competence but which may not provide a future for him, we specifically authorize such jobs as well.

I do not know what the Senator's amendment does unless by its wording it forces a person out of public service employment at some stage, even though he is performing a valuable job, by the language which says on page 2, "and to enable them to obtain other employment." I know that language can be interpreted depending on who is the lawyer and who is the judge; but, if the Secretary is against public service employment—as the current Secretary is, which is his right—it would, under the amendment, proposed by the Senator from New York, be perfectly simple and valid for him to require that every public service job must enable a man to obtain other employment and, therefore, at some stage require him to move out. That is a valid position to take. I do not agree with it. If that is what it means, I am opposed to the amendment.

If that is not what it means, I do not see that the amendment is any different from the carefully devised provisions in the bill, provisions which the Senator himself contributed to greatly in the committee drafting.

I have just received telegrams from the mayors of Atlanta, Ga.; Seattle, Wash.; and Mayor Daley of Chicago, opposing the amendment before us.

On the question of training people for a job, I would like to point out, and I wish to put in the record that in the Green Thumb mainstream program, a program in which people are not trained for any specific job and are mostly the elderly, with some as young as 52, 53, 54, 55, and others as high as 83 years of age, doing constructive and useful work, receiving wide acclaim support, and approval across the country, from this work experience there have been 565 job placements. That is really a conservation and park improvement, beautification program in which special skills were not required.

I have a list of these 565 jobs which people went to from the Green Thumb program. They had no training program at all except the experience of a steady job; but they left those programs and went on to become: printer, mobile home installer, floral worker, boatbuilder, landscaper, fancy shoe stitcher, diecutter, air-conditioning mechanic, produce clerk, service station assistant manager, building maintenance, truckdriver, bridgebuilder, highway maintenance, tree care specialist, estate caretaker, social worker, painter, truck helper, waste paper baler, machine operator, sawmill worker, meatcutter, lumber grader, drill press operator, cabinetmaker, shoe inker, boat laminator, general laborer, grocery cashier checker, sheetmetal worker, and so forth.

There were 565 jobs of this kind gotten by people who worked in the Mainstream program and did not have any training program at all.

So, unless it is the intent of the amendment to cut off people who cannot go from that job into private employment, I do not see what the amendment does that is different from the bill.

Mr. JAVITS. Mr. President, the Senator from Wisconsin has analyzed the situation very accurately. If the words, "and to enable them to obtain other employment" do not mean the Secretary shall administer this program as essentially a transitional concept—give or take the usual 10 percent for older people and those similarly situated—then the amendment means nothing because the other things are already provided for to some extent. That is why I was anxious to get the point of view of my colleagues before pressing this matter or coming to some accommodation about it with the Senator from Wisconsin.

I think I sense the feeling of the Senate and I would like to come to some accommodation with my colleague. I think we can accomplish what I have in mind.

First, I would appreciate it if the Senator would answer a few questions because I think the legislative history will be important.

I gather my colleague would not wish to argue that this is a program for make-work proposals—that we have to find work for people and make work for them.

Mr. NELSON. Mr. President, as the Senator knows, perhaps better than anyone else in the room, we were very careful to provide that the prime sponsor in seeking public service jobs had to demonstrate to the Secretary of Labor that there were necessary important functions to be performed in that community for the benefit of the people, that are not now being performed. That is the reason, as the Senator knows, contrary to the wishes of the Conference of Mayors, we are making the State and local governments pay 20 percent rather than 10 percent of the cost.

As the Senator pointed out, after a year each man's job has to be evaluated by the manpower council to see what he is doing and to see if opportunities for jobs are being afforded. The Secretary,

under the law, would not approve a public service employment program until it had been determined that the work is needed, and the local government agrees to put up 20 percent of the cost.

Mr. JAVITS. Good. I think that is an important point. The Senator also contemplates a sense of selectivity. It may be that older people who receive certain training, even if you train them, could not do anything except public service jobs and, therefore, it is an idle gesture to have them find employment when there is none. But many of them will be employed who are not older people. The program will cover young people or middle-aged people who could make another career and the thrust and purpose here is that the Secretary will be selective.

It is not just a block of jobs he hands out, but he must be selective in pursuing the policy within the objective of getting people into jobs.

Mr. NELSON. The Senator is correct. That is the way it should be. The Senator knows very well the Secretary has considerable power in this respect because when the application is made he has to make a judgment if this is a sound and effective program. If he wants to insist he could say, "I will not approve; I think that is a sloppy application. I will not approve."

Let us take an obvious and simple case.

Suppose there is a handicapped person whose handicap would permit him to operate, say, an elevator, but no more difficult job than that. It is not anticipated—I am sure the Senator does not anticipate—that the intent is to require that he be trained for some other job than that one, since that is the best job he can handle with his physical handicap—unless there were a job involving the use of his intellect to which he could advance.

Mr. JAVITS. Of course not. The third point on which I would like to ask the Senator a question in respect to this matter is as follows: The Secretary will have enormous discretion because we anticipate 4 million public service jobs that can be filled with a necessary kind of employee, and we are providing 250,000. Would the Senator feel that in the administration of the law we would expect a Secretary to seek the maximum number of opportunities which would be of a productive character so a person could go through it so as to ultimately get in a position where he is on his own, whether public or private?

In other words, should not the policy of the law be to use this title as much for that purpose as possible? He could not do it universally, but with such a wide choice of 250,000 jobs and a 4 million market, he would prefer one over the other.

Mr. NELSON. I would assume it would be to give this person the fullest possible opportunity to utilize his abilities and to go as far as he could in public service, and use the training he gets to make it possible for him to accept employment, if it is available, in a better position, whether in public or in private employment.

Mr. JAVITS. If we agree on those matters, then the very brief addition of one phrase would do that, if the Senator will bear with me, and that is essentially to leave the bill as it is but to insert on page 122, line 12, after the word "persons"——

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays on the final passage of the bill.

The yeas and nays were ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I think we have made a good record. I think the issue is a clear one. I think we have stated the issue to the Senate. I think the best way to settle it quickly—and Senators want it settled—is to have a rollcall on the amendment. So, with the consent of the Senator from West Virginia (Mr. BYRD) and the Senator from Wisconsin (Mr. NELSON), I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. JAVITS. I promise to take 2 minutes myself, and ask the Senator from Wisconsin if he would be satisfied with 2 minutes to conclude the debate, and then vote.

Mr. NELSON. I have finished.

Mr. JAVITS. Mr. President, I shall take 2 minutes to sum up the case.

I think we are at a fundamental impasse on this question of public service employment. Do we want an open ended public service employment of 250,000 persons or to have it within the discretion of the Secretary, to make it open ended or put a lot of restrictions on it and make it what I think it ought to be. Do we want it mandated under an authority under which the Secretary will administer it as ancillary to manpower training? That is the question. If they feel that it should be ancillary to manpower training, with no time limitation, Senators will vote "yea" on my amendment. If, on the other hand, Senators want to leave it so that it could be a proposition which merely could employ 250,000 people in public service jobs with the United States paying 80 percent of the cost, then vote "nay" on my amendment.

Mr. President, I am ready to vote.

The PRESIDING OFFICER (Mr. HUGHES). The question is on agreeing to the amendment of the Senator from New York (Mr. JAVITS). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. COOPER (after having voted in the affirmative). On this vote, I have a pair with the Senator from Maine (Mr. MUSKIE). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Wyoming (Mr. MCGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Georgia (Mr. RUSSELL), the Senator from Mississippi (Mr. STENNIS), and the Senator from Maryland (Mr. TYDINGS), are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON), the Senator from Hawaii (Mr. FONG), the Senators from Arizona (Mr. GOLDWATER and Mr. FANNIN), the Senator from New York (Mr. GOODELL), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from South Carolina (Mr. THURMOND) is absent on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), the Senator from New York (Mr. GOODELL), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 27, nays 46, as follows:

[No. 310 Leg.]

YEAS—27

Aiken	Dole	Miller
Allen	Dominick	Packwood
Allott	Griffin	Pearson
Baker	Gurney	Percy
Bennett	Hansen	Prouty
Boggs	Hruska	Saxbe
Brooke	Javits	Schweiker
Cook	Jordan, Idaho	Williams, Del.
Curtis	Mathias	Young, N. Dak.

NAYS—46

Anderson	Hartke	Pell
Bayh	Hatfield	Proxmire
Bellmon	Holland	Randolph
Bible	Hollings	Ribicoff
Burdick	Hughes	Scott
Byrd, Va.	Inouye	Smith, Maine
Byrd, W. Va.	Jordan, N.C.	Sparkman
Case	Kennedy	Spong
Church	Long	Stevens
Cranston	Mansfield	Symington
Dodd	McGovern	Talmadge
Ellender	McIntyre	Williams, N.J.
Ervin	Metcalf	Yarborough
Gore	Mondale	Young, Ohio
Harris	Nelson	
Hart	Pastore	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Cooper, for.

NOT VOTING—26

Cannon	Gravel	Murphy
Cotton	Jackson	Muskie
Eagleton	Magnuson	Russell
Eastland	McCarthy	Smith, Ill.
Fannin	McClellan	Stennis
Fong	McGee	Thurmond
Fulbright	Montoya	Tower
Goldwater	Moss	Tydings
Goodell	Mundt	

So Mr. JAVITS' amendment was rejected.

Mr. MONDALE. Mr. President, S. 3867, the Employment and Training Opportunities Act of 1970 is one of the most significant pieces of legislation to be considered by the 91st Congress.

For the first time its passage will prove this Nation's dream of providing not just training, but jobs. We have learned very painfully the lessons of operating extensive training programs without guaranteeing jobs for trainees. Now, the Senate has an opportunity to act on a solution. Hopefully, we have a piece of legislation that will in fact effectively provide jobs.

Of equal importance is that the legislation we are now considering will for the first time guarantee that migrant and seasonal farmworkers shall participate in the development and implementation of manpower programs that heretofore have not reached them at all. Also, the bill assures a focus for a comprehensive analysis of migrant and seasonal farmworker problems and needs. These constitute vitally important steps in the right direction of including farmworkers in the mainstream of our economic system.

PUBLIC SERVICE EMPLOYMENT

This bill contains an important and long-overdue program of public service employment. Close to 5 million Americans, including 88,700 Minnesotans, were unable to find work at the beginning of this summer. We must act now to provide jobs for those who are willing and able to work but who are now paying the cost of our "through-the-wringer" economic policies.

Unemployment in Minnesota has increased by more than 31,000 since the beginning of last summer, a shocking rise of 70 percent. Meantime, the number of jobless nationally has increased by some 1,700,000. This is not only an incalculable human cost, but an economic one as well, with our economy now losing more than $40 billion a year of potential production.

The public service employment provisions of the bill build upon the highly successful, but shamefully limited programs such as Operation Mainstream, which have meant so much to rural America and to our older citizens.

Too often, we tend to think of unemployment as a problem of only the young, the unskilled, and the urban worker. In fact, it pervades all regions and all ages, and may often be cruelest to the older worker in the small towns and rural areas.

There are large areas in my State where persons have been unemployed for long periods of time and have no prospects for employment even if there is a substantial improvement in the economy. It is not a question of relocating these people. There is work to be done in public service right where they are. But the State, the counties, and the municipalities, do not have the funds to put these people to work in the useful endeavors which are crying out to be undertaken.

The public service employment jobs which would be authorized by this legislation would fill pressing needs in the fields of health, public safety, education, transportation, recreation, waste removal, pollution control, housing, neighborhood improvement, and others. The Federal Government would pay up to 80 percent of the cost of carrying out such public service employment programs which would be developed and administered by State and local officials.

Unemployment is one of the greatest tragedies to befall the worker and one of the greatest wastes that can injure a nation. Over 20 years ago, we recognized the responsibility of the Federal Government to maintain the maximum possible employment. Today, we are falling tragically short of that goal. The public service employment provisions of this bill will help get us back on the track of a prosperous and growing economy with jobs for all who will seek them.

MIGRANT AND SEASONAL FARMWORKER PROVISIONS

It is particularly significant that the committee bill incorporates amendments I proposed last spring that will assure that farmworkers could benefit, for the first time, from our Nation's manpower program.

The Migratory Labor Subcommittee, of which I am chairman, has been engaged in an extensive series of investigations and hearings on migrant and seasonal farmworker powerlessness. In addition to substantial record testimony documenting the farmworkers' plight, we devoted 2 days of hearings to a study of farmworker economic and manpower problems. In addition to a detailed series of comprehensive interrogatories requesting basic information about the problem that we submitted to the Departments of Agriculture and Labor, we asked for responses to very important questions concerning this Nation's overall policy and program commitment to farmworkers.

Mr. President, I ask unanimous consent that a position paper explaining the extent of our investigation into these economic and manpower problems be printed at this point in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

MIGRANT MANPOWER—A STUDY IN ECONOMIC POWERLESSNESS

(NOTE: The Senate Subcommittee on Migratory Labor, chaired by Senator Walter F. Mondale, will soon be continuing its hearings on Migrant and Seasonal Farmworker Powerlessness. To date, the Subcommittee has endeavored to obtain a broad introduction to various problem areas by hearing farmworkers themselves tell of their own lives, their own problems. We have heard testimony from both community and union organizers on the obstacles to their self-help efforts to improve their own situation. We have explored what really happens to the men, women and children that are confronted with the severe economic and social stress of migratory farmwork related to us in our earlier hearings. We have also heard testimony on the border commuter labor problem and the severe economic depression created by the surplus of desperately poor people forced to accept substandard living and working conditions along our borders with Mexico. The Subcommittee has also studied the effects of pesticides on farmworkers, and examined the legal problems and barriers faced by migrant and seasonal farmworkers.)

This staff paper is to serve as a basic document outlining the purposes, scope and intensions of our next hearings entitled "Migrant Manpower—a Study in Econmic Powerlessness".

I. INTRODUCTION

The American economic system is historically based on consumer sovereignty—we recognize the right of each individual to spend money and make purchases which best satisfy personal preferences. Americans generally have a voice in the determination of what is produced to the extent that they are willing to spend their income. This system works reasonably well for everyone except the poor. It has failed the migrant farmworker; in fact, the migrant is excluded from the mainstream of our economic system. Because their income is low, they have only limited participation. Their power to affect the system is severely restricted.

Migrants have little or no income; their ability to earn is impaired; and their stream of earnings is sporatic and uncertain. More important, however, they lack or are denied the ability to control their income. Unemployment and underemployment is high. Their ability to increase their economic power is restricted. Information about jobs is limited and faulty. Skill and ability, educational and motivational levels are low. The demand for their services in agriculture is diminishing. Benefits of government programs designed to raise income and make it more certain now and in the future are limited or denied. Instead of controlling the economic system, the system controls them.

The Subcommittee will probe the causes of this tenuous economic position of migratory farmworkers. We hope to carefully assess in detail the extent and nature of their economic powerlessness. Only when we know the specific causes and the scope of the economic powerlessness of migratory farmworkers can we seriously attempt to suggest remedies for the situation. Only with more complete knowledge and understanding can we hope to guarantee to migratory farmworkers the indivdual sovereignty in our economy to which they are entitled.

II. WHO ARE THE ECONOMICALLY POWERLESS AND WHO MIGHT BE IN THE FUTURE?

For years, interest has been centered on the labor market problems of migratory workers with only peripheral attention paid to a comprehensive analysis of who are migrant workers, and what constitutes migrancy. The Subcommittee will investigate various definitions, rationale, and ramifications of migrant work, in preparation for an exhaustive analysis of migrant manpower.

Under various definitions, the Subcommittee is interested in the number of migrant workers, and information with which to accurately describe this class of worker. We are interested in demographic data such as age, sex, marital status, educational level, skill, and ability levels. Data on family size, children's school status, other household workers (and their demographic characteristics), parents' occupation, and place of residence are

also important. We realize some of these data are already available but in various forms and various places.

The Subcommittee seeks to compile a working report for itself and others dealing with migratory labor, including data not only representative of the present migratory working force, but also indicative of past and possible future trends in the size and demographic composition of this group. At the same time we will investigate the accuracy of this data, the methods of collection and compilation. We will also isolate those areas where no data exists, and question this dearth of information.

III. ECONOMIC POWERLESSNESS SPECIFICALLY DEFINED

Low earnings with sporatic and meager employment experience document the economic powerlessness of migratory farmworkers. But how low are the earnings, how sporadic and meager is the employment experience? Again, some data are available, but where are they, how accurate are they, and why haven't more data been collected?

The Subcommittee will collect and appraise specific information on the economic powerlessness of migratory farm labor, and identify data necessary but not available to effectively analyze the migratory farm labor market. We seek to identify the level and variability of earnings for heads of migrant families and other household workers as related to such variables as nature and location of agricultural and nonagricultural jobs, value of perquisites, other sources of income, type and amount of withholding, and type of payment (hourly, piecerate, or salary).

The Subcommittee also seeks to identify the employment and unemployment patterns of migratory farmworkers. Data on the number, type, duration, location, and chronology of farm and nonfarm jobs, and the hours of work, variability of hours, and availability of employment for other household members for each such job are necessary. Specific unemployment, underemployment and subemployment data are also in order for a labor market analysis: the frequency, duration, locations as well as the degree of part-time work available and sources of additional income for these periods of joblessness.

Comparative data on characteristics of employed and unemployed workers would contribute to the analysis as would comparative earnings and employment data for migratory and nonmigratory workers in agriculture. Of course, a comprehensive picture of past, and projected future employment and earnings of migratory farmworkers must also be constructed.

IV. THE CAUSES OF ECONOMIC POWERLESSNESS

An analysis of migrant economic powerlessness that consists only of a theoretical overview of the migrant's plight in relation to our economy generally (I above), a collection of relevant demographic data and specification of areas where data is sorely needed (II above), and a definition of the so readily apparent manifestations of economic powerlessness (III above) is necessarily incomplete without an effort to define what the *causes* of the economic powerlessness might be.

If anything is indicative of migrant economic powerlessness, it is that no serious consideration has been given to a sophisticated analysis of the causes of continued powerlessness. This explains, at least in part, why this Nation appears to have no overall economic or manpower policy to affect change in the economic condition of migrants.

Only by attempting to pinpoint and define the causes can we work toward solution of the problem. Perhaps one benefit of our effort will be to stimulate public and private resources to assign priorities to one or more causes, in order that this Nation can proclaim and implement a commitment to incorporating migrants into the mainstream of the American economic life.

While any efforts to assign one or more reasons for powerlessness may be speculative, particularly in view of the shortcomings of available demographic earnings, and employment data, several explanations have been offered and are worthy of further investigation:

1. What is the effect of the *open border policy* between Mexico and the United States, (its dimensions already set forth in the Subcommittee's hearings of May 21 and 22, 1969), upon such problems as: a) the redundancy of the labor supply; b) the depressed living and working conditions in border areas; c) the need for American residents along the border to migrate north in search of better paying jobs; and d) the entire National farm labor and rural economy?

2. To what extent, if any, does a *lack of adequate labor market information* limit farmworkers' opportunities to find jobs and to increase earnings? Are Federal and state governments properly administering present programs, and assuming future responsibilities for improving dissemination of information? To what extent, if any, do Federal and state government programs encourage an oversupply of labor which creates low earnings and unemployment—economic powerlessness?

3. How does the *lack of better job opportunities* both within and without the agriculture industry, relate to the ability or inability of farmworkers to get more secure and more higher paying jobs? What has been done, and what is proposed by both the public and private sector to improve job opportunities?

4. Are *worker attitudes* a factor that perpetuates powerlessness?

5. What will be the *future demand for farmwork?* Until we can more accurately determine the changing levels of demands and requirements for employees, particularly in the face of increasing *mechanization*, will the migrants continue to be faced with unexpected and unannounced unemployment? In view of the substantial government resources that are devoted to feasibility studies of mechanization, is the government adequately funding studies of the impact of mechanization on the economic well-being of the farmworker?

6. To what extent do *employer attitudes* contribute to continued powerlessness? What methods have been developed to more directly define and change negative attitudes and perceptions about migratory labor? Why do most farmers and growers continue to oppose extension of basic social and worker benefit legislation to farmworkers? Why are practices of discrimination based on age, sex, race, and migrancy still evident in employment policies?

7. To what extent is economic powerlessness a factor of *poor worker ability*, or low skill levels, and inadequate *educational levels?*

8. Farmworkers have traditionally been either excluded, or at best only minimally included, within every major social and worker benefit program enacted into law. Additionally, farmworkers are often unfamiliar with program benefits, or basic civil rights, such as voting, that might be available. To what extent is this exclusion from the American mainstream a cause or a result of continued economic powerlessness?

9. The government projects a steadily diminishing yearly need for migrant farmworkers. What policies have been developed, and what efforts to implement those policies has the government made in the area of rural to urban migration, and *relocation* and *resettlement* programs? Are additional efforts necessary?

10. To what extent is the exclusion from legislation protecting the right to organize and encouraging collective bargaining a cause of continued economic powerlessness?

11. What is the relationship to the institution of migrancy, and those factors which cause it, to overall poverty in this country?

Mr. MONDALE. Mr. President, two significant conclusions can be drawn from our hearings. First, not only do farmworkers not count, but they are not even counted. That migrants do not count is indicated by their position on the bottom rung of the economic ladder and their almost total exclusion from legislative and administrative programs at the Federal, State, and local level. They have practically no way of moving into the economic mainstream of the Nation, and with few exceptions, they have neither the political or economic power to improve their status. Worse yet, and in view of the tragic consequences of this exclusion from social and worker benefit programs, migrants are not counted. There is a dearth of demographic and other statistics that are routinely collected on all other segments of the population. Such data is practically nonexistent for the population group, and seriously hampers development of quality programs relevant to farmworker needs.

Second, it was, for all practical purposes, admitted by the Departments of Labor and Agriculture that there are no effective manpower programs to meet the needs of migrant and seasonal farmworkers and their families.

The bill presently under consideration constitutes an important first step in assuring that farmworkers will finally be able to participate in these important manpower programs.

Thus, for the first time, over 1,000,000 migrant farmworkers and their families will have an oportunity to benefit from Federal manpower legislation, for their special needs are specifically recognized under the provisions of title V–C of S. 3867. The U.S. Public Health Service has estimated that well over 1,000,000 farmworkers and family members are potential beneficiaries of the Migrant Health Program in 1967–1968. Mr. President, I ask unanimous consent that statistics indicating the location by States of these migrant families be printed in the RECORD at this point.

There being no objection, the statistics were ordered to be printed in the RECORD, as follows:

AGRICULTURAL MIGRANTS IN THE UNITED STATES—COMPILATION, BY STATES, OF COUNTIES HAVING APPROXIMATELY 100 OR MORE SEASONAL AGRICULTURAL WORKERS AND NONWORKING FAMILY DEPENDENTS THAT EITHER MIGRATED INTO, OR RESIDED IN, THE AREA AT SOME POINT DURING 1967–68

State	Total	Number home based in county	Number migrating into county
Alabama	5,381	3,050	2,331
Arizona	61,274	41,982	19,292
Arkansas	8,331	617	7,714
California	177,072	43,686	133,386
Colorado	19,370	3,838	15,532
Connecticut	11,672	----------	11,672
Delaware	3,500	----------	3,500
Florida	169,173	92,014	77,159
Georgia	1,323	1,213	110
Hawaii	475	----------	475

AGRICULTURAL MIGRANTS IN THE UNITED STATES—COMPILATION, BY STATES, OF COUNTIES HAVING APPROXIMATELY 100 OR MORE SEASONAL AGRICULTURAL WORKERS AND NONWORKING FAMILY DEPENDENTS THAT EITHER MIGRATED INTO, OR RESIDED IN, THE AREA AT SOME POINT DURING 1967–68—Continued

State	Total	Number home based in county	Number migrating into county
Idaho	20,004	1,136	18,868
Illinois	19,518		19,518
Indiana	14,375		14,375
Iowa	1,903		1,903
Kansas	4,937	576	4,361
Kentucky	926		926
Louisiana	6,473	1,605	4,868
Maine	2,050	400	1,650
Maryland	4,657	300	4,357
Massachusetts	5,000		5,000
Michigan	98,213	14,517	83,696
Minnesota	8,250		8,250
Mississippi	6,208	6,208	
Missouri	9,227	7,175	2,052
Montana	12,222	3,554	8,668
Nebraska	5,688	843	4,845
Nevada	1,186		1,186
New Hampshire	109		109
New Jersey	15,194		15,194
New Mexico	30,753	24,140	6,613
New York	29,280		29,280
North Carolina	26,360	9,053	17,307
North Dakota	6,137	902	5,235
Ohio	32,583		32,583
Oklahoma	16,854	6,959	9,895
Oregon	44,073	840	43,233
Pennsylvania	8,026		8,026
Puerto Rico	23,334	23,334	
Rhode Island	465		465
South Carolina	11,048	2,350	8,698
South Dakota	1,966	1,966	
Tennessee	2,680	1,709	971
Texas	239,796	143,492	96,304
Utah	8,285	2,275	6,010
Virginia	10,171		10,171
Washington	32,093	836	31,257
West Virginia	1,397		1,397
Wisconsin	19,687		19,687
Wyoming	5,999	545	5,454

Source: 1969 report of the Subcommittee on Migratory Labor: "The Migratory Farm Labor Problem in the United States," pp. 115–129, U.S. Senate Report No. 91–83.

Mr. MONDALE. The Department of Agriculture, in addition to its estimates that over 2½ million persons performed farmwork last year for wages, reports that its estimates of over 250,000 migrant farmworkers does not include a count of all family members, totaling over 1 million, that would stand directly to gain by the provisions of this bill.

Additionally, the Department of Agriculture reports that in 1969 there were about 1 million seasonal farmworkers—defined as those working at least 25 days but less than 149 days—who averaged only about 59 days of farmwork a year, and about 80 days of nonfarmwork.

Among these seasonal workers are over 250,000 migrant workers—not counting over 1 million family members and dependents—who worked 129 days, 78 at farmwork at which they earned $891 a year, and 50 days at nonfarmwork. The tragedy of these figures is not only the low wages earned for actual work performed, but that at best these workers were unemployed for about 50 percent of the time, and many suffered even higher unemployment.

Congressional hearings, especially by the Migratory Labor Subcommittee, have shown that, while the American economic system has worked reasonably well for everyone except the poor, it has abysmally failed the migrant farmworker. In fact, the migrant is practically excluded from the mainstream of our economic system. He is only a limited participant in manpower programs today, and his power to participate in, affect, or improve present manpower development and training programs is severely restricted.

Migrants have little or no income; their ability to earn is impaired; and their stream of earnings is sporadic and uncertain. More important, however, they lack or are denied the ability to control their income. Unemployment is high, and subemployment and underemployment are pervasive. Their ability to increase their economic power is restricted. Information about jobs is limited and faulty; skill, ability, educational and motivational levels are low. The demand for their services in agriculture is diminishing due to developing technology and mechanization. Benefits of Government programs designed to raise income and make it more certain now, and in the future, are limited or denied. Instead of controlling the economic system, the system controls them.

It is therefore, not surprising that residents of rural areas lag far behind those in cities in employment, income, schooling, housing, and health care. The unemployment rate of agricultural workers in view of the very nature and seasonality of the work is very high for workers in other industries. Farmworkers had a median yearly income of less than $1,000 in 1968, compared with city income of close to $7,000. Farmworkers had an average of 6.9 years of schooling in 1968, compared with 12.2 years for all men workers. The data on rural health is in like vein.

The need for the farmworker provisions of the bill are thus well documented. The bill, beginning at section 521, states the congressional findings and declaration of policy in establishing this title, and section 522 establishes in the Department of Labor an Office of Migrant and Seasonal Farmworker Manpower Programs.

Section 523 provides that funds available for this part shall be expended for programs and activities consistent with the purpose of this part, including but not limited to such programs and activities carried out by eligible applicants under other provisions of this act. The Secretary shall reserve funds for this part on the basis of the proportion of members of migrant and seasonal farmworker families—over 1 million—to total low-income population. Before approving financial assistance under this part, the Secretary must determine, on the basis of evaluation by the Migrant and Seasonal Farmworker Manpower National Advisory Council, that persons broadly representative of the population to be served are given the opportunity to participate in the development and implementation of programs under this part.

The bill will assure an opportunity for migrant and seasonal farmworkers to obtain their fair share of our Nation's efforts to permit and encourage the maximum development of our human resources. It will guarantee an equitable allocation of funds for migrant manpower programs under all of the bill's provisions. Thus, migrants will benefit both from the manpower services and public service employment programs. An Office of Migrant and Seasonal Farmworker Manpower Programs will be established in the Labor Department to administer these programs and to provide a focal point for problems of migrancy. Because of the interstate character of this problem, it is especially important to have a single office at Federal level with which public and private groups throughout the Nation can work.

For a variety of reasons, including their economic and political powerlessness, farmworkers have been excluded, explicitly or implicitly, from major social and worker benefit programs. The bill should also lead the way toward correcting this injustice. It provides—section 524—for a National Advisory Council on Migrant and Seasonal Farmworker Manpower to focus manpower programs on farmworkers, as well as to prepare a yearly comprehensive evaluation of the causes and possible remedies of the economic and manpower problems of farmworkers. Section 526 sets forth the duties of the council to advise the President, the Secretary of Labor, and the Congress with respect to the problems of migratory agriculture labor, and the Council will be composed of representatives from the agricultural industry, farmworkers, experts in the fields of rural health, education, and housing and State and Federal officials—section 524.

The Council is directed—section 526—to investigate various aspects of migrant work and develop demographic information with which to accurately describe this class of worker, including an analysis of who are migrant workers, and what constitutes migrancy. Data indicative of past and projected trends in the size and demographic composition and comparative employment and earnings records of this group will be sought. The effect of the open border policy between Mexico and the United States on farmworker economic and manpower problems will be studied.

The Council will also identify, collect, and appraise specific information, unfortunately not yet available, necessary to effectively and comprehensively analyze the migratory farm labor market. Level and variability of earnings and hours of work, nature and location of agricultural and nonagricultural jobs, other sources of income, as well as specific unemployment, underemployment, and subemployment data, and employment patterns of migratory farmworkers are included within the scope of the Council's responsibilities—section 526.

But much more is needed than mere analysis of farmworker economic and manpower problems. A theoretical overview of the migrant's plight in relation to our economy generally, and the collection of sorely needed demographic data, are not enough. Neither is a description of the so readily apparent manifestations of existent economic and manpower problems sufficient. All of this will be incomplete without an effort to define what are the causes of farmworker economic conditions. This bill should set in motion the processes which might once and for all identify what is required to bring migrancy to an end.

The need for directing the kind of study which the Council will make is clear. It was conclusively shown at the Migratory Labor Subcommittee hearings in April 1970 that no such effort is yet being made by any governmental or private unit. An annual study authorized by the Council will no doubt be valuable for the work of the Congress and the executive branch, as well as the private sector, in finding answers to the problems of seasonal unemployment in farmwork.

If anything is indicative of manpower and economic problems of farmworkers, it is that no serious consideration has been given to a sophisticated analysis of the causes of their continued powerlessness. This explains, at least in part, why this Nation appears to have no overall economic or manpower policy to effect change in the economic conditions of migrants.

Only by attempting to pinpoint and define the causes can we work toward solution of the problem. I am concerned, of course, that the funds available for this bill's emphasis on farmworker manpower problems are most inadequate in view of the broad scope of the problem and the larger outlays necessary, at least initially, to remedy these problems. I am confident, however, that in the near future we might be so enlightened by the progress under the provisions of this bill that we will be able to provide funds at the necessary and appropriate levels.

Hopefully, the bill will lead the way for the Nation to proclaim and implement a commitment to incorporating migrants into the mainstream of the American economic life. It is imperative that farmworkers, who have so long been excluded from this Nation's social and worker benefit programs, be guaranteed the employment and training opportunities provided by this important measure.

Mr. KENNEDY. Mr. President, the Employment and Training Opportunities Act of 1970, which I sponsored and helped write, is must legislation. Today our economy is stagnating. The national unemployment rate is over 5 percent. In my own State of Massachusetts four cities have unemployment rates of over 7 percent. In particular neighborhoods in Massachusetts and elsewhere, unemployment and underemployment are as high as 40 percent.

It is one of the great tragedies of life when a healthy person who wants to work cannot find a job, and cannot support himself or his family. Unemployment can strip a man of dignity, self-respect, and hope. It can make him begin to lose faith in the country he loves.

We must attack unemployment on all fronts. Last month I introduced the Conversion Research and Education Act to help prevent joblessness among the scientists, technicians, and managers affected by reductions in the defense and space expenditures. But the problems facing these highly trained personnel, great as they are, are small compared to those facing the millions of Americans who are unskilled or semiskilled. These Americans desperately need the assistance which the Employment and Training Opportunities Act holds out for them.

This bill accomplishes three important tasks. It provides a more effective delivery system for manpower training programs. It establishes a sorely needed public service employment program. And it affords special assistance to Indians, migrants, and the elderly and other particularly deprived citizens.

In the past, the delivery of manpower training has been complicated by the vast number of program sponsors. This legislation reduces the number of program sponsors from more than 10,000 to about 300. It places the administration of training programs in the hands of the 50 State Governors and the mayors of cities with a population of 75,000 or more. This should lead to a more orderly delivery system, but one which is still responsive to local conditions and local needs.

Manpower training by itself is not sufficient. We must also create new jobs. New jobs in the public sector are particularly crucial. All of us know the areas where more help is needed—hospitals, nursing homes, schools, and parks. The National Commission on Technology, Automation, and Economic Progress estimated that there are 5.3 million potential jobs in the public sector. The Kerner Commission called for the creation of 1 million such jobs over a 3-year period. There are jobs which have to be done if our Nation is ever going to meet its health, environmental, and educational problems. We are talking about "must work," not "made work."

It makes no sense to leave so much public work undone when so many people are looking for jobs. Public service employment is clearly an idea whose time has come.

Another essential feature of this bill is its recognition that certain groups in our society—Indians, migrants, the elderly—require special attention to their employment problems. I introduced the section of the bill which dealt with American Indians and Alaska Natives. I sought to assure that their staggering employment problems would be met at the national level and no longer swept under a bureaucratic rug. The legislation acknowledges the need for Indian determination and direction of the programs which affect their lives. It calls for the creation of an Office of Indian Manpower in the Department of Labor, directed by a person of native American descent and for a National Indian Manpower Advisory Committee. Most important of all, the bill provides that Indian programs receive a definite percentage of total manpower funds determined by the proportion of the total number of Indians and Alaska Natives to the total number of low-income persons in this country. Indians and Alaska Natives will thus be guaranteed that some 4 percent of the total manpower expenditures will be spent on them in the coming fiscal years.

Mr. President, few pieces of legislation now before the Congress are as important as the Employment and Training Opportunities Act. The number of unemployed is growing constantly. Relief rolls are expanding, the crime rate is increasing and public needs are being left unment. The passage of this bill will bring hope to the millions of Americans who are without jobs and to the even larger number of Americans who are demanding that every level of government do more to assure their health, welfare, and safety. I commend Senator NELSON for his dedicated and excellent work, and urge my colleagues to support the bill.

Mr. HARRIS. Mr. President, S. 3867, the Employment and Training Opportunities Act of 1970 is, perhaps, the single most important piece of manpower legislation to come before this body in recent times. At a time when unemployment has been made to rise above acceptable levels to help fight inflation, this bill offers some help. The seasonally adjusted unemployment rate for the month of August was 5.1 percent. Unemployment for blacks and teenagers was at the levels of 8.4 and 15.9 percent respectively. The rate of unemployment for nonwhite teenagers was double the national level.

There are several key provisions included in this bill. First and foremost is the provision which establishes a new system of public service employment with Governors, mayors, and other local agencies and organizations serving as prime sponsors. Assessments would be made of public service job needs, as well as unemployment and poverty. Programs would then be designed to improve the standards of public services and to attack poverty and unemployment at the same time.

A study undertaken by Harold Sheppard for the Urban Institute in 1968 showed that at least 140,000 job opportunities for nonprofessionals already exist in the Nation's 130 largest cities. These are jobs which are existing and available now. The fact that they do exist clearly dismisses the proposition advanced by opponents of public service employment that the jobs will represent "make-work" employment. The National Commission on Technology, Automation, and Economic Progress estimates that there are more than 5 million additional jobs which could be filled in the public sector. If S. 3867 is enacted approximately 300,000 to 400,000 public service jobs will be generated over the 3 years.

On August 20, the distinguished Senator from Connecticut (Mr. RIBICOFF) and I introduced an amendment to establish as a part of the family assistance plan a program of public service employment. The amendment would provide public service employment for at least 30,000 persons on public welfare. We believe that the addition of these new jobs to the family assistance plan would be a significant improvement in the program, if the legislation is to be passed.

In the President's family assistance plan, responsibility for employment lies with the private sector alone. Certain employment services are provided by the Government: job counseling, testing, job training, job development, and funds for relocation. But the actual jobs are to come from private industry. The single exception to this philosophy is the provision for special work projects defined in section 431(d).

If we are actually concerned about getting people employed, we must rec-

ognize that this approach has serious weaknesses.

It is unrealistic to expect private industry to increase employment when the economy is slack. Unemployment is currently at 5.1 percent. It is expected to be at least that high for the next several months. Many of those now unemployed were working 2 years ago. They are unemployed primarily because of a lack of jobs in the economy. Programs which retrain people for jobs that do not exist can only add to their frustration. If we really want to put people to work, we will not provide them training alone. There must be jobs.

The jobs we provide should be good jobs. They should offer stable employment and a chance for advancement. The Family Assistance Plan provides for some Government employment through special work projects. But at best, these special projects are short-term affairs. Under these projects, a man may become employed, but 6 months later the project may expire and, through no fault of his own, the person may be unemployed again. Clearly, this is no way to stabilize a family's economic situation.

Therefore, Mr. President, it is imperative that this Congress recognize the seriousness of unemployment in this country and enact legislation which will help remedy this immense problem. A federally supported public service employment program, as proposed in the pending legislation, offers a realistic, practical and useful alternative to the problems of unemployment and poverty, and would produce improved public services in communities throughout the Nation.

The second major feature of S. 3867 is that it provides for much needed reorganization of Federal manpower programs. Under the bill, for the first time, mayors and Governors will be given authority to plan and implement manpower programs. Considering the severe criticism and obvious failures in the existing organizational structure, this represents a major step forward. Mayors and other local officials of communities of 75,000 or more population, who are closest to the problems and know them best, will be able to share in the responsibilities for planning, developing, and operating manpower programs tailored to their respective communities by receiving funds directly from the Federal Government. The U.S. Conference of Mayors has enthusiastically responded to this opportunity, and they support the bill wholeheartedly. They feel that this will give them the flexibility needed at the local level to "insure coordination and avoid duplication and overlay."

Third, the bill retains some of the best existing manpower programs such as OIC, Neighborhood Youth Corps, mainstream, new careers, and others and establishes them as national programs under the Secretary of Labor. Additional programs designed specifically for Indians, Spanish-speaking migrants, and elderly workers are also provided and will do much to improve employment and training opportunities for workers in these categories. As Senators know, there are many Indian citizens in my State. I have long advocated programs to improve living and working conditions for American Indians and other minority groups.

Finally, Mr. President, let me say that on numerous occasions a great many of the members of this body have addressed themselves to the need for reorienting our priorities in order to improve the quality of life for all Americans. There is no way that we can more significantly improve the lives of the people of this country than through the process of providing them additional opportunity for good, decent jobs. Therefore, I hope that the Senate will approve this bill. I commend the distinguished Senator from Wisconsin (Mr. NELSON) for his hard work in developing such a meaningful and comprehensive piece of manpower legislation.

Mr. BYRD of West Virginia. Mr. President, the Employment and Training Opportunities Act of 1970 (S. 3867) could prove to be a valuable tool in America's struggle to combat rising unemployment and to provide its citizens with the expanded public services needed in a changing society.

In July of 1969, unemployment in the United States stood at 3.5 percent. One year later, the unemployment rate had risen to 5 percent—the highest unemployment level in 7 years.

Under provisions of the bill, $7.5 billion would be authorized over a 3-year period beginning in fiscal year 1972. One-third of that total would be reserved for new, innovative, and comprehensive manpower programs, which would be run by a prime sponsor network of Governors and mayors. Another third of the funds would be used by the bill's public service employment program, and would hopefully accomplish the twin goals of decreasing unemployment and increasing services to the public. The final third of the funds, Mr. President, would be allocated for categorical programs.

In addition, the public service employment programs would be given a further appropriation of $2.5 billion over a 4-year period, beginning in fiscal year 1971. These programs would be developed by State and local prime sponsors and would be aimed at meeting the needs of the local communities, and affording job opportunities to the unemployed and underemployed.

Mr. President, one of the most attractive features of S. 3867 is that, although the Secretary of Labor would remain the consolidating force behind the programs, the Governors and mayors would serve to decentralize a program that has too often in the past been operated with little knowledge of or feeling for the communities involved.

I support S. 3867, Mr. President, and strongly hope that its enactment will help turn the tide of unemployment in the United States, while at the same time increase and improve the public services available to all citizens.

Mr. CRANSTON. Mr. President, it has been a great privilege to serve on the Subcommittee on Employment, Manpower, and Poverty over the last year and one-half under the leadership of the distinguished Senator from Wisconsin (Mr. NELSON). Most particularly, I have found extremely challenging and significant the development and consideration in committee of S. 3867—the comprehensive manpower employment and training legislation now before the Senate. I have become more involved in this particular piece of legislation than with any other reported by the Labor and Public Welfare Committee with the exception of veterans' bills, because I feel that finding a sensible and effective solution to the unemployment, underemployment, and manpower training problems facing our Nation today is probably the most effective way to demonstrate to those on the outside that the system really can work to improve their lot.

Before beginning my statement, I want to express my great admiration for the enormous amount of time and energy and effective work which Senator NELSON has contributed to the development of S. 3867. His dedication, tenacity, and thoroughness are reflected in the four volumes of hearings, covering 3,115 pages of testimony regarding manpower and training legislation. I have very much enjoyed working with him throughout the hearings and during subcommittee and full committee consideration of the measure. I thank him for his many courtesies to me and consideration of the amendments which I offered, which I shall describe in detail later.

I also wish to commend for their commitment and especially effective staff work Bill Bechtel, Dick Johnson, and Bill Spring, the professional staff members for the majority on the Employment, Manpower, and Poverty Subcommittee. Their cooperation and counsel was crucial to working out the amendments I offered, and I am extremely grateful for all of their help with those amendments as well as at the field hearings in Los Angeles, San Francisco, and Oakland. which it was my privilege to chair on behalf of Senator NELSON this past January and April.

Mr. President, this regislation reaches the Senate at a particularly appropriate time, as our economy tries to shift from its great emphasis upon the production of war machinery and war implements to coping with domestic, but sometimes no more peaceful, problems. It comes at a time when millions of young men will be separating from the service in the next several years and at a time when there are perhaps half a million recently returned veterans already on the unemployment rolls. It comes at a time when our cities are finding it increasingly difficult to provide the services which are so desperately needed by urban residents, who every day are more and more crowded together and who are more and more beset by converging forms of pollution, by inflation, by unemployment, mechanization, and by violence, and so generally frustrated by all of these factors. It comes at a time when our Nation's blacks and browns, our Indian citizens and those of oriental descent are justifiably fed up with manpower and training programs which has so often failed to meet their pressing needs and particular problems.

It comes at a time when in my home State, with 15 percent of its industries in defense and aerospace, cuts in defense and aerospace contracts will eliminate 160,000 jobs over the next 18 months.

It is the hope of our committee in reporting this landmark legislation that it will provide a beginning which will help us find our way out of the maze of governmental manpower programs, achieve a fair and equitable transition from a wartime to a peacetime economy, and provide jobs in which many hundreds of thousands of Americans can provide vital public services to many millions of their fellow citizens.

Mr. President, there are three major elements of the Employment and Training Opportunities Act of 1970, as reported by the Committee on Employment, Manpower, and Poverty and now before the Senate for consideration.

They are public service employment, manpower reform and decentralization, and special programs for neglected groups in the population.

The bill is based on testimony taken in 22 days of field hearings—4 of them in California—and 2 months of hard bargaining in executive committee session.

I believe it represents a very important new beginning in the fight against poverty, and a solid, realistic compromise on manpower reorganization.

Testimony at our field hearings showed that a job creation component is absolutely essential if our manpower programs are to be of significant value.

Listen to the words of a young black man who appeared before the subcommittee in Los Angeles. His name is Sedgie Collins, and he comes from the district known as Watts:

> I have been in just about every program that has been there in the community from Neighborhood Youth Corps to the Concentrated Employment Program to just about all the programs. This is not really helping me because I am 21 years old and I was 18 when I started [and] it hasn't helped me get a job in all this time.

And Gordon Nesvig, director of personnel for Los Angeles County:

> That's been our experience here in Los Angeles over the last 4 or 5 years. Lots of training opportunities but no jobs. We'd like to see you put together a bill that would allow for job development and improved governmental services at the local level.

Sedgie Collins, the young black man who has yet to find a decent job despite three or four different federally funded training programs, and Gordon Nesvig, the professional county administrator with crushing, unmet public service needs, are typical of dozens of witnesses we heard in Los Angeles, San Francisco, and Oakland; in Corpus Christi and Cleveland. In each city the story was the same. Training without jobs is a farce. And for many of those in the poverty community the jobs are just not there.

The unmet public needs—for health, probation and welfare workers, for police and fire community workers, for more teacher aides who can bridge the gap between children from poverty communities and middle-class teachers, for recreation workers and for the building of recreation areas, for sanitation and beautification projects—these unmet needs are all most obvious in the poverty communities.

The poverty communities and the local public officials do not need the prestigious Greenleigh Associates report to tell them there are at least 4.3 million real jobs in public service to be carried out. Gordon Nesvig documented 2,200 immediately available in county employment in Los Angeles County alone.

What they need, and asked for over and over again, is a manpower program that includes funds for good, permanent public service jobs supported with Federal dollars.

Listen to the mayor of San Francisco, Joseph Alioto:

> San Francisco, along with other urban centers faces a dual problem—(1) There are large numbers, growing larger, of unemployed and underemployed persons. The nature of our economy has shifted so as to eliminate many of the unskilled jobs that were once available. (2) The administrative machinery cannot meet the expanding service demands placed upon it. At the same time, the cities do not have the financial base to expand and restructure its work force to meet the demands.
>
> The cities need direct funding for the creation of entry level positions and for upgrading existing positions. . . . This is not a call for WPA, not any type of "make work" program, but a systematic attempt to deal with some administrative, economic and social facts of life. . . . This is not the employer of last resort, but rather a sensible response to clear needs.

The committee's public service employment proposal provides such a sensible response to a clear need.

PUBLIC SERVICE EMPLOYMENT

The lack of jobs in our economy, jobs that pay a living wage, jobs near where people live, jobs that require skill that people have or can be taught, is at the heart of the poverty problem in the Nation.

It is obvious now—with over 4 million unemployed and the unemployment rate standing at 5.1 percent—that there simply are not enough jobs.

But even during the late 1960's with national rates of unemployment unusually low, the underemployment rate in our cities' poverty neighborhoods averaged about 30 percent.

In San Francisco, for instance, in 1966 unemployment for the metropolitan area stood at 5.4 percent, high enough, but underemployment in the Mission-Fillmore District in San Francisco stood at 24.6 percent. Fully a quarter of the working-age people there could not find a decent living in the regular economy.

For public service employment the bill would require allocation of a third of the money authorized for ongoing manpower programs. In addition, it would authorize special appropriations for public service employment of $750 million this fiscal year, $1 billion for fiscal year 1972, $1.25 billion for fiscal year 1973, and $1.5 billion for fiscal year 1974.

At an average cost of $5,000 per job, and with the Federal Government paying 80 percent of that cost, about 250,000 jobs could be created for each $1 billion in Federal outlay.

The fact that the Federal Government would supply only 80 percent of the funds is an important assurance that only truly needed jobs would be carried out. Local and State governments would be required to appropriate one of every $5 spent.

Under the bill local officials working together with broadly representative manpower services councils would develop the public service employment proposals assuring local determination and local control of the program.

It is not possible to have a just, secure, and stable society unless you provide job opportunities for those who need work. At present this Nation fails to meet that clear requirement. In 1946, in the Employment Act, Congress set the goal of maximum employment, but it has never acted to implement that concept. This legislation gives us an opportunity to begin to meet our obligations both to individuals who need work and to our common life, to provide those people-to-people services that alone can make an industrial society a livable habitat for man.

REFORM

Local witnesses were equally strong in urging that mayors and local communities be free to design and operate their own manpower programs within a decentralized manpower system, and not be made subordinate to the Governor—under his control as part of his State plan.

Witnesses agreed that reform is necessary. As manpower programs have expanded rapidly since the passage of the Manpower Development and Training Act of 1962 and the Economic Opportunity Act of 1964, the Labor Department's direct administrative responsibilities have grown to the point where it now administers directly some 10,000 separate contracts.

The administration proposed moving to a State plan system operated, basically, by the 50 Governors, with mayors operating as local prime sponsors within a State-run system.

Mayors and especially poverty groups representatives were adamant against a system that would subject local programs to direct State review and approval, and would set up controversies between Governors and big city mayors who all too often already find themselves in political conflict.

The compromise worked out by the committee during long weeks of executive sessions would set up a decentralized system of prime sponsors—50 Governors and about 235 mayors—those whose cities have 75,000 in population or more—and some counties, perhaps 50 or so, that exercise the responsibilities of municipal government.

Under the committee's bill, the rights of community action agencies are also protected. And I will outline the provisions designed to do this later.

SPECIAL PROGRAMS

The committee also wrote language into the bill to assure that special program that have proven successful would continue to receive support either directly from the Labor Department, or through support from local prime sponsors.

Included were programs like the OIC, the Opportunities Industrialization Cen-

ters, originated by the Reverend Leon Sullivan of Philadelphia and now in operation in many cities, training and preparing black people for employment in programs designed and operated by local black community-based organizations.

A similar Mexican-American program, Operation SER, operating in the Southwest, as a result of an amendment I offered, is also named in the legislation and assured support. I will speak about this program in more detail later on.

In addition, title V identifies several groups of Americans—migrants, Indians, those needing bilingual manpower programs, and older workers—as groups that have not received a fair share of manpower programs in the past. The title requires that they receive a portion of appropriated funds based on population ratios, and that programs be established that are specifically designed to serve them.

Mr. President, as I indicated at the outset of my remarks, I offered quite a number of amendments to S. 3687 when it was considered in subcommittee and full committee and was fortunate to secure acceptance of these amendments in the bill now before the Senate. I would like, now, to make clear for the record my purposes in offering each of these amendments and what I hope to achieve by them.

FAMILY PLANNING

My amendment regarding family planning adds throughout the bill family planning services jobs as among those suitable for public service employment and general manpower programs and provides throughout that in programs where supportive services are offered to participants family planning services would be one of such services.

The first purpose of my amendment is to provide for training of paraprofessional manpower in order to enable family planning programs to serve more than are presently served of the nearly 5 million medically indigent women who need family planning services. Only 16 percent of that need is presently being met by the combined efforts of private organizations and public programs supported by OEO and the Department of Health, Education, and Welfare. Numerous studies of the manpower needs of domestic family planning programs have concluded that approximately 13,000 clinic and community workers would be required to serve persons in need of family planning services. I believe these statistics demonstrate the great extent of the unmet demand for paraprofessional manpower to perform outreach functions and work in clinics in family planning programs.

The second purpose of the amendment, regarding supportive services, is vital because unplanned pregnancy ranks high as one of the major causes for preventing manpower program participants from completing training programs or attaining jobs. For example, a recent survey of the Long Beach neighborhood Youth Corps program revealed that more than 20 percent of the women enrolled in that program dropped out because of unplanned pregnancy.

This amendment would also add a new subsection (c) to section 8 to insure that no manpower program participant would be in any way required to accept family planning services as prerequisite to eligibility for or receipt of any benefit under that program. Thus, recourse to such services would be entirely voluntary on the participant's part.

These family planning amendments are found in the following sections: Section 2(4), section 8(c), section 102(5), section 102(6), section 104(b)(2), section 107(a), section 204(a), section 204(b)(9), section 311, section 312, section 313, section 314, and section 336.

COLLECTION OF COMPARABLE DATA ON PROGRAM EFFECTIVENESS

Subsection (d) in section 8 of the bill is an amendment which I offered to enable the Congress, as well as the Secretary of Labor, to measure the relative and, where programs can be compared appropriately, the comparative effectiveness of programs which would be authorized under the act. The provision specifies the particular types of data which should be compiled in order to make such measurements. I offered this amendment after having participated in hearings in Washington and California regarding the JOBS program and finding that adequate data measuring program effectiveness—whether or not comparable to data regarding other programs—was just not available. I also felt that the program effectiveness data available at the time of our subcommittee hearings regarding the closing of Job Corps centers in the spring of 1969 left a great deal to be desired. I hope that this provision will help remedy such deficiencies of program measurement information.

LIMITATION ON INCENTIVE PAYMENTS TO EMPLOYERS

The amendment I offered to clause (11) of section 102, relating to services for which funds may be expended under the act, was intended to make clear that incentive payments to employers for a limited period were limited to those amounts of wages paid to an employee hired or being upgraded, which he was not earning by his labor because of a failure to achieve full productivity during a training period. The administration language on which this provision was modeled—in section 101(10) of S. 2838—was not entirely clear on whether reimbursements to an employer were so limited during such a period of less than full productivity.

LIMITATION ON OTHER NECESSARY SERVICES

This amendment is intended to make clear that the catchall clause (15) in section 102 giving the Secretary authority to expend funds for such services as he deems necessary in carrying out programs under the act are limited to those services which are otherwise consistent with the provisions of the act. Thus, for example, services which conflicted with limitations or prohibitions in the act could not be provided by the Secretary, and such services as he provided would have to find some basis in positive authorities elsewhere in the act. The administration language on which this provision was modeled—in section 101(12) of S. 2838—did not include this "consistency" restriction. A similar phrase was also added to section 204(b)(17), regarding conditions which the Secretary determines necessary for applications for financial assistance to conduct public service employment programs.

URBAN AREA PRIME SPONSORS

Generally, the language in subsections (a), (c), and (f) of section 104, regarding prime sponsors, is based on an amendment which I offered along with Senators KENNEDY and HUGHES to insure that a city or other general local governmental unit with a population of 75,000 or more would be approved as a prime sponsor for delivering manpower services in the area under its jurisdiction if it submitted a plan meeting the requirements of subsection (b), regarding submission of a comprehensive manpower services plan, and provision for the establishment of the Manpower Services Council. This amendment also included within this preference a combination of local governmental units covering a population of 75,000 or more as long as the area covered served a substantial part of a functioning labor market area.

It was the purpose of our amendment to provide that geographical areas, particularly cities with substantial populations, would become prime sponsors dealing directly with the Secretary, rather than having to submit plans and applications through the Governors in their respective States. In our view, the mayor is more politically accountable than a Governor, in his statehouse, would be and generally more knowledgeable about and sensitive to the needs and aspirations of citizens in local communities and the way best to meet these needs and aspirations. Although we recognize that there could be, and were, exceptions to this general hypothesis, we felt strongly that a preference for the Governor ran counter to the general rule and therefore proposed this amendment to embody that rule.

Our amendment to subsection (f) was designed to protect the interests of prime sponsor eligible applicants—including Governors and community action agencies under subsection (e)—by insuring that their applications for prime sponsorship could not be disapproved by the Secretary for technical reasons or without prior submission of a written notice of intention to disapprove, including a full statement of reasons, and an opportunity for a public hearing upon which such eligible prime sponsor could base an appeal to the Secretary of Labor as a matter of right.

It was not our intention that the public hearing requirement proliferate public hearings but rather that the possibility of a public hearing would serve the beneficial purpose of insuring the fullest and fairest consideration of prime sponsor applications submitted by those eligible for prime sponsorship designation. This provision is a companion to that contained in subsection (b) of section 106, which I will discuss next.

ACCOUNTABILITY OF PRIME SPONSORS IN DISPENSING FUNDS

Subsection (b) of section 106 provides an opportunity for local general governmental units or community action agen-

cies not themselves designated as prime sponsors to submit to the Secretary written challenges to the way a particular prime sponsor proposes to carry out, or is already carrying out, its responsibilities under its comprehensive manpower services plan. Under this provision, the Secretary would be required to issue regulations establishing a procedure for issuing a written decision on the allegations, after providing the prime sponsor with notice and an opportunity to present a written response and holding appropriate conferences and hearings to try to resolve the matter in dispute by consensus. The subsection further provides that once such a challenge has been made any pending prime sponsorship application to the extent to which it relates to the matter under contention shall be held in abeyance.

This provision is designed to deal with two somewhat different situations. The first would be when a community action agency did not believe that a prime sponsorship plan being submitted, or the activities of a prime sponsor under an approved plan, adequately take into account the interests and appropriate role of the CAA as required in the statute or the plan itself. I will discuss shortly the way in which the bill attempts to provide a meaningful role for CAA's in the conduct of manpower and training programs. Second is the situation which would be presented if a governmental unit, such as a town or city of less than 75,000 persons, believes that the State plan, or the way in which it is being administered by the State, does not adequately provide services in the area under that town's or city's jurisdiction.

Again, as I pointed out with respect to the hearing procedure under section 104(f) regarding prime sponsorship designations, the procedure required in this provision is not intended to lead to a proliferation of challenges to prime sponsors but rather, by providing a guaranteed channel to fair and effective resolution of any such challenge, to provide the maximum incentive for prime sponsors to consider fully and provide for the interests of CAA's or local governmental units under the circumstances which I have just discussed.

NONDELEGABILITY OF CERTAIN DECISIONS BY THE SECRETARY

Subsection (b) was added to section 7 in order to provide that the authority of the Secretary, relating to disapproval of prime sponsorship plans under section 104(f) or to challenges to prime sponsor applications under section 106(b), may not be delegated outside the Office of the Secretary. In effect, this prohibits delegation to Regional Manpower Administrators in the field. I offered this amendment because I felt that a meaningful decision in such instances could be made only at the national level since it would be quite likely that the regional office would already have been involved in the matter under dispute.

ROLE OF COMMUNITY ACTION AGENCIES

The role of community action agencies is generally discussed on pages 18 and 19 in the committee report (No. 91–1136). I fully agree with the statement there:

> In areas where CAA's have developed capable managerial capacity, it would seem highly desirable that they have direct operating responsibility.

However, the balance struck by the bill is not to guarantee CAA's such a role unequivocally. Rather, the view of the committee was that the elected local officials should generally serve as prime sponsors and be held politically accountable for the way in which they carry out those responsibilities.

Generally, I think that the balance we struck in this regard is probably about as fair and effective as could be written with the generality of application required in legislation. However, I recognize that there are a number of instances in which the provisions of the bill might result in a CAA which is presently a prime sponsor for manpower programs losing the prime sponsorship role. I think that would be very regrettable, and I strongly hope that the Secretary of Labor would attempt to guarantee the greatest possible role in the conduct of manpower programs to those CAA's who have already demonstrated their capability in this regard. I note in this respect that the separate views of Senators JAVITS, PROUTY, and SCHWEICKER, on page 128 of the committee report, state:

> We consider inclusion of this provision [section 105(b)(5)] necessary to indicate to State and local prime sponsors that such organizations should be involved whenever they demonstrate a capacity to render effective services.

A number of the amendments which I offered were intended to provide a CAA—and other representatives of the poverty community—the opportunity to develop such a role for itself with a prime sponsor—assuming that the CAA was not itself a prime sponsor under section 104(e). The major provisions which I offered in this regard are in section 105(b)(5) for comprehensive manpower services programs and section 204(b)(13) for public service employment programs. These provisions require that in plans for such programs submitted to the Secretary there be provisions for appropriate arrangements with CAA's for their participation in the conduct of programs for which financial assistance is being sought. Although this language does not guarantee that a CAA will participate in the conduct of programs, it gives a clear mandate to the Secretary to determine whether those arrangements in the plan for CAA participation are appropriate, based on a number of factors including the CAA's past record in carrying out manpower programs.

In that regard, I wish to take issue with a statement in the supplemental views of Senators JAVITS, PROUTY, and SCHWEIKER on page 128 of the committee report in which they state that this section was not intended to grant preference to CAA's. It was my intention in offering this language that CAA's would participate under the circumstances I have just discussed, and I accepted the language "and to the extent appropriate, with other community-based organizations serving the poverty community" offered by Senator JAVITS with the clear understanding on my part that arrangements with such other community-based organizations were, as a result of the language "to the extent appropriate" not necessarily a requirement. By contrast, some sorts of arrangements—the appropriateness to be determined by the Secretary—were required with respect to the participation of CAA's.

The other major provision to produce a meaningful role for CAA's was the procedure for challenging prime sponsorship plans or activities in section 106(b), which I discussed earlier. It was our intention that the extent to which arrangements with CAA's were provided for or were being carried out would be a very basic ground for challenge under the procedure in section 106(b).

Other provisions providing a role for CAA's are: First, the opportunity—in section 104(e)—for a CAA itself to submit an application to become a prime sponsor if the governmental unit or combination of units for the area in question does not submit a comprehensive manpower services plan meeting the requirements of subsection (b) of section 104; second, the requirement—in section 104(b)(2)—that CAA's be represented on Manpower Services Councils; third, the requirement—in section 104(b)(6)—that comprehensive manpower services plans submitted by prime sponsors must include arrangements to assure that CAA's will be involved in development of applications for financial assistance and in the implementation of programs granting such assistance; fourth, the requirement—in section 106(a)(3)—that prior to approval of an application for financial assistance the Secretary must determine that the appropriate CAA has had an opportunity to submit comments to the Secretary and the applicant; fifth, the identical requirement—in section 204(4)—with respect to the Secretary's approval of applications for financial assistance to carry out public service employment programs under title II; and, sixth, the requirement—in section 107(b)—that the Director of the Office of Economic Opportunity must concur in any guidelines relating to the participation of CAA's—and other community-based organizations—before they are issued by the Secretary of Labor.

POVERTY COMMUNITY PARTICIPATION

In addition to the provisions regarding the role of the community action agencies, which I have just discussed, I offered two amendments regarding services to the poverty community in general. First, in section 104(b)(2), not only a representative of the CAA but also a representative of other significant segments of the poverty community, are to be included on the Manpower Services Council. This is designed to insure, since only one representative of the community action agency is required on those councils, that the poverty community itself will be directly represented on these councils. This is especially important in those areas where control of the CAA has been assumed by the local governmental unit under the Green amendment. But in any event, under section 211(b) of the Economic Opportunity Act, poverty representatives need comprise only one-third of community

action agency boards, and thus the representative of a CAA might well not be a representative of those to be served by the plan.

Second, with respect to applications for financial assistance under both titles I and II, an amendment I offered requires—in sections 105(b)(1) and 204(b)(3)—that the plan include provision for effectively serving on an equitable basis the significant segments in the population to be served. This is designed to provide for fair distribution of manpower services and benefits among variout significant segments of the poverty community in a particular geographical area where otherwise the elements controlling the bulk of the poverty community might tend to overlook the needs of smaller segments of that community. At our hearings in Los Angeles and northern California there were repeated statements that this sort of exclusion from fair participation is a real problem.

PUBLIC SERVICE EMPLOYMENT JOB REVIEW

In clause (15) in subsection (b) of section 204 is a provision which is a substitute amendment for an amendment offered by Senator JAVITS in the full committee. My substitute amendment was intended to make perfectly clear that the interview with the public service employment program participant during the second year of his employment in that program was to be carried out in a way which would be most protective of and sensitive to the interests of the participant. It provides that placement assistance will be provided only if the participant's current employment situation does not provide sufficient prospects for advancement or for suitable continued employment and requires that maximum efforts be made in such a situation to locate employment or training opportunities providing such prospects. And it specifies that the participant would be offered the assistance in securing placement in another opportunity—that is, he would not be required to accept such assistance—and that the opportunity would be one which he himself chose after appropriate counseling once it had been determined that his current situation did not provide such prospects.

NEIGHBORHOOD YOUTH CORPS STIPEND

In subsection (e) of section 352, the second part of the second sentence was added by an amendment I offered in subcommittee—also sponsored by Senators TYDINGS and GOODELL. The provision in question has the effect of requiring that NYC trainees must receive a stipend of at least 80 percent of the minimum wage for their total weekly hours in the program, and that the total number of such hours spent in work and OJT may not be less than 80 percent of the total number of hours. This amendment was offered in response to actions by the Labor Department to reduce significantly the stipend paid NYC trainees and to place what was felt to be undue stress on classroom education in this program for those who have already dropped out of the educational system.

AUTOMATIC ELIGIBILITY FOR PARTICIPATION

The language after the semicolon in section 10 was added in order to provide that persons who headed families receiving welfare assistance, food stamps, or surplus commodities would automatically become eligible for participation in any program conducted under the act. This is intended to eliminate the often demeaning inquiry into financial and personal situations from being required a second time. The amendment also has the effect of requiring that such individuals shall be counted as persons heading low-income families and unrelated low-income persons for purposes of computing allocation of funds—under title I for comprehensive manpower services programs—to each State. Certainly, those individuals already in receipt of benefits under these other programs are prime prospects for participation in manpower and training programs, as well as public service employment programs. Their inclusion in the allocation formula should be of particular assistance to States which have provided the maximum possible assistance under these other programs.

OPERATION SER

The special recognition of "Jobs for Progress—Operation SER Programs"—in section 316—was added to accord those highly successful programs the same status as were given Opportunities Industrialization Centers under section 314. Whereas the OIC program is a community-based and operated program serving largely a black population, the SER program is a community-based and operated program serving largely a chicano population. This amendment was cosponsored by Senator DOMINICK.

Jobs for Progress-Operation SER is one of the most significant efforts at comprehensive job training and placement that has emerged under the Manpower Development and Training Act. Based in five Southwestern States—California, Arizona, New Mexico, Texas, and Colorado—the program has successfully found jobs for almost 10,000 Mexican-Americans in its 4 years of existence. It estimates it serves about 50,000 clients annually. As of January this year, SER administered 23 centers covering the area from Houston to San Diego to Denver. It is planning expansion into Washington State, Minnesota, and Wisconsin.

SER is the only substantial manpower program aimed specifically at the enormous Mexican-American population in our five Southwestern States. SER, like OIC, has been funded in the past under the terms of the MDTA and is receiving $5 million of MDTA funds now.

Since section 314 of the bill gives categorical recognition to the OIC program, logically, the same recognition should be extended to a similar program with a distinct and different constituency. Otherwise, the Jobs for Progress-Operation SER program would have been unfairly prejudiced in its competition for funds.

NONDISCRIMINATION PROVISION

Subsection (e) was added to section 8 of the bill to require that financial assistance should not be provided under the act unless the particular grant specifically prohibits discrimination against any program participant or applicant for program participation because of race, creed, color, national origin, sex, political affiliation, or beliefs. A substantially similar provision had been contained in the bill with respect to programs under title I, and I offered this amendment to make clear that this prohibition would apply to all programs under the act. This provision, when coupled with the provision—in section 14—for withholding funds when grant conditions are violated, provides an effective nondiscrimination procedure under the act, without regard to the provisions of the Civil Rights Act of 1964, as amended.

COVERAGE OF PUERTO RICO IN BILINGUAL SERVICES PROGRAM

This program in part B of title V is one I cosponsored with Senator YARBOROUGH, the chairman of the Labor and Public Welfare Committee. At our field hearings in northern and southern California, it became abundantly clear that a special emphasis program was needed to channel funds to the provision of special bilingual services for Spanish-speaking Americans. Clearly, one of the greatest impediments to a large number of chicanos gaining a decent job is their lack of facility in written and spoken English or their lack of training in jobs that do not require that facility. The same is true of a substantial proportion of Chinese Americans, especially older workers.

Census figures show there are between 7 and 10 million Americans for whom Spanish is the primary language. There are 1 million in Los Angeles, and they make up 10 percent of the population of New York City. They include Mexican Americans, Puerto Ricans, and Cuban exiles.

According to data compiled by the Equal Employment Opportunity Commission, 70 percent of all Spanish-surnamed men work in the lowest occupational categories, as operatives, laborers, or service workers. On a national basis, more than half of Mexican-American families have incomes of less than $3,000 per year.

The Chinese-speaking population of San Francisco has increased from 37,900 to 62,000 from 1961 to 1968, primarily as a result of an easing of immigration quotas.

During the field hearings, L. Ling-Dhi Wang, vice president of the Chinese-American Democratic Club of San Francisco, told the committee:

> The language barrier and discrimination have deprived many of our people of the right to basic education, limited our employability outside Chinatown and caused high rates of unemployment and underemployment in what has become the most popular ghetto in the world and mecca of tourism—Chinatown.

The 1968 figures for immigrants' intended place of settlement show that California's need for bilingual manpower services is especially acute. Of those born in China, Mexico, and Cuba, almost 10,000 designated California cities as the place they expected to settle. And the best available figures show that about 60 to 70 percent of all those from South and Central America who register as permanent residents reside in California or New York.

I made a minor amendment to this

provision in committee to strike the separate definition of "State" so that Puerto Rico and the other U.S. territories and possessions would not be excluded from participation in this program if they needed these types of services. This leaves the bill's basic definition of "State"—in section 6(2)—as applicable to this part. I wish to make clear, however, that the operative allocation language in the provision is in section 512(b): Giving "the highest priority to States and areas within States having the greatest need for programs authorized by this part." This same language has been interpreted in the bilingual education program in title VII of the Elementary and Secondary Education Act so as not to give Puerto Rico a disproportionate share of the funds. It was our intention that the language be interpreted in the same way for this bilingual manpower services program.

VETERANS' EMPLOYMENT

As chairman of the Subcommittee on Veterans' Affairs of the Labor and Public Welfare Committee, I have felt a particular obligation to insure that S. 3867 adequately provided manpower training and employment opportunities for veterans, especially those recently returned from Vietnam. I thus offered a series of amendments to achieve this purpose.

Subsection (b) was added in section 8 to require that amounts received by veterans and their dependents from the Veterans' Administration for disability and death compensation and GI bill education cannot be counted for purposes of determining eligibility for participation in manpower programs based on income requirements. I believe that those VA payments to veterans and dependents to which they are legally entitled to compensate them for the Government's responsibility for service-connected disabilities—including educational payments to dependents under chapter 35 of title 38, United States Code—should not serve to disqualify anyone from participation in a manpower program. Likewise, I believe that payments to veterans for GI bill education to enable them to pursue education and training should not count. This philosophy is consistent with the repeal in section 213 of Public Law 91-219 of the prohibition of receipt of GI bill benefits at the same time as other Federal education and training program benefits. A similar provision is contained in section 443(b)(2) and (7) of the House-passed Family Assistance Act of 1970 (H.R. 16311), which excludes for purposes of determining family income any portion of a scholarship received by a full-time student to pay fees and tuition as well as any money earned by such a student or trainee.

In section 104(b)(2), I offered an amendment to include representatives of veterans' organizations on manpower services councils. I feel that this participation by veterans' leaders is important to insure that the particular needs of returning veterans and all other veterans are fully considered in designing manpower services programs as well as public service employment programs.

In section 101, I offered an amendment to clause (4) to make the wording of that special provision for veterans consistent with the language in chapter 41 of title 38, United States Code, as that chapter is fully revised by section 702 of the bill, which I will now describe. The next amendment was strongly supported by the American Legion and the Veterans of Foreign Wars.

Section 702 of S. 3867 adds a fully rewritten chapter 41—retitled "Job Counseling, Training and Placement Service for Veterans"—which contains the basic veterans' employment and manpower responsibilities of the Department of Labor. The original provision was adopted when the Wagner-Peyser Act was enacted in 1933. The purpose of the revision is to rewrite and update these provisions which establish a Veterans' Employment Service in the Department of Labor.

The new provision attempts to strengthen the Veterans' Employment Service, enlarge its staff and protect its appropriation from diversion to other Labor Department purposes. It also includes as a positive responsibility of the Labor Department job development activities for veterans and the provision of counseling for and referrals to appropriate training and manpower programs, as well as directly to job openings.

The amended provision establishes new administrative controls and data gathering and reporting requirements to attempt to insure that all veterans seeking employment or training assistance will receive it promptly and adequately. And it calls for close coordination and cooperation with the Veterans' Administration, especially in assisting the VA in its promising new job fair program and in its outreach services program, authorized in the new public law enacted last March. Hopefully, this will lead to the assignment of more State public employment counselors to work at veterans' assistance centers and to more such counselors devoting their full time to meeting the needs of a growing veteran population generally.

I believe this new veterans' employment provision offers very tangible progress toward providing veterans with prompt, effective job and job training placement and assistance. One of the more significant phenomena of the Vietnam era is what the American Legion has called "The undereducated veteran"—not necessarily disadvantaged in an ethnic or economic sense, yet unable to find employment upon his return to the civilian labor force. The number of men in this category has increased tremendously over the past decade, reaching the point today where close to half a million young veterans are looking for work.

Ordinarily, Federal manpower programs would be a logical first step to provide training and, ultimately, employment. In the past, manpower programs have done an adequate job of placing veterans. But in the past few years the number of training slots open to them has been decreasing rapidly. In March 1969, 139,500 veterans applied to manpower programs, and 88,700, or 64 percent of them, actually began job training. One year later, in March 1970, the number of applicants had risen to 181,100, and the number of those accepted had dropped sharply to 74,700, only 41 percent of the total.

For veterans, perhaps more than most other segments of the labor force, the problem of finding a job is particularly acute, for several reasons. First, veterans of the Vietnam era tend to be young, just beginning a family and a career, at precisely the point in life when a job means so much in terms of stability, security, and the future. Second, veterans who have served overseas return to this country with very little idea of what awaits them. Serving overseas means almost complete economic isolation, and a sudden return to the civilian labor force can be abrupt and disorienting, especially for the combat veteran. Third and most important, a veteran may return to civilian life with an understandable feeling that his country owes him help in trying to find a suitable job. He has been asked to make an extraordinary sacrifice for his country, to spend two or more of his most productive years in the Armed Forces, to separate himself from his loved ones, and to put his health and frequently his life on the line.

Perhaps the most meaningful repayment of that debt would be to help him find employment. This, unfortunately, is only infrequently what he gets. The veteran returns to find the job market impossibly tight and manpower and training program slots often reserved only for the disadvantaged. The situation is even worse for the "undereducated" veteran, whose unemployment rate is, in the words of the President's Committee on the Vietnam Veteran, "significantly higher than that of his fellow veteran." In my view, many, many veterans just by virtue of being recently discharged, are disadvantaged in their ability to compete effectively in the labor market.

A recent article in the American Legion magazine suggests:

> Looking at the Viet vet unemployment problem is like viewing an iceberg. You see only the tip.

With troops continuing to come home from Indochina, with an administration which has promised to reduce the overall size of the Armed Forces by close to a million men in the next decade, and with the uncertain state of our national economy, our young veterans are bound to find the job market a great deal tighter before it gets any looser.

There is no reason for excluding veterans in need of training from the benefits of existing manpower programs when many veterans desperately require the benefit of manpower services. My amendments recognize the particular problems that returning veterans face and provides for their inclusion in manpower and training programs. It also attempts to insure that they will benefit from that inclusion. The amendments in no way weaken or dull existing manpower commitments; rather, they extend the scope of manpower programs to include a group which is not profiting

nearly enough from the programs that already exist.

I have gone into such great detail in describing my amendments to S. 3867 in order to provide a full legislative history on my intent and purpose in offering them.

Mr. President, because this legislation represents the beginning of a meaningful Federal commitment to an ongoing public service employment programs, it could well be the most important piece of social legislation to pass this session of Congress. Jobs are essential to a serious fight against poverty. I am fully convinced that publicly supported jobs are the only way to provide sufficient numbers of decent jobs in poverty neighborhoods. Today, the Senate has a great opportunity to serve the Nation. I urge all of my colleagues to support this very important and comprehensive bill to provide manpower training and employment opportunity during the 1970's.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. JAVITS. Mr. President, I wish to say that, notwithstanding our differences on the question we have just voted on—and the Senate has expressed its will on it—this is a monumental measure in the manpower training field, with a sophistication and an expertise which I have rarely seen in a bill turned out of our committee, which has had many complicated bills. I think it will advance the effort to upgrade the skills of Americans and will help many Americans who are unemployed and underemployed, and I hope very much that the Senate will support it.

Mr. DOMINICK. Mr. President, I am not going to take more than 2 minutes, but I think Senators should recognize some of the substance of the bill on which they are about to vote.

First, there is a $2 billion basic authorization here. There is an entirely new concept of the Federal Government supporting State and local employees all over the country, and obviously every mayor is going to like this. They get people to do the work, paid for by the Federal Government.

Second, in that public service, in addition to the $2 billion, there is $750 million, going up to $1.5 billion by 1974 as an additional appropriation. In addition, there is an authorization under title VI which has an extra $200 million if there is 4.5 percent unemployment, which we do have, and an automatic increase, if that goes to 5 percent for 3 consecutive months, of another $200 million poured into this.

So what we have, in effect, is a bill which is almost a $4 billion bill, in which we inject the Federal Government into every city and county and State in the country. I think we ought to think about it. I have tried to get this changed on the floor. The Senate did not see fit to do so, so I wanted to tell Senators why I am going to vote "nay" on the bill.

The PRESIDING OFFICER. Do Senators yield back the remainder of their time?

Mr. JAVITS. I yield back the remainder of my time.

Mr. NELSON. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

The bill having been read the third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Wyoming (Mr. MCGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Georgia (Mr. RUSSELL), the Senator from Mississippi (Mr. STENNIS), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that, if present and voting, the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), the Senator from New Mexico (Mr. MONTOYA), the Senator from Georgia (Mr. RUSSELL), and the Senator from Maine (Mr. MUSKIE) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON), the Senator from Hawaii (Mr. FONG), the Senators from Arizona (Mr. GOLDWATER and Mr. FANNIN), the Senator from New York (Mr. GOODELL), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from South Carolina (Mr. THURMOND) is absent on official business.

If present and voting, the Senator from Arizona (Mr. FANNIN), the Senator from Hawaii (Mr. FONG), the Senator from New York (Mr. GOODELL), the Senator from South Dakota (Mr. MUNDT), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) would each vote "yea."

On this vote, the Senator from California (Mr. MURPHY) is paired with the Senator from South Carolina (Mr. THURMOND). If present and voting, the Senator from California would vote "yea" and the Senator from South Carolina would vote "nay."

The result was announced—yeas 68, nays 6, as follows:

[No. 311 Leg.]

YEAS—68

Aiken	Gurney	Packwood
Allen	Harris	Pastore
Anderson	Hart	Pearson
Baker	Hartke	Pell
Bayh	Hatfield	Percy
Bellmon	Holland	Prouty
Bible	Hollings	Proxmire
Boggs	Hruska	Randolph
Brooke	Hughes	Ribicoff
Burdick	Inouye	Saxbe
Byrd, Va.	Javits	Schweiker
Byrd, W. Va.	Jordan, N.C.	Scott
Case	Jordan, Idaho	Smith, Maine
Church	Kennedy	Sparkman
Cook	Long	Spong
Cooper	Mansfield	Stevens
Cranston	Mathias	Symington
Dodd	McGovern	Talmadge
Dole	McIntyre	Williams, N.J.
Ellender	Metcalf	Yarborough
Ervin	Miller	Young, N. Dak.
Gore	Mondale	Young, Ohio
Griffin	Nelson	

NAYS—6

Allott	Curtis	Hansen
Bennett	Dominick	Williams, Del.

NOT VOTING—26

Cannon	Gravel	Murphy
Cotton	Jackson	Muskie
Eagleton	Magnuson	Russell
Eastland	McCarthy	Smith, Ill.
Fannin	McClellan	Stennis
Fong	McGee	Thurmond
Fulbright	Montoya	Tower
Goldwater	Moss	Tydings
Goodell	Mundt	

So the bill, S. 3867, was passed, as follows:

S. 3867

An act to assure opportunities for employment and training to unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, with the following table of contents, may be cited as the "Employment and Training Opportunities Act of 1970".

TABLE OF CONTENTS

Sec. 1. Short title.
Sec. 2. Statement of findings and purpose.
Sec. 3. Authorized appropriations.
Sec. 4. Funds available for specific programs.
Sec. 5. Advance funding.
Sec. 6. Definitions.
Sec. 7. Legal authority.
Sec. 8. Specific limitations and conditions.
Sec. 9. Labor standards.
Sec. 10. Eligible participants.
Sec. 11. National Manpower Advisory Committee.
Sec. 12. Intergovernmental Advisory Council on Manpower.
Sec. 13. Reports.
Sec. 14. Authority to contract and expend funds.
Sec. 15. Acceptance of gifts.
Sec. 16. Acceptance of voluntary services.
Sec. 17. Acceptance of funds.
Sec. 18. Transfer of funds.
Sec. 19. Utilization of services and facilities.
Sec. 20. Rental, alteration, and improvement of buildings.
Sec. 21. Expenditures for printing and binding.
Sec. 22. Criminal provisions.
Sec. 23. Interstate agreements.
Sec. 24. Effective date.

TITLE I—COMPREHENSIVE MANPOWER SERVICES

Sec. 101. Program authorized.
Sec. 102. Uses of funds.
Sec. 103. Eligible applicants.
Sec. 104. Prime sponsors.
Sec. 105. Applications.

Sec. 106. Approval of applications.
Sec. 107. Concurrence of other agencies.
Sec. 108. Allocations.
Sec. 109. Special conditions.
Sec. 110. Allowances and compensation.

TITLE II—PUBLIC SERVICE EMPLOYMENT

Sec. 201. Financial assistance.
Sec. 202. Authorization.
Sec. 203. Eligible applicants.
Sec. 204. Applications.
Sec. 205. Approval of applications.
Sec. 206. Allocations.
Sec. 207. Special conditions.

TITLE III—SPECIAL WORK AND TRAINING PROGRAMS

PART A—GENERAL PROVISIONS

Sec. 301. Equitable distribution of assistance.
Sec. 302. Limitation on Federal assistance.
Sec. 303. Administrative regulations.

PART B—SPECIAL WORK, TRAINING, AND CAREER DEVELOPMENT PROGRAMS

Sec. 311. New Careers.
Sec. 312. Mainstream.
Sec. 313. Community Environment Service.
Sec. 314. Opportunities Industrialization Centers.
Sec. 315. Upgrading programs.
Sec. 316. Jobs for Progress-Operation SER programs.
Sec. 317. Management training programs.
Sec. 318. Manpower programs in correctional institutions.

PART C—JOB CORPS

Sec. 331. Statement of purpose.
Sec. 332. Individuals eligible for Job Corps.
Sec. 333. Screening and selection of applicants.
Sec. 334. Special limitations.
Sec. 335. Enrollment and assignment.
Sec. 336. Job Corps Centers.
Sec. 337. Program activities.
Sec. 338. Allowance and support.
Sec. 339. Standards of conduct.
Sec. 340. Community participation.
Sec. 341. Counseling and job placement.
Sec. 342. Evaluation; experimental and demonstration projects.
Sec. 343. Advising committees and boards.
Sec. 344. Participation of the States.
Sec. 345. Application of provisions of Federal law.
Sec. 346. Special limitations.
Sec. 347. Political discrimination and political activity.

PART D—NEIGHBORHOOD YOUTH PROGRAMS

Sec. 351. Programs authorized.
Sec. 352. Special conditions.
Sec. 353. Program participants.

TITLE IV—SPECIAL FEDERAL RESPONSIBILITIES

PART A—MANPOWER RESEARCH AND DEVELOPMENT

Sec. 401. Research and development.
Sec. 402. Labor market information.
Sec. 403. Manpower utilization.
Sec. 404. Evaluation.
Sec. 405. Removal of artificial barriers to employment and advancement.
Sec. 406. Training and technical assistance.
Sec. 407. Report on summer youth programs.

PART B—NATIONAL COMPUTERIZED JOB BANK PROGRAM

Sec. 431. Findings and purpose.
Sec. 432. Establishment of the program.
Sec. 433. Conduct of the program.
Sec. 434. Experiments, demonstrations, research, and development.
Sec. 435. Rules, regulations, and standards.

PART C—DEVELOPMENT OF EMPLOYMENT OPPORTUNITIES FOR DISADVANTAGED PERSONS IN FEDERALLY ASSISTED PROGRAMS

Sec. 451. Purpose.
Sec. 452. Research.
Sec. 453. Pilot programs.
Sec. 454. Reports.

TITLE V—MANPOWER PROGRAMS FOR INDIAN, BILINGUAL, MIGRANT, AND OLDER WORKERS

PART A—INDIAN MANPOWER PROGRAMS

Sec. 501. Statement of findings and purpose.
Sec. 502. Establishment of Office of Indian Manpower Programs.
Sec. 503. Authorization.
Sec. 504. National Indian Manpower Advisory Council.
Sec. 505. Manpower report.
Sec. 506. Trust responsibilities.

PART B—BILINGUAL MANPOWER PROGRAMS

Sec. 511. Declaration of policy.
Sec. 512. Authorization and distribution funds.
Sec. 513. Uses of funds.
Sec. 514. Applications for grants and conditions for approval.
Sec. 515. Definition.

PART C—MIGRANT AND SEASONAL FARMWORKER MANPOWER PROGRAMS

Sec. 521. Statement of findings and purpose.
Sec. 522. Establishment of an Office of Migrant and Seasonal Farmworker Manpower Programs.
Sec. 523. Authorization.
Sec. 524. Migrant and Seasonal Farmworker Manpower National Advisory Council.
Sec. 525. Duties of Council.
Sec. 526. Annual report.

PART D—MIDDLE-AGED AND OLDER WORKERS MANPOWER PROGRAMS

Subpart 1—General Provisions

Sec. 531. Declaration of findings.
Sec. 532. Statement of purpose.
Sec. 533. Authorization.
Sec. 534. Equitable distribution.
Sec. 535. Administration.
Sec. 536. Program development and coordination.
Sec. 537. Research and information programs.

Subpart 2—Mid-Career Development Service Program

Sec. 541. Program established.
Sec. 542. Training programs.
Sec. 543. Training persons to train and retrain middle-aged and older workers.
Sec. 544. Special services for mass lay-offs.
Sec. 545. Specialized services.
Sec. 546. Manpower study.

Subpart 3—Work Opportunities for Middle-Aged and Older Workers

Sec. 551. Increased job opportunities for middled-aged and older persons in federally assisted programs.
Sec. 552. Employment in economic opportunity programs.
Sec. 553. Employment services for part-time employment.

Subpart 4—Expanding Opportunities for Employment and Education

Sec. 561. Research, experimentation, and demonstration.
Sec. 562. Extended unemployment compensation.
Sec. 563. Compensation and disability insurance.

Subpart 5—Federal Employment Opportunities for Middle-Aged and Older Workers

Sec. 571. Study.
Sec. 572. Preparing middle-aged persons for new careers in Government.

TITLE VI—EMERGENCY EMPLOYMENT ASSISTANCE

Sec. 601. Program authorized.

TITLE VII—MISCELLANEOUS

Sec. 701. Effect on existing laws.
Sec. 702. Amendments to title 38, United States Code.

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. The Congress finds and declares that—

(1) The Nation's prosperity, economic stability, and productive capacity are limited by a lack of workers with sufficient skills to perform the demanding production, service, and supervisory tasks necessary in an increasingly technological society. At the same time, there are many workers who are unemployed or are employed below their capacity, who, with additional education and training, could make a greater contribution to the national economy and share more fully in its benefits.

(2) The problem of assuring meaningful employment opportunities will be compounded by the continued rapid growth of the labor force. It is imperative that these new workers, including the many young people who will enter the labor force, persons who have recently been separated from military service, and older persons who desire to enter or reenter the labor force, be provided with adequate academic and vocational skills which will allow them to work at the level of their full potential.

(3) The placement in private employment of unemployed, underemployed, and low-income workers is hampered by the absence of entry level opportunities. These opportunities can be augmented by assisting workers now in entry level jobs to improve their skills and advance to more demanding employment.

(4) Expansion of public service employment opportunities which will both provide meaningful jobs for unemployed, underemployed, and low-income persons and allow the Nation to meet more adequately the unfilled public needs in such fields as health, family planning, public safety, education, transportation, recreation, maintenance of parks, streets, and other public facilities, solid waste removal, pollution control, housing and neighborhood improvements, rural development, conservation, beautification, and other fields of human betterment and community improvement.

(5) The public and private educational system has the major responsibility to provide the academic, technical, and vocational training opportunities necessary to prepare attending students for the world of work. This system must be strengthened to achieve its goals, and its success is critical to lessening the need for remedial manpower programs. But, where effective opportunities have not been provided to individuals or their access to them continues to be restricted, remedial services should be provided as a part of our Nation's manpower programs.

(6) Improved training and employment opportunities are vital to developing capacity for self-support by public assistance recipients, and the manpower system must assume special responsibility and accountability for training, placing, and upgrading these persons.

(7) Experience has shown that the administration and delivery of effective manpower programs are extremely complex matters, requiring a more comprehensive, unified, and flexible approach, and the active cooperation of employers, employees, and other public and private agencies, individuals, and organizations.

(8) Centers established and operated by low-income persons or their representatives have demonstrated a capacity to provide comprehensive employment and related services to unemployed and underemployed persons.

(9) The effectiveness of manpower programs would be improved by a more coordinated approach in evaluating the needs of individual participants and mobilizing available resources to meet these needs. It is, therefore, the purpose of this Act to establish a comprehensive and coordinated national manpower program, involving the efforts of all sectors of the economy and all levels of government. The program should be designed to provide greater opportunities for employment and training and related

services necessary to assist individuals in developing their full economic and occupational potential.

AUTHORIZED APPROPRIATIONS

SEC. 3. (a) For the purposes of carrying out this Act, there are authorized to be appropriated $2,000,000,000 for the fiscal year ending June 30, 1972, $2,500,000,000 for the fiscal year ending June 30, 1973, and $3,000,000,000 for the fiscal year ending June 30, 1974.

(b) Notwithstanding any other provision of law, unless enacted in specific limitation of the provisions of this subsection, any funds appropriated to carry out this Act which are not obligated prior to the end of the fiscal year for which such funds were appropriated shall remain available for obligation during the succeeding fiscal year, and any funds obligated in any fiscal year may be expended during a period of two years from the date of obligation.

FUNDS AVAILABLE FOR SPECIFIC PROGRAMS

SEC. 4. (a) The amounts appropriated to carry out this Act for any fiscal year (except for amounts otherwise reserved in accordance with this Act or expressly limited in an appropriation Act to a specific purpose under this Act) shall be allocated among the titles of this Act in such a manner, subject to subsections (b) and (c) of this section, that of the amounts so appropriated—

(1) one-third shall be for comprehensive manpower services under title I of this Act;

(2) one-third shall be for public service employment program under title II of this Act; and

(3) one-third shall be for special work and training program under title III and special Federal responsibilities under title IV of this Act.

(b) Notwithstanding any limitation on appropriations for any program or activity under this Act or any Act authorizing or appropriating funds for any such program or activity, not to exceed 25 per centum of the amount appropriated or allocated from any appropriation for any fiscal year for carrying out any such program or activity under this Act may be transferred and used by the Secretary for carrying out any other such program or activity under this Act.

(c) To the extent necessary to enable the Secretary to make funds available to carry out any grant or contract entered into prior to the effective date of this Act under the Manpower Development and Training Act of 1962, as amended, or title I of the Economic Opportunity Act of 1964, as amended, the Secretary may transfer funds from amounts allocated for newly authorized programs under this Act.

ADVANCE FUNDING

SEC. 5. (a) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

(b) In order to effect a transition to the advance funding method of timing appropriation action, the amendment made by subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

DEFINITIONS

SEC. 6. For the purposes of this Act, except as otherwise specified, the term—

(1) "Secretary" means the Secretary of Labor.

(2) "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(3) "Local service company" means a community development corporation or other corporation, partnership, or other business entity organized to operate a community service manpower program or component thereof and owned or operated in substantial part by unemployed or low-income residents of the area to be served.

LEGAL AUTHORITY

SEC. 7. (a) The Secretary may prescribe such rules, regulations, guidelines and other published interpretations or orders under this Act as he deems necessary. Rules, regulations, guidelines, and other published interpretations or orders issued by the Department of Labor, or any official thereof, for the purpose of carrying out this Act shall contain, with respect to each material provision of such rules, regulations, guidelines, interpretations, or orders, citations to the particular section or sections of statutory law or other legal authority upon which such provision is based. Such rules, regulations, guidelines and other published interpretations or orders may include adjustments authorized by section 204 of the Intergovernmental Cooperation Act of 1968.

(b) The authority of the Secretary relating to disapproval of prime sponsorship plans under section 104(f) or relating to the challenge of an application of a prime sponsor by a community action agency or a unit of general local government under section 106 (b) shall not be delegated outside the Office of the Secretary.

SPECIAL LIMITATIONS AND CONDITIONS

SEC. 8. (a) No authority conferred by this Act shall be used to enter into arrangements for, or otherwise establish, any training programs in the lower wage industries in jobs where prior skill or training is typically not a prerequisite to hiring and where labor turnover is high, or to assist in relocating establishments from one area to another. Such limitation on relocation shall not prohibit assistance to a business entity in the establishment of a new branch, affiliate, or subsidiary of such entity if the Secretary of Labor finds that assistance will not result in an increase in unemployment in the area of original location or in any other area where such entity conducts business operations, unless he has reason to believe that such branch, affiliate, or subsidiary is being established with the intention of closing down the operations of the existing business entity in the area of its original location or in any other area where it conducts such operations.

(b) Any amounts received under chapters 11, 13, 31, 34, and 35 of title 38, United States Code, by any veteran of any war, as defined by section 101 of title 38, United States Code, who served on active duty for a period of more than one hundred and eighty days or was discharged or released from active duty for a service-connected disability or any eligible person as defined in section 1701 of such title, if otherwise eligible to participate in programs under this Act, shall not be considered for purposes of determining the needs or qualifications of participants in programs under this Act.

(c) Acceptance of family planning services provided to trainees shall be voluntary on the part of the individual to whom such services are offered and shall not be prerequisite to eligibility for or receipt of any benefit under the program.

(d) The Secretary shall not provide financial assistance for any program under this Act unless he determines, in accordance with regulations which he shall prescribe, that periodic reports will be submitted to him containing data designed to enable the Secretary and the Congress to measure the relative and, where programs can be compared appropriately, comparative effectiveness of the programs authorized under this Act. Such data shall include information on—

(1) enrollee characteristics, including age, sex, race, health, education level, and previous wage and employment experience;

(2) duration in training and employment situations, including information on the duration of employment of program participants for at least a year following the termination of participation in federally assisted programs and comparable information on other employees or trainees of participating employers;

(3) total dollar cost per trainee, including breakdown between salary or stipend, training and supportive services and administrative costs.

The Secretary shall compile such information on a State, regional, and national basis.

(e) The Secretary shall not provide financial assistance for any program under this Act unless the grant, contract, or agreement with respect thereto specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any program participant or any applicant for participation in such program because of race, creed, color, national origin, sex, political affiliation, or beliefs.

LABOR STANDARDS

SEC. 9. All laborers and mechanics employed by contractors or subcontractors in any construction, alteration, or repair, including painting and decorating of projects, buildings, and works which are federally assisted under this Act, shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5). The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 1, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276(c)).

ELIGIBLE PARTICIPANTS

SEC. 10. Eligibility for participation in any program under this Act shall be determined in accordance with the provisions of this Act authorizing such program; and persons who or persons heading families who receive benefits under title IV of the Social Security Act, or food stamps or surplus commodities under the Agricultural Act of 1949 and the Food Stamp Act of 1964, shall be included among individuals eligible to participate in programs conducted under the provisions of this Act, and such persons shall be included among individuals considered low-income persons or persons heading low-income families, as appropriate, for the purposes of this Act.

NATIONAL MANPOWER ADVISORY COMMITTEE

SEC. 11. (a) The President, in consultation with the Secretary of Labor, the Secretary of Health, Education, and Welfare, and the Director of the Office of Economic Opportunity, shall appoint a National Manpower Advisory Committee which shall consist of at least thirteen but not more than seventeen members and shall be composed of persons representative of labor, management, agriculture, public and private education, vocational education, vocational rehabilitation, manpower programs, and economic opportunity programs. From the members appointed to such Committee, the President shall designate a Chairman. Members shall be appointed for terms of three years except that (1) in the case of initial members, one-third of the members shall be appointed for terms of one year each and one-third of the members shall be appointed for terms of two years each, and (2) appointments to fill the unexpired portion of any term shall be for such portion only. Such Committee shall hold not less than two meetings during each calendar year.

(b) The National Manpower Advisory Committee shall—

(1) identify the manpower goals and needs of the Nation and assess the extent to which educational vocational education, institutional training, vocational rehabilitation, manpower, economic opportunity, and other programs under this and related Acts represent a consistent, integrated, and coordinated approach to meeting such needs and achieving such goals;

(2) review the administration and operation of the programs referred to in clause (1) and advise the Secretary of Labor, the Secretary of Health, Education, and Welfare, and the Director of the Office of Economic Opportunity and other appropriate officials as to the carrying out of their duties under this Act and related Acts;

(3) conduct independent evaluations of programs carried out under this and related Acts and publish and distribute the results thereof; and

(4) make recommendations (including recommendations for changes in legislation) for the improvement of the administration and operation of such programs including the programs authorized under this and related Acts.

(c) The National Manpower Advisory Committee shall make an annual report, and such other reports as it deems appropriate on its findings, recommendations, and activities to the Congress and to the President. The President is requested to transmit to the Congress as a part of his report under section 13 of this Act such comments and recommendations as he may have with respect to such reports and activities of the National Manpower Advisory Committee.

(d) The National Manpower Advisory Committee may accept and employ or dispose of gifts or bequests, either for carrying out specific programs or for its general activities or for such responsibilities as it may be assigned in furtherance of subsection (b) of this section.

(e) Appointed members of the National Manpower Advisory Committee shall be paid compensation at a rate of up to the per diem equivalent of the rate for GS–18 when engaged in the work of the National Manpower Advisory Committee, including traveltime, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently and receiving compensation on a per diem, when actually employed, basis.

(f) The National Manpower Advisory Committee is authorized, without regard to the civil service laws, to engage such technical assistance as may be required to carry out its functions; to obtain the services of such full-time professional, technical, and clerical personnel as may be required in the performance of its duties, and to contract for such assistance as may be necessary.

(g) For the purposes of this section, funds may be reserved from the sums appropriated to carry out this Act, as directed by the Director of the Office of Management and Budget.

INTERGOVERNMENTAL ADVISORY COUNCIL ON MANPOWER

SEC. 12. (a) There is hereby established an Intergovernmental Advisory Council on Manpower to advise the Secretary of Labor, the Secretary of Health, Education, and Welfare, and the Director of the Office of Economic Opportunity with regard to matters involving intergovernmental relationships in the development and conduct of programs under this and related Acts, including but not limited to the assignment of manpower responsibilities among Federal, State, and local governmental agencies, allocation of funds, designation of prime sponsors, State and local compliance with the various provisions of this Act and the extent to which educational, institutional training, vocational education, vocational rehabilitation, manpower, economic opportunity, and other programs under this and related Acts represent a consistent, integrated and coordinated approach to meeting manpower needs and achieving national manpower goals.

(b) The Council shall consist of at least five but not more than nine members who shall be appointed by the President. Members shall be selected from among Governors, mayors, and other elected State or local public officials. In selecting members of the Council the President shall assure an equitable balance in the political affiliation of its members. The members of the Council shall elect a Chairman from among themselves. The members of the Council shall receive no compensation and shall not be Federal employees for any purpose. They shall be allowed travel expenses and per diem in lieu of subsistence as authorized by section 5703 of title 5, United States Code, for persons in the governmental service employed intermittently and receiving compensation on a per diem when actually employed basis.

(c) For the purposes of this section, funds may be reserved from the sums appropriated to carry out this Act, as directed by the Director of the Office of Management and Budget.

REPORTS

SEC. 13. The Secretary of Labor shall make such reports and recommendations to the President as he deems appropriate pertaining to manpower requirements, resources, use, and training, and his recommendations for the forthcoming fiscal year, and the President shall transmit to the Congress within sixty days after the beginning of each regular session a report pertaining to manpower requirements, resources, utilization, and training.

AUTHORITY TO CONTRACT AND EXPEND FUNDS

SEC. 14. The Secretary may make such grants, contracts, or agreements, establish such procedures (subject to such policies, rules, and regulations as he may prescribe), and make such payments, in installments and in advance or by way of reimbursement, or otherwise allocate or expend funds made available under this Act, as he may deem necessary to carry out the provisions of this Act, including (without regard to the provisions of section 4774(d) of title 10, United States Code) expenditures for construction, repairs, and capital improvements, and including necessary adjustments in payments on account of overpayments or underpayments. The Secretary may also withhold funds otherwise payable under this Act in order to recover any amounts expended in the current or immediately prior fiscal year in violation of any provision of this Act or any term or condition of assistance under this Act.

ACCEPTANCE OF GIFTS

SEC. 15. The Secretary is authorized, in carrying out his functions and responsibilities under this Act, to accept in the name of the Department, and employ or dispose of in furtherance of the purposes of this Act, or any title thereof, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise.

ACCEPTANCE OF VOLUNTARY SERVICES

SEC. 16. The Secretary is authorized, in carrying out his functions and responsibilities under this Act to accept voluntary and uncompensated services, notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

ACCEPTANCE OF FUNDS

SEC. 17. The Secretary is authorized to accept and utilize in carrying out the provisions of this Act funds appropriated to carry out other Federal statutes if such funds are utilized for the purposes for which they are specifically authorized and appropriated.

TRANSFER OF FUNDS

SEC. 18. Funds appropriated under the authority of this Act may be transferred, with the approval of the Director of the Office of Management and Budget, between departments and agencies of the Federal Government, if such funds are used for the purposes for which they are specifically authorized and appropriated.

UTILIZATION OF SERVICES AND FACILITIES

SEC. 19. In addition to such other authority as he may have, the Secretary is authorized, in carrying out his functions under this Act, to utilize, with their assent, the services and facilities of Federal agencies without reimbursement, and with the consent of any State or political subdivision of a State, accept and utilize the services and facilities of the agencies of such State or subdivision without reimbursement.

RENTAL, ALTERATION, AND IMPROVEMENT OF BUILDINGS

SEC. 20. The Secretary is authorized, in carrying out his functions under this Act, to expend funds without regard to any other law or regulations for rent of buildings and space in buildings and for repair, alteration, and improvement of buildings and space in buildings rented by him; but the Secretary shall not utilize the authority contained in this section—

(1) except when necessary to obtain an item, service, or facility, which is required in the proper administration of this Act, and which otherwise could not be obtained, or could not be obtained in the quantity or quality needed, or at the time, in the form, or under the conditions in which it is needed, and

(2) prior to having given written notification to the Administrator of General Services (if the exercise of such authority would affect an activity which otherwise would be under the jurisdiction of the General Services Administration) of his intention to exercise such authority, the item, service, or facility with respect to which such authority is proposed to be exercised, and the reasons and justifications for the exercise of such authority.

EXPENDITURES FOR PRINTING AND BINDING

SEC. 21. In addition to such other authority as he may have, the Secretary is authorized, in carrying out his functions under this Act, to expend funds made available for the purposes of this Act for such printing and binding as he determines necessary, without regard to any other law or regulation.

CRIMINAL PROVISIONS

SEC. 22. Title 18 of the United States Code is amended by adding a new section 665 to read as follows:

"THEFT OR EMBEZZLEMENT FROM MANPOWER FUNDS; IMPROPER INDUCEMENT

"SEC. 665. (a) Whoever, being an officer, director, agent, or employee of, or connected in any capacity with, any agency receiving financial assistance under the Employment and Training Opportunities Act of 1970 embezzles, willfully misapplies, steals, or obtains by fraud any of the moneys, funds, assets, or property which are the subject of a grant or contract of assistance pursuant to this Act shall be fined not more than $10,000 or imprisoned for not more than two years, or both; but if the amount so embezzled, misapplied, stolen, or obtained by fraud does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(b) Whoever, by threat of procuring dismissal of any person from employment or of refusal to employ or refusal to renew a contract of employment in connection with a grant or contract of assistance under the Employment and Training Opportunities Act of 1970 induces any person to give up any money or thing of any value to any person (including such grantee agency) shall be fined not more than $1,000, or imprisoned not more than one year, or both."

INTERSTATE AGREEMENTS

SEC. 23. In the event that compliance with provisions of this Act requires cooperation or agreements between States, the consent of Congress is hereby given to such States to enter into such compacts and agreements to facilitate such compliance, subject to the approval of the Secretary.

EFFECTIVE DATE

SEC. 24. The effective date of this Act, except as otherwise provided, shall be July 1, 1971. Rules, regulations, guidelines and other published interpretations or orders may be issued by the Secretary at any time after the date of enactment.

TITLE I—COMPREHENSIVE MANPOWER SERVICES

PROGRAM AUTHORIZED

SEC. 101. The Secretary of Labor shall develop and carry out a program of comprehensive manpower services under this title that will—

(1) provide for the prompt referral to suitable employment opportunities of persons who are seeking work, with special consideration for the placement of qualified individuals who are unemployed, unskilled, or underemployed;

(2) provide training and related manpower services to persons who are unemployed, in danger of becoming unemployed, employed in public service jobs, eligible to receive benefits under title IV of the Social Security Act, or employed in low-paying jobs who could through further training qualify for job opportunities that would provide an adequate standard of living for themselves and their families;

(3) provide appropriate training and related manpower services for persons in correctional institutions to assist them in obtaining suitable employment upon release;

(4) provide the maximum of employment counseling, placement and related services, and training and related manpower services for persons who have recently been or will shortly be separated from military service;

(5) develop an early warning system and standby capability that will assure a timely and adequate response to major economic dislocations arising from changing markets, rapid technological change, plant shutdowns, or business failure;

(6) promote and encourage the adoption of employment practices by public agencies, private agencies, labor organizations, and private firms that will remove unreasonable barriers to employment, without reducing productivity, and expand opportunities for upward mobility;

(7) reduce the level of youth unemployment by improving the linkages between educational institutions and job markets;

(8) support and encourage the development of broad and diversified training programs by public, non-profit, and private employers designed to improve the skills and thereby the promotion and employment opportunities of employed workers.

USES OF FUNDS

SEC. 102. The services for which funds under this title may be expended shall include but not be limited to the following:

(1) basic education, including literacy and communications skills, instruction courses in English language skills and, where appropriate, training programs conducted in languages other than English, which will assist individuals to become more employable or more suitable for participation in occupational training;

(2) outreach, counseling, testing, work evaluation and adjustment, work sampling, recruitment, placement, and followup services;

(3) orientation to work discipline and acclimation to the work situation;

(4) institutional and on-the-job occupational training, including training of employed workers for the purpose of upgrading their skills and improving the utilization of available manpower;

(5) supportive services, including health services, family planning, physical examinations, the furnishing of prosthetic devices, child care, bonding, and other special services, including residential support, deemed necessary for enhancing the employability of participants in programs assisted under this title;

(6) work experience for unemployed and disadvantaged individuals, including the performance of socially useful work in public and private agencies or organizations in the fields of health, family planning, public safety, education, transportation, recreation, maintenance of parks, streets, and other public facilities, solid waste removal, pollution control, housing and neighborhood improvements, rural development, conservation, beautification, and other fields of human betterment and community improvement, including the establishment, operation, or strengthening of any such program;

(7) part-time work for students in ninth through twelfth grades (and youths of equivalent ages) to assist them in remaining in or returning to school; and with such employment opportunities developed in consultation with educational agencies and institutions to enhance, to the extent feasible, the educational growth of such students;

(8) part-time and full-time work and manpower services for older persons who desire to enter or reenter the labor force;

(9) relocation assistance, including grants, loans, and the furnishing of such services as will aid an involuntarily unemployed individual to relocate in an area where he may obtain suitable employment;

(10) the development of job opportunities including activities designed to promote job restructuring and redesign for the purpose of providing more effective utilization of manpower;

(11) incentives to public or private employers including reimbursements for a limited period to the extent that an employee newly hired or being upgraded might not be fully productive;

(12) training for specialized or other personnel and technical assistance which is needed in connection with the programs established under this title or which otherwise pertain to the purposes of this title;

(13) the development of job opportunities through the establishment and operation of centers for low-income persons who are unemployed or underemployed, providing recruitment, counseling, remediation, vocational training, job development, job placement, and other appropriate services;

(14) training and experience in business management to enable individuals to secure and retain management opportunities or to establish their own business concerns; and

(15) such other services, consistent with the provisions of this Act, as the Secretary deems necessary.

ELIGIBLE APPLICANTS

SEC. 103. (a) To the extent consistent with the purposes of this title, the Secretary is authorized to enter into arrangements with any eligible applicant in accordance with the provisions of this title in order to make financial assistance available for the purpose of carrying out manpower services when the Secretary determines that such services can be most effectively implemented by such applicant.

(b) For the purpose of entering into arrangements with the Secretary under this title, eligible applicants shall be—

(1) prime sponsors designated pursuant to plans approved by the Secretary under section 104; and

(2) other public and private agencies, institutions, and organizations, including community action agencies.

PRIME SPONSORS

SEC. 104. (a) For the purposes of this title—

(1) any State; and

(2) any unit of general local government—

(A) which has a population of 75,000 or more persons on the basis of the most satisfactory current data available to the Secretary and (i) which is a city or (ii) which is a county or other unit of general local government which is determined by the Secretary, in accordance with such regulations as he shall prescribe, to have general governmental powers substantially similar to those of a city and to serve a substantial part of a functioning labor market area; or

(B) which has a population of less than 75,000 persons on the basis of the most satisfactory current data available to the Secretary and which has the largest population of any unit of general local government meeting the requirements of clause (i) or (ii) of subparagraph (2)(A) in a State; and

(3) any combination of units of general local government which covers a geographical area which has a population of 75,000 or more persons on the basis of the most satisfactory current data available to the Secretary and which is determined by the Secretary, in accordance with such regulations as he shall prescribe, to serve a substantial part of a functioning labor market area;

shall be eligible to be a prime sponsor of a comprehensive manpower services program in accordance with the provisions of this section.

(b) Any State or unit (or combination of units) of general local government which is eligible to be a prime sponsor under subsection (a) and which desires to be so designated in order to enter into arrangements with the Secretary under this title shall submit to the Secretary a prime sponsorship plan including provisions which evidence capability for carrying out a comprehensive manpower services plan in accordance with section 105(b) of this title and provisions for the establishment of a manpower services council which—

(1) provide that the chief executive officer or officers of the unit or units of government establishing such council shall appoint the members of the council and shall designate one member to be chairman;

(2) provide that the council shall include members who are representative of community action programs; other significant segments of the poverty community; the public employment service; education and training agencies and institutions, including vocational educational agencies and community postsecondary educational and training institutions; social service programs, including child care, environmental quality, health, family planning, recreation, vocational rehabilitation, and welfare agencies; industrial development organizations; apprenticeship programs; business; labor; and veterans organizations;

(3) provide that the chairman of the council shall, with the approval of the council, appoint a staff director who shall supervise professional, technical, and clerical staff serving the council;

(4) set forth procedures under which applications for financial assistance for any fiscal year will be submitted by the prime sponsor which shall be responsible for planning for and carrying out services for which financial assistance is provided under this title and under which appropriate arrangements may be made for the council's participation in planning and development, including initial preparation of such applications;

(5) set forth the council's plans for conducting on a continuing basis surveys and analyses of needs for manpower services in the area served by the council to be used in the development of applications for assistance under this title;

(6) set forth arrangements assuring that

community action agencies will be involved in the development of applications for financial assistance and in the implementation of programs assisted under this title;

(7) set forth the council's plans for evaluating the effectiveness of programs for which financial assistance is provided under this title; and

(8) describe the area to be served by the council.

(c) In any case in which a State has submitted a plan under this section to serve a geographical area under the jurisdiction of a unit (or combination of units) of general local government which is eligible under clause (2)(A) or (3) of subsection (a) and which has submitted a plan under this section meeting the requirements set forth in subsection (b), the Secretary shall approve the latter plan after carrying out the procedures set forth in subsection (d). When two or more units (or combination of units) of general local government each submit plans which include a common geographical area under their respective jurisdictions and which are consistent with the purposes of this title and meet the requirements set forth in subsection (b), the Secretary, in accordance with such regulations as he shall prescribe, shall approve for that geographical area the unit of general local government plan which he determines will most effectively carry out the purposes of this title.

(d) The Secretary shall not approve a prime sponsorship plan submitted under this section unless—

(1) the plan was submitted to the Secretary by such date as the Secretary shall prescribe by regulation, prior to the beginning of the fiscal year when such plan is to take effect, in order to provide a reasonable period of time for review in accordance with the provisions of this section;

(2) a copy of such plan has been submitted for comment thereon to the Governor of the appropriate State; the Governor has been provided such period of time, as the Secretary shall prescribe by regulation, after the copy of such plan was sent to him, during which time he may submit comments on such plan to the Secretary, a copy of which comments shall be sent to the plan applicant; and, if comments have been submitted by the Governor, such additional period of time, as the Secretary shall prescribe by regulation, has passed, during which time the Secretary shall, to the extent practicable, confer with and encourage the plan applicant to resolve any differences arising from such comments;

(3) in the case of a plan submitted by a State, satisfactory arrangements are set forth for serving all geographical areas under its jurisdiction except for areas for which a local prime sponsorship plan is approved under this section.

(e) In the event that a unit (or combination of units) of general local government eligible to be a prime sponsor under subsection (a) does not submit a plan meeting the requirements set forth in this section, a community action agency serving a geographical area under the jurisdiction of such unit may submit a prime sponsorship plan for that area.

(f) Except as provided in subsections (c) and (d), the Secretary may approve any prime sponsorship plan submitted under this section if it is consistent with the provisions of this title. A plan submitted under this section may be disapproved or a prior designation of a prime sponsor may be withdrawn only if the Secretary, in accordance with regulations which he shall prescribe, has provided—

(1) written notice of intention to disapprove such plan, including a statement of the reasons therefor;

(2) for a reasonable time to submit corrective amendments to such plan; and

(3) an opportunity for a public hearing upon which basis an appeal to the Secretary may be taken as a right.

(g) For the purpose of making such payments as may be reasonably necessary to cover the staff and other administrative expenses of the councils established pursuant to subsection (b) and to support other planning and evaluation activities of prime sponsors, the Secretary shall reserve not less than 1 per centum of the amounts available for title I to be allocated in the same manner as set forth in section 108 and 1 per centum of the amounts available for title II to be allocated in the same manner as set forth in section 206.

APPLICATIONS

SEC. 105. (a) Financial assistance under this title may be provided by the Secretary for any fiscal year only pursuant to an application which is submitted by an eligible applicant and which is approved by the Secretary in accordance with the provisions of this title. Any such application shall set forth—

(1) a description of the services for which such financial assistance will be used;

(2) assurances that the services for which assistance is sought under this title will be administered by or under the supervision of the applicant, identifying any agency or agencies designated to carry out such services under such supervision;

(3) any arrangements made for services to be performed, on a reimbursable basis or otherwise, with the public employment service or any other public or private agency, institution, or organization;

(4) a description of the areas to be assisted by such programs, including data indicating the number of potential eligible participants, and their income and employment status;

(5) assurances, pursuant to regulations which the Secretary shall prescribe, that in providing training and employment opportunities among eligible persons special consideration will be given to individuals who are heads of households; and

(6) such other assurances, arrangements, and conditions, consistent with the provisions of this Act, as the Secretary deems necessary, in accordance with such regulations as he shall prescribe.

(b) An application submitted by a prime sponsor for financial assistance for any fiscal year shall set forth, in addition to the requirements set forth in subsection (a), a comprehensive manpower services plan for that fiscal year which shall include provisions for—

(1) coordinated and comprehensive assistance to those individuals requiring manpower and manpower-related services in order to achieve their full economic and occupational potential, effectively serving on an equitable basis the significant segments in that population;

(2) increased occupational opportunities and work experience for eligible individuals;

(3) intensified efforts to relieve skills shortages;

(4) effective utilization of manpower in our economy;

(5) appropriate arrangements with community action agencies, and, to the extent appropriate, with other community-based organizations serving the poverty community, for their participation in the conduct of programs for which financial assistance is provided under this title;

(6) utilizing, wherever feasible, those services and facilities which are available, with or without reimbursement of the reasonable cost, from Federal, State, and local agencies, including but not limited to the State employment service, State vocational education and vocational rehabilitation agencies, area skills centers, local educational agencies, postsecondary training and education institutions, and community action agencies, but nothing contained herein shall be construed to limit the utilization of services and facilities of private agencies, institutions and organizations (such as private businesses, labor organizations, private employment agencies, and private educational and vocational institutions) which can, at comparable cost, provide substantially equivalent training or services or otherwise aid in reducing more quickly unemployment or current and prospective manpower shortages;

(7) long-term projections of requirements for manpower and manpower-related services, and planning for meeting such requirements, in the area served by the prime sponsor;

(8) evaluating the effectiveness of programs for which financial assistance is provided under this title in achieving the objectives of such programs; and

(9) arrangements in the area served by the prime sponsor for the conduct of services for which financial assistance is provided under programs administered by the Secretary of Labor relating to manpower and manpower-related services.

APPROVAL OF APPLICATIONS

SEC. 106. (a) An application, or modification or amendment thereof, for financial assistance under this title, may be approved only if the Secretary determines that—

(1) the application is consistent with the purposes of this title;

(2) the application meets the requirements set forth in section 105;

(3) an opportunity has been provided to the community action agency in the area to be served to submit comments with respect to the application to the applicant and to the Secretary;

(4) an opportunity has been provided to the Governor of the State to submit comments with respect to the application to the applicant and to the Secretary;

(5) an opportunity has been provided to officials of the appropriate units of general local government to submit comments with respect to the application to the applicant and to the Secretary;

(6) the approvable request for funds does not exceed 90 per centum of the cost of carrying out the program proposed in such application, unless the Secretary determines that special circumstances or other provisions of law warrant the waiver of this requirement.

(b) If any unit of general local government or any community action agency submits to the Secretary a written statement and supporting reasons alleging that, with respect to the area served by such unit or by such community action agency, the prime sponsor is not complying with the requirements for a comprehensive manpower services plan under section 105(b) and giving its reasons for the allegation, the Secretary shall, in accordance with regulations he shall prescribe, promptly make a decision on the allegation, after providing the prime sponsor with a copy of the written statement and with a reasonable opportunity to respond in writing and holding such conferences and hearings as he deems appropriate. The Secretary shall transmit to all interested parties a written statement of his decision, including his findings and supporting reasons. Until he makes such decision, the Secretary shall not approve a prime sponsor's pending application for financial assistance under this Act to the extent that such application relates to the matter under contention. If the Secretary determines that the requirements of section 105(b) will not be complied with, then he shall enter into direct arrangements with the appropriate unit of general local government or the appropriate community action agency or any other public or private agency with respect

to those programs involved, and funds which would otherwise be available to the prime sponsor for such programs shall be made available through such direct arrangements.

CONCURRENCE OF OTHER AGENCIES

SEC. 107. (a) The Secretary of Labor shall not issue rules, regulations, standards of performance, or guidelines with respect to assistance for services of a health, education, or welfare character under this title and he shall not provide financial assistance for services of a health, education, or welfare character under this title unless he shall have first obtained the concurrence of the Secretary of Health, Education, and Welfare. Such services include but are not limited to basic or general education; educational programs conducted in correctional institutions; institutional training; health, family planning, child care, and other supportive services; and new careers and job restructuring in the health, education, and welfare professions.

(b) The Secretary of Labor shall not issue rules, regulations, standards of performance, or guidelines relating to the participation of community action agencies and other community-based organizations serving the poverty community under this Act unless he shall have first obtained the concurrence of the Director of the Office of Economic Opportunity.

ALLOCATIONS

SEC. 108. (a) The amounts available for any fiscal year for this title which are not otherwise reserved in accordance with this Act shall be allocated in such a manner that of such amounts—

(1)(A) not more than 5 per centum shall be available for financial assistance under subsection (c) of this section, and (B) not more than 5 per centum shall be available for financial assistance under subsection (d) of this section;

(2) not less than 75 per centum shall be apportioned among the States in the same proportions as the total number of persons in the labor force, of unemployed persons, and of persons heading low-income families and unrelated low-income persons, in such State bears to such total numbers, respectively, in the United States, but not less than $1,500,000 shall be apportioned to a State, except that not less than $150,000 each shall be apportioned to the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands; and

(3) the remainder shall be made available for such purposes under this title as the Secretary deems appropriate.

(b) The amount apportioned to each State under clause (2) of subsection (a) shall be apportioned among areas within each such State in such a manner that not less than 80 per centum thereof shall be apportioned in the same proportions as the total number of persons in the labor force, of unemployed persons, and of persons heading low-income families and unrelated low-income persons, in each such area bears to such total numbers, respectively, in the State.

(c) The amount available pursuant to clause (1)(A) of subsection (a) shall be available to the Secretary for the purpose of providing additional financial assistance as an incentive for the designation of prime sponsors for appropriate labor market areas or portions thereof. Financial assistance provided to any such prime sponsor may not exceed an amount equal to an additional 10 per centum of the financial assistance otherwise available to the areas so covered under subsection (b) of this section. The Secretary shall confer with units of general local government eligible to be prime sponsors in appropriate labor market areas and encourage such units to cooperate on an areawide basis to the maximum extent practicable.

(d) The amount available pursuant to clause (1)(B) of subsection (a) for the purposes of this subsection shall be available to the Secretary for the purpose of providing additional financial assistance as an incentive for the establishment by the prime sponsor of appropriate procedures for coordination and cooperation with agencies administering vocational education programs in the area to be served by any such sponsor. Financial assistance provided to any such prime sponsor may not exceed an amount equal to an additional 10 per centum of the financial assistance otherwise available to such prime sponsor under subsection (b) of this section. The Secretary, with the concurrence of the Secretary of Health, Education, and Welfare, shall establish criteria for the establishment of such procedures.

(e) The Secretary is authorized to make reallocations for such purposes under this title as he deems appropirate of the unobligated amount of any apportionment under subsections (a)(2) and (b) to the extent that the Secretary determines that it will not be required for the period for which such apportionment is available. No amounts apportioned under subsections (a)(2) and (b) for any fiscal year may be reallocated for any reason before the expiration of the ninth month of the fiscal year for which such funds were appropriated and unless the Secretary has provided fifteen days advance notice to the prime sponsor for such area of the proposed reallocation. Any funds reallocated under this subsection are not required to be apportioned in accordance with subsection (a)(2) or (b), and no revision in the apportionment of the funds not so reallocated shall be made because of such reallocations.

(f) As soon as practicable after funds are appropriated to carry out this Act for any fiscal year, the Secretary shall publish in the Federal Register the apportionments required by subsections (a)(2) and (b) of this section and the labor market areas described in subsection (c) of this section.

SPECIAL CONDITIONS

SEC. 109. The Secretary shall not provide financial assistance for any program under this title unless he determines, in accordance with such regulations as he shall prescribe, that—

(1) conditions of employment or training will be appropriate and reasonable in the light of such factors as the type of work, geographical region, and proficiency of the participant;

(2) appropriate standards for the health, safety, and other conditions applicable to the performance of work and training on any project are established and will be maintained;

(3) appropriate workmen's compensation protection will be provided to all participants;

(4) the program does not involve political activities;

(5) participants in the program will not be employed on the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship;

(6) the program will not result in the displacement of employed workers or impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

(7) persons shall not be referred for training in an occupation which requires less than two weeks of preemployment training unless there are immediate employment opportunities available in that occupation;

(8) funds will be used to supplement, to the extent practicable, the level of funds that would otherwise be made available from non-Federal sources for the purpose of planning and administration of programs within the scope of this title and not to supplant such other funds;

(9) the applicant will make such reports, in such form and containing such information as the Secretary may from time to time require, and will keep such records and afford such access thereto as the Secretary may find necessary to assure that funds are being expended in accordance with the provisions of this title.

ALLOWANCES AND COMPENSATION

SEC. 110. (a) The Secretary shall where appropriate provide for the payment of weekly allowances to individuals receiving services under this title. Such allowances shall be at a rate prescribed by the Secretary which, when added to amounts received by the trainee in the form of public assistance or unemployment compensation payments, shall approximate the minimum wage for a workweek of forty hours under section 6(a)(1) of the Fair Labor Standards Act of 1938 or, if higher, under the applicable State minimum wage law, or, where the trainee is being trained for particular employment, at a rate equal to 80 per centum of the weekly wage for such employment, whichever is greater. In prescribing allowances, the Secretary may allow additional sums for special circumstances such as exceptional expenses incurred by trainees, including but not limited to meal and travel allowances, or he may reduce such allowances by an amount reflecting the fair value of meals, lodging, or other necessaries furnished to the trainee. The Secretary shall take such action as may be necessary to insure that such persons receive no allowances with respect to periods during which they are failing to participate in such programs, training, or instruction as prescribed herein without good cause. Notwithstanding the preceding provisions of this subsection, the Secretary may, in accordance with such regulations as he shall prescribe, make such adjustments as he deems appropriate in allowances which would otherwise be payable under this Act, including but not limited to adjustments which take into account the amount of time per week spent by the individual participating in such programs and adjustments to reflect the special economic circumstances which exist in the area in which the program is to be carried on. Allowances shall not be paid for any course of training having a duration in excess of one hundred and four weeks.

(b) For purposes of subchapter I of chapter 81 of title 5, United States Code, any person receiving services under this title shall, under such circumstances and subject to such conditions and limitations as the Secretary shall by regulation prescribe, be considered an employee of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply, except that in computing compensation benefits for disability or death, the monthly pay of such a person shall be deemed to be his allowance for a month, if he is receiving one. Regulations prescribed by the Secretary under this subsection may include but are not limited to adjustments in the amount of compensation payable under this subsection to take into account entitlements to workmen's compensation under other applicable laws or arrangements.

TITLE II—PUBLIC SERVICE EMPLOYMENT

FINANCIAL ASSISTANCE

SEC. 201. The Secretary shall enter into arrangements with eligible applicants in accordance with the provisions of this title in order to make financial assistance available to public and private nonprofit agencies and institutions for the purpose of providing employment and related training and manpower services for unemployed and underemployed persons, with special con-

sideration for persons who have participated in manpower training programs for whom employment opportunities would not be otherwise immediately available, in jobs providing needed public services.

AUTHORIZATION

SEC. 202. In addition to the amounts authorized to be appropriated pursuant to section 3 for carrying out this Act, there are further authorized to be appropriated for the purpose of carrying out this title $750,000,000 for the fiscal year ending June 30, 1971, $1,000,000,000 for the fiscal year ending June 30, 1972, $1,250,000,000 for the fiscal year ending June 30, 1973, and $1,500,000,000 for the fiscal year ending June 30, 1974.

ELIGIBLE APPLICANTS

SEC. 203. For the purpose of entering into arrangements with the Secretary under this title, eligible applicants shall be—

(1) prime sponsors designated pursuant to plans approved by the Secretary under section 104; and

(2) other public and private nonprofit agencies and institutions (including community action agencies, local service companies, and public service agencies and institutions of the Federal Government).

APPLICATIONS

SEC. 204. (a) Financial assistance under this title may be provided by the Secretary for any fiscal year only pursuant to an application which is submitted by an eligible applicant and which is approved by the Secretary in accordance with the provisions of this title. Any such application shall set forth a public service employment program designed to provide employment and related training and manpower services for unemployed and underemployed persons, and persons who have participated in manpower training programs for whom employment opportunities would not be otherwise immediately available, in jobs providing needed public services in such fields as health, family planning, public safety, education, transportation, recreation, maintenance of parks, streets, and other public facilities, solid waste removal, pollution control, housing and neighborhood improvements, rural development, conservation, beautification, and other fields of human betterment and community improvement.

(b) An application for financial assistance for a public service employment program under this title shall include provisions setting forth—

(1) an estimate of the expected productivity of the public service positions to be filled;

(2) assurances that the activities and services for which assistance is sought under this title will be administered by or under the supervision of the applicant, identifying any agency or agencies designated to carry out such activities or services under such supervision;

(3) a description of the area to be served by such programs, and a plan for effectively serving on an equitable basis the significant segments of the population to be served, including data indicating the number of potential eligible participants and their income and employment status;

(4) assurances that special consideration will be given to the filling of jobs which provide sufficient prospects for advancement or suitable continued employment by providing complementary training and manpower services designed to (A) promote the advancement of participants to employment or training opportunities suitable to the individuals involved, whether in the public or private sector of the economy, (B) provide participants with skills for which there is an anticipated high demand, or (C) provide participants with self-development skills, but nothing contained in this paragraph shall be construed to preclude persons for whom the foregoing goals are not feasible or appropriate;

(5) a description of the methods to be used to recruit, select, and orient participants, including specific eligibility criteria, and programs to prepare the participants for their job responsibilities;

(6) a description of unmet public service needs and a statement of priorities among such needs;

(7) description of jobs to be filled, a listing of the major kinds of work to be performed and skills to be acquired, and the approximate duration of which participants would be assigned to such jobs;

(8) the wages or salaries to be paid participants and a comparison with the prevailing wages in the area for similar work;

(9) the education, training, and supportive services (including counseling, medical care, and family planning) which complement the work performed;

(10) appropriate arrangements for the integration of training activities conducted under this title with similar training activities conducted under title I of this Act where programs with the same training objectives are to be conducted under both titles by the same prime sponsor;

(11) the planning for and training of supervisory personnel in working with participants;

(12) a description of career opportunities and job advancement potentialities for participants;

(13) appropriate arrangements with community action agencies, and, to the extent appropriate, with other community-based organizations serving the poverty community, for their participation in the conduct of programs for which financial assistance is provided under this title;

(14) an indication of the full participation and maximum cooperation among local public officials, area residents, and representatives of private organizations in the development of the program and a description of their respective roles in the conduct and administration of the program;

(15) procedures pursuant to which participants, after one year and prior to the end of two years of employment in jobs providing public services under this title, will be interviewed and their employment and advancement prospects reviewed by an appropriate agency, as determined by the eligible applicant and the appropriate manpower services council; and in the event that any such participant and the reviewing agency find that the participant's current employment situation will not provide sufficient prospects for advancement or suitable continued employment, maximum efforts shall be made to locate employment or training opportunities providing such prospects, and the participant shall be offered appropriate assistance in securing placement in the opportunity which he chooses after appropriate counseling;

(16) assurance that public and private nonprofit agencies and institutions to whom financial assistance will be made available under this title will undertake analysis of job descriptions and a reevaluation of skill requirements at all levels of employment, including civil service requirements and practices relating thereto, in accordance with regulations promulgated by the Secretary; and

(17) such other assurances, arrangements, and conditions, consistent with the provisions of this Act, as the Secretary deems necessary, in accordance with such regulations as he shall prescribe.

APPROVAL OF APPLICATIONS

SEC. 205. An application, or modification or amendment thereof, for financial assistance under this title may be approved only if the Secretary determines that—

(1) the application is consistent with the purposes of this title;

(2) the application meets the requirements set forth in section 204;

(3) the public service positions to be financed will increase the productive capacity of the public services activities in which those positions are located;

(4) an opportunity has been provided to the community action agency in the area to be served to submit comments with respect to the application to the applicant and to the Secretary;

(5) an opportunity has been provided to the Governor of the State to submit comments with respect to the application to the applicant and to the Secretary;

(6) an opportunity has been provided to officials of the appropriate units of general local government to submit comments with respect to the application to the applicant and to the Secretary;

(7) the application has been reviewed by a panel of experts to which the application is referred in accordance with procedures established by regulation and is accompanied by the recommendation of the panel on the amount of funds requested in the application for which it finds adequate justification;

(8) the approvable request for funds does not exceed 80 per centum of the cost of carrying out the program proposed in such application, unless the Secretary determines that special circumstances or other provisions of law warrant the waiver of this requirement.

ALLOCATIONS

SEC. 206. (a) The amounts available for any fiscal year for this title which are not otherwise reserved in accordance with this Act shall be allocated in such a manner that of such amounts—

(1) not more than 5 per centum shall be available for financial assistance under subsection (c) of this section;

(2) not less than 80 per centum shall be apportioned among the States in the same proportions as the total number of unemployed persons, and of persons heading low-income families and unrelated low-income persons, in such State bears to such total numbers, respectively, but not less than $1,500,000 shall be apportioned to a State, except that not less than $150,000 each shall be apportioned to the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands; and

(3) the remainder shall be made available for such purposes under this title as the Secretary deems appropriate.

(b) The amount apportioned to each State under clause (2) of subsection (a) shall be apportioned among areas within each such State in such a manner that not less than 80 per centum thereof shall be apportioned in the same proportions as the local number of unemployed persons, and of persons heading low-income families and unrelated low-income persons, in each such area bears to such total numbers, respectively, in the State.

(c) The amount available pursuant to clause (1) of subsection (a) shall be available to the Secretary for the purpose of providing additional financial assistance as an incentive for the designation of prime sponsors for appropriate labor market areas or portions thereof. Financial assistance provided to any such prime sponsor may not exceed an amount equal to an additional 10 per centum of the financial assistance otherwise available to the area so covered under subsection (b) of this section. The Secretary shall confer with units of general local government eligible to be prime sponsors in appropriate labor market areas and encourage such units to cooperate on an areawide basis to the maximum extent practicable.

(d) The Secretary is authorized to make reallocations for such purposes under this

title as he deems appropriate of the unobligated amount of any apportionment under subsections (a)(2) and (b) to the extent that the Secretary determines that it will not be required for the period for which such apportionment is available. No amounts apportioned under subsections (a)(2) and (b) for any fiscal year may be reallocated for any reason before the expiration of the ninth month of the fiscal year for which such funds were appropriated and unless the Secretary has provided fifteen days advance notice to the prime sponsor for such area of the proposed reallocation. Any funds reallocated under this subsection are not required to be apportioned in accordance with subsection (a)(2) or (b), and no revision in the apportionments of the funds not so reallocated shall be made because of such reallocations.

(e) As soon as practicable after funds are appropriated to carry out this Act for any fiscal year, the Secretary shall publish in the Federal Register the apportionments required by subsections (a)(2) and (b) of this section and the labor market areas described in subsection (c) of this section.

DISASTER RELIEF

SEC. 207. With respect to any area designated by the President as a major disaster area, the Secretary is authorized to utilize such funds as may be necessary, which are available to him under section 206(a)(3) and (d), to make financial assistance available to eligible applicants to provide additional employment in carrying out public services needed in such area as a result of the disaster.

SPECIAL CONDITIONS

SEC. 208. (a) The Secretary shall not provide financial assistance for any program under this title unless he determines, in accordance with such regulations as he shall prescribe, that—

(1) no participant will be employed on projects involving political activities;

(2) participants in the program will not be employed on the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship;

(3) the program will result in an increase in employment opportunities over those which would otherwise be available and will not result in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of nonovertime work or wages or employment benefits), and will not impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

(4) wages paid to a participant shall be substantially equal to the highest of (A) the minimum wage which would be applicable to the employment under the Fair Labor Standards Act of 1938 if section 6(a)(1) of such Act applied to the participant and he were not exempt under section 13 thereof, (B) the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rate of wages in the area for similar work;

(5) the program will, to the maximum extent feasible, contribute to the occupational development or upward mobility of individual participants;

(6) all participants will be assured of adequate workmen's compensation, retirement, health insurance, unemployment insurance, and other employee benefits;

(7) the place of work provides employees with safe and healthful working conditions;

(8) every participant shall be advised, prior to entering upon employment, of his rights and benefits in connection with such employment.

(b) Programs approved under this title shall, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement, including civil service requirements which restrict employment opportunities for the disadvantaged.

(c) For programs which provide work and training related to physical improvements, special consideration shall be given to those improvements which will be substantially used by low-income persons and families or which will contribute substantially to amenities or facilities in urban or rural areas having high concentrations or proportions of low-income persons and families.

(d) Where a labor organization represents employees who are engaged in similar work in the same labor market area to that proposed to be performed under any program for which an application is submitted under this title, such organization shall be notified by the Secretary prior to the approval of such application.

(e) The Secretary shall prescribe regulations to assure that programs under this title have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, and other policies as may be necessary to promote the effective use of funds.

SPECIAL REPORT

SEC. 209. The Secretary shall transmit at least annually, as a part of the report required under section 12 of this Act, a detailed report setting forth the activities conducted under this title, including information on the extent to which participants in such activities subsequently secure and retain public or private employment or participate in training or employability development programs.

TITLE III—SPECIAL WORK AND TRAINING PROGRAMS

PART A—GENERAL PROVISIONS

EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 301. The Secretary shall establish criteria designed to achieve an equitable distribution of assistance among the States under this title. In developing such criteria as are appropriate for each part, he shall consider, among other relevant factors, the ratios of population, unemployment, and income levels. Of the sums available for any fiscal year for programs authorized under each such part, not more than 15 per centum shall be used within any one State.

LIMITATIONS ON FEDERAL ASSISTANCE

SEC. 302. Federal financial assistance to any program or activity carried out pursuant to this title shall not exceed 90 per centum of the cost of such program or activity, including costs of administration. The Secretary may, however, approve assistance in excess of that percentage if he determines, pursuant to regulations establishing objective criteria for such determinations, that is necessary in furtherance of the purposes of this part. Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, and services.

ADMINISTRATIVE REGULATIONS

SEC. 303. The Secretary shall prescribe regulations to assure that programs assisted under this title have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, availability of inservice training and technical assistance programs, and other policies as may be necessary to promote the effective use of funds.

PART B—SPECIAL WORK, TRAINING, AND CAREER DEVELOPMENT PROGRAMS

NEW CAREERS

SEC. 311. The Secretary shall carry out a special program to be known as "New Careers" which will provide unemployed or low-income persons with jobs leading to career opportunities, including new types of careers, in programs designed to improve the physical, social, economic, or cultural condition of the community or area served in fields of public service, including but not limited to health family planning, education, welfare, recreation, day care, neighborhood redevelopment and public safety, which provide maximum prospects for on-the-job training, promotion and advancement and continued employment without Federal assistance, which give promise of contributing to the broader adoption of new methods of structuring jobs and new methods of providing career ladder opportunities, and which provide opportunities for further occupational training to facilitate career advancement. In carrying out this section, the Secretary is authorized to (1) provide financial assistance to public or private nonprofit agencies to stimulate and support efforts to provide the unemployed with jobs and the low-income worker with greater career opportunity; and (2) provide financial and other assistance to insure the provision of supportive and followup services to supplement programs under this section including health services, family planning services, counseling, day care for children, transportation assistance, and other special services necessary to assist individuals to achieve success in these programs and in employment.

MAINSTEAM

SEC. 312. The Secretary shall carry out a special program to be known as "Mainstream" by providing financial assistance to public or private nonprofit agencies for the support of projects which involve work activities directed to the needs of those chronically unemployed poor who have poor employment prospects and are unable (because of age, physical condition, obsolete or inadequate skills, declining economic conditions, other causes of a lack of employment opportunity, or otherwise) to secure appropriate employment or training assistance under other programs. Such projects, in addition to other services provided, shall enable such persons to participate in projects for the betterment or beautification of the community or area served by the program, including but not limited to activities which will contribute to the management, conservation, or development of natural resources, recreational areas, Federal, State, and local government parks, highways, and other lands; the rehabilitation of housing; the improvement of public facilities; and the improvement and expansion of health, family planning, education, day care, and recreation services.

COMMUNITY ENVIRONMENT SERVICE

SEC. 313. The Secretary shall carry out a special program to be known as the "Community Environment Service" by providing financial assistance to public or private nonprofit agencies, especially programs sponsored by State, county, and city governments. Such programs may provide employment on a full-time or part-time basis for persons to help restore a livable environment in urban and rural areas, including restoration of housing and neighborhoods; the planning, development, and maintenance of parks and recreation areas and facilities in inner cities as well as roadside recreation projects; and sanitation and cleanup projects, including solid waste removal. Support may also be provided for the employment of environmental health aides in community health facilities, family planning clinics, and water and air pollution control programs. Community environment service programs shall be encouraged to involve volunteers from the community in environmental planning and action campaigns.

OPPORTUNITIES INDUSTRALIZATION CENTERS

SEC. 314. The Secretary shall make financial assistance available under this section for the establishment and operation of "Opportunities Industrialization Centers"

designed to provide comprehensive employment services and job opportunities for low-income persons who are unemployed or underemployed. Such services shall include recruitment, counseling, remediation, vocational training, job development, job placement, family planning, and other appropriate services. No funds shall be made available for any program under this section unless the Secretary determines that adequate provisions are made to assure that (1) the residents of the area to be served by such program are involved in the planning and operation of such center, and (2) the business community in the area to be served by such program is consulted in its development and operation. The Secretary shall give priority to any program authorized under this section serving residents of an inner-city area with substantial unemployment or underemployment.

UPGRADING PROGRAMS

SEC. 315. The Secretary shall enter into arrangements with public or private employers under the terms of which the employer undertakes to provide the necessary education and skill training to prepare employees for positions of greater skill, responsibility, and remuneration in the employ of such employer. Financial assistance under this section may be provided by the Secretary only pursuant to an application setting forth arrangements satisfactory to the Secretary, including assurances that—

(1) the position for which employees will be trained are positions that cannot with reasonable effort be filled by the employer with unemployed or underemployed workers already possessing such skills and willing to accept such employment;

(2) the selection of trainees shall be based upon merit, ability, and length of service, and that no person shall be selected as a trainee until such person has been in the employ of the employer for a period of not less than six months;

(3) the training content of the program is adequate, involves reasonable progression, and will result in the qualification of trainees for suitable employment in a recognized skill or occupation in the service of that employer and of other employers in the same industry;

(4) the training period is reasonable and consistent with periods customarily required for comparable training;

(5) adequate and safe facilities, and adequate personnel and records of attendance and progress are provided;

(6) successful completion of the employee's training program can reasonably be expected to result in an offer of employment in the employer's own enterprise in the occupation for which he will be trained at wage rates not less than those prevailing for the same or similar occupations in that industry;

(7) the training and placement of such employees is part of a program that can reasonably be expected to lead directly to the employment of an equivalent number of new employees in entry level employment; and

(8) the trainees are compensated by the employer at such rates, including periodic increases, as may be deemed reasonable under regulations issued by the Secretary, considering such factors as industry practice and trainee proficiency, and that in no event shall the wages or employment benefits of any trainee be less than those received by him immediately before his starting such training program.

JOBS FOR PROGRESS—OPERATION SER PROGRAMS

SEC. 316. The Secretary shall make financial assistance available under this section for the establishment and operation of "Jobs for Progress—Operation SER Programs" designed to provide comprehensive employment services and job opportunities for low income persons who are unemployed or underemployed. Such services shall include recruitment, counseling, remediation, vocational training, job development, job placement, and other appropriate services. No funds shall be made available for any program under this section unless the Secretary determines that adequate provisions are made to assure that (1) the residents of the area to be served by such program are involved in the planning and operation of such center, and (2) the business community in the area to be served by such program is consulted in its development and operation. The Secretary shall give priority to any program authorized under this section serving residents of an inner-city area with substantial unemployment or underemployment.

MANAGEMENT TRAINING PROGRAMS

SEC. 317. The Secretary, after consultation with the Secretary of Health, Education, and Welfare, the Secretary of Commerce, the Administrator of the Small Business Administration, and the Director of the Office of Economic Opportunity, shall carry out a special program under which education, training, and experience in business management are provided to enable individuals to secure and retain business management opportunities or to establish their own business concerns. In carrying out the provisions of this section, the Secretary is authorized to make grants to public agencies, including educational agencies, and to enter into contracts with private agencies and organizations. The Secretary shall obtain the prior concurrence of the Secretary of Health, Education, and Welfare with respect to any educational component of any program assisted under this section.

MANPOWER PROGRAMS IN CORRECTIONAL INSTITUTIONS

SEC. 318. (a) The Secretary of Labor is authorized to make grants to public agencies, including educational agencies, and to enter into contracts with private organizations for the establishment, conduct, and evaluation of projects and programs, including demonstration projects and programs, under which inmates of correctional institutions are provided with educational, vocational, rehabilitative, work experience (including offsite training), placement assistance, and other related counseling and supportive services sufficient to enable them to acquire relevant skills and to secure and retain meaningful employment after their confinement. The education and training components of such project and programs shall be agreed to by the Secretary of Health, Education, and Welfare. In the case of projects and programs to be conducted in Federal correctional institutions, prior concurrence shall be obtained from the Attorney General of the United States. The Secretary of Labor shall consult with State and local correctional and educational officials where appropriate.

(b) Special consideration shall be given to applications under this section for programs and projects which—

(1) provide for participation of representatives of industry and labor and other qualified persons from the private sector of the economy in the development of curriculum, and as instructors,

(2) provide for the use of modern equipment in any such program, and

(3) make provisions for the employment of persons confined in such institutions after their release.

(c) Programs and projects assisted under this section may include activities designed to test the effectiveness of pretrial or presentencing arrangements under which offenders awaiting trial or further hearings may receive manpower training in lieu of parole or confinement.

(d) Except as precluded by Federal, State, or local law, projects or programs assisted under this section may provide for the selection of persons confined in the correctional institutions as teacher aides in accordance with criteria prescribed by the Secretary.

(e) (1) The Secretary of Labor shall, with the concurrence of the Secretary of Health, Education, and Welfare, promulgate regulations and establish standards, including but not limited to standards or regulations designed to ensure that programs and projects assisted under this section will contain provisions for (A) the development of skills for which there is a demand on a local, regional, or other appropriate basis, and (B) adequate internal administrative controls, accounting requirements, personnel standards, and evaluation procedures.

(2) No Federal, State, or local correctional institution shall reduce the amount of funds previously available for education, training, work experience, and placement assistance by reason of assistance granted to inmates of such institutions by reason of this section.

(f) The Secretary of Labor is authorized to make arrangements for training, medical, and transportation allowances and bonding assistance as surety for financial loss where necessary to carry out the purposes of this section.

PART C—JOB CORPS

STATEMENT OF PURPOSES

SEC. 331. This part establishes a Job Corps for low-income, disadvantaged young men and women, sets forth standards and procedures for selecting individuals as enrollees in the Job Corps, authorizes the establishment of residential and nonresidential centers in which enrollees will participate in intensive programs of education, vocational training, work experience, counseling, and other activities, and prescribes various other powers, duties, and responsibilities incident to the operation and continuing development of the Job Corps. Its purpose is to assist young persons who need and can benefit from an unusually intensive program, operated in a group setting, to become more responsible, employable, and productive citizens, and to do so in a way that contributes, where feasible, to the development of national, State, and community resources, and to the development and dissemination of techniques for working with the disadvantaged that can be widely utilized by public and private institutions and agencies.

INDIVIDUALS ELIGIBLE FOR THE JOB CORPS

SEC. 332. To become an enrollee in the Job Corps, a young man or woman must be a person who has attained age fourteen but not attained age twenty-two at the time of enrollment and who—

(1) is a permanent resident of the United States or a native and citizen of Cuba who arrived in the United States from Cuba as a nonimmigrant or as a parolee subsequent to January 1, 1959, under the provisions of section 214(a) or 212(d)(5), respectively, or any person admitted as a conditional entrant under section 203(a)(7), of the Immigration and Nationality Act;

(2) is a low-income individual or member of a low-income family who requires additional education, training, or intensive counseling and related assistance in order to secure and hold meaningful employment, participate successful in regular schoolwork, qualify for other training programs suitable to his needs, or satisfy Armed Forces requirements;

(3) is currently living in an environment so characterized by cultural deprivation, a disruptive homelife, or other disorienting conditions as to substantially impair his prospects for successful participation in any other program providing needed training, education, or assistance;

(4) is determined, after careful screening as provided for in sections 332, and 333, to have the present capabilities and aspirations needed to complete and secure the full benefit of the program authorized in this part, and to be free of medical and behavioral problems so serious that he could not or would not be able to adjust to the standards of conduct and discipline or pattern of work and training which that program involves and

(5) meets such other standards for enrollment as the Secretary may prescribe (including special standards for the enrollment on a residential basis of fourteen- and fifteen-year olds) and agrees to comply with all applicable Job Corps rules and regulations.

SCREENING AND SELECTION OF APPLICANTS

SEC. 333. (a) The Secretary shall prescribe necessary rules for the screening and selection of applicants for enrollment in the Job Corps. To the extent practicable, these rules shall be implemented through arrangements which make use of agencies and organizations such as community action agencies, public employment offices, professional groups, and labor organizations. The rules shall establish specific standards and procedures for conducting, screening and selection activities; shall encourage recruitment through agencies and individuals having contact with youths over substantial periods of time and able, accordingly, to offer reliable information as to their needs and problems; and shall provide for necessary consultation with other individuals and organizations, including court, probation, parole, law enforcement, education, welfare, and medical authorities and advisers. They shall also provide for—

(1) the interviewing of each applicant for the purpose of—

(A) determining whether his educational and vocational needs can best be met through the Job Corps or any alternative program in his home community;

(B) obtaining from the applicant pertinent data relating to his background, needs, and interests for evaluation in determining his eligibility and potential assignment; and

(C) giving the applicant a full understanding of the Job Corps program and making clear what will be expected of him as an enrollee in the event of his acceptance.

(2) the conduct of a careful and systematic inquiry concerning the applicant's background for the effective development and, as appropriate, clarification of information concerning his age, citizenship, school, and draft status, health, employability, past behavior, family income, environment, and other matters related to a determination of his eligibility.

(b) The Secretary shall make no payments to any individual or organization solely as compensation for the service of referring the names of candidates for enrollment in the Job Corps.

(c) The Secretary shall take all necessary steps to assure that the enrollment of the Job Corps includes an appropriate number of candidates selected from rural areas, taking into account the proportion of eligible youth who reside in rural areas and the need to provide residential facilities for such youth in order to meet problems of wide geographic dispersion.

SPECIAL LIMITATIONS

SEC. 334. (a) No individual shall be selected as an enrollee unless it is determined that there is reasonable expectation that he can participate successfully in group situations and activities with other enrollees, that he is not likely to engage in actions or behavior that would prevent other enrollees from receiving the benefit of the program or be incompatible with the maintenance of sound discipline and satisfactory relationships between any center to which he might be assigned and surrounding communities, and that he manifests a basic understanding of both the rules to which he will be subject and of the consequences of failure to observe those rules. Before selecting an individual who has a history of serious and violent behavior against persons or property, repetitive delinquent acts, narcotics addiction, or other major behavioral aberrations, the Secretary shall obtain a finding from a professionally qualified person who knows such potential enrollee's individual situation that there is reasonable expectation that his conduct will not be inimical to the goals and success of the Job Corps and that the opportunity provided by the Job Corps will help him to overcome his problem.

(b) An individual who otherwise qualifies for enrollment may be selected even though he is on probation or parole, but only if his release from the immediate supervision of the cognizant probation or parole officials is mutually satisfactory to those officials and the Secretary and does not violate applicable laws or regulations, and if the Secretary has arranged to provide all supervision of the individual and all reports to State or other authorities that may be necessary to comply with applicable probation or parole requirements.

ENROLLMENT AND ASSIGNMENT

SEC. 335. (a) No individual may be enrolled in the Job Corps for more than two years, except as the Secretary may authorize in special cases.

(b) Enrollment in the Job Corps shall not relieve any individual of obligations under the Selective Service Act of 1967 (50 U.S.C. App. 451 et seq.).

(c) Each enrollee (other than a native and citizen of Cuba who arrived in the United States from Cuba as a nonimmigrant or as a parolee subsequent to January 1, 1959, under the provisions of section 214(a) or 212(d) (5), respectively, or any person admitted as a conditional entrant under section 203(a)(7), of the Immigration and Nationality Act, or a permanent resident of the Trust Territory of the Pacific Islands) must take and subscribe to an oath or affirmation in the following form: "I do solemnly swear (or affirm) that I bear true faith and allegiance to the United States of America and will support and defend the Constitution and laws of the United States against all its enemies, foreign and domestic." The provisions of section 1001 of title 18, United States Code, shall be applicable to this oath or affirmation.

(d) After the Secretary has determined whether an enrollee is to be assigned to a men's training center, a conservation center, or a women's training center, the center to which he shall be assigned shall be that center of the appropriate type in which a vacancy exists which is closest to the enrollee's home, except that the Secretary, on an individual basis, may waive this requirement when overriding considerations justify such action. Assignments to centers in areas more remote from the enrollee's home shall be carefully limited to situations in which such action is necessary in order to insure an equitable opportunity for disadvantaged youth from various sections of the country to participate in the program, to prevent undue delays in the assignment of individual enrollees, to provide an assignment which adequately meets the educational or other needs of the enrollee or is necessary for efficiency and economy in the operation of the program.

(e) Assignments of male enrollees shall be made so that, at any one time, at least 40 per centum of those enrollees are assigned to conservation centers as described in section 336, or to other centers or projects where their work activity is primarily directed to the conservation, development, or management of public natural resources or recreational areas.

JOB CORPS CENTER

SEC. 336. (a) The Secretary may make agreements with Federal, State, or local agencies, or private organizations for the establishment and operation of Job Corps centers. These centers may be residential or nonresidential in character and shall be designed and operated so as to provide enrollees, in a well-supervised setting, with education, vocational training, work experience (either in direct program activities or through arrangements with employers), counseling, and other services (including family planning services) appropriate to their needs. The centers shall include conservation centers, to be known as Civilian Conservation Centers, to be located primarily in rural areas and to provide, in addition to other training and assistance, programs of work experience focused upon activities to conserve, develop, or manage public natural resources or public recreational areas or to assist in developing community projects in the public interest. They shall also include men's and women's training centers to be located in either urban or rural areas and to provide activities which shall include training and other service appropriate for enrollees who can be expected to participate successfully in training for specific types of skilled or semiskilled employment.

(b) To the extent feasible, men's and women's training centers shall offer education and vocational training opportunities, together with supportive services, on a nonresidential basis to participants in programs under other provisions of this Act. Such opportunities may be offered on a reimbursable basis or through such other arrangeemnts as the Secretary may specify.

PROGRAM ACTIVITIES

SEC. 337. (a) Each Job Corps center shall be operated so as to provide enrollees with an intensive, well-organized, and fully supervised program of education, vocational training, work experience, planned avocational and recreational activities, physical rehabilitation and development, and counseling. To the fullest extent feasible, the required program for each enrollee shall include activities designed to assist him in choosing realistic career goals, coping with problems he may encounter in his home community or in adjusting to a new community, and planning and managing his daily affairs in a manner that will best contribute to long-term upward mobility. Center programs shall include required participation in center maintenance support and related work activity as appropriate to assist enrollees in increasing their sense of contribution, responsibility, and discipline.

(b) To the extent practicable, the Secretary may arrange for enrollee education and vocational training through local public or private educational agencies, vocational educational institutions, or technical institutes where these institutions or institutes can provide training comparable in cost and substantially equivalent in quality to that which he could provide through other means.

(c) Arrangements for education shall, to the extent feasible, provide opportunities for qualified enrollees to obtain the equivalent of a certificate of graduation from secondary school; and the Secretary of Labor, with the concurrence of the Secretary of Health, Education, and Welfare, shall develop certificates to be issued to enrollees who have satisfactorily completed their services in the Job Corps and which will reflect the enrollee's level of educational attainment.

(d) The Secretary shall prescribe regulations to assure that Job Corps work-experience programs or activities do not displace presently employed workers or impair existing contracts for service and will be coordinated with other work-experience programs in the community.

ALLOWANCES AND SUPPORT

SEC. 338. (a) The Secretary may provide enrollees with such personal, travel, and leave allowances, and such quarters, subsistence, transportation, equipment, clothing, recreational services, and other expenses as he may deem necessary or appropriate to their needs. Personal allowances shall be established at a rate not to exceed $50 per month during the first six months of an enrollee's participation in the program and not to exceed $75 per month thereafter, except that allowances in excess of $50 per month, but not exceeding $75 per month, may be provided from the beginning of an enrollee's participation if it is expected to be of less than six months' duration and the Secretary is authorized to pay personal allowances in excess of the rates specified herein in unusual circumstances as determined by him. Such allowances shall be graduated up to the maximum so as to encourage continued participation in the program, achievement and the best use by the enrollee of the funds so provided and shall be subject to reduction in appropriate cases as a disciplinary measure. Enrollees shall be required to a reasonable degree to meet or contribute to costs associated with their individual comfort and enjoyment from their personal allowances.

(b) The Secretary shall prescribe specific rules governing the accrual of leave by enrollees. Except in the case of emergency, he shall in no event assume transportation costs connected with leave of any enrollee who has not completed at least six months' service in the Job Corps.

(c) The Secretary may provide each former enrollee, upon termination, a readjustment allowance at a rate not to exceed $50 for each month of satisfactory participation in the Job Corps. No enrollee shall be entitled to a readjustment allowance, however, unless he has remained in the program at least ninety days, except in unusual circumstances as determined by the Secretary. The Secretary may, from time to time, advance to or on behalf of an enrollee such portions of his readjustment allowance as the Secretary deems necessary to meet extraordinary financial obligations incurred by that enrollee; and he may also, pursuant to rules or regulations, reduce the amount of an enrollee's readjustment allowance as a penalty for misconduct during participation in the Job Corps. In the event of an enrollee's death during his period of service, the amount of any unpaid readjustment allowance shall be paid in accordance with the provisions of section 5582 of title 5, United States Code.

(d) Under such circumstances as the Secretary may determine, a portion of the readjustment allowance of an enrollee not exceeding $25 for each month of satisfactory service may be paid during the period of service of the enrollee directly to a spouse or child of an enrollee or to any other relative who draws substantial support from the enrollee, and any sum so paid shall be supplemented by the payment of an equal amount by the Secretary.

STANDARDS OF CONDUCT

SEC. 339. (a) Within Job Corps centers, standards of conduct and deportment shall be provided and stringently enforced. In the case of violations committed by enrollees, dismissals from the Corps or transfers to other locations shall be made in every instance where it is determined that retention in the Corps, or in the particular Job Corps center, will jeopardize the enforcement of such standards of conduct and deportment or diminish the opportunity of other enrollees.

(b) In order to promote the proper moral and disciplinary conditions in the Job Corps, the individual directors of Job Corps centers shall be given full authority to take appropriate disciplinary measures against enrollees including, but not limited to, dismissal from the Job Corps, subject to expeditious appeal procedures to higher authority, as provided under regulations set by the Secretary.

COMMUNITY PARTICIPATION

SEC. 340. The Secretary shall encourage and shall cooperate in activities designed to establish a mutually beneficial relationship between Job Corps centers and surrounding or nearby communities. These activities shall include the establishment of community advisory councils to provide a mechanism for joint discussion of common problems and for planning programs of mutual interest. Whenever possible, such advisory councils shall be formed by and coordinated under the local community action agency. Youth participation in advisory council affairs shall be encouraged and where feasible separate youth councils may be established, to be composed of representative enrollees and representative young people from the communities. The Secretary shall establish necessary rules and take necessary action to assure that each center is operated in a manner consistent with this section with a view to achieving, so far as possible, objectives which shall include: (1) giving community officials appropriate advance notice of change in center rules, procedures, or activities that may affect or be of interest to the community; (2) affording the community a meaningful voice in center affairs of direct concern to it, including policies governing the issuance and terms of passes to enrollees; (3) providing center officials with full and rapid access to relevant community groups and agencies, including law enforcement agencies and agencies which work with young people in the community; (4) encouraging the fullest practicable participation of enrollees in programs or projects for community improvement or betterment, with adequate advance consultation with business, labor, professional, and other interested community groups and organizations; (5) arranging recreational, athletic, or similar events in which enrollees and local residents may participate together; (6) providing community residents with opportunities to work with enrollees directly, as part-time instructors, tutors, or advisers, either in the center or in the community; (7) developing, where feasible, job or career opportunities for enrollees in the community; and (8) promoting interchanges of information and techniques among, and cooperative projects involving the center and community schools, educational institutions, and agencies serving young people.

COUNSELING AND JOB PLACEMENT

SEC. 341. (a) The Secretary shall provide for the counseling and testing of each enrollee at regular intervals to follow his progress in educational and vocational programs.

(b) The Secretary shall counsel and test each enrollee prior to his scheduled termination to determine his capabilities and shall seek to place him in a job in the vocation for which he is trained and in which he is likely to succeed, or shall assist him in attaining further training or education. In placing enrollees in jobs, the Secretary shall utilize the United States Employment Service to the fullest extent possible.

(c) The Secretary shall make arrangements to determine the status and progress of former enrollees and to assure that their needs for further education, training, and counseling may be met.

(d) Upon termination of an enrollee's training, a copy of his pertinent records, including data derived from his counseling and testing, other than confidential information, shall be made available immediately to the Department of Labor.

(e) The Secretary shall, to the extent feasible, arrange for the readjustment allowance, provided for in section 338(c) of this Act, less any sums already paid pursuant to 338(d), to be paid to former enrollees (who have not already found employment) at the public employment service office nearest the home of any such former enrollee, if he is returning to his home, or at the nearest such office to the community in which the former enrollee has indicated an intent to reside. The Secretary of Labor shall make arrangements by which public employment service officers will maintain records regarding former enrollees who are thus paid at such offices including information as to—

(1) the number of former enrollees who have declined the office's help in finding a job;

(2) the number who were successfully placed in jobs without further education or training;

(3) the number who were found to require further training before being placed in jobs and the types of training programs in which they participated; and

(4) the number who were found to require further remedial or basic education in order to qualify for training programs, together with information as to the types of programs for which such former enrollees were found unqualified for enrollment.

If the Secretary deems it advisable to utilize the services of any other public or private organization or agency in lieu of the public employment office, he shall arrange for that organization or agency to make the payment of the readjustment allowance and maintain the same types of records regarding former enrollees as are herein specified for maintenance by public employment service offices, and shall furnish copies of such records to the Secretary. In the case of enrollees who are placed in jobs by the Secretary prior to the termination of their participation in the Job Corps, the Secretary shall maintain records providing pertinent placement and follow-up information.

EVALUATION: EXPERIMENTAL AND DEVELOPMENTAL PROJECTS

SEC. 342. (a) The Secretary shall provide for the careful and systematic evaluation of the Job Corps program, directly or by contracting for independent evaluations, with a view to measuring specific benefits, so far as practicable, and providing information needed to assess the effectiveness of program procedures, policies, and methods of operation. In particular, this evaluation shall seek to determine the costs and benefits resulting from the use of residential as opposed to nonresidential facilities, from the use of facilities combining residential and nonresidential components from the use of centers with large as opposed to small enrollments, and from the use of different types of program sponsors, including public agencies, institutions of higher education, boards of education, and private corporations. The evaluation shall also include comparisons with proper control groups composed of persons who have not participated in the program. In carrying out such evaluations, the Secretary shall arrange for obtaining the opinions of participants about the strengths and weaknesses of the program and shall consult with other agencies and officials in order to compare the relative effectiveness of Job Corps techniques with those used in other programs, and shall endeavor to secure, through employers, schools, or other Government and private agencies specific information concerning the residence of former enrollees, their employment status, compensation, and success in adjusting to community life. He shall also secure, to the extent feasible, similar information directly from enrollees at appropriate intervals following their completion of the Job Corps program.

(b) The Secretary may undertake or make grants or contracts for experimental, research, or demonstration projects designed to develop and test ways of securing the better use of facilities, of encouraging a more

rapid adjustment of enrollees to community life that will permit a reduction in the period of their enrollment, of reducing transportation and support costs, or of otherwise promoting greater efficiency and effectiveness in the program authorized under this part. These projects shall include one or more projects providing youths with education, training, and other supportive services on a combined residential and nonresidential basis. The Secretary may, if he deems it advisable, undertake one or more pilot projects designed to involve youth who have a history of serious and violent behavior against persons or property, repetitive delinquent acts, narcotics addiction, or other behavioral aberrations. Projects under this subsection shall be developed after appropriate consultation with other Federal or State agencies conducting similar or related programs or projects and with the prime sponsors, as described in title I of this Act, in the communities where the projects will be carried out. They may be undertaken jointly with agencies conducting other Federal or federally assisted programs, and funds otherwise available for activities under such programs shall, with the consent of the head of any agency concerned, be available for projects under this section to the extent they include the same or substantially similar activities. The Secretary may waive any provision of this title which he finds would prevent the carrying out of elements or projects under this subsection essential to a determination of their feasibility and usefulness. He shall report to the Congress concerning the actions taken under this section, including a full description of progress made in connection with combined residential and nonresidential projects.

ADVISORY COMMITTEES AND BOARDS

SEC. 343. The Secretary shall make use of advisory committees or boards in connection with the operation of the Job Corps, and the operation of Job Corps centers, whenever he determines that the availability of outside advice and counsel on a regular basis would be of substantial benefit in identifying and overcoming problems, in planning program or center development, or in strengthening relationship between the Job Corps and agencies, institutions, or groups engaged in related activities.

PARTICIPATION OF THE STATES

SEC. 344. (a) The Secretary shall take necessary action to facilitate the effective participation of States in the Job Corps program, including, but not limited to, consultation with appropriate State agencies on matters pertaining to the enforcement of applicable State laws, standards of enrollee conduct and discipline, the development of meaningful work experience and other activities for enrollees, and coordination with State-operated programs.

(b) The Secretary may enter into agreements with State or local prime sponsors with prime sponsorship plans approved under title I of this Act to assist in the operation or administration of programs which carry out the purpose of this part. The Secretary may, pursuant to regulations, pay part or all of the operative or administrative costs of such programs.

(c) No Job Corps center or other similar facility designed to carry out the purpose of this part shall be established within a State unless a plan setting forth such proposed establishment has been submitted to the Governor, and such plan has not been disapproved by him within thirty days of such submission.

APPLICATION OF PROVISIONS OF FEDERAL LAW

SEC. 345. (a) Except as otherwise specifically provided in the following paragraphs of this subsection, enrollees in the Job Corps shall not be considered Federal employees and shall not be subject to the provisions of law relating to Federal employment including those regarding hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits:

(1) For purposes of the Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.) and title II of the Social Security Act (42 U.S.C. 401 et seq.), enrollees shall be deemed employees of the United States and any service performed by an individual as an enrollee shall be deemed to be performed in the employ of the United States.

(2) For purposes of subchapter I of chapter 81 of title 5 of the United States Code (relating to compensation to Federal employees for work injuries), enrollees shall be deemed civil employees of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply except as follows:

(A) The term "performance of duty" shall not include any act of an enrollee while absent from his or her assigned post of duty, except while participating in an activity (including an activity while on pass or during travel to or from such post of duty) authorized by or under the direction and supervision of the Job Corps;

(B) In computing compensation benefits for disability or death, the monthly pay of an enrollee shall be deemed that received under the entrance salary for a grade GS–2 employee, and sections 8113 (a) and (b) of title 5, United States Code, shall apply to enrollees; and

(C) Compensation for disability shall not begin to accrue until the day following the date on which the injured enrollee is terminated.

(3) For purposes of the Federal tort claims provisions in title 28, United States Code, enrollees shall be considered employees of the Government.

(b) When the Secretary finds a claim for damage to persons or property resulting from the operation of the Job Corps to be a proper charge against the United States, and it is not cognizable under section 2672 of title 28, United States Code, he may adjust and settle it in an amount not exceeding $500.

(c) Personnel of the uniformed services who are detailed or assigned to duty in the performance of agreements made by the Secretary for the support of the Job Corps shall not be counted in computing strength under any law limiting the strength of such services or in computing the percentage authorized by law for any grade therein.

SPECIAL LIMITATIONS

SEC. 346. (a) The Secretary shall take necessary action to assure that for any fiscal year the direct operating costs of Job Corps centers which have been in operation for more than nine months do not exceed $6,900 per enrollee.

(b) The Secretary shall take necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds in the course of the operation of any conservation or training center shall become the property of the United States.

POLITICAL DISCRIMINATION AND POLITICAL ACTIVITY

SEC. 347. (a) No officer or employee of the executive branch of the Federal Government shall make any inquiry concerning the political affiliation or beliefs of any enrollee or applicant for enrollment in the Job Corps. All disclosures concerning such matters shall be ignored, except as to such membership in political parties or organizations as constitutes by law a disqualification for Government employment. No discrimination shall be exercised, threatened, or promised by any person in the executive branch of the Federal Government against or in favor of any enrollee in the Job Corps, or any applicant for enrollment in the Job Corps because of his political affiliation or beliefs, except as may be specifically authorized or required by law.

(b) No officer, employee, or enrollee of the Job Corps shall take any active part in political management or in political campaigns, except as may be provided by or pursuant to statute, and no such officer, employee, or enrollee shall use his official position or influence for the purpose of interfering with an election or affecting the result thereof. All such persons shall retain the right to vote as they may choose and to express, in their private capacities, their opinions on all political subjects and candidates. Any officer, employee, enrollee, or Federal employee who solicits funds for political purposes from members of the Corps shall be in violation of section 602 of title 18, United States Code.

(c) Whenever the United States Civil Service Commission finds that any person has violated the foregoing provisions, it shall, after giving due notice and opportunity for explanation to the officer or employee or enrollee concerned, certify the facts to the Secretary with specific instructions as to discipline or dismissal or other corrective actions.

PART D—NEIGHBORHOOD YOUTH PROGRAMS

PROGRAMS ANTHORIZED

SEC. 351. (a) The Secretary shall provide financial assistance to public and private agencies serving urban and rural areas to carry out—

(1) programs to provide part-time employment, on-the-job training, and useful work experience for students from low-income families who are in the ninth through twelfth grades of school (or are of an age equivalent to that of students in such grades) and who are in need of the earnings to permit them to resume or maintain attendance in school;

(2) programs to provide unemployed, underemployed, or low-income persons (aged sixteen and over) with useful work and training (which must include sufficient basic education and institutional or on-the-job training) designed to assist those persons to develop their maximum occupational potential and to obtain regular competitive employment;

(3) programs to provide job and recreation opportunities for young persons during the summer months.

(b) In addition to the amounts authorized to be appropriated pursuant to section 3 for carrying out this Act, there are further authorized to be appropriated such additional amounts as the Congress may determine to be necessary for carrying out section 351 (a) (3).

SPECIAL CONDITIONS

SEC. 352. (a) The Secretary shall not provide financial assistance for any program under this part unless he determines, in accordance with such regulations as he may prescribe, that—

(1) no participant will be employed on projects involving political activities, or the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship;

(2) the program will not result in the displacement of employed workers or impair existing contracts for services, or result in the substitution of Federal or other funds in connection with work that would otherwise be performed;

(3) the rates of pay for time spent in work-training and education, and other conditions of employment, will be appropriate and reasonable in the light of such factors as the type of work, geographical region, and proficiency of the participant; and

(4) the program will, to the maximum extent feasible, contribute to the occupational development or upward mobility of individual participants.

(b) For programs which provide work and

training related to physical improvements, preference shall be given to those improvements which will be substantially used by low-income persons and families or which will contribute substantially to amenities or facilities in urban or rural areas having high concentrations or proportions of low-income persons and families.

(c) Programs approved under this part shall, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement.

(d) Programs under this part shall provide for maximum feasible use of resources under other Federal programs for work and training and the resources of the private sector.

(e) In the case of a program under section 351(a)(1), the Secretary shall not limit the number or percentage of participants in the program who are fourteen or fifteen years of age. In the case of a program under section 351(a)(2), the Secretary shall not limit the number or percentage of participants in any age group under twenty-two years of age, and the Secretary shall not limit the number of hours which participants may spend in work and on-the-job training to less than 80 per centum of the number of hours per week spent in the program, and allowances for such work and on-the-job training shall not be less than the minimum wage specified in section 6(a)(1) of the Fair Labor Standards Act of 1938.

PROGRAM PARTICIPANTS

SEC. 353. Participants in programs under this part must be unemployed or low-income persons. The Secretary, in consultation with the Social Security Administrator, shall establish criteria for low income, taking into consideration family size, urban-rural and farm-nonfarm differences, and other relevant factors.

TITLE IV—SPECIAL FEDERAL RESPONSIBILITIES

PART A—MANPOWER RESEARCH AND DEVELOPMENT

RESEARCH AND DEVELOPMENT

SEC. 401. (a) To assist the Nation in expanding work opportunities and assuring access to those opportunities for all who desire it, the Secretary shall establish a comprehensive program of manpower research utilizing the methods, techniques, and knowledge of the behavioral and social sciences and such other methods, techniques, and knowledge as will aid in the solution of the Nation's manpower problems. This program will include, but not be limited to, studies, the findings of which may contribute to the formulation of manpower policy; development or improvement of manpower programs; increased knowledge about labor market processes; reduction of unemployment and its relationships to price stability; promotion of more effective manpower development, training, and utilization; improved national, regional, and local means of measuring future labor demand and supply; enhancement of job opportunities; upgrading of skills; meeting of manpower shortages; easing of the transition from school to work, from one job to another, and from work to retirement, opportunities and services for older persons who desire to enter or reenter the labor force, and for improvements of opportunities for employment and advancement through the reduction of discrimination and disadvantage arising from poverty, ignorance, or prejudice.

(b) The Secretary shall establish a program of experimental, developmental, demonstration, and pilot projects, through grants to or contracts with public or private nonprofit organizations, or through contracts with other private organizations, for the purpose of improving techniques and demonstrating the effectiveness of specialized methods in meeting the manpower, employment, and training problems. In carrying out this subsection with respect to programs designed to provide employment and training opportunities for low-income people, the Secretary shall consult fully with the Director of the Office of Economic Opportunity. In carrying out this subsection the Secretary of Labor shall, where appropriate, also consult with the Secretaries of Health, Education, and Welfare, Commerce, Agriculture, and Housing and Urban Development, the Chairman of the Civil Service Commission, and such other agencies as may be appropriate. Where programs under this paragraph require institutional training, appropriate arrangements for such training shall be agreed to by the Secretary of Labor and the Secretary of Health, Education, and Welfare.

(c) The Secretary shall conduct such research and investigations as give promise of furthering the objectives of this Act either directly or through grants, contracts, or other arrangements.

LABOR MARKET INFORMATION

SEC. 402. (a) The Secretary of Labor shall develop a comprehensive system of labor market information on a national, State, local, or other appropriate basis, including but not limited to information regarding—

(1) the nature and extent of impediments to the maximum development of individual employment potential including the number and characteristics of all persons requiring manpower services;

(2) job opportunities and skill requirements;

(3) labor supply in various skills;

(4) occupational outlook and employment trends in various occupations; and

(5) in cooperation and after consultation with the Secretary of Commerce, economic and business development and location trends.

(b) Information collected under this section shall be developed and made available in a timely fashion to meet in a comprehensive manner the needs of public and private users, including the need for such information in recruitment, counseling, education, training, placement, job development, and other appropriate activities under this Act and under the Economic Opportunity Act, the Social Security Act, the Public Works and Economic Development Act of 1965, the Wagner-Peyser Act, the Vocational Education Act of 1963, the Vocational Rehabilitation Act, the Demonstration Cities and Metropolitan Development Act of 1966, and other relevant Federal statutes.

MANPOWER UTILIZATION

SEC. 403. The Secretary shall establish a program for the improvement of manpower utilization in sectors of the economy experiencing persistent manpower shortages, or in other situations requiring maximum utilization of existing manpower. The Secretary shall conduct this program either directly or through such other arrangements as he may deem appropriate.

EVALUATION

SEC. 404. (a) The Secretary shall provide for a system of continuing evaluation of all programs and activities conducted pursuant to this Act, including their cost in relation to their effectiveness in achieving stated goals, their impact on communities and participants, their implication for related programs, the extent to which they meet the needs of persons of various ages, and the adequacy of their mechanism for the delivery of services. He shall also arrange for obtaining the opinions of participants about the strengths and weaknesses of the programs.

(b) The Director of the Office of Economic Opportunity is authorized to conduct, either directly or by way of contract, grant, or other arrangement, a thorough evaluation of all programs and activities conducted pursuant to this Act to determine the effectiveness of such programs and activities in meeting the special needs of disadvantaged, chronically unemployed, and low-income persons for meaningful employment opportunities and supportive services to continue or resume their education and employment and to become more responsible and productive citizens. The Director of the Office of Economic Opportunity shall report to the Secretary on the evaluation authorized by this subsection at least once in each calendar year.

REMOVAL OF ARTIFICIAL BARRIERS TO EMPLOYMENT AND ADVANCEMENT

SEC. 405. The Secretary, in consultation with the Director of the Office of Economic Opportunity, shall conduct a continuing study of the extent to which artificial barriers to employment and occupation advancement, including civil service requirements and practices relating thereto, within agencies conducting programs under this Act restrict the opportunities for employment and advancement within such agencies and shall develop and promulgate guidelines, based upon such study, setting forth recommendations for task and skill requirements for specific jobs and recommended job descriptions at all levels of employment, designed to encourage career employment and occupational advancement within such agencies.

TRAINING AND TECHNICAL ASSISTANCE

SEC. 406. In carrying out his responsibilities under this Act, the Secretary of Labor, in consultation with the Secretary of Health, Education, and Welfare, and the Director of the Office of Economic Opportunity, where appropriate, shall provide, directly or through grants, contracts, or other arrangements, preservice and inservice training for specialized, supportive, and supervisory or other personnel and technical assistance which is needed in connection with the programs established under this Act or which otherwise pertains to the purposes of this Act. Upon request, the Secretary of Labor may make special assignments of personnel to public or private agencies, institutions, or employers to carry out the purposes of this section; but no such special assignments shall be for a period of more than two years. In order to encourage the establishment and operation by low-income persons and their representatives of centers on the local level which are designed to provide comprehensive employment and related services for low-income persons who are unemployed or underemployed, the Secretary of Labor shall, in consultation with the Secretary of Health, Education, and Welfare and the Director of the Office of Economic Opportunity, wherever feasible, provide training and technical assistance by grants, contracts, or other arrangements with individuals and organizations who have demonstrated a capacity to establish and operate such programs.

REPORT ON SUMMER YOUTH PROGRAMS

SEC. 407. The Secretary shall transmit to the Congress at the earliest appropriate date, not later than March 1, in each calendar year a report setting forth a description of summer work experience programs to begin in June of each year, including the number of opportunities in public and private agencies or organizations that will be provided to disadvantaged students in ninth through twelfth grades (and to youth of equivalent ages), in each of the several States and local areas within States, and a statement as to the total number of such persons who would be eligible for such programs, together with his recommendations, if any, for supplemental appropriations for such programs.

PART B—NATIONAL COMPUTERIZED JOB BANK PROGRAM

FINDINGS AND PURPOSE

SEC. 431. The Congress hereby finds that the lack of prompt and adequate information regarding manpower needs and availability contributes to unemployment, underemploy-

ment, and the inefficient utilization of the Nation's manpower resources. The Congress further finds that the development of electronic data processing and telecommunications systems has created new opportunities for dealing with this difficult problem. It is therefore the purpose of this title to enlist the tools of modern technology in a cooperative Federal-State effort to reduce unemployment and underemployment and more adequately meet the Nation's manpower needs.

ESTABLISHMENT OF THE PROGRAM

SEC. 432. The Secretary shall develop and establish a computerized job bank program for the purpose of—

(1) identifying sources of available manpower supply and job vacancies;

(2) providing an expeditious means of matching the qualifications of unemployed, underemployed, and disadvantaged persons with employer requirements and job opportunities on a national, State, local, or other appropriate basis;

(3) referring and placing such persons in jobs; and

(4) distributing and assuring the prompt and ready availability of information concerning manpower needs and resources to employers, employees, public and private job placement agencies, and other interested individuals and agencies.

Maximum effective use shall be made of electronic data processing and telecommunications systems in the development and administration of the program. The program established under this part shall be coordinated with the comprehensive manpower services program established under title I.

CONDUCT OF THE PROGRAM

SEC. 433. For the purpose of carrying out the program established in section 432, the Secretary is authorized to make grants to State or local agencies for the planning and administration of the program, including the purchase or other acquisition of necessary equipment. The Secretary, may conduct the program on a regional or interstate basis either directly or through grants, contracts, or other arrangements with public or private agencies and organizations. He may also conduct the program when he finds that a State or local program will not adequately serve the purposes of this part. The Secretary may require that any information concerning manpower resources or job vacancies utilized in the operation of job-bank programs financed under this part be furnished to him at his request. He may, in addition, require the integration of any information concerning job vacancies or applicants into a job-bank system assisted under this part.

EXPERIMENTS, DEMONSTRATIONS, RESEARCH AND DEVELOPMENT

SEC. 434. The Secretary may conduct directly, or through contracts, grants, or other arrangements with public or private agencies or organizations, such experimental or demonstration projects, research and development as he deems necessary to improve the effectiveness of the program established under this part.

RULES, REGULATIONS, AND STANDARDS

SEC. 435. The Secretary shall prescribe such rules and regulations and standards as may be necessary to carry out the purposes of this part, including standards to assure the compatibility on a nationwide basis of data systems used in carrying out the program established by this part, and including rules and regulations to assure the confidentiality of information submitted in confidence.

PART C—DEVELOPMENT OF EMPLOYMENT OPPORTUNITIES FOR DISADVANTAGED PERSONS IN FEDERALLY ASSISTED PROGRAMS

PURPOSE

SEC. 451. The purpose of this part is to establish a program of research, development, and pilot activities for the purpose of determining the level of employment generated by Federal grant and assistance programs and the degree to which such programs can provide an increased source of opportunities for the employment and advancement of disadvantaged persons.

RESEARCH

SEC. 452. The Secretary is hereby authorized to undertake studies of the contribution of Federal grants-in-aid and other Federal assistance programs to the overall employment level. Such studies may include but are not limited to collection and analysis of information on the number of positions wholly or partially supported by Federal assistance programs, their occupational structure, wage, and salary levels, projections for future growth, requirements and qualifications for entry into such positions, promotional and career development opportunities, the educational, vocational, and other relevant characteristics of those who occupy such positions, and the effects of such employment on employment generally. The heads of all Federal departments and agencies administering grants-in-aid or other Federal assistance programs are hereby directed to cooperate fully with the Secretary in the conduct of such studies. They shall transmit to the Secretary annually estimates of the employment increases or decreases expected to result from the planned expansion or reduction of such programs, and as conditions warrant, on call from the Secretary, contingency plans and estimates relating to the increase in employment which would be created if such programs are expanded under conditions of persistent high unemployment and underemployment.

PILOT PROGRAMS

SEC. 453. (a) The Secretary of Labor is authorized to conduct experimental, developmental, demonstration, and pilot programs to carry out the purposes of this part. In the conduct of these programs, the Secretary is authorized to enter into agreements with the heads of other Federal departments and agencies administering grants-in-aid and other forms of Federal assistance to establish annual and multiyear goals for the employment of disadvantaged persons in employment wholly or partially supported through such Federal assistance. For the purposes of carrying out these agreements, Federal departments and agencies may provide, notwithstanding any other provision of law, that the fulfillment of such goals shall be a condition for receiving such assistance.

(b) Programs under this part shall, to the extent practicable, be designed to eliminate artificial barriers to employment and occupational advancement, including merit system requirements and practices related thereto, which restrict opportunities for the employment and advancement of disadvantaged persons.

(c) Funds made available for the purpose of carrying out this part may be allocated and expended, or transferred to other Federal agencies for expenditure, as the Secretary of Labor deems necessary for carrying out the provisions hereof.

(d) Activities for which funds made available under this part may be expended shall include, but not limited to, the following:

(1) extraordinary costs of training and supportive services necessary to improve the performance of disadvantaged persons who are employed pursuant to agreement under this section;

(2) costs of providing orientation, counseling, testing, followup, and other similar manpower services determined necessary to assist such individuals to achieve success in employment.

REPORTS

SEC. 454. The Secretary shall transmit to the Congress annually a report of his findings and recommendations arising out of the programs and studies under this part.

PART D—SECRETARY'S RESPONSIBILITIES

SEC. 455. In carrying out his responsibilities under this Act, the Secretary is authorized under this title to provide for services and activities authorized under any other part of this Act.

TITLE V—MANPOWER PROGRAMS FOR INDIAN, BILINGUAL, MIGRANT, AND OLDER WORKERS

PART A—INDIAN MANPOWER PROGRAMS

STATEMENT OF FINDINGS AND PURPOSE

SEC. 501. (a) The Congress finds that (1) serious unemployment and economic disadvantage exist among members of Indian and Alaskan native communities; (2) there is a compelling need for the establishment of comprehensive manpower training and employment programs for members of those communities; (3) such programs are essential to the reduction of economic disadvantage among individual members of those communities and to the advancement of economic and social development in those communities consistent with their goals and life styles.

(b) The Congress therefore declares that, because of the special relationship between the Federal Government and most of those to be served by the provisions of this part, (1) such programs can best be administered at the national level; (2) such programs shall be available to federally recognized tribes, bands, and individuals and to other groups and individuals of native American descent such as, but not limited to, the Menominees in Wisconsin, the Klamaths in Oregon, the Oklahoma Indians, the Passamaquoddys and Penobscots in Maine, and Eskimos and Aleuts in Alaska; (3) such programs shall be administered in such a manner as to maximize the Federal commitment to support growth and development as determined by representatives of the communities and groups served by this part.

ESTABLISHMENT OF OFFICE OF INDIAN MANPOWER PROGRAMS

SEC. 502. (a) There is hereby established in the Department of Labor an Office of Indian Manpower Programs which, under the direction of the Secretary of Labor, shall have responsibility for administering the Indian manpower programs authorized by this part.

(b) The Secretary of Labor shall appoint a qualified person of native American ancestry as Director of the Office of Indian Manpower Programs. The appointment of the Director and such staff as may be required shall be without regard to the provisions of title 5, United States Code, relating to the competitive service, but such appointees shall be entitled to the same rights, privileges, and benefits provided employees in such service.

AUTHORIZATION

SEC. 503. (a) Funds available for this part shall be expended for programs and activities consistent with the purposes of this part, including but not limited to such programs and activities carried out by eligible applicants under other provisions of this Act.

(b) For the purpose of carrying out this part, the Secretary shall reserve not less than that proportion of the total amounts available for carrying out this Act as is equivalent to that proportion which the total number of Indians and Alaska natives bears to the total number of low-income persons, as determined for the United States on the basis of the most satisfactory current data and estimates available to the Secretary. The Secretary shall make equitable adjustments in allocations under other provisions of this Act to take into account that persons counted for purposes of making such allocations are being counted for purposes of the reservation of funds provided for in this section.

NATIONAL INDIAN MANPOWER ADVISORY COUNCIL

SEC. 504. The Secretary of Labor shall appoint a National Indian Manpower Advisory Council which shall consist of at least five but not more than ten members, and shall be composed of men and women representing Indian tribes and groups, and other persons interested in the problems of manpower training and employment on Indian reservations and among Indian groups. Indians shall constitute a majority of the Council membership, which shall designate its own chairman. Such Council, or any duly established subcommittee thereof, shall from time to time make recommendations to the Secretary concerning problems and policy relating to employment and manpower and to the carrying out of his duties under this part. Such Council shall not hold less than two meetings during each calendar year. The appointed members of the National Indian Manpower Advisory Council shall be paid compensation at a rate not to exceed the daily equivalent for a GS–18 while engaged in the work of the National Indian Manpower Advisory Council, including traveltime, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently and receiving compensation on a per diem when actually employed basis. The Director and staff of the Office of Indian Manpower Programs shall provide the Council with such services as may be necessary for the Council to carry out its functions.

MANPOWER REPORT

SEC. 505. A special section of the manpower report of the President shall be directed to describing the activities prescribed under the provisions of this part.

TRUST RESPONSIBILITIES

SEC. 506. No provision of this part shall abrogate in any way the trust responsibilities of the Federal Government to Indian bands or tribes.

PART B—BILINGUAL MANPOWER PROGRAMS

DECLARATION OF POLICY

SEC. 511. In recognition of the difficulties and limitations of large numbers of persons of limited English-speaking ability in the United States in finding employment and in learning the technology required for employment today, Congress hereby declares it to be the policy of the United States to provide financial assistance to public and private nonprofit agencies, institutions, and organizations to develop and carry out imaginative programs to increase employment and training opportunities for persons with limited English-speaking ability, especially such persons who are unemployed or underemployed.

AUTHORIZATION AND DISTRIBUTION OF FUNDS

SEC. 512. (a) For the purpose of carrying out this part, the Secretary shall reserve not less than that proportion of the total amounts available for carrying out this Act as is equivalent to that proportion which the total number of persons of limited English-speaking ability bears to the total population, as determined for the United States on the basis of the most satisfactory current data and estimates available to the Secretary. The Secretary shall make equitable adjustments in allocations under provisions of this Act to take into account that persons counted for purposes of making such allocations are being counted for purposes of the reservation of funds provided for in this section.

(b) In determining the distribution of funds under this part, the Secretary shall give the highest priority to States and areas within State having the greatest need for programs authorized by this part. For the purpose of achieving an equitable distribution of assistance under this part within each State, the Secretary shall establish criteria on the basis of a consideration of (1) the geographic distribution of persons of limited English-speaking ability who are unemployed or underemployed, (2) the relative need of such persons in different geographic areas within the State for the kind of programs described in section 513, and (3) the relative ability of particular public and private nonprofit agencies, institutions, and organizations within the State to carry out those programs.

USES OF FUNDS

SEC. 513. Funds available for this part shall be expended for programs and activities consistent with the purposes of this part, including but not limited to such programs and activities carried out by eligible applicants under other provisions of this Act, especially—

(1) planning for and developing programs designed to meet the special manpower needs of persons with limited English-speaking ability including—

(A) the development of training courses and materials to teach skills and occupations that do not require a high proficiency in English, particularly the development of course materials in languages other than English; and

(B) the development of training courses and materials designed to increase the technical English vocabulary necessary for the performance of specific occupations likely to provide employment opportunities for such persons;

(2) preservice training designed to prepare persons to participate in bilingual manpower training and placement programs such as instructors, interviewers, counselors, and placement specialists; and

(3) the establishment, maintenance, and operation of programs, including acquisition of necessary teaching materials and equipment, designed to increase the employment opportunities and the opportunities for advancement of persons with limited English-speaking ability, which may include—

(A) programs to teach occupational skills in the primary language of any such persons for occupations that do not require a high proficiency in English;

(B) programs designed to teach specific technical English vocabulary necessary in the performance of specific skills and occupations in demand and which such persons may be reasonably expected to perform;

(C) programs developed in cooperation with employers designed to increase the English-speaking ability of such persons in order to enhance their opportunities for promotion;

(D) programs designed to assist any such person to further develop and capitalize on their bilingual ability for jobs that require such skills; and

(E) specialized placement programs including supportive services to encourage persons with limited English-speaking ability to find employment and to encourage employers to hire such persons.

APPLICATIONS FOR FINANCIAL ASSISTANCE AND CONDITIONS FOR APPROVAL

SEC. 514. (a) Financial assistance under this part may be made to any public or private nonprofit agency, institution, or organization, or to any such agencies, institutions, or organizations applying jointly or with a private employer, upon application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary deems necessary. Such application shall—

(1) provide that the programs and projects for which assistance under this part is sought will be administered by, or under the supervision of, the applicant and set forth assurances that the applicant is qualified to administer or supervise such programs or projects;

(2) set forth a program for carrying out the purposes of this part and provide for such methods of administration as are necessary for the proper and efficient operation of the program;

(3) provide for such fiscal control and fund-accounting procedures as may be necessary to assure the proper disbursement of and accounting for Federal funds paid to the applicant under this part;

(4) provide assurances that provision has been made for the maximum participation in the projects for which the application is made of persons with limited English-speaking ability who are unemployed or underemployed and who reside in the area to be served by the project; and

(5) provide for making an annual report and such other reports as the Secretary may reasonably require and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

(b) An application, or modification or amendment thereof, for financial assistance under this part may be approved by the Secretary only if the application is consistent with the purposes of this part and meets the requirements set forth in subsection (a).

DEFINITION

SEC. 515. As used in this part, the term "persons of limited English-speaking ability" shall include persons who come from environments where the dominant language is other than English and who are preparing for work in a labor market where the dominant language is English.

PART C—MIGRANT AND SEASONAL FARMWORKER MANPOWER PROGRAMS

STATEMENTS OF FINDINGS AND PURPOSE

SEC. 521. The Congress finds and declares that—

(1) chronic seasonal unemployment and underemployment in the agricultural industry, substantially affected by recent advances in technology and mechanization, constitute a substantial portion of the Nation's rural manpower problem and substantially affects the entire national economy;

(2) such severe employment pattern has led to family incomes below the poverty level, with resulting hardships and adverse effects on the health, education, and welfare of families and particularly of children;

(3) much of the migrant and seasonal farmwork force is untrained and unaccustomed to, and ill-equipped for, the requirements of steady, gainful employment;

(4) there is a compelling need for the modification and adaptation of manpower training and employment programs that have heretofore not included migrant and seasonal farmworkers within their scope to meet the needs of such farmworkers;

(5) because of the special nature of certain farmworker manpower problems, particularly those which are interstate in nature, such programs can best be administered at the national level.

ESTABLISHMENT OF AN OFFICE OF MIGRANT AND SEASONAL FARMWORKER MANPOWER PROGRAMS

SEC. 522. There is hereby established in the Department of Labor an Office of Migrant and Seasonal Farmworker Manpower Programs which, under the direction of the Secretary of Labor, shall have responsibility for administering the migrant and seasonal farmworker manpower programs authorized by this part.

AUTHORIZATION

SEC. 523. (a) Funds available for this part shall be expended for programs and activities consistent with the purposes of this part, including but not limited to such programs and activities carried out by eligible applicants under other provisions of this Act.

(b) For the purpose of carrying out this part, the Secretary shall reserve not less

than that proportion of the total amounts available for carrying out this Act as is equivalent to that proportion which the total number of persons in migrant and seasonal farmworker families bears to the total number of low-income persons, as determined for the United States on the basis of the most satisfactory current data and estimates available to the Secretary. The Secretary shall make equitable adjustments in allocations under other provisions of this Act to take into account that persons counted for purposes of making such allocations are being counted for purposes of the reservation of funds provided for in this section. For the purposes of this part, persons shall be deemed to continue to be members of migrant and seasonal farmworker families for such period of time, not in excess of five years, as the Secretary may determine, in accordance with regulations which he shall prescribe, that such persons generally can benefit from the special programs authorized by this part.

(c) No financial assistance may be provided under this part unless the Secretary determines, upon the basis of evidence supplied by each applicant and evaluated and approved by the Migrant and Seasonal Farmworker Manpower National Advisory Council established by section 704, that persons broadly representative of the population to be served have been given an opportunity to participate in the development of programs to be assisted under this part, and will be given an opportunity to participate in the implementation of such programs.

MIGRANT AND SEASONAL FARMWORKER MANPOWER NATIONAL ADVISORY COUNCIL

SEC. 524. (a) The Secretary shall appoint a Migrant and Seasonal Farmworker Manpower National Advisory Council (referred to in this part as the "Council") which shall consist of—

(1) three individuals, appointed from private life, to represent farmers, who shall be individuals actively engaged in, and whose livelihoods are dependent upon, agriculture, and who employ labor in connection therewith;

(2) five individuals, appointed from private life, to represent the migratory agricultural workers;

(3) three individuals, appointed from private life, who shall have a demonstrated interest in and knowledge of the problems relating to agricultural labor and who are or have been actively engaged in activities concerned with determining and solving the health, education, housing, social, economic, or welfare problems of the agriculture worker, his family, his employer, and the community in which he works;

(5) two individuals who have had experience as State or local officials and who have first-hand knowledge of the problems of agricultural labor; and

(6) the Secretary of Labor, the Secretary of Agriculture, the Secretary of Health, Education, and Welfare, the Secretary of the Interior, the Secretary of Housing and Urban Development, and the Director of the Office of Economic Opportunity who shall be nonvoting members of the Council.

(b) From the members appointed to such Council, the Secretary shall designate a Chairman and a Vice Chairman. Such Council shall hold not less than twelve meetings during each calendar year.

(c) The appointed members of the Council shall be paid compensation at a rate not to exceed the daily rate prescribed for GS–18 under section 5332 of title 5, United States Code, while engaged in the work of the Council, including traveltime and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently.

(d) The Secretary of Labor is authorized to use in connection with the work of the Council such technical and support personnel from any of the agencies specified in paragraph (6) of subsection (a) as he deems necessary, with the consent of the head of the agency concerned.

DUTIES OF COUNCIL

SEC. 525. (a) It shall be the duty of the Council to advise the President, the Secretary, and the Congress, with respect to (1) the operation of Federal, State, and local laws, regulations, programs, and policies relating to any and all aspects of agricultural labor, (2) the extent of farmworker participation in the development and implementation of manpower programs authorized by this part and (3) any and all other matters relating to agricultural labor. The Council, or any duly established subcommittee thereof, shall from time to time make recommendations to the Secretary concerning his functions under this part to provide maximum employment and manpower opportunities for migrant and seasonal farmworkers.

(b) It shall also be the duty of the Council to consider, analyze, and evaluate periodically the problems relating to agricultural labor in order to devise plans and make recommendations for the establishment of policies and programs designed to meet such problems effectively. In carrying out this subsection, the Council shall consider, among others, the following matters—

(1) the effect of existing laws, regulations, programs, and policies on the problems relating to agricultural labor, including the problems of the migratory agricultural worker, his employer, and the local area in which he resides or is employed;

(2) the effect of the open-border policy between Mexico and the United States upon (A) the labor supply, (B) the living and working conditions in border areas, (C) the need for American residents along the border to migrate north in search of jobs, and (D) the entire national farm labor and rural economy;

(3) the extent that available labor market information (A) improves or limits farmworkers' opportunities to find jobs and to increase earnings, (B) alleviates the problems of underemployment and unemployment, and (C) provides the means for improving coordination of Federal, State, and local public and private policies and programs relating to agricultural labor;

(4) the need for more effective programs for the recruitment, transportation, housing, and full employment, in and off season, of the farm work force;

(5) the efficacy of a nonprofit manpower corporation or other ways to help regularize the employment of farmworkers, particularly seasonal farmworkers, including the provision of employment opportunities in rural areas that complement the seasonal job demands of agriculture;

(6) the development of a comprehensive manpower program to train and develop workers for increased mechanization of farm jobs, for nonfarm jobs in rural areas, and for meeting urban job opportunities;

(7) the future demand for farmwork including an accurate appraisal of the changing levels of demands and requirements for employees, particularly in the face of increasing mechanization;

(8) the relationship of such factors as workers ability, employer attitudes, skill levels, and educational levels to the employment opportunities of such farmworkers;

(9) the effect of farmworkers' substantial exclusion from major social and worker benefit programs, including legislation protecting the right to organize and collectively bargain;

(10) the means to familiarize farmworkers with program benefits and basic civil rights, including voting, to help them participate more fully in the American economic and political mainstream;

(11) the relationship between the institution of migrancy and the factors which cause it, to overall poverty in the United States, and relocation and resettlement programs and activities previously developed to more adequately overcome such problems.

ANNUAL REPORT

SEC. 526. The Council shall study, investigate, conduct research, and prepare a report containing its findings and recommendations concerning matters relating to the purposes of this part, and shall transmit such report to the Secretary and the President no later than August 1 and to the Congress no later than October 1 of each year.

PART D—MIDDLE-AGED AND OLDER WORKERS MANPOWER PROGRAMS

Subpart 1—General Provisions

DECLARATION OF FINDINGS

SEC. 531. The Congress hereby finds and declares that—

(1) in a period of great affluence, middle-aged and older workers find it increasingly difficult to regain employment when out of work and to retain employment;

(2) inflation has forced middle-aged and older persons to bear growing economic burdens, particularly if they are living on limited, fixed incomes;

(3) the Age Discrimination in Employment Act of 1967 cannot reasonably be expected without supplementary legislation to cope adequately with age discrimination in employment and to provide employment opportunities for middle-aged and older workers;

(4) the incidence of unemployment, especially long-term unemployment with resultant deterioration of skill, morale, and employer acceptability, is higher among workers age forty-five and over than among younger workers;

(5) as a result of unemployment, underemployment in low-skill jobs, and retirement with severely reduced incomes, millions of persons age forty-five and over live in poverty;

(6) more than a million men between the ages of fifty-five and sixty-four have given up the active search for work and thousands of men and women between the ages of sixty-two and sixty-four have retired with inadequate benefits;

(7) there is almost no opportunity for continued training and education for older individuals who are employed to meet the needs of a dynamic economy and changing technology;

(8) the loss to the economy of the potential production of goods and services, and the costs of unemployment compensation and public assistance, can be reckoned in billion of dollars;

(9) the loss to the individual in terms of frustration, impaired morale, loss of the sense of worth and dignity, and of his status within the family and society, is incalculable;

(10) providing such individuals with opportunities for useful work will increase their incomes, benefit their physical and mental well-being, and strengthen the economy.

STATEMENT OF PURPOSE

SEC. 532. It is the purpose of this part to establish and to assist programs which will—

(1) afford the middle-aged and older worker a range of real and reasonable opportunities for employment;

(2) eliminate arbitrary discriminatory practices which deny work to qualified persons solely on account of age;

(3) increase the availability of jobs by finding new work opportunities, including part-time employment to supplement income and to facilitate the transition to full retirement or the return to full-time work;

(4) improve and extend existing programs

designed to facilitate training and the matching of skills and jobs;

(5) assist middle-aged and older workers, employers, labor unions, and educational institutions to prepare for and adjust to anticipated changes in technology in jobs, in educational requirements, and in personnel practices; and

(6) stimulate innovative approaches to provide increased employment opportunities for middle-aged and older persons.

AUTHORIZATION

SEC. 533. (a) Funds available for this part shall be expended for programs and activities consistent with the purposes of this part, including but not limited to such programs and activities carried out by eligible applicants under other provisions of this Act.

(b) For the purpose of carrying out this part, the Secretary shall reserve not less than that proportion of the total amounts available for carrying out this Act as is equivalent to that proportion which the total number of heads of households who are forty-five years of age or older and are not in the labor force or are unemployed bears to the total population, as determined for the United States on the basis of the most satisfactory current data and estimates available, to the Secretary. The Secretary shall make equitable adjustments in allocations

[illegible] funds provided for in this section.

under other provisions of this Act to take into account that persons counted for purposes of making such allocations are being counted for purposes of the reservation of

EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 534. The Secretary shall establish criteria designed to achieve an equitable distribution of assistance under this part among the States and between urban and rural areas.

ADMINISTRATION

SEC. 535. (a) In order to carry out the purposes of this part the Secretary is authorized to—

(1) prescribe such rules and regulations as he deems necessary;

(2) employ experts and consultants in accordance with section 3109 of title 5, United States Code;

(3) appoint such advisory committees composed of private citizens and public officials who, by reason of their experience or training, are knowledgeable in the area of job opportunities for middle-aged and older individuals, as he deems desirable to advise him with respect to his functions under this part;

(4) utilize, with their consent, the services, personnel, information, and facilities of other Federal and State agencies, with or without reimbursement therefor.

(b) Each member of a committee appointed pursuant to clause (3) of subsection (a) of this section who is not an officer or employee of the Federal Government shall receive an amount equal to the maximum daily rate prescribed for GS–18 under section 5332 of title 5, United States Code, for each day on which he is engaged in the actual performance of his duties (including traveltime) as a member of the committee. All members shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently and receiving compensation on a per diem, when actually employed, basis.

PROGRAM DEVELOPMENT AND COORDINATION

SEC. 536. (a) In addition to any other provisions for the administration of this part, the Secretary shall designate personnel to have responsibility for program leadership, development, and coordination and provide for a central office for information on and special attention to the problems of middle-aged and older workers and the programs concerning such workers.

(b) No individual, institution, organization, or agency shall evaluate any program under this part if that individual, or any member of any such institution, organization, or agency is associated with the program as a consultant, technical adviser, or in any other capacity.

RESEARCH AND INFORMATION PROGRAMS

SEC. 537. (a) The Secretary is authorized to enter into grants, contracts, and other arrangements with public and private agencies and institutions to conduct such research and demonstration projects as he determines will contribute to carrying out the purposes of this part.

(b) In carrying out the purposes of this part the Secretary is authorized to publish and disseminate materials and other information relating to training and job opportunities for middle-aged and older individuals and to conduct such special information and educational programs as he determines appropriate.

Subpart 2—Midcareer Development Service Program

PROGRAM ESTABLISHED

SEC. 541. There is hereby established a comprehensive midcareer development service program, to be administered by the Manpower Administration in the Department of Labor, to assist middle-aged and older workers to find employment by providing training, counseling, and special supportive services to such workers.

TRAINING PROGRAMS

SEC. 542. (a) The Secretary, through the Manpower Administration, is authorized to make loans and grants to public and private nonprofit agencies, institutions, and organizations and to individuals for training, including on-the-job, institutional, residential, and other training, designed to upgrade the work skills and capabilities of middle-aged and older persons who are at least forty-five years of age.

(b) Any grant or loan made pursuant to this section may be used to pay all or part of the cost of training under any such program plus such stipends (including allowances for subsistence or other expenses) for such persons and their dependents as he may determine to be consistent with prevailing practices under comparable Federal programs.

(c) A grant or loan under this section shall be made on such terms and conditions as the Secretary shall prescribe and may be made only upon application to the Secretary at such time or times and containing such information as he deems necessary. The Secretary shall not approve an application unless it set forth a program for training which meets criteria established by him, including training costs and tuition schedules.

(d) The Secretary shall pay to each applicant who has an application approved by him part or all of the cost of the program provided for in such application.

(e) Individuals receiving payments under the provisions of this section while undergoing training shall continue to receive such payments only during such period as the Secretary finds that they are maintaining satisfactory proficiency in such training program.

(f) The Secretary is authorized to enter into agreements to provide loan guarantees to lending institutions on such terms and conditions as the Secretary shall prescribe in order to permit such institutions to make loans to persons who are at least forty-five years of age for training which qualifies under this section.

TRAINING PERSONS TO TRAIN AND RETRAIN MIDDLE-AGED AND OLDER WORKERS

SEC. 543. The Secretary is authorized to develop and carry out a program under which an adequate number of persons are trained to understand the learning processes of middle-aged and older persons and to become qualified to train and retrain middle-aged and older workers in skills needed in the economy. Such programs shall emphasize developing innovative techniques for training middle-aged and older persons.

SPECIAL SERVICES FOR MASS LAY-OFFS

SEC. 544. The Secretary is authorized to recruit and train personnel within the Department of Labor to be made available to localities in which substantial numbers of middle-aged and older persons are unemployed as a result of the closing of a plant or factory or a permanent large-scale reduction in force. In carrying out the provisions of this section, the Secretary is authorized to provide such persons with recruitment, placement, and counseling services.

SPECIALIZED SERVICES

SEC. 545. (a) The Secretary shall establish and carry out specialized services for older workers who desire to improve their employability, to receive training to improve their capabilities at their present employment, or to obtain counseling in planning to maximize earning opportunities for the rest of their working lives.

(b) The Secretary is authorized to recruit and train manpower specialists, including older and retired employment counselors and personnel directors to serve in programs authorized under this section.

MANPOWER STUDY

SEC. 546. (a) The Secretary is authorized and directed to undertake, either directly or by way of grant or contract, a thorough study of manpower programs authorized by other provisions of this Act, the Economic Opportunity Act of 1964, and other federally assisted training programs to determine whether such programs are responsive to the needs of persons who are at least forty-five years of age. The Secretary shall report the findings and recommendations of this study, and his own recommendations with respect to additional legislation, to the President for transmittal to the Congress not later than July 1, 1972.

(b) In conducting this study the Secretary shall not employ or contract with any individual, institution, organization, or agency providing advice or technical assistance for any program described in subsection (a) of this section.

Subpart 3—Work Opportunities for Middle-Aged and Older Workers

INCREASED JOB OPPORTUNITIES FOR MIDDLE-AGED AND OLDER PERSONS IN FEDERALLY ASSISTED PROGRAMS

SEC. 551. (a) The Secretary shall review Federal grants-in-aid and other Federal assistance programs in order to determine their potential for maximizing employment opportunities for middle-aged and older persons. The review under this section shall include, but is not limited to, collection and analysis of information on the number of positions wholly or partially supported by such programs, their occupational structure, wage and salary levels, the number of persons forty-five years of age and older employed as a result of such programs, requirements and qualifications for entry and promotion especially with regard to any maximum employment age for job applicants, and projections for future growth of job opportunities, resulting from such programs. The heads of all Federal departments and agencies administering grants-in-aid or other Federal assistance programs are hereby directed to cooperate fully with the Secretary in the conduct of this review. At the request of the Secretary, the head of each Federal department and agency shall transmit estimates of employment increases or decreases anticipated as a result of the planned expansion or reduction of any such program, and the anticipated impact on em-

ployment opportunities for middle-aged and older workers.

(b) To increase employment opportunities for middle-aged and older workers the Secretary is authorized to enter into agreements with the heads of other Federal departments and agencies administering grants-in-aid and other forms of Federal assistance to establish annual and multiyear goals for the employment of middle-aged and older persons in employment wholly or partially supported through such Federal assistance. For the purposes of carrying out these agreements, the head of any Federal department or agency may, at his discretion, notwithstanding any other provision of law, require that the fulfillment of such goals shall be a condition for receiving assistance.

(c) The Secretary is authorized to take appropriate action, to the extent practicable, designed to eliminate artificial barriers to employment and occupational advancement of middle-aged and older workers in Federal assistance programs, especially mandatory provisions for maximum employment ages for job applicants, except where age would be a bona fide occupational qualification reasonably necessary to the normal operation of such employment.

(d) The provisions of this section shall not be construed to require the discharge of any employee to obtain a reasonable balance of middle-aged and older workers with younger workers.

(e) Federal grantees and Federal departments and agencies may fill a single job position with one or more persons provided that this will not exceed the funds or hours allocated to that position.

(f) The Secretary shall prescribe appropriate rules and regulations for the uniform administration of this section.

(g) The provisions of this section shall become effective one year after the date of enactment of this Act.

EMPLOYMENT IN ECONOMIC OPPORTUNITY PROGRAMS

SEC. 552. The Secretary shall consult with and advise the Director of the Office of Economic Opportunity and the heads of other departments and agencies responsible for the administration of programs under the Economic Opportunity Act of 1964, for the purpose of maximizing employment opportunities for middle-aged and older persons under programs assisted pursuant to that Act. The Secretary shall make recommendations to the agency concerned with respect to programs and policies which will assure that services to the eligible middle-aged and older persons who wish employment will be assisted to the extent reasonably consistent with the proportion which the number of the middle-aged and older poor bears to all of the poor.

EMPLOYMENT SERVICES FOR PART-TIME EMPLOYMENT

SEC. 553. The Secretary may, where appropriate, make special provisions through the United States employment service, or with the advice and assistance of the employment service, by means of grants to or contracts with nonprofit volunteer agencies to assist such agencies in securing part-time or temporary employment for additional members of middle-aged and older persons who wish such employment.

Subpart 4—Expanding Opportunities for Employment and Education

RESEARCH, EXPERIMENTATION, AND DEMONSTRATION

SEC. 561. (a) In order to carry out the purposes of this part the Secretary is authorized to conduct research, either directly or by way of grant, contract, or other arrangement with any public or private nonprofit agency, institution, or organization, including membership organizations of older persons, and to enter into contracts with any such private agency or with labor or management organizations or with any individual—

(1) to find, test, and promote solutions to problems presented by institutional arrangements which may work to the disadvantage of older workers in such matters as pensions and other private annuity coverage, workmen's compensation and disability income, and seniority in collective bargaining;

(2) to examine and evaluate proposals related to flexible or phased retirement, and preparing for and adjusting to retirement, including the causes of successful and unsuccessful adjustment;

(3) to examine and evaluate programs for continuing educational and training opportunities to prepare workers, while still employed, for job changes, to enhance their employability, to reduce their vulnerability to displacement, to promote satisfying activity in retirement; and to consider methods of financing educational programs consistent with the working life of older individuals, including such proposals as sabbaticals and contributory educational insurance;

(4) to develop principles and criteria for job redesign and effective methods for training middle-aged and older persons;

(5) to forecast and define goals in the relationship between work, leisure, and income with reference to a changing economy and social expectations, and to a balance of the interests of all groups in the population;

(6) to develop techniques, guidelines, and models for advance planning of manpower requirements, for encouraging the employment of older workers, and for programs of public service employment by which the Government may assist in providing work for older persons otherwise deprived of opportunity in useful community enterprises;

(7) to conduct research designed to strengthen programs for meeting the employment needs of workers who are at least forty-five years of age, including part-time or temporary employment of persons who wish such work until full-time work opportunities are available or who wish to supplement their income from retirement benefits or other sources;

(8) to conduct such demonstration projects relating to meeting the employment needs of such persons as he deems will contribute to carrying out the purposes of this part;

(9) to conduct research and demonstration projects for recruiting, placement, and counseling services in localities in which a substantial number of middle-aged and older persons are unemployed as a result of the closing of a plant or factory or a permanent large-scale reduction in the labor force; and

(10) to develop demonstration in the application of precise and functional measurements of work capabilities, employability, and trainability of adult persons.

(b) The Secretary shall report not later than two years after the date of enactment of this Act his findings and recommendations based on the research and demonstration projects conducted under this section.

EXTENDED UNEMPLOYMENT COMPENSATION

SEC. 562. The Secretary shall study the feasibility of establishing a program of extended unemployment compensation benefits for unemployed workers aged fifty-five and older who have exhausted their unemployment compensation. On or before February 1, 1972, the Secretary shall report to the Congress and the President his findings and recommendations with respect to such a program of allowances.

COMPENSATION AND DISABILITY INSURANCE

SEC. 563. The Secretary shall prepare and submit a report to the Congress not later than February 1, 1972, on means of eliminating the lack of coverage and other inadequacies in workmen's compensation and disability insurance programs, health insurance, and pension plans, particularly as they affect adversely the employment of middle-aged and older workers.

Subpart 5—Federal Employment Opportunities for Middle-Aged and Older Workers

STUDY

SEC. 571. (a) The Civil Service Commission is authorized and directed to undertake a study of part-time employment in the executive branch of the Government of the United States and to make a report of its findings, together with any recommendations it considers appropriate or desirable to the Congress on or before July 1, 1971. Such study shall include a determination of—

(1) the extent to which part-time employment exists in the executive branch;

(2) the limitations, if any, that are imposed by Federal statutes, regulations, or administrative policies or practices on such part-time employment, and the extent to which such limitations are justified; and

(3) the measures that may be taken to increase the number of part-time positions available in the executive branch which may be filled by older individuals.

(b) The Commission is further authorized and directed to undertake a study of the feasibility of redesigning positions in the executive branch of the Government of the United States without impairing the effectiveness or efficiency of operations of any department, agency, or independent establishment, with a view to increasing the number of positions which are available to older individuals at the subprofessional level. The Commission shall make a report of its findings, together with any recommendations it considers appropriate or desirable, to the Congress on or before July 1, 1971. Such study shall include a determination of—

(1) the extent to which positions have been redesigned, resulting in an increase in the number of positions in the executive branch available to older individuals;

(2) the limitations, if any, imposed by Federal statutes, regulations, or administrative policies or practices on redesigning positions in the executive branch to increase the number of subprofessional positions available to older individuals and the extent to which such limitations are justified;

(3) the measures that may be taken to redesign positions so that the number of subprofessional positions available to older individuals may be increased; and

(4) the programs which would be needed to train older individuals to fill subprofessional positions created as a result of redesigning such position.

PREPARING MIDDLE-AGED PERSONS FOR NEW CAREERS IN GOVERNMENT

SEC. 572. The Commission is authorized and directed to undertake special work and training programs to provide middle-aged persons (those at least forty-five years of age) who are unemployed or whose income is within a low-income classification, as specified by the Director of the Office of Economic Opportunity, with job opportunities in the executive branch of the Government of the United States, including, without limitation, opportunities for new types of careers in the fields of health, education, welfare, neighborhood redevelopment, and public safety, which provide maximum prospects for advancement and continued employment, either within or without the executive branch, and which give promise of contributing to the adoption of new methods of structuring jobs and of providing job-ladder opportunities, and to provide such persons with opportunities for further occupational training to facilitate career advancement.

TITLE VI—EMERGENCY EMPLOYMENT ASSISTANCE

PROGRAM AUTHORIZED

SEC. 601. (a) In addition to amounts authorized to be appropriated for carrying out this Act under section 3, there are authorized to be appropriated such amounts as may be

necessary for the purposes of carrying out this section.

(b) There is hereby established in the Treasury a revolving fund to be known as the Emergency Employment Assistance Fund (hereinafter referred to as the "Fund"). Amounts appropriated pursuant to subsection (a) which are not needed for immediate expenditure in accordance with this section shall be deposited in such Fund to be available for obligation without fiscal year limitation in accordance with the provisions of this section. The Secretary of Labor is authorized to utilize sums deposited in the Fund to provide assistance under this section.

(c) In order to provide financial assistance for employment and training activities in areas of high unemployment, there shall be available to the Secretary of Labor, out of appropriations for the purposes of this section or out of the Fund, such amounts as shall be equal to the sum of the following:

(1) the amount of $200,000,000 when the Secretary determines that the rate (seasonally adjusted) of national unemployment equals or exceeds 4½ per centum for three consecutive months; and

(2) the amount of $200,000,000 when the Secretary determines that the rate (seasonally adjusted) of national unemployment equals or exceeds 5 per centum for three consecutive months.

(d) The Secretary shall apportion funds made available pursuant to subsection (c)(1) or (c)(2) among areas of high unemployment through the United States on an equitable basis, and to the extent practicable such funds shall be apportioned in proportion to the extent that the rate of unemployment exceeds 4.5 per centum or 5 per centum, as the case may be, in such area.

(e) No further obligation of funds appropriated under subsection (c)(1) may be made subsequent to a determination by the Secretary that the rate of national unemployment (seasonally adjusted) has receded below 4½ per centum for three consecutive months and no further obligation of funds appropriated under subsection (c)(2) may be made subsequent to a determination by the Secretary that the rate of national unemployment (seasonally adjusted) has receded below 5 per centum for three consecutive months.

(f) No more than one determination under subsection (c)(1) and no more than one determination under subsection (c)(2) shall be made in any given fiscal year.

TITLE VII—MISCELLANEOUS

EFFECT ON EXISTING LAWS

SEC. 701. (a) Effective with respect to fiscal years after June 30, 1971, the Manpower Development and Training Act of 1962 is repealed. Unexpended appropriations for carrying out such Act may be made available to carry out this Act, as directed by the President.

(b) Effective with respect to fiscal years ending after June 30, 1971, title I of the Economic Opportunity Act of 1964 is amended by—

(1) amending all of the matter that appears preceding part D thereof to read as follows:

"TITLE I—MANPOWER DEVELOPMENT AND COMMUNITY ECONOMIC DEVELOPMENT PROGRAMS

"PART A—RESEARCH, EXPERIMENTAL, AND DEVELOPMENTAL AUTHORITY IN THE MANPOWER AREA

"STATEMENT OF PURPOSE

"SEC. 101. It is the purpose of this part to provide authority for the conduct of research, experimental, and developmental activities focused on providing more effective means for dealing with the employment and employment-related problems of the economically disadvantaged.

"ACTIVITIES AUTHORIZED

"SEC. 102. (a) The Director is authorized to contract with or provide financial assistance to public or private agencies or organizations for the payment of all or part of the costs of developing and carrying out programs designed to further the purposes of this part. Programs assisted under this part shall be of an experimental, developmental, demonstration, or pilot nature and shall be structured in such manner as the Director deems will best equip them to yield information as to the relative effectiveness of various approaches (including new approaches and refinements or variations of traditional approaches) directed to the solution of the employment and employment-related problems of the economically disadvantaged. Such programs may include provision for supportive and followup services.

"(b)(1) Such programs shall include a demonstration program to determine the feasibility of various means of providing assistance to disadvantaged individuals to enable them to purchase or otherwise arrange for manpower training and related services from public and private agencies, institutions and business concerns approved by the Secretary.

"(2) Not less than twenty-four months after enactment of this provision, the Director shall report to the Congress the results of the program conducted under this section together with his recommendations.

"(c) In formulating plans for the implementation of this section, the Director shall consult with the Secretary of Labor, and, as appropriate, the heads of other Federal agencies.

"TECHNICAL ASSISTANCE AND TRAINING

"SEC. 103. The Director may provide (directly or through contracts or other appropriate arrangements) technical assistance to assist in the initiation or effective operation of programs under this part. He may also make arrangements for the training of instructors and other personnel needed to carry out programs under this part.

"RESEARCH AND EVALUATION

"SEC. 104. The Director is authorized to contract with or provide financial assistance to public or private agencies or organizations for research pertaining to the purposes of this part. He shall also provide for the careful and systematic evaluation of programs related to the purposes of this part, directly or by contracting for independent evaluations, with a view to measuring specific benefits, so far as practical, and providing information needed to assess the relative potential of the various approaches employed in such programs for contributing significantly to the solution of employment and employment-related problems of the economically disadvantaged. In formulating plans for the implementation of this section, the Director shall consult with the Secretary of Labor and, as appropriate, with the heads of other Federal agencies.

"SPECIAL CONDITIONS

"SEC. 105. Participants in programs under this part shall not be deemed Federal employees and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employment benefits.";

(2) redesignating part D thereof as part B and sections 150 through 155 as sections 121 through 126, respectively;

(3) striking out part E thereof; and

(4) redesignating part F as part C and section 171 as section 141.

(c) Effective with respect to fiscal years after June 30, 1971, section 810(a) of the Economic Opportunity Act of 1964 is amended by striking the word "and" at the end of paragraph (2) thereof, by inserting in lieu of the period at the end of paragraph (3) a semicolon and the word "and", and by adding the following new paragraph:

"(4) with the approval of the Secretary of Labor, in Job Corps centers operated under title III of the Employment and Training Opportunities Act of 1970.".

(d) Grants and contracts entered into pursuant to the provisions of title I of the Economic Opportunity Act of 1964 and the Manpower Development and Training Act of 1962 prior to the effective date set forth in subsections (a) and (b) of this section shall not be affected by the provisions of this section.

(e) Effective with respect to fiscal years ending after June 30, 1971, the Vocational Education Act of 1963, as amended, is amended by adding at the end thereof the following new part:

"PART J—OCCUPATIONAL TRAINING

"AUTHORIZATION

"SEC. 201. (a) The Commissioner of Education shall, with the concurrence of the Secretary of Labor, enter into agreements with States whereby the appropriate State educational agencies shall provide occupational training through public educational agencies or institutions, or through arrangements with private educational or training institutions where such private institutions can provide equipment or services not available in public institutions, particularly for training in technical or subprofessional occupations and for training the disadvantaged, or where such institutions can, at comparable cost, provide substantially equivalent training, make possible an expanded use of the individual-referral method, or aid in reducing more quickly unemployment or current and prospective manpower shortages.

"(b) There are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1972, to carry out this part."

AMENDMENTS TO TITLE 38, UNITED STATES CODE

SEC. 702. (a) Chapter 41 of title 38, United States Code, is amended to read as follows:

"Chapter 41—JOB COUNSELING, TRAINING, AND PLACEMENT SERVICE FOR VETERANS

"Sec.
"2001. Definitions.
"2002. Purpose.
"2003. Assignment of veterans' employment representative.
"2004. Employees of local offices.
"2005. Cooperation of Federal agencies.
"2006. Estimate of funds for administration: authorization of appropriations.
"2007. Administrative controls; annual report.
"2008. Cooperation and coordination with the Veterans' Administration.

"§ 2001. Definitions

"For the purposes of this chapter—

"(1) the term 'eligible veteran' means a veteran of any war or service after January 31, 1955, as defined in section 101 of this title; and

"(2) the term 'State' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico, and may include, to the extent determined necessary and feasible, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"§ 2002. Purpose

"The Congress declares as its intent and purpose that there shall be an effective (1) job and job training counseling service program, (2) employment placement service program, and (3) job training placement service program for eligible veterans and that, to this end, policies shall be promulgated and administered, so as to provide such veterans the maximum of employment and training opportunities.

"§ 2003. Assignment of veterans' employment representative

"The Secretary of Labor shall assign to each State a veterans' employment representative, and such assistant veterans' employment representative as he shall determine, based on the data collected pursuant to section 2007 of this title, to be necessary to assist the veterans' employment representative to carry out effectively in that State the purposes of this chapter. Each veterans' employment representative and assistant veterans' employment representatives shall be an eligible veteran who at the time of appointment shall have been a bona fide resident of the State for at least two years and who shall be appointed in accordance with the provisions of title 5, United States Code, governing appointments in competitive service and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and general schedule pay rates. Each such veterans' employment representative and assistant veterans' employment representative shall be attached to the staff of the public employment service in the State to which they have been assigned. They shall be administratively responsible to the Secretary of Labor for the execution of the Secretary's veterans' counseling and placement policies through the public employment service and in cooperation with manpower and training programs administered by the Secretary in the State. In cooperation with the public employment service staff and the staffs of each such other program in the State, the veterans' employment representative and his assistants shall—

"(1) be functionally responsible for the supervision of the registration of eligible veterans in local employment offices for suitable types of employment and training and for counseling and placement of eligible veterans in employment and job training programs;

"(2) engage in job development and job advancement activities for eligible veterans, including maximum coordination with appropriate officials of the Veterans' Administration in that agency's carrying out of its responsibilities under subchapter IV of chapter 3 of this title and in the conduct of job fairs, job marts, and other special programs to match eligible veterans with appropriate job and job training opportunities;

"(3) assist in securing and maintaining current information as to the various types of available employment and training opportunities, including maximum use of electronic data processing and telecommunications systems and the matching of an eligible veterans' particular qualifications with an available job or on-the-job training or apprenticeship opportunity which is commensurate with those qualifications;

"(4) promote the interest of employers and labor unions in employing eligible veterans and in conducting on-job training and apprenticeship programs for such veterans;

"(5) maintain regular contact with employers, labor unions, and training programs and veterans' organizations with a view to keeping them advised of eligible veterans available for employment and training and to keeping eligible veterans advised of opportunities for employment and training; and

"(6) assist in every possible way in improving working conditions and the advancement of employment of eligible veterans.

"§ 2004. Employees of local offices

"Except as may be determined by the Secretary of Labor based on a demonstrated lack of need for such services, there shall be assigned by the administrative head of the employment service in each State one or more employees, preferably eligible veterans, or the staffs of local employment service offices, whose services shall be fully devoted to discharging the duties prescribed for the veterans' employment representative and his assistants.

"§ 2005. Cooperation of Federal agencies

"All Federal agencies shall furnish the Secretary of Labor such records, statistics, or information as he may deem necessary or appropriate in administering the provisions of this chapter, and shall otherwise cooperate with the Secretary in providing continuous employment and training opportunities for eligible veterans.

"§ 2006. Estimate of funds for administration; authorization of appropriations

"(a) The Secretary of Labor shall estimate the funds necessary for the proper and efficient administration of this chapter. Such estimated sums shall include the annual amounts necessary for salaries, rents, printing and binding, travel, and communications. Sums thus estimated shall be included as a special item in the annual budget for the Department of Labor.

"(b) There are hereby authorized to be appropriated such sums as the Congress shall determine to be necessary for the proper and efficient administration of this chapter.

"(c) In the event that the regular appropriations Act making appropriations for administrative expenses for the Department of Labor with respect to any fiscal year does not specify an amount for the purposes specified in subsection (b) of this section for that fiscal year, then of the amounts appropriated in such Act there shall be available only for the purposes specified in subsection (b) of this section such amount as was set forth in the budget estimate required pursuant to subsection (a).

"(d) Any funds made available pursuant to subsection (b) and (c) of this section shall not be available for any purpose other than those specified in such subsections, except with the approval of the Secretary based on a demonstrated lack of need for such funds for such purposes.

"§ 2007. Administrative controls; annual reports

"(a) The Secretary of Labor shall establish administrative controls for the following purposes:

"(1) To insure that each eligible veteran, especially those veterans who have been recently discharged or released from active duty, who requests assistance under this chapter shall promptly be placed in a satisfactory job or job training opportunity or receive some other specific form of assistance designed to enhance his employment prospects substantially, such as individual job development or employment counseling service.

"(2) To determine whether or not the employment service agences in each State have committed the necessary staff to insure that the provisions of this chapter are carried out; and to arrange for necessary corrective action where staff resources have been determined by the Secretary to be inadequate.

"(b) The Secretary of Labor shall report annually to the Congress on the success of the Department of Labor and its affiliate State employment service agencies in carrying out the provisions of this chapter. The report shall include, by State, the number of recently discharged or released eligible veterans and other eligible veterans who requested assistance through the public employment service and, of these, the number placed in suitable employment or job training opportunities or who were otherwise assisted, with separate reference to occupational training under appropriate Federal law. The report shall also include any determination by the Secretary under section 2004 or 2005 of this title and a statement of the reasons for such determination.

"§ 2008. Cooperation and coordination with the Veterans' Administration

"In carrying out his responsibilities under this chapter, the Secretary of Labor shall from time to time consult with the Administrator and keep him fully advised of activities carried out and data gathered pursuant to this chapter to insure maximum cooperation and coordination between the Department of Labor and the Veterans' Administration."

(b) The table of chapters at the beginning of title 38, United States Code, is amended by striking out

"41. Job Counseling and Employment Placement Service for Veterans ---------- 2001"

and inserting

"41. Job Counseling, Training, and Placement Service for Veterans ---------- 2001".

(c) The table of chapters at the beginning of part III of title 38, United States Code, is amended by striking out

"41. Job Counseling and Employment Placement Service for Veterans ---------- 2001"

and inserting in lieu thereof

"41. Job Counseling, Training, and Placement Service for Veterans ---------- 2001".

(d) The amendments made by this section shall become effective ninety days after the enactment of this Act.

Mr. JAVITS. Mr. President, I wish to express my appreciation for the excellent job done by John K. Scales, of the minority staff, on this highly complex legislation. He has been invaluable and highly expert and contributed much to a successful result. I wish also to commend William Bechtel, Richard Johnson, and William Spring of the majority staff who have been most helpful to us and have contributed so much to this legislation.

Mr. NELSON. Mr. President, I want to thank the Senator from New York for his kind remarks, his cooperation, and that of his staff. We have benefited from the patient assistance of the minority counsel, John Scales.

Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, the distinguished Senator from Wisconsin (Mr. NELSON) is to be commended for the outstanding manner in which he handled the manpower measure. Its wide acceptance by the Senate speaks abundantly for the outstanding legislative ability of the chairman of the subcommittee on manpower and poverty. His strong advocacy was in keeping with the splendid tradition he set long ago. This success adds another fine achievement to the abundant record of public service accomplished by Senator NELSON. The Senate is deeply grateful.

The Senate is grateful, as well, to the Senator from New York (Mr. JAVITS). As the ranking minority member of the

committee his cooperation and assistance was indispensable to this success.

MESSAGE FROM THE HOUSE— ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

S. 58. An act providing for the addition of the Freeman School to the Homestead National Monument of America in the State of Nebraska, and for other purposes;

S. 621. An act to provide for the establishment of the Apostle Islands National Lakeshore in the State of Wisconsin, and for other purposes; and

S. 2208. An act to authorize the Secretary of the Interior to study the feasibility and desirability of a national lakeshore on Lake Tahoe in the State of Nevada and California, and for other purposes.

MERCHANT MARINE PROGRAM

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1090 (H.R. 15424) to amend the Merchant Marine Act of 1936.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows: A bill (H.R. 15424) to amend the Merchant Marine Act of 1936.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce with amendments on page 2, line 1, after "(46 U.S.C. 1119(b)," strike out "is amended by striking the period at the end thereof and inserting a colon and the following: *"Provided, however,* That the Secretary of Commerce is authorized prior to June 30, 1980, to approve applications and enter into contracts for construction differential subsidy and for the cost of national defense features incident to the construction of 300 ships for operation in foreign commerce of such size, type, and design as he may consider best suited to carry out the purposes and policy of this Act." and, in lieu thereof, insert "is amended by inserting before the period the following: ", except that for fiscal years 1971 through 1980 there is hereby authorized to be appropriated such sums as may be necessary, without fiscal year limitation, as appropriation Acts may provide, for the uses set forth in subparagraphs (1) and (2) of this subsection, including but not limited to the construction of 300 ships for operation in foreign commerce of such sizes, types, and designs as the Secretary of Commerce may consider best suited to carry forward the national policy declared in section 101 of this Act."; on page 3, line 2, after the word "of", insert "efficient"; in line 3, after the word "repair", strike out "facilities" and insert "capacity"; on page 5, line 20, after the word "purchaser," strike out "if he is the applicant,"; in line 23, after the word "of", insert "the first sentence of"; in line 24, after the word "Act", insert "with respect to competitive bidding,"; on page 6, line 15, after the word "any", strike out "directly"; on page 7, line 12, after the word "By", strike out "the insertion" and insert "inserting"; in line 13, after "(b)", strike out "of three new sentences to read as follows:" and insert "the following:"; after the amendment just above stated, strike out "The Secretary shall recompute such estimated foreign cost periodically, as necessary. Between recomputations the construction differential subsidy shall be based on such estimated foreign cost, adjusted for the increases or decreases in labor and material costs. Such adjustments shall be based on the most reliable available statistics showing such increases or decreases." and, in lieu thereof, insert "The Secretary of Commerce shall recompute such estimated foreign cost annually unless, in the opinion of the Secretary, there has been a significant change in shipbuilding market conditions. The Secretary shall publish notice of his intention to compute or recompute such estimated foreign cost and shall give interested persons, including but not limited to shipyards and shipowners and associations thereof, an opportunity to file written statements. The Secretary's consideration shall include, but not be limited to, all relevant matter so filed, and his determination shall include or be accompanied by a concise explanation of the basis of his determination."; on page 8, line 20, after the word "of", insert "the first sentence of"; on page 9, line 10, after the word "shall", strike out "notify the Commission on American Shipbuilding of such contract and the Commission on American Shipbuilding shall,"; in line 12, after the word "after", insert "entering"; in line 13, after the word "such", insert "contract"; in the same line after the amendment just stated, strike out "notification"; in the same line, after the word "submit", strike out "its" and insert "his"; on page 11, after line 1, insert:

(a) By striking out the words "title VII and section 509, and the Federal Maritime Board, in connection with ship construction, reconstruction, or reconditioning under title V (except section 509)," in the second sentence and inserting in lieu thereof "titles V and VII,".

(b) By striking out the words "in such manner as it may be determined" in the second sentence and inserting in lieu thereof "in such manner as he may determine".

At the beginning of line 10, strike out "(a)" and insert "(c)"; at the beginning of line 12, strike out "(b)" and insert "(d)"; at the beginning of line 15, strike out "(c)" and insert "(e)"; on page 12, line 18, after the word "the", where it appears the second time, strike out "shipbuilder" and insert "shipyard"; on page 13, after line 10, strike out:

(d) By striking out the second sentence the words "In all such construction the shipbuilder, subcontractors, materialmen, or suppliers shall use," and inserting in lieu thereof the words "Any material or other articles used in the construction of a vessel and included in the United States construction cost for the purpose of determining the construction differential subsidy payable and all major components of the hull and superstructure and any material used in the construction thereof shall,".

(c) By striking out of the second sentence the words "only articles, materials, and supplies" and inserting in lieu thereof the word "be".

At the beginning of line 23, strike out "(f)" and insert "(d)"; on page 14, after line 3, insert a new section, as follows:

SEC. 11. Section 509 of the Merchant Marine Act, 1936 is amended as follows:

(a) By striking out the word "Commission" wherever it appears and inserting in lieu thereof the words "Secretary of Commerce".

(b) By striking out the word "applicant" wherever it appears and inserting in lieu thereof the word "purchaser".

(c) By striking out the words "at 3½ per centum per annum," and inserting in lieu thereof, the words "at a rate not less than (i) a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, adjusted to the nearest one-eighth of 1 per centum, plus (ii) an allowance adequate in the judgment of the Secretary of Commerce to cover administrative costs, the balance of such purchase price being".

At the beginning of line 23, change the section number from "11." to "12."; on page 15, at the beginning of line 19, change the section number from "12." to "13."; on page 16, at the beginning of line 11, change the section number from "13." to "14."; at the beginning of line 24, change the section number from "14." to "15."; on page 17, at the beginning of line 4, change the section number from "15." to "16.";

After line 5, strike out:

(1) By striking out of the first sentence the words "on a service, route, or line" and inserting in lieu thereof the words "in an essential service".

(2) By inserting in the first sentence following the words "shall not exceed the excess of" the words "the subsidizable wage costs of the United States officers and crews,".

And, in lieu thereof, insert:

(1) By striking out the words "Such contract shall provide that the amount of the operating-differential subsidy for the operation of vessels on a service, route, or line shall not exceed the excess of" and inserting in lieu thereof the words "Such contract shall provide, except as the parties should agree upon a lesser amount, that the amount of the operating-differential subsidy for the operation of vessels in an essential service shall equal the excess of the subsidizable wage costs of the United States officers and crews".

At the beginning of line 21, strike out "(3)" and insert "(2)"; at the top of page 18, insert:

(3) By striking out of the first sentence the words "maintenance, repairs not compensated by insurance," and inserting in lieu thereof "maintenance and repairs not compensated by insurance".

In line 10, after the word "to," insert "and inserting in lieu thereof "'incurred'"; at the beginning of line 21, change the section number from "16" to "17; on page 19, at the beginning of line 8, insert "and taxes or other governmental assessments on crew payrolls";

in line 11, after the word "relating", strike out "thereto:" and insert "to:"; in line 20, after the word "finding", strike out the comma and "or"; after the amendment just above stated, insert a colon and "*And provided further,* That in determining whether officers or members of the crew are necessary for the efficient and economical operation of such vessel, the Secretary of Commerce shall give due consideration to, but shall not be bound by, wage and manning scales and working conditions required by a bona fide collective bargaining agreement, or"; on page 20, line 4, after the word "to", insert "ninety days following"; in line 12, after the word "to", insert "ninety days following"; on page 21, line 9, after the word "established.", strike out "The Secretary of Commerce shall not start a new base period unless he announces his intention to do so prior to the December 31 that would be included in the new base period"; on page 22, line 4, after the word "cost", insert "except that the Secretary shall not establish a new base period unless he announces his intention to do so prior to the December 31 that would be included in the new base period." on page 23, line 3, after the word "interested", strike out "operator" and insert "contractor"; in line 9, after the word "the", strike out "end of such period" and insert "beginning a new base period"; in line 11, after the word "the", where it appears the third time, strike out "operator's" and insert "contractor's"; on page 24, after line 6, insert a new section, as follows:

SEC. 18. Section 605(b) is amended by striking out the words "except on whose life expectancy has been determined as provided in section 607(b) for a period in no case to exceed the life expectancy determined thereunder, unless the Commission" and inserting in lieu thereof ", unless the Secretary of Commerce".

At the beginning of line 13, change the section number from "17" to "19"; on page 25, at the beginning of line 4, change the section number from "18" to "20"; on page 26, after the semicolon following the word "items", insert "by striking out '505(a)' and inserting in lieu thereof '505';"; at the beginning of line 23, change the section number from "19" to "21"; on page 27, line 9, after the word "providing", strike out "replacement or additional vessels" and insert "replacement vessels, additional vessels, or reconstructed vessels,"; on page 30, line 7, after the word "to", where it appears the first time, insert "tend to"; on page 38, line 14, after the word "made", insert "in"; on page 41, line 19, after the word "those", strike out "voyages" and insert "areas"; on page 42, line 4, after the word "includes", strike out "an ocean-going towing vessel or an ocean-going barge" and insert "a towing vessel or barge other than a towing vessel or barge engaged solely in the transportation of property on inland rivers or canals exclusively.

"(8) The term "noncontiguous trade" means (i) trade between the contiguous forty-eight States on the one hand and Alaska, Hawaii, Puerto Rico and the insular territories and possessions of the United States on the other hand, and (ii) trade between Alaska, Hawaii, and Puerto Rico and such territories and possessions and (iii) trade between the islands of Hawaii."; on page 43, after line 6, insert a new section, as follows:

SEC. 22. Section 714 of the Merchant Marine Act, 1936 is amended as follows:

(a) By striking out the words "Commission" and "Commission's" wherever they appear and inserting in lieu thereof the words "Secretary of Commerce" and "Secretary of Commerce's" respectively.

(b) By striking out in the first sentence the words "3½ per centum of the depreciated foreign cost computed annually upon the basis of a twenty-five year life of the vessel." and inserting in lieu thereof "an amount equal to (i) the sum of a percentage of the depreciated foreign cost computed annually upon the basis of a twenty-five year life of the vessel determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the term of the charter, adjusted to the nearest one-eighth of 1 per centum, plus (ii) an allowance adequate in the judgment of the Secretary of Commerce to cover administrative costs."

(c) By striking out of the last sentence of the first paragraph thereof the words "of 3½ per centum per annum from the date of purchase." and inserting in lieu thereof, "from the date of purchase, at a rate not less than (i) a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, adjusted to the nearest one-eighth of 1 per centum, plus (ii) an allowance adequate in the judgment of the Secretary of Commerce to cover administrative costs."

On page 44, at the beginning of line 15, change the section number from "20" to "23"; at the beginning of line 18, change the section number from "21" to "24"; in line 19, after the word "amended", insert "to read"; after line 20, strike out:

(1) The words "its discretion" are stricken out and the words "his discretion" are inserted in lieu thereof.

(2) The words "by affirmative vote of four of its members, except as provided in section 201(a)" and the comma that precedes them are stricken out.

(3) A colon and the following are inserted before the period at the end thereof: *"Provided further,* That this section shall not apply to any contractor under title VI, or those in the foregoing specified relationship to him, who is not such a contractor on April 15, 1970, and who becomes such a contractor after April 15, 1970, with respect to specific activities that he, or those in the specific relationship to him, are engaged in on April 15, 1970. Such contractor, or those in the foregoing specified relationship to him, may continue to engage in such of the aforesaid specific activities in which he was engaged on April 15, 1970, for a period of twenty years after the date he becomes such a contractor, after which time he, and those in the foregoing specified relationship to him, must divest themselves completely of such specific activities. During this twenty year period, the contractor or those in the foregoing specified relationship to him, may not acquire, charter or use directly or indirectly a foreign flag vessel which was not owned, chartered or used directly or indirectly before April 15, 1970".

And insert:

"SEC. 804. (a) Except as provided in subsections (b) and (c) of this section, it shall be unlawful for any contractor receiving an operating-differential subsidy under title VI or for any charterer of vessels under title VII of this Act, or any holding company, subsidiary, affiliate, or associate of such contractor or such charterer, or any officer, director, agent, or executive thereof, directly or indirectly to own, charter, act as agent or broker for, or operate any foreign-flag vessel which competes with any American-flag service determined by the Secretary of Commerce to be essential as provided in section 211 of this Act.

"(b) Under special circumstances and for good cause shown, the Secretary of Commerce may, in his discretion, waive the provisions of subsection (a) of this section as to any contractor, for a specific period of time.

"(c) Upon application to the Secretary of Commerce the provisions of subsection (a) of this section shall not apply to the following specified activities of any contractor under title VI, or those in the foregoing specified relationship to him, who was not such a contractor on April 15, 1970, and who shall have complied with the requirement set forth in subsection (d) of this section:

"(1) Until April 15, 1990—

"(A) the continued ownership, charter, or operation of a foreign-flag vessel engaged in the carriage of dry or liquid cargoes in bulk which was owned, chartered, or operated by such contractor, or those in the foregoing specified relationship to him, on April 15, 1970;

"(B) the continued acting as agent or broker for a vessel described in subsection (c)(1)(A) of this section which is owned, chartered, or operated by such contractor, or those in the foregoing specified relationship to him, and for which such contractor, or those in the foregoing specified relationship to him, were acting as agent or broker on April 15, 1970;

"(2) Until April 15, 1972, the continued acting as agent or broker for a foreign-flag vessel engaged in the carriage of dry or liquid cargoes in bulk (other than one described in subsection (c)(1)(A)), for which the contractor, or those in the foregoing specified relationship to him, were acting as agent or broker on April 15, 1970;

(d) No contractor under title VI, whether he shall have become such a contractor before or after the date of enactment of this section, shall avail himself of the provisions of subsection (c) of this section unless not later than ninety days after the enactment of this section there shall have been filed with the Secretary of Commerce a full and complete statement, satisfactory in form and substance to the Secretary, of all foreign-flag vessels which he, or those in the foregoing specified relationship to him, directly or indirectly owned, chartered, acted as agent or broker for, or operated on April 15, 1970.

"(e) During the period of time provided for in subsection (c) of this section, the Secretary of Commerce shall, at the beginning of each regular session, make a report to the Congress on the activities of contractors under such subsection, including but not limited to, the nature and extent of such activities; its effect, if any, upon carrying forward the national policy declared in section 101 of this Act; and the Secretary's recommendations for legislation, if such is deemed to be necessary."

On page 48, at the beginning of line 6, change the section number from "22" to "25"; at the beginning of line 9, change the section number from "23" to "26"; after line 15, insert a new section, as follows:

SEC. 27. Section 901 of the Merchant Marine Act, 1936 (46 U.S.C. 1241) is amended as follows:

(a) By redesignating subsection (b) as subsection (b)(1).

(b) By striking the words "section 901(b)" in redesignated subsection (b) (1) and inserting in lieu thereof the words "section 901 (b) (1)".

(c) By adding a new subsection (b) (2) to read as follows:

"(2) Every department or agency having responsibility under this subsection shall administer its programs with respect to this subsection under regulations issued by the Secretary of Commerce. The Secretary of Commerce shall review such administration and shall annually report to the Congress with respect thereto."

On page 49, after line 4, insert a new section, as follows:

SEC. 28. Section 905(a) of the Merchant Marine Act, 1936 (46 U.S.C. 1244(a)), is amended by striking the period at the end thereof, substituting a comma therefor, and adding the words "except that in the context of title V of this Act concerning construction-differential subsidy, the said words 'foreign commerce' or 'foreign trade' shall to the extent provided in uniform regulations promulgated by the Secretary of Commerce also include, in the case of liquid and dry bulk cargo carrying services, trading between foreign ports in accordance with normal commercial bulk shipping practices in such manner as will permit U.S.-flag bulk vessels freely to compete with foreign-flag bulk carrying vessels."

At the beginning of line 18, change the section number from "24" to "29"; at the beginning of line 25, change the section number from "25" to "30"; on page 50, at the beginning of line 4, change the section number from "26" to "31"; at the beginning of line 8, change the section number from "27" to "32"; at the top of page 51, insert a new section, as follows:

SEC. 33. Section 1105(d) of the Merchant Marine Act, 1936 (46 U.S.C. 1275(d)) is amended by striking the last sentence thereof and inserting a new sentence to read as follows: "Such installments shall include interest on the purchase price remaining unpaid at a rate not less than (i) a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such installments, adjusted to the nearest one-eighth of 1 per centum, plus (ii) an allowance adequate in the judgment of the Secretary of Commerce to cover administrative costs."

At the beginning of line 13, change the section number from "28" to "34"; at the beginning of line 17, change the section number from "29" to "35"; on page 53, at the beginning of line 8, change the section number from "30" to "36"; at the beginning of line 13, change the section number from "31" to "37"; after line 17, strike out:

SEC. 32. Section 301 of Reorganization Plan Numbered 7 of 1961 (75 Stat. 840) is amended by striking out the words "and to the Maritime Administrator and all other officers and employees of the Maritime Administration".

After line 20, insert a new section, as follows:

SEC. 38. Reorganization Plan Numbered 7 of 1961 (75 Stat. 840) is amended as follows:

(a) By striking out section 201 and inserting in lieu thereof a new section 201 to read as follows:

"SEC. 201. MARITIME ADMINISTRATOR.—There shall be at the head of the Maritime Administration (established by the provisions of part II of Reorganization Plan 21 of 1950) a Maritime Administrator, hereinafter referred to as the Administrator. The Assistant Secretary of Commerce for Maritime Affairs shall, ex officio, be the Administrator. The Administrator shall perform such duties as the Secretary of Commerce shall prescribe."

(b) By striking out of section 301 the words at the end thereof "and to the Maritime Administrator and all other officers and employees of the Maritime Administration".

On page 54, at the beginning of line 12, change the section number from "33" to "39"; at the beginning of line 23, change the section number from "34" to "40"; on page 55, line 8, after the word "section", where it appears the second time, strike out "19" and insert "21"; in line 13, after the word "Act.", strike out ": *Provided*, That the Secretary of Commerce may, in order to facilitate the amendment of existing contracts, settle or compromise outstanding controversies under such contracts in such manner as he determines."; and insert "Nothing in section 16 of this Act amending section 603 of the Merchant Marine Act, 1936 or in the contracts made thereunder, shall be deemed to affect or to change existing law or contracts with respect to the proceedings now pending before the Secretary of Commerce relating to the payment of subsidy in respect to cargoes covered by section 901(b)(2) of the Merchant Marine Act, 1936, section 616(a) of title 15, United States Code, or section 2631 of title 10, United States Code."; on page 56, line 3, after the word "Act", insert "or all of the amendments made by this Act other than those made by section 21,"; after line 17, strike out:

SEC. 35. (1) There is hereby established a commission to be known as a Commission on American Shipbuilding (hereinafter referred to as the "Commission"). The Commission shall be composed of seven members appointed by the President. Members of the Commission shall be appointed for the life of the Commission. The President shall designate one of the members of the Commission as Chairman.

(2) Members of the Commission who are not full-time employees of the United States Government shall each be entitled to receive the per diem equivalent of the rate authorized for GS–18 of the General Schedule under section 5332 of title 5 of the United States Code when engaged in the actual performance of duties vested in the Commission, including traveltime, and while away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

(3) The Commission shall meet at the call of the Chairman or at the call of a majority of the members thereof.

(4) The Commission may appoint an Executive Director without regard to the provisions of title 5 of the United States Code governing appointments in the competitive service and shall fix his compensation without regard to the provisions of chapter 51 and subtitle III of chapter 53 of such title relating to classification and General Schedule pay rates.

(5) The Commission shall have the power to appoint and fix the compensation of such personnel, as it deems advisable, subject (except as provided in paragraph (4) hereof) to the civil service laws and classification laws.

(6) The Commission may procure, in accordance with the provisions of section 3109 of title 5 of the United States Code, the temporary or intermittent services of experts or consultants; individuals so employed shall receive compensation at the rate to be fixed by the Commission, but not in excess of the per diem equivalent of the rate authorized for GS–18 of the General Schedule under section 5332 of title 5 of the United States Code, including traveltime, and while away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

On page 58, at the beginning of line 12, strike out "(7)" and insert "SEC. 41. (1)"; in the same line, after the word "The", strike out "Commission" and insert "Secretary of Commerce"; in line 15, after the word "The", strike out "Commission" and insert "Secretary"; in line 21, after the word "The", strike out "Commission" and insert "Secretary"; in line 25, after the word "the", where it appears the first time, strike out "Commission" and insert "Secretary"; on page, 59, line 2, after the word "cost", strike out "it" and insert "he"; at the beginning of line 4, strike out "(8)" and insert "(2)"; in the same line, after the word "The", strike out "Commission" and insert "Secretary"; in line 9, after the word "the", strike out "Congress, and sixty days thereafter shall cease to exist." and insert "Congress."; after line 10, strike out:

(9) There are hereby authorized to be appropriated such amounts as may be necessary to permit the Commission to carry out its responsibilities under this Act.

At the beginning of line 14, change the section number from "36" to "42"; and at the top of page 60, insert a new section, as follows:

SEC. 43. Section 4 of Public Law 89–777 (80 Stat. 1356 et seq.), as amended by Public Law 90–435 (82 Stat. 449), is further amended by changing the first sentence of the language of that section which amends subsection 5(b) of the Act of May 27, 1936 (49 Stat. 1384) to read: "After November 1, 1970, no passenger vessel of the United States of one hundred gross tons or over, having berth or stateroom accommodations for fifty or more passengers, except a vessel operating solely on the inland rivers, shall be granted a certificate of inspection by the Coast Guard unless the vessel is constructed of fire retardant material."

Mr. LONG. Mr. President, basically, H.R. 15424 is a program which President Nixon promised when he was a candidate for office. It is a program to revitalize our Merchant Marine Act so that it will be viable and workable in wartime and in peace.

The committee report is rather formidable. Even though it has been available to Senators for some time, it is entirely possible that because of the many details that are involved in this program, as well as in the amendments adopted by the House and Senate committees, Senators may like to have a profile of the bill. I have prepared, and I ask that there be placed on the desk of every Senator, a mimeographed statement describing the principal features of the bill and an indication of what are expected to be the benefits to the Nation resulting from enactment of the bill. I ask unanimous consent that the profile of the bill be printed in the RECORD, as well.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

MARITIME BILL—H.R. 15424

WHAT THE BILL DOES

Authorizes appropriations for the construction of 300 ships over the next 10 years;

Makes shipyards as well as shipowners eligible to apply for construction subsidy;

Permits negotiated procurement of ships as well as competitive bidding;

Establishes guidelines for reducing construction subsidy from the present rate of 50% to 35% by 1976;

Extends operating subsidy to bulk carriers (now only liner vessels which operate on a fixed route are eligible);

Ties operating subsidy to a new wage index in order to help reduce skyrocketing costs.

Gives newly subsidized operators 20 years in which to divest their foreign flag *bulk* ships;

Extends tax deferment privileges to all operators in foreign trade, Great Lakes, noncontiguous trade (Alaska, Hawaii, etc.) and the fisheries. This privilege is now only enjoyed by 13 of the (subsidized) operators in foreign trade. Under the bill, an operator may deposit untaxed earnings in a fund and use the fund to build ships. The tax basis of the new ships is reduced by the amount of tax deferred so that deductible depreciation is reduced and the Government gets its money back over the life of the new ship. The net result is to cut in half the amount of capital which must be accumulated to buy a new ship.

Increases the authorization for mortgage insurance from $1 billion to $3 billion.

Gives the Secretary of Commerce authority to promulgate regulations as to the administration of the Cargo Preference Laws (cargoes restricted to U.S. vessels).

Establishes a new Assistant Secretary of Commerce for Maritime Affairs.

Save the *Delta Queen*.

BENEFITS OF THE BILL

A modern merchant fleet capable of meeting the needs of our commerce and defense.

An improvement in our balance of payments estimated at $2.9 billion during the vessel construction program and $600 million annually thereafter.

Generation of 440,000 man-years of employment for manufacturing employees (skilled and semi-skilled), much of which will be in poverty areas.

An amelioration of the decline in seagoing jobs which otherwise would drop by 50% by 1980.

Attached is a copy of the Committee Report. Pages 9 to 11 are background and maritime history. Pages 11 to 17 are charts and statistics showing the need for the program. Pages 17 and 18 are the legislative history. Pages 18 to 20 summarize the major committee amendments and cross-reference to more detailed explanations. Pages 20 to 25 explain the projected impact of the program. Pages 25 to 65 are a section-by-section report.

Mr. LONG. Mr. President, the Senate today has the opportunity to enact historic legislation to provide this Nation with a new maritime program. There is little legislation that is so urgently needed or about the need for which there is such overwhelming agreement. Congress has for many years urged the executive branch to support a program to rebuild our merchant marine. Our defense requires it. Our commerce requires it. Our balance of payments and the continued vitality of our Nation require it. For the first time in many years we have before us a maritime program that has the full support of the administration, the overwhelming backing of the House of Representatives, and the near-unanimous concurrence of those in the private sector whose cooperation will be required to make the program work.

This legislation represents the efforts of many persons, all of whom are to be commended: the President, the Secretary of Commerce, the Maritime Administrator, and others. But no man has worked longer, harder, or more ably for a new maritime program than the distinguished Senator from Washington (Mr. MAGNUSON). He has for many years labored to effect a revitalization of our merchant marine. As chairman of our committee, he has guided and shaped this legislation and, as much as any man in this country, is responsible for it. Unfortunately, his wife is seriously ill and he is unable to be with us today. However, I have been in continuous consultation with him and ask unanimous consent to have printed in the RECORD the statement he would have made had he been here.

There being no objection, Senator MAGNUSON'S statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR MAGNUSON

Mr. President, the purpose of the bill is to revitalize our merchant marine. The bill lays the legislative groundwork for a long overdue rehabilitation of our maritime capability to meet the urgent needs of our commerce and defense.

This legislation represents the culmination of a long and arduous process. The record of the Committee on Commerce on this bill alone extends over 800 pages and, most appropriately, could be considered a continuation of lengthy hearings conducted in the last Congress over a period of five months. The bill before you and the program it represents is the product of the collective best judgment and suggestions of a great number of concerned people. The program has the support of the President and the administration, including specifically the Secretaries of Commerce, Defense and Transportation. It has received the virtually unanimous support of both labor and management in the shipbuilding and ship operating industries. The Committee's consideration was also assisted by the suggestions of shippers, potential investors, and citizen's groups. The bill was passed by the House of Representatives by an overwhelming vote and, as amended, has been unanimously endorsed by the Committee on Commerce. I heartily commend the President, the Secretary of Commerce and all the others who have participated in framing this historic legislation and I particularly congratulate the distinguished Senator from Louisiana (Mr. Long), the Chairman of the Merchant Marine Subcommittee, for his fine and able legisl..tive leadership on behalf of this measure.

The time and effort devoted to this program and its widespread support is a measure of its importance. The legislation is necessarily lengthy and complex because the problems with which it deals are complex. In the main, the bill is cast as amendments to the Merchant Marine Act of 1936, and is the most extensive revision of that Act since it originally became law. The Committee's Report, which is over 130 pages in length, explains in detail the need for the bill and also each section of the legislation. I would like to discuss only a few of the most pertinent facts and review some of the most salient features of this legislation.

Although the foreign trade of our nation now accounts for about one-third of the world's total international trade, our fleet now ranks fifth in the world on a tonnage basis. Approximately three-quarters of our foreign trade fleet consists of obsolete, overage vessels that will disappear within the next five years. We face a problem of massive block obsolescence that is reaching crisis proportions.

This is crucial both to our national security and to our economic well-being. Merchant vessels have historically been and continue to be the backbone of military logistic support. Of the total cargo transported to Southeast Asia from mid-1965 to the present, 97 percent moved by sea. Ships in our privately owned fleet carried over 60 percent of the cargo. To carry much of the balance we had to break out antiquated, war-built vessels from the Reserve Fleet. These were costly and inefficient. Their number has declined dramatically, and we cannot count on them in the future to provide the extra margin of capacity necessary to meet emergency requirements. Without an emergency sealift capacity, this nation cannot be the master of its own fate but will be inevitably forced to rely on other nations whose policies may or may not agree with our own.

A viable merchant fleet is also necessary to our continued economic well-being. As a nation, we increasingly depend on our ability to import raw materials and to export finished products. We are not self-sufficient, and therefore must take steps to assure ready access to foreign sources of supply and foreign markets. At present, we carry only about 5% of our waterborne foreign commerce and this will decline dramatically over the next few years if nothing is done. A modern and efficient merchant fleet is necessary to assure a continued American voice in world shipping conferences that set ocean transportation rates. It is also necessary to assure that American products are carried at rates which do not jeopardize their competitive position in the world marketplace—rates that are not unilaterally determined by our foreign competitors.

This bill represents the necessary governmental commitment to revitalize our merchant fleet. It is designed to provide a long-range shipbuilding program of 30 ships per year for the next 10 years. By focusing on series runs of standardized ships, the bill is designed to reduce the government's per-unit cost on these ships from the present rate of 50% construction subsidy to 45% in fiscal 1971 and to 35% by fiscal 1976.

One of the major objectives of this long range program is to build and operate bulk carriers in our foreign trade. This trade, which was relatively unimportant at the time the 1936 Act was passed, has grown tremendously. Administration of the 1936 Act has ignored the bulk trades at the same time that oil, iron ore, bauxite and other raw materials have become increasingly important to us. Presently, our liner trade involves the carriage of about 46 million tons annually while our bulk trades have grown to almost 350 million tons. The bill would help us respond to this change in our requirements and is designed to reduce our dependence on foreign flag ships in the transportation of the raw materials our country needs for defense purposes and to keep our economy operating.

On the operating side, the bill makes other changes which should prove beneficial. It introduces a wage index to which subsidy is keyed. Under the new system, the amount of subsidy paid for crew costs will be determined by considering other American industries. This will eliminate the government's interference in the collective bargaining process and will also give operators an incentive to hold down wage costs. If the operator negotiates an agreement above the index, he will not be paid subsidy on the excess. If he negotiates an agreement below the index, he benefits. The bill also provides for a floor and ceiling to the amount of subsidy paid for crew costs.

A most important feature of the bill is that it extends tax deferral privileges to new operators. At present, only operators with operating subsidy contracts may establish capital construction funds on which taxes are deferred. The bill would extend this privilege to many new operators and would permit the funds to be established for construction of vessels in the foreign trade, non-contiguous and Great Lakes trades, and the commercial fisheries. In effect, these provisions cut in half the amount of capital an operator needs to accumulate in order to build a new ship, and also see to it that the Government gets its tax money by decreasing the depreciation that the operator can deduct from his taxes over the useful life of the new ship. This provision should do a great deal to revitalize our merchant fleet and should also help immeasurably in the development of a competitive American fishing fleet.

The Committee has also recommended several amendments to the bill.

Section 10 of the bill as passed by the House eliminated the requirement that in the construction of ships built with construction subsidy only articles, materials and supplies of American origin can be used. Instead, only the hull and superstructure and material used in the construction thereof, and articles used in computing subsidy would be required to be of American origin. The Committee received testimony relating to restrictive practices employed by foreign shipbuilders which preclude our supplies and component manufacturers from competing effectively in foreign markets, thus making them dependent on American vessel construction. The Committee also received testimony relating to dumping, dual pricing and other predatory practices engaged in by some foreign component manufacturers. In light of this, the Committee determined that it would be unwise to unilaterally relax our present buy-American policy and amended the provisions of the bill to continue existing law.

As the bill passed the House, it provided for a Shipbuilding Commission to study our shipbuilding industry and to determine whether the industry could achieve the productivity goals of the new program. The Committee was reluctant to create another Commission and, therefore, eliminated the provisions creating the Commission and vested all its functions in the Secretary of Commerce.

As we received the bill, it contained provisions which would give presently unsubsidized operators twenty years after entering subsidy contracts to dispose of their foreign flag vessel holdings and affiliations. The Committee substantially modified this provision by limiting it to bulk carriers, distinguishing agency relations from ownership, and providing filing and reporting requirements which will facilitate review and enforcement.

The last Committee amendment which I will discuss relates to cargo preference under section 901 of the 1936 Act. The amendment would place in the Secretary of Commerce the function of making regulations under that section. This is altogether logical and should alleviate some of the anomalies and injustices that have resulted from a lack of coordinated administration of cargo preference. Section 901 is promotional legislation and the promotional agency for maritime matters should guide its administration.

Mr. President, that is a brief summary of some of the most salient features of this bill. The Committee Report, under the heading "Impact of the New Program" describes what the bill will do for our Nation. It will help meet the urgent needs of our commerce and defense. An important secondary benefit is that it will generate substantial numbers of skilled and semi-skilled jobs and new economic opportunities—a result to be desired in these times of rising unemployment and increasing economic hardships. The program will also make important direct and indirect contributions to our balance of payments position. These have been estimated at $2.9 billion for the period prior to completion of the vessel construction program and $600 million annually thereafter. That would be a substantial help in our struggle to improve our critical balance of payments and trade balance problems.

I am mindful of the budget limitations forced upon us by the economic conditions now prevailing, and am well aware of the vast demands upon the Federal budget dollar for badly needed domestic programs. I have long supported and worked for many of these domestic programs and will continue to do so. But the need to rehabilitate our maritime capability is also urgent and critical. Too often, our efforts in the maritime area have been reported to the American public as simply a subsidy without explanation of their purpose or justification. We do subsidize our merchant marine, as do all the other maritime nations of the world in one form of another. If we did not, we would have no merchant marine and the result to our security and commerce would be disastrous. American vessel construction and operating costs are higher than those of many other nations reflecting the higher standard of living in this country. This has been true for about a hundred years—it is not a new development. How many of the people who oppose maritime programs would have been willing to claim responsibility for the result if we had not had a merchant marine in the two world wars, Korea and Vietnam? How many would be willing to take credit for changes in our economy and way of life that would result if we lacked dependable ocean transportation?

The need to revitalize our fleet should be evident to everyone. This bill makes a sound beginning in that regard. I urge my colleagues to support it.

Mr. LONG. Mr. President, in order to develop a modern and efficient merchant marine, the bill authorizes appropriations for the construction of 300 merchant ships over the next 10 years. It streamlines and makes the procurement system more efficient and provides guidelines for gradually reducing the Government subsidy level from the present rate of 50 to 35 percent by 1976.

It extends certain tax benefits and construction and operating subsidy benefits to the bulk cargo fleet which we have hitherto ignored. These cargoes are of tremendous and increasing importance to our economy and security. At present, because there has been no program in this area, our capacity to carry these cargoes is miniscule. The bill would balance our efforts and assure a capability to carry the ores, grains, oil, and other strategic materials required by our security and economy.

The bill also substantially amends and streamlines our operating subsidy program. Instead of merely paying the operator the difference between his American costs and the costs of a foreigner, it ties the subsidy to a new wage index which will reflect wages in the country as a whole. This will reduce Government interference in the collective bargaining process and at the same time give the operator incentive to reduce costs since he will not be paid the excess if his costs exceed the index and, within limits, he can keep the difference if his negotiations result in an agreement below the index level.

Some of the most important provisions of the bill extend the capital reserve fund tax deferment privileges of the 1936 act. Under present law only subsidized operators have this privilege. In the bill, this would be extended to all operators in the foreign trade, Great Lakes and domestic noncontiguous trade—Alaska, Hawaii, and Puerto Rico—and the fisheries. This provision will do much to revitalize our merchant marine and ailing fishing industry. These operators will be allowed to deposit untaxed earnings in a fund used to build ships. The tax basis and therefore deductible depreciation on the new ships is reduced by the amount of tax deferred so that the Government gets its money back over the life of the new ships. The tax provisions in existing law are substantially tightened and improved to better protect the Government's interest.

The bill also increases from $1 billion to $3 billion the authorized level for mortgage insurance. This has been an excellent program but is now almost used up and the increase is necessary to build the new ships provided for in the program.

The committee also adopted a number of amendments. One of these would continue the provisions of existing law that require that articles and materials used in the construction of subsidized ships must be of American origin. Another amendment provides a realistic means for phasing out the American owned foreign flag or "runaway" fleet. Another would vest in the Secretary of Commerce the authority to oversee the progress of the shipyards in meeting the goals of the program and also would give him authority to promulgate regulations with respect to certain military and Government-generated cargoes which are by existing law restricted to U.S.-flag vessels. These and other amendments are explained in detail in the committee's report which accompanies the legislation, and all of which I believe are substantial contributions to the program.

Finally, a section in the bill will permit the continued operation of the river steamboat *Delta Queen*. The *Delta Queen* is a sternwheel passenger vessel that operates on the Mississippi, Ohio, Tennessee, and Cumberland Rivers and is the only passenger vessel with overnight accommodations operating solely on the inland rivers of the United States.

There is no real reason why this vessel should not be excepted from the safety at sea regulations. Those regulations should not be made applicable to the *Delta Queen*. It is one of our historic vessels and operates solely on inland rivers of the United States. It deserves to retain its place in American maritime life.

Section 43 of the committee report, on page 64, relates to the *Delta Queen*. It is particularly eloquent and moving English prose. Since I am not the author of this section, I shall not describe it, but I ask unanimous consent that it be printed in the RECORD.

There being no objection, section 43 of the committee report was ordered to be printed in the RECORD, as follows:

SECTION 43

This section is a committee amendment, the sole purpose of which is to permit the continued operation of the river steamboat *Delta Queen*. The *Delta Queen* is a stern-wheel passenger vessel that travels the Mississippi, Ohio, Tennessee, and Cumberland Rivers. She is the only passenger vessel with overnight accommodations operating solely on the inland rivers of the United States.

The section would exempt the *Delta Queen* from the provision of Public Law 89-777 which requires that passenger vessels of one hundred gross tons and over, having berth or stateroom accommodations for fifty or more passengers, be constructed of fire retardant material. Public Law 89-777 was enacted in 1966 following two disastrous ship fires in the Atlantic Ocean. The primary focus of that law was to protect American citizens from substandard safety standards on deep-draft passenger vessels.

The committee is thoroughly familiar with the *Delta Queen* and her manner of operation and believes that she presents a special case worthy of exemption. Unlike an ocean vessel, the *Delta Queen* is never more than a few hundred yards or a few minutes from shore. Unlike ocean vessels, the *Delta Queen's* staterooms open directly to the outside decks and there are no long enclosed corridors where passengers or crew members could be trapped. Her compartments and rooms are equipped with full coverage sprinkler systems maintaining constant pressure. In the 44 years since her launching, her safety record is unblemished. Her oil-fired galley stoves have been replaced with safe electric ranges and ovens, and fire-retardant coatings have been applied to nearly every surface on the vessel. New and additional communications equipment, firefighting equipment and emergency devices have been installed.

With the exception of the fire retardant construction requirements of P.L. 89-777, the *Delta Queen* is by all existing standards a safe vessel. But no amount of modification can bring her into compliance with that law. In 1968, the Congress granted her a two year extension to come into compliance, but thereafter it became apparent that there was no practicable way for her to do so. Although her hull is steel, the elegant teak, mahogany, ironwood and oak of her superstructures and interiors do not conform to the provisions of the 1966 law which permits no wood to be used, and her stairways, steamplants and electrical machinery do not conform to the law's requirements. Practically every piece of the vessel would have to be rebuilt to make her conform; the cost would be astronomical and, even so, much of her historical charm would be lost.

After considering all these factors, the committee determined to adopt this amendment to the bill which is intended to apply only to the *Delta Queen*. It is not inappropriate that this bill which looks to America's Maritime future contain one section that will allow us to recall part of America's past. The *Delta Queen* brings back memories of a bygone era and her continued operation on the rivers of mid-America will permit us to recall the day when the riverboat was king, the primary means of transportation for all of the central United States, and when the characters of Mark Twain could be found along the riverbanks and not just in books. Further, the *Delta Queen's* continued service between Minneapolis-St. Paul, Pittsburgh, Louisville, Cincinnati, her home port, Memphis and New Orleans provides an excellent tourist attraction which should further our national objective of encouraging travel to and within the United States both by American and our foreign visitors.

Mr. LONG. Mr. President, I urge Senators to enact H.R. 15424. The needs of our commerce and defense and the deterioration of our balance of payments require no less.

Mr. SCOTT. Mr. President, I propose to call up an amendment which is sponsored, principally, by the Senator from Minnesota (Mr. MONDALE) and cosponsored by a number of other Senators, particularly Senators from the Great Lakes States, regarding an administration proposal for the forgiveness of interest on certain obligations. I ask that the reading of the amendment be dispensed with and that it be printed in the RECORD.

The PRESIDING OFFICER. The Senator from Pennsylvania should be advised that before the Senate can consider the amendment, the committee amendments must first be considered.

Mr. LONG. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc, reserving to every Senator the right to amend them in the first and second degrees.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana? The Chair hears none, and it is so ordered.

Without objection, the amendment of the Senator from Pennsylvania will be printed in the RECORD.

The amendment ordered to be printed in the RECORD is as follows:

AMENDMENT

On page 60, immediately after line 11, insert the following new section:

SEC. 44(a)(1) Section 5 of the Act of May 13, 1954, as amended (33 U.S.C. 985), is further amended by inserting "(a)" immediately after "Sec. 5.", and by striking out the fourth, fifth, and eighth sentences thereof.

(2) Such section is further amended by adding at the end thereof the following new subsection:

"(b) Effective as of the date of enactment of this subsection the obligations of the Corporation incurred under subsection (a) of this section shall bear no interest, and the obligation of the Corporation to pay the unpaid interest which has accrued on such obligations is terminated."

(b)(1) Subsection (a) of section 12 of such Act (33 U.S.C. 988(a)) is amended by inserting after the first sentence the following: "Any formula for a division of revenues which takes into consideration annual debt charges shall include the total cost, including both interest and debt principal, incurred by the United States in financing activities authorized by this Act, whether or not reimbursable by the Corporation."

(2) Subsection (b)(4) of such section 12 is amended by striking out the words ", payment of interest on the obligations of the Corporation,".

SECTIONAL SUMMARY

Section 1(a) of the bill amends section 5 of the Seaway Act to delete the provisions therein respecting the payment of interest on the Seaway debt.

Section 1(b) adds a new subsection to section 5 providing that as of the date of enactment of the subsection, the obligations of the Corporation incurred under section 5 shall bear no interest, and that the obligation of the Corporation to pay the unpaid interest which has accrued on such obligations is terminated.

Section 2(a) of the bill adds to section 12 (a) of the Seaway Act a new sentence providing that any formula for the division of the revenues between the Seaway Corporation and the Saint Lawrence Seaway Authority of Canada which takes into consideration annual debt charges shall include the total cost incurred by the United States in financing activities authorized by the Seaway Act, including both interest and debt principal, regardless of whether the Corporation itself is obligated to make payments thereon to the United States Treasury.

Section 2(b) of the bill amends section 12 (b)(4) of the Seaway Act to delete therefrom reference to interest payments. The deletion of the reference to interest conforms to the amendments to section 5 of the Act.

Mr. SCOTT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. LONG. Mr. President, I understand the good Samaritan intention of the Senator in offering the amendment and the great interest in the Great Lakes area. However, we on the committee have not had an opportunity to vote on this matter.

Offhand, my reaction to the amendment is that while I do not personally think I can support the amendment, if it is the will of the Senate, I will cheerfully take it to conference and try to persuade the conferees to agree to it. I have no objection to that.

The principal purpose of the amendment is to prevent an increase in toll rates on the St. Lawrence Seaway. I have no particular objection to the amendment, particularly in view of the fact that the administration supports it. The matter has not been reported by the committee.

I mildly protest the matter coming in in this fashion. I would not want this amendment to kill the bill. If the House conferees will not take it, we will do the best we can.

Mr. SCOTT. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the administration in support of the amendment.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., September 14, 1970.

HON. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith a proposed bill "To amend the Act creating the Saint Lawrence Seaway Development Corporation to terminate the accrual and payment of interest on the obligations of the Corporation, and for other purposes", together with a sectional summary.

On May 13, 1954, Congress enacted the statute creating the Saint Lawrence Seaway Development Corporation (33 U.S.C. 981). The statute authorized the Corporation to construct the portion of the Saint Lawrence Seaway located in United States territory and to operate and maintain the United States facilities. To enable the Seaway Corporation to finance its activities the statute authorized the Corporation to issue revenue bonds payable from the corporate revenue to the Secretary of the Treasury. The statute, as amended in 1957, further provided that interest payments on the bonds could be deferred with the approval of the Secretary of the Treasury, but that any interest payments so deferred would bear interest after June 30, 1960. Bonds issued by the Corporation were to have maturities agreed upon by the Corporation and the Secretary of the Treasury, not in excess of fifty years.

The statute further provided that the tolls charged by the Corporation be calculated to

cover, as nearly as practicable, all costs of operating and maintaining the facilities under the control of the Corporation, including depreciation and interest on the obligations of the Corporation. In addition, it established the principle that Seaway tolls provide the Corporation sufficient revenues to amortize the principal of its debts and obligations over a period not to exceed fifty years.

The first ten years of operation of the Seaway were projected to be a development period during which revenues would not be sufficient to meet all of the annual financial requirements. The plan for the first five years was to meet all expenses of operation and maintenance, but not all of the interest expenses. However, it was projected that interest so deferred would be paid back by the end of 1967. By that time, annual revenues were forecast to be sufficient to provide for the payment of all operating expenses and all current interest on the debt, and payments on the principal of the debt were to begin.

Unfortunately, some of the assumptions upon which the Seaway debt payment plan was established have not proven out over the long term. Each year since the opening of the Seaway, the Corporation has, in fact, paid from revenues all of its normal operating and maintenance costs. In addition, it has returned over $36 million to the Treasury. However, revenues have not been adequate to meet the interest on the debt, and the overall debt (including unpaid interest) has been growing each year until it has now reached nearly $156 million.

The Department believes the point has been reached where a substantial revision is necessary to the debt repayment plan for the Seaway. We oppose any increase in the present tolls on the Seaway, as we believe an increase in tolls would tend to discourage use of the waterway and, in turn, be detrimental to the growth of the mid-western economy. Traffic forecasts indicate that cargo volume eventually will increase from the 41 million tons handled in 1967 to an annual level of 75 million tons. Despite that growth, however, major toll increases would be necessary to enable the Seaway Corporation to meet its debt repayment schedule.

The Department therefore recommends the enactment of legislation terminating the requirement for the Corporation to pay interest on the Seaway debt. This includes unpaid interest which has accrued to date (approximately $22 million) and interest that would otherwise accrue on revenue bonds issued to the Secretary of the Treasury under section 5 of the Act of May 13, 1954. The enclosed bill is designed to accomplish this aim.

Under the proposed bill, the existing requirement for repayment to the Treasury of the principal on the revenue bonds issued by the Corporation would continue in effect. Our projections indicate that providing the Corporation relief from interest payments should permit the repayment of the bonded debt within the statutory period while holding the line on tolls.

In summary, the enclosed bill is designed to place the Seaway on a sound long-term financial footing and permit the Development Corporation to effectively develop and promote the movement of cargo through the Seaway. At the same time, it would retain the requirement that the Corporation return to the Treasury the amounts it borrowed to construct the facilities operated by the Corporation.

The Office of Management and Budget has advised that this proposed legislation is consistent with the Administration's objectives.

Sincerely,

JOHN VOLPE.

Mr. SCOTT. Mr. President, I would hope there would be sufficient support in the other body for the amendment. This affects a great many States and we hope that would generate support.

Mr. SPONG. Mr. President, will the Senator yield? I would like to ask a question.

Mr. SCOTT. I yield.

Mr. SPONG. I understand that the amendment is designed to help the situation on the Great Lakes. Will the Senator tell us what the amendment does?

Mr. SCOTT. The amendment would relieve the St. Lawrence Seaway from certain unpaid interest obligations. It does not affect the question of tolls at all, so far as I am concerned.

Mr. SPONG. Would it affect future interest payments?

Mr. SCOTT. It takes into consideration the annual debt charges which shall include the total costs, including both interest and debt principal, incurred by the United States in financing activities authorized by the Seaway Act, including both interest and debt principal and, therefore, deletes prior reference to the debt payment.

In essence, it is a forgiveness of some prior obligations of unpaid interest.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. MONDALE. The measure is a very modest one but I think a very important one. The ultimate effect is to head off a toll increase. It does not give much, if any leeway for a toll reduction. It does this by forgiving accrued but unpaid interest and forgiving future interest. But having forgiven that, the toll charges on the Seaway are such they will barely pay the capital costs and annual costs of operation and maintenance.

Mr. SPONG. In the past the Senator from Minnesota sought the forgiveness of principal and interest.

Mr. MONDALE. The Senator is correct.

Mr. SPONG. Do I understand no principal is forgiven?

Mr. MONDALE. The Senator is correct.

Mr. SCOTT. Not on this amendment. There may be other action but it is not in this amendment.

Mr. MONDALE. This is a modest amendment and it would make it possible to head off a toll increase.

The St. Lawrence Seaway is the only federally maintained waterway where any tolls are paid, and the toll structure is so exorbitant that this year ships plying the locks have paid up to $21,000. The situation is depriving the Seaway and the Great Lakes of much potential.

I think there should be no tolls and we would be on the same footing as everyone else; but all we ask for now is the forgiveness of accrued and future interest charges.

Shortly after I came to the Senate in 1964, it became apparent to me that there was gross and unjust discrimination against the Great Lakes region with respect to Federal transportation programs and policies. Accordingly, I introduced a bill in the 89th Congress to refinance the St. Lawrence Seaway Development Corporation. I reintroduced that bill in the 90th Congress. Although hearings were held on that legislation, no action was taken.

Last year, after further study, I concluded that the legislation was even more urgently needed and introduced a new bill, S. 3137. This bill had the bipartisan sponsorship of 17 Senators from all of the States in the upper Midwest and from Pennsylvania, as well. The bill was the subject of a series of hearings by the Special Subcommittee on Great Lakes-St. Lawrence Transportation, chaired by the Senator from Indiana (Mr. HARTKE). The hearings began in Washington, D.C. and continued in Chicago and Duluth.

I was delighted last month when the U.S. Department of Transportation reversed the longstanding opposition of the executive branch and recommended legislation to relieve the Seaway Corporation of the burden of interest payments on its debt to the Treasury. The Department announced that it was now opposed to a toll increase.

While the Transportation Department's proposals do not go as far as my original bill, they would certainly be helpful to the Seaway and should remove the pressure for significant toll increases. Therefore, I have decided to support Secretary Volpe's recommendations, which are now embodied in the pending amendment.

Under the amendment, the Corporation will pay all operating and maintenance costs out of toll revenues and pay off the construction costs during the next 39 years. In this respect, the seaway would still be treated unfavorably with respect to all other waterways in the United States which have been developed and operated entirely out of general tax revenues. In this light, converting the seaway debt to an interest-free loan is a very modest step.

I think, however, that this approach is one which will permit the seaway to grow and remain economically viable. If such legislation is not enacted, substantial toll increases will be required under terms of the seaway legislation and our agreements with Canada.

The American midcontinent is the keystone of the Nation's production. In both agriculture and industry, the Midwest is a leading world producer. It outproduces the six Common Market nations together. It also outproduces the Soviet Union.

The midcontinent is the largest exporting region in the United States. However, we find that the overwhelming majority of exports from this region are being shipped by expensive overland routes to coastal cities where they must be reloaded on oceangoing vessels.

Since the construction of the St. Lawrence Seaway, this American heartland has been open to low-cost shipping through a transportation artery extending 2,342 miles from the ocean to the head of the Lakes. We have cost data which show that shipping from Great Lakes ports through the seaway is extremely economical, compared to alternative routes. But Federal policies are inhibiting Great Lakes shipping.

If the Great Lakes are to be fairly treated, a number of other measures are also required:

We must put a stop to discriminatory overland transportation rates.

We must assure that the U.S. Government cargo is shipped, where it is economical, via the Great Lakes-St. Lawrence system.

We must vigorously pursue the initial study of the Corps of Engineers with respect to extending the navigation season in the lakes.

We must see to it that the lake ports are developed, at the very least, to the point that they can handle the largest ships which can use the seaway.

But these improvements depend on the maintenance of a transportation artery to the ocean which is not strangled by excessive toll charges.

I urge my colleagues to do simple justice to the Great Lakes by acting now to prevent any increase in tolls.

I ask unanimous consent that my testimony on this issue be included at this point in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR WALTER F. MONDALE

Mr. Chairman, I am delighted to be here at the opening of your hearings of this important, new Subcommittee.

I think the establishment of this Subcommittee is a very significant step in establishing the facts concerning both the problems and the potential of the Great Lakes-St. Lawrence system—this vital transportation artery which extends 2342 miles from the ocean into the heartland of America. When the facts have been put on record, I am confident that your Subcommittee will be able to lead the way toward unlocking the great potential of this unique transportation system.

The American mid-continent is the keystone of the Nation's production. In both agriculture and industry, the mid-west is a leading world producer. It out-produces the six Common Market nations together. It also out-produces the Soviet Union.

Within the United States, the mid-continent has become the largest exporting region of the United States. Indeed, Chicago has become the leading export city in the nation. And Detroit is now the second largest exporting city in the nation.

Do we find that these leading export cities are shipping their products out of their own port facilities? No. On the contrary, we find that the overwhelming majority of exports are being shipped by expensive overland routes to coastal cities. There, they must be reloaded on ocean going vessels to sail to ports which, in many cases, are no closer to the U.S. coastal city than they are to the port of origin on the Great Lakes. For example, the distance by water from Baltimore to Liverpool is 3,936 miles. The city of Detroit is actually closer to Liverpool by water. It measures only 3,710 miles. If we add the 604 miles overland from Detroit to Baltimore we see that route through the coastal port is 840 miles longer than that through the Great Lakes-St. Lawrence system.

Cost analysis of shipments through the Lakes and from coastal ports bears out the savings which should accrue from direct exporting. For example, the *Wall Street Journal* recently observed that a shipment of power transformers from Oil City, Pennsylvania to LeHavre, France, cost the shipper $1,387 each through Cleveland, compared with $2,232 if the transformer had been shipped by rail to New York and then to France.

Similar cost savings exist for shipments via Duluth in my own State. For example, in 1968 it cost $1.39 per case to ship scotch whiskey from Glasgow to Minneapolis via Duluth and $1.99 via New York. Rough quarried marble cost $2.43 per 100 pounds from Leghorn, Italy, to Minneapolis via Duluth and $3.45 per 100 via Boston.

Despite these inherent advantages of proximity via great circle routes to major U.S. buyers abroad; despite the cost advantages of water borne commerce over land borne commerce; and despite the ability to ship directly without reloading at coastal ports, we find that the lake ports are handling only 2½% of the U.S. overseas water borne trade.

Virtually no U.S. government cargo is shipped abroad out of Great Lakes ports. For example, the Department of Defense alone exports almost 30 million tons in a year and only 2,000 tons were shipped through Great Lakes ports in 1968. This amounts to less than 1/100 of 1% of the total Defense exports. In contrast, approximately 35% of the material exported by Defense originated in the Great Lakes area.

Why do we find that the Lake ports are not handling the traffic which would seem to be their reasonable share of U.S. exports? The reasons are complex and interrelated. They include some natural limitations such as the extended winter period when, at least by tradition, shipping is thought to be impractical because of ice conditions on the lakes. But they also include a variety of grossly discriminatory practices which are either imbedded in Federal legislation or are sanctioned by Federal agencies.

For example, under Section 22 of the Interstate Commerce Act, free or reduced rates are often given for government cargo moving to coastal ports. But such rates are seldom offered on traffic to Geat Lakes ports.

Moreover, the railroads have charged excessive and unfair rates on shipments to Great Lakes ports as contrasted to rates for shipments to more distant coastal ports. As noted by the *Wall Street Journal*, "It costs nine times as much per mile . . . to ship steel silos by train from Kankakee, Illinois, to Chicago than from Kankakee, Illinois to New York." Another example is the proposed rates which have been filed with government agencies for shipment of soybeans and meal from central Illinois to New Orleans—rates which are the same as those for shipment to nearby Chicago.

We also find that the cargo preference laws operate to prevent shipments of government cargo through lake ports because there are usually no American Flag Carriers available in which to ship such cargo. The reason why there are so few American Flag Carriers on the Lakes is that traditionally, the Maritime Administration has not made the benefits of maritime assistance programs available to the Great Lakes.

For example, the maritime construction subsidy program offers some $100 million per year in Federal assistance, but not a dime has gone to the construction of vessels in the Great Lakes. Similarly, the $300 million a year in operating subsidies have gone almost exclusively to the three coasts enumerated in the Merchant Marine Act of 1936. The Great Lakes sea coast is conspicuous only by its absence.

Only three American Flag Carriers have received operating subsidies from the Maritime Administration, and these supported less than a dozen voyages out of the Great Lakes in 1969.

By comparison, vessels registered to the Soviet Union made 33 voyages into the Lakes in 1969.

The total subsidy for the three American Flag Carriers in the last four years has been approximately $11 million. In contrast, the operating subsidy to a single U.S. vessel, namely the SS. United States, was $11 million in the last year alone.

In 1969, 11 of the 17 trips made by U.S. Flag vessels were in connection with a temporary Department of Defense test to assess the cost advantages of shipping defense cargo directly through Lake ports. Even this test, however, reflects the government-sanctioned discrimination against the Seaway which has plagued development of the area and its transportation system.

Since these Defense-chartered vessels were only able to carry Defense cargo back from their European destinations, they frequently returned with uneconomic loads. As a result, this test could not fairly show the inherent cost advantages of shipment through the lakes.

All of these factors have operated to limit the number of voyages out of the lakes, making it difficult for shippers to rely on timely deliverly through lake ports. Thus, the solution to the problems of the Great Lakes-Seaway transportation system is as complex as the interrelated causes. But a start has to be made, and the work of this Subcommittee should mark that important beginning.

I hope this Subcommittee will help to explore the feasibility of greatly extending the navigation season on the lakes and suggest steps which can be taken during this session of this Congress to begin the process. Every year, hundreds of millions of dollars are spent on navigation improvements on toll free waterways throughout the United States. Let us not hesitate to spend a small portion of these waterways improvement funds on the Great Lakes-St. Lawrence system.

A feasibility study, recently concluded by the Corps of Engineers, revealed that it should be entirely practical from a technical point of view, and entirely reasonable from an economic point of view, to greatly extend the shipping season. Including a 30 year amortization schedule for capital investment, the total cost per year for extending the shipping season to a 12 month basis has been estimated to be only $27 million.

I also hope that this Subcommittee will begin to explore and expose the grossly discriminatory overland transportation rates to lake ports. It is almost inconceivable that an agency of the United States government—the Interstate Commerce Commission—should have sanctioned such rates in apparent contravention of statutory policy against discriminatory rates. Unfortunately, the lake ports have only recently begun to protest these unfair rates. But it is time for the Congress to show that it supports their cause and will not condone the continuation of such unfair policy and practice by one of its regulatory arms.

It is also time to bring to a stop the discrimination against the lake ports under the maritime subsidy programs. We must eliminate any imperfections in the 1936 Merchant Marine Act, and make it perfectly clear that Great Lakes ports are fully eligible for all the benefits under that program. But we must do more.

I was amazed to note that the recent proposal of the Administration for a 10 year maritime program made no reference to the Great Lakes trade. The Maritime Administration has shown something less than enthusiasm for the development of Great Lakes trade. In order that it does not continue its well established practice of overlooking Great Lakes commerce, I believe it essential that we amend the legislation proposed by the Administration to be very specific about our objectives. We must not only permit Federal assistance to the Great Lakes maritime trade; but we must require it.

I would also hope that this Committee could be helpful in persuading the Defense Department to extend the so-called test for studying the possible economies of shipping defense cargo through lake ports. The test conducted so far was like sending a contestant into the fray with one hand tied behind his back. Surely, if we are going to have a test of the economics of shipment to European ports, we can devise one where a ship will have a full cargo on both legs of its journey.

Finally, I would like to turn to the subject of the financial structure of the St. Lawrence Seaway Development Corporation. I was proud to introduce S. 3137 with the co-sponsorship of 14 Senators from both parties from all of the States in the upper mid-west.

This bill should not be regarded merely as a regional measure. The Seaway has clearly benefited the entire nation. The Great Lakes-St. Lawrence Waterway System permits extremely economical water transport serving one of the world's richest agricultural regions and leading industrial complexes.

In the year before the Seaway opened less than 12 million tons of cargo moved through the St. Lawrence. This jumped to over 20 million tons in 1959 and continued to grow to almost 50 million tons in 1968. Unfortunately, traffic declined last year to about 41 million tons, due in large part to extended labor disputes at iron ore mines and docks. Much of this growth in volume represents an increase in the United States' share of world trade. I hope the Committee will be able to develop data to document this growth. Overseas tonnage was a mere 300 to 600 thousand tons before the Seaway opened. In the first year, this jumped to almost 5 million tons and continued to grow to almost 15 million tons by 1967.

There are only five countries competing in the world wheat market. The Seaway has helped to secure a significant portion of that market for U.S. farmers. It has provided an excellent low-cost route for exporting surplus agricultural production.

And so it is for other U.S. exports of commodities and industrial products, such as automobiles, locomotives, gasoline engines, farm equipment, turbines, earth moving equipment and heavy machinery. Manufacturers and processors have also found that the Seaway provides efficient and economical access to raw materials from Canada and abroad. Here too, the benefits of increased U.S. production are shared by the entire nation.

According to a study by the Maritime Administration, the additional income to the Great Lakes area in a single year, as a result of the waterborne commerce, is estimated at $300 million. This represents a return of more than 200% per year on the total U.S. investment in the Seaway. Two years ago, while similar legislation was pending, we were successful in securing a four-year moratorium on toll increases on the St. Lawrence Seaway. Two years have passed without the action which is necessary to prevent new proposals for toll increases.

It is abundantly clear that the financial projections underlying the original Seaway Act are unsound. The time to put the Seaway on a solid financial footing is now. The U.S. will soon have to agree with its Canadian partner on new toll rates to be effective in 1971. Therefore, I believe that prompt action on this bill is essential.

The St. Lawrence Seaway act of 1954 requires that the Corporation pay, out of toll revenues, the entire cost of construction by the year 2009. In addition, toll revenues must cover fully the cost of operation and maintenance.

This self-sustaining requirement is unique for waterways in the United States. The Federal Government has developed and maintained waterways and ports throughout the United States entirely out of general revenues.

For example, the U.S. has spent over $56 million for the development of the Gulf Intercoastal Waterway and an additional $50 million for operation and maintenance. The same region has been benefited by an expenditure of $62 million for the 76-mile Mississippi River-Gulf Outlet and close to $11 million has already been spent on operation and maintenance. The 50-mile Houston Ship Channel has cost the taxpayers almost $33 million and more than $37 million has been paid for operation and maintenance. The 96 mile Delaware River Channel to Philadelphia was developed at a public cost of $130 million—which is greater than the U.S. investment in the St. Lawrence Seaway. Moreover, $140 million from general revenues has gone into operation and maintenance of that Channel.

The Federal Government is also investing more than $1 billion in the Arkansas River project.

No user charges whatsoever have been levied in the case of any of these facilities. For this reason, there is growing recognition that the financial framework of the St. Lawrence Seaway is unfair and unreasonable and discriminates against the Nation's "fourth seacoast."

This discrimination in financing an essential link in this 2342 mile waterway into the the mid-continent is dramatized by contrasting the Federal transportation aid given to other regions, such as Appalachia. Up to the end of the last fiscal year, the U.S. Government has invested $470 million in developing roads to serve Appalachia. And much more remains to be spent there.

I do not begrudge those expenditures for Appalachia, and I am sure that my fellow Senators from the Great Lakes area do not either. But we are compelled to wonder why this unequal treatment for the Seaway. I, for one, am determined to obtain fairer treatment for Minnesota and her sister states in the Great Lakes region.

Perhaps, when the Congress authorized this historic project, there was reason to believe that the Seaway could, indeed, bear the unprecedented financial burden which was placed upon it. But this belief has proved unfounded. Since the Seaway was opened in 1959, it has not been able to make any significant payments toward reduction of the bonded debt. Although it has made substantial interest payments to the Treasury, it has fallen in arrears $15.7 million in interest charges.

Thus, the original capital cost of $124 million, plus $6.7 million in interest during the construction period, and $9 million for lock rehabilitation has grown to a total of $155.9 million. Based on present traffic projections and current toll revenues, the debt of the St. Lawrence Seaway Corporation will not be eliminated by the year 2009. In fact, it will grow to some $800 million if corrective action is not taken.

Raising toll revenues is not the solution. Those who propose this easy remedy may be unaware of what the toll rates are. Perhaps, when they think of tolls, they have in mind the $1.75 for an automobile to drive the length of the New Jersey Turnpike. Or perhaps they think of the $5.00 a truck might pay. How many realize that, for example, a ship named "Andwei," carrying 22,636 tons of iron and steel, paid a toll of $21,225.28 on October 12, 1969 to use the St. Lawrence Seaway?

The existence of competitive modes of transportation which were once, themselves, heavily subsidized, would draw off the necessary traffic if the tolls were significantly raised. But the existence of the Seaway has already served a very useful purpose in keeping the rates on other transportation down.

A "principle" was put forth in 1954 that transportation facilities should be self supporting. As I have noted, in the 15 years since then, no other waterways have been built or operated in accordance with this principle. Air transport is also subsidized by the Federal Government. Should the Seaway be forced into "bankruptcy" in the interest of establishing this elusive principle?

Under existing law, the current break-even point would be some 56 to 58 million tons of Seaway traffic annually. In contrast, only 41 million tons were handled in 1969. Thus, it can be seen that intensive traffic-building efforts would still fall far short of making the Seaway self-supporting under present statutory provisions. But, clearly, we should do our best to build traffic. Last year, however, the House of Representatives denied the Seaway Corporation $30,000 for a traffic development study. I regret that the Senate did not see fit to restore that small sum.

Based on existing practice with respect to all other Federally assisted waterways and ports, it would be entirely reasonable to propose that the bonded debt of the Seaway be written off and that operating and maintenance costs, henceforth, be paid out of general revenues.

We still hear proposals for initiating waterways "user charges" on other Federally-assisted waterways. Perhaps we should propose that toll charges on the Seaway be abandoned until such time as the Congress adopts such charges.

We have not made that proposal, however. S. 3137 merely proposes to relieve the Seaway of the crushing burden of debt service. It could then pay its fair share by fully covering its operating and maintenance costs and maintain reasonable toll levels.

The bill would cancel the existing debt of the Seaway to the Treasury. It would, however, require the Seaway to pay operating and maintenance costs, and payments in lieu of taxes, out of toll revenues. Any money remaining would be returned to the Treasury.

The Corporation has already returned more than $36 million to the Treasury in the form of interest on the original bonded debt. Until such time as agreement can be reached with Canada for a substantial reduction in tolls, the Seaway would have a "surplus" after paying operating and maintenance costs. Under our bill, and in light of existing Canadian law and international agreement, this "surplus" would result in payments to the Treasury at approximately the current rate of $4 to $5 million per year.

However, it is our hope that this bill will lead to significant toll reductions. Based on present traffic volume, and assuming Canadian agreement, a toll reduction of approximately ⅔ would be possible.

It does not seem unreasonable for the United States to pay out of general revenues the approximately $5½ million annual interest cost on the U.S. investment in the Seaway. This seems very small in relation to the billions of dollars in Federal revenues which have been paid for the construction and operation of other waterways. Considering the extensive public interest and national defense value of the Seaway, it is clearly appropriate to have general revenues assume this modest cost.

I wish it were possible for the U.S. Congress to require that Seaway tolls be substantially reduced and eventually eliminated. But we own only two of the seven locks. And our action must be coordinated with Canada's. Accordingly, I will merely state at this time the objective of the sponsors that everything possible be done by the U.S. to prevent any toll increase and to move as rapidly as possible toward reduction in tolls.

I suggest that, in hearings on this bill, the Committee explore various possibilities for reducing or eliminating toll charges on the Seaway. If a formula could be devised to assure such reductions, I would like to see it incorporated in the bill. If not, I would hope the Committee would express its intent about toll rates in its report on the bill.

Perhaps enactment of the bill will encourage our Canadian partner to consider changes in the financial structure of its Seaway Authority. If Canada adopted similar legislation, then surely there could be significant toll reductions.

If action along the lines of this bill is not taken, the Seaway will be forced to consider toll increases in the order of 25 to 50

percent in the near future. That would clearly be disastrous.

I believe that the national benefits already realized from the construction of the St. Lawrence Seaway are clear. It has been estimated that Seaway traffic could be doubled over the next 20 years, with vastly increased contributions to the security and well-being of America. I hope that the bill will be enacted speedily so that it will be unnecessary for the U.S. to agree to an increase in tolls, which would seriously jeopardize the Seaway's potential. I also hope the other steps which are necessary to extend the navigation season, eliminate discriminatory practices, and assist Great Lakes shipping will be taken promptly.

Mr. SCOTT. I represent the ports of Philadelphia and Erie. I am convinced this is perfectly fair to Atlantic seaboard ports in that it goes no further than to relieve the seaway of certain unpaid interest obligations. I think it is fair and it does not harm my home port of Philadelphia.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. WILLIAMS of Delaware. I have heard this described as a modest amendment. How modest is it? How much is the principal and to whom do they owe it? How much is accrued that is not paid?

Mr. GRIFFIN. Mr. President, will the Senator yield so that I may respond.

Mr. SCOTT. I yield.

Mr. GRIFFIN. It would cancel accrued interest of $22.4 million.

Mr. WILLIAMS of Delaware. To whom is that owed?

Mr. GRIFFIN. It is owed, of course, to the United States. When the legislation authorizing development of the St. Lawrence Seaway was passed, it was passed with the requirement that the investment be paid back with interest. It was passed with certain estimates about how much traffic there would be on the seaway and what tolls would be. There is no question that the traffic has not come up to the estimates, and there is a statutory obligation that the tolls provide the seaway corporation with revenues sufficient to pay off its debt by the year 2000.

We are in a situation where tolls must be raised because they have not covered both principal and interest. This is counterproductive since it will further reduce traffic on the seaway. In previous years Senators from the Great Lakes area on both sides of the aisle have been pushing for a forgiveness of principal and interest. The Senator from Minnesota, the Senator from Michigan and others have tried to do this because we believe the seaway has suffered as a result of the unfair burden placed on it. It is the only United States waterway having some type of user charge.

We have passed legislation authorizing development of waterways and harbors as well as authorizing construction of locks in other parts of the United States without requiring anything to be paid back. This amendment is a compromise.

This administration agreed only to forgive the interest. We will still have to pay back the principal, but the necessity for raising tolls will be eliminated.

Mr. WILLIAMS of Delaware. I understand. I supported the Saint Lawrence Seaway. That is an obligation that is owed to the U.S. Government. Is that right?

Mr. GRIFFIN. The Senator is correct.

Mr. WILLIAMS of Delaware. Are any of those moneys owed to the Canadian Government?

Mr. GRIFFIN. No.

Mr. WILLIAMS of Delaware. Will it continue to be paid on other obligations of the Saint Lawrence Seaway, or is this the only obligation? I am trying to determine what we are forgiving.

Mr. GRIFFIN. No.

Mr. WILLIAMS of Delaware. The Saint Lawrence Seaway does not owe anyone except what they owe to the U.S. Government; is that right?

Mr. GRIFFIN. The Senator is correct.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Pennsylvania (Mr. SCOTT). On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT) the Senator from Alabama (Mr. GRAVEL), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Wyoming (Mr. MCGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Mississippi (Mr. STENNIS), the Senator from Maryland (Mr. TYDINGS), the Senator from Texas (Mr. YARBOROUGH), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. RUSSELL), are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), would vote "yea."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from Hawaii (Mr. FONG), the Senator from New York (Mr. GOODELL), the Senator from Idaho (Mr. JORDAN), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER), are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from South Carolina (Mr. THURMOND) is absent on official business.

If present and voting, the Senator from New York (Mr. GOODELL), the Senator from South Dakota (Mr. MUNDT), the Senator from Illinois (Mr. SMITH), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 56, nays 14, as follows:

[No. 312 Leg.]

YEAS—56

Aiken	Ervin	Mondale
Allott	Gore	Nelson
Anderson	Griffin	Pearson
Baker	Gurney	Percy
Bayh	Hansen	Prouty
Bellmon	Harris	Proxmire
Bennett	Hart	Randolph
Bible	Hartke	Saxbe
Boggs	Hatfield	Schweiker
Burdick	Holland	Scott
Byrd, W. Va.	Hruska	Smith, Maine
Case	Hughes	Sparkman
Church	Inouye	Stevens
Cook	Javits	Symington
Cooper	Jordan, N.C.	Williams, N.J.
Cranston	Mansfield	Williams, Del.
Curtis	McGovern	Young, N. Dak.
Dole	Metcalf	Young, Ohio
Dominick	Miller	

NAYS—14

Allen	Hollings	Pastore
Brooke	Long	Pell
Byrd, Va.	Mathias	Spong
Dodd	McIntyre	Talmadge
Ellender	Packwood	

NOT VOTING—30

Cannon	Jackson	Murphy
Cotton	Jordan, Idaho	Muskie
Eagleton	Kennedy	Ribicoff
Eastland	Magnuson	Russell
Fannin	McCarthy	Smith, Ill.
Fong	McClellan	Stennis
Fulbright	McGee	Thurmond
Goldwater	Montoya	Tower
Goodell	Moss	Tydings
Gravel	Mundt	Yarborough

So the amendment was agreed to.

Mr. SPONG. Mr. President, for those of us who have served on the Merchant Marine Subcommittee or who are in the least familiar with marine affairs, today is an occasion of special significance not unlike the launching of a ship. In this case, I am hopeful that the comprehensive legislation before us will lead to the launching of a whole new era in our merchant marine history.

There is no question about the urgency of solving the problems of our merchant marine. The age and condition of our fleet has deteriorated to the point where this country is almost totally dependent upon other nations to carry its seaborne commerce. This has disturbing implications not only for our ability to deploy and support our military forces abroad, but for the continued vitality of our international trade.

For the most part, our merchant fleet is made up of worn out World War II ships, three-fourths of which are more than 20 years old and slated for the scrap pile in the next 3 or 4 years. Unless we can reverse the depressing record of ship replacement, we will have barely 200 modern ships in our foreign trade fleet by 1982, able to carry less than 3 percent of U.S. trade.

This projection is in startling contrast to the picture immediately following World War II when as the result of a crash wartime shipbuilding program, the United States could boast the largest merchant marine fleet in the world, with some 3,600 vessels. Years of neglect and a basic failure to understand the nature and requirements of our role as a major sea power has led to our present dismal status among the seafaring nations of the world.

I think it is clear that we either must expand our shipbuilding program to offset the deficiencies of previous years, or we must resign ourselves to the position

of a second-rate seapower. With the United States standing virtually alone as the leader of the free world, I cannot imagine the American people accepting such a fate.

I am hopeful that the bill before us today will begin to meet this problem. I am particularly pleased that this legislation seeks to correct a major inequity in our maritime laws, an inequity based on the extension of tax-deferred construction reserve benefits for the Nation's oceangoing merchant fleet, and a problem which I sought to correct with legislation last year.

By making available these tax benefits to unsubsidized as well as subsidized companies, I am confident that we are going to induce the investment of much larger sums of private capital in new merchant ship construction. And, of course, if we can bring more private capital into this sadly languishing industry, we will diminish by that much the demands for more Government—which is to say taxpayers'—money.

So I hope that this bill is the beginning of a new true course. It reflects the direction taken by many of us in the Congress for a long time. That direction is toward fair and equitable treatment for all sections of the shipping industry involved in international trade, and the attraction of more private capital to accomplish the enormous task ahead of us.

The distinguished chairman of the Commerce Committee, Senator MAGNUSON, the able chairman of the subcommittee, Senator LONG, and the ranking minority committee member, Senator COTTON, are to be commended not only for introducing this bill but for their efforts over the years to give this country the kind of broad program it needs to revitalize our merchant marine.

I am pleased that we are finally embarked on a committed course and I am hopeful that we can move full speed ahead by passing this long-awaited bill.

Mr. HART. Mr. President, after many years of study and analysis, the Committee on Commerce brings to the Senate floor H.R. 15424, which provides for the long-needed revitalization of the American merchant marine. We regret that our late colleague, Senator Bartlett, who toiled at this task so long and so faithfully, is not with us to see his efforts and the efforts of others too many to name reach fruition.

Particularly satisfying to those of us from the Great Lakes area is the fact that the committee has retained the amendments to the administration's initial bill added by the House Committee on Merchant Marine and Fisheries. These amendments recognize and provide long-needed assistance to the struggling Great Lakes fleet and the rapidly growing Great Lakes foreign commerce. For the first time in history, lake carriers will be entitled to receive Federal assistance on the same terms that other segments of the American merchant marine have enjoyed since the enactment of the Merchant Marine Act in 1936. This assistance is long overdue, and it is our hope that the hard-pressed lake carrier fleet can be revitalized and modernized under the provisions of the bill before us today.

This bill also formally recognizes what we have known to be true since the opening of the St. Lawrence Seaway in 1959; namely, that the Great Lakes-St. Lawrence Seaway system is a vital and necessary avenue of foreign commerce of the United States. Section 23 of the bill declares this to be a fact, and in essence, calls upon the Federal Government to insure that American-flag ships equitably serve the Great Lakes overseas trades. We fully expect that the Maritime Administration will heed the intent of the Congress and institute a program to provide adequate American-flag service on all Great Lakes trade routes as expressed in the passage of this legislation and as earlier expressed by a special subcommittee of the Senate Commerce Committee in 1965.

During our study of this bill, the committee considered an amendment to the Military Cargo Preference Act of 1904, 10 U.S.C. 2631, which would have permitted the President to authorize the Department of Defense to ship military supplies via the lowest cost routing and use foreign-flag vessels when there were no American-flag ships serving the lowest cost trade route. The primary aim of the amendment was to prevent the diversion of millions of tons of military cargo away from the lower cost trade routes and ports, and to offer sufficient incentive for American-flag ship owners to provide vitally needed American-flag service to Great Lakes ports and other ports that are presently denied such services. Because some of the members were convinced that such an amendment, not fully considered by either the Senate or House committees, might jeopardize final passage of H.R. 15424, the amendment was not accepted by your committee.

Our consideration of the amendment, however, pointed out that the strict application of the several cargo preference laws serves to restrict the primary goal of expanding the American merchant marine because those laws remove any incentive to expand available American-flag shipping services beyond a few major port areas where such services tend to concentrate in hopes of receiving government impelled cargoes reserved to American-flag ships. This concentration leaves port areas like the Great Lakes and New England substantially devoid of American-flag service and does not in the long run promote or foster a citizen-owned merchant marine capable of carrying a substantial portion of all American foreign commerce.

I support the enactment of H.R. 15424 and urge its early implementation in all of its aspects by the Maritime Administration. I also urge that the Maritime Administration take immediate steps to formulate a program that will insure that American-flag ships equitably serve all major U.S. trade routes with special emphasis on those port areas which are presently denied American-flag service. Our amendment would have provided the first step in this direction, and we will closely observe what steps the Maritime Administrator takes to see that the merchant marine truly grows to serve the needs of the entire Nation.

Mr. PROUTY. Mr. President, I wish to urge favorable consideration by the Senate of the bill, H.R. 15424. This bill will serve to provide the vehicle for the new maritime program recommended by President Nixon in his message to the Congress on October 3, 1969 and, more importantly, chart the course for the revitalization of the American maritime industry for which many of us have labored so arduously over the past several years.

Mr. President, H.R. 15424 is an omnibus bill which principally serves to amend the Merchant Marine Act of 1936 so as to bring its provisions in consonance with the maritime needs of our Nation for the 1970's and 1980's. In so doing, it incorporates several prior legislative recommendations to improve the administration of our Nation's maritime program and to improve the competitive posture with respect to both shipbuilding and ship operations. In a word, it is the legislative blueprint for the President's proposed 10-year maritime program.

Referring to the President's message on this new maritime program, I invite particular attention to the following statements contained therein concerning the shipbuilding industry:

> 1. We should make it possible for industry to build more ships over the next ten years, moving from the present subsidy level of about ten ships a year to a new level of thirty ships a year.
>
> 2. We should reduce the percentage of totals costs which are subsidized.

These goals will be aided in their accomplishment by the use of a multiyear procurement system now used in connection with other Government programs.

In connection with the ship operations, H.R. 15424 would propose to continue operating-differential subsidies for only a limited number of specific items. It also would tie the principal cost item of wages to an index-type system. As President Nixon observed in his message:

> A policy which ties subsidies to this wage index will reduce subsidy costs and provide an incentive for further efficiencies.

Thus, the bill represents a positive and an affirmative step forward to meeting our national sealift requirements. It also is significant that, in the words of President Nixon:

> The expansion of American merchant shipbuilding which this program makes possible will provide many new employment opportunities.

But perhaps of greatest importance is that this legislative proposal bears the general endorsement and support of all interested parties—the President and his administration, the Congress, and by and large the maritime industry.

In conclusion, I believe that President Nixon perhaps best summed up the thrust of this legislation in the following manner:

> It is my hope and expectation that this program will introduce a new era in the maritime history of America, an era in which our shipbuilding and ship operating industries take their place once again among the vigorous, competitive industries of this nation.

I, therefore, urge all my colleagues to support the passage of H.R. 15424,

launching our maritime industry into an era of challenge and opportunity, rather than leave it in the present costly doldrums.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 918

Mr. WILLIAMS of Delaware. Mr. President, I call up my amendment No. 918.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 918) of Mr. WILLIAMS of Delaware is as follows:

On page 27, line 3, strike out "eligible vessels (as defined in subsection (k)(1))" and insert in lieu thereof "vessels operating in the United States foreign trade".

On page 27, line 7, strike out the word "vessels" and insert in lieu thereof "vessels which can become agreement vessels (as defined in subsection (k)(1))".

On page 27, lines 13 and 14, strike out ", Great Lakes, or noncontiguous domestic trade or in the fisheries of the United States" and insert in lieu thereof the word "trade".

On page 28, lines 13 and 14, strike out "foreign or domestic commerce of the United States or in the fisheries of the United States," and insert in lieu thereof the following: "United States foreign trade,".

On page 33, lines 21 and 24, and on page 34, lines 2 and 3, strike out in each such line "a qualified" and insert in lieu thereof in each such place "an agreement".

On page 40, line 11, strike out the word "'eligible" and insert in lieu thereof the word "'agreement".

On page 40, line 15, strike out the word "and".

On page 40, strike out lines 16 through 24, and on page 41, strike out lines 1 through 14 and insert in lieu thereof the following:

"(C) on which an operating-differential subsidy is being paid, and

"(D) which the person maintaining the fund agrees with the Secretary of Commerce will be operated in the United States foreign trade."

On page 41, line 15, strike out "(4)" and insert in lieu thereof "(2)".

On page 41, line 18, strike out "(5)" and insert in lieu thereof "(3)".

On page 41, line 23, strike out "(6)" and insert in lieu thereof "(4)".

On page 42, line 1, strike out "(7)" and insert in lieu thereof "(5)".

On page 42, strike out lines 8 through 14.

Mr. WILLIAMS of Delaware. Mr. President, although this bill is an amendment to the Merchant Marine Act of 1936, one of its principal purposes is to indirectly amend the tax laws of the United States, and it is my opinion that for that reason the tax portions of the bill should have been referred to the Committee on Finance for its consideration before it was reported by the Committee on Commerce.

I am referring specifically to section 19 of the bill, which extends the privilege of tax deferral of income taxes on earnings deposited in a reserve fund to unsubsidized American-flag operators in foreign trade, vessels used in the Great Lakes trade, in noncontiguous domestic trade—such as that with Alaska, Hawaii, and Puerto Rico—and in the fisheries of the United States. This privilege of tax deferral under present law is available only to subsidized ship operators in the U.S. foreign trade. With this expansion of the section under present law, it is difficult to see why, should this bill be enacted, the shipping industry will any longer pay much, if any, Federal income taxes. I can assure you that there is not an industry in the country that would not like similar treatment. It is difficult for me to see why, if the Commerce Committee is to exempt from Federal tax the industries which come within its jurisdiction, other committees cannot similarly exempt from tax those industries coming within their jurisdiction. Ultimately, if this process continues, we would, of course, raise no revenue from American business.

Under the terms of the provision, it is true that the money placed in the capital construction fund generally is to be spent for the construction of new ships. However, the fact that the money is invested in the ships does not end the tax benefit with respect to the amounts previously placed in the construction reserve fund. Even when the money is invested in a ship, the deferral continues and when that ship is sold, if the funds are reinvested again in the fund, the tax deferral can be continued indefinitely. Also, the investment income of the fund falls within this tax privilege.

One of my major concerns with this bill is the substantial additional costs to the Government through a reduction in revenues which would otherwise be available. The present provision costs about $10 million and this bill would increase this loss to between $50 and $100 million, or possibly more, depending on how much is placed in the fund. I do not believe we can afford this revenue loss at this time.

I would like to go through with you now the principal reasons why I believe that this type of indirect tax legislation is the wrong thing to do

First, as I have already suggested, if this one industry is for the most part to obtain freedom from Federal tax because it is a good thing to have for the shipping industry, what about all of the other industries that we need in the country? How does one justify imposing a tax on any other industry needed by the country if specific tax exclusions are provided for this industry?

Second, if you were to provide a subsidy for the shipping industry, I would assume that you would not want the largest benefits to go to those with the largest profits. I think it is clear that to do so is the reverse of what a rational decision would be. Yet, that is exactly the result under this provision. The benefit depends upon the size of the taxable income. The larger the income, the larger the benefit; any business that operates at a loss receives no benefit at all. Thus, a tax subsidy operates just opposite to the manner in which it should work since those that need aid the most receive the least help and the more a member of the industry prospers, the more benefits it receives.

Third, it seems to me that if Congress is to provide a subsidy for the shipping industry, it would want to review this from year to year to see whether it was working in the manner desired and whether the subsidy was being granted in the most economical way possible to achieve the desired goals. Yet, a tax subsidy of this type almost guarantees that there will not be an annual review of the subsidy since this is permanent law and this cost does not appear in the budget.

Finally, at a time such as the present, when we are asking the Government generally to cut back its spending, it seems to me that this is a particularly inappropriate time to say to the shipping industry: "You no longer have to pay any taxes."

The amendment I am offering today is intended to preserve present law as far as the use of the tax deferred reserve fund is concerned. This means that the subsidized vessels operating in the U.S. foreign trade will continue to have available a reserve fund in which they may deposit their profits free from tax to be used for ship construction in the United States. However, as a result of my amendment, the reserve fund will not be extended to unsubsidized vessels operating the U.S. foreign trade or to vessels used in the Great Lakes trade, in noncontiguous domestic trade or in the fisheries of the United States.

I understand that at the present time this tax deferred reserve fund is administered by the Treasury Department through closing agreements which, in most cases, date back to the 1940's and are not clear as to the tax status in various situations. This bill, as I understand it, besides expanding the use of the tax deferred reserve funds, also revises the tax treatment of the funds to clarify and simplify the effect of the various transactions that are made by a company through its reserve fund. For this reason I am not opposing the technical changes made by the bill. Instead, my amendment is directed only toward cutting back on the additional types of shipping which would otherwise be given the tax deferred treatment in the bill before us.

I suggest that if the Commerce Committee believes that the merchant marine industry is in need of financial aid that it bring before the Senate a bill providing subsidies through the use of direct appropriations. We would then have the opportunity of seeing who will receive the subsidy and how the industry is faring from one year to the next. This will allow the Appropriations Committee an opportunity to review the needs of this industry in providing appropriations each year. I feel that this is the better way to provide aid for an industry than to use the tax laws to provide an indirect subsidy. It will allow us to see what we are doing each year, instead of providing subsidies by using the tax laws. The subsidies through the tax laws are undesirable first because they do not provide the financial aid to those that need it the most and second because under this procedure there is no opportunity to review from year to year the effect of the subsidy.

To summarize—the issue is very clear.

Under the existing law the merchant marine, that is, the subsidized merchant marine, those ships operating in coastal waters and those operating under certain restrictions as to rates, are granted certain tax credits or the privilege of setting aside a portion of their earnings without paying income taxes. This can be set aside and put in a special fund for the purpose of buying a new ship or expanding their fleet.

This privilege of tax credits has never before been available to those nonsubsidized lines flying the American flag in international commerce, to fishing vessels or any of the nonsubsidized lines. This bill for the first time extends this tax credit and this tax privilege to all of the American merchant marine ships classified as American-citizen-owned, or flying the American flag regardless of where they operate.

I have checked this with the staff of the joint committee, and they pointed out that under existing law this tax credit costs the Government about $10 million a year. All of the subsidized lines do not take advantage of the provision because there are some restrictions attached to it; but with these restrictions removed and these tax credits extended to all ships flying the American flag it is figured that the loss in revenue would be $50 million as a minimum estimate and a maximum of $100 million. The reason it would cost more right now is that tanker rates and a lot of shipping rates are at an abnormally high level. This would practically excuse all of the merchant marine from paying any Federal income taxes whatsoever if the committee bill is approved.

I think, in the first place, this tax credit should have been considered by either the Ways and Means Committee or the Committee on Finance. I am not making any point of that now. It is late in the session, and I told the chairman we would debate the matter on the floor. But I think we should be clear in what we are doing.

Without this amendment we would be extending a tax-exempt haven to practically all of the merchant marine that is classified as American owned, and there would be very little if any income taxes paid by this industry. I do not think we can start exempting any of the industries from having to pay their proportionate part of the cost of operating the Government. If one of these ships should be sunk in international waters it may mean the involvement of our country in war. They expect the protection of the American flag, yet they do not seem to be willing to pay anything toward the defense of this country. I do not see how such favored treatment can possibly be justified.

I asked the Department, and, while I do not have a list of all the companies that would be classified as eligible for this exemption—when I say eligible, I mean they would be in an eligible position where they could be considered for the tax credit—I did ask them if all companies which are being subsidized with Government-guaranteed loans would automatically have to be classified as American-owned companies in order to get that guarantee, and the answer was in the affirmative.

So we can well proceed on the theory that any company which is operating in international waters—a nonsubsidized line—where they had a Government-guaranteed loan, conceivably could qualify. It is rather significant that two large operators, in particular, whom I have criticized several times before for the lenient treatment that has been given them, would be beneficiaries of this tax exemption. For instance, companies owned by Mr. Onassis, who is already enjoying the benefit of this country's benevolence in that he has a 5-percent Government-guaranteed loan financing his shipping operation, could be eligible for this tax exemption. Mr. Niarchos with some of his companies would also be eligible. The company which owns the *Manhattan* tanker that went through the Arctic was recently owned by Stavros Niarchos, and its earnings would be practically exempted from taxation, if my amendment is defeated.

Why should these shipping tycoons not pay income taxes on their earnings while operating under the American flag?

I think this provision should be stricken from the bill. I see no reason whatsoever why we should extend this tax-exempt privilege to all of the merchant marine just because they are flying the American flag or claiming American citizenship on such a flimsy basis.

Mr. Onassis is not an American citizen, but his two children having been born in this country do have the status of American citizenship, and his ships are operated under a trust account in their name. Theoretically, they could enjoy tax-exemption on their earnings in the shipping industry under this committee bill. Why?

I think we have gone as far as we can in extending tax benefits, and I ask for the yeas and nays on this amendment.

The yeas and nays were ordered.

I ask unanimous consent that various insertions relating to the financial arrangements with companies owned by Onassis and Niarchros be incorporated in the RECORD as a part of my remarks.

This lists the extent of the Government-guaranteed loans, and it shows the rate of interest at 5 percent. Now the committee wants to give them tax exemptions.

In my opinion both these individuals have been having a free ride on the taxpayers, and I will not support an extension of the benefits.

Nor can the extension of this tax credit be justified for the other companies.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF COMMERCE,
MARITIME ADMINISTRATION,
Washington, D.C., September 2, 1970.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: Reference is made to your letter of July 29, 1970, and our interim reply of August 4, 1970, relating to any loans and/or loan guarantees approved by the Maritime Administration during the past twenty years for Aristotle S. Onassis, Stavros Niarchos and any company affiliated with either.

Attached is a statement covering the sales of U.S. Government-owned vessels during the past twenty years to domestic companies reported to be owned or controlled by Messrs. Niarchos or Onassis. These vessels were all sold subject to preferred mortgages held by the U.S. Government. These mortgages have all been paid in full.

The following information relates to loan guarantees (loan and/or mortgage insurance) of the Maritime Administration pursuant to Title XI, Merchant Marine Act, 1936, as amended, for the aforementioned parties:

(A) Aristotle S. Onassis and affiliates Victory Carriers, Inc. (Victory). This U.S. corporation (Delaware) is 75% owned by Onassis' children (U.S. citizens) under a trust agreement with The Grace National Bank of New York (now Marine Midland Grace Trust Company) (Trustee) and 25% owned by Sociedad Industrial Maritima Financiera Ariona, Panama, S.A., a Panamanian corporation owned and/or controlled by Mrs. Onassis. Thus, Victory was deemed to be a citizen of the United States within the meaning of Section 2 of the Shipping Act, 1916, as amended, and qualified to own U.S. vessels for operation in the domestic coastwise trade.

Pursuant to a Maritime Administration Trade-Out and Build Contract (MA–1439) with Victory et al, dated January 25, 1957, as amended, Victory was obligated to construct 3 tankers (2 of 46,000 DWT and 1 of 106,450 DWT) in exchange for U.S. permission to transfer 14 older vessels to foreign registry. This contract was later amended to require 4 tankers of 46,000 DWT each to be constructed for the below listed companies under the terms and conditions stated:

(1) Mount Vernon Tanker Company—100% owned by Victory, the tanker *Mount Vernon Victory* was built at a cost of $13,553,068 and a 20-year, 5% per annum mortgage, executed January 27, 1961, in the amount of $11,858,900, was insured under the provisions of Title XI. The unpaid balance of this mortgage as at June 30, 1970, is $6,313,217.55. All mortgage payments have been currently made.

(2) Monticello Tanker Company—100% owned by Victory, the tanker *Monticello Victory* was built at a cost of $13,655,384 and a 20-year, 5% per annum mortgage, executed October 19, 1962, in the amount of $11,868,600, was insured under the provisions of Title XI. The unpaid balance as of June 30, 1970, is $6,750,266.25. All mortgage payments have been currently made.

(3) Montpelier Tanker Company—100% owned by Victory, the tanker *Montpelier Victory* was built at a cost of $14,501,043 and a 20-year, 5% per annum mortgage, executed December 26, 1962, in the amount of $12,313,450, was insured under the provisions of Title XI. The unpaid balance as of June 30, 1970, is $7,630,918.35. All mortgage payments have been currently made.

(4) Mount Washington Tanker Company—100% owned by Victory, the tanker *Mount Washington Victory* was built at a cost of $14,656,290 and a 20-year, 5% per annum mortgage, executed October 31, 1963, in the amount of $12,313,450, was insured under the provisions of Title XI. The unpaid balance as of June 30, 1970, is $8,255,141.84. All mortgage payments have been currently made.

The terms and conditions required by Maritime for approving Title XI aid to the four above-mentioned companies exceeded the minimum requirements of the Title XI regulations, in that, in addition to the normal restrictions imposed on the Title XI companies, Victory, the parent company, was required to execute certain agreements, such as a Financing Agreement, Guaranty Agreements, and a Restricted Fund Agreement, all of which provided additional security to the United States.

(B) Stavros Niarchos and affiliates, Manhattan Tanker Company (Manhattan). Pursuant to certain agreements executed between the United States and Niarchos inter-

ests, Mr. Niarchos was required, among other things, to construct one or more tankers of such tonnage as, in the opinion of the Maritime Administration, has substantially equivalent utility value to the total tonnage of the vessels to be approved for transfer to foreign ownership and registry.

The common stock of Manhattan was held on February 26, 1959, the date the Title XI application was approved by the Maritime Administration, by New York Tankers Company, Inc. (66.7%) and Industry Tanker Company (33.3%). Both of these companies were 75% controlled by Chase Manhattan Bank of New York (now Chase Manhattan Bank (N.A.)), as Trustee for minor children of Mr. Niarchos. In accordance with the aforesaid agreements, the 106,500 DWT tanker *Manhattan* was constructed at a cost of $27,406,128 and a 20 year, 5% per annum mortgage executed January 15, 1962, in the amount of $20,925,000 was insured under the provisions of Title XI. The Niarchos interests sold the stock of the Manhattan Tanker Company to Transeastern Associates Inc. (the interests of Joseph Kahn and Howard Pack) within a year of delivery and are no longer connected with any Title XI ships. During Niarchos' ownership, all payments were currently made. The *Manhattan* is the tanker which recently made the transit of the Northwest Passage to the Prudhoe Bay region of Alaska while under charter to the Humble Oil Company.

If further information is desired, please advise.

Sincerely,

M. E. PARR,
Acting Chief, Office of Subsidy Administration.

Name of ship and company to which sold by U.S. M.C.	Type (Liberty dry cargo)	Date of construction	Date of transfer	Statutory sales price	Terms of sale
Victory Carriers, Inc.:[1]					
Lewis Emery, Jr.	EC2-S-C1	Oct. 25, 1943	Feb. 26, 1951	$544,506	25 percent cash; 75 percent mortgage (12 annual installments, 3½ percent interest payable semi-annually).
Heywood Broun	EC2-S-C1	Sept. 15, 1943	Feb. 24, 1951	544,506	
North American Shipping & Trading Co., Inc.:[2]					
David Bushnell	EC2-S-C1	Sept. 28, 1942	Feb. 20, 1951	544,506	Do.
James Fenimore Cooper	EC2-S-C1	June 8, 1942	Feb. 19, 1951	544,506	
American Pacific Steamship Co.:[2]					
Henry Villard	EC2-S-C1	Sept. 25, 1942	Feb. 16, 1951	544,506	Do.
Howard T. Ricketts	EC2-S-C1	July 30, 1943	Feb. 23, 1951	544,506	
King S. Woolsey	EC2-S-C1	Dec. 29, 1942	do	544,506	

[1] Domestic company reportedly owned and controlled by Onassis.
[2] Domestic company reportedly owned and controlled by Niarchos.

Note: Amount principal outstanding, none.

Mr. LONG. Mr. President, the Senator's amendment would strike at the very heart of what is perhaps the best feature in the bill. He is striking at what President Nixon had promised and recommended, and what is vital if we are to have a merchant marine to serve this Nation in time of war or national emergency.

As it stands today, only about 3 percent of our bulk cargo moves in American bottoms, and that is because of a mistake made in the 1936 law and its administration. In that 1936 law, only the liner trade—that is, the American ships that go on a regular route, moving regularly back and forth and carrying general cargo, has this privilege which the Senator wishes to deny the bulk carriers.

The result is that we do have a liner fleet in which this Nation can take some small pride. If Senators will look at the report, on page 15, they will notice that we have the equivalent of 176 good general cargo vessels, while we are in pitiful shape with regard to tankers, only 18, and dry bulk carriers, only 28.

Mr. President, of our cargo moving on the high seas, only 46 million tons is in the general cargo category which enjoys this tax privilege, while 350 million tons is in the category which does not enjoy the tax privilege.

We are only carrying approximately 3 percent of our bulk cargo, of our oil, of our iron ore, of our grains and other strategic materials in bottoms that are subject to our control.

The Senator would like to think that we could control Mr. Onassis. We cannot. Quite the contrary. When the ship flies a foreign flag, that foreign nation has the right to order that ship into any port it desires. It has the right to order it not to come to an American port in time of emergency.

The crewmen aboard that ship are foreign nationals, and the foreign government has a right to punish those people, perhaps under penalty of death if it wishes, if they refuse to obey the order of that foreign government.

This Nation made a bad mistake in 1936, and at this late date we seek to correct it.

By rejecting the Senator's amendment, we will have a bill that will permit us to have a balanced fleet that can carry whatever we need, be it oil, gas, iron ore, grain, or whatever we need, rather than a fleet that can only carry general cargo.

Furthermore, the Senator's amendment would knock out some of the operators who are developing many of the most efficient and newest types of vessels. These are vessels such as the lash and container ships. They carry barges or mobile vehicles which can reach a port and then proceed up the river or highway to deliver the cargo to the final destination.

It is in this category that the United States hopes to excel, because this is the area where capital is so important; and we feel that these vessels should be able to operate in the future even without a subsidy, because they are capital intensive rather than manpower intensive. The Senator's amendment could take us completely out of many of these promising technological developments.

Further, the Senator—I am sure he is completely sincere about this—would, in his amendment, deny the Great Lakes the consideration which the Great Lakes has so long been denied.

As the law stands today, only general cargo vessels have had this tax privilege, and in the long run the Government does get its money back. But the repayment is over the life of the ship, and this tax deferral definitely encourages the construction of these ships.

The grain on the Great Lakes is being moved in vessels that are 50 years old. A seafaring man would ask, "How can a steel ship last 50 years?" That is because it is in fresh water. If it were in salt water, it would have rusted away twice during that period. Those pitiful 50-year-old ships, which need replacing, would be denied the tax privilege they desperately need if the Senator's amendment is agreed to.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. MONDALE. I want to express my appreciation to the committee for extending these tax terms to the construction of Great Lakes shipping, because, as the Senator from Louisiana rightly points out, the Great Lakes intralake shipping facilities are in terrible shape. As the Senator from Louisiana rightly points out, many of these ships are 50 years old or older. The Great Lakes industry does not have a subsidy as some of the others do. Our only hope to start revitalizing the Great Lakes ships is through this tax privilege.

I commend the committee for extending it to our area, and I think it is going to be most helpful and is arriving just in time.

Mr. LONG. The Senate obviously is in no mood to do such an injustice to the Great Lakes, as was indicated by the last rollcall vote. The overwhelming majority of Senators who voted for that were not from the Great Lakes region. They thought the Great Lakes had made an equitable and convincing argument for their position.

The Senator's amendment would not only deny what the committee did with respect to the Great Lakes, but also Hawaii, Alaska, and Puerto Rico. These committee amendments were not recommended by the administration. But any Senator can see the injustice of denying the same tax consideration to the ships that steam between our west coast ports and Alaska and Hawaii. Those two States suffer the greatest transportation expenses of any States in the Union. It is a heavy and severe problem for these two great States, the newest members of our Union.

It would seem to be a blind spot in our eyes were we to provide a needed and desirable privilege which has helped to keep the fleet modern in competing with foreign nations and to deny the same consideration to Alaska and Hawaii which pay greater transportation expenses than any other State.

Mr. INOUYE. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. INOUYE. I should like to join my colleagues in commending the chairman of the subcommittee for his forthright statement and for his referral to the plight of Hawaiians and Alaskans.

My State, Hawaii, looks to the Maritime Act of 1970 for assistance in strengthening her economy. And it is to the provisions of this bill which extend to operators in the noncontiguous trade the privilege of accumulating tax-deferred reserve funds for ship construction replacement and reconditioning that I wish to address myself today.

Heretofore, vessels built for the noncontiguous trade have been built at full American costs. Consequently, freight rates for voyages to Hawaii and the other noncontiguous State of Alaska, as well as to Puerto Rico and Guam, have resulted in increased cost of commodities to consumers.

In Hawaii, as I told the Conference on the Noncontiguous Trade here in Washington on April 9 of this year, the average cost of goods and services is 22 percent more than the national average. These high costs have a direct effect on our basic economy by affecting industrial relocation and expansion and thus the availability of job opportunities.

For Hawaii, bulk cargo means water transportation. There is no alternative, such as rail and motor carriers. Thus, we have long looked for some means to relieve these costs pressures on our economy. We have also long sought to encourage trade between the mainland and Hawaii rather than with foreign countries where lower freight rates are available, which tend to damage our balance of payments situation.

Thus tax-deferred construction funds for bulk carriers, tankers and containerships by nonsubsidized companies in the noncontiguous trade, should have a strong and beneficial impact on Hawaii as well as on U.S. trade generally.

Heretofore, taxes paid by Hawaiian citizens have helped finance the Nation's subsidized shipbuilding program. However, this program has not helped reduce Hawaii's transportation costs nor improve the efficiency of service because the program has excluded subsidization of vessels for use in the mainland-Hawaii trade except incidentally where the vessels serve Hawaii as an intermediate point in foreign trade operations. The 1970 merchant marine program overcomes this inequity and provides the means whereby shipping companies will be able to plan—at lower costs—for the special transportation needs of Hawaii as well as the other noncontiguous areas of our nation.

But our gain, I believe, will not be all external. Within the State itself water transportation is a major concern.

For years, the glamor and economy of Honolulu has attracted people from the outer islands. This population influx to Oahu has meant a population drain on the outer islands. In fact, the outer islands are in the throes of economic stagnation without sufficient capital investment.

This bill can mean increased trade between the islands of Hawaii. Increased trade will benefit the outer islands and all facets of Hawaii's economy—agricultural and tourist. New industry—as well as tourists—will be attracted to these now somewhat isolated islands.

This bill is exciting to Hawaiians. It can have the effect of halting the ever rising cost of living for Hawaiians and help us revive the economy of a large portion of the State.

And it means that we have done this without weakening the protection provided for our domestic shipbuilding industry.

We accomplish a milestone by passing this bill: We revitalize our maritime industry, we provide needed assistance for all segments of the American maritime industry, and we help the people of the noncontiguous States.

I also wish to take this opportunity to acknowledge the strong support given this measure by our Governor John Burns, and the President of our State Senate, David McClung, and others. Their cooperation and expressed interest were most helpful.

I should like to remind the Senate that less than a year ago, a major shipping company in Hawaii purchased a ship which was built in a shipyard in Baltimore. That ship cost the shipping company $23 million. A sister ship was built in Hamburg, Germany, with the same specifications and the same equipment. That ship cost $10 million. Somebody has to pick up the extra tab, and the consumers in Hawaii are doing that right now.

The city of Honolulu at this moment has the honor—if one wishes to call it that—of being labeled the most expensive city in the world. Part of this is due to the high shipping costs and the fact that we have not been able to get any sort of assistance or relief from laws relating to merchant marine. This bill will do much, if not the most that we can ever hope to get, in assisting us in our plight.

I thank the chairman for his forthright assistance.

Mr. SPONG. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. SPONG. Mr. President, the hour is late, and I merely want to concur in what the distinguished chairman of the Subcommittee on Merchant Marine has said.

I introduced a bill to accomplish this 2 years ago. I was pleased when the administration recommended it. I agree with the extension of it that the committee enacted. I hope the Senate will reject this amendment.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. STEVENS. Mr. President, the fact that problems existed in the trade between the noncontiguous areas of our great Nation and the mainland has long been noted. Unfortunately, this notice has generated a great deal of rhetoric, but very little action.

All the noncontiguous areas of the United States have in common a unique and essentially exclusive dependence on oceangoing vessels for our transportation needs.

As any consumer in Alaska can tell you, ocean shipping is simply not competitive with overland shipping. For example it costs $210 to ship an automobile from Flint, Mich., to Los Angeles, a distance of 2,375 miles, while it costs $411 to ship the same car from Flint to Anchorage, Alaska, a distance of 3,800 miles. In terms of percentages, it costs 23 percent more per mile to ship that car to Anchorage than to Los Angeles.

The complaints this elicits from consumers are to be expected. They cannot understand why they should pay more for transportation than the residents of the contiguous areas. This becomes particularly hard for them to swallow when they learn that throughout the rest of the world, oceangoing transportation is often the cheapest, rather than an expensive form of transportation. These higher transportation costs become unacceptable when it is learned that they stem from a law which is designed to protect the national security of all the United States and its territories, but whose cost falls almost exclusively on the residents of the noncontiguous areas.

This, in a nutshell, is the problem as viewed by the consumer living in a noncontiguous area. He is being asked to bear the full cost of what is ostensibly a national policy predicated on national security.

I would like to explain the harmful and inequitable effects of the present program in a little more detail.

Alaska is as dependent on ocean shipping as an island. There is no railroad connecting Alaska with the south 48, though there should be. The only highway to the south 48 is still unpaved for over 600 miles of its length. Both automobiles and railway rolling stock are transported on barges or ferries. Air transportation is the only other means of mass transportation of passengers and merchandise to and from Alaska. And, at present, it is too expensive for the carrying of bulk cargo. So, oceangoing vessels must do the task.

Even though Alaska must rely on a single mode of transportation instead of the myriad of alternatives available to the south 48, there would be no problem if this mode of transportation were competitive with the alternatives. And, on a worldwide basis, it is. World trade reached a staggering $487 billion last year, and machinery shipped from Germany to Greece did not find itself at a competitive disadvantage because it went by ship rather than rail. In fact, in many instances ocean shipping is cheaper than alternative modes.

This is so partly because most of the shipbuilding nations of the world subsidize ocean shipping. These subsidies take many forms. Greece, for instance, exempts from income taxation for 10 years any ship brought under the Greek flag. Several nations provide either tax benefits or low interest rates for ship construction loans. France, Italy, Japan, and the United States provide direct subsidies for construction and operation of ships in domestic and foreign commerce.

But the United States has done a most peculiar thing. It has divided its shipping into two categories—foreign commerce and coastwise trade—and we sub-

sidize the former to a great extent, but do nothing to make the latter competitive. Of the 11 major shipbuilding nations surveyed by the Joint Economic Committee of the U.S. Congress in 1963, three provided direct construction or operating subsidies to both foreign and domestic shipping and three provided such subsidies to domestic shipping only, but only one—the United States—provided direct operating and construction subsidies to ships engaged exclusively in foreign commerce, while denying such subsidies to its own domestic shipping industry.

The decision to exclude coastwise shipping from subsidization was based on two assumptions: That coastwise shipping was protected from competition by cheaper foreign shipping by operation of the Jones Act and that alternate methods of shipping among the United States did not receive construction differential or operating differential subsidies either.

These two asumptions, which may have had validity in 1936, are no longer valid today.

First, coastwise shipping, insofar as Alaska is concerned, does indeed receive competition from foreign shipping.

Alaska finds that Japan, a little over 3,000 miles away, has a great demand for its natural resources and is able to supply consumer goods in return. The south 48, of course, is less than 2,000 miles away and offers the same market. However, Alaska finds itself shipping increasing quantities of its natural resources to foreign countries and importing increasing amounts of consumer goods from these countries in preference to the south 48. No one can tell me that there is no foreign competition in shipping when the shipping rates in foreign commerce make it economically advantageous to ship lumber, badly needed in the south 48 less than 2,000 miles away, to Japan over 3,000 miles away.

The assumption that coastwise trade does not require subsidization because it does not compete with foreign trade is wholly erroneous insofar as Alaska is concerned. Foreign commerce does compete, and it is winning. Alaska is being treated like a foreign country because of the anomaly in our shipping laws created by this erroneous assumption.

The second assumption on which the decision to exclude coastwise trade from subsidization was based is equally fallacious. The alternate methods of transportation are subsidized to a far greater extent than coastwise shipping. Highway user taxes exacted of all users, including passenger autos, build highways. Railroads received incentives to build their original rights-of-way, and they developed a system of rail transportation that was the envy of the world. Railroads no longer receive significant subsidies, and the decline that has resulted is evident to even the casual observer. In order to restore passenger rail service, the Senate has committed $10 billion to the urban mass transit system—much of it for rail carriers. The fact that unsubsidized coastwise shipping is not competitive is clearly evidenced by the small fraction of cargo now carried in that trade compared to the volume handled by alternate transportation modes.

The policies expressed in the Jones Act are national policies designed to benefit all Americans equally. But because of Alaska's geographical position as a noncontiguous State, the burden of these policies falls far more heavily on my State than on the contiguous 48. Because of the availability of alternate modes of transportation in the south 48, Alaska and Hawaii have ended up bearing almost the entire burden of these national policies. It is simply unfair to require that two States should bear the burden of policies designed to benefit all the States.

The bill now before the Senate recognizes this basic inequity by extending, for the first time, a very limited tax break to the noncontiguous trade. The bill would permit ship operators to set aside income in a fund. If that income were used to build ships for the noncontiguous trade, it would not be subject to income tax.

The Senator from Delaware would now take away this crumb from us in the name of fiscal responsibility. I am all for a balanced budget, for holding down Federal spending. But I ask you, why us? We have been suffering under this inequity for decades and you want us to continue to bear the burden of this national program. It is simply unfair to continue to ask the small noncontiguous States to bear the burden of a program which principally benefits the large coastal States in the south 48. I will vote against the Senator's amendment, and I hope my fellow Senators will join me in giving a fair deal to the noncontiguous areas of this country.

Mr. President, I commend the committee for its wisdom in extending to the noncontiguous domestic trade this opportunity for improvement. I believe that the real burden of the Senator from Delaware's amendment is the provision that would strike from the bill the Great Lakes noncontiguous trade or the fisheries of the United States. That is very important to my State, and I hope the amendment will be rejected.

Mr. LONG. Mr. President, the Senator from Delaware many times has been labeled the "Conscience of the Senate," and he has every right to that title. I think he has a very rightful claim to be called the watchdog of the fiscal integrity of this country.

But, Mr. President, one can make a good argument that the Government actually makes money by this tax provision; because without this tax incentive, we are not going to have these ships. If we do not have the ships, we do not have this business. If we do not have this business, we do not make this profit, and the money is paid to other nations.

The committee received expert testimony that when we look at the taxes that will be collected from workmen and the revenue generated by their trading, and in providing employment and opportunities to others, in the long run the Government will make money. Keep in mind that it is only a tax deferral over the life of the new ship. We get all the money back in reduced depreciation deductions.

But in addition, the bill assures us improvement in our balance-of-payments position, which is in desperate shape now. The program's contribution to our balance of payments is estimated at $2.9 billion over the next 10 years. When we have succeeded in constructing the type of fleet that is needed, the favorable effect to our balance of payments should be $600 million per year. That is of enormous importance, even more important, I think, than fiscal considerations.

As much as I admire my good friend from Delaware, and I salute him for his consistency in opposing anything that would cost a lot of money, and opposing it even if it would benefit his great State of Delaware, may I say, although he is a man of consistency and courage, I honestly believe that we would be poorly advised were we to reject what the administration has recommended and the committee agreed to in this case.

Mr. MATHIAS. Mr. President, I support the committee position on the amendment. I have the highest respect for the Senator from Delaware and for the position he has expounded here, but we have to consider the strong position the President has taken on the revival of our American merchant marine. It does need reviving. It is not purely a matter of just endorsing an industry. It is not purely an economic or commercial matter. But we have to look at it by realizing that we have fallen from the position we once occupied in the world of shipping to a much less desirable position.

The committee bill takes into account all questions of high policy and matters of national position, so that, under the circumstances, notwithstanding the sound arguments the Senator from Delaware has brought to the attention of the Senate, we should overcome the objections raised by his amendment and support the committee bill.

Mr. LONG. I thank the Senator from Maryland.

Mr. WILLIAMS of Delaware. Mr. President, I have listened with great interest to these eloquent speeches and expressions of respect for the administration's position on these tax credits. I am particularly pleased that Senators have spoken out so strongly that they want to support the administration. I think that is commendable, and I compliment them. I call their attention to the fact that the administration opposes the provision in the bill which this amendment proposes to strike.

I have a letter in my hand dated September 10, 1970, signed by Mr. William E. Murane, Acting General Counsel of the Department of Commerce.

They have endorsed the committee bill, yes, but with an important exception. Here is their comment on this section which would extend the tax credits.

Our final comment on H.R. 15424 as reported by the Senate Commerce Committee concerns the provisions contained in section 21 amending section 607 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1177), that would grant tax defer-

ment of earnings for the construction of ships to be operated in the noncontiguous domestic trade, in the domestic trade on the Great Lakes or in the fisheries. Since foreign-flag vessels are not permitted to operate in these trades, the rationals for extending tax deferment to vessels operating in foreign trade would not appear to apply to these vessels. We are therefore opposed to these provisions of the bill.

I repeat the last sentence:

We are therefore opposed to these provisions of the bill.

My amendment would strike these objectionable provisions, so naturally I will be expecting the votes of all these administration supporters.

So, Mr. President, I compliment the Senators who have spoken during the past half hour emphasizing their enthusiastic support of the President's position, and accordingly for their support of my amendment.

Mr. President, I ask unanimous consent that the entire letter be printed in the RECORD.

I call attention to the sixth paragraph of this letter wherein they express their opposition to the extension of the tax credits.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

GENERAL COUNSEL OF THE
DEPARTMENT OF COMMERCE,
Washington, D.C., September 10, 1970.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: This is in reply to your letter of August 14, 1970, concerning H.R. 15424 as reported by the Senate Commerce Committee. The following constitute our views on those portions of the bill which relate to the new Maritime Program.

H.R. 15424, as so reported, substantially sets forth the Maritime Program announced by President Nixon on October 23, 1969. The need for this proposed legislation and resulting benefits to the United States have been commented upon at length and need not be repeated at this time. This Department strongly supports H.R. 15424 as reported by the Senate Commerce Committee. We would, however, suggest a few amendments to the bill as presently written. These proposed amendments are in the nature of refinements to what we consider to be a sound piece of legislation.

The first amendment we would propose concerns the "Buy American" provision set forth in section 505 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1155). This section provides that in all ship construction under the Act, the shipbuilder, subcontractors, materialmen, or suppliers shall use, so far as practicable, only articles, materials and supplies of the growth, production or manufacture of the United States. As originally proposed, H.R. 15424 (section 9) would have amended section 505 so that only those items for which construction-differential subsidy is paid and all major components of the hull and superstructure would be required to be of domestic origin. The House made one minor change to this section of the bill by the addition of a provision requiring that any material used in the construction of such major components of the hull and superstructure be of domestic origin. These provisions have been eliminated from H.R. 15424 as reported by the Senate Commerce Committee, and the bill would continue the existing requirements of section 505 that all components used in the construction of a subsidized vessel be of domestic origin. It is our view that the provisions of the bill as passed by the House (section 10) adequately protect the interests of United States' suppliers and would result in increased procurement flexibility for shipyards involved in the construction of subsidized vessels. Accordingly, we urge that the provisions in section 10 of H.R. 15424 as passed by the House be adopted by the Senate.

The second amendment we would propose concerns the Commission on American Shipbuilding set forth in section 35 of H.R. 15424 as passed by the House. This provision would establish a Commission on American Shipbuilding composed of seven members appointed by the President to review the status of the American shipbuilding industry, to determine whether the industry can achieve a level of productivity by 1976 so that construction-differential subsidy will not exceed 35 percent of United States construction costs and to recommend the steps that should be taken by industry and government to improve the competitive position of the industry. If the Commission concludes that construction-differential subsidy cannot be reduced to 35 percent, it would recommend alternatives to the ship construction program proposed by the bill. H.R. 15424 as reported by the Senate Commerce Committee would amend this provision to eliminate the Commission on American Shipbuilding and vest its responsibilities in the Secretary of Commerce. It is our view that these functions can best be performed by an independent body, such as the proposed Commission. Although, as pointed out by the Senate Commerce Committee, this Department is capable of performing the duties proposed for the Commission, we believe that a Presidentially appointed Commission would have easier access to the most knowledgeable segments of the maritime industry and that the recommendations of such a Commission would more readily gain acceptance in the industry. More importantly, proper discharge of the functions of the Commission will require the collection of much data and information on ship construction. Since the Maritime Administration of the Department of Commerce will be administering the construction-differential subsidy program and will in some instances be in a position adverse to the position of individual shipyards with respect to specific construction-differential determinations, it is likely that the Department of Commerce will experience substantial difficulty in securing ship construction information which the shipbuilders may view as reflecting adversely on specific construction-differential requests pending before the Maritime Administration. For this reason, it is the belief of this Department that a Presidentially appointed Commission would have freer access to information on shipbuilding and would have a better opportunity to hear the candid opinions of the shipbuilding industry than would the Department of Commerce. Accordingly, we strongly urge that the provisions in section 35 of H.R. 15424 as passed by the House be adopted by the Senate.

The original legislative proposal submitted by the Department of Commerce which became H.R. 15424, eliminated the payment of operating subsidy for maintenance and repairs on subsidized vessels constructed after January 1, 1970. This subsidy item was eliminated because it was felt that given new modern maintenance free construction techniques, its elimination would not significantly detract from the competitive posture of subsidized United States flag shipping operations. The original proposal also contained provisions which would have permitted the Secretary of Commerce to place restrictions on the areas of the world in which vessels built with construction-differential subsidy would be permitted to operate. The purpose of this provision was to insure that these vessels will be used where they best serve the commerce of the United States. Neither of these provisions was adopted by the House. The Senate Commerce Committee did not alter the House passed bill in this respect. We believe that the addition of these two provisions would strengthen H.R. 15424.

Our final comment on H.R. 15424 as reported by the Senate Commerce Committee concerns the provisions contained in section 21 amending section 607 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1177), that would grant tax deferment of earnings for the construction of ships to be operated in the noncontiguous domestic trade, in the domestic trade on the Great Lakes or in the fisheries. Since foreign-flag vessels are not permitted to operate in these trades, the rationale for extending tax deferment to vessels operating in foreign trade would not appear to apply to these vessels. We are therefore opposed to these provisions of the bill.

The cost to the Government of implementing the new Maritime Program, as set forth in H.R. 15424 as reported by the Senate Commerce Committee, will depend primarily upon the degree of private participation by ship operators. Since the principal outlay will occur in the construction program, the cost of the program will be determined by the number of ships actually built by private operators. In addition, implementation of this program will be subject to annual appropriations. Enactment of the new Maritime Program will not require funds for fiscal year 1971 beyond those amounts set forth in H.R. 17575 as passed by the Senate on August 24, 1970.

This legislation constitutes the most far reaching reform of the Merchant Marine Act, 1936, since its original enactment. The wage subsidy index system and the specific construction-differential subsidy goals of H.R. 15424 will give the shipbuilding and ship operating industries an incentive to cut costs and increase productivity. We believe the result will be a merchant marine that will be an effective commercial competitor and will provide a modern fleet for use in times of national emergency. We, therefore, urge that you give the bill your favorable consideration.

With respect to Section 43 of the bill, which provides an exception from the requirements for a Coast Guard certificate of inspection, we defer to the views of the Department of Transportation.

We have been advised by the Office of Management and Budget that there would be no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

WILLIAM E. MURANE,
Acting General Counsel.

Mr. WILLIAMS of Delaware. Mr. President, much has been said about wanting to help the Great Lakes area. Let us cut out all the fanfare. I supported the amendment for the St. Lawrence Seaway. I have nothing against the Great Lakes area, but who operates the bulk of the shipping there? Let us face it; there is a lot of lake traffic in ships carrying iron ore. Who operates the iron ore ships? Who owns these oil tanks and bulk cargo ships that will get this tax deferment? Certainly all of them would appreciate it.

Much has been said about the cost of a ship that was built in the Baltimore shipyard as compared with the cost of the ship that was built in a German shipyard.

That is true, but concerning the ship built in Baltimore 55 percent of its con-

struction cost was paid for by the American taxpayers to equalize the domestic shipyard cost and the foreign shipyard cost. After the ship is built the difference in the cost of wages for American seamen and foreign labor is paid by the taxpayers.

Is this not enough of a subsidy? Nothing was mentioned about that.

Then, in addition, these shipping companies get the Government-guaranteed loans at a lower rate for the part of the construction costs they do assume. Adoption of my amendment does not take away from one single shipping company any tax credit or deferment which they are now getting under existing law. The only question is, without this amendment the bill would be extending a tax deferment to all of the rest of the merchant marine operating both internationally and domestically.

According to the estimates I get there will be very little taxes, if any, collected in the future so far as the American merchant marine is concerned.

I think that at a time when we have a deficit averaging over $1 billion per month at a time when we are asking other taxpayers to pay their taxes, surely this is not the time to exempt the whole merchant marine industry from all taxes.

One other point that should be mentioned, as they set aside these funds out of their earnings, before taxes, $5 million to $10 million or whatever it may be in the trust fund, they can invest that money, and the investment income is exempt from taxes under the committee bill. In other words, they will be a special-privilege group, exempt from taxes under existing law.

If Senators want to extend complete tax exemption for this merchant marine industry, then they should go ahead and reject this amendment. Suppose tomorrow someone comes in and says that the railroads are in trouble. Will Congress exempt them from taxes? I am sure that one by one the various industries will all enthusiastically support the idea of being exempt from taxes, but I also expect that a lot of other taxpayers in this country, who are making quarterly installments on their taxes or are having taxes deducted from their pay, would likewise like to get some tax exemption.

So far as the workingmen are concerned, those who work on the ships, they will still be paying their income taxes. They will not be exempt.

Why should we consider by one sweep exempting a whole industry from income taxes?

Such favored treatment is an outrage and an insult to all taxpaying citizens.

Surely Mr. Onassis and Mr. Niarchos can afford to pay their income taxes.

According to our estimate under present law these tax credits cost about $10 million. Under this bill the tax credits would be between $50 million and $100 million—possibly more. If this amendment is rejected there will be very little if any tax revenue coming in from the American merchant marine, including those ships operated for example under American ownership by men like Onassis and others.

If this amendment is defeated perhaps this section of the bill should be labeled "a relief measure for poor Onassis and other shipping magnates."

Mr. GRIFFIN. Mr. President, I wish to indicate my strong opposition to the pending amendment. I ask that a letter and an attachment be printed in the RECORD concerning the effect of the Committee provision on the Great Lakes.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LAKE CARRIERS' ASSOCIATION,
Cleveland, Ohio, March 24, 1970.

Hon. ROBERT P. GRIFFIN,
U.S. Senate,
Washington, D.C.

Re: S. 3287—A bill to amend the Merchant Marine Act, 1936.

DEAR SENATOR GRIFFIN: Replying to your letter of March 16, 1970, we earnestly share your hopes that through the pending legislation to revise the Merchant Marine Act of 1936 the Great Lakes will be able to obtain some equality of treatment. As you know, the Great Lakes vessel industry has long advocated that it should be granted the right to set aside tax-deferred reserve funds for ship construction. We believe that the opposition which has arisen to this proposal stems from a misunderstanding of how the tax-deferred construction reserve fund works. For that reason, the Association has undertaken a study which is herewith enclosed.

This study is based on actual experience of a typical Great Lakes vessel company. It indicates that a new $20,000,000 bulk carrier could be made operational within four years through the establishment of a tax-deferred construction reserve fund. It further indicates that within eight years the Government will have recovered all deferred taxes and that at the end of 18 years the Government will receive in Federal Income Taxes more than $63,000,000, whereas without the new vessel, the Federal Income Taxes on this particular fleet would only be $43,000,000.

The Administration's concern with Government expenditures makes it understandable that it would limit its new maritime program to vessels engaged in foreign trade. What apparently is not realized, however, is that the Administration can go forward with such a program and, at the same time, extend to the Great Lakes the privilege of establishing tax-deferred construction reserve funds without any additional expenditures being involved. We are not asking for the entire package, but only this one privilege which, if properly administered, will, we believe, provide the necessary incentive to undertake new vessel construction. If that construction materializes, the Federal Government will be the first to benefit because of increased tax revenues.

When we submitted a statement in connection with S. 3287, there was attached a proposed amendment which would revise Section 607 so as to make that Section applicable to the Great Lakes. Since that time, we have revised this proposed amendment so as to bring it as nearly as possible into conformity with the revision proposed by the Administration. The principal difference between the Administration's proposal and that which we submit is that the Administration would make it compulsory to deposit all depreciation in the reserve fund, whereas we propose that the amount of depreciation to be deposited be made discretionary with the Secretary of Commerce.

We hope you will find merit in the amendment we propose, and that the Commerce Committee, when it reports out S. 3287, will find it appropriate to include such amendment.

Sincerely yours,

SCOTT H. ELDER,
General Counsel.

CONSTRUCTION RESERVE FUND STUDY

In order to evaluate the desirability of permitting Great Lakes vessel operators to establish tax deferred construction reserve funds, a study was made for the Association with the following result.

PROCEDURES AND ASSUMPTIONS

Actual experience of a Great Lakes vessel company during 1969 was utilized to establish the relationship of gross earnings from vessel operations, operating expense and overhead. It was assumed that these items would remain constant over a period of 30 years. Federal income taxes were assumed to be 48% of net taxable income and depreciation was calculated as currently allowed under the guidelines published by the Internal Revenue Service. It was further assumed that the vessel operator's contract with the Secretary of Commerce would call for the addition to the fleet of a new Great Lakes bulk carrier costing $20,000,000 which, when completed and in operation, would generate earnings over and above operating expense and overhead of $4,000,000 per year, less depreciation, over a useful life of 30 years.

Assumed deposits in the tax deferred construction reserve fund consist of 50% of net income before taxes and 50% of depreciation charges as presently allowed on the existing fleet. It was further assumed that upon completion of the new vessel, 50% of the net income and 50% of the depreciation charges, computed at the rate of 15% per annum on the declining balance method, would be returned to the construction reserve fund until such time as the purchase price of the vessel is fully paid and the construction reserve fund terminated.

No interest assumptions were included.

RESULTS

The study indicates that after the first year the vessel owner would be in a position to order a new vessel. Assuming a down payment of 25% of the purchase price of the vessel; namely, $20,000,000, would be required, sufficient money would be available in the fund to accept delivery of the new vessel at the end of the third year, and the new vessel would be operational at the beginning of the fourth year.

At the end of the eighth year, that is, after the new vessel has been in operation four years, the government will have recovered the full amount of all tax deferments. From then on, increased tax payments will result until at the end of eighteen years, the government will have recovered a total of $63,046,000 in income taxes; whereas, if the new ship had not been built the total tax recovery from the basic fleet would have been only $43,665,000.

Interestingly, the depreciation schedule of the new vessel, namely, 15% per annum on the declining balance method, benefits the government in that the more rapidly the vessel is depreciated, the greater becomes her taxable earnings. Thus, tax deferments are recovered sooner. It can only be concluded that both the vessel operator and the government benefit from the construction reserve fund in that (1) the vessel owner borrows tax dollars with which to construct the new vessel and pays back those tax dollars through the increased earnings of the new vessel, and (2) the government regains all deferred taxes within a short period of time (8 years, in this particular example), and as an end result actually receives more tax dollars because of the increased earnings of the new vessel.

TABLE 1.—CONSTRUCTION RESERVE FUND STUDY—GREAT LAKES VESSEL COMPANY—PROJECTED (1969) EXPERIENCE OF BASIC FLEET, 30 YEARS

Year (1969)	Income before depreciation	Depreciation	Net taxable income	Tax on basic fleet operation	Year (1969)	Income before depreciation	Depreciation	Net taxable income	Tax on basic fleet operation
1	$5,650,000	$1,700,000	$3,950,000	$1,896,000	16	$5,650,000	$220,000	$5,430,000	$2,606,000
2	5,650,000	1,600,000	4,050,000	1,944,000	17	5,650,000	190,000	5,460,000	2,621,000
3	5,650,000	1,330,000	4,320,000	2,074,000	18	5,650,000	180,000	5,470,000	2,626,000
4	5,650,000	770,000	4,880,000	2,342,000	19	5,650,000	160,000	5,490,000	2,635,000
5	5,650,000	690,000	4,960,000	2,381,000	20	5,650,000	140,000	5,510,000	2,645,000
6	5,650,000	620,000	5,030,000	2,414,000	21	5,650,000	130,000	5,520,000	2,650,000
7	5,650,000	560,000	5,090,000	2,443,000	22	5,650,000	115,000	5,535,000	2,657,000
8	5,650,000	500,000	5,150,000	2,472,000	23	5,650,000	105,000	5,545,000	2,662,000
9	5,650,000	450,000	5,200,000	2,496,000	24	5,650,000	95,000	5,555,000	2,666,000
10	5,650,000	410,000	5,240,000	2,515,000	25	5,650,000	85,000	5,565,000	2,671,000
11	5,650,000	370,000	5,280,000	2,534,000	26	5,650,000	75,000	5,575,000	2,676,000
12	5,650,000	330,000	5,320,000	2,554,000	27	5,650,000	70,000	5,580,000	2,678,000
13	5,650,000	300,000	5,350,000	2,568,000	28	5,650,000	65,000	5,585,000	2,681,000
14	5,650,000	270,000	5,380,000	2,582,000	29	5,650,000	55,000	5,595,000	2,686,000
15	5,650,000	240,000	5,410,000	2,597,000	30	5,650,000	50,000	5,600,000	2,688,000

Note: Assumptions: Gross vessel earnings, $21,250,000 per year; operating expense, $13,200,000 per year; overhead, $2,400,000 per year. Depreciation as presently allowed under guidelines Federal income tax 48 percent of net taxable income.

TABLE NO. 2.—CONSTRUCTION RESERVE FUND STUDY—EFFECT ON BASIC FLEET OF ESTABLISHING CONSTRUCTION RESERVE FUND

Year (1969)	Net taxable income	Less additions to reserve fund	Revised taxable tax on basic— Income	Revised taxable tax on basic— Fleet	Addition to construction reserve fund: Net income, basic fleet	Depreciation basic fleet	Net income, new vessel	Depreciation new vessel	Total reserve fund
1	$3,950,000	$1,975,000	$1,975,000	$948,000	$1,975,000	$850,000	----------	----------	$2,825,000
2	4,050,000	2,025,000	2,025,000	972,000	2,025,000	800,000	----------	----------	5,650,000
3	4,320,000	2,160,000	2,160,000	1,037,000	2,160,000	665,000	----------	----------	8,475,000
4	4,880,000	2,440,000	2,440,000	1,171,000	2,440,000	385,000	$912,000	$1,038,000	13,250,000
5	4,960,000	2,480,000	2,480,000	1,190,000	2,480,000	345,000	1,281,000	719,000	18,075,000
6	5,030,000	1,374,000	3,656,000	1,755,000	1,374,000	310,000	----------	241,000	20,000,000

Note: Assumptions: Deposits in construction reserve fund to consist of:
(1) 50 percent per year of net earnings of basic fleet.
(2) 50 percent year of depreciation of basic fleet.
(3) 50 percent per year of net earnings of new vessel.
(4) 50 percent per year of depreciation of new vessel.
Cost of new vessel $20,000,000. Vessel operational upon payment of purchase price. Fund terminated upon payment of full purchase price of $20,000,000. Annual net income of new vessel once operational $4,000,000 per year before depreciation. New vessel depreciated at rate of 15 percent per annum on the declining balance method.
Amount in fund indicates new vessel can be ordered at end of 1st year and delivery accepted at end of 3d year, making vessel operational in 4th year.

TABLE 3.—CONSTRUCTION RESERVE FUND STUDY—PROJECTION OF EARNINGS OF NEW VESSEL BUILT WITH CONSTRUCTION RESERVE FUNDS AND OPERATIONAL IN 4TH YEAR

Year (1969)	Income portion reserve fund	Depreciation reserve	Basis before current depreciation	Depreciation at 15 percent per annum declining balance	Net value of asset	Addition to construction reserve fund: 50 percent of net income	50 percent of depreciation	Net income new vessel	Tax on income new vessel	Tax on basic fleet	Total tax
1										$948,000	$948,000
2										972,000	972,000
3										1,037,000	1,037,000
4	$6,160,000	----------	$13,840,000	$2,076,000	$11,764,000	$912,000	$1,038,000	$1,924,000	$486,000	1,171,000	2,095,000
5	9,512,000	$2,076,000	9,588,000	1,438,000	8,150,000	[1] 1,281,000	719,000	2,562,000	614,000	1,190,000	2,420,000
6	13,273,000	3,514,000	3,213,000	482,000	2,731,000	----------	[1] 241,000	3,518,000	1,689,000	1,755,000	3,444,000
7	14,647,000	3,996,000	1,357,000	204,000	1,153,000	----------	----------	3,796,000	1,822,000	2,443,000	4,265,000
8		4,200,000	1,153,000	173,000	980,000	----------	----------	3,827,000	1,837,000	2,472,000	4,309,000
9		4,373,000	980,000	147,000	833,000	----------	----------	3,853,000	1,849,000	2,496,000	4,345,000
10		4,520,000	833,000	125,000	708,000	----------	----------	3,875,000	1,860,000	2,515,000	4,375,000
11		4,625,000	708,000	106,000	602,000	----------	----------	3,894,000	1,869,000	2,534,000	4,403,000
12		4,751,000	602,000	90,000	512,000	----------	----------	3,910,000	1,877,000	2,554,000	4,431,000
13		4,841,000	512,000	77,000	435,000	----------	----------	3,923,000	1,883,000	2,568,000	4,451,000
14		4,918,000	435,000	65,000	370,000	----------	----------	3,935,000	1,889,000	2,582,000	4,471,000
15		4,983,000	370,000	56,000	314,000	----------	----------	3,944,000	1,893,000	2,597,000	4,490,000
16		5,039,000	314,000	47,000	267,000	----------	----------	3,953,000	1,897,000	2,606,000	4,503,000
17		5,086,000	267,000	40,000	227,000	----------	----------	3,960,000	1,900,000	2,621,000	4,521,000
18		5,126,000	227,000	34,000	193,000	----------	----------	3,966,000	1,904,000	2,635,000	4,539,000

[1] Reserve fund terminates.

Note: Assumptions: Acquisition price $20,000,000; annual earnings before depreciation $4,000,000; depreciation 15 percent per annum on the declining balance method.

TABLE 4.—CONSTRUCTION RESERVE FUND STUDY—COMPARISON OF TAX RETURN TO GOVERNMENT

Year	Tax on basic fleet without addition of new vessel	Tax on fleet expanded by addition of 1 vessel as result of construction reserve fund
1	$1,896,000	$948,000
2	1,944,000	972,000
3	2,074,000	1,037,000
4 vessel operating	2,342,000	1,657,000
5	2,381,000	1,804,000
6	2,414,000	3,444,000
7	2,443,000	4,265,000
8	2,472,000	4,309,000
Subtotal	17,966,000	18,436,000
9	2,496,000	4,345,000
Subtotal	20,462,000	22,871,000
10	2,515,000	4,375,000
11	2,534,000	4,403,000
12	2,554,000	4,431,000
13	2,568,000	4,451,000
14	2,582,000	4,471,000
15	2,597,000	4,490,000
16	2,606,000	4,503,000
17	2,621,000	4,521,000
18	2,626,000	4,530,000
Subtotal	43,665,000	63,046,000
19	2,635,000	4,550,000
20	2,645,000	4,560,000
21	2,650,000	4,565,000
22	2,657,000	4,572,000
23	2,662,000	4,577,000
24	2,666,000	4,581,000
25	2,671,600	4,586,000
26	2,676,000	4,591,000
27	2,678,000	4,593,000
28	2,681,000	4,596,000
29	2,686,000	4,601,000
30	2,688,000	4,603,000
Total	75,660,000	118,021,000

Mr. LONG. Mr. President, just to sum up, for I know Senators are ready to vote, but I ask unanimous consent that there be 3 minutes allowed to both sides, with 3 minutes to be allocated to the manager of the bill and 3 minutes to the Senator from Delaware, in order to sum up their arguments.

Mr. WILLIAMS of Delaware. The Senator can take all the time he wants. I am ready to vote.

Mr. LONG. Mr. President, I will only say that I take issue with the Senator's eloquent argument. I shall mention only two points. One, he stated that the administration favored the amendment. The administration favored the amendment only insofar as it applies to the Great Lakes, to Alaska, and to Hawaii.

The administration does not favor the Senator's amendment because of the big

damage it would do to the bill, that is, by striking out the tax deferment feature to the bulk cargo and unsubsidized carriers under our flag. On that point the administration, I am sure, would agree that the Senator's amendment would do grievous injury. What the administration is seeking to accomplish, as I am sure everyone will agree, is for this bill to be enacted into law. The Senator's amendment would do untold damage to the bill.

When the Senator talks about the difference in cost of a ship built in Germany compared to the ship built in the United States, he should keep in mind that Hawaii does not enjoy the benefit of any subsidy, that Hawaii has to pay full price. They have to pay a tremendous price which can be, and often is, twice as much as the cost of a ship built elsewhere. All we are asking is that the citizens of Hawaii get the benefit of a tax deferral feature to help modernize the ships that are serving them.

Thus, I hope that the amendment of the Senator from Delaware is rejected.

The PRESIDING OFFICER (Mr. McINTYRE). The question is on agreeing to the amendment of the Senator from Delaware.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HANSEN (after having voted in the affirmative). The Senator from New York (Mr. GOODELL), were he present and voting, would vote "nay." I would vote "yea." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. McCARTHY), the Senator from Arkansas (Mr. McCLELLAN), the Senator from Wyoming (Mr. McGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. RUSSELL), the Senator from Mississippi (Mr. STENNIS), the Senator from Maryland (Mr. TYDINGS), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), and the Senator from Alaska (Mr. GRAVEL) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from Hawaii (Mr. FONG), the Senator from New York (Mr. GOODELL), the Senator from Idaho (Mr. JORDAN), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. SMITH), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from South Carolina (Mr. THURMOND) is absent on official business.

The Senator from Illinois (Mr. PERCY) is detained on official business.

If present and voting, the Senator from Illinois (Mr. PERCY), and the Senator from Pennsylvania (Mr. SCOTT) would each vote "nay."

On this vote, the Senator from Arizona (Mr. FANNIN) is paired with the Senator from California (Mr. MURPHY). If present and voting, the Senator from Arizona would vote "yea," and the Senator from California would vote "nay."

On this vote, the Senator from South Dakota (Mr. MUNDT) is paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from South Dakota would vote "yea," and the Senator from Texas would vote "nay."

The result was announced—yeas 21, nays 45, as follows:

[No. 313 Leg.]

YEAS—21

Aiken	Cook	Packwood
Allen	Cooper	Pearson
Allott	Curtis	Prouty
Baker	Dole	Smith, Maine
Bennett	Dominick	Symington
Boggs	Hruska	Williams, Del.
Case	Miller	Young, N. Dak.

NAYS—45

Anderson	Gurney	McIntyre
Bayh	Harris	Metcalf
Bellmon	Hart	Mondale
Bible	Hartke	Nelson
Brooke	Hatfield	Pastore
Burdick	Holland	Pell
Byrd, Va.	Hollings	Proxmire
Byrd, W. Va.	Hughes	Randolph
Church	Inouye	Saxbe
Cranston	Javits	Schweiker
Dodd	Jordan, N.C.	Sparkman
Ellender	Long	Spong
Ervin	Mansfield	Stevens
Gore	Mathias	Talmadge
Griffin	McGovern	Williams, N.J.

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY ANNOUNCED—1

Hansen, for.

NOT VOTING—33

Cannon	Jordan, Idaho	Percy
Cotton	Kennedy	Ribicoff
Eagleton	Magnuson	Russell
Eastland	McCarthy	Scott
Fannin	McClellan	Smith, Ill.
Fong	McGee	Stennis
Fulbright	Montoya	Thurmond
Goldwater	Moss	Tower
Goodell	Mundt	Tydings
Gravel	Murphy	Yarborough
Jackson	Muskie	Young, Ohio

So the amendment of Mr. WILLIAMS of Delaware was rejected.

Mr. LONG. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey). The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. COOK. Mr. President, I might say that this bill gives a long-awaited exemption to the sternwheel steamer *Delta Queen*. I have a number of letters that I ask unanimous consent be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

OFFICE OF THE GOVERNOR,
Frankfort, Ky., June 10, 1970.

Hon. MARLOW W. COOK,
U.S. Senator, Old Senate Office Building, Washington, D.C.

DEAR SENATOR COOK: In view of Kentucky's rich heritage involving the steamboat, I ask your support of legislation to preserve the *Delta Queen* as the last steamboat making overnight trips on America's rivers. The *Delta Queen* will be forced out of operation on November 2, 1970, because she has been inadvertently included in safety-at-sea legislation of the 89th Congress.

House Bill 16933 (Mrs. Sullivan, (D-Mo.) or any of the subsequent bills or resolutions (S–3756, S–3737, H.R.–17215) have the effect of excluding the *Delta Queen* from the earlier legislation which was specifically intended to protect American passengers aboard foreign vessels.

As the last river steamer of the floating palace class, the *Delta Queen's* partly wooden superstructure condemns her under the existing law. Yet it is this fine mahogany, teak, and iron-bark of her main salon that makes her a floating palace. Moreover, in her 44 years of operation, not a single passenger has ever been lost by accident.

If she is permitted to go out of operation, she will be gone forever. So great a tradition should not be allowed to die for lack of appropriate action.

Sincerely,

LOUIE B. NUNN, *Governor.*

LOUISVILLE AREA CHAMBER OF COMMERCE, INC.,
Louisville, Ky., July 10, 1970.

Recognizing that your time is valuable, we will attempt to be brief.

As a member of the Merchant Marine and Fisheries Committee, you are already familiar with the problems being encountered in including the river boat *Delta Queen* under the Maritime Law, which applies also to over-night, passenger-carrying, sea-going vessels. While the *Delta Queen* is a Cincinnati based boat, this community and the entire Ohio River Valley has a genuine desire to exempt the *Delta Queen* from the same safety regulations as ocean-going vessels if it can be accomplished in line with adequate safety to passengers.

It is the belief of the Louisville Area Chamber of Commerce that this can be done and at a meeting of the Board of Directors of this organization on July 9, a policy was adopted urging your taking any action within your power, particularly as a potential Conference Committee member of the Senate passed Maritime Bill, to exempt the *Delta Queen* from the Maritime Safety Regulations.

It is our sincere belief that the *Delta Queen*, because of her qualified sprinkler system, is actually superior for fire safety purposes to fire resistant construction. We also feel that there is a substantial distinction between ocean-going vessels and river boats because of the constant proximity of shore lines to the river boats. And finally one of the most frequent but older causes of river boat fires, namely the use of fire tubes in the boilers, is not a safety consideration with the *Delta Queen*. She has water tubes in the boilers and the boiler room is equipped for automatic release of carbon dioxide in the event of fire.

On behalf of our more than 2,600 members, we urge that you give these factors favorable consideration in any action you

may be able to take to exclude the *Delta Queen* from the Maritime Law requiring the same standards for river boats as ocean-going vessels if adequately equipped with other fire safety devices such as sprinkler systems.

Cordially,

LEWIS B. KERBERG,
General Manager.

MARIETTA, OHIO, *July 23, 1970.*

Hon. MARLOW COOK,
Senate Office Building,
Washington, D.C.

DEAR SIR: As Mayor of the City of Marietta, Ohio, I am writing to you respectfully requesting your help in getting legislation passed through the Congress of the United States of America that would exempt the riverboat *Delta Queen* from Public Law No. 89–777. It is my feeling and the feeling of our citizens in Marietta, that it is in the best interests of history, our heritage and the preservation of the great American way of life that the *Delta Queen* should be exempt from said law.

The law should not apply to the *Delta Queen* because the real purpose and intent of the law was to set ship construction standards for ocean-going vessels. The law was needed and made good sense for ocean-going ships but should not be used for stopping the activities of the *Queen* here on the great Ohio, Mississippi and Tennessee Rivers.

I am sure you have many facts and I don't want to be repetitious, however, I do feel it does rate a reminder to you that the *Delta Queen* is never more than a few minutes from shore. It does not encounter heavy seas or the usual hazards of ocean-going vessels. The *Queen* only travels at ten miles per hour and has on her decks and in her halls and her staterooms all the latest safety devices and equipment. The superb management which overseas the operation of the *Queen* is very safety conscious and all possible safety precautions and equipment are utilized and continually updated. In her 42 years of operation she has never been in a serious accident. In fact, Greene Line Steamers, Inc. has operated 28 boats for eighty years and has never had a passenger fatality or significant accident or fire.

In closing, let me thank you for the opportunity to call this matter to your attention and urge that you do all in your power to bring about exemption of the *Delta Queen* from Public Law No. 89–777. The full resources of myself and my staff are at your disposal in any way that you feel we could be of service in this matter.

Sincerely,

JOHN A. BURNWORTH,
Mayor.

FORT THOMAS, KY.,
July 28, 1970.

Senator MARLOWE COOK,
Senate Office Building,
Washington, D.C.

DEAR SENATOR COOK: I am writing you in regard to saving the S.S. *Delta Queen.* The *Delta Queen* has become a source of pride and pleasure to thousands in our area and we will deeply regret any Congressional and Governmental action that would cause her to cease operation.

It seems incomprehensible that the *Delta Queen* could be considered in the same category as ocean-going vessels, especially since the boat is rarely over 200 feet from shore. The *Delta Queen* has had an impeccable safety record and I would be the first one to desire that it be maintained, as I have been involved in disaster planning for a number of years on the state and national level and currently am a member of the Emergency Medical Services Committee of the Kentucky Department of Health.

Personally, I deeply believe that if we are going to fret about the safety of the *Delta Queen* it is misplaced. Such emphasis should be placed on the numerous factors involved in highway, rail, and aviation safety.

Thank you very much.

Sincerely yours,

JOHN D. HOYLE.

FALLBROOK, CALIF.,
August 5, 1970.

DEAR SIR:

Please save the *Delta Queen!* My husband & I are unable this year to go back & enjoy a long anticipated journey on her but mean to next year.

I was reared in St. Louis & went on many a Sunday school picnic up the Mississippi to an island, on such a steamer & want so much to do it again. I lived in Louisville for ten years.

Everything we ever loved is disappearing—please save the *Delta Queen.*

Sincerely,

MARIE E. GEORGE.

R. J. STEWART ASSOCIATES, INC.,
Louisville, Ky., September 2, 1970.

Senator MARLOW W. COOK,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR COOK: I am very concerned about the possibility of the steamer *Delta Queen* not being able to continue in operation because of the 1966 Safety at Sea Law. I do not believe that the requirements for a vessel at sea should include the *Delta Queen* since I believe that she operates under entirely different circumstances.

Last year, I was fortunate enough to take a short trip on this vessel and I was perfectly delighted with my time on board. During my trip, I was impressed with the concern of the captain and crew for the safety of the passengers and the vessel. This was true not only in the public areas but also in areas such as the engine room which I made a point of inspecting. The engine room was as well maintained as the public areas. Because of my experience on the water, a vessel would have to be above average for me to commend her and I do commend the *Delta Queen* and will recommend her to anyone who wishes to relive a part of our history.

I have been fortunate enough to have owned a small power cruiser on the Ohio, to have taken several trips on the Ohio, Mississippi, and the Chicago River to Lake Michigan on friends' cruisers, to have taken trips under power and sail in the Bahamas and to have crossed the Atlantic from Gibraltar to Barbados aboard a 60-foot Ketch before my trip aboard the *Delta Queen* and I feel that I was fortunate to have been aboard her. I hope that she will be preserved for future generations of Americans to enjoy as I have done.

Very truly yours,

W. L. WEBER.

WHALING CITY DREDGE & DOCK CORP.,
Groton, Conn., August 12, 1970.

Representative EDWARD A. GARMATZ,
Chairman, House Merchant Marine Committee, House Office Building, Washington, D.C.

DEAR MR. REPRESENTATIVE: I think the forced retirement of the *Delta Queen* is a tragic mistake. That vessel carries with it one of the last vistages of folklore and nostalgia of our Great Country.

Born in 1896 near the Ohio River and having supervised work near, in and over the rivers of the Eastern U.S.A. for some 50 years it seems that the swish of the paddle wheel, the echo in the valley of long gone musical instrument such as the steam calliope should be preserved along with other things such as we have in this area. The Old 1600 Water Wheel Grist Mill, Nathan Hale School, the Whaling Schooner *Morgan.*

As Mayor of this City I had the pleasure of turning on a permanent lighting system for the Groton Monument at Fort Griswold, that was a sad day for America when Benedict Arnold sacked and burned New London and Groton.

As president of this firm I started, seven years ago, a "See Submarines by Boat" Tour for our many thousands of citizens who visit from all over the U.S.A. to observe and understand past and present history. I can only say they love it.

We live with the U.S. Coast Guard and their regulations and live by and approve all matters pretaining to safety. I am positive with a little effort the *Delta Queen* need not be classified as an unsafe vessel.

Our modern methods of fire proofing, springler systems, life boats, etc, can be adjusted to work in a manner of how it can be done and not an attitude of acceptance of rules which apply to the wide open sea. My only interest is to suggest that your committee take an affirmative approach and not a negative one.

I would hope that a favorable decision be accomplished before it is too late for the grand old lady.

Very truly yours,

C. B. SHAIP, *President*

ABEL CONTRACT FURNITURE & EQUIPMENT CO., INC.,
Austin, Tex., August 31, 1970.

Subject: H.R. 16933.

Senator MARLOW COOK,
Senate Office Building,
Washington, D.C.

DEAR SENATOR COOK: Although I write you from Texas, I am concerned about the *Delta Queen* and ask that you take action to exempt this fine ship from the provisions of the Public Law 89–777.

We have ridden the *Delta Queen* in the past, as we have other ships, and we surely feel safer on the *Delta Queen* than on ships at sea. Surely operating on the Mississippi, Ohio and Tennessee Rivers makes this vessel far safer than many of the ships that are licensed to operate at sea, where fire or any other disaster would cause much greater risk to anyone's life than on the *Delta Queen.*

This fine symbol of our heritage with the safety that it offers and the pleasure and recreation that this steamer provides its passengers in these frustrating times, should cause it to be exempt from the Safety-at-Sea Law.

It is believed that such a law was never made to apply to a river steamer which is always minutes from shore.

Congressman J. Pickle and Senator John Tower are also being urged to exempt the *Delta Queen* from the Safety-at-Sea Law. Your support to exempt the *Delta Queen* is urged.

Very truly yours,

J. D. ABEL, *President.*

HAVRE DE GRACE, MD.,
August 19, 1970.

Senator MARLOW W. COOK,
U.S. Senate Building,
Washington, D.C.

DEAR SENATOR COOK: I am writing to you for myself and my husband and two sons, ages 10 and 12, concerning the future of the *Delta Queen,* midwestern river boat of the Ohio and Mississippi.

We planned for two years to make a trip on this paddlewheel steamer and the last weekend in July of this summer we finally embarked on a two-and-a-half-day cruise from Cincinnati to Louisville and back again aboard the *Delta Queen.* The trip far exceeded our most generous expectations and was the most treasured family vacation we have had in our fourteen married years.

We would do anything we could to see that the overnight cruises on the *Delta Queen* continue, so we thought that letting you know how we feel about this marvelous piece of Americana is one of the best ways.

As you know the *Delta Queen* is limited by

the safety-at-sea law P.L. 89–777 which was actually designed for ocean going vessels, and because of her wooden superstructure is facing a tragic termination of service November 2 of this year because of having been unnecessarily included under the above law.

We desire safety for ourselves and our children and all people as much as anyone else. However you can carry the safety issue to such extremes as to choke all the spontaneity out of living. We drove West from Havre De Grace, up the Pennsylvania turnpike and out through West Virginia to Cincinnati to board the *Delta Queen*. As far as sheer safety statistics are concerned, it was a far greater risk just driving to Cincinnati than it was traveling aboard the *Delta Queen*.

The boat is equipped with automatic sprinkling fire control devices, it is not overcrowded with passengers, and passage aboard her is booked on a completely voluntary basis. Also a crew member is continually on fire watch aboard the boat 24 hours a day. The itinerary brochures from Greene Line Steamers (owner of *Delta Queen*) in Cincinnati point out the risks involved and those who choose to make the cruises do so with complete awareness of what they are doing.

I will not repeat the various agruments on the subject which have been included in newspaper publicity on behalf of the *Queen* all summer, although we are in agreement with them, now that we have seen for ourselves that they are true.

I would like to add before closing this letter, however, that no accommodations we could have hoped for could have given us a greater sense of security. The staff and crew was more than adequate, the water was pure for drinking and our whole family agreed that we'd do it all over again even if we knew in advance that we might have to swim for shore on a moments notice. This is purely hypothetical, however, as the *Delta Queen* has a perfect safety record and has had it for its entire 80 years.

Please do all you can to help pass the Senate-amended Merchant Marine Bill which has approval of the House and which would permanently exempt the *Delta Queen* from the 1966 safety-at-sea law. Also the administration's $30 billion maritime bill with *Delta Queen* exemption amendment, which has been ordered out of the Senate's Commerce Committee.

It doesn't reflect the desires of thousands of United States citizens for such a bill to remain bottled up in a legislative committee. So we'd like to see it get on its way to the Senate-House conference committee and be settled once and for all.

Legislation must come by representation of the people and it's obvious by now that the people of this country want the *Delta Queen* to remain on overnight cruise status.

It is rather ironic that the Chairman of the House Merchant Marine and Fisheries Committee, Edward Garmatz of Baltimore, has prevented any previous *Delta Queen* bill from coming out of committee for a floor vote, yet has never been on the *Delta Queen*, nor has he accepted any of the repeated invitations to do so.

Thank you for whatever you can do to help.

Yours truly,

Mrs. Sue T. Bailey.
Robert J. Bailey, Sr.
Robert J. Bailey, Jr.
Daniel T. Bailey.

Helsinki, Finland,
September 2, 1970.

Cabled To: Hon. Richard M. Nixon, President, Hon. John Volpe, Department of Transportation, Hon. Ed Garmatz, House Merchant Marine Committee.

Presented To: Hon. Walter J. Hickel, Department of the Interior.

The following is the text of a Resolution passed today, September 2, 1970 by the Society of American Travel Writers at its Annual Congress in Helsinki, Finland and dicted to your attention:

Resolution

Whereas the Steamboat *Delta Queen* is being forced out of overnight passenger service because she is primarily of wood construction and therefore does not comply with the federal safety at sea law of 1966 and

Whereas the *Delta Queen* meets all other safety and navigation regulations of the Federal Government as enforced by the United States Coast Guard and is inspected annually by the United States Coast Guard and

Whereas Greene line steamers, owner of the *Delta Queen*, has operated 28 steamboats on the nation's rivers for more than 80 years without a single passenger fatality and

Whereas the condition, maintenance and inspection system of the *Delta Queen* and the safety record of Green Line Steamers in comparison with airline, automobile and other records, indicates steamboat travel is one of the safest forms of transportation in existence today and

Whereas the *Delta Queen* is considered one of America's unique tourist attractions and

Whereas the American steamboat is close to the hearts and lives of millions of Americans who live along the nation's great rivers in 16 States served by the *Delta Queen* and stimulates joy and love of country wherever she sails and

Whereas America's steamboats and the experience they provide the traveling public are often imitated around the world, but the *Delta Queen* is the last remaining American steamboat in operation and the last place in the world where that experience may be had in its original form and

Whereas many thousands of U.S. citizens, through petitions, have all expressed their desire that the *Delta Queen* continue in overnight passenger service, and members of Congress have introduced at least 22 bills in both Houses to that effect, and

Whereas the Department of the Interior this year designated the *Delta Queen* as a national historic site and

Whereas the Society of American Travel Writers has long advocated the preservation of America's scenic and historic wonder for the bentfit of this and future generations of travelers,

Now therefore be it resolved this 2nd day of September, 1970, that the Society of American Travel Writers requests the President and Congress of the United States of America, the secretaries of Interior and Transportation and the chairman of the Merchant Marine Committee of the U.S. House of Representatives to grant a permanent exemption to the *Delta Queen* from the provisions of the federal safety at sea law of 1966 to the extent that she be allowed to continue overnight passenger service among American cities.

Proposed by David Hunter, travel editor, the Cincinnati Enquirer.

Seconded by A. Borcover, assistant travel editor, the Chicago Tribune.

Passed unanimously by the Society of American Travel Writers at its 15th annual meeting in Helsinki, Finland, September 2, 1970.

Signed:

Gerry Hall,
Travel Editor, the Toronto Star; President, S.A.T.W.

Saratoga Springs, N.Y.,
August 24, 1970.

Senator Marlow Cook,
Senate Office Building,
Washington, D.C.

Dear Senator Cook: This is just a short note to let you know that I support your efforts to save the steamboat *Delta Queen*. I have been a passenger aboard her this year and feel that she is completely safe.

I would think that help from NASA safety officials that Greene Line is getting should provide even more reason for Congress to pass an exemption for the *Queen*.

Best of luck.

Sincerely,

Thomas G. Rhodes.

Danville, Va.,
June 7, 1970.

Senator Marlow Cook,
Senate Office Building,
Washington, D.C.

Dear Senator Cook: Public Law 89–777 (The Safety-at-Sea Law) is one that goes a little too far when it comes to regulation of rivercraft. At this time I am thinking of the future of the *Delta Queen* which is operated by the Greene Lines.

This firm has not lost a life in an accident in 80 years of operation which is a record that no other transportation company can say that I know about. The *Delta Queen* does not travel the sea and does not travel far from land at any time. The most she gets away from land is 3 minutes.

It is my thinking that she should be allowed an exemption so she can sail. She is about the only contact we have left with our past and the things which made this United States great. She is a working symbol and not a museum piece just to look at. Let's keep her on the river where she belongs and let the people that wish to sail with her the chance to enjoy life as it once was.

I hope that you will use your influence to help keep the *Delta Queen* alive.

Sincerely,

Joseph E. Hile.

Oxford, N.Y.,
May 27, 1970.

Senator Marlow Cook,
Senate Office Building,
Washington, D.C.

Dear Senator Cook: In an era when the importance of maintaining as much of our American heritage as possible is obvious, it is incomprehensible to me why there should be a dispute about the *Delta Queen* steamship. Therefore, I am writing to appeal that the *Delta Queen* be permanently exempt from Public Law 89–777 (The Safety-at-Sea law.)

Since Public Law 89–777 was enacted to set ship construction standards for ocean-going vessels, I can see no valid reason for its application to the *Delta Queen*. The *Queen* travels only on the inland waters of the Mississippi, Ohio, and Tennessee Rivers at a "speed" of 10 miles per hour. It obviously does not encounter the dangers and problems of the ocean-going vessel. The *Delta Queen* has never had a serious accident in 42 years of operation. How many of us can make a comparable statement?

I have informed my Senators and Congressman of my sentiment and all members of pertinent committees. A petition is circulating in Chenango County, New York State, which is receiving wide support. In all sincerity, I ask you to vote for H.R. 16933 which will exempt the *Delta Queen* from Public Law 89–777.

The *Delta Queen* is part of our American heritage. Now, more than ever, we need that heritage to stand as a symbol of what we have been and may become.

Thank you for your courtesy.

Respectfully,

Miss Lenora A. Snedeker.

June 11, 1970.

Hon. Fred Schwengel,
Rayburn Office Building,
Washington, D.C.

Dear Fred: On Sunday May 24, I and C. W. Stoll of Louisville, Kentucky, were invited to participate in a program aboard the *Delta Queen* for the "Today" show which received nationwide coverage on June 10.

I have been very much concerned about

the *Delta Queen* being included in a bill—Public Law 89–777 which outlines the requirements for ocean-going or Great Lakes steamers. I'm glad that you and John Culver share my concern and have introduced separate bills that would exempt the *Delta Queen* from this measure.

The danger of fire is so remote, and the ease with which the boat could reach shore in less than a minute makes her inclusion both unfair, and in some respects absurd. I know the Iowa Congressional delegation is familiar with my writings on the Mississippi and steamboat over the past 43 years, hence they will understand my urging them to exempt the *Delta Queen* from the provisions of Public Law 89–777.

The following is, in substance, what I said on the "Today" show:

"The mighty Mississippi System, of which the Ohio River forms a significant part, was prior to the Civil War, constantly referred to as 'Western Waters.' It was not only the main highway of emigration into the Mississippi Valley (as witness how the census of 1820, 1830, and 1940, showed population clinging to the borders of the Ohio, Mississippi, and Missouri Rivers), but it also was the Highway of History, of Humor, and of grotesque Tall Tales. The Steamboat, rather than the Covered Wagon, therefore, should be the Symbol of the Westward Movement and the expansion of the American Frontier. There were more steamboats, and a greater tonnage on Western Waters in the 1840's than there were in the entire British Merchant Marine. And the *Delta Queen,* on which we have the privilege of riding today, is a Symbol of the pioneer steamboats—a living, pulsing, throbbing Museum of Transportation and Communication, if you please, that can carry the story of the expansion of the American frontier to a score of busy ports in America today."

The *Delta Queen,* and the 28 boats that have served under the Green Line Steamers flag for 80 years, have done so without a fatality. I think this can also be said of the Diamond Jo Line Steamers, about whom I have just completed a story for *The Palimpsest.* These are real records and worthy of consideration.

I am grateful that you and John Culver were quick to get bills in Congress to exempt the *Delta Queen* from Public Law 89–777. Few men realize more than you the loss to America should this floating museum of an almost forgotten year be forced to discontinue its service.

The fact that she travels over 4,000 miles of the rivers of America each year and thus can be seen by men, women and children in 17 states is highly significant. I wonder how many Congressmen realize that the *Delta Queen* is extremely expensive to operate and rarely breaks even. Her owners have not run to Uncle Sam for a subsidy but we can be thankful that two public-spirited men, one in New Jersey and one in California, have realized the difficulty of operating the *Delta Queen* and have personally made up the deficit in order that the *Delta Queen* would not pass into oblivion.

Fred, I'm sending a copy of this letter with an accompanying note to our Iowa delegation, and to chairmen of the respective Committees in the House and Senate. I hope they will all understand the limitations of time that make this necessary.

Faithfully,

WILLIAM J. PETERSEN,
Superintendent.

Mr. COOK. Mr. President, I would like, by way of reference, to make a change in the committee's report on page 64, under section 43, in that it refers to the fact that the *Delta Queen* travels the Mississippi, Ohio, Tennessee, and Cumberland Rivers. I might say that she is berthed in Cincinnati, Ohio, the home State of the distinguished Senators from Ohio, and I might read one comment from a letter I received from the Governor of my State, the Honorable Governor Nunn, in which he said:

As the last river steamer of the floating palace class, the Delta Queen's partly wooden superstructure condemns her under the existing law. Yet it is this fine mahogany, teak, and ironbark of her main salon that makes her a floating palace. Moreover, in her 44 years of operation, not a single passenger has ever been lost by accident.

I would hope that the conferees would understand and realize the significance to American history of a vessel that plies the river from Pittsburgh to St. Louis, to New Orleans, and up to Minneapolis and St. Paul.

I would only say to you in all fairness and all honesty that we have had a little problem with the attitude of the U.S. Coast Guard. Yet when one views the efforts of the Coast Guard to seek the safety of the American people, with which I agree, they have a beautiful and fabulous bark that they keep at New London, Conn., called the *Eagle.* The *Eagle* probably violates 100 safety-at-sea laws. She has wooden decks. She has wooden bulkheads. She has hammocks instead of bunks. She violates everything in the book, but because she is exempt, nobody really does anything about it. The 280 young seamen who have to go aboard it every year do not do it by choice; they do it only because they have to.

So I can only say to the members of the conference and to the Members of the House, I have submitted for the record letters from places as far apart as Groton, Conn.; Austin, Tex.; and Fallbrook, Calif.; which say she is a fabulous and beautiful part of history and that she ought to be kept.

Mr. HATFIELD. Mr. President, as we discuss this legislation, I wish to call attention to a related area, that of ship repair. In many areas of the country, private shipyards are in a time of serious decline. Some aspects of this were brought out in the discussions surrounding the amendment recently by the Senator from Maine (Mr. MUSKIE), relating to the destroyer construction under the military authorizations bill.

We must not let our ship repair yards wither and die, for they have made tremendous contributions to our economy, and provide many jobs for many Oregonians even today. Unless we in the Congress take some action, however, those of us representing States with private yards may very well face even tougher times in keeping our workingmen on the job.

I will not belabor this point, Mr. President, for this issue is not totally germane to the discussion on this bill. I do ask, however, that an article detailing the current slowdown in the Portland ship repair industry appear at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Portland Oregonian, June 29, 1970]

ECONOMIC SLOWDOWN DEALS SHARP BLOW TO PORTLAND MARINE CONSTRUCTION

(By Blaine Schulz)

Portland ship repair and marine construction firms are suffering the worst economic blow in 10 years.

With income down 50 per cent in the four major Portland yards, and the work force down some 70 per cent of normal, the companies are hurt badly and the outlook in the months ahead is poor.

"It's very rough," said George W. Wintz, vice president and general manager of Willamette Iron & Steel's ship repair and shop divisions.

Operating with a skeleton organization of 60 men after being used to averages of 400 men and peaks of 700, Wisco wants business but hasn't been able to get it.

The ship repair business is "down to nothing" at both Wisco and Northwest Marine Iron Works.

Normally carrying up to 700 men, Northwest Marine is down to 400, saved by the $13.5 million Navy contract, one-third completed, on the fleet ballistic missile tracking ship Serbune at Berth 3, Swan Island.

"This is the worst it's been in 10 years," said Kenneth W. Galbraith, vice president in charge of sales at Gunderson Bros. Engineering Corp.

Gunderson Bros., while keeping pace in the railroad car manufacturing, has dropped to 125 men from a normal of 450 to 500 in the marine division and shop support sections.

WEST COAST HIT

Galbraith said this has resulted at Gunderson in a 75 per cent drop in manpower, and revenues are down 50 per cent in the marine work.

"The West Coast is desperate for business," Galbraith declared.

Albina Engine & Machine Works has seen its ship repair and new construction crews drop from 550 to 275, with revenues down 25 per cent.

"Some have gone to California and Alaska, but many haven't found work," said a spokesman for the boilermakers, most of whom are welders.

OTHERS FAVORITE

Companies which normally get a share of the Navy or Coast Guard repair work are bemoaning the lack of government contracts, at a time when Gulf Coast repair yards are full and Eastern yards doing well in new construction.

Top naval and Coast Guard officers, responding to congressmen and the press, contend they must send their repair jobs to "home ports" to keep the men happy and have work done properly on sophisticated systems aboard the vessels.

Arthur Farr, vice president and general manager of Northwest Marine Iron Works, doesn't buy that pitch. He calls the home port policy "a bunch of bunk," contending that half the crew doesn't live in the home port anyway, and half are training at various schools during the repair periods.

"Politics is stronger than reason," he told The Oregonian. He said there would be enough Navy and Coast Guard business if the two services cut work at Navy shipyards.

HATFIELD PROTESTS

Sen. Mark Hatfield has protested the recent use of a naval repair yard at Long Beach, Calif., for repair of the Coast Guard icebreaker Glacier.

With the Portland firms employing 500 to 560 men out of a normal force of 1,750 to 2,450 men, the Oregon Republican contends the Coast Guard's Glacier should have gone to a West Coast yard.

The Portland ship repair industry "de-

serves an explanation," Hatfield said, considering that Portland has a $20 million investment in the industry and the economic life of 2,000 men at stake.

Responded Admiral C. R. Bender, U.S. Coast Guard commandant: "Without this repair period in home port, there would have been almost no opportunity for these men to be with their families for more than a year."

He said the naval shipyard at Long Beach had a drydock and labor force available to meet Glacier's requirements.

Past policy and procedure of the Coast Guard has been to use private ship repair yards.

Northwest Marine's Farr contends the Navy is trying to keep up its work force in naval yards, "while the private industry is going down the drink."

Reps. Wendell Wyatt, R-Ore., and Edith Green, D-Ore., are flinging the brickbats, too, but Wintz, of Wisco, feels the Oregon barrage won't be enough—that political muscle will have to be mustered from all the Western states.

Wintz said the Rose Festival fleet pulled out of Portland praising the friendliness of the port, but he wondered if the friendliness is shared by the military.

Ship repair officials said the economic pinch has caused shipping companies to pull in their horns on new construction, "jumbolizing" and repairing. Wisco wanted the American Mail Line jumbolizing jobs badly but lost to Bethlehem yard in San Francisco. Also the Navy has been taking ships out of commission. And the two-year delay in the North Slope oil project in Alaska has hurt the contemplated tanker business.

All in all, said Wintz, "this is the driest it's been in many years."

Mr. GRIFFIN. Mr. President, on behalf of the Senator from New Hampshire (Mr. COTTON), who is not able to be here, I ask unanimous consent that a statement prepared by him in support of the bill be printed in the RECORD.

There being no objection, Senator COTTON's statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR COTTON

Mr. President, I, too, wish to express my support for the bill H.R. 15424 which, in effect, provides the legislative scheme for implementing President's Nixon's Maritime Program set forth in his message of October, 1969.

The problems confronting the American maritime industry have long persisted, save for cyclical upswings in time of global conflict, such as World Wars I and II. The Magna Carta, to meet these vexing problems, has been the Merchant Marine Act of 1936. This Act has been amended in part over the past 34 years to meet situations as they have arisen. None, however, have been as far-reaching and as comprehensive as those proposed in the bill now under consideration, which should serve to make a quantum jump to prepare American shipping for the decade of the 1970's and 1980's.

Generally speaking, H.R. 15424 is an omnibus bill comprised of 43 sections. The thrust of the provisions of H.R. 15424 may be summarized in the following ten points:

(1) Render eligible for government assistance bulk carriers heretofore not so considered, such as oil tankers and dry bulk cargo vessels (see for example sections 1, 3, 4, 5, 14, 15, 16, 19, 24, and 28);

(2) Provide a ten-year authorization of appropriations for ship construction and render eligible to establish reserve funds with tax-deferred earnings vessels not presently subsidized in the foreign trade, those in the noncontiguous trade, those in the Great Lakes, and fishing vessels, a privilege which heretofore has been restricted to only those vessels engaged in the foreign trade receiving operating differential subsidy (see sections 2 and 21);

(3) Streamline assistance in the form of construction-differential subsidy by making shipyards eligible to be applicants as well as ship operators, now provided under existing law, and provide a productivity incentive with a programmed decrease in the percentage of such government payments (see sections 6, 7, 8, 9, 10, 20, and 22);

(4) Update the currently antiquated operating-differential subsidy program so as to remove it from the morass of administrative red tape by tying it to a self-executing index system (see sections 16 and 17);

(5) Recognize by express statutory language the importance of our "Fourth Sea Coast"—the Great Lakes Seaway System (see for example sections 21 and 26);

(6) Provide uniform administration of our cargo preference laws by regulations to be issued by the Secretary of Commerce and thereby, hopefully, improve the efficiency and most equitable distribution of such government-impelled cargoes (see section 27);

(7) Extend and expand existing programs, such as War Risk Insurance (see section 34); and loan and mortgage insurance, plus render eligible oceanographic vessels (see sections 29–32);

(8) Save our sole remaining stern-wheel river passenger boat, The Delta Queen, a heritage of our past (see section 43);

(9) Make technical and conforming amendments to modernize the administration of the program under the 1936 Act (see for example sections 11–13, 18, 23, 25, 33–39, 41, and 42). These provisions, such as section 12, incorporate earlier Administration proposals, such as S. 1282 and S. 1171, which had been sent up separately prior to the submission of the program legislation; and

(10) In summary, the provisions of the bill H.R. 15424 represent a hopeful launching of a major effort to rebuild an improved American merchant marine which can sail confidently and effectively in the decades of the future.

I, therefore, urge all my colleagues to support the passage of the bill H.R. 15424.

Mr. STEVENS. Mr. President, I rise to make a brief statement in support of this legislation.

The people in the State of Alaska are dependent upon shipping for their existence and know that the Merchant Marine Act of 1936 must be updated. In fact, my predecessor in office, the late Senator Bartlett, was the one who initiated the movement to modernize the American merchant marine. The legislation will provide a long-range merchant shipping program of 300 ships over the next 10 years. It follows the President's proposal to lessen the dependence of shipping on subsidies. It gives an opportunity for the nonsubsidy lines upon which our State is primarily dependent to modernize their fleets without reliance upon grants in aid. As the President noted in his message of October 23, 1969, three-fourths of our merchant vessels are antiquated. These are basically the nonsubsidy fleet. This bill will give an opportunity for those fleets to be updated and be economically competitive.

The bill has been unanimously supported by all who appeared, both labor and management, both the unsubsidized fleet and subsidized fleet as well as the executive branch of the Government.

I feel the legislation will have a significant impact on the future and economy of Alaska and I strongly urge its passage.

Mr. GRIFFIN. Mr. President, I rise to express my support for H.R. 15424 which carries out President Nixon's legislative recommendations to rebuild our merchant marine. This is the first major revision of the maritime laws since enactment of the Merchant Marine Act of 1936. The bill was introduced in the House on December 23, 1969, and I trust it will pass the Senate today by an overwhelming vote.

At the close of World War II, the U.S. merchant fleet was composed of 3,696 ships and was the largest in the world. Since that time, the fleet has been reduced to 967 ships, only 650 of which are engaged in foreign trade. Our fleet now ranks fifth in the world on a tonnage basis. The present fleet of 967 ships will decline to 310 by 1980 if no new ships are built.

Approximately three-fourths of the 650 vessels in our foreign trade fleet are over 20 years of age. These 650 ships are the equivalent in carrying capacity to only 228 modern ships. If there is no new construction after 1970, this fleet will be reduced to 221 ships by 1980, which would be the equivalent of only 123 modern ships.

The United States is the world's greatest trading Nation. Our exports and imports constitute one-third of the world's trade. Yet our vessels carry only 6 percent of our trade by tonnage, and unless there is a shipbuilding program, we will carry only 3 percent by 1980. The continued growth of U.S. trade depends on efficient and reasonably priced transportation.

The bill provides a program for building 300 ships over the next 10 years. In this time of budget stringency it is critical that this program be implemented at the least possible cost to the Government. The bill provides for this. Assurance of a 300-ship program provides an incentive to shipbuilders to modernize their yards and thus reduce the cost of building ships. Under the present law, the ship operator is the applicant for construction-differential subsidy. This has resulted in the building of custom-made ships. These are more costly than standard ships would be. The bill provides that either the operator or the shipyard may apply for the subsidy. The purpose of this provision is to bring shipyards into the design work on the ships so that without reducing the quality of the ships the ships will be designed in such a way that they will be less costly to produce. The program contemplates the production of standard ships rather than custom-made ships, because standard ships are less costly to build.

The 55 percent maximum construction-differential subsidy rate expired on June 30 of this year and the maximum rate reverted to 50 percent at that time. The maximum rate will remain at this level. The bill, however, contains productivity goals. These are construction-differential subsidy rates of 45 percent in fiscal 1971, reduced by 2 percent per year until the rates reach 35 percent in fiscal 1976 and thereafter. If the lowest responsible bid for a ship during any fiscal year would yield a construction-differential subsidy in excess of the produc-

tivity goal for that year, the Secretary would be authorized to negotiate with any bidder for a lower price. In addition, the Secretary of Commerce would be authorized to accept, as a basis for construction-differential subsidy, a price negotiated between an operator and a shipyard if the price was within the productivity goal for that year and he determines the price is fair and reasonable. The public interest will be further protected by the Comptroller General's audit of the negotiated price contract and the work done under it.

The bill provides for fixing the construction-differential subsidy periodically by type of vessel rather than on an individual ship basis. This will enable the ship operator to know in advance the cost of the ship to him and will help the shipyards to aggressively promote their standard ships.

All of these provisions will result in the rebuilding of the fleet at the least cost to the Government and to the ship operator.

Turning now to the operating-differential subsidy, the amendments made by the bill provide an incentive to the operators to control their costs. Wages are the chief element of the operating subsidy. Under existing law, the Secretary of Commerce must find that the wages negotiated by industry and labor are fair and reasonable. This has involved the maritime industry and the Government in prolonged disputes as to whether the wages and manning agreed to in the collective bargaining agreements are fair and reasonable. As a substitute for this, the bill provides that in the future the Secretary of Commerce will determine prior to the time a ship is built whether the proposed manning of the ship contains officers or members of the crew that are unnecessary for the economical and efficient operation of the vessel. With regard to existing vessels, as the bill came to us from the House, it provided that any disallowances made by the Secretary of Commerce prior to enactment of the bill would not be included in the collective bargaining costs on which the subsidy is based. To give the Secretary of Commerce more adequate time to pass on these disallowances, the committee amendment would exclude disallowances made by the Secretary prior to 90 days after enactment of the bill. In addition to these disallowances, the bill would gear any increases in collective bargaining costs on which the subsidy is based to an index of increases or decreases in collective bargaining costs in other industries.

The bill contains one other very important innovation with regard to operating subsidy. The bill provides for payment of operating subsidy for the operation of bulk carriers. At the time the Merchant Marine Act, 1936, was enacted the United States was largely self-sufficient with respect to raw materials. This, of course, is not true at the present time. At the present time our liner trade consists of 46 million tons annually, but our bulk trade consists of 350 million tons. Our present bulk fleet which consists of inefficient World War II built vessels is sustained by aid cargoes under the Cargo Preference Act. It cannot compete for commercial cargoes because of its high costs resulting from the higher standard of living in the United States. To compete for commercial cargoes, it needs modern vessels and operating subsidy to make up the disadvantage American bulk carriers are in competition with their low cost foreign competitors. The bill provides for this subsidy. The United States cannot rely on foreign bulk carriers to furnish the raw materials we need for commerce and defense. And even if such carriers are available, they might only be available at inflated prices—witness the closing of the Suez Canal in 1956. The United States takes a long step forward under this bill which provides for the United States to have its own commercial bulk fleet.

The third step forward made by this bill is the extension of tax deferment privileges to all vessels in the foreign trade, to vessels in the noncontiguous domestic trade, to vessels in domestic trade, to vessels in domestic trade on the Great Lakes and to vessels operating in the fisheries.

Under existing law, tax deferment is extended only to vessels paid operating—differential subsidy which operate in the foreign trade. In the foreign trade, this is necessary to compensate for tax benefits which foreign competitors receive from their government. In the noncontiguous domestic trade, it is necessary to permit American products to compete, so far as transportation costs are concerned, with foreign products. In domestic trade on the Great Lakes and in the fisheries, it is necessary to permit replacement of obsolete fleets.

Recognition of the needs of vessels operating on the Great Lakes has been long in coming. The average age of the U.S. Great Lakes fleet is 40 years. It is time that this fleet be replaced. The provisions of the bill that will permit the replacement of this fleet and earnings on which the tax is deferred will give real impetus to the replacement of this fleet.

The bill recognizes the Great Lakes as the fourth seacoast of the United States and eliminates the prohibition on the subsidization of American-flag shipping operating between the United States and Canada. This recognition is long overdue. Thus, the bill should contribute to the promotion of commerce on the Great Lakes.

There is one committee amendment that deserves special mention. That is the amendment of the cargo preference provision of the 1936 act to provide that agencies subject to that act shall operate under the act under uniform regulations issued by the Secretary of Commerce. The hoped-for end result is more efficient and more equitable administration of such Government-impelled cargoes.

As the bill came to us from the House, it would have granted to those operators who do not now receive Government assistance, 20 years in which to dispose of their foreign flag holdings and foreign flag agency operations if they become subsidized. The committee amendment would reduce this to 2 years for agency operations and it would exclude liner operators from 20-year "grandfather" rights. The committee felt that this was all that was necessary in view of the fact that most of the foreign operations are by bulk operators.

This legislation would not have been possible without the commitment of the President to a strong merchant marine, nor without the dedicated effort of the Secretary of Commerce, Maurice Stans, the Under Secretary, Rocco Siciliano, and the Maritime Administrator, Andrew Gibson, who guided the draft bill through executive department clearance. Also it would not be here without the stalwart leadership of our distinguished chairman, the Senator from Washington (Mr. MAGNUSON), our distinguished ranking minority member, the Senator from New Hampshire (Mr. COTTON), the distinguished chairman of our subcommittee, the Senator from Louisiana (Mr. LONG).

I urge that the Senate pass the bill.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Wyoming (Mr. MCGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. RUSSELL), the Senator from Mississippi (Mr. STENNIS), the Senator from Maryland (Mr. TYDINGS), and the Senator from Ohio (Mr. YOUNG) are absent on necessary business.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), and the Senator from Maine (Mr. MUSKIE) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from Hawaii (Mr. FONG), the Senator from New York (Mr. GOODELL), the Senator from Idaho (Mr. JORDAN), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. SMITH), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from South Carolina (Mr. THURMOND) is absent on official business.

If present and voting, the Senator from Hawaii (Mr. FONG), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Illinois (Mr. SMITH), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) would each vote "yea."

On this vote, the Senator from New York (Mr. GOODELL) is paired with the Senator from Arizona (Mr. FANNIN). If present and voting, the Senator from New York would vote "yea" and the Senator from Arizona would vote "nay."

The result was announced—yeas 68, nays 1, as follows:

[No. 314 Leg.]

YEAS—68

Aiken	Ellender	Miller
Allen	Ervin	Mondale
Allott	Gore	Nelson
Anderson	Griffin	Packwood
Baker	Gurney	Pastore
Bayh	Hansen	Pearson
Bellmon	Harris	Pell
Bennett	Hart	Percy
Bible	Hartke	Prouty
Boggs	Hatfield	Proxmire
Brooke	Holland	Randolph
Burdick	Hollings	Saxbe
Byrd, Va.	Hruska	Schweiker
Byrd, W. Va.	Hughes	Smith, Maine
Case	Inouye	Sparkman
Church	Javits	Spong
Cook	Jordan, N.C.	Stevens
Cooper	Long	Symington
Cranston	Mansfield	Talmadge
Curtis	Mathias	Yarborough
Dodd	McGovern	Young, N. Dak.
Dole	McIntyre	Williams, N.J.
Dominick	Metcalf	

NAYS—1

Williams, Del.

NOT VOTING—31

Cannon	Jordan, Idaho	Ribicoff
Cotton	Kennedy	Russell
Eagleton	Magnuson	Scott
Eastland	McCarthy	Smith, Ill.
Fannin	McClellan	Stennis
Fong	McGee	Thurmond
Fulbright	Montoya	Tower
Goldwater	Moss	Tydings
Goodell	Mundt	Young, Ohio
Gravel	Murphy	
Jackson	Muskie	

So the bill (H.R. 15424) was passed.

Mr. GRIFFIN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. INOUYE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. INOUYE. Mr. President, I move that the Senate insist on its amendments, request a conference with the House on the disagreeing votes thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MAGNUSON, Mr. LONG, Mr. PASTORE, Mr. COTTON, and Mr. GRIFFIN conferees on the part of the Senate.

Mr. INOUYE. Mr. President, I ask unanimous consent that the bill clerk be authorized to make certain technical corrections that may have occurred in printing.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, the Senate is deeply grateful to the distinguished Senator from Louisiana (Mr. LONG). His leadership on this measure was outstanding. This Nation's maritime interests could not have been better served. With his strong and effective devotion this Nation's merchant marine has a fine advocate. The achievement this evening marks another splendid accomplishment in the already overabundant record of public service compiled by Senator LONG. Again, I express my gratitude and the gratitude of the entire Senate.

To the distinguished Senator from Michigan (Mr. GRIFFIN) goes equally high praise. As the ranking minority member of the merchant marine subcommittee he too has served well the maritime interests of this Nation. His cooperation and assistance was deeply appreciated.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon the disposition of the reading of the Journal on tomorrow and the disposition of unobjected to bills on the legislative calendar, there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SMALL BUSINESS AMENDMENTS ACT OF 1970

Mr. BYRD of West Virginia. Mr. President, now, for the purpose of laying before the Senate the business which will be the unfinished business except for Senate Joint Resolution 1, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 1176. There will be no action on the bill this evening, however.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk stated the bill (S. 4316) by title, as follows: S. 4316, to clarify and extend the authority of the Small Business Administration, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, I have been authorized by the distinguished majority leader to state that there will be rollcalls tomorrow.

It is anticipated that the Senate will complete action on the bill which has just been laid before the Senate, the bill to clarify the authority of the Small Business Administration.

It is also expected to take up a bill which was programed on the schedule which was mimeographed some few days ago, to amend the Federal Deposit Insurance Act.

And, beyond that, it is expected on tomorrow that we will complete action on the conference report on the Treasury-Post Office appropriation bill.

We have a considerable number of bills on the Consent Calendar for the first thing tomorrow.

As I have indicated, in addition thereto, we have at least two bills—the SBA bill and the FDIC bill—plus the conference report. So there will be plenty of action. There will be rollcalls. Senators are put on notice that we expect to complete action on those measures tomorrow, and we just hope we will not have the same problem that developed last Friday. We do not think we will.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. ERVIN. Mr. President, as I construe the unanimous consent of the Senator from West Virginia, which has been granted, the bill relating to the Small Business Administration will be the pending business after the morning hour, rather than Senate Joint Resolution 1; is that correct?

Mr. BYRD of West Virginia. No, Mr. President, the able Senator misunderstood me, and for that I am sorry. The unfinished business is still Senate Joint Resolution 1. Until we reach tomorrow, we do not know just whether or not there will be lengthy discussion on Senate Joint Resolution 1 or not.

Mr. ERVIN. Let me assure the Senator that there will be if Senate Joint Resolution 1 remains the pending business, because I have a few laconic remarks I should like to make on the subject.

Mr. BYRD of West Virginia. Well, it may well be that we shall be able to proceed as we did today. I am sure that speeches on both sides of the question are available. But I trust, Mr. President, that we will not have much discussion, if any, on that resolution tomorrow, and that we can get on with the bills we have scheduled tonight.

Mr. ERVIN. I thank the Senator from West Virginia for his information.

Mr. BYRD of West Virginia. I am sorry I was not able to be more exact in my answer.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 7 o'clock and 55 minutes p.m.) the Senate adjourned until tomorrow, Friday, September 18, 1970, at 10 a.m.

EXTENSIONS OF REMARKS

THE MAJESTIC GUADALUPE MOUNTAINS: AN ARCHEOLOGISTS' STUDY OF A NATIONAL PARK

HON. RALPH YARBOROUGH

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Wednesday, September 16, 1970

Mr. YARBOROUGH. Mr. President, subsequent to the passage of my bill by Congress in 1967 to create a Guadalupe Mountains National Park, many scientific groups, varying in their specific scientific orientation, and citizens from all parts of the country have traveled to this unique park to study and observe its extraordinary contents.

During the past 3 years, thousands and thousands of our people have been able to enjoy and appreciate the scenic and ecological wonders that abound in this mountain region in the western part of the State of Texas. Visitors seeking the exhilaration of mountains, streams, and woods have found these highlands to be sort of an oasis in the sky, a provider of great joy to the onlooker. The Nation has then been given, by the enactment of this bill in 1967, for now and for generations to come, a beautiful park paradise where available to our artistic and esthetic sense are natural sights and spots, glorious in their visual splendor.

Science, too, has been able to benefit from this federally protected and owned national park. Ecologists and scientists have had the opportunity to survey such geological phenomena as the great Permian limestone slopes of these mountains which expose the most significant and extensive fossil reefs in the world. Subject to much scientific inquiry, also, has been the unique fauna and flora sheltered by the slopes of the mountains. Further, the plants and animals of the region are unique; they exist as a living remnant of the early members of biological chains of life development which began in the Pleistocene Epoch. These living objects are especially fascinating to us because they are, in large part, an insular collection, evolving down through the ages without any diluting contact with the outside world.

Mr. President, it was my great pleasure to author and introduce on November 7, 1963, the first bill in Congress with regard to the creation of the Guadalupe Mountains National Park. I have continued since that time to work for and, finally, bring about the authorization of full funding for the park. And now we have completed the task and set forth for all of our people a beautiful escaping place for a return to nature.

Mr. President, as an indication of the tremendous value of the Guadalupe Mountains National Park, I ask unanimous consent to have printed in the Extensions of Remarks an account from the back page of the Medallion, a paper for the Texas State Historical Survey Committee in June–July 1970, of an archeological survey by the summer field school of the Texas Archeological Society of the Guadalupe Mountains National Park.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ARCHEOLOGISTS MAKE STUDY OF GUADALUPE PARK

An archeological survey of the Guadalupe Mountains National Park was conducted June 13–21 as the main activity of the summer field school of the Texas Archeological Society.

Harry Shafer and Dessamae Lorraine coordinated some 200 participants, who made a broad survey of the different sites and ecological zones throughout the park area. This reconnaissance will serve as background information for later excavations.

Pictographs, rock shelters, and sotol pits (hollowed-out rock rings used for cooking sotol roots) were the main types of sites studied. Participants ranged from the salt flats to the pinon-covered mesas that compose the varying topography of the park, but concentrated on the southwest section. Under the supervision of trained crew chiefs, the students employed a number of different recording techniques. Meticulous copies were made of the valuable pictographs (rock paintings) preserved in the area.

Following each day's activities, the trainees and experts engaged in group discussions of what had been found and its significance.

Information on the Texas Archeological Society may be obtained from Southern Methodist University, P.O. Box 165, Dallas 75222.

AIR HIJACKING

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. ASHLEY. Mr. Speaker, today I am introducing a resolution expressing the sense of Congress that the President urge the United Nations to initiate international uniform policies and procedures for the apprehension and punishment of air hijackers. In addition, the resolution expresses the sense of Congress that the President should take all steps necessary to enforce an aircraft boycott against any country which countenances skyjacking by refusing to either prosecute the hijackers or extradite them for purposes of prosecution.

The recent hijacking of four airplanes by Arab terrorists—followed by the blowing up of the planes and the retention of the passengers as hostages—is, as Secretary General U Thant pointed out, "savage and inhuman." The subsequent difficulties in securing the safe return of the innocent passengers make it plain that the thrust of our efforts must be on deterrent action to prevent hijackings.

There are several technological and physical ideas that should be considered immediately. These include such things as the use of sky marshals as guards; the careful scrutiny of passengers and baggage by detection devices; and the use of such devices as the pumping of teargas through the ventilation system on the plane to incapacitate hijackers.

While technology has a role to play, the most effective way to deter hijackers is for all nations to insure the punishment of the culprits. Unfortunately, the present state of international law—as embodied in the Tokyo Convention of 1963—is sadly lacking both in signatories and scope.

The Tokyo Convention's principal purpose is to promote aviation safety through the establishment of a continuity of jurisdiction over criminal acts occurring on board aircraft. In addition, it creates a duty to return the hijacked plane and cargo to their owners and to facilitate the resumption of the flight. To date, however, only 29 nations have signed the convention and, more importantly, the convention does not touch on the subject of uniform penalties to deter potential hijackers.

Thus, my resolution expresses the sense of the Congress that the President should urge the United Nations to initiate international uniform policies and punishment of individuals who are guilty of international aircraft piracy.

At the same time, it is evident that we must act decisively and promptly to protect U.S. citizens and other passengers on U.S. airlines. Clearly any country which fails to recognize the dangerous and vicious nature of air piracy by refusing to extradite or prosecute the terrorists is every bit as guilty as the hijackers themselves and their actions encourage more hijackings. Therefore, my resolution declares it the sense of Congress that the President should take immediate steps to place an ambargo on air traffic to any country which refuses to impose appropriate punishment upon any individual guilty of international aircraft piracy or refuses to extradite such individual.

Mr. Speaker, we must act swiftly and surely to let all potential skyjackers know that civilized nations will not tolerate this deadly game of international blackmail.

ANARCHY IN AMERICA

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. DON H. CLAUSEN. Mr. Speaker, I rise today to express deep concern that the wave of terror being directed against our law enforcement officers and established institutions in this country, may provoke a backlash of repression unprecedented in American history.

In my judgment, America is in a state of anarchy. The bomb and the torch have become the debating tools of the radical left wing in American politics and we, as a nation, are being warned of a clear and present danger—not just for today, but to the America of tomorrow as well. And, the warning should be clear. If enough of these radical revolutionaries continue to triumph, as was the case in the dying days of Rome, we too shall witness the

coming of a dark age in America marked by unbridled revolution, savage repression, and a police state.

The time to stop a revolution is when it starts—not when it ends. Society has already had to pay a staggering price for this mad rampage. The damage in dollars alone is nearing the 10 million mark. But, I am more concerned about the damage in human terms—the damage in broken limbs, broken lives, and broken dreams. The real victims of this terrorism are the hardworking, taxpaying, lawabiding citizens of this country who believe, as I do, that, senseless acts of violence and intimidation against innocent people in the name of peace must be rejected.

Most people I have talked with recently, view these militants and self-styled revolutionaries for what they really are—common criminals and potential killers who, apparently, have little or no concern for the lives or safety of innocent people. Irate citizens everywhere are, themselves, growing more militant and there is increasing talk and even warnings of forthcoming vigilante-type retaliation. This, of course, is not the proper or desired solution. But when due process of law fails to quell violence and lawlessness, people invariably turn to self-imposed repression or attempt to take the law into their own hands.

We must restore order in this country. We must have new and stronger laws with teeth in them. We must strictly enforce existing laws intended to deal with this growing menace. We must restore America's faith in what I believe is the best judicial system in the world. And, I intend to give my fullest support to our community police, county sheriff's departments, and to our State and Federal law enforcement personnel. I would respectively suggest, in this regard, that every citizen concerned about violence in America, develop a new sense of awareness of the increasing problems our law enforcement officers must cope with on a day-to-day basis.

SUPPORT FOR THE PRESIDENT'S CONVICTION AND PRONOUNCEMENT THAT "PIRACY IS NOT A NEW CHALLENGE FOR THE COMMUNITY OF NATIONS—WE CAN AND WE WILL—DEAL EFFECTIVELY WITH PIRACY IN THE SKIES TODAY"

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. DONOHUE. Mr. Speaker, when the Palestinian hijackers perpetrated their recent outrageous acts of international air piracy and hostage holding of American and other citizens I respectfully called upon the President of the United States to exert every resource of his office and this Government to effect the safe release of all hostages and to particularly insure against any attempted discrimination and misrepresentation regarding the full citizenship rights and privileges of the Jewish-American hostages.

As we all full well know, each and every American, wherever he may be, whatever his race or nationality, is entitled to the complete protection of the U.S. Government and to the enjoyment of his complete rights and privileges as an American citizen traveling throughout the world. I cannot condemn too strongly the piratical holding of American citizen hostages without any justification whatever, the willful and needless destruction of aircraft and the bold defiance of all international laws and regulations and even humane considerations by the Palestinian guerrillas and their conduct is even made more shameless by their effort and pretense of "distinguishing" between and among American citizens.

I am very pleased, indeed, at the forthright pronouncement of the President of the United States and certainly his individual and cooperative efforts for the release of all hostage held American citizens and their companions and the prevention, by whatever means necessary, of any repetition of this almost unbelievable air piracy, deserve our combined support. At this point, I include the self-explanatory letter I received from Mr. William E. Timmons, White House Assistant to the President, in response to my appeal to the White House:

THE WHITE HOUSE,
Washington, D.C., September 12, 1970.

Hon. HAROLD D. DONOHUE,
House of Representatives,
Washington, D.C.

DEAR MR. DONOHUE: I would like to acknowledge and thank you for your letter to the President regarding the passengers who are being held by the hijackers.

Ron Ziegler, the President's Press Secretary, correctly expressed the Administration's position when he said: "Our efforts are directed toward securing the release of all passengers, without any discrimination whatsover, and any interpretation to the contrary is totally inaccurate."

For your further information, I am enclosing a copy of the President's statement announcing the actions he is taking to deal with the menace of air piracy.

With warm regard,

Sincerely,

WILLIAM E. TIMMONS,
Assistant to the President.

FAD DIETS

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. WOLFF. Mr. Speaker, I held a hearing in New York last week with my distinguished colleague from the Bronx (Mr. BIAGGI) on the problem of fad diets, food myths, and the get-slim-quick quackery. My colleague and I heard a number of witnesses and accepted written statements from many others as the first step in what we plan to be a continuing effort to crack down on unhealthy and dangerous diets and food myths.

Because this hearing should lead to legislation and because the statements we received provided an interesting compilation of differing viewpoints I would like to include the statements received in the Record in the next several days.

Today, I am including my opening statement which explains the purpose of our hearing along with the testimony of several of the witnesses. In the coming days I shall include the testimony of all of those who appeared at the hearing or corresponded with us.

The above-mentioned material follows:

OPENING STATEMENT OF REPRESENTATIVE LESTER L. WOLFF: AD HOC CONGRESSIONAL HEARING ON FAD DIETS

In this nation of plenty it is estimated that one in four women and one in five men are overweight. In this state alone, according to the New York Health Department, there are approximately 2.5 million people who are overweight.

Here, then, is a problem which touches a considerable segment of our society. Yet this nation has taken a rather casual attitude toward the American dieter. The effect of this neglect has been to leave the door open to the tragic exploitation of people who hunger for a safe and easy method of escaping from obesity.

This national neglect has enabled a modern day version of the proverbial medicine man to flourish. These medicine men in print have been able to bilk our citizens out of nearly one billion dollars a year for weight reducing equipment, diet pills and fad diets—all in the name of "instant slimness."

A year-long study which I undertook demonstrated that national laxity in this matter keeps the American dieter on a path filled with dangers to health and well-being. In some instances death has been the result. In a recent example, a young woman died of malnutrition as a result of her close adherence to a macrobiotic diet which in its final stages directed her to subsist on only brown rice.

There are other instances of personal tragedy. Moreover, there are uncounted instances of frustration and needless financial expense which point to the need for governmental protection for the American dieter.

Yet there are many legitimate ways in which one can reduce, either with the aid of group reinforcement or by singular efforts. Also, medical research in the area of obesity control is continuing and one day we may well have more answers to this problem which confronts so many citizens.

Nevertheless, the negative aspects of dieting prevail. And because of the gravity of this matter we must do something to control and regulate the "get slim instantly" syndrome. We must end this hucksters paradise which is the dieters nemesis.

Those of us in government have a responsibility to all American dieters to emminate the exploitation which confronts these innocent consumers. By eliminating the myths, the foolhardy, unworkable cure-alls and the like we will enable the dieters of this nation to take full advantage of the safe and sane methods of dieting which do exist.

Consequently, today's hearing has a two-fold purpose:

First, my colleagues and I will attempt to expose those areas which are the most vulnerable for the dieter.

Second, we hope to find areas in which we can protect the dieter through legislation.

American dieters are a large and, up to now, ignored consumer group. I hope that today's hearing will signify the beginning of greater understanding of the pitfalls con-

fronting those seeking to reduce their weight.

FAD DIETS AND DIET PILL ABUSE

(By Dr. Ralph Nelson, Mayo Clinic)

I. FAD DIETS

For any diet to succeed it must produce weight loss. To produce weight loss, calorie intake must be less than the amount required to maintain body weight. Calorie intake is a function of food intake, but unfortunately, food intake is not always a function of hunger and appetite. Since food yields a quick physiologic sensation of well being, it has been used by many for comfort when they are lonely, worried, restless, under stress or suffering from a neurosis. Some obese people ignore or are not aware of signals from the body which should turn off food intake. Some people just eat too much from habit. None of us are immune to weight gain; as we grow older we must reduce food intake or we will gain weight. Who, in any of these classes; neurotic, those who can't or won't listen to their body signals or our normal aging population, can resist a diet which will produce a 20 pound weight loss in 14 days while eating as much as one likes? If only these claims were true!

No matter why we eat, the calories required to maintain body weight decrease as we grow older. The basal metabolic rate is responsible for the greatest consumption of calories each day and it gradually decreases with age. The amount of exercise (accounting for the second greatest consumption of daily calories) also decreases with age. Increasing age requires less calories, females need less than males and short people need less than tall people. A short obese female in her late 40's has almost had it. She doesn't need many more calories than a big bird to maintain her body weight. Any new fad diet will be tried by these unfortunate people. Many feel "There is something wrong with their metabolism. I eat so little, gain weight while others consume great quantities and are thin."

A fad diet, like any diet, must be evaluated by the following criteria:

(1) Does it reduce calorie intake below the amount required to maintain the obese subject obese? If it claims the dieter may eat as much as desired, without considering caloric adjustments for age, sex and body height, then the diet is a fraud.

(2) If weight loss occurs—from which body tissues? The success of nutrition therapy for obesity depends on producing weight loss confined to fat stores while preserving nonfat tissues of the body (lean body mass). Starvation produces weight loss but half or more than half of it comes from lean body mass. This tissue is necessary for normal body function and if lost, must eventually be replaced. Some fad diets predictably will produce weight loss from body protein stores and such a diet is dangerous to the health of the dieter.

(3) Length of time on diet before evaluating results. In all weight reduction diets, regardless of their scientific basis, during the first week or two most of the loss in body weight represents loss in body water and this loss does not represent successful diet therapy. After three months one may evaluate loss in body weight and determine the source, fat or fat-free tissue, for the weight reduction. The initial stages of weight loss are so representative of change in water content of the body that assessment of therapy is of no value during the first two weeks.

The "Mayo Clinic Grapefruit Diet" which is not in any way connected with the Mayo Institutions, appears to be a high fat, high protein diet which will produce a fair amount of water loss in the first two weeks. The diet is prescribed for only two weeks.

(4) All diets should have nutrient contents calculated and compared with recommended daily requirements. If nutrient levels are lower than recommended levels, a statement concerning safety to the dieter should be made.

(5) Any diet prescribed for growing children and young adults must provide essential nutrients for growth in the diet prescription.

II. DIET PILLS

If people are not obese because of normal hunger drives of what use is medication which will turn off appetite? There are instances where diet pills can be used but in our estimation, they have not offered much to the treatment of obesity. Obese people become refractory and nervous on these medications. Some pills are habit forming and most people gain back more weight than they lost when stopping diet pills.

III. FOOD MYTHS

In some fad diets, certain biochemical properities are given to foods with no scientific data to back up the claims. Examples:

(a) Grapefruit is a catalyst which burns fat at a high rate—this enables a dieter to lose weight while eating all he wants on a high fat diet.

(b) Carbohydrate deposits fat tissue but fat doesn't.

(c) Food misinformation held by arthritic patients.

(1) An arthritic person should not eat grapefruit, oranges or any of the citrus fruits because the acid is harmful to the joints.

(2) Special hormone milk "direct from the cow after the cow has been injected with a special hormone" cures arthritis.

(3) Special goats milk is good for arthritis.

(4) Seaweed tea from Newfoundland cures arthritis.

(5) Vinegar and honey every morning will help the arthritic "start moving".

(6) Wheat germ, special vitamin mixtures, etc., purchased from health stores will help and many times cure arthritic condition.

There are no biochemical or clinical foundations for these claims.

(d) High potency vitamins are good in times of stress, for athletes in training. This myth contradicts the concept of a vitamin. A vitamin is an essential nutrient for life but it is required in only small quantities. Healthy people eating a well balanced diet do not need vitamin supplements nor do healthy people subjected to stress need them. Most people ill in the hospital do not need them. They are prescribed only after clinical examination. A vitamin functions in metabolism as an activator or as a coenzyme and is not used up in biochemical reactions. Healthy people taking high potency vitamins make expensive urine and may precipitate toxic reactions. Well balanced diets offer vitamins in correct quantities and in correct proportions to one another.

TESTIMONY BY ANN GOLD

Honorable Gentlemen: I am Ann Gold of Diet Watchers, but prior to becoming a Diet Watcher, I was born a 13 pound baby. At the age of 12 I was 165 pounds. I was a fat teenager, then an obese wife and mother. All of my life I suffered mental torture, looking for the "Magic Formula" to make me slim. I tried Doctor's diets, pills, injections, starvation diets—in fact—hundreds of diets. Nothing worked permanently. I was just a yo-yo, going up and down on the scale. I probably lost a million pounds in my life time, but gained it all back. I was unhappy, frustrated, had no confidence in my ability. Unfortunately, fat people think they are nothing, when, in reality they are very important. When I weighed 185 pounds, thoroughly hating myself and asking myself, "Dear God, why are you punishing me?" I put myself on the late Dr. Norman Jolliffe's diet, created for the New York City Board of Health. I was very successful—lost 65 pounds in 20 weeks and, suddenly my husband was married to a new person. I now weighed 120 pounds, wearing a size nine dress. I was no longer the fat matron, wearing the size 40. I was fat all of my life, and in 1961, I was reborn. I was slim!

Now I had to create a "Maintenance Program" to help me to stay slim and still be able to eat fattening foods. It's very difficult for a "compulsive foodaholic" to stay on a diet for the rest of their life. I had to devise a way to eat fattening foods and stay slim. I accomplished this—and now "Diet Watchers" was born. My fat friends and neighbors joined the "Diet Watcher" program. In June, 1964, we had our first "Diet Watcher" meeting in Spring Valley, New York. Because our weight losses were so successful, we had requests from Doctors, in all the areas, to come and help people. Diet Watchers gives each person personalized, individual attention. We practice group therapy on a "personalized" basis. Every fat person needs to know that someone cares enough to want to help them. And we do! We now have 80 Diet Watcher groups. Sept. 8, 1970, "Diet Watchers" opened our program in San Francisco, California. On Sept. 23, 1970, "Diet Watchers" will be in Michigan and the surrounding areas. We have requests to come to Canada, Australia and as far away as Germany and Japan. Hopefully, by the end of this year, "Diet Watchers" will be in every state and many foreign countries.

In 1968 I wrote my first book, "The Diet Watchers Guide", published by Grosset and Dunlap. It became a best seller and sold over 3 million copies. In 1969, I wrote "The Diet Watchers Gourmet Cookbook". This book features gourmet type cooking with slimming results, so that fat people can eat the things they love and still be able to lose weight. One third of the people who have reached their proper weight, and have been on "Diet Watchers Maintenance Program" for a year and longer, are now enjoying a slim figure, good health and eating fattening foods and are on a "Free Lifetime Membership" with "Diet Watchers Program".

Gentlemen, the success of these two books and the growth of the "Diet Watchers" program serves to prove that there are millions of people who are desperately trying to lose weight and because of inadequate protection, they are left prey to the quacks and vultures who victimize them. Many of those people have had their health permanently damaged through pills and diets that are improperly balanced.

Congress should be aware of the fact that much of the educational materials distributed to the nation's grade schools and the to High School Home Economic Classes, are put in their hands by the food companies. For example, the sugar companies are promoting sugar for energy. Better results can be obtained through proper eating habits. For example, the natural sugars in fruits and vegetables that we eat.

Gentlemen, I have been very fortunate in being able to reach and educate thousands of people. It is in your power to create the correct environment to help and protect every person in this country, especially the obese person and potentially obese children, so they may have the opportunity for their personal pursuit of happiness, as stated in our "Nation's Constitution."

I thank you for your precious time.

TESTIMONY BY DR. CARLTON FREDRICKS

Cereals were described as "foodless food", analogous to alcohol, in testimony recently heard by a Senate subcommittee. This testimony, which broke through a paper wall erected by food over-processors and collaborating government agencies nominally charged with protection of the public, was necessarily incomplete, since the democratic process must allow time for all viewpoints to be heard. In the present hearing, I should

like to contribute some observations on cereals in the part they play as components of a type of diet that is, in actuality, an uncharted mass experiment with human beings, on the largest scale in the history of mankind.

When heat is applied to protein, the linkages among the chains of amino acids, the building blocks of proteins, are toughened. This effect, known as the denaturing of protein, makes it difficult for the body to break down the protein and reassemble its components in the configurations needed by the organism. Thus, denatured protein is less effective in maintaining the growth of the young and the maintenance of the tissues of the adult. (Exploding of cereals, as in puffed rice and puffed wheat, has the same effect on protein.) Since the amount of heat applied and the denaturing of the protein are in virtually linear relationship, it is pertinent to note that the toasting of some cereals is carried on at so high a temperature that severe vitamin losses are incurred. When similar heat processing is applied to the protein foods of such animals as cats, the impact on the animals grows, generation by generation. In the first generation, the cats lose the fine neuro-musclar coordination for which they are known. In the second generation, the animals have developed pollen allergy (hay fever), disorders of the nervous system, and calcification of the soft tissues. The third generation is the last, for sterility develops, and in it there is virtual obliteration of the external sexual anatomical characteristics that mark the sexes apart.

With this, homosexuality appears. Both the second and the third generations are marked by hostile and aggressive behavior. Animals of similar heredity and in the same environment, fed protein not subjected to heat, remain healthy, normal animals.

A search of the scientific literature in nutrition indicates that human beings are more sensitive to the inadequacies of heat-treated protein than food processors are prepared to concede. Innumerable reports, for example, bespeak the superiority of the breast fed baby, nourished on unheated milk, over the formula-fed baby (milk sterilized and heated, sometimes reheated.)

The additives used by virtually all cereal manufacturers have received little attention, but deserve searching re-examination. Perhaps the most unprepossessing of these is butylhydroxytoluene (BHT). This was originally employed as an antioxidant, used to preserve the colors in motion picture films. It then surfaced as an "antioxidant" or "freshness preserver" in canned foods, cereals, salad oils, shortening, candy, and chewing gum. The U.S. Food and Drug Administration was curiously unwilling to release the technical papers attesting to the safety of this chemical in foods, until strongly prodded by Consumer's Research. The dragging of F.D.A. feet was explained when it developed that there were only two reports demonstrating the safety of human ingestion of BHT, and both were written by the staff of the manufacturer. In approving the use of this antioxidant in our food, the F.D.A. chose to ignore a report in an Australian medical journal, indicating that administration of BHT to pregnant animals resulted in 15% of their young in some litters being born without eyes. The approval also bypassed a report from the W.H.O. (United Nations) which labelled this antioxidant as the most suspect of such chemicals, and urged that its use in baby foods be banned. BHT has also been found, in other papers ignored by the F.D.A., to resist breakdown in the body, excretion taking more than a week—a phenomenon ordinarily regarded as indicating heightened possibility of toxicity; and to cause depression of three blood enzymes, plus enlargement of the liver.

Butylhydroxyanisole (BHA) is another "freshness preserver" widely used in cereals and other foods. In British experiments over a period of two years, skin cancer in animals resulted from topical application of BHA in ointment form. Informed of this finding, an F.D.A. officer indicated that his agency doesn't "Like" British research techniques.

At my suggestion, in 1964 thousands of consumers queried the cereal manufacturers for their reasons for use of BHT and BHA. An analysis of the responses from the major manufacturers of these breakfast unfoods revealed the following attitudes:

A. If F.D.A. approves of an additive, we have no reason to challenge the finding.

B. If F.D.A. approves, why should a mere consumer question?

C. Such matters should be left solely to scientists.

D. We are investigating Dr. Fredericks' research. (It should be noted that I claimed no personal research, and that this statement by two cereal processors was used as a response to consumer inquiries over a period of more than two years.)

E. We use these chemicals to preserve food values.

F. We are investigating the authenticity of the Australian, British, and W.H.O. reports (this statement also used for more than two years.)

G. You are ill-advised to pay attention to scare techniques used by broadcasters.

It is pertinent here to remind the Congress that it is difficult to find a rationale for the use of a chemical to preserve the nutritional value of "foodless foods". Another pertinent thought occurs: what were we buying in these cereals twenty-five years ago, before these antioxidants came into use?

Both artificial color and artificial flavor are listed among the contents on cereal packages. Food dyes of the coal-tar group are highly suspect, and numerous coloring agents of this type, once labelled safe for food use by the F.D.A., have been subsequently banned by that agency, with carcinogenic action among the reasons.

Their use in cereals would seem a gratuitous risk, whether they are approved or not. The identity of the dyes and flavors used in these products is not revealed on the packages; in fact, the disclosures of the ingredients, as listed on cereal packages, were not dictated by F.D.A., but were the product of a voluntary code of the industry. It being voluntary, it would seem to me that perhaps we could prevail upon these manufacturers to tell us exactly what dyes and what artificial flavors they are using. This would permit the consumer to make an educated decision in the market place, which, F.D.A. assures us, is the best protection for the consumer.

It has been denied by the cereal industry that their products are sold as the mainstay of the American child's breakfast; yet most of us can easily remember an advertising campaign of many years' duration in which the phrase "cereal breakfast" was a central theme. Indeed, one need spend only a few minutes before a television set, currently, to learn that our children are being convinced that a bowl of cereal is indeed a fine breakfast—the stuff of which champions are made. Particularly objectionable, too, is the advertising in which the values of the collateral milk and fruit are counted by the manufacturer as part of the nutritional bonanza he is offering the public. I have suggested that the industry exploit this appeal more fully by recommending that the public use penicillin on the cereal, in lieu of sugar, which would allow the claim that the cereal breakfast also cures syphilis.

It is not only the American child whose nutrition is diluted by cereal processing. Millions of adults eat these foods, and among them there are untold millions of the elderly—widows and widowers, once heads of large families, now superannuated, who have no interest in preparing balanced meals for themselves alone, and who deprive themselves of sustaining nutrition by yielding to the convenience and false economy of ready-to-serve cereals—and not at breakfast alone.

The mental agility of the copywriters in cereal advertising is such that an American mother who would not dream of serving a slice of sugared bread (1 oz. per slice) plus milk as an adequate breakfast, will serve a bowl of cereal (also one oz.) with milk, and deem her child well fed.

Previous testimony has indicated that cereals are overpriced at the prevailing 4c per oz. Perhaps the housewife will realize how inflated this charge is when it is noted that bread, proportionately priced, would be 64c a loaf—a cost that would drive many housewives back into home baking, with improvement thereby of the nutrition of the family. Some of the cereals that are presugared are sold at a premium price that is equivalent to buying sugar at more than $2.00 per pound.

In this and other testimony on the overprocessing of cereals, passing reference has been made to the loss of nutrients that are not restored in "enrichment" of these products with vitamins. One might apply to cereals the remark made about bread by Dr. Agnes Fay Morgan, an authority in nutrition, who said: "The removal of 23 nutrients and the restoration of three can only charitably be called enrichment." It might be of interest to examine the functions of a few nutrients that are not restored to overprocessed cereals. Among these is the oil of the grain, which is of the polyunsaturated type the consumer believes will protect him against coronary heart disease. That this belief is too sweeping is another matter, too complicated and lengthy a discussion for this hearing.

Suffice it to say, however, that in the oil of the grain is a fraction with great physiological activity, which has been the subject of research at a major university for nearly twenty years. This study has demonstrated that supplements of this oil, with a program of exercise gaited to the individual's needs and capacity, can reverse the physiological clock for middle aged, flabby men—increasing motor performance, and helping to rebuild the cardiac reserve. That oil is gone from most cereals—indeed, one manufacturer of overprocessed cormeal boasts on his label: "We have removed the oils that tend to cause rancidity." He must change that product and declaration when he markets in Georgia, a state that has had too much experience with deficiency disease to permit the marketing of degerminated corn meal. Thus we see in the State of Georgia protection for the underprivileged which is denied to *our* "affluent" children.

It has been said that every reason motivating the restoration of thiamin (Vitamin B1) to bread is present for Vitamin B6 (pyridoxin). This is to say that the content of breads and cereals in pyridoxin is depleted—by some 80%; a human need for the nutrient exists; and many Americans are in need of a more satisfactory intake of the nutrient. In the late 1950's, it was reported by the Harvard Nutrition Department that Vitamin B6 has functions in heart metabolism that commend it in the treatment of human cardiac disease. I note without comment that this is the same university department that sprang to the defense of overprocessed cereals, low in Vitamin B6, at the recent Senate subcommittee hearing.

The Vitamin E content of cereals diminishes when the polyunsaturated fat is removed. Recent reports from biochemists at Louisiana State University and the University of California credit this vitamin with slowing up the aging process. Among the biological actions of this nutrient, there is its role in preventing premature death of red blood cells—a phenomenon which appeared in some

of our astronauts. I note here that the carbohydrate foods carried into space were as overprocessed as the cereals eaten by our children, with the same depletion of this important vitamin.

Finally, since time will not permit us to review the biological roles of other nutrients largely removed from overprocessed cereals, let us remember that what has been said about such foods is fully and equally applicable to more than 90% of the breads and other starches and sugars purchased by the American consumer. The techniques of overprocessing are not a monopoly of the cereal industry. Behind them is an overriding motivation: acceptance by the public. The attitude of the manufacturer is simply stated: "I do not educate—I meet a demand. If the demand is for mutilated, fractionated foods, I meet it." A second motivation is increase in shelf life. The antioxidants effect this, though it should be noted that the natural antioxidant in food is Vitamin E, which is largely removed. The overprocessing brings some measure of protection against insect infestation, for insects are too smart to eat foods that will not sustain life. One is reminded of McCarrison's dictum: If it keeps—throw it out. If it spoils, eat it before it does.

In the invitation to appear before this hearing, I noted reference to food faddism. This topic is intimately related to the question of the cereals, for an American who strives to avoid overprocessed cereals and dubious food additives, is, by definition set by the F.D.A., a good example of a food faddist. A person who drinks canned, cooked vegetable juices, seasoned with DDT, is a normal American. He who consumes fresh vegetable juice, free of insecticides, is a food faddist. He who consumes white bread, and repurchases the bran removed from it to alleviate the constipation aggravated by bread without bran, is a normal American. He who eats whole wheat bread and cereal, and requires no such heroic measures is a food faddist. An individual who attacks the stability of his teeth and his pancreas with cola beverages with the acidity of vinegar, masked by ten teaspoonfuls of sugar per large bottle, and garnished with the caffeine of ⅔ of a cup of coffee, is a normal American. One who selects fruit juice is a diet faddist.

The person who invites periodontal disease, or diabetes, or hypoglycemia by choosing, as dessert, such foods as apple pie a la mode, with eighteen teaspoonfuls of sugar per portion, is a normal American. He who selects a fresh apple and a bit of cheese is a food faddist. The American who eats like a biological idiot for twenty years, and then takes intramuscular injections of Vitamin B Complex for the resulting fatigability and nervousness, is a normal American. The faddist is he who eats intelligently and adds prophylactic amounts of vitamins to his diet, in concentrated form. An American who is concerned about food additives, about the depletion of our soils and its impact on the worth of our foods, about the impact of food processing, is a faddist; and if he happens to be a professor at a major university, free of pressures inherent in large grants from the processed food industries, he will find himself listed as a "Dispenser of Nutritional Nonsense"—the actual title of such a list of "faddists" issued by the Food and Drug Administration, to implement its policy of blind and punitive cooperation with the processed food industry.

Yet, if the term "food faddism" is to be used in its true sense, we must apply it to the American who consumes vast amounts of the cereals we have been discussing, laden with equally large amounts of sugar. For this is a dietary experiment in the full sense of the term, with unpredictable impact on the human organism. It has already cost us our teeth—for which our remedy is fluoridation as a substitute for dietary education. It is responsible for many disorders not connected, in the public's thinking, with an intake of sugar that has reached the staggering amount of a teaspoonful, every thirty-five minutes, 24 hours a day.

I have spent more than 20 years in study of the metabolic problems created by our enormous intake of sugar—an intake encouraged and augmented by the use of cereals. I call to the attention of this hearing some actions of sugar, in the excessive amounts in which we use this condiment, which have received no attention from the agencies that purport to protect the public.

Sugar has in recent years been recognized as a major contributor to hardening of the arteries. It plays a role in diabetes. It also may cause the opposite condition—low blood sugar, a disorder in which the pancreas, oversensitized by repeated challenges with excessive intake of sugar, begins to react with overproduction of insulin. As a result, blood sugar—paradoxically—drops to a level that starves the brain and the nervous system, as a direct result of *excessive* intake of sweets.

The symptoms that result include claustrophobia, anxiety, unprovoked and senseless fears, unprovoked weeping, insomnia, maniacal outbursts of rage, irritability, shortening of the memory span, inability to concentrate, depression to the point of suicidal impulses, and everpresent fatigue. It is needless to point out that these symptoms strongly suggest neurosis of psychosis; and, in fact, many patients with this condition arrive at the psychiatric couch when they should be vertical at a lunch counter—just as children suffering with this condition may be labelled as "juvenile delinquents."

The dietary treatment for the disorder, which we estimate may affect the behavior and restrict the functioning of more than 20 million Americans, should be of interest: it bans all sources of sugar and most of the starches—with a restoration of normal behavior when the sufferer is persuaded to avoid the cereals, breads, cakes, cookies, soft drinks, confections, and other concentrated starches and sugars regarded as the backbone of "normal" diet. That "normal" diet is not normal, but average. Concentrated starch and sugar do not exist in Nature, and could not enter man's diet until agriculture made their appearance possible. Man did not evolve on such a diet, and will not, I believe, survive it without drastic adaptation.

I therefore view the cereal problem as but a facet of a larger one. We see a public filled with such "quick energy" foods, and too tired to realize that fatigue is its most common problem. It is a public increasingly threatened by diabetes and its "complications", which include arteriosclerosis and coronary heart disease. It is a public struggling with obesity, for which the most effective remedy ever found—a diet excluding the carbohydrates we have been discussing—was promptly labelled as "food faddism" by the F.D.A.

I urge a longer perspective on our dietary problems. They are not created by the meaningless antics of a handful of fanatics. They are not the artifact of cereal manufacturers. They are not compounded alone by the propagandists of government agencies that protect overprocessed foods, although I did suggest to the present administration that we do need an agency to protect the consumer against the agencies that protect the consumer.

The fact is that when our processors learned to concentrate carbohydrate foods, they launched us on a perilous and uncharted journey. Concentration of such foods is a by-product of fractionation of such foods. This is the antithesis of good nutrition. We have not remembered that the word "healthy" means "whole". A healthful food is not fractionated, but whole. A healthy man is a whole man, because he eats such food.

TESTIMONY BY SIDNEY PETRIE

Certainly one of the most frustrating experiences is that of attempting permanent weight reduction. Yet, what could be simpler? Eat less and you will weigh less. All diets are dedicated to this principle. Placing a patient on a 1000 or 1200 calorie diet means that his calorie intake is less than his normal calorie expenditure—therefore there is a weight loss. In the past decade probably more than 100 new diets have been introduced to the public—each making a particular claim and promise of success. But the percentage of success is dismal. Less than 10 per cent of dieters have maintained their weight loss after a period of 24 months; most do not maintain their loss for even a few weeks. Consider then that our main method of reducing has a failure rate of 90 per cent This percentage does not vary significantly with diet pills or other medications.

Recognize the fact that we do not have 30 million people of our population obese because they eat too many eggs, drink too much milk or indulge in excesses of chicken. Most people struggling to return to normality, are eating too much cake, bread, ice cream, candy, and other so-called treats—treats that start at a very young age: "Be a good girl and you can have some candy" or "If you finish everything on your plate, you may have some ice cream." As adults, we can give ourselves treats—and we do. Obesity is a result of confusion and lack of information. How many of our population are aware that one half pint of ice cream contains 400 calories or that a chocolate-covered mint could contain 200 calories or a slice of cake 260 calories? How many people know how many grams of protein a day are necessary for good health? How many people are being told that liver is our top source of iron, wheat germ our maximum source of vitamin B_1 or green pepper our highest source of vitamin C?

Without knowledge, there is ignorance. As a child, one learns arithmetic but not food balance, one learns calculus but not protein, carbohydrate or fat composition. Unless knowledge is imparted at an early age, there can be no understanding that the problem lies not in reducing, but in maintaining normal weight through intelligent eating habits.

There is widespread contention that obesity is the result of psychological needs. Are we really to believe that we have 30 million neurotics to deal with? No. Less than 7 per cent of the obese have been helped by conventional psychological treatment. Obesity is a killer—a man aged 35 who is only 25 per cent overweight, will die twenty years before his time; a woman aged 40 who should weigh 130 lbs. and weighs 165 lbs., will die twenty two years before she should.

Nutrition is a vast and complex field, and the only point of complete agreement among the authorities on the subject is that obesity is a killer. How to combat it, however, brings out quite a few divergent views. High protein diet, low carbohydrate diet or low protein-high carbohydrate diet? There are exponents for both view points. Paavo Ariola, D.N., in his book "There Is a Cure for Arthritis" comments on the "balanced diet": "We have all been brainwashed for years with the pseudo-scientific slogan 'high protein-low carbohydrate'." He quotes the answer Dr. Karl-Otto Aly, a noted Swedish physician, gave after a return from a lecture tour in the United States to the question of what was his most memorable impression of his trip: "The American high protein craze. Not only the general public, but even so-called health enthusiasts are so thoroughly brainwashed on the question of protein in their diet that, to my mind, this point alone may be held responsible to a great degree for the

deplorable state of health of the American people. Let me categorically state that the latest scientific findings as well as practical empirical experience points out the undisputable fact that optimum diet for optimum health and vitality is a diet *low in animal protein and rich* in natural carbohydrates and protein foods from vegetable sources."

Under the heading "The Facts about Protein Diet" Dr. Ariola says, "I must state *there is no scientific truth* in the high protein for health theory. Since our body is renewing and repairing its cells constantly, we need lots of protein. But how much is lots? The majority of responsible nutritionists in various parts of the world agree that the actual need for protein in the human diet is far below that which has long been considered necessary. The famous nutritionists Drs. Ragnar Berg, R. Chittenden, M. Hindhede, M. Hegsted, William C. Rose, and others are reported to have shown in extensive experiments that our actual need for protein is somewhere around 30 grams a day or even less but our Dairy Council of Metropolitan New York revised the protein requirements *downward* in 1968 to 65 grams a day for a 155 lb. man and to 55 grams a day for a 120 lb. woman.

Many leading contemporary scientists and nutritionists in Europe are in full agreement with the findings of Drs. Berg, Chittenden, et al. and are recommending a low protein diet as most conducive to good health. Empirical experience and observation seem to prove the correctness of this theory. Based upon Dr. Ariola's extensive studies, the healthiest people in the world are the famous Hunza people in India, the semite tribes of Yemen, the Bulgarians, and Russians, certain tribes of Central America and Africa—*all* live on a low animal protein, high natural carbohydrate diet. Even in the United States, some religious groups like the Seventh Day Adventists and Mormons who advocate a low animal protein diet, have 50 to 70 per cent lower death rates than that of average Americans as shown by statistics.

However, in agreement with the high protein approach is Alexei A. Prokrovsky, one of the world's top nutritionists, Director of the world-famed Institute of Nutrition of the National Academy of Medical Sciences of the U.S.S.R. who advocates in addition to exercise, a high protein, low carbohydrate diet with sugar completely eliminated; he considers this the easiest way of reducing food intake without having to count calories. According to him, it also serves the purpose of providing sufficient protein for the body's perpetual manufacture of enzymes which is indispensable. Dr. Prokrovsky claims that changes in weight are far from being simply an arithmetical problem of controlling how many calories are eaten. "Eating less," he says, "in itself slows up and stultifies the enzyme activity of the body. Exercise in itself does not use up very many calories, but it forces the body to produce its enzymes at a faster rate and this speeds up the entire metabolism. Of all the approaches to losing weight, exercise is undoubtedly the most successful and the most beneficial." Dr. Prokrovsky supervised an enormous weight reduction program in Moscow in which more than 50,000 people were brought from various stages of obesity to perfectly normal weight. In addition to diet, Dr. Prokrovsky recommends as most important short periods of exercise spaced out through the day and taken whenever possible. It is the exercise, he insists, that keeps you feeling mentally alert and full of vigor while you are losing weight. After a trial with 50,000 Muscovites, it has been determined that exercise taken 10 or 15 minutes at a time, will induce a loss of 4 to 5 pounds a week on a reducing diet that by itself would take off 2 pounds or less. Those who exercise while dieting, are actually in better health after a few weeks than those who permit themselves to get sluggish and stultified on reducing diets without exercise.

Gentlemen, I was invited here to state what I thought could be done to alleviate the problem of fad diets and food myths. This is indeed a very difficult state of affairs. Myths are always eliminated by knowledge and fad diets contain some truth. After all, if one proposed a diet of eating only cauliflower and drinking water—the claim made could well be valid—lose 2 lbs. a day on the cauliflower diet. We might even find a noted nutritionist to attest to its value and good health. No fad diet requires the obese to indulge in cake or candy, ice cream or doughnuts, starches or fats, and because they exclude these foods, they have a premise of a reducing diet. It is true that eventually the dieter will suffer through poor nutrition, but, fortunately, few dieters will maintain such a diet long enough to suffer these poor effects. But there, gentlemen, "maintain their diets" are the key words. The difficulty, as you well know, is not in what diet to follow, but in virtually all cases the inability of the dieter to resist the temptation of his old eating habits. The dieter has the most difficult task of changing a lifetime of conditioning—for his only salvation is to change his eating habits permanently. This would be unnecessary if children were conditioned to proper eating habits from their earliest childhood—a problem sorely understated in our school curriculum: for if we learned about the condition of obesity in our classrooms—if we taught nutrition as extensively as we teach the three Rs, then we would not be here today. But we are dealing with conditioned adults—conditioned and uninformed adults—adults that must become reconditioned before they will change their eating habits.

There are a number of methods of reconditioning—and much work has been done in reconditioning—first—education: every packaged food and liquid marked with total calories and fat, protein, and carbohydrate—not per gram or per ounce, but per average portion; second, an extensive advertising campaign on the dangers of obesity—perhaps similar to the extremely successful antismoking campaign that is now being carried on. Third, the introduction of a nutrition class from the second grade onward, so that each child is fully informed of the condition of obesity and how it may be avoided—not in an average biology class, but in precise detail.

I stated before that conditioning was successful in the problem of maintaining a diet, but just how successful is it? May I introduce a medium of conditioning with which I am familiar?

In 1958, the American Medical Association, in conjunction with the British Medical Association, issued a statement supporting the use of hypnosis as a valid therapeutic aid, but by and large little use has been made of this medium in those areas of conditioning that have not responded to commonplace treatment. I am not advocating hypnosis for the treatment of obesity per se as the only means of treatment. I am suggesting, however, that where an obese person is no longer being helped by so-called conventional therapy he be given an opportunity to benefit from the extremely high success ratio that occurs when weight reduction is accompanied by the use of hypnosis.

I have been personally involved in weight reduction and hypnosis since 1956 and can attest to its benefits. There have been and there are numerous reports on the benefits of hypnosis for weight reduction but the public is uninformed. In the American Journal of Clinical Hypnosis, a respected Journal written by leading psychiatrists, there is a report of 27 nurses attending a hypnosis weight reduction class. They were conditioned through suggestions that they would be able to lose weight as desired, that their appetites would be smaller, that they would get all the pleasure and satisfaction necessary to their physical and mental well-being out of smaller portions, that they would feel increasingly well poised, more relaxed, self-assured and confident. After one week, the group of 27 had lost 113 pounds; after 4 months, 3 persons, who were more than 300 pounds at the beginning now weighed 165 pounds.

My remarks about the use of hypnosis for weight reduction can be applied equally to the use of hypnosis in the problems of drug addiction and excessive smoking and should not be interpreted as untried. Let us consider for a moment the work done in Russia where hypnosis for diet is an every day occurrence in more than 15 "hypnotariums" organized by the Leningrad Board of Health over 20 years ago. These clinics, sparked by Professor Pavlov's pioneering research in hypnosis, have made remarkable contributions, and it is interesting that in all this time the clinics have been operating, there have never been observed any harmful effects on the patient which could be ascribed to the method of hypnotherapy. Can we say the same about diet pills?

In 1958, I was referred my first patient for over weight. By profession, I am a hypnotherapist, someone to whom medical people refer their patients when hypnosis is required. Up to this point, my experience was limited to preparing a patient for surgery or dentistry as it is possible to diminish anxiety and to relieve pain by hypnotherapeutic techniques. But in this particular case the surgeon could not operate safely because of the problem of obesity. The patient, a housewife of 35, weighed 302 pounds. The surgery had been necessary years before, but the woman was unable to lose the weight even with the aid of pills and 30 months of psychiatric help. She was given suggestions that she would become more relaxed and less tense, that her relaxation would lead to greater calmness, that she would become more composed and that she would become more self-assured. This, in turn would lead to much greater self-control—that her appetite would become less and that she no longer would be hungry between meals. Exercise was encouraged, and suggestions for motivation of better health and appearance were included. Other suggestions aimed at building her self-confidence and diminishing her anxieties were made. She began to lose weight immediately. She said that she felt no longer tempted by fattening foods—she lost 167 lbs. and has not since regained her weight. Since that time I have personally seen thousands of people who were overweight. These people are examined medically, psychologically, and very few indeed are rejected as unsuitable. More than 70 per cent of the people who apply for hypnosis lose their weight without anxiety, ill health or frustration. Surely, it is time to utilize a safe, well-tried and proven method of weight reduction and bring relief from the stigma, discomfort, unhappiness, and ill health to the obese members of our society.

DEMOCRATS SEARCH FOR AN ISSUE

HON. ED FOREMAN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. FOREMAN. Mr. Speaker, with the election heating up, we find the Democrats in frantic search of an issue—and not having much luck. It is not that there is any lack of issues. You might even say there is a bumper crop this year, but most

of them the Democrats would rather not bring up. The state of the economy, for instance, came out of two Democrat administrations, and the party's big spenders are still very much around. President Nixon is successfully disengaging us from the war that a Democrat administration massively committed us to. What is left, then, for the Democrats to talk about? I would suggest extremism. Now, here is an issue that the Democrats are avoiding like the plague—and with reason. The American people are well aware who gave life to the new Left, who tolerated and approved the caterwaulings in the streets and on the campuses, and who looked the other way when those dissidents befouled our flag and reviled our public officials.

The ultraliberals suddenly never heard of their menacing creations. Some have even mustered the gall now to preach law and order, while casting innocent eyes at the electorate. They throw up their hands in horror at what is happening in the cities and on the campuses. They piously protest their old image as the progenitors of disorder.

Well, I do not know any citizens who are fooled by their act, and I do not think many voters will be either, this November. Let them take the recent statement of AFL–CIO President George Meany:

Actually, the Democrat Party has disintegrated—it is not the so-called liberal party that it was a few years ago. It almost has got to be the party of the extremists in so far as these so-called liberals or new lefts, or whatever you want to call them, have taken over the Democratic Party. As they take it over and as they move more and more to the left—and I mean a way over to the left—I think more and more are going to lose the support of our members.

Mr. Speaker, Mr. Meany is but one of the horde of disenchanted Democrats who agree the Democratic Party has become the party of extremists. Come November, millions of citizens will demonstrate their concurrence by voting Republican.

ELLIE HOPKINS

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. BUSH. Mr. Speaker, the August edition of the Texas Press Messenger contained an article about a well-known and highly respected editor from east Texas. Ellie Hopkins, editor in chief of the Longview News & Journal and new president of the Texas Press Association, is an outstanding citizen and I would like all Members of this body to know more about him. Therefore, I include the article in the RECORD at this time:

ELLIE HOPKINS

Texas Press Association's new top executive, Ellie Hopkins, Editor-in-Chief of the Longview News & Journal, has at least three powerful forces "going" for him:

A strong and active faith in God;

A deep feeling of American patriotism;

And a talent for good newspapering.

Tall and slim, Hopkins' modest nature belies the fact that he exerts a great deal of influence during his quiet "walks" into the ever-widening spheres of human development.

Some have said his leadership is in his inexhaustible ability to organize, his decorum and his genuine goodness.

His reader-following, his fellow-newspapermen and his awards and honors tell of his successes.

President Hopkins' editorials have won eight first places in Texas newspaper contests.

He also holds eight George Washington Honor Medals from the Freedoms Foundation at Valley Forge, Pa., for editorials judged as "Outstanding contributions to a better understanding of the American Way of Life."

He is a recipient of the Press Award from the Baptist General Convention of Texas.

In 1969 he won the Sam Holloway Award, highest given by the North & East Texas Press Association, for distinguished journalism.

Length of service in his areas of work indicate Hopkins' tenacity and his dependability—40 years on the Longview Daily News-Journal; 15 years perfect attendance at the Rotary Club; 25 years as editor of the Texas Oil Journal.

Born in Meridian, Miss., the new TPA president came to Texas with his parents, at age five, and settled in the Marshall area. He attended East Texas Baptist College at Marshall while working part-time for the Marshall News-Messenger. He quickly worked up from the mailroom to the editorial offices. Then he became associated with the old Jefferson Journal, also owned by the Marshall newspaper interests. However, he left to join the Longview dailies in 1930—where he has remained and worked his way up to become a great newspaper leader.

Among his chief goals for Texas Press Association this year is to see completion and occupation of the new TPA headquarters in Austin.

One reason for this desire is that it was also a longstanding wish of his late, distinguished boss, Carl Estes—first publisher to present an extensive contribution to TPA's Building Fund. Mrs. Estes is now publisher and president of the Longview newspapers.

Hopkins has served as editor-in-chief since 1945, and a vice-president since 1967. He still edits the Texas Oil Journal, published at the Longview News & Journal plant.

Since the days of the Dad Joiner, Bateman-Grim and Lathrop discovery wells in the giant East Texas oil fields in 1930–31, he has written oil news of all major developments in his East Texas area. Hopkins also has covered the oil fields in Texas and throughout the nation. He traveled in Western Canada in 1968 and wrote a series of articles on Canadian and Northwest Pacific petroleum-industrial-tourist developments.

Last year he spent a month in Alaska, gaining material for news and feature articles dealing with the history of the 49th State, its progress and attractions. Upon his return, he lectured on the travels, illustrating them with his own color slides and color photos.

Hopkins and his wife, the former Miss Nina Hall of Hallsville, are parents of a daughter, Mary Beth (now Mrs. James P. Quillen of Oklahoma City) and a son, Jack Hall, 17-year-old senior in Longview High School. The Quillens have five children—including a set of twins.

President Hopkins has served on the Lone Star Steel Company's Board; Board of Lecturers of Freedoms Foundation; Public Relations Advisory Board to the Baptist General Convention of Texas; and on the boards of the Longview YMCA, LeTourneau College in Longview and the Petroleum Writers Association.

In addition, he has been president of NETPA and the Rotary Club; also secretary of Soda Lake Baptist Association; plus serving on various committees for the Associated Press Managing Editors Association and the UPI Editors group.

Both Mr. and Mrs. Hopkins are members of the First Baptist Church choir in Longview. He is on their Board of Deacons and spent 15 years as Sunday School general superintendent.

Son Jack follows his Dad's footsteps, talent-wise. This year he went to Virginia Beach, Va., as a member of the Longview High School Band—and they returned with a national championship. This summer Jack began training in the photography darkroom and engraving department of the News & Journal.

President Hopkins is a strong advocate of "balanced" journalism: giving comparable space to good and bad news in the world.

"It's the good on which civilization is based," he believes, "and if this good is not reported, the people have no way of keeping themselves informed—because the bad seems to get plenty of coverage."

Hopkins says that with a little enterprise on the part of reporters and with attractive handling of all subjects, they can serve as inspiration to the people and a "tool" to open the world's eyes to the good.

"Constructive things might possibly involve 90% of the people!"

There's much more good about America than is being publicized these days, he adds, and urges the Press to "look for them and find encouraging trends that appear favorable from a patriotic, family and religious view."

He believes the Press has a vital role in teaching people how to be useful and make a living, so that they may contribute adequately to society, "And if this is not done by college-level, young men and women will be lost to civilization."

Five major things are considered as "good points" for editorial writing, according to Hopkins:

1. Subject needs to be timely.

2. Subject should present the newspaper's viewpoint (policy) in as simple terms as possible, without oversimplification—and written in today's "language."

3. Present both sides of the picture. "Never present a negative-side in a negative-way . . . stay on the positive-side . . . don't doom, attack, condemn—or say "why"—just let the people make up their own minds."

4. Try to challenge people to do more as individual citizens, in groups and community life. "In my editorials, I name names of people doing outstanding work in the community, and encouraging others to emulate them . . ."

5. "I believe in the 'cause of freedom' and think every editorial writer should also assist in upgrading America's patriotism." Hopkins said every generation has to preserve its freedom—or else rewin it; therefore, the theme of "standing up for freedom" is new to every generation.

During his term as TPA president, Hopkins hopes "to enlist active thinking and participation of every newspaperman and woman in Texas". He also urges them to "stand up and be identified with their press organization . . ."

THE DWIGHT D. EISENHOWER LIBRARY

HON. CHESTER L. MIZE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. MIZE. Mr. Speaker, one of the highlights of any visit to Kansas is the Dwight D. Eisenhower Library at Abilene. Located within the same complex

that contains the Eisenhower boyhood home, the Eisenhower Museum, and our beloved late President's final resting place, the library is one of six presidential libraries operated by the National Archives and Records Service.

The papers and records of the Eisenhower administration, as well as the documents of General Eisenhower as Supreme Allied Commander in Europe, are of lasting historical importance and immense value to scholars.

In the first year following the death of President Eisenhower, almost 800,000 persons visited the Presidential Library and Museum in Abilene to pay their respects to a man whose life of constructive and inspiring service has been surpassed by no American in our country's history.

We are particularly fortunate to have, as director of the Dwight D. Eisenhower Library, one of the most distinguished curators in America. John E. Wickman has devoted his energies to developing a museum and library that serves both the casual visitor and the scholar, and serves them well.

Dr. Wickman's moving tribute to General Eisenhower, written shortly after the general's death, was reprinted in the CONGRESSIONAL RECORD.

Recently an article by John Wickman was published in the Kansas Library Bulletin. Because the article details the work that is being done at the Eisenhower Library, it will be of special interest to Members and other readers of the RECORD. Under leave to extend my remarks at this point in the RECORD, Dr. Wickman's article on the Dwight D. Eisenhower Library is reprinted, as follows:

DWIGHT D. EISENHOWER LIBRARY—GROWTH WITH A PURPOSE

(By John E. Wickman)

For many Americans, and not a few Kansans, the passing of Former President Dwight D. Eisenhower on March 28, 1969, was a moment for reflection on the fact that the only presidential library in Kansas is dedicated to preserving for future generations the work of this unusual man. The Dwight D. Eisenhower Library, operated by the National Archives and Records Service, a part of the General Services Administration, is not, however, a library in the usual sense of the word.

As one in a system of presidential libraries, (now numbering six in the United States), its primary mission is to preserve historical materials of General Eisenhower's presidential administration, his wartime service, and his personal associations. In addition to its manuscript holdings, however, there is also a book collection, an audio-visual collection, a museum collection, and a rather extensive program for interpreting the Eisenhower Family Home, all part of the total operation of his unique depository.

In the first year following the death of General Eisenhower, almost 800,000 persons visited the Presidential Library complex in Abilene. Most of these visitors took advantage of the program of historical interpretation provided by the Library with little awareness of the extensive work being carried out at the same time to ready manuscripts and other materials for the use by historical researchers. Yet, such work goes on day after day by a staff of trained archivists, librarians, historians, and museum personnel.

The holdings at the Eisenhower Library today number over sixteen million pages of manuscript material, with a book collection of sixteen thousand volumes, and a still photographic collection of sixty thousand photographs. Over 120 researchers have found their way to the Eisenhower Library since it was opened officially to research in November 1966. Interestingly enough, the bulk of those researchers do not come from the State of Kansas. The majority have traveled hundreds and even thousands of miles to take advantage of the resources of the Presidential Library. In geographical distribution, the researchers have come from 30 out of the 50 states and several foreign countries.

In addition to the White House Central Files for the Eisenhower Administration, the holdings at the Dwight D. Eisenhower Library include staff and personal files of many of the cabinet officers. Among these are the files of James P. Mitchell, Secretary of Labor; William P. Rogers, Attorney General; Secretaries of State, Dulles and Herter; Neil H. McElroy, Secretary of Defense; Frederick H. Mueller, Secretary of Commerce; Oveta Culp Hobby, Secretary of Health, Education and Welfare; and Joseph M. Dodge, Director of the Bureau of the Budget. There are also a large and growing number of military collections in the holdings of the Library, with special emphasis on General Eisenhower's years of service as Supreme Allied Commander during the Second World War.

As an adjunct to its more traditional programs of acquiring material on the various phases of General Eisenhower's life, the Library also sponsors an oral history program. The portion of this program having to do with General Eisenhower's Presidential Administration is currently being handled, under contract, by the Oral History Project Office of Columbia University in New York. The Library staff, however, continues a program of contacting persons who were closely associated with General Eisenhower in other phases of his life. The number of available transcripts is steadily mounting.

One of the most challenging aspects of the Presidential Libraries, operated by the National Archives is the opportunity presented by such diverse collections of materials to educate the casual visitor and the serious scholar. At the Dwight D. Eisenhower Library there have been two prominent forms for this type of activity.

The first of these is the formal scholarly conference. There have been several of these in recent years, the first being the manuscript opening ceremony in November of 1966 which brought together leading scholars from around the United States. On that occasion Dr. Malcolm C. Moos, former White House Staff member in the Eisenhower Administration and presently the President of the University of Minnesota, read a paper on various highlights of the Administration which could be used by researchers in developing articles and long monographs. The impact of this conference was such that within only months after its conclusion, the number of researchers began to grow rapidly.

The second scholarly conference at the Presidential Library was in March 1969, when specialists in the field of the History of the American West gathered at the Library. At that meeting papers were delivered by Dr. John A. Hawgood, Professor of History, University of Birmingham, England, Dr. Joe B. Frantz, well-known author and lecturer on the American West, and Dr. William Unrau, author of several articles on Kansas History and Professor of History at Wichita State University, Wichita, Kansas.

This particular conference also featured an art exhibition of outstanding works in the museum collections of the Eisenhower Library. These items included paintings, bronzes, and sketches by such well-known artists as Charles M. Russell, Frederick Remington, and Olaf Weighorst.

The Western History Conference was followed by two more conferences in the spring of 1969, both based on the importance of the museum holdings at the Presidential Library. As the result of these conferences, the Kansas Museums Association was formed and an interest was developed among curators of many of the private museums in Kansas for greater institutional cooperation.

The major scholarly conference of 1969 was the celebration of the 25th anniversary of D-Day on June 6, 1969. Internationally known historians of D-Day and the Second World War generally, gathered at the Presidential Library, listened to papers by their colleagues, and discussed various aspects of the interpretation of D-Day and General Eisenhower's part in leading the allied armies in that undertaking. As with the other conferences, the museum staff mounted an extensive exhibition which brought together not only materials from the Eisenhower Museum holdings but also from holdings of museums in the United States and abroad.

The D-Day program particularly, and its museum exhibition pointed up the second great area of activity at the Dwight D. Eisenhower Presidential Library, the education of the public through the use of properly planned exhibits.

Unlike the other Presidential libraries, the Eisenhower Museum collection is housed in a separate building directly opposite from the Library building. This gives to the presentation of the museum collection a unity and a unique character. In order to carry out its responsibilities in the area of the museum presentation, the Presidential Library has launched a museum extension program, in the summer of 1970, which will greatly enlarge the space available for display. Also, for the first time there will be provided adequate work and storage space for the museum staff.

Designed in 1969 by the Library's Director and the present Museum Curator, Mr. William K. Jones, the expanded museum plan was accepted by the General Services Administration, and it is expected that the project will be completed sometime in 1971. When it is fully redesigned and expanded, the Eisenhower Museum will be one of the better museums in the Mid-West devoted to a biographical and historical subject.

The guiding philosophy of the new museum will be that of continuously rotating exhibits so that the thousands of objects never before seen by the American people will eventually be on display. Emphasis will be placed on attractive settings which carry an educational value as well as satisfying the natural curiosity of visitors about the material objects which a President acquires.

It is planned that General Eisenhower's office from Gettysburg, where he spent much of his time in his retirement years from 1961–1969, will be reconstructed in the new museum. There will also be a new emphasis on the display of the many artistic treasures which were given to General Eisenhower while he was President. New displays of items associated with his military career before, during, and after the Second World War will also be included.

In the years ahead, the Dwight D. Eisenhower Library hopes to accelerate the progress it has made in the past in making available to the serious student of history more and more of the research materials it houses. In achieving this mission, the Library will be preserving and passing on to future generations a very important part of the heritage of Kansas as well as of the Nation.

PAGE DORMITORY NEEDED

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. BENNETT. Mr. Speaker, the best method of handling the page function in the House is assuredly the present system; and it should be continued. Your

remarks on this subject in the debate today were precisely correct on this.

You were right again in your analysis that there should immediately be established a dormitory for their use. This does not necessarily have to be an expensive matter. I have had a bill pending on this for over 20 years; and the time is right now for the necessary step to be taken.

I include at this point the bill I have now pending in the current session to accomplish this objective. I hope that this may be accepted as an amendment to the current bill or otherwise be passed at an early date. It follows:

H. RES. 58

Resolved, That the Committee on House Administration is authorized and directed to rent or otherwise acquire a suitable residence, within a reasonable distance from the Capitol, to be maintained as a home for pages employed by the House, and to appoint an individual or individuals of mature years to act as supervisor of the home and to be responsible for its operation under rules and regulations made by the committee.

SEC. 2. Each page employed by the House shall be required to reside in such home unless he is authorized to live elsewhere by the committee. Pages employed by the Senate, with the approval of the committee, may reside in such home.

SEC. 3. The expenses of renting and operating such home shall be paid out of the contingent fund of the House on vouchers approved by the committee and signed by the chairman thereof. The committee shall establish such rates for room and board as it may deem appropriate to carry out the purposes of this resolution and to make the maintenance of such home, including the supervisor's salary, a self-sustaining proposition. The obligations for room and board incurred by each page shall be deducted by the House Disbursing Office from the compensation which such page is entitled to receive from the United States and shall be transferred to the contingent fund.

SOVIET UNION HAS ACHILLES HEELS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. DERWINSKI. Mr. Speaker, the continuing complications in the Middle East should not make us oblivious of the overall world problems we face or with the internal complications within the dictatorial Soviet empire. A very penetrating commentary on the Soviet Union and points that should be kept in mind by the free world was carried in the Tuesday, September 8 San Diego, Calif., Union which I believe to be especially timely.

The editorial follows:

FREE WORLD STRONG—SOVIET UNION HAS ACHILLES HEELS

The free world agrees that the strenuous initiative to achieve peace in the Middle East is in serious trouble.

Beyond that, opinions diverge widely on what should be done to assure that the Soviet Union and the Arab nations maintain their share of the bargain. The dialogue is healthy because it exposes the wide range of options that are available to the West.

There should be no argument about the first option. If there is to be equity in the Middle East, Israel should be supplied with the military tools that it needs to discourage attacks upon its sovereignty.

Other alternatives open to the West are contained in the aphorism of Sun Tzu, a classic Chinese military philosopher who lived two centuries before Christ: "Uproar in the East, strike in the West."

Certainly the ethic of the free world prohibits it from striking first. However, the free world is not without resources, although it may not always plan well. Conversely, the Soviet Union is not without its Achilles Heels despite the fact that it does plan its aggressions extremely well.

Soviet forces are spread thinly around the world. Russia does not have the technological and industrial capacity of the West. Its people are restive because they have long been deprived of material and intellectual needs.

We and the other nations who believe in freedom and peace can seize every opportunity to insure that no voids of weakness develop along the interfaces between communism and the free world. Economic aid, military advice and defensive modern arms supplied to free world nations within the context of the Nixon Doctrine will both deter aggression and place the Soviets on notice that their behavior in the Middle East is not without penalty.

Eastern Europe is a soft flank for Russia. Held in subjugation for a quarter of a century, the Communist satellites on the Continent long for freedom. It is an emotion that the West can cultivate in a number of new ways.

The Soviet desire to have a European conference to discuss a non-aggression treaty offers still another option. We can make it clear to Moscow that we are not interested in a European treaty, discussion of problems of Berlin or even seabed or arms limitation dialogue if Moscow cannot keep its word in the Middle East.

Many other courses of action are open to the nations that seek only to live in peace. Not the least of them are found in the economic muscles of the free world. Primitive in its civilian-oriented industries, Russia desperately is trying to tap Western technology and resources through increased trade. The West can take the position that it is not interested in supplying communism with strategic goods and knowledge.

The free world must begin to show that it means business in the Middle East and is willing to exercise some of the advantages it possesses.

FOREIGN ASSISTANCE FOR THE SEVENTIES

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. ANDERSON of Illinois. Mr. Speaker, yesterday President Nixon sent to the Congress his message on "Foreign Assistance for the Seventies," a comprehensive reform proposal designed to meet the changing conditions and needs of the world as we face this new decade. I want to commend the administration on these new departures and approaches in our aid and trade policies. They draw upon the wisdom and findings of such eminently renowned groups as the Pearson Commission and the Peterson Task Force and are blended with the President's own strong belief in the need to promote partnership in development and self-reliance in security.

I especially want to praise the administration for moving in the direction of increasing multilateral assistance as opposed to bilateral aid. In the President's words:

> I propose that the United States channel an increasing share of its development assistance through multilateral institutions as rapidly as practicable. . . . Depending upon the success of this approach, I expect that we shall eventually be able to channel most of our development assistance through these institutions.

As the President has pointed out, such international institutions as the World Bank, the Inter-American Development Bank and other regional development organizations, and the U.N. Development program, "now possess a capability to blend the initiatives of the lower income countries and the responses of the industrialized nations." We should take full advantage of this increasing capability and make corresponding reductions in our bilateral assistance.

I was also very pleased with the President's proposal to separate the economic and security components of our foreign assistance program. This was one of the major recommendations of the Peterson Task Force. In conjunction with this the President proposed a separate and new International Security Assistance program to assist other countries in assuming full responsibility for their own defense. This is what the Nixon doctrine is all about and is an essential requisite to reducing our military presence abroad. While the President did not specify, I am hopeful that he will concur with the Peterson Task Force recommendation that the International Security Assistance program be placed under the firm policy guidance of the State Department.

During the transition from bilateralism to multilateralism, it will be necessary to restructure those institutions responsible for administering our bilateral assistance. Again the President has closely followed the recommendations of the Peterson Task Force. He has proposed the creation of two new agencies: a U.S. International Development Institute to bring the genius of U.S. science and technology to bear on the problems of development; and a U.S. International Development Corp. to bring vitality and innovation to our bilateral lending activities.

A third recommendation of the Task Force was the creation of a U.S. International Development Council to be located in the White House. The council would be responsible for coordinating all development activities under the broad foreign-policy guidance of the Secretary of State. It would provide a very essential mechanism for overseeing and coordinating our aid, trade and lending policies and activities. While the President did not specifically propose such a council in his message, he did promise that in the near future he would establish, "a new mechanism which will plan and coordinate all of our foreign economic policies, including our various foreign assistance programs, to assure

that they are all effectively related." I wholeheartedly endorse such a mechanism to give greater unity and direction to our overseas efforts.

Mr. Speaker, our foreign assistance programs are not especially popular with the American people, partially because they have been misunderstood and partially because they have failed to achieve the objectives for which they were intended. The President has wisely rejected abandoning such assistance and instead has opted for clearly enunciating the rationale for and objectives of such assistance and reforming the programs to make them more effective.

The Peterson Task Force has given us an eloquent and compelling rationale for playing an active role in foreign development assistance. It pointed out that the United States, by virtue of its wealth and power, has an abiding interest in and special responsibility for bringing nations together to serve common needs. And secondly, because the developing nations contain two-thirds of the world population, their success or failure, given the growing interdependence of the world in which we live, will profoundly affect our own prosperity and security. Our objectives therefore should be building healthy and self-reliant societies in the developing countries, an expanding world economy in which all will benefit, and improved prospects for world peace. The President's proposals for reforming our foreign assistance efforts in the seventies will greatly enhance the prospects for the success of these objectives.

SOUTH CAROLINA CELEBRATES 300TH BIRTHDAY THIS YEAR

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. DORN. Mr. Speaker, South Carolina is celebrating her 300th birthday this year. One of the great events in this 300-year history, and a source of great pride to South Carolinians, was South Carolina's role in the American Revolution.

The southern contribution in winning the Revolution was equal to that of any other section. The story of southern participation, however, has never been fully told and understood.

Therefore, Mr. Speaker, we were pleased to see in the September issue of the American Legion magazine a splendid brief account of the South's contribution in that great struggle for independence.

I commend this outstanding article to the attention of my colleagues and the whole country:

A BRIEF ACCOUNT OF THE AMERICAN REVOLUTION IN THE SOUTH—TO MANY NORTHERNERS IT CAN'T BE QUITE CLEAR WHY A WAR WHOSE "GREAT BATTLES" WERE IN THE NORTH ENDED ON A VIRGINIA CAPE

(By Harvey Ardman)

However well it is known to Southerners, the story of the American Revolution in the South comes through to the rest of the country as bits and pieces which don't really hold together as historical drama.

It isn't quite clear to a Northerner how the British lost the war at Yorktown, on a Virginia cape, when most of what he's probably heard of the Revolution involves the trials of Washington's army in the North.

But some Southerners will tell you that the real "turning point of the Revolution" was the tiny battle of King's Mountain, fought chiefly by a handful of Americans on both sides—Loyalists vs. patriots—on a forested Appalachian abutment in western South Carolina.

Other Southern Revolutionary War battles whose role in the whole war is dim north of the Mason-Dixon line include two different battles for Charleston, S.C.; and the battles of Moore's Creek Bridge, N.C.; Camden, S.C.; Cowpens, S.C.; Guilford Court House, N.C. Eutaw Springs, S.C., and a host of minor actions that added up to guerrilla warfare.

Only Yorktown seems to stand large in many a mind today as a Southern Revolutionary battle equal to Northern struggles at Boston, Ticonderoga, Saratoga, Princeton, Trenton, Monmouth, Germantown, White Plains, etc.

But, except for Moore's Creek and the first battle of Charleston, every Southern battle led, one by one, to the defeat of Cornwallis at Yorktown and the end of the war.

If any of us are vague today about where all these scattered Southern engagements fit into the broad picture of the entire American Revolution, the British General Henry Clinton, commander-in-chief of British forces in America, had no doubt of it. He said that the American victories at King's Mountain and Cowpens were "the first link of a chain of events that followed each other in regular succession until they at last ended in the total loss of America [to Britain]."

This year, South Carolina is celebrating its 300th anniversary, which makes 1970 as good an occasion as any to put Cowpens, King's Mountain, Camden, etc., in the perspective of American history.

While the trail of Cornwallis and his forces winds through South Carolina and North Carolina, and at last to doom in Virginia, it all begins at Charleston, S.C. Beyond that, it begins with the original British strategy for the whole war, in which New York, Philadelphia and Charleston had equal shares as points of colonial vulnerability.

At first, the British decided to cut the colonies apart in chunks. Sending troops down from Canada and up from New York City, they'd seal off the Hudson Valley and sever New England from its neighbors. Starting from New York City again, they'd slash down to Philadelphia and divide the middle colonies. At the same time, or so the British calculated in 1776, the South would be soft pickings for a third operation. It had more Loyalists willing to fight for the British than any other section, and it was closer to British naval support forces in the West Indies.

Once the British had left Boston and settled in a better base for inland penetration at New York, they put the three plans in motion at the same time. All three at once turned out to be a mistake and none of the three met quicker or more complete failure than the initial Southern venture.

The first time the British tried to conquer the South, they assembled a moderate-sized flotilla in England and sent it toward Charleston, S.C.

They alerted their Southern followers to be ready to help when the invasion began. Loyalists from throughout the Carolinas and Virginia assembled but never got to Charleston. On Feb. 27, 1776, at a bridge over Moore's Creek, a little stream about 18 miles above Wilmington, N.C., the Loyalist force met a band of patriot militia and was thoroughly whipped.

The British task force proceeded anyway. On June 4, exactly a month before the Declaration of Independence was signed, it arrived off the Charleston bar. It never got much farther.

British ships bombarded the American fort in Charleston harbor, but their cannonballs just bounced off the spongy palmetto logs the patriots used to cover the earthworks.

Then, the ships tried to sneak past the fort—and ran aground. American guns smashed the British flagship to pieces (even the British admiral in charge was wounded—in the buttocks).

On June 28, the British pulled out. Their first attack on the South had failed. It was more than two years before they returned.

Things didn't go well for the British in the North, either. On October 17, 1777, Gen. Horatio Gates' American forces defeated Burgoyne's entire British army at Saratoga.

That meant that the second part of the British plan—to isolate New England—had flopped, like the Southern venture. There was only one part left—to capture Washington's main army and to gain control of the New York-Philadelphia area, one of the richest, most densely populated sections of the colonies.

For a while, this part went well. New York was taken and Washington's army driven out. But the British couldn't catch the army. Then, after a series of battles, Philadelphia was taken. Again, the British couldn't catch Washington and his army. And the way the Americans were fighting now, the British weren't as eager for a confrontation.

But they got one anyway. In the summer of 1778, General Clinton replaced Gen. William Howe as commander-in-chief of British troops in America. Clinton decided to evacuate Philadelphia and consolidate his forces in New York.

While Clinton was marching his Philadelphia army northward, Washington attacked it at Monmouth, N.J., on June 28, 1778. When the bodies were counted, it was pretty much a draw. But the significance of the battle had not been lost on the British. The Continental army met and matched the very best the British had, outnumbered though they were.

Still, there was no way Washington and his men could dislodge the British from New York—but there also was no way the British could defeat Washington. That meant a stand-off in the North. The third part of the British plan had failed, like the first two.

It was then that the British decided to turn their full attention to the South and make their second attempt there. It was their last real chance to beat the patriots and they knew it.

This time it was no half-hearted operation but a full-scale invasion, with large numbers of the best British troops available, commanded by the man generally believed to be England's finest field officer of that day, Maj. Gen. the Earl Charles Cornwallis.

The British aimed to pick off the Southern states one by one, while maintaining the stalemate in the North and using an effective naval blockade to wear down patriot manpower and economic strength.

Having lost an army in the North and been battled to a draw in the New York-Philadelphia area, the British saw the South as their last best hope. If the Southern operation failed, they would have to pack and leave because there was nothing else to try.

A few British officers thought England shouldn't shoot the works in the Carolinas, but in Virginia—the political, economic and geographical center of the colonies. Capture Virginia, these officers thought, and the South would be cut off and forced to surrender. The main advocate of this policy was Cornwallis, but he was overridden higher up. Georgia and South Carolina were the first targets.

The story of the second British invasion of the South, and how the patriots coped with it, is a David-and-Goliath tale almost unparalleled in the history of warfare.

Late in November 1779, General Clinton dispatched a 3,500-man force from New York to Savannah Ga. by ship. Georgia was then

sparsely settled and chiefly valuable as a base.

That force easily defeated a 1,000-man colonial army at Savannah on Dec. 29. Then it was reinforced by British troops from Florida which the British already held.

Before January was out the British controlled all of Georgia. They set up a new colonial government there and prepared to take South Carolina.

After Georgia's fall had been assured Clinton sailed from New York with Cornwallis and 8,500 of his best men to take Charleston. He intended to stay until Charleston was in British hands then turn over the recapture of the rest of the South to Cornwallis.

On March 29, 1780, almost three years after the patriots had first chased the British from the gates of Charleston, the Redcoats were back.

Washington sent Maj. Gen. Benjamin Lincoln of Massachusetts to defend Charleston.

From March 29 until May 12, Clinton and 10,000 British troops besieged General Lincoln and about 5,500 colonial soldiers in Charleston. Some 500 patriots, led by Gen. Isaac Huger, were posted about 30 miles north of Charleston, near Moncks Corner, to keep an escape route open.

On April 13, a 550-man British cavalry unit commanded by Lt. Col. Banastre Tarleton, plus 100 men of Maj. Patrick Ferguson's Loyalist American volunteer Rifle Corps, attacked Huger's men and decimated them. General Lincoln's escape route was now closed.

After a number of unsuccessful forays—and almost incessant shelling by the British—General Lincoln and his army surrendered on May 12, 1780. It was the worst defeat the Americans had ever suffered. They had lost their only army in the South, substantial stores and mountains of weapons.

South Carolina seemed at the mercy of the British, and the future of North Carolina and Virginia was now in doubt.

Clinton immediately sent three columns of troops into the interior of the state, to take possession. One seized a small post called Ninety-Six (which was 96 miles from westernmost Carolina outposts). Another occupied the region east of Augusta, Ga.

A third force of 2,500 British troops, commanded by Cornwallis, marched toward Camden, S.C., in the middle of the state, with Tarleton's cavalry raiding in front of it. It was the core of the British Southern army that was now marching inland.

As the British rode through South Carolina they engaged in a conscious policy of terror. In an action at Waxhaws, S.C., for example, Tarleton's green-uniformed dragoons killed 113 Americans and wounded another 203— after they'd surrendered. Tarleton, a handsome, Oxford-educated English socialite, believed in utterly destroying an enemy and on more than one occasion had followed up retreating patriots and sabered them without mercy. That behavior was known as "Tarleton's quarter."

While these successes drew more colonists to the British banner, they also roused patriots in the countryside to greater opposition. Among them were Brigadier Generals Thomas Sumter and Andrew Pickens and Lt. Col. Francis Marion, the South's now famous guerrilla commanders. These men and the small bands they led held the defense of the South in their hands since General Lincoln's army had surrendered. But hit-run fighting was the best they could do.

By the summer of 1780, these guerrilla leaders had so inflamed the people that the entire area was in rebellion, even though British strength there was greater than ever. Meanwhile, fresh American troops from the north were now assembling in North Carolina to challenge Cornwallis.

Over Washington's objections, Congress appointed Horatio Gates to lead the new Southern army. It hoped that the hero of Saratoga would again be able to capture an entire British army. Gates was confident he could. A little aggressive action and the British would fold up, he thought.

Gates arrived in the South on July 27, 1780, and was "ready" to fight by the first week in August. From Hillsboro, N.C., he marched his army toward the British outpost at Camden, S.C., on short rations, at a brutal pace, through Tory country. By the time he got to Camden, 1,100 of his 4,100-man army had disabling stomach disorders. But Gates was in no mood to put off the fight.

At Camden, Cornwallis commanded 2,300 British troops, most of them regulars, plus Tarleton's dragoons and some well-trained Tory militia.

At dawn on August 16, the British attacked. A group of Americans was ordered to counterattack, but the untrained men fell into confusion and there was no stopping the British. Soon, the entire American line melted away. Here and there, small groups stood fast. But, overall, it was a rout.

The British lost 79 killed, 245 wounded. The Americans lost 600 or more. A thousand colonials were captured, half of the wounded. Among the dead was Baron de Kalb, one of the staunch European volunteers who had arrived with Lafayette.

Gates ran. That night, he was at Charlotte, 60 miles away. Early on the morning of Aug. 18, he was back at Hillsboro, 180 miles from the battle. Alexander Hamilton had a wry comment on Gates' "escape"; "One hundred and eighty miles in three days and a half. It does admirable credit to the activity of a man at his time of life."

But Gates' defeat had done more than discredit his leadership. A second American army had been wrecked, and again only the guerrillas of Marion, Pickens and Sumter were left to save the South.

Francis Marion, soon to be called the "Swamp Fox," had been one of the defenders at the first battle of Charleston, in 1776. Later, he'd also fought the British in Georgia and South Carolina. When Charleston fell, Marion managed to escape. A small, wiry man, 46 years old at the time of Gates' defeat at Camden, Marion was stern and silent, but worshipped by his men.

"Our aim," Marion said, "is to keep the British off balance. We aren't strong enough to beat them in open battle, so we'll make life miserable for them. If we can't drive them out with a single blow, we'll wear them down."

And wear them down they did. Small parties of Redcoats were cut up so often that Cornwallis was forced to issue an order forbidding units of smaller than battalion size to travel on the roads.

Marion and his men then went after enemy supply trains. Dressed in a short red jacket and a leather cap with a silver crescent on it, Marion rode out of the swamps with his men, struck unwary Redcoats, then disappeared into the swamps again. His men, sometimes as few as 25, never more than 75, carried whatever weapons they could find.

Marion depended not on firepower, but on tactics and surprise. His guerrilla warfare tactics are still studied today by the U.S. Special Forces.

The second partisan leader, Andrew Pickens, was captured when Charleston fell. But, as an officer, he was paroled on the promise he wouldn't rejoin the fight. But when the the British later destroyed his plantation and stole his horses, he no longer felt bound by his promise.

Pickens took over guerrilla activities in the northern half of South Carolina. A 38-year-old elder in the Presbyterian Church and "dour as a New England deacon," Pickens was said to take the words out of his mouth between his fingers and examine them before he uttered them. His men followed wherever he led.

The third great partisan leader, Thomas Sumter, a big, 46-year-old man of great physical strength, led bands of up-country woodsmen against outlying British posts. "So enamored of victory was he," said Light-Horse Harry Lee, "that he would wade through torrents of blood to achieve it." This belligerence earned Sumter a nickname: "The Gamecock."

Though the vigorous partisan activities couldn't wrest control of the state from the British, they stirred up the population on both sides. Soon, South Carolina was in a state of civil war. Communities, even families, were split in their allegiance. Clashes between partisans and Loyalists were frequent.

All through the late summer of 1780 and into the fall, the partisans conducted an active guerrilla war against the British. By most military measures, the Redcoats had conquered South Carolina. In fact, after Camden, no force of consequence stood between Cornwallis and the Pennsylvania border. But, because of the partisans, his hold on South Carolina was anything but firm.

In fact, it was shakier than even the partisans could guess. King's Mountain, a turning point in the war, was only a few months away.

To cement his hold and to rally Loyalists to his cause—while running down guerrilla bands—Cornwallis formed two mobile detachments, one under Tarleton, the other commanded by Major Ferguson.

Ferguson was sent to the western section of South Carolina. His mission: to raise Loyalist militia—which would then knock out the patriot bands in that part of the state once and for all.

By late summer, he'd gathered 4,000 Tories into what was called the American Volunteer Rifle Corps.

But Ferguson had also stirred up the patriots. By early October, about 1,200 North Carolinians—with a few Virginians, South Carolinians, Georgians and mountain men from what would later be Tennessee—had assembled at a base in the Great Smokies in North Carolina.

With more patriots on the way, Ferguson decided to pull back. He headed toward the South Carolina border with about 1,200 of his best men.

The patriots followed quickly.

By October 6, 1780, Ferguson knew he had to stand and fight. He carefully chose a battle site—on the South Carolina side of King's Mountain, which straddles the western North Carolina-South Carolina border.

The King's Mountain battle site is a forested Appalachian abutment in South Carolina, one of the most tranquil spots in the country today—a high, quiet, mountain bench that affords a magnificent view of both the South Carolina and North Carolina Piedmont through openings in the trees, in contrast to the rush of North Carolina-Georgia traffic on Interstate 85 just a few miles to the north.

The slopes were wooded, but even in Ferguson's day a high knoll was clear. Ferguson and his men camped there and set up a defense.

October 7 was a rainy, dreary day. The patriots, in a forced march from their base, reached the prominence at noon and surrounded it.

Then, the American riflemen began to creep up the slopes, dodging from tree to tree. Ferguson's men fired in volleys, hit little, then reloaded. Soon, the Americans were less than 100 yards from the crest, keeping up almost a continuous fire by shooting and reloading in relays.

When the firing stopped, Ferguson had lost 157 killed, 163 wounded, 698 prisoners. The patriots lost 28 killed and 62 wounded.

It was the first American victory in the South since the British were repulsed in the first battle for Charleston in 1776. Though neither side realized it, King's Mountain was the beginning of the end for the British, for it proved that Cornwallis could only control the ground he stood on.

Inspired by the victory, the partisans

stepped up their guerrilla activities. Cornwallis tried again. He sent Tarleton to get rid of Marion. But he failed.

"I know not whether there are two hundred rebels or two thousand," Tarleton wrote to Cornwallis. "I followed them as far as I could, but they vanished in swamps so dense that even the most primitive savage soon would perish there."

Marion's escape inspired a little rhyme, one American children in Charleston and Augusta delighted in singing within the hearing of the British captors:

A pox on the lobsters
A pox, a pox.
Beware of Marion
The old Swamp Fox

Cornwallis then sent Tarleton after Sumter. On November 20, the raiders met Sumter and his 420-man militia at Blackstock's Hill, S.C. The result: 100 Britishers killed or wounded; a few partisan casualties.

Eventually, Cornwallis decided he'd have to deal with the partisans on his heels as best he could, while proceeding north according to the main British plan.

After reinforcements arrived, he and his army headed toward North Carolina. Conquer that state, he thought, and South Carolina would fall into line.

Meanwhile, Washington was frantically trying to get together a fresh force to send south. The scattered remnants of Gate's army had been reassembled and Washington added some troops from the main army.

A better commander than Gates was needed. Washington recommended his Quartermaster General, a 36-year-old Rhode Island Quaker named Nathanael Greene.

Of Greene, Henry Knox, Washington's artillery commander said. "He came to us the rawest, the most untutored being I ever saw." But in less than a year, he was the equal in military knowledge "to any General Officer in the army, and very superior to most of them."

To assist Greene, Washington also sent southward Daniel Morgan. "The Old Wagoneer," whose help had been so vital at Saratoga, and Light-Horse Harry Lee, a daring young officer who'd helped Washington hold West Point.

On December 2, 1780, Greene arrived at Charlotte, N.C. There, he found he had less than 1,500 men fit for duty—and only half of them trained Continental soldiers.

Greene knew he hadn't enough men to meet Cornwallis head on. He had to force battles when everything was right then escape, whittling down the British army and continuing guerrilla harassment.

He ordered his engineers to map the countryside and give him a complete report on the surrounding terrain. Then he moved his troops into richer, more sympathetic territory, recruiting new men in every way possible, scouring the countryside for supplies.

With half his army, Greene established a strong base in central South Carolina. The other half, led by Daniel Morgan, headed toward the western part of the state to rally the militia and to threaten the British fort at Ninety-Six. In late December 1780, both American contingents were in place, Greene's men at Cheraw, Morgan's on the Pacolet River.

Cornwallis' spies watched as the new commander took over the battered American forces. When Greene divided his army, the British general thought the time was ripe to crush this force as he had crushed Gates. First, he would deal with the smaller of the two divisions. Morgan's. So he sent Tarleton and about 1,200 men to do battle.

As Tarleton came toward him, Morgan and his men camped in a thinly wooded area within the great bend of the Broad River, slightly south of the North Carolina border. Locally, his campsite was known as "Hannah's Cowpens," or "The Cowpens." Here local herders rounded up their cattle (penned their cows) before sending them off to market.

Military historians who've studied the battle that followed have noted how similar Morgan's plan of battle was to that of the ancient Carthagenian, Hannibal, in his great victory over the Roman legions at Cannae in Southern Italy, in 216 B.C. During the battle, Hannibal managed to lure the much-superior Romans into a careless chase after the deliberately retreating center of his own front line. The Romans didn't realize the retreat was planned, that Hannibal had mounted forces on both sides. They rushed into the trap and the trap sprung shut, to destroy one of the greatest of Roman armies.

Like Hannibal, Morgan had a mixed force. Some men were well trained, others trained hardly at all. Both Hannibal and Morgan placed their forces in a river bend, to cover their rear and to force their least reliable troops into the battle, rather than make flight easy. But there is no evidence Morgan had ever heard of Cannae—or Hannibal. His formal education was minimal.

Morgan shaped his slightly more than 1,000 men into three lines. The first two were militia. The last consisted of his seasoned troops. In front of these was a row of sharpshooters. Behind the grouping were some mounted reserves.

Before the battle began, Morgan himself walked among his least reliable troops, his militia. "Just hold up your heads, boys, three fires and you are free," he told them. They'd run, Morgan knew, but they couldn't run far.

At 8 a.m., January 17, 1781, Tarleton gave the order to attack.

Spurred on by Morgan's booming voice, the first line of the militia fired three times before they fell back. The British were hurt, but they kept advancing with their cavalry in the lead. Then, they ran into the second line of militia. These men also fired two or three rounds—and ran.

Just as the British came on—excited, exultant and careless—the American cavalry attacked, scattering the British horsemen. Meanwhile, Morgan had raced the fleeing militia back to their horses and had managed to re-form them. "Form, form, my brave fellows," he cried "Old Morgan was never beaten."

The main body of British troops continued to press on, now meeting the main body of trained American troops. The Americans retreated a bit, and the British followed, suspecting nothing.

In fact Tarleton thought the American line was collapsing. The British charged, the Americans gave way. But the reformed militia were now ready to attack the British from the left flank and left rear. And Morgan's reserves were about to attack at the right flank and right rear. The trap ready, the retreating Continental center came to a dead halt and turned withering fire into the charging British line. At the same time, the militia and the reserves attacked.

Like Hannibal, nearly 2,000 years earlier, Daniel Morgan, an American backwoodsman, had trapped his enemy in a classic double envelopment. After about an hour, Tarleton fled, with less than 300 British troops. Some 110 of his force were killed and 800 taken prisoner. The British also lost two cannon, 800 muskets, 100 horses and a 35-wagon supply train. Patriot losses at the Battle of the Cowpens: 12 killed, 61 wounded.

It was a serious defeat for the British. Their loss—Cornwallis' finest "light" troops—was about equal to the size of the American force involved.

News of this latest defeat reached Cornwallis at his headquarters in Winnsboro, in north central South Carolina, on Jan. 18, the next day. On the morning of Jan. 19, Cornwallis, now reinforced and commanding 3,000 men, set out after Morgan. If this defeat was not avenged, Cornwallis realized, the British would no longer be a credible force in the South and whatever chance they had to win the loyalties of the people would be lost.

Morgan guessed Cornwallis would come after him. Within an hour after the Cowpens battle was over he and his men were off to join Greene. When Greene found out that Cornwallis was on the move, he sent a message to his quartermaster general to collect all available boats along the lower Dan River (in southern Virginia). He'd lead his foes as far inland as possible.

And thus the race began. It was a race Cornwallis was determined to win. On Jan. 26, he stripped his army down to the barest essentials, burning his entire wagon train and most of the army's provisions.

For two weeks, the British pursued and the Americans retreated. Though Greene's army, carrying prisoners and booty, couldn't march as fast as Cornwallis', wheeled carriages made in advance by Greene's engineer, Polish patriot Thaddeus Kosciuszko, and boats waiting at every river kept the Americans ahead.

As the British chased, Greene decided to continue his retreat—enticingly. He knew what effect the march was having on the British army.

With Cornwallis' forward elements in sight, the last of Greene's men crossed the Dan River, leaving the British with no boats to follow them. Cornwallis stood on the southern bank and swore. He'd risked a great deal to capture Greene's army. Now he was 250 miles from his nearest major base, commanding an exhausted army without supplies, in the midst of a hostile population.

He fell back, announcing that he'd conquered North Carolina. But the truth was—and Cornwallis knew it—he'd been beaten there, and without a shot being fired. He'd started off with a well-equipped army of 3,000. Now, after illness and desertion, he had 2,200 worn and hungry troops who were farther from conquering the South than ever.

While Cornwallis was losing strength, Greene's army was gaining it. The victories at King's Mountain and Cowpens had attracted more enlistments. Now Greene commanded 4,300 men—including 1,600 regular infantry and 160 regular cavalry.

All during the retreat, Greene had studied the terrain for possible battle sites. In late February, he and his army recrossed the Dan and headed toward the most likely spot, Guilford Court House, which sat on the main North-South road running through central North Carolina.

Greene and his army were in position by March 15, 1781. Cornwallis, camped 12 miles south, knew his army must take up the challenge. By 1:30 p.m., after having marched to battle all morning without breakfast, the British army engaged Greene at Guilford Court House.

After suffering two or three volleys, they drove the American militia from the field. But the American flanks held. On the left, the British were stopped. On the right, they were thrown into disarray.

Now Cornwallis was worried. It looked suspiciously like Cowpens all over again. So he turned his cannon directly into the fight, killing British and Americans alike—but halting the patriot advance.

Greene decided his army had done as well as could be expected, and as well as necessary. He ordered a general withdrawal. The Battle of Guilford Court House was over. The British held the field, a technical victory.

About 150 British were killed, and more than 380 wounded. Greene reported 78 dead, 183 wounded. Afterwards, he said he was "ready to sell Cornwallis another field for the same price."

Back in England, Charles Fox, a member of the opposition party in Parliament, took a dim view of Cornwallis' "victory" at Guilford Court House. "Another such victory would destroy the British army," he said.

After the battle, Cornwallis drove his army toward Wilmington, N.C., where the British

could resupply him by sea. Though the British plan to conquer the South seemed doomed now, Cornwallis had something else in mind. That "something else" was a major victory in Virginia.

On April 24, 1781, after resting a bit, Cornwallis and his 1,435 remaining soldiers left Wilmington and headed toward Virginia, against Clinton's orders and without his knowledge.

Cornwallis had two objectives. First, he hoped to lure Greene after him. After picking up reinforcements in Virginia, Cornwallis thought he could make short work of Greene and his army. Second, he wanted to gain control of Virginia. That accomplished, the South would fall—or so Cornwallis believed.

But Greene's mission was to save the South and he wasn't about to be distracted. Besides, he was beginning to hear rumors of a large French naval force being gathered for a Virginia expedition. He kept Washington informed about Cornwallis' movements and looked to other work in the South. The British still had a tenuous hold on South Carolina, maintained by about 8,000 garrison troops, two-thirds of them American-born Loyalists, scattered around in forts at Charleston, Augusta, Georgetown, Camden, Ninety-Six and others.

And there was still a mobile force of British soldiers in South Carolina—about 1,500 men, commanded by Lord Rawdon.

While Cornwallis rested in Wilmington, Greene, Marion, Sumter and Pickens moved back into South Carolina with 2,500 men.

Deciding to strike at the British outposts, Greene marched his men to Hobkirk's Hill, near Camden. At this moment, the 26-year-old Lord Rawdon decided this was his chance for fame. On April 25, he attacked with 900 men, while the Americans were eating. After a confused battle Greene "sold" another field.

The patriots counted 19 men dead, 115 wounded and 136 missing. Lord Rawdon lost 38 dead, 220 wounded and missing.

Again, the British had won a technical victory. But American strength was unaffected. "We fight, get beat, rise, fight again," Greene wrote after the battle. And each time the Americans returned to battle, it was against an opponent weaker than before.

Rawdon was *much* weaker than before. Greene was now threatening his lines of communication, while patriot guerrilla bands were attacking the forts. Food was in short supply for the British and the countryside was rallying to the patriots.

After Hobkirk's Hill, Rawdon retreated. He also sent orders to the posts at Ninety-Six and Fort Granby to fall back. He aimed to hold less of South Carolina, but to hold it more firmly.

Actually, Greene's defense of the South was succeeding brilliantly. Each day brought a new patriotic success and nailed another nail in the coffin of British ambitions in the South.

On May 11, the British garrison at Orangeburg fell to Sumter.

On May 12, Marion and Lee took Fort Motte.

On May 15, Lee captured Fort Granby.

On May 29, Marion occupied the British fort at Georgetown.

On June 6, Lee and Pickens took the British outpost at Augusta.

Rawdon spent the month of May retreating, all the way to Moncks Corner, 30 miles from Charleston. Outside of this tiny area, the only remaining British outpost in the state was at Ninety-Six. The Tories here had decided to hold on, despite Rawdon's orders. Greene came to Ninety-Six and besieged it for a month. Rawdon marched to its relief—and Greene withdrew. Rawdon considered pursuing Greene, even though his troops had just completed a lengthy forced march, but thought better of it.

He closed up the fort at Ninety-Six and headed back toward Charleston, with Greene's army yapping at his heels. Both armies then rested for six weeks, waiting out the hottest days of the summer. During that period, Rawdon left for England, his health broken. He left what remained of the British Southern forces in charge of Lt. Col. Alexander Stewart.

By the end of August, Greene's command had swelled to some 2,450 regulars, including the guerrilla bands, who had now joined the main body.

On the night of Sept. 7, Greene stealthily moved his troops to within seven miles of the British camp in a clearing near Eutaw House, on the south bank of Eutaw Creek, not quite 50 miles from Charleston.

The next morning, Greene attacked. Moving into a heavily wooded area, the British and Americans charged and countercharged. Finally, the greater number of American troops made their weight felt. Soon, Stewart's entire British line was retreating in disorder, after 300 Britishers and two cannon had been captured.

The Americans, finding themselves in the midst of the British camp, soon turned to looting and drinking. Seeing what had happened, Stewart re-formed and started to offer serious resistance.

Greene saw that his men were no longer in any mood for fighting. He then marched them away from the scene of battle.

Again, the British held the battlefield. The Americans had lost 139 killed, 375 wounded and eight missing. The British only had 85 killed and 350 wounded, but 430 were missing.

It was the last battle in the campaign for the South. And it was another unhappy "victory" for the British, who had learned how hopeless it was to chase Greene or Marion or Pickens or Sumter. There was nothing they could do. Stewart could only withdraw again, this time to Charleston to await ships to evacuate his forces.

In ten months, Greene's troops had met the British in four major battles and had been driven from the field each time. Even at Cowpens, Morgan had had to withdraw. But each time, the British, too, could only withdraw. This campaign, according to military analysts, is the only time in recorded history that a general has won the day without having gained a single tactical victory.

The distintegration of the "all-winning" British army in the South forced Cornwallis on with his own plan to take Virginia. There, in need of reinforcements when threatened with entrapment by Lafayette and Anthony Wayne near Richmond, he moved down the peninsula to Yorktown, hoping for reinforcement by sea from Clinton's army in New York. But the French navy, under De Grasse, closed off the sea lanes there, while Washington came down from the North by forced marches to join Lafayette. Together they sealed off the peninsula. Trapped and besieged, Cornwallis surrendered on Oct 19, 1781.

For the British, it was all over. They had proved they could keep New York and they could keep Charleston. But they couldn't keep the hinterland and had no more plans to try when their Southern venture failed.

With no more stomach for the war, they consented to American independence and peace parleys got under way.

REVENUE-SHARING

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, recognizing that the States need additional revenue, and with no Federal strings attached, President Nixon submitted to Congress a plan whereby Federal revenue would be returned to the States, giving the States more resources and more authority.

In "Revenue-Sharing" the Seattle Post Intelligencer editorializes that Congress has been idle too long on the President's proposal. I, too, believe it is time to act on this plan to aid our States, and I include this editorial in the RECORD, as follows:

REVENUE-SHARING

More than a year ago President Nixon proposed a revenue-sharing plan to Congress which called for the federal government to return federal monies to states and cities on a graduated basis.

As modest as the President's proposal was—an annual scale ranging from $500 million in fiscal 1971 to $5 billion in 1976—it has received scant attention from Congress.

The reluctance of our national lawmakers to give serious consideration to the President's revenue-sharing plan is inexcusable. Federal revenues are accumulating at an ever increasing rate while many state and local governments are heading for bankruptcy.

Some form of federal fund allocation is desperately needed. Congress can easily appropriate funds on the basis of each state's share of national population adjusted for the state's revenue effort.

This is the proper approach to the Nixon administration's goal of a "new federalism" which promises more authority and resources on the state and local level.

And a welcome approach it would be for every taxpayer who suffers periodically a large bite from his payroll check without ever really knowing where the money is going.

President Nixon's revenue sharing plan has been pigeonholed for far too long. In this congressional election year, every citizen has both the right and duty to demand quick action on the President's proposals.

BEHAVIOR DRUGS: NEWEST MADNESS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. SCHMITZ. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

BEHAVIOR DRUGS: NEWEST MADNESS

(By Paul Cole Beach)

E. E. Cummings: "Kick the dictators in the patoot, boys, and live, live, live your life!"

When the sex education furor peaked last year, educators remarked among themselves that that controversy would not compare to what would be stirred by plans for "biochemical experimentation" on elementary school children. "New drama will play on the educational stage as drugs are introduced experimentally to improve in the learner such qualities as concentration and memory," predicted education theorist Harold Shane in the National Education Association journal. "The application of chemical research findings, heretofore centered in infra-human subjects, could be a conspicuous source of controversy when children become objects of experimentation" in the schools.[1]

Shane's forecast had little public impact at the time, even though it came with an NEA imprimatur. Nor was much notice taken

Footnotes at end of article.

when Hawaii's Department of Education, whose school system is a bellwether of coming innovations, announced in its recent master plan that "a whole new area of collaboration in basic research among educators, psychologists, and neurobiochemists to identify the chemical influences on learning will emerge sharply."

Hawaii's school administrators made their meaning clearer when they remarked that "it is now known that certain processes of memory . . . are not fixed, and that intellectual capacity can be reduced or strengthened by chemical agents" given to students. Observing that drugs can mold a child's immediate and long-term memory, his attentiveness and persistence, Hawaiian officials noted that "in the not too distant future, schools will employ a new assortment of learning drugs" on elementary students.[2]

Such programs are no longer speculative. School systems using "behavior modification" drugs on elementary pupils have surfaced in districts across the nation—in Anaheim, California; Omaha, Nebraska; and Montgomery County, Maryland schools. Most so far use amphetamines, like Ritalin or Dexedrine, on so-called hyperkinetic (overactive) children. Among addicts, such drugs are known as "speed." According to press sources, school officials admit having put "tens of thousands" of youngsters on these or similar drugs,[3] or as much as 10 to 20% of elementary students in particular districts.

Educators claim that several million children require such treatment because they suffer from hyperkinesis, which is a medical term for children "hard to handle." Most such children have above average intelligence, say educators, and exceptional verbal skills. Most, about 70%, are boys. Although these children have no physical disability, educators claim they have "learning problems," which stem from an inability to sit still and concentrate over lengths of time. "Almost invariably there is a passion for handling things, often clumsily so that they are broken," counselors remark. "Many such children talk a blue streak," they add, "and are apt to have tantrums."[4]

While most educators concede that such problems resolve themselves as the child matures, others argue that educational handicaps acquired in the meantime can lead to dire consequences. Dr. Byran Oberst, who was instrumental in introducing the "behavior modification" program in Omaha, predicts that if drugs are not employed to forestall such handicaps the child will almost inevitably turn to "self-destruction, vandalism and anarchy."[5]

Educators are confident, however, that dosing children with amphetamines will prevent such "problems." Since the drug acts as a depressant on children, school officials claim it helps their concentration, attention span, and comprehension. (Some school personnel grumble privately that educational policy-makers must never have been boys, and that the only effect of drugging children will be to raise "a generation of junkies and speed freaks.") Such a regimen is nevertheless said to be particularly important for poor and minority groups, and programs concentrate heavily on these groups even to the point of pressuring parents to cooperate—like it or not. One black family in Omaha, for example, initially resisted placing its child on drugs, but relented when his grades plummeted in the face of school pressure. "The teacher badgered us on the phone for a month and a half. She called every night." Some parents charged that their children were being made "guinea pigs," others that Omaha is trying to drug black children into quiet submission.

If coercion of parents were not itself despicable, it would surely be made so by the failure of schools to control the distribution and circulation of drugs. Pill-swapping on elementary school playgrounds, for example, is common in Omaha and something which educators more or less consciously ignore, though they concede that thousands of children walk about with dangerous drugs in their pockets and lunch-pails and that "one kid would often say to another, 'Here, you try my yellow pill and I'll try your pink one.'"

Moreover, school officials skirt the issue of possible drug side-effects. "How (the amphetamine) Ritalin works is still the sixty-four dollar question," admits Dr. Oberst. "On any of these, even Dexedrine, nobody precisely knows the mechanisms of how they function." School superintendent Oberst and others, however, maintain that drugs make the children "happier," though they note when pressed that the drugs may cause some loss of appetite and "some trouble dropping off to sleep."[6] Actually, this grossly minimizes the physical and mental effects of pep pills. The U.S. Food and Drug Administration has warned doctors to use "extreme caution" in prescribing amphetamines because of their physical effects. The FDA reports, indeed, that the drugs can cause "extreme psychological dependence" or addiction, can result in "extreme fatigue and mental depression" when stopped, and can produce mental disorders or "psychosis often clinically indistinguishable from schizophrenia."[7]

While the almost criminal negligence and stupidity which mark these programs might well spark parental outrage, there is compelling evidence that school treatment of "hyperkinetic" children is merely a pretext for the educational system to engage in more serious "behavior modification" and mind-changing experiments. That question was publicly raised in the educational literature last year by University of California psychologist Dr. David Krech. After detailing scientific research discoveries into the workings of the brain and the central nervous system, Krech concluded that "it may soon be within man's power to control mental development—to enhance it or inhibit it with chemical agents and special environments"—and that the schools are contemplating experiments based on these findings.

Wondering whether educators "can be entrusted with such dangerous power," Krech thinks "our psychology—especially when combined with educational practice and theory—must now be listed among the powerful and perhaps even the dangerous sciences." Memory experiments, if nothing else, led him to that belief. He notes, for example, that science is on the verge of creating a "chemical memory pill" capable of selectively determining a person's long and short-term recollections or acquired skills.

By keeping "the brain from manufacturing the chemicals in the long-term memory process, then we could create an animal that might have normal short-term memories but would be incapable of establishing enduring memories," he observes. "There are chemical memory preventives [which have been tested successfully in lower animals] that seem not to interfere with the individual's immediate capacity to obey immediate orders, but that do prevent him from building up a permanent body of experiences, expectations, and skills . . . what evils such weapons might wreak in the hands of some authorities."[8] While a variety of related projects have been carried out successfully on lower animals,[9] they have not yet been tested on humans—though it seems clear enough that schools are establishing a precedent.

While it will probably be a few years before such an Orwellian system is realized, these first educational probes sharply raise the whole issue of the increasingly totalitarian character of American education. The school system is no longer committed to teaching the liberal and tehcnical arts, to say nothing of the Christian proposition that education should bring men into touch with the Lord of creation, but to a massive program of social and political indoctrination.

The President himself, indeed, has marked the shift. "In the past, the public has equated going to school with education," he recently remarked. "The role of the school was to transmit information and instill traditional values. The society of today is one changing so rapidly that skills and information become outmoded and traditional values are under challenge." Consequently, he said, the schools should no longer concern themselves with such functions, but ought to be devoted to giving the children "a framework within which to sort out the diverse values to which they are exposed." The schools ought now to "emphasize adaptation to the needs of a rapidly changing society" and to the demands of the state.[10]

Mr. Nixon was not merely speculating idly. The U.S. Office of Education in the last year has funded educational projects, designed to become operative nationwide, which point the course of things. For example, USOE started a program two years ago in Norwalk (Connecticut) establishing "a youth resource center . . . to effect behavioral changes in youth through a combination of guidance, counseling, sensitivity training, technological devices," and so on. Run by an "innovation director" and a "master teacher," the program is also designed to identify "forces which block the adoption of new ideas and ways to overcome these forces."[11] USOE has also funded "change agents" whose purpose is to develop and disseminate such "behavior modification" programs nationally.

What lengths such experiments can reach is exemplified by the fact that not long ago the President himself seriously entertained a DHEW memorandum advocating that elementary students be tested psychologically "to determine their future potential for 'criminal' behavior," and that the schools start "massive psychiatric treatment for those children found to be criminally inclined." According to DHEW, those who did not respond to "treatment" and were "later found to be persisting in incorrigible behavior would be remanded to camps."[12] Although President Nixon was forced to disown the idea when it was leaked to the press, it suggests not only the lengths educators will go to increase their power in the face of failing intellectual authority, but the uses to which an increasingly autocratic state would like to turn public education.

Such proposals show the error of thinking that a totalitarian and democratic state radically differ in their desire to mold and shape their citizens to their own will. Moreover, they point up the need to impress upon educators a central fact of human existence: human souls positively cannot be drycleaned! That means Catholics should let it be known forcefully that an effort to create a subhuman American superstate, where a person does as he's told or turns into fertilizer, won't be tolerated. "This guy says kick the dictators in the patoot. . . ."

FOOTNOTES

[1] Harold Shane. "Forecast for the Seventies." Today's Education (January 1969), 30.

[2] Dept. of Education. Public Education in Master Plan for Hawaii. (Honolulu: 1969), p. 39.

[3] "Drugs for Learning." Time, August 10, 1970, 43–44.

[4] Ibid.

[5] Robert Maynard, "Omaha Pupils Given 'Behavior' Drugs," Washington Post, June 29, 1970, A–1, A–8.

[6] Ibid.; cf. Washington Daily News. July 24, 1970, 12.

[7] Stuart Averbach. "FDA Moves to Curb Use of 'Pep Pills.'" Washington Post, August 6, 1970, A–1, A–7.

[8] Dr. David Krech, "Psychoneurobiochem-education," PTA Magazine (April 1969), I, 16–18; cf. part II (May 1969).

[9] See Fred Warshofsky, "Mind Research: The Promise and the Peril," Reader's Digest (April 1970), 119–123.

[10] "Address on Education," Weekly Compilation of Presidential Documents (July 1970), p. 944.

[11] Project #DPSC-68-5256 and DPSC-68-5166, Pacesetters ir Innovation. (Washington: DHEW, 1969).

[12] Cf. Triumph (May 1970), 7.

THE DAV'S TOP BRASS

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. HALPERN. Mr. Speaker, one of the great organizations serving the American veteran is the DAV—Disabled American Veterans Organization. In New York alone the organization has over 18,000 members in more than 100 chapters.

Outstanding among its leaders is Sol Kaminsky of my county of Queens who has come up through the ranks to reach the exalted post of State commander. A recent article in the Long Island Daily Press relates a most interesting background of this remarkable man and I commend it to my colleagues:

THE DAV'S TOP BRASS: LONG ISLAND VETERAN TAKES THE REINS

(By John Franz)

When members of the New York State Department of the Disabled American Veterans looked for someone to be their commander for this year and 1971, they didn't have far to go.

Their unanimous choice was Sol Kaminsky of Howard Beach, a 45-year old double leg amputee veteran of World War II who has an outstanding record of helping servicemen, especially the disabled.

Actually, Kaminsky is no newcomer on the department level; he had served as adjutant and was a vice commander at the time of the election. He joined the DAV in 1946 and has held virtually every office in its national Amputation Chapter in Whitestone.

He is also past president and currently the secretary of the National Amputation Foundation in Whitestone, an organization founded for the sole purpose of providing funds for the rehabilitation and welfare of the amputee disabled veteran.

In recognition of his work, the chapter voted him an "amputee-of-the-year" award awhile back. The department named him its "outstanding disabled American veteran" for two consecutive years.

Now that he is at the helm, Kaminsky still doesn't intend to sit back and let his buddies do the job. He'll spearhead a program calling for doubling of visits by the membership to hospitalized veterans, more entertainment and other services for them, and helping servicemen overseas.

"Unfortunately, because the Southeast Asia situation is not to the liking of many, the public is not doing as much for today's servicemen as was done in World War II," the commander said.

"The DAV will not forget them. We especially don't want amputees to be lost, and we'll do everything we can to see that they get things they need to maintain their dignity."

He said members of his service organization have found returning wounded amputee veterans "very confused with the internal situation in the United States."

"We must treat them as returning heroes," he said.

Kaminsky joined the Army in 1943, shortly after his 18th birthday. He was with the 251st Engineers Combat Battalion, maintaining a road block on April 17, 1945 in Hanover, Germany, when an 88-millimeter shell burst near the men.

"The irony of it was that this happened just 14 days before the end of the war in Germany," he said.

He was hospitalized for months but finally was outfitted with artificial limbs. Today he doesn't use crutches or a cane. He drives a car without any special devices to carry out his job as a purchasing agent of natural gums from all over the world, and his many other appointments.

"Amputees shouldn't feel everything is lost and be depressed but take a positive view and look toward a happy future," he said.

Born in the Bronx, Kaminsky was raised in Williamsburg and was graduated from Eastern District High School. He and his wife, Edith, and their children, Rita, Maxine and David, reside now at 157-12 89th St., in the Rockwood Park section of Howard Beach.

He is a member of the Rockwood Park Jewish Center and Rockwood Park Civic Association, but finds he can't be too active in them because of his job and DAV duties.

"The DAV has contributed about $40,000 to handicapped boy scout units all over the country so, naturally, I'm a strong booster of that organization," declared Kaminsky. His son is a member of Troop 139 in Howard Beach and he drops into their meetings.

His other projects include working closely with other veteran organizations for a medical school and Veterans Hospital for Queens and against legislation harmful to veterans, such as the bill to water down real estate exemption for disabled veterans which was defeated a year ago.

The DAV has over 18,000 members in more than 100 chapters in this state. Disabled veterans with problems can go to the DAV's state office at 260 Clinton Ave., Hempstead, Mondays through Fridays, or to the Whitestone office at 12-45 150th St., Mondays through Saturdays. The hours are 9 to 5.

THE SST AND EMPLOYMENT

HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. SKUBITZ. Mr. Speaker, we read and hear about so much news about the supersonic transport program—the merits and demerits of the SST. One factor which has escaped the attention of some of the public is that the SST program will mean employment for thousands of persons throughout the Nation. With the desire of Congress and the administration to have a healthy economy this factor should be carefully weighed in thinking about the SST.

The Council of Augusta, a community in my district which is near Wichita where the Boeing Co. is scheduled to build part of the SST, has sent me a very interesting resolution. The city fathers of this community realize the benefits of the SST on the economy of Augusta. The resolution advocates the passage of legislation to continue the SST programs.

Because the resolution brings out some key points about the value of the SST, I would like to share the resolution with my colleagues.

RESOLUTION

Whereas, The Boeing Company is located in Sedgwick County, Kansas, and

Whereas, the said company is one of the largest employers of persons living within the City of Augusta and in the area immediately adjacent thereto and as such contributes materially to the economic well-being and stability of Augusta and its surrounding territory, and

Whereas, the Boeing Company has been the successful bidder in connection with the Supersonic Transport Program and such Program is being funded under a proposed action by the Congress of the United States under a bill designated as H.R. 17755 now pending in the Senate, and

Whereas, the success of such funding will have a material bearing upon the employment of persons by the Boeing Company and the Governing Body of said City does desire to indicate its interest in the success of Boeing Company and further to indicate its support of the aforesaid Supersonic Transport Program, and

Now therefore, be it resolved by the governing body of the city of Augusta, Kansas, that the proper and appropriate authorities of the United States Government should be requested to give full credence to the favorable consideration of the above mentioned proposed legislation.

Be it further resolved, that copies of the within Resolution be forwarded to the Congressman representing the Congressional District of which the City is a part and the two Senators from the State of Kansas for the purpose of indicating the interest of the City of Augusta and to request that all possible assistance of the Representative and Senators be expended to urge the acceptance of the aforesaid funding program.

This Resolution passed and adopted unanimously by the Governing Body of the City of Augusta, Kansas on the 8th day of September, 1970.

W. NEWTON MALE,
Mayor.

Attest:

FRED H. ORTMANN,
City Clerk.

"YOUTH BASEBALL CAPITAL" HOSTS LEGION SERIES

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. ULLMAN. Mr. Speaker, the baseball talents of the Nation's finest 16- to 19-year-old players were displayed this past week in Klamath Falls, Oreg., during the 1970 American Legion world series.

The eight teams, chosen to represent their regional areas in a series of summer playoffs, played to capacity crowds during the entire weeklong tourney. The western representative team from West Covina, Calif., won the tourney and Levittown, Pa., was the runner-up club.

The American Legion tournament has long been known as a major spawning ground of future big-league players, and at least 2 dozen major league scouts were in attendance. A former Legion player and ex-New York Yankee star, Bobby Richardson, was the special guest of the tournament.

Klamath Falls has often been called the "Youth Baseball Capital" of the World as it has previously hosted many other major youth baseball tourneys. The residents of the city of Klamath Falls and Klamath County volunteered uncounted men, materials, and money to help make this year's world series the huge success that it was.

ASSISTANT ATTORNEY GENERAL LEONARD SPEAKS ON THE INCREASING LEVEL OF VIOLENCE IN OUR COUNTRY

HON. EDWARD G. BIESTER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. BIESTER. Mr. Speaker, Jerris Leonard, Assistant Attorney General, Civil Rights Division, spoke today before the annual meeting of the College of the American Society of Clinical Pathologists in Atlanta, Ga. Because his remarks dwell upon the extraordinarily increasing level of violence in our country, I believe they deserve the attention of all of us:

VIOLENCE AND THE LAW

(By Jerris Leonard)

When I was first invited to participate in your session on the problems of violence in our country I was not sure I could accept. Some of my advisors insisted that during what is the second week of school in most places, I would be far too busy considering the potential for disorder and violence attending the desegregation of hundreds of schools across the South. However, I was very anxious to attend a meeting of leading professionals concerned about violence in our society and I was optimistic that there would not be substantial or general interference with federal court orders. Fortunately, I can report to you today that there was only minimal interference with the desegregation process. In the last three weeks, schools in 650 districts have converted from the dual to unitary system. And, while there has not been universal agreement over the methods by which this was accomplished, there has been a general willingness by the vast majority of the citizens involved to comply with the law.

Perhaps this is a good beginning point for our analysis of violence and the law—and we are speaking principally of violence which grows out of dissent and protest and not the aberrations of individuals.

The first observation I would make is that although the incidence of violent behavior has significantly increased in recent years, it is still a minority phenomenon. This is equally true of the dissent among students and young people.

We recently had a situation of grave concern in Portland, Oregon. There, some 30,000 people had come to town for the American Legion convention. Simultaneously, a few miles away there were two rock concerts which attracted some 80 to 100 thousand young people. Finally, there was a group that planned to take to the streets to demonstrate against the Legion. Despite considerable agitation from this group, on protest day barely 1,000 people turned out for the anti-Legion events and there was no violence. As it turned out the "rock" festivities were of the listening, not the throwing, variety and the great majority stayed away from any violent confrontation.

Thus, I can report that the great bulk of our citizens—one is almost tempted to say the silent majority—are peaceful and law abiding and will accept even drastic social changes required by the law without violent reaction. Indeed, this is one of our nation's great qualities which is frequently overlooked by those who seek to change and improve our institutions.

Let us turn then and look at the law as it relates to dissent and disorder. Our Federal Constitution and laws guarantee to every citizen the right of free speech—to petition for the redress of grievances, to protest governmental policies, to organize to seek change. There has been much misunderstanding throughout protest groups of this Administration's commitment to these principals. The Department of Justice and the Administration fully recognize and support the concept that dissent is an integral part of the democratic process. It is the yeast in our society. It is that constitutionally protected element that enables a multitude of divers concepts and causes to be tested in the market place of ideas. To be argued, to be dissected, to be utilized or discarded by the American people. We are constitutionally and morally required to protect this right in its rational and logical purpose. We are also bound to oppose and prohibit the use of violence as antipathetical to this very process. History, if it has taught us anything, has taught that violence is not a suitable method of leading people to re-examine their positions, on the contrary it most often leads to a progressive closing off of all re-examination with only the alternative of increased violence. Apologists for violence as a means of social change frequently justify their position with the claim that violence is the American way. This is unmitigated nonsense. As the Commission on Causes and Prevention of Violence succinctly put it, it is "group protest, not group violence, that is as American as cherry pie."

We have witnessed over the past few years a growing tendency to resort to violence to accomplish an end. Let me share with you some rather alarming statistical measures of the increasing incidents of violent acts in our country, compiled by the FBI, by our Civil Disturbance Group, and by the Violence Commission.

In 1969, the American Insurance Association reported $31 million in property damage from riots and civil disorders in 350 cities in 41 states.

The most alarming increase has been on campuses.

In the first half of the 1967-68 academic year, 71 demonstrations were reported on 62 campuses across the nation. In the second half of that same year, 221 demonstrations took place on 101 campuses.

A jarring 850 demonstrations were reported the following academic year, 1968–69, resulting in over 4,000 arrests, 125 student injuries and 1 death. Arson attempts or successful arson incidents numbered 61.

In this past year, 1969–70, these already shocking numbers nearly doubled. 1,785 demonstrations were reported on campuses across the United States, causing some 462 injuries and 8 deaths. 7,200 arrests were made, 246 arson incidents or attempts, and 14 bombings.

In the two week period following the invasion of Cambodia, the incidents of violence, injury, arrests, and number of demonstrations was greater than all campus activity in the entire preceding period of that academic year.

Equally as notable, disturbances in the high schools has risen 68% in the past year from relatively few or virtually no disturbances as short a time ago as 1968. In this academic year, 500 disorders in high schools in 33 states resulted in 1800 student arrests and 600 injuries.

Bombings and arson attempts have likewise become a concern of huge proportion. There were 776 bombing and arson reports in the 18 months from September 1968 to March 1970, with an average of $75,000 damage.

In the 12 month period from June of last year to June of this year, 32 explosions occurred in Seattle, 62 explosions in San Francisco, for example. In New York City alone, 81 explosions occurred in 1968, 10 bombs found unexploded, and investigations of 1,094 false alarms. The following year, 93 explosions occurred and 3,191 false alarms were reported. In the first 4 months of 1970, 68 explosions have already been successful and another 4,015 false alarms have been investigated.

Accordingly, it is an unfortunate fact with which we have to contend that the call to violence too often falls upon receptive ears. There always exists in every society, including American society, a small number of individuals with a low frustration index who will gladly shrug off the difficulties and hard work involved in the operation of a republican form of government. It is this group who preaches violence as the cure-all of society's ills. They are the ones who seize upon simplistic and nebulous concepts of social order. They would do well to remember the works of the great Irish-born British parliamentarian, Edmund Burke, that "to make a government requires no great wisdom, to grant freedom requires less, but to form a free government that is to temper together these two opposite elements of liberty and restraint requires the ultimate in human application."

With this background, I think it is useful to try to define the relationship between violence and the law. Here again I am referring to illegal violence—to be carefully distinguished from the kind of violence that the Baltimore linemen visited upon Sonny Jurgenson last weekend. While the law sanctions and protects the right of protest and dissent, one of the goals of law in any civilization is to protect its citizens against violent behavior. When a dissenter crosses the line between protest and violence he has not only abused his own rights; he has violated society's rights as expressed in its laws and has become the object of investigation and prosecution by appropriate law enforcement agencies.

The Department of Justice is concerned with such situations when the violence constitutes a breach of federal law. The laws most frequently applicable are prohibitions against interstate travel to cause riots, interference with federal programs and activities, use of illegal firearms and explosives, and allegations of police misconduct violating civil rights.

In addition the President has delegated to the Attorney General the responsibility of gathering information on civil disturbances so that, in the event a disorder exceeds the capability of state and local authorities, an informed decision can be made on the need for federal troops. This would occur only where a State Governor indicated the disturbance was beyond the control of State authorities.

To carry out these responsibilities, the Department maintains a continuing watch over all incidents having a potential for civil disorder. They are computorized and they are studied. When our studies indicate that a city, or a given area, is, in the trade language, heating up, it becomes a subject for intense focus. This situation arises all too often in communities wherein the parties to social conflict have become polarized by events. This polarization frequently proceeds beyond the degree sought by the parties until the lines of communication are all but extinguished. It is while this phenomenon is in its formative stage that the Department dispatches into the area its Community Relations personnel with the responsibility to re-establish the bridge and suggest the lines of compromise.

There are instances within intra-community relationships wherein it appears that civil rights of the individuals will be threatened. It is in these instances that the attorneys of my Division, the Civil Rights Division, exercise a federal presence.

There are instances wherein the lack of modernization or lack of professionalism render a police force incapable of performing adequately in the face of intense social pressures. This is a subject for study and

aid by the Department's Law Enforcement Assistance Administration. We have the Criminal Division with its responsibilities, the Internal Security Division in the area of sabotage and subversion, and the full force of the Federal Bureau of Investigation.

You will note that most of the federal effort is directed toward assisting the state and local authorities deal with problems of violence. Under our federal system the primary responsibility for maintaining order and prosecuting individuals rests with the state and local authorities.

Let me conclude by expressing my view and that of the Administration regarding the solution to the problems of violence in our country. Perhaps someday the sociologists, psychologists and even pathologists will be able to identify the causes and prescribe the treatment of group violence. Until that time it will continue to be a very real problem for every level of government. The policy of the Federal government and this Administration is easily stated. We are dedicated to preserving our republic and to the full and fair enforcement of its laws. This is not a policy that prevents progress and change. Rather, it enhances the potential for constructive change that is built into our system of government. The cherished right to dissent will continue to be granted, but the irresponsible and illegal use of force and violence will be controlled by the fair and evenhanded administration of justice.

SOVIETIZING U.S. MEDICINE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. DERWINSKI. Mr. Speaker, critics of American institutes take special delight in demagogery against features of our life such as medical care and support alleged cures which too often turn out to be anything but an improvement. A practical comparison is therefore in order in the Polish American of Chicago, Ill., in an editorial August 22 which has just reached my attention. It emphasizes the point which is extremely pertinent in any discussion of U.S. medicine.

The editorial follows:

SOVIETIZING U.S. MEDICINE

One of the numerous plans for the extension of government control in the health care field recommends the expansion of medicare to include all Americans by 1973. The cost of the plan by 1975 is estimated at $22.7 billion a year. The actual cost would be anybody's guess considering the financial state of present health programs such as medicaid.

The striking thing about the scheme to extend medicare to all Americans by a certain deadline is its resort to a system of compulsion and directives. Physicians' fees would be set at "appropriate" and "reasonable" levels, and physicians would be required to meet certain qualifications. Any physician failing to meet such standards would not be recognized. The heavy hand of government would be felt by patient and physician alike. In reading details of the plan, one recalls with chilling clarity a feature article in *Life* magazine several months ago on the Soviet medical system which *Life* called, "The World's Most Socialized Medicine." Even to the layman, the story in Life reveals a medical system that in many aspects is half a century or more behind the U.S. Commenting on the Soviet system, *Life* said, "To achieve quantity, the quality of treatment often suffers. Hospital sanitation is spotty at best. Anesthetics and modern equipment are often unavailable and most advanced drugs have to be imported. . . . Medical education . . . is not up to U.S. standards."

The basic tenant of Soviet medicine is willing acceptance of commission and the state decree. These same factors are present in the plan to extend medicare to all Americans by 1973. Is this the kind of medical system U.S. citizens want? It hardly seems likely. What our people do want and what the medical profession and other leaders in all walks of U.S. life are seeking to achieve is the broadest possible base medical care without the sacrifice of one iota of quality. Achieving this goal is admittedly a tall assignment, but the end result will be far preferable to a Soviet-type system.

FEDERAL EMPLOYEES' POLITICAL ACTIVITIES ACT OF 1970

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. MIKVA. Mr. Speaker, on many occasions in recent years we have expressed the conviction that our citizens work for change only within the established political processes. Yet our laws have expressly closed those very processes to millions of employees of the Federal Government. The current sweeping restrictions on political activities by Federal employees are outmoded, misdirected, and more seriously, a detriment to the proper functioning of our democratic form of government.

The existing law is a codification of what was passed in 1939 as an act to prevent pernicious political activities, better known as the Hatch Act. It affected less than a million persons at the time of its passage. With more than three times as many employees now under its structures, the old Hatch Act cries out for reform. What is needed is a twofold revision. First, Federal employees must be allowed greater political freedom. Second, they must at the same time be afforded greater protection against political pressure from their superiors. The legislation I am introducing today seeks to meet those needs.

Significantly, this legislation does not repeal existing law. Rather, it amends and clarifies language that is presently too sweeping or has not lent itself to effective enforcement.

By amending certain sections of title 5 and the Criminal Code, the proposed legislation gives employees greater protection against coercion to make political contributions. The crucial feature of the amendment gives the Civil Service Commission authority to take action against officials, including those appointed by the President (not presently subject to the Civil Service Commission jurisdiction) who are guilty of unlawful coercion. The Commission currently has jurisdiction only over civil service employees. The result is that noncivil service employees and officials are immune from such Commission penalties as removal from the service. By removing this immunity, the new legislation makes enforcement and prevention far more effective.

The Commission will be given a functional interrelationship with the Justice Department by referring violations for criminal prosecution. Actions are now initiated by Justice which has only rarely pursued prosecution in the past. Greater feedback between the Attorney General and the Congress is also provided.

The real evil of the Hatch Act, however, and the one this legislation most thoroughly rectifies, is the sweeping prohibition of political activity by Federal employees. The language contained in the old section 9(a) and now found in 5 United States Code 7324 bars Federal employees from taking "an active part in political management or in political campaigns." This is a classic example of legislative overkill—prohibiting all political activity when what is harmful is only corrupt activity. But by language in the statute, the real significance of the prohibition depends upon how the Civil Service Commission implements it. And the Commission's prohibitions are, like the language of the act, sweeping. Federal employees may not serve as delegates or alternates to any political convention, may not address a party caucus or meeting or "take any prominent part therein," may not organize or participate in a political parade, or initiate a nominating petition or solicit for signatures, may not even distribute campaign literature, badges, or buttons.

In light of this comprehensive list of "don'ts," the Commission's assertion that Federal employees are urged to "exercise their full rights as citizens" is patently silly. What the old section 9 of the Hatch Act and the Commission's implementation of it have done, quite simply, is totally exclude Federal employees from the political mainstream of their communities, cities, and States.

Clearly, the strictures of section 9 are misdirected. They aim at prohibiting all political activity by Federal employees, not merely that which is corrupt or relies on the official influence of Federal position. Why is this blanket prohibition necessary? Corrupt or otherwise improper use of an employee's Federal position is already expressly prohibited under Federal law. My legislation leaves this crucial prohibition intact. At the same time, it restores to first-class citizenship some 3 million Americans, who happen to work for the Federal Government.

The drafters of the Hatch Act were legitimately concerned about controlling improper political activity by Federal employees. Nonetheless, we can no longer tolerate legislation that disallows it all—good as well as bad, honest as well as dishonest. Those valid prohibitions that insure against corruption ought to be enforced and those that disenfranchise the Federal employee ought to be abolished.

I enclose the text of the Federal Employees Political Activities Act of 1970 at this point in the RECORD.

The document referred to follows:

H.R.———

A bill to restore to Federal civilian employees their rights to participate, as private citizens, in the political life of the Nation, to protect Federal civilian employees from improper political solicitations, and for other purposes

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Employees' Political Activities Act for 1970".

SEC. 2. Section 7324 of title 5, United States Code, is amended to read as follows:

"§ 7324. Use of official authority or influence to affect elections prohibited; other political activities permitted.

"(a) An employee in an executive agency or an individual employed by the government of the District of Columbia may not use his official authority or influence for the purpose of interfering with or affecting the result of an election.

"(b) An employee or individual to whom subsection (a) of this section applies retains the right to vote as he chooses, to express his opinion on political subjects and candidates, and to take an active part in political management or in political campaigns in his role as a private citizen and without involving his official authority or influence.

"(c) For the purpose of this section, the phrase 'an active part in political management or in political campaigns' includes (1) candidacy for or service as delegate, alternate, or proxy in any political convention or service as an officer or employee thereof; (2) participation in the deliberations of any primary meeting, mass convention or caucus, addressing the meeting, making motions, preparing or assisting in preparing resolutions before the meeting, or taking a prominent part therein; (3) preparing for, or organizing or conducting a political meeting or rally, addressing such a meeting on any partisan political matter, or taking any part therein; (4) membership in political clubs and organizing of such a club, except that no person to whom subsection (a) applies shall hold any club office or receive from the club any compensation; (5) distributing campaign literature and distributing or wearing campaign badges and buttons; (6) publishing or having editorial or managerial connection with any newspaper including those generally known as partisan from a political standpoint, and writing for publication or publishing any letter or article, signed or unsigned, soliciting votes in favor of or against any political party, candidate, or faction, except that no such editorial, letter, or article shall make reference to the writer's official employment or authority; (7) organizing or participating in any political parade; (8) initiating or signing nominating petitions on behalf of a partisan candidate, including canvassing for signatures of others; (9) candidacy for nomination or election to any national, State, county, or municipal office.".

SEC. 3. Section 7326 and 7327 of title 5, United States Code, are repealed.

SEC. 4. (a) Section 7323 of title 5, United States Code, is amended to read as follows:

"§ 7323. Political contributions prohibited; enforcement by Civil Service Commission.

"(a) An emloyee in an executive agency, including an employee appointed by the President, may not request or receive from, or give to, an employee, a Member of Congress, or an officer of a uniformed service a thing of value for political purposes. An employee who violates this section shall be subject to the penalties provided in section 7325 of this title.

"(b) The Civil Service Commission shall process complaints arising under subsection (a) of this section and shall, upon receipt of a complaint alleging facts which constitute a violation of subsection (a), investigate the alleged activity.

"(c) Upon a finding that a violation of subsection (a) of this section has occurred, the Civil Service Commission shall—

"(1) in the case of an employee in the competitive service, impose the appropriate penalty under section 7325;

"(2) in the case of an employee appointed by the President, notify the President, the head of the executive agency in which the employee is employed, and the Congress (A) that a violation of subsection (a) of this section has occurred, and (B) what penalty the Commission has determined is appropriate under section 7325 of this title; and

"(3) refer the case to the attention of the Attorney General for prosecution under section 602 of title 18.".

(b) Section 7325 of title 5, United States Code, is amended by inserting after the words "who violates section" the following: "7323 or".

SEC. 5. Section 602 of title 18, United States Code, is amended by inserting "(a)" before the word "Whoever" and by adding at the end thereof the following new subsection:

"(b) Upon receipt of a finding of illegal activity by the Civil Service Commission under section 7323 of title 5, the Attorney General shall prosecute under subsection (a) of this section, unless he shall determine that no factual basis for prosecution exists or that the cause of justice will not be served by such prosecution. If the Attorney General determines not to prosecute in a case referred to him by the Commission, he shall send to Congress within 60 days a written report describing the nature of the alleged violation and the reasons for not proceeding with the prosecution under subsection (a) of this section.".

A SALUTE TO SOME WHO COMFORT OUR VETERANS

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. WHITEHURST. Mr. Speaker, much has been said recently about conditions in Veterans' Hospitals. Many people have expressed concern for the well-being of our veterans who are patients in these hospitals.

I would like to take this opportunity to commend the staff at Kecoughtan Hospital in Kecoughtan, Va., for the fine care they give our veterans, despite a limited budget.

But most of all I would like to express my admiration for and gratitude to the many fine ladies who give so much of their time and themselves in visiting Kecoughtan to brighten the lives of the patients. I salute them all, and I would like to include with these remarks the verse which is on a card given to each patient by the ladies of Ocean View VFW Post 3160, Ladies Auxiliary, with a dime instead of the cigarettes and candy which they may no longer give.

The remarks follow:

No more cigarettes, no more candy,
So this dime should come in handy,
Toward a phone call, or a knick-knack.
Please enjoy it—we'll be back.

Best wishes!

OCEAN VIEW VFW POST 3160, LADIES AUXILIARY, MILITARY ORDER OF THE COOTIES.

VICTORIES IN THE WAR ON SMUT

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. COLLIER. Mr. Speaker, many of my constituents have indicated their vigorous opposition to the distribution of obscene and pornographic materials and have expressed righteous indignation at the degenerates who traffic in this disgusting business. While I believe their wrath is understandable and justified and while I share their feelings of outrage and disgust, I am inclined to be optimistic about the final outcome of our war on pornography.

We have already won a few battles in that war and I believe we will soon cripple the smut industry as far as it is possible to do so on the national level. Not long after Richard M. Nixon became President, he transmitted to the Congress several legislative proposals that were designed to curb the flow of pornography into the homes of the American people.

Congress responded to the President's recommendations with enthusiasm. Once the House of Representatives had practical legislative measures to consider, its Members responded with near unanimity.

On April 28, H.R. 15693, to exclude from the mails as a special category of nonmailable matter certain material offered for sale to minors and to protect the public from the offensive intrusion into their homes of sexually oriented mail matter, passed by the lopsided margin of 375 to 8. On August 3, H.R. 11032, to prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising, also received an overwhelming vote, 322 to 4.

During the interval between the passage of these two bills, the Senate, during consideration of the Postal Reorganization Act, amended it to include a provision permitting postal patrons to advise the Postal Service that they do not wish to receive sexually oriented advertisements and requiring any person who mails such advertisements to place on the envelope his name, address, and such mark or notice as the Board of Governors of the Postal Service may prescribe. The Senate agreed to the amendment on June 29 by a vote of 83 to 2; it became law through its inclusion in the conference report which was adopted by both bodies and signed by the President.

While it may become necessary to pass more legislation, I am confident that the executive branch is now armed with laws that can be used to put the filth merchants out of business. You may be asking, "What about the Supreme Court?"

With the retirements of Abe Fortas and Earl Warren and the appointments of Warren E. Burger and Harry A. Blackmun, I believe the Supreme Court will become more responsible. While I am not very hopeful that William O. Douglas will be convicted by the Senate, there is always the possibility that he will be shamed into resigning if the House im-

peaches him. The passage of time will soon give Mr. Nixon the opportunity to make one or two more appointments.

Should the Supreme Court hand down more decisions favorable to the smut industry, the Congress can exercise its constitutional prerogative and pass legislation that would limit the Court's appellate jurisdiction. Why should our highest court have to worry about pornographic literature, obscene movies, and filthy plays? Such matters ought to be settled on the State and local levels.

I, for one, am getting sick and tired of hearing about the necessity for Supreme Court guidelines, not only on obscenity, but on school busing for racial balance, on crime, and on numerous other matters. According to the Constitution, the Congress is charged with the responsibility for passing, repealing, and amending laws. Let us exercise that responsibility. Surely 435 Members of the House, representing over 200 million people, and 100 Members of the Senate, representing the 50 States, possess a greater aggregate wisdom than nine members of the Supreme Court.

No matter how vigorously they are enforced, all the laws on the statute books will not put the merchants of obscenity out of business unless the people do their part. Richard M. Nixon's words on the subject bear repeating:

When indecent books no longer find a market, when pornographic films can no longer draw an audience, when obscene plays open to empty houses, then the tide will turn. Government can maintain the dikes against obscenity, but only people can turn back the tide.

MOVE TOWARD PEACE: PRESIDENT NIXON'S CAMBODIA DECISION

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. BROWN of Ohio. Mr. Speaker, our judgment of events as history often differs markedly from our judgment of those same events at the moment of their occurrence. Time gives us the advantage of hindsight and the critical objectivity that comes with historical distance. History also gives us the chance to always side with a winner.

President Nixon's decision to send troops into Vietcong sanctuaries in Cambodia is now history. And even at this early date—when the passions it raised have hardly had time to cool—the decision is being given a second look, and this time its getting better reviews than it did in the chaotic month of May following the President's announcement of his decision.

Instead of making the President a maligned warmonger, the Cambodian move is now furthering his reputation as a shrewd peace strategist. For there are few who would dispute the conclusion that our activities in Cambodia dealt a severe blow to the enemy's ability to make war, and that the long-range result will be, instead of a widening and prolonging of the war as many earlier complained, an abbreviation of American involvement. I would like to put into the record two recent reassessments of President Nixon's Cambodian decision, one from the Dayton Daily News and the other from the New York Times. Neither could be adjudged an organ of apology for Mr. Nixon.

There is a larger lesson to be learned from the history of the President's action. President Nixon knew when he made it that his decision would be extremely unpopular; he knew that, politically, it could have meant disaster, both personally and to his party, had it been a failure. It was the kind of move in which the variables are so numerous and unpredictable, and the stakes so high, that the man in the center could only emerge as hero or zero.

Nevertheless, the President made the tough, hard decision that had to be made. He took upon himself all the fury he knew it would bring, because he believed the final outcome would bring us closer to peace.

Of course, being on the hot spot is the President's job—it is part of the territory, so to speak, and Mr. Nixon knows the territory. But men react differently under pressure, and many in the same situation might not have dared public outrage to follow their own best judgment. It is time now to give the President his due for his courage in doing what all men in public life must: listen to the facts and weigh the alternatives, and then lead.

The article and editorial referred to follow:

[From the New York Times, Sept. 6, 1970]

FOE'S ABILITY TO WAGE WAR FOUND SHARPLY CURTAILED

(By James P. Sterba)

SAIGON, SOUTH VIETNAM, September 5.—With fighting at a low level, high-ranking Americans here are standing by early assessments that the allied thrust into Cambodia severely weakened North Vietnam's ability to wage anything more than token warfare in the southern half of South Vietnam for the rest of this year.

These Americans, both military and civilian officials, base their assessments on the allied disruption of North Vietnam's administrative and supply network in Cambodia during May and June.

They assert that the cross-border operation, combined with Vietnamization, insures the continued withdrawal of American forces from the Saigon area without serious setbacks.

BIG CLASHES AVOIDED

While the balance of forces remains unchanged in the northern provinces, it has been radically altered in the south by the Cambodian venture. In Military Region III—the 11 provinces around Saigon, where 35 per cent of the American manpower in South Vietnam is concentrated—there has not been a ground clash of any consequence since April.

Prior to the Cambodian operations, allied main forces were confronted with three North Vietnamese army divisions along the border plus an array of independent North Vietnamese and Vietcong regiments and battalions within the region. Now, most of the North Vietnamese divisional units are engaged in Cambodia against Cambodian and South Vietnamese forces.

The units remaining within Military Region III have found their supply networks disrupted and have gone into hiding, taking pains to avoid clashes. An inability to find and fight these units has proved frustrating. One American military analyst described the situation in the provinces north of Saigon this way.

"We've got nobody to fight. For the most part, the enemy's administrative and supply network is dead. And there is very little evidence that they are trying to move supplies back in or get themselves back together around here."

DAMAGE IS ASSESSED

One American commander said small groups of enemy soldiers had returned to their old Cambodian base areas to assess the damage and see how much material the allied forces missed. He added that messengers had been able to re-establish contact with some isolated units within the Saigon area, but that only dribbles of ammunition have been carried into the country since the incursion into Cambodia.

"They could still put on a show around here," another commander said. "They had a two or three-month stock of ammunition in place inside South Vietnam before we went into Cambodia and could use it in some kind of minispectacular like pounding a fire base or surrounding a special forces camp.

"They could pump some rockets into Saigon or turn a few dozen sappers loose here and there with satchel charges and grenades. And it'll make big headlines, which is what they're after. But everybody forgets what six guys can do with two bombs in New York City."

Directives from Hanoi, even prior to the Cambodia operations, have called on its forces to revert more and more away from main-force warfare and back to an early phase of guerrilla warfare designed to erode Government gains in the last two years. Thus, some officials see a decrease in main-force confrontation as a result of both enemy weakness and enemy design.

NO EVIDENCE OF PROGRESS

There is little measurable evidence that the guerrilla strategy is making progress.

"What we find is that incidents of terrorism, kidnappings, attempts at recruiting and so forth—the kinds of things that they should be doing to reassert themselves—have stayed about the same here," said one leading American pacification adviser.

"One of our problems is that all we measure is violence," he added, "and, of course, it is the things we don't measure that worry us."

Yet even if the Communists concentrate their efforts in a form of silent insurgency, most officials forecast serious problems for them in the southern half of the country, because of the gains made by the Government.

After the enemy's 1968 Tet offensive, nearly half the population in Military Region III was firmly under Vietcong control. As of mid-August this year, according to pacification indices there were no totally controlled Vietcong villages left in the region, out of 383, only 21 are rated as contested.

VIETCONG INCIDENTS RARE

What officials point to with pride is a statistic that shows that 88 per cent of the rural population in the region live in hamlets and villages in which Vietcong incidents are found to be rare.

"How the other side could have allowed this to happen is beyond me," said one adviser. "There's a hell of a lot of peace out there which is all the peasants care about anyway. What you have is a situation where more and more the Vietcong are the disturbers of the peace."

This, he added, is the reverse of the situation two or three years ago, when Saigon Government forces, entering Vietcong-controlled areas, were the disturbers of the peace.

The relationship of Cambodia to this equation, the officials say, is obvious. They assert that the longer Hanoi is occupied there, the more time Saigon has to build up and stabilize its control on this side of the border.

[From the Ohio Republican News, Aug. 28, 1970]

IN RETROSPECT: CAMBODIA WAS SUCCESSFUL

(By Jim Fain, Editor, Dayton Daily News)

Remember the uproar about the Cambodian invasion: It rocked our nation, helped to cause campus disorders and brought dovish congressmen screaming to their feet in Washington. It was a disastrous mistake, all the critics of the Vietnamese war seemed to agree.

Yet, in retrospect, it seems so successful a maneuver that it is difficult to understand how anyone could question it except those who support a military victory for the North Vietnamese in Southeast Asia.

Aside from the unfortunate political upheaval here and in Europe, what exactly have been the results of the Cambodian invasion?

(1) The enemy supply and reinforcement routes along the Ho Chi Minh trail were severely disrupted, with a drastic lessening of enemy combat capability in South Vietnam, especially in Tay Ninh province, in War Zone C which supplied enemy troops for attacks on the Saigon area and in the Saigon area itself. As a result, South Vietnamese troops have taken over defense responsibilities in all these areas, freeing further U.S. troops for shipment home.

(2) Seaborne supply and reinforcement of North Vietnamese and Viet Cong troops in the southern Delta of Vietnam have been virtually eliminated, bringing almost to an end enemy activity in that part of Vietnam. Pacification in what once was a VC stronghold is now far along and the Delta is considered relatively secure. This is both the most productive (rich rice-producing) and most populous part of South Vietnam.

(3) The level of violence of the entire war in South Vietnam has been lowered as a consequence of the reduction in enemy offensive capabilities, reducing casualty figures to the lowest since 1964.

(4) The morale and efficiency of South Vietnamese forces have been dramatically raised, both through increased training as combat has lessened and through the confidence gained from field successes against North Vietnamese in Cambodia.

Perhaps the most telling instance occurred late last week when 5,000 South Vietnamese coordinated and conducted raids against the Viet Cong infrastructure in a wide area south of Danang, long a hotbed for VC influence. They killed some 125 enemy, including the area VC chief, and captured 125 more.

This all indicated improved South Vietnamese intelligence, effective counter-intelligence—in that the operation was kept secret—and operational efficiency. The whole affair was carried out by Vietnamese militia, not rgular troops, and with only token U.S. logistical support.

As of the moment, the North Vietnamese seem capable of offensive actions only along the demilitarized zone, where they can fall back on interior supply and communications lines, and especially at the western edge, near Laos. Even there, they are hurting from B–52 raids and the Russians are applying pressure on the Laotian government to ask that these be discontinued.

The Lon Nol government has not fallen, despite the dire predictions of those who opposed the invasion. It may yet. It has few combat resources and North Vietnam can knock it out if Hanoi desires to do so. Hanoi may refuse the option. There would not be any great advantage in spreading out its troops to administer Cambodia.

Even if Hanoi takes over Cambodia, it will have nothing like the advantage it held there when Sihanouk ruled. Then the allies respected Cambodia as a sanctuary. They did not bomb Sihanoukville, though it was notorious as the supply port for the enemy in the South Vietnamese Delta.

They did not raid the Ho Chi Minh trail with ground troops. There is nothing to restrain South Vietnam from such countermeasures in the future.

The Cambodian invasion has bought time for Vietnamization and has accelerated the process. It has given South Vietnam a combat lull. It has reduced allied casualties. It has improved the Vietnamese chance to hold out in the future.

South Vietnam may yet fall, once we are out of the picture. Her eventual prospects are risky at best. But Cambodia helped them, at very little cost. In retrospect, our only mistakes were in too tightly constricting both the time and the geography of our intervention. Those constraints came because of domestic political considerations.

In all other respects, the operation was successful. The Nixon administration should be supported for what it did in Cambodia. In fact, it should have been criticized severely had it failed to grasp the opportunity the ouster of Sihanouk suddenly presented.

THE BOCA CIEGA CASE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert into the CONGRESSIONAL RECORD the opinion of the U.S. Court of Appeals for the Fifth Circuit in Case No. 27555, Zabel et al., against Resor and the United States of America, et al., dated July 16, 1970, sometimes referred to as the Boca Ciega case.

I insert the text of this opinion in the CONGRESSIONAL RECORD so that my colleagues may have an opportunity to be familiar with its content and to assure that it will be available to conservationists and other persons interested in preservation of natural resources.

The opinion upholds an agreement between the Secretary of the Army and the Secretary of the Interior under which it is provided that the Army Corps of Engineers, in effect, shall not approve dredging and filling permits to which the Department of the Interior objects on the basis of conservation or fish and wildlife values.

The opinion follows:

[In the U.S. Court of Appeals for the Fifth Circuit, No. 27555]

ALFRED G. ZABEL AND DAVID H. RUSSELL, PLAINTIFFS-APPELLEES *v.* R. P. TABB, COLONEL, CORPS OF ENGINEERS, DISTRICT ENGINEER, DEPARTMENT OF THE ARMY, JACKSONVILLE, FLORIDA, DISTRICT; STANLEY R. RESOR, SECRETARY OF THE ARMY; AND UNITED STATES OF AMERICA, DEFENDANTS-APPELLANTS

Appeal from the U.S. District Court for the Middle District of Florida

(July 16, 1970)

Before BROWN, Chief Judge, TUTTLE and MORGAN, Circuit Judges.

BROWN, Chief Judge: It is the destiny of the Fifth Circuit to be in the middle of great, oftentimes explosive issues of spectacular public importance. So it is here as we enter in depth the contemporary interest in the preservation of our environment. By an injunction requiring the issuance of a permit to fill in eleven acres of tidelands in the beautiful Boca Ciega Bay in the St. Petersburg-Tampa, Florida area for use as a commercial mobile trailer part, the District Judge held that the Secretary of the Army and his functionary, the Chief of Engineers, had no power to consider anything except interference with navigation. There being no such obstruction to navigation, they were ordered to issue a permit even though the permittees acknowledge that "there was evidence before the Corps of Engineers sufficient to justify an administrative agency finding that [the] fill would do damage to the ecology or marine life on the bottom." We hold that nothing in the statutory structure compels the Secretary to close his eyes to all that others see or think they see. The establishment was entitled, if not required, to consider ecological factors and, being persuaded by them, to deny that which might have been granted routinely five, ten, or fifteen years ago before man's explosive increase made all, including Congress, aware of civilization's potential destruction from breathing its own polluted air and drinking its own infected water and the immeasurable loss from a silent-spring-like disturbance of nature's economy. We reverse.

I. GENESIS: THE BEGINNING

In setting the stage we draw freely on the Government's brief. This suit was instituted by Landholders, Zabel and Russell, on May 10, 1967, to compel the Secretary of the Army to issue a permit to dredge and fill in the navigable waters of Boca Ciega Bay, in Pinellas County near St. Petersburg, Florida. On August 15, 1967, the United States and its officers, Defendants-Appellants, filed a motion to dismiss the suit for lack of jurisdiction which was denied. The United States and other defendants then answered the complaint alleging lack of jurisdiction and that the Court lacks power to compel a discretionary act by the Secretary of the Army. The United States and other defendants moved for summary judgment. Landholders, Zabel and Russell, also moved for summary judgment. After a hearing, the District Court, on February 17, 1969, granted summary judgment for Landholders and directed the Secretary of the Army to issue the permit. It granted a stay of execution of the judgment until this appeal could be heard and decided. We invert the summary judgments, reversing Appellees and rendering judgment for the United States.

Landholders own land riparian to Boca Ciega Bay and adjacent land underlying the Bay. It is navigable water of the United States, being an arm of Tampa Bay which opens into the Gulf of Mexico. The Zabel and Russell property is located about one mile from the Intracoastal Waterway.

Landholders desire to dredge and fill on their property in the Bay for a trailer park, with a bridge or culvert to their adjoining upland. To this purpose they first applied to the state and local authorities for permission to perform the work and obtained the consent or approval of all such agencies having jurisdiction to prohibit the work, namely Pinellas County Water and Navigation Control Authority (which originally rejected permission, but ultimately issued a permit pursuant to state Court order),[1] Trustees of the Internal Improvement Fund of the State of Florida, Central and South Florida Food Control District, and Board of Pilot Commissioners for the Port of St. Petersburg.

Landholders then applied to the Corps of Engineers for a federal permit to perform the dredging and filling. The Pinellas County Water and Navigation Control Authority (which originally rejected permission, but ultimately issued a permit pursuant to state Court order) continued to oppose the work as did the Board of County Commissioners of Pinellas County, who also comprise the Pinellas County Water and Navigation Control Authority, the County Health Board of Pinellas County, the Florida Board of Conservation, and about 700 individuals who filed protests. The United States Fish and Wildlife Service, Department of the Interior, also opposed the dredging and filling because

Footnotes at end of article.

it "would have a distincly harmful effect on the fish and wildlife resources of Boca Ciega Bay."

A public hearing was held in St. Petersburg in November, 1966, and on December 30, 1966, the District Engineer at Jacksonville, Florida, Colonel Tabb, recommended to his superiors that the application be denied. He said that "The proposed work would have no material adverse effect on navigation"[2] but that:

"Careful consideration has been given to the general public interest in this case. The virtually unanimous opposition to the proposed work as expressed in the protests which were received and as exhaustively presented at the public hearing have convinced me that approval of the application would not be in the public interest. The continued opposition of the U.S. Fish & Wildlife Service despite efforts on the part of the applicants to reduce the extent of damage leads me to the conclusion that approval of the work would not be consistent with the intent of Congress as expressed in the Fish & Wildlife Coordination Act, as amended, 12 August 1958. Further, the opposition of the State of Florida and of county authorities as described in paragraph 5 above gives additional support to my conclusion that the work should not be authorized."

The Division Engineer, South Atlantic Division, Atlanta, Georgia, concurred in that recommendation stating: "In view of the wide spread opposition to the proposed work, it is apparent that approval of the application would not be in the public interest." The Chief of Engineers concurred for the same reasons. Finally, the Secretary of the Army denied the application on February 28, 1967, because issuance of the requested permit:

1. Would result in a distinctly harmful effect on the fish and wildlife resources in Boca Ciega Bay,

2. Would be inconsistent with the purposes of the Fish and Wildlife Coordination Act of 1958, as amended (16 U.S.C. 662),

3. Is opposed by the Florida Board of Conservation on behalf of the State of Florida, and by the County Health Board of Pinellas County and the Board of County Commissioners of Pinellas County, and

4. Would be contrary to the public interest.

Landholders then instituted suit to review the Secretary's determination and for an order compelling him to issue a permit. They urged that the proposed work would not hinder navigation and that the Secretary had no authority to refuse the permit on other grounds. They acknowledged that "there was evidence before the Corps of Engineers sufficient to justify an administrative agency finding that our fill would do damage to the ecology or marine life on the bottom." The Government urged lack of jurisdiction and supported the denial of the permit on authority of § 10 of the Rivers and Harbors Act of March 3, 1899, 30 Stat. 1121, 1151, 33 U.S.C.A. § 403, giving the Secretary discretion to issue permits and on the Fish and Wildlife Coordination Act of March 10, 1934, 48 Stat. 401, as amended, 16 U.S.C.A. §§ 661 and 662 (a), requiring the Secretary to consult with the Fish and Wildlife Service and state conservation agencies before issuing a permit to dredge and fill.

The District Court held that it had jurisdiction, that the Fish and Wildlife Coordination Act was not authority for denying the permit, and that:

"The taking, control or limitation in the use of private property interests by an exercise of the police power of the government or the public interest or general welfare should be authorized by legislation which clearly outlines procedure which comports to all constitutional standards. This is not the case here.

"As this opinion is being prepared the Congress is in session. Advocates of conservation are both able and effective. The way is open to obtain a remedy for future situations like this one if one is needed and can be legally granted by the Congress."

The Court granted summary judgment for Landholders and directed the Secretary of the Army to issue the permit. This appeal followed.

The question presented to us is whether the Secretary of the Army can refuse to authorize a dredge and fill project in navigable waters for factually substantial ecological reasons even though the project would not interfere with navigation, flood control, or the production of power. To answer this question in the affirmative, we must answer two intermediate questions affirmatively. (1) Does Congress for ecological reasons have the power to prohibit a project on private riparian submerged land in navigable waters? (2) If it does, has Congress committed the power to prohibit to the Secretary of the Army?

II. CONSTITUTIONAL POWER

The starting point here is the Commerce Clause[3] and its expansive reach. The test for determining whether Congress has the power to protect wildlife in navigable waters and thereby to regulate the use of private property for this reason is whether there is a basis for the Congressional judgment that the activity regulated has a substantial effect on interstate commerce. *Wickard v. Filburn*, 1942, 317 U.S. 111, 125, 63 S.Ct. 82, —, 87 L.Ed. 122, 135. That this activity meets this test is hardly questioned.[4] In this time of awakening to the reality that we cannot continue to despoil our environment and yet exist,[5] the nation knows, if Courts do not, that the destruction of fish and wildlife in our estuarine waters does have a substantial, and in some areas a devastating, effect on interstate commerce. Landholders do not contend otherwise. Nor is it challenged that dredge and fill projects are activities which may tend to destroy the ecological balance and thereby affect commerce substantially. Because of these potential effects Congress has the power to regulate such projects.

III. RELINQUISHMENT OF THE POWER

Landholders do not challenge the existence of power. They argue that Congress in the historic compromise over the oil rich tidelands controversy abandoned its power over other natural resources by the relinquishment to the states in the Submerged Lands Act.[6] By it they urge the Government stripped itself of the power to regulate tidelands property except for purposes relating to (i) navigation, (ii) flood control, and (iii) hydroelectirc power. This rests on the expressed Congressional reservation of control for these three purposes over the submerged lands, title to and power over which Congress relinquished to the States.[7]

The argument assumes that when Congress relinquished title to the land and the right and power to manage and use the land, it relinquished its power under the commerce clause that reservation of these three enumerated aspects of the commerce power implied that Congress gave up its plenary power over the myriad other aspects of commerce. See, e.g., *Heart of Atlanta Motel, Inc.* v. *United States*, 1964, 379 U.S. 241, 58 S.Ct. 348, 13 L.Ed.2d. 258; *Katzenbach* v. *McClung*, 1964, 379 U.S. 294, 85 S.Ct. 377, 13 L.Ed.2d 290.

A nice argument can be contrived that the net effect of these provisions was to vest in the adjacent states [1] title in these tidelands and their natural resources and [2] [a] the exclusive power to use, exploit and manage these lands [b] only subject to the reserved power of the Federal government regarding (i) navigation, (ii) flood control, and (iii) production of power. Certainly, this brief synopsis of (1) and (2) (a) is the literal import of § 1311 (a) (1) (2). Likewise, the reservation summarized as (2) (b) is literally specified in § 1311 (d). On this approach, the Federal Government turned over to adjacent states the full management and use of the tidelands reserving only those limited powers over commerce comprehended within the three particulars.

But this argument ignores both language found elsewhere and the legislative purpose of the Act. The controversy, often pressed with emotional overtones, was over oil and gas and whether the states were to reap the economic benefits of development royalties and to regulate the exploration and development or whether these benefits and these controls were to be exercised by the Federal Government as an adjunct of then newly declared "paramount rights", *United States* v. *California*, 1947, 332 U.S. 804, 805, 68 S.Ct. 20, ——, 92 L.Ed. 382, 383. The Act and this relinquishment reflect the legislative compromise found in the combination of the Submerged Lands Act and the Outer Continental Shelf Act.[8] The adjacent States were to be the "owner" of the resources and reap exclusively the economic benefits of resources in the tidelands and have full control over management and exploitation. The Federal government, on the other hand, was given exclusive ownership and control visa-vis the states in the Outer Continental Shelf.

Although it was easy to make this division, the nature of the physical area of the controversy presented immediate operational problems growing out of the water. The Federal government's traditional concern with navigation, especially on the high seas, its later but then quite extensive concern in flood control, hydroelectric power production, and the frequent combination of both under grandiose projects of a Corps of Engineers, raised specific problems calling for accommodation of the (i) sweeping Federal divestiture and (ii) the continued fulfillment of the Federal government's role in these activities. Thus, for example, the states' exclusive right to grant exploration privileges, determine the location and spacing of development wells or drilling platforms posed prospects of maritime hazards. Without imposing its own notions of how development ought to be conducted, restricted, expanded, or controlled, the Federal government had to have, and reserved expressly this power even to prohibit a drilling rig platform at a particular location. These specific reservations eliminated these frequent and extensive activities as a source of further state versus national controversy.

Whatever remaining doubt there might be on this reading was expressly eliminated by language in § 1314 (a) which specifically retains in the Federal government "all of its * * * rights in and powers of regulation and control of said lands and * * * waters for the constitutional purposes of commerce * * *" 43 U.S.C.A. § 1314 (a).[9] This section, which encompasses and pervades the entire Act, makes it clear that Congress intended to and did retain all its constitutional powers over commerce and did not relinquish certain portions of the power by specifically reserving others.[10]

All of this is additionally borne out by the legislative history" and *United States* v. *Rands*, 1967, 389 U.S. 121, 127, 88 S.Ct. 265, ——, 19 L.Ed.2d 329, 335:

"Finally, respondents urge that the Government's position subverts the policy of the Submerged Lands Act, which confirmed and vested in the States title to the lands beneath navigable waters within their boundaries and to natural resources within such lands and waters, together with the right and power to manage, develop, and use such lands and natural resources. However, reliance on that Act is misplaced, for it expressly recognized that the United States re-

Footnotes at end of article.

tained all its navigational servitude and rights in and powers of regulation and control of said lands and navigable waters for the constitutional purposes of commerce, navigation, national defense, and international affairs, all of which shall be paramount to, but shall not be deemed to include, proprietary rights of ownership . . . . Nothing in the Act was to be construed as the release or relinquishment of any rights of the United States arising under the constitutional authority of Congress to regulate or improve navigation, or to provide for flood control, or the production of power. The Act left congressional power over commerce and the dominant navigational servitude of the United States precisely where it found them."

Congress clearly has the power under the Commerce Clause to regulate the use of Landholders' submerged riparian property for conservation purposes and has not given up this power in the Submerged Lands Act.

IV. PROHIBITING OBSTRUCTIONS TO NAVIGATION

The action of the Chief of Engineers and the Secretary of the Army under attack rests immediately on the Rivers and Harbors Act, 33 U.S.C.A. § 403, which declares that "the creation of any obstruction *** to the navigable capacity of any of the waters of the United States is prohibited." [12] The Act covers both building of structures and the excavating and filling in navigable waters. It is structured as a flat prohibition *unless*—the unless being that issuance of approval by the Secretary after recommendation of the Chief of Engineers.[13] The Act itself does not put any restrictions on denial of a permit or the reasons why the Secretary may refuse to grant a permit to one seeking to build structures on or dredge and fill his own property. Although the Act has always been read as tempering the outright prohibition by the rule of reason against arbitrary action, the Act does flatly forbid the obstruction. The administrator may grant permission on conditions and conversely deny permission when the situation does not allow for those conditions.

But the statute does not prescribe either generally or specifically what those conditions may be. The question for us is whether under the Act the Secretary may include conservation considerations as conditions to be met to make the proposed project acceptable. Until now there has been no absolute answer to this question. In fact, in most cases under the Rivers and Harbors Act the Courts have been faced only with navigation problems." See, e.g., *Sanitary Dist. v. United States*, 1925, 266 U.S. 405, 45 S.Ct. 176, 69 L.Ed. 352; *Wisconsin v. Illinois*, 1929, 278 U.S. 367, 49 S.Ct. 163, 73 L.Ed. 426; *United States v. Republic Steel Corp.*, 1960, 362 U.S. 482, 80 S.Ct. 884, 4 L.Ed.2d 903.

One very big exception is *United States ex rel. Greathouse* v. *Dern*, 1933, 289 U.S. 352, 53 S. Ct. 614, 77 L. Ed. 1250. There petitioners sought a writ of mandamus to compel the Secretary of War and the Chief of Engineers to issue a permit to build a wharf in navigable waters. The Secretary, specifically finding that it would not interfere with navigation, denied the permit. The Supreme Court held that mandamus would not issue because the allowance of mandamus "is controlled by equitable principles * * * and it may be refused for reasons comparable to those which would lead a Court of equity, in the exercise of a sound discretion, to withhold its protection of an undoubted legal right." The reason was that the United States had plans to condemn petitioners' land for use as a means of access to a proposed parkway. Allowing a wharf to be built would increase the expense to the government since it would increase the market value of the land and would require the government to pay for tearing down the wharf. The importance of *Greathouse* is that it recognized that the Corps of Engineers does not have to wear navigational blinders when it considers a permit request. That there must be a reason does not mean that the reason has to be navigability.

Another case holds that the Corps has a duty to consider factors other than navigational. *Citizens Committee for the Hudson Valley v. Volpe*, S.D.N.Y., 1969, 302 F.Supp. 1083, aff'd., 2 Cir., 1970 —— F.2d —— [No. 428–33, April 16, 1970]. There the District Court held that the Corps must consider a fill project in the context of the entire expressway project of which it was a part rather than just considering the fill and its effect on navigation. The reasoning was that the approval of the Secretary of Transportation was necessary before a proposed causeway could be constructed. The causeway, along with the fill, was an integral part of the expressway project. However, if the Corps and Secretary of the Army approved the fill and the State completed it, the Secretary of Transportation, considering the enormous expense of the fill, would have no choice, other than approving the causeway. The Army thus had exceeded its authority in approving the fill on only navigational considerations since approval of the fill was effectually approval of the causeway.[15]

But such circuitry is not necessary. Governmental agencies in executing a particular statutory responsibility ordinarily are required to take heed of, sometimes effectuate and other times not thwart other valid statutory governmental policies. And here the government-wide policy of environmental conservation is spectacularly revealed in at least two statutes. The Fish and Wildlife Coordination Act [16] and the National Environmental Policy Act of 1969.[17]

The Fish and Wildlife Coordination Act [18] clearly requires the dredging and filling agency (under a governmental permit), whether public or private, to consult with the Fish and Wildlife Service,[19] with a view of conservation of wildlife resources. If there be any question as to whether the statute directs the licensing agency (the Corps) to so consult it can quickly be dispelled. Common sense and reason dictate that it would be uncongruous for Congress, in light of the fact that it intends conservation to be considered in private dredge and fill operations (as evidenced by the clear wording of the statute), not to direct the only federal agency concerned with licensing such projects both to consult and to take such factors into account.

The second proof that the Secretary is directed and authorized by the Fish and Wildlife Coordination Act to consider conservation is found in the legislative history. The Senate Report on the Fish and Wildlife Coordination Act states:

"Finally, the nursery and feeding grounds of valuable crustaceans, such as shrimp, as well as the young of valuable marine fishes, may be affected by dredging, filling, and diking operations often carried out to improve navigation and provide new industrial or residential land.

* * * * *

"Existing law has questionable application to projects of the Corps of Engineers for the dredging of bays and estuaries for navigation and filling purposes. More seriously, existing law has no application whatsoever to the dredging and filling of bays and estuaries by private interests or other non-Federal entities in navigable waters under permit from the Corps of Engineers. This is a particularly serious deficiency from the standpoint of commercial fishing interests. The dredging of these bays and estuaries along the coastlines to aid navigation and also to provide land fills for real estate and similar developments, both by Federal agencies or other agencies under permit from the Corps of Engineers, has increased tremendously in the last 5 years. Obviously, dredging activity of this sort has a profound disturbing effect on aquatic life, including shrimp and other species of tremendous significance to the commercial fishing industry. The bays, estuaries, and related marsh areas are highly important as spawning and nursery grounds for many commercial species of fish and shellfish." [20]

S. Rep. No. 1931, 85th Cong. 2d Sess. (July 28, 1958). 1958 U.S.C.C. & A.N. 3446, 3448, 3450. This Report clearly shows that Congress intended the Chief of Engineers and Secretary of the Army to consult with the Fish and Wildlife Service before issuing a permit for a private dredge and fill operation.

This interpretation was judicially accepted in *Udall* v. *FPC:*

"Section 2(a), 16 USC § 662(a), provides that an agency evaluating a license under which the waters of any stream or other body of water are proposed . . . to be impounded first shall consult with the United States Fish and Wildlife Service, Department of the Interior . . . with a view to the conservation of wildlife resources by preventing loss of and damage to such resources. . . . Certainly the wildlife conservation aspect of the project must be explored and evaluated."

1967, 387 U.S. 428, 443–44, 87 S.Ct. 1712, ———, 18 L.Ed.2d 869, 879.

The meaning and application of the Act are also reflected by the actions of the Executive that show the statute authorizes and directs the Secretary to consult with the Fish and Wildlife Service in deciding whether to grant a dredge and fill permit.

In a Memorandum of Understanding [21] between the Secretary of the Army and the Secretary of the Interior, it is provided that, upon receipt of an application for a permit to dredge or fill in navigable waters, the District Engineer of the Corps of Engineers concerned is required to send notices to all interested parties, including the appropriate Regional Directors of the Federal Water Pollution Control Administration, the Fish and Wildlife Service, the National Park Service and the appropriate state conservation, resources, and water pollution agencies. The District Engineer is given the initial responsibility of evaluating all relevant factors in reaching a decision as to whether the particular permit involved should be granted or denied. The Memorandum also provides that in case of conflicting views the ultimate decision shall be made by the Secretary of the Army after consultation with the Secretary of the Interior.

This Executive action has almost a virtual legislative imprimatur from the November 1967 Report of the House Committee on Merchant Marine and Fisheries, in reporting favorably on a bill [22] to protect estuarine areas which was later enacted into law.[23] As a result of the effective operation of the Interdepartmental Memorandum of Understanding, the Interior Department and the Committee concluded that it was not necessary to provide for dual permits from Interior and Army.

The intent of the three branches has been unequivocally expressed: The Secretary must weigh the effect a dredge and fill project will have on conversation before he issues a permit lifting the Congressional ban.

The parallel of momentum as the three branches shape a national policy gets added impetus from the National Environmental Policy Act of 1969, Public Law 91–190, 42 U.S.C.A. §§ 4331–47. This Act essentially states that every federal agency shall consider ecological factors when dealing with activities which may have an impact on man's environment.[24]

Although this Congressional command was not in existence at the time the permit in question was denied, the correctness of that decision must be determined by the appli-

Footnotes at end of article.

cable standards of today. The national policy is set forth in plain terms in § 101 and the disclaimer of § 104(3) neither affects it nor the duty of all departments to consider, consult, collaborate and conclude. For we hold that while it is still the action of the Secretary of the Army on the recommendation of the Chief of Engineers, the Army must consult with, consider and receive, and then evaluate the recommendations of all of these other agencies articulately on all these environmental factors. In rejecting a permit on non-navigational grounds, the Secretary of the Army does not abdicate his sole ultimate responsibility and authority. Rather in weigh weighing the application, the Secretary of the Army is acting under a Congressional mandate to collaborate and consider all of these factors.[25]

To judge the ebb and flow of the national tide, he can look to the Report of the House Committee on Government Operations. Although this perhaps lacks traditional standing of legislative history, it certainly has relevance somewhat comparable to an Executive Commission Report. On March 17, 1970, it approved and adopted a Report,[26] based on a study made by its Conservation and Natural Resources Subcommittee, entitled *Our Waters and Wetlands: How the Corps of Engineers Can Help Prevent Their Destruction and Pollution.* (H. Rep. 91–917, 91st Cong. 2d Sess. (1970)) The first section stifles any doubt as to how this part of Congress construes the Corps' duty under the Rivers and Harbors Act. The section traces the historical interpretation of the Corps' power under the Rivers and Harbors Act. It commends the Corps for recognizing ecological considerations under the Act to protect against unnecessary fills and cites the instant case.[27] But following the temper of the times, the port by bold face black type cautions against any easy overconfidence and charges the Corps with ever-increasing vigilance.[28]

When the House Report and the National Environmental Policy Act of 1969 are considered together with the Fish and Wildlife Coordination Act and its interpretations, there is no doubt that the Secretary can refuse on conservation grounds to grant a permit under the Rivers and Harbors Act.

V. DUE PROCESS

Landholders next contend that the denial of a permit without a hearing before the Fish and Wildlife Service is a deprivation of property without due process of law. Administrative law requires that before an agency can regulate a party, it must allow that party to be heard. Here, Landholders were given such a hearing before the Corps of Engineers, the body empowered to grant or deny a permit. They were not entitled to a hearing before the Fish and Wildlife Service because it is not "the one who decides." *Morgan* v. *United States*, 1935, 289 U.S. 468, 481, 56 S.Ct. 906, 912, 80 L.Ed. 1288, 1295. They were allowed to rebut the findings and conclusions of the Fish and Wildlife Service before the deciding body and thus were not denied due process for lack of a hearing.

VI. TAKING WITHOUT COMPENSATION

Landholders' last contention is that their private submerged property was taken for public use without just compensation. They proceed this way: (i) the denial of a permit constitutes a taking since this is the only use to which the property could be put; (ii) the public use is as a breeding ground for wildlife; and (iii) for that use just compensation is due.

Our discussion of this contention begins and ends with the idea that there is no taking. The waters and underlying land are subject to the paramount servitude in the Federal government which the Submerged Lands Act expressly reserved as an incident of power incident to the Commerce Clause. (See Part II *supra*).

VII. CONCLUSION

Landholders' contentions fail on all grounds. The case is reversed and since there are no questions remaining to be resolved by the District Court, judgment is rendered for the Government and the associated agent-defendants.

Reversed and Rendered.

FOOTNOTES

[1] The Authority's denial of a permit was affirmed by the Florida District Court of Appeal in Zabel v. Pinellas County Water & Navigation Control Authority, Fla. Ct. App., 1963 154 So.2d 181. The Supreme Court of Florida reversed that decision because Zabel had been required by the Authority to show that there would be no adverse effect on the public interest, rather than the burden of adverse effect being placed on the Authority. It held that on this record there was insufficient showing of adverse effect, so that denial of a permit would be a taking of property without compensation. It said (p. 381). "In view of the foregoing, the decision appealed from is quashed and the cause remanded for disposition consistent herewith." Zabel v. Pinellas County Water & Nav. Con. Auth., Fla., 1965, 171 So.2d 376. Against the Authority's contention that this ruling intended further proceedings on the application, to accord it a chance to establish adverse effect, the District Court of Appeal directed issuance of a permit, Pinellas County Water & Nav. Con. Auth. v. Zabel, Fla. Ct. App., 1965, 179 So.2d 370.

[2] There was evidence both that it would aid navigation and that it would obstruct navigation. There was similar evidence on pollution.

[3] "The Congress shall have power to regulate Commerce with foreign nations, and among the several states, and with the Indian Tribe." U.S. Const. Art. I, § 8, Cl. 3.

[4] Landholders cite Weber v. State Harbor Comm'rs, 1873, 85 U.S. (18 Wall.) 65, 21 L.Ed. 798 and United States v. River Rouge Improvement Co., 1926, 269 U.S. 411, 46 S.Ct. 144, 70 L.Ed. 339 as limiting the power of the Federal Government over navigable waters to control for navigational purposes. Not surprisingly, the narrow view these cases take of the commerce clause is pre-United States v. Darby, 1941, 312 U.S. 100, 61 S.Ct. 451, 85 L.Ed. 609.

[5] Complete documentation of the concern over environmental problems would surely be voluminous, but it is indirectly evidenced by the amount of very recent legal activity. See National Environmental Policy Act of 1969. Pub. Law 91–190 (Jan. 1, 1970), *infra* note 24; *Our Waters and Wetlands; How the Corps of Engineers Can Help Prevent Their Destruction and Pollution*, H. Rep. 91–917, 91st Cong. 2d Sess, March 18, 1970, *infra* text at note 26; Executive Order 11507, Feb. 4, 1970, 38 L.W. 2436; United States v. Ray, 5 Cir., 1970, F.2d [No. 27888, Jan. 22, 1970]; E. B. Elliott Advertising Co. v. Hill, 5 Cir., 1970, F.2d [No. 27589, April 3, 1970]; Citizens Committee for the Hudson Valley v. Volpe, S.D.N.Y., 1969, 302 F. Supp. 1083, aff'd, 2 Cir., 1970, F.2d [No. 428–33, April 16, 1970]; National Advertising Co. v. Monterey, Calif., 1970, Calif. Rptr. [38 L.W. 2433, Jan. 30, 1970; MacGibbon v. Duxbury Board of Appeals, Mass., 1970, N.E.2d [38 L.W. 2429, Jan. 29, 1970]; California v. SS Bournemouth, C.D. Cal., 1969, 307 F. Supp. 922; Creation of ABA Special Committee on Environmental Quality, 15 Am. Bar News No. 3, March 1970.

[6] 43 U.S.C.A. § 1301, et seq. See Continental Oil Co. v. London Steamship Owners' Mut. Ins. Ass'n., 5 Cir., 1969, 417 F.2d 1030, A.M.C., *cert. denied*, 1970, U.S. S.Ct., 25 L.Ed2d 92, A.M.C.; Atlantis Development Corp. v. United States, 5 Cir., 1967, 379 F.2d 818.

[7] The relinquishing provision states, 43 U.S.C.A. § 1311 (a) and (b):

"(a) It is determined and declared to be in the public interest that (1) title to and ownership of the lands beneath navigable waters within the boundaries of the respective States, and the natural resources within such lands and waters, and (2) the right and power to manage, administer, lease, develop, and use the said lands and natural resources all in accordance with applicable State law be, and they are, subject to the provisions hereof, recognized, confirmed, established, and vested in and assigned to the respective States or the persons who were on June 5, 1950, entitled thereto under the law of the respective States in which the land is located, and the respective grantees, lessees, or successors in interest thereof;

(b) (1) The United States releases and relinquishes unto said States and persons aforesaid, except as otherwise reserved herein, all right, title, and interest of the United States, if any it has, in and to all said lands, improvements, and natural resources * * *."

The reservation provision referred to states 43 U.S.C.A. § 1311 (d):

"(d) Nothing in this chapter shall affect the use, development, improvement, or control by or under the constitutional authority of the United States of said lands and waters for the purposes of navigation or flood control of the production of power, or be construed as the release or relinquishment of any rights of the United States arising under the constitutional authority of Congress to regulate or improve navigation, or to provide for flood control, or the production of power * * *."

The terms "natural resources" is broadly defined to include both the animate and inanimate:

"The term 'natural resources' includes, without limiting the generality thereof, oil, gas, and all other minerals, and fish, shrimp, oysters, clams, crabs, lobsters, sponges, kelp, and other marine animal and plant life but does not include water power, or the use of water for the production of power;"

43 U.S.C.A. § 1301(e)

[8] 43 U.S.C.A. § 1331, et seq.

[9] "The United States retains all its navigational servitude and rights in and powers of regulation and control of said lands and navigable waters for the constitutional purposes of commerce, navigation, national defense, and international affairs, all of which shall be paramount to, but shall not be deemed to include, proprietary rights of ownership, or the rights of management, administration, leasing, use, and development of the lands and natural resources which are specifically recognized, confirmed, established and vested in and assigned to the respective States and others by section 1311 of this title."

43 U.S.C.A. § 1314 (a).

[10] It is argued that the retention in § 1314 (a) is limited to the three aspects enumerated in § 1311(d) by the words "[the commerce power] shall be paramount to, but shall not be deemed to include [relinquished rights]." But we have already shown that the enumeration of these three, which are explicitly stated because they are particularly relevant to the regulation of land lying under navigable waters, does not imply that Congressional power over other types of commerce was among the rights relinquished. Because Congress did not give up any of its power over all of interstate commerce in § 1311 (see note 7, *supra*), they are not "[relinquished rights]" and the limitation portion of § 1314(a) is inapplicable.

To hold otherwise would render the reservation of constitutional commerce power in § 1314(a) a useless reiteration of the impliedly retained powers in § 1311(d). But to hold that it is an explicit reservation of all commerce powers gives the section meaning. The section may be unneeded and overly

cautious in that it reserves a constitutional power that has never been relinquished, but it should not be read in such a way as to render it otherwise useless.

[11] "This title does not affect any of the Federal constitutional powers of regulation and control over these areas within State boundaries. Such powers, as those over navigation, commerce, national defense, international affairs, flood control, and power production where the United States owns or acquires the water power."

H.R. Rep. No. 215, 83d Cong., 1st Sess. (March 27, 1953), 1953 U.S.C.C. & A.N. 1385, 1389.

[12] "The creation of any obstruction not affirmatively authorized by Congress, to the navigable capacity of any of the waters of the United States is prohibited; and it shall not be lawful to build or commence the building of any wharf, pier, dolphin, boom, weir, breakwater, bulkhead, jetty, or other structures in any port, roadstead, haven, harbor, canal, navigable river, or other water of the United States, outside established harbor lines, or where no harbor lines have been established, except on plans recommended by the Chief of Engineers and authorized by the Secretary of the Army; and it shall not be lawful to excavate or fill, or in any manner to alter or modify the course, location, condition, or capacity of, any port, roadstead, haven, harbor, canal, lake, harbor of refuge, or inclosure within the limits of any breakwater, or of the channel of any navigable water of the United States, unless the work has been recommended by the Chief of Engineers and authorized by the Secretary of the Army prior to beginning the same."

33 U.S.C.A. § 403.

[13] This Court recently held that under this same section together with the Outer Continental Shelf Lands Act, 43 U.S.C.A. § 1333 (f), a permit must be obtained before a project can be begun on the Outer Continental Shelf. United States v. Ray, *supra*, note 5, which followed the remand and trial on the merits in Atlantis Development Corp. v. United States, 5 Cir., 1967, 379 F.2d 818.

[14] Landholders cite authority holding that the Secretary is empowered to deny a permit only for navigational reasons, United States Attorney General's opinion of February 13, 1925, 30 U.S. Atty. Gen. Ops. 410 at 412, 415, 416; Miami Beach Jockey Club, Inc. v. Dern, D.C. Cir., 1936, 86 F. 2d 135, 136 (on petition for rehearing). These determinations, by no means inexorable under the wording of the statute, see Greathouse v. Dern, *infra*, predate the changes wrought by the Fish and Wildlife Coordination Act, *infra*.

And they are out of step with the sweeping declaration of power over commerce in United States v. Appalachian Electric Power Co., 1940, 311 U.S. 377, 423–27, 61 S. Ct. 291, ———, 85 L. Ed. 243, 261–63:

"The state and respondent, alike, however, hold the waters and the lands under them subject to the power of Congress to control the waters for the purpose of commerce. The power flows from the grant to regulate, i.e., to 'prescribe the rule by which commerce is to be governed.' This includes the protection of navigable waters in capacity as well as use. This power of Congress to regulate commerce is so unfettered that its judgment as to whether a structure is or is not a hindrance is conclusive. Its determination is legislative in character. The Federal Government has domination over the water power inherent in the flowing stream. It is liable to no one for its use or nonuse. The flow of a navigable stream is in no sense private property; 'that the running water in a great navigable stream is capable of private ownership is inconceivable.' Exclusion of riparian owners from its benefits without compensation is entirely within the Government's discretion."

* * * * *

"In our view, it cannot properly be said that the constitutional power of the United States over its waters is limited to control for navigation. By navigation respondent means no more than operation of boats and improvement of the waterway itself. In truth the authority of the United States is the regulation of commerce on its waters. Navigability, in the sense just stated, is but a part of this whole. Flood protection, watershed development, recovery of the cost of improvements through utilization of power are likewise parts of commerce control. * * * That authority is as broad as the needs of commerce. * * * The point is that navigable waters are subject to national planning and control in the broad regulation of commerce granted the Federal Government. The license conditions to which objection is made have an obvious relationship to the exercise of the commerce power. Even if there were no such relationship the plenary power of Congress over navigable waters would empower it to deny the privilege of constructing an obstruction in those waters."

[15] The Court essentially held that the Corps, where approval of Transportation is also required, cannot be oblivious to the effect of fill projects on the beauty and conservation of natural resources. This inference arises from the fact that the Secretary of Transportation is statutorily required to consider conservation before granting a permit. But if the fill on which the causeway was to be built were completed at the time the permit for the causeway was requested, there would be no conservation factors for Transportation to consider. The Court held that the Corps could not blind itself to this fact and thereby cut off considerations of conservation by granting a fill permit without Transportation's approval of the causeway.

[15] 16 U.S.C. §§ 661–666.

[17] Public Law 91–190, 42 U.S.C.A. §§ 431–47.

[18] The Fish and Wildlife Coordination Act states:

"Except as hereafter stated in subsection (h) of this section [not applicable], whenever the waters of any stream or other body of water are proposed or authorized to be impounded, diverted, the channel deepened or the stream or other body of water otherwise controlled or modified for any purpose whatever, including navigation and drainage, by any department or agency of the United States, or by any public or private agency under Federal permit or license, such department or agency first shall consult with the United States Fish and Wildlife Service, Department of the Interior, and with the head of the agency exercising administration over the wildlife resources of the particular State wherein the impoundment, diversion, or other control facility is to be constructed, with a view to the conservation of wildlife resources by preventing loss of and damage to such resources as well as providing for the development and improvement thereof in connection with such water-resource development."

16 U.S.C.A. § 662(a).

[19] Presumably Landholders must first obtain the Corps of Engineers permit before becoming a "private agency under Federal permit or license."

[20] The Senate Report also shows how the exercise of the commerce power in the conservation arena ties in with its exercise in other areas:

"The amendments proposed by this bill would remedy these deficiencies and have several other important advantages. The amendments, would provide that wildlife conservation shall receive equal consideration with other features in the planning of Federal water resource development programs. This would have the effect of putting fish and wildlife on the basis of equality with flood control, irrigation, navigation, and hydroelectric power in our water resource programs, which is highly desirable and proper, and represents an objective long sought by conservationists of the Nation."

1958 U.S.C.C. & A.N. at 3450.

[21] "POLICIES

1. It is the policy of the two Secretaries that there shall be full coordination and cooperation between their respective Departments on the above responsibilities at all organizational levels, and it is their view that maximum efforts in the discharge of those responsibilities, including the resolution of differing views, must be undertaken at the earliest practicable time and at the field organizational unit most directly concerned. Accordingly, District Engineers of the U.S. Army Corps of Engineers shall coordinate with the Regional Directors of the Secretary of the Interior on fish and wildlife, recreation, and pollution problems associated with dredging, filling, and excavation operations to be conducted under permits issued under the 1899 Act in the navigable waters of the United States, and they shall avail themselves of the technical advice and assistance which such Directors may provide.

2. The Secretary of the Army will seek the advice and counsel of the Secretary of the Interior on difficult cases. If the Secretary of the Interior advises that proposed operations will unreasonably impair natural resources or the related environment, including the fish and wildlife and recreational values thereof, or will reduce the quality of such waters in violation of applicable water quality standards, the Secretary of the Army in acting on the request for a permit will carefully evaluate the advantages and benefits of the operations in relation to the resultant loss or damage, including all data presented by the Secretary of the Interior, and will either deny the permit or include such conditions in the permit as he determines to be in the public interest, including provisions that will assure compliance with water quality standards established in accordance with law. * * *."

[22] H. Rept. 989, 90th Cong., 1st sess., to accompany H.R. 25, pp. 4–5. See also S. Rept. No. 1419, July 17, 1968, 90th Cong., 2d sess., Senate Committee on Commerce, reporting on S. 695 and H.R. 25, pp. 13–14, H.R. 25 with revisions became the Act of August 3, 1968, 82 Stat. 625 (Pub. L. 90–454).

[23] "As a result of the hearings and the discussions which ensued from the circularized draft proposal—particularly with respect to the permit provision for dredging, filling, and excavation—a memorandum of understanding was entered into between the Secretary of the Interior and the Secretary of the Army. This agreement set forth the policies and procedures to be followed regarding the control of dredging, filling, and excavation in the navigable waters of the United States, which would include many of our Nation's estuarine areas.

On August 2, the Department of the Interior filed a supplemental report on the bill. In its report to the committee, the Department stated that we believe that this memorandum of understanding provides an effective administrative solution to the problem of preventing unreasonable impairment of the natural resources of the Nation's waterways and related environment, and preventing the pollution of the waters. In our opinion, the agreement makes the legislative approach set forth in H.R. 25 . . . for control for dredging, et cetera, unnecessary . . . (Omissions by the Committee.)"

[24] Its newness, relevance and significance warrants reproduction in full.

"This Act may be cited as the 'National Environmental Policy Act of 1969'.

"PURPOSE

"SEC. 2. The purposes of this Act are: To declare a national policy which will encour-

age productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.

"TITLE I—DECLARATION OF NATIONAL ENVIRONMENTAL POLICY

"SEC. 101. (a) The Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

"(b) In order to carry out the policy set forth in this Act, it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may—

"(1) fulfill the responsibilities of each generation as trustees of the environment for succeeding generations;

"(2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;

"(3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

"(4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;

"(5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

"(6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

"(c) The Congress recognizes that each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

"Sec. 102. The Congress authorizes and directs that, to the fullest extent possible: (1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act, and (2) all agencies of the Federal Government shall—

"(A) utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment;

"(B) identify and develop methods and procedures, in consolidation with the Council on Environmental Quality established by title II of this Act, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations;

"(C) include in every recommendation or report on proposals for legislation and order major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

"(i) the environmental impact of the proposed action,

"(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,

"(iii) alternatives to the proposed action,

"(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

"(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of title 5, United States Code, and shall accompany the proposal through the existing agency review processes;

"(D) study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative use of available resources;

"(E) recognize the worldwide and long-range character of environmental problems and, where consistent with the foreign policy of the United States, lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment;

"(F) make available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

"(G) initiate and utilize ecological information in the planning and development of resource-oriented projects; and

"(H) assist the Council on Environmental Quality established by title II of this Act.

"Sec. 103. All agencies of the Federal Government shall review their present statutory authority, administrative regulations, and current policies and procedures for the purpose of determining whether there are any deficiencies or inconsistencies therein which prohibit full compliance with the purposes and provisions of this Act and shall propose to the President not later than July 1, 1971, such measures as may be necessary to bring their authority and policies into conformity with the intent, purposes, and procedures set forth in this Act.

"Sec. 104. Nothing in Section 102 or 103 shall in any way affect the specific statutory obligations of any Federal agency (1) to comply with criteria or standards of environmental quality, (2) to coordinate or consult with any other Federal or State agency, or (3) to act, or refrain from acting contingent upon the recommendations or certification of any other Federal or State agency.

"Sec. 105. The policies and goals set forth in this Act are supplementary to those set forth in existing authorizations of Federal agencies."

Public Law 91–190, Title I, 83 Stat. 852. 42 U.S.C.A. §§ 4331–47.

[25] For like reasons the following disclaimer in the Fish and Wildlife Act of 1956, 70 Stat. 119, 16 U.S.C.A. §§741–754, specifically 70 Stat. 1124, 16 U.S.C.A. §742l is not decisive:

"The rights of States.—Nothing in this Act (subsection 742a and note—742d,–742c,–742j of this title; 15 subsection 713c–3 and note) shall be construed (1) to interfere in any manner with the rights of any State under the Submerged Lands Act (Public Law 31, Eighty-third Congress) (43 subsection 1301 and notes—1303, 1311–1315) or otherwise provided by law, or to supersede any regulatory authority over fisheries exercised by the States either individually or under interstate compacts;"

[26] The heading of the Report reads:

"The Corps of Engineers, which is charged by Congress with the duty to protect the nation's navigable waters, should, when considering whether to approve applications for landfills, dredging and other work in navigable waters, increase its consideration of the effects which the proposed work will have, not only on navigation, but also on conservation of natural resources, fish and wildlife, air and water quality, esthetics, scenic view, historic sites, ecology, and other public interest aspects of the waterway."

[27] "In 1968, the Corps revised its regulations to state that the Corps, in considering an application for a permit to fill, dredge, discharge or deposit materials, or conduct other activities affecting navigable waters, will evaluate "all relevant factors, including the effect of the proposed work on navigation, fish and wildlife, conservation, pollution, esthetics, ecology, and the general public interest." 33 CFR 209.120(d)(1). The Corps applied this policy when it recently rejected the efforts of land developers to fill in a major part of Boca Ciega Bay, near St. Petersburg, Fla. See *Zabel* v. *Tabb*, 296 F. Supp. 764 (D.C. M.D. Fla., Tampa Div., Feb. 17, 1969), now on appeal to the U.S. Court of Appeals, Fifth Circuit, No. 27555.

"The committee commends the Corps for recognizing its broader responsibilities to protect against unnecessary fills and other alteration of water bodies. * * *" H. Rep. No. 91–917, p. 5.

[28] "The Corps of Engineers should instruct its district engineers and other personnel involved in considering applications for fills, dredging, or other work in estuaries, rivers, and other bodies of navigable water to increase their emphasis on how the work will affect all aspects of the public interest, including not only navigation but also conservation of natural resources, fish and wildlife, air and water quality, esthetics, scenic view, historic sites, ecology, and other public interest aspects of the waterway." H. Rep. No. 91–917.

As the Committee views it, not only should the Corps consider conservation, but it should consider conservation to be endangered by every dredge and fill project and place the burden of proving otherwise on the applicant. See e.g., the conclusion of the first section of the Report and its bold face type recommendation:

"The Corps of Engineers should permit no further landfills or other work in the Nation's estuaries, rivers and other waterways except in those cases where the applicant affirmatively proves that the proposed work is in accord with the public interest, including the need to avoid the piecemeal destruction of these water areas." H. Rep. No. 91–917, p. 6.

OUR ECONOMIC CRISIS

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. WILLIAM D. FORD. Mr. Speaker, the Nixon administration is trying to paint a rosy picture of a recovery in the economy while newspaper headlines

glare forth with new statistics showing the highest rate of unemployment since the early sixties, a continued upswing in the cost of living with tight money in short supply—all resulting from the shortsighted economic policy of this administration.

Two editorials appearing in the New York Times on September 7, 1970, present a perceptive analysis of this administration's economic shortsightedness. I insert these editorials in the RECORD at this point and commend them to the attention of all who question the reality of claims of economic recovery while every trip to the supermarket cuts deeper into their pocketbooks:

ENDEMIC INFLATION

The start of the Labor Day weekend was marked by a Government report that the nation's jobless rate last month rose to 5.1 per cent while the average worker's purchasing power declined. The Administration has hailed the report that the wholesale price index declined in August by 0.5 per cent as a "dramatic" sign that it is winning its battle over inflation. A long list of earlier disappointments makes it advisable, however, to reserve judgment on whether price stability is really on the way.

Mr. Nixon's economists blame the stagnation of productivity for much of the Administration's failure to arrest inflation during 1969 and the first part of 1970. Output per man-hour showed virtually no increase until the second quarter of this year, when it began climbing at an annual rate of 3.1 per cent—about in line with its long-term growth trend since World War II. Administration economists are now staking much of their hope for a continued slowing of inflation on continuing improvements in productivity.

The turnaround in productivity during the second quarter was almost certainly due primarily to the rise in unemployment. With fewer men at work and the trend of real output moving sideways, output per man-hour of labor rose. If the economy recovers even moderately during the months ahead but unemployment increases slightly—as Administration economists expect—productivity will continue to show gains. But it is most unlikely that the improvement in productivity can be sharp enough to rid the system of its chronic inflationary trend.

In the second quarter, major union collective bargaining settlements continued to escalate; for wages and benefits combined, they averaged 10.9 per cent annually over the life of the contract—and 17.1 per cent in the first year. The large number of construction agreements negotiated in the spring undoubtedly did much to push up the quarterly average, but it is clear that a 3 per cent national rate of productivity improvement will scarcely dent the inflationary impact of such settlements.

The automobile wage negotiations, now nearing the showdown stage in Detroit, represent a crucial test of the Administration's theory that a moderate boost in unemployment will arrest inflationary wage settlements. The Big Three car manufacturers have offered the United Auto Workers a new contract calling for an increase of 7.5 per cent in wages and fringe benefits in the first year and 3 per cent in each of the next two years. The union spurned the offer as a "hiccup."

The Administration is steering clear of direct involvement in the Detroit talks, but its general admonition to industry has been that the best way to avoid overcostly agreements is to take a strike. That seems to leave it up to General Motors or Chrysler, the prospective union targets, to choose between the distasteful alternatives of an inflationary settlement or a long and expensive strike. The absence of anything resembling an official incomes policy thus makes employers in this and other strongly unionized industries the involuntary guardians of wage-price stability, with Government in an ostrich role on the sidelines.

WHY IT STAYS

The White House seeks to justify its hands-off policy on wages and prices by putting the whole responsibility for checking inflation upon fiscal and monetary policy. But here, too, there are reasons for skepticism about its claims of victory over inflation.

The current prospect is for sizable budget deficits in both fiscal 1971 and 1972. Mr. Nixon not only has dug himself in against asking for higher taxes but he has done the same on further reductions in defense expenditures. In a report that has deserved more notice, President Nixon's own Task Force on Economic Growth has declared: "We conclude that no feasible reduction in defense expenditures will suffice to offset additional Federal revenue requirements for high-priority civilian programs."

On the monetary side, Administration economists have been grumbling over the caution of Federal Reserve Board Chairman Arthur F. Burns, who appears determined to hold the growth of the money supply to between 4 and 5 per cent. Dr. Burns, standing firm against pressures to ease money still faster, is openly critical of the Administration's refusal to develop more meaningful brakes on wage and price increases in industries in which either labor or management has great market power.

The economic slowdown has blunted the inflation for the time being. Yet the Nixon Administration seems to have learned remarkably little from its past economic failures. It is still unwilling to take the hard steps toward building economic policies that will meet the nation's economic and social needs. It is also unwilling to tackle underlying structural problems—for instance, by fighting harder for a liberal trade policy. As a result, inflation threatens to remain endemic in the American system.

OLDER AMERICANS TRANSPORTATION SERVICES DEVELOPMENT ACT

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. OTTINGER. Mr. Speaker, today I introduce for myself, the gentleman from Indiana (Mr. BRADEMAS), and the gentleman from New York (Mr. MCCARTHY), the Older Americans Transportation Services Development Act.

The bill is designed to make our Nation's transportation services 100 percent safe and accessible for all 20,000,000 older Americans.

Transportation is one of the most important areas in which we need to improve services for the elderly.

In 1968, Secretary of Transportation Alan Boyd testified at hearings of the Senate Special Committee on Aging that 30,000,000 Americans are hindered in travel because of physical handicaps or advancing age, and that some 14 million persons over 65 are impeded by one or more chronic ailments.

A recent report of the Department of Labor, Bureau of Labor Statistics, ranked transportation as third largest expenditure in retired couples budget—food and housing were first and second. Transportation services for the elderly, however, deserve our attention, according to the report, not because of their cost but because so many of the elderly's other daily life activities depend so heavily on them—employment, health care, receipt of income, and so forth.

According to the January 1970 report of OEO Project FIND, a research project into the problems facing the elderly:

Transportation proved one of the most serious gaps in community service in nearly every area studied.

Only about 37 per cent of the poor and about one-half of the near poor who reported having transportation difficulties find these problems not to be major.

The reasons for lack of transportation cited by the FIND report usually centered around the elderly's inability to afford transportation—91 percent of those interviewed—or the lack of good public transportation—67 percent of those interviewed.

The real tragedy, however, of our failure to provide safe and accessible transportation services for the elderly lies not in the words spent in documenting the need for such services but in the money spent trying to fulfill the need. The administration's descriptions regarding the need to improve transportation services for the elderly are most adequate. The administration decisions regarding the money required to meet this need are at most inadequate. On the one hand, the administration proclaims, in the words of its Commissioner on Aging, the seriousness of the problems such as the "isolation from the community" and the lack of "access to proper health care" the elderly face because of inadequate transportation services. On the other, it precludes, in the calculations of its budget, any significant solutions to these problems.

Specifically, in fiscal year 1970, the administration allocated for transportation research and demonstration projects, only 3 percent of the total funds appropriated for research and demonstration under the Older Americans Act. For 1971, the administration requested less than one-half of the money Congress authorized for research, demonstration, and training programs designed to improve the community services critical to the elderly. Congress authorized $15 million; the administration requested $5.8 million. Such a small sum can hardly serve to make improvements in transportation services, let alone in the range of community services for which it was intended.

Mr. Speaker, if we are to know more than the little we know today about how to organize and deliver a comprehensive and coordinated range of transportation services for the elderly, we must put our money where our mouth is. We must

expand our research and demonstration efforts with regard to transportation services for the elderly.

In New York alone, much needs to be done. For example, as a result of New York City's reduced transit fare, several things, including the following, must yet be researched and developed:

First, an inexpensive alternative to equipping turnstiles for half fares must be developed if those senior subway riders who would like to end the coupon plan—under which they pay full fare outbound and get what amounts to a pass for their return—shall be accommodated; and

Second, alternatives to the half-fare limits must be developed if those senior citizens who must start trips before beginning of the one-half fare hours—10 a.m.—are to be accommodated.

Also, numerous and crucial improvements in New York facilities and subway cars ought to be researched and developed to provide 100 percent accessible and safe transportation for the elderly.

My bill would help to provide what is needed and at a modest cost—$3 million over a 22-year period.

It would help to build upon successful existing programs as well as provide badly needed funding for new research and demonstration.

It would concentrate on economic and service aspects of transportation for the elderly in urban and rural areas. Moreover, the bill would authorize feasibility studies on special transportation services in areas where large numbers of elderly persons live, research and demonstration on portal-to-portal service, additional studies on fare structures and the impact on the elderly's ridership, well-being, and morale, and demonstration projects to provide better coordinated transportation services rendered by social service agencies. The potential benefits of this undertaking are many.

Most importantly, the bill makes certain requirements aimed at improving the management and expanding the impact of all exemplary and cost-benefit research and development programs, thereby eliminating causes of failure of most Government-sponsored research and development efforts. These requirements include:

First, that all grants and contracts include provision for evaluation by an organization not affiliated with the project funded;

Second, that each evaluation shall include, where feasible, evaluation of program impact and cost-benefit ratio;

Third, that evaluation reports shall be transmitted to the Secretary of Health, Education, and Welfare to be widely disseminated; and

Fourth, that the Secretary shall provide technical assistance including program planning and management assistance.

I urge my colleagues to support this bill. We must all work together if our Nation's transportation services are to be improved to the point where all older Americans can experience the same simple pleasures in life as the rest of us without inconvenience and physical and economic hardship.

POW'S AND THE "PEACE" GROUPS

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. HOSMER. Mr. Speaker, with 1,550 American servicemen either missing or imprisoned in Southeast Asia, most Americans have a genuine concern for their well-being and sympathy for their families at home.

Compounding this tragedy, however, are various organizations—so-called "peace" groups—which are adding to the torment of the families and hindering efforts to achieve humane treatment for our POW's.

One of these groups, the Committee of Liaison With Families of Servicemen Detained in North Vietnam, has entered into an alliance with the Government of North Vietnam, using the American prisoners as instruments of their mutual propaganda war.

Because of this group's open sympathy for the cause of the Vietcong and the North Vietnamese, Hanoi has agreed to provide all mail from American prisoners directly to this "peace" committee. The letters are then forwarded to the families for whom they were intended—along with a political diatribe urging an immediate U.S. pullout. It is apparent that this "arrangement" is more advantageous to Hanoi's propaganda campaign than to any sincere sentiments to end the war in Vietnam.

In addition, this alliance with a "peace" group is letting Hanoi off the hook with respect to the Geneva Convention on humane treatment of prisoners of war. While millions of Americans and others around the world attempt to pressure Hanoi into acceding to the tenets of the Geneva Convention, these "loyal" Americans are aiding and abetting their continued flaunting of these universally accepted principles.

The families involved must welcome news of the prisoners from any source, since Hanoi refuses to abide by the Geneva rules. However, this spoonfeeding of news from Hanoi via a peace group in the United States can only add to the delay and anguish and further fuel the North Vietnamese drive to force the United States into a humiliating defeat.

The September issue of Government Executive magazine has an article detailing the activities of the peace groups and the ordeal of the families. It follows:

POW FAMILIES: TORTURE OF UNCERTAINTY

The families of a number of American servicemen, known to have fallen into North Vietnamese hands, were tortured recently with increased uncertainty as to whether their loved ones are alive or dead.

The episode began with the publication by *The New York Times* of a list of 334 American prisoners which, the newspaper said, had been compiled by a New York-based peace group from letters sent by prisoners to their families.

Three Americans who had just visited Hanoi, *The Times* reported, brought out word that North Vietnam had declared the list a complete record of all U.S. prisoners held in North Vietnam.

Mrs. Wilmer N. Grubb of Petersburg, Va., promptly challenged the list's completeness.

Her husband had been shot down on an unarmed reconnaissance mission over North Vietnam on January 26, 1966, she said, and photographs of him in captivity had been released by the North Vietnam News Agency and other Communist sources. Yet his name was not on the list.

Since Major Grubb was shot down, his wife has never received a letter from him nor any notification from North Vietnam as to his status.

Mrs. Grubb has four sons, the youngest of whom, aged four, has never seen his father. The boys appeared with her at a news conference opening an office which has been donated by the Reserve Officers Association of the U.S. to the National League of Families of American Prisoners and Missing in Southeast Asia at 1 Constitution Avenue, NE, Washington, D.C.

She and her sons, Mrs. Grubb said, represented other families whose fathers or sons are known to be prisoners but whose names did not appear on the list.

MUST CORRECT LIST

"Perhaps the omissions were inadvertent on the part of Hanoi," Mrs. Grubb continued. "But, if so, and if they want the world to believe their claims that they are following humanitarian precepts in the treatment of the prisoners they hold, then obviously the government in Hanoi must correct the list to include all of the men they hold. Ultimately, the world will hold the North Vietnamese to account for the release of these men.

"I, for one, cannot believe—will not allow myself to believe—that Hanoi would deliberately condemn to oblivion these men whose names have been omitted from the list."

In Paris, the wives and children of two other American servicemen omitted from the list went to the residence of the chief North Vietnamese delegate to seek information. They were turned away, crying, by a guard.

The men they tried in vain to inquire about were Lt. James J. Connell, USN, a post-capture photograph of whom was released by the Vietnamese News Agency on July 21, 1966, and Lt. Cdr. Michael J. Estocin, USN, who is listed by the U.S. as a prisoner on the basis of information from some of the nine U.S. prisoners released since the first man was captured in August 1964.

U.S. Ambassador Philip C. Habib also brought up the matter at the Paris meetings, pointing out to the North Vietnamese that "your own media have offered tangible evidence that you in fact hold additional U.S. prisoners."

He cited Connell and other examples. These included Col. Edward B. Burdett, USAF, whose capture in 1967 was reported by Hanoi radio; Capt. Edwin L. Atterbury, USAF, whose picture was published in North Vietnam after his capture the same year, and Lt. Cdr. James L. Griffin, USN, whose capture in 1967 also was announced by Hanoi.

At press time, Habib had received no information or explanation in reply.

The peace group which The Times said compiled the list of prisoners is the Committee of Liaison with Families of Servicemen Detained in North Vietnam.

Miss Barbara Webster, a committee staff

member, said in response to an inquiry from Government Executive:

"We don't regard that list as the total list—we have an idea there might be more but we don't know for sure."

The committee's feeling, she added, was that the individual who gave out the information might have misunderstood what the North Vietnamese said.

Asked if the individual referred to was Kenneth Kirkpatrick of the American Friends Service Committee in Seattle, she said that he was.

VISIT TO HANOI

In its study, *The Times* said information on North Vietnam's position had come from a delegation of three Americans who had just visited Hanoi—Kirkpatrick, Mark S. Patshne, professor of biology at Harvard University, and Egbert W. Pfeiffer, professor of zoology at the University of Montana.

Miss Webster said Kirkpatrick was in Paris but would return to the U.S. soon.

Mrs. Cora Weiss of Riverdale, the Bronx, who visited Hanoi last December, and Dave Dellinger of New York are cochairmen of the Committee of Liaison With Families of Servicemen Detained in North Vietnam.

Last January, in Chicago, where Dellinger was on trial and later was convicted of conspiracy, they announced that Hanoi had agreed to send all mail from American prisoners to the committee, which would forward them to the prisoners' families. This arrangement gives the committee the opportunity to enclose letters to the families expressing hope that "the U.S. Government will come to its senses, withdraw its armed forces from Vietnam, and thus make it possible for the families, both American and Vietnamese, which have been separated as a result of this cruel war, to be reunited."

Mrs. Sybil Stockdale, chairman of the board of National League of Prisoners' Families, contends that mail would move satisfactory through normal channels if North Vietnam would fulfill its obligations under the Geneva convention regarding the treatment of prisoners of war.

She told newsmen also that North Vietnam, if it wished, could easily influence the policies that are carried out in connection with prisoners held by the Viet Cong, the Pathet Lao or by Communist forces in Cambodia. No prisoner held in those areas has ever been allowed to write a single letter, she said.

A total of more than 1,550 American servicemen are listed by the Department of Defense as missing or captured in Southeast Asia.

MISS MONTANA

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. OLSEN. Mr. Speaker, I wish to call to your attention a particularly significant item in this week's Life magazine. On page 88, is a picture of Miss Kathy Huppe of Helena, Mont. Kathy forfeited her chance to participate in the glamor and glory of the Miss America Pageant in Atlantic City when she resigned her title of Miss Montana because she was expected to conform to regulations which, in good conscience, she found to be too restrictive. Kathy Huppe is a political activist and an energetic member of the peace movement in Montana. She could not conscientiously assume a middle-of-the road stance as required by the national sponsors of the pageant. Kathy is too forthright a person to be muzzled on issues she feels are of paramount importance. A girl who will put her principles above the chance to win the coveted Miss America title surely has commonsense values and a strong character, and I applaud her for her courage and integrity.

Mr. Speaker, I include in the RECORD at this point two articles from Montana papers which appeared this summer and which further explain the situation:

MISS MONTANA'S POLITICAL BELIEFS FORCE HER TO QUIT

(By Tina Torgrimson)

A lot of little things that could have become a big problem built up to the resignation Friday of the 1970 Miss Montana, Kathy Huppe of Helena, told The Billings Gazette Friday afternoon.

She told the Asociated Press in Helena Friday that she resigned her title "because my beliefs and what the national association wanted out of me could not coincide."

She told the Gazette, "I can't say what my beliefs are. They are arbitrary. It is just more or less something that I feel." She said her beliefs are a "Personal matter."

"I don't want to sound ungrateful," she said, "but it was a matter of personal beliefs and I couldn't go against them."

"Everything you do or say is censored," she said. "If I wanted to write a letter to the editor of the Gazette, the letter would have to be sent first to the Billings Jaycees so they could censor it. I really don't think that is necessary."

She said she didn't know about the censorship before being chosen Miss Montana. "This is something they should let girls know about before they get involved in the situation," she said.

Miss Huppe told The Associated Press she reached her decision because her political views could not remain "middle of the road," as she said the organizers of the Miss America contest stipulated.

The 18-year-old June graduate of Helena Senior High School said she was one of six editors of a "free press" newspaper, "The Paper Tiger," designed to provide a free forum for high school students.

She said she had mentioned her editorship of the paper in her pageant entry blank, but nothing was said until after the contest.

"I am very happy and I hope there is no antagonism," she told the Gazette. "I tried to do this in the best way that I could."

When asked if she would participate in a similar contest again, she replied, "Never."

Miss Huppe said her immediate plans will be to look for a job, spend some time at the family ranch near Ronan and then attend school this fall at the University of Montana in Missoula.

The Billings Jaycees, sponsoring organization for the Miss Montana pageant, immediately announced Friday that the final runner-up in the contest, Jane Opp of Billings, will take over as Miss Montana.

Miss Opp told the Gazette Friday, "I have been told not to say anything yet." She said she has been Miss Montana for only half a day and that she was "very happy" about it.

She said the problem of censorship had never been mentioned to her before that she can remember. "I don't have anything to say about it because I don't know much about it," she said.

Miss Opp is the 20-year-old daughter of Mr. and Mrs. Emil Opp of 2523 Wyoming Ave. She will represent Montana in September in the Miss America contest in Atlantic City, N.J.

She graduated from Billings West High School and attends Rocky Mountain College.

Miss Huppe said she is interested in politics and was one of 16 seniors who participated in a sample rewriting of the Montana Constitution last year.

She said she participated in moratoriums last year and said this information was also included in her original application for the contest.

"If there were moratoriums next year I would participate," she said, "because that's something I really believe in. I told them I would put my beliefs above the pageant."

Miss Huppe is the daughter of Mrs. Charles Huppe of Helena. Her late father was an assistant Montana attorney general.

Ken Wheeler of Billings, director of the state pageant, said the policy of not informing the contestants about the contract details would be changed next year.

"This is just something that happened," Wheeler said. "The sponsoring organization was aware of the stipulations, but evidently did not explain them to her properly."

Wheeler said the contract is governed by a national policy.

WANTS TO KEEP INDIVIDUALITY: MISS MONTANA GIVES UP TITLE

(By Carla Beck)

The queen of Montana pageant royalty Friday abdicated her throne.

Miss Montana, Kathy Huppe of Helena, explained, "I'd rather be an individual than a queen."

Why did she resign? In Friday's first announcement of her action, she was quoted as saying she resigned "because my beliefs and what the national association wanted out of me could not coincide" and that she had reached her decision because her political views could not remain "middle of the road," as the organizers of the Miss America contest stipulated.

When Miss Huppe (it's pronounced to rhyme with puppy) signed her entry blank for the pageant, she noted that among her activities she had participated in the moratoriums against the Vietnam War and had written for the "Paper Tiger," a "'free press" newspaper published sporadically. "The editors publish anything people want to write about, whether they agree with it or not," she explained.

Sometime after she was crowned the Big Sky County's entrant in the Miss America Pageant, tensions apparently developed. Miss Huppe began to feel apprehensive about her role as Miss Montana. She intended to continue as a political activist and to write for publication if she felt like it. But she got the feeling this was not the way it was going to be.

She spent Wednesday in Billings conferring with Mike Perko, executive director of the pageant, and four other members of the Jaycees, sponsors of the Miss Montana Pageant. Among them was Doug Feller, Billings, who was serving as her business manager.

It was Feller who informed her that the Jaycees' contract with the national Miss America Pageant committee would not allow them to go along with her views on her role. She responded that the best thing for her to do would be to resign, and he agreed.

Perko said Friday afternoon that there had been no problem with the title holder. "I'm sorry that she did resign, but I feel that she thought it would be better if she did. She felt she couldn't do the job for personal reasons."

Perko did not cite any pageant rules specifically, saying they were general in nature and were designed primarily to protect the girl and her family. He said they are the same for all candidates from the 50 states

and come down from the Miss America Pageant officials.

"We're not trying to tell Miss Montana she can't do one thing or another," Perko said. "But we would like to know what she is doing or what she is writing. We would not tell her what to say, but we would like to know what it is so we could clear it first."

He went on, "We would expect her to have an opinion. In fact, we would encourage her to have opinions on issues, but we would not expect her to express them openly."

"You see," he explained, "some of these girls are rather young. They could say things on the spur of the moment that could come out wrong. We'd like her to make her main objective preparing for Atlantic City."

"We're in this to promote Montana. We want everyone in the state to be our friend," Perko added.

When asked why Miss Huppe's personal commitment to political activity hadn't been considered before the Miss Montana Pageant, Perko replied, "They are not judged on things like this. They are judged on talent, evening gown and swim suit."

Miss Huppe is not disappointed. She is relieved. She is glad she made the decision at this time, because she feels the runner-up, Jane Opp, who will now represent Montana in Atlantic City, will have a fair chance to prepare for the activities.

Miss Opp, 20, a student at Rocky Mountain College in Billings, teaches piano and guitar. A black-haired, green-eyed beauty, she is the daughter of Mr. and Mrs. Emil Opp of Billings.

Since jobs are not easy to find this summer, Miss Huppe plans to spend most of the rest of the summer on the family's ranch near Ronan. In the fall she will enroll at the University of Montana in Missoula. Right now, she's hoping to major in psychology but recognizes it all depends on how things work out. "I don't like plans, anyway," she said.

She's afraid college students will be more frustrated than ever if nothing comes of the fall elections and peace candidates don't win. She thinks lowering the voting age will help alleviate some of the frustration.

She admits she had misgivings about entering the Miss Montana pageant from the beginning but that the scholarships at the local and state level were an inducement. "Really, I didn't ever think I'd win. I remember my first reaction was 'Lord, what will I do now?'"

She was intrigued by the pageants at the state and national level. "I had a stereotype of pageant people. I thought they would all be phony, plastic people. I've met a lot of different types. They're not all plastic, although a lot are."

She recalled visiting with the eight-year-old daughter of a pageant hostess when she graced the Colorado state pageant. "She asked me if the gold in Miss Wyoming's crown was pure gold and I said no, it was fake. She asked me if the diamonds in my crown were real and I said no, they were probably cut glass. Then she said 'You know, Kathy, nothing's real in this thing, not even the people.'"

MISS AMERICA TOPICS BROADENED

ATLANTIC CITY, N.J.—Miss America 1971, unlike her predecessors, will be allowed to give her opinions on marijuana smoking, the Vietnam war and other controversial issues. But sex remains taboo.

In revealing a major departure from pageant tradition, Miss America officials emphasized yesterday that questions of a "distasteful personal nature" such as, "Do you use the pill?" would remain on the taboo list during the contest here in September.

Albert Marks, chairman of the pageant executive committee, said, "We were always afraid youngsters with no prior background would put a foot in their mouth, but today's youthful society doesn't need over-protection."

Recently, Katherine Huppe of Helena, Mont., resigned as Miss Montana, citing restrictions on what she could say and do about politics and other current events.

EXPLOITATION OF U.S. TAXPAYERS BY INTERNATIONAL BANKERS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. RARICK. Mr. Speaker, the Managing Director of the International Monetary Fund recently reprimanded the United States for inflation by saying our money problem threatened the stability of the world's financial system.

So, the President of the United States and the leadership of both parties complied with the international experts' theory to combat inflation by draining off better than a billion dollars of U.S. taxpayers' dollars for the international bankers as a deterrent to inflation. Americans recall some earlier economic rationalizations that the way to stop domestic inflation was to raise the taxes of the wage earner and turn the excess money over to the Government whose bureaucrats knew better how to spend it than the laborer himself. And the Government spending was noninflationary. Now we find that the international bankers, adopting the same folly, would have us believe that they can control world inflation by taxing the developed countries and giving it to the backward unproductive peoples.

In the meantime, Kenneth Kaunda, the former Kenyanese banking student in Rhodesia before coming into power in Zambia, demonstrated a typical backward nation spendthrift activity at his worldwide country club rally which he labeled a summit meeting of nonalined nations.

And in Algiers, Eldridge Cleaver, the Black Panther cub and son-in-law of a senior American diplomat in close liaison with the international bankers, announced his support for the Palestinian guerrillas; stating that he "condemns the Zionist aggressors who are supported by American imperialists."

Yet, President Nixon praises the new big brother approach to foreign assistance poverty-stricken emerging tribes by simply turning the wealth of the American people over to the descretion of international banking organizations.

If all of the tear-jerking words, promises, and exploitation of Americans' tax money were but to accomplish the announced goals of promoting peace, international cooperation, and national security, certainly some evidence of progress should be visible somewhere.

Instead, all we find is that the rich get richer, the mean get meaner, the greedy get greedier, and the poor get poorer.

Mr. Speaker, I include several newsclippings as follows:

[From the Atlanta Journal, Sept. 8, 1970]

IMF SAYS MONEY SYSTEM THREATENED BY U.S. INFLATION

WASHINGTON.—The International Monetary Fund says the stability of the world's money system is threatened by U.S. inflation. It hinted the Nixon administration should get tough with business and labor leaders to check rising prices.

The IMF, in its annual report, said U.S. inflation had spread economic trouble to most non-Communist countries. It placed America's inflation problems at the top of the world economic priority list.

The IMF works to stabilize the value of money. It often makes loans to countries having trouble protecting the soundness of their currency.

The IMF was critical of the Nixon administration's efforts to check inflation.

"At this juncture, the domestic stabilization plan developed by the (U.S.) authorities early in 1969 is clearly behind schedule in slowing the pace of price and cost increases and, at the same time, it has had a more severe impact on the real economy than was hoped for," the report said.

The IMF noted that U.S. prices increased at an annual rate of 5.5 per cent during the first half of this year, the worst inflation since the Korean War, while unemployment reached a five-year high of 5 per cent.

"The importance of arresting the U.S. inflationary spiral and restoring price and cost stability can hardly be exaggerated," the report said. "At stake are the checking of the inflationary trend on a worldwide basis, the long-run stability and efficiency of the U.S. economy, the much needed strengthening of the U.S. balance of payments and the sound functioning of the International Monetary System."

IMF Managing Director Pierre-Paul Schweitzer issued the report in advance of the fund's annual meeting, scheduled to begin Sept. 21 in Copenhagen.

[From the Atlanta Journal, July 1, 1970]

AFRICANS CALLED WASTEFUL IN BUILDING SUMMIT SITES

LUSAKA, ZAMBIA.—Africa may rank at the bottom of everyone's list in economic development but it can do one thing lavishly well: spend millions of dollars on palaces and villas that will be used for one summit conference and then left to rot.

Now it is Zambia's turn. An enormous conference hall and a cluster of fashionable villas are being built at feverish cost and speed in Lusaka to house a summit conference of nonaligned nations in September.

The rush and determination remind an outsider of similar African projects of the past:

President Ahmed Ben Bella's Club Des Pins in Algeria for a non-aligned conference.

President Kwame Nkrumah's scandalous "Job 600" with its 12-story tower for a summit conference of the Organization of African Unity (OAU) in Ghana.

President Joseph D. Mobutu's OAU village by the Congo River for another summit conference.

In all cases, prestige seems the motive for the splendor. But it has not always worked out well. Ben Bella was deposed in a coup five days before the opening of the conference. It was canceled. Nkrumah held his meeting but was ousted by a coup four months later.

In Zambia's case, the government of President Kenneth Kaunda seems to have been drawn into the conference business somewhat naively. A cabinet member confided that Kaunda had not instructed his dele-

gates at a recent preparatory conference in Dar Es Salaam to propose Lusaka as the site. But, somehow, Lusaka was picked.

Observers at the preparatory meeting say the host, President Julius Nyerere of Tanzania, wanted Black Africa to host the summit conference and pressured the Zambian delegation to make a bid. To the surprise of the Zambian delegates, they won.

Though it may have been shy of its selection, the Zambian government is not showing any reluctance in tackling the job. Like most African towns, Lusaka, with a population of 240,000, lacks the hotel rooms and meeting halls for a huge conference. So Zambia has to build everything from scratch.

A Yugoslav construction firm, Zecco, has the contract to build the two-story conference hall with 80,000 square feet of floor space and the 62 villas for the heads of state. Using floodlights at night, 5,000 men are working round the clock to finish the job by September.

In a recent tour of the site, Kaunda first told the managers jokingly, "Do not come to State House if you fail." Then he told the African workers not jokingly, "I do not want to hear about strikes."

One government official has guessed the cost will reach $7.5 million. Judging by past African projects, that's probably low. To meet the deadline, Zecco is airfreighting some equipment from abroad and flying in 200 Yugoslav technicians.

By African standards, Zambia is almost a rich country and can afford the costs better than most. But it will mean diverting money from development projects. "Some Zambians may get angry," the cabinet member said, "because they want this money spent on them."

Since Kaunda is respected and admired in Africa, he will receive little abuse for his erection of a wasteful splendor.

The atmosphere was different for Kwame Nkrumah. He was looked on as a vain, arrogant autocrat who meddled too much in other people's business.

Nkrumah spent $22 million on his complex, which included the tower with a roof garden restaurant and 60 executive suites, a conference hall for 1,000, and a banquet hall to serve 2,000. He even built a nightclub just for the conference. All this was spent at a time when his country was in deep financial trouble.

Club Des Pins is probably the most beautiful of the conference sites. It is a complex of villas and a huge conference hall built on the sand dunes by the Mediterranean sea just outside Algiers.

Though Ben Bella, the man who inspired it, never gained any benefit from it, President Hovari Boumedienne, the man who kicked out Ben Bella, did. Boumedienne invited the OAU to have its summit conference there. This spartan leader then basked in the prestige of being host to Africa in ornate surroundings built by his profligate predecessor.

In the Congo, Mobuto's OAU village, built on Mount Stanley by the Congo River, is much like Algeria's Club Des Pins. Mobuto spent more than $10 million on the project at a time when the Congo was in such poor shape that the United States had to contribute to his national budget.

But Mobuto wanted to prove to Africa that the Congo had become a stable place and Mobuto a Pan-African leader.

All these towers, villas, and ultra-modern conference halls were built in Africa even though there were adequate facilities in Addis Ababa, the headquarters of the OAU.

But the other African countries are too jealous of their own prestige to let Ethiopia have the perpetual honor as host. So they kept spending money they can't afford on buildings they don't need.

[From the Washington Star, Sept. 11, 1970]

PANTHERS TO START INTERNATIONAL SECTION

ALGIERS.—Eldridge Cleaver, Black Panther information minister who has just returned from Red China, North Vietnam and North Korea, announced today that a Black Panther international section will be set up in Algiers.

Cleaver told a news conference that the offices will open Sunday. He said that his party supports all people fighting for liberation, especially the Palestinians. He said, "We condemn the Zionist aggressors who are supported by the American imperialists."

[From the Washington Star, Sept. 15, 1970]

NIXON URGES "UNITED GIVING" IN FOREIGN AID REFORM PLAN

(By Ronald Sarro)

President Nixon today urged that America's big brother approach to foreign assistance be scrapped and replaced with an international effort by the family of nations.

Among the proposals he outlined in a long-delayed foreign assistance reform message to Congress was the eventual phasing out of the Agency for International Development and replacement of it by several international-oriented organizations.

Administration officials said the main thrust of the message was intended to be "multilateralization of foreign assistance," with a motto something like the United Givers Fund. "Each donor country does its fair share."

The President's recommendations, to be followed by specific legislative proposals in January, closely follow those made in March by a presidential task force headed by Rudolph A. Peterson, former president of the Bank of America.

HELP MAY BE SOUGHT

There is every indication that the administration was pressing Peterson to join the executive branch to help guide the reform through Congress.

The 12-page presidential message gave no indication of what future position might be assumed on the amount of foreign assistance, except that Nixon agreed with Peterson's finding that a "downward trend" of U.S. foreign aid should be reversed.

"A determination of the appropriate level of U.S. assistance in any one year will depend on a continuing assessment of the needs and performance of individual developing countries, as well as our own funding ability," Nixon said.

"It must also be influenced by a further definition of the proposals which I am outlining in this message, the responses of other donors (nations) and the performance of the international institutions," he said.

Discussing the rationale behind U.S. foreign assistance, the President said the American program had three basic purposes—to promote U.S. security, to provide humanitarian relief, and to further long-run economic and social development.

"The national security objectives of the U.S. cannot be pursued solely through defense of our territory," he said. "They require a successful effort by other countries around the world, including a number of lower income countries, to mobilize manpower and resources to defend themselves."

Nixon called his propositions "a set of fundamental and sweeping reforms to overhaul completely our entire foreign assistance operation to make it fit a new foreign policy," the Nixon Doctrine that he outlined on Guam last year.

POLICY DEFINED

He defined the policy as calling on "any country whose security is threatened to assume the primary responsibility for providing the manpower needed for its own defense," with the United States providing assistance to help them assume those responsibilities "more quickly and more effectively."

The major proposals include:

A new international military aid program to be detailed later to help other nations assume the responsibility of their own defense and reduce U.S. presence abroad.

Creation of a U.S. international development corporation to bring innovations to U.S. bilateral lending, using banking principles, and a U.S. international development institute to pump U.S. technology into the international community.

TARIFF PREFERENCES

Aid to low-income countries through new tariff preferences for the export of products manufactured by the underdeveloped countries, except textiles.

Aid to underdeveloped countries through elimination of U.S. restrictions on private investment and of requirements that foreign aid be used to purchase U.S. goods and services.

Nixon signed the message this morning in his office, noting that foreign aid had been studied at least 20 times during the last 25 years. This time, he pledged, the results would be different.

Nixon said the new program is geared to the '70s and the future rather than one that is "patched up and painted over from the past."

Nixon said he would propose a new mechanism to coordinate all foreign assistance policies, for which details are being worked out.

[From the Washington Post, Sept. 15, 1970]

FOR ECONOMIC GROWTH: MARTIN SEES NEED FOR CENTRAL BANK TO SERVE WORLD

(By Hobart Rowen)

William McChesney Martin, former chairman of the Federal Reserve Board, yesterday said that "further evolution" toward a world central bank is necessary for economic growth and political stability.

"No community can thrive without some constraints on the behavior of its members," Martin said. "To prosper together, nations must accept some limitations on their freedom of action."

Martin's support for a world banking institution was delivered at the very center of the conservative central banking world: Basel, Switzerland, in the annual Per Jacobssen lecture. A text of this prelude to next week's International Monetary Fund meeting was released in Washington.

The idea of a world central bank has been discussed in academic circles for many years, but has been resisted because it would require the dilution of national sovereignty.

Martin's theme yesterday was that many of the functions of a world central bank are already being performed by the IMF and other international institutions, and further progress of this kind should be encouraged because every nation's prosperity depends on that of its neighbors.

He defined the key functions of a world central bank as creation of world money; regulation of reserves; stabilization of the economies; consolidation of reserve assets; lender of last resort; supervision of international money and credit markets; and the promotion of harmony in the policies of the member states.

The former FRB chairman observed that the IMF had begun to create a world money through the SDRs (Special Drawing Rights). Other functions comparable to a world central bank's he said, are performed by the Organization for Economic Cooperation and Development, the Bank for International Settlements, even the Common Market.

But Martin said that the IMF had "the clearest potential" for evolution into a true world central bank.

Martin recognized the argument that his proposal might be said to be "inconsistent" with the maintenance of national sovereignty. But he argued that the experience of international financial co-operation "involves no loss of sovereignty but rather a pooling of sovereignty.

"It could even be said that what were once the principal objectives of sovereign powers—the maintenance of economic prosperity and of effective defense—can now only be achieved by the acceptance of co-operative international arrangements which by their very nature impose limitations on the sovereignty of all the nations concerned."

Martin also suggested that the same forces leading to the "startling growth" of the multinational corporation since the end of World War II "also point in the direction of ever-closer co-operation among monetary authorities—that is, toward a world central bank."

In connection with the SDR program, Martin digressed from his main theme to warn that the amount of SDRs (sometimes called "paper gold") to be created in the future must be adequate to meet the need for growth in world reserves. A total of $3.4 billion in SDRs was created this year, and $6 billion more is scheduled for 1971 and 1972.

Martin's point was that inadequate creation of SDRs for reserves would induce other countries to increase their reserve holdings of dollars which "would make a deficit in U.S. (balance of) payments almost inevitable no matter how well the United States manages its policies."

The Dow Jones News Service reported from Basel yesterday that one immediate response from bankers was resistance because the international Eurodollar market—now grown to some $40 billions—would be controlled by a world bank of the kind suggested by Martin. "The reason a lot of us like to deal in the Eurodollar market so much," one New York banker told Dow Jones, "is the fact that there isn't any central bank controlling it."

Eurodollars are dollars on deposit in banks abroad available to be loaned to others.

ADVANTAGES SEEN IN TACHOGRAPHS

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. FINDLEY. Mr. Speaker, on June 10, 1970, I introduced a highway safety bill, H.R. 18011, which would require all trucks and buses traveling in interstate commerce to be equipped with a tachograph. This inexpensive device provides a permanent record by chart of speed in miles-per-hour, distance traveled, nonoperating time of the vehicle, and the number and duration of stops.

As an instrument of public safety, and incidentally as a tool of management to cut costs and promote profits, the tachograph is without equal. The safety director of one large trucking company wrote me that "it is one of the best driver control devices available," and he expressed his strong support for my bill. A truck or bus driver equipped with a tachograph has shown a greater awareness of his speed and driving habits, and a greater willingness to improve his driving skills when the tachograph chart shows areas of needed improvement.

Most drivers welcome the tachograph. A good driver is always anxious to improve his capabilities and this instrument shows him how to do it. In addition, many drivers have saved themselves and their company legal liability for an accident when the tachograph proved that they were not at fault.

Support for this new highway safety bill is growing. The American Ambulance Association has come out in favor of the use of tachographs. In addition, 23 Teamster Union locals have also gone on record in favor of this safety device.

In a recent issue of Trucking Business, a magazine for the trucking industry, the bill I have introduced and the tachograph are given thorough discussion. I want to include pertinent portions of the article at this point in the RECORD so that all my colleagues might have an opportunity to read about the tachograph as an instrument of highway safety:

ADVANTAGES SEEN IN TACHOGRAPHS WITH OR WITHOUT FEDERAL LAW

(By Bill McCarty)

A recent newsletter from the Local and Short Haul Carriers Conference of the American Trucking Associations contained this paragraph:

"A speed-recording device called a 'tachograph' that produces a permanent graphic record has been proposed for all regulated trucks and buses. A bill, H.R. 18011, was introduced in the House by Rep. Paul Findley (R.-Ill.) who said that experience in other countries where the 'device is mandatory,' clearly shows that these devices promote speed control. They won't prevent accidents, he said, but will serve as a warning device to drivers and provide accurate records for owners, drivers and law enforcement officers. DOT would administer the proposed act and the devices would be installed on new trucks and buses manufactured after Jan. 1, 1972, and installed on all such vehicles operated in interstate commerce after Jan. 1, 1974." (Congressman Findley's bill appears on page 19276 of the Congressional Record of June 10, 1970.)

Aside from this most recently proposed legislation, more and more heavy-duty truck fleet operators and supervisors are becoming aware of the advantages offered by the latest innovations in tachographs and electronic instruments.

Tamper-proof and easily installed, most of these new instruments offer many attractions, not the least of which is the ability to provide "fool-proof" records of the driver's and truck's time and actions—records that already have saved money for operators by their admission as evidence in court.

There's also been a change in driver attitude toward tachographs. Perhaps because of the "tach's" increasing usage, or possibly because today's drivers sincerely desire to become more proficient in their profession, there are seldom arguments of the magnitude heard, say five years ago. Though still frequently referred to as "bugs" or "squeelers" by some drivers and resisted by some unions, the tachographs have turned out to be more of a friend than most drivers ever imagined. They are welcomed by good drivers since they provide proof of how he drives and handles his vehicle. Down time is explained, necessary delays are substantiated and accident blame is pin-pointed.

Listed by manufacturers among rewards offered with tachograph use are improved driver performance (by pointing out driving errors to driver and supervisor for correction); improved preventive maintenance and shop schedules because troubles are spotted easily and early; elimination of down time; permanent speed record for use in court if necessary; stabilized insurance rates, and as an aid in route selection.

The tachograph is primarily a control type instrument in that it provides a charted record of the vehicle's use and performance. William H. Walker, sales manager, automotive, Engler Instrument Co., Jersey City, N.J., said that while all models provide a record of time, distance, stops, starts, etc., one model also provides a record of speed and engine rpm on a single chart while other models provide either one but not the other.

Also, Walker said, there are 24-hour models as well as seven day instruments. They are used to control vehicle abuse, ensure full utilization of the vehicle, avoid excessive coffee breaks, compute demurrage time, and for a host of other reasons. According to Walker, "They are the ultimate answer for the owner who wants to know where his vehicle and driver are and what they are doing, as well as how the driver is handling the truck."

Through the mile-per-hour tachograph, driving, idle or engine *off* operations are recorded at the exact time of occurrence? The exact speed is recorded for each mile and minute of travel. Point to point and total mileage is accurately recorded and the chart is marked whenever the tachograph door is opened. The tachograph makes a record of vehicle operation even though the drive cable may be disconnected or broken.

With the RPM model tachograph, the engine speed is recorded from moment to moment. The total engine revolutions are recorded for any trip and all engine operating time is recorded on the chart. Again, the tach makes a record of vehicle operation even though the drive cable may be disconnected or broken.

The Wagner (Wagner Electric Corp., St. Louis, Mo.) tachograph employs an electric chart drive, timed by the most advanced type of electronic clock that operates on the tuning fork principle. The styli operate in a straight line for utmost accuracy in scribing the chart. The trace is sharp and distinct and the operational record of a truck is there for examination.

Installation of the tachograph is comparatively simple. It can be mounted on the dashboard as a replacement for the standard speedometer or a Universal Bracket can be employed to mount the instrument elsewhere.

Because they are a more complex instrument than the normal speedometer, they do require somewhat more care and maintenance and they are subject to cable problems.

TACHOGRAPH PROGRAMS

Properly installed and administered, a tachograph control program will provide the means for achieving substantial economies in fleet operations, according to Howard E. Smith, manager technical data services, Sangamo Electric Co., Springfield, Ill.

In a special booklet prepared by Sangamo, a tachograph program is outlined. It was developed by a large western freight line and according to the booklet, proved extremely profitable for them. Among other things, it provided the means for improved driver selection and supervision, more efficient maintenance and improved route selection. Driver overtime and fuel costs were greatly reduced and, almost immediately, there was a noticeable trend toward fewer engine and transmission repairs and extended brake and tire life.

An unexpected bonus, Sangamo reports, was the improvement in customer relations through more precise delivery schedules.

SETTING UP A PROGRAM

In setting up a tachograph program, and to receive the maximum benefits from the

instruments, there are three important steps that must be taken, Sangamo states:

1. Use the information provided by the tachograph recording when establishing your cost control program.

2. Develop the simple administrative tools required to implement your tachograph control program.

3. Establish a clear set of rules that the employee can understand and follow without difficulty.

A tachograph service record should be made in duplicate so that when a fresh tachograph chart is installed into the tachograph, the date, trip number and time, mileage and tractor number are all permanently recorded. One copy of the form should be attached to the tach by wire and sealed to indicate the date and time of chart installation as a visual indication the performances will be recorded when the vehicle leaves the loading zone.

The second copy should be placed on an alert board in the dispatcher's office to show the time of chart installation and the time for chart removal and replacement.

If the tachograph ever needs repair, it's important to know the exact cause of failure so a maintenance record of each tach should be complete.

Because it's so important that sufficient information be compiled on which to form the basis for policy decisions, it is advisable, at least in the early stages of program development, to have all tachograph recordings evaluated by management personnel only.

GATHERING INFORMATION

A number of ways are suggested for gathering information such as driver time. One method, of course, is comparion of actual trip charts. Another is the driver and vehicle evaluation using a master trip chart. This involves the development of a master chart based on a supervisor-charted trip which notes all speed zones, driving speeds, stopping places, idle and engine *off* operations for each route, from point of departure until arrival at destination. The tachograph recording of the supervised trip is then affixed to a large chart and all other trip recordings for this route are compared to the master chart.

Through the master chart comparisons, it was revealed that two drivers did not stop for a required load check and did not reduce their speed in a 40 mph zone; they did stop to check the truck and load at another location; it showed their time of arrival and the fact that they had stopped briefly, six times for traffic signals before braking to a full stop. While they were at their destination, the engine was idling the entire one hour and 53-minutes. Other engine idle time was indicated.

This was the conclusion: The drivers did not shut the engine off during the entire trip. This excessive engine idle operation was a needless waste of fuel and may have contributed to dangerous carbon deposits in the engine. The trip was not safe, due to the high speed driving that was necessary to make up for prolonged rest periods. The unnecessary speed accelerated vehicle deterioration and increased fuel and tire costs. The lack of professionalism displayed hurt the fleet operator by increasing maintenance, transmission, tire and fuel costs.

DRIVERS AND TACHS

The role of the tachograph in driver selection and driver training cannot be over-emphasized. Unfortunately, poor drivers earn the same wages as good drivers even though poor drivers cost the fleet operator more money to run his business.

It's been estimated that the driver accounts for approximately 60-percent of the total operating expense. Consequently, to a large extent, profit from any trucking operation is determined by the performance of the driver. Statistics compiled for tachograph manufacurers indicate that a tachograph controlled driver training program can reduce costs by eliminating lugging, over-reviving and other driver errors that keep maintenance costs high.

One manufacturer suggests, too, that programs used to train drivers ten or 15-years ago may not now be adequate for a driver operating today's equipment. In some instances, good drivers are unaware they are not operating their engines in accordance with the manufacturer's specifications, and when given the opportunity to evaluate their driving technique by analyzing their tachograph recording, they are able to adjust their driving to meet the recommended operating range.

In most instances, companies invite their drivers to examine and evaluate their own tachograph recordings. This time is usually used, too, to explain the tachs to the driver and the fact that this is an opportunity for the driver to improve his driving habits as opposed to an excuse to spy on him. Incidentally, some managers and supervisors have been surprised at their own tach recordings . . . not everyone is as good as he thinks he is.

There will, of course, always be those who will try to tamper with the tach's readings. For that reason, it should be a rule that the tachograph is not opened except for the insertion and removal of charts. With experience, however, it is easy for a supervisor to detect any attempts to alter a tachograph recording. By following a simple chart, the type of irregularity is easily detected as well as the cause, making it easy to find any attempts to tamper with the charts in order to conceal violations of operating and safety rules.

INSURANCE AND COURTS

Another area influenced by the use of tachographs is insurance. Sangamo Electric says, "Truck operators well know that there is no end to the rising costs of insurance unless positive action is taken to prove a record of accident-free driving and sensible driving habits. Just as theft insurance rates are lower for the bank that installs a new, high-quality burglar alarm system, the tachograph can stabilize the trucker's insurance premiums.

More and more fleet managers, Sangamo says, are turning to the tach as an effective means for measuring and validating driver performance against established optimum operating conditions. The tach builds a strong case supporting claims of predictable and responsible behavior.

Of all the tachograph's virtues extolled by the manufacturers, number one must be the use of tachograph records as evidence in court. This certainly is understandable when the cost of accident claims is considered. Almost every manufacturer can, and does, cite case histories in which their equipment and services were used in clearing a trucking company of blame in costly damage suits.

Argo Instruments, Long Island City, N.Y., for example, cites an incident when they blew up a tachograph accident chart ten times its original size (they can be blown up 70 times size) so that an analysis could be made that would be accurate within a second, a yard and a mile-per-hour. Argo experts analyzed the second by second movement of the vehicle and from the chart alone were able to graph the exact movements of the truck. Armed with the information compiled for them as a free service, the truck company was able to prove it was not responsible for the accident.

Similar cases are cited by other manufacturers, many of whom offer the services of trained experts to make precision analyses of tach charts following accidents and who will furnish, free, a deposition detailing the operation of the vehicle prior to and at the time of the accident.

STRENGTHENING THE U.N.

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. BINGHAM. Mr. Speaker, the occasion of the 25th anniversary of the United Nations has prompted many world-concerned individuals and organizations to examine this institution and consider how the United States might help to strengthen it and other international efforts to foster world peace and justice. One such organization is the YWCA which, meeting in convention this past spring, produced many excellent and thoughtful suggestions for U.S. foreign policymakers. These recommendations were communicated to the President by the YWCA's national board president, Mrs. Robert Claytor.

Mrs. Claytor also wrote to Secretary of State Rogers regarding the repeated testing of nuclear weapons in the atmosphere of the South Pacific and urging that the United States do all it can to encourage the French and Chinese to cease this dangerous activity.

I commend these fine letters to my colleagues and other readers of the RECORD:

NATIONAL BOARD OF THE YOUNG WOMEN'S CHRISTIAN ASSOCIATION OF THE U.S.A.

New York, N.Y., July 22, 1970.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Your recent recognition at the White House of the United Nations 25th Anniversary and the establishment of a commission for its observance have the hearty support of the YWCA. In fact, we have welcomed the contribution your Administration has already made to the "substantive" observance called for by the General Assembly's Preparatory Committee. Recent U.S. initiatives in the UN are in line with actions of the 1970 Triennial National YWCA Convention.

ELIMINATION OF RACISM

Twenty-five hundred representatives of the YWCA's 2½ million members and participants meeting this spring in Houston, Texas, adopted a Program of Action 1970–73 for the elimination of racism. We are particularly glad, therefore, that the U.S. will take further specific steps designed to discourage the imposition on Namibia of South African racial policies in accordance with United Nations resolutions. We hope that measures to discourage investment in Namibia, outlined by UN Ambassador Charles W. Yost on May 20th, are being vigorously pursued. We would urge further that U.S. exports to South Africa and arms shipments to other nations be scrutinized to assure full compliance with the UN-sponsored embargo to which the United States subscribed.

As part of the YWCA Program of Action to Eliminate Racism, the National Convention called for U.S. ratification of the International Convention on the Elimination of All Forms of Racial Discrimination. We concur in the view of a number of legal authorities that U.S. constitutional guarantees can be protected in acceding to this treaty, and that ratification is both feasible and desirable.

DEVELOPMENT ASSISTANCE

Racism cannot be eliminated at home or abroad, without outside assistance to people who are working against great odds for social and economic development. Our ex-

perience with the Mutual Service Program of the World YWCA, where an international committee similar to the Governing Council of the United Nations Development Program sets priorities and fixes allocations for projects requested by national YWCA's, has made us sensitive to the advantages of the multilateral approach to development assistance. United Natinos programs, we believe, reorganized and strengthened in accordance with recent proposals, should be a major channel for U.S. assistance to world development.

To follow your recommendation that more aid be made available through multilateral channels, we hope the Peterson Commission's findings for more aid and more multilateral aid will soon find their way into concrete proposals which will receive a high priority in the Administration's legislative program. The YWCA Convention endorsed "The contribution by industrial nations of at least 1% of their gross national product to world social and economic development preferably through multilateral channels." Our Convention also took note of the vital role of trade policy in development. We believe it is in the national interest to enter more fully into UN-sponsored commodity agreements and other trade arrangements to assist developing nations toward self-respecting self-sufficiency.

To provide for some of the future needs of these nations we welcomed your May 20th announcement of U.S. Oceans Policy and the proposal for a treaty on the resources of the deep seabed and their application to world development. In view of the YWCA Convention's emphasis on the importance of "ecological balance," its insistence that the resources of the seabed should be "protected for the benefit of all mankind," we are particularly interested in the Oceans Policy's provision for pollution safeguards and hope the U.S. will take a strong position on potential pollution when agreements are to be negotiated.

PEACEMAKING AND PEACEKEEPING

As social and economic forces in our own country so clearly demonstrate, progress in the areas noted above is slowed or brought to a standstill when vast national resources, human and financial, must go to meet nonproductive military requirements. The YWCA Convention therefore gave priority to support for United States and United Nations efforts for disarmament and peacekeeping.

We welcomed the UN action which led to the SALT talks despite their inability to prevent the deployment of U.S. Safeguard and Soviet SS9s. We strongly believe, however, that major efforts toward partnership with the rest of the world as is proposed in the Oceans Policy is as vital to U.S. national interest as accommodation between superpowers. The UN debates on nuclear nonproliferation and on the emplacement of weapons of mass destruction on the seabed revealed a number of foreign policy options which seem to have been neglected.

The YWCA Convention gave strong support to "United Nations' and our own government's efforts for world peace," and expressed the view that the United States should "de-emphasize bilateral military alliances and spheres of influence in favor of strengthening the international peacekeeping role of the United Nations." We therefore welcomed the Administration's determination as announced April 29th by then Under Secretary Elliot L. Richardson to initiate efforts toward more effective UN peacekeeping. If your current drive, which we applaud, to find a basis for Middle East negotiation within the context of the November 22, 1967 UN Security Council Resolution leads to an eventual settlement such peacekeeping arrangements will be sorely needed.

Peaceful settlements is another area in which YWCA Conventions have recorded a sustained interest. U.S. neglect of the World Court and the crippling effect on U.S. participation of the Connally reservation have long been of great concern to us. Secretary of State William P. Rogers' recent statement pledging a U.S. effort to use the Court more fully encourages us to hope that the U.S. is, as you suggested in your Report to the Congress on Foreign Affairs, entering into a new kind of international partnership.

The U.S. initiatives proposed in this 25th Anniversary year lead us to hope that the United Nations is becoming more than just a symbol of that partnership. To make international partnership a reality, as our National Convention proposed, the U.S. should move toward supporting universal membership in the United Nations.

The action of the UN World Youth Assembly in inviting attendance from non-member states seems to us a useful approach which could be followed to advantage in other UN conferences. Without the participation of representatives of all of China, we fear the most dangerous threats to the international community defy solution.

YOUTH

Youth, too, needs to be represented, as the YWCA Convention declared, "in the development of public policy and decision-making." From among the young people who have shown themselves highly competent in the area of UN Affairs we urge you to accept the proposal included in the 24th General Assembly's Resolution 2499 that representatives of youth be included in the U.S. delegation to the 25th General Assembly.

We look forward to your participation in the Anniversary commemorative session. We trust the words which heads of state speak there will lay the foundation for world movement toward the ideals of the Anniversary theme: Peace, Justice, and Progress, in which all may share.

Sincerely,

MRS. ROBERT W. CLAYTOR,
President.

NATIONAL BOARD OF THE YOUNG WOMEN'S CHRISTIAN ASSOCIATION OF THE U.S.A.
New York, N.Y., July 17, 1970.

HON. WILLIAM P. ROGERS,
Secretary of State,
State Department,
Washington, D.C.

DEAR MR. SECRETARY: The enclosed letter from the YWCA of Fiji has been forwarded to us from the World YWCA in Geneva. In view of the YWCA of the U.S.A.'s strong position against nuclear testing, including underground tests in western United States and Alaska, we support the action of the YWCA of Fiji and other groups in expressing "grave concern at the repeated testing of nuclear weapons in the atmosphere of the South Pacific."

It is our hope that the government of the United States as a signatory of the Limited Test Ban Treaty will initiate conversations with the government of France to seek French compliance with the treaty.

You will note that the Director of the YWCA of Fiji points out in her letter that the French are credited with testing in the South Pacific because public opinion drove their tests from the Northern Hemisphere. In addition to being a hazard to health and safety, the tests represent an affront to the dignity and rights of the people of the islands.

In this context the situation in U.S. trust territories in the Pacific, and demands for compensation for still radio-active lands, are other issues to which we earnestly hope the Administration is giving full consideration. We hope that discussions which have recently taken place in the UN Trusteeship Council will be followed by further U.S. assistance in support of the principle of self-determination and President Nixon's concept of international partnership.

Certainly one of the most cogent reasons for intensifying U.S. efforts toward universal relief from all weapons testing is the disregard of human rights such tests represent. Through the Strategic Arms Limitation Talks in Vienna, the Disarmament Committee in Geneva and efforts to encourage the French and the Chinese to see their own interest in joining in a comprehensive test ban, we hope the U.S. will direct it policy toward a fall-out free world.

Sincerely,

MRS. ROBERT W. CLAYTOR,
President.

STATEMENT ACCOMPANYING INTRODUCTION OF RESOLUTION TO INSTIGATE ANTISKYJACKING BOYCOTT

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. ROSENTHAL. Mr. Speaker, we all have been horrified by the recent aerial hijackings. Perhaps in my case, it is even a bit more terrifying, since these criminal acts have literally struck close to home. Ten of my constituents, including six children, were on the planes hijacked by the Palestinian terrorists. Eight were subsequently released but the husband and father of a woman in my district still remain in the commandos' hands as hostages.

To obtain the release of these men and the other hostages is an extremely delicate matter which I fervently pray our Government and the other victimized nations involved will be able to resolve successfully.

Our primary objective at this point must be these prisoners' lives. But once the current crisis is over, there is another concern which must dominate our thinking in the weeks ahead.

Mr. Speaker, each day that passes without the international community taking action against aerial hijacking increases the odds that this barbaric act will be repeated. We can put armed guards on planes and improve our surveillance equipment at airports. But until the international community convinces a prospective hijacker that no sanctuary awaits him anywhere in the world, we lack sufficient deterrent to discourage a hard core group of fanatics, political or otherwise, from making attempts.

I think a major step toward an effective deterrent would be American leadership in the campaign to organize an international air boycott against those nations which in any way fail to take appropriate action against skyjackers. This strategy, I believe, would be successful in winning cooperation from those countries which so far have evidenced reluctance to extradite air pirates to the flag country of the hijacked aircraft.

To be effective, the boycott must be imposed against countries not only derelict in punishing skyjackers, but lax in prosecuting them. With these objectives in mind, Mr. Speaker, I introduce the following resolution:

Whereas aerial highjacking represents a

threat to international travel and a gross violation of international law; and

Whereas aerial hijacking is a grave threat to human life and an act extremely difficult to prevent every time it is attempted; and

Whereas an agreement to deprive a hijacker of sanctuary anywhere in the world would probably provide the best deterrent: Now, therefore be it

Resolved, That it is the sense of the House of Representatives that the President should act immediately to prohibit any American air carrier from landing in a foreign country which fails or refuses—

(A) to prosecute those charged with international aircraft piracy; or

(B) if such individuals are convicted, to impose appropriate punishment; and be it further

Resolved, That the President should act immediately to prohibit the planes of any foreign air carrier of a foreign country described previously in this section from landing in the United States; and be it further

Resolved, That the President should act immediately to enter into bilateral agreements with all nations to provide for the mandatory extradition of a hijacker including a hijacker who requests political asylum, to the flag country of the hijacked aircraft; and be it further

Resolved, That the bilateral agreements shall provide for the hijacker who is extradited to be tried and punished only for the hijacking offense.

CAMPUS UNREST: DON'T BLAME MR. NIXON

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. BUSH. Mr. Speaker, with the opening of many of our colleges this week, we should take a moment to consider some of the momentous problems these institutions will face in the coming year. One of the best articles I have read on these problems appeared in the July 29 issue of the Wall Street Journal. In it Mr. Douglas L. Hallett, a senior at Yale University, accurately pointed out that too often the blame for campus unrest is laid at the doorstep of the President or the war when in reality it should be placed squarely on the shoulders of administrators and professors who have failed to communicate with their students.

In my talks with students, professors and administrators I have been shocked by the reliance upon rhetoric. Mr. Hallett's article, "Campus Unrest: Don't Blame Mr. Nixon," accurately points out some of the reasons for this unhealthy turn upon our campuses. I insert this article in the RECORD at this time in the hope that every Member of this body will take a moment to read it. Because only by recognizing our failures, can we successfully solve them.

CAMPUS UNREST: DON'T BLAME MR. NIXON

(By Douglas L. Hallett)

WASHINGTON.—President Nixon has now had an opportunity to study the initial testimony of his Commission on Campus Unrest headed by William Scranton. He has also received a report from his special adviser on campus problems, Alexander Heard, chancellor of Vanderbilt University. Hopefully he will read both selectively. Although the commission and Mr. Heard have elucidated some of the problems facing universities, their basic thrust is much too one-sided and much too limited by contemporary events to be of any real value.

While the testimony before the Scranton commission and Mr. Heard's report make some reference to the need for reform on university campuses themselves, the dominant tone is somewhat different: The President is at fault. He must listen to the students, respond to their views, end the war, and if that cannot be done tomorrow, at least try to "communicate" with the nation's colleges and universities.

"It may well be that the only line in your report that will have meaning for our colleges and universities is the line that reads: 'This war must end'," said Sen. Edward M. Kennedy (D., Mass.). From Robben Flemming, president of the University of Michigan: "An end to the use of American troops in Vietnam will not still campus unrest, but it will do more than anything else to help contain it." From Charles Palmer, president of the National Student Association: "As long as there is substantial American military involvement in Indochina, students will continue to oppose it."

And the foundation of criticism of the war is always buttressed with the nation's other alleged failings. "Unless we can begin now (restoring youth's faith by doing their bidding)," testified Yale psychologist Kenneth Keniston, "ours will not only be a divided and sick society, but a society that has lost the best of its youth—a society on its deathbed." Even calm Mr. Heard recommended "that the President increase his exposure to campus representatives, including students, faculty and administrative officers, so that he can better take into account their views, and the intensity of those views, in formulating domestic and foreign policy."

There is, of course, some validity in these views. Certainly the war and the threat of the draft have created consternation on campus. Certainly many able students are shocked by the disparity between their own luxury and the deprivation around them when they leave comfortable suburban high schools for the dirt and tedium of urban university neighborhoods.

IMPORTANT SOCIAL FACTORS

Even more important are other social factors the Scranton Commission and Mr. Heard have yet to discuss. Students discover in college for the first time that they will not inherit the earth, that the increasingly centralized nature of the American economy has foreclosed many of the opportunities for self-expression they thought they would have. Thousands study international relations in college, but the State Department can use only 150 each year. Only a few in any profession can rise to positions where individual initiative and creativity are truly possible.

But no amount of frustration with society justifies or explains the destructive path some student protest has taken recently. President Nixon has withdrawn more than 100,000 troops from Vietnam and instituted draft reform that will lead to a voluntary army. He has proposed an income maintenance plan that would be the most revolutionary domestic program in a generation and he is already the first President since Franklin Roosevelt to spend more on domestic programs than on defense.

It can be argued that these steps are not enough. But can it really be argued that they are so unsatisfactory that burning buildings and disrupting classrooms become justifiable or even understandable?

Can it really be argued that students, a group possessing the luxury of time to use traditional political channels and the most potential for eventually controlling them, deserve the President's special attention?

Can it really be argued that students are doing anything more than indulging their own uncontrolled emotions when their activities polarize the society and undermine the political viability of issues with which they are supposedly concerned?

Mr. Keniston and others who have been counseling the President over the past few weeks may be optimistic about the students and their concerns, but the real radicals in this society fear them. They see many students as indulging themselves at their expense. The Black Panthers denounced the white students who took to the streets during the May weekend demonstrations as "racist exhibitionists who know black people, and not they themselves, will have to face the repercussions of their madness."

And Steven Kelman, a Socialist and recent Harvard graduate whose book, "Push Comes to Shove," is the best yet on campus unrest, blasted his fellow students before the Scranton Commission for their "snobbish, arrogant and elitist attitude." He said unrest would continue "as long as students continue to regard the American people not as potential allies in solving problems but as an enemy to be confronted."

A FUNDAMENTAL REALIZATION

Neither the Panthers nor Mr. Kelman would appreciate being coupled with Vice President Agnew, but they share with him one fundamental realization: Most so-called student radicals cannot be trusted. Students don't know what they want. They identify for periods of time with anybody from Eugene McCarthy to Bobby Seale, but their commitments are transitory. The outrage that followed the Cambodian incursion has not been followed by sustained political activity among students. As president Kingman Brewster of Yale knew when he undertook his policy of generous tolerance last spring, students get bored easily when it comes to the hard work of political organization and stop when the initial enthusiasm has passed.

Worse yet, students are frighteningly ignorant of the problems the country faces and of the efforts that have been made to solve them. They react strongly to rhetoric because they have nothing else on which to rely. It can be argued that President Nixon's withdrawal from Vietnam is too slow, but those who make this point should be willing to acknowledge that Mr. Nixon is doing exactly what Robert Kennedy proposed in 1968.

Similarly, it is possible to quarrel with the "new urbanology" of Daniel Patrick Moynihan and Edward Banfield, but it should also be clear that their approach is designed partially to eliminate the statism that proved so ineffective in the Johnson Administration's "Great Society" programs. Students, in their false morality, refuse to make these acknowledgments because their historical sense is too weak to breed in them the tolerance that should come with learning.

Responsibility for this situation does not, as the Scranton commission testimony and Mr. Heard's report come close to implying, lie with Mr. Nixon. Rather, as only a few brave academic souls such as former Cornell President James Perkins have partially conceded, it lies with the very same people who have been devoting so much energy to blaming the President: The faculty and administrators of the nation's colleges and universities. During the Fifties, Mr. Perkins argues, universities became so distracted by the McCarthy furor that they failed to keep pace with changing historical currents. Instead of changing teaching content and academic structures, they just marked time.

On a public policy level, Mr. Perkins believes this led to the universities' advocating

two premises that were "bankrupt" long before the academic community noticed. One was that the United States could intervene freely throughout the world. The other was that integration, accepted by both black and white, would be the answer to racial tensions. Mr. Perkins says these faulty ideas have "chopped up" universities. And although he does not continue his argument, presumably he means that this has taken place at least partly because the universities have refused to accept responsibility for their views. Now, in their efforts to escape responsibility, they are blaming Mr. Nixon. In the process, they are breeding in their students the kind of rigidity that comes only with a one-sided historical analysis.

UNCHANGED SINCE THE MIDDLE AGES

The Perkins analysis can also be extended to the internal structure of universities. Universities are the only institutions in American society that have not fundamentally changed since the Middle Ages. They still maintain highly structured tenure systems that protect incompetence and cheat the student out of the personal tutoring that he is told the best universities offer. But the academic community's own rigidity does not stop it from lashing out at the political system and accusing it of the very same authoritarianism and repression academic institutions so perfectly exemplify. Learning from people who engage in this kind of self-delusion and self-projection, students naturally come away confused about their history and their place in it.

In fairness, it must be noted that the problem lies deeper than the campus. The loss of historical perspective and the diminished and unsure sense of the self that it brings have been encouraged by other institutions as well. Writes historian Daniel J. Boorstin, "In our churches the effort to see man sub specie aeternitatis has been displaced by the 'social gospel'—which is the polemic against the supposed special evils of our time. Our book publishers and literary reviewers no longer seek the timeless and durable, but spend most of their efforts in fruitless search for ala mode 'social commentary'—which they pray won't be out of date when the issue goes to press in two weeks or when the manuscript becomes a book in six months." Nor have the news media, in this day of up-to-the-minute television coverage, done much to develop in their audience a feel for the slow and deliberate character of social change.

But inevitably the universities must take primary responsibility for the confusion among many of our students. More than any other institution, they influence the thoughts and feelings of the brightest of our young. And more than any other institution, they are responsible for preserving our past and passing along the best of it to the next generation. They have failed miserably in that role. And only when they begin to succeed will students turn to more constructive paths for their emotional surges.

This does not mean President Nixon cannot take some steps to ease campus tensions. He can persuade his Vice President to soften his statements that appear to many students to be deliberate incitement to riot. He can make a far better intellectual presentation of his own views than he has so far. He can begin advocating the kinds of public and private decentralization that will create new opportunities for self-expression for students and others. But Mr. Nixon should resist, and resist vigorously, anybody who advises him to institute artificial consultation with students that cannot be followed by policy decisions the students desire. The problem goes far beyond anything symbolic gesturing could solve, and besides, students get too much of that already on their campuses.

PORNOGRAPHY PUZZLE

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. GOLDWATER. Mr. Speaker, there has been much discussion about the President's Commission on Obscenity and Pornography; I think that the editorial in the August 28 issue of the Pasadena, Calif., Star-News is an excellent synopsis of the matter in question. I wish to include the editorial for my colleagues' consideration:

PORNOGRAPHY PUZZLE

The nation's brightest minds have long groped for a definition of what is and what isn't pornographic. They haven't come up with an answer, so the latest fad is to battle for the repeal of all laws against pornography for adults.

Magazine racks throughout the Star-News Area, even in what could be called blue-nosed establishments, are full of publications designed for titillation and licentiousness. In some less desirable areas, children can walk in and buy amply-illustrated publications of the rankest nature. The mails are full of stomach-turning literature. Legitimate movie houses are screening movies far more dirty than those which were shown in so-called sex theatres a few years back.

In the midst of all this, self-proclaimed experts are campaigning for even more pornographic permissiveness.

The report of the President's Commission on Obscenity and Pornography was originally scheduled for release this weekend. Now it won't be made public until mid-September because of the huge stir created when a draft version was leaked early this month.

The commission, which was appointed by Lyndon Johnson, apparently went out of its way to swim against the tide of majority and leading expert opinion on the subject.

The principal conclusion of the draft was that "erotic materials do not contribute to the development of character deficits, nor operate as a significant factor in anti-social behavior or in crime and delinquency causation." In other words, it's okay to let kids look at anything because it won't hurt them.

The pronouncement quite properly raised hackles at both ends of Pennsylvania Avenue in Washington, D.C., and around the nation. The Nixon administration is embarrassed by the "President's Commission" title, even though Mr. Nixon had nothing to do with it, and the Democratic majority on Capitol Hill is embarrassed that the commission was created by a Democrat. It will be difficult to find a single politician with a prayer of winning in November who will agree with the report.

Meanwhile, the Justice and Post Office Departments are stepping up investigations and prosecutions of mail-order pornography dealers. The government won conviction of 14 pornographers during fiscal 1970 and currently has federal indictments pending against 40 others. Dealers currently under indictment or already convicted account for more than 90 per cent of mail-order smut, postal officials say.

The Supreme Court is expected to rule on at least four obscenity cases during the upcoming term.

It must be hoped that Congress, the administration and the courts will pound pornography into the dirt where it belongs. It also must be hoped that, if the entire report follows the line of the draft version, the President's Commission on Obscenity and Pornography's recommendations will be tossed into the garbage can along with all the mind-corrupting literature and pictures it would make available. The fad has gone too far and must be ended before we all slip into depravity.

CONSUMER BILLING ABUSES REQUIRE LEGISLATIVE ACTION

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. RYAN. Mr. Speaker, 33 of my colleagues joined me when I reintroduced H.R. 18271—which is aimed at eradicating the "shrinking billing period" problem—and cosponsored H.R. 18451 and H.R. 18452. This problem afflicts thousands of consumers daily. They believe that they have 30 days in which to pay their bills; they receive a billing statement just 1 or 2 days before the payment is due; and they are forced to pay a finance charge because they simply do not have enough time to pay.

The consumer is in no way at fault. Had he received his billing statement in sufficient time, he would have been able to pay with alacrity. Creditors are the parties to blame in these situations, for whether by intention or inadvertence they delay mailing out the statements.

To compound the frustrations confronting innocent consumers, complaints made to creditors concerning the amounts shown in the billing statements are most likely to be answered—if they are answered at all—by anonymous clerks or computers merely reiterating the demand for payment. For the victim of an erroneous billing statement to obtain satisfaction from his creditor, months of correspondence may be necessary. And compounding this frustration is the very real possibility that the consumer, who is merely rightfully seeking the correction of an erroneous billing, may be listed as a bad risk by credit bureaus in the interim. Once on one of these lists, his credit may be permanently impaired.

To combat the problem of erroneous billing, I have introduced H.R. 18793, the Fair Credit Billing Act. This bill, which was introduced in the other body by the senior Senator from Wisconsin, Senator PROXMIRE—a leader in the fight to protect consumer interests—requires that within 10 days after receipt of a notice of a billing error from the consumer, the business firm must acknowledge receipt. Within 60 days, it must either explain the basis of the original statement, or send a corrected statement to the consumer. If the company fails to meet either of these requirements—the 10-day acknowledgement or the 60-day account adjustment—it forfeits the right to collect the amount claimed to be in error. And, if there is in fact an error, and the creditor has failed to make an account adjustment or to acknowledge the notice of error, it may be sued by the consumer for actual damages; $100 or three

times the erroneous amount; and reasonable attorney's fees.

The fair credit billing bill, which also incorporates as a separate section my "shrinking billing period" bill, was cosponsored by 11 of my colleagues when I reintroduced the bill as H.R. 18986 and as H.R. 19218. They are: Mr. BURTON, of California, Mr. FARBSTEIN, Mr. HALPERN, Mr. HARRINTON, Mr. HAWKINS, Mr. LOWENSTEIN, Mr. MOORHEAD, Mr. MORSE, Mr. ROSENTHAL, Mr. TIERNAN, Mr. TUNNEY.

Recently, Peter Weaver wrote an article which was published in the August 2 issue of the Washington Post, and which concerned in large part the "shrinking billing period" problem. I commend this article to my colleagues as a good explication of the problem and as demonstration of the need for passage of H.R. 18271—companion bills H.R. 18451 and H.R. 18452—as well as H.R. 18793—companion bills H.R. 18986 and H.R. 18218.

The article follows:

TRUTH IN LENDING, SO WHAT?

(By Peter Weaver)

We've had a "truth in lending" law for a year now and the average consumer is still as confused as ever about credit charges.

Just presenting the technical truth about interest rates does not tell you how you can best use the billing system to avoid unnecessary charges.

"Today you have to run your home finances like a small business," says Sheldon Feldman, Federal Trade Commission credit and billing expert. The first thing you have to do, says Feldman, "is get rid of the misconception that you have 30 days to pay your bill after you receive it."

The truth in lending law, which the FTC enforces, does not require stores or other creditors to give you 30 days to pay. Before the law, some creditors were flexible on payment deadlines. Now, they bluntly state on your bill that you have 30 days to pay from the "billing date" or the "closing date." Some give you between the current billing date and the next one (payment deadline) which are usually 25 to 30 days apart.

However, your bill doesn't get to your home until a week, two weeks, even three weeks after the billing date. So you only have from 23 days on down to a grim eight or nine days to make your payment. When you do not make your payment on time, you are charged interest usually at 1.5 per cent a month (18 per cent yearly rate).

If you understand how the truth-in-lending system works, Feldman maintains, you not only can avoid these unnecessary finance charges, you can actually make the time-value of your money stretch further. Here are some guidelines:

Pick your creditors. Not all creditors use the same system. Many calculate finance charges on the "previous balance" which gives you no credit for your most recent payment. Others such as the oil companies, some local stores and at least one major chain—J. C. Penny—make finance charges on an "adjusted balance" which deducts your latest payment before interest is figured.

Also, some creditors get their bills to you fast—six to seven days—while others take much longer. The sooner you get your bill, the more time you have to pay it. Compare your bills to see who the fast ones are. If a creditor consistently takes too long, say, more than two weeks, then move on to another.

Use their money. If you know your closing or billing date for each creditor, you can often shop early in the billing cycle and get nearly 60 days use of a product, free of finance charges, before paying for it.

For example, if your billing or closing date is Aug. 3 and you buy $100 worth of clothes on Aug. 4, your next billing date will come on Sept. 3. If your store exerts average billing speed, you'll get your bill around Sept. 11 or 12. You have to pay by Oct. 3 (30 days from your current billing date) which gives you nearly two months wear of the clothes before actually having to pay.

Be sure to allow three days for mailing your bill and give extra time for weekends. If you don't include your bill stub with your payment, it fouls up the system and you might get charged for being late.

Who to pay first. Pay your bills on time, in full, to avoid finance charges. If you don't have enough cash and have to spread it around, you can keep your finance charges at a minimum. When you pay "previous balance" accounts, either pay the entire amount or the minimum amount. You don't get credit for larger, partial payments. For example, if you owe $100, either pay $100 or the $10 minimum. Paying $50 does not reduce your finance charges one penny.

When you pay a bill calculated by the "average daily balance" method, make all partial payments as soon as possible. Don't wait for the 30-day billing deadline. You can reduce your finance charges this way.

With "adjusted balance" accounts, there's no advantages in paying before the deadline. When you pay on these, pay as much as you can because you're given credit for it when finance charges are figured.

The type of billing system should be described on your bill. When you make your payment on time for the whole amount and they still impose finance charges, don't pay these charges. Indicate in a letter with your bill (include your account number) when payment was made. If it's not adjusted on the next bill, call the credit manager or write the company president. Usually, they want to keep your business and will fix it.

UNIVERSAL VOTER ENROLLMENT ACT

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. MIKVA. Mr. Speaker, one of the most often repeated platitudes of political life is that "voting is not merely a right but a responsibility." Yet as important as voter participation is to the proper functioning of democratic government, the number of concrete proposals for raising the level of voter participation has been very low. Recently, a study group established by the Democratic National Committee—the Freedom To Vote Task Force, chaired by former Attorney General of the United States Ramsey Clark—made such concrete recommendations. The task force set out a careful and precise plan by which the burden for registration would be shifted from individual citizens to the Government. I am happy today to introduce one of the legislative products of the task force's work: the Universal Voter Enrollment Act.

I should note at this point that earlier this year I cosponsored another of the Freedom To Vote Task Force's proposals, H.R. 18979, to make election day a national holiday. In cosponsoring this bill with our distinguished colleague from California (Mr. Moss), I endorsed one step in the direction of making participation in elections simpler and more easily available to all citizens. The Universal Voter Enrollment Act is another step along that same road.

To explain the need for and the purposes of both the national election day holiday proposal and the Universal Voter Enrollment Act, I could do no better than to include at this point in my remarks the main body of the Democratic National Committee's Freedom To Vote Task Force report. Because of mechanical problems, I am omitting tables originally contained in the task force's report.

The bill which I introduce today is identical to that introduced on August 13, 1970, by my colleague, the distinguished gentleman from Arizona (Mr. UDALL) and 11 cosponsors. That bill was numbered H.R. 19010.

The material referred to follows:

THAT ALL MAY VOTE

(A report of the Freedom To Vote Task Force)

PREFACE

On July 10, 1969, Senator Fred R. Harris, Chairman of the Democratic National Committee, appointed the Freedom to Vote Task Force and directed it to find ways to remove all barriers to the right to vote. As Senator Harris noted, "If we really believe in democracy in this country, we must assure every citizen's freedom to vote. If we really believe in citizen participation in this country, we must knock down the registration and other barriers which restrict the right to vote."

Members of the Task Force are:

Francis J. Aluisi, Chairman of the Board, Prince Georges County.

Commissioners, Prince Georges County, Maryland.

H. S. Hank Brown, Texas AFL–CIO President.

Mary Lou Burg, National Committeewoman, Wisconsin.

Hazel Talley Evans, National Committeewoman, Florida.

Lloyd Graham, National Committeeman, Washington.

Virginia Harris, National Committeewoman, Canal Zone.

U.S. Senator Daniel Inouye, Hawaii.

Mildred Jeffrey, National Committeewoman, Michigan.

Professor Doris Kearns, Harvard University.

J. C. Kennedy, Democratic State Chairman, Oklahoma.

J. R. Miller, Democratic State Chairman, Kentucky.

Clarence Mitchell, Jr., N.A.A.C.P., Baltimore, Maryland.

U.S. Representative John Moss, California.

Richard Neustadt, Jr., Graduate Student, Harvard University.

Rudy Ortiz, Democratic County Chairman, Bernalillo County, New Mexico.

Professor Nelson Polsby, University of California, Berkeley.

U.S. Representative Louis Stokes, Ohio.

Marjorie Thurman, National Committeewoman, Georgia.

J. D. Williams, Attorney, Washington, D.C.

Mildred Robbins, Vice Chairman.

Ramsey Clark, Chairman.

Dr. William J. Crotty, Executive Director.

Fleurette Le Bow, Staff Coordinator.

Sue Meushaw, Staff Assistant.

Lola Oberman, Editorial Writer.

This report is the first of three. It contains the unanimous recommendations of the Task Force for the prompt implementation of a Universal Voter Enrollment Plan, creation of

a National Election Commission, and declaration of a National Election Holiday.

Subsequent reports will make recommendations on voter qualifications and inventory existing imperfections in the democratic process.

I. LET THE PEOPLE CHOOSE

Forty-seven million Americans did not vote in the Presidential election of 1968.

This shocking fact must warn the American nation of the steady downward trend in voter participation. The number of non-voters in 1964 was 43 million; in 1960, 39 million. In the past eight years, there has been an increase of 8 million non-voters in Presidential elections. If this trend continues in the next 20 years, we can expect to see from 70 to 90 million American people not participating in the election for the highest office in this land.

The non-voter has undeniable power in determining the outcome of a Presidential election. In 1968, the non-voters exceeded by 17 million the total number of people who voted for Richard M. Nixon. For every vote separating the two major candidates in that election, there were 150 people who did *not* vote. In 1960, for every vote separating the major contenders there were 330 people who did *not* vote. Even in the more decisive elections in our recent history, non-voters could have changed the majority. Franklin D. Roosevelt defeated Alf Landon in 1936 by 11 million votes; Dwight D. Eisenhower defeated Adlai Stevenson in 1956 by 9.5 million votes; and Lyndon B. Johnson defeated Barry Goldwater in 1964 by 16 million votes.

Such a pitiful record of voter participation signifies a profound failing of the democratic system. The number of non-voters in the United States now is greater than the *total* electorates of such democracies as France, England, Italy, West Germany, Canada, and Australia, where voter participation is higher than in our own country. In our last Presidential election, only 61 per cent of the potential electorate voted. In the most recent parliamentary elections in Canada and England, at least 75 per cent of the potential electorate participated. Other democratic nations reach turnouts of 80 to 90 per cent.

Ironically, in earlier times more Americans voted. Between 1840 and 1900—a period marked by the beginnings of mass suffrage and preceding the adoption of restrictive voter registration requirements—an average of three out of four (76.9%) of the electorate voted. In the Presidential contest of 1876, the percentage rose to 82 per cent of the electorate.

The United States has changed immensely since 1876. In only 92 years, the population climbed from 46 million to over 200 million. The winning Presidential candidate in 1876 received 4 million votes; in 1964, the winner received ten times as many. And in 1968, in a three-candidate race, the victor received 31 million votes.

If our population growth is incredible, our technological growth is more so. It is still difficult to grasp the reality of placing a man on the moon in 1969. But other advances are also difficult to grasp. Although we live with these conveniences daily, the mere numbers are staggering: 85 million automobiles in 1968; 100 million television sets, 225 million radios. Increased mobility provided by mass transit and automobile travel should facilitate voter participation. Mass communication—including, along with radio and television, an abundance of newspapers, magazines, and books—should certainly contribute to an informed electorate. And the innovation of electronic voting machines has made the election process speedier.

Yet despite these technological advances, the political participation of Americans has not increased; it has declined.

The decline of democratic participation holds both a danger and a paradox. The danger is that democratic institutions cannot function effectively or respond promptly to society's needs unless citizens participate in the decisions that affect their daily lives. A government that "derives its just powers from the consent of the governed" must be able to hear the voice of the people if it is to make orderly, systematic adjustments to the problems of change. It cannot assume that silence is consent. Silence may well imply alienation, frustration and a widening rift between the government and the governed.

The paradox is that while millions of citizens, at odds with basic national policies, are struggling for a more active role in public decision-making, participation in the electoral process continues to wane. We hear much talk of "participatory democracy" and "community control," but there can be little hope for success in the more difficult roles of self-determination when so many citizens are not even involved to the extent that they participate in the election of a President. If we can involve all people in Presidential elections, perhaps we will open all elections to wider participation. Such involvement will achieve needed reforms if democracy is relevant to mass soociety.

If the people are to make effective use of their political power, they must begin with the Presidency, the focal point of our political system. The Presidency is more important to the people now than ever before in our history. During the 19th century, when three out of four Americans voted for President, the impact of the Presidency was remote to the average citizen.

This is not true today. Now no individual can escape the constant impact of Presidential decision and action. Presidential policy toward such distant places as Vietnam, Biafra, and the Middle East is of direct concern to all. A cold war, a hot war, the threat of nuclear weaponry, and the vast power of the military-industrial complex affect us all. We must look to the wisdom and leadership of the President to solve such urgent problems as inflation, unemployment, crime, poverty, hunger, racism, repression, the pollution of our environment. The problems are legion, and Presidential action is essential to their resolution.

Yet 40 per cent of the people fail to vote for the President. This fact alone warns that the system is not working well.

People who vote believe in the system. They participate. They have a stake in government. But, the nonparticipants, their stake in government is not so apparent. Their alienation from the system is harmful not only in their own lives, but it threatens the survival of democracy itself.

Registration efforts must not be concerned with how people vote. The important consideration is that they vote. We can live with decisions made by a full electorate, but those who do not participate may be unwilling to live with decisions they had no voice in making. We must do everything in our power to encourage them to vote. Let the people choose.

We must remove all barriers that stand between the citizen and the ballot box. Chief among these is voter registration, which unnecessarily and arbitrarily bars millions of voters in every election. In our earlier history when we had no regisration requirements, a much higher proportion of our population voted. Today, areas which have no registration requirements average 10 to 15 per cent higher in voter turnout than those that do.

The historical reasons for extensive registration requirements are no longer valid. Registration was adopted at the turn of the century to prohibit the abuses of machine politics in the growing cities of the North and to disenfranchise the Negro in the South. Some registration qualifications were intentionally designed to exclude people from voting; others were instituted for reasons long since forgotten. The time has come now for an extensive review of the entire registration process in light of modern needs.

State residency requirements alone exclude millions of mobile Americans from voting. Thirty-three states and the District of Columbia require a one year residency before an individual can register and vote. Of these states, only 18 provide any waiver of the one year requirement in Presidential elections. There can be no justification for such practices. Everyone should at least have the opportunity to vote for President.

Long lines, short hours, inaccessible places, and registration periods remote from the date of election limit registration. Periodic registration drives, with high costs and low results, manifest a system working against itself. A major drive to register voters for the New York City mayoral election in 1969 succeeded in qualifying only 70,000 voters, a mere 3 per cent of the unregistered, for a total registration of only 35 per cent of the voting age population. The cost in money and in volunteer hours was high. Other registration drives have been more successful. A highly unusual competition between two cities—Wausau, Wisconsin and Highland Park, Illinois—in 1956 resulted in registering 99 per cent of the voting age population in both cities. But despite the occasional success story, registration is undeniably a costly and losing battle.

As a result, America—history's greatest democracy—has the lowest democratic participation of any modern nation.

This need not be so. Government has a duty to encourage its citizens to vote and to facilitate the process in every way possible. Some nations seek to achieve maximum participation by compelling citizens to vote. This is not the American way. Compulsory voting may be repugnant to us, but even more repugnant are the arbitrary barriers that impede the citizen's right to vote.

II. UNIVERSAL VOTER ENROLLMENT

There is a way of achieving virtually full enrollment. It is tested, safe, inexpensive and effective. It can vastly increase voter participation. It is Universal Voter Enrollment.

Proven in Canada, South Dakota, Idaho, and in parts of California, Washington and elsewhere, it has achieved enrollments of better than 90 per cent of the voting age population. Universal Voter Enrollment shifts the initial burden of registration from the individual to the government. Government must move from old and inadequate methods that serve to inhibit voter participation to a new and effective method of enrollment. The United States is virtually the only advanced democratic nation that does not have such a plan.

The plan

In the weeks immediately preceding an election, enrollment officers would visit every residence in the land and enroll every qualified person to vote who does not refuse.

For enrollment purposes, the 435 Congressional Districts—the smallest federal election unit—would serve as the unit for enrolling voters. This assures a local operation of manageable size and of comparatively equal population, as well as one that reflects population shifts over the years. Each District would be placed under the supervision of a local District Director. Teams of volunteer sworn election enrollment officers would be recruited and trained by professional staff personnel in comprehensive canvass and enrollment procedures. They would be assigned limited areas within the District in which they would be responsible for enrolling everyone of voting age population.

The enrollment officers would begin with existing lists of state and local voting registration. In the canvass of every residence, enrollment officers would confirm the ac-

curacy and completeness of the lists. Those already registered would be offered federal enrollment if they desired it. Errors and omissions in existing lists would be reported to local officials. In addition, every qualified person who is located and does not refuse enrollment would be placed on the rolls of the District.

Each enrollee would be given a certificate which he would sign together with the District Roll in the presence of the officer. On election day the enrollee, if not registered for state purposes, would present his enrollment certificate for validation, countersign the District Roll, and vote on a special ballot for President and Vice President. If registered for state purposes, he would vote on state ballots, but could have his federal certificate validated as evidence of his having voted.

If the proper authority in a state or local district chose to do so, it could request full state or local registration by the federal enrollment officials. Any jurisdiction which followed this course would have virtually full enrollment at no expense. State or election districts which preferred to perform enrollment functions themselves, on giving adequate evidence of non-discrimination and the removal of all arbitrary barriers to qualification and on obtaining an enrollment exceeding 90 per cent would be eligible to receive federal funds which would otherwise be spent in the jurisdiction for federal enrollment. Under either alternative, a full and uniform enrollment of all voters would be achieved

To assure awareness of the enrollment effort, and because some people will inevitably be missed in even the most careful canvass, advertising on radio, TV, and in newspapers during the weeks of enrollment and for several days immediately preceding the election would inform the people of their duty to enroll and vote and of the procedures for doing so.

No citizen would be barred from voting because of failure to enroll before election day, or loss of enrollment certificate, or absence from his District or from the country. Nor would he be disqualified from voting for President if he changed his place of residence—even the day before the election. He would simply have to complete an affidavit identifying himself, following a procedure no more complicated than that required to cash a check. On completion of the affidavit, he would be permitted to vote, and his ballot would be placed in a sealed envelope with the affidavit attached. If he were voting outside the District—for example, at an American Consulate in a foreign country—his sealed ballot and affidavit would be placed in a special delivery envelope addressed to the District Director of his place of residence. Mailed ballots would receive full franking privileges. When the statements in his affidavit were verified, the envelope containing his ballot would be placed with all other ballots received in this manner, opened, and counted. Perjury or misrepresentation would be a federal offense.

III. THE NATIONAL ELECTION COMMISSION

To administer and supervise the Universal Voter Enrollment Plan, a National Election Commission would be created. A National Director would serve as its chief executive officer. The National Director should be a non-partisan figure, nationally known and respected. He would be limited to a term of four years, beginning on January 1st of the year following a Presidential election. His primary responsibility would be to achieve full voter enrollment. To assist him in the execution of his responsibilities, an adequate staff of career personnel would be maintained in the national office.

A National Review Board would be appointed by the President from nominations made by the major political parties and independent non-partisan organizations. The Review Board would oversee the performance of the Commission, hear complaints, and recommend methods for improving the elective process. It would report to the President.

The Commission would also be charged with maintaining complete records of all election returns and all laws and procedures for every public election district in the nation. These would be available to the public. At present there is no single depository for such information. As a result, it is extremely difficult to obtain complete and accurate election information from existing sources.

The Commission would be authorized to study and comment on the adequacy and fairness of the election processes of any public jurisdiction, but it would have no power over any state, local or special election district officials. The Commission would also be instructed to undertake any study requested by any public election district designed to improve voter participation or guarantee a republican form of government. It would report to the Congress after each Presidential election, evaluating the thoroughness and fairness of the registration effort and presenting the final election returns. Periodically it would make available studies on the quality of American voter participation.

The District Director in each of the 435 federal election districts would be provided with staff and funds in election years to carry out the duties of his office. Federal Election Enrollment Officers would be volunteer workers serving without compensation. Recruited from civic groups, educational institutions, and individual interests, they would be commissioned as federal officers and subject to federal penalties. They would receive suitable recognition for their public service.

Estimated total costs for the operation of the Commission are $5 million in non-Presidential election years and $50 million in Presidential election years. This averages less than 50 cents per eligible voter in election years—a small price to pay for the involvement of all citizens in the electoral process.

IV. NATIONAL ELECTIONS HOLIDAY

The Task Force recommends a national holiday on the date of every Presidential election to assure full opportunity for voter participation and to solemnize this as the most important occasion for the exercise of a citizen's obligations in a free society. The nation can no longer afford to treat voting as a secondary responsibility. The survival of our institutions of government depends on the vitalization of individual participation in the democratic process.

The recommendations embodied in this report do not promise full reform of our system of election. There is no single remedy for so diverse a society. The Universal Voter Enrollment plan does offer an effective and vital reform that assures a substantial increase in voter participation. The need now is for immediate action.

APPENDIX I. THE NATIONAL ELECTION COMMISSION

The National Election Commission would enroll all individuals of voting age population for Presidential elections. In addition, it would perform a number of duties directly related to its principal concern. The National Election Commission would:

1. Enroll all voters for Presidential elections;

2. Report on its enrollment effort and obtain complete and accurate results of each Presidential election;

3. Create an election information center, a public repository of all laws, regulations and procedures and data on voter participation and election results for federal, state, local and special district elections;

4. Study the elective process to assure full voter participation, integrity and efficiency in federal, state and local elections with authority to advise and consult with governmental and non-partisan private groups seeking to improve the democratic process and to report on elections and election practices and recommend techniques for their perfection;

5. Aid and assist governmental and private non-partisan efforts to achieve full voter participation.

6. Train federal enrollment officers and provide training programs for state and local election officials on request.

The National Election Commission would assure all qualified individuals of their right to vote for President and serve an educational function by providing information and analyses relevant to elections. It would collect election laws and the results of public elections held in the United States and make these available to all interested groups and individuals.

The National Election Commission would be non-partisan. The Director would be appointed by the President with the consent of the Senate. The Director would supervise the National Election Commission as its chief executive officer. He should be a national figure known for his integrity. The Director would be limited to one four-year term beginning on the first day of the January following a Presidential election.

The Commission would have professional staff of adequate size to perform its duties. Its division would include: (1) enrollment service, (2) information, (3) research, and (4) training. The operating budget of the Commission would approximate $5 million annually.

The operating budget would be increased substantially in Presidential election years to approximately $50 million. The major portion of the additional expense would be to cover the costs of enrolling all eligible voters through door-to-door contact.

District directors

In election years, the Director of the National Election Commission would appoint 435 District Directors—one for each of the Congressional Districts—to supervise the enrollment of voters within their districts.

The District Director's position would be unsalaried.

The District Director would have one responsibility—preparing for and supervising the enrollment of all voters in his district.

The District Director would receive a grant of up to 50¢ for every person of voting age residing in his district to cover enrollment expenses.

Any state or local governmental agency operating throughout a Congressional District where 90 per cent or more of the eligible electorate is enrolled through local efforts prior to July 1 of any Presidential election year may receive the federal funds available for the District as a grant-in-aid to help defray registration and election costs. A state reaching a 90 per cent or better enrollment of its eligible voters may receive a sum equivalent to the federal funds available for all Congressional Districts within its borders that attain a 90 per cent or better registration.

District staff director

The District Director would also have responsibility for hiring a Staff Director to serve for a six-month period (July 1-December 31) during each Presidential election year to supervise administration of the enrollment program in the district. This position would be compensated at an attractive salary to obtain the full time services of a well qualified individual who might take leave of absence from business, education or a profession.

The National Election Commission and its Director would provide the local District

Director and his staff with supervision, training and all possible aid in enrolling voters in their districts. The emphasis would be on decentralizing administrative responsibilities and performance. The system as a whole must be flexible and with the capacity to adjust to the peculiar demands and enrollment needs of each of the districts.

The district board

Each district shall have a review board of at least five members nominated in equal numbers by the political parties whose candidates received more than 10 per cent of the vote in any public election covering the entire district within the past four years. Whenever an additional board member is necessary to achieve an odd number of board members, the District Director shall appoint one member to the Board.

The District Board shall:

1. Consult with, advise, and recommend methods for full enrollment and fair election procedures to the District Director.

2. Review complaints and report its findings to the District Director and the National Review Board.

Enrollment officials

The Staff Director, under the supervision of the District Director, and in consultation with the District Board would recruit individuals to conduct the actual enrollment of citizens. This service would be voluntary and the enrollment officers would not be financially compensated.

The enrollment officials would be drawn from civic groups, political party workers, or other organizations and individuals who might want to volunteer their services. Each district should recruit not fewer than one enrollment officer for each one hundred persons of voting age in the district.

In performing their duties, enrollment officers would be administered oaths of office as public officials and subject to legal penalties for any prospective abuse of their offices.

Enrollment officers would be required to attend training sessions prior to participating in the enrollment of voters.

National Review Board

A National Review Board of fifteen members would be appointed by the President from among those nominated by political parties and independent non-partisan citizen organizations. Nominations from the political parties would equally represent all political parties that received 5 per cent or better of the vote in the previous Presidential election. Combined with the nominations from the non-partisan citizen groups, the Board would reflect the balance of national interests.

It would be charged with overseeing the activities of the Commission.

The Review Board would:

1. Consult with, advise, and recommend methods for inclusive enrollment and fair election procedures to the Director of the National Election Commission,

2. Review complaints, and

3. Recommend to the Director of the National Election Commission the improvement of practices in specific districts and order the replacement of individual District Directors where the integrity of the democratic process requires.

APPENDIX II. THE ENROLLMENT OF VOTERS

The quadrennial enrollment of voters would begin on the first Monday in October and would be concluded by the end of the third week in October. The enrollment drive would be short and intensive. It is intended to coincide with the interest and enthusiasm generated during the campaign period. Enrollment activities would complement party and candidate efforts and should help to stimulate interest in the election and a higher turnout on election day.

Enrollment officials would be required to make a minimum of two personal calls at every place of residence in the district, if all voting age residents were not contacted on the first visit. If the personal visits fail to reach every voting age resident, the enrollment official would be required to leave notification of the times and places where the individual would be able to enroll.

The enrollment officials would be required to compare their enrollment lists with all other available voting lists compiled by state or local governmental agencies to insure that no eligible voter had been omitted from the enrollment.

If the proper state and/or local authorities requested it, enrollment officials would enroll voters for state and/or local elections at the same time they were enrolling them for the Presidential election.

Also, if the state or local authorities requested it, the federal enrollment lists would be made available to the proper state or local agencies to update their enrollment records or to serve as a guide to the voting age population.

Any enrollment list not turned over to state or local authorities for the purposes specified would be destroyed within one month of the official certification of the election results. No registry of citizens would be maintained at the national or district level.

When an individual was enrolled as a voter he would receive a card certifying his enrollment. The card would bear the individual's name, his address and his signature, in addition to the signature of the enrolling official. The same information would appear on the list compiled by the enrollment official and would be available at the polls on election day.

The individual would present his voter card to the election officials at the polls on election day. The card would be validated by the election officials. The voter would also sign the enrollment registry beside the signature obtained at the time of his enrollment. These procedures would safeguard the integrity of the election.

The enrollment as described would qualify an individual to vote for the President and the Vice President. If an individual has registered under state law prior to federal enrollment, he need not enroll to vote for President.

Any individual who was eligible to vote yet whose name did not appear on the enrollment lists would have two options after the regular enrollment period had ended:

1. He could contact the District Director or other designated officials who would have the power to determine the individual's eligibility and add his name to the enrollment list, or

2. He could appear at the polls on election day, sign an affidavit that he was eligible to enroll and cast a special ballot for the President. The ballot would be sealed and then placed in an envelope with the affidavit supporting enrollment. It would be the duty of the District Director to determine the voter's eligibility. If found eligible, the ballot would then be counted along with all others cast in this manner and the results added to the election tally.

An individual who loses his enrollment card could still vote. His ballot would be held separately, under procedures described above, until his eligibility was determined by the local election officials from the information in the affidavit.

An individual absent from his home district, but otherwise eligible to vote in the election, could vote for the President at another polling place. To do so, he would have to provide the local election officials with proper identification—name, address, signature, plus personal identification similar to that for cashing a check. The burden of proof in this case would be placed on the individual. Special ballots could be provided for these contingencies. These ballots would be air mailed, special delivery—franking privileges would be provided—to the individual's home District Director. He would determine the eligibility of the voter and then count his sealed ballot along with the others received in this manner.

APPENDIX IX

A bill designating certain election days as legal public holidays

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6103 (a) of title 5, United States Code, as it will exist on and after January 1, 1971, pursuant to the first section of the Act entitled "An Act to provide for uniform annual observances of certain legal public holidays on Mondays, and for other purposes", approved June 28, 1968 (82 Stat. 250; Pub. L. 90–363), is amended by inserting between—

"Veterans Day, the fourth Monday in October." and

"Thanksgiving Day, the fourth Thursday in November." the following new item:

"Election Day, the first Tuesday after the first Monday in November in 1972, and in every fourth year thereafter."

APPENDIX X

A bill relating to the registration of persons eligible to vote in elections for President and Vice President and Members of Congress

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the National Voting Act of 1970.

DEFINITION

SEC. 2. As used in this Act, the term "Federal election" means any general, special, or primary election held solely or in part for the purpose of electing or selecting any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives.

ESTABLISHMENT OF COMMISSION ON FEDERAL ELECTIONS

SEC. 3. (a) There is hereby established in the executive branch of the Government a Commission to be known as the National Election Commission (hereinafter referred to as the "Commission").

(b) The Commission shall be composed of 15 members who shall be appointed by the President by and with the advice and consent of the Senate. Not more than 4 of the members shall at any one time be of the same political party. Members of the Commission shall be appointed for a term of six years, except that the terms of office for the first 15 members appointed shall be as follows: Five members shall be appointed for terms of two years; 5 members shall be appointed for terms of four years; and 5 members shall be appointed for terms of six years. Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed may be appointed only for the unexpired term of his predecessor.

(c) The President shall designate one of the members of the Commission as Chairman and one as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman, or in the event of a vacancy in that office.

(d) Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner, and subject to the same limitations with respect to party affiliations as the original appointment was made.

(e) Ten members of the Commission shall constitute a quorum.

COMPENSATION OF MEMBERS OF THE COMMISSION

SEC. 4. (a) Each member of the Commission who is not otherwise in the service of the Government of the United States shall receive the sum of $100 per day for each day

spent in the work of the Commission, shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his usual place of residence, in accordance with chapter 57 of title 5, United States Code.

(b) Each member of the Commission who is otherwise in the service of the Government of the United States shall serve without compensation in addition to that received for such other service, but while engaged in the work of the Commission shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his usual place of residence, in accordance with the provisions of chapter 57 of title 5, United States Code.

DUTIES OF THE COMMISSION

SEC. 5. (a) The Commission shall—

(1) establish and supervise a Federal system for the registration of all persons who meet the qualifications for registration in the State in which they reside;

(2) assist and encourage all qualified persons to register to vote in Federal elections;

(3) conduct a continuing study of Federal, State, and local election practices and procedures;

(4) provide advisory, educational, and informational services to State and local authorities regarding elections;

(5) encourage and foster, to the maximum extent possible, State and local efforts to achieve full voter participation in elections;

(6) collect the results of all Federal elections held in the United States, analyze such results in a manner to enable the voters to better understand such results, and provide for the publication of such results and analyses;

(7) compile and maintain the laws and procedures in effect for each congressional district in the United States and make such information available upon request to any interested person;

(8) provide assistance upon the request of local communities to assist such communities in solving their election problems; and

(9) advise and assist District Directors, appointed under section 8 of this Act, in carrying out their duties under this Act.

(b) The Commission shall submit an annual report to the President and to the Congress not later than June 1st of each year of its activities under this Act together with such recommendation for legislative or administrative action as it deems advisable.

STAFF OF THE COMMISSION

SEC. 6. (a) There shall be a full-time Staff Director of the Commission who shall be appointed by the President by and with the advice and consent of the Senate and who shall receive compensation at a rate to be fixed by the President, but not to exceed the compensation authorized for the highest step of GS 18. The Staff Director shall be appointed for a term of four years and shall not be eligible for reappointment. His term shall begin on the first day of January following the year in which the election for President is held.

(b) The Commission may appoint and fix the compensation of such additional staff personnel as it deems advisable; and may procure temporary and intermittent services to the same extent authorized by section 3109 of title 5, United States Code, but at rates not to exceed $500 a day for individuals.

POWERS OF THE COMMISSION

SEC. 7. (a) The Commission or any duly authorized subcommittee or member thereof may, for the purpose of carrying out the provisions of this Act, hold such hearings, sit and act at such times and places, administer such oaths, and require by subpena or otherwise the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as the Commission or such subcommittee or member may deem advisable. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission or before such subcommittee or member. Subpenas may be issued under the signature of the Chairman or any duly designated members of the Commission, and may be served by any person designated by the Chairman or such member.

(b) In the case of contumacy or refusal to obey a subpena issued under subsection (a) by any person who resides, is found, or transacts business within the jurisdiction of any district court of the United States, such court, upon application made by the Attorney General of the United States at the request of the Chairman of the Commission, shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee or member thereof, there to produce evidence if so ordered, or there to give testimony touching the matter under inquiry. Any failure of any such person to obey any such order of the court may be punished by the court as a contempt thereof.

(c) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman, on a reimbursable basis or otherwise, such statistical data, reports, and other information as the Commission deems necessary to carry out its functions under this Act. The Chairman is further authorized to call upon the departments, agencies, and other offices of the several States to furnish, on a reimbursable basis or otherwise, such statistical data, reports, and other information as the Commission deems necessary to carry out its functions under this Act.

DISTRICT DIRECTORS

SEC. 8. (a) In each year in which a Federal election is held the Commission shall appoint a District Director for each congressional district.

(b) It shall be the responsibility of the District Director in each congressional district to organize and supervise the registration of all persons residing in such district who can meet the qualifications for voting in Federal elections in the State in which they reside but have failed to register to vote.

(c) No person shall be eligible for appointment as a District Director for any congressional district unless he is a bona fide resident of such congressional district. District Directors shall receive no salary for their services under this Act.

(d) Except as provided in subsection (e), in any year in which a Federal election is held in any State the Commission shall grant to each District Director the sum of $100,000 to pay for the expenses incurred in carrying out the provisions of this section.

(e)(1) Where the Commission finds that 90 per centum or more of the persons qualified to register to vote in Federal elections in any congressional district were actually registered to vote in the most recent Federal election, the Commission shall, in the next year in which Federal elections are held, grant to the appropriate officials of such congressional district the sum of $100,000 to help defray registration and election costs incurred in such district. Whenever a grant is made under this paragraph no grant shall be made under subsection (d).

(2) When the Commission finds that 90 per centum or more of the persons qualified to register to vote in Federal elections in any State were actually registered to vote in the most recent Federal election, the Commission shall, in the next year in which Federal elections are held, grant to such State a sum determined by multiplying $100,000 by the number of congressional districts in such State qualifying for grants under paragraph (1) of this subsection. Grants made under this paragraph shall be to help the State defray the cost of conducting Federal elections.

DISTRICT STAFF DIRECTORS

SEC. 9. The District Director of each congressional district shall employ a District Staff Director for a period of six months, beginning July 1, in each year in which Federal elections are held. The District Staff Director shall assist the District Director in supervising the registration program carried out in the district. The salary of District Staff Directors shall be fixed by the Commission.

REGISTRATION OFFICIALS

SEC. 10. (a) The District Staff Director, under the supervision of the District Director, in each congressional district shall recruit persons to serve as national registration officials. It shall be the duty of such officials to register persons who meet the State requirements to register and vote in Federal elections. Persons recruited to serve as national registration officials shall serve voluntarily without compensation.

(b) Persons who are recruited to serve as national registration officials shall be given a brief training course prior to assuming any registration duties under this Act. The training program shall be conducted under the supervision of the District Director concerned in accordance with regulations prescribed by the Commission. The duties of national registration officials shall be prescribed in regulations promulgated by the Commission under the supervision and control of the District Director and the District Staff Director of such congressional district.

(c) National registration officials, as well as District Directors, District Staff Directors and their staffs, shall be considered public officials for the purposes of section 201 of title 18, United States Code.

REGISTRATION OF VOTERS

SEC. 11. (a) The program to register all unregistered persons in any State who have the qualifications for registration in such State shall be carried out during a three week period immediately preceding the week in which any Federal election is to be held in such State.

(b) During the registration period referred to in subsection (a), national registration officials appointed in any congressional district pursuant to section 10 shall conduct an intensive drive to register all persons residing in such district who met the qualifications for registering as voters in such district and who have failed to register under State law.

(c) No person shall be registered by a national registration official unless it is determined by such official that such person meets the qualifications prescribed by the laws of the State concerned for registering for voting in Federal elections. Whenever such determination has been made with respect to any person his name shall be entered on a registration roll compiled by the national registration officials for the congressional district concerned.

(d) Each person who is found to be qualified to register to vote shall be issued a voting card in such form as may be prescribed by the Commission containing the person's name, address, and signature, and the name of the national registration official concerned. The identical information shall appear on the registration roll referred to in subsection (c). The registration roll containing a person's name and other information shall be available at the particular voting place within the congressional district where such person may vote.

(e) Any person registered to vote pursuant to this section shall be permitted to vote in the same Federal elections which he would have been permitted to vote had he registered under State procedures. When any such person appears at the appropriate voting place to vote he shall be required to pre-

sent the voting card issued him pursuant to subsection (d). He shall also be required to sign the registration roll a second time beside his first signature.

(f) In any case in which a person has failed for any reason to register to vote prior to election day and otherwise meets the State qualifications for voting, he may—

(1) contact the District Director of the congressional district concerned and the District Director shall have authority to validate such person's qualifications and add his name to the registration roll, and such person shall be permitted to vote, or

(2) appear at the appropriate voting place on the day of election, sign an affidavit stating that he meets the requirements for registration and voting, in which event he shall be registered and may cast a special ballot for the offices being contested.

A special ballot cast pursuant to clause (2) shall be placed in an envelope and sealed with information relating to the registration of the voter. The District Director concerned shall have the responsibility of determining the eligibility of such person to vote in such election. If the District Director determines such person was eligible to register and vote the ballot shall be counted together with other ballots cast in the same manner and shall be added to the final election tally.

(g) Any person who appears at the appropriate voting place on the day of election and signs an affidavit stating that he was issued a voting card under this section but has lost such card shall be permitted to cast a special ballot for the offices being contested. The same procedure with respect to a special ballot cast under this subsection shall be followed as in the case of a special ballot cast under subsection (f).

(h) Any person absent from the congressional district in which he is eligible to vote shall be permitted to cast a special absentee ballot provided at a voting place in any other congressional district upon presentation to the appropriate election officials of identification showing his name, address, and signature. A special absentee ballot cast pursuant to this subsection shall be mailed, special delivery, air mail to the District Director of the congressional district in which such person is eligible to vote. The District Director shall determine whether such person was eligible to vote and, if it is determined such person was eligible to vote, the sealed ballot cast by such person shall be counted in the same manner as special ballots cast pursuant to subsection (f). All special ballots cast pursuant to this section shall be sealed separately from information relating to the identity of the person casting such ballot, and no such ballot shall be opened separately from other ballots cast in the same manner or in any manner that would permit identifying a particular voter with a particular ballot. Special absentee ballots mailed pursuant to this subsection shall be transmitted by the United States Post Office Department without charge.

REGISTRATION INFORMATION

SEC. 12. (a) No national registry of persons shall be compiled or maintained.

(b) The registration roll compiled in any congressional district pursuant to this Act shall be made available to any State or local election official upon request and permanent possession of such registration roll shall be given to any such official 30 days after the results of the election have been certified if a request has been made therefor. Otherwise, the registration roll in each congressional district shall be destroyed by the District Director 30 days after the election results have been certified.

NATIONAL REVIEW BOARD

SEC. 13. (a) There is hereby established in the executive branch of the Government a National Review Board composed of fifteen members to be appointed by the President from the names of nominees submitted by the major political parties and independent nonpartisan citizen organizations.

(b) It shall be the function of the National Review Board to oversee the activities of the Commission. The National Review Board shall—

(1) consult with, advise, and recommend to the Commission methods for effectively carrying out the duties of the Commission under this Act;

(2) review complaints of malfeasance and non-feasance against members of the Commission and the employees thereof and report to the President the results of the Board's review;

(3) recommend to the Commission how registration programs in specific congressional districts should be improved including replacement of the District Director of such district when the Board deems it desirable.

DIET ABUSE IN THE UNITED STATES

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. WOLFF. Mr. Speaker, yesterday I included in the RECORD a number of statements my distinguished colleague from New York (Mr. BIAGGI) and I received at a hearing we held last week on diet abuse in the United States. Today I would like to continue including all the statements in the RECORD with the second installment in this series, as follows:

[From James Turner, Center For The Study of Responsive Law]

NUTRITIONAL IGNORANCE AND AMERICAN HEALTH

Americans are nutritionally ignorant. As participants in meals they often miss what is most important in food. As the enforcers of laws designed to insure the greatest possible health from the food supply they are incompetent. And even as legislators they fail to provide some of the most basic protections that a sound and healthful food supply requires.

The United States Agricultural Department's study of 1965 diets revealed that more than half of all American households were deficient in one or more ways. In 1969, the Journal of Nutrition Education reported a survey of all nutrition studies conducted since 1950 which showed widespread deficiencies in diet. In short, the fact that Americans do not eat well is becoming more widely known.

In attempting to explain why this is so, the Agricultural Department cited three reasons. People in the United States do not have the basic nutritional knowledge necessary to buy proper foods. People in the United States , even when they do have proper nutritional knowledge, find it difficult to pick the proper foods in their local supermarkets. And even when the first two hurdles are surmounted many people are unable to provide enough money to purchase the proper diet. Combined, these deficiencies of knowledge, understanding and resources lead to poor diets. Central to the poor American diet is nutritional ignorance.

This same ignorance lies at the heart of the various fad diets, food myths and abuses of health which have been commonplace in this country at least for the past two decades. People unknowledgeable in the ways of food have often been the victims of one or another of many fantastic schemes, some well-intended, some purely fraudulent, designed to improve health through eating.

Nutritional ignorance has been the main cause of poor eating habits for both the average consumer who is unaware of the food he eats and the highly motivated individual who seeks—but often fails to find—the best in health that food can provide. Unfortunately, the United States Government must share a major portion of the responsibility for the widespread nutritional ignorance which grips the average American. Neither its food regulators—primarily the Food and Drug Administration—nor its legislators have taken meaningful steps to eradicate widespread dietary misinformation. In fact, in some cases they have spread the misinformation.

The Food and Drug Administration has consistently misstated important information about food. In fact, its misstatements have become increasingly well known to the general public. As public confidence in the agency declined, more and more individuals began to turn to surveys of special food theories in their search for proper nutrition. Unfortunately, some of these special diet advocates had only a limited view of nutrition and ended up creating as many problems for their followers as they solved.

The reaction of the Food and Drug Administration to the situation it helped to create was to mount a massive campaign of law enforcement against those it claimed were cheating the public. The anti-quackery campaigns of the FDA soon became legendary throughout a large proportion of the public. But no effort was made to expand the nutritional awareness needed to reassure the doubters in the public. The result of the FDA campaign against food "quacks" was to cause a major polarization which led to massive but relatively uninformed debates about the pros and cons of various diets.

An indication of the information circulated by the FDA can be gotten from the following excerpts of a 1967 Fact Sheet issued by the agency and entitled "Nutrition Nonsense and Sense".

CLAIM

You are what you eat.

FACT

In one sense, yes. You are also what heredity and environment have contributed. Health quacks often use this statement as an introduction to their twisted ideas about nutrition.

CLAIM

Chemical fertilizers are poisoning our soil.

FACT

Chemical fertilizers are not poisoning our soil. Modern fertilizers are needed to produce enough food for our increasing population.

CLAIM

Pesticides are poisoning our Nation.

FACT

When pesticides on food crops leave a residue, FDA makes sure the amount will be safe for consumers. The amount allowed, if any, is set at the lowest level that will accomplish the desired purpose, even though a larger amount might still be safe.

CLAIM

Modern processing removes most of the vitamins and minerals in foods; we are starving in the midst of plenty.

FACT

Dr. Goddard has often stated his views on this subject: "There are some food faddists and quacks who would have you believe the wildest stories about the depletion of our soil, the loss of food values because of modern processing techniques, and a lot of other nonsense. Frankly, it is time we faced the facts about our American diet. Our soil is naturally rich and the envy of every Nation.

Our ability to grow, pack, ship, and sell food is a modern marvel because the natural value of the food is not lost in the process. In fact, the reverse is true: foods can get better in the process."

CLAIM

Modern preservations are no more than dangerous embalming fluids.

FACT

Dangerous food preservatives were a major concern of the Food and Drug Administration when it began operations on January 1, 1907. Today's scientific knowledge, working through good laws to protect consumers, assures the safety and the wholesomeness of every component of our food supply.

Taking these claims in turn, it is possible to see how the alienation of a large portion of the American public—while nearly all the rest were kept in complete ignorance of good nutrition—came about. The answer for CLAIM 1 sets the tone for the agency's attitude toward anyone who disagrees with its point of view. For a government agency to dismiss the majority of those who disagree with it as expressing "twisted ideas" sets a dangerous precedent in democracy. This is doubly true when the ideas of the agency are as shaky as the FDA's ideas about nutrition.

The flat statement that neither fertilizers nor pesticides needed to provide enough food with clear implication that they present little or no problem clearly fails to answer the growing concern of such individuals as Barry Commoner, Senator Gaylord Nelson and the entire ecology movement. The assertion that modern processing actually improves the food we eat is little more than a deception. In fact, at the time the statement was released to the public, the FDA had endorsed by announcement in the Federal Register a position by the AMA which suggested that the most likely candidates for fortification in the food supply were those that lost nutrients during processing. One leading nutritionists has suggested that the proper name for the addition of nutrients to the modern food supply is not "food fortification", but rather "food restoration".

Finally, the assertion that good laws protect the wholesomeness and safety of the food supply has been shown to be untrue. In 1969 cyclamates were removed from the market. After a disgraceful retreat from that decision, and after eleven months of illegal sale of the cyclamates added to canned foods, again last month FDA totally removed the additive from the market. Even in its final action the FDA has not fully informed the consuming public of the potential dangers of this widely used additive—and its full effect will probably not be known for another ten years.

When it was pointed that Monosodium Glutamate was being added to baby food in spite of the fact that some tests showed brain damage to infant rats, the FDA rushed to the defense of the additive and the companies using it. Again last month, the National Academy of Science finally recommended that MSG be removed from baby food. The FDA has yet to act and the baby food companies who in November of last year agreed not to add any more of the chemical to their products estimate that it may be as long as two years before the foods that they have already packed with the chemical will leave the market itself. The FDA is currently planning no effort to remove those foods from the stores that are selling them.

Neither is the FDA currently rigorously enforcing the requirement that all additives be shown to be safe before they are allowed in food. Currently brominated vegetable oils which the FDA has removed from its GRAS list are still being allowed in certain soft drinks in spite of the lack of tests showing them to be safe. The law has not been enforced in a way to the food supply safety.

Even more deceptive about the FDA statement is the fact that nothing in the law really requires that all components of the food supply by wholesome—i.e. add to the nutritional value of the food supply. In fact, little has been done by the FDA to even define what is wholesome or nutritious. And that little has been mostly destructive of good nutrition.

The action program followed by the FDA in its efforts to carry the philosophy suggested by the sample quoted above has been disastrous. In 1964, the agency began a legal campaign against food "quacks" and in 1966 it tried to force vitamin manufacturers to say on every bottle of their product that "Vitamins and minerals are supplied in abundant amounts by the foods we eat. The Food Nutrition Board of the National Research Council recommends that dietary needs be satisfied by food. Except for persons with special needs, there is no scientific basis for recommending routine use of dietary supplements." This was the FDA answer to what it called a $300 million vitamin fraud.

Unfortunately the agency was already speaking to an alienated public and it received approximately 50,000 cards and letters of protest against the proposal. Dr. James Goddard, then FDA Commissioner, and other agency officials officially dismissed the vast majority of these comments as the work of "quacks and food nuts." However, they were unable to dismiss the attack of Dr. W. H. Sebrell, Chairman of the National Research Council section on nutrition who demanded that his organization's name be disassociated from the proposal. Nor could they dismiss Dr. George Mehren, Assistant Secretary of Agriculture who called the proposal clearly out of line with the Agriculture Department's discovery that there had been a distinct deterioration in the American diet during the preceding decade. What is important about this misguided effort of FDA is that it had the opposite effect of what it had intended. Instead of cutting back on the so-called food fraud, it had added new fuel to the already widespread doubts that the FDA knew anything about nutrition.

To understand the enormity of the effects this action had, it is important to recall the atmosphere surrounding the FDA in the mid 1960s. Senator Long of Missouri had just completed hearings showing that the FDA had the most sophisticated set of snooping devices in the federal government and used them against "food quacks" planting microphones at mass meetings and, in the Senator's word, harassing innocent people. The Senator recalled the case of psychiatrist Wilhelm Reich who was the victim of a singleminded attack by FDA (for marketing an alleged cancer cure) which led finally to the burning of a number of his books. The American Civil Liberties Union called the incidents, which reached termination in 1960, "a serious challenge to the freedom of scientific inquiry and to the freedom of the press, principles of free thought on which democratic government is based."

Senator Long summarized what he found when he looked at the FDA in 1965:

We have had startling and shocking disclosures during these last three days of hearings. The hearings have revealed police-state tactics ranging from possibly perjured testimony to gain a conviction, to abusive law-enforcement practices including intimidation and gross disregard for the constitutional rights guaranteed to all American citizens by the first, fourth, and fifth, and sixth amendments. In short, an agency of the Federal Government has been accused of attempting to gain convictions at any costs.

Prior to the commencement of these hearings, this same agency saw fit to be uncooperative, misleading and evasive with this committee. The unfortunate ramifications of such conduct on the part of a Federal agency are overwhelming. The Food and Drug Administration is charged by Congress with an onerous responsibility—that of protecting this Nation's health. Instead of shouldering this heavy responsibility, we find the agency engaged in bizzarre and juvenile games of cops and robbers. Instead of a guardian of the national health, we find an agency which is police-oriented, chiefly concerned with prosecutions and convictions, totally indifferent to the individuals' rights, and bent on using snooping gear to pry and invade the citizens' right of privacy. (*Chemical Feast*, p. 34)

This atmosphere was not unknown to that segment of the population interested in eating the best possible food. In our on-going study of the FDA which was begun more than two and one half years ago, we constantly ran across people who claimed to know of first-hand occasions in which the FDA had brought Federal authority to bear in the ways described by Senator Long. In addition to this first hand experience had with the FDA, the part of the public interested in food and health has a very well developed communication system. The Rodale Press, in addition to publishing many volumes of books on health and food, has a monthly circulation of over one million for its various periodicals. Caralton Frederic is still widely heard on the radio with his views on nutrition and the FDA. The Nation's Health Federation has thousands of members across the country. And the books of Adele Davis are in the homes of millions of Americans. Through this mechanism, the impression of the FDA as an ignorant and oppressive agency supported by many convincing facts has become well known.

The problem is not that the health food advocates are always right and the FDA always wrong. Both have made gross errors in the past. The important fact is that the FDA has systematically made it difficult for its critics to engage in meaningful exchanges of information about nutritional questions. When nearly all the nation's leading cardiologists urged the FDA to take actions that would allow the labeling of foods low in polyunsaturated fats, the FDA refused, substituting its inaction for the judgment of doctors. When expert after expert attacked the concepts underlying the FDA vitamin hearings the agency pushed ahead with a two-year hearing costing over $200,000. and accumulating nearly 30,000 pages of testimony. The hearings were finally terminated by order of the new commissioner and a final outcome is still being awaited. But the bad taste left by the hearings lingers.

Unfortunately, much of what the FDA has claimed and done in its efforts to assure Americans that they are the best fed people in the world has the air of food industry press releases. Often industry is successful in persuading the FDA to do what appears to be in industry's best interest. In fact, many food executives are now beginning to learn that their own economic position depends on more than the ministerial acquiescence of the FDA. Facts are facts and FDA's saying otherwise cannot change them.

Recently the Chairman of the Board of one of America's best known food producers described this situation to me. He said that when cyclamates were taken off the market he took the company plane and flew to Washington in an effort to change the government's mind. Nine months later when he was speaking to me he said he was embarrassed about his effort because as he looked over the facts he was convinced that cyclamates should not be on the market. But the most important part of his conversation with me was the question he asked at its close. "Who are we supposed to ask for the answers on these chemicals?" He asked the same question about nutrition. The food industry as well as the food consumer find themselves in the difficult position of not knowing exactly how to provide the best and safest food supply for themselves.

What is the most nutritious and safest food is a difficult question on which even prominent nutritionists disagree. In such an atmosphere discussion must be broadened, not narrowed. Specifically individuals sincerely attempting to contribute to the solving of the nutrition problems should not be called "twisted" and treated as criminals. This common sense is doubly true when it is underscored by the widespread indications that the American diet is deteriorating.

Congress could best help the situation in the following ways:

1. By providing a forum in which much of what until now has been considered illegitimate by the FDA can be heard. For example, this group of Congressmen might wish to invite a statement from someone such as Adele Davis about nutrition so they can evaluate her sincerity and arguments first hand.

2. By providing laws that increase the information available to the consumer on food. For example:

a. Open date coding should be mandatory on all foods.

b. All chemicals added to food should be on the label of the container. The current enforcement of the law is irrational allowing over two hundred ingredients to be added to food at the will of the manufacturer without labeling, and several hundred more that can only be found by reference to the Federal Register.

c. The unit pricing of all food commodities must be made mandatory.

d. The listing of ingredients in food in a meaningful way such as listing the percentage of orange in orange juice drink.

e. Congress could even require that the FDA issue a dictionary of food additives telling important informtion about them and a dictionary of food standards explaining what ice cream is supposed to be made of and what constitutes bread. This would only require the rewriting of entries in the Federal Register in other than legislative terms.

3. Food protection laws should be strengthened:

a. The Delaney clause should be expanded so that not only cancer-causing substances are excluded by law from the food supply but also so that those substances causing birth defects and hereditary change are also excluded. Senator Nelson has already introduced a bill for this purpose.

b. The law should also require that all chemicals be subjected to tests and shown to be safe before their addition to the food supply. This would mean requiring that the FDA expand the rigorousness of the tests it now requires the food industry to perform on proposed new substances.

c. A mechanism for the testing of new foods and food chemicals which protects the testers from industry influence should be devised. Specifically, one possibility would be the development of a referral board in government which would take requests for testing from a company and refer it, by a prearranged set of rules, to a private testing laboratory. Such a system could improve the quality of the food supply as well as protect the interest of both the food consumer and the food producer.

4. Congress should undertake efforts to insure that the most nutritious food possible is available to the general public. This means causing the food industry to raise the motive of highest possible nutrition to the level now occupied by highest possible profit. These twin motives can recover this nation's formerly high standard of nutrition. Congress can help this task by:

a. Examining the economic structure of the food industry to be sure that the highest degree of competition and lowest degree of economic coercion exists so that every innovative energy can be used to solve our nutrition problems.

b. Requiring that nutritional quality or effectiveness of proposed foods and food additives be one of the qualities written into the hundreds of food standards currently enforced by the FDA. Such an action would bring the food law into line with the drug law which requires that the drugs be proven safe as well as effective and was suggested by the White House Conference on Food Nutrition and Health. (Currently FDA is considering going in the opposite direction by seeking legislation to remove the requirement that foods that are imitiations of real foods be exempted from being labeled as "imitation foods." Such a step could be disastrous both in quality of food and in information to the consumer.)

c. Attempting to develop a national nutrition policy which brings together what is known about food and health and creating an ongoing mechanism for the evaluation of the nation's food supply with a mandate for setting and implementing priorities and programs.

5. Congress should also establish or strengthen mechanisms for enforcing present and future food protection and improvement laws:

a. There should be a national system of surveys to locate birth defects and hereditary problems. No such system currently exists.

b. More food inspectors with higher standards of skill should be provided to police the food supply. For example, a program of fish inspectors similar to the meat inspection program should be implemented by Congress to insure the highest quality fish products.

c. A mechanism for the quick monitoring of television and other mass media advertisements should be developed to insure that these methods of communication are not used to disseminate information in violation of the law.

Each of these steps is only part of a much needed revision of the nation's food policy. They are suggestions provided as starting points for improvement. Many items of equal importance have been left unmentioned.

However, what is important is that the problems of food fadism and quackery to the extent that they are real and the problem of poor nutrition which seems to be widespread will only be effectively met by an overall reevaluation of the government's food policy. Attempting to deal with one small part of it along with our recognition of its relation to the larger problem of the relationship between good food and good health could make the situation worse not better. That is what appears to have happened with FDA's probably well intended efforts in this direction over the past fifteen years.

I thank you for the invitation to appear at this hearing. Hope this statement has been of help to you in your efforts to ensure that the consumer of foods gets the highest nutritional value for his food dollar.

TO CONGRESSMAN LESTER L. WOLFF, CONGRESSIONAL HEARING, SEPTEMBER 8, 1970, NEW YORK CITY

The problem of fad diets, food myths and diet pills abuse will continue as long as we have unscrupulous businessmen and gullible people. It is very difficult to eliminate the unscrupulous operators and very costly. Strict laws and penalties have not eliminated the problem of illicit narcotic sales nor the quack healers. And since it is impossible to eliminate all the gullible people we can reduce their numbers so that it won't be worth while for the cheaters to operate.

It will require two measures to reduce the number of the gullible. First we must educate the public to eat food for enjoyment, for its good taste and flavor instead of the vitamin contents of what they eat. We must "induce" them to eat greater varieties of food and show them how they can be better prepared. This can be done by the intergovernmental agencies, such as the Dept. of Agriculture, HEW, etc. by conducting extensive educational advertising campaign on how to utilize all varieties of foods, particularly vegetables and fruits. We should eliminate from our vocabulary the words vitamin, protein and other catch words of health diets. These words belong to the medical profession.

The second measure to be taken is against the high cost of foods. Vegetables and fruits cost much more than the meats in a menu. Green peppers cost 39 cents each off season and 12 cents in season—Lettuce over 25 cents a head, etc. Other vegetables and fruits are even prohibitive to look at. Only with the help of our government we can correct this. Let our government encourage and assist the food producers to go into joint venture partnership with Latin American businessmen and land owners. There are all types of climates between Maine and Magellan Straits where we can produce all varieties of vegetables, and also meats all year around at low cost.

The benefits of such projects are many. In the first place we can have certain foods which are of tropical or semi-tropical nature, produced more economically, and all year around in countries south of the Rio Grande. This may result in not producing certain fruits and vegetables in the USA. In that case our food producers will raise other types of fruits and vegetables which thrive better in milder climates, and ship to them to the Latin Americans and to others. They will be doing what many typewriter manufacturers have been doing—having their manual machines made abroad. Most of the lenses in our cameras are made in Japan, etc. The Latin Americans will not object to this since they will be exchanging one type of food for another, and in the meantime they will be increasing their food supplies to satisfy their own needy population.

Another advantage of such projects is to produce the same kind of foods, vegetables and fruits, in the milder climates in both the North and South American countries to have both continents enjoy abundant and fresh fruits and vegetables all year around at low costs. Also, if we had such joint venture operations with the South American countries the recent corn blight which is destroying corn crops in certain midwestern areas we would not be facing a shortage of corn and cost increase.

We can do the same thing with meat products. At the present there are American meat companies which have certain meats processed in South American countries and shipped here to be sold as their own. Fresh meats also can be shipped from Latin countries under such joint venture operations by adhering to all the United States sanitation and health rules and regulations to make their meats equal to our own standards.

In my opinion the American food producers will not object to such arrangements as long as they themselves will be partners with the South Americans. What difference does it make where they raise their vegetables and fruits, and cattle as long as they are partners and will share the profits? Of course, the Congress should arrange better tariff regulations for such food exchanges which are jointly owned. *We may even establish an inter American common market!*

The Latin Americans will also be happy with such arrangements. They have a lot of unused fertile lands and many unemployed with little to eat. They would rather have our know-how with some capital and ready market for their produce than millions of dollars in grants which rarely reach the man in the street. The peons and the poor farmers will not be serving the banana barons. They will regard us as their partners and customers.

When the public find all varieties of foods at very low cost all year around, and know how to prepare such foods delectably, they will not listen to any of the charlatans who sell diet pills and daily vitamins.

GEORGE HAIG.

STATEMENT BY ALCINE M. PANTON, DIRECTOR OF HEALTH AND SAFETY DIVISION OF THE COUNCIL OF BETTER BUSINESS BUREAUS, INC.

I am Alcine Panton, Director of the Health and Safety Division of the Council of Better Business Bureaus. Recently, the Better Business Bureau network underwent a structural reorganization. Previously, there existed 138 local Bureaus and the National Better Business Bureau, each one of which was a separate entity affiliated through membership in the Association of Better Business Bureaus International. On August 1st of this year, the National Better Business Bureau and the Association of Better Business Bureaus consolidated to form the Council of Better Business Bureaus, which is now the national voice of all Bureaus.

The Council of Better Business Bureaus is most pleased to have this opportunity to relate to this Committee some of our past and present efforts in combatting food faddism and obesity quackery and the insight we have gained therefrom.

Overweight Americans, who number one in every five of the population, daily fall victims to one of the most lucrative forms of medical quackery. The promise of taking off excess weight through some way other than eating less has been parlayed into a multimillion dollar racket over the combined opposition of the Better Business Bureaus, the medical profession and the government.

Currently being offered to the public are an assortment of low carbohydrate diets, low fat diets, bulk formers, appetite depressants, magic diet plans, systems of easy, effortless exercises, massagers, exercise devices, waist-reducing belts, etc., all of which are purported to be the answer to the problems of the overweight.

In addition, diets are sold to cure arthritis, mental disturbances, hypoglycemia and a variety of other ailments. It may relieve the members of this Committee to know that for the mere pricing of $6.98 you may purchase a diet labeled "controlled fasting" which offers freedom from: constipation, insomnia, sinus trouble, gum decay, rheumatic pain, gallstones, kidney stones, acne and skin blemishes, hemorrhoids, dandruff, and fear of heart attack and, if that isn't enough to sell you, the book will, once you have purged yourself, further explain how you may experience favorable and stimulating changes in your personality, and in general become possessed of a more commanding and radiant presence.

The dangers inherent in use of these diet books and products for self-diagnosis and self-treatment are quite obvious. Not only is the individual who adheres to one of these diets creating a potential hazard to his health by an imbalanced and nutritionally inadequate diet but delay in seeking competent medical treatment may further complicate any illness which actually exists.

Under the First Amendment authors are free to propound their diet theories and nothing should be done to actually prohibit the sale of such books. However, even though the contents of a book may be Constitutionally protected, the advertising which promotes it must meet the test of truthfulness. Advertising copy should make clear that a particular diet theory is merely the opinion of the author, particularly where it is at variance with the consensus of medical opinion. Where medical endorsement or clinical testing are claimed, substantiation should be available. Federal agencies charged with regulation of such advertising should be keenly aware of when that fine line between describing the contents of a book and making actual performance claims for adherence to the author's theories is crossed. When the latter is the case, action should be taken as with false and misleading representations for any other product.

Let us consider several specific problems of obesity quackery. The greatest misrepresentation for obesity victims centers about the problem of specific diet composition, particularly the relative proportions of protein, fat and carbohydrate. Quack promoters lure the obese with various schemes which promise that an individual can lose 20, 40, 80 or more pounds without harsh or strenuous dieting, without starving himself, without giving up the food he loves to eat or without going on a diet at all. Naturally such schemes are appealing to the obese because the greater percentage of obese persons are in that condition because they cannot or will not restrict their diet.

In the past year, the Grapefruit diet sold in pamphlet form for up to $3.00 throughout the United States and Canada has been much in vogue. Advertising claims that one can lose 10 pounds in 10 days while continuing to eat forbidden foods. The grapefruit supposedly acts as a catalyst which burns up the excess fat. However, this diet is merely another link in the long chain of low carbohydrate diets which included, among others, the Drinking Man's Diet, Airline Pilots Diet, Diplomats Diet, and the Air Force Diet. In these high protein, high fat, low carbohydrate diets the individual is encouraged to eat whatever he chooses so long as he observes the food classifications. The high fat intake allows a quantity of fried foods, something completely forbidden in traditional low calorie diets.

One of the real problems in this area is that these diets may in fact produce a prompt body weight loss. Continued adherence to such a diet could without medical supervision, be nutritionally inadequate and a potential hazard to one's health.

Dr. Frank Tullis, Professor of Medicine at the University of Tennessee, in a report on obesity, pointed out with reference to this type of diet, where the caloric balance is kept constant the change in body weight results from the effect of dietary nutrients on water balance. Several investigators have demonstrated that, at a given caloric level, body weight loss is greatest when most calories are derived from fat, next greatest when derived from protein, and least greatest when derived predominantly from carbohydrates. The critical factor, Dr. Tullis believes, is the effect of dietary carbohydrates on sodium balance and this in turn on water balance. As carbohydrate is decreased in the diet, urinary excretion of both sodium and water is dramatically increased and thus body weight is dramatically decreased. Thus the weight loss shown on the scales is not due to fat loss. It is well known that water loss is of a temporary nature and is quickly replaced as soon as the diet regimen is changed.

In March, 1969, the National Better Business Bureau published a Media Bulletin "Grapefruit Diet—Fact or Fancy" to advise advertising media and consumers as to the nature of this offering. As a result, many media refused to run the advertising. Unfortunately, some media did and still do run it.

The provision of guidelines to media relating to the acceptability of advertising is one of the major functions of the Better Business Bureaus. We have been performing this role in the area of obesity quackery over half a century.

In 1929, the National Better Business Bureau first spoke on obesity in a Bulletin directed to the various media. It provided basic information on the treatment of obesity so that those persons whose responsibility it was to determine the acceptability of advertising could better evaluate the claims made for products offered to cure obesity. That discussion of reducing remedies surprisingly is still applicable today.

In 1949, the National Better Business Bureau included in its reference work *Do's and Don'ts in Advertising Copy* a seven-page section on the advertising of weight-reducing remedies. Many of the products discussed therein are still being sold today.

Since 1956, we have issued 57 Media Bulletins plus numerous press releases and articles, delivered speeches, participated in radio and television panel shows in an effort to educate the public as to the nature of specific products or general categories of products in the area of obesity quackery. In addition, local Better Business Bureaus throughout the country have not only further disseminated materials produced by us but have originated their own campaigns as well. But apparently all of this has not been sufficient. New versions of old products or diets continuously appear. Approximately seventy percent of our time in the Health and Safety Division is devoted to weight-reducing items. All of our efforts are not even stemming the tide.

In August 1957, the Legal and Monetary Affairs Subcommittee of the House Committee on Government Operations held hearings and subsequently submitted a report entitled "False and Misleading Advertising" (Weight Reducing Remedies) which dealt with the extent and effectiveness of enforcement actions by federal agencies in this field. At these hearings, Miss Maye Russ, then Director of NBBB's Food, Drug, and Cosmetic Division, suggested: Greater use be made of criminal prosecution by the Department of Justice against the promoters who repeatedly use fraudulent mail order advertising to exploit the public. We believe that vigorous criminal prosecutions might have deterrent effect which routine postal fraud orders do not have on such offenders.

Since most of these products are sold by mail order the Post Office is the agency most involved in prosecution. Miss Russ pointed out the delay which occurs even in those cases disposed of by a Postal fraud order, between the initiation of investigation and the issuance of a final order.

Today, 13 years later, I must reiterate Miss Russ' remarks, for the problems in this area have in no way diminished. To illustrate the type of situation to which Miss Russ and I are referring, let me recount for you in outline form the history of the "magic" diet pill for just the past five years. This does not include all of the diet pills which appeared on the market in these years—just the more notorious.

MYCONOL

Advertising first came to our attention—December 1964, NBBB referred to Post Office—February 1964, NBBB issued a Bulletin—September 1964, Post Office filed Complaint—February 1965, Fraud Order issued—March 1966, Time elapsed: 15 months.

Myron Wisotsky, the principal involved, was found guilty of mail fraud in September 1967, fined $1,000, and three years probation. It was estimated Mr. Wisotsky took in $300,000 on sale of these tablets.

PLACIDON (IDENTICAL TO MYCONOL)

First came to our attention—June 1965, Referred to Post Office—June 1965, NBBB issued Bulletin—September 1965, Post Office filed Complaint—June 1966, Affidavit of Discontinuance signed—August 1966, Time elapsed: 14 months.

AMA-TOL

First came to our attention—March 1967, referred to Post Office—April 1967, NBBB Bulletin issued—May 1967, Post Office complaint filed—July 1967, fraud order issued—November 1968, Time elapsed: 20 months.

DALIDEX

First came to our attention—March 1968, referred to Post Office—April 1968, Post Of-

fice complaint filed—May 1968, NBBB Bulletin issued—July 1968, fraud order issued—April 1969, Time elapsed: 13 months.

BEL-DOXIN

First came to our attention—June 1969, referred to Post Office—June 1969, Post Office complaint filed—January 1970 (Opened Post Office Box in California while decision was pending), fraud order against California box—June 1970, fraud order against Peck Slip Station box—August 1970, Time elapsed: 14 months.

WONDEREX

First came to our attention—December 1969, referred to Post Office—December 1969, Compromise agreement signed—August 1970, Time elapsed: nine months.

ANAPAX

First came to our attention—June 1970, referred to Post Office—June 1970. To date complaint has not been filed.

With the exception of Myconol (Placidon), which was merely a vitamin pill, these products are basically some form methylcelluose which is said to engender a feeling of satiety by producing bulk in the intestine. Since the sensation of hunger originates in the stomach, they could not possibly be effective for this purpose. This fact has been stated by the Food and Drug Administration and reiterated in each of the Post Office cases.

One cannot help but be disturbed by the similarity of advertising for each of these products. The Hearing Examiner in the Ama-Tol case noted: "The advertising literature used in *Myconol* is so strikingly like that used by Ama-Tol that it could scarcely be attributed to coincidence. He did not, however, choose to pursue the matter further.

A reasonable conclusion to be drawn from this review is that Better Business Bureau efforts and Postal Fraud Orders have been ineffective in eliminating diet quackery. It remains a highly profitable enterprise with little, if any, risk to the entrepreneur.

Nonetheless, the Council of Better Business Bureaus will continue its campaign to educate the public in the hope that they will not be ensnared by wistful promises of the fad diets. Likewise, we will continue to serve media in providing guidelines for the evaluation of such advertising. At the same time, we look for assistance from the federal regulatory agencies in vigilant prosecution of the perpetrators of fraudulent schemes and to the copy acceptance departments of the various media for discretion and awareness of their responsibility to their readers.

INTERNATIONAL COLLEGE OF APPLIED NUTRITION,

August 27, 1970.

Hon. LESTER L. WOLFF,
Member of Congress,
Washington, D.C.

DEAR SIR: Your concern with the problems of fad diets, food myths, and diet pill abuse is to be commended and applauded. You are looking into problems of great national interest that have been the objective of the International College of Applied Nutrition and its members for over 30 years.

The International College of Applied Nutrition is dedicated to scientific advances derived from all endeavours toward nutrition and health of Homosapiens. You ask us for specific suggestions as to what government might do to solve these problems. Elaboration of our suggestions is not possible in this brief report. But we could give you the following concrete recommendations as to what government could do.

1. Government could encourage and promote free expression of ideas without special interest restrictions placed by government departments. Scientific achievement has not always come from established conventional institutionalized thinking. It is possible that some ideas expressed in the so-called "fad-diets and food myths" may have merit. By permitting these ideas to be expressed freely and examined by scientific standards without harassment, their values may be proved or disproved.

2. Government could promote and encourage the exchange of ideas between agronomists, conservationists, nutritionists, animal husbandry and bio-chemical fields to hold scientific meetings amongst the profession as it pertains to these problems. The medical and dental professions need to be exposed to the scientific achievements of these disciplines as they are related to the problems of this hearing.

3. Government could allot financial support to organizations compiling information (in a computerized fashion), making available to the public all the varied information regarding total nutrition; from the soil to food and how it affects persons who eat it.

It is our understanding that the present policy of related governmental agencies concerned with control over use of drugs, food stuffs, pesticides, etc., is that an item must be proven harmful in order to restrict its use. We propose a better approach: Prove it SAFE for human use BEFORE allowing its mass production. Had this policy been in force when the members of ICAN endorsed it 20-odd years ago, DDT would not now be adding to the pollution problem.

4. The area of greatest abuse is one of ignorance and arrogance on the part of professional, academic and political people. Preconceived ideas and rigid stereo-typed thinking must be discouraged and one must consider that all factors are not known as yet. As an example, it took many years of research before a specific chemical was isolated as the cause of scurvy. We must encourage an open mind that perhaps there are unknown as well as the many known food factors removed by food processing, sterilization, and preservatives. Forced feeding by chemicals of crops and animals may, and probably does, affect human nutrition. Governmental agencies could help this situation by encouraging research into ALL fields of degenerative diseases. The use of natural foods and whole foods in this research would yield more specific scientific information. To repeat: some so called "food myths" might have merit, such as those advocated by vegetarians, health food "nuts", and those using whole foods as produced by nature without the pollution and manipulation of human beings. We must all recognize that there are plenty of "drug myths" being promoted.

5. Government could encourage the research, development, and use of naturally grown edible non-poisonous substances in the treatment and prevention of disease and the maintenance of health. Too much money has been directed to cure of specific disease entities such as heart disease, transplants, and cancer. Encouragement needs to come from the government to PREVENT these diseases. "It does little good to close the barn door after the horse is loose." Prevention is a much more difficult problem than treatment. Too little attention has been directed toward the effect of nutrition and the type of diets proven helpful to human pathological conditions. When a heart is so damaged as to need a transplant, it is questionable if a new healthy heart could survive on a similar dietary routine that damaged the original one.

6. Diet pills are used in the United States as a substitute for adequate complete nutrition. Because diets are loaded and accentuated with refined low-bulk, high caloric concentrated substances people overeat in nature's attempt to obtain adequate nutritional elements, both known and unknown. These include minerals (electrolites), vitamins, amino acids, balanced fats which yield essential fatty acids, unrefined carbohydrates, and various unknown substances found in whole complete foods. The physician is using diet pills to decrease the patient's appetite assuming that the only thing that creates overweight is overeating. Thus they starve the patient, some even to death. The true picture is an entirely different story. Body weight, as shown in comprehensive studies by the late Dr. Michael Walsh, is influenced more by quality of food intake than quantity, as well as the individual's physical capacity to utilize the nutrients.

7. The government could encourage by grants and financial support nutritional and ecological studies beginning in grammar school and extending through college. An interesting and effective method of quickly spreading nutritional education amongst our important younger generation would be to promote our program of the Nutrition Science Fair. It could be a contest nationwide, at various school levels. Feeding animals proves value to the youngsters quickly. These tests graphically illustrate the good and bad results of wholesome versus refined, so-called "enriched" foods. ICAN's experiments on this line in Southern California made a dramatic impression on all who witnessed them. In conjunction with this approach, mental intelligence levels are greatly increased in direct proportion to adequate nutrition.

8. Government encouragement and financial support to low-profit-margin food industries such as date and fruit producers, dairy products, etc., would help them finance advertising and promotion of natural, wholesome food products. Unfortunately the profit ratio on good foods is so much less than on factory produced refined foods. Therefore advertising and promotion of inadequate foods is more successful than complete foods. Commercial interests create "food myths" concerning these inadequate foods, and unfortunately influence a great number of people. This increases greatly our medical and dental expense for the sick. How much better it would be to PREVENT illness rather than to pay expenses for chronically sick patients forever.

Depletion allowances could be given to farmers to allow proper remineralization of soil, thereby providing more nutritious products. This is far more important to the health of the nation than depletion allowances to oil producers for the sake of cheap gasoline.

Your committee and hearings can go on public record as recommending educational promotion and freedom of scientific expression as a solution to fad diets, food myths and diet pill abuse.

Thank you for offering our group an opportunity to express our opinions. We wholeheartedly wish you success, and shall gladly cooperate in working with you to alleviate these problems. There follows a postscript containing a brief summary explaining the International College of Applied Nutrition and its objectives.

Special Committee for the International College of Applied Nutrition:

ROBERT ELLIOT, MD,
HAROLD STONE, DDS,
EDWIN ARTHUR, BEChE,
MRS. HAROLD STONE,
Executive Secretary.

HUNTER COLLEGE OF THE CITY UNIVERSITY OF NEW YORK,

New York, N.Y., September 3, 1970.

To Lester L. Wolff, Member of Congress.
From Rose Mirenda, Ed. D., Chairman, Home Economics Department.

Fad diets have been with man since biblical times. These fad diets are usually based on unproven hypotheses and expertly glossed over facts that promise magical and quick solutions to dietary problems. If one fails, another is selected for trial depending on its level of popular appeal. Fad diets emphasize one particular food or group of foods and disregard dietary adequacy as reflected in the Recommended Dietary Allowances. Fad

diets impose a threat to the health and well being of the user, who often practices self diagnosis and self prescription, and too, an additional economic burden.

Currently the greatest area of abuse is concentrated around therapeutic food diets for the obese, cardiacs, arthritic, cancer victims and "health food buffs". The public chooses to spend unestimated millions for special "health foods", preparatory equipment and drugs while seeking the answers to their dietary problems. People prefer to discount scientific and professional dietary advice in lieu of quack promises that prey on their fears and vanity.

What can be done to correct this fad diet abuse? First the extent of the problem must be determined. How much and in what ways is money spent to support food and health fads? Then steps must be taken to expose and denounce this commercialized nutritional quackery.

Educators, food scientists, law enforcement agencies, and members of the public health team must develop an intimate interdisciplinary approach to reach and teach nutrition and health information to the public at the grass roots level. Thus the principle of reinforcement education could be applied on a continuing basis for people of all ages. Succinct but relevant information programs could be jointly prepared and presented at timely intervals via radio and television, as well as in newspapers, magazines and commercial leaflets.

It would be imperative, too, that more stringent control of "instant nutritionists" and their misleading information be exercised. Perhaps, there could be established some impartial review boards at national, state ad local levels, mandated to control and denounce loudly misleading advertising and public statements.

Representatives of professional organizations, local law agencies and the food industry could be invited to set up store-front food and health information centers to provide personal and/or telephone service on a paid or volunteer basis.

It might be advisable to establish a list of those professionals willing to serve as consultants of speakers. This list could be filed in a centralized local health agency and made available to community groups seeking information. In this way, nutrition education programs could be initiated as needs arose.

Finally, since authorities agree that a diet of various common foods will provide all the nutrients essential to good health, specialty shops could be restrained from using the title "health food stores" and publicizing "health foods" per se.

There appear to be no recent statistics of the sum spent annually in support of nutritional quackery. It is obvious, however, from the plethora of popular diet publications and exotic fad foods available that misinformation concerning nutrition and health flourishes. Food faddists who provide support for the proliferation of nutritional quackery by pursuing bizarre diets may well be undermining their own health and the well being of their families.

UNIT PRICING PROTECTS CONSUMERS

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. RYAN. Mr. Speaker, in the face of persistently rising food costs and deceptive packaging techniques, one of the most useful and frequently discussed aids to the consumer is unit pricing, a practice which tells the shopper how much an item costs per ounce, pound, or gallon. This practice enables customers to know for sure whether larger sizes are really less expensive than smaller ones and to realize the added expense incurred when the price of a commodity remains the same, although the container has become smaller.

Unfortunately, unit pricing is not the norm. More often than not, customers are either deceived or forced to resign themselves to the impossibility of determining just where shopping is least expensive.

To remedy this situation and to enable customers to know the true cost of the product they buy, I have introduced H.R. 19126, which amends the Fair Packaging and Labeling Act to require the disclosure by retail distributors of unit prices of packaged commodities.

A recent article by Seth S. King which appeared in the July 27, 1970, edition of the New York Times describes the Benner Tea Co.'s institution of unit pricing in its supermarkets in Burlington, Iowa. Mr. King noted:

Though housewives seem to like the system, some retailers argue that it is costly and would eventually increase food prices. This is one of the arguments used by the New York State Food Merchants, which has obtained a court injunction that is blocking a New York City regulation requiring unit pricing.

In rebuttal to this added cost argument, Mr. King noted the comments of Benner executives:

Benner executives think the cost argument is ridiculous. They say that with the aid of a computer, which the chain leases anyway, they were able to figure the unit price for each of about 6,000 items, print small shelf labels for each item and pay for the labor of posting each label for a total cost to the chain of $12,700.

I commend Seth King's article to my colleagues as a good explanation of the problem which my bill resolves, and as persuasive support for passage of unit pricing legislation.

The article follows:

UNIT PRICING TEST: BUYERS APPRECIATE CHANCE TO CUT FOOD COSTS

(By Seth S. King)

BURLINGTON, Iowa, July 26.—"You know, I found out some of the canned goods really are different in price, when you see the price broken down this way," said Mrs. Robert Hale. "I'd always bought Armour's Golden canned hams, for example. But then I saw the unit price and now I've switched to Dubuque, because I know they're cheaper."

"I've also found some of the larger sizes really aren't cheaper and I could do better buying two of the smaller ones," she went on. "I couldn't say that I've cut my food costs much that way, but even if it's only a little, I appreciate the chance these days."

Mrs. Hale, wife of the general manager of the J. I. Case Company (farm implements), was discussing unit pricing, currently the most talked about aid to the food consumer. Unit pricing tells the shopper how much an item costs per ounce or pound or gallon or yard.

TYPICAL REACTION

Talks with Burlington housewives who shop at the Benner Tea Company's two supermarkets in this old Mississippi River town indicate that Mrs. Hale's reaction is typical.

After six weeks of shopping with unit pricing, the housewives are still not sure about how much money they've saved, but they feel much better about what they've spent.

Other chains, under mounting pressure from consumer interests, have been experimenting with unit pricing to learn how much it costs and whether there is a real demand for it. But Benner, with 21 stores in Iowa, Illinois and Missouri, is believed to be the first chain to establish it on a permanent basis.

Though housewives seem to like the system, some retailers argue that it is costly and would eventually increase food prices. This is one of the arguments used by the New York State Food Merchants, which has obtained a court injunction that is blocking a New York City regulation requiring unit pricing.

Benner, however, says the costs are small. The chain also reports an increase in business, but a smaller increase than it had expected.

Housewives have always bought meat and fresh fruits and vegetables by the pound or ounce, and those prices are usually stamped on those items now. What Benner has done is extend this to every other item in the store.

Now, on the edge of the shelf beneath each item, there is a small tag showing its total price and the price per unit of measure.

With no more than a quick glance, a housewife can tell whether she can save a few cents by buying a bigger jar of peanut butter, whose per pound cost may be 40 cents compared with 44 cents per pound for a smaller jar.

Or she can tell, perhaps to her surprise, that a smaller jar of applesauce costs 20 cents a pound, compared with a larger jar at 21 cents. Or that two packages of paper towels, which appear to be the same size and which sell for the same total price, are actually different. The unit price of one is 3 cents a square yard, the other 4 cents. The first has 165 square feet in its roll, the second only 125.

Or she learns that the extra giant 10 pounds 11 ounce box of Tide she had been proudly lugging home costs 26 cents a pound, exactly the same as the 5 pound 3 ounce box beside it.

THEY DO THE FIGURING

"I noticed the ads about unit pricing, but at first I didn't pay too much attention," said Mrs. Josephine Fageol, wife of a lathe operator at J. I. Case. "But I've got five children and I have to count every penny."

"I suddenly realized," she said, "that by looking a little closer at those tags, I was sure of what I was buying. When I think of it, it was kind of frightening to go into a store and try to figure out which to buy. Now they do the figuring for me."

In talking with 12 other shoppers in the two Benner stores here, it was clear that interest in, or even knowledge about, the unit pricing plan was directly proportionate to how many people a customer had to feed.

Mrs. Judy Peterson, a bride of 10 months, said she paid little attention to it, and just came in "to buy what I have to buy quick."

Mrs. Hale, however, who feeds about seven people a day, counting grandchildren, said:

"I began to find out there was a big difference in some prices. For instance, I didn't realize I'd been paying more per ounce for a canned ham that I usually buy. Now I bring my daughters-in-law in here when they are visiting, and they have great fun checking out the prices. They're surprised, too, on a lot of items."

Mrs. Norman Johns, a frail woman trying to push a jammed grocery cart while four of her six children clung to parts of it, said she was particularly pleased with unit pricing. Her husband, an Air Force armorer, had just been sent to Vietnam and for the first

time in several years she did not have the advantage of shopping in an Air Force commissary.

"I'm not very good at figuring," she said. "So this helps me a lot. Like I'm thinking to change soap powders now. It might save a little, and that's really good for me now."

In embracing unit pricing, the Benner chain, headed by Charles C. Fitzmorris Jr., a former New York and Chicago advertising man, had one eye on aiding the price-conscious housewife and the other on a chance for more profit through the publicity that unit pricing might generate.

"The Government is already beginning to push it," said Philip Neally, executive vice president in charge of sales. "So we figured, let's be first and get the advantage of doing something the housewives might like."

Benner executives think the cost argument is ridiculous. They say that with the aid of a computer, which the chain leases anyway, they were able to figure the unit price for each of about 6,000 items, print small shelf labels for each item and pay for the labor of posting each label for a total cost to the chain of $12,700.

The company, which sets the prices for all the corporate stores in its chain, makes about 200 price changes a week. These can also be posted through the computer, the company says, for about $5 per store per week.

Mr. Neally said the company was a little disappointed that total sales in the last six weeks had increased only 4 per cent; the executive had been expecting a 10 per cent jump.

"But we show a 10 per cent increase in the number of customers going through our checkout counters," he said. "A good portion of that increase is probably just the curious, but we may keep a few of them."

TRU-PRICING

Mr. Neally said the company had no thought of passing on to its customers what he considered the modest cost of unit pricing, which Benner calls "tru-pricing."

"In the past we've spent as much as $30,000 just advertising a free dish offer," he said. "On tru-pricing we're in first, and that's enough of a promotional advantage for us to pay for ourselves."

Aside from its effect on buying, unit pricing is already having some effects on merchandising, Mr. Neally said. He explained:

"For the first time more housewives are noticing the odd sizes of some packages and bottles. As prices have gone up, a lot of food companies have been reducing the size of their containers, just a mite, and keeping the same price.

"Now housewives are asking our managers questions, like why something comes in a 13.3-ounce jar instead of a pint. I'd expect that this is going to force companies to go back to more recognizable packages, like a full pound or a full quart."

Mr. Neally said the Benner retailers also believed that some of the largest of the economy packages, like Tide's biggest, would be discontinued after housewives found they really weren't saving anything by carrying out that much weight.

The Benner Company's competitors at the Eagles and Hi-V chain stores in Burlington concede that there was some talk about unit pricing among their customers at first.

"But we've shown no drop in trade because of it," said Marion Stewart, manager of one Hi-V store. "Yes, the chain members have discussed the possibility of unit pricing. And the chain has use of a computer. But we don't think it's that important yet."

Mrs. Bill Carder, a mother of four, who said she had been shopping at one of the Benner stores for over three years, did not agree.

"I wouldn't say I'd change my buying patterns because of this thing," she said. "But I sure feel better now because I go out of here thinking I've done the cheapest shopping I possibly could."

THE PRESIDENT'S SPEECH AT KANSAS STATE UNIVERSITY

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. ANDERSON of Illinois. Mr. Speaker, the President of the United States spoke this afternoon to a university audience at Kansas State University. When he finished, his audience of 13,000 students, faculty, and friends of the university rose to give him a 10-minute standing ovation. Their response was eloquent testimony to the fact that Richard Nixon met the need of the hour for firmness and commonsense within a framework of respect for the law—that which Abraham Lincoln called "the religion of liberty."

It is worth noting, Mr. Speaker, that the violence which the President condemned is not limited by any means to streets and now in our skies. I say this not in alarm—because alarmism has never solved the most difficult problems we have faced—but in quiet conviction that decent Americans of every political persuasion must put their foot down on the question of violence at precisely the line that the President has drawn this afternoon. The genius of the Kansas speech is that it focuses unequivocally on this one issue: are we going to solve these problems by give and take, by due process, by the rule of law—or are we going to surrender to threat and counterthreat, to calculated acts of terrorism, and to the rule of violence which abhors the religion of liberty. Any American has the right to disagree with the President about how to solve the problems that face us—and the vitality of our political system over the years is based on the fact that our citizens have not hesitated to exercise that right. But we all have an obligation, if we are truly concerned about the future of this country, to respect "those decencies, those self-restraints, those patterns of mutual respect for the rights and feelings of one another" that must be preserved if freedom itself is to be preserved.

Mr. Speaker, I commend the President's speech to any of my colleagues who may not have read it, and at this point I insert it in the RECORD in its entirety:

TEXT OF AN ADDRESS BY THE PRESIDENT

At this great university, in this distinguished company, I cannot help thinking about the twists of fate—and of how we learn from them.

I think of the fans of Wildcat football here today who have known what it is to lose—and then who have known what it is to win.

I think back to 1936, when Governor Landon—who already knew what it was to win—learned what it was like to lose.

And I think too of some of the moments in my own career: as a football player who spent most of his time on the bench; as a candidate who knew the thrill, the great satisfaction, of winning—and then as a candidate who learned what it meant to lose.

Having won some and lost some, I know—as you know—that winning is a lot more fun.

But I also know that defeat or adversity can react on a person in different ways.

He can give up; he can complain about "a world he never made;" or he can search the lessons of defeat and find the inspiration for another try, or a new career, or a richer understanding of the world and of life itself.

When Alf Landon lost his race to Franklin Roosevelt, he was not a man to waste his life in brooding over might-have-beens. In the 34 years since then, the world has been transformed. Enriched by his experience, Alf Landon has continued to grow with it—until now he is one of the great elder statesmen of America, a man whose wisdom and common sense, and whose outspoken concern for the welfare of this nation, have inspired and aided generations that have come after.

Or take Kansas State and its football team.

Just three years ago the Wildcats had a dismal seven-year record of eight wins and sixty losses. But there was a dogged spirit here, a determination, a readiness to learn new ways—and when Vince Gibson came to the campus it was that spirit, that determination, that "Purple Pride" that he helped translate into the Purple Power of today.

As for myself, I doubt that I would be President today if I had not learned from the lessons of defeat in 1960 and 1962—and I hope that I can be a better President because of those lessons.

I cite these not only to suggest that we here today have something in common—but also because this pattern of playing by the rules, of losing some and winning some, of accepting the verdict and having another chance, is fundamental to the whole structure on which our liberty rests.

There are those who protest that if the verdict of democracy goes against them democracy itself is at fault—who say that if they don't get their own way, the answer is to burn a bus or bomb a building.

Yet we can maintain a free society only if we recognize that in a free society no one can win all the time; no one can have his own way all the time; and no one is right all the time. Whether in a campaign or a football game, or in debate on the great issues of the day, the answer to "losing one" is not a rush to the barricades but a study of why, and then a careful rebuilding—or perhaps a careful re-examination of whether the other fellow may have been right after all.

When Palestinian guerrillas hijacked four airliners in flight, they brought to 250 the number of aircraft seized since the skyjacking era began in 1961. And as they held their hundreds of passengers hostage under threat of murder, they sent shock-waves of alarm around the world at the spreading disease of violence and terror and its use as a political tactic.

That same cancerous disease has been spreading here in the United States.

We saw it three weeks ago in the vicious bombing at the University of Wisconsin, in which one man lost his life, four were injured and years of painstaking research by a score of others destroyed.

We have seen it in other bombings and burnings on our campuses, and in our cities; in the wanton shootings of policemen; in the attacks on school buses; in the destruction of offices, the seizure and harassment of college officials, the use of force and coercion to bar students and teachers from classrooms and even to close down whole campuses.

Consider just a few items in the news:

A courtroom spectator pulls out a gun, halts the trial, gives arms to the defendants, takes the judge and four other hostages, moves to a waiting getaway van—and in the gunfight that follows four die, including the judge.

A man walks into the guardhouse of a city park and pumps five bullets into a police sergeant sitting quietly at his desk.

A Nobel Prize winner working on a cancer cure returns to the cages of his experimental rats and mice to find them vandalized, with some of the animals running loose, some thrown out of the window into the sea, and hundreds missing.

A police patrolman responds to an anonymous emergency call that reported a woman screaming, arrives at the address, finds the house deserted but a suitcase left behind; as he bends over to examine the suitcase it explodes, blowing off his head and wounding seven others.

These acts of viciousness all took place in the United States—and all within the past five weeks.

America at its best has stood steadfastly for the rule of law among nations. But we cannot stand successfully for the rule of law abroad unless we respect the rule of law at home. A nation that condones blackmail and terror at home can hardly stand as the example in putting an end to international piracies or tensions that could explode into war.

The time has come for us to recognize that violence and terror have no place in a free society, whoever the perpetrators and whatever their purported cause. In a system that provides the means for peaceful change, no cause justifies violence in the name of change.

Those who bomb universities, who ambush policemen, who hijack airplanes and hold their passengers hostage, all share in common not only a contempt for human life but also a contempt for those elemental decencies on which a free society rests—and they deserve the contempt of every American who values those decencies.

Those decencies, those self-restraints, those patterns of mutual respect for the rights and the feelings of one another, are what we must preserve if freedom itself is to be preserved.

There always have been those among us who chose violence or intimidation to get what they wanted. Their existence is not new. What is new is their numbers, and the extent of the passive acquiescence, or even fawning approval, that in some fashionable circles has become the mark of being "with it."

Commenting on the bombing three weeks ago at the University of Wisconsin, the Wisconsin State Journal recently said:

". . . it isn't just the radicals who set the bomb in a lighted, occupied building who are guilty. The blood is on the hands of anyone who has encouraged them, anyone who has talked recklessly of 'revolution,' anyone who has chided with mild disparagement the violence of extremists while hinting that the cause is right all the same."

And I would add that what corrodes a society even more deeply than violence itself is the acceptance of violence, the condoning of terror, the excusing of inhuman acts in a misguided effort to accommodate the community's standards to those of the violent few.

For when this happens, the community sacrifices more than its calm, and more even than its safety. It loses its integrity and corrupts its soul.

Nowhere should the rule of reason be more respected, or more jealously guarded, than in the halls of our great universities.

Yet, as we know, at some of our great universities small bands of destructionists have been allowed to impose their own rule of arbitrary force.

Because of this, we face the greatest crisis in the history of American education today.

In times past we have faced shortages of classrooms, shortages of teachers, shortages that could always be made up by appropriations of money.

These material shortages are nothing compared to the crisis of the spirit which rocks hundreds of campuses across the country today. And because of this, to put it bluntly, today higher education in America risks losing that essential support it has had since the beginning of this country—the support of the American people.

America has been rightly proud in the past of its enormous strides in higher education. The number of students in college today has doubled in the past decade. But at a time when the quantity of education is going dramatically up its quality is massively threatened by assaults which terrorize faculty, students and university and college administrators alike.

It is time for responsible university and college administrators, faculty and student leaders to stand up and be counted. Only they can save higher education in America. It cannot be saved by government. To attempt to blame government for all the woes of the universities is to seek an excuse, not a reason, for their troubles. If the war were ended today, if the environment were cleaned up tomorrow morning and all the other problems for which government has the responsibility were solved tomorrow afternoon—the moral and spiritual crisis in the universities would still exist.

The destructive activists at our colleges and universities are a small minority. But their voices have been allowed to drown out the responsible majority. As a result, there is a growing, dangerous attitude among millions of people that all youth are like those few who appear night after night on the television screen shouting obscenities, making threats or engaging in destructive and illegal acts.

One of the greatest disservices the disrupters have done, in fact, is precisely this: to reflect unfairly on those millions of students who *do* go to college for an education, who do study, who do respect the rules and who go on to make constructive contributions to peaceful change and progress in this country.

I would not for one moment call for a dull, passive conformity on the part of our university and college students, or for an acceptance of the world as it is. The great strength of this nation is that our young people, in generation after generation, give the nation new ideas, new directions, new energy. I do not call for a conformity in which the young simply ape the old or in which we freeze the faults that we have. We must be honest enough to find what is right and to change what is wrong. But at the same time we must take an uncompromising stand against those who reject the rules of civilized conduct and of respect for others—those who would destroy what is right in our society and whose actions would do nothing to right what is wrong.

Automatic conformity with the older generation is wrong. At the same time, it is just as wrong to fall into a slavish conformity with those who falsely claim to be the leaders of the new generation, out of fear that it would be unpopular—or considered square—not to follow their lead. It would be a tragedy for our young generation simply to parrot the policies of the past. It would be just as great a tragedy for the new generation to become simply parrots for the slogans of protest, uniformly chanting the same phrases—often with the same four-letter words.

Let us take one example that deeply troubles many of our young people today; the war in Vietnam.

Many of the slogans simply say we should end the war.

We *are* ending the war. The great question is how we end it, and what kind of peace we achieve.

A "peace now" that led only to a bigger and more terrible war later would be peace at too great a price.

As we look back over the 20th Century, we see that not yet in this century has America been able to enjoy a full generation of peace.

The whole thrust, the whole purpose, of this Administration's foreign policy—whether in Vietnam or the Middle East, or in Europe, or in relations with the developing countries or the Communist powers—is to meet our responsibilities in such a way that at last we *can* have what we have not had in this century: a full generation of peace.

That is why, in Vietnam, we are carrying out a plan that will end the war, and that will do it in a way that contributes to a just and a lasting peace in Vietnam and in the world.

There are those who say that this is the worst of times to be alive.

But we in America have a great deal to be proud of—and a great deal to be hopeful about.

If we open our eyes, if we look at all that for the first time in the whole history of man is becoming possible here in America, what do we see?

We see a natural environment that has been damaged by the careless misuses of technology, true; but we also see that the same technology gives us the ability to clean up that environment and restore the clean water, the clean air, the open spaces, that are our rightful heritage.

We see a nation now rich enough so that everyone willing and able to work can earn a decent living, and so that we can care for those who are not able to do so.

We see a nation that now has the capacity to make enormous strides in these years just ahead in health care, in education, in the creative use of our increasing leisure time.

We see a nation poised to progress more in the next five years, in a material sense, than it did in fifty only a short time ago.

We see that because of our wealth, because of our freedom, because of our "system," we can go on to develop those great qualities of the spirit that only decades ago were still buried by the weight of drudgery—and that we can do this not just for an elite, not just for the few, but for the many.

The question is: How shall we use our great opportunity?

Shall we toss it away in mindless disruption and terror? Shall we let it wither away in despair? Or shall we so prepare ourselves, and so conduct ourselves, that this will be looked back upon as the beginning of the brightest chapter ever in the unfolding of the American dream?

Making its promise real requires an atmosphere of reason, of tolerance, of common courtesty—with that basic regard for the rights and feelings of others that is the mark of a civilized society.

It requires that the members of the academic community rise firmly in defense of the free pursuit of truth—that they defend it as zealously today against threats from within as they have at other times against threats from without.

It requires that the idealism of the young—and indeed, the idealism of all ages—be focused on what can be done within the framework of a free society, recognizing that its structure of rights and responsibilities is complex and fragile and as precious as freedom itself.

The true idealist pursues what his heart says is right in a way that his head says will work. But the final test of his idealism lies in the respect he shows for the rights of others.

Despite all the difficulties, all the divisions, all the troubles that we have had we can look to the future with pride and with confidence.

As I speak here today on the campus of this great university, I recall one of the great sons of Kansas, Dwight David Eisen-

hower. And I recall the eloquent address he delivered in London's historic Guildhall in 1945, at a ceremony in his honor after he had led the allied forces to victory in Europe.

On that day, to the huge assemblage that had gathered in his honor, made up of the officialdom of all Britain, he said: "I come from the heart of America."

Now, 25 years later, as I speak in the heart of America, I can truly say to you here today that you are the heart of America—and the heart of America is strong. It is sound. It is good. It will give us—you will give us—the sound and responsible leadership that he great promise of America calls for—and in doing so you will give my generation what it most fervently hopes for: the knowledge that your generation will see that promise fulfilled.

FOREIGN IMPORTS AND THE FOREIGN TRADE BILL

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. COHELAN. Mr. Speaker, there is an increasing concern over the effect of foreign imports in the United States. The most tangible manifestation of this concern is the foreign trade bill that is before the House Ways and Means Committee.

I will not comment on this bill which is still before the committee but my preliminary information suggests that the quota system that it imposes seems to go far beyond what is necessary to protect a few U.S. industries.

I am, Mr. Speaker, by temperament and experience, an advocate of free trade. This latest trend toward protectionism, raises some historical parallels that are of increasing concern. Although I am not by any standard a historical determinist, I do feel that a return to the concept of "Fortress America" would adversely affect not only our foreign policy obligations but our economic position, as well as the economic well-being of nations that are our allies.

It is for these reasons that I am intrigued by the recent Christian Science Monitor article by Richard Strout. Mr. Strout points out that the Smoot Hawley tariff was justified in terms of saving U.S. industry and contributed to the depression of the 1930's.

I am including this article for the readers of the RECORD:

STRANGE RESEMBLANCE

(By Richard L. Strout)

WASHINGTON.—It is eminent economist Milton Friedman who is pleading for free trade today; way back when I was young it was eminent economist Paul Douglas, later senator.

There is a business slump now, and men are out of work and politicians reach instinctively for tariffs to reduce foreign competition. Well, back in 1929, there was an economic crash and politicians looked to tariffs, too.

The president then was Herbert Hoover. He had taken the unfortunate step in his campaign of authorizing leonine Senator Borah to announce that if he (Hoover) were elected he would call a special session to increase agricultural tariffs. Hoover did not need Borah's help; he was a shoo-in without it. But with that assurance Borah became one of his most ardent and influential spokesmen.

In 1968, Richard Nixon promised that if elected he would help textiles. "I have always been strongly in favor of free trade," he said in Merchandising Week, Oct. 4. He added that he sympathized with "temporary measures to protect certain industries." But earlier in a telegram to the New York Times (Aug. 22, 1968) he specifically promised to give protection to the textile industry. In addition to cotton textiles, he said "I will promptly take steps necessary to extend the concept of international trade agreements to all other textile articles involving wool, man-made fibers, and blends."

Now the promissory note is coming due. There's a business slump and unions join management in the demand for protection from foreign competition. In 1928, Hoover left the key in the lock of Pandora's Box. He never wanted high tariffs, I believe. He wanted only to aid farmers. But the bill passed by the House proposed tariff increases on 75 farm products, and on 925 manufactured products! Led by Paul Douglas 1,000 economists urged Mr. Hoover to veto. But Senate Leader Jim Watson (R) of Indiana declared, "If this bill is passed this nation will be on the upgrade, financially, economically, and commercially within 30 days, and within a year from this date we shall have regained the peak of prosperity." Note the date—1929.

Mr. Hoover signed the Smoot-Hawley tariff with six gold pens, June 15, 1930.

It is curious that historian Arthur M. Schlesinger Jr., in his "Age of Roosevelt" does not mention Borah's mischievous part in launching the highest United States tariff of all time. (Borah, consistent in his inconsistency, voted against it.) I have just finished the lively "The Shattered Dream" by Gene Smith, another and sympathetic record of the Hoover catastrophe. He dismisses the Smoot-Hawley Tariff Act in eleven words. And yet it was this attack on international trade coming just as the world collapsed into depression that brought instant retaliatory acts, and did much to prevent global recovery. Few acts of economic folly equal it. The end result of it in Europe was Adolf Hitler.

In Newsweek (Aug. 17) Milton Friedman pays his respects to the tariff bill now taking form in the House Ways and Means Committee, controlled by Democrats. It started with textiles with the green light from Mr. Nixon. It was natural enough to add shoes. Then other products were added.

It is not a tariff, but a quota act. Under a tariff, taxes are imposed and the revenue comes to the government. Under a quota the government gets no revenue; prices are kept high by exclusion. Consumers pay the higher prices and the producer pockets them. At a time of inflation it is an inflationary measure.

It should be quickly said that some other nations have instituted quotas and other trade restrictions that undercut international understandings not to raise tariffs. It should be said, also, that the U.S. cannot be expected to be patient forever.

But there is a strange resemblance between 1930 and 1970—the initial campaign pledge, the business decline stimulating restrictionists' demands, the tendency for the process to snowball once started, and the warnings of prominent economists. The U.S. is peculiarly vulnerable today with so many dollars held abroad that it would be disastrous if all our creditors handed them in at once at the teller's window and demanded gold.

Maybe conservative Milton Friedman is overheated. But he says:

"We have heard much these past few years about using the government to protect the consumer. A far more urgent problem is to protect the consumer from the government.

"We are a great nation, the leader of the free world. Yet we squander our political power to appease the textile industry in the Carolinas!"

AUTOMOTIVE AIR POLLUTION CONTROL

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. EILBERG. Mr. Speaker, I have today introduced a comprehensive package of automotive air pollution control legislation.

The automobile is still the single greatest nationwide air polluter today. Its internal combustion engine emits great quantities of carbon monoxide, a poison which even in relatively small concentrations can deprive the human body of vital oxygen supplies. While fresh air contains less than one-tenth of one part carbon monoxide for each million parts of air, the air in our large cities today contains 100 times that amount largely thanks to the automobile which emits more than 70 million tons of this pollutant annually.

Each year, motor vehicles also emit some 13 million tons of hydrocarbons, a pollutant which contributes to the photochemical process that produces smog; some 8 million tons of nitrogen oxides, another ingredient of smog, and about 200,000 tons of lead particulates as a result of the use of leaded gasolines.

We have tried to cope with this type of pollution for years. Patterned on automotive emission standards which have been in effect in California since the early 1960's the Federal Government promulgated national emission standards. But although they have gradually become more stringent these standards have never called for the replacement, by a different type of propulsion, of the internal combustion engine. Antipollution devices were installed on passenger cars and eventually become mandatory for new diesel trucks as well. But with 90 million autos and 15 million trucks and buses on the roads, these measures have proven inadequate and much too slow in producing improvements. A briefing paper prepared last summer for the President's science adviser, Dr. Lee DuBridge, states:

> There is strong evidence that the use of Federal standards geared to controlling the internal combustion engine will not result in the drastic inroads on the problem needed to safeguard public health. At best, the effect of present Federal standards will be to postpone in time the upward growth of pollution levels rather than to reverse the trend . . . These controls are far less than adequate to cope with a problem already well out of hand . . . There is no guarantee that the degree of control that is possible with the internal combustion engine will be adequate . . . The problem is already beyond reasonable bounds.

In addition to establishing national emission standards, Federal legislation has provided for testing and inspection of prototype automobiles—but not yet for testing of assembly line vehicles. It has provided funds for research and development of alternate propulsion and fuels.

But much of that effort is predicated on the retention of the internal combustion engine, as have efforts by the automobile companies to develop prototypes of electric, steam, and gas turbine engines.

The new Federal emission standards for 1971 call for a reduction of carbon monoxide and hydrocarbons by about three quarters from the emissions of these two pollutants from pre-1968, or completely uncontrolled, automobiles. But nitrogen oxides are not due to be controlled to any extent until 1973, and the first reduction in emissions of particulates not until 1975. In the meantime, the number of autos on our highways are steadily increasing in direct proportion to the growing numbers of people reaching driver's age.

It is time to turn to alternate, cleaner propulsion systems. It is time to promulgate legislation which will set emission standards that are attuned to the present pollution levels, and are based on the performance of a possibly somewhat improved internal combustion engine.

The large horsepower engines marketed today may not be able to meet these stringent standards. They burn more fuel and thus create unreasonably high levels of pollution. Therefore, they should be phased out by 1975.

The existing Federal program in research, development, and demonstration of prototype alternate propulsion systems is largely limited to the Rankine steam engine.

Automakers have developed several electric, steam, and gas turbine prototype engines, and the Federal Government need not duplicate these efforts. However, it does need to provide data on mass production technology for such new engines, together with cost analysis. An expanded Federal research and development program should address itself to this need, and part of the Federal automobile excise tax earmarked for this purpose in order to provide the necessary additional funds for a guaranteed period of time.

I am convinced that air pollution from automobiles can be reduced at a much faster rate if the bills I am sponsoring are implemented. I believe that assembly line vehicles must be inspected to insure that control devices are in working order. Existing California emission standards should be adopted on a nationwide scale as an interim measure. Emission standards should be established for used cars by 1972 by which time stringent standards should also be in force for fleet-owned cars. Leaded gasoline should be banned, and the composition of fuels regulated—not merely registered.

Lastly, Federal standards for rubber and asbestos emissions should be established. These less well-known pollutants have been proven to be hazardous to health. Rubber emissions originate primarily in auto tires and asbestos pollution is generated in the automotive brake system. Both can be reduced.

Mr. Speaker, I urge all Members to examine this package of legislation carefully with a view toward eventual implementation. For your convenience, I am herewith including the texts of the bills:

A bill to permit the Governor of a State to elect to use funds from the State's Federal-aid highway system apportionment for purposes of paying additional costs incurred by such State in purchasing low-emission vehicles

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "State Low-Emission Vehicle Procurement Act".

DEFINITIONS

SEC. 2. For purposes of this Act—

(1) the term "Federal-aid highway system apportionment" means an apportionment for a fiscal year to a State under one of the five paragraphs of section 104 (b) of title 23, United States Code;

(2) the term "Governor" means the chief executive officer of a State;

(3) the term "State" means a State, the District of Columbia, or Puerto Rico.

GRANTS

SEC. 3. The Governor of a State may elect to use all or part of one or more of any Federal-aid highway system apportionment for such State for a fiscal year for the purpose of reimbursing such State and its political subdivisions for the additional cost to such State and its political subdivisions (determined under regulations of the Secretary of Transportation) of purchasing low-emission vehicles (meeting standards prescribed by the Secretary) for their own use. The election authorized herein shall be made in such manner as the Secretary of Transportation shall by regulation prescribe, within sixty days after the Secretary of Transportation certifies to the Governor, pursuant to title 23, United States Code, the sums apportioned to that State for a fiscal year.

AMENDMENT TO TITLE 23, UNITED STATES CODE

SEC. 4. (a) Section 104 (e) of title 23, United States Code, is amended by inserting after "State highway department" the following: "and the Governor or chief executive officer of each State".

(b) Section 104(b)(5) of such title is amended by adding at the end thereof the following: "Rules, regulations, and standards adopted by the Secretary for estimating the cost of completion of the Interstate System and taking into account all previous apportionments shall prescribe a consistent and equitable procedure for taking into account amounts of apportionments which the Governor of a State has elected to use to carry out section 3 of the State Low-Emission Vehicle Procurement Act."

(c) Section 104 of such title is amended by adding at the end thereof the following new subsection:

"(f) No amount which the Governor has elected to use to carry out section 3 of the State Low-Emission Vehicle Procurement Act in a fiscal year shall be available for expenditure for Federal-aid highways under this title."

(d) Section 118(a) of such title is amended by striking out "On and after" and inserting in lieu thereof "Sixty days after".

EFFECTIVE DATE

SEC. 5. This Act shall take effect upon the first certification of Federal-aid highway system apportionments under section 104(e) of title 23, United States Code, following the date of enactment of this Act.

A bill to impose an excise tax on automobiles based on their horsepower and emission of pollutants, for the purpose of financing programs for research in, and Federal procurement of, low-emission vehicles

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)(1) section 4061(a) of the Internal Revenue Code of 1954 (relating to motor vehicle excise tax) is amended—

(1) by striking out "the specified percent of the price for which so sold" in the matter preceding paragraph (1) and inserting in lieu thereof the following: "a percent of the price for which so sold equal to the specified percent determined under paragraph (1) or (2), plus (in the case of an article taxable under paragraph (2)) the percent determined under paragraph (3)", and

(2) by adding at the end thereof the following new paragraph:

"(3)(A)(i) An article taxable under paragraph (2) which when sold is a motor vehicle is taxable under this paragraph at a percent determined by adding the percent determined under subparagraph (B) to the percent determined under subparagraph (C).

"(ii) An article taxable under paragraph (2) which when sold is not a motor vehicle is taxable under this paragraph at 4.5 percent.

"(B) Each motor vehicle referred to in subparagraph (A)(i) is taxable at a percent, based on the brake horsepower of the engine of such vehicle, determined under the following table:

"If the brake horsepower is—	Then the percent is—
Not over 175	0
Over 175, but not over 275	0.5
Over 275, but not over 375	1
Over 375	1.5

"(C) Each motor vehicle referred to in subparagraph (A)(i) is taxable at a percent, based on the grams of carbon monoxide it emits per mile, determined under the following table:

"If the grams of carbon monoxide emitted per mile is—	
Not over 11	Then the percent is— 0.
Over 11	¼ of 1 percent for each gram in excess of 11.

"(D) For purposes of subparagraph (C), carbon monoxide emissions of a motor vehicle shall be determined (in accordance with regulations prescribed by the Secretary or his delegate) on the basis of the standard tests conducted by the Secretary of Health, Education, and Welfare on vehicles of the same kind for purposes of determining whether such vehicles meet the emission standards prescribed under section 202 of the National Emission Standards Act."

(2) The amendments made by paragraph (1) of this subsection shall apply with respect to articles sold on or after the ——— day after the date of enactment of this Act.

(b) Amounts received in the Treasury by reason of the tax imposed by section 4061(a)(3) of the Internal Revenue Code of 1954 shall be paid into a separate account in the Treasury and shall be available for appropriation only to carry out section 212 of the National Emission Standards Act (as amended by section 2 of this Act) and to pay the amount by which the price of certified low-emission vehicles purchased by the United States in accordance with section 213(1) of such Act (as so amended) exceeds the price of similar automobiles which are not certified low-emission vehicles.

SEC. 2. The National Emission Standards Act is amended by renumbering section 212 as section 214 and by inserting immediately after section 211 the following:

"RESEARCH AND DEVELOPMENT

"SEC. 212. The Secretary shall conduct and accelerate research and development of propulsion systems for use in motor vehicles, other than those using internal combustion engines, which systems are technologically and economically feasible including, but not limited to, mass production methods and

techniques. Such research and development shall include cost analysis of mass production of such feasible propulsion systems, and such cost analysis shall be independent of those produced by manufacturers. Any knowledge and information resulting from research or development, including cost analysis, carried on under this section shall be public information.

"FEDERAL LOW-EMISSION VEHICLE PROCUREMENT

SEC. 213. (a) For the purpose of this section—

"(1) 'Board' means the Low-Emission Vehicle Certification Board;

"(2) 'Federal Government' includes the legislative, executive, and judicial branches of the Government of the United States, and the government of the District of Columbia;

"(3) 'motor vehicle' means any vehicle, self-propelled or drawn by mechanical or electrical power, designed for use on the highways principally for the transportation of passengers except any vehicle designed or used for military field training, combat, or tactical purposes;

"(4) 'low-emission vehicle' means any motor vehicle which meets the regulations prescribed under section 202(c) of this title.

"(b) There is established a Low-Emission Vehicle Certification Board to be composed of the Secretary of Transportation or his designee, the Secretary of Health, Education, and Welfare or his designee, the Director of the National Highway Safety Bureau in the Department of Transportation, the Administrator of the General Services Administration, and one member appointed by the President. The Secretary of Transportation or his designee shall be the Chairman of the Board.

"(c) Any member of the Board not employed by the United States may receive compensation at the rate of $125 for each day such member is engaged upon work of the Board. Each member of the Board shall be reimbursed for travel expenses, including per diem in lieu of subsistance as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently.

"(d)(1) The Chairman, with the concurrence of the members of the Board, may employ and fix the compensation of such additional personnel as may be necessary to carry out the functions of the Board, but no individual so appointed shall receive compensation in excess of the rate authorized for GS–18 by section 5332 of title 5, United States Code.

"(2) The Chairman may fix the time and place of such meetings as may be required.

"(3) The Board is granted all other powers necessary for meeting its responsibilities under this Act.

"(e) The Secretary of Health, Education, and Welfare shall determine which models or classes of motor vehicles qualify as low-emission vehicles in accordance with the provisions of this Act.

"(f) The Board shall certify any class or model of motor vehicles—

"(1) for which a certification application has been filed in accordance with subsection (h) of this section;

"(2) which is a low-emission vehicle as determined by the Secretary of Health, Education, and Welfare; and

"(3) which it determines is suitable for use as a substitute for a class or model of vehicles presently in use by agencies of the United States.

The Board shall specify with particularity the class or model of vehicles for which the class or model of vehicles described in the application is a suitable substitute. In making the determination under this subsection the Board shall consider the following criteria:

"(1) the safety of the vehicle;

"(2) its performance characteristics;

"(3) its reliability potential;

"(4) its serviceability; and

"(5) its fuel availability.

"(g) Certification under this section shall be effective for a period of two years from date of issuance.

"(h)(1) Any party seeking to have a class or model of vehicles certified under this Act shall file a certification application in accordance with rules established by the Board and published in the Federal Register.

"(2) The Board shall publish a notice of each application received in the Federal Register.

"(3) The Board shall determine whether or not the vehicle for which application has been properly made is a low-emission vehicle in accordance with procedures established by it and published in the Federal Register.

"(4) The Board shall conduct whatever investigation necessary, including actual inspection of the vehicle at a place designated by the Board in the certification application rules established under this section.

"(5) The Board shall receive and evaluate written comments and documents from interested parties in support of, or in opposition to, certification of the class or model of vehicle under consideration.

"(6) Within ninety days after the receipt of a properly filed certification application, the Board shall reach a decision by majority vote as to whether such class or model of vehicle is a suitable substitute for any class or classes of vehicles presently being purchased by the Federal Government for use by its agencies.

"(7) The Board shall publish in the Federal Register, within ninety days after the receipt of a properly filed certification application, a report of its decision on such application which set forth with particularity the reason for granting or denying certification, together with dissenting views.

"(i) As soon as possible, but no later than January 1, 1973, only certified low-emission vehicles shall be acquired by purchase by the Federal Government for use by the Federal Government.

"(j) For the purposes of this section any statutory price limitations shall be waived, and the procuring agency shall be required to purchase available certified low-emission vehicles which are eligible for purchase before purchasing any other vehicles for which the low-emission vehicle is a certified substitute.

"(k) This section shall take effect upon its enactment and the Board shall promulgate the procedures required to implement this section within ninety days thereafter."

A bill to amend the National Emission Standards Act to provide for the elimination of automotive air pollution

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Emissions Standards Act Amendments of 1970".

SEC. 2. Section 202 of the National Emission Standards Act is amended by striking out in subsection (b) thereof "prescribed under this section," and inserting in lieu thereof "prescribed under subsection (a) of this section" and by adding at the end thereof the following:

"(c)(1) In addition to standards prescribed under subsection (a) of this section, the Secretary shall, by regulation, giving appropriate consideration to technological feasibility and economic costs, prescribe as soon as practicable, but not later than June 30, 1971, standards applicable to the emission of any kind of substance, from any class or classes of new motor vehicles propelled by any system other than one using an internal combustion engine, and new motor vehicle engines other than internal combustion engines, which in his judgment cause or contribute to, or are likely to cause or to contribute to, air pollution which endangers the health or welfare of any persons, and such standard shall apply to such vehicles or engines whether they are designed as complete systems or incorporate other devices to prevent or control such pollution.

"(2) The regulations initially prescribed under this subsection shall be applicable (A) on and after January 1, 1975, to all new motor vehicles propelled by engines having 375 horsepower or more and to all new motor vehicle engines having 375 horsepower or more, (B) on and after January 1, 1976, to all such new vehicles and engines having 275 horsepower or more, (C) on and after January 1, 1977, to all such new vehicles and engines having 175 horsepower or more, and (D) on and after January 1, 1978, to all new motor vehicles and new motor vehicle engines. Amendments to any regulations prescribed under this subsection shall become effective on the effective date specified in the order promulgating such regulations which date shall be determined by the Secretary after consideration of the period reasonably necessary for industry compliance.

"(d)(1) In addition to standards prescribed under subsections (a) and (c), the Secretary shall by regulation, giving appropriate consideration to technological feasibility and economic costs, prescribe as soon as practicable standards applicable to the emission of any kind of substance, from any class or classes of motor vehicles or motor vehicle engines sold, or offered for sale in commerce, other than a new motor vehicle or new motor vehicle engine sold or offered for sale to an ultimate consumer, which in his judgment cause or contribute to, or are likely to cause or contribute to, air pollution which endangers the health or welfare of any persons, and such standards shall apply to such vehicles or engines whether they are designed as complete systems or incorporate other devices to prevent or control such pollution. Standards prescribed under this subsection may be amended by the Secretary by regulation in the same manner as in the case of prescribing the initial standards. Standards initially prescribed under this subsection shall establish maximum levels of emission for at least the following: reactive hydrocarbons, carbon monoxide, and oxides of nitrogen. Standards first prescribed under this subsection shall become effective as of January 1, 1972, and subsequent standards or amendments to then existing standards shall become effective on the date specified in the order promulgating such regulations, which date shall be determined by the Secretary after consideration of the period reasonably necessary for compliance.

"(2) Whoever sells or offers for sale in commerce or introduces or delivers for introduction into commerce any motor vehicle or motor vehicle engine which is not in conformity with standards issued under paragraph (1) of this subsection shall be subject to a fine of not more than $500 if he is not engaged in the business of selling motor vehicles or motor vehicle engines and of not more than $1,000 if he is so engaged in such business."

SEC. 3. The National Emission Standards Act is amended by renumbering section 212 as section 217 and by inserting immediately after section 211 the following:

"RESEARCH AND DEVELOPMENT

"SEC. 212. The Secretary shall conduct and accelerate research and development of propulsion systems for use in motor vehicles, other than those using internal combustion engines, which systems are technologically and economically feasible including, but not limited to, mass production methods and techniques. Such research and development shall include cost analysis of mass production of such feasible propulsion systems, and such cost analysis shall be independent of cost analysis produced by manufacturers. Any knowledge and information resulting from research or development, including

cost analysis, carried on under this section shall be public information.

"FEDERAL LOW-EMISSION VEHICLE PROCUREMENT

"SEC. 213. (a) For the purpose of this section—

"(1) 'Board' means the Low-Emission Vehicle Certification Board;

"(2) 'Federal Government' includes the legislative, executive, and judicial branches of the Government of the United States, and the government of the District of Columbia;

"(3) 'motor vehicle' means any vehicle, self-propelled or drawn by mechanical or electrical power, designed for use on the highways principally for the transportation of passengers except any vehicle designed or used for military field training, combat, or tactical purposes;

"(4) 'low-emission vehicle' means any motor vehicle which meets the regulations prescribed under section 202(c) of this title.

"(b) There is established a Low-Emission Vehicle Certification Board to be composed of the Secretary of Transportation or his designee, the Secretary of Health, Education, and Welfare or his designee, the Director of the National Highway Safety Bureau in the Department of Transportation, the Administrator of the General Services Administration, and one member appointed by the President. The Secretary of Transportation or his designee shall be the Chairman of the Board.

"(c) Any member of the Board not employed by the United States may receive compensation at the rate of $125 for each day such member is engaged upon work of the Board. Each member of the Board shall be reimbursed for travel expenses, including per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently.

"(d)(1) The Chairman, with the concurrence of the members of the Board, may employ and fix the compensation of such additional personnel as may be necessary to carry out the functions of the Board, but no individual so appointed shall receive compensation in excess of the rate authorized for GS–18 by section 5332 of title 5, United States Code.

"(2) The Chairman may fix the time and place of such meetings as may be required.

"(3) The Board is granted all other powers necessary for meeting its responsibilities under this Act.

"(e) The Secretary of Health, Education, and Welfare shall determine which models or classes of motor vehicles qualify as low-emission vehicles in accordance with the provisions of this Act.

"(f) The Board shall certify any class or model of motor vehicles—

"(1) for which a certification application has been filed in accordance with subsection (h) of this section;

"(2) which is a low-emission vehicle as determined by the Secretary of Health, Education, and Welfare; and

"(3) which it determines is suitable for use as a substitute for a class or model of vehicles presently in use by agencies of the United States.

The Board shall specify with particularity the class or model of vehicles for which the class or model of vehicles described in the application is a suitable substitute. In making the determination under this subsection the Board shall consider the following criteria:

"(1) the safety of the vehicle;

"(2) its performance characteristics;

"(3) its reliability potential;

"(4) its serviceability; and

"(5) its fuel availability.

"(g) Certification under this section shall be effective for a period of two years from the date of issuance.

"(h) (1) Any party seeking to have a class or model of vehicles certified under this Act shall file a certification application in accordance with rules established by the Board and published in the Federal Register.

"(2) The Board shall publish a notice of each application received in the Federal Register.

"(3) The Board shall determine whether or not the vehicle for which application has been properly made is a low-emission vehicle in accordance with procedures established by it and published in the Federal Register.

"(4) The Board shall conduct whatever investigation necessary, including actual inspection of the vehicle at a place designated by the Board in the certification application rules established under this section.

"(5) The Board shall receive and evaluate written comments and documents from interested parties in support of, or in opposition to, certification of the class or model of vehicle under consideration.

"(6) Within ninety days after the receipt of a properly filed certification application, the Board shall reach a decision by majority vote as to whether such class or model of vehicle is a suitable substitute for any class or classes of vehicles presently being purchased by the Federal Government for use by its agencies.

"(7) The Board shall publish in the Federal Register, within ninety days after the receipt of a properly filed certification application, a report of its decision on such application which sets forth with particularity the reasons for granting or denying certification, together with dissenting views.

"(i) As soon as possible, but no later than January 1, 1973, only certified low-emission vehicles shall be acquired by purchase by the Federal Government for use by the Federal Government.

"(j) For the purposes of this section any statutory price limitations shall be waived, and the procuring agency shall be required to purchase available certified low-emission vehicles which are eligible for purchase before purchasing any other vehicles for which the low-emission vehicle is a certified substitute.

"(k) This section shall take effect upon its enactment and the Board shall promulgate the procedures required to implement this section within ninety days thereafter.

"STATUTORY STANDARDS

"SEC. 214. (a) Notwithstanding any other provision of this title, the maximum level of emission from any new motor vehicle or new motor vehicle engine, expressed in grams per mile, with respect to reactive hydrocarbons, carbon monoxide, and oxides of nitrogen shall be as follows: Reactive hydrocarbons—2.2 for 1971, 1.5 for 1972, 1973 and 1974; carbon monoxide—23.0 for 1971 through 1974; oxides of nitrogen—4.0 for 1971, 3.0 for 1972 and 1973, and 1.3 for 1974. For the years after 1974, such levels shall be determined by the Secretary in accordance with this title but such levels shall not exceed those established herein for 1974.

"(b) Nothing in this section shall be construed to prohibit the Secretary from establishing for any year with respect to reactive hydrocarbons, carbon monoxide, and oxides of nitrogen emission standards establishing lower levels of emission than those provided in this section.

"(c) The Secretary shall conduct such inspections and investigations as may be necessary to enforce standards established under this title, including, but not limited to, (1) the inspection (continuously or periodically) of new motor vehicles and new motor vehicle engines and items of equipment necessary to conform such vehicles and engines to such standards, at the time and place of manufacture (including the assembly of parts of such vehicles, engines, or items of equipment), and (2) the inspection of new motor vehicles and new motor vehicle engines after such engines have been operated at least six thousand miles but not more than fifty thousand miles. Any inspection of a new motor vehicle or new motor vehicle engine, after its sale to the ultimate purchaser, shall be made only if the owner of such vehicle or engine volunteers to permit such inspection to be made. If, as a result of any such inspection or investigation, the Secretary determines that any new motor vehicle or new motor vehicle engine is no longer in conformity with regulations prescribed under this title because of any defect in such vehicle or engine, the manufacturer of such vehicle or engine, shall furnish notification of such defect to the owner of such vehicle or engine within a reasonable time after such manufacturer has been notified of such defect by the Secretary. Such notification to the owner shall contain a clear description of the defect, a statement of measures to be taken to repair such defect, and a commitment of the manufacturer to cause such defect to be remedied without charge.

"FLEET OPERATIONS

"SEC. 215. After January 1, 1972, if a person is engaged in any business, commercial, industrial, or other activity which results in any year in such persons' operating, directly or indirectly, ten or more motor vehicles, each such motor vehicle without regard to age or condition, must produce a level of exhaust emissions of not more than .5 gram per mile of reactive hydrocarbon, 11 grams per mile of carbon monoxide, and .75 gram per mile of oxides of nitrogen. Violations of this section shall be subject to injunction and the penalties provided in section 204 and 205 of this Act in the same manner and to the same extent as is provided therein for violations of paragraphs (1), (2), and (3) of section 203(a) of this Act.

"RUBBER AND ASBESTOS STANDARDS

"SEC. 216. No later than January 1, 1972, the Secretary shall, acting under and in accordance with the authority given him by this title, prescribe maximum levels of emission of rubber and asbestos from motor vehicles and motor vehicle engines."

SEC. 4. (a) Subsection (a) of section 210 of the National Emission Standards Act is amended to read as follows:

"(a) The Secretary may by regulation designate any fuel (which, for purposes of this section, means only fuel intended for use in the transportation of any person or thing) or fuel additive, and after such date or dates as may be prescribed by him, no manufacturer or processor of any such fuel or fuel additive may sell or deliver it unless the manufacturer of such fuel or fuel additive has provided the Secretary with the information required under subsection (c) of this section and unless such fuel or fuel additive has been registered with the Secretary in accordance with subsection (c) of this section."

(b) Section 210 of such Act is amended by redesignating subsections (b), (c), (d), and (e) as subsection (c), (d), (e), and (f), respectively, and by adding after subsection (a) the following new subsection:

"(b) The Secretary may, on the basis of information obtained under subsection (c) of this section or any other information available to him, establish standards respecting the composition or the chemical or physical properties of any fuel or fuel additive to assure that such fuel or fuel additive will not cause or contribute to emissions which would endanger the public health or welfare, or impair the performance of any emission control device or system which is in general use or likely to be in general use (on any motor vehicle or motor vehicle engine subject to this title) for the purpose of preventing or controlling motor vehicle emissions from such vehicle or engine. For the purpose of carrying out such standards the Secretary may prescribe regulations—

"(A) prohibiting the manufacture for sale, the sale, the offering for sale, or the delivery of any fuel or fuel additive; or

"(B) limiting the composition or chemical or physical properties, or imposing any conditions applicable to the use of, such fuel or fuel additive (including the maximum quantity of any fuel component or fuel additive that may be used or the manner of such use)."

(c) The subsection of section 210 herein redesignated as subsection (c) is amended by striking out "For purposes of this section, the Secretary shall" and inserting in lieu thereof "For the purpose of establishing standards under subsection (b), the Secretary may require the manufacturer of any fuel or fuel additive to furnish such information as is reasonable and necessary to determine the emissions resulting from the use of the fuel or fuel additive or the effect of such use on the performance of any emission control device or system which is in general use or likely to be in general use (on any motor vehicle or motor vehicle engine subject to this Act) for the purpose of preventing or controlling motor vehicle emissions from such vehicle or engine. If the information so submitted establishes that toxic emissions or emissions of unknown or uncertain toxicity result from the use of the fuel or fuel additive, the Secretary may require the submission within a reasonable time of such scientific data as the Secretary may reasonably prescribe to enable him to determine the extent to which such emissions will adversely affect the public health or welfare. To the extent reasonably consistent with the purposes of this section, such requirements for submission of information with respect to any fuel additive shall not be imposed on the manufacturer of any such additive intended solely for use in a fuel only by the manufacturer thereof. Among other types of information, the Secretary shall"; by inserting in clause (2) "the description of any analytical technique that can be used to detect and measure such additive in fuel," after "above,"; by striking out in such clause "to the extent such information is available or becomes available,"; by striking out "clauses (1) and (2)" in the second sentence and inserting in lieu thereof "the provisions of this subsection"; and by striking out "such fuel additive in such sentence and inserting in lieu thereof "such fuel or fuel additive."

(d) The subsection of section 210 herein redesignated as subsection (d) is amended by inserting between the first and second sentences the following new sentence: "The Secretary may disseminate any information obtained from reports or otherwise, which is not covered by section 1905 of title 18 of the United States Code and which will contribute to scientific or public understanding of the relationship between the chemical or physical properties of fuels or fuel additives and their contribution to the problem of air pollution." The first sentence of such subsection is amended by striking out "subsection (b)" and inserting in lieu thereof "subsection (c)".

(e) The subsection of section 210 herein redesignated as subsection (e) is amended (1) by adding "or subsection (b)" after "subsection (a)"; and (2) by striking out "$1,000" and inserting in lieu thereof "$10,000".

(f) The amendment made by subsection (e) (2) of this section shall be effective with respect to any fuel or fuel additive to which a regulation issued under subsection (a) of section 210 of such Act or a standard established under subsection (b) of such section, as amended by this Act, applies.

(g) Notwithstanding any of the amendments made by this section, after January 1, 1971, no person shall process, blend or produce in any way any gasoline containing any component of lead in excess of 3 grams per gallon, nor may any such gasoline be imported into the United States. After June 30, 1971, no person shall process, blend or produce in any way any gasoline containing any component of lead in excess of 2 grams, nor may any such gasoline be imported into the United States. After June 30, 1972, no person shall process, blend or produce in any way any gasoline containing any component of lead in excess of 0 grams per gallon, nor may any such gasoline be imported into the United States. Whoever violates this subsection shall forfeit and pay to the United States a civil penalty of $1,000 for each gallon of gasoline processed, blended, produced, or imported in violation of this subsection. Such penalty may be recovered in a civil suit in the name of the United States brought in the district where such person has his principal office or in any district in which he does business. The Secretary may, upon application, remit or mitigate any such forfeiture.

RESULTS OF PUBLIC OPINION POLL

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. COLLIER. Mr. Speaker, today I released the results of a public opinion poll sent out in August to the residents of the 10th Congressional District of Illinois. Final tabulations show that 24,400 people from the townships of Maine, Proviso, Leyden, Riverside, River Forest, and Oak Park, Ill., participated in the poll.

The questions were chosen on the basis of major interest reflected in controversial national issues including several dealing with pending legislation. Other questions were included in the poll since they deal with issues which will undoubtedly be decided in the next session of Congress.

Results of the poll are as follows:

PUBLIC OPINION POLL RESULTS

(Answers in percent)

1. President Nixon has requested strong anti-crime legislation. Do you favor the following provisions?

(a) Allowing Federal officers with a warrant to enter private residences without knocking when evidence points to illegal narcotics. Yes—71; No—28; Undecided—1.

(b) Giving judges authority to detain a defendant, charged with a serious criminal act, without bail prior to trial if they feel that it is unwise to release the defendant. Yes—85; No—14; Undecided—1.

2. Do you believe President Nixon's decision to send troops into Cambodia was justified? Yes—69; No—27; Undecided—4.

3. Do you believe that the Administration program of Vietnamization of the war in Southeast Asia is moving rapidly enough? Yes—42; No—53; Undecided—5.

4. Should the U.S. increase the sales of planes and armament to assist Israel? Yes—44; No—49; Undecided—7.

5. Do you favor an all-volunteer military system to replace the draft? Yes—60; No—37; Undecided—3.

6. Would you favor a proposal to return ten percent of all Federal tax monies to state and local governments for use as they deem necessary? Yes—59; No—34; Undecided—7.

7. Financially, what should be done about the space program?

(a) Continue at the present level—38.

(b) Increase—12.

(c) Decrease—49.

No Opinion—1.

8. Do you think that the emergency powers of the President should be expanded to deal with strikes affecting health, safety, and transit on a regional as well as a national basis? Yes—72; No—26; Undecided—2.

9. Do you believe Congress should make it mandatory to cut off federal aid to students found guilty of felonious acts while attending a university? Yes—90; No—9; Undecided—1.

10. Do you favor automatic adjustments in Social Security benefits to cover increases in the cost of living? Yes—89; No—10; Undecided—1.

A DEPRESSING CHRONICLE

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. ASHBROOK. Mr. Speaker, the Orlando Sentinel in its issue of August 30, 1970, carried a review of William Gill's revealing book, "The Ordeal of Otto Otepka," by the Pulitzer Prize winning author, Allen Drury. As is generally known, Mr. Drury has authored a number of best sellers including the popular "Advise and Consent," which explored the labyrinthine ways of Washington politics fictionally. His reference to the former State Department security officer as "a symbol whose story deserves reading by every citizen puzzled and concerned by the often inexplicable twists and turns of American foreign policy," deserves especial notice coming from a source so conversant with Federal intrigue. Mr. Drury closes his review of this depressing chronicle with:

Read it and weep for patriotism, which sometimes has tough going along the banks of the Potomac.

Fortunately, the adamant resolve and dedication of Otto Otepka prevented the State Department from carrying out its vendetta and the sordid tale remained for the masterful pen of William Gill to bring it to public attention. Fortunately, too, the talents of Mr. Otepka are being utilized as a member of the Subversive Activities Control Board, an adjunct of the Justice Department whose basic function is controlled by that Department. If information appearing in the press is correct, the SACB might well have a major future role to play in providing the American public with needed information concerning the various groups creating havoc in our Nation today.

I insert at this point in the RECORD the above-mentioned Allen Drury review of "The Ordeal of Otto Otepka," by William Gill, appearing in the Orlando Sentinel of Sunday, August 30, 1970:

BOOKS IN BRIEF: WEEP FOR PATRIOTISM

(By Allen Drury)

("The Ordeal of Otto Otepka," by William Gill, Arlington House, 459 pages plus appendix, $8. Reviewed by Allen Drury.)

With a mass of effective detail and a shrewd insight into the mentality which still in major degree dominates the State Department, William Gill has done a masterful job of describing the defiance, and the subsequent punishment, of a man who thought Communist subversives should be weeded out of the American policy-making process.

As Gill's dramatic account of Otepka's ordeal makes fully apparent, this was a some-

what naive belief in the context of the Kennedy Administration in which Otepka began to defy the coterie in control of the department; the Johnson Administration in which the coterie tried to drive him in disgrace from public service; and the Nixon Administration, which has given him a modest little pat on the back and very quietly shunted him into the background where he has very little to do that can embarrass anybody.

But Otto Otepka, an expert in security and subversives control who made the mistake of sincerely trying to rid the department of individuals known to be hostile to the United States, is a symbol whose story deserves reading by every citizen puzzled and concerned by the often inexplicable twists and turns of American foreign policy.

The twists and turns are not inexplicable in the context of those who wish to subvert and destroy the Republic. The only thing that is inexplicable—though Gill does his brilliant best to make it explicable as he examines the twists and turns of the Otepka case—is why certain Americans in high places fight like fury every attempt to expose and remove those who wish to undermine their own country.

The book begins with a classic scene: Otto Otepka, deputy director of the State Department's Office of Security, and as such its operating head, confronted by Secretary of State Dean Rusk and Attorney General Robert Kennedy, in the opening days of the Kennedy Administration, with a demand that he give security clearance for a high appointive post to a man whom Otepka had refused clearance in 1955 and again in 1957.

The man had a long record of association with known members of the Communist Party; members of his immediate family had been, and apparently still were, active couriers for the party; the CIA had dropped him from a sensitive contract with a private organization; and Air Force Intelligence ("A bunch of jerks!" in Bobby Kennedy's gentle phrase) had declared him a security risk and refused him clearance.

Otepka told Rusk and Kennedy he too would refuse clearance. They dismissed him with obvious annoyance.

Very soon, instead of being named to an appointive position that would have required a full FBI field check and confirmation by the Senate, their friend was appointed to President Kennedy's personal staff at the White House with the title of "Deputy Assistant to the President for National Security Affairs."

Soon after that the president appointed him chairman of the State Department's powerful Policy Planning Council. There he remained until President Johnson succeeded to office and called him back to the White House as his top adviser on national security matters. He also headed the staff of the National Security Council, "to which, a decade earlier," as Gill relates, "he had been denied a security clearance in merely a consultant-advisory role."

His name was Walt Whitman Rostow, and from Otepka's stubborn refusal to give him clearance at the request of Rusk and Robert Kennedy, dated the steadily escalating persecution of Otepka by his superiors in the Department of State. The persecution grew rapidly as Otepka continued to oppose unsuccessfully the free-swinging issuance of arbitrary "emergency clearances" which Rusk granted to several hundred individuals with very suspect security records so that they could enter employment in the department.

It was, as Gill relates, a long and tortuous persecution, which had all the pleasant side-effects such things do in Washington: the tapped telephone wires, the spying, the reading of correspondence, the steady stripping away of official duties and prerogatives, the removal from security duties, the fabrication of phony evidence on which to base charges of crime, and finally the banishment to a tiny office in a minor State Department building where he had no secretary and had to share a telephone with someone else.

But Otepka did not resign under the pressure. In time, those who were out to get him decided they must find something more drastic. Their move was to charge him with conveying classified documents, relative to subversives in the department, to the Senate internal security subcommittee.

There were also charges that he had been "responsible" for the "mutilation" of four official papers. He was also accused of "conduct unbecoming an officer of the Department of State" for testifying before the subcommittee.

The charge of mutilating official documents, which if proven could have resulted in a total of 24 years in federal prison and fines up to $16,000, Otepka was later to characterize as "a cheap gangland frame-up" by the State Department "to place me under charges for crimes it knew I never committed."

In due course, after months of harassment and anguish, Otepka was cleared of all charges; also in due course, when President Nixon entered the White House, Otepka was quietly appointed to the near-moribund Subversive Activities Control Board.

The appointment brought vindictive attacks by such publications as the New York Times.

But he was confirmed by the Senate, and there Otepka remains today, having been given the sop of appointment to a board which does virtually nothing and is far removed from the gradually dying battle in the State Department against those who would weaken and ultimately destroy the country.

It is an instructive tale in how things really work in Washington when the powerful band together to get those who place loyalty to country above loyalty to a rose-colored refusal to admit what communism is really up to.

Gill has documented it down to the last sly twist and turn of communism's friends, apologists and/or outright helpers.

Read it and weep for patriotism, which sometimes has tough going along the banks of the Potomac.

VIETNAM EXCHANGE RATES AND LAND REFORM

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. MOSS. Mr. Speaker, I was most interested when the House Select Committee on U.S. Involvement in Southeast Asia issued its report early in July. I read it carefully from the perspective of having investigated U.S. aid programs in South Vietnam for the past 5 years as chairman of the House Foreign Operations and Government Information Subcommittee. I found myself in complete agreement with certain comments in the report and complete disagreement with others.

For example, the committee's statement that "the present official exchange rate is totally unrealistic" is most accurate and should be a matter of great concern to the entire Congress. The committee went on to say:

Failure to devalue the piaster has helped to stimulate a flourishing black market in the currency. The U.S. aid furnished at the official rate (of exchange) results in an indirect subsidy of the government of South Vietnam. Likewise, it penalizes American military and civilian personnel who must exchange at the official rate and thereby are forced to subsidize the government.

My colleague from New York, the Honorable OGDEN R. REID, who is the ranking minority member of the Foreign Operations and Government Information Subcommittee, and I recently wrote a joint letter of protest on this matter to Secretary of State Rogers. The text of that letter follows:

AUGUST 6, 1970.

HON. WILLIAM P. ROGERS,
Secretary of State, Department of State, Washington, D.C.

DEAR MR. SECRETARY: This joint letter to you is written in the spirit of helpful cooperation in solving a major problem which has plagued our economic and military assistance effort in South Vietnam for many years.

That problem is the inequitable rate of exchange which our Government and citizens in Vietnam must pay to obtain piasters. On the governmental side, it means our already overburdened taxpayers must pay more than three times what our aid should really cost. America can no longer endure this subterfuge. Our country is faced with record deficits in a decade which urgently requires funds for pressing domestic problems to deal with poverty, pollution and many other needs. In turn, our soldiers and civilians serving in Vietnam are almost forced to become dishonest because of the wide gap between the official exchange rate and the real value of the dollar in the black market. How can anyone expect them to pay a dollar for something which in reality costs only 25 cents? We submit this has become an issue of the first magnitude in a moral sense.

On June 25, 1970, the House Committee on Government Operations unanimously recommended the United States should take a firm stand in pressing for a more equitable exchange rate. A copy of the report is enclosed for your personal reference.

We now have reason to believe that an understanding may have been reached between the South Vietnamese and U.S. governments to a new exchange rate of 235 piasters to the dollar.

Mr. Secretary, if this unofficial report is true, that figure is not enough. It should be—at the very minimum—in the same mathematical ratio approved in the last change in the exchange rate effected in 1966, that is, at least three-fourths of the black market rate. The black market rate for many months has been in the vicinity of 400 piasters to the dollar, sometimes more, sometimes less. By the 1966 precedent, any new legal exchange rate should call for approximately 300 piasters to the dollar. That rate would still be concessional in nature by 25 percent. A sound argument even could be made that a new exchange rate should be 358 piasters to the dollar based on the actual piaster spread between the special accommodation and black market rates existing in 1966. As you may recall, a devaluation changed the exchange rate to the accommodation level at that time.

The failure to adjust the exchange rate since 1966 has cost U.S. taxpayers hundreds of millions of dollars and fostered serious and pervasive corruption in the Saigon Government. In addition, some Americans who otherwise would have remained honest men and women have been affected. This should not continue. There must be a quarterly evaluation to make certain the exchange rate is equitable as possible at all times in the future.

Mr. Secretary, we feel it only fair to inform you that we intend to make this letter public Sunday, August 9. The unfortunate developments we have carefully observed and studied over the years make it imperative

that the American people know all of the facts about this vital issue before another serious error in judgment is an accomplished fact and not merely a possibility.

Sincerely,

JOHN E. MOSS,
Chairman.
OGDEN R. REID,
Ranking Minority Member.

Mr. Speaker, while I agree with the select committee's conclusion on the unrealistic rate of exchange, I most vigorously take exception to the comments which it made on the newly adopted land reform program in Vietnam. I feel it was not only inaccurate but misleading.

Therefore, I requested an evaluation from one of the foremost American experts on land reform, who I find concurs with my opinion. I requested his views on that section of the report referring to land reform and he sent me the following letter, which I hope all Members of the Congress will study:

Hon. JOHN E. MOSS,
Chairman, House Foreign Operations and Government Information Subcommittee, Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: In response to your request for a commentary on the "land reform" section of the report of the Select Committee on United States Involvement in Southeast Asia, may I offer the following:

The report shows an almost total misunderstanding of the nature and function of the land reform program. This is underlined by the failure even to deal accurately with basic facts concerning the program. The statement in the first sentence, for example, that previous land reform programs have "reduced maximum holdings to about 100 acres per person" is not accurate. The legal retention limit is 100 *hectares*, which is 247 acres, plus 15 *hectares* of automatically-allowed ancestor worship land (the regulations require that the claim for this amount of ancestor land be automatically allowed if made). Thus the total legal retention limit is 115 hectares, or 284 acres, nearly three times the amount stated in the report. This is also approximately 50 to 70 times the amounts allowed to be retained under the highly successful democratic land reform programs of Japan, Taiwan and South Korea. Moreover, in South Vietnam, many landlords retained more than the *legal* limit by making phony transfer to relatives and strawmen as they could easily do under the weak regulations adopted to implement the earlier land reform program—I have encountered landlords who openly admitted holding well over 1,000 acres. It should be made clear that South Vietnam, which has one of the highest proportions of tenant farmers in the world (equaling or exceeding the proportion in pre-revolutionary Russia, China or Cuba) has never previously had a land-reform program of significant scope.

Also inaccurate is the statement in the second sentence of the report concerning the amounts of land to be retained. This is an inaccuracy which, moreover, appears to affect the discussion of the second paragraph, rendering it almost meaningless in relation to the law as actually passed. The maximum holding that may be *retained* by a landowner who rents out to others, with respect to such rented-out land, is *zero:* it is this "zero retention limit" on rented-out land which helps make the new law so drastically simple to administer. Concerning land which is *not* rented out but which was self-cultivated as of April 1969, the landowner is allowed to retain 37 acres, wherever that land may be located in the country (actually this is a very minor provision since there are virtually no families which themselves cultivate as much as 37 acres). The recipients of land under the program can *receive* a maximum holding of three hectares (approximately 7.4 acres) per recipient cultivating family in the Delta, and one hectare (2.47 acres) in the Central Lowlands and other portions of the country, according to the law. However, regulations for implementing the law which were promulgated at the beginning of June provide that recipients who presently farm *more* than the three hectare and one hectare amounts will be allowed to continue farming them and treated for all practical purposes as the owner during the initial period of enforcement of the law. This is done in order to simplify further the administration of the land reform program, by effectively confirming the ownership rights of every tenant farmer family with respect to precisely the size and shape of the tract they are presently farming. Thus the law avoids any need for the carrying out of surveys, the movement of families, or the shifting of the dikes which form the highly visible present boundaries of the tracts as actually farmed.

Beginning with the report's misapprehension of even the most basic facts about the program and how it works, it is not difficult to see how the Select Committee could make the statements in the final three paragraphs of the land reform section of their report; these statements, however, apparently have to do with the imaginary land reform program of Transylvania, or some other principality, and bear no relationship that is discernible to the program being undertaken in South Vietnam.

The entire discussion of the second paragraph would be seen to be wholly irrelevant if the Select Committee members had been accurately apprised of the fact that in all cases the first priority for land distribution will go to *those who are presently farming the land.* Thus, in every case, what the law will do is precisely to respect the present patterns of cultivation. It will give full and secure ownership rights to each family with regard to exactly the tract of land that that family is in fact currently cultivating. The inadequacy of land records to reflect all transfer of ownership does not raise any problem for the *recipients* of land under the law—who will be determined solely by reference to these actual patterns of cultivation.

If the Select Committee had operated from a correct premise, it would be clear that they need have no concern over any "great dissatisfaction on the part of the people." (Parallel, massive land-reform programs have, of course, helped to gain widespread popular support and to "revolution-proof" regimes in Mexico, Bolivia, Japan, South Korea, Taiwan and Iran.) The inadequacy of the land records poses a problem *solely* with respect to landlords' ability to establish their right to a particular amount of compensation for a particular tract of land. The landlords, far more than the tenants, know how to protect their interest in the administrative in-fighting and certainly had no difficulty in doing so under the earlier land reform program of President Diem. While much smaller in scale, and benefitting only one-tenth of the tenant farmer families, the payment arrangements under the Diem program still offer a useful pilot test for what is likely to happen with respect to landlords' ability to establish their right to compensation.

Moreover, contrary to what is stated in the third paragraph of the report, under no proposal would the majority of compensation for the program come from the United States. Most of the compensation would be paid by the South Vietnamese Government itself, and there would be a definite ceiling on the U.S. contribution, which would at its maximum be no more than approximately two days' cost of the war: to the extent the South Vietnamese Government determines to take an expansive or liberal view towards landlord claims, the incremental payments would be coming out of their resources. All present indications from the Vietnamese side as well as the practice followed under the Diem land reform are that the Vietnamese administrators will *not* be likely to be favorably disposed towards allowance of excessive claims. These can, of course, be avoided by the elementary mechanism of insisting that a particular piece of land be paid for only once.

The third paragraph also errs in suggesting that the program was pushed by Washington. It was President Thieu who picked up the ball and ran with it all the way, while Washington followed and supported. He did this out of an elementary sense that his regime must obtain and deserve the active support of the peasantry if it is to survive, politically or militarily. If the Select Committee had prepared itself on the subject with such prominent background materials as Elizabeth Pond's in-depth reports in the *Christian Science Monitor* on the Thieu government's decision to move strongly on land reform, they would not have made this error.

There is a fundamental fact to be kept in mind, which the report ignores in its almost total confusion over how the program will work: what the report refers to as "the people" will universally be receiving the land that they presently till. A majority of the cultivated land in the country will change ownership. It will pass into the hands of the nearly one million tenant-farmer families—constituting six million people out of a total population of 17 million—who are presently tilling that land. In this fundamental fact inheres the prospect for massive shifts in the political and military allegiance of the peasantry towards the Saigon government which led the *Washington Evening Star,* for example, on March 25, 1970, editorially to characterize the land reform program as "the best news to come out of Vietnam since the end of the Japanese occupation."

The Select Committee was so wholly ignorant of the facts of the program that one cannot even consider their concluding paragraph as meaningful, or come to grips with it in a specific way. The most frightening thing about this report, in its treatment of land reform, is that one must necessarily conclude that one of three things was true in this aspect of the Committee's work: either (1) they were selectively exposed to presentations on the subject of land reform which were not only biased, but which were factually largely inaccurate; and which represented the viewpoint of only a tiny minority of the American Mission; or (2) they were exposed to both inaccurate and accurate presentations on the subject, and selectively chose to discuss and emphasize only those viewpoints which have proved to be inaccurate and representative of only a tiny fringe community in the Mission hostile to land reform; or (3) they were given accurate information, but so misunderstood and misinterpreted it that the result was what is published in their report.

Any of these three possibilities raises, I think, fundamental questions about the adequacy and usefulness of the entire report, but it is clear that the land reform section, at least, is inaccurate and inadequate to a degree verging upon irresponsibility.

Sincerely,

ROY L. PROSTERMAN,
Professor of Law, University of Washington Law School, Seattle, Wash.

CRIME: THE NEGLECTED BATTLEGROUNDS

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. COHELAN. Mr. Speaker, the problems of crime and crime prevention have been debated and studied for many years. In spite of this effort the incidents of serious crime continue to mount precipitously. The usual governmental answer to this situation has been limited funding for more adequately trained and equipped police.

While few would gainsay the need for more adequate police protection, the single-minded obsession on this aspect of crime prevention leaves out some vital components of the criminal justice system.

On August 12, 1970, I placed in the RECORD, the Urban Coalition's report on LEAA—Law Enforcement Assistance Administration. This report stated that according to its surveys, LEAA had focused almost exclusively on police and police equipment. After reading this report, I became convinced that our attempts to reduce crime were not broad enough. On August 12, I stated that the weakest links in the criminal justice system were, and are, inadequate corrections institutions that breed recidivism and overburden courts that encourage crime because there is little possibility of a fair and speedy trial.

In a recent article by Alan Otten these two problems are explored again. I commend this article to the readers of this RECORD:

[From the Wall Street Journal, Aug. 20, 1970]

CRIME: THE NEGLECTED BATTLEGROUNDS

(By Alan L. Otten)

WASHINGTON.—The nation's newspapers one day last week featured two seemingly unrelated stories in adjoining columns. Chief Justice Warren Burger had made an urgent plea for top-to-bottom improvements in the nation's court system, and prisoners were rioting against dreadful conditions in New York City's Tombs prison.

The two stories complemented each other perfectly, though, for the courts and correctional system remain vastly neglected battlegrounds in the war against crime. Moreover, until a great deal of thought, effort and, unfortunately, money are devoted to these two battlegrounds there won't be too much progress in that war.

This message is hardly a new one. Justice Burger, making his plea at the American Bar Association convention, recalled that Harvard Law School Dean Roscoe Pound had similarly called for court reform in a speech to the ABA exactly 64 years earlier. As for corrections, the Presidential-appointed Wickersham Commission in 1931 deplored archaic prison conditions as crime-inducing rather than crime-correcting, in language almost word for word like that used by President Johnson's crime commission in 1967.

It's not difficult, of course, to recognize just why so little action has occured in these two areas over the intervening decades. For many years, the nation simply wasn't very concerned about crime. Then, when crime did become a top concern, it was almost inevitable that officials would try to deal with it by tough new anti-crime laws and by beefing up police departments. Police were, after all, the visible frontline troops in the anti-crime fight, the men to give the most bang for the buck, the ones who had been complaining most vocally of public neglect.

And so the great bulk of anti-crime thought went into new police methods and approaches, and the great bulk of recently rising anti-crime outlays went for more cops, higher pay, special training, new and sophisticated equipment. Corrections and courts got only stray thoughts and odd dollars.

OUTDATED PRISONS

Certainly the neglect is not for want of knowing the problem. Quite clearly, the nation's prison system is hopelessly out of date, both physically and philosophically. Sixty-one of the larger prisons were opened before 1900, and 25 of these are more than 100 years old. Jails and prisons are incredibly overcrowded. Young prisoners and first offenders are often confined with hardened criminals, to be attacked and molested, to be taught more sophisticated crime. Prison staffs are small, poorly paid, inadequately trained. Guidance and counseling are notably inadequate. Vocational training is either non-existent or obsolete, training prisoners for types of jobs no longer there.

In short, instead of rehabilitating criminals, the jails and prisoners breed tougher ones. Two-thirds of all released prisoners will commit another crime, usually a more serious one.

Asking Attorney General Mitchell last November to look into 13 specific ways to improve the Federal correctional system, President Nixon noted that repeater rates are even higher for persons under 20 than those over 20, and declared that "there is evidence that our institutions actually compound crime problems by bringing young delinquents into contact with experienced criminals." Asserts Rep. Abner Mikva, a Chicago Democrat deeply interested in the problem, "The way jails today corrupt rather than correct, I'm not sure we wouldn't make more progress against crime by doing away with them completely."

Other correctional activities today are no better. Work-release and school-release programs, group homes, halfway houses and similar efforts are still far too scarce. The Washington Star last week reported that 95 District of Columbia convicts were in jail, even though judges had officially assigned them to halfway houses, because there were no houses to take them. Probation and parole systems are similarly spotty across the nation. Caseworkers are ridiculously overloaded, unable to exercise any real supervision over their charges; a brief interview once or twice a month is the best most of them can manage.

The court system is similarly antiquated. Judges are overworked, the job of the good ones made infinitely harder by elderly colleagues who won't retire but don't carry their share of the load. They are buried under mountains of paperwork, the product of administrative procedures still back in the 19th century and of a dreadful dearth of trained court administrators. More significantly, the number of cases steadily soars as drug offenses and other law violations increase, as more cops arrest more people, as new legal aid efforts contest charges.

Dockets become ever more jammed, and the time between arrest and trial and sentencing steadily lengthens. Bail procedures are crazily complex. Rarely does a judge have any pre-trial background information on the accused. Plea bargaining is increasingly common—the prosecutor and defense attorney negotiating on the plea to be entered and the sentence to be passed, with the judge a more or less passive onlooker. New York Mayor John Lindsay told the ABA convention last week that of 18,000 prisoners in his city's jails, 8,000 were awaiting trial: twenty new criminal judges, a 30% increase, had made no appreciable dent in calendar delays.

And with the courts and correctional institutions in such a mess, it's practically inevitable that almost everyone involved with them quickly loses respect for the whole criminal justice system, seriously aggravating the already huge crime problem.

NEED FOR NEW FACILITIES

If the problems are relatively clear, so are many of the answers. Federal, state and local governments must engage in a massive construction program of new correctional institutions—up-to-date and specialized facilities, local and regional, for juveniles, alcoholics, drug addicts and other special types of offenders. These new facilities must have first-rate diagnostic services, excellent treatment programs and counseling, relevant job training.

Far more effort must be made to keep prisoners closer to home, to develop open-prison and work-release programs, to operate halfway houses and other highly-supervised alternatives to prison. New efforts are needed to help suspects between arrest and trial—pre-trial counseling, programs for conditional work release without trial. Special attention must be devoted to juvenile offenders, with large specially trained staffs, with the use of foster homes or group homes to remove youths from unfavorable family or neighborhood situations, with community treatment of juveniles and other special rehabilitation programs.

Far more and better trained professionals are needed at every level—from prison guard to prison psychologist to parole worker—and more use of paraprofessionals and volunteers. Better research is needed in dozens of areas.

As Justice Burger said, the courts need more judges, more businesslike procedures, specially trained personnel to handle the administrative load. They need more prosecutors and more defense lawyers to get earlier and speedier trials, perhaps night and Saturday sessions.

Judges need other kinds of help, too—to provide detailed information on prisoners coming up for trial, to study sentencing practices in other jurisdictions, to give other helpful background data. Perhaps most importantly, several major types of cases should be completely removed from the criminal courts, switched to administrative or other non-judicial bodies: Routine drunkenness cases (one-third of all arrests are for drunkenness), drug addiction, prostitution, gambling.

Happily, there are finally a few small signs of progress. Mr. Nixon's November directive to his Attorney General, ordering work in 13 specific correctional areas, is one bit of evidence. The American Bar Association, in response to a speech last year by Justice Burger, has set up a special commission to enlist public support for improvements in local correctional systems.

While Federal funds under the so-called Safe Streets Act are still going preponderantly into police work, there has been a significant increase in spending on corrections, both in actual dollars and in the percentage of the total funds—up from 14% in the year ending in June 1969 to about 27% in the year ending June 1970. A recently passed House bill to extend the act would require at least one-fourth of all future outlays to go for correctional facilities and probation work, and would increase to three-fourths from one-half the Federal share of the cost of new facilities.

A number of state and local governments are increasing their own spending on corrections and the courts, and some are carrying on interesting experiments with detoxification centers, special drug treatment programs, pre-trial release without bail, job

training for young offenders between arrest and trial, broader community involvement in rehabilitation programs. A new court management institute in Denver will train people to ease the administrative load on judges. There seems to be an initial open-minded reception for Justice Burger's proposal for a special Judicial Council that would study ways to use the courts better, including ideas for removing types of cases from court jurisdiction.

FRIGHTENING COSTS

Progress still comes far too slowly, though. The costs involved frighten many away from any action at all. A Prisons Bureau study headed for Mr. Nixon's desk, for example, proposes 166 new Federal correctional institutions, at a cost of $700 million, while needed state and local institutions would require billions more. The cost of training thousands of more correctional workers, of more court help, of better-paid prison guards, are all substantial.

Governments at all levels still find it politically more appealing to put scarce tax dollars into more dramatic anti-crime work, such as more cops or fancier equipment. Mr. Nixon, for instance, asked Mr. Mitchell for a progress report on the 13-point program by mid-May; the report still hasn't appeared. The Justice Department has been conspicuously unenthusiastic about the House provision reserving one-fourth of Federal funds for corrections. Any specific proposals to remove certain types of cases from the criminal courts are sure to be highly controversial.

Yet continued delay in dealing with all these problems not only raises questions about likely progress in the entire war against crime but means that even greater outlays of money and far more drastic solutions will likely be needed whenever the nation does finally turn its attention to them. Construction costs rise steadily for prisons or halfway houses just as they do for homes or office buildings. The shortage of trained workers will grow steadily more acute. The research and experimentation questions will multiply.

It should be painfully apparent that arresting more and more people will do little good if they are then committed to an excruciatingly jammed judicial system and a dismally debasing correctional system. The nation cannot be truly considered serious about fighting crime until it devotes dramatically more imagination, effort and dollars to these two neglected battlegrounds.

A BRITISH JUDGE SAYS "STOP"

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. BURTON of Utah. Mr. Speaker, freedom of speech is obviously a precious right, but I feel that no one should have the right to intrude on the rights of others. A short time ago, Justice Melford Stevenson, of Great Britain, faced this problem squarely when he sentenced six Cambridge University students to jail terms ranging from 9 to 18 months. These students went on a rampage in a hotel to disrupt a particular campaign that they didn't approve of, terrified a lot of guests and did about $6,000 worth of damage. I think that this account, as described in a Christian Science Monitor editorial of July 14, 1970, should receive the attention of my colleagues. The punishment in this case was severe, but the offense was grave and I think the case may have an exemplary effect. The editorial follows:

A BRITISH JUDGE SAYS "STOP"

The name of Mr. Justice Melford Stevenson may not yet be known to many Americans, but it has suddenly become known the length and breadth of Britain. For this judge of the Hertfordshire Assizes has just sentenced six Cambridge University students to jail terms of from nine to 18 months. The students stormed into a hotel where a Greek Week holiday promotion campaign was under way, terrified guests and did £2,000's ($5,600) worth of damage.

In sentencing the students (two others were sent to borstal correction institutions), Mr. Justice Melford Stevenson made a telling and valid remark: "I must repeat that this case has nothing whatever to do with peaceful demonstrations; still less has it anything to do with political views, however firmly held."

To this all who believe each individual has a right to express his views; but who equally believe that this must be done peacefully and considerately, will say amen. However stern these sentences were, and none can deny their severity, their aim was to help eradicate one of today's worst social plagues, the belief that anyone has a right to trample on the rights of others merely because he thinks he has something to say or something to complain about.

Such a view is absolutely without justification in a law-abiding, democratic society. It is the failure on the part of far too many college and university administrations to quash this erroneous viewpoint years ago which has led so many great American institutions of higher learning to the brink of anarchy. It is the failure on the part of city administrations to move against this type of demonstrator quickly enough and vigorously enough which has ended in the kind of wild-animal destructiveness visited on Harvard Square this spring.

Some in Britain say that the severity of these sentences will be counterproductive. We do not believe it. An identical type of exemplary punishment was meted out several years ago (and then loudly applauded by those now protesting the Cambridge sentencing) in the case of white rowdies who attacked nonwhite immigrants in London's Notting Hill section. Those sentences had a telling and constructive effect. Those against political and ideological rowdies, as at Cambridge, can serve peace and order equally well.

Cases and countries differ. Justice must always be tempered with wisdom and mercy. Mere vindictiveness must be avoided. But a decent respect for others' rights and safety must be maintained. Not a few American judges might well reflect on Mr. Justice Melford Stevenson's forthright act.

UNITED NATIONS AND WORLD COUNCIL OF CHURCHES TERRORISM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. RARICK. Mr. Speaker, the Governments of Rhodesia and South Africa have taken a dim view of the announcements by the World Council of Churches to contribute to terrorist organizations and that the United Nations Committee on colonialism is considering similar illegal contributions.

This is indeed a strange code of ethics for organizations extorting money while hiding behind a veil of "peace."

Perhaps it was the subsidized friends of these two international agitators who bombed the Rhodesian Information Office and the Portuguese Embassy here in Washington on August 29 of this year.

Our Government has been silent as to even an official expression of regret to the Rhodesians, perhaps in fear of political repercussions from the tools of the United Nations and the World Council of Churches.

Mr. Speaker, I include several news accounts and reports from the Rhodesian and South African Governments as follows:

[From the Rhodesian Viewpoint, Sept. 14, 1970]

WORLD COUNCIL OF CHURCHES TO AID TERRORISTS

RHODESIAN AND BRITISH CHURCHMEN CALL RESOLUTION INTOLERABLE

The New York Times of September 4 reported an announcement by the World Council of Churches that it would allocate $200,000 to various groups "that fight racism, including African guerillas." The executive committee of the council made the decision.

The "Special Fund to Combat Racism", according to the report, "will benefit 18 groups which will receive $2,500 to $20,000 each. The beneficiaries include four groups fighting in Angola against the Portuguese. Other recipients include four groups in Southern Africa. Two Rhodesian organisations are numbered among these—the Zimbabwe African National Union and the Zimbabwe African Peoples Union. (Both these organisations are banned in Rhodesia and are known to send terrorist bands into that country from neighbouring Zambia in attempts to subvert, maim and kill Rhodesians. They have close links with communist China and Soviet Russia respectively)

SHARP REACTION FROM RHODESIA

In a roundup of opinion on the decision by the World Council of Churches, of which many of the Rhodesian churches are members, the reaction was one of shock and dismay, according to reports in the Rhodesia Herald on September 5.

"Anglican (Episcopalian) leaders", stated the report, "dissociated themselves from the action and said the Churches here must now consider carefully whether they can preserve any links with the World Council of Churches. 'The allocation of money to organizations pledged to use force against Rhodesia was incompatible with the Gospel they preached', said the Bishop of Mashonaland, Rt. Rev. Paul Burrough and the Vicar General of Matabeleland, Canon Humphrey Pugh.

AGAINST CHRISTIAN TEACHING

"The President of the Rhodesian Christian Council, Rev. Andrew Ndhlela said that if the World Council of Churches had spare funds to help overseas people the money should be used for Church projects. Expressing his personal opinion he added that the World Council's actions did not seem to accord with the Christian teaching of peace and harmony among nations.

In Britain, according to Rhodesia's national Sunday Mail, the Bishop of Peterborough, Rt. Rev. Cyril Eastaugh condemned the decision by the World Council of Churches as "intolerable. I think", he is

quoted as saying, "it will cause people to reflect on whether the churches in this country (Great Britain) should continue their membership. The money contributed is given by lay people. I am sure they don't want their contributions diverted to support political—and sometimes violently political—movements.

Mr. Patrick Matimba, former leader of the Zimbabwe National Party, said in London that the grants to African guerrillas amounted only to 'buying the leaders' in the case of the Rhodesian organizations."

[From News from South Africa, Sept. 11, 1970]

STRONG REACTION TO CHURCHES COUNCIL DECISION: CAPE TOWN

"The decision of the World Council of Churches to contribute to Communist organizations and terrorists is, to put it mildly, shocking. It is of course regarded in a very serious light and it cannot be tolerated that money is collected and contributed in South Africa and sent out of the country for this purpose", said the South African Prime Minister in a statement last week.

This statement followed the announcement by the World Council of Churches from Geneva that it was making grants to guerrilla groups in southern Africa.

"I am glad at the reaction which has already come from certain church leaders who are associated with the World Council of Churches and I make an earnest appeal to member churches to think seriously over the matter and consider their participation and take a clear attitude on the affair".

The South African Press Association reports that according to the Archbishop of Cape Town, the Most Rev. R. Selby-Taylor, the South African churches were almost sure to withdraw from the World Council of Churches if it is confirmed that that body had undertaken to give financial aid to certain guerrilla organizations.

The Right Rev. Leslie Stradling, Anglican Bishop of Johannesburg, said: "It is quite intolerable that money can be given in the name of religion to subversive movements of this kind. I should think we would wish to withdraw our support to the World Council and we may well no longer be able to belong to it—though we would very much regret this".

LEGAL TEAM ON S.W.A. ISSUE ANNOUNCED: CAPE TOWN

The United Nations Security Council had decided to ask the International Court of Justice to give an advisory opinion on the following question: "What are the legal consequences for stages of the continued presence of South Africa in South West Africa, notwithstanding a previous Security Council resolution?"

The Minister said an advisory opinion differed from a judgement of the Court in contentious proceedings, because the former was strictly advisory in character and had no binding force, whereas the latter bound the parties.

The fact that in 1967 South Africa had withdrawn its consent to the Court's compulsory jurisdiction, was not relevant in the case of an advisory opinion since the question of the Court's jurisdiction over states was not applicable to advisory opinions. The Government had in the circumstances, decided to make a written submission to the Court and to send a legal team to represent the Republic.

The Minister of Foreign Affairs, Dr. Hilgard Muller, announced in the House of Assembly last week that the Government had decided to send a legal team to represent the Government before the World Court at The Hague which has been asked for an advisory opinion on South West Africa.

Dr. Muller said South Africa's legal team would be led by Mr. E. M. Grosskopf, SC., of Cape Town. The other members of the team were Advocate J. D. Viall, law advisor of the Department of Foreign Affairs, Advocate R. F. Botha, MP., of the Pretoria Bar (part-time), Advocate H. J. O. van Heerden of the Bloemfontein Bar and Professor M. Wiegers of the University of South Africa. Mr. D. P. de Villiers, who had led the previous team would also be consulted.

SOUTH AFRICA MAY CUT DUES TO UNITED NATIONS: CAPE TOWN

South Africa will withhold a 'proportionate share' of her annual contribution to United Nations' coffers if the UN makes funds available for 'illegal purposes', the Minister of Foreign Affairs, Dr. Hilgard Muller, said in the House of Assembly last week.

Dr. Muller—who said this had been done in the past—made it clear that what he had in mind was the support of any 'liberation movement' active against South Africa, Rhodesia and the Portugese territories. "We shall not contribute a single cent towards these wild ventures, be they directed against us or other states," he said.

In a special statement during the debate on his vote, Dr. Muller criticized the United Nations for encouraging terrorism and sabotage. He singled out the Committee on Colonialism—"which avails itself of every opportunity to sow hatred and discord among the peoples of southern Africa".

His statement also made clear South Africa's anger at attempts to involve the United Nations' specialized agencies in aiding terrorists. It suggested that South Africa might also consider any such help from specialized agencies as cause to withhold part of her annual contribution.

[From the Rhodesian Viewpoint, Sept. 14, 1970]

RHODESIAN INFORMATION OFFICE BOMBED

About midnight on August 29 a bomb exploded at the Rhodesian information office, breaking windows in the buildings and in neighbouring houses, a similar incident occurred at the Portuguese Embassy some fifteen minutes earlier, no-one was injured.

The Associated Press reported receiving two telephone calls directing attention to a letter in their mailbox. A file card was discovered containing the following message:

"We are an African people and we are at war with all nationalistic institutions, organizations and governments, etc. that conduct and lend support to exploitation and oppression of African people around the world. Angola, Mozambique, Zimbabwe shall and will be freed. The Revolutionary Action Party."

According to newspaper reports a State Department spokesman said that an expression of apology and regret would be prepared for the Portuguese Government. No statement was expected to be made to the Rhodesian office, which is regarded as a private organization by the State Department.

MAYOR WASHINGTON EXPRESSES REGRET

It can be confirmed that no communication, written or verbal, has been received from the State Department. Mayor Walter E. Washington of the District of Columbia called at the Rhodesian Information Office on Sunday morning to express his regrets for the incident. Many expressions of "shock and outrage" have been received from wellwishers.

Commenting on the occurrence, Mr. Kenneth H. Towsey, director of the Rhodesian Information Office, was quoted in the Washington Evening Star as saying: "We are not used to playing our politics quite so exuberantly. It's somewhat ironic really that Rhodesia is supposed to be an explosive situation, but we were never so explosive as this."

AMERICAN LEGION HEARS PAT HOWARD ADDRESS

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. EDMONDSON. Mr. Speaker, it was a great privilege for me to attend the recent American Legion Convention in Portland, Oreg., and to observe the very genuine efforts being made by our Legionnaires to solve many of the problems facing our Nation at the present time.

One of the finest speeches during the convention was delivered by Mrs. R. Michael Howard, the former Patricia Ann Turner of Muskogee, Okla., and the winner of the 1962 National High School Oratorical Contest. In her remarks to the National Americanism Commission of the American Legion, Mrs. Howard sets forth the important steps which must be taken to bridge the gap between the generations in our country, and how the vitality and energy of youth can be channeled to greater productivity and improvement of the society in which we live.

I commend Patricia on her outstanding address, and include the text of her remarks in the RECORD for the benefit of my colleagues:

ADDRESS BY MRS. R. MICHAEL HOWARD

The world watched in awed admiration when the United States put a man on the moon last July and again November. They were fantastic feats involving an incredible number of coordinated machinery parts and human movements. Most Americans watched the moon feats on their TV's and listened to the checklists and countdowns with fascinated pride. "All systems go" became the expression for progress and achievement. But by and large the moonshots were the feat of middle-aged Americans. The astronauts, the engineers and even the news commentators were all well over thirty years. Their age is symbolic.

For one group of young Americans, the moonshot was the ultimate irony. Some of the United States' brightest college students scorn the walk on the moon as an exercise in futility. "All systems go" is the war cry of a middleclass technology for which they have the utmost contempt. "The System" is their enemy, and they see the brightness of its success through the bitter darkness of its failures.

With these words Paul J. Weber, professor of political science at St. Louis University speaks of the crisis on the American campus —the alienation and revolution of today's youth.

The U.S. is in a time of unrest with few recent parallels. Shock waves of disruption are buffeting America in 1970. On campuses, antiwar violence brings bullets and bayonets. Lives are lost. Buildings go up in flames. Effects of student protests were felt this spring from coast to coast.

Antiwar turmoil was just one disruption. Labor strife, racial violences, the mounting terror of crime, concern about pollution are all areas of high tension. America hears the youthful vocabulary of "pot", the "establishment", "grass", the "generation gap", and shouts from its youth to "tell it like it is"—and the "silent majority" labels the youth "hippies", "extremists", "communists" and declares they're tired of the "tyranny of spoiled brats." But where does this get us?

Where are we going? Who are these strange people who reject one of the greatest achievements of mankind and look cynically upon one of America's proudest moments? What's going on inside America? What's bothering today's youth?

Americans have historically proclaimed "a house divided against itself cannot stand"—but are having little success in mending this rift between generations which if allowed to continue can trigger the falling apart of the greatest nation in the world. The time has come to talk, to listen, and to care! We must declare a halt to this tug-of-war between generations in order to regenerate the respect necessary for national survival.

In the next few moments let's look at today's youth, at the turmoil, the establishment and the generation gap. Let's decide what is going on and why and what must be done to deal with it.

You know . . . we Americans find it ever so easy to categorize individuals and their thinking. We attach labels and are content to delve no farther into their meanings.

But you . . . as members of the Americanism Commission of the American Legion—realize we cannot just label and write-off the dissent upsetting America's younger generation. You above all others must seek to understand to deal effectively with the students through your youth programs.

I must first admit I do not classify myself as a member of the "younger generation". Actually those of my age group now seem to find themselves between the two groups. We see value in what the youth are saying, but were raised by traditional parents, were affected by World War II and are old enough to have families of our own. This presents quite an interesting outlook.

In talking with you let me say now—*I am stating merely what the young people think and plan to make no personal judgment as to whether they are right or wrong.* Yet it is extremely necessary for you to understand them.

In the past few weeks I have talked with many young people—not with the extremists, for these are indeed a minority—but with the so-called average high school and college student who is puzzled with our society and crying to be heard. I believe the true revolutionists are not our greatest concern—these groups are so split among themselves they in time should defeat themselves. Our major concern must be those young people who believe in our country and want to preserve its freedom and ideals but are confused and alienated by the hypocrisy and double standards they see in the establishment. They believe in America—but an America of reason . . . holding fast to that which is good and rooting out that which is not so good.

John Gardner, while serving as Chairman of the National Urban Coalition, stated . . . "We have taken more seriously than any preceding generation the American commitment to respect each individual and the American promise for opportunity for all. That is part of our problem. We are in the process, often painful, of taking seriously values we have long professed."

Gardner speaks of the individuals who are the future leaders of our country. These are the youth with whom you must find a way to communicate.

Now let's look at the current situation and see what is going on. According to the myths, "the dissenter is typically bearded, dirty, long-haired and totally undisciplined. He is "alienated" from society, influenced by Marxist ideas, a user of drugs and a sexual libertine. Deeply frustrated and unhappy as an individual, he is a failure who cannot find a place in the American system and therefore rejects it." This myth has some truth—yet it is a terrible oversimplification which ignores the objective issues the dissenters are raising. We too often get so "psyched-up" about our problems, we waste a lot of energy just worrying about them without ever really accomplishing anything productive.

To begin with, not all American students, or even a majority, engage in an active dissent or protest. American youth remains basically reformist rather than revolutionary. A recent survey conducted by Daniel Yankelovich, Inc. and appearing in *Fortune Magazine* stated that 88% of the nation's young people agree at least in part that there are legitimate channels for reform that should be used before attempting disruptions. There are 2200 college or university campuses in the United States. On most there is very little protest. Even at the larger schools where potential protesters seem to congregate, the majority of students remain curious on-lookers. However, although only a minority of students are involved in active protest, a great many more are sympathetic to the radicals' goals if not their means.

There are several terms to the current upheaval of ideas that it will be necessary for you to understand to work with young people. We hear much talk about students rejecting the establishment . . . but what is the establishment? Does it exist? At a recent conference of student leaders from U.S. and 36 foreign countries meeting in Williamsburg, Virginia, students were asked just what is the establishment? Among their answers were . . . "the establishment is not a concrete thing. It is largely social customs. It refers to the status quo particularly in the economic sense . . . it includes institutions such as schools and churches . . . those that are hard to change.

It is the system . . . the total "American way of life" which exists on two levels: the ideal and the real. The establishment is something that says: "Conform!" The students however did agree that there must be an establishment—without it there would be chaos. . . . However the establishment must be subject to change.

Another term about which we hear daily is the "generation gap." It is really a people or understanding gap . . . a gap in communication between generations whereby neither side is thought to listen to or understand what the other is thinking.

In the current anthology *Natural Enemies: Youth and the Conflict of Generations* Arnold Toynbee writes . . . "the rising generation never sees life with the same eyes as its elders—not even in times and places in which society is relatively static. But in present-day America, and in most of the rest of the World too, the breadth of the generation gap is abnormally wide."

I believe the most accurate term for this lack of mutual understanding between generations is that of a "respect" gap . . . an almost complete lack of respect between generations. The dictionary defines "respect" as "to feel or show honor or esteem for". It is a truism that *People don't rebel against the things they respect.*

A college graduate of a year ago was talking with me recently about his dissatisfaction with his current job. When asked why he was unhappy he pointed out that he did not respect the manager under whom he was working. I asked him why . . . what this man had done to make him feel this way. . . . After a few moments thought he answered . . . "He shows weaknesses in areas where I expect my superior to show strength." Notice he did not say "He shows weaknesses where he should show strength" . . . but "Where *I expect* him to show strength." Such is the situation in the current generation crisis. Young people *expect* the older generation to meet certain standards of strength. They have come to the conclusion that their elders do not show this strength and that a double standard is present which they now refuse to honor.

Last June the National Commission on the Causes and Prevention of Violence issued a 3600 word statement on student disruptions which concluded . . . "Students are unwilling to accept the gaps between professed ideals and actual performance. They see afresh the injustices that remain unremedied." A young radical, Linda Morse of Berkeley, Calif., writes that "We're taught concepts like democracy and brotherly love all our lives—by our parents, by the Church, in school civics courses. The values themselves are beautiful, but then you look around and see that practically no one—certainly not the people who run this country—ever acts on these principles."

Today's youth view the older generation as a mass of contradictions. Young people are tired of watching their parents say one thing and do another. A father tells his son he must obey the laws because those who do not are punished . . . he then "pulls strings" to have his own traffic violation reduced. Parents speak of supporting the country and doing their part . . . and seek ways to cheat on their income tax returns.

News Analyst Paul Harvey recently said . . . "Today's youth—these keen-minded idealists—are finding faults with our "isms"—Americanism, the Constitution, the American ideals. But they are missing the target. They are unhappy with the maladministration of our country. . . . they do not understand why we send troops 6,000 miles away to fight Communism, but ignore the Communist threat 90 miles off our coast in Cuba. We must begin to interpret our "isms" in the manner in which they were intended."

A new idealism is pervading America . . . youth is turned off by the hypocrisy and moral complacency of its elders. The American dream can now mean little to them . . . they cry out "tell it like it is". Radical young are engaged in a campaign to press the nation to live up to its historic moral and political commitments.

In his recent study *Young Radical*, Dr. Kenneth Keniston, Professor of Psychology at Yale Medical School, observes . . . "However radical the tactics proposed to attain them, the basic values of the young radical are ancient and familiar; the only startling fact is that he takes these values seriously and proposed that American society and the world set about implementing them."

Such thinking has created a large number of cultural drop-outs in our society. They have rejected the system simply by refusing to worry about its problems, abide by its rules or accept its values. They reason . . . the only way you get freedom is by deciding that you're free. If you fight authority, you acknowledge it, you give it power. If authority is ignored, it doesn't exist anymore.

Dr. Keniston further points out that *distrust* seems to be the primary symptom of the alienated. They believe that attachment to a group entails the loss of individuality.

Those students who have refused to "drop out" have a unity of their own. Psychologically, one of man's basic needs is the need to belong. A person wants to feel a part of something . . . wants to be included. In doing so he seeks those with whom he has common interests and beliefs. Because of this basic need America has become a nation of joiners. We join a civic club, the PTA, a fraternal organization. Today however new groups are being formed by the young. They are banding together to fight the Vietnam war . . . to fight pollution. . . . to work for the betterment of mankind. They are fighting for their particular beliefs . . . they are united. . . . they are the youth of America.

But what created this new-found brotherhood of the young? What factors of the

American culture made it necessary . . . and what are they banding together to overcome?

First, the American culture today is composed of a vast number of various self-interest groups. The presidential election campaign of 1960 was the first in which national security, military pride, and national power were not a major issue. Prior to this time. . . . with the end of W.W. II . . . the advent of the Korean conflict and the space race. . . . voters were interested in either military leaders as candidates or issues involving our national prominence. But in the campaign of 1960 domestic issues for the first time came to the forefront.

For the first time we admitted we had problems at home . . . we were told about the humanitarian needs of our minorities . . . the deprivation of our poor. The need to herald these causes immediately took hold. Previously we had been one large self-interest group with a great desire to be a dominant world power. For a change we decided to worry about new problems and new issues. Immediately self-interest groups sprang forth throughout the country. There's the committee to accomplish this . . . the panel to alleviate that. Yet we have become so divided by our own self-interests we no longer consider the overall picture.

A second very obvious force in student thinking is the taking for granted of prosperity. Today's youth are a generation that has never known hardship . . . they've never known depression . . . they were not faced by the Hitler-Japan-Mussolini threat that today's parents went to war against. The affluence of our society certainly is an important factor in the changes we have seen. Many young people have more opportunity to think about youth problems . . . If they are from middle-class homes or better, they see a great contrast between their lives and those of the less privileged. This has become their cause.

A Harvard student Steve Kelman in his new book *Push Comes to Shove* surprisingly states, "The university sanctuary is a protective womb that shelters us from the natural shocks outside, in what we call on campus 'the real world'. The laws against liquor and drugs do not apply to us. Only visionaries could conceive of the leisuristic future society where the general population could enjoy the 'work week' we have. The oppressed student class can't talk to anyone over 30 because older people are no longer idle, have no more time to brood."

In a recent letter to the editor in the *Oklahoma City Times* an irate citizen more bluntly expressed the same view when he says to the youth, "You have to follow your leaders like sheep. But the silent majority has no one but our president and vice-president because we are too busy trying to make a living and pay our taxes so you can go to school to protest."

On one hand the older generation has not been trying to live up to the dictates of our heritage and ideals, but on the other . . . youth have little conception of what the "real world" is like. This is why the younger generation selects the age of 30 for the breaking point in the generation gap. They feel that by this age . . . individuals are taken in by the system. And yet President John Lederle of the University of Massachusetts cleverly pointed out in a commencement address this spring that "the notion that only youth has the answers to our problems is reduced to absurdity when a student revolutionary wakes up on the morning of his 30th birthday."

We must make the youth understand the system now . . . its opportunities and its limitations. Our forefathers designed our rules of government to allow for interpretation and change. Change is necessary for survival.

From the poem "Famous Men" by Arthur Guiterman we are told:

"The past's a scroll whereon great truths are found.
But not a chain by which men's feet are bound."

The customs, conventions, and beliefs of mankind are the products of the trial-and-error experience of the race through many centuries. It has been said that "mankind is wiser than any man."

Perhaps the greatest criticism youth has of the older generation today is that of over-reaction. Young people see this to be characteristic of their elders in two main areas.

The first area is that of cultural ideas of the young. Teenagers tend to condemn the adults overconcern with appearance as a distorted sense of value. Adults view the social and cultural aspects of youth as contrary to the traditional dictates of society. We must be reminded however that youthful defiance of accepted standards or traditions is not altogether new. Let me read you something . . . "The children now love luxury. They have bad manners, contempt for authority, they show disrespect for adults. They contradict their parents, chatter in front of company, gobble down food at the table, and intimidate their teachers." Sounds modern enough doesn't it? And yet it was written by Socrates in the fourth century before Christ.

The young people of today wear long hair, short skirts, sandals or no shoes, are often unkempt in their appearance, and vibrate to the beat of rock groups by such profound names as the "Electric Eel" and the "Credence Clearwater Revival." As far out as their dress, hair and culture may seem—we must ask ourselves . . . is it really harmful? No more so *really* than the racoon coat, flapper dress and shouts of "twenty-three skiddoo" were to another generation. The older generation today is probably no more shocked by youthful dress and behaviour than were the parents of the youngsters in the 1920's were by theirs. Traditionally youth must go a little farther than what is accepted—they feel an urge to be different—to be noticed—and their cultural ideas are their way of achieving this individuality.

One of the top radical organizations in the country today is using this peculiarity of youth to achieve its goals. This is the Students for Democratic Society, more commonly known as the SDS. Founded in 1962 at Port Huron, Michigan, it seeks to create agitation on both the high school and college campus.

In a series of articles in the PTA Magazine, FBI Director J. Edgar Hoover talked about the creeping infection that is beginning to invade the high school. He pointed out that the "job of radical is not to lead the youth. It is to find young leaders and help make them radical."

At the high school level the SDS approach is to stir up as much dissatisfaction as possible in the student body on "within-the-school" issues. Mr. Hoover states that "the SDS realizes that these young people are not proper revolutionary material. The vast majority couldn't care less for slogans about fighting 'imperialism' and 'warmongers.' It is the immediate, at-hand student issues inside the school that 'turn the kids on' . . . issues such as dress regulations—(how short a skirt a girl is allowed to wear or how long a boy's hair should be), cafeteria service, disciplinary rules."

These are the issues that the SDS seeks to exploit. "If a student is suspended for wearing his hair too long or using drugs or abusing a teacher, the SDS says this shows that *you*, the student really means nothing in this high school. The school is part of a wicked, corrupt Establishment that is trying to turn you into a robot. These rules are simply designed to make you part of the 'system'."

To combat this agitation the older generation must realize what it is up against. They must remember how they felt and thought when they were young and quit over-reacting to the youthful dress and appearance. Only then will they be able to *help* the youth across the gap to becoming a responsible, thinking citizen.

Earlier I mentioned there are two areas in which the youth feel adults are over-reacting. The first was that of condemning youth's codes of appearance and social behavior.

The second area in which young people believe adults should react differently is in terms of the social and political issues they feel are important. The young people say . . . when we disapprove of what our government is doing—we are trying to improve our country. Yet the older generation reacts with flag-waving and patriotic display rather than trying to understand our views. This criticism should be of prime importance to The American Legion.

The Williamsburg Congress of Student Leaders last year dealt with the topic of American nationalism as viewed by today's youth. Among the statements of those attending were . . . "A certain amount of national pride is good. Young people are against excessive nationalism" . . . "A person who believes in 'my country' right or wrong really isn't much of a person. He's just a follower, a plastic person following blindly." "Part of the problem with nationalism is that you no longer want to lose face. It then becomes a bad thing to admit you're wrong because of the so-called 'national interest'. So instead of going back and correcting your mistakes, you're drawn even further into your mistakes because now you're trying to prove that you really didn't make them."

Young people want to take seriously the rights they enjoy under a free form of government. They believe, however, the nation has come to the point that any criticism of our government's ways is viewed as unpatriotic. They declare they are as patriotic as anyone—but want to be able to change what is wrong. Young people believe that flag-waving does not make one patriotic any more than wearing long hair and sandals makes one a hippie—or going to church makes one a good person.

At this point which side is right or wrong is not the key issue.

Today's young people do not know the soaring sense of national pride and determination you felt as you fought for our country. Here again they have not known war as you have—they have not sacrificed for their country. While you hope that they will never be called to defend us against an aggressor, you must try to instill in them the feeling of pride you maintain.

If "waving the flag" is "turning them off" . . . perhaps you should tone done your approach for awhile—at least in working with the youth—use a low-key approach to gain understanding—and then gradually rebuild to the level at which you choose to to portray your national pride.

Here again . . . only when the two generations come together and are really sincere in seeking understanding will the immense problems facing us begin to diminish.

The older generation can no longer sit apart declaring they are right and the young must obey. We are past the point of hoping for things to change. Now we must *act*.

We hear much criticism today of the news media and the coverage given to campus disruptions. Yet unless the older generation can provide some news to be reported—the situation will remain as it it. You know . . . the main trouble with the so-called "silent majority" is that they are "silent".

Reuven Frank, President of NBC News, stated recently "News records change. To be news it must happen; it may not merely exist."

This is what the silent majority must do in order to voice its ideas. It cannot merely exist and wait—it must act. But it must be careful how its acts and the methods it uses. Senator Edward Kennedy in addressing the graduating class of Mount Holyoke College in the Spring stated "The silent majority is unacceptable. In these times to do nothing, to be silent, not to inquire, not to challenge, is to abdicate citizen responsibility."

In terms of the youth programs of The American Legion—action must be taken also.

You have within your reach a group of members who can communicate with the young and can encourage them to understand your beliefs.

I refer to the younger members of The American Legion—the veterans of the Vietnam Conflict. Your efforts to enroll these young men have been outstanding. Your National Membership Director, J. Lloyd Wignall tells me that as of January 1970 The American Legion had 300,000 Vietnam veterans.

It is not enough, however, only to get these important names on your rolls. You must use them to further the interest of the organization.

These men are closer to the high school and college students—why not use this to your advantage. These men have served—they are patriotic—and they will be influential representatives to work with the young.

I believe more publicity and promotion is needed for the programs as well. You recently doubled the scholarship amounts offered in the Oratorical Contest. Students must be made aware of this. This contest is unique in what it offers.

I read recently where an Oklahoma boy had won a national contest sponsored by an organization such as The American Legion. First prize nationally was $2,500—compared to the $8,000 you offer. What better way to teach the young about their heritage than to get them to enter this contest—one in which there is a chance of winning a full college scholarship.

The Boys State and Boys Nation programs you sponsor can be used as a forum for talk and understanding. Here again your Vietnam veterans can be instrumental in achieving effective communication between two age groups.

You must now move forward realistically. The kids say "tell it like it is"—if you will listen to them with an open mind—they will gain respect for you and you for them—and eventually they too may be brought to understand the love you have for your country and why we must be prepared to defend and preserve it. Once more—it all boils down to that one important word "respect"! Yet until this respect is restored between generations we would do well to remember the words of the German poet Goethe. . . . "If one treats a person as if he were what he ought to be and could be, he will become what he ought to be and could be."

We hear so much talk about the young and the old . . . yet at the age of 75 a prominent American General said: "Nobody grows old by merely living a number of years. People grow old only by deserting their ideals. Years may wrinkle the skin, but to give up interest wrinkles the soul."

"The strength of this country lies in the physical, moral and spiritual strength of her people—people who have a sense of what is right and what is wrong. The strengths we possess individually we possess collectively as a nation. And these are strengths that lurk in the commonest American."

It is up to us . . . you and me . . . The drive to restore respect in America must begin now. We must be able to maintain strength, honor, integrity, and wisdom to preserve our way of life. We must keep in mind that the music of freedom will be made, not by hollow men leaning together, but by the voluntary cooperation of individual soloists.

In the words of the English poet John Donne, "No man is an island entire of itself. Each man is a piece of the continent, a part of the main. And therefore never send for whom the bell tolls, it tolls for thee."

AMERICAN VETERANS COMMITTEE'S 1970 PLATFORM

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. RYAN. Mr. Speaker, the American Veterans Committee's 1970 platform, which consists of three major portions—veterans and Armed Forces affairs, national affairs, and international affairs—is the praiseworthy document of an organization with an extremely commendable record of public concern, sincerity, and intelligence.

Included among the projects undertaken by the American Veterans Committee are a Pilot Advisory Commission for New Veterans, formed in New York State, which seeks to provide educational, job and other counseling to returning veterans. In addition, a long established legal aid project assists any veteran, whether an AVC member or not, with his VA claims to obtain a review of his discharge. This past March, the committee held the first national conference on "The Human Rights of the Man in Uniform," and an international conference is envisaged to be held within the next couple of years.

The platform of the American Veterans Committee is too long for me to discuss in detail. Therefore, I will include it in the CONGRESSIONAL RECORD with these remarks. However, I could call particular attention to some of the resolutions.

The American Veterans Committee, in its resolution on military justice, "condemns the actions of the military services in response to recent demonstrations, expressions of dissent against military policies, and stockade incidents, which have resulted in placing charges against these individuals for the most serious offenses possible."

The committee, in its resolution on military expenditures and domestic needs, urges:

That the military budget be substantially cut and such funds be used in domestic programs.

That any savings from a cut-back in Vietnam expenditures be used for domestic rather than be transferred to other military purposes.

That we actively pursue the SALT talks and any savings resulting from an arms limitation treaty be diverted to domestic needs.

That a more effective scrutiny be given new and untried weapons systems which would put a heavy financial strain on the defense budget in future years.

That significant cuts be made in the size of our armed forces and supporting civilian personnel especially in our forces stationed in bases throughout the world, without impairing our national security.

The committee, in its resolution on Southeast Asia, states:

The people of Vietnam have suffered severely for too long a time from controversies that had their genesis in colonialism and in ideological conflict which most of this tortured people would surely prefer to solve through peaceful means.

The people of the United States, particularly the underprivileged, have also suffered severely because of the war. Urgently needed domestic programs have either been reduced or postponed. In addition, our country has become divided and many of our people have lost faith in the viability of our democratic processes.

Among the measures proposed by the committee in its resolution on Southeast Asia is passage of the amendment to end the war—the McGovern-Hatfield amendment—of which I am a cosponsor in the House.

The American Veterans Committee, expressing the voice of men and women who have served in the Armed Forces, speaks out loud and clear, continuing to live up to its motto, "Citizens First, Veterans Second."

The 1970 platform of the American Veterans Committee:

PLATFORM OF THE AMERICAN VETERANS COMMITTEE, ADOPTED JUNE 26–28, 1970, WASHINGTON, D.C.

VETERANS AND ARMED FORCES AFFAIRS

The American Veterans Committee has constantly reiterated, since its founding, its fundamental belief that rehabilitation and integration of veterans into the community is the proper scope and purpose of a veterans program. The achievement of economic security for veterans through sound economic planning for all citizens rather than through special grants or favors to veterans is basic AVC policy.

1. Compensation

For many years, AVC has pointed out the need for a thorough review and reappraisal of this Nation's policies on veterans as follows:

1. We oppose bonuses and general pensions as being class legislation and unrelated to the real needs of individual veterans and tending to set veterans apart from their fellow citizens.

In the matter of benefits, two basic standards should be applied.

a) For death or disability incurred in military service: Are the benefits sufficient to provide a decent standard of living for the veteran, his family or survivors?

b) For all veterans: Are the benefits so designed as to enable a readjustment from military service to civilian life with a minimum economic loss?

Since benefits are a Federal responsibility, uniform standards of administration and compensation should be applied nationally without regard to race, creed, color, sex, or national origin.

2. Draft

AVC recognizes the necessity for the United States to maintain adequate military forces in present world circumstances. It also recognizes the citizen's obligation to military service and recognizes a selective service system as an appropriate model of raising military manpower. We object, however, to the inequalities of the draft system as presently administered, especially the deferment of students, the lack of uniform guidelines and the lack of fair representation of the citizenry, especially for minority groups, on the draft boards.

3. Reserve programs

The world we live in, with its emphasis on speed of operation and technical su-

periority, demands standing Armed Forces of sufficient size, training and equipment and organization to be effective immediately for defense and counter attack. It is apparent that the Regular Armed Forces must remain our first line of defense. They must be of sufficient size and mobility for deployment anywhere on the globe within a minimum of time so that we may continue to provide, when necessary, those forces needed for collective security under our international obligation in peripheral conflicts occurring in the strategic localities of the world.

AVC believes that the National Guard is ill-fitted to serve both roles which it is currently called upon to play. One role is that of assisting civil authorities in the United States in peace-time. Forces suited for that role should primarily consist of military police, possible infantry, with some supporting units (medical, signal, QM, etc.). The other role is that of forming a part of our highly complex and sophisticated Armed Forces with guided missiles, high mobility, heavy weapons and requirements for intensive technical training.

AVC regrets that the steps taken to integrate the National Guard have, so far, been far from adequate. While an office has been established in the National Guard Bureau to deal with equal opportunities, neither the staff nor the influence of that office are sufficient for the purpose.

Regretably, while the percentage of minority group members in the regular Armed Forces is and remains relatively high, the percentage in the National Guard is low and has remained low despite certain recruiting efforts. We cannot afford to have a polarization within the Armed Forces as between the National Guard on one hand and the Regulars on the other. While the domestic peacetime tasks which the National Guard is called upon to perform tend to involve minority group civilian populations, the troops involved should not present the appearance of an army of occupation.

While a National Guard remains a part of the structure of our Armed Forces, incentives should be provided so that a larger number of minority group personnel with active duty experience will choose to enter and remain in the National Guard.

AVC is opposed to any policy whereby the Armed Forces award discharges other than honorable to reserve personnel based upon the political or other activities in which these individuals may participate following separation from active service under the draft.

We believe that the conditions of discharge should be based solely upon the military activity and efficiency of the reservists.

4. Benefit dollar

AVC believes that provision should be made to maintain automatically the purchasing power of the benefit dollar and upward adjustments be made annually in accordance with the Bureau of Labor Statistics, Consumer Price Index.

5. Civil service

AVC believes that veterans point preference in the civil service be limited to the initial appointment only, and that no person should receive a position unless fully qualified to perform the duties involved.

We oppose the principle of granting absolute preference to veterans in state and local civil service.

6. GI bill

AVC applauds the passage of a permanent G.I. Bill of Rights as a responsible means of enabling servicemen and women to return to civilian life with facility and ease at the end of their service and become useful and productive members of their communities. We also applaud the recent passage of legislation improving the benefits provided through the G.I. Bill of Rights.

However, we feel that benefits are not yet in line with the World War II and Korean War G.I. Bills and the current cost of living. Unfortunately, many existing programs remain unavailable to veterans because of the financial stress they now entail, or are available only at great sacrifice. This is particularly true in the area of educational programs.

AVC urges the Congress to further adjust benefits to match current costs of living and education.

The G.I. Bill of Rights should be administered in such manner as to guarantee the absence of discrimination.

7. VA hospitalization

AVC urges that treatment of non-service-connected disabilities in VA hospitals be continued on a space-available basis, but that such treatment be charged at the full cost, if a patient has the means to pay for such service; certificates that a veteran is unable to pay should be investigated thoroughly to determine the true ability to meet the cost of hospitalization. Further that terms of coverage of all prepaid medical associations, plans and companies be amended by action of the legislatures, supervisory bodies or membership, so as to provide payment to VA hospitals for non-service-connected treatment on the same basis as payment to private voluntary and public hospitals.

8. Unification

AVC notes with satisfaction that the process of unification of the Armed Forces has been making progress. AVC commends the actions hitherto taken in this regard and urges that the Department of Defense continue these efforts vigorously.

9. Discrimination—Foreign and domestic

We maintain that no assignment of any military personnel should be made whether within the United States or overseas, for consideration on grounds of color, religion, ancestry or national origin.

Our goal is to insure that no member or employee of the Armed Forces, and no dependents of such person shall be subject to discriminatory treatment, on or off base within the United States or outside the United States, on the grounds of color, religion, ancestry, or national origin, and that the power, including the economic power of the United States be consciously used to further this objective.

10. Information service

We owe the men of our armed services the best possible training to equip them for the rigors of modern combat under the most adverse conditions of weather, terrain, supply and enemy action. We further believe that an orientation program be instituted in order to acquaint the prospective draftee, at the time of registration, with all the rights, privileges, benefits and special training he and his family will be entitled to if and when he is inducted into the Armed Services.

11. Jurisdiction over ex-servicemen and civilians accompanying the Armed Forces overseas

We believe that the ex-servicemen, military dependents, and civilians accompanying the armed forces abroad should not escape punishment for serious offenses committed while in such status, but should be tried before civilian courts. By serious offenses we mean crimes of the same degree of seriousness as felonies at common law.

12. Awards and benefits

All laws of the United States pertaining to the granting of military medals or decorations, military disability retirement or compensation, dependents and survivors benefits, veterans benefits (including benefits to dependents or survivors), or other special benefits to military personnel or their dependents on the basis of wartime service of such military personnel shall apply in like manner to service performed in such areas and during such period as proclaimed by the President where combat or combat conditions exist and the United States forces to which such person is attached are either engaged in the combat, engaged in military operations designed to carry out any treaty or other international obligation of the United States.

13. AVC notes that legislation has been enacted which expedites the naturalization process of servicemen and ex-servicemen and which allows noncitizen widows of servicemen who die while on active duty to be naturalized without penalizing them for the death of their husbands.

The problem of aliens in the armed services being sent overseas before their naturalization is complete, even though no prior period of residence is required, persists. AVC urges that, *either,* following the precedent, set in former Section 702 of the Nationality Act of 1940, provision be made for such persons to be naturalized while outside the United States, *or that the services adopt a ruling whereby service personnel in process of Naturalization, who are not themselves contributing to the delays involved, will not be sent overseas until the naturalization process is complete.*

(First 3 resolutions below carried over from 1969 Platform.)

RESOLUTION ON MILITARY JUSTICE

AVC strongly condemns the actions of the military services in response to recent demonstrations, expressions of dissent against military policies, and stockade incidents, which have resulted in placing charges against these individuals for the most serious offenses possible.

AVC has always recognized that a proper balance must be maintained between the demands of the military to maintain order and discipline and the rights of servicemen as they are guaranteed by the Bill of Rights. However, the possible deterrent effects of harsh punitive charges and sentences must not be allowed to be the sole factor in determining the reaction of military authorities to such incidents. The rights of servicemen must be protected just as much as the rights of civilians if the system of military justice, about which serious questions as to its procedures have been raised, is to command confidence.

AVC urges the military services to treat in a restrained and judicious manner these offenses, to retain confidence in the system of military justice.

RESOLUTION ON ADMINISTRATIVE DISCHARGE

While AVC favors in principle the legislation now pending in Congress which is designed to:

1) Provide the statutory framework for the administrative discharge process.

2) Insure that those whose administrative discharge is proposed are given a fair hearing, have access to counsel who are members of the bar, have the right to have witnesses called on their behalf and are given other safeguards.

AVC also calls for the amendment of the legislation now pending so that the so-called "General Discharge under Honorable Conditions" will be treated as the mildest form of punitive or less-than-honorable discharge. Military personnel faced with the prospect of being awarded a General Discharge under Honorable Conditions should be given safeguards which substantially approach those now proposed for the lesser forms of discharge. The oft-repeated contention of the military services that the "General Discharge under Honorable Conditions" is merely another form of Honorable Discharge is not borne out by the experiences of those whose service has been so stigmatized, and the existing power of a single commander to impose a General Discharge must be curbed.

AVC further calls for the deletion from those copies of discharge certificates which

are to be exhibited to prospective employers and others of references to service regulations which reveal the reason for discharge, if such reason can reflect on the individual. If it is necessary to delete the reason for discharge from all discharge certificates in order to prevent adverse comments to be drawn from the absence of an indication of the reason, then AVC supports deletion of all reasons for discharge.

RESOLUTION ON NAMING OF A VA HOSPITAL

AVC supports the bill introduced by Congressman Bingham, H.R. 745 to rename the VA hospital in Jackson, Mississippi as the Medger Evans Hospital.

RESOLUTION ON EMPLOYMENT PROBLEMS OF RETURNING VETERANS

The problems of the returning veteran in our nation's capital are made even more severe by the lack of a representative local government to meet his needs. Therefore, Be It Resolved:

That the Senate Subcommittee on Veterans Affairs be requested to investigate and correct these serious and glaring hardships which leave most veterans unemployed, untrained for a new position, restricted to the ghetto, frustrated and disillusioned.

RESOLUTION ON D.C. CHAPTER RED CROSS

The D.C. Chapter of the Red Cross has been seriously deficient in its treatment of the returning veterans. The AVC D.C. Chapter is requested to investigate this problem and to recommend action to the National Board.

RESOLUTION ON ADVANCED ALLOWANCE FOR RETURNING VETERANS

Be it Resolved: In order that the disadvantaged Vietnam era veterans have an opportunity to attend a college or technical school without due hardship, he should be given his G.I. Educational Benefits Check in August, prior to the commencement of the school year, rather then receiving his check in November which is the current procedure. This forces many veterans into debt and hardship, and also keeps many veterans from applying for benefits which they have earned by their military service.

We strongly urge passage of S3657, the Veterans' Educational Assistance Advance Allowance and Work Study Program.

RESOLUTION ON A CONFERENCE ON RETURNING VETERANS

One of the severest problems a veteran faces today is the abrupt transition from the battlefield to civilian life. In 1970 the problems he faces are far more difficult than those faced by veterans in 1945 and 1952. This is of concern to the nation as well as to the Veteran and his family.

Therefore, Be it Resolved: That the National Board be directed by the convention to make every effort to call a conference on the returning veteran in the same manner and fashion as its outstanding Conference on the Human Rights of the Man in Uniform. To such a conference should be invited not only veterans and veteran groups, but also other civilian groups who are affected and interested in this transition.

RESOLUTION ON "ATROCITIES AND SILENCE"

As Veterans of savage and bloody wars, we are shocked and ashamed at the reported atrocities committed by both sides in the war in Southeast Asia. In addition, we are convinced that incidents such as that in My Lai could not have been prevented from coming to public attention for two years if a considerable number of officers in senior positions had not been determined to keep the matter secret. AVC calls for whatever action may be necessary to make sure that members of the Armed Forces who take it on themselves to call the attention of the Congress and the people to any such incidents are effectively protected from reprisals and that 'conspiracies of silence' are explicitly, severely punished quite apart from the incidents themselves.

RESOLUTION ON RELIGIOUS FREEDOM

The AVC supports the principle of freedom of religion in the armed forces. Religious observance should be neither denied nor compelled, nor exploited for non-religious purposes.

The AVC recognizes the propriety of providing chaplain and chapels, so that military personnel are not deprived of the right to worship as they see fit.

Instances have recently come to light, in which chapel attendance has been made compulsory in service academies. In other instances, armed forces chaplains have been used to indoctrinate service personnel on military, political, and religious matters. The AVC deplores such practices and urges that they be discontinued promptly.

RESOLUTION ON MILITARY EXPENDITURES AND DOMESTIC NEEDS

It is well established that the needs of our domestic economy are so critical that they cannot be met at the existing level of federal expenditures. The problems of pollution, hunger, poverty, living conditions in our cities and rural areas, public safety, and other domestic needs, require massive infusion of federal funds not available in the present budget.

Our inflated military budget has taken badly needed public funds from our domestic programs. AVC believes that the present military establishment can be cut, especially our Forces stationed in Bases throughout the world, without sacrificing our National Security, and that the requirements of domestic programs should have at least as high a priority as our military requirements.

We therefore urge:

That the military budget be substantially cut and such funds be used in domestic programs.

That any savings from a cut-back in Vietname expenditures be used for domestic rather than be transferred to other military purposes.

That we actively pursue the SALT talks and any savings resulting from an arms limitation treaty be diverted to domestic needs.

That a more effective scrutiny be given new and untried weapons systems which would put a heavy financial strain on the defense budget in future years.

That significant cuts be made in the size of our armed forces and supporting civilian personnel especially in our forces stationed in bases througout the world, without impairing our national security.

RESOLUTION ON CIVIL RIGHTS IN THE DEPARTMENT OF DEFENSE

The American Veterans Committee, in Convention assembled:

1. Welcomes the action by the Department of Defense in focusing attention on Civil Rights by appointing a Deputy Assistant Secretary whose sole function will be Civil Rights.

2. Regrets that racial strains have increased rather than diminished in recent years.

3. Reminds those concerned with military-related costs that the cost of racial friction (lost man-hours, reduced combat effectiveness, added cost of burdens on the military justice and military confinement systems, lower efficiency by those alienated) is many times—greater than the cost of a Civil Rights staff large enough, well funded enough, and sufficiently well backed to do an effective job.

4. Urges the Secretary of Defense to strengthen the Office for Civil Rights, Department of Defense, in personnel and in funds to the point at which it will have a real impact.

5. Points out that among reserve and National Guard personnel with the obligation or the opportunity to serve short tours of active duty, are many with particular expertise in the civil rights area and urges that these skills be better utilized.

6. Recalls that AVC has, throughout its history, worked closely with the Department of Defense in the civil rights area, on projects such as the tour of Southern Military bases by AVC leaders in 1960 and the Audit of the National Guard undertaken in 1963.

7. Offers whatever services it can render in this area to the Department of Defense.

RESOLUTION ON THE DRAFT

AVC reaffirms its position on the draft as stated in our platform and as presented in detailed testimony before the House and Senate Armed Services Committees in 1967.

AVC also continues to deplore the lack of Congressional action for specific reforms of the draft law which have received wide public support, and which were endorsed by AVC, which are urgently needed.

Further;

1. AVC reiterates its position against a mercenary army, and will seek to testify before the "President's Commission on an All-Volunteer Armed Forces."

2. AVC supports provisions which will enable students who have begun their studies to delay their active duty until they have reached a reasonable point of completion of these studies, but which will not exempt them from service. In this connection, AVC suggests that consideration be given to an adaptation of the Enlisted Reserve Corps program used during World War II.

3. AVC reiterates the positions it has previously taken concerning the improvement of the legal rights of draftees, composition of draft boards, system of selection, etc.

4. AVC agrees with the recent Supreme Court decision whereby total conscientious objection need not rest exclusively on a religious basis, but may instead be based on sincere philosophical or ethical views.

AVC asks for a uniform implementation of the new principles enunciated and urges that consideration be given to ways in which sincere selective conscientious objection can be recognized.

RESOLUTION ON NON-DISCRIMINATION IN THE MILITARY MEDICARE PROGRAM

While AVC was greatly encouraged by the decision of June 10, 1968 of the Department of Defense to coordinate its efforts in achieving non-discrimination in the Military Medicare (CHAMPUS) Program with the Title VI enforcement effort in medical facilities being conducted by the Office of Civil Rights at HEW . . .

AVC regrets that the plans for coordination have not been implemented (except with regard to some eight hospitals), due to the failure of the Department of Defense to authorize a very minor item of reimbursement to HEW.

Calls upon the Department of Defense to implement its policy and to launch coordination effort so long delayed.

We regret that, one year later, the policy adopted in 1968 has not yet been implemented.

We call on the Secretary of Defense to inform us by when we can expect progress in this area.

NATIONAL AFFAIRS

AVC stands for the Bill of Rights as a living force animating the political life of our Nation and as a firm limitation on the arbitrariness of government.

AVC stands for the Bill of Rights as a guarantee of our freedom to speak, to assemble, to believe, and to dissent without fear from the conformities of the day.

AVC stands for equality for all, regardless of race, color, ancestry, national origin, religion, sex or age, and for the constitutional guarantees of such equality.

AVC stands for just legislative represen-

tation of the people of the United States, the States and their subdivisions, without poll taxes or other property qualifications for voting, with equal weight for each vote, and on a geographically fair basis, within the framework of the Constitution of the United States.

AVC stands for a policy of gainful, full employment and security for all, as outlined in the Employment Act of 1946.

AVC stands for responsible, efficient, and honest government and for the merit system in government employment.

AVC stands for a government possessing and willing to exercise all powers necessary to bring about a solution of our national problems.

AVC supports the active intervention of government, primarily of the Federal Government, in the economy and the general welfare of our country to stimulate and provide employment to improve the physical condition of our cities and towns, of our housing and our schools, to bring all the greatest benefits from the development and conservation of our natural and industrial resources and to provide for the general welfare and health of our country to stimulate and provide employment to improve the physical condition of our cities and towns, of our housing and our schools, to bring all the greatest benefits from the development and conservation of our natural and industrial resources and to provide for the general welfare and health of our people.

AVC supports a tax policy based on ability to pay and opposes regressive sales and excise taxes.

AVC stands for the recognition of equal rights for labor and management and for improved social benefits of employees.

AVC supports an educational system and a public health system which will give the American people, and America's youth in particular, the knowledge, skills, and training, and the physical and mental health and stamina, to continue their forward march toward America's democratic fulfillment.

Government and liberty

I. The Nation's Freedom—the Bill of Rights

1. We affirm the basic right of all Americans to due process of law, the right to counsel and to freedom from unlawful search and seizure. We oppose all efforts to suppress freedoms to believe, speak, write, assemble, criticize, and dissent.

2. A. We urge strong and consistent enforcement of existing laws and regulations which will insure to the citizens of the United States and of the several States the full measure of their privileges and immunities of due process of law and the equal protection of the laws guaranteed to them by the Constitution, regardless of race, color, ancestry, national origin, religion of sex, or wage, and urge the national, state and local governments to enact such further laws, ordinances and regulations as may be needed further to insure these ends.

B. We believe in the principles of the separation of church and state.

C. We favor freedom from censorship of newspapers, magazines, radio, television, motion pictures and other media by the Post Office, Customs Bureau, police departments, and other units of government as well as by private pressure groups.

D. We oppose the use of wiretapping and electronic and other forms of eavesdropping devices whether by private individuals or Government officials, elected or appointed.

E. We urge protection by Federal law of all members of the Armed Forces from physical violence because of race, color, ancestry, national origin or religion.

F. We urge making lynching a Federal crime, as well as making provisions for compensation to the families of lynching victims.

G. We favor Federal legislation making it a crime to bomb or to conspire to bomb school, church and other public and quasi-public property.

3. A. The right against self-incrimination. No inference should be drawn in regard to guilt in any legal proceeding of any person solely because he exercises this right.

B. The right to travel. The right of an American citizen to travel abroad should not be arbitrarily abridged by the Federal Government.

II. The Nation's Government

1. Freedom of information: The right of the people to full knowledge of government affairs must not be abridged, except where disclosure would imperil the national security or where disclosure would, without substantial public benefit, encroach on the right of the individual to personal liberty or freedom.

2. Congress: We urge proper changes in the rules of the Congress of the United States which will make it possible for the majority of the members to vote cloture or closed debate on legislation after a reasonable period, and which will make merit, not tenure alone, the standard to be used in the selection of committee chairmen.

We urge changes in the House and Senate rules to require recorded votes on all actions to facilitate this procedure, we urge that electronic voting machinery be provided.

3. Federal-State Relations: We favor strict Federal standard-setting and enforcement in all federal grants in aid.

4. State and local government: We urge reapportionment within the States consistent with the principle "one man-one vote."

5. The Federal civil service:

A. Apart from discharges based on reorganization of Government activities or redution in force, Government employees should be discharged only for cause and through due process of law. The employees should be presented with a written statement of charges, have the right to a hearing before an impartial board. He should have the right to present evidence, be confronted with adverse witnesses, cross-examine witnesses, and receive a transcript of the hearing free of charge. Action toward his separation from the Government service should be taken only on the basis thus made.

B. The rights granted to veterans in the Veterans Preference Act in regard to discharge procedures and appeals should be extended to all Government employees except those in probationary status.

6. District of Columbia: We urge that the District of Columbia receive, by legislation or by constitutional amendment where the matter cannot be handled by legislation:

A. The right to local self-government and;

B. The right of elect Senators and Representatives in Congress;

C. An equitable annual Federal contribution in lieu of taxes.

Economic security

III. Basic Economic Policy

1. We continue to support the Employment Act of 1946 which states it is the policy of the Government to create and maintain "conditions under which there will be afforded useful employment opportunities including self-employment for those able, willing and seeking to work and to promote maximum employment, production, and purchasing power."

2. To insure the interest of the consumer, we urge Congress to establish a Department of the Consumer, to be headed by a secretary of Cabinet rank.

IV. Monetary Policy and Tax Policy

1. Monetary policy:

We urge the establishment of Federal capital budget for reimburseable public works appropriations and to improve the accounting and budgetary operations of the Government.

2. Tax policy:

A. We urge elimination of special provisions in the internal revenue laws which are discriminatory in nature. As blatant examples, we point to the favored tax treatment of the extractive industries, the restricted stock options for corporate executives, the retirement income credit, the preferred tax treatment of profits on stock market transactions, and the dividend exclusion and credit provision.

B. We also call for an end to the abuse of the deductibility of business expenses to finance luxurious travel, vacations, and entertainment for business management, professional men and sales executives.

V. The Urban Crisis

AVC from its inception has been vitally concerned about the urban crisis, and we recognize the urgency of effective action to overcome the conditions which have caused it. These are many-faceted, including a shortage of jobs, of homes, of services, of educational incentives, of recreational opportunities. They also include environmental pollution and the citizen's increasing inability to influence or even participate in city government by democratic means. Many of these evils are most concentrated in the slums.

The concept embodied in the Model Cities program, of strengthening local government and the people it serves to solve these problems, offers a sensible approach to solution of the urban crisis itself. AVC urges expansion of this demonstration program to all communities which may benefit from it, with adequate financing for both the development of local plans and the federal programs which are expected to contribute to their implementation. We intend to be vigilant, that the focus remains, under the new program guidelines on the disadvantaged in the cities.

Citizen participation in the planning and administration, as provided for in Model Cities, Community Action and other programs, is the democratic means of assuring that resources intended to help the disadvantaged are not bargained away without the consent, or at least the understanding, of the poor themselves. We urge the Congress to retain its requirements for citizen participation and extend them to additional programs which the federal government supports. We urge also that provision be made and funds be allocated for independent planning staff and facilities for citizens' groups and commissions.

An important aspect of the urban crisis is housing. Physical reclamation af the slums requires the provision of housing for those who now inhabit the slums, at rents or prices which are fair and which they can afford to pay. To bring this about, we favor flexible use and adequate funding of the variety of programs now in use, including rent supplements, eased purchase credit, reduced interest costs. We also recognize that it will be some time before the private housing industry will be able to play a significant role in such low-return activities, and we therefore call for the widest variety of public investments in housing, such as traditional public housing, turn-key housing, direct interest-free loans and leased housing. And we need serious thought about new approaches.

Beyond the creation of the necessary housing, our government must assure that access to housing is assured regardless of the race, color, creed, national origin, age or size of family of the prospective user. We call for vigorous enforcement of the Fair Housing provisions of the Civil Rights Act of 1968, which was a start toward elimination of the ghettos.

We also recognize that the urban crisis is affected by the rural crisis which has long been apparent but ignored. We therefore demand that the scantly-funded rural counterpart programs be revitalized and used toward stabilizing the life of our rural citizens

in the countryside where they prefer to live instead of forcing them to migrate to the cities, often to be engulfed by the slums.

VI. Conservation and Development of Natural Resources

We accept as a cardinal principle of conservation policy that the natural resources of this land are given to us in trust for the people of this and subsequent generations. The benefits of these resources must be distributed widely and equitably and a share thereof must be preserved for future citizens.

Through comprehensive and coordinated national and regional planning and development, wise use, and enlightened conservation, this can be done. The very nature of the problem requires that Goverment play a major and controlling role in assuring that conservation.

1. Department of Natural Resources. We propose the organization of the Department of Natural Resources. Such a new department should provide for regionally decentralized opportunities for program formulation and execution, while clearly placing federal responsibility for resources development within the framework of a single agency. The regional multi-purpose concept may require that specific localities or projects be reserved or developed for one or more preferred use.

2. Water and Air Conservation:

A. We reaffirm our strong support of comprehensive multi-purpose river basin development and urge the accelerated application of this principle to our river basins.

B. We similarly favor regional planning by the States and metropolitan areas as well as area redevelopment.

C. We urge the Federal Government to undertake the planning and construction of multi-purpose water and power projects similar to the one provided in the Tennessee Valley. Their very scope requires government development and precludes the short-term piecemeal operations of private interests.

D. The conservation and development of adequate fresh water supplies to meet expanding needs for domestic agricultural, industrial, wildlife and recreational uses, and the protection and improvement of water quality, especially in relation to accumulated pesticides and other contaminating matters, are of increasingly urgent concern.

3. Energy resources conservation. We call for:

A. The maximum feasible development of our only renewable energy resource hydroelectric power including Federal construction of multi-purpose power dams and other waterpower, irrigation, flood control and navigation works using standards of feasibility and repayment schedules for such projects based upon their reasonably expected service life.

B. A continuation and acceleration of the Federal programs to develop and stimulate development of effective processes for the utilization of our immense reserves of oil, natural gas, shale and coal.

C. We urge a major increase in the scope and speed of air pollution prevention measures.

D. The development of atomic energy (both fission and fusion type) for power and other peaceful purposes.

4. Recreation and Wildlife:

The expansion in the demands for outdoor recreation opportunities requires that we add to our national park system and increase the recreational developments on our national forests, public lands, reservoirs and seashores.

We endorse legislation to control billboard erection in scenic areas. Urban planning and redevelopment should include provision for open spaces and outdoor recreation areas.

5. National Land Reserve.

We support the concept that our remaining public lands constitute a "National Land Reserve" to be administered for the benefit of the public with appropriate safeguards for future generations.

6. Pesticide Control.

We urge careful consideration and close supervision of pest control programs in recreational, farming, and urban areas.

VII. Agriculture

American agriculture is increasingly the victim of the owners of the new machines, themselves investors rather than farmers. Hired workers are displaced from jobs, and farm lands are being concentrated in fewer hands as farmers themselves are displaced.

AVC calls for a four-part approach to the resulting problems:

1. A reduction of subsidies to industrialized agriculture, those now being paid in proportion to production or for practices which, like some in other industries, are a normal part of the business;

2. New approaches to two problems of the sub-marginal farmer and the farm laborer, recognizing that their plight is closely related to that of the underemployed urban worker and is only in part agricultural.

3. Strengthening the economic family farm through greater attention to credit, service and marketing needs;

4. Providing for rural people the whole range of educational, cultural, recreational, health and other opportunities already accessible to dwellers in metropolitan areas.

VII. Labor

We urge:

1. Periodic updating of the provisions of the Fair Labor Standards Act to insure the coverage of maximum numbers of categories of workers and a realistic and decent Federal minimum wage.

2. Enactment of laws for the full disclosure of the administration of pension and health and welfare plans, whether administered by unions or management or jointly by both. Federal law should follow existing Federal securities legislation and State laws such as that of the State of New York for the exemptions contained in the latter.

IX. Social Welfare

As veterans concerned with the social welfare of all citizens we urge:

1. Federal standards to increase unemployment insurance benefits, more realistic eligibility standards and lengthening of the period for which benefits are paid.

2. Development of a strong and unified child welfare program with the Department of Health, Education and Welfare.

3. Development of Federal services and grants-in-aid for the prevention and control of narcotics addiction, based on the premise that drug addiction is a disease to be treated.

X. Education

1. We recognize that "in the quality of education lies the fate of freedom itself." We urge the provision of educational opportunity for every American to the limits of his capacity, and the identification of the talented among us in order to challenge them to their highest achievement.

2. To improve and extend existing scholarship and loan programs for college and university students.

3. To extend scholarship and exchange programs for study by Americans abroad and by nationals of other countries in the United States.

4. To appropriate adequate Federal aid to communities impacted by Federal programs.

5. We oppose the use of public funds whether as grants or loans to non-public elementary and secondary schools.

XI. Public Health

We urge:

1. Increased Federal expenditures for research in the prevention and care of illness.

2. Expansion of medical insurance and group medical care plans, including a plan for national health insurance.

3. Expansion of public health facilities and services hospitals and nursing homes, without regard to race, color, ancestry, national origin, religion or sex.

XII. Indian Rights

We oppose revocation of commitments entered into by treaty between the U.S. Government or the Government of any state and the various Indian tribes.

We support all efforts (1) to safeguard Indian lands and resources from exploitation and expropriation in violation of treaty rights and (2) to make the Indian tribes capable of supporting themselves from the proper development of their resources.

We support adequate health and educational services for the Indian tribes capable of supporting themselves from the proper development of their resources. We support adequate health and educational services for the Indian reservation as well as training in modern industrial and management skills to enhance the opportunities for better living and the ability of the Indian tribes to manage their own affairs.

We also support social services to those Indians who desire to live outside their tribal reservations so as to assist them in adapting themselves especially to urban living and to protect them against discrimination and hostility in their new environment.

RESOLUTION ON CLASS LITIGATION

Class action litigation, by which law suits brought for all injured or damaged parties against manufacturers of unsatisfactory products, have proved highly effective in protecting the interests of consumers. AVC supports legislation which would authorize such suits on the initiative of consumers without waiting for action by the Federal Trade Commssion or the Department of Justice.

RESOLUTION ON FEDERAL GOVERNMENT LABOR MANAGEMENT RELATIONS

The American Veterans Committee views with hope the growth of labor management relations for those in public service.

AVC urges that the President or Congress act quickly to change the requirement in the Executive Order covering labor management relations in the Federal Government that charges leave to those representing Federal employees in contract negotiations while their management counterparts are paid for work at the same bargaining table.

RESOLUTION ON THE SUPERSONIC TRANSPORT APPROPRIATION

The American Veterans Committee opposes the proposed appropriation for the Supersonic Transport. The money is more urgently needed for critical domestic needs, and our sense of priorities should use such money to fight hunger, poverty, and pollution, rather than transport a few hundred people a few hours quicker to their destination. Our country cannot afford the noise and air pollution that would result from such transportation. The anticipated economic benefits will not offset those disadvantages.

RESOLUTION ON THE STRUGGLE FOR AN INTEGRATED SOCIETY

For the first time in over twenty years, the President of the United States and his Administration are retreating from the goal of an integrated American society.

Noting the barriers to integration, they extend their sympathies to those who resist change toward full equality for our ethnic and racial minorities. In turn, some leaders among those minority groups see as the only alternative to victory in the struggle, a retreat into separation or to revolutionary doctrines. We understand their feelings, but we can not agree that the cause is lost.

The long years of discrimination against our minority groups will not be remedied without constant attention and effort from all concerned Americans.

Therefore, we call on all people to take their stand for equality of opportunity NOW, when the situation is so lacking in promise but when commitment in this cause is most needed.

All Americans need this encouragement. Those who oppose an integrated society must understand that the full weight of the Federal Government will again be used to assure the full implementation of our constitution and civil rights laws.

RESOLUTION ON LEVELS OF VIOLENCE

Whereas The increased prevalence of mass protest demonstrations has produced a reaction on the part of law enforcement agencies and officers; and

Whereas In many places across the country the reaction has deliberately been given a force far beyond that needed to maintain peace, given the nature of the participants' own strength, and

Whereas It has become obvious that whatever the intent of the political officials or of the law enforcement agencies, including the state-service National Guard units which were called in, enough of the men involved were without sufficient training to maintain their own discipline; and

Whereas Even when law enforcement agencies have people in custody and totally without defense, they have often acted with cruelty, unnecessary roughness, and primitive vindictiveness, absolutely contrary to the American professions of fair play and punishment only for crimes, and then only after conviction and to a degree related to the seriousness of the offense; and

Whereas Enough dissenters have used open violence in their protests to give the appearance of grave immediate danger to our lawful ways of life creating an atmosphere for counter-violence; and

Whereas Similiar breakdown of the American standards of behavior has been revealed increasingly in police forces, correctional institutions and the armed forces, leading to damage, personal injury, and even death, particularly to members of minority groups.

Now Therefore Be It Resolved, That AVC condemns the use of violence and deliberate incitement to violence by any of our citizens; and be it further

Resolved: that AVC condemns the use of broad and deadly forces by law enforcement agencies, civil and military, against our own citizens and be it further

Resolved That AVC demands that the Justice Department devote an adequate fund to training police forces and correctional institution staffs so that they will be able to do what is necessary to maintain domestic tranquility, and no more, and be it further

Resolved That the U.S. Community Relations Service develop guidelines for objective evaluation of police and related misconduct, so that an end can be brought to it, and be it further

Resolved That AVC urges all public figures to heed the injunction to "lower our voices" as a step toward lowering the level of violence abroad in the land.

SENSE RESOLUTION

AVC reaffirms its support of a constitutional amendment that would provide for the direct election of the President and Vice President by popular vote.

INTERNATIONAL AFFAIRS

We the members of the American Veterans Committee, believe that in international affairs the objective of the United States is the maintenance of peace. All else aside, the world must avoid the holocaust of nuclear war. Within that framework our foreign policy, like our domestic policy, must be oriented to enhance the welfare of the individual, be he black, white, brown, or yellow, so that he may eat and sleep in safety, live his life under government of his choice and realize to the fullest extent possible the measure of his aspirations.

I. The United Nations and World Government

The United Nations continues to be man's best hope for peace. American support to the United Nations must be an essential part of our foreign policy. The authority of the United Nations must be progressively strengthened in a process which sees the selective yielding of the prerogatives of national sovereignty in a manner that will enhance the fundamental freedoms and the well-being of all the peoples of the world.

Recognition of the rule of law principle in international relations is an essential of action in reinforcing the United Nations role in the maintenance of peace and security. Appropriate means must be found to widen the area of internationally accepted standards and American compliance therewith. Prompt repeal of the Connally reservation by the United States Senate would be a step in this direction.

We believe that there must be an acceleration of progress in the ratification of existing international human rights conventions by the United States. Where necessary, enabling national legislation should be enaacted to bring our laws into conformity with these conventions. United States action in this respect has been grossly inadequate and has hindered a greater assertion of American leadership which is required.

We regard the integrity and independence of the Secretary General's office as expressed in the Charter crucial to the existence and growth of the United Nations. We shall oppose any attempt which seeks to weaken the powers of this office.

We favor encouragement and aid to the formation of supranational authorities of a regional nature consistent with the U.N. Charter and of treaty arrangements which limit the sovereignty of the participating nations in order to secure mutual advantages, such as the European Common Market, Euratom and others. The United States should further encourage and support European initiatives through the European Economic Community, Euratom, the Council of Europe, or otherwise to create, consolidate and strengthen institutions which may lead to a politically stable and prosperous European entity.

We fully support the enlargement of the peace-keeping function of the United Nations. The use of peace-keeping forces by the United Nations should be supported financially on an obligatory basis by all members of the United Nations. The allocation of military forces on a standby basis should be encouraged and established systematically through the creation of a permanent planning mechanism in the United Nations.

We favor the ultimate establishment of democratic world government.

II. World Veterans Federation

We point with pride, and pledge our continued support to the World Veterans Federation, a world-wide organization of former fighting men whose activities are a remarkable example of the kind of private international co-operation on which lasting world peace and justice can be built.

III. Nuclear Testing and Disarmament

Complete elimination of nuclear weapons testing and establishment of international controls on this most dangerous weapons technology should be the goal of American foreign policy. Our world finds itself in the unique and unenviable position where one generation can make life on earth unlivable for another generation.

The adoption by the United Nations of a non-proliferation Agreement is a significant advance despite the reservations of some member states. The United States as the foremost nuclear power, must move forward in this regard by ratifying the Agreement as rapidly as possible.

The new initiatives by the United States and the USSR to begin negotiations toward the limitation of offensive and defensive nuclear ballistic missile systems is an important next step. United Nations action to convoke meetings of the five nuclear powers—Britain, France, the Soviet Union, China and the United States is further movement toward the desirable goal of creating controls of these awesome weapons. Only by showing their good faith can the nuclear powers induce other states to forego development in this most dangerous area, lower international tension, and avoid the allocation of needed resources to essentially destructive and wasteful ends.

Complete and total disarmament is the ultimate summum bonum, but this is an objective remote in time and immediate achievement is not feasible. Efforts toward that goal, nonetheless should be made by the United States and should be encouraged in other nations. Mankind can never reach its true destiny if it must continue to allocate so high a percentage of its resources to forge the weapons of war.

IV. The United States and its Allies

Inevitably differences will arise between the United States and its Allies, but there are differences which can be resolved around the conference table. In its negotiations the United States should seek no more than the rights and privileges of a willing partner.

The North Atlantic Treaty Organization was formed in a world considerably different from the world of today. It is time for the NATO Nations to reassess the objectives and reformulate the NATO role. Its continued organization and operation should reflect its changing purpose.

In Latin America, the United States has uneasy allies, but allies nonetheless. We must bend every effort to erase the image of the United States as a prosperous, patronizing, and paternalistic benefactor. It should be the objective of the United States foreign policy to create instead an image of a United States that wants to be a good partner, as well as a good neighbor, in helping the peoples of Latin America work out their own destinies.

The United States should, at every turn, encourage the United Nations or the Organization of American States to be the forum in which to resolve differences and disagreements among or with our Latin American neighbors. We must show by word and deed that we have no desire to impose our own form of government or way of life upon any country of Latin America. At the same time we must make it clear that we will honor a call for help by any Latin American country whose existence and destiny is being threatened by external foreign directed activity.

V. The United States and the World

The twentieth century is the era of the developing nations of Latin America, Africa, and of Asia. The United States must stand ready to help these nations and peoples, if they seek our help, to establish their way of life and direct their own destinies.

The forum of the United Nations must be held open to them in their efforts to develop responsible independence, and the services of the specialized agencies should be placed at their behest.

Our era is characterized by an ever-widening gap between the social and economic bases of the developed countries and those of the developing countries. This decline in the relative position of the developing countries, accompanied as it is by a population explosion, can lead to dangerous world tensions which could threaten world peace because of increased violence and disorder. New means must be found to close this gap through mobilization of efforts on a worldwide basis, including increased economic assistance from developed countries and greater self-help from the developing countries. The United States must be prepared to make greater contributions to the United Nations' efforts in this field, through other multilateral arrangements, and through bilateral aid. The goal of alloting 1% of the gross national product to this end as set by

the United Nations is not unreasonable and well within the means of the United States.

United States foreign aid to developing countries should be utilized at points of greatest potential. In providing bilateral aid the United States should give priority to those countries which can make the most rational and productive use of such aid. In measuring the efficacy of United States aid, due weight should be given not only to economic considerations but also to the nation-building process including the strengthening of democratic institutions and the consolidation of efforts on a regional basis. The United States should use its financial and economic resources to help the people of weak and developing nations achieve self-government, and should, if requested, provide economic help to prevent them from engulfment or encroachment by foreign powers seeking to impose their own ideologies, disciplines or governments.

Only when asked and only when it is clear that armed force is necessary to thwart a takeover by powers inimical to the welfare of a weak and developing nation should the United States furnish military assistance. In these circumstances the United States should stand ready to give military aid to such a country to oppose imposition of an external power, and should make it clear that its military effort is directed toward that objective alone.

VI. Soviet Union and Communist China

The years have shown that coexistence with the Union of Soviet Socialist Republics is not only possible, but is also a necessity if the world is to remain at peace. This must be our modus vivendi for the forseeable future. Every step should be taken to enhance, improve, and expand the spheres of coexistence whether by more frequent cultural exchanges, increased travel by United States citizens to the Soviet Union and the satellite countries, expanded trade beyond the Iron Curtain, or others. If we follow this policy and practice we shall find the areas of agreement becoming wider and the differences, narrower. The inevitable result, where people meet people, is that the government of the Soviet Union will no longer be able to insulate the Russians from the ways of the free world and disregard the yearnings of the Russian citizenry—which we believe to be the same as ours—for a world at peace and for good will to other peoples of the earth.

Communist China is the riddle wrapped up in the enigma that Russia used to be.

Any and all avenues that help us learn more about it or initiate exchange of ideas, must be explored. The forum of the United Nations is one primary means of increasing our knowledge. It should no longer be denied the Communist Chinese. We would not, however, deprive Nationalist China of its place in the United Nations.

VII. World Trade

The path to world peace through world trade is long, tortuous, and not always clearly marked. The United States should take the lead in, where possible, and encourage, where not, the movement toward freer trade among nations. Countries must export as well as import and stabilizing adjustments will have to be made. Where hardships are visited upon domest industries, some form of temporary relief should be provided. AVC endorses the Trade Expansion Act of 1962 and urges its continued implementation by negotiations and agreements.

VIII. The Example of America

Events beginning with World War I and continuing in the post World War II world we live in have thrust upon the United States a position of power and responsibility it can neither avoid nor minimize. That position inevitably generates envy, jealousy, and hostility by less fortunate peoples of the earth. It is the difficult, but essential task of the United States to wear its mantle of world leadership gracefully, to use its power cautiously, and to exercise its responsibility wisely, striving to make the right decisions in order to preserve world peace and to enable the peoples of the world to work out their destinies in the atmosphere that accords the individual his basic human rights and permits him to achieve the fullest measure of self-expression.

RESOLUTION ON THE STRATEGIC ARMS LIMITATION TALKS

The fate of the world rests on the Strategic Arms Limitation Talks. Only if we seize the present opportunity will we be able to ward off a new spiral in nuclear competition. Failure would heighten the balance of terror and increase the possibility of nuclear war. Failure would result in increased arms expenditures, not only in our country, but throughout the world at a time when resources are critically needed throughout the world to combat poverty, hunger, and pollution.

Basic to a meaningful arms limitation treaty is a halt to the deployment of multiple independently targetable re-entry vehicles (MIRV) and the ABM system by the United States and the Soviet Union. For this reason AVC hails the overwhelming expression of the U.S. Senate in adopting S. Res. 211, which called for pursuing an agreed limitation of both offensive and defensive strategic weapons, and the proposal by the President for an immediate suspension by the U.S. and the U.S.S.R. of further deployment of all offensive and defensive nuclear strategic weapons systems subject to national verification and other appropriate measures of observation and inspection.

AVC urges the President to implement S. Res. 211. We further recognize that the impending deployment of MIRV and ABM system will complicate the SALT negotiations immeasurably. We, therefore, urge our government to halt further deployment for an interim period while the negotiations are taking place, and call upon the Soviet Union to do likewise.

RESOLUTION ON SOUTHEAST ASIA

The toll of human and material destruction wrought by the continuing conflict in Vietnam is repugnant to all people who are determined to pursue humanitarian objectives and to stop the process of killing and of destroying of property as avenues for settling disputes. The people of Vietnam have suffered severely for too long a time from controversies that had their genesis in colonialism and in ideological conflicts which most of this tortured people would surely prefer to solve through peaceful means.

The people of the United States, particularly the underprivileged, have also suffered severely because of the war. Urgently needed domestic programs have either been reduced or postponed. In addition, our country has become divided and many of our people have lost faith in the viability of our democratic processes.

AVC therefore welcomed the initiation of the peace talks in Paris as a means of resolving the bloody conflict in Vietnam. Unfortunately, despite a progressive narrowing of the political differences on many matters which divided the two sides, the Paris negotiations are at an impasse and have been overshadowed by an increase in the size and barbarity of the war.

New initiatives and directions are imperative. To bring peace and stability to South East Asia and restore a healthier social political and economic climate at home, AVC urges that:

1. The de-escalation of the conflict and the withdrawal of United States military personnel be accelerated.

2. Serious steps be taken towards a political rather than a military settlement of the war, including the immediate appointment of a high ranking United States representative to the Paris Peace talks who is authorized and empowered to negotiate a settlement and the presentation of specific proposals for such a political settlement.

3. The Congress of the United States adopt and the National Administration implement the McGovern-Hatfield Amendment to S.R. 609 (The Military Procurement Authorization Bill), the essence of which is the withdrawal of U.S. Military personnel from Vietnam be completed no later than June 30, 1971, unless Congress, by joint resolution, approves a finding by the President that an additional stated time period is required to insure safety of personnel during the withdrawal period.

4. Long range programs for the political and economic development of Vietnam should proceed under the auspices of the United Nations to which the United States should pledge economic and other support. The following specific objectives should be sought:

a. Self-determination through free elections;

b. Internationally guaranteed protection of minorities and dissident political factions;

c. Neutralization of Indochina;

d. Establishment and support of massive relief programs for victims of the war;

e. The adoption of a comprehensive land reform program to give the Vietnam peasant a stake in the future of his country.

RESOLUTION ON ARAB-ISRAELI CONFLICT

1. The withdrawal of the United Nations presence in the Middle East in 1967 was the significant event that led to the intolerable condition which now exists there. Therefore until international peace keeping and diplomatic procedures, administered by the United Nations, such as the Gunnar Jarring Mission, are re-established, no meaningful solution will be found to this dilemma.

2. AVC believes that the only way a lasting and stable peace can be achieved in the Middle East, favoring all countries, is by means of negotiations between Israel and the Arab countries, through and with the participation and assistance of the United Nations. In the interim, in view of the massive military support furnished to the Arab countries by France and Russia, the United States should sell air craft and other weapons to Israel, in order to maintain a balance of power in that area.

3. AVC supports the three-month proposal pending U.N. re-entry into the situation.

RESOLUTION ON HUMAN EXISTENCE

In view of the increasing threat to Man's continued existence on this planet, by reason of growing world-wide pollution and the population explosion, AVC calls for intensive international action through the United Nations for greater co-operation among nations for environmental preservation and population control.

RESOLUTION ON GENOCIDE CONVENTION

For over 20 years the United States has failed to ratify the International Convention against genocide, originally promulgated by the United Nations Commission on Human Rights under the chairmanship of Eleanor Roosevelt, and which has been ratified by virtually all other nations in the world. Today, at last, this agreement which has been supported by all administrations since its promulgation should be actively supported by the U.S. Senate.

RESOLUTION ON HUMAN RIGHTS

The world celebrated Human Rights Year in 1968. But the "celebration" was less of an achievement than the urgency to commit ourselves even more strongly to the eradica-

tion of violations of the rights of men throughout the globe.

These violations continue. A list of them would be tragically long, but we point with special shame to the unending oppression of the black majority of South Africa by the White minority; to the reprehensible anti-semitism of the government of the Soviet Union which both limits the freedom of its Jewish citizens within that country and prevents them from emigrating; and to the abandonment of free political debate within a growing number of Latin American countries and Greece.

Just as our Government must continue to promote greater human freedom within our own country, so do we call on it to do all within its power to vigorously encourage and work for an end to the deprivation of human rights, wherever it occurs.

STATEMENT ON THE MIDDLE EAST

HON. EUGENE J. McCARTHY

OF MINNESOTA

IN THE SENATE OF THE UNITED STATES

Thursday, September 17, 1970

Mr. McCARTHY. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks a thoughtful expression of judgment and policy on the Middle East.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT ON THE MIDDLE EAST—SEPTEMBER 8, 1970

The construction of numerous new missile sites by Egypt in the cease-fire zone has, after several weeks of hesitation, been acknowledged by the United States. This violation of the terms of the cease-fire not only raises the most serious questions about the long-term objectives of the Soviet Union and the United Arab Republic, it also directly challenges the American role as peacemaker in the Middle East. Israel agreed to the cease-fire only on the assurance of the United States that this acceptance would not be used to weaken her security, already endangered by the massive Russian presence in Egypt. Israel's democratically elected government put the case to its own people with great candor, stressing the risks entailed by the cease-fire and the American assurance. Yet today, Israel's position has been weakened by the Egyptian and Russian exploitation of the truce, and America's credibility has been placed in doubt.

We believe it to be the moral responsibility of the United States, as well as in our national interest, to keep faith with Israel and to maintain the substance of the cease-fire. We also believe that failure to do so contradicts the purposes of the American initiative and dooms in advance the hopes for a settlement. How can Israel—or indeed the Arabs—rely in years to come on such assurances as the United States can offer and such mechanisms as we can help create and sponsor if we cannot or will not insure a 90-day stand-still? For this, after all, is what the world needs and what the United States especially is in a position to promote—not simply 90 days of respite, but a lasting peace. The Russians may or may not want this; the Arabs and Israelis have not by themselves been able to find it. We call, therefore, on President Nixon and the administration to take prompt steps to restore the essential military balance between Israel and Egypt to that obtaining at the start of the cease-fire. Without such redress, there can be no fruitful negotiations, no believable guarantees, no stable frontiers, and thus no peace in the Middle East.

SIGNATORIES TO STATEMENT ON THE MIDDLE EAST WITH INSTITUTIONAL AFFILIATIONS FOR IDENTIFICATION ONLY

Kenneth Arrow, Professor of Economics, Harvard University.

Marvin Bernstein, Professor of Politics; Former Dean, Woodrow Wilson School, Princeton University.

Cyril Black, Princeton, New Jersey.

Zbigniew Brzezinski, Professor of Public Law and Government; Research Institute on Communist Affairs, Columbia University; Former Member, State Department Policy Planning Council.

William P. Bundy, Visiting Professor of International Studies, MIT; former Assistant Secretary of State.

Abram Chayes, Professor of Law, Harvard University; former Legal Counsellor, Department of State.

Karl Deutsch, Professor of Government, Harvard University; President, American Political Science Association.

Paul Doty, Mallinckrodt Professor of Biochemistry, Harvard University; Consultant, National Security Council.

John Kenneth Galbrath, Paul M. Warburg Professor of Economics, Harvard University; former Ambassador to India; former National Chairman, Americans for Democratic Action.

Leslie Gelb, Senior Fellow in Foreign Policy Studies, Brookings Institution; former Acting Deputy Assistant Secretary of Defense.

Morton Halpern, Senior Fellow in Foreign Policy Studies, Brookings Institution; former Senior Staff, National Security Council; former Deputy Assistant Secretary of Defense.

Stanley Hoffman, Professor of Government, Harvard.

Irving Howe, Professor of English, City University of New York; Editor, *Dissent* Magazine.

H. Stuart Hughes, Curney Professor of History and Politics, Harvard University; former National Chairman, SANE.

Samuel Huntington, Professor of Government, Harvard University.

Carl Kaysen, Director, Institute for Advanced Study, Princeton; former Assistant to President Kennedy.

Martin Kilson, Professor of Government, Harvard University.

David Landes, Professor of History and former Director of Middle East Center, Harvard University.

Arthur Link, Edwards Professor of American History, Princeton University.

S. M. Lipset, Professor of Government and Sociology, Harvard University.

Hans Morgenthau, Distinguished Service Professor and Director, Center for the Study of American Military and Foreign Policy, University of Chicago.

Martin Peretz, Assistant Professor and Chairman of the Board of Tutors in Social Studies, Harvard University.

Theodore Rabb, Associate Professor of History, Princeton University.

Edwin Reischauer, University Professor, Harvard University; former Ambassador to Japan.

Henry Rosovsky, Professor and Chairman, Department of Economics, Harvard University.

Arthur Schlesinger, Jr., Albert Schweitzer Professor of the Humanities, City University of New York; former Assistant to President Kennedy.

Robert Solow, Professor of Economics, MIT.

Fritz Stern, Seth Low Professor of History, Columbia University.

Edward Teller, Professor of Physics at Large, University of California; Member, United States Air Force Science Advisory Board.

Richard Ullman, Professor of Politics and Public Affairs, Princeton University.

Michael Walzer, Professor of Government, Harvard University.

Jerome Wiesner, Provost, MIT; former Special Assistant to the President on Science and Technology.

IT'S GREAT TO BE AN AMERICAN

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. ZWACH. Mr. Speaker, in these days, when we are hearing so much criticism of our country and its institutions, it is most refreshing to read a newspaper editorial such as appeared in the August 13 issue of the Clara City Herald, in our Minnesota Sixth Congressional District, "It's Great To Be an American."

I like this editorial particularly well because the editor, Kermit Swanson, is a young newspaperman, following in the steps of his father.

Mr. Speaker, with your permission, I would like to share this editorial with the thousands who read the CONGRESSIONAL RECORD by inserting it herewith:

IT'S GREAT TO BE AN AMERICAN

It is not unusual today to hear good Americans complain: "I love my country BUT there's a lot wrong with it. Our foreign policy is terrible. . . . Washington is filled with socialists (or opportunists, or reactionaries) . . . our youths are losing all sense of responsibility. . . . I wouldn't send my son to fight in Vietnam and lose his life if our government doesn't care enough to let him know what he's fighting for and doesn't have a policy to win . . ." etc, etc.

True, there are things that are "wrong" in America . . . but not nearly as many things that were "wrong" 200 years ago, or 300 years ago, or even 50 years ago. This country is still the greatest nation ever known to man; in terms of human, individual freedom; in terms of opportunity; in terms of material wealth; in terms of our spiritual heritage; by any number of yardsticks, America excells. This is still a country where one can dream and make his dreams come true. Dangerous days? Certainly—but no more dangerous than the new frontiers that were faced and overcome by the pioneers. The colonists were few and they were poor; but they were brave and they were courageous. They fought for independence when the odds were against them and they won. The United States became rich in men and women who could see the beauty of this land, who let it touch their hearts and fire their imagination and who made it an even greater land.

We haven't changed that much in the past 200 years. Being an American is still the richest privilege to be conferred to anyone. The riches are still here, the goodness is still here. Yes, there are improvements to be made—but nothing is wrong with America that can't be fixed.

Our land is too great for hatred, for vandalism, for despair. The time has come for loyal Americans to stand up for this country, for its constitution, for its flag. Whatever may be right or wrong at the moment, it is still our country—a country that is every bit worth fighting for, and if necessary, dying for.

SENATE—*Friday, September 18, 1970*

The Senate met at 10 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, who has given us the day for work and the night for rest, we thank Thee that Thou dost watch over us both by day and night. Make this new day a day of quest and of conquest, a day when the Members of this body translate the ideals of democracy into practical political, social, and economic realities. In these testing times may we open our minds and hearts to the guidance of Thy spirit, that all plans and programs, all decisions and actions, may be implemented by those spiritual dynamics Thou hast placed at our disposal for the creation of a nobler civilization.

Give Thy higher wisdom to the President, to the Congress, to the judiciary, and all elements of the Government that in unity of purpose the Nation may be well served and be a blessing to all mankind.

Hear us in the name of the Lord of Life. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication from the President pro tempore of the Senate (Mr. RUSSELL).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., September 18, 1970.

To the Senate:

Being temporarily absent from the Senate I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, September 17, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar to which there is no objection, beginning with Calendar No. 1182, and the remaining measures in sequence.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT OF THE BANKRUPTCY ACT

The bill (S. 4247) to amend the Bankruptcy Act, sections 2, 14, 15, 17, 38, and 58, to permit the discharge of debts in a subsequent proceeding after denial of discharge for specified reasons in an earlier proceeding, to authorize courts of bankruptcy to determine the dischargeability or nondischargeability of providing debts, and to provide additional grounds for the revocation of discharges was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 4247

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (12) of subdivision a, section 2, of the Bankruptcy Act (11 U.S.C. 11(a)(12)) is amended to read as follows:

"(12) Discharge or refuse to discharge bankrupts, set aside discharges, determine the dischargeability of debts, and render judgments thereon;".

SEC. 2. Subdivision b of section 14 of the Bankruptcy Act (11 U.S.C. 32 (b)) is amended to read as follows:

"b. (1) The court shall make an order fixing a time for the filing of objections to the bankrupt's discharge and a time for the filing of applications pursuant to paragraph (2) of subdivision c of section 17 of this Act to determine the dischargeability of debts, which time or times shall be not less than thirty days nor more than ninety days after the first date set for the first meeting of creditors. Notice of such order shall be given to all parties in interest as provided in section 58b of this Act. The Court may, upon its own motion or, for cause shown, upon motion of any party in interest, extend the time for filing such objections or applications.

"(2) Upon the expiration of the time fixed in the order for filing objections or of any extension of such time granted by the court, the court shall discharge the bankrupt if no objection has been filed and if the filing fees required to be paid by this Act have been paid in full; otherwise, the court shall hear such proofs and pleas as may be made in opposition to the discharge, by the trustee, creditors, the United States attorney, or such other attorney as the Attorney General may designate, at such time as will give the bankrupt and the objecting parties a reasonable opportunity to be fully heard."

SEC. 3. Section 14 of the Bankruptcy Act (11 U.S.C. 32) is amended by adding at the end thereof the following new subdivisions:

"f. An order of discharge shall—

"(1) declare that any judgment theretofore or thereafter obtained in any other court is null and void as a determination of the personal liability of the bankrupt with respect to any of the following: (a) debts not excepted from the discharge under subdivision a of section 17 of this Act; (b) debts discharged under paragraph (2) of subdivision c of section 17 of this Act; and (c) debts determined to be discharged under paragraph (3) of subdivision c of section 17 of this Act; and

"(2) enjoin all creditors whose debts are discharged from thereafter instituting or continuing any action or employing any process to collect such debts as personal liabilities of the bankrupt.

"g. An order of discharge which has become final may be registered in any other district by filing therein a certified copy of such order and when so registered shall have the same effect as an order of the bankruptcy court of the district where registered and may be enforced in like manner.

"h. Within forty-five days after the order of discharge becomes final the court shall give notice of the entry thereof to all parties in interest as specified in subdivision b of section 58 of this Act. Such notice shall also specify the debts, if any, theretofore determined by the court to be nondischargeable, the debts, if any, as to which applications to determine dischargeability are pending, and those contents of the order of discharge required by subdivision f of this section."

SEC. 4. Section 15 of the Bankruptcy Act (11 U.S.C. 33) is amended to read as follows:

"SEC. 15. DISCHARGES, WHEN REVOKED.—The court may revoke a discharge upon the application of a creditor, the trustee, the United States attorney, or any other party in interest, who has not been guilty of laches, filed at any time within one year after a discharge has been granted, if it shall appear (1) that the discharge was obtained through the fraud of the bankrupt, that the knowledge of the fraud has come to the applicant since the discharge was granted, and that the facts did not warrant the discharge; or (2) that the bankrupt, before or after discharge, received or became entitled to receive property of any kind which is or which became a part of the bankrupt estate and that he knowingly and fraudulently failed to report or to deliver such property to the trustee; or (3) that the bankrupt during the pendency of the proceeding refused to obey any lawful order of, or to answer any material question approved by, the court. The application to revoke for such refusal may be filed at any time during the pendency of the proceeding or within one year after the discharge was granted, whichever period is longer."

SEC. 5. Clauses (2), (5), and (6) of subdivision a of section 17 of the Bankruptcy Act (11 U.S.C. 35(a) (2), (5), (6)) are amended to read as follows:

"(2) are liabilities for obtaining money or property by false pretenses or false representations, or for obtaining money or property on credit or obtaining an extension or renewal of credit in reliance upon a materially false statement in writing respecting his financial condition made or published or caused to be made or published in any manner whatsoever with intent to deceive, or for willful and malicious conversion of the property of another;"

"(5) are for wages and commissions to the extent they are entitled to priority under subdivision a of section 64 of this Act;"

"(6) are due for moneys of an employee received or retained by his employer to secure the faithful performance by such employee of the terms of a contract of employment;".

SEC. 6. Subdivision a of section 17 of the Bankruptcy Act (11 U.S.C. 35(a)) is amended by adding at the end thereof the following new clauses:

"(7) are for alimony due or to become due, or for maintenance or support of wife or child, or for seduction of an unmarried female or for breach of promise of marriage accompanied by seduction, or for criminal conversation; or

"(8) are liabilities for willful and malicious injuries to the person or property of another other than conversion as excepted under clause (2) of this subdivision."

SEC. 7. Section 17 of the Bankruptcy Act (11 U.S.C. 35) is amended by adding at the end thereof the following new subdivisions:

"b. The failure of a bankrupt or debtor to obtain a discharge in a prior proceeding under this Act for any of the following reasons shall not bar the release by discharge in a subsequent proceeding under the Act of debts that were dischargeable under subdivision a of this section in the prior proceeding: (1) discharge was denied in the prior

proceeding solely under clause (5) or clause (8) of subdivision c of section 14 of this Act; (2) the prior proceeding was dismissed without prejudice for failure to pay filing fees or to secure costs. If a bankrupt or debtor fails to obtain a discharge in a proceeding under this Act by reason of a waiver filed pursuant to section 14a of this Act or by reason of a denial on any ground under section 14c of this Act other than clause (5) or clause (8) thereof, the debts provable in such proceeding shall not be released by a discharge granted in any subsequent proceeding under this Act. A debt not released by a discharge in a proceeding under this Act by reason of clause (3) of subdivision a of this section 17 may nevertheless be dischargeable in a subsequent bankruptcy proceeding.

"c. (1) The bankrupt or any creditor may file an application with the court for the determination of the dischargeability of any debt.

"(2) A creditor who contends that his debt is not discharged under clause (2), (4), or (8) of subdivision a of this section must file an application for a determination of dischargeability within the time fixed by the court pursuant to paragraph (1) of subdivision b of section 14 of this Act and, unless an application is timely filed, the debt shall be discharged. Notwithstanding the preceding sentence, no application need be filed for a debt excepted by clause (8) if a right to trial by jury exists and any party to a pending action on such debt has timely demanded a trial by jury or if either the bankrupt or a creditor submits a signed statement of an intention to do so.

"(3) After hearing upon notice, the court shall determine the dischargeability of any debt for which an application for such determination has been filed, shall make such orders as are necessary to protect or effectuate a determination that any debt is dischargeable and, if any debt is determined to be nondischargeable, shall determine the remaining issues, render judgment, and make all orders necessary for the enforcement thereof. A creditor who files such application does not submit himself to the jurisdiction of the court for any purposes other than those specified in this subdivision c.

"(4) The provisions of this subdivision c shall apply whether or not an action on a debt is then pending in another court and any party may be enjoined from instituting or continuing such action prior to or during the pendency of a proceeding to determine its dischargeability under this subdivision c.

"(5) Nothing in this subdivision c shall be deemed to affect the right of any party, upon timely demand, to a trial by jury where such right exists.

"(6) If a bankruptcy case is reopened for the purpose of obtaining the orders and judgments authorized by this subdivision c, no additional filing fee shall be required."

SEC. 8. Clause (4) of section 38 of the Bankruptcy Act (11 U.S.C. 66) is amended by adding at the end thereof the following: ", determine the dischargeability of debts, and render judgments thereon".

SEC. 19. Subdivision b of section 58 of the Bankruptcy Act (11 U.S.C. 94(b)) is amended to read as follows:

"b. The court shall give at least thirty days' notice by mail of the last day fixed by its order for the filing of objections to a bankrupt's discharge and for the filing of applications pursuant to paragraph (2) of subdivision c of section 17 of this Act to determine the dischargeability of debts (1) to the creditors in the manner prescribed in subdivision a of this section; (2) to the trustee, if any, and his attorney, if any, at their respective addresses as filed by them with the court; and (3) to the United States attorney of the judicial district wherein the proceeding is pending. The court shall also give at least thirty days' notice by mail of the time and place of a hearing upon objections to a bankrupt's discharge (1) to the bankrupt, at his last known address as appears in his petition, schedules list of creditors, or statement of affairs, or, if no address so appears, to his last known address as furnished by the trustee or other party after inquiry; (2) to the bankrupt's attorney, if any, at his address as filed by him with the court; and (3) to the objecting parties and their attorneys, at their respective addresses as filed by them with the court."

SEC. 10. The provisions of this amendatory Act shall take effect on and after sixty days from the date of its approval and shall govern proceedings in all cases filed after such date.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1173), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill is to authorize the bankruptcy courts to determine dischargeability.

STATEMENT

The committee had before it a bill, S. 3523, introduced by Hon. Quentin N. Burdick on February 27, 1970.

On August 17, 1970, Senator Burdick introduced a perfected version of the bill, S. 4247.

In introducing the new bill, Senator Burdick set forth the purpose of the bill and the need for it as follows:

"Mr. President, I introduce, for appropriate reference, a bill to amend the Bankruptcy Act.

"This bill is a perfected version, which has wide support, of S. 3523 which I introduced on February 27, 1970.

"It is identical to H.R. 1871, a similar perfected version, which was introduced in the House of Representatives on August 10, 1970.

"The purpose of the proposed legislation is to effectuate more fully the discharge in bankruptcy by rendering it less subject to abuse by harrassing creditors. Under present law creditors are permitted to bring suit in State courts after a discharge in bankruptcy has been granted and many do so in the hope the debtor will not appear in that action, relying to his detriment upon the discharge. Often the debtor in fact does not appear because of such misplaced reliance, or an inability to retain an attorney due to lack of funds, or because he was not properly served. As a result, a default judgment is taken against him and his wages or property may again be subjected to garnishment or levy. All this results because the discharge is an affirmative defense which, if not pleaded, is waived.

"The proposed legislation is meant to correct this abuse. Under it, the matter of dischargeability of the type of debts commonly giving rise to the problem, that is, those allegedly incurred as a result of loans based upon false financial statements, will be within the exclusive jurisdiction of the bankruptcy court. The creditor asserting nondischargeability will have to file a timely application in the absence of which the debt will be deemed discharged. The bill provides that at the same time notice is given to creditors of the date by which objections to discharge must be filed, creditors are also notified of the date by which applications to determine nondischargeability of their debts must be filed. When timely filed, the matter will be heard in the bankruptcy court and final disposition made of it. The right to trial by jury as it presently exists is retained and the creditor's application does not subject him to the jurisdiction of the bankruptcy court for any other purpose.

"The actual focus of the bill is to give greater effect to the discharge for those who need it most, that is, the ordinary wage earner. It is as to this type of bankrupt that the present abuse of the bankruptcy discharge occurs.

"Section 4 of the bill is meant to accord greater protection to creditors by expanding the causes in section 15 of the Bankruptcy Act for which a discharge, once granted, can be revoked. Additionally, section 17b of the act will be amended to clarify existing case law regarding the status of debts during two or more bankruptcy proceedings of the same bankrupt, the earlier of which did not result in the bankrupt's obtaining a discharge.

"In all, the bill, without changing the policy adopted by the Congress in determining when and as to what debts a discharge may be obtained, is all inclusive in updating the procedural aspects of the discharge to protect more fully the interests of both classes, bankrupts and creditors."

The committee believes that the bill is meritorious and recommends it favorably.

MARIE M. RIDGELY

The bill (S. 876) for the relief of Marie M. Ridgely was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 876

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Marie M. Ridgely, of Suitland, Maryland, is relieved of liability to the United States in the amount of $2,201.75, representing amount received by her as a civil service annuitant while she was employed by the District of Columbia Board of Education for the period beginning June 1, 1965, and ending November 30, 1967. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Marie M. Ridgely an amount equal to the aggregate of the amounts paid by her, or withheld from sums otherwise due her, with respect to the indebtedness to the United States specified in the first section of this Act.

(b) No part of the amount appropriated in subsection (a) of this section in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1165), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to relieve Marie M. Ridgely of liability to the United States in the amount of $2,201.75. This sum represents a debt Mrs. Ridgely owes to the United States as a result of an over-

payment to her while she was employed by the District of Columbia Board of Education as a temporary teacher.

STATEMENT

The government of the District of Columbia in its report to the committee sets forth the facts in the case as follows:

"This bill would relieve Marie M. Ridgely of Suitland, Md., of liability to the United States in the amount of $2,201.75. This sum represents a debt Mrs. Ridgely owes to the United States as a result of an overpayment to her while she was employed by the District of Columbia Board of Education as a temporary teacher. When Mrs. Ridgely changed her teaching status from that of a substitute teacher to that of a temporary teacher, an error in administration resulted in a failure to reduce her new salary by the amount of her civil service annuity. This resulted in an overpayment of $2,201.75 from June 1, 1965, through November 30, 1967.

"The District of Columbia is seeking legislation which would allow the District government to waive claims against a person which arise out of an erroneous overpayment by the government when the collection of such a claim would be against equity and good conscience. Although the Commissioner believes it is generally undesirable to provide special legislative relief to one person when others may be in a similar situation, the circumstances in Mrs. Ridgely's case are unusual and the District does not, therefore, oppose S. 876."

The committee believes that the bill is meritorious and recommends favorable consideration.

BILL PASSED OVER

The bill, S. 2229, for the relief of certain corporations, associations, and individuals, was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

DR. HASSAN CHAHARSOUGH VAKIL

The bill (S. 3420) for the relief of Dr. Hassan Chaharsough Vakil was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3420

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Hassan Chaharsough Vakil, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of December 23, 1958, and the period of time he has resided in the United States since that date should be held and considered to meet the residence and physical presence requirements of section 316 of the Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1167), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

DR. JOCELYN TANDOC-JUAREZ

The bill (S. 3771) for the relief of Dr. Jocelyn Tandoc-Juarez was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3771

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Jocelyn Tandoc-Juarez shall be held and considered to have been lawfully admitted to the United States for permanent residence as of June 30, 1965.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1168), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

ALBINA LUCIO Z. MANLUCU

The bill (S. 3869) for the relief of Albina Lucio Z. Manlucu was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3869

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Albina Lucio Z. Manlucu shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by one number during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1169), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United State to Albina Lucio Z. Manlucu. The bill provides for the payment of the required visa fee and for an appropriate visa number deduction.

MRS. JOAN LAGOIS HICKS

The bill (S. 3956) for the relief of Mrs. Joan Lagois Hicks was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3956

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Mrs. Joan Lagois Hicks shall be held and considered to have been lawfully admitted to the United States for permanent residence as of August 29, 1963.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1170), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

JURISDICTION OF THE U.S. DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO OVER CERTAIN CASES

The bill (S. 4235) to continue the jurisdiction of the U.S. District Court for the District of Puerto Rico over certain cases pending in that court on June 2, 1970, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 4235

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 13 of the Act entitled "An Act to provide for the appointment of additional district judges, and for other purposes", approved June 2, 1970 (Public Law 91–272; 84 Stat. 294), is amended by striking out the period at the end thereof and inserting in lieu thereof the following: "; however, nothing in this section shall impair the jurisdiction of the United States District Court for the District of Puerto Rico to hear and determine any action or matter begun in the court on or before June 2, 1970.".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1171), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

STATEMENT

Section 41 of the act of March 2, 1917, 39 Stat. 95, 48 U.S.C. 863, grants to the U.S. District Court for the District of Puerto Rico certain special jurisdiction. In order to bring the jurisdiction of that court into line with that of the other U.S. district courts, this section was repealed by section 13 of the act of June 2, 1970, 84 Stat. 294. However, the recent enactment did not contain a saving clause applicable to cases pending on June 2, 1970 in the U.S. District Court for the District of Puerto Rico under the provision that was repealed. S. 4235 would add such a saving clause to section 13 of the act of June 2, 1970.

RECOMMENDATIONS

The report of the Department of Justice dated August 28, 1970, on S. 4235 and a letter to the Administrative Office of the United States Courts from the Honorable Albert B. Maris in reference to the companion bill in the House of Representatives are set forth below:

OFFICE OF THE DEPUTY
ATTORNEY GENERAL,
Washington, D.C., August 28, 1970.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR SENATOR: This is in response to your request for the views of the Department of Justice on S. 4235, a bill to continue the jurisdiction of the U.S. District Court for the District of Puerto Rico over certain cases pending in that court on June 2, 1970.

Section 41 of the act of March 2, 1917 (39

Stat. 965, 48 U.S.C. 863), grants to the U.S. District Court for the District of Puerto Rico certain special jurisdiction. In order to bring the jurisdiction of that court into line with that of the other U.S. district courts, this section was repealed by section 13 of the act of June 2, 1970 (84 Stat. 294). However, the recent enactment did not contain a saving clause applicable to cases pending on June 2, 1970 in the U.S. District Court for the District of Puerto Rico under the provision which was repealed. S. 4235 would add such a saving clause to section 13 of the act of June 2, 1970.

The Department of Justice has no objection to the enactment of this legislation.

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the administration's program.

Sincerely,

RICHARD G. KLEINDIENST,
Deputy Attorney General.

5050 U.S. COURTHOUSE,
Philadelphia, Pa., August 21, 1970.

Hon. WILLIAM E. FOLEY,
Administrative Office of the United States Courts, Supreme Court Building, Washington, D.C.

DEAR BILL: Replying to your letter of August 13 regarding H.R. 18761, I would say that the omission of a saving clause from the bill which became section 13 of the omnibus district judgeships act was probably an oversight. I do not believe we knew that there was any substantial number of pending cases which would be affected by it. In any event the amendment proposed by H.R. 18761 is proper and should be approved and supported.

Sincerely yours,

ALBERT B. MARIS,
Senior U.S. Circuit Judge.

JOSE LUIS CALLEJA-PEREZ

The bill (H.R. 1747) for the relief of Jose Luis Calleja-Perez was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1172), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to cancel outstanding deportation proceedings in the case of Jose Luis Calleja-Perez.

MRS. NIMET WEISS

The Senate proceeded to consider the bill (S. 732) for the relief of Mrs. Nimet Weiss which had been reported from the Committee on the Judiciary with an amendment in line 7, after the word "fee.", strike out "Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available,"; so as to make the bill read:

S. 732

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Mrs. Nimet Weiss shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1174), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill as amended is to grant the status of permanent residence in the United States to Mrs. Nimet Weiss. The bill provides for the payment of the required visa fee. The bill has been amended to delete reference to a visa number deduction, inasmuch as the beneficiary would have been entitled to immediate relative status were it not for the death of her U.S. citizen husband.

ANASTASIA PERTSOVITCH

The bill (S. 3620) for the relief of Anastasia Pertsovitch was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3620

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Mrs. Anastasia Pertsovitch, the widow of Mr. Dmytro Pertsovitch, a citizen of the United States, shall be held and considered to be within the purview of section 201(b) of that Act and the provisions of section 204 of said Act shall not be applicable in this case.

Amend the title so as to read: "A bill for the relief of Mrs. Anastasia Pertsovitch."

The title was amended, so as to read: "A bill for the relief of Mrs. Anastasia Pertsovitch."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1175), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of an immediate relative to Mrs. Anastasia Pertsovitch which is the status she would be entitled to were it not for the death of her husband, a citizen of the United States. The bill has been amended to correct the beneficiary's name.

RICHARD W. YANTIS

The Senate proceeded to consider the bill (S. 3805) for the relief of Richard W. Yantis which had been reported from the Committee on the Judiciary with an amendment on page 2, line 2, after the word "such", strike out "status.", and insert "status: *Provided,* That the beneficiary returns to the United States for permanent residence within one year following the effective date of this Act."; so as to make the bill read:

S. 3805

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Richard W. Yantis, who lost his United States citizenship under the provisions of section 349 of the Immigration and Nationality Act, may be naturalized by taking the oath prescribed in section 337 of such Act, within one year after the date of enactment of this Act, before any court referred to in section 310(a) of such Act or before any diplomatic or consular officer of the United States abroad. From and after naturalization under this Act, the said Richard W. Yantis shall have the same citizenship status as that which existed prior to the loss of such status: *Provided,* That the beneficiary returns to the United States for permanent residence within one year following the effective date of this Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1176), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill as amended is to provide for the restoration of U.S. citizenship to Richard W. Yantis, which was lost by obtaining naturalization in Canada. The bill has been amended to require the beneficiary to return to the United States for permanent residence within one year following the effective date of this Act.

KIM JULIA AND PARK TONG OP

The Senate proceeded to consider the bill (S. 3813) for the relief of Kim Julia and Park Tong Op which had been reported from the Committee on the Judiciary with an amendment in line 5, after the word "of", where it appears the second time, strike out "orphans" and insert "adopted children"; so as to make the bill read:

S. 3813

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, section 204(c) of such Act, relating to the number of petitions which may be approved in behalf of adopted children, shall be inapplicable in the case of petitions filed in behalf of Kim Julia and Park Tong Op by Mr. and Mrs. Lester Gibson, citizens of the United States. The natural brothers or sisters of the said Kim Julia and Park Tong Op shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1177), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to facilitate the entry into the United States in an immediate relative status of two alien children to be adopted by citizens of the United States, notwithstanding the fact that the adoptive parents have previously had the maximum number of petitions approved. The amendment is technical in nature.

BRUCE M. SMITH

The Senate proceeded to consider the bill (S. 3858) for the relief of Bruce M. Smith which had been reported from the Committee on the Judiciary with an amendment in line 6, after the word "residence", insert "on May 23, 1961,"; so as to make the bill read:

S. 3858

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, the periods of time that Bruce M. Smith has resided in the United States since he was lawfully admitted to the United States for permanent residence on May 23, 1961, shall be held and considered to meet the residence and physical presence requirements of section 316 of such Act. In this case the petition for naturalization may be filed with any court having naturalization jurisdiction.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1178), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to file a petition for naturalization. The bill has been amended in accordance with established precedents.

HYUN JOO LEE AND MYUNG JOO LEE

The Senate proceeded to consider the bill (S. 4073) for the relief of Hyun Joo Lee and Myung Joo Lee which had been reported from the Committee on the Judiciary with an amendment in line 5, after the word "of", insert "adopted"; so as to make the bill read:

S. 4073

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, section 204(c), relating to the number of petitions which may be approved in behalf of *adopted* children, shall be inapplicable in the case of petitions filed in behalf of Hyun Joo Lee and Myung Joo Lee by Mr. and Mrs. Bruce Boldon, citizens of the United States. The natural brothers and sisters of the said Hyun Joo Lee and Myung Joo Lee shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1179), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to facilitate the entry into the United States in an immediately relative status of two orphans to be adopted by citizens of the United States, notwithstanding the fact that the prospecive adoptive parents have previously had the maximum number of petitions approved. The bill has been amended in accordance with established precedents.

STATE JURISDICTION OVER OFFENSES COMMITTED BY INDIANS IN INDIAN COUNTRY

The Senate proceeded to consider the bill (S. 902) to amend section 1162 of title 18, United States Code, relating to State jurisdiction over offenses committed by or against Indians in the Indian country which had been reported from the Committee on the Judiciary with an amendment on page 1, after line 5, strike out:

Alaska------ All Indian country within the State, except that on the Annette Islands, the Metlakatle Indian community may exercise concurrently such jurisdiction as was vested in it immediately prior to the date of enactment of the Act of August 8, 1958 (72 Stat. 545).

And, in lieu thereof, insert:

Alaska------ All Indian country within the State, except that on Annette Islands, the Metlakatla Indian community may exercise jurisdiction over offenses committed by Indians in the same manner in which such jurisdiction may be exercised by Indian tribes in Indian country over which State jurisdiction has not been extended.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 1162 of title 18, United States Code, is amended by deleting the following:

"Alaska ------ All Indian country within the Territory" and inserting in lieu thereof the following:

"Alaska ------ All Indian country within the State, except that on Annette Islands, the Metlakatla Indian community may exercise jurisdiction over offenses committed by Indians in the same manner in which such jurisdiction may be exercised by Indian tribes in Indian country over which State jurisdiction has not been extended."

SEC. 2. Subsection (c) of section 1162 of title 18, United States Code, is amended to read as follows: "(c) The provisions of sections 1152 and 1153 of this chapter shall not be applicable within the areas of Indian country listed in subsection (a) of this section as areas over which the several States have exclusive jurisdiction."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1180), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

AMENDMENT

Strike the indented language following line 5 of the first section, and insert the following language:

"Alaska * * * All Indian country within the State, except that on the Annette Islands, the Metlakatla Indian Community may exercise jurisdiction over offenses committed by Indians in the same manner in which such jurisdiction may be exercised by Indian tribes in Indian country over which State jurisdiction has not been extended."

This is a technical amendment which makes the language of the bill more in harmony with other sections of title 18 regarding Indian affairs. The amendment has the same purpose as the original language of S. 902; that is, to restore to the Indians of the Metlakatla Indian community the self-government which they possessed prior to the enactment of Public Law 85–615.

PURPOSE

The purpose of the amended bill is stated fully in Senator Ervin's letter addressed to each of the members of the subcommittee. The text of Senator Ervin's letter follows:

DEAR SUBCOMMITTEE MEMBER: Enclosed is a copy of S. 902, which is now pending before the subcommittee.

The purpose of this bill is to alleviate a problem which exists in the administration of criminal justice in the State of Alaska. The enactment of Public Law 85–615 by Congress in 1958, vested exclusive criminal jurisdiction in the State of Alaska over all offenses, including misdemeanors, committed in the Indian country. Included under the coverage of this law was the Annette Island Reservation, the subject of the inequities attempted to be remedied by the introduction of S. 902. The record clearly shows, however, that the inclusion of those islands was inadvertent because the Indians of the Metlakatla community of the Annette Islands were capable of exercising jurisdiction over petty criminal offenses and had done so for some time.

Although the jurisdictional problem may seem rather technical, in actuality it is a very simple matter. Prior to the enactment of Public Law 85–615, the people of Metlakatla relied upon their own magistrate's court to handle petty criminal offenses, and only recently discovered that they no longer had jurisdiction over these crimes because of the exclusive jurisdiction of the State of Alaska. As Senator Gravel so succinctly stated in his remarks accompanying the introduction of S. 902:

"For the State to exercise jurisdiction over petty offenses is patently absurd since that requires the transportation of defendants, complainants, witnesses, and counsel from Metlakatla to Ketchikan—such trips to be made either by plane or boat. This works a hardship on all concerned."

What this simply means is that the people of Metlakatla are now without police protection because Indian officers and courts have no jurisdiction under Public Law 85–615.

The people of Metlakatla, through their mayor, Henry S. Littlefield, and the Legislature of Alaska have both urged Congress to amend Public Law 85–615 so as to grant to the Indians of Metlakatla jurisdiction over petty offenses.

As can readily be seen, there is no objection to the passage of this bill from the Indians themselves, or the State of Alaska. It also has the full support of the entire Alaskan congressional delegation, which is very anxious to see the enactment of this measure at the earliest possible date.

Passage of this bill would accomplish one of the aims I have espoused since I began working for the rights of American Indians.

I believe that whenever possible the Indians should be allowed to govern themselves rather than be the wards of the States or the Federal Government.

I should like to request that you, as a member of the Subcommittee on Constitutional Rights, approve an amendment to S. 902, which would strike the indented language following line 5 of the first section, and insert the following language:

"Alaska * * * All Indian country within the State, except that on the Annette Islands, the Metlakatla Indian community may exercise jurisdiction over offenses committed by Indians in the same manner in which such jurisdiction may be exercised by Indian tribes in Indian country over which State jurisdiction has not been extended."

This is a technical amendment which makes the language of the bill more in harmony with other sections of title 18 regarding Indian affairs. The amendment has the same purpose as the original language of S. 902; that is, to restore to the Indians of the Metlakatla Indian community the self-government which they possessed prior to the enactment of Public Law 85–615.

I should like to request that you approve S. 902 with my proposed amendment as soon as possible because the Indians concerned are virtually without any sort of law and order.

With all kind wishes, I am,

Sincerely yours,

SAM J. ERVIN, Jr.,
Chairman.

SHERMAN WEBB

The bill (H.R. 17734) for the relief of Sherman Webb and others was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1181), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill is to pay to the named individuals the amounts listed, in full settlement of their claims against the United States for damages found due them in a congressional reference case proceeding for flooding caused by the unnecessary release of water from the Wappapello Dam and Reservoir in September 1965:

Name:	*Amount*
Sherman Webb of Qulin, Mo	$3,587.50
Hershel O. Vernon of Fisk, Mo	2,104.00
Taylor Underwood of Fisk, Mo	1,052.00
T. D. Burleson of Dexler, Mo	3,261.34
Louise Bombolaski of Dudley, Mo	13,294.85
Leroy Cato of Dudley, Mo	3,306.67
E. B. Bowie of Dudley, Mo	64,728.63
Milburn Taylor of Dudley, Mo	2,200.00
Loyd Thompson of St. Francis, Ark	1,366.67
Marlin Tinsley of Granite City, Ill	683.33
Pete Sandlin of Dudley, Mo	3,876.00
Arvil Bowie of Dudley, Mo	5,197.34
Ben W. White of Campbell, Mo	4,100.00
H. L. Underwood of Campbell, Mo	492.00
Joe Vanderfeltz of Campbell, Mo	252.00
Clem Bader of Campbell, Mo	1,414.00
W. H. Bowling of Dudley, Mo	7,462.67
Virgil T. Low of Piggott, Ark	4,760.00
Lawrence Sherflus of Dudley, Mo	5,835.50
J. D. Flagg of Piggott, Ark	1,608.73
Robert Feiser of Campbell, Mo	$2,456.66
John Feiser of Campbell, Mo	376.66
Armstrong Cork Co. of Campbell, Mo	443.34
L. F. Feiser of Campbell, Mo	163.34
John F. Stenger of Campbell, Mo	602.80
Marvin Fadler of Bernie, Mo	16,565.51
Joe Osborn and Jack Osborn (partners) of Kennett, Mo	14,649.02
Robert White of Bernie, Mo	15,950.00
Jerrell Stone of Bernie, Mo	2,930.34
Billie J. Barker of Bernie, Mo	1,465.16
Rex Young of Bernie, Mo	7,757.87
Jack Bowie of Dudley, Mo	3,878.93
Cranston C. Smith of Bernie, Mo	3,787.50
Omas Shipman of Bernie, Mo	1,355.47
Elmo Moore of Piggott, Ark	11,790.00
E. A. Hawkins and H. A. Hawkins of Kennett, Mo	17,766.67
Amos Linville of Campbell, Mo	2,003.00
Jess Creecy of Dudley, Mo	4,503.01
John L. Bowie of Fisk, Mo	18,918.67
Hauzie Wingfield of Campbell, Mo	3,587.50
Lofton Linderman of Fisk, Mo	1,182.00
Mike Feiser of Campbell, Mo	848.70
H. B. Talkington of Dexter, Mo	5,491.20
B. N. Maxwell of Campbell, Mo	1,687.50
John Clodfelter of Dudley, Mo	4,312.00
Dud C. Lewis of Piggott, Ark	2,938.46
Fred Templemire of Bernie, Mo	519.85
Lee Lipsey of Campbell, Mo	1,080.00
O. G. Branch of Dudley, Mo	2,017.34
Robert Stoner of Dudley, Mo	11,781.34
Elmer Battles of Dudley, Mo	1,669.34

STATEMENT

The Committee of the Judiciary of the House of Representatives in its favorable report on the bill said:

"On May 27, 1968. House Resolution 1098 of the 90th Congress was passed by the House of Representatives referring the bill H.R. 1624 of that Congress to the Chief Commissioner of the Court of Claims. The bill was referred to the Chief Commissioner in accordance with the congressional reference case provisions of sections 1492 and 2509 of title 28 of the United States Code. In accordance with the procedures applicable to such proceedings, the matter was referred to an individual commissioner for trial. On September 26, 1969, after a trial and briefing of the case by the parties, the Commissioner concluded that while there was not legal liability, the parties had a valid equitable claim against the United States. The opinion of the Trial Commissioner was considered by a review panel of commissioners and the opinion of the review panel, together with the commissioner's findings of fact were certified to the House of Representatives. That opinion and the findings of fact are made a part of this report.

Based upon the findings of fact and the conclusions and recommendations stated in the opinion of the review panel, the committee recommends that the bill, H.R. 17734, embodying those recommendations be considered favorably.

"The bill as originally introduced provided for a limitation of attorney's fees of 25 percent. After considering the matter the committee has determined that a reasonable limitation in this instance would be 15 percent. Accordingly, the committee has recommended an amendment fixing the limitation at 15 percent for the amounts set forth in the bill."

The committee believes that the bill as passed by the House of Representatives is meritorious and recommends it favorably.

JACK W. HERBSTREIT

The bill (H.R. 10149) for the relief of Jack W. Herbstreit was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1182), explaining the purposes of the measure.

There being no objection, the excerpt was to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to waive the 3-year limitation imposed in subchapter 4 of chapter 35 of title 5 of the United States Code so that Jack W. Herbstreit shall be granted employee rights and entitlements under that subchapter until the expiration of his current term as an elected official of the International Telecommunication Union or he ceases to serve in that capacity. The bill would further provide that the waiver would extend for the additional periods specified in that subchapter or the regulations issued pursuant to it following his separation and application for reemployment. The bill expressly provides that his service as an elected official of the International Telecommunication Union is not to constitute creditable service for the purpose of the civil service retirement system if such service forms the basis in whole or in part of an annuity or pension under the retirement system for the International Telecommunication Union.

STATEMENT

The proposed legislation passed the House of Representatives May 20, 1969. The facts of the case as stated in the accompanying House Report 91–202 are as follows:

"The bill, H.R. 10149, was introduced in accordance with the recommendations of an executive communication of the Department of Commerce which recommends its enactment. The Department stated the purpose of this legislation is to provide relief for Mr. Jack W. Herbstreit, who is an outstanding scientist and administrator who has earned many honors and awards during his 26 years of service with the Federal Government, including nomination and election to the international organization office which he presently holds.

"In 1966, the United States nominated Mr. Herbstreit as its candidate for directorship of the International Radio Consultative Committee, a highly responsible position in the International Telecommunication Union (ITU). The Department noted that his subsequent election to an approximately 6-year term in that position by an international assembly is a measure of the importance of his contributions to telecommunication science and the reputation which he has achieved internationally.

"Following the election, Mr. Herbstreit transferred to the ITU pursuant to the provisions of subchapter IV of chapter 35 of title 5, United States Code (5 U.S.C. 3581–4), and implementing regulations of the Civil Service Commission (5 CFR 352.301–352.312), which authorize the continuation of certain employee benefits for a limited period of time. Such employee benefits consist of entitlement to rights and benefits under the Federal retirement system, under the Federal program providing compensation for work injuries, under the Federal employees group life insurance program, and under the Federal employees' health benefits program. In addition, the employee is entitled to reemployment rights; he is given the option of retaining his accrued annual leave or receiving a lump-sum payment therefor; and he is entitled, upon timely reemployment, to recredit of sick leave, to certain benefits in fixing his rate of pay, and to service credit for the period of separation.

"Pursuant to the terms of subchapter IV, these benefits will terminate after Mr. Herbstreit has completed 3 years' service with the

ITU. As a result, he will suffer personal loss if he completes his 6-year term, instead of returning to the United States and resuming his Federal employment after 3 years' international service, as sections 3581–4 of title 5, United States Code, contemplate. The loss would be greater if he were reelected, even though the United States might wish him to be available for reelection.

"H.R. 10149 would avoid this inequitable result by waiving the provisions of law limiting the duration of Mr. Herbstreit's employee benefits and reemployment rights for his current term of service as an elected official of the ITU.

"The International Telecommunication Union is a treaty organization of which the United States is a member, enabling the nations of the world to cooperate in the use of the radio frequency spectrum and to avoid, or at least minimize, interference to member nations' radio stations. The ITU also coordinates the activities of many nations in telephone and telegraph communications.

"The ITU has several permanent organs including the International Radio Consultative Committee (commonly abbreviated by its initials in French—CCIR). The CCIR studies technical and operating questions relating to radio communications, and issues scientific and technical recommendations. The recommendations are considered and adopted at plenary assemblies of the committee. While they are not mandatory, unless adopted by the ITU, they are usually observed by the technical and operating services of the government administrations and private operating agencies of the countries belonging to the union. CCIR recommendations also influence the ITU's international allocations of the radio frequency spectrum—decisions of great importance to members of government, industry, and the public at large who use, or benefit from use of, radio communications. The Department of Commerce stated that the work of CCIR has great influence over the technical aspects of world radio communication activities, including, for example, satellite communications.

"The CCIR is headed by a director elected by its plenary assembly initially for a period equal to twice the interval between two consecutive plenary assemblies, ordinarily 6 years but possibly as much as a year longer. Thereafter, an incumbent is eligible for reelection to terms of approximately 3 years each.

"When a vacancy in the office of the CCIR was officially announced in late 1965, the Department of State searched carefully and selected Mr. Herbstreit as the best qualified candidate that the United States could put forth for the post, and the United States nominated him for the office. Thereafter, the CCIR, at its XI Plenary Assembly meeting at Oslo, Norway, elected Mr. Herbstreit its director for a term of approximately 6 years beginning September 1, 1966. Three ballots were required to select between Mr. Herbstreit and three other highly qualified candidates for the post, including Dr. Miroslav Joachim of Czechoslovakia, an experienced counselor in the CCIR secretariat, who ran nearest to Mr. Herbstreit in votes received. Thus, Mr. Herbstreit's election to this high international post is a significant distinction for himself, and for the United States as well. His acceptance of the position, however, has entailed considerable personal sacrifice.

"Prior to his election to the directorship, CCIR, Mr. Herbstreit was Deputy Director of the Institute of Telecommunication Sciences and Aeronomy of the Department of Commerce Environmental Science Services Administration. He reached this position in October 1965, after 25 years of exceptional scientific and science administrative service for the Federal Government. During that period, Mr. Herbstreit received the Harry J. Diamond Memorial Award of the Institute of Radio Engineers, the highest award that can be bestowed upon a U.S. Government scientist in the field of radio and electronics, for original research and leadership in radio wave propagation. He has also been awarded the rank of fellow in the Institute for Electrical and Electronics Engineers, and a similar rank in the American Association for the Advancement of Science. The Department of Commerce, which awarded him in 1966 its gold medal for outstanding scientific contributions, concurred in the nomination of Mr. Herbstreit to his present position because of its significance internationally and its significance to the development of a technology of great importance to the United States. In this connection, the Department noted that the loss of Mr. Herbstreit's capabilities has been keenly felt.

"The committee feels that it is important to recognize the fact that at present Mr. Herbstreit enjoys the benefits conferred by 5 U.S.C. 3581–4 and implementing civil service regulations upon former Federal employees who have left the Federal service to transfer to an international organization. However, these benefits and reemployment rights terminate 3 years after his separation from Federal employment (which was in August 1966), unless he leaves the CCIR within that period and returns to Federal service.

"Because of the 3-year time limitation in 5 U.S.C. 3581—4, Mr. Herbstreit will be confronted in August 1969 with a choice between (1) retaining participation in the retirement system and insuring reemployment with the U.S. Government by resigning his position as director of the CCIR and returning to the United States and his former employment, or (2) continuing to serve out his 6-year term as director and losing his benefits under 5 U.S.C. 3581—4. The committee is advised that Mr. Herbstreit feels that if he were to make this choice strictly on the basis of his personal interests, he would derive greater personal material benefit by resigning from his present international position in August 1969, and returning to Federal employment, partially because of the relation between salary and cost of living, but more particularly because of the loss of further opportunity to participate in the Federal retirement system.

"The Department of Commerce feels that resignation by Mr. Herbstreit from his present position would be adverse to the national interest, and that the policy requiring such a resignation to make possible continuation of Federal employee benefits should not be applied to his case. Mr. Herbstreit has given outstanding service to the United States during his 26 years of Federal employment. In addition, he is particularly well qualified, both technically and administratively, to carry out his present international position. The United States, as a technically advanced nation, stands to benefit greatly from effective performance in direction of the many significant activities of the technically oriented CCIR. Furthermore, there is presently inadequate U.S. citizen participation in the ITU. Mr. Herbstreit is one of only three U.S. nationals in the approximately 450-member staff of the ITU, and the only U.S. national in a position of importance.

"The Department of Commerce has stated that it does not believe that it would be in the best interests of the United States to require that the time limitation of 5 U.S.C. 3581–4 be applied to an individual who has served the Federal Government so well in the past, and who now holds such a significant and responsible international position. Accordingly the Department has urged enactment of the bill to waive the time limitation until Mr. Herbstreit completes his current term as an elected officer of the ITU, or ceases to serve in that capacity, whichever occurs first. As has been noted, the bill also bars dual retirement credit by prohibiting receipt of U.S. retirement benefits for any period of service for which he is also receiving retirement benefits from the retirement system for the ITU.

"The committee has carefully reviewed the facts outlined above and agrees that this is a proper subject for legislative relief. It is clear that the bill has been carefully drafted to extend to Mr. Herbstreit the benefits accorded him under relevant law during the period he served as an elected official of the International Telecommunication Union and the additional periods expressly provided in subchapter 4 of title 5 following separation and application for reemployment. The committee further notes that it is clear from the facts outlined that such a waiver is in the best interest of the United States."

In agreement with the Department of Commerce and the House of Representatives, the committee recommends that the bill be considered favorably.

"DAY OF BREAD" AND "HARVEST FESTIVAL WEEK"

The Senate proceeded to consider the joint resolution (S.J. Res. 218) providing for the establishment of an annual "Day of Bread" and "Harvest Festival Week."

Mr. DOLE. Mr. President, the plans for celebrating the International Day of Bread are well underway. Thirty other Senators joined me in sponsoring the resolution providing for this celebration. Millers and bakers throughout this Nation and the world are planning activities to honor and recognize this day—October 6.

Major events are planned in New York City, Chicago, Kansas City, Minneapolis, and Washington, D.C., as well as in the States of Kansas, North Dakota, Washington, New Jersey, Pennsylvania, North Carolina, Michigan, Texas, Utah, California, and many others.

Major grocery chains, such as Safeway Stores, have announced they will participate in the celebration through their advertising.

Many Governors will sign official proclamations in their States.

In Europe, a special ceremony will take place in Feldkirch, Austria, near the Swiss border, to proclaim the event with officials from Germany, Switzerland, and Italy participating. West German bakers are planning an event at the European Museum of Bread.

Bread, both as a food and as a symbol of all foods, has both spiritual and tangible value for all Americans—from those who produce our food supply to those who consume it.

The International Day of Bread, as part of a "Harvest Festival Week," is a time set aside as an expression of gratitude for the bounty of nature and as recognition of bread as the symbol of all foods.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1183), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the joint resolution is to designate Tuesday, the sixth day of October, 1970, as "Day of Bread" and that the week of October within which it falls as a period of "Harvest Festival," and to authorize and request the President to issue a proclamation calling upon the people of the

United States to join with those of other nations to observe this "Day of Bread" and "Harvest Festival Week" with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S.J. RES. 218

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That as a token of man's gratitude for the bounty of nature and the annual harvest of farm and field, and in recognition of bread as a symbol of all foods, that Tuesday, the 6th day of October, 1970, be designated as a "Day of Bread" as a part of international observances, and that the week of October within which it falls be designated as a period of "Harvest Festival", and the President is requested to issue a proclamation calling on the people of the United States to join with those of other nations to observe this "Day of Bread" and "Harvest Festival Week" with appropriate ceremonies and activities.

JOINT RESOLUTION PASSED OVER

The joint resolution (S.J. Res. 225) authorizing the President to proclaim the period October 25 through 31, 1970, as Law Officers Appreciation Week was announced as next in order.

Mr. MANSFIELD. Mr. President, over. I ask that this resolution go to the foot of the calendar.

The ACTING PRESIDENT pro tempore. The resolution will be passed over, and be placed at the foot of the calendar.

NATIONAL PTA WEEK

The joint resolution (S.J. Res. 228) to authorize the President to designate the period beginning October 5, 1970, and ending October 9, 1970, as "National PTA Week" was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. RES. 228

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That as a tribute to the important contributions of the parent-teacher movement to the American way of life, and the continuing efforts of the National Congress of Parents and Teachers (National PTA) to provide quality living and quality learning for all Americans, the President is hereby authorized and requested to issue a proclamation designating "National PTA Week" from October 5, 1970, to October 9, 1970, and calling upon the people of the United States and interested groups and organizations to observe such period with appropriate ceremonies and activities.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1185), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill is to authorize and request the President of the United States to designate the period beginning October 5, 1970, and ending October 9, 1970, as National PTA Week.

STATEMENT

The National Congress of Parents and Teachers is an organization dedicated to providing quality living and quality learning for all Americans and this resolution would serve as a tribute to the important contributions of the parent-teacher movement to the American way of life.

The committee is of the opinion that this resolution has meritorious purpose by calling attention to the tremendous contributions of the PTA and accordingly recommends that Senate Joint Resolution 228 be considered favorably.

PROJECT CONCERN MONTH

The Senate proceeded to consider the joint resolution (H.J. Res. 1178) authorizing the President to proclaim the month of May 1970 as "Project Concern Month" which had been reported from the Committee on the Judiciary with an amendment on page 1, line 4, after the word "of", strike out "May" and insert "October".

The amendment was agreed to.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

The title was amended so as to read: "Joint resolution authorizing the President to proclaim the month of October 1970 as 'Project Concern Month'."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1187), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the joint resolution as amended is to authorize and request the President to issue a proclamation that the month of October 1970 be observed as "Project Concern Month" and calling upon all citizens to aid in every way possible toward making this worthwhile project a continuing success.

NATIONAL VOLUNTEER FIREMEN'S WEEK

The Senate proceeded to consider the joint resolution (H.J. Res. 1154) authorizing the President to proclaim National Volunteer Firemen's Week from September 19, 1970, to September 26, 1970, which had been reported from the Committee on the Judiciary, with amendments, on page 1, line 5, after the word "from", strike out "September 19", and insert "October 24,"; and in the same line, after the word "to", strike out "September 26," and insert "October 31,".

The amendments were agreed to.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

The title was amended so as to read: "Joint resolution authorizing the President to proclaim National Volunteer Firemen's Week from October 24, 1970, to October 31, 1970."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1186), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

STATEMENT

This joint resolution, as amended, would authorize the President to proclaim the period October 24, 1970, to October 31, 1970, as National Volunteer Firemen's Week and would call upon the people of the United States to observe such week with appropriate ceremonies and activities.

Throughout the United States the volunteer fire departments render great services to communities who would not otherwise have the facilities necessary for adequate fire protection. To call attention to the great services performed by citizens who are volunteer firemen, this resolution would bring to the attention of all of our people the great accomplishments of our volunteer firemen.

The committee is of the opinion that the joint resolution is meritorious and recommends favorable consideration of House Joint Resolution 1154, as amended.

DESIGNATION OF THE VETERANS' ADMINISTRATION FACILITY, BONHAM, TEX., FOR SAM RAYBURN

The Senate proceeded to consider the bill (H.R. 17613) to provide for the designation of the Veterans' Administration facility at Bonham, Tex.

Mr. YARBOROUGH. Mr. President, the bill before us today is of particular significance since it would honor the life and memory of one of the greatest statesmen in the history of America and the history of Texas, the late Speaker Sam Rayburn.

Sam Rayburn's career in the House of Representatives will be remembered not only for the length of time he served as Speaker, the longest of any man in history, but also for the many pieces of landmark legislation which he guided through the House of Representatives. During the 48 years that he served the people of America and Texas in the House, he placed his indelible imprint on every piece of legislation which benefits the lives of average Americans. Without his leadership, President Roosevelt's New Deal would have only been a dream, President Truman's Fair Deal programs would have never been passed and the New Frontier of President Kennedy would never have gotten underway. However, Sam Rayburn's talents were not limited to partisan measures alone. On the contrary he worked with both Republican and Democratic Presidents with the same vigor and devotion. The only group on earth that he showed special favor to were the people themselves, the farmer, the small businessman, the worker, and the veteran. To this group, he stood as a tower of strength and a defender of their interests.

Speaker Rayburn was always a strong advocate of beneficial veterans legislation. He worked long and hard to expand and improve the facilities of the Veterans' Administration. He was particularly interested in the Veterans' Administration medical and hospital programs. For years he worked to establish a Veterans' Administration Hospital in Bonham, Tex., his hometown, so that the many veterans of the rural areas of north Texas would have access to a first-class hospital. The Bonham Veterans'

Administration hospital was a great source of pride to him, and I feel certain that if he was alive today, he would be leading the fight to improve the standard of care in all Veterans' Administration hospitals.

It is the general practice not to name Veterans' Administration hospitals for individuals, regardless of their fame or reputation. However, in certain rare circumstances this practice has been varied in order to name such Veterans' Administration hospital for persons who, during their lifetimes, contributed significantly to better the lives of America's veterans. Prior to the bill we have before us today, only two Veterans' Administration hospitals have been named for individuals. These hospitals are the Royal C. Johnson Veterans' Administration Hospital in Sioux Falls, S. Dak., which is named for the first chairman of the Committee of World War Veterans Legislation, and the President Franklin Delano Roosevelt Veterans' Administration Hospital in Montrose, N.Y. It is only fitting that we now make another exception in this general practice and name the Bonham Veterans' Administration Hospital for the greatest Speaker of the House of Representatives in history, Sam Rayburn.

Mr. President, I urge all my colleagues to give this bill their full support so that this hospital will stand as a monument to this giant in American history.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1188), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION OF THE BILL

This House-passed bill would name the Veterans' Administration center (hospital and domiciliary) at Bonham, Tex., for the late Sam Rayburn, who served as Speaker of the House of Representatives longer than any other Member of the House in the history of the United States.

During his long period of service which began on March 4, 1913, until his death on November 16, 1961, Speaker Rayburn had always shown a keen interest in the affairs and general welfare of the veterans of this Nation. The hospital and domiciliary at Bonham had a special place in his heart.

While it is not the general practice of the Veterans' Administration to name its hospitals for individuals, exceptions have been made by the Congress. Public Law 79–93 designated the VA hospital at Sioux Falls, S. Dak., as the Royal C. Johnson Veterans' Hospital, after the first chairman of the Committee on World War Veteran Legislation, and Public Law 79–189 designated the hospital at Montrose, N.Y., as the President Franklin Delano Roosevelt VA Hospital.

There would be no additional expense to the Treasury as the result of the enactment of this legislation.

The bill was ordered to a third reading, was read the third time and passed.

BILLS PASSED OVER

The bills, S. 3938, to amend title VII of the Housing and Urban Development Act of 1965, and H.R. 17795, to amend title VII of the Housing and Urban Development Act of 1965, were announced.

Mr. MANSFIELD. Mr. President, I ask that these two bills go over.

The ACTING PRESIDENT pro tempore. The two bills will be passed over.

AUTHORIZING DAVID MINTON TO APPEAR AS A WITNESS IN THE CASE OF UNITED STATES AGAINST BREWSTER, AND OTHERS

The resolution (S. Res. 464) to authorize David Minton, staff director and counsel of the Committee on Post Office and Civil Service, to appear as a witness in the case of United States against Brewster, and others, was considered and agreed to, as follows:

S. RES. 464

Resolved, That by the privileges of the Senate of the United States no evidence in the possession and under the control of the Senate of the United States can, by the mandate of process of ordinary courts of justice, be taken from such possession or control but by its permission; be it further

Resolved, That by the privilege of the Senate and by rule XXX thereof, no Member or Senate employee is authorized to produce Senate documents, papers, or evidence but by order of the Senate, and information secured by Senate staff employees pursuant to their official duties as employees of the Senate may not be revealed without the consent of the Senate; be it further

Resolved, That when it appears by the order of the court or of the judge thereof, or any legal officer charged with the administration of the orders of such court or judge, that testimony of an employee of the Senate is needful for use in any court of justice or before any judge or legal officer for the promotion of justice and that such testimony may involve documents, papers, or evidence related thereto under the control of or in the possession of the Senate, the Senate will take such order thereon as will promote the ends of justice consistently with the privilege and rights of the Senate; be it further

Resolved, That David Minton, staff director and counsel of the Committee on Post Office and Civil Service, be authorized to appear at the time and place and before the court named in such subpena, but shall not take with him any papers, documents, or evidence on file in his office, under his control, or in his possession as staff director and counsel of the Committee on Post Office and Civil Service; be it further

Resolved, That when the court determines (1) that any of the documents, papers, or evidence called for in such subpena have become part of the official transcripts of public proceedings of the Senate by virtue of their inclusion in the official minutes and official transcripts of such proceedings for dissemination to the public upon order of the Senate or pursuant to the rules of the Senate, and (2) that such documents, papers, and evidence are material and relevant to the issues pending before the court, then the court, through any of its officers or agents, shall have full permission to attend with all proper parties to the proceeding, and then always at a place under the orders and control of the Senate, and there to take copies of such documents, papers, and evidence in the possession or control of the said David Minton, excepting any other documents, papers, and evidence (including but not limited to, minutes and transcripts of executive sessions and any evidence of witnesses in respect thereto) which the court or other proper official thereof shall desire as such matters are within the privileges of the Senate; be it further

Resolved, That, notwithstanding any other provision of this resolution, when the court finds that the voting records of the Committee on Post Office and Civil Service insofar as they reflect the votes cast on the postage rate sections of H.R. 7977, Ninetieth Congress, first session, by Daniel B. Brewster as a member of that committee are material and relevant to the issues pending before the court, then the court, through any of its officers or agents, shall have full power to attend with all proper parties to the proceeding, and then always at a place under the orders and controls of the Senate, and there to take copies of so much of such voting records as reflects the votes cast by Daniel B. Brewster, but no votes cast by any other member of that committee; be it further

Resolved, That David Minton, staff director and counsel of the Committee on Post Office and Civil Service, in response to such subpena may testify to any matter determined by the court to be material and relevant for the purposes of identification of any document, paper, or evidence if such document, paper, or evidence has previously been made available to the general public, or if its disclosure is authorized by this resolution, but that said David Minton shall respectfully decline to testify concerning any and all other matters that may be based on his knowledge acquired by him in his official capacity either by reason of documents, papers, or evidence appearing in the files of the Committee on Post Office and Civil Service or by virtue of conversations or communications with any person or persons and he shall respectfully decline to testify concerning any matters within the privilege of the attorney-client relationship existing between said David Minton and the said committee or any of its members; and be it further

Resolved, That a copy of this resolution be transmitted to such court as a respectful answer to such subpena.

The preamble was agreed to as follows:

Whereas in the case of the United States of America against Daniel B. Brewster, et al. (criminal action number 1872–69), pending in the United States District Court for the District of Columbia, a subpena ad testificandum and duces tecum was issued by such court addressed to David Minton, staff director and counsel of the Committee on Post Office and Civil Service, United States Senate, directing him to appear as a witness before that court at 9 antemeridian on November 9, 1970, and to bring with him certain minutes and records (including tabulations of votes) of executive sessions of that committee pertaining to the postage rate sections of H.R. 7977, Ninetieth Congress, first session, such material being in the possession and under the control of the Senate of the United States: Now, therefore, be it

POLICE OFFICERS APPRECIATION WEEK

Mr. MANSFIELD. Mr. President, that completes the call of the calendar. I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1201, Senate Joint Resolution 225.

The ACTING PRESIDENT pro tempore. The resolution will be stated by title.

The title of the joint resolution was read as follows:

S.J. Res. 225, authorizing the President to proclaim the period October 25 through 31, 1970, as Law Officers Appreciation Week.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. MANSFIELD. Mr. President, I seek recognition.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, I am delighted that this resolution has been reported unanimously by the Judiciary Committee and will shortly be passed, I assume, unanimously by the Senate.

Mr. President, we live in a time of lawlessness, a time of ever-mounting crime and violence. Broken down, it seems, is the whole fabric of community relations and the entire process of human dialog. On many fronts there is plain evidence of disrespect for law and even worse, disrespect—and in some cases utter contempt—for the man whose duty it is to enforce the law—the police officer, the lawman.

When it comes to public service, it is the police officer, the lawman, who must discharge perhaps the most important responsibilities of all. It is he, the police officer, who must protect our families and neighbors, our wives and loved ones, places of business, watch over the streets we drive and the sidewalks we walk. It is he, the police officer, who must respond to emergencies, to accidents and injuries, and to calls for help and assistance.

By no means do I say that embodied in every policeman are the qualities exemplified by the proverbial Good Samaritan. Nor do I deny that there are bad cops. Bad cops do exist, just as there are bad citizens. What I do say, however, is that the police do a job that few citizens want to do. And by and large, they do it pretty well. To put it starkly, life in many parts of this country has become brutal and violent. And it is the policeman who by his work is forced to confront the abundance of social problems that have made life brutal and violent. Maybe he is not the best equipped in every specialized respect to handle the job. But at least he is willing.

Nor is it an easy job. Indeed, it is performed at great risk to life and limb. In all last year, 86 policemen were killed while on duty. Over 35,000 of them suffered assaults. And the risk has become greater each year. Percentagewise these figures were up immensely over prior years.

Maybe I am not with it, but I find no humor at all in such crude characterizations as "pig." None whatsoever. Such a reference sickens me even more when I think of those officers who have been shot down and blown up with such cold abandon recently. Twenty police officers already have been murdered this year and scores of others wounded by snipers, bombers, and other assailants. This is not happening elsewhere. It is happening right here in our own Nation; in our own cities and towns. It is happening in Chicago, in Philadelphia and New York, in Los Angeles, and right here in Washington.

Attacks on the police have been one of the most deeply disturbing aspects of the current wave of violence. Responding to routine calls has ended too often in death and injury. These treacherous tactics of ambush, of kill and run, recall the worst days of gangsterism and bandit warfare. They cry out for swift, remedial action.

What kind of action? First of all, the policemen of America deserve and have every right to expect the cooperation and support of every American citizen. No matter how one views the causes of our many social ills, no matter how he envisions things as they ought to be, he need not hesitate to stand up and support his police officers. He may talk of closing the gap that exists between young and old, black and white, rich and poor. Why not do something about closing the ever-widening gulf that exists between the police officer and those he serves? Why not heal the bitter alienation that has produced this crisis?

Rather than dehumanizing law officers with insulting and degrading labels, let us recognize that the police force is composed of human beings who think and feel and react. That is the challenge before us. To take every step necessary to restore to the policeman what he deserves—faith and trust and respect. To do so will take more than just talk; more than mere lipservice. As a society we must become deeply concerned with the police of America, with their problems and their needs. After all, they, too, are Americans who have legitimate grievances, aspirations, and rights. And just as he seeks to protect us from crime and violence—risking his life in the process—so must we endeavor to protect and support the policeman, the lawman, and the fireman. Without him, society cannot survive.

Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled, "Police Under Attack but Standing Fast," published in the U.S. News & World Report of September 21, 1970.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the U.S. News & World Report, Sept. 21, 1970]

POLICE UNDER ATTACK BUT STANDING FAST

In spite of the mounting wave of attacks on police, a national survey by "U.S. News & World Report" shows this:

Police are not running away from the growing danger. No upsurge in resignations is reported by law-enforcement officials in key cities.

Recruiting of new policemen to expand police forces or to replace men lost by retirement does not appear to be lagging abnormally. In fact, some cities report it is easier to hire new men now than it was a few years ago.

Washington, D.C., on September 10, announced the successful completion of a recruiting drive that boosted the capital's police force to the record number of 5,100 officers. This was an increase of 1,100 men since January 1.

Personnel problems are cropping up in the police departments of some cities.

New York City, in a single week of early September, was hit by the resignation of two top police officials—Police Commissioner Howard R. Leary and Chief Inspector George P. McManus.

One New York City newspaper quoted sources close to Commissioner Leary as saying the "last straw" that brought about his resignation was a "city-hall attempt to play down reports of a plot to murder policemen."

Mayor John V. Lindsay denied that report. "The fact is," the mayor's spokesman said, "that Mayor Lindsay was advised last week by Police Commissioner Leary and the top command of the police department that at this time there was no evidence of any conspiracy in the recent series of outrages against individual police officers." Mr. Leary declined immediate comment.

Police toll. An official police report showed a sharp increase this year in the number of New York policemen injured in attacks so seriously as to require medical attention. The record:

Jan. 1 to Aug. 31	1970	1969
Wounded by gunshot	34	11
Cut or stabbed	44	33
Human bite	96	50
Punched	217	250
Kicked	154	54
Struck with object	158	89
Assaulted making arrest	152	101
Miscellaneous injuries	130	3
Total	985	591

Three New York policemen have been killed by attackers this year, compared with none in the same period of 1969.

Yet the New York police department reports no problems caused by police resigning or retiring prematurely.

There still are shortages of policemen in many cities. When larger forces are authorized to deal with rising crime, it is often hard to fill the new quotas. And the turnover in the ranks is high.

This, however, is described by officials as not a new situation—and not, apparently, caused by the increase in attacks on police. The shortages began with the rise of riots, officials say.

"The police-requirement problem was more severe four or five years ago than it is today," reported George O'Connor, chief of police programing for the Federal Law Enforcement Assistance Administration (LEAA).

According to Mr. O'Connor, low pay and a widespread disrespect for police have kept more people out of the profession than terrorism does now.

"Higher standards." From James Kelly of the International Association of Chiefs of Police came this comment:

"One problem in recruiting police is the higher standards now being required. Actually, you could fill the police ranks rather easily—but not with the kinds of people you want."

Pay has always been a problem. But pay scales have been raised recently in many cities.

One major city experiencing difficulties is Los Angeles, which is 558 men short. A recruiting officer there said:

"There is an element of fear. Men know there are jobs paying just as well that don't require being shot at."

A survey showed the following situations in other key cities: No new problems in Philadelphia, Detroit, Chicago or Cleveland; recruiting "going better now" in Houston; no increase in resignations in San Francisco or Oakland.

"A scary job." Morale is reported low in some cities. As one official put it:

"Being a policeman is a more scary job now, dangerous. And it seems to command less public respect. There are more social pressures against a man becoming a policeman. Any town hit by riots has a problem recruiting police. Blacks are especially hard to recruit."

Newark, N.J., with many black residents and once hit by a big riot, reports trouble getting "good black candidates." In Washington, however, about half the new recruits are Negroes.

At least 16 policemen have been slain in unprovoked attacks this year—twice as many as last year and four times as many as in 1968.

If this rise in terroristic assaults continues, officials fear it will begin to take its toll in thinning police ranks. So far, however, police are not abandoning the battle.

Mr. GRIFFIN. Mr. President, I commend the distinguished majority leader (Mr. MANSFIELD) for his excellent statement in connection with this resolution.

I also commend the distinguished junior Senator from Illinois (Mr. SMITH), who was the sponsor of this joint resolution which proclaims the period October 25 through October 31, 1970, as "Law Officers Appreciation Week."

Like the distinguished majority leader, I deplore the use of insulting and degrading labels to describe police officers.

Obviously, anyone who calls police officers "pigs" or "storm troopers in blue" is not performing a service that builds respect for those who enforce the laws of our land.

As in any other group, there are individual policemen who deserve criticism from time to time, and there is no suggestion here that they should be above criticism. But those who seek to pin degrading, insulting labels on the police as a group not only undermine respect for the law but they work against the best interest of our country.

Mr. WILLIAMS of Delaware. Mr. President, I wish to compliment the Senator from Montana on the tribute he has just paid to law enforcement officers and to join the Senator from Montana on the tribute he has just paid to law enforcement officers and to join the Senator from Montana and my colleague from Michigan in expressing the hope that the joint resolution will pass unanimously and that the Senate will be on record recognizing the tremendous job which law enforcement officers have done for all Americans. They deserve our respect and support, and I am sure they have the overwhelming respect and support of all Americans.

Mr. MANSFIELD. I agree.

Mr. SCHWEIKER. Mr. President, I commend the Senator from Montana for his very important and significant remarks.

I am rather saddened to report that only early this morning a Toledo, Ohio, policeman was shot to death in cold blood as he sat in his police cruiser on duty. According to the latest UPI dispatch, Police Chief Anthony Bosch said:

From the information I have received this was a cold blooded killing.

Apparently the assailant walked up to the police car and shot the police officer in cold blood.

Mr. President, this shocking and brutal slaying of a Toledo, Ohio, policeman today clearly illustrates the urgent need for immediate Federal attention to the rapidly spreading trend toward assassinating policemen.

Just 2 days ago I introduced a bill, S. 4348, to make the killing of a policeman a Federal crime. My legislation is specifically directed toward just the kind of radical revolutionary activity which occurred in Toledo last night—the cold-blooded killing of a police officer merely because he is a policeman. These criminals must be stopped now—we cannot afford to hesitate. I earnestly call upon my colleagues in the Senate to recognize that these are not isolated incidents, but that an unmistakable national trend has developed. Just over 2 weeks ago, a policeman in Philadelphia was brutually shot down as he sat at a desk in a lonely guardhouse. In Toledo last night, an officer sitting in a patrol car was shot at point blank range. We cannot allow this to continue. We must act now to provide Federal assistance to local police, because this is clearly a national problem. I ask that immediate action be taken on the legislation which I have proposed so that we can forcefully indicate that we will not stand by and allow these unprovoked attacks on our law-enforcement officials to continue.

Congress is often divided on great issues, and this is part of our constitutional process. But on this issue, we can, and must, act as one, to reaffirm our commitments to protect our public servants. We have a duty to provide national leadership to bring a halt to these senseless attacks on policemen. My bill provides for psychological warfare with legislative teeth.

Mr. President, I ask unanimous consent that the name of the Senator from Montana (Mr. MANSFIELD) and the Senator from Pennsylvania (Mr. SCOTT) be added as cosponsors of my bill, S. 4348.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The joint resolution is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution (S.J. Res. 225) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled, That the President is hereby authorized and requested to proclaim the period October 25–31, 1970, as Law Officers Appreciation Week and to call upon the people of the United States to observe such period with appropriate ceremonies and activities.

The preamble was agreed to, as follows:

Whereas the Nation is experiencing an accelerating increase in the incidence of crimes, and

Whereas the law enforcement officer is society's first line of defense against the lawlessness of its criminal element, and

Whereas the greatest majority of law enforcement officers are dedicated public servants who risk their lives to protect the persons and property of others, to insure domestic peace, and to promote compliance with just laws, and

Whereas the instances in which individual law enforcement officers conduct themselves in a manner contrary to their duty or to the public good are relatively very few, but are often exploited to undermine public confidence in law enforcement officers in general, and

Whereas mutual confidence and cooperation between citizens and law enforcement officers is essential to the preservation of individual rights: Now, therefore, be it

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare be authorized to meet on occupational health and safety matters during the session of the Senate today.

Mr. GRIFFIN. Mr. President, consistent with the position taken yesterday by the distinguished minority leader, and at the request of other Senators, I respectfully object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. GRIFFIN. Then, if I may have the floor for a moment or two, I wish to ask the Presiding Officer a question.

Am I correct in my understanding that even though the Senate is in session, committees do not need permission to sit during the period for the transaction of routine business known as the morning hour?

The ACTING PRESIDENT pro tempore. Or until any pending business is laid before the Senate.

Mr. GRIFFIN. So, for example, at the present time—as I understand—there is no Senate rule that interferes with a committee meeting; is that true?

The ACTING PRESIDENT pro tempore. The Chair would call to the attention of the Senator from Michigan that we have been passing bills, so matters have been laid before the Senate.

Mr. GRIFFIN. So the unanimous-consent request to which I object——

The ACTING PRESIDENT pro tempore. It would be timely.

Mr. GRIFFIN. I am trying to make the point that the rule does not preclude a committee from meeting either before the Senate goes into session, which this morning was 10 o'clock, or even after the Senate is in session until the legislative business is laid down after the morning hour, if there is a morning hour; is that correct?

The ACTING PRESIDENT pro tempore. Committees could not meet now because business has been transacted.

Mr. GRIFFIN. I see.

Mr. MANSFIELD. But, Mr. President, that really is of a technical nature because we are going——

Mr. GRIFFIN. Ordinarily it would be the case, I understand.

The ACTING PRESIDENT pro tempore. Until the pending business or unfinished business——

Mr. GRIFFIN. Mr. President, I want to point out that in this case, the particular committee for which the request was made, the Committee on Labor and Public Welfare, met at 9 o'clock this morning. I happened to be there myself to introduce a nominee for an appointment. Accordingly, I know that this particular committee has been meeting since 9 o'clock.

In addition, I want to say on behalf of some Senators who have registered complaints with the leadership, that when the Senate is scheduled to convene at 10 a.m. and committees are permitted to sit while the Senate is in session, Senators are placed in a very difficult position. They have an obligation to be here on the floor, and if we expect

them to be here we cannot also expect them to be in committee meetings. The situation presents a dilemma. They cannot do both.

The joint leadership is driving to end the session. Many Senators believe that a reasonable calendar has been laid out.

Personally, I have no objection to any particular bill and I want to make that clear. But, as a member of the leadership, I can understand the frustration and the feeling of Senators who believe we should finish up this session, taking care of bills that have been reported, but holding to a minimum the addition to the calendar of more pieces of legislation. That does not mean, of course, that I agree with the judgment of other Senators in each case as to other bills which should be considered.

Mr. MANSFIELD. In view of the situation which has developed and in a spirit of comity, I ask unanimous consent that all these committees be allowed to meet until the conclusion of morning business. It will not take long.

Mr. GRIFFIN. I have no objection to that.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The point raised by the Senator from Michigan is covered by rule 25.5:

5. No standing committee shall sit without special leave while the Senate is in session after (1) the conclusion of the morning hour, or (2) the Senate has proceeded to the consideration of unfinished business, pending business, or any other business except private bills and the routine morning business, whichever is earlier.

Mr. GRIFFIN. I thank the Chair.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nomination on the Executive Calendar will be stated.

DEPARTMENT OF STATE

The assistant legislative clerk read the nomination of John N. Irwin, II, of New York, to be Under Secretary of State.

The ACTING PRESIDENT pro tempore. Without objection, the nomination will be considered; and, without objection, it is confirmed.

AMBASSADOR

The assistant legislative clerk read the nomination of William B. Buffum, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Lebanon.

The ACTING PRESIDENT pro tempore. Without objection, the nomination will be considered; and, without objection, the nomination is confirmed.

INTER-AMERICAN SOCIAL DEVELOPMENT INSTITUTE

The assistant legislative clerk proceeded to read sundry nominations in the Inter-American Social Development Institute.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations in the Inter-American Social Development Institute be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations in the Inter-American Social Development Institute are considered and confirmed en bloc.

NATIONAL SCIENCE FOUNDATION

The assistant legislative clerk read the nomination of Raymond L. Bisplinghoff, of Massachusetts, to be Deputy Director of the National Science Foundation.

The ACTING PRESIDENT pro tempore. Without objection, the nomination will be considered; and, without objection, the nomination is confirmed.

NATIONAL LIBRARY OF MEDICINE

The assistant legislative clerk read the nomination of James Chipman Fletcher, of Utah, to be a member of the Board of Regents, National Library of Medicine, Public Health Service.

The ACTING PRESIDENT pro tempore. Without objection, the nomination will be considered; and, without objection, it is confirmed.

The assistant legislative clerk read the nomination of John Phillip McGovern of Texas, to be a member of the Board of Regents, National Library of Medicine, Public Health Service.

The ACTING PRESIDENT pro tempore. Without objection, the nomination will be considered; and, without objection, it is confirmed.

OFFICE OF SCIENCE AND TECHNOLOGY

The assistant legislative clerk read the nomination of Edward E. David, Jr., of New Jersey, to be Director of the Office of Science and Technology.

The ACTING PRESIDENT pro tempore. Without objection, the nomination will be considered; and, without objection, it is confirmed.

AGENCY FOR INTERNATIONAL DEVELOPMENT

The assistant legislative clerk read the nomination of Donald G. MacDonald, of Vermont, to be an Assistant Administrator of the Agency for International Development.

The ACTING PRESIDENT pro tempore. Without objection, the nomination will be considered; and, without objection, it is confirmed.

FOUR CORNERS REGIONAL COMMISSION

The assistant legislative clerk read the nomination of Stanley Womer of Arizona to be Federal Cochairman of the Four Corners Regional Commission.

The ACTING PRESIDENT pro tempore. Without objection, the nomination will be considered; and, without objection, it is confirmed.

NEW ENGLAND REGIONAL COMMISSION

The assistant legislative clerk read the nomination of Chester M. Wiggin, Jr., of New Hampshire, to be Federal Cochairman of the New England Regional Commission.

The ACTING PRESIDENT pro tempore. Without objection, the nomination will be considered; and, without objection, it is confirmed.

INTERNATIONAL ATOMIC ENERGY AGENCY CONFERENCE REPRESENTATIVES

The assistant legislative clerk proceeded to read sundry nominations for International Atomic Energy Agency Conference Representatives.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that those nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations to the International Atomic Energy Agency Conference will be considered en bloc; and, without objection, they are confirmed en bloc.

Mr. MANSFIELD. Mr. President, I request that the President be immediately notified of the confirmation of the nominations.

The ACTING PRESIDENT pro tempore. Without objection, the President will be so notified.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

ORDER FOR RECOGNITION OF SENATOR YOUNG OF OHIO, ON MONDAY, SEPTEMBER 21, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Ohio (Mr. YOUNG) be recognized for not to exceed 20 minutes Monday morning next, after disposition of the reading of the Journal of the proceedings of the previous day and uncontested business on the calendar.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATOR ALLEN COMPLETES 100 HOURS OF DUTY AS PRESIDING OFFICER THIS SESSION

Mr. MANSFIELD. Mr. President, the distinguished Presiding Officer, the Senator from Alabama (Mr. ALLEN), has now completed in excess of 100 hours in

the Chair. This is a record which very few Senators reach, and it is a record of which the distinguished Senator from Alabama, now presiding, may well be proud.

OCCUPANCY OF THE CHAIR OF THE SENATE

Mr. MANSFIELD. Mr. President, occupancy of the Chair of the Senate is a position of high trust and distinction whose responsibility is shared with the Vice President in principle with all Senators.

The joint leadership has agreed on a formal practice which gives due regard to the demands on the time and energy of committee chairmen and others already in positions of added responsibility, and to the special educative value of service in the Chair to less senior Members.

For the information of the Senate, on Monday of this week, the Senate completed 1,000 hours during this session of Congress. This is among the busiest sessions in recent history and has occasioned convening at early hours and staying late into the evening. This was necessary if the President's program is to be enacted in a timely and responsible manner.

I wish to call the attention of the Senate to the outstanding service provided by the junior Senator from Alabama (Mr. ALLEN) who has just completed 100 hours this session as Presiding Officer of this body. These 100 hours comprise nearly 10 percent of the total hours the Senate has been in session.

It should be pointed out that this is the second year that Senator ALLEN has achieved 100 or more hours as Presiding Officer. During the first session, the Democratic pages of the Senate awarded him the "Golden Gavel," an annual recognition for the Senator who first reaches the 100-hour mark. He has won this prize again.

I wish to express the deep appreciation of the joint leadership to the Senator from Alabama for responding to every request to preside with good humor, patience, and an understanding of what it takes to keep the Senate operating smoothly and efficiently.

While the Senator from Alabama has achieved the high-water mark for this Congress, there are Senators on both sides of the aisle who should be mentioned as performing great service to the Senate as a whole. Members who have served more than 50 hours in the Chair this session are: Senator BELLMON, Senator CRANSTON, Senator EAGLETON, and Senator HUGHES.

The joint leadership extends its appreciation to them and to all Senators who are acting as Presiding Officers.

Again, on behalf of the entire Senate, I wish to congratulate the Senator from Alabama for his exemplary service.

The ACTING PRESIDENT pro tempore. The Chair, acting as the junior Senator from Alabama, is deeply grateful to the distinguished majority leader for his kind and gracious words.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. In accordance with the previous order, the Senate at this time will proceed to the transaction of routine morning business, with a 3-minute limitation on statements.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I be allowed to proceed for 7 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROPOSED SETTLEMENT OF C–5A CONTRACT DISPUTE

Mr. PROXMIRE. Mr. President, the proposed settlement of the C–5A contract dispute with Lockheed Aircraft Corp. represents one of the greatest Government giveaways ever attempted in a single stroke. The proposal, detailed in a briefing document entitled "The C–5A Restructured Contract" and dated August 31, 1970, is clear evidence that the Air Force is more interested in bailing out its giant aerospace contractor from financial difficulties than in carrying out its obligations to the American taxpayer. The Pentagon has apparently adopted a "public be damned" attitude and is rushing in with Government funds to save a faltering corporation.

The thrust of the new agreement appears to relieve the contractor of most of his financial responsibility during the duration of the C–5A program. This is accomplished by changing the contract from a fixed-price to a cost-plus type, in effect giving Lockheed a blank check, making a mammoth Government loan on overgenerous terms which include deferring repayment until 1974, and simply relinquishing valuable Government rights such as the $11 million owed by Lockheed because of late delivery. Almost the entire burden of the fouled-up C–5A program is being placed on the sagging shoulders of the taxpayer.

It may be recalled that I have long been critical of the C–5A contract which is legally classified as a fixed-price type agreement. Generally, under this kind of agreement, the contractor agrees to deliver his product for an agreed price. His commitment to the agreed price is what makes the contract "fixed." In the case of the C–5A, the Air Force widely advertised the fact that in return for awarding a multibillion dollar R. & D. and production program to a single contractor, the contractor entered into firm price commitments with the Government. But my basic criticism has been that because of built-in loopholes and the unwillingness of the Air Force to enforce the terms of the contract, Lockheed's firm price commitments were not worth the paper they were written on.

Publicly, the Air Force said it had a fixed-price contract and that there was a ceiling on the costs of the program beyond which the Government was not obligated to pay. Privately, the Air Force had decided to look the other way while costs went through the ceiling and to reimburse Lockheed for whatever costs were incurred or whatever costs Lockheed said were incurred. In fact, nothing was fixed except the Government's side of the bargain. The price commitments were stretched like taffy and went all over the place. The contract was labeled fixed-price, but the Air Force had created a cost-plus environment. That is, the Air Force treated the agreement as if it were required to pay whatever the costs turned out to be. The price commitments and the ceiling were merely legal fictions resting on an elevator built to go in one direction—up.

Last February I wrote to Assistant Secretary of the Air Force Philip N. Whittaker urging the Air Force to stand firm in its negotiations over the C–5A contract and not to allow itself to be coerced into bailing Lockheed out of its financial problems by the threat that Lockheed would simply stop working on its military contracts. In that letter, dated February 26, 1970, I said:

> I would hope that the Air Force will enforce the terms of the contract and not waive any more rights than it has already waived during these negotiations.

Mr. Whittaker replied that he was not aware of any such threats on the part of Lockheed. Yet 1 day later, on March 5, 1970, the Department of Defense disclosed a letter from Lockheed's chairman of the board to the Deputy Secretary of Defense in which Lockheed made precisely the kind of threat I had urged the Air Force not to succumb to. Lockheed had faced the Pentagon with an ultimatum: either pay it $641 million in claims, including about $500 million for the C–5A, over and above the contract prices, or Lockheed would stop work and not deliver the weapons involved. It was a blatant demand, not a request, for a bailout which could ultimately cost the Government a billion dollars.

Deputy Secretary David Packard has assured the Congress that any agreement entered into by the Government would be designed to salvage the C–5A program, not to bail out Lockheed. But the new Air Force proposal indicates quite the opposite. Under this proposal, the Air Force would disregard the original ceiling price of the contract and reimburse Lockheed for all costs incurred. In return, Lockheed would agree to assume a fixed loss of an unspecified amount, but apparently reducing its projected loss—were the existing contract enforced—by about one-half. The amount of the loss would be eventually repaid to the Government, payments to be deferred until 1974.

Of course, the merits of the case are largely disregarded in the Air Force proposal which states that:

> Consideration should be given to how supplemental agreement resolves outstanding issues and their respective dollar values as well as ability of Lockheed to tolerate loss.

Because Lockheed may not be able to tolerate a loss equivalent to what it ought to lose under the original agreement, the Air Force has volunteered the American taxpayer to tolerate the loss. Thus, under the restructured contract,

Lockheed is being offered a $25 million award fee, no doubt as an incentive for superior performance, and a $10 million termination allowance. In addition, the Air Force is offering to give up $11 million in penalties owed by Lockheed because of late deliveries.

In return for this bonanza, Lockheed would agree to reduce its profits on spare parts and undertake other obligations. But in my judgment, the proposal is clearly weighted in Lockheed's favor and intended to extricate the contractor from its financial dilemma. It completely circumvents the Armed Services Board of Contract Appeals and the administrative machinery which was created to adjudicate claims on military contracts. It is an informal, out-of-court settlement of issues which ought not be resolved in such a cavalier fashion. It is a bad precedent and it will cost the taxpayer hundreds of millions of dollars.

I believe that the Congress and the public are entitled to an explanation of this matter. It is becoming clearer all the time that the Pentagon, rather than concerning itself with national security and enforcing its contract for the C–5A aircraft, is acting as a broker and an intermediary between Lockheed and the financial community. The concern here appears to be not so much with the C–5A as with the well-being of the Lockheed Corp. This is an improper role for the Department of Defense to play, in my opinion, and one which compromises the best interests of the Government and the people.

The C–5A contract began with a "buy in." It is now ending with a "bail-out."

I ask unanimous consent to have printed, at this point in the RECORD, the text of the Pentagon briefing paper on the "Restructured C–5A Contract," dated August 31, 1970.

There being no objection, the briefing paper was ordered to be printed in the RECORD, as follows:

THE C–5A RECONSTRUCTED CONTRACT

IMPLEMENTATION

Supplemental agreement to present contract.

Authorized by Public Law 85–804 (Secretarial Memorandum of Approval).

Requires congressional coordination.

To be executed contemporaneously with letter of agreement.

Deviates from DOD Dir. 7200.4 (full funding).

Extinguishes disputes, claims, and issues arising from present contract.

FIXED LOSS TYPE CONTRACT

Cost reimbursement

No ceiling price—estimated cost.

Requires contractor investment of $100,000,000 (part of fixed settlement loss).

Fixed settlement loss (amount to be established).

Repayment by contractor of difference between investment and fixed loss upon completion.

Government funding

Less than fully funded (deviation from DOD dir. 7200.4).

Funds allotted incrementally to meet contractor's expenditures.

Contractor's commitments exceed expenditures (now by $320–$380,000,000—decreasing).

If terminated, contractor exposed by excess of his commitments over funds allocated.

Incentive provision

Award fee of $25,000,000.

Motivates contractor performance—including deficiencies.

Assesses performance beginning with date of supplemental agreement.

Evaluation group formed by SAFIL—all members above SPO level.

Three annual assessments (40%, 20%, 40%).

Not subject to disputes.

Contractor written comments on preliminary evaluation.

Implemented by contract amendment adjusting amount of fixed settlement loss.

TERMINATION ALLOWANCE

Offset effect on other Lockheed Georgia Government contracts of C–5A termination.

Not to exceed $10,000,000 for non-reimbursed losses.

Implemented by contract amendment adjusting amount of fixed settlement loss.

Negotiated by terminating contracting officer.

Management controls

Additional to usual cost reimbursement management controls.

Right to intensified management participation and authority—exercised by the C–5A SPD and the AFPRO.

Any level of involvement permitted.

Right of access to all data.

Rights in decision making process—may be exercised on a selective basis unilaterally by A.F.

Areas of involvement examples:

Plant activities.

Program plans and status.

Personnel resources.

Engineering activities.

Facility resources.

Changes

No added fee for additional *related* work.

Written expression of government's intention.

Limited recourse to disputes clause (abuse of administrative discretion only).

New work subject of separate contract.

C/SCSC Implementation

Resolution of all outstanding legal issues, disputes and claims

Presently surfaced issues (outstanding matters).

Future issues having origins in TPP contract (undiscovered matters).

Cannot revive current disputes—withdrawal of legal complaint.

Repayment provisions

$10,000,000 or 10% of net corporate earnings before taxes per year, whichever is greater.

Repayment commences at end of contractor's FY 1973.

Interest rate of ———% (ASPR provides 6%; to be determined).

Interest on unpaid balance starts with contractor's FY 1974.

Unilateral right of government to defer principal payment.

Deletion of

Total systems performance responsibility.

Correction of deficiencies (including ripple effect) clause.

Funded value engineering program.

Abnormal escalation.

Repricing formula.

Liquidated damages.

Performance incentives.

Not-to-exceed ceiling price.

R&D royalty on foreign and commercial sales.

Inclusion of

Restraint of competition provision (direct access to vendors).

Restraints on reimbursables under Stennis amendment precontract costs (anticipatory costs).

Stennis amendment limitations

Additive to fixed investment of $100,000,000.

Will not increase fixed settlement loss.

Reduces net amount owing Government at completion.

Implemented by supplement agreement to be exercised when funds are added.

Assumptions

Fixed settlement loss (pegged loss) will exceed $100,000,000 fixed contractor investment (unreimbursed allowable costs).

Contractor not precluded by its bankers from agreeing to limitation of Government liability in the event of termination.

Lockheed will not raise any new substantive issues prior to execution.

Funds will be appropriated by the Congress.

Limitations on $200,000,000 will be more-or-less along the lines of Stennis amendment.

Analysis

Original C–5A contract no longer a viable arrangement for program completion.

Areas of disagreement, until resolved, deprive parties of any assurance as to what is the not-to-exceed ceiling price, the target price, and the termination liability (if any) under the contract.

Disputes mitigate against continued funding, good performance, settlement of outstanding claims, resolution of "questioned" costs, and effective cost trade-offs.

Air Force is denied right of involvement in day-to-day management of the program.

In the interest of both parties that this program be seen through to completion by litigation of present disputes, issues, and claims: Or by restructuring of the present contract arrangement.

A finding by the Armed Services board of contract appeal will not be had early enough to permit uninterrupted continuation of the contract.

Confident decision will determine that the equities lay somewhere between the extremes being argued by both parties.

Result will be a higher ceiling price than now and a claim for further damages by Lockheed for the failure to fund the contract during the interim.

Range is from $70,000,000 to approximately $600,000,000 our best guess is in the neighborhod of $200,000,000–$300,000,000.

Decision could not come in time to hold off bankruptcy and victory would be only partial, and it would still be faced with a catastrophic loss.

Litigation offers no solution but only an ultimate financial settlement that contributes nothing toward attainment of either party's objective.

Restructuring of contract enables reaching an equitable settlement consistent with the interests of all parties.

Can convert present contract into an arrangement that facilities close management control and supervision by Air Force of remainder of the program.

Would increase likelihood of effective trade-offs between cost and performance, cost effectiveness in production and in correction of deficiencies, and reduced prices for spares.

For Lockheed, it would offer a greater assurance of ultimately working out its current financial problems.

Problems experienced and the cost growth to date is not a responsibility to be borne exclusively by the Air Force.

Necessary that a pegged loss be set which reflects relative equities, and that it be fixed and settled as part of the restructured contract—a fixed loss type contract.

Should bear some reasoned relationship to what compromise judgment might have been adjudicated by the ASBCA, relative benefits accruing to Lockheed, rights the Air

Force is losing, and the advantages accruing to Air Force.

Consideration should be given to how supplemental agreement resolves outstanding issues and their respective dollar values as well as ability of Lockheed to tolerate loss.

Would enable equitable resolution of all outstanding disputes, claims, and issues without time consuming and costly litigation.

Would facilitate further appropriation and funding of the program with confidence that it will be completed with minimum additional cost growth.

The restructured contract (supplemental agreement) achieves the following:

Uninterrupted continuation of C–5A production.

Resolution and compromise of all legal issues, disputes, and claims arising out of the TPP contract.

Establishment of a more manageable contractual relationship.

Limited potential for new disputes.

Elimination of ambiguous contract language.

Direct Air Force participation in the management and control of the program.

Direct access to vendors for spares and components.

Award fee concept to influence contractor performance.

Inclusion of additional related work without fee.

Government liability limited to dollars allotted.

Predetermined fixed loss and investment arrangement.

Quantifying the dollars involved, the following listing of "give and take" is helpful:

Litigation.—We think Lockheed's case is worth $70,000,000 vs. $600,000,000. We estimate it would probably be settled at a compromise figure of $200,000,000–$300,000,000. Thus, Lockheed would still be in a hole for $300,000,000–$400,000,000. Any fixed settlement loss less than this is in Lockheed's favor.

Spares.—Spares will be procured on a separate contract. Lockheed is giving up about $65,000,000 in spread between a ceiling of 110% vs. 130%.

Investment: By the end of the contract, Lockheed's unallowables would have been approximately $45,000,000. These will now be additive to its fixed investment of $100,000,000.

Stennis amendment: Will increase Lockheed's fixed investment by about $10,000,000 which it will have to carry until completion.

Performance incentive: Lockheed is giving up a $20,000,000 potential.

Additional work: Within reason, Lockheed has agreed additional work can be added without fee. How much this is worth is unknown. What is certain is that by eliminating abnormal escalation, we will reduce our ultimate costs by $50,000,000 to $60,000,000 for effort related to spares and other items between now and completion.

Royalty on commercial and foreign sales: No royalty repayment associated with the cost of development—more theoretical than actual.

Precontract costs: Costs incurred by Lockheed after announcement of award but before contract execution. These amount to about $900,000. Will be part of the cost of the restructured contract.

Termination charges: Amounts to $7,800,000 in subcontractor termination costs (current estimate) and $24,900,000 in additional costs for reduced quantities (current estimate) after change order No. 521. Permitting these costs to the extent otherwise reasonable and allowable under ASPR XV.

Disputed costs: $525,000 for additional fire protection and $640,000 for special test equipment and facilities in dispute under current contract. In the supplemental agreement, because it is cost reimburseable, we have agreed they are allowable.

Contracting officer letters: Work contractor was directed to do over his protestations that it constituted added scope and should result in adjustment of prices. Would have had to be resolved on a case-by-case basis: No current estimate of their value. These costs will now be allowable and costed to the Government.

Class II training equipment: Outstanding dispute as to Lockheed's commitment to furnish certain training equipment. We have compromised this issue right down the middle. Represents $3,100,000 in added cost to the Government.

Liquidated damages: Lockheed owes us $11,000,000 for late delivery. While disputed by Lockheed, the probable outcome was uncertain. We have given this up in the supplemental agreement.

Mr. PROXMIRE. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRIFFIN. Is there further morning business?

Mr. PROXMIRE. Mr. President, is the order for the quorum call rescinded?

The ACTING PRESIDENT pro tempore. It was called off by unanimous consent, on request of the Senator from Michigan.

Mr. PROXMIRE. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HUMAN RIGHTS—IN OUR NATIONAL INTEREST

Mr. PROXMIRE. Mr. President, the Convention on the Prevention and Punishment of the Crime of Genocide was adopted unanimously by the General Assembly of the United Nations in Paris on December 9, 1948, and signed on behalf of the United States on December 11, 1948. The Convention on the Political Rights of Women, was signed at New York on March 31, 1953, in behalf of certain governments, but not the Government of the United States of America. The Convention Concerning the Abolition of Forced Labor, adopted by the International Labor Conference at its 40th session was signed in Geneva, June 25, 1957—but not by the United States. These three Conventions still remain dormant in the Senate Foreign Relations Committee.

Yet the Senate Foreign Relations Committee has had a record of action and accomplishment on international treaties. Let us take a look at that record. In 1970, twelve treaties were submitted to the Foreign Relations Committee. Two of these treaties submitted within 1970 have since been ratified by the Senate—the treaty on extradition between the United States and New Zealand and an agreement between the Government of the United States and the Government of Canada relating to the operation of radiotelephone stations. In 1969, 11 treaties and international conventions were presented to the committee. Of these 11 treaties, 10 have been ratified by the Senate. Of these treaties, there were the Convention establishing the World Intellectual Property Organization, and Paris Convention for the Protection of Industrial Property; an agreement between the United States and the Government of Canada providing for additional temporary diversions from the Niagara River for power purposes; a protocol to the International Convention for the Northwest Atlantic Fisheries relating to panel membership and to regulatory measures; and a Convention on the Conduct of Fishing Operations in the North Atlantic. Again, in 1968, three treaties were referred and two were ratified by the Senate.

It is obvious that the Senate Foreign Relations Committee and the Senate of the United States is willing to act when an international agreement is in our national interest. By inaction on these treaties the Senate implies that the ratification of a treaty on human rights is not in our national interest. The validity and justification for these human rights conventions is acknowledged by a majority of nations throughout the world. We are one of the very few nations that has acted on none of these treaties. Establishing human rights is in "our national interest" and it must be an international goal. The gap between national and international commitment must be bridged. And the bridge in this case should be ratification of the Human Rights Conventions on Genocide, Political Rights for Women, and the Abolition of Forced Labor.

ORDER OF BUSINESS

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE STRENGTH OF THE SENATE

Mr. MATHIAS. Mr. President, from time to time, we have criticisms of the congressional system and criticism of the Senate as an institution. Various plans for reform and reorganization have been put forth. Many of these plans have great merit. Many of them I have supported. Many of them I hope to see become reality. But, over the long pull any institution, whether it is Congress or any

other form of collective human action, depends on the people who are involved in the work of that institution; and the strength of the institution is the strength of its individual members.

One of the great and enduring values of the U.S. Senate is the strength of individual Senators. We have had an interesting period in the life of our Government life in recent months, one which I think reflects great credit on a number of Senators. But I would like to mention particularly the work of the distinguished chairman of the Committee on Aeronautical and Space Sciences, the Senator from New Mexico (Mr. ANDERSON), and the ranking minority member, the Senator from Maine (Mrs. SMITH).

A very important contract was pending, one upon which a great deal of research and study had been expended, but when the final decision was made by NASA, questions were still left in the minds of very many people—the kind of questions which bring into doubt the integrity of government itself.

Senator ANDERSON and Senator SMITH of Maine never hesitated to execute their responsibility in the Committee on Aeronautical and Space Sciences. They acted vigorously and responsibly. The net result was that the original decision was turned about and a generally more satisfactory decision was reached because they were strong, because they were willing to act.

This was a situation which engaged the interest of Members of the Senate beyond the Committee on Aeronautical and Space Sciences. The distinguished chairman of the Government Operations Permanent Subcommittee on Investigations, the Senator from Arkansas (Mr. MCCLELLAN), took an active, helpful, and positive part. The Senator from Wisconsin (Mr. PROXMIRE) took an active constructive part. I express my appreciation to them, not from any parochial point of view, but from the point of view of the Senate as an institution, for the strength, the character, the vigor, and the leadership that each of them has exhibited in the context of an important NASA procurement contract.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House insisted upon its amendment to the bill (S. 3558) to amend the Communications Act of 1934 to provide continued financing for the Corporation for Public Broadcasting, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STAGGERS, Mr. MACDONALD of Massachusetts, Mr. VAN DEERLIN, Mr. SPRINGER, and Mr. BROYHILL of North Carolina were appointed managers on the part of the House at the conference.

ENROLLED BILLS SIGNED

The ACTING PRESIDENT pro tempore (Mr. ALLEN) announced that on today, September 18, 1970, he signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 58. An act providing for the addition of the Freeman School to the Homestead National Monument of America in the State of Nebraska, and for other purposes;

S. 621. An act to provide for the establishment of the Apostle Islands National Lakeshore in the State of Wisconsin, and for other purposes; and

S. 2208. An act to authorize the Secretary of the Interior to study the feasibility and desirability of a national lakeshore on Lake Tahoe in the States of Nevada and California, and for other purposes.

COMMUNICATION FROM AN EXECUTIVE DEPARTMENT

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following letter, which was referred as indicated:

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on better controls needed over assessment and collection of postage for second-class mail, a money loser to the Post Office Department, dated September 18, 1970 (with an accompanying report); to the Committee on Government Operations.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. SPARKMAN, from the Committee on Banking and Currency, without amendment:

H.J. Res. 1366. Joint resolution to provide for the temporary extension of the Federal Housing Administration's insurance authority (Rept. No. 91-1206).

BILL INTRODUCED

A bill was introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. PASTORE:

S. 4365. A bill for the relief of Giovanni Metteo; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS OF BILLS

S. 421

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from New Mexico (Mr. MONTOYA), I ask unanimous consent that, at the next printing, the name of the Senator from Vermont (Mr. PROUTY) be added as a cosponsor of S. 421, to provide increased annuities under the Civil Service Retirement Act.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). Without objection, it is so ordered.

S. 2968

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Connecticut (Mr. RIBICOFF), I ask unanimous consent that, at the next printing, the name of the Senator from Vermont (Mr. PROUTY) be added as a cosponsor of S. 2968, to amend the Internal Revenue Code of 1954 to increase the credit against tax for retirement income.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). Without objection, it is so ordered.

S. 3942

At the request of the Senator from Oklahoma (Mr. HARRIS), his name was added to S. 3942, to provide for thorough health and sanitation inspection of all livestock products imported into the United States, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, September 18, 1970, he presented to the President of the United States the following enrolled bills:

S. 58. An act providing for the addition of the Freeman School to the Homestead National Monument of America in the State of Nebraska, and for other purposes;

S. 621. An act to provide for the establishment of the Apostle Islands National Lakeshore in the State of Wisconsin, and for other purposes; and

S. 2208. An act to authorize the Secretary of the Interior to study the feasibility and desirability of a national lakeshore on Lake Tahoe in the State of Nevada and California, and for other purposes.

FAMILY ASSISTANCE ACT OF 1970—SOCIAL SECURITY AMENDMENTS OF 1970—AMENDMENTS

AMENDMENT NOS. 924 AND 925

Mr. HOLLINGS. Mr. President, I submit the context of H.R. 18970, the ways and means trade bill, and ask that it be printed as an amendment to H.R. 16311, the family assistance plan and H.R. 17550, the social security bill, and, of course, that these be referred to the Finance Committee.

The purpose of this procedure is to be forthright with the U.S. Senate. We are in the closing days. The Mills bill, or Trade Act of 1970, has only been reported to the floor of the House of Representatives by the Ways and Means Committee. The House has not set a rule for the consideration of this bill and, of course, the House is yet to pass the bill. If and when it does, the bill will be referred to our Finance Committee and hearings will be set. By that time we will be in the closing minutes and hopefully in the meantime some House-passed bill affecting the revenue will reach the floor of the U.S. Senate for consideration.

At the moment the most likely are H.R. 16311 and H.R. 17550. If and when they reach the floor of the Senate for consideration we want the Senate to know weeks ahead of time that it is our intent to call the trade bill as an amendment and have it voted upon before we quit in October. We do not want to be charged with surprise and precipitous conduct. The contrary is true. The substance of the trade bill has been considered by the Senate several times during the past 3 years. On textiles, for example, on March 27, 1968, the Senate, by a vote of 55 to 31, passed the Hollings textile amendment. Only last December 10, 1969, by a vote of 65 to 30, the Senate passed the Cotton amendment on textiles and shoes. The American selling price provision, the escape clause revision, and all other matters have been a subject of hearings be-

fore the Finance Committee numerous times.

We do not want to get caught in the parliamentary maneuver of defeat by delay. So this is our way of giving notice. I emphasize that there are provisions of this bill which do not represent my views. Already my textile friends, for example, are asking for amendments. They say it is too open-ended, that the President ought to be mandated to impose quotas. The Domestic International Sales Corporation appears to me to be a windfall for the giant corporations of this land. And there will be Senators concerned over the oil quota provision. But this bill does represent weeks of hearings, months of deliberation and constant hard work on the part of the Ways and Means Committee. It is a delicately balanced piece of legislative handiwork. And so I will accept it, as it is.

I do not feel that the U.S. Senate can or should adjourn without expressing its will on the issue as to whether or not industrial jobs of this Nation ought to become another export and whether or not we will continue to contribute to our fast falling belance-of-payments problem.

The PRESIDNG OFFICER (Mr. YOUNG of Ohio). The amendments will be received and printed, and will be appropriately referred.

The amendments (No. 924) to H.R. 16311, and (No. 925) to H.R. 17550, were referred to the Committee on Finance.

ADDITIONAL STATEMENTS OF SENATORS

IT IS GOOD THAT THE WAR IS ENDING

Mr. PACKWOOD. Mr. President, American casualties in South Vietnam, once routinely numbering more than 100 a week—and sometimes several times that amount—are now so routinely well below 100 that we seem scarcely to notice.

That is too bad, because it is worth noticing that the President's actions in dealing with Vietnam have been so successful.

True, on August 22 it was pointed out prominently that 52 casualties suffered during the previous week were the lowest number in 4 years.

But since then, little has been said. Nevertheless, casualties continue to range lower. During the week ending August 29 there were 63 causalties. They went up to 87 during the week of September 5, but last week they were down again to 54. The total during that 4-week period was 256.

It goes without saying, of course, that 256 men killed in battle are 256 too many. But Mr. President, it is clear that we are approaching the day when we will have zero casualties.

One reason why the war has ceased to be a major issue is that all but a few Americans can see that the President is indeed winding down the war. They can see that his policy of disengagement without retreat and surrender is indeed working. The reduction in casualties is proof of that, just as the reduction in our numbers of men in Vietnam is proof. just as the reduction in the size of our draft calls is proof, and just as the reduction in the size of our defense budget is proof.

Mr. President, it is good that casualties continue to decline; it is good that the war is ending; and it is good that most Americans are aware of what is happening.

UNREALISTIC SCHOOL SITUATION IN THE SOUTH

Mr. ALLEN. Mr. President, last night's edition of the Washington Evening Star contained an excellent and most thought-provoking article by the eminent columnist James J. Kilpatrick.

In his article, Mr. Kilpatrick vividly describes both the tragic and unrealistic school situation confronting public education in the South and the judicial double standard which has been applied by the Federal courts in the matter of school desegregation in our Nation, as well as the political hypocrisy of many doctrinaire liberals who appear to be working for their own interests at the price of confusion during this dangerous hour in American history.

I ask unanimous consent that Mr. Kilpatrick's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Star, Sept. 17, 1970]

FOR FAIR APPRAISAL OF THE SOUTH—ALL THE SOUTHS

(By James J. Kilpatrick)

AUBURN, ALA.—It is an old observation that there is no such thing as "one South." There are many Souths. And never has the truism been truer than it is today.

Yet a reporter who spends a few days traveling by car, deep in Dixie, finds a common thread binding much of the South together. The thread has a nice ironic twist to it—a twist not lost on white Southerners themselves. They invented the doctrine of "separate but equal," and applied it hypocritically for nearly a hundred years. Now they are on the receiving end of discrimination; they are protesting at the top of their lungs; and they are demanding equality under the law.

It might be funny if there were not such incipient tragedy mixed with it. For all the superficial tranquility with which new levels of desegregation have been accepted, racial tensions are running high.

In Richmond, Charlotte, Atlanta, Mobile, Jackson, one encounters the same bitter resentment. One hears it expressed at service stations and lunch counters, in the homes of old friends. Newspapers are overflowing with letters making the identical point. When It comes to the racial composition of public schools, it is a harsh rule for the South, and no rule at all for anywhere else.

Mississippi's able attorney general, Albioun Summer, has been traveling widely in recent weeks in an effort to expose the situation and to publicize the South's valid grievance. The schools of his state have been subjected since early this year to the Draconian edicts of the 5th U.S. Circuit. Mississippi also has had to bear the stinging criticism of Minnesota's Sen. Walter Mondale, a traveling evangelist for the virtues of coerced integration.

Judge Summer looks about the South, and he sees a blizzard of court orders to the same effect: Neighborhood schools must be broken up; children must be bused by the thousands to attain racial balance; faculties must be integrated without regard to the teachers' wishes—and if parents do not like it, well, let the parents be charged with contempt and threatened with sentence to jail.

All right, says Judge Summer; if this is what the Constitution demands, the Constitution must demand it everywhere. But how, he wonders, could the gentleman from Minnesota have overlooked the opportunities for evangelism in his own home state?

During the past school year, some 68,000 pupils attended the 101 schools of Minneapolis. Of these 5,500 pupils, or 8.1 percent, were black. But it is a remarkable thing. The great bulk of these black pupils of Minneapolis were concentrated in a handful of schools—at Hay, Bethune, Willard, and Field elementary schools, at Lincoln and Bryant junior high schools, and at Central and North high schools.

Meanwhile—horrible to contemplate—such elementary schools in Minneapolis as Morris Park and Lowell were lily white. Minnehaha had 1 black child in an enrollment of 516; Putnam had 1 in 455; Corcoran had 7 in 667. At Jordan Junior High, there were 2 blacks among 1,200. At Roosevelt High School, Judge Summer found 15 blacks in a student body of 2,331.

The situation was the same last year in neighboring St. Paul. Monroe Junior and Senior High School, for example, reported not a single black student in an enrollment of 1,037. Seven elementary schools—Van Buren, Sibley, Grant, Adams, Whittier, Deane and Gordon—counted white children, 3,020; and black children, 1.

Now, this is the kind of thing that outrages Mondale; it outrages him in Mississippi. It is the kind of thing that has resulted in massive court-ordered busing in Richmond, Norfolk and Charlotte. But no federal judge has ordered Minneapolis to do anything. St. Paul has not been converted; its acts have led to no perils. The South is asking why.

CULEBRA AND THE QUALITY OF LIFE

Mr. GORE. Mr. President, the tiny island of Culebra, which is a municipality of the Commonwealth of Puerto Rico, is inhabited by 726 U.S. citizens, most of whom make their living by fishing and farming; the yearly per capital income on Culebra is about $400, which is below the standard of living of virtually any other American community.

Since 1936 Culebra and its surrounding cays have been used by the U.S. Navy as targets for naval weapons practice, including naval shelling, aerial bombardment and strafing. During this period the people of Culebra have borne a greater share of the national defense burden than that borne by most other American communities. Since 1960 the level of weapons activity has increased dramatically to such a degree that during 1969 the Culebra target complex was in use an average of 9½ hours, day and night, for 6 days a week, with an additional 3½ hours on Sundays. This intensification, together with the Navy's proposal to acquire an additional one-third of the 7-mile by 2-mile island—the Navy now owns a little more than one-third of Culebra—has driven the vast majority of the Culebrans to ask that the Navy go elsewhere to test its modern arsenal.

According to the Armed Forces Journal, on December 5 of last year Rear Adm. Alfred R. Matter, then Commander of the Caribbean Sea Frontier, wrote a Puerto Rican land developer a letter which reveals what life is like on Culebra. The letter states, in part:

[The Culebra Island] complex is expanding and operations are becoming increasingly

intensive, frequently being conducted through seven days a week. As such use increases, inhabitants of nearby areas such as your property will be subjected to the noise of supersonic booms, gunfire, rocket fire, and heavy air traffic." Culebra's Fight for Life," *Armed Forces Journal*, May 23/26, 1970, p. 39.

According to a New York Times editorial:

Under existing conditions, Culebrans must cope with a nerve-wracking, noise-pollution problem from shelling, bombing and low-flying Navy jets." July 10, 1970, p. 32.

The Culebrans have received the support of the Puerto Rican press and virtually the entire political leadership of Puerto Rico. According to the influential San Juan Spanish language newspaper, El Mundo—

The case of Culebra has achieved something very rare in Puerto Rico—it has united the entire leadership at this Island for one cause.

El Mundo, editorial, August 7, 1970. In addition, some 23 Members of the Senate, representing all sides of the political spectrum, have expressed their concern for this issue, and numerous editorials have appeared throughout the country in sympathy with the Culebrans.

It is no accident, it seems to me, that such a broad spectrum of support for the Culebrans has developed. I believe that the distinguished Senator from Washington (Mr. JACKSON) has focused accurately on what is at stake in Culebra:

What is at stake is something more than the Navy's use of a training facility. In fact, *what is at stake is the quality of life on Culebra* and the Navy's right to decide how far it can go in affecting the lives and well-being of the people who live there." Cong. Rec., S. 14,381, August 27, 1970 (daily ed.) (emphasis added).

"The quality of life": that is an issue which touches all of us in our increasingly complex, urbanized society so deeply that it transcends the boundaries of partisanship to such an extent that Armed Forces Journal, which styles itself as "spokesmen of the services since 1863" was moved to declare:

The Journal sometimes gets stories that we'd rather not print. In many ways, this is one of them.

But we don't make the news: We report it.

* * * * *

Our hearts are with the United States Navy, but not about Culebra. Not now. Our biases, our opinions have shifted from the Navy's side to the Culebrans' as we tracked down and checked out the story on these pages.

* * * * *

What matters is . . . what now should be done. With the Culebrans. By the Navy. For the country which both of them love. "The Editors" "Culebra: The Mouse That Roared," *Armed Forces Journal*, May 23/26, 1970, p. 28.

Thus, the issue of the quality of life has the power to unite the Armed Forces Journal and the New York Times. And it has the power to reach from Culebra to Tennessee, to move me to add my name to those who support the Culebrans. In particular, I would like to express my support for the efforts of the Senator from Washington (Mr. JACKSON) to convince the Navy that its own best interests as well as those of both the United States and Puerto Rico would be served by a statesmanlike decision which recognizes the political and emotional realities. However, if the Navy's intransigence persists, I am prepared to vote for the Goodell-Cranston amendment to the military construction bill, which would preclude the use of Culebra and its surrounding cays for weapons practice. I am pleased to ask that my name be added as a cosponsor of that amendment.

FUTURE GENERATIONS WILL BE INDEBTED TO JACK FORSYTHE—HE HAS BEEN A GUIDING FORCE IN THE DEVELOPMENT OF EDUCATION AND HEALTH PROGRAMS

Mr. RANDOLPH. Mr. President, I join with Senators in tribute to John S. Forsythe, a long-time friend and valued adviser. It is, in one instance, a sad occasion to realize that Jack will no longer be at hand when members of the Committee on Labor and Public Welfare turn toward him for sagacious explanations. It is a joy however, to know that one yet young in years and yet with so many accomplishments can shed his immediate burdens and have a well-earned leisure.

Jack, a native of the Keystone State, has been true to his origin. For the past years, he has been the keystone for all socially significant legislation to move through our committee. As general counsel, he has been a guiding force in the formulation of major education and health measures whose impact on our society cannot be properly assessed for many years to come. As such, future generations of Americans will be indebted to the man we honor today.

In the Biblical sense, he is a "servant's servant."

As a young lawyer from the hard coal fields of Pennsylvania, he saw firsthand the hardships and injustices reaped by the years of the great depression. He dedicated himself to service to his country and to mankind, first in the Navy during World War II, then as a labor attorney in Government.

If one takes into account all the future generations yet unschooled, all the sick unhealed, all the lives to be enobled and enriched by the work that Jack has done over the past 29 years, there is a true record of service among us. I accord him the highest and most honored appellation. Jack Forsythe is a humanitarian.

ADDRESS BY EARL BOYD PIERCE BEFORE FEDERAL BAR ASSOCIATION CONVENTION

Mr. HARRIS. Mr. President, the General Counsel for the Cherokee Nation, Mr. Earl Boyd Pierce, of Ft. Gibson, Okla., spoke today to the National Convention of the Federal Bar Association. Mr. Pierce has served the Cherokee Nation distinguishably for more than 30 years and his knowledge of Indian law is amazing.

Mr. Pierce has fought particularly hard to secure and protect the property rights of the Cherokee Nation. In his remarks before the National Convention of the Federal Bar Association, he traces some of the history of the tribal leaders and attorneys efforts to protect the rights of the Cherokee Nation and to regain "a portion of the tribal heritage."

I ask unanimous consent that Mr. Pierce's remarks be printed in the RECORD, which I believe Senators and others will find very interesting.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

SPEECH OF EARL BOYD PIERCE

Mr. Chairman, Ladies and Gentlemen, it is a great honor to attend again the National Convention of the Federal Bar Association. Our distinguished Chairman, Mr. Samuel J. Flickinger, deserves the grateful thanks of the Cherokees for permitting our second appearance at a National Convention. I will strive to avoid obscuring with rhetoric our new position with the Federal Government. In the 1830's and again in the 1890's Cherokee leaders were preoccupied resisting efforts to strip the Tribe of its land resources. For the past quarter century present day leaders and the Tribe's Attorneys, particularly Mr. Paul Niebell, Mr. Andrew C. Wilcoxen, and others, have sought relief in the courts to regain a portion of the Tribal heritage.

My active association as an Attorney for the Cherokees during a period of more than thirty years has taught the lesson that one should distinguish between individual and governmental acts relating to Tribal affairs. Oftentimes the Government has pursued a course of conduct costly to a particular Tribe but later afforded it a remedy under the judicial process; while harmful individual acts have been somewhat more difficult to rectify.

Students of history have pondered the language of Judge Nott of the Court of Claims, for example, in the Western (Old Settler) Cherokee Case,[1] where, in 1891, it was said: *"The Treaty of New Echota * * * was the act and deed of neither the Eastern nor Western Cherokees."* This language seems to strike down an important Cherokee Treaty[2]—the Treaty to resettle the Cherokees in present Oklahoma. Yet it has been enforced from the date of its proclamation and, happily, even as late as April of this year, 1970, by a very recent opinion of the Supreme Court[3] this 1835 Cherokee Treaty and the Patent issued pursuant thereto, sustained Indian fee title to 100 miles of the navigable Arkansas Riverbed in Oklahoma. But since the Court of Claims, in 1891, expressly held that neither the Eastern nor Western Cherokees *made* such Treaty, historians probably have a right to wonder who, in fact, made the Treaty.

For the United States, the Reverend J. F. Schermerhorn, appeared and acted as the Principal Treaty Commissioner. For the Cherokee Nation, certain individual Cherokees, some twenty in number, appeared, pretending to represent it. But as its leader stated, they possessed no authority whatever to bind the Nation and its people to the terms of the Treaty. They were not chiefs nor headmen, he said, elected to treat away the possessions of the Cherokee people, nor were they delegated by either the National Council or the Principal Chief of the Nation as agents to bind the Nation to the obligations of the Treaty. Although to this day this Treaty has been repeatedly mentioned and relied upon, Judge Nott's language has not been modified. Even on appeal by the United States to the Supreme Court, Judge Nott's decision in the case was affirmed in 148 U.S., without any reference to this specific but truthful language of Judge Nott in 27 Court of Claims.

Footnotes at end of article.

The Cherokee Treaty of 1835, of course, was a Treaty of Cession and not of amity; whereas the subsequent Treaty of August 6th, 1846 [4] was a Treaty of amity, and of mutual intra-tribal concessions. Here may be found the intent expressed by the three Cherokee factions to mutually accept the onerous terms of the Treaty of 1835. This treaty of 1846 is of greater interest and importance because under it the United States escaped liability for depriving the Western Cherokees by the 1835 Treaty of their exclusive title to nine million acres of Oklahoma land, acquired from the government eighteen years before, which the treaty of 1846 reconfirmed to the Eastern Cherokees.[5]

Moreover, and more recently, in 1891, other Commissioners for the United States, in order to induce the Cherokees to sell the Cherokee Outlet in Northwestern Oklahoma, containing 8,144,000 acres of Cherokee fee title land (in addition to the price of $1.29 per acre or $8,595,000, set forth in the agreement to be paid for the land) said Commissioners promised the Cherokee people in a separate provision of the contract, to render an accounting of all expenditures of their trust funds, from the beginning of the government.

The United States Commissioners further promised in writing that if the promised accounting resulted in a balance due the Cherokees that had been withheld and not been paid in strict accord with the terms of the Treaties, the sum thus declared to be due would be forthwith paid by the Congress, if in session, and if not, by the next ensuing Congress. The agreement of 1891, containing the above written promises, which constituted a vital part of the consideration for the sale of the land, was ratified by Congress and approved by the President on March 3, 1893.[6] On that date the United States took title and possession to that vast tract of country described in the agreement, and commonly referred to as the Cherokee Outlet, and in September of that year, homesteaded 6,022,000 acres of it to 40,000 citizens of the United States.

The remaining portion of the Outlet, some 2,121,978 acres had been assigned and confirmed by acts of Congress to six other "friendly" Indian Tribes, including the Osages, Kaws, Pawnees, Poncas, Otoes, and Tonkawas. In 1961, the Indian Claims Commission held that the entire Outlet had been obtained by duress, and eventually, in two separate cases, awarded judgments to the Cherokees aggregating more than $19,000,000, less offsets, as additional payment for the land.

But in respect to the promised accounting the United States apparently attempted to keep its word and forthwith employed, at its cost, in 1894, the nationally known firm of Slade and Bender, Certified Public Accountants of Akron, Ohio, who conducted the accounting in Washington, finished it the following year, 1895. The accounting reflected an unpaid balance due the Cherokees under the Treaty of 1835 of $1,111,284.70, plus interest from June 12, 1838, until paid.

The Cherokees, by Act of the National Council, forthwith approved the accounting [7] and forwarded to Interior their request for an appropriation by the Congress then in session. Certain officers in Interior immediately fomented a controversy over the question of the money due as interest, and Attorneys in the Department declined to approve the Accountant's report, and the matter was not referred to Congress for immediate payment as the contract of sale expressly provided for.

The proposal lingered for months in Interior and until eventually it became involved in the question of whether the Tribal Government should be terminated to pave the way to Statehood. In 1898 the Curtis Act [8] approved an agreement with the Choctaws and Chickasaws and the Creeks for allotments in severalty and the ending of their Tribal Governments. The Cherokees held out until July 1, 1902 [9] when by tribal vote the Act of Congress known as the Cherokee Allotment Agreement, was agreed to. In this agreement [10] the Cherokees were permitted to sue in the Court of Claims to settle the debt due them under the 1835 Treaty. Suit was brought for the Eastern, Emigrant, Cherokees, on the claim by Robert L. Owen against the United States in the Court of Claims.

Judgment was entered in favor of the Cherokees [11] in accordance with the Slade-Bender Award, the Court holding that the Cherokees were due the sum of $1,111,284.70 which had not been paid to them in accordance with the terms of the 1835 Treaty, and Acts of Congress enacted pursuant thereto, plus interest from June 14, 1838, until paid. The United States feeling aggrieved with this decision appealed to the Supreme Court, thus allowing the usually placid Chief Justice Fuller, in 202 U.S., in a lengthy quote from Justice Nott of the Court of Claims (by then Chief Justice of that Court) an opportunity to castigate with almost religious fervor the agents of the Government for the treatment the Cherokees had received in this vital phase of the transaction for the sale of the Outlet lands. Chief Justice Nott said, as repeated by Chief Justice Fuller: "The Cherokee Nation has parted with the land (the Cherokee Outlet), has lost the time within which it might have appealed to the Courts, and has lost the right to bring the items which it regards as incorrectly or unjustly disallowed to judicial arbitrament, and the United States are placed in the position of having broken and evaded the letter and spirit of their agreement."

After a complete review of every Treaty and Statute provision relating to this debt due the Cherokees the full amount of the Slade-Bender Award of $1,111,284.70 with interest from June 12, 1838, was allowed as a judgment against the United States as of the date of the Supreme Court Decision, April 30, 1906, aggregating more than six million dollars; the largest judgment, perhaps, the Court of Claims had at that time every rendered in an Indian Tribal case.

But, notwithstanding this splendid Court victory, the Cherokees soon faced a totally different, but just as perplexing, problem. The following March, 1908, the BIA Superintendent at Muskogee, doubtless believing that the *Tribal* Government had been terminated, but still reluctant to act against the Tribe's best interest, requested of the Commissioner advice concerning the ownership of the bed of the navigable portion of the Arkansas River in Oklahoma. At that time the Superintendent had several proposed sand and gravel lease proffered by local citizens and corporations on his desk for consideration. Also, he had a record showing official Cherokee Riverbed leasing activity stretching back for twenty years, and thus wrote Washington for direction in the matter.

In March of 1908 the Superintendent was advised by letter, prepared and signed by an Associate Commissioner, (see 40 Okla. Reports—Nolegs Case) approved by Secretary James Wilson, that the State of Oklahoma owned the navigable part of the Arkansas Riverbed in our State, and that the Cherokee Nation had no interest in the title whatever; that title to said bed became vested in the State under the Equal Footing Doctrine upon Oklahoma's admission to Statehood, November 16, 1907. At this time Cherokee leaders who had been under attack for fifteen years, if they knew of this policy statement, were too weary to resist it.

From that day until December, 1966, the policy of the Department followed the letter of Secretary Wilson, and no effort whatever was put forth by it to test the "grave" legal question concerning the Indian title to the bed of the navigable portion of the river.[12] The United States, by 1966, had expended several millions of dollars in the overall development of the Arkansas River for navigation and other *purposes*. Two hydro-electric power dams, now practically finished, but then just beginning to be built, costing over $200,000,000 were off the drawing boards, and as stated, were without consultation of the Cherokees in course of construction within our stretch of the river.

After a futile effort by the Tribe to negotiate settlement of the title question with the State of Oklahoma, and of the monies due the Tribe from sand and gravel, and gas production; and upon discovering an attitude from the Departments of Interior and Justice of (at first) neutrality, the Cherokees entered suit declaring their ownership of the bed and for an accounting against the State and sixteen oil companies, and two sand and gravel companies, and for an injunction against the interference with their possession of the property. After adverse decisions by two courts, the lower Federal Court at Muskogee, and the Tenth Circuit Court of Appeals in Denver, the case timely reached the Supreme Court here in Washington. Interior and Justice joined us in Denver and with much "vigor" [13] aided our effort there and in the Supreme Court, Amicus Curiae.

The 4 to 3 classical decision in our favor written by Mr. Justice Thurgood Marshall, supported by an able, caustic concurring opinion by Mr. Justice Douglas, held that the 100 mile stretch of the navigable portion of the Arkansas from Ft. Smith up to Muskogee belonged to the Cherokee and Choctak and Chickasaw Nations of Indians in Oklahoma.

So, when the Secretary of the Interior in 1908, attempted to give away the Tribal property and *property rights* in the navigable portion of the Arkansas River in Oklahoma, his act and deed was so irregular that neither court mentioned the existence of the excathedra opinion of the Secretary in 1908.

One wonders at the cost to the Tribe of 58 years of denial of its rights in the property in question. The Tribe does not know today the extent of the benefits to which it is entitled by reason of the ownership of this river.

The President advised Congress in July of this year that the Justice and Interior Departments had an obligation to develop the Tribe's property to the maximum benefits for the Tribe and to avoid any conflict of interest. Serious questions are now before the Tribe and the Government regarding the nature, extent, and value of all our "water rights" [14] in the riverbed. We are looking forward with considerable hope of settling these questions with finality and assurance that we have done the best for the Tribe. It may thus be observed that the Cherokees are at the threshold of a new relationship with the Government; whereas, instead of resurrecting and asserting long dormant and almost forgotten treaty claims against the government, the Cherokees will be striving to preserve its hard-won heritage under our magnificent Judicial System.

FOOTNOTES

[1] 27 Ct. Cls. 1, 28
[2] 7 Stat. 478
[3] 25 L.Ed. 2d, 615, 9 S. Ct ——.
[4] 9 Stat. 871
[5] 148 U.S.
[6] 27 Stat. 645.
[7] U.S. House Executive Document No. 182, 53d Congress, 3d Session.
[8] 30 Stat. 495.
[9] 32 Stat. 716.
[10] Sec. 68.
[11] 40 Ct. Cl. 252.
[12] 270 Fed. 100, 105.
[13] 25 L. Ed. 2nd 615, 627.
[14] President Nixon's Message to Congress July 8, 1970.

THE PRESIDENT'S MESSAGE ON FOREIGN AID

Mr. PACKWOOD. Mr. President, the foreign aid program has been, historically, a symbol of America's commitment to a free and peaceful world. As such, it has enjoyed the support of America's youth. But in recent years, enthusiastic commitment to solving the problems of development has often given way to a conviction that America can best serve the interests of poor nations by leaving them alone. A mood of isolationism has appeared on America's campuses.

The President's message on foreign aid is therefore doubly reassuring. For not only does it outline a practical program for meeting the challenges of development, but it also constitutes a reaffirmation of foreign assistance as a symbol of enlightened foreign policy.

Moreover, it contains a number of recommendations submitted to the President by the Youth Task Force on International Development which, composed of students from universities throughout the country, conducted an independent study of our aid program. The President's message may serve to demonstrate to the young people of America that this Nation can play a constructive role in the world.

Three specific features of the President's recommendations should be noted. First, his decision to increase the multilateral component of our aid program dramatically refutes the charge that the aid program is conceived to pursue narrow U.S. interests and further our policy goals at the expense of other nations. The multilateralization of foreign assistance will put into practice America's stated commitment to peaceful change through international cooperation.

Similarly, the President's recommendation that we untie, as far as possible, purchasing requirements will inspire confidence in our motives, both at home and abroad. This change will demonstrate to America's youth, as well as to the citizens of underdeveloped countries, that the overriding goal of the aid program is to further the development process.

Finally, the separation of foreign aid by function into security, humanitarian, and development assistance will clarify the program's objectives and priorities. The proposed separation of functions will help gain the attention and support of American youth for our development program.

The President's advocacy of these recommendations of the Peterson task force report may signal a turning point in the history of American relations with other nations. If his proposals are put into effect, they will demonstrate that our commitment to international cooperation is genuine. They will prove to America's youth—as to all of her concerned and idealistic citizens—that we desire, in practice as in theory, the free and independent development of all nations.

THE LESSONS TO BE LEARNED FROM THE SOVIET VIOLATION OF MIDEAST STANDSTILL

Mr. DODD. Mr. President, the Soviet-United Arab Republic violation of the Mideast standstill agreement gravely jeopardizes the security of Israel and the entire security of the free world.

Perhaps the only good thing that has emerged from this violation is a renewed awareness, at public and official levels, that Communist assurances cannot be trusted.

The violation has served to arouse the indignation of the American people and of Congress. Virtually every American editorial writer and columnist of any standing has condemned the Soviet violation in scathing terms, and has called upon the U.S. Government to demand that the Soviet-United Arab Republic side restore the situation which existed prior to the cease-fire.

I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a representative selection of editorials and newspaper columns on this subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DODD. Mr. President, Columnist Joseph Alsop, in an article dated September 8, 1970, wrote:

> The black lies told by Soviet Ambassador Anatoli Dobrynin to Secretary of State William Rogers have now become too important to be passed over in silence. They were the key factor, in truth, in the ugly and deadly dangerous mess that the American policymakers have got themselves into in the Middle East.

On the same day, William F. Buckley, in his column, point out that Soviet Party boss Leonid Brezhnev only a week previously had stated that:

> What is needed is no new provocations and subterfuges designed to circumvent or violate the cease-fire agreement, but an honest observance of the agreement reached.

As Buckley commented aptly:

> Those lines could have been spoken by Hitler on the eve of any old invasion.

A few days later, on September 11, Columnists Roscoe and Geoffrey Drummond wrote:

> We have now seen again that Russia's word cannot be trusted. This can only mean one thing—that no agreement can safely be made with the Soviets which is not self-enforcing and which can be promptly verified.

Away back in 1955 the Subcommittee on Internal Security published a study entitled "Soviet Political Agreements and Results." The study revealed that the Soviet Union had, from the time of its establishment in November 1917, been guilty of roughly 1,000 violations of the treaties and agreements it has entered into. A second updated version of this study was brought out in 1959, and a third revised and updated edition was published in 1964.

But despite this long and overwhelming record of perfidy, there are those who tell us that we must not be distrustful of the Soviets, because distrustfulness on our part makes them more suspicious and more prone to engage in deception and subversion.

The truth is that we are disposed to be an overtrustful people. And while overtrustfulness may be a product of personal honesty and good intentions, it can lead to the most dangerous kind of consequences when dealing with a completely ruthless enemy, who suffers from no scruples of conscience.

We should have learned our lesson before the Cuban missile crisis, but the sad fact is that we had not. President Kennedy was at first disposed to believe Ambassador Anatoli Dobrynin, when he assured him that the Soviets had no offensive missiles in Cuba and no intention of placing them there. As Senator Robert Kennedy revealed in his diary, "Thirteen Days," Dobrynin during this period lied 19 consecutive times to President Kennedy about what the Soviets had done, were doing, and planned to do.

But now, apparently, we have been surprised once more by the Soviet violation of the standstill cease-fire agreement. That we should have been surprised at all is something that surpasses understanding because, as "Bill" Buckley pointed out:

> Soviet duplicity is about as unusual as polluted air here in New York City.

I believe that we must employ somewhat more forceful language than we have heretofore employed to make the Soviets realize that we do not view their violation of the cease fire as a peccadillo which we can afford to pass over in silence or near silence. If the Soviets want larger and more significant agreements in the strategic arms limitation talks and other areas, then they simply have to conduct themselves in a manner which inspires more confidence than does their conduct on the Cuban missile crisis and their current conduct in the standstill cease fire.

Mr. President, in the hope that it will make us less forgetful in the future than we have been in the past about the Soviet record of perfidy, I have today written to the chairman of the Subcommittee on Internal Security, the distinguished senior Senator from Mississippi (Mr. EASTLAND), urging that the subcommittee bring out an updated version of "Soviet Political Agreements and Results."

EXHIBIT 1

[From the Philadelphia (Pa.) Evening Bulletin, Sept. 8, 1970]

SMOOTH-TALKING DOBRYNIN BAMBOOZLED ROGERS ON COMBAT ZONE STANDSTILL

(By Joseph Alsop)

Washington—The black lies told by Soviet Ambassador Anatoli Dobrynin to Secretary of State William Rogers have now become too important to be passed over in silence. They were the key factor, in truth, in the ugly and deadly dangerous mess that the American policy-makers have got themselves into in the Middle East.

It is a sorry story of a great power being totally "bamboozled" by the smooth talk of an untruthful diplomat, plus its own imprudent wishfulness. The culminating Dobrynin lie concerned the so-called standstill cease-fire, which has now been flagrantly breached by the Soviets and their Egyptian puppets.

THE BACKGROUND

On June 2, shortly before his return to Moscow, Dobrynin had another of his delightful "Beel-and-Toli" chats with Secretary Bill Rogers. The secretary raised a conditional question: Would the Soviets, if there was a cease-fire, agree to a true standstill, with no attempt made by either side to strengthen its position in the combat zone?

The ambassador, with his usual amiability, assured his dear friend "Beel" that the Soviets would do just as he wished. This assurance given by "Toli," as Secretary Rogers calls Dobrynin, was a major influence on the American decision to proceed with its famous Mideast peace initiative. It must be added, however, that confirmation of Dobrynin's assurances was sought in both Moscow and Cairo.

SPECIFIC CLAUSE

A paper was drafted at the State Department for all parties to approve before the cease-fire itself. The key clause read as follows:

"Both sides will refrain from changing the military status quo within zones extending 50 kilometers to the east and the west of the cease-fire line. Neither side will introduce or construct any new military installations in these zones. Activities within the zones will be limited to the maintenance of existing installations . . ."

Most unwisely, the U.S. ambassador in Moscow, Jacob Beam, and the U.S. representative in Cairo, Donald C. Bergus, were not instructed to secure signatures or even initials, to confirm acceptance of the cease-fire terms set forth in the paper above-quoted. But verbally at least, the Russian and Egyptian acceptance was unequivocal.

GUARANTEE TO ISRAEL

On this basis, the U.S. Government felt free to assure the Israeli Government that we could guarantee there would be no violation of the crucial clause requiring a complete military standstill in the combat zone. The Israelis accepted the cease-fire on the basis of this American guarantee, whereupon the violations began on the very night of Aug. 6, when the cease-fire became effective.

Squalid as this may seem, the reluctance of certain American officials to admit they had been "bamboozled" quite obviously played a role in the American equivocating about the reality of the cease-fire violations. In the end, however, multiple and continuing violations could no longer be denied.

Concerning the effect of this introduction of large numbers of additional Soviet antiaircraft missiles into the combat zone, the U.S. Government simply was lied to on a matter of cardinal significance. Thus far, we have let the lying pass with hardly more than a whimper of protest.

"LIE" ABOUT CUBA

This is not the first occasion, either. The much earlier black lies told by Ambassador Dobrynin about the Soviet missiles in Cuba are set forth in the late Sen. Robert Kennedy's book, "The Thirteen Days." Despite this proven untruth in the past Ambassador Dobrynin's subsequent career as a deceiver has been startling, to put it mildly indeed.

Either directly or through very close staff members, Dobrynin has forged close links with several Fulbright-school senators. The links are so close, in fact, that the senators in question habitually believe Dobrynin, while they angrily disbelieve their own Government.

In other "Beel and Toli" chats, moreover, Dobrynin's persuasive mendacity contributed greatly to the basic conviction behind Secretary Rogers' policy. This is the conviction that in the Middle East, the Soviets "want a political settlement" that this country could easily accept.

The affair of the standstill cease-fire led the United States into the humiliation of offering a wholly phony guarantee to Israel. But that is only the end of a much longer story.

After the Cuban missile crisis, President Kennedy refrained from asking for Dobrynin's recall, on the ground that the ambassador may not have known he was lying. It was a poor argument then.

It is poorer now.

[The Philadelphia Inquirer, Sept. 11, 1970]

SOVIET VIOLATION OF STANDSTILL, DOUBLE-CROSS MAKE IT CLEAR HER WORD CAN'T BE TRUSTED

(By Roscoe and Geoffrey Drummond)

WASHINGTON.—The Soviet Union has done an evil thing to the world, to the United States and to itself.

Its act: Brazen and callous violation of the Arab-Israeli standstill by joining with Egypt to put new missile batteries in the truce zone.

The Kremlin thereby broke its word, lied to the United States and double-crossed the developing peace.

The consequence is that Moscow is recklessly despoiling a vital ingredient of what looked like a most promising era of negotiation—in the Middle East, in nuclear arms control, in improving East-West relations.

Every Soviet commitment can't be totally and instantly verified. There has to be some trust in the fragile process of peacemaking.

But where is it today on the Soviet side? Russia publicly accepted the Middle East standstill and then covertly acted within hours to break it. The Russian-Egyptian violations were so immediate as to leave little doubt that the intention to dishonor the agreement was planned in advance.

The violations were detected by the Israelis the very night the truce began. Soon they were verified by the United States and the U.S. has now tardily acknowledged what it knew to be true for some time.

American officials had been loath to indict the Soviets bluntly and openly with the grave offense they perpetrated. The hope was that without too much fuss it would be easier to stop the violations.

But the evil thing which the Soviets have done is so crass, so heedless, so dangerous that it is far better to see it and say it as it is.

The Kremlins can't have its peace and eat it too.

Nearly everybody wants to see the Arab-Israeli peace talks resumed at the U.N. in New York.

Nearly everybody wants to see the Suez truce zone returned to the status of before the Soviet-Egyptian violations or to see the military balance restored in some other way.

Nobody wants to see the progress which has apparently been made in the nuclear arms talks exploded in midstream by this new evidence of Soviet bad faith.

But the present will not be helped and the future will not be benefited by glossing over the lesson we and all who deal with the Soviets must doubly learn from what has just happened.

We say doubly learn because this is nothing new. Eight years ago the Soviet Union did to the United States almost exactly what it has been doing to Israel. It gave its word and broke it. It talked peace and practiced war.

This was the lesson of the Cuban missile crisis of 1962—and we didn't learn it.

Robert Kennedy reveals in his diary, "Thirteen Days," that while the Soviets were secreting offensive missiles in Cuba they lied 19 times to the President of the United States. These lies came from the Soviet foreign minister sitting in the White House and from the Soviet ambassador speaking "on instructions from Nikita Khrushchev."

They lied about what they planned, they lied about what they were doing and what they had done. They lied when they hoped to deceive and they lied when they knew they may have failed to deceive.

This was the lesson of the Cuban missile crisis of 1962 and this is the lesson of the Israeli missile crisis of 1970.

We are not saying that everything that has been going so well—the attempts to lay some building blocks for a more stable world—will be thrown away.

But how can Israel believe that any Russian word guaranteeing the security of its frontiers can mean anything?

How can the United States believe that any part of a nuclear arms agreement which rests on Russia keeping its word can be trusted?

We have now seen again that Russia's word cannot be trusted. This can only mean one thing—that no agreement can safely be made with the Soviets which is not self-enforcing and which can be promptly verified.

[From the Philadelphia Evening Bulletin, Sept. 8, 1970]

(By William F. Buckley, Jr.)

NEW YORK.—The Administration has decided to roll a carpet over the Middle East crisis, leaving it to the professional diplomats to stitch back together Israeli confidence in the desirability of cease-fire. What happened, of course, was Soviet duplicity. Since Soviet duplicity is about as unusual as polluted air here in New York City, nobody seems to be paying much public attention to it, and the treatment of it has been relatively sleepy.

A week ago, Soviet party boss Leonid Brezhnev made a television speech stressing the desirability of peace in the Middle East. "What is needed is no new provocations and subterfuges designed to circumvent or violate the cease-fire agreement, but an honest observance of the agreement reached."

Those lines could have been spoken by Hitler, on the eve of any old invasion. Several days after they were spoken, it transpired that Egyptians were moving fresh missile batteries into the "stand-still" zone, and of course the terms of the cease-fire were that no side would take military advantage over the other in that zone.

SOVIETS DECEIVED?

We do not know what the various ambassadors are saying to one another. Those who wish to believe that the poor old Soviet Union was itself deceived by the Egyptians will probably believe it anyway. But it would require one to believe in the most serious mutiny against Bolshevik power since Kronstadt. Because every Egyptian battalion is accompanied by at least one Soviet specialist, and every battery is, by Egyptian military terminology, the equivalent of a battalion.

Since at least 15 batteries have sneaked into the standstill zone at this writing, that means at least 15 Soviet officials moved in concert in explicit defiance of what Brezhnev was prattling about on network TV.

If indeed they were acting against Soviet orders, which is about as credible as that invasion of Poland was a surprise to Hitler, then they could be recalled, and publicly executed in Red Square. It being unlikely that this is going to happen, we shall have to settle for the conventional wisdow, which is that the word of the Soviet Union is much, much worse than that of Al Capone.

AN OLD STORY

The point of stressing this is not to make a moral judgment, but to describe some of the problems we repeatedly get into as a result of trusting the Soviet Union. The President of the United States solemnly assured Israel, at a press conference in San Clemente, that it would have nothing to fear from a truce. Presumably Mr. Nixon would not have ventured such a guarantee except that he had the "word" of the Soviet Union that it would agree to abide by the truce.

The result of the duplicity is not only the relatively insignificant military enhancement of the Egyptian position along the west bank of the Suez Canal; it is the extremely grave matter of a defaulted American promise. What President Nixon did, in effect, was to underwrite Soviet sincerity. How that was done by a man who came to prominence by understanding the mind of Alger Hiss one

truly wonders. At any rate, that is how we stand.

ISRAEL COMPENSATED?

On the military point, Israel has been less agitated than one would expect. Less agitated than she is entitled to be. One can only suppose that the United States has made it up to Israel by promising X number of jets or warships or whatever; and, of course, Congress behaved very magnanimously in giving to the Executive, by overwhelming vote, the authority to give Israel just about anything she wants.

On the international point, Mr. Nixon has a good deal to retrieve. If he succeeds in appeasing Israel, he will have succeeded in stilling the voice of the party primarily wounded by the Soviet move. What one hopes he realizes is that the wound upon Israel is easily sutured, but our own is not. Because what we suffer from is a loss of credibility as a world peacemaker. Why would any country in the future accept an American assurance, if it is so glibly overridden by the Soviet Union?

[From the Christian Science Monitor, Sept. 12, 1970]

RUSSIA'S EVIL ACT

(By Roscoe Drummond)

WASHINGTON.—It is still not possible to measure the magnitude of the evil thing which the Soviet Union has done.

It has talked peace and practiced perfidy.

It isn't just that the Soviets and the Egyptians have imperiled the Arab-Israeli talks. The evil is far-greater than that. The Kremlin has doublecrossed the future peace.

It has done so by erecting a massive roadblock of bad faith in the way of the most promising prospect to lay the building blocks of a more stable world.

PLANNED DECEPTIONS

It has called into serious question the sanctity of all its present and future international agreements.

It has done this by collaborating with Egypt in moving some 200 SAM-2 missile batteries into the truce zone in violation of the military standstill which the world assumed all four nations accepted in good faith.

But it is now evident that Moscow and Cairo accepted it in bad faith and were preparing in advance to violate it. The speed with which the Soviet-built missile launchers were rushed into the Suez truce zone, beginning the very night the standstill went into effect, shows that deception was brazenly and callously planned.

It can certainly be put into the record that American officials were naive and ill-prepared for what happened. They made little advance preparation to inspect promptly against possible violations, and the violations were accumulating rapidly for at least two weeks before the Americans, handicapped by their own wishful thinking, were willing to confirm what the Israelis saw from the start.

DOUBLECROSSED PEACE

For the United States to have put too much faith in the word of the Soviet Union is a mistake. But for the Soviet Union to have broken its word, to have lied to the world and to have doublecrossed the peace is a heinous offense. It recalls the shocking incident when, on Dec. 7, 1941, a Japanese emissary sat across the desk from Secretary of State Cordell Hull assuring the U.S. of Japan's peaceful intentions shortly before the bombs were to pour down on Pearl Harbor.

Even rescue of the Israeli-Arab talks from the Soviet-Egyptian conspiracy to violate the truce by restoration of the military balance either by withdrawal of the missile sites or by increased American arms for Israel will not repair all the damage. The worst has been done because the men in the Kremlin have heedlessly and deliberately thrown away a crucial ingredient in building the peace which has shown so much headway in recent months.

All international commitments cannot be instantly and totally verified. Some trust is indispensable.

But how can the Soviet word be accepted in good faith on anything in light of what the Russians have just done?

LIES

Perhaps the lesson has come to us again just in time and this time we will take it to heart and not let the memory slip wishfully away.

The fact is that the Suez missile crisis has elements of the Cuban missile crisis. Robert Kennedy's diary of what went on in Washington during the period Moscow was secreting offensive missiles into Cuba reveals why it took so long for the U.S. to believe the evidence which was accumulating.

Robert Kennedy reports that during these 13 days, the Soviet Foreign Minister and the Soviet Ambasasdor, saying that they were speaking "on instructions from Nikita Khrushchev," lied 19 times to the President of the United States. They lied after their country had done it. They lied even after they knew the President knew what they had done.

And now it's happened again—this time in the Middle East.

We must learn and the world must learn that the Soviet word cannot be accepted at face value unless its observance can be effectively and continuously verified.

This will be the only way any future peace can be built.

[From the Philadelphia Inquirer, Sept. 3, 1970]

IT'S TIME FOR NIXON TO STRAIGHTEN POLICY ON TANGLED MIDEAST

(By William S. White)

WASHINGTON.—The situation in the Middle East is becoming dangerously out of hand—and so is the position of the United States in that situation. It is thus imperative that President Nixon take at once the most direct and above all the most highly visible personal control of our policy.

Rightly or not, the truth is that the Israelis feel they cannot deal in realism or usefulness with the State Department—and certainly not with a United Nations whose secretary-general, U Thant, has so often and so undeniably shown a pro-Arab bias.

Secretary of State William Rogers has been so extremely "even-handed," in a state of facts in which the victim of endless Arab aggression which is Israel is treated with less sympathy than is demanded by either justice or basic American interest, as to have lost much of the confidence of the Israelis. But the Soviet Union is not for a moment following this odd posture, which more or less equates one horse with one rabbit.

To the exact contrary, the Russians are increasingly supplying Soviet-based Egypt with missiles that increasingly menace the one Israeli lifeline, the Israeli air force. What that force now means to Israel is hardly less than what the RAF meant to England in the Battle for Britain.

In short, it is not really debatable any more that the Soviet Union and Egypt are persistently violating the American-arranged cease-fire. And nothing effective about this is being done or planned by the U.N. Nor is the quality and volume of assistance being given by us to Israel adequate, in the circumstance, either in military terms or perhaps even importantly in terms of morale.

That Secretary Rogers and his associates have had to walk a very high and swaying rope in all this business is certainly true enough. No one denies that this has been the most difficult and delicate job all around.

Nevertheless, there is a great deal more that could be done by us without inadmissible risk (anything that any great Power may do in meeting its responsibilities does of course involve some degree of risk) than has been done to date.

Perhaps even more significantly, we have got our priorities mixed up. The first mixup is simply that what is on our plate here is too big in all its implications for the State Department and so Mr. Nixon should take personal command—and be clearly seen to have taken personal command—without a moment's further delay.

The second mixup in our current approach is that in this government's utterly understandable desire to damp things down in the Middle East it is rather sweeping under the rug the gut and inescapable reality of all.

This is that the Soviet Union is not only patently the master of Egypt but has also plainly taken Egypt up as a major military client, whereas we have put our faith in negotiation rather than face the hard fact that the maintenance of the life of Israel is our unalterable obligation.

This is not to say that negotiation is a bad thing. It is to say that in the current state of affairs we on our side are negotiating from comparative weakness whereas the Soviet-Egyptian side is negotiating from ever-growing strength.

Every reasonable man ought to feel sorry for the President in this wretched tangle, and particularly since the extreme doves on the Vietnam war have created an emotional climate in which the mere mention of the words "military" or "military assistance" is enough to throw many people into a kind of neurotic seizure.

Nevertheless, the President is the President and he must not only perform as such—as in truth he is doing—but must also be universally seen as unambiguously and personally in charge of the whole shop. Only the head man ought to be acting upon—and, again above all, talking about—affairs at this juncture.

[From the Pasadena (Calif.) Star News, Aug. 25, 1970]

TRUSTING THE U.S.S.R.

The Soviet Union currently has the opportunity to prove that its word can be trusted. Thus far it apparently has failed—to the consternation of the West.

The United States has asked Israel to ignore reported violations of the Middle Eastern cease-fire and go ahead with peace talks, which start today at United Nations Headquarters, as if nothing has happened. Worried and feeling let down by their best friends, the Israelis have indicated they will abide in the hope that the serious talking to the Russians got in Washington last week will prove effective. They proceeded to name Abba Eban as their delegate even though new violations were found Sunday.

Americans, West Germans and other Westerners have reason to feel highly apprehensive about the Soviet ability to keep promises. The situation is even more important than the Middle East issue alone. There is an intricate range of East-West current negotiations aimed at the relaxation of tensions between the nuclear giants. All of these will go down the drain if the Russian promises are not to be trusted.

If the Soviets are still up to their old game of disregarding agreements whenever and wherever they think they can get away with it, what is the value of the Soviet-West German non-aggression treaties? What is the value of the strategic arms limitation talks? What would be the value of solving the Indochina conflict?

It may well be that Secty. of Defense Melvin Laird and Assistant Secty. of State Joseph Sisco are right when they claim that the truce violations are difficult to prove and in any case not important enough to stymie

talks widely regarded as the last chance for peace in the Mideast.

But there is little doubt that violations, about which Israel has repeatedly complained to the U.S. and United Nations, have taken place. Considerable photographic evidence has been publicly displayed demonstrating that Soviet SAM–2 and SAM–3 missile batteries were moved into the cease-fire zones after the truce went into effect—despite stipulations to the contrary.

It is reminiscent of eight years ago when the Kremlin was caught red-handed in the attempt to smuggle nuclear missiles into Cuba. The same Soviet ambassador, Anatoly Dobrynin, with whom the U.S. is now dealing, sat in President John F. Kennedy's White House office bluntly denying that Moscow was up to anything at all. On President Kennedy's desk was a folder containing U–2 photos of the missile installations.

Only two years ago the Soviet invasion of Czechoslovakia was preceded by an amicable Soviet-Czech meeting in Cierna. It was later realized that the meeting was designed to lull Czech reformists and the world at large into a state of false security so that the brutal attack—which had been carefully planned—could come as total surprise.

The list is long and includes dozens of broken agreements with the United States, scores of infringements of promises to the U.N., and such bloody trickery as took place in Budapest in 1956 when Soviet leaders were comforting the Hungarian government while Soviet tanks sped toward the capital city in the dead of night.

Dispatches from the United Nations Headquarters display considerably less optimism regarding the state of the world than they did 10 days ago. Everyone is hoping that violations of the Suez truce accord are minor, but they must be acknowledged as proof that the leopard has not changed its spots.

[From The New York Times, Sept. 13, 1970]

MIDEAST MISSILE MADNESS

While the lawless and inhuman acts of Palestinian extremists draw the censure of a horrified world, the Soviet Union and Egypt are compounding the damage to their own credibility, to the prospect for a Mideast settlement and to the future willingness of others to enter agreements with them by claiming that Egypt's massive missile buildup in the Suez area was permitted by the language of the standstill cease-fire pact.

The report now that these movements have included a few SAM-3 low-altitude antiaircraft missiles—which are entirely manned by Soviet military personnel—offers further evidence of Moscow's complicity in Egypt's SAM-2 violations. It also heightens the danger of direct Soviet involvement in combat from the first hour of a truce breakdown.

The State Department, by releasing the language of the cease-fire accord, has completely discredited the Egyptian thesis, supported by Moscow, that "redeployment" of missiles already within the truce zone and repair of damaged revetments are permitted by the cease-fire agreement. The Soviet-Egyptian claim, if valid, might have offered some flimsy cover to the violations, which, U–2 reconnaissance shows, go far beyond such activities. But the truce accord in fact provides that "both sides will refrain from changing the military status quo" in the Suez Zone. It forbids either side to "introduce or construct" new military installations and limits maintenance of existing installations to "their present sites and positions."

Grave as are the immediate local consequences of the missile violations, even more serious are the bald-faced efforts to justify—rather than rectify—those violations. They bring into question the utility of the "era of negotiations" predicated by President Nixon. Chances for East-West agreements to limit strategic arms, to revise European security arrangements and to reduce NATO and Warsaw Pact forces undoubtedly have been impaired by this glaring display of Soviet bad faith.

It is difficult to see how Russia's real interests can be served by this Mideast missile madness. The consequences for Egypt could be even more disagreeable.

Israel is in possession of huge buffer territories—occupied while winning the war Egypt provoked in 1967—that provide far more defensible borders than those it can obtain from peace negotiations. Egypt's central objective in the projected negotiations is to get Israel to withdraw from the bulk of those territories. Withdrawal is more likely to be impeded than encouraged by threats, a build-up of military power and continued violations of the standstill cease-fire.

The fundamental interests of Egypt and the Soviet Union now lie in abandoning preposterous pretexts and rectifying their truce violations. The essential task of negotiating a settlement cannot be expected to make any headway during a breakdown of the standstill agreement designed to set those negotiations in motion.

TRIBUTE TO JACK FORSYTHE

Mr. RANDOLPH. Mr. President, on behalf of the Senator from Wisconsin (Mr. NELSON), I ask unanimous consent to have printed in the RECORD a statement by him on the retirement of Jack Forsythe.

There being no objection, Senator NELSON's statement was ordered to be printed in the RECORD, as follows:

JACK FORSYTHE WILL BE MISSED BY MEMBERS OF THE SENATE LABOR AND PUBLIC WELFARE COMMITTEE

Mr. NELSON. Mr. President, when the Committee on Labor and Public Welfare, on which I am privileged to serve, meets for its next meeting, one of the Senate's ablest committee staff members will be absent for the first time in 15 years.

After compiling an outstanding record of service to both the House of Representatives and to the Senate, John S. Forsythe is retiring from his position as General Counsel of the Labor and Public Welfare Committee.

Jack Forsythe has been respected and valued as an aide to all the members of the Committee. He has served as General Counsel during one of the most productive periods in our nation's history with regard to the enactment of landmark legislation in the fields of education, health, labor relations, employment, manpower, poverty, veterans affairs, and other critical programs under the jurisdiction of the Labor and Public Welfare Committee.

His wisdom and ability to clearly translate often complex solutions to pressing problems into concise legislative language has been an invaluable resource for members of the Committee. This clarity and focus has enabled the Committee to challenge the vital issues facing our nation in the domestic field.

Jack Forsythe has served the Committee well. He has served the Congress well. He has served the nation well.

CORRECTION OF ANNOUNCEMENTS ON VOTES

Mr. GRIFFIN. I ask that the permanent RECORD be corrected to show the following omissions from the CONGRESSIONAL RECORD of September 17, 1970:

On vote No. 308, the Dominick amendment No. 907, the Senator from California (Mr. MURPHY) was paired with the Senator from New York (Mr. GOODELL). If present and voting the Senator from California would have voted "yea" and the Senator from New York would have voted "nay."

Also, on vote No. 309, the Dominick amendment No. 908, the Senator from California (Mr. MURPHY) was paired with the Senator from New York (Mr. GOODELL). If present and voting, the Senator from California would have voted "yea" and the Senator from New York would have voted "nay."

UNANSWERED QUESTIONS ABOUT THE SST

Mr. PEARSON. Mr. President, the advisability of Federal funding for the SST continues to be a subject of controversy within this body. As a member of the Appropriations Committee, I have been troubled by the fact that recent hearings both before the Joint Economic Committee and before our Transportation Subcommittee, were generally limited to questions of funding and left unanswered many other important questions relating to the SST's impact on aviation, other modes of transportation, and our environment.

It was for these reasons that I wrote my distinguished friend, the chairman of the Commerce Committee (Mr. MAGNUSON), suggesting that the public interest would be served by exploring in detail, either before the Aviation and the Energy, Natural Resources, and Environment Subcommittees, meeting jointly—or before the full Commerce Committee—these important matters within their area of expertise and responsibility. It was my hope that these hearings could provide the opportunity for a Boeing representative, Secretary Volpe, and other qualified witnesses who have not testified, to help inform the Senate and to bring the merits of this program into clearer focus.

It is apparent the hearings I suggest will be denied. The matter is now before the Appropriations Committee rather than a legislative committee, and as we approach the end of the session, time is of the essence. But, I must also, in candor, state my considered opinion that several vitally important questions about the SST remain unanswered. Moreover, I remain convinced that the Senate would be well served by the kind of thorough, impartial investigation and analyses that have not been undertaken to date. Accordingly, I wish to make clear for the record my request and my thoughts in this matter.

THE PRESIDENT'S STATEMENT ON HIJACKING

Mr. DODD. Mr. President, I strongly applaud President Nixon's determined statement that the United States "can and will deal effectively with piracy in the skies."

I believe every American will support President Nixon's decision to place armed guards aboard all U.S. commercial airliners.

I also believe there will be unanimous support in Congress for the three-point plan the President outlined to help deal with the problem in the future.

The President said that it was imperative for all nations to agree on a plan for the extradition or punishment for all hijackers. He called upon the international community to take joint action to suspend airline service with those countries which refused to punish or extradite hijackers. Finally, he said that he had directed the Secretary of State to ask for an emergency meeting of the International Civil Aviation Organization.

I note that the President's proposals very closely parallel the three central proposals of a Senate concurrent resolution on hijacking which I submitted almost 2 years ago, on January 29, 1969. At that time, I know, my proposals were considered too radical by some of the desk officers in the State Department. The aggravation of the problem since that time has now made it obvious that the situation can be dealt with only by means of radical action.

Mr. President, I ask unanimous consent that the text of the concurrent resolution on hijacking which I submitted in the Senate on January 29, 1969, be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

SENATE RESOLUTION ON HIJACKING

JANUARY 29, 1969.

Whereas the past two years have witnessed a growing international epidemic of the hijacking of commercial airplanes, which has endangered the lives of many hundreds of passengers and resulted in serious inconvenience to both passengers and airlines; and

Whereas the epidemic has now reached such proportions in the Western Hemisphere that no passenger on a commercial flight in the Caribbean area can be certain that his flight will not terminate in Havana; and

Whereas the Tokyo Convention on Hijacking, although it represents a first step in the direction of controlling the problem, is, by common consent, inadequate to cope with the situation that exists today;

Therefore be it resolved by the Senate of the United States (the House of Representatives concurring) that it is the sense of the Congerss that the Administration should move immediately to strengthen the Tokyo Convention by adding clauses to it which (i) call for the automatic extradition of all hijackers to the flag of the country of the hijacked aircraft, and the immediate release of hijacked aircraft, together with their crews and passengers; and (ii) make it mandatory for the signatory nations to terminate bilateral air transport arrangements with any country that refuses to become a party to the new international convention on hijacking;

And be it further resolved that if the machinery of the International Civil Aviation Organization proves inadequate or too slow moving to bring the epidemic of hijacking under control in the immediate future, it is the sense of the Congress that the government of the United States should seek to deal with the problem through a special international conference, convened on an emergency basis no later than March 31, 1969.

THE VICE PRESIDENT'S ADDRESS AT AMERICAN LEGION CONVENTION

Mr. PACKWOOD. Mr. President, it was a distinct pleasure and a great privilege to have Vice President AGNEW visit my home State of Oregon on September 2, 1970. The purpose of his visit was to address the annual national convention of the American Legion. He was enthusiastically received as he reported on his recent Asian tour. I ask unanimous consent that his remarks to the American Legion in Portland be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY THE VICE PRESIDENT

Governor McCall, Commander Patrick, Mr. Don Johnson, Mrs. Davidson, Honored Guests and my fellow Legionnaires—especially those people from Maryland I know.

I'm proud to be at this distinguished gathering. Thank heaven the people here aren't so sophisticated they long for an American defeat.

As you know, I've just returned from an Asian tour during which I visited many countries including Vietnam and Korea. I brought back many messages from our brave troops there to some of our more dovish Senators. The soldiers asked me to deliver those messages personally because you're not supposed to send that stuff through the mail.

After I leave here, at the President's request I'm going to stop in Texas and brief former President Johnson on my Asian trip. Then I return to Washington.

First, let me thank you for your support—in the great, non-partisan tradition of the American Legion—for the Administration in its efforts to bring about a just and lasting peace in Vietnam, and in the world.

Having just returned from Asia, I can say that these efforts now hold great promise of success.

I would like to thank you, in particular for your support of the President's difficult decision on Cambodia.

Those who opposed the move into Cambodia four months ago thought it would prolong the war, increase American casualties and jeopardize our troop withdrawal program. When the President made it—and I can say this with authority, because I sat in those councils—he did so precisely for the purpose of achieving the opposite results.

Having just been in Vietnam and in Cambodia, I have seen what the results have been. And it can be said now that this decision was one of the important turning-points in this long and difficult war.

The success of the Cambodian venture has assured that our program of troop withdrawal can go forward. The process of Vietnamization has been greatly strengthened. The President said that by destroying enemy supplies we would reduce American casualties. And American casualties are down. In fact, two months have now passed since the end of the Cambodian campaign—and the number of Americans killed in action in those two months since Cambodia is the lowest for any two-month period since February, 1966—the lowest, that is, in the last four-and-a-half years.

Now, let there be no mistake what our goal is in Vietnam. Our goal is peace—a just peace. I can understand the impatience of those who cry out for "peace now"—but let's not have "peace now" if it means "pay later" with a bigger and more terrible war. By achieving a peace that discourages aggression, that gives the South Vietnamese a chance to find their own way and determine their own future, we'll increase the chance of a peace in the Pacific that can last through this final third of the century.

America's veterans now know all too well that this nation has been called on now to fight four wars in the space of only half a century.

From the standpoint of the United States, it is significant to note that three of those four wars have come to us from the Pacific.

For the balance of this century we can do better—and we must do better. By ending the war in a way that discourages future wars, we can greatly increase the chances that for the balance of the century we can in fact have peace in the Pacific, and peace from the Pacific.

But as we talk about the war in Vietnam, let us not forget the man who's had to fight the war, and whose sacrifices will have helped secure the peace.

We who came back from World War II, from Korea, were honored for our service in wars that the overwhelming majority of our countrymen supported.

Today's veteran—the Vietnam veteran—comes back to a country deeply divided by a war that he has been called on to fight.

He comes back to find many saying that the war is immoral. Yet never has America fought for so unselfish a purpose. We have not sought any treaties nor any bases. The shores of the United States itself were not immediately threatened, as they were in World War II. And the man himself went, not because he wanted war, but because his country called on him—just as other soldiers, in other wars, have answered their country's call.

Just as I did. Just as you did. Whatever our own views on the war, we should be proud of our young men who have done their duty, and who have served in Vietnam. I have noted with dismay that some political leaders who have themselves been critics of the war have lamented that our best young men have gone to Canada. The best are not those who ran off to Canada, but those who went to Vietnam.

In the months ahead, we will have many men coming home from Vietnam. But we must recognize that it will be necessary for the United States to keep many men in uniform for a long time to come.

Serving in the armed forces in peacetime has not, traditionally, been a calling that has commended the measure of respect in this country that it deserves.

In fact, we find among many today a tendency to look with disrespect at men who wear the uniform—whether as members of the peace forces abroad or of the peace forces at home. It's time we gave those men the respect and the honor they deserve—because it is their service that enables the rest of us to live in peace.

Speaking now not just of Vietnam but of the larger subject of world peace, I also want to thank the American Legion for its vigorous and steadfast support of a strong national defense.

This is probably the first time in the Legion's long history when continuing widespread national support for a strong defense was even a serious question.

The spirit the Legion represents is what has kept America strong—and what has kept the peace.

The real peace lobby today is composed of those who maintain the peace, not those who disturb it.

One of the great strengths of America is the essential determination of her people that what must be done will be done—resisting the temptation of the easy way that seems an easy way out, but is actually only an easy way in—into more wars, more tragedy and more human suffering.

Faced with a challenge to the peace, it may seem easy—and it may seem tempting—simply to walk away from the challenge, or to pretend that it doesn't exist, or to dismiss it as simply "cold-war rhetoric." This provides an excuse for not meeting it. But though excuses may be good in the short run, they're no good in the long run. In the long run we're judged purely by results.

Americans have fought three wars in a generation—four in half a century—not because we like war, not because we wanted war, and not because we coveted foreign dominions, but because the aggressions of others drew us into war. The goal of the real peace lobby now is to ensure that this next generation can live without war. And

in order to insure that goal, in order to achieve that effort, we have to concentrate on the strengths of many for the security of all of us.

What principally has averted war on a global scale since World War II, what has given security to the billion-and-a-half people who live in the free world, has been the strength of the United States of America.

We didn't ask for this responsibility. But because of what happened in World War II, we were the ones who had this strength. We held an umbrella of strength over Western Europe, Asia, and the new nations of Africa—not for the purpose of dominating those nations, but rather for the right to defend free people who want to chart their own future without outside interference.

Now, to be sure, the world has changed. Devastated nations have been rebuilt. New nations are growing stronger. There have been shifts in the power relationships. The United States is no longer the dominant power that it once was—meaning not that we are weaker, but that others are stronger, including our friends as well as our potential adversaries.

Therefore, we have both a need and an opportunity to establish new kinds of partnerships, in which America continues to assist other free nations. But they themselves play the primary role in their own defense.

The solid rock on which the new Nixon Doctrine is built, however, remains the continuing strength of the United States.

One aspect of maintaining that strong defense on which, once again, I wish to thank the American Legion for its strong support, has been the decision to go ahead with the anti-ballistic missile.

We were faced last year with a difficult decision—a very difficult decision. The Soviet Union, with its tremendous build-up of land-based missiles and missile carrying submarines, had been closing the gap and moving ahead in some categories. We had either to settle for an inferior position—with all the dangers that would have posed to the future security not only of the United States, but of the world—or do something. What we decided to do was to build defensive weapons system.

That system was not for the purpose of threatening anyone else, but rather for the purpose of ensuring that we could not be successfully threatened.

Now we have demonstrated our good faith by indicating that we are willing to limit that system if the Soviet Union will limit its own system.

There's been a great deal of talk about "reordering priorities." We have reordered priorities. Others claim we haven't gone far enough. Faced with the desire to do something more domestically, the automatic answer of many is: cut defense.

We take a different approach. We begin by asking: What the minimum level of military expenditures that we can set without jeopardizing the peace of the world? Then we say: Let's cut to that level—but no further.

We recognize that the first priority—the one that makes all else possible—is peace, and peace depends on security.

We all want that peace. The question is how do we achieve it—and what kind of peace do we achieve.

We seek a world—and a nation—in which each country, and each person, shows a decent regard for his neighbors' rights, for his neighbors' privacy, for his neighbors' dignity.

The principle of mutual respect is threatened abroad, and therefore we have to maintain a strength sufficient to preserve it.

The principle of mutual respect is threatened here at home, and therefore we have to be firm in defending it.

The real advocates of peace, Ladies and Gentlemen, are those who respect the rights of others, not those who infringe upon those rights; those who seek accommodation, not confrontation.

One of the tragedies of life in America today is that when we speak of maintaining peace, we do have to speak not only of peace abroad, but of peace at home.

We find bombs exploding not just in Vietnam, but in our own cities.

We find many of those who most loudly condemn "the system" violating those basic human decencies, those patterns of mutual respect for the rights of one another, on which a free system rests.

Those of us who have worn this nation's uniform in the past have worn it proudly—and when we have saluted the flag, we have done so proudly. We believe in what that flag represents.

And that belief and that pride did not leave us just because we changed to civilian clothes.

We know the country has its faults, but we also know it has great and enduring strengths—and one of those strengths is the best system yet for correcting our faults.

There are some who look at the faults, and cry that "the system" has failed. Their problem is they just don't understand the system.

Those who condemn "the system" in America call it unresponsive; they claim that it only protects the status quo.

They couldn't be more wrong.

The American system is the greatest engine of change and progress the world has ever seen. The American system has produced more goods, more widely distributed than any other system, any time, any place. It has given more people more true freedom—in the sense not only of political freedom, but in the sense of freedom to work at jobs of their own choosing than any other system, any time, any place. And it provides the best means yet devised by man of directing progress not toward the ends that some arbitrary authority might choose, but toward the ends that the people themselves choose.

In preserving the American system, we are defending the ideal of freedom. We also are preserving a process of change—a process that gives each person the right to be heard, and lets no one voice dominate.

Ours is a system rooted in law. It is based on respect for law, and on laws that deserve respect—and also on respect for those who have the responsibility for upholding the law.

At the very heart of the American system is respect for the rights of others—and we have built a body of laws designed to protect those rights. And that's precisely what the bulk of our laws are all about.

We don't brand murder and arson and rape just as an excuse to put people in jail. We do it to protect the right of the ordinary citizen—the noncriminal—not to be killed, not to have his house burned down, nor to be assaulted.

By the same token, we have laws that have the effect of limiting the way in which opinions can be expressed. We have a first amendment that guarantees the right of free speech and free assembly. But smashing windows, burning offices, assaulting people in the streets, are not acts of speech or assembly. Those are trespasses on the equally sacred right of others to be safe in their lives and their property, and in the free enjoyment of their liberty.

Confronted with a choice, the American people would choose the policeman's truncheon over the anarchist's bomb. But true peace lies neither in the bomb nor the truncheon. It lies in that pattern of mutual respect and mutual forbearance that is the essence of a civilized society. That pattern is what has to be strengthened and maintained.

America hasn't survived for nearly two centuries, and become the world's richest nation, and its strongest, because we were weak or dispirited or because we had a "system" that didn't work. The other free nations of the world haven't turned to us time and time again to help preserve their freedom because we held freedom lightly. When we poured out our resources to help the poor and the disadvantaged, it hasn't been because we didn't care. As we have erected new batteries of legal safeguards for the rights of minorities, it hasn't been because we were racist or bent on oppression.

We have done all these things because the heart of America is good, and because its arm is strong—and because we believe in liberty and justice, not just for a favored few but for all people.

We have done them because our "system" is good—and we have been able to do them because our system works.

So let's not be bowled over by those who dismiss "the system"—or dismayed by their pessimism about the future.

Let's look instead at the great promise—the real promise—that the future holds for this country of ours.

We are going to have peace in Vietnam.

We are moving slowly, surely, and with steady purpose toward a world in which we can have peace in the last third of this century.

We are moving toward the time when we can limit the awesome growth of arms, and devote more of our resources to meeting the needs of our people here at home.

Because of the enormous and increasing wealth that our system produces, we can move not only against those ugly blotches that its excesses have produced—fouled air, polluted water, scarred landscapes, urban congestion—but also toward better health care, better education, greater and more rewarding job opportunities, and a level and a quality of life that no one in the world would ever have dared dream of only a short time ago.

The thing we have to remember is not simply to sit back and let government do it, but rather for all of us to pitch in together—for each of us to recognize that he has his own "thing" to do.

"The system"—our democratic system, here in America—is not a something-for-nothing machine. It requires that each of us contributes. Its base is not government. Its base is people. Its great strength is not the great strength of government, but the strength of the people. And its guiding genius is not the genius of government, but the fundamental wisdom of 200 million Americans—old and young, East and West—who time and again have demonstrated that the real needs of people are best understood by the people themselves.

As we strive to restore and maintain the peace—both abroad and at home—it is important that we maintain it in a way that preserves liberty, and that encourages the flourishing of those richly humane values that lie at the heart of the American spirit and the American experiment. But this we can do together, and in so doing we will find once again that what divides us is far less than what unites us.

In that spirit, as we approach the future, we can do so confident of the basic strength of the American people, and the basic goodness of the American system. This will be preserved and in turn will preserve our liberties and those of our children.

It's been a privilege to address you this noon.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

STATUS OF UNFINISHED BUSINESS—DIRECT POPULAR ELECTION OF THE PRESIDENT AND THE VICE PRESIDENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the unfinished business, Senate Joint Resolution 1, be temporarily laid aside and that it remain in that status until the conclusion of morning business on Monday night.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SMALL BUSINESS AMENDMENTS ACT OF 1970

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1176.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The title of the bill was read, as follows:

A bill (S. 4316) to clarify and extend the authority of the Small Business Administration, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McINTYRE. Mr. President, the bill now before the Senate, S. 4316, represents a combination of a number of bills which have been considered by the Small Business Subcommittee. These are S. 3699, the small business amendments of 1970, introduced by Senators BIBLE, JAVITS, PACKWOOD, PERCY, PROXMIRE, and TOWER and me on April 9, 1970; S. 3528, introduced by me on March 2, 1970; S. 2609, introduced by Senator BAYH on July 14, 1969; and S. 1750, introduced by Senator BIBLE on April 1, 1969.

The subcommittee held hearings on June 15, 16, and 17, 1970, and took testimony from the sponsors of the various bills, officials of the Small Business Administration, the Department of the Interior, the Corps of Engineers, and the Department of Commerce. We also heard from businessmen and representatives of trade associations. Those hearings have been printed and distributed to Senators.

The Committee on Banking and Currency voted to report a clean bill, S. 4316, which incorporates much of the substance of the bills which we had considered.

S. 4316 would authorize the Small Business Administration to participate in making loans to persons and organizations not normally engaged in lending activity as well as with banks and other lending institutions. This is an effort to get more private money into loans to small businesses.

The bill would provide for the payment of tuition costs for economically or socially deprived persons in courses in business management and it would authorize SBA to provide management counseling for economically or socially deprived persons seeking Government assistance relating to starting or continuing a small business. This would offer more opportunity for increased management assistance to those persons who need this type of assistance very badly.

S. 4316 would define a minority enterprise small business investment company—MESBIC—as a small business investment company whose portfolio is devoted solely to minority enterprises. It is hoped that the SBIC program can assist in broadening the help available to our minority citizens.

This bill would establish at SBA a program whereby SBA would guarantee any surety up to 90 percent of its loss as the result of the breach of the terms of a construction surety bond. This new program is designed to assist those small contractors who are now unable to get surety bonds. The ability to get the required bonding will increase the number of small contractors in the construction field.

This part of the bill is a part of the administration bill and is also taken from the Bayh bill of last year. I should like to say in, support of this provision, that the surety guarantee provision is an effort to assist small contractors to get the bonding which is required on construction projects in amounts up to $500,000.

Mr. President, our hearings developed that the small contractor needs four things and he needs them badly.

They are, first, skilled workers. Second, management experience. Third, capital. Fourth, the ability to get bonded.

Efforts are being made in the Small Business Administration and elsewhere to meet the first three of these requirements so that this provision in the bill is attempting to make it possible for the small contractor to get the required bonding.

Section 301 of S. 4316 would establish a program at the Small Business Administration whereby the SBA would guarantee up to 90 percent of any loss a surety company would make on a surety bond guaranteed by the SBA. The SBA would look at the contractor. The SBA would look at the construction contract and if it believed that the contractor can do the job and that the contract is reasonable, it will guarantee a surety against 90 percent of its loss.

The criteria are set out in the bill. This surety guarantee program is recommended by the SBA and is recommended by a complete study that was recently made at HUD.

Mr. President, I ask for the yeas and nays on final passage of the bill.

The yeas and nays were ordered.

Mr. McINTYRE. Mr. President, this HUD study concludes that a surety guarantee program such as this is needed and that it will succeed; so we were happy on the committee that not only the administration had suggested this portion of the bill but also that the distinguished Senator from Indiana (Mr. BAYH) had seen the deficiency here and had introduced a bill to deal with this situation a year ago.

S. 4316 would require SBA to see that the firms which received SBA financial assistance do not use these funds to purchase equipment which would add to our pollution problem. It would also give priority to loan applications of those small business firms which are in the business of pollution control, and it would make disaster loans available to small business firms whose businesses suffer because of the pollution of our streams.

This bill would also authorize SBA to make disaster loans to those small business firms which are required to upgrade their facilities to meet new State and Federal pollution standards and also to those companies which have to upgrade their facilities to meet the standards of the Wholesome Meat Act.

We on the subcommittee are aware of the tendency of Congress to enact perfectly valid laws in fields where we are attempting to do away with abuses, or trying to help a particular industry to bring up its standards, such as on safety or quality. Frequently, in the process of doing that, we find that the result has been, in attempting to help small businesses come up to the standards we think are proper for the public safety and health, to bear down very heavily on the small businesses. However, the larger firms are able to grit their teeth and go ahead and do the job of complying. The Senator from Nevada (Mr. BIBLE) introduced legislation which is included in this bill to alleviate this problem under the Wholesome Meat Act.

As we look at the record, so far as pollution measures are concerned, and as we see that stricter and stricter laws are needed, we also need to have some place where small business can go for help: under this bill he will be able to receive some assistance from the Federal Government through the SBA, in the form of low interest rate loans. Thus the small businesses can continue to meet standards and continue to be in competition with their larger brothers.

Mr. President, the bill would also amend the Small Business Act to make the rate of interest charged on disaster loans conform to the formula set out in the Disaster Assistance Act of 1970. This rate is based on the cost of money to the United States less 2 percent. At the present time, this would mean that this type of loan would carry a rate of interest of something on the order of 5⅜ percent.

These are the main features of S. 4316. I believe that this bill will assist the Small Business Administration to do a better job in helping our many small businesses throughout the country.

Mr. SPARKMAN. Mr. President, I will take a few minutes if I may. I send to the desk an amendment on behalf of the distinguished Senator from Indiana (Mr. BAYH), who unfortunately is not able to be here today.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

On page 13, strike out lines 17 through 19 and insert the following:

"TECHNICAL ASSISTANCE AND COUNSELING FOR SMALL CONSTRUCTION CONTRACTORS"

"SEC. 302. Section 8 of the Small Business Act is amended by adding at the end thereof a new subsection as follows:

"'(f)(1) The Administrator shall, after consultation with representatives of the Department of Labor and the Department of Housing and Urban Development, develop programs for broadening the participation of small business enterprise in the construction industry. Such programs shall include (A) the provision of technical instruction and counseling with respect to the managing, financing, and operation of small construction concerns and the techniques of successful bidding on construction contracts (including instruction and counseling to enable such concerns and associations thereof to participate fully in the benefits provided by the Administration's surety bond guarantee program under part B of title IV of the Small Business Investment Act of 1958), and (B) the correlation and dissemination of information concerning opportunities for small business concerns to participate as prime contractors or subcontractors on construction projects.

"'(2) Programs under this subsection shall be developed and carried out on a local basis having regard for varying conditions prevailing in the construction industry in different areas of the country.

"'(3) The Administrator shall in the implementation of his overall technical assistance program give priority to technical assistance and counseling to small construction contractors and whenever necessary obtain the temporary or intermittent services of experts or consultants, or an organization thereof, in accordance with section 3109 of title 5, United States Code, but at rates for individuals not to exceed $100 per diem.

"SHORT TITLE

"SEC. 303. This title may be cited as the Small Construction Contractor Assistance Act of 1970'."

Mr. SPARKMAN. Mr. President, I should like to say this in explanation of the amendment. In hearings before the Small Business Subcommittee, the Senator from Indiana (Mr. BAYH) had offered an amendment that was much broader than this amendment. He has greatly cut down his amendment, to the point that I think had it been offered on this matter in the subcommittee, it would have been accepted.

The Senator from Indiana had to leave the city, and I am offering it in his behalf.

I believe that the distinguished Senator from New Hampshire, the chairman of the Small Business Subcommittee of the Banking and Currency Committee, is well familiar with the provisions of the amendment. I believe he has discussed it with the Senator from Indiana.

Mr. McINTYRE. Mr. President, I appreciate on behalf of the Senator from Indiana (Mr. BAYH) the fact that the Senator has been able to offer this amendment to the bill at this time. The history of this matter records the fact that the Bayh bill, which he introduced in 1969, asked among other things for a national task force. This task force was to sweep far and wide across the country attempting to find areas where small business contractors could be aided.

We felt in the committee that it was a duplication in some respects and was too broad. However, in the amendment offered on behalf of the Senator from Indiana, we find, as the Senator from Alabama said, that if there had been this narrow approach, we would have probably agreed to accept it.

Mr. President, the distinguished Senator from Indiana deserves a strong commendation for his concern for promoting the expansion of small business in the construction field. He has testified on this subject before the Subcommittee on Small Business and has, in the past, submitted proposed legislation in this area. Indeed, the committee voted to adopt a portion of one of his proposals regarding surety bonds for contractors in the present bill.

The Small Business Administration has not yet had the opportunity to comment on the amendment offered by the Senator from Indiana. However, it has been examined by the ranking minority member of the Subcommittee on Small Business and myself, and we both feel that it has considerable merit. At this late stage in the year, I feel that the most appropriate course of action would be to accept this amendment and carry it to conference, if this legislation gets that far.

If the sponsor of the amendment understands that we will be taking this subject to a later study by the Small Business Administration, I will be happy to recommend that the Senate adopt it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PERCY. Mr. President, it is a source of great personal satisfaction to me that this small business bill has come to the floor today. Having served on the subcommittee and the full committee when its provisions were discussed and debated, having worked with the administration on its contents, and having spent numerous hours with my own staff in hewing out our position to make sure the bill reflected what my experience in business had led me to believe is now required, I enjoy something of a personal sense of pride in the invocation features of the bill developed by the Nixon administration, and so ably supported and articulated by the chairman of the subcommittee, the Senator from New Hampshire (Mr. McINTYRE).

The bill, in my judgment, provides essential new tools and opportunities for the Nation's small businessmen. Its specific provisions have already been ably reviewed by my distinguished colleague, Senator McINTYRE, but I would just like to indicate my enthusiasm for this new legislation which, among other things, seeks to deal in innovative ways with the special problems of small businessmen by extending loan participation to lenders not normally engaged in lending activities, by permitting banks to wholly own MESBIC's, by providing guarantees to sureties on construction bonds, and by offering relief to small businesses who must undergo the costs of compliance with new environmental control standards. I think these provisions represent new hope in assuring the stability and position of small business in our economy.

Furthermore, Mr. President, I think this bill attests to the commitment of the President and this administration to come to grips with the hard problems of small business and particularly minority enterprise.

The President's work in this regard is typically pragmatic. It reflects a nuts-and-bolts analysis of the problems, and a willingness to meet these problems head-on rather than through some indirect approach which threatens to do no more than smother the problems with money.

The chairman of the Small Business Subcommittee, with whom I have worked so closely on this legislation, is also to be commended. He has, at every juncture, come forward with the insight and resolve needed to fight these important battles for small businessmen. His leadership has been helpful, bipartisan, and he deserves the recognition of the Senate in this regard.

Mr. President, it was my intention to give a speech today on an amendment I will offer. However, because I understand that the amendment is to be opposed by the distinguished Senator from Wisconsin (Mr. PROXMIRE), I thought it was well to give the speech last night in the RECORD together with the letter from the Small Business Administration so that the Senator from Wisconsin would have an opportunity to study the argument overnight and perhaps for a little while this morning. This would give the Senator a chance to appraise the matter and to present a counterproposal, with which he is always fully equipped.

Mr. President, at this time if it is appropriate, I call up my amendment. The substance of the argument in favor of it was given in the RECORD last night.

This amendment will authorize the SBA to grant interest subsidies to borrowers who receive loans guaranteed by the administration. The language approximates that contained in the original bill which, for want of sufficient background information at the time of our executive session, the Banking and Currency Committee chose to delete. I participated in that decision.

Since that time, I have spent a good deal of time talking to Secretary Stans and Mr. Sandoval, the head of the Small Business Administration. I have talked with a number of the very competent younger men who have been brought into the program and who have had special training and experience in banking. These men will have the problem of implementing and carrying out this program.

I am, therefore, convinced that it has been fairly researched and fully coordinated by the Department of Commerce and the Small Business Administration. They are enthusiastic about the carrying forward of those provisions.

They are aware of certain concerns that I tried to articulate to them that I felt represented some of the feelings I have heard in the Banking and Currency Committee. They are aware of these concerns. They intend to see that they will not come to pass. They will guard against them in the implementation of the program.

They feel this is an innovation and a new approach. It will require a modest amount of money and will really provide

a helping hand to small business that could not be provided otherwise. Because of these representations that have been made to me and the constant overseeing responsibility that we will exercise in the implementation of the interest subsidy program, I fully support it.

We in the Banking and Currency Committee really developed the concept of interest subsidies. It was a principle that I introduced with respect to the home ownership bill. It has had some flaws in it, but I do not know what we would have done without it. I do not know how we would have moved ahead to offer promise for home ownership to the people if we had not had interest subsidies.

The principle has been so well established that it has been carried forward into other programs. It is because of this that this idea is introduced now with respect to small business. It pulls the banks together in partnership with small business and gives them a banking relationship from the outset. A limit of 3 years is put on such subsidies. Thus only businesses in their early life have the benefit of this interest supplement program. I feel it is a big step in the right direction. It carries out and fully implements what the President said in his message when he said that we want to extend a helping hand to black capitalism; let us now extend a helping hand to minorities that have heretofore been deprived of the opportunity to participate in the free enterprise system.

Therefore, I offer this amendment and call it up at this time.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 1, beginning with line 8, strike out all through line 13, on page 2, and insert the following:

"SEC. 101. (a) In connection with the financial assistance programs established by the Small Business Act, title V of the Small Business Investment Act of 1958, and title IV of the Economic Opportunity Act of 1964—

"(1) The Small Business Administration is authorized to make loans in cooperation with persons or organizations not normally engaged in lending activity, as well as with banks or other lending institutions, and to enter into agreements with respect to the servicing of the loans.

"(2) The Small Business Administration is authorized to make interest subsidy grants on an annual basis to small business concerns which are about to be established or have been in existence for less than five years and which receive loans guaranteed by the Administration. In no case, however, shall the annual amount of such a grant exceed the product of the amount of the loan multiplied by the least of (A) 3 per centum; (B) one-third of the prevailing rate of interest applicable to the loan; or (C) the difference between the prevailing rate of interest applicable to the loan and 5½ per centum. No grant shall be made under this paragraph relating to interest due on a loan later than three years from the time the loan was disbursed, and each grant under this paragraph shall be charged, in the amounts thereof relating to each of such years, to the respective appropriations current at the time the grant agreement is entered into and to the appropriations current on the respective anniversaries thereof. The Administration shall issue regulations stipulating the conditions under which grants may be made under this paragraph. Such regulations shall include provisions to insure that the interest rate and other terms of the related loans are reasonable.

"(b) The Small Business Administration shall include in its annual report to the Congress a full and complete summary of its operations under the authority conferred by subsection (a) of this section. Such report shall state along with other relevant information (1) the names of the persons or organizations in cooperation with which the Administration has made loans under the authority conferred by subsection (a)(1), and (2) the names of the small business concerns receiving interest subsidy grants under the authority conferred by subsection (a)(2), together with the amounts involved."

Mr. McINTYRE. Mr. President, will the Senator yield, so that I may ask him a few questions?

Mr. PERCY. I am delighted to yield.

Mr. McINTYRE. First of all, I think we all recognize that the first 5 years of any business are in most instances the most perilous. We are trying to move in the direction of helping these new enterprises. I think the Senator has agreed there was not a formula or criterion laid down in the original presentation that was firm enough for us to go along with. So we bypassed it for the time being and did not make it a part of this bill.

Does the Senator from Illinois, in view of discussions he has had with Mr. Sandoval of the Small Business Administration and Mr. Stans of the Department of Commerce feel satisfied that this will work and would not be detrimental to the whole scope of business guaranteed loans?

Mr. PERCY. Yes, I am. I have gone over very carefully with the Small Business Administration the figures that they have had on losses, and the somewhat higher loss figures they have had from newer businesses. They are aware of the risks involved and also what can happen if we give this added help to small businesses in the earlier years.

I am satisfied their criteria and judgment, and the involvement of the bank in this program, will be an adequate safeguard. The amount of money required is modest, compared with the stimulus it will offer the small business community and the hope and encouragement it would offer the introduction of new ideas, new product lines, and so forth.

Mr. McINTYRE. I note that the amendment states under section (b) that the Small Business Administration shall include in its annual report to Congress a full and complete summary of its operation.

Each year we will have that report and we will have a firm grasp on the program and know how it is working. Is that right?

Mr. PERCY. I assure the chairman that I would like to work with him and wait for the report to come in. I would like to keep in touch with the people administering the program so that we know month by month that it is serving its purpose, just as I kept a close tab on the so-called Chicago plan where automatic approval was given after 3 days if a turndown was not given at the Small Business Administration. I was concerned about that program when it started. It had the name "Chicago" attached to it. I participated in the planning meetings that were held. I put as much expertise into it as I have. Now, SBA is so enthusiastic with it that they would like to extend it nationwide.

I would like to do the same thing here and work with our chairman on this matter.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. PERCY. I am happy to yield to my colleagues from New York, who has been so instrumental in working with the Select Committee on Small Business and innovating new ideas for the small business community.

Mr. JAVITS. I favor this amendment very strongly. The Senator was rather understating his case when he said this just started with the housing effort, which was a most brilliant initiative entering into Congress.

We have had interest subsidies for rural electrification and we have had interest subsidies for rural telephones and also in the field of loans to college students. It is one of the ways we have to get guaranteed loans for college students when we annually fell flat on our faces in trying to make available necessary money for college students under the NEA program.

The gift of an interest subsidy is probably the answer to the crushing budget problems we face. As the Senator may know, I was able in connection with hospital modernization to do the same thing.

I would like to point out to the Senator that we are trying to get the banks to cooperate more intensely in the small business field.

There is a large consortium of New York banks meeting for this purpose. They are achieving some results. They do not yet have a New York plan to equal the Chicago plan. I wish they did.

One thing we have learned, whether we like it or not, is that we have not gotten behind the small business situation with sufficient management expertise. There could be no better witness for that than the Senator from Illinois, who was a most successful business administrator.

Right now, we are primarily on the money equation. I know that is not the whole answer, but it is an answer. To use the money equation effectively, we have to be able to decrease the cost of money and make more money obtainable so that the small business entrepreneur who is facing big losses can become more involved in the economic mainstream.

We might as well try to avoid some of these losses by soaking them up, by making his carrying charges lower. We will have to pay for it one way or another, and I believe it is better to pay for it in that way than to take it as a loss to the small business community and ultimately to the economy at large.

I commend the Senator and I hope the Senate agrees to the amendment.

Mr. PERCY. Mr. President, I thank the Senator for his deep interest in this field.

In the words of the President, when he sent his message to Congress, he said:

The risk of failure for small business is high and the early years are most perilous. These are the years in which the small busi-

nessman most often finds himself short of working capital and when high interest rates can have their greatest impact.

The experience of the distinguished Senator in this regard with many small businessmen would lead him to believe the President is right.

Mr. JAVITS. I approve of the amendment and I hope the Senate agrees to it.

Mr. PROXMIRE. Mr. President, I strongly oppose this amendment. This amendment was rejected, and wisely so by the Committee on Banking and Currency. It makes a program of questionable value anyway much more questionable. All of us are aware of the fact that the SBA program making a limited number of loans has been under attack for years.

There are 4.5 million small business firms and only 40,000, or one out of 100 receive loans from the Small Business Administration.

We know from experience in our States how many people have asked us to assist them in getting small business loans. We know that many worthy firms have to be turned down. You can imagine how this lineup is going to grow when they find loans are available with a 3-percent below market sweetener, a subsidy giving a clear advantage over competition.

But only one firm in 1,000 will get this advantage.

And how do we determine who gets in and who is shut out? There is no criteria in the bill. The answer or course is political pressure.

Furthermore, this is a departure from sound principles the SBA has followed which for years has confined assistance to repayable loans with interest, as I understand the facts. It is true this amendment would give this handout only to new firms that have been in business for less than 5 years. Furthermore it would only go to firms getting SBA financial assistance.

Third, the amount is 3 percent, or the difference between the prevailing rate of interest on the loan and 5½ percent, whichever is the smaller.

Fourth, it authorizes interest subsidy grants on an annual basis but the amendment has no precise language as to the amount—it is, in fact, open ended. The original estimate of cost, under the original language, was $20 million.

Furthermore, the amount required to fund this is not in the budget. President Nixon has vetoed an education bill on the ground that it represented an authorization that exceeded his budget request. Here we are going ahead and authorizing an open ended amount that exceeds the budget request, because there is nothing in the budget for it. We checked with the Budget Bureau a few minutes ago, and they said there is nothing in the budget providing for this.

One might say that this is not such a big universe of firms that might be eligible; it is only new firms. The statistics are that 2 million or 2½ million small businesses are 5 years old or less.

Furthermore, the SBA cannot tell us—we have asked them—how many firms would be eligible under the program. They should know, but do not know.

SIGNIFICANCE OF FIGURES

However, with 8,255 guaranteed loans in fiscal year 1970, about 40,000 guaranteed loans must have been made in the last 5 years.

If the average loan is $50,000 and the maximum rate of the grant is 3 percent, this means an average grant of $1,500.

The maximum number of grants which could be made would therefore be 3,300—$5 million divided by $1,500.

But there are about 2.5 million small business firms in the country less than 5 years old—530,000 formed each year, less 10,000 failures a year, times 5 years.

Some 40,000 guaranteed loans were made by the SBA in the last 5 years—not all of which are eligible, since some of these loans were made to firms 5 years old or older. But something more than 10,000 of these firms must be less than 5 years old—SBA makes a crude estimate of 40 percent—or 16,000.

The point is that the demand for the interest grants will vastly exceed the number available.

A grant is very lucrative. Neither the principal nor the interest must be paid back. Thus, thousands of businesses would be standing in line to get the grants—worth $1,500 gratis to them.

If these could be granted in an expeditious way, and not through the offices of Representatives and Senators, this program would be improved. I think we are aware that so many of these loans in the past have been made based on pressure, based on whether a borrower knew a Senator or a Congressman. While this factor may be exaggerated in the trade, certainly many small businessmen think that that is the way to get a small business loan. That has certainly been the approach to my office. They feel the one way to get a small business loan is through one's Senator or Congressman and, if they have "clout," they will get it. If we think we have been under pressure before, we are really asking for it if we pass this kind of amendment.

At any rate, the feeling by American business generally is that the loans would be made and the determination of who is going to get the grants would be made on the basis of who has political pull. I wish it were not that way, but the only way we can prevent that is by having criteria in the bill providing that the money is going to go to minority businesses, or is going to businesses operating in inner-core cities, or is going to poverty areas in rural sections, or businesses operated by wounded veterans, or something of that kind. As it is, there are no criteria; everybody is eligible.

We know what happens. There are those who are "more eligible," "more equal" than others. There are those who have political influence. I do not say that in any cynical way, but I mention it as a matter of realism. The way to eliminate that is to write clear and distinct criteria into the amendment which can be justified. Without such criteria, and there is none in this amendment, lucky borrowers will be chosen by political pull. With only 3,300 grants per year for 2 million firms, this has to be true.

The administration has made no provision in the budget for the appropriation. This will add to the President's budget. While the $5 million per year figure is given, the amendment itself authorizes no such limited amount. It is an unlimited authorization.

The pressures to increase appropriations for direct grants will soon be overwhelming. With a potential universe of 2.5 million firms 5 years old or less, this could end up as a terrific boondoggle.

This amendment gives us the worst of all worlds. Because of the failure of the anti-inflation policies, and the increase in interest rates due to that policy, small businesses are in trouble. The direct answer is to follow policies to reduce interest rates. This is the fundamental answer to the problem for small business, housing, farmers, and others caught in the credit squeeze and high interest rates.

Instead, high interest rate policies are continued. Then a favored few are bailed out through grants to reduce the effective interest rates.

In any case, the American people get it in the neck. Either they pay high interest rates or, as taxpayers, they pay taxes to support the grants given to businesses to make up for the high interest rates.

For an administration claiming it favors free enterprise, says it is opposed to needless spending, and accuses Congress of busting the budget, this is a most curious proposal. If it provided a loan, to be paid back with interest, that would be one thing. But they propose a grant, never to be paid back.

Furthermore, it authorizes funds not in the budget and funds beyond those asked for by the President.

The general thrust of the legislation is to help economically or socially deprived persons to establish small businesses and to receive training to run small businesses, and to help those who suffer disasters beyond any individual control, disasters from social events, or Government action.

This amendment does not limit itself to helping the poorest or neediest or urban ghetto business. It is across the board to anyone who has been in business less than 5 years and who has a small business guaranteed loan.

A direct grant of 3 percent of the interest on a loan might conceivably be justified to a business which had been bombed out in an urban riot, but to give it across the board is to set a bad precedent.

The amendment contains no guidelines. Initally, in committee, it did not provide for them, even by the agency. It now does that or allows the agency to make regulations, but basically the amendment is general, across the board, lacking in specifics, and unclear on a dozen important items, especially in the amount that may be authorized. This is open ended.

The distinguished Senator from Illinois (Mr. PERCY), a very valued member of the Banking and Currency Committee and a very extraordinary man, who made great contributions to the housing bill passed in 1968, has argued that this is simply an application to small business of the provisions contained in the

housing bill. I certainly dispute that. As we all know, sections 235 and 236 do provide for interest rate subsidies.

The answer is that the two are not at all alike. The housing interest rate subsidy was designed to get around the budgetary limitations. In addition, it has to go to low-income groups.

On the first point, if the Federal Government buys a mortgage or finances a house costing $20,000, that $20,000 goes into the budget as a 1-year capital outlay. This is true even though a Government institution holds a mortgage on that house, secured by real property, and which pays back principal and interest. It is a 1-year budget outlay of $20,000.

Under the interest subsidy program, the same house could be subsidized, or built or financed—whatever term you want to use—for an average of $600. By subsidizing the difference between the market rate of interest and what the individual renter or buyer could afford—at 25 or 20 percent of his income—instead of having a budget outlay of $20,000, the Government could get one house built for an average of $600 for 1 year.

This has neither of these redeeming features: First, it is not channeled to the especially needy; and, second, it is not a big budget saver—as the housing subsidy is. In fact, it may end up being a big budget buster.

As a matter of fact, it would provide this subsidy to a small business that was either already borrowing from the Federal Government or getting a guarantee from the Federal Government which would not affect the Government, but the proposal by the Senator from Illinois (Mr. PERCY) would.

It would mean that the Federal Government would have to pay out more. It would in no way economize on the impact on the budget. When only 3,300 firms out of a universe of 4.5 million can get a direct interest rate grant, and when the amendment contains no limitation on funds—or even if it did, it would soon be broken—the pressures to extend this bonanza across the board will be overwhelming.

If one business gets it, why should not his competitor? If one man has an "in" with the SBA or a local Congressman, how are they going to refuse a second or third or fourth?

We will soon be universalizing this practice.

Mr. President, I do think that in view of the fact that the committee rejected this proposal, and it has now come up on the floor, when we have not had a chance to have the kind of exhaustive inquiry such a vast departure from SBA practice deserves, I do hope the Senate will reject this amendment.

Mr. BENNETT. Mr. President, I would like to ask a question of the Senator from Wisconsin. I have listened to what he said, and it seems to me he has directed his criticism entirely to paragraph 2 of the amendment. Is he also rejecting paragraph 1?

Paragraph (1) which says:

The Small Business Administration is authorized to make loans in cooperation with persons or organizations not normally in lending activity, as well as with banks or other lending institutions, and to enter into agreements with respect to the servicing of the loans.

It is the understanding of the Senator from Utah that this involves a loan made to a church or a foundation, or a nonprofit organization, of one type, and this would seem to me——

Mr. PROXMIRE. I have no objection to that part. Frankly, I had thought that was in the bill itself. But that particular part of the amendment I would have no objection to.

Mr. BENNETT. With the approval of the sponsor of the amendment, I would like to suggest that this section be separated, and then ask the manager of the bill if he will not accept section 1 of the amendment. Is it in the bill?

Mr. McINTYRE. Yes; in the drafting of the Percy amendment this section is repeated merely for clarification.

Mr. PERCY. If the distinguished Senator will yield, there is a report back requirement under both of those provisions, and for that reason, the legislative counsel advised that we include in this amendment paragraph 1, which we knew was already in the bill itself. This simplifies the language of the bill so far as the report back requirement is concerned.

Mr. BENNETT. Where do we stand on this thing? Should it be reenacted here, or is it already in the bill, so that it needs no reenactment?

Mr. McINTYRE. It is already in the bill, so it needs no reenactment.

Mr. PERCY. Mr. President, I very much appreciate the comments of the distinguished Senator from Wisconsin on this amendment, which I hope will enable the Senate to have a clarification and, for the RECORD, make certain that we do have close surveillance over the implementation of this amendment.

May I ask whether it is the intention of the distinguished Senator from Wisconsin to have a rollcall vote, or whether he would be satisfied with a voice vote?

Mr. PROXMIRE. No; I have no intention to ask for a rollcall.

Mr. PERCY. Then let me be very brief in responding, because I understand we have other pending business.

The distinguished Senator has said that only about one out of 100 small businesses actually use the facilities and services of SBA. I think this is a testimony to the creativity, imagination, and resourcefulness of the commercial banking field, that it takes care of 99 out of 100 cases of small businesses, and suffers along with them, I presume, a part of the higher loss rate that is incident among small businesses. But the one out of 100 who come to SBA, of course, cannot come and get assistance unless they have been barred from and denied the resources of the banking community. That is why they come to the Government.

I am not particularly worried about a lineup of businesses coming to SBA. I think that SBA would want to encourage more businesses to come that might not be inclined to come for assistance and help, which might otherwise go under. What we want to try to do is reduce the incidence of failure among small businesses. By coming to SBA, by linking up with a bank that they could not do otherwise, by having technical assistance offered that they might not otherwise know was available, we might be able to reduce this 55 to 60 percent incidence of failure of small businesses in their first 3 years of operation.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. PROXMIRE. I would wholeheartedly agree that there could be a value to small business operations in the regular program without the amendment. But I think there is too much politics about this. I do think that a strong case could be made for what the Senator from Illinois is saying. I cannot understand, however, why we have to supplement the loan with a handout. The firms that can get Government loans here could not otherwise get a loan. I can testify from my own association with small businessmen in Wisconsin that, while there is a resentment against this program now by many small businessmen who see their competitors getting loans when they are not, that they are really going to be unhappy when they see their competitors getting loans from the Government at well below the market rate.

I ask the Senator, How does small business work if it does not work on a competitive basis? If you are a firm that cannot cut the buck, you go under; as the Senator knows, that is the way the free enterprise system works. If we are going to subsidize a firm simply because they are having a tough time, it seems to me there is no place we can logically draw the line.

Mr. PERCY. I presume there is little question but what the SBA would prefer to assist borrowers directly, rather than through the guarantee program, if direct funding money were available. However, the shortage of funds has been a longstanding problem, what one might consider a fact of life.

The Senator has said there is no limit on this. There actually is a limit. A separate appropriation for this section would have to be made, and I would like to give some estimates as to what the actual cost would be, so we know what we are dealing with.

Mr. PROXMIRE. Mr. President, I said there is no limit in the bill. There is not in the authorization. Of course, every authorization can be limited by the amount of the subsequent appropriation.

Mr. PERCY. That is true, but——

Mr. PROXMIRE. It seems to me that a sound authorization would provide a limitation in this case.

Mr. PERCY. Perhaps we should put into the RECORD some of the representations made by SBA to us, and on which I am basing my judgment as to the size of the program and whether we can absorb it.

I am, first of all, comforted by the fact that the Bureau of Budget and Management has approved this program, and has supported the letter that Mr. Sandoval has sent to our able chairman:

The average size of an SBA loan is $50,000. The average size of an interest subsidy will be about 2½ percent. This amendment sets up a formula for determining the amount of subsidy, but in no case permits a subsidy

greater than 3 percent of the amount of the loan. Therefore, in fiscal 1970, had there been an interest subsidy program in effect, the cost, at the most, would have been about $3,750,000. This amount would double in a second year, it would triple in the third year, but would then continue at that level-out basis—

Because, as the distinguished Senator knows, no business can have it longer than for a 3-year period.

SBA makes an average of about 9,000 business section 7(a) loans per year. That is 6,547 business loans, 1,707 economic opportunity loans; the total represents a rounding out of about 9,000. Direct and immediate participation loans are excluded since the guarantee program is the only one on which the interest subsidy would be paid.

Approximately 3,000, or about one-third, of the total business loans are to new businesses. It is true that these losses are higher for new businesses. But the failure rate of small business generally across the country is 4 to 5 percent. The failure rate for SBA aided small business is 4 to 6 percent, which, when we consider that the banking community has already rejected these businesses and said they cannot have commercial loans, is, I think, a very reasonable rate and goes right to the heart of the whole purpose of what Congress has tried to do through the years in supplementing and implementing and encouraging small business to come forward.

The distinguished Senator has indicated that everyone is eligible. I do not know what the term "everyone" means. Certainly, the amendment itself limits the number of businesses that would be eligible. No business is eligible that has been in business over 5 years. No business is eligible that would have a loan for longer than 3 years. There is a limitation.

There is not discrimination in this bill, just saying it is only available to minority groups. I think the common problems of struggling small businesses know no color barriers, and I think we should offer this opportunity to everyone.

We know that we are trying to encourage minority enterprises. We know that traditionally they have had the most difficult problem getting commercially backable loans. I assume that there would be a relatively high number of businesses that would come to SBA under this program who are minority enterprises, whether they are Spanish-speaking, Mexican, whether they be black or whatever. The tradition of going to the banks has not been ingrained in these minority groups as it has, say, in ethnic groups that have had apparently no difficulty in past years in establishing quickly and readily commercial banking relationships. But because at the very outset, the moment they come into the subsidy program, they must establish a banking relationship, it acts as a funnel, an assembly line, from businesses that have not traditionally had these banking relationships to go to banks and establish a commercial banking relationship.

For those reasons, I feel that the program is potentially sound. We will certainly want to audit it and monitor it very carefully. But it has been well thought through and is an innovation that is worthwhile. For that reason, I support it fully, and I trust that the Senate will.

Mr. McINTYRE. Mr. President, I think it is easy for us to understand why the statistics show that the first few years are the most difficult in the life of a new business. It is the time of trial and error. The owner is learning, day by day, the many things he has to know if he is going to make a success of his business. New markets have to be developed; new products tested. One of the things he will learn is that it costs money to borrow money. Interest rates are important. They are a big factor in the financial structure of his business. We all know that high interest costs are burdensome or there would not be so much talk about their importance.

The proponents of this Percy amendment do not contend that this interest subsidy will be the most important factor in the final determination of the success or failure of a business. But we do contend that it may well be one of the main factors which could tip the scale on the side of success.

I would like to point out in closing that the Percy amendment contains a provision—I have already stressed this in my colloquy with the Senator from Illinois—which requires SBA to report to the Congress on the businesses which receive the subsidy and the amount received. I can assure the Senate that the Small Business Subcommittee will follow this program closely. If there is any sign that it is not doing what we hope and expect it will do, I will lead the fight to have it abolished.

Mr. President, I strongly recommend that the Percy amendment be adopted.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. McINTYRE. I yield.

Mr. MANSFIELD. Mr. President, does this amendment have to do with the interest subsidy provisions?

Mr. McINTYRE. This amendment is the interest subsidy provision. The purpose of this amendment is to follow the suggestion of President Nixon when he sent this bill here; and that is that we all recognize that the first 5 years, which is the incubator period, are the most perilous for a small business.

We had some difficulty with it in executive session, and we think that now has been ironed out. It is going to be closely monitored and closely watched. This interest subsidy will be no greater than 3 percent at any time. Hopefully, this may be a little boost to the small business world.

Mr. MANSFIELD. I just want to indicate my support of the amendment offered by the Senator from Illinois.

Mr. PERCY. I thank the distinguished majority leader for his support. We appreciate it very much, indeed.

Mr. WILLIAMS of Delaware. Mr. President, I do not question the sincerity of the Senator from Illinois and the other Senators in sponsoring this amendment. But I think the Senator from Wisconsin made a valid point which should not be overlooked, and that is that this amendment would create a problem in the competitive system with respect to those small businesses which are not getting Government loans and which have to pay the regular interest rates or others who do get a small business loan and still have to pay the regular rates, as compared with the businesses which get subsidized interest rates under this Percy amendment. Who makes this determination in borderline cases? I think it is opening up a problem which can reflect adversely on the program that has served small business so well in the past. I think it is a mistake.

Mr. McINTYRE. I recognize the validity of what the Senator from Delaware has said, but I think that Senator Percy and I feel that we are trying to find different areas and different approaches that will be of assistance to small business.

In the deliberations of this body, we do many things that might appear a bit confusing in the clear light of day. For example, when we try to step in and save the C–5A aircraft—I think the escrow account in that is $200 million—to save this weapons system, are we not in fact rewarding mismanagement, and is that not a bad example?

Mr. WILLIAMS of Delaware. I agree.

Mr. PROXMIRE. I agree wholeheartedly with that statement.

Mr. WILLIAMS of Delaware. We have had several of those situations. While we support the principle of the Small Business Administration, we are all disturbed somewhat that there has been evidence of political influence in these loans on both sides. This is not partisan. We have had such examples, and they were wrong.

I was very much disturbed over some of the disaster loans that were made by the Small Business Administration in Alaska, where they made the 3-percent loans to top political figures. It happened to involve both political parties. They got loans far in excess of the destruction as a result of the disaster there, and then took the 3-percent money and reinvested it in other businesses or paid off higher interest rate mortgages.

There has been political abuse in this program. I think we are opening up another avenue where there may be political or other abuse. I know that is not the intention of the manager of the bill or the Senator from Illinois. I do not want to indicate that it is. I do not question their good intentions, but I do question the advisability of taking this step, which may lead to adverse criticism of a program which has done some good heretofore.

Mr. McINTYRE. Let me respond to the Senator from Delaware and the Senator from Wisconsin. It may be that the Senator from Delaware and the Senator from Wisconsin do know of some of these abuses. I have heard of some of them occurring. But, insofar as the Senator from New Hampshire is concerned, I have always maintained that, whether one was a Republican, a Democrat, or an independent, he could go to SBA. I have asked SBA to take another look or to go over an application; but, in the final analysis, I want to say that the decision—with respect to the SBA in New Hampshire, anyway—rests pretty fairly and squarely on the merits of the application. I, for one Senator, have never tried to use my influence to have them make a loan they should not have made.

Mr. WILLIAMS of Delaware. I am sure of that.

The case to which I referred was a matter of record that was sent to Congress by the Comptroller General under date of May 28, 1969. There was rather severe criticism of the mismanagement and the manner in which those loans were granted. The Comptroller General was very critical of the Small Business Administration officials who approved some of those loans.

There is another point which has nothing to do with this particular amendment, but while we are discussing it I should like to mention it. In the Finance Committee it was called to our attention that the Small Business Administration was making loans to small business investment companies whose sponsors in turn were making loans to themselves for the establishment of nursing homes. This was in violation of the rules as self-dealing. We tried to get a report on this. They refused to give us access to the information, and we asked the Comptroller General. Much to our surprise the Comptroller General was also refused access to these documents on the basis that Small Business was referring their report to the Department of Justice. I inquired of the Department of Justice, and apparently they are not going to take any action because they do not see any criminal violation; but they are holding the reports with the result that this is used as a bottleneck or an excuse to keep the critical information from Congress. I am sure the manager of the bill will agree that this is not the intention of the Congress. We should have access to the investigative reports which admittedly bear evidence of fraud.

Perhaps the subcommittee will want to examine this type of self-dealing loan for the SBA says there were violations of the rules or of the law but that for some reason the Department of Justice feels it does not merit prosecution; yet they refuse to allow the Finance Committee, while dealing with cases of abuse, to see the report. It is obvious that the Government will lose money, and they will not be paid; so I believe we are entitled to the information. I frankly have been critical of the SBA for using this excuse wherein by referring it to the Department of Justice which does not intend to pursue any criminal prosecution they keep the report from congressional committees.

Mr. McINTYRE. I will be happy to cooperate in every way I can to get the information for the Senator. The SBIC's are doing a good job. They could do a better job if given the opportunity. But if there is a self-dealing aspect here, I would like to know about it and I pledge my cooperation.

Mr. WILLIAMS of Delaware. I am not raising this question in connection with this particular amendment, but I would appreciate it if the Senator would have his staff work with the staff of the Finance Committee to help us get that information. It is nonrelated and perhaps should not be brought up in connection with this particular proposal.

Mr. McINTYRE. I shall be happy to do so.

Now, Mr. President, I am happy to yield to the Senator from Illinois.

Mr. PERCY. Mr. President, first, I associate myself with the remarks of the chairman and will cooperate in any way I can to see that information is made available for scrutiny and analysis.

The distinguished chairman used the phrase "put the light of day" on something. I think that the Senator from Wisconsin has put the light of day on many things. I hope that we will put the light of day on many other commendable projects, projects which are hardly small business, but that are multimillion-dollar projects such as the SST. I hope we can put our focus on that.

But here, I should like, at any rate, to try to clarify one aspect of the comments made by the distinguished Senator from Delaware (Mr. WILLIAMS). He indicates that this is a new program and a new venture, and that we would be setting up some form of discrimination between businesses, that one would be getting something that the others do not have.

Well, Mr. President, first, no business gets anything if it can be handled by a commercial bank. They have to be rejected and turned down for that. If one business says, "You are getting something that I am not," the other business can reply, "A commercial bank will be able to take care of your venture. You apparently have enough capital resources and you are far enough along so that what you have is bankable, but the banks will not give me any loan and I have been turned down. Because of that turndown, I have no place to go except to the SBA for help."

In principle, what we have to do, then, in order to have no discrimination, would be to repeal the direct loan program. We now have a direct loan program. It has been successful. It has worked. It offers an interest rate of 5.5 percent. I have not heard a great deal of complaint from one business to another that one of them is getting these loans and the other is not because of the difference between that one is commercially bankable and the other is not.

We do not have enough funds in the direct loan account. This is a way, therefore, to provide a subsidy for bank money to come in and bring a bank into the picture. It is that distinction that we should clarify and that this amendment is addressed to.

Now Mr. President, I am happy to yield to the Senator from Alaska (Mr. STEVENS) who is the only other cosponsor of the amendment.

I appreciate very much his deep interest in this subject.

Mr. STEVENS. I thank the Senator from Illinois. I am very much interested in this subject. As an aside, let me tell my good friend from Delaware that the unfortunate part about the Comptroller General's activities with regard to disaster loans is that they have 20–20 hindsight. They are not involved at the time of a disaster.

Having lived through two of our worst natural disasters, I can tell the Senator that the aftermath following a disaster has a great deal to do with how loans are processed and the attitude of the SBA that time is critical to preventing people from leaving the area.

Had the SBA not moved with the dispatch it did after the Anchorage earthquake, for instance, we could well have lost a great portion of our population. The SBA activities were directly related to the restoration of confidence in the rebuilding of Alaska following that great disaster.

The loans the Senator has mentioned, and I have seen the reports, all involve a little bit of hindsight in terms of judgments made and the experience of the loan officers. I do not think this is the place to argue whether the Comptroller General was correct in his assessment, looking backward. But, looking prospectively is what we are dealing with in terms of the SBA, I hope.

I would hope that we would not lose sight of the fact that the SBA, has in fact, regenerated the small businesses of this country, and that the amendment of the Senator from Illinois is absolutely necessary if small businesses are to get the assistance from the Government which they need, in order to keep pace in a period of high interest rates, particularly those small businesses that cannot go into the capital market to get the money they need to modernize and expand.

I thank the Senator from Illinois very much for permitting me to cosponsor the amendment because it is vital to our area. The Small Business Administration is sort of the Nation's bank in Alaska. I am sure the Senator from Delaware knows that. There is a great deal of money outstanding in Alaska, either guaranteed or in direct loans, from the Small Business Administration. The program has been successful. It has brought about the development of small businesses owned by Alaskans who are able to participate in this expansion of the oil industry and the gas industries up there, and I would hope that we would find a way to a clear support of the approach of the Senator from Illinois by his amendment. It is a fine one. I am very much pleased to sponsor the amendment. I thank the Senator from Illinois for yielding to me.

Mr. WILLIAMS of Delaware. Mr. President, I want to assure my good friend from Alaska that I was not speaking critically about Small Business Administration operations in the disaster areas in general terms. I was referring to a specific criticism of the Comptroller General on specific loans. In order that I may be more specific, Mr. President, I ask unanimous consent to have printed in the RECORD excerpts from the Comptroller General's report preceded by a copy of an article appearing in the National Observer under date of June 30, 1969.

There being no objection, the article and excerpts were ordered to be printed in the RECORD, as follows:

SOME ALASKANS REAPED BONANZA OUT OF DISASTERS

FAIRBANKS, ALASKA.—When the Chena River flooded the city of Fairbanks two years ago it did $70,000 damage to the Fairbanks Daily News-Miner, according to publisher C. W. Snedden. The Small Business Administration (SBA) of the Federal Government

came to the newspaper's aid with a low-interest loan of $665,000.

The same flood waters lapped at the ground floor of the Golden Nugget motel, doing $140,000 worth of damage. The SBA helped out owner Don Pruhs with a loan of $894,000.

And so it went. A local newspaper called Jessen's Weekly got a disaster loan of $347,600 and emerged from the flood as Jessen's Daily. The black-and-white Fairbanks station of Northern Television, Inc., added $390,000 to the $140,000 it collected in flood insurance and went back on the air in living color. A young woman with a house appraised at less than $31,000 got a $42,500 loan to repair it. One businessman blandly admits that he used his disaster loan to buy his wife a new car.

The Small Business Administration was set up by Congress to lend money to small businesses that don't quite qualify for ordinary loans from banks. Its definition of "small" varies from industry to industry, and can include firms with sales up to $5,000,000 annually or 250 employes. Even these limits may be waived in an area struck by a natural disaster.

A number of Alaskans, including some with SBA loans of their own, have criticized the liberality with which the Federal agency has lent money in their state. Out of $626,900,000 in disaster loans made by the agency since its founding in 1953, almost one-fourth, or $155,900,000, was devoted to the Fairbanks flood and a 1964 earthquake centered near Anchorage. That works out to more than $550 in disaster loans for each Alaskan. The other 49 states have received $471,000,000 in disaster loans, or $2.35 for each resident of those states.

Mr. Snedden estimates that 90 per cent of the property owners in Fairbanks got loans from the SBA because of the flood. The SBA in Washington says it disbursed $61,500,000, about $3,000 for every man, woman, and child in the city.

"It was tighter here than in Anchorage" Mr. Snedden says of the SBA disaster program. The agency made loans of $95,400,000 after the Anchorage earthquake, although total damage to private real property was estimated at the time to be $77,000,000. The General Accounting Office, which audits the executive branch and reports to Congress, has criticized the SBA for being unusually free with the taxpayers' money in the 1964 disaster. It charged that low interest loans were made to wealthy men who could have raised the money elsewhere, and that many loans were used to pay off old debts or "upgrade" businesses instead of merely restoring them to the level that preceded the disaster.

ECONOMY "IN JEOPARDY"

"These guys with the green eyeshades don't understand the nature of an emergency," retorts Eugene Foley, who was head of the SBA in Washington when the earthquake shattered Anchorage. "We were facing a situation where the economy of a whole state was in jeopardy."

The Anchorage earthquake was the most powerful ever recorded in North America, and it took more than 100 lives. The downtown section of the city is still scarred by a wide expanse of gravel where buildings used to be. Another severely hit area was the exclusive suburb of Turnagain, where the homes of some of the richest men in Alaska vanished, both house and yard, into the sea. The victims got home loans from SBA on a scale comparable to what they had lost.

Among those who got home loans were: Elmer E. Rasmuson, chairman of the board of the 22-branch National Bank of Alaska, the state's largest; Al Swalling, president of the Matanuska Valley Bank who says he got a home loan of $145,000; Dr. Asa Martin, a director of the same bank and a successful private investor; and Robert B. Atwood, publisher of the Anchorage Daily Times and an investor in the hotel, airline, and other industries.

Mr. Atwood bought a house in a good subdivision after the earthquake, and the state government gave him two lots in another subdivision to make up for the property he had lost. But he also got a loan of $275,100 more than three years after the quake and built a home that is sometimes called "the grandest house in Alaska." He bought Anchorage's only public golf course to serve as a site.

FORMER GOVERNOR WAS HELPED

Another belated recipient of a disaster loan was former Alaska Gov. William Egan, whose house in the town of Valdez was destroyed in the 1964 earthquake. He borrowed $55,000 from the SBA in 1967 and bought a home in Anchorage.

The General Accounting Office said that it reviewed 196 earthquake loans and found that 25 went to people who could have recovered from the disaster with their own resources, 38 were used to "upgrade" property beyond the pre-earthquake level, and 36 were used to pay off previous loans. The last of these categories could be a real windfall—because disaster loans carry only 3 per cent interest and may last for as long as 30 years.

Fairbanks insurance agent Wally Cathcart used his own situation to explain the dramatic advantages of this "3 per cent money." Without it, he said, his current payments on three pieces of property would be an unbearable $701 per month. But thanks to an SBA disaster loan, he pays $400 per month.

"I'm afraid Fairbanks is the last monument that SBA is going to build," Mr. Cathcart added. He was referring to stricter rules laid down by the SBA in April of last year, banning the use of SBA money to pay off old debts, and requiring borrowers to use up a reasonable amount of their own resources before turning to the SBA for money to recover from a disaster. Such loans are now limited to $35,000 for a home and its contents, and to $100,000 for a business. An SBA official in Washington says the tighter rules were a "partial result" of criticism stirred by the relatively free hand with which loans were made in Fairbanks.

HELP FOR THE GOLDEN NUGGET

The most criticized loan was that of $894,000 to the Golden Nugget motel. Only $140,000 of this was intended to repair flood damage. Another $50,137 was allocated to make up for "economic injury," meaning the period of slow business that followed the flood. The remaining $703,863 was used to replace all of the motel's old debts with 3 per cent financing.

The Travelers Inn across the street was denied a similar bonanza when it asked for complete refinancing. It got $467,900 to pay for flood damage, but only $155,500 toward paying old debts. The Golden Nugget is owned by a business associate of the Democratic national committeeman for Alaska while the Travelers Inn is owned by Republican Walter Hickel, now Secretary of the Interior. The difference in treatment led to dark rumors, still heard in Fairbanks, that the Democratic Administration then in Washington gave out disaster loans on the basis of political favoritism.

"If it was political favoritism, it was pretty mixed-up politics," said real-estate salesman Earl Cook. Mr. Cook went to Washington after the flood to protest against what he felt was the arbitrary manner in which some borrowers were bailed out of their previous debts with 3 per cent loans, while others were only allowed to borrow the money needed to repair actual damage. He said he met "hostility" instead of enlightenment at SBA headquarters, but nevertheless he notes that Republicans did as well as or better than Democrats when the loans were handed out.

The largest SBA loan recorded after the flood was for $1,000,000, and it went to the Burgess Construction Co., headed by Alaska's Republican national committeeman, Lloyd Burgess. Mr. Burgess and his business interests received two other loans for another $526,400.

The big loans to wealthy businessmen have led to complaints of favoritism among some ordinary homeowners in both Anchorage and Fairbanks, and to charges of racial prejudice by some of the Negroes in Fairbanks. But it is the small loans to ordinary citizens that have given the local SBA office some of its biggest headaches. Of 63 Alaskan disaster loans referred to the SBA's liquidation department because of nonpayment in nine recent months, almost all were unsecured loans of less than $3,000, made to individuals immediately after the flood to help them get back on their feet. The SBA made many small loans in a hurry because the flood swept into town on Aug. 14. Winter reaches Fairbanks as early as September, so reconstruction had to be started immediately. It was these small loans that were hardest to collect.

This points up one of the paradoxes involved in lending money to cover all the damage caused by acts of God. The wealthiest people are entitled to the most money because their losses are the greatest. Destitute survivors are the least able to pay it back.

"I have yet to meet a guy who can afford a $200,000 loss," said Mr. Foley, explaining the large loans to wealthy citizens after the earthquake. "And if this guy has demonstrated ability to repay, should he be debarred from getting a loan?

"The Asa Martins and the Bob Atwoods "are the guys who get everything started," Mr. Foley added. "They are the success symbols, the examples that other people follow. There were people who were going to leave Alaska for good after the quake, until they saw that Al Swalling was going to rebuild, and decided 'Well, if Swalling will stick it out, I suppose I can.'"

Similarly, to the accusation of "upgrading," private business with disaster loans, Mr. Foley says: "We permitted some of that. We wanted to stimulate the economy. If we didn't permit them to upgrade, they would say the hell with it and go back to Seattle."

THREAT OF BANKRUPTCY

As far as using Government money to refinance old debts, local businessmen point out that many homeowners would have had to file for bankruptcy if the new disaster loan had simply been piled on top of their original mortgage. A mass of bankruptcies could have destroyed the local banking system. One SBA official in Washington says that "if we had not refinanced these loans there would not be a bank left in Anchorage today."

Mr. Foley's orders to extend loans with "compassion" made him one of the most popular men in Alaska. The state's Democrats held a $25-a-plate testimonial dinner for him in Anchorage. Acquaintances said Mr. Foley considered moving to Alaska and capitalizing on his earthquake-born popularity by running for the U.S. Senate. The publisher of the Anchorage Daily News said the SBA administrator inquired about buying an interest in the newspaper, but was rebuffed.

But many Alaskans were denied the refinancing given to some of their neighbors, and they do carry SBA loans on top of their mortgages. "The bulk of the borrowers just had to swallow their losses," says banker Rasmuson. "The SBA loans in no sense offset them. All kinds of businesses around here are carrying debt that by normal standards is way too large."

So there are two defensible sides to any argument over whether the SBA lent too much money to too many people who

really didn't need it. And even if such loans were made, there is the justification that the small permanent staff of the SBA in Anchorage was not set up to handle thousands of disaster claims in short order. Much of the work was done by temporary reinforcements who were unfamiliar with Alaska and who did not remain to supervise their loans or follow up on talks with borrowers. Fairbanks alone has seen 250 temporary personnel pass through the local SBA on six-week assignments.

Less defensible, perhaps, was the bending of the SBA's completely separate development company loan program to disaster purposes. The program provides for low-interest loans to small businesses that are guaranteed by a corporation of local businessmen set up for this purpose. The creation of these development-loan corporations was apparently encouraged by the SBA in fishing towns south of Anchorage after the earthquake, without much worry over the repayment ability or even the good faith of the borrowers.

As a result, the development company loan program in Alaska has become a kind of disaster area in itself. The program nationwide has suffered only 25 failures out of 2,267 loans, a rate of less than 1 per cent. The failure rate in Alaska is 6 out of 52 loans, a rate of more than 10 per cent. Several other loans are in trouble or have been.

"The success of the development-loan program depends on how much responsibility the local development company is willing to take, and on evaluating the amount of management skill available," said Robert Butler, the head of the SBA's Anchorage office. "We failed the course on both counts in Kenai and Soldotna. In some small towns the companies just used the program as a conduit to get financing for their members. A lot of it was self-interest, fixing up one person with a cement contract and another person with something else."

"It's pretty tough when you have people not acting in good faith, promising one thing and then doing another," said Mr. Butler's deputy, Harold Kenny.

SPECIAL HANDLING

In fairness to Mr. Butler's staff, it should be recorded that the development-loan program was administered by special representatives from Washington when most of the bad loans were made, because the regular Anchorage staff was swamped with earthquake work. "People from Washington couldn't believe how lacking in facilities some of those towns were," said Mr. Butler. "There was a need for better facilities, and in the emergency of the earthquake, the development company loan program was thought of as a supplement to disaster loans."

The most disastrous of the development corporations was the Central Peninsula Development Corp. It was founded in Soldotna by local businessmen who put up land and raw material, but only $13,000 in cash, according to the last president of the now defunct organization. With this slim capital the corporation borrowed $350,000 to build a hospital that did not qualify for normal Federal hospital programs, $346,500 to build a fish processing plant, $344,000 to build a warehouse, and $350,000 to build a motel.

Three years later, the hospital is a dirt-floored shell that needs at least $500,000 more work before it can be used. It went bankrupt after a local fisherman had collected $28,000 in fees for running an unsuccessful fund drive to finish it.

The fish plant also lacks a floor, and its dock has fallen into the Kasilof River. It is also bankrupt, and the SBA says it discovered that the fishermen on its board of directors had hired an engineer without the agency's approval and deviated from the original specifications for building the dock.

The warehouse went bankrupt because nobody around Soldotna had anything to put in it.

The motel was the only one of the corporation's projects that did not go bankrupt. It was behind on its payments until a chain bought out the original owners.

Another defunct development corporation was located in Valdez, but it had only one project, a fish processing plant that ran through a $230,000 loan and went broke.

SEVERAL LEADERS QUIT

The Coal Point Development Corp. in Homer has not gone out of business and the fish processing plant that is its only project is not behind on its payments. But the original president and several directors of the development corporation have all quit, in an argument over who should get the contracts to run and build the plant.

The Kenai City Development Corp. had two successful projects, a movie theater and cement factory. A $340,000 motel project fell behind on its payments but was rescued by a new owner. Its fourth project, a commercial greenhouse, went bankrupt without paying a nickel on its four-year-old loan of $312,300 from the SBA. The present board of the development corporation still has hopes of saving the greenhouse under new management, however.

Except for the development company loan program, most Alaskan businessmen insist that the SBA made relatively few errors in rescuing their state from economic disasters. Mr. Foley points out that his agency was highly praised by a special Presidential disaster commission at the time of the earthquake, and that the primary criticism then was that he did not lower the interest rates to an even more liberal level.

Mr. Rasmuson summed up much Alaskan business opinion:

"When disaster strikes, the big problem is to get things going again. The SBA did that. It's easy enough to sit back later and second guess."

ELIGIBILITY AND REASONABLENESS OF LOAN AMOUNT

In many instances, the records indicated that SBA personnel reviewing loan applications had not obtained a complete description of the damage to property or reliable estimates of the cost to restore the property to its predisaster condition or to replace it. We believe that a more detailed review of several loan applications by SBA should have disclosed that, although damage had been sustained, the eligibility of the applicant or the amount of the loan was questionable.

We believe that the following two examples demonstrate the adverse effect that can result from the approval of disaster loans without the benefit of information necessary for determining eligibility for and limitation of assistance.

SBA participated with a bank in a $200,000 loan to a partnership for the construction of a new building to replace a building damaged by the earthquake. The loan was originally approved for $100,000 on the basis of a reported income and damage loss and was later increased to $200,000 to finance increased construction costs of the new building. SBA provided 90 percent of the loan, or $180,000. At the time of the disaster, the partnership, a contracting firm, owned a one-story building constructed in 1962 for about $80,000. In its application for the disaster loan, the borrower submitted, in support of the amount of estimated loss, a letter from an architect, which stated in part that:

"Examination of your site and test drilling logs taken in close proximity to the site preclude any possibility of repairing your foundation and any additional building. * * * We would recommend your making only necessary repairs at this time to existing building. Your plans for a second floor must be shelved.

"Your loss should be calculated at a loss of lot and building valuation loss. Our estimate of this would be approximately $100,000. * * *"

We were advised by the architect that the estimated loss was based on a combination of income and damage losses and that he had no idea what the dollar amount of damage was to the building.

At the time of our review, the damaged building had been repaired and was being utilized; but we were unable to obtain a statement of costs incurred to repair the building. We were informed by an official of the City of Anchorage that the only building permit for the building, other than for its actual construction, was issued in July 1965 for remodeling at an estimated cost of $11,500.

The documentation in SBA's records supporting its reasons for approving a loan for $200,000 was the above-mentioned letter from the architect to the borrower. We estimated that, based on the difference between the 3-percent interest rate charged the borrower and the 4.125-percent interest rate paid to the Treasury by SBA in the year the loan was approved, the additional cost to SBA over the term of the loan for its share of the unsupported amount of about $188,500 will be about $16,900.

SBA approved two disaster loans totaling about $3.3 million to a private utility company, which included about $2.2 million to be used for expansion of facilities. The utility company, which provided service to areas outside the City of Anchorage, reported physical damages of about $103,000 and an economic injury loss of about $108,000 as a result of the disaster.

In May 1964 the company requested a $2 million disaster loan to provide about $1,021,000 for facilities expansion, about $768,000 for debt refinancing, and about $211,000 for the repair of physical damage and for loss due to economic injury. The utility company indicated that an expansion of its facilities was necessary and justified on the basis of a need to establish new water facilities in outlying areas in order to provide adequate services to sites for construction of new homes and relocation of damaged homes.

An SBA loan specialist in Alaska reported that, of the borrower's estimated losses of $211,000, only about $96,000 for physical damages could be verified and recommended that a loan for that amount be approved. A Washington official, however, approved the loan for $2 million as requested and reported that SBA officials, including the Administrator, agreed that the "application as presented is eligible" for a disaster loan. In May 1965 the borrower requested an additional disaster loan for about $1.4 million to provide about $1.3 million for completion of the facilities expansion and the remainder for repair of the physical damage. A $1,255,000 loan was approved by Washington officials.

We estimated that, based on the difference between the 3-percent interest rate charged the utility company and the interest rates charged SBA by the Treasury in the years the two loans were approved, the cost to SBA over the term of the loans for the unsupported portion of about $3,204,000 will be about $359,900.

The following example demonstrates the effect of basing the amounts of the loans on the cost of construction in Alaska:

An apartment building destroyed in the disaster was reported to have been 85 percent complete at the time of the disaster. The building, situated on about 27,700 square feet of land, was to have 70 units and to contain a total of about 76,300 square feet. SBA approved a disaster loan for $1,937,215 which included $650,000 for refinancing of prior liens. The balance of $1,287,215 was to cover the tangible loss claimed—$1,177,215 for construction and financing and $110,000 for land costs of the partially completed building.

The borrower used the loan funds and $263,000 from other sources, to acquire two shopping centers in Oregon having about 116,900 square feet of building area and about 424,300 square feet of land area. The borrower thereby obtained about 40,600 square feet or 53 percent more building space and about 396,600 square feet or about 14 times more land area than before the disaster.

We estimated that, based on construction cost differential data provided by a valuation service company, suggested to us by an SBA appraiser, it would have cost about $754,000 to construct, to the same stage of completion, a building in Oregon equal in size to the building destroyed in Alaska. However, the amount included in the approved loan for the purchase of the replacement buildings in Oregon was based upon a total cost of $1,177,215, which the borrower had incurred in constructing the destroyed building in Alaska, or $423,215 more than the cost in Oregon.

The PRESIDING OFFICER (Mr. YOUNG of Ohio). The question is on agreeing to the amendment of the Senator from Illinois.

The amendment was agreed to.

AMENDMENT NO. 914

Mr. JAVITS. Mr. President, I call up my amendment No. 914 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 2, between lines 13 and 14, add the following subsection (c):

"(c) The Economic Opportunity Act of 1964, as amended, is hereby amended as follows: Strike the amount '$25,000' wherever it shall appear in section 402 of that Act and insert in lieu thereof the amount '$100,000.'"

Mr. JAVITS. Mr. President, the point of my amendment is to increase the allowability of loans to small business, which can qualify for an economic opportunity loan, from $25,000 to $100,000.

The reason for my interest is, one, that I am the ranking minority member of the Small Business Committee and, second, that I am the ranking minority member on the Committee on Labor and Public Welfare, which deals with poverty.

We have had—and I mentioned this in the course of debate a minute ago—conferences in New York with some 30-odd leading banks. These conferences have discussed problems with regard to small business loans in the minority entrepreneurship field; one point raised was that there is an inadequate allowability in amount. It is necessary to distinguish between the economic opportunity loan program and the regular SBA section 7(a) loan program.

From the point of view of the borrower there are four important differences between these programs. First, whereas any small business concern may qualify for the section 7(a) loan, only small business concerns in areas of high unemployment or owned by low-income individuals qualify for economic opportunity loans. Second, the maximum limit on section 7(a) loans is $350,000; on economic opportunity loans it is $25,000. Third, section 7(a) loans must be of sound value or adequately secured; there is no such regulation for economic opportunity loans, only a regulation that there be "reasonable assurance of repayment." Fourth, the SBA may guarantee section 7(a) loans only up to 90 percent; economic opportunity loans may be guaranteed the full 100 percent.

In the so-called franchising field, the $25,000 figure is often inadequate, although in most cases the $25,000 figure is enough.

Indeed, as the Senator from New Hampshire (Mr. MCINTYRE) has pointed out, there is a $14,000 average of loans made under section 402 of the Economic Opportunity Act. Those were loans for minority entrepreneurship employment; perhaps a better chance of success in some cases requires a little bit more money than that.

Sometimes the necessary additional amount was only marginal. Sometimes it was only a matter of $30,000 or $35,000 as compared with the $25,000 limit.

These are very vivid examples of what I am talking about. I hope they will appeal to the chairman of the committee and the ranking minority member with relation to the problem involved in a major development effort like that of what we call Bedford-Stuyvesant in New York, started by the late Robert Kennedy.

I participated in that effort with the mayor of New York, John Lindsay. That project has caught hold and is doing quite well. It is not doing well enough to say that it is a success. But it is probably making more effort in that direction than any other organization effort that I know of around the country.

We tried the same thing in the South. There we run into the problem of trying to employ local people. The minute we do that, a small manufacturing concern that might manufacture mattresses or something like that runs into the $25,000 barrier.

I have discussed this matter with the Senator from New Hampshire (Mr. MCINTYRE). He is very sympathetic to it.

I hope very much that he might favor the amendment. Although we have talked about a reduced amount, I put in the amendment exactly as I proposed it. However, I am prepared to reduce the amount to $50,000 if it should find favor with the chairman of the subcommittee and enable him to take it to conference.

I introduced a bill on this subject which, because it related to poverty, was referred to the Committee on Labor and Public Welfare. The bill has not yet had hearings. However, the facts are evident. I testified to them myself. It is a field in which I have done a good deal of work and know a good deal about.

The matter is a relatively important, though not the most important, aspect of the bill. Considering the time of the session, I hope very much that the Senator from New Hampshire can accept the amendment and then have the Small Business Administration check it through and check out everything I have said. If it does happen to be worthy of the attention of Congress, at least by being in this bill, it will have attention before another year expires.

Mr. MCINTYRE. Mr. President, I have discussed this amendment at some length with the distinguished Senator from New York (Mr. JAVITS) both off the floor on yesterday and again today.

I am sympathetic to the goal of increasing the loan limitations on EOL loans. However, in view of the record over the past year, when the average EOL loan has been approximately $14,000, operating under the present $25,000 limitation, I feel that there is some question whether the need for increasing the present limit is severe.

Furthermore, I am informed by the Small Business Administration that, in the past year, over 99.4 percent of the funds budgeted for this program were actually dispersed, indicating to me that the Government would have a very difficult time funding any increase in the size of EOL loans.

Finally, I would like to point out for the record that the Subcommittee on Small Business has not had the opportunity to study this proposal in hearings.

However, in view of the lateness of the session, the lack of complexity of the Senator's proposal, and the cogent arguments which the Senator has presented on behalf of his proposal, I am prepared, after consultation with my colleague from Illinois, to carry the Senator's amendment to conference.

I do so especially because of the Senator's willingness to request an increase of only an additional $25,000, to $50,000, and I appreciate his understanding of the problems which the subcommittee would encounter if we tried to accept language raising the limit to $100,000.

I think, too, that the Senator from New York has indicated the attitude we have toward it. He has spoken to me about the franchise questions in New York. He has spoken to me about the fact that he is willing that we dig in and get more information on this matter. And if, in the last analysis, we find that it will not stand the test, he appreciates that we might have to drop it in any conference we might have on this bill.

Bearing in mind what I have previously said, we will take the amendment to conference with the best of intentions and hope that we will work out something that will be of assistance to the Senator's constituents.

Mr. JAVITS. Mr. President, I thank my friend, the Senator from New Hampshire.

Mr. President, I modify my amendment as follows:

In line 4, strike the figure of $100,000 and insert the figure of $50,000.

The PRESIDING OFFICER. The amendment is accordingly so modified.

Mr. JAVITS. Mr. President, I think we will find that the pressure of the minority loan proposition is so great and there are so many cases that they have loaned almost to the limit of the authorization.

Some may indicate that this is not a highly desirable change. They may be better off from the point of view of serving the function of actually making fewer loans to encourage employment and more appreciable entrepreneurship relating to slum and ghetto employment.

That is why I like the proposition of the Senator from Illinois (Mr. PERCY) so much with reference to the loss ratio which we are suffering on these loans. We will do everything we can to keep it as low as possible.

Mr. President, I ask unanimous consent that the names of the Senator from Ohio (Mr. YOUNG) and the Senator from Oregon (Mr. HATFIELD) be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McINTYRE. Mr. President, I move the adoption of the amendment as modified.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York, as modified.

The amendment was agreed to.

Mr. McINTYRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. McINTYRE. Mr. President, I want to say in closing how much I have appreciated the cooperation of the distinguished Senator from Illinois and also that of the chairman of the Banking and Currency Committee.

I particularly address myself to the busy office of the Senator from Illinois. We have been in perfect harmony as we have tried to work out something that would be helpful to the small business world.

I also point out to the Senate that I think we received the administration bill on this matter some time in April. With all of the complications of the Senate schedule, particularly those in the banking and currency field, we moved as expeditiously as we could for hearings. I think that the track record on this particular bill has been extremely good.

I commend the ranking minority member of the subcommittee very much for his great help.

Mr. PERCY. Mr. President, just 6 weeks or so ago, I received a call from Secretary of Commerce Stans indicating that in his judgment this was a matter of urgency. It was considered by the administration to be must legislation. It was designed to implement a pledge personally made by the President of the United States to the small business community and to minority enterprises. Secretary Stans said that they would appreciate expeditious handling of this matter.

I transmitted the contents of that message to our distinguished chairman of the subcommittee and to the distinguished chairman of the Committee on Banking and Currency. Their cooperation has been total and complete, utterly bipartisan, as we have all tried to approach our responsibilities on the Committee on Banking and Currency. Whatever differences of opinion we have had we have worked out by getting to the heart of the matter, by discussing the nature of the problem, and by finding a solution to it.

I feel that there has been total cooperation on both sides of the aisle and total harmony and cooperation between the executive and the legislative branches of Government.

The newspapers have reported differences of opinion within the executive branch, between, possibly the SBA and the Department of Commerce on these matters. I am happy to see that there has been this shakedown period, and there seems to be complete harmony now. I see a great effort toward teamwork in the administration, and movement forward in the innovations in this bill.

I thank the Senator for his leadership, and his total and complete cooperation.

Mr. McINTYRE. I thank the Senator.

Mr. President, the yeas and nays have been ordered; is that not correct?

The PRESIDING OFFICER. The Senator is correct. The bill having been read the third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), (the Senator from Minnesota (Mr. McCARTHY), the Senator from Arkansas (Mr. McCLELLAN), the Senator from Wyoming (Mr. McGEE), the Senator from South Dakota (Mr. McGOVERN), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. MUSKIE), the Senator from Wisconsin (Mr. NELSON), the Senator from Georgia (Mr. RUSSELL), the Senator from Virginia (Mr. SPONG), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL), the Senator from Washington (Mr. JACKSON), the Senator from Georgia (Mr. RUSSELL), and the Senator from Washington (Mr. MAGNUSON), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from New Hampshire (Mr. COTTON), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from Hawaii (Mr. FONG), the Senator from New York (Mr. GOODELL), the Senator from Nebraska (Mr. HRUSKA), the Senator from California (Mr. MURPHY), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from South Carolina (Mr. THURMOND) is absent on official business.

If present and voting, the Senator from Hawaii (Mr. FONG), the Senator from New York (Mr. GOODELL), the Senator from Nebraska (Mr. HRUSKA), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Illinois (Mr. SMITH), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 62, nays 0, as follows:

[No. 315 Leg.]

YEAS—62

Aiken	Ervin	Pearson
Allen	Gore	Pell
Allott	Griffin	Percy
Anderson	Gurney	Prouty
Baker	Hansen	Proxmire
Bennett	Harris	Randolph
Bible	Hatfield	Ribicoff
Boggs	Holland	Saxbe
Brooke	Hollings	Schweiker
Burdick	Hughes	Smith, Maine
Byrd, Va.	Inouye	Sparkman
Byrd, W. Va.	Javits	Stennis
Case	Jordan, N.C.	Stevens
Church	Jordan, Idaho	Symington
Cook	Mansfield	Talmadge
Cooper	Mathias	Williams, N.J.
Cranston	McIntyre	Williams, Del.
Curtis	Metcalf	Yarborough
Dole	Miller	Young, N. Dak.
Dominick	Packwood	Young, Ohio
Ellender	Pastore	

NAYS—0

NOT VOTING—38

Bayh	Hart	Moss
Bellmon	Hartke	Mundt
Cannon	Hruska	Murphy
Cotton	Jackson	Muskie
Dodd	Kennedy	Nelson
Eagleton	Long	Russell
Eastland	Magnuson	Scott
Fannin	McCarthy	Smith, Ill.
Fong	McClellan	Spong
Fulbright	McGee	Thurmond
Goldwater	McGovern	Tower
Goodell	Mondale	Tydings
Gravel	Montoya	

So the bill (S. 4316) was passed, as follows:

S. 4316

An act to clarify and extend the authority of the Small Business Administration, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Small Business Amendments Act of 1970".

TITLE I

AUTHORITY OF THE SMALL BUSINESS ADMINISTRATION UNDER VARIOUS LOAN PROGRAMS

SEC. 101. (a) In connection with the financial assistance programs established by the Small Business Act, title V of the Small Business Investment Act of 1958, and title IV of the Economic Opportunity Act of 1964—

(1) The Small Business Administration is authorized to make loans in cooperation with persons or organizations not normally engaged in lending activity, as well as with banks or other lending institutions, and to enter into agreements with respect to the servicing of the loans.

(2) The Small Business Administration is authorized to make interest subsidy grants on an annual basis to small business concerns which are about to be established or have been in existence for less than five years

and which receive loans guaranteed by the Administration. In no case, however, shall the annual amount of such a grant exceed the product of the amount of the loan multiplied by the least of (A) 3 per centum; (B) one-third of the prevailing rate of interest applicable to the loan; or (C) the difference between the prevailing rate of interest applicable to the loan and 5½ per centum. No grant shall be made under this paragraph relating to interest due on a loan later than three years from the time the loan was disbursed, and each grant under this paragraph shall be charged, in the amounts thereof relating to each of such years, to the respective appropriations current at the time the grant agreement is entered into and to the appropriations current on the respective anniversaries thereof. The Administration shall issue regulations stipulating the conditions under which grants may be made under this paragraph. Such regulations shall include provisions to insure that the interest rates and other terms of the related loans are reasonable.

(b) The Small Business Administration shall include in its annual report to the Congress a full and complete summary of its operations under the authority conferred by subsection (a) of this section. Such report shall state along with other relevant information (1) the names of the persons or organizations in cooperation with which the Administration has made loans under the authority conferred by subsection (a)(1), (2) the names of the small business concerns receiving interest subsidy grants under the authority conferred by subsection (a)(2), together with the amounts involved.

(c) The Economic Opportunity Act of 1964, as amended, is hereby amended as follows: Strike the amount "$25,000" wherever it shall appear in section 402 of that Act and insert in lieu thereof the amount "$50,000".

BUSINESS MANAGEMENT AND RELATED TECHNICAL ASSISTANCE FOR DISADVANTAGED PERSONS

SEC. 102. (a) The Small Business Administration is authorized to extend grants to public or private organizations to pay all or part of the costs of providing business management assistance and related technical aid to socially or economically disadvantaged persons.

(b) The purposes of the grants made under this section may include the following:

(1) planning and research, including feasibility studies and market research;

(2) the identification and development of new business opportunities;

(3) the furnishing of centralized services with regard to public services and Government programs;

(4) the establishment and strengthening of business service agencies, including trade associations and cooperatives;

(5) the encouragement of the placement of subcontracts by major businesses with small business concerns owned by socially or economically disadvantaged persons, including the provision of incentives and assistance to such major businesses so that they will aid in the training and upgrading of potential subcontractors or other small business concerns;

(6) the furnishing of business counseling, management training, and legal and other related services, with special emphasis on the development of management training programs using the resources of the business and academic communities, including the development of management training opportunities in existing businesses, and with emphasis in all cases upon providing management training of sufficient scope and duration to develop entrepreneurial and managerial self-sufficiency on the part of the individuals served;

(7) payment of all or part of the costs, including tuition, of the participation of socially or economically disadvantaged persons in courses and training programs for the development of skills relating to any aspect of business management; and

(8) provision of guidance or advice to socially or economically disadvantaged persons seeking government assistance relating to the establishment or continuance of small businesses.

(c) To the extent feasible, services under this section shall be provided in a location which is easily accessible to the individuals and small business concerns served.

(d) Section 406 of the Economic Opportunity Act of 1964 is repealed.

RESEARCH AND STUDIES

SEC. 103. The Small Business Administration may conduct research and studies with a view to identifying categories of small businesses which lack growth possibilities, as distinguished from small business built around innovations promising rapid growth, and with a view to identifying the nature and causes of small business failures. Where necessary for the successful conduct of such research or study, or of any other research or study which it is authorized to undertake, the Administration shall employ the services of experts and consultants.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 104. Appropriations are authorized in such amounts as may be necessary for the purposes of the programs under sections 101, 102, and 103.

TITLE II

DEFINITION OF MINORITY ENTERPRISE SMALL BUSINESS INVESTMENT COMPANY

SEC. 201. Section 103 of the Small Business Investment Act of 1958 is amended—

(1) by striking "and" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting in lieu thereof "; and"; and

(3) by adding the following new paragraph:

"(8) the term 'minority enterprise small business investment company' (hereinafter called MESBIC) means a small business investment company, the investment policy of which is to make investments solely in small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages."

ORGANIZATION OF MESBICS

SEC. 202. Section 301 of the Small Business Investment Act of 1958 is amended by adding at the end thereof the following new subsection:

"(d) Notwithstanding any other provision of this section, a MESBIC may be organized and chartered under State nonprofit corporation statutes, and may be licensed by the Administration to operate under the provisions of this Act."

PURCHASE OF MESBIC STOCK BY BANKS

SEC. 203. Section 302 of the Small Business Investment Act of 1958 is amended by adding at the end thereof the following new subsection:

"(d) Notwithstanding subsection (b)(2) of this section, or any other provision of law, shares of stock and other equity or debt securities issued by a MESBIC shall be eligible for purchase by banks and other financial institutions, subject to the 5 per centum limitation of subsection (b)(1) of this section. A MESBIC shall not be ineligible for assistance under this Act because of any such purchase."

GUARANTEE OF DEBENTURES ISSUED BY SMALL BUSINESS INVESTMENT COMPANIES

SEC. 204. Section 303(b) of the Small Business Investment Act of 1958 is amended—

(1) by inserting the following in lieu of the first sentence thereof: "To encourage the formation and growth of small business investment companies, the Administration is authorized (but only to the extent that the necessary funds are not available to the company from private sources on reasonable terms), when authorized in appropriation Acts, to purchase, or to guarantee the timely payment of all principal and interest as scheduled on, debentures issued by any such company. Such purchases or guarantees may be made by the Administration on such terms and conditions as it deems appropriate, pursuant to regulations issued by the Administration. The full faith and credit of the United States is pledged to the payment of all amounts which may be required to be paid under any guarantee under this subsection.";

(2) by inserting "or guaranteed" following "purchased" each place it appears in paragraphs (1) and (2) and in the second sentence thereof;

(3) by inserting "or guarantees" following "purchases" in the last sentence of paragraph (2) thereof; and

(4) by inserting "or guarantee" following "purchase" in paragraph (3) thereof.

INVESTMENT IN UNINCORPORATED BUSINESSES BY SMALL BUSINESS INVESTMENT COMPANIES

SEC. 205. Section 304(a) of the Small Business Investment Act of 1958 is amended by inserting "and unincorporated" after "incorporated".

REMOVAL OF 90 PER CENTUM LIMITATION ON SMALL BUSINESS INVESTMENT COMPANIES DEFERRED PARTICIPATIONS IN LOANS

SEC. 206. Section 305(b) of the Small Business Investment Act of 1958 is amended by striking out the second sentence.

TITLE III

SURETY BOND GUARANTEES

SEC. 301. Title IV of the Small Business Investment Act of 1958 is amended—

(1) by striking out the title heading and inserting in lieu thereof the following:

"TITLE IV—GUARANTEES"

"PART A—LEASE GUARANTEES";

(2) by striking out "this title", wherever it appears in sections 401 and 402, and inserting in lieu thereof "this part";

(3) by amending section 403 thereof to read as follows:

"SEC. 403. There is hereby established a revolving fund for use by the Administration in carrying out the provisions of parts A and B of this title. Initial capital for such fund shall consist of not to exceed $10,000,000 transferred from the fund established under section 4(c) of the Small Business Act: *Provided*, That the last sentence of such section 4(c) shall not apply to any amounts so transferred. Into the fund established by this section there shall be deposited all receipts from the guarantee programs authorized by this title. Moneys in such fund not needed for the payment of current operating expenses or for the payment of claims arising under such programs may be invested in bonds or other obligations of, or bonds or other obligations guaranteed as to principal and interest by, the United States; except that moneys provided as initial capital for such funds shall not be so invested but shall be returned to the fund established by section 4(c) of the Small Business Act, in such amounts and at such times as the Administration determines to be appropriate, whenever the level of the fund herein established is sufficiently high to permit the return of such moneys without danger to the solvency of the programs under this title. The Administration shall pay into miscellaneous receipts of the Treasury, as of the close of each fiscal year, interest on the net outstanding disbursements of the initial capital from the fund at rates determined by the Secretary of the Treasury, taking into consideration the average yield on outstanding long-term, interest-bearing marketable public debt

obligations of the United States as of the month of June preceding such fiscal year."; and

(4) by adding at the end thereof the following:

"PART B—SURETY BOND GUARANTEES

"DEFINITIONS

"SEC. 410. As used in this part—

"(1) The term 'bid bond' means a bond conditioned upon the bidder on a contract entering into the contract, if he receives the award thereof, and furnishing the prescribed payment bond and performance bond.

"(2) The term 'payment bond' means a bond conditioned upon the payment by the principal of money to persons under contract with him.

"(3) The term 'performance bond' means a bond conditioned upon the completion by the principal of a contract in accordance with its terms.

"(4) The term 'surety' means the person who (A) under the terms of a bid bond, undertakes to pay a sum of money to the obligee in the event the principal breaches the conditions of the bond, (B) under the terms of a performance bond, undertakes to incur the cost of fulfilling the terms of a contract in the event the principal breaches the conditions of the contract, or (C) under the terms of a payment bond, undertakes to make payment to all persons supplying labor and material in the prosecution of the work provided for in the contract if the principal fails to make prompt payment.

"(5) The term 'obligee' means (A) in the case of a bid bond, the person requesting bids for the performance of a contract, or (B) in the case of a payment bond or performance bond, the person who has contracted with a principal for the completion of the contract and to whom the obligation of the surety runs in the event of a breach by the principal of the conditions of a payment bond or performance bond.

"(6) The term 'principal' means (A) in the case of a bid bond, a person bidding for the award of a contract, or (B) the person primarily liable to complete a contract for the obligee, or to make payments to other persons in respect of such contract, and for whose performance of his obligation the surety is bound under the terms of a payment or performance bond. A principal may be a prime contractor or a subcontractor.

"(7) The term 'prime contractor' means the person with whom the obligee has contracted to perform the contract.

"(8) The term 'subcontractor' means a person who has contracted with a prime contractor or with another subcontractor to perform a contract.

"AUTHORITY OF THE ADMINISTRATION

"SEC. 411. (a) The Administration may, upon such terms and conditions as it may prescribe, guarantee and enter into commitments to guarantee any surety against loss, as hereinafter provided, as the result of the breach of the terms of a bid bond, payment bond, or performance bond by a principal on any contract up to $500,000 in amount, subject to the following conditions:

"(1) The person who would be the principal of the bond is a small business concern.

"(2) The bond is required in order for such person to bid on a contract, or to serve as a prime contractor or subcontractor thereon.

"(3) Such person is not able to obtain such bond on reasonable terms and conditions without a guarantee under this section.

"(4) The Administration determines that there is a reasonable expectation that such person will perform the covenants and conditions of the contract with respect to which the bond is required.

"(5) The contract meets requirements established by the Administration for feasibility of successful completion and reasonableness of cost.

"(6) The terms and conditions of any bond guaranteed under the authority of this part are reasonable in light of the risks involved and the extent of the surety participation.

"(b) Any contract of guarantee under this section shall obligate the Administration to pay to the surety a sum not to exceed 90 per centum of the loss incurred by the surety in fulfilling the terms of his contract as the result of the breach by the principal of the terms of a bid bond, performance bond, or payment bond.

"(c) The Administration shall fix a uniform annual fee which it deems reasonable and necessary for any guarantee issued under this section, to be payable at such time and under such conditions as may be determined by the Administration. Such fee shall be subject to periodic review in order that the lowest fee that experience under the program shows to be justified will be placed into effect. The Administration shall also fix such uniform fees for the processing of applications for guarantees under this section as it determines are reasonable and necessary to pay administrative expenses incurred in connection therewith. Any contract of guarantee under this section shall obligate the surety to pay the Administration such portions of the bond fee as the Administration determines to be reasonable in the light of the relative risks and costs involved.

"(d) The provisions of section 402 shall apply in the administration of this section."

TITLE IV

POLLUTION CONTROL STANDARDS APPLICABLE TO FACILITIES ACQUIRED WITH SMALL BUSINESS ADMINISTRATION LOANS

SEC. 401. Section 7(a) of the Small Business Act is amended—

(1) by striking "paragraph (5)" in paragraph (4) and inserting "paragraphs (5) and (8)"; and

(2) by adding at the end thereof a new paragraph as follows:

"(8) The Administrator shall require that any equipment, facilities, or machinery to be acquired with assistance under this subsection be so designed as to prevent any violation of applicable air or water quality standards or other standards regarding environmental pollution in accordance with such standards as the Administrator shall prescribe after consultation with the Secretary of Health, Education, and Welfare and the Secretary of the Interior. In the processing of applications for financial assistance made under this subsection the Administrator shall give priority to those applications which he determines will further the development or utilization of new or improved methods of waste disposal or pollution control. The rate of interest for the Administration's share of any loan with respect to which such determination has been made shall be at a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods of maturity of ten to twelve years less not to exceed 2 per centum per annum.

DISASTER LOANS

SEC. 402. (a) Section 7(b)(4) of the Small Business Act is amended—

(1) by inserting "(A)" after "injury"; and

(2) by inserting before the semicolon at the end thereof the following: ", or (B) as the result, directly or indirectly, of the pollution of any stream, lake, or other body of water from sources other than the business operations of such concern".

(b)(1) Section 7(b) of such Act is amended—

(A) by striking the period at the end of paragraph (5) and inserting in lieu thereof a semicolon; and

(B) by adding after paragraph (5) new paragraphs as follows:

"(6) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration determines to be necessary or appropriate to assist any small business concern in effecting additions to or alterations in its plant, facilities, or methods of operation to comply with applicable air or water quality standards or other standards regarding environmental pollution imposed by Federal or State law, if the Administration determines that such concern is likely to suffer substantial economic injury without assistance under this paragraph; and

"(7) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist any small business concern in effecting additions to or alterations in its plant, facilities, or methods of operation to meet requirements imposed by the Federal Meat Inspection Act, as amended by the Wholesome Meat Act, if the Administration determines that such concern is likely to suffer substantial economic injury without assistance under this paragraph."

(2) The third sentence of section 7(b) of such Act is amended by striking "or (5)" and inserting ", (5), (6), or (7)".

(3) Section 4(c)(1) of such Act is amended by inserting "7(b)(6), 7(b)(7)" after "7(b)(5),".

CHANGE IN INTEREST RATE APPLICABLE TO SMALL BUSINESS ADMINISTRATION DISASTER LOANS

SEC. 403. (a) The next to the last sentence of section 7(b) of the Small Business Act is

TECHNICAL ASSISTANCE AND COUNSELING FOR SMALL BUSINESS CONTRACTORS

SEC. 302. Section 8 of the Small Business Act is amended by adding at the end thereof a new subsection as follows:

"(f)(1) The Administrator shall, after consultation with representatives of the Department of Labor and the Department of Housing and Urban Development, develop programs for broadening the participation of small business enterprise in the construction industry. Such programs shall include (A) the provision of technical instruction and counseling with respect to the managing, financing, and operation of small construction concerns and the techniques of successful bidding on construction contracts (including instruction and counseling to enable such concerns and associations thereof to participate fully in the benefits provided by the Administration's surety bond guarantee program under part B of title IV of the Small Business Investment Act of 1958), and (B) the correlation and dissemination of information concerning opportunities for small business concerns to participate as prime contractors or subcontractors on construction projects.

"(2) Programs under this subsection shall be developed and carried out on a local basis having regard for varying conditions prevailing in the construction industry in different areas of the country.

"(3) The Administrator shall in the implementation of his overall technical assistance program give priority to technical assistance and counseling to small construction contractors and whenever necessary obtain the temporary or intermittent services of experts or consultants, or an organization thereof, in accordance with section 3109 of title 5, United States Code, but at rates for individuals not to exceed $100 per diem."

SHORT TITLE

"SEC. 303. This title may be cited as the "Small Construction Contractor Assistance Act of 1970".

amended by striking out all that follows "exceed" and inserting in lieu thereof the following: "a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods of maturity of ten to twelve years less not to exceed 2 per centum per annum."

(b) The amendment made by subsection (a) takes effect upon the date of enactment of the Disaster Assistanct Act of 1970, or the date of enactment of this Act, whichever is the later.

Mr. McINTYRE. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE SMALL BUSINESS RECORD

Mr. BIBLE. Mr. President, the Senator from New Hampshire (Mr. McINTYRE) has performed an outstanding service in piloting the composite Small Business Amendments of 1970 through the Senate. As chairman of the Select Committee on Small Business I should like to commend him for this achievement in a very busy year.

Having recently appeared as a witness before Senator McINTYRE's subcommittee, I can testify to his alert and diligent attention to small business legislation, which has extended to two sets of hearings during this 91st Congress, each of 3 days duration. The small business community and the Nation are fortunate to have leadership of this caliber in the small business field.

The Northeastern region has produced other outstanding Senators and members of the Small Business Committee—men truly devoted to economic justice and fair play for the smaller man, including the former Senator from Massachusetts, Mr. Saltonstall, the distinguished minority leader (Mr. SCOTT), and the present ranking Republican member of the select committee, the Senator from New York (Mr. JAVITS). Of course, the South has contributed such pioneers as Senators SPARKMAN, SMATHERS, and LONG, and I like to believe that the West also has made its contributions.

It has been my privilege to work with these men, year in and year out, in small business causes, through innumerable hearings, executive sessions, and on the floor of the Senate. It is because of such unheralded but continuing effort on the part of such men on a bipartisan basis that the Small Business Act of 1953, the Small Business Investment Act and Tax Acts of 1958, and the 1966 and 1967 amendments were enacted into law.

Accordingly, I believe that any implication by the President of the United States that Congress is not doing its job for small business is unwarranted and unwise. It is unwarranted because of the record which I have briefly reviewed, and it is unwise because of the large amount of work still to be done on which we will need the help of all concerned with small business and new business enterprise against the massive forces of giant corporations, conglomerates and big money in this country.

With our small businessmen facing rising costs, tight money, record-high interest rates, liquidity problems, adverse changes in the tax law last year, the onrush of new technology, the imposition of new pollution and consumer standards, and a cutback of 58 percent on small business loans, it will take Congress and the President working together to make it possible for small business to weather this period and survive in order to enrich our economy and society in the future as it has in the past.

This year it has been a particular pleasure to see the bill move forward in such an expeditious fashion.

Mr. McINTYRE. Mr. President, I thank the Senator from Nevada for his kind remarks and always enjoy working with him as a member of the Select Committee on Small Business, of which he is chairman.

Mr. MANSFIELD. Mr. President, the very able and distinguished Senator from New Hampshire (Mr. McINTYRE) is to be highly commended for the outstanding manner in which he handled the Small Business Act clarifications contained in this measure. As chairman of the Subcommittee on Small Business of the Senate Banking and Currency Committee, Senator McINTYRE brings to the Senate the highest level of understanding and expertise in this area. As always, the Senate is indebted to him for his expert guidance, his wisdom, and his persuasive capacities.

To be commended equally is the ranking minority member of the subcommittee, the very articulate and able Senator from Illinois (Mr. PERCY). He added a great deal to our understanding and appreciation of the measure and I wish to thank him for his efforts on behalf of moving this measure through to final passage.

Cooperating in his usual thoughtful and thorough manner was the Senator from Wisconsin (Mr. PROXMIRE) who long ago established an outstanding reputation in every endeavor relating to business and economy. The senior Senator from New York (Mr. JAVITS) whose efforts and interest on behalf of small business are well known to all of us is also to be recognized for his very helpful participation in the debate.

The Senate as a whole is to be commended for the magnificent manner in which it moved toward completion of this measure with full regard for the views of each Member.

U.S. BICENTENNIAL COMMISSION LAUDED; NEW CHAIRMAN AND MEMBERSHIP LISTED; RHODE ISLAND'S UNIQUE PLACE IN HISTORY NOTED

Mr. PASTORE. Mr. President, as one of the eight Members of the Congress who are members of the American Revolution Bicentennial Commission, and also as a Senator from one of the 13 original States, I participate in, or am kept reliably advised on Commission matters.

First, Dr. J. E. Wallace Sterling, former president of Stanford University who agreed to serve 1 year in the organizational period of the Bicentennial Commission, has resigned. I ask unanimous consent that his letter of resignation to the President and the President's letter of reply be printed in the body of the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PASTORE. Second, on August 6 the mayor of Dallas, Tex., the Honorable Erik Jonsson, sent the Bicentennial Commmission staff the following commendation:

> As the Mayor of a large city in America, I have learned so very vividly the importance of a sincere, dedicated staff to back any and all programs that are developed by public officials and Commissions. I wish to express to each and every member of the ARBC staff that as a member of the ARBC I deeply appreciate the efforts and energies and talents that have been so dedicately given to our united effort in planning for our Nation's 200th Anniversary.

Third, a new Chairman of the Bicentennial Commission was named this month. He is David J. Mahoney, of California and New York. He is the chief executive officer of Norton Simon Inc., a corporation with annual sales of about $1 billion. Mr. Mahoney has been described in one magazine article as a "tough-minded kid from the streets of New York, with Irish pride of independence." He started life as a truck driver and mail clerk. His philosophy is that success comes to persons who share a sensitivity for people and that this sensitivity must be used for the good of the public.

Mr. President, in this connection I ask unanimous consent that an up-to-date list of the names and addresses of the Bicentennial Commission members, alternates, and consultants be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. PASTORE. Fourth, I call attention to three letters-to-the-editor which appeared recently in the Washington Post, one from Mr. Louis Bean and two from Mr. M. L. Spector, Executive Director of the Commission. The letters deal with Commission plans on a nationwide basis. I ask unanimous consent, Mr. President, that the letters be printed in the body of the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. PASTORE. Rhode Island, Mr. President, has a deep-seated interest in the activities of the Bicentennial Commission. Our State began its battle for independence before the Declaration of Independence was signed. It declared itself free of British rule on May 4, 1776. It was a group of Rhode Island patriots which, disgusted with trade restrictions and taxation without representation, burned the British revenue ship *Gaspee* in 1772.

Rhode Island also is recognized in history for its "Battle of Conscience" initiated by Roger Williams in 1636.

It was Rhode Island which gave the Quakers protection in 1657.

It was Rhode Island which welcomed and protected the Jews from Holland in 1658.

It was Rhode Island which helped the Baptist Church establish its first church in America in 1938.

Although Rhode Island is known as the smallest State in size, it is not generally well-known that it has the longest name: the official name under which it entered the Union as the 13th State was "Rhode Island and Providence Plantations."

These items, Mr. President, are just a few of the hundreds of historical facts which make the people of my State so interested in the bicentennial era and in the nationwide commemoration of our 200th year of freedom.

EXHIBIT 1

AMERICAN REVOLUTION BICENTENNIAL COMMISSION,
Stanford, Calif., July 6, 1970.

Hon. RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Now that the Report of the American Revolution Bicentennial Commission has been placed in your hands, I must ask you to accept my resignation as Chairman of the Commission.

Since you did me the honor of appointing me to that Chairmanship a year ago, I have postponed work on several obligations to which I had earlier committed myself. I must now turn my time and attention to the discharge of those obligations.

Thank you for the opportunity you gave me to work with the Commission.

Please be assured of my continuing best wishes.

Sincerely yours,

J. E. WALLACE STERLING.

THE WHITE HOUSE,
Washington, D.C., July 22, 1970.

Hon. J. E. WALLACE STERLING,
Chairman, American Revolution Bicentennial Commission, Stanford, Calif.

DEAR WALLACE: Your letter submitting your resignation as Chairman of the American Revolution Bicentennial Commission has reached me. While I regret that you have found it necessary to leave this responsibility, I am pleased that you will continue to serve as a member.

The leadership you have given to the Commission has earned the gratitude of all of your fellow citizens. I am familiar with the valuable work the Commission has accomplished to date and I want you to know how much I appreciate the careful and incisive judgment you brought to the demanding task of directing the Commission's activities.

With warm personal regards.

Sincerely,

RICHARD NIXON.

EXHIBIT 2

COMMISSION MEMBERSHIP

CONGRESSIONAL MEMBERS

Senator Edward W. Brooke, Room 232, Old Senate Office Bldg., Washington, D.C. (202) 225–2742.

Senator Harry F. Byrd, Jr., Room 417, Old Senate Office Bldg., Washington, D.C. (202) 225–4024.

Senator Norris Cotton, Room 4121, New Senate Office Bldg., Washington, D.C. (202) 225–3324.

Senator John O. Pastore, Room 3215, New Senate Office Bldg., Washington, D.C. (202) 225–2921.

Representative Harold D. Donohue, Room 2265, Rayburn Office Bldg., Washington, D.C. (202) 225–6101.

Representative John O. Marsh, Jr., Room 223, Cannon Office Bldg., Washington, D.C. (202) 225–6561.

Representative John P. Saylor, Room 2354, Rayburn Office Bldg., Washington, D.C. (202) 225–2065.

Representative G. Wm. Whitehurst, Room 1227, Longworth Bldg., Washington, D.C. (202) 225–4215.

PUBLIC MEMBERS

Chairman: Mr. David J. Mahoney, Chairman of the Board, Norton Simon, Inc., 230 Park Avenue, New York, New York. (212) 983–8800.

Chairman Emeritus: Dr. J. E. Wallace Sterling, Office of the Chancellor, Stanford University, P.O. Box 5096, Stanford, California. (415) 321–2300, Ext. 3481.

Vice Chairman: Mr. Hobart Lewis, President and Executive Editor, Reader's Digest, Pleasantville, New York. (914) 769–7000. New York City Office: (212) 972–4000.

Mr. James Biddle, President, National Trust for Historic Preservation, 748 Jackson Place N.W., Washington, D.C. (202) 382–3304.

Dr. Daniel J. Boorstin, Director, Museum of History and Technology, The Smithsonian Institution, Washington, D.C. (202) 381–5785.

Mrs. Catherine Drinker Bowen, 260 Booth Lane, Haverford, Pennsylvania. (215) MI 9–4975. Summer Residence: Eastern Point, Gloucester, Mass. (617) 283–2608.

Mr. James S. Copley, Chairman of the Corporation, Copley Newspapers, 7776 Ivanhoe Avenue, La Jolla, California. (714) 454–0411.

Dr. Luther H. Foster, President, Tuskegee Institute, Tuskegee Institute, Alabama. (205) 727–8501.

Mrs. Ann Hawkes Hutton, 6900 North Radcliffe Street, Bristol, Pennsylvania. (215) 493–4076.

Mr. James E. Holshouser, Jr., P.O. Box 328, Boone, North Carolina. (704) 264–8809.

Mr. George Irwin, 428 Maine Street, Quincy, Illinois. (217) 224–2006.

Honorable Erik Jonsson, Mayor of Dallas, 3300 Republic National Bank Tower, Dallas, Texas. (214) 742–7341.

Mr. George E. Lang, Vice President, Restaurant Associates Industries, Inc., 1540 Broadway, New York, New York. (212) 974–6741.

Mr. Thomas W. Moore, Chairman of the Board, TICKETRON, 375 Park Avenue, New York, New York. (212) 644–2120.

Mr. Clarke T. Reed, P.O. Box 479, Greenville, Mississippi. (601) 335–2341.

Mr. Frederick A. Seaton, 209 Tribune Building, 908 West Second Street, Hastings, Nebraska. (402) 463–3456.

Dr. Paul S. Smith, 14314 Bronte Drive, Whittier, California. (213) 698–5232.

EX-OFFICIO MEMBERS

Honorable William P. Rogers, Secretary of State, Washington, D.C. (202) 632–9630.

Honorable Melvin R. Laird, Secretary of Defense, Washington, D.C. (202) OX 5–5261.

Honorable John N. Mitchell, Attorney General of the United States, Department of Justice, Washington, D.C. (202) RE 7–8200, Ext. 2001.

Honorable Walter J. Hickel, Secretary of the Interior, Washington, D.C. (202) 343–6704.

Honorable Maurice H. Stans, Secretary of Commerce, Washington, D.C. (202) 967–2113.

Honorable Elliot L. Richardson, Secretary of Health, Education, and Welfare, Washington, D.C. (202) 962–2351.

Honorable L. Quincy Mumford, Librarian of Congress, The Library of Congress, Washington, D.C. (202) 967–7205.

Honorable S. Dillon Ripley, Secretary of the Smithsonian Institution, Washington, D.C. (202) 381–5005.

Dr. James B. Rhoads, Archivist of the United States, National Archives and Records Service, Washington, D.C. (202) 963–3434.

ALTERNATES AND REPRESENTATIVES FOR EX-OFFICIO ARBC MEMBERS

Department of State

Honorable John Richardson, Jr., Assistant Secretary for Educational and Cultural Affairs, Department of State, Room 6218, Washington, D.C. 101–22464.

Francis J. Colligan, Senior Policy Adviser, Bureau of Educational and Cultural Affairs, Department of State, Room 4332, Washington, D.C. 101–22807.

James D. Hurd, Information Plans Officer, Bureau of Public Affairs—P/PG, Department of State, Room 6805, Washington, D.C. 101–21618.

Paul A. (Tony) Cook, Acting Chief, Facilitative Services Division, Bureau of Educational and Cultural Affairs, Department of State, Room 4823, Washington, D.C. 101–23166.

Department of Defense

Eugene J. Sleevi, Deputy Director for Community Relations, Office of the Assistant Secretary of Defense (Public Affairs), The Pentagon, Room 1E798, Washington, D.C. 11–52113.

Department of Justice

Miss Patricia H. Collins, Attorney Advisor, Department of Justice, Room 5216, Washington, D.C. 187–2049.

Department of the Interior

Robert R. Garvey, Jr., Liaison Officer, ARBC, National Park Service, 801 19th Street N.W., Washington, D.C. 183–38607.

Department of Commerce

Honorable Rocco C. Siciliano, Under Secretary of Commerce, Department of Commerce, Room 5838, Washington, D.C. 189–4625.

J. William Nelson, Director, U.S. Expositions Staff, Department of Commerce, Room 1729, Washington, D.C. 189–5211.

Department of Health, Education, and Welfare

Mrs. Barbara Wainscott, Confidential Assistant to the Secretary, Department of Health, Education, and Welfare, Room 5322 North, Washington, D.C. 13–23667.

Library of Congress

Mrs. Elizabeth E. Hamer, Assistant Librarian of Congress, Library of Congress, Washington, D.C. 182–5218.

Dr. Robert A. Rutland, Coordinator of Bicentennial Program, Library of Congress, Washington, D.C. 182–5099.

Smithsonian Institution

John J. Slocum, Special Assistant for Bicentennial Planning, Arts and Industries Building, The Smithsonian Institution, Washington, D.C. 144–6167.

National Archives

Dr. Herbert E. Angel, Deputy Archivist of the United States, National Archives and Records Service, Room 111, Washington, D.C. 13–33408.

Dr. Frank Burke, Director of Educational Program Staff, National Archives and Records Service, Room G–12, Washington, D.C. 13–36404.

Federal Council on the Arts and Humanities

Dr. Harold Arberg, Chief, Arts and Humanities Program, Office of Education, 400 Maryland Avenue S.W., Room 3137, Washington, D.C. 13–33975.

Department of Housing and Urban Development

John Chapin, Special Assistant to the Secretary, Department of Housing and Urban Development, 451–7th Street S.W., Room 10218, Washington, D.C. 755–7237.

United States Information Agency

Dr. W. Kenneth Bunce, Acting Associate Director of Policy Plans, United States Information Agency, 1750 Pennsylvania Avenue N.W., Room 709, Washington, D.C. 101–24978.

The White House

Leonard Garment, Special Consultant to the President, The White House, Washington, D.C. 145–2775.

Bradley H. Patterson, Jr., Assistant to Mr.

Leonard Garment, The White House, Washington, D.C. 145–2647.

Congressional alternates

Hamilton H. Wood, Jr., Assistant Administrative Assistant to Senator Edward W. Brooke, Old Senate Office Building, Room 232, United States Senate, Washington, D.C. 180–2742.

David Fiske, Administrative Assistant to Senator Harry F. Byrd, Jr., Old Senate Office Building, Room 417, United States Senate, Washington, D.C. 180–4024.

Chris Mathisen, Administrative Assistant to Congressman John O. Marsh, Jr., Cannon Office Building, Room 223, House of Representatives, Washington, D.C. 180–6561.

Victor Powell, Press Assistant to Congressman G. William Whitehurst, Longworth Building, Room 1227, House of Representatives, Washington, D.C. 180–4215.

Alternate for Mr. James Copley

Richard F. Pourade, Editor Emeritus, The San Diego Union, 940 Third Avenue, San Diego, California (714) 234–7111.

ARBC consultants

Mr. Everett H. Bellows, Vice President, Washington, Olin Mathieson Chemical Corporation, 1730 K Street N.W., Washington, D.C.

Mr. John Golden, Director of Stanford Research Institute, Washington, 1611 North Kent Street, Arlington, Virginia.

Mr. Edmond C. Hutchinson, Vice President, Research Analysis Corporation, McLean, Virginia.

Mr. Frank Parker, President, Research Analysis Corporation, McLean, Virginia.

Mr. James F. Ragan, Jr., 9171 Wilshire Blvd., Beverly Hills, California.

Mr. John E. Orchard, 15108 Emery Lane, Rockville, Maryland.

Public Relations Society of America unpaid consultants

Mr. Robert V. Guelich, Vice President, Director of Public Relations, Montgomery Ward & Company, 619 West Chicago Avenue, Chicago, Illinois.

Mr. Harry Carlson, President, Wolcott, Carlson & Co., Inc., 575 Madison Avenue, New York, New York.

EXHIBIT 3

[From Letters to the Editor Column, The Washington Post, Aug. 9, 1970]

THE '76 BICENTENIAL

I would like to record the active support of the American Revolution Bicentennial Commission for the ideas expressed by Louis Bean in his July 14 Letter to the Editor.

The guidelines which the commission set forth in its report (Senate Doc. 91–76) call for a truly nationwide event that is at once a solemn rededication and a joyous celebration. As stated in the report, the Commission sees the bicentennial as an opportunity to reflect and to innovate, to review and reaffirm the principles on which the country was founded, to honor the past, to express new ideas, to set goals and to strive to achieve them. Within this framework, the commission defined the goal of the bicentennial as follows: "To forge a new national commitment, a new spirit for '76, a spirit which vitalizes the ideals for which the revolution was fought; a spirit which will unite the nation in purpose and in dedication to the advancement of human welfare as it moves into its third century."

The commission is aware of the important role that each state must play if the full potential of the bicentennial is to be realized. For that reason, at the Governors' Conference last year, Dr. J. E. Wallace Sterling, chairman of the commission, asked that each state establish its own bicentennial commission to develop and coordinate bicentennial activities in its area. As of July 23, each state and territory has either established such a commission or appointed a representative. Several cities have set up similar commissions and many of the organizations with whom we have been in contact have also designated a liaison.

This initial national network was the chief means through which the program recommendations contained in our report were submitted. Its further development, both in scope and operation, is critical if the bicentennial is truly to afford each individual the opportunity to respond fully to the challenges and excitement inherent in the commemoration of the 200th anniversary of the founding of our nation.

Needless to say, our current plans are formative and flexible and we welcome all ideas and suggestions which will enhance and forward the development of such a significant occasion.

M. L. SPECTOR,
Executive Director, American Revolution Bicentennial Commission.
WASHINGTON.

[From Letters to the Editor Column, the Washington Post, July 14, 1970]

CELEBRATING 1976

The decision to center the 200th anniversary celebration in only four Eastern centers, Boston, Philadelphia, Washington and Miami raises the question: why not celebrations all over the country? You indicate that 35 to 50 million persons may visit the four cities for the 1976 celebrations. That means that over 150 millions will not be sharing or participating. It seems to me that they too might have an interest in recognizing the significance of the Declaration of Independence, and under the stimulus of the occasion might want to become involved in projects to be accomplished by 1976 for the pride and benefit of their communities in the years to come.

Since every state has good reason to celebrate its basic dependence on the 1776 Declaration, shouldn't every governor undertake to find out what special objectives the people of his state would like to set for themselves to be accomplished by 1976 as their contribution to the occasion? Certainly there is something of outstanding significance that each state could attempt under the spur of the 200th anniversary that might otherwise not be done.

Perhaps each governor should ask one commission to draw up plans of a statewide significance and another commission of, say, mayors to draw up plans of interest and meaning to various cities and rural areas. For example, there are slums to be cleared, schools and hospitals to be built, parks and recreation facilities to be laid out throughout the country as well as in the four designated cities in the East. Other sources of interest and ideas as to what states and cities might want to accomplish in the next six years as appropriate to the occasion and for the next generation might be the heads of universities and colleges, the heads of state, business, labor and farm organizations, and citizen groups, including those engaged in promoting the performing arts.

Let the four cities provide the fairs, the entertainments and the spectaculars to draw 35 to 50 million persons to the Eastern historical centers, but let every community take a hand in celebrating locally, contributing its special new accomplishment to the national dedication for something better for the next generation.

LOUIS BEAN.

Washington.

I want to thank you for your editorial in your Saturday, July 4, 1970, Post. I am especially pleased to see that The Post has seen the advantages of the commission's recommendations for Washington. However, I should like to point out that the commission had some specific things to say about the timeframe for Washington's efforts. It stated: "The Commission further urges that the target date of 1976 be set for the accomplishment of as much as possible for this renewal program."

I am delighted that we see eye to eye on this.

M. L. SPECTOR,
Executive Director, American Revolution Bicentennial Commission.
WASHINGTON.

FOREIGN BANK SECRECY AND BANK RECORDKEEPING

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 1155, S. 3678.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read the bill by title, as follows:

S. 3678, to amend the Federal Deposit Insurance Act to require insured banks to maintain certain records, to require that certain transactions in United States currency be reported to the Department of the Treasury, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Banking and Currency with amendments on page 2, line 9, after the word "that", strike out "photocopies" and insert "microfilm or other reproductions and other records"; at the beginning of line 17 insert "in the United States"; in the same line, after the word "where", insert "the Secretary of the Treasury determines that"; in line 25, after the word "evidence," insert "in such form"; on page 3, line 1, after the word "account", insert "in the United States"; in line 4, after the word "account.", insert "The Secretary may make such exemptions from any requirement otherwise imposed under this subsection as he deems appropriate."; in line 9, after the word "a", strike out "photocopy" and insert "microfilm or other reproduction"; at the beginning of line 10, strike out "or other copy"; on page 4, line 7, after the word "question.", insert "Any period so prescribed shall not exceed six years unless the Secretary determines, having regard for the purposes of this section, that a longer period is necessary in the cast of a particular type of record or evidence."; in line 12, after the word "shall", strike out "make an" and insert "include in his"; in line 13, after the word "Congress", strike out "of" and insert "information on"; on page 5, after the material following line 1, insert:

128. Compliance.
129. Administrative procedure.

In line 3, after the word "that", strike out "adequate" and insert "certain"; in line 14, after the word "businesses", insert "in the United States"; in line 15, after the word "where", insert "the Secretary of the Treasury determines that"; on page 6, line 7, after the word "functions", insert "in the United States"; in line 26, after the word "checks,", strike out "or"; in the same line, after the word "checks", insert "or similar instruments"; on page 7, line 1, after the amendment just above stated, strike out "for third parties"; in line 2, after the word "own", insert "nonfinancial"; after line 7, insert:

(5) Performing such similar, related, or substitute functions for any of the foregoing or for banking as may be specified by the Secretary in regulations.

On page 8, after line 23, insert:

§ 128. Compliance

The Secretary shall have the responsibility to assure compliance with the requirements of this title and to the greatest extent possible delegate such responsibility to the appropriate bank supervisory agency, or other supervisory agency.

§ 129. Administrative procedure

The administrative procedure and judicial review provisions of subchapter II of chapter 5 and chapter 7 of title 5, United States Code, shall apply to all proceedings under this chapter, section 21 of the Federal Deposit Insurance Act, and section 411 of the National Housing Act.

On page 9, in the printed matter following line 13, after "Sec. 205. Compliance", strike out "procedures"; and in the same printed matter, after "211. Immunity of witnesses.", insert

212. Availability of information to other Federal agencies.

213. Administrative procedure.

On page 10, after line 1, strike out "The purposes of this title are (1) to facilitate the supervision of financial institutions properly subject to Federal supervision, (2) to aid duly constituted authorities in lawful investigations, and (3) to provide for the collection of statistics necessary for the formulation of monetary and economic policy." and insert "It is the purpose of this title to require certain reports or records where such reports or records have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings." after line 15, strike out:

(c) The term "individual" means a natural person.

(d) The term "person" includes individuals, partnerships, trusts, estates, associations, corporations, and all other entities cognizable as legal personalities.

And, in lieu thereof, insert:

(c) The term "person" includes natural persons, partnerships, trusts, estates, associations, corporations, and all entities cognizable as legal personalities. The term also includes any governmental department or agency specified by the Secretary either for the purpose of this title generally or any particular requirement thereunder.

(d) The term "United States", used in a geographical sense, includes the States and the District of Columbia, and to the extent the Secretary shall by regulation specify, either for the purposes of this title generally or any particular requirement thereunder, the Commonwealth of Puerto Rico, the possessions of the United States, United States military establishments, and United States diplomatic establishments.

On page 11, line 15, after "(4)", insert "an agency or"; at the beginning of line 20, insert "credit union, industrial bank"; on page 12, line 2, after the word "issuer", strike out "or"; in the same line, after the word "redeemer", insert "or casher"; at the beginning of line 4, strike out "other than for its own account"; in line 9, after the word "company;", strike out "or"; after line 9, insert:

(17) a travel agency;

(18) a licensed transmitter of funds;

(19) a telegraph company;

(20) a Federal, State, or local government institution which performs any of the functions of any of the businesses listed above; or

At the beginning of line 16, strike out "(17)" and insert "(21)"; in line 17, after the word "similar", strike out "or"; in the same line, after the word "related", insert "or substitute"; after line 20, strike out:

(f) The team "domestic financial institution" means any person which does business as a financial institution in any place subject to the jurisdiction of the United States.

And, in lieu thereof, insert:

(f) The term "domestic", used with reference to institutions or agencies, limits the applicability of the provision wherein it appears to such institutions or agencies to the extent that they perform any functions as such within the United States.

On page 13, after line 11, strike out:

(h) The term "foreign financial agency" means any financial agency which transacts any business as such at any place not subject to the jurisdiction of the United States.

And, in lieu thereof, insert:

(h) The term "foreign", used with reference to institutions or agencies, limits the applicability of the provision wherein it appears to the extent that they perform any functions as such outside the United States.

On page 14, line 7, after the word "of", insert "travelers' "; at the beginning of line 8, strike out "bills, notes, bonds, or other obligations or instruments" and insert "bearer negotiable instruments, and bearer investment securities, or their equivalent"; in line 16, after the word "Compliance", strike out "procedures"; after line 16, insert:

(a) The Secretary shall have the responsibility to assure compliance with the requirements of this title and to the greatest extent possible delegate such responsibility to the appropriate bank supervisory agency, or other supervisory agency.

At the beginning of line 21, insert "(b)" on page 17, after line 8, strike out:

Whenever in the judgment of a United States attorney the testimony of any witness, or the production of books, papers, or other evidence by any witness in any case or proceeding before any grand jury or court of the United States involving any violation of this title is necessary to the public interest, he, upon the approval of the Attorney General or his designated representative, may make application to the court that the witness be instructed to testify or produce evidence subject to the provisions of this section. Upon order of the court the witness shall not be excused from testifying or from producing books, papers, or other evidence on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture. But no such witness may be prosecuted or subjected to any penalty of forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self incrimination, to testify or produce evidence, nor may testimony so compelled be used as evidenced in any criminal proceeding against him in any court, except a prosecution for perjury or contempt committed while giving testimony or producing evidence under compulsion as provided in this section.

And, in lieu thereof, insert:

Whenever a witness refuses on the basis of his privilege against self-incrimination, to testify or provide other information in a proceeding involving any violation of this title before or ancillary to—

(1) a court or grand jury of the United States,

(2) an agency of the United States, or

(3) either House of Congress, a joint committee of the two Houses, or a committee or a subcommittee of either House,

and the person presiding over the proceeding communicates to the witness an order requiring him to give testimony or provide other information, the witness may not refuse to comply with the order on the basis of his privilege against self-incrimination. No such testimony or other information so compelled under the order or evidence or other information which is obtained by the exploitation of such testimony may be used against the witness in any criminal case, except a prosecution for perjury, giving a false statement, or otherwise failing to comply with the order.

§ 212. Availability of information to other Federal agencies

The Secretary shall, upon such conditions and pursuant to such procedures as he may by regulation prescribe, make any information set forth in reports filed pursuant to this title available for a purpose consistent with the provisions of this title to any other department or agency of the Federal Government on the request of the head of such department or agency.

§ 213. Administrative procedure

Subject to section 203(j), the administrative procedure and judicial review provisions of subchapter II of chapter 5 and chapter 7 of title 5, United States Code, shall apply to all proceedings under this title.

On page 21, line 4, after the word "except", strike out "that," and insert "that (1),"; in line 6, after the word "prescribe,", insert "and (2) any such person may, at his election and in lieu of filing the report in the manner hereinabove prescribed, file the report with the Secretary."; in the printed matter following line 13, after "Sec. 234. Remission by the Secretary.", insert: "235. Enforcement authority."

In line 20, after the word "place", strike out "subject to the jurisdiction of" and insert "within"; at the beginning of line 22, strike out "not subject to the jurisdiction of" and insert "outside"; on page 22, line 1, after the word "place", strike out "subject to the jurisdiction of" and insert "within"; at the beginning of line 3, strike out "not subject to the jurisdiction of" and insert "outside"; in line 6, after the word "to", strike out "any place subject to the jurisdiction of"; in line 8, after the word "place", strike out "not subject to the jurisdiction of" and insert "outside"; in line 10, after the word "exceeding", strike out "$5,000" and insert "$10,000"; in line 11, after the word "exceeding", strike out "$10,000" and insert "$20,000"; in line 15, after the word "and", where it appears the second time, insert "may"; in line 16, after the word "information", insert "and any additional information,"; on page 24, after line 17, insert:

§ 235. Enforcement authority

(a) If the Secretary has reason to believe that monetary instruments are in the process of transportation and with respect to which a report required under section 231 has not been filed or contains material omissions or misstatements, he may apply to any court of competent jurisdiction for a search warrant. Upon a showing of probable cause, the court may issue a warrant authorizing the search of any or all of the following:

(1) One or more designated persons.

(2) One or more designated or described places or premises.

(3) One or more designated or described

letters, parcels, packages, or other physical objects.

(4) One or more designated or described vehicles.

Any application for a search warrant pursuant to this section shall be accompanied by allegations of fact supporting the application.

(b) This section is not in derogation of the authority of the Secretary under any other law.

On page 25, the printed matter following line 12, after "Sec. 241. Records", strike out "and reports"; in line 13, after the word "Records", strike out "and reports"; at the beginning of line 14, insert "(a)"; in the same line, after the word "Treasury,", insert: having due regard for the need to avoid impeding or controlling the export or import of currency or other monetary instruments and having due regard also for the need to avoid burdening unreasonably persons who legitimately engage in transactions with foreign financial agencies,: in line 19, after the amendment just above stated, strike out "shall" and insert "may"; on page 26, line 1, after the word "records", strike out "or to file reports, or both, setting forth"; and insert "containing"; after line 13, insert:

(b) No person required to maintain records under this section shall be required to produce or otherwise disclose the contents of the records except in compliance with a subpena or summons duly authorized and issued or as may otherwise be required by law.

On page 27, after line 2, strike out:

(3) The form, frequency, and manner of filing of any reports required under section 241.

At the beginning of line 5, strike out "(4)" and insert "(3)"; at the beginning of line 7, strike out "(5)" and insert "(4)"; at the beginning of line 9, strike out "(6)" and insert "(5)"; in line 12, after the figure "7", strike out "(a)"; in line 14, after the figure "7", strike out "(a)"; in line 15, after "78g", strike out "(a)"; in the same line, after the word "by", strike out "striking the first sentence and inserting in lieu thereof" and insert "adding at the end thereof"; in line 17, after the word "following", insert "now subsection"; after the amendment just above stated, strike out " 'For the purpose of preventing the excessive use of credit for the purchase or carrying of securities, the Board of Governors of the Federal Reserve System shall from time to time prescribe rules and regulations in accordance with this section. These rules and regulations shall apply with respect to the amount of credit (regardless of who or where the lender may be) that any person may initially obtain and subsequently retain on any security (other than exempted security), and to the amount of credit (regardless of who or where the borrower may be) that any person may initially extend and subsequently maintain on any security (other than an exempted security). It shall be unlawful for any person knowingly to obtain or retain credit in any amount in violation of any rule or regulation under this section, and it shall be unlawful for any person, whether or not knowingly, to obtain or retain credit in an aggregate amount exceeding $1,000,000 at any one time in violation of any rule or regulation under this section.' "; on page 28, after line 9, insert:

"(f)(1) It is unlawful for any United States person or any foreign person controlled by a United States person or acting on behalf of or in conjunction with such person, to obtain, receive, or enjoy the beneficial use of a loan or other extension of credit from any lender (without regard to whether the lender's office or place of business is in a State or the transaction occurred in whole or in part within a State) for the purpose of (A) purchasing or carrying United States securities, or (B) purchasing or carrying within the United States securities, or (B) purchasing or carrying within the United States of any other securities if under this section or rules and regulations prescribed thereunder, the loan or other credit transaction is prohibited or would be prohibited if it had been made or the transaction had otherwise occurred in a lender's office or other place of business in a State.

"(2) For the purposes of this subsection—

"(A) The term 'United States person' includes a person which is organized under the laws of any State or, in the case of a natural person, a citizen or resident of the United States; a domestic estate; or a trust in which one or more of the foregoing persons has a cumulative direct or indirect beneficial interest in excess of 50 per centum of the value of the trust.

"(B) The term 'United States security' means a security (other than an exempted security) issued by a person incorporated under the laws of any State, or whose principal place of business is within a State.

"(C) The term 'foreign person controlled by a United States person' includes any noncorporate entity in which United States persons directly or indirectly have more than a 50 per centum beneficial interest, and any corporation in which one or more United States persons, directly or indirectly, own stock possessing more than 50 per centum of the total combined voting power of all classes of stock entitled to vote, or more than 50 per centum of the total value of shares of all classes of stock.

"(3) The Board of Governors of the Federal Reserve System may, in its discretion and with due regard for the purposes of this section, by rule or regulation exempt any class of United States persons or foreign persons controlled by a United States person from the application of this subsection."

On page 30, line 16, after "(a)", strike out "No" and insert "Whenever required in any particular case or class of transactions by such rules, regulations, or orders as the Commission may adopt as necessary or appropriate in the public interest, no"; on page 31, line 2, after the word "security", strike out the comma and "if such transaction was initiated by a", and insert "with any"; in line 4, after "203", strike out "(h)"; on page 32, line 7, after the word "States.", strike out the quotation marks; after line 7, insert:

"(d)(1) Rules, regulations, and orders under this section shall be issued by the Commission only after it has made a study and report as herein provided. The study shall seek to determine insofar as is possible the probable effects of the implementation of this section on the economic interests of the United States, with particular reference to the balance of payments. Such study shall be made in collaboration with the Secretary of the Treasury and the Board of Governors of the Federal Reserve System. A report of its findings and recommendations shall be made by the Commission to the Committees on Banking and Currency of the Senate and House of Representatives not later than six months after the date of enactment of this section.

"(2) No rule, regulation, or order shall be issued under this section if the Commission determines, after consultation with the Secretary of the Treasury and the Board of Governors of the Federal Reserve System, that it would unduly and adversely affect the balance of payments of the United States. Any rule, regulation, or order so issued shall be rescinded or amended if at any time the Commission determines, after consultation with said Secretary or Board, that it has had or is having such effect on such payments."

And on page 34, line 3, after the word "enactment", insert a semicolon and "except that that part of such amendment which directs the Securities and Exchange Commission to make a study and report shall become effective on the date of enactment."; so as to make the bill read:

S. 3678

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—FINANCIAL RECORDKEEPING

Chapter	Sec.
1. Insured Banks and Insured Institutions	101
2. Other Financial Institutions	121

Chapter 1.—INSURED BANKS AND INSURED INSTITUTIONS

Sec.
101. Retention of records by insured banks.
102. Retention of records by insured institutions.

§ 101. Retention of records by insured banks

The Federal Deposit Insurance Act is amended (1) by redesignating sections 21 and 22 as 22 and 23, respectively, and (2) by inserting the following new section immediately after section 20:

"SEC. 21. (a)(1) The Congress finds that adequate records maintained by insured banks have a high degree of usefulness in criminal, tax, and regulatory investigations and proceedings. The Congress further finds that microfilm or other reproductions and other records made by banks of checks, as well as record kept by banks of the identity of persons maintaining or authorized to act with respect to accounts therein, have been of particular value in this respect.

"(2) It is the purpose of this section to require the maintenance of appropriate types of records by insured banks in the United States where the Secretary of the Treasury determines that such records may have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings.

"(b) The Secretary of the Treasury (referred to in this section as the 'Secretary') shall prescribe regulations to carry out the purposes of this section.

"(c) Each insured bank shall maintain such records and other evidence, in such form as the Secretary shall require, of the identity of each person having an account in the United States with the bank and of each individual authorized to sign checks, make withdrawals, or otherwise act with respect to any such account. The Secretary may make such exemptions from any requirement otherwise imposed under this subsection as he deems appropriate.

"(d) Each insured bank shall make, to the extent that the regulations of the Secretary so require—

"(1) a microfilm or other reproduction of each check, draft, or similar instrument drawn on it and presented to it for payment; and

"(2) a record of each check, draft, or similar instrument received by it for deposit or collection, together with an identification of the party for whose account it is to be deposited or collected, unless the bank has already made a record of the party's identity pursuant to subsection (c).

"(e) Whenever any individual engages (whether as principal, agent, or bailee) in

any transaction with an insured bank which is required to be reported under the Currency and Foreign Transactions Reporting Act, the bank shall require and retain such evidence of the identity of that individual as the Secretary may prescribe as appropriate under the circumstances.

"(f) In addition to or in lieu of the records and evidence otherwise referred to in this section, each insured bank shall maintain such records and evidence as the Secretary may prescribe to carry out the purposes of this section.

"(g) Any type of record or evidence required under this section shall be retained for such period as the Secretary may prescribe for the type in question. Any period so prescribed shall not exceed six years unless the Secretary determines, having regard for the purposes of this section, that a longer period is necessary in the case of a particular type of record or evidence.

"(h) The Secretary shall include in his annual report to the Congress information on his implementation of the authority conferred by this section and any similar authority with respect to recordkeeping or reporting requirements conferred by other provisions of law."

§ 102. Retention of records by insured institutions.

Title IV of the National Housing Act is amended by adding at the end thereof the following new section:

"SEC. 411. The Secretary of the Treasury shall prescribe such regulations as may be appropriate to carry out, with respect to insured institutions, the purposes set forth in section 21 of the Federal Deposit Insurance Act with respect to insured banks."

Chapter 2.—OTHER FINANCIAL INSTITUTIONS

Sec.
121. Congressional findings and purpose.
122. Ownership and control.
123. Authority of Secretary.
124. Injunctions.
125. Civil penalties.
126. Criminal penalty.
127. Additional criminal penalty in certain cases.
128. Compliance.
129. Administrative procedure.

§ 121. Congressional findings and purpose

(a) The Congress finds that certain records maintained by businesses engaged in the functions described in section 123(b) of this Act have a high degree of usefulness in criminal, tax, and regulatory investigations and proceedings. The Congress further finds that the power to require reports of changes in the ownership, control, and management of types of financial institutions referred to in section 122 of this Act may be necessary for the same purpose.

(b) It is the purpose of this chapter to require the maintenance of appropriate types of records and the making of appropriate reports by such businesses in the United States where the Secretary of the Treasury determines that such records or reports may have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings.

§ 122. Ownership and control

The Secretary may by regulation require any type of uninsured bank or uninsured institution to make such reports as the Secretary may require in respect of its ownership, control, and management and any changes therein.

§ 123. Authority of Secretary

(a) The Secretary may by regulation require any uninsured bank or uninsured institution or any person engaging in the business of carrying on any of the functions in the United States referred to in subsection (b) of this section—

(1) to require, retain, or maintain, with respect to its functions as an uninsured bank or uninsured institution or its functions referred to in subsection (b), any records or evidence of any type which the Secretary is authorized under section 21 of the Federal Deposit Insurance Act to require insured banks to require, retain, or maintain; and

(2) to maintain procedures to assure compliance with requirements imposed under this chapter. For the purposes of any civil or criminal penalty, a separate violation of any requirement under this paragraph occurs with respect to each day and each separate office, branch, or place of business in whch the violation occurs or continues.

(b) The authority of the Secretary under this section extends to any person engaging in the business of carrying on any of the following functions:

(1) Issuing or redeeming checks, travelers' checks or similar instruments, except as an incident to the conduct of its own nonfinancial business.

(2) Transferring funds or credits domestically or internationally.

(3) Operating a currency exchange or otherwise dealing in foreign currencies or credits.

(4) Operating a credit card system.

(5) Performing such similar, related, or substitute functions for any of the foregoing or for banking as may be specified by the Secretary in regulations.

§ 124. Injunctions

Whenever it appears to the Secretary that any person has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of any regulation under this chapter, he may in his discretion bring an action, in the proper district court of the United States or the proper United States court of any territory or other place subject to the jurisdiction of the United States, to enjoin such acts of practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond. Upon application of the Secretary, any such court may also issue mandatory injunctions commanding any person to comply with any regulation of the Secretary under this chapter.

§ 125. Civil penalties

(a) For each willful violation of any regulation under this chapter, the Secretary may assess upon any person to which the regulation applies, and, if such person is a partnership, corporation, or other entity, upon any partner, director, officer, or employee thereof who willfully participates in the violation, a civil penalty not exceeding $1,000.

(b) In the event of the failure of any person to pay any penalty assessed under this section, a civil action for the recovery thereof may, in the discretion of the Secretary, be brought in the name of the United States.

§ 126. Criminal penalty

Whoever willfully violates any regulation under this chapter shall be fined not more than $1,000 or imprisoned not more than one year, or both.

§ 127. Additional criminal penalty in certain cases

Whoever willfully violates any regulation under this chapter, section 21 of the Federal Deposit Insurance Act, or section 411 of the National Housing Act, where the violation is committed in furtherance of the commission of any violation of Federal law punishable by imprisonment for more than one year, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

§ 128. Compliance

The Secretary shall have the responsibility to assure compliance with the requirements of this title and to the greatest extent possible delegate such responsibility to the appropriate bank supervisory agency, or other supervisory agency.

§ 129. Administrative procedure

The administrative procedure and judicial review provisions of subchapter II of chapter 5 and chapter 7 of title 5, United States Code, shall apply to all proceedings under this chapter, section 21 of the Federal Deposit Insurance Act, and section 411 of the National Housing Act.

TITLE II—REPORTS OF CURRENCY AND FOREIGN TRANSACTIONS

Chapter Sec.
1. GENERAL PROVISIONS 201
2. DOMESTIC CURRENCY TRANSACTIONS 221
3. REPORTS OF EXPORTS AND IMPORTS OF MONETARY INSTRUMENTS 231
4. FOREIGN TRANSACTIONS 241

Chapter 1.—GENERAL PROVISIONS

Sec.
201. Short title.
202. Purposes.
203. Definitions and rules of construction.
204. Regulations.
205. Compliance.
206. Exemptions.
207. Civil penalty.
208. Injunctions.
209. Criminal penalty.
210. Additional criminal penalty in certain cases.
211. Immunity of witnesses.
212. Availability of information to other Federal agencies.
213. Administrative procedure.

§ 201. Short title

This title may be cited as the "Currency and Foreign Transactions Reporting Act".

§ 202. Purposes

It is the purpose of this title to require certain reports or records where such reports or records have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings.

§ 203. Definitions and rules of construction

(a) The definitions and rules of construction set forth in this section apply for the purposes of this title.

(b) The term "Secretary" means the Secretary of the Treasury.

(c) The term "person" includes natural persons, partnerships, trusts, estate, associations, corporations, and all entities cognizable as legal personalities. The term also includes any governmental department or agency specified by the Secretary either for the purpose of this title generally or any particular requirement thereunder.

(d) The term "United States", used in a geographical sense, includes the States and the District of Columbia, and to the extent the Secretary shall by regulation specify, either for the purposes of this title generally or any particular requirement thereunder, the Commonwealth of Puerto Rico, the possessions of the United States, United States military establishments, and United States diplomatic establishments.

(e) The term "financial institution" means any person which does business in any one or more of the following capacities:

(1) an insured bank as defined in section 3 of the Federal Deposit Insurance Act;

(2) a commercial bank or trust company;

(3) a private banker;

(4) an agency or a branch within the United States of any foreign bank;

(5) an insured institution as defined in section 401 of the National Housing Act;

(6) a savings bank, building and loan association, credit union, industrial bank, or other thrift institution;

(7) a broker or dealer registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934;

(8) a broker or dealer in securities or commodities;

(9) an investment banker or investment company;

(10) a currency exchange;

(11) an issuer, redeemer or cashier of travelers' checks, checks, money orders, or similar instruments;

(12) an operator of a credit card system;

(13) an insurance company;

(14) a dealer in precious metals, stones, or jewels;

(15) a pawnbroker;

(16) a loan or finance company;

(17) a travel agency;

(18) a licensed transmitter of funds;

(19) a telegraph company;

(20) a Federal, State, or local government institution which performs any of the functions of any of the businesses listed above; or

(21) any other type of business or institution performing similar related or substitute functions specified by the Secretary by regulation for the purposes of the provision of this title to which the regulation relates.

(f) The term "domestic", used with reference to institutions or agencies, limits the applicability of the provision wherein it appears to such institutions or agencies to the extent that they perform any functions as such within the United States.

(g) The term "financial agency" means any person which acts in the capacity of a financial institution or in the capacity of a bailee, depository, trustee, agent, or in any other similar capacity with respect to money, credit, securities, or gold or transactions therein, on behalf of any person other than a government, a monetary or financial authority when acting as such, or an international financial institution of which the United States is a member.

(h) The term "foreign", used with reference to institutions or agencies, limits the applicability of the provision wherein it appears to the extent that they perform any functions as such outside the United States.

(i) References to this title or any provision thereof include regulations issued under this tile or the provision thereof in question.

(j) All reports required under this title and all records of any such reports are specifically exempted from disclosure under section 552 of title 5, United States Code.

(k) For the purposes of section 1001 of title 18, United States Code, the contents of reports required under any provision of this title are statements and representations in matters within the jurisdiction of an agency of the United States.

(l) The term "monetary instruments" means coin and currency of the United States, and in addition, such foreign coin and currencies, and such types of travelers' checks, negotiable instruments, and bearer investment securities, or their equivalent as the Secretary may by regulation specify for the purposes of the provision of this tile to which the regulation relates.

§ 204. Regulations

The Secretary shall prescribe such regulations as he may deem appropriate to carry out the purposes of this title.

§ 205. Compliance

(a) The Secretary shall have the responsibility to assure compliance with the requirements of this title and to the greatest extent possible delegate such responsibility to the appropriate bank supervisory agency, or other supervisory agency.

(b) The Secretary may by regulation require any class of domestic financial institutions to maintain such procedures as he may deem appropriate to assure compliance with the provisions of this title. For the purpose of both civil and criminal penalties for violations of this section, a separate violation shall be deemed to occur with respect to each day and each separate office, branch, or place of business in which the violation occurs or continues.

§ 206. Exemptions

The Secretary may make such exemptions from any requirement otherwise imposed under this title as he may deem appropriate. Any such exemption may be conditional or unconditional, by regulation, order, or licensing, or any combination thereof, and may relate to any particular transaction, to the type or amount of the transaction, to the party or parties or the classification of parties, or to any combination thereof. The Secretary may in his discretion, in any manner giving actual or constructive notice to the parties affected, revoke any exemption made under this section. Any such revocation shall remain in effect pending any judicial review.

§ 207. Civil penalty

(a) For each willful violation of this title, the Secretary may assess upon any domestic financial institution, and upon any partner, director, officer, or employee thereof who willfully participates in the violation, a civil penalty not exceeding $1,000.

(b) In the event of the failure of any person to pay any penalty assessed under this title, a civil action for the recovery thereof may, in the discretion of the Secretary, be brought in the name of the United States.

§ 208. Injunctions

Whenever it appears to the Secretary that any person has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of the provisions of this title, or of any order thereunder, he may in his discretion bring an action, in the proper district court of the United States or the proper United States court of any territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond. Upon application of the Secretary, any such court may also issue mandatory injunctions commanding any person to comply with the provisions of this title or any order of the Secretary made in pursuance thereof.

§ 209. Criminal penalty

Whoever willfully violates any provision of this title or any regulation under this title shall be fined not more than $1,000, or imprisoned not more than one year, or both.

§ 210. Additional criminal penalty in certain cases

Whoever willfully violates any provision of this title where the violation is—

(1) committed in furtherance of the commission of any other violation of Federal law, or

(2) committed as part of a pattern of illegal activity involving transactions exceeding $100,000 in any twelve-month period.

shall be fined not more than $500,000 or imprisoned not more than five years, or both.

§ 211. Immunity of witnesses

Whenever a witness refuses on the basis of his privilege against self-incrimination, to testify or provide other information in a proceeding involving any violation of this title before or ancillary tc—

(1) a court or grand jury of the United States.

(2) an agency of the United States, or

(3) either House of Congress, a joint committee of the two Houses, or a committee or a subcommittee of either House,

and the person presiding over the proceeding communicates to the witness an order requiring him to give testimony or provide other information, the witness may not refuse to comply with the order on the basis of his privilege against self-incrimination. No such testimony or other information, so compelled under the order or evidence or other information which is obtained by the exploitation of such testimony may be used against the witness in any criminal case, except a prosecution for perjury, giving a false statement, or otherwise failing to comply with the order.

§ 212. Availability of information to other Federal agencies

The Secretary shall, upon such conditions and pursuant to such procedures as he may by regulation prescribe, make any information set forth in reports filed pursuant to this title available for a purpose consistent with the provisions of this title to any other department or agency of the Federal Government on the request of the head of such department or agency.

§ 213. Administrative procedure

Subject to section 203(j), the administrative procedure and judicial review provisions of subchapter II of chapter 5 and chapter 7 of title 5, United States Code, shall apply to all proceedings under this title.

Chapter 2.—DOMESTIC CURRENCY TRANSACTIONS

Sec.

221. Reports of currency transactions required.

222. Persons required to file reports.

223. Reporting procedure.

§ 221. Reports of currency transactions required

Transactions involving any domestic financial institution shall be reported to the Secretary at such time, in such manner, and in such detail as the Secretary may require if they involve the payment, receipt, or transfer of United States currency, or such other monetary instruments as the Secretary may specify, in such amounts, denominations or under such circumstances, as the Secretary shall by regulation prescribe.

§ 222. Persons required to file reports

The report of any transaction required to be reported under this chapter shall be signed or otherwise made both by the domestic financial institution involved and by one or more of the other parties thereto or participants therein, as the Secretary may require. If any party to or participant in the transaction is not an individual acting only for himself, the report shall identify the person or persons on whose behalf the transaction is entered into, and shall be made by the individuals acting as agents or bailees with respect thereto.

§ 223. Reporting procedure

(a) The Secretary may in his discretion designate domestic financial institutions, individually or by class, as agents of the United States to receive reports required under this chapter, except that an institution which is not insured, chartered, examined, or registered as such by any agency of the United States may not be so designated without its consent. The Secretary may suspend or revise any such designation for any violation of this Act or section 21 of the Federal Deposit Insurance Act, or section 41 of the National Housing Act.

(b) Any person (other than an institution designated under subsection (a)) required to file a report under this chapter with respect to a transaction with a domestic financial institution shall file the report with that institution, except that (1), if the institution is not designated under subsection (a), the report shall be filed as the Secretary shall prescribe, and (2) any such person may, at his election and in lieu of filing the report in the manner hereinabove prescribed, file the report with the Secretary. Domestic financial institutions under subsection (a) shall transmit reports filed with them, and shall file their own reports, as the Secretary shall prescribe.

Chapter 3.—REPORTS OF EXPORTS AND IMPORTS OF MONETARY INSTRUMENTS

Sec.

231. Reports required.

232. Forfeiture.

233. Civil liability.

234. Remission by the Secretary.

235. Enforcement authority.

§ 231. Reports required

(a) Except as provided in subsection (c) of this section, whoever, whether as principal agent, or bailee, or by an agent or bailee, knowingly—

(1) transports or causes to be transported monetary instruments—

(A) from any place within the United States to or through any place outside the United States, or

(B) to any place within the United States from or through any place outside the United States, or

(2) receives monetary instruments at the termination of their transportation to the United States from or through any place outside the United States

in an amount exceeding $10,000 on any one occasion or in an aggregate amount exceeding $20,000 in any one calendar year shall file a report or reports in accordance with subsection (b) of this section.

(b) Reports required under this section shall be filed at such times and places, and may contain such of the following information and any additional information, in such form and in such detail, as the Secretary may require:

(1) The legal capacity in which the person filing the report is acting with respect to the monetary instruments transported.

(2) The origin, destination, and route of the transportation.

(3) Where the monetary instruments are not legally and beneficially owned by the person transporting the same, or are transported for any purpose other than the use in his own behalf of the person transporting the same, the identities of the person from whom the monetary instruments are received, or to whom they are to be delivered, or both.

(4) The amounts and types of monetary instruments transported.

(c) Subsection (a) does not apply to any common carrier of passengers in respect of monetary instruments in the possession of its passengers, nor to any common carrier of goods in respect of shipments of monetary instruments not declared to be such by the shipper.

§ 232. Forfeiture

(a) Any monetary instruments which are in the process of any transportation with respect to which any report required to be filed under section 231(1) either has not been filed or contains material omissions or misstatements are subject to seizure and forfeiture to the United States.

(b) For the purpose of this section, monetary instruments transported by mail, by any common carrier, or by any messenger or bailee, are in process of transportation from the time they are delivered into the possession of the postal service, common carrier, messenger, or bailee until the time they are delivered into or retained in the possession of the addressee or intended recipient or any agent of the addressee or intended recipient for purposes other than further transportation within, or across any border of, the United States.

§ 233. Civil liability

The Secretary may assess a civil penalty upon any person who fails to file any report required under section 231, or who files such a report containing any material omission or misstatement. The amount of the penalty shall not exceed the amount of the monetary instruments with respect to whose transportation the report was required to be filed. The liabilities imposed by this chapter are in addition to any other liabilities, civil or criminal, except that the liability under ths section shall be reduced by any amount actually forfeited under section 232.

§ 234. Remission by the Secretary

The Secretary may in his discretion remit any forfeiture or penalty under this chapter in whole or in part upon such terms and conditions as he deems reasonable and just.

§ 235. Enforcement authority

(a) If the Secretary has reason to believe that monetary instruments are in the process of transportation and with respect to which a report required under section 231 has not been filed or contains material omissions or misstatements, he may apply to any court of competent jurisdiction for a search warrant. Upon a showing of probable cause, the court may issue a warrant authorizing the search of any or all of the following:

(1) One or more designated persons.

(2) One or more designated or described places or premises.

(3) One or more designated or described letters, parcels, packages, or other physical objects.

(4) One or more designated or described vehicles. Any application for a search warrant pursuant to this section shall be accompanied by allegations of fact supporting the application.

(b) This section is not in derogation of the authority of the Secretary under any other law.

Chapter 4.—FOREIGN TRANSACTIONS

Sec.
241. Records required.
242. Classification and requirements.

§ 241. Records required

(a) The Secretary of the Treasury, having due regard for the need to avoid impeding or controlling the export or import of currency or other monetary instruments and having due regard also for the need to avoid burdening unreasonably persons who legitimately engage in transactions with foreign financial agencies, may by regulation require any resident or citizen of the United States, or person in the United States and doing business therein, who engages in any transaction or maintains any relationship, directly or indirectly, on behalf of himself or another, with a foreign financial agency to maintain records containing such of the following information, in such form and in such detail, as the Secretary may require:

(1) The identities and addresses of the parties to the transaction or relationship.

(2) The legal capacities in which the parties to the transaction or relationship are acting, and the identities of the real parties in interest if one or more of the parties are not acting solely as principals.

(3) A description of the transaction or relationship including the amounts of money, credit, or other property involved.

(b) No person required to maintain records under this section shall be required to produce or otherwise disclose the contents of the records except in compliance with a subpena or summons duly authorized and issued or as may otherwise be required by law.

§ 242. Classification and requirements

The Secretary may prescribe:

(1) Any reasonable classification of persons subject to or exempt from any requirement imposed under section 241.

(2) The foreign country or countries as to which any requirement imposed under section 241 applies or does not apply if, in the judgment of the Secretary, uniform applicability of any such requirement to all foreign countries is unnecessary or undesirable.

(3) The magnitude of transactions subject to any requirement imposed under section 241.

(4) Types of transactions subject to or exempt from any requirement imposed under section 241.

(5) Such other matters as he may deem necessary to the application of this chapter.

TITLE III—MARGIN REQUIREMENTS

§ 301. Amendment of section 7 of the Securities Exchange Act of 1934

(a) Section 7 of the Securities Exchange Act of 1934 (15 U.S.C. 78g) is amended by adding at the end thereof the following new subsection:

"(f) (1) It is unlawful for any United States person, or any foreign person controlled by a United States person or acting on behalf of or in conjunction with such person, to obtain, receive, or enjoy the beneficial use of a loan or other extension of credit from any lender (without regard to whether the lender's office or place of business is in a State or the transaction occurred in whole or in part within a State) for the purpose of (A) purchasing or carrying United States securities, or (B) purchasing or carrying within the United States of any other securities, if, under this section or rules and regulations prescribed thereunder, the loan or other credit transaction is prohibited or would be prohibited if it had been made or the transaction had otherwise occurred in a lender's office or other place of business in a State.

"(2) For the purposes of this subsection—

"(A) The term 'United States person' includes a person which is organized under the laws of any State or, in the case of a natural person, a citizen or resident of the United States; a domestic estate; or a trust in which one or more of the foregoing persons has a cumulative direct or indirect beneficial interest in excess of 50 per centum of the value of the trust.

"(B) The term 'United States security' means a security (other than an exempted security) issued by a person incorporated under the laws of any State, or whose principal place of business is within a State.

"(C) The term 'foreign person controlled by a United States person' includes any noncorporate entity in which United States persons directly or indirectly have more than a 50 per centum beneficial interest, and any corporation in which one or more United States persons, directly or indirectly, own stock possessing more than 50 per centum of the total combined voting power of all classes of stock entitled to vote, or more than 50 per centum of the total value of shares of all classes of stock.

"(3) The Board of Governors of the Federal Reserve System may, in its discretion and with due regard for the purposes of this section, by rule or regulation exempt any class of United States persons or foreign persons controlled by a United States person from the application of this subsection."

(b) The amendment made by subsection (a) of this section does not affect the continuing validity of any rule or regulation under section 7 of the Securities Exchange Act of 1934 in effect prior to the effective date of the amendment.

TITLE IV—SECURITIES TRANSACTIONS INVOLVING FOREIGN FINANCIAL AGENCIES

§ 401. Information required to be furnished to the Securities and Exchange Commission

The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended (1) by redesignating sections 31, 32, 33, and 34 as 32, 33, 34, and 35, respectively, and (2) by inserting the following new section immediately after section 30:

"SECURITIES TRANSACTIONS INVOLVING FOREIGN FINANCIAL AGENCIES

"SEC. 31. (a) Whenever required in any particular case or class of transactions by such rules, regulations, or orders as the Commission may adopt as necessary or appropriate in the public interest, no person engaged in the business of effecting transactions in securities for the accounts of others, or of buying and selling securities for his own account through a broker or otherwise, shall knowingly make use of any means or instrumentality of interstate commerce or of the mails, or of any facility of any national securities exchange, to execute or cause to be executed, or to effect or cause to be effected, directly or indirectly, any transaction in any domestic security with any foreign financial agency (as defined in section 203 of the Currency and Foreign Transactions Reporting Act), unless at or before the time of transaction—

"(1) such foreign financial agency has disclosed to such person the identity of all persons having any beneficial interest in such transaction; or

"(2) such person has accepted in good faith a certification from such foreign financial agency that no citizen or resident of the United States has any beneficial interest in the transaction to be effected.

"(b) No citizen or resident of the United States shall, directly or indirectly, purchase or sell or arrange for the purchase or sale of any domestic security, from or through a foreign financial agency, unless such citizen or resident—

"(1) gives a written authorization to such agency to disclose his identity to any person (A) engaged in the business of effecting transactions in securities for the account of others or for his own account through any means, instrumentality, or facility referred to in subsection (a), and (B) the services of which are utilized in connection with such purchase or sale; and

"(2) files periodic reports with the Commission disclosing the details of any such purchase or sale in accordance with such regulations as the Commission may prescribe.

"(c) As used in this section, the term 'domestic security' means a security the issuer of which is a resident of, or is organized under the laws of, or has its principal place of business in, a place within or subject to the jurisdiction of the United States.

"(d) (1) Rules, regulations, and orders under this section shall be issued by the Commission only after it has made a study and report as herein provided. The study shall seek to determine insofar as is possible the probable effects of the implementation of this section on the economic interests of the United States, with particular reference to the balance of payments. Such study shall be made in collaboration with the Secretary of the Treasury and the Board of Governors of the Federal Reserve System. A report of its findings and recommendations shall be made by the Commission to the Committees on Banking and Currency of the Senate and House of Representatives not later than six months after the date of enactment of this section.

"(2) No rule, regulation, or order shall be issued under this section if the Commission determines, after consultation with the Secretary of the Treasury and the Board of Governors of the Federal Reserve System, that it would unduly and adversely affect the balance of payments of the United States. Any rule, regulation, or order so issued shall be rescinded or amended if at any time the Commission determines, after consultation with said Secretary or Board, that it has had or is having such effect on such payments."

TITLE V—EFFECTIVE DATES

§ 501. Effective dates

(a) Except as otherwise provided in this section, this Act and the amendments made thereby take effect on the first day of the seventh calendar month which begins after the date of enactment.

(b) The Secretary of the Treasury may by regulation provide that any provision of title I or II or any amendment made thereby shall be effective on any date not earlier than the publication of the regulation in the Federal Register and not later than the first day of the thirteenth calendar month which begins after the date of enactment.

(c) The Board of Governors of the Federal Reserve System may by regulation provide that the amendment made by title III shall be effective on any date not earlier than the publication of the regulation in the Federal Register and not later than the first day of the thirteenth calendar month which begins after the date of enactment.

(d) The Securities and Exchange Commission may by regulation provide that the amendment made by title IV shall be effective on any date not earlier than the publication of the regulation in the Federal Register and not later than the first day of the thirteenth calendar month which begins after the date of enactment; except that that part of such amendment which directs the Securities and Exchange Commission to make a study and report shall become effective on the date of enactment.

Mr. BENNETT. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The Chair advises the Senator from Utah that there are some committee amendments which must be acted on first.

Mr. BENNETT. Then I ask the Chair to hold the amendment at the desk.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, the purpose of the bill is to provide law enforcement authorities with greater evidence of financial transactions in order to reduce the incidence of white-collar crime. The bill is particularly directed at obtaining more information on the use of secret foreign bank accounts by U.S. citizens or residents. It is sometimes called the "Swiss bank" bill. The main substantive provisions of the bill are summarized as follows:

First, U.S. banks and other financial institutions are required to maintain records of financial transactions and keep copies of checks pursuant to regulations of the Secretary of the Treasury.

Second, the Secretary is authorized to require reports on currency deposits or withdrawals by the U.S. financial institution involved and the party to the transaction.

Third, persons who export or import currency or its equivalent in amounts greater than $10,000 on one occasion or $20,000 in 1 year are required to file reports in accordance with Treasury regulations.

Fourth, the Secretary is given authority to require U.S. citizens to keep records of their transactions with foreign financial agencies.

Fifth, the restrictions on purchasing securities on margin would be extended to U.S. borrowers whereas the existing law only applies to lenders.

Sixth, the Securities and Exchange Commission is given authority to prohibit U.S. broker-dealers from accepting securities orders from foreign financial agencies unless the foreign agency discloses the party for whom it is acting or certifies that it is not acting for a U.S. citizen or resident.

Seventh, U.S. citizens or residents who have securities accounts in foreign banks would be required to give the foreign bank permission to disclose their identity when effecting transactions with U.S. broker-dealers.

Eighth, U.S. citizens or residents who have securities accounts in foreign banks would be required to file reports on their securities transactions in such accounts in accordance with regulations of the SEC.

The responsibility for writing implementing rules and regulations is assigned to the Secretary of the Treasury and the SEC. Both of these agencies have broad exemptive authority which can be used to prevent an undue burden to legitimate commercial and tourist transactions.

Mr. President, since there is still some controversy on title IV of the legislation, I would like to discuss this section in more detail.

Title IV of the committee bill adds a new section 31 to the Securities Exchange Act of 1934. Section 31(a) of this new section gives the SEC selective authority to prohibit U.S. broker-dealers or other financial institutions from accepting securities orders initiated by foreign financial agencies unless the foreign agency discloses all persons who have a beneficial interest in the transaction or certifies that it is not acting on behalf of a U.S. citizen or resident.

The purpose of this provision is to prevent U.S. citizens from using foreign securities accounts to avoid our securities laws and regulations, escape our income taxes, or otherwise violate our laws. The total volume of securities transactions initiated by foreigners is about 9 percent of the total volume on the New York Stock Exchange. Obviously, securities orders from abroad constitute a significant and rapidly growing segment of our securities markets.

During 1969, purchases and sales of U.S. stocks by foreigners reached $23 billion. Nearly $8 billion of this amount came from one country—Switzerland—whose secrecy laws make it impossible to determine who the real traders are. Just think of that. We would think it might come from, perhaps, England, or Germany or Italy. But little Switzerland, with a modest per capita income, and about 1 percent of free Europe's population makes about 40 percent of its American investment, somehow it comes up with $8 billion to invest in our stock market.

The $23 billion in foreign transactions largely outside the surveillance of the SEC may be compared with a total volume of $27 billion on the New York Stock Exchange in 1935 at a time when the SEC regulations first went into effect. In other words, unregulated foreign transactions have almost exceeded the New York Stock Exchange dollar volume during the early years of the SEC. Obviously we cannot maintain investor confidence in the integrity of our securities market if a substantial and growing percentage of that market is outside the scope of SEC jurisdiction.

The need for the disclosures required by the bill is becoming greater with the growth of foreign trading. For example, should a ring of stock manipulators attempt to rig a market, their identity can be tracked down if they initiate their transactions through a U.S. broker-dealer. However, if the stock swindlers establish an account in a country with strict secrecy laws, such as Switzerland, they are completely free from SEC dis-

covery. Thus, if the SEC finds that a stock is being manipulated it has no way of tracking down the wrongdoers.

Internal Revenue Service agents are likewise frustrated by foreign bank secrecy laws. Even though the IRS suspects a citizen is shielding untaxed capital gains, there is no way of proving it if the transactions were channeled through a secret foreign bank account.

Similarly, corporate officials are able to trade on inside information with impunity. All they have to do is to route their stock transactions through a secret foreign bank account.

The need for title IV is widely acknowledged by law-enforcement officials. In response to a question during the hearings, the Chairman of the SEC testified that the disclosure provisions of title IV would be "very helpful" in enforcing our securities laws.

The U.S. attorney for the southern district of New York, Mr. Whitney North Seymour, Jr., has testified that "speaking from a law-enforcement point of view, I can visualize that such requirements would both be of assistance to us in giving us information leading to violations of margin requirements, insider trading, that sort of thing, and also I would think I could conceive that would serve as a self-policing technique by discouraging the use of these foreign banks as hidden conduits and nominees for transactions which are in plain violation of our laws."

Likewise, the former U.S. attorney for the southern district of New York, Mr. Robert Morgenthau, who has had a great deal of experience because he is located where he is and has a responsibility that relates to the New York area, has testified that the disclosure provision of title IV "would be extremely helpful to law-enforcement agencies in the development of cases."

As originally drafted, the disclosure provisions of title IV would have been imposed on all foreign securities transactions without provision for SEC discretion. The President of the New York Stock Exchange had some misgivings about this across-the-board approach and recommended a more flexible procedure whereby SEC could apply the disclosure requirements on a selective basis. Stock exchange officials explained the rationale for the selective approach as follows:

> The thrust of this, Mr. Chairman, is to give some flexibility but not to eliminate the requirement totally as some have suggested. We see some value in having this authority in the statute, but we see a lot of problems if it is required in every case.

That was the opinion of the president of the New York Stock Exchange.

The committee agrees with the conclusions of the New York Stock Exchange and has adopted language giving SEC discretionary authority to apply the disclosure requirements on a selective basis. Thus, if the SEC suspected a particular stock was being or about to be manipulated from abroad, it could apply the disclosure requirements to subsequent transactions in that stock. Or, if it had reason to believe that a particular U.S. brokerage firm, foreign financial agency, or class of agencies or agencies in a particular country were engaging in questionable transactions, it could selectively apply the disclosure requirements to those transactions.

Despite the solid support for the disclosure provisions of title IV on the part of law enforcement officials and the New York Stock Exchange, some fears have been expressed by certain banks, securities firms, and Treasury officials. Concern has been voiced that the disclosure provisions could adversely affect the flow of foreign investment and weaken the U.S. balance of payments.

The disclosure requirements of title IV do not require a foreign financial agency to reveal the identity of its customers if the customer is a foreigner and is not acting on behalf of an American citizen. Thus, foreign investors would have no occasion to stop trading in U.S. securities. Likewise, it is difficult to envision U.S. citizens objecting to having their identity disclosed to a U.S. broker when trading through a foreign account, assuming the transactions were legitimate. His identity would be available to the U.S. broker, anyway, if he initiated the transaction directly in the United States. For example, rule 405(1) of the New York Stock Exchange requires member firms to "use due diligence to learn the essential facts relative to every customer."

The disclosure provisions of title IV would merely reenforce and extend the stock exchange's "Know Your Customer" rule to American citizens who, for reasons of convenience or otherwise, initiate their securities transactions through a foreign account rather than directly in the United States.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. PROXMIRE. I yield.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that time on the bill be limited to 30 minutes, to be equally divided between the manager of the bill and the ranking minority member, with the understanding that the opening statements by the Senator from Utah (Mr. BENNETT) and the Senator from Wisconsin (Mr. PROXMIRE) are to be excluded from that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. It is possible that the disclosure requirements would deter some illegitimate transactions by U.S. citizens who have been using a secret foreign bank account as a cloak for their illegal operations. In such cases, the flow of "foreign" investment which actually is coming from Americans would be reduced; however, the reduced inflow is likely to be counterbalanced by a reduced outflow of U.S. funds to secret foreign bank accounts. Thus, the impact on the balance of payments would be exactly offset.

Finally, it is remotely conceivable that some American lawbreakers, deterred by the disclosure requirements, would keep their funds in foreign accounts and invest them in other countries. While such an action could have an adverse effect on the balance of payments, the committee seriously questions the morality of sustaining our balance of payments by catering to white-collar criminals. Such a policy can only be self-defeating in the long run by breaking down confidence in the integrity of our capital markets.

No factual evidence or studies were presented to the committee that the disclosure provisions of title IV as amended by the committee would weaken our balance of payments other than the unsupported allegations of those who made the argument. Similar warnings were made in 1933 by the President of the New York Stock Exchange, who predicted that "grass will grow on Wall Street" if the Truth in Securities Act were passed.

Nevertheless, in deference to the fears of Treasury officials, the committee further amended title IV to prevent any regulation from going into effect or remaining in effect if the SEC determined, after consultation with the Treasury and the Federal Reserve Board, that the regulation has or would have an unduly adverse effect upon the balance of payments. Moreover, no regulations could go into effect until the SEC completed a study, in collaboration with the Treasury and the Federal Reserve Board, of the potential effects of the regulation on U.S. economic interests and reported its findings to the Senate and House Banking and Currency Committees within 6 months of enactment.

So we have a double protection. In the first place, we make it necessary for the SEC, before it puts this into effect, to determine whether in their judgment it would have an adverse effect on the balance of payments. They have to consult the Federal Reserve Board in this connection, and they consult the Treasury in this connection. In addition, we provide that the regulations would not go into effect until the House and Senate Banking and Currency Committees were fully informed, so that any fears on the part of members of our committees with respect to the balance of payments could also be communicated to the Securities and Exchange Commission, which I think all of us know is a competent and careful and thoughtful agency, and which is directly influenced, and should be directly influenced by congressional attitudes in this respect. Of course, this law provides the channel through which they would be.

In conducting such a study, the committee expects the SEC to take into account any positive impact of the regulations on U.S. economic interests such as strengthening confidence in the integrity of our securities markets, as well as any potentially negative effect.

Title IV of the bill also adds a new section 31(b) to the Securities Exchange Act of 1934. Section 31(b) contains two substantive provisions.

First, U.S. citizens or residents who have accounts with foreign financial agencies are required to give the foreign agency permission to disclose their identity to a U.S. broker-dealer whenever the foreign agency effects transactions in securities on behalf of the U.S. citizen or

resident. Second, the SEC is authorized to issue regulations prescribing that such U.S. citizens or residents file periodic reports on their securities transactions in their foreign account.

By requiring U.S. citizens to waive the secrecy features of a foreign account when it is used for securities trading in the United States, the U.S. citizen is merely placed on the same footing as if he initiated the transaction directly with a U.S. broker-dealer. The committee does not question the right of U.S. citizens or residents to trade in U.S. securities through a foreign account as long as the facts of the transaction are available to U.S. law enforcement agencies. The waiver required by section 31(b) will also permit foreign financial agencies to make the disclosures provided for under section 31(b) without violating their own secrecy laws.

The reporting provision included under section 31(b) should enable the SEC to prevent violations of our securities laws by obtaining additional information on securities transactions initiated abroad by U.S. citizens.

The provisions of section 31(b) are strongly supported by the New York Stock Exchange. During the hearings, Mr. Robert Haack, president of the exchange, testified that—

> We support fully new section 31(b) which, in our opinion, should discourage some U.S. persons who are considering transacting business in domestic securities abroad.

In the absence of such a provision, more Americans may be expected to establish secret foreign bank accounts for their securities trading in order to escape the surveillance of the SEC.

I might say in conclusion, Mr. President, that all of us are aware of the great concern the American people feel about crime in this country. Recently, I sent a questionnaire to 100,000 people in Wisconsin and I received a great response—the biggest I have ever had. I asked them about their concerns and their No. 1 concern was crime, closely followed by pollution.

Congress has taken some pride in the anticrime legislation it has passed. But if we are going to be able to go to the American people and convince them that we mean business, we should be willing to crack down on the white-collar crime that affects some people we know and deal with and affects those with power and influence, with at least as much vigor as we bear down on the crime that affects the little man.

This is one of the few bills to come before Congress this year to deal with crimes committed by the rich and powerful. It will give law enforcement authorities what they ask for.

The title which the distinguished Senator from Utah (Mr. BENNETT) will try to knock out in the amendment he intends to offer, would knock out one of the most important law enforcement provisions in the bill, a provision which, I say, has been enthusiastically supported by experienced law enforcement authorities who have had to deal with white-collar crime, which we are trying to cope with here.

Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc and that the bill as amended be considered as original text for purposes of further amendment.

The PRESIDING OFFICER (Mr. HUGHES). Without objection, it is so ordered, and the amendments are considered and agreed to en bloc.

Mr. BENNETT. Mr. President, I was very much interested in listening to the statement of my good friend from Wisconsin.

I confess I am a little amazed and a little bit chagrined at his ability to take advantage of the situation. We have time limits for discussion of any amendment but none for the opening statement. I observe that the Senator from Wisconsin has spent some time in his opening statement presenting a case against my amendment and he still has 45 minutes to go.

Mr. PROXMIRE. If the Senator will yield, as I understand it, both my opening statement and that of the Senator from Utah, under the unanimous consent agreement, are exempt from the time limitation. The Senator can talk about his amendment in his opening statement, if he wishes to do so without time constraint.

Mr. BENNETT. The Senator from Utah, in accordance with the spirit of the unanimous-consent agreement, will devote the controlled time to discussion of the amendment.

Mr. President, S. 3678 has worthy purposes which should be supported by all Members of the Senate. Its major purpose is to provide more information on international transactions involving U.S. residents or citizens and thus minimize the use of secret foreign bank accounts for illegal purposes. Another purpose of the bill is to authorize the Secretary of the Treasury to require the maintenance of records by U.S. financial institutions where he determines that such records may have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings.

Legislation of this type is a necessary supplement to the action already taken by the Treasury to curtail the use of foreign bank accounts and international transactions for tax evasion and other crimes. The Treasury program includes administrative action, new regulations, treaty negotiation, legislative proposals, and cooperation with private institutions which are also interested in reducing illegal activities both here in this country and through the use of foreign transactions.

In my view, it is important in our efforts to reduce crime, that we fully consider the effects of our actions on the traditional freedoms this country has provided to its citizens, such as the prohibition against unreasonable searches and seizures and the rights of our citizens to privacy. Moreover, it is highly important that we do not unnecessarily restrict the regular and efficient flow of legitimate domestic and international business or personal transactions, or diminish the willingness of foreigners to hold and use U.S. dollars and securities.

As a final major concern, I believe that in our zeal to correct abuses, we must assure that the costs and inconveniences of our action do not outweigh the benefits to our revenue system and our law enforcement objectives.

In most respects, I believe that the bill reported by the committee has achieved a reasonable balance.

A major change made by the committee left the determination of records that would be required of domestic transactions entirely to the discretion of the Secretary of the Treasury.

More than 20 billion checks are drawn annually on banks in the United States, but only a small percentage of these is likely to be of use in criminal, tax, or regulatory investigations or proceedings.

As part of a concerted, broad effort to solve the problems which exist with respect to foreign secret bank accounts and foreign transactions, the Treasury has developed recommendations as to the kinds of records of foreign transactions which banks and other institutions should be required to maintain. The Treasury has indicated its intent to require financial institutions to retain or maintain in the United States records of the following international transfers of funds—

First, remittances transferring funds from within the United States outside the United States;

Second, remittances transferring funds from outside the United States into the United States;

Third, checks of $1,000 or more drawn on domestic financial institutions negotiated outside the United States, and accompanying cash letters, when first received in the United States;

Fourth, purchases of $1,000 or more made outside the United States which are charged on credit cards of domestic financial institutions;

Fifth, checks drawn on financial institutions outside the United States negotiated in the United States, when transmitted abroad for immediate credit or collection;

Sixth, foreign drafts issued by United States financial institutions;

Seventh, drafts issued by financial institutions outside the United States which are paid in the United States;

Eighth, disbursements under letters of credit issued by domestic financial institutions for the benefit of payees located outside the United States;

Ninth, disbursements under letters of credit issued by financial institutions outside the United States for the benefit of payees located in the United States;

Tenth, documentary collections by financial institutions pursuant to which funds are transferred from outside the United States into the United States; and

Eleventh, documentary collections by financial institutions pursuant to which funds are transferred out of the United States from inside the United States.

On the other hand, Treasury officials testified that neither the Treasury nor any other person or group has as yet made a study adequate to determine which records of domestic transactions are likely to have a high degree of use-

fulness in criminal, tax, or regulatory investigations or proceedings. In the absence of such a determination, it is not possible to justify the reproduction and retention of domestic records involving hundreds of billions of checks and other transactions.

The committee action, making it clear that no records or copies of domestic transactions would be required of any financial institution unless the Secretary of the Treasury determines that such copies or records will have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings and then by regulation, requires such records to be maintained, was very wise, in my opinion.

Mr. President, the bill reported by the committee is much improved as a result of amendments accepted by the committee. There are, however, certain provisions still remaining which are either impractical, duplicative, provide little if any reliable information, or create foreign relations problems and balance-of-payments problems for the United States. I believe that the Senate should further amend the bill to attempt to resolve or minimize these problems.

Mr. President, at this point I ask that the amendment which I have sent to the desk be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk proceeded to state the amendment.

Mr. BENNETT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD.

The amendment reads as follows:

On page 30, beginning with line 5, strike all through line 4 on page 33.

On page 33, line 5, delete "TITLE V" and insert "TITLE IV".

On page 33, line 6, delete "501" and insert "401".

The PRESIDING OFFICER. How much time does the Senator yield himself?

Mr. BENNETT. Mr. President, I yield myself 20 minutes.

The PRESIDING OFFICER. The Senator from Utah is recognized for 20 minutes.

Mr. BENNETT. Mr. President, this is the amendment to which the Senator from Wisconsin referred at great length in his opening statement.

Title IV of the bill before us contains a major provision regarding securities transactions which should be deleted because it would not provide reliable information; it would be simple to evade; it would be difficult if not impossible to administer; it would unnecessarily invade individual rights to privacy; it would establish certain extraterritorial requirements on foreign agencies in order for them to transact business involving U.S. securities; it would seriously undermine efforts of the U.S. Government to contain efforts of foreign governments to restrict purchases of U.S. securities by their citizens; and it would strengthen the hand of those abroad who are working for administrative or legislative harassment of U.S.-owned financial institutions within the borders of their foreign countries.

Title IV would require certifications by foreign institutions before transacting business in U.S. securities in which no U.S. citizen or resident is involved. Further, the title authorizes the Securities and Exchange Commission to require periodic filing of reports with the Commission disclosing the details of any purchases or sales of securities from or through a foreign financial agency. Chapter 4 of title II requires U.S. citizens or residents to keep records on their transactions with foreign financial institutions, but these records are not available to law enforcement agencies except "pursuant to legal process in order to guard against any undue abridgment of the individual's right to privacy." Title IV has no such protection of an individual's right to privacy.

In an attempt to muster support for title IV, frustrations of Internal Revenue Service agents have been used. I would like to point out that the Internal Revenue Service is a subdivision of the U.S. Treasury, and the Treasury strongly recommends the deletion of title IV.

So, obviously the superior authority does not feel that the frustrations of one of its departments offset the damage that this title could do.

As a member of the Finance Committee which has jurisdiction in the Senate over our tax laws, I have had the opportunity to work closely with the Treasury and I can assure Members of this body that one of the Department's major concerns is to maintain the integrity of our tax laws. It is a mistake to assume that the Treasury is less interested in maintaining the integrity of our tax laws than are those who may favor title IV.

The committee report quotes Chairman Budge, of the Securities and Exchange Commission, as saying that title IV would be "very helpful" in enforcing our securities laws. Chairman Budge did suggest that the provisions of title IV could be helpful, but more important than the quote taken out of context is the fact that the SEC Chairman repeatedly stated he would have to defer to Congress and the other branches of Government in weighing the benefits to enforcement against the burdens imposed. Because this became an issue before the committee, I requested Chairman Budge to clarify his position on title IV. In his response Chairman Budge stated:

It is difficult to estimate how useful it might be because we could never know as to the accuracy of the information supplied.

He added:

On the broad overall national policies, as stated in my testimony, we would defer to the opinion of the Department of the Treasury, which has represented that the provisions of Title IV would be detrimental to the balance of payments and create difficulties in international relations.

Mr. President, I ask unanimous consent that the letter from Chairman Budge be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SECURITIES AND EXCHANGE COMMISSION,
Washington, D.C., August 3, 1970.

Hon. WALLACE F. BENNETT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: Pursuant to your telephonic request, this will confirm the Commission's position on title IV of S. 3678. As stated in my testimony, to the extent that the bill would discourage U.S. persons from utilizing foreign instrumentalities to evade our laws, it might be useful to such agencies as the Commission in its enforcement and regulatory functions. It is difficult to estimate how useful it might be because we could never know as to the accuracy of the information supplied.

On the broad overall national policies, as stated in my testimony, we would defer to the opinion of the Department of the Treasury, which has represented that the provisions of title IV would be detrimental to the balance of payments and create difficulties in international relations.

We are concerned with a relatively recent development in that foreign investors were previously very substantial net purchasers of American securities, whereas recently the trend has been in the opposite direction.

Sincerely yours,
HAMER H. BUDGE, *Chairman.*

Mr. BENNETT. Mr. President, there is no doubt that title IV would be detrimental to both the balance of payments and the securities markets. The large and growing volume of foreign transactions in the U.S. market not only makes a major contribution to the balance of payments, but substantially increases the liquidity of U.S. securities markets and adds to the needed supply of new funds in the economy.

In 1968 and 1969 foreign purchases and sales of U.S. stocks and bonds, most of which were listed on some U.S. exchange, accounted for the equivalent of about 15 percent of all trading in all listed securities on all exchanges in the United States and the third market. This investment is not only important from the current account point of view in terms of substantial services income from commissions, but, as it is long-term investment on the whole, it therefore makes a very significant contribution to balancing U.S. international accounts. At the end of 1968 foreigners owned in excess of $19 billion of U.S. common stocks and about $10 billion of bonds. In 1968 there were net purchases of $4.2 billion of corporate stocks and bonds and in 1969, $2.7 billion of such investments by foreigners. In the first 7 months of this year, foreigners invested a total of $423 million in corporate stocks and bonds, being net investors in each of the 7 months in corporate bonds, and net investors in stocks in 3 of the 7 months.

In this regard I cannot overstate my personal concern over the possible consequences of enactment of title IV. We must recognize gross transactions of foreign purchases of U.S. corporate bonds during calendar year 1969 of more than $3 billion in purchases and $1.8 billion in sales.

Foreign purchases of U.S. common stock exceeded $12.4 billion in 1969 with sales totaling more than $10.9 billion. This results in a gross figure of more than $28 billion in transactions in stocks and bonds by foreigners during a single

year—about one-seventh of total trading in all listed securities in the United States. The commission consequence of such a transaction volume must approximate $200 million annual gross income for the U.S. securities industry.

This consideration must be faced in the light of the rapidly developing securities exchanges in London, Paris, Tokyo, Amsterdam, and Zurich where they are beginning at an ever-increasing rate to deal in U.S. securities.

The disclosure or certification requirements in title IV could well result in a major shift of those transactions and commissions to the foreign exchanges. Neither our securities industry nor our Nation can afford to provide the added incentives for such a shift of this transaction business overseas, especially when we gain nothing in terms of effective enforcement benefits against the sophisticated individuals we are attempting to thwart.

The committee report quotes from the former U.S. attorney for the southern district of New York, Mr. Robert Morgenthau, that the provisions of title IV "would be extremely helpful to law enforcement agencies in the development of cases." The quote in the report is completely accurate, but in order that Mr. Morgenthau's statement before the committee be understood, it is necessary to add a sentence following the phrase quoted in the report in which Mr. Morgenthau continued:

> That must be weighed against whatever impact it may have on international trade, but as far as its usefulness is concerned, it would be a very useful provision.

Mr. Morgenthau claimed no expertise in the area which would allow him to weigh the benefits against the impact on international trade or on our relationship with other countries. Indeed, when questioned, he seemed willing to provide exemptions for corporate sellers of securities and stated in reference to the certification required by title IV:

> I think an offshore mutual fund would have difficulty in making that certification.

An attempt is made to minimize the substantial opposition to title IV by saying that:

> No factual evidence or studies were presented to the Committee that the disclosure provisions of title IV, as amended by the Committee, would weaken our balance of payments other than the unsupported allegations of those who made the argument.

Indeed, it would be difficult for those who opposed the title to have made studies as is claimed should have been made since title IV was the last issue to be considered by the committee in its final executive session on the bill. Contrary to the indication given that allegations opposing title IV were unsupported, I would like to refer to some of the substantial opposition. In the Federal Reserve Board's comments on title IV, Vice Chairman J. L. Robertson stated:

> This could result in an adverse effect on our balance of payments positions. In addition, the Board's experience under its margin regulations suggests that this feature of the bill might not be workable or effective.

Mr. Carl W. Desch, senior vice president of the First National City Bank of New York, representing the New York Clearing House, stated that:

> Based on past experience, we believe it is highly unlikely that foreign banks will be willing, or in some cases legally permitted to make the certification required by Title IV. If this title is enacted, it is almost certain that a substantial part of the funds now invested by foreign financial agencies would be withdrawn from U.S. securities markets and some shares now held abroad would be traded only on foreign exchanges, thus reducing the liquidity of the American market.

Mr. Robert W. Haack, president of the New York Stock Exchange, who has been quoted as giving "solid support" for provisions of title IV, stated:

> The adoption of this proposal will, in our opinion, inevitably lead to a decline in foreign transactions in U.S. domestic securities and encourage the development of markets abroad in U.S. domestic securities.

Mr. Haack did suggest some amendments which could lessen the ill effect of title IV, but I have been unable to find a statement to the effect that if such amendments were approved, the title would receive his "solid support"; nor is such a conclusion reached from our recent discussions with Mr. Donald Calvin, a vice president of the New York Stock Exchange. On the other hand, both Mr. Haack and Mr. Calvin discussed at length the development of European markets which trade in U.S. securities. Title IV would, according to their testimony, "serve as an incentive to accelerate this development in established markets in Europe in U.S. securities." Mr. Calvin continued:

> The fragmentation of the markets overall is not good and it is certainly not good in terms of our financial markets and our balance of payments in the United States. So if there is no strong enforcement reason why this type of requirement should be imposed, I think you are well advised from a business standpoint not to impose it.

Indeed, enforcement of the title would be impossible because it embodies requirements on foreign institutions over which our enforcement authorities have no jurisdiction. It has been suggested that the requirements in title IV, that the ultimate beneficiary be disclosed, is just an extension of the present "know your customer" rule to foreign accounts. New York Stock Exchange witnesses explained that the "know your customer" rule presently applies to foreign accounts as well as domestic accounts but that the Exchange is satisfied to know that the people handling the transactions are authorized to do so. He added:

> In other words, they don't attempt to delve into who is the beneficiary, ultimate beneficiary—the person having the beneficial interest.

I believe that title IV, requiring the determination of the ultimate beneficiaries of transactions, would place an impossible burden on foreign financial agencies.

Mr. Henry L. Froy, chairman of the Foreign Committee of the National Association of Securities Dealers, Inc., sent a telegram from Europe because he was unable to present his statement to the committee. That telegram in part said:

> Large institutions in Great Britain, France, Switzerland, Germany, and Italy whom I visited during the last 3 weeks decided to reduce their business in U.S. securities to an absolute minimum should S. 3678 be enacted in its present form and are already advising their clients accordingly.
>
> They do not wish to give any wrong information, but might be caught when receiving an order from a third party who may in turn, unknown to them, act for U.S. or partly U.S. interests.
>
> They adhere strictly to their domestic laws, but do not want to come under U.S. jurisdiction. It was uniformly stated to me that this proposed bill if enacted will be a permanent deterrent to foreign banks, institutions and broker-dealers for buying U.S. securities or suggesting such purchases to their clients.
>
> Countermeasures are already being discussed. These may affect or completely arrest the placing of U.S.-dollar bonds abroad or it may lead to conversion of the Eurodollar holdings at an early date. One or both of these actions would be disastrous for our balance of payments.

The NASD witness concluded:

> We seriously urge that your committee go no further than imposing the suggested recordkeeping requirements for banks, requiring reports on funds leaving or coming into this country and requiring reports by individuals affecting securities transactions with foreign financial institutions.

All of these recommended reporting requirements are authorized under other sections of the bill and would not be affected if title IV were deleted.

Most important, perhaps, of all of the objections to title IV are those received from the U.S. Treasury and the State Department which are the primary departments of the Federal Government responsible for our relationship with other countries and our balance of payments. On August 3, the Department of State sent a strong letter opposing title IV to Chairman SPARKMAN of our committee. The letter states in part:

> The requirements of Title IV would in our view seriously undermine the ability of the U.S. Government to contain efforts and measures by foreign governments to restrict the rapid growth of purchases of foreign (mainly U.S.) securities by their citizens and residents. The Department of State is presently working to stem restrictive legislation in Europe which, by often exceeding the legitimate requirements of investor protection, is prejudicial to U.S. mutual fund activities. We are also concerned with legislation under consideration in Germany and Canada which would increase the attractions of investing in domestic equities at the expense of foreign securities. We believe enactment of provisions of Title IV would strengthen greatly the hand of those abroad who are working to restrict portfolio investments in U.S. securities or who would welcome a pretext for undertaking administrative or legislative harassment of U.S.-owned financial institutions within their borders.
>
> In sum, Mr. Chairman, the Department's position on title IV of S. 3678 is that the economic and political costs to our foreign relations appear to outweigh substantially what appear to be its questionable informational and enforcement benefits.

The Treasury position is summed up in a letter which I received from Secretary of the Treasury David M. Ken-

nedy, dated August 13, in which he stated:

We strongly urge the deletion of title IV of S. 3678. The amendments approved by the Senate committee do not eliminate the aspects of this title detrimental to the U.S. balance of payments and the free international flow of securities and capital. Nor do they improve upon the reliability of information to be provided under this title. Title IV continues to pose the problem of threatening unwarranted invasions into the privacy that should attend day-to-day financial transactions. As a result, title IV, if enacted, would provide little of value, but would threaten vital interests of the United States.

Mr. President, I ask unanimous consent that the letter from the State Department and the one from Secretary Kennedy be included in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. BENNETT. Mr. President, these letters discuss major problems which would result from enactment of title IV and recommend strongly against enactment of the title. I do not consider statements from the Secretary of the Treasury, the State Department, the Federal Reserve Board, the New York Stock Exchange, the National Association of Securities Dealers, and the New York Clearing House to be unsupported allegations. I am convinced that the strong opposition to title IV is based on the best information available and careful consideration of the possible law enforcement value of the title and the economic and political costs which would result from its enactment.

I hope that the Senate will approve my amendment deleting the title from the bill.

EXHIBIT 1

DEPARTMENT OF STATE,
Washington, D.C., August 3, 1970.

Hon. JOHN SPARKMAN,
Chairman, Committee on Banking and Currency, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The Department of State has been following the progress of H.R. 15073 with considerable interest because of the foreign policy implications, and has provided its views to the Chairman of the House Committee on Banking and Currency in letters, copies of which are attached for your information.

S. 3678, which generally is similar to H.R. 15073, contains added provisions in title IV which are of particular concern to the Department from a foreign relations viewpoint. Since we understand that hearings have now been completed on both of these proposed bills, I am taking the liberty of addressing this letter to you in order to bring to your attention and to other members of your committee our position on title IV.

As we expressed in our letter of February 3, 1970, to Chairman Patman, the Department of State supports the objectives of the proposed legislation of curtailing the criminal use by U.S. citizens and residents of secret foreign bank accounts, and other illegal practices involving international banking and financial facilities.

Our concerns with the provisions of title IV are that they will have limited informational or enforcement value which is not already provided in other sections of the legislation, while at the same time they involve high risks not only in terms of our foreign economic and political relationships but also in terms of important balance of payments benefits for the United States.

The Department of State claims no expertise in the information and enforcement fields. However, Treasury Department judgments in this area appear plausible to us. Assistant Secretary of the Treasury Eugene Rossides in his testimony before the Subcommittee on Financial Institutions on June 9 recommended deletion of title IV.

He argued that requirements elsewhere in the legislation for certain transactions data, when combined with those requirements Treasury recommends for taxpayer reporting of foreign bank accounts and rebuttable presumptions that certain international transactions involve untaxed income, would give access to sufficient information to make the provisions of title IV redundant.

It is our concern that the establishment of title IV certification would not deter anyone wishing to conceal purchases of U.S. securities. That person could either conduct such transactions by deception or with collaboration of willing foreign agencies. A major secondary market for U.S. securities exists abroad which can be augmented in complete legality by securities arbitragers transferring securities from the United States to exploit any premium on securities which might develop in that secondary market. Persons who wish to conceal could easily purchase U.S. securities in this secondary market. Without institution of virtually complete exchange controls on capital transactions, severely limiting convertibility of the dollar and jeopardizing its international value, there would not appear to be any practical way of closing this type of loophole. Nor, as the Treasury suggests, would it be necessary to do so because of other provisions providing it adequate information and enforcement capabilities.

The requirements of title IV attempt to deal with problems well beyond those involving bank secrecy and reach to foreign financial institutions wherever located. As such, the adverse effects which we envisage from their enactment would be much broader and more serious than in the case of the legislative provisions applying only to countries with banking secrecy laws.

The requirements of title IV involve certifications that appear administratively cumbersome and costly. Foreign banks and financial institutions frequently act as agents for mutual funds or for other agents, and could not without great difficulty identify the ultimate holder of beneficial interest. In the case of transactions for mutual funds, the agent would have to identify all shareholders or determine in some manner that no U.S. citizen or resident had any beneficial interest. In the case of bearer share funds, this could in turn prove virtually impossible. In effect this requirement would appear to present a major impediment to transactions in U.S. securities by most foreign financial institutions. At a time when interest in U.S. securities has already been adversely affected by the depressed conditions of the U.S. stock markets, when the Penn Central bankruptcy has left European institutions holding major amounts of unpaid obligations on its commercial paper, and the problems of the IOS have increased foreign investor concern, the impact of such an administrative impediment cannot be taken lightly. We fear that reputable foreign financial institutions would consider this legislation so onerous as to preclude much of their securities business with the United States, and would divert a substantial volume of business.

The requirements of title IV would in our view seriously undermine the ability of the U.S. Government to contain efforts and measures by foreign governments to restrict the rapid growth of purchases of foreign (mainly U.S.) securities by their citizens and residents. The Department of State is presently working to stem restrictive legislation in Europe which, by often exceeding the legitimate requirements of investor protection, is prejudicial to U.S. mutual fund activities. We are also concerned with legislation under consideration in Germany and Canada which would increase the attractions of investing in domestic equities at the expense of foreign securities. We believe enactment of provisions of title IV would strengthen greatly the hand of those abroad who are working to restrict portfolio investments in U.S. securities or who would welcome a pretext for undertaking administrative or legislative harassment of U.S. owned financial institutions within their borders.

We recognize that the proposed legislation provides for discretion by the Treasury Department to require only such information as it considers essential. The damage, however, is done, in our view, when legislation provides such broad authority for requirements such as those in title IV. If, as Treasury argues, the requirement is not needed, it is better to be avoided. It otherwise remains a threat which is in itself an impediment to transactions.

We also are concerned that title IV could give rise to conflict with foreign laws.

In sum, Mr. Chairman, the Department's position on title IV of S–3678 is that the economic and political costs to our foreign relations appear to outweigh substantially what appear to be its questionable informational and enforcement benefits.

Sincerely yours,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

EXHIBIT 2

THE SECRETARY OF THE TREASURY,
Washington, D.C., August 13, 1970.

Hon. WALLACE F. BENNETT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BENNETT: The amendments made by the Senate Banking and Currency Committee to S. 3678 have improved this legislation in several substantial respects to approach more closely the views of the Treasury Department. We believe that the bill, as amended, will provide more effective legislation without imposing undue burdens on the American public and international commerce. However, title IV of the legislation remains intact. This provision, if implemented, would significantly damage vital concerns of both the committee and of the Treasury Department.

TITLE IV

We strongly urge the deletion of title IV of S. 3678. The amendments approved by the Senate committee do not eliminate the aspects of this title detrimental to the U.S. balance of payments and the free international flow of securities and capital. Nor do they improve upon the reliability of information to be provided under this title. Title IV continues to pose the problem of threatening unwarranted invasions into the privacy that should attend day-to-day financial transactions. As a result, title IV, if enacted, would provide little of value, but would threaten vital interests of the United States.

TITLE IS SECTION 21(a)(2) AND SECTION 121(b)

The amendment of the purpose provisions of title I (sec. 21(a)(2) and sec. 121(b) to provide that records be maintained in the United States by financial institutions where the Secretary of the Treasury determines that such records may have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings makes clear the discretion of the Secretary with respect to financial recordkeeping requirements. The amendment vitiates the strength of the House Banking and Currency Committee report position that taking into account the findings and purpose provisions and section 21(d) of title I of H.R. 15073 (which were the

same as those of S. 3678 before the Senate committee amendment), the Secretary would have little choice but to require the microfilming of all checks drawn in the United States.

In introducing S. 3678 on April 6, 1970, Senator Proxmire explained the authority of the Secretary in title I with respect to recordkeeping requirements as follows: "Nonetheless, the expense involved might outweigh the potential benefit and for this reason, the Secretary of the Treasury is given full authority to exempt certain classes of checks from the photocopy requirement." In accordance with this view of Senator Proxmire and the subsequent clarifying amendment of the purpose provisions of title I, the legislative history of title I should be made clear in the Senate committee report on S. 3678 that the Secretary's authority with respect to title I is of a discretionary rather than of a mandatory nature as reflected in the House committee report.

TITLE II, CHAPTER 4

In striking all reference to reporting requirements in title II, chapter 4 (sections 241 and 242), the Senate Banking and Currency Committee effectively has eliminated unnecessary and unwarranted invasions of the right of privacy inherent in requiring reports of broad types of transactions with foreign financial agencies for law enforcement agencies to survey. While the recordkeeping requirements still found in title II, chapter 4, duplicate the recordkeeping by financial institutions provided for in section 101 of title I and would accomplish that which the Treasury can implement under existing statutory authority, the Treasury would not oppose the enactment of title II, chapter 4, in its present form.

TITLE II, CHAPTER 3

As amended by the Senate Banking and Currency Committee, title II, chapter 3 (secs. 231–235), requires any person participating in the transportation of currency or monetary instruments in an amount exceeding $10,000 on any one occasion or $20,000 in any calendar year to report such activity if it involves a place outside the United States. This chapter has also been amended to require a search warrant for enforcement by the Bureau of Customs, provided that this requirement shall not limit any existing Bureau of Customs legal authority. The Treasury Department supports the enactment of the reporting requirement under this chapter applicable to transporting amounts in excess of $10,000 on any one occasion, but, consistent with our earlier position expressed in the testimony of Assistant Secretary Rossides on June 9 before the Subcommittee on Financial Institutions, recommends the deletion of the $20,000 cumulative reporting requirement. This provision would be extremely difficult, if not impossible, to implement from an administrative standpoint. For example, if an individual failing to file a correct report were found to be transporting less than $10,000 worth of monetary instruments in his possession, it would be extremely difficult to ascertain whether he had transported an additional amount during the calendar year to reach a cumulative figure in excess of $20,000. Moreover, it would be extremely difficult for an institution to know whether it had to report a transfer it undertook on behalf of an individual of less than $20,000 because it would not be certain whether this particular transaction would be one which raised the amount of currency or monetary instruments transported for that individual over $20,000.

In closing, I would like to commend you on the fine work you have done in seeking the much-needed improvement of S. 3678.

Sincerely,

DAVID M. KENNEDY.

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. Mr. President, I yield myself 10 minutes.

Much of the opposition to title IV in the bill which the Senator has told us about and in the testimony quoted was before title IV was modified. Title IV was modified to accommodate those criticisms. Title IV, in the first place, is selective. I read the following words from among the first three and a half lines of title IV, page 30, lines 16 through 19 in the bill.

Whenever required in any particular case or class of transactions by such rules, regulations, or orders as the Commission may adopt as necessary or appropriate in the public interest, no person engaged in the business—

And so forth.

In other words, this is to give the Securities and Exchange Commission discretion to apply this provision to a particular stock, to a particular corporation, to a particular broker-dealer, to a particular individual, whenever the Commission has reason to believe that the security laws of our country are being violated. It would not provide that all foreign transactions be covered at all.

Of course, this was the main thrust of the argument by the Senator from Utah and by the witnesses that he quoted.

I might also point out that perhaps the strongest argument made—and it is a very important argument that we should listen to and consider carefully, because we are all interested in our balance of payments—is that this would have an adverse effect on our balance of payments. For that reason we specifically wrote into this title the following language:

No rule, regulation, or order shall be issued under this section if the Commission determines, after consultation with the Secretary of the Treasury and the Board of Governors of the Federal Reserve System, that it would unduly and adversely affect the balance of payments of the United States. Any rule, regulation, or order so issued shall be rescinded or amended if at any time the Commission determines, after consultation with said Secretary or Board, that it has had or is having such effect on such payments.

Of course, if we assume that members of the Securities and Exchange Commission are vindictive men, who have no regard for the interests of this country, that their consultation with the Treasury Department and Federal Reserve Board would not sway them, I suppose we should say that we should not give them this kind of selective authority and this kind of discretion; but the language of the bill is so clear and the record is so emphatic that if this is going to unduly and adversely affect the balance of payments, they shall not invoke it even on a selective basis.

As I have pointed out, if we are receiving from Switzerland, as we are, about $8 or $9 billion worth of orders for U.S. stocks in a year—that was about what we received last year—I would presume that the Securities and Exchange Commission would require only identification of the beneficiary of the stock in the event it had some reason to feel that there was some manipulation or some other violation going on.

It would seem to me that, under those circumstances, the effect on the balance of payments would be minimal, especially in view of the requirement for consultation.

In addition, we have made sure that the Banking and Currency Committees of the House and of the Senate would be fully informed 6 months before any of these regulations would go into effect. Of course, representations on the part of the Banking and Currency Committee would be heard and would influence, I presume, to a considerable extent, the position taken by the Securities and Exchange Commission.

Once again, I emphasize, as I have before, and as I do now, and as I am going to do again, that it is very easy for Members of the Senate, with our background and our associations, to take a firm position on law and order affecting crimes committed by the poor and ignorant, the drop-outs who become muggers and purse snatchers, and thieves and assaulters. And of course we should crack down on them and hard.

We do that. We passed anticrime bills this year, and will continue to do so. We certainly should. But when it comes to white collar crime, when it comes to millions of dollars and perhaps billions of dollars being used by people through secret bank accounts, we know this abuse occurs. We have testimony from the top law enforcement officials in this country, those who are most directly affected, whose experts tell us that these crimes are occurring. Why are we afraid to crack down here? We should be just as diligent with cracking down on that type of crime as we are on crimes that are not so-called white collar crimes.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. BENNETT. Is the Senator from Wisconsin implying that the Senator from Utah, by seeking to strike this amendment, is openly condoning white collar crime?

Mr. PROXMIRE. In the first place, let me say I have great respect and regard for the Senator from Utah. He is a man of absolute integrity. I have worked with him on a very fine basis almost ever since I came to this body, on the Banking and Currency Committee and elsewhere. I know of no one who is more concerned with ethical conduct than he is. Of course not; I would in no way say he condones it. I am saying, however, that the effect of his amendment, which would knock out title IV, which law enforcement agencies say would be useful, would have the effect of permitting some white collar criminals to get away with crimes presently being committed. I do not see how one could construe it in any other way if he believes the testimony we have heard.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. PERCY. I have a statement, which will take about 5 minutes to give on the time of the Senator from Utah. Would this be an appropriate time to give it?

Mr. PROXMIRE. I have not completed my reply to the Senator from Utah, but I am happy to yield and will reply to the Senator from Utah later.

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Illinois?

Mr. BENNETT. Mr. President, how much time does the Senator from Illinois want?

Mr. PERCY. Five minutes.

Mr. BENNETT. I yield 5 minutes to the Senator from Illinois.

Mr. PERCY. Mr. President, I would certainly not consider the Senator from Utah soft on white-collar crime, from my contacts and discussions with him, and I am certain the Senator from Wisconsin would not feel that way, either. I have been, as the Senator from Wisconsin and the Senator from Utah have been, outraged at some of the abuses we have had. We are very anxious to plug up any possible loopholes in the area of taxation which makes crime very profitable in this country, and in being just as tough as we can be. I think, for that reason, S. 3678 is a worthy and very important bill.

Because of its provisions, we will be able to obtain much-needed information about U.S. citizens' and residents' use of secret foreign bank accounts for illegal purposes, and this will be of definite benefit in the battle against organized and white-collar crime.

No one can argue with these goals and the provisions of the bill that support them. It is essential that we take all necessary steps to prevent criminals from cleansing their money, or evading taxes. The legislation contained in S. 3678 is directed toward this end.

However, there are three very important considerations that must be taken into account when evaluating this legislation. We must be certain that any action we take enhances the enforcement effort, does not unnecessarily harass private citizens, and that it is not in any way injurious to the interests of the United States.

One provision of this bill does not fulfill these requirements. I am speaking of title IV of the bill, which deals with identification of principals in foreign investment in securities in the United States.

The committee added a major new title to H.R. 15073, which appears as title IV—Securities Transactions Involving Foreign Financial Agencies. Title IV provides that no person may effect any transaction in a domestic security within the United States if such transaction was initiated by a foreign financial agency, unless such person either: First, obtains from the foreign financial agency the identity of all persons having any beneficial interest in the transaction, or second, has in good faith accepted a certification frcm the foreign financial agency that no citizen or resident of the United States has any beneficial interest in the transaction. Further, any U.S. citizen or resident purchasing or selling through or to a foreign financial agency must both authorize that foreign financial agency to disclose his identity to persons required to ask for it, and file periodic reports with the SEC disclosing details of purchases and sales as may be required by the SEC.

The title would place a heavy burden on foreign dealers in American securities, forcing them to try to identify who is really supplying the money for a transaction, even if it turns out that the person is not a citizen or resident of the United States. This is an excessive administrative burden. Furthermore, it has little enforcement value, for the information gleaned by enactment of the provisions of this title will be available through other provisions of the bill.

The Treasury, which supports this legislation and has the main responsibility for carrying out its provisions, does not favor passage of this title. The Treasury men are experts in the enforcement area, and it is their opinion that Americans who wanted to avoid disclosure could do so by operating through trustees, corporations, or nominee accounts or through another financial institution. Under circumstances such as these the foreign dealer could not identify the principal with a great deal of confidence. So the title does not necessarily enhance the enforcement effort, while at the same time it will make the foreign securities dealer more cautious about investing in U.S. securities.

In this respect, it really reminds me of another instance we had in the Senate—where we are prone to think, sometimes, that a law or regulation can always solve a problem, and we salve our consciences by passing a law and saying, "Now we have dusted that one off and have solved it."

We did that, for example, when we passed an act requiring registration of shotgun ammunition. This, on the surface, looked like an unemotional and rational response to atrocities in this country. But it was well that we went back a year later to see how the law had worked.

What happened to all these millions of pieces of paper that had been filed, with people standing in line to fill them out? Where did they go? What happened to them?

We took a look. They were all down here in Washington, over at the Treasury Department, and not a person had ever looked at a single one of them.

So we offered legislation to repeal something which offered no support of any kind to the objective we were trying to serve, to stop murder by the wanton use of shotguns. In fact, if you did look at the pieces of paper you could not have traced the shells, anyway.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. PERCY. This is a diversion, but it illustrates a matter of principle. We do not want to just build up paperwork, thinking we have solved the problem.

Mr. BENNETT. May I say that those pieces of paper never actually left the hands of the dealers who were forced to have them filled out in their stores.

Mr. PERCY. I thought they were sent down here. Is the Senator sure they were not sent down here?

Mr. BENNETT. No; they are still stuck in the hands of the dealers.

Mr. PERCY. Without even a copy sent to Washington?

Mr. BENNETT. That is correct.

Mr. PERCY. This is the only thing I ever heard of we did not send copies to Washington on.

Mr. PROXMIRE. Mr. President, may I say that I cosponsored the Bennett amendment on firearms, and I think it was wise.

Had the Senator from Illinois finished?

Mr. PERCY. No; I had not.

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. I am glad to yield to the Senator; I have plenty of time.

The PRESIDING OFFICER. How much time does the Senator yield?

Mr. PERCY. I need 2 additional minutes.

Mr. PROXMIRE. Mr. President, I yield the Senator from Illinois 2 minutes.

Mr. PERCY. I thank my distinguished colleague.

I further oppose this entire title, because it could have a detrimental effect upon foreign investment in the United States.

This is a program we have all dealt with the Treasury on. Many of us have spoken before investment groups; we have worked hard to rectify our balance-of-payments problem by encouraging investors to come to this country. The State Department and others have encouraged them to come, look, see, and invest. Now, by this provision, we would take action which I think is quite detrimental to that effort.

The detrimental aspects stem from its potential adverse effect upon foreign investment in the United States which accounted for 15 percent of investment in all listed securities on all exchanges in the United States and the third markets in 1968 and 1969. Foreign investment in U.S. stocks and bonds totaled $4.2 billion in 1968 and $2.7 billion in 1969. This volume of international business contributes significantly to balancing international accounts. And I might say further that if we take that market away, every single stockholder in America and every single insurance policyholder will pay, through the detrimental effect of this seemingly innocuous sort of provision.

During 1968 foreign investment in U.S. common stocks totaled $19 billion and in U.S. bonds $10 billion. Congress has in the past recognized the advantages of foreign investment, particularly in the Foreign Investors Tax Act which made more attractive foreign investment in the United States.

The title would be injurious to the interests of the United States, since it will, in effect, deter foreign investment in U.S. securities. This foreign investment represents 15 percent of the securities business in the United States. The great majority of this business is legal. To add stringent administrative burdens to these legitimate transactions with no concomitant enforcement value will put an unnecessary damper on trading in U.S. securities by foreign dealers. This will have a negative effect on our balance of payments which we simply cannot afford.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PERCY. May I have 30 additional seconds?

Mr. PROXMIRE. I yield to the Senator an additional minute.

Mr. PERCY. The Secretaries of State and Treasury have warned that title IV would have a harmful effect. I believe that we should accept their counsel.

Let us pass this legislation. Let us take these steps against the blight of organized crime and white-collar crime. But let us not, in our urgency to legislate, harm our interests.

The senior Senator from Utah has eloquently stated what the action of this body must be with regard to S. 3678. He urged that title IV be deleted from this bill. I support him and join in his hope that the Senate will approve the amendment deleting title IV.

We support the Secretary of the Treasury, and we support the Secretary of State.

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. Mr. President, before I go, I would like to say to the Senator from Illinois that——

The PRESIDING OFFICER. How much time does the Senator yield himself?

Mr. PROXMIRE. I yield myself 5 minutes.

What the Senator seems to overlook is the fact that this is a selective operation on the part of the Securities and Exchange Commission. They would not say that all foreign banks had to identify the beneficiaries; they would select a particular stock, select a particular corporation where they thought that there was a violation of the law one way or the other, a violation of the law with respect to the markets or a violation of the law in some other respect. So we would not have this massive effect of $8 billion in Switzerland being knocked out, necessarily, or $23 billion of investment on the New York Stock Exchange being endangered in any way, because only that part which they had some reason to suspect represented a violation of the law would be under this requirement.

So I do not understand how the Senator could argue that this provision would have such a devastating effect on our balance of payments, especially when we further provide in the law that SEC shall not put this into effect if it does have an adverse effect on our balance of payments, and direct them to consult with the Secretary of the Treasury and the Federal Reserve Board to determine whether it would or not.

Mr. PERCY. My only reply must be that from a technical standpoint we put this question to the Treasury Department, which is most deeply concerned about its effect on investment in the United States.

It is their judgment that it would have a detrimental effect, that its significance would be such as to discourage investment in the United States. I would say it is an effort to swat a fly with a baseball bat, and we are not quite sure whether the fly is on a piece of pewter we want to save or on something we want to destroy.

Mr. PROXMIRE. We are using a flyswatter, and a small one. It is not a baseball bat. We are not using a bazooka to kill a fly; we are using a selective method.

Mr. PERCY. According to the Treasury, it would be a sledgehammer. I can only defer to their greater wisdom and judgment in this matter. It is their business to make certain we do not put unnecessary handicaps in the way of foreign investors, and it is their feeling that that would be true.

I have found, among those in the securities industry, a deep desire to find ways to prevent the evasion of taxes and to prevent white-collar crime. It is their judgment, as well, that this is not the proper step to take.

Mr. PROXMIRE. Mr. President, the Senator from Illinois says it is their business to determine this kind of thing; but it is our business to write the law. If Treasury comes up here and simply makes an assertion that there is an adverse effect—and that is what they have done here; there is no documentation, there is no study—they simply make an assertion that it could have an adverse effect on the balance of payments. We do everything we can to write the bill in such a way that any adverse effect would be minimal or nonexistent. But they say they still do not like it. What else can we do? It seems to me that, under the circumstances, it is up to us to write the law. If the Secretary of the Treasury wants to have a vote in the Senate, he ought to get elected. I should not say that, because he is from Chicago, and he might run against the distinguished Senator from Illinois, who is a very fine Senator. I hope that Mr. KENNEDY does not choose to do that.

Mr. PROXMIRE. Mr. President, the able Senator from Utah argues that title IV is unenforceable and will produce little information of value to law enforcement authorities. He argues that the disclosure requirements can be easily evaded by using a foreigner to cloak the identity of a U.S. citizen acting through a secret foreign bank account.

All the Senator from Utah has really said is that no legislation is 100-percent foolproof. There will always be ways to get around any criminal statute no matter how tightly it is written. If we accept the argument of the Senator from Utah, we should repeal all of the criminal laws already on the books on the grounds that they can be evaded by a smart crook.

There is no doubt that a resourceful criminal can find a way to evade the disclosure requirements established by title IV or any other provision we can write into law. However, many other would-be law violators would be deterred from using a secret foreign bank account if they knew that their identity could be made available to U.S. law enforcement authorities.

After all, the judgment we should take on this is that of the law enforcement authorities, and they have testified at the hearings that the disclosure requirements would be extremely helpful in policing our securities markets. When it comes to the law enforcement benefits, I believe the Congress should accept the judgment of the law enforcement officials who are the experts on such matters, rather than the views of Treasury Department officials who are primarily concerned about balance-of-payments effects.

The Senator from Utah also argues that a foreign financial agency would be unable to make the certifications required by title IV. Specifically, a foreign bank would be unable to certify that it was not acting for a U.S. resident or citizen because it would never be entirely sure that its foreign customer was not acting for a U.S. resident or citizen.

First of all, it should be emphasized that there is nothing in the proposed legislation which would penalize a foreign financial institution from making a false certification. Obviously, the United States cannot extend its laws to foreign countries or foreign financial institutions.

It is expected that such certifications would be to the best of a foreign bank's knowledge, and would be accepted in good faith by the U.S. broker-dealer involved in the securities transaction. If it developed that a foreign bank repeatedly made false certifications in cases where it reasonably could have been expected to know that it was in fact acting for a U.S. citizen, the foreign bank can be barred from participating in a U.S. securities market.

Mr. President, I hope that the Senate will reject the amendment of the distinguished Senator from Utah.

Mr. BENNETT. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 18 minutes remaining.

Mr. BENNETT. I certainly do not need all that.

The PRESIDING OFFICER. How much time does the Senator yield?

Mr. BENNETT. I yield myself 5 minutes.

Mr. President, the Senator from Wisconsin has made much of the fact that the bill was so written as to provide that it will only be enforced if the Securities and Exchange Commission decides it was a problem and that the Securities and Exchange Commission will decide against whom it will be enforced and under what circumstances it will be enforced.

Not only is this strange law, but also we should look at the tremendous burden that would be put on the Securities and Exchange Commission, day to day and week to week.

ORDER OF BUSINESS

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. BENNETT. I yield to the Senator, with the understanding that I will not lose my right to the floor and that the time consumed will not be deducted from my time.

Mr. PROXMIRE. I yield the Senator from Missouri whatever time he requires.

Mr. SYMINGTON. I thank the Senator.

Mr. President, the Prime Minister of Israel is coming to the Senate at 2 p.m.; and, if it meets with the approval of the distinguished Senator from Wisconsin,

the manager of the bill, and the distinguished Senator from Utah, I ask unanimous consent that there not be a vote between 2 p.m. and 2:30 p.m.

I did not see the majority leader in the Chamber, and I trust that this meets with his approval.

Mr. MANSFIELD. Mr. President, I would have to object to that. We will make every effort to comply with what the Senator has in mind.

Mr. SYMINGTON. I looked for the majority leader and I did not see him.

Mr. MANSFIELD. We will take care of it.

FOREIGN BANK SECRECY AND BANK RECORDKEEPING

The Senate continued with the consideration of the bill (S. 3678) to amend the Federal Deposit Insurance Act to require insured banks to maintain certain records, to require that certain transactions in U.S. currency be reported to the Department of the Treasury, and for other purposes.

Mr. BENNETT. Mr. President, I think we have to make the kind of law that applies across the board; and then, if we wish to give an agency the right to make exceptions to it, perhaps that should be done. But to write this law and say that it will never come into effect unless and until the Securities and Exchange Commission writes a regulation and that regulation might actually affect only one individual or one transaction, as I say, the tremendous burden that would be put on the Securities and Exchange Commission is hard to measure.

A great deal has been made of the fact that the purpose of this bill is to control crime. If we were dealing with problems that originated and were completed inside the United States and within the jurisdiction of the Federal Government, we would have no problem. But we are asking agencies—Government agencies and private agencies—of foreign countries to supply us with information; and without that information, we are telling American citizens, "You cannot deal in American securities in an American market because your order was placed abroad."

We have absolutely no authority to require any foreign entity to give us any information. If we suspect that the information is false, we have no opportunity to verify it. It seems to me that, rather than making it more difficult for the so-called white-collar criminal to operate, we have set up a perfect screen. He merely gets over into Germany, say, or Switzerland, and he wants to buy or sell an American security which he has taken out of the country illegally, under the other parts of this bill and he finds a Swiss citizen or a German citizen who acts as his agent for the buying and selling of the securities. We have no way of forcing the German bank or the Swiss bank to go behind the men with whom they deal. We have set up a beautiful screen behind which the criminal can operate.

In many cases, I am sure, one of two other things would happen: The foreign bank might have to say to a legitimate customer's transaction, "I am sorry, but under the laws of my government, I cannot supply the information that the American Government wants." But the thing most likely to happen would be that the foreign bank would say, "Look, if you want to deal in General Motors, you don't have to go through all this red tape in order to deal on the New York Stock Exchange. We will act as your agent on the Zurich Stock Exchange or the London Stock Exchange, and you can buy and sell the same securities."

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BENNETT. I yield myself 1 additional minute.

Therefore, Mr. President, I feel that, while the purpose of this title IV is praiseworthy it cannot be enforced. It easily can be evaded on the basis on which it is presented to us by the Senator from Wisconsin. It would put a tremendous burden of time and staff work on the SEC.

For those reasons, I hope the Senate will support my amendment.

Mr. PROXMIRE. I yield back the remainder of my time.

Mr. BENNETT. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Utah. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. RANDOLPH (after having voted in the affirmative). On this vote I have a pair with the Senator from Maine (Mr. MUSKIE). If he were present and voting, he would vote "nay." If I were at liberty to vote I would vote "yea." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. CANNON), the Senator from California (Mr. CRANSTON), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Wisconsin (Mr. NELSON), the Senator from Virginia (Mr. SPONG), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that if present and voting, the Senator from Washington (Mr. JACKSON) and the Senator from Washington (Mr. MAGNUSON) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from New Hampshire (Mr. COTTON), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER) the Senator from Hawaii (Mr. FONG), the Senator from Nebraska (Mr. HRUSKA), the Senator from California (Mr. MURPHY), the Senator from Kansas (Mr. PEARSON), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from South Carolina (Mr. THURMOND) is absent on official business.

If present and voting, the Senator from Nebraska (Mr. HRUSKA), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), the Senator from Kansas (Mr. PEARSON), the Senator from Pennsylvania (Mr. SCOTT), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 35, nays 28, as follows:

[No. 316 Leg.]

YEAS—35

Aiken	Ervin	Percy
Allott	Goodell	Prouty
Baker	Griffin	Russell
Bennett	Gurney	Saxbe
Boggs	Hansen	Schweiker
Brooke	Hatfield	Smith, Maine
Case	Holland	Sparkman
Cook	Jordan, N.C.	Stennis
Cooper	Jordan, Idaho	Talmadge
Curtis	Mathias	Williams, Del.
Dole	Miller	Young, N. Dak.
Dominick	Packwood	

NAYS—28

Allen	Harris	Pell
Anderson	Hollings	Proxmire
Bible	Hughes	Ribicoff
Burdick	Inouye	Stevens
Byrd, Va.	Javits	Symington
Byrd, W. Va.	Mansfield	Williams, N.J.
Church	McCarthy	Yarborough
Dodd	McIntyre	Young, Ohio
Ellender	Metcalf	
Gore	Pastore	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Randolph, for.

NOT VOTING—36

Bayh	Hart	Moss
Bellmon	Hartke	Mundt
Cannon	Hruska	Murphy
Cotton	Jackson	Muskie
Cranston	Kennedy	Nelson
Eagleton	Long	Pearson
Eastland	Magnuson	Scott
Fannin	McClellan	Smith, Ill.
Fong	McGee	Spong
Fulbright	McGovern	Thurmond
Goldwater	Mondale	Tower
Gravel	Montoya	Tydings

So Mr. BENNETT's amendment was agreed to.

Mr. BENNETT. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE TRADE BILL

Mr. PROXMIRE. Mr. President, I yield 3 minutes on the bill to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 3 minutes.

Mr. PASTORE. Mr. President, I would hope that the news services will take note of what I have to say.

There came over the wires today the following—and this is an AP report:

In a move to force a Senate vote on a trade bill before expected mid-October adjournment, Sen. Ernest Hollings, D-S.C., said today the measure approved by the House Ways and Means Committee will be tacked on to some House-passed bill when it reaches the Senate floor.

He told a news conference that he and Sen. John Pastore, D-R.I., had asked that the Ways and Means Trade bill, known as the Mills bill, be printed as an amendment to both the House-passed family assistance plan and the social security bills.

I discussed this with the distinguished Senator from South Carolina yesterday. There is a slight misunderstanding. I am not opposed to that measure being tacked onto a bill that comes out of the Finance Committee. But I do not at this time support quotas on oil because of the exorbitant prices being leveled on the people of New England and particularly Rhode Island.

I have had my name removed as a consponsor. Because I want to reserve the right to say that the quota on oil should be stricken from that particular measure.

Mr. HOLLINGS. Mr. President, I apologize for the misunderstanding of my distinguished colleague, the Senator from Rhode Island. He and I discussed it a moment ago. It was a misunderstanding.

As I understand it, he supports the textile and shoe provisions but is in no position to cosponsor oil quotas.

Mr. PASTORE. The Senator is correct. There is a distinction between oil and textiles. Oil is in the ground. As long as we leave it there, it will be there for all posterity. Textiles are a manufactured commodity which we can produce to meet all the needs of our people.

FOREIGN BANK SECRECY AND BANK RECORDKEEPING

The Senate continued with the consideration of the bill (S. 3678), to amend the Federal Deposit Insurance Act to require insured banks to maintain certain records, to require that certain transactions in U.S. currency be reported to the Department of the Treasury, and for other purposes.

Mr. MANSFIELD. Mr. President, it is my understanding that an agreement has been reached concerning the remaining amendments to the pending bill. Therefore, it should not take too long. However, the yeas and nays have been ordered on final passage, I believe.

Mr. BENNETT. Mr. President, as far as I am concerned, I would be glad to agree to a unanimous-consent agreement to rescind the yeas and nays on final passage, if that would save time.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I make that unanimous-consent request.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I thank the Senator from Utah. That will save more time.

LEGISLATIVE PROGRAM

Mr. GRIFFIN. Mr. President, I take a moment to inquire of the majority leader, for the information of the Senate, what he expects will be the schedule of business during the remainder of the day and next week to the extent that he can advise us.

Mr. MANSFIELD. In response to the question raised by the distinguished acting minority leader, with my fingers crossed—and I mean that—I would hope that this afternoon, the Senate could take up the Treasury-Post Office conference report, and if possible follow that with S. 3318, a bill to amend the Library Services and Construction Act, and H.R. 18260, an act to authorize the U.S. Secretary of Health, Education, and Welfare to establish educational programs to encourage understanding of policies and support of activities designed to preserve and enhance environmental quality and maintain ecological balance.

We hope to follow that with the two housing bills, S. 3938 and H.R. 17795, companion bills to amend title VII of the Housing and Urban Development Act of 1965.

We hope then to consider S. 3942, a bill to provide for thorough health and sanitation inspection of all livestock products imported into the United States, and for other purposes, and H.R. 13543, an act to establish a program of research and promotion for U.S. wheat, and follow that with other matters which might come along. Of course this program will undoubtedly go into next week.

I said I had my fingers crossed because I do not know how long we will be able to function this afternoon and there is a very important guest waiting to meet with the Senate. That is about it. I do not know how we will make out in the way of progress.

Mr. GRIFFIN. Does the distinguished majority leader wish to say anything about next week?

Mr. MANSFIELD. Hopefully we can finish all of these measures by Monday and take up the air pollution measure.

Mr. GRIFFIN. The Senator did not mention clean air and pollution.

Mr. MANSFIELD. Hopefully that could be laid before the Senate Monday evening and considered Tuesday, with an allowance for some flexibility concerning the program based upon consultation of the joint leadership.

Mr. GRIFFIN. I thank the Senator.

FOREIGN BANK SECRECY AND BANK RECORDKEEPING

The Senate continued with the consideration of the bill (S. 3678) to amend the Federal Deposit Insurance Act to require insured banks to maintain certain records, to require that certain transactions in U.S. currency be reported to the Department of the Treasury, and for other purposes.

Mr. BENNETT. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 22, strike lines 10 through 13 and insert the following: "in an amount exceeding $5,000 on any one occasion shall file a report or reports in accordance with subsection (b) of this section."

Mr. BENNETT. Mr. President, having discussed this amendment with the manager of the bill, it is my understanding that he will be willing to recommend to the Senate that it be accepted.

Mr. PROXMIRE. As I understand this amendment, it would provide that whereas a U.S. citizen leaving this country would be allowed to take less than $5,000 out of the country without making a report, at any one time, the provision in the bill, which would require the keeping of a record, and to make sure he does not take out $20,000, in the calendar year would no longer be required. In other words, the requirement would be confined strictly to the $5,000 that he would take out at any time.

Mr. BENNETT. This amendment, which the Senate should approve, deals with section 231, which requires reports by all persons who transport or cause to be transported into or from the United States or who receive monetary instruments in an amount exceeding $10,000 on any one occasion or $20,000 in any calendar year. In the committee, we considered the invasion of privacy that would occur if this provision were to be enforced and amended the bill to require that a search warrant be secured before any search of persons or mail could take place.

An equally important problem with this section is that it would require records to be kept on all transfers of money in and out of the country so as to determine whether the total exceeds a stated amount in one year and thus must be reported. The section, as I mentioned earlier, requires reports on all amounts sent or received into the country in excess of $10,000 on any one occasion or $20,000 in any one year. Our committee raised the amount that could be transferred on any one occasion from $5,000 to $10,000 and in any one year from $10,000 to $20,000 in order to minimize the reporting requirements on tourists and American businessmen. The reporting requirements for transfers on any one occasion could be helpful to law-enforcement agents in their efforts against organized crime.

If reports are made on the outflow of monetary instruments, their source, purpose, and tax status can easily be determined. If reports are not filed and law-enforcement officials suspect a person of taking untaxed money or receipts from illegal activities from the country, and after obtaining legal permission for a search find the money or its equivalent on the person, he may be held for

not filing a report and thus officials may proceed against him and others who are involved as parties to the transfer. While it is inconvenient for all persons to file reports when they take money from the country in excess of $5,000, it is not an unreasonable requirement and additionally the Secretary has authority under section 206 to make exemptions to this requirement as he deems appropriate.

On the other hand, the burden on individuals to maintain records on all amounts which would result from the requirement to report all transfers if the annual total exceeds $20,000, I believe, far outweighs the marginal benefits that can be expected from the cumulative reporting requirement. This provision would be extremely difficult if not impossible to implement. If subject to a warrant, an individual were found to be transporting less than $10,000 worth of monetary instruments, it would be difficult to ascertain whether he had transported an additional amount during the calendar year and thus had exceeded the cumulative figure of $20,000. Since it can be assumed that organized crime will not report amounts of money taken from or brought into the country, the value of the cumulative provision depends on the ability to prove that such amounts were actually exported or imported over a 12-month period. The Justice Department has agreed that it would be difficult to demonstrate such transfers.

I ask unanimous consent to insert the full letter into the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, D.C., September 15, 1970.

HON. WALLACE F. BENNETT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: This refers to your letter of September 9, 1970, concerning Section 231 of S. 3678, which was reported out on August 24 by the Senate Committee on Banking and Currency.

Section 231 would require that the transportation of money from the United States in an amount exceeding $10,000 on any one occasion or in an aggregate amount of $20,000 during a calendar year must be reported to the Secretary of the Treasury. You urge that the burdens on individuals and financial institutions in maintaining records to establish the $20,000 cumulative figure might well outweigh the benefits to law enforcement to be anticipated from retention of the provision. It is your view that the requirement that the transportation of $10,000 on any one occasion should be retained since the real value of Section 231 rests in "the ability under legal procedure to apprehend an individual with the money or other instrument in his possession."

In a letter dated July 23, 1970, to Senator Proxmire concerning various aspects of S. 3678, we commented on Section 231 which at that time required reporting of $5,000 on any one occasion or $10,000 during a calendar year. We noted that there might be difficulty in maintaining records which would demonstrate that a series of exports of currency, each in an amount of under $5,000, exceeded $10,000 in total over a twelve month period. However, we supported the cumulative provision from the point of view of criminal law enforcement.

Reconsideration of that position has now been made in the light of your letter and the testimony taken by the Subcommittee on Financial Institutions concerning Section 231. We are unable to predict with any accuracy the precise value to law enforcement to be gained by enactment of the cumulative provision. Obviously, there would be some. It, therefore, becomes a matter of legislative judgment between the contending views and we could not object should the Congressional decision be that Section 231 creates burdens not justified by the foreseeable advantage to criminal law enforcement. In his appearance before your Subcommittee and the House Committee on Banking and Currency, Assistant Attorney General Wilson has made it clear that the Department does not seek to create a mountain of red tape but rather to fashion an effective weapon against those who use foreign bank secrecy laws as a device to thwart American laws and security regulations.

However, should the Congress decide to eliminate the cumulative provision of Section 231, we would strongly recommend that the amount to be reported for any one transportation be reduced from the $10,000 now appearing in S. 3678 to the $5,000 figure which appeared in the bill as introduced by Senator Proxmire. We believe that the higher $10,000 figure would severely limit our ability to get information on the export of funds for illegal purposes. Realistically the amount of $5,000 would seem sufficiently high to warrant a courier of such funds in making an overseas trip.

Sincerely,

RICHARD G. KLEINDIENST,
Deputy Attorney General.

Mr. BENNETT. I believe that the difficulty of proof is such that the provision has little actual value. On the other hand, the provision would require all travelers going abroad to keep records of all amounts of monetary instruments they take with them and the amounts they bring back. All persons would be required to keep records on amounts they may send and amounts they may receive on every occasion regardless of the amount involved.

Moreover, institutions which act for individuals would be required to keep records on all foreign transactions and establish a retrieval system providing cumulative information on all individuals and principals involved in transactions in order to determine whether a particular export or import request resulted in a cumulative amount which had to be reported. This would present an unreasonable burden on many institutions, but it would be particularly difficult for such institutions as Western Union with its many offices. It would appear that information on all transactions at all offices involving exports and imports of monetary instruments, the sender, the recipient, and the principals involved would have to be available at all offices and that this information would have to be checked before any transfer of funds could take place in order to assure compliance with the provision. There is no doubt that the cost of establishing such procedures would be substantial.

Even with all of this in-house recordkeeping of every transaction and all of the parties in interest, it would be extremely difficult to know whether a transfer of less than $10,000 had to be reported because the institution would have no way of knowing whether that particular transfer, in combination with other transfers which may have taken place at the instigation of the individual himself or some other financial institution, would have equaled or exceeded the $20,000 allowable without reporting in any one year.

Considering the possible benefits and comparing them with the probable costs and inconveniences involved in the cumulative reporting requirements, the Treasury Department has strongly recommended against such requirements. In addition, many institutions which would be required to keep such records have suggested that the costs far outweigh the possible benefits. Individuals which would also be required to keep such records and make such reports have not yet been made aware of the provision and, therefore, have not had an opportunity to express their opposition. Because of its marginal usefulness and the burden of recordkeeping it would require, I strongly recommend that the provision be deleted from the bill.

Mr. PROXMIRE. The Senator from Utah has convinced me that this is a workable proposal. He is supported by the Department of Justice and the Department of the Treasury, although the Department of Justice earlier supported the initial proposal in the bill.

I am happy to accept the suggestion of the Senator from Utah.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. PROXMIRE. I yield back the remainder of my time on this amendment.

Mr. BENNETT. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Utah (Mr. BENNETT).

The amendment was agreed to.

Mr. PROXMIRE. Mr. President, I send to the desk an amendment to S. 3678, which would add the language of S. 721, a bill previously passed by the Senate on February 9, 1970. The amendment is identical to the previously passed Senate bill.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I yield myself 2 minutes for the purpose of explaining the amendment.

Mr. President, as I have stated this would add the language of S. 721, a bill to regulate credit cards previously passed by the Senate on February 9, 1970. The amendment is identical to the previously passed bill.

The amendment is offered in an effort to achieve congressional approval on the credit card legislation during the 91st Congress. S. 721 has been referred to the House Committee on Banking and Currency; however, hearings have not yet been scheduled and it is extremely doubtful that the House could act upon the legislation in the remaining time available.

Following action on S. 3678, it is my intention to ask for unanimous consent that the entire bill be substituted for H.R. 15073, a foreign bank secrecy bill already passed by the House of Representatives

on June 1, 1970. The Senate Committee on Banking and Currency would thus go to conference with the House Committee on Banking and Currency on H.R. 15073 which would include foreign bank secrecy legislation as well as credit card legislation.

Mr. President, if this procedure is acceptable it is also my intention to add the language of S. 823, the Fair Credit Reporting Act previously passed by the Senate and the language of the Urban Mass Transportation Act previously passed by the Senate on February 3, 1970—S. 3154.

Mr. BENNETT. Mr. President, we have come to that point in this session when we must take shortcuts occasionally to get consideration by the other body of legislation we have already passed.

As far as I am concerned I will be very happy to join the Senator from Wisconsin in adding to this bill, which becomes a vehicle, the three other bills which he has mentioned.

As far as the Senator from Utah is concerned, he would be willing to consider them en bloc.

Mr. PROXMIRE. Mr. President, to save the time of the Senate, in addition to S. 721, which I have sent to the desk as an amendment, I send to the desk, as amendments, the Fair Credit Reporting Act, which is S. 823, which passed the Senate by a vote of 69 to 1; and I also send to the desk the bill by the distinguished Senator from New Jersey (Mr. WILLIAMS), the Urban Mass Transportation Act, which was passed by the Senate on February 3, 1970, so they can be considered in the same category. These are offered for the same proposition. The Senator from Utah has explained the reason for this procedure well.

I ask unanimous consent that these measures be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

Mr. BENNETT. Mr. President, I yield back the remainder of my time.

Mr. PROXMIRE. I yield back the remainder of my time.

The PRESIDING OFFICER. Without objection, the amendments are agreed to en bloc.

The amendments agreed to en bloc, are as follows:

On page 34, line 6, after the word "enactment" add the following new title:

TITLE III. PROVISIONS RELATING TO CREDIT CARDS

That section 103 of the Truth in Lending Act (82 Stat. 146) is amended by redesignating subsections (j), (k), and (l) as subsections (p), (q), and (r), respectively, and by adding after subsection (i) the following:

"(j) The term 'adequate notice', as used in section 133, means a printed notice to a cardholder which sets forth the pertinent facts clearly and conspicuously so that a person against whom it is to operate could reasonably be expected to have noticed it and understood its meaning. Such notice may be given to a cardholder by printing the notice on any credit card, or on each periodic statement of account, issued to the cardholder, or by any other means reasonably assuring the receipt thereof by the cardholder.

"(k) The term 'credit card' means any car, plate, coupon book or other credit device existing for the purpose of obtaining money, property, labor, or services on credit.

"(l) The term 'accepted credit card' means any credit card which the cardholder has requested and received or has signed or has used, or authorized another to use, for the purpose of obtaining money, property, labor, or services on credit.

"(m) The term 'cardholder' means any person to whom a credit card is issued or any person who has agreed with the card issuer to pay obligations arising from the issuance of a credit card to another person.

"(n) The term 'card issuer' means any person who issues a credit card, or the agent of such person with respect to such card.

"(o) The term 'unauthorized use', as used in section 133, means a use of a credit card by a person other than the cardholder who does not have actual, implied, or apparent authority for such use and from which the cardholder receives no benefit."

SEC. 2. (a) The Truth in Lending Act (82 Stat. 146) is amended by adding after section 131 the following sections:

"§ 132. Issuance of holder credit cards

"No credit card shall be issued except in response to a request or application therefor. This prohibition does not apply to the issuance of a credit card in renewal of, or in substitution for, an accepted credit card.

"§ 133. Liability of holder of credit card

"(a) A cardholder shall be liable for the unauthorized use of a credit card only if the card is an accepted credit card, the liability is not in excess of fifty dollars, the card issuer gives adequate notice to the cardholder of the potential liability, the card issuer has provided the cardholder with a self-addressed, pre-stamped notification to be mailed by the cardholder in the event of the loss or theft of the credit card, and the unauthorized use occurs before the cardholder has notified the card issuer that an unauthorized use of the credit card has occurred or may occur as the result of loss, theft, or otherwise. Notwithstanding the foregoing, no cardholder shall be liable for the unauthorized use of any credit card which was issued on or after the effective date of this section, and, after the expiration of twelve months following such effective date, no cardholder shall be liable for the unauthorized use of any credit card regardless of the date of its issuance, unless (1) the conditions of liability specified in the preceding sentence are met, and (2) the card issuer has provided a method whereby the user of such card can be identified as the person authorized to use it. For the purposes of this section, a cardholder notifies a card issuer by taking such steps as may be reasonably required in the ordinary course of business to provide the card issuer with the pertinent information whether or not any particular officer, employee, or agent of the card issuer does in fact receive such information.

"(b) In any action by a card issuer to enforce liability for the use of a credit card, the burden of proof is upon the card issuer to show that the use was authorized or, if the use was unauthorized, then the burden of proof is upon the card issuer to show that the conditions of liability for the unauthorized use of a credit card, as set forth in subsection (a), have been met.

"(c) Nothing in this section imposes liability upon a cardholder for the unauthorized use of a credit card in excess of his liability for such use under other applicable law or under any agreement with the card issuer.

"(d) Except as provided in this section, a cardholder incurs no liability from the unauthorized use of a credit card.

"§ 134. It shall be unlawful to use the credit card of another without authorization

"Whoever, in a transaction affecting commerce, uses a credit card without the authorization of the holder shall, upon conviction thereof, be punished by imprisonment for a term not to exceed one year or fined a sum not to exceed $1,000, or both."

(b) The table of contents of chapter 2 of the Truth in Lending Act is amended by adding at the end thereof the following:

"132. Issuance of credit cards.

"133. Liability of holder of credit card."

SEC. 3. The amendments to the Truth in Lending Act made by this Act become effective as follows:

(1) Section 132 of such Act takes effect upon the date of enactment of this Act.

(2) Section 133 of such Act takes effect upon the expiration of 90 days after such date of enactment.

On page 34, line 6, add the following new title:

TITLE IV. PROVISIONS RELATING TO CREDIT REPORTING AGENCIES

AMENDMENT OF CONSUMER CREDIT PROTECTION ACT

SECTION 1. The Consumer Credit Protection Act is amended by adding at the end thereof the following new title:

"TITLE VI—CONSUMER CREDIT REPORTING

"Sec.
"601. Short title.
"602. Findings and purpose.
"603. Definitions and rules of construction.
"604. Permissible purposes of reports.
"605. Obsolete information.
"606. Disclosure of investigative consumer reports.
"607. Compliance procedures.
"608. Disclosures to governmental agencies.
"609. Disclosures to consumers.
"610. Conditions of disclosure to consumers.
"611. Procedure in case of disputed accuracy.
"612. Charges for certain disclosures.
"613. Public record information for employment purposes.
"614. Restrictions on investigative consumer reports.
"615. Requirements on users of consumer reports.
"616. Civil liability for willful noncompliance.
"617. Civil liability for grossly negligent noncompliance.
"618. Jurisdiction of courts; limitation.
"619. Obtaining information under false pretenses.
"620. Administrative enforcement.
"621. Relation to State laws.

"§ 601. Short title

"This title may be cited as the Fair Credit Reporting Act.

"§ 602. Findings and purpose

"(a) The Congress makes the following findings:

"(1) The banking system is dependent upon fair and accurate credit reporting. Inaccurate credit reports directly impair the efficiency of the banking system, and unfair credit reporting methods undermine the public confidence which is essential to the continued functioning of the banking system.

"(2) An elaborate mechanism has been developed for investigating and evaluating the credit worthiness, credit standing, credit capacity, character, and general reputation of consumers.

"(3) Consumer reporting agencies have assumed a vital role in assembling and evaluating consumer credit and other information on consumers.

"(4) There is a need to ensure that consumer reporting agencies exercise their grave responsibilities with fairness, impartiality, and a respect for the consumer's right to privacy.

"(b) It is the purpose of this title to require that consumer reporting agencies adopt reasonable procedures for meeting the needs of commerce for consumer credit, personnel, insurance, and other information in

a manner which is fair and equitable to the consumer, with regard to the confidentiality, accuracy, relevancy, and proper utilization of such information in accordance with the requirements of this title.

"§ 603. Definitions and rules of construction

"(a) Definitions and rules of construction set forth in this section are applicable for the purposes of this title.

"(b) The term 'person' means any individual, partnership, corporation, trust, estate, cooperative, association, government or governmental subdivision or agency, or other entity.

"(c) The term 'consumer' means an individual.

"(d) The term 'consumer report' means any written, oral, or other communication of any information by a consumer reporting agency bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing the consumer's eligibility for (1) credit or insurance to be used primarily for personal, family, or household purposes, or (2) employment purposes, or (3) other purposes authorized under section 604. The term does not include (A) any report containing information solely as to transactions or experiences between the consumer and the person making the report; (B) any authorization or approval of a specific extension of credit directly or indirectly by the issuer of a credit card or similar device; or (C) any report in which a person who has been requested by a third party to make a specific extension of credit directly or indirectly to a consumer conveys his decision with respect to such request, if the third party advises the consumer of the name and address of the person to whom the request was made and such person makes the disclosures to the consumer required under section 615.

"(e) The term 'investigative consumer report' means a consumer report or portion thereof in which information on a consumer's character, general reputation, personal characteristics, or mode of living is obtained through personal interviews with neighbors, friends, or associates of the consumer reported on or with others with whom he is acquainted or who may have knowledge concerning any such items of information. However, such information shall not include specific factual information on a consumer's credit record obtained directly from a creditor of the consumer or from a consumer reporting agency when such information was obtained directly from a creditor of the consumer or from the consumer.

"(f) The term 'consumer reporting agency' means any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports.

"(g) The term 'file', when used in connection with information on any consumer, means all of the information on that consumer recorded and retained by a consumer reporting agency regardless of how the information is stored.

"(h) The term 'employment purposes' when used in connection with a consumer report means a report used for the purpose of evaluating a consumer for employment, promotion, reassignment or retention as an employee.

"§ 604. Permissible purposes of reports

"A consumer reporting agency may furnish a consumer report under the following circumstances and no other:

"(1) In response to the order of a court having jurisdiction to issue such an order.

"(2) In accordance with the written instructions of the consumer to whom it relates.

"(3) To a person which it has reason to believe—

"(A) intends to use the information in connection with a credit transaction involving the consumer on whom the information is to be furnished and involving the extension of credit to, or review or collection of an account of, the consumer; or

"(B) intends to use the information for employment purposes; or

"(C) intends to use the information in connection with the underwriting of insurance involving the consumer; or

"(D) intends to use the information in connection with a determination of the consumer's eligibility for a license or other benefit granted by a governmental instrumentality required by law to consider an applicant's financial responsibility or status; or

"(E) otherwise has a legitimate business need for the information in connection with a business transaction involving the consumer.

"§ 605. Obsolete information

"(a) Except as authorized under subsection (b), no consumer reporting agency may make any consumer report containing any of the following items of information:

"(1) Bankruptcies which, from date of adjudication of the most recent bankruptcy, antedate the report by more than fourteen years.

"(2) Suits and judgments which, from date of entry, antedate the report by more than seven years or until the governing statute of limitations has expired, whichever is the longer period.

"(3) Paid tax liens which, from date of payment, antedate the report by more than seven years.

"(4) Accounts placed for collection or charged to profit and loss which antedate the report by more than seven years or until the governing statute of limitations has expired, whichever is the longer period.

"(5) Records of arrest, indictment or conviction of crime which, from date of disposition, release or parole, antedate the report by more than seven years.

"(6) Any other adverse item of information which antedates the report by more than seven years.

"(b) The provisions of subsection (a) are not applicable in the case of any consumer credit report to be used in connection with—

"(1) a credit transaction involving, or which may reasonably be expected to involve, a principal amount of $50,000 or more;

"(2) the underwriting of life insurance involving, or which may reasonably be expected to involve, a principal amount of $25,000 or more; or

"(3) the employment of any individual at an annual salary which equals, or which may reasonably be expected to equal $20,000 or more.

"§ 606. Disclosure of investigative consumer reports

"(a) A person may not procure or cause to be prepared an investigative consumer report on any consumer unless—

"(1) it is clearly and accurately disclosed to the consumer that an investigative consumer report including information as to his character, general reputation, personal characteristics, and mode of living, whichever are applicable, may be made, and such disclosure (A) is made in a writing, or otherwise delivered to the consumer, not later than three days after the date on which the report was first requested, and (B) includes a statement informing the consumer of his right to request the additional disclosures provided for under subsection (b) of this section; or

"(2) the report is to be used for employment purposes for which the consumer has not specifically applied.

"(b) Any person who procures or causes to be prepared an investigative consumer report on any consumer shall, upon written request made by the consumer within a reasonable period of time after the receipt by him of the disclosure required by subsection (a)(1), shall make a complete and accurate disclosure of the nature and scope of the investigation requested. This disclosure shall be made in a writing mailed, or otherwise delivered, to the consumer not later than five days after the date on which the request for such disclosure was received from the consumer or such report was first requested, whichever is the later.

"(c) No person may be held liable for any violation of subsection (a) or (b) of this section if he shows by a preponderance of the evidence that at the time of the violation he maintained reasonable procedures to assure compliance with subsection (a) or (b).

"§ 607. Compliance procedures

"Every consumer reportng agency shall maintain reasonable procedures designed to avoid violations of section 605 and to limit the furnishing of consumer reports to the purposes listed under section 604. These procedures shall require that prospective users of the information identify themselves, certify the purposes for which the information is sought, and certify that the information will be used for no other purpose. Every consumer reporting agency shall make a reasonable effort to verify the identity of a new prospective user and the uses certified by such prospective user prior to furnishing such user a consumer report. No conumer reporting agency may furnish a consumer report to any person if it has reasonable grounds for believing that the consumer report will not be used for a purpose listed in section 604.

"§ 608. Disclosures to governmental agencies

"Notwithstanding the provisions of section 604, a consumer reporting agency may furnish identifying information respecting any consumer, limited to his name, address, former addresses, places of employment, or former places of employment, to a governmental agency.

"§ 609. Disclosures to consumers

"Every consumer reporting agency shall, upon request and proper identification of any consumer, clearly and accurately disclose to the consumer:

"(1) The nature and substance of all information in its files on the consumer at the time of the request.

"(2) The source of the information except that the sources of information acquired solely for use in preparing an investigative consumer report and actually used for no other purpose need not be disclosed.

"(3) The recipients of any consumer report on the consumer which it has furnished—

"(A) for employment purposes within the two-year period preceding the request, and

"(B) for any other purpose within the six-month period preceding the request.

"§ 610. Conditions of disclosure to consumers

"(a) A consumer reporting agency shall make the disclosures required under section 609 during normal business hours and on reasonable notice.

"(b) The disclosures required under section 609 shall be made to the consumer—

"(1) in person if he appears in person and furnishes proper identification; or

"(2) by telephone if he has made a written request, with proper identification, for telephone disclosure and the toll charge, if any, for the telephone call is prepaid by or charged directly to the consumer.

"(c) Any consumer reporting agency shall provide trained personnel to explain to the consumer any information furnished to him pursuant to section 609.

"(d) The consumer shall be permitted to be accompanied by one other person of his

choosing, who shall furnish reasonable identification. A consumer reporting agency may require the consumer to furnish a written statement granting permission to the consumer reporting agency to discuss the consumer's file in such person's presence.

"(e) Except as provided in section 616 and 617, no consumer shall have any claim against or bring any action or proceeding in the nature of defamation, invasion of privacy, or negligence with respect to the reporting of information against any consumer reporting aegncy, any user of information, or any person who furnishes information to a consumer reporting agency, based on information disclosed pursuant to section 609, 610, or 615, except as to false information furnished with malice or willful intent to injure such consumer.

"§ 611. Procedure in case of disputed accuracy

"(a) If the completeness or accuracy of any item of information contained in his file is disputed by a consumer, and such dispute is directly conveyed to the consumer reporting agency by the consumer, the consumer reporting agency shall within a reasonable period of time reinvestigate and record the current status of that information unless it has reasonable grounds to believe that the dispute by the consumer is frivolous or irrelevant. If after such reinvestigation such information is found to be inaccurate or can no longer be verified, the consumer reporting agency shall promptly delete such information. The presence of contradictory information in the consumer's file does not in and of itself constitute reasonable grounds for believing the dispute is frivolous or irrelevant.

"(b) If the reinvestigation does not resolve the dispute, the consumer may file a brief statement setting forth the nature of the dispute. The consumer reporting agency may limit such statements to not more than one hundred words if it provides the consumer with assistance in writing a clear summary of the dispute.

"(c) Whenever a statement of a dispute is filed, unless there is reasonable grounds to believe that it is frivolous or irrelevant, the consumer reporting agency shall, in any subsequent consumer report containing the information in question, clearly note that it is disputed by the consumer and provide either the consumer's statement or a clear and accurate codification or summary thereof.

"(d) Following any deletion of information which is found to be inaccurate or whose accuracy can no longer be verified or any notation as to disputed information, the consumer reporting agency shall, at the request of the consumer, furnish notification that the item has been deleted or the statement, codification or summary pursuant to subsection (b) or (c) to any person specifically designated by the consumer who has within two years prior thereto received a consumer report for employment purposes, or within six months prior thereto received a consumer report for any other purpose, which contained the deleted or disputed information. The consumer reporting agency shall disclose to the consumer his rights to make such a request. Such disclosure shall be made at or prior to the time the information is deleted or the consumer's statement regarding the disputed information is received.

"§ 612. Charges for certain disclosure

"A consumer reporting agency shall make all disclosures pursuant to section 609 and furnish all consumer reports pursuant to section 611(d) without charge to the consumer if, within thirty days after receipt by such consumer of a notification pursuant to section 615 or notification from a debt collection agency affiliated with such consumer reporting agency stating that the consumer's credit rating may be or has been adversely affected, the consumer makes a request under sections 609 or 611(d). Otherwise, the consumer reporting agency may impose a reasonable charge on the consumer for making disclosure to such consumer pursuant to section 609, the charge for which shall be indicated to the consumer prior to making disclosure; and for furnishing notifications, statements, summaries, or codifications to persons designated by the consumer pursuant to section 611(d), the charge for which shall be indicated to the consumer prior to furnishing such information and shall not exceed the charge that the consumer reporting agency would impose on each designated recipient for a consumer report except that no charge may be made for notifying such persons of the deletion of information which is found to be inaccurate or which can no longer be verified.

"§ 613. Public record information for employment purposes

"A consumer reporting agency which furnishes a consumer report for employment purposes and which for that purpose compiles and reports items of information on consumers which are matters of public record and are likely to have an adverse effect upon a consumer's ability to obtain employment shall—

"(1) at the time such public record information is reported to the user of such consumer report, notify the consumer of the fact that public record information is being reported by the consumer reporting agency, together with the name and address of the person to whom such information is being reported; or

"(2) maintain strict procedures designed to insure that whenever public record information which is likely to have an adverse effect on a consumer's ability to obtain employment is reported it is complete and up to date. For purposes of this subparagraph, items of public record relating arrests, indictments, convictions, suits, tax liens, and outstanding judgments shall be considered up to date if the current public record status of the item at the time of the report is reported.

"§ 614. Restrictions on investigative consumer reports

"Whenever a consumer reporting agency prepares an investigative consumer report, no adverse information in the consumer report (other than information which is a matter of public record) may be included in a subsequent consumer report unless such adverse information has been verified in the process of making such subsequent consumer report, or the adverse information was received within the three-month period preceding the date the subsequent report is furnished. Whenever a consumer reporting agency prepares an investigative consumer report, it shall follow reasonable procedures to assure maximum possible accuracy of the report.

"§ 615. Requirements on users of consumer reports

"(a) Whenever credit or insurance for personal, family, or household purposes, or employment involving a consumer is denied or the charge for such credit or insurance is increased either wholly or partly because of information contained in a consumer report from a consumer reporting agency, the user of the consumer report shall, within a reasonable period of time, upon the consumer's written request for the reason for such adverse action received within sixty days after learning of such adverse action, so advise the consumer against whom such adverse action has been taken and supply the name and address of the consumer reporting agency making the report. The user of the consumer report shall disclose to the consumer his right to make such written request at the time such adverse action is communicated to the consumer.

"(b) Whenever credit for personal, family or household purposes involving a consumer is denied or the charge for such credit is increased either wholly or partly because of information obtained from a person other than a consumer reporting agency bearing upon the consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living, the user of such information shall, within a reasonable period of time, upon the consumer's written request for the reasons for such adverse action received within sixty days after learning of such adverse action, disclose the nature of the information to the consumer. The use of such information shall disclose to the consumer his right to make such written request at the time such adverse action is communicated to the consumer.

"(c) No person shall be held liable for any violation of this section if he shows by a preponderance of the evidence that at the time of the alleged violation he maintained reasonable procedures to assure compliance with the provisions of subsections (a) and (b).

"§ 616. Civil liability for willful noncompliance

"Any consumer reporting agency or user of information which willfully fails to comply with any requirement imposed under this title with respect to any consumer is liable to that consumer in an amount equal to the sum of—

"(1) any actual damages sustained by the consumer as a result of the failure;

"(2) such amount of punitive damages as the court may allow, which shall not be less than $100 nor greater than $1,000; and

"(3) in the case of any successful action to enforce any liability under this section, the costs of the action together with reasonable attorney's fees as determined by the court.

"§ 617. Civil liability for grossly negligent noncompliance

"Any consumer reporting agency or user of information which is grossly negligent in failing to comply with any requirement imposed under this title with respect to any consumer is liable to that consumer in an amount equal to the sum of—

"(1) any actual damages sustained by the consumer as a result of the failure;

"(2) in the case of any successful action to enforce any liability under this section, the costs of the action together with reasonable attorney's fees as determined by the court.

"§ 618. Jurisdiction of courts; limitation

"Any action under section 616 or 617 may be brought in any appropriate United States district court, or in any other court of competent jurisdiction, within two years from the date of the occurrence of the violation.

"§ 619. Obtaining information under false pretenses

"Any person who knowingly and willfully obtains information on a consumer from a consumer reporting agency under false pretenses shall be fined not more than $5,000 or imprisoned not more than one year, or both.

"§ 620. Administrative enforcement

"(a) Compliance with the requirements imposed under this title shall be enforced under the Federal Trade Commission Act by the Federal Trade Commission with respect to consumer reporting agencies and all other persons subject thereto, except to the extent that enforcement of the requirements imposed under this title is specifically committed to some other government agency under subsection (b) hereof. For the purpose of the exercise by the Federal Trade Commission of its functions and powers under the Federal Trade Commission Act, a violation of any requirement or prohibition imposed under this title shall constitute an unfair or deceptive act or practice in commerce in volation of section 5(a) of the Federal Trade Commis-

sion Act and shall be subject to enforcement by the Federal Trade Commission under section 5(b) thereof with respect to any consumer reporting agency or person subject to enforcement by the Federal Trade Commission pursuant to this subsection, irrespective of whether that person is engaged in commerce or meets any other jurisdictional tests in the Federal Trade Commission Act. The Federal Trade Commission shall have such procedural, investigative, and enforcement powers, including the power to issue procedural rules in enforcing compliance with the requirements imposed under this title and to require the filing of reports, the production of documents, and the appearance of witnesses as though the applicable terms and conditions of the Federal Trade Commission Act were part of this title. Any person violating any of the provisions of this title shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act as though the applicable terms and provisions thereof were part of this title.

"(b) Compliance with the requirements imposed under this title with respect to consumer reporting agencies and persons who use consumer reports from such agencies shall be enforced under—

"(1) section 8 of the Federal Deposit Insurance Act, in the case of:

"(A) national banks, by the Comptroller of the Currency;

"(B) member banks of the Federal Reserve System (other than national banks), by the Federal Reserve Board; and

"(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System), by the Board of Directors of the Federal Deposit Insurance Corporation.

"(2) section 5(d) of the Home Owners Loan Act of 1933, section 407 of the National Housing Act, and sections 6(1) and 17 of the Federal Home Loan Bank Act, by the Federal Home Loan Bank Board (acting directly or through the Federal Savings and Loan Insurance Corporation), in the case of any institution subject to any of those provisions;

"(3) the Federal Credit Union Act, by the Director of the Bureau of Federal Credit Unions with respect to any Federal credit union;

"(4) the Acts to regulate commerce, by the Interstate Commerce Commission with respect to any common carrier subject to those Acts;

"(5) the Federal Aviation Act of 1958, by the Civil Aeronautics Board with respect to any air carrier or foreign air carrier subject to that Act; and

"(6) the Packers and Stockyards Act, 1921 (except as provided in section 406 of that Act), by the Secretary of Agriculture with respect to any activities subject to that Act.

"(c) For the purpose of the exercise by any agency referred to in subsection (b) of its powers under any Act referred to in that subsection, a violation of any requirement imposed under this title shall be deemed to be a violation of a requirement imposed under that Act. In addition to its powers under any provision of law specifically referred to in subsection (b), each of the agencies referred to in that subsection may exercise, for the purpose of enforcing compliance with any requirement imposed under this title any other authority conferred on it by law.

"§ 621. Relation to State laws

"This title does not annul, alter, affect, or exempt any person subject to the provisions of this title from complying with the laws of any State with respect to the collection, distribution, or use of any information on consumers, except to the extent that those laws are inconsistent with any provision of this title, and then only to the extent of the inconsistency."

EFFECTIVE DATE

SEC. 2. Section 504 of the Consumer Credit Protection Act is amended by adding at the end thereof the following new subsection:

"(d) Title VI takes effect upon the expiration of one hundred and eighty days following the date of its enactment. The requirements of section 609 respecting the disclosure of sources of information and the recipients of consumer reports do not apply to information received or consumer reports furnished prior to the effective date of title VI except to the extent that the information is contained in the files of the consumer reporting agency on that date."

On Page 34, line 6, after the word "enactment" add the following new title, Title V. Provisions relating to Urban Mass Transportation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that the rapid urbanization and the continued dispersal of population and activities within urban areas has made the ability of all citizens to move quickly and at a reasonable cost an urgent national problem; that new directions in the Federal assistance programs for urban mass transportation are imperative if efficient, safe, and convenient transportation compatible with soundly planned urban areas is to be achieved; and that success will require a Federal commitment for the expenditure of at least $10,000,000,000 over a twelve-year period to permit confident and continuing local planning, and greater flexibility in program administration. It is the purpose of this Act to create a partnership which permits the local community, through Federal financial assistance, to exercise the initiative necessary to satisfy its urban mass transportation requirements.

SEC. 2. Section 3 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1602), is amended by—

(1) redesignating subsection (c) as subsection (e); and

(2) striking out subsections (a) and (b) and inserting in lieu thereof subsections (a), (b), (c), and (d), as follows:

"(a) The Secretary is authorized, in accordance with the provisions of this Act and on such terms and conditions as he may prescribe, to make grants or loans (directly, through the purchase of securities or equipment trust certificates, or otherwise) to assist States and local public bodies and agencies thereof in financing the acquisition, construction, reconstruction, and improvement of facilities and equipment for use, by operation or lease or otherwise, in mass transportation service in urban areas and in coordinating such service with highway and other transportation in such areas. Eligible facilities and equipment may include land (but not public highways), buses and other rolling stock, and other real and personal property needed for an efficient and coordinated mass transportation system. No grant or loan shall be provided under this section unless the Secretary determines that the applicant has or will have—

"(1) the legal, financial, and technical capacity to carry out the proposed project; and

"(2) satisfactory continuing control, through operation or lease or otherwise, over the use of the facilities and equipment.

The Secretary may make loans for real property acquisition pursuant to subsection (b) upon a determination, which shall be in lieu of the preceding determinations, that the real property is reasonably expected to be required in connection with a mass transportation system and that it will be used for that purpose within a reasonable period. No grant or loan funds shall be used for payment of ordinary governmental or nonproject operating expenses. An applicant for assistance under this section shall furnish a copy of its application to the Governor of each State affected concurrently with submission to the Secretary. If, within 30 days thereafter, the Governor submits comments to the Secretary, the Secretary must consider the comments before taking final action on the application.

"(b) The Secretary is authorized to make loans under this section to States or local public bodies and agencies thereof to finance the acquisition of real property and interests in real property for use as rights-of-way, station sites, and related purposes, on urban mass transportation systems, including the net cost of property management and relocation payments made pursuant to section 7. Each loan agreement under this subsection shall provide for actual construction of urban mass transportation facilities on acquired real property within a period not exceeding ten years following the fiscal year in which the agreement is made. Each agreement shall provide that in the event acquired real property or interests in real property are not to be used for the purposes for which acquired, an appraisal of current value will be made at the time of that determination, which shall not be later than ten years following the fiscal year in which the agreement is made. Two-thirds of the increase in value, if any, over the original cost of the real property shall be paid to the Secretary for credit to miscellaneous receipts of the Treasury. Repayment of amounts loaned shall be credited to miscellaneous receipts of the Treasury. A loan made under this subsection shall be repayable within ten years from the date of the loan agreement or on the date a grant agreement for actual construction of facilities on the acquired real property is made, whichever date is earlier. An applicant for assistance under this subsection shall furnish a copy of its application to the comprehensive planning agency of the community affected concurrently with submission to the Secretary. If within thirty days thereafter the comprehensive planning agency of the community affected submits comments to the Secretary, the Secretary must consider the comments before taking final action on the application.

"(c) No loan shall be made under this section for any project for which a grant is made under this section, except—

"(1) loans may be made for projects as to which grants are made for relocation payments; and

"(2) project grants may be made even though the real property involved in the project has been or will be acquired as a result of a loan under subsection (b).

Interest on loans made under this section shall be at a rate not less than (i) a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans adjusted to the nearest one-eighth of 1 per centum plus (ii) an allowance adequate in the judgment of the Secretary of Transportation to cover administrative costs and probable losses under the program. No loans shall be made, including renewals or extensions thereof, and no securities or obligations shall be purchased which have maturity dates in excess of forty years.

"(d) Any State or local public body or agency thereof which makes applications for a grant or loan under this Act to finance the acquisition, construction, reconstruction, or improvement of facilities or equipment which will substantially affect a community or its mass transportation service shall certify to the Secretary that it has held public hearings, has afforded adequate notice of such hearings, has considered the economic and social effects of the project for which

application for financial assistance is made and its impact on the environment, and has found that the project is consistent with any plans for the comprehensive development of the urban area. The notice required by this subsection shall include a concise statement of the proposal for which the application is made and may be published in a newspaper of general circulation in the State or locality to be served, and shall be published in the Federal Register, and for the purpose of this sentence the Administrator of the General Services Administration shall accept and publish any such notice. Hearings need not be held if opportunity for such hearings is provided through adequate notice, and no one with a significant economic, social or environmental interest in the matter requests a hearing. If hearings have been held, a copy of the transcript of the hearings shall be submitted with the certification."

SEC. 3. (a) Subsection 4(a) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1603(a)), is amended by—

(1) striking out "section 3" in the first sentence and inserting in lieu thereof "subsection (a) of section 3"; and

(2) striking out the next to the last sentence and inserting in lieu thereof the following: "Such remainder may be provided in whole or in part from other than public sources and any public or private transit system funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital."

(b) Section 4 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1603), is amended by adding at the end thereof the following new subsections:

"(c) To finance the programs and activities, including administrative costs, under this Act, the Secretary is authorized to incur obligations in the form of grant agreements or otherwise in amounts aggregating not to exceed $3,100,000,000. This amount shall become available for obligation upon the effective date of this subsection and shall remain available until obligated. There are authorized to be appropriated for liquidation of the obligations incurred under this subsection not to exceed $80,000,000 prior to July 1, 1971, which amount may be increased to not to exceed an aggregate of $310,000,000 prior to July 1, 1972, not to exceed an aggregate of $710,000,000 prior to July 1, 1973, not to exceed an aggregate of $1,260,000,000 prior to July 1, 1974, not to exceed an aggregate of $1,860,000,000 prior to July 1, 1975, and not to exceed an aggregate of $3,100,000,000 thereafter. Sums so appropriated shall remain available until expended.

"(d) The Secretary shall report annually to the Congress, after consultation with State and local public agencies, with respect to outstanding grants or other contractual agreements executed pursuant to subsection (c) of this section. To assure program continuity and orderly planning and project development, the Secretary shall submit to the Congress (1) authorization requests for fiscal years 1976 and 1977 not later than February 1, 1972, (2) authorization requests for fiscal years 1978 and 1979 not later than February 1, 1974, (3) authorization requests for fiscal years 1980 and 1981 not later than February 1, 1976, and (4) an authorization request for fiscal year 1982 not later than February 1, 1978. Such authorization requests shall be designed to meet the Federal commitment specified in the first section of the Urban Mass Transportation Assistance Act of 1969. Concurrently with these authorization requests, the Secretary shall also submit his recommendtions for any necessary adjustments in the schedule for liquidation of obligations."

SEC. 4. Section 5 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1604), is amended by striking out the next to the last sentence and inserting in lieu thereof the following sentence: "Such remainder may be provided in whole or in part from other than public sources and any public or private transit system funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital."

SEC. 5. Section 14 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1610), is amended to read as follows:

"ENVIRONMENTAL PROTECTION

"SEC. 14. (a) It is hereby declared to be the national policy that urban mass transportation projects for which Federal finance assistance is provided pursuant to section 3 shall provide for the protection and enhancement of the natural resources and the quality of environment of the Nation. In implementing this policy the Secretary shall consult with the Secretaries of Health, Education, and Welfare, Housing and Urban Development, and Interior and with the National Environmental Quality Council with regard to each such project that may have a substantial impact on natural resources including, but not limited to water and air quality, peace and tranquility, and fish and wildlife, natural, scenic and recreational assets, and other factors affecting the environment.

"(b) The Secretary shall review each transcript of hearing submitted pursuant to section 3(d) to assure that an adequate opportunity was afforded for the presentation of views by all parties with a significant economic, social or environmental interest and that the environmental considerations identified at the hearing have been adequately dealt with in the project application. The Secretary shall not grant financial assistance under section 3 for any project unless he is satisfied that fair consideration has been given to the preservation and enhancement of the environment and to the interest of the community in which the project is located.

"(c) If opposition to any application for assistance under section 3 is raised in the hearing before the State or local public agency, or in any communication to the Secretary, on the grounds that the environment would be adversely affected by the project to which the application relates, the Secretary shall not approve the application, unless he finds in writing after a full and complete review of the record of such hearing and of the application, that (1) no adverse environmental effect is likely to result from such project, or (2) there exists no feasible and prudent alternative to such effect and all reasonable steps have been taken to minimize such effect. In any case in which the Secretary determines that the record of the hearing before the State or local public agency is inadequate to permit him to make the findings required under the preceding sentence, he shall conduct a hearing, including adequate notice to interested persons, on the environmental issue raised by such application. Findings of the Secretary under this subsection shall be made a matter of public record."

SEC. 6. Section 15 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1611), is amended to read as follows:

"STATE LIMITATION

"SEC. 15. Grants made under section 3 (other than for relocation payments in accordance with section 7(b)) before July 1, 1970, for projects in any one State shall not exceed in the aggregate 12½ per centum of the aggregate amount of grant funds authorized to be appropriated pursuant to section 4(b); except that the Secretary may, without regard to such limitation, enter into contracts for grants under section 3 aggregating not to exceed $12,500,000 (subject to the total authorization provided in section 4(b)) with local public bodies and agencies in States where more than two-thirds of the maximum grants permitted in the respective State under this section has been obligated. Grants made on or after July 1, 1970, under section 3 for projects in any one State may not exceed in the aggregate 12½ per centum of the aggregate amount of funds authorized to be obligated under subsection 4(c), except that 1½ per centum of the aggregate amount of grant funds authorized to be obligated under subsection 4(c) may be used by the Secretary, without regard to this limitation, for grants in States where more than two-thirds of the maximum amounts permitted under this section has been obligated and except that an additional 6 per centum of the aggregate amount of grant funds authorized to be obligated under subsection 4(c) may be used by the Secretary for grants in States where more than two-thirds of the maximum amounts permitted under this section has been obligated, where the Secretary shall determine that the utilization of these funds in this manner shall better accomplish the purposes of this Act and shall not prejudice or delay pending projects of other States, but in no case shall any State receive more than 25 per centum of the additional grant funds made available under this exception. In computing State limitations under this section, grants for relocation payments shall be excluded. Any grant made under section 3 to a local public body or agency in a major metropolitan area which is used in whole or in part to provide or improve urban mass transportation service, pursuant to an interstate compact approved by the Congress, in a neighboring State having within its boundaries population centers within normal commuting distance from such major metropolitan area, shall, for purposes of computing State limitations under this section, be allocated on an equitable basis, in accordance with regulations prescribed by the Secretary, between the State in which such public body or agency is situated and such neighboring State."

SEC. 7. Nothing in this Act shall affect the authority of the Secretary of Housing and Urban Development to make grants, under the authority of sections 6(a), 9, and 11 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1605(a), 1607a, and 1607c), and Reorganization Plan Numbered 2 of 1968, for projects or activities primarily concerned with the relationship of urban transportation systems to the comprehensively planned development of urban areas, or the role of transportation planning in overall urban planning, out of funds appropriated to him for that purpose.

SEC. 8. This Act may be cited as the "Urban Mass Transportation Assistance Act of 1969".

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and the third reading of the bill.

The bill (S. 3678) was ordered to be engrossed for a third reading, and was read the third time.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the Committee on Banking and Currency be discharged from further consideration of H.R. 15073, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The bill will be stated by title.

The bill was read by title as follows:

A bill (H.R. 15073) to amend the Federal Deposit Insurance Act to require insured banks to maintain certain records, to require that certain transactions in U.S. currency be reported to the Department of the Treasury, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wisconsin (Mr. PROXMIRE)?

There being no objection, the committee was discharged and the Senate proceeded to consider the bill.

Mr. PROXMIRE. Mr. President, I move to strike all after the enacting clause of H.R. 15073 and insert in lieu thereof the language contained in S. 3678, as amended.

The motion was agreed to.

The amendment in the nature of a substitute was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment in the nature of a substitute and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 15073) was read the third and was passed.

Mr. PROXMIRE. Mr. President, I ask unanimous consent to indefinitely postpone S. 3678.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I move that the Senate insist on its amendments to H.R. 15073 and request a conference with the House of Representatives on the disagreeing votes there, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. PACKWOOD) appointed Mr. PROXMIRE, Mr. WILLIAMS of New Jersey, Mr. MUSKIE, Mr. MCINTYRE, Mr. BENNETT, Mr. BROOKE, and Mr. PERCY conferees on the part of the Senate.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of the Senate amendments to the bill we passed a few minutes ago, the foreign bank accounts bill (H.R. 15073), and that the bill be printed as it passed the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, it is with sincere appreciation that I express my thanks to the Senator from Wisconsin (Mr. PROXMIRE) for his skillful and expeditious handling of the bank secrecy measure—the Federal Deposit Insurance Act amendments. Senator PROXMIRE is untiring in his devotion in behalf of the American public to assure that Government agencies and organizations operate to the benefit of all Americans. Today we have observed once again the splendid success his sincere dedication to fairness and efficiency have obtained. The Senate is indebted to him for guiding this measure through the Senate. The high quality of debate and its swift acceptance by the Senate speak abundantly for Senator PROXMIRE'S effectiveness. The Senate is deeply grateful.

Of course, the chairman of the Senate Banking and Currency Committee, the distinguished and able senior Senator from Alabama (Mr. SPARKMAN) as always contributed immensely to our understanding of the importance and implications of the measure. Senator SPARKMAN is unexcelled when it comes to explaining and discussing the many complex issues which come under the jurisdiction of the committee he so ably chairs. The Senate is truly in his debt for the great contributions he has made in the field of banking and I wish especially to commend him for his unstinting efforts.

Once again our thanks go to the ranking minority member of the Senate Banking Committee, the distinguished Senator from Utah (Mr. BENNETT). He deserves our deepest appreciation for his contributions to the handling of this bill on the floor. With his cooperation the Senate was able to move to swift disposition of this measure.

TREASURY, POST OFFICE, AND EXECUTIVE OFFICE APPROPRIATION BILL, 1971—CONFERENCE REPORT

Mr. YARBOROUGH. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 16900) making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1971, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of September 14, 1970, pp. 31477–31478, CONGRESSIONAL RECORD.)

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YARBOROUGH. Mr. President, the conference figure of new budget—obligational—authority agreed to for the overall bill is $3,004,711,000. This sum is $13,368,000 under the Senate bill and $33,009,000 over the House bill; $41,982,000 under the revised budget estimates submitted to the Senate in the amount of $3,046,693,000 for all items in the bill. There is a difference of $1,938,000 between the budget estimates submitted to the House and those submitted to the Senate. This is the result of a revised budget estimate adding $288,000 to the Tax Court and a new item in the amount of $1,650,000 for protection of visiting foreign dignitaries, both of which were received by the Senate and not considered by the House.

The conference report, I believe, reflects compromise and the changes are explained therein.

The item for the U.S. Tax Court, Mr. President, was to permit taxpayers to make their small claims there.

The $1,650,000 item is for the protection of visiting foreign dignitaries attending the observance of the 25th anniversary of the United Nations. Scores of prime ministers, presidents, and other heads of states will need protection while they visit here. It was the estimate of the Secret Service that this amount is needed in order for the United States to give adequate protection to the visiting foreign heads of states and other high officials representing foreign nations in New York City. It is the responsibility of our Government to protect them. We accepted that recommendation for the full amount.

Those were the two new items added by the Senate to the House bill.

I shall be happy to answer any questions.

I there are no qustions, I want to pay my respects to the distinguished ranking minority member of the committee, the Senator from Delaware (Mr. BOGGS), who made a notable contribution to the bill and actively participated in the subcommittee, and in the full committee meetings. I think the hard work on both sides of the aisle is the reason why there are no objections to the conference report. I did not prevail in everything I advocated. The other side did not prevail in everything it advocated. This is the composite result of the ideas of each side in trying to reach a reasonable bill.

Mr. BOGGS. Mr. President, I thank the distinguished chairman of the subcommittee, manager of the bill, the Senator from Texas, for his kind and generous remarks. I am in agreement with his presentation of the conference report. I am hopeful the Senate will proceed to adopt it. But I want to say further, and more importantly, it seems to me the distinguished Senator from Texas, chairman of the subcommittee, has been meticulous, careful, and dedicated in the handling of this particular legislation. It has been a pleasure and honor to work with him. I am happy the bill is coming to this conclusion, in such an agreeable, fair, and proper manner.

I thank the Senator for his kindness.

Mr. YARBOROUGH. I thank the Senator for his remarks.

Mr. President, I think that is all it is necessary to say, but I do want to mention one or two items.

The Senate allowed substantially more for the Secret Service than the House did. We added susbtantially more than the House allowed for enforcement of the internal revenue laws. Although it was requested by the budget, the House did not allow all of the requests in full.

We allowed substantially more for the Bureau of Customs than the House allowed. We know that millions of people are coming through our airports and other ports of entry. My State has a 1,000-mile border along the Rio Grande. In the old days the chief duty of the customs office was to catch people trying to evade the paying of customs. Their main job now is to prevent the smuggling of illegal goods. Most of the smuggling is of something illegal, and most of that is narcotics. It is a tremendous job. With the vast millions of people coming through the international airports, it is a difficult job to inspect all the baggage,

and the Customs Bureau requested many additional employees to make more thorough and better inspections for customs.

There has been a change in the chief duty of merely trying to get a declaration of customs to the more serious duty of the enforcement of the law. That duty has become more dangerous as the burden has shifted from collection of taxes to enforcing laws against bringing in small packages containing fortunes in drugs. We provided the agency with more money than the House allowed to give the Bureau the means to do the job.

Likewise, we increased the allowance over the House for the Secret Service because, under the law passed 2 years ago, the Secret Service has the duty not only of guarding the President and Vice President, but, when there is a presidential election campaign, it has the duty to give protection to the leading candidates for President and Vice President. We have found from sad experience that such candidates undergo great dangers even before the nomination process. So we increased the House allowance in order that the law could be enforced.

We increased every item for law enforcement. The Bureau of the Budget asked the House to provide larger sums than the House did. In every single instance, the Senate appropriated more than the House did. I could name each item: the Federal Law Enforcement Training Center; the various divisions of the Internal Revenue Service dealing with tax collections, auditing, and compliance; the Bureau of Customs; and the U.S. Secret Service. There are a number of law enforcement matters involved in the conference report. It also applies to other agencies under the jurisdiction of the Treasury Department.

In each of these instances the allowances were up to or near the budget requests. There were some adjustments downward, but, on the whole, we prevailed on those provisions.

I think the bill is a much better one than the measure which came from the House. This country must do something about law enforcement. The Senate allowed items for that purpose in this bill up to the requests of the Bureau of the Budget. It was the subcommittee's idea that every penny requested by the budget for law enforcement should be provided.

Mr. INOUYE. Mr. President, as we move to approve H.R. 16900, the Treasury, Post Office, and Executive Office appropriation for fiscal 1971, it is, I believe, an appropriate time to call attention to the sharp contrast between White House statements and its conduct of its own financial affairs.

While the Republican National Committee distributes bumper strips which read "Stop: The Big Spending Democrats" we find the national leaders of that party, the President and Vice President, sharply increasing the spending for those activities most directly subject to their personal control by unprecedented amounts.

I suggest that if they are really interested in holding down taxes and in "doing their bit" to halt inflation they ought to start "at home."

I know the critics made much of President Johnson's turning off the White House lights—and while I would confess that that action was more symbolic than material in reducing the expenditures of Government, it did at least indicate in a very clear way that he was not calling on all the other departments of Government and on the country to reduce expenditures while increasing his own. He was instead telling each of us that sacrifice begins at home and that each of us must do his part.

Not so with this administration. The bill before us calls for $4,610,000 more for White House salaries and expenses than was appropriated last year. This is a 117-percent increase.

Now I know that this represents in part a change from the former practice of detailing people from the various agencies, to direct budgeting. We have no guarantee, however, that the agencies will actually strike those positions from their own roles or that detailing will totally cease. In any case this massive increase comes on top of a 22-percent increase for the salaries and expenses of the White House in fiscal 1970.

I think the American people may rightly wonder how much of this increase is represented by the additional cost of having not one, but two, White Houses outside Washington. They may rightly wonder how much is the result of deciding to throw fancy state dinners in San Clemente rather than in Washington, with the attendant travel and expenses for White House service personnel because those indigenous to California are apparently not adequate for such purpose.

New uniforms for the White House Police may be a small item. So was President Johnson's saving on the White House electric bill—but what a sharp contrast of purpose.

There are other examples to be sure. This appropriation bill calls for $700,000 in new money for a purpose not previously funded to enable the Vice President to provide assistance to the President with his assigned functions.

It adds an additional $180,000 to the appropriation for the Office of Intergovernmental Relations whose function it has been to advise and assist the Vice President in his role as liaison with State and local governments. This is an increase of 150 percent over last year. I am told this Office now houses former Gov. Niles Boe with a chauffeur driven limousine. Other than that I am not aware of any major improvements in that Office, or for that matter in the relationship between State and local governments and the Federal Government over what was achieved under former Vice President Humphrey without any appropriated budget. Perhaps this is due to the current Vice President's apparent disinterest. He did not even appear at the Governors' conference in Missouri this past summer.

But he is now out around the country trying to stir up the young in an effort to excite a live issue in this year's campaign.

And I think the American people have a right to question whether these added expenses for the Executive Office of the President and Vice President are not unnecessarily burdened by the salaries of highly paid presidential assistants, speechwriters, and research people—some drawing the same pay as Senators—men such as Harlow, Anderson, Buchanan, Safire, and Burgess, running around the country with the Vice President on the campaign trail after Democratic Senators' scalps.

This is not the first time a Vice President has hit the campaign trail on behalf of candidates for the Congress and I am not suggesting that he has no right to involve himself. I do think the cost is nevertheless a relevant consideration in assessing the budgetary needs of this administration and in determining its avowed dedication to fighting the battle of inflation. I, for one, can think of less expensive ways to fight the unemployment problem.

Mr. President, because I believe it is germane to this discussion I wish to have an article which appeared in last night's Star by Milton Viorst made a part of the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AGNEW RATED LOW IN OFFICIAL DUTIES

(By Milton Viorst)

Larry O'Brien, chairman of the Democratic National Committee, probably was being facetious when he suggested last week that Vice President Agnew be taken off the federal payroll and draw his salary from the Republican party.

Politicians, even vice presidents, have a right to engage in political campaigning as part of their professional duties. Getting the issues to public attention is essential to the functioning of the democratic process.

But this right is contingent upon the politician's satisfactory performance of his duties as a government official. In this area, Spiro Agnew has been scandalously deficient.

Constitutionally, the vice president is responsible for presiding over the business of the Senate. To be sure, the requirement has been interpreted rather loosely throughout history. No vice president, however, has denied it altogether.

But Agnew, during the first 950 hours of the current session, presided over the Senate for a total of 14 hours 50 minutes—less than 2 percent of the time. When he was there, it was invariably in case he had to cast a tie-breaking vote.

Republicans and Democrats alike concede that they have not within memory encountered such delinquency. Senators from both parties resent it, since it imposes on them an extra burden to take turns sitting in the chair.

As election day approaches, it becomes progressively more difficult to get senators to preside over sessions. Although the vice president may find it stimulating to go out on the trail, his campaigning forces some senators—often Republicans—to remain in Washington when they'd like to be out campaigning, too.

But Agnew's duties extend rather far beyond the Senate chair. Since the war, the vice presidential office has grown continually in stature, as presidents have bestowed upon it more and more responsibilities.

Spiro Agnew, however, has been so inattentive to these responsibilities that he threatens to reverse the trend decisively. Un-

der Agnew, the vice presidency has atrophied alarmingly as a serious federal office.

Agnew is, for example, chairman of the President's Council on Youth Opportunity. Youth unemployment probably is the greatest single problem in the current economic recession. Yet in his first 16 months in office, Agnew did not once convene a meeting of the council.

Finally, under severe pressure from the nation's mayors, who feared real trouble unless more summer jobs for teenagers were created, Agnew called together a second-level group of the council.

When the group met, the vice president was off addressing a Republican fund-raising luncheon in Huntington, W. Va.

Agnew also is chairman of the National Council on Marine Resources. When Hubert Humphrey was vice president, the council met 17 times in the 2½ years of its existence. It has met three times under Agnew.

In February 1969, President Nixon created a new Office of Intergovernmental Relations and assigned to Agnew the chief responsibility for improving federal relations with state and local governments.

But when the nation's governors met in Missouri this summer, the vice president was absent. No one was surprised, of course, since he had never assumed the functions of the job at all.

Similarly, the vice president received a great deal of publicity last spring when the President named him chairman of a cabinet committee for the desegregation of schools. Agnew, however, has managed to miss all of its last seven meetings.

By law or executive order, the vice president is chairman of the National Aeronautics and Space Council, the President's Council on Indian Opportunity and the President's Council on Physical Fitness. Agnew has practically ignored all three.

What Agnew has accomplished, of course, is the addition of a new dimension of diatribe to our political tradition.

The vice presidency, as an office, has come far since John Garner, in the early New Deal days, compared its powers to a bucket of warm spit. Most Americans approve of the change. Spiro Agnew, however, appears committed to taking it back.

Mr. YARBOROUGH. Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent to have printed in the RECORD a tabulation which reflects the amount of the 1970 appropriations, the budget estimates for fiscal 1971, the amounts of the House bill and the bill as passed by the Senate, and the final amounts agreed to by the two Houses in conference.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1970 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL 1971

TREASURY, POST OFFICE, AND EXECUTIVE OFFICE APPROPRIATION BILL, 1971 (H.R. 16900)

[In thousands of dollars]

Agency and items	New budget (obligational) authority appropriated, fiscal year 1970 [1]	Budget estimates of new (obligational) authority, fiscal year 1971	Allowances			Conference allowance compared with—			
			House	Senate	Conference	New budget (obligational) authority appropriated, 1970	Budget estimate of new (obligational) authority, 1971	House allowance	Senate allowance
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
TITLE I									
TREASURY DEPARTMENT									
Office of the Secretary	9,828	9,660	9,500	9,660	9,660	−168		+160	
Federal Law Enforcement Training Center:									
Salaries and expenses	58	1,113	1,000	1,113	1,080	+1,022	−$33	+80	−33
Construction	1,000	5,000	5,000	5,000	5,000	+4,000			
Total, Federal Law Enforcement Training Center	1,058	6,113	6,000	6,113	6,080	+5,022	−33	+80	−33
Bureau of Accounts	47,375	47,250	47,250	47,250	47,250	−125			
Government losses in shipment		400	400	400	400	+400			
Bureau of Customs	125,131	137,085	135,500	137,085	137,000	+11,869	−85	+1,500	−85
Bureau of the Mint	17,500	19,663	18,000	19,663	19,600	+2,100	−63	+1,600	−63
Construction of Mint facilities	1,770					−1,770			
Bureau of the Public Debt	65,414	66,792	66,792	66,792	66,792	+1,378			
Internal Revenue Service:									
Salaries and expenses	24,926	26,096	25,500	26,096	26,096	+1,170		+596	
Revenue accounting and processing	211,920	222,239	220,000	222,239	221,500	+9,580	−739	+1,500	−739
Compliance	623,006	664,473	645,000	660,000	655,000	+31,994	−9,473	+10,000	−5,000
Total, Internal Revenue Service	859,852	912,808	890,500	908,335	902,596	+42,744	−10,212	+12,096	−5,739
Office of the Treasurer	7,773	8,180	8,180	8,180	8,180	+407			
Check forgery insurance fund	100					−100			
U.S. Secret Service:									
Salaries and expenses	32,811	44,600	40,000	44,600	42,300	+9,489	−2,300	+2,300	−2,300
Construction of Secret Service training facilities	700					−700			
Total, U.S. Secret Service	33,511	44,600	40,000	44,600	42,300	+8,789	−2,300	+2,300	−2,300
Total, title I, Treasury Department, new budget (obligational) authority	1,169,312	1,252,551	1,222,122	1,248,078	1,239,858	+70,546	−12,693	+17,736	−8,220
TITLE II									
POST OFFICE DEPARTMENT									
Authorizations and limitations on use of the postal fund:									
Administration and regional operation	(143,784)	(163,670)	(161,000)	(163,670)	(162,335)	(+18,551)	(−1,335)	(+1,335)	(−1,335)
Research, development and engineering	(49,736)	(65,675)	(60,000)	(65,675)	(62,000)	(+12,264)	(−3,675)	(+2,000)	(−3,675)
Operations	(6,403,667)	(6,517,138)	(6,500,000)	(6,517,138)	(6,508,000)	(+104,333)	(−9,138)	(+8,000)	(−9,138)
Transportation	(640,060)	(661,000)	(655,000)	(659,000)	(657,000)	(+16,400)	(−4,000)	(+2,000)	(−2,000)
Building occupancy	(230,000)	(260,590)	(255,000)	(259,000)	(255,000)	(+25,000)	(−5,590)		(−4,000)
Supplies and services	(115,132)	(119,203)	(118,000)	(118,000)	(118,000)	(+2,868)	(−1,103)		
Plant and equipment	(210,000)	(221,158)	(217,000)	(219,000)	(217,000)	(+7,000)	(−4,158)		(−2,000)
Postal public buildings	(170,000)	(269,825)	(269,825)	(252,825)	(269,825)	(+99,825)			(+17,000)
Total authorizations and limitations on use of the postal fund	(7,962,919)	(8,278,259)	(8,235,825)	(8,254,308)	(8,249,160)	(+286,241)	(−29,099)	(+13,335)	(−5,148)
Less net revenues (estimated)	(−6,369,000)	(−6,521,000)	(−6,521,000)	(−6,521,000)	(−6,521,000)	(−152,000)			
Total, title II, Post Office Department new budget (obligational) authority (indefinite)	1,593,919	1,757,259	1,714,825	1,733,308	1,728,160	+134,241	−29,099	+13,335	−5,148

Footnotes at end of table.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1970 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL 1971—Continued

TREASURY, POST OFFICE, AND EXECUTIVE OFFICE APPROPRIATION BILL, 1971 (H.R. 16900)

[In thousands of dollars]

Agency and items	New budget (obligational) authority appropriated, fiscal year 1970 [1]	Budget estimates of new (obligational) authority, fiscal year 1971	Allowances			Conference allowance compared with—			
			House	Senate	Conference	New budget (obligational) authority appropriated, 1970	Budget estimate of new (obligational) authority, 1971	House allowance	Senate allowance
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
TITLE III									
EXECUTIVE OFFICE OF THE PRESIDENT									
Compensation of the President	250	250	250	250	250				
Operating expenses, Executive Residence	966	1,100	1,100	1,100	1,100	+134			
The White House Office	3,940	8,500	8,550	8,500	8,550	+4,610			
Special Assistance to the President		700	700	700	700	+700			
President's Advisory Council on Executive Organization	1,000	500	500	500	500	−500			
Office of Intergovernmental Relations	120	300	300	300	300	+180			
Special projects	2,500	1,500	1,500	1,500	1,500	−1,000			
Expenses of management improvement	350	350	350	350	350				
Emergency fund for the President	1,000	1,000	1,000	1,000	1,000				
Bureau of the Budget	12,141	13,290	13,100	13,100	13,100	+959	−190		
Council of Economic Advisers	1,187	1,233	1,233	1,233	1,233	+46			
National Security Council	1,860	2,182	2,182	2,182	2,182	+322			
Total, title III, Executive Office of the President, new budget (obligational) authority	25,314	30,955	30,765	30,765	30,765	+5,451	−190		
TITLE IV									
INDEPENDENT AGENCIES									
Administrative Conference of the United States	250	380	380	380	380	+130			
Advisory Commission on Intergovernmental Relations	620	610	610	610	610	−10			
Commission in Obscenity and Pornography	1,100					−1,100			
United States Tax Court	3,022	[2] 3,288	3,000	3,288	3,288	+266		+288	
Total, title IV, Independent agencies, new budget (obligational) authority	4,992	4,278	3,990	4,278	4,278	−714		+288	
TITLE V									
FUNDS APPROPRIATED TO THE PRESIDENT									
Protection of visiting foreign dignitaries attending the observance of the 25th anniversary of the United Nations		[3] 1,650		1,650	1,650	+1,650		+1,650	
Grand total, titles I, II, III, IV, and V, new budget (obligational) authority	2,793,537	3,046,693	2,971,702	3,018,079	3,004,711	+211,174	−41,982	+33,009	−13,368
Consisting of—									
Appropriations (definite)	1,199,618	1,289,434	1,256,877	1,284,771	1,276,551	+76,933	−12,883	+19,674	−8,220
Appropriations (indefinite)	[4] 1,593,919	[4] 1,757,259	[4] 1,714,825	[4] 1,733,308	[4] 1,728,160	+134,241	−29,099	+13,335	−5,148
Memoranda—									
Grand total, titles I, III, IV, and V, new budget (obligational) and title II, authorizations out of the ostal Fund	(9,162,537)	(9,567,693)	(9,492,702)	(9,539,079)	(9,525,711)	(+363,174)	(−41,982)	(+33,009)	(−13,368)

[1] Includes supplemental amounts contained in Second Supplemental Appropriation Act, 1970, (Public Law 91-305) approved July 6, 1970. Figures are not adjusted for transfers.

[2] Original estimate of $3,000,000 increased by $288,000 (H. Doc. 91-305) Apr. 13, 1970. Not considered by House.

[3] Contained in Senate Document 91-100 Aug. 31, 1970 and not considered by House.

[4] Indefinite, because it represents the difference between specific authorizations on use of the postal amounts exclude effect of anticipated pay increase fund and estimated postal revenues as shown in the 1971 budget.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I am going to lay a bill before the Senate and make it the pending business, but I am not certain how far we can get on it this afternoon.

LIBRARY SERVICES AND CONSTRUCTION AMENDMENTS OF 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1179 (S. 3318). I do this so that it will become the pending business.

The PRESIDING OFFICER (Mr. PACKWOOD). The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 3318) to amend the Library Services and Construction Act, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Library Services and Construction Amendments of 1970".

PURPOSE: AMENDMENT TO THE LIBRARY SERVICES AND CONSTRUCTION ACT

SEC. 2. (a) It is the purpose of this Act to extend authorizations of appropriations for programs authorized by the Library Services and Construction Act for five years and to improve the administration, implementation, and purposes of such programs by lessening the administrative burden upon the States through a reduction in the number of State plans which must be submitted and approved annually under such Act and affording the States greater flexibility in the allocation of funds under such Act to meet specific State needs and, by providing for special programs to meet the needs of disadvantaged persons, in both urban and rural areas, for library services and for strengthening the capacity of State library administrative agencies for meeting the needs of all the people of the States.

(b) The Library Services and Construction Act is amended by striking out all that follows the first section and inserting in lieu thereof the following:

"DECLARATION OF POLICY

"SEC. 2. (a) It is the purpose of this Act to assist the States in the extension and improvement of public library services in areas of the States which are without such

services or in which such services are inadequate, and with public library construction, and in the improvement of such other State library services as library services for physically handicapped, institutionalized, and disadvantaged persons, in strengthening State library administrative agencies, and in promoting interlibrary cooperation.

"(b) Nothing in this Act shall be construed to interfere with State and local initiative and responsibility in the conduct of public library services. The administration of public libraries, the selection of personnel and library books and materials, and, insofar as consistent with the purposes of this Act, the determination of the best uses of the funds provided under this Act shall be reserved to the States and their local subdivisions.

"DEFINITIONS

"SEC. 3. The following definitions shall apply to this Act:

"(1) 'Commissioner' means the Commissioner of Education.

"(2) 'Construction' includes construction of new buildings and acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, or any combination of such activities (including architects' fees and the cost of acquisition of land). For the purposes of this paragraph, the term 'equipment' includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them; and such term includes all other items necessary for the functioning of a particular facility as a facility for the provision of library services.

"(3) 'Library service' means the performance of all activities of a library relating to the collection and organization of library materials and to making the materials and information of a library available to a clientele.

"(4) 'Library services for the physically handicapped, means the providing of library services, through public or other nonprofit libraries, agencies, or organizations, to physically handicapped persons (including the blind and other visually handicapped) certified by competent authority as unable to read or to use conventional printed materials as a result of physical limitations.

"(5) 'Public library' means a library that serves free of charge all residents of a community, district, or region, and receives its financial support in whole or in part from public funds.

"(6) 'Public library services' means library services furnished by a public library free of charge.

"(7) 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

"(8) 'State Advisory Council on Libraries' means an advisory council for the purposes of clause (3) of section 6(a) of this Act which shall—

"(A) be broadly representative of the public, school, academic, special, and institutional libraries, and libraries serving the handicapped, in the State and of persons using such libraries, including disadvantaged persons, within the State;

"(B) advise the State library administrative agency on the development of, and policy matters arising in the administration of, the State plan;

"(C) assist the State library administrative agency in the evaluation of activities assisted under this Act; and

"(D) submit, through the State library administrative agency, to the Commissioner a report of its activities and recommendations as may be appropriate at such time, in such manner, and containing such information as the Commissioner shall prescribe by regulation.

"(9) 'State institutional library services' means the providing of books and other library materials, and of library services, to (A) inmates, patients, or residents of penal institutions, reformatories, residential training schools, orphanages, or general or special institutions or hospitals operated or substantially supported by the State, or (B) students in residential schools for the physically handicapped (including mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired persons who by reason thereof require special education) operated or substantially supported by the State.

"(10) 'State library administrative agency' means the official agency of a State charged by law of that State with the extension and development of public library services throughout the State, which has adequate authority under law of the State to administer State plans in accordance with the provisions of this Act.

"AUTHORIZATIONS OF APPROPRIATIONS

"SEC. 4. (a) For the purpose of carrying out the provisions of this Act the following sums are authorized to be appropriated:

"(1) For the purpose of making grants to States for library services as provided in title I, there are authorized to be appropriated $112,000,000 for the fiscal year ending June 30, 1972, $117,600,000 for the fiscal year ending June 30, 1973, $123,500,000 for the fiscal year ending June 30, 1974, $129,675,000 for the fiscal year ending June 30, 1975, and $137,150,000 for the fiscal year ending June 30, 1976.

"(2) For the purpose of making grants to States for public library construction, as provided in title II, there are authorized to be appropriated $80,000,000 for the fiscal year ending June 30, 1972, $84,000,000 for the fiscal year ending June 30, 1973, $88,000,000 for the fiscal year ending June 30, 1974, $92,500,000 for the fiscal year ending June 30, 1975, and $97,000,000 for the fiscal year ending June 30, 1976.

"(3) For the purpose of making grants to States to enable them to carry out interlibrary cooperation programs authorized by title III, there are hereby authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1972, $15,750,000 for the fiscal year ending June 30, 1973, $16,500,000 for the fiscal year ending June 30, 1974, $17,300,000 for the fiscal year ending June 30, 1975, and $18,200,000 for the fiscal year ending June 30, 1976.

"(b) Notwithstanding any other provision of law, unless enacted in express limitation of the provisions of this subsection, any sums appropriated pursuant to subsection (a) shall (1), in the case of sums appropriated pursuant to paragraph (1) and (3) thereof, be available for obligation and expenditure for the period of time specified in the Act making such appropriation, and (2), in the case of sums appropriated pursuant to paragraph (2) thereof, subject to regulations of the Commissioner promulgated in carrying out the provisions of section 5(b), be available for obligation and expenditure until expended.

"ALLOTMENTS TO STATES

"SEC. 5. (a)(1) From the sums appropriated pursuant to paragraph (1), (2), or (3) of section 4(a) for any fiscal year, the Commissioner shall allot the minimum allotment, as determined under paragraph (3) of this subsection, to each State. Any sums remaining after minimum allotments have been made shall be allotted in the manner set forth in paragraph (2) of this subsection.

"(2) From the remainder of any sums appropriated pursuant to paragraph (1), (2), or (3) of section 4(a) for any fiscal year, the Commissioner shall allot to each State such part of such remainder as the population of the State bears to the population of all the States.

"(3) For the purposes of this subsection, the 'minimum allotment' shall be—

"(A) with respect to appropriations for the purposes of title I, $200,000 for each State, except that it shall be $40,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

"(B) with respect to appropriations for the purposes of title II, $100,000 for each State, except that it shall be $20,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands; and

"(C) with respect to appropriations for the purposes of title III, $40,000 for each State, except that it shall be $10,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

If the sums appropriated pursuant to paragraph (1), (2), or (3) of section 4(a) for any fiscal year are insufficient to fully satisfy the aggregate of the minimum allotments for that purpose, each of such minimum allotments shall be reduced ratably.

"(4) The population of each State and of all the States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

"(b) The amount of any State's allotment under subsection (a) for any fiscal year from any appropriation made pursuant to paragraph (1), (2), or (3) of section 4(a) which the Commissioner deems will not be required for the period and the purpose for which such allotment is available for carrying out the State plan as approved shall be available for reallocation or reallotment from time to time on such dates during such year as the Commissioner shall fix. Such amount shall first be available for reallocation to that State for other purposes authorized under this Act and then shall be available for reallotment to other States in proportion to the original allotments for such year to such States under subsection (a) but with such proportionate amount for any of such other State being reduced to the extent that it exceeds the amount which the Commissioner estimates the State needs and will be able to use for such period of time for which the original allotments were made and the total of such reductions shall be similarly reallotted among the States not suffering such a reduction. Any amount reallotted to a State under this subsection for any fiscal year shall be deemed to be a part of its allotment for such year pursuant to subsection (a). The Commissioner shall fix at least one date for determinations under the first sentence of this subsection during each fiscal year.

"STATE PLANS

"SEC. 6. (a) Any State desiring to receive its allotment for any purpose under this Act for any fiscal year shall (1) have in effect for such fiscal year a basic State plan meeting the requirements set forth in subsection (b), (2) submit an annual program plan for the purposes for which allotments are desired, meeting the appropriate requirements set forth in titles I, II, and III, which plan shall include (no later than July 1, 1972) a long-range program plan for carrying out the purposes of this Act as specified in subsection (d), and (3) if it so elects, establish a State Advisory Council on Libraries which meets the requirements of section 3(8).

"(b) A basic State plan under this Act shall—

"(1) provide for the administration, or supervision of the administration, of the programs authorized by this Act by the State library administrative agency;

"(2) provide that any funds paid to the State in accordance with a long-range program and an annual program plan shall be expended solely for the purposes for which funds have been authorized and appropriated and that such fiscal control and fund accounting procedures have been adopted as may be necessary to assure proper disbursement of, and account for, Federal funds paid to the State (including any such funds paid by the State to any other agency) under this Act;

"(3) provide satisfactory assurance that the State agency administering the plan (A) will make such reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this Act and to determine the extent to which funds provided under this Act have been effective in carrying out its purposes, including reports of evaluations made under the State plans, and (B) will keep such records and afford such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports; and

"(4) set forth policies and procedures of accepting, reviewing, and approving applications for assistance under this Act which policies and procedures shall insure that final action with respect to the approval or disapproval of any application (or amendment thereof) shall not be taken without first (A) affording the agency or agencies submitting such application reasonable notice and opportunity for a hearing, and (B) affording interested persons an opportunity to present their views.

"(c) (1) The Commissioner shall not approve any basic or annual program plan pursuant to this Act for any fiscal year unless—

"(A) the plan fulfills the conditions specified in subsections (b) and (d) of this section and the appropriate title of this Act;

"(B) the plan has, prior to its submission, been made public by the State agency to administer it and a reasonable opportunity has been given by that agency for comment thereon by interested persons;

"(C) he has made specific findings as to the compliance of such plan with requirements of this Act and he is satisfied that adequate procedures are set forth therein to insure that any assurances and provisions of such plan will be carried out.

"(2) The State plan shall be made public as finally approved.

"(3) The Commissioner shall not finally disapprove any plan submitted pursuant to subsection (a), or any modification thereof, without first affording the State reasonable notice and opportunity for hearing.

"(d) The long-range program plan of any State for carrying out the purposes of this Act shall be developed in consultation with the Commissioner and shall—

"(1) set forth a program under which the funds received by the State under the programs authorized by this Act will be used to carry out a long-range plan of library services and construction covering a period of not less than three nor more than five years, and

"(2) be annually reviewed and revised in accordance with changing needs for assistance under this Act and the results of the evaluation and surveys of the State library administrative agency;

"(3) set forth policies and procedures (A) for the periodic evaluation of the effectiveness of programs and projects supported under this Act, and (B) for appropriate dissemination of the results of such evaluations and other information pertaining to such programs or projects;

"(4) set forth effective policies and procedures for the coordination of programs and projects supported under the State plan with library programs and projects operated by institutions of higher education or local elementary or secondary schools and with other public or private library services programs; and

"(5) set forth the criteria to be used in determining the adequacy of public library services in geographical areas and for groups of persons in the State, including criteria designed to assure that priority will be given to programs or projects which serve urban and rural areas with high concentrations of low-income families.

Prior to its adoption, such program plan shall be made public and a reasonable opportunity shall be afforded for comment thereon by interested persons. Such program plan shall be made public as it is finally adopted.

"(e) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency administering a State plan approved under this Act, finds—

"(1) that the State plan has been so changed that it no longer complies with the provisions of this Act, or

"(2) that in the administration of the plan there is a failure to comply substantially with any such provisions or with any assurance or other provision contained in such plan,

then, until he is satisfied that there is no longer any such failure to comply, after appropriate notice to such State agency, he shall make no further payments to the State under this Act or shall limit payments to programs or projects under, or parts of, the State plan not affected by the failure, or shall require that payments by such State agency under this Act shall be limited to local or other public library agencies not affected by the failure.

"(f) (1) If any State is dissatisfied with the Commissioner's final action with respect to the approval of a plan submitted under this Act or with his final action under subsection (e) such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action as provided in section 2112 of title 28; United States Code.

"(2) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon take new or modified findings of fact and may modify his previous action, and shall certify to the court the record of further proceedings.

"(3) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"PAYMENT TO STATES

"SEC. 7. (a) From the allotments available therefor under section 5 from appropriations pursuant to paragraph (1), (2), or (3) of section 4(a), the Commissioner shall pay to each State which has the appropriate State plans approved under section 6 and title I, II, or III an amount equal to the Federal share of the total sums expended by the State and its political subdivisions in carrying out such plan, except that no payments shall be made from appropriations pursuant to such paragraph (1) for the purposes of title I to any State (other than the Trust Territory of the Pacific Islands) for any fiscal year unless the Commissioner determines that—

"(1) there will be available for expenditure under the plan from State and local sources during the fiscal year for which the allotment is made—

"(A) sums sufficient to enable the State to receive for the purpose of carrying out the plan payments in an amount not less than the minimum allotment for that State for the purpose, and

"(B) not less than the total amount actually expended, in the areas covered by the plan for such year, for the purposes of such plan from such sources in the second preceding fiscal year; and

"(2) there will be available for expenditure for the purposes of the plan from State sources during the fiscal year for which the allotment is made not less than the total amount actually expended for such purposes from such sources in the second preceding fiscal year.

"(b) (1) For the purposes of this section, the 'Federal share' for any State shall be, except as is provided otherwise in title III, 100 per centum less the State percentage, and the State percentage shall be that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of all the States (excluding Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), except that (A) the Federal share shall in no case be more than 66 per centum, or less than 50 per centum, and (B) the Federal share for Puerto Rico, Guam, American Samoa, and the Virgin Islands shall be 66 per centum, and (C) the Federal share for the Trust Territory of the Pacific Islands shall be 100 per centum.

"(2) The 'Federal share' for each State shall be promulgated by the Commissioner within sixty days after the beginning of the fiscal year ending June 30, 1971, and of every second fiscal year thereafter, on the basis of the average per capita incomes of each of the States and of all the States (excluding Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), for the three most recent consecutive years for which satisfactory data are available to him from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years beginning after the promulgation.

"TITLE I—LIBRARY SERVICES

"GRANTS FOR STATES FOR LIBRARY SERVICES

"SEC. 101. The Commissioner shall carry out a program of making grants from sums appropriated pursuant to section 4(a)(1) to States which have had approved basic State plans under section 6 and annual program plans under section 103 for the extension of public library services to areas without such services and the improvement of such services in areas in which such services are inadequate, for making library services more accessible to persons who, by reason of distance, residence, or physical handicap, or other disadvantage, are unable to receive the benefits of public library services regularly made available to the public, for adapting public library services to meet particular needs of persons within the States, and for

improving and strengthening library administrative agencies.

"USES OF FEDERAL FUNDS

"SEC. 102. (a) Funds appropriated pursuant to paragraph (1) of section 4(a) shall be available for grants to States from allotments under section 5(a) for the purpose of paying the Federal share of the cost of carrying out State plans submitted and approved under section 6 and section 103. Except as is provided in subsection (b), grants to States under this title may be used solely—

"(1) for planning for, and taking other steps leading to the development of, programs and projects designed to extend and improve library services, as provided in clause (2); and

"(2) for (A) extending public library services to geographical areas and groups of persons without such services and improving such services in such areas and for such groups as may have inadequate public library services; and (B) establishing, expanding, and operating programs and projects to provide (i) State institutional library services, (ii) library services to the physically handicapped, and (iii) library services for the disadvantaged in urban and rural areas; and (C) strengthening metropolitan public libraries which serve as national or regional resource centers.

"(b) Subject to such limitations and criteria as the Commissioner shall establish by regulation, grants to States under this title may be used (1) to pay the cost of administering the State plans submitted and approved under this Act (including obtaining the services of consultants), statewide planning for and evaluation of library services, dissemination of information concerning library services, and the activities of such advisory groups and panels as may be necessary to assist the State library administrative agency in carrying out its functions under this title, and (2) for strengthening the capacity of State library administrative agencies for meeting the needs of the people of the States.

"STATE ANNUAL PROGRAM PLANS FOR LIBRARY SERVICES

"SEC. 103. Any State desiring to receive a grant from its allotment for the purposes of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 6, submit for approval for that fiscal year an annual program plan for library services. Such plan shall be submitted at such time, in such form, and contain such information as the Commissioner may require by regulation, and shall—

"(1) set forth a program for the year submitted under which funds paid to the State from appropriations pursuant to paragraph (1) of section 4(a) for that year will be used, consistent with its long-range plan, solely for the purposes set forth in section 102;

"(2) set forth the criteria used in allocating such funds among such purposes, which criteria shall insure that the State will expend from Federal, State, and local sources an amount not less than the amount expended by the State from such sources for State institutional library services, and library services to the physically handicapped during the fiscal year ending June 30, 1971;

"(3) include such information, policies, and procedures as will assure that the activities to be carried out during that year are consistent with the long-range program plans; and

"(4) include an extension of the long-range plan, taking into consideration the results of evaluations.

"TITLE II—PUBLIC LIBRARY CONSTRUCTION

"GRANTS TO STATES FOR PUBLIC LIBRARY CONSTRUCTION

"SEC. 201. The Commissioner shall carry out a program of making grants to States which have had approved basic plans under section 6 and State annual program plans under section 202 for the construction of public libraries.

"STATE ANNUAL PROGRAM PLANS FOR THE CONSTRUCTION OF PUBLIC LIBRARIES

"SEC. 202 Any State desiring to receive a grant from its allotment for the purposes of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic and a long-range State plan under section 6, submit for approval for that fiscal year an annual program plan for the construction of public libraries. Such plan shall be submitted at such time and contain such information as the Commissioner may require by regulation, and shall—

"(1) provide that funds paid to the State from appropriations pursuant to paragraph (2) of section 4(a) for that year will be used, consistent with its long-range plan, solely for the construction of public libraries in areas of the State which are without the library facilities necessary to provide adequate library services;

"(2) set forth the criteria, policies, and procedures for the approval of applications for the construction of public library facilities under the program set forth in clause (1);

"(3) set forth policies and procedures which will insure that every local or other public agency whose application for funds under the plan with respect to a project for construction of public library facilities is denied will be given an opportunity for a hearing before the State library administrative agency;

"(4) include such information, policies, and procedures as will assure that the activities to be carried out during that year are consistent with the long-range program plan; and

"(5) include an extension of the long-range plan, taking into consideration the results of evaluations.

"TITLE III—INTERLIBRARY COOPERATION

"GRANTS TO STATES FOR INTERLIBRARY COOPERATION PROGRAMS

"SEC. 301. The Commissioner shall carry out a program of making grants to States which have approved basic State plans under section 6 and annual program plans under section 303 for interlibrary cooperation programs.

"USES OF FEDERAL FUNDS

"SEC. 302. (a) Funds appropriated pursuant to paragraph (3) of section 4(a) shall be available for grants to States from allotments under paragraphs (1) and (3) of section 5(a) for the purpose of carrying out the Federal share of the cost of carrying out State plans submitted and approved under section 303. Such grants shall be used (1) for planning for, and taking other steps leading to the development of, cooperative library networks; and (2) for establishing, expanding, and operating local, regional, and interstate cooperative networks of libraries, which provide for the systematic and effective coordination of the resources of school, public, academic, and special libraries and information centers for improved supplementary services for the special clientele served by each type of library or center.

"(b) For the purposes of this title, the Federal share shall be 100 per centum of the cost of carrying out the State plan.

"STATE ANNUAL PROGRAM PLANS FOR INTERLIBRARY COOPERATION

"SEC. 303. Any State desiring to receive a grant from its allotment for the purposes of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 6, submit for approval for that fiscal year an annual program plan for interlibrary cooperation. Such plan shall be submitted at such time, in such form, and contain such information as the Commissioner may require by regulation, and shall—

"(1) set forth a program for the year submitted under which funds paid to the State from appropriations pursuant to paragraph (3) of section 4(a) will be used, consistent with its long-range plan, solely for the purposes set forth in section 302 and set forth specific procedures, policies, and objectives which will insure that funds available to the State under this title will be used to meet such purposes;

"(2) set forth the criteria which the State agency shall use in evaluating applications for funds under this title and in assigning priority to project proposals;

"(3) set forth such procedures and policies as will provide assurance that all appropriate libraries, agencies, and organizations eligible for participation in activities assisted under this title will be given an opportunity to participate to the extent of their eligibility;

"(4) include such information as will assure that the activities to be carried out during that year are consistent with the long-range program plans; and

"(5) include an extension of the long-range plan, taking into consideration the results of evaluations.".

(c)(1) The amendment made by subsection (b) shall be effective after June 30, 1971.

(2) In the case of funds appropriated to carry out title I of the Library Services and Construction Act for the fiscal year ending June 30, 1971, each State is authorized, in accordance with regulations of the Commissioner of Education, to use a portion of its allotment for the development of such plans as may be required by such Act, as amended by subsection (b).

Mr. YARBOROUGH. Mr. President, I supported S. 3318, the Library Services and Construction Amendments of 1970. This important bill extends for 5 years the Library Services and Construction Act which will expire on June 30, 1971. In addition to extending this act, S. 3318 also improves the administration of these library programs and increases Federal participation in them.

More specifically, S. 3318 consolidates the library services programs for handicapped persons under title I of the act which provides for the basic library services programs. It expands title I so as to provide special library services for disadvantaged persons, assistance to State library administrative agencies, and to strengthen metropolitan libraries. In addition, under S. 3318, the minimum Federal share of library programs is increased from 33 to 50 percent.

The purpose for increasing Federal participation in library programs is to expand library services to the disadvantaged persons in rural and urban areas that do not have access to a public library. To accomplish this purpose, S.

3318 authorizes the Federal Government to spend the following amounts on library programs:

	Million
1972	$112.0
1973	117.6
1974	123.5
1975	129.7
1976	137.1

The need for this expanded program is clear. At present, the libraries in the United States do not have the books they need to serve the people. The recognized standard for libraries is that there should be at least 3.5 books per person. Furthermore, the standard of income for a library is a minimum of $5 per person. At present, our library programs are $450 million below that goal. The time has come to meet this problem head on and attempt to solve it. The passage of S. 3318 would be a major step toward accomplishing that goal.

For many years I have felt that library services are one of the most vital elements in education. Without sufficient libraries, we cannot begin to combat the problems of ignorance that abound in this Nation. For these reasons, I have, as a member of the Education Subcommittee for 13 years, fought for library legislation. I have cosponsored nearly every major library law to be enacted in the last 13 years. These laws include:

First. The extension of the Rural Library Services Act in 1960.

Second. The 1964 amendments to the Rural Library Services Act which extended the library service programs to cities of all sizes.

Third. The 1966 extension of the basic act which provided for more State participation in library programs.

Fourth. The 1967 amendments to the act.

The impact of this Federal program has been quite dramatic. Since 1957, this program has provided 45 million library books and 650 additional bookmobiles. Furthermore, since 1965, this program of Federal and State aid has provided the funds for 1,500 library buildings which will serve 50 million people. We must continue this program of expansion if we are to keep up with the needs of our people.

It is the responsibility of Congress to give full support to our Nation's libraries. They are needed, not only to improve the intellectual capacities of our people, but also to calm the savage instincts that threaten our society. As President Kennedy once remarked:

Education need should not end upon graduation at any level. The public library is an important resource for continuing education.

Mr. President, I urge all my colleagues to support this important bill.

Mr. MANSFIELD. Mr. President, I shall have to discuss this matter with the acting minority leader before I proceed further.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, for the information of the Senate, if the bill just laid before the Senate is not disposed of today, it will be pending business on Monday after whatever brief time there may be on the unfinished business (S.J. Res. 1).

It will be followed, though not necessarily in this order, by H.R. 18260, an act to authorize the U.S. Secretary of Health, Education, and Welfare to establish educational programs to encourage understanding of policies and support of activities designed to preserve and enhance environmental quality and maintain ecological balance; possibly a bill to amend title VII of the Housing and Urban Development Act of 1965, either S. 3398 or H.R. 17795; and then some of the other bills which have just been placed on the Calendar, which I hope will be cleared by that time: S. 3942, a bill having to do with health and sanitation inspection of imported livestock products; H.R. 13978, to amend the Agricultural Adjustment Act of 1933; and H.R. 13543, an act to establish a program of research and promotion for U.S. wheat.

With those brief remarks, Mr. President, I suggest the absence of a quorum, so that I can clear this matter up.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess subject to the call of the Chair, with the understanding that the recess not extend beyond 3:15 p.m. today.

The motion was agreed to; and (at 2 o'clock and 50 minutes p.m.) the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 2:59 p.m. when called to order by the Acting President pro tempore (Mr. ALLEN).

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, is there an order to adjourn to 10 o'clock on Monday morning next?

The ACTING PRESIDENT pro tempore. The Senator is correct. There is such an order.

Mr. MANSFIELD. There is an order?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. MANSFIELD. Mr. President, what is the pending business?

The ACTING PRESIDENT pro tempore. Calendar No. 1179, S. 3318, has been laid before the Senate and is the pending business.

Mr. MANSFIELD. I thank the Chair.

ADJOURNMENT UNTIL MONDAY, SEPTEMBER 21, 1970, AT 10 A.M.

Mr. MANSFIELD. Mr. President, after discussing this matter with the distinguished acting minority leader, and because of the situation which has arisen over which we have little or no control, I move, in accordance with the previous order, that at this extremely early hour the Senate stand in adjournment until 10 a.m. on Monday next.

The motion was agreed to; and (at 3 o'clock p.m.) the Senate adjourned until Monday, September 21, 1970, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 18, 1970:

DEPARTMENT OF STATE

John N. Irwin II, of New York, to be Under Secretary of State.

AMBASSADOR

William B. Buffum, of New York, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Lebanon.

INTER-AMERICAN SOCIAL DEVELOPMENT INSTITUTE

The following-named persons to be members of the Board of Directors of the Inter-American Social Development Institute for the terms indicated:

For a term of 2 years:
John A. Hannah, of Michigan.
For a term of 4 years:
John Richardson, Jr., of Virginia.
For a term of 6 years:
Augustin S. Hart, Jr., of Illinois.
George Cabot Lodge, of Massachusetts.
Charles A. Meyer, of Pennsylvania.

NATIONAL SCIENCE FOUNDATION

Raymond L. Bisplinghoff, of Massachusetts, to be Deputy Director of the National Science Foundation.

NATIONAL LIBRARY OF MEDICINE

The following-named persons to be members of the Board of Regents, National Library of Medicine, Public Health Service, for terms of 4 years from August 3, 1970:

James Chipman Fletcher, of Utah.
John Phillip McGovern, of Texas.

OFFICE OF SCIENCE AND TECHNOLOGY

Edward E. David, Jr., of New Jersey, to be Director of the Office of Science and Technology.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Donald G. MacDonald, of Vermont, to be an Assistant Administrator of the Agency for International Development.

FOUR CORNERS REGIONAL COMMISSION

Stanley Womer, of Arizona, to be Federal Cochairman of the Four Corners Regional Commission.

NEW ENGLAND REGIONAL COMMISSION

Chester M. Wiggins, Jr., of New Hampshire, to be Federal Cochairman of the New England Regional Commission.

IAEA CONFERENCE REPRESENTATIVES

Glenn T. Seaborg, of California, to be the representative of the United States of America to the 14th session of the General Conference of the International Atomic Energy Agency.

The following-named persons to be alternate representatives of the United States of America to the 14th session of the General Conference of the International Atomic Energy Agency:

T. Keith Glennan, of Virginia.
Clarence E. Larson, of Tennessee.
Verne B. Lewis, of Maryland.
Dwight J. Porter, of Nebraska.

EXTENSIONS OF REMARKS

UNDERSTANDING THE POW PROBLEM

HON. RICHARDSON PREYER
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. PREYER of North Carolina. Mr. Speaker, all the Members of the House share a common concern for the fate of our American servicemen still held prisoners in North Vietnam. I know that most of us have found it very frustrating to try to bring some relief to their situation. I congratulate several Members who have come up with imaginative proposals for communicating the overwhelming reaction of the American people against the failure of Hanoi to observe the most elementary standards of humane conduct in the treatment of POW's.

The press has done an outstanding job of telling the story of these men and their families and I was particularly impressed with a special section which the Norfolk Virginian-Pilot printed in early summer. I am inserting into the RECORD several stories by members of the newspaper staff—Don Hill, Morris Rowe, and Shirley Bolinaga—which are especially fine contributions to our understanding of the problem:

[From the Virginian-Pilot, June 16, 1970]

LIKE THE PRISONERS AND THEIR FAMILIES, THE YEARS TURN GRAY

(By Shirley Bolinaga)

There is a small cadre of Navy flyers' wives in Virginia Beach waging their own private war with Hanoi.

Their objective is personal, not political, and their principal and perhaps only weapon is public opinion which they seek to mobilize and turn against Hanoi.

For some, Vietnam is a prison, holding their husbands for an indeterminate sentence, one they fear may prove a death sentence.

For others, Vietnam may be the graveyard hiding the bodies of the men they married, the fathers of their children. But they can't know for sure.

"I never thought I'd be glad to see a death certificate," said one attractive young wife. "But now I would. If he's dead, I'd like to know, so I can start adjusting."

But only Hanoi knows for sure, and Hanoi, in many cases, simply isn't telling.

Wives of men who are prisoners or missing in action mail packages every other month, and write letters monthly, as proscribed by Hanoi. They address them to the Camp of Detention for American Fly Pilots, Hanoi.

Then they put them in the mail . . . and wonder.

One wife admits to having visions of a huge hut in Hanoi, heaped high with tons of letters from relatives of missing and captured American men, a kind of dead letter office, where once in a while, a North Vietnamese may go and scoop up a handful to distribute to a few lucky prisoners.

While back home, days slip into weeks, melt into months, and suddenly years, and the women continue waiting and wondering if their husbands are dead, or alive and slowly dying of malnutrition, lack of medical care, disease, exposure, or even loss of the will to live.

After years of waiting, hoping, and praying, they have added agitating to the list. After carefully keeping silent on their husbands' plight and on their own, they have started speaking out, and they are turning up the volume. They want to be heard in Hanoi.

Some have flown off to Paris to try to reach the North Vietnamese peace negotiators, and, meeting little more than rudeness there, they've gone on to Rome to plead with the Pope, who, sympathetic, said he too was concerned about the situation.

Others have assailed Congress and other government officials, trying to stimulate their active interest. They've gone to the United Nations to plead for its intercession, and to Geneva, trying to get the International Red Cross to press for its customary access as an inspector of prison camps. Almost daily, they speak to clubs, civic organizations, church groups, anybody who will listen.

Their over-riding wish is for the men's release, but they are fighting now to get North Vietnam to abide by the Geneva Convention which provides for the humane treatment of prisoners, inspection of camps, repatriation of the sick and wounded, the free flow of mail, and prompt release of names of prisoners.

The colony of wives in Virginia Beach—23 total, 19 of whom cooperated in the preparation of this section—draw comfort and encouragement from each other. Most lived there when their husbands went down. Others moved in later, some because past tours brought them here, others to be near the Navy facilities they are entitled to use. "You go, I think, where you have the happiest memories," said one POW wife. (One Air Force POW's wife, Mrs. Richard Butt, lives in Norfolk, her hometown.)

Financially, most are secure because they draw their husband's pay and allowances, including such extras as flight pay and combat pay. Most live in comfortable homes in upper middle class subdivisions.

But the comfortable accouterments can't chase away the black cloud that hangs over them, like smog settled above the city.

"You can't ever forget for a minute," said one attractive young wife. "No matter where you are or what you're doing, or how good a time you appear to be having, it's there nagging you in the back of your mind."

Her husband's an MIA, and she's always wondering if he's dead or alive. The same nagging questions constantly stab the POW wives: He's survived this long, but is he being mistreated? Is he slowly starving? Does he get the packages? The snapshots? Does he think we've forgotten him, that we really don't care anymore? Why don't they let him have reading material?

And for both groups, the overriding frustrations: What can I do? What can the United States do? Why can't somebody, somewhere, do something? Can this go on forever?

"You can't really believe it's happened to you, that it's not all a bad dream, one you'll awaken from soon," said the pretty young mother of three girls. "But then the day's over, and he doesn't come home."

It's a surrealistic kind of world where things that can't be true, are, and nightmare situations last all day.

Despite that, the women, largely, turn a cheerful and optimistic countenance toward the world. The ones with children are caught up on the merryground of doctors, dentists, Boy Scouts, Girl Scouts, cubs, brownies, swimming lessons, dancing lessons, and all the things that make chauffeurs of suburban mothers.

The ones without children (and some with them) have jobs, and get together for movies and dinners. Some go to parties, but most say they either feel out of place or frankly out of touch with the things that make up their friends' lives and conversations.

"I don't know what to do at a party without Jack," said Mrs. John Fellowes, recalling that her jolly, ebullient, red-haired Irish husband did enough talking for both of them.

Her husband's wingman saw him and his navigator ejecting after his plane was hit, but she had had no word about him since that day, Aug. 27, 1966. His navigator's name, however, came out on a list of prisoners. "I know he's there," said she, "and that he'll come out with the rest." Meanwhile, she stays busy with their four children, 6 through 13.

Many of the women play little games. They choose imaginary dates when the men will return home. But the longer the time, the more they worry.

When Lt. Robert Frishman and two others were released by the North Vietnamese last summer, they spun horrifying tales of life in the communist prison. They told of beatings, solitary confinement, being hung by the arms, and a poor diet, mostly of rice and pumpkin soup with some pig fat in it.

Rats were frightening, Frishman said, but soon he began eyeing them as a potential food source. Seaman Doug Hegdahl told of being allowed to hold an English language magazine long enough to have his picture taken by a foreign journalist. Then the North Vietnamese snatched it away.

Major James Rowe, who escaped from a camp in South Vietnam, told of two fellow prisoners who died of malnutrition because they just stopped eating the rice that was their main diet. One was a Filipino who had been raised on a diet mainly of rice, but finally he could bear no more and so he starved to death.

The women had steeled themselves, knowing that their husbands would be in a bad situation; nonetheless, they were shocked and terrified by the released prisoners tales.

That helped spur them to action. They decided they could no longer sit idly by, waiting for something to happen. Secretary of Defense Melvin Laird had also partially uncapped the government's silence on the matter last May by calling on the North Vietnamese to abide by the Geneva Convention.

The women started speaking out.

"I had been considering it because it had been more than four years (since her husband went down)," said soft-spoken Mrs. Jeremiah Denton, a native of Alabama. "Lt. Frishman's statement made me feel I couldn't sit and wait. I might wait too long."

Her husband went down July 18, 1965, almost five years ago, when the youngest of their seven children was 18 months old. Now she's a sparkling 6-year-old.

Time, Mrs. Denton fears, may be running out.

Once Capt. Denton was shown on a TV interview, staged by the North Vietnamese for a foreign journalist. Mrs. Denton was shocked at his appearance. "That was one of the worst moments," she said.

He was asked about American policy in Vietnam and replied, "I don't know what's happening but whatever the position of my government is, I support it. I'm a member of that government and it is my job to support it, and I will as long as I live."

"To me, a very important part of that is, 'It is my job.'" Mrs. Denton pointed out. "He has no choice as a military man acting under orders. He did not make the policy;

he was only implementing it. Therefore, he can never be called a criminal as Hanoi has called him. Every nation recognizes that the military is subject to the government and has no choice."

Hanoi has claimed that the pilots are war criminals, and therefore not subject to the Geneva Convention. But Seaman Hegdahl's only crime was having the misfortune to tumble overboard from his Navy ship.

Cmdr. Denton and Lt. William Tschudy, his bombardier-navigator, were the first airmen from the East Coast to fall in North Vietnam.

Then Secretary of Defense Robert McNamara was aboard their carrier when their A–6 Intruder took off for its mission.

Both wives feel they were "very fortunate" in that they knew right away that their husbands got safely out of the plane. Five days later, Hanoi acknowledged their capture, and released pictures of them. Mrs. Tschudy thinks that was primarily a propaganda move because of McNamara. "They said, 'McNamara sent these men into captivity.'" Mrs. Tschudy said.

It was seven months before either received a letter from her husband.

Mrs. Denton recalls a strange occurrence the night the men were shot down. She had taken the children to see the movie Mary Poppins. Suddenly she was seized with a strange feeling. It was as though for the first time she comprehended the extreme danger her husband was in. She tried unsuccessfully to shake it off, but the next day, an officer from Oceana and his wife came to tell her he had been shot down. She still winces when she hears songs from Mary Poppins.

Like many others, Mrs. Denton usually eyes Christmas as the target date for the men's release. "But that seems too far away this year," she said. "I hope it's sooner. If I had to pick a day, I'd say July 15, his birthday." He will be 46, and has spent the last four birthdays in prison.

Mrs. Tschudy stays busy with her son Michael, now a handsome, blond 5-year-old, who was only a few months old when his father left. She makes speeches, and appeared on the Mike Douglas show with Texas Millionaire Ross Perot. "We desperately need the help of concerned people," she said.

Another frequent speaker is Charlotte Christian, mother of three girls, who had no word from her husband for almost three years after he was shot down, April 24, 1967. He and his bombardier-navigator were last seen ejecting from their A–6 Intruder.

Around last Christmas, the bombardier-navigator's name was on a list released by Hanoi, which gave Mrs. Christian renewed hope. Finally, last month, she got a letter. He was indeed alive.

She ruefully recalls saying once to her husband, "I'd rather you were dead than a prisoner." But he disagreed. "Where there's life, there's hope," he replied.

"Now I realize how wrong I was," she said.

It's all hard to explain to the girls, she said. "I tell them he's alive, and they say, 'Why doesn't he come home? Don't they like him?'" The 8-year-old said, "I wish they'd let him come for Christmas."

Mrs. Christian recalls the day the bad news came. One of the girls had broken a leg, and she had just returned from the hospital. She responded somewhat absentmindedly when the doorbell rang, and only when the base commander and his wife were half way across the room did she realize why they were there. "No, don't tell me anything," she pleaded.

Mrs. Christian speaks frequently to groups, and has prompted many letters, including some from her children's classmates. One of her favorites was from a 10-year-old boy who laid it on the line. "You dirty, Communist slobs," he wrote, "why don't you let Mr. Christian come home?"

"I have no magic solution," she said, "But then I'm not a leader of this country."

That feeling is shared by many of the wives. They feel the government which committed the men to the fight should be able to get them released.

Mrs. Allan Brady, like many of the other wives, feels more comfortable here than elsewhere. "I want to stay here and want to be here when he comes back. It's sort of my security," she said.

Her children are immersed in their activities, and she finds the other wives "really a marvelous bunch of women."

She too turns a cheerful face toward the world. "You can be bitter and resentful if you wish, but people don't like to be around people like that," she said. "And it's terrible for the children. You have to take each day, and hope the next will be better."

Her husband, a Navy commander and executive officer of VA 85, was shot down more than three years ago, Jan. 19, 1967. For 15 months, she didn't know if he was alive or dead, a period she calls "a nightmare in every sense of the word." Then one day, a friend showed her a photograph of a prisoner, clipped from a West Germany newspaper. It was her husband.

"I couldn't believe it. It was amazing. I'll never forget that morning," she said.

Finally last month, Hanoi released his name.

"I simply can't understand why they won't release all the names," she said. "I do believe my husband's name came out because of all the letters. I'm convinced that has made the difference. I believe we have to keep the pressure on Hanoi."

The Liaison Committee notified her that she would receive a letter from her husband, but that was several weeks ago and she is still waiting. "I don't know how I'll react when I actually have something in hand," she said.

"Now we need help for all those girls who have not heard," she said.

Mrs. Walter Eugene Wilber first heard from her husband around Christmas, when his captors let him broadcast a Christmas message to his family. Last month, he broadcast a birthday message for his wife.

Meanwhile, she waits with their four children in a house packed with the antiques she and her husband like to collect, and with furniture that he made.

Her paintings and carefully-embroidered samplers adorn the walls. One sampler's message is: "Four Seasons fill the measure of the year." She's hoping for a short measure before her husband returns.

In the birthday message, he said, "This is the year of our reunion." She tries not to put too much stock in that. "I hardly read that because of letdowns in the past," she said. "After you first hear he's down, you set yourself a little goal—I'll live for the next three months, and maybe I'll hear in November. Then November comes, but nothing happens. Then you set another goal—By next June when school's out, I'm going to get a letter, or he'll be released."

Mrs. James Mulligan has also noticed that the latest letters from her husband have been more optimistic, and mentioned being reunited this year. "I'm certain conditions have improved and I think this can be attributed to the fact that they can write more," she said.

Her husband was leading a flight of three planes when he was shot down. His wingmen dropped everything they had, including their gun racks, on the men that came racing out of the tree line toward Cmdr. Mulligan, who hit the ground and didn't move. The men carried him off.

She never doubted he's alive, "Jim Mulligan's no fool," she said. "When you're down in enemy territory, you'd be a damn fool to get up and run. I felt he was alive."

He was shot down in March 1966. In July, Hanoi released his name and picture. She didn't hear from him until the next January. Even so, that was sooner than he heard from her. It was 21 months before the North Vietnamese gave him one of her letters, on Christmas Eve, 1967.

One young wife recalled when her husband was first transferred to Oceana and a friend pointed out at a luncheon a girl whose husband had been missing for a year. "I stared at her and wondered how she could stand it," she said ruefully. "Now I'm in the same dumb situation, and I know."

Like the others, she presents to the world the calm demeanor of a woman who has adapted to an impossible situation, but she readily admits that it's merely a good act, one she has been rehearsing for years, and is quite expert at.

Mrs. Thomas Stegman, a young mother of two sons, Michael, 4, and Christopher, 2, keeps a stiff upper lip most of the time, but it trembles a bit when Christopher, only a month old when his father left, looks at the picture of the father he has never known and says, "There's Mike's Daddy."

Her husband's plane went down on the foggy night of Feb. 28, 1968. "They found part of the plane in the Gulf of Tonkin, including an inflated raft," she said. "It doesn't look too good," she admits, but she has not given up hope. "I have just enough hope to keep going."

Hope sent her to Paris with two other Virginia Beach women seeking information on their husband.

She regularly writes letters to Hanoi officials asking them to release names and abide by the Geneva Convention. She doesn't know how much good it does, but feels it can't hurt.

Lt. (j.g.) Nicholas Mallory Carpenter, now 28, was shot down June 25, 1968, on the last mission of his second Vietnam tour of duty. He had flown 200 missions and was scheduled to go home the next day. The Carpenters' first child, Kathleen, was born five weeks later.

Looking back, Mrs. Carpenter is thankful that she flew to Hong Kong to meet him for a rest period there the month before he went down.

[From the Virginia-Pilot, June 16, 1970]

He Hands It to You With Proof at Elbow

(By Don Hill)

He was tall and still startlingly gaunt, but handsome. His Navy khakis were sharp, but the epaulets stood out oddly, like football shoulder pads on a skinny kid.

You'd heard so much about Lt. Robert Frishman and what he's been through that at first all you thought of was to get a good look at the man. Then you realized what was happening.

You were shaking his hand.

This was the Lt. Frishman who'd waved off a suggestion last August that someday his right arm would be usable again, that American doctors would fix it for him.

"Oh, no, they won't," he'd said. "It's impossible now."

And there he was in a Capitol Hill hearing room, smiling, striding about, gazing with those intense, deep-set eyes into the faces of congressmen and newsmen and POW wives and, of all things, vigorously shaking hands with that once wasted, hopeless arm.

Frishman is a folk hero now among the "sisters in hell," the wives and families of prisoners of war and men missing in action in Southeast Asia. He was one of those 1,500 comrades in oblivion. He is one of nine who came back.

But more than that, he's the man who more than anyone else symbolizes the bursting of the dam of silence that America maintained for five years about the imprisonment by the North Vietnamese of American servicemen captured in war.

The Johnson Administration had adhered to the policy of silence and President Nixon had started the machinery to reverse it. Defense Secretary Melvin Laird had officially broken it in May with a press briefing and statements.

The wives had been chafing to speak out, to work, to protest, to do something, but they had been bound by warnings from government officials. Frishman set them free.

He told of a comrade, regularly tortured by the North Vietnamese prisoner guards, who nevertheless continued to resist.

"He told me," Frishman said, "not to worry about telling the truth about him. He said that if he gets tortured some more at least he'll know why he's getting it and he will feel that it will be worth the sacrifice."

Frishman added, "I feel like I'm (his) chance to blow the whistle and get the facts out."

He's been blowing the whistle ever since. It makes a hideous sound.

Lt. Robert Frishman was a naval reservist, an aspiring dentist when he went on active duty in October 1965.

He became a pilot, and two years later was flying his 128th mission over North Vietnam in an F4B off the carrier Coral Sea.

The mission was an airfield near Hanoi. Nine surface-to-air missiles burst near his plane. His right arm was shattered when his plane was hit. He and copilot Lt. (jg) Earl Lewis Jr. ejected. Lewis remains a prisoner.

On the ground, Frishman found himself surrounded by about 30 villagers, some armed. He was hustled into a jeep, blindfolded, and jounced over dirt roads to about seven air defense sites.

He was bleeding profusely. A bone jutted from his right arm. He was jerked hither and yon and paraded within the sites. Blows were aimed at him, stones thrown. He collapsed from loss of blood. Finally he was taken to Hanoi.

For three days he was interrogated. He was told he would receive no medical care until he divulged military secrets. He was told he would die.

After the initial efforts at interrogation, Frishman was taken to a military hospital. There his elbow was removed.

He was later able to report, "The doctors at Bethesda (Naval Hospital) tell me that if you have to remove an elbow, the way they did seems to be professional. I still have a right arm and I'm thankful for that."

One of the paradoxical obsessions of his North Vietnamese captors was directed at winning statements from prisoners that their treatment was humane. Said Frishman, "You sit on a stool in this hot room and you just sit there and sit there. Until you pass out. After a day or two your legs and ankles swell up."

Frishman finally was turned over by the North Vietnamese to an American peace group. He said he doesn't know why he was released. Perhaps because he was wounded, he said.

"I had strong convictions about what I wanted to do," Frishman said. But he didn't do it right away.

At a "press conference" still in North Vietnam, he was asked, "How was the treatment you received . . . ?"

He replied, "I received adequate food, clothing, and housing."

"Would you describe it as humane treatment?" he was asked.

He replied, "Sir, I believe I have answered that question."

At Kennedy International Airport soon after, he maintained the formula. He had received "adequate food, clothing, and housing."

It was not until 25 days later, at Bethesda, in a military-sanctioned press conference that he took a deep breath and began to blow the whistle. Why the delay?

"I am a military man. I had strong convictions about what I wanted to do, but I had been a prisoner for two years. I didn't know the situation. I wanted to be debriefed," he said.

He paused and smiled. "Also dewormed and deloused," he added.

When he did talk, Frishman had much to say and some he held back. "I don't want to critique their techniques," he said. "They want to know how well they did, and to improve their methods. I'm not going to help them out."

He said he felt the Congressional hearings and other public divulgences about the captivity of the Pueblo crewmen in North Korea had helped America's Asian enemies to rewrite their textbooks about handling U.S. prisoners.

He told of seeing Lt. Comdr. John McCain, son of the admiral known so well to Norfolkians. He got just enough medical treatment to keep him alive, Frishman said.

He said, "The North Vietnamese told me that John McCain was the worst wounded pilot. He has many broken bones but he can walk with a very pronounced limp and a stiff arm. He has been in solitary confinement but when you're wounded like John is, it's even more difficult because you don't have anyone to help you wash yourself, or your clothes, or keep your room clean."

Frishman told of the ordeal and courage of Lt. Comdr. Richard Stratton. Stratton was the POW who told Frishman to speak out and damn the consequences.

"He'd been tied up with ropes to such a degree that he still has large scars on his arms from rope burns which became infected. He was deprived of sleep, beaten, had his fingernails removed and was put in solitary," Frishman said.

Why? To make him confess that he was receiving humane treatment.

But now the ordeal is over for Lt. Robert Frishman, 28, of Long Beach, Calif. He expects to be discharged from the Navy soon on disability.

Navy doctors performed nearly a miracle on his arm. They created a plastic joint to replace his elbow. It's a well-known procedure on finger joints and the like, but Frishman said his is only the second elbow case of its kind in medical history.

Physical therapy is restoring strength to an arm partially atrophied from disuse. Frishman, the boy who studied to be a dentist and took time out to be a pilot, will never deftly wield a dental drill, nor fly again. But he hopes now to study medicine and become a medical doctor.

No doubt his wife, Janet Lynn, rescued from among the ranks of the sisters in hell, approves.

Interview over, Frishman unfolded his long body from a chair. He headed for the door, turned and paused, and waved cheerily.

He did it with his right hand.

[From the Virginian-Pilot, June 16, 1970]

Two Wives Are Two Fists Raised at Closed Door

(By Morris Rowe)

Virginia Beach—The lives of Sue Shuman and Martha Doss were practically worlds apart until their husbands, stationed at Oceana Naval Air Station, became flying mates when they left here in December 1967 for a tour in Vietnam.

They met each other two months before their husbands departed.

The two became like sisters on a rainy Sunday morning in March 1968, when they were notified that Cmdr. Edwin Arthur (Ned) Shuman III and Lt. Cmdr. Dale W. Doss were shot down during a bombing mission over North Vietnam. Later, they became activists in the POW-MIA cause.

They were among the first to publicly speak out to try to get support of Americans to improve the plight of their husbands and all POWS.

They made many trips to see officials in Washington, but nationwide attention was drawn to them when they met with the Hanoi peace delegation in Paris last year.

They said they received cordial treatment from the North Vietnamese in Paris, but "We were talking with the enemy, you'll have to remember" Sue said.

"They didn't welcome us with open arms and show us real southern hospitality. They didn't throw any Virginia ham at us or anything like that. They did offer us some cigarettes that were made with Virginia tobacco.

"I guess that was their way of being cordial. They were polite in their own way, I guess. They always shook our hands."

Later when they went to Geneva to meet with representatives of the International Committee of Red Cross and the League of Red Cross Societies, Sue said, "Those people went out of their way to be nice. Of course, they were a humanitarian group."

STRUCK BY MISSILE

She said their worst treatment came in Geneva when they met with representatives of the World Council of Churches.

Sue said, "We expected them to be humanitarian too, but they were cold.

"They insulted our husbands, our president and our country."

Shuman, 38, was piloting his A6A Intruder jet into North Vietnam off the carrier Enterprise with Doss, 34, as his navigator about 2 a.m. Vietnamese time March 17, 1968. It was about 3 p.m. on March 16 in Virginia Beach.

According to reports, Shuman and Doss were some distance from their intended target when a ground-to-air missile hit the jet. The two Navy fliers ejected.

Shuman suffered a broken right shoulder and Doss appears from photographs to have been wounded in the right arm.

They were immediately taken captive by the North Vietnamese.

Because of the time difference word of the incident (minus verification that they had been taken captive) arrived locally about midnight March 16. It was withheld for the night but the bond of fear, uncertainty and hope was sealed between Sue and Martha at precisely 8 a.m. the following day.

Friends rang Sue's doorbell in Wolfsnare Plantation while Doss' commanding officer's wife and a chaplain stood at Martha's front door in Carolanne Farms.

Sue said, "I was asleep and the doorbell rang. My sixth sense told me what it was. My feet hit the floor and I ran to the door in my gown.

"There was a man standing (Capt. Kenneth Shugart and his wife) there in uniform with all his ribbons on (he was a friend of the family).

"My mother was staying with me and she and my daughter Dana were sleeping. I don't remember it, but mother said I told her, 'Get up mother, they've come to tell me Ned is dead.' I heard Dana say, 'Oh.'

"The officer had a little map and he tried to show me where they had last heard from Ned and it was a long way from his target.

Frankly they didn't give me any hope at all. They didn't think he had survived," Sue said.

NEIGHBORS TAKE OVER

From that moment hope has become the strongest word in her vocabulary. She thanked the officer and his wife for coming.

"I really didn't start to break down until the next day when I saw his picture in the newspaper," she said.

Like many Navy wives, Sue had been fairly self-sufficient because of her husband's many tours away from home since they were married Dec. 23, 1956.

Martha Doss was different. In her first 10 years of marriage to Dale he'd never been away from home more than 13 days. She and her three children were home that Sunday when the door bell rang.

"I was asleep. It was Patrick's fifth birthday. I'd planned to bake a birthday cake for him that day.

"My daughter came upstairs and said, 'There's a man and woman to see you.' It was the skipper's wife and the chaplain, and I knew.

"Fortunately, I went into shock. All I can remember is them saying 'missing in action.' Then a doctor and another man and others came.

"The children (Bobbie, 9; Patrick; and Aaron, 4) were sitting there watching me.

"The neighbors came in and took the children. One of the neighbors, a man, took Patrick and baked him a birthday cake. My neighbors were good to me. They simply gave me orders and I reacted like a zombie.

"Later that day when word came that Dale was alive we sort of had a party and ate the food that had been brought in. It was like death itself had been lifted from us."

About 800 women in America have not learned anything except their husbands are missing in action in Vietnam. Some have been waiting as long as five years to hear the best news possible under the circumstances—that their husbands are prisoners. In the meantime they continue to live in the twilight zone of uncertainty.

Both Sue and Ned came from broken homes. Born in Hamlet, N.C., Sue Allen Shuman grew up in Asheboro. "I grew up in a peaceful town and with the exception of being from a split family, I lived the life of an average North Carolina girl.

"I was interested in music, and the arts, though I'm not an artist."

She attended the Women's College of the University of North Carolina for a year and then transferred to Wesleyan in Macon, Ga.

Later she went to work as a secretary in the Department of Psychiatry at Duke University Hospital for a year.

Ned, born in Boston, Mass., had graduated from the Naval Academy in Annapolis in 1959 and was a Navy Pilot in Atlantic City, N.J. They met in Asheboro, N.C. on Dec. 21, 1956, at a wedding.

Sue didn't come from a military family, but Ned's father is a retired Navy captain. She returned to Atlantic City with Ned and quickly learned to enjoy Navy social life.

RIGHT SHOULDER BROKEN

In mid-1967, they were transferred to Virginia Beach for about 2½ years. Ned was a test pilot and was then transferred to a flight test center at Patuxent, Md.

Ned was taking off on June 6, 1961, for a routine weapons system test in a F3H Demon fighter when the engine quit.

Shuman didn't have time to eject and rode it down, but he wasn't seriously injured. He called Sue from the hospital X-ray room to say he was allright. Apollo 13 astronaut Jim Lovell, also a test pilot with Ned at the time, met Sue at the hospital door.

In the ensuing years, before being reassigned to Virginia Beach in 1967, Sue and Ned were stationed in California and Florida.

She said it seemed like he was away more than he was home then. Three times he pulled 8-month cruises in three years.

"The longest he was ever home was six months one year and five another in the last seven years," Sue said.

Ned didn't or couldn't write a letter from March 17 until December 9. Sue received it April 1969. It contained the first word of his injury. He wrote, "Broken right shoulder. Coming along OK."

Sue said she has received six other letters and one postcard. The shoulder hasn't been mentioned again. Ned usually tells her his health is good, mentions the children, and other family members.

On Jan. 18, 1969, he urged her, "Pray that Paris talks will bear fruit and that 1969 will find us united." Sue said, "This year he said, "Maybe this year (we'll be united)." Next year, he'll say the next year. They are just living on hope in there."

WON'T ACCEPT LETTERS

Her children, Edwin Arthur IV, 11; Dana, 9; and James Brant, 7, are "typical Navy juniors," Sue said. They have adjusted well, but talk about "daddy" a lot.

"The family will support Ned in whatever he wants to do when he is freed. He wasn't enthusiastic about going over there, but it was his duty . . . He has always been the boss in this house and always will be."

She and Sue recently announced that since their husbands' letters to them were being channeled through the antiwar group known as The Committee of Liaison with Families of Servicemen Detained in North Vietnam, they wouldn't accept them.

TWO MARINES TOOK A RIDE TO NOWHERE

(By Don Hill)

On a pleasant June day, Bob Greer and Fred Schreckengost rented a couple of motor scooters and went for a joyride. It was a Sunday, and they were free of duties in the Marine motor pool where they were assigned.

The two young Americans went puttering down the highway, enjoying the sun and the freedom.

What happened next was not quite final but next to it.

From the bushes swarmed armed men. They pulled the two Marines from their motor scooters.

The party of Vietcong and its captives then disappeared into the Vietnamese countryside south of Da Nang, South Vietnam.

That was in 1964. Nothing sure has been heard since of those two men.

Greer's parents are an Air Force couple, stationed now in Germany. Schreckengost's parents live, as they always have, in East Palestine, Ohio. Neither man is married.

The Greers and the Schreckengosts are the founding members of a sad society, the next of kin of American prisoners of war and missing in action in Vietnam—people whose lives are in limbo.

Since that day, June 7, 1964, more than 1,450 men have disappeared in Vietnam. Only about 430 of them have been identified, with varying degrees of certainty, as prisoners of war (POW).

VIRGINIA 5TH ON LIST

The rest are carried on Army, Navy, Air Force, and Marine Corps records as MIA—missing in action. Their pay and allowances continue to mount up, their wives continue legally married, their property continues in their "control." And nobody knows whether they are living or dead except their captors.

Marine Lance Cpl. Fred T. Schreckengost was raised in East Palestine. His comrades in oblivion come from every state.

Wives and families living in limbo number more than 2,600. Ohio has 104, according to Defense Department records. California has more than any other state, 325. Utah has only 3.

Virginia, with its community of Navy wives in Virginia Beach and Norfolk, has 106. Only four states have more. North Carolina has 91.

The capture of Schreckengost and Greer came while the United States was officially only in South Vietnam in a "military" adviser" role. It was a role that began in 1950 when the administration of President Harry Truman sent a 35-man Military Assistance Advisory Group to Indochina.

Hostilities against Americans were nothing new by 1964, however. In 1961, Army Spec. 4 James Davis of Livingston, Tenn., was killed by Vietcong. President Johnson called Davis later "the first American to fall in defense of our freedom in Vietnam."

Less than two months after the joyride turned to tragedy near DaNang, the U.S. role was changed by a cryptic incident off the Vietnamese coast. The U.S. destroyers Maddox and C. Turner Joy reported themselves attacked by North Vietnamese torpedo boats in the Gulf of Tonkin.

Doubt has since developed as to what happened in the Gulf of Tonkin, even as to whether any deliberate provocation occurred. But in the days that followed the incident, there seemed to be no doubt. The young Johnson administration reacted fiercely, Congress angrily.

President Johnson ordered retaliatory air raids over North Vietnam. In the second day of those raids, Navy Lt. Everett J. Alvarez of San Jose, Calif., then 26 years old and only six months married, was shot down and captured. He has been a POW since.

On Aug. 7, 1964, Congress approved the Gulf of Tonkin resolution, cited since as the legal justification for U.S. involvement in Vietnam. The resolution gave the President wide latitude in waging war.

By December 1964, the U.S. force in Vietnam was 23,000 men.

In February 1965, continuous American bombing raids over North Vietnam were begun in an effort to force Hanoi to negotiate.

With the expansion of the war, the number of Americans in the hands of the enemy swelled. For five years, the United States government was officially mute on the problem, even after word began to trickle home that cried out for protest. Silent also were the wives and families, warned by the services that public utterances might be used against the prisoners by their captors.

That there was a terrible problem from the beginning is certain.

Since 1929, the world family of nations has agreed to ameliorate the horrors of war through rules known as the Geneva Conventions. The "Convention Relative to the Treatment of Prisoners of War," modified in 1949, includes five basic tenets.

Under the convention, POWs are to be identified promptly as prisoners through official channels. They are to be allowed to communicate with their families. They are to receive humane treatment. Impartial inspections of POW camps by neutral bodies are to be allowed. The sick and wounded are to be exchanged.

NORTH VIETNAM IGNORES RULES

North Vietnam, which acceded to the convention in 1957, has refused to uphold any of these provisions.

Fred Schreckengost and Robert Greer were reported by South Vietnamese villagers to have been seen the day after their capture in the hands of Vietcong. The villagers told American officials that the Vietcong had said the two men would not be hurt, only held for a period of political indoctrination.

Sometime later, U.S. authorities received an unconfirmed report that the two Marines were imprisoned in North Vietnam. This report has since been dismissed by U.S. intelligence.

Tangee Alvarez, the wife of Navy pilot Alvarez, receives an occasional letter from her husband. He writes from somewhere in North Vietnam that he is all right, that he eats twice a day, vegetables and rice and soup mostly. She and the others who receive mail have been called in the press "the lucky ones" because at least they know their men are alive. Some wives find this irony hard to take.

But the mulish refusal of North Vietnam and the Vietcong to release an official list of prisoners, despite international pressures, has kept families like the Schreckengosts in a strange world of anguish and doubt for six years.

The Vietnamese and Vietcong POW camps have never been inspected by a neu-

tral agency, for what are no doubt obvious reasons.

Through U.S. intelligence, returned and escaped prisoners and other sources, some descriptions of the POW installations have leaked out.

LIVING CONDITIONS POOR

Lou Stockstill, a former editor of the Armed Forces Journal and now a free-lance writer, summed up the evidence in an article in the Air Force Digest last October.

One Vietcong jungle camp with fewer than a dozen prisoners, he wrote, provides three meals a day, rice supplemented by some meat, fish, or vegetables. Soap, toothpaste, and elemental medical care are provided. There are no activities. No mail from prisoners is allowed out. Over one 10-month period, one prisoner was allowed to receive mail.

The best, apparently, of the POW camps is a grim prison in Hanoi, dubbed the Hanoi Hilton. The prisoners get two meals of pumpkin, squash, pork fat, and bread or rice. Propaganda is the principal pastime. Most of the captives are kept isolated. Some letters in and out are permitted.

Of this camp, Stockstill wrote, "U.S. officials, with reasonable suspicion, regard the Hanoi Hilton as a propaganda showplace."

How widespread is brutalizing of the American prisoners is unproved. But that some viciously inhumane treatment has been permitted is known. Prisoners have been publicly humiliated and stoned. Nineteen are known to have been murdered or to have died of malnutrition or other lack of care.

Two Army men, Capt. David R. Devers and M.Sgt. John J. O'Neill, were captured and executed in 1966. Their families didn't learn of the murders until last December. Capt. Humbert R. Versace survived 32 months of captivity. Then he was executed in reprisal for the execution of a Vietcong terrorist. Sgt. 1.C. Kenneth M. Roraback and Sgt. Harold G. Bennett were killed after 30 months of captivity in an announced act of reprisal.

The United States held the frustrations of its leaders and the anguish of the POW and MIA families behind the dam of silence throughout the Johnson administration. The dam was cemented by hope and anxiety—anxiety that the brutalities would be redoubled if protests were too loud, and hope that quiet diplomacy might alleviate the conditions or even free the prisoners.

American officials made numerous, still secret, overtures to the North Vietnamese for prisoner exchange, even if only of sick and wounded. Hanoi, maintaining its pretense that there were no North Vietnamese forces in South Vietnam, denied the existence of its own soldiers imprisoned there.

U.S. CHANGES COURSE

Nations supposed to be friendly to Hanoi were quietly encouraged to intercede on the ground that the question of humane treatment of POWs transcended political and military considerations.

But there was a stumbling block in those days.

World opinion was focused on U.S. bombings in North Vietnam. In March 1967, Sen. Robert F. Kennedy proposed that the United States halt the bombings as part of a three-point peace plan. In May, U.N. Secretary-General U Thant tried to arrange negotiations. Hanoi remained adamant: bomb halt first, talks maybe later.

The United States changed its policy of silence on POW's in the spring of 1969. But the change had roots in President Johnson's decision in March 1968 partially to halt bombardment of North Vietnam. That was followed in May by preliminary peace talks between America and North Vietnam. On Oct. 31, 1968, the President announced cessation of all bombardment of North Vietnam and plans for full peace talks.

The United States has contended all along that the POW issue is separate from any other in the war.

President Nixon put it this way in a foreign policy report to Congress this year: "This is not a political or military issue, but a matter of basic humanity. There may be disagreement about other aspects of this conflict, but there can be no disagreement on humane treatment for prisoners of war."

But the question hasn't always seemed that simple to the world at large. State Department POW expert Frank Sieverts points that out. Sieverts was with Ambassador Averell Harriman at the opening of the Paris talks. He's now a special assistant to the undersecretary of state for POW affairs.

"During the air war in North Vietnam," he said recently, "it was simply unrealistic to build a public case on the prisoners. You'd be shouting into the wind."

Even the American Red Cross and like international organizations could get little attention for the POW issue until the bombings stopped.

Meanwhile, the armed forces gained considerable expertise in dealing with the families of MIA and POWs.

SYSTEM SOMETIMES SHAKY

When Fred Schreckengost was taken, his parents were awakened at 1:30 a.m. by a telephone call from a Marine officer in Columbus, Ohio. He said their son had been captured, but he had no other word.

Under present policies, late night and early morning calls are deferred. Families are notified in person by a casualty assistance officer.

Later, a CACO—a casualty assistance call officer—is assigned to each family. He is supposed to be available to help them and he is expected to call on them regularly.

(This system, apparently, doesn't always work. The Schreckengosts have never seen their CACO. He occasionally calls them on the telephone. Their first word from him in many months, Mrs. Schreckengost said, was when he called at the request of this reporter to arrange an interview.)

Each of the services has a Pentagon office with the full-time duty of attending to POW affairs and the needs of families. A prisoner of war policy committee has been organized in the Defense Department. Its chairman is Assistant Defense Secretary G. Warren Nutter, a University of Virginia professor before he went to Defense in the Nixon Administration. The State Department also has an office solely concerned with the POW issue.

When the Nixon Administration took office a complete review of American policy on the POW question was undertaken.

Secretary of State William P. Rogers, promptly upon taking office, appointed then Undersecretary Elliot L. Richardson to the task of coordinating over-all policy on the issue.

The Johnson mission to the Paris peace talks had been for a time hopeful that private negotiations with the North Vietnamese would bring improvement in the POW situation. That had fallen through. The Nixon emissary, Ambassador Henry Cabot Lodge, had no hope for the private route. He brought the POW question up openly in the plenary sessions of the peace talks.

At the Defense Department, Dr. Nutter's committee was directed by Defense Secretary Melvin Laird to restudy the issue and reassess policy.

One thing was clear at the beginning of the reviews: The Johnson administration policy on POWs hadn't worked. It hadn't moved the North Vietnamese to identify their prisoners, to improve the POW conditions, or to free the ill.

But changing U.S. policy wasn't an easy act. Dr. Nutter noted, "This was a weighty decision to make, because you can have arguments on both sides. The enemy might be tempted to retaliate if you make it an open issue. There was the question about whether they'd bring the men to trial. They had threatened that. We weighed all these considerations very carefully.

PUEBLO MAKES A POINT

The committee also consulted with Korean War POWs, who reported that the treatment of prisoners in North Korea had improved dramatically when the American government began to speak out.

To "go open" was a considered decision. It was made, the administration insists, before any great domestic pressure developed from the POW families.

Defense Secretary Laird took the first big step. He called a press conference May 19, 1969, "to express . . . deep concern regarding treatment of U.S. servicemen listed as prisoners or missing in action in Southeast Asia."

At that press conference, the Defense Department issued a briefing paper, telling for the first time what the U.S. government had been able to learn about the POWs. It wasn't much.

The Laird statement and briefing had one major effect, however. It signaled the shift in government policy. It took the wraps off the issue.

Two other things happened to change attitudes on the POW problem.

All during 1968, the U.S. public had been stirred up over the crew members of the spy ship Pueblo, imprisoned by the North Koreans after their ship was seized in international waters. The wife of the Pueblo's captain, Mrs. Rose Bucher, had been far from the silent, cooperative service wife the POW wives were being. On Dec. 22, 1968, the Pueblo crewmen were released by the Koreans.

The release was arranged through careful diplomatic maneuvering and the solid, unemotional efforts of professional military and diplomatic officials. The State Department's Sieverts is convinced that Mrs. Bucher's protestations and activities of such groups as the Remember the Pueblo Committee were ineffectual.

But to some of the POW kin, there was a lesson in the Pueblo experience.

The other happening was more directly related to the main POW problem.

During 1968, six prisoners were released to U.S. pacifist groups. The releases were accompanied by propaganda fanfare. But not too much was learned from the prisoners, all short-timers.

In August 1969, however, Navy Lt. Robert F. Frishman, Seaman Douglas B. Hegdahl, and Air Force Capt. Wesley L. Rumble were released. Hegdahl had been in captivity 2 years and 4 months, Rumble 15 months, and Frishman 21 months. From them much was learned.

Rumble was severely ill, requiring immediate hospitalization. The other two men were ghostly pale, their skins loose on their bones, their eyes deeply inset. Hegdahl had lost 60 pounds while imprisoned. Frishman's arm, the elbow removed, hung limp and virtually useless at his side.

Later, Frishman proved to be an articulate spokesman for his former comrades in oblivion.

He told of his own abuse, of being tied with ropes in a hospital even with his bad arm, injured when his plane went down, and of receiving the most haphazard medical care. He told of long terms of solitary confinement. He told of being threatened before his release that if he embarrassed the North Vietnamese they would get even. Frishman said he was told "not to forget that they still have hundreds of my buddies."

"THE FORGOTTEN MEN"

But then Frishman added what proved to be a great release for the POW kin at home. He said his buddies had told him to tell the truth. One told him, Frishman said, that

even if it meant more torture, "at least he'll know why he's getting it and he will feel that it will be worth the sacrifice."

With that, the dam of silence was washed away.

Already, the National League of Families of American Prisoners in Southeast Asia had been formed. Wives and parents, individually and in groups, began to act. They traveled to Paris, Cambodia, and elsewhere to meet North Vietnamese officials and demand information.

Last September, Rep. William L. Dickinson, D-Ala., introduced a resolution in the House of Representatives and arranged a special order in the House for discussion of the POW problem.

More congressmen sought to speak during the special order than could be accommodated. The resolution passed both houses unanimously.

Dickinson set the tone in his own opening remarks:

"These are the forgotten men who responded to their nation's call in time of need and who now cry out to their government, Mr. Speaker, through their valiant wives and families for our help and consolation.

"Since 1964, when we committed combat troops to South Vietnam, until early this year, our forgotten men have not been talked about. . .

"I think it is time we talked about this grave situation, and I know we have hundreds of wives and families—many of them present in the House gallery today—who concur with me."

Also in September, the American Red Cross scored an extranational diplomatic coup. In the words of Samuel Krakow, director of ARC's office of international relations, "We internationalized the issue."

The ARC introduced a resolution in Istanbul at the 21st meeting of the International Red Cross Conference. It simply called upon all parties to abide by the obligations of the Geneva Conventions. It passed that international body by a vote of 114 to 0.

The Vietcong have claimed they are not bound by the convention, and Hanoi has contended that the Americans are "war criminals" not entitled to convention protections.

Both claims are clearly invalid under the convention, however.

Article 2 of the POW Convention states, in part: "The present convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them."

The American Red Cross has launched what a staff member calls its "annoy Hanoi" program. It has sent cablegrams and letters to 112 Red Cross societies and to four equivalent organizations. Through local chapters, it is urging that letters be sent to Hanoi and to influential foreign embassies. It participated in a campaign last winter summed up by the newspaper ad: "This Christmas write a card to an enemy."

Other individuals and organizations have become active also. Wives have turned up all over the world. Public interest in the United States has awakened, and it, in turn, has spurred new efforts in the administration.

POLICY TAKES EFFECT

And results are beginning to show.

First, there's an outpouring of international opinion. Editorials supporting the U.S. position on this one question have appeared in influential newspapers around the world. In Stockholm, where anti-American sentiment is in fashion, the Svenska Dagbladet wrote: "What would be more humanitarian than for North Vietnam to meet the wishes for some basic information about human lives? It is difficult to see what Hanoi would have to lose from such a gesture."

Then there's the reaction of North Vietnamese diplomats. At the Paris peace talks, the verbal forays of U.S. Ambassador Philip C. Habib always draw a self-righteous, canned rejoinder. But not when he harps on the POW issue. The North Vietnam delegates barely respond.

Also, U.S. intelligence reports that North Vietnamese diplomats around the world are responding defensively when asked by supposedly friendly foreigners about the POW question.

Finally, there's been the official behavior of Hanoi. As the ARC's Krakow notes, "Of all the mail from American prisoners in Southeast Asia in the last five years, more than 75 percent has arrived in the last few months."

With the letters is also coming a trickle of information about prisoners.

North Vietnam has represented these relaxations in its policies as being the result of intervention by U.S. peace groups. All such relaxation has been accompanied with maximum propaganda fanfare which has attempted to build prestige for the American antiwar movement.

The U.S. dissident groups have organized the Committee of Liaison with Families of Servicemen Detained in North Vietnam. In an "information sheet" published last January, this committee noted the prisoner releases of February and July 1968 and July 1969. Cochairmen of the committee are Dave Dellinger and Mrs. Cora Weiss.

In a letter sent to many POW wives in January, the committee wrote, "The Democratic Republic of Vietnam has decided to use our committee as a channel for communications" between POWs and their kin.

PEACE GROUPS OPERATE

The committee, in its "information sheet", claimed that "the U.S. government has frequently made it more difficult for the Vietnamese to be open to the concerns of American families by using the families' genuine desires as a propaganda ploy. The government has further attempted to provoke an angry response from the Vietnamese by publicizing unsubstantiated and inflammatory testimony from flyers already released. Apparently, the government has decided to jeopardize existing communications and the possibility of future releases for the sake of propaganda aimed at prolonging the war."

That 114 Red Cross agencies around the world have found North Vietnam wrong on this issue apparently has left these Americans unimpressed.

Actually, the U.S. policy toward the peace groups is to leave them unimpeded for the sake of what information they do channel to POW families.

Rep. Bob Wilson, R-Calif., has asked the Justice Department to require the committee to register as a foreign agent under the foreign Agents Registration Act of 1938. The law's application in this case is uncertain, however. It requires the existence of a contract between the foreign nation and its U.S. agent. The committee has been careful to disclaim any agency role. It said in the information sheet, "The peace movement is responding to a request by the Vietnamese to meet a specific, immediate need and is not in any sense representing the government of North Vietnam."

Meanwhile, the anguish and the activities go on.

And in East Palestine, Ohio, the elder Schreckengosts talking to a reporter—the first who ever called them—cry out:

"We do hope and pray some word comes out for the majority. Even if it ain't ours, maybe somebody else will hear. Maybe that's life."

DAVE EVANS, ENTERPRISING UTAHAN

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. BURTON of Utah. Mr. Speaker, there is much to be said about our system of free enterprise and the opportunities it affords us no matter what our age or station in life. A perfect example of this is my good friend and diligent entrepreneur, David W. Evans. Mr. Evans, founder and chairman of the board of the Evans network of advertising agencies, was recently featured in 200 newspapers around the United States by columnist Joyce Lain, who was greatly impressed by "the chairman's" enthusiasm for life and work at age 76. I submit the reprint of her article for the RECORD:

DAVE EVANS FEATURED IN SYNDICATED COLUMN

DEAR JOYCE: *My husband, at 47 is talking about starting his own business after years of being an employee. I'm afraid he's too old to start over and I worry about risking our present security. What do you think?—P.B., Memphis*

In my observation, there are two kinds of seniors who succeed on the second try—those who are smart enough to know that they are not too old, and those who are too dumb to know that they are.

Bankruptcy court records are filled with flops whose birthdays range from 21 to secrecy. Age isn't so much the deciding factor as ability, and, of course, various business considerations. To illustrate, I'm going to tell you about a remarkable man I met during a recent visit to Utah. I was, and I think you, too, will be inspired by his story.

David Evans has just turned 76. At the age of 49, he decided to count talents—not years—and opened his own firm. Today, David W. Evans & Associates, an advertising, marketing and public relations firm based in Salt Lake City, has eight regional offices from California to Pennsylvania and an annual billing of nearly $20 million. Why was he motivated to start from scratch in a highly competitive field?

Because, after working 25 years for others, Dave Evans was dissatisfied. He thought he was a failure. He had a business philosophy he believed would work better, but he needed to become the boss to find out.

The philosophy on which he gambled everything is: "Always do more for my clients than I am paid to do." The gamble paid off, leading repeatedly to increased business. His concept of "total involvement service" has made him virtually indispensable to his clients, many of whom have recommended him to other advertisers.

Inside the shop, Evans decided from the outset that he should share his profits with his fellow workers. He brought them into full partnership and now the company is partially owned by several dozen employees. Another factor counting heavily in his success is his mastery in human relations.

A copywriter with the firm, explains: "Mr. Evans never tried to 'big man' it with his employees. He always rolled up his sleeves and did more than his share of the work. He thinks fairness and consideration of the other guy's viewpoint the dues he pays to the 'satisfied employee club,' and he likes to be a member in good standing."

Although Dave Evans has recently turned the job of chief executive officer over to a younger man, he's still in there slugging.

His mornings start at 5:30 and he rarely leaves his office until after 6 in the evening. He pecks away at his vintage typewriter, brings new clients into the firm, counsels staff members and teaches several courses in advertising—one at a university 45 miles away "just for the fun of it." After work he swings on a continual round of church and civic activities.

Maturity has not diminished Evans' wit one whit. On his 76th birthday, he was asked to what he attributed his youthful faith, hope, energy and enthusiasm. Evans' brown eyes lit the good humor beneath his gray locks as he replied, "It's the spirit of '76!"

THE IMPOSSIBLE DREAM

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. HALL. Mr. Speaker, a friend and constituent, Mrs. Susanne C. Wheat, of Springfield, Mo., has written an excellent essay entitled, "The Impossible Dream." Her perceptive writing brings forth the idea that the free world must unite if it is to survive in its struggle against international communism and that the United States can no longer carry the burden of this struggle by itself. I sincerely commend this essay to my colleagues.

The article follows:

THE IMPOSSIBLE DREAM

The United States is not only engaged in what has been a long, tedious and costly war in Vietnam, but our nation is in the throes of internal dissension. The Communists have said that what they can't accomplish by infiltration they try to achieve by war. Several years ago they announced that their goal for dominating the world was nineteen hundred and seventy.

While they certainly haven't made that, they have succeeded in taking a toll of our young men as either casualties, among the wounded or prisoners of war. And they have waged a war which has caused severe frustration to us. They have principally fought an elusive battle, where they can at times disappear into the jungles.

The U.S. has had restraints placed upon us. If we dared a full scale war, Russia might send troops, whereas now she is only lending material aid to the Viet Cong. Also Red China issued an ominous warning that she would send over her massive armies. They have us behind the proverbial eight ball and so the war has dragged on for what seems like an interminably long time.

The Communists thrive on trouble areas in the free world. Of course, they are delighted that the United States, the great fortress of capitalism in the free world, is torn by racial strife, protests over the war in Vietnam and Cambodia, a perilous economy and excessive cut-backs which have resulted in unemployment.

Since the Communists are in control in many areas of the world, it seemed essential that they be stopped in South Vietnam. We couldn't tolerate all of southeast Asia falling prey to Communism, which might have eventually followed. It seemed imperative that the U.S. defend South Vietnam or that someone did. Yet it is also evident that we can't fight Communism alone. In Korea, the United Nations troops assisted us in defending South Korea, but the U.S. assumed the principal role.

When we didn't send military forces to help the invasion made by the Cuban exiles nor lend air support to them at the Bay of Pigs, none of the other free countries did either. However, we can't be the one to always battle world communism.

The U.S. can't be the one to take the responsibility for always assuming the lion's share in battling world communism. And so since none of the free nations took their turn in aiding the Cuban exiles, the Castro regime is firmly entrenched just ninety miles from Miami. And our planes are continually being hijacked to Cuba.

Now the United States is the only power fighting militarily in Vietnam. The other four countries who have fighting men there are small, minor nations, Australia, New Zealand, the Philippines and South Korea. Our country, what's more, belongs to numerous treaties, with the provision that we will aid member nations who are the victim of an armed attack. In many of these treaties, we are the only power, only joined by the smaller, minor countries.

In Vietnam, while other major countries are helping in indirect ways, they are not assisting us with troops. England, France, Israel, West Germany, Italy, Canada, Iran, the Republic of China, South Korea and Japan are all aiding the war effort, but none of them have sent combat forces.

Likewise Ireland, Greece, Pakistan and Turkey have assisted with their Red Cross organizations, but they haven't sent fighting men. Neither has Thailand nor Malaysia; only advisory military personnel. And it is obvious that we cannot fight Communist aggressors alone or comparatively so militarily. The Communists are counting on disunity and the lack of action on the part of the free world, also division in our own country. Then it is far easier for them to make their advances.

If we had received assistance from other free powers with combat forces, it is very probable that North Vietnam would be repelled by now. And maybe our nation would be enjoying peace once more, joined in unification instead of this agonizing division and rebelliousness about the war still going on and branching into Cambodia.

Our salvation depends upon the free world pulling together and making its valuable contribution towards maintaining freedom in the world. "Ask not for whom the bell tolls; it tolls for thee". Yes, Communist aggression is a concern for the entire free world. It must act together in order to even hold its own.

When our people are upset over an external war, it is a good opportunity for Communist infiltrators to sow the seeds of more discontent, which will eventually erupt into more chaos internally. The other free nations can't pass the buck to the United States forever and make a habit of it. They must do what they can towards preserving what is left of the free world. The United States has done much more than its share. In the future other free nations must come to the fore.

With the Communists so determined to take over the world, it seems like an impossible dream that a reversal might come to pass. Could there be a switch in the trend which they have outlined and one day might freedom replace the totalitarianism which so many people abhor! There's the great challenge, the challenge to beat the Communists at their own game.

If the free world remains strong, maybe one day it will be an incentive for the people in the Communist countries to revolt against their leaders. The people in Russia especially despise their Godless slavery, their deprivation of churches or any manifestation of their religion. So one day maybe the people who have had Communism imposed upon them by their leaders will be able to overthrow their government.

Dostoevski, a noted Russian authority, made this startling prediction. "There will eventually be an upheaval; there's going to be an upset such as the world has never seen before. Communism, with its mechanical forms, doesn't contain the socialism of the Russian people. The Russian people believe that the final salvation and the all-illuminating unity is in Christ and the Lord and in Them alone. The Russian people bear the image of Christ and love Him alone."

When the free world is striving for survival, it seems very distant and remote that these subjugated peoples might be able to topple their Communist leaders. It seems like an almost impossible dream that instead of Communism creeping over the earth, more of our world will become free, with the privilege of working for the worshipping God and Jesus.

Yet to the Christian, not just any dream will suffice. It must be God's dream and surely this is the Lord's dream for the world. The Lord created the world and He didn't intend for any man to deny other men the prerogative of worshipping Him. So, no matter how distant it seems, let's keep our sights on this dream and work for the cause of freedom in our daily lives.

The Communists are counting on the half hearted participation of the free world to produce an ineffective consolidation against the atheistic slavery of Communism, which threatens to encompass and envelop the earth one day. The Communists really work on spreading their ideology and it's an international tie-up. So it behooves the free world to counteract this by joining together and working even harder.

If the free world really unites, marvelous things could be done. And, hopefully, although we might not live to witness it, freedom will replace a Communistic government. It would be wonderful if the people of East Germany could overthrow their tyranny and replace it with a free way of life. So many families have gone through grief because of the separation of their families due to the Berlin Wall, dividing the east from the west.

Radio Free Europe is doing a splendid job of keeping the peoples of eastern Europe informed about the free world and in keeping the spark of freedom alive. If the free world joins solidly together, we can be an inspiration to these people to stage a revolution to gain their freedom. Yet we will never be an incentive if the free world is disjointed and diffident. Instead of dreaming the great dream, a world to be won for Christ, we are more like a milling crowd of dissidents than a fellowship of believers. The people in the free world seem to be consumed with dullness and discord.

After an appearance in New York City, Ole Bull, the great violinist, was invited to spend the week-end in the city with friends. On Sunday morning they invited him to attend church with them. He responded: "I will go on one condition. I will go if you will take me to hear someone who will tempt me to do the impossible".

Are we dreaming God's dreams, the kind Jesus was dreaming when He prayed "Thy kingdom come" as He looked out over the world from Calvary's Cross?

It can all be summed up in the famous ballad of the "Quest" which an old knight sings in the musical play, "Man of La Mancha". This is the message of the song.

"A man needs to dream the impossible dream.
To fight the unbeatable foe . . .
To run where the brave dare not go
To right the unrightable wrong
To try when your arms are too weary
To reach the unreachable star.
This is my quest, to follow that star,

No matter how hopeless, no matter how far,
To fight for the right without question or pause,
To be willing to march into hell for a heavenly cause!
And the world will be better for this,
That one man, scorned and covered with scars,
Still strove, with his last ounce of courage,
To reach the unreachable star".

To reach the unreachable star! This should be a project for the entire free world.

AD HOC CONGRESSIONAL HEARINGS ON DISCRIMINATION IN FEDERAL EMPLOYMENT AND FEDERAL CONTRACTOR EMPLOYMENT—II

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. RYAN. Mr. Speaker, following is an additional portion of the Report of the Ad Hoc Congressional Hearings on Discrimination in Federal Employment and Federal Contractor Employment. These hearings were held under the sponsorship of an Ad Hoc Congressional Committee, composed of Mr. CONYERS, Mr. DIGGS, Mr. DOW, Mr. HAWKINS, Mr. HELSTOSKI, Mr. NIX, and myself.

This portion of the report presents the testimony of the witnesses who appeared before the committee to testify on discrimination in the Federal civil service. The first portion of the report, which appears in the CONGRESSIONAL RECORD of September 15 at pages 31900–31904, consisted of the foreword, the introduction, and the recommendations of the ad hoc congressional committee concerning discrimination in Federal employment.

The witnesses who appeared before the ad hoc congressional committee to testify on discrimination in the Federal civil service were: Mr. Julius W. Hobson, Mr. Domingo Nick Reyas, Mr. Michael Ambrose, Mr. Henry Bayne, Mr. Charles Johnson, Mr. Louis Zawatsky, Mr. Paul L. Everett, Mrs. Amy Scupi, Mr. Herbert Roche, Mr. William Williams, Mrs. Mary Cherry, Mr. Snyder Garland, Mr. Jesse Gooding, Mr. Charles I. Cassell, Mr. Thomas Jackson, and Father Henry Casso.

IV. TESTIMONY OF JULIUS W. HOBSON

Mr. Hobson is an employee, Social Security Administration; former member, Washington, D.C. School Board; plaintiff in Hobson against Hansen, in which Federal Judge J. Skelly Wright ordered the District of Columbia school board to abolish the "track system" in District of Columbia public schools.

Mr. Hobson's testimony concentrated on job discrimination in the Federal civil service. He noted the minimal number of black employees at the higher salary levels and in policymaking positions. He pointed out the disparity between the percentage of total employees which blacks constitute, and the percentage of total income which they receive: while blacks made up 10.5 percent of all Federal employees, they only received 8.6 percent of total wages. This disparity is even greater in the case of women, Mr. Hobson pointed out.

Mr. Hobson drew special attention to statistics derived from the Library of Congress which, while no worse than other agencies, does have very complete figures enabling the typical pattern of discrimination to be very clearly seen. These statistics showed that the oft-cited justification for such patterns—for example, lack of educational qualifications—is specious. Education proved to be generally equal when comparing whites and blacks, yet advancement was much slower for the latter. Furthermore, more than 100 white employees in GS–10 to GS–17 positions at the Library of Congress did not have college degrees.

Mr. Hobson also noted the nonutility of the present civil service grievance procedures and the difficulty of obtaining needed data from the agencies—data which would show the degree and form of discrimination occurring.

Mr. Hobson also made several suggestions: the responsibility for equal employment opportunity programs should be placed in an independent agency; blacks should be brought into the expanding areas of employment, such as computer technology; and the government should engage in compensatory action to redress past wrongs and to avert present and future ones.

His testimony follows:

TESTIMONY

Mr. HOBSON. (Mr. Hobson presented a fact sheet on job discrimination, based on report issued by the United States Civil Service Commission, entitled "Study of Minority Group Employment in the Federal Government, 1966 and 1967".)

In the Federal Civil Service, as of January 1966, black people comprised about 9.7 per cent of the classified employees, but only 1.6 per cent of those above GS–11. . . . (B)y November, 1967, black people comprised 10.5 per cent of the classified employees, but still less than 2 per cent (1.8 per cent) of those above GS–11.

In Federal agency after agency, there have been similar defaults of responsibility to ensure equal employment opportunity. This is particularly emphasized by the absence of black employees at policy-making levels. No matter how effective guarantees of equal opportunity may be on paper, they have been nullified in the hiring and promotion prac-for, and by the people. It is inexcusable tices by a government that purports to be of, that any job created in part by tax dollars paid by minorities should remain closed to minorities.

As the model employer and keeper of the keys as to what defines "merit," the Civil Service Commission cannot allow the qualification of being white to dominate, in practice, the fundamental structure upon which the employment system is built, through the encouragement of highly verbal and irrelevant examinations, prohibitive qualification standards, selective and arbitrary training programs, discriminatory promotion practices, and a slipshod, intimidating grievance procedure. If this country is to survive with equal justice for all, then we must insist upon the first and foremost example of such justice in federal employment.

Of the total positions in the United States government in 1967, black employees were 10.5 percent of total employment. . . . If you break this down by grade, . . . , you will see that in Grades 1 to 6, 18 percent of the black employees in the federal government fell in that category. . . .

Grades 7 to 12, 4.9 per cent of the black employees were in this category, and 95.1 per cent were white. When you get to 13 and above, the black employees almost disappear and go down to 1.5 per cent. So . . . as the grades go up, the per cent of black employees in the grades goes down. . . .

This 10.5 per cent of the black employees in the federal government in 1967 were receiving only 8.6 per cent of the money. So for the year 1967, black employees lost $186,846,670 due to the fact that they were not receiving the same per cent of the money as they are (a percentage) . . . of the employment. . . .

I have also been concerned about another group of employees in the federal government, . . . , and that is women. Women are just as bad off in federal employment, if not worse off, than black employees as a class. . . . (W)omen made up 42.4 percent of employment in 1966 and they received only 30.8 percent of the money. . . .

The grievance machinery which is available to black employees in the federal government is intimidating, it is useless, it has never worked and it is not working now. I think that there needs to be a basic restructuring of the whole process of grievances.

Mr. RYAN . . . There have been submitted over a period of time complaints of job discrimination by yourself to the federal Civil Service, and there have also been, I take it, complaints raised through the appeals mechanism in the federal Civil Service. How many cases do you know of in which there has been a finding of racial discrimination?

Mr. HOBSON. Well, I have, over a period of years, Mr. Chairman, represented federal employees as well as myself in job discrimination. I can recall, with some fifty cases since 1959, (findings of) discrimination in only two cases that I was involved in. I have seen the statistics on the Civil Service findings, and I think they find something less than 4 percent of the cases have any discrimination at all. . . .

Mr. RYAN. Have you any suggestions . . ., steps which could be taken to bring about an immediate expansion of employment opportunities for black employees in the federal Civil Service as a whole?

Mr. HOBSON. Yes. I think that one of the things that should be done is that the whole question of job discrimination, the whole question of equal employment opportunity for black people should be taken out of the Civil Service Commission and put under some independent agency, . . . I think the present machinery is so designed, and the people who run it are part of management, or at least they have the mentality of management, and it is usually the agency against the employees.

I think also that in the new jobs where computer technology is being used . . ., black people are being dangerously left out of these beginning jobs. . . . The old-line agencies like the Social Security Administration and some of the agencies like the Public Health Service are not very expansive. You can get in there and remain in grade for many years. But if you can get into these new programs that black people are being left out of entirely, and particularly in the area of computer technology, then you have a chance for advancement. . . . I think that this is an area that needs to be examined and something done about it im-

mediately. Otherwise, black employees are going to find themselves down in the ranks of this particular category of federal jobs, also.

Mr. RYAN. You were able to obtain data, although it was 1963 data, on the Library of Congress. Did you make an effort to obtain data from other agencies of a similar nature?

Mr. HOBSON. Yes. I have asked EEO offices, I have asked the Civil Service Commission and various agencies, for data similar to that that I got from the Library of Congress—average number of years in grade, educational qualifications of black employees versus white employees. They have all said that "we can't give you that kind of data because it is not available.". . . . But the Library of Congress proves, by getting out this data, (that) it can be done.

Mr. RYAN. There have been jobs open for Negroes at higher levels. Have you made any study of those jobs as to . . . (their) nature . . . ?

Mr. HOBSON. Well, I find that . . . , to my chagrin, most of the jobs are related to the civil rights field or are related to a field which is related to race, and I find this to be quite a problem in advancement in the federal government. I am opposed to what I call "professional Negroes," people whose profession is being black . . . I am interested in seeing black people in policy-making positions. I am a technician myself, busy with the collection, evaluation, analysis and presentation of data. It is in that area that you find a lot of federal jobs, and this is where I would like to go up on my merits, not on the basis of the fact that I am of African origin. . . .

I would suggest that what we need to do for the morale of black employees is to go in and do something about the utilization of black manpower which now exists inside of every federal agency and have a crash promotion program. People say that we don't want to have reverse job discrimination. Well, I don't care whether they call it reverse job discrimination or not, this is a set of conditions which were created, they were designed, they were not put here by an invisible hand or Jesus Christ. They were man-made, and I think that men are going to have to deal with them. I think the federal government is going to have to engage in compensatory action to deal with the question of federal job discrimination and denial of opportunity to black employees which has been going on since the inception of the government of the United States.

MR. DOMINGO NICK REYAS

Mr. Reyas appeared on behalf of the Mexican-American Anti-Defamation Committee, Washington, D.C.

Mr. Reyas' testimony was directed at the problems of the Spanish-speaking population, particularly Mexican-Americans. The patterns of discrimination to which other witnesses testified, chiefly in regard to blacks are also revealed in terms of Mexican-Americans and Puerto Ricans. These groups have the particular problem of language difficulties, which not only help to engender discrimination against them, but also operate to inhibit their understanding of, and utilization of, the grievance procedures.

Mr. Reyas' recommendations included simplification of the grievance procedure and development of recruitment practices specifically aimed at Spanish-speaking citizens through utilization of Spanish-speaking newspapers and radio stations, and through the assistance of local communities and community groups.

The testimony follows:

TESTIMONY

Mr. REYAS. La discriminacion del el pueblo habla espanola en general, y Latino-Americano en particular, en la cuestion de empleo federal es un problema que sigue creciendo por falta de un gobierno que no es responsivo, que no sabe como communicar con sus ciudadanos. Nosotros los Latino-Americanos queremos servir en el ejercito tanto como en el mundo de trabajo federal.

Mr. Congressman, my remarks in Spanish were meant to dramatically indicate to you (one of) the many hang-ups . . . that exists in many parts of this country, especially when communicating, recruiting or just informing Mexican-American citizens in this country of their rights to Federal employment, and of their rights in cases of discrimination in the Federal establishment, specifically, the complaint in grievance procedure available to all its citizens.

I would most greatly request your permission to read some materials that have just been recently published by the U.S. Commission on Civil Rights on the Mexican American . . . with respect to employment in the Federal establishment. (This report is entitled "The Mexican-American.")

"As a group Mexican Americans have been unable to move into the mainstream of American economic life. Taking the Southwest as a whole, their unemployment rate is about double that of Anglos. As is so often the case, overall statistics tell less than the whole story.

"Furthermore, regional figures hide the severity of the situation as it exists in many barrios where Mexican Americans are concentrated.

"This condition holds for public employment, Federal, State, county, and city, as well as private. In 1960, for example, 79 percent of all Mexican American workers labored in unskilled and semiskilled jobs. This statistic makes it evident that Mexican-Americans have difficulty getting promotion once they are employed, probably due in part to the general low level of education and skills and probably in part to discrimination.

"The single largest and best paying employer in the Southwest is the United States Government. As of mid-1966, having made dramatic increases in a short time, it employed Mexican Americans in almost direct proportion to their percentage of the total labor force, about 10 percent, taking the Southwest as a whole.

"Again, however, overall statistics do not represent a complete picture. For in California, which has the largest concentration of Mexican-Americans of all the Southwestern states, Mexican-American federal employees were only 4.9 percent, and in Los Angeles County, which has the largest concentration of Mexican-Americans in the country, there were only 4 percent.

"In that county, the Post Office employs 43 percent of all Federal employees, but only 4.1 percent of those employees are Mexican-American.

"Resentment against Post Office hiring and promotional policies runs high among Mexican-Americans in California, both because the Post Office is such a large employer and because it has made special efforts to help another minority. In fact, last year in San Francisco a Mexican-American testified before the California State Advisory Committee to this Commission: 'After the Negro uprising 700 positions were created to pacify and alleviate the problem of unemployment in the Negro community. The Civil Service exams were waived in the mentioned case. Yet when the Mexican-American organizations requested that the same be done for the Mexican-American, the Administration refused to acknowledge that the Mexican-American community was faced with the same problem in employment.

"Will we have to burn some buildings to obtain justice from our government?"

"As is true in the private sector of the economy, Mexican-Americans in Federal service are clustered in the lowest paying scales. In the postal service, 91 percent are in the lowest paid position, grades 1 through 4. Overall, 70 percent are at entry level.

"Discrimination against Mexican-Americans is often difficult to prove, because employers may cite lack of skill or facility in the English language as grounds for refusing employment or promotion, and it is unquestionably true that much of the Mexican-American employment situation in general must be laid to the low educational level and lack of occupational skills on the part of many members of the community.

"Nonetheless, the Anglo and Mexican-American observers are convinced that overt discrimination is widespread.

"In 1967, the Director of the Los Angeles Office of (the) Equal Employment Opportunity Commission testified before the State Advisory Committee of the Commission on Civil Riots that: 'Our experience has been and certainly is still that there is much too much discrimination against Mexican-Americans.'

"He went on to say: 'I am reminded of an employer in Arizona who said to us, "Yes, we discriminate against Mexican Americans. We always have. We have never permitted Mexican Americans to get higher than a certain level in this company."'

"Charges of discrimination, particularly in promotion, have been brought by Mexican-American organizations against Federal installations as well as private companies, many of which hold government contracts which prohibit discrimination. The Kelly Air Force Base in San Antonio has been a frequent target. So have other military installations. Charges of differential pay in treatment have been made against the Kingsville Naval Air Station. It was alleged that Mexican-American Navy Exchange employees are paid 80 cents an hour and Anglos $1.25, and that the Navy has contracts with a cleaner who hires Spanish speaking employees at 50 cents an hour.

"A Mexican-American supervisor charged he was ordered to sweep and clean his area while no Anglos of the same or even lower rank had ever been asked to perform such duties.

"Mexican-Americans complain that although they must be paid good wages, though often they are not, they cannot rise into higher positions. . . .

"Many observers believe that private firms and the civil service itself often establish totally irrelevant requirements which have the effect intended or not of screening out Mexican-American applicants.

"Tests of various kinds often present unnecessary obstacles to employment. It is acknowledged that tests seldom accurately measure the ability of different language or cultural groups, and in some cases it is difficult to see what relationship a given test has to a given job.

"In 1967 the San Francisco Chronicle reported that several of the best gardeners in the city's Recreations and Parks Department had lost their jobs because, having been hired on a temporary basis until they could meet civil service requirements, they could not pass a written test which a reporter described as a 'watered-down version of a college entrance exam.'

"It included such questions as 'He treated me as though I (blank) a stranger.'

"The dismissed gardeners were described by a superior as 'men who can spot plant disease and know just what to do. But put it down in writing, never.'"

Mr. RYAN. The figures which you cited on employment in the Southwest United States remind me somewhat of the figures which I

cited . . . (in the introduction) on the employment of Spanish-speaking people in New York. In the postal field service I said, "In June of this year there were only two Spanish-speaking employees at level 11 or higher. One was a level 11 and one at level 13." So that the experience which has been observed in the southwestern part of the United States may be duplicated in areas like New York City or other cities where there is a heavy concentration of Spanish-speaking citizens, whether they are of Puerto Rican descent or Mexican descent.

Mr. REYAS. I think you are right, Congressman. I think for the most part (that) . . . what happens to our Puerto Rican brothers has been happening (in the Southwest) for some time, particularly in the states of Texas, . . . Arizona, New Mexico, and California.

Certainly it is a communications problem. I think quite frequently there has been . . . a cultural exclusion or isolation of the Mexican-American community—those citizens who are very well represented in the Federal establishment in terms of being in the service, but (who) lack an opportunity at a job in the Federal establishment without regard to race, color, creed or national origin.

Mr. RYAN. In utilizing the grievance procedure of the Federal Government, is any effort made to overcome the language difficulty? Are there publications printed in Spanish for the benefit of Spanish-speaking employees?

Mr. REYAS. I think there is a start in that direction, sir. I know that the Equal Employment Opportunity Commission has several pamphlets that have now been translated into Spanish, which are making their . . . way down to the grass roots, where they really need it. But the grievance procedure is something that eludes many of us, regardless of race, color or creed, and I think particularly eludes the Spanish-speaking, because of the question of translation and the whole philosophy of knowing how to proceed with a complaint . . .

It seems to me that one of the things that the Federal establishment could do would be to find some method in which those grievance procedures . . . could be documented and put together, and then processed in that way.

Mr. RYAN. Have you any other recommendations as to steps which could be taken to improve the grievance procedure or to make it possible for complaints to be processed more expeditiously?

Mr. REYAS. Yes, sir. In the area of recruiting, I think there ought to be a way in which the Mexican-American and the Spanish-speaking . . . could know, for example, that there are openings (for jobs), with certain kinds of skills which they have. . . . This kind of information should be disseminated by the Spanish-speaking stations in this country, the Spanish-language newspapers.

Quite often the recruiters themselves . . . indicate their desire to hire minority members, but they just don't know how to do it. It seems to me that there ought to be a way to get the communities in the Southwest, in various other metropolitan areas, to come to the aid of the Civil Service Commission recruiters; and that recruiting (ought to) be done by people who live in the various areas, speaking whatever language they may speak. The same way with the organizations that represent certain interests. I think they ought to be let in on when the recruiting is taking place, when it is coming to particular schools, et cetera, and informed so they will go out and help the government . . . (in) recruiting for Federal jobs.

MR. MICHAEL AMBROSE

Mr. Ambrose was employed by the Civil Service Commission from November of 1967 until October 1, 1968, as a personnel management specialist in the office of the Project Manager for Equal Employment Opportunity. In this position, he was, in effect, although not by formal description, the No. 2 man in the administration of the Equal Employment Opportunity program throughout the Federal service.

Mr. Ambrose's testimony extensively reviewed the Federal equal employment opportunity program. In analyzing the conduct of the Civil Service Commission, he noted several problems:

Lack of forceful administration;

Failure to take any special measures to meet the special problem of discrimination;

Failure to establish "clear, apprehendable" goals against which agencies can measure their performance; and

Failure to establish rewards for an agency which, or for a manager who, demonstrates commendatory accomplishment.

In discussing the complaint procedure, Mr. Ambrose similarly identified specific problems:

The complainant, by virtue of registering a complaint, labels himself as a troublemaker and forecloses his possibility for future advancement;

The agency investigates itself;

Findings of discrimination are very rare;

The employee is forced to undertake the burden of standing up against the agency, which becomes, in effect, his adversary;

The system is premised on one individual accusing another, whereas the real culprit is the unarticulated, yet existent, pattern of discrimination.

Mr. Ambrose also discussed hiring and promotion. Here, he identified the following flaws:

Failure to set goals or targets;

The Commission sets up numerous obstacles—culturally biased tests and, misplaced qualification standards;

Occasional bigoted recruiters; and

Poorly trained recruiters.

In summary, Mr. Ambrose made several recommendations:

A system of reparations;

Retroactive promotions; and

Responsibility for the equal employment opportunity program should be taken from the Civil Service Commission and placed in a separate agency—either a new agency, or the Equal Employment Opportunity Council, or the Civil Rights Commission.

TESTIMONY

Mr. AMBROSE. The first observation I would like to make is that the "Equal Employment Opportunity Program" is really a very apt term. We are still talking about equal opportunity, and not about equality in fact, and I think that is about the way the Civil Service Commission and most of the agencies administer the program. Their concern is for form and for appearance much more than for results, and that theme I think will be repeated as I describe some of the problems I have seen in the equal employment program.

I will just concentrate on program matters, because the existence of discrimination, the fact that discrimination exists in the Federal service, (is) . . . amply demonstrated by . . . (other) witnesses here . . ., and by the government's own published statistics—the minority group statistics. . . .

My thesis is that we must make the nonviolent, the procedural, the legalistic methods work, because we know very clearly what the alternatives are. The difficulty is that we expect a lot, it seems to me, of minority group employees in the Federal service, to demand that after suffering indignity and injustice all their lives—an indignity and injustice which continues even into their Federal employment, into their work life on the job—they still are forced to seek redress in a system that they have no historical or existential reason to have any confidence in, and that is the complaint system that has been critized pretty severely here this morning. . . .

But about the overall administration of the program, my view is that it is not forcefully administered. Equal employment is not a high priority program in the Civil Service Commission; (it is) not to my knowledge a high priority program in any Federal agency, with the possible exception of such pockets of social consciousness as the Community Relations Service in the Justice Department, or the Commission on Civil Rights. And even there, the administrative regulations of the Civil Service Commission interfere with a truly effective equal employment program. . . .

Some of the fundamental problems in the system are, first, that the federal personnel system was developed, and its tenets established, in an era of conscious overt racial discrimination in this country. That discrimination was reflected in overt discrimination in federal employment, as it was in all other kinds of employment.

We still have with us today a system that grew up in that period, a personnel system that retains vestiges of either racism or at least an insensitivity to the special needs of special groups in this country, like Mexican-Americans and the blacks, American Indians and so on.

A corollary of that is that good personnel administration is taken by the Civil Service Commission to mean that no special measures are taken for any group, even though special measures are obviously needed to meet special problems. So their thesis is that the merit system requires enhanced application of all their principles, all standards to all people, which means that all standards get equal treatment. But all people, since they differ, do not get equal treatment. The Commission's view of the merit system, it seems to me, is a built-in obstacle to any kind of fair administration of an equal employment program.

Another difficulty in the program, and perhaps the most fundamental deficiency, is the absence of clear, apprehendable, realizable goals. There are very few government programs of any merit whatsoever in any agencies that are expected to operate without goals. It seems quite reasonable for the Civil Service Commission to at least offer agencies some target employment levels for minorities which could be expressed in terms of minimum levels of acceptable minority employment, to demonstrate at least modest desegregation of the work force.

As it stands now, heads of agencies and personnel officials in agencies have no standards to aim at, and consequently the Commission has no standards by which to issue guidance to the agencies and no clear standards on which to gauge the performance of the agencies. In the absence of these goals the equal employment opportunity program, like most programs, just doesn't operate well.

I am not advocating a quota system. A quota system is anathema to the Civil Service Commission officials. But what I am talking about is, I think, eminently consistent with good personnel administration: to set goals for accomplishment. And these goals should apply to all grade levels and to most occupational categories, I would think.

There should be some measures of equal employment accomplishment at every level in a personnel program, in an agency's personnel program, and it is possible to get those standards, but the Commission, for fear of being accused of fostering a quota system, backs away at every opportunity from setting any kind of goal for the agencies.

A further problem is that the Equal Employment Opportunity Program exists mostly on paper. It exists in lip service, in tokenism, in fine high-sounding speeches, by Civil Service Commission officials, but Civil Service Commission administrators really believe they are taking the problem seriously. Like anyone similarly situated, the Commission officials are victims of their own propaganda. They have been very defensive for a long time about the Equal Employment Opportunity Program, and so all their speeches, all their press releases, are slanted to show accomplishment, and pretty soon that infects the whole organization, and everyone understands what the party line is, and then it becomes heresy to say "Wait a minute, remember when we first wrote that press release, we were only saying it was accomplishment, but we knew it really wasn't and now everyone behaves as if there is truly accomplishment there." * * * The Commission, in trying to propagandize the minority communities, it seems to me has propagandized itself pretty effectively, much more effectively than I think it has the minorities in this Nation.

* * * One more central problem: a corollary of my earlier observation that there are no goals for the program is that there are no rewards for an agency or for a manager who demonstrates some accomplishment in EEO. The Commission prides itself on good management practices, and it really ought to recognize that one good management practice is to make sure that there are rewards for accomplishment. As it stands now the EEO program is strictly a mildly damned-if-you-don't and nothing-happens-if-you-do proposition. There is no percentage for most managers in making serious advances in equal employment.

The complaint system has come in for a lot of very well-deserved criticism. I would like to just generally run over some criticisms from my point of view in an office which was supposed to have received reports on every closed complaint case from every agency in the government. From that point of view I concluded, as did my colleagues in the Civil Service Commission, at least two things.

One is that a Federal employee cannot really expect fair treatment in the present complaint system, and the other is that a Federal employee would be crazy to file a complaint. . . . (T)he best, it seems to me, that a person can get out of an Equal Employment complaint is to win his immediate battle. If it is a promotion, it might be worth it to win one promotion, if he wins, and the chances of that are exceedingly slim. But if he wins or loses that first complaint, from then on he is a trouble-maker, and we all know, all of us who have any understanding of how the bureaucracy operates, what happens to a known malcontent. His career is very likely finished. . . . [I]t will all be subtle, there will never be anything you can put your finger on, but the complainant will not likely be promoted in the future.

Then there are the typical, the well-documented difficulties with the . . . complaint system, that the agency investigates itself, it judges itself. . . . [I]n some cases now, with the new procedure, the agency invites a hearing officer from another agency to come in and judge it. (But) . . . then that agency reviews the decision of the hearing officer—the head of the agency reviews it!

Finally, the employee may appeal if he wishes to the Board of Appeals and Review in the Civil Service Commission, and that appellate body is the final administrative level for discrimination complaints. It has a sorry record, that is to say, it very, very rarely overturns an agency decision, and an agency is very, very rarely in favor of the employee. So the Board of Appeals and Review looks very much like a rubber stamp for an agency that has already decided its own fate.

Then, of course, the system has the deficiency of forcing employees to defend themselves, and forcing them to provide their own counsel throughout the procedures, and, of course, facing reprisal in one form or another. So the burden is all on the employee, first to stand up all by himself against a monolithic Federal agency, and then to press his fight against that agency, with the agency judging itself.

A critical factor in all this, it seems to me, is the initial investigation, which even after the Civil Service Commission changes (superficial changes in the complaint system) remains an agency conducting its own investigation.

The investigation is conducted typically by an Equal Employment Opportunity Officer or the deputy in the local installation, and there are two problems with that. One is that the agency, since it is conducting the investigation, is establishing the facts, the base of facts on which all subsequent decisions are going to be made. It is very rare that a hearing officer will require further investigation, and the Board of Appeals and Review in the Civil Service Commission hardly ever requires further investigation. So . . . (these are) all the facts that are going to be obtained in an investigatory way. The initial investigation which is done by the agency (thus) is crucial in the process.

The second problem with . . . (the investigatory process) is that if it is done by the Deputy Equal Employment Opportunity officer, he knows which side his bread is buttered on. He knows who he works for, whether he works directly for the personnel director or whether he is somehow stuck under the head of the agency or the head of the installation. It is still true that his future in that agency depends on how he is viewed by the officials of that agency, and he knows what will happen to him if he finds a second or third time that there was discrimination. His career chances are slim by that time, if not extinct. . . .

A further problem . . . with the Civil Service Commission is . . . administering the complaint system from afar . . . is (that the process is) just as lethargic as . . . is . . . the rest of the Equal Employment Program. The Commission, like most (bureaucracies), deals only with paper work and abstractions, and there is no passion to be found in the Civil Service Commission, no real feeling for the problems of the people way out there who are victims of discrimination. There is just no way, it seems to me, for an administrator in the Civil Service Commission to have an appreciation for how a black man feels when he has been cheated out of a job because he is black, or how he feels when he has been denied a training opportunity that he knows would have led to a promotion because he is a Mexican-American. And lacking that passion, lacking that involvement, being as moribund as the Civil Service Commission is, the program focus, the emphasis, the leadership that comes out of the Civil Service Commission is naturally very timid and naturally has very few results.

I do want to just comment on the new Civil Service system of handling employee discrimination complaints. The Commission trumpeted the new system as a grand change that somehow would resolve a lot of the problems. Well, the problems they were aware of when they began studying the complaints system were that employees had no confidence in the system, and that there were some mild possibilities that justice might not be done through the system.

The Commission then went through months and months of reviewing the system and came out with a very modest change that has not touched either of the two fundamental questions that were there when they started, which are employee confidence in the system and the possibility of getting justice out of such a system. But I believe that they have again propagandized themselves, and having said that the new system is an improvement, (they) will naturally feel obliged to stick with it for many years to come, if they are permitted to.

Mr. RYAN. Would you describe briefly the difference between the old and the new system?

Mr. AMBROSE. The only real difference, the only difference of substance, is that instead of an agency appointing a hearing officer from the same agency to hear a complaint, now agencies will appoint hearing officers who are employed by some other agency. That is really the fundamental change. There are some other procedural changes, but they are relatively inconsequential. That was the one change that it was hoped would restore confidence in the system, and I think it is pretty doubtful that it will.

Mr. RYAN. When did that change go into effect?

Mr. AMBROSE. I think it was a couple of months ago, within the last two or three months.

Mr. RYAN. Now, is an agency required to appoint a hearing officer from outside the agency, or is that discretionary?

Mr. AMBROSE. I do not know. I did not see the final draft before I left the Commission, and it has not been clear in the newspaper accounts I have read since, and I really do not know.

Mr. RYAN. I think (another) . . . witness . . . left the impression that it was discretionary.

Mr. AMBROSE. . . . [A] final problem in the complaint system is that to prove discrimination, I found in the Civil Service Commission and in the agencies I dealt with (that) we tended to look for a guilty party, for a victim.

. . . Despite all the rhetoric that comes out of the Civil Service Commission about patterns of discrimination, in complaint cases we still look for a person who has discriminated, and in the absence of such a person it seems it is very difficult to find that there was any discrimination at all. It somehow seems to be difficult to establish that discrimination is the product not necessarily of a supervisor who calls a man by some racial epithet, but may be the product of a personnel system or may be the product of a general racial climate that produces discrimination, and there is no one individual to be blamed. . . .

Mr. RYAN. Maybe one of the problems on the last point you are making is that a system which is essentially adversary in terms of a complaint being lodged leads to the proposition that there has to be some individual who is responsible, whereas, as you say, in many cases it may be something that is pervasive throughout the whole agency. That is something that is a lot more subtle for a hearing officer to determine, I would think.

Mr. AMBROSE. Yes, and something that takes a great deal more evidence, typically statistical evidence, evidence which . . . the complainant . . . would have to get the agency to give him. No complainant would be expected to have records of promotions over the past year and a half in his unit and know which black people were promoted and which white people were promoted, . . . [T]o make such a case, he would really have to get the cooperation of the agency to fill in . . . those factual gaps.

Mr. RYAN. Are we really talking about two different propositions? One is the case of actual overt discrimination on the part of some supervisory personnel within the

agency, and the second is the overall question of discrimination which is built into the system, which maybe cannot be determined on a case-by-case method . . . at all.

Mr. AMBROSE. Yes, I am sure, except that somewhere in between those two things is the case where an individual does know he has been discriminated against, but he has been discriminated against by a faceless personnel office, and the adversary there, I suppose the defendant there, is the whole office of personnel, and you really cannot make a case against them very easily, against some whole office. . . . [I]t may be conscious, overt discrimination just the same, but not attributable to a single individual or to an individual you can find.

Mr. RYAN. Within the Federal establishment is there a mechanism to reach that kind of discrimination?

Mr. AMBROSE. Not that I know of, no effective one. Of course, the Civil Service Commission (has) an inspection program, and it inspects Federal agencies for compliance with the Equal Employment Opportunity Program, and the inspectors are told to look for such things as patterns of discrimination and a series of possibly related incidents of discrimination, but it is very, very difficult to find. And without the cooperation, usually of the administrative and personnel officials in the installation, I would think evidence about it just could not be adduced. . . .

I did want to make the point about complaints that the Commission—in my experience—never made any effort to require agencies to comply with the Commission's own regulations that a complaint be handled within sixty days, or if a hearing was involved, within ninety days. . . . [W]e got reports every month from every agency on the number of . . . discrimination complaints it had, and how many days overdue they were. Often these reports would list, month after month, the same cases that were 300, 400 days old. . . . [T]he Commission would get the reports, but to my knowledge never did anything about them. So they knew that the particular regulation, the 60 or 90 day requirement, was being wildly violated in most agencies, and let it go.

To be fair (though), it probably is not a realistic time limit in the first place. I think the Commission's first mistake was setting so narrow a time limit, but in any case they did nothing about enforcing it.

Mr. RYAN. The testimony today is that there have been not only months of delay, but years of delay in some of these cases.

Mr. AMBROSE. Oh, sure, yes.

Mr. RYAN. And this is widespread?

Mr. AMBROSE. My experience from reports from all the agencies would confirm . . . that it is very widespread, and not at all uncommon for cases to go more than a year, as long as two years in some cases, and that is all, by the way, before the agency is finished with the case. Then, if there is an appeal to the Board of Appeals and Review, that may add a year to the resolution of the case.

I would like to talk a bit about hiring and promotion. The Civil Service Commission occasionally sends out memoranda encouraging the agencies to actively recruit members of minority groups. I think that any competent administrator knows that that kind of encouragement is not sufficient. It is not enough to just send out memos. . . . [t]hey never set any standards to my knowledge, no targets or specific guidelines for . . . (responding) to the goals for the program. If the agencies are not told what the Civil Service Commission expects of them, (but only) . . . told that (they) are encouraged to hire more minority group members, naturally the agencies do not respond very well. Their disposition is not generally to hire more minority group members anyway, and if they know there have not been targets set against which they could be evaluated, I would not think they would be moved to recruit any harder.

But most critical is the fact, which is often mentioned by the agencies, that the Civil Service Commission itself . . . (creates numerous obstacles) to the recruitment of minorities. A principal stumbling block for which the Commission is responsible is, of course, written examinations, many of which contain cultural bias, and make it more difficult for black people, for Mexican-Americans, for many other ethnic minorities, to gain employment when they are tested on the basis of conventional, educated, white standards.

Another stumbling block attributable to the Civil Service Commission is the matter of qualification standards. These standards (which are the standards which an applicant must meet to be qualified for a job) fail to note that a man raised in a racist society may have a different education, a different employment history, and especially a different level of previous pay than have the white folks that the Commission has been accustomed to testing over the past years. So there are not provisions in the qualifications to account for the fact that, for example, a black man who is to work as a field representative in the Community Relations Service may not need a college education, and he may not need to pass a conventional English grammar test, but he might have to be able to speak a different language for the environment in which he will be working. . . . A formal education may even be a drawback for some people in such circumstances. They have no mechanism for accounting for the cultural differences in job applicants.

These deficiencies . . . are drawbacks to promotion, of course, as well as to advancement. The qualification and selection standards are very rigid, and contain some substantial degree of cultural bias.

There is also the problem, of course, that it is true that some recruiters and some agency heads are bigots, and not all of the failure of the Equal Employment Opportunity Program is attributable to systemic difficulties. There remains active bigotry in certain parts of the Federal service.

Finally, on promotion and hiring: interviewers are not trained any better than the standards are designed to accommodate for differences in culture. So an interviewer may interview a number of applicants for a job, and find that the black applicant among them, having come from a different culture, speaks a slightly different lexicon, and his verbs may not agree with his subjects in every case, for instance, and the interviewer in the absence of any training to point this out to him, may take that as an index of intelligence, not as an index of culture, and assume that the applicant is not qualified for the job or not bright enough for the job. It is the kind of thing that goes on day after day throughout the Federal service, and no attention is given to it. . . .

I would like to finally make some recommendations, if I may. One is a recommendation for some system of reparation. I (do not) think it is . . . fair to say to minority employees, as the Civil Service Commission and the agencies do now in effect, "Well, there used to be overt discrimination and we know we still have remnants of it, but you will just have to live with the consequences while we iron out our problems."

. . . Some personnel practices have kept a man discriminated against for most of his Federal career, and now the man is too old, the system will tell him, to be promoted. I think the answer ought to be that, "You made me old, you discriminated against me all these years, and you must undo what you have done." I would recommend not only that there be retroactive promotion, but that the Civil Service Commission and agencies be given authority to make retroactive promotions and reassignments not just in cases where discrimination was found as a result of a complaint, but in cases where it can be demonstrated that these conditions have existed for many, many years, and minorities have been cheated out of fair opportunities for so many years. . . .

In hiring people who come from a minority culture, often we find that because our racist society has discriminated against a man in private employment, he has been making a reasonably low wage, no matter what his qualifications may be. Then he comes to the Federal government to get a job and on the basis of his qualifications they may even tell him, "O.K., you are qualified for a good job. Yet your wages were so low in private industry that we are reluctant to pay you, since one of our standards is we won't pay you more than something like 15 to 20 percent more in Federal service than you were making in private employment." And so the discrimination in the private sector carries over and is continued consciously by the Federal employer, and the man continues to be paid less than he is worth, as a result of the discrimination outside of the government.

I would recommend, in addition, that for all the reasons I have mentioned, the responsibility for providing leadership in equal employment opportunity be taken away from the Civil Service Commission. I think the Civil Service Commission itself has no interest in the program. One example of that may be that there are no minority group supergrades in the Civil Service Commission: according to the last minority group census which the Commission published, there are no minority employees above GS–15 in that agency.

It seems to me that a separate agency, or maybe even the Equal Employment Opportunity Commission, could do the job better. In my experience the Commission on Civil Rights, which has the Federal Programs Division, is the agency that has shown the most interest in the problems of discrimination in Federal employment, and the Federal Programs Division of the Civil Rights Commission might be an interesting place to lodge the responsibility for the EEO Program.

[I]t is pretty clear that the purposes of the Equal Employment Program conflict with the purposes of the mythical merit, system, and that the same people who have developed and now administer the personnel system for the Federal government are not really capable of changing (either their own attitudes or) . . . the systems fast enough to accommodate any kind or reasonable administration of the Equal Employment Program. . . .

I do not mean to say that the Civil Service Commission is a bad place or its officials are bad men, but it is important to recognize that many of them have invested much too much in their present system to ever be able to make serious changes in it. . . .

Mr. RYAN. I wonder if you, from your experience, can tell us how many times there have actually been findings of discrimination, so far as you know . . .

Mr. AMBROSE. . . . (F)indings of discrimination in the past two years amounted to less than 2 percent of all the cases of discrimination in the Federal service that were reported to the Civil Service Commission. . . . (I)t is just impossible to believe, it seems to me, that of all the cases of discrimination filed . . . , in only 2 percent . . . was there truly discrimination.

Mr. RYAN. What, if any, steps are taken within the Civil Service Commission to follow up on the action within an agency with regard to complaints?

Mr. AMBROSE. Well, there are really no steps taken with regard to completed complaint cases. The Commission gets a report from the agency that includes a description of the basis of the complaint and the findings of the Equal Employment officer or the hearing officers, and many of them are very

suspicious-looking on their face, (or) at any rate, I and many other officials of the Commission had grave doubts about those that we saw, . . . But, in my experience, on only a very few occasions did we ever go back to the agencies and ask them for more information or ask them to review the case. We never, to my knowledge, asked them to reopen one. . . .

One reason is the general disinterest I think I mentioned in the Commission in equal employment: we thought we wouldn't be supported (in reviewing agencies' completed cases) . . . by top management. The second reason is that the office in which I worked, which was responsible for the administration of the whole program, had only 2 professional employees and a manager and a couple of clerical employees . . . (I)t was not reasonably staffed to do . . . (follow-ups) and the many other assignments that were given, and so the Commission did not devote the necessary resources to follow up on all the reports that are required of agencies. . . .

Mr. RYAN. In order to do an effective job within . . . (the Office of the Project Manager for Equal Employment Opportunity), what kind of an establishment would be necessary in your opinion?

Mr. AMBROSE. In my opinion it would take a dozen or so professionals . . . depending on what functions were retained there in the Civil Service Commission itself. But it would take at least a dozen people just to follow up adequately on the complaints that came in from the agencies, if anything were to be done with all that data that came in, and if the agencies were to be . . . (challenged) when a complaint looked suspicious or when we thought they might have coerced the employee into withdrawing his complaint. . . .

Mr. RYAN. As far as you know, was any recommendation made within the agency for an increase in personnel in the Project (manager's) office?

Mr. AMBROSE. Well, every office that I have ever worked in has always recommended an increase in its staff, but the answer was just as predictable as the recommendation—that the Commission operates on an austere budget, and furthermore they had other Equal Opportunity programs, which I suppose from the Commission's point of view is true. . . .

(Congressman Ryan and Mr. Ambrose then discussed the Civil Service Commission's ostensible attempt to enforce the affirmative action provision of Executive Order 11246. Mr. Ambrose noted that, while almost all agencies have submitted plans for review, the Commission has only reviewed that of the Post Office Department. As to this agency's plan, Mr. Ambrose noted that the Commission is requesting that it delete some "very fine elements.") Mr. Ambrose continued:

Mr. AMBROSE. One that comes to mind was a provision that in any case when a minority group applicant was not hired for a job, the reason be noted and some higher official in the Post Office responsible for equal employment be told why he did not hire this minority applicant. . . .

Mr. RYAN. Why should the Commission attempt to dilute a plan submitted by an agency?

Mr. AMBROSE. Well, the Commission may be the most bureaucratic of any agency in town, and one bureaucratic principle is a fear of Pandora's box. I think that is irrational, but the Commission's view mostly was, "Well, if we let the Post Office require this, then some other agencies may feel that they have to, and then we will get complaints that that is reverse discrimination, because nobody requires a justification when a white Anglo is not hired, so why should we do it when a black person or a Mexican-American is not hired or a woman is not hired."

The answer, of course, is that there is no presumption of discrimination in the case of white Anglo males, but in all those other cases there is decidedly a presumption that could well stand rebutting in every instance. The Commission does not see it that way.

Mr. RYAN. I should like, Mr. Ambrose, to thank you for your testimony, ... (W)e had invited the Chairman of the Civil Service Commission, Mr. Macy, to appear, and he replied that he was not able to because of the pressure of business, at which point we suggested that the agency be represented, if not by Chairman Macy, by someone who could speak for the agency and answer questions relevant to the activity of the agency with respect to . . . discrimination and equal employment opportunities.

Mr. Macy replied by letter that he would be glad to answer in writing any questions, but would not be able to appear or send a representative to appear. I think it is unfortunate that the agency is not represented at these hearings, because you have certainly raised a number of very significant questions, which I would think the Civil Service Commission would want to answer. . . .

MR. HENRY BAYNE AND MR. CHARLES JOHNSON

Mr. Bayne is executive officer of Local 2006, American Federation of Government Employees—AFGE—located in the Social Security Administration in Philadelphia, Pa.

Mr. Johnson is chief steward of the Post Entitlement Branch of Local 2006.

Mr. Bayne, who was accompanied by Mr. Johnson, presented testimony derived from his experience, particularly from his role as representative of the 2,000 members of the American Federation of Government Employees union at the Philadelphia Payments Center of the Social Security Administration. His testimony concerned three major areas: the deficiencies of the complaint process, the deficiencies of the so-called affirmative action program, and recommendations for changes.

Mr. Bayne pointed to numerous deficiencies in the complaint process. First, long delays in processing complaints. Second, the anomaly of the agency which is accused of discrimination being the same entity which investigates the charges, thereby assuming the very important role of marshalling the facts and structuring their presentation. In furtherance of his concern with the investigatory role played by the agency, Mr. Bayne criticized the investigators for being management-oriented, for having no special training, not any special sensitivity to the problems, and for, and this is out of their control, being assigned to other duties as well. Third, prohibition on retroactive promotions. Fourth, the absence of meaningful corrective action within the agency. As to this latter point, Mr. Bayne stated that sometimes persons charged in pending complaints with discrimination have even been promoted during the pendency of the claim.

In criticizing the affirmative action program within his agency, Mr. Bayne charged: First, people are hired at grades lower than the jobs are slotted for, and are then spuriously promoted upwards; Second, SSA engages in poor recruitment efforts; third, the promotion practices are deficient—there are no built-in safeguards against discrimination; fourth, undue emphasis on tests; fifth, testing which is not job-oriented, thereby not measuring achievement, but only aptitude; and sixth, a misdirected career development approach.

Some of these criticisms are responded to in the later testimony of Mr. Louis Zawatsky.

Mr. Bayne concluded his testimony with several recommendations: First, establishment of an independent agency—a suggestion echoing that of several other witnesses; second, retroactive promotion for those who have not been promoted because of discrimination; and third, penalization of those who have been guilty of discrimination.

The testimony follows:

TESTIMONY

Mr. BAYNE. We have not been able to process one case to its ultimate conclusion under the present administrative procedures. At the present time there are approximately 15 outstanding complaints of discrimination (which) have been filed against the Philadelphia Payments Center—complaints that have not been fully processed within the Department of Health, Education, and Welfare (of which SSA is a part).

(O)f these 15 complaints, at least 5 were filed in 1966. We are either awaiting a decision or a formal hearing on complaints that were filed over two years ago.

This points up the first glaring inadequacy of the present procedure—justice delayed is justice denied. Under the Department regulations dealing with equal employment, complaints that are resolved without going to hearings are to be processed within 60 days, and complaints that go to hearings are to be processed within 90 days. We have not been able to process any complaint under the present procedure in less than two years.

The second fallacy in the present procedure is the fact that complaints are investigated by the agency in which the complaint originated. This means that the agency investigates itself and invariably finds no discrimination exists.

We have also found that investigators selected by management of the agency are usually management-oriented persons with long terms of service within the agency. These individuals for the most part have no special training in the area of equal employment. They seem to have no special sensitivity for the problems. They are permanently assigned to other duties, and any assignments in the area of equal employment are an extra, and in some cases, an added burden. . . .

Many of the complaints that are now outstanding in our agency deal with promotions. . . . Even when an employee proves he was discriminated against, he is often told that nothing can be done. We need a law that will give employees full redress when it is found they have been unjustly passed over for promotions and other employment opportunities.

Moving prospectively from the date of the decision does not in any way make up for the past money that was lost nor the anxieties, indignities and emotional stress that the employee had to suffer before he received his day in court.

This takes us to the next aspect of the problem, corrective action within the agency. When it is determined that certain individuals are guilty of discrimination, there is no meaningful machinery for corrective action. We have found that in many cases the persons charged with racial discrimination have been rewarded with promotion to higher supervisory positions by the management of

the agency. This is demoralizing to employees and destroys any confidence they may have in the Equal Opportunity policies of the Federal Government. As a minimum penalty, we believe that those who have been found guilty should be removed from their positions as supervisors.

Mr. RYAN. May I ask you, Mr. Bayne, in how many cases do you know of supervisors having been found guilty of discrimination?

Mr. BAYNE. . . . Persons that were charged with discrimination, I should have said. . . . (I)n about five or six different cases these persons were promoted—these supervisors who were charged with these discriminatory practices.

Mr. RYAN. These are individuals against whom charges of discrimination were lodged?

Mr. BAYNE. Yes, this is correct.

Mr. RYAN. But in which no findings have been made?

Mr. BAYNE. No, these cases are still pending. We haven't had hearings on them yet, but after the complaint was lodged, the individual who the complaint was lodged against has been promoted, . . .

The aforementioned deals primarily with the complaint process under the Executive Order. (I) would like to say a few words about the affirmative action program under the Federal Government, which also supposedly flows from the same Executive Order.

The Social Security Administration has made all types of overtures regarding their accomplishments. In a report dated May 14, 1968, they stated that there has been a tremendous increase in the hiring of black employees. However, they do not mention that approximately 17 percent of them were hired as GS–2's or GS–3's. They also talk about black employees receiving a higher proportion of promotions. This could not be further from the truth.

In 1966 the GS–2 position was reclassified to GS–3 in the Payments Centers. The SSA called the reclassifications 'promotions'. . . .

Mr. RYAN. How many people were involved in that reclassification?

Mr. BAYNE. I think it was approximately 400 people; 350 to 400 people.

Mr. RYAN. They were simply reclassified from GS–2 to GS–3?

Mr. BAYNE. Yes. I only speak for the Philadelphia Payments Center in this particular case. . . .

Mr. RYAN. And it is your testimony that the reclassification of those 300 or 400 people . . . was deemed to be a promotion?

Mr. BAYNE. That is right. . . . Statistics will show a disproportionate number of black employees being promoted for the following reason. The file clerk in SSA is a grade 3 position, but they hire a GS–2. (After) three or four months . . . on the job, these employees are promoted to GS–3's. This is also true of the typist positions. They are GS–3 jobs, but many typists are hired as GS–2's and in three or four months they are given GS–3's. These are also counted as promotions.

There are many black employees in these jobs. This is true of keypunch operator's positions also. These are a GS–4 positions. However, some keypunch operators are hired as GS–2's and can receive two promotions in a year to get to the GS–4 level.

At the end of 1966, . . . the GS–1 position was reestablished in SSA. Needless to say, most of these employees are black. The lowest actual journeyman position in SSA is a GS–3. You can see that they have a lot of room for movement from GS–1 to GS–3. An important point I think is that all of these jobs and promotions are below $5,000 in salary.

I would like to say that there are approximately 758 district offices in the country, and according to the statistics only 289 offices have black employees. That means that only 38 percent of the district offices have been integrated, and this is a terrible indictment.

Mr. RYAN. What statistics are you using as a basis for that statement?

Mr. BAYNE. These are statistics that SSA has issued (and) . . . statistics that we have derived through consulting with other AFGE locals. . . . They have not demonstrated a real effort in the area of recruitment. A reported recruitment given to us by the regional representative of the Philadelphia Payments Center showed there were nine colleges visited, and only one of the nine was black—Lincoln University. Further, there was one high school visited on career day. This was a Catholic girls' high school. If they were sincere in their requests for black employees, they could have gone to Wynn-Penn High School for Girls, a public school located one block from the Philadelphia Payments Center (and which) . . . is 90 percent black. . . .

As a union we are responsible for representing the employees. Based on this responsibility, we have commented on the promotion procedure, but management for the most part completely disregards our comments.

We have been asking for the following for years:

Union observance on promotion committees; a published list of selection criteria; less emphasis on tests and more emphasis on job performance and seniority; a published list of eligibles for jobs; (and) . . . the right of full grievance procedures for nonselection.

At the present time in the Payments Centers there is no appeal for nonselections. There is a post-audit procedure in the Philadelphia Payments Center, which only deals with the lists of best qualified employees. If an employee is not on the list of best qualified for promotion, he can request a post-audit to ascertain why he was excluded from the list. This is as far as the post-audit goes.

If he was on a list of best qualified but was not selected, he has no appeal rights if he believes he was unjustly passed over. There are no built-in safeguards against discrimination in the promotion procedures of SSA.

SSA has stated that job-oriented tests have been administered to ensure that the best person receives the promotion. In the Payment Centers of SSA I can definitely say the examinations are not job-oriented. They are aptitude tests. The unions have argued for years for tests of the achievement type, the tests that measure the person's ability to perform his present job. This has not been done.

The examinations have also been given too much weight for promotion purposes. An employee that has 30 years of service and is doing an outstanding job may never be promoted, because he cannot pass an internal examination. There is little evidence that the testing program has helped the plight of the black employees when it comes to promotion. If anything, it has hurt them.

Also, SSA is really missing the boat in the area of career development and promotions to technical and promotional positions when they talk about substituting the FSEE (Federal Service Employees Examination) for an internal examination. We say this because employees in jobs just below the Claims Authorized and Claims Representatives positions are in positions that are similar. They are in jobs with related duties. One flows for the most part into the other. If the employee in the lower graded positions has been rated outstanding in his performance, there is no reason why he should not be promoted to the higher grade. In fact, if a review were made (comparing) . . . the competency of the employees promoted into higher graded jobs as compared to the employees (who) come into the jobs from outside, . . . we would find that the promoted employee is usually more competent and does a better job. This is usually due to the fact that the employee promoted from within has a broader background and a knowledge of the claims process.

We find more black employees in these jobs than white employees, but they cannot be promoted because of the above. The employees (who) come from the outside at the higher levels are generally white college graduates, and very few are black. . . .

Mr. RYAN. Why is it that you have not been able to process complaints to the ultimate conclusion . . .?

Mr. BAYNE. Under the present procedure we have 5 cases that have been pending for 2 years. . . . We have filed these complaints. We have submitted them to our Department, and we just wait. They use excuses such as, "We don't have a hearing examiner available," or, "We are loaded up with discrimination charges." And it is our position that if they are loaded up with these complaints, (they should) hire more people to handle them. . . .

Mr. RYAN. You spoke about the regulations which prohibit retroactive promotions.

Mr. BAYNE. Yes. These are regulations, at least these are the Department regulations, and I am pretty sure that there are some legislative regulations, also, that say that you cannot promote an employee retroactively, if I am not mistaken.

Mr. RYAN. You are talking about a failure to be able to promote even if a finding of discrimination . . . in not making the promotion is made?

Mr. BAYNE. Right.

Mr. RYAN. Do you have any other specific recommendations that you think could be . . . (implemented) either internally within the agency or that should be provided for by legislation?

Mr. BAYNE. Well, frankly, I don't think we can ever solve the problem if it is handled internally. That is the first thing. Now, I feel there must be some agency separate and apart from the agency that you are in to handle these complaints.

There must be some redress for the employees, if discrimination is found. There must be retroactivity in promotions, . . . There must be some penalty, a minimum penalty for the person who has discriminated, . . .

MR. LOUIS ZAWATSKY AND MR. PAUL L. EVERETT

Mr. Zawatsky is Deputy Assistant Commissioner for Administration, Social Security Administration, and Deputy Equal Employment Officer, Social Security Administration.

Mr. Everett is Chief of the Insurance Compliance Staff, Social Security Administration.

The testimony of Mr. Zawatsky and Mr. Everett concerned the two facets of Executive Order 11246—the ensuring of, and expanding of, employment opportunities within the Federal Government itself, and by Government contractors. This latter testimony is included later in the report.

The testimony on the former question was largely directed to responding to that of Mr. Henry Bayne, an employee of SSA who had earlier in the hearings leveled severe criticisms and identified patterns of discrimination within SSA. While Mr. Zawatsky claimed no attainment of the "millenium," he did believe that "we have made progress." Some of the statistics which he presented follow:

First. Between 1962 and June 30, 1968, the percentage of Negroes making up the total SSA work force rose from 13.6 to 24.3 percent;

Second. As of September 30, 1968, blacks constituted 15.4 percent of all

employees at grades 5 through 11, and, taking into account all minorities, this percentage increased to 17.9 percent.

Third. While in 1962 there were only six blacks—0.5%—at grades 12 to 15, Negroes representing 4.4 percent of the as of September 30, 1968, there were 202 total number of employees in these grades: GS–12—116; GS–13—56; GS–14—23; GS–15—7.

Mr. Zawatsky claimed that of major concern was the number of persons in the field organizations, where the public comes in requesting service. As to these, Mr. Zawatsky presented the following statistics:

(1) As of June 30, 1968, minority group persons held 19 percent—582—of the 3,070 service representative positions GS–4 and GS–5 in the field; 10.7 percent—772—of the 7,191 claims representative positions GS–5, GS–7, and GS–9; 5.2 percent—86—of the field representative positions GS–10. There were 18 minority group district officer managers—GS12–14—and 16 assistant managers—GS-12 and GS–13.

In response to the questioning by Congressman Ryan, Mr. Zawatsky dealt with Mr. Bayne's charge that in only 289 of the 750 field offices were there black employees. He maintained that in any area of the country where the minority population makes up about 5 percent or more of the total population, "about 90 to 95 percent of these offices—in these areas—have Negro or other minority employees."

Mr. Bayne and Congressman Ryan also discussed Mr. Bayne's charge of spurious promotions—that is, the hiring of persons at grades lower than the positions are slotted for, followed then by a 'promotion' to the proper grade.

The testimony follows:

TESTIMONY

Mr. RYAN. . . . Mr. Bayne . . . referred to . . . the reclassification of GS–2's to GS–3's . . . and the counting of that reclassification as a promotion.

Mr. ZAWATSKY. I am glad you raised that, Congressman Ryan, because it is sort of darned if you do and darned if you don't. In the Philadelphia area, . . . and this is the office about which my colleagues were talking, it is true that we recruit at the Grade 2 register for our file clerks, and we have done that for years and years and years, and after a reasonable period of training, which is anywhere from 3 to 6 months, the employees receive a Grade 3. . . .

But, by the same token, if we limited our recruitment to the higher levels, say a 3 or 4, many minority employees would not be on the registers.

(Mr. Zawatsky's point, therefore, was that by hiring at lower than the slotted grade, more people were made eligible for hiring. However, as to whether the subsequent reclassification of these people to the proper grade were lumped together with other promotion statistics to thereby give a very advantageous (to the agency) promotion picture, Mr. Zawatsky had no information. He did maintain, however, that "the rate of promotions in Philadelphia, in the Payments Center, I think is quite credible. I know so, but I don't have the figures."

Mr. Zawatsky also made some mention of the SSA's affirmative action program.)

Mr. ZAWATSKY. (O)ne of the points made by my colleagues from Philadelphia was that for the first time SSA is recruiting a Grade 1 again. Now, this was an affirmative action program. There were people, minority employees, not only in Philadelphia but in many parts of the country, who couldn't pass the Grade 2 Civil Service entrance examination, and with the permission of the Civil Service Commission we and other agencies introduced the idea of recruiting at Grade 1, where special jobs were set up requiring lesser skills, and this did not require the normal examination as we know it.

It really was a situation where . . . an appliant would fill out a form, and based upon that information a judgment would be made by the Civil Service Commission whether he qualified. . . . We would bring them in at Grade 1. We provide a period of training, and then promote them on a competitive career basis into Grade 2, Grade 3, and so on.

Other things that we have done in SSA, particularly in Baltimore, where we have approximately 17,000 employees, we have what we call diagnostic testing programs where employees, white and black in the lower grades, who have been with us for years, and have not progressed, are able on a voluntary basis to take these examinations, find out for themselves what some of the deficiences may be, and then we have provided on-site . . . high school classes; we have college programs at the graduate and undergraduate levels, and we have drop-in classes for people who would like to be stenographers or typists. In other words, we have instituted programs for people of all races and all creeds, who feel that they need added training so that they can be more competitive in the organization.

MRS. AMY SCUPI

Mrs. Scupi is a partner in the Washington, D.C. law firm of Galland, Kharasch, Calkins, and Lipman. She appeared on behalf of the National Capital Areas Civil Liberties Union, which is the Washington, D.C. chapter of the American Civil Liberties Union.

Like Mr. Hobson, Mrs. Scupi advocated establishment of an independent agency to handle equal employment. She also advocated, in this agency, the power of issuing cease and desist orders; and she suggested that discriminating employee be punished.

Mrs. Scupi's testimony chiefly concerned the laborious procedures a complainant must go through in order to obtain a hearing in a discrimination complaint. This was brought out in her discussion of a case which the National Capital Area Civil Liberties Union brought against the District of Columbia Department of Licenses and Inspections.

In the Housing Division of that Department, 69.2 percent of nonwhite employees had some college education or better, while 69.7 percent of white employees had high school education or less. Despite this, until the complainant filed his complaint, no Negro had ever been promoted to a GS–11 or above in the entire Department. Moreover, when the complaint was filed, no nonwhite employee in the Housing Division with, or without, a college degree, had ever made a GS–10 or above. Whereas, with one exception, no white employee with a college degree who had been with the Department 2 years or more had failed to make a GS–10 or better. And despite this statistics, the Department of Licenses and Inspections ranked in the top half of 17 District of Columbia agencies analyzed in terms of comparative grade structures between whites and Negroes.

TESTIMONY

Mrs. SCUPI: The District of Columbia's Equal Employment Opportunity Regulations are contained in an order designated as Commissioners' Order 66–1251. . . . (A) memorandum dated August 19, 1968, of the Commissioners' Council on Human Relations shows that since April, 1966—the effective date of Board Order 66–1251—to August, 1968, 156 complaints of racial discrimination have been filed under Order 66–1251 against 24 separate District of Columbia agencies; 16 of these complaints have been conciliated, leaving 140 still—and probably forever—pending.

The one hearing that has been held under Order 66–1251 was in the case which the National Capital Area Civil Liberties Union brought against the Department of Licenses and Inspections, and the difficulties in obtaining a hearing in that case illustrate why unsettled cases remain pending on the docket.

The complaint charging the Department . . . with racial discrimination was filed by a housing inspector, Joseph T. Watkins, in December of 1966. Following investigation by the Equal Employment Opportunity Officer and denials of discrimination by the department, we asked for a hearing in February, 1967. . . .

Finally, in April of 1967, the Equal Employment Opportunity Officer issued a procedural order setting the case for hearing in May. This order had to be rescinded, however, because the Department refused to produce information which had been requested by the complainent pursuant to the Equal Employment Opportunity Officer's procedural order. . . .

Subsequent directives from the Equal Employment Officer to produce the information were met by subsequent refusals by the Department. There is no remedy or sanction in the regulations against agencies which simply refuse to cooperate with the Equal Employment Opportunity Officer. His or her powers depend upon cooperation from the agency charged. If such cooperation is lacking, his or her only recourse is to run to the Mayor. . . . Obviously, such procedures enable the defending agency to throw an infinite number of procedural roadblocks into a complaint proceeding. . . .

When (Corporation Counsel) Charles Duncan agreed that the Department should comply with the orders of the Equal Employment Opportunity Officer, Commissioner Mathe, supported by the Personnel Office of the District of Columbia, intervened and told the department they need not comply. It was only after suit was filed in the District Court for the District of Columbia charging Commissioner Mathe with obstructing the Board of Commissioners' equal employment opportunity order that Commissioner Mathe rescinded his instructions and the Department furnished the information requested. A third procedural order was issued, and the hearing commenced over two years after the complaint was filed.

Thus, the only complainant out of 140 complainants who has succeeded in obtaining a hearing waited two years to get that hearing, and had to depend upon the cooperation of the defendant's attorney to obtain that hearing, and still had to file a court action before the hearing was held. Obviously, such procedures provide no redress whatsoever for racial discrimination by District of Columbia agencies.

Clearly, a detailed investigation and thorough overhaul of each District of Columbia agency, including the Personnel Office, is in order. Equal employment regulations must be administered by an agency which is endowed with sufficient power to enforce its directives.

Finally, there must be procedures which allow for the imposition of disciplinary ac-

tion against District of Columbia government employees who thwart the policy of equal employment opportunity, and who obstruct the agency charged with the enforcement of that policy. . . .

It seems to me that there must be an agency set up to (administer equal employment opportunity). . . . If it finds discrimination it must have the power to order an employee promoted. If it finds discrimination in hiring it must have the power to discipline the people that are doing the hiring, to recommend new people to come in to do the hiring, to oversee each and every aspect of that agency's functions. . . .

Mr. RYAN. I have often advocated the federal government having the power to issue cease and desist orders and enforce them in court. Would you suggest a similar power within the District government?

Mrs. SCUPI: Absolutely. . . .

Mr. RYAN. How would you deal with the long delay which you have encountered? Absent this kind of an agency, what can be done within the existing structure to speed up the processing of complaints?

Mrs. SCUPI: Within the existing structure nothing can be done because there is simply no sanction for an agency charged with discrimination who refuses to cooperate in the investigation.

MR. HERBERT ROCHE

Employee, Bureau of Hearings and Appeals, Social Security Administration, Arlington, Va.

Mr. Roche presented testimony reiterating that of Mr. Bayne and Mrs. Scupi in regard to the drawn-out nature of the grievance procedure.

The testimony follows:

TESTIMONY

Mr. ROCHE. In February of this year I filed a complaint about discrimination in the Bureau. We got a reply in May. In July we requested a hearing, and only recently . . . we were told that a hearing examiner was finally appointed, and he will schedule a hearing at some time. . . .

Mr. RYAN. Is there any reason for this long delay?

Mr. ROCHE. Well, we were told that they had difficulty finding a referee, a hearing examiner to assign to the case. . . .

MR. WILLIAM WILLIAMS AND MRS. MARY CHERRY

Mr. Williams is associated with the Federal Employees Council on Equal Employment Opportunity and is a member of the NAACP. Cochairman of the Labor Industry, Columbus, Ohio branch.

Mrs. Cherry is executive secretary of the Federal Employees Council on Equal Employment Opportunity and is employed at the Defense Construction Supply Center (DCSC), Columbus, Ohio.

Mr. Williams and Mrs. Cherry appeared together and gave testimony as to discrimination at the Defense Construction Supply Center, Columbus, Ohio. Mr. Williams' testimony confirmed that offered by Mr. Hobson: even where blacks do obtain employment, they are most often concentrated in the lowest paying jobs. Mrs. Cherry characterized the situation at DCSC as one of "overall disgust and despair for the greater number of minority group personnel."

The testimony follows:

TESTIMONY

Mr. WILLIAMS: My statements will be briefly confined to distributions of annual payroll at the Defense Construction Supply Center, . . . at Columbus, Ohio. I do not think that there is a better method to measure the effects of discrimination suffered by the black employees and (their) community. . . .

Defense Construction Supply Center, according to December, 1967 statistics, employs a total of 5,591 persons, of which 32.5%, or 1,818, are Negro. The total amount of wages paid to all employees in the normal annual payroll amounts to $41,895,271, of which . . . (blacks receive) $10,350,420 . . . , less than 31% of the total wages.

The average pay of a white civilian worker at Defense Construction Supply Center at Columbus is $8,360, or the top step of a GS–7, compared to the average annual pay of the black emloyee of $5,593, or a GS–4.

Mrs. CHERRY: Seniority, veteran status, excellent leave records, things which would be highly considered by private industry, are of little or no value to the minority group employees when selections are made for promotions. These things, along with the ability to perform duties with little or no direct supervision, ability to work at higher grade levels when permitted to do so, ability to work with all people, and ability to work under any and all circumstances, should mean promotions for such persons, but this is far from the way promotions are made. . . .

(P)romotions are made solely on the basis of superiors' personal opinion(s). . . .

The SUUP program went into effect more than a year ago. . . . This was a program for minority under-utilized personnel, but the end result was like anything else at DCSC. It benefited many white employees who did not need a special program to be promoted in the first place. . . .

MR. SNYDER GARLAND

Mr. Garland is employed at Headquarters, ASLC, Wright-Patterson Air Force Base, Dayton, Ohio. He has formulated complaints and represented complainants in 120 complaints between March 1, 1968, and December 1, 1968, 95 percent of which were against local Federal agencies in Dayton.

Mr. Garland noted the patterns of discrimination which exist at the four agencies in Dayton with which he is familiar—the Post Office, Defense Electronics Supply, Wright-Patterson Air Force Base, and the Veterans' Administration Hospital. He especially decried the "phony merit promotion system, which includes a lot of biased . . . cultural pattern tests."

In illustrating the patterns of discrimination, he observed that when a white person is promoted or reassigned, the position is usually downgraded and filled by a black. But, when a white replaces a black, the position is upgraded.

Mr. Garland also leveled criticism against the Civil Service Commission's MUST—Maximum Utilization of Skills and Training—program. He stated:

In the Dayton area the MUST program . . . is a joke, really. . . . (T)he program means that they will teach them how to sweep the floor better, and this kind of thing. . . .

Mr. Garland and Congressman RYAN then engaged in a colloquy on a subject earlier mentioned by a previous witness, Mr. Hobson—the exclusion of blacks from the burgeoning computers program. The testimony follows:

TESTIMONY

Mr. GARLAND: (T)he computer area has been more or less excluded from blacks at Wright-Patterson Air Force Base. I guess that is the home for computer science. They have a training program called the Peripheral Computer Training Program. The previous classes that we have had were all pre-selected students, whites. Blacks were excluded.

Mr. RYAN. What kind of procedure was used to select the trainees?

Mr. GARLAND. From the Peripheral Computer Training Tests. This is a real drawn out thing. Some of these folks have filed complaints with the Veterans' Administration in Dayton, where there (are) some individuals who test(ed) real well. They were young people.

There are five—I have charges now—who took the tests, and the majority of those five scored higher on the tests than most of the folks in this particular class. For example, one young lady got an 85.9, and she was interviewed and everything was copacetic until she mentioned my name as being the person that referred her to the program, and everything changed on the part of the manager who was doing the interviewing. In fact, we also have charges against him. . . .

Another young employee who also has a case pending at the VA Hospital was interviewed, and on her Form 57 she used my name as a reference. Again, the man doing the interviewing . . . (was) the man that has been discriminating against me for eight or 10 years—and he is the manager in charge of this action. . . .

Mr. RYAN. I think you have touched on an area which Julius Hobson touched upon, and that is the need to create opportunities for black employment, particularly in the new technology fields. If there is a preselection process taking place at Wright-Patterson which in effect ensures that black trainees will not have an opportunity to participate in that program, this is most serious. . . . Because, as science and technology create many of these new jobs, certainly we must make sure, all of us who have any responsibility in government or out, . . . that the opportunity is there for black people to have the same chance as anyone else. . . .

Mr. GARLAND. Well, . . . how it all started—the recruiting is done in predominantly white neighborhoods, . . . called Fairborn, Ohio and Kettering, which . . . (are) 99.9% white.

Mr. RYAN. Is there some preliminary test that has some kind of a cultural bias besides?

Mr. GARLAND. Yes, yes—well, no—I am saying these folks passed the test. They all made good scores, higher than the folks now in the class. . . . For example, one glaring case . . . we have sent to the Board of Appeals—this gentleman was surplus for over two years. He has been on the Register for the computer test, and he was passed over and not even considered. The same manager, who did not select the other blacks, informed him that he would take care of this later, and just left him on the surplus list for two years . . .

JESSE GOODING

Mr. Gooding is chairman of FORCE—Freedom, Opporunity, Citizenship—Dayton, Ohio.

Like Mr. Snyder, Mr. Gooding was concerned with employment practices at Wright-Patterson Air Force Base, and he drew general conclusions from his experience with practices there. In criticizing the Civil Service Commission and its implementation of the equal employment opportunity program, he singled out the following points: First. EEO officers serve mainly to maintain the status quo, giving only lip service to the EEO philosophy. Second. Qualification requirements are waived for whites, but not for blacks. Third. No disciplinary action is taken against whites when the evidence points to discrimination. Often, the discriminator is even promoted. Fourth. The

regulations issued by the Civil Service Commission are modified and amended by the bureaucrats who actually implement them. Fifth. Delaying tactics are engaged in by an agency after a complaint has been filed. Sixth. Retaliation is taken against the employee who files a complaint.

As to this last point, Mr. Gooding gave the following testimony:

TESTIMONY

Mr. GOODING. Once a complaint is filed, the complaint can expect no consideration from personnel. Now, once you file a complaint, personnel just writes you off. As far as promotion is concerned, transfer, this type of thing, you are considered a troublemaker and you can just consider you have had it. . . .

Each year a large number of documented cases of discrimination have been presented to the Civil Service Commission when they come to Wright-Patterson Air Force Base for their annual inspection. No corrective action has been taken in any of these cases except the usual reprisal against the complainant. . . .

Mr. Gooding also offered some recommendations.

Mr. GOODING. Some . . . things . . . might aid the situation. If we could have impartial congressional hearings, investigators . . . sent to the Wright-Patterson Air Force Base to determine the magnitude of the problems and the relations between personnel and management in presenting and processing and involving discrimination problems.

Criminal charges should be brought against those who are found to be discriminating or denying equal opportunity.

Abolish the so-called merit promotion system.

The system where there are unqualified whites placed over qualified Negroes should be reversed and corrective action should be taken and monetary adjustments be made.

MR. CHARLES I. CASSELL

Cochairman, Black United Front, Washington, D.C.; member, District of Columbia Reconstruction and Development Corporation; member, Community Education Committee of Federal City College; employee, General Services Administration.

Mr. Cassell, an urban planner employed by the General Services Administration, was also chairman of the union chapter at GSA. The main thrust of Mr. Cassell's testimony was a presentation of the discrimination—both individualized and systemic—which exists in Federal agencies. He pointed to Julius Hobson's demonstrated abilities as contradicting his relatively low employment position, and concluded that Mr. Hobson "is the prime example of the fact that it is entirely hopeless in the Federal Government of the United States for a black individual to measure up to any standards, regardless of how lofty they may be, and to have this responded to and to have this black man utilized.

Mr. Cassell also discussed the case of Mrs. Mary Bryant, a Federal employee whom he represented as Chairman of the GSA branch of the AFGE—American Federation of Government Employees. He used her case to dramatize the inadequacy of present grievance structures. Mrs. Bryant, according to Mr. Cassell, was subjected to repeated acts of harassment and intimidation which began when she attempted to obtain permission to use a few hours of her annual leave time to take a driving examination.

An especially noteworthy point made by Mr. Cassell, and one touched on by Mr. Gooding's discussion of the retaliation taken against so-called "troublemakers" who complain about discrimination, is that the present grievance structure in effect pits the complainant against the system, rather than the system working with the complainant to rectify a legally condemned wrong. Mr. Cassell's testimony in this regard follows:

TESTIMONY

Mr. CASSELL. I find myself working now in a line operation, and I find that in attempting to represent my own interests and attempting to represent that of employees throughout the Federal Government, and I have done this for people in other agencies, . . . that the reaction is always not only negative but punitive. And to protect an employee who has dared to bring a case, it is necessary for the representative to have some kind of force behind him—an effective union, an effective and aggressive representative or a specific charge which puts the agency on the defensive.

All of this generates within employees a very negative attitude. It generates within employees the feeling that they are at odds with and enemy to their own government. This has a great deal to do with morale, and morale has a lot to do with efficiency . . . .

(Mr. Cassell recommended, first, that equal employment opportunity officers should be given the latitude to do their jobs. And, as other witnesses did, he urged creation of "an independent agency whose reason for being and whose sustenance, whose maintenance in office is that they do the job of speaking to this crying need for, first of all, an admission, a true admission of the disadvantage to which black employees have been put in the Federal Government." Such an agency would have the responsibility "to actually bring cases and to have the authority to apply sanctions where an agency is deficient."

Mr. Cassell and Congressman Ryan then engaged in a colloquy which further underlined the present inadequacy of the grievance procedure to effectively and affirmatively cope with the discrimination which Mr. Cassell's own personal experience attests to.)

Mr. RYAN. In your experience, how many findings of racial discrimination have you known of?

Mr. CASSELL. I have only known of one, and that was in my own particular case, and this was a long, hard-fought battle. I think this was unusual because of the fact that the supervisor himself was quite inept, and I was able to bring him to use racial epithets in the course of the hearing, . . . This was at Veterans' Administration in 1963. . . .

I have not had a promotion myself in five years, and based on my activities in recent years, I don't expect that I will have one based on merit. If I get one, it will be based, again, on what people like to say, "You are very shrewd and you are very cunning and you are very clever." . . . (I)t is a shame for people to have to resort to that in order to be considered for promotion. . . .

I certainly hope that Congress can highlight this issue (of discrimination) in such a way as to give not only warning to the agencies themselves, but confidence to the employees themselves. We need a body of minority people who can really have confidence in and feel a sense of loyalty and patriotism, which simply is nil among minority people now, regardless of the image that they may project for the public.

MR. THOMAS JACKSON

Mr. Jackson was a supply clerk in the Office of the Surgeon General, Department of the Army.

Mr. Jackson's testimony concerned his retention "in low ranking grades for a period of 17 years." He interpreted this not only as an individualized victimization, but also as representative "of patterns of discrimination which have denied advancement over a number of years to members of minority groups as a class."

Mr. Jackson stated that during his 17 years of employment in the Department of the Army, he had applied for 26 vacancies which, if approved, would have given him a job of higher classification and authority. He charged the Army with having denied him these promotions because of racial discrimination. Among the specifics which he pointed to were the facts that, although he had on two occasions taken and passed the FSEE—Federal Service Employment Examination—he had not been accepted for new jobs; and, successful completion of a computer programmer course also failed to result in a promotion.

FATHER HENRY CASSO

Father Casso, vicar of Urban Affairs for the Catholic Archdiocese of San Antonio, Tex.; board member, Mexican Legal Defense Fund; Chairman, Texas League for United Latin American Citizens; and past National Executive Secretary of the Bishops Committee for the Spanish-Speaking.

Father Casso's testimony focused on the Kelly Air Force Base, in San Antonio, Texas, which employs some 24,000 people, about 50 percent of whom are minority group members—chiefly Mexican-Americans. Father Casso pointed out the patterns of discrimination which have produced the typical triangle configuration of employment—concentration of minority group members at the low level base of the employment triangle, with fewer and fewer such people the higher the grade. The testimony follows:

TESTIMONY

Father CASSO. There has been, in recent history, particularly in San Antonio, great emphasis . . . (on) the Air Force facility at Kelly Air Force Base. . . . (T)he reason is because it is the largest federal employer of the Mexican-American in the whole of the Southwest, employing some 24,000 people, a good 45% of whom . . . (are) Mexican-American.

(T)he report of the Texas Advisory Commission to the United States Commission on Civil Rights, dated June of 1968, (shows) a tremendous frustration on the part of individuals who felt that they were . . . in dead-end jobs. . . . We recognize there has been some change (since the report of the Commission, on which I served). But there have been, likewise, very serious problems, and the problems are in terms of lopsided distribution of salaries and grades, the preclusion of integration of minorities into executive level positions, no significant meaningful change in view, . . .

To give you somewhat of an idea of what we are talking about, to show this pattern here, we have the distribution of the GS level(s), for example. Of the total 1,434 GS–11 positions, only 190 of them are held by minorities, be they Mexican-American or Negro. Of the 686 GS–12's, only 48 are held by the Mexican-American and the Negro, both of whom (together) make up 50% of the work force. Of the 262 GS–13's, the minorities have 19. Of the 62 GS–14's, the minorities have 2. Of the 20 GS–15's, the minorities have absolutely none. And the (one) GS–16 . . . (is white). . . .

Now, we have to talk in terms of what does this mean to us economically, and so we have broken this down. . . . (T)he Negro's average (salary) is $6,188. The Mexican-American's is $6,403, and our Anglo counterpart's is $8,109.

So we are saying that the Negro is less (by) $1,921, the Mexican-American (by) $1,606. So we see that this dollar differential bequeaths to us an economic handicap to be able to compete in any given community. So we are saying, with minorities having a lesser chance for improvement in future standards of living, in health and education, because the economic opportunity is cut off, that we find that it is probably impossible to solve the present situation unless other means are used. . . .

And then we look at another instrument that has been able to help us in creating a change and that is in the JADE or FSEE programs, and here we have written testimony of individuals who have competed and who have done well and have not been able to be placed from these programs, from these instruments supposedly set up to help them upgrade themselves. . . . So an instrument to help eradicate a problem in itself needs very careful scrutiny. . . .

[T]here is one other area that we talk in terms of, and that is the distribution of organization at the supervisory level. There are 10 directors. Of the 10 directors, there are no minorities. At the division level, of the 69 division chiefs, only one is of a minority group. At the branch level—182 branch chiefs . . .—there are only 8 that are of minority groups. Of the 392 section level chiefs, only 40 of them are from a minority group.

There have been those who have said to us, "Your people are not educated." In looking at these top 10 directorates, we find that 3 of them do not have a college degree. . . . Of the three people considered recently for a high top position at Kelly (Air Force base), one of them only has a high school education. . . .

MR. RYAN. . . . [T]he case-by-case method in handling civil rights matters is just terribly time consuming. And although it is terribly important for the individual concerned, there must be an overall approach which looks at the pattern of discrimination and then which takes affirmative action, not leaving it to the individual or to the Legal Defense Fund or private voluntary organizations to carry through the complaint.

Father CASSO. See, we have this dilemma, Congressman. We are told that the attitudes of an installation such as this reflect the attitudes of the community. Therefore, the community attitudes must change if that is going to change . . . I take an opposite position. I take the position that the federal government must be the one to set the example. The federal government must be the one setting the pace to help change—especially when it is the largest employer—the attitudinal environment in the communities . . .

Mr. RYAN. . . . This is true in many other areas of the country where there are big defense establishments. And it has always been my view that the federal government should use its power and set the example and thereby bring along what . . . might be described as a reluctant community. Because whether it be in terms of off-base housing or whether it be in terms of employment practices on the Base, the federal government has the power, it has the legal authority today to eliminate discrimination such as you have described.

What is needed is the willingness to do so. And it is again unfortunately true that it is the efforts of dedicated people such as yourself, and of the voluntary organizations, which must keep the pressure on the federal government, as well as it is the need for people in our position to keep the pressure on the federal government to exercise its power and to fulfill its commitments.

Father CASSO. I would like to conclude with this remark. I do not want the record to reflect that the Mexican-American community is asking something for nothing. And I do not want the record to reflect that we want jobs that should not be given because of the lack of preparation. What I am dedicated to—and I think I represent much of the thinking of the Mexican-American community when I make this next remark—is equal opportunity to compete. . . .

THE EQUAL RIGHTS AMENDMENT—WHAT IT WILL AND WILL NOT DO

HON. FLORENCE P. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mrs. DWYER. Mr. Speaker, the Citizens' Advisory Council on the Status of Women has prepared a succinct but comprehensive report on the proposed equal rights amendment to the U.S. Constitution in terms of what it will and what it will not do.

In the hope that this factual and persuasive document may serve a useful purpose during the current consideration of the Amendment, I include it as a part of my remarks in the RECORD.

The report follows:

THE EQUAL RIGHTS AMENDMENT—WHAT IT WILL AND WON'T DO

The Equal Rights Amendment. The proposed Equal Rights Amendment to the Constitution reads as follows:

Equality of rights *under the law* shall not be denied or abridged by the United States or by any State on account of sex. (emphasis supplied)

General effect on Federal and State laws and official practices. The Equal Rights Amendment would not nullify all laws distinguishing on the basis of sex, but would require that the law treat men and women equally. Equal treatment can be accomplished either by extending the law which applies only to one sex to the other sex, or by rendering the law unconstitutional as denying equality of rights to one sex. The consideration of the ratification of the Equal Rights Amendment by the individual States will give ample opportunity and time for States to decide on modifications to adjust their laws to the Amendment where needed. Any modifications could be made so long as no distinctions are based on sex.

In interpreting the Equal Rights Amendment, the Courts will consider the intent of Congress, particularly the views expressed by the proponents of the Amendment. The following is a summary of effects the proposed amendment would have, as reflected in the House debate on the Amendment and in Senate reports in previous years.

Alimony, child support, and custody laws. Present laws will not be invalidated. In those States where alimony is limited to women, men will become eligible under the same circumstances as women. The welfare of the child will be the criterion for child custody as it is in most States now. Provisions of law giving mothers (or fathers) preference will be inoperative.

The National Commissioners on Uniform State Laws recently adopted a Uniform Marriage and Divorce Act, the terms of which are in accord with the Equal Rights Amendment. It provides for alimony for either spouse (called "maintenance"), child support obligations for both spouses in accordance with their means, and custody of children based on the welfare of the child.

It should be kept in mind that the great majority of divorce arrangements covering these areas are agreed to by the parties without litigation.

Dower rights. Dower laws will not be nullified. Dower rights will be extended to men in those few States where men do not have a right in their wives' estates.

Property rights of married women. Special restrictions on property rights of married women would be invalidated; married women could engage in business as freely as men and manage their separate property such as inheritances and earnings.

Status of homemaker. Congresswoman Dwyer of New Jersey said on August 10 in the debate in the House of Representatives on the Equal Rights Amendment: "It would not take women out of the home. It would not downgrade the roles of mother and housewife. Indeed, it would give new dignity to these important roles. By confirming women's equality under the law, by upholding women's right to choose her place in society, the equal rights amendment can only enhance the status of traditional women's occupations. For these would become positions accepted by women as equals, not roles imposed on them as inferiors." CONGRESSIONAL RECORD, p. 28004.

State "protective" labor laws now applying only to women. Minimum wage laws and rest period and lunch period laws will be extended to men. Laws prohibiting hours of work beyond a specified number, night work, employment in particular occupations, and weightlifting laws will be invalidated. There will probably not be any of the prohibitory laws in effect by the time the Equal Rights Amendment is ratified, as a result of Title VII of the Civil Rights Act of 1964. Leading court decisions, changes by State legislatures, rulings by State Attorneys General, and guidelines of the Equal Employment Opportunity Commission all clearly point in this direction.

The Equal Rights Amendment would not prohibit special maternity benefits. Furthermore, only Puerto Rico gives any special benefit and its terms may discourage employers from hiring women. In fact, laws in several States *prohibit* employment of women during specified periods before and after childbirth but do not require reemployment or even require employers to give any of the benefits given for other forms of temporary disability. Two States have temporary disability insurance plans that include benefits for loss of employment due to childbirth along with other types of temporary disability, but this is not a special benefit.

Employment. The Equal Rights Amendment would restrict only governmental action and would not apply to purely private action. *It would not affect private employment;* it would prohibit discrimination by Government as an employer—Federal, State, County, and City, including school boards. One of the largest group of employees affected are teachers, professors, and other employees of public schools and State institutions of higher education. It would require equal pay for equal work only for employees of Government. The coverage of private employees under present equal pay laws would not be extended or otherwise modified.

Education. The Equal Rights Amendment would prohibit restriction of public schools to one sex and it would prohibit public institutions from requiring higher admission standards for women (or men in case any exist).

Federal social security. The Equal Rights Amendment would extend to widowers of covered women workers the benefits now provided only to widows of covered men workers. For example, widowers with minor children would receive a benefit based on their deceased wife's employment under the same

circumstances a widow with minor children would receive.

A man retiring at age 62 would have his benefit computed under the same formula as a woman retiring at 62. (This particular inequity would be corrected by the Social Security Act Amendments that passed the House of Representatives this session and are now pending in the Senate.)

Other Governmental pension and retirement plans. Any preference in treatment given to one sex or to survivors of one sex would be extended to the other sex. The Equal Rights Amendment would have no bearing on private pension and retirement plans. Many are now covered by Title VII of the Civil Rights Act of 1964.

Military service and jury service. Women would be subject to jury service and military service under the same conditions as men. Women with children in their personal care could be excused from either obligation just as men could be under the same circumstances. Being subject to military service would not necessarily mean they would have to serve in all assignments any more than all men serve in all assignments. Women volunteers would have to be admitted under the same standards as men; they now have to meet higher standards. During World War II many thousands of women served, many of them in dangerous assignments. This Administration is making every effort to move to a volunteer service; the issue of the draft may, therefore, be moot by the time the Amendment is ratified.

Criminal law. The Equal Rights Amendment would invalidate laws prescribing longer prison sentences for women than for men for the same offense (or vice versa, if such exist), different ages for treatment as adults for purposes of criminal law, and laws permitting imprisonment of women who have not committed any offense. It would require equal opportunity for rehabilitation, including access to treatment for drug addicition and alcoholism. It would not affect laws relating to rape.

Psychological and social. The Equal Rights Amendment will directly affect only women's legal rights. It will not affect the social relationships between the sexes.

There are, however, intangible psychological benefits already accruing to women. The fight for the Equal Rights Amendment is forging a new solidarity among women that fosters self-confidence and the courage to use rights already theirs but not claimed because of fears.

Women of all ages and political persuasion, all occupations, black and white, union women and business women, housewives and working women, have worked together with men to secure passage of the Equal Rights Amendment in the House of Representatives.

SOURCES

Congressional Record, August 10, 1970, Debate on Equal Rights Amendment, beginning page 27999, Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, 36 cents per copy.

Citizens' Advisory Council on the Status of Women, Memorandum on Equal Rights Amendment, Washington, D.C. 20210. Single copies free.

Hearings on Equal Rights Amendment before Subcommittee on Constitutional Amendments of the Senate Judiciary Committee, May 5, 6, and 7, 1970. Not yet published; write Subcommittee, U.S. Senate, Washington, D.C. 20510.

Susan Deller Ross, "Sex Discrimination and 'Protective' Labor Legislation," single copies available from Citizens' Advisory Council on the Status of Women.

The Report of the President's Task Force on Women's Rights and Responsibilities, *A Matter of Simple Justice*, April 1970. Single copies available from the Citizens' Advisory Council on the Status of Women.

National Conference of Commissioners on Uniform State Laws, "Uniform Marriage and Divorce Act", 1155 East 60th Street, Chicago, Illinois 60637, August 14, 1970.

Speech by Senator Marlow Cook on August 25, 1970, in the CONGRESSIONAL RECORD, page 29996.

August 28, 1970.

A JOURNALIST'S COMMENT ON SOCIAL SECURITY

HON. JAMES R. GROVER, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. GROVER. Mr. Speaker, the built-in shortcomings of our Social Security System have been a cause of deep concern to me and many of my colleagues. They represent an actuarial and social time bomb which may blow up the system upon which so many of our retired Americans are dependent.

The following article by publisher-journalist Ira L. Cahn of Massapequa, N.Y., is as startling as the problem is serious:

BEHIND THE NEWS

Who's the biggest "labor racketeer" in the country? It's an organization that demands a 50% kickback for the privilege of working! (In fact, under certain conditions, the outfit demands 100% of the workers' earnings.) Ordinarily, the district attorney's office and the F.B.I. would have a team of investigators working on such a case, especially since this kickback is demanded only from senior citizens.

However, it's all perfectly legal because the "racketeer" in this instance is Uncle Sam in the guise of the Social Security program!

I guess I have always known that retirees receiving social security benefits had some sort of limitation to their earnings and it has always bothered me a bit. This week, however, the situation was dramatically brought home to me. We had a fine older citizen working a few hours a day as a porter. He had worked in a similar capacity before he retired and needed a few bucks a week to pad out his S.S. income.

By working a few hours a day, he got some much needed money, he retained his self-respect by having a job to go to each morning, and he performed a much-needed function for us . . . Everybody was happy.

Last week his total earnings went over the $1,680 mark. He quit! Why?

It seems that his social security payments are subject to a deduction of 50¢ for each $1 he earns between $1,680 and $2,880—and 100% deduction for all that he earns over $2,880!

In other words, what Uncle Sam is saying is "If you want to work—or have to work because you can't live on social security—you must kickback to the federal government half of what you earn."

According to the social security law, a man who retires today under the social security program can receive a maximum of $2,280 per year in benefits. He is also allowed to earn not over $1,680 without penalty. This gives him a maximum income of $3,960.

Remember, social security is not a "hand-out" under some welfare program. This is money that the employee and his employer have paid into a fund with no matching government money.

Incidentally, to show the further inequity of the social security program, only "earned income" wages are subject to the kickback to Uncle Sam. If the retiree has plenty of money coming in from investments, pensions or other sources, then he can collect his full social security benefits (people like Rockefeller or Ottinger or Ford, for example) but if the poor guy has to work for a buck, it gets taken away from him.

I spoke to Congressman James Grover, who represents part of the Massapequa area, about this before I wrote this column. He told me that he thinks the social security program is the world's worst investment "bargain."

Jim introduced legislation several years ago that would have eliminated the restrictions I have discussed in this column. To his frustration, the House Ways and Means Committee let it die because the government actuaries said that the whole program depends on certain people NOT collecting their benefits. If everyone got all the social security money he was entitled to, Jim was told, the social security tax would become prohibitive.

That's a heck of a way to fund a program. To deliberately set up a funding method that depends on cheating people out of what they have a right to depend on is about as immoral as anything I can imagine. When this philosophy is propounded by the federal government it becomes absolutely shocking.

The aim of the Rooseveltian New Deal was to get the older person out of the labor market in order to make room for the younger person on the way up the ladder. That is an anachronism in today's economic society and belongs in the same file as the Malthusian Theory and wampum.

I don't claim to have the answers to all this. I do charge, however, that the social security program, as presently set up, is dishonest, discriminatory, immoral and destructive of initiative.

Something should be done about it and the sooner the better because it will get worse as more and more people reach retirement age. Either it should be modernized to meet today's conditions or it should be scrapped in favor of some other, more effective program.

NOW LET'S GET WITH BUILDING PEACE

HON. CHARLOTTE T. REID

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mrs. REID of Illinois. Mr. Speaker, now that the debate to restrict the President's prerogatives as Commander in Chief is over, the New Orleans Times Picayune editorializes, "Now Let's Get with Building Peace."

Specifically the Times Picayune comments on the success of Mr. Nixon's Vietnamization program. It states that according to the most impartial reports from Vietnam, the President's plan to turn the conduct of the war over to the South Vietnamese is working. The most recent progress in the program is the turning over of U.S. Air Force helicopter gunships to South Vietnamese forces.

As we are all interested in the progress of Vietnamization, I include this editorial in the RECORD:

With the thumping downfall in the United States Senate of the "Amendment to End the War," doves should at last yield both to majority national sentiment and to the decisive 55–39 conviction in the Senate that America should pull together to help the President pursue his succeeding policy in Vietnam.

High-minded rationalizations abounded for the Hatfield-McGovern proposition, but

senators seeking to end the war by legislative fiat were, in effect, attempting to usurp the power of commander-in-chief in a very real though undeclared war—in part a Frankenstein creation of Congress itself inherited by President Nixon.

Now let's get on with building for peace—which would not be possible by telegraphing to the Communists the whimpering message that, no matter what they do militarily or at the so-called Paris peace talks, American troops will have hightailed it out of Vietnam by the end of 1971.

Pulling together does not mean that dyspeptic doves should act or sound like hawks. Indeed, we imagine that for some the potential depths of their disappointment, matched by the heights of their self-righteousness, would hardly yield to even a low-keyed support of President Nixon's way of ending American military action in Southeast Asia.

That way is Vietnamization.

Most impartial reports out of Vietnam seem to be showing that the Nixon plan to turn the conduct of the war over to the South Vietnamese is working.

Today the U.S. Air Force air gunships, the important helicopters which support Vietnamese ground troops and attack enemy forces, are scheduled to be turned over to the home defenders. This week it was also announced that two brigades which helped defend Saigon during the Reds' 1968 Tet offensive are included in the fourth phase of President Nixon's withdrawal program, which will reduce American troop strength to 284,000 by mid-October.

President Thieu and the Saigon government fully realize that America expects their countrymen to wage their own fight to be free, and the South Vietnamese are mustering the will and manpower to turn back the menacing waves of Communist invaders.

As South Vietnam grows stronger—and if raucous Senate doves can desist from tugging against President Nixon's policies and their false encouragements of Hanoi—the Communists may yet opt for peace.

REMARKS OF RICHARD L. OTTINGER ON INTRODUCTION OF THREE AUTOMOBILE INSURANCE BILLS

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. OTTINGER. Mr. Speaker, I am today sponsoring legislation identical to measures introduced in the Senate by PHILIP A. HART, the distinguished chairman of the Senate Antitrust and Monopoly Subcommittee.

This legislation is designed to eliminate the current no-fault automobile insurance system in use today. The present archaic system will pay the bills caused by personal injury and death only if the driver of the car is totally free from blame for the accident, except in a few States which have comparative negligence laws. However, automobile insurance is an interstate problem and a major problem to millions of consumers—policyholders and claimants alike. The faultfinding process touches off complaints of cancellation, unavailability, high costs, and unfair practices. In New York State, the assigned risk plan was investigated. The need for reform—nationwide—became apparent.

With millions of drivers at the wheels, automobile insurers have employed various methods to control their costs, standardize their underwriting procedures, and identify "bad" risks. Some of these methods—refusal to write, cancellation, nonrenewal, and steep increases in policies—have proven discriminatory. Under the fault insurance system these methods of controlling the cost of doing business have resulted in unfair apportionment of benefits and inflated prices of insurance.

The New York City Commission on Human Rights stated in its 1968 report that the State's assigned risk plan "is overpopulated with blacks and Puerto Ricans." Questions were posed to show that the assigned risk plan is specifically designed for nonwhite areas, and "that at any given time after the initiation of this plan, an investigation would disclose that this scheme further oppresses an already overtaxed and overburdened people."

Despite insurance company claims that such factors as age, sex, and occupation are valid criteria for identifying individual "bad" drivers, a recent Department of Transportation study claims that—

> Although such factors could be used to distinguish groups of drivers with significantly different accident rates, they were not reliable in predicting whether or not particular individuals would be involved in accidents.

Mr. Speaker, the Uniform Motor Vehicles Act I am introducing today is designed to prevent companies from designating various occupations, age groups, and sections of cities which exclude potential purchasers of their insurance policies. It prohibits companies from canceling, failing to renew, or rejecting coverage to any individual with a valid driver's license who pays the premium. Companies could no longer refuse to write policies if the foregoing requirements were met. The assigned risk plan would be eliminated. The only grounds for refusal or cancellation would be the loss of a driver's license or nonpayment of a premium. The Uniform Motor Vehicles Act would reduce the premiums covering injury to people and would also increase compensation to accident victims.

In 10 years the cost of automobile insurance rose 65 percent. The practice of handling each automobile insurance applicant on an individual basis is one of the reasons for the high charges. Selling accident and health insurance on a group basis—treating all members equally—has cut the selling price. However, 36 of the States prohibit by law or regulation the selling of auto insurance—and other forms of property and liability insurance—in this manner. A companion measure I am introducing simultaneously, the Property and Liability Group Insurance Act, removes this prohibition and allows group auto insurance.

To encourage group auto insurance sales, by allowing employees to get the same tax benefits from employers' contribution to automobile insurance plans as they get with group accident and health plans, I am introducing another insurance bill to amend the Internal Revenue Code to allow group property and liability insurance the same treatment as group accident and health insurance.

Each of the foregoing bills is designed to assist the industry in reforming the present system and provide the protection the consuming public so urgently wants and needs. These bills are an outgrowth of a 3-year study of auto insurance by Senator HART's subcommittee.

With the introduction of this legislation, an address I gave in 1967, "The Auto Insurance Crisis: A Better Way," takes on new meaning. Hopefully the proposals I advocated on this subject 3 years ago will gain widespread support and win approval in the 92d Congress. I append my 1967 speech to clarify my longstanding concern in this area.

The material follows:

THE AUTO INSURANCE CRISIS: A BETTER WAY

(By RICHARD L. OTTINGER)

The insurance industry was once, somewhat unfairly, defined as the business of betting against yourself.

The general public today is far too sophisticated to take that point of view about most forms of insurance. They know that life insurance is a very sound investment. They appreciate that other types of insurance, such as homeowners, are reasonable and prudent expenditures for self-protection.

But with auto insurance, the situation is very different. Most people outside the industry regard auto insurance as a sort of gigantic national crap game where everybody loses.

Now, you who are intimately aware of the very real complexities and problems of this difficult business may well feel aggrieved that auto insurance should be such a whipping boy. You know how many of the problems are thrust upon the industry by circumstances beyond their control—you are probably more aware than anyone else since it's *you* who get the complaints. The aggrieved auto-owner doesn't yell at the company, he yells at you.

On the one hand, the market you serve has all the elements of a madhouse. There are well over 100 million licensed drivers rolling up more than 935 billion miles each year in some 96 million registered vehicles—all in widely varying conditions of disrepair.

AUTO BECOMES WEAPON

Furthermore, Public Health Service studies indicate that there's something about the automobile that magnifies personality defects in individuals. Put the domestic Mr. Milktoast behind the wheel of a 300-horsepower car and suddenly you discover a latent and indiscriminately homicidal James Bond. Otherwise reasonable teenagers are turned into Barney Oldfields with a steering wheel in their hands.

In Vietnam we have, to date, sustained 14,000 killed, 88,502 wounded and 784 missing in action. And this sparked a national protest that produced riots in the streets! Yet we annually kill 53,000 and injure 3.7 million on our highways. Edwin Markham summed it up pretty well when he defined the automobile as a device that is rapidly dividing the nation into two classes: the quick and the dead.

To compound matters, Detroit apparently designs cars specifically to make repair either prohibitively expensive or impossible. A swelling auto repair industry seems to exist largely to increase your costs. Spiralling medical expenses and the complexities of court action all seem to conspire to make your business unprofitable, if not impossible.

CANCELLATION PARADOX

On top of everything else, if you insure everyone, including the seven per cent "lunatic fringe," everybody's rates soar. But, if you cancel a policy, you are accused of depriving the driver of his God-given right to drive.

You must at times feel like the insurance agent who was selling a fire insurance policy to a very determined matron. After he outlined the policy and the benefits, she said suspiciously, "Now let me get this straight: I pay you $5; you'll pay me $1,000 when my house burns down—and there aren't any conditions?" "Well," he replied, laughing, "we won't pay if you burn down the house deliberately." The woman snorted, "Just like al. insurance companies! Always some gimmick to get out of paying!"

Seriously, I know that you are all aware of these problems regarding auto insurance. I have only touched on them to indicate that there is a wider understanding of the underlying causes of the auto insurance crisis than you might have expected and no responsible legislator blames the industry for the situation.

But tne fact that we don't accuse the industry of creating the problem doesn't mean that we aren't critical of the failure of industry efforts to resolve it.

INDUSTRY DOING POOR JOB

The House Judiciary Committee staff summed up the situation succinctly in the well-documented report issued just this month. It said:

"By any objective standard, the performance of the automobile insurance business in the United States is unsatisfactory. The system is slow and expensive and the companies involved do a poor job."

That's a harsh verdict, perhaps too harsh, but it is the considered judgment of some very skilled researchers after an exhaustive study and I believe that it represents the opinion held by a growing number of Americans.

Let's take a look at what they see.

During the five year period from 1960 through 1965, the average cost of living as represented by the Consumer Price Index, increased less than nine per cent. Auto insurance costs, on the other hand, increased an average of 30 per cent, more than three times as much. Actually, as you well know, increases in specific classes and types of insurance were much greater. From 1960 to 1966, premiums for the average 10/20/5 coverage jumped 54 per cent in Trenton, New Jersey, and 109 per cent in Lansing, Michigan, for example, and still rates are going up.

In spite of this, the insurance companies complain of "underwriting losses" of well over $300 million.

Now insurance companies are not, and were never intended to be, charitable organizations and there is something very wrong with a situation in which they rack up such staggering losses while the price of their product goes up faster than any other product on the market.

FAILS TO MEET PUBLIC'S NEEDS

But cost isn't the only problem.

If you consider what most people believe to be the purpose for insurance, there appear to be some very serious defects in the way the present system operates.

In general, people expect insurance to provide full and rapid compensation for losses they sustain. Delay in reimbursement is often reimbursement denied. A survey in depth of 86,000 persons in Michigan who suffered economic loss as a result of an accident, showed that 63 per cent received no compensation from the insurance company. Of the 37 per cent who did, almost three-fourths received less than the apparent real loss they experienced, not the loss claimed, mind you, but the apparent real loss. It's important to note that this relates to liability claims only. As far as collision coverage goes, there appears to be very little problem.

Even this relatively poor performance is exorbitantly expensive. The Judiciary Committee report estimated that for every dollar paid into the hand of injury victims, policy holders and taxpayers lay out $2.20. This doesn't include the costs where there is no recovery! By contrast, Blue Shield, which is certainly not the most efficient operation possible, spends only $1.07 for each dollar of benefit paid out.

DELAY CLOGS COURTS

Furthermore, if the claimant finally does wrest a judgment out of the system, it may be years after the loss is experienced. As we are going now, quite aside from the question of reimbursement, negligence cases are threatening to overwhelm our judicial system. In some areas the negligence backlog now runs three to five years and interferes with other judicial business, often with disastrous social consequences—and this alone justifies corrective action.

Now finally we come to the vexing issue of refusal, non-renewal and cancellation. Statistically, cancellation is involved in a very small part of the insurance market, less than two per cent of all policies, according to the Judiciary Committee's study. Non-renewals, while more common than cancellations, are still not as big a problem as the volume of complaints might indicate. But whether or not these issues are important statistically, they are the single biggest source of the industry's problems. The Judiciary Committee's investigation was sparked by constituent complaints regarding cancellation. Public demand has forced the Senate Commerce Committee to schedule hearings on this particular problem and the Justice Department and Federal Trade Commission, although excluded from regulatory action by the McCarran-Ferguson Act of 1944, are showing more than routine interest in the area.

A RIGHT OR A PRIVILEGE?

These issues have an importance that extends far beyond their significance as a public relations issue. They go to the heart of the paradox unique to your industry. Is auto insurance a right of the driver and an obligation on the company or is it a privilege to be earned?

When the present insurance system was formed, this was much less important. There were vastly fewer cars on the road, disproportionately fewer accidents and the cost was much less. Furthermore, the car was not as absolutely vital in the economic life of the nation as it is today.

But now, a whole new culture has grown up. Entire economic complexes depend upon the automobile. Salesmen, doctors,, even clerks and service people—approximately 85 per cent of our total work force—must use a car to some extent to get to jobs or earn a living. Because of inadequate public transportation, virtually all industry in Westchester is dependent on the automobile.

We can't reasonably deny people access to their jobs without serious economic dislocation and cars are now the only way they can get there. And it is simply no longer feasible to allow people on the road without providing compensation for damage they may suffer or inflict.

The insurance companies point out, quite correctly, that under the existing system, they are selling the driver protection from claims that may be brought against him. They are, in essence, betting on his skill and his dependability. If they accept everybody, regardless of skill, they are either inflicting higher rates on good drivers for costs bad drivers incur, or they become charitable operations.

INSURERS NOT POLICEMAN

They also say that they shouldn't be asked to take over the police function of determining who should drive and who shouldn't. That is a public responsibility.

I might say that, granted the present system of negligence law and liability insurance, there's no question that these are valid arguments.

However, I think that all the changes I have been talking about have changed the rules of the game. Compulsory insurance and financial responsibility laws demonstrate a general belief that the public must be protected against everybody who drives. Furthermore, compulsory insurance laws have the effect of giving the insurance company unwanted police power and denying the individual due process. In Massachusetts, New York and North Carolina, if you lose your insurance, you lose the right to drive and you have no right of appeal. Financial responsibility laws have the same general effect, although they involve a bizarre sort of motorized Russian roulette which, as a matter of policy, waits until the horse is stolen before it locks the barn door.

Compulsory insurance won't work and voluntary insurance isn't enough; what can we do?

I think the very first thing is to do away with the present negligence system of handling auto liability cases altogether and substitute a system providing for full aid regardless of fault or negligence.

DISPENSE WITH "FAULT"

Simply stated, each policy would insure the owner, driver, passenger and any victims not in any other vehicle involved in the accident (who, of course, would be covered by the mandatory policy covering that vehicle). It would pay for the actual cost of repair or replacement of the car and property damaged by the car; for medical treatment and loss of income for its occupants and individuals injured—but not for another vehicle or people in another vehicle. Disputes would be resolved by special boards set up in each state under the supervision of the State insurance departments. Appeal to the courts from the decision of the board would be permitted but only as to whether true costs were fully reimbursed. This would do away entirely with the complexity, delays and expense of the present negligence system. It would also relieve the insurers of the burden of defending capricious suits.

Since liability is not involved, the insurance company action against negligent drivers would not be through cancellation but through appeal to the board or the courts to have the driver's mandatory insurance, his license, and perhaps the registration of the vehicle lifted. This would assure the driver due process and take the bear off your backs for explaining why a company has withdrawn coverage.

Rates would continue to be set by the competitive market under the jurisdiction of the state insurance department.

Classes of risks could still be established according to actuarial tables and companies could have the full range of competitive choice that they have today. For risks that the State will license, but the insurers do not wish to insure, the assigned risk system would still operate, but there would be no maximum limit of coverage since reimbursement is for full expenses.

FREE MARKET PRESERVED

In addition, all states would be required to maintain a pool of funds to provide reimbursement for individuals who are injured or who sustain property damage in hit-and-run accidents or by a vehicle which, by some fluke, is not covered. This fund would be supported by a surcharge on each premium under the mandatory system.

The company could also provide additional voluntary coverage against loss, such as for those who have unusually high incomes, or who would sustain disproportionate loss from an incapacitating injury.

Although the philosophy of insurance would be radically altered, the basic oper-

ation—the relation between agent and client—would not be changed at all. The policies would still need to be sold and serviced, reimbursements would have to be paid, only in this case the agent wouldn't be in the position of being a villain who has to present a client with less than he thought his due or notifying him of cancellation.

The one important element that is missing in this proposal—and signally missing in the present system—is a way to assure fair and equal treatment for all drivers from all states and for drivers from overseas.

Right now you can pay compulsory liability until you are blue in the face and if you get hit by an uninsured motorist from out of town, you're pretty much out of luck. Such uninsured motorists funds as do exist are generally inadequate.

Furthermore, the public doesn't have any protection against the fly-by-night companies, often the high risk insurers, that become insolvent.

NATIONAL COMMISSION NEEDED

I propose, therefore, to establish a National Insurance Commission which would have responsibility for three things.

First, it would have the authority to see that each state complied with the new concept, established the minimum standard as required of all other states and set up the Evaluating Board.

Second, the Commission would require purchase of insurance as a condition of entry of a motor vehicle into the country.

Third, it would operate the Federal Auto Guarantee Insurance Corporation like the FDIC to protect the consumer and the industry from insurance company failures and to provide a check on adequacy of rates and reserves.

Perhaps the most important function of the Commission would be to restore some order to the present chaotic situation where the industry is forced to deal with 50 different sets of regulatory laws, 50 different regulatory philosophies and countless different negligence laws in various jurisdictions. In the past, perhaps, there was some merit to this kind of fragmentation, at least for the companies, since in the very variety one may also find opportunity.

But that isn't true anymore.

LET THE SELLER BEWARE

We are entering into a new era, the era of the consumer. The old principle caveat emptor is being replaced by caveat vendor. The hot eye of the regulator is being turned on all consumer industries. Those that voluntarily support programs to rectify old wrongs and to adjust will preserve the greatest degree of operating integrity.

The insurance industry has a unique distinction. It is the only major industry in interstate commerce that is now specifically exempted from Federal regulation. I don't think there is much chance of the auto insurance industry preserving that situation for long but there is a very good chance that the industry, you, as its agents—and the general public—can all benefit from the change if only the industry's representatives will back constructive programs of revision.

I wish you luck.

INCREASING SUPPORT FOR OCCUPATIONAL SAFETY AND HEALTH ACT

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. DANIELS of New Jersey. Mr. Speaker, in a continuing effort to impress upon this body the urgent need for occupational safety and health legislation, I call to my colleagues' attention a letter strongly endorsing H.R. 16785, which is now pending before the Rules Committee. In their statement, the Tuberculosis-Respiratory Disease Association of New Jersey documents occupational health hazards as being common causes of direct damage to the human respiratory system. This unfortunate fact demonstrates the widespread and detrimental effects that unsafe and unhealthful working conditions may have on a worker's health and welfare. These conditions can eventually make a worker unfit for his job, thereby robbing him of both his health and his livelihood.

When H.R. 16785 comes to the floor for a vote, I ask the distinguished members of this House to give approval to this bill so that we may preserve this Nation's most precious resource: its working men and women. The text of the letter follows:

TUBERCULOSIS—RESPIRATORY DISEASE ASSOCIATION OF NEW JERSEY,
September 4, 1970.

Hon. DOMINICK V. DANIELS,
Cannon House Office Building,
Washington, D.C.

DEAR SIR: The TB-RD Association of New Jersey, representing over 425,000 contributors, would like to commend you for your introduction of the Occupational Safety and Health Act—H.R. 16785.

We support your efforts to create a Federal program for setting and enforcing standards to assure healthful working conditions. This legislation is particularly relevant to the interests of TB-RD associations since a significant number of occupational hazards directly damage the respiratory system.

A strong nationally administered occupational safety and health program is essential to reduce the toll of disability and waste of human life caused by hazardous conditions of employment.

We have asked for your support of legislation in the past and are most happy to support you in sponsoring H.R. 16785.

Sincerely yours,

AUGUSTA B. KING,
Managing Director.

HOW TO LOWER INTEREST RATES

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. CRANE. Mr. Speaker, on September 9, the distinguished gentleman from Texas (Mr. PATMAN) addressed a letter to Mr. David Rockefeller, chairman of the Chase Manhattan Bank, in which he alleged that major banks went on "an unnecessary and highly unfortunate interest rate binge" after the 1968 elections and urges that a rollback of the prime lending rate to 6 percent be instituted.

A copy of Mr. Rockefeller's reply to my good friend from Texas has been received, and because I believe it will be of interest to all readers of the CONGRESSIONAL RECORD, I insert it in the RECORD at this point.

SEPTEMBER 15, 1970.

Hon. WRIGHT PATMAN,
Chairman, House Banking and Currency Committee, Rayburn Building, Washington, D.C.

DEAR CHAIRMAN PATMAN: Like yourself I would welcome a further easing of inflationary pressures which would permit the lower interest rates that you and I and the country as a whole so earnestly wish for.

If wishing could make it so, the level of interest rates would already be down to the 6 percent figure you envisage.

But surely, Mr. Chairman, from your years of experience in handling financial and economic legislation on Capitol Hill, you more than anyone realize that interest rates are determined—as are other prices in a free-market economy—by the law of supply and demand.

Commercial banks such as Chase Manhattan are not free to charge as they please or to charge what the traffic will bear.

Aside from the fact that interest rates are influenced by national fiscal and monetary policies, strong competition from other banks as well as from other sources of credit provides commercial bank customers with many alternatives.

The bond market, the commercial paper market, and other financial intermediaries all provide credit in competition with domestic banks. Of growing importance in recent years, foreign sources have provided a number of U.S. companies with financing alteratives of both a short and longer term nature.

It is the interplay of rates in all these markets, domestic and foreign, which establishes the range within which banks charge their commercial customers on a competitive basis.

I realize you find this hard to believe, but bankers do not like high interest rates and tight money any more than you do.

And with good reason. Lending money is our main business. During periods of tight money, we have to turn away customers and that's usually not a wise business policy.

Over the past year-and-a-half, our own bank alone has turned away more than $3 billion in loans that we would ordinarily have made if it had not been for our voluntary credit restraint program in support of the government's anti-inflation campaign.

High interest rates mean that banks must pay more for the money they borrow to lend out to their customers, so earnings come under increasing pressure. This pressure has been reflected at Chase Manhattan where we had lower earnings in 1969 than in the previous year, and lower earnings in the first half of 1970 than in the corresponding period last year.

High interest rates also mean a reduced market value for bonds and other fixed income securities. Banks have sold off some of these securities at a loss, and have substantial paper losses in their bond portfolios.

Several points in your letter call for the most direct and emphatic response.

You imply that Chase Manhattan has frequently been a leader in raising the prime rate. The fact is that since 1967, we led the *reduction* in the prime rate on two of the three occasions when rates were reduced, and were the lead bank on only one of seven occasions when rates were increased.

You further imply that the banking community, in private meetings, periodically reviews interest rates. I myself have never participated in private meetings such as you describe, nor am I aware that any such meetings take place.

You also imply that bankers allow election-year considerations to affect their banking decisions. This certainly is not the case at Chase Manhattan, and I cannot imagine that such thinking would have a part in the management of any reputable bank.

You say I could do the nation a "great

service" by moving immediately to reduce the prime rate to 6%.

I would respectfully suggest, Mr. Chairman, that you could do the nation an even greater service by using the prestige of your position as head of the House Committee on Banking and Currency to encourage sound economic and fiscal policies.

I am sure that all bankers, businessmen and consumers would welcome your leadership in helping to control the Federal Government expenditures that have contributed so largely to the inflationary pressures now plaguing our national economy.

Sincerely,

DAVID ROCKEFELLER.

LAW AND ORDER

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. BURTON of Utah. Mr. Speaker, I cannot recall a time in American history when there has been more widespread concern among the citizens over law and order.

We have seen, in the last few short years, an upsurge of crime and violence that has inundated many of our campuses and made jungles of some of our cities.

We have a sickness in our land, and only a cursory examination of the crime statistics of the Nation demonstrates the scope of the epidemic.

We have witnessed—and are still witnessing—a breakdown in our national respect for law and order and for the men and institutions whose functions it is to see that law and order prevails.

The symptoms of our national sickness are everywhere and are, or have been, the subject of endless studies and countless reports.

We can suppress rioting, we can wage war on poverty, we can seek the root causes of campus unrest in efforts to prevent campus violence, we can study various methods of fighting crime and strengthening the hands of those who do, but these steps alone will not solve the problems.

I am more firmly convinced now than ever before that until we rebuild national faith in our system, until we can restore respect for law and order and—even more important—until we can restore public confidence in the people who enforce our laws and administer our justice, we will not succeed in eradication the symptoms of our sickness.

Time is no longer on our side in efforts to halt the soaring rate of crime, the growing disregard for the rights of others, the mounting discontent of our citizens, young and old alike.

Let me give you a few statistics.

Since 1960, crime has increased by 88 percent. Our population rise has been less than 15 percent.

Last year, $5 billion worth of property was destroyed as the result of crime.

Juvenile delinquency in the Nation has risen 78 percent since 1960.

This year, one out of 50 citizens will be the victim of crime. This is a grim statistic in a nation of over 200 million people.

One area of breakdown in law and order has been the widespread feeling that the courts are not doing the best job in prosecution of accused criminals. That is one area only.

Another area of concern is that respect for the law enforcement officer has been lost, that they have somehow been degraded—not only in the minds of those who commit the crimes, but in the thoughts of those of us who sincerely long for a restoration of peace, justice, law and order in our communities.

Our society today faces ever-increasing challenges of urbanization and its attendant problems, of increased technology which contributes greatly to our well-being but also results in loss of jobs for many people, of racial discrimination and the ghetto, of the distance Government has grown away from the people.

We—individually and collectively—have hesitated to firmly face these challenges. We have looked, instead, for scapegoats. And we have found them—each has found his own, in fact.

To some, the scapegoats are permissive parents. To others, rebellious youth draws the pointing finger of accusation.

Our social system is attacked. And, from almost every side, citizens look upon those who administer justice and attempt to enforce the laws and say, "These are the ones who are to blame."

How do we turn this around? Whom do we really blame? Where do we go from here?

First, we must reestablish a consensus which recognizes the legitimate authority of the law enforcement officer.

Second, there must be a conscious effort at the local, State, and national level to bolster the fight against lawlessness and disregard of constitutional processes.

Third, we must look for solutions to the social problems which spawn crime—but which cannot provide solutions until the citizens as a whole change their attitude with regard to the first two points.

In each instance, the effort begins with the individual citizen.

I have serious misgivings about the ability of people to make progress toward achieving law and order when most of us become irate over such insignificant matters as being ticketed for overtime parking.

The fight against crime will cost money. But it will also cost each of us in terms of individual commitment—how much we personally will put into the fight.

I would like to commend to the attention of my colleagues a very thoughtful editorial in the September 6 Los Angeles Times on this subject. The editorial follows:

CURING THE MADNESS WITHIN

A fatal bombing at a great university; a riot in East Los Angeles, and the death of a respected reporter; bombings of police stations; murders and attempted murders of policemen from New York to San Francisco. Thus the violence of our times continues.

And thus Vice President Agnew expressed what many people are thinking when he said last week that "confronted with a choice, the American people would choose the policeman's truncheon over the anarchist's bomb."

That is undoubtedly true. But it is a frightening choice. We must not reach the point of making that choice. And we need not reach it.

The inability of this country to deal coherently with its current domestic turmoil has come in part from the widespread habit of selective indignation.

That habit is most evident when people talk about relations between the citizens and the law-enforcement authorities.

On the one hand, those who experience the indifference or hostility of the police may tend to respond to the murder of a policeman with indifference, at best. On the other hand, those who fear social turmoil the most may tend to respond with indifference, at best, to breaches of lawful conduct by the law-enforcement agencies themselves.

These tendencies spread throughout society.

A respected university president absurdly doubts the ability of the American judicial system to try a Black Panther fairly. Mayors and police chiefs tend to see the Los Angeles riots solely in terms of outside agitators.

In the dwindling but vocal left, injustice becomes the excuse for violence. In the growing right, violence becomes the excuse for injustice. Politicians bend with the prevailing winds.

Too few community leaders and too few elected officials express what common sense would tell them; that murder is always murder and always and in every case dreadful; that there is never any excuse or reason for civil violence; that unlawful practices by law-enforcement agencies always undermine the foundations of a lawful and peaceful society.

It would be the beginning of social wisdom if every citizen, every student and teacher, every leader of every minority group, every police chief, every mayor, every elected official from the President down, were to repeat and repeat these precepts of common sense until they become the common opinion.

For these precepts are the only basis on which true law and true order can be maintained. On them both private citizens and public authorities can build a coherent and intelligent approach to the actions that must be taken if we would avoid the terrible choice outlined by Agnew.

In simple terms, we urgently need support of the police by the community, and support for the community by the police.

The policeman feels abandoned by the society which asks so much of him. He is often poorly paid. His profession ranks too low on society's contrived status ladder. He is often reviled by people he is supposed to protect.

He frequently has good reason to fear for his life.

Many citizens are afraid of the police, who seem to them enforcers of someone else's laws. To them the policeman seems careless of their rights. It appears to them that there is a double standard of justice.

Each attitude feeds the other. Suspicion and hatred increase. Violence comes more readily.

It is clear beyond dispute that everyone who might be thought anti-police—whether students, members of minority groups, intellectuals, common citizens or politicians—ought to reflect on the facts of modern life, and having reflected, give the police the kind of support they must have. This support requires respect for a necessary, dangerous and honorable profession; and public appropriations for salary, manpower and equipment.

It is equally clear that the police, their departmental commanders and the elected officials who are ultimately responsible, must take infinite pains to enforce the law evenhandedly, in such a way that everyone recognizes that the enforcement is fair.

For it seems to us quite plain that violence, some of it deliberately provoked by revolutionary attitudes, is gong to continue. Until the whole country pulls itself together into a common-sense approach to civil disorder, the grim alternative of which the Vice Presi-

dent spoke will remain on the horizon as a warning of things to come.

PAINE'S ROLE IN DISPUTED $50 MILLION NASA CONTRACT

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. GROSS. Mr. Speaker, the following account by Mr. Clark Mollenhoff, one of the Nation's top investigative reporters, of how Thomas Paine, former Administrator of the National Aeronautics and Space Administration, tried to award a $50 million contract and was blocked in his efforts, provides reading that is indeed interesting.

Paine awarded the huge contract to General Electric for whom he had worked for 19 years before becoming the directing head of NASA, but a seven-man NASA evaluation committee reversed Paine's decision and the contract went to the Fairchild Hiller Corp.

When the question of conflict of interest was raised in this deal, Paine insisted he had severed all relations with General Electric and had no intention of returning. But when his award was overturned and the contract went to Fairchild Hiller, Paine quit NASA to accept a vice presidency at General Electric.

Mr. Speaker, too often has public attention been distracted from the spending of millions and billions of dollars by a dramatic event such as landing a man on the moon. In this day of financial crisis there is a desperate need for close scrutiny by Congress, the General Accounting Office, and every agency and department of Government as to how the dollars are being spent, and any official who plays fast and loose with the taxpayer's funds ought to be promptly fired and prosecuted.

The following article appeared in the Chicago Sun-Times of September 13, 1970:

PAINE'S ROLE IN DISPUTED $50 MILLION NASA PACT

(By Clark Mollenhoff)

WASHINGTON.—In a day of lunar missions and $200-billion federal budgets, it is often difficult to get public attention focused on the details of a little $50-million procurement matter at the National Aeronautics and Space Administration.

NASA publicists are geared to keep public attention on the big picture—the moon and the role of the United States in space in the year 2000. However, it is equally important to remember that strict compliance with procurement or inspection standards is vital to all government programs. A flaw at any stage can mean taxpayers are nicked for additional millions or billions of dollars. It can mean tragedy to the astronauts, and the difference between success and failure of a space mission.

In judging the over-all performance of the retiring NASA administrator, Thomas Paine, it is as important to examine his role in awarding a $50-million satellite contract to General Electric as it is to recall that he headed NASA when the United States put a man on the moon.

On Sept. 5, NASA reversed Paine and switched the $50-million contract for two experimental communications satellites from General Electric to Fairchild Hiller. That unanimous decision by a three-man NASA committee followed the unanimous recommendations of a seven-man blue-ribbon evaluation group headed by Bruce T. Lundin, director of NASA's Lewis Research Center in Cleveland.

CONFLICT QUESTION RAISED

Paine, for 19 years an employe of General Electric, took a full role in the contract award to general Electric last April 8. He fought officials of Fairchild Hiller who challenged the decision, and, when the question of "conflict of interest" was raised, he declared he had severed his relationships with General Electric and had no intention of returning.

Paine criticized the Government Accounting Office recommendation that the satellite contract be reconsidered and he criticized members of the Senate and House who backed the Fairchild Hiller challenge to his decision. Significantly, Paine will become a vice president of General Electric when he leaves NASA this week.

There is no contention that Paine did anything illegal, but his record on this contract represented endorsement of procedures that GAO found "irregular, deficient and inconsistent." Some would probably use stronger terms for the actions of Paine.

In February, 1970, when Fairchild Hiller seemed likely to win the ATS satellite competition on price and technical performance, Paine approved orders for a stretch-out of the program because of budget cuts. It gave General Electric another chance.

Fairchild Hiller was forced to meet a Feb. 27, 1970, deadline for submission of bids under threat of disqualification, but General Electric was given an additional week, until March 6, to complete its cost submissions. NASA's Goddard Space Center distributed Fairchild Hiller's proposal to evaluators before the General Electric proposal was received. It was done over the warnings of Fairchild officials that they feared a leak. Paine approved and defended this.

In a lawsuit filed in connection with the original GE award, Fairchild Hiller claimed results of its original research work on the satellite appeared in the GE technical data submitted with the bid.

COMPLAINTS PROMPT INQUIRIES

Despite long association with General Electric, Paine took a full role in the contract decision. He was senior NASA man on a three-member panel that unanimously voted for General Electric.

Complaints of improprieties and irregularities in procedures resulted in investigations by GAO and the McClellan Permanent Investigating subcommittee, but Paine defended the award as proper and fair. As the GAO probe went forward, Paine cut off the developmental funds to Fairchild Hiller on April 16, but agreed to funding of General Electric through July.

Paine rejected Fairchild Hiller's demands for access to contract documents containing evaluation information. Paine continued to withhold this information from Fairchild Hiller even as Rep. J. Glenn Beall Jr. (R-Md.) declared it should have been available to the public under the Freedom of Information Act, and blasted NASA procedures as unfair.

Paine made erroneous reports to the White House on his role and the NASA procedures. As late as June 19, Paine told Fairchild Hiller officials and NASA officials he had severed all ties with General Electric and had no intention of returning to that firm.

In the face of serious criticism, Paine established a blue ribbon review committee made up of his subordinates at NASA.

Fairchild Hiller counsel John F. Dealy emphasized the problem of convincing Paine's subordinates they should overrule him. As the Lundin committee was considering that issue on July 28, it was announced that Paine would return to General Electric.

The seven-member Lundin committee ruled Paine's decision should be reversed. The committee agreed with GAO on the irregularities, deficiencies and inconsistencies in the procedures awarding the contract to General Electric.

There was "somewhat greater stability" in Fairchild costs, the Lundin committee said, but concluded costs were "not amenable to precise analysis" and not important in the light of design "superiority" of Fairchild. The three-member selection group concluded that "on the technical side there exist differences in important areas" of auxiliary propulsion, systems engineering and others that represent "a clear basis for selection" of Fairchild Hiller.

Dealy called the decision a "rare occasion when an administrative agency takes . . . courageous action." He said, "I believe it is encouraging evidence of the ability of our government and the people in it to remedy errors in an expeditious and meaningful manner."

To the American people and the press, the satellite contract reversal should be to reemphasize this message: It is possible to find and correct the flaws in contract procedures as well as the mechanical flaws in a space craft. It is more important to catch and report those flaws than it is to record the dramatic words commemorating any successful space mission.

COVERAGE OF EXPO '70

HON. JOHN M. SLACK

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. SLACK. Mr. Speaker, this extremely interesting coverage of Expo '70 has been brought to my attention. I believe many of you will be interested in the good work being done by certain young people on the American Exhibit staff.

The item follows:

EXPO '70 IMPRESSED ME FAR MORE THAN I EXPECTED—LIKE DISNEYLAND

(By S. I. Hayakawa)

TOKYO, JAPAN.—I had not expected to like Expo '70, since I prefer to look at more organic and genuine aspects of a culture rather than that which is organized for show. But Expo impressed me far more favorably than I expected—like Disneyland. There is a clean, innocent freshness about both—a colorful, imaginative world of people having a whale of a good time.

The buildings and displays are not always of the most creative sort, but there is a great variety of spectacular effects, obviously bringing delight to the enormous throngs. A record 693,364 attended Expo the day we were there.

As I am not the first to observe, it is the people who are the main show at Expo. Overwhelmingly Japanese, including many rural looking people, the crowds are well-dressed, good humored, and incredibly patient about waiting hours in line to see the American, Russian and other most popular pavilions. We were getting the edges of a typhoon, too, that day, and the rain and storm gusts of wind made scenes of umbrellas and slanting rain like Hiroshige prints.

We enjoyed most of all, I think, the Japanese Folk Art Museum—beautiful in its selection of pots, dishes, textiles, furniture and articles of daily use; powerful in its

unity of impression. The Japanese are simply crazy about pottery, which is both a high (highbrow) and popular (folk) art. To study such wares as Tamba, Mashiko and Bizen—traditional, but still being made—is to begin to understand the disciplined esthetic that most Japanese share.

The Fine Arts Pavilion had an incredibly fine assemblage of treasures from all over the world, many of them sent out of the country by their governments for the first time. Most impressive were the archaic pots and statues from Jomon period Japan, Iran, Egypt, Assyria, Greece, pre-Columbian America and the Benin people of Africa, which are a moving testimony to the common humanity and creativeness of all peoples.

The paintings from the West moved me less. After being steeped for 10 days (we really have been!) in the understated art of Japan— subdued temples, gardens without flowers, austere palaces, paintings in which the unpainted areas carry so much of the burden of meaning—the oils of Raphael and Delacroix and Sir Joshua Reynolds seemed overdone—and modernists whom I usually like, such as Jean Dubuffet and Jackson Pollock, seemed beside the point. Cezanne and Paul Klee seemed right, however, as did the Czech primitive religious paintings, which were new to me.

The Russian pavilion was so noisy—so many speaker systems beaming so many messages at us simultaneously—that we lost half of what the guide was explaining to us. There were many giant-sized pictures of Lenin, of course. The exhibit as a whole tries to do too much: films of kindergartens, exhibits of toys, lumber products, furs, circuses and ballet, space ships, literature and music, and a model of the world's largest dam. Most people seemed to be enjoying it all, but to me this combination of trade fair and self-glorification was a gigantic bore. And it comes as something of a surprise—like an echo from the past—to find that the Russians are still hung up on dams.

And the things unsaid—for example the writers not included in the Soviet hall of fame—must be apparent to most visitors. Of the things we liked, we liked most of all the handsome three-dimensional photographs of Leningrad and Moscow, the latter making me feel as if I were looking over the walls of the Kremlin.

In contrast with the Russian pavilion the American pavilion is casual, understated, with unexpected humor and honesty. I have no way of knowing how well the pavilion communicates to the Japanese what it intends to. Some things must be puzzling, to say the least, and some too subtle to be understood in such crowds. The space ship and the moon rock are obviously the hit of the show.

What I liked was that many things were simply fun to see, like the restored Stutz Bearcat, around which a crowd was always gathered, and the Granatelli racing car, in which, we were told, one of the astronauts insisted on being photographed in order to impress his children. Originally I thought it kind of corny to show Babe Ruth's locker and uniform and early baseball uniforms and the bats used by such stars as Joe DiMaggio, Lou Gehrig and Jackie Robinson.

But when I actually saw them I was genuinely thrilled—but not half as thrilled as the throng of Japanese boys who crowded around to look. And considering how Japanese motorcycles have captured the American market, it did my heart good to see the crowd of Japanese gawking at the huge, handsome Harley Davidson!

Howard Chernoff, U.S. ambassador to Expo and director of the American exhibit, is proudest of all the Japanese-speaking American young men and women who are guides to the pavilion. There are 56 of them, carefully selected from universities and colleges thruout the U.S. All day they field questions about the New York Mets, American Indians, Shaker furniture, Frederic Remington, dune buggies and Apollo VIII, in rapid-fire, idiomatic Japanese. They are certainly doing a job for American-Japanese relations.

FUTURE OF CRANE NAVAL COMMUNICATION DEPOT

HON. VANCE HARTKE

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Thursday, September 17, 1970

Mr. HARTKE. Mr. President, I recently attended a meeting in Washington to discuss the future of Crane Naval Communication Depot. This meeting, which was attended by Defense and Navy officials and community representatives from southwestern Indiana, served the valuable purpose of acquainting the people of Washington with the people and problems concerned with Crane.

At that meeting, Mayor C. J. Hauck, Jr., of Bedford, Ind., delivered an excellent report of the Crane situation. I ask unanimous consent that Mayor Hauck's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF MAYOR C. J. HAUCK, JR.

I'm sure I can speak for my associates, Mayor Fry and Mayor Hooker, and the others in our group from the towns and counties in the vicinity of Crane, in expressing our pleasure and satisfaction for the opportunity of attending this meeting.

It seems to me that, sometimes, decisions taken here in Washington for valid and factual reasons might not have been taken had there been a full realization of the impact of such decisions on the people at the local level who must eventually bear the brunt of such decisions.

This type of meeting, a meeting at which representatives from the local area have an opportunity to meet directly with their representatives in Congress and Federal officials who must make the final decisions is a splendid example of that type of government in action which is our heritage as Americans.

There is no doubt whatsoever in my mind that the great majority of the people of Bedford want a just and honorable peace in Viet Nam at the earliest possible moment. We also accept the fact that in the transition from a war-time to a peace-time economy there will be dislocations in the pattern of employment and income to which we have become accustomed over the past ten years. We are not here this morning to ask for any special consideration, but simply to present the facts of our economic situation to you; and to ask for two things:

First, that decisions as to the level of activities at Crane be based on the merits of that installation, its potential, its efficiency, its overall costs as compared with other similar installations of not only the Navy, but the Army, Air Force and private industry as well;

And second, that within this frame of reference, the needs of our people be considered on their merits in comparison with those of other communities providing the work force for other installations of the Armed Services with capabilities similar to that of Crane.

Other witnesses here this morning will address themselves to the first of these two propositions. I will confine my remarks to the second, with particular emphasis on Lawrence County, of which Bedford is the County Seat.

Over 95% of the employees at Crane come from an 8 county area surrounding that installation.

Four of the eight counties, Daviess, Greene, Lawrence and Martin supply 4,694 (over 82%) of the 5,691 employees involved. Lawrence County, with 1,328 employees, furnishes the most, closely followed by Greene County with 1,319, Martin County with 1,101, and Daviess County 946. Compared population-wise: More than 1 out of every 8 people living in Martin County works at Crane; more than 1 out of every 20 people living in Greene County works at Crane; more than 1 out of every 24 people living in Daviess County works at Crane; and more than 1 out of every 28 people living in Lawrence County works at Crane.

Stated another way, and assuming an average of 4, husband, wife and 2 children: 55% of the people of Martin County are dependent upon Crane for their livelihood; 20% of the people living in Greene County are dependent upon Crane for their livelihood; 16% of the people living in Daviess County are dependent upon Crane for their livelihood; and 14% of the people living in Lawrence County are dependent upon Crane for their livelihood.

To me, these statistics eloquently demonstrate the extraordinary place which Crane occupies in the economy of these four counties.

Were it possible for me to tell you that a worker separated at Crane because of a reduction in force had a reasonable opportunity to find another job in the area, I would not be so concerned, and you would have reason to feel that we were not quite so dependent on Crane as we appear to be. Unfortunately, the situation is exactly the opposite.

Lawrence and Greene Counties have long been classified as areas of high or persistent unemployment. The present unemployed percentage of our work force is shown, by counties, on the chart before you. With the exception of Monroe County, unemployment in all of the 8 counties is above the national average. In my opinion, the 12.9% in Lawrence County has reached the critical mark.

Perhaps the best way to explain how we have reached this unhappy situation is to read to you the report of the Indiana Employment Security Division for the Bedford area for the month of July, 1970. I quote:

"ABBREVIATED REPORTS FOR SMALLER AREAS

"BEDFORD, IND.,
"*July 1970.*

"Events of the past year have altered the favorable employment atmosphere which existed in Lawrence County last June. At that time employment stood at 11,670; it is now 10,445, constituting a loss of over 1,200. Two thirds of this loss has been caused by reduction of jobs in the manufacturing sector, and four of the sector's industries have contributed 85 per cent of this reduction. Primary metals (SIC 33), fabricated metals (SIC 34), stone-clay-glass (SIC 32), and transportation equipment (SIC 37) have gone down by 323, 145, 125, and 80, respectively.

"Employment losses have occurred in almost every sector and industry in the local economy. With respect to year-ago levels, all classifications have either lost employment or remained constant, except the transportation, communications, and utilities classification, which registered a meager gain of 5.

"Every reporting period throughout the year has shown loss of employment, but the rate of the downturn had slowed to practically zero between the last two periods. The only large nonseasonal dip between April and June was that of General Motors (SIC 33), and it was caused by the slowdown in automobile sales.

"Currently, the number of workers unemployed is 1,550, or 12.9 per cent of the

11,995 number work force. Substantial as this rate is, it is lower than the high this year of 16.2 per cent, reached in April. But the current rate is still over twice as high as the year-ago rate, and almost twice as high as the six-month-ago rate. Current total work force is 295 less than the year-ago figure, indicating that an influx of people separated from out-of-county jobs has not taken place. This tends to be confirmed also by the fact that the growth in Lawrence County's unemployment over last year is less than its loss in employment. However, many of this county's residents are employed in nearby defense and electronics industries.

"There are no known factors which will appreciably improve this current economic trend."

I have with me the statistical analysis upon which this report is based. I will be happy to submit it for the record if you so desire.

Under the provisions of the Indiana Employment Security Act, government employees are not counted as a part of the available labor force. Hence, the 1328 Lawrence County residents now working at Crane are not included in the report I have just read, nor in the statistical analysis supporting it.

But, each one of these 1,328 employees who loses his job at Crane, and who is unable to find a job outside the County, is then picked up by the Employment Security Division as an unemployed member of the Lawrence County labor force.

In view of this situation, I can demonstrate to you that for each 150 Lawrence County residents riffed at Crane, our percentage of unemployed will go up 1%.

In Greene County, only 63 people have to be laid off at Crane to increase that county's unemployment rate by 1%.

What is happening, as indicated in the Employment Security Division report just quoted, is that an employee dropped at Crane, ineligible for assistance under the State Employment Security Act, and unable to find a job at home is forced to leave his home and family to search for employment elsewhere, or go on relief.

That this is happening is corroborated by Bedford's census count over the past 10 years:

Census:	*Population*
1960	13,024
1967 (special)	13,476
1970	12,827
Loss since 1967	649
Net 10 year loss	197

These are the very people we can least afford to lose, as in the majority they constitute our most highly skilled and most reliable workers.

Up to this point, I have been discussing the direct impact on people of a reduction in force at Crane. To complete the picture of Crane's importance to us, it is necessary to consider our economic level in terms of money and the financial contribution which Crane makes to our economy.

Daviess, Greene, Lawrence and Martin Counties all are classified as low income counties. In 1967, the latest year for which I was able to obtain data, the average per capita income of these counties was:

Daviess	$2,598
Greene	2,347
Lawrence	2,853
Martin	1,737

In 1969 the total annual payroll of all employees in Lawrence County covered by the Indiana Employment Security Act was $50,868,000. The total for the four county area we have been discussing was $95,230,000. The Crane payroll for that year was $52,000,000. More than half as much as the total of all the salaries and wages otherwise earned in Daviess, Greene, Lawrence and Martin Counties.

It doesn't take much imagination to envision the effect the loss of this payroll or any significant part thereof would have on the minimal economic base that is our lot.

The Bedford Retail Merchants Association advises me that their sales already are from 20% to 25% off from last year's. A further loss of purchasing power by our people will put some of them out of business. One independent metal fabricating plant already has gone bankrupt. One of our local department stores has closed its doors. An independently owned drug store has lost its identity through merger into an out-of-state chain of drug stores, necessitated by lack of sufficient financing to continue independently.

In addition to payroll, I understand Crane sub-contracts approximately $5,000,000, in work to local firms annually.

From the above discussion, it is obvious that this work could be the difference between staying in business and going broke for a small firm in our area.

I regret that it has been necessary for me to present such a dismal picture of our economic situation. The facts, however, speak for themselves and may be verified in all instances by a call to the Indiana Employment Security Division.

As I stated in the beginning of this presentation, we need your help, but all we are asking for is an even break. Give Crane the opportunity to perform the missions, do the maintenance and produce the materials of which it is capable, in free competition with similar installations of all the Armed Services and private industry, and you will not only be helping the people of Southwestern Indiana, but all Americans, by reducing the costs to them as taxpayers. Give us an even break by comparing our unemployment percentages with those of other communities served by other Federal installations similar to Crane, whenever a close decision is involved as to the merits of Crane's abilities, facilities and costs, and you will not only be helping us, but will be reducing unemployment costs and welfare expense paid out of the taxes of working Americans.

Thank you for your time and your consideration.

GOVERNMENT EXECUTIVE ARTICLE ON RUSSELL TRAIN

HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. WOLD. Mr. Speaker, the current edition of Government Executive magazine contains an article on Russell Train, the Chairman of President Nixon's Environmental Quality Council. The far-reaching effects of the environment have loomed large in the public consciousness only recently. The dimensions of the problems are still undefined, but it is apparent that they contain vast areas of intellectual frontier.

Environment is no longer the sole concern of the summer camper. It affects the economy, the fabric of our social relations, our life styles as individuals, our transportation network, our defense policies, and, of course, our health.

It is clear that a field so broad requires an intellect and philosophy of the first rank.

We are fortunate to have a man such as Russell Train placing his capacities at the service of his country as these problems continue to proliferate.

There is no doubt that solutions to such dilemmas may become highly controversial as we move into the 1970's. This is inevitable in dealing with a subject which affects every sector of our national life. So we are doubly fortunate that a man of Mr. Train's personal strength is leading us in coming to grips with the complex questions and decisions which we will confront in the years ahead.

Mr. Speaker, I would like to include in the CONGRESSIONAL RECORD the text of the article, "Environmental Quality: An Aesthetic Effort?" I am sure that other Members will share my interest in it.

ENVIRONMENTAL QUALITY: AN AESTHETIC EFFORT?

(By Patrick McGarvey)

Highlights:

1—Russell Train, chairman of Nixon's Environmental Quality Council, aloof from bureaucratic processes is charged with "ensuring that man and nature exist in productive harmony."

2—His far-ranging responsibilities suit his intellectual grasp of the problems facing the Nation; the crunch, however, is yet to come when partisan pressures clash with policy recommendations that he will be making.

3—He spells out a sound new gospel for American industry and states, "enforcement will be stricter and more effective."

4—His positive approach includes praise for all ecology groups—even the Doomsday Scientists.

5—The SST, in his view, "could create serious problems."

The "human condition," the inefficiency of American society, man's impact on historical trends and thoughts on free enterprise were blended artfully with the nitty gritty of what the Government is doing in the pollution field in a wide ranking conversation with Russell Train, chairman of the Environmental Quality Council.

No bureaucrat, Train is just as likely to digress into a philosophical appreciation of technology as he is to explain the mechanics of pollution enforcement.

This all takes place under the watchful and imposing eyes of a female orangutan—a decorous oil painting hung unnervingly on the wall behind his left shoulder. Looking like some half-vegetable, half-human creature arisen from a peat bog, this orange beauty, at first, is interpreted as a symbolic rendering of man's plight if we don't clean up our environment.

In Train's advisory capacity perhaps the best measure of his effectiveness is to gauge his instincts. Train's seem more humanistic than anything else. He is more relaxed discussing concepts than describing processes. He measures most things against the human experience, not the statistical or technical aspects as do many of todays so-called "problem-solvers." He articulates his thoughts well and against a background of principle.

"Very often people think of this environmental concern as being one of an aesthetic or an academic ethic," Train remarked. "In my opinion it's far more than that."

"The condition of the environment goes to the whole human condition. If we let environmental degradation go far enough in any given area, I'm absolutely certain that this will lead to the degradation of people as human beings. At the same time we have exceedingly difficult short-range adjustment

problems. People are going to be put out of work in some places as we attack the pollution problem."

The key issue in the field of environmental quality in Train's view is the nature of modern industrial society. "The solution doesn't lie in going back to a state of nature," he said.

"We have just gotten into the habit of running our society in a very inefficient manner. All that the pollution issue really is is an inefficient use of our resources. It's simply wasteful. For example, we're producing about 10 million tons of sulphur a year from the Nation's smokestacks, and we're only digging 13 million tons out of the ground each year. That doesn't make sense.

"I can see no reason why we can't get rid of that inefficiency. We can have far more recycling and as a result have far more energy and national wealth to spend on other things. Right now we're throwing a lot of our national wealth into waste."

The extent to which America is wasting resources is reflected in the broad scope of activity of Train's Environmental Quality Council. "We're involved in all of the usual pollution concerns," he commented.

"This involves air pollution, water pollution and solid waste disposal. It also includes the fields of pesticides and radiation effects, and it goes beyond that to land use and planning and urban development. There's really no limit."

Train admitted that to go into all of these problem areas requires a considerable amount of technical expertise. He hopes as time goes on that his staff doesn't get bogged down in the details.

In its short existence Train's group has found itself fighting an uphill struggle with "current problems." They have been able to fashion a broad set of priorities however.

"So far most of our attention has been focused on the short range. The tough problems crowded right in on us when we opened shop, and it's been difficult to find the opportunity to address the larger, long-range problems."

The problems of the environment—air pollution and stinking rivers—are the most visible, the most annoying and the most dramatic as far as the public is concerned. Train remarked that, "this is the area in which we have made the largest investment of time and personnel. It is a matter of constant concern.

"The area that I would say needs the greatest immediate attention is air pollution. This represents the most significant health problem. Within that problem area I would say that auto emissions is the highest priority. After that the sulphur dioxide emissions from stationary power sources and factories is the next biggest problem. Most of these involve technical breakthroughs that still have to be made however."

They also involve effective enforcement. And Train is no idealist as far as the present legal framework for pollution enforcement is concerned. "I think that the existing laws on the books are pretty deficient. The air and water quality legislation put heavy emphasis on the state and local role in enforcement and tended to play down the Federal role.

"We have reached the conclusion that this simply isn't working out well. State and local responsibility is going to remain high but the Federal role must become more important as time goes on. This is an area where the Federal Government is going to be steadily increasing its activity."

Train hastened to add, however, that he wasn't trying to convey the impression that the Federal role was going to be simply a punitive one. "There is no intention of this. But, in going around the country speaking to public groups there is a widespread impression, and I'm not sure it's erroneous, that there are laws on the books that are not being complied with.

"The public needs only to look around and know that something's wrong. Laws are not being enforced. The Administration is pressing for enactment of legislation to strengthen the entire spectrum of pollution enforcement.

"For example the new Environmental Protection Agency, if not disapproved by Congress will be giving a great deal of attention to the effectiveness of our enforcement provisions."

Broadening the subject of enforcement into a positive vein. Train added: "I think we have to do more than we have in the past to use the competitive forces that we have within our economic system to accomplish some of our environmental goals."

Aware of both the positive and negative ethics within our economic system Train discussed Senator William Proxmire's proposed legislation, a bill which would charge industry for polluting in such a way as to make it economically more sound to invest in pollution devices than to pay the heavy effluent charges.

Train both agrees and disagrees with the Proxmire approach. "In principle the plan is sound indeed," he remarked. "It could turn the forces within our economy to work in society's behalf." Reflecting on it for a moment, however, he was quick to point out that state and local legislatures, in his opinion, would tend to err on the low side when devising these difficult-to-compute charges.

"An effluent charge, then, simply becomes a charge for the right to pollute. And to the extent that it becomes a license to pollute, then, of course, we'd be missing the mark completely.

"I would not rely on the Proxmire plan entirely. We would have to combine his plan with a set of Government standards, regulatory authority and enforcement authority."

An admitted optimist, Train has been selling a new gospel to American business. "They have to stop looking at the environment as a 'problem' and start looking at it as an opportunity," he declared.

"If we can create the proper economic incentives I think our economy will do a great deal of the work for us." He warned, however, that it will take a considerable amount of initiative on industry's part. "They are going to have to do a lot of private research and development just to enable them to comply with the laws that will be forthcoming.

"I think more and more businesses are seeing the opportunities in this field. New techniques, new management systems for waste disposal are now being developed. I'm hopeful that there will be a step up in federal research and development in this entire field. There should be."

Closing with a broad sweep onto the historical plateau Train praised the role of the individual in America. "There have been grass roots organizations beating the drums for years about our environment. They have all served to dramatize the problem to the point where Government is now acting on it. Even the doomsday scientists have made a genuinely positive contribution with their fearful predictions.

"I would hasten to add, however, that any trend—be it population, energy use, or pollution—if projected unmodified into the future can be frightening. If anything, the experience of human history is that trends do not continue unmodified. We are modifying them today, and despite the seriousness of the problems I remain an optimist . . . or else I wouldn't be here."

Train's Awesome Tasks

Above the pressures of Washington lobbying, partisan politics and the muck and mire of bureaucratic infighting the Environmental Quality Council, from its Olympian perspective at White House level, has man uppermost in mind.

The rhetoric of its enabling act—Public Law 91–190, the National Environmental Policy Act of 1969—is moving indeed. Among other things it is to "foster and promote the general welfare," ensure that "man and nature exist in productive harmony" and "fulfill the responsibilities of each generation as trustee of the environment for succeeding generations."

The Council composed of three members and a staff is to assist and advise the President in the preparation of an annual Environmental Quality Report. They also gather timely and authoritative information concerning the conditions and trends in the quality of the environment to determine if they are interfering or are likely to interfere with the quality of American life.

They are to review and appraise the various programs and activities of the Federal Government to ensure that they do not conflict with the goals mentioned above. They have the responsibility of recommending to the President policies which foster and promote conservation, social, economic and health goals of the Nation.

To do their job they are authorized to conduct investigations and studies to analyze our entire ecological system and environmental quality. They are to monitor and document changes in the natural environment including those among plant and animal life and interpret their underlying causes and report on them in detail.

They are to report at least once a year to the President on the state and condition of the environment and make any other studies and recommendations regarding matters of policy and legislation that the President needs.

According to Train his group is now working closely with the new Office of Management and Budget on pollution budget priority problems. He works closely also with John Ehrlichman, executive director of the recently created Domestic Affairs Council developing overall environmental quality policy.

The Supersonic Transport "Could Create Serious Problems"

The Environmental Quality Council seems to be caught between a rock and a hard place as far as the SST goes. Russell Train, on the one hand, must balance the narrow Administration selling point that only two prototypes are involved with the likely momentum which will ultimately develop for building a commercial fleet of SSTs.

"Looking ahead to the possible development of a commercial fleet," Train said, "there are certain areas in which we feel considerable concern."

Sonic Boom: "Not a pressing problem for the U.S. because of the F.A.A. proposal to ban sonic booms at ground level over the U.S., but it does present a ticklish international problem."

Sideline Noise: "At airports it will be greater by a factor of three-to-four on the part of the SST than the 707 and four-to-five times greater than the 747. Substantial levels of such noise could create serious problems of public acceptance. Engine modifications could be made, but they would reduce the economic viability of the SST. Airport modifications are not really very practical either in view of the costs involved."

Atmospheric Effects: "The introduction of water vapor from the combustion of fuel at altitudes of 60,000 to 65,000 feet could be serious. Current subsonic jets do this, but in the lower levels of the atmosphere you get a rapid mixing and a lot of vertical movement so the moisture is dissipated quite rapidly.

"At an altitude of 65,000 feet, however, you get very little vertical movement. It's believed that the life of the water and other exhaust particles would be 18 months to three years, perhaps even longer. The effects of such a buildup are really uncertain at

present. You could have a buildup of cloud-cover resulting in some changes in the temperature at earth level." (Many scientists claim it would require only a change of 11 degrees in the earth temperature to prompt a new ice age.)

Nixon Proposal: "The Administration is proposing funding the development, design and construction of 100 hours of flight tests for two prototype SSTs. The Administration has not proposed as yet that we develop a commercial fleet. Two prototypes, in and of themselves, would pose no significant environmental problems, assuming they were flight tested under controlled conditions.

"It's very important that a good deal more research be conducted in all the environmental aspects of the SST before any final decision is made about the operation of a fleet of supersonic jets."

WAR GAINS AND CASUALTY DROP

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. SHRIVER. Mr. Speaker, in a recent editorial the Kansas City Star states:

Saving American lives in Vietnam is a main purpose of current U.S. war policy and in that aim the Nixon administration is succeeding.

The Star attributes the drop in casualty rates to the success of the Cambodian incursion, U.S. troop withdrawals and Vietnamization.

I believe all my colleagues would benefit from reading "War Gains and Casualty Drop," and I, therefore, include it in the RECORD:

WAR GAINS AND CASUALTY DROP

Saving American lives in Vietnam is a main purpose of current U.S. war policy and in that aim the Nixon administration is succeeding. The weekly figures on battle deaths make this clear. The latest one-week toll of 52—the lowest since the week ending December 3, 1966—compares with 190 killed in the week ending August 23 last year.

More significant is the fact that during the eight weeks since U.S. ground forces left Cambodia, American battle deaths have dropped to less than one-half of what they were for the comparative period in 1969. Credit for the improvement can be assigned to the U.S. troop withdrawal program, the allied thrust that wiped out the enemy's sanctuaries on the Cambodian-Vietnamese border and the Saigon army's assumption of much greater combat responsibilities.

The battered Viet Cong are not a potent force in the war at this time and are sustained only by Hanoi's intervention. Moreover, the North Vietnamese are no longer capable of making hit-and-runs from Cambodia into South Vietnam as they did before they lost their Cambodian havens last spring.

To this extent the U.S. venture into Cambodia was as effective as it was hoped to be. True, the Communists are still trying to bring down the Lon Nol government by force. But they would have tried that anyway. And their continuing effort is being impeded by American air strikes and the almost 18,000 South Vietnamese who continue to fight alongside the Cambodians.

Apart from air operations and the supplying of some military hardware to Phnom Penh, the United States is no longer active in Cambodia. But the South Vietnamese are fighting well there as they are on their own soil. Thus the Vietnamization program moves ahead while the U.S. is set on plans to reduce its already-trimmed forces in Vietnam to 284,000 by next April. But what is all-important is that American war casualties are declining sharply in the course of the U.S. disengagement.

A PLAN TO COMBAT AIR HIJACKINGS

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. CHAMBERLAIN. Mr. Speaker, the recent appalling acts of aircraft piracies make it clear that ways must be found to put an end to such criminal acts in the future. President Nixon's proposal calling for the posting of guards on appropriate flights deserves the prompt consideration by the Congress. In addition, we should also examine carefully all serious suggestions to safeguard passengers and to protect aircraft from destruction. In this regard, I noted with interest the plan put forth by columnist William F. Buckley, Jr., which appeared in the Washington Evening Star on Wednesday, September 16, and I commend the article entitled "A Plan To Combat Air Hijackings" to the attention of my colleagues:

A PLAN TO COMBAT AIR HIJACKINGS

(By William F. Buckley, Jr.)

It occurs to me that you don't really need 100 percent cooperation from every country in the world in order to set up an anti-hijacking code. A few small nations holding out can undermine (for instance) anti-proliferation treaties, or provide refuge for assassins or whatever, but how could any one, or two, or three, or a half dozen countries stand up against an air boycott conducted by, say, the United States, the Soviet Union, Japan, West Germany, England, France and Italy?

I do not have the figures before me, but I would guess that three-quarters of the world's air traffic flies out of, or flies towards, one of these countries.

The presumptive case against Soviet cooperation in any enterprise that conduces to international stability is in this situation easily overcome. The Russians are usually prepared to cooperate in ventures that inure to their own benefit, and it is clearly in the interest of the Soviet Union to prevent the hijacking of its own planes.

Bear in mind that hijacking, in the Soviet Union, is much more tempting than elsewhere. Any American who wishes to make his way to Cuba, there to settle in a socialist paradise, will encounter very little interference from American authorities. In the Soviet Union, unless you're a government spy or a violinist, you can't leave: So that, desperation being the mother of invention, it is bound to occur, increasingly, to the hapless Russian, that a pistol aimed at the head of a pilot on the Moscow-Leningrad run could cause him to veer over an extra 10 minutes into Helsinki.

My point, then, is that there is little reason to doubt that the Soviet Union would cooperate in an accord the terms of which would be simply this. No airplane from the concordant nations will land a plane in any country which declines to detain, and ship back to the country whence the airplane issues, the hijacker. Nor will any airplane be permitted to land in any of the concordant nations which flew out of a country that had failed so to treat a hijacker.

And then, say 60 days after the agreement goes into effect, it could be strengthened even further to exclude traffic not only with the country that refuses to extradite the hijacker, but with any second country that refuses to apply the same sanctions against the offending country as are applied by the concordant nations.

Concurrently, unless Jordan seizes the hijackers, and returns them, respectively, to New York, London, Zurich and Tel Aviv, an embargo is instituted, beginning immediately. Those who defy the embargo (Sweden, presumably), will also be boycotted, after 60 days. This kind of pressure is direct, efficacious, just and nicely symmetrical.

The one disturbing aspect of it is that it would require the concordant nations to perform highly disagreeable acts, such as returning to the Soviet Union people who fled from it with only the end in mind of seeking personal liberty. That is painful, but only do it once, and political refugees will learn that they will have to find means of leaving the Soviet Union without threatening the lives of a couple of hundred other passengers, which is not too much to ask.

Granted that there are opportunities for evasion. Cairo can inform us that although they marshalled three Egyptian divisions to circle the airfield, the hijackers get through. Unfortunately, in the case of Egypt the excuse would be perfectly plausible. Still, an investigating team could be deputized to be sent into a country offering such an excuse. Pending the exoneration of the country, the boycott would be enforced. My guess is that, under such pressures, even the Egyptian army would prevail.

Every country in the world is strangely dependent on air travel. It is an obvious dependence in such countries as depend heavily on tourists. But even sturdily xenophobic countries like Cuba, so widely boycotted already, cultivate their little links by air, in Cuba's case to Mexico and to Spain. That is why, for instance, Castro has regularly permitted hijacked airplanes to be flown out, once landed in Havana; and, indeed, Castro has not shown himself to be hospitable to the hijacker.

The defiant hijacking countries would be left only with the satisfaction of impounding the stolen airplane. But there are countermeasures available, in almost every case: Let the tort-feasor beware.

Can it be hoped that the agreement could be zipped through the world's bureaucracies in time to spare the traveling public insecurity, and perhaps even death?

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide over 1,500 American prisoners of war and their families?

How long?

POSSIBILITY OF BOTH PEACE AND VICTORY

HON. WILLIAM S. MAILLIARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. MAILLIARD. Mr. Speaker, Russell Kirk recently wrote an encouraging column in the San Francisco Chronical on our prospects for peace in Southeast Asia. His analysis of the present situation in Cambodia is particularly interesting, and I believe all my colleagues would benefit from reading "Possibility of Both Peace and Victory":

(From the San Francisco Chronicle, Aug. 26, 1970)

POSSIBILITY OF BOTH PEACE AND VICTORY

(By Russell Kirk)

The real fighting in Indochina doesn't occur in South Vietnam at present: the action has been transferred to Cambodia, and to Laos, or at least to the Laotian frontier. At the SALT talks, President Nixon has good prospects of securing from the Russians some understanding about Indochina. At Paris, the emissaries of Saigon seem ready to talk again. In Laos, the Communists negotiate with the royal government.

All these are cheering signs that at last the North Vietnamese and the Viet Cong are war weary. In Saigon, President Thieu says the war may last three years longer—but will end in victory. He expects merely 50,000 American troops to remain in South Vietnam a year from now; other estimates put that total as low as 20,000.

Despite the confusion and destruction in Cambodia, even there the Communists are not winning. Their losses have been heavy, and they have not been able to hold any principal towns. The Cambodian army grows in size and effectiveness. And the Cambodians really have begun to fight.

And in Cambodia, the North Vietnamese and the Viet Cong must be asking themselves just what they are trying to do. In South Vietnam, they were able to declare that their mission was to "liberate" and reunite their own territory. But Cambodia is another kettle of fish altogether.

The Khmer people hate the Vietnamese, and the Communists obtain from the countryside almost nothing of the assistance they were able to secure from anti-Saigon elements in South Vietnam. This is a war of invasion, clearly—meant in part to secure new supply-routes for the attack on Saigon, but as yet ineffectual for that purpose.

While North Vietnamese shoot Khmers; and Khmers shoot North Vietnamese, the Communist cause across the frontier is enfeebled. Relieved of Communist pressure, the Saigon government extends its control over areas that for many years were dominated by the Viet Cong and their allies from Hanoi. Only along the Laotian frontier do the Communists still make serious forays against South Vietnamese and American troops—and there chiefly to guard their Ho Chi Minh Trail.

In Hanoi, the Communist faction willing to settle for the possible, seems to have gained ground. President Nixon's Cambodian expedition taught them that America has not become a paper tiger. Their chief hope, indeed, seems to be that the American left, American pacifists, and the dove faction in Congress may bestow upon them unnecessarily what the Communists of Hanoi have been unable to win by a decade of atrocious war.

Militarily, Hanoi confronts a dilemma. If they fling more troops into Cambodia and Laos, they run the grave risk of provoking Thailand into massive intervention. The Thai army is bigger than that of North Vietnam, is well equipped, and is undecimated. The Communists have no immediate prospect of more help from Russia and China.

In these circumstances, it is quite conceivable that President Nixon may realize his ambition to be known as the statesman who achieved both peace and victory.

NIXON MUST ALTER HIS GAME PLAN

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. COHELAN. Mr. Speaker, the economic condition of this Nation requires the most searching analysis. The continuation of inflation and the recession that now accompanies it requires some renewed thinking about the Nixon administration's economic game plan.

Recently, Paul Samuelson, the noted economist, wrote an interesting article taking issue with many of the administration's economic assumptions. Most important is the implicit administration assumption that short economic restraint, resulting in high unemployment, will lead inexorably to vigorous long-term growth and high employment. Professor Samuelson correctly points out that the economy has never acted in this manner and there is little reason to believe that it will radically change.

I commend this article to the readers of the RECORD:

[From the Washington Post, Aug. 13, 1970]

NIXON MUST ALTER HIS GAME PLAN

(By Paul Samuelson)

President Nixon's year and a half in office provides a long enough track record for us to make some provisional appraisals of his team's economic performance. Just as an old party returned to office has the handicap of having to continue with its previous policies, a newly elected party has the albatross around its neck of having to repudiate previous policies and promise a new and better order of things.

This led in the first half year of the new administration to a great deal of ideological utterance. Fine tuning was out, and gradualism was going to solve our inflation problem at minimum cost. Historical studies and multiple regressions from the Federal Reserve Bank of St. Louis has established the primacy of the supply of money, and so fiscal policy was proved impotent to affect the aggregate level of effective demand. Incomes policies will never work, and besides the only thing worse than an incomes policy that doesn't work is one that does—thereby creating distortions in resource allocation and inequities among persons.

This kind of ideological nonsense is all part of the game, and if government were merely a game, we could all relish the performance. But of course human welfare is at stake, and even corporate profits. When Richard Nixon struck a blow for freedom by refusing to exercise presidential pressures on price and wage decisions, that resulted, not unexpectedly, in a rash of price increases from business managements relieved of one harassing influence from Washington. When the gameplan, based on the assumption that the rate of inflation would subside at the same time that production slowed down a bit, developed colossal squared-errors of estimate, those residuals came out of the hide of the unemployed and not out of the paychecks of the philosophers of freedom.

HOW MUCH TO EXPAND

It is an aphorism of American political economy that the Republicans in office act better than they talk, just as the Democrats talk better than they act. (It is all, apparently, a question of which constituency is to be bamboozled.) Fortunately, this has now been the case. Although a Caspar Weinberger at the new Bureau of Management and the Budget vocalizes idiocies about the need to balance the budget at all times, even in recession, the Nixon team jettisons the Puritan Ethic appropriate to personal finance and appeals to the full-employment balanced budget and its implied actual deficit when the economy recedes.

It is another aphorism, I mean behavior equation, that a political party is in a state of grace before an election, if ever. Just as Arthur Burns in the Eisenhower days advised expansionary policies to help candidate Nixon avoid defeat in the face of the 1960 recession, we have recently been hearing of pressure from Paul McCracken on Chairman Burns of the Federal Reserve to expand the money supply beyond the magic 4 per cent straightjacket advocated by the boys from Cook County. Ironically, it was Burns back in 1954 when he held the job of economic advisor who was putting pressure—merited pressure in my opinion—on Federal Reserve chairman Martin to flood the market with liquidity.

But then why should Dr. Burns succumb to the pressure of Dr. McCracken, when Dr. Burns expects us to return to full employment some unspecified time in 1971? The Joint Economic Committee was surprised to learn of this optimistic outlook, and with good reason since other board governors of the Federal Reserve were no doubt also surprised.

Unfortunately, Arthur Burns does not have an unblemished record in forecasting full employment around the corner. In a famous Chicago speech of April, 1961, when the economic recovery was not yet three months old, Burns warned against the excessively expansionary policies of the Kennedy "gay stagnationists," putting on the line his scholarly reputation as a long time student of the American business cycle by predicting that 4 per cent full employment would be achieved in 1962. It took three more years and escalation of the Vietnam War to validate this rash forecast, and if Dr. Burns does not fare better in his present crystal-ball gazing, it will not be in the present administration that we again see unemployment below 4 per cent.

Alas, Karl Marx was right: the job makes the man. I have known three socialists who became the heads of central banks, and for two out of the three you could soon not tell the difference between them and a good burgher from Basle. The difference between a speech by William McChesney Martin, Jr., and Arthur F. Burns is evaporating day by day, a fact which probably both men will take as a compliment—which only illustrates the point I am making.

CONCLUSIONS

In this summer of 1970 the crucial issues for policy making can be briefly summarized:

1. This administration inherited an inflation that would have snowballed if some retardation had not been engineered by Washington. But when the stubbornness of the inflation and the slowness of the upturn exceeded general expectations, both fiscal and monetary gameplans should be altered in the direction of greater expansionary stimulus.

2. The major premise underlying Republican economics was dubious in prospect and has been shown to be false by experience—namely that there was some path of

short-term restraint which will purge the system of its earlier excesses and prepare the way for vigorous long-term growth with full employment and price stability in free markets. One must face up to the bitter truth that only so long as the economy is depressed are we likely to be free of inflation; once high employment is again attained, inflationary pressures will again assert themselves.

This fact has vital implications for policy. It means we ought not to try to stagnate ourselves into international balance of payments equilibrium. It argues against paying too heavy a price in terms of unemployment now in the delusory belief that this noble sacrifice will purchase lasting immunity to inflation. Finally, it means that our troubles are by no means over when that day comes when we finally have clearly turned the corner in favor of vigorous forward expansion.

VISIT OF PREMIER OF ISRAEL

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute.)

Mr. PUCINSKI. Mr. Speaker, the United States today is playing host to the premier of Israel, Golda Meir, who is coming here on a most important and historic mission. She is coming here to try to put in proper perspective the problems that face Israel today as the Soviet Union continues to drive for expansion in the Middle East. I am sure that all of our hearts and prayers go out for a fruitful meeting between Mrs. Meir and the President of the United States, the Secretary of State, and the entire American administration, for indeed, Mr. Speaker, it is most important that we Americans realize what is happening in the Middle East today. This is not just a skirmish between Israel and the Palestinian guerrillas. What we are seeing today in the Middle East is a major offensive by the Soviet Union to set up a cordon sanitaire of pro-Soviet captive nations in the Middle East which will then dominate the Middle East and the countries of Africa and that whole part of the world. So I am sure that all Americans pray that America will respond to Mrs. Meir's request for additional arms and funds. Israel today is carrying the burden of a $1.5 billion defense budget, and this is for a nation of 2.3 million people. Israel is the only country that today has the courage to stand up to Soviet aggression in the Middle East. I am sure the American people would support giving that beleaguered country all the aid that they need today. Israel has not asked for a single American soldier. They do not even want American mechanics to service the airplanes that they are buying from us. They want no American involvement in terms of personnel. All that they want is the tools with which to defend their country, and I think that the American people are in a mood to give the Israeli people what they need to stop Soviet aggression in the Middle East.

IS THE CHOICE ALREADY LIMITED TO "THE POLICEMAN'S CLUB OR THE ANARCHIST'S BOMB?"

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. WALDIE. Mr. Speaker, I include with my brief remarks a recent newsletter which I am sending to my California constituents. The senseless, vicious, and ugly terroristic attacks presently being leveled against our society and its policemen pose intolerable threats to the maintenance of our free and open system of government. I seek to discuss that threat in the following newsletter:

NEWSLETTER NO. 7, SEPTEMBER 1970

Vice President Agnew defined most clearly in a recent speech to the American Legion, a desperate choice that conceivably could be confronting the American people due to the wave of ugly and senseless violent attacks on our Society and its Institutions and Policemen.

"Confronted with a choice," the Vice President said, "the American people would choose the Policeman's club over the Anarchist's bomb." And, assuredly he is right. If we are in fact reduced to that choice by the increasing numbers of guerilla assaults on our institutions and on our police, there is no question that Americans will choose the "order and security" that result from a Totalitarian Society. That choice will be the death of a Free Society, but if bombings and assassinations can be controlled no other way a Free Society has met its death in any event.

It is that intolerable choice between two extreme evils that the madness of the radical extremists of the Left has placed before us. A measure of their dangerous insanity can be taken by a review of the violence of the past few months.

Thus far this year at least a dozen Policemen have been killed and more than 100 wounded in terrorist attacks. These attacks are characterized by guerrilla tactics—the officers have been ambushed, sniped at, boobytrapped and cold bloodedly shot down for no visible reason, such as the recent Berkeley assassination of a young policeman.

The Chief Deputy Attorney General of California, Charles O'Brien, recently reported that there had been 20 bombings a week in California, alone, for the last three months. The targets of these guerrillas appear to be any symbol of the American System, whether it be a Bank, University, a Draft Board, a Courtroom, a Police Station, or a Policeman.

The horror that took place in San Rafael this summer when a group of Black Militants invaded a courtroom and murdered the judge was later characterized by SDS leader, Tom Hayden as "one of the most important uprisings or acts of rebellion in the past 20 years."

The tendency of the Weathermen and Black Panther revolutionaries to romanticize ugly and vicious acts of violence as gestures of political protest should not be underrated. Their total acceptance of the false and dangerous philosophy that "the end justifies the means" is a measure of the real threat they pose to an orderly resolution of the desperate social problems confronting America.

The Black Panther who postures with the symbols of violence, the gun and ammunition belt, and who glories in the murder of a Policeman does the cause of racial justice no service. He seriously sets back those efforts.

Roy Wilkins, Executive Director of the NAACP, recently commented on this theme: "A racial population cannot escape its public image when some of its members kill a Policeman in Chicago, snipe at Policemen in other cities and shoot two policemen in New York . . . more rapidly than appears on the surface, the whole race is being branded by the fanaticism of the few. It is time for millions of Negro Americans to act upon the preachment of Paul to the Thessalonians . . . 'withdraw yourselves from every brother that walketh disorderly.'" I pass no judgment on the justice of what Roy Wilkins discusses, but I believe he accurately portrays the consequences.

To indicate how perilously close we may already be to the unacceptable choice of "the Policeman's club or the Anarchist bomb", the International Conference of Police Associations this July adopted a Resolution stating "we serve immediate notice that if government support is not forthcoming to stop these killings . . . we will be faced with two undesirable alternatives. All police officers represented by the International Conference of Police Associations will stand united together in all out retaliation against these senseless killings even if it is in the form of on-the-street justice against those persons, organized or otherwise, who injure or kill police officers, or we will collectively recommend to all of our representative members that they withhold their services until that necessary, definite, positive and tangible Government, Judicial and public support is forthcoming."

When the top Association of Law Enforcement officials in America threatens to revert to "on-the-street justice", the average American has a fairly clear signal of how perilously close we are to a rejection of our Free Society and its Constitutional safeguards of arrest, trial, conviction and punishment. And yet, this Association has clearly threatened to make the choice for the "Policeman's club", to which Vice President Agnew referred, because they believe the only other choice is the "Anarchist's bomb."

Is the choice then already limited to the two extremes of the "Policeman's club" or the "Anarchist's bomb?" Not in my view. To accept those choices as the only two solutions would be to accept the demise of a Free America.

I understand the Police Association in its belief that the choice is already that narrow. They are the primary targets of the Revolutionary Guerrillas. They are, in the warped minds of the Revolutionaries, the symbol of the society they so violently hate. And police have been, to our shame, too often relegated by a tax-conscious public, to inferior roles income-wise in our Society. Similarly, they bear the brunt of much of the turmoil in today's America. Not only must they uphold their customary and usual role of fighting crime, but now they must assume larger roles relating to the divisions in America between races, between students and the community, and all types of complicated and sensitive stresses and strains. Too often the Policeman is the one who receives the abuse from all and who must keep separate these contending and angry groups without involving himself as a partisan or supporter of either, and now he finds himself as a target for insane radicals. We ask much from our Policemen—and we give little.

He should know we respect his difficult role—he should know we recognize its vital importance to us—that if he performs it well, we will still survive as a Free Nation—that if he loses the will and desire to continue as a professional policeman that he can endanger this Freedom as can no other group of Americans. We really haven't told him, by voice or by action, that today his is the essential role in the constant effort to preserve and enlarge Freedom in America. Too often, he has been depicted as the instrument that jeopardizes Freedom. We can start, then, in an effort to find choices other

than the "Policeman's club or the Anarchist's bomb", by recognizing the vital and important role the Police will play in finding other choices.

We can start, also, by asserting that we believe other choices do exist and can be found. That we, as Americans, will not permit this unique Society to be destroyed by mindless advocates of violence. We can reject all apologists for individuals or organizations that countenance or engage in terroristic acts of violence against people or property. We can hope to isolate those movements from the rational community and deprive them of support, both monetary and ideological.

Although I have suggested some necessary changes in attitudes that I believe will be helpful in meeting this crisis, I also believe some specific actions are necessary. Space precludes discussion of those proposals, but I intend to devote the next Newsletter to those specifics.

Chief Justice Burger put it well: "It would be foolhardy not to be concerned about the turmoil and strife and violence we witness, much of it mindless and devoid of constructive ends. But concern must not give way to panic."

Sincerely yours,

JEROME R. WALDIE,
U.S. Congressman, 14th District.

SALUTE TO GUST STEINMANN, VOLUNTEER WEATHER OBSERVER

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. HANSEN of Idaho. Mr. Speaker, I am happy to call the attention of my colleagues to the deserved recognition recently given to one of Idaho's citizens for his long and faithful service as a volunteer weather observer. For 36 years, Gust Steinmann of Ashton, Idaho, has made and recorded daily weather observations in his community. For his service he has been selected to receive the Weather Bureau's John Campanius Holm Award. Since 1934, Steinmann has rendered a service of great value to the people of Ashton and to the Weather Bureau by observing and making an accurate record of the weather in the area.

Mr. Speaker, I include as a part of my remarks a news release describing Mr. Steinmann's service and the John Campanius Holm Award:

SALUTE TO GUST STEINMANN

WASHINGTON.—Gust Steinmann of Ashton, Idaho, a volunteer weather observer for the Weather Bureau since 1934, is one of 25 volunteer weather observers selected nationwide to receive the John Campanius Holm Awards, according to the Environmental Science Services Administration (ESSA) of the Department of Commerce.

These awards, created in 1959 by ESSA's Weather Bureau, are presented annually to honor volunteer observers for outstanding accomplishments in the field of meteorological observations. The award is named for John Campanius Holm, a Lutheran minister, who is the first person known to have taken systematic weather observations in the American colonies. In 1644 and 1645, the Reverend Holm made records of the climate without the use of instruments near the present site of Wilmington, Del.

Steinmann, a retired farmer, was recognized for outstanding and faithful service in maintaining a continual record of weather observations at Ashton since April 1934. Last year Steinmann was also the recipient of a 35-year service award pin.

The Weather Bureau has more than 12,000 volunteer observers throughout the United States who make and record daily weather observations. The information they gather is processed and published by the Environmental Data Service, another ESSA component, and is invaluable in recording the climate of the Nation. Many of these observers, like Steinmann, serve without pay.

SOCIAL RESPONSIBILITY OF BUSINESS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. CRANE. Mr. Speaker, the noted University of Chicago economist, Milton Friedman, recently delivered a lecture entitled "The Social Responsibility of Business" at a conference in Munich.

This very significant speech was subsequently reprinted in its entirety by the Chicago Tribune on September 13, 1970. So that my colleagues can share the insights of Professor Friedman, I insert the article in the CONGRESSIONAL RECORD at this point:

SOCIAL RESPONSIBILITY OF BUSINESS

(By M. Friedman)

When I hear businessmen speak eloquently about the "social responsibilities of business in a free enterprise sytem," I am reminded of the wonderful line about the Frenchman who discovered at the age of 70 that he had been speaking prose all his life.

The businessmen believe that they are defending free enterprise when they declaim that business is not concerned "merely" with profit but also with promoting desirable "social" ends; that business has a "social conscience" and takes seriously its responsibilities for providing employment, eliminating discrimination, avoiding pollution and whatever else may be the catch words of the contemporary crop of reformers.

In fact they are—or would be if they or any one else took them seriously—preaching pure and unadulterized socialism. Businessmen who talk this way are unwitting puppets of the intellectual forces that have been undermining the basis of a free society these past decades.

The discussions of the "social responsibilities of business" are notable by their analytical looseness and lack of rigor. What does it mean to say that "business" has responsibilities?

Only people can have reponsibilities. A corporation is an artificial person and in this sense may have artificial responsibilities but "business" as a whole cannot be said to have responsibilities even in this vague sense. The firt step toward clarity in examining the doctrine of the social responsibility of business is to ask precisely what it implies for whom.

Presumably the individuals who are to be responsible are businessmen, which means individual proprietors or corporate executives. Most of the discussion of social responsibility is directed at corporations, so in what follows I shall mostly neglect the individual proprietor and speak of corporate executives.

In a free enterprise private property systems, a corporate executive is an employee of the owners of the business. He has a direct responsibility to his employers.

That responsibility is to conduct the business in accordance with their desires, which generally will be to make as much money as possible while conforming to the basic rules of the society, both those embodied in law and those embodied in ethical custom.

Of course, in some cases his employers may have a different objective. A group of persons might establish a corporation for an eleemosynary purpose—for example, a hospital, or a school. In this case the manager of the corporation will not have money profit as his objective but the rendering of certain services.

In either case, the key point is that, in his capacity as a corporate executive, the manager is the agent of the private individuals who own the corporation or establish the eleemosynary institution, and this primary responsibility is to them.

Needless to say, this does not mean that it is easy to judge how well he is performing his talk. But at least the criterion of performance is straightforward, and the persons among whom a voluntary contractual arrangement exists are clearly defined.

Of course, the corporate executive is also a person in his own right. As a person, he may have many other responsibilities that he recognizes or assumes voluntarily—to his family, his conscience, his feelings of charity, his church, his clubs, his city, his country etc.

He may feel impelled by these responsibilities to devote part of his income to causes he regards as worthy, or to refuse to work for particular corporations, or even to leave his job, for exampie, to join his country's armed forces.

If we wish, we may refer to some of these responsibilities as "social responsibilities." But in these respects he is acting as a principal, not an agent; he is spending his own money or time or energy, not the money of his employers or the time or energy he has contracted to devote to their purposes. If these are "social responsibilities," they are the social responsibilities of individuals, not of business.

What does it mean to say that the corporate executive has a "social responsibility" in his capacity as businessman? If this statement is not pure rhetoric, it must mean that he is to act in some way that is not in the interest of his employers.

For example, that he is to refrain from increasing the price of the product even though that would be in the best interests of the corporation in order to contribute to the social objective of preventing inflation. Or, that he is to make expenditures in reducing pollution beyond the amount that is in the best interests of the corporation or that is required by law in order to contribute to the social objective of improving the environment. Or he is to hire "hard-core" unemployed instead of better qualified available workmen at the expense of corporate profits to contribute to the social objective of reducing poverty.

In each of these cases, the corporate executive would be spending someone else's money for a general social interest. Insofar as his actions in accord with his "social responsibility" reduce returns to stockholders, he is spending their money. Insofar as his actions raise the price to customers, he is spending the customers' money. Insofar as his actions lower the wages of some employees, he is spending their money.

In each case, the stockholders or the customers or the employees could separately spend their own money on the particular action if they wished to do so. The executive is exercising a distinct "social responsibility," rather than serving as an agent of the stockholders or the customers or the employees, only if he spends the money in a different way than they individually would have spent it.

But if he does this, he is in effect imposing taxes, on the one hand, and deciding on how the tax proceeds shall be spent, on the other.

This process raises political questions on two levels: principle, and consequences. On the level of political principle, the imposition of taxes and the expenditure of tax proceeds are governmental functions.

We have established elaborate constitutional, parliamentary, and judicial provisions to control these functions, to assure that taxes are imposed so far as possible in accordance with the preferences and desires of the public—after all, "no taxation without representation" was one of the battle cries of the American Revolution.

We have a system of checks and balances to separate the legislative function of imposing taxes and enacting expenditures from the executive function of collecting taxes and administering expenditure programs from the judicial function of mediating disputes and interpreting the law.

Here the businessman—self-selected or appointed directly or indirectly by stockholders—is to be simultaneously legislator, executive, and judiciary. He is to decide whom to tax by how much, and for what purpose, and he is to spend the proceeds—all this guided only by general exhortations from on high to restrain inflation, improve the environment, fight poverty and so on and on.

The whole justification for permitting the corporate executive to be selected by the stockholders is that the executive is an agent serving the interests of his principal. This justification disappears when the corporate executive imposes taxes and spends the proceeds for "social" purposes. He becomes in effect a public employee, a civil servant, even though he remains in name an employee of a private enterprise. On grounds of political principle, it is intolerable that such civil servants—insofar as their actions in the name of social responsibility are real and not just fraudulent window-dressing—should be selected as they now are. If they are to be civil servants, then they must be selected through a political process. If they are to impose taxes and make expenditures to foster "social" objectives, then political machinery must be set up to guide the assessment of taxes and to determine through a political process the objectives to be served.

This is the basic reason why the doctrine of "social responsibility" involves the acceptance of the socialist view that political mechanisms—not market mechanisms—are the appropriate way to determine the allocation of scarce resources to alternative uses.

On the grounds of consequences, can the corporate executive in fact discharge his alleged "social responsibilities"? On the one hand, suppose he could get away with spending the stockholders' or customers' or employees' money. How is he to know how to spend it? He is told that he must contribute to fighting inflation. How is he to know what actions of his will contribute to that end? He is presumably an expert in running his company—in producing a product or selling it or financing it. But nothing about his selection makes him an expert on inflation. Will his holding down the price of his product reduce inflationary pressure? Or, by leaving more spending power in the hands of his customers, simply divert it elsewhere? Or, by forcing him to produce less because of the lower price, will it simply contribute to shortages? Even if he could answer these questions, how much cost is he justified in imposing on his stockholders, customers, and employees for this social purpose? What is his appropriate share and what is the appropriate share of others?

And, whether he wants to or not, can he get away with spending his stockholders', customers', or employees' money? Will not the stockholders fire him? (Either the present ones or those who take over when his actions in the name of social responsibility have reduced the corporation's profits and also the price of its stock.) His customers and his employees can desert him for other producers and employers less scrupulous in exercising their social responsibilities.

This facet of "social responsibility" doctrine is brought into sharp relief when the doctrine is used to justify wage restraint by trade unions. The conflict of interest is naked and clear when union officials are asked to subordinate the interests of their members to some more general social purpose.

If the union officials try to enforce wage restraint, the consequence is likely to be wildcat strikes, rank and file revolts, and the emergence of strong competitors for their jobs. We thus have the ironic phenomenon that union leaders—at least in the U.S.—have objected to government interference with the market far more consistently and courageously than have business leaders.

The difficulty of exercising "social responsibility" illustrates, of course, the great virtue of private competitive enterprise—it forces people to be responsible for their own actions and makes it difficult for them to "exploit" other people for either selfish or unselfish purposes. They can do good—but only at their own expense.

Many a reader who has followed the argument this far may be tempted to remonstrate that it is all well and good to speak of government's having the responsibility to impose taxes and determine expenditures for such "social" purposes as controlling pollution or training the hard-core unemployed, but that the problems are too urgent to wait on the slow course of political processes, that the exercise of social responsibility by businessmen is a quicker and surer way to solve pressing current problems.

Aside from the question of fact—I share Adam Smith's skepticism about the benefits that can be expected from "those who affected to trade for the public good"—this argument must be rejected on grounds of principle.

What it amounts to is an assertion that those who favor the taxes and expenditures in question have failed to persuade a majority of their fellow citizens to be of like mind and that they are seeking to attain by undemocratic procedures what they cannot attain by Democratic procedures.

In a free society, it is hard for "good" people to do "good," but that is a small price to pay for making it hard for "evil" people to do "evil," especially since one man's good is another's evil.

I have, for simplicity, concentrated on the special case of the corporate executive, except only for the brief digression on trade unions. But precisely the same argument applies to the more recently popularized version calling upon stockholders to require corporations to exercise social responsibility (the recent much publicized GM crusade). In most of these cases, what is in effect involved is some stockholders trying to get other stockholders (or customers or employees) to contribute against their will to "social" causes favored by the activists. Insofar as they succeed, they are again imposing taxes and spending the proceeds.

The situation of the individual proprietor is somewhat different. If he acts to reduce the returns of his enterprise in order to exercise his "social responsibility," he is spending his own money, not some one else's. If he wishes to spend his money on such purposes, that is his right and I cannot see that there is any objection to his doing so.

Of course, the doctrine of social responsibility is in large part a cloak for actions that are justified on other grounds rather than a reason for those actions.

To illustrate, it may well be in the long-run interest of a corporation which is a major employer in a small community to devote resources to providing amenities to that community or to improving its government. That may make it easier to attract desired employees, for example—i.e., it may reduce its wage bill; or it may lessen losses from pilferage and sabotage; and so on.

Or it may be that, given present laws about the deductibility of charitable contributions by corporations, the stockholders can contribute more to charities they favor by having the corporation do the contributing than by doing it themselves, since they can in that way contribute an amount that would otherwise have been paid as corporate taxes.

In each of these—and many similar—cases, there is a strong temptation to rationalize these actions as an exercise of "social responsibility." In the present climate of opinion, with its widespread aversion to "capitalism," "profits," the "soul-less corporation" and so on, this is one way for a corporation to generate good-will for itself as a by-product of expenditures that are entirely justified in its own self-interest.

It would be inconsistent of me to call on corporate executives to refrain from this hypocritical window-dressing because it harms the foundations of a free society. That would be to call on them to exercise a "social responsibility"!

If our institutions, and the attitudes of the public make it in their self interest to cloak their actions in this way, I cannot summon much indignation to denounce them. At the same time, I can express admiration for those individual proprietors or owners of closely-held corporations or stockholders of more broadly held corporations who disdain such tactics as approaching fraud.

Whether blameworthy or not, the use of the cloak of social responsibility, and the drivel spoken in its name by influential and prestigious businessmen, does clearly harm the foundations of a free society.

I have been impressed time and again by the schizophrenic character of many businessmen.

They are capable of being extremely farsighted and clear-headed in matters that are internal to their own business. They are incredibly short-sighted and muddle-headed in matters that are outside their own business but affect the possible future survival of business in general. This short-sightedness is strikingly exemplified in the calls from many busnessmen for wage and price guidelines or controls or incomes policies. There is nothing that could do more in a brief period to destroy a market system and replace it by a centrally controlled system than effective governmental control of prices and wages.

The short-sightedness is exemplified equally in the speeches by businessmen on social responsibility. This may gain them kudos in the short run. But it helps to strengthen the already too prevalent view that the pursuit of profits is wicked and immoral and must be curbed and controlled by external forces. Once this view is adopted, the external forces that curb the market will not be the social conscience, however highly developed, of the pontificating executives; it will be the iron fist of government bureaucrats. Here as with price and wage controls, businessmen seem to me to reveal a suicidal impulse.

The *political* principle that underlies the market mechanism is unanimity. In an ideal free market resting on private property, no individual can coerce any other individual; all cooperation is voluntary; all parties to such cooperation benefit, or they need not participate. There are no "social" values, no "social" responsibilities in any sense other than the values and responsibilities of individuals. Society is the collection of individuals and of the various groups they voluntarily form.

The *political* principle that underlies the

political mechanism is conformity. The individual must serve a more general social interest—whether that be determined by a church, or a dictator, or a majority. The individual may have a vote and a say in what is to be done, but if he is over-ruled, he must conform. It is appropriate for some to require others to contribute to the general social purpose whether they wish to or not.

Unfortunately, unanimity is not always feasible. There are some respects in which conformity appears unavoidable, so I do not myself see how one can avoid the use of the political mechanism altogether.

But the doctrine of "social responsibility" taken seriously would extend the scope of the political mechanism to every human activity. It does not differ in philosophy from the most explicitly collectivist doctrine. It differs only by professing to believe that collectivist ends can be attained without collectivist means. That is why I have called it a "fundamentally subversive doctrine" in a free society, and have said that in such a society, "there is one and only one social responsibility of business—to use its resources and engage in activities designed to increase its profits so long as it stays within the rules of the game, which is to say, engages in open and free competition, without deception or fraud."[1]

THE LEGISLATIVE PROCESS AS IT RELATES TO PROVISION OF MENTAL HEALTH SERVICES FOR CHILDREN

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. FLOOD. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following address before the Joint Commission on Mental Health of Children, and the board of directors of the Foundation for Child Mental Welfare, Inc.:

ADDRESS BY CONGRESSMAN DANIEL J. FLOOD (PENNSYLVANIA) BEFORE THE JOINT COMMISSION ON MENTAL HEALTH OF CHILDREN, AND THE BOARD OF DIRECTORS OF THE FOUNDATION FOR CHILD MENTAL WELFARE, INC.

Dr. Lourie, ladies and gentlemen: I am delighted to have this opportunity, as chairman of the House Appropriations Labor-HEW Subcommittee, to talk informally with you today about the legislative process as it relates to provision of mental health services for children.

No one in this room has any doubts about the need for these services. With very few exceptions, communities across the United States recognize the fact that their methods of providing for the well-being of young people in the population are almost totally inadequate—certainly as they affect children who are emotionally disturbed or mentally ill.

Before I comment on the legislative opportunities and responsibilities that face us in 1970, I'd like to emphasize one extremely sobering fact. At least one whole generation of Americans has been born and has reached adulthood while we have been talking about mental health services for children.

It is therefore quite obvious that—although we have made gains through use of the legislative process at the local, State and Federal levels—our pace has been much too slow. I am sure that you have come to Washington for this briefing with the knowledge that we can no longer talk about tomorrow's children, or the children of the 21st century. We must translate talk into action to help Americans who are children of the 1970's.

The Joint Commission on the Mental Health of Children recognized this fact when it titled its report crisis in child mental health. Because of the unrest and confusions of the times, it is difficult for any of us to react effectively to the word "crisis"; we face so many crises that the impact of the word has been diffused. But in the face of all our woes, the legislative process continues to operate and we now have a foundation on which to build a nationwide program of mental health services for children—if you will.

Earlier this year, the Congress adopted the 1970 amendments to the Community Mental Health Centers Act. These amendments are now a part of the law of the land. For the first time, they establish a base for federal support to meet the mental health needs of the children within our population.

In September of 1969, following the publication of your commission's report, the National Advisory Mental Health Council unanimously recommended that the National Institute of Mental Health reorder its priorities to increase support of development of mental health services for children. In recent weeks, the Secretary of Health, Education, and Welfare has placed the highest priority of development of programs to provide for the needs of children from birth through age five.

This commitment will involve many public and private organizations and programs. It will be concerned with issues ranging from basic research to all types of education and such so social considerations as material and child care, nutrition, urban planning, environmental control, inter-group conflict, prejudice and violence.

To aid in these efforts, the Congress included in the 1970 community mental health amendments the methods to provide grants for construction, staffing, training and evaluation of programs of mental health services for children.

There is also a special requirement that providers of children's services make available a "full range of treatment, liaison, and follow-up services" for all children and their families in their respective service areas; and that, upon request, they provide consultation and education for all school personnel and other community agencies serving children.

Every one of us knows that in most communities under present conditions, disturbed children too often get lost, and fall between the cracks of jurisdictional liaison among community agencies. Therefore, the terms of the new children's services program have been established to provide for what you might call a children's ombudsman, or a children's advocate, to keep children from becoming lost among the agencies.

The 1970 Mental Health Amendments, therefore, have been designed by the Congress to provide for immediate expansion in social and preventive—as well as treatment—services.

Under the terms of this statute, staff members in community mental health programs can be the first group within a community to develop the care of the total child by communicating with every relevant agency in each community, through expert and effective consultation.

The 1970 mental health amendments provide a sound basis for federally-supported children's services. At long last, the legislative process *has* established long-term ground rules which—on the basis of discrete experience within communities—can meet our objectives.

However, congressional action is only one part of a legislative process which has become more and more complex as each national need competes for Federal support.

An affirmative vote is only part of the victory. That victory must be implemented by the appropriation of funds. And the methods by which any appropriation is distributed are adopted as the result of compromise among many factors and many variables.

In relation to our development of mental health services for children, we now face a resolution of the problems of support.

I think we can all agree that the community mental health centers support program has been accepted as the principal and best vehicle to insure development of children's services. We have not as yet agreed on the amount of funds to be appropriated; neither has there been agreement on the *kind* of grants program which will be made available to the States and communities.

Certainly, legislation is implemented by the appropriation of funds. But I would like to suggest that the separation of the legislative and appropriation procedures is artificial. We are dealing with something larger than a specific statute and a specific appropriation. We are concerned with every component of a process to assemble and increase the Nation's resources and channel them into children's mental health service programs that provide real help to living children.

This is easy to say; it is not so easy to establish the mechanisms to achieve the goal.

Let's take a look at our specific problems. As adopted by the Congress, the Mental Health Amendments of 1970 provide for the establishment of a new grants program for children's services. This grants mechanism is identical to provisions adopted earlier for community programs to control abuse of alcohol, narcotics and other drugs—however, the administration has stated that a new program of categorical grants runs counter to current efforts to simplify and coordinate the Federal grants programs.

I would like to remind you that advocates of categorical grants and advocates of block or program grants have been debating the relative merits of each for years. At times, the Congress and the administration reach agreement; at other times, they switch sides.

You will remember one of the most dramatic examples of this debate, if you think back to the 1950's, when the advent of the tranquilizers and other psychoactive drugs captured the interest and imagination of the American public, and citizen advocates went all out in demands that the Congress implement a crash program in search of a "magic pill."

At that time, the National Institute of Mental Health favored a block appropriation for research; the Congress eventually approved a program of earmarked funds for specific categories of research, and the administration concurred.

Once the basic rules were handed down, the NIMH went to work under its directives to achieve a period of major breakthroughs in the control and treatment of mental illness through the use of drugs.

I submit that the situation confronting us in terms of support of children's mental health services is analogous—at least in part—to the 1950's debate over support of drug research. There are, however, some striking differences.

In the 1950's the Federal Government embarked on a massive support program in medical and health related research. There was, of course, during those years, the never-ending competition for the Federal dollar. But the competition—in 1970—has become much more evident and much more difficult to resolve.

The reasons are many and there is no time to review the whole laundry list of

---

[1] M. Friedman, *Capitalism and Freedom* (University of Chicago Press, 1962), p. 133.

needs and deeds. The fact of the matter is that the administration has established a pattern of fiscal restraints affecting all Federal funding. Any support program for children's mental health services must be responsive to those constraints. And the degree of response must be worked out—in relation to each and every support program—between the Congress and the budgetary officials of the administration.

Everyone concerned could dig in his heels and go on stubbornly advocating one or another favorite method of providing support. If this happens, funds appropriated for children's mental health services will probably remain right where they are now—which is a total of zero dollars. It matters far less whether grant support is administered through a separate category for children's services, or whether the appropriation is made in support of the basic community mental health centers funding program, in either instance, it will be possible at least to begin to provide actual services.

I would like to repeat that our concern is to pull together every available resource. That is our primary purpose and we must not lose sight of it. In utilizing the legislative process to achieve our purpose, the need is so great that we must afford to be flexible. We can assemble resources through legislation, or appropriation or through a hybrid process. None of us, in the face of the need, has the right to be doctrinaire about methodology when it relates to the well-being of our youngsters.

And this brings me to one more comment in conclusion. We are all keenly aware that we have no national system for providing health care to the population. We are now in the painful process of recognizing that fact—out loud—and putting forward various proposals to improve the delivery of health care.

Central to all our discussions is the ever-present problem of the sharing of support by the Federal Government, the States, the city and community governments and the private sector. Since 1963, when the Community Mental Health Centers Act was originally adopted, the mental health community—professional and concerned citizens alike—have demonstrated a substantial degree of success in identifying and bringing into play a wide variety of resources. They range from the use of volunteer manpower to the commitment of sizable amounts of money.

Therefore, it seems to me, we can now focus our demonstrated abilities to assemble a mental health working partnership on the needs of children. And more to the point, we who are now in positions of responsibility have no valid excuse to demur over details of method.

The establishment of children's mental health services is a do-it-yourself program for *our* generation. Legislative processes today have their faults; but when adversaries become joint advocates, the process works. Representative government is based on legislative process; what we must remember is that we, as adults, must repersent our children. And in terms of their mental health, any talk about a generation gap is just so much twaddle, until our generation puts into practice the services we already know how to provide.

WOMEN'S EQUALITY ACT OF 1970

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. MIKVA. Mr. Speaker, on June 30 of this year I introduced, with five cosponsors, H.R. 18278, the Women's Equality Act of 1970, which was referred to the Committee on the Judiciary on which I have the privilege to serve. The purpose of that bill was to carry out legislative recommendations of President Nixon's Task Force on Women's Rights and Responsibilities.

In one respect the Women's Equality Act goes beyond the Task Force recommendations by applying the protections of the Federal Fair Housing Act—title VIII of the 1968 Civil Rights Act—to women seeking to buy, rent, or finance housing.

Today on behalf of myself and 15 additional Members, I am reintroducing the Women's Equality Act of 1970. In addition to those five Members who joined me in cosponsoring H.R. 18278—Mrs. HANSEN of Washington, Mr. JACOBS, Mr. KOCH, Mrs. MINK, and Mr. SYMINGTON—the following Members are now cosponsoring this important legislation:

Mr. BROWN of California, Mr. EILBERG, Mr. HALPERN, Mr. HARRINGTON, Mr. HECHLER, Mr. HELSTOSKI, Mr. MATSUNGA, Mr. NICHOLS, Mr. O'HARA, Mr. OTTINGER, Mr. PODELL, Mr. ROSENTHAL, Mr. ROYBAL, Mrs. SULLIVAN, and Mrs. CHISHOLM.

I should point out, Mr. Speaker, that passage by this House of House Joint Resolution 264—equal rights for women constitutional amendment—on August 10 of this year does not lessen the urgency of statutory measures on the subject of women's rights. In the first place, there is now some doubt whether the other body will be willing to act during the remainder of this Congress on House Joint Resolution 264. In another sense, moreover, passage of a constitutional amendment to provide equal rights to women actually increases the urgency of statutory action. Even if the amendment is passed by the Senate this year and quickly ratified. it will raise complex legal questions concerning existing Federal and State laws which treat men and women differently. These problems will take years to resolve through litigation and might render the promise of the equal rights for women amendment illusory for at least a decade.

More important, the equal rights for women amendment prohibits only official discrimination by governments. The Women's Equality Act, like existing civil rights laws, prohibits private discrimination in the important areas of housing and access to public accommodations, and expands the protections of Federal equal employment opportunity law.

I might take 1 additional minute, Mr. Speaker, to clarify a point which has been raised by a number of my colleagues. During the debate in the other body on the potential effects of the equal rights for women constitutional amendment, some opponents of that measure have raised objections that the amendment will require the abolition of separate restroom facilities for men and women in public buildings. Some Members of this House have raised similar doubts about those provisions of the Women's Equality Act which authorize the Attorney General to intervene in cases of public importance to eliminate sex discrimination in public facilities.

It is, of course, an old high-school debating trick to demean an idea by dreaming up ridiculous consequences. Those who play the "reductio ad absurdem" game ought to at least look at the work of the statute before they shoot. I find myself doubtful that any court will hold that separate restroom facilities for men and women constitute a denial of "equality of rights under the law," to use the words of the amendment. No one, insofar as I am aware, has ever argued that separate men's and women's restrooms are provided to deny either sex any right at all. They are provided, obviously enough, for the convenience of both sexes.

In the case of the Women's Equality Act, the bill authorizes the Attorney General to intervene in important suits where sex discrimination has occurred in public facilities, but only, and I emphasize only, when a court has found that such discrimination has deprived the victim of "equal protection of the laws." The "equal protection of the laws" standard, we all recognize, is taken from section 1 of the 14th amendment. To my knowledge, no court has ever held—nor is any court likely to—that separate restroom facilities for men and women deny to either sex "equal protection of the laws." The section, in short, creates a new and additional remedy, but not a new right. Critics of women's equality measures ought to be able to find something more substantive to say than the specious argument that all restrooms are going to become coeducational.

At this point I include a brief summary of the provisions of the Women's Equality Act of 1970:

WOMEN'S EQUALITY ACT OF 1970

Women's Equality Act of 1970 (H.R. 18278) implements the recommendation of the Presidential Task Force on Women's Rights and Responsibilities ("A Matter of Simple Justice"), April 1970, by—

1. amending title II of the Civil Rights Act of 1964 to add sex as a prohibited basis for denying equal enjoyment of the "goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation" as defined in the Act;

2. authorizing the Attorney General to bring suits to end sex discrimination in public facilities and in public education;

3. enlarging the jurisdiction of the U.S. Commission on Civil Rights to include discrimination based on sex;

4. amending title VI of the Civil Rights Act of 1964 to prohibit sex discrimination among the beneficiaries of any federal program;

5. amending the federal fair housing statute (title VIII of the 1968 civil rights act) to prohibit sex discrimination in the rental, sale, or financing of housing;

6. prohibiting intimidation of any citizen because of exercise of rights against sex discrimination;

7. amending the federal Fair Labor Standards Act to apply its equal pay provisions to women in executive, administrative and professional positions;

8. authorizing grants by the Secretary of HEW to State Commissions on the Status of Women;

9. requiring legislative recommendations from the Secretary of HEW to equalize treatment of men and women (a) as dependents and survivors of social security beneficiaries, (b) as recipients of child care services under the Family Assistance Act, and (c) as taxpayers under the Internal Revenue Code;

10. requiring the Commissioner of Education to conduct a nationwide survey of denials of educational opportunity to women and submit to Congress legislative recommendations to eliminate such denials; and

11. amending the Equal Employment Opportunity title of the Civil Rights Act of 1964 to (a) covering hiring by State and local governments, (b) remove the exemption of educational institutions in hiring instructional employees, and (c) empower the Equal Employment Opportunity Commission to issue cease-and-desist orders.

POPULATION AND POLLUTION

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. ZWACH. Mr. Speaker, many people are vitally concerned with our rising population growth here in America.

They believe this growth is an environmental problem and urge "zero population growth" as the solution.

Mr. Speaker, with your permission, I would like to commend to you, to my colleagues, and to all of those who read the CONGRESSIONAL RECORD, an editorial, "Population and Pollution," which appeared recently in the St. Cloud Visitor.

The editorial follows:

POPULATION AND POLLUTION

An increasing number of Americans are concerned over the pollution of our air and water and the needless waste of our natural resources. Advocates of population control are using this concern as a means to stampede us into a policy of "zero population growth." They claim that our environment and our survival are being threatened by a "population explosion."

The population explosion in the United States is a myth. During 1959, U.S. population was growing at a modest rate of 1.8 percent per year. By 1969, this rate had fallen to 1 percent per year. The United States with its vast agricultural and industrial productivity, has a population density which is ⅛th that of water-logged Holland and 1/7th that of mountainous Switzerland.

Furthermore, there is no evidence to support the assumption that moderately growing population causes pollution and waste of resources. Pollution and waste is the result of greed, materialism and expediency. Today, the United States has 6 percent of the world's population but causes 50 percent of the world's pollution.

People can cause pollution; but properly motivated, people can cure pollution. Those who demand severe reduction of the birth rate in the United States as a remedy for pollution are actually doing a disservice to the cause of conservation. They are distracting our attention from the real cause of our problem, namely, our lack of a true spirit of stewardship. If we adopt such a policy, our nation could support many times its present population. If we continue to act in a greedy, irresponsible way, even half of our present population will quickly make our environment uninhabitable.

It is true that some natural resources, such as petroleum, are unrenewable. When such a resource is exhausted, the number of people in our nation will not be so important as their ability to develop alternate resources; for example, to replace petroleum with atomic power as a source of energy.

It is also important to note that most natural resources renew themselves. Properly conserved, they will never be exhausted. Moreover, when the proper interaction among the earth's plants, animals and resources is maintained, one species' wastes becomes the other species' support; for example, plants need the carbon dioxide generated by animals and animals need oxygen released by plants; and the decaying remains of one generation of plants and animals becomes the nourishment of the next generation.

The ideal role for mankind in this intricate "web of life" is not to abstain from using plants, animals and natural resources; rather, it is to use them intelligently and responsibly. For example, a well tended farm with landscaping and properly tilled fields is more beautiful than untended land covered with a mixture of weeds and trees; a properly managed forest is much more productive, much less susceptible to forest fires than a forest in its wild state.

Let us return to the alleged "population explosion" in the United States. The distribution of population in our nation is a greater problem than the absolute number of people. Presently, 70 percent of our population is crowded onto 2 percent of our land. During the past 8 years, one out of three counties in the United States lost population. Thus, in these hundreds of counties there is a population problem; but the problem is too few, not too many people. A most constructive step, therefore, would be organized efforts to restore a more rational rural-urban population balance in our nation.

Equally serious is mal-distribution of wealth in the United States. If our great production of goods and services was more equitably shared by our citizens, we could comfortably support a much larger population. A crisis mentality over an alleged "population explosion" will only distract us from the more urgent task of observing interracial and social justice. The nation's poor have good cause to be fearful that the net result of the "zero population" push will be a worsening of their already tragic condition.

Let us now direct our attention to the most serious objection to the present campaign for zero population growth. This is a campaign against the existence of children, many millions of them. The argument is that, since someday we shall lack enough room, food and other necessities for our people, in the meanwhile, millions of wanted children should be denied the opportunity to live and eventually to enjoy eternal life. This is too great a price to pay, particularly when, as indicated above, the evidence offered for taking this desperate step is so flimsy. On the other hand, correcting the waste of resources and the mal-distribution of population and of wealth would bring about only good and morally desirable results.

It is true that some developing nations have resources so limited and populations growing so rapidly that a reduction of their population growth rate is urgently needed. However, even in these cases, proper care must be taken to employ only morally, medically and culturally acceptable means to limit conception.

The fundamental lesson to be derived from a study of ecology is the folly of disregarding the laws of nature and the delicate interrelationships between mankind and nature. The true cause of our environmental crisis is our repeated resorting to unprincipled, short-range, expedient methods for accomplishing material, selfish goals. The same expediency is now being employed by the advocates of contraception, resulting in an erosion of the morality, health and esthetic values of our people. It is ironic when the same person demands that we avoid polluting our rivers and urges women to pollute their blood streams with powerful drugs contained in contraceptive pills.

There is an urgent need for a broadly based means of population control which will be in harmony with the whole human personality, and with fundamental moral, social, esthetic and cultural needs of mankind. When such means are developed there will be little resistance to their adoption by those who need and want population control.

Concern for our environment is a great cause. It is reprehensible that population control advocates have decided to "use" it in a highly illogical manner to support proposals completely contradictory to the true implications of ecology. Such a tactic should be vigorously rejected so that sincere people can get on with their important task.

COMPREHENSIVE HEALTH PLANNING IN SOUTHERN CALIFORNIA

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. SCHMITZ. Mr. Speaker, on August 11, when this House voted to approve H.R. 18110, the Comprehensive Health Planning and Services Act of 1970, I called attention to one of a series of reports in the Santa Ana, Calif., Register showing how comprehensive health planning is actually working in southern California. My experience with comprehensive health planning over the past 2 years, since the bill giving the power of legal compulsion to local Comprehensive Health Planning Associations was first introduced in the California State Legislature early in 1969, has made me vividly aware of its dangers and potential for abuse. Therefore, I submit the entire series of articles in the Santa Ana Register on comprehensive health planning in Orange County, Calif.—with the exception of the article already printed in the RECORD for August 11—together with a subsequent very significant news story on the same subject, for what I hope will be very careful review and consideration:

CHPA HOLDS COUNTY MEDICAL CARE SERVICE IN TIGHT GRIP

(By Bill Gagnon)

SANTA ANA.—Unless its power thrust is halted, the Comprehensive Health Planning Association (CHPA) poses a death threat to freedom of choice in health care services in Orange County.

CHPA, created by federal and state legislation, has seized control of hospital planning and construction. And it is axiomatic among those in the health care field that he who controls the hospitals, ultimately controls the practice of medicine.

Powers vested in the 184-member CHPA allow it to:

Cut off all sources of state and federal funds such as Hill-Harris and FHA construction loans, Medicaire, Medi-Cal, HEW, HUD, and the like, to any hospital, or proposed hospital, failing to receive CHPA endorsement.

Effectively reduce to a minimum private funding opportunities to those not approved and thus classified "poor loan risks."

Jeopardize negotiations of a rejected applicant to obtain Blue Cross-Blue Shield health insurance program recognition.

Prevent an unendorsed health care facility from obtaining a State Health Department or Mental Hygiene Department license.

Block any proposed license change status for an existing health care facility that has not received the CHPA's blessing.

In Orange County, the power of local health planners is beginning to surface with a devastating effect.

Wielding economic reprisal against anyone in its way, the so-called "voluntary" CHPA appears bent on smashing the free enterprise system in hospital care in its bid for control.

Its abuse of authority threatens to undermine and destroy long-established and highly respected hospitals not in its favor without regard for potentially dire consequences to the community and staggering financial loss to those involved.

The awesome power given this small pressure group of amateurs and a few professionals from the area allows it to dictate to hospitals and proposed hospitals:

The kind and type of equipment they can or cannot have.

What kind of medical services they may or may not offer.

Medical services they are required to provide indigents without regard for payment on demand.

When they may or may not build a new facility.

When they may or may not relocate an existing facility.

When they may or if they may remodel or expand their current facility.

The number and types of patient beds they may have.

This nightmare to the health care field had its beginning in 1966 with the enactment of Public Law 89–749 by the 89th Congress which went into effect July 1, 1967.

It required individual states to establish so-called health planning councils for the distribution of federal tax funds allocated to the states by the U.S. Surgeon General's Office.

In California, the council was created to operate in conjunction with the State Public Health Mental Hygiene departments.

Under AB–1340, passed by the legislature last year, "voluntary" regional—or area-wide—health planning agencies (councils) were established to oversee the construction, expansion or alteration of local hospitals.

While not having veto power, these agencies are permitted to "recommend" to the State Public Health and Mental Hygiene Departments, approval or its disapproval of proposals for the building of new hospitals or the expansion of existing facilities.

Regional councils are non-profit corporations made up of a group of counties on a board of directors comprised of "representatives of the public, local government and medical groups."

Each county belonging to the federation forms its own "voluntary" non-profit corporation under state and federal guidelines and is delegated the same powers of the regional council which include:

Review information on the current utilization of hospitals and related health facilities in its area.

Develop "guidelines" for community needs as to hospitals and health facilities.

Conduct public hearings for members of the health profession and the public to "discuss" medical needs in local areas.

Review any application for expansion, construction or alteration of hospitals or related medical facilities (extended care nursing, convalescent homes and the like.)

Recommend "action" on individual proposals in accordance with Health Planning Council procedures, including public hearings, admission of written or oral evidence along with cross examination of witnesses.

File a "written finding and recommendation" with the State Health and Mental Hygiene departments.

Technically, the Orange County CHPA is responsible to the Southern California Regional Health Planning Council headquartered in Los Angeles.

But this maverick group circumvents the regional council and, in most instances, actually functions as an autonomous entity.

Counties belonging to this federation, in addition to Orange, are Los Angeles, Riverside, San Bernardino, Ventura, Santa Barbara, Mono and Inyo.

A "grandfather" clause in the law provides that anyone who, prior to Jan. 1, 1970, obtained state certification of intent to construct a new health care facility; or to relocate, change, alter or expand an existing one, is not required to have CHPA endorsement to commence such projects.

However, the economic sanction threat prevails for those proceeding with such plans invoking the grandfather clause without CHPA approval.

Also, the law provides that any proposal to construct a new health care facility after the Jan. 1 deadline is required to have CHPA endorsement to qualify for a State Health and Mental Hygiene department license.

Non-endorsement by the CHPA of such a proposal is tantamount to denial of the state license necessary to operate such a facility.

The concept in creating such agencies was to involve the public to the greatest extent possible in working with professionals to upgrade medical services and reduce its cost.

Unfortunately—by intent or accident—lawmakers failed to recognize certain inherent dangers in its makeup which pose a serious threat to one and all.

Recent events indicate that the very concept on which health planning was founded, ironically, is having a reverse effect with the public being denied its constitutional right to freedom of choice.

Other glaringly apparent weaknesses and pitfalls of this system are:

The failure of legislators to "buildin" adequate safeguards and controls into the law to prevent a wanton abuse of authority—especially on the local level—and manipulation of well-meaning persons by self-serving special interest groups or individuals with ulterior motives.

Little or no supervisory surveillance by state and federal authorities over the actions of local groups to assure high standards of conduct and fair and impartial treatment for all.

Investiture of quasi-judicial powers in local subcommittees comprised of individuals with little or no expertise in the law and without proper legal counsel to guide them.

(While an approved hearing officer and a certified court reporter are employed by the Orange County CHPA when conducting project reviews, this does little or nothing to assure applicants being afforded protection from ridicule, embarrassment, browbeating and other forms of harassment by bullying committee members.

Employing non-professional and unqualified personnel to analyze and evaluate hospital facilities, needs and equipment.

Failure to recognize and meet the lack of medical services and equipment which are of vital necessity to the public.

These and many other deficiencies in this new health care planning process depict ominous warnings of serious consequences to the public in the near future.

PAYERS OF FEES, CONTRIBUTORS GAIN APPROVAL FOR PROJECTS

(By Bill Gagnon)

SANTA ANA.—At least three different schemes are employed by the local Comprehensive Health Planning Association (CHPA) to have others pick up the tab for its operations.

They include:

Feasting in the federal and county trough at taxpayer expense.

Arbitrarily forcing applicants to pay high fees for proposed hospital or other health care facility project reviews.

"Encouraging" so-called "voluntary" cash handouts from area hospitals dependent upon its approval for survival.

During its first fiscal year which ended March 31, the local CHPA's official financial summary reflects a $58,053.27 income, which includes $39,500 in federal funds.

Another $10,741 from the pockets of Orange County taxpayers in the form of "in-kind" contributions allocated by generous county supervisors also is included.

While federal rules restrict CHPA second year budgets to a 25 per cent maximum increase over the previous year, this has not deterred the local group from seeking a whopping $187,000 total this year.

A spokesman for the group said this is being done by submitting two grant applications, one for more than $100,000 and another for the balance of the total funds sought.

He said half of the total amount will be provided by the federal government and the remainder will come "from the community"—in both cases, the taxpayers.

Most of this impressive fund request is for an elaborate computer system for the CHPA's health information services subcommittee whose chairman is the director of computer facilities and information service at UCI.

Interestingly, this 17-member committee is composed of:

One part-time UCI faculty member.

Four full-time UCI faculty members.

Three officials of a local hospital closely associated with UCI.

And, of course, to operate such a complex system would require the hiring of additional CHPA salaried staff members such as a high-priced computer programmer, data systems technicians and a clerk-typist.

The financial report also disclosed that with local CHPA themselves $10-per-patient-bed and "contributed" $4,635 to the "encouragement," four area hospitals "voluntarily" assessed health planners.

Recently, at least two of these "voluntary contributors" appeared before the CHPA's health facilities and service subcommittee to submit progress reports and seek re-endorsement of previously approved construction and expansion projects.

Both received the subcommittee's blessing to continue with their proposed projects.

But neither local or regional health planning officials see anything wrong in accepting funds from institutions under their control.

"After all," said DeWitt Bishop, executive director of the regional health planning council in Los Angeles, "when you need money you go to your friends."

Any hosptial or proposed health care facility is required by law to submit plans for construction, expansion, alteration, relocation or license change status to the CHPA's all-powerful health facilities and services subcommittee for approval.

Eligibility for an applicant to receive state or federal funds from any source such as Hill-Harris and FHA construction loans, Medi-Cal, Medicare, HEW and HUD, is contingent upon the subcommittee's endorsement of his proposal.

An applicant submitting a proposal for a new health care facility after Jan. 1, 1970, and denied endorsement by the committee, automatically is barred from receiving a State Health Department or Mental Hygiene Department license.

One of the CHPA's review gimmicks is that state and federal guidelines permit local health planners to charge applicants a $350 filing fee plus one per cent of the total gross cost of the project up to a $2,000 maximum for the hearing.

But no portion of the $2,000 fee is refundable, even if the applicant's proposal fails to win CHPA endorsement.

Local planners also are given authority to waive such fees at their discretion, leaving the door wide open to preferential treatment for certain favored individuals or groups.

John M. Rau, health facilities subcommittee chairman, reported at the CHPA's annual meeting May 15 that his committee during its first year reviewed plans for eight acute (general) hospitals and approved six for construction.

He reported they also reviewed and approved one hospital license change; received a "number" of existing facilities for re-endorsement, and conducted two Hill-Harris "priority" reviews.

However, in the CHPA's financial summary only one $350 hearing fee during the fiscal year is recorded.

This discrepancy was explained by John Traband, CHPA executive director, who said local health planners did not receive authorization from the state to charge fees for such hearings until the latter part of June.

Prior to this time, said Traband, such reviews were conducted by the CHPA as part of the duties it assumed in taking over the functions of the now defunct Hospital Planning Association of Orange County (HPA).

The HPA, he said, was funded with voluntary donations from various hospitals which sought its assistance and advice in construction, expansion, relocation and alteration planning.

The single $350 fee recorded was brushed off by Traband as "possibly an advance fee" paid by an applicant scheduled to appear before the CHPA for review later this year.

An applicant failing to secure local CHPA approval of his proposal is permitted to appeal its decision to the regional council after depositing a $500 "appeal fee."

Guidelines provide that any unused portion of this fee may be refunded to the applicant should the cost of handling the appeal be less than the amount on deposit.

In addition to the regular fees, an applicant initiating an appeal also is faced with more expense in purchasing a certified copy of the official hearing transcript which costs several hundred dollars, plus retaining legal counsel.

Ironically, the local CHPA, apparently by pre-arrangement with the official hearings reporter, is provided without charge a copy of the transcript ordered and paid for by the appellant.

And so, for the unfortunate applicant that runs afoul of the powerful tax-supported CHPA, the financial costs go on and on.

CHPA's "Professional" Staff Endangers Hospitals

(By Bill Gagnon)

Santa Ana.—The apparent inability of the Comprehensive Health Planning Association (CHPA) here to recognize the value of certain life-saving medical services and equipment reflects its potential danger to the public.

In tampering with the quality and quantity of health care, the CHPA is basing its discriminatory decisions sometimes on erroneous staff reports.

For example, in a recent "analysis" of proposed services and equipment planned by a local hospital, the CHPA "professional" staff:

Downgraded the use of renal-dialysis treatment to prolong and sustain the lives of chronic kidney failure victims because of its "excessive" cost.

Suggested cobalt therapy service be delegated to another area hospital which, the report implied, has "better" equipment and "trained" personnel for this purpose.

Questioned the "expertise" of highly respected and eminently qualified open heart surgical teams in performing such intricate life-saving operations.

Reported erroneous figures pertaining to the projected need of patient beds.

Implied a lack of need for a specialized burn treatment unit at the new proposed health care facility.

In renal—or "Hemo"—dialysis, an artificial kidney machine is used to filter out wastes from the blood which are detrimental to the health of human beings.

Without the availability of this treatment, chronic kidney failure victims—some of whom are awaiting kidney transplant surgery—are doomed, unless a medical breakthrough occurs to save their lives.

The CHPA staff report recognized that the cost of a renal dialysis machine is not "prohibitive" and, as an acute measure, this service is justified prior to renal transplant.

It also recognized the value of such treatment in saving lives in other instances, but noted a specially trained nurse is required to be in attendance as long as the machine is on a patient.

The report continued:

"Dialyzing a patient on a chronic basis means the machine is on the patient as long as he lives, for once the body gets used to the machine, the body cannot function without it.

(Chronic kidney failure patients are dialized on the average of two to three times a week according to need, not constantly.)

"To put a patient on a dialyzing machine continuously costs $20,000 to $25,000 (and) $25,000 per year is considered by most patients prohibitive to spend each year for medical treatment; consequently most hospitals do not consider it to be standard medical practice to use dialysis treatment on a chronic basis."

(Again, the report fails to note that many health insurance plans and the state Medi-Cal program frequently pay for such treatment for kidney failure patients. In addition, assistance is available from other sources.)

But even more astounding in the staff report is a revelation that Orange County Medical Center (OCMC)—a tax-supported county hospital—"reserves the usage of its dialysis machine for only acute, life-saving measures. They do not use the machine for chronic cases."

It is, indeed, difficult to understand why the lives of chronic kidney failure victims are unnecessarily jeopardized by denial of use of taxpayer-owned equipment.

At least two of the four dialysis machines at OCMC were donated by the now-defunct Orange-Riverside Kidney Foundation, Inc., to the county facility for use in the UCI College of Medicine hemo-dialysis section which also is subsidized by the taxpayer.

No reference is made in the staff report to the 1,900 persons in California—about 150 of them in Orange County—who are in critical need of dialysis treatment.

Nor does it mention estimates supplied by the Artificial Kidney Foundation, Inc., of Southern California, of the 7,800,000 unfortunate victims nationwide who suffer from various types of kidney disease—9,000 of whom die each year because dialysis is not available to them.

Also neglected in the staff report is the fact that only five dialysis machines are available to chronic kidney victims in Orange County—all of them located at Palm Harbor General Hospital in Garden Grove.

The extent of unreliable information contained in the report is readily apparent by its failure to document the basis of its findings and also its failure to report the foregoing facts:

The hospital in question now, and has since 1964, provided cobalt therapy services at its radiology department which was installed in 1964—a year prior to the hospital "suggested" in the report—and under the supervision of highly trained experts.

It has operated a burn treatment unit for several years at no extra cost to patients which is in direct contrast to fees charged at OCMC for similar services.

Its open heart surgical teams are rated by other medical authorities as among the best and have established an enviable mortality rate considerably better than the national average.

It is the oldest and one of the most respected hospitals in Orange County and, indeed, in Southern California.

These and many other facts invalidate the report submitted by the CHPA staff.

As reported earlier, the concept for the creation and implementation of comprehensive health planning allegedly was to involve the public to the greatest extent possible in upgrading medical services and reducing costs.

It would seem that the limited availability and unreasonable cost of dialysis as opposed to its great need would in itself be a primary target for aggressive action by health planners to correct these deficiencies.

Yet, just the opposite is indicated in the staff analysis which smacks of a callous disregard for lives of these unfortunate victims of this fatal illness.

Consider, now, the "qualifications" and background of the local CHPA staff as given by John Traband, its executive director:

Traband: Holds master's degrees in public and business administration; all his work experience was in the aerospace industry before obtaining his present position less than a year ago. Annual salary, $20,000.

Miss Laurie Schneider: A registered nurse, holds a master's degree in public health and is a "health educator" for the Orange County Health Department on loan full-time—at tax-payer expense—to the local CHPA as an "information and research analyst."

"Miss Karen Anderson: A reported UCI graduate listed by Traband as a "systems analyst" with some studies in sociology.

Fred Smith: A former member of the San Diego Chargers football team; attended New Mexico State College for two and one-half years; his principal duty, according to Traband, is "interface with the minority community."

Mrs. Gwen Ferguson: A Fullerton housewife; holds journalism and law degrees; recently resigned from the CHPA board of directors to accept a paid staff position as "consumer counselor" and public information and education coordinator.

Mary Poggi, $15,000-a-year office manager.

A female clerk-typist.

These, then, are the individuals charged with the responsibility of conducting "expert" evaluations and analyses of hospital facilities and needs; critiques of surgical techiques and personnel, and judgments involving complex and highly sophisticated medical equipment.

And based on their reports and recommendations the future operations of long-established and highly respected hospitals hang in balance.

While the CHPA power structure is well aware of deficiencies, apparently little or nothing is being done to correct them.

Suspended Foundation Listed "Fund Source"

Santa Ana.—A non-profit foundation—suspended for noncompliance of state law—is listed as a "fund source" in a $1-million grant proposal filed by the Comprehensive Health Planning Association here.

In its application to regional officials for a $517,100 five-year grant, the CHPA—which is required to show its source of matching funds—listed the Rau Foundation as a $1,000 donor.

John M. Rau, chairman of the CHPA's powerful—and feared—health facilities and services committee, is president of the Rau Foundation at 2202 S. Wright St.

Rau also is president of David Industries, a small electronics firm at that address, which is incorporated in Nevada and formerly was

registered in California as a foreign (out-of-state) corporation.

However, records on file in Sacramento disclosed that David Industries was suspended April 1, 1970, by the Franchise Tax Board and the Secretary of State for alleged tax irregularities.

The suspension order still in effect prohibits David Industries, as a corporation, from engaging in business intrastate here in California.

Although David Industries is, in fact, located at 2202 S. Wright St., corporate records and other documents on file at Sacramento; Carson City, Nevada, and Springfield, Ill., list its address and that of Rau as 2208 S. Wright St.

The 2208 S. Wright St., address, located in the same building as David Industries, is occupied by Financial Engineering Data Corp., which, according to state officials, also was suspended April 1, 1970, for tax irregularities.

Ephraim J. Hirsch, a Los Angeles attorney and listed as one of the firm's original incorporators on March 19, 1968, refused to disclose the identities of its officers.

A spokesman for the Santa Ana city finance office said a business license was issued to Financial Engineering Data Corp., which lists a Lee Pendleton as president; Cory Visser of 3540 Woodruff Ave., Long Beach, vice president, and a Linda Leydekkers, secretary-treasurer.

No addresses are listed for Pendleton or Leydekkers, he added.

Official state records also revealed that the Rau Foundation was stripped of its tax-exempt, non-profit corporation status on Nov. 27, 1967, by the Franchise Tax Board for failure to submit annual financial statements required by law to the State Registry of Charitable Trusts.

The foundation—on that same date—also was removed from corporation files maintained by the Secretary of State and placed on an inactive status following the suspension of its tax exemption certificate.

On June 30, 1968, Rau filed with the state the foundation's delinquent financial reports for its 1966, 1967 and 1968 fiscal years.

But the foundation's suspension remains in effect due to Rau's failure to submit information requested by the attorney general's office concerning a $47,910 loan receivable listed among its assets in its 1967–68 fiscal year report.

It lists the foundation's net worth for that year at $48,201, and of which only $291 is shown in cash with the mysterious loan receivable making up the balance.

It also shows interest income of $3,130; expenditures of $777 for administration, management and miscellaneous; and a total of $2,871.40 in charitable contributions made during that fiscal year.

Still unanswered at this time is a letter from the attorney general's office sent to Rau on July 18, 1969, concerning the $17,910 loan receivable, which requested:

Name of payor.

Date of note and original amount.

Maturity date and present balance.

Rate of interest and terms of repayment.

Type of security.

A list of present officers and directors (of the foundation) with their addresses.

A copy of the will showing the terms and provisions of the "testamentary trust of M. L. and Cora K. Rau."

Repeated warnings sent to Rau by the attorney general's office citing a $100 minimum tax-plus-interest-per-year penalty, in addition to suspension of the foundation's tax exempt status for non-compliance, have been to no avail.

With the loss of its non-profit corporation status the Rau Foundation's income has become taxable and all donations to it are no longer tax deductible by the donors, a state tax official said.

The Rau Foundation's financial reports for its 1962 through 1968 fiscal years, on file with the Registry of Charitable Trusts, reflect contributions totaling $57,731 to various organizations.

Among the recipients listed is the South Coast Child Guidance Clinic, also known as the Child Guidance Center of Orange County, at 171 E. 18th St., Costa Mesa, which received a whopping $13,855.50, according to the records.

But officials at the clinic—which also is a non-profit corporation supported by public and private donations—refused comment on whether or not the Rau Foundation is known to them.

Later, the reason for their reluctance became apparent when confirmation was received that John M. Rau, in fact, is treasurer of the South Coast Child Guidance Clinic and a member of its executive committee.

The suspended foundation was established in 1948 by Rau's late grandparents, Moses L. and Cora K. Rau of Beverly Hills, as a charitable, educational medical and scientific non-profit corporation.

A certificate of amendment of articles of incorporation of the Moses L. and Cora K. Rau Foundation, filed Sept. 13, 1962, with the Secretary of State, changed its name simply to the Rau Foundation.

The certificate and other legal documents filed show John M. Rau as president of the foundation and his brother, Steven Rau, as secretary. No other officers or board members are listed.

Records on file with the secretary of state in Nevada's capitol at Carson City, show John M. Rau as president of David Industries at 2208 S. Wright St., Santa Ana,; Steven Rau of 414 Hester St., San Leandro, vice president, and David Wallerstein of 2440 Lakeview, Chicago, treasurer.

Prentice-Hall Corporation Systems, a professional firm which provides statutory representation to domestic and foreign corporations for an annual fee and maintains a Carson City address for that purpose, is listed as resident agent for David Industries.

Recently, Rau identified Wallerstein to The Register as his stepfather.

The Rau Foundation's 1965–66 financial report shows a $10,000 contribution to a Wallerstein Foundation in care of Cohen, Piffer & D'Angelo, 209 S. LaSalle St., Chicago.

According to the records of the Illinois secretary of State in Springfield, the Wallerstein Foundation was established there Jan. 24, 1966 as a non-profit corporation.

An annual report filed for the Wallerstein Foundation in Springfield on Feb. 25, 1970, shows David B. Wallerstein of 2440 Lakeview, Chicago, president, and Caroline R. Wallerstein of the same address, secretary.

Both Wallersteins also are listed on the annual report as members of the board of directors along with—John M. Rau of 2208 S. Wright St., Santa Ana.

When asked questions pertaining to the Rau Foundation, John H. Tarband, CHPA executive director here, became agitated and shouted: "You'll have to ask Mr. Rau about it; Mr. Rau suggested that I should use it (in the grant proposal)."

He did.

PAYING THE PIPER

HON. E. ROSS ADAIR

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. ADAIR. Mr. Speaker, a recent editorial in the Lagrange Standard, Lagrange, Ind., dealt very well with our present economic situation, and I am pleased to include it herewith:

PAYING THE PIPER

Americans now are "paying the piper." The "long run" is here. For eight years, the Democrats practiced the Keynesian policy of borrowing their way around economic problems. Now the Nation has to face up to economic reality. President Nixon is displaying tenacity and courage in holding firm to the course he set, in not settling for a one-shot economic hypo, but in seeking to set the Nation's economy on a firm footing. The Democrat-inspired inflation must be stopped. Growth must be solid, not the frothy inflationary money-churning.

The "dolce deficit" plus the artificial stimulus of a war, boomed the economy under Presidents Kennedy and Johnson. In electing Richard Nixon two years ago, the public rejected the waste in Government that accompanied the Democrats' version of prosperity.

Now, the Democrats want to make the economy an issue this fall. We agree it should be. Let's look at a few reasons:

79 million Americans are at work today, up 1.5 million from a year ago. The unemployment rate is 4.5 percent today compared with a high of 6.7 percent in JFK's Administration. If the Democrats want to attempt to make massive unemployment out of those figures, let them try.

The Gross National Product is going up at a 4.5 percent annual rate in current dollars. If the Democrats want to attempt to call that stagnation, let them try.

Inflation has dropped from the 6.4 percent annual rate generated by LBJ's "last hurrah" budget, which ran $25 billion in the red, to 4.2 percent. If the Democrats want to try to defend their brand of inflation, let them.

Real income set an all-time high mark during the first half of 1970. If the Democrats want to attempt to label this as recessionary, let them try.

In short, the economic course charted by the President is starting to pay dividends—by maintaining a high level of prosperity while providing a stability in the management of U.S. fiscal affairs that has been too long missing.

FOR THE SST, A CASE OF OVERSELL?

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. COHELAN. Mr. Speaker, the debate over the Federal funding of the SST is now before the Senate. Nothing in the intervening months since the House consideration of the SST has convinced me that the Federal Government should continue the funding of this effort. In spite of the efforts of the SST proponents to overwhelm the project's opponents by verbal onslaughts, the environmental problems and the ultimate need for the SST still dictates against Federal financing of this project.

In a recent article by Albert R. Karr entitled "For the SST, a Case of Oversell?" the pressures being exerted on the Members of the Senate are outlined. Mr. Karr correctly points out that for all the pressure, the fundamental problems have not been resolved. I commend the reading of this article to my colleagues

and would like to have it inserted in the RECORD at this point:

FOR THE SST, A CASE OF OVERSELL?

(By Albert R. Karr)

WASHINGTON.—The SST is coming in on a wing, a prayer and one huge burst of hot air.

At least that's how it looks to critics of the giant supersonic transport. For years, they have contended—unsuccessfully—that the Government is overselling the giant aircraft. But they hadn't seen anything until this year.

Now, as the crucial Senate vote nears on the Nixon Administration's $290 million proposal to continue SST prototype development, SST critics are being countered with a blizzard of arguments. Spearheaded by William Magruder, a former test pilot and Lockheed executive, the Administration's SST sales team is coming up with responses to growing criticism of the plane from scientists, economists, members of Congress and others.

For example:

—How about reports that airlines aren't eager to buy the SST, assuming it does reach the market stage? Not true, says Mr. Magruder, producing a bundle of letters from airline chiefs, all urging Congress to push on with the program.

—What about the testimony last year and again last spring from the Treasury and Labor Departments, among other agencies within the Government, that the SST would hurt the U.S. balance of payments while easing U.S. unemployment very little? After some five months of missionary work by Mr. Magruder, the same agencies now have little bad to say. Critical reports within the Government are kept quiet if possible, ridiculed if not.

—And what about the widespread concern that the SST poses a potential environmental hazard? Critics have no cause for worry, Mr. Magruder replies; in fact, this aircraft will spur so much environmental research that, on balance, it will protect the environment. But in case critics remain worried, let's study their worries—while getting on with those two prototypes, fast. And if the prototypes develop some serious flaw (environmental or otherwise), then no commercial planes will be built.

Furthermore, Mr. Magruder and other SST backers say, the SST will "bring the world closer together," promoting international understanding, and boost the U.S. economy, generating tax dollars to combat this country's social problems. "If we default on the SST, then the (social) problems of the 1980's" will be even worse, Mr. Magruder has warned.

Mr. Magruder, in short, is using a very hard sell. This is understandable, because the SST has become one of the most prominent targets in the debate on national priorities. So far the SST has survived its challenges; it's the alternate uses for Federal money that have suffered.

Govenment financing of the SST (if the Nixon proposal passes, it will mark another step toward an eventual total of $1.3 billion; critics contend it will rise even higher) is advocated in the name of technology, while medical and other scientific research is crimped in the name of economy. In the Transportation Department itself, the SST goes full speed ahead, while auto safety work remains underfunded. And the rise in mass transit spending under the Administration's new transit-aid program is kept painfully slow, on inflation-fighting grounds.

EXAMININING THE ARGUMENTS

Mr. Magruder's performance is disarming, and has left even some SST foes impressed if unconvinced. But these arguments, impressive in the aggregate, are much less impressive when examined individually.

Take, for example, the question of whether the airlines really want the SST. Despite Mr. Magruder's bundle of letters, there has been considerable evidence for some time that the airlines wouldn't be all that eager to buy production models—though they don't object to the Government's paying out more for development. Airline officials express doubts privately, some industry sources report, and in talks with Federal officials the airline men are said to have implied as much.

In past years, responding to pleas from the Federal Aviation Administration that they show Congress that the SST would sell, the airlines took $22 million in options on the plane and paid $59 million for development—so-called "earnest money." Sen. Clifford P. Case, the New Jersey Republican, likens this process to a man's being asked repeatedly to assure his wife that he loves her. In recent Senate subcommittee hearings, Sen. Case questioned Stuart G. Tipton, president of the Air Transport Association, the airline trade group, on whether the carriers would like to be asked again, "if you love her"—that is, to put up more cash.

Mr. Tipton replied, "The answer has to be different"; putting up more "earnest money" would be a financial hardship. "I would hope the Government wouldn't do that, (ask for more)" he said.

Mr. Magruder's persuasiveness within the Administration has been equally impressive. Earlier, several agencies were largely negative about the aircraft. Now, says Mr. Magruder, "None of these people are in disagreement with my position on the program." In fact, he was able to deliver a bundle of pro-SST documents from 15 departments and other agencies to the Senate subcommittee.

The Treasury Department, for example, reversed its earlier position that the SST would hurt the U.S. balance-of-payments position by inducing more people to travel and spend dollars abroad. With a viable British-French supersonic Concord coming into being, the Treasury now argues, the key question becomes competition in selling SST aircraft in the world market. (Mr. Magruder himself argues that the SST would *add* more than $50 billion to U.S. payments income in the 1978-1990 period, a big increase over a recent Transportation Department estimate of a $10 billion plus.)

The Labor Department, which had been saying that the SST offered little hope of important job benefits, now says there will be a lot of job plusses. The Council on Environmental Quality, whose members had warned of possible dire SST dangers, now dwell more on the fact that the two prototypes won't do any harm.

A high Cabinet official suggests, however, that the real reason for the dramatic turnarounds in agency opinion is intra-Administration pressure. "The Administration favors the SST," he says, "therefore, all parts of the Administration favor the SST." The official isn't impressed by estimates from Mr. Magruder and others of the SST's potential economic benefit to the U.S. "None of those studies are any damn good," he says flatly.

Meanwhile, the Administration's treatment of reports unfavorable to the SST is illustrative. One such report came from an interdepartmental team that surveyed the program at President Nixon's request early last year. Their unfavorable report stayed secret—until it was unearthed by Rep. Henry Reuss, a Wisconsin Democrat and SST foe. Only then did SST backers begin talking about the report—roundly criticizing it and the officials who wrote it.

Another report understood to be critical, drawn up by a group of scientific consultants to the White House, has never seen the light of day. The Administration refuses to make it public. However, the group's chairman, Richard L. Garwin, an IBM physicist who has worked on a number of Government aircraft and defense projects, has openly attacked the SST as too noisy and economically wasteful.

THE ENVIRONMENTAL ISSUE

Despite strong Administration attempts to play down the issue, the question of the SST's impact on the environment has become perhaps the strongest argument of SST opponents.

Among the possible dangers, opponents say, is a substantial increase in the water vapor content of the stratosphere. This, in turn, could lead to climatic changes and higher ground temperatures. Another environmental side effect could be a sharp rise in hydrocarbons and other pollutants in the stratosphere. Still another danger, a reduction of ozone there, could have either of two effects: A dangerous increase in ultraviolet radiation to the earth, or temperature reductions on the earth's surface.

SST supporters have conflicting responses to these objections. They contend that studies have already answered the environmental questions, in favor of the SST. But at other times, supporters agree more research is necessary, which they say is another good reason to build those prototypes. They'll help provide some answers.

Critics doubt seriously that the prototypes will do much to answer the environmental questions. They also wonder if those answers will come before the nation commits itself to commercial production. Supporters aren't terribly encouraging in this regard. The answers, says Sen. Warren Magnuson, the Washington Democrat who is one of the SST's most fervent backers, will take a "long, long time."

Supporters are similarly unreassuring about another argument of SST opponents—that the plane will generate ear-shattering noise. Richard L. Garwin, an IBM physicist, says that when the big plane takes off, it will sound like 50 existing jets. Promoters say this is technically true in terms of raw decibel measurement, but because of the way the human ear actually perceives noise, the sound will be "only" as bad as three or four jets. Anyway, proponents say, by 1978 (when commercial planes conceivably could be flying) new airports will have been built out in the country—away from population centers. A good example of this, says Mr. Magruder, is the projected new airport at Palmdale, Calif., which is to begin serving the Los Angeles area in 1977.

This argument, however, contradicts another argument of the supporters: That the SST won't require expensive modification of existing airport systems. And even if the nation did decide to build new airports out in the country, many doubt it could be done.

A spokesman for the Airport Operators Council International, Inc., an association of airport managers, cites growing public resistance to airport noise and pollution. The SST will require a "phenomenal amount of land," he says, land that is almost impossible to come by. Declares J. Donald Reilly, executive vice president of the council, if new airports are the answer "the SST project might just as well be stopped." And unlike Mr. Magruder, Mr. Reilly doesn't see the Palmdale, Calif., airport as an answer to the SST problem—in fact, he names it as one place where the SST probably will be banned as too noisy.

THE NOISE PROBLEM

SST proponents also say they hope to drastically reduce the noise caused by the SST, by 1978, to which opponents reply that this will be technically almost impossible. They note that in the past, when commercial planes couldn't achieve noise-reduction targets, they were allowed exemptions from noise rules.

Meanwhile, although the Government has promised to ban SST flights over land be-

cause of the sonic boom the flights will produce, SST promoters occasionally indicate they don't regard the ban as permanent. Mr. Magruder, for example, says confining flights to over water merely represents thinking "for the moment."

Anyway, supporters say, when people think of sonic booms they unfortunately tend to think of the kind caused by military planes stunt flying at 500 feet. The SST would cruise at 65,000 feet. But critics note that in 1964 the FAA performed extensive tests on public reaction to sonic booms. The agency repeatedly sent military jets over Oklahoma City at levels ranging from 21,000 to 50,000 feet. The flights caused a torrent of public complaints and a number of law suits and produced an average "overpressure" at ground level of about 1.3 pounds per square foot. According to Boeing Co., prime contractor for the SST, the SST's overpressure would be 2.3 pounds per square foot.

So go the various arguments for the fastest commercial aircraft this country has yet contemplated. Considering them, one cannot help wondering: If it's necessary to push the arguments for building the plane this hard, isn't something the matter with the whole idea?

WASHINGTON.—The airlines' view of the SST today is strikingly similar to their view of the jet 20 years ago: They aren't sure they'll want to buy the new plane, but they would like to see it developed—at public expense.

In June 1948, the trade journal, American Aviation, was arguing that "time (is) of the essence" in jet development, because "the British are 18 months to three years ahead . . ." However, the journal added, "It has been more than obvious" that "some agency of government" will have to foot "the very heavy developmental costs. . . ."

At the same time, however, airlines were strapped for cash—as they are now—and many were dubious about replacing their propeller-driven planes with jets.

In the end the Federal Government didn't finance jet transport work (although commercial jet development did benefit from Federal work on military jets). And that was just as well, argues George Eads, an assistant professor of economics at Princeton University, whose research has included aircraft development.

The delay, he says, resulted in a better jet at lower costs. Similarly, he argues, SST technology today isn't far enough along to justify building the two prototypes.

—A. R. K.

PRESIDENT NIXON GIVES LANDMARK ADDRESS AT KANSAS STATE UNIVERSITY

HON. CHESTER L. MIZE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. MIZE. Mr. Speaker, it was my privilege to accompany President and Mrs. Nixon when they journeyed to Kansas State University at Manhattan, Kans., Wednesday, so that the President could participate in the Landon Lecture Series at this great educational institution. I was pleased to have the Chief Executive and his wife in the Second District of Kansas. This will long be remembered as the site of his landmark address on order in our society.

It was not only what he had to say but how it was received by all but a pitiful handful of the students. Those in attendance and the millions more who saw and heard his address on television and radio must have been equally impressed over the President's address and how the overwhelming majority of the young people responded. It was evident at the conclusion that even the dissidents who came not to listen, but to disrupt, realized the folly of their efforts to mar the occasion.

I apologize to the President and Mrs. Nixon for the action of these misguided youngsters. I am sure the enthusiasm and warmth of the others in the audience sweetened any bad taste the dissidents tried to leave.

Two of the Washington papers have already given the President's appearance favorable editorial comment. Under leave to extend my remarks, I wish to include these editorials from the Washington Daily News and the Washington Evening Star. The editorials follow:

[From the Washington Daily News, Sept. 17, 1970]

NIXON ON CAMPUS

In his speech at Kansas State University, President Nixon was saying what we believe a majority of people in this country are thinking.

And that is that "violence and terror have no place in a free society, whoever the perpetrators or whatever their purported cause."

Students and others who riot, set bombs, start fires and disrupt universities, he said, show a contempt for human life and human decencies, and in turn deserve only contempt from others.

Mr. Nixon applauded, as we think most people do, a flow of "new ideas, new directions, new energy" from the rising generation. He said "automatic conformity" with the older generations would be wrong, and should not be expected. Of course. Our national progress, for better or worse, is hitched to the changing ideas, methods and energies of each new generation.

The President denounced, as we think most people do, the destruction of campus buildings (such as the laboratory at the University of Wisconsin) and the "assaults which terrorize faculty, students and university administrators alike."

The President also belittled the myth that college disturbances are the result of government policies—the war in Vietnam, pollution, or any others. If all these things were solved overnight, he said aptly, there still would be campus troubles.

The troublemakers are looking for trouble, not for solutions.

The President said only the college administrators can "save" higher education from the threat presented by the disrupters.

At neighboring University of Kansas, the chancellor recently blamed most campus troubles on "a small group of dedicated anarchists." They have to be distinguished, as the President did, from the students who go to college to get an education. But the majority won't get that education if the anarchists are permitted to tear down the institutions of learning.

And this is what Mr. Nixon clearly meant when he said education now faces its "greatest crisis." Either the disruptions are put down and the disrupters routed, or the whole system flops. In that sense, it is a crisis indeed.

[From the Washington Evening Star, Sept. 17, 1970]

NIXON ON THE CAMPUS

Manhattan, Kansas, isn't Berkeley or New Haven. But the campus audience was mostly young—of the generation that is supposed to distrust anyone over thirty and look disdainfully on such square concepts as "the basic regard for the rights and feelings of others." So it has to be counted a good show when a 57-year-old speaker, even if he is the President of the United States, gets a friendly and, at moments, enthusiastic hearing from collegians for an attack on violence.

The hard truths spoken by President Nixon at Kansas State University might better have been unleashed on one of the more disaffected campuses—even though hecklers might have made more noise than did the handful in the K. State fieldhouse. As it was, the President's remarks still were eloquent testimony to the dismay of most Americans—including most students—over the disorders that make a mockery of freedom in many colleges.

Mr. Nixon warned about a possibility that already is painfully evident to many educators, that "higher education in America risks losing that essential support it has had since the beginning of this country—the support of the American people." The ability of calculating radicals to disable a mighty university must be curbed by administrators, faculty and the responsible majority of students.

The President was right in saying that it is not the government's task to restore the rule of decency on the more troubled campuses. But his effort, as the nation's top civil servant, to rule out government responsibility for unrest is open to question. The failures of society through its governmental mechanisms to achieve peace, or economic and racial justice or a safe and beautiful environment have contributed to the dissatisfaction of youth. At the very least, these failures have made Mr. Nixon and his colleagues large targets for radicals seeking to spread the gospel of violent protest.

The President ranged far beyond the campus gates in listing the terrorists threats to civilized practice, including the airliner hijackings by Palestinian fanatics and the "wanton shootings of policemen" in U.S. cities. But the most sobering fact in the background of the presidential lecture was that it was appropriately delivered at an institution of higher learning, albeit in the pastoral Flint Hills of Kansas.

"Nowhere should the rule of reason be more respected, or more jealously guarded, than in the halls of our great universities," the President said. If the universities and their intelligentsia are in turmoil, can an end be put to the disorders of a mostly illiterate world? The campuses soon must resume their role as a source—rather than a prime target—of homilies about respect for democratic rights.

ISRAEL DISPLAYS DETERMINATION, PERSEVERANCE

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. BOGGS. Mr. Speaker, the ongoing crisis in the Middle East is a matter of continuing concern to the peace-loving peoples of the world.

Recently, a distinguished reporter and editor of the New Orleans Times-Picayune, George W. Healy, Jr., traveled to that unhappy part of the world. His trip culminated in a perceptive article and editorial in the pages of the Times-Picayune.

Mr. Healy is an outstanding writer and a student of world affairs, and I

am inserting his article in the Times-Picayune and calling it to the attention of my colleagues:

ISRAEL DISPLAYS DETERMINATION, PERSEVERANCE—EDITOR VISITS NATION AT HISTORIC TIME

(By George W. Healy Jr.)

TEL AVIV.—Determination and perseverance are the great assets of the 22-year-old nation of Israel. Its residents, Jews and Gentiles, including Christian Arabs, have these characteristics in abundance.

Having been in the Middle East last in 1960, I observed in August, 1970, little change in Syria. Israel is another story.

Its residents, former citizens of practically every part of the world, have converted deserts into lush cotton fields, citrus groves and vineyards. They have combed surface rocks from hillsides, placed those rocks on tops of bomb and shell shelters where hundreds of children have been sleeping underground for years. The hills from whence the rocks came have been terraced and transformed into groves which produce some of the world's finest melons and citrus fruit.

Water has been Israel's greatest need, and that need has been met by pumping fresh water from the Sea of Galilee (which Israelis call Lake Tiberias), from wells drilled through rock and from the few other sources in what used to be arid Palestine. With an ingenious system of pumps and pipelines, much of the land of Israel now produces three crops per year. In some places three and one-half crops are obtained.

Industry also is growing, Israel is producing automobiles with fiberglas bodies, and one of its fluorishing manufacturing plants is a cosmetics factory.

Despite the war which has been raging between Israel and Arab nations—which most of the time in recent months was restricted to terrorist raids and artillery exchanges across the Suez Canal—tourism in Israel is booming. The tourist business in 1970, to date, has set a record—topping 1969 by about 20 per cent.

There are few signs of war in Tel Aviv, but there are many in the rural areas. Wreckage of Egyptian and Syrian tanks, half-tracks and other vehicles has been left where they were destroyed as reminders of Israel's quick victory in the six days' war of 1967. Some wrecked artillery emplacements on the Golan Heights, overlooking Israel where Jordan and Syria meet, are evidence of the skill of the Israel air force. Terrorists still fire an occasional rocket from these heights.

While Samuel Becker, my most competent and fast moving escort and driver, and I were in a kibbutz near the Jordan River a group of Arab terrorists managed to make their way through an electrified fence which parallels the west bank of the Jordan River.

SOLDIERS APPEAR

Communications of the Israeli Army being as efficient as they are, the terrorists had no chance to set up mortars to fire on the kibbutz. A patrol of Israeli soldiers appeared from nowhere, opened fire on the terrorists, killed two of them and drove the others back across the river. The Jordan river at that point is not as wide as Bayou St. John.

We knew nothing about the tragic incident until we were miles away, en route to another kibbutz on the Sea of Galilee, in which—incidentally—I took a swim. Apparently I entered the lake at the wrong point, because when I stepped in, mud covered my legs up to the knees. I don't believe that even "Bear" Bryant would walk on water at that point.

Three girls driving on a highway were killed when one of their tires struck a land mine while we were in the area. This explained to me why all automobiles and trucks are stopped every few miles. If their occupants cannot identify themselves as friends and explain their reason for being in the area their cars or trucks are searched thoroughly for explosives or arms.

Because my escort and driver was a representative of the Israeli government and I had credentials from both Jerusalem and Washington, our delays at these roadblocks lasted only a few seconds.

SPIKED PLANKS

Instead of using barricades as roadblocks, the Israelis use cunningly placed spikes on the road or highway surface. The right lane of a two-lane highway is spiked with movable spiked planks. Obviously, if a motorist tries to cross this plank he loses two or more tires. He must swerve to the left to avoid the spikes and sees, about 50 feet ahead, another set of spikes. He has to swerve again, reducing his speed greatly.

With his speed reduced to a walk, an Israeli policeman or soldier steps to the side of the car, orders it to a halt and, very expeditiously, examines the credentials of the occupants. If he has any doubt about their validity, the vehicle is searched.

It was my privilege to be in Israel during what probably will be known as a historic period. I happened to be in conversation with a high military official when he received word that the official cease-fire had been confirmed. That gave me a chance to head south and learn whether the cease-fire was working.

However, in visits to Jerusalem, Nazareth, Safed, Haifa, Beersheba and other cities and communities of Israel I believe that I obtained enlightenment and a new concept of the composition of Israel's people.

MANY VOLUNTEERS

There are many volunteers in Israel, I found, who are neither Zionists nor Jews. In a kibbutz where residents jump into trenches and head for underground shelters when a siren sounds I met a young man loafing in the library.

When I inquired whence he came, he told me Albuquerque, N.M. I asked if he was a Zionist. "No," he replied.

"Why did you come here?" I asked.

"I just wanted to help in what I think is a just cause," he said. "I'm a tractor mechanic, and I knew that these new agricultural communities would have tractors. Right now I'm trying to avoid work. All the tractors were working well this morning, and if they keep that way I'll manage to catch up on my reading."

The young lady who runs the small shop in a kibbutz where we spent a night in its guest house told me she was a Lutheran from Copenhagen, married to a Jew. She and the young man from New Mexico gave me no indication as to whether they expected to embrace Judaism. I did not ask their intentions.

In a subsequent luncheon conversation with Colonel Joseph Kalev, official spokesman for Israel's armed forces, I commented that in the northern part of Israel I had seen more Franciscan priests than rabbis.

"Maybe you've been going to the wrong places," he laughed.

Actually, the Franciscans live in and supervise pilgrimages through most of the Holy Land shrines.

NO DIRECT PAY

For the uninitiated, as I was before August 2, kibbutz means together. The 230 kibbutzim in Israel are the homes of about 5 per cent of the people in Israel. All workers in a kibbutz are volunteers, receiving no direct pay for their services. The net profits of the kibbutz are placed in a common treasury, and when anyone in the collective "family" needs food, clothing, medical care or some other necessity, it is supplied by the common treasury. We were at one kibbutz which had been under terrorist fire many times where a fully equipped hospital was underground. I checked the operating equipment, medical stores and other equipment. Much of it had been sent by the Red Cross and other agencies in the United States.

On the basis of experiences in two kibbutzim, it appears to me that there is no discrimination in these communal villages on account of religion. More broadly, the Israelis whom I met seemed just as interested in preserving the freedom of all the land's people, Jews, Christians and Moslems, as in providing a refuge for Jews from all places where they may be or feel oppressed.

From appearances, Tel Aviv knows nothing of the ardors of the war. It is a gay city, with no rubble, shell marks or other outward signs of conflict. One of its brightly lighted streets is reminiscent of Bourbon St. in New Orleans—although on the Tel Aviv street, sidewalk cafes far outnumber bars and showplaces. On a Thursday night when I walked down this street, there were as many strollers as pack Bourbon St. on Saturday nights.

Accommodations in Tel Aviv are de luxe. On my first stop there I was in the Tel Aviv Hilton. On the second I was accommodated at the Dan. Both were elegant and packed with tourists. Many of the tourists with whom I became acquainted were from such places as Elgin, Ill., and Vancouver, B.C.

During my two stops in Tel Aviv I was privileged to meet many of Israel's leaders. Modechai Gazil, deputy director of the ministry of foreign affairs, and Nahum Astar, director of the official visitors' department of that ministry, were particularly helpful, as was Mrs. Yael Vered, director of the Middle East division of the ministry of foreign affairs.

Professor Ben-Ami Scharfstein, vice-rector of the University of Tel Aviv, invited a distinguished group of educators, editors and correspondents to a party in my honor.

One of his deans and the latter's wife, I believe, gave me an insight into how Jews who have migrated to Israel feel about the country.

They told me that they were natives of Zagreb, Yugoslavia, but had not seen that city since they were 15 years old.

"Mrs. Healy and I were there in 1967 and liked the city very much," I said. "I believe that you'd enjoy a trip back to your native land."

"Oh, no," said the dean's wife, whose name I neglected to put in my notebook. "Israel is our homeland, our only home."

Jerusalem—The old walled portion of ancient Jerusalem which, until June, 1967, was "off limits" to Israelis may now be entered with freedom by residents of the western portion of the city.

Jerusalem is a city of contrasts. Its Intercontinental Hotel on the Mount of Olives is as modern as any hotel in the United States. Many of the buildings in Old Jerusalem were built centuries ago, and Herod's Jerusalem, more than 2000 years old, was uncovered by archaeologists in the comparatively recent past.

After visiting the Wailing Wall and other shrines I undertook a check of the city's population. Its last census showed 195,700 Jews, 54,963 Moslems, 12,646 Christians—a total of 263,309 living in Jerusalem.

Because he agreed with me that all work and no play might dull us, Sam Becker and I patronized a night club in Jerusalem. It was called the Can and was in a cave. We went only for the four-act floor show.

The final and best act was presented by a singer who was a casualty of the 1948 war, in which he lost a leg. His first rendition was the spiritual, "Jericho," which he sang magnificently.

SINGER VISITED

At the conclusion of the floor show I asked permission to visit this singer, who is quite

prominent in Israel, but whose name I did not record. When I entered his dressing room I told him that the writer of several of the songs which he sang was an acquaintance of mine, Robert McGimpsey, who wrote most of his spirituals in Lake Providence, La., where he was born.

The singer seemed very pleased and told me he often used McGimpsey's "Jericho," "Shadrack" and other numbers. He then asked, "How do you think he'd like my accent?"

"He'd love it," I replied.

"Well," said the singer, "I recently made a contract with an agent in New York and hope to make appearances throughout the United States. Since Mr. McGimpsey is a native of your state, I'd like particularly to appear there."

I hope he makes it.

Nazareth—Although Nazareth apparently is visited by fewer tourists than Tel Aviv or Jerusalem, this little city where Jesus Christ grew to manhood has tremendous appeal.

Nazareth is populated principally by Christian Arabs. On a nearby hill is a new settlement, populated by Jewish immigrants from Russia, Poland, Germany and many other nations. The two communities apparently are harmonious.

Mayor Mussa Ktelly of Nazareth hosted a luncheon for Sam and me at the elegant Nazareth Hotel. The mayor's family moved several centuries ago from Lebanon to Nazareth, and he is connected with the community's top citizen. He is a Roman Catholic.

Mrs. Georgette Laham is owner of the Nazareth Hotel. After our luncheon she took me to the hotel's gift shop and tried to give me everything in it. I accepted only a Bible covered with Mother of Pearl, a beautiful hand-carved wooden vase and some beads of Nazareth. She seemed disappointed that I would accept no more.

The hotel is on one of Nazareth's many hills, almost opposite the Mount of Precipitation, at the Galilean city's eastern approach, where the Haifa-Tiberias-Afula highways merge.

Nazareth is a city of many churches—the most imposing being the new Church of Annunciation at the head of Paulus VI street.

After moving from the Kibbutzin to Nazareth, we drove to a number of small cities and towns in Northern Israel. Among the most charming of these is Safed, on a hill in the Galil. Its sand-colored stone houses and tiny, meandering streets and lanes give it an unusual appeal. The city's charm has attracted many artists from all parts of the world.

Our hosts in Safed, which is near Lebanon, were Moshe Raviv and his wife and daughter. Raviv is one of the founders of the city's artists' colony and has painted there since 1950.

From Safed we drove to the Mediterranean coast and observed activity at the modern port of Haifa. Israel is building an even larger port facility south of Tel Aviv-Jaffa.

After two more days in Tel Aviv our movement was south to Beersheba. A daughter of Mr. and Mrs. Becker is a member of the Israeli Air Force, assigned to a base near Beersheba. She and her mother accompanied Sam and me when we drove from Tel Aviv to that air base, where his daughter returned to duty after a furlough.

CONTRAST NOTED

One of the most interesting sights near Beersheba emphasizes the contrast between what Westerners would regard as the backwardness of Syria and other Arab nations and the progressiveness of Israel.

Bedouins roam the deserts in the thousands between Beirut and Damascus. They frequently move their tents and their camels and pitch camp wherever they can find water and a little food for their camels and, in most instances, sheep and goats. Just how they live always has been a mystery to me.

Palestinian deserts where Bedouins formerly roamed now are reclaimed as highly productive Israeli farms. Israel, however, has provided for its Bedouins. It has built a housing project near Beersheba where the nomads can settle down and have permanent shelter.

As a concession, land behind the housing units was provided for the Bedouins to pitch their tents—ostensibly as shelter for their camels.

It may be fact or fiction, but residents of Beersheba say many of the Bedouins find it difficult to stay under fixed roofs and frequently leave their modern apartments to go out to the tents to sleep with their camels.

Any newspaperman visiting Israel at this time is bound to be interested in the military situation.

General S. Gazit, co-ordinator of administration of occupied territories, gave me a lengthy audience, and Colonel Joseph Kalev, official spokesman for the Israeli Army, took me to lunch.

Both were optimistic, but both made it plain that Israel needs help from the United States. I talked with both of them after the cease fire of August 7 but before recriminations were being exchanged by Israel and Egypt about who might be violating the cease fire. Having remained on the north side of the Suez Canal, I am in no position to express an intelligent opinion as to who may be right.

As we moved around Israel one of the signs of conflict which we saw was a fleet of jeeps of the United Nations, all marked with large letters UN. It is the responsibility of their operators and occupants to investigate all acts of aggression by either Israel or one of the surrounding Arab states. Just how efficient they are would be difficult to determine. All I know is that they do get around and are seen on the highways and roads near trouble spots.

Mrs. Golda Meir, prime minister of Israel, has indicated that she believes all the UN observers do is look. Incidentally, I spoke to many Israelis about their prime minister. The only criticism any voiced was, "I wish she were ten years younger."

About a decade ago I saw the Egyptian Army mobilized not long after Gamal Abdel Nasser overthrew Farouk. I have seen also segments of the Syrian Army.

As a horseback opinion, I'd say that the Arab states which surround Israel have about as much chance of winning a war with the highly efficient, dedicated Israeli army and air force as the Sam Barthe junior varsity football team has of defeating the New Orleans Saints.

Even if the armies of Iraq and Libya join the remnants of the armies of Egypt and Syria, I doubt that they could handle the Israeli army and air force.

Unless the Soviets get into the conflict, I believe that the integrity of Israel as an independent nation is secure for a long time—whether the cease fire is extended or not.

Guerrilla or terrorist activity in Northern and Eastern Israel is likely to continue for many months—but it is splitting rather than cementing unity in the Arab states, particularly Jordan.

Israel is depending heavily on sentiment in the Western World. In stops at Zurich and in England en route home I found evidence that public opinion strongly favors Israel—particularly in England.

Among surprises which I experienced in Israel were that 136,000 Christian Arabs live in that nation; that in 1969, two years after the six-day war in which Israelis routed Arabs, the population increase of Judea and Samaria (occupied territories which the Israeli government describes as administered territories) was 3 per cent, compared with a 1 per cent increase in years preceding the 1967 war; that the Israeli government permits visits by residents of the occupied territories to the Arab states and visits by residents of the Arab states to relatives in the occupied territories and that this cross-border of traffic has decreased each year since 1967; that gainful employment in the occupied territories is approximately 97 per cent; that the value of agricultural production in the occupied territories increased 31.1 per cent in 1969, compared with 1968, and that the number of cattle, sheep and goats increased from 397,000 in 1968 to 452,000 in 1969; that the Gross National Product of Israel, as a whole, increased at the rate of 10 per cent per year between 1955 to 1964 and continues to grow; that at the beginning of 1969 the population of Israel had almost quadrupled since cessation of the British Mandate in 1948 and that of its total population of 2,841,000 there were 496,000 non-Jews; that thousands of the 140,000 Arabs who fled Israel after the 1948 war have been readmitted and now live and vote in Israel.

Paradoxically, the safest place to be in Israel in my opinion, is the place normally considered the most dangerous in wartime—a military airfield or some other strategic target.

The cease-fire apparently has stopped soldiers from shooting at soldiers across the Suez Canal, and the terrorists who sneak in from Syria or Jordan have no stomach for confronting any segment of the Israeli Army.

At any event, there's never a dull moment in Israel. At least there wasn't one when I was there.

REMARKS CONGRATULATING THE FEDERAL BAR ASSOCIATION ON ITS 50TH ANNIVERSARY

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. EILBERG. Mr. Speaker, this year marks the 50th anniversary of the founding of the Federal Bar Association. During this span of half a century it has grown from a small group of lawyers who had a vision of the contributions which Government lawyers could make to their profession and to society, to a large and powerful organization of 14,000 members, with chapters in every State of the Union and several chapters in U.S. territories and in foreign countries.

This association is now holding its annual meeting in this city in the Shoreham Hotel. Hundreds of members have gathered there to review what the organization has accomplished in the past and to make plans for even greater efforts in the future.

Thus, today is a peculiarly appropriate time to take note of a few of the many activities of this association, which is doing so much to make the law an instrument of justice for all our people.

Many of its efforts have been designed to increase the ability of its individual members to discharge their responsibilities as Government lawyers. The association has sought to improve their status and opportunities to serve. It has offered an ever-extending variety of educational programs to enhance their professional competence. Since 1954 the association, in cooperation with the bureau of national affairs, has offered over 120 outstanding briefing conferences in Wash-

ington and other major cities on many vital areas of the law. Many individual chapters also offer educational programs of high caliber.

For over a decade the Federal Bar Association through its Council on Younger Lawyers and its Committee of General Counsels, has joined with the Civil Service Commission in sponsoring a summer seminar for law clerks in Washington, designed to broaden their experience beyond that afforded by the particular agency to which they have been assigned.

The good work of this organization has not been limited to the United States. One of its most useful projects has been carried forward under the title "Law Books, U.S.A." This program was conceived and executed in cooperation with the world peace through law committee of the American Bar Association and the U.S. Information Service. Under this program, supported by private contributions of members of the bar, a selected number of paper back volumes dealing with the philosophy and spirit of the American legal system, have been distributed to lawyers, jurists, teachers and law students abroad.

An important contribution to public understanding and appreciation of the importance of the Bill of Rights of the Constitution has been made by the council on younger lawyers of the association in the last few years. This council has prepared and distributed a handbook of the Bill of Rights in which the meaning and significance of these rights, as interpreted by the Supreme Court, is explained in terms laymen can understand.

The association has a law observance committee which, for several years, has sponsored programs designed to enhance the morale and stature of the law enforcement community and to promote public cooperation with law enforcement agencies. In association with various law enforcement agencies of the Federal Government, it has prepared law enforcement exhibits for eight large cities in which the association has chapters. It also sponsors radio and television messages by government officials, community leaders, and others, and conducts youth projects and coordination conferences for law enforcement officials, members of the judiciary, prosecutors, correction and probation personnel, and educators.

I offer my heartiest congratulations to the association for what it has done in the past, with full confidence that it will build an even more impressive record in the future.

A NEWSLETTER ON STUDENT UNREST AND COMMENT FROM WYOMING

HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. WOLD. Mr. Speaker, recently, I sent out a mailer to my constituency on the subject of student unrest. In this mailer, I discussed the measures which Congress was taking in an attempt to restore peace to the campuses of the United States. I also solicited the opinions of my constituents on these legislative enactments and their views on the disorders in general. The response was tremendous and included a broad spectrum of attitudes. An overwhelming majority, however, concurred in the thesis that violence should not be allowed to disrupt the academic community.

Education has always been a vital part of the fabric of American society. Throughout our history, the people of the United States have esteemed learning and incurred great sacrifices to secure an education both for themselves and for as broad a segment of society as possible. Today this longstanding commitment to education is in jeopardy owing to the actions of a few who bomb buildings, burn papers which—in at least one case—represent more than 5 years of concentrated research, and take over classrooms and offices so that the normal functions of the university cannot continue. America cannot continue to underwrite such destruction.

What is even more frightening, however, is to see America losing its tolerance for dissent. Because of the actions of the terrorist few, many people are coming to look askance at all demonstrators—whether violent or not—even as the demonstrators themselves express intolerance by refusing to listen to any voices save their own. The processes of reason, which the academic community enhanced for so long, are threatened, and in a democratic society such a threat is potentially fatal. It is because of this that I would like to include in the CONGRESSIONAL RECORD a copy of my newsletter together with a selection of the responses made by the people of Wyoming.

When the mailer was printed the word illegal was inadvertently omitted from a phrase which should have read "Denies funds to students found guilty of participating in illegal campus demonstrations." "Illegal," in this case, refers to the use of force, trespass or seizure of property under control of a college or university to prevent the functioning of that institution. The distinction between this and a demonstration per se is a crucial one.

I would like to reemphasize my firm belief in the constitutionally protected rights of free speech, free assembly and to petition for the redress of grievances.

But the burning of research denies free speech to the man who collected it.

The occupation of a classroom denies free assembly to the class which would have met there.

And the bombing of a building can by no stretch of the imagination be labeled a petition.

The same people who hysterically raise the banners of academic freedom every time a policeman appears on campus are notable by their silence when a dean is bodily ejected from his office at Harvard or the "idealistic" Angela Davis goes into hiding following a shootout at a California court where the presiding judge carrying out his constitutional obligation is murdered.

In these circles, any student conduct receives approbation so long as it is ostensibly for political purposes. The rights of anyone who gets in the way are studiously ignored. Violence, I would remind them, is not a part of the Bill of Rights. Protection from violence, on the other hand, is inherent in every clause.

There is also one right which is not enumerated in the first 10 amendments but is implicit in them, and, indeed, is the underlying premise of the Constitution; that is, the right of the majority to determine the Nation's course. There is no doubt that there are rational and deeply felt disagreements with national policy on the part of vast numbers of students—possibly a majority of them. It is upon these disagreements that the radical few feed. Most of these same students would agree that they do not have the right to forcibly impose these disagreements upon the majority of the population.

Indeed, this right of the majority to rule is tacitly acknowledged by the incredible chant "We are the people" which is now heard in the streets—a semiconscious claim to political legitimacy. In point of fact, the "people" speak every other November and policy is determined accordingly. The minority is free to disagree with that policy, but not to frustrate it. Today, as always, there are a few who believe the contrary.

The street people of Berkeley would not be pleased to be compared with the people of Little Rock, but in this respect the latter are their intellectual forbears.

There is no doubt that there are times in history when conscience or humanitarian impulse will impel an individual to refuse to cooperate with his Government or even oppose it violently, and men of good will must approve. Hitler's Germany and the Communist countries are recent examples. But it is, at best, morally perilous to set one's own conscience above that of a majority of one's society. The voice of the people rings with more truth than does that of Jerry Rubin.

I include in the RECORD my newsletter and the comments made by the people of Wyoming with respect to student violence. I include also a comment of my own on a particularly strident letter.

There are numerous comments from my constituents and I will place them in several issues of the RECORD, rather than this single RECORD.

The material referred to follows:

[Letter from Mr. Michael M. Guyot to Mr. Wold]

AUGUST 11, 1970.

DEAR CONGRESSMAN: I received some of your campaign literature in this morning's mail in which you state your (unfortunately) popular and dangerous views on a phenomenon you term "campus unrest" and which you conclude by soliciting written support for your reactionary position. Let me make it clear at the outset that I do not share your opinions. As for your further request for permission to print my views in the CONGRESSIONAL RECORD, nothing would make me happier.

Contrary to what you state in your pamphlet, the use of force in support of political belief is not utterly unjustifiable. The expediency or inexpediency of any method of expression or of any line of political action must ultimately be decided only in terms

of its detrimental or supportive function with regard to the end it is meant to further. In other words, the sole means of evaluating a method is with reference to its efficiency in carrying out its end. If the method is in conflict with the values from which the goal it seems to satisfy arises, as some think is the case with violence and the ultimate acquisition of freedom, then one must decide for one's self whether the sacrificing of some part of those values is justified by the satisfaction of the desire for the other parts. If the decision is in the affirmative, then the upshot is that violent means are employed toward the end of freedom from repression.

Once that decision has been made, it becomes meaningless to deem violence as "illegitimate." Legitimacy is not the question. Necessity is. Whether that necessity exists is, of course, a separate question. If, as I increasingly fear, we are moving steadily toward fascism, then the only choice is a struggle—violent or not—against those tendencies which push us away from democracy.

As to the "price of student violence," what price is too high to pay for freedom? If it is revolution, can we refuse to pay it?

With reference to the "John Wold voting Boxscore . . .", exactly what is a "campus disruption"? There are documented cases where peaceful rallys have been turned by the authorities into bloodbaths, Kent State for one. How do you explain "disruption" in terms of "police riots"? Are the scholarships and loans of anyone who dissents, even peacefully, to be terminated? Is an "unlawful campus disorder" a rally which has been banned in violation of the people's right lawfully to assemble? And in your vote for HR 15090 FY 70 DOD Appropriations which you state "Denies funds to students found 'guilty' of participating in illegal campus demonstrations," I find only one more evidence of the fascistic trend of our government. How much longer before you try to put us in prison? Why "investigate" the peaceful "New MOBE"? Explain yourself, Congressman.

In conclusion, let me repeat that you do *not* have my support on this issue and do *not* represent me with your votes, and let me add that I am looking forward to your defeat in your campaign for the U.S. Senate.

MICHAEL M. GUYOT.

SEPTEMBER 1, 1970.

Mr. MICHAEL M. GUYOT,
Cheyenne, Wyo.

DEAR MR. GUYOT: You are obviously very concerned about the violence which has occurred on many of our campuses and about the possible overreaction to this violence by authorities, including police.

We are both concerned and I hope we can respect each others thinking even though we might not agree on the causes of or the alternatives to campus disruptions.

For the first time in five years, we have an American President who is unwinding the war in Vietnam. He is doing what hundreds of thousands of demonstrators have encouraged him to do although certainly he is doing it less precipitously than many would have preferred.

The fact remains, however, that as the President maintains his timetable, our troop strength in Vietnam is being cut dramatically. This compares, of course, to increases in American troop strength, activity and casualties up to the time of the assumption of office by President Nixon.

If American universities truly become politicized, as have many in Latin America and Europe, then students, faculty and administrators must expect to suffer both the feast and the inevitable famine of such political fortunes. Universities were not designed to do work in the slums or to provide day-care centers.

A school is the factory for the generation and transmission of knowledge and ideas. If a university becomes instead a factory for revolution and violence there are none who will suffer more than the student body.

I hope that when you have read and traveled more, perhaps in Eastern Europe where the term "freedom from repression" has a genuine significance, you will realize the wisdom of Winston Churchill's observation that democracy is the worst form of government on earth, except for every other.

With kindest regards.

Sincerely,

JOHN S. WOLD,
Member of Congress.

"No doubt the young people of today, as before, have good ideas and should have a mechanism through which to express their ideas and view—however, discipline should be maintained, people and property protected and everyone's rights respected under our system."—Mr. dupre, Rawlins.

"I agree that change is vital to progress, but perhaps some changes proposed by American youth could never be implemented through the democratic process because the 'silent majority' believes these 'changes' would lead to social and cultural chaos. Because of this, some young people believe revolution is the only way to achieve their collectivist and socialist utopia. I am 24 and a recent graduate of CSU and, frankly, I worry about many of the goals of my generation."—Gary Cape, Cheyenne.

"Having graduated from Utah State University 3 years ago I was able to see the beginning of future trouble—the administration allowing the formation of an SDS group on our campus. I am appalled at these administrators who are so weak-kneed when it comes to handling destructive student dissent. Hard earned tax dollars and contributions are spent to provide the finest facilities available for the education of our young people, and a few radical revolutionaries are allowed to paralyze some of our fine universities, preventing the serious minded students from continuing their education."—Gary Callaway, Casper.

"To condone the disruption of normal campus activities by a minor group of vocal leftists is intolerable. This is particularly distasteful to the taxpayers who pay the lion's share of monies used in the operation of our state colleges and universities."—Richard Frucher, Riverton.

"Somehow we must get to the root of the unrest. We need to support our laws too and stop the disrespect that happens in our courts of law."—Mrs. Linda Gaede, Rock Springs.

"The university of today is populated by a better group of students in terms of preparation and awareness as well as in terms of concern for world problems than any generation in the past. There is a small percentage who are militants on the left. These misfits must be deglamorized and unglorified. It is time that we stopped letting the 'tail wag the dog.'"—Paul J. Hall, Laramie.

"Campus violence is frightening. A firm stand must be taken by both college administrators and the courts where physical violence occurs or property is destroyed."—Mrs. E. L. Boedeker.

"Our son, Douglas, was student body president at Casper Junior College last year and he told us that all the student unrest was instigated by SDA spokesmen. Thank God for a college president like Dr. Aley who knows how to handle disruptive situations before they really get started."—Mrs. Roy Anesi, Lander.

"Like their parents the students have been over educated in the areas of science and technology. This results in a rapid rate of change in our way of life but little understanding of its effect on our fragile civilization. A nation of people who have limited knowledge of law, philosophy, sociology, and other humanities become angry when they see their materialistic dream become clouded with smog and other pollutants. Campus unrest is a symptom that something has gone awry in the body politic."—David Olson, Casper.

"I am a college student at the University of Wyoming and know personally that those who caused problems on our campus last spring were out-of-staters who were on drugs and wanted to make a name for themselves. I say that the only way to see a way clear is to continue the road of peaceful dissent. These dissenters say they are out to change the world—but I, for one, would not want to live in their world. It is a pity that a handful of fools can ruin what so many of us work so hard for—an education. They preach love but act with hatred."—Roberta Rinegar, Upton.

"We agree 100% percent with your vote on all 10 bills on campus unrest. We sincerely hope that all your fellow congressmen will stand together to see that all 10 bills are justly enforced in every college and university across this great Country of ours."—Mr. and Mrs. Andrew Roskie, Wheatland.

"I do not understand why college administrators are so lenient."—Mrs. A. M. Akars, Laramie.

"I very much agree with your statements [concerning the right to dissent and the illegitimacy of violence]."—Ruth Hirsch, Jackson.

"Having attended college and having 2 younger brothers in college, I believe they are entitled to their education. I believe that . . . the instigators of these demonstrations should be severely punished."—Mrs. Margaret Colling, Casper.

"I am in favor of legislation which will curtail the activities of agitators and participants in demonstrations, whether students or outside persons. I do not believe that a minority has the right to shut down a university. Violence is not the way to bring about needed changes."—Leon Nelson, Gillette.

"I believe in dissent for it is only through dissent that changes occur. However, it is only when dissent is accompanied by an alternate plan for improvement that change can come about. Violence without any plan for improvement is merely violence with intent to do damage. None of us think that our country is perfect, and changes must occur, but lawless change is still lawlessness."—Mrs. Homer L. Hood, Torrington.

"We must see that the minority group of students who cause most of the trouble on campus is brought in line so that destruction and violence is ended. We cannot deny serious students the right to receive an education. We must show our strength and conquer this wave of trouble, violence, and disrespect of authority."—Maureen D. Flitner, Greybull.

"We are in our 20's and just left college 2 years ago. We are shocked and disgusted by the disrespect some young people show for the law, education, and for the lives and property of others."—Mr. and Mrs. Ben Peterson, Casper.

"I feel that students or anyone has the right to dissent, but not to destroy property or interfere with the rights of others."—Robert Phillips, Dayton.

"As a student at the University of Wyoming, I am grateful that there are legislators that will support those of us who are at the University to obtain an education. The events of last spring were a black eye to all universities, but the University of Wyoming handled them very well. Thank you for your concern and help."—Donald Armstrong, Yellowstone Park.

"I feel there is very little apathy in this area concerning these gigantic problems. The leadership among the law-abiding students,

professors, public officials must become stronger."—Mrs. Ronald Parker, Rawlins.

"Believe legislation should penalize Universities whose administrators fail to take direct action against student revolutionaries."—F. F. Scribner, Saratoga.

"An increase of out-of-state tuition would help discourage out-of-staters and by keeping the in-state tuition the same we will be decreasing campus unrest and encourage Wyoming students to attend our state university."—Ted Lee, Laramie.

"Any one caught involved in a demonstration that destroys public property should be forced to repay the damage regardless of how long it takes."—Floyd Morgan, Torrington.

"If, as you say, 'violence in any form is not a legitimate means of protest,' why do you support the Vietnam war and similar forms of violence?"—Jim E. Clark, Laramie.

"For every effect there has to be a cause. Do you realize that in the last confrontation the whole city of Berkeley was gassed indiscriminately—innocent people, elderly, and the very young—this alone would be enough to change any moderate to a rock throwing radical. Also, have you ever considered that campus unrest could be a symptom of some greater wrong in our society?"—Kern A. Olson, Laramie.

"When we can look at our government with pride and know we can have honest dependable men in Congress. Ones that are not always looking for the dollar. Campus unrest would take care of itself."—L. H. Otte, Hudson.

"End the war in Vietnam now and unrest will be replaced with joy as military money and personnel can be used to bring our own country social and political reforms of a free calibre."—Hulda Ann Arnold, Riverton.

"I believe that the views of the students are also the views and beliefs of the public in general. As for violence I believe it is justified when in rebellion to that which is no longer a legal government. This thing we have now certainly appears to be a government of the rich, for the rich and no one else has anything to say at all."—H. A. Neusenschwander, Medicine Bow.

"It is my belief that the young will undo our wrongs in government regulation and let us have more say in our schools, quality of government, along with getting more involved in communities in political power action where changes need to be."—Bob Eckerdt, Sheridan.

"Where all men are bureaucrats or where education gives a man an acknowledged status (superior), the prevailing order is likely to be free of movements of protest."—George Watson, Rawlins.

"That you stop killing my brothers in Vietnam. That you quit polluting the Ocean with nerve gas. That you stop your genocide of peaceful demonstrators."—Greig Dunn, Laramie.

"Proof of a sincere concern would be best indicated by some direct involvement with students (at all levels)."—H. Wells Singleton, Riverton.

"People fail to understand that the lunatic fringe exists in all walks of life including college campus; What we need is not a fear threat but understanding and intelligence."—Doris Wolfe, Rawlins.

"We hope that you cannot seriously believe 'violence on the campus' is caused by 'a minority steeped in an attitude of indulgence and materialism.' The reasons for violence are far deeper and widespread."—Charles and Lola Wilcox, Laramie.

"This country would be well on its way toward progress and reform if politicians and constituents alike worked for cooperation and trust, not slander."—Miles Wagner, Cody.

"Although radicals cause the bulk of campus violence, student unrest is due to basic social problems, mainly war, pollution and poverty. Until these are solved, student unrest will not and should not end."—Stephen Jensen, Laramie.

"Your failure to understand the despair behind violent dissent is adding fuel to the flame of radicalism. If the University of Wyoming burns, I think you may account your ignorance as one of the major causes."—Virginia Lee Dauglas, Jackson.

"I share your concern about campus violence—perhaps more so, because I am a student recently returned from California. All I can offer is my respect for your position and a plea to keep political oppression out of Wyoming campuses on the part of both extremes."—Miss Hollis J. Waatil, Casper.

"I agree that violence is of no value on our campuses and that students and administrators should discuss intelligently all issues which are of direct and indirect concern. However, I do not agree with administrative negative 'codes of conduct' which unwittingly foster discontent. Thomas Jefferson's 1825 code of conduct for the University of Virginia and the ensuing student disruptions is a case in point."—Professor Richard Fleck, Laramie.

"Please remember that while violence by those who are out of power is unhealthy and wrong, violence committed by those who are in power be it in Vietnam, Cambodia, Chicago or Kent State is perfectly acceptable and healthy."—C. J. Prentice, Yoder.

"To dismiss the activists as 'punks' is both simplistic and wrong. Most studies of student activists reveal that: A. They are usually the better minds, most interesting and sensitive young people on our campuses, and their alienation threaters our own future. B. Rather than rebellion against the authority of their parents, etc., most activists are living out in action the values their parents hold and transmitted to them."—Dave Steffenson, Campus Minister at the University of Wyoming.

"They [College Youth] are saying 'Mr. Nixon doesn't listen to us! Mr. Agnew calls us names! What must we do before they start to listen to us?' The recent riots and demonstrations is an indication that quite a sizable group of young people are disillusioned and frustrated and when you become frustrated the only reaction that some people know is to strike back and to strike back with a concern. I, too, am against violence, but under the present political conditions can we not say that the kind of violence we are seeing on our campuses is different from the criminal element?"—Rev. Carl R. Carlsen, Casper.

"Deliberately creating dialogue between the generations—recognizing their need to speak and voice and air their opinions and be listened to—could well serve to defeat and disarm completely those radicals who love to promote the idea that the young are not being listened to by their elders."—Mrs. Norman V. Cable, Sr., Cheyenne.

"I agree that peaceful demonstrations are necessary to our democratic society. However, far too many so called 'peaceful demonstrations' turn into riots. We must not allow this situation to run rampant or, as you say, our educational system will be severely jeopardized."—Kent McDaniel, Casper.

"I, being an educator, believe that the large majority of our students are sincere and loyal Americans. I also believe, that teachers like Miss Davis at UCLA, some students and a number of professional agitators, like Rubin, Seale, and Hoffman stir up trouble and use the news media to make it appear as if all students are involved."—Alvin Svalstad, Jackson.

"Can you imagine someone carrying a German flag during World War I or a German and Japanese flag in World War II. Why, then, do we permit traitors to parade through our streets carrying flags of people who are daily carrying out the killing of American boys. I especially like H.R. 16916 which also mentions members of faculties who should not be allowed to continue teaching."—Judson F. McCormick, Rock Springs.

"Legislation should be manufactured and instituted immediately to take care of this cancerous situation. It is obvious to all good Americans the objectives of these young revolutionaries is to break down all law and order and the eventual overthrow of our government. We just cannot allow this contagious infection to envelope our fine young people, who are America's future."—Jeff McKibbin, Worland.

"My wife and I were in Laramie to interview 3 students for a scholarship the day we supposedly had hundreds of students protesting. Of 8000 only a couple hundred were standing around. I was so disgusted with the head of our university that I went to the editor of the *Wyoming Eagle*. He had not received his print and we tried to get him to run an article about the other 7800 students activities on that day side by side on the front page with the protestors and he refused. I left a signed statement with him to run in the paper and I still feel that the head of the University could stop this by just doing his job with the laws we have on the books now. The newspapers could print both sides and all the sensationalism would be gone."—J. L. Hunnicutt, Cheyenne.

"Colleges are tax supported; therefore, public owned institutions operated for the benefit of all citizens. When any minority or majority group disrupts the educational processes in any illegal or violent manner, they should be dealt with by process of law or by whatever means necessary by public officials. All citizens are and should be subject to the laws of our land; otherwise, we have no need of any type of governing officials."—Conrad L. Handley, Casper.

"Instead of educating our youth in the art of making as much money as possible for our own pleasures, education should encourage each of us to accept the work of answering the nation's needs. Right now it is environmental studies, and determining the right course to take. There will always be negative groups of people trying to pull the others down. The important thing is to keep the positive groups on the challenging, growing edge of the nation's life. There is a very deep desire in most people to be educationally equipped to do something about the needs of our times."—Charles Brown, Jackson.

"We possibly do need changes, but I don't believe that any of these idiots has earned the right to tear down what the taxpayers have paid for. There are too many young intelligent people that would love the opportunity to get an education that can't afford it. To allow a small minority to continue to get away with the destruction of our universities. Kick them out and let the people with a little intelligence get their education."—Clyde Beedle, Rawlins.

"We think that campus unrest would be handled best at the state and local levels. Voters should demand that college and university administrators serve the cause of truth, honor, and decency; and possess a dedication to law and order. We are appalled that some administrators will not enforce student-unrest amendments. It is readily apparent that many university administrators and professors do not possess the right kind of qualities. Administrators should set a limit on dissent and demonstrations, and should carry out duties of enforcing these rules unflinchingly and impartially. We question the necessity and effectiveness of the President's Commission on Campus Unrest."—Mr. and Mrs. W. A. Svoboda, Riverton.

"We must not allow extreme demonstrators to destroy our nation and young people's minds. If the current trend of violence con-

tinues, our younger generation will not know the difference between right and wrong. Our courts and laws must be strengthened to prevent destruction of our great society . . this must begin at once."—Richard C. Bryan, Powell.

"I have attended classes at many campuses throughout the country while earning my degree. In every case, the majority has wanted to see firm direction from the administration. Instead in many cases it (unrest) is met by indecision. I consider well thought out rules by the administration one of the most important factors. Next is fair treatment to all regardless of race and background."—Edgar Sears, Cheyenne.

"Students who protest at the expense of other students' time and money should be expelled. Students who intentionally break school and/or campus rules should be arrested. Too many students are being cheated out of their education by students who denounce education as establishment propaganda."—Robert and Marjorie Null, Cheyenne.

"We think it is a national shame that a minority of young people are being allowed to put fear in the hearts of conscious minded citizens and to jeopardize the opportunities of our deserving young people. There is too much leniency in our laws."—Mr. and Mrs. M. L. Murphy, Rozet.

"We need some laws to deal with those who would destroy what we have in this country. I have no patience with these radicals, as they have nothing to contribute that I know of, except destroy our nation."—Glenn Morris, Sheridan.

"I feel that those who take part in riots, demonstrations and such should be expelled from college. There are others who wish to learn and can't get in; why should these people be allowed in if all they want to do is cause trouble. They can't really want an education."—Janet M. Knight, Yellowstone Park.

"I feel that student dissent is meaningless unless they, the students, have a concrete, acceptable substitution to replace the tried and proven methods of the establishment. Lets have more industrial education over the nation. We can't all be administrators. We're oversupplied with Chiefs and too darn few Indians."—Louise Ekdall, Cheyenne.

"These people are openly, defiantly, and purposely destroying the rights, property, privileges of others, as well as our democratic form of government."—Donald L. Hill, Basin.

"We condone the violence and demonstrations of the Sds and their sympathizers by giving them publicity. Take that away from them and ignore them. We have too many hard working fine students who need the publicity instead."—Mrs. Edmund Zyzkowski, Dubois.

"I think all educational aid should be withheld from any student known to have participated in any of these demonstrations, and the law enforcement and judicial departments should put some teeth in their handling of these law breakers. Ordinary taxpayers cannot tolerate these actions indefinitely."—Jacqueline Skovgard, Buffalo.

"I believe that all citizens of this great United States of America have the right to protest any bad condition or situation but I also believe that it should be done within the due process of our laws and when it isn't we lose our freedom and become slaves to tyranny."—H. L. Bob Pease, Newcastle.

"See that equal time is given to our government and country at rally protests and such places that tend to influence the young and sometimes easily swayed college students."—John Ranger Nunnery, Gillette.

"I would deny financial support to any institution that accepts the SDS organization on campus, or retains a faculty member who supports or participates in campus riots or disruption of legal activities on campus."—A. H. Sawyer, Rock Springs.

"Are these demonstrators better than our boys who are fighting and a lot of them dying to protect our flag? If so, what makes them so special? If not, then lets do something about them treating the flag like it was a rag. Or else lets quit sending boys to die for it."—Albert Prather, Wheatland.

"I, have no respect for school administrators who allow students to run things and hold demonstrations during class periods."—Mrs. A. T. Miller, Cody.

"Laws should be able to be enforced. There seems to be a break down somewhere. If laws we have cannot be enforced, they are no good to anyone."—Verl Allred, Sr., Saratoga.

"Positive action by responsible students should be encouraged to take charge of student newspapers, student government and other student activities."—Alden S. Ingrahan.

"I'm sure we'll always have people who choose to disregard the rights and property of others, and we've all seen what happens when they are not restrained."—Kenneth Brown.

"We hope you and other congressmen will put a stop to all this destruction."—Mr. and Mrs. P. H. Sawyer, Meteetse.

"I urge you to support any measures which would help to get college and high school students actively involved in peaceful change. For instance, courses could be initiated which give credit and guidance in public help projects. Our schools have a vast potential wealth of resources which should be directed at least in part to the ills of our society."—Dean Roubos, Yellowstone Park.

"I am an instructor at Northwest Community College in Powell. I am for America and deplore the tragedy of tearing down our institutions. Law and order must prevail or our country is lost. However, I think our young people are justly concerned about our environment and what they will inherit."—A. L. Mickelson, Powell.

"If we don't get some 'guts' into our old and new laws, our failure of control will continue."—Rollin Bisbee, Evanston.

"I feel that these violators of our laws should be treated the same as I would be if I got mad at a neighbor and bombed his home. I feel that students taking part in violence should be expelled so the rest may continue their honest goal to learn."—Mrs. Oral Berry, Sheridan.

"I am a girl of 18. I enrolled in a college for the fall term a few weeks ago, but now my parents have decided that I cannot go because they are actually afraid for my life. Our colleges are becoming a mockery to society. I'm proud to live in a state that is making an all-out effort to change the situation."—Sandra McLean, LaGrange.

"I believe that we have endured this problem of violent dissent with far too much leniency, for too long."—Dick Mercer, Hyattville.

"I heartily support your actions in trying to cope with the radicals on campus; however, it seems that to a great degree the problems lie within the school administrators and directors. Until we can get administrators and directors with backbone that are willing to stand up for law and order, the entire educational system will remain in jeopardy."—Byron Lee, Casper.

"The colleges should maintain their own order. They should have rules on conduct and enforce them. The government should only be involved by encouraging the Supreme Court to prosecute those who want to overthrow our government—such as SDS, Black Panthers, Communists, etc."—Mrs. Robert Jack Smith, Rawlins.

"Being a student at a small college and having a daughter who will be a junior in college, I see both sides of the issues. I feel Congress should help the students who need it—for they will be better equipped leaders tomorrow. May I ask if burning down a building, sniping and throwing bricks at persons engaged in performing their duty, and in general creating violence is actually condoned in our Constitution? Surely some action must be taken in government and by responsible persons to protect the citizen on the receiving end of the violence. If an ordinary citizen walked on campus and deliberately created a disturbance or burned the administration building down, he would be arrested and brought to trial. Where is our 'fair lady of justice' on these matters?"—Mrs. Marian Sagrilla, Powell.

"Dissent is all right; but dissent with violence—dissent with no constructive solutions to the problems is all wrong."—Evalyn Galloway, Savery.

"These youths are contradicting their own cry—'Peace and Freedom.' I firmly believe these students should be prosecuted to the fullest extent for destroying property and denying others their right to an education."—Janet Lawrence, Buffalo.

"I believe in peaceful, lawful demonstrations but not to the point of obstructing others from attending classes, destroying property and harming persons. A neighbor and I have even discussed not sending our sons to college if it means their becoming involved in or being hurt by radical groups. Everyone with whom I have discussed this problem is very concerned for their own youngsters and the very foundations of our educational system."—Mrs. Thomas Trautner, Cheyenne.

"I am 22. I had 2 years of college in Powell, Wyoming. I feel college students are still children when acting in this manner. Authority is what they want—firm rules must be set up before the students even start college and they can't be bluffs. As you said: dissent is their right; violence is not."—Mrs. Carol Nardelli, Powell.

STATEMENTS OF CATHOLIC CHARITIES, ARCHDIOCESE OF NEW YORK; CATHOLIC CHARITIES, DIOCESE OF BROOKLYN; FEDERATION OF JEWISH PHILANTHROPIES OF NEW YORK; AND FEDERATION OF PROTESTANT WELFARE AGENCIES OF NEW YORK, ON THE BILL, H.R. 16311, THE FAMILY ASSISTANCE PLAN

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. ROONEY of New York. Mr. Speaker, under the permission heretofore granted me by unanimous consent, I include with these remarks certain statements of Catholic Charities, Archdiocese of New York; Catholic Charities, Diocese of Brooklyn; Federation of Jewish Philanthropies of New York; and the Federation of Protestant Welfare Agencies of New York, submitted to the Committee on Finance of the other body on August 31, 1970:

SUMMARY OF STATEMENT OF CATHOLIC CHARITIES, ARCHDIOCESE OF NEW YORK; CATHOLIC CHARITIES, DIOCESE OF BROOKLYN; FEDERATION OF JEWISH PHILANTHROPIES OF NEW YORK; AND FEDERATION OF PROTESTANT WELFARE AGENCIES OF NEW YORK, ON H.R. 16311

I. We fully support the basic innovative features of H.R. 16311 to wit—

1. The establishment of national minimum income standards;

2. A federally-financed income maintenance system;

3. The inclusion of the so-called working poor within The Family Assistance Plan;

4. The establishment of a correlative system of training and employment to enable poor persons to break the cycle of poverty; and

5. The development of a definitive system of social services separate and apart from income maintenance.

II. We urge the following revisions:

1. Annual increase in the minimum standards until the lower living standard of the Bureau of Labor Statistics is reached;

2. Inclusion of childless couples and single persons;

3. Provide freedom of choice to mothers with respect to registration for training or employment; and

4. Require that State supplementation programs include families headed by working and unemployed fathers.

III. We support the concept of partnership between public and nonprofit agencies in providing social services, as well as the concept of freedom of choice of the individual in the selection of public or nonprofit agencies for provision of social services.

IV. We believe enactment of this legislation by the current session of Congress to be imperative.

My name is Sanford Solender and I am the Executive Vice President of the Federation of Jewish Philanthropies of New York.

I wish to thank you on behalf of my colleagues, Bishop Edward D. Head, Executive Director of the Catholic Charities of the Archdiocese of New York, Father Joseph M. Sullivan, Executive Director of Catholic Charities, Diocese of Brooklyn, and Mr. John J. Keppler, Executive Vice President of the Federation of Protestant Welfare Agencies of New York and myself for the opportunity to appear this morning to testify on H.R. 16311, The Family Assistance Act of 1970. We see the objectives of this bill as a milestone in the field of national social welfare policy, second only, in our opinion, to those of the Social Security Act of 1935. It is because we share this view, and because we are convinced that action on this vital subject of national import should not be deferred by the present session of Congress that we present this concerted appeal to you.

Never before, to our knowledge, have the heads of the federated Catholic, Jewish and Protestant Welfare agencies appeared before this committee, or perhaps any other Congressional Committee, to testify with one voice on behalf of any legislative proposal to aid the poor and needy. That we establish this precedent today should make it amply clear that we would regard a failure to enact this legislation at the current session as a most unfortunate omission, and one which would decidedly not be in the best interest of our country.

This is not to say that we approve all the provisions of this bill. As we shall make clear, we believe the bill can and should be materially improved in a number of respects. However, we do regard as imperative the enactment into law of its basic reform and innovative features.

These noteworthy features are (1) the establishment of national minimum income standards, (2) a federally financed income maintenance system, (3) the inclusion of the so-called working poor within The Family Assistance Plan, (4) the establishment of a correlative system of training and employment to enable poor persons to break the cycle of poverty, and (5) the development of a definitive system of social services separate and apart from income maintenance.

The establishment of the principles reflected in this bill is essential if we are to rid ourselves of the outmoded, and, by now, counterproductive system of categorical public assistance grants—a system which was useful in its time, but which is today largely responsible for the failure and frustration which pervade the welfare programs in this country. The inequities built into these programs in many of our poorer states are responsible in considerable measure for the crisis in our urban ghettos and for the moral breakdown in thousands of families. The lack of federally-financed, minimum national standards has led to grossly inadequate allowances, discrimination against the working poor, particularly those with large families, and the disruption of family life through "man in the house" rules and other devices. The stigma of welfare increasingly polarizes our society and feeds the flames of racial and class hatred. We believe that it is time for a new start. H.R. 16311 offers the opportunity for such a start.

Having said this, we address ourselves to certain clear weaknesses in this bill. In the first place, as even the bill's strongest supporters have consistently pointed out, the stated minimum income level is too low. Every person should have an income which meets at least the lower living standards of the Bureau of Labor Statistics. If it is not fiscally feasible to establish this at once, we suggest that provision be included by means of a timetable written into the law for an annual increase in the minimum standard until the desired level is reached at the end of perhaps three, but no more than five years.

A second basic weakness is the exclusion of single persons and childless couples. There is, in our judgment, no sound reason for such a discriminatory policy. Common humanity demands that no person be denied the means of subsistence and certainly not on the basis of artificial criteria or shortsighted economies.

Third, the requirement that all mothers, except those with preschool children, be required to work is both unreasonable and impracticable. The need of children for their mothers cannot be regulated by such arbitrary and unnatural requirements. Age is merely one of many factors in determining whether a mother's presence in the home is required. Who is to say whether a child of eight years may not, under certain circumstances, more desperately require a mother's presence than another child of four or five? To legislate arbitrarily requirements on a subject of this nature, touching the welfare of children, is to promote hardship and suffering for certain families and to encourage a disrespect and disregard for the program as well. Considering the large number of mothers involved, we believe it will be a long time, and perhaps never, before there will be available a sufficient number of day care centers or homemakers to act as parent substitutes. Moreover, from a coldly financial point of view, maintenance of the mother at home with her child will in countless instances be cheaper than day care or homemaker service for the same family.

Fourth, we believe the recent addition of the provision withholding federal reimbursement for state supplemental payments to families headed by unemployed fathers is a serious mistake, as is the exclusion of those headed by employed fathers. Since a family headed by a mother will be entitled to both federal payments and state supplemental payments, this policy will merely encourage the embittered father to leave the household and thus perpetuate the tragic error of our present laws in disrupting the stability and integrity of the family. No saving in tax funds can justify this result. Any saving in this respect is illustory in view of the enormous price we must pay for the consequences of family breakdown and the eventual separation of parents and children.

Finally, we wish to comment briefly on Title XX relative to individual and family services. We view this Title as a major element of needed reform. The proposed separation of financial assistance from delivery of service is basic to any structural improvement of the welfare system.

There are at least two areas in which present policy and programs are altered in a way we consider undesirable:

For the first time, a ceiling is placed upon allotments of federal funds to states for social services based upon expenditures for fiscal 1971. The obvious effect of this is to limit federal expenditures for social services in future years, regardless of the extent to which states may find it necessary to expand services to needy people.

Eligibility for free services is restricted to families with incomes below the poverty line. This would be true even in the several states whose assistance benefits exceed the poverty level. In these states, assistance recipients would be required to pay a fee for services. The number served would be very small, since only 10% of federal service funds could be used for those who pay a fee. The poverty-line eligibility restriction would also cut off free services from families who need them to keep from falling into poverty.

We recommend that eligibility for free services be established at the same level as that recently established for participation in the Food Stamp Program.

Nevertheless, we appreciate the underlying values and sound objectives of this plan. We endorse the effort to strengthen family life, to promote the care and welfare of dependent children, and the special regard for services to the poor.

It is important in this area of services to be mindful, also, of the fruitful partnership between the public and nonprofit sectors. We would underscore three basic principles which we believe should be clearly and unequivocally enunciated in the final draft of the Title dealing with social services. These are:

1. The concept of public—nonprofit partnership in welfare should be stated, and assurance provided for the role of the nonprofit sector in the planning and provision of a wide range of adequately-funded social services.

2. Respect for individual dignity and the right to selfdetermination. The individual must be free to either accept or reject the service. Further, he must be free to choose the service from whatever source he deems appropriate, from either the public or nonprofit sector, it being fundamental that both nonprofit and public agencies be available to supply the services.

3. Clear authority should be set forth for the utilization of the services of the nonprofit sector through purchase of services and other contractual arrangement.

The members of your Committee, having heard the testimony of many informed and concerned individuals and organizations, are in a singular position to pass judgment on this proposal to reform and recreate our outmoded public welfare system. The time is long overdue for this most prosperous and most fortunate country in the world to put an end to the blight of poverty. We can no longer afford to tolerate even a small percentage of Americans whose means of subsistence fall below the accepted norm of what is essential. We cannot, in this country, plead the lack of means to abolish poverty. On behalf of the millions of needy persons served by the organizations we represent, and all who will benefit from this legislation, we appeal to your compassionate understanding of their plight. We urge prompt and favorable action by your Committee of this most essential legislation.

INFLATION AND YOUR GOVERNMENT

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. ASHBROOK. Mr. Speaker, if one reviews the popular explanations regarding the causes of inflation, it will readily be ascertained that the field of economics can hardly be classified as an exact science. Government spending, trade unions and the price policies of industry are singled out as culprits by various sources. On closer analysis, when one considers the major role played by the Government in our monetary system, the overriding responsibility of the Federal Government becomes clearer.

Recently, the Federal involvement in the inflationary spiral was highlighted by J. Howard Pew, the Philadelphia industrialist of Sun Oil Co. and the Sun Shipbuilding & Dry Dock Co. His sobering presentation of facts and figures provided a realistic meaning to the phrase "Government spending." For those who hold that Federal dollars cure all ills, Mr. Pew cautions that such a panacea exacts its penalties.

With the issue of inflation presently commanding a top priority in the Nation today, taxpayers would be well advised to join the Watch Washington Club, that segment of citizens who appreciate fully the role played by the Government in the depreciation of the American dollar.

Following are the remarks delivered by J. Howard Pew at the William Penn Award Dinner in Philadelphia on May 21, 1970:

REMARKS BY J. HOWARD PEW

We of the Delaware Valley are the beneficiaries of the greatest heritage ever handed down to posterity. Not only did we inherit the wisdom of some of the greatest minds of all time, but we were bequeathed a vast industrial empire—an empire which is now being so eroded by inflation that its very survival is in doubt.

Inflation is generally supposed to be the result of the increase in the quantity of money and credit. This is no doubt true, but it is not as simple as that. The increase in the quantity of money and credit may be but the symptom of the disease. As government has absolute control over our monetary system, government alone is responsible for inflation. Inflation operates by reducing the purchasing power of the assets of the people and of corporations. Just as the people and corporations are hurt, to that extent the government is benefited. Inflation, therefore, is a device by which the government in effect becomes a legalized counterfeiter. Because inflation is a hidden tax and most of the peoples of the world do not recognize it as such, governments have for thousands of years periodically employed inflation for the purpose of swindling the people out of their savings. President Nixon, with the counsel and advice of some of the greatest economic minds in this country, is making a real effort to control inflation. However, as the government has for 35 years imposed inflation upon the American people, it is inconceivable that it can be stopped in a month or in a year or in several years, and it can never be stopped as long as the Federal, State, and local governments impose a tax on the American people of $336 billions of dollars per year.

The measure of inflation, as I have already pointed out, is the increase in the quantity of money and credit. In my talk here tonight, I am using the words credit and debt interchangeably. In 1945, at the end of World War II, the total of all private and public debt was approximately 400 billions of dollars. If we take the 24 years from 1945 to 1969 and divide them into four 6-year periods, we find in the first period total debt increased 29% to $519 billions. In the second period it had increased 40% to $728 billions. In the third period it increased 47% to 1,071 billions. In the fourth period, ending in 1969, it increased 56% to 1,669 billions. Or, putting it another way, the increase in the last 6-year period ending in 1969 equalled 1½ times the total debt that existed at the end of World War II. This is such a fabulous debt that the mere interest on it at 8% amounts to 133 billions of dollars per year, which is the equivalent of $2,600 for every family in the United States.

As I pointed out a moment ago, the total taxes which the American people must pay to the Federal, State, and local governments totaled last year $336 billions. This is such a fantastic figure that our minds cannot comprehend it. It is the equivalent of $6,600 for every family in the United States. Obviously, it is impossible for the American people to carry such a burden.

Government has not been generous to American industry. It has not allowed industry to adequately depreciate its property. American industry should be permitted to include in its operating expenses a fund sufficient to reproduce such of its plant and equipment as has become worn out or obsolete. But government will not permit depreciation to be increased by inflationary costs. An understatement of depreciation results in an overstatement of earnings and an increase in Federal taxes. The United States Steel Corporation, in its last annual report to stockholders, had this to say about depreciation, and I quote:

"The current tax formula for the recovery of capital and investment of plant and equipment is based on charges for the depreciation of dollars invested in the past, but because of inflation these dollars have less buying power today. Thus allowance for depreciation is too small even to maintain existing investment."

American industry has made this country a great nation, and yet last year, according to the Federal Trade Commission, the consolidated earnings of all manufacturing corporations in this country were $58 billions. This $58 billions was after the allowed depreciation but before federal taxes. Now we know that the average life of an American industrial plant is 17 years. We also know that the cost of such a plant is 2¼ times what it was 17 years ago. As the allowed depreciation was $23 billion, it becomes obvious that the inadequacy of depreciation was $28 billion. Thus the real earnings, before Federal taxes, of American corporations were not $58 billions but only $30 billions. Of this amount, industry paid over to the Federal government in taxes $25 billions, leaving the real net earnings of American industry $5 billions. But industry paid to its stockholders last year in the form of dividends $15 billions, a large part of which was paid over to the government in taxes by the stockholders. Thus the amount of taxes which the government obtained, directly and indirectly, as a result of the operations of American industry, was more than industry actually earned. American industry normally creates 83% of the wealth in this country. As American industry produced no wealth last year, where did the wealth come from to support the government? Obviously, it came from the borrowings of the people and of the corporations which was eventually paid over to the government under the guise of taxes.

Harry Hopkins, one of the early bureaucrats, is reputed to have said: "We will spend and spend and tax and tax and elect and elect." Whether he said it or not, the orgy of government spending has been unprecedented. To satisfy government's appetite for more and more taxes, American industry and individuals have been compelled to borrow vast sums of money—money which was created by the government at no cost to itself. This is the real source of inflation. This situation cannot be cured until the government drastically curtails its spending—until the government comes to understand that it is not its responsibility to provide for welfare, security, agriculture, education, health, foreign aid, etc. This is an entirely different concept than that which exists in government circles.

I would not have you believe, from what I have said, that I am opposed to aid for the needy. I am not. But this is the responsibility of the churches and other charitable institutions. It is not the responsibility of the government. America can survive only if a sufficient number of knowledgeable and dedicated men are willing to involve themselves in bringing the government back to its proper perspective—the Constitution of the United States, as conceived and interpreted by our founding fathers.

STAND AGAINST COERCION

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. BRAY. Mr. Speaker, the following editorial from the September 15, 1970, Indianapolis Star is especially pertinent, as the Supreme Court prepares to consider the crucial question of busing pupils for purposes of racial balance.

STAND AGAINST COERCION

Mayor Richard G. Lugar, in urging Indianapolis school officials to "renounce busing, coercive transportation, once and for all," was asking them to observe the law as well as the best interests of the community, including its school children.

The 1964 Civil Rights Act specifically prohibits busing to achieve school integration and forbids the assigning of pupils to public schools on the basis of race.

Under pressure and threats from what Lugar called "low-echelon Department of Justice functionaries," the last Board of School Commissioners drew up integration plans which require busing and assignment of pupils on the basis of race.

Subsequent communications from the "low-echelon functionaries" make plain their intent to coerce Indianapolis into submitting to a scheme that would require an artifically imposed racial balance in every public school in the city and require massive-scale busing.

Lugar was correct in saying that the motive behind the last school board's urgent determination to spend $8 to $10 million on a new Crispus Attucks High School—which he said would be "a misuse of precious tax dollars"—was a desire to effect racial balance. In this case, too, it was pressure and threats from the same group of functionaries that coerced the school board into making its decision, causing the intense furor and polarization that ensued.

Indianapolis in the past decade has made substantial racial progress in contrast to many large American cities, and is likely to continue to do so in the absence of externally initiated schemes that produce polarization of attitudes.

We hope that the new school board weighs Mayor Lugar's words, which represent apparently prevailing community sentiment, and instead of bowing to outside coercion makes the genuine interests of the city the basis of its policies and decisions.

BANKRUPTCY REFORM

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. RYAN. Mr. Speaker, on June 30, Senate Joint Resolution 88, to create a commission to study the bankruptcy laws, was before the House. I voted for that resolution, and in doing so, noted that I hoped the commission would undertake a thorough, in-depth examination of the present system whereby bankruptcy referees and trustees are appointed. I also expressed my concern that the commission would make recommendations for reform to insure that the potential for abuse of this system is eliminated.

An article by John P. MacKenzie, which appeared in the August 2 edition of the Washington Post, is particularly interesting in this regard. Headlined "Court's Role Clouds Huge Bankruptcy Case," the article details a controversy involving the U.S. District Court for Western Oklahoma and its role in what is described as "one of the Nation's most lucrative bankruptcy proceedings."

I commend this article to my colleagues, not as a criticism of the court—which I in no way intend—but as an informative discussion which points out the wisdom of creation of a commission to study the bankruptcy laws.

The article follows:

[From the Washington Post, Aug. 21, 1970]

COURT'S ROLE CLOUDS HUGE BANKRUPTCY CASE

(By John P. MacKenzie)

OKLAHOMA CITY, Okla.—The U.S. District Court for Western Oklahoma, still feeling the effects of a major judicial scandal, is on the brink of further controversy—this time over legal ethics in one of the nation's most lucrative bankruptcy proceedings.

The spotlight is back on this community because of upwards of half a billion dollars in claims against Four Seasons Nursing Centers Inc. and its managers, and jostling among lawyers whose fees, according to one estimate, could reach $250,000.

The court is the scene of some unusual steps in the reorganization of Four Seasons, one of last year's hottest stocks whose spectacular collapse has brought major economic and political consequences.

Among the unusual moves:

1—As trustee to administer the firm and all of its faltering subsidiaries, the District Court here has appointed Norman Hirschfield, a veteran management * * * last who as a paid consultant for Four Seasons recommended the very bankruptcy action that is now pending. Federal law requires a "disinterested" trustee to insure impartiality during the many-sided battles for corporate and operating rights.

2—Chief Judge Luther Bohannon, taking command of the case after its initial assignment on rotation to another judge, appointed as co-counsel for Hirschfield a member of the judge's former law firm, Edward Barth.

Barth's present law partners include one of the judge's closest social and professional intimates, Bert Barefoot Jr., and the judge's son, Richard L. Bohannon.

3—A. P. Murrah Jr., son of the recently retired chief judge of the Tenth U.S. Circuit Court of Appeals, which covers Oklahoma, has performed legal services for Four Seasons both before and since the bankruptcy action was begun. Young Murrah's senior partner, John C. Andrews, is a defendant in civil suits charging Andrews and other former Four Seasons officers with fraud on the company and its stockholders. Judge Murrah has jurisdiction in a preliminary decision in the case.

The kindest appraisal of some in this legal community was that some of the actions so far were of little consequence because all the principals were men of integrity who had learned over the years to trust each other despite spirited adversary court proceedings.

A court clerk said that Judge Luther Ewbanks, to whom the case was first assigned, was tied up in an antitrust matter. Consequently the case was transferred to Judge Bohannon because, it was said, of Judge Bohannon's expertise in bankruptcy affairs. Appointment of counsel to the trustee was credited to the recognized talents of Barefoot, the judge's former partner and head of the firm of Barefoot, Moler, Bohannon & Barth, though no one claims that only Barefoot's firm possessed the requisite skill, or that the skills of Hirschfield, a respected business adviser, are unique.

"You jut have to know the community to understand this sort of thing," said one lawyer who knows the scene well, so well that he asked not to be identified.

The courts here have been in the news previously, most notably for events. In the mid-1960s, four judges of the Oklahoma Supreme Court were convicted on charges that included bribery and criminal evasion of taxes. And for the last five years there has been a running controversy over whether U.S. District Judge Stephen S. Chandler should continue to hear cases after he was censured by his circuit court superiors for injudicious behavior.

Chandler's troubles, according to an unpublicized congressional study, stemmed from decades of bitter rivalry with Judges Murrah and Bohannon. Judge Chandler, now 70, still is pondering his next move after the U.S. Supreme Court rejected his appeal from the Tenth Circuit Judicial Council's 1965 action stripping him of most of his caseload.

A House Judiciary Committee report scolded all three judges—Chandler, Bohannon and Murrah—for behavior that "brought discredit on their courts."

The future of Four Seasons—whether it can reorganize and revive or must dissolve and leave uncounted financial victims in its wake—is of considerable national consequence, both economically and politically.

The far-flung creditors of Oklahoma-based Four Seasons are anxious about the threat to their investments that began last spring when trading on the company's stock was halted, an anxiety that was heightened when the firm sought refuge in bankruptcy court June 26.

Dozens of European financial institutions invested in Four Seasons. The state of Ohio, in a transaction that has shaken the Ohio Republican Party and threatened it with statewide defeat in the fall elections, loaned Four Seasons $4 million and wants it back. Stock market operators and little investors bought Four Seasons stock for as much as $90 a share after its price soared from an initial offering of $11. They seek damages both to make themselves and the company whole again.

Four Seasons issued stock to the public late in 1967 with optimistic forecasts resting largely on the expectations of large Medicare payments and promises to establish a chain of efficient, franchised health care centers across the country. Its collapse has been attributed to the decline in the stock market, setbacks for most franchise operations, tight money and high construction costs and, according to disgruntled, suing stockholders, financial mis-dealings by management.

The truth or falsity of charges in a dozen lawsuits remains to be established in drawn-out and expensive court proceedings.

Five stockholder actions have been consolidated in New York federal court. Basically they claim that Four Seasons insiders, including investment bankers who helped float the stock initially, concealed information contrary to the glowing predictions of former president Jack L. Clark, director Andrews and others.

The suits accused the officers, among other things, of spinning off a subsidiary called Four Seasons Equity Corp. and transferring substantial assets to the new firm at the expense of Four Seasons shareholders, who were kept in the dark about such details.

Trustee Hirschfield is caretaker and interim operating head of both Four Seasons and Four Seasons Equity, although the two firms are potentially at odds as the trustee seeks to collect the assets that belong to each.

Hirschfield and his lawyers are locked in a battle with the New York shareholders and their attorneys over control of lawsuits designed to recover the Four Seasons assets. Hirschfield seeks transfer of the New York suits to Oklahoma, where the bankruptcy petition was filed. The Manhattan lawyers are resisting, arguing that Hirschfield is in no position to pursue all the claims involved.

Ira J. Sands, a New York lawyer representing large blocs of stockholders, told a New York court that Oklahoma City is the wrong place to adjudicate the Four Seasons case, partly because of its inaccessibility to most of the parties involved and because of the tightly interlocked legal fraternity that has taken a leading role in the bankruptcy proceedings.

Sands has said that Hirschfield, who has filed a suit against the directors of Four Seasons alleging fraud, is in the position of the organization through its present trustee suing itself.

The question of where and how these lawsuits shall be handled has been taken to the Washington headquarters for a multidistrict panel of judges that referees such jurisdictional disputes. The panel's chairman is Judge Murrah, 65. Murrah, who has abandoned active judicial status, is also the head of the Federal Judicial Center, which conducts research and training in Federal Court management.

The senior Murrah while not involved in the Four Seasons battles, has connections with most of their central characters. Like Barefoot, he is a former law partner and long time close friend of Judge Bohannon. Two of his former law clerks are Barth, 33, the co-counsel for the bankruptcy trustee, and young Bohannon, 35, each of whom in turn is a partner of Barefoot.

Barth could not be reached for comment. The younger Murrah said he has been "acutely aware" of the ethical problems involved and ceased doing legal work for trustee Hirschfield as of July 23.

Murrah said he performed an "innocuous act" when he filed the petition for reorganization for the company and when he appeared with Hirschfield before Judge Bohannon to discuss the trusteeship on June 26. He said he saw no useful purpose in going through the formality of withdrawing as counsel for the debtor firm, since the trusteeship leaves him with little to do in that capacity.

Judge Bohannon declined to comment. It is known that he sought the opinion of an attorney for the Securities and Exchange Commission about Hirschfield's eligibility and has asked an ethics committee of high-ranking federal judges for its opinion on the appointment of his son's law partner.

Hirschfield would say only that he had been a consultant briefly for Four Seasons and that he worked for the firm only long enough to recommend the petition, which seeks to stave off final bankruptcy while the trustee works out a court-approved plan to keep the company going. He would not discuss his consultant's fee, or the circumstances surrounding his appointment.

Hirschfield did say he will be surprised if his eligibility to act as trustee is challenged in the court hearings next week when his confirmation as trustee will be asked. Asked whether he saw a problem in his assuming the trusteeship, he said that if he had, "obviously I wouldn't have accepted the appointment."

The handling of federal bankruptcy actions in this city lay at the heart of the "ancient personal and political rivalries" among its judges that led to censure of Judge Chandler and stripping of his caseload, a confidential House Judiciary Committee report found.

"Historically," the report observed, "court administration of bankruptcy and reorganization matters has been an area where the judge, through his power to appoint trustees and to approve attorney fees for the various interests involved in reorganization proceedings, has had an opportunity to dispense largesse and to be responsive to personal interests in the community and bar."

Chief Justice Warren E. Burger called for extensive overhaul of federal court bankruptcy machinery in his "State of the Judiciary" message last week, but he did not specify any particular areas of abuse or need.

One long-standing reform proposal, to remove bankruptcy from court patronage through recruitment of permanent professional bankruptcy officials, may become increasingly attractive at a time of widespread business failure.

JUSTICE IN SOUTH AFRICA

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. DIGGS. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

[From the New York Times, Sept. 16, 1970]

JUSTICE IN SOUTH AFRICA

For the second time this year, South Africa's Supreme Court has demonstrated a rare independence of the Government and struck a considerable blow for justice and fair play. Justice Gerrit Viljoen has acquitted nineteen black Africans charged under the drastic Terrorism Act with plotting to overthrow white rule.

Justice Viljoen ruled that the charges against the nineteen were substantially the same as those of which they and three others were acquitted last February under the slightly less pernicious Suppression of Communism Act. On that occasion, the defendants, who have been in solitary confinement much of the time since their arrest in May 1969, were rearrested under the Terrorism Act even before they could leave the courtroom.

For months after that second arrest it seemed that the State intended to hold the blacks indefinitely, without charge, as it can do under the law. The fact that it finally freed three of the original defendants and brought the others to trial owed much to a rising protest against their detention by lawyers, students, newspapers, church and women's groups.

In Premier Vorster's country, however, not even a second acquittal insures that the Africans will long be free. The courts have spoken, but the Government still could put the nineteen under house arrest by administrative action and thus deprive them of the chance to earn a living.

The Vorster regime could get badly needed credits from a critical world if it would indicate a willingness to abide by the court verdicts. It could gain even more standing by repealing the heinous Terrorism Act, which the Johannesburg Bar Council has branded "subversive of the proper administration of justice in South Africa."

REV. BILL DEATHERAGE WRITES ABOUT OUR GREAT PAUL BOESCH

HON. BOB CASEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. CASEY. Mr. Speaker, we in Houston count our great fortune not in buildings, industrial plants, and money—but in the richness of great men who contribute so much to people and our culture.

Two such men are my good friends, the Reverend Bill Deatherage, pastor of the Second Christian Church—and Paul Boesch, author, poet, and a powerful professional wrestler with two magnificent cauliflower ears.

I was greatly pleased to read Bill's column in the Second Christian Church edition of Houston Times, in which he brings to the attention of his flock the great attributes of Paul Boesch. Because I believe the sage observations of these two fine men merit the attention of my colleagues, I am including the article at this point in the RECORD:

A DISCOVERY: A CHALLENGER TO EXCELLENCE

(By W. P. Deatherage)

(NOTE.—Spoken before a joint session of the U.S. Senate and U.S. House of Representatives, in the Hall of the House of Representatives, 11 a.m., on Thursday, February 12, 1959, in commemoration of the one hundred and fiftieth anniversary of the birth of Abraham Lincoln.)

Life is full of surprises. I believe it was Emerson who said that life would be infinitely more somber if it were not for the fact that, on a day when we least expect anything unusual to happen, we meet some person who, by the excellence of his character, and the kindliness of his attitude toward all human beings (and, indeed, toward "all God's creatures") makes notable that day which promised nothing remarkable and yet brightens all our later days.

For instance, we meet a man such as the late Carl Sandburg described Abraham Lincoln to be: "not often in the story of mankind does a man arrive on earth who is both steel and velvet, who is as hard as rock and soft as drifting fog, who holds in his heart and mind the paradox of terrible storm and peace unspeakable and perfect."

Lately I met such a person, a resident of our own beloved Houston. This was my "discovery". I met one of those "dear friends and gentle hearts" so eulogized by Stephen Foster in that unforgettable phrase, describing those rare persons whose great endowments of heart and mind, and breadth of sympathy, compensate us for much of the disappointments in life and for many of our frustrations. I mean those strong, but unassuming, warm hearted and friendly ones who make us glad to inhabit the same world with them.

A few weeks ago I made (to repeat endlessly) a "discovery". I discovered the towering excellence of Paul Boesch.

Just a few hours before a considerate and humanitarian burglar delayed relieving me of the Porto-Color G.E. Television set by which alone I could tune in Channel 39—without any premonition of a great "happening," as some of our more scholarly brethren term it, occurring—I turned on Channel 39 (it may be that I am superstitious, but there are times when God appears to guide us to some event that He wants us to observe), just in time to hear and see the charming Marijane appear on her program "Take 30 with Marijane". But who was that with her? I know that my friend Paul Boesch will take no offense when I say that, at first, I thought I was seeing "Beauty and the Beast". Not that Paul is ugly—far from it—but any mere man automatically takes on the role of "the beast" when he appears in public with the beautiful Marijane; simply by contrast. But after she had said, "and now we want to hear from Paul Boesch" and he began to answer her questions and read his heart-gripping poems, I forgot all about the "cauliflower" ears and the barrel chest of this genius-touched man, and was lost in the transforming enchantment of his "magic"—his words and the eloquently appealing and subtly changing shades of expression on his features.

Known as "The Voice of Wrestling in Texas," and a man that we "small imitations of the real thing" truly long to be, but are not. (There must be something unfair about life, in view of this dismal fact of being!) Paul Boesch, I knew, was a fine man, for I had seen and admired him many times when he presided over the "services" at wrestling matches (and I had the vague, undefined feeling that in some way he was a sort of Brother Pastor—he is without question a religious man), and I had met him a time or two, though he probably doesn't remember meeting me, but I had never heard him recite his poems before—well, I don't know that many other had, for he has just recently published this first book of poems—but let me finally get to the main point of this "sermon": My Great Discovery. He remarked, by way of introduction, that one of his aversions was hearing a newscaster say: "There were only twenty-four American troop casualties in Viet Nam today." Then he read his own poem entitled:

ONLY ONE

Crouched in the mud as cannons roar,
Well aware it is kill or be killed,
Tending the wounds that bullets tore
The Sergeant shouts, his voice is chilled:
Things are rough! We lost a man,
Send a replacement fast as you can.
Far from the Warrior's Armaggedon,
Their polished desks in neat array,
Spokesmen of higher echelon
Calmly issue a communique:
Our casualties were very light,
Only one was killed last night.
The home that lived so long on hope
Is prayerfully silent, except for tears.
Vaguely aware that they now must cope
With the emptiness of future years:
Our casualties were light, they say,
Yet, we lost all we had this day.

You might say, "A draft card burner must have written this poem, or some extreme pacifist, etc." You couldn't be more wrong! No matter what ideas you may have had

about poets. Paul Boesch is bound to shatter them. Unless your idea of a poet is a man's man with a pair of well cauliflowered ears, a chest that measures 48 inches, 225 often bruised pounds and a background in professional wrestling that started in 1932 and is not yet ended.

Born in Brooklyn, N.Y., Paul owes his deep feelings about the sea to the boyhood years he spent at Long Beach, N.Y. as a lifeguard.

The authority in his poems about war comes from combat experience in Europe with the 8th Infantry Division in World War II. He was awarded 2 Silver Stars, 2 Bronze Stars, 2 Purple Hearts, The French Croix de Guerre—"The French Cross of War"—a Unit Citation and the Combat Infantryman's badge.

After hearing and viewing Mr. Boesch on the program. I called him and told him how much I enjoyed this poem, and the others of his poems that he read on the program, and also his remarks in general; he thanked me and sent me an autographed copy of his book of poems. (Privately, I think he did this mostly through abject fear that I might attempt, and succeed in taking a "collection" off him—which shows that even a superlatively brave man is afraid of some things!)

His book is entitled "Much of me in Each of These". Besides the stirring and tear-evoking "War" poems, the book contains hauntingly beautiful "Seascape" lyrics, besides some slyly rollicking humorous verses, one of which was written to him from home by his wife while he was in the trenches overseas. (Paul says that Mrs. Boesch was his only pin-up.) He says, "I claimed the one pin-up subject that kept sanity for me in the world that had gone mad . . . pictures of my wife.

"I had dozens of them!"

Then follows a lovely tribute to his wife entitled "Pin-Ups".

Obviously, many of our soldiers preserve wholesome attitudes even during the wild and sometimes, understandably, demoralizing ferocity of senseless war!

Well, take my word for it: this is one of the greatest volumes of great poems I have ever read.

It is handsomely illustrated by the talented Houston artist Vic Green, some of whose kinfolk live in the next block to me, and whom I have known for many years as I belatedly discovered.

You can secure a paperback copy of the book for only $1.00 plus 25c postage.

Write to The Book Box, P.O. Box 12048 Houston, Texas 77017, enclosing your check or money order for $1.25. (There is a limited supply of copies of the book in hard cover, beautifully illustrated, full-color dust packet, the same magnificent poetry. A beautiful gift item and a treasure for your own library. Autographed. Priced at $3.75 plus 25c postage. There are not many of these "collector's items" left!) Be sure to give your name, street address, City, State, and Zip Code Number. Mention Second Christian Church when you order.

We have had the privilege of hearing our friend and Paul Boesch's friend and fellow athlete "Big Humphrey," nee Joe Vitale; and we hope to persuade Mr. Boesch to bring us an address sometime in the near future.

We hope to get you better acquainted with this good and truly great man!

Someone has said: "We are busy trying to make money, but we neglect to acquire the greatest riches: true and worthy friends".

We have heard from Lloyd Gregory, Morris Frank and "Big Humphrey". Maybe we can hear from another great and outstanding friend, Paul Boesch, whose interest in, and concern for, less privileged boys—some of them orphans—is expressed in his work in behalf of the Variety Club's work in that area and in the word of Boys Harbor.

Somehow, I'd like to be just like Paul Boesch—cauliflower ears and all!—Bill.

HELP ISRAEL NOW

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. EILBERG. Mr. Speaker, the eyes of the world are upon the tense situation in the Middle East. All of us devoutly hope that differences can be resolved and peace maintained. The road to peace was made more difficult by the recent piracy of four airplanes in utter disregard to human rights and established principles of international law.

On September 8, the distinguished State Senator from Pennsylvania, the Honorable William J. Sesler, who is the Democratic candidate for the U.S. Senate from Pennsylvania, made a thought-provoking statement on the Middle East crisis. It merits careful reading. In his statement the Senator displays a keen insight into the many facets of the Middle East crisis. I am inserting this statement in the CONGRESSIONAL RECORD and commend it to the attention of my colleagues. It follows:

The ruthless airline hijackings during the past few days, once again illustrate the breakdown of international law and the flagrant disregard for human rights in the Middle East. At this time, one jet has been destroyed in Cairo, nearly resulting in a horrible tragedy, and some 300 innocent people are being ransomed in the Jordanian desert.

That these barbaric acts are the work of deranged criminals is obvious. It is also apparent that these crimes are abetted by the Arab governments which not only tolerate the terrorists but also grant them impunity to commit their acts. The mere thought of these violent and traumatic acts is repugnant in any civilized society. Yet the governments of Jordan, Egypt, and Lebanon (and on previous occasions, Syria and Algeria) have neither condemned nor punished the perpetrators of these heinous offenses, thereby nourishing the possibility of their repetition.

The Arab sanctioned air piracies and blackmail diplomacy are not unrelated to the frequent violations of the Middle East cease-fire by Egypt. Each is a display of conduct in direct contrast to the principles to which all civilized peoples subscribe. For both these offenses, the full weight of American public opinion and diplomacy ought to be brought to bear against the guilty Arab nations.

Yet in the case of Egypt which, on repeated occasions, has broken the cease-fire, the United States has made no diplomatic move to remedy the situation. In fact, until late last week, the legitimacy of Israel's charges—verified by the evidence of U.S. reconnaissance flights—evoked little comment from our leaders in Washington.

For a *standstill* cease-fire to serve as a basis for meaningful peace talks, each side must be secure that the other will not take advantage of the lull in fighting to increase its strength. Vastly outnumbered by the Arab armies, Israel depended upon the United States to insure that her air power would not be offset by an Egyptian missile build-up. With Egypt's violations of the cease-fire and Washington hedging, Israel is uncertain that her borders are secure.

As a result of this breach of conduct, Israel is justified in boycotting the talks at the United Nations mediated by Ambassador Jarring. Israel gave up its long-standing commitment to hold only direct negotiations with her belligerent Arab neighbors so as not to impede any rational path toward peace. Yet it is absurd to expect Israel to honor one aspect of the peace plan—the U.N. talks—while Egypt so flagrantly abuses another provision—the escalation of arms along the Suez Canal zone.

We all know that Israel did not eagerly embrace the American peace plan. Only at the behest and guarantee of the United States would Israel cease all military activity at the canal and enter into the U.N. talks. Even at that, the initial cost was the disruption of coalition government which served Israel so well since before the six-day war. In addition Israel fully realized that there was little precedent of Egypt honoring an international commitment. And the risk of trusting Cairo was high. At stake was the crucial time necessary to advance the Russion missiles to, perhaps, launch an attack against Israel. To compound the problem, the various Arab guerilla organizations, which appear to be a government within a government, instantly attacked the notion of a cease-fire and refused to abide by one.

Yet in the face of these dangers, Israel decided to give President Nixon the opportunity to implement his peace plan. It might be said that the government in Jerusalem had no choice, since the prestige of the Nixon administration's foreign policy was at stake and Israel could not afford to embarass her strongest ally. Nevertheless, Mrs. Meir did have the assurances of our State Department that America would somehow enforce the provisions of the agreement. With this guarantee in mind, Israel joined into the cease-fire. As of this late date the U.S. promise has gone unfulfilled. And it is a burden on the conscience of this nation that we have not lived up to our promise.

One cannot fault the Nixon administration in its endeavors to find a diplomat solution to the critical crisis in the Middle East. One can, however, find fault with the way our leaders proceeded to formulate and implement the plan. In its efforts to score a diplomatic triumph, the State Department put forth what appears to have been a hastily-conceived plan. No doubt the military escalation along the Suez Canal during the summer warranted a diplomatic breakthrough. But not an initiative so naive as to play into the hands of Egypt and Russia in their attempts to offset Israel's air superiority in the area. Looking at it from Cario's perspective, would it be rational for Egypt to forfeit the strategic value of their new SAM-3s, as well as to incure the potent hostility of the guerrilla groups, in order to oblige the United States in its peace-seeking efforts?

The embarrased posture of the State Department and the conspicuous silence at the White House indicates that the Nixon administration had no effective means of guaranteeing the cease-fire terms while Israel refrained from military activities in the standstill zone. After a week of burying its head in the sand, our government has not even lodged a protest against Egypt, let alone demand that she roll back her newly-implaced missiles. The responsibility to guarantee the cease-fire devolved upon the United States. It is now apparent that the Nixon administration was not prepared to undertake that responsibility.

At this time it appears that no one is willing or able to salvage the plan. Cairo has displayed little intention of removing the 16 batteries of missiles in question; in fact, there is no assurance, short of Nasser's hollow promises, that the violations will not continue. Israel is unwilling to negotiate until something is done about the missiles or a more effective U.S. guarantee is given. Moscow has capitalized upon the opportunity to improve its own position in the Middle East and seems satisfied with the turn of

events. And the United States is impotent or seems unwilling to enforce the conditions of the plan it promulgated.

If the United States is still serious about producing a viable cease-fire, Washington might consider the threat of economic sanctions on trade with the Arab lands. Among other things, this could entail suspension of our "oil diplomacy," traditionally pursued by some of our State Department officials. Preventing airlines from flying to and from the Arab nations may also prove effective in forcing these countries to stop condoning the air piracies and international terror.

All of this is designed to persuade the Arab nations, as well as their Russian allies, to stop their headlong drive to arm themselves in a manner which threatens Israel's security, the balance of power, and the chance for peace in the Middle East. Unfortunately, much of the damage has already been done. Israel's most potent line of defense—its air force—has been seriously weakened since August 16th, when Egypt began to advance her missiles. In order to alleviate the burden upon Israel, the United States ought to begin to honor her commitment by supplying Israel with the Phantom jets and other weaponry that was promised more than two years ago. This should be done openly, so as to make our commitment to Israel's survival plain and unmistakable. The United States should not have to make excuses for supporting our only democratic ally in the Middle East.

Finally, while displaying to the Soviet Union our determination that she cannot impose her will on the Israelis, we must also extend a hand of friendship and cooperation to Moscow. This means preparing to work with the Russians in every possible way to bring about meaningful peace negotiations between Israel and the Arab nations.

LABOR-MANAGEMENT DISPUTES

HON. RICHARD D. McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. McCARTHY. Mr. Speaker, in recent days two labor-management disputes have had a severe effect on the economy of the Buffalo area.

The wildcat strikes against the Nation's railroads indicate clearly that severe problems exist in the rail industry. The collapse of the Penn Central obviously threatens the welfare of thousands of railroad workers. At the same time illegal walkouts have hit the small businessman especially hard at a time when the economy is weak and unemployment is 6.1 percent.

I hope, therefore, that the differences can be quickly resolved.

The United Automobile Workers strike has resulted in over 10,000 workers leaving their jobs in Buffalo. The $45 per week which these workers will receive in union funds is a far cry from the $196 average weekly pay they receive while on the assembly line. This amount will not cover expenses which must be met to maintain the health and welfare of these men and their families. Food costs continue to rise, and medical expenses can hit unexpectedly.

Until this dispute is settled the difference in income and expenses can be met if banks and business show a willingness to extend credit to these men so that their families can be fed and properly sheltered.

When fully employed the 10,000 workers at the local Chevrolet plants, the Harrison Radiator Corp., and other auto parts manufacturers contribute more than their share to the prosperity of the community.

Now that their pocketbooks are pinched, every effort must be made by all community leaders to assure these men, their wives and children, a decent standard of living until the strike is resolved.

TO IMPROVE CIVIL DISTURBANCE CONTROL PROCEDURES OF STATE NATIONAL GUARD UNITS

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. MIKVA. Mr. Speaker, increasingly in recent years we have seen Governors and other State officials forced to rely on units of their State National Guards in order to deal with riots and civil disturbance situations. In 1965 through 1967, these situations arose primarily in an urban context. In the last few years State Guard units have been used increasingly in campus unrest situations.

Most State Guard units performed their civil disturbance duties with restraint and a minimum of force. A few apparently overreacted to minor provocations and engaged in the kind of violence which occurred at Kent State University and which is now the subject of a grand jury investigation in Ohio. But whatever may be said of the performance of individual State National Guard units in individual instances, in general it is safe to say that the Guard's performance did not measure up to that of Regular Army units. Observers of Regular Army units which participated in civil disturbance control operations—including the Kerner Commission—were almost unanimous in their praise for the high level of discipline and restraint demonstrated by Regular Army units.

What is surprising and distressing about this stark disparity between the performance of State Guard units and Regular Army units is that it seems totally at odds with Congress intent in establishing and supporting State Guard organizations. In all the discussion which has occurred about the role and performance of State Guard units in civil disturbance control, a crucial fact seems to have escaped public notice: Congress intended when it established the National Guard that its discipline should conform to that of the Regular Army.

Section 501 of title 32, United States Code, sets forth unequivocally the relationship which Congress intended should exist between the National Guard units and Regular units of the Army and Air Force. That section states in relevant part:

> The discipline, including training, of the Army National Guard shall conform to that of the Army. The discipline, including training, of the Air National Guard shall conform to that of the Air Force.

Moreover, Congress did not rely merely on the statement of its policy to insure that the discipline of National Guard units did, in fact, conform to that of Regular Army and Air Force units. In section 108 of title 32, Congress provided that:

> If, within a time to be fixed by the President, a State does not comply with or enforce a requirement of, or regulation prescribed under, this title its National Guard is barred, wholly or partly as the President may prescribe, from receiving money or any other aid, benefit, or privilege authorized by law.

With Congress having set out both its policy and the sanctions which are to be applied for failure of State National Guards to comply, we may well question why the Department of the Army has not by this time taken decisive steps to enforce among State National Guard units that same high level of discipline which Regular Army units have shown in civil disturbance situations.

The answer—based on extended correspondence I have had with the Department of the Army—seems to be that the Army is interpreting its authority over the procedures of State National Guards far too narrowly. It maintains that its powers extend only to standardizing the training of National Guard units, rather than to enforcing a uniform level of "discipline, including training," to use the precise words of the statute.

In the course of my correspondence with the Department of the Army, I have tried to point out that both the statute itself and its legislative history make clear Congress' intent that the Department was to enforce a uniform level of discipline as the condition of Federal assistance to State Guard units. Such a requirement is, of course, a logical one if the Guard is to fulfill its primary service to the National Government: a trained and permanently ready reserve force to supplement the forces of our military services. How, one wonders, could this reserve role be properly carried out if the Department of the Army has no control—except for training—over the discipline and performance of State National Guard units?

Moreover, other sections of title 32 make clear that Congress fully intended to regulate the procedures of State Guard units—even when not in Federal service. Thus, court-martial procedures for the Guard "when not in Federal service" are specified in Federal law.

What is especially ironic about the Department's position in this matter is that originally it was the State Guards themselves who most vigorously fought for uniform national standards and discipline. Professional Guard officers—aware of the debilitating effects of local political infighting and pennypinching State legislatures—fought for the enactment of a National Guard statute which would guarantee full Federal support. And this is exactly what Congress passed, a statute which provides ample authority for

the Department of the Army to regulate and control the operating procedures of the State National Guard units, even when they are not in Federal service.

Unfortunately, because of the refusal of present officials of the Department of the Army to exercise their authority over State National Guards, additional legislation appears called for to clarify Congress' previous intent in 32 United States Code 501. For this reason, I am today introducing a bill which will make crystal clear Congress' intent and expectation that the Department of the Army enforce among State National Guards the same high level of discipline in civil disturbance control situations that has been evident on the part of Regular Army units. The bill will also require that the Secretaries of the Army and Air Force report annually to Congress on the compliance of State National Guards with the uniform standards established by the Department. This report will include a recommendation from each Secretary on the continued eligibility of the State Guard units concerned for Federal benefits under section 108 of title 32.

Mr. Speaker, I wish to emphasize that in introducing this bill I am not implying criticism of all State National Guard organizations or of all members of any National Guard unit. The purpose of this bill is simply to make indisputably clear what I believe has been Congress's intent from the beginning—that there exist among State National Guards a uniformity of discipline and procedure.

In these days when State National Guard units are being called upon more and more often to control civil disturbances, I believe we owe it to these men to give to them the same high quality of instruction and leadership which are provided to members of the regular Army in similar situations. I believe that investigation will show that if there was any failure on the part of National Guardsmen in recent years, it was a failure of training and leadership, not a failure of courage or intelligence. We owe it to our National Guardsmen—our sons and brothers—to require of them the same high standards of performance and conduct that we require of regular Army units. Only in this way can these National Guard units fulfill the original purposes for which they were created.

In order to provide necessary background on this subject, I am including at the conclusion of my remarks a record of my correspondence with the Department of the Army on the subject I have discussed above. I should note at this point that this correspondence has been made available to the President's Commission on Campus Unrest for whatever value it may have in determining the responsibility of the Department of the Army for National Guard performance and in making recommendations to the President. Finally, I include a copy of the bill which I am introducing today to clarify the problems discussed here and hopefully to remedy a situation which has already gone far too long without sufficient attention from the Congress.

The documents referred to follow:

JUNE 9, 1970.

Hon. STANLEY R. RESOR,
Department of the Army,
Washington, D.C.

DEAR MR. SECRETARY: I have been interested to read, in light of the recent events at Kent State University, Kent, Ohio, that Department of the Army Field Manual FM 19–15, March 25, 1968, clearly specifies the force options open to a commander when troops are used to control civil disturbances. I have two questions about the provisions of paragraph 7–4.b.(1) through (6) of FM 19–15.

First, it appears to me that there is an inconsistency between the general statement that "the measures described in (1) through (6) below may be applied in any order as deemed appropriate by the responsible commander, in consideration of the situation as it exists," and the injunction in subparagraph (6) (full firepower) that "this extreme measure would be used as a last resort only after all other measures have failed or obviously would be impractical, and the consequences of failure to completely subdue the riot would be imminent overthrow of the government, continued mass casualties, or similar grevious conditions" (emphasis added). Either the commander has discretion to use the six force options "in any order as deemed appropriate . . . in consideration of the situation as it exists," or he must try all other options first, using full firepower only as a last resort and when the failure to use it would produce the dire consequences described. I would be grateful for a clarification of the precise meaning of paragraph 7–4.b.(1) through (6).

Second, it is my understanding based on conversations between my staff and officers of the Civil Disturbance Planning and Operations Directorate that FM 19–15 is not considered "directive in nature," and thus is not binding on commanders in civil disturbance situations. My staff was also informed, however, by Lt. Col. Donald L. McMillin of the Directorate, that force options identical to those in paragraph 7–4 of FM 19–15 are contained in both the Department of the Army Civil Disturbance Plan, which is classified, and in Letters of Instructions issued to commanders in civil disturbance situations. My understanding is, further, that in such form, the force options and the conditions on their employment would be considered "directive in nature" and binding on the commanders concerned.

I would appreciate clarification of the precise standards which the Department of the Army applies as part of the discipline of active Army units assigned to civil disturbance duty. I realize that it is never possible in advance to make judgments which only the field commander can make, but I wonder what procedures are prescribed by those Army regulations and directives which guide a commander's decision-making in the field. Specifically, I would like to know whether commanders of units assigned to civil disturbance duty are directed to use full firepower "as a last resort only after all other measures have failed or obviously would be impractical, and the consequences of failure to completely subdue the riot would be imminent overthrow of the government, continued mass casualties, or similar grevious conditions."

Finally, I would be interested in your opinion of whether State National Guard organizations which operate under the stated policy of using weapons loaded with live ammunition in the initial stages of civil disturbance control are conforming their discipline to that of the Army, as required by 32 U.S.C. 501. If such a policy by State National Guard organizations does not conform to Army standards, I would be interested to know what steps have been taken to warn the commanders of such Guard organizations that they are in danger of losing federal support for their organizations under the provisions of 32 U.S.C. 108.

Thank you for your assistance on this matter. I would hope to have a response to my questions as quickly as possible, since legislation is now pending which could be affected by this information.

Sincerely,

ABNER J. MIKVA.

DEPARTMENT OF THE ARMY,
Washington, D.C., July 1, 1970.

Hon. ABNER J. MIKVA,
House of Representatives,
Washington, D.C.

DEAR MR. MIKVA: Secretary Resor has asked that I reply to your letter concerning force options used by the Army and the National Guard during civil disturbances.

Army Field Manual 19–15, Civil Disturbances and Disasters, establishes Army policy concerning the control of civil disturbances. It is not directive in nature, but rather reflects the considered judgment of the policy makers as to the wisest ways to use the measures available to a military commander when he is directed to restore order. In its role as definer of the Army's policies in this area, the field manual serves as the textbook for the training given both to the active Army and the National Guard concerning control of civil disturbances. According to present practice, the orders given to a Federal Task Force Commander assigned a civil disturbance mission include reference to the application of force provisions of the field manual. The commander is thus directed to use the force options as described therein.

Subparagraph 7–4. h of the field manual addresses what we call measures of force, which are different from the force options for arming troops outlined in subparagraph 7–4. b. It is not planned to repeat the guidance in subparagraph 7–4. h in the task force commander's orders. The commander will be instructed, however, to use the minimum force necessary to accomplish his mission, and will be told to follow the guidance contained in subparagraphs 7–4. c and 7–4. d of the field manual concerning use of nondeadly and deadly force, which will be repeated in his orders. This guidance is more restrictive than the description of measures of force in subparagraph 7–4. h, and is considered adequate to prevent improper use of firearms.

I see no contradiction within the terms of paragraph 7–4 of the field manual. The guidelines relevant to your question are (1) use only the minimum force necessary; (2) apply the designated force measures in any order deemed appropriate; and (3) use full firepower only as a last resort when all other measures have failed *or are obviously impractical,* and failure to restore order will result in the most dire consequences. These guidelines actually complement one another. Keeping in mind the fact that Federal forces are legally permitted to be employed to assist State and local authorities only when the resources of the latter have proved inadequate to control a disturbance, it may be plain to the Federal Task Force Commander when he arrives on the scene that the situation has deteriorated to such degree that only the most extreme measures will suffice to restore order. In such a situation, it would be self-defeating to require the Federal commander to go through each of the force options in turn with his own forces; in order to preserve his effectiveness, it is mandatory that he be given discretion to do what is required to restore the peace, reliance being placed upon his training and sound judgment to make the right decision.

A stated policy of loading weapons with live ammunition upon initial commitment of troops in civil disturbance operations, regardless of the circumstances or the situation

faced by the military forces, is inconsistent with Army doctrine. The instructions given a Federal Task Force Commander, however, would permit him the discretion to order his troops to load their weapons even in the initial stages of a civil disturbance operation if in his judgment—exercised within the framework of his orders and the guidance in the field manual—such action appeared necessary under the circumstances. Given the minimum force concept and the variety of force options available, such a situation should occur very infrequently.

The requirement of 32 USC 501 that the discipline of the Army National Guard conform to that of the Army implements a portion of Article I, Section 8, of the Constitution, which is as follows:

"The Congress shall have the Power . . . To provide for organizing, arming, and disciplining, the Militia, and for governing such Parts of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress. . . ."

The Constitutional Convention debated this wording on the 23d of August, 1787. A study of the discussions which took place at that time compels the conclusion that the word, discipline, was used in the sense of the first meaning, now considered obsolete, assigned in *Webster's Third New International Dictionary*—that most closely connected with the word's Latin source, the noun, *disciplina*, conveying the idea of teaching, instruction, or tutoring. A concise summary of the Convention's debates on this subject may be found in *The Making of the Constitution* by Charles Warren, beginning at page 517.

Pursuant to this Constitutional Provision, Congress has exercised its authority to require that the substance and manner of presentation given to the National Guard conform to that of the active Army. Accordingly, Army Subject Schedule 19–6, Control of Civil Disturbances, dated 5 August 1969, establishes a single civil disturbance control training program for use by both the active forces and the National Guard.

The framers of the Constitution were careful, however, to grant to Congress only the authority to govern" . . . such Part of them [the militia] as may be employed in the Service of the United States . . ." The Tenth Amendment makes it plain that the authority to control the actions of the militia when not in Federal service is reserved to the States.

Congress specifically considered this point during the debates connected with enactment of the National Defense Act of 1916 (PL 64–85, 39 Stat 166), which established the National Guard as the organized militia. The *Congressional Record* for the first session, 64th Congress, indicates that there was considerable sentiment for attempting to limit the uses to which a State might put the Guard, particularly strike duty. Nevertheless, section 61 of the new law contained language providing that nothing in the Act was to be construed as limiting the authority of a State to "use" its National Guard within its borders in time of peace. This provision is now codified in Section 109(b) of Title 32. Because the authority of a State to use its Guard could be significantly circumscribed if the active Army prescribed its detailed operational procedures, it must be assumed that Congress did not intend Section 501 to delegate any such power. When the Guard is in State service, furthermore, the governor is its commander in chief, and this status necessarily implies considerable discretion as to manner of employment.

Regardless of the Army's responsibility for prescribing the training which the Guard receives, therefore, we lack the authority to require that the operations of the National Guard in State status conform to the guidance contained in Field Manual 19–15. Our influence in this area must be exercised through the training given the Guard, and through persuasion. The National Guard Bureau has strongly urged each of the States to adopt *in toto* the guidance concerning force measures in Field Manual 19–15, and most have done so.

I trust this information will be helpful to you. Thank you for letting us have your views, and for your interest in the military services.

Sincerely,

CHARLES M. GETTYS,
Major General, GS, Acting Director for Civil Disturbance Planning and Operations.

HOUSE OF REPRESENTATIVES,
Washington, D.C., July 29, 1970.

HON. STANLEY R. RESOR,
Washington, D.C.

DEAR MR. SECRETARY: I was pleased to receive the Army's extended reply to my letter of June 9, signed by Major General Gettys.

Most significantly, the reply confirmed my central thesis that, as the General wrote, "A stated policy of loading weapons with live ammunition upon initial commitment of troops in civil disturbance operations, regardless of the circumstances or the situation faced by the military forces, is inconsistent with Army doctrine." I consider this an important and constructive acknowledgment by the Department of the Army.

With regard to several other matters, however, it appears the Department has misinterpreted existing law.

The Department is correct that the requirement of 32 U.S.C. 501 that the discipline of the Army National Guard conform to that of the Army implements Congress' constitutional power to discipline the militia under Article I. Reading the definition of "discipline, however, to mean only the eighteenth century notion of instruction, or training, is highly inaccurate. The Department itself admits such a definition is now considered obsolete;" and it was probably obsolete in 1916 when Congress implemented the constitutional provision by statute.

Moreover, that the Constitution says the States shall train the militia "according to the discipline proscribed by Congress" does not mean that the Congress' power to discipline extends only to training. The very statute at issue, 32 U.S.C. 501, renders this notion untenable. The statute reads in relevant part:

The discipline, including training, of the Army National Guard shall conform to that of the Army."

Clearly, by the words "including training" Congress indicated that "discipline" is a concept broader than training or instruction alone. If anything, Congress went out of its way to make clear that "training" is only one aspect of "discipline."

Further, it is not the case that by limiting the Congress' power to govern "such Part of [the Guard] as may be employed in the service of the United States," the Constitution prohibits all Federal control of the Guard when not in Federal service. This is true notwithstanding that section 61 of the National Defense Act of 1916 prohibits limiting a State's authority to "use" its Guard within its borders in times of peace. Surely the Department would not maintain that a State could legally use its Guard to enforce school segregation, deny women the right to vote, or maintain a Governor in power after he has been defeated in an election.

More crucially, other provisions of the 1916 Act itself make clear that the limitation contained in section 61 does not preclude Federal control of the Guard when not in Federal service. Sections 103 and 106 find Congress prescribing definite rules for courts-martial of the National Guard "not in the service of the United States," and section 61 prescribes rules by which the states shall conduct training of their Guard.

Moreover, House Report 297 of the 64th Congress, the conference report, and the Senate debates make even clearer Congress' intention in its exercise of the Article I power. For example, on April 15, 1916, Senator Brady inserted into the Congressional Record, on page 6209, a statement included with favorable comment in the report of the House Committee on Military Affairs. That statement reads, in part:

"If any doubt could be entertained as to the sweeping powers of Congress under the Constitution to organize and discipline the militia, this decision [*Houston* v. *Moore*, 5 Wheat 1] forever sets such doubts at rest . . . Congress has power to prescribe the system of disciplining the militia. The discipline can by law be made the same as that of the Regular Army, and the States must train the guard in accordance with this system of discipline. A careful reading of this clause of the Constitution [Article I, section 8] and of the construction placed upon it by the Supreme Court in the case of *Houston* v. *Moore* (5 Wheat 1) makes it clear that Congress has unquestioned power to organize the militia according to any system it desires and to discipline it according to any system of discipline it sees proper. And while to the States is left the selection of officers, this does not, of course, affect the control of Congress over the militia, even in time of peace, nor does it impair its efficiency: certainly not when such officers can be required to meet the standard of efficiency required by the Federal authorities. Senators and Representatives in Congress are lawmakers for a national body, and yet their fidelity and efficiency for the national good can hardly be questioned because they are selected by the states.

"Save and except the appointment of officers reserved to the States, but one power remains in the States, and that is to train the militia according to the discipline prescribed by Congress. . . . There [is] no question, therefore, of the right of Congress to provide for the organization and discipline of the National Guard . . . organized in exact conformity to that of the Regular Establishment."

Finally, then, as I read 32 U.S.C. 108, coupled with the Department's acknowledgement that a policy of loaded weapons in the initial stages of civil disorder is inconsistent with Army doctrine those State National Guards employing such a policy are in danger of losing federal support. I would expect the Army to pursue this matter, and carry out Congress' clear intent as expressed in section 108 of Title 32 U.S.C. I would appreciate your informing me of what action the Department takes in this connection.

To make explicit the above reading of existing law, I have drafted legislation to eliminate any possible confusion. A copy of that proposed legislation is enclosed for your perusal and any comments you feel appropriate. Also, in the interests of expediting appropriate actions by the executive branch, I have referred the complete record of our correspondence to the House Committee on Armed Services and to the Presidential Commission on Campus Unrest.

Thank you again for your cooperation and your candor.

Sincerely,

ABNER J. MIKVA.

DEPARTMENT OF THE ARMY,
Washington, D.C., August 11, 1970.

HON. ABNER J. MIKVA,
House of Representatives,
Washington, D.C.

DEAR MR. MIKVA: Secretary Resor has asked me to respond to your most recent letter concerning the civil disturbance control procedures of the National Guard.

We have read your exposition of the law with considerable interest. We remain convinced, however, that the interpretation set forth in General Getty's July 1, 1970 letter is correct, and that there is no legal basis for requiring adherence to Army civil disturbance control procedures by Guard units serving under state control. The Department of Justice has informed me, furthermore, that it is in complete accord with us in this regard.

In the event that Congress enacts new legislation in this area, we shall of course re-evaluate our position in light of that legislation.

Sincerely,

ROBERT E. JORDAN III,
General Counsel.

JULY 30, 1970.

Hon. WILLIAM W. SCRANTON,
President's Commission on Campus Unrest, Washington, D.C.

DEAR GOVERNOR SCRANTON: A vital area of concern to the Commission's deliberation is the activity of the Army National Guard in controlling disturbances on college campuses generally, and at Kent State University particularly. What has apparently eluded public and official notice to date are the facts that where a State Guard unit operates under a policy of loaded weapons, it does so in violation of existing federal laws and that the President is under existing law directed to set a cut off date for federal benefits in such cases. Therefore, I urge the Commission to recommend to the President that he exercise his authority—under existing federal law—to bar those State Guard units in violation of law from receiving money or any other aid, benefit, or privilege authorized by law—unless and until they agree to comply with federal policies.

As the Commission has been made aware during the course of public hearings, Army Field Manual 19–15 establishes Army training policy concerning the control of civil disturbances. Paragraph 7–4 of that Manual clearly specifies the very limited and safeguarded force options open to a commander when troops are used to control civil disorder. The provisions there enumerated are virtually identical to those contained in both the Department of the Army Civil Disturbance Plan, which is classified, and in Letters of Instruction issued to commanders in disturbance situations.

In the course of protracted correspondence with the Department of the Army [a copy of which is included], Secretary Rezor confirmed my belief that, in the Department's own words:

"A stated policy of loading weapons with live ammunition upon initial commitment of troops in civil disturbance operations, regardless of the circumstances or the situation faced by the military forces, is inconsistent with Army discipline."

The important point I wish to bring most urgently to the Commission's attention is that by violating Army discipline, a State National Guard unit violates a federal statute, specifically 32 U.S.C. 501. That statute provides in relevant part:

"The discipline, including training, of the Army National Guard shall conform to that of the Army."

Section 108 of the same title, title 32 provides:

"If, within a time to be fixed by the President, a States does not comply with or enforce a requirement of, or regulation prescribed under, this title its National Guard is barred wholly or partly as the President may prescribe, from receiving money or any other aid, benefit, or privilege authorized."

Again, I hope this Commission will urge the President to implement this sanction. Implementation of these statutory provisions to control State Guard units when not in federal service admittedly raises what at first glance may appear to be a difficult legal question. However, careful reading of the Constitution and the legislative history of title 32 make clear the Congressional authority and intent to control the State Guard units, even when not in federal service. These issues are fully explored in the correspondence attached to this letter.

Finally, my suggestion to the Commission that it urge the President to exercise his statutory authority is consistent with the President's desire in establishing the Commission that it help discover that practical steps can be taken by all levels of government—including law enforcement agencies—to alleviate the dangers involved in this situation."

Specifically, I would urge the Commission to recommend to the President that he use the statutory provisions discussed here as the basis for an immediate and unequivocal policy statement that federal assistance to State Guard units will be terminated when ever they are improperly used in civil disturbance situations. Announced "loaded-weapons" policies, such as that by the Governor of the State of Georgia described in the enclosed *New York Times* article, can only exacerbate already dangerous situations. If such provocative announcements were followed immediately by a Presidential assurance that the overriding federal policy would be vigorously enforced, it would do much to calm potentially violent confrontations on campuses and elsewhere.

I appreciate the opportunity to submit these materials for the Commission's consideration and, hopefully, inclusion in the record of your proceedings. Thank you.

Sincerely,

ABNER J. MIKVA.

THE PRIVILEGE OF LIVING IN AMERICA

HON. JOHN ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. ROUSSELOT. Mr. Speaker, it is, indeed, nice to have a commentary from a young person who believes in this country, states that certain portions of "the establishment" have accomplished meritorious things, and looks positively to the future.

As are all Americans, we are working toward perfecting the system that we have, in a spirit of practical optimism and determination. We must all participate in the dialog to constantly improve the system, but do it in such a way that we are not shouting down those who may disagree.

I heartily commend to my colleagues' attention one example of a constructive, useful and, in my opinion, entirely typical account of the attitude of the overwhelming majority of America's fine young people.

Mr. Bill Saracino is California chairman of the Young Americans for Freedom and comments on the philosophical question "Who I Am—And Why?" in a guest commentary aired September 10, 1970, on Los Angeles, Calif., radio station KHJ, AM and FM. The commentary goes as follows:

WHO I AM—AND WHY?

I'm a young American and I'm proud of that. I'm a college student and I'm also proud of that. I'm proud and grateful for both of these things. I'm proud of being a college student because of my education I'm going to be able to make this world a better place to live in. I'm grateful to my parents for putting me through college and to the country we live in for making it possible for them to put me through college. I'm proud of being an American because that means I'm a citizen of the greatest provider of human progress in the history of mankind. I'm also a human being, and sometimes, I'm not so proud of that. We haven't perfected our race yet, so there are still fellow humans who make you ashamed. There are still humans who insist on enslaving other humans, to advance the glories of political ideologies. I'm proud my country fights that and defends the right of all men to determine their own destiny. In this life there can be no greater calling than the service of your fellow man. I'm proud my country stands for that and is willing to sacrifice to insure that. I'm a young American who daily thanks God for the privilege of living in America and for the knowledge that, because of that privilege, I will have the opportunity to be happy for the rest of my life.

MR. ROCKEFELLER ANSWERS "NO" TO THE PUBLIC'S DEMAND FOR LOWER INTEREST RATES

HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. PATMAN. Mr. Speaker, Tuesday, David Rockefeller, chariman of the board of the Chase Manhattan National Bank, used a three-page letter to say "no" to my request for action to lower interest rates. As part of the bank's continuing propaganda campaign, the Chase Manhattan Bank purchased a full-page advertisement in the New York Times this morning and reprinted Mr. Rockefeller's answer as an open letter to WRIGHT PATMAN.

I had written Mr. Rockefeller because in recent months he has posed as spokesman for the big money center banks. His reply is highly disappointing and it illustrates what is wrong with the banking industry today.

It is regrettable that Mr. Rockefeller, and his colleagues among the Wall Street institutions, are unwilling to give the American public the real facts about interest rates and monetary conditions. The American public is not fooled. The banking industry would be much better served if its leaders would be frank and open about their desires for higher profits.

Mr. Rockefeller's three-page letter is a shameful charade of tired excuses for failing to lower interest rates.

Mr. Rockefeller seems to have difficulty making up his mind about which reason is paramount in his bank's refusal to lower interest rates. In fact, his letter appears to have been put together by a committee with each member contributing his own special excuse for failing to act.

First, Mr. Rockefeller informs me that high-interest rates are the result of "the law of supply and demand" and that interest rates are set the same as other prices "in a free market economy." Of

course, Mr. Rockefeller is in a position to know that banks are not the corner grocery store and that the money supply and interest rates are set by largely arbitrary decisions and are not dependent on free market forces.

However, in case Mr. Rockefeller has forgotten his economics, I refer him to Allan Sproul, the former president of the New York Federal Reserve Bank, who stated:

We haven't had a free market in money and credit at least since the Federal Reserve was established.

Two paragraphs later, Mr. Rockefeller abandons his "law of supply and demand" and moves on to claim that high-interest rates were the result of bank competition. This is a most startling contention and it is unfortunate that Mr. Rockefeller does not explain why the prime rate is an identical 8 percent among all of the big banks—his so-called competitors.

After his dissertations on the "law of supply and demand" and competition, Mr. Rockefeller moves quickly to assure me that banks are opposed to high-interest rates. All of this brings to mind the Galbraith theory about banks and high-interest rates:

If anybody else is lobbying for a higher price, we take for granted that they want more dough. But if a banker is lobbying for higher interest rates, this is pure unadulerated righteousness. Everybody else says they want more money, but let David Rockefeller speak for higher interest rates, and boy, that's statesmanship—JOHN KENNETH GALBRAITH.

Mr. Galbraith's words are borne out by the events of 1969—the period of rapid interest rate increases—when the banks recorded profit increases averaging 21 percent. Some banks had profit increases of more than 60 percent as a result of high interest rates.

Mr. Rockefeller briefly toys with the contention that the banks are paying high prices for money and the reader is obviously expected to accept this as a rationale for high interest rates. Mr. Rockefeller conveniently omits the fact that about one-half of the deposits are in the form of checking accounts—demand deposits—on which the banks pay not 1 cent of interest. This is interest-free money.

The high-priced money—such as Eurodollars—makes up a small percentage of the banking industry's funds. In fact, the big banks have been dropping out of the Eurodollar market rapidly and these high-priced dollars are of less and less importance to the money center banks. Mr. Rockefeller knows full well that conditions existing in the banking industry will allow a substantial reduction in the prime rate.

Mr. Rockefeller and the Chase Manhattan National Bank have issued a number of public statements and now they have printed a full-page ad to air their claims, but the newspapers, who must accept these claims along with the other news media, have no real opportunity to know the true facts about Chase Manhattan or any of the other large banks.

It is unfortunate that Chase Manhattan does not reveal the facts about its operations. For example, Mr. Rockefeller mentions that he has turned away many customers in recent months, and it would be valuable to know who these customers are and why they were denied bank loans. It would be equally valuable to know the identity of the customers who did receive the good will and the good money of Chase Manhattan and why they were selected over the customers who were denied loans. It would be interesting and valuable to know how much Chase Manhattan has invested in the depressed housing market, in small business, and other areas that have suffered greatly from high interest rates and tight money. It would be valuable to know how much Chase Manhattan has invested in the sectors of the economy which have increased inflationary pressures.

Of course, we do not have the answers to these questions; we only have the public relations outpourings of David Rockefeller.

CHANGE—RADICAL STYLE

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. BRAY. Mr. Speaker, the following editorial from the September 15, 1970, Indianapolis Star puts the hideous pattern of change sought by youthful radicals into its proper perspective:

CHANGE

Radicals who have been blowing up buildings, computers and people during the last year are fond, at times, of accompanying their bombings with notes that explain their purpose is to bring change.

They have brought change, all right. They have changed living people into dead people and buildings into rubble, wives into widows and children into orphans.

They have changed easy-going Americans who believe in "live and let live" and other sane and durable principles into people filled with anger and sometimes hatred.

One of these is Mrs. Carol Fassnacht McCoy of Bartlesville, Okla., whose brother, Robert E. Fassnacht, a 38-year-old, Hoosier-born research physicist, was killed late in August in a bombing at the University of Wisconsin at Madison, leaving a widow and three young children.

His sister's letter to a Madison newspaper, expressing her feelings toward the bombers with bitter eloquence said:

"Who the hell do you think you are to take the law and the lives of others into your own hands? If you don't like the U.W. or the administration, get out. No one is forcing you to stay. Leave it to others who want the benefit of a good university without having to study under the fear of being blown to bits while engaging in peaceful pursuits.

"Do you think that your insufficient apology in Kaleidoscope (an 'underground' publication) will make Bob's widow feel any better? How do you think his son, Chris will feel about the apology a few years from now?

"How about those darling children who are without a father and the wife who is without a husband? If you think your little statement takes the guilt away, forget it.

"I hope you are found and due process of law gives you what I think you deserve. I feel nothing but hate for you, for you have taken something from me which was among the most precious things in my life. You pigs! You have murdered my brother!"

How many more arrogant radicals, impervious to reason and common decency, and intent on playing God, will scatter death and ruin on America with bombs before the change they have engendered turns into a human tidal wave that will sweep them to oblivion?

THOUGHTS ON THE MEANING OF CITIZENSHIP

HON. THOMAS J. MESKILL

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1970

Mr. MESKILL. Mr. Speaker, perhaps the most important rhetoric in American political language can be found in the opening words of the Constitution: "We the People of the United States." The preamble confers no power upon any agency of government but rather identified the ultimate source of power with "the people."

Today being Citizenship Day, a day set aside by the Congress in 1952 to commemorate the signing of the Constitution in 1787 and to honor U.S. citizenship, it is fitting that we urge the interest and full participation of all citizens in the affairs of government.

Special emphasis should be directed to those citizens who have reached the voting age this year and those who have been naturalized during the year. For they are now a vital part of "the people," the responsible citizenry who constitute the cornerstone of this Nation's well-being.

It is imperative for the continuance of our free society that our citizens recognize that to enjoy the rights and privileges of a democracy they must also meet the responsibilities inherent to such a society.

To insure that our Nation will continue to be "the land of the free" and the "land of opportunity" we must educate all our citizens in the role they must play in protecting our self-government and our great charter of human rights.

It is "the American way" to insist that every individual possesses basic rights and liberties simply because he is a human being entitled to respect from his fellows. These rights are inalienable; they may not be abridged at any level of government. They are deliberately placed beyond the reach of even the popular majority. This doctrine of limited government—the idea that government may not deny the inalienable rights of the people—is fundamental in the American approach to civil liberties.

Today, perhaps more than ever before, there is need for all citizens to claim their rights and exercise their responsibilities in full and free discussion of public issues. Public policy in a democracy must be developed in the public forum. No policy is fixed or permanent because politics—the attempt to influence policy—never ends. The conflicting needs and views that various groups try to express in policy are constantly changing.

It is the right of every citizen to make his own opinion heard, and it is his obligation to hear the opinions of others, even those—especially those—who dissent from his own.

It was the faith of our Founding Fathers that consensus was most effectively achieved through free and full discussion. This is democracy. But today our society is experiencing threats to the exercise of its freedoms.

To begin with, the political community of today—so complicated in structure, so technical and extensive in function, so impersonal in operation—has tended to belittle the role of the individual citizen.

Then, too, in a complex society the citizenry tends to become parochial as they can best understand that which is occurring close at hand. Fear of the unknown can lead to the stifling of minority opinion under the guise of loyalty. He who deviates from popular opinion is suspect.

Moreover, today our society is witnessing the expression of minority opinion through violent tactics. Such tactics can only lead to counter reactions, conflict, and repression.

The day is to be deplored when national uniformity pervades the land. But at the same time we must guard against the new breed of revolutionaries who are intent on striking terror into American society.

The rights and liberties of the citizens are determined by the society in which he lives and which he helps to shape. An apathetic citizenry undermines the democratic processes and may mean the demise of representative government. Prejudice, intolerance, and disregard for the civil liberties of others can just as easily destroy a free society. Just as "undisciplined radicalism" endangers our democratic system.

Active and responsible citizenship is the bulwark of a free and healthy society. Democracy is successful only when its citizens practice their rights and obligations and defend the principles embodied in the Constitution. As has been stated many times before, citizenship and the Constitution are inseparable, both are the "people."

On this day, during this week and every week, we must reaffirm our allegiances to the principles embodied in the Constitution and in the concept of citizenship. We must strive to rededicate our nation to liberty and justice, to make ours a nation in which citizens may develop to the fullest their individual capabilities and where each man is respected.

CITIZENSHIP DAY—SEPTEMBER 17

HON. EMILIO Q. DADDARIO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. DADDARIO. Mr. Speaker, in 1952, President Truman designated September 17 as "Citizenship Day." In 1970, more than ever before, good citizenship, in the true sense of the word, is vitally important to the continued effectiveness of our governmental system. At a time when the very foundations of our society and our form of government are being called into question and challenged to respond to the unique problems of this new decade, citizenship calls for far more than periodic voting, casual patriotism, and a complacent acceptance of the status quo.

It has been said that every generation of free people is called upon to defend that freedom. In the decade of the seventies, we will face that responsibility with an unprecedented urgency. The good citizen will not be distinguished by his indiscriminate rejection of all that is new and innovative, nor by his reckless dedication to change for its own sake. Rather, a thoughtful and progressive approach toward the resolution of our difficulties and the buttressing of our strengths must serve as the keystone of good citizenship in 1970. Complacency and smug self-satisfaction have no place in that campagin.

All Americans, black and white, rich and poor, Democrat and Republican, the young as well as the old, all have a centrally important interest in the continued development of an American Government, truly representative of the ideals we have championed for two centuries. All must work together to achieve that end. For ideals are less than useless in the abstract. They can in fact, be fatally harmful. Unless freedom of speech is a fact, rather than a platitude, irresponsible men can hide behind the superficial facade of the ideal while burying the reality of the practice. Unless government of, by, and for the people is truly a working operative, the people can be cheated by the very men who seem to espouse that ideal. Let us not be eager, then, to pay lip service to such abstractions, while negating their real applications by our actions. The true good citizen will never allow this to occur. His is not an easy task.

The American experiment is confronted in the seventies with its greatest challenge. The good citizen must bear the brunt of its defense. Impetuous reaction from the left or from the right will tragically undermine that defense. Hatred and irresponsible reaction can be disguised by many labels, but their end result is disastrously the same.

Benjamin Franklin once said that those who would sacrifice a little less freedom for a little more safety deserve neither safety nor freedom. I am convinced that, tempered by prudence, and guided by intelligent and well-reasoned progressivism, we, as good American citizens, can insure our safety by guaranteeing our freedom.

AGAINST AIR PIRACY

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. BROOMFIELD. Mr. Speaker, the tragic airline hijackings of the past 2 weeks are a cause of deep concern to citizens of all nations. Considerable action has already been taken to prevent this new form of terrorism and to prescribe penalties for those who engage in it. Very little, however, has been proposed to discourage those nations which offer sanctuary to hijackers. I am cosponsoring legislation to effectively sanction those who continue to harbor international criminals. I urge my colleagues to support this measure.

It should be evident that the mere availability of such havens to terrorists has been a large factor in the rise of air piracy. Less obvious, but with far more ominous implications for the future, is the profound disrespect with which these nations apparently view the conventions of international law. While we can no longer tolerate air piracy, we cannot exist with such utter disregard for the law.

The bill I am sponsoring authorizes boycotts by American planes of nations who receive hijacked aircraft. Further, it prohibits the landing in the United States of aircraft registered in the offending country. These measures will not be lifted until the hijacker is returned for trial and the plane itself, with all its crew and passengers, is allowed to continue to its original destination. All assets of the offending country will be blocked until all claims arising from the hijacking have been settled.

With such stringent penalties facing them, these countries can no longer so willingly give sanctuary to hijackers. International law will once again become the guide and standard of all nations, worthy of our respect and our obedience.

COACH OF THE DECADE

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. FLOWERS. Mr. Speaker, I would like to take this opportunity to pay tribute to the greatest college football coach in America, Coach Paul "Bear" Bryant of the University of Alabama. Coach Bryant has just been accorded the highly coveted award of being named "Coach of the Decade" in a poll of athletic directors, head football coaches, and sports information directors of colleges throughout the United States.

Coach Bryant started his head coaching career at the University of Maryland in 1945 where he compiled a record of six wins, two losses, and one tie. Moving to the University of Kentucky for eight seasons, his teams rolled up a record of 60 wins, 23 defeats, and five ties while winning one Southeastern Conference championship and going to four bowl games. His next head coaching stop prior to Alabama was at Texas A. & M. where his record was 25–14–2, including one Southwestern Conference title and a bowl bid.

When Coach Bryant returned to his alma mater in 1958, there immediately began a highly successful rejuvenation of Crimson Tide football. During the past 12 years at the University of Alabama,

Bryant-coached teams have recorded 102 victories against only 22 losses and 10 ties. Alabama teams under Coach Bryant have been to 11 consecutive bowl games and national championships were captured in 1961, 1964, and 1965. All Alabama teams during that period compiled truly outstanding records. The 1966 team, one of his best, ironically did not win the national championship in spite of 10 straight victories plus a sugar bowl win over Nebraska. During his 25 years as a head coach, Paul Bryant teams have experienced only one losing season, that being during his first year at Texas A. & M. in 1954.

With this great coach at the helm, Alabama has ruled the roost in the Southeastern Conference for the last 12 years, adding to its record of more postseason games than any other team in football history, now totaling 23 such appearances.

A native of Arkansas, Coach Bryant came to Alabama on a football scholarship in 1931. He played end on that great undefeated 1934 Alabama team which won over Stanford in the Rose Bowl. Although an outstanding football player in his own right, Bryant was somewhat overshadowed by a young man named Don Hutson who played the other end for Alabama in those days.

The legendary "Bear" has inspired his players and fellow coaches to achieve excellence through dedication and hard work. The examples set by him and those associated with him, past and present, contribute an untold measure to the fine tradition of college football today.

Mr. Speaker, it is a privilege for me to add my congratulations and best wishes to Coach Paul "Bear" Bryant on the occasion of his being honored as "Coach of the Decade."

DISTRICT OF COLUMBIA HAS FIRST RECORDED LEAD POISONING DEATH

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. RYAN. Mr. Speaker, more than a year ago, I introduced a package of three bills aimed at ending the "silent epidemic" of lead poisoning in our Nation's urban centers.

The lead poisoning problem is a serious one. Local government in the past has been unwilling or unable to adequately deal with the problem. As a result, more than 225,000 children between the ages of 1 and 6 have been stricken with this needless environmental disease. And this is why Federal legislation is required.

Nineteen other Members of the House have cosponsored my bills and many other Members have introduced similar legislation. In the Senate, Senators KENNEDY, SCHWEIKER, and SCOTT, have been leaders in introducing comparable legislation.

H.R. 9191 establishes a fund in the Department of Health, Education, and Welfare from which the Secretary can make grants to local governments to develop programs to identify and treat individuals suffering from lead poisoning.

H.R. 9192 authorizes the Secretary of Housing and Urban Development to make grants to local governments to develop programs designed to detect the presence of lead-based paint and to require that owners and landlords remove it from interior walls and surfaces.

H.R. 11699 requires that a local government submit to the Secretary of Housing and Urban Development an effective plan for eliminating the causes of lead-based paint poisoning as a condition of receiving any Federal funds for housing code enforcement or rehabilitation. It also requires that these plans be enforced.

In the time since this package of bills was introduced, young children have continued to be stricken by lead poisoning. Some have died. One such death was that of Ricky Parker, a 3-year-old boy who lived with his mother in the District of Columbia.

Washington has just recently required that deaths from lead poisoning be recorded. Ricky's was the first; he died on June 19.

The House Banking and Currency Subcommittee on Housing held hearings in July on legislation, including two of my bills, H.R. 9192 and 11699, which deal with this serious problem. A new bill has been introduced, and it will be reported out in the near future.

We cannot let more time go by before meaningful Federal legislation is passed. Ricky Parker's death was inexcusable. We cannot permit this disease to be a threat to the health and lives of our children.

Legislation is imperative.

I am inserting in the RECORD an article which appeared in the Washington Evening Star on July 21. Written by Timothy Hutchens, it is entitled "Lead-Poisoning Death Reported in District" and it discusses Ricky's death:

PREVENTION PUSHED: LEAD-POISONING DEATH REPORTED IN DISTRICT

(By Timothy Hutchins)

Dr. Hazel Swann: "She patched the walls in the old house with plaster wherever she would find him picking at falling paint. She said he couldn't stop eating paint and that just before he died, it almost became a mania with him trying to find paint and plaster that he could eat."

The first death attributed to lead poisoning since the District began requiring doctors to report such cases has been recorded by the city's health officials.

Lead poisoning is an insidious condition that children develop after eating chips of old, lead-based paint.

Ricky Parker, 3, who lived with his family at 229 F St. NE, was admitted to Children's Hospital in a coma on June 19. He died the next day.

"His mother said he had been eating paint wherever he could find it in the house for a year but never showed any adverse signs of lead-poisoning," Dr. Hazel Swann, a District Physician, yesterday told a House subcommittee holding hearings on proposals to combat the condition.

Dr. Swann donates time to the Volunteers for International Technical Assistance in Washington, a group that is doing the same thing here. Ricky's mother had never heard of lead poisoning until her son died.

"No one knows how many children die or are irreparably damaged by lead-poisoning," Dr. Swann said, "because the District government only began in April of this year to require doctors to report cases."

But she added that she considered the requirement "the first substantive effort at any kind of legislation to deal with the problem of lead poisoning in the District."

HIGH LEVELS OF LEAD

The District also enacted legislation last spring enabling city officials to order the evacuation of a building or removal of paint from interior surfaces if the paint contains more than 1 percent lead. Generally, landlords and home owners stopped using paint containing higher percentages of lead indoors about 30 years ago.

But much of this paint is now peeling from interior walls of homes. City officials have estimated that 500 of 50,000 District children live in substandard housing and have high levels of lead in their systems because of "pica," a youthful craving for normally inedible objects.

So far this year, Children's Hospital has diagnosed 44 cases of lead poisoning, early symptoms of which are headache, irritability, and insomnia. Progressively, the condition afflicts the victim with vomiting, anemia, convulsions, brain damage, blindness and death.

Unfortunately, many of the symptoms mimic those of other ailments. Physicians as well as parents many times fail to detect lead poisoning.

Romana Parker, mother of the dead boy, said a private clinic diagnosed her son's condition as anemia about a year ago.

During the year before he died, he ate food sporadically, but never enough, said Mrs. Parker, adding that he was having difficulty retaining food a week before he died.

"The autopsy showed that Ricky had lead in his knees," Dr. Swann testified, "bits of paint chips in his colon and plaster chips and paint chips in his stomach."

The city is waiting for a coroner's report before deciding what to do about the lead based paint in the Parkers' home, according to Dudley Anderson, head of the bureau of special health services.

The Parkers have two other children, a son, 18, and a daughter, 21.

The chairman of the Housing Subcommittee of the House, William A. Barrett of Pennsylvania, and Rep. William F. Ryan, D-N.Y., have introduced measures calling for federal funds to help local governments detect lead-based paints and to require owners and landlords to remove them from interior surfaces.

PHONY EXPRESS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. SCHMITZ. Mr. Speaker, in the October 1970 edition of the American Opinion magazine is an article entitled "Phony Express," which should be read by all citizens. It is concerned with a postal training program, using new military vehicles in an invasion of Las Cruces, N. Mex. Our colleague, ED FOREMAN was justifiably upset with the operation.

I urge everyone to read it, and under unanimous consent include it at this point in the RECORD.

PHONY EXPRESS: REVOLUTIONARIES PLAYING POST OFFICE

One quiet afternoon in mid-February residents of Las Cruces, New Mexico, were startled from their work as an imposing convoy of military transports rumbled noisly through their streets. Covered with mud and dust, and looking as if they had come a great distance, each bore the distinct markings of the U.S. Fourth Army. And yet, it was obvious to amazed onlookers that this was no ordinary military operation.

Far from being a routine outing of National Guardsmen, the two dozen military trucks, led by a command jeep, were filled with bearded, hard-looking "hippy-types," dressed in filthy bizarre attire. Each of the 2.5-ton Army trucks was decorated with "flower-power" stickers, "peace" symbols, and pro-Vietcong slogans. Within an hour the invaders had bivouacked south of town, off Highway 80.

The Police Department and local newspapers were swamped with calls from concerned citizens demanding an explanation. None was immediately forthcoming. Even city officials, whose job it was to know such things, were taken by surprise. Investigating, the *Las Cruces Sun-News* discovered that shortly after the convoy had settled into a base camp at the Catholic Holy Cross Retreat House on the outskirts of town an agent of the Federal Bureau of Investigation had been dispatched to order the removal of revolutionary slogans and insignias from the Army trucks. It was also learned by reporters that one member of the cadre had been immediately taken to Memorial General Hospital for the removal of two .38-caliber bullets. According to Dona Ana County District Attorney E. H. Williams Jr., the wounded man had a criminal record, having some months earlier been involved in a shooting in Detroit.

The *Sun-News* was finally able to determine that Las Cruces had been chosen some months earlier by top officials of the U.S. Post Office Department as the initial training base for Phase One of a program set up by the Postal Academy Training Institute (P.A.T.I.). The thrust of the "hush-hush" operation around Las Cruces, government spokesmen had finally announced, was a "humanitarian" program to aid "underprivileged" youth. The object, they maintained, was "to give remedial education and job opportunities to economically disadvantaged school-aged dropouts, aged 16 to 21."

Indeed Harvard-trained economist Kenneth A. Housman, the initiator of the paramilitary program, declared that his P.A.T.I. operation "offers opportunities for disadvantaged youths to be gainfully employed. It is a three-pronged program dealing with school dropouts, Vietnam returnees, and under-employed postal employees—those who can not pass civil service examinations and have no opportunity for advancement." Mr. Housman is not a social worker. He is U.S. Assistant Postmaster General for Personnel.

While such "social-worker" chat might suffice in New York or Boston, the people of Las Cruces wanted hard answers. How, they asked, could a veritable army of rag-tag militants (most of them well over twenty-one) be part of a government "youth" project? Why were the "trainees" given unrestricted use of new military vehicles for a *postal* training program? Of what exactly did their "training" consist? Why had the P.A.T.I. invasion of Las Cruces been designated by officials as "secret"? And why send urban militants to play soldier games in Las Cruces, New Mexico, of all places?

Congressman Ed Foreman (R.-New Mexico), expressed the community's dismay over the P.A.T.I. invasion, describing the "trainees" to your reporter as "looking and acting from the onset like a bunch of radical Anarchists." The Congressman immediately called for a "complete probe," voicing his "concern and displeasure over the project to officials of the Office of Economic Opportunity and to the White House." The O.E.O. and the Department of Labor, as it developed, were picking up *ninety percent* of the overall expense for the program. Las Cruces P.A.T.I. director Willoughby Walling admitted that while the scheme's projected costs for fiscal 1970 were set at $1,161,746, the amount designated for fiscal 1971 will be $3,-113,044. This was no one-shot venture.

But what could such a program entail? The *New York Times* discussed the postal academy concept in its issue for January 7, 1970. The initial program, said the *Times*, was to be "patterned after the Street [Workers] Academies that have been operating in New York City for more than four years," sponsored by the Urban League and "financed largely by the Ford Foundation." These "store front" academies in the "ghettos" of Harlem, Brooklyn, and the Bronx, have already graduated two hundred "hard-core" militants, with an additional six hundred currently going through advanced "training."

Reflecting for a moment on the identified Communists and Communist Front operations supported by the tax-exempt Ford Foundation (for example, the $1.5 million given identified Communist Maclovio Barraza and his *La Raza Unida*) one can readily imagine the type of "training" being administered. The Leftist record of the Urban League is even more notoriously appalling—dating back to its efforts to help found the Communists' World Federation of Democratic Youth. When the Ford Foundation and the Urban League get together, you may be certain that they are up to their eyeballs in militant activity. For the Post Office to follow their lead is nothing short of incredible.

Yet, the *Times* said the Post Office Department would run two such "street academies" in each of six "pilot cities" by the target date of May 1970, "and one academy of transition in each city by September, with an expected 2,826 graduates by the middle of 1971." The pilot cities listed included Atlanta, Chicago, Newark, San Francisco, Detroit, and Washington, D.C. This much, at least, was carefully outlined on January sixth when the Post Office Department announced its training program at a press conference in Washington. Few Americans, alas, took notice of the details. Certainly no one in Las Cruces. They should have.

While Congressman Foreman, the great majority of local citizens, and the *Las Cruces Sun-News*, angrily demanded an explanation of the P.A.T.I. caper, a handful of "Liberals" in the Las Cruces area, where Academy "instructors" were being trained, began to march to the beat of a different drum. Less than two weeks after the postal freak show hit town, a city commissioner named Albert Johnson announced: "Las Cruces can be honored to have this worthwhile program located here, and I want to be the first to officially welcome the program into our city." The word had gone out through "Liberal" channels to protect the project. In lockstep with Commissioner Johnson was KGRT, a Las Cruces radio station whose radical owner, Gerry Martin, also echoed the approved line. The same held true for "Liberal" editor Perrin and his newly-established *Las Cruces Bulletin*. In the *Bulletin* of February twenty-sixth, under the amusingly self-conscious headline, "Las Cruces Wins National Award: Postal Academy Training Institute Honors Our City," Perrin euphemized:

"The theme of growth through stress is basic to the curriculum [of the P.A.T.I. program]. Students are organized into patrols and trained in techniques of search and rescue, first aid, firefighting, and other emergency measures. In the course of this training, the student is involved in a continuing sequence of stress situations that increase in difficulty and complexity, yet are structured in such a way as to insure a maximum possibility of success."

These training procedures, admitted editor Perrin, are patterned after the "Outward Bound" course in military survival instituted in England during World War II.

Guerrilla survival training—for a postal program? Indeed.

The day following the above *Bulletin* editorial the radical voice of the New Mexico State University campus, a pro-S.D.S. student tabloid called *Round Up*, cranked up the tension on the academic line:

"The Postal Academy Program, which is using the Holy Cross Retreat House as their base location during the six-week endurance-stress and sensitivity training courses, begins its functions with the activities of the street-worker, who walks the streets of the vicinity surrounding the Postal Academy, relating to the teen-age dropouts of the ghetto area."

Round Up further reported: "Of the 80 people taking part in the program, there are 16 who are 'director of trainee' candidates and 54 who are street-worker and teacher candidates. At the conclusion of the program, these people chosen as director trainees will be located at the various Academies in the cities and will direct the activities of the Academies. . . . All of the people who are taking part in the training program here in Las Cruces are presently employed by the Post Office."

Congressman Ed Foreman demanded to know why "a bunch of radical Anarchists" should be paid "$100 a week to climb mountains when all most of them need is a hair cut, a bath, and a job." The Congressman's sentiments were echoed by publisher Joe Priestly and city editor Don Cantrell of the *Las Cruces Sun-News*, who editorialized: "We fail to understand what *mountain*-training has to do with training postal personnel in daily, face-to-face situations in big city environments. These people will not be delivering mail or sorting packages in the desert or mountains. . . ."

How did the P.A.T.I. generals respond to such shelling? Publicly, they ignored it. Then, shortly after their expose of the P.A.T.I. operation, both the publisher and editor of the *Sun-News* were quietly replaced—and all the photographs taken of the revolutionary trainees and their equipment were misplaced, lost, or destroyed. Congressman Foreman did his best, but continued to meet a blank wall.

Meanwhile the residents of Las Cruces continued to ask in vain why postal "trainees" were undergoing courses in sensitivity-training, military survival, and mountain climbing. A photograph in *Round Up* established that a dashiki-clad "street worker candidate" from Chicago, a black militant named "Mozam-beak," had been among the instructors. And the *Sun-News* reported that a P.A.T.I. trainee identified as Don Lopez had been injured by a falling rock which struck him on the head "just below the helmet . . . ." Lopez and the postal "trainees," so the official story went, had been "climbing" in the heavily-wooded Organ mountains of the Gila Wilderness, an area about three hours' drive northwest of Las Cruces.

Although the Army had suggested sending one of its helicopters to bring out the injured man, postal officials refused to permit it. P.A.T.I. leaders, apparently security conscious, were frantic about keeping both the Army and local police out of the area. They chartered a special plane to remove the man from their mountain fortress Something very unusual indeed was taking place in that wilderness area. Something police and military rescuers might easily identify as guerrilla training.

It was soon established that the postal cadre—by now dressed in military issue—was actually going through maneuvers in some of the most hazardous terrain in the state, sending and receiving messages via military walkie-talkies and other field apparatus, employing new Army jeeps, trailers, and light-weight motor boats, and apparently undergoing extensive training in paramilitary operations.

Concerned by the angry reaction to reports circulating in Las Cruces, Post Office officials in Washington made plans to try to whitewash the affair. On March first, Assistant Postmaster General Kenneth Housman flew into Las Cruces and met at the local Chamber of Commerce with members of the press, P.A.T.I. director Willoughby Walling, Congressman Ed Foreman, Democrat State Senator Frank O. Papen, and local politicians. Housman defended his program by reiterating plans for a comprehensive, nationwide system of postal academies which he said will have graduated (or commenced training) more than two thousand "hard-core" youth and will be in the process of similarly training 720 postal employees in lower level positions, by the end of 1971. Housman estimated that the program cost per "trainee" would run about $2,400.

The Post Office Department issued this official statement through its Washington congressional relations officer Jerry L. Reynolds:

"Candidates for staff positions for the Postal Academy Training Program, as announced last month by the Post Office Department, have been undergoing stress training in the Las Cruces area similar to that given the Peace Corps candidates. The training course for the urban youths is being conducted by Changes, Inc., a New Mexico-based corporation."

The above communique further stated that "according to the Rev. Lee Hobert, local program coordinator and spokesman for Changes, Inc., the four-week course is designed to equip Postal Academy staff personnel with the skills for understanding and expanding the limited backgrounds of trainees who enter the academy program."

When it was reliably reported that the "Reverend" Hobert was receiving a $30,000 salary for his "humanitarian" efforts in the P.A.T.I. program, he was quick to deny it. What could not be denied was that Hobert's company (incorporated on December 31, 1969, to provide "educational services to governmental agencies") had already received the incredible sum of $209,996 from the U.S. Government for "training services." It was a set-up. Twenty-three days after its incorporation Changes, Inc., had entered into a "Negotiated Contract" with the Post Office Department to help run the guerrilla and sensitivity-training program in Las Cruces. There was even a clause in the fourteen-page contract emphasizing that "the contractor agrees not to make public release of information of any matter pertaining to this contract without Post Office Department clearance. . . ."

While filled with all manner of ambiguities and double-talk, the agreement does provide a clear breakdown of the military and sundry government-furnished equipment to be used. And it reveals that Changes, Inc., was required to provide "a course consisting of 27 days of training and three days of debriefing for 122 Postal Academy staff." The government was spending a minimum of $7,776.51 per day of training for what amounted to a cadre of hard-core revolutionaries—a number of whom were later identified to this reporter by a Changes, Inc., instructor as members of the Communist Black Panther Party.

Add to this the fact that $73,200 in salaries had already been paid these trainees, and that their air fare to and from the area exceeded $36,600. In addition, they were provided with dozens of new M35-A1 Army vehicles worth $24,372 each—new equipment far better than that supplied most of our National Guard units.

The contract for the Hobert operation was signed last January in Washington, D.C., by Assistant Postmaster General Kenneth Housman and the president of Changes, Inc., Dr. William O. Evans, chief psychologist for the Las Cruces phase of the P.A.T.I. program. Checking on the "Reverend" Lee G. Hobert and Dr. William O. Evans, Congressman Foreman was not surprised to learn that they are two of the most active Leftist organizers in the area. As the *Las Cruces Sun-News* put it, the Congressman "expressed the belief to postal authorities that the record of both men in the community is and has been questionable." As it turned out, that was the understatement of the year.

Of the five incorporators of Changes, Inc., Dr. Evans and the "Reverend" Hobert were undoubtedly the best known. Among the others is Robert C. Poole, an attorney for the New Mexico Council of Churches, an affiliate of the radical National Council of Churches. Attorney Poole drafted the papers of incorporation, and it was he who contacted Democrat State Senator Frank Papen in the summer of 1969 with the proposition that the wealthy "Liberal" put up a cash loan of some $200,000 to help ensure the success of the effort. After becoming the program's financial angel, Senator Papen was reimbursed by the government, we are told, and made a considerable profit on the venture.

The "Reverend" Hobert, Dr. Evans, and a man named Nielson were the key operators. Let's take a look at their backgrounds.

While a Chaplain at New Mexico State University in the mid-Sixties, and as head of the "Qutreach" program of the local Presbyterian Church, Dr. William O. Evans became deeply involved with militant student activists. After assuming leadership of the radical United Campus Ministry, Evans had set up shop in an off-campus headquarters called "The Hut," a center of Leftist activity known in the area for the availability of narcotics and obscene literature. Located less than a block from the home of the university president, this "pot" center served as a hangout for the usual cadre of schoolboy Lenins. Dr. Evans was very busy indeed. He was also linked with a case which involved the mysterious murder of a female acquaintance and was extensively interrogated by Las Cruces police, though subsequently released for lack of evidence. So blatant and immoral were his activities with some of the younger students under his influence that in late 1968 irate townspeople forced his hasty departure for greener pastures on campuses in California.

Shortly after his ignoble retreat a friend and protégé, the "Reverend" James Nielson, took command of Dr. Evans' posts at the University, in the United Campus Ministry, and at "The Hut." As Chairman of the Las Cruces chapter of the American Civil Liberties Union (cited by Congressional Committees as "closely affiliated with the Communist movement"), the "Reverend" Nielson began pushing abortion among his young followers, while advocating the use of drugs and counseling draft evasion. So outrageous were his activities that members of the Presbyterian Church and University officials forced the closure of "The Hut" and removed Nielson from his position.

Nevertheless, the "Reverend" Nielson continued his operation at the Catholic Newman Center—which, like his former haven, had become a meeting place for local black militants and members of the Communist S.D.S. Indeed, most of the campus Leftists still maintain their base of operations in that center, which is run by another of Dr. Evans' friends, Father Lionel Moroney. It was Moroney who helped provide the Las Cruces bivouac for the postal guerrillas.

In early 1970, Dr. William O. Evans quietly returned to Las Cruces—this time as President of Changes, Inc. Aiding him in the new scheme was the "Reverend" James Nielson. What were they after? Dr. Evans, chief psychologist for the P.A.T.I. escapade, is quoted by an aide to Congressman Foreman as having announced: "We must knock America to its knees and make her bleed."

The "Reverend" Lee G. Hobert has been a bit more discreet. Yet he has privately admitted to acquaintances (interviewed by your reporter) that he is "dedicated to destroying the Catholic Church." This though he presently sits on the Board of Directors of the Catholic Holy Cross Retreat House which served as a sanctuary for the postal guerrillas and is yet being used as a site for sensitivity-training sessions called "Encounter Weekends." The "Reverend" Hobert advertises these sordid affairs ($20 per session) in his own church bulletin.

A former President of the New Mexico Council of Churches, Hobert traveled to Albuquerque in April 1968 to march and demonstrate with identified Communists during the phony "Poor People's Campaign." He solicited funds for that Red effort. Although seldom seen wearing his clerical garments (he hates to be called "Reverend"), Hobert donned his black suit and white collar for the "Poor People's" affair. He now sits on the Board of Directors of the radical United Campus Ministry.

But that's not all. Not by a long shot.

In addition to his "humanitarian" role with the P.A.T.I. program, the "Reverend" Hobert serves as treasurer and staff coordinator for the statewide Home Education Livelihood Program (H.E.L.P.), an O.E.O.-funded organization set up in 1965 by Hobert and its present executive director, Alex Mercure. Ostensibly created to assist migrant farm workers, H.E.L.P. soon drifted into activist organizing among Mexican-Americans. Mecure has fifty-six offices in the state, staffed and financed by the federal Office of Economic Opportunity and the radical National Council of Churches. New Mexico State Police Intelligence is well aware that H.E.L.P. employees were providing both physical and legal aid for Castroite terrorist Reies Tijerina, former head of the *Alianza* guerrilla operation in the area. In fact, H.E.L.P. leader Alex Mercure was quoted by the *New York Times* in 1967 as having admitted that "some of our people are obviously members of Tijerina's group." He predicted that Comrade Tijerina's armed revolutionaries might well spread across the Southwest to establish control when the time was ripe.

Although both Hobert and Mercure have squandered an estimated $9 million in O.E.O. funds on various grandiose schemes (all abysmal failures), the Ford Foundation this spring came through with $950,000 for Mercure to finance another of these phony enterprises. The latest con is a system of "warm-up" and "feed" lots for cattle.

Not surprisingly, the "cattle feed lot system" in northern New Mexico has also been financed by the O.E.O.—which in the spring of 1970 granted Alex Mercure the sum of $708,500 for the project. In addition, the O.E.O. plans to place the radical Mr. Mercure on the Board of Directors of its new Opportunity Funding Corporation. All this in spite of the fact that Mercure is known to endorse both the Communist-led *La Raza Unida* and the Reds' Brown Berets. As he has publicly declared: "First we'll get the gringoes' money, then we'll run the damn gringoes off the land and take it for our own." Even when there are no postal guerrillas to be trained, Mercure and the "Reverend" Lee G. Hobert are up to their necks in radical activity.

On April seventh, after weeks of raging controversy, the first contingent of postal employees completed training in Las Cruces under Hobert, Williams & Company and were flown to their respective Postal Academies in San Francisco, Chicago, Detroit, Newark, Atlanta, and Washington. There they began the subtle job of attracting a cadre of radical "ghetto" youth for the next stage of the program.

Beginning on the first of June, members of the second cycle of trainees were flown into New Mexico for the next round of indoctrination. This time headquarters were set up in an old Job Corps encampment at Mountainaire, a site just below Albuquerque. The current postal guerrilla training is being given in the rugged Sangre de Cristo mountains in the northern part of the state, not far from the "Hog Farm" revolutionary commune at Taos and the infamous San Cristobal ranch, which is used as a retreat for top Communists.

Okay, fine. But what does the Left expect to gain by these operations?

The "Reverend" Hobert has released a five-page statement on the purposes and objectives of the Postal Academy Training Institute in which he may very well have indicated a plan to use radicals placed in key jobs in our postal system for something akin to urban guerrilla warfare. Relating how the Postmaster General had earlier requested a search for a working model through which "under-employed" postal employees could achieve higher status while aiding "ghetto youth," Hobert told about the adoption of the program of "the highly successful Street Academies and Academies of Transition in New York City and New Jersey." He said that "This search was intensified by a directive from President Nixon to all divisions of the Federal Government to come up with something besides a padded paper poverty program."

While the Post Office Department was attempting to decide whether to itself "become a private-sector enterprise or remain a division of the Federal Government," Hobert continued, "its leadership became aware of the fact that it represented a vast untapped resource never previously recognized or utilized by government in attacking the urban problems in America." It is the conclusions which Hobert draws from this concept that provide the giveaway. The "Reverend" Hobert observes of the U.S. Post Office:

"It is the only organization in the United States with a business operation located in every ghetto or disadvantaged area in the country.

"It is the only organization in the United States which has employees walking or traveling on every street, literally knocking on every door in every ghetto or disadvantaged area of the country. . . .

"The Post Office is the only organization in the United States having employees walking into every business establishment in the downtown area of every major city in the country."

Get the picture? You may be certain the "Reverend" Hobert and his revolutionaries do. And, says Hobert, "The plans are to expand, as the second step of implementation, to, perhaps, thirty-six cities. The Post Office Department would like to have Street Academies Programs going in 400 cities within three years' time. . . ." Let Hobert and his radicals train their instructors, and *look out!* Yet, he has the full backing of the Establishment. As the New York Times reported:

"Postmaster General Winton M. Blount announced the experimental program today, calling it "exciting and imaginative." He said the program "has the full support of President Nixon." He was joined at a news conference by Labor Secretary George P. Schultz and Donald Rumsfeld, director of the Office of Economic Opportunity."

Of course, Executive-level manipulation of the postal system in the service of radical interests is not new. One remembers that on April 6, 1961, shortly after his inauguration, President John F. Kennedy issued Executive Order 20247 rescinding an earlier Presidential directive which had provided that all "suspect mail" arriving in the United States from Communist countries be forwarded through an Inspection Investigation Division. Since that day, patriotic postal authorities have been powerless to stop the increasing flood of Communist propaganda being sent through our mails from abroad.

During the Hearings of the Senate Internal Security Subcommittee published as Communist Political Propaganda And Use Of United States Mails, U.S. Customs Service official Irving Fishman testified that: "Foreign mail is carried in transit through the United States pursuant to a principle of the Universal Postal Union." He stated that in transit mail is considered to be closed mail and is required, under the principle of the Convention, to be dispatched across our country without examination. Under the rules of the Universal Postal Convention and applicable laws, the United States is now committed to provide a pipeline for Red propaganda over which we have no control. And the Soviet Union, of course, is taking full advantage of the situation.

This despite the fact that U.S. participation in the Universal Postal Convention forces a serious breach of the Tariff Act of 1930, a provision of which calls for "the prohibition of the importation of treasonable material—material which invites insurrection against the United States, or advocates the overthrow of the United States government."

The Senate Hearings also revealed that prior to our entry into the Universal Postal Convention a two-week check by U.S. Customs Service investigators of just *two* percent of incoming mail from but one Latin American country established that, projected over a year's time, "some 137,580 packages containing 365,000 individual items of printed Communist propaganda" were arriving undetected from the U.S.S.R. Embassy in Mexico alone. It was further established that "in 1955, the Iron Curtain countries sent to the United States some 2,565,000 packages of Communist propaganda. These contained over 5 million individual items. In 1956, that moved upward by over a million; in 1957, by almost a million; and, in 1958 . . . we had 4,897,765 packages of political propaganda, containing close to 10 million individual items of printed matter destined for distribution in the U.S. area." Today, that Communist propaganda is being delivered without question!

A great many patriotic postal employees don't like this situation one bit. And, it is regularly being challenged—thus far to no avail. As U.S. Representative John R. Rarick (D.-Louisiana) noted on the floor of Congress on June 24, 1970: ". . . many Americans were shocked to learn that the Constitution had been extended to guarantee delivery of Communist literature advocating violence and sabotage through the U.S. mail. Such a decision has been handed down by a panel of Federal judicrats—forbidding the Postmaster General to refuse to deliver revolutionary publications from Red China."

Americans are also objecting to the serious upsurge in distribution through the mails of unbelievably foul pornographic materials. Although a good portion of this smut is produced in California and New York, Part 2 of the above-cited Senate Internal Security Subcommittee Report on subversion of the mails (issued in 1961) established that there is a definite "connection between the Communists and the distribution of pornographic materials" and that a prime source of this "salacious material" is Communist East Germany. Even more alarming is the fact that the *only* recourse an American citizen now has when receiving unsolicited Communist or smut mail is to complain again and again to his local postmaster, fill out a form citing specifics, and wait until the Post Office notifies the sender that he must remove the victim from his mailing lists. The pornographers and Communists are delighted to do so, clearing their lists of hostile prospects.

The situation is made even more ominous by the fact that within the vital postal system itself the levers of power are often in the hands of radical union officials who not only ignore the internal sabotage of our postal system but in some cases actively direct it. Such was the case earlier this year when a relative handful of Leftist agitators attempted to seize control of the working apparatus of the U.S. Post Office.

On March 18, 1970, the first postal strike in American history began in New York City, spurred by a "wildcat" walkout of fourteen thousand letter carriers demanding a pay increase of some *forty* percent. Behind the movement, which was part of an effort to "shut down the entire city of New York with a General Strike," were radical labor leaders Harry Van Arsdale and Victor Gotbaum, supported by a "goon squad" of organizers whose efforts soon spread the strike coast to coast. The Communist Party was up to its Red neck in the operation, distributing inflammatory leaflets, booklets, and petitions at postal branches throughout the nation. Identified Communists not only walked the picket lines in many cities, but helped organize the massive strike within the labor unions.

After such major Communist journals as the *Daily World*, the *Guardian*, *Challenge*, and *People's World* had carried front-page directives urging such action, the multitude of Communist Fronts began a series of marches and rallies supporting the strike. Among the most active were the Young Workers Liberation League (formerly the W.E.B. DuBois Clubs), the Young Socialist Alliance, the International Socialists, the Student Mobilization Committee, and the Progressive Labor Party. And in virtually every photograph of the postal strikers which appeared in the Communist media, government employees were depicted with their fists raised in the Communist salute. In fact, so important was this "spontaneous" strike that the *Militant*, official newspaper of the Trotskyite Socialist Workers Party, published a "Postal Strike Special" devoted entirely to this issue. The readers of the Communist *Militant* were directed as follows:

"The Socialist Workers Party candidates across the country have declared their unconditional support for the strike, and call on the labor movement to come to the aid of the postal workers. . . . The Black and Third World liberation movements, the student and anti-war movements and other forces must come to the aid of the striking workers mobilizing support for them."

So serious was the matter of Communist involvement that James H. Rademacher, president of the 200,000-member National Association of Letter Carriers, urged strikers to return to work, reporting that striking employees were being urged to excesses by members of the Communist Students for a Democratic Society whom Rademacher said had heavily infiltrated the Post Office Department. Many striking postal employees, said Rademacher, were sincere in their actions but had become the "unwitting dupes" of the S.D.S.

By March twenty-third the situation had grown so serious that President Nixon declared a state of national emergency, ordering 2,500 military personnel into New York to move essential mail. The following day, after the Administration had stalled for a week to tie an acceptance of wage demands to a major postal "reform" of the Post Office Department, Postmaster General Winton Blount reported that the strike was all but over. On April first, it was.

As a result of this strike the Interstate Commerce Commission approved increases averaging 15.2 percent in fourth-class parcel post and increased by one-third the cost of other classes of mail. Although postal employees benefited from their compromise pay hike in August (retroactive to April eighteenth) they were set up by the Administration for further controls over their future earnings and job security. They unwittingly forced passage of a controversial postal reform bill, which Postmaster General Blount admitted would have been impossible just eighteen month earlier.

And, even though Americans have been asked to bear the burden of increased postal rates, Postmaster Blount has continued to ignore the debts owed by foreign governments for international postal service. The great influx of Communist propaganda mail from Latin America, for instance, has resulted in outstanding Hemispheric postal debts of $9.1 million. A debt of $3 million, for example, is owed us by Communist Cuba—a debt which has been escalated over a decade as Castro has poured in tons of propaganda by mail. Asked why the Post Office has neither attempted to collect these debts nor charged interest on them as allowed by international agreement, postal relations spokesman Kenneth Fulton countered: "We have the feeling it would cause ill will and Postmaster General Winston Blount would not like to be the first to invoke the interest clause."

In the meantime, American taxpayers are required to pay the estimated $645.8 million wage increase demanded by the unions and approved by President Nixon, as well as the ten percent subsidies totaling nearly $800 million *a year* (through 1979) as provided by Congress in its passage of the Postal Reform Bill of 1970.

In early August, shortly before the House voted approval of the most sweeping overhaul of the U.S. mails since Congress took control in 1789, Representative H. R. Gross (R-Iowa) and other opponents of the bill charged that the measure's provision to eliminate Congress from its policy and rate-making role amounted to "taking the post office away from the American people." As the second-ranking Republican on the House Post Office Committee, Representative Gross blasted the compromise bill charging that it had failed to take politics out of the post office. As Gross put it: "The postal service will be as polluted as ever with politics, cronyism and nepotism."

Mr. Gross predicted that "the wrath of American taxpayers will rise and make future Congressmen put the pieces back together." He was seconded by a number of other Representatives, whose concern is based on the fact that the bill ends Congress' 181-year control over mail rates and the pay of postal employees while turning the $7 billion, 32,000-branch mail system over to an Executive agency run by eleven governors appointed by the President. And, although an amendment was added to the bill by Conservatives in the House to protect postal workers from compulsory unionism, postal employees are nevertheless to be *represented* by the unions whether they like it or not. For the first time in any federal agency collective bargaining will be in effect. The workers will be subject to the dictates of *compulsory arbitration.*

With such costly and dangerous programs as the Postal Academy Training Institute gradually taking their toll among incoming employees, the continuing radicalization of postal workers by agitators within the unions, and the removal of Congressional control, it could well be only a matter of time before the most vital communication link in the United States is in ruins. We may soon find ourselves forced to comply abjectly with the whims of a postal Big Brother or learn to develop "Extra Sensory Perception."—David Emerson Gumaer.

FABULOUS FOURTH REPORT

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. WYDLER. Mr. Speaker, during my eight years of service in the U.S. Congress, it has been my tradition to issue periodic reports to the residents of the 4th Congressional District, keeping them fully informed on my activities, particularly those relating to current national issues and vital problems affecting the Long Island area. My latest report has now been prepared and follows:

FABULOUS FOURTH

Congress will not have adjourned by the time this issue of The Fabulous Fourth reaches you. However, with Election Day drawing nearer, in order to keep this report non-political in tone, I felt that it should go out now.

WYDLER DEMANDS RELEASE OF REPORT ON HIGH BEEF PRICES

Refusing to give in to the pressures of special interest groups or to the persuasive arguments of his fellow congressmen from the cattle-producing states, Congressman John W. Wydler has continued his demand that the full text of a 28-page report on the price of beef—the outcome of Congressional committee hearings which he had requested—be released so that the public can draw its own conclusions.

The Report, while somewhat critical of the Departments of Agriculture and Labor in terms of inadequatly forecasting domestic beef consumption, made it abundantly clear that the American Cattleman's Association has consistently pursued a policy of recommending to the industry that it "voluntarily" reduce the beef supply despite the fact that beef consumption in the United States is increasing at the rate of about 3% per year.

The Cattlemen's Association lobbied and pressured against the adoption of the final report of the Wydler initiated investigation into beef prices and so far, they have succeeded.

Report recommended imports

"The basic recommendation of the Report," Wydler said, "was that the import quota on beef be related to consumer demand as well as to producer supply. We did not ask that import controls be abolished. We merely asked that they be made more flexible and responsive to the difference between domestic supply and consumption."

"The second recommendation of the Report," he continued, "was the appointment of an 18-member Congressional commission to study the entire beef industry over a two year period and to make recommendations so that an adequate supply of beef would be continually available to the American housewife at reasonable prices."

"I am reluctant to speculate," Wydler said, "why the lobbyists objected to an impartial study of the beef industry!"

The Report was attacked by such groups as the American Farm Bureau Federation while it was still considered to be confidential and presumably only in the hands of the members of the investigating committee! Those who opposed the Report's contents appeared to be "in the know," Wydler commented, while American consumers were left to guess at its contents.

"I strongly supported the measures outlined in the Report, and I shall continue to press for action to give the American housewife a square deal at the meat market," Wydler declared.

Caption.—*A leading question!* More of a *whiz in Congress than at the cardtable, Congressman Wydler took a few moments off from his routine assignments to visit the Five Towns Senior Center in Woodmere where he proffered some friendly advice about which card might make a good lead in the bridge game. Standing far right is Mrs. Betty Flynn, president of the Five Towns Community Council, who will not divulge how wise Wydler was.*

LET'S LOOK AHEAD!

With another Congressional election nearing, I must face the possibility that this may be my last report to you as your Congressman. I hope not.

After eight years in the House of Representatives, where I now serve on two of the most vital Committees, I enjoy having acquired a seasoned sense of timing and tactics which enables me to get things done for the benefit of my constituents.

I am aware that a Congressman must take a long range view, hoping that, on the strength of his record, things will go well and he will continue to have the opportunity of serving his constituents and of pressing for the Federal laws and Federal aid which will improve our economy, strengthen our security and safeguard our heritage, not only in the Fabulous Fourth but all over our Nation.

Caption.—*"By-product" of LEM space research. Joseph Gavin, director of Grumman's space program, describes to Congressman Wydler the improved device being used in heart transplants which is a direct outcome of the biomedical aspects of space science.*

WYDLER HELPS CAPTURE SPACE DOLLARS FOR NASSAU

The decade of the seventies looked considerably brighter for the Grumman Aerospace Corporation when in July, after refusing to accept an initial rebuff in its space related proposals, the company won a contract with the National Aeronautics and Space Administration to undertake a study for a "space shuttle."

The space shuttle idea is basically a project to develop re-usable space vehicles which can be flown back to earth and re-launched thus decreasing the cost of exploring space in the decades ahead.

Grumman, the creator of the LEM which has landed men on the moon and enabled the crew members of the disabled Apollo 13 to return safely to earth, faced with bitter competition and the choice of other companies for the job, came forward with a low-cost, low-risk concept of a space shuttle which finally won acceptance.

Representative Wydler, who is a member of both Congressional sub-committees concerned with space probes—the one which oversees NASA and the one focused on advanced research and technology—had consistently fought alongside of Grumman to see that their proven competence and know-how were not lost to the national space effort. In the spring, upon invitation from Wydler, leading members of the Science and Astronautics Committee had visited Grumman to review its past performance and future potential.

Commenting on Grumman's new assignment, Wydler said, "I have learned that five million dollars a week are channeled into the Long Island economy via Grumman and I know what this means to the economic well-being of our entire area. I intend to see that Long Island is fairly treated at the same time that our nation's place in space is protected."

WYDLER JOINS TEAM FIGHT ON DRUGS

Taking full advantage of his position as ranking member of the Science and Astronautics Committee of the House of Representatives, which has jurisdiction in the science field where drug research is being done, Congressman Wydler accepted appoint-

ment in May to the Narcotics Guidance Council of the Town of Hempstead.

Wydler's appointment to the Council gives the Township direct contact with some of the world's leading researchers in the area of drugs such as Dr. Stanley Yolles, head of the Federal Bureau of Drugs, and Dr. Sidney Cohen, head of the Division of Narcotic Addiction and Abuse, National Institute of Mental Health.

In accepting appointment to the Council Wydler said he intends to keep this entire area fully informed about the availability of federal funds to fight the drug problem. Through the Congressman's Washington office, the latest government studies on drugs and drug-related subjects as well as free government-made motion pictures will be channeled into the hands of those best able to make significant use of them.

"In March," Wydler commented, "the President ordered a six-fold increase in federal spending in 1971 to combat drug abuse among young people. I am glad to join the dedicated efforts of organizations in my Congressional District to combat drug addiction where it exists and to forestall drug experimentation among the youngsters of our County."

Caption.—Timely talk on tensions. The Couples Club, Congregation of the Sons of Israel, Woodmere, invited Congressman Wydler to meet with them and discuss the tensions in the Middle East. Wydler had called for face-to-face negotiations by the governments directly involved and strong U.S. support of Israel as part of a consistent policy against Communist aggressors. Listening to his viewpoints are Harvey Krauser, Mrs. Irving Litwak and Mrs. Stanley Rothman.

Caption.—My country 'tis of thee. Nine-year-old Kenneth Graham, who uses the educational resources of the Industrial Home for the Blind in West Hempstead, became better acquainted with his country's flag when Congressman Wydler presented an American flag to the Home.

FREE FLAGS

Through the courtesy of the Reader's Digest, Congressman Wydler will be able to provide American flag decals to the first 5000 constituents who send postal cards with their names and addresses and the words "American flag" to this local office at 150 Old Country Road, Mineola, New York 11501.

WYDLER WANTS EQUAL RIGHTS FOR WOMEN

An amendment to the United States Constitution granting equal rights to women, sponsored by Congressman Wydler, has already passed the House of Representatives.

The text of the amendment reads very simply: "Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex."

The ratification of this amendment, according to Wydler, would guarantee women the same property and inheritance rights as men and the same job opportunities. "At last," he said, "women would be recognized as first class citizens."

MITCHELL FIELD PLAN NEEDS RETHINKING

The present plans for the commercial development and exploitation of Mitchel Field should be abandoned and new plans should be formulated meeting the needs of the people of Nassau for open space and community and civic services, according to Congressman Wydler.

Commenting on the existing plans, Wydler pointed out that as a conservationist, he is worried about the urban-type pollution, traffic, and overcrowding that building a "city" in the heart of Nassau will produce.

"What started as a project to benefit the public welfare has become a private, commercial project whose sole aim is financial," Wydler said. "Unless we reject this plan, we are preaching conservation and practicing destruction."

"The project plans drawn up by the Development Corporation are incompatible with a suburban way of life. I want to see a plan which protects the area, maintains its attractive character and improves the quality of our local living."

Caption.—*Italian society adopts Wydler. The Italian Cultural Society of Garden City conferred an honorary membership on Congressman Wydler at its annual springtime installation of officers. Joining in the festivities were Dr. Anthony LaSala, incoming president, and Mrs. LaSala.*

LEGISLATIVE ROUND-UP

Highlights of Congressman Wydler's Voting Record in the 91st Congress

Some bills I voted "yes" on—tax reform. Closed tax loopholes and provided tax reductions for middle income families.

Clean air. Authorized research into air pollution problems involving fuels and motor vehicles.

Auto safety. Authorized $93 million for three year period for motor vehicle safety activities.

Student loans. Makes more money available for student loans.

Some bills I voted "no" on—Agricultural appropriations. Voted against large farm subsidy payments.

Forest timber. Voted against additional tree cutting in national forest land. Would be a blow to conservation.

Some bill I have sponsored—Anti-pornography. Would prohibit the mailing of obscene literature to minors.

Improved transportation. Provides for long-term financing for expanded urban public transportation which would help the LIRR.

Consumer assistance. Would establish an Office of Consumer Affairs in the Executive Office of the President.

Volunteer army. Calls for the establishment of an all-volunteer Army by July 1, 1971.

Ecology improvement. Establishes a national college of Ecological and Environmental Studies.

Postal pay study. Establishes a presidential commission to study pay system of postal employees and to recommend area pay differentials for high-cost living areas such as Long Island.

EDUCATIONAL AID FOR THOSE WHO NEED IT

In an effort to clarify the provisions of the Elementary and Secondary Education Act (Title I) related to benefits for children of low-income families, Congressman Wydler has introduced a bill which would directly channel federal funds into programs of maximum benefit to these youngsters.

Commenting on the introduction of his bill, Wydler said, "When I first voted for ESEA funds, I understood the intent of Congress was to provide educational assistance to children of low-income families. Over the years, however, the funds have been spread out so thin in certain areas that the programs are ineffective in helping the very children for whom they were intended."

The Wydler bill, which has been welcomed as a step in the right direction by the Nassau Office of Economic Opportunity, is receiving broad Congressional support.

MILITARY INTERVENTION A SHARED RESPONSIBILITY

Guidelines which will make any military intervention, in the absence of a declaration of war, the jointly shared responsibility of the President and the Congress of the United States are embodied in a bill proposed by Congressman Wydler which is similar to one introduced by Senators Jacob K. Javits of New York and Robert J. Dole of Kansas.

Under the Wydler proposal, the President as Commander-in-Chief can commit American armed forces under only four clearly defined circumstances: 1) To repulse a sudden attack upon the United States, its territories and possessions; 2) to repulse an attack against the Armed Forces of the United States; 3) To comply with a national commitment caused by a treaty or convention already agreed to; and 4) To protect the lives and property of United States nationals abroad.

The bill, while preserving the President's powers to retaliate and defend this country, requires an immediate presidential report to the Congress explaining under what circumstances military intervention was initiated. Supportive Congressional action must be taken within 30 days or the President cannot continue to authorize the military action.

WYDLER REVIEWS JET NOISE BATTLE

Reviewing his eight year battle to reduce jet aircraft noise, Congressman Wydler noted in the Congressional Record that in his early days it was a lonely fight characterized by indifference and sarcasm upon the part of some of his colleagues whose constituents had not yet experienced discomfort from sonic boom and jumbo jets.

"The years have changed this apathy," he observed. "Now there is a substantial body of Congressmen who are fighting alongside me and progress has been made."

As a member of the Science and Astronautics Committee, Wydler has succeeded over the years in obtaining larger and larger sums of money for research which has resulted in the development of equipment to retrofit aircraft to reduce jet noise substantially. His bill to give the Federal Aviation Administration power to set jet noise limits is now the law of the land.

Note: A reprint of Mr. Wydler's remarks containing a chronological account of his eight year anti-jet noise battle is available from his District Office, 150 Old Country Road, Mineola, N.Y. 11501.

Caption.—Preserving the Hempstead Plains. John A. Ewald, Jr., president of Forever Wild, Inc., discussed with Congressman Wydler ways of preserving the Hempstead Plains as a wild-life sanctuary.

Caption.—Youth at work . . . constructively! Congressman Wydler joined Robert Goldberg, chairman of the "Government in Action" program and principal Edwin R. Krawitz at a "Model Congress" held at Lawrence High School to familiarize students throughout the County with the workings of the legislative branch of the government at the federal level.

VIOLENCE ON CAMPUS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. BIAGGI. Mr. Speaker, about a year and a half ago in one of my first statements in this Chamber, I urged college and university administrators to take a strong stand against violent demonstrations on their campuses. At the time I was one of the few voices doing so, but since then many others have joined in the plea for such a policy as the only means to guarantee peace on the campuses, short of closing down the institutions. In fact, even the President has now joined in the cries for enforcement of law and justice on the campuses.

I am sure the events of last spring clearly showed that the soft approach of

school administrators leads to tragic consequences. As another term approaches, more and more administrators have realized that violent and unlawful demonstrations will result in deaths and school closings. In order to protect the lives of their students and faculty, and the institution itself, numerous college and university heads are adopting policies providing for swift legal action against unlawful demonstrators, including expulsion from their institution and civil complaints.

STRONG POLICIES NEEDED

It is about time every college and university spelled out its policy against the minority of radicals seeking to destroy the American educational system and with it the American principles of democracy and freedom. When a handful of nihilistic students, and in many cases, outside professional agitators, are permitted to control the course of events at our universities, stop classes and take over buildings, it will not be long before the same minority moves from its campus training grounds into society itself to satisfy the craving for destruction.

We are seeing this happen every day. Policemen are shot at while out on patrol. Judges are held hostage or their cars bombed. Courthouses, police stations, factories, military research centers, and other public and private buildings are shaken by terrorist attacks.

LACK OF CONTROL LEADS TO VIOLENCE

This country is beginning to see the results of leniency in the past. The lack of effective administrative control on our campuses has lead to a feeling that all society should grant concessions to whoever throws a bomb or blocks a thoroughfare. The leniency in our courts has virtually locked up our law enforcement officers in a maze of judicial requirements and so-called constitutional safeguards—safeguards that only keep the criminal and terrorist safe from punishment.

I praised Father Theodore M. Hesburgh, the president of the great University of Notre Dame, last year for his tough stand against unlawful demonstrators. He set forth the following policy for his institution:

> Any group that substitutes force for rational persuasion will be given fifteen minutes of meditation to cease and desist . . . if there is not then within five minutes a movement to cease and desist, students will be notified of expulsion from this community and the law will deal with them as nonstudents.

A spokesman for Notre Dame University informed me that they have had only one minor incident this past year under the new policy. In that incident, the students involved were suspended from the university. He indicated that the administration feels the strong stand against unlawful demonstrations kept the campus peaceful during the anti-Cambodia period in the spring. Orderly demonstrations and speeches were permitted without incident or injury.

FEDERAL AID TO CAMPUSES

Mr. Speaker, this body has ruled out cutting off Federal support of institutions that fail to take action against individual unlawful demonstrators, and rightly so. Many students who want no part of violence or law breaking would suffer as a result. Nevertheless, these same students are suffering loss of classroom instruction and use of campus facilities every time their institution is closed as a result of an unlawful campus disorder.

Certainly a failure on the part of an administration to take corrective action against violence and destruction on its campus is a sign of its inability to govern its institution properly. In the granting of Federal aid, such a failure should be taken into consideration when examining the ability of a college or university to successfully utilize a grant. It is clearly a waste of the taxpayers' dollars to give money to an educational institution that must close its doors during the year because it cannot maintain order. Why, it is like granting funds for a new post office to a ghost town.

Unless the administrators of our colleges and universities are willing to take a strong stand against lawlessness and in favor of order on their campuses, the 1970–71 school year will be marked by further violence and destruction and very possibly more lives lost.

NATIONAL GUARD TRAINING

On the latter point, there is reason to believe that better training and direction of the National Guard units operating on riot-torn campuses could insure greater safety and help prevent tragedies such as those that occurred at Kent State and Jackson State Universities. I have urged over and over again that the units be given extensive training and be supplied with up-to-date equipment to meet any contingency during a civil disorder.

I recently toured a National Guard training camp in New York, and am pleased to report that my State is implementing just such a training program based on excellent riot control equipment. But other States must follow New York's lead.

A PLAN FOR PEACE

Many schools are already starting their fall terms. Now is the time to plan for law and order at our educational institutions. My program to keep our campuses peaceful this fall would require the following:

First. A strong statement of policy by college and university presidents indicating that they will take swift action against any unlawful demonstrations. The sanctions would include expulsion from the institution and preferring charges leading to arrest and prosecution for violation of civil and criminal laws.

Second. The drawing up of plans by the colleges and universities and local law enforcement officials so that in the event of disorders on a campus, legal action can be taken to prevent loss of life or destruction of property.

Third. Upgrading of the training and equipment of law enforcement officers and National Guardsmen assigned to riot-control duties.

A sharp line should be drawn between the full-time students and the full-time agitators—the hard-core radicals—who move from campus to campus in their efforts to stir up trouble and cause dissention and violence. In many cases, it is the latter who start the rampages that end up involving whole schools and who withdraw before the police or riot squads come in. These people have only radical revolution on their minds.

Mr. Speaker, I am convinced that once these hell-bent radicals are aware that they cannot continue to destroy without suffering the consequences, we will see an end to this lawlessness on the campuses. And just as higher education is meant to be a preparation for one's lifework, once we stop permitting our campuses to serve as training grounds for revolutionaries and terrorists, we will see an end to subversive activities and violence in our society. I, for one, hope this year will mark the turning point.

CONGRESSIONAL REPORT TO THE NINTH DISTRICT RESIDENTS—AUGUST 24, 1970

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. HAMILTON. Mr. Speaker, in 1846, friends of Abraham Lincoln gave him $200 with which to run for Congress. He returned $199.25. His only campaign expense was 75 cents for a barrel of cider.

It is expected that nationwide expenditures of political candidates on electoral advertising will run to $50 million during the campaigns this year.

These figures illustrate the phenomenal increase in the cost of campaign financing. These costs have now reached the stage where they constitute a challenge to the democratic process. They must be gotten under control. Rigid limits to campaign spending must be established and maintained.

The objective, in examining the problem of campaign financing, should be a fair, competitive election for every seat in the Congress. This objective requires that a candidate have access to adequate resources to wage a competitive campaign.

Campaigns should be financed in a way that will build support for our political institutions and respect for the political process. If the possibilities for waging a campaign are denied to all but the financially wealthy or the richly endowed, many of the most qualified candidates may effectively be denied access to the political arena. And unless voters have the chance to choose among the best possible alternative candidates, the hopes for public confidence and good government are drastically diminished.

Several solutions to the problems of excess campaign spending have been proposed. One is the use of tax incentives for political contributions to divert public funds to campaigns. A special lawyers' committee in New York City has recommended others, including these:

Congress should provide by statute for direct public subsidy of all general elec-

tion campaigns for seats in the House and Senate, available to them directly and with minimum guidelines for use. Such enactment should be accompanied by a reduction to $1,000 of the limitation on individual contributions to any candidate;

Every legally qualified and nominated candidate for Congress may send through the mails, postage free, one letter or printed matter to every registered voter in his State or district, within 30 days preceding the date of his primary and/or general election;

Congress should, by legislation, limit to $25,000 the amount a candidate for Congress may spend during any calendar year in connection with his own campaign for nomination or election;

Federal law should impose strict limits on campaign contributions and require full reporting of contributions and spending by all primary and general election candidate for Congress, and all committees supporting them. A Federal Elections Commission should be established to administer this law.

Although I do not support direct public subsidization of political campaigns, I do support tax incentives and strict and enforceable limitations on campaign spending.

The financing of political broadcasting is probably the thorniest problem in the whole area of campaign costs. Both Houses of Congress have now passed bills to correct current political broadcasting procedures by limiting radio and TV spending by candidates. The House-Senate conference report covers purchase of broadcast time by presidential, vice presidential, senatorial, congressional, gubernatorial, and lieutenant gubernatorial candidates in primary and general elections.

Under the conference report, yet to be concurred in by the Senate and the House, candidates would be limited to spending an amount equal to 7 cents for each vote cast in the prior election for the office sought, or $20,000—whichever is higher. Spending in primary elections would be limited to half that amount. In addition, the sale of TV and radio time to candidates for any public office must be made available at the lowest rates charged to commercial advertisers. This change would reduce political air time rates by close to one-third, it is projected. Finally, existing equal time requirements for all presidential candidates would be repealed.

AN ASSESSMENT OF THE SST ISSUE BY ECONOMIST HENRY C. WALLICH

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. WHALEN. Mr. Speaker, the highly regarded economist, Henry C. Wallich, devoted his column is this week's issue of Newsweek magazine to the question of the supersonic transport program.

As a member of his profession, I have great respect for Mr. Wallich's views. He brings up the considerations the SST creates regarding our balance of payments, a point that has occupied my attention for over a year. I believe that the SST debate has not focused sufficiently on the ramifications of the balance-of-payments impact on the U.S. economy.

Mr. Wallich's discussion is pungent and gets to the heart of the matter.

I would hope, Mr. Speaker, that Members of Congress who have not already read Mr. Wallich's column will take the time to do so. For their information, I herewith insert the article at this point in the RECORD:

HENRY C. WALLICH ON THE SST

Congress is now debating whether to appropriate $290 million to build two prototypes of the Boeing supersonic transport. If by voting down this appropriation we could ground all supersonic flights, I would favor terminating the project. The nuisance that the plane will cause to man at rest or at work outweighs its convenience to man on the wing. Side-line noise at the airport, take-off roar nearby, sonic boom wherever it goes at full speed, will make the plane a prime nuisance. Disturbance to the upper atmosphere is a remote but serious threat. The traveler's gain in time is unimpressive, particularly when measured portal to portal instead of from end of departure delay to beginning of arrival stack. Rarely will so many be bothered on any day to save so little time for so few.

Some of the SST's opponents, with engaging parochialism, talk as if Congress, by denying the money, could keep all such planes from being built. Unfortunately, Congress cannot. The Franco-British Concorde—as well as the Russian TU–144—is already flying. If the Concorde proves technically and commercial viable, the only remaining question is whether the various nuisances are to be produced by their plane or ours. We cannot escape.

It is futile to argue that we can have peace and quiet by simply denying the Concorde the right to land here. What we can have is a nasty argument with a number of friends and allies. We keep out their Concordes, they keep out our jumbo jets. Since we use more airports abroad than others use here, we probably are at the short end of that stick. The eventual outcome is foreseeable: a compromise involving some noise abatement, presumably no supersonic flights over land, but all the rest pretty much as programmed.

WILL CONCORDE FLY?

The question therefore is whether the Concorde will turn out to be viable. Before the plane lifted off the ground, some skepticism was in order. But now that its tests have begun, these fears or hopes are beginning to fade. The plane has not yet shown that it can do its promised top speed, because the tests have not yet reached that phase. Reports have it that the Concorde is "gaining weight," i.e., that the designers are having to reduce its payload. But reduced commercial viability can probably be made up by come-ons to the purchasers. A Concorde II, moreover, is said already to have entered the thinking stage. Seven American airlines and nine foreign ones are now lining up to buy Concordes. The Japanese and the Dutch are reported to be dickering with the Russians for the TU–144 plus some preferential air routes.

If the SST is not built, the consequences for the U.S. balance of payments will be pretty dramatic. The U.S. now is a strong exporter of planes. If the Concorde takes over the world market, we shall become a heavy net importer. The supposed stimulation of tourism, which has played a role in balance-of-payments calculations, I do not consider worth counting. I doubt that many tourists will pay premium fare for a chance to meet their maker at Mach 2.7. But even without tourism, the annual damage to the balance of payments, conservatively estimated, would be of the order of $1 billion till 1985, and with some imagination this can be parlayed above $3 billion.

WE MUST BUILD

It seems clear that the U.S. has little to gain and much to lose from terminating the SST project. We shall have to build. Nevertheless, the U.S. is not without options. We can rush to build the SST now, as is being proposed, or we can delay in order to let technology catch up with the plane, which is said to be rather ahead of our tested capabilities. Evidence of that are the big design changes which the plane has suffered since Boeing nosed out Lockheed for the contract. The SST even now is almost twice as big and almost half again as fast as the Concorde. But the plane will ultimately fly faster if built with more deliberate speed.

If such delay leads to more even sharing of the world airplane market, this would not be a total disaster. The British—less so the French—need exports too. If they can sell some Concordes, we may have to lend them less money next time there is need to stabilize the pound. But the decision whether to proceed posthaste with a commercial SST or simply continue development work is not yet upon us. The issue now is whether to keep open our options by building the prototypes, or drop out altogether. Clearly we must build.

OUR NATIONAL FOOD SCANDAL

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. WOLFF. Mr. Speaker, the past 2 days I have included in the RECORD statements received at a hearing my colleague from New York (Mr. BIAGGI) and I held in New York last week on fad diets, diet pill abuse, and nutritional safety. Today I would like to include the third set of papers received at the hearing:

OUR NATIONAL FOOD SCANDAL

(Testimony of Catharyn Elwood, Manhattan, N.Y., Sept. 8, 1970)

I am Catharyn Elwood, a nutritionist from Washington, D.C. During my life-long passionate crusade for pure, whole, highly nutritious foods I have lectured widely throughout the United States, in Canada, taught classes in nutrition and written articles as well as my popular selling *Feel Like A Million*, now in paper back.

The world, as well as the university, has been my classroom. I've searched for and found health resorts and spas where food is used as medicine and the sick and incurables made well. My last study was behind the iron curtain with the American Public Health Association investigating their methods of healing and uses made of food as therapy. I found that while Russian diets too are becoming more sophisticated they do not have the problems of poison sprays, additives or so much refinement. I found large assortments of freshly milled grains at all markets. They were also applying the newer knowledge of nutrition for each hospital patient gets 100 mg of Vitamin C with his 6 A.M. fruit juice.

After 40 years of serious concern and study I am convinced that modern man with his inability to leave well enough alone has

created his own suffering by destroying his foods just as he has created his polluted environment by upsetting the natural balance in nature.

Man has made three devastating destructive assaults on our food in his food-technology binge in the last 200 years. They are: 1- refining and processing (especially of our carbohydrates—our starches and sugars); 2- polluting the foods with poison sprays; 3- changing the foods with chemical additives that deceive the consumer. Today we will concern ourselves with the first one only. It is the very beginning of Our National Food Scandal.

Remember that malnutrition is hidden like an iceberg. The damaging, dangerous two-thirds is unseen. It destroys without our knowing. Each bite of refined deficiency or fraud foods adds to the deficit until the hidden hunger accumulates into a silent sickness. It may take months or many years before the tooth aches or other degeneration makes itself felt. Then it is often too late to repair the damage and one or several of our common modern diseases caused by deficiencies are entrenched for the rest of our life. By 60 years of age we almost all have an average of 6 miseries plaguing us and often is excrutiating combinations too, including hypertension, arthritis, diabetes, heart disease, cystitis, liver involvement, colitis, emphysema, hypoglycemia, asthma, and all the rest. Most everyone is wearing dentures or bridges or needs them. We are a mess healthwise.[1] Here is Dr. Cheraskin's chart showing the increase in the amount of refined sugar we are eating 100 percent between prewar and 1958). It is the chief health offender.

Today we hear the cry everywhere for more and more protein. Of course we are malnourished for proteins. But the second cry is always "low" or "no" carbohydrates—this is where either ignorance or deception lies for unrefined carbohydrates offer fine amounts of protein if they are properly grown. Wheat germ for instance has twice as much protein as turkey.[2]

Our refined, emasculated grains have lost so much of their life-creating and life-sustaining values they have literally become a "dirty word" in nutrition circles. They must have all their nutritive values returned—the proteins, the rich Vitamin B complex, Vitamin E, the trace minerals that are responsible for hormone production and all the rest.

People do not know the possible health values of wheat, rye, barley and other grains and what fine nutritional health they have provided the world of grain eaters for centuries. If so they would demand that we "grow them right." For instance wheat from our once virgin soils averaged 18 percent protein. Today, the soils being what they are, it is only 8 to 12 percent. Dr. Albrecht has shown us how to husband the soil so wheat provides 32 percent protein.[3]

Nutritionists know the score. During the International Dietetics Conference in Washington last September, I asked Dr. Jean Meyer, the famous Harvard University nutritionist: "How can the United States possibly even hope to make headway in improving the health of her people when such deficiency foods as white sugar, corn syrup, white flour products, macaroni, spaghetti, white rice and all refined products still appear on diets and menus everywhere? You and I know that experiments with animals show that when they are fed these refined foods they become crippled, steril, ill and die young. Right here at this dietetic conference, I am amazed and shocked to see that these disease causing foodless foods are still recommended in the diets and menus for children in the Head Start program."

Dr. Meyer replied: ". . . unless people learn a great deal more about nutrition, we are going to have difficulties . . . I think there is really no simple answer to your question except that *this is what the profession of dietetics is all about.*" (applause)

Indeed this is what the profession of dietetics is all about. And the cheating foods we sincere honest nutritionists would outlaw are still recommended in the "basic four" which is to be revived and sold again as the safe food way to health by our government beginning this month. They are largely responsible for the following shocking facts of degeneration.

1. Did you know that the United States ranks 25th in male life expectancy? This was the very bottom of the 25 countries reporting. A man born in Sweden would have a chance of living five years longer than in the USA? [4]

2. Did you know that the United States again hits rock bottom, number 18, with the highest infant mortality rate.[5] This means that if the 40,000 infants who died in the United States in 1969 had been born in either the Netherlands or in Sweden they would be alive today, and undoubtedly thriving.[6]

3. Did you know that cancer (leukemia) is still the first cause of death among children under 14 years of age? [7]

4. Did you know one in every three children in the United States under six years of age suffers from anemia? [8]

5. Did you know that 10,000 persons die of starvation every day in the world, that untold millions suffer from malnutrition and diseases attributable to malnutrition? [9]

6. Did you know that we do not have enough doctors, nurses or hospital beds available in the United States to accommodate the millions who are suffering from the degenerative ailments caused by foods that are sold as nutritious? This shortage hits the mentally ill too. Dr. Irving Phillips says 1.4 million children need psychiatric care but less than 500,000 are getting it.[10]

7. Did you know we have a total $50,000,000,000 health (sickness) cost? That six billion dollars are spent for drugs and 12 billion for medical doctor industry and that the 106 billion dollar food industry actually supports the first total.[11]

8. Did you know that what is described as "enrichment" of foods is the "greatest fraud ever perpetrated on the American people"? For example when wheat is processed into white flour to make bread, cakes, donuts, pastas, etc. most of the vitamin B complex, Vitamin E, proteins, unsaturated fats, and minerals are lost? And that when food firms "enrich" foods they only put in four or five chemicals to replace some of the 60 or more nutrients lost in the processing? [12]

9. Did you know that ill-chosen foods are directly or indirectly responsible for 10 million pain-racked arthritics, 40 million obese, and 27 million (over 20 years of age) who are afflicted with degenerative heart disease? Plus all the other life-degrading afflictions of our 90 million chronically ill? [13]

10. Did you know that our degenerative conditions are increasing 90 percent faster than our population? [14]

11. Did you know that epilepsy costs over 1 billion a year and only 1 in 4 can work. That it is increasing alarmingly and is four times as common as cancer? [15]

12. Did you know that most of our country's two million alcoholics would never have become interested in any form of liquor if their diets had been adequate in vitamin B complex? [16]

13. Did you know that most delinquents and criminals are malnourished, and that their crimes are associated with low blood sugar, a condition traceable to the use of sugars in ice cream, candy and pastries, soft drinks and hidden in most food products today? [17]

14. Did you know that paranoid, psychotic and schizophrenics are being restored to more normal living by supplying them with the nutrients lost in food processing? [18]

15. Did you know that in the USA one in 14 babies born are deformed while only 1 in 116 are born deformed in India? [19]

16. Did you know a survey showed that only 60 percent of the households in the United States had good diets, but that in 1965—10 years later—the percentage had dropped to 50 percent. Every food survey since 1880 has shown an increasing lowering of good eating habits because of the increasingly lowered quality of nutrition in foods? [20]

17. Did you know that a report that stunned the nation in 1969 stated that 96 percent of the children 10 years old in one group had an average of 10 teeth either decayed, filled or missing? Five percent of the children needed immediate dental attention? It is estimated: 700 million teeth in the United States today need dental repair.[21]

[See Page 21.]

18. Do you remember the figures of the draft scandal? Thirty percent of our most representative young men were rejected as unfit for World War I and II. By 1964 this had doubled with a 58 percentage unfit.

Doesn't this sound like a food scandal to you?

Doesn't this sound as if we needed emergency action—a real food revolution?

FOOTNOTES

[1] E. Chersakin M.D., Diet and Disease, Rodale Press, p. 15.

[2] USDA Handbook No. 8, Composition of Foods.

[3] Feel Like a Million, Elwood.

[4] Demographic Yearbook, 1965, published by the Statistical Office, UN.

[5] United Nations Statistical Office, Dec. 1, 1969.

[6] Walter P. Reuther—Health Care Crises American Journal of Public Health, January 19, 1969, Vol. 59, No. 1, p. 12–20.

[7] C. Elwood, Feel Like A Million, Simon & Schuster.

[8] Arnold E. Schafer, Senate Select Committee on Nutrition and Related Human Needs. Jan. 22, 1969.

[9] Hunger USA.

[10] UP 8/26/70 Washington Daily News. U. of Calif. Langley Porter Institute.

[11] John J. Miller, M.D. Preventive Medicine and Applied Nutrition Jr. of Applied Nutrition. Vol. 21 #1 & 2 1969.

[12] E. V. McCollum. Newer Knowledge of Nutrition. Fifth Ed. McMillan.

[13] Miller (op cit).

[14] Silver, Frank Archives of Env. Health Jan 65 Vol 10 pp 131–133.

[15] Epilepsy is America's Concern, Epilepsy Foundation, Washington, D.C.

[16] Williams, Roger, J. Nutrition & Alcohol, Univ. of Oklahoma Press 1951.

[17] Judge Tom Blain Mental Health Through Nutrition. Citadel Press 1969.

[18] Tom Spies, M.D. Rehabilitation Through Better Nutrition. Saunders Co. 1957.

[19] Plain Truth What You Should Know About Birth Defects, June 1969.

[20] USDA Ag Research Service Jan. '68, Reporting on Survey of Dietary Levels of Household in USA Spring '65.

[21] Arnold Schaefer Status Reports, pg. 15 op. cit.

STATEMENT OF DR. MORTON B. GLENN

Gentlemen: I am here at the request of the Honorable Lester L. Wolff. I am a practicing physician in the City of New York. I earned my M.D. degree from New York University and had my internship and residency training in internal medicine at Bellevue Hospital.

In addition to my practice, I teach at New York University College of Medicine, and hold various hospital appointments. I am in charge of a Nutrition Clinic of the New York City Department of Health. I contribute to various professional and lay publications. I am a consultant to many diet clubs. I am a Fellow of the American Public Health Association, a member of the Ameri-

can Medical Association, as well as a member or fellow of many medical and scientific societies. I am also the author of a book on weight reduction entitled *How To Get Thinner Once And For All.* I am mostly concerned with obesity, which I consider the nation's most important public health problem today, and with the need for better nutrition education of the American public.

I have been asked to testify on the matter of fad diets. Fad diets are methods of eating that capture the imagination of many people for passing periods of time. The promise of the special diet usually falls into one of five areas: as a cure for a specific malady such as arthritis, cancer, or circulatory disease; as a prevention of the development of certain diseases such as the common cold; as a treatment of sexual inadequacy (real or imagined); as a general panacea for unending good health and longevity; and lastly as "a sure cure" for obesity.

The fad diet is the diet found *outside* responsible medical theory, proposed often by word of mouth of those without reasonable scientific background, and often by those whose sole goal is commercial profit. Diets do play a significant role in maintaining good health and controlling diseases. Properly constituted diets are part of the preventive and therapeutic armamentarium of modern medicine, but responsible medicine avoids rash promise and restricts itself to reasonable assurance.

The food myths that are handed down from generation to generation are gradually dissipated by education, and though undesirable, rarely represent a significant health problem. The fad diet, the diet based on false presumptions and unrealistic promises, often presents a true threat to the health of the individual. The threat may take more than one form. An individual may give up a good nutritional practice for one which will deprive him of essential nutrients with consequent health deterioration. I have seen individuals avoid proper care and fatally delay getting medical attention because they were relying on a fad diet to cure an illness!

In the field of weight control there are ample statistics to show that the obese individual has a shortened life expectancy and a higher incidence of serious disease. There are probably forty million overweight adults in this country, plus another ten or fifteen million who are concerned about becoming overweight. Added to this is another ten or fifteen million persons who are not overweight but who are concerned about members of their families who are overweight. This represents a population group of almost 70,000,000 Americans who are attentive to dietary appeals. Of the large number of people concerned with overweight, most accept the need to diet, but few have adequate knowledge of either food values or nutritional requirements. They are therefore quick to accept a fad diet, especially if that diet seems "easy." If this diet is ill conceived and lacks the proper nutrients, the danger can be enormous. Diets tried by millions of people, and millions are realistic numbers in weight control, are bound to include subjects whose health is not strong enough to withstand nutritional quality deprivation.

Some fad diets may appear to be innocuous on the surface, but if they are ineffectual and give merely false hope, the delay that results may be the difference between a longer and a shorter life expectancy for the obese individual. The fad diet presents its danger always by false hope, frequently by unnecessarily delaying achievement of goals when time is a significant health factor, and too often by presenting a diet whose lack of full nutritional value results in a direct detrimental effect.

The control of fad diets is through education of the public. It is the replacement of fantasy and wishful thinking with nutritional reality and understanding. Leadership in this area of education must of course come from those best equipped to give it: the teacher knowledgeable in nutrition, the physician, the dietitian, and the public health nutritionist.

How many high school principals can look at their graduating class and say these children are as conversant with what to eat as they are with what to wear? I doubt that there are many. How many medical school deans are there who honestly feel that their graduating seniors are equipped to tell the graduating high school seniors how to construct a good diet. I daresay very few. There are few medical schools who give adequate courses on clinical dietetics to their students. *De facto* leadership in nutrition education for the public has been abrogated by those who should be responsible for this leadership. Leadership of the public in this area has too often been given, by default, to the quack and to the unscrupulous who do not mind making money on the fears of the nutritionally uninformed. We have innumerable diet clubs and groups that must serve millions of Americans, that perform an important and needed function, yet how many have qualified, professional leadership?

The need then is for our school systems to recognize the importance of increased nutrition teaching. Could not the government provide the incentive to put this in effect? The need is for medical schools to include clinical dietetics in the curriculum. Could not the government provide incentive to put this into effect? Should not the government insist on responsible professional leadership for diet clubs? Professional leadership in this area would multiply and insure the benefits of these organizations. Medicare and medicaid programs are encouraging the use of ambulatory facilities, yet no provision is made to pay for the supply of nutritional care and advice. The busy physician should be encouraged to send his patient to competent dietitians for nutritional instruction and advice, but those individuals who receive assistance to pay for the cost of other medical care should receive equal consideration for their nutritional care.

The time has come for us to recognize the fad diet as a true pollutant of the national health, generated by invention but erasable by education. The time for this nutrition education is now. Government should provide the incentive for this nutrition education as the only true answer to this problem. It is equally important that the government provide weight to the concept of the importance of nutrition education by including responsible nutritional services as an intrinsic part of paid medical care in federally supported ambulatory medical services.

STATEMENT OF MRS. EULA BEE CORBAN, ASSOCIATE PROFESSOR, NUTRITION, HOME ECONOMICS DEPARTMENT, QUEENS COLLEGE, FLUSHING, N.Y.

I thank you, Congressman Wolff, for the opportunity to speak to the problem of fad diets, food myths, and diet pill abuse.

I speak as a former dietitian and now a nutritionist and teacher of dietitians at Queens College of the City University of New York.

Reducing, as we all know, is *very* difficult. The only thing harder is gaining—surprising as that seems to us who are overweight.

Short term reducing can be accomplished through many avenues or gimmicks: some of which are very popular, some of which are costly, some of which are dangerous to our health.

These avenues or gimmicks include: offbeat diets of many sorts, most of which have nutritional deficiencies, pills to reduce appetite, pills to increase metabolic rate, even steam baths which reduce us for the moment—in loss of body moisture.

Also widely used but used in vain are various foods which have or claim to have lowered calories. All I have priced are more costly than the standard item. Among these are the foods with added cyclamates or saccharin.

Successful weight reduction is *permanent* weight reduction, and there is no easy or magic way.

This necessitates a change in eating habits—permanently. This means we must live without the over-eating we have been doing. That is: if we like pastry—we must learn to avoid it or eat it only rarely, if we like fried foods—again learn to avoid them or eat them rarely, if we like between-meal snacks, we must learn to avoid them or select only the calorie-free items and those not sweetened with sweeteners.

It is my conviction that if we like sweets, we *must* either avoid them or eat less of them. This includes sweetened drinks, sweetened tea, sweetened coffee. Cyclamates and saccharin are no alternative—they just keep us yearning for the real thing—and we will eventually go back to the real thing, gaining the weight again.

I believe that: diet foods are too generally available, many items are labeled "diet" foods or "low calorie" foods which are not really so. These should be prohibited or supervised more closely.

Even the diabetics are happier in the long run if they eat foods from the regular menu, but within their diet prescription.

Present diet aids for reducing tend to reduce only the pocket book.

The comedian who said: "I've been reducing for a year now; naturally I am 15 pounds heavier" was only too right.

In my opinion, these items—fad diets, reduced calorie items, diet pills, etc. need to be controlled much more than they are at present, and need to be less available and less tempting to the general public. Indeed, I am overwhelmed by the quantities of these foods with additives which are available today, and which are widely used by both children and adults.

It comes back to the old saw: the best exercise for reducing is pushing yourself away from the table.

WILL THE REAL FOOD FADDIST PLEASE STAND UP?

(Statement of Miles H. Robinson, M.D.)

Mr. Chairman, you have offered me the opportunity to express my views on "fad diets," and on what I think should be done to correct abuses associated with them.

An expert FDA witness at the recent FDA Vitamin Hearings testified that he believed the number of food faddists in the United States was "very small."[2] But let us ask: Is a fad, dietary or otherwise, necessarily good or bad?

The dictionary defines a fad as a custom, style, etc. that many people are interested in for a short time; passing fashion, craze, or hobby.[3] Since hobbies may be worthwhile, the term is somewhat ambiguous as to the value of a fad.

This is definitely the case with fad diets. The Australian champion swimmer, Murray Rose, was raised on what might be called a fad diet. It was devoid of meat and placed special emphasis on "four magic foods:" seaweed, rose hips, yeast, and wheat germ oil. He won 6 Olympic medals, 4 of them gold.[4]

The leadership of the Food and Drug Administration and the American Medical Association in their public pronouncements about food fads do not go by the dictionary. To them, food faddists are generally all lumped together with quacks, and accused of "attacking the quality of our foods and the quality of medical care in this country."[5]

I notice that the preceding speaker, Dr. Glenn, similarly regards all fad diets as completely unscientific. I did not hear him say *some* fad diets are bad or good.

Footnotes at end of article.

He also said persons should go only to physicians for nutritional advice. Like him, I am also a physician and member of the AMA, but sworn testimony of FDA witnesses at the recent FDA Vitamin Hearings should make us cautious about claiming a monopoly on nutritional knowledge:

Q. [to Dr. Hodges, Professor of Internal Medicine at University of Iowa Medical School] "is it your opinion that the average physician knows little about vitamin deficiencies, Doctor?"

Dr. HODGES. "Yes, sir." [6]

* * * * *

Q. [to Dr. Lowe, Director National Institute of Child Health and Human Development (NIH)] "Do you believe it is pertinent information to a pediatrician to know the role in the nutrition of an infant of each of those nutrients in the table?"

Dr. LOWE. "I would have to say most pediatricians and many scientists are uninformed on the role of each of these in nutrition."

Q. "Do you think they should be informed?"

Dr. LOWE. "In an ideal world." [7]

* * * * *

Q. [to Dr. Schaefer, Director of HEW's National Nutrition Survey] "Based on your experience and your knowledge, would you consider hospital records a good indicator of the status of a given individual with respect to the sufficiency of his level of the various essential vitamins and minerals?"

Dr. SCHAEFER. "Normally this is not done . . ." [8]

* * * * *

Dr. SCHAEFER. ". . . In the context of the American population we consider the prevalence that we have found, the biochemical findings [of vitamin deficiencies] as extremely high, alarming, use whatever term you wish." [9]

* * * * *

Dr. SCHAEFER. "I don't think the onus can be placed just on the public health authorities. Let me point this out. I would be amiss if I did not indicate that there has been less and less recognition of the problems of malnutrition." [10]

* * * * *

"Most physicians are not really equipped to evaluate their patients' nutritional status and nutritional needs. . . . Very little nutrition is taught in most medical schools." [11]

* * * * *

". . . a large proportion of the medical profession [is] inadequately trained in nutrition, with no more than a small percentage of physicians having had much of any nutritional training in our medical schools. . . ." [12]

In the White House Conference on Food, Nutrition and Health, the panel on Nutrition Teaching and Education chaired by Grace A. Goldsmith, M.D., Dean, School of Public Health of Tulane University, confirmed the handicap physicians have had in their nutritional education:

"The teaching of nutrition in schools of medicine, dentistry and nursing is most inadequate at the present time; in some schools it is almost nonexistent. . . . The number of specialists in nutrition among physicians, dentists and nurses is very limited; a few hundred persons [in a nation of 204 million] would be an optimistic estimate." [13]

* * * * *

"(a) No objective assessment of the nutritional knowledge acquired by medical students has been made. (b) Sufficient nutritional questions do not appear on National or State Board examinations to provide a fair test of nutritional knowledge." [14]

A major reason for inadequate nutrition education has been FDA-AMA insistence that the superlative quality of American food makes malnutrition only a remote possibility. The chief architect of FDA's proposed and very restrictive vitamin regulations, Mr. Weissenberg, testified that even a food faddist would get his vitamins and minerals in sufficient supply if he shopped in a grocery store stocked with fine foods,[15] but in a health food store he would be "grossly misled" by anything he bought there.[16]

FDA's chief nutritionist, Mr. Boehne, acknowledged that people who want food as close to the natural state as possible are not food faddists, but if they want vitamin supplements as natural as possible, then he considers such people faddists." [17]

In this climate of prejudice, ambiguity, and professional ignorance, good judgments about the benefit or harm of so-called fad diets are very difficult to make, especially when no specific analyses of the diets are made, which is usually the case.

To clear this away somewhat, let us for a moment take a long view of man's dietary history. Keeping in mind the "short time" criterion of a fad, what is a short time in the dietary habits of man?

Humanity has been on the diet of the Patriarchs of the Old Testament thousands of years longer than on our modern 20th century diet. In the Negev Desert today, the simple diet of the Bedouins is very much the same as in Biblical days. It is primarily unleavened whole wheat bread ("rarif") with small amounts of porridge, milk, eggs, vegetables, fruit, and rarely meat. An Israeli medical school team recently found that obesity is rare, the average cholesterol of these Bedouins was very low (155 mg. %), and only one case of myocardial infarction (in a seventy-year-old man) was found among 510 men thirty years of age and older.[18]

Ancient peoples and their remnants today—like the Bedouins—are the real dietary conservatives. The radical food faddist is the average American of the last fifty years or so, eating mass-produced food, from which great quantities of vitamins and minerals have been lost or deliberately removed; and to which great quantities of irrational, nonnutritive, and even poisonous chemicals have been added.

In AMA's journal, *Today's Health*, Harvard nutritionist, Dr. Mark Hegsted, is quoted saying that "far too many snack foods are available today which qualify as junk nutritionally,[19] and snack foods occupy a prominent position in the diet of American youth and poor.[20]

The average American, suffering severely from rampant cardiovascular disease, especially high blood pressure and sudden, early heart attacks [21] which we now know are related to diet,[22] qualifies magnificently as a "short time" food faddist on the full scale of human history.

It seems to me that the majority of so-called food faddists today have become dissatisfied and suspicious of what the FDA and AMA call the normal American diet. They are determined to try something new, and especially to reach back to more natural food and re-establish a safer relationship with nature, originally established by the evolutionary sieve through which man has come during the last one or two million years.

One of the eminent non-FDA witnesses at the Vitamin Hearings testified that as our detection techniques continue to improve, we may never come to the end of the now secret nutrients in natural foods which we need, and which protect [and give the highest fulfilment to] our lives.[23]

From a nutritional standpoint, the bond between man and nature is both astonishing and profound. Man in his own body can manufacture untold thousands, perhaps millions, of extremely complicated enzymes, antibodies, and other chemicals out of oxygen, water, minerals, protein, carbohydrate, and fat. Yet he cannot make two dozen or so essential amino acids, unsaturated fats, and vitamins, some of them very simple in structure. He depends on other living things to make these for him. All the higher animals and many of the lower ones have their special pattern of these nutrient dependencies, usually different from man's.

I believe these peculiar dependencies, upon other living organisms, for vitamins and other subtle substances, have a special survival value for man (or any species). They bind us, perhaps more powerfully than in any other way, to other animals, plants, and the world organism as a whole. They guarantee our close contact with our environment. They offer us not only optimum health; but also, by our need for them, protect us from the disorganization and impairment of the pattern of living things in the world essential to the optimum health of all.

The more subtle the nutrients on which we depend, like a canary in a mine or a lookout on a mountain, the more intimation we can have of hazard or of promise. Like Antaeus in Greek mythology, we can be conquered only if we are held up in the air out of touch with Mother Earth.

It is in this kind of framework which I think we must view both so-called normal and fad diets. Man now lives on a knife edge (which we should widen into the former plateau) between the profound nutrition he needs from environment, and the profound poisons he must avoid.

It is thus no accident that the Food and Drug Administration has been in great turmoil in recent years. FDA is simply at the scientific focus in our government where the most powerful forces affecting man's health collide: where man's independence and arrogance (not simply his private enterprise, but also his tendency to live carelessly) clash with man's dependence and his desperate need to cooperate with Nature and the world as a whole.

The FDA, as guardian of our food, has been very reprehensible with respect to sponsoring and imposing the wide use of really harmful fad diets. For twenty years, it surrendered to the cyclamate (artificial sweetener) interests, and promoted one of the greatest fad diets in history: the use of cyclamate-containing foods to reduce over-weight.

Until public pressure recently forced a total ban in this country, American consumers were ingesting 8,000 *tons* of cyclamates every year.[24] In cross examination of FDA witnesses at the Vitamin Hearings, we brought out that the whole idea of this fad is irrational in the first place, because it is of first importance that over-weight persons acquire self-discipline in the resistance to sweet tasting substances. Whereas, the sweet taste of cyclamates completely frustrates this acquisition.[25]

Not only did the FDA promote the irrational and dangerous fad of cyclamates for reducing, but an FDA pathologist, Dr. H. L. Richardson, charged that FDA suppressed and altered the warning reports about cyclamates of its own scientists without their knowledge.[26] Recently, another FDA pathologist, Dr. Kent J. Davis, made new charges that high FDA officials had altered or misrepresented scientific data in order to support other FDA positions.[27]

In the FDA Vitamin Hearings, we found that when the FDA wanted to promote cyclamates for obesity, obesity was not a disease.[28] But when FDA wanted to deprecate the need for vitamins, it declared that one ought to have a medically diagnosed disease as a prerequisite of taking vitamin supplements routinely.[29] According to the FDA, all people without a specific disease are "Just the average ordinary person[s] without ills" [30], and they should not take vitamins. These are the kind of maneuvers by which FDA opens the door for special interests, and shuts the door on the public's right to ensure itself against malnutrition.

Other fad diets promoted by the FDA on

Footnotes at end of article.

behalf of food processors include toy food sets for children which could not be molded into desired forms by children if made with sugar instead of cyclamates; cyclamates in certain mixers for alcoholic drinks; and a chocolate-flavored ice cream soda mix which would be difficult to keep frozen if its intense sweet flavor were gained by the use of sugar instead of cyclamates. These constituted three out of the four examples volunteered by the FDA at the Vitamin Hearings to justify a food-technological need for cyclamates.[31]

A tremendous food fad, which is a prominent cause of tooth decay[32], and strongly implicated in cardiovascular disease and associated obesity[33], is the widespread adulteration of all kinds of foods with sugar. This can be used commercially to conceal the nutritional and other inferiorities of many foods[34], and to increase food consumption by pandering to the human sweet tooth.

Recently, the excuse was made that the reason widespread American vitamin deficiencies were not discovered sooner was because overconsumption of food and obesity seemed to be our most important problem:

"Increases in food productivity, developing affluence, reduction in physical activity, lack of nutrition education and other factors resulted in widespread obesity of varying degree. This, in turn, led to a general feeling by many workers that our most important nutritional problems were those caused by over consumption. A comprehensive study of the nutritional status of our own population was not undertaken." [35]

That such a shallow conclusion should have been drawn by scientists in this day and age deserves only one comment: the blind have been leading the blind.

The FDA has power to act against the wholesale sugaring of food under its regulations forbidding adulteration to conceal inferiority,[36] but neglects to do so.

Equally, or more serious, is the food fad of eating emasculated bread and other cereal products, of which the FDA again has been guilty by negligence. Practically all the vitamins, three-quarters of the iron, and two-thirds of the calcium and phosphorus are removed or destroyed in the vast majority of all these products.[37] These removed nutrients are then fed to livestock for the great benefit of the *animals'* health.

Eminent scientists at the Vitamin Hearings were gravely concerned about this,[38] especially since only three of the eight known vitamins and the iron are replaced under the so-called "enrichment" program, which is mandatory in only 20 states, and does not apply to most bakery products other than bread.[39]

According to a recent article in the AMA journal, *Today's Health;*

"Many years ago [emasculated] bread and flour were chosen as vehicles for added nutrients ["enrichment"] because, at that time, most of us were getting 40 percent of our daily caloric intake in bread. Now, consumption has declined to the point where we are eating only half as much bread as we did 30 years ago. The sale of products made with enriched flour has hit an all-time low. To make matters worse, when we do buy bakery products, we frequently choose the "convenience" types, and most of these are made with flour that is not enriched." [40]

We may well ask if an important cause of the decline in bread consumption is not its modern formula of more than 70 chemical additives variously added [41] and most of the vitamins removed, which destroys both its original taste and nutritive value.

With regard to the foregoing really serious food fads, the hyprocrisy and almost criminal indifference of the FDA was well shown by its chief nutritionist, Mr. Boehnie, at the Vitamin Hearings, who testified on the one hand that "it is nutritionally immaterial what type of bread, if any, is used" by the public; and yet elsewhere volunteered that the enrichment of hamburger buns (which is seldom done, at least in this part of the country) would help the [deplorable] nutrition of teenagers "immeasurably." [42] Our military services require that all flour be enriched.[43]

We could cite many other examples of FDA's toleration and active connivance in widespread and harmful food fads: the insidious salting of food, especially baby food, which is strongly implicated in the major cardiovascular disease of hypertension; [22] the secret content in soft drinks of large doses of caffeine; the content, often secret, of immense quantities of artificial colorings, flavorings, and other additives which are essentially unnecessary and actually or potentially harmful.

We certainly cannot expect the FDA to make us eat and drink properly. But we can demand that the FDA make this more possible, and stop its indiscriminate prejudice and invective in the field of food supplements and what it is pleased to call food fads.

The truth of the matter is that in nutritional matters, the FDA has tried to divert attention from the great and often unjustified favors it does for the food, medical, and drug industries, by raising a great hue and cry over alleged "food faddists" who reject the food fads sponsored by the FDA, and are trying to re-establish some kind of diet which will bring them better health. The mistakes people make on their own appear to be slight, compared to those made by the FDA.

Reforms which would improve the diet of Americans are not so difficult as might appear. There is a bright side to the picture, and good things are already being done.

There are many in the food industry who have the best interests of the country at heart. The difficulty is that in our admirably vigorous and competitive society, no companies—and few FDA officials for that matter—can afford in their policies or food products to jeopardize their competitive position and go beyond what people will support and buy.[*] Was it not Thomas Jefferson who observed that reform can move but a little way ahead of the will of the people?

Second, the spotlight has been turned on FDA's frailties in recent years, and the resultant education of the public and flow of information in the field of nutrition is the harbinger and the *sine qua non* of progress.

Third, the powerful circumstance of world wide pollution is now upon us, and this drives public opinion to know and to care about the knife edge on which we live, between what we need to extract from the environment, and what is dangerous for us to absorb from it.

The most urgent and basic reform of the FDA is a reasonable opening up to the public of FDA's scientific files, upon which its decisions in the field of food and drugs are based. I doubt if any other reform can substitute for this.

As things stand now, impartial scientists in the public at large are *forever* barred from seeing the scientific data upon which the FDA makes its marketing decisions that determine billions of dollars of profit for the industries which it controls. FDA rigidly enforces this policy of secrecy against outsiders, under the principle of protecting private enterprise, and in order to maintain the immense privilege of FDA officials quietly hinting at or dispensing this invaluable information to their cronies in industry.

Not even U.S. Congressmen, but only the staff of an appropriate Congressional Committee, and presumably the White House, have the privilege of looking at FDA scientific files. Even then, as I know from examining them for over a year, FDA officials sometimes shuffle documents around among their duplicate files, and make the examination as difficult and unproductive as possible. Of course, unless the Committee holds a hearing, statutory law and Congressional Rules forbid the publication of anything so examined. The Senator for whom I did this work lost his election before he could hold a hearing.

All FDA secrecy is legally based on a trade secret provision in the Food, Drug and Cosmetic Act [21 USC 331(j)] intended at the time to cover only "methods and processes," presumably chemical in nature. Some time ago, the FDA arbitrarily extended this to cover every bit of information—experimental, clinical, etc.—submitted to the FDA. The Freedom of Information Act did not relieve but rather reinforced the rigidity of this situation.

The need to see chemical trade secrets practically never comes up. It is all the other data—the good and bad effects of a food, drug or cosmetic—which the public has a right to know sooner or later, without requiring a massive Congressional hearing to get it.

I know of one eminent FDA scientist, Dr. John O. Nestor, who advocated the release of scientific information as long ago as 1967,[44] and I am sure there are a good many others in the agency who agree.

The FDA is the greatest depository of food, drugs, and related health data in the country. It is wrong to keep it permanently secret. If the FDA has good data on the harm of fad diets, let us see it. After a new food or drug comes on the market, if not before, let the public see the scientific data on which FDA approval was based. Just as publication in scientific journals insures the quality of academic work, so will access to FDA data insure the quality of FDA decisions, and restore confidence in the FDA.

A second reform would be to increase the nutritional and other information on food [and drug] labels.[45] Let people know there are practically no vitamins in the ordinary hamburger bun. If people want to eat foolishly, let them do so under no delusions. Some might change their mind.

Incidentally, the recent ingenious defense of nutritionally bankrupt breakfast cereals—that their deficiencies are made up by milk and the rest of the meal—is very mischievous. I call it the "pass the buck" theory, in which optimum nutrition for a given vitamin is always one jump away in the next food. The basic error of this is that we must inevitably eat an unnecessarily greater quantity of emasculated food, and risk all the hazards of over-weight—in order to get the vitamins and minerals we need, not to mention being driven to overeating by the hidden hunger for vitamins.

It may also be very important for optimum health that we have the appropriate quantity and form of a vitamin or mineral right with the food to which it naturally belongs, at the very moment when all the nutrients of that food pass fantastically through the intestinal wall and proceed to their moment of truth in the liver.

In conclusion, there is nothing wrong with American food habits, or American food, or with the FDA, which cannot be repaired by the careful application of the democratic principles on which this country was founded. We stand for the free flow of information in an open society, fair treatment for all, and objectivity in scientific matters. As the ancient Athenians so brilliantly taught all who came after them, it is the free flow of information between citizens which primarily engenders and makes possible democracy and the noble condition of man.[46]

FOOTNOTES

[2] FDC–78, Transcript 10,252.

[3] *Webster's New World Standard Dictionary,* College Edition, 1966, p. 521.

[4] Ian F. Rose, *Faith, Love, and Seaweed,* Prentice-Hall, N.Y., 1963, pp. 7, 23, 142–153.

[5] FDA official K. L. Milstead, speech to Yonkers Academy of Medicine, Yonkers, N.Y., May 16, 1962, pp. 6, 12.
[6] FDC–78, Tr. 3092.
[7] Ibid, Tr. 12, 791.
[8] Ibid, Tr. 21, 476.
[9] Ibid, Tr. 17, 780.
[10] Ibid, Tr. 17, 461.
[11] Ibid, written direct testimony of Sheldon Margen, M.D., Professor of Human Nutrition, University of Calif., Berkeley, Calif., p. 10.
[12] Ibid, written direct testimony of M. K. Horwitt, Ph. D., Professor of Biochemistry at St. Louis University Hospital.
[13] *Panel Recommendations to the White House Conference on Food, Nutrition and Health,* November 1969, Panel IV–2, p. 10.
[14] Ibid, Appendix C, p. 2.
[15] FDC–78, Tr. 9404.
[16] Ibid, Tr. 13, 314; 13, 324.
[17] Ibid, Tr. 5543.
[18] J. J. Groen et al, Nutrition of the Bedouins in the Negev Desert, *American Journal of Clinical Nutrition. 14:* 37–46, 1964, pp. 45 46.
[19] J. L. Breeling, *Today's Health,* January 1970, p. 50.
[20] *Panel Recommendations to the White House Conference on Food Nutrition and Health,* Nov. 1969, Panel VI–A–2, no. 21.
[21] Jean Mayer, Director of the White House Conference on Food, Nutrition, and Health: "Our No. 1 cause of death is cardiovascular disease. We had 1 million cardiovascular deaths last year, of which three-quarters were coronaries." *U.S. News and World Report,* October 20, 1969, p. 62.
[22] Ibid: ". . . hypertension [is related] to national habit of excessive salting of the diet . . . . a diet high in saturated fat is conducive to hypercholesteremia . . . . correlated with an increase in coronary disease. . . ." *Journal of American Dietetic Association, 52:* 13–20, 1968, pp. 15, 18.
[23] FDC–78, written direct testimony (WD) of Dr. Benjamin E. Ershoff, p. 8.
[24] *Science News,* October 26, 1968, p. 428. The FDA official who testified on cyclamates, Mr. Moses, said, "I am not aware of any tremendous increase in the use of sweeteners." (FDC–78, Tr. 19, 953).
[25] FDC–78, Tr. 20, 919–20, 929; 21, 782; 21, 847; 21, 899; 21, 900; 21, 985; 21, 991; 22, 068; 29, 888.
[26] *New York Times,* May 1, 1970; *Washington Post,* May 7, 1970; *Medical World News,* May 29, 1970, p. 41.
[27] *Food Chemical News,* August 17, 1970, pp. 29–30.
[28] FDC–78, Tr. 20, 930.
[29] Ibid, stayed regulation, Sec. 80.1(f).
[30] Ibid, Tr. 8778.
[31] FDC–78, WD-G-Moses, p. 15.
[32] *Journal of the AMA, 141:* 999, 1949.
[33] Jean Mayer, *Forbes magazine,* October 1, 1969, p. 66: ". . . the pandemic of cardiovascular disease . . . results from, one, lack of exercise; two, prevalence of obesity; three, diet of saturated fats—with some effects from sugar; and four, cigarettes and lack of sleep."

John Yudkin, Professor of Nutrition, University of London, *Nutrition News, 32:* 9–11, October 1969, p. 9: "There is now quite strong evidence that dietary sugar—sucrose—is an important factor in the etiology of coronary heart disease."
[34] FDC–78, Tr. supra and 21, 970; 23, 052.
[35] George M. Briggs, Chairman, Department of Nutritional Sciences, University of California, Berkeley, *Jour. of Nutrition Education, 1:* Supplement 1, Fall, 1969, p. 40.
[36] FDC Act, sec. 402(b).
[37] *U.S.D.A. Agriculture Handbook #8.*
[38] FDC–78, Tr. 3074.
[39] Ibid, WD-46-Briggs, pp. 37–39. Also *Today's Health,* Nov. 1969, p. 41.
[40] Cortez F. Enloe, Jr., The Malnutrition of Affluence, *Today's Health,* November 1969, p. 40.
[41] Ancel and Margaret Keys, *Eat Well & Stay Well,* Doubleday, N.Y., 1959, p. 109.
[42] FDC–78, Tr. 4079; 5588.
[43] Ibid, Tr. 21, 405.
*Of course, exorbitant profits are involved in some cases, especially in the cereal industry. Some "Instant" breakfast cereals sell for up to 35 times the cost of the grain in them.
[44] *Drug Trade News,* August 28, 1967, p. 56 (letter to the editor).
[45] FDC–78, WD–46–Mayer, pp. 26–28.
[46] W. G. De Burgh, *The Legacy of the Ancient World,* Penguin (No. A284), 2nd ed., 1947, pp. 8, 104.

STATEMENT OF DR. ELIZABETH MUNVES, AMERICAN DIETETIC ASSOCIATION

The existence of fad diets presents a health hazard and an economic liability to the public. Fad diets may be considered in three categories: (1) those that are concerned with medical problems, such as diets for weight control, to cure arthritis, to cure diabetes, to improve gastro-intestinal function, to cure cancer, etc.; (2) those that are related to normal nutrition, yet make false claims, such as claims that certain foods will promote longevity, improve health, are important for physical performance, etc., and (3) those fads that are folk-tales, myths, that are handed about among families and cultures. It is important that some measures be taken to combat this.

One of the most effective ways to overcome this problem would be to strengthen and extend existing programs and agencies. This is primarily a form of nutrition education. For example if additional money were appropriated, the current Department of Health, Education, and Welfare programs in public health nutrition could include mass media publicity emphasizing the undesirability of self treatment for medical disorders, informing the public of resources available to them for medical problems. This could be similar to the current publicity about lead poisoning. The program of the Department of Agriculture could also be expanded and could develop extension services such as 4–H for the urban as well as for the rural areas. Emphasis on reaching a greater segment of the public by information from Consumer Affairs would be helpful. There would be need, also, to coordinate the activities of the above mentioned agencies if programs were expanded.

In addition, with respect to the mass media, labeling and misleading claims, the FDA and the FTC need funds for additional personnel to effectively enforce existing legislation. If possible, penalties for violations should be more severe.

Nutrition education should become part of the curriculum in elementary school, thereby developing an informed and discerning public against food fads.

The practice of including nutritionists in comprehensive health care programs should be continued, and, if possible, expanded and extended.

Personnel for the above must be recruited and financial aid for training of professionals is needed. The Allied Professions Training program might include undergraduate as well as graduate education.

In conclusion, the public needs to be made aware that diet is part of health and that the non-professional is not usually a reliable source for health information.

MARTHA GRIFFITHS—CHAMPION OF WOMEN'S RIGHTS

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. RYAN. Mr. Speaker, on August 10, the House passed by an overwhelming vote, House Joint Resolution 264, an amendment to the Constitution which would provide American women with equality of rights under the law. I was the sponsor of an identical resolution, House Joint Resolution 941.

Leading the fight for passage of this historic amendment was one of our most able colleagues, MARTHA GRIFFITHS.

Mrs. GRIFFITHS has been working toward this victory since 1955, when she first came to the House of Representatives. This year, as in 22 previous years, the legislation was fated to languish. But Mrs. GRIFFITHS rallied the support of 217 other Members of Congress and forced the bill out of committee with a discharge petition. I was pleased to be a signatory on that discharge petition.

Mrs. GRIFFITHS' whole career is an example of her work for women's rights and dignity.

She is a lawyer whose capabilities have engendered support for her nomination to the Supreme Court.

She served in the Michigan State Legislature for 4 years.

She served as a State judge for 2 years, and then she was elected to Congress—the first woman to serve from the State of Michigan.

She has served as the first woman on the House Ways and Means Committee.

As I am sure my colleagues, both male and female, will agree, Mrs. GRIFFITHS is an intelligent, progressive, and dedicated Member of this body.

I would like to salute her on her victory. It is a pleasure for me to work with her as a colleague and for me to know her as a person.

I am inserting in the CONGRESSIONAL RECORD three of the many articles about Mrs. GRIFFITHS which were published throughout the country after passage of the equal rights amendment: "MARTHA GRIFFITHS: Graceful Feminist" from the August 24 issue of Time magazine, "Woman in the News: Equal Rights Champion—MARTHA WRIGHT GRIFFITHS" by Marjorie Hunter from the August 11 New York Times, and "Woman in the News—MARTHA GRIFFITHS: It Took 16 Years" by Jack Robbins from the August 22 New York Post:

MARTHA GRIFFITHS: GRACEFUL FEMINIST

Easily the most persistent feminist in the U.S. Congress, Michigan Democrat Martha Griffiths manages to enjoy the best of both career and wifely worlds. When she returned to her office on the day after her equal rights amendment finally passed the House, she found a dozen yellow roses on her desk and a note from Hicks, her husband of 37 years. "YOU'VE DONE IT AGAIN," it read. Moved, Martha smiled and said quietly: "It's nice to know my husband still loves me."

Firm but not fiery on the subject of women's rights, Martha Griffiths is a cheery woman of 58 who has been pushing the amendment ever since she came to Congress in 1955. "There will be a day when the Supreme Court says, 'Yes, the Constitution really does apply to women'—and I will see that day," she has long insisted. Although the other nine women Representatives in the House recently urged that she be considered for appointment to the high court because she is a highly competent lawyer as well as legislator, Mrs. Griffiths considers such an event "out of the range of possibility." Privately, she calls the justices "idiots" for failing to apply the 1964 Civil Rights Act to women as well as to blacks.

Mrs. Griffiths credits the current Women's Liberation Movement with giving a "real intellectual stimulus" to the equal-rights drive and resents the ridiculing nature of the publicity it has received. But she sees the spreading industrialization of the South and the prevalence of divorce as bigger factors in awakening more women to economic injustice. She thinks men are waking up too.

Examining her own career, Mrs. Griffiths happily concedes that it has been more advanced than hindered by men. It was at the urging of her husband, who was also her law partner in their Detroit firm, that she first ran for the Michigan state legislature in 1946. She lost, but won two years later when she campaigned largely on behalf of G. Mennen ("Soapy") Williams, who had joined their law firm and was running successfully for Governor. She served four years, tried for Congress in 1952, but was buried in the Eisenhower landslide.

Williams then appointed her to a judgeship in Detroit. In 1954 she ran again for Congress and earned a measure of masculine appreciation by daily driving a car and campaign trailer through her predominantly blue-collar district on Detroit's northwest side. She won, despite primary opposition from the United Auto Workers Union. Candidate Griffiths was helped by her husband, a former chairman of the Michigan Democratic Party, and by Williams. "Soapy and I were the happy extroverts and ran around shaking hands," she recalls. "But my husband knew how to get things done."

Mrs. Griffiths quickly earned the respect of her male colleagues in the House by her analytical legal mind and her powers of friendly persuasion. She became the first and only woman to sit on the Ways and Means Committee. She has fought (vainly, so far) to equalize Social Security benefits for men and women, has pushed to replace the school-lunch program with one providing three free meals daily for all children of the poor. She also heads the Select Committee on the House Beauty Shop. While most militant liberationists would scoff at such an assignment as both belittling and irrelevant, Martha Griffiths points out proudly that her shop is "the only thing in Washington that operates in the black."

EQUAL RIGHTS CHAMPION—MARTHA WRIGHT GRIFFITHS

(By Marjorie Hunter)

WASHINGTON, August 10.—During a balance of payments crisis a few years ago, Representative Martha W. Griffiths startled the Under Secretary of the Treasury, Robert V. Roosa, when she asked sweetly: "Tell me, Mr. Roosa, why do we have to have gold in the first place?" It was no idle, ill-informed question. It was designed to cut through the bureaucratic flow of facts and figures that so frequently inundate Congressional committees. It was the type of question, seemingly naive but asked for a purpose, that has made Martha Griffiths one of the most effective interrogators in Congress.

Disdaining the militant overkill of many leaders of the women's liberation movement, Representative Griffiths succeeded today in getting the male-dominated House to say yes to a question that has been gathering dust for 47 years.

Quietly, persuasively, with all the skill of the trial lawyer she once was, she pushed through the House a proposed constitutional amendment granting equal rights to women under the law.

DEPLORES MALE INEQUALITIES

Long a champion of equal rights, Mrs. Griffiths has long bemoaned the legal inequalities not just of women but of men as well.

Noting that under the law her husband has no survivor's right in her Social Security pension, she once scolded male colleagues on the tax-writing Ways and Means Committee, saying:

Like Rosa Parks, who was tired of standing in the back of the bus I am tired of paying into a pension fund to support your widow but not my widower."

Mrs. Parks was the Negro woman in Montgomery, Ala., who was arrested for refusing to yield her bus seat to a white man in 1955. The incident led to a boycott of the city's buses that lasted almost a year.

Unlike some militant feminists, Mrs. Griffiths is no man-hater. She has been married for 37 years to Hicks Griffiths, a Detroit lawyer, whom she met while they were undergraduates at the University of Missouri.

Married after graduation, the two enrolled together at the University of Michigan Law School, then set up a law firm together. Later they took in a partner, G. Mennen Williams, who moved on to become Governor of Michigan and then Assistant Secretary of State.

Mrs. Griffiths attributes her political success to her husband, who was once State Democratic Chairman in Michigan.

While her husband continued to practice law, Mrs. Griffiths served two terms in the State Legislature and then as a judge of Detroit's Recorder's Court. She came to Congress 16 years ago, the first Democratic woman elected to Congress from Michigan.

She became the first and only woman to serve on the House Ways and Means Committee. The nine other women members of the House proposed last year that she be named to the Supreme Court.

Martha Wright, the daughter of a rural mail carrier, was born Jan. 29, 1912, in Pierce City, Mo. She was a champion debater, both in high school and at the University of Missouri.

She has an apartment in a Washington suburb and flies home to Detroit each weekend. Once there, she and her husband usually drive to their farm in Romeo, Mich. They have no children.

Mrs. Griffiths is an avid gardener and enjoys making preserves and canning fruits and vegetables. Her only other hobby is "reading—everything but fiction," she says.

MARTHA GRIFFITHS: IT TOOK 16 YEARS

(By Jack Robbins)

When Martha Wright Griffiths and her husband graduated together from the University of Michigan Law School 30 years ago they took identical jobs in the legal division of an insurance company. Identical but for one thing: he was paid $125 a month, she got $115.

"That was perfectly ridiculous," she says now, sounding as coldly indignant as if it had happened yesterday.

Mrs. Griffiths has had a long string of "the first women ever to . . ." accomplishments, and now she is the first woman ever to get an amendment through the House of Representatives that would forbid the sort of discrimination of which she was a victim.

Mrs. Griffiths, who is a Democrat from Michigan, has been pressing for an equal-rights-for-women amendment for all of her 16 years in the House. This year she made it by sponsoring a discharge petition that finally pried the amendment out of the Judiciary Committee, where Emanuel Celler (D-Brooklyn) has kept it locked up for 20 years.

"It was a terrible risk," she says. She feels the Supreme Court would eventually have extended to women the 14th Amendment's "equal protection of the law." But if she stirred up the issue now—and lost—it might also kill any inclination on the part of the court to go the 14th Amendment route, on the premise that Congress reflected the will of the people.

But her gamble for freedom now was successful. Only a handful of Congressmen voted against the amendment, whose key clause reads:

"Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex."

Now Mrs. Griffiths is looking ahead to the Senate and then the state legislatures where the battles remain to be fought. More than 80 Senators have attached their names to the amendment, making approval in the upper house a seeming certainty, but it still must be protected from riders which could, from Mrs. Griffiths' viewpoint, cripple it.

One such has been introduced by Sen. Sam Ervin (D–N.C.) and would exempt from the amendment any law designed to "promote the health, safety, privacy or economic welfare of women."

"His (Ervin's) version would destroy the amendment," Mrs. Griffiths says. "I hope he goes down to a gracious, graceful defeat.

"The laws which are supposed to protect don't protect anyway, they restrict. The 40-hour a week law, for example, doesn't operate on women, it operates on employers. A woman can still work more than 40 hours, she just has to do it at two jobs and won't be paid overtime for the extra hours. That law just ensures that if there is any overtime pay no women will share in it."

Martha Wright Griffiths was born on Jan. 29, 1912, in Pierce City, a small town in western Missouri. She came from sturdy, frontier stock. Her father, Eldridge Wright, was one of three sons of a rural deputy sheriff and he was raised by his mother after the deputy was shot to death by holdup men.

"She did better by those three boys than most men," Mrs. Griffiths says of her grandmother, "and that woman could have used some equal rights."

Wright was a rural mail carrier and his wife, Nell, also carried the mail during World War I so the notion of a woman going outside the home was not a new one to daughter Martha.

"I always expected that I would work," she says, "though I never thought of going into politics." She was encouraged to have career ambitions by the men in her life as well as the women, her father when she was growing up, and later her husband.

"I remember when Frances Perkins was Secretary of Labor she was critized for her aggressivness. My father told me, "She's probably the least aggressive member of the Cabinet but men are quick to notice any fault because she's a woman.'"

She attended public schools and the University of Missouri, where she majored in political science and was captain of the debating team. At the university she met Hicks Griffiths, and they were married while still undergraduates.

At his suggestion they both enrolled in law school and worked their way through, he in the library and she on the law review plus whatever summer jobs they could find. Their not-all-that-happy-anyway careers in the insurance business were ended when World War II broke out and both took jobs with the government.

She was a purchaser for the Detroit Ordnance District and apparently the first woman ever to negotiate contracts for the Army. Hicks was chief price attorney for the Office of Price Administration.

"He had the final word on prices unless he was overruled by a court, and Mr. Griffiths' rulings were never overruled."

After the war he stayed on in Washington for a few months while Martha opened a law office in Detroit. On his return they became partners. A third member was added to the firm in 1947, a law school classmate, G. Mennen (Soapy) Williams, later to serve six terms as Governor of Michigan. Hicks Griffiths managed Williams' early political campaigns and for a time was chairman of the Michigan State Democratic Party.

The law firm prospered, meanwhile, with Griffiths rounding up business and doing contract work and his wife handling the bulk of trial work.

She didn't feel her sex was much of a handicap in the practice of law, and neither did her opponents, among whom she quickly established a reputation for shrewdness and competence.

Mrs. Griffiths political career also progressed nicely. A first attempt at election to the state legislature failed in 1946 but she was successful in 1948 and served two terms there, leaving to run for Congress in 1952.

She survived a four-candidate primary but not the Eisenhower Republican landslide in November. Her former law partner was by then Governor, and he appointed her to a judgeship (Detroit Recorder's court, where she was the first woman, etc.), which she held until her second and successful bid for Congress in 1954.

She gives her husband most of the credit. "He was responsible for me going to law school, he was responsible for me going into politics. He did most of the work in the campaigns. He knew how to get things done while Soapy and I ran around shaking hands."

In Congress Mrs. Griffiths has gathered seniority, power and the respect of her colleagues. She is, of course, the first woman to serve on the Ways and Means Committee.

She is considered a liberal, advocates free trade, welfare and is sponsoring a bill that would provide national health insurance under Social Security. She is an opponent of the war in Southeast Asia. "I didn't think we should have gone in in the first place and I think we should get out, now."

From time to time it has been suggested that she become the first woman to serve on the Supreme Court and she says that "of course that would be the greatest possible honor for any lawyer." Then she adds: "But the Supreme Court can't talk, you know. You just have to sit there and wait for the cases to come up."

Real equality for women is probably 100 years away, Mrs. Griffiths says realistically, even if her amendment is swiftly ratified. "What women need is a legal fund and a battery of lawyers trying case after case after case."

She cited two recent cases where women won equal employment rights in court. "After a while private lawyers may begin to see gold in that litigation."

Presumably a woman deprived of a chance of a job for a number of years in violation of the law would be entitled to substantial damages. "The problem is that most women need jobs so desperately that they are afraid to do anything that might risk losing them."

"Remember," she says, "discrimination against women is discrimination against families, against men. Women need to be able to support themselves and their children. And my male colleagues in Congress are paying into a social security fund which will benefit their widows, but my contributions will not benefit my widower."

Mrs. Griffiths says she has had no direct personal contact with any of the Women's Liberation groups that have been so much in the news lately but she does credit the movement with giving "intellectual stimulus" to the drive for equality. At the same time she expresses some views that many feminists would deride.

This Wednesday's "Women's Strike for Equality," among things commemorating the 50th anniversary of women's suffrage, will find the Congresswoman in Texas making a speech. It will be on medical care.

"I think that a strike, if it's going to be effective, should be very well organized and I don't think that women can organize it properly at this time. Any time women do anything it has to be successful, or it will be used against them. I hope all those women [who take part in the strike] write their Senators."

And concerning whistles, catcalls and anatomical comments from male strangers: "I suppose if women didn't like it, it wouldn't happen. It's outside the purview of the law."

The Griffiths, who are childless, live in Detroit, though Mrs. Griffiths maintains an apartment in Washington since, as she says, "Congress almost never adjourns anymore." But she flies home every weekend.

Her husband still presides over the law firm now handling mostly labor negotiations from the management side of the table.

They spend what time they can at their farm near Romeo, Mich. They do very little farming (all but 15 acres are rented out) but Mrs. Griffiths does some canning—last year it was currants.

Hicks Griffiths has been an enthusiastic backer of the equal rights amendment—he sent a dozen yellow roses to his wife the day after her victory.

"Mr. Griffiths," she says, "is the leader or the boss or whatever you want to call it, and we have a very happy marriage."

CONGRESSMAN BILL SCOTT REPORTS

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. SCOTT. Mr. Speaker, since coming to Congress, I have attempted to keep my constituents informed regarding congressional activities through a monthly newsletter. The September report is inserted in the RECORD at this point for the information of the membership:

YOUR CONGRESSMAN BILL SCOTT REPORTS

CENSUS

The decennial census not only determines the number of Representatives in the Congress from each of the states but oftentimes is used for the apportionment of funds for schools, roads and other purposes. Therefore, it is understandable that a number of counties and cities are concerned about the preliminary figures which differ from their own local population estimates. The House Subcommittee on Census and Statistics on which I serve is conducting hearings on the conduct of the census. The Vice-Chairman of the Loudoun County Board of Supervisors, Huntington Harris, was one of the witnesses appearing on behalf of the National Association of Counties. During the hearings, the Director of the Census agreed to take still another look at the Loudoun County figures as well as those in some other counties to determine whether sample recounts of census tracts should be made. The hearings will continue in an effort to insure that the official census figures to be released on December 1 will be as accurate as possible. The latest figures released which are still preliminary indicate that our Congressional District contains a population of 593,534 followed by the 1st District with a population of 550,445.

UNSOLICITED CREDIT CARDS

There has been considerable concern expressed by constituents regarding the receipt of unsolicited credit cards and after somewhat extensive hearings the House Post Office and Civil Service Committee reported a bill which has now been adopted by the House providing that a credit card is non-mailable unless it has been solicited or is a replacement of a previous one except under such circumstances as the Postal Service shall provide. My own remarks are in the September 9, 1970, issue of the Congressional Record and a copy will be furnished you upon request. The concluding portion, however, states: "The consumer, the merchant, the credit card issuers and every other legitimate party need this legislation to provide basic consumer protection."

WASHINGTON COMMUTER

The Governor has furnished the following report on the status of Interstate #66 as of August 31, 1970:

"1. From Capitol Beltway to Glebe Road: No final decision has been received from the Metro Transit Authority as to right-of-way requirements. (Right of way has been cleared from the Beltway eastward to Washington Boulevard, some right of way remains to be secured from Washington Boulevard to Glebe Road.)

"2. From Glebe Road to Lee Highway: Most of the right of way has been secured on this project, and we anticipate the project will be ready for advertisement December 9, 1970. The estimated construction cost is about $5 million.

"3. From Lee Highway to Rosslyn: The plans are now out for right of way. Approximately 165 families will be displaced, in addition to 25 places of business. Our present estimate for an advertisement date is the summer of 1972."

Governor Holton has promised to expedite the completion of the highway but those of you who commute to and from Washington still might want to discuss this matter with your representatives in the State Legislature.

HEALTH BENEFITS BILL

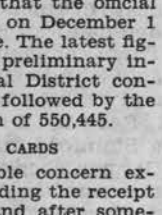
Action was completed last week on the bill to increase the federal government's contribution to the employees' health benefits program. The measure was passed by the Senate with an amendment which altered the House bill by reducing the proposed government contribution from 50 to 40 percent. This amendment was accepted by the House inasmuch as it seemed to be the only way that the measure could be enacted this year. If signed by the President, the bill will be effective January 1, 1971.

FOREIGN AID

The Chairman of the House Foreign Operations Subcommittee on Appropriations has sent a copy of an itemization of foreign assistance over the years to each Member of Congress. His figures indicate that the total new requests for foreign assistance for this fiscal year exceed $12,133,525,000. He indicates that the unexpended balances for foreign aid programs from past years is $18,479,704,000 and that the total cost of foreign assistance from 1946 through 1970 is $199,388,667,000. This includes assistance to 123 nations and 7 territories throughout the world. The Chairman indicates that as of December 31, 1969, this country had a public debt of $371,434,785,000 compared with the public debt of all the other nations of the world combined of $304,160,241,000 and pointed out that this country's public debt exceeds the combined debt of all the other nations of the world by $67,274,544,000.

LET ME INTRODUCE

Another member of the Washington staff. Caroline Boubin, shown here, is my Appointments Secretary. Formerly from Vienna, Caroline now lives in Alexandria with her husband, John, who is with Sears, Roebuck, and her two daughters. She was my Legal Secretary when I practiced law in Fairfax before being elected to Congress. While primarily responsible for personal dictation and arranging appointments, Mrs. Boubin is familiar with the work of the entire office.



PRISONERS OF WAR

Many people believe that North Vietnam is sensitive to world opinion and that a flood

of protesting letters from all over the world can result in more humane treatment of American prisoners. Some time ago, I joined with most other Members of Congress in writing to the head of the North Vietnam government regarding this matter and you may want to add your voice in favor of the release of the sick and wounded, a negotiated exchange of prisoners, allowing inspection of prison camps and the protection of prisoners from abuse. You can write to: President of North Vietnam, Ton Duc Thang, Office of the President, Democratic Republic of Vietnam, Hanoi, North Vietnam. It is understood that 25¢ per half ounce postage is required.

NON-VOTING DELEGATE FOR WASHINGTON

The Congress has passed a measure to provide a non-voting delegate to the House of Representatives from the District of Columbia and to establish a 12-member commission to study the local government to determine what changes can be made to promote efficiency, economy and improve public service. Four members of the commission will be appointed by the President, four by the Vice President and four by the Speaker of the House. Half of the members will be from the private sector and the other half from the government.

VETERANS' PENSIONS

The Committee on Veterans' Affairs has favorably reported a measure providing that persons receiving pensions for non-service connected disabilities shall not have their pensions reduced because of an increase in Social Security benefits. If this bill is adopted, annual reporting of income and net worth will no longer be required of pensioners 72 years of age or older who have received a pension for more than 2 years. If enacted, the bill will not be effective until the 1st of next year and will not eliminate the need for annual reporting for persons 72 until 1972.

NATIONAL FAMILY WEEK

I have joined with a number of other Members in introducing a Joint Resolution authorizing the President each year to proclaim the week in November which includes Thanksgiving Day as National Family Week. Of course, the family is the basic unit of society and recognition of the importance of family loyalties may tend to improve the general relationship of people with their community.

POLITICAL BROADCASTING AMENDMENT

Earlier this week the House agreed to a Conference Report which, among other things, provides that in general elections candidates for federal office can spend on radio and television advertising no more than 7 cents times the number of votes cast in the last election for that office, or a total of $20,000, whichever is greater. While the measure is not expected to affect this year's election, it will reduce the opportunity of those with unlimited funds to "buy an election."

LEGISLATIVE REORGANIZATION

The House has spent many days considering a legislative Reorganization Bill. While the entire membership would agree to the need for some changes in the organization of the Congress, so many amendments have been offered and such a wide difference has developed between the House version of the bill and the Senate version passed during the 90th Congress that it is unlikely that these differences will be resolved prior to adjournment, now expected to be about October 15. Should no bill be enacted this year, the extensive debate, however, will result in the availability of comprehensive changes in the rules to be considered when the 92nd Congress convenes in January.

PRAYER AMENDMENT

A number of measures have been introduced to permit voluntary prayer in schools and other public buildings. These have been pending for a number of years in the House Judiciary Committee without action. Therefore, a discharge petition was filed with the Clerk of the House to discharge the Committee from further action on the matter and to bring the so-called Dirksen Amendment before the House for action. While I am a cosponsor of the measure and signed the discharge petition, it now has only 55 signatures compared with the required majority of 218. Therefore, it is unlikely that the proposal will be considered even though considerable interest has been expressed by constituents.

MANASSAS MINISTER

The House is opened each day with prayer, usually offered by the House Chaplain. However, he does permit various Members of the House from time to time to have ministers from their District give the opening prayer. The Reverend James Davidson, pastor of the Manassas Baptist Church has been afforded this courtesy on September 29.

SOMETHING TO PONDER

It is difficult to make wisdom a matter of law.

HUMANE TREATMENT OF ANIMALS

HON. LOWELL P. WEICKER, JR.

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. WEICKER. Mr. Speaker, today I am introducing a bill to assure humane treatment to animals that are transported by airlines.

The bill requires that the Secretary of Transportation establish regulations for the care and humane treatment of animals transported in air commerce and authorizes fines of $1,000 for violation of these rules.

An investigation by my staff revealed too many instances where pets shipped by air are subject to inhumane treatment either because of carelessness, neglect, or lack of concern for the comfort and safety of the animals on the part of the airlines.

I was shocked to learn that neither the Civil Aeronautics Board nor the Federal Aviation Administration nor the Department of Agriculture nor any Federal agency, has established regulations for the care and humane treatment of animals that are shipped in air commerce.

The airlines have cargo guidelines, but I have found too many instances where the guidelines are either ignored or not followed, and there are no penalties for failure to follow these guidelines.

At present there are 10 complaints on the abuse, mistreatment, or the negligent death of animals pending before the Civil Aeronautics Board for investigation. These complaints have been filed since July 8 and emphasize the need for Federal regulations in this area.

Recently, I received a complaint from a Stamford family whose 10-month-old German shepherd dog died after being stored in the baggage hold of a United Airlines plane for more than 8 hours.

I share with my colleagues the letter from Mrs. Arthur Baum of Stamford so that you may understand the need for regulations covering humane treatment of animals transported by air.

To some the need for these regulations may seem like a trivial matter in comparison to the other pressing problems of the day, but I feel that if we do not have compassion for all of God's creatures we diminish our ability to care about our human neighbor.

The letter follows:

STAMFORD, CONN., *July 27, 1970.*

Mr. JOHN F. SHAFER,
Director,
Federal Aeronautics Administration,
Washington, D.C.

DEAR SIR: On Saturday, July 25, 1970, Mr. David Brill of Highland Park, Illinois, took a ten-month old German Shepherd dog to United Airlines at O'Hare Airport in Chicago for shipment to me at John F. Kennedy Airport. The dog was scheduled to depart on United's Flight 430 at approximately 11:00 A.M., CDST, and scheduled to arrise at JFK at 1:58 P.M., EDST.

It takes at least one hour for us to get to the airport in light traffic, and since traffic conditions on July 25 were being announced over the radio as very heavy we left our house at 12:30 p.m. We did not call the airport to verify arrival time because our past experience in getting a truthful answer to this question—especially so far in advance—has been dismal.

We found on arrival at United Cargo that the flight had been delayed due to mechanical difficulties. An attendant phoned Chicago, and from the time that we arrived at JFK (not long after 2:00 P.M. EDST), *United in Chicago knew that a live dog had been placed in the cargo hold of the plane,* which at the time was still on the ground. They also knew that he was a valuable dog and that he was insured. We asked them to ascertain whether the dog was being cared for and specifically to make certain that he was not in the sun or in overheated place. We were assured that he would be in the proper place—that "United personnel take good care of the dogs being shipped."

Our own experiences at the airport between then and the time the dog arrived are not relevant. Flight 430, however, we were told left Chicago at 4:00 P.M. EDST—but it was not on the ground in New York until some time around 7:00. The Supervisor had arranged to have a vehicle at the Passenger Terminal to bring the dog to the Freight Terminal immediately. When the truck arrived at 7:15 the dog was dead. He had obviously been dead for some time since rigor mortis had set in.

Subsequent events, including the finding of the Veterinarian who autopsied the dog led us to believe that he was dead before the plane took off from Chicago. The dog had never been removed from the hold of the plane during all the time the plane had been sitting idle on the ground, unventilated, while the mechanical difficulties that kept it there were being taken care of.

The veterinarian who performed the autopsy indicated verbally that the dog died of heat exhaustion and "these reports are common and routine in hot weather".

It is bad enough for the humans involved to lose a wonderful pet and potential show dog (this particular dog was bred by me with the show ring in mind, and with the knowledge that his genetic makeup would make him a valuable sire). *It is horrifying* to think of the cruel, thoughtless and inhumane way in which United Airlines killed him. We hear from friends and read in publications—and confirmed from professionals such as the veterinarian who performed the autopsy—that these kinds of events are "common".

The purpose of this letter is to urge stiff regulations concerning the handling of animals under *all* circumstances—both unusual and routine. One cannot blame the airline

for its caution regarding its valuable plane and valuable human cargo if there is a mechanical problem.

Live animals are perhaps the most perishable cargo that can be transported by air.

United Airlines cannot replace this animal of many generations of careful breeding, nor can they ever repay us for the mental anguish, heartbreak and generally traumatic eight-hour experience.

If they can be penalized some way, this should be done. In any event, provisions should be made to avoid these kinds of tragic happenings in the future.

Sincerely yours,

MRS. ARTHUR H. BAUM.

JUDICIAL DESECRATION OF OLD GLORY AND THE STARS AND BARS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. RARICK. Mr. Speaker, the law in our land continues to be prostituted to a meaningless void by overzealous individuals who serve as Federal judges dedicated to political self-serving goals.

In my district in Louisiana, school authorities have been ordered to remove the Confederate flag from the office of a high school principal because a Federal judge found in his opinion:

The Confederate Flag has become a symbol of resistance to desegregation and to some extend a symbol of white racism in general.

No constitutional citation was offered.

Several weeks later, a panel of Federal judges in Baltimore found the Maryland State flag desecration statute unconstitutionally applied to censor a student magazine picturing the burning of the U.S. flag on the cover.

The ingenuous author of the court's opinion sidestepped the issue of flag desecration by holding in his opinion, that the magazine cover was an expression of art rather than a symbol designed to incite others to violate the law. The American people are now given to understand that a simple display of the Stars and Bars of the Confederacy might incite others to violence but that a mass distributed publication with a cover picture of the burning of the U.S. flag is art and not designed to incite others to violate the law.

As I have frequently been constrained to say, Americans and American traditions come last in the United States these days. History, culture, and honor are denied our people by judicial zealots who are unfit to kiss the boots of those great champions of individual liberty who gave us our freedoms, our Constitution, nurtured our institutions, and were so dedicated to the philosophy of an intelligent independent judiciary—to defend our laws and institutions—that they provided for legal scholars to be appointed for a term of "during good behavior."

Exasperatingly, we now find individual members of the judiciary have desecrated their office, their trust as freedoms and degrade themselves to become common bookburners and censors of what is in the best interest of some minority which they apparently feel they represent but for fear of prejudice they do not identify.

How long American; how long?

Mr. Speaker, I include the related newsclippings as follows:

[From the Slidell (La.) Times, August 1970]

SCHOOL BOARD WILL APPEAL LATEST ORDER

The St. Tammany Parish School Board "is definitely going to appeal" a three-pronged order issued last Friday by US District Judge Frederick J. R. Heebe in New Orleans, Superintendent of Schools Cyprian J. Schoen announced Tuesday.

Judge Heebe, in response to a suit filed by a group of Negroes who protested the presence of a Confederate flag in the office of Louis Wagner, principal of Covington High School, ordered:

(1) Discontinuance of display of the Confederate flag in St. Tammany schools;

(2) Appointment of a black assistant principal at Covington High School before Sept. 10; and

(3) Formation of a bi-racial committee before Oct. 10.

Judge Heebe, in his order, said the Confederate flag has become a symbol of resistance to desegregation, and to some extent a symbol of white racism in general.

He also noted that the presence of such symbols as Black Panther or Black Power flags also would not be constitutional in a unitary school system.

His order asserted: "All Confederate flags, banners, signs expressing the school board's or its employees' desire to maintain segregated schools, and all other symbols or indicia of racism shall be removed from the schools and shall not be officially displayed at school functions of any kind. This shall not prevent individual students from wearing or displaying buttons, signs or symbols.

"A bi-racial committee shall be formed prior to Oct. 10, 1970. The bi-racial committee will be composed of two members from each ward of the parish, one member to be chosen by the school board and one member by the Negro community in each ward. The chairmanship is to alternate annually between a white chairman and a Negro chairman. The membership must be divided equally between whites and Negroes.

"This committee should consider and make recommendations on such matters as means of easing tension in the community, ways to make desegregation work more effectively, and solutions to racial problems arising in the schools."

Names and races of the committee's members are to be reported to the court by Nov. 1, according to the order, and the committee is to make bi-annual reports, on Dec. 15 and April 1, on the maintenance of a unitary school system.

Schoen said if the black assistant principal is appointed, he will make the appointment after conferring with Wagner and members of the school board.

Noting that the board's next regular meeting will be held Oct. 1, he said he did not know just how the board would appoint members to the bi-racial committee by the Sept. 10 deadline, nor in just what manner the board would establish contact with "the Negro community in each Ward." (Ward 6, for instance, has no Negro community.)

With reference to the Confederate flag, Schoen in response to a question reported it is not now on display at Covington High.

[From the Washington Post, Sept. 18, 1970]

CENSORSHIP OF MAGAZINE RULED ILLEGAL

A panel of three federal judges ruled in Baltimore yesterday that the University of Maryland acted illegally last December when it censored a student magazine picturing a burning flag on the cover.

The panel held that the Maryland flag desecration statute was unconstitutionally applied to the winter issue of Argus because the cover was an expression of art rather than a symbol designed to incite others to violate the law.

In a 13-page opinion, U.S. District Court Judge Frank A. Kaufman sidestepped the issue of whether or not the flag desecration law is constitutional. The law prohibits persons from publicly casting contempt on the American Flag by mutilating it through words or deeds.

The Maryland attorney general had ruled the picture violated the flag desecration law and advised the university to halt publication. The issue eventually was published with the word "Censored" printed across a plain white cover.

POST OFFICE REDUCES SPECIAL DELIVERY SERVICE IN NEW YORK CITY

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. KOCH. Mr. Speaker, on Monday, September 21, the Post Office will implement new orders reducing postal service in New York City while adding to traffic congestion in the city's streets. The Department is cutting special delivery runs in Manhattan's business district by 70 percent and by 50 percent in the borough's residential areas. At the same time, it is requiring that all special delivery runs be made with trucks, whereas now foot carriers make the runs in areas of heavy postal concentration and trucks in low concentration runs. The Department's new emphasis on motorization is completely contrary to the city's efforts to reduce vehicular traffic.

It was just a year ago that the Nixon administration increased special delivery rates by 50 percent—from 30 cents to 45 cents—and now they are proposing not to improve special delivery service but to reduce it, a reduction that in some parts of the country has meant a complete elimination of the service. The reduction in New York City will provide just four special delivery runs a day throughout the city, instead of the 13 we now have in business districts and eight in residential areas. It also will mean that two of the four runs—for which the Department insists on using trucks—will be made in rush hour: one between 7:30 a.m. and 11:30 a.m. and the other between 3 p.m. and 7 p.m.

This service reduction has been opposed by New York Branch 36 of the National Association of Letter Carriers and because of the union's protests the reduction of service had been delayed for several months, but the Department is now scheduled to go ahead with the reduction on Monday.

Mr. Speaker, when someone spends an additional 45 cents on a letter, he trusts that it will receive special handling and delivery; but now, with no public announcement by the Department, this will not be the case. Many special delivery letters will be mixed in and delivered with other mail, including junk mail. Mr. Speaker, it seems to me that this is another instance in which the public's

faith in the Government is being breached—and it is a move that only can contribute to the confidence gap in both the Post Office and the Nixon administration.

I hope that Postmaster General Blount will reconsider this decision and retract his order so that full service can be continued.

THE ACCOMPLISHMENT OF RABBI JACOB MUSKIN

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. VANIK. Mr. Speaker, it is with a great deal of pleasure that I take note of the tribute being paid to Rabbi Jacob Muskin, spiritual leader of the Warrensville Center Synagogue in my community. Rabbi Muskin is being honored by the Cleveland community for the sale of State of Israel bonds. Rabbi Muskin is a recipient of the Jerusalem award which will be presented at the testimonial dinner in his honor on the 23d of September at his synagogue.

Rabbi Muskin came to Cleveland 20 years ago having been elected rabbi of the Kinsman Jewish Center. During his years of service to the Cleveland community, one of Rabbi Muskin's many accomplishments has been the merger of the Kinsman Jewish Center and the N'Vai Zedek and Tetiever Ahavas Achim congregations to form the present Warrensville Center Synagogue. Along with the former Eddy Road Jewish Center, the Warrensville Synagogue constitutes one of the largest traditional synagogues in the Middle West.

In addition to his numerous duties on behalf of his great and energetic congregation, Rabbi Muskin has been an active and dedicated participant in the Jewish life of our community. He has served on the education committee of the Hebrew Acadamy for the past 18 years, and on the executive boards of the Bureau of Jewish Education, and Telashe Yeshiva. He has been a member of the board of the Jewish Community Federation and has served as Midwest conference chairman for the Union of Orthodox Congregations of America. He also is a past chairman of the Cleveland Religious Council for the State of Israel Bonds. Rabbi Muskin's continuing interest in education led him to innovate a unique method of teaching the ceremonies and customs of the Jewish holidays. His annual radio and television programs have brought a clearer and understanable look at the beautiful religious service of Judaism to the people of all religions of our communities. These presentations have been widely acclaimed and are deserving of special attention.

Rabbi Muskin and his family epitomize the best in the great American tradition of community service and deep spiritual belief. Our entire community is proud of their achievements and is especially pleased with this outstanding recognition.

MUST STOP KILLING OF LAWMEN IN AMERICA

HON. WILLIAM C. CRAMER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1970

Mr. CRAMER. Mr. Speaker, I have introduced a bill providing a mandatory death penalty for killing a policeman, fireman, other law or judicial officer in the performance of his duty.

This is part of my continuing fight to halt revolutionary violence in America. In 1968, I sponsored the Antiriot Act under which the Chicago 5 subsequently were convicted for inciting the violent civil disorders at the Democratic National Convention. Hopefully, these revolutionary leaders eventually will go to jail.

My new measure also would protect members of the National Guard and the Armed Forces while acting to suppress violence during a civil disturbance.

The rash of murders and assaults on policemen and judicial officers, I believe, is part of a nationwide plan by the radical revolutionaries aimed at destroying America and its institutions. We must put these revolutionaries out of business.

Therefore, I would make killing a law officer or fireman a Federal offense, punishable by the death penalty unless the jury recommends mercy. For an assault on a lawman, the penalty would be 10 years in prison or $10,000 fine: If injury results, 20 years in prison and $20,000 fine.

The free flow of commerce throughout the Nation is dependent upon the maintenance of law and order and necessary related Government functions of our law enforcement and judicial offices.

The seriousness of the problem was graphically outlined by one of the great newspapers in my home State, the Tampa Tribune, on September 1, 1970. Here's what the Tribune editorial said:

THEY ARE NOT FOOLING: THEY MEAN MURDER

A policeman was killed by black militant attackers and six other officers wounded in shootouts with Black Panthers in Philadelphia during the weekend. An embassy and foreign information office in Washington were firebombed. A large store of weapons was seized from a Jacksonville naval arsenal.

Four policemen were ambushed in Riverside, Calif. Officers were wounded in New York City. Earlier last week a police station at Burlington, Mass., was bombed and the Army's Mathematics Center at the University of Wisconsin was blown to bits by high explosives.

Philadelphia Police Commissioner Frank L. Rizzo has a name for the violence in his city: anarchy. It applies equally well to the growing destructive acts by young revolutionaries from coast to coast.

The Philadelphia gun battles came in raids on Black Panther centers where many weapons and 1,000 rounds of ammunition were seized. Panther buildings were plastered with signs: "Death to the Pigs."

A Philadelphia park police guard was killed in an attack which police said was part of a plot to "blow up a police installation and kill pigs."

The Philadelphia violence by black militants was part of a pattern of anarchy. Grenades used in the attack on the park officer were stolen from Fort Dix., N.J., last year. Other grenades stolen from Fort Dix have been used to destroy 15 city vehicles in Philadelphia.

There's little question the 154 pistols and seven carbines seized by a band of five black bandits from the Jacksonville naval arsenal will wind up in the hands of a gang bent on destruction. It should be noted that on July 27 the National Guard armory at Jacksonville was robbed of more than 100 small arms.

There also is a pattern to the Washington bombings. Four Latin American embassies were firebombed July 2 and a pipe bomb damaged a room at the Inter-American Defense Board the day before. The weekend bombings were preceded by a letter of the type used in New York City bombings last spring. The letter announcing the bombs would go off was signed by the Revolutionary Action Party.

Are these attacks the work of sincere but misguided social reformers? There's about as much tie-in between these acts of violence and social justice as there is to connect Red China's Mao Tse-tung with capitalism.

This militancy is no kid stuff. These young hoodlums of the revolutionary world are well financed and managed. Witness the far-ranging travels of Black Panther leaders and SDS members fleeing to escape arrest.

The pattern of destruction which became so clear this weekend is not confined to the United States. The skein of revolution crosses national borders and runs throughout the world.

Columnist Victor Riesel, who describes on this page the terror tactics in India and Ceylon, has been reporting for months how the youthful plotters fit into a world-wide scheme. Riesel has pointed out that the anarchists are being trained, directed and financed by Red China and to a lesser extent by Russia.

The revolutionaries are deadly serious in their intent to destroy the United States. The sooner the public recognizes these apostles of violence for what they are, the quicker will the wave of anarchy be put down.

This applies particularly to those foolish people in colleges and certain elements of the cultural world who drape their arms about the poor, misunderstood Black Panthers, and give money-raising cocktail parties for them.

The hand holding a cocktail glass at a do-gooder party is the same one that can throw a Molotov cocktail in the name of revolution.

EXTREMIST TACTICS CANNOT BE CONDONED

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. ANDERSON of California. Mr. Speaker, the first amendment of our Constitution guarantees each of us in the United States free speech. Free speech—a basic right which separates our form of democracy from the Fascist dictatorship or Communist totalitarism—is ours because of the wisdom of our forefathers and the blood of our heroes. Free speech is the creed of our political faith. Free speech must be preserved for it assures the survival and the success of liberty.

But, free speech is a two-way street and it has its limitations. Free speech does not entitle a man to falsely shout fire in a theater and cause panic. Free

speech does not entitle a man to disrupt order and the tranquillity of others. Free speech does not entitle a man to use obscenities that offend our citizens.

Free speech must be respected. A person must realize that free speech entitles others to speak; free speech also means the freedom not to listen.

Mr. Speaker, a practice which has become popular with extremists has been the shouting down of persons of different persuasions. A small minority—appointed by no one, representative only of the lunatic fringe who want to destroy America—can disrupt and cause the vast majority to be silenced. This tactic is reminiscent of the Nazis in Germany and the Red Guard in Communist China, and we cannot accept it in a free society.

I condemned this practice when they turned their ire on Presidential Candidate Hubert Humphrey. Equally, I have condemned this practice when raucus mobs have attempted to shout down our President and Vice President.

Vice President AGNEW, while speaking at a rally in Michigan, was almost drowned out by boistrous extremists who specialize in chaos, and who communicate with language punctuated with four-letter words. This kind of conduct is the antithesis of free speech and it must not be condoned.

I assure you, Mr. Speaker, disagreeing with the rhetoric of our Vice President and the policy of our President is no excuse for violence, nor is it an excuse for disrupting free speech.

If those who resort to these tactics believe they are furthering the cause of peace, they are wrong. A person is not converted simply because he is silenced. Peace will come, through constructive action and thought—not through violence and destruction.

ENERGY CONVERSION FUEL CRISIS

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. HANNA. Mr. Speaker, the crisis in the Nation's energy conversion industries has now reached emergency proportions. These industries, facing an unprecedented shortage in fuel reserves, are at a crossroads which may well determine the health and well-being of the American people in the coming winter.

In a recent report, a public utility in Vineland, N.J., stated that it would have to shut down 80 percent of its plant production by October 1, "unless the U.S. Government orders priority to utilities for oil deliveries."

The Tennessee Valley Authority reports that it has only 10 to 12 days of reserve fuel—it normally maintains a reserve for 60 days. In addition, the TVA notes that its costs for coal have almost doubled since the beginning of the year.

These conditions can be traced to a number of causes—problems in the coal mines relating to production capabilities, workers' rights and needs, and decreasing output, as well as a continuing drain on supplies from exporting activities. Not the least of these problems is the President's recent decision to retain the oil import quota system. This has directly contributed to the problems of these industries as it has limited oil supplies and thereby even further increased already inflated prices.

More significant than these specific causes, however, is the wherewithal to alleviate this critical situation. In this instance, the Congress may have been wiser than the President anticipated in enacting authority to set wage and price controls in the recently approved extension of the Defense Production Act of 1950, for it is precisely such powers which must be utilized in this regard.

More than 1,400 publicly owned power utility companies have pleaded with the President to exercise his powers and establish "a system of allocation of scarce fuels this winter based on public usage and essentiality to public health and safety and national defense." I add my voice to theirs.

DR. MITCHELL RABKIN, M.D.

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1970

Mr. O'NEILL of Massachusetts. Mr. Speaker, I recently received a letter from Mitchell Rabkin, M.D., which I would like to share with my colleagues. Dr. Rabkin is a distinguished physician presently serving as the general director of Beth Israel Hospital in Boston, Mass., one of the finest hospitals in the Nation. The fact that a physician of his stature has taken so much of his time in composing this letter indicates that it is well worth our consideration.

I believe, Mr. Speaker, that his remarks speak to important contemporary problems, the difference in cost to the patient between hospital treatment in teaching and care at a community hospital and related cost problems in the medical profession. In view of the high costs of hospital medical attention, I believe his comments explain simply and concisely the facts behind the charges to the patient. I also feel that his letter provides excellent guidelines to the citizen which can help him in deciding which type of hospital can best provide the care he requires.

Perhaps in our dismay over the present high costs of treatment, we have tended to overlook the low wages paid to hospital personnel in the past.

Medical insurance is a privilege not provided to all of our citizens. The cost of coverage is prohibitive for many, yet their medical needs continue. It is imperative that medical care be a service for all, regardless of income. I believe that the national health insurance plan which I am cosponsoring with many Members of this Congress would allow all of our citizens to receive the attention they need.

I would like in addition to ask my colleagues to pay special attention to the conditions manifested in our teaching hospitals by the administration's cut in research funds. Inflation is indeed a problem that must be combated, but certain priorities must withstand budgetary cuts. The loss of research funds has repercussions which endanger the entire medical field. The general public is denied the rewards of research, yet research is not all that suffers. Patients are denied the care of the physicians that must seek work away from the teaching hospital. Our medical students are denied the benefit of being taught by these superb minds. This situation is extremely serious and deserves the attention and consideration of my colleagues.

I am, therefore, pleased to insert Dr. Rabkin's letter in the RECORD at this time:

BETH ISRAEL HOSPITAL,
Boston, Mass, August 11, 1970.

Hon. THOMAS P. O'NEILL, JR.,
Rayburn Building,
Washington, D.C.

DEAR REPRESENTATIVE O'NEILL: I would like to reply to your letter of inquiry to Blue Cross concerning the hospital bill of your son, because it raises several important questions that warrant airing.

The essence of your inquiry is, as I see it, why is it so costly to receive care in a teaching hospital compared to a community hospital. Experience shows that it may cost up to twice as much to be hospitalized in one rather than the other. The added cost lies mainly in the greater number of personnel and in the enlarged collection of costly diagnostic and therapeutic equipment in the teaching or university hospital.

Throughout the United States, there is an average of 2.8 employees per general hospital bed. If one examines the 200 teaching hospitals instead of the 6800 community hospitals from which that figure mainly derives, one finds nearly doubling of the ratio of employees to patients. At Beth Israel Hospital, for example, our budgeted complement is 1,480 full-time equivalent positions for 352 beds and 62 bassinets. Making up these additional numbers are full-time staff physicians and house officers (interns and residents); technicians, nurses, aides, etc., to perform the complex or unusual procedures unavailable in community hospitals; and personnel for teaching.

Since the teaching hospital provides care for the very sickest of patients, twenty-four hour physician coverage is a necessity and unavailable without house officers. Indeed, the sickest of today's patients is often so carefully monitored by our advanced technology that critical professional decisions may be called for on virtually a moment-to-moment basis. Without the presense of full-time staff physicians and house officers, the patient's need for medical responsiveness would not be met.

Today's teaching hospital carries out diagnostic and therapeutic procedures of extraordinary complexity, often involving teams of half a dozen or more, not uncommonly lasting several hours. To carry out such studies well-trained teams are required, above and beyond the expertise available at the community hospital. To cite another example, the capacity to do the blood test rarely called for but critical when required demands an added depth of personnel. The problems accompanying the indigent and socially unskilled require a Social Service department far beyond that needed to help the average citizen in his local community hospital. One can draw upon many more specific examples of the teaching hospital's need for added personnel.

The justification for the existence of teaching staff lies in the fact that the arena of interest of the teaching hospital extends both geographically and temporally beyond its walls. We are concerned with the care and facilities available to the patient before he needs hospitalization and following his discharge. In addition, we are concerned with not only the quality and availability of such assets in the future but their nurture as well, and this requires a significant investment in teaching. Our motto puts it crisply: Beth Israel Hospital—concerned with today's illness and tomorrow's health. Concern over tomorrow's health dictates not only the training of tomorrow's health care personnel. It calls for the development and setting of high standards of care which will be benchmark for the community hospital tomorrow. It includes the research to understand today's illness and develop methods of treatment and prevention. Parenthetically, there is no doubt that the presence of house officers and the existence of an excellent teaching program make for care of higher quality. It is moot, however, whether such cost should be largely the burden of the sick.

It is not true that elevated costs in the teaching hospital reflect support of research by patient care fees. In fact, the reverse is the case. In addition to our operating budget, we have a research budget of about $2.5 million. These research funds support a number of physicians who provide some direct care, a good bit of consultative service, a significant amount of special diagnostic clinical study, and a great deal of teaching—all of direct benefit to the patient in the teaching hospital but not appearing on his bill. One of the most serious problems we have today is the cut in research by the Federal government. Not only does laboratory research become abbreviated, but the availability of these superb physician-scientists for care and for teaching functions fall off proportionately.

It is also not true that the teaching hospital, being larger than most, tends to be less efficient. The reverse is more likely so, since the teaching hospitals tend to attract the best fiscal and administrative managers. To illustrate, consider our budget for the year ending 30 September 1970. It was generated during the summer of 1969, some fifteen months earlier. At that time we predicted operating expenses of $11.656 million in salaries and wages. It appears that the actual figure will be $11.697 million. We predicted that we would pay $7.066 million for supplies and expenses; it appears that that figure will be $7.356 million. In a business with operating expenses near the twenty million dollar mark, careful line by line budgeting, excellent monthly reporting of both dollars and activity statistics, and effective decision-making resulting therefrom are necessary to wind up with figures as close as these. The basic issue is not one of management but rather the presence and the costs of personnel and equipment.

One final thought on costs of personnel is this: with the development of third party reimbursement, hospitals were finally able to start paying their employees a wage competitive with that in comparable "industries." Originally, the care of the sick had been a function of the Church and, as you know, the compensation for doing God's work tends not to emphasize materiality. The burden of history lightens but slowly, it seems. When you think about it, what we were doing years ago was extracting an involuntary contribution from all hospital workers who received considerably less than their peers working elsewhere. Curiously, those who could least afford it were taxed the most—an individual receiving $1.00 an hour when the minimum wage was $1.50 was pressed involuntarily into giving one-third of his deserved income, a relative contribution far in excess of that from even the most generous philanthropist.

Equipment costs, particularly for complex procedures, have gone sky-high. A cardiac catheterization unit costs about $200,000. It replaces perhaps $15,000 of X-ray and fluoroscopy equipment. The new procedure requires four hours and a team of several professionals; the old took far less time of patient and personnel. Worse yet, the pace of technical advance will render this new equipment obsolete in perhaps six years. If one were to do two four hour procedures every weekday, he would be obliged to charge $75.00 per procedure merely for the cost of replacement, assuming that there were to be no further inflation and assuming that technological advance did not demand an even more costly device in the future.

It becomes clear then that the teaching hospital should best be used only by the sickest patients derived from the widest community and, rationalizing even further, that the teaching hospital should best be used by such patients only during the very critical aspects of their illness. The less critical patient should derive his care from a facility of lower intrinsic cost, less costly because of the absence of the extraordinary additives listed above. The patient should be reassured during his stay at this lower cost facility that his care will be of a quality requisite to meet his need and that, should his need increase, he will be readily referred to a more complex (and more costly) institution which will adequately meet his increasing demand. To personalize care in such a system, the patient's physician should be able to move with facility from one institution to the other.

Your son, as a patient in a teaching hospital, was obliged to share in the costs of the many availabilities existing here, even though his procedure did not require their use. Perhaps you chose to trade-off the relative increase in costs for the assurance of the highest standards of care or that of the availability of all the special forces we can muster at BI. Or perhaps you were simply referred to a particular surgeon who happens to use this teaching hospital. Perhaps you opted for Beth Israel Hospital because of its attempt to provide children with as warm, comforting, and reassuring an environment as possible. To the extent that you were enmeshed in a system not fully rationalized (in the industrial engineering sense), you were enmeshed in a scheme where you were charged for more than you needed (that is, potential availability of expertise) and more than you most likely even required to have instantly available. Yet our pediatric service must pay its share of the "overhead" of increased personnel and equipment, that is, increased availability of expertise to help the patient with dire illness.

Thus the problem lies in the distribution of resources amongst the several hospitals of a geographic area, in forming a pyramidal structure of increasing capability (and cost). But it also lies in the distribution of patients amongst these several hopsitals (and their dissemination from the very base of the pyramid, the individual doctor-patient relationship, the basic unit of primary care). One of the most important activities at Beth Israel Hospital over the next decade will be the establishment of closer relationships with community hospitals in order to rationalize better the delivery of care, in order to permit movement of patients from one institution to another with ease, in relation solely to the need of the patient, but without loss of his personal identity or his relationship with his doctor.

To turn now to your questions on specific items: The operating room charge is a function of time and represents a figure derived from realistic cost accounting. It is reviewed by several sets of auditors. The rate is $72.00 per thirty minute period. The time includes the beginning of the procedure through cessation of close monitoring in the recovery room, not simply the "skin to skin" time of surgery. I gather someone told you that the procedure took but half an hour and this may very well have been true for the deft surgical part. The anaesthesia record begins at 12:35 p.m. and goes to 1:35 p.m. The recovery room record of vital signs begins at 1:45 and ends at 2:00, by which time [your son] was awake. While he was observed in the recovery room until 2:45, the total charge was derived directly from the eighty-five minutes of close monitoring required. At $72.00 per half hour period, the $216.00 figure is explained. The anaesthesia charge is similarly cost accounted, relating to the complexity of the procedure involved and the duration of anaesthesia. In this instance, the anaesthetist's attention was required for about one hour, and that activity is what the fee is derived from.

While my general comments may have explained the reasons for the room and care rate of $75 a day for a semi-private room, they certainly do not excuse any lack of cleanliness in the room. This is an unrelated problem for which I must apologize, citing the difficulties in insuring that large numbers of people follow their work routines invariably and do so with diligence. Believe me, we do pay attention to the quality of our patient's environment, trying to circumvent the limitations of a forty-two year old building (the pediatric floor). The presence of art prints, imaginative use of color in newly repainted areas, the use of sound absorbing tiles in new ceilings, etc., attest to our efforts toward that end, even though there remains much to be done.

In the last analysis, Mrs. ————, you were fortunate not only because your son's surgical procedure turned out well but because the bill was paid in its entirety by your hospitalization insurance. You know now that the bill included not only the cost of direct care but the costs we incur for maintaining the potential to treat far more complex problems and also, in part, some of the costs we incure to teach the physicians, nurses, other health care workers and students. But while the majority of citizens do have some third party insurance, the majority of dollars in health care bills in this country are not paid for by insurance. This means that much of the costs of maintaining extraordinary resources for the complex patient and much of the costs of training are laden more heavily on the sick than they are throughout the population. It is a situation as unfair as requiring only those who have fires to pay for the fire department. It also means that there are many who cannot afford health care today. Thus the issues become not only those of distribution of care and the sensible dissemination of patients to extend the efficiency of the care, but also the distribution of financial responsibility more broadly than exists today so that the care we should provide can be afforded and received by everyone, regardless of his individual circumstances.

I am sorry to burden you with so long a reply but the issues you raised are of great consequence. There is more to it, of course, than described in this letter and I would be happy to go into further detail if you are interested or if you have some further questions to pursue. Your interests and ours in such matters are certainly shared and there is no reason why the facts should not be as well.

I hope that ———— is fully recovered by now and views his hospital experience with an aplomb and savoir-faire that favorably attests to the thoughtful concern of both his parents and the Beth Israel Hospital.

Sincerely,

MITCHELL T. RABKIN, M.D.
General Director.

THE LATE FRED EARWOOD

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. FISHER. Mr. Speaker, under leave to extend my remarks I insert an excerpt from the April 1969 issue of Texas Sheep and Goat Raiser magazine.

The article follows:

A TRIBUTE

(By O. C. Fisher)

Of all the people with whom I have dealt, the late Fred Earwood was the most unforgettable and irreplaceable one person I have ever known. There's an old saying that "no one is indispensable." And it is true. But there is a difference between being indispensable and being irreplaceable.

Fred Earwood could be called "Mr. Wool," "Mr. Mohair," or "Mr. Ranchman," and each appellation would be remarkably appropriate. That was his life—breeding, sorting, buying and selling sheep, goats, wool and mohair. In each respect he was pre-eminent. The quality of the sheep and goats he raised and improved long ago became legend. Even Earwood cut-backs were sought by those with a flare for excellence.

While amazingly successful in his own business, Fred was essentially a servant of others—a form of service for which he was rarely ever paid. That was the way he wanted it. That was the only way he would have it. Seeing others benefit from the application of his expertise was compensation enough.

How many ranchmen can testify about hours spent by Earwood at their cutting chutes, dividing their sheep and goats for disposal of cut-backs, and then advice about replacements?

To be sure, the tens of millions of pounds of mohair and wool he sold on assignment meant normal income for the warehouse he managed. I have in mind that extra service, those extra hours he gave—whether at a ranchman's corral or while bantering buyers to pay an extra cent or two per pound for that man's clips.

In the latter respect his talents were exceptional. He knew market trends and watched them with the eye of an eagle. He read the trade journals each day. When it came to making a sale, the buyers knew that Fred knew what he was doing. They trusted his word about what he had to offer and they respected his knowledge.

More than once Fred has telephoned me in Washington to find out what the Turkish and South African mohair stockpile amounted to at a given time. He, like all alert mohair salesmen, had an eye on the export market.

The day following Earwood's death, Hugh Munro, dean of the Boston buyers, came into my Washington office to express his sorrow. "Fred Earwood knew wool and mohair like few other men in his time," he commented. "He was undoubtedly the best friend the growers had.

I recall an example of this. During World War II our government purchased a quantity of Turkish mohair to keep the Germans from getting it. It was shipped—some 6 million pounds, as I recall—and put in storage.

After the war ended, it was feared the imported supply would be dumped on the market. Fred keep the telephones to Washington and Boston busy as he plead for restraint in plans for disposal.

Disposal as related to quantities and qualities could make a major difference. There was no inventory or breakdown with respect to kid hair, grown hair, and other assortments.

It was agreed that an inspection was necessary. Who was to do it? Growers were wary of bureaucratic findings. It was finally agreed by growers, the trade, and the government—that Fred Earwood was the one man in America who could be trusted by all of them to do that job. He did it, carefully and laboriously sorting fleece after fleece, sack after sack of sampling—with the eye of a true expert.

His findings was readily accepted, and his recommendations for painless disposal were agreed to. The mohair was sold in limited amounts so as to do the least harm to the market. The mounting concern was eased, and the effect of the sales on the market was hardly noticeable.

I have seen Fred Earwood match wits with government wool and mohair experts on more than one occasion. They could never cope with his cold logic, that vast storehouse of useful experience and knowledge which he would draw upon. As a general rule they would come around to his way of thinking.

A book could be written (as indeed one should be!) about Fred Earwood's varied contributions to the industry and to individual growers. The night was never too dark, the hour was never too early, the distance was never too far, for Fred to go that extra mile in behalf of an industry he loved and the growers to whose interest he was devoted. Who ever heard of Fred Earwood taking a vacation?

He was in the true sense a square shooter. His word was his bond. The smallest producer got the same treatment as the biggest one. His judgment was rarely ever questioned.

Fred honored every man for his face value, and he was instinctively a good judge of men. He placed implicit trust in every man whom he knew deserved to be trusted. He maintained a proper aloofness from the others, always polite and discreet. He helped untangle many a problem for a distressed ranchman, covering nearly anything from a domestic quarrel to a financial jam.

Speaking of Earwood's mannerisms, an intimate recalled: "If someone would say something slightly derogatory about one of Fred's friends, Fred wouldn't argue. More often he'd just stare at the man in cold silence."

During his lifetime Earwood probably sold more breeding stock sight-unseen than anyone. I recall buying a bunch of young ewes from him one time. I never saw them until after they were trucked to my ranch 75 miles away and unloaded. Two or three years later range got short and I sold some ewes to a neighbor.

"Where did you get 'em?" he asked. "They're mostly Fred Earwood sheep," I replied. "I'll take 'em!" he snapped—and he did so, sight-unseen.

For years to come, ranchmen and cowboys, as they meet in shearing sheds, in warehouses, and over coffee cups, will talk about Fred Earwood.

"Fred would love this rain!" an oldtimer can be expected to observe. Another would say: "I'll never forget one time when my best buck came up with a limp. We tried everything, and I thought sure we'd lose him. Then I got on the telephone and called Fred an' . . ." Still another would add, "There'll never be another like him."

And so in nostalgia the talk will go on and on, year after year, about the truly unforgettable and irreplaceable—the one and only—Fred Earwood.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

STATEMENT OF ANDREW W. CORDIER, PRESIDENT OF COLUMBIA UNIVERSITY, ON INVASION OF CAMBODIA

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. RYAN. Mr. Speaker, it is a little more than 4 months since the President undertook to authorize the invasion of Cambodia by American ground combat troops in complete disregard of Congress. Although American ground combat troops may have been withdrawn, American air power is still being used in support of combat operations in Cambodia. Nor does the withdrawal of American ground combat troops from Cambodia—after the loss of 338 killed and 1,529 wounded—alter the fact that this administration is continuing its pursuit of a military solution to a political problem.

The war continues to expand throughout Southeast Asia. The Vice President, on his recent trip to that part of the world, made clear that the United States would aid Cambodia. A figure of $40 million is being discussed. The story is a familiar one—and a dire one.

One of the most cogent statements which I have read with regard to the Cambodian invasion, and the wider war of which it is a part, was that made by Andrew W. Cordier, president of Columbia University, at a May 4 peace rally held on Columbia's Morningside Heights campus, which is in the district which I represent. I would particularly note a small portion of President Cordier's statement, for I believe that it so well and so clearly expresses the feelings which I have expressed and fought for in this Congress. President Cordier said:

The conflict is for the Vietnamese a disaster, and the expenditure of American lives and resources in that conflict is totally unwarranted. Our men must be brought home. The squandering of their lives in Vietnam and Cambodia must stop. The massive resources used day by day in support of American military involvement should be redirected with all possible speed to support major programs in our own crisis-ridden cities.

These words of one of the leaders of the academic world, of the community which I represent, and of the entire country, should be well noted. I commend them, and the remainder of President Cordier's statement, to my colleagues. The statement follows:

STATEMENT BY ANDREW W. CORDIER, PRESIDENT OF COLUMBIA UNIVERSITY, CONCERNING THE EXTENSION OF AMERICAN MILITARY INVOLVEMENT IN SOUTHEAST ASIA

I join with millions of Americans, including students and faculty on this campus, in expressing shock over further American involvement in the Vietnam war through the

extension of military activity into Cambodia and the renewed bombing of North Vietnam. These steps were described as necessary to provide for the continued withdrawal of American men, but this argument is contradicted by past experience. In fact, these steps are more likely to lead to still further American involvement in the conflict as well as an increase in the number of participating parties.

Although military victory has not been explicitly stated as the end objective of American action in Vietnam, it is clear from the character of the steps taken that this is the goal being pursued. But this objective is untenable.

We must of course make a moral judgment about any military action we undertake and in addition to this we should not forget that the older concepts of military victory, and of the fruits of victory belong to societies of the past. This is particularly true in heterogeneous societies, like Vietnam, cursed by deep and bitter social divisions and lacking the benefits of well-developed social and political institutions. If territorial advantage gained at some point in the military effort is to be preserved, it must be followed by decades of costly and unpopular occupation. Such occupation is self-defeating since it shores up artificially the strength of weak regimes and in fact delays the ultimate time when a nation must stand on its own feet and build indigenous institutions to insure the stability and progress of the country. Thus, a long-range view of Vietnam's predictable future, at least as related to external military aid, leads to the conclusion that the American military effort in Vietnam is and will remain futile. It is a quagmire from which we should free ourselves.

The conflict is for the Vietnamese a disaster, and the expenditure of American lives and resources in that conflict is totally unwarranted. Our men must be brought home. The squandering of their lives in Vietnam and Cambodia must stop. The massive resources used day by day in support of American military involvement should be redirected with all possible speed to support major programs in our own crisis-ridden cities.

Vast changes are taking place both in domestic and in world society. It is a matter of elemental wisdom to respond intelligently to these changes and in fact to anticipate them. In world society we shall find ourselves frustrated and defeated unless we respond on a broad front to the peaceful challenges that exist in that society. Here the soil is rich for the achievement of a new and justifiable national pride different from the national pride based on military achievement which we have seen over the last 190 years.

We should as a nation make clear that we join in a common cause with an ever-widening circle of other nations in the pursuit of a wide and enlarged range of peaceful objectives including the economic, social, and educational advancement of all peoples, and therefore of their political stability. The world is yearning for this acceptance by America of a vibrant and effective role in the world community. In turn, America's engagement in this role would make her more effective in alleviating the tensions of international disputes. I crave for our country a full understanding of our prospects for leadership and partnership, and a wholehearted acceptance by our government and people of these objectives.

Such multilateral participation in nonmilitary objectives stands in strong contrast to our largely unilateral military efforts in Vietnam. When our nation withdrew from the Geneva conference on Vietnam in 1954, we began to follow a course of action that has never been reversed and, which has from the outset weakened those cooperative international diplomatic efforts that could have been marshaled to avoid the tragic consequences of the Vietnam War.

For generations Americans have believed that we could achieve anything to which we directed our interest and attention. This is a fantasy. While our resources are great, they are not unlimited. It is therefore a matter of extreme necessity for us to shape our priorities, and direct a much larger share of our resources into domestic areas where acute problems are in fact becoming steadily worse. In a nation that has become largely urban the problems associated with our cities become more severe. New housing is not keeping pace either with increasing population or as replacement for obsolete housing. If equal opportunity for minority groups is to become a reality, massive financial support will be required. The problem of unemployment, particularly the training of great numbers of people for effective employment, is a matter of deep national concern. To make our homes and streets safe for our people, more resources must be devoted to the causes and prevention of crime. The tragic increase in drug abuse requires careful scientific study, effective law enforcement, and therapeutic programs far beyond their present scope. Education at all levels from the kindergarten to our graduate schools, in urban communities and in rural areas, will require much greater support. These and other matters of profound concern to the American people call for greatly increased public funds. Resources now committed to our intervention in Vietnam and Cambodia should be redirected.

The extension of American military operations into Cambodia reveals once more how difficult it is to contain such military conflict and the ease with which it can be extended. It has been previously the stated aim to quickly seek out the enemy in his protected sanctuary and destroy his headquarters, but this goal has proved elusive. From the beginning this has been an unconventional war, marked by unfixed battle fronts and sporadic and frequently accidental occasions of conflict. Under these circumstances the presence of American troops in Cambodia is likely to be prolonged beyond the proclaimed intentions. If so, more lives will be lost, more resources will be dissipated and further involvements will be risked.

It is necessary that we express our views on this vital concern to the American people and at the highest levels in the Federal Government. I hope that all of us who feel strongly about ending this tragic war will act in such away as to honor our goal and hasten its fulfillment. I believe millions of Americans, many quietly and in their own ways, share our concern. Let us act so as to draw them to our causes and bring peace to our land.

APPLY NOW FOR ACADEMY EXAMINATIONS

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, as a former member of the board of law examiners of Allegheny County, Pa., I have taken a keen interest in the appointment of applicants for the U.S. military academies, as well as the Merchant Marine Academy.

In order that every young man in our district, without politics or favor, may have a chance for these fine appointments, I am making arrangements that adequate notice of the U.S. civil service examinations be given to the homes of our district.

These civil service examinations for the U.S. academies are now scheduled for Saturday, October 3, and Tuesday, November 3, 1970.

My letter is as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 15, 1970.

(Not printed govt. expense. Sent as added service to my District)

DEAR FRIENDS: I am writing to let you know that this is now the time when applications can be made to me as your U.S. congressman for the Civil Service Exams to be held October 3 & November 3. These exams are for Congressional appointments from our District to the 4 US Academies, based solely on ability and mental & physical qualifications. These are fully paid four year scholarships at Annapolis, West Point, & the Air Force, & Merchant Marine Academies,—engineering degrees.

Our office works hard, each year, on a program to get good student candidates, now seniors in high school, graduating in June 1971. While each Congressman is allotted one principal appointment to each military Academy, annually, we got appointed to the Academies from our District in the past four years, 36 cadets, one of the highest in US! 15 cadets to Annapolis, 9 cadets to Air Force, 8 cadets-West Point, 4 Merchant Marine Academy cadets.

So there is good oportunity for appointment! Let me hear from any good recommendation, & our office will contact the young man, & send him an application.

Sincerely,

JIM FULTON.

Deadlines—Oct. 1 for Oct. 3 exam, Oct. 13 for Nov. 3 exam. Place—new Post Office Bldg. Pgh.

A KNOWLEDGEABLE LOOK AT CONSUMERISM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. RARICK. Mr. Speaker, our people hear much these days about "consumerism" and the promised goals of so-called consumer pressure groups. Since the self-styled spokesmen of consumerism claim to speak for all of us, I feel these unelected leaders and their self-selected goals are entitled to some scrutiny and discussion.

Most Americans realize that there have always been short-change artists, unbalanced scales, cutrate specials, and other frauds practiced upon the buyer. I think it is reasonably safe to say that such thievery has been going on in the marketplace from time immemorial. Many solutions and deterrents have been proposed but the most successful has been that the consumer once stung does not repeat. He or she goes elsewhere. This is called experience. It cannot be bought, taught, nor legislated.

Certainly many consumer announcements and proposals have merit. On the other hand, some of the crusade objectives are absurd to the extent of constituting an insult to every housewife in our land. For contrary to the contemporary rationalizations of some, most housewives and consumers who work hard for their money have enough com-

monsense to know what they want to buy without some Government bureaucrat taking their hand and leading them to the nationalized noncompetitive store stocking no choice of products to pick from. That is why bars of soap have different colored wrappers and various scents.

Many people are awakening to realize that some consumer movements have become quite profitable—especially to the leaders. While others, promoting seemingly worthwhile causes, appear far more interesting in developing impossible political issues and organizing a new bloc vote than in accomplishing results. Then there are those few informed onwatchers who have pierced the veil of emotional do-gooderism of helping consumers and see the threat from the national socialist movement dedicated not at helping the buyer but to a fully nationalized economy—full wage, price, and market control. And to that end the consumerism movement is contrary the bonafide interests of the consumer whose only true source of relief is through competitive free enterprise.

A thoughtful approach to the many current efforts to organize consumers for exploitation as a potent political force has been prepared by Mrs. Shirley Scheibla, an able and knowledgeable consumer-author. Her article appeared in four parts in the Barron's magazine as a series from August 17 through September 14, 1970.

Mr. Speaker, I feel that Mrs. Scheibla's articles contain such documented information as to be of interest to our Members and I include them following my remarks:

DECEPTIVE LABEL—THERE'S MORE TO "CONSUMERISM" THAN MEETS THE EYE

(By Shirley Scheibla)

"There is a curious belief growing up that consumers are some group apart and that there are some specially anointed people who are the only ones who can speak for them. Neither you nor I can speak for consumers, they feel, unless we belong to the required organizations. . . . Well, I don't believe it. We are all consumers. We are all equally important because we all have an equal interest." (Caspar W. Weinberger, Former Chairman of the Federal Trade Commission and deputy director of the Office of Executive Management and Budget.)

WASHINGTON.—Congress is on the verge of ushering in a new era of consumer legislation that is likely to wind up hobbling what is left of free enterprise. In scope and potential impact, the avalanche of over 150 consumer bills introduced during the current session compares with the New Deal legislation of the 'Thirties which ushered in the era of big government.

Of the pending measures, three are especially noteworthy. First is the Consumer Class Action Bill, which was approved on July 28 by the Senate Commerce Committee. It would allow consumers to sue in federal courts as a class when they suffer individual damages of as little as $10. The House Interstate and Foreign Commerce Committee at any moment is expected to vote out a similar measure.

LEGAL BLACKMAIL

According to Caspar W. Weinberger, former chairman of the Federal Trade Commission and newly appointed deputy director of the new Office of Executive Management and Budget, the bills are "an invitation to legal blackmail." He adds that "somewhat less than responsible practitioners" could put together a small group to sue on behalf of everyone in the country who bought a product found to be faulty. While industry representatives say the possible legal harassment and financial damage to industry are incalculable, they admit privately that they don't expect to be able to defeat the measure.

Under current law, individuals must suffer damages of at least $10,000 before entering federal class action suits. Most states do not allow consumers to sue as a class, while 13 ban class action suits altogether.

The second major piece of legislation, the Consumer Protection Agency Bill, would create an independent agency with subpoena powers and authority to advocate consumer causes before federal regulatory agencies and in the courts. It would be a significant addition to the growing arm of administrative government which is not under the control of the Executive branch. Subcommittees in both the House and Senate have approved the bill.

Finally, unprecedented control over industry could arise from the Administration's proposal for a new Environmental Protection Agency. The idea is being pushed by Russel E. Train, President Nixon's chief environmental adviser, who played an important role in the consumer movement before going to work for the White House. The idea was presented to Congress only last month, and goes into effect in November unless vetoed by Congress, which is not expected to exercise this power.

Consumerism, of course, is not confined to the halls of Congress. It already has substantially influenced the operation of the administrative arm of government. Plainly the time has come for a thorough study of the people and organizations involved in the consumer movement, what they have accomplished and what they seek to achieve.

One fact that swiftly emerges is "consumer advocates" actually represent in the main consumer cooperatives and labor unions. They tend to focus on flaws which can be blamed on the capitalist system, and ignore such matters as restrictive work practices and international commodity agreements which boost retail prices.

The original consumer testing organization, Consumers' Research, was established by F. J. Schlink in 1928. Under Mr. Schlink, it still performs a highly competent testing service and has a circulation of 100,000 for its monthly Consumer Bulletin. It has questioned many of the tactics and conclusions of the present consumer movement and its leading spokesman, Ralph Nader.

According to Consumers' Research, in 1935 a dissident group of employes "organized themselves into a section of the Office Workers' Union," and tried to gain control of the organization through a violent strike; one of the demands was selection of the Board of Directors. When Mr. Schlink refused to yield, the strikers formed a rival organization, Consumers Union.

UNITED FRONT GROUPS

Colston E. Warne, the first president of Consumers Union, still holds the post. His record of association with organizations friendly to Communism, like the American League Against War and Fascism, the American League for Peace and Democracy and the National Federation for Constitutional Liberties, dates back roughly to the beginning of Consumers Union. According to the testimony of J. B. Matthews, a widely-acknowledged expert on Communism, before the House Special Committee on Un-American Activities (Dies Committee) in August 1938, Consumers Union sprang from a decision of the Communist Party in 1935 "to launch a whole new series of united front organizations dealing ostensibly with the interests of consumers." Other groups which he named included the Milk Consumers Protective Committee, Consumers National Federation and the League of Women Shoppers.

Persia Campbell, now a member of the board of Consumers Union, used to be executive secretary of the Consumers National Federation.

Subsequent investigations indicated that Consumers Union had carried out the 1935 aim described by Mr. Matthews. In 1942 the Pennsylvania Commonwealth Counsel cited it as a Communist front. In 1943 the California Committee on Un-American Activities called it "a Communist front set up by Susan Jenkins, former employe of The Daily Worker; Walter Trumbull, who had been court-martialed in 1925 and sentenced to a 26-year term as a Communist attempting to bore from within the United States Army; and Arthur Kallet."

DIES COMMITTEE

A report of the Dies Committee dated March 29, 1944, cited Consumers Union "as a Communist front headed by the Communist Arthur Kallet, whose party name is Edward Adams. Ben Gold and Louis Weinstock, both well-known Communists, were also members of the labor advisory committee of Consumers Union."

Here is what The Freeman said, in part, in its issue of July 28, 1952, about Consumers Union: "Last year Americans—mostly loyal Americans—paid some $2,500,000 into the coffers of a Communist front, the Consumers Union of the U.S. Inc. The organization's monthly magazine, Consumer Reports, has secured half a million subscribers since its founding in 1936. (Today its circulation is 1.8 million, Consumers Union told Barron's.) The pro-Communist origin and slant of Consumers Union (CU) has been exposed intermittently for a decade, yet its influence continues to grow. While other Communist fronts have been changing color or withering beneath the glare of unfavorable publicity, CU has led a charmed life.

"Perhaps no single fact illustrates the confusion of the present Administration [Truman] more aptly than that—though Consumers Union is [was] listed five times by the House Committee on Un-American Activities as a Communist front—the Office of Price Stabilization, an agency of the Executive Branch, actually has appointed Mrs. Jean Whitehill, managing editor of Consumer Reports, to serve on the OPS Consumer Advisory Committee for the nation.

"During its 16 years of existence, Consumers Union has grown from a small offshoot of Consumers Research (which is definitely not Communistic) into the dominant consumer movement in the nation, virtually blanketing the libraries—educational and public—and even gaining some acceptance among industrial leaders. . . .

"Although CU is not the entire American consumer movement, its officers are past masters at issuing statements which make it seem that any attack upon their organization is an attack upon the movement as a whole."

In 1953 the board of Consumers Union requested an audience with the House Committee on Un-American Activities and was heard in executive session. What happened during that session has never been made public except for the following statement which the Committee carried in its annual report for 1953:

"Consumers Union, which is the publisher of Consumer Reports . . . on the basis of information in the Committee records, had been cited by the Special Committee on Un-American Activities in 1944. Steps were initiated by Consumers Union through its officers and legal counsel to clarify this situation. After hearings and thorough study, the Committee finds there is no present justification for continuing this organization as one that is cited, and future reports and publications will reflect that this organiza-

tion has been deleted from the list of subversive organizations and publications.

"It cannot be pointed out too frequently that the fact that an organization has been cited as subversive or as a Communist Front does not mean that such citation is irrevocable. Steps such as those taken by Consumers Union can lead to a proper classification by the Committee."

WOULDN'T SIGN OATH

Arthur Kallet, according to public records of the Committee, was a member of the board of Consumers Union at the time it was placed on the subversive list and also when it was removed. In his aforementioned testimony before the Dies Committee August 1938, Mr. Matthews identified Mr. Kallet as one of the leaders in the consumer field for the Communist Party.

CU President Warne's association with questionable groups has not kept his star from rising. In 1947 he served as consultant to President Truman's Council of Economic Advisers and, according to The New York Times of October 31, 1947, became the first government official to refuse to sign a loyalty oath, claiming he did so on principle.

That same year he also was a national director of the Civil Rights Congress, according to The Washington Daily News of November 1, 1947. In letters to the Loyalty Review Board (12/4/47 and 9/21/48) the Attorney General cited the Civil Rights Congress as subversive and Communist, while the House Committee on Un-American Activities, on September 2, 1947 (House Report 1115) stated that the CR Congress was "dedicated not to the broader issues of civil liberties, but specifically to the defense of individual Communists and the Communist Party" and "controlled by individuals who are either members of the Communist Party or openly loyal to it."

On April 1, 1951, the House Committee on Un-American Activities issued a report which showed that Mr. Warne attended the World Congress of Intellectuals at Breslau in Communist Poland August 25–28, 1948. According to The New York World Telegram (7/11/52), Mr. Warne has served on the national committees of two groups cited (in letters to the Loyalty Review Board December 4, 1947, and June 1, 1948) as Communist fronts by the Attorney General; the American League Against War and Fascism and the American League for Peace and Democracy. President Kennedy appointed Mr. Warne, along with the aforementioned Persia Campbell, to the first Consumers' Advisory Council when he created it in 1962.

WORLD CONFERENCE

As president of the International Organization of Consumer Unions, Mr. Warne persuaded three federal officials to journey to Vienna to address the Sixth Biennial World Conference of the Organization held there from June 28 to July 4, 1970. They included Virginia Knauer, special assistant to the President for Consumer Affairs; Mary Gardiner Jones, Federal Trade Commissioner; and Mary K. Ryan, a consumer expert in the Federal Trade Commission's Bureau of Deceptive Practices.

To carry out its extensive activities in consumer education, Consumers Union also has educational advisers. One of them is H. H. Wilson, who teaches political science at Princeton University. In 1963 Mr. Wilson testified before the Subversive Activities Control Board in support of an organization known as Advance (now defunct), which the Board subsequently found to be a Communist front. He told the SACB he was one of the founders of the Emergency Civil Liberties Committee and served on its National Advisory Council. In 1956 the Senate Internal Security Subcommittee found it to be a Communist front, a finding subsequently reaffirmed by the House Committee on Un-American Activities.

In 1965 Mr. Wilson participated in the Socialist Scholars Conference at Columbia University, Alice Widener has described the Conference in Barron's as "a radical Marxist braintrust formed in 1965 to work for the destruction of American capitalism."

According to Editor and Publisher (June 13, 1970) Consumers Union has just given a grant to Columbia University's Graduate School of Journalism for a program which "will include a seminar for students, a workshop for consumer affairs reporters, an annual lecture on the state of consumer journalism and a fellowship for a master's degree candidate."

The Cooperative League deserves equal billing with Consumers Union as an older organization with great influence in the current consumer movement. The League, founded in 1916 by James Warbasse, originally was an association of people interested in promoting consumer cooperatives.

From 1925 to 1928, Colston Warne was a member of its board of directors, and Consumers Union, even though not a cooperative, today is still a member of the League. Eugene R. Clifford, director of public relations for the League, explained to Barron's that Consumers Union is a member because it is "cooperative-oriented."

Angus H. McDonald attaches great significance to the impetus for the consumer movement which comes from consumer cooperatives. He is a director of the Consumer Federation of America (to be discussed in a subsequent article) and former president of the National Farmers Union.

"Consumer cooperatives are in opposition to groups distributing products for profit. Production co-ops have a strong leaning toward the profit system and might look upon consumer co-ops as the enemy of free enterprise," he told Barron's.

FARMERS UNION

After studying yearbooks of the Cooperative League from 1930 to 1954, Austin T. Flett in February 1958 told the Senate Internal Security Committee that the 1936 Yearbook stated: "For 32 years, or since its origin, the Farmers Union has proposed the abolishment of the profit system. In order to aid in abolishing the profit system, the union has been busy through these years organizing cooperatively-owned buying and selling agencies . . . We here today pledge each other to be loyal to these principles, loyal to our Farmers Union cooperative business activities, and that we will keep our minds centered on the one supreme task, which is the peaceful overthrow of the capitalist or profit system, and the establishment of the cooperative commonwealth."

Jerry Voorhis became executive director of the League in 1947, when a man by the name of Richard Nixon captured his seat in the U.S. House of Representatives. Mr. Voorhis publicly charged that Mr. Nixon beat him through a smear campaign linking him to Communists. Mr. Voorhis held his League post until 1967 and now is a member of its board of directors.

According to a 1952 report of the Senate Judiciary Committee, Mr. Voorhis in 1950 was a member of the Advisory Board of the American Committee in Aid of Chinese Industrial Cooperatives, which the Committee cited as "Communist-controlled."

MEMORIAL MEETING

Last year Mr. Voorhis sponsored a Norman Thomas memorial meeting, "to remember him and to rededicate ourselves to his ideals." Who's Who says Mr. Voorhis is a member of the United World Federalists. He also is a director of the Consumer Federation and is chairman of its Standing Committee on Credit. In addition he is a director and past president of the Illinois Federation of Consumers.

Walter Sandbach, now executive director of Consumers Union, formerly was president of the Cooperative League and served on its board for many years before transferring to the other organization. The League says that he pioneered in the establishment of consumer cooperative food stores through the Hyde Park Cooperative Society in Chicago.

David W. Angevine worked for the Consumers Cooperative Association of Kansas City for 11 years before becoming information director for the League in 1953. He left that post in 1966 to accept an appointment as administrator of the Agriculture Department's Farmer Cooperative Service. In announcing his appointment, Orville L. Freeman, then Secretary of Agriculture, said, "The non-profit cooperative technique can help rural residents to achieve their goals." He added that Mr. Angevine would have "general responsibility to help guide rural cooperatives toward greater usefulness through information, educational, promotional, organizational, and advisory means."

While still with the Cooperative League, Mr. Angevine was named in 1962, along with Colston Warne, Persia Campbell and others, as a member of the President's first Consumer Advisory Council. Creation of that Council marked the beginning of a new era of strength and influence for what has now become a very powerful movement.

PART II—VOICE OF THE PEOPLE? CONSUMER SPOKESMEN SOMETIMES SPEAK FOR OTHER INTERESTS

(By Shirley Scheibla)

WASHINGTON.—An executive of Sears, Roebuck & Co. recently phoned the Consumer Federation of America (CFA) to inquire about the possibility of his company becoming a member. He was told by Erma Angevine, CFA executive director, that Sears failed to qualify because it had no consumer program. The Sears man said he thought that Sears, which deals with nobody else, had nothing but consumer programs. But Mrs. Angevine explained that what bars Sears from membership is that it is run for profit. Only organizations owned and controlled by their members—like consumer cooperatives—are eligible to join.

Just what is this organization with its built-in bias against profits, and why would it attract the interest of a company like Sears? Though barely two years old, CFA is fast becoming very influential. Its clout reflects its status as coordinator of the thrust of more than 150 member organizations for new rules and laws to bolster the already mushrooming consumer movement. CFA advises them what politicians and measures to push or oppose, when to testify, when to phone and write members of Congress and what issues to publicize. Thus, concerted drives on certain specific issues are no happenstance.

SPEAK FOR "MILLIONS"

When Mrs. Angevine and CFA's general counsel, Edward Berlin, testify on Capitol Hill—they do so with great frequency—they say they speak for millions of consumers. Most of the measures they and their member organizations are championing would undermine private enterprise, and would bolster consumer cooperatives. Clearly a hard look at CFA is in order.

The forces which ultimately created the organization surfaced in 1962, when President Kennedy created a Consumers' Advisory Council. The members he named included Colston E. Warne and Persia Campbell of Consumers Union, and David W. Angevine, husband of Erma Angevine and then information director of the Cooperative League.

According to the Washington Post (7/20/62), Dr. Campbell, as a member of that Council, publicly told President Kennedy: "We are interested in protective legislation in the Congress. . . . It would be helpful to us if we felt that the Administration was . . . helping to move it forward." Moreover, the

Post reported, she "suggested there be a conference of people from all over the country concerned with consumer interests to 'have at least an expression of opinion from people who have a focus in this area.'"

PROTECTION RACKET

While the latter suggestion took four more years to ripen, the Kennedy and Johnson Administrations lost no time in espousing the view that consumers needed protection. For example, Secretary of Agriculture Orville L. Freeman denounced the rapacious middlemen who intervene between farmers and consumers. A Presidentially-appointed National Commission on Food Marketing issued several studies dwelling on supermarket profits, while the Federal Trade Commission made much of the reluctance of food chains to go into poor neighborhoods, thus compelling the poor to pay more.

President Johnson, of course, also launched the revolutionary War on Poverty, with its far-flung community action agencies. Through them, over 20,000 consumer aides educated the poor about the evils of capitalism and organized them for "self-help" through consumer cooperatives.

OEO also made sizable grants to help establish credit unions, aided by CUNA International (whose director of public relations, George E. Myers, now is a CFA vice president, member of its executive committee and chairman of its Standing Committee on Membership.) The credit unions then began "spinning off" consumed co-ops, a process still taking place, with continuing OEO help. (According to the Associated Press, sponsors of a bill to provide federal insurance for credit unions told the Senate Banking and Currency Committee this month that deposits in such unions now total $7 billion.) Moreover, OEO's Legal Services Program (LSP) provided free lawyers for the co-ops.

In April 1966, Persia Campbell's wish came true. Consumer Assembly '66, the first national conference of its kind, took place at Washington's glittering new Hilton Hotel. It featured an address by so-called consumer champion Ralph Nader, who rhetorically asked: "To what depths will corporate immorality and lust for lucre descend?" He concluded with this statement: "Auto safety can never be left to Detroit in a civilized society that values life and limb."

Chairman of the steering committee for the Assembly was the aforementioned Mr. Angevine. Colston E. Warne, long-time president of Consumers Union, presided at the first session and made the opening remarks. "The time has come," he declared, "for consumers to redress the balance of forces in the marketplace." Jerry Voorhis, then president of the Cooperative League, presided as the Assembly opened its second day of sessions.

Among those addressing the Assembly was Russell Train, then president of the Conservation Foundation and now chairman of President Nixon's Council on Environmental Quality, and chief promoter of the Administration's proposal for a new Environmental Protection Agency.

THE TIME WAS RIPE

It was Esther Peterson who broached the idea of a federation of the assembled groups. (She was then Special Assistant to the President for Consumer Affairs, but was succeeded by Betty Furness shortly after advocating consumer boycotts.) Mrs. Peterson led up to the federation idea by saying, in part, "We have reached the point where not even a college education is enough to unravel the planned confusion of the marketplace." She warned of an "undercurrent of resentment that the marketplace and the laws governing it are not fair," which can erupt into massive violence. She declared the time was ripe for a federation of consumers.

Mrs. Petrson must have been right. Within two years, the Consumer Federation of America turned into a reality, and she became one of its vice presidents. Erma Angevine became, and remains, executive director and operating head of CFA. A former publicist for the Cooperative League, she was director of women's services and a consumer specialist (1963–68) for the National Rural Electric Cooperation Association (NRECA). Besides her CFA duties, she serves on the Advisory Committee of the Corporation for Public Broadcasting. Her husband temporarily is handling public relations for CFA.

The mark of the Cooperative League and NRECA on the Federation is heavy. Both, of course, are members themselves, and a large number of their own affiliates also have joined CFA. Indeed, a majority of CFA members are consumer cooperatives or associations. Other members include an assortment of labor unions noted for their "liberalism," community action agencies and foes of capitalism like the American Public Power Association, American Public Gas Association and the Tennessee Valley Public Power Association.

Howard Frazier, CFA president, formerly worked for TVA, and served for three years as director of field operations on the President's Committee on Consumer Interests under Esther Peterson and Betty Furness. Prior to going to CFA, he was associate director of the Office of Consumer Services of the Department of Health, Education and Welfare.

In announcing creation of that office on November 20, 1968, Wilbur J. Cohen, then HEW Secretary, said, "The Office of Consumer Services will cut across HEW agency lines to function as a clearinghouse for consumer-related actions of the Office of Education, Social and Rehabilitation Service, Public Health Service and Social Security Administration . . . (and) will help to establish consumer service offices in neighborhood centers in low-income areas, develop effective consumer education programs in schools and adult education projects, and include consumer information on nutrition and wise shopping practices in local health-related programs."

When he announced the appointment of Mr. Frazier a month later, Mr. Cohen said, "He will be concerned with consumer education, information, protection and services performed by the operating agencies in cooperation with state and local agencies, and business, labor, professional, consumer and volunteer groups in the community."

Mr. and Mrs. Angevine are not the only "cooperators" who play an important role in CFA. Jerry Voorhis of the Cooperative League is a CFA director and chairman of its Standing Committee on Credit. Shelby Southard, chief lobbyist for the League, is a CFA director. So is Robert D. Partridge, general manager of NRECA.

Consumers Union is one example of a member of the League which also belongs to the Federation in its own right. Robert L. Smith, assistant director of Consumers Union, is the secretary-treasurer of CFA and a member of its executive committee.

That's just the beginning of the cross-pollination among CFA member groups. Take, for instance, the Maryland Consumers Association (MCA). Groups affiliated with it include the Choptank Electric Cooperative, Greenbelt Consumer Services (which owns the largest chain of consumer co-ops in the U.S.), Nationwide (mutual) Insurance Co. and Group Health Association, all of which also belong to CFA.

MCA says it "grew out of a state-wide consumer conference in May 1961 sponsored by Greenbelt Consumer Services Inc. and Nationwide Insurance Co. . . . Among the noted speakers were . . . the well-known leader in the consumer field, Dr. Persia Campbell. . . ." MCA President Walter W. Falck is a director of CFA and a member of its executive committee.

Another CFA director is William R. Hutton, executive director of the National Council of Senior Citizens, which helped win approval for Medicare. Unions are important to CFA, too. Labor lobbyists who are directors of CFA include Evelyn Dubrow of the International Ladies Garment Workers Union, John J. Sheehan of the United Steelworkers and Paul Wagner of the United Auto Workers.

LABOR LOBBYIST

Following the Consumer Assembly '66 and her call for a consumer federation, Esther Peterson returned to her job as a lobbyist for the Amalgamated Clothing Workers, which helped organize the Consumer Assembly of Greater New York. That Assembly, in turn, claims it was instrumental in establishing CFA. The Assembly is composed largely of unions and cooperatives, but also includes Consumers Union.

Harold Ostroff is a director of both the Assembly and CFA. He also is executive vice president of the United Housing Foundation president of which is Jacob S. Potofsky, also head of the Amalgamated Clothing Workers. The Foundation calls itself "a federation of organizations including housing cooperatives, trade unions, neighborhood associations and other non-profit groups dedicated to helping people to help themselves through cooperation."

One of the Foundation's projects is Co-op City in the Bronx, which features cooperatively-owned apartments, supermarkets, drug stores and other co-op enterprises.

Not surprisingly, the Assembly also has ties with Consumers Union. Last year it presented a leadership plaque to CU President Colston Warne.

James Mendenhall, formerly with Consumers Union, now is chairman of the Assembly's Consumer Education Committee. Under his direction, a "leadership training and consumer education course, lasting eight weeks" was conducted at Co-op City last spring.

Now Dr. Mendenhall's committee is working with the United Federation of Teachers to develop special consumer education courses for New York public schools. The Assembly says the committee also is exploring "the possibility of introducing courses at the various colleges located in the New York City area to enable students to train as consumer education teachers."

PART III—RESOURCEFUL PRESSURE GROUP: "CONSUMER" ADVOCATES PLUSH TO PROMOTE PUBLIC POWER, NATIONALIZE GAS

(By Shirley Scheibla)

"Citing a critical national shortage of fuels and rapidly escalating prices, the American Public Power Association urged President Nixon yesterday to impose rationing and price controls on fuel oil and coal. The association, an organization of 1,400 publicly owned local electric utilities, also urged an antitrust investigation of the concentration of ownership of competing fuels, suggested a limitation on coal exports and warned that coal and oil shortages threatened to cause power blackouts and brownouts this winter, along with high rates, unless drastic prompt action was taken." (*The New York Times September 1, 1970.*)

WASHINGTON.—When Edward Berlin testified before a Senate subcommittee last November, he created some astonishment by seemingly advocating, in the name of millions of consumers for whom he claimed to be speaking, nationalization of the natural gas industry. Last April, when he urged a House subcommittee to give consumers a greater voice in the regulation of all public utilities, Rep. ——— (R., Ohio) observed: "Mr. Berlin, I am impressed with the fact that you represent seven million people, because that may be more people than the five of us as members of Congress here represent. We represent an average of 500,000."

The 30-year-old lawyer is general counsel of the Consumer Federation of America (Barron's, August 24), which provides his "constituency" of seven million. He also is a partner in a "public interest law firm," which counts Ralph Nader, the Conservation Foundation and the Environmental Defense Fund among its clients, and advocates such militant "consumer" actions as demonstrations, rent strikes and boycotts.

CLENCHED BLACK FIST

Mr. Berlin does indeed seek nationalization of natural gas production. He also is one of the masterminds behind a nationwide campaign which is turning conservation and pollution into a drive for public power.

Several years ago, as assistant general counsel for the Federal Power Commission, Mr. Berlin nearly pulled off a coup which would have cleared the way for a federal takeover of much of the $8.9 billion of U.S. hydroelectric power facilities; the fight for such a takeover goes on, currently, of course, in the name of consumers. Now he is decrying the shortage of electric power, while fighting attempts of investor-owned utilities (but not cooperatives) to build new generating plants.

This lawyer-lobbyist, who has grown increasingly influential on Capitol Hill, makes his office in a decaying rowhouse in downtown Washington. A sticker displayed on two doors depicts a black clenched fist and says, "Strike the war machine." A poster on the wall, an unflattering picture of President Nixon, asks, "Would you buy a used war from this man?" Another declares, "A racist is someone who believes that America is already the land of equal opportunity."

Mr. Berlin's two partners are Gladys Kessler and Anthony Z. Roisman. Miss Kessler, who likes to handle tenant cases, told Barron's, "I happen to have a general distaste for landlords and the real estate industry."

STRATEGY OF CONFRONTATION

Mr. Roisman's wife, Florence, is a controversial lawyer for the federally funded Neighborhood Legal Services Program. (A flyer widely distributed in Washington last November listed her as a sponsor of a Georgetown Law Center Conference on Political Repression, featuring Rennie Davis and William Kunstler.) According to The Washington Post (4/14/70), Mrs. Roisman admitted defending a key organizer in a public housing rent strike without clearance from her supervisor and without checking to determine if the organizer had income low enough to entitle him to her services.

In an article in the May 1970 issue of The George Washington Law Review, the three law partners wrote: "Consumer boycotts, tenant strikes and the like are the tools of the public interest attorney. He must become skilled in advising their use in order to construct an effective broad-range strategy for his clients. Thus, an attorney for a tenants' union must carefully plan with his clients precisely when it would be most effective to provoke the direct confrontation which may land the rent strike leaders in jail. Similarly, for a consumer group fighting certain retailing prices or practices, an open hearing before an administrative agency may prove the most effective way of presenting its case to the public, even though the group holds no illusions as to its chances of success before that particular agency."

GETS "NOMINAL" FEES

Such clients cannot pay the fees to support a three-member law firm. Although Mr. Berlin spends a great deal of his time lobbying for CFA, it says that his pay is "nominal." But Mr. Berlin's law firm also represented Ralph Nader in a suit to ban smoking on airliners (which it just lost in the U.S. District Court here). In addition, Mr. Berlin represented the tax-exempt Environmental Defense Fund in a suit here to force the Secretary of Agriculture to ban the use of DDT. (The matter was remanded to the Secretary.) Moreover, this year Berlin, Roisman and Kessler turned out a study for the tax-exempt Conservation Foundation titled "Law and Taxation," and described as a "guide for conservation and other non-profit organizations." The firm also is representing the Sierra Club in its fight against the Calvert Cliffs, Md., nuclear plant of Baltimore Gas & Electric Co.

One of the first visible signs of the interest of consumerism in a federal takeover of hydroelectric sites came at the Consumer Assembly of 1966 (Barron's, August 17). Charles Ross, then a Federal Power Commissioner, told the Conference: "At the outset, I want to acknowledge the support of Marvin Zeldin of the Consumer Information Service, Alex Radin of the Public Power Association and Clyde Ellis of the National Rural Electric Cooperative Association for my reappointment as a member of the Federal Power Commission. . . . Looming ahead is a very tough conservation fight. It will revolve around the provision of the 1920 Federal Power Act allowing the government to recapture power licenses. . . ."

STATUTE IS UNCLEAR

In that Act, Congress authorized FPC to license hydroelectric power sites for up to 50 years for private development. Today FPC estimates 338 major licenses of this kind are outstanding, representing an estimated investment of $8.9 billion. During the six-year period ending in mid-1975, licenses for 70 of these projects will expire. And that is where the fight comes in. The Act provides for relicensing or recapture by the government for public ownership. In the event of the latter, it says, the U.S. must pay the licensees' "net investment," a term which the statute fails to clearly define.

On September 27, 1968, FPC issued an order establishing a method for computing "net investment." It was based on a staff proposal drafted by Mr. Berlin, an assistant general counsel for legislative work, rules and regulations and legal research. Since the order involved highly complex calculations, its full impact apparently did not dawn on all members of the Commission until they reviewed 33 applications for rehearing or modification.

The great potential damage was spelled out in the January 2, 1969, issue of Public Utilities Fortnightly by two eminent attorneys, J. David Mann Jr. and John C. Mason, both formerly with FPC. The order means, they write, that "the statutory net investment in a project could be reduced to zero during the twenty-ninth year of operation," thus resulting in a retroactive depreciation of the sites and a federal takeover with no compensation to the licensees. They also suggested a possible violation of the Act's guarantee of the opportunity for licensees to be heard.

HURTS CONSUMERS

Moreover, they warned, "(the order) would also affect the licensee adversely by impairing its ability to finance future expansions, by making its securities less attractive to the public, and by increasing its cost of capital. Such increases would, of course, be borne by the very consumer the Commission has ostensibly sought to protect by adopting the rule."

On August 4, 1969, FPC vacated the 1968 order concerning net investment determination. Pending resolution of the recapture issue, it has been relicensing hydro facilities for one year only, as licenses expire. A year ago, it said, "The next substantial project with an expiring license, on June 30, 1970, is Pennsylvania Power & Light Co.'s 109,800-kilowatt project on the Susquehanna River. . . ."

"Consumers," however, intend to pursue the fight for public hydro power, according to the March 1970 issue of Consumer Reports, published by Consumers Union. It says: "One basic question confronting the FPC is whether more of the hydro electricity now under private control should be made available to consumer-owned municipal systems and rural electric cooperatives. . . . Consumer-owned systems are preparing to challenge the relicensing of nearby hydroelectric facilities to private companies," referring specifically to the Pennsylvania Power & Light Co. plant, and "a smaller project run by Metropolitan Edison Co. in Dauphin, Lancaster and York counties (Pa.)."

SKEPTICAL ATTITUDE

The article champions the original FPC ruling, alleges that it could result in federal recapture prices of zero, and quotes "one former high-ranking staff member" of the Commission as saying that the skeptical attitude toward the fairness of electricity rates under state regulation was crucial in the 1968 regulation.

Because FPC has withdrawn its ruling, Consumer Reports urges an amendment to the 1920 Act calling for automatic federal recapture at the expiration of licenses, with all such plants to operate "under management of a TVA-like authority or a few regional authorities. Under the watchful eye of some form of consumer advocate, the FPC and the hydroelectric authorities could apportion power to the private, public and cooperative utilities. . . ."

It also argues that an independent consumer protection agency could make a strong case for public ownership "but probably not in time to influence any FPC decisions about the first 70 hydroelectric projects whose licenses are about to expire." (Since the article appeared, House and Senate subcommittees have approved legislation to establish such an agency.) Members of the industry, consumer groups and FPC all foresee a donnybrook over the relicensing issue.

In addition, CFA is lobbying for the Dickey-Lincoln Power Project on the St. John River in Maine, for which Congress has authorized only planning because of the extremely high cost (put at around half a billion dollars) and questionable economic feasibility. Sale of its power would be subject to the Flood Control Act of 1944, which says, "Preference in the sale of such power and energy shall be given to public bodies and cooperatives."

Hydro projects are only one facet of the "consumer" quest for public power. While CFA has voiced its concern to FPC over power shortages and resulting voltage reductions, it also has joined other groups in protesting possible air pollution and damage to ecology when electric companies try to build new generating plants. Mr. Berlin mentions specifically those by Consolidated Edison Co. of New York at Storm King Mountain on the Hudson River (just okayed by FPC after a conservation battle since 1961), by Baltimore Gas & Electric Co. at Calvert Cliffs, Md., and the Blue Ridge Project of Appalachian Power Co.

Mr. Berlin says he wants companies to announce possible site choices in advance as well as to give "consumers" a voice in their selection. But wouldn't this drive up the site prices and make some investors reluctant to put their money in firms where "consumer advocates" have a voice in management decisions? Mr. Berlin maintains the alternative is worse—having construction of generating facilities held up for years in the face of mounting complaints over power shortages.

SHE DOES HER BIT

Mr. Berlin's colleague CFA Executive Director Erma Angevine, is doing her bit for public power in the name of conservation. She is on the advisory committee of the Conservation Foundation's Clean Air Project, aimed at educating citizens about air pollution.

Frances Radin is in charge of the project for the Foundation. She is the wife of Alex Radin, general manager of the American

Public Power Association, who also is a CFA director and cochairmar of its Commitee on Energy and Natural Resources. Mrs. Radin told Barron's that the Foundation has a grant of $120,000 for her project from the National Air Pollution Administration of the Department of Health, Education and Welfare.

Under the Air Quality Act of 1967, the states must hold public hearings before setting air pollution limits, which HEW then accepts or rejects. Mrs. Radin says that so far she has conducted 12 such conferences for HEW. Thus the wife of one of the nation's foremost exponents of public power is in charge of educating the public about air pollution.

With help from Mesdames Radin and Angevine, Ralph Nader and the Environmental Defense Fund, the Conservation Foundation also is spearheading a legal fight against pollution from power plants. In July, Mr. Nader told the Senate Environment Subcommittee that some habitually polluting industrialists should be removed from their jobs, some should be jailed and some polluting firms should be forced into "environmental bankruptcy."

SOCIAL DYNAMITE

At the CFA-sponsored Consumer Assembly of 1970, Rod Cameron, executive director of the aforementioned Fund, called for "conservationist-consumer cooperation in street demonstrations to fight pollution." He said, "It takes social dynamite to break the granite position of industrial polluters. I believe the answers in conservation problems lie in opening the courthouse door to litigate and the doors to the streets to demonstrate."

Thus fueled, the hue and cry against air pollution obviously is creating additional demands for the cleanest fuel, natural gas. But alas, the gas shortage appears to be growing worse daily. This proves the need for nationalization, Mr. Berlin claims, because private producers are not meeting demand.

Mr. Berlin defended present pricing methods in testimony last month at an FPC hearing in Pittsburgh, which is part of a proceeding FPC initiated this summer to reconsider natural gas pricing. According to the August 17 issue of Oil Daily, Mr. Berlin said present rates are just and reasonable, and that the Commission has "pushed the panic button."

Last November, in gas supply hearings of the Senate Subcommittee on Minerals, Materials and Fuels, Mr. Berlin testified: "If the risks are too high for industry, if the waters are too cold offshore . . . then maybe the time is right to think in terms of public development of these public resources. . . . The public development of which I speak could take several forms, the most obvious being complete federal ownership."

PART IV—THUMB ON THE SCALE: "CONSUMER" LEGISLATION WOULD WEIGH HEAVILY ON BUSINESS

(By Shirley Scheibla)

WASHINGTON.—Under the Rosenthal-Dwyer bill (HR 18214), which has been passed by the House Government Operations Committee, new federal consumer protectors would have authority to look at and to publish individual and corporate tax returns and other confidential material filed with the Internal Revenue Service.

Although the measure now is awaiting action by the Rules Committee to go to the floor of the House, virtually no public attention has been focused on two sections which confer such authority. Section 202 (c) (2) specifies that "upon request made by the administrator each federal agency is authorized and directed . . . except where explicitly prohibited by law relating to information in the interest of national security, to furnish to the Agency such information, data, estimates and statistics, and to allow such access to all information in its possession as the Administrator may determine to be necessary for the performance of the functions of the agency." Section 102 (c) (2)—which applies to the director of the Office of Consumer Affairs in the White House—is identical.

HIDDEN LOOPHOLE

The sections were not discussed in testimony before the House Government Operations Committee because they were added after completion of hearings. Upon studying them and the committee report at the request of Barron's, a high Justice Department official concluded that they do indeed cover access to tax returns. He added, however, "We will fight tooth and nail to protect the privacy of tax returns." Several attorneys in other federal agencies on Capitol Hill and in industry gave identical interpretations.

This is just one example of how far some lawmakers are prepared to go in the name of consumers. Lobbying efforts on behalf of many of 150-odd consumer bills in the Congressional hopper indicate that the movement now has shifted its emphasis from protecting the consumer to destroying his "exploiters." Along with creation of an independent consumer protection agency, the must list includes measures authorizing more consumer class action suits in federal courts, product testing and virtually unlimited grants to consumer groups. While all have made impressive progress in Congress, no one can say with assurance what will happen during the rest of the session. What is clear is that the bills show the thrust and direction of the "consumer" movement.

Besides hobbling private enterprise, the proposals might succeed in disrupting the machinery of government. U.S. Supreme Court Chief Justice Warren E. Burger recently warned that proposed consumer legislation could bring a breakdown in the court system. Assistant Attorney General Richard W. McLaren has told a Senate committee that pending bills to encourage consumer class actions alone could result in such a breakdown. (The Special Committee on Consumer Legislation of the American Bar Association has reported: "Experience indicates that class actions do not achieve their goal and in fact militate against effective relief.")

DOUBTFUL CURE

Contrary to impressions created by the consumer advocates, their measures would cost Uncle Sam a great deal of money, with scant, if any, assurance that the outlays would cure the ills to which they ostensibly are addressed.

Nonetheless, few lawmakers dare to take a stand which may appear to run counter to the interests of consumers; neither the Administration nor industry has done an effective job on Capitol Hill. While the former opposes the creation of an independent consumer protection agency and endorses only limited class action legislation, on some crucial points it is in disarray. One experienced industry lobbyist declares, "We're fighting to save free enterprise, and we're losing."

An analysis of all the pending consumer bills would far exceed the confines of a single article or the ability of a Philadelphia lawyer. Yet a look at several of the most important measures underscores the point.

In reporting out the Rosenthal-Dwyer bill last July 10, the House Government-Operations Committee said it was "designed to correct an imbalance in our government actions on behalf of the various groups involved in the American economic system." That sounds remarkably close to the opening remarks to the Consumer Assembly of 1966 by Colston E. Warne, long-time president of Consumers Union. "The time has come," he declared, "for consumers to redress the balance of forces in the marketplace."

FREE AND EASY HAND

After subpoenaing any government information it deemed necessary to serve this purpose, the agency could use it to launch suits, including consumer class actions, and intervene in court cases or proceedings of federal regulatory agencies. The committee report on H.R. 18214 states: "Our intention is that the consumer view be expressed in the adjudicatory or rulemaking process and that it be considered by the agencies and courts. In those proceedings not solely involving a fine, penalty or forfeiture, the intervention of the Agency is a matter of right and not within the discretion of the body conducting the proceeding to deny."

This position is "more than questionable," according to supplementary views filed by Representatives John H. Buchanan (R., Ala.), John T. Meyers (R., Ind.) and Sam Steiger (R., Ariz.). They explain: "One provision would permit the federal consumer advocate to seek to overturn the decision of a federal administrative agency which has the express statutory regulatory responsibility to decide matters after taking into account all aspects of the public interest. The advocate could also enter judicial proceedings over the objection of such an agency.

"There is no question but that the consumer advocate agency should be able to appear in a rate proceeding before the Federal Power Commission to protect the interest of consumers or in a Federal Trade Commission proceeding, a Food and Drug Administration proceeding, or any other proceedings of like nature and present all of the arguments and evidence which it has on the consumer issue. But once that evidence has been presented and the agency having the basic responsibility for making the decision . . . reaches its decision, should it be subject to being overturned by another federal agency having a much narrower statutory function?"

INVASION OF PRIVACY

The three Congressmen also express grave concern over a possible invasion of privacy. "It certainly must be an oversight," they said, "that HR 18214 could permit, as it does, restricted information, such as that contained in federal income tax returns, to fall into the category of information which would be obtainable by the consumer protection units."

While the Internal Revenue Code guarantees the privacy of tax returns, the generally accepted rule of thumb is that when two statutes conflict, the newer supersedes the older. An argument could be made, however, that the latter must specifically say as much.

HR 18214 also calls for federal product testing for the protectors, as well as grants to such organizations as Consumers Union. On the Senate side, a similar separate measure for product testing is being considered by the Committee.

Here's what those supplementary views in the House report have to say about product testing: "In view of the limitless variety of consumer products, the scope of such provisions . . . is likely to be far greater than appears. Even the analogy to an iceberg which is nine-tenths submerged . . . may fail to adequately represent the hidden vastness of the potential scope of such provisions in HR 18214. . . .

"Any proposal which simply puts a new government organization into the field of product testing and the dissemination of the results of tests raises some significant questions. For example, if the new organization is to publish the results of tests conducted by the Department of Defense with respect to commodities it purchases, then small businessmen who are unable to compete with large corporations in supplying

the tremendous quantities of products purchased by the government will find that their products are not included in the published list of products tested. This could severely affect the financial security of such small business, because of the inevitable inference that their products were not as good as the products in the list. This would be true even if the products produced by the small businessmen had not been responsive to the government purchase requests because they provided a higher degree of quality than the government was interested in purchasing. The consumer would suffer too, because the list of products would be incomplete and, therefore, misleading.

DESTRUCTIVE TESTING

"Secondly, there is almost no conceivable manner in which publication of test results can be kept current. In the event that a product tested is found deficient in some manner, and the test result is published, there may be no adequate way in which the producer of that product can inform the public that the defect has been corrected until another test of that commodity is made, perhaps years in the future. A combination of circumstances could even bring about a deterioration in the quality of a product receiving a high rating, and there would be a corresponding time lag in informing the public of this change."

The National Small Business Association says product testing will do incalculable damage to small business and brand-name competition. Product testing, it declares, "will be a repeat in the U.S. of the pattern adopted by the co-op movement in other countries, namely government support for private agency testing. Colston Warne, president of Consumers Union, has been the major supporter of consumer product testing. He is an enemy of brand-name competition."

One of the selling points of the consumerists for consumer protection legislation is that it is an inexpensive way for politicians to win favor with everyone. Inexpensive? With the myriad consumer items produced in the U.S., product testing alone could consume a huge budget. Indeed, just testing for product safety could become an enormous task. Here's how that potential is explained by Consumers Research, which has been testing products since 1927: "Product safety is important beyond all question, but it cannot be delivered pronto, by orders from a government bureau—or a committee of the Congress. It will take time, and millions of hours of expert services of government and nongovernment people. . . . The cost of government protection is never free, and it's never even small or inconsequential, as some naively suppose."

According to those supplemental views, "if all the functions made possible by this legislation in its present form are actually fulfilled, a vast and continuing expansion of budget and of personnel would seem almost a certainty. . . ."

On some legislative points, notably class action, the Administration has fumbled badly, and this may be one of the reasons for the remarkable progress of class action bills. (The Senate Commerce Committee already has passed the Tydings bill, S. 3201, which would allow consumers to sue in federal courts as a class when they suffer individual damages of as little as $10. A similar measure is close to passage in the House Interstate and Foreign Commerce Committee.)

HASTY RETREAT

About a year ago, Virginia Knauer, special assistant to the President on consumer affairs, told the Senate and the Consumer Federation of America that the Administration would back class action legislation similar to the Tydings bill. "We believe that the private bar is the sleeping giant of the consumer protection field; that no governmental agency could do the job of aiding consumers as well as an aroused bar properly motivated . . . that is why we wholeheartedly support the principle of consumer class actions set out in this proposed bill. . . . We do not believe that there would be any great burden imposed on the federal judiciary machinery, and the cost of government would be slight," she told a Senate Judiciary Subcommittee.

She subsequently retracted her statements after being informed that they did not reflect Administration policy. According to The Washington Post, White House aides said Mrs. Knauer's statements were a mistake which "painted the Administration into a corner." Without them, "there would not have been an Administration backed class action bill."

Now Assistant Attorney General McLaren has declared that the Administration endorses a limited class action bill. Under it, federal agencies would prosecute where warranted by widespread occurrence and serious economic impact. Then consumers would need only to prove damages, thus ensuring against clogging the federal court system with harassing and trivial action. Consumerists are fighting this vigorously.

As passed by the Senate Commerce Committee, S. 3201 would impose a civil penalty up to $10,000 for each unfair consumer practice willfully committed, and an additional criminal penalty up to $10,000 or imprisonment for up to one year for any such practice which, "endangers the health or safety of consumers."

UNFAIR PRACTICE

In individual views filed with the Senate Commerce Committee Report on S. 3201, Senator Marlow W. Cook (R., Ky.) said it would have the Federal Trade Commission issue rules establishing unfair consumer practices which automatically would "trigger new causes of action which federal courts must entertain in public and private suits . . . they include delicate judgments in determining which type of acts should be singled out for exposure to the severest consequences. The balancing of these questions does not represent the type of judgment which Congress would ordinarily leave to an agency, particularly one whose functions and competence have never encompassed the total range of judgments that are necessary under S. 3201."

The Senator added: "The procedures proposed for the development of rules to define substantive violations of law are wholly inadequate. They do not even accord the same rights that would be available if the Commission were to file suit today to establish that a particular party had violated the law. Indeed, they fall short even of the protection afforded in rule-making under . . . the Senate recently passed Guaranty and Warranty Acts."

Senator Norris Cotton (R., N.H.) stated in supplementary views in the report, "I am convinced, however, that this bill offers no substantial prospects for relief of consumers generally, but rather will simply serve as a vehicle to enrich those law firms which have euphemistically denominated themselves as 'public interest law firms.' "

Messrs. McLaren and Weinberger have cited the Playboy case as a horrendous example of class action. The plaintiffs obtained $8 chits to be spent at Playboy clubs, while their attorneys received a $275,000 fee.

STATEMENT ON THE MIDDLE EAST

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. O'NEILL of Massachusetts. Mr. Speaker, I would like to bring to the attention of my colleagues a recent statement by 32 prominent professors concerning the current situation in the Middle East. I wholeheartedly agree with the position taken by these distinguished educators.

The flagrant violations of the terms of the cease-fire agreement by Egypt, recently confirmed by the State Department, have radically altered the balance of power in the Middle East. These breaches of trust not only jeopardize the chances for peace but threaten the very survival of the State of Israel.

It is time for a realization of our position toward Israel. We must consider the faith she has placed in our Nation. This faith arose from our assurances that the existing military state would not be compromised by her entry into the cease-fire pact. It appears that we may have been too hasty in providing this assurance as we have not allowed the machinery necessary to back such a guarantee. It is my considered opinion that we must take firm, conclusive and constructive action to insure a favorable military balance between Israel and Egypt. Only in so doing can meaningful negotiations begin, negotiations designed to bring a lasting settlement to this conflict.

Mr. Speaker, I trust that my words are understood. I do not wish my remarks or the comments of the signers of the following statement to initiate new rhetoric. We all realize the implications of these developments and realize too that words will not combat them. Instead I ask for action, action taken by this Nation to fulfill our pledges to Israel and designed to promote the chances for the peace so desperately needed in the Middle East.

I ask consent that this statement be placed in the RECORD for the consideration of my colleagues:

STATEMENT ON THE MIDDLE EAST—SEPTEMBER 8, 1970

The construction of numerous new missile sites by Egypt in the cease-fire zone has, after several weeks of hesitation, been acknowledged by the United States. This violation of the terms of the cease-fire not only raises the most serious questions about the long-term objectives of the Soviet Union and the United Arab Republic, it also directly challenges the American role as peacemaker in the Middle East. Israel agreed to the cease-fire only on the assurance of the United States that this acceptance would not be used to weaken her security, already endangered by the massive Russian presence in Egypt. Israel's democratically elected government put the case to its own people with great candor, stressing the risks entailed by the cease-fire and the American assurance. Yet today, Israel's position has been weakened by the Egyptian and Russian exploitation of the truce, and America's credibility has been placed in doubt.

We believe it to be the moral responsibility of the United States, as well as in our national interest, to keep faith with Israel and to maintain the substance of the cease-fire. We also believe that failure to do so contradicts the purposes of the American initiative and dooms in advance the hopes for a settlement. How can Israel—or indeed the Arabs—rely in years to come on such assurances as the United States can offer and such mechanisms as we can help create and sponsor if we cannot or will not insure a 90-day stand-still? For this, after all, is what the world needs and what the United States

especially is in a position to promote—not simply 90 days of respite, but a lasting peace. The Russians may or may not want this; the Arabs and Israelis have not by themselves been able to find it. We call, therefore, on President Nixon and the administration to take prompt steps to restore the essential military balance between Israel and Egypt to that obtaining at the start of the cease-fire. Without such redress, there can be no fruitful negotiations, no believable guarantees, no stable frontiers, and thus no peace in the Middle East.

SIGNATORIES TO STATEMENT ON THE MIDDLE EAST—WITH INSTITUTIONAL AFFILIATIONS FOR IDENTIFICATION ONLY

Kenneth Arrow, Professor of Economics, Harvard University.

Marver Bernstein, Professor of Politics; Former Dean, Woodrow Wilson School, Princeton University.

Cyril Black, Princeton, New Jersey.

Zbigniew Brzezinski, Professor of Public Law and Government; Research Institute on Communist Affairs, Columbia University; Former Member, State Department Policy Planning Council.

William P. Bundy, Visiting Professor of International Studies, MIT; former Assistant Secretary of State.

Abram Chayes, Professor of Law, Harvard University; former Legal Counsellor, Department of State.

Karl Deutsch, Professor of Government; Harvard University; President, American Political Science Association.

Paul Doty, Mallinckrodt Professor of Biochemistry, Harvard University; Consultant, National Security Council.

John Kenneth Galbraith, Paul M. Warburg Professor of Economics, Harvard University; former Ambassador to India; former National Chairman, Americans for Democratic Action.

Leslie Gelb, Senior Fellow in Foreign Policy Studies, Brookings Institution; former Acting Deputy Assistant Secretary of Defense.

Morton Halpern, Senior Fellow in Foreign Policy Studies, Brookings Institution; former Senior Staff, National Security Council; former Deputy Assistant Secretary of Defense.

Stanley Hoffmann, Prof. of Government, Harvard.

Irving Howe, Professor of English, City University of New York; Editor, *Dissent* Magazine.

H. Stuart Hughes, Gurney Professor of History and Politics, Harvard University; former National Chairman, SANE.

Samuel Huntington, Professor of Government, Harvard University.

Carl Kaysen, Director, Institute for Advanced Study, Princeton; former Assistant to President Kennedy.

Martin Kilson, Professor of Government, Harvard University.

David Landes, Professor of History and former Director of Middle East Center, Harvard University.

Arthur Link, Edwards Professor of American History, Princeton University.

S. M. Lipset, Professor of Government and Sociology, Harvard University.

Hans Morgenthau, Distinguished Service Professor and Director, Center for the Study of American Military and Foreign Policy, University of Chicago.

Martin Peretz, Assistant Professor and Chairman of the Board of Tutors in Social Studies, Harvard University.

Theodore Rabb, Associate Professor of History, Princeton University.

Edwin Reischauer, University Professor, Harvard University; former Ambassador to Japan.

Henry Rosocsky, Professor and Chairman, Department of Economics, Harvard University.

Arthur Schlesinger, Jr., Albert Schweitzer Professor of the Humanities, City University of New York; former Assistant to President Kennedy.

Robert Solow, Professor of Economics, MIT.

Fritz Stern, Seth Low Professor of History, Columbia University.

Edward Teller, Professor of Physics at Large, University of California; Member, United States Air Force Science Advisory Board.

Richar Ullman, Professor of Politics and Public Affairs, Princeton University.

Michael Walzer, Professor of Government, Harvard University.

Jerome Wiesner, Provost, MIT; former Special Assistant to the President on Science and Technology.

LAUDS DELAVAN LAKE PROJECT

HON. HENRY C. SCHADEBERG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. SCHADEBERG. Mr. Speaker, the Honorable Carl L. Klein, Assistant Secretary of the Interior for Water Quality and Research, a great American and conservationist, last month visited my district to compliment the citizens of Delavan Lake on their effort in securing a pilot project from the Federal Water Quality Administration to abate pollution on the lake.

At a luncheon held in Secretary Klein's honor, close to 200 persons heard the Secretary deliver stirring remarks about the commitment which the Nixon administration is making to eliminate pollution from the American scene. I have enclosed a biographical sketch on the Secretary, a copy of his remarks, and a copy of newspaper accounts from various district newspapers on Secretary Klein's trip for the benefit of my colleagues, but I would like to add a few comments of my own, concerning efforts to clean up our environment.

There has been much controversy concerning the environment recently. It is most definitely a bandwagon issue onto which persons want to jump. It is an issue which can passify the people with endless streams of rhetoric. It is such a simple issue to latch onto. Anyone can decry the present state of the environment and point to untold examples. Anyone can call for any amount of money to do the job, or call for new and expensive administering agencies to do the job of cleaning up the mess of nature.

The important thing which I wish to point out is that the past administrations of the sixties accomplished little in the way of attacking the problems being bred by the technological advances made during the decade. Forces were not organized, and the Department of the Interior, as the past has shown, did not promote ecology, but instead allowed circumstances to build to the point where today we are suffering.

Many persons have now chosen to criticize the President and the Republican Party for not spending enough money, or enough time, or passing enough legislation to deal with the problem.

These statements, generally made by Democrats who still control the legislative branch, and who were in power of two branches of the Government when the disaster of our environment was festering, remind me of a recent cartoon by the great cartoonist Pat Oliphant. The background of his cartoon showed five Democrats sinking into a quagmire of filth. In the foreground the President was making his way through the pollution on stilts with specific legislative proposals in hand. The flailing Democrats are quoted as saying "Foul, he is taking our issue."

The point of this cartoon and of the enclosed speech by Secretary Klein, is that the most important thing to be done for the preservation of the environment is to organize a base plan with which to attack the problem.

The cry has gone up that all we need is $5 billion a year, or $50 billion a year, or $500 billion a year. Yet, money alone will not accomplish the goal. It is necessary, and I pride myself on having voted for every increased appropriations both last year and this year, to fully fund clean water restoration, but money is valuable only if it is tied in with a plan. Otherwise we will suffer consequences such as Federal plans to fund education which followed the Sputnick scare where people believed that money was the only thing. Money was made available, but our educational problems still persist because money has been spent on overlapping programs, with much funding not reaching the students.

Another thing which is needed in a general attack on pollution, and which the President's proposals contemplate, is an effort on the part of the people affected to lay the legal groundwork for the implementation of Federal funding. There is much that must be done prior to the time that the Federal money flows to the community. In this fashion the Federal Government will rely on the very fine private engineering firms to propose the ideas which will be funded.

What with the organizational activities on the part of the Federal Government under the leadership of the Nixon administration, the money we do spend in the future will stand a good chance of actually eliminating the blight of pollution.

The speech and newspaper articles referred to follow:

BIOGRAPHICAL SKETCH OF CARL L. KLEIN, ASSISTANT SECRETARY OF THE INTERIOR FOR WATER QUALITY AND RESEARCH

Carl L. Klein, a Chicago lawyer and Illinois State Representative, was appointed Assistant Secretary of the Interior for Water Quality and Research by President Nixon and Secretary Walter J. Hickel in March, 1969.

Long involved in the struggle for clean water in his home state, Klein was chairman of the Illinois Water Pollution and Water Resources Commission for five years, and of the House Committee on Water Resources for two. In the State Legislature, his devotion to the anti-pollution cause earned him the nickname "Mr. Clean Water," and brought wide recognition for water quality problems throughout the State.

A practicing lawyer since 1942, Klein served as Republican Committeeman of his home 15th Chicago Ward, and was elected State Representative from the 27th District in 1964, 1966 and 1968. In the State Legislature, he was a member of the Committees on Higher Education and on Banks and Savings and Loan Institutions.

Klein moved to Chicago two years after his birth in Butternut, Wisconsin, in 1917. He attended grammar and high schools in the city, and earned a degree in history and political science at the Central YMCA College in Chicago in 1939. Three years later he obtained a law degree at DePaul University.

Entering the Army as an enlisted man in April, 1943, Klein served in the Counter Intelligence Corps, and was later commissioned a Second Lieutenant in the Quartermaster Corps. He performed in a number of legal and security roles before his discharge as a First Lieutenant in 1946.

Assistant Secretary Klein is a member of the Chicago and Illinois State Bar Associations, and of the Hope Evangelical Lutheran Church in Chicago. He is also a past president of the Town of Lake Chamber of Commerce and of the Stock Yards Area Kiwanis Club.

Klein is married to the former Emma North of Chicago. They have a son and a daughter.

REMARKS OF THE HONORABLE CARL L. KLEIN, ASSISTANT SECRETARY OF THE INTERIOR

A little over 18 months ago a new era began for the cause of conservation and environmental protection in America. On January 20, 1969, Richard Milhous Nixon took the oath of office as 37th President of the United States. Shortly thereafter, Walter J. Hickel was sworn in as 39th Secretary of the Interior.

Perhaps the major concern then was law and order: How to live with our fellow men in our cities and towns. A second consideration was international affairs: How to live with our fellow men on this earth of ours. Another item was inflation: How to live within our means. And high on the list also was pollution of our environment: How to live with this earth, or, more succinctly, How to Continue to Live.

This is a fine world—Genesis says that God created the world and the Universe in six days and rested the seventh—and this wonderful handiwork of the Lord's has been standing up to the onslaught of time, plants, animals and man for thousands of years.

The fertile crescent of Prehistoric days was irrigated by Tigris and Euphrates waters—and the Sumerian Canals filled up with silt.

New silt came with the flushing actions of the Flooding Nile—a new growing season and also a cleansing action for the pollution factors.

The Nomadic tribesmen of North Africa and the North American Indians both allowed nature to recoup its vitality by moving away from overused areas—and at all times, the population was such that there was no overuse on the land—no overburden of people, no overburden of machines, no overburden of waste products in air, water and solids.

But today—we have an ever growing population—we have an ever expanding industry—We have an ever growing list of waste products.

And if you consider the growth in population as it relates to the expansion of industry—you get a whole list of pollution problems—sewage wastes—fumes—mountains of solid indestructible refuse; and a whole list of needs—water—air—land; a whole list of problems to achieve the good life.

So we took office and started to identify problems, the causes, the cures and the impact of the cures—to insure that the medicine is not worse than the illness.

Let us see what we have been able to identify as the problem areas. I have delineated them into four classes: First, general; second, geographic; third, hydrological; fourth, specific.

I. THE GENERAL PROBLEMS FALL INTO THREE AREAS

First and most important in my opinion is human waste—our municipal sewage problem.

Intensified in metropolitan areas by enormous discharges which past engineering methods had failed to solve—mainly by not realizing the scope of the problem. Intensified in the small city area by a failure to recognize the substantive nature of the problem and the need to correct it.

Intensified in the village area by the inability to raise the financing necessary to save water supplies from contamination from septic tanks and cesspools.

Second is the farm problem.

Herbicides necessary to reduce weeds often have toxic compounds such as mercury.

Pesticides necessary to fend off insect invasion were found to have adverse effects—some with a persistency which magnified these adverse effects, such as DDT.

Fertilizers necessary to expand acreage productions resulted in overfertilization of streams and lakes; nitrates and solids from the feed lots of animal husbandry, necessary to raise the food we need; finally siltation—sedimentation—just the ordinary runoff of plain old soil has caused changes in our rivers and lakes.

Third—our industrial wastes are legion—are expanding—are changing—are becoming ever more exotic and are becoming ever more difficult to identify and to break down.

Heavy metals—such as the mercury and chrome wastes.

Oils and phenols and the petrochemical wastes.

The muds—the flue dust—the fines—the solids—the plastics.

The waste heat discharged into the water, particularly by our electrical generating in industry.

Those are our general problems.

II. NOW TO OUR GEOGRAPHIC LOCATIONS

Historically: New York, Philadelphia, Washington, Boston, Charleston, Savannah, and Mobile, on our estuaries and bays: Albany, Cincinnati, Louisville, St. Louis, Memphis, Kansas City, New Orleans, Minneapolis, St. Paul on our Great Rivers; Buffalo, Cleveland, Toledo, Detroit, Chicago, Gary, Milwaukee, Green Bay and Duluth on our Great Lakes.

Madison, Wisconsin; Burlington, Vermont; Detroit Lakes, Minnesota; Madison, South Dakota on small lakes. Akron, Springfield, Illinois; Dayton, Youngstown, Little Rock, Port Arthur, Charlotte, Hartford, Lowell and Lawrence on our smaller rivers.

Is the theme familiar? They are all located on water—on our streams and lakes—on the water necessary to life, commerce and industry and agriculture—but this water is becoming polluted . . .

We must except the plains and mountain states which have little water:—pollution never has been a real word to them. Their world is based on water—water supply to be guarded jealously—at the risk of one's life if necessary—for in those states water is *LIFE*.

III. AND THEN WE HAVE HYDROLOGIC FUNCTIONS

The capacity of water itself to assimilate, to reduce pollution and to renew itself.

The best instance is evaporation and rain—

Second is ground water filtration through proper soils.

Third is the fast running stream which rehabilitates itself by recharging rapidly with oxygen.

Fourth—the sluggish stream which recharges some oxygen by movement—but which usually has low flow in late summer and early fall.

Fifth—lakes with current such as Lakes Erie and Ontario where the flush-out time is measured in years.

Sixth—those lakes which are just mixing bowls—Lake Michigan and Lake Superior where the flush-out time is hundreds of years.

Seventh—the estuaries which are comparable to lake flows or at best sluggish streams.

Eighth—Ocean problems—where ocean currents and the tremendous amounts of water tend to balance out pollutionloads—to a degree—but not completely as New York and Miami are discovering.

IV. SPECIFIC PROBLEMS

Sewage causes illnesses—We are just beginning to realize the virus complications therein.

Phosphates—which continually and continuously overenrich the waters—and cause the algae and the weeds, and rapid aging of our lakes and estuaries.

Oils—the totality of need for this vital product in our modern civilization has intensified the problem in drilling extraction, transport, refining, transport again and use.

Pulp and paper has brought the blessings of writing to the civilized world and the discharges of pollution to air and water.

Mining of coal has left us with long range acid water problems;

Food processing has intensified organic waste disposal;

Thermal effects have made us realize that temperature is the critical and basic factor in setting water quality standards.

The toxic heavy metal problems of mercury, chromium and the like.

The pesticides—DDT and the chlorinated hydrocarbons—have intensified farming practices and increased crops—and have caused long term problems, in disruption of our environment.

The extraction of mines and minerals has caused grave changes in surface and ground waters and the land itself.

The list is long on specifics—I have barely touched the general problems. You will note however that all of these items mentioned—sewage, industrial wastes, farm runoff, oils, phenols, DDT, pulp, paper, mercury, chromium, chlorides all are by-products of the technology necessary to sustain life—our life—our kind of living—on this planet and in our United States.

And still more important than all other factors mentioned is this one item: The same fresh water which we are polluting, day after day after day, with these human, industrial and agricultural wastes constitutes the water supply of the millions of people who pollute it.

Downstream from Burlington, Iowa is St. Louis and Memphis and New Orleans; downstream from the farms and villages of Maryland and Virginia is the Nation's Capital, Washington, D.C.

Downstream from the feed lots and slaughterhouses are the cities of Nebraska, Kansas and Missouri.

Downstream from Pittsburgh are Cincinnati and Louisville.

Downstream from Chicago are Peoria and a host of smaller cities.

On the same Lake Erie as Detroit are Toledo, and Cleveland.

On the same Lake Michigan as Milwaukee is the Chicago Metropolitan area.

To get a solution, we must go several steps further: To the political boundaries of the States, the multitudinous problems of the cities, the ability to fund the necessary solutions, the state of the art to engineer the practicalities, the willingness and will of the people to have the solutions put into effect.

Only an action program—on a systematic analysis—with particularization of regional

geographic, hydrological and population aspects can solve our problems.

First and most important area for action in my opinion—must be the Great Lakes*—Michigan and Superior are fragile lakes which have become repositories of pollutants because of their mixing bowl characteristics.

Huron, Erie and Ontario can flush out if proper effluents are substituted for the present pollution effluents.

Second most important is the Great River system—the Mississippi discharges 40% of the flow of the entire United States. The cities along the Mississippi-Missouri-Ohio depend on these rivers and tributaries for commerce, industry, farming and most important as a source of domestic water supply—Let us stop using these great rivers for massive waste disposal. Our brothers downstream need a supply of good water.

We then can enumerate our other river systems, great and small, which have most important domestic, industrial and agricultural characteristics.

The Potomac because it is the Nation's River.

The Calumet, the Milwaukee, the Detroit Maumee, and Cuyahoga, the Buffalo and Niagara because their effluents affect the Great Lakes so adversely.

The Nashua, Merrimack, Connecticut, Hudson, Delaware and Susquehanna because of their effects on the economics of their regions and the estuaries. And in like manner the James, the Savannah, the Escambia, the Mobile and the Brazos and the Houston Ship Channel.

Puget Sound and the San Francisco Bay area.

Myriad other rivers, other lakes—not too large on a continental map but of utmost importance to the people living and playing in a specific area.

Practically all of our river systems, our estuaries and our lakes have felt the onrush, the output of civilization's technology, directly or indirectly and have become loaded and overloaded with pollutants.

Now what do you do about this problem—problems and problems and problems.

Each must be solved separately and yet together. The solution of one isolated problem is only a very small step to the final answers of a better quality of life.

In the field of water quality as in other fields, there is a demand for immediate action in many unrelated fields—we might call it "government by crisis!"

But the solution of problems within this criteria of crisis leads nowhere. The problematic approach when limited to individual cases arrives nowhere—it is a train on a circular track.

The problematic approach must therefore be included in a systemic, systematic approach—with all roads and avenues of approach leading to a common goal.

A problem arising within one plant but common to an industry must be so solved that application of the solution can be industry-wide.

A problem at one sewage treatment plant must be so analyzed and cured that the same procedure can be utilized directly or indirectly at other plants.

An agricultural problem must be so approached that agricultural production continues.

These are the technological, engineering approaches to the problems.

Then we have the financing problems: How much will it cost to get something engineered and constructed for what final benefits?

In the sewage treatment construction field, we are continually updating and upgrading our facts and figures. Every day new facets of planning and engineering change these figures—up and down—down and up—mostly up recently. I assure you. Verification of these changing figures is absolutely necessary. Today if we have three sources of information for a cost—we wind up with three sets of figures. The proper procedure then can only be to start with the best figure. Begin an action campaign and continually upgrade and verify the new figures submitted on the basis of new needs and present construction. Any other method leaves open avenues of possibility—Nay, probability—or error which demeans and even negates whole series of figures and nullifies the veracity of the total.

Third, we move into Research and Development Fields. Research to find more and better cures for problems; Development to adapt these cures into wide areas of application at more and more economical costs. This field is in its infancy in water pollution but is already providing a great many answers for prevention and utilization of wastes.

And we have to use equitable enforcement. Equality of enforcement is a necessity, otherwise the polluter will secure the equivalent of an unfair tax advantage over the non-polluter. And the enforcement should be so structured that it will utilize the present local and state political structures—moving in support of the City, County and State when the goals are compatible with achieving proper water quality standards; moving past City, County and State actions when those actions are incompatible with achievement of water quality standards.

As a result, the administration of President Nixon first designed, and then set into motion an action program of enforcement, research and development and funding and financing to achieve the goal of water pollution abatement, included in the goal of a better quality of life.

Enforcement actions under Secretary Hickel have been accelerated—143 hearings on the Great Lakes with recessed sessions only to move forward with proposed solutions; 3 hearings in 13 months on the Potomac after a lapse of 11 years; hearings all over the country designed to alleviate major problems—all with timetables of implementation furnished by participating states, cities and industries to abate and prevent pollution.

Eleven actions of abatement proceedings to end pollution, in specific areas—began with Secretary Walter J. Hickel's famous phrase—"Prosecute those who pollute," and we are proceeding toward abatement in each and every case.

Two instances of calling standard setting conferences—with more in the offing.

Research and development expanded over into more far reaching fields—and application of the results of the research.

In the area of legislation, the President has called for the expenditure of $10 billion over a five-year period for the construction of the municipal waste treatment plants and interceptor lines needed to meet our national water quality standards.

The Federal Government's $4 billion share of the cost is to be allocated at the rate of $1 billion a year over the next four years, with a reassessment to be made in 1973 for subsequent years to insure the complete success of the program.

This is a new concept—full funding for the completion of the entire task—with insurance to the states and municipalities that the funds so desperately needed and relied upon will be there!

To make financing the municipal share of the program easier for local governments, the President proposed the establishment of an environmental financing authority (EFA). The EFA would buy any municipal bonds a community could not sell for treatment plant construction. In this way the President seeks to ensure that the construction of such facilities will depend, not on a community's credit rating, but on its disposal needs.

The President's overall environmental action program, as it relates to water quality control, consists of the following points:

1. Authorization of $4 billion to cover the Federal share of a $10 billion plan needed for construction of municipal waste treatment plants.

2. Establishment of an environmental financing authority to ensure that every municipality can finance its share of treatment plant construction costs.

3. Revision of the statutory formula governing allocation of grants for treatment plant construction to permit the construction of plants where they are most needed and where the greatest improvement in water quality will result.

4. Requirement that treatment plants be built to prescribed design, operation and maintenance standards, and that they be operated only by certified operators.

5. Requirement that municipalities impose users fees on industrial users that are sufficient to meet the costs of treating industrial wastes.

6. Requirement that comprehensive river basin plans be drawn up to assure that the construction of municipal treatment plants is complemented by the abatement of all other sources of water pollution.

7. Encouragement of the construction of large-scale regional treatment facilities.

8. Extension of Federal-State water quality standards to include precise effluent standards for all industrial and municipal sources.

9. Provision that the violation of established water quality standards is sufficient cause for court action.

10. Revision of Federal enforcement procedures to permit swifter court action against those in violation of water quality standards.

11. Provision that violation of established water quality standards is subject to court-imposed fines of up to $10,000 per day.

12. Authorization for the Secretary of the Interior to seek immediate injunctions where severe water pollution threatens imminent danger to health or irreversible damage to the water environment.

13. Extension of Federal pollution control authority to include all navigable waters, both inter- and intra-state, all interstate ground waters, the United States portion of boundary waters, and waters of the Contiguous Zone.

14. Tripling of Federal operating grants to state pollution agencies—from $10 million now to $30 million in 1975.

To ensure the effectiveness of all these proposals, the President has sent forward to Congress a plan for merging all the standards-setting and enforcement areas of the government currently involved with the protection of the environment. The new Environmental Protection Agency will make a coordinated, systematic attack on the pollutants which contaminate the air we breathe, the water we drink and the land that grows our food.

Gentlemen—

It's a juggling act—involving 204 million people, thousands of industries, millions of homes and apartments, thousands of municipalities, thousands of agriculturists, combining, cooperating, competing—putting out sewage, wastes and runoffs—an infinite number of combinations to be dealt with by our finite minds and comprehension and the final result to be for our betterment.

We had been unable in the past to project the results of the impact of our technology on our systems of ecology as the environment changed. We had not even thought it necessary to so project. As a result, we have had environmental disruption.

It is your responsibility, as citizens, it is my function under President Nixon and Secretary Hickel to so project, to so plan that the impact of our technology shall be minimized as to disruption, and shall be maximized as to positive change for the better for the future.

It is not a lost cause despite the millions

*Because they constitute one-fifth of our nation's water supply.

of factors involved—not the least of which are the millions of dollars necessary for a changed technique and outlook; it is not a lost cause if everybody accepts his or her responsibility; it is not a lost cause even if divergent paths are sought by well-meaning participants.

All factors, allocations, all paths must lead to solution of the pollution problems of our air, water and land. These problems are not going away so long as the population grows, industry expands and agriculture intensifies.

The problems will intensify instead—unless we meet them head on and conquer these problems.

It is our responsibility, our function to lead the fight upward and onward to President Nixon's better quality of life.

This generation, my generation has accomplished many wonderful things. Now, we have one more to start on—*improving the Environment*. We can do no less, since in accomplishing many wonderful things, we have also raised many new problems and burdens for future generations.

This generation, my generation can add no more burdens to the world of future generations.

[From the Beloit Daily News, Aug. 13, 1970]

FEDERAL REPRESENTATIVE TO FISH IN DELAVAN LAKE

DELAVAN.—The Delavan Lake Fish and Game Association was informed earlier this week that Carl L. Klein, assistant secretary of water quality research, U.S. Dept. of the Interior, will visit Delavan Lake Friday. Verification of Klein's arrival was received by Nick Marsicano, Fish and Game Association president from the office of Rep. Henry Schadeberg. Klein was instrumental in securing the $100,000 federal grant for research of Jackson Creek. This project, presently under contract to Limnetics, Inc., Milwaukee, is slated to begin later this month. Studies will be made over a two year period to determine the best types of plant and animal life with which to rebuild Jackson Creek to cleanse the waters entering Delavan Lake via that route.

Klein's visit was requested several months ago by the Fish and Game Association for further information to interested residents of the lake area. A luncheon will be held in his honor Friday noon at Lake Lawn Lodge.

A tour of the lake is being scheduled for Friday morning. Klein will view the proposed test site in Jackson Creek and during the afternoon will accompany conservation Warden John Plenke on a fishing expedition.

[From the Janesville Gazette, Aug. 13, 1970]

ASSISTANT SECRETARY OF INTERIOR IS SCHEDULED SPEAKER IN DELAVAN

DELAVAN.—Carl L. Klein, assistant secretary of water quality research, U.S. Department of the Interior, will be guest speaker at an informal luncheon meeting here tomorrow.

The Delavan Lake Fish and Game Association is hosting the luncheon at 12:30 p.m. at Lake Lawn Lodge.

Klein was instrumental in assisting Limnetics, Inc., Milwaukee water environmental engineers, in securing the $100,000 grant for the Federal Water Pollution Control Agency for research in Jackson Creek, a preliminary step to combating pollution in Delavan Lake.

Klein's visit, which was requested several months ago by the Delavan Lake Fish and Game Association, was verified Monday through a telephone call from the office of U.S. Congressman Henry C. Schadeberg to Nick Marsicano, president of the Fish and Game Association.

It is expected Rep. Schadeberg or a representative from his office will attend the meeting.

Also in attendance will be state senator, James Swan, Brian Gallagher and Dr. Rodney Harmsworth, officials of Limnetics.

Prior to the meeting, Klein will tour the lake with representatives of the Fish and Game Association, the Delavan Town Board, and other concerned groups.

Following the meeting, Klein will go fishing on the lake with John Plenke, Walworth County conservation agent.

In charge of arrangements for Klein's visit and the meeting are Marsicano, Donald Johnson and Mrs. Virginia Porter.

[From the Burlington Standard-Press, Aug. 13, 1970]

GOVERNMENT OFFICIAL TO ADDRESS DELAVAN GROUP

Assistant Secretary of the Interior Paul L. Klein will address the Delavan Lake Fish and Game Association and interested individuals at noon Friday, Aug. 14, at Lake Lawn Lodge, according to an announcement made Tuesday by Congressman Henry C. Schadeberg.

In conjunction with his speaking engagement, Klein, assistant secretary for water quality and research, will tour the reactor site of a planned $100,000 antipollution project on Delavan Lake with Congressman Schadeberg; Herb Johnson, consulting engineer; Hugo Hammerstrom, Delavan Township supervisor; officials of Limnetics, Inc., Milwaukee; and members of the Delavan Lake Improvement Association. The DLIA representatives, Schadeberg and Limnetics were instrumental in securing the federal grant for the pilot pollution abatement project which is presently under construction.

Klein will speak at the noon luncheon before a gathering of interested citizens on the subject of pollution abatement and community involvement.

Among the guests of Nick Marsicano, president of Delavan Lake Association and Congressman Schadeberg are James Swan, state senator, 15th district; state Assemblyman Clarence Wilger; Mayor Robert Miller; Dr. Brian Gallagher, president of Limnetics; and representatives from the first congressional district.

[From the Delavan Enterprise, Aug. 13, 1970]

CABINET AIDE TO INSPECT DELAVAN PROJECT

Delavan Lake's anti-pollution program, specifically the Jackson Creek reactor project for which $47,000 in federal funds has been approved by the department of the interior, will be inspected tomorrow (Friday) by the assistant secretary of the interior for water quality and research.

Carl Klein, assistant to secretary of the interior Walter Hickel, will arrive at Lake Lawn Lodge Thursday afternoon for a two day visit that is expected to include an inspection of the reactor site, meetings with Delavan Lake organizations, a public meeting Friday noon at Lake Lawn and a fishing expedition on the lake Friday afternoon.

The visit is being sponsored by the Delavan Lake Fish and Game Association, Inc., with assistance from the Delavan Lake Improvement Association, the NOW (Neighbor Organizations Working) group and the Delavan Jaycees. Individuals and firms including Limnetics, Inc., are also cooperating, Nick Mariscano, Fish and Game president, said.

Klein's schedule also includes a dinner with lake organization leaders and officers of Limnetics, Inc., at the Village, South Shore drive, Thursday night. Limnetics is the firm which has been awarded the federal grant to build a pilot model of a reactor in Jackson Creek, which feeds into Delavan Lake at the Inlet. The reactor is designed by Limnetics to remove pollutants from the water.

Lake leaders hope that the cabinet level official's visit will boost the anti-pollution effort at the lake. The effort already has resulted in formation of a sanitary sewer district (see story this page) and the federal grant as well as a successful suit to require the city of Elkhorn to enlarge its sewage disposal and storm water disposal facilities.

Klein has long carried the nickname "Clean Streams Klein", earned during his service on the state of Illinois' water pollution and water resources commission. He was a leader in his state's fight against water pollution while serving on the commission and in the Illinois state legislature.

A native of Wisconsin, Klein was appointed assistant secretary by President Richard Nixon in 1969. He has been a practicing attorney in Chicago since 1942.

[From the Delavan Enterprise, Aug. 14, 1970]

GO TO FULL-SIZE PROJECT AT JACKSON CREEK: KLEIN

(By Joyce Edmunds)

DELAVAN.—Engineers should skip the first phase of the Jackson Creek experimental pollution abatement project and get immediately into a full-size project.

Carl Klein, assistant secretary of the interior surprised about 150 persons attending a luncheon at Lake Lawn Lodge yesterday with his statement. The project Klein referred to is an experimental biological reactor aimed at cleaning up Jackson Creek which flows into Delavan Lake.

Klein, who is involved with water quality and research with the department of interior, was in Delavan yesterday in connection with the $100,000 grant which was approved last May by the Federal Water Quality Agency for the Jackson Creek pilot project.

He was accompanied by U.S. 1st District Congressman Henry C. Schadeberg.

The two were instrumental in securing the grant for Limnetics, Inc., Milwaukee water environmental engineering firm which is conducting the experiment. Limnetics was engaged two years ago by the Delavan Lake Fish and Game Association to study the problem of pollution in the lake and make recommendations.

TOUR JACKSON CREEK

Klein and Schadeberg were taken on a tour of the Jackson Creek site and Delavan Lake by fish and game association officials yesterday morning prior to addressing members of the association, community officials and invited guests who attended the luncheon meeting.

Brian Gallagher, president of Limnetics, told of Klein's suggestion to accelerate the program after the meeting.

"I'm so pleased to hear we might be able to accelerate the program and go right to a full scale reactor. It caught us by surprise. We'll have to have some further discussion and see what happens," he said.

EXPLAINED PROJECT

Gallagher explained the first phase of the project consists of a biological reactor on an experimental small scale alongside Jackson Creek.

Gallagher said construction would begin on the first phase in late August and would be completed by mid-September. Progress of the experimental program would then be studied for a year, Gallagher said, and if successful, would result in construction of phase two next year—the reconstruction of Jackson Creek to create a full-size biological reactor within the creek itself.

"What we will do, is try to explore the feasibility of accelerating nature's own aeration and purification process of the stream by concentrating the action in a small area," Gallagher said.

"We will study the feasibility of controlling the food chain within a stream starting with bacteria and continuing on up through higher forms of life, eventually to fish. We hope to divert those nutrients that are presently contributing to the growth of algae and rapid eutrophication of the lake into higher forms of life," Gallagher said.

Finally, Klein said, we can enumerate our other river systems. Practically all our river

systems, our estuaries and our lakes have felt the onrush, the output of civilization is technology, directly or indirectly and they have become overloaded with pollutants.

SOLVE THE PROBLEM

"You here at Delavan Lake are one of thousands of problems—a problem we have to solve," Klein added.

President Nixon has called for an expenditure of $10 billion over a five-year period for the construction of municipal waste plants and interceptor lines needed to meet our national quality standards, Klein said.

Of that amount, the federal government's share would be $4 billion to be allocated at the rate of $1 billion a year, Klein said with a reassessment to be made in 1973 or subsequent years to insure the complete success of the program.

Part of President Nixon's program would make it easier for municipalities to borrow money for pollution abatement.

"This generation, my generation, has accomplished many wonderful things," Klein said. "Now we have to start on improving the environment. We can do no less since, in accomplishing many wonderful things, we have also raised many new problems and burdens for future generations."

Klein's proposal to eliminate phase I would set the program ahead one year. Klein said Schadeberg had taken steps yesterday morning to enlist the aid of the ASCS in the project.

LISTS PRIORITIES

"More important than all other factors I've mentioned in this one item: the same fresh water supply we are polluting day after day with these human, industrial and agricultural wastes, constitutes the water supply of the millions of people who pollute it," Klein said.

The most important areas for immediate action is the Great Lakes because they constitute a fifth of the nation's water supply, he added. There is hope for them, he said, if the country acts quickly.

Next in priority, he listed the great river system headed by the Mississippi which he said discharges 40 per cent of the water in the United States, and he included the Ohio and Missouri rivers and their tributaries.

"Let us stop using these great rivers for massive waste disposal. Our brothers downstream need a supply of good water," he added.

[From the Janesville Gazette, Aug. 14, 1970]

CABINET AIDE LAUDS DELAVAN LAKE PROJECT

(By Joyce Edmunds)

DELAVAN.—An experimental biological reactor which is planned for use in cleaning up Delavan Lake, could have an impact on the entire ecological system in preventing pollution.

That statement was made by Carl Klein, assistant secretary of the U.S. Department of the Interior at a press conference this morning at Lake Lawn Lodge. Klein works for the water quality and research branch of the department.

Klein, accompanied by U.S. Congressman Henry C. Schadeberg, 1st District representative, was in Delavan to speak at the informational luncheon meeting sponsored by the Delavan Lake Fish and Game Association at Lake Lawn, concerning the $100,000 Federal Water Quality Agency (FWQA) grant for the Jackson Creek pilot pollution abatement project.

"The FWQA has been designated by President Nixon to restore this nation's lakes," Klein said.

"This project shows the viability of the President's policy of local, state, and federal government working together."

He commended Delavan Lake residents for their efforts in initiating the lake clean-up program.

"Because this is a nation-wide problem, it's not just Lake Delavan, it's everywhere," Klein said.

"This project would utilize a fast-running stream that cleans itself up before pollution gets in here (Delavan Lake). It would be a natural process. You don't need chemicals. You just let nature do its job."

Jackson Creek, into which the City of Elkhorn and Walworth County Home and Hospital dump their treated sewage, flows into Delavan Lake at its northeast end.

Counting the agricultural runoff which drains into the creek, 75 per cent of Delavan Lake's pollution problem enters the Lake through Jackson Creek, Gallagher said.

The biological reactor, if successful, could provide a very economical method of treating polluted streams, he added.

Construction on the pilot project will get underway the end of this month, Gallagher said, and will be completed within two or three weeks.

The project will be kept under close observation and study for the next month, he said. If it proves successful, Limnetics will proceed with the second phase of the program, which involves the reconstruction of Jackson Creek, turning the entire stream into a biological reactor system.

Gallagher said the federal grant would provide 91 per cent of the total cost.

The Delavan town board has already authorized $2,500 for the project.

Donations have been sought and contributed by the Delavan Lake Fish and Game Association, ACTION and NOW (Neighborhood Organizations Working together), committees towards the pollution abatement program.

Additional assistance is expected from the Delavan Lake Improvement Association.

Brian Gallagher, president of Limnetics Inc., Milwaukee water and environmental engineering firm which developed the plan, explained the biological reactor would consist of a 100-foot trough consisting of several sections or compartments of graded rocks which will be constructed alongside Jackson Creek. 100,000 gallons of creek water or approximately two per cent of the stream's entire flow, will be inverted daily through the reactor trough, Gallagher said.

Nature's own purification process whereby billions of friendly bacteria grown on the rocks, literally "eat" offensive solids and break down some of the unfriendly bacteria in a series of processes, would then take over.

By this means Limnetics hopes to accelerate the natural purification process and improve water quality before it enters Delavan Lake, Gallagher said.

[From the Beloit Daily News, Aug. 14, 1970]

INTERIOR OFFICIAL VIEWS DELAVAN LAKE

DELAVAN.—Assistant Secretary of the Interior, Carl L. Klein, toured Delavan Lake this morning, following a press conference at Lake Lawn and viewing of the planned biological reactor site near Jackson Creek.

Klein was accompanied on his boat trip around the lake by Rep. Henry C. Schadeberg, Walworth County Conservation Warden John Plenke, representative of Limnetics, Inc., Milwaukee and Delavan Lake residents instrumental in securing the pollution studies here.

During the press conference, Klein acknowledged that water pollution is a nation-wide problem. He said the Federal Water Quality Administration had been designated by President Nixon to take the lead in lake restoration. Klein said Schadeberg held a large responsibility for the Delavan Lake studies due to his interest in the local situation.

Klein was guest of honor Thursday night at an informal dinner at the Village Supper Club, Delavan Lake.

Representatives of lake groups, business and industry officially welcomed him to the area. During brief comments following the dinner Klein told his audience that there are 22 intermingled elements which cause lake pollution and yet phosphates are the only item which can be sufficiently dealt with. He explained tertiary treatments is merely a straining of the water whereas advanced waste treatments removes the phosphates.

The biological reactor planned for Jackson Creek will simulate a horizontal trickling filter plant for water entering the lake from that source. Construction is expected to begin in two weeks.

Klein said "There is no pure water left anywhere in the United States." He advised that the Lake Erie project called for the same type of treatment to be used here but that they (the Federal Water Pollution Control Administration) did not have time to test in Lake Erie.

In closing Klein stated "The saying seems to be 'Am I my brother's keeper?' and the answer is apparently supposed to be 'not if I live upstream.' "

Klein was feted in a luncheon at Lake Lawn Lodge this noon prior to a round of golf at Delbrook Golf Club and his departure.

MIKE KIRWAN KNOWN FOR HIS IRISH WIT

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. O'NEILL of Massachusetts. Mr. Speaker, I would like to bring to the attention of my colleagues a recent article by Mr. John R. Cauley concerning the passing of our beloved colleague Michael J. Kirwan. Mr. Cauley, a distinguished and respected journalist on Capitol Hill, remembers Mike as I do.

In his years as a Member of the House Mike built a record as a formidible political figure. Yet he is remembered more importantly as a warm and cordial human being. The scores of anecdotes about Mike provide profound insight into his many faceted personality. I remember his sense of humor and his warm friendship. His care for, and desire to serve his fellow man was truly the mark of a concerned and unselfish individual.

Mike's passing marks the end of an era. He will be missed by all of his colleagues who in the years since 1937 shared in his leadership, friendship, and kindness.

Mr. Cauley relates two of my favorite stories about Mike and I look forward to seeing more placed in the RECORD.

Mr. Speaker, I am honored at this time to place in the RECORD the remembrances of Mr. Cauley:

[From the Kansas City Star, Aug. 6, 1970]

MIKE KIRWAN KNOWN FOR HIS IRISH WIT

(By John R. Cauley)

WASHINGTON.—The name of Rep. Michael J. Kirwan (D-Ohio) was hardly a household word in Missouri, Kansas or, for that matter, any other area in the country. But here on Capitol Hill he exerted formidable power as chairman of the House appropriations subcommitee on public works, which dispenses millions of dollars a year for local projects, and as chairman of the Democratic national

congressional committee which distributes millions of dollars in campaign funds.

Indeed, every flood-control project, the reservoirs and the channel improvements in Kansas and Missouri are there largely because Mike Kirwan said "yes." When river leaders came to Washington the man to see was Kirwan. He never let the tag "dispenser of the pork barrel" bother him.

Last week Mike Kirwan died at the age of 83 after serving in Congress since 1937. Mike, who was a close friend of this correspondent, had a complex personality. In the political wars he was rough, combative and partisan. But he also was a warm, amusing and kindly human being, possessing one of the great attributes of the Irish—loyalty to his friends.

The anecdotes about Kirwan are legion, but this correspondent always remembers two of them.

Mike Kirwan never even finished grade school. As a boy in Pennsylvania he worked in a coal mine called "Heidelberg Eight." Later he migrated to Ohio, got into politics and was elected to Congress from the Youngstown area.

When Mike arrived in Washington he was told by friends that because he was a member of Congress, he could get a room at the fashionable University club here, even though he had never been graduated from a college.

One night there was a membership meeting of the University club at which each member arose, stated his name occupation and year of graduation such as "John Smith; lawyer, Harvard, '25."

When Mike was called upon he solemnly said, "Michael J. Kirwan, member of Congress, Heidelberg Eight." A few of his friends there, knowing that Heidelberg Eight was a coal mine and not the famous university in Germany, were silently amused, but most of the members appeared impressed.

The story of the membership meeting and Heidelberg Eight quickly got around to Mike's colleagues in the House and he often took a ribbing about it.

In 1963 this correspondent traveled to Europe with the late President John F. Kennedy and when Mr. Kennedy returned to this country we stayed in Europe to do stories on Germany. One night we arrived at a hotel in Heidelberg and spotted a post card showing the famous German university.

We sent the card to Kirwan with this notation: "Dear Mike: Your professors here at Heidelberg remember you as a brilliant student."

Kirwan was delighted when the card arrived and showed it all over the House floor saying, "You thought it was a joke that I was graduated from Heidelberg. Now here's proof."

The other incident concerns the time that Mike and several other members of Congress accompanied President Kennedy to Ohio for a speech. On the flight out, Mike by his own account, imbibed a few too many bourbons, and when the plane landed, Mike, not wanting to embarass the President at the ceremony, crawled into a bunk on the plane, pulled back the curtain and went to sleep.

When the presidential party returned to the plane, a Secret Service agent approached Kennedy and said, "Mr. President, everyone is aboard and accounted for except Congressman Kirwan."

The President said, "This plane is not going to leave until we find Mike Kirwan."

A search of the plane finally located Kirwan sound alseep and the word was conveyed to Mr. Kennedy.

"Now we can go," the President said with a grin. "The lost sheep has been found."

Mike was usually successful in obtaining appropriations but once he gambled and lost. He wanted to build a canal linking the Ohio river and Lake Erie.

This project got to be known as "Mike's billion-dollar big ditch." Because of his powerful position, his colleagues went along with funds for the studies, but when it became apparent that the cost would be a billion dollars or more and the newspapers exposed the scheme, Mike backed down, still insisting, however, that it was a great idea.

Kirwan later was successful in convincing Congress to build a 10-million-dollar aquarium for fresh water and salt water creatures in the nation's capital. It was another difficult vote for his colleagues, who saw little merit in it, but they did not want to offend Kirwan.

Wayne Morse, the former senator from Oregon called it "a fish hotel," and Kirwan retaliated by deleting funds for Morse's pet projects in Oregon.

Kirwan's intransigence about the aquarium stemmed from early romantic associations with aquariums. As a young man he had no money to court his girl friends, he once recalled sentimentally, and so they would go to the free city aquarium in Ohio on Sunday afternoons. Mike thought young couples and families with children would get as much pleasure out of the free aquarium as he did.

THE HISTORIC OCCASION OF THE MERGER OF THE MAYFIELD SYNAGOGUE WITH THE HILLCREST SYNAGOGUE

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. VANIK. Mr. Speaker, it was my great honor and privilege to attend the rededication celebration and installation of officers of the newly merged Mayfield-Hillcrest Synagogue on September 13, 1970. It is rare that one has the opportunity to participate in such a historic occasion. Here, in this instance, the hundreds of families of both synagogues agreed to join their resources and their deep religious convictions and spirit to one united religious body. That feeling was very much in evidence at the beautiful cememony which I was privileged to personally witness.

I wish to extend my sincere congratulations to the spiritual leader of this newly created and vital congregation, Rabbi Jacob Shtull; to the newly installed president of the congregation, Dr. Oscar Stadtler; to Cantor Walter Boninger; to Jack Dannhauser, who was chairman of the program; and to all of the officers and auxiliary presidents of the various clubs and groups within this congregation.

The work of love which has brought these two great congregations together bodes well for a creative, genuinely religious covenant for a long way into the future. This congregation has truly begun the Jewish New Year in a very auspicious and wonderful way.

HOUSE OF REPRESENTATIVES—*Monday, September 21, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

O satisfy us early with Thy mercy: that we may rejoice and be glad all our days. Psalm 90: 14.

Almighty and Eternal God, Ruler of the heavens and the earth, yet who art mindful of a falling sparrow and a cup of cold water given to one in need, help us in this quiet moment to lift our hearts unto Thee, to feel Thy presence near and to make ourselves ready for the duties of this day.

Give to each one of us a mind free from narrowness and ever open to the light of truth, a heart sensitive to human need and always eager to do good, and a spirit standing in reverence before Thee resolved to do Thy will seeking what is true and honorable and gracious and just.

We pray for our country, that our people may be free from bigotry and bitterness and that by giving primary allegiance to Thee may reap the harvest of a common faith and a common brotherhood.

In the Master's name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, September 17, 1970, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 1747. An act for the relief of Jose Luis Calleja-Perez;

H.R. 10149. An act for the relief of Jack W. Herbstreit;

H.R. 17613. An act to provide for the designation of the Veterans' Administration facility at Bonham, Tex.; and

H.R. 17734. An act for the relief of Sherman Webb and others.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills and joint resolutions of the House of the following titles:

H.R. 15073. An act to amend the Federal Deposit Insurance Act to require insured banks to maintain certain records, to require that certain transactions in U.S. currency be reported to the Department of the Treasury, and for other purposes;

H.R. 15424. An act to amend the Merchant Marine Act, 1936;

H.J. Res. 1154. Joint resolution authorizing the President to proclaim National Volunteer Firemen's Week from September 19, 1970, to September 26, 1970; and

H.J. Res. 1178. Joint resolution authoriz-

ing the President to proclaim the month of May 1970 as "Project Concern Month."

The message also announced that the Senate insists upon its amendment to the bill (H.R. 15073) entitled "An act to amend the Federal Deposit Insurance Act to require insured banks to maintain certain records, to require that certain transactions in U.S. currency be reported to the Department of the Treasury, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. PROXMIRE, Mr. WILLIAMS of New Jersey, Mr. MUSKIE, Mr. MCINTYRE, Mr. BENNETT, Mr. BROOKE, and Mr. PERCY to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 15424) entitled "An act to amend the Merchant Marine Act, 1936," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MAGNUSON, Mr. LONG, Mr. PASTORE, Mr. COTTON, and Mr. GRIFFIN to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 16900) entitled "An act making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1971, and for other purposes."

The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 732. An act for the relief of Mrs. Nimet Weiss;

S. 876. An act for the relief of Marie M. Ridgely;

S. 902. An act to amend section 1162 of title 18, United States Code, relating to State jurisdiction over offenses committed by or against Indians in the Indian country;

S. 3420. An act for the relief of Dr. Hassan Chaharsough Vakil;

S. 3620. An act for the relief of Mrs. Anastasia Pertsovitch;

S. 3771. An act for the relief of Dr. Jocelyn Tandoc-Juarez;

S. 3805. An act for the relief of Richard W. Yantis;

S. 3813. An act for the relief of Kim Julia and Park Tong Op;

S. 3858. An act for the relief of Bruce M. Smith;

S. 3867. An act to assure opportunities for employment and training to unemployed and underemployment persons, to assist States and local communities in providing needed public services, and for other purposes;

S. 3869. An act for the relief of Albina Lucio Z. Manlucu;

S. 3956. An act for the relief of Mrs. Joan Lagois Hicks;

S. 4073. An act for the relief of Hyun Joo Lee and Myung Joo Lee;

S. 4235. An act to continue the jurisdiction of the U.S. District Court for the District of Puerto Rico over certain cases pending in that court on June 2, 1970;

S. 4247. An act to amend the Bankruptcy Act, sections 2, 14, 15, 17, 38, and 58, to permit the discharge of debts in a subsequent proceeding after denial of discharge for specified reasons in an earlier proceeding, to authorize courts of bankruptcy to determine the dischargeability or nondischargeability of provable debts, and to provide additional grounds for the revocation of discharges;

S. 4316. An act to clarify and extend the authority of the Small Business Administration, and for other purposes;

S.J. Res. 218. Joint resolution providing for the designation of a "Day of Bread" and "Harvest Festival Week";

S.J. Res. 225. Joint resolution authorizing the President to proclaim the period October 25 through 31, 1970, as Law Officers Appreciation Week; and

S.J. Res. 228. Joint resolution to authorize the President to designate the period beginning October 5, 1970, and ending October 9, 1970, as "National PTA Week."

TURMOIL IN THE MIDDLE EAST

(Mr. GUDE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GUDE. Mr. Speaker, the tragic turmoil in the Middle East is a new test of the will of the United States and the United Nations to keep the peace. The commitment of the United States to the preservation of Israel, and the credibility of the United Nations in responding to an invasion of a member nation are at stake.

At the outset of the President's peace initiative, I hoped that the Soviet Union was indeed interested in cooling the Middle East conflict and promoting serious negotiations. This hope has been dashed by flagrant violations of the cease-fire agreement, and clear Soviet complicity in the movement of Egyptian missiles to forward positions. Their cynical exploitation of the agreement must be repudiated, and the pretruce military balance restored.

The result of this unbalanced truce has been to weaken Israel's defenses, and the responsibility is ours. There must be an end to temporizing with Israel's requests for military equipment to maintain her fading military security. Let the Egyptians and the Soviets protest to the skies. It is they who have sabotaged the negotiations and upset the military balance.

The invasion of Jordan by Syria calls for prompt action by the United Nations. The Security Council has moved with great dispatch to condemn Israel raids against the guerrillas who terrorize her borders. The commitment of the U.N. to peace and the security of small nations will be revealed as a sham if the organization stands idly by in the face of a full-scale invasion by the Syrians.

The uncertain fate of the 54 hostages has dramatized for the world the senseless cruelty of this war. It will not be abated unless the United States and the United Nations honor their commitments to keep the peace before it is too late.

CHRONIC UNEMPLOYMENT

(Mr. SCHERLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHERLE. Mr. Speaker, I would like to read in part from a resolution by the AFL–CIO as follows:

Whereas 25 percent of America's productive capacity stands idle, with 285 major and minor labor areas being classified as distressed and millions of American families are experiencing the tragedy of chronic unemployment . . . and whereas the Government figures for the month of March, 1961, report that 5.6 million workers are totally unemployed, an increase of 400,000 over the month of March during the 1958 recession, now therefore.

The resolution goes on to call for a get-America-back-to-work program. These remarks appeared in the CONGRESSIONAL RECORD for April 27, 1961, and refer, of course, to the administration of John F. Kennedy.

It is interesting to note that this high-water mark for unemployment during the past decade came at a time when the opposition party was accelerating the Vietnam war.

President Nixon has faced a far more difficult problem—that of winding down this war and keeping our economy on an even keel while making the transition from a war-stimulated economy to a peacetime pursuit of solution of domestic problems. He has done a good job. He has switched Federal priorities—and our economy today finds 79 million Americans at work, a record number, and less than 400,000 troops in Vietnam. It is strange that those who are crying "breadlines" and recession today found little distress in 1961 when unemployment was 30 percent higher than it is today.

STEADY GROWTH OF U.S. ECONOMY

(Mr. MAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAYNE. Mr. Speaker, Commerce Department figures reveal that nationwide retail sales in July were up 6 percent over July of 1969. These figures are significant. They indicate that American consumers are maintaining a high level of consumption of goods and services. They also indicate that the U.S. economy is forging ahead toward a decade of solid, substantial and steady growth.

Government figures also reveal that Americans have more net income than ever before. These facts indicate that the Nixon administration is doing a fine job in shepherding the economy through a trying period of transition from wartime overheating to a peace-oriented pace. It is easy to combat unemployment and to keep the economic fires roaring under the stimulus of wartime waste and overspending. It is a far more difficult task to wind down a war, cool off the inflationary fires, cut Federal spending down to size and maintain a high level of employment and economic activity. The Nixon administration has stuck to its program—and now it is beginning to pay off for the American people.

The war is being wound down. We have an economy free of Federal controls. And we have ahead of us a decade which in all probability will be the most productive and progressive in our his-

tory. The strength and character of our people has been proven again, the strength of our economy has been rediscovered, and the qualities of leadership at the White House have been demonstrated over the past 20 months.

VICE PRESIDENT AGNEW'S VOCABULARY

(Mr. HUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNT. Mr. Speaker, I note that one of the spokesmen for the Democratic Party has attacked Vice President AGNEW's vocabulary. I presume this is a natural development, since the opposition has run out of their pet issues and do not dare to discuss the record of national leadership their party has displayed in this 91st Congress.

It is hard to peddle a recession when the highest number of Americans in history are at work, drawing the highest pay level. It is hard to talk about the war when the administration is winding down a war that the Democrats wound up. It is hypocritical to talk about crime when 13 major crime bills are held up by inaction of the majority party. So, it should be expected that the Veep's vocabulary should become a campaign issue when all others have folded.

Now, the American people are asking some questions. Why has not the President's anticrime package been passed? Why has not legislative action been taken on cleaning up air and water pollution? Why do the Democrats insist on busting President Nixon's budget and causing more inflation? Perhaps they can supply some acceptable answers.

It is apparent that the spokesmen for the opposition party are unaware of what the American people are thinking, and indifferent to our national needs of today.

DRUG ABUSE

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, I note that Mr. Nicholas Johnson, a member of the Federal Communications Commission has issued one of the most patently ridiculous statements ever issued by a public official. He has somehow tried to blame today's drug problem on Trans World Airlines' "Up, Up and Away" slogan, and on a honey company, the Ford Motor Co., and a Washington TV station for using the parlance of today's mod generation in their advertising.

Anyone who would be inspired to take drugs after listening to a TWA airline commercial must be some kind of a nut anyway, and would probably get just as "turned on" over an ad for Pablum. For a public official to issue such drivel is a disgrace to our regulatory agencies, which themselves bear the brunt of the blame for our drug-oriented society. It is only in recent months, after goading from the administration, that these agencies have awakened to the fact that unrestricted sales of depressants, pep pills, and other mind-bending drugs has reached a dangerous level, and poses a serious threat to many Americans who have become addicted to their use. Vice President SPIRO T. AGNEW has been attacked by Mr. Johnson for pointing out that many popular songs of today encourage drug abuse. The Vice President is alerting the public to a real problem. Mr. Johnson has committed an exercise in buffoonery. It does not help the job of Government in combating menaces such as narcotics to have high-ranking officials take off on tangents such as that embarked upon by Mr. Johnson.

LOWERING OF PRIME INTEREST RATE INDICATES NIXON POLICIES ARE EFFECTIVE

(Mr. BEALL of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEALL of Maryland. Mr. Speaker, the fact that another of the Nation's financial institutions has lowered its prime interest rate indicates that the economic policies practiced by the Nixon administration during the past year and a half are having the desired effect of controlling inflation and stabilizing the previously runaway rise in the cost of living.

The lowering of the prime interest rate should mean that there will soon be a corresponding drop in the rate of interest paid by the average borrower and thus we can expect our economy to move ahead with renewed vigor. Consumer purchases will now be able to accelerate and, most importantly of all, housing construction should be spurred.

All of this means that, as a result of sound economic policies practiced by the administration in Washington, the American taxpayer can now look to a period of economic growth with real gains because the value of our currency is being stabilized. We will not have the catastrophic loss of purchasing power that was so characteristic of our economy at the time the previous administration was taking us through the period of wildly irresponsible deficit spending.

While the medicine applied recently may at times have been somewhat difficult to swallow, it is obviously taking effect and the cure should be lasting and far reaching. The President certainly deserves our thanks for his fortitude in times of tremendous pressure.

PERMISSION FOR SUBCOMMITTEE ON PUBLIC HEALTH AND WELFARE OF COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Public Health and Welfare of the Committee on Interstate and Foreign Commerce may be permitted to sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PERMISSION FOR COMMITTEE ON BANKING AND CURRENCY TO FILE A REPORT ON S. 3822, INSURANCE FOR MEMBER ACCOUNTS IN CREDIT UNIONS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency may have until midnight tonight to file a report on S. 3822, to provide insurance for member accounts in State and federally chartered credit unions and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DOES ADMINISTRATION HAVE PLANS TO SAVE NEAR EAST?

(Mr. HAYS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HAYS. Mr. Speaker, when the Republican committee's mimeograph machines cool down from the weekend turning out of defensive arguments about one thing and another, it would be refreshing if somebody down there would turn out a sheet about why the administration has not done anything except protest about the hostages in the hands of the bandits in Jordan, and about why the administration has not done anything about the incursion of the thieves from Syria to destroy the Kingdom of Jordan, which is a friendly power to the United States.

If Jordan goes, Lebanon will not be far behind, and Israel will stand alone. If the administration has any plans to save the Near East from complete and utter surrender to the bandits—because these guerrillas are nothing but bandits, and the head of the Government in Syria is part and parcel of them—if the administration has any plans at all, it would be refreshing for them to divulge the plans to the people of the United States. When that area goes down the drain, it is going to be very difficult indeed to blame it on the Johnson administration.

PERMISSION FOR THE COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

ROGERS INTRODUCES BILL TO DISCOURAGE COUNTRIES FROM AIDING HIJACKERS

(Mr. ROGERS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Florida. Mr. Speaker, I am introducing legislation today to discourage countries, which have reciprocal air service with the United States,

from aiding or granting asylum to hijackers of U.S. airplanes. The bill provides that the President shall suspend all air transportation between any country and the United States if that country willfully allows the destruction of property, or permits individuals to harm the passengers or crew in any manner, or in any way prohibits, hinders, or delays the safe return of the passengers, crew, or cargo of any U.S. aircraft. Furthermore, it would also provide that air transportation could be cut off if a country aided or harbored in any manner any person holding a U.S. plane by force. The President would only be able to allow a resumption of air transportation between the United States and a suspended country if the President determined at a subsequent date that such resumption would not result in danger to the safety of U.S. aircraft, passengers, cargo, or crews, or if the President determined that the best interests of the United States would be better served by a resumption of service.

I believe that this legislation is needed to discourage countries from relying on U.S. trade and travel and then turning around at the same instant and aiding individuals who destroy U.S. property. During a decade when hijackings have blossomed into a phenomenon of national and international concern, it is time the United States did something to discourage hijackers from thinking that they can easily land in some other foreign country without fear of criminal prosecution.

It would also be wise to have a thorough screening of baggage and passengers through the use of metal detectors prior to any commercial flight.

CONVEYANCE OF CERTAIN PUBLIC LAND HELD UNDER COLOR OF TITLE TO MISS ADELAIDE GAINES

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 5365) to provide for the conveyance of certain public land held under color of title to Mrs. Jessie L. Gaines of Mobile, Ala., with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 1, strike out "Mrs. Jessie L. Gaines" and insert "Miss Adelaide Gaines".

Amend the title as to read: "An Act to provide for the conveyance of certain public land held under color of title to Miss Adelaide Gaines of Mobile, Alabama."

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

Mr. SAYLOR. Mr. Speaker, reserving the right to object—and I shall not object—the purpose of this unanimous consent request relates to the fact that the woman named in the bill when it passed the House, I understand, has since died.

Mr. ASPINALL. The gentleman is correct.

Mr. SAYLOR. And the Senate has now put in the heir?

Mr. ASPINALL. The gentleman is correct.

Mr. SAYLOR. And the request is to concur in the Senate amendment.

Mr. ASPINALL. The gentleman is correct.

Mr. SAYLOR. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

RESEARCH AND DEVELOPMENT NEEDED TO COUNTER THREAT OF RUSSIAN MISSILES

(Mr. CARTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARTER. Mr. Speaker, more than a year ago it was brought to the attention of this House that our Armed Forces had no means of detecting, deflecting, confusing or shooting down the Russian Styx missile.

Russia has approximately 100 of the *Komar* and *Osa* type ships carrying these missiles, the Styx, or the Sn–1, which have a maximum trajectory of 22.4 miles. It is on target at that range in 4.4 minutes. The average reaction time of our ships crews from an unalerted position is 5 minutes. Hence, if we had methods of detection or deflection it would be too late.

Russia also has the Sn–3 missile with a trajectory of 250 or 300 miles. We have no comparable missile. Intense research and development should be employed now so as to develop a means of countering these missiles. They present now a grave danger to the 6th Fleet in the Mediterranean.

RESIGNATION OF AND APPOINTMENT OF CONFEREE

The Speaker laid before the House the following resignation as a conferee:

WASHINGTON, D.C., *September 17, 1970.*

Hon. JOHN W. MCCORMACK,
Speaker of the House,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: This letter is to submit my resignation as a House conferee on H.R. 18546.

Sincerely yours,

CHARLES M. TEAGUE,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

The Chair appoints as a conferee to fill the existing vacancy the gentleman from Virginia, Mr. WAMPLER. The Clerk will notify the Senate of the action of the House.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first measure on the Consent Calendar.

U.S. PARTICIPATION IN THE 1972 UNITED NATIONS CONFERENCE ON HUMAN ENVIRONMENT

The Clerk called House Resolution 562, expressing the sense of the House of Representatives that the United States should actively participate in the 1972 United Nations Conference on Human Environment.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

AMENDING FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949 TO PERMIT ROTATION OF CERTAIN PROPERTY

The Clerk called the bill (S. 406) to amend the Federal Property and Administrative Services Act of 1949 to permit the rotation of certain property whenever its remaining storage or shelf life is too short to justify its retention, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I should like to ask the question which I asked at the last call of the Consent Calendar; that is, what happens to the medical supplies which are taken from the shelf in foreign countries? Are these supplies given away, or are they to be sold where usable?

Mr. MOORHEAD. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Yes; I yield to the gentleman.

Mr. MOORHEAD. Medical supplies can be handled in one of three ways under this bill if it becomes law. One, they can be sold; two, they can be given to appropriate nonprofit hospitals or similar organizations; or, three, they can be returned to the United States and handled as domestic surplus property.

Mr. GROSS. And all the three conditions apply to the disposal of such materials in foreign countries. Is that correct? They can be given away, then, to foreign nonprofit institutions?

Mr. MOORHEAD. When it is in the interest of the United States to do so.

Mr. GROSS. And I assume most of them will be given away. I think we will have to concede that we will not sell much of anything under those conditions.

Mr. MOORHEAD. I would anticipate most of them would be brought back to the United States and used again by other Federal systems or under the donable surplus property program to the States.

Mr. GROSS. I would say to the gentleman that would be the day when we bring anything that is of any value back to the United States if there is an opportunity to give it to some foreign country.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

S. 406

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481) is amended by adding at the end thereof the following new subsection:

"(e) Whenever the head of any executive agency determines that the remaining storage or shelf life of any medical materials or medical supplies held by such agency for national emergency purposes is of too short duration to justify their continued retention for such purposes and that their transfer or disposal would be in the interest of the United States, such materials or supplies shall be considered for the purposes of section 202 of this Act to be excess property. In accordance with the regulations of the Administrator, such excess materials or supplies may thereupon be transferred to or exchanged with any other Federal agency for other medical materials or supplies. Any proceeds derived from such transfers may be credited to the current applicable appropriation or fund of the transfer or agency and shall be available only for the purpose of medical materials or supplies to be held for national emergency purposes. If such materials or supplies are not transferred to or exchanged with any other Federal agency, they shall be disposed of as surplus property. To the greatest extent practicable, the head of the executive agency holding such medical materials or supplies shall make the determination provided for in the first sentence of this subsection at such times as to insure that such medical materials or medical supplies can be transferred or otherwise disposed of in sufficient time to permit their use before their shelf life expires and they are rendered unfit for human use."

SEC. 2. Section 402 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 512), is amended by—

(a) inserting, immediately after the section number "SEC. 402.", the subsection designation "(a)";

(b) inserting after the words "Foreign excess property" in the first sentence thereof the words "not disposed of under subsections (b) and (c) of this section";

(c) striking out in the first sentence thereof the clause designations "(a)" and "(b)", and inserting in lieu thereof the clause designations "(1)" and "(2)", respectively; and

(d) adding at the end thereof the following new subsections:

"(b) Any executive agency having in any foreign country any medical materials or supplies not disposed of under subsection (c) of this section, which, if situated within the United States, would be available for donation pursuant to section 203 of this Act, may donate such materials or supplies without cost (except for costs of care and handling), for use in any foreign country, to nonprofit medical or health organizations, including those qualified to receive assistance under sections 214(b) and 607 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2174(b) and 2357).

"(c) Under such regulations as the Administrator shall prescribe pursuant to this subsection, any foreign excess property may be returned to the United States for handling as excess or surplus property under the provisions of sections 202, 203(j), and 203(l) of this Act whenever the head of the executive agency concerned determines that it is in the interest of the United States to do so: *Provided,* That regulations prescribed pursuant to this subsection shall require that the transportation costs incident to such return shall be borne by the Federal agency, State agency, or donee receiving the property."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RELEASING CONDITIONS IN DEED WITH RESPECT TO LAND CONVEYED BY UNITED STATES TO THE SALT LAKE CITY CORPORATION

The Clerk called the bill (S. 1366) to release the conditions in a deed with respect to a certain portion of the land heretofore conveyed by the United States to the Salt Lake City Corporation.

Mr. PELLY. Mr. Speaker, at the request of a Member who could not be present, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

ALLOWING PURCHASE OF ADDITIONAL SYSTEMS AND EQUIPMENT FOR PASSENGER MOTOR VEHICLES OVER AND ABOVE STATUTORY PRICE LIMITATION

The Clerk called the bill (S. 2763) to allow the purchase of additional systems and equipment for passenger motor vehicles over and above the statutory price limitation.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PROVIDING FOR DISPOSITION OF FUNDS APPROPRIATED TO PAY JUDGMENTS IN FAVOR OF SAC AND FOX INDIANS

The Clerk called the bill (H.R. 11771) to provide for the disposition of funds appropriated to pay judgments in favor of the Sac and Fox Indians, and for other purposes.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that H.R. 11771 be stricken from the Consent Calendar.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

LEASE AND TRANSFER OF BURLEY TOBACCO ALLOTMENTS

The Clerk called the bill (H.R. 18686) to authorize the lease and transfer of burley tobacco acreage allotments.

There being no objection, the Clerk read the bill as follows:

H.R. 18686

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 316(a) of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out in the first sentence the language "burley,".

SEC. 2. Section 316(e) of such Act is further amended by inserting the words "burley tobacco or" just before the words "cigar-filler tobacco".

With the following committee amendment:

Page 1, line 9, add the following new section:

"SEC. 3. Public Law 528, 82d Congress, approved July 12, 1952, as amended by Public Law 21, 84th Congress, approved March 21, 1955 (7 U.S.C. 1315), is amended by adding between the first and second sentences thereof a new sentence as follows:

" 'Notwithstanding the first sentence hereof, if all or any part of a farm allotment to which the provisions of this Act apply is leased and transferred to another farm pursuant to section 316 of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1314b), the amount of acreage allotment transferred to the farm to which leased for each year of the lease will be determined by multiplying the part of the allotment transferred by the percentage which (i) the acreage allotment for the transferring farm computed without application of the minimum provisions of this Act is of (ii) the allotment determined for such farm after application of the minimum provisions of the Act for each such year.' "

The committee amendment was agreed to.

Mr. TAYLOR. Mr. Speaker, I rise in support of H.R. 18686 which I joined in introducing and which would authorize the lease and transfer of burley tobacco allotments from farm to farm in the same county for a period not to exceed 5 years.

This would enable those growers with the capital and labor to expand their operations. It would enable those growers who are unable to continue raising tobacco to transfer their time and resources to other operations and at the same time receive some income from the lease of their tobacco allotments. This would mean additional income to both the grower and the original allotment holder.

This legislation has the backing of all agriculture leaders of the district which I represent in Congress.

Western North Carolina burley tobacco growers are now losing more than $1 million annually in potential income through the failure to use allotted burley tobacco acres. These allotments are so small that it is often uneconomical or impractical for the allotment holder to grow tobacco.

Flue-cured tobacco areas have the privilege of leasing or transferring allotments to other farmers. This keeps the allotments used when the person to whom it is assigned finds it too small to be usable. Burley allotments in North Carolina, which is one of the small State producers of this type of tobacco leaf, tend to be small. The inability to transfer allotments has tended to make the rich richer and the poor poorer. For instance, in Haywood County in North Carolina, 948 acres has been allotted planting. This is divided among 1,887 farms with the average allotment being 0.47 of an acre. Income averages about $1,600 gross per acre at current market prices. Haywood County lost about $112,000 in agricultural income from unplanted tobacco allotments during 1968. Farm leaders feel that if transfer becomes legal most of the dormant allotments will be leased to farmers wanting to plant burley.

I urge favorable consideration of H.R. 18686.

Mr. MIZELL. Mr. Speaker, it is my great privilege to have sponsored this legislation, H.R. 18686, providing more equitable treatment for the burley growers of my district and other areas of the country.

The right to lease and transfer acreage allotments has been enjoyed by other kinds of farmers for years, and this right has accounted for a more productive farming industry, and thus, for a more prosperous and secure national economy, benefiting the Nation's cities as well as its rural areas.

It is past time to extend this right to our burley tobacco growers, and now is the time to set aright this unfair policy, which has been a source of discrimination against the burley grower for years.

To briefly recount the nature of this bill, it allows burley tobacco growers the same right now enjoyed by flue-cured tobacco farmers to lease or transfer acreage allotments which cannot be economically farmed by the owner of the land, whether through lack of labor or other facilities.

While the particular details of the leasing arrangement must be agreed upon by both parties, several major qualifications must be met to insure that this right is not abused. Those qualifications appear in the bill itself and are self-explanatory.

No additional Federal funds will be required to enact this legislation, but a great many farmers' futures heavily depend on the consent of this Congress to give them an equal share of the rights and privileges now enjoyed by other farmers.

I urge the immediate passage of this legislation, for their good, and for the Nation's.

Mr. WAMPLER. Mr. Speaker, I am pleased to be the sponsor of H.R. 18686, to permit the lease of burley tobacco allotments.

Since 1962 there have been provisions for the lease of allotments for most types of tobacco. However, these provisions have never applied to burley tobacco, which accounts for about 30 percent of the total U.S. tobacco production. I believe our burley growers should receive fair treatment.

Burley tobacco allotments average only 0.82 acre per farm, and 60 percent of the burley allotments are one-half acre or less. The State of Virginia has 16,434 burley tobacco farms, and the average allotment is 0.57 acre.

Many of our burley growers do not have the labor or the facilities to fulfill their tobacco allotments, while other burley growers are in a position to produce more than their allotments. My legislation will benefit both, and it will not require any additional Federal funds.

I believe my legislation will give fair treatment to, and greatly benefit, burley tobacco growers in southwest Virginia and neighboring States.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DESIGNATING CERTAIN LANDS AS WILDERNESS

The Clerk called the bill (H.R. 19007) to designate certain lands as wilderness.

There being no objection, the Clerk read the bill as follows:

H.R. 19007

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

DESIGNATION OF WILDLIFE AREAS WITHIN NATIONAL WILDLIFE REFUGES

SECTION 1. In accordance with section 3(c) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132(c)), the following lands are hereby designated as wilderness:

(a) certain lands in the (1) Bering Sea Bogoslof, and Tuxedni National Wildlife Refuges, Alaska, which comprise about forty-one thousand one hundred and thirteen acres, three hundred and ninety acres, and six thousand four hundred and two acres, respectively, and which are depicted on maps entitled "Bering Sea Wilderness—Proposed", and "Bogoslof Wilderness—Proposed", and Tuxedni Wilderness—Proposed", dated August 1967, and (2) the lands comprising the Saint Lazaria, Hazy Island, and Forrester Island National Wildlife Refuge, Alaska, which comprise about sixty-two acres, forty-two acres, and two thousand six hundred and thirty acres, respectively, and which are depicted on maps entitled "Southeastern Alaska Proposed Wilderness Areas", dated August 1967, which shall be known as the "Bering Sea Wilderness", Bogoslof Wilderness", Tuxedni Wilderness", Saint Lazaria Wilderness", "Hazy Islands Wilderness", and "Forrester Island Wilderness", respectively;

(b) certain lands in the (1) Three Arch Rocks and Oregon Islands National Wildlife Refuges, Oregon, which comprise about seventeen acres and twenty-one acres, respectively, and which are depicted on maps entitled "Three Arch Rocks Wilderness—Proposed", and "Oregon Islands Wilderness—Proposed", dated July 1967, and (2) the lands comprising the Copalis, Flattery Rocks, and Quillayute Needles National Wildlife Refuges, Washington, which comprise about five acres, one hundred and twenty-five acres, and forty-nine acres, respectively, and which are depicted on a map entitled "Washington Islands Wilderness—Proposed", dated August 1967, as revised January 1969, which shall be known as "Three Arch Rocks Wilderness", "Oregon Islands Wilderness", and "Washington Islands Wilderness", respectively;

(c) certain lands in the Bitter Lake National Wildlife Refuge, New Mexico, which comprise about eight thousand five hundred acres and which are depicted on a map entitled "Salt Creek Wilderness—Proposed", and dated August 1967, which shall be known as the "Salt Creek Wilderness";

(d) certain lands in (1) the Island Bay and Passage Key National Wildlife Refuges, Florida, which comprise about twenty acres each and which are depicted on maps entitled "Island Bay Wilderness—Proposed" and "Passage Key Wilderness—Proposed", dated August 1967, and (2) the Wichita Mountains National Wildlife Refuge, Oklahoma, which comprise about eight thousand nine hundred acres and which are depicted on a map entitled "Wichita Mountains Wilderness—Proposed", dated October 1967, which shall be known as "Island Bay Wilderness", "Passage Key Wilderness", and "Wichita Mountains Wilderness", respectively;

(e) certain lands in (1) the Seney, Huron Islands, and Michigan Islands National Wildlife Refuges, Michigan, which comprise about twenty-five thousand one hundred and fifty acres, one hundred and forty-seven acres, and twelve acres, respectively, and which are depicted on maps entitled "Seney Wilderness—Proposed", "Huron Island Wilderness—Proposed", and "Michigan Islands Wilderness—Proposed", (2) the Gravel Island and Green Bay National Wilderness Refuges, Wisconsin, which comprise about twenty-seven acres and two acres, respectively, and which are depicted on a map entitled "Wisconsin Islands Wilderness—Proposed", and (3) the Moosehorn National Wildlife Refuge, Maine, which comprise about two thousand seven hundred and eighty-two acres and which are depicted on a map entitled "Edmunds Wilderness and Birch Islands Wilderness—Proposed", all said maps being dated August 1967, which shall be known as "Seney Wilderness", "Huron Islands Wilderness", "Michigan Islands Wilderness", "Wisconsin Islands Wilderness", and "Moosehorn Wilderness", respectively;

(f) certain lands in the Pelican Island National Wildlife Refuge, Florida, which comprise about three acres and which are depicted on a map entitled "Pelican Island Wilderness—Proposed" and dated August 1970, which shall be known as the "Pelican Island Wilderness"; and

(g) certain lands in the Monomoy National Wildlife Refuge, Massachusetts, which comprise about two thousand six hundred acres but excepting and excluding therefrom two tracts of land containing approximately ninety and one hundred and seventy acres, respectively and which are depicted on a map entitled "Monomoy Wilderness—Proposed" and dated August 1970, which shall be known as the "Monomoy Wilderness".

DESIGNATION OF WILDERNESS AREAS WITHIN NATIONAL PARKS AND MONUMENTS

SEC. 2. In accordance with section 3(c) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132(c)), the following lands are hereby designated as wilderness:

(a) certain lands in the Craters of the Moon National Monument, which comprise about forty-three thousand two hundred and forty-three acres and which are depicted on a map entitled "Wilderness Plan, Craters of the Moon National Monument, Idaho", numbered 131–91,000 and dated March 1970, which shall be known as the "Craters of the Moon National Wilderness Area";

(b) certain lands in the Petrified Forest National Park, which comprise about fifty thousand two hundred and sixty acres and which are depicted on a map entitled "Recommended Wilderness, Petrified Forest National Park, Arizona", numbered NP–PF–3320–O and dated November 1967, which shall be known as the "Petrified Forest National Wilderness Area".

DESIGNATION OF WILDERNESS AREAS WITHIN NATIONAL FORESTS

SEC. 3. In accordance with section 3(b) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132(b)), the following lands are hereby designated as wilderness: the area classified as the Mount Baldy Primitive Area with the proposed additions thereto and deletions therefrom, as generally depicted on a map entitled "Proposed Mount Baldy Wilderness", dated April 1, 1966, comprising an area of approximately seven thousand acres, within and as a part of the Apache National Forest, in the State of Arizona.

SEC. 4. As soon as practicable after this Act takes effect, a map and a legal description of each wilderness area shall be filed with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 5. Wilderness areas designated by or

pursuant to this Act shall be administered in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act, and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary who has administrative jurisdiction over the area.

Mr. ASPINALL. Mr. Speaker, I would like to speak in support of H.R. 19007 and to very briefly explain the provisions of this bill and the wilderness system.

When the basic Wilderness Act was passed in 1964, it provided that additional land could be added to the system if it was found to be suitable. The procedures for additions were clearly spelled out. Both the Secretaries of Agriculture and Interior were directed to review, within 10 years, lands under their respective jurisdictions for suitability for wilderness designation. The two Secretaries were directed to forward their findings to the President, and the President, in turn, would submit his recommendations to the Congress for legislative action.

This is the procedure that was established by the 1964 Wilderness Act, and this procedure has been followed in each of the 23 areas proposed for wilderness designation before us today.

Each area has been carefully examined by either the Department of Agriculture or Interior, the respective Secretaries have advised the President of their findings, and the President has submitted his recommendations to Congress. Subsequently, bills were introduced and referred to the Committee on Interior and Insular Affairs. Extensive hearings were held on each of the 23 proposals, and all interested parties were given full opportunity to appear and testify. All resources values have been carefully considered, including forage, watershed, timber, minerals, and recreation values. After considering all these values, as well as the suitability of these areas for wilderness designation, it was the committee's firm conclusion and recommendation that the areas be designated as wilderness.

What is involved here is the designation of 23 separate land areas that are located in 12 States. Geographically, these are located from Alaska to Florida and from Maine to Oregon. The total acreage involved is about 201,000 acres, but the individual areas recommended for wilderness designation range in size from 3 acres to over 50,000.

The physical conditions of the 23 areas, including climate, location, topography and geology, vary extensively. However, these areas do have one overriding common characteristic. Each is an undeveloped tract of Federal land retaining its natural character without permanent improvements or human habitation. Each is devoid of permanent roads and access into each is by trail. Each can be managed and protected to preserve its natural conditions for the use and enjoyment of present and future generations. Each presents outstanding opportunities for recreation and solitude, as well as serving as an outdoor laboratory for scientific study.

The designation of these areas as wilderness will preserve them from the encroachment of our modern mechanized and motorized society. To the maximum extent possible, the usual commercialization will be prohibited. Except in rare emergencies, the use of motorized vehicles, motorized equipment, motorboats, or the landing of aircraft will be prohibited. Permanent structures or installations will not be permitted. Certain other activities, authorized by the Wilderness Act, such as hunting, fishing, grazing, and mineral development, where now authorized and permitted within these areas, will continue. Even these permitted activities, however, must be conducted in a manner consistent with the overall purpose of wilderness, and they will be subject to certain statutory restrictions imposed by the Wilderness Act. The primary objective in any wilderness area is to preserve tracts of land in an unspoiled and natural condition. Any evidence of man must be substantially unnoticeable.

Certain areas were not entirely free of man-made instrusions. In most instances these were eliminated by the two Departments by exclusions and boundary adjustments. In other instances, the improvements are in the process of being removed, and this will be completed as quickly as possible.

In order to maintain this true wilderness concept, the committee found it necessary to recommend the exclusion of certain areas in the proposed Monomoy Wilderness in Massachusetts that had not been excluded by the Department of the Interior. Here the committee found numerous nonconforming uses such as summer cabins, and the continued use of motorized equipment. As rapidly as possible, these uses should be phased out and the excluded areas should then be considered for designation as wilderness by subsequent legislation.

One other exclusion of land was necessary. This was in connection with the proposed Pelican Island Wilderness in Florida. Here certain land proposed for wilderness designation was owned and controlled by the State of Florida and because of this could not be included in the proposal. Land exchanges with the State are underway and when these exchanges are completed, this area should again be considered for designation as wilderness.

With the exception of the two deletions of land explained above and the addition of some 2,243 acres to the proposed Craters of the Moon Wilderness Area, H.R. 19007 reflects the recommendation of the President as submitted to Congress, and is in accord with the reports of the Departments of Agriculture and Interior as to their boundaries recommended for each of the 23 separate areas.

For the purposes of uniform administration of these areas, the committee adopted language consistent with the 1964 Wilderness Act as the standard for the administration of all wilderness areas whether they be created from national parks, monuments, wildlife refuges, or from national forests. This will assure that only those activities authorized by the basic Wilderness Act will be permitted in these new wilderness areas.

Each area has been examined by the U.S. Geological Survey, and that agency reports that there is very little probability for economic mineral development.

Mr. Speaker, I will not comment at this time on each of the 23 separate areas proposed for wilderness designation. I do wish to emphasize, however, that each area has been examined and screened by the Departments of Agriculture and Interior, each has been recommended by the President to the Congress, and each has been the subject of extensive hearings by the Committee on Interior and Insular Affairs. So far as I am aware, there is complete agreement that these areas are in all respects suitable for designation as wilderness. They will make a significant addition to the existing wilderness system that now contains almost 10 million acres.

Mr. Speaker, I urge favorable action on H.R. 19007.

Mr. SAYLOR. Mr. Speaker, I rise to speak in support of H.R. 19007, the omnibus wilderness bill which would add 26 new areas to the national wilderness preservation system. This bill applies to lands already owned by the Federal Government and which are part of our national park, national forest, and national wildlife refuge systems. Placing these lands in the national wilderness system will give them greater protection and assure the permanent availability of their natural treasures for the benefit of the people.

H.R. 19007 is offered in response to the Wilderness Act of 1964 which declares it to be the policy of the Congress and the Nation to preserve America's wilderness and so "to secure for the American people of present and future generations the benefits of an enduring resource of wilderness." The Wilderness Act provides for additions to be made to the national wilderness system from Government-owned lands within the national forests, national parks, and national wildlife refuges by congressional enactment. These lands would still remain part of the national forest, park, or refuge and under the jurisdiction of the same Federal agency, but would be administered as wilderness under the terms of the Wilderness Act. That is exactly what the passage of H.R. 19007 will do.

I urge your approval of this bill as consistent with the declared policy of the Congress and the Nation as set forth in the Wilderness Act.

Of the 26 wilderness units in H.R. 19007, 23 are within national wildlife refuges, geographically scattered from Alaska to Florida and from New Mexico to Maine. One is on the Apache National Forest in Arizona. Two are within national parks, namely Craters of the Moon in Idaho and Petrified Forest in Arizona, and would be the first national park wilderness areas to be placed in the national wilderness system. As a measure of the support for this legislation, 42 Members of this House are signed as sponsors of the bill.

The Wilderness Act established a 10-year schedule, beginning in 1964 and ending in 1974, for the review of potential wilderness areas on the national forests, national parks, and national wildlife refuges. It placed on the three Federal agencies having jurisdiction over the lands involved the responsibility for making

such reviews and for presenting on time the agencies' wilderness recommendations to the Congress. The Forest Service and the Bureau of Sport Fisheries and Wildlife are doing a creditable job of meeting the act's schedule and submitting their wilderness recommendations within the time limits set. Unfortunately the National Park Service is far behind schedule.

I regard it as most unfortunate that the Park Service has failed to keep the mandate of the Congress as legally provided in the Wilderness Act. At the time this legislation was being considered by this body in 1964, the Park Service had advised the Congress that it saw no reason why it could not meet the review schedule of the act.

Yet today, 6 years after the passage of the act and with only 4 years remaining before all reviews must be completed and agency recommendations laid before the Congress, recommendations for only five units within the national park system have been submitted to the Congress out of 57 required to be reviewed. With 60 percent of the permitted time gone by, less than 10 percent of the required job has been done by the Park Service. This failure of the Park Service to obey the mandate of Congress is documented in detail in an article titled "Lost in the Wilderness: The National Park Service," which appeared in the Living Wilderness for spring 1970, a quarterly magazine published by the Wilderness Society. I will include the complete article in the CONGRESSIONAL RECORD as an extension of my remarks. It reflects the critical attitude expressed by many other citizen organizations over the country that the Park Service has not obeyed the requirements of the Wilderness Act.

The National Park Service had been insisting that it must complete its master plan in full detail for each park unit before it could prepare a wilderness recommendation for the Congress. These master plans are each taking 3 or 4 years to prepare. There is no reason why decisions as to what portions of a national park shall be recommended for wilderness designation should be held up while somebody argues over how many parking places there shall be in each parking lot, how many campsites in each automobile campground, the number of tables in each picnic ground, the size and facilities to be planned in each visitor center, the number of stalls in each public rest room, et cetera. Once the type and general location of each development has been decided upon by the Service, it should be entirely practical to determine the areas to be recommended for wilderness designations, and so forth, to be left alone, unchanged by the works of man, so that the full wonder and beauty of nature's creation remain undisturbed for the inspiration of us all. Furthermore, the more than 50 years of experience of the National Park Service has shown that there is nothing permanent about any master plan. Each is subject to continual change and to periodic complete overhaul.

With these considerations in mind and in response to the criticisms of the House Committee on Interior and Insular Affairs, officials of the National Park Service have indicated that the Service will revise its wilderness review procedures as affected by master planning and they have stated that despite the limited time remaining the Service expects to have all 57 wilderness recommendations by the required deadline of September 3, 1974. We are awaiting confirmation of this intention in the form of definite schedules for the next 4 years.

The Congress will expect these recommendations to take serious account of the extraordinary quality and extent of the wilderness contained within the national park system and to reflect these characteristics fully. I am confident that the Congress will insist that its mandate as contained in the Wilderness Act shall be complied with.

Mr. Speaker, this is a highly significant occasion when 26 wilderness areas are offered to this House for its decision whether to add them to the national wilderness system. Passage of the legislation which would do this will be a splendid contribution by the members of this body to protecting a pure and unspoiled portion of the Nation's environment. It will assure that some parts of our country will remain as welcome refuges from the speed, the noise, and the incessent change which this age of the machine is so relentlessly imposing on us almost everywhere else. We have the opportunity to add today to the impressive record which the 91st Congress had made for itself and for the Nation in working for a better environment for all Americans. I urge my colleagues to vote for H.R. 19007 and enhance their illustrious record as conservationists and defenders of the environment.

The article follows:

LOST IN THE WILDERNESS: THE NATIONAL PARK SERVICE

(By Ernest M. Dickerman)

("The National Park Service shall speed up wilderness studies to get this program on schedule."—Secretary of the Interior Walter J. Hickel, on a public poster entitled National Park Service Policy Guidelines.)

Not a single acre of the national parks has been placed in the National Wilderness Preservation System, more than five and one-half years after the signing of the Wilderness Act on September 3, 1964. No wonder the National Park Service is accused of foot-dragging.

As most readers know, the Wilderness Act prescribed a period of ten years during which the National Park Service, the Forest Service, and the U.S. Bureau of Sport Fisheries and Wildlife must study roadless units of 5,000 acres or more within their jurisdictions, and submit recommendations to the Congress through the President as to their suitability for inclusion in the Wilderness System. (Such areas, when admitted to the Wilderness System, are affected only with regard to protection from non-wilderness developments, and are not removed from the respective jurisdictions.) The Forest Service and the U.S. Bureau of Sport Fisheries and Wildlife have both made serious efforts to move forward.

Plainly, the benefits of the Wilderness Act are intended for the present generation as well as for future generations, as the Secretary of the Interior has in effect reminded the Park Service. With the prescribed ten-year period more than half over, the failure of the Park Service, after an abortive start, to accomplish a single wilderness designation thus far warrants a critical look into what has happened.

Field hearings have been held for 17 national parks or monuments out of approximately 57 required to be reviewed in the ten-year period.

From the 17 field hearings held, proposals for only 5 parks or monuments have been submitted to the Congress. The other 12 are still in various stages of restudy within the National Park Service.

Of the five proposals sent to the Congress, bills have been introduced for each in one or both houses in the current 91st Congress, but no public hearings have been held by either the House or the Senate Interior Committee.

Because of the change in administration two of the five park wilderness proposals pending before Congress—Petrified Forest National Park (Arizona) and Craters of the Moon National Monument (Idaho)—were returned to the Bureau of the Budget (i.e., the President's office) for the present administration's comment; Petrified Forest National Park has been approved by the Bureau; Craters of the Moon is still being held.

The other three of the five proposals submitted to Congress by the Park Service are resting silently in the Congressional committees' files. These are Lassen Volcanic National Park, Lava Beds National Monument, and Pinnacles National Monument (all in California). The Park Service's wilderness recommendations for these three parks are considered inadequate by conservationist groups, compared to the total wilderness within each of these parks. It was deemed desirable to return them to the President for consideration by the new administration, with the opportunity to improve the proposals. But the proposals have not been sent back to the Bureau of the Budget.

The Congress must bear some of the responsibility for failure to place part of any national park in the National Wilderness System. Conservationists and the National Park Service are in substantial agreement on wilderness proposals for Craters of the Moon National Monument and for Petrified Forest National Park, which originally cleared the President's office (Bureau of the Budget) in April of 1968. Yet no wilderness bills were introduced in Congress for either park until 1969. Then, with a change in administration, as noted above, both proposals were returned to the Bureau of the Budget to provide the new administration an opportunity to express its opinions. This has caused a further delay in enacting wilderness legislation for these two parks.

What about the 12 national park areas on which field hearings have been held, but on which nothing visible has happened since? Hearings were held on all 12 between June 1966 and December 1968—from 15 months to almost 4 years ago. At Chaco Canyon National Monument, New Mexico, there was general agreement by everyone testifying at the hearing held December 3, 1968, that because of desirability of making extensive archeological excavations and doing work essential to preserving ancient ruins throughout the monument, there should be no wilderness designation. At Great Smoky Mountains National Park (North Carolina-Tennessee), the proposed transmountain road (disapproved overwhelmingly by the witnesses at the public hearings June 13 and 15, 1966, and twice rejected by the Secretary of the Interior, yet not withdrawn by the National Park Service) has stalled consideration of the wilderness proposal. The wilderness proposals for the other ten parks are, for practical purposes, somewhere in limbo. Meaningful information as to the status of any one of them is virtually impossible to obtain.

No wilderness field hearings were held by the National Park Service during 1969, nor have any been scheduled as of this writing for 1970. There is considerable speculation as to what accounts for this violation by the National Park Service of the Congressional mandate in the Wilderness Act. Many individuals in the Service sincerely believe in

the values of wilderness and earnestly want to assure its preservation. They seek to bring about an effective program of wilderness reviews within the Park Service, and they deserve the fullest encouragement. But the record for the first 5½ years of the 10-year review period specified in the Wilderness Act indicates that individual efforts within the Service have not been sufficient to move the wilderness review program forward. At the end of 5½ years the owners of the national parks—the people—are still waiting for the first part of any national park to be placed in the National Wilderness System and thereby be given the needed protection of the Wilderness Act.

It is true that designation of wilderness areas under the Wilderness Act would restrict freedom which the Park Service has traditionally exercised to introduce man-made changes anywhere in any national park. This was the intention of the Act and would represent a considerable limitation of Park Service policy and practice—a limitation that bureaucracies generally tend to avoid. (An interesting aspect of the application of the Wilderness Act to our national parks is that it will have little or no restrictive effect on the individual citizen who comes to enjoy the natural beauties and natural environment of a park.) An increasing number of people have wondered why the citizen-owner of a park who plucks a single flower from a plant which will bloom again next spring is subject to immediate arrest, while in the same park the Park Service can turn a fleet of bulldozers loose to strip every vestige of plant life from a mountainside with utter impunity. It is right that the visitors to a park should not pick the flowers—they should be left for the next visitor to enjoy while they last. But there is a serious imbalance in our national park philosophy and practice when we deplore the plucking of a single blossom, yet impose no restraints on where and when those who have the duty of protecting our parks may strip the landscape bare. Application of the Wilderness Act to the national parks is designed to assure that the wild portions of our national parks remain forever free of the works and the machines of man.

There seems to be an excessive drive in more recent years by some Park Service administrators to put their own stamp on each park. There is a driving need, apparently, for the big design and construction division to keep itself occupied continuously in order to use up its appropriations. Of course there will be, and should be, roads, visitor centers, campgrounds, headquarters, etc., in the national parks, but these should be sharply limited, located with extreme discrimination, and wherever possible, placed outside of the unit itself in accordance with comprehensive regional plans.

Before considering the action that can be taken individually and collectively to move ahead on wilderness proposals for the national park system, it will be worthwhile to consider broadly the proposals the Park Service has presented thus far. The Service's proposal for each of the 17 parks on which field hearings have been held is commented upon in some detail in the supplement accompanying this general consideration of the subject. These detailed comments are offered for the attention of individuals and organizations who feel a special interest in one or more of the 17 parks. Here we shall consider the general character of the Park Service's wilderness proposals, and examine why, in our opinion, many of the proposals fall short of being adequate. It is apparent that a limited number of factors account for most omissions of natural areas which, in the opinion of informed local persons, qualify as wilderness. These factors are:

a. "Buffer zones," or "Wilderness Thresholds." These are usually located along roads or park boundaries. A Park Service theory holds that adjoining any statutory wilderness area should be an administratively established zone serving as a threshold or introduction to the wilderness lying beyond; such a zone would be subject to restricted development, as a sort of "halfway house" to the wilderness. The fallacy of this theory lies in the fact that such zones are established by administrative regulation only, not by law, and so are subject to change at any time by the agency; the zone may be anywhere from a sixteenth of a mile to two or three miles wide, without any regard for the actual wilderness qualities of the arbitrarily excluded area; there is no provision in the Wilderness Act authorizing any such grounds for withholding from the protection of the Wilderness Act land which meets the legal criteria for wilderness. As practiced by the Park Service to date, their buffer zone proposals defeat the intention of the Wilderness Act by arbitrarily excluding from the National Wilderness System significant acreage which qualifies for the protection of the Act.

Sequoia-Kings Canyon and Lassen Volcanic parks are particularly severe examples of this regrettable practice. The proposed buffer zones for these parks are as much as one to three miles wide. Half-a-dozen other park wilderness proposals show these set-backs along roads and park boundaries ranging from one-sixteenth mile to a quarter or half mile, without regard to the wilderness character of the excluded land.

b. Roads. Of the 17 parks reviewed to date, the Park Service wilderness recommendations for five of them omit important areas of natural wilderness because the Park Service wants to build roads therein. Preventing such road construction was exactly the purpose in passing the Wilderness Act. Congress wanted to assure that the wilderness in the National Parks (and in the National Wildlife Refuges, and in the Primitive Areas of the National Forests) would remain wild and roadless.

The outstanding example of new road construction proposed through the wilderness is, of course, the Park Service's proposed transmountain road through the wilderness of the western half of the Great Smoky Mountains National Park. Less than 100 miles away from the Great Smokies park and less than a year after the citizens had roundly denounced that proposed transmountain road, the Park Service announced its plan to build a new national parkway lengthwise through the mountain-top wilderness of little, 20,000-acre Cumberland Gap National Historical Park. Similarly in Lassen Volcanic, Lava Beds, and Pinnacles Parks, the Service's recommendations excluded significant areas of existing wilderness on the plea that it wants to build roads instead.

There is little point in having a national policy of wilderness preservation as declared by the Congress in the Wilderness Law if, before the law can be applied, the responsible government agencies are first going to be allowed to sabotage the wilderness.

c. Grazing. In some western parks, grazing is still allowed under permit. Because of present grazing, de facto or natural wilderness was excluded from the Park Service proposals for Lava Beds and Pinnacles. On the other hand, at Chiricahua National Monument (Arizona), the Park Service arranged to terminate the grazing shortly before preparing its wilderness proposal, and then included wilderness which otherwise would possibly have been excluded.

Rather than excluding from the National Wilderness System an area being presently grazed, but which otherwise meets legal wilderness standards, the Park Service should recommend such areas for wilderness designation and discontinue the permitted grazing as promptly as practicable.

d. Inholdings (land still privately owned within the boundaries of a park). At Pinnacles National Monument the presence of three small inholdings was cited by the Park Service as reason for excluding from wilderness designation a large area of surrounding park wilderness. Private inholdings cannot be placed in the National Wilderness System. Whether or not the inholding meets wilderness standards is irrelevant in determining whether surrounding park land shall be placed in the wilderness system. Only the federally owned park land is required to meet the criteria of the Wilderness Act.

e. General omissions. In half a dozen parks, including Arches (Utah), Bryce Canyon (Utah), and Chiricahua, substantial areas of wilderness have been excluded from Park Service wilderness proposals. Examination of these proposals, as issued at the time of the field hearings, reveals little solid reason for these omissions. The omitted areas, in the judgment of conservation leaders personally familiar with them, qualify as wilderness. Yet the Service's proposal may have failed to mention them, or may have offered reasons not warranted by the terms of the Wilderness Law (such as that a herd of cattle is occasionally driven on foot via a trail across an area), or omission may be defended on the grounds that it is desirable to build a road through the area (as at Lava Beds National Monument).

In some parks, wilderness areas of less than 5,000 acres were omitted presumably because the Wilderness Act does not require the Park Service to review them. Even so, it is worth noting that the Service has, in such parks as Pinnacles, Arches, and Shenandoah (Virginia), voluntarily recommended individual wilderness areas which contain less than 5,000 acres. The Wilderness Act does not prohibit the establishment of wilderness areas of less than 5,000 acres; it simply does not require the Park Service to review areas under 5,000 acres. Given the declared policy of the Wilderness Act to preserve the nation's resource of wilderness, wild lands in any national park which meet the wilderness criteria of the Act should be recommended for addition to the National Wilderness System unless there is a compelling and positive reason for omitting them.

A new factor which has been introduced contributes heavily to the slow-down in wilderness reviews by the National Park Service. This ties wilderness reviews to master planning procedures which cause unnecessary delays to the public hearing process for a given park until the master plan is completed.

Deciding what is wilderness, what is historical, what has value as a special natural feature, where shall be the centers of concentrated use—all this is important. It is proper that wilderness recommendations be deferred until this stage of the master planning has been taken care of. But that is not what is happening.

The difficulty is that the Park Service wilderness proposals are held up while it goes into everlasting detail regarding the general specifications for any new roads proposed, the location and specific features of any visitor centers, sanitary facilities, the capacity and design of any automobile campgrounds, the routing of new trails, the location of parking areas and overlooks, etc. This degree of planning detail is uncalled for before determining the boundaries of wilderness areas to be recommended. With two, three and even more years being taken to complete the master plan for a park, the wilderness review process will be hopelessly mired and all sight will be lost of the Wilderness Act's 1974 deadline for completion of the reviews.

The Park Service needs to separate wilderness review from master planning after the initial stage of delineating the wild lands as distinct from developed areas. The Service must also staff itself adequately and authoritatively to handle the wilderness reviews. Above all, it must adopt a positive wilderness philosophy and decide that in accordance with the specifically stated policy of the Secretary of the Interior as well as

Congress it is going to get on with the job and accomplish the objective of the Wilderness Act as written.

The principal approaches to encouraging the National Park Service to do its assigned job under the Wilderness Act are through the Secretary of the Interior and through the members of the Congress.

Secretary of the Interior Walter J. Hickel has declared, as part of the message on a public poster he issued about November 1969, entitled "National Park Service Policy Guidelines": "The National Park Service shall speed up wilderness studies to get this program on schedule." Secretary Hickel needs to hear firsthand from conservationists who support him in his efforts to fulfill the objectives of the Wilderness Law. His address is: Department of the Interior, Washington, D.C. 20240. He can make sure that the Park Service sets up an adequate and competent staff to carry on the vital park wilderness reviews. The idea that the national parks are intended to be administered primarily as extraordinary natural areas for the use and enjoyment of the people should be stressed. The best way to assure this objective is to place in the National Wilderness Preservation System all park lands which qualify under the Wilderness Act.

The attitude of the members of Congress is of extreme importance in determining whether any government agency applies a particular law effectively and promptly. Citizens should use their influence with their respective Representatives and Senators in Congress to see that the mandate of Congress itself is carried out to produce a wilderness proposal for their favorite national park or monument. The member of Congress will probably refer such letters to the Park Service for comment. These letters will have the effect of telling the Park Service clearly and firmly that the members want action and the Service must get busy.

Each concerned individual can greatly expand his or her influence by persuading clubs and other organizations in their community to write on this subject to Secretary Hickel and to their representatives in the Congress.

Persons who live near a national park, or visit one anywhere, can help by dropping in at park headquarters and telling the superintendent or one of his staff of their interest in having the wilderness of that park placed in the National Wilderness System. Let superintendents and their staffs become aware of the strength of the public demand for wilderness protection under the Wilderness Law.

The National Park Service has a great opportunity under the Wilderness Act to assure the preservation of wilderness in America. Let's encourage it to do this job which it has been assigned in behalf of the people of the nation!

ARCHES NATIONAL MONUMENT—UTAH

Special problems: "Buffer zone" exclusions.

Wilderness hearing held December 14, 1967, at Moab, Utah. No action since by National Park Services. However, as of January 20, 1969, President Johnson added by executive order 48,943 acres to the monument, raising the total acreage to 82,953 acres.

The National Park Service wilderness plan omits large sections of the park lying east of the principal road which qualify as wilderness under the definition of the Wilderness Act; omits a strip one-eighth mile wide along most of the eastern boundary of the park; and omits a large continuous tract, including Courthouse Towers, which lies west of the principal road in the southern portion of the park. The Park Service wilderness recommendations totals only 12,742 acres, whereas the conservationists' wilderness proposal (with these areas included) totals 28,000 acres.

The presence of a legally-established stock driveway through the Courthouse Towers section is offered by the Service as grounds for omititng this section from wilderness designation. As long as the stock is simply walked over this route at infrequent intervals and not accompanied by any motor vehicle, it would not appear to constitute a violation of the legal definition of wilderness.

With the addition of 48,943 acres to the park as of January 20, 1969, it is urgent that this addition be studied for its wilderness qualities and that appropriate recommendations be sent by interested citizens to the Secretary of the Interior.

BRYCE CANYON NATIONAL PARK—UTAH

Special problems: "Buffer zone" exclusions.

Wilderness hearing held December 11, 1967, at Panguitch, Utah. No action since by the National Park Serivce.

The preliminary wilderness proposal of the Service is very good in many respects, including as it does the major part of the park lying east of the principal road and south of Water Canyon—comprising 17,900 acres.

However, omitted despite their wilderness qualities are: the Pink Cliffs wilderness, containing approximately 3,000 acres, lying north of Utah highway 54 and otherwise bounded by the park boundary; an area of about 2,000 acres in the vicinity of Paria View Well (adjoining the Service's proposal); and the 1/16-mile-wide strip along almost the entire east and south boundaries (about 900 acres). These excluded areas qualify as wilderness under the definition of the Wilderness Act, and, added to the Service's proposal, result in a conservationists' wilderness recommendation totaling 23,800 acres out of the 36,010 acres contained in the park.

Let the Secretary of the Interior know of your preference for the larger 23,800-acre wilderness designation and ask him to enlarge the Park Service's recommendations accordingly.

CAPITOL REEF NATIONAL MONUMENT—UTAH

Special problems: "Buffer zone" exclusions and general omission.

Wilderness hearing held December 12, 1967, at Loa, Utah. No action since by National Park Service. However, as of January 20, 1969, President Johnson, by executive order, added 215,056 acres to the monument, raising the total acreage to 254,229 acres.

The National Park Service wilderness proposal for 23,074 acres would place the major portion of the monument's previous total of 39,173 acres in the National Wilderness System and accordingly is to be praised. However, an additional 7,000-acre area which qualifies as wilderness under the definition of the Wilderness Act is excluded by excessive setbacks of the Service's proposed wilderness boundary along the two principal park roads, by a 1/3-mile set-back all along the eastern and southern boundary of the park, and by omission of the extreme northern section of the park because grazing is currently permitted there. Instead, consistent with the intent and purpose of the Wilderness Law and its definition of wilderness, wilderness boundaries should be drawn close to the edge of roads and should coincide with the park boundary wherever the area itself possesses the characteristics of wilderness, as is true at Capitol Reef National Monument. The extreme northern section of the monument should be recommended for wilderness designation, with the permit for the temporary grazing to be discontinued as early as practical. These additions, totaling 7,000 acres and recommended at the public hearing by conservationists, would provide a total wilderness proposal of just over 30,000 acres.

The Park Service proposal would divide a recommended block of wilderness lying south of Utah highway 24 and east of Capitol Reef Scenic Drive into four separate wilderness sections because of three livestock driveways cutting across this portion of the park. If not accompanied by a motor vehicle, these would not appear to constitute a violation of the wilderness as legally defined. Accordingly, this entire block can and should be designated as a single, unbroken wilderness area. The entire wilderness proposal would then be contained within two (instead of five) sections.

With the addition of 215,056 acres to the monument by President Johnson's executive order of January 20, 1969, a vastly increased area within the monument needs to be studied for possible wilderness designation. Interested citizens and their local groups are urged to make field studies and then send their recommendations to the Secretary of the Interior.

CEDAR BREAKS NATIONAL MONUMENT—UTAH

Special problems: "Buffer zone" exclusions.

Wilderness hearing held December 11, 1967, at Cedar City, Utah. No action since by the National Park Service.

The Park Service's preliminary wilderness proposal is highly commendable, except that the proposed wilderness boundary is set back distantly from the road which winds from north to south close to the eastern boundary of the monument, and is arbitrarily set back 1/16th of a mile from the park boundary on the north, the south, and the west. Inasmuch as the area within these set-backs meets the definition of wilderness in the Wilderness Act and the National Parks are intended primarily to be natural areas, not man-developed areas, it is right that the wilderness boundaries should be drawn close to the road and should coincide with the park boundary. Instead of a wilderness area of 4,600 acres (as preliminarily recommended by the Park Service), a wilderness area of 5,300 acres is recommended by conservation groups and individuals. The monument contains a total of 6,154 acres.

CHACO CANYON NATIONAL MONUMENT—NEW MEXICO

Special problem: Archeological features.

Wilderness hearing held December 3, 1968, at Aztec, New Mexico.

Because of the extent and the importance of the archeological ruins within this monument containing 51,509 acres, the National Park Service recommended that none of it be placed in the National Wilderness Preservation System. A long-term program of archeological exploration is going on which requires motor vehicle transportation of the crews and excavation of the land. Further, preservation of the ruins to forestall the debilities of age and the assorted forces of erosion requires the use of a wide range of mechanical equipment. All of this is contrary to the concept of wilderness and to the provisions of the Wilderness Act. The Park Service holds that in this case the extraordinary quality of the remains of the historic and prehistoric cultures is the dominant value of the monument, and that wilderness classification would prevent proper investigation and protection thereof. After due study, concerned individuals and conservation organizations concurred in the NPS position at this time.

CHIRICAHUA NATIONAL MONUMENT—ARIZONA

Special Problems: "Buffer zone," general omission.

Wilderness hearing held November 5, 1968, at Wilcox, Arizona. Since then nothing has happened.

Nearly 85 per cent of this 10,645-acre park meets the standards for wilderness prescribed in the Wilderness Act. This park is divided by a road running generally east-west, with roughly two-thirds of the park lying south of this road. The Park Service has recommended a wilderness area of 4,685 acres in a single block lying south of the road. Conservationists, drawing their wilderness boundary closer to the east-west road and eliminating the Park Service's ⅛-mile set-back within the park boundary on the east, south,

and west (a set-back made despite the strip's wilderness character), propose a wilderness of 5,845 acres south of the road.

The Park Service completely omitted, and made no reference to, the 3,400-acre block of wilderness lying north of the road. With the addition of this 3,400 acres, the citizen-conservationist wilderness proposal totals 9,245 acres.

Despite an active permit for grazing 10 head of stock in the monument, the Park Service offered its wilderness recommendation noted above, stating that it believed the permit could be terminated at an early date. The Service is to be commended for this approach to a grazing situation, which approach conforms to the policy and intent of the Wilderness Law.

It is suggested that individuals and their organizations urge the National Park Service to adopt the citizen-recommended wilderness proposal totaling 9,245 acres.

CUMBERLAND GAP NATIONAL HISTORICAL PARK—KENTUCKY, VIRGINIA, TENNESSEE

Special problem: Proposed road.

Wilderness hearings held June 8 and 9, 1967. Nothing has been done since by the Service.

The big threat to the natural character of this narrow, 20,000-acre park is the Park Service's proposal to run the Allegheny Parkway lengthwise through the park. It would cease to be a park. It would become simply one more automobile parkway, dominated by the road and machines. Though small in size the approximately 15,000 acres on top of the Cumberland Mountain and adjacent slopes is a "remarkable wilderness in the sky," with mountain streams, rugged crags, wild forest, and panoramic views into Kentucky, Virginia, and Tennessee. The Secretary of the Interior should be urged to keep the Allegheny Parkway (extending 632 miles to Harpers Ferry, West Virginia) off the mountain and outside the park, and so leave the park's wilderness undisturbed.

The Park Service wilderness recommendation provides for a wilderness of only 8,980 acres—to be shared on the mountain top with the Allegheny Parkway, which would completely change the mountain's character. This figure is far short of the 15,000 acres of existing wilderness recommended by most witnesses at the public hearing.

CRATERS OF THE MOON NATIONAL MONUMENT—IDAHO

Special problems: None.

Wilderness hearing held September 19, 1966. Since then, the Park Service's formal wilderness recommendations have been approved by the Secretary of the Interior and President, and transmitted to Congress. On April 1, 1969, Senate bill 1732 was introduced in the Senate; but no hearing has been held yet by the Senate Committee on Interior and Insular Affairs. No bill has been introduced yet in the House.

The Service is widely applauded by conservationists, including The Wilderness Society, for this carefully developed wilderness plan which comprises 40,785 acres in a single tract out of the total of 53,545 acres in the park. Full support of the Service's proposal is unequivocally recommended.

GREAT SMOKY MOUNTAINS NATIONAL PARK—NORTH CAROLINA-TENNESSEE

Special problems: Proposed transmountain road and general omissions.

Wilderness hearings held June 13 and 15, 1966, at Gatlinburg, Tennessee, and at Bryson City, North Carolina, respectively (two hearings held because the wilderness of the park lies in two states). These were the first Park Service hearings under the Wilderness Act. No action by the National Park Service re wilderness designation since.

The transmountain road originally proposed by the National Park Service in September, 1965, was rejected by Secretary of the Interior Stewart L. Udall in December, 1967, and again by him in December, 1968, shortly before going out of office.

However, with a new administration taking office in Washington, a Congressional delegation from North Carolina and Tennessee called on the new Secretary of the Interior Walter J. Hickel in March, 1969, and requested that he reverse the Department's decision against the proposed transmountain road. The Secretary reserved judgment. On June 23, 1969, a delegation of 92 persons from North Carolina, Tennessee, Georgia, Alabama, and other southeastern states called on Secretary Hickel in Washington to urge preservation of the wilderness of the Great Smoky Mountains as it is today, and to advocate adoption of the conservationists' comprehensive road scheme that would simultaneously provide new driving opportunities inside and outside the park while leaving the citizens' recommended wilderness unviolated. In concluding the meeting, Secretary Hickel publicly announced that he was instructing the Director of the National Park Service, George B. Hartzog, to restudy the situation and to come up with satisfactory alternatives for settling the transmountain road controversy within the next 15 to 18 months.

Until the road issue is determined, it is hardly practical for the National Park Service to draw up a proper wilderness plan for the Great Smokies Park. Accordingly, little positive action is expected meanwhile toward applying the Wilderness Act to the park. However, once this matter is settled, conservationists will push vigorously for a genuine and adequate wilderness proposal by the National Park Service.

ISLE ROYALE NATIONAL PARK—MICHIGAN

Special problems: Excessive exclusions about proposed developments.

Wilderness hearing held January 31, 1967. No formal action since then, though the Park Service is known to have been carefully restudying its wilderness proposal with a view to making small, but significant, enlargements.

The approximately 119,618 acres in essentially a single tract proposed by the Park Service for wilderness designation generally represents a highly commendable plan, and has been accordingly praised by conservationists. The criticism has been centered on excessively large exclusions of wilderness about points of new developments. While the proposed developments themselves appear to be moderate in type and extent, several specific areas as large as 1,000, 2,000, 3,000, and even 6,000 acres are being excluded in the name of wilderness threshold protection, from wilderness designation in the Service's preliminary Isle Royale proposal.

Placing wilderness in an administrative buffer zone offers little or no protection against future demands. The best and only enduring protection for the wilderness is that provided by the Wilderness Law. Mere administrative regulation is frail and can be expected to fail in the face of contrary pressure.

There are indications that the Park Service is inclined to modify its ideas on wilderness threshold. The Park Service needs to be encouraged by communications from conservation-minded individuals and organizations to draw its wilderness boundaries close to the edge of all man-made developments, existing or proposed.

LASSEN VOLCANIC NATIONAL PARK—CALIFORNIA

Special problems: "Buffer zone" exclusions, and proposed road.

Wilderness hearing held September 27, 1966, at Red Bluff, California. Since then the Park Service's formal wilderness recommendations have been approved by the Secretary of the Interior and by the President, and transmitted to the Congress. On April 11, 1968, Senate bill 3315 was introduced in the Senate; but no action was taken and the bill died with the end of the 90th Congress. S. 715 was introduced in the new 91st Congress on January 28, 1969; but no date for a public hearing has yet been set by the Senate Committee on Interior and Insular Affairs. No bill introduced in the House at any time yet.

Following the wilderness hearing at Red Bluff, the Park Service revised its preliminary proposal in the light of citizen suggestions submitted at the hearing, increasing the total recommended wilderness acreage from 48,587 to 73,333 acres. This substantial response by the Service to the citizens' views is appreciated and highly commended. Yet at the same time, an unwarranted policy of setting wilderness boundaries anywhere from a quarter-mile to a full mile back from roads was applied, on the grounds that a "buffer" or "wilderness threshold" zone was needed between any public road and legal wilderness. Not only is there no such requirement in the Wilderness Act; but no "buffer" or "wilderness threshold" zone based merely on administrative regulation can be relied on to stand up under later pressures for man-made developments therein. At Lassen Volcanic Park this proposed buffer zone policy would mean an exclusion of nearly 18,000 acres of qualified wilderness from the National Wilderness System.

In the northwest quarter of the park, the Service proposes to build a new public road generally paralleling the historic Emigrant Trail used by the early pioneers traveling westward in their covered wagons. This ancient Trail is in wilderness today, even as it was when the pioneers' wagons jolted over its narrow way. No park visitor gliding in an automobile along a paralleling modern road can possibly appreciate the true spirit and significance of the Emigrant Trail. The proposal for such a road, whether called by the Park Service a "motor nature trail," a "nature interpretation road," or any other name, should be discarded, and the wilderness left unviolated. The old Emigrant Trail should be placed in the National Wilderness System, and park visitors encouraged to walk along it to get some true feeling of what this historic route through the wilderness meant to the western pioneers.

When the Congressional hearings by the Senate and the House Committees on Interior and Insular Affairs are held, individuals and their organizations will have full opportunity to urge adoption of the conservationists' wilderness proposal for a total of 101,000 acres.

LAVA BEDS NATIONAL MONUMENT—CALIFORNIA

Special problems: "Buffer zone" exclusions, proposed road, grazing.

Wilderness hearing held February 17, 1967. Since then, the Park Service's formal wilderness recommendations have been approved by the Secretary of the Interior and the President, and transmitted to Congress. On April 11, 1968, a bill was introduced in the Senate to establish the inadequate wilderness area proposed by the Park Service; but no action was taken on it, and it died with the end of the 90th Congress. S. 711 was introduced in the new 91st Congress on January 28, 1969; but no date has been set yet for a public hearing by the Senate Committee on Interior and Insular Affairs. No bill introduced yet in the House for the 91st Congress.

The Park Service wilderness proposal covers only 9,197 acres (in a single tract) of the 46,238 acres comprising the monument. Exclusion by the Service of the big Schonchin Lava Flow area (as it is locally named), containing nearly 28,000 acres of natural wilderness, is based on the same highly questionable arguments used by the Service in defending similar omission of natural wilderness at Pinnacles National Monument, discussed elsewhere in this report. Here at Lava Beds, the Service offers as grounds for deny-

ing wilderness designation (a) a life-time (hence temporary) grazing permit; (b) a wide, one-eighth mile exclusion as a "buffer zone" wherever the natural wilderness extends to the park boundary; (c) a proposal to open a new public road through the existing wilderness; (d) the presence of an electric power line (which it is feasible to relocate along an existing park road).

The fallacy of these arguments against wilderness preservation and protection is presented earlier in this report. However, in summary, the grazing permit can be phased out; the effective way to protect wilderness is to place it in the National Wilderness System, not in a "buffer zone" set up simply by an administrative regulation; the low voltage electric line can be removed and relocated along an existing road (as already suggested) and, as for the new road proposed through the wilderness, the Wilderness Act is intended to prevent exactly that sort of intrusion.

When the Congressional hearings by the Senate and House Committees on Interior and Insular Affairs are held, individuals and their organizations will have full opportunity to urge adoption of the conservationists' wilderness proposal totaling approximately 37,000 acres.

PETRIFIED FOREST NATIONAL PARK—ARIZONA

Special problems: None.

Wilderness hearing held May 23, 1967. Since then, the Park Service's formal wilderness recommendations have been approved by the Secretary of the Interior and the President, and transmitted to Congress. On June 6, 1968, a bill, S. 3594, was introduced in the Senate; but no action was taken on it and it died with the end of the 90th Congress. On January 28, 1969, S. 709 was introduced in the Senate for the current 91st Congress. In July, 1969, identical House bills H.R. 13103 and H.R. 13232 were introduced in the 91st Congress. No hearings have been held yet by either the House or the Senate Committee on Interior and Insular Affairs.

The National Park Service preliminarily proposed only a single wilderness area, the Painted Desert Wilderness, of 43,020 acres. At the wilderness hearing of May, 1967, a second wilderness area of about 10,500 acres in the southeast portion of the park was strongly recommended by most conservation organizations and individuals. The Service restudied this second wilderness area and decided to recommend 7,240 acres of it also for addition to the National Wilderness System.

It is a pleasure to commend the Service for a positive recognition of the public point of view as expressed at the wilderness hearing. The citizen groups are in full accord with the Service's recommendation for two wilderness areas, totaling 50,260 acres.

PINNACLES NATIONAL MONUMENT—CALIFORNIA

Special problems: Proposed road, inholdings, "buffer zone" exclusions, and general omissions.

Wilderness hearing held February 10, 1967. Since then, the Park Service's formal wilderness recommendations have been approved by the Secretary of the Interior and by the President, and transmitted to Congress. On April 11, 1968, bills were introduced in both houses of Congress to establish the inadequate wilderness area proposed by the Park Service; but no action was taken on them and they died with the end of the 90th Congress. S. 712 was introduced in the new 91st Congress on January 28, 1969; but no date for a public hearing has yet been set by the Senate Committee on Interior and Insular Affairs. H.R. 5863 introduced in House on Feb. 3, 1969; no hearing scheduled yet.

The inadequate Park Service proposal covers only the southern part of the park, plus approximately 1,610 acres in the center about Pinnacle Rocks, for a total of 5,330 acres out of the park's 14,500 acres. Contrary to the recommendations of almost all witnesses testifying either in person or by letter, most of the northern portion of the park is omitted by the Park Service, primarily on the grounds that it contains about 880 acres of private inholdings (in three separate tracts); that the low topography makes the area subject to undesirable influences through sight and sound from outside activities; and that the Service proposes to build a loop road through it. Concerning the proposed new loop road, conservationists have advised against such a road for 30 years. In a small national park such a road through the natural area, in addition to the existing roads in the park, is not justified. Further, as planned, it would serve as a through route, thereby imposing a new volume of non-visitor traffic upon the slender resources of the park.

Finally, the Park Service's wilderness area is arbitrarily set in one-eighth of a mile from the park boundary—presumably to serve as a "buffer" to the wilderness—the wilderness character of the "buffer" strip itself being ignored. Since such a "buffer" would have no legal standing (resting only on an administrative ruling), and since the area does qualify physically as wilderness, protection can best be assured by including the strip itself within the legal wilderness.

When the Congressional hearings by the Senate and the House Committees on Interior and Insular Affairs are held, individuals and their organizations will have full opportunity to urge adoption of the conservationists' wilderness proposal for a single wilderness unit of approximately 13,000 acres, which would include practically all of the undeveloped area of the park.

SEQUOIA AND KINGS CANYON NATIONAL PARKS—CALIFORNIA

Special problems: "Buffer zone" exclusions and general omissions.

Wilderness hearings held November 21 and 22, 1966.

No action since by the National Park Service. The preliminary wilderness recommendations of the Service were in general excellent, covering the major portion of the superlative wilderness of these two adjoining parks. Criticism by conservationists is directed at the excessively wide exclusions of wilderness (ranging from a mile to more than three miles wide) along the three principal roads in the parks; instead, wilderness boundaries should come down close to the road's edge. Also conservationists strongly recommend for wilderness designations the 42-44,000 acres lying within the Yucca Mountain and Redwood Canyon areas west of the Generals Highway, which, as witnesses at the field hearing testified, have positive wilderness characteristics, and which, with minor exclusions, would qualify for addition to the National Wilderness System.

SHENANDOAH NATIONAL PARK—VIRGINIA

Special problems: General exclusions scattered about the park.

Wilderness hearing held June 14, 1967. No developments since.

Because of the existence of the Skyline Drive along the mountain crest the entire length of the park and two transmountain federal highways (US 33 and US 211), plus the general narrowness of the park, it was felt that the National Park Service did a creditable job in developing a preliminary wilderness proposal of 62,000 acres. However, further careful study by conservation groups showed that an additional 29,000 acres, for a total wilderness recommendation of 91,000 acres, was practical and justified. The Secretary of the Interior needs to be encouraged to adopt the 91,000-acre wilderness proposal and to move it immediately to the President. Almost three years have passed since the hearing in June of 1967—far too long a delay.

Mr. DINGELL. Mr. Speaker, I rise to speak in support of H.R. 19007, a bill which would designate as wilderness certain federally owned lands within 23 wildlife refuges, two national parks, and one national forest. Inclusion of these lands within the national wilderness preservation system will forever preserve their unique and outstanding values for the benefit of the American people. Three of these wilderness areas are in the great State of Michigan.

The Wilderness Act of 1964 directs the Secretary of Agriculture and the Secretary of the Interior to review within 10 years certain lands on the national forests, national parks, and national wildlife refuges, meeting necessary criteria, and to report to the President their recommendations on suitability or nonsuitability for inclusion in the national wilderness preservation system. Mr. Chairman, we have but 4 years to complete this immense task. While I understand that the Forest Service is on schedule, it is my understanding that the Bureau of Sport Fisheries and Wildlife is lagging behind schedule and that the National Park Service is seriously in arrears in meeting the mandatory time requirements of the Wilderness Act. Since I am primarily interested in the wilderness reviews for the national wildlife refuge system, I shall concentrate my remarks specifically to these magnificent wildlife areas.

The national wildlife refuge system is the largest and most comprehensive wildlife resource management program which has been applied to the land in the history of mankind. It presently consists of about 330 units encompassing 30 million acres, located in all but five States. About 90 national wildlife refuges, located in 35 States, contain potential wilderness resources required to be reviewed under the Wilderness Act. Because of the wide variety of environmental conditions which are found, establishment of statutory wilderness within the boundaries of these refuges will broaden the range of wilderness within the national wilderness preservation system such ecological types as marshes, deserts, tundra, beaches, and swamps as well as the forests and mountains generally thought of as wilderness.

It is my understanding that the Department of Interior is taking a very pure and restrictive view of what qualifies as wilderness. While this may have been acceptable two or three generations ago, today the onrush of technological change and the skyrocketing population with its indiscriminate demands on natural resource utilization make imperative that we encompass under the legal protection of the Wilderness Act as extensive areas as possible which meet the basic criteria contained in that act—recognizing that the need for open space where the normal processes of nature can function unhindered by the actions of man becomes more acute for the health and survival of man himself with each passing year. I would urge the Department of Interior to keep clearly in mind the prime objective of the Wilderness Act as they conduct their wilderness reviews. That objective, as declared in the act, is "to secure for the American people of present and future generations the benefits of an enduring resource of wilderness." It is not to restrict those

benefits by omitting from the Department's wilderness recommendations areas which do meet the broad definition of wilderness contained in the act.

Mr. Speaker, we should all recognize that many forms of wildlife found on national wildlife refuges absolutely require a wilderness condition in order to survive. The wildlife are found both on small islands and on the large wildlife ranges of the West and Alaska. Placement of these refuges in the national wilderness preservation system will assure their continued survival of the wildlife and the continuance of their contribution to the enhancement of the environment.

Mr. Speaker, wilderness is the highest form of land dedication and I urge my colleagues to vote favorably on H.R. 19007.

Mr. ROGERS of Florida. Mr. Speaker, I rise in support of H.R. 19007, a bill which would designate various lands in the United States as wilderness areas so that they may be preserved in their natural state.

I am particularly pleased to find that one of the wilderness areas designated in the committee's bill is Pelican Island, located about 75 miles north of West Palm Beach, Fla. Pelican Island was the first national wildlife refuge established in the United States. The 403 acres encompassing the island and several other small islands and keys is one of the most beautiful wilderness areas in the United States and has always been a favorite of conservation-minded Floridians.

I am disappointed that the committee was not able to report a bill designating the entire 403 acres as a "wilderness area" as was recommended by the Department of the Interior many years ago. Only the 3 acres of Pelican Island itself are designated in this bill. The other 400 acres would have been included had the State of Florida and the U.S. Department of the Interior been able to execute an interchange of lands. I think that it is wonderful to designate the 3-acre island as a "wilderness area" but I had hoped that the entire 403 acres as proposed by my bill of last year, would be available today to be included in this legislation. It has been 15 months since my bill was introduced. I had hoped that during that time the Florida Department of Natural Resources and the U.S. Bureau of Sport Fisheries would have completed the necessary land transactions. In fact, both of those governmental agencies have tentatively agreed to an exchange since June of this year, but nothing has been done since.

I trust that the final negotiations on this beautiful and valuable wildlife refuge will not be delayed further so that we can insure its preservation for future generations.

I support the designation of 3-acre Pelican Island as a wilderness area, and I hope that soon we will be able to extend the boundaries to include the other 400 acres.

Mr. TAYLOR. Mr. Speaker, the bill now before the House includes two national park system wilderness areas.

They are: First, the Petrified Forest National Wilderness Area; and second, the Craters of the Moon National Wilderness Area.

Mr. Speaker, these are the first wilderness areas to be designated as wilderness in existing units of the national park system. Several others are being reviewed and will probably be ready for consideration during the 92d Congress.

Very briefly, the Petrified Forest Wilderness Area is the joint product of our colleagues from Arizona (Messrs. UDALL, STEIGER, and RHODES). If approved as recommended, it will consist of two units totaling more than 50,000 acres. One unit, which is located in the Painted Desert portion of the Petrified Forest National Park, will be 43,020 acres. The other one is located in the Petrified Forest Area and will comprise 7,240 acres. There was no controversy concerning this proposal. As recommended by the committee, this provision of the bill will effectuate the recommendation of the administration.

The other national parks area is the Craters of the Moon National Monument Wilderness Area. It involves the proposals introduced by our colleagues from Idaho (Messrs. MCCLURE and HANSEN). This legislation was also noncontroversial, but there was a difference of opinion concerning the expansion of the wilderness area to include the Big Cinder Butte. The committee considered the merits of this proposed addition and decided that these 2,243 acres should also be designated as wilderness. While the administration did not recommend the expansion of this wilderness area, it presented no strong opposition to it. The inclusion of this addition will make this wilderness area 43,243 acres.

Mr. Speaker, these areas were carefully reviewed by the Subcommittee on National Parks and Recreation before being considered by the full Committee on Interior and Insular Affairs. We feel that they merit the favorable consideration of the Members of the House and we recommend their approval.

Mr. O'HARA. Mr. Speaker, today we have before us a very important and significant conservation bill, H.R. 19007, the omnibus wilderness bill.

In the sometimes dry language of legislation, the title of H.R. 19007 reads:

A bill to designate certain lands as wilderness.

Let me say, however, that this is a gross oversimplification, for the lands to be protected by this act are among the most spectacular, diverse, and interesting of our Nation. These are uniquely valuable lands—valuable because they are as nature shaped them, wild, undeveloped, free of man's dominion, and invaluable resources for that very reason.

Mr. Speaker, the whole history of the American wilderness is one of disappearance. Every step in the development of our Nation has been a step in the diminution of our wild lands. For the most part that has been good, but we have come perilously close to destroying all of the American wilderness. Fortunately, people awoke to this problem in recent decades, and areas of wild lands have been set aside in our national parks, forests, and wildlife refuges. Now, under the Wilderness Act we enacted in 1964, the uniquely wild portions of such Federal areas are being specifically designated for wilderness protection by act of Congress.

The Wilderness Act provides a mechanism by which suitable lands within our parks, forests, and refuges can be made also a part of our national wilderness preservation system. The omnibus bill we have today encompasses 26 such areas: 23 wildlife refuge wildernesses, two wildernesses in national park system units, and one national forest wilderness area. Each is of superlative wild quality and in clear need of this statutory protection to remain so in the years ahead, when development pressures will increase so greatly.

These are remarkably diverse areas—islands, desert areas, high mountain reaches, and the unique painted desert of the Southwest. While they are diverse in character, they all have in common the special quality of wilderness. This is a trust we must act to protect, and the passage of this omnibus bill is a great step forward.

Let me say that, as a member of the Interior and Insular Affairs Committee, and that committee's Parks and Recreation Subcommittee, I have become increasingly concerned that the executive branch agencies are falling behind in the schedule which Congress set for the review of potential wilderness areas. Most unfortunate is the 6-year lag by the National Park Service, which has appeared to many of us not to be particularly concerned about meeting their statutory obligations. When Congress enacted the Wilderness Act we did so to protect wilderness, and we might have hoped that the leaders of the Park Service would recognize that that is a valuable objective and join willingly into the effort to secure this maximum protection for the full potential of park areas. They have not and I am concerned that they may not set particular store by the directive which Congress gave them. Lest there be any doubt, I believe it is fair to say that we intend to insist that they meet their obligation under the law. I am encouraged that the leaders of the executive branch and the Department of the Interior are trying to get this message through to the National Park Service, but I have yet to be much impressed by any sign of followthrough from the National Park Service.

The U.S. Forest Service, which has similar wilderness review responsibilities, has been a good deal more timely in its program, though, of course, it has perhaps a better base of past experience on which to operate. I am pleased that they have maintained their review schedule. The Bureau of Sport Fisheries and Wildlife has likewise done well, but looking into future scheduling, it becomes apparent that delays in recent months in getting field reviews and field hearings in motion will mean, eventually, a growing delay in meeting the schedule for getting their proposals to Congress. I urge the Bureau to get on with its field program, in recognition of the very special value of wilderness preservation to the integrity of the wildlife refuge sys-

tem which has otherwise come under various kinds of threats in recent years, including the threat of dismemberment from the administration itself. Mr. Speaker, it is just that kind of unthinking administrative threat to our wildlands that the Wilderness Act is designed to protect.

As a member of the Interior and Insular Affairs Committee, I am pleased with the omnibus bill we have brought to the floor today. It is a significant step forward in clearing these proposals and advancing the national wilderness preservation system. I am particularly pleased that this bill will designate three wilderness areas in Michigan—the 25,000-acre Seney Wilderness Area, the Huron Islands, and Michigan Islands Wilderness areas.

In the immediate future, it is my hope that the Congress will receive further proposals from the executive branch in an orderly fashion. This omnibus bill is a clear sign, I believe, that we in the Congress will uphold our part of this important program, so widely supported by the American people. The preservation of remaining wilderness lands is a challenge to us all, and I rise today to welcome this progress and to convey this challenge to the agencies involved.

GENERAL LEAVE TO EXTEND

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may extend their remarks in the RECORD on this bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 3014) to designate certain lands as wilderness.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the Senate bill as follows:

S. 3014

An act to designate certain lands as wilderness

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, (a) in accordance with section 3(c) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132 (c)), the following lands are hereby designated as wilderness, and shall be administered by the Secretary of the Interior in accordance with the provisions of the Wilderness Act:

(1) certain lands in the Bering Sea, Bogoslof, and Tuxedni National Wildlife Refuges, Alaska, as depicted on maps entitled "Bering Sea Wilderness—Proposed", "Bogoslof Wilderness—Proposed", and "Tuxedni Wilderness—Proposed," dated August 1967, and the lands comprising the St. Lazaria, Hazy Islands, and Forrester Island National Wildlife Refuges, Alaska, as depicted on maps entitled "Southeastern Alaska Proposed Wilderness Areas", dated August 1967, which shall be known as the "Bering Sea Wilderness", "Bogoslof Wilderness", "Tuxedni Wilderness", "St. Lazaria Wilderness", "Hazy Islands Wilderness", and "Forrester Island Wilderness";

(2) certain lands in the Tree Arch Rocks and Oregon Islands National Wildlife Refuges, Oregon, as depicted on maps entitled "Three Arch Rocks Wilderness—Proposed", and "Oregon Islands Wilderness—Proposed", dated July 1967, and the lands comprising the Copalis, Flattery Rocks, and Quillayute Needles National Wildlife Refuges, Washington, as depicted on a map entitled "Washington Islands Wilderness—Proposed", dated August 1967, as revised January 1969, which shall be known as "Three-Arch Rocks Wilderness", "The Oregon Islands Wilderness", and "The Washington Islands Wilderness";

(3) certain lands in the Bitter Lake National Wildlife Refuge, New Mexico, which comprise about eight thousand five hundred acres and which are depicted on a map entitled "Salt Creek Wilderness—Proposed", and dated August 1967, which shall be known as the "Salt Creek Wilderness"; and

(b) Maps of these wilderness areas shall be on file and available for public inspection in the offices of the Bureau of Sport Fisheries and Wildlife, Department of the Interior.

SEC. 2. Except as necessary to meet minimum requirements in connection with the purposes for which the foregoing areas are established and for the purposes of this Act (including measures required in emergencies involving the health and safety of persons within the areas), there shall be no commercial enterprise, no temporary or permanent roads, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within the areas designated as wilderness by this Act.

AMENDMENT OFFERED BY MR. ASPINALL

Mr. ASPINALL. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ASPINALL: Strike out all after the enacting clause of S. 3014 and insert in lieu thereof the provisions of H.R. 19007, as passed.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 19007) was laid on the table.

ESTABLISHING A NATIONAL MINING AND MINERALS POLICY

The Clerk called the bill (S. 719) to establish a national mining and minerals policy.

There being no objection, the Clerk read the bill as follows:

S. 719

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Mining and Minerals Policy Act of 1969".

SEC. 2. The Congress declares that it is the continuing policy of the Federal Government in the national interest to foster and encourage (1) the development of an economically sound and stable domestic mining and minerals industry, (2) the orderly and economic development of domestic mineral resources and reserves to help assure satisfaction of industrial and security needs, and (3) mining, mineral, and metallurgical research to promote the wise and efficient use of our mineral resources. It shall be the responsibility of the Secretary of the Interior to carry out this policy when exercising his authority under such programs as may be authorized by law other than this Act. For this purpose the Secretary of the Interior shall include in his annual report to the Congress a report on the state of the domestic mining and minerals industry, including a statement of the trend in utilization and depletion of these resources, together with such recommendations for legislative programs as may be necessary to implement the policy of this Act.

With the following committee amendments:

Page 1, line 4, strike out "1969'." and insert "1970'."

Page 1, line 5 through page 2, line 11, strike out all of section 2 and insert in lieu thereof the following:

"SEC. 2. The Congress declares that it is the continuing policy of the Federal Government in the national interest to foster and encourage private enterprise in (1) the development of economically sound and stable domestic mining, minerals, metal and mineral reclamation industries, (2) the orderly and economic development of domestic mineral resources, reserves, and reclamation of metals and minerals to help assure satisfaction of industrial, security and environmental needs, (3) mining, mineral, and metallurgical research, including the use and recycling of scrap to promote the wise and efficient use of our natural and reclaimable mineral resources, and (4) the study and development of methods for the disposal, control and reclamation of mineral waste products, and the reclamation of mined land, so as to lessen any adverse impact of mineral extraction and processing upon the physical environment that may result from mining or mineral activities.

"For the purpose of this Act 'minerals' shall include all minerals and mineral fuels including oil, gas, coal, oil shale and uranium.

"It shall be the responsibility of the Secretary of the Interior to carry out this policy when exercising his authority under such programs as may be authorized by law other than this Act. For this purpose the Secretary of the Interior shall include in his annual report to the Congress a report on the state of the domestic mining, minerals, and mineral reclamation industries, including a statement of the trend in utilization and depletion of these resources, together with such recommendations for legislative programs as may be necessary to implement the policy of this Act."

The committee amendments were agreed to.

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ASPINALL. Mr. Speaker, the purpose of S. 719, as amended, is to establish a broad overall national minerals policy with emphasis on the need for an economically sound and stable domestic mining and minerals industry.

A national minerals policy has been sorely needed for many years and it will be of great benefit not only to this Nation as a whole, but to individual segments of the minerals industry and also to the various executive agencies that are engaged in the day-to-day activities involving the minerals industry.

To accomplish this the bill establishes, as a continuing policy, the need to foster and encourage private enterprise in the following four broad fields of endeavor.

These are: First, the development of economically sound and stable mining and minerals reclamation industries; second, the orderly and economic development of mineral resources to assure the present and future well-being of this Nation; third, the continuation of the necessary research activities in mining and related fields, including the use and recycling of scrap and waste materials; and fourth, the study of ways and means for the disposal, control and reclamation of mineral wastes, including the reclamation of mined land, so as to lessen any adverse impact that mining or mineral extraction or processing may have upon the environment.

The Secretary of the Interior, as the responsible Cabinet officer, is directed to carry out the objectives of S. 719. In addition, he is directed to annually report on the state of the minerals industry and to make recommendation for any legislation necessary to carry out the broad overall policy objectives of S. 719.

Because our economy is becoming more and more mineral based, there appears to be little argument about the need for a broad mineral policy to guide both the Federal Government and private industry with respect to long-range mineral goals and objectives. As a nation our appetite for minerals increases each year. Whether viewed as a part of our peacetime economy or as a mobilization base for national emergencies, the future of our country is tied to the supply and availability of minerals. In the past an abundant supply of minerals has enabled us to enjoy the highest standards of living now known. While we hope to continue and improve this position we may not be able to do so if we are unable to supply a significant portion of our mineral needs from domestic sources.

The long-range outlook for an adequate supply of minerals in the United States is cause for concern. The easily found, higher grade deposits are being rapidly depleted, the grade of ore is declining and costs are increasing. The present energy problem is but one example of the mineral shortages that this Nation could face in future years. While this Nation will never be completely self-sufficient in all minerals, and will have to depend upon imports in many situations, there is every reason to hope and expect that as a nation we will maintain a high degree of self-sufficiency wherever and whenever possible.

It is not expected that enactment of S. 719 will be a cure-all for all the ills and problems of the minerals industry. Its enactment will, however, focus attention on the minerals industry and will require long-range planning and the establishment of long-range objectives. Answers must be sought to questions regarding the permissible degree of dependence on foreign supplies, importation and exportation of minerals, stockpiling for emergency situations, taxation, manpower, health and safety and environmental quality, and of equal importance, the capability of this Nation to meet domestic needs. Another important but frequently neglected aspect of this industry has been the wise and efficient use of our mineral resources. This goes not only to the extraction and utilization of the primary metals, but also to the reuse and recycling of scrap and waste products. Progress in this field would extend the life of existing mineral deposits and would also have a highly beneficial effect upon the esthetic and environmental quality of our life.

During the consideration of S. 719 the committee adopted several amendments to broaden its scope and to strengthen the proposal. An amendment was adopted to assure that private industry continues to play an important role in mineral development. Provision was also made to assure that all environmental aspects of mineral extraction and processing would be considered, including, but not limited to recycling of scrap, reclamation of mined lands, and the development of methods to lessen any adverse impact on the environment. In addition, an amendment was adopted to clarify what was meant by the term "minerals." It was the committee's position that this term should be broad and inclusive of all domestic minerals. To assure this, the term "minerals" was defined to include all minerals and mineral fuels and specifically to include oil, gas, coal, oil shale, and uranium.

Mr. Speaker, I would like to add that S. 719 is not the first attempt to establish a national minerals policy. Previous attempts were largely unsuccessful due to the complexity of the problem and lack of accord on the substance of the proposals. In 1959, this committee recommended and Congress passed House Concurrent Resolution 177. This expressed, as the sense of the Congress, the need for a strong domestic mining and minerals industry and called for increased emphasis on research, technology, and programs to maintain a sound and vigorous domestic minerals position. However, as House Concurrent Resolution 177 did not have the force of law it was largely ineffective and ignored by the Executive.

Mr. Speaker, I strongly urge favorable action on S. 719. As I have said previously, it will not solve all the problems of the minerals industry, but I am convinced it will establish a foundation on which we can build. This Nation can no longer afford to ignore its need for a long-range minerals policy. Enactment of S. 719 will be a large step in the right direction.

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SAYLOR. Mr. Speaker, I rise in support of this bill, to establish a national mining and minerals policy.

The purpose of this legislation is to declare a long-needed fundamental, Federal policy in the field of mineral resources for this Nation, and to give that policy the effect of law.

Prior to this time, Congress has passed resolutions concerning the need for this country to establish a strong domestic mining and minerals industry, along with programs to maintain a balanced domestic minerals position. As we all know, these resolutions have been totally ignored by the executive branch because these resolutions declaring the sense of Congress did not have the force of law.

This bill, S. 719, if passed and enacted will have the force of law, and I trust, will not be ignored or overlooked either by the executive branch or the minerals and mining industry. But, let me also make it clear that the passage and enactment of this bill is only the beginning, or the first step, in the process of achieving the objectives of a sound national mining and minerals policy, and the programs necessary to maintain a balanced domestic minerals position.

The next step should be the reevaluation and revision of both Federal and State mineral and mining laws. This task should and can be accomplished through the cooperative efforts of the domestic minerals and mining industry and the Federal and State governments. If this Nation is to carry out an established mining and minerals policy and maintain a strong domestic minerals position, it becomes absolutely necessary that we also revise our mining laws to complement our national policy.

This bill, S. 719, is perhaps one of the most important pieces of legislation reported from the Committee on Interior and Insular Affairs during this 91st Congress. The importance of this legislation is not readily apparent from its broad overall language and approach. However, let me assure my colleagues that the importance of this bill bears directly upon the lives and work of each of us and those of our loved ones. The light by which we work is produced largely from our vast coal resources. The clothing we wear can be traced to the raw materials of our mineral wealth. It is the discovery, extraction, research, and development of our mining and mineral industries that have produced the arms, equipment, and munitions that have played a significant role in making this the most powerful Nation in the world.

This legislation is declaring a national minerals policy in an attempt to keep this country a power among the nations of the world. The bill does this by declaring four areas in which attention should be focused. These areas are: First, the development of an economically sound domestic mining, minerals, metal, and mineral reclamation industry; second, the orderly and economic development of our mineral resources and reclamation of metals and minerals; third, research and development to promote the wise and efficient use of our natural and reclaimable mineral resources; and fourth, the development of methods to lessen the adverse impact on the physical environment which result from mining and mineral activities.

The bill requires the Secretary of the Interior to include in his annual report to the Congress the state or condition of the domestic mining and minerals industries, including the trend of utilization and depletion of our resources, along with recommendations for legislative action.

This legislation is also remarkable because of its approach to our mineral resources and related industries. The bill

clearly states that it is in our national interest, yet the approach of the bill is a partnership approach between private enterprise and the Federal Government. And the considerations given to the environment in this legislation is the approach of modern-day legislation.

Mr. Speaker, I urge the rules be suspended and the bill S. 719 be passed.

Mr. EDMONDSON. Mr. Speaker, establishment of a national mining and minerals policy is thoroughly justified by today's world conditions, in which vital mineral sources on several continents are either seriously threatened or completely interrupted by political developments.

I believe the House committee amendments improve the bill as passed by the other body. The stress placed on private enterprise in the House committee version is a substantial change designed to emphasize the essential role of private initiative and private management in the American system—indispensable elements in the leadership which the United States has demonstrated in worldwide minerals development.

Basically, S. 719 seeks to put into law the principles stated by the Congress in House Concurrent Resolution 177 several years ago. It reemphasized the critical importance to our Nation of a sound and stable domestic mining, minerals, metal, and mineral reclamation industry.

The bill should be overwhelmingly adopted.

Mr. DINGELL. Mr. Speaker, S. 719, which we consider today, would establish a "national minerals policy" which, according to the committee's report will "have the force of law"—House Report 91–1442, page 3.

It is my understanding, however, that the declaration in the bill that it is "in the national interest to foster and encourage private enterprise" in the development on minerals, cannot be, and is not intended, to be used by the committee as the basis for a vast minerals program by the Interior Department. I mention this very point because the word "encourage" in the Defense Production Act did form the basis some years ago for the establishment of the old Defense Minerals Exploration Administration.

But, I understand that no such interpretation is intended here. Rather, it is intended that the "legislation will focus attention on the industry and require long-range planning and the establishment of long-range objectives." Further, the Acting Secretary of the Interior, in a letter of October 16, 1969, to Chairman Aspinall—supra, page 5—said that S. 719, as it passed the Senate "does not provide any new authority" to the Interior Department.

The amendments agreed to by the House will not change that statement.

When the bill passed the Senate, I was concerned about its broad scope and some of the statements in the Senate report on the bill. I was concerned because the Senate's report seemed to imply that this bill did, in fact, provide a new basis for a vast new minerals program. More importantly, I was concerned because these statements seemed to imply that this new policy would override the policies of environmental and health and safety protection established by many statutes, including the National Environmental Policy Act of 1969 and the Federal Coal Mine Health and Safety Act of 1969.

I, therefore, sent a letter on July 14, 1970, to Chairman ASPINALL to express my concern, particularly about the statements in the Senate committee's report. A portion of that letter is as follows:

Third, the Senate Committee's report by Senator Allott, in justifying the need for this bill, states (S. Rept., *supra*, pp. 3 and 5):

"The Nation has become painfully aware of our deteriorating environment. The mining industry is also aware of the problems and has developed practical solutions for many of the problems. *But as further environmental quality improvement is sought, the technical difficulties and the cost of gaining each new increment of quality, greatly increases the costs of operation and may make the difference between feasibility and infeasibility in the mine's economic picture. A national mining and minerals policy will help to prevent the promulgation of inconsistent regulations and the adoption of counter-productive policies that tend to thwart these national objectives.*

"It is important that this policy be enacted in the form of a law, with full and binding effect. *As a law, enacted under constitutional procedure, it will not only bind all agencies of the Government,* but it will, more importantly, serve as a beacon, giving guidance to all agencies in carrying out their missions. *As a result contradictory and counterproductive regulations and programs are less likely to be adopted and effected.*" (Emphasis supplied.)

The report does not explain or give examples of any so-called inconsistent or contradictory and count reproductive regulations and programs or counter-productive policies" which this new policy or law will help to prevent. Further, the report does not explain in what manner this new policy will help to prevent increases (in) the costs of (minerals) operations when the public demands that environmental quality improvement is sought. One can only conclude that those who propose this policy will, once adopted, point to it as *overriding* other policies and controls to protect our human environment and the health and safety of our workers where the costs of such policies and controls will result in the economic infeasibility of a mine's continued operation. Nothing in the bill or the committee's report suggests any other conclusion.

Fourth, the Senate report also implies that this new policy statement is the key that will unlock the public lands of this Nation, if indeed they were ever closed, for the minerals and mining industries to explore and develop, as they all too often have done in the past, to the great detriment of this Nation's heritage. The report states (p.4):

"There is a great need for increased domestic mineral exploration and development.

* * * * *

"A minerals policy must recognize the need for domestic industry to enter upon and explore the public lands. These lands are a major source of domestic minerals and should not be closed to mineral development *unless there is a compeling national interest.*" (Emphasis supplied.)

The proponents of this bill would not, I am sure, consider the need to protect and enhance our environment a compelling national interest.

I am heartened to read that S. 719 has been completely rewritten by Chairman ASPINALL'S committee since then and none of the above statements are found in the House report. I am sure that Chairman ASPINALL and Congressman JOHN P. SAYLOR, the ranking minority member and the other members of the committee are in full agreement with me that S. 719 is subject to the policies and requirements of the following environmental and health and safety statutes:

LIST OF SOME OF THE EXISTING STATUTES APPLICABLE TO S. 719

1. Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742);
2. Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 721, et seq.);
3. National Environmental Policy Act of 1969 (83 Stat. 852);
4. Fish and Wildlife Coordination Act, as amended (16 U.S.C. 661–666c);
5. Bureau of Outdoor Recreation Act of May 28, 1963 (77 Stat. 49);
6. Water Resources Planning Act of July 22 1965 (79 Stat. 244);
7. Federal Water Pollution Control Act, as amended (33 U.S.C. 466, et seq.);
8. Clean Air Act, as amended (42 U.S.C. 1857, et seq.);
9. Solid Waste Disposal Act, as amended (42 U.S.C. 3251, et seq.);
10. Fish and Wildlife Act of 1956, as amended (16 U.S.C. 742a et seq.);
11. Environmental Quality Improvement Act of 1970 (84 Stat. 114);
12. Migratory Bird Conservation Act, as amended (16 U.S.C. 715, et seq.);
13. Wilderness Act (16 U.S.C. 1131 et seq.);
14. National Trials System Act (16 U.S.C. 1241, et seq.);
15. Wild and Scenic Rivers Act (16 U.S.C. 1271, et seq.);
16. Endangered Species Conservation Act of 1969 (83 Stat. 275);
17. National Park Service Act, as amended (16 U.S.C. 1, et seq.);
18. Estuary Protection Act of August 3, 1968 (16 U.S.C. 1221);
19. Environmental Quality Improvement Act of April 3, 1970 (Public Law 91–221).

These national policies are emphasized and more fully expounded in the National Environmental Policy Act of 1969 (Public Law 91–190; 83 Stat. 852), signed by President Nixon on January 1, 1970. In section 102 of that act, Congress mandates (1) that "the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies" of the National Environmental Policy Act and (2) that "all agencies of the Federal Government shall" develop procedures which will "insure that presently unquantified environmental amenities and values" be given "appropriate consideration in decisionmaking along with economic and technical considerations." Section 102 also requires "all agencies of the Federal Government" to prepare a "detailed statement" to be included in "every recommendation or report" concerning major "Federal actions significantly affecting the quality of the human environment," after consulting with, and obtaining the comments of, each "Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved." That detailed statement must include each of the following matters:

(i) The environmental impact of the proposed action;

(ii) Any adverse environmental effects which cannot be avoided, should the proposal be implemented;

(iii) Alternatives to the proposed action;

(iv) The relationship between local short-term uses of man's environment and the

maintenance and enhancement of long-term productivity; and

(v) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Interim guidelines to Federal agencies for preparing detailed statements were published by the Council on Environmental Quality on May 12, 1970 (35 F.R. 7390). These guidelines specifically state (sec. 11) that the detailed statements and procedures required by section 102 of the Act "should be applied to further major Federal actions having a significant effect on the environment even though they arise from projects or programs initiated prior to enactment of Public Law 91-190 on January 1, 1970."

More recently, on July 16, 1970, the United States Court of Appeals for the Fifth Circuit ruled that the ecological aspects mandated by the Act may—indeed, must—be considered by the Corps of Engineers when it reviews applications for permits to fill parts of a waterway. The Court therefore reversed a district court order which had directed the Corps to issue a permit to a land developer seeking to dredge and fill the navigable waters of Boca Ciega Bay near St. Petersburg, Florida, where the fill would adversely affect the ecology of the Bay, even though the fill would not impair navigation. *Zabel* v. *Tabb* (C.A. 5, July 16, 1970, No. 27555). The court, in discussing the impact of the 1969 Act on *all* Federal agencies, said:

"This Act essentially states that every federal agency shall consider ecological factors when dealing with activities which may have an impact on man's environment. (Footnote omitted.)

"Although this Congressional command was not in existence at the time the permit in question was denied, the correctness of that decision must be determined by the applicable standards of today."

This statement of the court's is applicable to S. 719 when, and if, it is finally enacted. But it will be the responsibility of conservationists and those concerned with workers' health and safety to be ever vigilant that the Interior Department continues to view this legislation as not providing new authority.

GENERAL LEAVE TO EXTEND

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may extend their remarks in the RECORD on the bill S. 719.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsder was laid on the table.

AUTHORIZING SECRETARY OF INTERIOR TO ENTER INTO CONTRACTS FOR PROTECTION OF PUBLIC LANDS FROM FIRES

The Clerk called the bill (S. 3777) to authorize the Secretary of the Interior to enter into contracts for the protection of public lands from fires, in advance of appropriations therefor, and to twice renew such contracts.

There being no objection, the Clerk read the bill as follows:

S. 3777

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to enter into contracts for the use of aircraft, and for supplies and services, prior to the passage of an appropriation therefor, for protection from fire of public lands administered by him. He may renew such contracts annually, not more than twice, without additional competition. Such contracts shall obligate funds for the fiscal years in which the costs are incurred. Each such contract shall provide that the obligation of the United States for the ensuing fiscal years is contingent upon the passage of an applicable appropriation, and that no payment shall be made under the contract for the ensuing fiscal years until such appropriation becomes available for expenditure.

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ASPINALL. Mr. Speaker, S. 3777 is designed to give the Secretary of the Interior greater flexibiltiy to contract for firefighting equipment and facilities and to extend or renew such contracts beyond a single fiscal year.

Present law prohibits the making of contracts which obligate the Government in advance of appropriations. This usually means that firefighting contracts expire on June 30 of each year and new contracts must then be negotiated to carry onto the next fiscal year. The termination of these contracts occurs at the height of the firefighting season when both the Government and the contractor frequently are engaged in fighting fires. This leaves little time to renegotiate or renew contracts and is a disruptive and inefficient method of operation.

S. 3777 would authorize the Secretary to enter into contracts for tanker aircraft, and other firefighting supplies and services, for an entire fire season and then to renew such contracts not more than twice. These contracts could be entered into in advance of appropriations but would be contingent upon the appropriation of the necessary funds.

Besides providing uninterrupted firefighting services that carry over from one fiscal year to the next, S. 3777 would permit a more efficient and a more economical operation. Because the owners of tanker aircraft could look forward to at least two annual contract renewals, they could amortize their costs over a 3-year period, rather than the present 1 year, and reduce overall costs to the Government. This will bring about more ecoomical as well as better services.

While the authority granted by S. 3777 is new insofar as the Secretary of the Interior is concerned, the Secretary of Agriculture presently has similar authority for the suppression of fires on national forest lands.

Mr. Speaker, I recommend favorable action on S. 3777.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INCREASING PER DIEM ALLOWANCE FOR AMERICAN BATTLE MONUMENTS COMMISSION MEMBERS

The Clerk called the bill (H.R. 18731) to amend the act of July 25, 1956, relating to the American Battle Monuments Commission.

There being no objection, the Clerk read the bill as follows:

H.R. 18731

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act to extend authority of the American Battle Monuments Commission to all areas in which the Armed Forces of the United States have conducted operations since April 6, 1917, and for other purposes," approved July 25, 1956 (70 Stat. 640), is amended by striking out the second paragraph thereof and inserting in lieu thereof the following:

"The members of the Commission shall serve as such without compensation, except that (1) their actual expenses in connection with the work of the Commission, and (2) when in a travel status, a per diem of $40 in lieu of subsistence, may be paid to them from any funds appropriated for the purpose of sections 121, 122b, 123-125, 127, 128, 131, 132, and 138-138b of this title, or acquired by other means authorized by said sections."

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That the second paragraph of the first section of the Act entitled "An Act for the creation of an American Battle Monuments Commission to erect suitable memorials commemorating the services of the American soldier in Europe, and for other purposes,' approved March 4, 1923 (42 Stat. 1509, as amended by the Act of July 25, 1956, 70 Stat. 640; 36 U.S.C. 121), is amended by deleting therefrom '$20' and inserting in lieu thereof '$40'."

The committee amendment was agreed to.

Mr. TEAGUE of Texas. Mr. Speaker, this bill proposes to increase the per diem allowance from $20 to $40 for members of the American Battle Monuments Commission when they travel on official business outside of the United States. Members of the Commission serve without compensation and the $20 existing travel allowance was set in 1956. During the 14 years intervening, there has been a considerable increase in the cost of such travel. The committee believes that the increase is warranted and recommends favorable action.

The Commission advises that it has received $13,501 for per diem during the past 5 years, an average expenditure annually of approximately $2,700. Assuming the same experience in the forthcoming 5 years, the cost of this bill would be in the neighborhood of $2,700 annually.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to increase from $20 to $40 per day the per diem allowance authorized in lieu of subsistence for members of the American Battle Monuments Commission when in a travel status."

A motion to reconsider was laid on the table.

CONCURRENT JURISDICTION OVER CERTAIN LANDS OWNED BY THE FEDERAL GOVERNMENT

The Clerk called the bill (H.R. 13301) to provide for the adjustment by the Ad-

ministrator of Veterans' Affairs, of the legislative jurisdiction over lands belonging to the United States which are under his supervision and control.

There being no objection, the Clerk read the bill as follows:

H.R. 13301

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subchapter I of chapter 81 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 5007. Relinquishment of legislative jurisdiction

"The Administrator, on behalf of the United States, may relinquish to the State in which any lands or interests therein under his supervision or control are situated, such measure of legislative jurisdiction over such lands or interests as he deems necessary or desirable. Such relinquishment of legislative jurisdiction shall be initiated by filing a notice thereof with the Governor of the State concerned, or in such other manner as may be prescribed by the laws of such State, and shall take effect upon acceptance by such State."

(b) The table of sections at the beginning of chapter 81 of title 38, United States Code, is amended by adding after

"5006. Property formerly owned by National Home for Disabled Volunteer Soldiers."

the following:

"5007. Relinquishment of legislative jurisdiction."

Mr. TEAGUE of Texas. Mr. Speaker, the bill authorizes the Administrator of Veterans' Affairs, with respect to Federal lands under his jurisdiction, to relinquish to a State in which the land is situated such measure of legislative jurisdiction as he deems desirable. The relinquishment of jurisdiction would be subject to acceptance by the State, it is identical in purpose with Public Law 91–45 which was limited to Fort Harrison, Mont. This legislation would bar a piecemeal approach to this problem which arises because the United States has exclusive legislative jurisdiction over a substantial portion of the Federal lands under the jurisdiction and control of the Veterans' Administration.

For sometime there have been increasing problems of both minor incidents and serious crimes at VA field stations and in getting appropriate and prompt action concerning these from law enforcement agencies.

Many VA facilities, particularly in metropolitan areas, are located in communities of increasing tensions where demonstrations and rioting present problems of insuring the safety of VA patients and employees and the protection of VA buildings and equipment from damage. In connection with the general trend in the increase in assaults, thefts, and robberies throughout the Nation, there is concern regarding these matters at VA installations. Also, there is continuing concern over the possibility of bodily harm to VA patients and employees by present and former mental patients, or disgruntled veterans and beneficiaries. In fact, recently a former mental patient returned to a VA hospital and went on a shooting spree that left three employees dead and a fourth seriously wounded before the veteran left the station unhindered. Also, with the increasing use of drugs throughout the country, especially on the part of returning Vietnam veterans, illicit drug traffic in VA hospitals could become a serious problem.

The authority given the Administrator under the bill, when exercised, would, among other things, allow State or local police to have jurisdiction over certain criminal matters on the station. In conjunction with coverage by Federal law-enforcement agencies, this would immeasurably improve the protection afforded VA patients, employees, and property.

The Veterans' Administration estimates that this proposal would entail little, if any, cost.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR THE CONVEYANCE OF CERTAIN REAL PROPERTY OF THE UNITED STATES TO THE YANKTON SIOUX TRIBE

The Clerk called the bill (H.R. 13519) to provide for the conveyance of certain real property of the United States to the Yankton Sioux Tribe.

There being no objection, the Clerk read the bill as follows:

H.R. 13519

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall convey, without monetary consideration, to the Yankton Sioux Tribe of Indians, all right, title, and interest of the United States in and to the following real property consisting of 19.57 acres more or less and more particularly described as follows: County of Charles Mix, State of South Dakota, southwest quarter southwest quarter, section 26 in township 94 north, range 64 west of the fifth principal meridian, described as follows:

Beginning at a point 4 chains and 36 links east of the southwest corner of said section 26; running thence north 31 degrees 30 minutes east 6 chains and 52 links; thence north 58 degrees 30 minutes west 54½ links; thence north 31 degrees 31 minutes east 16 chains and 83 links; thence east 3 chains and 87 links to the northeast corner of the southwest quarter of the southwest quarter of said section 26; thence south 19 chains and 98 links to the southeast corner of said 40-acre tract; then west 15 chains and 44 links to the place of beginning; containing 19.57 acres, more or less.

With the following committee amendments:

Page 1, lines 3 through 11, strike out the present text and insert in lieu thereof:

"That all right, title, and interest of the United States in and to the following described federally owned land situated in the southwest quarter southwest quarter, section 26, township 94 north, range 64 west, fifth principal meridian, South Dakota, are hereby declared to be held by the United States in trust for the Yankton Sioux Tribe:"

Page 2, line 5, after "31 minutes" insert "east".

Page 2, after line 11, add a new section 2 reading as follows:

"SEC. 2. The Indian Claims Commission is directed to determine in accordance with the provisions of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the title conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission."

The committee amendments were agreed to.

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ASPINALL. Mr. Speaker, the purpose of H.R. 13519 is to convey to the Yankton Sioux Tribe 19.57 acres of Federal land. The conveyance will be about consideration, but if the tribe recovers any judgment against the United States in the Indian Claims Commission the Commission will consider the value of the land as a possible setoff. The land has a current value of $2,000.

The land originally belonged to the tribe, but it was conveyed to the Episcopal Church in 1895 for a school. In 1902, the school was closed and the land was purchased by the Bureau of Indian Affairs for $7,000. The buildings were removed, and the tribe has been using the land for the past 30 years.

The tribe now plans to develop the land for a low-cost housing project. The Department of Housing and Urban Development has approved the project, but title to the land must be transferred to the tribe before the project can proceed. The Federal Government has no foreseeable use for the land, and its use for a housing project would be highly beneficial to the Indians.

The committee amendments make the bill self-executing, correct a typographical error, and incorporate the standard setoff language.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "To declare that the United States holds 19.57 acres of land, more or less, in trust for the Yankton Sioux Tribe."

A motion to reconsider was laid on the table.

AUTHORIZING SECRETARY OF INTERIOR TO DECLARE UNITED STATES HOLDS IN TRUST CERTAIN LANDS FOR THE EASTERN BAND OF CHEROKEE INDIANS OF NORTH CAROLINA

The Clerk called the bill (H.R. 16811) to authorize the Secretary of the Interior to declare that the United States holds in trust for the Eastern Band of Cherokee Indians of North Carolina certain lands on the Cherokee Indian Reservation heretofore used for school or other purposes.

There being no objection, the Clerk read the bill as follows:

H.R. 16811

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized, upon request of the tribal council of the Eastern Band of Cherokee Indians of North Carolina, to declare by publication of a notice in the Federal Register that the United States holds in trust for said band of Indians, subject to valid existing rights, all of the right, title, and interest of the United States in any of the federally owned lands within the Cherokee Indian Reservation, together with

the improvements thereon, that are now or hereafter become excess to the needs of the government for the administration of Indian affairs.

With the following committee amendment:

Page 2, line 4, strike out "affairs." and insert "affairs, as determined by the Secretary of the Interior."

The committee amendment was agreed to.

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ASPINALL. Mr. Speaker, the purpose of H.R. 16811 is to authorize a conveyance to the Eastern Band of Cherokee Indians of North Carolina of any Federal lands within the Cherokee Reservation that may become excess to the needs of the Bureau of Indian Affairs.

The Federal Government owns 137.13 acres of land on the Cherokee Reservation, and the minerals and a reversionary interest in an additional 2.1 acres. All of the land was donated to the United States by the tribe for use for administrative and school purposes.

At the present time 8.11 acres and the minerals and reversionary interest of 2.1 acres are excess to administrative needs and could be conveyed to the tribe under the provisions of the bill. The remainder of the land could be conveyed in the future if it becomes excess.

The value of the land, exclusive of improvements, is $630,220. The improvements consist of the usual buildings and facilities that are found at an Indian agency and school. The book value of the improvements is $1,952,728. About 61 of the buildings are presently needed by the Government and will be retained as long as needed. Under existing law—act of August 6, 1956, 70 Stat. 1057—the buildings can be conveyed to the tribe when they are no longer needed, but the enactment of this bill is needed to authorize the conveyance of both land and buildings.

The lands are within the reservation, were donated by the tribe for Federal use, and should be returned to the tribe when the Federal need for the land ceases. On most other reservations, where lands needed for administrative and school purposes are usually reserved by administrative action, the lands can be restored to the tribe by administrative action revoking the reserve. That procedure cannot be followed in this case, however, because the United States acquired the title to the land in fee. Legislation is needed to authorize a return of the lands.

The tribe has plans for the use of lands that are presently excess, and is actually occuping them under a revokable permit. The economy of the reservation is based primarily on tourism, and as the Federal lands become excess they will be used for that purpose.

Mr. TAYLOR. Mr. Speaker, by way of explanation of the bill, let me point out that the Bureau of Indian Affairs has under its administrative jurisdiction at Cherokee, N.C., two kinds of lands. The first of these is land which is owned by the Eastern Band of Cherokee Indians and turned over to the Bureau of Indian Affairs for administrative purposes. The second of these are lands which are owned outright by the Federal Government.

In relation to the second category, from time to time certain of these lands become surplus to the needs of the BIA and can in contrast be used effectively for the well-being of the Cherokee Indians. Under present statutes, such lands can be turned over to the Eastern Band of Cherokee Indians only through congressional action.

The purpose of this act is to provide legislation which would enable the Secretary of Interior to turn over to the Eastern Band of Cherokee Indians any such Government-owned lands by administrative order at the point that they are no longer needed by the Bureau of Indian Affairs.

At present, there are four parcels of land which the Bureau of Indian Affairs desires to return to tribal status. The first of these is the land upon which the Cherokee Tribal Council House is located. Two of the parcels relate to former day school sites which are no longer used for school purposes and which the Bureau proposes to return to tribal status for community purposes. The fourth parcel relates to lands on which activities of the Cherokee Historical Association are now being carried out and which it is proposed would be leased to the historical association from the tribe following return of the parcel. The total acreage involved is 10.21 acres.

The lands involved were originally purchased in most instances by the Federal Government from the Eastern Band of Cherokee Indians in order to provide various services to the Cherokee people. Inasmuch as it is the desire of the Federal Government not to maintain possession of lands which are surplus to its needs, and since such lands are frequently of economic or social value to the Cherokee people, it is the desire of the Bureau of Indian Affairs and seems proper to return such land to the tribe. Also, it is no longer the practice today for the Government to purchase lands needed for administrative purposes from Indian tribes, but rather, by mutual consent, when additional lands are needed, it is now the practice to accomplish this by placing these lands in an administrative reserve. When such lands later become surplus to the Government's needs, they can be returned to the tribes administratively.

This bill would simply provide a mechanism for the return of lands which are owned outright by the Federal Government and can be returned only through an act of Congress.

This legislation was requested by the Tribal Council of the Eastern Band of Cherokee Indians by a resolution dated October 23, 1969. Enactment of the legislation will not obligate the Federal Government to any expense whatsoever. These small tracts of Indian land at Cherokee will be made more useful and usable by the Indian tribe.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the Consent Calendar.

CALL OF THE HOUSE

Mr. CEDERBERG. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 306]

Addabbo	Foreman	Powell
Alexander	Fraser	Price, Tex.
Anderson, Tenn.	Frelinghuysen	Pucinski
Ashley	Fulton, Tenn.	Purcell
Ayres	Galifianakis	Quie
Barrett	Gallagher	Rees
Blanton	Giaimo	Reid, N.Y.
Blatnik	Gilbert	Reifel
Boggs	Goldwater	Rogers, Colo.
Bow	Green, Pa.	Rosenthal
Brock	Halpern	Roudebush
Brooks	Hansen, Idaho	Rousselot
Brown, Mich.	Harrington	Roybal
Burton, Utah	Harsha	Ruppe
Bush	Hawkins	St Germain
Button	Holifield	Sandman
Cabell	Horton	Satterfield
Casey	Johnson, Pa.	Scheuer
Celler	Karth	Schneebeli
Chamberlain	Kastenmeier	Shipley
Chappell	Koch	Slack
Chisholm	Kuykendall	Smith, N.Y.
Clark	Landrum	Snyder
Clawson, Del	Lloyd	Stratton
Clay	Long, La.	Taft
Collier	Lowenstein	Thompson, Ga.
Conte	McCarthy	Thompson, N.J.
Conyers	McCulloch	Tunney
Corman	McEwen	Udall
Cowger	McFall	Ullman
Daddario	McKneally	Van Deerlin
Dawson	MacGregor	Vigorito
Delaney	Melcher	Waldie
Dennis	Michel	Watson
Dickinson	Minshall	Weicker
Diggs	Mize	Whalley
Dowdy	Monagan	Whitehurst
Dwyer	Morton	Widnall
Edwards, Ala.	Murphy, N.Y.	Wilson, Bob
Esch	O'Konski	Wilson, Charles H.
Fallon	Olsen	Wold
Farbstein	Ottinger	Wolff
Findley	Patman	Wydler
Fish	Pettis	Zwach
Flynt	Philbin	
	Podell	

The SPEAKER pro tempore (Mr. ALBERT). On this rollcall 294 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

ALLOWING PURCHASE OF ADDITIONAL SYSTEMS AND EQUIPMENT FOR PASSENGER MOTOR VEHICLES OVER AND ABOVE STATUTORY PRICE LIMITATION

Mr. MOORHEAD. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2763) to allow the purchase of additional systems and equipment for passenger motor vehicles over and above the statutory price limitation.

The Clerk read as follows:

S. 2763

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (1) of subsection (c) of section 5 of the Act of July 16, 1914, as amended (31 U.S.C. 638a), is hereby amended to read as follows:

"(1) to purchase any passenger motor vehicle (exclusive of buses and ambulances), at a cost, completely equipped for operation, and including the value of any vehicle exchanged, in excess of the maximum price therefor, if any established pursuant to law by a Government agency and in no event more than such amount as may be specified in an appropriation or other Act, which shall be in addition to the amount required for transportation. A passenger motor vehicle shall be deemed completely equipped for operation if it includes the systems and equipment which the Administrator of General Services finds are customarily incorporated into a standard passenger motor vehicle completely equipped for ordinary operation. Notwithstanding any other provisions of law, additional systems or equipment may be purchased whenever the Administrator finds it appropriate. The price of such additional systems or equipment shall not be considered in determining whether the cost of a passenger motor vehicle is within any maximum price otherwise established by law;".

The SPEAKER pro tempore (Mr. ALBERT). Is a second demanded?

Mr. BUCHANAN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation would authorize the acquisition of extra equipment on Government automobiles over and above the statutory price limitations.

Under present law, the Government cannot pay more than $1,650 for sedans, and $1,950 for station wagons. These limitations do not leave much margin for items such as automatic transmissions, air conditioning, extra pollution control devices, and other equipment which is normally considered to be optional on automobiles.

It would be beneficial to the Government to include some of these items on many of its automobiles. There are a number of pollution control devices being tested that could be helpful in reducing air pollution, but under existing statutory provisions, the Government cannot acquire them for its automobiles in any sizable number. If we in the Congress are serious about attacking the air pollution problems of this country, we must authorize Federal officials to procure the best pollution control equipment available. At the present time, this authority does not exist.

Air conditioning in automobiles has become almost a necessity in the hot and humid areas of the country where temperatures inside the auto may reach 125°. The improvement in employee efficiency and morale and the increase in the use of Government-owned vehicles in lieu of rental cars, along with the increased resale values, will more than offset any added costs.

Automatic transmissions, power steering, and other such equipment have become so commonplace that the absence of them can constitute a safety hazard, the cost of many of these items would in most cases be more than recovered in the increased resale value of the automobile.

The amount that would be recouped in the increased resale value of the autos is of no consideration under the present statutes, even though studies have shown that an automatic transmission, which would cost the Government about $125 per car, may add as much as $200 to the value of a 1-year-old vehicle, and $50 to $100 to the value of a 5-year-old car.

The approach in this legislation avoids raising the statutory limit which the Government cannot exceed in acquiring its automobiles. An increase in the statutory limitation might easily result in increased expenditures without receiving the additional equipment which this bill authorizes. This bill would assure that any increased initial expenditures would be the results of the Government's acquiring better equipped automobiles for the use of its employees.

This legislation does not authorize the acquisition of all available optional equipment on all Government automobiles. It does allow the GSA flexibility in equipping Government autos to best serve the needs for which they are acquired. I recommend, Mr. Speaker, that the legislation be approved.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. MOORHEAD. I will be delighted to yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding, and I know that the Bureau of the Budget—to use its former name—in the Executive Office of the President, have stated they have no objection, but I would ask the gentleman if this additional cost is budget for the fiscal year in which the purchases or the increased allowable expense per car would be obligated?

Mr. MOORHEAD. I would say to the gentleman that I do not believe this additional expense has been budgeted but, of course, as the gentleman from Missouri pointed out, the Bureau of the Budget is endorsing the legislation on the belief that it is fiscally sound, and will result in savings to the Government.

Mr. HALL. Mr. Speaker, would the gentleman care to comment on the timeliness of this bill and its inherent expenses, and about whether this is the proper time to expend more in order to save more in the future, even though it is building and leaning on the thin reed of making the cars more valuable for turn-in and sellout variety? It has been my experience in trading in a car and/or turning it in, that they did not pay a bit of attention to whether it is air conditioned or whether it has hydramatic and so forth on it, or not; they just look at the blue book and the model, and the time, and they allow so much on these trade-ins.

But be that as it may, my real question is whether or not in a nonbudgeted item, one not included in the budget for this year, and when we are trying to fight inflation and react so as to stabilize the country's money, whether we should not be deferring this maybe for an additional year or two?

I would appreciate the gentleman who is handling the bill commenting, regarding the timeliness of this increased expenditure which, as I understand, allows for extras and increases from $400 to $800 per vehicle.

Mr. MOORHEAD. If the gentleman will permit, I share the concern of the gentleman, but I believe that if this is a money-saving approach, as I think it is, and if the GSA is probably going to shift to a one-year program on owning automobiles, I think that the sooner we get into this program the better.

On the other point the gentleman raised, I understand that the blue book does have additions for automatic transmissions, air conditioning, and major items of this type so that I think it clearly will result in a savings.

Mr. HALL. Mr. Speaker, if the gentleman will yield, did the gentleman mean to imply that the Director of the GSA wants to turn these cars over annually from now on?

Mr. MOORHEAD. The Administrator of the GSA is making a survey to see whether this would result in less cost to the Government than the present 6-year or 60,000-mile program. He said that preliminary indications are that 1-year this would save the Government money.

Mr. HALL. Does the gentleman feel, based on the studies of his committee—and I did search for it in the report, and I have read it in detail—that this applies to sedans and station wagons, or does this also apply to the fleet of limousines that we have around the Capitol here that all the heads of agencies apparently now have, or does it apply to the leased cars that our subcommittee chairmen can use?

Mr. MOORHEAD. I will say to the gentleman that this applies only to the sedans and station wagons. The automobiles authorized for the President and for the heads of departments of the executive branch and others, are not subject to this $1,650 limitation.

Mr. HALL. I thought so, and that the limousines that are built and equipped with air conditioning and status symbols such as reading lights in the rear, and telephones and automatic this and that, that this figure could not imaginably apply to those limousines.

One final question—and the gentleman has been very generous, and I will not prolong this—this business of air conditioning the cars at this particular time worries me, and that is one of the reasons I thought we ought to make some legislative record, rather than handle this on the unanimous consent calendar.

For a long time, for example, in the construction budgets air conditioning has been allowed in the construction, just as this bill would make it allowable in the purchase of sedans and station wagons, as I read and interpret the bill, but only where the Director or the Administrator of GSA so indicates. Similarly in the construction, be it HUD construction or military construction, there is a formula developed for air conditioning based on climatic and humidity control and various other factors in the input of a satisfactory formula? You come out with a figure, whether air conditioning is worthwhile for a given number of days out of a year.

Does the gentleman in his wisdom think that a similar plan would or would not apply under the Administrator of GSA, so far as the purchase of these cars is concerned?

For example, it is perfectly useless in northern Minnesota, for example, to have air-conditioned sedans and station wagons, in my opinion. The same could be said for the naturally air-conditioned city of San Francisco.

Mr. MOORHEAD. If the gentleman will permit me, the Administrator said that he would purchase these only for use in hot and humid parts of the United States.

For example, I think the annual purchase is approximately 20,000 automobiles per year. In the testimony before the committee, he was talking in terms of only 2,000 of these automobiles having air conditioning.

So under his intended administrative powers, he would be only equipping a minority of the automobiles with air conditioning.

Mr. HALL. The gentleman's words are very reassuring and I find no quarrel with that particular proportion in southern and humid areas so far as the activity or survivability of Government workers who use these interagency automobiles is concerned.

So, we finally come down to the question of 20,000 annual car purchases times a $400 annual increase per car over an existing $400 of extra allowables. Of course, this comes to a considerable sum in the millions per year of expenditure—and hence the question of its timeliness.

Mr. MOORHEAD. Let me say to the gentleman, it is not anticipated that all of this equipment will be used or put on all of the cars. We do not anticipate this air conditioning would be on all of the cars. Rustproofing would not be on all of the cars, but only on those cars which would be exposed, let us say, to salt spray in certain areas and it would be a money-saving device.

Mr. HALL. This extra $400 includes undercoating on all the GI vehicles; does it not?

Mr. MOORHEAD. It is my understanding that undercoating is permitted under the existing law. But rustproofing is not, but it would be permitted if this bill is passed.

Mr. HALL. I thank the gentleman.

Mr. MOORHEAD. I thank the gentleman.

Mr. Speaker, I reserve the balance of my time.

Mr. BUCHANAN. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, I rise to ask the gentleman from Pennsylvania a question or two.

For instance, there are hearing examiners who must travel in the Southern States. Will they be paid a higher mileage rate, if they are using their own cars, in order to equip and maintain their cars with air conditioning? What is going to be the story with respect to these Federal employees?

Mr. MOORHEAD. That is not covered by this legislation whatsoever.

Mr. GROSS. What do you propose to do with them?

Mr. MOORHEAD. So far as this legislation is concerned, I have no proposal as to that. This is merely for vehicles owned by the Federal Government.

Mr. GROSS. You have made a point in the report accompanying this bill about the greater productivity of the employees that will result from air conditioning these vehicles. Can the gentleman give us any estimate of the greater productivity? I have failed to find very many instances of where pay and other fringe benefits increased the productivity. Instead, more people are being added to the payroll all the time.

I wonder if the gentleman can give us any idea of the increased productivity that will result from air conditioning, putting power steering, automatic transmissions, disc brakes, and various other devices on them?

Mr. MOORHEAD. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from Pennsylvania.

Mr. MOORHEAD. I have been told that before buildings were air conditioned there were times when the temperature and the humidity were so high that they actually closed down offices. Of course, employees who could not be productive would be sent home. I think there is something similar to that situation and the situation covered by the pending legislation. A man who has to drive in a hot automobile to take care of Government business is worn out from driving in an automobile that may have a temperature of 125 degrees.

Similarly, if he does not have power steering, and he has to drive a long way, he is similarly worn out. Disk brakes are a matter of safety, and a Federal employee who is involved in an automobile accident is obviously losing productivity.

Mr. GROSS. Let me observe that somehow or other we managed to stagger through a great many years in this Government, first back in the days of horses and buggies, and then with automobiles, and we never thought of air conditioning an automobile. It is beyond belief how we managed to keep a government going, relying upon people who had to travel in non-air-conditioned trains and in non-air-conditioned automobiles. I am surprised that this Government ever survived. I doubt very much that there will be increased productivity; some Federal employees will be made more comfortable at a much greater cost to the taxpayers.

Mr. MOORHEAD. Let me say one thing. A few years back the GSA conducted a test program. They found that employees in the southern part of the country, when they could get away with it, would rent air-conditioned vehicles.

Mr. GROSS. I do not doubt that.

Mr. MOORHEAD. When the Government put in air-conditioned vehicles, the use of the air-conditioned vehicles went up as much as 23 percent. That is another example of the increased productivity that is of advantage to the Government.

Mr. GROSS. If we are going to pass this kind of legislation, we ought to do something for the employees, particularly in the hot areas of the United States, who must use their own cars because Government vehicles are not available. I say again that if this bill is approved Congress will be confronted with an increase in the mileage costs of those who drive their own air-conditioned vehicles.

The SPEAKER. The time of the gentleman has expired.

Mr. BUCHANAN. Mr. Speaker, I yield 2 additional minutes to the gentleman from Iowa.

Mr. GROSS. As to emission systems, I trust the gentleman knows that many people are taking them off their new automobiles as quickly as they can get a mechanic to take them off, because they cut down on horsepower, and they claim they cannot get the proper mileage per gallon of gasoline out of a car that is so equipped. I do not know that we are doing the Federal Government a favor by putting emission systems on its cars. I do not know how much of this is good and how much of it is bad. I am confident that it will cost the taxpayers of this country a lot more money before you get through with what you are starting here by way of air conditioning and adding other special equipment to Government cars.

Mr. MOORHEAD. I am sure the gentleman shares my hope that an effective emission-control device will be developed, and that the automobiles owned by the U.S. Government will be so equipped that they will not add pollution to the air.

Mr. GROSS. I hope we do not come to the day when we have to provide Federal employees with optional six-packs of ice-cold beer, and so on, to take care of their needs as they journey down the highways and byways in air-conditioned comfort.

Mr. BUCHANAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill was brought to the floor in the full awareness that it was a natural target because of the air-conditioning provisions which are included for a limited number of the vehicles which will be purchased by GSA. GSA purchases approximately 15,000 to 20,000 sedans and station wagons per year for use by the Federal Government, and they plan to install in appropriate climates and locations air-conditioning equipment in approximately 2,000 of them.

Mr. Speaker, I want to make clear it is the thinking of the committee and the intent of the committee that this shall result not in increased expenses in the long run but in economy for our Government, as well as in comfort and convenience for the Federal employees who will have the benefit of this air conditioning.

One of the reasons this can be an economy move is that, where there is an option to rent equipment, which does have air conditioning, such leased equipment can cost two and one-half times as much approximately as the Government's own cars, comparably equipped.

This could therefore, cut down expenses in places such as Arizona.

In addition, Mr. Speaker, the air conditioning equipped cars have a resale value which is better, as observed by the gentleman from Pennsylvania.

Since the great bureaucracy is running the country to such an extent, I think it will be good for the people if the bureaucrats can keep their cool. Some comfort for the bureaucrats might result in all sort of further action for the people, but primarily this is legislation designed to permit the administrator in limited instances the option of installing air conditioning, and it could result in a saving on rentals and increased resale value and result not in extra expense but in economy.

May I point out that the purpose of this legislation is to provide an administrative option within carefully defined limits—and I call attention to page 2 of the bill itself, which says:

> A passenger motor vehicle shall be deemed completely equipped for operation if it includes the systems and equipment which the Administrator of General Services finds are customarily incorporated into a standard passenger motor vehicle completely equipped for ordinary operation.

I think there is a limitation clearly within this verbiage. The legislation also permits the purchase of automatic transmissions and air-pollution devices. This Government is hopefully committed to leadership in the problems of environment and ecology, and yet we do not in our present provision for only bare-bones, stripped government vehicles provide any option to the GSA to purchase vehicles equipped with anti-pollution devices. This is another thing that can be achieved in this legislation.

It is the intent, therefore, of the committee that we shall achieve economies and not larger spending through this and also we will permit the administrator to use simple logic and reason in the purchase of government vehicles.

Hence, the committee has reported out this bill and recommends its passage.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I am delighted the gentleman has finally got environment and ecology into this. I was afraid they were going to be left out of this discussion.

Mr. BUCHANAN. Mr. Speaker, I would say to the gentleman ecology ranks with economy as a primary concern of the Government at this time.

Mr. MOORHEAD. Mr. Speaker, I yield to the gentleman from Florida (Mr. FASCELL).

Mr. FASCELL. Mr. Speaker, I rise in support of S. 2763 which would permit the General Services Administration to purchase systems and equipment for passenger motor vehicles over the statutory price limitation.

Under present law, the price GSA can pay for sedans is limited to $1,650. This limitation precludes the acquisition of optional items on Government vehicles. Most notably, vehicles purchased by the Federal Government cannot be equipped with air-pollution-control devices, rust-proofing, and air conditioning.

The Federal Government must take the lead in the fight against all forms of pollution. It is readily admitted that emissions from automobiles are a primary source of air pollutants. As new equipment is developed for automobiles, Government vehicles should be equipped with them.

Purchase of automobiles which have been properly treated to withstand rust and corrosion resulting from salt, sand, sun, snow, and other climatic conditions makes sound economic sense since most of the additional cost will be recouped through higher resale price at the time the vehicle is disposed of.

Similarly, the extra cost of air conditioning units would be largely offset by the higher resale value of a vehicle so equipped. Further, in certain parts of the country which enjoy year-round warm climates, GSA must now resort to leasing automobiles at higher cost in order to circumvent the unrealistic restrictions placed on the purchase of vehicles. An additional benefit would result from a more flexible policy of purchasing air-conditioned automobiles; namely, studies show conclusively driving of air-conditioned vehicles in hot weather results in increased driver safety because of greater alertness and reduced fatigue as well as improved employee efficiency, productivity, and morale.

Mr. Speaker, it is clear that the enactment of this legislation is both necessary and desirable. The benefits to the government and its employees, which I have mentioned, will result from enactment of this bill.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Pennsylvania that the House suspend the rules and pass the bill S. 2763.

The question was taken.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 264, nays 42, not voting 124, as follows:

[Roll No. 307]

YEAS—264

Abbitt	Blackburn	Clark
Abernethy	Blanton	Clausen,
Adair	Boggs	Don H.
Adams	Boland	Clay
Albert	Bolling	Cleveland
Anderson,	Brademas	Cohelan
Calif.	Brasco	Conable
Anderson, Ill.	Brinkley	Corbett
Andrews, Ala.	Broomfield	Corman
Andrews,	Brotzman	Culver
N Dak.	Brown, Calif.	Cunningham
Annunzio	Brown, Ohio	Daniel, Va.
Arends	Broyhill, Va.	Daniels, N.J.
Aspinall	Buchanan	Davis, Ga.
Baring	Burke, Mass.	Davis, Wis.
Beall, Md.	Burleson, Tex.	de la Garza
Belcher	Burton, Calif.	Dellenback
Bell, Calif.	Byrne, Pa.	Denney
Bennett	Byrnes, Wis.	Dent
Berry	Caffery	Derwinski
Betts	Camp	Devine
Bevill	Carey	Dingell
Biaggi	Carter	Donohue
Bingham	Cederberg	Dorn
Downing	Jones, Ala.	Poff
Dulski	Jones, N.C.	Pollock
Duncan	Kastenmeier	Preyer, N.C.
Eckhardt	Kazen	Price, Ill.
Edmondson	Kee	Pryor, Ark.
Edwards, Calif.	Keith	Railsback
Edwards, La.	King	Randall
Ellberg	Kleppe	Reid, Ill.
Erlenborn	Kluczynski	Reid, N.Y.
Eshleman	Langen	Reuss
Evans, Colo.	Leggett	Rhodes
Fascell	Lennon	Riegle
Feighan	Long, Md.	Rivers
Findley	Lukens	Roberts
Fisher	McClory	Robison
Flood	McCloskey	Rodino
Flowers	McDade	Roe
Foley	McDonald,	Rogers, Fla.
Ford, Gerald R.	Mich.	Rooney, Pa.
Ford,	Macdonald,	Rostenkowski
William D.	Mass.	Ruth
Fountain	Madden	Ryan
Frey	Mahon	Saylor
Friedel	Mailliard	Schwengel
Fulton, Pa.	Mann	Sebelius
Fuqua	Marsh	Shriver
Garmatz	Martin	Sikes
Gaydos	Mathias	Sisk
Gettys	Matsunaga	Skubitz
Gibbons	May	Smith, Calif.
Gilbert	Meeds	Smith, Iowa
Gonzalez	Meskill	Stafford
Gray	Michel	Staggers
Green, Oreg.	Mikva	Stanton
Green, Pa.	Miller, Calif.	Steed
Griffiths	Mills	Steiger, Ariz.
Grover	Minish	Steiger, Wis.
Gubser	Mink	Stephens
Gude	Minshall	Stokes
Hagan	Mollohan	Stubblefield
Haley	Monagan	Stuckey
Hamilton	Montgomery	Sullivan
Hanley	Moorhead	Symington
Hanna	Morgan	Talcott
Hansen, Wash.	Morse	Taylor
Harvey	Mosher	Teague, Calif.
Hastings	Moss	Teague, Tex.
Hathaway	Murphy, Ill.	Tiernan
Hays	Natcher	Vander Jagt
Hébert	Nedzi	Vanik
Hechler, W. Va.	Nelsen	Waggonner
Heckler, Mass.	Nichols	Wampler
Helstoski	Nix	Watts
Henderson	Obey	Whalen
Hicks	O'Hara	White
Hogan	O'Neal, Ga.	Whitten
Hosmer	O'Neill, Mass.	Wiggins
Howard	Passman	Williams
Hull	Patten	Winn
Hungate	Pelly	Wright
Hunt	Pepper	Wyatt
Hutchinson	Perkins	Wylie
Ichord	Pickle	Yates
Jarman	Pirnie	Yatron
Johnson, Calif.	Poage	Young
Jonas	Podell	Zablocki

NAYS—42

Ashbrook	Gross	Myers
Biester	Hall	Pike
Bray	Hammer-	Quillen
Broyhill, N.C.	schmidt	Rarick
Burke, Fla.	Jacobs	Roth
Burlison, Mo.	Jones, Tenn.	Schadeberg
Clancy	Kyl	Scherle
Collier	Landgrebe	Schmitz
Collins	Latta	Scott
Colmer	Lujan	Springer
Coughlin	McClure	Thomson, Wis.
Crane	McMillan	Wyman
Evins, Tenn.	Mayne	Zion
Goodling	Miller, Ohio	
Griffin	Mizell	

NOT VOTING—124

Addabbo	Chisholm	Foreman
Alexander	Clawson, Del	Fraser
Anderson,	Conte	Frelinghuysen
Tenn.	Conyers	Fulton, Tenn.
Ashley	Cowger	Galifianakis
Ayres	Cramer	Gallagher
Barrett	Daddario	Giaimo
Blatnik	Dawson	Goldwater
Bow	Delaney	Halpern
Brock	Dennis	Hansen, Idaho
Brooks	Dickinson	Harrington
Brown, Mich.	Diggs	Harsha
Burton, Utah	Dowdy	Hawkins
Bush	Dwyer	Holifield
Button	Edwards, Ala.	Horton
Cabell	Esch	Johnson, Pa.
Casey	Fallon	Karth
Celler	Farbstein	Koch
Chamberlain	Fish	Kuykendall
Chappell	Flynt	Kyros

Landrum	Pucinski	Taft
Lloyd	Purcell	Thompson, Ga.
Long, La.	Quie	Thompson, N.J.
Lowenstein	Rees	Tunney
McCarthy	Reifel	Udall
McCulloch	Rogers, Colo.	Ullman
McEwen	Rooney, N.Y.	Van Deerlin
McFall	Rosenthal	Vigorito
McKneally	Roudebush	Waldie
MacGregor	Rousselot	Watson
Melcher	Roybal	Weicker
Mize	Ruppe	Whalley
Morton	St Germain	Whitehurst
Murphy, N.Y.	Sandman	Widnall
O'Konski	Satterfield	Wilson, Bob
Olsen	Scheuer	Wilson, Charles H.
Ottinger	Schneebeli	Wold
Patman	Shipley	Wolff
Pettis	Slack	Wydler
Philbin	Smith, N.Y.	Zwach
Powell	Snyder	
Price, Tex.	Stratton	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Mr. Blatnik with Mr. Burton of Utah.
Mr. Brooks with Mr. Del Clawson.
Mr. Delaney with Mr. Cowger.
Mr. Farbstein with Mr. McCulloch.
Mr. Thompson of New Jersey with Mr. McKneally.
Mr. Fulton of Tennessee with Mr. Brock.
Mr. Cabell with Mr. Bush.
Mr. Lowenstein with Mr. MacGregor.
Mr. Wolff with Mr. Horton.
Mr. Philbin with Mr. Bow.
Mr. Rogers of Colorado with Mr. Hansen of Idaho.
Mr. Casey with Mr. Cramer.
Mr. Stratton with Mr. Button.
Mr. Vigorito with Mr. Reifel.
Mr. Flynt with Mr. Johnson of Pennsylvania.
Mr. Tunney with Mrs. Chisholm.
Mr. Ottinger with Mr. Schneebeli.
Mr. Chappell with Mr. Lloyd.
Mr. McFall with Mr. Snyder.
Mr. Harrington with Mr. Powell.
Mr. Daddario with Mr. Quie.
Mr. Purcell with Mr. Roudebush.
Mr. Roybal with Mr. Taft.
Mr. Anderson of Tennessee with Mr. Kuykendall.
Mr. Barrett with Mr. Watson.
Mr. Gallagher with Mr. Weicker.
Mr. Rees with Mr. Conyers.
Mr. Dowdy with Mr. Price of Texas.
Mr. Murphy of New York with Mr. Whitehurst.
Mr. Melcher with Mr. Thompson of Georgia.
Mr. McCarthy with Mr. Widnall.
Mr. Fallon with Mr. McEwen.
Mr. Long of Louisiana with Mr. Edwards of Alabama.
Mr. Charles H. Wilson with Mr. Pettis.
Mr. Alexander with Mr. O'Konski.
Mr. Scheuer with Mr. Diggs.
Mr. Addabbo with Mr. Ayres.
Mr. Holifield with Mr. Brown of Michigan.
Mr. Celler with Mrs. Dwyer.
Mr. Olsen with Mr. Chamberlain.
Mr. Giaimo with Mr. Conte.
Mr. Rooney of New York with Mr. Fish.
Mr. Rosenthal with Mr. Esch.
Mr. Satterfield with Mr. Dennis.
Mr. Slack with Mr. Foreman.
Mr. Galifianakis with Mr. Dickinson.
Mr. Shipley with Mr. Harsha.
Mr. St Germain with Mr. Mize.
Mr. Pucinski with Mr. Ruppe.
Mr. Patman with Mr. Morton.
Mr. Kyros with Mr. Rousselot.
Mr. Ashley with Mr. Sandman.
Mr. Udall with Mr. Smith of New York.
Mr. Karth with Mr. Whalley.
Mr. Ullman with Mr. Frelinghuysen.
Mr. Koch with Mr. Hawkins.
Mr. Waldie with Mr. Halpern.
Mr. Fraser with Mr. Wold.
Mr. Van Deerlin with Mr. Goldwater.
Mr. Landrum with Mr. Bob Wilson.
Mr. Wydler with Mr. Zwach.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the bill just passed (S. 2763).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania

There was no objection.

PENALTIES FOR ILLEGAL FISHING IN FISHERY ZONE

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 14678) to strengthen the penalties for illegal fishing in the territorial waters and the contiguous fishery zone of the United States, and for other purposes, as amended.

The Clerk read as follows:

H.R. 14678

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "An Act to prohibit fishing in the territorial waters of the United States and in certain other areas by vessels other than vessels of the United States and by persons in charge of such vessels", approved May 20, 1964 (16 U.S.C. 1082), is amended—

(1) by striking out "$10,000" in subsection (a) thereof and inserting in lieu thereof $100,000", and

(2) by adding at the end of subsection (b) the following new sentence: "For the purposes of this Act, it shall be a rebuttable presumption that all fish found aboard a vessel seized in connection with such violation of this Act were taken or retained in violation of this Act."

SEC. 2. The first sentence of section 3(a) of such Act of May 20, 1964 (16 U.S.C. 1083), is amended to read as follows: "Enforcement of the provisions of this Act is the joint responsibility of the Secretary of the Interior, the Secretary of the Treasury, and the Secretary of the Department in which the Coast Guard is operating, and each such Secretary may, by agreement with any other Federal department or agency, utilize the equipment (including aircraft and vessels) of that department or agency to carry out such enforcement."

SEC. 3. Such Act of May 20, 1964 (16 U.S.C. 1081–1085), is further amended by adding at the end thereof the following new subsection:

"SEC. 6. The Secretary of the Treasury may pay to any person, other than an officer of the United States or a person authorized to function as a Federal law enforcement agent under this Act, compensation of not more than $5,000 if such person submits to any such officer or authorized person original information concerning any violations, perpetrated or contemplated, of this Act and such information leads to any penalty or forfeiture incurred for violation of this Act."

The SPEAKER pro tempore. Is a second demanded?

Mr. PELLY. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. DINGELL. Mr. Speaker, the purpose of H.R. 14678 is to increase the protection of the fisheries resources of our territorial sea, our exclusive fisheries zone, and those fisheries resources of the Continental Shelf which appertain to the United States.

Mr. Speaker, as many of my colleagues will recall, prior to 1964 Federal law was not expressively prohibitive in that it did not make it abundantly clear that foreign vessels were denied the privilege of fishing within the territorial waters of the United States. Furthermore, an even more serious inadequacy in the law was the lack of effective sanctions. There was no penalty provision nor was there any provision that provided for the seizure and forfeiture of vessels or their cargoes illegally fishing in the U.S. waters. At that time the United States recognized a 3-mile territorial sea and a 3-mile exclusive fisheries zone and the illegally fishing in these waters was to have the Coast Guard order the vessel to leave and escort her to the high seas.

Mr. Speaker, the Congress recognized this inadequacy in the law and in May of 1964—as a result of legislation reported by the Merchant Marine and Fisheries Committee—enacted Public Law 88–308. That law made it unlawful for any foreign vessel or any person in charge of such vessel to engage in the fisheries within the territorial waters of the United States. In addition, that law made it unlawful for such vessels and persons to take any fishery resource of the Continental Shelf which appertains to the United States and to engage in the fisheries within any waters in which the United States has the same rights in respect to fisheries as it has in its territorial waters. Also, the law provided sanctions for the first time. Violators could be fined up to $10,000 or imprisoned for 1 year, or both. Vessels—including its tackle, apparel, cargo, and stores—were authorized to be seized and forfeited and all fish found on board the vessel, that was taken in violation of the act, were automatically forfeited.

Mr. Speaker, as previously stated, the United States only recognized a 3-mile exclusive fisheries zone at that time. This zone proved to be inadequate, as foreign fishing vessels continued to expand in our off-shore fisheries. Again the Merchant Marine and Fisheries Committee took the initiative and in 1966 reported legislation which resulted in the enactment of Public Law 89–658. This law established a 9-mile exclusive fisheries zone contiguous to our territorial sea. This, in effect, extended the fisheries zone out to a distance of 12 miles from our shores.

Mr. Speaker, despite this additional protection to our fisheries, fishing by foreign vessels off our coastal shores still continued to increase. In fact, at hearings held by my Subcommittee on Fisheries and Wildlife in Alaska last year, Coast Guard witnesses stated that less than 10 percent of foreign vessels illegally fishing within our exclusive fisheries

zone off the coast of Alaska were actually being apprehended. As a result of this increased pressure, some valuable species of fish and marine life which inhabit this 12-mile zone are in danger of being seriously depleted and in some cases of becoming extinct.

Mr. Speaker, again the Merchant Marine and Fisheries Committee has recognized the inadequacy of the law. We are hopeful that the legislation recommended for passage today will put an end to foreign violations in our 12-mile fisheries zone.

Mr. Speaker, there are four major changes that would be provided by H.R. 14678 and I would like to briefly discuss them at this time.

The first two changes occur in section 1 of the bill. This section would authorize an increase in the maximum penalty for illegal fishing from $10,000 to $100,000, and in addition, would provide that all fish found aboard the seized vessel would be presumed to have been taken in violation of the law. As previously indicated, all fish taken in violation of the law are automatically forfeited. The courts have been reluctant to require forfeiture in this regard because of the difficulty in proving the fish were caught within the 12-mile zone. The presumption provided under this section would assist in alleviating that situation in that the burden would be upon the operator to prove that the fish were legally taken.

The third major change occurs in section 2 of the bill. This section would rewrite present law to authorize the Secretaries of the Interior, Treasury, and the Department in which the Coast Guard is operating, by agreement to utilize equipment—including aircraft and vessels—of any other Federal department or agency in carrying out enforcement responsibilities under the law. I sincerely feel that an increase in the number of patrols in critical areas, and at certain times of the year when fishing is at its best, would have a salutary effect and greatly assist in reducing foreign intrusions in our exclusive fisheries zone. I hope that these departments will take the recommendations of the committee and make exery effort to coordinate patrols and enforcement techniques and utilize aircraft and ships from the U.S. Navy and Air Force on a regular scheduled basis in carrying out their enforcement responsibilities under the act.

The fourth major change occurs in section 3 of the bill. This section would add a new section 6 to this act to authorize for the first time, the Secretary of the Treasury to pay up to $5,000 to informers whose information leads to any penalty or forfeiture incurred for violations of the act.

Mr. Speaker, H.R. 14678, as amended, was unanimously reported by the Merchant Marine and Fisheries Committee, and it contains all amendments recommended by the Departments reporting on the legislation. There were no governmental departments opposing the legislation and all witnesses testifying at the hearings were unanimous and expressing their support of the legislation.

Mr. Speaker, H.R. 14678 was introduced by the distinguished chairman of our Committee on Merchant Marine and Fisheries and cosponsored by 23 other members of the committee. I congratulate the chairman in bringing this legislation to the attention of the committee and I would like to take this opportunity to thank the members of the Committee on Merchant Marine and Fisheries who have worked so diligently in the passage of this legislation. I am particularly appreciative of the efforts of the ranking majority member of my Subcommittee on Fisheries and Wildlife Conservation, Congressman LENNON, the ranking minority member of my subcommittee, Congressman PELLY, and Congressmen ROGERS, POLLOCK, and SCHADEBERG. Mr. Speaker, I join my colleagues in urging prompt passage of the bill.

Mr. Speaker, I yield to my distinguished friend, the chairman of the Committee on Merchant Marine and Fisheries (Mr. GARMATZ).

Mr. GARMATZ. Mr. Speaker, the U.S. commercial fishing fleet is in a sad state of decline. Since the early 1940's, when it ranked second among the world's fishing nations, it has continued that decline. It now stands in fifth place, behind Japan, Peru, U.S.S.R., and Communist China.

This important domestic industry needs all the help we can offer it. And, next to direct subsidy for research and for more modern, efficient vessels, one of the best ways to help it is to expeditiously pass and enact my bill, H.R. 14768.

This legislation is important, because it seeks to protect our Nation's exclusive 12-mile fisheries zone. And this fisheries zone is important because approximately 80 percent of all fish and shellfish caught by the American fishery industry is taken within this zone. That rather impressive statistic should make it obvious that we must move now to protect this rich source of fishery resources, before it is ruthlessly decimated by foreign fishing pressures.

The pressure from foreign fishing activity is a very real threat, and it is growing greater all the time. Hardly a week goes by without press reports of aggressive fishing activity by foreign fleets off our coastlines. The intensity of this activity can be appreciated by citing a flurry of activity which occurred during August 1969. During that one month, a total of 325 foreign fishing vessels were observed fishing beyond our 12-mile fishing zone off the coast of New England. These included ships belonging to the Soviet Union, Poland, East Germany, Rumania, Bulgaria, Israel, Iceland, Spain, and Norway. This is probably one of the highest counts on record, but I think it emphasizes the need to take appropriate measures to protect our fishery resource from depletion.

Unfortunately, we can do nothing about these large foreign fleets, as long as they fish beyond our 12-mile limit. But, the fact is that many of the vessels from these fleets are sneaking within our 12-mile zone and fishing illegally. The foreign vessels engage in illegal fishing for two reasons: First of all, our surveillance force is completely inadequate, and there is not much risk of getting caught; second, even when offenders are caught, the fines are not stiff enough.

My bill, H.R. 14678, seeks to make it too dangerous and too expensive for foreign vessels to risk capture. Since my distinguished colleague, the Honorable JOHN DINGELL, chairman of my Subcommittee on Fisheries and Wildlife Conservation, has already presented a detailed explanation of the legislation, there is no need for me to elaborate at this point.

Mr. Speaker, this bill was unanimously reported by my Committee on Merchant Marine and Fisheries and I hope the Congress will also respond favorably on this important piece of legislation.

Mr. DINGELL. Mr. Speaker, I yield to my good friend from Florida (Mr. ROGERS).

Mr. ROGERS of Florida. Mr. Speaker, I thank my good friend for yielding and I commend the chairman of the committee and also the chairman of the subcommittee for bringing this legislation to the House.

Mr. Speaker, I rise in support of H.R. 14678, a bill to increase the protection of the fisheries resources of the U.S. territorial waters and those fishery resources of the Continental Shelf which appertain to the United States.

During the last few years a few countries of the world have designated areas up to 200 miles off their coast as their own exclusive fishing preserves. Some of these countries have seized U.S. fishing vessels within these waters, although most nations only recognize a 15-mile limit. We cannot permit those countries which fish within our 15-mile limit to deplete our fishery resources.

There were several weaknesses in the existing law which the committee has intended to correct in the reported bill. First, the bill would authorize an increase in the maximum penalty for illegal fishing in U.S. territorial waters from $10,000 to $100,000.

Under existing law, when a foreign vessel is caught within the limit, it is difficult to prove that the fish aboard such vessels was caught in fact within the limit. This bill would place the burden of proof upon the foreign fishermen caught within the zone to show that they legally caught the fish outside U.S. fishing waters.

Again, I join my colleagues in urging prompt passage of this legislation.

Mr. DINGELL. Mr. Speaker, I yield to my friend from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Speaker, I firmly believe that the time has come to curtail the violations of this Nation's traditional sovereign water rights by foreign fishing vessels.

Current penalties for violating our established fishery resource conservation zone are simply not severe enough to keep foreign fishermen out of our fishing areas—a fact that is borne out by the number of vessels which have been apprehended in our coastal area more than once in the past.

In my judgment, the current $10,000 fine is grossly inadequate and does not substantially diminish the profits that come as a result of good catches made in U.S. waters by foreign vessels.

Due to the fact that I represent a sizable portion of California's fishing industry, I have been following the problem closely for a long period of time and I am particularly pleased by the responsiveness of the committee to our requests for assistance.

The recent violations of a Soviet trawler within the 12-mile-limit, off the northern California coast, was the crowning blow. In my judgment, the intrusion of this trawler was in complete disregard of U.S. territorial integrity and, more importantly, a slap in the face of our north coast fishermen and their wives and families who depend on these fishing grounds for their livelihood.

As an outgrowth of this incident, a meeting, attended by myself and the gentlemen from Oregon (Mr. DELLENBACK and Mr. WYATT) was held with Ambassador Donald McKernan and representatives of west coast fishermen.

Dramatic evidence was presented to the Ambassador, indicating the seriousness of the problem and the absolute necessity for immediate remedial action.

While I am fully aware of the international implications, as well as our treaty obligations, something can and must be done to prevent further plundering of our fish resources within established territorial limits. Passage of legislation to extend our fishing limits to 12 miles, which I cosponsored was a step in the right direction, but it is proving to be a meager one at that.

Foreign intrusions into our territorial waters is only part of what makes American fishermen's blood boil. These intruders, particularly the Russians, are using equipment of a type that is forbidden for American fishermen and it is common knowledge that little attention is paid to established fishing seasons by those who are systematically plundering our fishing grounds.

The legislation before us will not only increase the penalty for illegal fishing to $100,000, but will also provide for the confiscation of any catch found on a vessel in violation—certainly a step that should make potential trespassers think twice before violating our territorial waters.

With talk about vigilante action on the high seas by some, it should be clearly evident that something must be done, and done immediately, before even greater damage is done to our fishing industry.

Again, my appreciation to the committee for its responsiveness and I strongly urge immediate passage of this legislation before us.

Mr. Speaker, I should like to insert as a permanent part of the RECORD at this point, two newspaper items which point up the absolute need for this legislation. The first is an editorial that appeared in the Del Norte, Calif., Triplicate on August 1, and the second, an article that appeared in the Fort Bragg, Calif., Advocate News on August 13. These two articles are just a sample of the feelings of the people of our area. All of the radio, news, and TV media have carried similar editorial and/or story content.

The articles follow:

GET THE RUSSIANS OFF THE BACKS OF OUR FISHING FLEET

(By J. J. Yarbrough)

There is now pending before the House of Representatives committee on merchant marine and fisheries a bill introduced by Congressman Don H. Clausen [R] Crescent City which would go a long way toward getting the Russian fishing fleet off the backs of U.S. fishermen.

Other bills introduced earlier by Clausen didn't get very far. And there are reasons for their failure to gain acceptance—not the least of which is the opposition of the tuna fleets.

Clausen's bill would establish a contiguous fishery zone, or two-hundred mile limit, beyond the territorial sea of the United States. The measure, H.R. 17426 provides that all waters in a 197-mile zone contiguous to the territorial sea [3-miles off shore] would be under the jurisdiction of the United States. The United States would exercise the same exclusive rights in respect to fisheries in the 200 mile zone as it now does in the territorial sea.

Opposition to such measures in the past has come from American tuna fishermen and their allies who fish for tuna off the coast of South America. And this opposition more than likely will continue.

However, the Clausen bill does offer trading leeway with the South American countries and others which the United States may permit to continue "traditional" fishing privileges. The Clausen bill provides that the Secretary of State shall, in cooperation with the Secretary of the Interior and in consultation with the affected foreign countries, determine the extent to which foreign fishing is permitted.

This probably won't solve things for the tuna boats who want to fish within the 200-mile limit of Peru. But it should mean that all nations would honor the territorial limits of each other and discontinue the senseless rape of the fishery resource.

Sightings of Russian fishing vessels off the Del Norte coast in recent weeks have triggered renewed interest in the problem. Hopefully, some action can be taken on the Clausen bill and, also hopefully, the U.S. jurisdiction will be fully enforced and no "deals" made with the Russians. It is time a halt was called to Russian depredations upon the west coast fishery. The western states, and the United States, have too much of an investment and to many people whose livelihood depends upon the resource to let it go unprotected.

The Congress of the United States—and in particular the members of the Merchant Marine and Fisheries committee—should be strongly urged to immediate action on the Clausen bill.

This newspaper urges its readers to voice their opinions and to write the "Merchant Marine and Fisheries Committee, House of Representatives, Washington, D.C., 20515, The Hon. Edward A. Garmatz, Chairman, Send a copy of Clausen.

A petition prepared by the Del Norte County Chamber of Commerce is now being circulated by the Fisherman's Wives Club, individuals and available in a number of business houses throughout the county. There is one in this newspaper office. We urge all Del Norters—and our visitors—to sign.

DON CLAUSEN COMES TO AID OF FISHERMAN

WASHINGTON, D.C.—Congressman Don Clausen (R-1st District) Friday announced that plans are taking shape for a meeting in Coos Bay, Ore., on Tuesday, Aug. 18, regarding continued intrusion of foreign vessels into U.S. waters.

Participants in the meeting in addition to Clausen, will be Congressman John Dellenback and Wendell Wyatt (both R-Oregon) and Ambassador Don McKernan, along with representatives of the fishing industry from California and Oregon.

McKernan is an undersecretary of the Department of Interior but holds the rank of Ambassador since he represents the United States in all fishery resources and oceanography matters in negotiations with foreign countries.

The meeting is in response to continuing violations of the 12-mile limit by foreign fishing boats.

In addition, Clausen announced earlier that the House Merchant Marine and Fisheries Committee had approved legislation which drastically increases the fines for invasions of the 12-mile limit by foreign fisherman.

The legislation, as reported out by the committee, increases the fine from the current $10,000 to $100,000. Clausen stated the current fine was "simply not enough," a fact that is substantiated by the number of vessels that have been apprehended more than one time.

The bill, of which Clausen is a co-sponsor, also provides for the seizure of catches found on any fishing boat that is in violation, as well as the $100,000 fine.

A further provision would authorize a reward of $5,000 to any person who provides information leading to a conviction for violation of U.S. territorial waters.

Under the measure, the Coast Guard is authorized to request assistance from any other federal agency to assist in its surveillance and enforcement activities.

Clausen is continuing to call for hearings by the Merchant Marine and Fisheries Committee on his legislation to extend the current 12-mile limit to 200 miles.

The north coast congressman was the co-author of the measure that was responsible for extending the old three-mile limit to the current 12-mile figure.

Mr. PELLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the bill, H.R. 14678, of which I am a cosponsor and wish to take this opportunity to compliment the distinguished chairman of the Subcommittee on Fisheries and Wildlife Conservation the gentleman from Michigan (Mr. DINGELL) for his great efforts during this Congress on behalf of the fishing industry of the United States. H.R. 14678 to increase the penalties for illegal fishing in our territorial waters and contiguous fishery zone is the latest in a series of important measures which have been brought to the floor during the 91st Congress to assist U.S. fishermen and to protect our vital fishery resources. Other measures which have been enacted include Public Law 91-249, amending and expanding the Anadromous Fish Conservation Act; Public Law 91-279, extending the United States Fishing Fleet Improvement Act; Public Law 91-315 consenting to amendments to the Pacific marine fisheries compact; and Public Law 91-387, extending the fishermen's loan fund.

The Fisheries and Wildlife Conservation Subcommittee has held many hours of public hearings and received testimony from hundreds of witnesses dealing with the problems confronting an American fisherman whose livelihood is seriously threatened by the activities of huge foreign fishing fleets operating off our coasts. The presence of these foreign fishing vessels relates not only to the legis-

lation we are considering today but has a strong bearing upon each of the public laws which I have just enumerated. The competitive impact of these foreign operations which are, by the way, in many instances heavily financed and in the case of the Russians totally financed by the Government, is enormous. The continued existence of our fishery resources in many coastal waters is in serious doubt and with it, the future of the American fishing industry.

In 1966, the legislation establishing a 9-mile contiguous fisheries zone beyond the territorial sea of the United States was enacted. That legislation followed by some 2 years the original law which we are amending today, and recognized the fact that our traditional 3-mile territorial sea was a completely out-of-date concept in light of the highly organized foreign fishing activities taking place within sight of our shores. Since 1966, these foreign fishing fleets have grown tremendously. The problem was acute then, and it has reached crisis proportions today. Off the west coast, with which I am most familiar, the Russian and Japanese fleets are in obvious abundance. At times, it almost appears that American fishing vessels are outnumbered by their foreign counterparts.

It is not enough that these foreign ships come within sight of our shores to take those species of fish upon which we have traditionally relied such as salmon and ocean perch. In their greed, they regularly violate our 12-mile fishery zone. Their method of fishing has been described aptly as the "vacuum-cleaner approach." While the official representatives of these foreign countries solemnly pledge their adherence to conservation standards to insure maximum sustained yield, their fishing vessels operate in such a way as to insure that the fish stocks will be exhausted within a few short years.

Mr. Speaker, the legislation we are considering today is long overdue. The existing maximum penalty and existing enforcement procedures have not deterred anyone from violating our fishery zone. As the committee report points out, a good night's catch may more than pay the cost of any fine which has been imposed heretofore.

I sincerely hope that the increased penalties provided in H.R. 14678 will serve as a deterrent and that the enforcement activities of the Coast Guard, the Interior Department, and the Treasury Department will be stepped up. Important as this legislation is it will not, however, solve the overriding problem of overfishing by foreign countries near our shores. The newspapers on the west coast are full of articles dealing with this question. Violations are constantly being reported. The public is aroused and strongly favors a further extension of our contiguous fishery zone to include the Continental Shelf or 200 miles, whichever is farther.

I am aware of all the arguments both pro and con advanced regarding extension of our fishery zone. Those arguments against extension relating to questions of international law and freedom of the sea do not impress the American fishermen or the average citizen whose boat may be run down by a Japanese or Russian trawler 15 or 20 miles offshore.

In Congress, a number of us have worked constantly over the years to protect our legitimate interest in the fishery resources, both inside and beyond our contiguous zone. Notwithstanding, however, we are little further ahead than we were in 1966. In many areas, we have slipped backward badly.

Mr. Speaker, the passage of this bill will serve notice to our State Department and to those foreign countries whose ships can be seen daily 12 miles at sea that something must be done. This problem must be resolved promptly either through international agreement or through legislation.

Either the question of foreign fishing will be resolved in the next Congress through agreement, or, speaking for myself, I will do my best to see that it is resolved unilaterally through legislation. I, of course, recognize the diplomatic problems that exist, and I would certainly prefer an international accord which establishes the legitimate rights of the coastal states to those species of fish in the high seas which are of prime importance to the coastal states fishing industry. The interest of the United States in its own fishery resources is paramount, however, and we must protect that interest whether or not voluntary agreement can be reached with the principal fishing nations of the world.

Mr. Speaker, again I urge my colleagues to support H.R. 14678, which will make it unprofitable for foreign fishing vessels to enter our fishery zone. This is an important step in the right direction.

Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. DELLENBACK).

Mr. DELLENBACK. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of the passage of H.R. 14678, a bill to strengthen the penalties for illegal fishing in the territorial waters and contiguous zone of the United States. As a sponsor of similar but separate legislation on this same subject I commend the Subcommittee on Fisheries and Wildlife under the leadership of Congressman JOHN DINGELL, and the full Merchant Marine and Fisheries Committee under the chairmanship of Congressman GARMATZ for presenting this bill to the full House for our prompt consideration and, I hope, its speedy passage.

Strong evidence has been gathered over the past few years by this committee pointing to the need for legislation such as this. Increased and nonconservational fishing by foreign fleets have, in serious adverse fashion, affected our fishing industry and the continued existence of this valuable natural resource off our shores. I know from firsthand discussion with fishermen who fish out of Oregon ports how serious is their injury from foreign fishing fleets. They need and deserve our help, and I certainly intend to give them all the sound assistance that I possibly can.

Existing penalties for illegal fishing activity under Public Law 88-308 have not served to prevent foreign fishing violations within our 12-mile limit. The Coast Guard, charged with the surveillance and enforcement of our existing laws in this regard, has suffered from a lack of ships, planes, and other equipment necessary to perform this vital mission. This bill would assist in correcting this situation by increasing the maximum fine for violators from the present $10,000 to $100,000. In addition, it would permit the use of available aircraft and ships from other Federal agencies such as the U.S. Navy and Air Force in order to provide stricter enforcement.

The masters of foreign fishing vessels may well feel that the minimum penalty levels and chances of actual capture while in violation are negligible and are worth the risk of conducting illegal fishing activity within our 12-mile zone. The importance of passage of this legislation cannot be overemphasized. Over 80 percent of the fish and shellfish caught by our American fishing industry are taken within this 12-mile zone. Continued violations by foreign fishing fleets could well result in the permanent decline of this vitally important segment of the American economy and in the destruction of a valuable natural resource. We must not permit this to happen. Enactment of this measure will assist in preventing the occurrence of such a disaster.

Mr. PELLY. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. KEITH).

Mr. KEITH. Mr. Speaker, I rise in support of this legislation. Foreign fishing activity along the east coast from the Chesapeake Bay to Georges Bank off my district has increased tremendously over the past 10 years.

Certain species of fish are critical to the American fishermen. The Soviet floating factories and the large fleets of Germany and Poland have taken up what amounts to practically permanent residence—almost within view of our shores.

Unfortunately these foreign fleets fish in such quantities that these resources are now in short supply—particularly haddock and yellow tail flounder. And all too often these foreign boats violate our 12-mile fishing zone.

This legislation will help in the enforcement of our fishing zone and will make it much more expensive for would-be violators. In this day of electronic equipment there is no good excuse for large foreign trawlers coming within 12 miles. When they do they must be apprehended and subjected to more severe penalties than those in the existing statutes.

Unfortunately our record of prosecution has not been good. A slap on the wrist simply encourages further, more blatant violations.

It is my hope that all agencies and in particular the Department of Defense will assist the Coast Guard under the authority created by this legislation.

This will enable the Coast Guard to respond to sudden demands upon its over-taxed resources.

There is a constant shift in fishing grounds during the course of a year. As the fleets move from one area to another the Coast Guard must respond in a flexible manner. Under this legislation the Coast Guard may call upon the Navy for assistance pursuant to agreement between the Secretaries of Transportation and Defense. This should greatly

increase the available enforcement equipment and personnel.

The increased penalty—up to $100,000 per violation coupled with a presumption that all fish found on a seized vessel were taken in violation of the 12-mile zone—will cause foreign vessel operators to think twice before following a school of fish close in shore.

It is essential that the Federal courts and U.S. attorneys recognize the seriousness of these violations and impose maximum penalties as a lesson to others who may be similarly tempted. As I have indicated, prosecutions in the past have not been a sufficient deterrent.

Finally, Mr. Speaker, I support the provision of this bill which authorizes an informer's fee to those who furnish information leading to the conviction of a fishery zone violator.

All too frequently an American fisherman may see a violation but cannot remain on the scene to direct the Coast Guard because he must pursue his own catch. This provision will provide some compensation for his assistance to the Coast Guard and will, in my view, help in obtaining prosecution under this act. I urge passage of this bill.

Mr. PELLY. Mr. Speaker, I yield such time as he may consume to the gentleman from Alaska (Mr. POLLOCK).

Mr. POLLOCK. Mr. Speaker, I thank the gentleman from the State of Washington for yielding me this time.

Mr. Speaker, I rise in support of H.R. 14678 to strengthen the penalties for illegal fishing in the territorial seas and the contiguous zone in U.S. waters.

Mr. Speaker, I wish to take this opportunity, as my colleagues before me have, to express my sincere appreciation to the outstanding chairman of the Subcommittee on Fisheries and Wildlife Conservation, my good friend, the gentleman from Michigan, JOHN DINGELL, and also to the chairman and members of the full committee for the work they have done, not only on this bill, but on a variety of bills concerning the merchant marine and the fisheries industries of the United States this year. There have been many excellent pieces of legislation worked on, as the gentleman from Washington indicated earlier. Some of the measures passed were the Anadromous Fish Conservation Act, the U.S. Fleet Improvement Act, continuation and expansion of the Pacific fisheries compact, and extension of the Fishermen's Loan Fund. All of these are of extreme importance.

But, Mr. Speaker, nothing could be more important for the protection of the fisheries of Alaska than the passage of H.R. 14678, for it would substantially strengthen the penalties for illegal fishing either in the territorial seas of the coastal States or the contiguous fishery zones, which are Federal waters.

We have a problem off the shores of Alaska where we have more than one-half of the entire coastline of the United States, for we have fishermen from Korea and Japan and from Canada and from Russia coming into our territorial seas or the contiguous zone and fishing the 12-mile contiguous zone, and in some cases are in violation of international accords, conventions, or agreements.

In other cases, as with Korea, there are no international accords or agreements with the United States. Thus they fish outside our 12-mile limit—and will come as close to the line as they possibly can, often illegally entering the contiguous zone. But even outside they harvest salmon and other fish that are spawned in our Alaskan waters and to which we hold a proprietary interest.

Mr. Speaker, I had suggested and requested of the committee that we take action in several other areas to protect our fisheries. One, to extend the contiguous zone from the 12-mile limit to the 200-mile limit. This is a controversial issue, because it adversely affects our tuna fishermen off the west coast of South America and our shrimp fishermen off the east and west coasts of Mexico who wish to fish as closely as possible to those foreign shores.

However, Mr. Speaker and Members of this distinguished body, I want to urge that the U.S. Government at this juncture take a very serious look into a problem to which we have not really addressed ourselves, and that is the matter of extending exclusive jurisdiction to the coastal state or nation over their own anadromous fish during its entire life cycle, no matter where the fish travels in the oceans. I say this because these anadromous fishes hatch in the fresh water streams of our coastal States and go down to the sea, entering the estuaries where the salt water of the ocean and fresh water of the streams mix. They then go into the ocean to live most of their life cycle in the salt water, but come back into these streams again to spawn. It is during the return of the salmon to the estuary that the American fisherman is allowed under controlled conditions to harvest the salmon and other anadromous fish.

The Coastal States do not allow any of our own American fishermen to go out on the high seas to harvest these fish, and we look very unkindly toward any other nation harvesting where we cannot, and before the fish are mature. As long as we do have a strong proprietary interest in these fish that are hatched in our waters and die there, then I think we must be in a position to control the other nations' activities so far as our anadromous fish are concerned. Thus it is essential that we get an international accord to allow the coastal state or nation to control the entire life cycle of its anadromous fish.

I urge this Congress and the committee, and admonish the next Congress, to give very serious consideration to passage of appropriate legislation. Otherwise we will continue over the years to have a very serious problem that can only be resolved by such an international accord. We should take the initiative by authorizing U.S. participation in appropriate international conventions.

In the legislation under consideration, when the vessels of foreign nations wrongfully enter our waters, they should be punished, and punished severely. I am delighted to see us raise the limit from $10,000 up to $100,000 on fines. I wish we could have made a separate and additional penalty for the owner of the company whenever one of their ships violates the territorial seas or contiguous zone of the United States. I also believe that we should have provided additional or double the maximum penalties in cases where a vessel or a master of a vessel or a company is seized and prosecuted for violation of our territorial seas or contiguous zone in a second or subsequent offense. Nevertheless, I am pleased with our progress and feel we have made a tremendous step forward.

Again, Mr. Speaker, I want to thank our good colleague and my friend the gentleman from Michigan (Mr. DINGELL) for the excellent job he has done, and thank the chairman of the full committee also for the work on this bill.

Mr. Speaker, I have risen in wholehearted support of this great piece of legislation. I think it is an historic document.

Mr. PELLY. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. SCHADEBERG).

Mr. SCHADEBERG. Mr. Speaker, I rise in support of this bill which I cosponsored, and wish to commend the chairman of the subcommittee, the gentleman from Michigan (Mr. DINGELL) and also the gentleman from Washington (Mr. PELLY) for a job well done, in bringing this legislation that is certainly a matter of interest and of tremendous value to the United States to this House for action.

Mr. DINGELL. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. LENNON).

Mr. LENNON. Mr. Speaker, I certainly want to commend the chairman of the subcommittee and the ranking minority member, and the full membership of the committee, for bringing what I believe to be an essential piece of legislation to the floor at this time.

I think it would be wise to place into the CONGRESSIONAL RECORD this statement found in the committee report on page 3:

> As an example of this increasing pressure, the Bureau of Commercial Fisheries reported that during the month of August 1969 alone, a total of 325 foreign fishing vessels were observed off the coast of New England. These included vessels belonging to the Soviet Union, Poland, East Germany, Rumania, Bulgaria, Israel, Iceland, Spain, and Norway.

I think also, Mr. Speaker, that it is important that we take into consideration, and I will recapitulate by reading the findings and conclusions, not only with respect to the inability and the unwillingness of the Department of Justice to adequately enforce the law as it now exists. Its habit of not insisting upon the imposing of the maximum fines and penalties regardless of the violation and the offense, and I quote from page 5 of the report:

> Your committee feels compelled to express its dissatisfaction with the level of the fines and penalties that have been imposed against violators since the inception of the act. Your committee feels that the law has not been appropriately carried out and enforced. There should be a more stringent use of the penalty provisions, including the imposition of large fines and the forfeiture of the catch, tackle, and equipment, and even the vessel itself, whenever violations are of such a nature as to warrant stricter sanctions.

We did finally and at long last persuade the Department of Justice, the Department of the Interior, and the Department of Transportation to get into this situation and make the determination as to whether or not they have the responsibilities, which they have under the law, to enforce the present existing act, to take their case to the Department of Justice and in turn for the Department of Justice attorneys to appeal to the courts to impose proper fines and penalties which are necessary to restrict these foreign fishing vessels from taking fish off the coasts of our Nation within the 12-mile limit.

Mr. CLARK. Mr. Speaker, I would like to rise and join my colleagues in support of H.R. 14678, which has as its main purpose to increase the penalties for illegal fishing in our exclusive 12-mile fisheries zone.

Mr. Speaker, as one of the 23 cosponsors of the bill, I would like to compliment the distinguished chairman of the Committee on Merchant Marine and Fisheries, as well as the distinguished chairman of our Subcommittee on Fisheries and Wildlife Conservation for their diligent work in seeing that this bill is brought to the floor of the House for a vote.

Mr. Speaker, one of the provisions of the bill, which I strongly support and which I would like to bring to the attention of my colleagues, would authorize the Secretary of the Interior, the Secretary of State and the Secretary of the Department in which the Coast Guard is operating, to utilize vessels and equipment of other Federal agencies in carrying out their enforcement responsibilities under the act. As chairman of the Coast Guard Subcommittee of the House Merchant Marine and Fisheries Committee, I would like to strongly urge the Secretaries to exert every effort to cooperate with the Coast Guard in this regard. Coast Guard testimony at the hearings on the legislation indicated that less than 10 percent of foreign violators off the coast of Alaska are apprehended.

I am most hopeful that with increased surveillance and enforcement techniques and with increased fines against violators that foreign fishing vessels will find it too costly to risk venturing into our exclusive fisheries zone.

Mr. Speaker, I feel that the House will pass this bill overwhelmingly and I hope that the Senate will take similar action so that this legislation can be enacted into law during this session of the Congress.

Mr. MEEDS. Mr. Speaker, before the House today is a timely and badly needed measure to encourage self-restraint among those foreign vessels who fish near our shores. I urge its adoption.

H.R. 14678 increases from $10,000 to $100,000 the maximum penalty levied against foreign fishermen caught inside the American 12-mile exclusive fishery zone. Moreover, the bill declares that fish aboard a vessel so caught would be presumed to have been taken illegally. Unless the ship's operator could prove otherwise, the fish would be confiscated.

The legislation also authorizes rewards of up to $5,000 for information leading to a conviction, and it permits the use of all Government facilities and equipment in enforcing the 12-mile zone. Continued in the bill from the original 1964 act are possible penalties of 1 year in jail and forfeiture of the ship's furniture, tackle, equipment, and even the vessel itself.

Four years ago Congress passed a bill which I cosponsored and supported strongly. This law extended from 3 miles to 12 miles the exclusive fishery zone for Americans. Since that time there have been 10 convictions for violating the zone, nine of them involving illegal fishing off the Pacific coast.

Yet, evidence presented to the Merchant Marine and Fisheries Committee showed that enforcing the fishery rights of Americans was quite difficult. The committee was told, for example, that only about 10 percent of the ships fishing illegally in Alaskan waters were apprehended. For this reason, I feel strongly that H.R. 14678 can assist us by furnishing a credible deterrent.

In recent weeks fishermen in Anacortes, Bellingham, Port Angeles, and other Pacific Northwest communities have renewed their alarm over the offshore activities of the Russian fleet. I share their concern. In contrast to the small American fishing boats, the huge, modern Russian fleet can range about the globe, processing and storing the catch it takes from the traditional fisheries of other countries.

THE 200-MILE QUESTION

The fleets of Japan and Russia have brought into sharp focus the critical distinction between traditional and legal fisheries. Obviously, when everyone's ships were smaller and less mobile, when smaller populations needed not as much food, and when the resource was plentiful, there were far fewer conflicts between the United States and other nations over fish.

All this has changed.

To protect our salmon fisheries we negotiated the North Pacific Salmon Treaty with Canada and Japan in 1952. The essence of this agreement is that Japan cannot fish east of 175 degrees west longitude, which amounts to the better part of the Pacific, since the line extends from tip of Siberia down through Midway Island.

Fishery experts claim that this treaty protects 95 percent of the Pacific coast salmon resource and that the Russians now fishing off our shores are interested mainly in hake and perch. What salmon they do catch, say the experts, is consumed on ship. Perhaps this is correct, but we cannot say for sure since Americans are not welcomed on board as observers.

For some time American fishermen have recommended that we adopt an exclusive fishery zone of 200 miles. For an equal length of time, this idea has gotten nowhere. Nor do I forsee hope in the future for the proposal.

The main obstacle is again the distinction between legal and traditional fisheries. Simply put, there is nothing in international law that allows us to extend our ownership beyond 12 miles.

Enforcement is another wall. If it is difficult for the Navy and Coast Guard to police a 12-mile zone, then it would be extremely burdensome to patrol a 200-mile zone.

Finally, there are political considerations foremost of which is the division in the fishing industry. Extending our fishery zone to 12 miles was not done with a casual wave of the legislative wand. There was considerable opposition from fishermen in the Gulf Coast States and California who feared reprisals from Mexico and South American nations.

NEGOTIATION IS THE ANSWER

It is in the area of negotiation that we can and must press forward to protect our fisheries. Already we have made an agreement in 1967 with Russia over offshore fishing near the Pacific coast. Americans won significant concessions, and it is my understanding that the agreement will be renegotiated in 1971. I am hopeful that the talks can be held here in Washington, D.C., so that concerned Members of Congress can consult with our team.

One item that we must pursue with Russia is the 1958 Convention on Fishing and Conservation of the Living Resources of the High Seas. The United States is the only major fishery power that has signed this convention. Basically, the convention gives each nation jurisdiction—as contrasted from control—over the management of the fisheries in its coastal waters and contiguous zone and sanctions negotiations leading to agreements that will recognize the rights of other nations within a framework of meaningful conservation.

Mr. Speaker, the bill before us today is good legislation, essential legislation. Its approval today should signal to the nations of the world and to our own State Department that the Congress is anxious to protect our fisheries and that all effort should be made to initiate affirmative talks.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that I may have permission to revise and extend my remarks, and I make the same request on behalf of all my colleagues.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and pass the bill H.R. 14678, as amended.

The question was taken.

Mr. POLLOCK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 315, nays 0, not voting 115, as follows:

[Roll No. 308]

YEAS—315

Abbitt	Albert	Andrews, Ala.
Abernethy	Anderson, Calif.	Andrews, N. Dak.
Adair	Anderson, Ill.	Annunzio
Adams		

Arends	Gibbons	Natcher
Ashbrook	Gonzalez	Nedzi
Aspinall	Goodling	Nelsen
Baring	Gray	Nichols
Beall, Md.	Green, Oreg.	Nix
Belcher	Green, Pa.	Obey
Bell, Calif.	Griffin	O'Hara
Bennett	Griffiths	O'Neal, Ga.
Berry	Gross	O'Neill, Mass.
Betts	Grover	Passman
Bevill	Gubser	Patten
Biaggi	Gude	Pelly
Biester	Hagan	Pepper
Bingham	Haley	Perkins
Blackburn	Hall	Philbin
Blanton	Hamilton	Pickle
Boggs	Hammer-schmidt	Pike
Boland	Hanley	Pirnie
Bolling	Hanna	Poage
Brademas	Hansen, Wash.	Podell
Brasco	Harvey	Poff
Bray	Hathaway	Pollock
Brinkley	Hays	Preyer, N.C.
Broomfield	Hébert	Price, Ill.
Brotzman	Hechler, W. Va.	Price, Tex.
Brown, Calif.	Heckler, Mass.	Pryor, Ark.
Brown, Ohio	Helstoski	Quillen
Broyhill, N.C.	Henderson	Railsback
Broyhill, Va.	Hicks	Randall
Buchanan	Hogan	Rarick
Burke, Fla.	Hosmer	Rees
Burke, Mass.	Howard	Reid, Ill.
Burleson, Tex.	Hull	Reid, N.Y.
Burlison, Mo.	Hungate	Reuss
Burton, Calif.	Hunt	Rhodes
Byrne, Pa.	Hutchinson	Riegle
Byrnes, Wis.	Ichord	Rivers
Cabell	Jacobs	Roberts
Caffery	Jarman	Robison
Camp	Johnson, Calif.	Rodino
Carey	Jonas	Roe
Carter	Jones, Ala.	Rogers, Fla.
Cederberg	Jones, N.C.	Rooney, N.Y.
Clancy	Jones, Tenn.	Rooney, Pa.
Clark	Kastenmeier	Rostenkowski
Clausen, Don H.	Kazen	Roth
Clay	Kee	Ruth
Cleveland	Keith	Ryan
Cohelan	King	Sandman
Collier	Kleppe	Saylor
Collins	Kluczynski	Schadeberg
Colmer	Kyl	Scherle
Conable	Kyros	Schmitz
Corbett	Landgrebe	Schwengel
Corman	Langen	Scott
Coughlin	Latta	Sebelius
Crane	Leggett	Shipley
Culver	Lennon	Shriver
Cunningham	Long, Md.	Sikes
Daniel, Va.	Lujan	Sisk
Daniels, N.J.	Lukens	Skubitz
Davis, Ga.	McClory	Smith, Calif.
Davis, Wis.	McCloskey	Smith, Iowa
de la Garza	McClure	Springer
Dellenback	McDade	Stafford
Denney	McDonald, Mich.	Staggers
Dent	McEwen	Stanton
Derwinski	McMillan	Steed
Devine	Macdonald, Mass.	Steiger, Ariz.
Dingell	Madden	Steiger, Wis.
Donohue	Mahon	Stephens
Dorn	Mailliard	Stokes
Downing	Mann	Stubblefield
Dulski	Marsh	Stuckey
Duncan	Martin	Sullivan
Eckhardt	Mathias	Symington
Edmondson	Matsunaga	Taylor
Edwards, Calif.	May	Teague, Calif.
Edwards, La.	Mayne	Teague, Tex.
Eilberg	Meeds	Thomson, Wis.
Erlenborn	Meskill	Tiernan
Eshleman	Michel	Vander Jagt
Evans, Colo.	Mikva	Vanik
Evins, Tenn.	Miller, Calif.	Waggonner
Fascell	Miller, Ohio	Wampler
Feighan	Mills	Watts
Findley	Minish	Weicker
Flood	Mink	Whalen
Flowers	Minshall	White
Foley	Mizell	Whitten
Ford, Gerald R.	Mollohan	Wiggins
Ford, William D.	Monagan	Williams
Foreman	Montgomery	Winn
Fountain	Moorhead	Wright
Frey	Morgan	Wyatt
Friedel	Morse	Wylie
Fuqua	Morton	Wyman
Fulton, Pa.	Mosher	Yates
Garmatz	Moss	Yatron
Gaydos	Murphy, Ill.	Young
Gettys	Myers	Zablocki
Giaimo		Zion

NAYS—0

NOT VOTING—115

Addabbo	Flynt	Purcell
Alexander	Fraser	Quie
Anderson, Tenn.	Frelinghuysen	Reifel
Ashley	Fulton, Tenn.	Rogers, Colo.
Ayres	Galifianakis	Rosenthal
Barrett	Gallagher	Roudebush
Blatnik	Gilbert	Rousselot
Bow	Goldwater	Roybal
Brock	Halpern	Ruppe
Brooks	Hansen, Idaho	St Germain
Brown, Mich.	Harrington	Satterfield
Burton, Utah	Harsha	Scheuer
Bush	Hastings	Schneebeli
Button	Hawkins	Slack
Casey	Holifield	Smith, N.Y.
Celler	Horton	Snyder
Chamberlain	Johnson, Pa.	Stratton
Chappell	Karth	Taft
Chisholm	Koch	Talcott
Clawson, Del	Kuykendall	Thompson, Ga.
Conte	Landrum	Thompson, N.J.
Conyers	Lloyd	Tunney
Cowger	Long, La.	Udall
Cramer	Lowenstein	Ullman
Daddario	McCarthy	Van Deerlin
Dawson	McCulloch	Vigorito
Delaney	McFall	Waldie
Dennis	McKneally	Watson
Dickinson	MacGregor	Whalley
Diggs	Melcher	Whitehurst
Dowdy	Mize	Widnall
Dwyer	Murphy, N.Y.	Wilson, Bob
Edwards, Ala.	O'Konski	Wilson, Charles H.
Esch	Olsen	Wold
Fallon	Ottinger	Wolff
Farbstein	Patman	Wydler
Fish	Pettis	Zwach
Fisher	Powell	
	Pucinski	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Blatnik with Mr. Burton of Utah.
Mr. Brooks with Mr. Del Clawson.
Mr. Delaney with Mr. Cowger.
Mr. Farbstein with Mr. McCulloch.
Mr. Thompson of New Jersey with Mr. McKneally.
Mr. Fulton of Tennessee with Mr. Brock.
Mr. Karth with Mr. Bush.
Mr. Lowenstein with Mr. MacGregor.
Mr. Wolff with Mr. Horton.
Mr. Addabbo with Mr. Bow.
Mr. Rogers of Colorado with Mr. Hansen of Idaho.
Mr. Casey with Mr. Cramer.
Mr. Stratton with Mr. Button.
Mr. Vigorito with Mr. Reifel.
Mr. Flynt with Mr. Johnson of Pennsylvania.
Mr. Tunney with Mrs. Chisholm.
Mr. Ottinger with Mr. Schneebeli.
Mr. Chappell with Mr. Lloyd.
Mr. McFall with Mr. Snyder.
Mr. Harrington with Mr. Powell.
Mr. Daddario with Mr. Quie.
Mr. Purcell with Mr. Roudebush.
Mr. Roybal with Mr. Taft.
Mr. Anderson of Tennessee with Mr. Kuykendall.
Mr. Barrett with Mr. Watson.
Mr. Gallagher with Mr. Ayres.
Mr. Celler with Mr. Conyers.
Mr. Dowdy with Mr. Brown of Michigan.
Mr. Murphy of New York with Mr. Whitehurst.
Mr. Melcher with Mr. Thompson of Georgia.
Mr. McCarthy with Mr. Widnall.
Mr. Fallon with Mr. Chamberlain.
Mr. Long of Louisiana with Mr. Edwards of Alabama.
Mr. Charles H. Wilson, with Mr. Pettis.
Mr. Alexander with Mr. O'Konski.
Mr. Scheuer with Mr. Diggs.
Mr. Holifield with Mr. Goldwater.
Mr. Ashley with Mr. Conte.
Mr. Udall with Mr. Hastings.
Mr. Patman with Mrs. Dwyer.
Mr. Olsen with Mr. Hruska.
Mr. Fisher with Mr. Dennis.
Mr. Rosenthal with Mr. Halpern.
Mr. Gilbert with Mr. Esch.
Mr. Pucinski with Mr. Ruppe.
Mr. St Germain with Mr. Frelinghuysen.
Mr. Slack with Mr. Mize.
Mr. Van Deerlin with Mr. Fish.
Mr. Landrum with Mr. Dickinson.
Mr. Koch with Mr. Hawkins.
Mr. Satterfield with Mr. Rousselot.
Mr. Ullman with Mr. Smith of New York.
Mr. Waldie with Mr. Talcott.
Mr. Fraser with Mr. Zwach.
Mr. Galifianakis with Mr. Wydler.
Mr. Bob Wilson with Mr. Bush.
Mr. Whalley with Mr. Wold.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON S. 2264, COMMUNICABLE DISEASE CONTROL AMENDMENTS OF 1970

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2264) to amend the Public Health Service Act to provide authorization for grants for communicable disease control and vaccination assistance, with the House amendment thereto, insist on the House amendment, and agree to the conference requested by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and without objection, appoints the following conferees: Messrs. STAGGERS, JARMAN, ROGERS of Florida, SPRINGER, and NELSON.

There was no objection.

CROWN OF THORNS STARFISH

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3153) to authorize the Secretaries of Interior and the Smithsonian Institution to expend certain sums, in cooperation with the territory of Guam, the territory of American Samoa, the Trust Territory of the Pacific Islands, other U.S. territories in the Pacific Ocean, and the State of Hawaii, for the conservation of their protective and productive coral reefs.

The Clerk read as follows:

S. 3153

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of conserving and protecting coral reef resources of the tropical islands of interest and concern to the United States in the Pacific and safeguarding critical island areas from possible erosion and to safeguard future recreational and esthetic uses of Pacific coral reefs, the Secretary of the Interior and the Secretary of the Smithsonian Institution are authorized to cooperate with and provide assistance to the governments of the State of Hawaii, the territories and possessions of the United States, including Guam and American Samoa, the Trust Territory of the Pacific Islands, and other island possessions of the United States, in the study and control of the seastar "Crown of Thorns" (Acanthaster planci).

SEC. 2. In carrying out the purposes of this Act, the Secretary of the Interior and

the Secretary of the Smithsonian Institution are authorized to—

(1) conduct such studies, research, and investigations, as they deem desirable to determine the causes of the population increase of the "Crown of Thorns", their effects on coral and coral reefs, and the stability and regeneration of reefs following predation;

(2) to monitor areas where the "Crown of Thorns" may be increasing in numbers and to determine future needs for control;

(3) to develop improved methods of control and to carry out programs of control in areas where these are deemed necessary; and

(4) to take such other actions as deemed desirable to gain an understanding of the ecology and control of the seastar "Crown of Thorns".

SEC. 3. For the purpose of carrying out the provisions of this Act, there is authorized to be appropriated for the period commencing on the date of its enactment and ending June 30, 1975, not to exceed $4,500,000.

The SPEAKER pro tempore. Is a second demanded?

Mr. PELLY. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. DINGELL. Mr. Speaker, the purpose of S. 3153 is to conserve and protect coral reefs and coral reef resources of the tropical islands of the Pacific that are of interest and concern to the United States.

Mr. Speaker, as unbelievable as it may sound, many of the coral reefs in the Pacific developed over 50 million years ago. They are the oldest biological assemblage on this planet. Corals require a long time to grow; scientists estimate as much as 200 years.

Since the early 1960's there have been large infestations of the crown of thorns starfish throughout the Pacific Ocean. These starfish feed upon living coral and have completely destroyed miles of coral reefs in the Pacific. As anomalous as it may seem, the living parts of coral are actually predatory on small starfish and help keep its population in check.

Somehow, the balance of nature has been upset and this has enabled the crown of thorns starfish to reach a position of dominance among the living creatures of the reefs. For instance, between 1964 and 1966, a population explosion of the crown of thorns starfish destroyed over 100 square miles of the Great Barrier Reef off the coast of Australia. Since 1967 more than 23 miles of coral reefs of Guam have been almost completely destroyed by this starfish.

Early last summer the Department of the Interior contracted with Westinghouse Ocean Research Laboratory for a study on the impact of the crown of thorns starfish on the Pacific Coral Reefs. The findings of the study substantiated reports of recent population increases and verified that starfish are rapidly spreading throughout the Trust Territories.

Mr. Speaker, the scientific team that carried out the study reported that if control measures were not undertaken immediately to reduce the starfish population, it could have long-range economic repercussions, particularly since many islanders are dependent upon reefs and their fisheries resources for subsistence. In addition to providing a habitat and food source for fish, living coral reefs offer protection to the islands during tropical storms. Should the coral die and begin to erode, the islands become susceptible to erosion and other damage caused by typhoons. Because of their great beauty, coral reefs are also a valuable tourist resource.

Mr. Speaker, because of the valuable contribution S. 3153 can make toward the solving of the problem of starfish, I urge its prompt passage. All departments reporting on the legislation strongly favored its enactment and the Committee on Merchant Marine and Fisheries was unanimous in urging its passage.

Mr. Speaker, briefly explained, the bill would authorize the Secretaries of the Interior and the Smithsonian Institution to cooperate with and provide assistance to the governments of Hawaii, the Territories of Guam and American Samoa, the Trust Territory of the Pacific Islands, and other United States territories in the Pacific Ocean for the conservation and protection of their coral reefs. Also, the bill would authorize the Secretaries of the Interior and the Smithsonian Institution to first, conduct studies; second, to monitor and determine future needs for control of the crown of thorns starfish; third, to develop better methods of control; and fourth, to take such other actions as may be deemed desirable to gain an understanding of the ecology and control the crown of thorn starfish.

To carry out the purpose of the act, the bill would authorize to be appropriated not to exceed $4.5 million from the date of enactment of the bill to June 30, 1975.

Mr. Speaker, I join my distinguished colleague from the State of Hawaii and the author of the companion House bill, Congressman MATSUNAGA, in urging passage of this legislation.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, I yield 5 minutes to my good friend, the gentleman from Hawaii (Mr. MATSUNAGA), who is the author of the House version of this bill, and who has expressed particular interest and concern in this matter.

Mr. MATSUNAGA. Mr. Speaker, I rise in support of S. 3153.

Mr. Speaker, I thank the chairman of the subcommittee, the distinguished gentleman from Michigan (Mr. DINGELL). I commend him and the chairman of the full Committee on Merchant Marine and Fisheries, the distinguished gentleman from Maryland (Mr. GARMATZ), for reporting favorably on S. 3153.

Mr. Speaker, we have come to realize over the past several years the precarious nature of ecological balance, and the necessity of understanding that balance.

In the Western Pacific, an unexplained explosion in the population of the crown of thorns starfish has threatened to upset that delicate ecological balance. The starfish—properly called Acanthaster planci—Ache-anthas-ter Plankeye—are literally devouring the living corals that build the beautiful and vital coral reefs.

I therefore urge the House to approve today S. 3153, which would authorize a program of research, monitoring, and selected control of the crown of thorns starfish.

Mr. Speaker, although this is a relatively minor bill, it is an urgent one. The Governor of the Territory of Guam has estimated that perhaps half of his island's reefs have been destroyed by starfish infestation. One expert estimated during Senate hearings that Guam's coral reefs are being devoured at the rate of one-half mile a month.

This relatively sudden starfish plague is not confined to Guam alone. Serious infestations have been found in other parts of the Marianas Islands, and in the Caroline Islands. In my own State of Hawaii, a heavy concentration was found off the cost of the Island of Molokai.

Regrowth of the destroyed sections of reef, and protection of reefs threatened by the starfish, is vital.

With the death of large sections of coral, the complete life pattern of the reef changes almost immediately.

The number of small colorful reef fish, which depend on the coral for existence, drops markedly. With the loss of the small reef fish there is a similar drop in the population of larger fish used in many cases for human food.

The affected Pacific islands, therefore, have three separate worries as a result of the starfish infestation.

First, the loss of fish would deprive many of the island inhabitants of their primary source of protein. Often, there is no immediate substitute to meet the resulting nutritional deficiency.

Second, the beautiful reefs and the colorful reef fishes have contributed substantially to the growth of recreation areas in many of the islands. With their destruction, the burgeoning tourist industry in the Pacific Trust Territory, would be hampered in growth or even reduced.

Third, some scientists have voiced grave concern over the threat to the beaches and shipping channels of many of the smaller and low level islands, posed by the destruction of the protective reefs.

But, Mr. Speaker, the most worrisome aspect of the entire crown of thorns starfish situation is how little we know about the true nature of the problem.

Are the current infestations isolated and coincidental How significantly, and for how long, will the overall reef biology be altered? What part, if any, has man played in upsetting the ecological balance?

The answers to all these questions is the same: We simply do not know.

Every preliminary study has come to the same conclusion: We need more research. A recent workshop held at the Scripps Institute of Oceanography in San Diego came to a conclusion that is representative. I quote:

It is impossible to state positively the ultimate consequences of the loss of extensive amounts of living corals. There could be in process a significant change in the ecology of reefs which conceivably could have consequences beyond our ability to foresee at this time.

Mr. Speaker, that is precisely the knowledge gap toward which S. 3153 is directed. It would authorize, over the next 5 years, four-and-a-half million dollars, to investigate and monitor the

starfish and its effects on reef ecology. Also, control programs would be instituted where they were immediately necessary. Incidentally, in Hawaii, Guam, and other areas where attempts have already been made to control the spread of the starfish, the only available method was the injection of poison into individual adult starfish by means of a crude injection gun. Hopefully, one of the products of a research program will be development of improved control methods.

As a sponsor of H.R. 17216, a bill identical to S. 3153, I urge the swift approval of the measure before us. It passed the Senate in April by voice vote. It was approved unanimously last month by the House Committee on Merchant Marine and Fisheries. The Interior Department and the Smithsonian Institution, who would share responsibility for its implementation, have both endorsed it strongly. I urge the House to pass S. 3153 today, so that we might take immediate steps toward understanding and protecting our valuable coral reefs in the Pacific.

Again I wish to commend the gentleman from Michigan (Mr. DINGELL) and the gentleman from Maryland (Mr. GARMATZ) who are bringing this measure out of the committee.

Mr. DINGELL. Mr. Speaker, I yield 5 minutes to my distinguished friend the gentleman from Maryland, the able chairman of the Committee on Merchant Marine and Fisheries.

Mr. GARMATZ. Mr. Speaker, in the face of mounting danger to our total natural resources, it is frightening to realize how little man really knows about his environment.

The alarming destruction of the coral reefs and the coral reef resources of the tropical Pacific Ocean is an excellent illustration of how our environmental resources can be endangered and even destroyed before man realizes what has happened.

Certainly, anyone would be impressed by the fact that the largest tropical coral reefs now in existence developed over 50 million years ago. These precious, beautiful, and valuable resources are the oldest biological assemblage found on earth.

For many centuries, these reefs continued to peacefully grow. And then, suddenly, something happened. Somehow, a population explosion of the crown of thorns starfish, which devours the coral reef, increased beyond control.

In just 2 short years—between 1964 and 1966—these starfish destroyed over 100 square miles of the precious barrier reef in Australia. The starfish menace spread quickly to other areas, and serious coral damage has now occurred on Guam. Since 1967, more than 23 miles of Guam's coral reef has been destroyed by the crown of thorns starfish.

Why this sudden change in such an ageless process? Several leading marine biologists believe that man, as usual, is the culprit. Somehow, the balance of nature was upset by manipulation of the reef's environment, and the explosion of the starfish population was the result.

The very fact that this situation has been allowed to happen is proof enough that man knows very little about protecting his environment; it also emphasizes the need for adequate research, so we can develop the knowledge necessary to reverse what has happened, and to prevent its recurrence.

Mr. Speaker, S. 3153 is designed to fund adequate research on the crown of thorn starfish and the coral reefs. Even now, in Guam and neighboring islands of the trust territory, the starfish continue to grow uncontrollably, and more and more precious coral is being destroyed. The destruction is proceeding, at an unbelievably rapid rate.

The need for immediate action on this legislation is necessary if we intend to protect this ancient and irreplaceable resource. I am confident the Congress will respond accordingly, and pass this important legislation.

Mr. PELLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to join the distinguished chairman of the Subcommittee on Fisheries and Wildlife Conservation (Mr. DINGELL) in support of S. 3153 authorizing the Secretary of Interior and the Smithsonian Institution to take necessary steps to protect the coral reefs of the State of Hawaii and our Pacific territories from destruction by the crown of thorns starfish.

The coral reefs of Guam and American Samoa and the islands of the Trust Territory in particular are essential to the economy of these areas. Without the reefs, these islands are open to the sea and the ravages of typhoons. The reefs form the breeding grounds for fish upon which the inhabitants of these islands in many cases depend for their survival.

The starfish population of the Pacific reefs has grown tremendously in the last few years, and it is literally a life and death proposition for these islands to discover the cause of this destructive population growth.

Most of us probably think of coral as a very hard rock-like substance. Coral, however, in its formative stages is a living organism which attaches itself to a rock, then begins to secrete a limestone home for itself. These microscopic reef-builders work upward from the ocean bottom building layer upon layer of limestone until they reach just below the break of the waves. There are, in all, some 300 species of coral, each with its distinctive shape and color.

As has been pointed out in the committee report, the coral which has been killed by the crown of thorns starfish in Guam was upward of 200 years old. In view of the great length of time that it takes for a coral reef to develop, it is essential that the search for a solution to the crown of thorns problem be undertaken immediately.

Mr. Speaker, again I urge my colleagues to support S. 3153.

GENERAL LEAVE TO EXTEND

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may revise and extend their remarks in the RECORD on S. 3153.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mrs. MINK. Mr. Speaker, I rise in support of S. 3153, which would authorize $4.5 million for the conservation of protective and productive coral reefs of Hawaii, Guam, American Samoa, Micronesia, and other U.S. territories in the Pacific Ocean.

I strongly support the primary objective of this bill, which is to control the devastating crown of thorns starfish. The recent population explosion of this species threatens the economic livelihood of Guam and may soon have an adverse impact upon the economy of the Trust Territory of the Pacific Islands.

In my own State of Hawaii, temporary eradication efforts off the island of Molokai and elsewhere have killed more than 10,000 of these starfish. In the Molokai area, the problem was one of a possible change of fishing patterns and a fear that the infested area would prove to be a seeding ground that would eventually spread the starfish throughout the entire Hawaiian island chain.

Various studies have documented the ravages being inflicted on the Great Barrier Reef of Australia, and the reefs in other areas of the Pacific by the mysterious invasion of the crown of thorns starfish. While the starfish is common throughout the warm Pacific waters, it has been kept in check by natural enemies including the Triton, whose large shell is much coveted by collectors. The starfish feeds on living coral, leaving in its path the dead white coral. One starfish can lay millions of eggs in 1 year, and a colony of the creatures can migrate nearly one-half mile a week. The dead coral in its wake is soon covered with algae, preventing new coral from growing. Dead coral may be broken by the pounding motion of the sea, exposing the island to damaging wave erosion.

It is easy to see the menace presented by the unexplained increase in the numbers of these starfish. Scientists feel that somehow the delicate balance of nature has been upset—probably because of man's tampering with the environment in the complex marine ecosystem.

We still do not know, however, the cause of the population explosion, or how its recurrence could be prevented. We do not know the other effects or manifestations of this environmental change. Obviously, while drastic steps are necessary to curb the immediate threat of despoilation of immense stretches of protective coral reefs, we need to study in depth all of the factors involved in this problem.

The issue actually goes much further than the crown of thorns starfish infestation. It involves that while ecosystems of the Indo-Pacific reefs which stretch from the coasts of Africa to Hawaii and the Marquesas. These are probably the oldest biological community in the world and certainly the most complex, yet because of their remoteness from the great research institutions of the western world they have received only a minuscule portion of the research devoted by the simpler temperate marine communities.

Dr. Albert H. Banner, professor of zoology at the University of Hawaii, has commented upon the immense changes that may be foreseen in man's impact upon these vast stretches of coral reefs. In the southern Philippines today, algae farms are being created to supply America with colloids for food processing; industry is considering the tropical fisheries for the development of fish pro-

tein concentrate, and even more far-reaching proposals seek the fertilization and farming of the logoons of Pacific atolls.

Dr. Banner asks whether any of such activities may disrupt the living environment of the coral reefs with disastrous effects, such as the effects of logging and high dams on the salmon runs of the Pacific Northwest, the plowing of the prairie to create dust bowls, and the poisoning of all life by misuse of persistent insecticides.

Dr. Banner believes:

As important as is research upon the starfish, *Acantheaster*, infinitely more important is the research needed upon the ecology of coral reefs.

I agree that we should explore more than a limited segment of this important problem, and therefore propose with the adoption of S. 3153 we embark on such wider study concerning the overall ecology of coral reefs. To obtain the best results of our proposed $4.5 million investment, we should fund as Coral Reef Institute whose objective would be continuing study of all aspects of reef ecology with immediate emphasis on the starfish problem.

Such an institute might be funded through the National Science Foundation or a similar governmental agency familiar with the process of evaluation of scientific research and the administration of research funds. It may be advisable for the Foundation to establish an advisory Coral Reef Panel composed of representatives of participating institutions as well as of coral reef biologists of national and international stature. The Panel would establish a consortium of academic and research institutions interested in coral reef ecology who could make their facilities available for research. The Panel would also select an institution, which I believe should be the University of Hawaii, as the site of the Coral Reef Institute. A director would be chosen by the Institute with advice and consent of the supervisory Coral Reef Panel.

For the first few years during establishment and while the crown of thorns starfish problem is the main focus, the institutions involved would be from the Pacific area; later, the coverage would be expanded to include the Caribbean. I envision an initial consortium composed of the University of Hawaii, with its Hawaii Institute of Marine Biology and the Eniwetok Marine Biological Laboratory—which is funded under the Atomic Energy Commission but administered through the university—the College of Gaum with its new marine laboratory, and private institutions including the Oceanic Foundation of Honolulu, the Bishop Museum of Honolulu, and the Micronesian Institute which is now constructing a marine laboratory in the Paulau Islands.

I believe the funding already contained in the bill would be sufficient for the initial years if there could be a carryover of unexpended funds from one year to the next. The Institute could continue for the 5 years for which funding is provided under S. 3153, after which Congress could review the accomplishments and assess the merit of continued funding.

The program I propose would help to accomplish the purpose of this legislation. With this objective, I urge the adoption of S. 3153.

Mr. ROGERS of Florida. Mr. Speaker, I rise in support of S. 3153, a bill to protect and conserve the coral reefs of the Pacific Ocean which are of particular interest and concern to the United States.

More than 23 miles of coral reef off the coast of Guam have been destroyed by massive infestations of the crown of thorns starfish. If we do not move now to eradicate this menace, the remaining reefs will be stripped of their coral polyps, and the resident fish population will diminish because of a shortage of food supply.

Another important danger which would result from the destruction of the coral reefs, is that the erosion of the shores of the protected islands would indeed increase as the protective reefs disintegrate.

The legislation before us would authorize the Secretaries of the Interior and the Smithsonian Institution to render assistance to the governments of the State of Hawaii, the territory of Guam, and American Samoa, and any other territories in the Pacific Ocean under U.S. possession. Such assistance would consist of the necessary studies of the starfish and reefs to develop an adequate program for the control and eradication of the starfish menace, and other actions necessary to obtain a better understanding of this natural phenomenen so that it might be prevented in the future.

I again urge my colleagues to join with me in support of S. 3153.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and pass the bill S. 3153.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND ON VETERANS' BILLS

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the veterans' bills which the House will consider today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

INCREASING NON-SERVICE-CONNECTED PENSIONS AND INCOME LIMITATIONS APPLICABLE THERETO

Mr. TEAGUE of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 15911) to amend title 38 of the United States Code to increase the rates and income limitations relating to payment of pension and parents' dependency and indemnity compensation, and for other purposes, as amended.

The Clerk read as follows:

H.R. 15911

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the table in subsection (b) of section 521 of title 38, United States Code, is amended to appear as follows:

"Column I			Column II
Annual income			
More than—	but	Equal to or less than—	
		$300	$121
$300		400	119
400		500	117
500		600	115
600		700	112
700		800	108
800		900	104
900		1,000	100
1,000		1,100	96
1,100		1,200	92
1,200		1,300	88
1,300		1,400	84
1,400		1,500	79
1,500		1,600	75
1,600		1,700	69
1,700		1,800	63
1,800		1,900	57
1,900		2,000	51
2,000		2,100	45
2,100		2,200	37
2,200		2,300	29".

(b) The table in subsection (c) of such section 521 is amended to appear as follows:

"Column I		Column II	Column III	Column IV
Annual income				
More than—	but Equal to or less than—	One dependent	Two dependents	Three or more dependents
	$500	$132	$137	$142
$500	600	130	135	140
600	700	128	133	138
700	800	126	131	136
800	900	124	129	134
900	1,000	122	127	132
1,000	1,100	119	119	119
1,100	1,200	116	116	116
1,200	1,300	113	113	113
1,300	1,400	110	110	110
1,400	1,500	107	107	107
1,500	1,600	104	104	104
1,600	1,700	101	101	101
1,700	1,800	99	99	99
1,800	1,900	96	96	96
1,900	2,000	93	93	93
2,000	2,100	90	90	90
2,100	2,200	87	87	87
2,200	2,300	84	84	84
2,300	2,400	81	81	81
2,400	2,500	78	78	78
2,500	2,600	75	75	75
2,600	2,700	72	72	72
2,700	2,800	69	69	69
2,800	2,900	66	66	66
2,900	3,000	62	62	62
3,000	3,100	58	58	58
3,100	3,200	54	54	54
3,200	3,300	50	50	50
3,300	3,400	42	42	42
3,400	3,500	34	34	34".

(c) The table in subsection (b) of section 541 of title 38, United States Code, is amended to appear as follows:

"Column I			Column II
Annual income			
More than—	but	Equal to or less than—	
		$300	$81
$300		400	80
400		500	79
500		600	78
600		700	76
700		800	73
800		900	70
900		1,000	67
1,000		1,100	64
1,100		1,200	61
1,200		1,300	58
1,300		1,400	55
1,400		1,500	51

"Column I			
Annual income			
More than—	but	Equal to or less than—	Column II
1,500		1,600	48
1,600		1,700	45
1,700		1,800	41
1,800		1,900	37
1,900		2,000	33
2,000		2,100	29
2,100		2,200	2r
2,200		2,300	17."

(d) The table in subsection (c) of such section 541 is amended to appear as follows:

"Column I			
Annual income			
More than—	but	Equal to or less than—	Column II
		$600	$99
$600		700	98
700		800	97
800		900	96
900		1,000	95
1,000		1,100	94
1,100		1,200	92
1,200		1,300	90
1,300		1,400	88
1,400		1,500	86
1,500		1,600	84
1,600		1,700	82
1,700		1,800	80
1,800		1,900	78
1,900		2,000	76
2,000		2,100	74
2,100		2,200	72
2,200		2,300	70
2,300		2,400	68
2,400		2,500	66
2,500		2,600	64
2,600		2,700	62
2,700		2,800	59
2,800		2,900	56
2,900		3,000	53
3,000		3,100	51
3,100		3,200	48
3,200		3,300	45
3,300		3,400	43
3,400		3,500	41".

SEC. 2. (a) The table in subsection (b)(1) of section 415 of title 38, United States Code, is amended to appear as follows:

"Column I			
Total annual income			
More than—	but	Equal to or less than—	Column II
		$800	$96
$800		900	94
900		1,000	91
1,000		1,100	87
1,100		1,200	81
1,200		1,300	75
1,300		1,400	69
1,400		1,500	62
1,500		1,600	54
1,600		1,700	46
1,700		1,800	38
1,800		1,900	31
1,900		2,000	25
2,000		2,100	18
2,100		2,200	12
2,200		2,300	10".

(b) The table in subsection (c) of such section 415 is amended to appear as follows:

"Column I			
Total annual income			
More than—	but	Equal to or less than—	Column II
		$800	$66
$800		900	64
900		1,000	61
1,000		1,100	58
1,100		1,200	54
1,200		1,300	50
1,300		1,400	46
1,400		1,500	41
1,500		1,600	35
1,600		1,700	29
1,700		1,800	23
1,800		1,900	20
1,900		2,000	16
2,000		2,100	14
2,100		2,200	12
2,200		2,300	10".

(c) The table in subsection (d) of such section 415 is amended to appear as follows:

"Column I			
Total combined annual income			
More than—	but	Equal to or less than—	Column II
		$1,000	$64
$1,000		1,100	62
1,100		1,200	60
1,200		1,300	58
1,300		1,400	56
1,400		1,500	54
1,500		1,600	52
1,600		1,700	49
1,700		1,800	46
1,800		1,900	44
1,900		2,000	42
2,000		2,100	40
2,100		2,200	38
2,200		2,300	35
2,300		2,400	33
2,400		2,500	31
2,500		2,600	29
2,600		2,700	27
2,700		2,800	25
2,800		2,900	23
2,900		3,000	21
3,000		3,100	19
3,100		3,200	17
3,200		3,300	14
3,300		3,400	12
3,400		3,500	10".

(d) Subsection (e) of such section 415 is amended by inserting immediately preceding the word "file" in the first sentence thereof the following text: ", other than one who has attained seventy-two years of age and has been paid dependency and indemnity compensation during two consecutive calendar years,".

SEC. 3. (a) Sections 322(b), 411(c), and 544 of title 38, United States Code, are each amended by striking out "$50" and inserting in lieu thereof "$55".

(b)(1) Subsection (d) of section 521 of such title is amended by striking out "$100" and inserting in lieu thereof "$110".

(2) Subsection (e) of such section 521 is amended by striking out "$40" and inserting in lieu thereof "$44".

(c) Section 542(c) of such title is amended by striking out "$1,800" and inserting in lieu thereof "$2,000".

SEC. 4. Subsection (h) of section 612 of title 38, United States Code, is amended by adding at the end thereof the following new sentence: "The Administrator shall continue to furnish such drugs and medicines so ordered to any such veteran in need of regular aid and attendance whose pension payments have been discontinued solely because his annual income is greater than the applicable maximum annual income limitation, but only so long as his annual income does not exceed such maximum annual income limitation by more than $500."

SEC. 5. Section 4 of Public Law 90-275 (82 Stat. 68) is amended to read as follows:

"SEC. 4. The annual income limitations governing payment of pension under the first sentence of section 9(b) of the Veterans' Pension Act of 1959 hereafter shall be $1,900 and $3,200, instead of $1,600 and $2,900, respectively."

SEC. 6. Section 506(a)(2) of title 38, United States Code, is amended by striking out the comma after "child" and inserting in lieu thereof "or a person who has attained seventy-two years of age and has been paid pension thereunder during two consecutive calendar years,".

SEC. 7. Section 503 of title 38, United States Code, is amended—

(1) by inserting before "United" in paragraph (4) thereof "servicemen's group life insurance,";

(2) by striking out the period at the end of paragraph (13) and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new paragraphs:

"(14) amounts equal to prepayments on an indebtedness secured by a mortgage, or similar type security instrument, on real property (which was prior to death the principal residence of a veteran and spouse) made by the veteran or his widow, after the death of the spouse, during the year of death and the succeeding year, if said indebtedness was in existence at the time of death;

"(15) amounts in joint accounts in banks and similar institutions acquired by reason of other joint owner;

"(16) payments received by a retired employee from his former employer as reimbursement for monthly premiums for supplementary medical insurance benefits for the aged provided by part B of title XVIII of the Social Security Act, as amended;

"(17) payments of annuities elected under chapter 73 of title 10."

SEC. 8. (a) Section 415(g)(1) of title 38, United States Code, is amended (1) by inserting "and under the first sentence of section 9(b) of the Veterans' Pension Act of 1959" immediately before the semicolon at the end of subparagraph (C), (2) by striking out the period at the end thereof and inserting in lieu thereof a semicolon, and (3) by adding at the end thereof the following new subparagraph:

"(M) payments of annuities elected under chapter 73 of title 10."

(b) Section 1441 of title 10, United States Code, is amended by striking out "except section 415(g) and chapter 15 of title 38".

SEC. 9. (a) Paragraph (11) of section 101 of title 38, United States Code, is amended by inserting "the Mexican border period," immediately after "Spanish-American War,".

(b) Such section 101 is further amended by adding at the end thereof the following new paragraph:

"(30) The term 'Mexican border period' means the period beginning on May 9, 1916, and ending April 5, 1917, in the case of a veteran who during such period served for 90 days or more in Mexico, on the borders thereof, or in the waters adjacent thereto."

(c)(1) Subsection (a) of section 521 of title 38, United States Code, is amended by inserting "the Mexican border period," immediately before "World War I".

(2) Paragraphs (1) and (2) of subsection (g) of such section 521 are each amended by inserting "the Mexican border period," immediately before "World War I".

(3) The heading of such section 521 is amended by inserting "The Mexican border period," immediately before "World War I".

(d)(1) Subsection (a) of section 541 of such title is amended by inserting "the Mexican border period," immediately before "World War I".

(2) Subsection (e)(1) of such section 541 is amended by inserting "Mexican border period or "immediately before "World War I".

(3) the heading of such section 541 and the catchline immediately before such heading are each amended by inserting "Mexican border period," and "MEXICAN BORDER PERIOD,", respectively, immediately before "World War I" and "World War I".

(e)(1) Subsection (a) of section 542 of title 38, United States Code, is amended by inserting "the Mexican border period," immediately before "World War I".

(2) The heading of such section 542 is amended by inserting "Mexican border period," immediately before "World War I".

(f) Subsection (h) of section 612 of title 38, United States Code, is amended by inserting "the Mexican border period,", immediately before "World War I,".

(g) Section 901 of title 38, United States Code, is amended—

(1) by striking out "of Mexican border service," in subsection (a); and

(2) by amending subsection (c) thereof to read as follows:

"(c) For the purpose of this section, the term 'Mexican border period' as defined in

paragraph (30) of section 101 of this title includes the period beginning on January 1, 1911, and ending on May 8, 1916.".

(h) The table of sections at the beginning of chapter 15 of title 38, United States Code, is amended

(1) by inserting "the Mexican border period," immediately after "521. Veterans of";

(2) by striking out : "World War I, World War II, the Korean conflict, and the Vietnam era

"541. Widows of World War I, World War II, Korean conflict, or Vietnam era veterans.

"542. Children of World War I, World War II, Korean conflict, or Vietnam era veterans."

and inserting in lieu thereof: "Mexican border period, World War I, World War II, Korean conflict, and the Vietnam era

"541. Widows of Mexican border period, World War I, World War II, Korean conflict, or Vietnam era veterans.

"542. Children of Mexican border period, World War I, World War II, Korean conflict, or Vietnam era veterans."

SEC. 10. (a) Sections 1, 2 (a), (b), and (c), 3, 4, 5, 6, 7, 8, and 9 shall take effect on January 1, 1971.

(b) Sections 2(d) and 6 shall take effect on January 1, 1972.

The SPEAKER pro tempore. Is a second demanded?

Mr. TEAGUE of California. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas (Mr. TEAGUE) will be recognized for 20 minutes, and the gentleman from California (Mr. TEAGUE) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas.

Mr. TEAGUE of Texas. Mr. Speaker, the non-service-connected pension program dates back many years in the history of VA benefits. The existing program was authorized as Public Law 86–211, effective July 1, 1960. Veterans who were on the rolls prior to that date are classified as eligible for pensions under the old law and the rates of pension have largely been left at the level which existed at that time. The present annual income limitations for that group are $1,600 for a single veteran or widow without children or $2,900 for a veteran who has a dependent on a widow with children.

Pensioners are primarily older people: seven out of 10 veterans on the rolls served in World War I and three out of four widows are widows of World War I husbands. There are presently 332,267 beneficiaries under the old law and 1,575,286 under the current law for a total of 1,907,553. Insofar as those eligible under Public Law 86–211 are involved. They are broken down by source as indicated below:

	World War I	World War II	Korean conflict	Vietnam
Veterans	490,253	347,566	24,109	1,320
Widows	474,860	217,604	18,271	1,303

The income an eligible pensioner may have in addition to his non-service-connected pension comes from a variety of sources, but three out of four receive social security, many receive private retirement and civil service annuities.

Social security was last increased effective January 1, 1970, and this increase was 15 percent. Prior to that in February of 1968 there was a 13-percent increase and in July of 1965 there had been a 5-percent increase. There is now pending in the Senate the bill—H.R. 17550—which proposes to increase the rates of social security generally by 5 percent and also recompute male social security on an average wage based on 6 instead of a 9-year period and compute a widow's survivor's rate up to 100 percent of the primary insured rates instead of 82.5 percent as is the law today.

Civil service retirement increases are automatic based on the Consumer Price Index. There was a 3.9-percent increase April 1, 1968, a 5-percent increase effective November 1, 1969, and 5.6 percent effective August 1, 1970. Many private retirement increases are based on the cost-of-living rises.

In connection with each recent increase in social security the Congress has increased income limitations, raised monthly rates, or otherwise modified the pension program, resulting in protection of the VA benefit.

Under the measure, enacted into law, it will mean that those individuals who had social security increases of 15 percent effective January 1, 1970, will not lose any of their VA non-service-connected pension.

If this bill is enacted, virtually all of the 1,575,286 current law pensioners—863,248 veterans and 712,038 widows—would receive an average increase of $7.47 a month.

The rate changes and income limitations proposed by sections 1 and 2 are shown in the tables which follow and reflect pension increases averaging 9.5 percent taking into account the 15 percent social security increase.

VETERAN ALONE

Countable income not more than—	Law	H.R. 15911
$300	$110	$121
$400	108	119
$500	106	117
$600	104	115
$700	100	112
$800	96	108
$900	92	104
$1,000	88	100
$1,100	84	96
$1,200	79	92
$1,300	75	88
$1,400	69	84
$1,500	63	79
$1,600	57	75
$1,700	51	69
$1,800	45	63
$1,900	37	57
$2,000	29	51
$2,100		45
$2,200		37
$2,300		29

VETERAN AND 1 DEPENDENT

Countable income not more than—	Law	H.R. 15911
$500	$120	$132
$600	118	130
$700	116	128
$800	114	126
$900	112	124
$1,000	109	122
$1,100	107	119
$1,200	105	116
$1,300	103	113
$1,400	101	110
$1,500	99	107
$1,600	96	104
$1,700	93	101
$1,800	90	99
$1,900	87	96
$2,000	84	93
$2,100	81	90
$2,200	78	87
$2,300	75	84
$2,400	72	81
$2,500	69	78
$2,600	66	75
$2,700	62	72
$2,800	58	69
$2,900	54	66
$3,000	50	62
$3,100	42	58
$3,200	34	54
$3,300		50
$3,400		42
$3,500		34

WIDOW ALONE

Countable income Not more than—	Law	H.R. 15911
$300	$74	$81
$400	73	80
$500	72	79
$600	70	78
$700	67	76
$800	64	73
$900	61	70
$1,000	58	67
$1,100	55	64
$1,200	51	61
$1,300	48	58
$1,400	45	55
$1,500	41	51
$1,600	37	48
$1,700	33	45
$1,800	29	41
$1,900	23	37
$2,000	17	33
$2,100		29
$2,200		23
$2,300		17

WIDOW AND 1 CHILD

Countable income not more than—	Law	H.R. 15911
$600	$90	$99
$700	89	98
$800	88	97
$900	87	96
$1,000	86	95
$1,100	85	94
$1,200	83	92
$1,300	81	90
$1,400	79	88
$1,500	77	86
$1,600	75	84
$1,700	73	82
$1,800	71	80
$1,900	69	78
$2,000	67	76
$2,100	65	74
$2,200	63	72
$2,300	61	70
$2,400	59	68
$2,500	57	66
$2,600	55	64
$2,700	53	62
$2,800	51	59
$2,900	48	56
$3,000	45	53
$3,100	43	51
$3,200	41	48
$3,300		45
$3,400		43
$3,500		41

DEPENDENCE AND INDEMNITY COMPENSATION—1 PARENT

Income increment	Law	H.R. 15911
$800	$87	$96
$900	81	94
$1,000	75	91
$1,100	69	87
$1,200	62	81
$1,300	54	75
$1,400	46	69
$1,500	38	62
$1,600	31	54
$1,700	25	46
$1,800	18	38
$1,900	12	31
$2,000	10	25
$2,100		18
$2,200		12
$2,300		10

2 PARENTS LIVING TOGETHER

Income increment	Law	H.R. 15911
$1,000	$58	$64
$1,100	56	62
$1,200	54	60
$1,300	52	58
$1,400	49	56
$1,500	46	54
$1,600	44	52
$1,700	42	49
$1,800	40	46
$1,900	38	44
$2,000	35	42
$2,100	33	40
$2,200	31	38
$2,300	29	35
$2,400	26	33
$2,500	23	31
$2,600	21	29
$2,700	19	27
$2,800	17	25
$2,900	15	23
$3,000	12	21
$3,100	11	19
$3,200	10	7
$3,300		14
$3,400		12
$3,500		10

2 PARENTS NOT LIVING TOGETHER

Income increment	Law	H.R. 15911
$800	$58	$66
$900	54	64
$1,000	50	61
$1,100	46	58
$1,200	41	54
$1,300	35	50
$1,400	29	46
$1,500	23	41
$1,600	20	35
$1,700	16	29
$1,800	12	23
$1,900	11	20
$2,000	10	16
$2,100		14
$2,200		12
$2,300		10

Section 3 of the bill increases the monthly aid and attendance rate for widows above their basic pension from $50 to $55 and for veterans who are in the same category from $100 to $110, again above their basic pension, and in the case of the housebound veteran the monthly rate is increased from $40 to $44 above his basic pension.

This section also increases the income limitation applicable to children of veterans by permitting the child to receive pension as long as his annual income does not exceed $2,000 rather than the present $1,800, and of course earned income is excluded in each case.

Section 612(h) of title 38, United States Code, authorizes the Administrator to furnish each veteran of World War I, World War II, Korea, or Vietnam, who is receiving additional pension, and each veteran who is receiving additional compensation or allowance, because of being in need of regular aid and attendance, such drugs and medicines as may be ordered on a prescription by a duly licensed physician in the treatment of any illness or injury suffered by the veteran. Section 4 would amend this provision to permit the administrator to furnish such drugs and medicines to any veteran pensioner whose annual income has exceeded the permissible rates so long as it does not exceed $500 more than the maximum, thus in the case of the present bill, a veteran could still continue to receive his drugs and medicines even though he and his wife had an annual income of as much as $4,000 and in the case of a single veteran, so long as his individual income did not exceed $2,800.

Section 5 would increase the annual income limitation for those individuals receiving pension under the so-called old law—those who were on the rolls on June 30, 1960—from the present $1,600 for a single veteran or widow to $1,900 and for a veteran with dependents or a widow with a child from $2,900 to $3,200.

Section 6 would, effective January 1, 1972, remove the current mandatory requirements for the annual reporting of income and corpus or estate for those persons on the non-service-connected pension rolls who are 72 years of age or older and who have received pension during 2 consecutive calendar years. A similar proposal relating to annual income reports by parents receiving dependency and indemnity compensation is contained in subsection 2(d) of the bill. There would be no change in the authority of the Administrator to require clarification or proof of income and corpus of estate, when such action is indicated, by this group of individuals age 72 or more. There is reason to believe that these changes would produce some administrative savings and would certainly make administration simpler.

Section 7 of the bill would add five exclusions from reportable income under the non-service-connected pension program. These are:

First, servicemen's group life insurance payments;

Second, amounts equal to prepayments made on indebtedness secured by a mortgage on real property;

Third, amounts in a joint bank account acquired by reason of death of other joint owner;

Fourth, payments made by a former employer to retired employee as reimbursement for premiums paid by the retiree on supplementary medical insurance benefits for the aged; and

Fifth, payments from retired serviceman's family protection plan provided in chapter 73 of title 10, United States Code.

At its inception the plan mentioned in item 5 provided that annuities thereunder should not be considered income under any law administered by the Veterans' Administration.

Section 8 provides exclusion from income, for dependency and indemnity compensation purposes, of annuities of the retired serviceman's family protection plan—item 5 in section 7—and of pension under law in existence prior to July 1, 1960, when Public Law 86-211 became operative.

Section 9 includes as beneficiaries those individuals who served on the Mexican border in the period immediately preceding World War I. This section would in effect give pension and certain other benefits available for World War I service to those veterans and the widows and children of such veterans who served during this prescribed period of time immediately before the onset of World War I. The defined period is that which begins on May 9, 1916, and ends on April 5, 1917, the day before the beginning of World War I, and service of 90 days or more is required in Mexico, on the borders of Mexico, or waters adjacent to Mexico.

Sections 6 through 9 were included in H.R. 372 which passed the House October 6, 1969.

Section 10 provides that the bill will be effective January 1, 1971, except for sections 2(d) and 6 which will be effective January 1, 1972.

The cost of the bill is estimated by the Veterans' Administration at $159,700,000 the first year, rising to $177,500,000 the fifth year.

Mr. Speaker, I am sure that all the Members of this House would agree that in recent months their veteran mail has involved requests for information concerning the need for legislation to prevent veterans who have received an increase in their social security from being adversely affected in the non-service-connected pension program of the Veterans' Administration. The Subcommittee on Compensation and Pension went into this matter in depth and the bill which we are considering today is a tribute to the care and attention they have given to this subject. I want to express my appreciation to the gentleman from South Carolina, the chairman of the Subcommittee on Compensation and Pension (Mr. DORN), and to his colleagues who are the gentleman from Texas (Mr. ROBERTS), the gentleman from Mississippi (Mr. MONTGOMERY), the gentleman from Indiana (Mr. ADAIR), the gentleman from Pennsylanvia (Mr. SAYLOR), and the gentleman from Virginia (Mr. SCOTT).

Mr. TEAGUE of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. ADAIR).

Mr. ADAIR. Mr. Speaker, I rise in support of H.R. 15911. This bill, if enacted into law, will alleviate the plight of those veteran pensioners who, because of the modest increase in social security received earlier this year, may otherwise have their pension reduced or terminated at the end of this calendar year.

I am sure that most of my colleagues have received an abundance of mail from veterans who are apprehensive because the 15-percent social security increase received earlier this year will put them in a higher income bracket and thus, either reduce or terminate their monthly pension benefits at the end of this calendar year. Approval of this bill, Mr. Speaker, should put the minds of such veterans at ease because it insures that no veteran will lose one single penny of his monthly pension benefits as the result of the recent social security increase. The bill affords the same protection to widows who are in receipt of pension benefits and to dependent parents who are in receipt of

dependency and indemnity compensation payments.

The bill accomplishes this purpose by increasing the maximum income limits for all categories of veterans whether married or single and whether drawing pension under the so-called old law or the new law. For example, the maximum income limit under existing law for a married veteran is $3,200 annually. The bill proposes to increase this maximum to $3,500 annually.

Additionally, increases in monthly pension rates averaging approximately 9.5 percent for current law pensioners are authorized by this measure.

Mr. Speaker, the bill also contains provisions to remove the current mandatory requirements for the annual reporting of income for persons on the pension rolls who are 72 years of age and have been in receipt of pension for 2 consecutive years. The bill also makes veterans who served on the Mexican border in the period immediately preceding World War I eligible for wartime veterans' benefits. A bill containing these latter two provisions, Mr. Speaker, passed the House last year. Unfortunately, the other body has not yet acted upon these important provisions.

This proposal, Mr. Speaker, will provide a measure of relief to the Nation's older veterans who are living on fixed incomes. I believe it is necessary and urge that it be passed.

Mr. GRAY. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of Texas. I yield to the gentleman from Illinois.

Mr. GRAY. I thank the gentleman for yielding.

First I want to commend the gentleman and his entire Committee on Veterans' Affairs for bringing out this legislation. I do have a question as to the income limitation provision. I am happy to be a cosponsor of this legislation.

This bill increases the income limitation from $3,200 to $3,500 for married veterans mostly of World War I, a couple.

Mr. TEAGUE of Texas. That is correct.

Mr. GRAY. What would happen if a railroad retirement pension, social security income or a miner's welfare pension were increased. Would this $300 a month increase in income limitation keep them from having that same amount deducted from the veterans' pension?

Mr. TEAGUE of Texas. Our committee had to tie the income limitation to some retirement. We have chosen social security. Regardless of where the man's income comes from, it would be counted against the pension.

Mr. GRAY. In my district there are a lot of World War I veterans who are also drawing miner's pensions, railroad retirement and social security. They have pointed out cases where a small increase has been made in the miner's welfare which would cause them to lose much of their veterans' pension.

Mr. TEAGUE of Texas. This does not apply just to social security. We could not take every different kind of retirement—teachers and firemen and so on—and handle each one individually. We had to take some amount and tie to it. That is what we did with social security.

Mr. GRAY. In other words, going from $3,200 to $3,500, or from $2,900 to $3,200 if under the old law, if all aggregate pensions fall within that umbrella they would be covered under this bill and no pension would be reduced?

Mr. TEAGUE of Texas. That is correct.

Mr. GRAY. I thank the gentleman.

Mr. BURTON of California. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of Texas. I yield to the gentleman from California.

Mr. BURTON of California. I should like to commend the distinguished chairman of the full committee and the committee for this proposal. I am particularly pleased to note it treats equitably all low-income veterans or their widows or others otherwise eligible under the act. For that reason I am particularly pleased to have the opportunity to speak in support of this proposal.

Mr. MILLER of Ohio. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of Texas. I yield to the gentleman from Ohio.

Mr. MILLER of Ohio. A moment ago there was an amount for married veterans, expressed as being changed from $3,200 to $3,500, yet on page 7 of the report I see where it is apparently $2,900 to $3,200. What figures are correct?

Mr. TEAGUE of Texas. We have what we call the old law for the pensioners, and that is the $2,900. The new law is the $3,500. There are some veterans who have stayed under the old law. They are governed by those limitations.

Mr. MILLER of Ohio. Are we saying that under the old law the income limitation for married veterans is increased from $2,900 to $3,200 and under the new law from $3,200 to $3,500?

Mr. TEAGUE of Texas. That is correct.

Mr. MILLER of Ohio. I thank the gentleman.

Mr. ROGERS of Florida. Mr. Speaker, I rise in support of H.R. 15911, a bill to increase the rates and income limitations relating to payment of pension to veterans and widows and dependency and indemnity compensation of the parents of veterans.

It is vitally important that Congress pass this bill to protect the veterans and widows of veterans of our wars. Under the present veterans benefit program there are over 870,000 eligible veterans and 712,000 eligible widows of veterans. We must move to keep present benefits at a level up to pace with inflation and increased costs of living, or the recipients will suffer a continual decrease in buying power and the program will lose its effectiveness. Since 7 out of 10 veterans are older people, it is ridiculous to expect them to go to work during their later years because their benefits may no longer be high enough for their sustenance.

The bill provides that those individuals who had social security increases of 15 percent last January, will be able to retain their VA non-service-connected pensions. Also, there would be increases of pensions on the average of $7.47 per month under the bill's provisions. In addition, the annual income limitation for those individuals receiving pension under the law of 1960 would be raised to a ceiling of $1,900 for a single veteran or widow and $3,200 for a veteran with dependents or a widow with a child from the present $1,600 and $2,900 levels. The bill contains many other features which will make it much easier for veterans and widows to receive their benefits under the VA program.

Mr. Speaker and my fellow colleagues, we have an obligation to provide assistance to veterans and widows of our wars. If we expect sacrifices from these brave individuals who come forward to defend our Nation, we must in turn come forth with some assurance and assistance for these individuals, so that they may be able to live fruitful and productive lives after their return from war. I again urge the Members to wholeheartedly support H.R. 15911.

Mr. ANDERSON of California. Mr. Speaker, I rise in support of H.R. 15911, which increases pension rates and income limitations applicable to nonservice-connected disabled veterans.

At this moment, many pensioners find their pension in jeopardy because of the 15-percent social security increase which could have an effect on decreasing the net monthly amount they will receive unless H.R. 15911 becomes law before January 1, 1971. It will be a sad commentary of our times if we permit those veterans of our Nation, who served in time of war, to lose any part of those veterans' benefits to which they are entitled.

Mr. Speaker, nearly 68 percent of all spinal cord afflicted veterans in VA hospitals are nonservice connected, and about 48 percent of these nonservice connected are quadraplegic, or have disability from the neck down. I feel that most of these veterans remain in veterans hospitals because they do not have the financial means to support themselves outside the hospital.

To maintain a veteran with a spinal cord injury in a VA spinal cord injury center costs about $16,973 per year. If we raise the rates of pension and also increase the aid and attendance allowance, I believe many of those in the VA hospitals would leave and establish themselves in our communities. This would be more than humanitarian in nature; it would result in substantial savings to the Government.

Mr. Speaker, I commend you and your distinguished colleagues on the committee for recognizing these facts and bringing them to the public's attention.

Under H.R. 15911, those individuals who had social security increases of 15 percent effective January 1, 1970, will not lose any of their VA non-service-connected pension. Virtually all of the 1.6 million pensioners will receive an average increase of $7.47 a month.

Section 3 of the bill increases the monthly aid and attendance rate for eligible veterans from $100 to $110 above their basic pension, and in the case of housebound veterans, the rate is increased from $40 to $44 above his basic pension.

Section 5 would increase the annual income limitation for those veterans with dependents—who were on the rolls on June 30, 1960—from $2,900 to $3,200. Similarly, single veterans and widows

income limitation would be increased from $1,600 a year to $1,900.

Mr. Speaker, in these days of spiralling inflation, we must insure that the standard of living of those on a fixed income—such as pensioners—should be maintained at a reasonable level. While I feel that we could go further than H.R. 15911 intends, I support this measure as a progressive step in the right direction.

Mr. DORN. Mr. Speaker, I am happy to recommend today to this House the bill H.R. 15911 which was reported by the Subcommittee on Compensation and Pension of which I have the privilege of chairing.

The main purpose of this bill is to increase the income limitations for non-service-connected pensions and to raise the rates of such pension. The net result is to give a 9.5 percent increase in the rates of such pension and to raise by $300 the income limitations.

The bill which would be effective January 1, 1971, would provide increases for approximately 1½ million beneficiaries; by far the greatest portion of these are in World War I. And it would provide protection for those individuals who have received the 15 percent social security increase which was effective earlier this year.

The bill also provides for a liberalization of the exclusions from income and also for the first time provides non-service-connected pensions for those individuals who served on the Mexican border immediately preceding World War I.

The income limitations applicable to those individuals who continue to receive pension under the so-called old law provision—those who were on the rolls on June 30, 1960—are raised by $300.

Section 6 would, effective January 1, 1972, remove the current mandatory requirements for the annual reporting of income for those persons who are on the pension rolls who are 72 years of age or older and who have received pension during 2 consecutive calendar years. This provision was originally part of H.R. 372 passed by the House nearly a year ago and still pending in the other body.

Another liberalization is the provision that a non-service-connected pensioner who is receiving pension at the aid and attendance rates may have an income of $500 above the limitations applicable to other veterans and still continue to receive his drugs and medicines prescribed for him by a doctor of medicine.

Section 3 of the bill increases the monthly aid and attendance rates for widows from $50 to $55 and for veterans from $100 to $110 and in the case of the housebound veteran, this is increased by 10 percent also by making the rate $44 rather than $40.

I hope that the bill will be promptly enacted into law.

Mrs. HECKLER of Massachusetts. Mr. Speaker, I rise in support of H.R. 15911. This bill will liberalize the non-service-connected pension program for veterans. It will accomplish this purpose by increasing the monthly rates of pension received by current law pensioners by approximately 9.5 percent and by increasing the maximum annual income limitations for all pensioners by $300. The bill will also eliminate the requirement of reporting annual income for pensioners who have reached the age of 72 years and have been on the pension rolls for 2 years.

Mr. Speaker, the mail I have received in recent months and my personal discussions with older veterans, particularly those veterans who served during World War I, have reflected an apprehension and concern that their pension payments will be reduced or terminated as the result of modest increases in social security.

This bill, Mr. Speaker, should put to rest such fears, because if it is passed by both Houses of Congress and approved by the President, it will insure that not one single pensioner will suffer a reduction or termination of his monthly payments as the result of the most recent social security increase. If we are to show our appreciation for the sacrifices, the hardships and the tribulations endured by these men in protecting our national security during time of war, then this legislation is essential. I urge that it be approved.

Mr. DUNCAN. Mr. Speaker, I rise in support of H.R. 15911. This bill will increase both the monthly rates of pension and the income limits thereunder. The principal thrust of this bill is to prevent the adverse effect of the recent social security increase upon veterans' pensions.

Members will recall that a 15-percent increase in social security benefits was approved earlier this year. Unless the bill before the House or similar legislation is enacted into law prior to the end of this year, thousands of veterans will have their pension payments either reduced or eliminated. It is indeed ridiculous to permit an increase in one Federal benefit to cause a reduction in another Federal benefit.

I am pleased to have cosponsored this bill that means so much to the Nation's veteran pensioners. Not only will it serve to prevent any veteran or widow on the pension rolls from suffering a reduction or termination of pension benefits, but it will authorize a modest increase in monthly pension payments for current law pensioners and an increase of $300 in the annual income limits for all pensioners.

My only regret, Mr. Speaker, is that the bill does not restore the pension benefits that were reduced on January 1 of this year as the result of the 1968 social security amendments. Unfortunately, the amendment I offered in committee to accomplish this worthy purpose did not prevail, and the procedure under which the bill is considered today does not permit amendments.

I believe Members should be aware, however, that every time social security is increased, there is an adverse effect upon veteran pensioners. In any event, Mr. Speaker, the bill before the House is necessary and I am proud to have cosponsored it. I urge its approval.

Mr. SAYLOR. Mr. Speaker, I rise in support of this bill. No legislation is more deserving of our attention nor more important to older veterans, particularly those from World War I than the bill before the House today.

This bill, Mr. Speaker, will authorize increases averaging $7.47 in the monthly rates of pension. Additionally, the bill will increase the maximum income limits of existing law by $300 annually.

The most significant effect of this bill, Mr. Speaker, is that it will prevent any veteran or widow receiving pension or any dependent parent receiving dependency and indemnity compensation from suffering any reduction or termination in monthly pension payments as the result of the last increase in social security.

It was my privilege, Mr. Speaker, to cosponsor this important piece of legislation. It was also my privilege to participate in its consideration as a member of the Subcommittee on Compensation and Pension of the Committee on Veterans' Affairs and then, finally, to participate in the full committee's deliberations on this measure and I am pleased today to cast my vote in support of this important and deserving legislation.

Mr. MONAGAN. Mr. Speaker, I want to record my support of the three veterans bills which we are now considering. In this Congress to date, I have supported 13 bills increasing veterans benefits in the fields of education, and training assistance, home loans, nursing home care, medical assistance, and pension eligibility. In addition, I have been actively working to improve the medical facilities in Connecticut veterans hospitals.

The three bills presently under consideration will provide veterans with vital assistance in several critical areas.

H.R. 16710, the first bill under consideration today, provides for the removal of the termination date on applying for housing loan guarantees for World War II and Korean war veterans. Also, the bill provides that for the first time the Veterans' Administration will be authorized to guarantee loans for the purchase of mobile homes. H.R. 18448, the second bill, provides mortgage protection life insurance for service-connected disabled veterans who have received grants for specially adapted housing, and H.R. 15911 increases the rates and income limitations relating to payment of pension, parents dependency, and indemnity compensation. The bill, if enacted into law, will mean that individuals who had social security increases of 15 percent effective January 1, 1970, will not lose any of their VA non-service-connected pension. Under the bill, almost all current pensioners will receive pension increases averaging 9.5 percent, or about $7.47 a month.

The veterans of this Nation have earned and deserve a top priority in receiving Federal consideration, and I urge my colleagues to join me in voting for passage of these bills.

Mr. RANDALL. Mr. Speaker, it has never been the policy of this Government to give to its people with one hand and take away with the other. Yet, that is exactly what will happen if Congress does not enact H.R. 15911 or similar legislation.

It has been because of our grateful recognition to our veterans for their contribution to our security and freedom, that this Nation has established programs of non-service-connected pensions and in addition parents de-

pendency and indemnity compensation to those men who have worn the uniform of our country, and for their widows and dependents. Approximately 1,900,000 veterans participate in these programs. Statistics reveal that seven out of 10 are veterans of World War I while three out of four of the widows drawing benefits from these programs are widows of men who fought for us 50 or more years ago.

The reason this bill is not only helpful but absolutely necessary is that late last year Congress passed legislation to increase by 15 percent those benefits that are paid under the Social Security Act. Subsequently, the House passed another bill which provides for an additional 5-percent increase in those benefits, effective next January. These increases have been made or authorized in recognition of the deflated purchasing power of the social security dollar.

For many of the 1.9 million veterans or survivors who participate in the non-service-connected pension program, the increases they have received or will receive under the Social Security Act liberalization push them above the allowable income limitations with respect to their veterans' pensions. Therefore, they will become ineligible on January 1 to continue to receive these benefits unless Congress passes H.R. 15911. This bill will increase certain non-service-connected pensions and increases the income limitations sufficiently to protect this class of pensioners against loss of any part of their VA benefits.

This bill is not something to be considered lightly. Instead it is a mandatory action to avoid loss by our veterans. It would be unconscionable, yes, unpardonable to give a social security increase only to lose it by a reduction in veterans pension.

I have never regarded pension legislation for our veterans to be in the category of welfare payments. Yet, the modest amounts of these pensions, and the very low limitations on earnings that govern eligibility to receive non-service-connected pensions make them just barely distinguishable from welfare handouts. For example, the single veteran or widow alone is not eligible for a non-service-connected pension if his or her income exceeds $2,000 under present law. At the other end of the scale, a veteran with three or more dependents, under present law, cannot receive a non-service-connected pension if his income from all sources, including social security benefits, exceeds $3,500. You will recall that under current definitions and guidelines, this is considerably less than "poverty line" as defined by those in charge of the so-called war on poverty.

Each of us should take careful note that if the non-service-connected veterans whose incomes exceed the modest maxmiums delineated in seven different classes of pensions by reason of the recent social security benefit increases, then they will face the cruel spectacle of our Government actually taking away with the other hand what it has given with the one unless we enact this bill into law before we adjourn.

It is a disappointment to me that the Veterans' Administration under the Nixon regime has recommended against passage of this bill, the total cost of which is estimated to be about $160 million, including the additional costs for expanded benefits in several other categories of veterans affairs. Presumably, the desires of many Members of Congress, including myself, who wish to express their appreciation to the Nation's veterans, have not properly alined our priorities in keeping with those of the executive branch of the Government.

I, for one, believe this bill has an incomparable priority over the billions in foreign aid, guaranteed annual incomes, welfare handouts, and other proposals for which the administration has asked and which are seemingly in consonance with its table of priorities. To me, there is no greater priority than properly equipping and training our fighting men. Following closely after this is the adequate provision for their care as veterans after they have rendered faithful service to their country. There is no other way in which we can properly keep faith with them. We cannot wait a bit longer. We must enact this bill, H.R. 15911 into law now—today.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas that the House suspend the rules and pass the bill H.R. 15911, as amended.

The question was taken.

Mr. ADAIR. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 316, nays 0, answered "present" 1, not voting 113, as follows:

[Roll No. 309]

YEAS—316

Abbitt	Broyhill, Va.	Denney
Abernethy	Buchanan	Dent
Adair	Burke, Fla.	Derwinski
Adams	Burke, Mass.	Devine
Albert	Burleson, Tex.	Dingell
Anderson, Calif.	Burlison, Mo.	Donohue
Anderson, Ill.	Burton, Calif.	Dorn
Andrews, Ala.	Byrne, Pa.	Downing
Andrews, N. Dak.	Byrnes, Wis.	Dulski
Annunzio	Cabell	Duncan
Arends	Caffery	Edmondson
Ashbrook	Camp	Edwards, Calif.
Ashley	Carey	Edwards, La.
Aspinall	Carter	Eilberg
Baring	Cederberg	Erlenborn
Beall, Md.	Clancy	Eshleman
Belcher	Clark	Evans, Colo.
Bell, Calif.	Clausen, Don H.	Evins, Tenn.
Bennett	Clay	Fascell
Berry	Cleveland	Feighan
Betts	Cohelan	Findley
Bevill	Collier	Flood
Biaggi	Collins	Flowers
Biester	Colmer	Foley
Bingham	Conable	Ford, Gerald R.
Blackburn	Corbett	Ford, William D.
Boggs	Corman	Foreman
Bolling	Coughlin	Fountain
Brademas	Cramer	Frey
Brasco	Crane	Friedel
Bray	Culver	Fulton, Pa.
Brinkley	Cunningham	Fuqua
Broomfield	Daniel, Va.	Gallagher
Brotzman	Daniels, N.J.	Garmatz
Brown, Calif.	Davis, Ga.	Gaydos
Brown, Ohio	Davis, Wis.	Gettys
Broyhill, N.C.	de la Garza	Giaimo
	Dellenback	Gibbons
Gilbert	McEwen	Rhodes
Gonzalez	McMillan	Riegle
Goodling	Macdonald, Mass.	Rivers
Gray	Madden	Roberts
Green, Oreg.	Mahon	Robison
Green, Pa.	Mailliard	Rodino
Griffin	Mann	Roe
Griffiths	Marsh	Rogers, Fla.
Gross	Martin	Rooney, N.Y.
Grover	Mathias	Rooney, Pa.
Gubser	Matsunaga	Rostenkowski
Gude	May	Roth
Hagan	Mayne	Ruth
Haley	Meeds	Ryan
Hall	Meskill	Sandman
Hamilton	Michel	Saylor
Hammer-schmidt	Mikva	Schadeberg
Hanley	Miller, Ohio	Scherle
Hanna	Mills	Schwengel
Hansen, Wash.	Minish	Scott
Harsha	Mink	Sebelius
Harvey	Minshall	Shipley
Hastings	Mizell	Shriver
Hathaway	Mollohan	Sikes
Hays	Monagan	Sisk
Hechler, W. Va.	Montgomery	Skubitz
Heckler, Mass.	Moorhead	Smith, Calif.
Helstoski	Morgan	Smith, Iowa
Henderson	Morse	Springer
Hicks	Morton	Stafford
Hogan	Mosher	Staggers
Hosmer	Moss	Stanton
Howard	Murphy, Ill.	Steed
Hull	Myers	Steiger, Ariz.
Hungate	Natcher	Steiger, Wis.
Hunt	Nedzi	Stephens
Hutchinson	Nelsen	Stokes
Ichord	Nichols	Stubblefield
Jacobs	Nix	Stuckey
Jarman	Obey	Sullivan
Johnson, Calif.	O'Hara	Symington
Jonas	O'Neal, Ga.	Talcott
Jones, Ala.	O'Neill, Mass.	Taylor
Jones, N.C.	Passman	Teague, Calif.
Jones, Tenn.	Patten	Teague, Tex.
Kastenmeier	Pelly	Thomson, Wis.
Kazen	Pepper	Tiernan
Kee	Perkins	Vander Jagt
Keith	Philbin	Vanik
King	Pickle	Waggonner
Kleppe	Pike	Wampler
Kluczynski	Pirnie	Watts
Kyl	Poage	Weicker
Kyros	Podell	Whalen
Landgrebe	Poff	White
Langen	Pollock	Whitten
Latta	Preyer, N.C.	Wiggins
Leggett	Price, Ill.	Williams
Lennon	Price, Tex.	Winn
Long, Md.	Pryor, Ark.	Wright
Lujan	Quillen	Wyatt
Lukens	Railsback	Wylie
McClory	Randall	Wyman
McCloskey	Rarick	Yates
McClure	Rees	Yatron
McDade	Reid, Ill.	Young
McDonald, Mich.	Reid, N.Y.	Zablocki
	Reuss	Zion

NAYS—0

ANSWERED "PRESENT"—1

Schmitz

NOT VOTING—113

Addabbo	Dwyer	McKneally
Alexander	Eckhardt	MacGregor
Anderson, Tenn.	Edwards, Ala.	Melcher
Ayres	Esch	Miller, Calif.
Barrett	Fallon	Mize
Blanton	Farbstein	Murphy, N.Y.
Blatnik	Fish	O'Konski
Boland	Fisher	Olsen
Bow	Flynt	Ottinger
Brock	Fraser	Patman
Brooks	Frelinghuysen	Pettis
Brown, Mich.	Fulton, Tenn.	Powell
Burton, Utah	Galifianakis	Pucinski
Bush	Goldwater	Purcell
Button	Halpern	Quie
Casey	Hansen, Idaho	Reifel
Celler	Harrington	Rogers, Colo.
Chamberlain	Hawkins	Rosenthal
Chappell	Hébert	Roudebush
Chisholm	Holifield	Rousselot
Clawson, Del	Horton	Roybal
Conte	Johnson, Pa.	Ruppe
Conyers	Karth	St Germain
Cowger	Koch	Satterfield
Daddario	Kuykendall	Scheuer
Dawson	Landrum	Schneebeli
Delaney	Lloyd	Slack
Dennis	Long, La.	Smith, N.Y.
Dickinson	Lowenstein	Snyder
Diggs	McCarthy	Stratton
Dowdy	McCulloch	Taft
	McFall	Thompson, Ga.

Thompson, N.J.	Waldie	Wilson, Charles H.
Tunney	Watson	Wold
Udall	Whalley	Wolff
Van Deerlin	Whitehurst	Wydler
Ullman	Widnall	Zwach
Vigorito	Wilson, Bob	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Blatnik with Mr. Burton of Utah.
Mr. Brooks with Mr. Del Clawson.
Mr. Delaney with Mr. Cowger.
Mr. Farbstein with Mr. McCulloch.
Mr. Thompson of New Jersey with Mr. McKneally.
Mr. Fulton of Tennessee with Mr. Brock.
Mr. Karth with Mr. Bush.
Mr. Lowenstein with Mr. MacGregor.
Mr. Wolff with Mr. Horton.
Mr. Addabbo with Mr. Bow.
Mr. Rogers of Colorado with Mr. Hansen of Idaho.
Mr. Casey with Mr. Eckhardt.
Mr. Stratton with Mr. Button.
Mr. Vigorito with Mr. Reifel.
Mr. Flynt with Mr. Johnson of Pennsylvania.
Mr. Tunney with Mrs. Chisholm.
Mr. Ottinger with Mr. Schneebeli.
Mr. Chappell with Mr. Lloyd.
Mr. McFall with Mr. Snyder.
Mr. Harrington with Mr. Powell.
Mr. Daddario with Mr. Quie.
Mr. Purcell with Mr. Roudebush.
Mr. Roybal with Mr. Taft.
Mr. Anderson of Tennessee with Mr. Kuykendall.
Mr. Barrett with Mr. Watson.
Mr. Miller of California with Mr. Ayres.
Mr. Celler with Mr. Conyers.
Mr. Dowdy with Mr. Brown of Michigan.
Mr. Murphy of New York with Mr. Whitehurst.
Mr. Melcher with Mr. Thompson of Georgia.
Mr. McCarthy with Mr. Widnall.
Mr. Fallon with Mr. Chamberlain.
Mr. Long of Louisiana with Mr. Edwards of Alabama.
Mr. Charles H. Wilson with Mr. Pettis.
Mr. Alexander with Mr. O'Konski.
Mr. Scheuer with Mr. Diggs.
Mr. Holifield with Mr. Goldwater.
Mr. Udall with Mr. Hébert.
Mr. Patman with Mrs. Dwyer.
Mr. Fisher with Mr. Dennis.
Mr. Rosenthal with Mr. Halpern.
Mr. Boland with Mr. Esch.
Mr. Pucinski with Mr. Ruppe.
Mr. St Germain with Mr. Frelinghuysen.
Mr. Slack with Mr. Mize.
Mr. Van Deerlin with Mr. Fish.
Mr. Landrum with Mr. Dickinson.
Mr. Koch with Mr. Hawkins.
Mr. Satterfield with Mr. Rousselot.
Mr. Ullman with Mr. Smith of New York.
Mr. Waldie with Mr. Dawson.
Mr. Fraser with Mr. Zwach.
Mr. Galifianakis with Mr. Wydler.
Mr. Bob Wilson with Mr. Blanton.
Mr. Whalley with Mr. Wold.

The result of the vote was announced as above recorded.

TITLE AMENDMENT OFFERED BY MR. TEAGUE OF TEXAS

Mr. TEAGUE of Texas. Mr. Speaker, I offer an amendment to the title of the bill.

The Clerk read as follows:

Title amendment offered by Mr. TEAGUE of Texas: Amend the title so as to read: "A bill to amend title 38 of the United States Code to increase the rates, income limitations, and aid attendance allowances relating to payment of pension and parents' dependency and indemnity compensation; to exclude certain payments in determining annual income with respect to such pension and compensation; to make the Mexican border period a period of war for the purposes of such title; and for other purposes."

The title amendment was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 15424, AMENDING MERCHANT MARINE ACT, 1936

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 15424) to amend the Merchant Marine Act, 1936, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland? The Chair hears none, and, without objection, appoints the following conferees: Messrs. GARMATZ, CLARK, DOWNING, MAILLARD, and PELLY.

There was no objection.

GROUP MORTGAGE INSURANCE FOR SERVICE-CONNECTED PARAPLEGIC AND QUADRIPLEGIC VETERANS

Mr. TEAGUE of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 18448) to provide mortgage protection life insurance for sevice-connected disabled veterans who have received grants for specially adapted housing.

The Clerk read as follows:

H.R. 18448

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 21 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 806. MORTGAGE PROTECTION LIFE INSURANCE

"(a) The Administrator is authorized, without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), to purchase from one or more life insurance companies a policy or policies of mortgage protection life insurance on a group basis to provide the benefits specified in this section.

"(b) Any policy of insurance purchased by the Administrator under this section shall be placed in effect on a date determined by the Administrator and shall automatically insure any eligible veteran who is or has been granted assistance in securing a suitable housing unit under this chapter against the death of the veteran, unless the veteran elects in writing not to be insured under this section or fails to timely respond to a request from the Administrator for information on which his premium can be based.

"(c) The initial amount of insurance provided hereunder shall not exceed the lesser of the following amounts: (1) $30,000, (2) the amount of the loan outstanding on such housing unit on the date insurance under this section is placed in effect, or (3) in the case of a veteran granted assistance in securing a housing unit on or after such date the amount of the original loan. The amount of such insurance shall be reduced according to the amortization schedule of the loan and at no time shall exceed the amount of the outstanding loan with interest. If there is no outstanding loan on the housing unit no insurance shall be payable hereunder. If any eligible veteran elects not to be insured under this section, he may thereafter be insured hereunder only upon application, payment of required premiums, and compliance with such health requirements and other terms and conditions as may be prescribed by the Administrator.

"(d) The premium rates charged a veteran for insurance under this section shall be paid at such times and in such manner as the Administrator shall prescribe and shall be based on such mortality data as the Administrator deems appropriate to cover only the mortality cost of insuring standard lives. The Administrator is authorized and directed to deduct the premiums charged veterans for life insurance under this section from any compensation or other cash benefits payable to them by the Veterans' Administration and to pay such premiums to the insurer or insurers for such insurance. Any veterans insured hereunder not eligible for cash benefits from the Veterans' Administration may pay the amount of his premiums directly to the insurer or insurers for insurance hereunder.

"(e) The United States shall bear all of the cost of the insurance provided under this section except the amount of the premium rates established for eligible veterans under subsection (d) as the mortality cost of insuring standard lives. For each month for which any eligible veteran is insured under a policy purchased under this section there shall be contributed to the insurer or insurers issuing the policy or policies from the appropriation 'Compensation and Pensions, Veterans' Administration' an amount necessary to cover the cost of the insurance in excess of the premiums established for eligible veterans, including the cost of administration and the cost of the excess mortality attributable to the veterans' disabilities. Appropriations to carry out the purposes of this section are hereby authorized.

"(f) Any amount of insurance in force under this section on the date of death of an eligible veteran insured hereunder shall be paid only to the holder of the mortgage loan, the payment of which such insurance was granted, for credit on the loan indebtedness and the liability of the insurer under such insurance shall be satisfied when such payment is made. If the Administrator is the holder of the mortgage loan, the insurance proceeds shall be credited to the loan indebtedness and, as appropriate, deposited in either the direct loan or loan guaranty revolving fund established by section 1823 or 1824 of this title, respectively.

"(g) Each policy purchased under this section shall also provide, in terms approved by the Administrator, for the following:

"(1) reinsurance, to the extent and in a manner to be determined by the Administrator to be in the best interest of the veterans or the Government, with other insurers which meet qualifying criteria established by the Administrator as may elect to participate in such reinsurance.

"(2) that at any time the Administrator determines such action to be in the best interest of veterans or the Government he may (A) discontinue the entire policy, or (B) at his option, exclude from coverage under such policy loans made after a date fixed by him for such purpose; however, any insurance previously issued to a veteran under such policy may not be canceled by the insurer solely because of termination of the policy by the Administrator with respect to new loans. If the policy is wholly discontinued, the Administrator shall have the right to require the transfer, to the extent and in a manner to be determined by him, to any new company or companies with which he has negotiated a new policy or policies, the amounts, as determined by the existing insurer or insurers with the concurrence of the Administrator of any policy or contingency reserves with respect to insurance previously in force;

"(3) issuance to each veteran insured under this section of a uniform type of certificate setting forth the benefits to which he is entitled under the insurance;

"(4) any other provisions which are reasonably necessary or appropriate to carry out the provisions of this section; and

"(5) an accounting to the Administrator not later than ninety days after the end of each policy year which shall set forth, in a form approved by the Administrator, (A) the amount of premiums paid by veterans and contributions made by the Veterans' Administration accrued under the contract or agreement from its date of issue to the end of such contract year; (B) the total of all mortality and other claim charges incurred for that period; and (C) the amount of the insurer's expense and risk charges, if any, for that period. Any excess of the total of item (A) over the sum of items (B) and (C) shall be held by the insurer as a contingency reserve to be used by such insurer for charges under the contract or agreement only. The contingency reserve shall bear interest at a rate to be determined in advance of each contract year by the insurer, which rate shall be approved by the Administrator if consistent with the rates generally used by the insurer for similar funds held under other plans of group life insurance. If and when the Administrator determines that such contingency reserve has attained an amount estimated by him to make satisfactory provision for adverse fluctuations in future charges under the contract, the Administrator shall require the insurer to adjust the premium rates and contributions so as to prevent any further substantial accretions to the contingency reserve. If and when the contract or agreement is discontinued and if after all charges have been made there is any positive balance remaining in the contingency reserve, such balance shall be payable to the Administrator and by him deposited to the appropriation 'Compensation and Pensions, Veterans' Administration,' subject to the right of the insurer to make such payment in equal monthly installments over a period of not more than two years.

"(h) With respect to insurance contracted for under this section, the Administrator is authorized to adopt such regulations relating to eligibility of the veteran for insurance, maximum amount of insurance, maximum duration of insurance, and other pertinent factors not specifically provided for in this section, which in his judgment are in the best interest of veterans or the Government Insurance contracted for under this section shall take effect as to eligible veterans heretofore granted assistance under this chapter on a date determined by the Administrator, and as to eligible veterans hereafter granted assistance under this chapter at the time of the closing of his loan. The amount of the insurance at any time shall be the amount necessary to pay the mortgage indebtedness in full, except as otherwise limited by the policy.

"(i) Insurance contracted for under this section shall terminate upon whichever of the following events first occurs:

"(1) satisfaction of the veteran's indebtedness under the loan upon which the insurance is based;

"(2) the veteran's seventieth birthday;

"(3) termination of the veteran's ownership of the property securing the loan;

"(4) discontinuance of payment of premiums by the veteran; or

"(5) discontinuance of the entire contract or agreement.

"(j) Termination of the mortgage protection life insurance will in no way affect the guaranty or insurance of the loan by the Administrator."

SEC. 2. The analysis of chapter 21, title 38, United States Code, is amended by adding at the end thereof the following:

"806. Mortgage Protection Life Insurance."

The SPEAKER pro tempore. Is a second demanded?

Mr. TEAGUE of California. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, sections 801–805 of title 38, United States Code, provides a $12,500 grant for specially adapted housing for veterans who—

The administrator is authorized, under such regulations as he may prescribe, to assist any veteran, who is entitled to compensation under chapter 11 of this title, based on service after April 20, 1898, for permanent and total service-connected disability—

(1) Due to the loss, or loss of use, of both lower extremities, such as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair, or

(2) Which includes (a) blindness in both eyes, having only light perception, plus (b) loss or loss of use of one lower extremity, or (c) due to the loss or loss of use of one lower extremity together with residuals of organic disease or injury which so affect the functions of balance or propulsion as to preclude locomotion without resort to a wheelchair,

In acquiring a suitable housing unit with special fixtures or movable facilities made necessary by the nature of the veteran's disability, and necessary land therefor, the regulations of the administrator shall include but not be limited to provisions requiring findings that (1) it is medically feasible for such veteran to reside in the proposed housing unit and in the proposed locality; (2) the proposed housing unit bears a proper relation to the veteran's present and anticipated income and expenses; and (3) the nature and condition of the proposed housing unit are such as to be suitable to the veteran's needs for dwelling purposes.

This bill authorizes the Administrator of Veterans' Affairs to purchase a policy from a commercial insurer to provide mortgage protection life insurance for seriously disabled veterans who have been granted assistance as described above.

The initial amount of the insurance could not exceed $30,000 or the amount of the mortgage loan, whichever is the lesser amount. The amount of the insurance would be reduced as the mortgage is amortized. The insurance would be payable only to the holder of the mortgage loan and no insurance would be payable if the mortgage was paid off prior to the death of the veteran. No insurance protection would extend beyond age 70.

Eligible veterans would be automatically insured unless they elect in writing not to be insured or fail to furnish the Administrator information on which their premiums can be based. Veterans who elected not to be insured could later elect to be insured under certain conditions.

The premiums charged eligible veterans would only cover the cost of insuring standard lives. The Government would bear the administrative cost of the insurance and the cost of the excess mortality attributable to the veterans' disabilities. In general the veterans' premiums would be deducted from their compensation, and the government's contributions to the cost of the insurance would be made from the appropriation for compensation and pensions, veterans' administration.

It is significant that the formal veterans' administration report, among other things, states:

H.R. 18448 proposes to provide the benefit of mortgage protection life insurance to a limited group of veterans with certain serious service-connected disabilities. Few, if any, of these veterans can obtain mortgage protection life insurance from commercial sources. The veterans have suffered greatly and deserve our most sympathetic understanding and consideration, viewing these facts alone, the bill would appear to warrant favorable consideration.

The rates which veterans would probably pay for this insurance are indicated in the chart which follows:

PROPOSED (TENTATIVE) PREMIUM SCHEDULE FOR MORTGAGE INSURANCE ON DISABLED VETERANS QUALIFYING FOR SPECIALLY ADAPTED HOUSING GRANTS UNDER CH. 21, TITLE 38
MONTHLY PREMIUM PER $1,000 OF OUTSTANDING MORTGAGE INDEBTEDNESS AT ISSUE OF INSURANCE

[(1) 8-percent mortgage; (2) 4-percent mortgage]

Age at issue of insurance	Number of years remaining under mortgage at issue of insurance															
	5		10		15		20		25		30		35		40	
	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)
20	0.04	0.04	0.05	0.04	0.05	0.05	0.06	0.05	0.07	0.06	0.08	0.07	0.11	0.09	0.13	0.11
25	.04	.04	.05	.05	.06	.06	.07	.07	.09	.08	.12	.10	.16	.13	.20	.16
30	.05	.05	.06	.06	.08	.07	.11	.09	.14	.12	.19	.16	.24	.20	.31	.25
35	.07	.07	.10	.09	.13	.12	.17	.15	.23	.20	.30	.25	.39	.32	.49	.40
40	.13	.12	.17	.16	.22	.20	.29	.26	.38	.33	.49	.41	.62	.52	.76	.63
45	.21	.21	.28	.26	.37	.33	.48	.42	.62	.52	.78	.66	.96	.81	1.15	.96
50	.36	.34	.46	.43	.60	.55	.77	.69	.98	.86	1.22	1.05	1.46	1.24	1.68	1.43
55	.58	.56	.75	.70	.97	.88	1.23	1.10	1.54	1.35	1.85	1.61	1.25	1.86	2.39	2.09
60	.93	.90	1.20	1.13	1.55	1.42	1.94	1.74	2.36	2.09	2.75	2.43	3.09	2.73	3.33	2.98

Source: Office of Chief Actuary, Insurance Service, Department of Veterans Benefits, July 1970.

It is expected that a maximum of 10,000 veterans are involved at the present time and that about 500 new grants might be made each year.

It is estimated that the death claims will amount to about $1,440,000 a year

which would be a cost to the Government and that that the first year administrative cost could be $200,000 and thereafter approximately $38,000.

Mr. Speaker, it has been suggested and advocated for many years by the leadership of the Paralyzed Veterans of America, and in recent months particularly by its former able executive director, Peter Lassen, that legislation be enacted to provide for the redemption of home mortgage of a service-connected paraplegic or quadriplegic veteran. The gentleman from Mississippi (Mr. MONTGOMERY), has taken a special interest in this and arranged for the sponsorship of this bill which we are considering today. I commend him and the membership of the Subcommittee on Insurance which developed this proposal which is headed by the gentleman from New Jersey (Mr. HELSTOSKI). The other members are the gentleman from California (Mr. BROWN), the gentleman from Mississippi (Mr. MONTGOMERY), the gentlewoman from New York (Mrs. CHISHOLM), the gentleman from Pennsylvania (Mr. SAYLOR), the gentleman from Arkansas (Mr. HAMMERSCHMIDT), and the gentleman from Nebraska (Mr. DENNEY). I also extend my appreciation for assistance we have had in this regard from the private sector who has been most valuable in providing this piece of legislation.

Mr. TEAGUE of California. Mr. Speaker, I rise in support of H.R. 18448. This bill, if enacted into law, will provide mortgage life insurance for certain seriously disabled service connected veterans who have received grants for specially adapted housing.

Under existing law, Mr. Speaker, the Administrator of Veterans' Affairs is authorized to provide a $12,500 grant for specially adapted housing to veterans whose permanent and total service connected disabilities affect balance and propulsion and preclude their locomotion without a wheelchair.

Unfortunately, this magnanimous grant will not purchase the home. In most cases, the veteran purchaser must assume a $20,000 to $25,000 mortgage. Because of their serious disabilities, few, if any, of these veterans can obtain mortgage protection life insurance from commercial sources.

This bill, Mr. Speaker, therefore proposes to provide mortgage life insurance to this small group of seriously disabled veterans at a premium cost not in excess of the premium cost paid by the average citizen for similar protection. The insurance would in most respects be similar to the life insurance coverage provided for servicemen. It would be underwritten by a commercial carrier. The veteran would pay a premium covering the cost of insuring standard lives. The Federal Government would bear the administrative costs of the insurance and the cost of the excess mortality attributable to the veteran's disability.

The Veterans' Administration has estimated that a maximum of 10,000 veterans would be eligible for this insurance at the present time and that about 500 new grants might be made each year in the future. This is sound legislation, Mr. Speaker, and I urge that it be passed.

(Mr. MONTGOMERY, at the request of Mr. TEAGUE of Texas, was granted permission to extend his remarks at this point in the RECORD.)

Mr. MONTGOMERY. Mr. Speaker, this bill which I am happy to have been the principal sponsor of, is a measure which has been advocated for many years, but has never been enacted into law. I hope that with the passage of this bill today the other body will act promptly and that this bill will become law before we adjourn the second session of the 91st Congress.

I want to emphasize, Mr. Speaker, that this bill applies solely to service-connected disabled veterans and of this service-connected group it is restricted to one of the most severely disabled of the service-connected classification; namely, quadriplegics and paraplegics. There are approximately 10,000 of this group involved and all have been eligible for a grant from the Government for a home up to $12,500 under current law. In addition they have been eligible for a guaranteed home loan by the Veterans' Administration and several thousand have taken advantage of this provision while others have gotten commercial loans for the construction of a specially adapted house to meet the needs of their service-connected disability.

The insurance issued would not be payable to the veteran but would only be payable to the holder of the mortgage in case of the death of the veteran, and this is an item which has quite an effect on the morale of the individual so disabled because naturally he wishes to provide for his wife and children after his death. The mortgage redemption insurance, which will be provided by private carrier under a contract between the carrier and the Veterans' Administration, could not exceed $30,000 in any individual case and the insurance would not cover any veteran who is over 70 years of age.

The premiums charged eligible veterans would only cover the cost of insuring standard lives with the Government bearing the administrative costs and the cost of excess mortality attributable to the veterans' disabilities.

The bill was reported unanimously by the Subcommittee on Insurance and is estimated that the death claims would amount to about $1,440,000 a year and that the first year administrative costs would be $200,000 and thereafter be reduced to approximately $38,000.

Mr. Speaker, I am indeed happy that this bill is being considered today and I urge all of my colleagues to vote for this extremely worthwhile measure.

Mr. SAYLOR. Mr. Speaker, I rise in support of H.R. 18448. This bill will authorize mortgage protection life insurance to a limited group of veterans with certain serious service-connected disabilities. These are veterans who are blind or who have suffered disability which precludes locomotion without the aid of wheelchairs or other devices and who require a suitable housing unit with special fixtures or movable facilities therein. Because of the serious nature of the service-connected disabilities of these veterans, few, if any, of them are able to purchase mortgage life insurance.

The bill before you today authorizes the Veterans' Administration to purchase a group mortgage protection life insurance policy from a commercial insurer that would afford the desired protection to individual veterans. The seriously disabled veteran would pay the average premium paid by any citizen for mortgage life insurance. The excess premium occasioned by his serious service-connected disabilities would be paid from appropriations by the Veterans' Administration.

Mr. Speaker, this is a meritorious bill and I urge that it be passed.

Mrs. HECKLER of Massachusetts. Mr. Speaker, I rise in support of H.R. 18448. This bill will provide mortgage insurance for service-connected disabled veterans who have been the recipient of grants for specially adapted housing.

These veterans, for the most part, are paraplegic and quadriplegic veterans. However, any veteran whose disabilities have qualified him for specially adapted housing is eligible for such a grant. The specially adapted housing consists of ramps and other devices for veterans who require a wheelchair or other propulsion device for locomotion.

Because of the serious nature of their disabilities, these veterans are unable to purchase mortgage life insurance protection. The bill before you will authorize the Government to furnish such insurance protection at standard premiums to the veteran. The insurance would be underwritten by a commercial insurer, much in the same manner as the Serviceman's Group Life Insurance coverage. The increased premium resulting from the serious disability of the veteran would be paid by the Federal Government. After the initial group of 10,000 are insured, Mr. Speaker, it is anticipated that not more than 500 new grants might be made each year. This insurance protection is important to the recipients and in view of the seriousness of the service-connected disabilities affecting this group of veterans, the Federal Government can well afford to assume this responsibility. I urge that the bill be passed.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas that the House suspend the rules and pass the bill, H.R. 18448.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EXTENSION OF GUARANTEED HOUSING LOANS—DIRECT LOANS TO PARAPLEGIC VETERANS—PURCHASE OF MOBILE HOMES

Mr. TEAGUE of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 16710) to amend chapter 37 of title 38, United States Code, to authorize guaranteed and direct loans for mobile homes if used as permanent dwellings, to authorize the Administrator to pay certain closing costs for, and interest on, certain loans guaranteed and made under such chapter, to remove the time limitation on the use of entitlement to benefits under such chapter, and for other purposes, as amended.

The Clerk read as follows:

H. R. 16710

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Veterans Housing Act of 1970".

SEC. 2. The last sentence of section 1802 (b) of title 38, United States Code, is amended to read as follows: "Entitlement restored under this subsection may be used at any time."

SEC. 3. (a) Subsection 1803(a) of title 38, United States Code, is amended to read as follows:

"(a) (1) Any loan to a World War II or Korean conflict veteran, if made for any of the purposes, and in compliance with the provisions, specified in this chapter is automatically guaranteed by the United States in an amount not more than 60 per centum of the loan if the loan is made for any of the purposes specified in section 1810 of this title and not more than 50 per centum of the loan if the loan is for any of the purposes specified in section 1812, 1813, or 1814 of this title.

"(2) Any unused entitlement of World War II or Korean conflict veterans which expired under provisions of law in effect prior to the date of enactment of the Veterans Housing Act of 1970 is hereby restored."

(b) Subsection 1803(b) of title 38, United States Code, is amended by deleting "sections 1810 and 1811 of this title," and substituting in place thereof "sections 1810, 1811, and 1819 of this title,".

SEC. 4. Section 1811 of title 38, United States Code, is amended as follows:

(a) by striking out subsection (h) and inserting in lieu thereof the following:

"(h) No loan may be made under this section to any veteran after January 31, 1975, except pursuant to a commitment issued by the Administrator before such date."

(b) by striking out subsection (i) and inserting in lieu thereof the following:

"(i) The Administrator may exempt dwellings constructed through assistance provided by this section from the minimum land planning and subdivision requirements prescribed pursuant to subsection (a) of section 1804 of this title, and with respect to such dwellings may prescribe special minimum land planning and subdivision requirements which shall be in keeping with the general housing facilities in the locality but shall require that such dwellings meet minimum requirements of structural soundness and general acceptability."

(c) by striking out subsection (j) and inserting in lieu thereof the following:

"(j) The Administrator is authorized, without regard to the provisions of subsections (a), (b), and (c) of this section, to make or enter into a commitment to make a loan to any veteran to assist the veteran in acquiring a specially adapted housing unit authorized under chapter 21 of this title, if the veteran is determined to be eligible for the benefits of such chapter 21, and is eligible for loan guaranty benefits under this chapter."

SEC. 5. Section 1818 of title 38, United States Code, is amended (1) by striking out subsections (c) and (d); (2) by redesignating subsection (e) as (c) and amending it to read as follows:

"(c) Notwithstanding the exception in subsection (a) of this section, entitlement derived under such subsection (a) shall include eligibility for any of the purposes specified in sections 1813 and 1815, and business loans under section 1814 of this title, if (1) the veteran previously derived entitlement to the benefits of this chapter based on service during World War II or the Korean conflict, and (2) he has not used any of his entitlement derived from such service."

SEC. 6. (a) Subchapter II of chapter 37, title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 1819. Loans to purchase mobile homes

"(a) Notwithstanding any other provisions of this chapter, any veteran eligible for loan guaranty benefits under this chapter who has maximum home loan guaranty entitlement available for use shall be eligible for the guaranteed or direct mobile home loan benefit provided in this section. Use of such mobile home loan benefit shall preclude the use of any home loan guaranty entitlement under any other section of this chapter until the guaranteed or direct mobile home loan has been paid in full.

"(b) No direct loan for the purchase of a mobile home shall be made from funds available in the direct loan revolving fund unless the site for such home is located in an area designated by the Administrator pursuant to section 1811(b) as a 'housing credit shortage area' for the purpose of providing direct loan financing for the purchase of other than mobile homes. Any such direct loan shall be subject to such requirements and limitations prescribed in this section for guaranteed mobile home loans as may be applicable.

"(c) Any loan to a veteran eligible under subsection (a) shall be guaranteed by the Administrator if (1) the loan is for the purpose of purchasing a new mobile home or for the purchase of a used mobile home which is the security for a prior loan guaranteed or made under this section or for a loan guaranteed, insured or made by another Federal agency, and (2) the loan complies in all other respects with the requirements of this section. Loans for such purpose shall be submitted to the Administrator for approval prior to loan closing except that the Administrator may exempt any lender, or class of lenders, from compliance with such prior approval requirement if he determines that the experience of such lender or class of lenders in mobile home financing warrants such exemption. Upon determining that a loan submitted for prior approval is eligible for guaranty under this section, the Administrator may issue a commitment to guarantee such loan and shall thereafter guarantee the loan made if such loan qualifies therefor in all respects.

"(d) The Administrator's guaranty liability to the holder of the loan shall be 30 per centum of the principal balance of the loan as of the date of the first unsecured default in payment as defined by the Administrator. Payment of such guaranty shall be made only after liquidation of the security for the loan and the filing of an accounting with the Administrator. In such accounting the Administrator may allow the holder of the loan to charge against the liquidation or resale proceeds accrued unpaid interest to such cutoff date as he may establish, and such costs and expenses as he determines to be reasonable and proper.

"(e) Whenever a new mobile home is to be purchased with the proceeds of a proposed loan, the Administrator may forego a determination of the property's reasonable value and establish a maximum loan amount based on the manufacturer's invoice cost to the dealer plus such cost and other factors as the Administrator considers proper to take into account for such purpose. In respect to loans used to purchase used mobile homes the Administrator shall establish a maximum loan amount based on his determination of the reasonable value of the property. No mobile home loan shall be guaranteed if the amount thereof exceeds $10,000 or if the term of the loan exceeds twelve years and thirty-two days. Such limitations on the amount and term of the loan, however, shall not be deemed to preclude the Administrator from consenting to necessary advances for the protection of the property or the holder's security interest, or to a reasonable reamortization or extension of the term of the loan.

"(f) No loan shall be guaranteed under this section unless—

"(1) the loan is repayable in approximately equal monthly installments;

"(2) the terms of repayment bear a proper relationship to the veteran's present and anticipated income and expenses, and the veteran is a satisfactory credit risk;

"(3) the loan will be secured by a first lien (or equivalent security interest) on the property;

"(4) the amount of loan is not in excess of the maximum amount prescribed by the Administrator;

"(5) the veteran certifies, in such form as the Administrator may prescribe; that he will personally occupy the property as his home;

"(6) the mobile home is on a site which is acceptable to the Administrator.

"(7) the interest rate to be charged on the loan does not exceed the permissible rate established by the Administrator.

"(g) The Administrator shall establish such maximum rate of interest for mobile home loans as he determines to be necessary to assure a reasonable supply of mobile home loan financing for veterans under this section.

"(h) A loan to purchase a mobile home to be guaranteed under this section, may be increased (or augmented by a separate loan) not in excess of $5,000 or the reasonable value of the lot as determined by the Administrator, whichever is less, for the acquisition of a fully developed lot on which to place the mobile home. In any such transaction the 30 per centum maximum guaranty authorized in subsection (d) shall be based on the total or combined loan amounts. If a lot owned or to be acquired by the veteran does not have the amenities necessary to make it acceptable to the Administrator as a mobile home site, the loan (or loans) may include funds to pay reasonable costs of such amenities but in any such case the total included in the mobile home purchase loan (or loans) for the acquisition of the undeveloped lot and for the cost of site amenities may not exceed $5,000. The Administrator may authorize the real estate portion of a mobile home loan to be amortized over a term of fifteen years and thirty-two days.

"(i) Entitlement to the benefit used under this section is restored upon repayment of the guaranteed obligations in full.

"(j) The Administrator is hereby authorized and directed to promulgate such regulations as he determines to be necessary or appropriate in order to fully implement the provisions of this section, and in such regulations he may include any of the provisions in other sections of this chapter as he determines to be applicable or appropriate for loans guaranteed or made under this section. The Administrator shall have such powers in respect to matters arising under this section as he has in respect to loans guaranteed or made under other sections of this chapter.

"(k) No loan for the purchase of a mobile home shall be financed through the assistance of this section unless the mobile home meets or exceeds standards for planning, construction, and general acceptability as prescribed by the Administrator. For the purpose of assuring compliance with such standards the Administrator shall from time to time inspect the manufacturing process of mobile homes to be sold to veterans with guaranteed or direct loan financing, and shall make random on-site inspections of mobile homes purchased under this section.

"(l) The Administrator shall require the manufacturer to become a warrantor of any new mobile home purchased with guaranteed or direct-loan financing under this chapter and to furnish to the veteran purchaser a written warranty in such form as the Administrator shall require. Such warranty shall specifically state that the mobile home meets the standards prescribed by the Administra-

tor pursuant to the provisions of subsection (k) of this section. Such warranty shall further provide that the warrantor's liability to the veteran purchaser is limited under the warranty to instances of substantial noncomformity to such standards which become evident within one year from the date of purchase and the veteran purchaser gives written notice to the warrantor not later than ten days after the end of the warranty date. The warranty prescribed herein shall be in addition to and not in derogation of all other rights and privileges which such purchaser may have under any other law or instrument and shall so provide in the warranty document.

"(m) The Administrator is authorized to deny guaranteed or direct loan financing in respect to mobile homes constructed by any manufacturer who declines to permit the inspections provided for in subsection (k) of this section; or which are determined by the Administrator not to conform to the aforesaid standards; or where the manufacturer fails or is unable to discharge his obligations under the warranty.

"(n) The Administrator may refuse to approve as acceptable any site in a mobile home park or subdivision owned or operated by any person or entity whose rental or sale methods, procedures, requirements, or practices are determined by the Administrator to be unfair or prejudicial to veterans renting or purchasing such sites. The Administrator may also refuse to guarantee or make direct loans to veterans to purchase mobile homes offered for sale by any dealer in such homes as to which substantial deficiencies have been discovered, or if he determines that there has been a failure or indicated inability of the dealer to discharge contractual liabilities to veterans, or that the type of contract of sale or the methods, procedures, or practices pursued by the dealer in the marketing of such properties were unfair or prejudicial to veterans purchasers.

"(o) The provisions of section 1804(d) and section 1821 of this chapter shall be fully applicable to lenders making guaranteed mobile home loans and holders of such loans.

"(p) No loans shall be guaranteed by the Administrator under the provisions of this section on and after July 1, 1975, except pursuant to commitments issued prior to such date."

SEC. 7. Clause (3) of section 802 of title 38, United States Code, is amended to read as follows:

"(3) where the veteran elects to remodel a dwelling which is not adapted to the requirements of his disability, acquired by him prior to application for assistance under this chapter, the Administrator shall pay not to exceed (A) the cost to the veteran of such remodeling; or (B) 50 per centum of the cost to the veteran of such remodeling; plus the smaller of the following sums: (i) 50 per centum of the cost to the veteran of such dwelling and the necessary land upon which it is situated, or (ii) the full amount of the unpaid balance, if any, of the cost to the veteran of such dwelling and the necessary land upon which it is situated; and".

SEC. 8. The table of sections at the beginning of chapter 37 of title 38 is amended by inserting immediately after

"1818. Veterans who serve after January 31, 1955."

the following:

"1819. Loans to purchase mobile homes."

SEC. 9. Section 6 of this Act shall become effective ninety days following the date of enactment.

The SPEAKER pro tempore. Is a second demanded?

Mr. TEAGUE of California. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, the bill provides for removal of the termination date on applying for housing loan guarantees administered by the Veterans' Administration. World War II veterans entitlement ended on July 25, 1970. The bill would restore such unused entitlement without time limitation for World War II and Korean veterans. The only time limitation, in the existing program, is January 31, 1975, and applies to direct loans administered by the Veterans' Administration in areas where there is no private financing available for home loans.

The provision for a funding fee of one-half of 1 percent for guaranteed loans is repealed by this measure.

For the first time the Veterans' Administration would be authorized to guarantee loans for the purchase of mobile homes subject to the following requirements:

First. The guarantee may be made for an amount which does not exceed 30 percent of the unpaid balance of the loan amount of a home;

Second. The amount of the loan guaranteed may not exceed $10,000;

Third. The guarantee of the purchase of land on which to erect a mobile home may not exceed $5,000. The $5,000 limitation applies to a fully developed lot and in those cases where the lot does not have the necessary amenities—utilities, sewage, and so forth—the loan may include funds to pay reasonable cost of such amenities, but the cost of the undeveloped land and the cost of such amenities may not exceed the $5,000;

Fourth. The duration of the loan may not exceed 12 years and 32 days;

Fifth. The loan must be repayable in approximately equal monthly installments;

Sixth. The loan must bear a proper relationship to the veteran's present and anticipated income and expenses;

Seventh. The loan must be secured by a first lien on the property;

Eighth. The amount of the loan is not in excess of the maximum amount prescribed by the Administrator;

Ninth. The home will be personally occupied by the veteran as his home;

Tenth. The mobile home is on a site acceptable to the Administrator;

Eleventh. The interest rate to be charged does not exceed the permissible interest rate established by the Administrator;

Twelfth. Direct loans for mobile homes may be made under the same conditions as direct loans are made for standard construction; namely, in areas where there is no private financing; and

Thirteenth. The Administrator shall require the manufacturer of the mobile home to become a warrantor of any new guaranteed or direct loan financing and to furnish the veteran purchaser a written warranty in such form as the Administrator shall require including specifically that the home meets the standards prescribed by the Administrator. Such warranty shall provide that the warrantor's liability to the veteran purchaser is limited to 1 year from the date of the purchase. The Administrator is authorized to deny guaranteed or direct loan financing in respect to mobile homes constructed by any manufacturer who declines to permit inspection for warranty purposes or which are determined not to conform to the standards prescribed by the Administrator. The Administrator may also refuse to approve any site in a mobile home park or subdivision by any person whose rental or sale methods, procedures, requirements, and so forth, are determined by the Administrator to be unfair or prejudicial to veterans renting or purchasing such sites.

Fourteenth. No loans may be made after July 1, 1975.

In extending the loan guarantee and direct loan programs to mobile homes and sites on which these homes may be located, I recognize that the VA will be confronted with unique problems in addition to those ordinarily encountered in the guarantee or making of real estate loans. The mobile home is essentially a manufactured product. The VA is given authority to establish a minimum manufacture or construction standards. The VA is granted authority to establish minimum property and construction requirements for site development, and is given authority to require a manufacturer's warranty for the protection of veteran purchasers. There may be several parties to the transaction involving a mobile home purchase particularly where there is also a site involved. These parties may be the manufacturer of the mobile home unit, the distributor of the mobile home unit, the retailer of the mobile home unit, the rental park operator, and the veteran purchaser. In addition, land may be acquired in the form of a developed site from another party or raw land may be obtained from one party with the necessary site improvements being arranged through another individual. In addition to these parties there will be the institutions and intermediaries providing or arranging the necessary financing.

I expect the VA to carefully consider the roles of the various parties involved in the transaction and to clearly define the nature and the proper extent of the responsibility of each party to the veteran purchaser concerning the manufacture and construction specifications and minimum property requirements established by the VA for the protection of veteran purchasers. The VA is given authority to establish a maximum interest rate which will assure a reasonable supply of mobile home loan financing to veterans. I recognize that in order to attract lender participation in a mobile home loan program, an interest rate must be authorized which is competitive with the rate prevailing in the conventional mobile home loan market.

In addition, the bill provides that service-connected paraplegic and quadriplegic veterans specified in section 801 of title 38, as set forth below, may obtain direct loans to purchase specially adapted housing.

The Administrator is authorized, under such regulations as he may prescribe, to assist any veteran, who is entitled to compensation under chapter 11 of this title, based on service after April 20, 1898, for permanent and total service-connected disability—

(1) Due to the loss, or loss of use, of both

lower extremities, such as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair, or

(2) Which includes (a) blindness in both eyes, having only light perception, plus (b) loss, or loss of use of, one lower extremity, or

(3) Due to the loss, or loss of use of, one lower extremity together with residuals of organic disease or injury which so affect the functions of balance or propulsion as to preclude locomotion without resort to a wheelchair.

Hearings were held on this bill and related proposals on July 14 and 16 before the Subcommittee on Housing.

The cost of this bill, as estimated by the Veterans' Administration, is as follows:

1. *Removal of delimiting dates.*—It is estimated that in the first year there would be 35,000 loans closed which otherwise would not be made under the VA loan program. In 5 years, the cumulative additional loans would be 179,000. It is further estimated that the additional cost for the first year, including both administrative expenses and operational losses, would be $1.6 million, and for 5 years the additional cost would be $24 million, covering both administrative expenses and operational losses.

2. *Direct loans to veterans eligible for assistance under chapter 21.*—It is estimated that approximately 150 eligible veterans would obtain direct loans each year, at an annual administrative cost of approximately $17,500. Outlays for making such loans would be approximately $3,150,000, which would be funded from the direct loan revolving fund and subsequently recovered through loan payments.

3. *Elimination of funding fee.*—It is estimated that in the first-year revenues incoming to the loan guarantee revolving fund would be reduced by $17.3 million. In 5 years, the loss of revenue is estimated at $109 million.

4. *Mobile homes.*—The cost would be minimal.

Mr. Speaker, 2 days of hearings were held by the Subcommittee on Housing headed by the gentleman from Nevada (Mr. BARING) on this bill which we are considering today and related legislation. The subcommittee combined the several proposals into one general bill and has come up with this most worthwhile piece of legislation. I desire to express my appreciation to the subcommittee and its chairman for their efforts. In addition to the gentleman from Nevada (Mr. BARING), the other members of the subcommittee are the gentleman from Texas (Mr. ROBERTS), the gentleman from Virginia (Mr. SATTERFIELD), the gentleman from New Jersey (Mr. HELSTOSKI), the gentleman from California (Mr. EDWARDS), the gentleman from California (Mr. ROYBAL), the gentleman from Ohio (Mr. AYRES), the gentleman from New York (Mr. HALPERN), the gentleman from Tennessee (Mr. DUNCAN), and the gentlewoman from Massachusetts (Mrs. HECKLER).

Mr. SAYLOR. Mr. Speaker, will the gentleman yield to me?

Mr. TEAGUE of Texas. I am glad to yield to the gentleman.

Mr. SAYLOR. In the removal of the delimiting date which is in this bill is there anything in this legislation which would prevent a veteran who got a loan when the loan was lower from now coming in and buying another house for his home and using the remainder of the guarantee?

Mr. TEAGUE of Texas. He can use the unused amount he has.

Mr. SAYLOR. There is nothing in this bill that would change that?

Mr. TEAGUE of Texas. No, sir.

Mr. SAYLOR. But it would extend it along with all of the others who have not used their guarantee?

Mr. TEAGUE of Texas. That is correct.

Mr. TEAGUE of California. Mr. Speaker, I rise in support of H.R. 16710. This bill has several purposes. First, the bill authorizes guaranteed and direct loans under the GI bill for the purchase of mobile homes. Secondly, the bill removes the termination date for entitlement of World War II and Korean conflict veterans to loan guaranty benefits under the GI bill. Finally, it authorizes direct loans for seriously disabled service connected veterans who require specially adapted housing.

Early last year, Mr. Speaker, the President created a Cabinet-level Committee on the Vietnam Veteran to evaluate the effectiveness of the Nation in meeting its responsibilities to today's veteran. The committee's report which was approved by the President on March 26, 1970, contained several recommendations which are embodied in the bill before the House today.

The provision of this bill which authorizes the Veterans' Administration to underwrite the financing of mobile homes will serve to promote an adequate supply of low cost housing for low and moderate income veterans, who have been unable to afford homes in today's market.

The Veterans' Administration guaranty of such loans may not exceed $10,000, nor may it exceed 30 percent of the unpaid balance of the purchase price of the home. Traditionally, the Veterans' Administration is authorized to guaranty a supplemental loan site acquisition for the purchase of land on which the mobile home will be erected. This guaranty may not exceed $5,000. Thus, the total maximum guaranty for a mobile home including the land upon which it will be located will be $15,000. The loan must be repaid in approximately equal monthly installments over a period of not exceeding 12 years and 32 days.

The bill, Mr. Speaker, also contains an administration recommended provision to eliminate the terminal date or delimiting dates prior to which World War II and Korean conflict veterans must act if they are to avail themselves of the opportunity to purchase a home under the provisions of the GI bill. Under existing law there is a phase-out formula, gearing the entitlement period to the length of the veteran's war service and the date of his discharge. Under the formula, each veteran was given entitlement of 10 years from the date of separation from his last period of service plus an additional period of 1 year for each 3 months of active duty. Irrespective of this individual phase-out formula, the law terminated the World War II program on July 25, 1970, and the Korean conflict program will be terminated on January 31, 1975.

The bill before us today, Mr. Speaker, will eliminate these terminal dates, thus restoring the expired entitlement of veterans who have not had an opportunity to avail themselves of the GI home loan benefits. Equity dictates, Mr. Speaker, that this entitlement be extended. There have frequently been periods over the last 20 years when the supply of mortgage financing for GI homes was extremely scarce or nonexistent. For all practical purposes, veterans desiring to utilize the GI home loans during these periods of mortgage credit shortages were denied their eligibility. By extending the eligibility without a terminal date, such veterans will have an opportunity to gear their purchase of a home to the availability of mortgage capital.

Finally, the bill will make direct housing loans available to those seriously disabled veterans who are eligible for assistance in acquiring specially adapted housing. Under existing law, a grant of $12,500 is available to a very limited group of veterans suffering from permanent and total service connected disabilities of such a nature that they require specially adapted housing, such as ramps for wheelchairs instead of steps and other devices to assist in locomotion. Unfortunately, the grant alone is insufficient to obtain an appropriate home, especially in periods of mortgage credit shortages. This provision of the bill, Mr. Speaker, will permit a group of seriously disabled service connected veterans to more readily obtain the housing of their choice with an added assist from the Federal Government.

The bill is a good one. It has considerable merit and I urge that it be passed.

Mr. HOGAN. Mr. Chairman, I am very pleased to see legislation being considered today which is of interest and benefit to the many veterans in the Fifth District of Maryland.

Contained within H.R. 16710 are provisions which will restore to World War II veterans, without limitation, entitlement to housing loan guarantees, which authority expired on July 25 of this year.

Because of prohibitive conditions in the mortgage and housing markets in my district during the past year or more, many World War II and Korean conflict veterans have been unable to take advantage of their eligibility to obtain a housing loan under the authority of Public Law 90–77. As I felt these veterans should not be penalized because of circumstances beyond their control, I introduced legislation in July to provide for a 1-year extension of the eligibility period for World War II veterans. I am happy to see that the committee has seen fit to go beyond a 1-year or short-term extension and has recommended removal of all time limitation on unused entitlement in connection with housing loan guarantees.

This will be especially appreciated in the Fifth District of Maryland where there is presently in effect a moratorium on building construction in five areas covering most of Prince Georges County This moratorium was the result of problems related to the local sewage treatment facilities.

Suburban and State officials, along with the Interior Department, have

agreed that Maryland must provide additional plants to take care of new growth in the county and to cover present sewage treatment requirements. This moratorium will continue to be in effect until the Washington Suburban Sanitary Commission can provide assurances that the present overload situation has been alleviated, which may be a year or more away.

Complete removal of the time limitation will permit veterans to adjust the timing of their home purchases and mortgage credit needs to coincide with favorable market conditions, when sellers and lenders are willing to participate in the loan guarantee program.

Other legislation we are considering today will correct a serious injustice to veterans by increasing the annual income limitations governing payment of pensions to veterans.

Congress last year approved increases in both social security and civil service retirement benefits, followed by an increase in railroad retirement benefits this year. These increases were completely justified, of course, as no one is harder hit by rising cost of living than elderly retirees living on a fixed income.

I am sure the Members are aware that the civil service retirees who reported their November cost-of-living increase at the end of calendar 1969, carrying their income over the limitation permitted under the veterans pension program, suffered a partial or complete loss of veterans benefits as a result. Unfortunately, this bill will not restore lost benefits of the past several months to these pensioners. However, upon its passage into law, affected veterans will once again begin to receive the full benefits to which they are entitled under the veterans pension program.

It is very important that this legislation be acted upon before Congress adjourns for the year, as the number of veterans suffering loss of benefits due to the present income limitations will increase greatly when veterans are required to report their income for calendar 1970.

I urge my colleagues to join with me in supporting the passage of these measures in the interest of our veterans.

Mrs. HECKLER of Massachusetts. Mr. Speaker, I rise in support of H.R. 16710.

As a member of the Housing Subcommittee of the Committee on Veterans' Affairs, wherein this legislation was perfected, I am proud to voice my strong support for the bill and to apprise you of the merit contained therein.

This bill will pump new life into the veterans housing program by reopening for World War II and Korean conflict veterans their right to purchase homes under the GI bill. It will also permit the Veterans' Administration to guarantee loans to purchase mobile homes under the GI home loan program and finally, it will authorize the Veterans' Administration to make direct loans to paraplegic veterans and other seriously disabled veterans who require specially adapted housing.

The continually spiraling cost of housing, Mr. Speaker, has to a great extent forced the low- and middle-income veteran out of the permanent housing market. By authorizing the guaranty of mobile homes under the GI bill, we are providing a means for these veterans to obtain temporary housing until such time as their income will qualify them to purchase more permanent housing. Mobile home financing is already available under the Federal Housing Administration's program. It appears to be a logical move to make such housing available under the GI bill.

Since there have been lengthy periods when mortgage financing for GI home loans was in short supply or unavailable, it would appear to be a reasonable and logical move to reopen the program for veterans of World War II and the Korean conflict.

Certainly, Mr. Speaker, there can be no question about the merit contained in the proposal to extend direct loans to paraplegic veterans who require specially adapted housing. These seriously disabled veterans should not be required to go through the sometimes futile search for mortgage financing to buy a home. This bill will authorize the Veterans' Administration to make direct loans to such veterans.

This bill has considerable merit and it comes to us with the recommendation of the President and his Commission on the Vietnam Veteran. I urge that it be passed.

Mr. SAYLOR. Mr. Speaker, I rise in support of H.R. 16710. This bill, identified as the Veterans' Housing Act of 1970, will implement certain recommendations made by the President's Commission on the Vietnam Veteran. These provisions are: first, the elimination of the delimiting dates for the eligibility of World War II and Korean conflict veterans for GI home loans; second, direct housing loans for certain seriously disabled veterans who are entitled to specially adapted housing; and third, the extension of the loan guaranty program for the purchase of mobile homes.

Mr. Speaker, the President manifested his concern for the returning Vietnam veteran when he created a Cabinet-level committee on June 5, 1969, and charged them with the responsibility of determining how well the Nation was meeting its responsibilities to the Vietnam veteran. The report of the President's committee was approved on March 26, 1970, and on April 1, 1970, a draft bill to accomplish some of the recommendations of the Commission was submitted to the Congress.

After extensive hearings on the draft bill and similar proposals, the bill before you today was reported. It represents the culmination of the mature deliberations of the committee on Veterans' Affairs.

It will permit World War II and Korean conflict veterans who have not yet had the opportunity to avail themselves of G.I. home loans to do so at their personal convenience and when mortgage financing is readily available. The termination date for G.I. home loans for these two categories of veterans is not extended by this legislation, Mr. Speaker, but is eliminated in its entirety so that in the future there will be no terminal dates for entitlement.

Additionally, Mr. Speaker, the bill authorizes the Veterans' Administration to make direct loans to veterans whose serious disabilities make necessary specially adapted housing. Under existing law, a grant of $12,500 is provided to these seriously disabled service connected veterans to defray the costs of the special adaptations required in their housing. The bill before you today will permit the remainder of the mortgage on such housing to be underwritten by a direct Veterans' Administration loan.

Finally, Mr. Speaker, the bill will permit mobile homes and the site upon which such homes will be located to be guaranteed under the GI housing program. The maximum amount of the loan is $10,000 for the mobile home and $5,000 for the land upon which it will be located. Additional provisions contained in the bill will safeguard the interests of both the Government and the veteran.

Mr. Speaker, I support this bill and urge that it be passed.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Texas (Mr. TEAGUE) that the House suspend the rules and pass the bill H.R. 16710, as amended.

The question was taken.

Mr. ASHBROOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 297, nays 0, not voting 133, as follows:

[Roll No. 310]

YEAS—297

Abernethy	Carter	Fountain
Adair	Cederberg	Friedel
Adams	Clancy	Fulton, Pa.
Albert	Clark	Fuqua
Anderson, Calif.	Clausen, Don H.	Gallagher
Anderson, Ill.	Clay	Garmatz
Andrews, Ala.	Cohelan	Gaydos
Andrews, N. Dak.	Collier	Gettys
Annunzio	Collins	Giaimo
Arends	Colmer	Gibbons
Ashbrook	Conable	Gilbert
Ashley	Corbett	Gonzalez
Aspinall	Corman	Goodling
Baring	Coughlin	Gray
Belcher	Cramer	Green, Oreg.
Bennett	Culver	Green, Pa.
Betts	Daniels, N.J.	Griffin
Bevill	Davis, Ga.	Gross
Biaggi	Davis, Wis.	Grover
Biester	de la Garza	Gubser
Bingham	Dellenback	Gude
Blackburn	Denney	Hagan
Blanton	Dent	Haley
Boggs	Derwinski	Hamilton
Bolling	Devine	Hammer-schmidt
Bow	Dingell	Hanley
Brademas	Donohue	Hanna
Brasco	Dorn	Hansen, Wash.
Bray	Downing	Harrington
Brinkley	Dulski	Harsha
Broomfield	Duncan	Harvey
Brotzman	Eckhardt	Hastings
Brown, Calif.	Edmondson	Hathaway
Brown, Ohio	Edwards, Calif.	Hays
Broyhill, N.C.	Edwards, La.	Hechler, W. Va.
Broyhill, Va.	Erlenborn	Heckler, Mass.
Burke, Fla.	Eshleman	Helstoski
Burke, Mass.	Evans, Colo.	Henderson
Burleson, Tex.	Evins, Tenn.	Hicks
Burlison, Mo.	Fascell	Hogan
Burton, Calif.	Feighan	Hosmer
Byrne, Pa.	Findley	Howard
Byrnes, Wis.	Flood	Hull
Cabell	Flowers	Hungate
Caffery	Foley	Hunt
Camp	Ford, Gerald R.	Hutchinson
Carey	Ford, William D.	Ichord
		Jacobs

Jarman	Morgan	Sandman
Johnson, Calif.	Morse	Saylor
Jonas	Morton	Schadeberg
Jones, Ala.	Mosher	Schmitz
Jones, Tenn.	Moss	Schwengel
Kastenmeier	Murphy, Ill.	Scott
Kazen	Myers	Sebelius
Kee	Natcher	Shipley
Keith	Nedzi	Shriver
King	Nelsen	Sikes
Kleppe	Nichols	Sisk
Kluczynski	Nix	Skubitz
Kyl	Obey	Smith, Calif.
Kyros	O'Hara	Smith, Iowa
Landgrebe	O'Neal, Ga.	Stafford
Langen	O'Neill, Mass.	Staggers
Latta	Passman	Stanton
Leggett	Patten	Steed
Lennon	Pelly	Steiger, Ariz.
Long, Md.	Pepper	Steiger, Wis.
Lujan	Perkins	Stephens
Lukens	Philbin	Stokes
McClory	Pickle	Stubblefield
McCloskey	Pike	Stuckey
McClure	Pirnie	Sullivan
McDade	Poage	Symington
McDonald, Mich.	Podell	Talcott
	Poff	Taylor
McMillan	Pollock	Teague, Calif.
Macdonald, Mass.	Preyer, N.C.	Teague, Tex.
	Price, Ill.	Thomson, Wis.
Mahon	Price, Tex.	Tiernan
Mailliard	Pryor, Ark.	Vander Jagt
Mann	Railsback	Vanik
Marsh	Randall	Waggonner
Martin	Rarick	Watts
Mathias	Rees	Weicker
Matsunaga	Reid, Ill.	Whalen
May	Reid, N.Y.	White
Meeds	Reuss	Whitten
Meskill	Rhodes	Wiggins
Michel	Riegle	Winn
Mikva	Rivers	Wright
Miller, Calif.	Roberts	Wyatt
Miller, Ohio	Robison	Wylie
Mills	Rodino	Wyman
Minish	Roe	Yates
Mink	Rooney, N.Y.	Yatron
Minshall	Rooney, Pa.	Young
Mollohan	Rostenkowski	Zablocki
Monagan	Roth	Zion
Montgomery	Ruth	
Moorhead	Ryan	

NAYS—0

NOT VOTING—133

Abbitt	Fish	Pucinski
Addabbo	Fisher	Purcell
Alexander	Flynt	Quie
Anderson, Tenn.	Foreman	Quillen
	Fraser	Reifel
Ayres	Frelinghuysen	Rogers, Colo.
Barrett	Frey	Rogers, Fla.
Beall, Md.	Fulton, Tenn.	Rosenthal
Bell, Calif.	Galifianakis	Roudebush
Berry	Goldwater	Rousselot
Blatnik	Griffiths	Roybal
Boland	Hall	Ruppe
Brock	Halpern	St Germain
Brooks	Hansen, Idaho	Satterfield
Brown, Mich.	Hawkins	Scherle
Buchanan	Hébert	Scheuer
Burton, Utah	Holifield	Schneebeli
Bush	Horton	Slack
Button	Johnson, Pa.	Smith, N.Y.
Casey	Jones, N.C.	Snyder
Celler	Karth	Springer
Chamberlain	Koch	Stratton
Chappell	Kuykendall	Taft
Chisholm	Landrum	Thompson, Ga.
Clawson, Del	Lloyd	Thompson, N.J.
Cleveland	Long, La.	Tunney
Conte	Lowenstein	Udall
Conyers	McCarthy	Ullman
Cowger	McCulloch	Van Deerlin
Crane	McEwen	Vigorito
Cunningham	McFall	Waldie
Daddario	McKneally	Wampler
Daniel, Va.	MacGregor	Watson
Dawson	Madden	Whalley
Delaney	Mayne	Whitehurst
Dennis	Melcher	Widnall
Dickinson	Mize	Williams
Diggs	Mizell	Wilson, Bob
Dowdy	Murphy, N.Y.	Wilson, Charles H.
Dwyer	O'Konski	
Edwards, Ala.	Olsen	Wold
Eilberg	Ottinger	Wolff
Esch	Patman	Wydler
Fallon	Pettis	Zwach
Farbstein	Powell	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Blatnik with Mr. Burton of Utah.
Mr. Brooks with Mr. Clawson of Delaware.
Mr. Delaney with Mr. Cowger.
Mr. Farbstein with Mr. McCulloch.
Mr. Thompson of New Jersey with Mr. McKneally.
Mr. Fulton of Tennessee with Mr. Brock.
Mr. Karth with Mr. Bush.
Mr. Lowenstein with Mr. MacGregor.
Mr. Wolff with Mr. Horton.
Mr. Addabbo with Mr. Beall of Maryland.
Mr. Rogers of Colorado with Mr. Hansen of Idaho.
Mr. Casey with Mr. Cleveland.
Mr. Stratton with Mr. Button.
Mr. Vigorito with Mr. Reifel.
Mr. Flynt with Mr. Johnson of Pennsylvania.
Mr. Tunney with Mrs. Chisholm.
Mr. Ottinger with Mr. Schneebeli.
Mr. Chappell with Mr. Floyd.
Mr. McFall with Mr. Snyder.
Mr. Eilberg with Mr. Powell.
Mr. Daddario with Mr. Quie.
Mr. Purcell with Mr. Roudebush.
Mr. Roybal with Mr. Taft.
Mr. Anderson of Tennessee with Mr. Kuykendall.
Mr. Barrett with Mr. Watson.
Mr. Boland with Mr. Ayres.
Mr. Celler with Mr. Conyers.
Mr. Dowdy with Mr. Brown of Michigan.
Mr. Murphy of New York with Mr. Whitehurst.
Mr. Melcher with Mr. Thompson of Georgia.
Mr. McCarthy with Mr. Widnall.
Mr. Fallon with Mr. Chamberlain.
Mr. Long of Louisiana with Mr. Edwards of Alabama.
Mr. Charles H. Wilson with Mr. Pettis.
Mr. Alexander with Mr. O'Konski.
Mr. Scheuer with Mr. Diggs.
Mr. Holifield with Mr. Goldwater.
Mr. Jones of North Carolina with Mr. Conte.
Mr. Udall with Mr. Berry.
Mr. Patman with Mrs. Dwyer.
Mr. Olsen with Mr. Buchanan.
Mr. Fisher with Mr. Dennis.
Mr. Rosenthal with Mr. Halpern.
Mr. Abbitt with Mr. Esch.
Mr. Pucinski with Mr. Ruppe.
Mr. St Germain with Mr. Frelinghuysen.
Mr. Slack with Mr. Mize.
Mr. Van Deerlin with Mr. Fish.
Mr. Landrum with Mr. Dickinson.
Mr. Kochs with Mr. Hawkins.
Mr. Satterfield with Mr. Rousselot.
Mr. Ullman with Mr. Smith of New York.
Mr. Waldie with Mr. Bell of California.
Mr. Fraser with Mr. Dawson.
Mr. Galifianakis with Mr. Wydler.
Mr. Bob Wilson with Mr. Daniel of Virginia.
Mr. Whalley with Mr. Wold.
Mr. Madden with Mr. Foreman.
Mrs. Griffiths with Mr. Frey.
Mr. Hébert with Mr. Cunningham.
Mr. Rogers of Florida with Mr. Crane.
Mr. McEwen with Mr. Zwach.
Mr. Hall with Mr. Scherle.
Mr. Williams with Mr. Wampler.
Mr. Quillen with Mr. Mayne.
Mr. Springer with Mr. Mizell.

The result of the vote was announced as above recorded.

The doors were opened.

The title was amended so as to read: "An Act to amend chapter 37 of title 38, United States Code, to remove the time limitations on the use of entitlement to loan benefits, to authorize guaranteed and direct loans for the purchase of mobile homes, to authorize direct loans for certain disabled veterans, and for other purposes."

A motion to reconsider was laid on the table.

KING RANGE NATIONAL CONSERVATION AREA, CALIF.

Mr. ASPINALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 12870) to provide for the establishment of the King Range National Conservation Area in the State of California, as amended.

The Clerk read as follows:

H.R. 12870

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior (hereinafter referred to as the "Secretary") is hereby authorized and directed, after compliance with sections 3 and 4 of this Act, to establish, within the boundaries described in section 10 of this Act, the King Range National Conservation Area in the State of California (hereinafter referred to as the "Area"), and to consolidate and manage the public lands in the area with the purpose of conserving and developing, for the use and benefit of the people of the United States, the lands and other resources therein under a program of multiple usage and of sustained yield.

SEC. 2. (a) In the management of lands in the area, the Secretary shall utilize and develop the resources in such a manner as to satisfy all legitimate requirements for the available resources as fully as possible without undue denial of any of such requirements and without undue impairment of any of the resources, taking into consideration total requirement and total availability of resources, irrespective of ownership or location.

(b) The policy set forth in subsection (a) implies—

(1) that there will be a comprehensive, balanced, and coordinated plan of land use, development, and management of the Area, and that such plan will be based on an inventory and evaluation of the available resources and requirements for such resources, and on the topography and other features of the Area.

(2) that the plan will indicate the primary or dominant uses which will be permitted on various portions of the Area.

(3) that the plan will be based on a weighing of the relative values to be obtained by utilization and development of the resources for alternative possible uses, and will be made with the object of obtaining the greatest values on a continuing basis, and that due consideration will be given to intangible values as well as to tangible values such as dollar return or production per unit.

(4) that secondary or collateral uses may be permitted to the extent that such uses are compatible with and do not unduly impair the primary or dominant uses, according to a seasonal schedule or otherwise.

(5) that management of the renewal resources will be such as to obtain a sustained, regular, or periodic yield or supply of products or services without impairment of the productivity, or the enjoyment or carrying capacity of the land.

(6) that the plan will be reviewed and reevaluated periodically.

(7) that the resources to be considered are all the natural resources including but not limited to the soils, bodies of water including the shorelines thereof, forest growth including timber, vegetative cover including forage, fish, and other wildlife, and geological resources including minerals.

(8) that the uses to be considered are all of the legitimate uses of such resources including but not limited to all forms of outdoor recreation including scenic enjoyment, hunting, fishing, hiking, riding, camping, picnicking, boating, and swimming, all uses of water resources, watershed management, production of timber and other forest producers, grazing and other agricultural uses, fish and

wildlife management, mining, preservation of ecological balance, scientific study, occupancy and access.

SEC. 3. The Secretary shall use public and private assistance as he may require, for the purpose of preparing for the Area a program of multiple usage and of sustained yield of renewal natural resources. Such program shall include but need not be limited to (1) a quantitative and qualitative analysis of the resources of the Area; (2) the proposed boundaries of the Area; (3) a plan of land use, development, and management of the Area together with any proposed cooperative activities with the State of California, local governments, and others; (4) a statement of expected costs and an economic analysis of the program with particular reference to costs to the United States and expected economic effects on local communities and governments; and (5) an evaluation by the Secretary of the program in terms of the public interest.

SEC. 4. The Secretary shall establish the Area after a period of at least ninety calendar days from and after the date that he has (1) submitted copies of the program required by section 3 to the President of the Senate and the Speaker of the House of Representatives, the Governor of the State of California, and the governing body of the county or counties in which the area is located and (2) published a notice of intention to establish the area in the Federal Register and in at least two newspapers which circulate generally within the Area.

SEC. 5. The Secretary is authorized—

(1) to conduct a public hearing or hearings to receive expression of local views relating to establishment of the area.

(2) to acquire by donation, by purchase with donated funds or with funds appropriated specifically for that purpose, or by exchange, any land or interest in land within the area described in section 10 which the Secretary, in his judgment, determines to be desirable for consolidation of public lands within the Area in order to facilitate efficient and beneficial management of the public lands or otherwise to accomplish the purposes of this Act: *Provided*, That the Secretary may not acquire, without the consent of the owner, any such lands or interests therein which are utilized on the effective date of this Act for residential, agricultural, or commercial purposes so long as he finds such property is devoted to uses compatible with the purposes of this Act. Any lands or interests in lands acquired by the United States under the authority of this section shall, upon acceptance of title, become public lands, and shall become a part of the area subject to all the laws and regulations applicable thereto.

(3) in the exercise of his authority to acquire land or interests in land by exchange under this Act, to accept title to any non-Federal land located within the Area and to convey to the grantor of such land not to exceed an equal value of surveyed, unappropriated, and unreserved public lands or interests, in lands and appropriated funds when in his judgment the exchange will be in the public interest, and in accordance with the following:

(A) The public lands offered in exchange for non-Federal lands or interests in non-Federal lands must be in the same county or counties, and must be classified by the Secretary as suitable for exchange. For a period of five years, any such public lands suitable for transfer to nonpublic ownership shall be classified for exchange under this Act.

(B) If the lands or interests in lands offered in exchange for public lands have a value at least equal to two-thirds of the value of the public lands, the exchange may be completed upon payment to the Secretary of the difference in value, or the submittal of a cash deposit or a performance bond in an amount at least equal to the difference in value assuring that additional lands acceptable to the Secretary and at least equal to the difference in value will be conveyed to the Government within a time certain to be specified by the Secretary.

(C) If the public lands offered in exchange for non-Federal lands or interests in non-Federal lands have a value at least equal to two-thirds of the value of the non-Federal lands, the exchange may be completed upon payment by the Secretary of the difference in value.

(D) Either party to an exchange under this Act may reserve minerals, easements, or rights of use either for its own benefit, for the benefit of third parties, or for the benefit of the general public. Any such reservation, whether in lands conveyed to or by the United States, shall be subject to such reasonable conditions respecting ingress and egress and the use of the surface of the land as may be deemed necessary by the Secretary. When minerals are reserved in a conveyance by the United States, any person who prospects for or acquires the right to mine and remove the reserved mineral deposits shall be liable to the surface owners according to their respective interests for any actual damage to the surface or to the improvements thereon resulting from prospecting, entering, or mining operations; and such person shall, prior to entering, either obtain the surface owner's written consent, or file with the Secretary a good and sufficient bond or undertaking to the United States in an amount acceptable to the Secretary for the use and benefit of the surface owner to secure payment of such damages as may be determined in an action brought on the bond or undertaking in a court of competent jurisdiction.

(4) in the exercise of his authority to purchase lands under this Act to pay for any such purchased lands their fair market value, as determined by the Secretary, who may, in his discretion, base his determination on an independent appraisal obtained by him.

(5) to identify the appropriate public uses of all of the public lands and interests therein within the Area. Disposition of the public lands within the Area, or any of the lands subsequently acquired as part of the area, is prohibited, and the lands in the Area described in section 10 of this Act are hereby withdrawn from all forms of entry, selection, or location under existing or subsequent law, except as provided in section 7 of this Act. Notwithstanding any provision of this section, the Secretary may (A) exchange public lands or interests therein within the area for privately owned lands or interests therein also located within the area, and (B) issue leases, licenses, contracts, or permits as provided by other laws.

(6) to construct or cause to be constructed and to operate and maintain such roads, trails, and other access and recreational facilities in the area as the Secretary deems necessary and desirable for the proper protection, utilization, and development of the area.

(7) to reforest and revegetate such lands within the area and install such soil- and water-conserving works and practices to reduce erosion and improve forage and timber capacity as the Secretary deems necessary and desirable.

(8) to enter into such cooperative arrangements with the State of California, local governmental agencies, and nonprofit organizations as the Secretary deems necessary or desirable concerning but not limited to installation, construction, maintenance, and operation of access and recreational facilities, reforestation, revegetation, soil and moisture conservation, and management of fish and wildlife including hunting and fishing and control of predators.

The Secretary shall permit hunting and fishing on lands and waters under the jurisdiction within the boundaries of the recreation area in accordance with the applicable laws of the United States and the State of California, except that the Secretary may designate zones where, and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, fish and wildlife management, or public use and enjoyment. Except in emergencies, any regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State fish and game department.

(9) to issue such regulations and to do such other things as the Secretary deems necessary and desirable to carry out the terms of this Act.

SEC. 6. (a) Subject to valid existing rights, nothing in this Act shall affect the applicability of the United States mining laws on the federally owned lands within the Area, except that all prospecting commenced or conducted and all mining claims located after the effective date of this Act shall be subject to such reasonable regulations as the Secretary may prescribe to effectuate the purposes of this Act. Any patent issued on any mining claim located after the effective date of this Act shall recite this limitation and continue to be subject to such regulations. All such regulations shall provide, among other things, for such measures as may be reasonable to protect the scenic and esthetic values of the Area against undue impairment and to assure against pollution of the streams and waters within the Area.

(b) Nothing in this section shall be construed to limit or restrict rights of the owner or owners of any existing valid mining claim.

SEC. 7. Except as may otherwise be provided in this Act, the public lands within the area shall be administered by the Secretary under any authority available to him for the conservation, development and management of natural resources on public lands in California withdrawn by Executive Order Numbered 6910, dated November 26, 1934, to the extent that he finds such authority will further the purposes of this Act.

SEC. 8. The objectives of Executive Order Numbered 5237, dated December 10, 1929, which withdrew certain public lands for classification, having been accomplished by the enactment of this Act, that Executive order is hereby revoked effective as of the date the Secretary establishes the area.

SEC 9. (a) The survey and investigation area referred to in the first section of this Act is described as follows:

MOUNT DIABLO MERIDIAN, CALIFORNIA

Township 5 south, range 1 east, all sections in township.

Township 5 south, range 2 east, section 6, lots 4 through 9; 16 through 21; and 24 through 26; section 7, lots 2 through 7; 10 through 15; section 18, lots 1 through 16; section 19, lots 1 through 16; southwest quarter northeast quarter and west half southeast quarter and sections 30 and 31; section 32, southwest quarter northeast quarter; south half northwest quarter; northwest quarter northwest quarter; southwest quarter and west half southeast quarter.

Township 4 south, range 1 west, all sections in township.

Township 4 south, range 1 east; section 4, south half; south half northeast quarter and south half northwest quarter; section 5 through 9; 15 through 23; section 24, west half; section 25, west half; sections 26 through 35; section 36, lots 3 through 5 and 8 through 11 and southeast quarter.

Township 4 south, range 2 east, section 31, west half southeast quarter and southwest quarter.

Township 3 south, range 2 west, section 12, southeast quarter southeast quarter; sections 13 through 16 and 22 through 25.

Township 3 south, range 1 west, section 9, southwest quarter southwest quarter; section 12, south half southeast quarter and south half southwest quarter; sections 13 through 36.

Township 3 south, range 1 east, section 18,

lots 1 through 4; section 19, lots 1 and 2, southwest quarter and west half southeast quarter; section 29, southwest quarter northwest half southeast quarter and southwest quarter; sections 30 and 31; section 32, west half.

Township 2 south, range 2 west, section 31, north half of lot 2 of the southwest quarter (43.40 acres of public land withdrawn by Executive Order 5237 of December 10, 1929); and 22.8 acres of acquired fee lands described by metes and bounds in section 31, township 2 south, range 2 west, and section 36, township 2 south, range 3 west; and 31.27 acres of acquired easements described by metes and bounds across certain sections in township 2 south, ranges 2 and 3 west.

(b) In addition to the lands described in subsection (a) of this section, the Secretary is authorized to acquire such land outside the area but in close proximity thereto as is necessary to facilitate sound management. Acquisition hereunder shall, however, not exceed three hundred and twenty acres and shall be limited to such purposes as headquarters facility requirements, ingress and egress routes and, where necessary, to straighten boundaries or round out acquisitions.

SEC. 10. There are authorized to be appropriated such sums as may be necessary to accomplish the purposes of this Act, but not to exceed $1,500,000 for the purchase of lands and interests in lands and not to exceed $3,500,000 for the construction of improvements.

The SPEAKER pro tempore. Is a second demanded?

Mr. SAYLOR. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. ASPINALL. Mr. Speaker, I rise in support of H.R. 12870 and would like to briefly explain the purpose and need for this legislation.

H.R. 12870, as amended and approved by the Committee on Interior and Insular Affairs, directs the Secretary of the Interior to establish the Kings Range National Conservation Area in Southern Humboldt and Northern Mendocino Counties, Calif. It further directs the Secretary to consolidate and manage the public lands within the area under a program of multiple use and sustained yield. In order to accomplish this, the proposal provides the Secretary with certain additional management tools to facilitate land exchanges and to block up the public lands. The present land pattern is fragmented and presents a checkerboard pattern of intermingled private and Federal land that does not work to the benefit of either party. The blocking up program will be accomplished primarily by an exchange program, but provision is also made for other forms of land acquisition. The successful accomplishment of the objectives of H.R. 12870 will enable both the Government and the private parties to manage their lands in a better and more efficient manner.

The resources of this area are varied and unique. They include the mountainous and relatively undeveloped King Range adjacent to the Pacific coast. The tract contains seashore, mountains, meadows, and some primitive area near the coast that is virtually untouched by man. Included are more than 9 miles of the most beautiful and rugged coastline in California. The recreational potential is outstanding but undeveloped largely due to the relative isolation and inaccessibility of the area.

However, in addition to the area's value and potential for recreational purposes, it is also rich in other natural resources and uses. A number of fine private sheep ranches adjoin the King Range area on the north and make grazing use in the area. The area is also endowed with substantial timber resources with Douglas fir being the predominant commercial timber type. Timber resources are estimated at about 240 million board feet of merchantable size. The timber potential, with proper reforestation and management practices, is much larger.

The public lands in this area are presently managed by the Bureau of Land Management. H.R. 12870 will not change this, but it will provide that agency with additional management tools and funds in order that better management practices may be followed.

One of the unique features of H.R. 12870 is that it does not contemplate or intend to eliminate private holdings or private enterprise within the area. These private holdings and interests are expected and will be encouraged to continue and to contribute to the overall economy and attractiveness of the area. However, in order to properly safeguard certain overriding values in the area, provision is made that private uses within the area must conform to the overall purpose of the conservation area. Should it develop that certain activities in certain areas are clearly detrimental and injurious to the total values, then the Secretary has authority to conform or eliminate these uses by acquisition or as a last resort by condemnation. It should be made clear, however, and it appears to be worth restating, that the objective of this proposal is not to eliminate private interests, nor to obtain complete control of all land within the area by eliminating private enterprise. The objective is to develop a multiple use area where resource development, recreation, private interests, and public values can all go forward together in a degree of harmony and compatibility. Only when private uses are clearly incompatible will they be curtailed.

The committee is not unaware of the problems that may develop in harmonizing the varied uses and interests. However, in this area present uses are not presently inconsistent with public interests. Thus, grazing use will continue as will timber production. Hunting and fishing will be permitted with certain necessary safeguards for public safety and management practices. Mineral activity and development is authorized, and should be encouraged, subject to certain statutory safeguards spelled out in the proposal that are designed to protect environmental and scenic values.

Several amendments to H.R. 12870 were recommended by the Department of the Interior in the reports of October 1, 1969, and May 12, 1970. The committee considered and adopted these recommended amendments. Therefore, the bill, as amended, is fully supported by the Department of the Interior.

The cost of H.R. 12870 is not large. In fact, when compared with many other land acquisition and development programs on the public lands, it is a real bargain. H.R. 12870 carries an authorization of $1,500,000 for land acquisition and $3,500,000 for improvement. The $1,500,000 will be used to equalize values in the land exchanges program and to purchase certain key tracts where an exchange is not feasible. The $3,500,000 will be used for the construction of access roads, trails, campgrounds, and other necessary facilities. These expenditures will be spread over a number of years. Therefore, the estimated first year expenditure for H.R. 12870 has been placed at $300,000. This is a small expenditure for the values involved, and the benefits that will flow to the public.

Mr. Speaker, I think H.R. 12870 is sound and brings forward a concept in public land management that has been needed for a long time. I fully endorse this proposal and urge its enactment.

Mr. SAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation to provide for the establishment of the King Range National Conservation Area in the State of California.

The King Range area is a rough, rugged mountainous area in Northern Mendocino and Southern Humboldt Counties in California. This remote and roadless area facing the Pacific is known as California's "unknown coast" and is most difficult of access. Most of the existing roads in the area are suitable only for four-wheel drive vehicles. The lands in this area are highly valuable for a wide variety of uses. The King Range offers opportunities for scenic and recreation values with spectacular stretches of seashore, beautiful remote beaches and coves, magnificent forested areas, and many species of wildlife. In addition, the King Range area is adjoined by a number of private sheep ranches and grazing is an important use of the area. Mining and timber resources are also actively pursued in the area.

Because of the lack of access and the land ownership patterns, proper management of the public lands in the area is complicated. There are separate parcels of public land checkerboarded and otherwise intermingled among private holdings, and small parcels of private lands isolated within public holdings. This intermingled and complicated land ownership pattern obviously does not permit efficient management of either the private or public lands.

H.R. 12870 will assist in the effective administration of these lands under multiple use principles by directing the Secretary of the Interior to establish the King Range National Conservation Area. Under the terms of this bill, the Secretary will survey, investigate, and study an area of 51,000 acres, which includes approximately 31,000 acres of public lands. The bill directs the Secretary to consolidate and manage the public lands in the area for the purpose of conserving and developing the lands and their resources in accordance with a comprehensive, coordinated land use plan.

The bill authorizes the appropriation of $1,500,000 for the acquisition of lands

and interests in lands and $3,500,000 for the construction of improvements.

Mr. Speaker, H.R. 12870 is a true conservation bill based upon the concept and principles of multiple use. I urge the rules be suspended and the bill be passed.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Speaker, I rise to strongly support the legislation before us and to extend my deep appreciation to Chairman ASPINALL, Mr. SAYLOR, the ranking minority member, Mr. BARING, Mr. KYL, and all the members of the Public Lands Subcommittee and the full Interior Committee for their cooperation and support of this new and innovative conservation measure.

For many years, we have held numerous meetings, corresponded, and communicated with the people of Humboldt County, the Mattole Action Committee, headed by Knowles Clark and Ken Roscoe, the Humboldt County Board of Supervisors and the various agencies of the Federal Government and their personnel.

I also want to single out for appreciation, Mr. John Gromala, an attorney from Fortuna, who was very helpful in coordinating the activities as we worked out the finally accepted compromise bill now approved unanimously by the committee and, hopefully, by the House today.

Our Interior Committee staff members, Sid McFarland, Bill Schaefer, Charles Leppart, and Lee McElvain, have given us untold man-hours of assistance, for which I shall be eternally grateful.

I believe this will prove to be a proud day in the history of Congress because this King Range conservation package is a real conservation gem that will provide much in the way of benefits to the American people and the people of southern Humboldt and northern Mendocino Counties.

Mr. Speaker, as the author of the measure now before us, H.R. 12870, to create the King Range National Conservation Area, I would like to briefly explain the purposes and some of the provisions of the legislation.

The primary purposes of this legislation are to facilitate the land exchange objectives of the Department of the Interior and to enhance their land consolidation objectives, conservation, and true multiple use of all resources.

The present ownership pattern in this area of northern California is "checkerboard" in nature with intermingled public and private ownership. This landownership pattern, has, as testimony to the committee brought out, created very serious right-of-way and access problems for both the private and public sector. In addition, this pattern has limited the ability of both the Bureau of Land Management and private landowners to properly manage their lands.

Of the total acreage, the Bureau of Land Management controls approximately 31,500 acres, with the remaining 13,000 acres held in private ownership. Much of this 13,000 acres will be acquired through exchange for public lands, outside the planning unit, located in the same county. There will, of course, be some cash required to make up the difference where land values, in the exchange process, do not come out even. The legislation authorizes $1,500,000 for this purpose, and land acquisition when exchange is not feasible or practical.

The boundaries of the conservation area coincide roughly with the boundaries of the BLM's King Range planning unit, but effective management of that unit is hampered by the aforementioned "checkerboard" landownership.

The present use of these land units currently is livestock grazing, but trespassing and destruction of private property by those attempting to gain entry to the federally held lands have disrupted the lives and economies of the private landholders. In my judgment, this legislation, now before the House, can eliminate these problems to a large extent, if not, in fact, entirely.

By the use of the exchange method, outstanding wilderness, recreation, and grazing area can be created at a very minimal cost to the taxpayers. As stated previously, the bill authorizes $1.5 million to make up the differences in price that might exist in the values of the lands being exchanged, or for acquisition. In addition, $3.5 million is authorized for access road and minimal recreation facility development, once the exchanges are completed and the lands consolidated.

Once this consolidation is completed, it will greatly enhance the local tax base, since the private land units will become more productive. For this reason, the Board of Supervisors of Humboldt County, where the conservation area is located, has indicated its complete support of the legislation.

The bill also has the support of the conservation groups that recognize the wilderness and recreation potential of the area. These groups have endorsed this concept of conservation, one that includes all aspects of conservation in one package, because of the uniqueness of the area.

Local residents, as well, have endorsed this proposal and, as a matter of fact, they have joined together into a committee to urge the Congress to take action on this proposal.

I would like to take just a moment to include at this point three specific areas of concern that are covered by the committee report; namely, condemnation authority, predator control, and land classification. The following are taken directly from the report:

1. CONDEMNATION AUTHORITY

The committee recognizes and agrees that limited condemnation authority is necessary to enable the Secretary to properly manage the area and to assure that future uses and activities are kept in harmony. It is the committee's understanding, however, that any acquisition of private property, without the consent of the owner, will be made only when there is a clear showing that the use of the property is not compatible with the overall purposes and objectives of the proposal. It is the committee's understanding that prior to acquiring any property without the consent of the owner, it will first be appraised at its full fair market value and an offer to purchase made on that basis. Acquisition by condemnation will be used only when other methods are unsuccessful. As indicated earlier, one of the unique and desirable features of H.R. 12870 is the continuation of private uses and activities within the area.

2. FISH AND GAME PREDATOR CONTROL

In order to establish some legislative history, I want to make it abundantly clear that the local people do not want any change in the present predator animal programs in effect and I fully support their position.

The committee adopted the recommendations suggested by the Department pertaining to fishing, hunting, and predator control within the area. These activities will continue under the applicable laws of the United States and the State of California. Any predator control measures carried out within the area should recognize and give consideration to the need to protect private as well as public lands and interests. However, the Secretary may restrict or prohibit any or all such activities when it is necessary for safety or proper use and management of the area. Except in emergencies any change in regulations or use will be made in cooperation with the State fish and game department.

3. LAND CLASSIFIED FOR EXCHANGE

In adopting the amendment for the classification of public land suitable for exchange, the committee recommends a period of 5 rather than the 2 years as suggested by the Department. Land exchanges frequently involve long and complicated negotiations, and the 2-year period was considered to be insufficient time to permit many exchanges to be completed. The committee expects the Secretary to classify tracts of public land as suitable for exchange that are fully representative of the public land values in the area and in amounts sufficient to encourage the consummation of the exchange program.

As the author of this legislation, I would like to indicate my strong support for the intent of this legislation as described by the committee. These positions are the result of 8 years of working with the Department, the committee, and those who will be most affected by the creation of the King Range National Conservation Area, the residents of the county and county government.

This conservation area would be the central unit in my regional conservation plan, which I have termed "Redwoods-to-the-Sea." The 90th Congress authorized the northern portion, the Redwood National Park, and just this past April, the current Congress authorized the necessary funds to complete the Southern section, the Point Reyes National Seashore in Marin County.

Mr. Speaker, with the establishment of the King Range National Conservation Area, coupled with the Redwood National Park and Point Reyes, the north coast of California will have a conservation, recreation, and wilderness complex that will be second to none in the world today.

And, because of the uniqueness of the proposal, we will have an opportunity of creating a public domain, and at the same time, enhancing the local tax base, plus providing to future generations a true conservation area at minimal expense to the taxpayer.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the motion of the gentleman from Colorado that the House suspend the rules and pass the bill H.R. 12870, as amended.

The question was taken; and (two thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

BOUNDARY OF EVERGLADES NATIONAL PARK, FLA.

Mr. TAYLOR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 17789) to amend the act fixing the boundary of Everglades National Park, Fla., and authorizing the acquisition of land therein, in order to increase the authorization for such acquisitions, as amended.

The Clerk read as follows:

H.R. 17789

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8(a) of the Act entitled "An Act to fix the boundary of Everglades National Park, Florida, to authorize the Secretary of the Interior to acquire land therein, and to provide for the transfer of certain land not included within said boundary, and for other purposes", approved July 2, 1958 (72 Stat. 280) as amended (83 Stat. 134; 16 U.S.C. 410p), is amended by striking out "$2,000,000" and inserting in lieu thereof "$22,000,000".

SEC. 2. The second sentence of section 2 of the said Act of July 2, 1958, is amended by inserting a period after the word "otherwise" and deleting the remainder of the sentence.

The SPEAKER pro tempore. Is a second demanded?

Mr. SAYLOR. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. TAYLOR. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. ASPINALL).

Mr. ASPINALL. Mr. Speaker, the legislation now before the House is H.R. 17789 which was introduced by Representative HALEY of Florida. An identical bill, introduced by Representative FASCELL, and a similar bill approved by the other body were also considered by the Committee on Interior and Insular Affairs.

Everyone in this House is familiar with the Everglades National Park in the State of Florida which this legislation involves. It ranks among the most outstanding areas of the national park system, primarily because it provides the ideal habitat for birds and animals rarely found in any other part of the United States.

This is the largest subtropical wilderness existing today in North America. Altogether, it includes a little more than 1.4 million acres—practically all of which has been donated or purchased with funds donated by the State of Florida. Only 58,398 acres within the park boundaries remain unacquired.

When this area was first authorized in 1934, Mr. Speaker, a park in excess of 2 million acres was contemplated. At that time, the marshes and mangroves were thought to be almost totally useless to man. In fact, without belittling it, this land was thought to be strictly for the birds.

Times have changed since the Everglades National Park was authorized. Lands in Florida which were considered to be wastelands two or three decades ago have been reclaimed and are now extremely valuable. This is the situation which confronts us in the Everglades today because even though the lands are largely unimproved, most of them are prospectively very valuable.

One major area, which contains large blocks of land in private ownership, has already been subdivided into about 3,000 ownerships. These are located in an area of interconnected waterways containing some of the significant mangrove shoreline and estuarine areas of the park. Their development for residential or commercial purposes would seriously impair park values.

The other major area of privately owned lands is presently devoted primarily to agricultural uses. When the Congress redefined the boundaries of the park in 1958, it was generally believed that farming operations were harmless to park values and that lands used for agricultural purposes need not be acquired. Now, however, it has been demonstrated that pesticide residues and fertilizers used on the farm lands are radically altering the ecology of adjacent park lands.

Because these uses are determined to the values which the park was created to protect, the Members of the committee feel that the remaining non-Federal lands within the park boundaries should be acquired promptly. The State of Florida has done its share to make this park possible and the Federal effort to date has been relatively small—Federal acquisition funds have amounted to only about $2,700,000. Now, Federal action is required to acquire the remaining lands. It is expected that the 58,398 acres remaining will require an investment of $20,000,000. When this acquisition is completed, we should have a well-rounded park which will serve the public needs for many years to come.

Mr. Speaker, the committee has recommended some amendments to the bill. Of these, only one involves the substance of the legislation. It repeals the language in the 1958 act which prohibits the Secretary from acquiring agricultural lands and other lands left in their natural condition. We made this change because of the acknowledged adverse impact of farming activities and because of the potentially harmful effects of residential and commercial developments within the park.

Mr. Speaker, we feel that this park is an extremely valuable unit of the national park system and that it warrants the investment which H.R. 17789 would authorize. As chairman of the Committee on Interior and Insular Affairs, I recommend the enactment of this legislation and I urge its favorable consideration by the Members of the House.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I will be glad to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I would ask the gentleman from Colorado has this land in whole or in part ever been held by the Federal Government?

Mr. ASPINALL. The land came, of course, by way of treaty, and the Everglades themselves were a part, as I remember my history, of the area belonging to the Indians at one time. Then a great deal of it was turned over to the State. Whether or not all of these lands were turned over to the State at that time I am not sure, but it is my understanding that they were, so that the State owned the lands and gave out patents to the lands that are privately owned at the present time.

Mr. GROSS. Perhaps if I used the words "ever held by the Government"—I did not mean it quite in that sense. I am talking about comparatively recent years, say the last 30 or 40 years when we really began the establishment and the preservation of certain lands for this purpose.

Mr. ASPINALL. The land was held by different Indian tribes, the State of Florida and private individuals.

Mr. GROSS. That is, it was privately owned land at one time. I thank the gentleman.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman.

Mr. KYL. Mr. Speaker, as a matter of fact, after this park boundary was established by the Federal Government, the State did acquire lands and donated them to the Federal Government for park purposes.

There also is some question here apparently about parts of this land. It has to be remembered that there are title holders in one little area and that 300 and some odd hundred dollars an acre is actually a very low price when one considered that those sites were purchased as prime residential sites and for vacation homes in these prime natural surroundings, and it is rather amazing that the price is as low as it is actually under the circumstances.

Mr. ASPINALL. Yes, and that it is still available under the circumstances.

Mr. SAYLOR. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman.

Mr. SAYLOR. Mr. Speaker, I just want to congratulate the chairman on the statement he has made.

I want to say that if the Corps of Engineers had not drained some sections of Florida and made certain that this land which is now being purchased fast land, then very frankly we would not have to spend all of this money; and some of this is directly attributable to the mistake that the Corps of Engineers made in certain sections of Florida.

But with the program that has now been worked out between the Army Engineers and the Park Service, we are now assured that there will be adequate safe water for the Everglades.

Mr. Speaker, I rise in support of this bill, H.R. 17789, to amend the act fixing the boundary of the Everglades National Park, in the State of Florida, and authorizing an increase in appropriations for the acquisition of lands therein.

The purpose of this bill is to increase the appropriation authorization for the acquisition of lands in the Everglades National Park by $20 million. The in-

creased authorization will, when appropriated, permit the acquisition of 58,398 acres of privately owned lands which threaten the character and ecology of this national park.

The Everglades National Park was established in 1934 to include 1,563,520 acres of land. At that time, it was not anticipated that the Federal Government would need to purchase these lands for park purposes and the legislation specifically provided no appropriations for land acquisition. Subsequently, this all changed with the influx of people and the economic progress in Florida. Congress in 1958 was called upon to redefine the boundaries of the Everglades National Park, and did so by limiting the park to encompass 1,400,533 acres of land and providing $2 million for the acquisition of lands.

Within the 1,400,533 acres of this important, unique national park remains 58,398 acres of privately owned lands in two general areas which are adversely threatening the future of this great national resource of the United States. Of these privately owned lands, 42,900 acres are in Monroe County, Fla., and have been subdivided for the purpose of future commercial and residential development. The other lands, an area of 22,138 acres, are in Dade County, Fla. These lands are presently in agricultural production and the application of biocides and fertilizers is radically affecting the animal and plant life of the park. These lands must be acquired to assure protection of the park's ecosystem.

The passage of this legislation is imperative if we are to preserve the Everglades National Park for the benefit and enjoyment of present and future generations. In 1969, approximately 1,187,000 persons visited this park. The Everglades National Park is known the world over for its subtropical wilderness and its uniqueness to the North American Continent.

Mr. Speaker, I am pleased to include as stanch supporters of this legislation my colleagues, GERALD R. FORD, minority leader in the House, and Rogers Morton, of Maryland, a former member of the House Interior and Insular Affairs Committee, and now national Republican chairman.

Mr. Speaker, I urge that the rules be suspended and H.R. 17789 be passed.

Mr. TAYLOR. Mr. Speaker, H.R. 17789, by our friend from Florida (Mr. HALEY), authorizes the appropriation of the funds needed to complete the acquisition of lands within the Everglades National Park.

Creation of the Everglades National Park was authorized by the Congress in 1934. At that time, the legislation required that the lands and waters included in the park be acquired by donation or by purchase with donated funds. In the years that followed, the State of Florida transferred by donation large acreages to the United States for the park and donated $2 million to acquire additional lands within the park boundaries, but in 1958 it became apparent that some of the lands would have to be purchased if title was to be vested in the Federal Government.

At that time, the boundaries were drawn as presently defined and $2,000,000 in Federal funds was authorized to be appropriated to acquire the lands still in private ownership. In enacting that legislation, it was decided that the act should exempt from condemnation any lands being used for agricultural purposes, lying fallow, or being retained in their natural condition. Any other lands could be acquired as funds were appropriated.

Last year, we learned that only about 65,000 acres of land in the park remained unacquired—and the National Park Service had an option on 6,640 acres of that. Because the option was considered to be very favorable to the United States and because it was then about to expire, legislation was introduced and approved which provided only the $700,200 needed to complete that single transaction, and the larger question was left for further consideration. Altogether, this made the authorized Federal investment in this important national park $2,700,000. Practically all of this amount has now been appropriated and expended and only 58,000 acres remain unacquired.

Even though this acreage is only a fraction of the entire national park, its acquisition is considered to be extremely important. As everyone knows, this is a water oriented park. It is the home of many rare and endangered species of wildlife as well as many more common varieties. Part of the lands involved have been subdivided and, if dredged and filled, may become residential and commercial properties completely incompatible with the park. Most of the other lands are used for agricultural purposes and, as such, are subjected to the use of insecticides and fertilizers which are said to be radically altering plant and animal life in the park.

Mr. Speaker, there was testimony before the Subcommittee on National Parks and Recreation which indicated that the continued private use of the lands within the park boundaries is detrimental to the ecological system in the park. Since there is a delicate balance in this area, every effort should be made to assure the perpetual effectiveness of the parklands. This can only be done, we believe, if the remaining privately owned lands are acquired as expeditiously as possible.

This is a unique park which, for the most part, was made available to the Nation with a minimum Federal investment. It cannot be matched anywhere in this country for any amount of money and I sincerely feel that it merits the investment which H.R. 17789 calls for at this time. This park is available for visitors from all parts of the country and they will continue to come to see it for many generations; consequently, its value in the future will be as great or greater than it is today. For this reason, Mr. Speaker, I support H.R. 17789 and I urge its approval by my colleagues in the House.

Mr. HALEY. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR. I yield to the gentleman.

Mr. HALEY. Mr. Speaker, today, I rise in support of a bill I have introduced, H.R. 17789, which I believe to be of great importance not only to the people of the State of Florida, but also to the people of our entire Nation. This bill, which is the companion bill to S. 2565, introduced by my good friend Senator SPESSARD L. HOLLAND, and passed by the Senate on July 10, 1970, would amend the act fixing the boundaries of the Everglades National Park, Fla., by striking out the figure $2 million and inserting $22 million in its place. This increase of $20 million would authorize the purchase of the remaining 58,398 acres of privately owned lands inside the Everglades National Park.

As my colleagues will remember, the legislation before us today is part of the long history of the Florida Everglades which is the only area of its kind in the world. Congress first expressed its interest in protecting the Everglades in 1929 when it passed an act to authorize the Secretary of the Interior to investigate and report to Congress on the advisability and practicality of establishing a national park to be known as the Tropic Everglades National Park in the State of Florida. As you know, in 1934 the Congress established the Everglades National Park. Since that time, the boundaries of the park have been enlarged somewhat as our knowledge and awareness of the importance of the Everglades has increased.

Last October, the 91st Congress authorized the National Park Service to acquire a small portion of the private inholdings, some 6,640 acres in the Hole-in-the-Donut section of the park known as the Flagler Tract, on which the Department of the Interior held an option which was to expire on November 18, 1969. Because of the timely enactment of that legislation, the National Park Service was able to purchase the land involved at a cost of $697,000, the option price of the land.

Unfortunately, as enacted, the original park legislation limited the authorization to $2 million for the acquisition of the inholdings to match the $2 million which the State had already given. Today, I am asking the House of Representatives to increase from the $2 million authorized by Congress in 1958 to $22 million the amount to acquire all of the remaining private lands within the park boundaries. This increase of $20 million is the amount needed to acquire the inholdings according to a recent Department of the Interior appraisal.

For a number of reasons I believe it is absolutely necessary for us to authorize the purchase of these lands. Only in recent years has the entire country started to become aware of the profound impact such natural areas as the Everglades has on our water supplies, the ecological balance of nature, and even our climate. As long as there are privately owned lands in the Everglades National Park, it is subject to private or commercial industrial or agricultural development—all having potentially adverse effects on the ecology of the area. From an economical standpoint alone, it behooves us to go ahead and acquire the remaining lands at a reasonable price before further inflation or land appreciation push the cost upward.

The value of the Everglades to our country is impossible to set. The jungle, which supports a multimillion-dollar sport and commercial fishery industry, is the natural home of thousands of forms of plant, fish, and wildlife, and is visited annually by thousands of Americans. The fresh water of the Everglades mixes with the shoreline brackish waters to support larval forms of fish and shrimp which are actually harvested many miles away.

So, Mr. Speaker, I urge my colleagues to join with me in supporting H.R. 17789 which will do so much to insure the Everglades National Park and its many beneficial effects on our environment are protected for our and future generations to enjoy.

Mr. ROGERS of Florida. Mr. Speaker, I rise in support of H.R. 17789, a bill authorizing the additional acquisition of land for the Everglades National Park.

At the present time, some 58,398 acres within the park's boundaries are still privately owned and are not extensively used for commercial or agricultural purposes. This land has remained unspoiled as a sanctuary for fish, fowl, and wildlife and it must be preserved. I urge the Congress to act now to authorize money to purchase this land before it loses its natural beauty and value to conservation.

I am very pleased that the committee has reported out a bill that will enable the Federal Government to purchase the remaining property within the park's boundaries. I cosponsored a bill with several of my colleagues from Florida in July of last year to authorize money to be used for the option to buy this property.

I again call upon my colleagues to join me in support of H.R. 17789 before it is too late to save the Everglades. We now have the option to purchase the remaining land. We should move forward and purchase the land now before the option expires and the land becomes too expensive.

Mr. PEPPER. Mr. Speaker, I recall with great pleasure the bill presented in the 80th Congress when I was in the Senate which authorized the acquisition of land for the Everglades National Park. I had the honor and privilege with Senator SPESSARD L. HOLLAND to work with President Truman on this legislation and to participate in the dedication ceremonies of the park in 1947. I have great personal pride in the Everglades National Park and I intend to do everything I possibly can to preserve it. I strongly urge my colleagues to support this legislation which is important not only to the State of Florida but also to the Nation. The Florida Everglades is unique, a national treasure, and a national trust.

Congress originally contemplated that all lands for the park were to be obtained by the United States by public or private donation. And, subsequent to the authorization of the park, the State of Florida donated 866,493 acres of land within the park boundaries to the United States and also provided $2 million for the acquisition of additional parklands.

In 1958, Congress approved legislation redefining the park's boundaries to include 1,400,533 acres and authorizing $2 million for the acquisition of privately owned lands therein.

Our consciousness and concern for the ecology of our environment today has confirmed that lands used for intensive agricultural purposes can prove to be disastrous to the ecology of an area because of the use of insecticides and fertilizers. We must protect the Everglades from this threat.

The additional $20,000,000 authorized by this legislation for acquisition of privately owned lands in the Everglades is a small price to pay to preserve and protect this treasure, the only great subtropical wilderness in North America. It contains perhaps the most fragile and unique plant and animal communities in the national park system. Water-oriented, the park is famous for its rare reptiles and the abundance of exotic flora and fauna, which has attracted tourists from all parts of the world. In 1969, 1,187,000 visitor days were recorded—more than a twelvefold increase in two decades.

I concur with members of the other body who have already expressed their approval of the land acquisition program by their passage of comparable legislation and urge the House's approval of the bill today.

Mr. CRAMER. Mr. Speaker, I join in supporting additional funds to complete the land acquisition program for the Everglades National Park—H.R. 17789.

This extraordinary park, one of the largest and most important in the United States, is famous for its rare reptiles and bird rookeries. It is one of the most popular parks in America, and is a vital contribution to Florida's tourist-oriented economy.

It is critically important that the remaining privately owned tracts in the park be acquired as soon as possible. Adverse development in the area, and increased use of pesticides in portions now used for agriculture endanger the delicate ecology of the park.

Therefore, it is essential that the privately owned lands within the boundaries of the Everglades National Park be acquired to preserve this priceless natural asset for this and future generations of America.

Mr. FASCELL. Mr. Speaker, I urge the House to act favorably today on H.R. 17789 and thereby assure the preservation of the Everglades National Park.

This bill, sponsored by our colleague, Congressman JIM HALEY, a ranking member of the Interior and Insular Affairs Committee and fellow member of the Florida delegation, would provide for the acquistion of the remaining inholdings within the boundaries of the Everglades National Park. As a sponsor of identical legislation I wish to emphasize the urgent need for action necessary to acquire all private inholdings and prevent any future ecological disruption in the park.

The Everglades National Park was first authorized in 1934, and in 1947, it was officially established and became part of our national parks system. In 1958, additional legislation was enacted to finalize the boundary of the park and authorize the Secretary of the Interior to acquire the inholdings within that boundary. The legislation in 1958, which I cosponsored at that time. authorized a ceiling of $2 million in Federal funds for acquisition to match the $2 million which the State of Florida had already given, in addition to the State's gift of 850,000 acres of land and water.

The full $2 million authorized in 1958 has been appropriated and expended. In addition, the Interior and Insular Affairs Committee and the Congress acted expeditiously last year in approving authorization for an additional $700,200 to purchase the Flagler Tract within the park. The Park Service had obtained an option on that tract which would have expired without acquisition had the Congress not acted promptly and favorably as it did.

Today, some 58,398 acres of private inholdings remain to be purchased within the boundary of the park in order to complete acquisition. The National Park Service has indicated that an additional authorization of $20 million is necessary to complete this acquisition.

H.R. 17789 would amend the 1958 act by fixing the boundary of the park and authorizing the acquisition of land therein by increasing the authorization from $2 million to $22 million.

Mr. Speaker, it is vitally important that all private lands within the boundary of the Everglades National Park be acquired by the Federal Government so that the park can be completed. Continued private use of lands within the park is detrimental to the entire ecological system. We are all famliar with the plight of the American alligator—and the problems of regulating an adequate water supply in this region. It is vital that all lands within the park's boundaries be administered by the National Park Service so that we can provide the greatest protection of the land and the endangered species.

Mr. Speaker, I wish to commend the chairman of the Interior and Insular Affairs Committee and Congressman JIM HALEY for the leadership they have again demonstrated in congressional efforts to protect our natural environment.

The SPEAKER pro tempore. The question is on the motion of the gentleman from North Carolina (Mr. TAYLOR) that the House suspend the rules and pass the bill H.R. 17789, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

Mr. TAYLOR. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 2565) to amend the act fixing the boundary of Everglades National Park, Fla., and authorizing the acquisition of land therein, in order to increase the authorization for such acquisitions.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2565

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the Act entitled "An Act to fix the boundary of Everglades National Park, Florida, to authorize the Secretary of the Interior to acquire land therein, and to provide for the transfer of certain lands not included within said boundary, and for other purposes", approved July 2, 1958 (72 Stat. 280), is amended by striking out "$2,000,000" and inserting in lieu thereof "$22,000,000".

SEC. 2. The second sentence of section 2 of the said Act of July 2, 1958, is amended by inserting a period after the word "otherwise" and deleting the remainder of the sentence.

AMENDMENT OFFERED BY MR. TAYLOR

Mr. TAYLOR. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TAYLOR: Strike out all after the enacting clause of S. 2565 and insert in lieu thereof the provisions of H.R. 17789, as passed.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 17789) was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on the bills H.R. 17789 and H.R. 12870, just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

FIXING AND ADJUSTING RATES OF PAY FOR PREVAILING RATE EMPLOYEES OF THE GOVERNMENT

Mr. DULSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 17809) to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert: That (a) subchapter IV of chapter 53 of title 5, United States Code, is amended to read as follows:

"SUBCHAPTER IV—PREVAILING RATE SYSTEMS

"§ 5341. Policy

"It is the policy of Congress that rates of pay of prevailing rate employees be uniformly fixed and adjusted and be based on principles that—

"(1) there will be equal pay for substantially equal work for all employees who are working under similar conditions of employment in all agencies within the same wage area;

"(2) there will be relative differences in pay within a wage area when there are substantial or recognizable differences in duties, responsibilities, and qualification requirements among positions;

"(3) the level of rates of pay will be maintained in line with prevailing levels of comparable work within a wage area; and

"(4) the level of rates of pay will be maintained so as to attract and retain qualified employees.

"§ 5342. Definitions; application

"(a) For the purpose of this subchapter—

"(1) 'agency' has the meaning given it by section 5102 of this title;

"(2) 'prevailing rate employee' means—

"(A) an individual employed in or under an agency in a recognized trade or craft, or other skilled mechanical craft, or in an unskilled, semiskilled, or skilled manual labor occupation, and any other individual including a foreman and a supervisor in a position having trade, craft, or laboring experience and knowledge as the paramount requirement;

"(B) an employee in the Bureau of Engraving and Printing whose duties are to perform or direct manual or machine operations requiring special skill or experience, or to perform or direct the counting, examining, sorting, or other verification of the product of manual or machine operations;

"(C) an employee of a nonappropriated fund instrumentality described by section 2105(c) of this title; and

"(D) an employee of the Veterans' Canteen Service, Veterans' Administration, excepted from chapter 51 of this title by section 5102 (c) (14) of this title; and

"(3) 'position' means the work, consisting of duties and responsibilities, assignable to a prevailing rate employee.

"(b) This subchapter applies to all prevailing rate employees and positions in or under an agency. All such employees employed within the United States shall be bona fide residents of the United States, unless the Secretary of Labor certifies that no bona fide resident of the United States is available to fill the particular position. This subchapter does not apply to employees and positions described by section 5102(c) of this title other than by paragraphs (7), (8), and (14) of that section.

"§ 5343. Prevailing rate determinations, wage schedules

"(a) The pay of prevailing rate employees shall be fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates. Subject to section 213(f) of title 29, the rates may not be less than the appropriate rates provided by section 206(a)(1) of title 29. To carry out this subsection—

"(1) the Civil Service Commission shall define the boundaries of individual local wage areas and designate a lead agency for each local wage area;

"(2) a lead agency, on order of the Commission, shall conduct a wage survey within the local wage area, collect and analyze wage survey data, and develop and establish wage schedules; and

"(3) the head of each agency having prevailing rate employees in a local wage area shall fix and adjust the rates of such employees in that area in accordance with the wage schedules established by the lead agency in that area.

"(b) The Commission shall order full-scale wage surveys every second year with interim surveys in alternating years. The Commission may order more frequent surveys when conditions so suggest.

"(c) The Commission, by regulation, shall prescribe practices and procedures for conducting wage surveys, analyzing wage survey data, and developing and establishing wage schedules. The regulations shall provide—

"(1) that wages surveyed by those paid by private employers in the local wage area for similar work performed by regular full-time employees;

"(2) for participation at all levels by representatives of employee organizations in every phase of providing an equitable system for fixing and adjusting the rates of pay for prevailing rate employees, including the planning of the surveys, the drafting of specifications, the selection of data collectors, the collection and the analysis of the data, and the submission of recommendations to the head of the lead agency for wage schedules and for special wage schedules where appropriate;

"(3) for requirements for the accomplishment of wage surveys and for the development of wage schedules;

"(4)(A) that a lead agency, in making a wage survey, shall determine whether there exists in the local wage area a sufficient number of comparable positions in private industry to establish wage schedules for the principal types of positions for which the survey is made, and that the determination shall be in writing and shall take into consideration all relevant evidence including evidence submitted by employee organizations recognized as representative of employees in the area; and

"(B) that, when it is determined that there is an insufficient number of comparable positions in private industry to establish the wake schedules, the lead agency shall establish the wage schedules on the basis of local private industry rates and rates paid for comparable positions in private industry in the nearest wage area that it determines to be most similar in the nature of its population, employment, manpower, and industry to the wage area for which the wage survey is being made;

"(5)(A) that each grade of a wage schedule have 4 steps, the first step at 96 percent of the prevailing rate, the second step at 100 percent of the prevailing rate, the third step at 104 percent of the prevailing rate, and the fourth step at 108 percent of the prevailing rate;

"(B) that, with satisfactory work performance of an acceptable level of competence as determined by the head of the agency, an employee advance automatically to the next higher step within the grade at the beginning of the next pay period following the completion of—

"(i) 26 calendar weeks of continuous service in step 1;

"(ii) 78 calendar weeks of continuous service in step 2; and

"(iii) each 104 calendar weeks of continuous service in step 3; and

"(C) that the benefit of successive step increases is preserved for employees whose continuous service is interrupted in the public interest by service with the armed forces or by service in essential non-Government civilian employment during a period of war or national emergency;

"(6) for special rates and schedules as appropriate;

"(7) for equal rates of pay for the same work in the same local wage area;

"(8) for pay distinctions in keeping with work distinctions, with proper differentials as determined by the Commission for duty involving unusually severe working conditions or unusually severe hazards;

"(9) rules governing the administration of pay for individual employees on appointment, transfer, promotion, demotion (including retention of pay rates as appropriate), and other similar changes in employment status; and

"(10) for a continuing program of systems maintenance and improvement designed to keep the prevailing rate system fully abreast of changing conditions, practices, and techniques both in and out of the Government of the United States.

"§ 5344. Effective date of wage increase; retroactive pay

"(a) Each increase in rates of basic pay granted, pursuant to a wage survey, to prevailing rate employees is effective not later

than the first day of the first pay period which begins on or after the 45th day, excluding Saturdays and Sundays, following the date the wage survey is ordered to be made.

"(b) Retroactive pay is payable by reason of an increase in rates of basic pay referred to in subsection (a) of this section only when—

"(1) the individual is in the service of the Government of the United States, including service in the armed forces, or the government of the District of Columbia on the date of the issuance of the order granting the increase; or

"(2) the individual retired or died during the period beginning on the effective date of the increase and ending on the date of issuance of the order granting the increase, and only for services performed during that period.

For the purpose of this subsection, service in the armed forces includes the period provided by statute for the mandatory restoration of the individual to a position in or under the Government of the United States or the government of the District of Columbia after he is relieved from training and service.

"(c) For purposes of determining the amount of insurance for which an individual is eligible under chapter 87 of this title, an increase in the rate of basic pay referred to in subsection (a) of this section is effective on the date of the issuance of the order granting the increase. However, for an employee who dies or retires during the period beginning on the effective date of the increase and ending on the date of the issuance of the order granting the increase, the amount of the insurance is determined as if the increase under this section were in effect for the employee during that period.

"§ 5345. Retained rate of pay on reduction in grade

"(a) Under regulations prescribed by the Civil Service Commission, and subject to the limitation in subsection (b) of this section, a prevailing rate employee—

"(1) who is reduced in grade from a grade of a wage schedule;

"(2) who holds a career or a career-conditional appointment in the competitive service, or an appointment or equivalent tenure in the excepted service or in the government of the District of Columbia;

"(3) whose reduction in grade is not (A) caused by a demotion for personal cause, (B) at his request, (C) effected in a reduction in force due to lack of funds or curtailment of work, or (D) with respect to a temporary promotion, a condition of the temporary promotion to a higher grade;

"(4) who, for 2 continuous years immediately before the reduction in grade, served (A) in the same agency, and (B) in a grade or grades higher than the grade to which demoted; and

"(5) whose work performance during the 2-year period is satisfactory or better;

is entitled to basic pay at the rate to which he was entitled immediately before the reduction in grade (including each increase in rate of basic pay granted pursuant to a wage survey) for a period of 2 years from the effective date of the reduction in grade, so long as he—

"(A) continues in the same agency without a break in service of 1 workday or more;

"(B) is not entitled to a higher rate of basic pay by operation of this subchapter; and

"(C) is not demoted or reassigned (i) for personal cause, (ii) at his request, or (iii) in a reduction in force due to a lack of funds or curtailment of work.

"(b) The rate of basic pay to which a prevailing rate employee is entitled under subsection (a) of this section with respect to each reduction in grade to which that subsection applies may not exceed the sum of—

"(1) the minimum rate of the grade to which he is reduced under each reduction in grade to which that subsection applies (including each increase in rate of basic pay granted pursuant to a wage survey); and

"(2) the difference between his rate immediately before the first reduction in grade to which that subsection applies (including each increase in rate of basic pay granted pursuant to a wage survey) and the minimum rate of that grade which is 3 grades lower than the grade from which he was reduced under the first of the reductions in grade (including each increase in the rate of basic pay granted pursuant to a wage survey).

"(c) Under regulations prescribed by the Commission consistent with the provisions of subsections (a) and (b) of this section, an employee who is reduced to a grade of a wage schedule from a position not subject to this subchapter is entitled to a retained rate of basic pay.

"(d) The Commission may prescribe regulations governing the retention of the rate of basic pay of an employee who together with his position is brought under this subchapter. If an employee so entitled to a retained rate under these regulations is later demoted to a position under this subchapter, his rate of basic pay is determined under subsections (a) and (b) of this section. For the purpose of those subsections, service in the position which was brought under this subchapter is deemed service under this subchapter.

"§ 5346. Job grading system

"(a) The Civil Service Commission, after consulting with the agencies and with employee organizations, shall establish and maintain a job grading system for positions to which this subchapter applies. For the purpose, the Commission shall—

"(1) establish and define individual occupations and the boundaries of each occupation;

"(2) establish job titles within occupations;

"(3) develop and publish job grading standards; and

"(4) provide a method to assure consistency in the application of job standards.

"(b) The Commission, from time to time, shall review such numbers of positions in each agency as will enable the Commission to determine whether the agency is placing positions in occupations and grades in conformance with or consistency with published job standards. When the Commission finds that a position is not placed in its proper occupation and grade in conformance with published standards or that a position for which there is no published standards is not placed in the occupation and grade consistently with published standards, it shall, after consultation with appropriate officials of the agency concerned, place the position in its appropriate occupation and grade and shall certify this action to the agency. The agency shall act in accordance with the certificate, and the certificate is binding on all administrative, certifying, payroll, disbursing, and accounting officials.

"(c) On application, made in accordance with regulations prescribed by the Commission, by a prevailing rate employee for the review of the action of an employing agency in placing his position in an occupation and grade for pay purposes, the Commission shall—

"(1) ascertain currently the facts as to the duties, responsibilities, and qualification requirements of the position;

"(2) decide whether the position has been placed in the proper occupation and grade; and

"(3) approve, disapprove, or modify, in accordance with its decision, the action of the employing agency in placing the position in an occupation and grade.

The Commission shall certify to the agency concerned its action under paragraph (3) of this subsection. The agency shall act in accordance with the certificate, and the certificate is binding on all administrative, certifying, payroll, disbursing, and accounting officials.

"§ 5347. Federal Prevailing Rate Advisory Committee

"(a) There is established a Federal Prevailing Rate Advisory Committee composed of—

"(1) the Chairman, who shall not hold any other position in the Government of the United States or the government of the District of Columbia, and who shall be appointed by the President for a 4-year term at a rate of pay equivalent to the maximum rate for the General Schedule;

"(2) the head, or his designee, of each of the 4 Executive agencies (other than the Civil Service Commission), and military departments designated by the Chairman of the Civil Service Commission from time to time as having the largest of prevailing rate employees;

"(3) an employee of the Civil Service Commission, appointed by the Chairman of the Civil Service Commission; and

"(4) 5 representatives, appointed by the Chairman of the Civil Service Commission, from among the employee organizations representing, under exclusive recognition of the United States, the largest numbers of prevailing rate employees in the service of the Government of the United States.

"(b) In making appointments of representatives of employee organizations under subsection (a) (4) of this section, the Chairman of the Civil Service Commission shall appoint, as nearly as practicable, a number of representatives from a particular employee organization in the same proportion as the number of prevailing rate employees represented by such organization is to the total number of prevailing rate employees in the Government of the United States and the government of the District of Columbia. However, in any case there shall not be more than 2 representatives from any one employee organization nor more than 4 representatives from a single council, federation, alliance, association or affiliation of employee organizations.

"(c) Every second year the Chairman of the Civil Service Commission shall review employee organization representation to determine adequate or proportionaal representation under the guidelines of subsection (b) of this section.

"(d) The representatives from the employee organizations serve at the pleasure of the Chairman of the Civil Service Commission.

"(e) The Committee shall study the prevailing rate system and other matters pertinent to the establishment of prevailing rates under this subchapter and, from time to time, advise the Civil Service Commission thereon. Conclusions and recommendations of the Committee shall be formulated by majority vote. The Committee shall make an annual report to the Commission and the President for transmittal to Congress, including recommendations and other matters considered appropriate. Any member of the Committee may include in the annual report recommendations and other matters he considers appropriate.

"(f) The Committee shall meet at the call of its Chairman. However, a special meeting shall be called by the Chairman if a majority of the members makes a written request to consider matters within the purview of the Committee.

"(g) Members of the Committee (other than employee organization representatives and the Chairman) serve without additional

pay. Employee organization members are not entitled to pay from the Government of the United States for services rendered to the Committee.

"(h) The Civil Service Commission shall provide such clerical and professional personnel as the Committee considers appropriate and necessary to carry out its functions under this subchapter. Such personnel shall be responsible solely to the Committee.

"§ 5348. CREWS OF VESSELS

"(a) Except as provided by subsection (b) of this section, the pay of officers and members of crews of vessels excepted from chapter 51 of this title by section 5102(c)(8) of this title shall be fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates and practices in the maritime industry.

"(b) Vessel employees of the Panama Canal Company may be paid in accordance with the wage practices of the maritime industry."

(b) The analysis of subchapter IV of chapter 53 of title 5, United States Code, is amended to read as follows:

SUBCHAPTER IV.—PREVAILING RATE SERVICES

"5341. Policy.
"5342. Definitions; application.
"5343. Prevailing rate determinations; wage schedules.
"5344. Effective date of wage increase; retroactive pay.
"5345. Retained rate of pay on reduction in grade.
"5346. Job grading system.
"5347. Federal Prevailing Rate Advisory Committee.
"5348. Crews of vessels.".

SEC. 2. Section 2105(c)(1) of title 5, United States Code, is amended by inserting "(other than subchapter IV of chapter 53 and section 7154 of this title)" immediately following "laws".

SEC. 3. Section 5337 of title 5, United States Code, is amended—

(1) by striking out the words "to which this section applies" wherever they appear in subsection (b) and inserting "to which that subsection applies" in place thereof; and

(2) by adding at the end thereof:

"(c) Under regulations prescribed by the Civil Service Commission consistent with the provisions of subsections (a) and (b) of this section, an employee who is reduced to a grade of the General Schedule from a position to which this subchapter does not apply is entitled to a retained rate of basic pay.".

SEC. 4. Section 5541(2)(xi) of title 5, United States Code, is amended to read as follows:

"(xi) an employee whose pay is fixed and adjusted from time to time in accordance with prevailing rates under subchapter IV of chapter 53 of this title, or by a wage board or similar administrative authority serving the same purpose, except as provided by section 5544 of this title;".

SEC. 5. The first sentence of section 5544 (a) of title 5, United States Code, is amended to read as follows: "An employee whose pay is fixed and adjusted from time to time in accordance with prevailing rates under section 5343 of this title, or by a wage board or similar administrative authority serving the same purpose, is entitled to overtime pay for overtime work in excess of 8 hours a day or 40 hours a week.".

SEC. 6. Section 6101(a)(1) of title 5, United States Code, is amended by inserting "other than an employee whose pay is fixed and adjusted from time to time in accordance with prevailing rates under section 5343 of this title or by a wage board or similar administrative authority serving the same purpose" immediately preceding the period at the end thereof.

SEC. 7. (a) Section 6102 of title 5, United States Code, is repealed.

(b) The analysis of chapter 61 of title 5, United States Code, is amended by striking out—

"6102. Eight-hour day; 40-hour workweek; wage-board employees.".

SEC. 8. Section 7154 (b) of title 5, United States Code, is amended by striking out "subchapter III of chapter 53" and inserting "subchapters III and IV of chapter 53" in place thereof.

SEC. 9. (a) An employee's initial rate of pay on conversion to a wage schedule established pursuant to the amendments made by this Act shall be determined under conversion rules prescribed by the Civil Service Commission. The amendments made by this Act shall not be construed to decrease the existing rate of basic pay of any present employee subject thereto.

(b) The amendments made by this Act shall not be construed to affect agreements presently in effect as a result of negotiations between departments and agencies of the Government of the United States, or subdivisions thereof, and organized employees. It is the intent of this Act that through negotiations between the Commission, the heads of those agencies referred to in clauses (i)–(viii) of section 5102(a)(1) of title 5, United States Code, and the organized employees, that, in due time, wherever feasible, all prevailing rate employees be covered by the amendments made by this Act.

SEC. 10. The provisions of section 1–9 of this Act are effective on the first day of the first pay period which begins on or after 90 days after the date of enactment of this Act except that, in the case of those employees referred to in section 5342(a)(2) (C) and (D) of title 5, United States Code (as amended by the first section of this Act), such provisions are effective on the first day of the first pay period which begins on or after one hundred and eighty days after such date of enactment or on such earlier date (not earlier than ninety days after such date of enactment) as the Civil Service Commission may prescribe.

The SPEAKER pro tempore (Mr. ALBERT). Is there obection to the request of the gentleman from New York?

Mr. GROSS. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

POST OFFICE DEPARTMENT DECEIVES PUBLIC ON SPECIAL DELIVERY SERVICE

(Mr. BIAGGI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BIAGGI. Mr. Speaker, I feel obligated to inform this body of the great fraud and deception of the American public that is taking place every day in the post offices of the Nation. Under the guise of selling special delivery service for an extra special delivery fee of 45 cents the new Postal Service merely renders ordinary first-class delivery in return, purchasable at 6 cents.

The city of New York, for example, which accounts for over 13 percent of all special delivery letters, saw a massive cutback in its service earlier this month. This follows a similar cutback ordered by the Postmaster General a year ago. Now, mind you, all this under-the-counter maneuvering is accomplished very quietly. But despite this constant chipping away at the services offered the public, the Post Office Department was still able to justify a 50-percent increase in its special delivery rates in July 1969.

In light of this deplorable deception of the public, last week I asked the Comptroller General of the United States, Mr. Elmer Staats, to order a General Accounting Office investigation of the extent of this fraudulent practice.

It is interesting to note that if a private corporation were engaging in such activity, the Justice Department and the Federal Trade Commission would not hesitate to swoop down and intervene in the interest of the public. I do not believe we can demand any less honesty from our public corporations or Government departments.

I hope my colleagues will join with me in demanding that Postmaster General Winton Blount restore proper special delivery service, which is being bought but not received by the public, or eliminate it and the charge altogether. I will include copies of my correspondence to Mr. Staats and Mr. Blount at this point in the RECORD.

The material referred to follows:

SEPTEMBER 17, 1970.

HON. ELMER B. STAATS,
Comptroller General of the United States, General Accounting Office, Washington, D.C.

DEAR MR. STAATS: I urgently request that you initiate an immediate investigation of the U.S. Postal Service special delivery mail service. I have reason to believe that the recently established policy of the post office constitutes a fraudulent practice.

The facts are these:

1. Special delivery mail service is being curtailed in numerous areas of the country. In four New York counties special delivery service runs were reduced from eight to four a day. In Manhattan, which receives 13 percent of all special delivery letters, the service was reduced from 13 to 8 a day in the business district.

2. Postal patrons pay 45 cents for special delivery service but in most instances are routinely provided with ordinary first class mail deliveries in spite of this extra charge.

I am enclosing copies of my recent public statement on this matter and a letter to Postmaster General Winton Blount for your information. Please advise me of your action as soon as possible.

With kindest regards, I am,
Sincerely,

MARIO BIAGGI.

SEPTEMBER 17, 1970.

HON. WINTON M. BLOUNT,
Postmaster General, Washington, D.C.

DEAR MR. BLOUNT: I must vigorously object to the recent order reducing special delivery mail service in New York City and previous orders curtailing special deliveries across the country. Such action amounts to a fraudulent denial of services to those postal patrons who pay for and believe they would receive something more than just regular mail delivery. I am asking the General Accounting Office to investigate this matter immediately. A copy of my letter to the Comptroller General is enclosed for your further information.

True special delivery service is urgently needed, especially in New York City and other large, urban areas. I therefore urge you to rescind the order and restore special delivery service to a level required to handle this demand, especially in high volume areas such as New York City.

Awaiting your early reply, I am,
Sincerely yours,

MARIO BIAGGI.

OPEN LETTER FROM J. EDGAR HOOVER ON CAMPUS PROTESTS

(Mr. DEVINE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DEVINE. Mr. Speaker, on today's date, September 21, the very able and talented Director of the Federal Bureau of Investigation, J. Edgar Hoover, for the United Press International, has written an open letter to college students. In it he pinpoints eight ploys used by radical extremists in their efforts to steer justifiable campus protests into violent and destructive channels.

Mr. Speaker, I think it is important that all Members of Congress and all others who are interested should read this open letter, and I include it in the RECORD in its entirety:

OPEN LETTER TO COLLEGE STUDENTS

(By J. Edgar Hoover, Director, Federal Bureau of Investigation)

(NOTE.—In the following Open Letter To College Students, FBI Director J. Edgar Hoover pinpoints eight ploys used by radical extremists in their efforts to steer justifiable campus protest into violent and destructive channels.)

As a 1970 college student, you belong to the best educated, most sophisticated, most poised generation in our history.

The vast majority of you, I am convinced, sincerely love America and want to make it a better country.

You do have ideas of your own—and that's good. You see things wrong in our society which we adults perhaps have minimized or overlooked. You are outspoken and frank and hate hypocrisy. That is good too.

There's nothing wrong with student dissent or student demands for changes in society or the display of student unhappiness over aspects of our national policy. Student opinion is a legitimate aspect of public opinion in our society.

But there is real ground for concern about the extremism which led to violence, lawlessness, and disrespect for the rights of others on many college campuses during the past year.

The extremists are a small minority of students and faculty members who have lost faith in America. They ridicule the flag, poke fun at American institutions, seek to destroy our society. They are not interested in genuine reform. They take advantage of the tensions, strife, and often legitimate frustrations of students to promote campus chaos. They have no rational, intelligent plan of the future either for the university or the Nation.

The extremists are of wide variety: adherents of the Students for a Democratic Society (SDS) including the Weatherman; members of the Young Socialist Alliance (USA), the Trotskyist youth group; the Communist Party's Young Workers Liberation League (YWLL). Or they may be associated with the Student Mobilization Committee to End the War in Vietnam (SMC), a Trotskyist-dominated antiwar group.

Many are not associated with any national group. The key point is not so much the identification of extremists but learning to recognize and understand the mentality of extremism which believes in violence and destruction.

Based on our experience in the FBI, here are some of the ways in which extremists will try to lure you into their activities:

1. They'll encourage you to lose respect for your parents and the older generation. This will be one of their first attacks, trying to cut you off from home. You'll hear much about the "failures" and "hypocrisy" of your parents and their friends. The older generation has made mistakes but your parents and millions of other adults worked hard, built, sacrificed, and suffered to make America what it is today. It is their country too. You may disagree with them, but don't discredit their contributions.

2. They'll try to convert you to the idea that your college is "irrelevant" and a "tool of the Establishment." The attack against the college administration often is bitter, arrogant, and unreasoning. SDSers, for example, have sought to disrupt the colleges by demanding the right to select professors, determine the curriculum, and set grading standards.

3. They'll ask you to abandon your basic common sense. Campus extremism thrives on spacious generalizations, wild accusations, and unverified allegations. Complex issues of state are wrapped in slogans and cliches. Dogmatic statements are issued as if they were the final truth. You should carefully examine the facts. Don't blindly follow courses of action suggested by extremists. Don't get involved in a cause just because it seems "fashionable" or the "thing to do." Rational discussion and rational analysis are needed more than ever before.

4. They'll try to envelop you in a mood of negativism, pessimism, and alienation toward yourself, your school, your Nation. This is one of the most insidious of New Left poisons. SDS and its allies judge America exclusively from its flaws. They see nothing good, positive, and constructive. This leads to a philosophy of bitterness, defeatism, and rancor. I would like you to know your country more intimately. I would want you to look for the deeper unifying forces in America, the moods of national character, determination, and sacrifice which are working to correct these flaws. The real strength of our Nation is the power of morality, decency, and conscience which rights the wrong, corrects error, and works for equal opportunity under the law.

5. They'll encourage you to disrespect the law and hate the law enforcement officer. Most college students have good friends who are police officers. You know that when extremists call the police "pigs" they are wrong. The officer protects your rights, lives, and property. He is your friend and he needs your support.

6. They'll tell you that any action is honorable and right if it's "sincere" or "idealistic" in motivation. Here is one of the most seductive of New Left appeals—that is an arsonist's or anarchist's heart is in the right place, if he feels he is doing something for "humanity" or a "higher cause," then his act, even if illegal, is justifiable. Remember that acts have consequences. The alleged sincerity of the perpetrator does not absolve him from responsibility. His acts may affect the rights, lives, and property of others. Just being a student or being on campus does not automatically confer immunity or grant license to violate the law. Just because you don't like a law doesn't mean you can violate it with impunity.

7. They'll ask you to believe that you, as a student and citizen, are powerless by democratic means to effect change in our society. Remember the books on American history you have read. They tell the story of the creative self-renewal of this Nation through change. Public opinion time after time has brought new policies, goals, and methods. The individual is not helpless or caught in "bureaucracy" as these extremists claim.

8. They'll encourage you to hurl bricks and stones instead of logical argument at those who disagree with your views. I remember an old saying: "He who strikes the first blow has run out of ideas." Violence is as ancient as the cave man; as up-to-date as the Weatherman. Death and injury, fear, distrust, animosity, polarization, counter-violence—these arise from violence. The very use of violence shows the paucity of rational thought in the SDS, its inability to come up with any intelligent critique of our society.

Personally, I don't think the outlook for campus unrest this year is as bleak as some prophets of pessimism proclaim. The situation at some colleges is serious, but certainly not hopeless.

Along with millions of other adults, I'm betting on the vast majority of students who remain fair-minded, tolerant, inquisitive, but also firm about certain basic principles of human dignity, respect for the rights of others, and a willingness to learn. I am confident our faith has not been misplaced.

FEDERAL EMPLOYEES PROSELYTED BY INTERNATIONAL ORGANIZATIONS

(Mr. RARICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RARICK. Mr. Speaker, I take this means to call to the attention of the House Executive Order 11552, signed by the President at the California White House on August 24, 1970.

The Executive order deals with details of transfers of Federal employees to international organizations.

Under the order, the Secretary of State is ordered to provide leadership and coordination for the Federal Government to increase and improve its participation in international organizations through transfers and details of well qualified Federal employees.

It further provides "each agency in the executive branch of the Federal Government shall to the maximum extent feasible—assist and encourage details and transfers of employees to international organizations" and then sets forth certain policies and procedures including leaves of absence for interviews, with full pay, and discretionary approval and pay of official travel within the United States for such an interview.

It thus appears that our Federal Government is no longer in competition with the international boys, but rather our Federal employees are being hand selected to staff the one-world supergovernment. And again, of course, all at the expense of the U.S. taxpayers.

Mr. Speaker, I include the full text of the Executive order, as it appeared in the weekly compilation of Presidential Documents for the week ending Saturday, August 29, 1970, at page 1110:

[Executive Order 11552, Aug. 24, 1970]

DETAILS AND TRANSFERS OF FEDERAL EMPLOYEES TO INTERNATIONAL ORGANIZATIONS

By virtue of the authority vested in me by section 301 of title 3 and section 3584 of title 5, United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. *Leadership and coordination.* The Secretary of State shall provide leadership and coordination for the effort of the Federal Government to increase and improve its participation in international organizations through transfers and details of well-qualified Federal employees, and shall develop policies, procedures, and programs consistent with this order to advance and encourage such participation.

SEC. 2. *Federal agency cooperation.* Each agency in the executive branch of the Fed-

eral Government shall to the maximum extent feasible and with due regard to its manpower requirements assist and encourage details and transfers of employees to international organizations by observing the following policies and procedures:

(1) Vacancies in international organizations shall be brought to the notice of well-qualified agency employees whose abilities and levels of responsibility in the Federal service are commensurate with those required to fill such vacancies.

(2) Subject to prior approval of his agency, no leave shall be charged an employee who is absent for a maximum of three days for interview for a proposed detail or transfer at the formal request of an international organization or a Federal official; an agency may approve official travel for necessary travel within the United States in connection with such an interview.

(3) An agency, upon request of an appropriate authority, shall provide international organizations with detailed assessments of the technical or professional qualifications of individual employees being formally considered for details and transfers to specific positions.

(4) Upon return of an employee to his agency, the agency shall give due consideration to the employee's overall qualifications, including those which may have been acquired during his service with the international organization, in determining the position and grade in which he is reemployed.

SEC. 3. *Delegations.* (a) Except as otherwise provided in this order, there is hereby delegated to the United States Civil Service Commission the authority vested in the President by sections 3582(b) and 3584 of title 5, United States Code.

(b) The following are hereby delegated to the Secretary of State:

(1) The authority vested in the President by sections 3343 and 3581 of title 5, United States Code, to determine whether it is in the national interest to extend a detail or transfer of an employee beyond five years.

(2) The authority vested in the President by section 3582(b) of title 5, United States Code, to define and specify "pay, allowances, post differential, and other monetary benefits" to be paid by the agency upon reemployment, disability, or death.

SEC. 4. *Revocation.* Exceutive Order No. 10804 of February 12, 1959, is hereby revoked.

RICHARD NIXON.

THE WHITE HOUSE, *August 24, 1970.*

[Filed with the Office of the Federal Register, 4:55 p.m., August 24, 1970].

GRAPE BOYCOTT ENDS

(Mr. BURTON of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BURTON of California. Mr. Speaker, the long and valiant struggle of the farmworkers to obtain social justice for those who toil in the Nation's fields now seems destined for success. The grape boycott, long a symbol of that struggle, has come to an end.

The tireless effort of Cesar Chavez and the dedicated men and women of the United Farm Workers Organizing Committee, AFL–CIO has been culminated by victory in this struggle for union recognition in the California grape industry.

AFL–CIO President George Meany used the Labor Day weekend as the occasion to announce to his members the news of the victory and the end of the grape boycott.

All who joined in this historic struggle share his delight and I would like to take this opportunity to share his words with my colleagues:

STATEMENT OF GEORGE MEANY

AFL–CIO President George Meany today informed the 13.6 million members of the federation that the grape boycott was over.

Meany said the members of the United Farm Workers Organizing Committee, AFL–CIO, "have successfully concluded their historic struggle for union recognition in the California grape industry."

The consumer boycott of grapes "played a major role in winning that victory," Meany said.

Paying high tribute to the farm workers' five-year struggle, which he called "an historic demonstration of faith, courage and conviction," Meany added:

"Even so, that struggle could not have succeeded without the steadfast support of a united labor movement. We have demonstrated once again, the value of the boycott weapon in strike situations. It is not a weapon we will ever use lightly but this experience and the experience earlier this year in the GE boycott prove that American consumers will refuse to purchase articles made under substandard or strike-breaking conditions. So we will use the boycott weapon when it becomes necessary in order to win justice for workers."

He added: "Now that the grape boycott is over, all remaining stocks of leaflets, pamphlets, placards, bumper stickers or other materials relating to that boycott should be immediately destroyed."

The text of Meany's letter follows:

It gives me great pleasure to inform you that the members of the United Farm Workers Organizing Committee, AFL–CIO, have successfully concluded their historic struggle for union recognition in the California grape industry.

Therefore the grape boycott is officially ended.

It is quite clear that the consumer boycott of grapes in which millions of American trade unionists joined together, played a major role in winning that victory.

Director Cesar Chavez and the UFWOC Executive Board have asked me to convey the deep gratitude of their members for the financial contributions and the physical support they have received from individual volunteers, AFL–CIO affiliates and their locals and state and central labor bodies—from all who picketed supermarkets, handbilled shopping centers and personally urged store managers to stop selling table grapes.

The five-year struggle of the farm workers, against powerful opposition unrestrained by federal or state labor laws, has been an historic demonstration of faith, courage and determination.

Even so, that struggle could not have succeeded without the steadfast support of a united labor movement. We have demonstrated, once again, the value of the boycott weapon in strike situations. It is not a weapon we will ever use lightly but this experience and the experience earlier this year in the GE boycott proved that American consumers will refuse to purchase articles made under substandard of strike-breaking conditions. So we will use the boycott weapon when it becomes necessary in order to win justice for workers.

All of those who shared in the farm workers' struggle have a full share in the victory, as well. Because of their efforts, the trade union movement is stronger than before.

Now that the grape boycott is over, all remaining stocks of leaflets, pamphlets, placards, bumper stickers or other materials relating to that boycott should be immediately destroyed.

With personal thanks to all who contributed to this victory.

H.R. 19313

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, on Thursday I introduced a bill (H.R. 19313) to make it a Federal crime to kill or injure State or local policemen, firemen, or judges because of their official position.

In recent months we have experienced a series of unprovoked attacks, some of them fatal, on State and local policemen and judges. The seriousness of the situation is demonstrated by the recently released figures of the FBI which showed 86 killings of law enforcement officers by felonious criminal action in 1969, a 34 percent increase over 1968, and 35,202 assaults of police officers during 1969. More currently we have all been shocked by the kidnaping and shooting of a California judge and a widespread rash of senseless shootings of policemen. I believe the situation is so serious as to make it necessary to bring to bear the weight of Federal law and provide the benefit of the assistance of our Federal law enforcement agencies.

As a recent New York Times editorial noted:

In the last analysis the enemies of the police are the enemies of all organized society, and of the personal security which is society's first obligation toward all its members.

We must take fast action to deal effectively with this most critical problem. My bill is designed to apply to situations where an officer is singled out and attacked simply because of his official position. The law would apply to anyone who traveled in interstate commerce, or used any instrumentality or facility of interstate commerce, for the purpose of assaulting, injuring, or killing these public officials, as well as anyone who aided, abetted, or encouraged such activity. It would further apply to anyone who, in the course of such an attack, used a dangerous or deadly weapon which was transported or is customarily transported in interstate commerce, as well as anyone who aided and abetted in the transportation of such a weapon.

The penalties for these crimes will be the same as are currently provided for in the United States Code for like acts against Federal officials.

The question of whether an individual has intended to kill such a public official would be determined in court by a judge or jury in the same manner as other questions of intent are currently determined under criminal law. However, as soon as Federal officials have determined that there is probable cause to believe that a crime has been committed under the provisions of this legislation, Federal officers could immediately provide assistance to local authorities.

The adoption of this legislation would be a major addition to existing laws governing the killing of Federal officials, attacks on Federal, State and local officials during civil disorder situations, and Federal antiassassination laws.

No one can doubt the need for swift action in this area. I therefore urge my fellow Members of Congress to cosponsor this important legislation and press for its passage this year.

FREEDOM OF CHOICE OF SCHOOLS

The SPEAKER pro tempore (Mrs. SULLIVAN). Under previous order of the House, the gentleman from Mississippi (Mr. MONTGOMERY) is recognized for 60 minutes.

Mr. MONTGOMERY. Madam Speaker, I rise today with a heavy burden on my shoulders and a deep concern for the quality of education for all the young people of by home State of Mississippi and other States of the South who have fallen victim to the unyielding and oppresive hand of the Federal courts.

The burden I carry is to gain for my constituents a rational and sane nationwide policy that will permit us to maintain public schools on a high level of educational standards and without causing undue hardship on the students and their parents. My concern is for the type of learning experience that will be provided these students in the midst of chaos and confusion.

In its September 11 report on school desegregation, the impartial Congressional Quarterly stated:

> Confusion generated by contradictory policy statements and conflicting court orders clouded the successful desegregation of more than 90 percent of the school districts in the states where it was once illegal for black and white children to attend school together. Parents, students and school officials waited anxiously for a Supreme Court decision answering these questions:
>
> Does a child have a constitutional right to attend a school in his own neighborhood?
>
> Does the Constitution require that there be a racially balanced student body in every school?
>
> Did Congress in 1964 forbid school boards to bus students to achieve racially balanced student bodies?
>
> Are all-Black or all-White schools unconstitutional?
>
> "On October 12, the first day for arguments in the 1970–71 term, the Court will hear arguments in six cases presenting these issues."

One of these six cases is the Swann against Charlotte-Mecklenburg Board of Education case in which our distinguished colleague from Florida, WILLIAM CRAMER, has filed a friend of the court brief. As of this morning, thanks largely to the efforts of Representatives WATSON and ABBITT, 80 of our colleagues have joined Congressman CRAMER. This most excellent brief strikes at the central issue of judicial and executive attempts to bring about a racial balance in the schools in direct violation of the directives of Congress as contained in title IV of the Civil Rights Act of 1964.

Let us look at the type of busing being imposed upon southern schools now. In many, many cases young children—children of all ages—are having to make a 30-, 40-, or 50-mile round trip each day just to attend school. I wonder how many of my colleagues would be willing to travel the same distance each day in order to conduct their legislative duties, especially on those days when the sessions are lengthy and late. Can you imagine what it is like for a first, second, or third grader to catch a school bus each morning at 6 o'clock in order to be at school by 8 a.m., knowing full well it will probably be 5 or 6 that afternoon before he returns home?

Does anyone really believe this is conductive to a quality education? Does anyone really believe a child—white or black—can do his or her best after spending 2 hours on a school bus? What are we trying to teach the youth of today? Reading, writing, and arithmetic or the discomforts of sitting on a hard bus seat for 2 hours?

Of course, there are other drawbacks to massive busing, such as the fact that extracurricular activities normally taking place after school must be curtailed. We must not forget those high school students who used to work after school to earn spending money for themselves or supplement their family's income can no longer work as long, if at all, on part-time jobs because they simply do not arrive home soon enough. This has worked a noticeable hardship on the children in white and black families of less fortunate financial means.

I really wonder who the courts are trying to please. They certainly are not pleasing the school administrators who must implement the unreasonable plans. They certainly are not pleasing the black and white parents of my State who are desirous of freedom of choice and the neighborhood school concept. Yes, I said black and white parents. Most blacks in Mississippi are no more in favor of busing than the whites are.

There have been many public meetings held throughout Mississippi well attended by black parents as well as white parents. The consensus of these meetings and the message that has been coming through loud and clear is "don't force my child to go to a school he or she does not wish to attend." They say, "Let us as parents decide which school we want our children to attend. Let us decide if we want our children to spend 2 hours or 20 minutes riding a bus to school each morning." In effect, they are asking for freedom of choice. Unfortunately, this message has fallen on deaf ears as far as the Federal courts and erstwhile educational planners in HEW are concerned.

Let us look at another deplorable situation that has arisen as a result of recent court orders for racial balance in the public schools—the loss of experienced and highly qualified professional teachers in the public school system. Many of these teachers have left the teaching profession because they realize the futility of trying to provide a meaningful learning situation in the midst of the chaotic conditions presently existing. As a result of the pairing of schools, many of the physical plants have become grossly overcrowded. While other physical plants have about half of the students for which they were built. This has resulted in a lack of classroom space, supplies, and needed educational equipment.

In case some people are not familiar with the term "pairing of schools." I would like to elaborate on this somewhat. Pairing is when the courts decide that the student bodies of two different schools, often separated by many miles, are to be brought together as one. There are two choices available in this pairing process. One choice is to completely close down one of the schools and send all the students to the other school. The other choice is to send half of the grades to one school building and send the other grades to the other school building. What makes pairing even more intolerable is that rather than choosing two schools of closest proximity to pair, the courts have thrown all logic out of the window and appear, in some cases, to take great delight in pairing those schools that are the farthest apart.

Madam Speaker, it is a situation like this—pairing of schools—that has caused teachers to leave their chosen profession.

These new school policies—pairing of schools and busing of students—is being done by the courts in the name of so-called racial balance. Do the courts have any legal right of precedent to formulate school plans based on racial balance. I say no. Nowhere in the U.S. Constitution is there mention of racial balance. There are guarantees of equal access to public places by people of all races, but the Constitution does not say there must be racial balance.

Another point I would like to make is that of the legislative history of the Civil Rights Act of 1964. It was pointed out quite strongly by the majority of the Members of the House and Senate, both liberals and conservatives, that the Civil Rights Act was in no way meant to overcome racial imbalance or bring about forced racial balance. The Civil Rights Act was passed to provide equal rights for all Americans as far as public places were concerned.

Congress has more recently spoken on this subject in passing the Whitten amendment to the fiscal 1971 Office of Education appropriation bill. This amendment, authored by my very able colleague from Mississippi, Representative JAMIE WHITTEN, specifically forbids the expenditure of Federal funds in busing of schoolchildren to overcome racial unbalance in the schools. The legislative history on this point makes it abundantly clear that the Congress of the United States is opposed to busing to overcome racial unbalance in the schools. The concept of racial balance is purely and simply a social philosophy of the U.S. Supreme Court—an organization of nine men who over the past few years have made a mockery of the American concept of three coequal branches of Government.

Madam Speaker, the matter of school policies now being forced upon the people of the South boils down to two questions. Has not the Supreme Court acted illegally in denying freedom of choice to school students in the South to attend any school they desire. And No. 2, is it not likewise illegal and certainly morally wrong to enforce such policies in only one section of the Nation with a very

crass attitude of sectionalism. I believe the answers to both questions are a loud and resounding "yes."

As I cover these points, if any of my colleagues would like to comment certainly I shall be glad to yield to them.

Mr. GRIFFIN. Madam Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Mississippi (Mr. GRIFFIN).

Mr. GRIFFIN. I thank the gentleman for yielding. I wish to commend him for bringing this subject to the floor today for discussion. I join him in his comments on the many court decisions which have disrupted the schools.

Despite all the disclaimers, HEW-drawn school districts approved by Federal judges require racial balance in Mississippi schools. Pupils have been assigned by race. The race of children are the sole criteria in many assignments.

All of these acts violate the law of the land.

When the 1964 civil rights bill was on the floor of the Senate, the manager of the bill, Senator Hubert Humphrey, made this positive assertion:

> The Constitution prohibits segregation, it does not require integration. The busing of children to achieve racial balance would be an act to effect the integration of schools.

That is the legislative history of the bill. The same record is in the debate in the House of Representatives.

Any 10th grade student, Madam Speaker, can understand simple language like that, but apparently Federal bureaucrats and Federal judges cannot.

The author of the language outlawing busing to integrate schools was Representative CRAMER of Florida. In explaining his intent, Mr. CRAMER stated:

> "The purpose is to prevent any semblance of congressional acceptance or approval . . . to include in the definition of 'desegregation' any balancing of school attendance by moving students across school district lines to level off percentages where one race outweighs another."

Despite this clear explanation of the intent of the language, it has been ignored by HEW, the Department of Justice, and Federal courts.

The U.S. Supreme Court will hear oral arguments October 12 on several suits seeking to prohibit further disobedience of the law. If we are to maintain respect for the law in this Nation, the Court has no alternative but to restrain HEW and District Federal judges from acting contrary to law.

Chaos prevails in many school systems. This chaos can be laid directly at the feet of Federal officials who have evidenced no respect for acts of Congress.

Every Member of this body is familiar with the history of school desegregation. Earl Warren, Republican nominee for Vice President in 1948 was named Chief Justice of the United States by Dwight Eisenhower in 1953. We all recall that Mr. Eisenhower was our first Republican President after Herbert Hoover.

Chief Justice Earl Warren rendered the Court decision on May 17, 1954, which overturned previous decisions.

Even under the Warren decision, Mississippi schoolchildren had freedom of choice until February 1970.

Freedom of choice ended when Chief Justice Warren Burger rendered his opinion last October which required busing of students in many Mississippi schools.

Racial quotas in Mississippi schools are today commonplace in violation of the law of the land.

A national policy on desegregation is urgently needed. If racial quotas are required in Mississippi, racial quotas should be required in Illinois.

Mississippians will abide by any policy which is equally applicable to New Yorkers.

However, there is a double standard today on school desegregation. One standard is enforced in the South and another is permitted in the North. Such discrimination is intolerable and should be abandoned.

President Nixon and the Supreme Court must reverse their positions and return our school systems to the principle of freedom of choice. Otherwise, the scales of justice will never be again balanced.

Mr. JONAS. Madam Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from North Carolina (Mr. JONAS).

Mr. JONAS. I wish to thank my friend the distinguished gentleman from Mississippi for taking this special order and giving those who wish to do so an opportunity to make some comments on this subject.

I am of course especially interested in this case, because the principal case on appeal to the Supreme Court is the Charlotte case, and I have the honor of representing that community here, and have for 18 years.

I made a lengthy speech on the Charlotte case on the floor of the House on March 25, 1970, and outlined what was transpiring there. That speech was published in the CONGRESSIONAL RECORD for that day. And I invite the attention of all who are interested in the facts of that case and the legal proceedings that followed that speech.

May I take a minute to explain why the people in Charlotte are disturbed over this Court order. It is not a question of holding fast to segregation. The public schools in Mecklenburg County have been integrated for a number of years. All the schools have been zoned, and all the pupils who live within those zones, whether black or white, go to the same school. So all the schools are open to the students of all races, with an outright automatic right of transfer if a student wishes to transfer from one school to another, the only limitation on that being if the school to which transfer is sought is full.

So the people in Charlotte, in Mecklenburg County, accepted the order to integrate the schools. The fact is they accepted with good grace the provisions which integrated public facilities in the community. They have all been integrated for years now without any noticeable complaint and without any difficulty.

It was only when an order was entered requiring massive cross-busing of students, as the gentleman from Mississippi has said, to force students to ride for miles and miles from their neighborhood schools to schools far removed from their homes in order to bring about a racial balance. Then those same buses pick up students that would normally go there and bring them back to the schools from which the first ones had been bused. It is only this massive cross-busing of students from the inner city schools out to the suburban schools and vice versa that is causing the trouble. I had a lady come to see me when I was at home during the recent recess, a woman with three children. She said:

> We bought our home in a particular area because it was right across the road from a school. Now I have to see my children, students, refused permission to go to that school and instead they are put on a bus and hauled all the way across town, while students from that other part of town are hauled back to the school right across the street from my home.

It is that sort of thing that has caused the uproar at Charlotte and not any fear of or opposition to integrated schools.

Madam Speaker, may I say one other thing. The same judge who entered this order had stated in an order previously entered in the same case as follows with respect to the Charlotte-Mecklenburg Board of Education:

> They have achieved a degree and volume of desegregation of schools apparently unsurpassed in these parts and have exceeded the performance of any school board whose actions have been reviewed in appellate court decisions.

Despite that statement, the judge then proceeded to enter an order requiring this massive busing.

Now, so much for the Charlotte case.

May I inquire of my distinguished colleague from Mississippi is it not the position of our colleague from Florida, in his brief, on which a number of us are seeking to be associated, is it not his position and the position of all of us that what we are trying to do is to correct an erroneous impression that has become widespread as a result of a decision of a circuit court of appeals that the Cramer amendment and section 407 of title IV of the Civil Rights Act were intended to apply only in de facto segregation situations, whereas we think the legislative history clearly shows that the Congress intended to exclude or outlaw or forbid the compulsory busing of students out of their neighborhood schools for the purpose of achieving a racial balance whether it was a de facto situation or a de jure situation?

Mr. MONTGOMERY. The gentleman is absolutely right. This is the interpretation as I have it. The gentleman is certainly stating it in a very clear and concise manner.

Mr. JONAS. I was here throughout the debate on the Civil Rights Act of 1964. This brief goes into the background of the act within the committee and points out how the original act that was proposed was changed in the committee in order to strike out all references to racial balance or imbalance. Then the full

Committee on the Judiciary brought the bill to the floor, after it has specifically eliminated all reference to racial balance or imbalance.

Mr. MONTGOMERY. I think that the gentleman is absolutely correct. The gentleman was here, and it is my understanding that this was not only conservatives voting like this but the majority of the Members of the House, both so-called liberals and conservatives.

Mr. JONAS. That is true. I ask my colleague to confirm the fact that in the other body some of the most liberal Members indicated a clear understanding that the purpose of this amendment was for the Congress to express its opposition to compulsory busing for racial balance, and to have that intent made applicable to the entire United States; and that the legislative history should show that the Congress intended to outlaw the compulsory busing of students out of their neighborhood schools in order to achieve racial balance, whether there was a de facto or a de jure situation.

Madam Speaker, our purpose in undertaking to join in the brief is to try and explain how the intent of Congress has been misinterpreted and has not been followed by some lower court decisions and in an effort to have the Supreme Court follow the law of the land as laid down by the Congress in the Civil Rights Act and not as construed by some lower court.

Mr. MONTGOMERY. I thank the distinguished gentleman from North Carolina for his contribution.

Mr. DERWINSKI. Madam Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Illinois.

Mr. DERWINSKI. Madam Speaker, in order to point out that the complications caused by forced busing is a national, not a regional problem, I relate the situation which now confronts School District 151, which serves parts of South Holland, Harvey, and Phoenix, Ill.

According to Superintendent of School District 151, Dr. Thomas E. Van Dam—

> The school board is working on a budget shaved to the bone. There is not enough money to paint a school room. Our financial condition is serious, and getting worse. We are indebted to the education fund, and we are $23,000 outstanding in the transportation fund. It looks like we will have to borrow next year's tax money to pay this year's bills.

This is the gloomy picture of the school district which was the Department of Justice's first desegregation suit in the North under title IV of the Civil Rights Act of 1964. This is the picture of a school district's financial plight since Court ordered forced busing, when on July 22, 1968, the Court ordered the school board to restructure its grade organization and to bus approximately 55 percent of its student enrollment involuntarily to achieve racial balance. Upon execution of this Court order the school district lost approximately 800 students who transferred to private schools or whose parents moved to other school districts. The implementation of this busing order quadrupled the busing expense of this school district.

Superintendent Van Dam stated that the judge, regardless of the affluence or cultural deprivation of certain sections assigned students to a specific school by just taking so many street blocks along a given road and assigning that area to a school. This method of assignment, consequently, has placed children with the greatest number of problems in one specific school and the more advantaged children in another school. This is an obvious disruption of our entire system of neighborhood schools.

Yet, title IV of the Civil Rights Act of 1964, in authorizing suits such as this by the Attorney General, states very explicitly:

> That nothing herein shall empower any official or Court of the United States to issue any order seeking to achieve racial balance in any school by requiring the transportation of pupils or students from one school to another.

Therefore, I have joined in filing a friend-of-the-court brief in the Charlotte-Mecklenburg school case in the hopes that the court will see that emphasis should be placed on the quality of education and the effectiveness of neighborhood schools as opposed to social manipulations by the courts without regard to school districts, and individual students. The obligation of our schools is to provide the finest possible education for the students under their jurisdiction. To give integration priority over sound educational administration creates more problems than it solves and is detrimental to the student, the teacher, and the taxpayer.

Mr. MONTGOMERY. I thank the gentleman from Illinois.

Mr. COLMER. Madam Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the chairman of the Rules Committee and the dean of the Mississippi delegation.

Mr. COLMER. Madam Speaker, I think the distinguished gentleman from North Carolina (Mr. JONAS) has rendered a yeoman's service in this field.

I would like to associate myself with the remarks of my colleague, the gentleman from Mississippi (Mr. MONTGOMERY), who is always most diligent in looking after the affairs of not only his people but the country at large, who has taken this time in order to air this situation.

Again, I do not know what effect these statements or this colloquy here will have upon the Court. I am glad, though, to see that the gentleman from Illinois has seen fit to make some observations here because it is not, and certainly should not be, a sectional matter.

Now, I certainly concur in the views expressed by the gentleman from North Carolina (Mr. JONAS) and as advocated by the gentleman from Florida (Mr. CRAMER), that this is not the intention of Congress that we should have this busing and cross busing. I do not think anyone really believes that that was the intention of the Congress unless it be the courts and, certainly, the Fifth Circuit.

Madam Speaker, I think the President of the United States, who certainly could not be called a segregationist, has made his position clear on this question of busing both publicly and privately. This whole thing goes back and stems from the fact that the courts of this land, particularly the Supreme Court, was stacked back there beginning back in the Roosevelt administration, and this continued during the succeeding administrations.

Lest someone think that I might be favoring my Republican friends too much, I would like to point out that it was the beloved President Eisenhower who really capped the climax and put the icing on the cake, as it were, by the appointment of the Chief Justice; and this has been followed down the line to where there has got to be a reevaluation and there has got to be some balance made in the courts. It is asinine and it is tragic to think that these small children, regardless of race or color, should be treated in this manner.

These courts and some of these bureaucrats apparently take the position that in our schools integration is the important matter, and seem to overlook the fact that schools are established for the purpose of education, and not for integration.

I am convinced in my mind that some day—and I hope it will not be too long or too late—we will get some semblance of a balance in the courts who have been the chief offenders in this matter.

I hope in spite of what I have said, and certainly I have not said anything to ingratiate myself with the courts, that maybe they will take a new look at the situation and use some reason.

I want to commend those who are responsible for this brief that is being filed amicus curiae, and hope that it will have some effect.

Madam Speaker, I thank the gentleman for yielding.

Mr. MONTGOMERY. Madam Speaker, I thank the gentleman very much for his remarks.

Mr. NICHOLS. Madam Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Alabama.

Mr. NICHOLS. Madam Speaker, I want to join the distinguished dean of the Mississippi delegation in complimenting the gentleman in the well of the House for his foresight in planning this special order. I also want to join my friend on the other side of the aisle who says that this entire issue cuts across all sections of the country. It does indeed, Madam Speaker, and Members of the House. It also cuts across party lines.

I would like to share with my colleagues a little story that I think points out in a dramatic way the point I wish to make:

About a year ago a Negro boy from St. Clair County in my district came to see me about the whole matter of busing and changing schools. He came to my home, and I received him and we talked at some length. He told me as president of the student body he had been sent over to discuss the matter with me, his Congressman.

I listened to him. He told me that his people had a good school. It was a new school, incidentally, Madam Speaker, and they were proud of it. They had the finest football team in the whole county.

They beat everybody. He told me that they had a fine glee club. He said he just did not want to be bused across town to the other school.

I told him to go home and have his board of trustees write me some letters about it, and he did, and I put them in the CONGRESSIONAL RECORD, and I did what I could. I made a special trip over to the White House to talk to Mr. Finch, and to Attorney General Mitchell. Of course, without avail.

Now that story has another chapter. The boy was transferred to the other school against his will. He was doing well, he was a senior at the time. A few months ago I talked to his principal and I told him this story. He said, "Yes, I know the young man you are talking about. It is tragic. He dropped out of school after 2 months here with us. He came to us and told us our ways were strange and he just could not learn. He went to Chicago and took a job."

That man will be crippled for life. The whole aspect of this thing is certainly tragic.

There is one other feature of the busing principle in my State that disturbs me greatly. Our President referred to this in a speech made last week in talking about college professors in general and campus activities and so forth.

He called attention to the Nation that we are in jeopardy—and I believe this with all my heart—we are in jeopardy of losing public support for education. Now this would be tragic if that were to come about.

I served on a school board for better than 15 years. All my children attend public schools. I believe in public education. But yesterday I attended the dedication of a private school just outside of my district in my colleague's district, the gentleman from Alabama (Mr. FLOWERS).

These people have, if I may use the expression, have had a belly full. They have banded together. They have raised in the most difficult way better than $60,000 to construct this school. They have hired teachers and they have done a good job. They are not going to be interested in voting additional taxes on themselves to support education. I can understand their feelings. It is a tragic situation.

So I again commend the gentleman for calling it to the attention of the Congress.

Madam Speaker, today I have come before my colleagues to address you on the urgent problem facing our schools throughout the South and in particular my congressional district. The time is here to stand up and speak out for my people and the daily tortures which are inflicting wounds in our culture and society. The Federal courts have acted on legislation passed by the Congress in a manner which has caused repeated hardships on school officials, parents, and children alike. All of our law making and all of its interpretations are worthless if the society regress—and that is exactly the way we are going.

My people work hard for their schools and pay hard-earned tax money to build school buildings which will give their children every advantage in learning about a world in which we all live. Many of us forget that indecision and trouble within the children's society is also creating attitudes and feelings of a lasting virtue. It may seem small to some Federal bureaucrats who sign the quota sheets requiring 6- and 7-year-olds to be awakened an hour earlier than usual in the morning to catch a bus which will take them 10 to 20 miles to an old building with insufficient sanitary facilities and crowded rooms. If it were their children I wonder if they would think twice about such hardship and inconvenience.

I would like to take a Federal court judge in Montgomery, Ala., for example, who is of course a member of our society and his family resides in the community. This judge is appointed by the President for a life term and unless impeachment occurs, which is very unlikely, his jurisdiction will directly affect the lives of each and every Alabamian in the area. This judge makes $40,000 annually, compared with the per capita income in Montgomery of $2,548, according to Sales Management magazine. How can this judge who has no children in the public schools, who has an income of over $37,000 annually more than the average individual justify making such outrageous decisions which have such a detrimental effect on the people he is supposed to protect?

Madam Speaker, I respectfully acknowledge that this jurist is a very learned and qualified man of capable means but evidently he has neglected the people whom his unqualified decisions are affecting.

I would like to ask, what students are expected to be helped by this judge's decisions? Is it the children of Sgt. Harry L. Brown, who is a Negro and a fine native of Sylacauga, Ala.? Madam Speaker, at this point I would like to insert into the RECORD a letter from Sergeant Brown expressing his concern over the decision which has interrupted his family's routine.

I ask again could it be a child from Talladega, Ala., whose mother wrote the local newspaper expressing concern over the change and the effect this decision is having on her daughter's life? Madam Speaker, please allow me to add these comments for our colleague's information.

Mrs. Elaine Wright of East Birmingham brought to my attention her sentiments in the following statement:

> We don't have any choice but to obey these unpopular rulings of the court, but where will it end?

Madam Speaker, the text of Mrs. Wright's letter acknowledges the feeling of many teachers who are put in schools against their wishes, which unfortunately results in apathy on the part of many teachers.

My office has not received one single letter praising the courts decision and the busing of students. I believe, however, that it is clear that a human tragedy is taking place in Alabama.

I come before this body today to state that Alabamians have become victims of "the quota game"—the game, designed by the Justice Department and the Department of Health, Education, and Welfare, unfortunately has no winners and all too many losers. Madam Speaker, why not freedom of choice?

Give our people the human and individual rights they so justly deserve and urgently need to maintain their families and communities. It is no secret that basically Alabama can be classified conservative—but there is nothing wrong with wanting to protect our people from ways of indifference and undesirable methods of public welfare.

Madam Speaker, as a Congressman representing some 425,000 people from the Fourth District of Alabama I again come before you and our colleagues of the Congress to humbly bring to your attention the urgency of relief to our schools in Alabama. Hopefully all Members of Congress will lend a sympathetic ear to the thousands of law-abiding Americans who are victims of this human tragedy and who have come to me again with the question: Why not freedom of choice?

I include letters on this subject:

SYLACAUGA, ALA.,
August 28, 1970.

HON. WILLIAM NICHOLS,
Longworth Building,
Washington, D.C.

DEAR MR. NICHOLS: Again I seek your assistance in a matter which I'm confronted. In the midst of being reassigned for the purpose of attending a military service school for four months, I've had to relocate my family in Sylacauga. This time my two children have reached school age; my son his second year, and my daughter her first. The ridiculous fact is they must attend Main Avenue Elementary School which is 15 or 20 blocks away. I recently discovered that no bus service will be available. Mountainview Elementary School is 4 blocks away and the children are familiar with its location. I'll only have them in Sylacauga until February; but I do not plan to jeopardize their safety or lives for the sake of integration of the school system. My military assignment will base me at Keesler AFB, Biloxi, Miss. I'll need my one auto there 90% of the time which means my wife will be without transportation. How am I to get my children to Main Avenue? We are on a limited income. I don't plan to indebt myself for a second car or taxi charges for transportation to and from school. I will not give any consideration to them walking that unfamiliar distance for the perils are too many and too opportune.

For the sake of integration, this is too much for me to comprehend, and I do not intend to comply with the guidelines even at the risk of jail.

Your consideration and assistance will be greatly appreciated.

Sincerely,

HARRY L. BROWN.

It's just not fair! When Wendy was three years old she wanted to go to school. She even tried to get on the bus one day. She was finally six years old and in September, came the happiest day of all—Wendy went to school!

Her 6th grade teacher told her she was really smarter than she thought she was. In 7th grade she was invited to take accelerated math. Her junior year, she was surprised again by being tapped in the National Honor

Society. Here it is, her senior year at last. She has cried since Tuesday when she was told she would have afternoon sessions. Most of the seniors will be going in the morning and she wants to be with the kids she has gone to school with all these years. You see the courts have ordered West Side School closed and that made Talladega High School overcrowded so all 1200 will have half-day sessions.

Couldn't they have waited until another school could have been built? It just doesn't seem fair to me that one school is closed and the other one is so overcrowded. What can I do except watch her cry?

BIRMINGHAM, ALA.,
September 3, 1970.

Hon. WILLIAM NICHOLS,
House Office Building,
Washington, D.C.

MR. NICHOLS, DEAR SIR: Schools have opened here in Birmingham. Because of poorly drawn zone lines my children are sitting at tables without a teacher while down the street at the school they have always attended, half empty classes are being held. My one child can attend only half a day so that another class can come in for afternoon sessions. But, schools are open, and on the surface things appear calm. But if you look a little closer. . . .

You see: A black teacher, resentful over her last minute snatch out of her community, telling her class . . . my class . . . "don't come to this school . . . if I want you, I'll call for you." I can't really blame her for feeling resentful, but I wish it were not so evident to the class of little ones.

You see, a white mother who has taught at a local high school for eight years, and whose daughter finishes there this year. Her freshman son has been zoned to another school. Her elementary children are at yet another school, and now she must start dropping them off at 7 o'clock in order to meet the court demand that she teach across town in a black school.

Mr. Nichols, what is happening to our state? We don't have any choice but to obey these unpopular rulings of the court, but where will it end. If we can't teach at a job we have always held, and are qualified to keep . . . will the court next tell us where to live?

I honestly don't believe the issue is race. It is freedom . . . that elusive dream we once thought precious enough to grasp with every bit of our energies. But so many are apathetic . . . they just don't care, and those of us who do are so very frightened at the sight our leaders blindly accepting the communist plan for our own downfall. Can't they see what is happening? Our young people . . . fine young ones, no longer want the teaching profession with its insecurity, and indignity. Do you blame them? What kind of teachers are we going to have in five years, or ten?

Mr. Nichols, I believe there are concerned congressmen in other states who can see the trend downward . . . please get them to help. Continue to speak out, urge our people to speak out (maybe they'll listen to you). But don't give up trying, for we do so desperately need help, and soon.

Sincerely,

ELAINE WRIGHT.

Mr. MONTGOMERY. I thank the gentleman very much.

I would like at this time to yield to the gentleman from Florida (Mr. CRAMER) who has filed the friend-of-the-court brief.

Mr. CRAMER. I thank the gentleman.

Madam Speaker, I want to express my appreciation for the gentleman taking this time and giving the Members of the House an opportunity to express their views relating to the present development and affording what I would call an opportunity that presently exists with regard to the problem of busing for balancing in America.

I thank the gentleman in the well. I thank whoever have joined and requested to join in the brief filed on August 14 of this year before the Supreme Court in the Charlotte-Mecklenburg case.

I think I do so, at least so far as I am concerned, on behalf of the school children throughout America. This is not a sectional matter. It is not a regional matter. It is not basically a liberal or a conservative matter because this amendment in 1964, as the gentleman well stated, and as we have pointed out in our brief, and as I hope to have an opportunity to argue before the court, this amendment in 1964 to the then pending civil rights act, that is striking racial balance from the bill itself, was first accomplished by the Committee on the Judiciary itself unanimously by all Members. Partially on my insistence, it was stricken—every reference to racial balance or racial imbalance contained in the then pending legislation. This is set out in the brief.

In addition to that, when it came to the floor of the House, as the legislative history clearly shows, to make certain that every reference to racial balance was stricken from the legislation, the amendment was offered by myself on the floor of the House stating very simply and very succinctly, and it seemed to me, and obviously to the House, unmistakable—"desegregation shall not mean the assignment of students in order to overcome racial imbalance."

This unmistakable language, as I state in my brief and have stated before judges of other courts, Federal as well as State, is the law of the land. This is a basic definition of desegregation. This is a definition declared by the Congress, and this definition is the law of the land. The courts have a duty to abide by that definition and, in my opinion, the lower courts, the district courts and circuit courts of appeal, have not done so. So the appeal will be made.

Incidentally, as the gentleman knows, I became involved in this as the author of the amendment first because of my strong belief that Congress has an oversight function relating to legislation passed, and that is that once the Congress passes legislation and mandates the law, it has the duty to make certain the intent and purpose of Congress, as the representative of all the people of the country legislatively, is carried out by the executive, and now in this instance the judicial branch of the Government. That is the proper constitutional, essential, oversight function of the Congress of the United States.

I have been asked by the press on a number of occasions, What is the justification for not only myself but now some 80 Members of the House—hopefully more before the motion is filed—and some three U.S. Senators, I understand—hopefully more—for becoming involved in this particular effort before the Court? My answer is very simple; so far as this Member of the House is concerned, Congress has the duty to exercise its oversight function as the Congress has the duty to make sure the intent and purpose of Congress is carried out. Be it a matter before the judicial or the legislative branches, Congress has the duty to make certain that the Court as well as the executive knows what Congress intended.

I am the first to admit that this action is rather unprecedented. We did research precedents. There were none for Congressmen going before the Court, or a group of Congressmen who either authored or supported an amendment or legislation, explaining to the Court what Congress intended. So the question is: Why in this instance?

Because in this instance one of the most significant, one of the most monumental and important decisions to be made about the future of our children—and this is this speaker's opinion—in the history of this country is before the Court, and the decisions being made by the Court are in effect—the manner in which they are made and what the courts do—the courts are actually drawing school district lines; the courts are actually determining the plans for desegregation; the courts are actually ordering the specific busing; the courts are therefore taking over the function of the local-elected school board, and they are doing so supposedly as a result of what Congress did or did not do. Therefore, it seems to me, the Congress is fully justified, and any Member of it, when the Members believe that the Court is not following the mandate of the legislative branch of Government, in requesting to be heard, to indicate to that Court what was intended by those who supported the legislation, No. 1, the amendment and/or amendments, such subsequent action of Congress, and what Congress actually mandated.

I am proud of the fact that some 80 House Members and three Senators so far have joined in this effort, this oversight function, in this extremely important case, and it undoubtedly will be a landmark case on the subject of desegregation, knowing full well that as of today chaos exists in many of the school districts in many of the States, and knowing full well that the decisions being handed down—and many of them in themselves are discriminatory—compare one decision to another.

For instance, in Florida, in Orange County, they have said we can have an all-black school, but in a number of other counties they have said no, we cannot have all-black schools. It depends on what panel we get on the Circuit Court of Appeals. What kind of equality is that in justice in the United States?

It is not equality. Therefore, the Supreme Court has the duty to be consistent in their decisions and to make a decision consistent with what Congress says is the law of the land.

As the gentleman from North Carolina undoubtedly knows, the gentleman in whose district the Charlotte-Mecklenburg school district is located, I was asked to join in this case by the school board, as I also was in a number of other pending Florida cases asked by the school

boards involved. As a matter of fact, the first case in which I became involved in Dade County, Fla., was on the request of the school board, as author of the amendment, hoping to get the Court to listen and abide by it. Therefore, that is the reason and the method by which I became involved. The school boards asked me to become involved.

I say that to those who have become involved by joining in the brief, that the brief itself was filed on the request and approval of all the parties, and I trust the other parties will agree to the gentlemen joining in. I have today addressed a letter to all those other parties asking that they do so approve.

I close simply by stating this, that I do believe this is one of the most significant matters facing the Court today. I think the gentleman has performed a very valuable service in giving the Members an opportunity to discuss this on the floor of the House at this time. I trust the Court will give me an opportunity to address myself to these questions before the Court itself, and I trust the Court will abide by the mandate of the Congress.

This is the fundamental point. We should first have the same rule for the North and the South. If we can have an all-black school in an all-black neighborhood under the 14th amendment, with no action in the South involved causing it to be all-black, then that is a de facto or all-black neighborhood, and they should be able to continue to have an all-black school, as is the case with New York and Detroit and other places. The same rule should apply nationwide.

Also, the definition of segregation is a definition that goes to the heart of the decision to be made. The court will have to define desegregation. In defining desegregation, it is my belief the court will have to abide by what the Congress said the definition is: Not busing for balance. It is my hope that the court will do so.

Again I express my appreciation to all those who have joined in this effort, which is the continuing oversight function of the Congress of the United States. I thank the gentleman for yielding this time.

Mr. JONAS. Madam Speaker, will the gentleman yield so I may ask the gentleman from Florida a question?

Mr. MONTGOMERY. I yield to the gentleman from North Carolina.

Mr. JONAS. Madam Speaker, is it not implicit under the 14th amendment itself, section 5 specifically, that there is conferred upon the Congress the power to enforce the provisions of the 14th amendment?

Mr. CRAMER. If the gentleman will yield, the gentleman from North Carolina is absolutely correct. Under section 5 of the 14th amendment, there is specific provision for Congress to have that authority. Congress exercised the authority and Congress defined desegregation, and the court has the duty to live by that definition, and I trust that it will.

Mr. MONTGOMERY. Madam Speaker, I thank the gentleman from Florida again.

Madam Speaker, I yield at this time to the gentleman from North Carolina (Mr. MIZELL).

Mr. DAVIS of Georgia. Madam Speaker, will the gentleman yield for a brief question?

Mr. MIZELL. I yield to the gentleman from Georgia.

Mr. DAVIS of Georgia. Madam Speaker, I simply want to associate myself with the remarks of the gentleman from Mississippi and say I think generally the real victims of a busing proposal are the students themselves, inasmuch as a sizeable portion of their day is taken up in the process of being transported, in many instances over great distances, during which they are subjected to traffic hazards among other things, and loss of sleep in the morning.

Furthermore, I believe the end result of an unnatural mixture of categories of students from different communities is that of destroying the teaching environment. In that sort of false environment a situation arises where the pupils simply cannot learn.

I commend the gentleman for having taken this special order.

Mr. BENNETT. Madam Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. Madam Speaker, I should like to compliment the gentleman for his presentation and for making this opportunity available to us. I am here at the request of the school board that I be here, and I am here also because of personal conviction.

No issue in my memory has more greatly disturbed my constituents, or more properly done so, than the issue of compelling students to attend schools out of their home neighborhood for the purpose of securing racial ratios. This compulsion is being sought almost always in opposition to the wishes and judgment of parents and guardians. If I am any judge of the wishes of my constituents, and based on many contacts with them, both black and white vigorously opposed forced busing for racial ratios.

Recent decisions by the courts have caused great concern and difficulty in the Third Congressional District of Florida, which I represent. The public school system, which includes over 122,000 students in 135 schools in Duval County, is threatened by compulsory involuntary busing for racial ratios.

I have introduced several pieces of legislation which I believe would correct the injustice caused by these court decisions.

One, House Joint Resolution 1045, is a constitutional amendment to prohibit the involuntary busing of students from their own neighborhood school to another area. I believe this legislation would retain the neighborhood school system. I have heard from both white and black parents and students on this vital issue, almost unanimously opposing busing to achieve racial ratios.

Another bill, H.R. 15437, would relieve pressure for school integration in each school once the national average for a minority is reached in the school.

Madam Speaker, the Florida congressional delegation has had several meetings on the problem of forced busing, because it is a critical problem in our State. The delegation has requested a meeting with the President or Vice President AGNEW'S new school committee.

On January 14, 1970, I also asked the Supreme Court to allow me to intervene in cases to make a plea before the Court against involuntary busing for racial ratios.

I join with my colleagues today who are discussing this serious matter and have joined them as a friend of the court in the Swann against Charlotte-Mecklenburg Board of Education case now pending before the U.S. Supreme Court. Congress has said that the busing of pupils for the purpose of overcoming racial imbalance is illegal. The Charlotte case is one of the most important cases ever to come before the Supreme Court. On October 12, the Court will hear this case which will have a profound effect on the future of American education.

The Duval County, Florida Board of Public Instruction has requested that I enter into the pending Florida case and I have agreed to do this and a brief is now being prepared for presentation before the Supreme Court.

Mr. MONTGOMERY. I thank the gentleman from Florida.

Madam Speaker, I yield to the gentleman from North Carolina (Mr. MIZELL).

Mr. MIZELL. Madam Speaker, I thank the gentleman for yielding. I will take only a minute.

I should like to commend my colleague from Mississippi for securing this time to try to bring the attention of the House and of the Nation the impossible situation our schools are facing in many areas of the Nation. This is something which is of national concern.

When people have been polled, they have been overwhelmingly opposed to this idea of forced busing of students to achieve racial balance.

The President has repeatedly said he is opposed to the busing of children from their own geographical areas to other areas to achieve racial balance.

Congress is on record as opposing the idea of busing students to achieve racial balance, and the people are overwhelmingly opposed to it.

I shall seek permission to extend my remarks, and I will include in those remarks the almost impossible situation in the largest town in my district, which is Winston-Salem, N.C. The problem they face there is because of a decision handed down by the Federal District Court, which involves the clustering of eight elementary schools, which requires extensive busing and which has brought a tremendous hardship on our school system there.

Again I commend the gentleman for securing this time.

Madam Speaker, I am proud to stand here in the company of my distinguished colleagues and demonstrate my constant and firm support of any legitimate effort to remove a specter which now haunts this Nation's public education system.

That specter is the policy of forced busing of school children for the sole purpose of achieving racial balance.

In the Fifth District of North Carolina, which I represent, and especially in the city of Winston-Salem, the issue of forced busing has become a battle line

drawn between the private citizens of that city and the Federal judge who decreed that forced busing was to be implemented in the Winston-Salem school district.

That judge has ordered the "clustering" of three predominantly black schools with five predominantly white schools. This "clustering" program has proven to require a mammoth busing project involving more than 2,500 students.

The local school system has had to bear a very heavy financial burden to implement this order, with an additional $400,000 in local funds required to comply with this court's arbitrary order. Buses had to be borrowed from other sources in order to meet the sudden demands for massive transportation.

But beyond the inconvenience that thousands of schoolchildren were forced to bear, beyond the huge increase in expenses the school system was forced to shoulder, was the fact that the Federal judge had ordered this plan into effect solely for the purpose of establishing racial balance after acknowledging that such segregation as existed in that area was de facto segregation rather than de jure.

A complicated system of percentages has been imposed on desegregation efforts in Winston-Salem, and it takes no special gift of prophecy to foresee that the purely logistical problems now being experienced by the school system will be multiplied several times before someone's guideline is met.

And that argument is completely eclipsed by the greater issue involving the volatile emotions that come to the surface whenever cross busing is mentioned in my district and hundreds more just like it.

The people are pleading for a truly permanent solution to this crisis. More and more of the same will not allay their suspicions and anxieties. They are calling for reason, and their voices must be heard.

The Supreme Court will soon hear the case of James L. Swann aginst Charlotte-Mecklenburg County Board of Education. The High Court's decision promises to stand with Brown against Board of Education as a landmark in this Nation's judicial and social history.

Many of my distinguished colleagues and I are participating in an amicus curiae brief to be presented to the Supreme Court prior to its hearing of the Charlotte case. This brief forthrightly proclaims that it was the intent of the Congress that forced busing to achieve racial balance was forbidden in the United States.

How many times must we repeat that the U.S. Congress, as the representative voice of the Nation, has declared in the most unmistakable terms that forced busing shall not be imposed on this Nation's school systems?

How many times must we recite the antibusing amendment authored in 1964 by my distinguished colleague from Florida (Mr. CRAMER) and passed without a single dissenting vote by this House?

How many times must we remind ourselves that now, in 1970, this Congress has again made its intentions clear by declaring, in the education appropriation bill, that no Federal funds were to be used to forcibly bus schoolchildren away from their own neighborhoods, away from their families and friends, away from the familiar surroundings which make that first venture into the world alone a little easier for a little boy or a little girl?

The American people, in their several voices, have offered a constant and concerted plea that this policy be revoked.

But we in this Chamber are powerless to effect such a change. The President of the United States himself can do no more than express his opposition to this irresponsible course, as we have expressed ours, and the American people theirs.

The key to these shackles of inaction and uncertainty which bind us all is held by the U.S. Supreme Court. The power of that Court, as this issue graphically demonstrates, has far exceeded the boundaries placed upon it by the authors of the Constitution which created it.

Where lie the checks and balances of power in this issue? When two of the three "coequal" branches of Government have consistently and quite plainly renounced the policy of forced busing, how can the third "coequal" branch maintain its absolute sway over the issue, disregarding the people's will and its own limitation of justly derived power?

Shall this be the way that matters of justice be determined in this country? Shall nine all-powerful men supplant a Nation's democratic process? Shall our power to legislate be drained until our own sovereign duties constitute no more than a futile exercise in tradition? Shall the President's power to execute law be subordinated to the Supreme Court's power to interpret it?

These are not simply rhetorical questions. At issue here is the very foundation upon which we have built a free society and a Nation of law.

Law must always precede order, and a respect for law is the guide-on for them both. We cannot be led by law when its commands are given in voices of confusion. And if we cannot follow law, we cannot long survive as a free and independent people.

For law is that which fuses a multitude of people into a single Nation. Law is that tie which binds us together in freedom and by our mutual consent.

But if the consent of the governed does not stand behind a law, that law has no foundation whatsoever.

In this country, I see, as Lincoln saw, "the last best hope of earth," whose foundation is government "of the people, by the people, and for the people."

What hope shall we have, or shall the earth have, if this government fails its people, if the branches of our democracy cannot function in accord with one another, if law loses its sovereignty as it loses the people's faith?

I see but one clear course. Law must always be matched to the will of the people in order to truly be law. Anything less, or anything more, is unacceptable.

Man's noblest intentions, his highest ambitions, his most valued possessions, his most ancient traditions—all are reflected in the laws he wills to obey.

And it is in the safekeeping of these laws—those borne of the past and those destined for the future—that we can forever abide.

Mr. MONTGOMERY. I certainly thank the gentleman for his remarks and for waiting to appear on this special order.

Madam Speaker, I now yield to the gentleman from Alabama (Mr. FLOWERS).

Mr. FLOWERS. Madam Speaker, I thank my colleague for yielding. I should like to congratulate and to thank personally the gentleman from Florida for what I believe is a very fine brief which has been prepared. I am delighted and privileged to make the request that I be added as one of those joining in the brief. I appreciate also the gentleman from Mississippi taking this time.

I do not shy away from taking the action we are discussing today, because in my opinion a Member of Congress has some duties and responsibilities under our system in the interpretation of our Constitution. We are sworn to uphold this Constitution, which I believe is the greatest of all documents.

I believe this responsibility goes further, and goes to expressing ourselves on the issue of constitutionality and intent as to what is the law of this land of ours, of this great Nation of ours.

It has been said we may have come to the judicial crossroads, so to speak, where the Supreme Court will finally rule on the constitutionality of the neighborhood concept and whether or not massive compulsory busing is required to achieve racial balance. Some people say it is too late for the mistakes of the past interpretation to be corrected now, but I do not think so. What is at stake here, in my opinion, is the whole future of public education. We must continue our efforts to insist upon a national policy that emphasizes education for the sole purpose of education and not for the purpose of accomplishing some social goal set down by a few judges and bureaucrats in high places.

In closing, Madam Speaker, I hope that now perhaps the Court will at last face up to the question of the de facto and de jure situations and the interpretation of a law that will have equal application throughout these United States. In other words, what we need is a national policy on education.

Madam Speaker, I thank the gentleman from Mississippi for yielding this time to me.

Mr. MONTGOMERY. I thank the gentleman from Alabama for his statements.

I yield to the gentleman from Georgia (Mr. HAGAN).

Mr. HAGAN. Madam Speaker, I have joined with a number of my colleagues as "friends of the Court" in the case of James E. Swann, and others against Charlotte-Mecklenburg Board of Education, and others, which, as we all know, is a case that will no doubt result in a Supreme Court ruling on the legality of pupil assignment and busing to overcome racial balance.

This brief presents the legislative history of the antibusing amendment to the Civil Rights Act of 1964 and spells out precisely what Congress intended by its wording.

Sections 401 and 407 of the act forbid the assignment and transportation of pupils by school officials and by courts, for the purpose of overcoming racial imbalance in the schools.

The House and Senate have both passed the U.S. Office of Education bill for fiscal year 1971 over the Presidential veto and contained therein are the very positive Whitten amendments.

Based on what I know of our laws and Government, the Whitten amendments should now be the law of the land, and we should have no more worries about having to bus our children to schools out of the neighborhood in which they live.

The U.S. Constitution clearly spells out that the legislative branch of Government—the House and Senate, representatives of the people—shall make our laws, not the executive or judicial branches.

But, if we are to judge by events and developments of the past few years, the executive and judicial branches have apparently come to look upon the U.S. Constitution as just another piece of paper instead of the guiding light it has always been in the affairs of this great country.

I think it is generally agreed that the goal of education is to pass on the wisdom of the generations while helping our youngsters to acquire the ability to make use of that wisdom.

Our system of public education evolved as the freely expressed will of the people. But now we are witnessing a gradual sacrificing of education for social experimentation that is not the freely expressed will of the majority of the people. And that is clearly unconstitutional in anybody's law book.

The override of the Presidential veto by both Houses of Congress makes quite clear the intent of the Congress—the elected representatives of the people—with regard to the use of force in the areas covered by the Civil Rights Act of 1964 and now the Whitten amendments.

It appears that the will of the people may still be thwarted; the President says he may not spend the money in the education bill and the Department of Health, Education, and Welfare has said that the Whitten amendments neither change basic law nor affect the HEW regulations.

Madam Speaker, the busing of school children with more thought to integrating instead of educating is a disservice to the students and their parents.

The uprooting of young children from their neighborhoods where they can walk to school and putting them on long bus rides, some close to an hour long, is not logical, practical, or economical.

Our already overburdened taxpayers should not have to bear this extra expense. Any way you look at it, be it Federal subsidy or local money, the taxpayers are going to have to provide the money for additional buses, drivers, and so forth, not to mention the added worry about safety and the psychological impact of these changes.

I have had a great deal of mail on this busing situation and it is tragic to read of credits for activities that are lost to students who have worked for years for them and now, because of unwanted changes, cannot be obtained.

I have had parents, black and white, write of their distress at these changes and predicting much dropping out of school and telling of much difficulty in readjusting.

At some point, we have got to stop all this "experimentation" and give some consideration to what all of this is doing to those most affected—our children.

I, therefore, support this court action and fervently hope for a just decision, for on the outcome of this case hinges the future of American education.

Thank you.

Mr. MONTGOMERY. Madam Speaker, I now yield to the gentleman from Louisiana (Mr. RARICK).

Mr. RARICK. Madam Speaker, I thank the gentleman for yielding and I compliment the gentleman from Mississippi (Mr. MONTGOMERY) for reserving this special order to discuss the effects of massive busing to achieve racial balance in public schools. I, too, am a signer of the Cramer brief.

Being a Member of Congress from Louisiana—a State situated in the southern region of the United States—I can assure you that the nefarious efforts of our Federal Government to pursue as a bureaucratic goal a mathematical racial balance rather than quality education, has converted many peaceful areas of my district into a quagmire of frustration, anxiety, and fear—a bomb waiting to explode. In fact, at several places in my district it has already exploded to the detriment of peaceful race relations existent through the years. The school problem is the central topic of discussion by every person everywhere one goes.

The theory of achieving a mystical racial balance to satisfy some ambitious bureaucrat has been proven a failure and constitutes but further wasting of the taxpayers' money. In most instances, the public schools are far more segregated today than they were under the freedom of choice plan, due to many parents placing their children in private schools or the children just not attending school.

Can anyone imagine an educational system being run for the educational training of our children when it is necessary to have armed guards in the classrooms, corridors, and on the playgrounds? Where compensatory education means lowering the teaching standards to the least productive students in a class? Where the prime objective of the superintendent or educator is not whether the children are exposed to and learn reading, writing, and arithmetic, but rather whether they attend a class and are taught by teachers of another race, the percentage of which has been selected by some arbitrary bureaucrat not even from the community?

Freedom of choice is the law of the land. The Supreme Court has not declared the Civil Rights Act of 1964 nor the language of the HEW Appropriations Act unconstitutional. Yet, the judiciary, exploited by the race-mixing complex, has rejected freedom of choice because of their personal feelings that freedom of choice did not attain some promised and mythical percentage of race mixing in public schools in Southern States. A de facto usurpation by unelected people of a problem which has been answered to the contrary by de jure means.

Such undemocratic movements are now pursued, as busing of children, pairing of children, and arbitrary assignment mostly in the southern region of the United States under the guise of improving eductaion but with the intended result of satisfying some bureaucrat's statistics and to protect his job from the wrath of the human relations social experimenters.

Quite interestingly enough, the most vociferous pushers of slide-rule race mixing in our southern schools are those great voices of extreme liberalism from States and areas which either have the lowest or the highest Negro population.

The flannel mouth from Minnesota who projects himself as the champion of busing and race mixing in public education comes from the State which has 0.7 of 1 percent Negro population. Another mouthpiece for the egalitarian intellectual theorists comes from South Dakota with 0.2 of 1 percent, while Maine is a State with 0.3 of 1 percent Negro population. On the other hand, the District of Columbia, the seat of our Nation's Capitol, contains a Negro population of 53.9 percent. All percentages by 1960 census. 1970 figures are not yet available.

Those areas which have the highest and the lowest Negro population field the political aspirants who scream equality and racial imbalance, yet present a hypocritical picture in looking at the racial imbalance in their areas.

First let us take the State of Minnesota. According to Judge Albioun Summer, attorney general of Mississippi, 68,000 students attended 101 schools in Minneapolis. Of these, 5,500 or 8.1 percent were black. Yet, the overwhelming number of these black students in Minneapolis were concentrated at four elementary schools, two junior high schools, and two high schools, eight schools out of 101.

In fact, Morris Park and Lowell had no black students, while Minnehaha and Putnam had one black student each.

In neighboring St. Paul, Minn., Monroe Junior and Senior High School did not report a single black student—seven of the elementary schools only recorded one black child.

Yet, these grossly imbalanced public schools—these racially segregated facilities are tolerated while their elected representative demands destruction of public education in the South unless a rule of racial balance is complied with.

Then let us take Washington, D.C., our Nation's Capital, where all elected officials, the bureaucrats, and the judocrats work, even if they do not live here. Since

the figures for 1970 have not been made available, the October 1969 reports on District of Columbia schools show a total student enrollment of 149,050 attending 187 public schools. Of this total enrollment, less than 6 percent are white and whites are enrolled in only 135 schools leaving 52 schools in the District of Columbia with a 100 percent black segregated student body.

If assignment of schoolchildren on racial percentages is to be a solution to the racial tension and forced busing is regarded as an acceptable expedient for eliminating imbalance, then our antagonists who pronounce themselves so expert on solving the race problem in my State should in the national interest enthusiastically lead in any program to overcome national racial imbalance. This should include their showing of good faith by positive action to forcibly overcome racial imbalance in their own States and in the District of Columbia area where they live and work.

It must be noted that the national average of black population by the 1960 census is 10.5 percent. If it is morally right to transfer the children of my district from school to school—and distance and taxpayers' money cannot be considered a factor in morality—then it must be just as moral for the HEW bureaucrats to bus children or for that matter entire families from State to State to overcome racial imbalance nationwide. We have heard from our do-gooder friends that national problems do not stop with State boundaries and with such a social philosophy it would be immoral not to take such action.

I might add that in July 1969, I authored House Resolution 497, a bill to create a select committee to conduct a full and complete study of the demography of the United States with a view toward providing relief from racial tensions by a more equal distribution of the underprivileged racial groups throughout the several States and in the political subdivisions of each State—not just in schools but in neighborhoods, employment, and every endeavor.

Under the present thinking of the Federal bureaucrats, as to my district and in my area of the South, we must remember that any Negro child who goes to any school with less or more than 10.5 percent fellow students of the same race is being denied his or her so-called constitutional right to attend a racially balanced public school. Absurd? I think so, and I think that most American parents as well as the so-called self-appointed mouthpieces of the anti-South movement do likewise. For, I have not had one Member volunteer to coauthor my bill, H.R. 497. If no one wants busing applied on a nationwide scale to overcome racial imbalance, why has it become a national goal on a regional basis.

Perhaps someday our people will be blessed with leaders who will lead and understand that one of the greatest benefits of freedom is to let the people alone.

I feel that my people resent busing and all highhanded interference in their schools but even more, they abhor being treated as a separate class of citizens and having special laws imposed against them.

I include a table of Negro population by States from the 1960 U.S. Census:

Negro population by States, 1960

Rank and State:	
1 New York	1,417,511
2 Texas	1,187,125
3 Georgia	1,122,596
4 North Carolina	1,116,021
5 Louisiana	1,039,207
6 Illinois	1,037,470
7 Alabama	980,271
8 Mississippi	915,743
9 California	883,861
10 Florida	880,186
11 Pennsylvania	852,750
12 South Carolina	829,291
13 Virginia	816,258
14 Ohio	786,097
15 Michigan	717,581
16 Tennessee	586,876
17 Maryland	518,410
18 New Jersey	514,875
19 District of Columbia	411,737
20 Missouri	390,853
21 Arkansas	388,787
22 Indiana	269,275
23 Kentucky	215,949
24 Oklahoma	153,084
25 Massachusetts	111,842
26 Connecticut	107,449
27 Kansas	91,445
28 West Virginia	89,378
29 Wisconsin	74,546
30 Delaware	60,688
31 Washington	48,738
32 Arizona	43,403
33 Colorado	39,992
34 Nebraska	29,262
35 Iowa	25,354
36 Minnesota	22,263
37 Rhode Island	18,332
38 Oregon	18,133
39 New Mexico	17,063
40 Nevada	13,484
41 Alaska	6,771
42 Hawaii	4,943
43 Utah	4,148
44 Maine	3,318
45 Wyoming	2,183
46 New Hampshire	1,903
47 Idaho	1,502
48 Montana	1,467
49 South Dakota	1,114
50 North Dakota	777
51 Vermont	519
National total	18,871,831

Source: 1960 U.S. Census.

Percentage of Negro population by States, 1960

Rank and State:	
1 District of Columbia	53.9
2 Mississippi	42.0
3 South Carolina	34.8
4 Louisiana	31.9
5 Alabama	30.0
6 Georgia	28.5
7 North Carolina	24.5
8 Arkansas	21.8
9 Virginia	20.6
10 Florida	17.8
11 Maryland	16.7
12 Tennessee	16.5
13 Delaware	13.6
14 Texas	12.4
15 Illinois	10.3
16 Michigan	9.2
17 Missouri	9.0
18 New Jersey	8.5
19 New York	8.4
20 Ohio	8.1
21 Pennsylvania	7.5
22 Kentucky	7.1
23 Oklahoma	6.6
24 Indiana	5.8
25 California	5.6
Rank and State—Continued	
26 West Virginia	4.8
27 Nevada	4.7
28 Connecticut	4.2
29 Kansas	4.2
30 Arizona	3.3
31 Alaska	3.0
32 Colorado	2.3
33 Massachusetts	2.2
34 Nebraska	2.1
35 Rhode Island	2.1
36 Wisconsin	1.9
37 New Mexico	1.8
38 Washington	1.7
39 Oregon	1.0
40 Iowa	0.9
41 Hawaii	0.8
42 Minnesota	0.7
43 Wyoming	0.7
44 Utah	0.5
45 Maine	0.3
46 New Hampshire	0.3
47 Idaho	0.2
48 Montana	0.2
49 South Dakota	0.2
50 North Dakota	0.1
51 Vermont	0.1
Nation average	10.5

Source: 1960 U.S. Census.

Mr. ROGERS of Florida. Madam Speaker, I join with my colleages in expressing concern over the utilization of forced busing as a means of achieving racial balance in our public schools.

I personally favor the "freedom of choice" approach to school desegregation and I am hopeful that the forthcoming term of the U.S. Supreme Court will result in a more rational approach to the problem of desegregation.

I believe that the Court should have convened during the summer months to resolve many of the issues it has agreed to consider beginning October 12, but I remain hopeful that wisdom and understanding will prevail upon the Court as it considers these cases, and that a better approach can be found rather than continue the concept of forced busing.

Broward County, Fla., a part of which is in my congressional district, is presently experiencing a very difficult situation with its court-ordered school desegregation plan which involves the forced busing of students. This plan has disrupted family life, caused severe hardships on parents, students, and teachers, and has resulted in a significant loss of faith in and respect for our judicial system.

I commend my colleagues who have taken this opportunity to speak out on this critical issue, and I am hopeful that the U.S. Supreme Court will heed the voices of the many concerned citizens and parents throughout the Nation.

Mr. JONES of North Carolina. Madam Speaker, I welcome the opportunity to call to the attention of my colleagues some of the results of forced school busing to theoretically overcome racial imbalance. First, and extremely important, is the fact that this action by both HEW and the Federal courts has caused an almost complete loss of public support for the public schools of North Carolina. This is due to many parents of small children who simply cannot understand why these young pupils must be transported, in some cases many miles across town, when there already exists an integrated school within a block or so of their homes.

These questions have been directed to me by citizens of both races.

I am well aware of the argument of some that the children of the black race have for many years been hauled great distances to maintain segregated schools. I do not question the validity of this argument; but, Madam Speaker, today in North Carolina and particularly in my own First Congressional District, there are no completely segregated public schools, and I repeat, the children of the black race continue to be harassed by this forced busing.

If for one moment I was convinced that this busing and pairing of schools for racial balance was increasing the quality of education one iota, then I would not lift my voice. But on the contrary, it is depriving many of our young students the privilege of participating in extracurricular activities, those that occur before and after the school hours, for the obvious reason that this time must be spent in the traveling from their homes to some faraway school.

I have specific cases in my files in which the assigning of students from one section of a school district 1 year, and then using the same students to achieve some mythical, mathematical balance as to race to a far-away school, when the fact is that the racial balance existed in the previous year.

As a Member of Congress I am frequently asked "Why?" Certainly I, nor anyone else, can give these parents any logical reason or answer.

In closing, I only wish that those who wear the black robes of the Federal judiciary would have the courage to visit and talk with students and parents of both races whose children are being used for sociological experimentation with an utter and complete disregard for the quality of education which they are receiving.

Finally, I think it is reasonable to assume that outside the church, nothing holds a neighborhood or community together in a common interest than that of the neighborhood school. Certainly this mass public busing has destroyed that, and I hope that the idealists of HEW and the Federal courts will realize the irreparable damage they are doing to families and communities who must suffer the consequences of this indefensible program of mass busing.

Mr. FUQUA. Madam Speaker, I thank the distinguished gentleman from Mississippi for yielding. It is with great discomfiture that I learn of the disruption of our public schools as a result of the cross-town busing of our young people to facilitate desegregation plans. In any discussion of our public schools in this country, I would hope that the overriding consideration is the well-being of our children. I fear that this consideration has been overlooked in the deliberations that have brought about these busing plans.

The very basis of our educational system in this country is dependent on the neighborhood concept of public instruction. As families have formed personal ties and pride in their neighborhoods, so have they a desire to participate in their public schools. Their neighborhood public schools, and not an institution that is far removed from the neighborhood unit.

We talk about the undesirable psychological effect on our urban dwellers as a result of their inability to identify with a small personal unit within the city as a whole. The neighborhood provides geographical boundaries within which people can achieve these close interpersonal relationships. By uprooting these children and sending them into an alien environment, we are removing them from this healthy influence.

Busing for the sake of busing is no wiser than taxation for the sake of taxation. Education is critically in need of additional funds for much needed programs and it seems a waste to be expending great sums of money just to bus these children. That is, to bus these children past a school to which they could have easily walked, and to a school far removed from their family and friends.

In the interests of better education in this country and for the well-being of our young, I hope that the inequities and injustice of these busing plans can be recognized before irreparable damage has been done.

Mr. PREYER of North Carolina. Madam Speaker, it was 16 years this May since the Supreme Court decreed in Brown against Board of Education that the races may not be segregated by law in the public schools, and 6 years in July since the doctrine of the Brown case was adopted as Federal legislative and executive policy in the Civil Rights Act of 1964. For 16 years now, one region—the South—and one institution—the school—have carried the burden of redeeming the American credo that all men are created equal and the American promise of one nation, indivisible. Other sections of the country have not been asked to make any significant contribution to this ideal.

Yet after this 16-year effort, only 23 percent of all Negro pupils go to integrated schools. This percentage in the South was 33 percent this spring and has increased substantially since then. There seems little chance of achieving a much greater degree of integration without massive busing, especially in the North, or in large cities in the rest of the country like Chicago which as a 30-square-mile all-Negro residential area. This seems to be true also in medium-sized Southern cities such as Charlotte and Greensboro.

What has gone wrong?

First, we must realize that the school desegregation effort has been both a success and a failure. Its success can be measured by the fact that just 16 years ago local law, not only in the 11 Southern States but in the border States, in parts of Kansas and Ohio and New Jersey, and in the District of Columbia, forbade the mixing of the races in the schools. This was legal, official segregation. Ten years ago, Southern communities were up in arms, often to the point or rioting or closing the schools altogether, over the first beginnings of desegregated schools. But today, this principle of official segregation has been effectively denied. The legal structure that embodied it has been destroyed, and the idea repudiated. Clearly, there is no question of the United States, or any section of it, condoning these old racial policies. For moral as well as historical reasons, all of the United States stand firmly for the principles of racial equality.

This legal, official segregation is known as de jure segregation. It has been used to draw a distinction between court treatment of the South and North—where segregation is based on housing patterns and known as de facto segregation. Former Secretary Finch acknowledged on a TV show that the old official segregation is dead and that this distinction is no longer valid. He said:

(The courts) still cling to the distinction between de jure (by law or formal regulation) and de facto segregation, which I happen to believe as a lawyer is no longer valid . . . I think segregation or racial isolation, wherever it appears, is one and the same.

To break down legal segregation has been a considerable achievement. The achievement is essentially Southern. The failure, on the other hand, is nationwide.

What is the failure? It is this: to dismantle the official, legal structure of segregation is not to create integrated schools. In pushing beyond the abolition of official segregation to increase integration in schools, it is becoming clear that we are doing severe damage to our educational system and creating disruptions in our society. As the Negro columnist for the Washington Post, William Raspberry, has written:

Racial segregation in public schools is both foolish and wrong, which has led a lot of us to suppose that school integration must, therefore, be wise and just. It ain't necessarily so.

Prof. Alexander Bickel, the constitutional law authority at Yale University Law School, says we now realize that—

The actual integration of schools on a significant scale is an enormously difficult undertaking, if a possible one at all. Certainly it creates as many problems as it purports to solve, and no one can be sure that even if accomplished, it would yield an educational return.

HEW and some lower Federal courts have read their mission to be that of bringing about a degree of integration such that no school could any longer be characterized as black or white. A member of HEW in the Burlington, N.C., school case said that his test of whether a school system was in compliance was whether he could drive by a school in his car and be unable to tell whether it was a white or black school. Can we any longer fail to acknowledge that the Federal Government is attempting to create in the rural and smaller towns of the South conditions that cannot possibly be attained in large or medium-sized cities in the South or the rest of the Nation?

The consequences of this have been perverse. Integration soon reaches a "tipping point." If whites are sent to constitute a minority in a school that is largely black, or if blacks are sent to constitute something near half the population of a school that was formerly nearly all-white, the whites flee and the school becomes nearly all-black. "Re-

segregation" sets in, blacks simply changing places with whites. The whites move, within a city or out of the large cities into the suburbs where they attend white schools because the schools reflect residential segregation. This is particularly true of the North. If a Southerner is adamant about attending an all-white school, he need only be able to afford a $20,000 house and move to the North. Or else they flee the public school system altogether, into private and parochial schools.

It is not helpful to ask why this is so. Some will say the whites behave as they do because they are racists or perhaps they leave because everybody seeks in the schools some sense of cultural, social, economic group identity; perhaps it is because of a feeling shared by blacks and whites alike that the schools should, after all, be an extension of the family, and that the family ought to have a sense of class and cultural identity with them.

Whatever the reason, whether noble or ignoble, the fact is it happens. Should the fleeing whites be pursued with busloads of inner-city Negro children, or even perhaps with trainloads or helicopter loads, as distances lengthen, to carry out a policy of integration? It would require very substantial resources from our cities. Should not these resources be better spent on trying to teach children to read rather than being spent on buses? To quote Raspberry again:

> It may be that one reason why the schools, particularly in Washington, are doing such a poor job in educating black children is that we have spent too much effort on integrating the schools and too little on improving them.

Furthermore, the leaders of black opinion are turning more and more toward the achievement of group identity, of black pride and control of their own community schools. Many areas are requesting all black teachers for their children. In New York recently, we saw the picture of white teachers being escorted through lines of jeering blacks to an all-black school to teach black children. This is an ironic contrast to the earlier image of black children being escorted through lines of jeering whites to be taught by white teachers. We may find that after all the efforts to achieve racial balance in the schools that the black people will say, "We do not want it." For example, even ADAM CLAYTON POWELL, speaking at A. & T. State University, was asked what he thought about the rumored merger of A. & T.—a predominantly black institution—and UNC–G—a predominantly white institution.

> I am not in favor of integrating black schools with white schools because when you do that, black people making up 10 percent of the population will be lost in the shuffle.

Quoting Sekon Toure, President of the Republic of Guinea, Africa, POWELL said:

> If you want to preserve your Negritude, you got to do it right here, baby.

Should we say that current trends of blacks toward separatism in the inner cities, local community control and the demand for a recognized identity should not be allowed because they are anti-integration? Blacks are beginning to talk about integration in the North as a mirage which must be replaced by real life goals which do not include mixing of the races by busing students over long distances or establishing quotas or goals by judicial edict. The black man wants—and should have—the freedom to choose where he wants to live, where he wants to work, and where he wants to send his child to school.

Large scale integration, then, appears to be both unattainable and unwanted.

I asked a Negro man recently what he wanted from schools for his children. He said:

> I would like my child to be able to go to a school where my wife could stand on the steps of her house and see the child enter it safely. If he gets sick I can go get him. But I know that school is not as good as the one that your child goes to in Irving Park (an upper-class residential suburb)—and I want it to be as good.

In the South we must admit that for years only the "separate" part of the separate-but-equal doctrine was enforced. Civil rights leaders finally became convinced that the only way to make sure that their children had equal education with white children was to make sure that they received the same education, in the same classrooms. White people, the thinking went, are going to make sure that their children receive a good education, and if our children are in the same classroom they will get one too. The aim was not so much integrated education but better education. Now they are finding that busing is being instituted—not to improve education but to integrate classrooms.

This is not the way the Supreme Court reasoned, it must be said. In Brown they said that segregated education is inherently unequal. Why it should be inherently more unequal for blacks than for whites was not made clear. When we read the Brown case today, we can see it is very patronizing—something that was easily skipped over in the day when it was announced—the days before black pride was developed.

Blacks now are finding that busing is good when it involves children whose parents want them bused across town for specific reasons. It works to this limited extent. But they find—like whites—that it accomplishes nothing useful when it has meant transporting large numbers of reluctant youngsters to schools they would rather not attend. As Raspberry says:

> Isn't it about time we started concentrating on educating children where they are?

The law is in transition from one principle to another. The result is serious instability. Political support for the goal of desegregation is in flux and is weakening. There may be a feeling on the part of some segregationists in the Deep South that they can win after all. The gains that have been made are in danger of being lost in the new uncertainty. On the other hand, efforts to be beyond desegregation and force integration through some form of racial balance requiring massive cross-busing are creating social tensions that seriously handicap the ability of whites and blacks to live together as equals. As Dr. Wilcox, the black educational consultant, has stated, "resistance to business is such that it prevents humanizing education. Busing results in training black and white kids to hate each other," rather than responding humanely to each other.

There is a real fear in our country that we are somehow coming apart—that we have come to problems that our system will not resolve.

Certainly this is true in our efforts to come to grips with the problems of integration. There is little question but that segregation is dead as a national or state policy anywhere in this country. Most of our people—black and white—have shown remarkable good will in adjusting to the change this means. Yet most of our people—in all parts of the country—are strongly opposed to such measures as mass busing to achieve racial balance. Most oppose the destruction of the neighborhood school concept and in this they are supported by most educators.

In short, we have come to the point in the desegregation of education where a continued emphasis on racial balance can only mean massive busing, a prospect not favored either by white or black and certainly not by educators.

This is a particularly agonizing thought for those who have a deep emotional commitment to desegregated schools and who had great expectations of the results of desegregation. The thought was that desegregating schools would work something like the desegregation of sports, of lunch counters, of motels and theaters. That is, that admission of blacks, even if a few, to formerly all-white schools, would lead to a natural process of an almost uniformly desegregated school system throughout the country. But unlike the segregation of motels, for example, the desegregation of schools involves the restructuring of educational institutions—and in a way that is doing great damage to educational values and pleases neither black nor white. Since the liberal has such a deep emotional commitment in this area, it is difficult for him to admit that it is not working, even when his mind tells him this.

As I stated earlier the law is in a position of transition. In a search for an answer to the problem some school boards have gone to the court. Others have expressed a desire for Congress to speak out on the issue. Believing it too important to stand mute, Senator SPONG, Congressman GALIFIANAKIS, and I have introduced legislation in both Houses which would start us down the road of once again giving our children the highest quality education possible, without regard to race or national origin. To that effort we invite the attention, contribution, and support of the Members of this House.

Finally, I would emphasize as strongly as I know how that the resistance of the public to the kind of forced integration that results in massive cross-busing is not a minor irritant caused by "lack of leadership" on this question. The kind of education that our children receive, and that circumstances under which they receive it, involves the deepest and most basic human emotions. We stir up these emotions at our peril.

Mr. MONTGOMERY. I thank the gentleman from Louisiana and also the other Members of the House who have participated in this most timely discussion.

GENERAL LEAVE TO EXTEND

Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks and to include extraneous matter on the subject of my special order.

The SPEAKER pro tempore (Mrs. SULLIVAN). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

THE 25TH ANNIVERSARY OF THE ALLENTOWN OSTEOPATHIC HOSPITAL

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Pennsylvania (Mr. ROONEY) is recognized for 10 minutes.

Mr. ROONEY of Pennsylvania. Madam Speaker, I would like to take this opportunity to share with my colleagues a celebration in Allentown, Pa., which affects the lives of all its residents. The 25th anniversary of the Allentown Osteopathic Hospital stands as a monument to a quarter of a century of tireless and inventive efforts of its original founders and an evergrowing staff.

The hospital was officially opened on September 10, 1945, with a total of 26 beds and six bassinets. It stood as the fulfillment of the first step of a goal which had originated years before in the plans of Dr. William H. Behringer, Jr., Dr. Michael Blackstone, Dr. Edwin R. Boughner, Dr. Robert C. Erwin, and Dr. Paul B. Miller. Since that time, it has burgeoned into a complex of buildings containing the most modern equipment and the most sophisticated techniques in the field of osteopathy. The hospital is staffed by doctors who are the best in their field. They have shared their training and experience with scores of interns and residents, with the result that patients, not only in Allentown, but throughout the Nation and the world, can be assured of continuous, progressive health services.

I had the pleasure of attending the 25th anniversary banquet of the Allentown Osteopathic Hospital on September 12, 1970. At that celebration, I met many of the persons who have made the hospital the fine example it has become. They and the hospital they serve are the pride of Allentown, as evidenced by the editorial from the Morning Call, "Worth Celebrating," reprinted here. I am also including part of the text of the program of the 25th anniversary banquet which mirrors the enormous steps taken since the hospital's founding, the great dedication of its staff, and the enthusiasm of Allentown's residents. These factors must certainly stand as a fine blueprint for all of us, as we all have a great deal to gain in supporting such community health facilities:

WORTH CELEBRATING

The 25th anniversary of the Allentown Osteopathic Hospital is something for all this community to share. It is more than an event in the life of an institution. It is a significant milepost in the expansion of the health services available to the public in the Lehigh Valley.

Initially, only five osteopathic physicians were active in the hospital that opened with 26 beds and a half dozen bassinets. Today more than 60 doctors are involved in the care of the more than 5,600 patients who move in and out of the 160 beds in a single year. During the years, some 70,000 have been admitted to the facilities in Allentown and Northampton.

The Northampton unit is one of many indications of the community responsibility shared by both the board and the staff. They took over when the Haff Hospital that had served the area for many years was closed and no one else was willing to assume the responsibilities of continuing operations.

The hospital also has been a teaching instrument, for the more than 100 interns and residents who have had some of their training there and for many thousands who have learned about its system of medicine. Here the osteopaths, who previously had no other hospital facilities in the area, have been able to demonstrate that their practice includes all the procedures other physicians and suregons use for the prevention, diagnosis and treatment of man's increasingly complex ailments.

It's worth a special anniversary cheer that the osteopathic doctors themselves have paid almost half the cost of providing these facilities in which to serve their patients. Their method is unique.

THE 25th ANNIVERSARY BANQUET

WELCOME

We are frequently reminded that more progress has been achieved during the last 25 years in this world of ours than in all the years since the beginning of man. It is that last quarter century in the life of Allentown Osteopathic Hospital that we celebrate tonight.

Little did the five physician-founders of our hospital conceive of the sophisticated health-treatment means and methods that are today employed by our staff and supporting personnel. Nor, perhaps, could they then anticipate the universal acceptance of osteopathy which now exists.

To many of you sharing the pleasure of this anniversary celebration, the hospital family expresses gratitude for moral and financial support. To all of you, we pledge our continuing dedication to providing the best in preventative medicine and medical treatment.

MORTON V. V. WHITE,
President of the Board of Trustees.
DOMENIC M. FALCO, D.D.,
Chairman of the Staff.

HISTORY

On August 26, 1943, the Lehigh Valley Osteopathic Hospital Association was founded and later changed its name to Allentown Osteopathic Hospital, Inc.

The five original founders were:
Dr. William H. Behringer, Jr.
Dr. Michael Blackstone.
Dr. Edwin R. Boughner.
Dr. Robert C. Erwin.
Dr. Paul B. Miller.

Each founder contributed substantially toward the purchase of the Harris home at 18th and Hamilton, which was to be the site of the first hospital.

In January-February, 1944, the first hospital drive was conducted and this netted $61,000 in cash and pledges.

The first Board of Trustees elected in March, 1944, by the members of the corporation, included Harry D. Sollenberger as president; Luther R. Bachman as vice president and William H. Stang as secretary and treasurer.

In October of 1944 ground-breaking ceremonies were held on the Harris property.

On September 10, 1945, the hospital was officially opened with 26 beds and 6 bassinets.

The first small addition to the hospital was completed in August, 1949.

Subsequent expansion was completed in 1955, at which time the Center Wing was opened.

In May, 1958, the Gomery property, directly across the street from the hospital on Hamilton Street, was purchased.

In January of 1962, the Haff Hospital in Northampton was acquired and renamed the Northampton Hospital. It was renovated and Open House was held in November of that year.

By February, 1964, the new 50-bed South Wing at AOH had been completed and was inspected by the general public.

During 1968, the hospital participated in the AHEAD program, which proved most successful. The hospital's anticipated portion of the monies raised amounted to $785,000.

To replace non-conforming beds in the original hospital building during the coming months of 1970–71, two additional floors will be added to the South Wing with $500,000 received from the federal government.

During its brief history, the hospital has trained 108 interns and residents, and a large number of this group has contributed to the hospital's expansion.

Nearly all of today's medical specialties are represented by the current staff of 60 doctors.

During the past 25 years, the hospital's staff has contributed over $750,000 to AOH. It has also contributed remarkably to the professional growth of osteopathy both at state and national levels.

AOH has served the community well in many areas of the health care field as more than 70,000 patients (totaling 630,000 patient days) have passed through its doors.

AOH's remarkable record of growth and service during its first quarter century portends an even greater and more exciting future during the next 25 years.

PROCLAMATION

Whereas, the Allentown Osteopathic Hospital has faithfully served the people of this Community, unselfishly administering to their health and welfare for the past 25 years . . .

Whereas, the enlightened responsibility of its physicians, nurses, technicians, attendants, and volunteers, with a real concern for human dignity, have made the Allentown Osteopathic Hospital a "home away from home" for those in need of hospitalization . . .

Whereas, the staff of the Allentown Osteopathic Hospital has willingly worked with area doctors, hospitals, health workers and associations in immunization and disaster programs . . .

Now, therefore, I, as Mayor of the City of Allentown, County of Lehigh, do hereby proclaim the Week of September 6 through 12, ALLENTOWN OSTEOPATHIC HOSPITAL WEEK.

CLIFFORD BARTHOLOMEW,
Mayor.

WETBACK SITUATION ON MEXICAN BORDER

(Mr. DE LA GARZA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DE LA GARZA. Mr. Speaker, recent statements have been made public relating to the wetback situation on our Mexican border.

I represent the southern district of Texas and I might say, somewhat unhappily though perhaps justifiably, that during the last few decades my district has been identified as the focal point of much of—maybe most of—the Nation's wetback traffic.

In connection with public statements

often made by well-intentioned persons who are not acquainted by long experience with the wetbacks, it may be well that we should define our terms. Certainly there seems to have been, on the part of men who should know better, a great deal of confusion relating to the identification of groups of people who come to this country from Mexico.

Let me point out that the relationship between the United States and Mexico has existed—geographically—for hundreds and hundreds of years. While the Rio Grande has always flowed between the two countries, closely knit families lived on either sides of those banks—and they traveled back and forth. In the days before this was the formal southern boundary of the Nation they swam the river, boated across the river—and in some places walked across the river to visit with families and friends.

That familiar relationship has existed over the centuries. Mothers, fathers, sisters, brothers are separated by the river. This is a unique relationship and it is one that has spawned a great deal of the existing situation. This is the primary group, the original settlers.

The second group, of course, in any consideration, is that of immigrants—lawful permanent residents—people who come to this country after various inspection processes relating to Consular limitations, Public Health and Immigration for the purpose of living here, working here, and becoming citizens of our country.

The third is that of the so-called "green carder" or commuter. These are the people who have obtained visas and met other requirements entitling them to lawful residence and employment in this country. But they have chosen to avail themselves of only part of that to which they are entitled under law—that is employment. They have met the requirements for living here and working here, but they have chosen only to work here. There are thousands of such people on both our Canadian and Mexican borders. They work here but they do not live here. They have residences in Mexico or Canada and work in this country, thus taking only a portion of that to which they are lawfully entitled by virtue of having complied with our immigration requirements.

There is a fourth class who have come to this country lawfully in the past under programs for the importation of Mexican labor pursuant to executive agreements between the United States and Mexico. These people popularly have been called braceros. They were inspected as to numbers, as to public health, and as to their capacity for doing the job in this country which they sought. The whole program was marked in the years gone by with an ideal agreement and relationship between two countries: Mexico and the United States. The program was marked by success in the achievement of the labor for which they came and the program was marked by success from a law enforcement standpoint inasmuch as only a minute fraction of them failed to return to their homes in Mexico when their jobs were completed in this country. Thus, they supplied a need. They filled a vacuum and took a great deal of the attraction out of coming to this country illegally.

Then we have the wetbacks as the fifth and final class under our consideration of people who come to our country from Mexico and they are the ones who, without inspection and in violation of law, either wade the Rio Grande or cross the border clandestinely or come through the established ports of entry under false pretenses.

It is unfair to these people, however, to assume that they are criminals. As my distinguished colleague, the chairman of the Subcommittee on Appropriations for the Immigration and Naturalization Service recently said in the hearings on that agency's request:

> These are perfectly harmless people who want to come up here and make a day's pay. That is all it is—part 1, page 861, of the hearings on appropriations, 1971.

They are guilty, of course, of a violation of our laws and good judgment and good government dictate that they should be apprehended and returned to Mexico according to law. However, an unbiased observation inevitably reveals that overwhelmingly these are honest people who simply come to this country to work and who intend, for the most part, to return to their families in Mexico when they have obtained in this rich land of ours a grubstake, let us say—when they have been able to participate in our employment and to participate in the high scale we fortunately are able to pay for labor in this country. I say this not in approbation, not in condonation, of illegal traffic across our borders but only that the situation be kept in proper perspective and emphasis. Lately there has been a change, not in the nature or identity of the wetback, but a change in his objectives as he comes to this country.

Thus it is, in the sense of their objectives, the so-called wetback problem as it existed in the 1940's and the 1950's has, to a great extent, passed. Whereas the wetback movement was formerly a Texas and California agricultural phenomenon, it is now marked by numbers employed in our cities rather than in agriculture.

The Commissioner of Immigration and Naturalization recently said:

> The Mexicans have discovered that they can find work in industry as well as on farms and ranches and they are gravitating toward our large cities, such as Chicago—part 1, page 857 of the hearings on appropriations, 1971.

My colleagues, the great agricultural demands in this country are hardly fitted to the hundreds of thousands of wetbacks who formerly came. There are no longer cotton field demands for a cotton picker on every row in order to get the crop out in a couple of days to meet a market situation or a problem of the weather. Cotton picking is now done by machines. Instead of vast hundreds of workers with hoes and hand implements only a couple of decades ago, weeding is done with chemicals. Planters space the planting of crops. There is a need for a relatively few tractor drivers, and for intelligent and skilled operators of other comparatively sophisticated farm machinery today.

The wetback movement, however, is again increasing. Ten years ago the Border Patrol was apprehending wetbacks in this country at the rate of nearly 200,000 per year.

Lately, the emphasis in illegal alien employment has been in factories, canneries, hotels, restaurants, and such employment. I understand that industrial employment of illegal aliens in California has increased sixfold between 1963 and 1969 and is still increasing at an accelerated rate. I understand that a similar situation prevails in other States along our Mexican border. The pay is better than it is in agriculture. Working conditions are better. Living conditions are better in the cities. Illegal aliens are finding out that the social agencies and the volunteer groups in the cities are willing and able to help them, even during their illegal stay in the United States. They quickly learn that an illegal alien is less conspicuous in a crowded barrio than in the open fields, the packing plants or on farms and ranches.

The question might arise as to how people can work in such employment as this in view of the need for social security cards. The truth is that the wetback now goes into our cities and immediately applies for a social security card—and gets it. Recently in one of our Southwestern States the Social Security Administration was accused by a three-judge panel of paving the way for illegal aliens to get work in this country. The Social Security Administration issues cards and account numbers to illegal aliens without a question as to their status.

Significantly, wetback income a few years ago reflected the cost of peon labor—slave labor if you would like to call it that—but today a wetback is paid the wage prevailing in the community and this is a prevailing wage in cities with a work force so large that the wetback numbers cannot affect that prevailing wage.

Our Immigration Border Patrol frequently apprehends great numbers of wetbacks who are earning $3 or $4 up to $10 an hour, according to the individual's job and merit. In this connection some serious questions might arise in the minds of some of my colleagues. As there are several million unemployed Americans in this country—and the record indicates that there are—why is it that the wetback who comes without recommendation and who must overcome a serious language barrier, often without experience and without contacts here—how is it that he is able to go to work immediately upon arrival? The record shows that ordinarily from the time of a wetback's entry into this country and the time he is apprehended by the Border Patrol is a period measured in days or sometimes even a few short weeks. During that time these wetbacks, eager for any employment but working at the prevailing wages in the large cities of our country, seem to suffer no unemployment.

The whole panorama of affairs with regard to the wetback is handled most amicably between Mexico and the United States. There is hardly any area of relationship between our two countries which reflects a greater understanding and a friendlier attitude of assistance. The primary aspect of this splendid relationship is the Mexican Government's

cooperation in the return of these thousands of people to their homeland after they are arrested in this country in violation of law. From the standpoint of law enforcement and from the standpoint of decency and humanity, the most effective and most humane way to handle these people is to move them quickly out of this country to places in Mexico nearest their families and their homes.

As a result, literally hundreds of thousands of them are moved to points in the interior of Mexico by airplanes, by trains, and by buses. The Mexican Government offers effective assistance to insure their return to their homes and to assist with their travel, feeding and other humanitarian obligations once they are expelled from the United States. Questions may arise in the minds of some as to why we are not more effective in the prevention of the wetback invasion of our country and why we are not more effective and more prompt in expelling them upon their arrival.

Bear in mind, there are many factors by which one is impelled to see the wetback with sympathy, and with understanding of his objectives and his plight. Nevertheless, he is here in this country in violation of law and in that sense something must be done to dispose of him and his problem according to law.

Bearing on the first problem, the Border Patrol of our Immigration and Naturalization Service, a branch of the Department of Justice, seems to be a neglected instrument of the Government, no matter what administration occupies the seats of authority in Washington. Going back three decades there were around 1,000 border patrolmen on our Mexican border. In the 1950's the numbers were increased slightly during a genuine effort to bring the border under control when, around the middle of that decade, a million wetbacks were returned to Mexico in 1 year. The number of border patrolmen we had last year—and I think this year—was a few more than 1,100. Surely if we intend to cope with a problem which is disturbing to many conscientious people because they see the impact of the illegal alien on the economy, something should be done to augment and to support the men who are charged under law with responsibility for the security of our border.

However, control on the border is not solely the product of a border police function. The problem will not respond to purely a police operation. It is a job which cannot be done without a blending of border police operations, employment concepts and adjustments in our country and, where possible, the achievement of economic balances between our country and Mexico.

The Border Patrol of the Immigration and Naturalization Service is our only uniformed, armed, civilian police organization between the established ports of entry and it is administratively and organizationally hidden from the public view. Within the structure of the Immigration and Naturalization Service, a non-law-enforcement body in the modern sense, the Border Patrol is bedded quietly under a substructure called domestic control—surely an appellation which must arouse curiosity among the nonbureaucratic majority of us as to organizational and functional intent.

The Border Patrol should be identified and structurally set apart in order that we may properly identify the funds appropriated for its purposes and support it where necessary to accomplish its mission on the border.

A few months ago a great emphasis was placed on control of our border as that control related to the illicit introduction of harmful drugs. Now all of us are in favor of preventing marihuana and harder drugs from coming into this country but from the quantities being found in this country and the quantities being used in this country, according to our daily press reports, one might conclude that the various excited efforts—almost hysterical in nature—which recently resulted in clogging our ports for brief periods to legitimate traffic and which have resulted in a great deal of local misunderstanding—these crash programs are not the way to do it.

Mark my words, contraband does not smuggle itself into this country. Contraband is smuggled by people and if we had control of the entry of people over our border, we would have control of the entry of contraband.

Thus, it is that these efforts to deal with things instead of people have been unsuccessful. They are inherently self-defeating. Mere prohibitions do not work in our country. We must take steps which will not interfere with lawful and friendly traffic across our borders. We must reexamine and reorganize the functions of our border agencies to insure that the legitimate objects of law-abiding people are not hindered. As sad as is the condition of drug use and as deplorable as the fact of its introduction into our country, it is still more important that friendly and legitimate international traffic be permitted to cross our border unhindered than that any vigorous, enthusiastic, but noneffective programs be introduced or continued.

In summation, therefore, I urge that those involved in the effort—and perhaps I should say the hopes—of establishing and maintaining order along our Mexican border should have first clearly in mind the identity of the people they are talking about—both as individuals and as groups. A rather full knowledge of the language, the customs and the natural purposes of the people most involved is necessary to a proper understanding.

Second, there must be an understanding of the economic factors which cause people to leave their own country for temporary periods and the economic factors which make it attractive for them to come to this beautiful and rich country of ours.

At the same time we just reevaluate and we must seriously give attention to the fact that although great unemployment problems are claimed for this country—and I do not deny that they exist—why is it that the wetback, when he comes here to work for the same pay that American citizens get, is never unemployed? He never returns to Mexico without having had a job—and he has no problem, either, with his social security. Just as we consider that the Government agencies involved in our border problems are scattered between a number of departments and often without coordination of effort—and rarely with coordination of responsibility—so should we consider perhaps that there has been no fundamental redefining of our concepts of employment for more than three decades—since the middle of the great depression. It might be interesting to require that an individual, in order to be identified as unemployed, be registered with an appropriate agency and that the word "unemployed" would be applied exclusively to those for whom it was not possible to find any kind of work. We deceive ourselves if we deny there are strong interlinking casual relationships between the wetbacks, employment, and welfare concepts and practices in the Southwest.

The instruments of Government in the 1970's must be reorganized and rededicated to meet—the challenges—of the times.

The Immigration Border Patrol, the U.S. Customs Service and the concepts of border control, both as to wetbacks and to contraband, are, for the most part today products of the 1920's and the 1930's. There have been no basic changes in four decades and the 1970's demand something better than that. This is not intended as any criticism, direct or implied of the men and women who work for these agencies. They do a great job under very difficult circumstances. It is the system that I complain of.

Surely we must learn to cope with these problems in the context of the 1970's and we must devise the instruments of Government which will be able to cope with them in the 1970's, looking forward to periods of greater and friendlier relationships with our sister republic on the south, and our friends to north.

I thank you, Mr. Speaker.

MILTON H. BERGERMAN

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, on September 7, Milton H. Bergerman, chairman of the Citizens Union of New York, died at the age of 67.

Milton Bergerman supported good government and reform throughout his career. He was one of the initial supporters of Fiorello LaGuardia when he was a fusion candidate for mayor of New York City. He was a leading advocate of charter revision in the city.

For more than 20 years, as chairman of the Citizens Union, a nonprofit organization established in 1897, Mr. Bergerman strongly carried out its purpose by constantly fighting for a more responsive New York City.

In 1953 Mr. Bergerman brought his fight for good government to television viewers in the New York area by making the Citizens Union a weekly participant in the WNBC–TV program "Searchlight." Every Sunday morning Mr. Bergman would scrutinize issues affecting New Yorkers and the performance of government at various levels. He ques-

tioned administrative and legislative actions, prodded public officials, and criticized public decisions. No issue or person was too sacred for Mr. Bergerman to tackle.

Under his inspiration the Citizens Union "Searchlight" program became not only a valuable source of information for the viewers but also a strong force for good government.

In addition to his work as a conscience for the city of New York, Milton Bergerman was involved in many other activities. He practiced law, served as a trustee for the New York Shakespeare Festival, coauthored "New York Real Property Forms, Annotated," and belonged to various professional organizations.

Milton Bergerman's sincerity and dedication will be missed by all New Yorkers, whom he attemped to serve in his life.

I include in the CONGRESSIONAL RECORD an obituary by William M. Freeman which appeared in the September 9 edition of the New York Times:

MILTON H. BERGERMAN IS DEAD—CITIZENS UNION CHAIRMAN, 67—LAWYER ACTED AS CONSCIENCE OF NEW YORK—APPEARED ON TV "SEARCHLIGHT"

(By William M. Freeman)

A SPUR TO OFFICIALS

NORWALK, CONN., September 8.—Milton H. Bergerman, chairman of the Citizens Union of New York, died last evening at South Norwalk Hospital after a brief illness. He was 67 years old and lived at 27 Bluff Avenue, Rowayton.

Mr. Bergerman was John Q. Public or Mr. Average Citizen in person, with a quick mind, a sharp tongue and a resonant voice to duel, parry, feint and thrust in behalf of better government.

As chairman for more than 20 years of the Citizens Union, a nonprofit organization founded in 1897, he asked embarrassing questions of public officials, he probed for the reasons behind legislative decisions and he all but bullied public servants into doing their jobs as servants of the public.

Mr. Bergerman, a lawyer by profession, spent most of his time working to better New York City.

An authority on municipal government, he was one of the earliest supporters of Fiorello H. La Guardia, a Fusion Mayor. He advocated and supported the movement for charter revision and made the Citizens Union a participant on the "Searchlight" program over WNBC–TV.

A QUESTIONER ON ISSUES

He had appeared regularly each Sunday on the program since its inception in 1953, and each week he and members of a panel questioned a prominent official or other highly placed person who was in the news.

With Ben Grauer, the moderator, keeping tempers somewhere below the boiling point, Mr. Bergerman and the other panelists, who varied from time to time, dug out reasons, pressed for the truth and fought for improvements in operations of the city, its laws and its methods.

Mr. Bergerman used many approaches in fighting for better government. Once, referring to the Citizens Union's wide-ranging influence, he commented:

"We have a prophylactic effect, just by our being there and keeping an eye open. I'd say we supply moral leadership in blowing the whistle on some poor moves by city officials from time to time. That's very necessary, because sometimes you run into a bunch of smart alecks who can confuse the public on the difference between right and wrong."

OPPONENT OF MOSES

His words had a direct reference to Robert Moses, the city planner, bridge and tunnel authority, World's Fair impresario and holder of a score or more allied positions.

Mr. Bergerman had suggested to Mayor Wagner that Mr. Moses should be dropped from the city's slum clearance committee. That was the first time—in 1959—that a respected and responsible civic organization had said, in effect, that Mr. Moses could be replaced.

Mr. Bergerman disclosed that the Citizens Union had authorized him to speak or to keep silent, although some members of the organization had backed Mr. Moses.

Mr. Moses took a full week to assess the blow. Then he made a sharp reply in which he referred to "Citizens Union smart alecks," picking up Mr. Bergerman's colloqualism.

ENTERED GAMBLING INQUIRY

On another occasion, when Brooklyn's racket-investigating grand jury and District Attorney Miles F. McDonald asserted that they would not be "intimidated" by outside pressure in investigating a possible link between the police and gamblers, Mr. Bergerman wrote to Mayor William O'Dwyer to suggest that a prominent person "with a background and standing to inspire public confidence" be appointed to conduct the investigation.

"You owe it not only to the public, but to the department itself," he wrote, "since it goes without saying that the great majority of the police are decent men, carrying out their difficult and dangerous duty with skill and fidelity."

The letter then became sharply worded: "You have seized upon an individual tragedy and turned it into a theatrical demonstration of your disapproval of the District Attorney's activities." [The Mayor had attended the funeral of a police captain who killed himself while the investigation was going on.]

"That kind of display of sympathy, however well-intentioned, might have the effect of building up a backfire of hostility in the police force against the enforcement officials in Brooklyn. Yet, so far as can be judged, the District Attorney is simply doing what he is there for. He is making an investigation and he is getting somewhere."

MAYOR REFUSES COMMAND

Mr. O'Dwyer conceded that he had received the letter, but said he had not read it and therefore would not comment. The intended effect was accomplished: The gambling inquiry was on the front pages and Mr. Bergerman's letter was part of the day's big story, which meant that the public knew in detail the views of the Citizens Union.

Mr. Bergerman was not always the amicus curiae. He served as a member of the Special Legislative Committee on the Revision and Simplification of the Constitution, by appointment of Gov. W. Averell Harriman, and as a member of the Temporary State Commission on the Revision and Simplification, by appointment of Governor Rockefeller. He was named by Mayor Robert F. Wagner to the Mayor's Committee on Judicial Selection.

He served also as a member of a Lawyers Committee on Court Decorum and Allied Problems by appointment of Harold A. Stevens, Presiding Justice of the Appellate Division, First Department.

Mr. Bergerman was born in New York on May 20, 1903, and received his A.B. and LL.B. degrees from Columbia College and Columbia University in 1925 and 1927. The Class of 1925 of Columbia College presented him with its Distinguished Classmate Award.

He engaged in the practice of law in this city for the rest of his life, as a member of the firm of Bergerman & Hourwich.

He was a trustee of the New York Shakespeare Festival, a member and since 1965 president of the Lawyers Club as well as a member of the Association of the Bar of the City of New York and other professional organizations.

He was the co-author of "New York Real Property Forms, Annotated."

His home was at 863 Park Avenue and he had a summer home in Rowayton, Conn.

He leaves his wife, the former Ems Wyleman; two daughters, Mrs. Martin J. Usdan and Mrs. Gerald Demarest 3d, four brothers and a sister.

The funeral service will be private, with a memorial service to be held later.

NO CONGLOMERATE LEGISLATION

(Mr. VANIK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. VANIK. Mr. Speaker, there are reports that a Member of the other body intends to attach the Ways and Means Committee version of the trade bill to the social security bill currently being considered in the Senate.

This type of legislative shenanigan would give the highly controversial trade bill a free legislative ride on the back of the social security bill which has a wide base of support.

A modern legislative body should not permit conglomerate bills on unrelated subjects. When sweet-and-sour legislation is tied in a single package, the legislator is unable to exercise a proper discretion.

If the conglomerate comes back to the House as a conference report, I hope that the House will insist on a separate vote on the trade bill.

MORE ON MERCURY

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, the Refuse Act of 1899 must be utilized to protect our environment. It should be used to its fullest extent in prosecuting those polluting navigable waters of the United States.

The act directs the Justice Department "to vigorously prosecute" violators. The act is a practical and potentially useful measure in preventing and controlling pollution. Its use would facilitate fixing of responsibility on the culpable party or parties. It would place all persons on notice that the maintenance of a healthy environment and water are matters clearly in the public interest.

However, in the administration of the act the Department of Justice to a great extent has continually ignored its existence. In past and present years, the action of the Department of Justice in pollution control has been too late, too little, paper thin, and considerably far less than the Department's mandated responsibilities.

After the many years, the Department of Justice revealed in June 1970 through issued guidelines to the U.S. attorneys that it would use the 1899 Refuse Act against "accidental and infrequent" polluters but not against purposeful, continuing, and frequent polluters. I, and

other responsible voices urged the Justice Department to revoke the guidelines because they defeat the intent and strength of 1899 Refuse Act and ignore to nearly a total degree the Department's responsibility under the act. I urged the Department to utilize both the civil in junction and proceedings of the Refuse Act to prevent the dumping of mercury waste into our navigable waters thereby creating a serious and imminent hazard to public health. Justice, finally, announced that it planned to bring civil injunction suits under the Refuse Act against 10 mercury polluters of navigable waters. I was willing to believe that the Department was commencing to face up to its responsibility.

The Department's public announcement indicated positive action. In the following days the Department has taken steps which have negated its public announcement. From its initial announcement against mercury polluters Justice quietly passed the word to its U.S. attorneys that "some" mercury waste pollution was permissible. The next step was to authorize U.S. attorneys to bring Refuse Act suits except when the Federal Water Quality Agency or State commission has a proceeding concerning mercury pollution. Now the Department has expanded the exception so that it encompasses the basic premise. By letter dated August 27, 1970, the Department of Justice informed me—

> We do require that prior authorization to prosecute (under the Refuse Act) must be obtained in cases where the Federal Water Quality Administration in the Department of the Interior and the various State agencies and commissions dealing with water standards have approved plans for abatement of pollution occasioned by deposit of industrial wastes and the particular company or companies appear to be complying with the standards, and in certain other situtations presenting special problems . . . We are simply reserving the right to make the prospective determination at the Department level.

With such negative guidelines and expression, no U.S. attorney is encouraged to initiate or carry on criminal prosecutions and civil injunction actions for violations of the Refuse Act even though he has adequate evidence of such violations. If one would synthesize the Department's action it appears to be one step forward through public announcement and a step and a half backward to appease the polluter.

In the use of statutes, such as the Refuse Act of 1899, there must be a considered rational balancing of benefits and risks. The Justice Department is given the responsibility of representing the public interest. The courts are given the responsibility of determining the benefit and the risk to the public. We should not have to wait for numerous cases of documented lethal poisoning by contamination in order to take action against the causes of sublethal poisonings and infections that are occurring. For example even mild cases of mercury poisoning can cause irreversible central nervous system damage. The danger continues as a potential imminent hazard to human health when mercury continues to accumulate on lake and other navigable water bottoms, especially if it is difficult, if not impossible to remove the contaminant from the bottom.

The mercury contaminant forms water soluble methyl mercury or a water-soluble complex mercury compound which carries throughout the water and, in turn, enters the human food chain. The situation warrants responsible action rather than brinkmanship. New laws are not needed, but effective leadership is. Therefore, it is essential that adequate considerations for the enforcement and operation of the Refuse Act of 1899 exist. If adequate guidelines existed and necessary consideration and enforcement had been given the pollution problem by past and present administrations, much of our present water contamination problem would not now exist.

The Department of Justice should carry out its responsibility of enforcing the Refuse Act of 1899 as the agent of public interest. I urge the present Administration to set definitive guidelines so that the public as well as unintentional and actual polluters may know what they may and may not do. The Department should publicly state its position and then adhere to it. Emergency banning which restricts manufacture, sale, and use of established market products may cause economic, industrial, and agricultural disruptions. Such banning could close industrial units resulting in the loss of jobs and economic freedom. The Department of Justice therefore should not act politically or administratively in determining if a polluter is or is not violating the act, but should leave this responsibility, as intended, to the courts. I also urge the present administration promptly and constructively to aid governmental, industrial, and agricultural polluters to overcome the problem through technology, know-how, and financing rather than compound the pollution problems.

The pollution problem, as with mercury, just will not disappear. Recently the State health administrator of Idaho revealed that 75 percent of the game birds tested in Idaho had traces of mercury poisoning. He warned Idahoans not to eat more than one meal of pheasant a week, that pregnant women should avoid mercury-tainted food because of "sufficient evidence which demonstrates the brain of the unborn child may be more susceptible to mercury than that of an adult." Today, there is a good chance that to a large degree our water, fish, and wild fowl are mercury contaminated. Yet, we still do not know the full parameters of mercury contamination and its potential danger to public health and safety.

I am convinced that the administration—the Department of Justice, Department of the Interior, Federal Water Quality Administration, Department of Health, Education, and Welfare, National Air Pollution Administration, Food and Drug Administration, Department of Agriculture and other agencies are not moving as effectively as they might to determine the danger to the health of the public, the amount of contamination, the sources of pollution, and the necessary and correct legal abatement actions. Have we attempted to determine the number of deaths or illnesses due to mercury poisoning? We do not have the answers as we have failed to do the basic work. In some areas where some answers exist—sources of mercury pollution—the Administration refuses or is reluctant to disclose this information to the public.

Facts, education, rational justified steps, and constructive leadership are called for. I urge the administration to lead rather than play act in order to determine the scope of the problem and its resolution. We do not need new laws when excellent tools such as the 1899 Refuse Act exist. I, again, urge the administration to effectively utilize the Refuse Act and other such tools in carrying out its responsibility to the people of the United States.

TAX ON LEADED GASOLINE

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, I rise today to discuss the administration's proposed excise tax on leaded gasoline.

The existing automobile engine is probably the most serious source of air pollution in the United States today. Approximately 60 percent of all the air pollutants in this country today are created by the automobile engine. In metropolitan areas the automobile engine causes even greater air pollution and, in turn, a greater percentage of the pollution in the air.

The automobile engine spews reactive hydrocarbons, carbon monoxide, oxides of nitrogen, and lead particulates into the atmosphere. There is reason to believe that such pollutants not only dirty the area but when inhaled or taken into the human organism by any other means, they dirty or infect the organism. The reactive hydrocarbons, carbon monoxide, and the various oxides of nitrogen by far compose the greatest percentage of the air pollutants generated by the auto engine. Lead particulates appear in smaller amounts. Lead is poisonous to man if inhaled in certain concentrations. It can be dangerous to the human organism if ingested through the air, food chain, and/or water. Carbon monoxide as well as the oxides of nitrogen are poisonous to man if inhaled in certain concentrations. The various pollutants, all, are dangerous to the various forms of life.

Lead is spewed into the atmosphere in continuously increasing amounts through the automobile's utilization of leaded gas for power. The amount of lead and lead particulates in the air in the various areas of the country is not known to the degree it should be. The administration and the National Air Pollution Control Administration of the Department of Health, Education, and Welfare have not adequately carried out monitoring responsibilities to determine resulting consequences to plant, animal, and human life and, in turn, to take constructive and necessary steps to protect the public. We have little or no data to evaluate in determining the number of deaths or illnesses, if any, due to airborne,

lead-reactive hydrocarbon, oxides of nitrogen, and carbon monoxide contaminants.

Statutory authority exists in the National Air Pollution Control Administration to set standards for automobile emissions and to take other steps that would be helpful in protecting the public health and safety. However, the administration has no intention to promulgate lead emission standards before 1975. There is no doubt that we need to know the present parameters of lead contaminants in the air throughout the country. We must determine the approximate amount of lead particulates that can either affect or impair human health and, if warranted, take that action which is needed.

It is obvious we do not know the entire fact picture. We do know that the automobile engine creates these particular air pollutants. We use lead additive gas for power as it increases the combustability of gas. By removing the lead from gas, there is reason to believe it will increase the other dangerous pollutants such as reactive hydrocarbons, carbon monoxide, and oxides of nitrogen.

Without attempting to do the job, the administration first opted for a paper proposal which is a request for legislation authorizing the Secretary of Health, Education, and Welfare to regulate fuel compositions and additives. It appears obvious that the administration intent was for propaganda value rather than actual achievement. Fuel additive work, fuel composition know-how, and personnel exist in the Bureau of Standards, the Department of Commerce, and also within the Department of Defense to do the job required rather than in the Department of Health, Education, and Welfare. The request, because of its lack of meaning, has not progressed through the legislative cycle.

Now the administration proposes taxing leaded gasoline. Such an act would restrict the manufacture, sale, and use of established market products and would cause economic and industrial disruptions. It would result in the loss of jobs and economic freedom. The loss of viable industry and employment could well create a greater loss of tax revenue to the Government than any gain from this proposed excise tax. The Connecticut Commissioner of Transportation has expressed to me his opposition to such a tax on the ground that it would preempt ability to raise sufficient revenues at State level to provide basic services.

At present there is no date available to indicate that such a step would, in fact, be beneficial to human health and in fighting air pollution, as the increased air pollutants other than lead could well offset any gain. Further, the tax would be paid by the consumer who believes that leaded gas is necessary to maintain his auto engine and does not desire to purchase a new car containing a special auto engine. Thus if you pay the price you may continue to pollute. Proper, thoughtful and necessary consideration must be given to the problem by the Administration and the agencies with the responsibility. But in place of constructive leadership, the administration is seeking new and additional funds through taxation without determining whether the end result would, in fact, be beneficial.

Action should be taken to decrease air pollution especially that caused by lead particulates. The National Air Pollution Control Administration should act. We do not need new laws so much as we need effective leadership and facts so that we can act wisely and constructively. I am convinced that an excise tax on leaded gas creates a license to pollute, and the income may not even compensate for the damage to the health of public and corrosion to materials. I believe that under the circumstances such an excise tax is not an effective means of raising necessary tax revenues, restricts our present State revenue collections, and provides a false method of effectively reducing lead air pollution.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. There were over 13 million dairy cows in the United States in 1969 compared to approximately 10 million in France, the second-ranked nation.

NATIONAL SCHOOL LUNCH PROGRAM

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PERKINS. Mr. Speaker, I take this time to address my colleagues on a matter of mutual and vital concern—the good nutrition and health of our schoolchildren. In recent years, we have given a great deal of attention to securing the kind of Federal legislation needed for a truly effective school lunch and child nutrition program to the end that no child in school will go hungry for lack of proper nutrition.

I said it was a matter of mutual and vital concern—it is also a matter of urgent concern for unless we take further action we will not reach that goal. Significant action was taken last year to authorize broader participation in the school lunch program, especially among children from low-income families. That legislation, Public Law 91-248, is universally recognized as an act which will have a far-reaching impact. The legislation itself is very clear. Its goal is the provision of a free or reduced-price lunch to every needy child.

But legislative authorities are only the beginning. I know that progress can only be made with more adequate funding and the cooperation of local school officials. That such officials are willing to cooperate, in fact, anxious to cooperate, is unquestionable. I base that judgment on three surveys the Committee on Education and Labor has recently undertaken. Those surveys which solicited information on school lunch and school breakfast programs from both State and local officials clearly illustrate that interest in and a commitment to better nutritional programs for school-age children has reached a new high. It is my intention today to discuss and share with my colleagues the results of one of our surveys.

During the summer months, we forwarded a detailed questionnaire to the food service directors in each of our States. We have responses now from every State, and I wish to discuss the findings, particularly because they are related to a matter mentioned just a moment ago—the inadequacy of funding.

Initially, just a few words about the questionnaire itself. Today, I will discuss findings for just the first part of the questionnaire which dealt with the school lunch program. The findings from the second portions of the questionnaire—those relating to the breakfast program and the equipment program—nonfood assistance—will be discussed at a later date.

The first part of the questionnaire consisted of 20 questions, five of which asked for comments on Public Law 91-248. The remaining questions requested statistical information relative to the operation of the school lunch program in past years and estimates of program participation and funding requirements in the future.

Question 18 asked:

What will the impact be of the new provisions respecting eligibility for free and reduced-price lunches? What problems do you anticipate in implementing these provisions?

I have mentioned question 18 first because the comments of State officials to this question clearly illustrate what the statistical information provided documents.

From Tennessee—

With higher family poverty and income levels than have been in use schools will be providing up to 33% of all meals free or at a reduced price rather than the nearly 20% provided during the past year.

The primary problem will be financing the increased number of free or reduced price meals that will be served. If money is available, children will be fed.

And from West Virginia—

In April, 1970, 42% of all meals served were served free or at reduced price meals. We anticipate that the new poverty standards to be used in 1970-71 will raise this figure to 80%. Average daily participation also will increase. * * *

Considering all the responses and viewing nationally the estimate of the total number of children who will be eligible for a free or reduced-price lunch, the results of the questionnaire indicate that 8,895,194 students will qualify. This compares with 5,214,507 students who received free or reduced-price lunches during the peak of operations in the last school year. In other words, Mr. Speaker, under the new law, we can anticipate a 70.58-percent increase in the number of children for whom a free lunch or a reduced-price lunch should be provided. I will point out also that the 8.9 million estimate exceeds substantially the estimate of the administration that there are 6.6 million needy children. Information from the States received just within the last month by the committee in-

dicates that there are 34.84 percent more needy children than has been estimated heretofore.

Mr. Speaker, I wish to make it clear that the 8.9 million figure is most conservative for it does not take into account the provision of free or reduced-price lunches to needy children in private schools in more than 25 States. Also because the questionnaire was circulated prior to the Department of Agriculture's promulgation of the $3,720 national income poverty guideline for free or reduced-price lunches, States were asked to base their estimates on what they anticipated the guidelines to be. The resulting estimate of 8.9 million children is based on an income poverty index in 35 of the States, which is less than the $3,720 figure finally promulgated. If the $3,720 figure were used consistently throughout the States, the total estimate of students qualifying for a free or reduced-price lunch would certainly surpass the 8.9 million figure we have been discussing.

What is the impact then of the new provisions respecting eligibility for free or reduced-price lunches? The answer is to increase substantially—in my judgment perhaps to double—the number of students who qualify for a free or reduced-price lunch. Equally clear is the response to the second part of question 18: What problems do you anticipate in implementing these provisions? The problem is one of financing. Naturally, there will be certain administrative problems in carrying out all of the new act, but for the most part State officials commented that such problems will be easily taken care of, as is evidenced by the response from Massachusetts:

If sufficient funds are available to assist school authorities in meeting the mandatory provisions of providing free or reduced price meals for certain needy children and the requirements governing the selection of children are flexible, we do not anticipate any serious difficulty.

Or from Alaska a response which indicated still a further and welcomed impact of Public Law 91–248—

Do not anticipate any unsurmountable problems. We feel the recent changes in the School Lunch and Child Nutrition Acts will aid considerably in securing State legislation, such as the attached bill, to further assist school districts reach additional needy children.

But almost in every instance responses that the new act can be implemented and will be implemented without serious problem were qualified—the qualification being that the goals of the new act could only be reached if adequate financing is provided.

Asked if any problems were anticipated, Oklahoma responded:

Another main problem is will Congress fully finance the needs?

From South Carolina—

If Federal funds are not forthcoming on national level to insure higher rates of reimbursement, local schools will have difficulty in implementing the program.

From Ohio—

We had no significant problem with the Free and RP Policy put into effect February 1, 1969, in schools that had NSL programs then. The problem now will be to initiate food service in large city elementary schools which have high concentrations of needy children. The Boards of Education do not have funds to provide Central Kitchens and pay the cost difference between our .37 reimbursement and the actual cost of the lunch.

And from certain States, we received what almost amounts to a warning. California commented:

Unless adequately funded, many districts will drop out of the NSLP.

Stated differently, Kansas added:

Problems anticipated. People are being informed of their rights while there are no funds to finance their demands.

And finally, from Iowa we learn that "no significant impact immediately unless adequately funded."

May I remind my colleagues that Public Law 91–248 was approved by an overwhelming vote, both here in the House and in the Senate. In my judgment that vote represented a commitment to the needy children of this Nation and the vote occurred with the full expectation that a significant impact would occur immediately. As the State official from Iowa has stated:

That impact will not occur unless the program is adequately funded.

Question: What will be required to adequately fund the program? That question was asked on our questionnaire. The first part of question 15 inquired as to the Federal level of funding during the last year to assist in financing the cost of free and reduced-price lunches. The second part of question 15 asked, what additional funds will be required to reach all needy children in fiscal year 1971? The total response from all returns indicates that an additional $310,407,984 will be necessary. I would point out again that this is a conservative estimate because it does not take into account the needs of children in private schools in more than 25 States and it is based on a poverty index which is for the most part more conservative than that promulgated by the Department of Agriculture.

For fiscal 1971 both the House and Senate versions of the appropriation bill propose only a $75,200,000 increase for free and reduced-price lunches, a 55.78-percent increase over last year's level. The questionnaire indicates that a 230.27-percent increase is necessary if we are to carry out the intent of Congress. I mentioned a moment ago that there is some urgency to this matter. As my colleagues know, the Appropriations Committee has anticipated the need for additional financing of the school lunch program.

Because the administration did not have estimates on which the committee could act prior to processing appropriations bill, the committee very wisely and very carefully authorized the administration of the program at a quarterly rate in excess of the annual amounts recommended in the regular 1971 bill. This would properly allow for the funding of programs at a realistic level initially and for the necessary adjustments in the amount through a supplemental appropriation.

The House committee report, which accompanied the Department of Agriculture and related agencies appropriations bill, House Report No. 91–1161, states:

The Committee recognizes their (provisions of Public Law 91–248) far-reaching effect and, where necessary, authorizes the administration of the program at a quarterly rate in excess of the annual amounts recommended in this bill until such time as the program estimates can be reviewed in connection with the first supplemental. (Parenthesis added.)

The Senate Appropriations Committee report also recognizes that additional funds will be required and anticipates needed action in a supplemental appropriation when accurate budget estimates can be obtained.

While the House and the Senate has very carefully provided for this type of spending, I find nothing in the administration of the program by the Department of Agriculture either in its revised guidelines or regulations which advises States and local school districts of the Congress' position. When I said that this was an urgent matter, it is of this to which I am referring. It seems to me that at this point and time States and local school districts should be advised of the Congress' intent to fund the program at the level anticipated by Public Law 91–248. It is time for the Department of Agriculture to so advise State and local agencies. We cannot allow the congressional intent to be thwarted by the failure of the Department to administer a program according to the wishes and mandates of the Congress.

Second, we must fulfill our commitment and I am hopeful that we will do so at the time of the supplemental appropriation bill. Mr. Speaker, there is much information in the survey which I have not discussed. So that the House will have an opportunity to study the findings in detail, I will insert at the conclusion of my remarks, a copy of the questionnaire—parts I and II—and tables indicating national responses to all questions and an analysis of the results, question by question.

The material follows:

U.S. HOUSE OF REPRESENTATIVES COMMITTEE ON EDUCATION AND LABOR, SURVEY OF FINANCIAL NEEDS FOR SCHOOL LUNCH AND CHILD NUTRITION PROGRAMS FISCAL YEAR 1970–71

State _____

Name of agency reporting_____

Does this report cover public schools only? _____

Public and private schools?_____

NATIONAL SCHOOL LUNCH PROGRAM

I. Background information

1. Total school attendance in State (elementary and secondary, school year 1969–70)_____

2. Total attendance in schools (attendance units) 1969–70 in which NSLP is available

(make appropriate adjustments in data if lunches are available only to a portion of the pupils in such schools.) _____

3. Number of children to whom the program is not available (Item 1 less Item 2) _____

4. Total participation in NSLP for peak month 1969–70 _____

5. Number of children receiving free or reduced price lunches for peak month 1969–70 _____

6. Number of children receiving lunches entirely free in peak month _____

7. (a) Estimated total number of children eligible for a free or reduced price lunch based on poverty standards for school year 1970–71 _____

(b) Enter here the family income level for family of four used as poverty standard _____

8. In your judgment, at what level of family income per annum should a child qualify for an entirely free lunch _____

9. (a) What is the range in the regular lunch price in elementary schools in urban areas: ____¢ to ____¢

What is the range in secondary schools in urban areas: ____¢ to ____¢

Indicate range in rural areas:

Elementary schools ____¢ to ____¢

Secondary schools ____¢ to ____¢

(b) Average price for State _____

10. What price level would be required to encourage an adequate level (from the standpoint of program nutritional objectives of participation among all children in schools that now have a lunch program:

In elementary school ____¢

In secondary schools ____¢

11. (a) Number of school attendance units that do not have food service facilities or which are not served from central kitchens _____

(b) Number of children attending such school _____

II. Funding required

12. Amount of Federal funds used in the fiscal year ending June 30, 1969, for general support of the NSLP (Section 4) _____

13. What level of Federal reimbursement from Section 4 funds would be required to hold lunch prices to a maxmum of 20 cents (assuming continuation of percent levels of State and local support and assistance in the form of donated foods) ____¢ per lunch.

14. What would such a level of Federal reimbursement cost in your State for the fiscal year ending June 30, 1970 (allowing for expected increase in participation) _____

15. (a) Amount of Federal funds used in the fiscal year ending June 30, 1970, to assist in financing the cost of free and reduced price lunches (Sections 11 and 32) _____

(b) Additional funds required to reach all needy children in fiscal year 1971 (see Item I, No. 6 above) _____

NATIONAL SCHOOL LUNCH SURVEY FOR FISCAL YEAR 1970–71—PT. 1

Questions	Total school attendance in State school (elementary and secondary) year 1969–70	Total attendance in schools in 1969–70 in which NSLP was available	Children to whom not available	Percentage that No. 3 is of No. 1	Total participation in NSLP for peak month 1969–70	Children receiving free or reduced price lunch in peak month	Children receiving entirely free lunch in peak month	Estimated total number eligible for free or reduced based on poverty standards for school year 1970–71	Family income level for a family of 4	At what level of family income should child qualify for free lunch
	1	2	3	3A	4	5	6	7A	7B	8
Alabama	786,218	723,332	53,395	6	578,496	162,530	112,240	310,123	$4,200	$3,000
Alaska	73,936	58,434	15,502	20	29,898	11,361	8,970	15,000	3,900	5,500
Arizona	397,579	304,800	92,779	23	189,239	47,223	46,080	73,100	3,300	3,800
Arkansas	414,780	399,111	15,669	3	[1] 284,672	75,384	75,384	54,612	2,000	3,000
California	5,000,000	2,262,000	2,738,000	55	855,000	196,000	883,690	800,000	3,600	3,600
Colorado	537,543	473,223	64,320	11	188,772	25,251	385,743	67,000	2,820	2,820
Connecticut	609,228	475,957	133,271	21	215,031	29,597	[2]	45,000	4,160	4,200
Delaware	130,471	130,358	103	[3]	63,000	65,000	[2]	[2]	[2]	3,000
District of Columbia	150,000	105,000	45,000	30	47,000	27,000	27,000	100,000	4,000	5,000
Florida	1,277,241	1,114,343	162,898	12	939,663	253,161	105,062	309,780	3,800	4,000
Georgia	1,114,599	1,055,584	59,015	5	824,095	187,438	[2]	350,000	[4]	3,720
Hawaii	178,000	178,000	0	[5]	130,000	10,500	6,000	12,000	4,000	4,000
Idaho	169,808	154,123	15,685	9	84,901	9,755	9,755	15,814	3,600	3,600
Illinois	2,777,872	1,922,848	855,024	30	723,964	197,461	182,349	259,000	3,432	[2]
Indiana	1,346,030	1,015,907	330,123	24	669,297	713,969	484,350	107,434	3,600	4,000
Iowa	660,409	597,398	63,011	9	376,805	36,820	22,092	90,000	3,540	3,000
Kansas	526,041	404,335	121,706	23	260,438	31,524	[2]	43,248	3,000	3,000
Kentucky	785,000	740,000	45,000	5	552,000	220,000	[2]	350,000	3,750	2,800
Louisiana	963,617	933,617	30,000	3	707,435	130,079	91,995	186,000	4,000	[2]
Maine	220,566	169,500	51,066	23	102,300	20,192	----------	50,000	3,650	[2]
Maryland	818,838	768,274	50,654	6	315,441	58,521	57,221	97,373	3,600	[2]
Massachusetts	1,381,166	826,453	554,713	40	543,173	75,801	55,196	171,138	3,800	3,800
Michigan	2,161,957	1,530,404	631,553	31	559,738	90,612	64,561	260,000	3,200	4,000
Minnesota	830,507	763,570	66,937	8	483,034	29,000	14,000	58,000	3,200	3,120
Mississippi	524,633	522,133	2,500	[3]	406,635	133,230	66,549	150,000	3,000	2,000
Missouri	1,021,870	894,484	127,386	12	576,050	67,731	52,169	82,796	3,240	3,800
Montana	160,912	109,216	51,696	12	60,675	7,511	[2]	18,000	3,500	4,000
Nebraska	315,239	268,813	46,426	14	183,721	21,821	[2]	[2]	3,600	6,000
Nevada	114,000	44,850	69,150	16	21,468	2,000	[2]	10,000	4,330	[2]
New Hampshire	174,161	142,654	31,507	18	71,361	6,455	[2]	19,351	3,600	4,000
New Jersey	1,367,209	703,940	663,269	48	315,248	51,829	352,058	130,000	3,000	4,760
New Mexico	275,784	252,258	18,829	6	132,123	55,054	55,054	65,500	3,000	3,800
New York	3,950,000	3,037,750	912,250	23	474,546	430,000	426,000	600,000	4,000	4,000
North Carolina	1,128,123	1,029,581	98,542	8	812,061	209,261	311,544	574,000	3,000	3,000
North Dakota	147,782	132,313	15,469	10	91,206	9,273	8,346	[2]	3,540	[2]
Ohio	2,425,086	1,830,846	594,240	24	819,634	92,922	92,922	136,150	[2]	3,600
Oklahoma	555,675	401,400	154,275	27	271,409	46,624	----------	100,000	3,710	3,000
Oregon	495,303	383,788	111,315	22	212,933	21,139	20,650	114,668	[2]	[2]
Pennsylvania	2,308,000	1,831,370	476,630	20	1,091,461	113,542	[2]	775,000	4,000	4,000
Rhode Island	222,661	154,254	68,407	30	45,229	11,077	7,474	74,000	$3,000	$4,000
South Carolina	605,600	603,900	1,700	[3]	481,532	196,275	[2]	206,648	3,000	3,000
South Dakota	184,401	85,000	100,000	54	90,594	17,304	16,304	25,000	3,500	3,600
Tennessee	825,612	728,565	97,047	11	549,449	124,548	112,093	228,000	2,000	3,000
Texas	2,432,158	2,319,709	112,449	4	885,248	194,548	[2]	500,000	3,720	[2]
Utah	287,275	262,550	24,725	8	171,406	27,860	[2]	30,646	3,800	3,700
Vermont	112,943	81,424	31,519	28	47,191	10,130	5,505	15,000	3,720	4,000
Virginia	967,259	925,316	41,943	4	596,437	143,259	85,955	250,000	3,500	3,500
Washington	758,733	714,398	44,335	6	296,790	45,694	8,844	150,000	3,492	3,492
West Virginia	380,361	318,076	62,285	16	200,285	78,391	28,053	270,000	3,000	2,000
Wisconsin	822,122	682,361	139,761	17	369,433	31,863	24,000	80,000	3,130	3,000
Wyoming	77,796	64,225	13,571	17	39,272	[6] 5,435	[2]	2,000	3,040	2,500
Canal Zone [7]										
Guam	27,237	24,471	2,766	10	13,720	[8]	1,349	3,813	3,000	2,600
Puerto Rico	672,299	423,169	249,130	5	355,552	355,552	355,552	460,000	3,800	3,800
Virgin Islands										
Totals	46,651,640	36,079,385	10,558,746	[9]	19,727,461	5,214,507	4,662,109	8,895,194		

[1] Figure not furnished by State department of education. Department of Agriculture 1968–69 figure inserted in place.
[2] No response.
[3] Less than 1.
[4] Varies.
[5] None.
[6] No breakdown between free and reduced price lunches.
[7] Does not participate in school lunch program.
[8] No resident.
[9] Percentage.

Note: See remarks for 9A, 9B, and 10.

NATIONAL SCHOOL LUNCH SURVEY FOR FISCAL YEAR 1970–71—PT. 2

Questions	Number of school attendance units without facilities or central kitchens 11A	Children attending such schools 11B	Amount of Federal funds used in sec. 4 support in fiscal year ending June 30, 1969 12	Required level of reimbursement to hold maximum prices at 20 cents 13 [1]	Cost of such a level in each State for fiscal year ending June 30, 1970 14	Amount of Federal funds used to assist in cost of free and reduced price 15A	Additional funds required to reach all needy children in fiscal year 1970 15B
Alabama	3	282	$5,029,827	12	$15,683,522	$6,986,890	$9,755,270
Alaska	101	16,570	168,912	35	180,000	143,083	23,000
Arizona	310	60,630	1,408,712	12	3,884	1,027,552	1,355,000
Arkansas	7	596	3,015,717	20	10,178,805	2,777,081	5,600,000
California	2,000	600,000	6,364,000	20	72,000,000	5,000,000	57,000,000
Colorado	122	17,268	1,696,845	20	7,000,000	1,034,905	4,000,000
Connecticut	345	133,271	1,482,306	40	21,600,000	544,805	1,620,000
Delaware	1	103	446,180	20	3,000,000	132,203	182,203
District of Columbia	13	6,500	260,564	8	700,000	1,129,468	700,000
Florida	13	6,200	6,547,725	20	21,000,000	8,339,517	13,820,004
Georgia	1	31	7,343,747	22	26,400,000	7,207,578	17,992,422
Hawaii	0	0	974,976	5	1,200,000	238,000	700,000
Idaho	59	15,685	727,111	16	1,582,867	182,436	[2]
Illinois	2,310	1,118,179	4,782,721	[2]	[2]	5,044,099	[2]
Indiana	332	330,123	3,849,615	25	23,980,194	1,318,067	[2]
Iowa	152	58,563	2,674,466	30	32,095,852	1,187,513	3,000,000
Kansas	622	121,706	1,931,593	20	10,000,000	578,967	600,000
Kentucky	193	45,000	4,860,000	25	20,000,000	4,500,000	7,000,000
Louisiana	100	30,000	6,533,444	55	7,250,000	2,903,683	1,746,317
Maine	265	48,000	786,142	40	6,908,400	717,044	2,343,000
Maryland	23	2,408	2,158,975	30	16,163,105	2,032,121	2,855,542
Massachusetts	1,305	554,713	3,807,380	31	29,681,435	803,697	10,643,383
Michigan	1,363	604,138	3,861,887	20	40,000,000	2,287,583	23,400,000
Minnesota	70	66,937	3,313,976	10	9,000,000	1,039,500	1,092,000
Mississippi	15	2,355	4,596,495	25	17,500,000	4,003,176	10,500,000
Missouri	60	62,000	4,164,863	12	11,400,000	1,928,356	472,785
Montana	498	51,696	479,078	25	2,552,109	316,207	200,009
Nebraska	1,125	46,426	1,158,593	25	8,300,000	690,252	330,698
Nevada	131	69,150	140,889	30	975,000	66,931	44,500
New Hampshire	188	58,100	517,283	20	2,078,866	169,928	483,775
New Jersey	1,185	663,269	2,067,211	20	10,500,000	1,398,193	5,850,000
New Mexico	85	18,829	1,196,000	25	6,065,895	1,232,762	516,088
New York	470	180,000	10,582,379	20	54,000,000	17,555,895	10,500,000
North Carolina	6	1,400	8,048,458	25	28,203,075	7,291,624	15,139,544
North Dakota	153	15,469	749,511	12	1,650,000	252,016	63,000
Ohio	379	227,500	6,149,970	20	31,000,000	2,748,955	6,095,313
Oklahoma	34	8,000	2,302,854	25	13,167,262	2,609,507	3,220,302
Oregon	261	40,863	1,488,037	25	13,816,386	538,434	2,841,877
Pennsylvania	1,000	445,775	1,463,897	25	9,600,000	2,820,688	4,500,000
Rhode Island	241	68,407	282,972	20	3,000,000	348,522	1,400,000
South Carolina	[2]	[2]	5,027,711	25	20,500,000	5,280,330	6,000,000
South Dakota	200	80,000	669,359	15	2,670,000	266,849	65,500
Tennessee	14	1,926	4,871,622	23	16,725,000	4,381,343	12,481,537
Texas	257	[2]	8,315,314	[3]	[2]	5,448,135	30,625,000
Utah	38	12,000	1,410,758	12	3,942,858	737,468	80,000
Vermont	218	31,519	289,723	20	1,395,745	205,533	189,372
Virginia	3	945	4,898,489	0	33,000,000	4,573,162	18,000,000
Washington	28	44,335	2,069,821	20	10,800,000	1,003,355	3,000,000
West Virginia	99	52,485	1,945,216	12	6,048,000	2,233,067	8,000,000
Wisconsin	449	153,282	2,607,160	20	12,600,000	944,517	2,655,483
Wyoming	151	13,571	275,822	20	850,000	----------	30,000
Canal Zone [3]	----------	----------	----------	----------	----------	----------	----------
Guam	6	2,766	159,355	27	29,925	30,395	64,050
Puerto Rico	12	2,041	4,449,834	30	----------	1,572,038	3,088,960
Virgin Islands	----------	----------	----------	----------	----------	----------	----------
Total	17,003	6,191,012	156,405,503	[4]	697,978,185	127,865,932	310,407,984

[1] Cents per lunch.
[2] No response.
[3] Does not participate in national school lunch.
[4] Estimates.

ANALYSIS OF RESULTS—PARTS I AND II QUESTIONNAIRE TO STATE SCHOOL FOOD SERVICE DIRECTORS ON SCHOOL LUNCH AND CHILD NUTRITION PROGRAMS

Responses were received from 50 States and two territories, as well as the District of Columbia. 24 responses indicated that figures were for public schools only, and 25 indicated their reports covered both. Four did not reply.

Question 1. Based upon the 53 responses, the total number of children in attendance during the school year 1969–70 was 46,407,935.

Question 2. Of the total number of children attending school during the school year 1969–70, 36,079,385 children attended schools participating in the National School Lunch Program.

Question 3. The National School Lunch Program was not available to 10,558,746 children in the nation, due to lack of food preparation facilities and other reasons.

Question 4. Total participation in the National School Lunch Program (based on figures given for each state during its peak service month) nationwide was 19,727,461. This total represents fully paid, reduced price, and free lunches.

Question 5. There were 5,214,507 children receiving free or reduced price lunches (based upon figures given by each state for its peak month).

Question 6. Of the total of free and reduced price lunches made available to 5,214,507 children, the breakdown was 4,662,109 children receiving free lunches and 552,398 children receiving reduced price lunches.

Question 7a. Based on a 1970–71 poverty index suggested by each state (prior to the issuance of the national guideline figure of $3,720 for a family of four), there will be 8,895,194 children eligible in 1970–71 for a free or reduced price lunch.

Question 7b. Of the poverty indexes suggested by the states in answering question 7a, 63% of the states utilized an income level of less than $3,720 for a family of four. Arkansas and Tennessee utilized the lowest figure—$2,000. Alabama used the highest—$4,200. With the $3,720 Department of Agriculture guideline in use, an even greater number of children would appear to become eligible, and our figure of 8,895,194 eligible children must therefore be considered conservative.

Question 8. There was no uniformity among the states in their suggestions as to what the level of family income should be at which a child should become eligible for an entirely free lunch. 47% of the states reported a level at or below the $3,720 guideline. 30% of the estimates were above that amount, and 23% did not respond. Nebraska had the highest estimate with $6,000 income as the cut-off point. Mississippi and Wisconsin set the lowest level at $2,000.

Question 9. The ranges in cost for school lunch were as follows:

Urban elementary schools—15¢ to 60¢
Urban secondary schools—15¢ to 60¢
Rural elementary schools—15¢ to 50¢
Rural secondary schools—20¢ to 50¢

Question 9b. The average allover price for a school lunch was 35¢

Question 10. In elementary schools, 36% of the states recommended 20¢ per lunch as a sufficiently reasonable price level to encourage participation among all children in schools that now have a lunch program. 15% recommended 25¢ per lunch and 15% recommended 15¢ per lunch, 11% said 30¢, 5% said 10¢ and the remainder gave no reply.

In secondary schools, 61% of the states recommended prices ranging from 20¢ to 30¢ per lunch as a sufficiently reasonable price to attract the widest participation.

Question 11a. There are 17,003 school attendance units having neither food service facilities of their own nor available service from a central kitchen.

Question 11b. There are, as a result, 6,191,012 children attending schools which do not have such facilities.

Question 12. Total amount of Federal funds used in general support (Section 4) for the national School Lunch Program for

the fiscal year ending June 30, 1969, was $156,405,503.

Question 13. The answer from each State, on the level of Federal reimbursement which would be required from Section 4 funds to hold lunch prices to a maximum of 20¢ created a range of reimbursement from 5¢ (in Hawaii) to 55¢ (in Louisiana). Most states indicated that a reimbursement rate of between 20¢ and 30¢ would enable them to maintain the low price of 20¢ per lunch to the student.

Question 14. The total estimate on the cost of maintaining this price level in all states was placed at $697,978,185. California estimated its need to be $72,000,000, New York $54,000,000, Virginia, $33,000,000, Iowa $32,000,000, Ohio $31,000,000, Massachusetts $29,000,000, North Carolina, $28,000,000 and Georgia $26,000,000.

Question 15a. The estimate of funds used under Sections 11 and 32 to finance free and reduced price lunches was $127,865,932. Of this total New York estimated $17,555,895, and Nevada estimated $66,931. This was for 1969–70.

Question 15b. States estimated that a total of $310,407,984 would be needed in 1970–71 to finance the cost of free and reduced price lunches under sections 11 and 32, over and above what was needed and used in 1969–70.

Table of national totals

1. Total school attendance in States and territories which replied to questionnaire (53) 1969–70	46,407,935
2. Total attendance in schools in which NSLP is available	36,079,385
3. Number of children to whom the program is not available	10,558,746
4. Total participation in NSLP for peak month 1969–70	19,727,461
5. Number of children receiving free or reduced price lunches for peak month 1969–70	5,214,507
6. Number of children receiving lunches free in peak month	4,662,109
7. Estimated total number of children eligible for a free or reduced-price lunch based on poverty standards for school year 1970–71	8,895,194
8. (Question 11a). Number of school attendance units which do not have food service facilities or which are not served from central kitchens	17,003
9. (Question 11b). Number of children attending such schools	6,191,012
10. (Question 12). Amount of Federal funds (section 4) used in fiscal year ending June 30, 1969, for general support of national school lunch program	$156,405,503
11. (Question 15a). Amount of Federal funds used in fiscal year ending June 30, 1970 to assist in financing the cost of free and reduced-price lunches (sections 11 and 32)	$127,865,932
12. (Question 15b). Additional funds estimated to be needed during fiscal year 1971 from sections 11 and 32 to reach all needy children	$310,407,984

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. McKNEALLY (at the request of Mr. GERALD R. FORD), for September 22, on account of official business.

Mr. ADAMS, for September 24–29, on account of official business.

Mr. BLATNIK (at the request of Mr. ALBERT), for today, on account of official business.

Mr. WOLFF (at the request of Mr. BIAGGI), for September 21, 1970, on account of official business.

Mr. CHARLES H. WILSON (at the request of Mr. ALBERT), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. NICHOLS), to revise and extend their remarks and to include extraneous matter:)

Mr. ROONEY of Pennsylvania, today, for 10 minutes.

Mr. PRYOR of Arkansas, on September 28, for 60 minutes.

Mr. ALBERT (at the request of Mr. NICHOLS), for 10 minutes, today; to revise and extend his remarks and to include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MILLER of California and to include extraneous matter.

Mr. TAYLOR prior to the passage of H.R. 19007.

Mr. WAMPLER preceding the passage of H.R. 18686.

Mr. TAYLOR to include extraneous matter in his remarks on the bill H.R. 19007.

Mr. DINGELL to revise and extend his remarks on S. 719.

Mr. DINGELL to revise and extend his remarks on H.R. 19007.

(The following Members (at the request of Mr. SEBELIUS) to include extraneous matter:)

Mr. SCHERLE in 10 instances.
Mr. WEICKER.
Mr. SPRINGER.
Mr. BURTON of Utah in five instances.
Mr. QUILLEN in four instances.
Mr. McCLOSKEY.
Mr. LANGEN.
Mr. CONABLE.
Mr. WOLD.
Mr. CARTER in two instances.
Mr. ASHBROOK.
Mr. EDWARDS of Alabama in five instances.
Mr. HOSMER in two instances.
Mr. WYMAN in two instances.
Mrs. MAY.
Mr. BRAY in two instances.
Mr. MICHEL.
Mr. SHRIVER.
Mr. ESHLEMAN.
Mr. FINDLEY.
Mr. SCHWENGEL.
Mr. HOGAN in two instances.
Mr. DERWINSKI in three instances.

(The following Members (at the request of Mr. NICHOLS) and to include extraneous matter:)

Mr. HARRINGTON.
Mr. EVINS of Tennessee.
Mr. DIGGS.
Mr. WILLIAM D. FORD in two instances.
Mr. FRASER in three instances.
Mr. RARICK in six instances.
Mr. TEAGUE of Texas in eight instances.
Mr. MARSH in two instances.
Mr. JONES of Tennessee in three instances.
Mr. FASCELL in three instances.
Mr. GALLAGHER in two instances.
Mr. HATHAWAY in two instances.
Mr. EVANS of Colorado.
Mr. BINGHAM in two instances.
Mr. O'HARA in four instances.
Mr. KLUCZYNSKI in two instances.
Mr. ANDERSON of California in two instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 732. An act for the relief of Mrs. Nimet Weiss, to the Committee on the Judiciary.

S. 876. An act for the relief of Marie M. Ridgely; to the Committee on the Judiciary.

S. 902. An act to amend section 1162 of title 18, United States Code, relating to State jurisdiction over offenses committed by or against Indians in the Indian country; to the Committee on the Judiciary.

S. 3420. An act for the relief of Dr. Hassan Chaharsough Vakil; to the Committee on the Judiciary.

S. 3620. An act for the relief of Mrs. Anastasia Pertsovitch; to the Committee on the Judiciary.

S. 3771. An act for the relief of Dr. Jocelyn Tandoc-Juarez; to the Committee on the Judiciary.

S. 3805. An act for the relief of Richard W. Yantis; to the Committee on the Judiciary.

S. 3813. An act for the relief of Kim Julia and Park Tong Op; to the Committee on the Judiciary.

S. 3858. An act for the relief of Bruce M. Smith; to the Committee on the Judiciary.

S. 3867. An act to assure opportunities for employment and training to unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes; to the Committee on Education and Labor.

S. 3869. An act for the relief of Albina Lucio Z. Manlucu; to the Committee on the Judiciary.

S. 3956. An act for the relief of Mrs. Joan Lagois Hicks; to the Committee on the Judiciary.

S. 4073. An act for the relief of Hyun Joo Lee and Myung Joo Lee; to the Committee on the Judiciary.

S. 4247. An act to amend the Bankruptcy Act, sections 2, 14, 15, 17, 38, and 58, to permit the discharge of debts in a subsequent proceeding after denial of discharge for specified reasons in an earlier proceeding, to authorize courts of bankruptcy to determine the dischargeability or nondischargeability of provable debts, and to provide additional grounds for the revocation of discharges; to the Committee on the Judiciary.

S. 4316. An act to clarify and extend the authority of the Small Business Administration, and for other purposes; to the Committee on Banking and Currency.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the

following titles, which were thereupon signed by the Speaker:

H.R. 1747. An act for the relief of Jose Luis Calleja-Perez;

H.R. 10149. An act for the relief of Jack W. Herbstreit;

H.R. 16900. An act making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending June 30, 1971, and for other purposes;

H.R. 17613. An act to provide for the designation of the Veterans' Administration facility at Bonham, Tex.; and

H.R. 17734. An act for the relief of Sherman Webb and others.

BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on September 17, 1970 present to the President, for his approval, a bill and a joint resolution of the House of the following titles:

H.R. 11060. A bill for the relief of Victor L. Ashley.

H.J. Res. 1247. A House joint resolution to amend section 19(e) of the Securities Exchange Act of 1934.

ADJOURNMENT

Mr. NICHOLS. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 49 minutes p.m.) the House adjourned until tomorrow, Tuesday, September 22, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2385. A letter from the chairman, Cabinet Committee on Opportunity for the Spanish Speaking, transmitting the annual report of the committee for fiscal year 1970, pursuant to section 11 of Public Law 91-181; to the Committee on Government Operations.

2386. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed concession contract for the continued provision of accommodations, facilities, and services for the public within the Cinnamon Bay and Trunk Bay areas of the Virgin Islands National Park for a 20-year period ending May 31, 1990, pursuant to 67 Stat. 271 and 79 Stat. 543; to the Committee on Interior and Insular Affairs.

2387. A letter from the Director, Bureau of Land Management, Department of the Interior, transmitting a report of negotiated sales contracts for disposal of materials during the period of January 1 through June 30, 1970, pursuant to 76 Stat. 587; to the Committee on Interior and Insular Affairs.

2388. A letter from the Chairman, Indian Claims Commission, transmitting a report that proceedings have been finally concluded with respect to docket Nos. 243, 244, and 245, *The Winnebago Tribe and Nation of Indians, the Winnebago Tribe of Nebraska and Frank Beaver, Moses Whitebear, John Little Wolf, James Smoke, and Joshua Sanford, ex rel Winnebago Tribe and Nation and the Winnebago Indians of Wisconsin, Minnesota, Nebraska, and the Winnebago Tribe of Nebraska, Plaintiffs* v. *The United States of America, Defendant*, pursuant to 60 Stat. 1055, 25 U.S.C. 70t; to the Committee on Interior and Insular Affairs.

2389. A letter from the Director, U.S. Information Agency, transmitting a report on claims settled by the Agency during the year ended August 31, 1970, under section 3 of the Military Personnel and Civilian Employees' Claims Act of 1964; to the Committee on the Judiciary.

2390. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204 (d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2391. A letter from the Administrator of Veterans' Affairs, transmitting a report of Veterans' Administration activities under the programs for the sharing of medical facilities and the exchange of medical information during fiscal year 1970, pursuant to 38 U.S.C. 5057; to the Committee on Veterans' Affairs.

RECEIVED FROM THE COMPTROLLER GENERAL

2392. A letter from the Comptroller General of the United States, transmitting a report on better controls needed over assessment and collection of postage for second-class mail, a money loser to the Post Office Department; to the Committee on Government Operations.

2393. A letter from the Comptroller General of the United States, transmitting a report on the continued loss of revenue because of low rents charged for personnel quarters by the Veterans' Administration; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PATMAN: Committee on Banking and Currency. S. 3822. An act to provide insurance for member accounts in State and federally chartered credit unions and for other purposes (Rept. No. 91-1457). Referred to the Committee of the Whole House on the State of the Union.

Mr. PEPPER: Committee on Rules. House Resolution 1216. Resolution for consideration of H.R. 18583, a bill to amend the Public Health Service Act and other laws to provide increased research into, and prevention of, drug abuse and drug dependence; to provide for treatment and rehabilitation of drug abusers and drug dependent persons; and to strengthen existing law enforcement authority in the field of drug abuse (Rept. No. 91-1458). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROOMFIELD:

H.R. 19348. A bill to repeal section 7275 of the Internal Revenue Code of 1954, relating to amounts to be shown on airline tickets and advertising; to the Committee on Ways and Means.

By Mr. DINGELL:

H.R. 19349. A bill to provide a penalty for the theft of certain explosives, to provide increased penalties for certain crimes relating to explosives, and for other purposes; to the Committee on the Judiciary.

By Mr. HUTCHINSON:

H.R. 19350. A bill to repeal section 7275 of the Internal Revenue Code of 1954 (as added by the Airport and Airway Revenue Act of 1970) providing a penalty for offenses relating to certain airline tickets and advertising; to the Committee on Ways and Means.

By Mr. JACOBS:

H.R. 19351. A bill to amend section 837 of title 18, United States Code, to strengthen the laws concerning illegal use, transportation, to possession of explosives and the penalties with respect thereto, and for other purposes; to the Committee on the Judiciary.

H.R. 19352. A bill to regulate the importation, manufacture, distribution, storage, and possession of explosives, blasting agents, and detonators, and for other purposes; to the Committee on the Judiciary.

By Mr. LUJAN:

H.R. 19353. A bill to amend the act entitled "An act granting land to the city of Albuquerque for public purposes," approved June 9, 1906; to the Committee on Interior and Insular Affairs.

H.R. 19354. A bill to amend the act of August 9, 1955, to authorize longer term leases of land in the Pueblo of Nambe; to the Committee on Interior and Insular Affairs.

By Mr. MIKVA (for himself and Mr. PEPPER):

H.R. 19355. A bill to carry out the recommendations of the Presidential Task Force on Women's Rights and Responsibilities, and for other purposes; to the Committee on the Judiciary.

By Mr. MOORHEAD:

H.R. 19356. A bill to amend section 506 of title 23, United States Code, relating to replacement housing; to the Committee on Public Works.

H.R. 19357. A bill to authorize appropriations for the fiscal years 1972 and 1973 for the construction of certain highways in accordance with title 23 of the United States Code and to provide for statewide public works planning, and for other purposes; to the Committee on Public Works.

By Mr. ROGERS of Florida:

H.R. 19358. A bill to amend title XI of the Federal Aviation Act of 1958 to suspend air transportation between the United States and any foreign country which wilfully prohibits or delays the prompt and safe return of United States aircraft held by force in such country or which grants asylum to, or aids, any person holding such aircraft by force; to the Committee on Interstate and Foreign Commerce.

By Mr. ROGERS of Florida (for himself and Mr. DINGELL):

H.R. 19359. A bill to amend the Fish and Wildlife Coordination Act to provide additional protection to marine an wildlife ecology by requiring the designation of certain water and submerged land areas where the depositing of certain waste materials is prohibited, to require the establishment of standards with respect to such deposits in all other areas, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. SKUBITZ:

H.R. 19360. A bill to authorize the Secretary of the Interior to conduct a program of demonstration parks, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. TALCOTT:

H.R. 19361. A bill to amend the Internal Revenue Code of 1954 as amended; to the Committee on Ways and Means.

By Mr. BRADEMAS (for himself, Mr. AYRES, Mr. DENT, Mr. QUIE, Mr. DANIELS of New Jersey, Mr. BELL of California, Mr. CAREY, Mr. REID of New York, Mr. WILLIAM D. FORD, Mr. SCHERLE, Mr. HATHAWAY, Mr. DELLENBACK, Mrs. MINK, Mr. ESCH, Mr. SCHEUER, Mr. STEIGER of Wisconsin, Mr. MEEDS, Mr. HANSEN of Idaho, Mr. BURTON of California, and Mr. GAYDOS):

H.R. 19362. A bill to provide a comprehensive child development program in the

Department of Health, Education, and Welfare; to the Committee on Education and Labor.

By Mr. BRADEMAS (for himself, Mr. PERKINS, Mr. AYRES, Mr. THOMPSON of New Jersey, Mr. QUIE, Mr. DENT, Mr. REID of New York, Mr. DANIELS of New Jersey, Mr. ERLENBORN, Mr. O'HARA, Mr. SCHERLE, Mr. CAREY, Mr. DELLENBACK, Mr. HAWKINS, Mr. ESCH, Mr. WILLIAM D. FORD, Mr. STEIGER of Wisconsin, Mr. HATHAWAY, Mr. COLLINS, Mrs. MINK, Mr. LANDGREBE, Mr. SCHEUER, Mr. HANSEN of Idaho, Mr. BURTON of California, and Mr. MEEDS):

H.R. 19363. A bill to amend the Library Services and Construction Act, and for other purposes; to the Committee on Education and Labor.

By Mr. BRADEMAS (for himself, Mr. GAYDOS, Mr. RUTH, Mr. STOKES, Mr. CLAY, Mr. POWELL, Mr. FRELINGHUYSEN, Mr. DAVIS of Georgia, Mrs. MAY, Mr. FRASER, Mr. LEGGETT, Mr. MELCHER, Mr. MILLS, Mr. OLSEN, and Mr. SIKES):

H.R. 19364. A bill to amend the Library Services and Construction Act, and for other purposes; to the Committee on Education and Labor.

By Mr. CRANE:

H.R. 19365. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. FRASER:

H.R. 19366. A bill to authorize the establishment of an older worker community service program; to the Committee on Education and Labor.

By Mrs. MINK (for herself, Mr. BIAGGI, Mr. BROWN of California, Mrs. CHISHOLM, Mr. EDWARDS of California, Mr. FRIEDEL, Mr. FULTON of Pennsylvania, Mr. HELSTOSKI, Mr. HOGAN, Mr. LUJAN, Mr. MCKNEALLY, Mr. MATSUNAGA, Mr. MESKILL, Mr. OTTINGER, Mr. REES, Mr. PEPPER, Mr. PIKE, Mr. PODELL, Mr. POLLOCK, Mr. ROE, Mr. RYAN, Mr. SCHEUER, Mr. THOMPSON of New Jersey, and Mr. TUNNEY):

H.R. 19367. A bill to amend title II of the Social Security Act to provide in certain cases for an exchange of credits between the old age, survivors, and disability insurance system and the civil service retirement system so as to enable individuals who have some coverage under both systems to obtain maximum benefits based on their combined service; to the Committee on Ways and Means.

By Mr. PEPPER (for himself, Mr. WILLIAM D. FORD, Mr. WOLFF, Mr. ROONEY of Pennsylvania, Mr. GUDE, Mr. ANDERSON of Tennessee, Mr. KOCH, Mr. FARBSTEIN, Mr. GALFIANAKIS, Mr. ECKHARDT, Mr. BRADEMAS, Mr. MCCARTHY, Mr. FRIEDEL, Mr. BRASCO, Mr. BURKE of Massachusetts, and Mr. FASCELL):

H.R. 19368. A bill to establish a Juvenile Research Institute and Training Center; to the Committee on the Judiciary.

By Mr. CONABLE:

H.R. 19369. A bill to amend section 165(g) of the Internal Revenue Code of 1954 which provides for treatment of losses on worthless securities; to the Committee on Ways and Means.

By Mr. FASCELL (for himself, Mrs. CHISHOLM, Mr. HORTON, and Mr. REES):

H.R. 19370. A bill to require the Department of Defense to determine disposal dates and methods for disposing of certain military material; to the Committee on Armed Services.

By Mr. FASCELL (for himself, Mrs. CHISHOLM, Mr. HORTON, Mr. PIKE, and Mr. REES):

H.R. 19371. A bill to prohibit the discharge into any of the navigable waters of the United States or into international waters of any military material without a certification by the Council on Environmental Quality approving such discharge; to the Committee on Merchant Marine and Fisheries.

H.R. 19372. A bill to require the Council on Environmental Quality to make a full and complete investigation and study of national policy with respect to the discharging of material into the oceans; to the Committee on Merchant Marine and Fisheries.

By Mr. PEPPER (for himself and Mr. WALDIE):

H.R. 19373. A bill to amend the Communications Act of 1934 in order to require licensees operating broadcasting stations under such act to broadcast information with respect to the dangers involved in the improper use of drugs; to the Committee on Interstate and Foreign Commerce.

By Mr. DADDARIO:

H.J. Res. 1375. Joint resolution authorizing the President to declare 1 week each September as "national SS *Hope* Week"; to the Committee on the Judiciary.

By Mr. JACOBS:

H.J. Res. 1376. Joint resolution authorizing the President to proclaim the period October 25 through 31, 1970, as Law Officers Appreciation Week; to the Committee on the Judiciary.

By Mr. LANGEN:

H.J. Res. 1377. Joint resolution proposing an amendment to the Constitution of the United States with respect to the flag of the United States; to the Committee on the Judiciary.

By Mr. SCHMITZ:

H.J. Res. 1378. Joint resolution providing for a formal declaration of war against the Government of the Democratic Peoples Republic of Vietnam (North Vietnam) unless certain conditions are met, and for other purposes; to the Committee on Foreign Affairs.

By Mr. COLMER:

H. Con. Res. 740 Concurrent resolution authorizing the printing of additional copies of the hearings accompanying the Legislative Reorganization Act of 1970; to the Committee on House Administration.

By Mr. FASCELL (for himself, Mrs. CHISHOLM, Mr. HORTON, Mr. PIKE and Mr. REES):

H. Con. Res. 741. Concurrent resolution expressing the sense of the Congress with respect to the pollution of waters all over the world and the necessity for coordinated international action to prevent such pollution; to the Committee on Foreign Affairs.

By Mr. CRAMER (for himself and Mr. WILLIAMS):

H. Res. 1217. Resolution expressing the sense of the House with respect to an early resolution by the Supreme Court of the problems involved in desegregating the Nation's public schools; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COLLIER:

H.R. 19374. A bill for the relief of Mrs. Rose Scanio; to the Committee on the Judiciary.

By Mr. WOLD:

H.R. 19375. A bill to provide for the conveyance of certain public lands in Wyoming to the occupants of the land; to the Commitee on Interior and Insular Affairs.

By Mr. WRIGHT:

H.R. 19376. A bill for the relief of Milivoy Jankovic; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

440. By the SPEAKER: A memorial of the Legislature of the State of California, relative to the disposal of environmentally harmful pesticides; to the Committee on Agriculture.

441. Also, a memorial of the Legislature of the State of California, relative to geothermal power source; to the Committee on Interior and Insular Affairs.

442. Also, a memorial of the Legislature of the State of California, relative to poison prevention; to the Committee on Interstate and Foreign Commerce.

PETITIONS, ETC.

Under clause 1 of rule XXII,

592. The SPEAKER presented a petition of Bernardas Brizgys, et al., Detroit, Mich., relative to the 50th anniversary of Lithuania's Constitutional Congress; to the Committee on Foreign Affairs.

SENATE—*Monday, September 21, 1970*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. RUSSELL).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal and ever-gracious God, who has watched over us in the days of the past and brought us to this new week, make this a moment of vision when we hear Thy word above our words and see Thy light illuminating the path before us. Sensitize our minds and spirits with Thy mind and spirit. Instruct us by the wisdom of history. Keep us close to the youth of the land that we may have young hearts and understand their dreams. Inspire us to use every ability and resource with which Thou hast endowed us to create new patterns and new programs which advance the common welfare.

O Thou "who maketh wars to cease unto the ends of the earth," bring peace to our troubled world. Guide by Thy spirit all whose role is mediator and peacemaker until the peace of Thy righteous kingdom is established among all the nations.

In the name of the Prince of Peace. Amen.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting

nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, September 18, 1970, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETING DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet on social security legislation during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 1207, 1209, 1212, 1217, 1221, 1222, and 1223.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT OF THE HOUSING AND URBAN DEVELOPMENT ACT

The bill (H.R. 17795) to amend title VII of the Housing and Urban Development Act of 1965 was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1189), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

WHAT THE BILL WOULD DO

The bill would (1) state congressional findings that many of the Nation's communities are unable to finance the construction of urgently needed public facilities and that there is an immediate need for such facilities to provide basic safeguards for the health and well-being of our citizens, to check widespread water pollution, and to provide an effective and practical method of combating rising unemployment; (2) reenact the balance of the authorization for basic water and sewer facilities provided for in title VII of the Housing and Urban Development Act of 1965 and provide for an additional authorization of $1 billion; and (3) extend for 1 year (until October 1, 1971) the time within which a community may qualify for a basic water and sewer facilities grant even though its program for an areawide system, though under preparation, has not been completed. Pending final congressional action on the fiscal year 1971 appropriation for the section 702 basic water and sewer facilities program, enactment of the committee bill would make a total authorization of $1,350 million available through fiscal year 1972.

BACKGROUND OF THE BILL

S. 3938—the Senate companion bill was introduced by Senator Sparkman on June 9, 1970, and was included as one of the subjects for consideration in the housing hearings which were held between July 13, and 30, 1970. The committee received testimony covering all phases of the water and sewer facility program during the hearings from officials of the Department of Housing and Urban Development, as well as from officials of the National Association of Counties, and National League of Cities, and representatives from many local community units. Following the hearings the committee ordered S. 3938 reported on September 16.

NEED FOR THE BILL

The provision of adequate water and sewer facilities remains one of the most pressing problems facing the Nation's communities. Local sources of revenue continue to be severely strained, and although many communities are making valiant efforts to raise needed funds, their problems are compounded by the imposition of additional tax burdens which often discourage new industry from moving into the area. At the same time, these communities cannot hope to attract new industry without providing adequate water and sewer facilities.

This circle is particularly distressing during periods of high interest rates and rising unemployment, such as the Nation is now experiencing. Tight money-high interest rate policies affect not only the homebuilding industry: They make it difficult, if not impossible, for many communities to obtain long-term financing for public facilities at reasonable rates of interest; and, with unemployment at 5 percent nationally, and nearly 12 percent in the construction trades, local officials are understandably reluctant to add to their communities' tax burdens.

The enormous need for additional basic water and sewer facilities is widely recognized. A 1966 study prepared by the Joint Economic Committee forecast a required expenditure of $3.5 billion annually through the 10-year period ending in 1975. This estimate of need is outdated; since 1966, construction costs have increased 25 percent, with approximately half that increase coming since 1968. New estimates were prepared in 1968 on the basis of projections of greatly expanded housing production needed to meet the national housing goal of 26 million additional standard housing units by 1978. This recent estimate indicates that a gross investment by all levels of government of $51.8 billion will be required to provide supporting water and sewer facilities over the 10-year period, or an average of $5.2 billion, and, of course, construction costs continue to rise.

During the first 4 years of the water and sewer facilities grant program (fiscal years 1966 through 1969), grants amounting to $514.6 million have been made for 1,151 projects. Forty-eight percent of grant funds have gone for water projects, 41 percent for sewer projects, and 11 percent for combined water-sewer projects. During fiscal year 1970, grant reservation totaled approximately $150 million, sufficient to finance 290 projects. The fiscal year 1971 budget request provides for continuation of the program at the $150 million grant level, sufficient to finance 280 projects.

The committee believes that both authorizations and appropriations for this vital program greatly understate the needs of local communities. Testimony received during the committee's hearings from the National Association of Counties indicates that since 1966 the Department of Housing and Urban Development has rejected approximately $2.5 billion in applications for water and sewer facilites grants, and that the Department's regional officials "have been strongly discouraging" further applications. Testimony clearly showed that if more Federal funds had been available, the dollar amount of applications for grants would have doubled.

This is so regardless of HUD statements to the effect that rejection of applications for lack of funds does not mean that all applications would have been approved or projects actually constructed. Demand for program funds is at a record level, increasing numbers of communities are willing to go forward with necessary local financing arrangements, and low levels of Federal commitment to these projects are, in fact, discouraging many communities which have the capacity to undertake soundly conceived, well-planned projects.

The following table submitted by the National Association of Counties indicates the number of grant applications for water and sewer facilities rejected by HUD because of a lack of funds, the dollar amount of the applications, and the total project cost represented by the rejected applications:

LOCAL GOVERNMENT GRANT APPLICATIONS FOR WATER AND SEWER ASSISTANCE NOT FUNDED BY DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

State	Number of grant applications	Grant applications amount (millions)	Total project cost (millions)
Alabama	51	$53.68	$33.66
Alaska	15	7.27	17.15
Arizona	31	11.85	26.30
Arkansas	52	20.97	45.57
California	271	158.17	356.25
Colorado	73	19.71	48.62
Connecticut	95	59.82	155.36
Delaware	8	3.30	6.99
Florida	135	69.12	164.03
Georgia	43	19.64	46.39
Hawaii	19	5.78	14.12
Idaho	3	.69	1.39
Illinois	191	89.58	201.96
Indiana	77	48.57	131.00
Iowa	67	20.58	44.89
Kansas	60	13.60	28.89
Kentucky	28	55.89	136.54
Lousiana	107	70.17	158.16
Maine	48	8.31	18.58
Maryland	47	22.44	51.12
Massachusetts	225	93.33	227.23
Michigan	308	331.20	722.95
Minnesota	63	42.49	68.76
Mississippi	29	10.88	28.48
Missouri	104	34.06	80.56
Montana	14	2.47	4.89
Nebraska	45	16.80	48.64
Nevada	16	4.30	11.27
New Hampshire	27	$11.84	$27.00
New Jersey	163	92.55	209.20
New Mexico	13	2.61	6.83
New York	426	441.50	887.13
North Carolina	48	19.12	51.30
North Dakota	7	2.01	3.51
Ohio	255	204.45	420.62
Oklahoma	51	15.31	36.68
Oregon	47	26.18	65.68
Pennsylvania	317	158.68	343.72
Rhode Island	26	16.93	39.08
South Carolina	44	16.93	48.40
South Dakota	17	3.76	8.07
Tennessee	47	16.33	38.91
Texas	224	55.39	130.52
Utah	60	14.01	33.41
Vermont	33	7.41	16.89
Virginia	55	47.10	101.47
Washington	63	17.06	40.51
West Virginia	36	25.13	35.54
Wisconsin	85	37.79	84.74
Wyoming	5	.37	.79
Puerto Rico	25	5.78	13.81
Virgin Islands	1	.14	.29
National total	4,308	2,496.75	5,538.22

In addition, the funds authorized by the bill would have a substantial impact on the Nation's deteriorating economy by providing immediate help to the depressed construction industry. During the past 6 months, the unemployed rate in the Nation has risen from 3.5 percent to 5 percent. Unemployment in the construction industry, however, which is adversely affected by both cutbacks in Federal spending as well as high interest rate-tight money policies, has reached a level of nearly 12 percent, more than twice the national average.

The U.S. Bureau of Labor Statistics estimates that each $1 million invested in public facilities creates approximately 100 jobs a year—about 40 jobs at the construction site and about 60 jobs in industries supplying building materials, equipment, and services. Consequently, the $1 billion authorized by the bill would result in the creation of 100,000 onsite construction and manufacturing and service jobs. In addition, the multiplier effect of a $1 billion investment in public facilities would create thousands of additional new jobs throughout the economy.

The committee believes the additional funds authorized by the bill will enable HUD to provide a meaningful level of assistance to communities to provide adequate water and sewer facilities which will assist in meeting State health requirements, provide essential facilities for expanded housing production, and spur employment in the depressed construction trades.

AVAILABILITY OF FUNDS FOR PROJECTS IN SMALL TOWNS

The committee wishes to make clear that section 702 of the Housing and Urban Development Act of 1965 makes grants available to local public bodies without regard to the size of the community being served. The HUD policy of referring to the Farmers Home Administration applications of communities of less than 5,500 is an administratively established policy designed to achieve better coordination of the various Federal programs which provide financial assistance for water and sewer projects or waste treatment facilities. The committee believes that section 702 grant funds should be available to communities of less than 5,500 population where the community's application has been rejected by the Farmers Home Administration because of a lack of funds under the FHA program.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Calendar No. 1206, Senate bill 3938, the companion bill to H.R. 17795, be indefinitely postponed.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ENVIRONMENTAL PROTECTION AGENCY PERSONNEL ACT

The bill (S. 4269) to provide for employment within the Environmental Protection Agency of commissioned officers of the Public Health Service, and for other purposes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 4269

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Environmental Protection Agency Personnel Act".

ELECTION OF PUBLIC HEALTH SERVICE COMMISSIONED OFFICERS TO TRANSFER TO THE ENVIRONMENTAL PROTECTION AGENCY

SEC. 2. (a) Subject to such requirements as the Civil Service Commission may prescribe, any commissioned officer of the Public Health Service (other than an officer who retires under section 211 of the Public Health Service Act after his election but prior to his transfer pursuant to this section) who, upon the day before the effective date of Reorganization Plan Number 3 of 1970 (hereinafter in this Act referred to as the "plan"), is serving as such officer—

(1) primarily in the performance of functions transferred by such plan to the Environmental Protection Agency or its Administrator (hereinafter in this Act referred to as the "Agency" and the "Administrator", respectively), may, if such officer so elects, acquire competitive status and be transferred to a competitive position in the Agency; or

(2) primarily in the performance of functions determined by the Secretary of Health, Education, and Welfare (hereinafter in this Act referred to as the "Secretary") to be materially related to the functions so transferred, may, if authorized by agreement between the Secretary and the Administrator, and if such officer so elects, acquire such status and be so transferred.

(b) An election pursuant to subsection (a) shall be effective only if made, in accordance with such procedures as may be prescribed by the Civil Service Commission—

(1) before the close of the twenty-fourth month after the effective date of the plan, or

(2) in the case of a commissioned officer who would be liable for training and service under the Military Selective Service Act of 1967 but for the operation of section 6(b)-(3) thereof (50 U.S.C. App. 546(b)(3)), before (if it occurs later than the close of such twenty-fourth month) the close of the ninetieth day after the day upon which he has completed his twenty-fourth month of service as such officer.

COMPENSATION OF TRANSPORTATION OFFICER

SEC. 3. (a) Except as provided in subsection (b), any commissioned officer of the Public Health Service who, pursuant to section 2 of this Act, elects to transfer to a position in the Environmental Protection Agency which is subject to chapter 51 and subchapter III of chapter 53 of title 5, United States Code (hereinafter in this Act referred to as the "transferring officer"), shall receive a pay rate of the General Schedule grade of such position which is not less than the sum of the following amounts computed as of the day preceding the date of such election:

(1) the basic pay, the special pay, the continuation pay, and the subsistence and quarters allowances, to which he is annually entitled as a commissioned officer of the Public Health Service pursuant to title 37, United States Code;

(2) the amount of Federal income tax, as determined by estimate of the Secretary, which the transferring officer, had he remained a commissioned officer, would have been required to pay on his subsistence and quarters allowances for the taxable year then current if they had not been tax free;

(3) an amount equal to the biweekly average cost of the coverage designated "high option, self and family" under the Government-wide Federal employee health benefits program plans, multiplied by 26; and

(4) an amount equal to 7 per centum of the sum of the amounts determined under clauses (1) through (3), inclusive.

(b) A transferring officer shall in no event receive, pursuant to subsection (a), a pay rate in excess of the maximum rate applicable under the General Schedule to the class of position, as established under chapter 51 of title 5, United States Code, to which such officer is transferred pursuant to section 2 of this Act.

LEAVE OF TRANSFERRING OFFICER

SEC. 4. (a) A transferring officer shall be credited, on the day of his transfer pursuant to his election under section 2, with one hour of sick leave for each week of active service, as defined by section 211(d) of the Public Health Service Act.

(b) The annual leave to the credit of a transferring officer on the day before the day of his transfer, shall, on such day of transfer, be transferred to his credit in the Environmental Protection Agency on an adjusted basis under regulations prescribed by the Civil Service Commission. The portion of such leave, if any, that is in excess of the sum of (1) two hundred and forty hours and (2) the number of hours that have accrued to the credit of the transferring officer during the calendar year then current and which remain unused, shall thereafter remain to his credit until used, and shall be reduced in the manner prescribed by subsection (c) of section 6304 of title 5, United States Code.

TRAVEL AND TRANSPORTATION EXPENSES INCIDENT TO TRANSFER

SEC. 5. A transferring officer who is required to change his official station as a result of his transfer under this Act shall be paid such travel, transportation, and related expenses and allowances, as would be provided pursuant to subchapter II of chapter 57 of title 5, United States Code, in the case of a civilian employee so transferred in the interest of the Government. Such officer shall not (either at the time of such transfer or upon a subsequent separation from the competitive service) be deemed to have separated from, or changed permanent station within, a uniformed service for purposes of section 404 of title 37, United States Code.

LIFE INSURANCE OF TRANSFERRING OFFICER

SEC. 6. Each transferring officer who prior to January 1, 1958, was insured pursuant to the Federal Employees' Group Life Insurance Act of 1954, and who subsequently waived such insurance, shall be entitled to become insured under chapter 87 of title 5, United States Code, upon his transfer to the Environmental Protection Agency regardless of age and insurability.

RETIREMENT CREDITS OF TRANSFERRING OFFICER; DEPOSIT IN CIVIL SERVICE RETIREMENT AND DISABILITY FUND

SEC. 7. (a)(1) Effective as of the date a transferring officer acquires competitive status as an employee of the Agency, there shall be considered as the civilian service of such officer for all purposes of chapter 83, title 5, United States Code, (A) his active service as defined by section 211(d) of the Public Health Service Act, and (B) any period for which he would have been entitled, upon his retirement as a commissioned officer of the Public Health Service, to receive retired pay pursuant to section 211(a)(4)(B) of such Act; however, no transferring officer may become entitled to benefits under both subchapter III of such chapter and title II of the Social Security Act based on service as such a commissioned officer performed after 1956, but the individual (or his survivors) may irrevocably elect to waive benefit credit for the service under one such law to secure credit under the other.

(2) A transferring officer on whose behalf a deposit is required to be made by subsection (b) and who, after transfer to a competitive position in the Agency under section 2, is separated from Federal service or transfers to a position not covered by subchapter III of chapter 83 of title 5, United States Code, shall not be entitled, nor shall his survivors be entitled, to a refund of any amount deposited on his behalf in accordance with this section. In the event he transfers, after transfer under section 2, to a position covered by another Government staff retirement system under which credit is allowable for service with respect to which a deposit is required under subsection (b), no credit shall be allowed under such subchapter III with respect to such service.

(b) (1) The Secretary shall deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund, on behalf of and to the credit of

such transferring officer, an amount equal to that which such individual would be required to deposit in such fund to cover the years of service credited to him for purposes of his retirement under subsection (a)(1), had such service been service as an employee as defined in section 8331(1) of title 5, United States Code. The amount so required to be deposited with respect to any transferring officer shall be computed on the basis of the sum of each of the amounts described in section 3(a) which were received by, or accrued to the benefit of, such officer during the year so credited.

(2) The deposits which the Secretary is required to make under this subsection with respect to any transferring officer shall be made within two years after the date of his transfer as provided in section 2, and the amounts due under this subsection shall include interest computed from the period of service credited to the date of payment in accordance with section 8334(e) of title 5, United States Code.

ASSIGNMENT OF PUBLIC HEALTH SERVICE OFFICERS TO THE ENVIRONMENTAL PROTECTION AGENCY

SEC. 8. (a) A commissioned officer of the Public Health Service who, upon the day before the effective date of the plan, is on active service therewith primarily assigned to the performance of functions described in section 2(a)(1), shall, while he remains in active service, as defined by section 211(d) of the Public Health Service Act, be assigned to the performance of duties with the Agency, except as the Secretary and the Administrator may jointly otherwise provide.

(b) Paragraph (2) of section 6(a) of the Military Selective Service Act of 1967 (50 U.S.C. App. 456(a)(2)) is amended by inserting "the Environmental Protection Agency," after "Department of Justice,".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1190), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

STATEMENT AND JUSTIFICATION

On July 9, 1970, President Nixon sent reorganization Plan No. 3 to the Congress for consideration. This plan establishes the Environmental Protection Agency. Transferred to this new executive agency were the functions of a number of Federal offices involved in antipollution activities. Among them are the Federal Water Quality Administration; the National Air Pollution Control Administration; the Environmental Control Administration with its Bureau of Solid Waste Management; the Bureau of Water Hygiene; and, the Bureau of Radiological Health.

When Reorganization Plan No. 3 goes into effect, the pollution control effort of the Federal Government will be centralized in the Environmental Protection Agency.

Approximately 600 commissioned officers of the Public Health Service are now performing functions which would be transferred from the Department of Health, Education, and Welfare to the new Environmental Protection Agency. Most of these PHS officers are technicians and are experienced in the fight against environmental pollution.

The administration sees the need for their continuing to work in the field of pollution control and urges that these Public Health Service officers be allowed to transfer to the new Environmental Protection Agency and encouraged to do so. However, under present law these officers cannot transfer directly to Federal civilian positions.

This legislation would authorize those Public Health Service commissioned officers performing functions being transferred under the reorganization plan, or materially related to functions being transferred, to elect to acquire a competitive status and be transferred to a competitive position in the Environmental Protection Agency.

AGENCY VIEWS

Following are reports from the Honorable Elliot L. Richardson, Secretary of the Department of Health, Education, and Welfare; the Honorable Robert E. Hampton, Chairman of the U.S. Civil Service Commission; and, Mr. Wilfred H. Rommel, Assistant Director for Legislative Reference, Office of Management and Budget, expressing the views of their respective agencies on the bill and recommending enactment of S. 4269.

IMPROPER USES OF THE METERED MAIL SYSTEM

The Senate proceeded to consider the bill (H.R. 14485) to amend sections 501 and 504 of title 18, United States Code, so as to strengthen the law relating to the counterfeiting of postage meter stamps or other improper uses of the metered mail system which had been reported from the Committee on Post Office and Civil Service with amendments on page 1, after line 5, strike out:

"SEC. 501. Postage stamps, postage meter stamps, and postal cards.

"§ 501. Postage stamps, postage meter stamps, and postal cards

On page 2, line 3, after the word "Whoever", strike out "forgest" and insert "forges"; in line 19, after the word "Office", strike out "Department," and insert "Department or by the Postal Service,"; in line 21, after the word "of", strike out "said department" and insert "The Department or Postal Service"; on page 3, line 3, after the word "Office", strike out "Department," and insert "Department or the Postal Service,"; and at the begining of line 7, strike out "(b) Section 6(j)(6) of the Postal Reorganization Act is repealed."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1193), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF LEGISLATION

The purpose of H.R. 14485 is to strengthen the law relating to the counterfeiting of postage meter stamps or other improper uses of the metered mail system.

This proposal was recommended to the Congress in an executive communication from the Postmaster General. The need for this legislation arises from the fact that the current laws relating to the forging or counterfeiting of adhesive-type postage stamps generally do not apply to postage meter stamps.

Recent advancements in printing arts, as well as the rapid increase in the use of metered mail, give this proposal a special urgency. At present, there is no prohibition against magazines and other publications printing perfect reproductions of postage meter stamps as part of an advertisement or other illustration. As the Postmaster General has pointed out, these reproductions need only to be cut out in order to be used in lieu of genuine postage meter stamps.

Section 501 of title 18 prohibits various acts in connection with the forging or counterfeiting of postage stamps. The first section of the proposed bill would amend this section so as to include specific references to postage meter stamps.

Section 504 of title 18 authorizes printing of illustrations of postage stamps under specific conditions. Section 2 of the proposed bill would amend this section by adding a new paragraph at the end thereof. This paragraph would provide that, for the purpose of section 504, postage meter stamps be included in the term postage stamp.

In recommending this proposal, your committee notes that in fiscal year 1956 adhesive stamps and stamped paper accounted for $1.011 billion in postal revenue, while metered postage accounted for about $7 million less ($1.004 billion). In contrast, metered postage accounted for $2.612 billion in postal revenues during fiscal year 1968 (more than a 160-percent increase), while adhesive stamps and stamped paper accounted for only $1.799 billion (less than a 78-percent increase).

ALBERT G. FELLER AND FLORA FELLER

The bill (S. 2835) for the relief of Albert G. Feller and Flora Feller was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Albert G. Feller and Flora Feller, of Ketchikan, Alaska, the sum of $267.12, representing the cost to them of having the body of their deceased son transported from Anchorage, Alaska, to Ketchikan, Alaska, such son having drowned prior to returning from his United States Army preinduction physical examination in Anchorage.

SEC. 2. No part of the amount appropriated in this Act in excess of 20 percent shall be paid or delivered to or received by any agent or attorney on account of services renreded in connection with this claim, and the same is unlawful, any contract to the contrary notwithstanding. Violation of the provisions of this section is a misdemeanor punishable by a fine not to exceed $1,000.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1200), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill is to authorize and direct the payment of $267.12 to Albert G. and Flora Feller representing the cost to them of having the body of their deceased son transported from Anchorage, Alaska, to Ketchikan, Alaska, such son having downed prior to returning from his U.S. Army preinduction physical examination in Anchorage.

STATEMENT

In its favorable report on the bill, the Department of the Army set forth the facts of the case as follows:

"The Department of the Army has no records concerning Albert G. Feller, Jr., son of Albert G. and Flora Feller, of Ketchikan, Alaska, but the following information was secured from the claimants, the Veterans of Foreign Wars, Juneau, Alaska, and the Selective Service System. In May 1966, Albert G.

Feller, Jr., a selective service registrant, was given a transportation request by the Selective Service System to cover his necessary travel from Ketchikan to Anchorage, Alaska, for the purpose of being inducted into the Army. Mr. Feller reported to the induction center on May 24, 1966, but he did not meet existing standards for induction and was rejected. Mr. Feller was given another transportation request for the return travel to Ketchikan, and was scheduled to depart on May 26, 1966. On May 30, 1966, Mr. Feller drowned while swimming in Big Lake near Anchorage, Alaska. The transportation request was returned to the issuing agency, and Mr. Feller's body was shipped home at the expense of his parents.

"All administrative claims made by the parents for reimbursement of transportation expenses for their son's body were denied by the Department of the Army on the ground that Mr. Feller had never acquired military status and no authority existed for payment. The Selective Service System also rejected claims by Mr. and Mrs. Feller for reimbursement on the ground that it had no authority to make payment. The pertinent Army regulation (AR 606–270, para. 12) in force at the time of Mr. Feller's death states that: 'For registrants for induction, financial responsibility for transportation, meals, and lodging, while traveling to and from AFEES-Selective Service System [is responsible agency].' If Mr. Feller had lived, this provision would have covered his return transportation.

"Mr. Feller traveled to Anchorage to report for induction. The United States was obligated to provide him with transportation to his home in Ketchikan. His untimely death terminated this obligation. There is no statutory or regulatory authority permitting administrative settlement of this claim. It is the opinion of the Department of the Army that it would be equitable to reimburse the parents under the unusual circumstances of this case.

"The cost of the bill, if enacted, would be $267.12.

"The Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this report for the consideration of the committee."

The committee, after a review of the foregoing, believes that the bill is meritorious and recommends favorable consideration of S. 2835, without amendment.

RENEWAL OF CERTAIN FOREST SERVICE CONTRACTS WITHOUT ADVERTISING

The bill (H.R. 11953) to amend section 205 of the Act of September 21, 1955 (58 Stat. 736) was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1202), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

This bill would permit the Forest Service to renew certain annual contracts twice without additional advertising.

At present the Forest Service has such authority with respect to procurement of aerial facilities and services for the protection of the national forests. The bill would (1) extend this authority to similar contracts with respect to other lands administered by the Forest Service, and (2) make it clear that it covers contracts for the furnishing at the airbase of facilities, equipment, and materials and the preparation, mixing and loading into aircraft.

AGRICULTURAL MARKETING RESEARCH AND PROMOTION

The Senate proceeded to consider the bill (H.R. 13978) to amend the Agricultural Adjustment Act of 1933, as amended, and reenacted and amended by the Agricultural Marketing Act of 1937, as amended, to authorize marketing research and promotion projects including paid advertising for almonds which had been reported from the Committee on Agriculture and Forestry with amendments on page 2, line 1, after "(2)", strike out "striking the period at the end of the first proviso and inserting in lieu thereof"; and insert "inserting before the colon at the end of the first proviso the following"; and in line 8, after the word "the", strike out "order." and insert "order";".

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1204), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

This bill would amend the marketing order law to—

(1) authorize provision for paid advertising in marketing promotion activities under almond marketing orders;

(2) authorize any such almond order to permit all or any portion of a handler's direct marketing promotion expenditures to be credited against his assessment under the order; and

(3) provide that inclusion of marketing promotion provisions in a marketing order shall not preclude similar provisions in a State order.

At present paid advertising can be provided for by marketing orders covering cherries, citrus fruits, onions, tokay grapes, fresh pears, dates, plums, nectarines, celery, sweet corn, limes, olives, pecans and avocados. The bill would add almonds to this list.

PROGRAM OF RESEARCH AND PROMOTION FOR WHEAT

The Senate proceeded to consider the bill (H.R. 13543) to establish a program of research and promotion for U.S. wheat.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1203), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

NEED FOR THE LEGISLATION

Successful operation of wheat commissions in 10 of the commercial wheat States has spawned this legislation. These commissions, enabled by State legislation and financed by producer assessment, have an excellent record of achievement and have proven beyond a doubt that accumulated research and promotion funds can be put to constructive use. To date, however, the major contributions of these State commissions have been in the fields of production research and overseas market promotion. Those are vital areas to be sure, but there are others equally vital and equally in need of assistance in terms of research and promotion.

A short recap of U.S. flour consumption statistics over the past 20 years points up one of the most serious problems our industry faces.

136 pounds per capita consumption of wheat flour	1950
122 pounds per capita	1955
118 pounds per capita	1960
113 pounds per capita	1965
112 pounds per capita	1969

There is evidence that a great deal could be done to reverse this deplorable trend. Recent developments in enrichment processes, flour blends, and new wheat products indicate that there is expansion potential for wheat in the field of human nutrition.

There are also exciting prospects for wheat utilization in industrial channels. Preliminary experimentation has shown that various wheat properties lend themselves to usage as wet-and-dry-strength additives for paper and boxboard, as a substitute for carbon black in rubber manufacture, in the production of industrial alcohol—possible for use as a motor fuel additive, as a bonding agent in plywoods and other wood products and in the production of protein films. In many of the instances mentioned, both in nutritional and industrial usage, basic research is well along and an acceptable product is available. The assistance needed now is in market testing or promotion, or in some cases additional research on the marketing of byproducts is needed in order to make the wheat utilization economically feasible.

There are other areas where producer efforts to support a comprehensive program for the relief and benefit of his industry are stretched woefully thin. Marketing research, promotional efforts such as the "Day of Bread" and public relations efforts on behalf of all of agriculture. Certainly, these are central to the well-being of the wheat farmer and should be considered legitimate uses for such funding as this legislation would make available.

BACKGROUND

The Agricultural Adjustment Act of 1938, as amended, contains two basic provisions regarding export marketing certificates. The first is contained in section 379d(b) and requires that during any marketing year for which a wheat marketing allocation program is in effect, all persons exporting wheat shall, prior to such export, acquire export marketing certificates equivalent to the number of bushels so exported. The act provides that the cost of such certificates per bushel to the exporter shall be that amount determined by the Secretary on a daily basis which would make U.S. wheat and wheat flour generally competitive in the world market, avoid disruption of world market prices, and fulfill the international obligations of the United States.

The other provision is contained in section 379c(a) which, in pertinent part, states:

"The Secretary shall also provide for the issuance of export marketing certificates to eligible producers at the end of the marketing year on a pro rata basis. For such purposes, the value per bushel of export marketing certificates shall be an average of the total net proceeds from the sale of export marketing certificates during the marketing year after deducting the total amount of wheat export subsidies paid to exporters."

During the 1968–69 marketing year, which ended on June 30, 1969, the total value of wheat export certificates collected exceeded the total value of export subsidies paid by slightly over $4.2 million. The Secretary of Agriculture, under existing legislation, is re-

quired to distribute this wheat export certificate accumulation pro rata to farmers who participated in the 1968 wheat program. Based on the distribution of 1968 domestic wheat certificate payments, it is estimated that an export certificate accumulation of this magnitude would result in the following: Out of 832,000 potential payees a payment of less than $1 would be computed for about 229,000; 186,000 payees would receive payments of $5.80 or more; 54,000 payees would receive payments of $11.60 or more; and 4,900 payees would receive payments of $58 or more. The Department has indicated that it did not plan to issue checks for less than $1 except on request.

Mr. DOLE. Mr. President, during the 1968–69 wheat marketing year, the total value of wheat export certificates collected exceeded the total value of export certificates paid by over $4.2 million. This situation is not expected to recur due to trends in world wheat prices. According to law, these excess funds are to be distributed pro rata to the wheat producers.

The legislation we are considering today would offer producers an opportunity to redeem their share of the fund or allow it to be used in a program of market research and market development.

Specifically the bill provides that all producers be notified of the fund's existence and of the amount to which he is entitled. He is given the option to apply for his share of the funds—if over $1—or allow it to be used in the proposed program of market research and promotion. Of the $4.2 million, the Department of Agriculture estimates 50 percent would be redeemed and over $2 million would be available for research and promotion.

The fund would be administered by an organization or organizations of wheat producers under the direction of the Secretary of Agriculture. The funds would be used to research new market potential and then promote the fulfillment of these potentials.

The wheat producer has witnessed a decline in domestic consumption of wheat flour from 136 pounds per person in 1950 to 122 pounds per person in 1969. Recent developments in enrichment processes, flour blends and new wheat products indicate there is good expansion potential for wheat in the field of human need. There are also many new possibilities for industrial utilization of wheat: as adhesives in the manufacture of plywood; as a substitute for carbon-black in the manufacture of rubber and many other possibilities. This would be worthy utilization of these funds.

The bill provides the funds not be used for administration, but strictly for research and promotion.

Agriculture is still the largest single industry of this Nation. It is well that Congress provides this legislation to assist the wheat producers of today's agriculture regain their diminishing markets.

OREGON WHEAT GROUPS ENDORSE WHEAT RESEARCH AND PROMOTION PROGRAM

Mr. HATFIELD. Mr. President, when the distinguished majority leader informed the Senate as to the program for today, I was very pleased to see that he included in the bills for consideration H.R. 13543, an act to establish a program of research and promotion for U.S. wheat.

In my State, the wheat industry forms one of the cores of our agriculture industry. In addition to a growing domestic wheat production for use in this country, in 1969, Oregon shipped to Japan over $96 million in wheat.

Because I knew of their interest in this legislation, last Friday. I asked a member of my staff to contact Mr. Dick Skiles, president of the Oregon Wheat Growers League, and Mr. R. K. "John" Bauer, general manager of the North Pacific Grain Growers, Inc. These groups endorse H.R. 13543, and I ask unanimous consent that the telegrams from Mr. Bauer and Mr. John Welbes, executive vice president of the Oregon Wheat Growers League, appear in the RECORD.

Mr. President, in conclusion, I urge my colleagues to support this bill. It is of great interest to the wheat industry, and deserves the Senate's approval. I urge my colleagues here today to support this bill.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

PORTLAND, OREG.,
September 19, 1970.

Hon. SENATOR HATFIELD,
Senate Office Building,
Washington, D.C.:

The Oregon Wheat Growers League urges your strong support for HR 13543 dealing with the inverse subsidy funds. These funds are vitally needed for research on improved wheat foods for human consumption as well as for market development work. It is our understanding that better than fifty percent of the checks to individual producers would be less than $1.00. The wheat industry is in need of money such as these funds for intensive research as market development work. Your support of this bill will be much appreciated.

JOHN WELBES,
Executive Vice President.

WASHINGTON, D.C.,
September 19, 1970.

Senator MARK HATFIELD,
Senate Office Building,
Washington, D.C.:

We urgently solicit your support of HR 13543 giving wheat growers voluntary discretion to commit moneys due them from the inverse subsidy pool to a research program for mutual benefit. Our board of directors representing 22,000 producers in the Pacific Northwest has unanimously indorsed this legislation feeling that the pooled resources can be meaningful while individual shares of the fund would be insignificant.

R. K. BAUER,
General Manager North Pacific, Grain Growers Inc., Portland, Oreg.

The bill was ordered to a third reading, read the third time, and passed.

Mr. President, that completes the call of the Calendar.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order the Senator from Ohio (Mr. YOUNG) is now recognized for 20 minutes.

ANTIOCH COLLEGE

Mr. YOUNG of Ohio. Antioch College is one of the very great institutions of learning in the State of Ohio. Ohioans throughout the past 118 years have had every reason to be proud of Antioch College. It is a liberal arts college with a great history and a noble tradition. It was founded 118 years ago. Horace Mann was its first president. Its present president, Dr. James P. Dixon, is a nationally known, tremendously respected educator.

Many leading citizens in my State of Ohio are graduates of this fine institution of learning. Antioch College has a great tradition of social service.

Mr. President, I have been on the campus of this fine college on many occasions. I wish I were able to say that as a youth I attended this college. I would be very proud, indeed, were I an alumnus of Antioch. Over the years, Antioch students attend that fine college for 1 study year and then they work a year. The Antioch system of alternate study and work has attracted nationwide attention and most favorable comments by leading educators for many years. Antioch students in those alternate years have rendered needful service not only in communities in my State but in the District of Columbia and elsewhere throughout the Nation. Many have been employed by boards of education in cities throughout our Nation and have engaged in teaching. A large number are so employed in the District of Columbia school system at the present time. I personally know of many fine men and women who attended Antioch College and who have distinguished themselves in the service of our Nation in war and in peace.

The names of three of such distinguished alumni occur to me at this time. S. Burns Weston of Cleveland, a graduate of Antioch, is one of the most highly respected citizens of Cleveland. He is a renowned corporation lawyer.

His views are extremely conservative in political matters. There are differences between us in that respect, but I know him and respect him as a friend over the years before I became a U.S. Senator. When he and I opposed each other in civil damage suits which I brought in behalf of clients who had been injured, he represented the corporations in most cases.

I pay deference to and manifest my highest respect for him as a corporation lawyer. He is one of the foremost trial lawyers in Ohio employed by liability insurance companies and other corporations. Also I know that Leon Higginbotham, a distinguished judge of the U.S. district court in Pennsylvania is a graduate of Antioch College. Also, in the corporate field, I think of Edward Booher who is president of McGraw-Hill Co., of Dayton, Ohio. I know personally the president of Antioch College, Dr. Dixon. He is known throughout the Nation as one of our most respected educators.

Mr. President, I resent tremendously the effort of Congressman JOHN DOWDY of Texas in assailing this fine institution in my State. I shall have more to say about that in a moment. It is an extraordinary thing that any Member of Congress would assail any college in the country; but, of course, JOHN DOWDY is rather an extraordinary Congressman. As it happens, he is under indictment facing criminal charges.

Mr. President, the Washington Evening Star of September 18 published an editorial under the caption "A Dowdy Affair." I ask unanimous consent that this editorial be printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. HUGHES). Without objection, it is so ordered.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A DOWDY AFFAIR

Representative John Dowdy, it is fair to say, will not be remembered as one of the more brilliant meteors to streak across the political firmament of this or any other time.

The Texas Democrat's 18 years in the House have left few footprints in the sands of jurisprudence. His major "contribution" to the Republic last year was his outrageous abuse, as a House subcommittee chairman, of this city's director of corrections, Kenneth L. Hardy.

The 58-year-old congressman's activities have been somewhat confined of late. Having failed in the Fourth U.S. Circuit Court of Appeals to obtain immunity against indictment on charges of accepting a $25,000 bribe, conspiracy and perjury, Dowdy has taken to his bed in a Jasper (Texas) hospital, where he is afflicted with what his physician describes as a flareup of a chronic back problem. It is said that he will be unable to face the charges, of which he says he is innocent, for some time.

Yet the spirit of the man lives on in the request made earlier this week by his subcommittee to Acting D.C. School Superintendent Benjamin Henley for the names "of all personnel in the D.C. school system . . . that (have) ever attended Antioch College, either in assembled classroom on campus, off campus studies, seminar, correspondence courses, undergraduate work, post-graduate work or by any other title, whether credited courses or not."

For those who may not know it, Antioch is a 118-year-old Ohio liberal arts college with a long tradition of social work. Horace Mann was its first president. It seems that some Antioch students, all of whom alternate study years with years of work in the community, have been employed in the D.C. school system. It also seems that some Viet Cong flags have been seen in classrooms and that there has been talk of Karl Marx.

So, presto! Instant witchhunt, with the subcommittee, headed by Dowdy (who attended for two years something called East Texas Baptist College before giving up the unequal struggle), earnestly hunting down those who may have attended Antioch, which looms as the most dangerous source of subversion since Moscow's Patrice Lumumba University. It would be funny where it not so pathetic.

Mr. YOUNG of Ohio. Mr. President, I do not personally know Representative JOHN DOWDY. Frankly, I do not want to know him. He assailed this great liberal arts college, and he made utterly false statements regarding it.

He is a witch hunter seeking to turn us back to those disgraceful days that we would like to forget. Those days are referred to as McCarthyism.

It has taken the Nation many years to recover somewhat from the witch hunts of the 1950's—from that era of pointless suspicion, fear, character assassination, and ruined careers. Much of the debris of that period has been cleaned up but this action of the subcommittee chaired by Representative JOHN DOWDY reveals that vestiges of Joe McCarthyism remain to pollute our society.

DOWDY is presently under indictment, charged with accepting a $25,000 bribe, conspiracy, perjury, and use of interstate facilities to promote bribery.

I know that every man accused of a crime is presumed to be innocent until and unless he is proven guilty by evidence sufficient to convince a jury beyond a reasonable doubt of his guilt.

I know from personal experience as a trial lawyer and chief criminal prosecuting attorney of my county that any man who feels he has been wrongfully accused invariably seeks a prompt trial by jury without any delay.

I know that Representative DOWDY made no such effort. Then he sought to have the Fourth U.S. Circuit Court of Appeals grant him immunity and this effort on the part of his lawyer was rejected by the court.

Since then, he sought and secured postponement of his trial from September 11 until October 5. He voluntarily entered a Jasper, Tex. hospital where his personal physician states he is suffering from a chronic back problem and should not be placed on trial because of this. Yet, this Congressman has acquired a reputation as a witch hunter, first as a member of the un-American Activities Committee and later when the name of that committee was changed to the Internal Security Committee of the House. It is astonishing to relate that Dowdy's Subcommittee of the House District of Columbia Committee, at his instigation, directed a letter to the acting school superintendent, Benjamin Henley of the District of Columbia public schools requiring that Superintendent Henley furnish him the names "of all personnel in the District of Columbia school system that have ever attended Antioch College." Superintendent Henley should and no doubt will reject it or ignore it.

This is an outrageous and an astonishing request.

It is astonishing that anyone could possibly regard as suspect, graduates of one of the most highly respected and best institutions of learning not only in my State of Ohio but also in the entire United States. It is an institution that set the example of affording boys and girls from rather poor families an education by establishing a system of having 1 year of school attendance followed by a compulsory year of work and then a return to the college campus for further study.

That system has been hailed throughout this Nation. It is not necessary for me to come to the defense of this great institution of learning, this liberal arts college of which we Ohioans have every reason to be proud. However, I feel so outraged that anyone, and particularly a man who is under indictment and who is seeking to evade trial, should make such an outlandish claim. DOWDY is a despicable fellow and I hold him in the utmost contempt. His conduct following his arrest on these serious criminal charges is definitely that of a guilty criminal undeserving of respect of law-abiding citizens.

Mr. President, I respect every Member of the House of Representatives except DOWDY. I am proud to have served in that body for 8 years. Should the voters of his district reelect him in November, and I cannot believe they will, I feel certain the House leadership would ask him to step aside instead of taking the oath of office.

OUR ARMY NEEDS REFORM

Mr. YOUNG of Ohio. Mr. President, the Army of the United States needs reform from the top down. Very likely, the entire present setup should be discarded. Certainly from the top brass down through the general officers and field grade officers the Army should be reconstructed in order to do away with the present topheavy multigeneraled Army we now have. This should be done without delay. In fact, it is urgent that our Army be streamlined.

Our goal should be to build an all-volunteer army. Except in a period of grave national emergency or when Congress has declared war, conscription of our young men into our Armed Forces should not be tolerated. Furthermore, if we must have a policy of conscription it should be for 18 months as the maximum period for active duty plus 3 years active Reserve duty.

The quality of our military leadership has been declining steadily and the deterioration of our Army at the top has been vividly revealed to every thoughtful American who has watched the developments in Southeast Asia and read the newspapers, listened to the radio, and watched television. The failure of our generals and the generals of our Joint Chiefs of Staff and of our generals in combat on down through field-grade officers, can probably be attributed to the fact that the U.S. Military Academy at West Point is an inferior engineering school with a poor curriculum and a less than competent faculty. The facts are that officers attending the U.S. Naval Academy and the U.S. Military Academy apparently receive very poor educations. Our service academies are really but engineering schools and very inferior ones at that. It is evident from the conduct of graduates who have commanded our GI's that they learned little or nothing about tactics. They are entirely ignorant of combat strategy in the Civil War or War Between the States as southerners term it. Any person studying the leadership, plans, operations, and combat tactics of generals commanding our Armed Forces in World War II has reason to believe they never had studied the campaigns of Napoleon Bonaparte nor ever even read of Hannibal and his classic victory at Cannae.

The combat classic victory of Generals Lee and Jackson over a superior force of Federal troops led by "Fighting Joe" Hooker is said to be taught in every service academy the world over but apparently not at West Point.

In the Civil War, General Burnside, invading Virginia, directed the Union Army, superior in numbers and artillery power, in a frontal assault against the Confederate forces of Generals Lee and

Jackson entrenched on Marye's Heights. His army was decimated in six frontal assaults after crossing the Rappahannock River and seeking to overrun Marye's Heights by sheer force of numbers. As the Union troops pressed forward, maintaining their steady step and closing their broken ranks, General Longstreet's defending troops behind the stone wall and entrenchments poured a storm of lead into their advancing ranks. They were swept from the field like chaff before a wind. He finally gave up the hopeless frontal assault and retreated. This general never even undertook to encircle the Confederate forces or to strike them at any angle. He was fired, not promoted as was General Westmoreland. Then President Lincoln named "Fighting Joe" Hooker to command the Army of the Potomac and the Union Army advanced toward Chancellorsville where the army of Generals Lee and Jackson confronted them. The Union Army greatly outnumbered the Confederate Army but unfortunately lacked proper leadership at the top. A very substantial part of the Confederate forces led by General Jackson turned, and in daylight they marched to the rear and then completely surrounded the soldiers confronting the Confederate Army commanded by General Lee. Lee's front line was so denuded of fighting men that each one in the front line was at least 7 feet from the soldier on either side of him. Lee had no reserves to help in event the Union forces attacked instead of simply standing.

The Union Army had observation balloons which plainly observed the dust from Jackson's brigades as they marched along the backroads and through the woods at the rear of Lee's forces, yet "Fighting Joe" Hooker was fightless. His army made no attempt to attack the soldiers vastly inferior in numbers confronting them. Then Jackson's troops having passed entirely behind Lee's forces marched forward through the woods. In the early evening the 11th Army Corps of well-trained Ohio soldiers with arms stacked, were eating their supper and the officers enjoying the officers' mess when suddenly Jackson's forces, preceded by hundreds of rabbits, came yelling and shooting, attacking the Union Army from the side and rear. The Union soldiers of the 11th Corps fled panic stricken running past their commanding general, "Fighting Joe" Hooker, who was knocked unconscious as the Union troops were fleeing in front of him. Lee's Army of Virginia won another battle. Abraham Lincoln fired another Union general.

It is evident that the West Point Military Academy is so inferior in its faculty that combat strategy of generals such as Lee and Jackson and of Napoleon Bonaparte has not been taught to the cadets. If so, our combat strategy in World War II and in Vietnam proves that such strategy has been forgotten. It was never practiced.

In World War II, many thousands of American soldiers lost their lives in combat due to the ill-advised strategy of our generals. An example is the Italian campaign led by Gen. Mark Clark. The allied forces had superiority on the ocean instead of landing the American 5th Army and the British 8th Army on opposite sides of the Italian peninsula, in an endeavor to cut Italy in half which would have been extremely important. All Italian railroads and all main thoroughfares in Italy run in a northerly and southerly direction. Nevertheless, our 5th Army landed at Salerno near the boot of Italy and then fought desperate battles for many months from one mountain top to another. The objective of the 5th Army should have been to destroy the German forces. But Gen. Mark Clark persisted in frontal attacks. For example, he sent the 36th Division, a magnificent division composed of Texas National Guard troops, to make a frontal assault over the Rapido River. Thousands of fine Americans were killed and wounded in this disastrous attack. Nazi generals at that time claimed "the Amis always attack in front." Gen. Mark Clark continued frontal attacks instead of pursuing his proper objective, the destruction of the German Army. Then finally, by sheer weight of numbers, the 5th Army entered Rome while the Germans retreated in good order.

In thousands of years, Rome had been captured by the entry of foreign soldiers many times. Never before, however, from the south. Always from the north through the Po Valley. This is an example of the failure of the military minds and the very evident inferiority of the U.S. military academies. Throughout World War II it will be remembered our assaults were invariably frontal attacks such as from England directly across to Normandy. No invasion was attempted by landings in Norway or Holland nor in southern France until late in the war.

Unfortunately in our Vietnam involvement, American forces have invariably made frontal attacks. In the Vietcong Tet offensive in February 1968 the Vietcong captured Hue, the old imperial capital, and held the Citadel in the center of that city for 30 days. Our valiant marines attacked the Citadel with frontal assaults day after day and night after night sustaining heavy losses in killed and wounded to the extent that marine brigades involved had suffered so severely it was necessary to withdraw them from combat and to allow time to train the large number of replacement marines. The Citadel was, of course, finally captured, but the surviving defenders slipped away in the nighttime. Our marine generals apparently disdained the idea of surrounding the Citadel and starving the defenders into surrender or destroying them by attacks from various sides and angles and from the rear.

Hamburger Hill was assaulted by our troops over many days. Ten different assaults were made on Hamburger Hill, all frontal assaults. Nine times our forces were hurled back with great loss of lives. Finally, on the 10th assault, Hamburger Hill was overrun. In the Civil War, General "Fighting Joe" Hooker made six successive frontal assaults on Marye's and lost his job. Did our commanding general lose his job as did Union General Burnside following his frontal assaults that failed?

Maj. Gen. Melvin Zias was the commander of the forces that attacked Hamburger Hill. Was he reprimanded? No. In fact, less than 3 months after the disaster of Hamburger Hill he was promoted to be lieutenant general. In addition to this promotion from a two-star to a three-star general, Lieutenant General Zias less than 2 months ago on August 1, 1970, was promoted to the position of Director of Operations of the Army Division of the Joint Chiefs of Staff, his current assignment. Hard to believe.

Mr. President, as a member of the Armed Services Committee of the Senate I must share the blame for this promotion. I am ashamed that I failed to attend that committee meeting, or if I were present I did not acquire complete information on each officer seeking promotion instead of relying on others approval of the list of officers being promoted. All I can say is that I feel all members of the Armed Services Committee should carefully scrutinize the long list of promotions which are sent to our committee from the Pentagon at too frequent intervals, I regret very much that we in the committee authorized this promotion.

It is unfortunate that the Pentagon has a policy that an officer must have at least a single combat assignment to justify promotion from colonel to brigadier general and that additional such assignments virtually guarantee promotions from brigadier general to major general and on up. Due to the always prevalent eagerness for promotion, combat command assignments in Vietnam have been rotated every 6 months. Of course, this results in more and quicker promotions of officers. It also means that combat in Vietnam, and it will be the same now that we unfortunately are engaged in combat in other areas of Southeast Asia, will be led by inexperienced officers in command of each area. A brigadier general, in the 4 or 6 months he is in command in a certain area, may acquire considerable knowledge of the characteristics and tactics of the VC in that area and of the climate and terrain but then he is sent on to another area and a new officer takes his place. This means more and quicker promotions for officers. Unfortunately it leads to more casualties suffered by the fighting men. The futility of the war we are waging and the personal setlf-interest of many commanding officers is evident to junior officers and GI's. Yet junior officers remain silent and the GI's continue to serve and toe an undeviating line sometimes out of fear of court martial and jail or because of their desire not to seem to let their buddies down. Junior officers also are prone to remain silent and seek promotions in the only way available. Naturally, they have to think of home mortgages to pay and children to educate and, of course, of the higher paid retirement to anticipate if they go along and are promoted.

It is most unfortunate that in Vietnam, of more than 400,000 officers and soldiers, fewer than 85,000 are combat soldiers. The enormity of support, clerical and noncombat soldiers and officers in our army in Vietnam is tremendous and in contrast with the armies of West Ger-

many, France, and Italy or any of our allies.

No other army in the world would require a force of 400,000 to produce 85,000 combat soldiers. There must be drastic reform in our Army along this line. Our service academies, now merely second- or third-rate engineering schools, must drastically be changed from the top down.

The Uniform Code of Military Justice must be amended in accord with accepted principles of justice. The rights of our soldiers whether draftees or volunteers must be protected.

Disgraceful brutalities such as that practiced at the Presidio of San Francisco must not be tolerated. Very definitely, promotions in our Army and Navy should be based solely upon demonstrated ability, merit, and experience. Discrimination in favor of officers who are graduates of West Point over those who earned commissions by attending officers' training school or in enrolling in the ROTC cannot be tolerated. This discrimination is now very evident. It must be discarded. That a man graduates from Annapolis or West Point or the Air Force Academy should not result in special favors nor should family background or race cut any figure whatever to the prejudice of any officer or enlisted man.

The military-industrial complex has a great deal for which to answer. There has been vast overspending on ill-fated defense systems such as the C–5A, F–111 and the Cheyenne helicopter to name just a few.

The coverup and attempted whitewash of the My Lai massacre is a blot on the escutcheon of our Armed Forces. Those generals involved in it should be exposed. The Green Beret accusations, bloody incidents such as Hamburger Hill, and many other occurrences which I have not taken the time to advert to, prove that there must be drastic reform in our top-heavy military complex.

For our new army, we should do away with the pre-magna charta system of military trials. The operation of all military trials—all court martials—should be drastically altered. We must have a system where all GI's accused of any offenses must be dealt with fairly and without prejudice. In the past, I have sat as a presiding judge in general court martial cases wherein the life and liberty of five young combat soldiers were at stake. I have been president of such courts. In numerous cases I was one of seven or nine officers composing various general military courts. I say that at least half of the members of a general military court trying noncommissioned officers or privates should be noncommissioned officers or privates. Give the GI an absolutely square deal. Trial for life or liberty of enlisted men—soldiers—by a court composed of officers only is not real democracy. Nor it is just.

Army stockades and psycho wards should be inspected regularly. Fascist brutality toward prisoners should no longer be tolerated. There has been too much of that in the past.

The pay differential in the Army should be examined. There is too great a spread between the pay of a private and that of a master sergeant or lieutenant.

When there are the same clubs for officers and men; when restaurants and hotels are not marked "Officers Only;" when a captain takes his turn in the PX line with the private; when the major and corporal eat in the same mess; when the colonel and sergeant enjoy the same recreational facilities; when officers and enlisted men wear the same quality and style uniforms, differentiated only by insignia of rank, and have the same sort of quarters; when these things are brought about, we shall have a democratic army of volunteers. In time of peace we shall have all the volunteers we need for a large Army. It will not be necessary to resort to conscription in peacetime. In fact, conscription must not ever again be permitted in our Nation except during a period when Congress has declared war or there is a grave national emergency.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without ojection, it is so ordered.

PROPOSED VISIT OF VICE PRESIDENT KY TO THE UNITED STATES

Mr. BYRD of West Virginia. Mr. President, I hope that Vice President Ky of South Vietnam will cancel his plans to appear at a so-called win-the-war rally in Washington.

I have no objection to Ky visiting the United States. But I fear that his participation in the demonstration that is proposed might undermine our peace negotiations in Paris.

His attempt to influence American public opinion could reinflame passions about the war that now seem to be cooling, and his appearance might stir up a great deal of unnecessary tension and bitterness that could lead to a possible outbreak of disorder. His own safety could be endangered.

I hope that the Vice President of South Vietnam will change his mind and stay at home for the present.

Mr. DOMINICK. Mr. President, I wish to associate myself with what the Senator from West Virginia has said concerning Vice President Ky. It seems to me this is a most appropriate statement to make at this time. I certainly hope he will listen to this and other statements which have previously been made along the same lines.

Mr. YOUNG of Ohio. Mr. President, I desire to compliment and to express my gratitude to the distinguished Senator from West Virginia (Mr. BYRD), who just denounced the forthcoming visit of Vice President Ky to the United States, and expressed the view that such a visit was extremely ill advised.

I agree with everything that the Senator from West Virginia had to say on this subject. Very definitely, I consider that Vice President Ky's stated intention to come to Washington, D.C., next October 5, for the mission he is coming on, is a very bad thing from all standpoints.

The Senator from West Virginia is to be praised for making the statement he did.

In October 1965, I interviewed then Air Marshal Ky for some 45 minutes. The very bad impression I received in that interview with him has lasted me to this time. In fact, it has been expanded.

I recall distinctly that when I admired the decoration he was wearing, this flamboyant air marshal, with great pride, said, "Oh, I got this award from the French Republic." He received that award, Mr. President, for being an air pilot in the French Air Force at a time when the French were seeking to reestablish their oppressive Indochinese empire and when the forces seeking national liberation for all of Vietnam were fighting desperately against the French.

This air marshal was on the side of the colonial oppressors against his own people. When he comes to this country on October 5 it would not surprise me one bit, Mr. President, if he sought sanctuary here as a fugitive from his country.

I say that because it is my firm belief that the Saigon militaristic regime of which he is a member lacks the support of the people of Vietnam, and it seems that there is a huge difference of opinion between Vice President Ky and President Thieu of Vietnam. In my opinion, President Thieu is an honest man, and on the basis of information I firmly believe that Ky is a dishonest man who has unlisted bank accounts in Hong Kong and in Switzerland.

I have a feeling that following his visit here, he is likely to seek sanctuary and will not return to Vietnam, but will rendezvous with his unlisted bank accounts in Hong Kong and Switzerland.

So I am happy to join with Senator BYRD in expressing my dislike for the fact that this fellow will be here in our Capital City.

Mr. BYRD of West Virginia. Mr. President, I thank the Senator for his kind remarks.

The PRESIDING OFFICER. Is there further morning business?

HANOI'S "PEACE" INITIATIVES

Mr. DOMINICK. Mr. President, while we are talking about the Vietnamese situation, I think it is worthwhile bringing up the fact that the North Vietnamese have been using a very interesting but very difficult tactic during the Paris talks.

They periodically raise hopes for a settlement by hinting at some new offer; then dramatically reiterate their same shopworn proposals.

Hanoi's negotiators then piously denounce the United States as "intransigent."

Hanoi is stalling. They refuse to dis-

cuss seriously one of the subjects we consider most important: The return of American prisoners.

Some of these men have been held captive over 5 years. They pose no military threat to Hanoi. Why, then, are they still incarcerated?

The leaders of North Vietnam hope to use them as hostages. They hope the United States will negotiate from fear for the lives of our men.

This we cannot do.

Hanoi must be made aware we will not be blackmailed.

Only then will the other side quit posturing, and sit down for substantive talks.

PRISONERS OF WAR FAMILIES TO STAGE MASS MARCH ON CAPITOL

Mr. DOMINICK. Mr. President, on a similar subject, but in a different vein, the House and Senate will receive a mass visitation on Monday morning, October 5, from the wives and parents of almost 1,600 U.S. servicemen who are missing and held prisoner of war in Southeast Asia.

These families are prepared to call at the offices of all 535 Members of the Congress to urge them to sign individual statements pledging their all-out effort to obtain the protection of the Geneva Convention for these men.

The wives and parents will be holding their first annual meeting, held in the District of Columbia, of their recently incorporated organization—National League of Families of American Prisoners and Missing in Southeast Asia.

On October 5 they plan to congregate on the steps of the House Chamber at 10 a.m., hold a press conference and then disperse to carry individual pledge cards to all congressional offices. The pledge, which individual Members will be asked to sign reads as follows:

As a member of the United States House of Representatives, (United States Senate) I pledge that as long as I continue to hold my present position of trust and responsibility I shall do everything within my power to assure the protections of the Geneva Convention are provided for those men who are missing and held as Prisoners of War in Southeast Asia.

I understand that members of the League of Families throughout the country will, in addition, ask all candidates for the House and Senate to sign similar pledges.

Speaking personally, I shall be most happy to sign this pledge, and I would hope that those Members of Congress who are unable to be present in their offices on October 5 would authorize a member of their staff to sign for them in their absence.

For the benefit of all Members, I also call attention to the following news release which the League has issued outlining plans for their annual meeting. The statement concerning Col. Frank Borman was issued, of course, before the families had obtained consent for a joint meeting of the Congress which is to be held tomorrow, September 22, and at which Colonel Borman will give a report about his special Presidential mission.

I ask unanimous consent that the news release be printed in the RECORD at this point.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

POW FAMILIES TO STAGE MASS MARCH ON CAPITOL

Wives and parents of the more than 1,500 Americans missing and held as prisoners-of-war in Southeast Asia will converge on Washington, D.C., October 2–5.

They will be joined by former prisoners-of-war who have been released by or escaped from North Vietnamese, Viet Cong or Pathet Lao prison camps.

The families are coming from every section of the country to participate in the first annual meeting of their new national organization, formed last Spring.

A major event of the four-day meeting will be a mass-march on the Congress on Monday, October 5. The families will gather on the steps of the U.S. Capitol for a press-conference, and then disperse to call at the offices of all 535 House and Senate members. They will carry "pledge" cards to be signed, individually, by each member of Congress, promising an all-out effort to obtain the protections of the Geneva Conventions for the missing and imprisoned men.

Members of the organization—the National League of Families of American Prisoners and Missing in Southeast Asia—also will elect a new board of directors and name new national officers to guide their activities over the next 12 months.

Two other highlights of the meeting will be a dinner on Saturday, October 3, at which the principal speaker will be H. Ross Perot; and a meeting Sunday evening, October 4, at which the families will receive a personal report from Colonel Frank Borman on his round-the-world Presidential mission. This will be Colonel Borman's first detailed public discussion of his POW talks with world leaders.

At other sessions of the League's meeting, the families will receive closed-door briefings specifically requested from the Department of Defense and other agencies, and will attend a number of workshops and seminars designed to help them cope with special problems.

The four-day conclave will be held at the Marriott Twin Bridges Motel.

Note to editors.—Representatives of out-of-town newspapers, magazines and radio/TV networks, who wish to arrange individual interviews, will be able to contact families from their respective areas through a news-room to be opened at the Marriott on October 2. Only two events scheduled for the meeting will be open to TV-coverage: the Borman report on October 4, and the Capitol press-conference on the morning of October 5.

VETERANS' LOANS TO FAMILIES OF PRISONERS OF WAR

Mr. DOMINICK. Mr. President, continuing this same subject for just a few seconds longer, I am happy to say that the Labor and Public Welfare Committee, of which I am a member, has reported favorably and unanimously, a bill which will give veterans' loans to wives of prisoners of war and those who are missing in action, and also provide for educational benefits for the families and children while those men are missing or held as prisoners.

It is my hope that we can take prompt action on the bill—I believe it is noncontroversial—and get it to the House and get it passed in this session, so that it can be of material assistance to the persons concerned.

AUTHORIZATION FOR SUBCOMMITTEE MEETING DURING SENATE SESSION

Mr. HUGHES. Mr. President, I ask unanimous consent that the Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs be authorized to meet during the session of the Senate today.

The PRESIDING OFFICER (Mr. BYRD of West Virginia). Without objection, it is so ordered.

FULBRIGHT SCHOLARSHIPS IN THAILAND

Mr. HUGHES. Mr. President, I ask unanimous consent that there may be printed in the RECORD at the conclusion of these remarks an editorial from the Arkansas Gazette entitled "Fulbright and the Thais."

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HUGHES. Mr. President, the editorial comments on the report from Bangkok that the Thai have changed the name of the Fulbright Foundation to the Thailand-United States Educational Foundation. This action was apparently in retaliation for the Senator from Arkansas' objections to the subsidies which the Thai exacted from the United States as the price of their participation in the Vietnam war. But it says more about the Thai than about the Senator from Arkansas who, as the Gazette points out, "will not be angered, only saddened, by the Thai military leaders' spiteful action, which at least serves the symbolic purpose of reminding us of the far larger sadness and tragedy that has seen the adequate continued funding of the overseas scholarship program become yet another casualty of the war in Southeast Asia and of the financial, as well as emotional, drain it has made on us all."

EXHIBIT 1

FULBRIGHT AND THE THAIS

The latest word from Bangkok—other than that the Thais are not going to help out in Cambodia without a "consideration"—is that they're changing the name of the Fulbright Foundation to the Thailand-United States Educational Foundation.

The Foundation was first named for the Arkansas senator out of gratitude for the reciprocal overseas educational program he authored out of the fire and ruin of World War II in the hope, for one thing, of thereby helping to prevent World War III (though the cause of fostering education and international understanding is a "pure" cause in itself, something that needs no further pragmatic justification.) This educational aid program, which came to be referred to as the "Fulbright Scholarships", has been described in the oft-quoted words of Senator Fulbright's old tutor at Pembroke College as having been "responsible for the largest and most significant movement of scholars across the earth since the fall of Constantinople in 1453."

Fulbright, then, has had his honors, from the established academic community, and, more important, from the thousands of young scholars all across the world who have benefited from his vision. He thus will not be angered, only saddened, by the Thai military leaders' spiteful action, which at least serves the symbolic purpose of reminding us of the far larger sadness and tragedy that has seen the adequate continued funding of

the overseas scholarship program become yet another casualty of the war in Southeast Asia and of the financial, as well as emotional, drain it has made on us all.

This is not the first time that Mars has triumphed over the scholars in such fashion (such as in the burning of the Great Library at Alexandria.)

However, the present sadness is in no whit abated by those awareness that it has all happened before. Those persons who profess to be the most sensitive about their "Americanism" and about having other peoples be either "pro-American"—or else—ought to be especially saddened, but we fear won't be. It is our own belief that the Fulbright program has done more to correct the basic misconceptions of America foisted upon the world by Hollywood and the indigenous America-haters around the world than any of our official governmental "information agencies." People have learned not to put too much trust in foreign governments' propaganda agencies, which necessarily start with an "interest" that is not always fully declared.

SENATOR ALLEN'S RECORD AS PRESIDING OFFICER

Mr. BYRD of West Virginia. Mr. President, on last Friday, the majority leader called attention to the fact that the distinguished Senator from Alabama (Mr. ALLEN) had presided over the Senate, during this session, for more than 100 hours. The majority leader also called attention to the fact that on Monday a week ago, the Senate had spent 1,000 hours in session this year.

I think it is most remarkable that the Senator from Alabama, though he is only one of 100 Members of the Senate, has sat in the Presiding Officer's chair 10 percent of the time that the Senate has been in session during this year. And this marks the second time that the able Senator from Alabama has accomplished this feat.

I do not know of any other Senator who, in each of 2 successive years—or in 2 years, for that matter—has presided over the Senate for a period of 100 hours.

It has been said that a word fitly spoken is "like apples of gold in pictures of silver." Senator MANSFIELD spoke very fitly when he commended our colleague from Alabama on the splendid service that he has performed.

May I say also that the Senator from Alabama is one of our best Presiding Officers. Of course, he came to the Senate with extraordinary experience and well equipped in this line. We should be proud of our friend from Alabama, and I join with my able majority leader in expressing commendation and appreciation for the fine job that Senator ALLEN has done.

May I say, too, that there are others who have presided over the Senate far more than they ought to have had to preside. Among those, I believe, is the Senator from Iowa (Mr. HUGHES), who presently presides over the Senate. I understand he has already presided over the Senate for more than 50 hours during this year. In addition, there are the Senator from California (Mr. CRANSTON), the Senator from Missouri (Mr. EAGLETON), and the Senator from Oklahoma (Mr. BELLMON), and there may have been others who have exceeded the 50-hour mark during this session.

I personally wish to express my satisfaction at seeing these Senators, who have come to the Senate in recent years, put their hands to the plow and show, with due diligence, their interest in the work of the Senate and their willingness to contribute to the tedious but important work of presiding.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield to the Senator from Michigan.

Mr. GRIFFIN. I wish to associate myself with the remarks made by the distinguished Senator from West Virginia, and to indicate that the joint leadership—indeed, the entire membership of the Senate on both sides of the aisle—appreciates the time devoted by the able Senator from Alabama. I concur also that he presides in an outstanding manner.

So I am glad to commend the majority leader as well as the able Senator from West Virginia, for calling the attention of the Senate to this impressive record of service.

Mr. BYRD of West Virginia. I thank the able Senator for his contribution. May I say that the Senators I have named, as I have watched them, from day to day, preside over the Senate, have been among our very best Presiding Officers.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BYRD of West Virginia. I ask unanimous consent to proceed for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Those of us who love the Senate—and I presume most of us love it—recognize the importance of order and decorum in the Senate, and it is incumbent upon the Presiding Officer to establish order on his own initiative, without waiting for a request from the floor.

I would say that the Senators whom I have named, particularly Senator ALLEN and Senator HUGHES—and there are others who have not presided as long during this session; the Senator from New Mexico (Mr. MONTOYA), the Senator from Georgia (Mr. TALMADGE), the Senator from Mississippi (Mr. STENNIS), the Senator from Montana (Mr. METCALF), to name a few of them—are great Presiding Officers, and they set a fine example of how a Presiding Officer should perform while he occupies the chair in conducting the business of the Senate.

Mr. YOUNG of Ohio. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. YOUNG of Ohio. Again, Mr. President, I wish to express my accord with every statement the distinguished Senator from West Virginia has made regarding the record of those who have presided over the Senate throughout all these months that we have been in session.

As one who has presided only approximately to the extent of 17 hours during that period, I wish to join in paying tribute to Senator JIM ALLEN of Alabama and all the others who have done such great work on behalf of the people of the United States in presiding over the Senate.

Mr. BYRD of West Virginia. I thank the Senator.

Mr. ALLEN. Mr. President, I am surprised and embarrassed at the fine comments by distinguished colleagues, all of whom I observed first from afar, before coming to the Senate, and admired for their records, and have grown to admire even more since being a Member of the U.S. Senate. So I am deeply grateful and appreciative for their overgenerous and overgracious remarks.

MESSAGE FROM THE HOUSE— ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

H.R. 1747. An act for the relief of Jose Luis Calleja-Perez;

H.R. 16900. An act making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending June 30, 1971, and for other purposes;

H.R. 17613. An act to provide for the designation of the Veterans' Administration facility at Bonham, Texas; and

H.R. 17734. An act for the relief of Sherman Webb and others.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON APPROVAL OF LOAN TO M. & A. ELECTRIC POWER COOPERATIVE

A letter from the Administrator, Rural Electrification Administration, Department of Agriculture, reporting, pursuant to Senate Report No. 497, on the approval of a loan to M. & A. Electric Power Cooperative, of Poplar Bluff, Mo., in the amount of $1,500,000, to finance the completion of previously loaned facilities (with an accompanying paper); to the Committee on Appropriations.

REPORT OF FINAL CONCLUSION OF PROCEEDINGS RELATING TO CERTAIN INDIAN CLAIMS

A letter from the Chairman, Indian Claims Commission, Washington, D.C., reporting, pursuant to law, that proceedings have been concluded with respect to claims on Docket Nos. 243, 244, and 245, the Winnebago Tribe and Nation of Indians, the Winnebago Tribe of Nebraska and Frank Beaver, Moses Whitebear, John Little Wolf, James Smoke, and Joshua Sanford, Ex Rel Winnebago Tribe and Nation and the Winnebago Indians of Wisconsin, Minnesota, Nebraska and the Winnebago Tribe of Nebraska, Plaintiffs, against The United States of America, defendant (with accompanying papers); to the Committee on Appropriations.

PROPOSED CONCESSION CONTRACT FOR CINNAMON BAY AND TRUNK BAY AREAS OF THE VIRGIN ISLANDS NATIONAL PARK

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed concession contract for Cinnamon Bay and Trunk Bay Areas of the Virgin Islands National Park (with accom-

panying papers); to the Committee on Interior and Insular Affairs.

REPORT ON CLAIMS SETTLED UNDER THE MILITARY PERSONNEL AND CIVILIAN EMPLOYEES' ACT OF 1964

A letter from the Director, U.S. Information Agency, Washington, D.C., transmitting, pursuant to law, a report on claims settled under the Military Personnel and Civilian Employees' Claim Act of 1964, for the period September 1, 1969, through August 31, 1970 (with an accompanying report); to the Committee on the Judiciary.

AUDIT REPORT OF JEWISH WAR VETERANS, USA NATIONAL MEMORIAL

A letter from the President, Jewish War Veterans USA National Memorial, Inc., Washington, D.C., transmitting, pursuant to law, an audit report of that corporation, for the fiscal year ended March 31, 1970 (with an accompanying report); to the Committee on the Judiciary.

REPORTS CONCERNING VISA PETITION ACCORDING THIRD PREFERENCE AND SIXTH PREFERENCE TO CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports concerning visa petitions according third preference and sixth preference classifications to certain aliens (with accompanying papers); to the Committee on the Judiciary.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the President pro tempore:

A joint resolution of the Legislature of the State of California; to the Committee on Agriculture and Forestry:

"ASSEMBLY JOINT RESOLUTION NO. 35—RELATIVE TO THE DISPOSAL OF ENVIRONMENTALLY HARMFUL PESTICIDES

"Whereas, It has been shown that environmentally harmful pesticides have done immeasurable damage to the environment; and

"Whereas, The United States Department of Agriculture no longer considers certain environmentally harmful pesticides safe enough for home and garden use and has banned many uses of these pesticides; and

"Whereas, There are large stocks of environmentally harmful pesticides in the hands of home gardeners who have no satisfactory means of disposal; and

"Whereas, Some of these pesticides are nonbiodegradable and the usual methods of disposal will only increase the environmental damage; now, therefore, be it

"Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President, Congress, and the United States Secretary of Agriculture to provide a federal program for the safe and efficient disposal of unwanted environmentally harmful pesticides; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of Agriculture, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

Two joint resolutions of the Legislature of the State of California; to the Committee on Commerce:

"ASSEMBLY JOINT RESOLUTION NO. 31—RELATIVE TO FISH AND WILDLIFE

"Whereas, The preservation, protection, and enhancement of all fish and wildlife in the State of California is essential to the maintenance of a high-quality environment and ecological stability in the United States; and

"Whereas, The President and Congress of the United States and the Secretary of the Department of the Interior are engaged in fish and wildlife conservation programs having direct effect on fish and wildlife activities in the State of California; and

"Whereas, The cooperation and mutual assistance between state and federal officials would greatly enhance the State of California's efforts to protect, preserve, and enhance the fish and wildlife of the state, particularly rare and endangered species; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States and the Secretary of the Interior to assist the California Department of Fish and Game to compile a species inventory of the threatened fish and wildlife of the state, and also to assist the state in establishing a set of criteria for determining rare and endangered species; and be it further

"Resolved, That federal officials assist the California Departments of Agriculture and Public Health in preparing a study of predatory control programs in the state since January 1, 1960; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President of the United States, to the Speaker of the House of Representatives, to the Secretary of the Interior, to the House Committee on Merchant Marines and Fisheries, to the Senate Committee on Commerce, and to each Senator and Representative from California in the Congress of the United States."

"ASSEMBLY JOINT RESOLUTION NO. 44—RELATIVE TO POISON PREVENTION

"Whereas, There are about 1,000,000 people accidentally poisoned in the United States every year and their numbers are increasing at an alarming rate; and

"Whereas, It is estimated that of all accidental poisonings between 60 and 85 percent involve children from ages one through four; and

"Whereas, There are over 250,000 poisonous products in common household use including: patent and prescription drugs; kitchen products such as bleaches and cleansers; petroleum derivatives; cosmetics; beverages and many aerosols; and

"Whereas, This problem of the presence of toxic or poisonous substances in our households is expanding in direct proportion to improved technology, population growth and other changes in environmental conditions; for instance, we presently ingest about 40 tons of aspirin and aspirin-related products in this country every day and by 1973 this figure will double; also many new drugs such as those in the 'tranquilizer family' are developing widespread usage as they gain acceptance and the pressures of our society increase in intensity; and also most dangerous are many of the new 'miracle' cleansers which are often toxic, poisonous, or both toxic and poisonous; and every one of these bottles, jars, and cans is able to be opened, usually quite easily, by small children; and

"Whereas, The tragedy and grief felt by families who have had loved ones killed or crippled by accidental poisoning should be evidence enough that this problem has reached disaster proportions and that a national effort should be mobilized to make safety closures a legal requirement on all toxic or poisonous products; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact appropriate legislation requiring adequate safety closures on all household products which are toxic or poisonous, or both toxic and poisonous, that are sold in interstate commerce; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Finance:

"ASSEMBLY JOINT RESOLUTION NO. 56—RELATIVE TO FEDERAL EARNED INCOME EXEMPTION FOR WELFARE FAMILIES

"Whereas, The program of Aid to Families with Dependent Children (AFDC) was initiated to assist the truly needy; and

"Whereas, In recent years changes in federal law and regulations have resulted in requiring states to grant aid under the AFDC program to persons and families who by ordinary standards cannot be fairly deemed needy; and

"Whereas, A significant cause of the granting of AFDC aid to the nonneedy is the federally mandated 'earned income exemption' which, although conceived for the purpose of stimulating recipients to work their way off welfare rolls has in many instances missed its goal by permitting continued subsidization of welfare recipients far past the point at which their earned incomes exceed ordinary welfare standards; and

"Whereas, Extreme examples of this situation such as that in which a California welfare recipient was found to be enjoying an income in excess of $1,000 per month, including welfare supplementations, have come to the attention of the Legislature; and

"Whereas, The President's proposed Family Assistance Plan does not offer in its present form a full resolution of the problem of inequities in public income supplementation of the 'working poor' as compared with supplementation of welfare recipients; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to reexamine with utmost care the issues raised in this resolution, and to consider further amendments to the Family Assistance Plan which will modify the principle of earned income exemptions for families otherwise qualifying for welfare supplementation so that such supplementation will not elevate the total gross income of such families beyond the income levels at which supplementation of working poor families is proposed to be discontinued; and be it further

"Resolved, That, in the event that the Family Assistance Plan is not enacted at this time, the President and the Congress of the United States enact legislation amending Section 402(a)(7)(A)(ii) of the Social Security Act to permit states to impose upper limits on the amount of earned income exemptions allowed working AFDC recipients; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of Health, Education, and Welfare, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

Two joint resolutions of the Legislature of the State of California; to the Committee on Interior and Insular Affairs:

"ASSEMBLY JOINT RESOLUTION NO. 38—RELATIVE TO THE EFFECT OF CERTAIN FEDERAL PROGRAMS ON THE ENVIRONMENT

"Whereas, The maintenance of a quality environment is of concern to California's citizens and its leaders; and

"Whereas, Certain developments resulting from federal government activities have caused significant damage to California's environment; and

"Whereas, Such environmental degradation has resulted because of failure to sufficiently consider the long-term impact of public works projects on the environment; and

"Whereas, Many of these activities have caused irreversible losses to California's citizens; and

"Whereas, The Assembly Select Committee on Environmental Quality has recommended legislation to require the preparation of environmental impact reports by governmental agencies on their proposed programs which could have a significant effect on the environment; and

"Whereas, The National Environmental Policy Act of 1969 (Pub. L., 91–190) requires the preparation of environmental impact reports by federal agencies on proposed programs which could have a significant effect on the environment; and

"Whereas, The following federal programs have evoked widespread concern that they will cause significant environmental damage: federal oil leases in the Santa Barbara Channel by the United States Department of the Interior, channelization of the lower Colorado River by the United States Bureau of Reclamation, and the Dos Rios Project by the United States Corps of Engineers; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President of the United States to direct the responsible federal officials to make environmental impact reports on these programs, as required by the National Environmental Policy Act of 1969, and to submit these to the California Legislature; and be it further

"Resolved, That the Legislature respectfully memorializes the President of the United States to direct responsible federal officials to take no further action which could have a significant environmental effect prior to the submission of such impact reports; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Chairman of the Federal Council on Environmental Quality, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

"ASSEMBLY JOINT RESOLUTION NO. 53—RELATIVE TO THE CREATION OF A GOLDEN GATE NATIONAL RECREATION AREA

"WHEREAS, Much of the natural beauty and charm of the San Francisco Bay area is a result of the relatively undeveloped state of federal lands located on both sides of the Golden Gate and in Fort Baker, Fort Barry, Fort Cronkhite, Fort Mason, Fort Miley, Fort Scott, and the San Francisco Presidio; and

"WHEREAS, These federal lands provide significant open space areas within the otherwise congested urban San Francisco Bay area; and

"WHEREAS, There are numerous projects proposed or planned for these federal lands which individually may not significantly affect the open space character or future public use of such areas but taken together would be disastrous to the public interest in retaining open space lands in urban areas and would set precedents for future development of such lands; and

"WHEREAS, Due to expected increases in urban population within the San Francisco Bay area the public need for urban open space lands will significantly increase with the passage of time; and

"WHEREAS, It has been proposed that Fort Baker, Fort Barry, Fort Cronkhite, Fort Mason, Fort Miley, Fort Scott, and much of the San Francisco Presidio be included in a Golden Gate National Recreation Area which would retain the natural open-space character of such federal lands; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to establish a Golden Gate National Recreation Area, to include those portions of Fort Baker, Fort Barry, Fort Cronkhite, Fort Mason, Fort Miley, Fort Scott, and the Presidio not essential for the national defense; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on the Judiciary:

"ASSEMBLY JOINT RESOLUTION NO. 57—RELATIVE TO CRIME

"WHEREAS, The Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90–351) provides for grants to states and units of local governments to strengthen and improve law enforcement; and

"WHEREAS, Applicants have encountered difficulty in securing grants under the program because of the unnecessarily complicated bureaucratic process involved in obtaining such grants; and

"WHEREAS, The matching fund requirements of the Omnibus Crime Control and Safe Streets Act of 1968 severely limit the ability of financially hard-pressed urban areas with high crime rates to take advantage of the money available under the program; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to (1) streamline the bureaucratic process for obtaining grants under the Omnibus Crime Control and Safe Streets Act of 1968, (2) lower the matching fund requirements for obtaining grants under the act, especially in areas with high crime rates, and (3) provide more funding for the act; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Labor and Public Welfare:

"ASSEMBLY JOINT RESOLUTION NO. 32—RELATIVE TO BILINGUAL EDUCATION PROGRAMS

"Whereas, Under the Bilingual Education Act (Public Law 89–10, Title VII of the Elementary and Secondary Education Act of 1965, as amended) grants of federal funds are made to local educational agencies to assist in the development and operation of programs for bilingual education of children who are from homes where English is not the native language; and

"Whereas, California is one of the leading states participating in this vitally important area of education and a number of its school districts propose to establish and conduct bilingual education programs which are in urgent need of federal assistance; and

"Whereas, Although twenty-five million dollars in federal funds have been appropriated by Congress for the fiscal year 1969–1970 for expenditure by the Department of Health, Education, and Welfare to assist approved state programs under the Bilingual Education Act, the President has been authorized by Congress to reduce that amount by up to 15 percent; now, therefore be it

"Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President to utilize the full amount appropriated by Congress for the fiscal year 1969–1970 for bilingual education program grants; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; ordered to lie on the table:

"ASSEMBLY JOINT RESOLUTION NO. 68—RELATIVE TO GEOTHERMAL POWER SOURCE

"Whereas, Substantial geothermal power resources in the form of underground deposits of hot water and steam underlie much of the southwestern United States, especially parts of Riverside and Imperial Counties in California; and

"Whereas, Preliminary research indicates that development of these resources would have a major beneficial economic impact on the entire Southwest; and

"Whereas, The University of California has already expended substantial amounts of money, time, and effort in exploring the potential of these geothermal fields, and has developed highly encouraging data; and

"Whereas, The development of these geothermal fields would result in massive supplies of pollution-free power and water; and

"Whereas, Such development depends on intricate cooperation between federal, state, and private interests; and

"Whereas, The Mexican government, through intensive research and development in the past several years will begin supplying electric power from these same geothermal fields in 1971; now, therefore, be it

"Resolved by the Assembly and Senate of State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States immediately to facilitate research necessary to allow maximum public and private development of the geothermal power sources underlying Imperial and Riverside Counties in California and surrounding, related areas; and be it further

"Resolved, That the Legislature respectfully memorializes the President, Congress, and the various branches of the federal government to coordinate immediate financial assistance in the form of grants, or other appropriate methods, to assist public and private research projects, including demonstration drilling and power development programs where desirable on both public and private lands; and be it further.

"Resolved, That the Chief of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce."

A letter, in the nature of a petition, from St. Jude's Ranch for Children, Boulder City, Nev., relating to a visa for a nun, Sister Alice Lillian, of Bristol, England; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HRUSKA, from the Committee on the Judiciary, without amendment:

S.J. Res. 74. Joint resolution to provide for the designation of the first full calendar week in May of each year as "National Employ the Older Worker Week" (Rept. No. 91–1207);

S.J. Res. 110. Joint resolution to amend the joint resolution entitled "Joint resolution to establish the first week in October of each year as "National Employ the Physically Handicapped Week", approved August 11, 1945 (59 Stat. 530), so as to broaden the applicability of such resolution to all handicapped workers (Rept. No. 91–1208);

S.J. Res. 187. Joint resolution to authorize the President to designate the third Sunday in June of each year as Father's Day (Rept. No. 91–1209);

S.J. Res. 223. Joint resolution to authorize and request the President to issue annually a proclamation designating the month of January of each year as "National Blood Donor Month" (Rept. No. 91–1210); and

H.J. Res. 1255. Joint resolution to authorize and request the President to proclaim the period January 10, 1971, through January 16, 1971, as "National Retailing Week" (Rept. No. 91–1211).

By Mr. FONG, from the Committee on the Judiciary, without amendment:

S. 708. A bill for the relief of Lawrence J. Nunes (Rept. No. 91–1212).

By Mr. HRUSKA, from the Committee on the Judiciary, with an amendment.

S.J. Res. 226. Joint resolution to authorize the President to proclaim the period from May 9, 1971, Mother's Day, through June 21, 1971, Father's Day, as the "National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks" (Rept. No. 91–1213).

By Mr. HRUSKA, from the Committee on the Judiciary, with amendments:

S. 3650. A bill to amend section 837 of title 18, United States Code, to strengthen the laws concerning illegal use, transportation, or possession of explosives and the penalties with respect thereto, and for other purposes (Rept. No. 91–1215).

By Mr. ERVIN, from the Committee on the Judiciary, with amendments:

H.R. 12807. An act to amend the act of February 11, 1903, commonly known as the Expediting Act, and for other purposes (Rept. No. 91–1214).

By Mr. BURDICK, from the Committee on Post Office and Civil Service, with amendments:

S. 3220. A bill to protect a person's right of privacy by providing for the designation of obscene or offensive mail matter by the sender and for the return of such matter at the expense of the sender (Rept. No. 91–1217).

By Mr. MUSKIE, from the Committee on Banking and Currency, with amendments:

S. 2348. A bill to establish a Federal Broker-Dealer Insurance Corporation (Rept. No. 91–1218).

HOUSING AND URBAN DEVELOPMENT ACT OF 1970—REPORT OF A COMMITTEE (S. REPT. NO. 91–1216)—AUTHORITY FOR COMMITTEE TO FILE REPORT

Mr. SPARKMAN. Mr. President, from the Committee on Banking and Currency, I report favorably an original committee bill (S. 4368) the Housing and Urban Development Act of 1970, and I submit a report thereon.

I ask unanimous consent that the committee have until midnight to deliver the copies for printing purposes.

The PRESIDING OFFICER (Mr. GOLDWATER). The bill will be received and placed on the calendar; and, without objection, the request of the Senator from Alabama is agreed to.

A REPORT ENTITLED "CANADA-UNITED STATES INTERPARLIAMENTARY GROUP" (S. DOC. NO. 91–105)

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Idaho (Mr. CHURCH), I submit the report of the Senate delegation to the 13th meeting of the Canada-United States Interparliamentary Group, of which Senator CHURCH was chairman, held in Washington, Houston, and San Antonio last March. The report is under 50 pages and, at the request of Mr. CHURCH, I ask unanimous consent that it be printed as a Senate document.

The PRESIDING OFFICER (Mr. GOLDWATER). Without objection, it is so ordered.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BYRD of West Virginia (by request):

S. 4366. A bill for the relief of Lee Kuck Ting; to the Committee on the Judiciary.

By Mr. LONG:

S. 4367. A bill to amend section 7275 of the Internal Revenue Code of 1954, requiring airline tickets and advertising to show the total cost of taxable transportation by air; to the Committee on Finance.

(The remarks by Mr. LONG when he introduced the bill appear below under the appropriate heading.)

By Mr. SPARKMAN:

S. 4368. A bill to extend and amend laws relating to housing and urban development, and for other purposes; placed on the calendar.

(See reference to the bill when reported by Mr. SPARKMAN, which appears earlier in the RECORD under the appropriate heading.)

By Mr. HRUSKA:

S. 4369. A bill for the relief of Andre Cheini Lorrain, his wife, Micheline Lorrain, and daughter, Chantal Lorrain; to the Committee on the Judiciary.

By Mr. MONDALE:

S. 4370. A bill to amend the Communications Act of 1934 in order to require licensees operating broadcasting stations under such act to broadcast information with respect to the dangers involved in the improper use of drugs; to the Committee on Commerce.

(The remarks of Mr. MONDALE when he introduced the bill appear below under the appropriate heading.)

By Mr. ALLEN:

S.J. Res. 235. Joint resolution to designate the week of October 5 through October 11, 1970 as "Week of Prayer for the Supreme Court of the United States"; to the Committee on the Judiciary.

(The remarks of Mr. ALLEN when he introduced the joint resolution appear below under the appropriate heading.)

S. 4367—INTRODUCTION OF A BILL RELATING TO AMENDMENT OF SECTION 7275 OF THE INTERNAL REVENUE CODE OF 1954

Mr. LONG. Mr. President, this last spring, Congress passed and the President signed the Airport and Airway Revenue Act of 1970. One of the provisions concerned with the airline passenger ticket tax required the ticket and advertising to show only the total of the fare and the tax. The purpose of this single fare concept was twofold. First, the intent was to provide assurance that the airlines and travel agents would fully inform travelers as to the total cost of their transportation. Second, the intent was to speed up passenger service at the airports so that the amount of time required to wait in line at the ticket counter would be shortened.

These consumer oriented objectives were misunderstood and perhaps purposely misconstrued by some travel agents. The result was a rash of newspaper comments to the effect that the new law hides the tax from the consumer and, presumably on the basis of these newspaper comments, a number of Members of both Houses have introduced bills to repeal this provision

Approximately a month after this provision was enacted I discussed this matter on the floor of the Senate. At that time I pointed out that it is perfectly acceptable under the new statute for the ticket to contain a statement to the effect that the price includes an 8-percent Federal excise tax. In fact, I have encouraged the airlines to print that information on the front of the ticket. I also pointed out that it was perfectly satisfactory—and, in fact, I indicated that I would encourage it—for an airline or travel agent to advise an inquirer of the amount of tax involved in any ticket.

Despite my explanation, and the language of the act itself, a number of bills have been introduced to change these provisions, many of them eliminating completely the entire consumer protection and information objectives we sought in the act. The effect of these bills would be to revive the practices under which purchasers of tickets may be deliberately misinformed as to the cost of the airline tickets. I am sure, however, that this is not the intent of the authors of the amendments.

To bring some order to this situation, I am today introducing a bill to amend the provision of the Internal Revenue Code dealing with the requirements of disclosure on airline tickets and advertising. The purposes of these changes are to retain those features of the provision which are clearly designed to require what might be called truth in advertising and on airline tickets and to remove those provisions which anyone could by the furthest stretch of the imagination consider as being designed to hide from the consumer the amount of the tax. As I have already indicated, that was not the purpose of the provisions in the first place, and I now believe that it is desirable to eliminate these aspects of the provisions so there can be no misunderstanding in this regard.

The bill I am introducing deals with both what is to be shown on the airline ticket and what is to appear in the advertising.

As to what is shown on the ticket, the bill continues to require that the ticket show the total amount to be paid including the tax. However, the bill removes

the requirement in existing law which prohibits a breakdown of the total amount to be paid between the tax and the fare. As a result, it will be possible for the airline or travel agent to show this breakdown on the ticket if they so desire or if the ticket purchaser so desires. Actually, as I have said today and as I said on the floor of the Senate, within a month after the enactment of the act nothing in existing law would stop the airlines from showing on the ticket that the total price includes an 8-percent tax. Also nothing prohibits a traveler from learning from the travel agent or ticket agent the dollars and cents amount of the tax. However, because of the confusion created on this point the amendment permits the amount of the tax to be stated on the ticket at the option of the ticket agent and traveler. I would hope that, in the case of domestic transportation, however, the ticket agents would have pity upon the passengers waiting in line and not go through these unnecessary additional calculations where there is no reason to do so. Far more distressing to passengers generally is the time they must spend in line waiting to obtain their ticket.

In airlines advertising, the bill continues to require the advertising to show the total amount that the traveler must pay, including the tax. However, the bill would differ from present law in permitting the advertising to state separately the amount of the tax or the basic fare. Where this is done, however, the bill would require that the advertising state the total amount including the tax in the advertising at least as prominently as it states the basic fare alone, or the tax alone. This prevents the advertising from showing just the basic fare in large type and then in one corner in small type which the average person cannot read show the total amount including tax. The bill also requires in the case of advertising that if the taxes are shown separately, they must be described for what they really are; namely, user taxes to pay for airport construction and airway safety and operations. Actually, the tax is to be used to provide facilities which are essential to air traffic and, in view of this, it is entirely appropriate that these charges be borne by the users of the airlines.

By taking the steps I have outlined, I hope it will be possible to retain all of the essential consumer information objectives we tried to accomplish in the act. I hope that the airlines will also cooperate in the objective of saving time at the crowded ticket counters. In any event I do not see how, with the law amended as it would be by my bill, anyone can raise any objections to the provision as modified unless, of course, they are opposed to consumer protection.

The amendments made by my bill would take effect with respect to transportation beginning after June 30, 1970, the effective date of the Airport and Airway Revenue Act of 1970. I hope it will be possible to consider an amendment of the type outlined in my bill in the case of any action by the Senate on the administration proposal extending the automobile and communications excise taxes.

The PRESIDING OFFICER (Mr. BOGGS). The bill will be received and appropriately referred.

The bill (S. 4367) to amend section 7275 of the Internal Revenue Code of 1954, requiring airline tickets and advertising to show the total cost of taxable transportation by air, introduced by Mr. LONG, was received, read twice by its title, and referred to the Committee on Finance.

S. 4370—INTRODUCTION OF A BILL RELATING TO THE MEDIA'S NECESSARY CONTRIBUTION TO THE FIGHT AGAINST DRUG ABUSE

Mr. MONDALE. Mr. President, the Senate has heard much testimony on the growing tragedy of drug abuse. But none could be more telling—or more relevant—than the following letter from a son to his parents just before he committed suicide. The young man wrote:

> DEAR MOM AND DAD: My mind is no longer my friend. It won't leave me alone.
>
> This Christmas I had a very bad experience with a drug called mescaline. I have smoked a little pot before—as many others my age—but I tried mescaline only once. Since then I have not been in control of my mind. I have killed myself because I can no longer run my own affairs, and I can only be trouble and worry to those who love and care for me. . . .
>
> To those of my friends who might also think about learning about themselves with mind expanding drugs—don't. Learn about yourself as you live your life—don't try to know everything at once by swallowing a pill. It could be too much for your mind to handle at one time. It could blow out all the circuits as it did with me.
>
> I am too weak to fight—too proud to live forever on sympathy of others.
>
> Love,
>
> ANDY.

We have no real estimate, Mr. President, of how many young people in this Nation will go through, or are going through right now, Andy's terrible, mad torture. We do know that death is a frequent companion—whether in suicide or overdose—of that casual experiment which so many of our children may have with drugs.

The stark truth is that drug abuse has reached far beyond the proportion of a national epidemic in this country. The National Institute of Mental Health estimates that there are 20 million Americans who have used marihuana; 100,000 to 500,000 are addicted to heroin. Between a quarter and a half million have abused depressants, stimulants, and the whole spectrum of dangerous legal drugs.

Young people account for a large share of these numbers, although it is impossible to say exactly how much. FBI crime statistics for 1969 show that 55 percent of those arrested for narcotic drug law violations were under 21 and 63 percent of the marihuana arrests in 1969 were persons under 21.

The Bureau of Narcotics and Dangerous Drugs has just completed a comparative study of drug arrests throughout the country over the last decade. While adult arrests increased nearly 500 percent, the arrests of persons under 18 have shot up almost 2,500 percent.

We have never had, Mr. President, a more urgent or alarming call to action. And that action must include the full range of preventive, rehabilitative, and control measures.

I am proposing today one aspect of the preventive effort to stop dangerous experimentation before it starts. I have in mind, specifically, drug abuse education through the mass media of radio and television.

The tasks of drug education are fairly clear. We must strip narcotics of their illusive, murderous glamor. We must give our young people the ammunition of facts and commonsense to ward off the peer or pusher who might otherwise lure them to tragedy. Above all, we have to help our young think for themselves.

Surely, Mr. President, radio and television can carry these messages to most people in the least complicated manner. The mass media reach the rich and the poor, the educated and uneducated, the young and old in a manner all can understand.

For an example of the relative value of such a campaign, we can look at the antismoking commercials.

In 1967, the Federal Communications Commission applied its fairness doctrine to cigarette advertising, requiring broadcasters who carry cigarette advertising to carry also antismoking messages. And although we cannot draw a definite cause-and-effect impact, it was at this very moment that there began a marked decline in the consumption of cigarettes.

Before 1968, cigarette consumption had continued to increase in the United States despite warnings by the Surgeon General about the dangers of cigarette smoking and despite the enactment of legislation in 1965 requiring a health warning to be placed on all cigarette packages. But in 1968—the year after the antismoking messages started to appear with regularity and in increased number on television—there was a definite decline in cigarette consumption. In 1968, cigarette consumption fell by 3.6 billion. In 1969, Americans smoked some 16.6 billion fewer cigarettes than the year before. There can be no question that these warnings were extremely effective.

We have the potential for similar success in combating drugs. The National Institute of Mental Health promoted the first advertising campaign against drug abuse in 1968, which included short radio and television spots. Radio and TV messages featured famous stars presenting professional and, most important, balanced information on the consequences of drug abuse.

Recently, the advertising program has been expanded to include cooperation among the three Federal agencies most directly concerned with drug abuse—the National Institute of Mental Health, the Department of Justice, and the Defense Department, each of which contributed $50,000 annually to the drive. The Advertising Council is now directly affiliated with the drive and has been asked to make the antidrug campaign a priority in 1969.

Again, it is impossible to even guess how many potential drug abusers have been stopped from experimentation thus far by the warnings provided by the media. No doubt the number is far less than those who have been discouraged from smoking simply because antismoking commercials are much more preva-

lent. Obviously the more exposure a subject receives, the more people it will reach, and the more it will affect life and death decisions by young people.

By edict from the Federal Communications Commission, antismoking commercials must occupy a station's program time approximately in balance with cigarette commercials. This requirement falls under the fairness doctrine because the act of cigarette smoking has been shown to be detrimental to the public health, and its encouragement merits a balancing counterargument.

Antidrug abuse materials now fall under the category of public service announcements. Under FCC regulations, each station applying for a license is required to state the number of public service announcements he proposes to present during a typical week. The Commission does not prescribe a minimum number of public service announcements. Nor does the Commission require that the station declare on whose behalf these announcements are to be presented. As a result, there is now no requirement that a station carry an antidrug abuse commercial at all.

The magnitude of the problem we face, Mr. President, demands at least a minimum requirement.

I am introducing a bill today which would require the media to devote an equal amount of broadcast time to antidrug abuse commercials as they have been devoting to antismoking commercials.

This would be feasible, Mr. President, especially in light of the banning of cigarette commercials in January. At that time, the fairness doctrine will no longer apply to antismoking commercials, and the prospect is that they will be far less frequent or even dropped completely.

The time has come to see that the powerful and important voice of the media is enlisted in the national struggle against drug abuse.

We must carry to all Americans the poignant wisdom of the young man whose death I described at the outset of this address, "learn about yourself as you live your life—do not try to know everything at once by swallowing a pill."

The PRESIDING OFFICER (Mr. GOLDWATER). The bill will be received and appropriately referred.

The bill (S. 4370) to amend the Communications Act of 1934 in order to require licensees operating broadcasting stations under such act to broadcast information with respect to the dangers involved in the improper use of drugs, introduced by Mr. MONDALE, was received, read twice by its title, and referred to the Committee on Commerce.

SENATE JOINT RESOLUTION 235—INTRODUCTION OF A JOINT RESOLUTION TO DESIGNATE THE WEEK OF OCTOBER 5 TO OCTOBER 11 AS A NATIONAL WEEK OF PRAYER FOR THE SUPREME COURT

Mr. ALLEN. Mr. President, the new term of the Supreme Court of the United States starts on October 5. The Court has before it a number of cases involving the public school systems throughout the country, and will be called upon to decide a number of important constitutional questions regarding the duties, requirements, and obligations of citizens and school officials with respect to the desegregation of public schools.

Mr. President, the public schools in many areas of the United States—certainly in my own section of the country, in Alabama and the South—are in a deplorable state of crisis and uncertainty as a result of unsettled questions regarding the desegregation of such schools.

On March 9, 1970, the Chief Justice of the United States, Warren E. Burger, in the case of *Northcross* v. *Board of Education of Memphis*, 397 U.S. 232, suggested that the Supreme Court has failed to rule on the following questions: First, whether, as a constitutional matter, any particular racial balance must be achieved in the schools; second, to what extent school districts and zones may or must be altered as a constitutional matter; and, third, to what extent transportation may or must be provided to achieve the ends sought by prior holdings of the Court.

Mr. President, on the last legislative day, Friday, September 18, 1970, the Chaplain of the Senate, the Reverend Edward L. R. Elson, in delivering the opening prayer, the invocation, had this to say in praying to God:

> Give Thy higher wisdom to the President, to the Congress, to the judiciary, and all elements of the Government that in unity of purpose the Nation may be well served and be a blessing to all mankind.

It occurs to the junior Senator from Alabama that divine guidance is needed by the Supreme Court of the United States; that it could enlighten the Supreme Court in reaching decisions consonant with the requirements of the Constitution, which would answer these questions and determine related matters in such a way as to alleviate the problems in our public schools.

Mr. President, it is a time-honored tradition of our Nation that our Presidents in their inaugural addresses and other great leaders on occasions of crisis in this country have called upon God for guidance. Solomon, the wisest man in history, in his great wisdom, in his inspiring prayer for Israel, called upon God for guidance.

Our people are accustomed to pray for divine guidance. They are accustomed to pray for our country and for the guidance of the Nation's leaders. When we go to athletic contests, go to football games—certainly, in my section of the country—the invocation invariably calls for divine guidance for the Nation's leaders. We pray for our leaders in our homes, in our churches, at every public gathering. We pray for our Nation's leaders in the Senate Chamber, in the House Chamber.

So it occurs to the junior Senator from Alabama that we should call for prayer for the Supreme Court as it enters upon the decision of these matters that will either polarize the people of this Nation or will have the effect of bringing them together.

I believe that President Eisenhower at one time said that the United States, the Nation, really had its birth at Valley Forge, because that is where the will of the Nation, the will of the people in the colonies in America, was tested to the extreme. The picture of General Washington kneeling in the snow, praying for divine guidance, is familiar to all of us.

So it certainly is not unusual, not out of line with American ideals and concepts, to pray for guidance.

Mr. President, at the conclusion of my remarks, I will introduce a Senate joint resolution calling for the designating of the week of October 5 through 11 as "Week of Prayer for the Supreme Court of the United States." The resolution urges citizens to pray for divine guidance for the Supreme Court of the United States in reaching decisions—not necessarily decisions that the junior Senator from Alabama says they should reach, not decisions that some person from another area of our country says they should reach, but in reaching decisions in accordance with the U.S. Constitution which would point the way to equitable solutions to the problems of the public school systems of the Nation regarding desegregation of schools, to the end that each schoolchild in America is given equal treatment under the law and an equal opportunity to obtain a good education.

Mr. President, I introduce a Senate joint resolution and ask that it be appropriately referred, and I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

The PRESIDING OFFICER (Mr. HUGHES). The joint resloution will be received and appropriately referred; and, without objection, the text of the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 235) to designate the week of October 5–11, 1970, as "Week of Prayer for the Supreme Court of the United States," introduced by Mr. ALLEN, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S.J. RES. 235

Whereas a new term of the Supreme Court of the United States commences on October 5, 1970, at which the Court will be called on to decide a number of important Constitutional questions concerning duties, requirements, and obligations of citizens and school officials with respect to the desegregation of public schools; and

Whereas the public schools in many areas of the United States are in a deplorable state of crisis and uncertainty as a result of unsettled questions regarding the desegregation of such schools; and

Whereas the Chief Justice of the United States, Warren E. Burger, in the case of *Northcross* v. *Board of Education of Memphis* (397 U.S. 233) decided March 9, 1970, suggested that the Supreme Court has failed to rule on the following questions:

(1) whether, as a constitutional matter, any particular racial balance must be achieved in the schools;

(2) to what extent school districts and zones may or must be altered as a constitutional matter; and

(3) and to what extent transportation may or must be provided to achieve the ends sought by prior holdings of the Court,

Whereas divine guidance could enlighten the Supreme Court in reaching decisions, consonant with the requirements of the Constitution, which would answer these questions and determine related matters in such

a way as to alleviate the problems in our public schools; and

Whereas it is in the honored trad tion of our Nation that our Presidents in their inaugural addresses and other great leaders on occasions of crisis have called upon God for guidance, as did Solomon in his great wisdom, in his inspiring Prayer for Israel; and our people are accustomed to pray for our Country and for the Divine guidance of its leaders:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, as follows:

(1) That the week of October 5–11, 1970, be designated as "Week of Prayer for the Supreme Court of the United States"; and

(2) That citizens are urged to pray for Divine guidance for the Supreme Court of the U.S. in reaching decisions, in accordance with the U.S. Constitution, which would point the way to equitable solutions to the problems of the public school systems of the Nation regarding desegregation of schools to the end that each schoolchild in America is given equal treatment under the law and an equal opportunity to obtain a good education.

ADDITIONAL COSPONSORS OF BILLS

S. 3220

At the request of the Senator from Virginia (Mr. SPONG), the Senator from Wyoming (Mr. MCGEE), and the Senator from North Dakota (Mr. BURDICK) were added as cosponsors of S. 3220, to protect a person's right of privacy by providing for the designation of obscene or offensive mail matter by the sender and for the return of such matter at the expense of the sender.

S. 4015

Mr. GRIFFIN. Mr. President, on June 23, the distinguished Senator from California (Mr. MURPHY) introduced a bill, S. 4015, which would institute a system of survivor's benefits available to military retirees, enabling them to provide for the financial security of their survivors after they themselves pass away.

On behalf of the Senator from California (Mr. MURPHY), I ask unanimous consent that at the next printing of S. 4015 the names of the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), the Senator from California (Mr. CRANSTON), and the Senator from Vermont (Mr. PROUTY), be added as cosponsors.

The PRESIDING OFFICER (Mr. BOGGS). Without objection, it is so ordered.

S. 4165

At the request of the Senator from West Virginia (Mr. BYRD), the Senator from Alaska (Mr. GRAVEL) was added as a cosponsor of S. 4165, to provide for the creation of the Indian Trust Counsel Authority.

S. 4208

Mr. GRIFFIN. Mr. President, on August 10, Senator GEORGE MURPHY introduced S. 4208, the Family Physician Scholarship and Fellowship Program Act, which I cosponsored. This proposal now has the support of at least 23 Senators, including the Senator from Oregon, (Mr. PACKWOOD), who has indicated his desire to be added as a cosponsor. Accordingly, on behalf of Senator MURPHY, I ask unanimous consent that the name of the Senator from Oregon be added as a cosponsor of the measure.

Mr. President, as evidence of growing national interest in S. 4208, it is interesting to note that the American Academy of General Practice, which has over 31,000 physician members, has officially endorsed the measure.

The PRESIDING OFFICER (Mr. BOGGS). Without objection, it is so ordered.

SENATE RESOLUTION 467—RESOLUTION REPORTED RELATING TO PRINTING OF ADDITIONAL COPIES OF SENATE HEARINGS ON NATIONAL SCIENCE FOUNDATION AUTHORIZATION, 1971

Mr. PELL (for Mr. KENNEDY), from the Committee on Labor and Public Welfare, reported the following original resolution (S. Res. 467); which was referred to the Committee on Rules and Administration:

S. RES. 467

Resolved, That there be printed for the use of the Committee on Labor and Public Welfare one thousand additional copies of its hearings of the current Congress on National Science Foundation Authorization, 1971 (S. 3412, S. 3700).

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 457

At the request of the Senator from Kentucky (Mr. COOPER), the Senator from Pennsylvania (Mr. SCHWEIKER), and the Senator from Tennessee (Mr. GORE) were added as cosponsors of Senate Resolution 457, authorizing the Committee on Interior and Insular Affairs to conduct a study and investigation concerning the shortage of coal existing in the United States.

AMENDMENT OF CLEAN AIR ACT—AMENDMENT

AMENDMENT NO. 926

Mr. BAKER (for himself and Mr. COOPER) proposed an amendment to the bill (S. 4358) to amend the Clean Air Act, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 927

Mr. MANSFIELD (for Mr. MAGNUSON) submitted an amendment, intended to be proposed by Mr. MAGNUSON, to Senate bill 4358, supra, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 928

Mr. DOLE submitted an amendment, intended to be proposed by him, to Senate bill 4358, supra, which was ordered to lie on the table and to be printed.

(The remarks of Mr. DOLE when he submitted the amendment appear later in the RECORD under the appropriate heading.)

AMENDMENT NO. 930

Mr. COOPER (for himself and Mr. BAKER) submitted an amendment, intended to be proposed by them, jointly, to Senate bill 4358, supra, which was ordered to lie on the table and to be printed.

H.R. 17550—SOCIAL SECURITY AMENDMENTS OF 1970—AMENDMENT

AMENDMENT NO. 929

Mr. LONG. Mr. President, the Committee on Finance is now holding hearings on H.R. 17550, the Social Security Amendments of 1970.

That bill contains many provisions designed to moderate and control the skyrocketing costs of medicare and medicaid—costs which will total some $15 billion in this fiscal year.

I am confident that the committee will be able to improve upon the fine work already done by the House of Representatives in the medicare and medicaid areas. I will submit today another cost-saving amendment which, if enacted into law, will result in estimated savings of upwards of $80 million a year in medicare and medicaid drug costs.

This amendment is essentially the same as that adopted by the Senate in 1967. It would provide a commonsense professional and scientific means of assuring that the drugs we pay for under medicare and medicaid are appropriate and necessary to proper patient care and that we do not overpay for those drugs.

The amendment includes provisions which recognize and accommodate the substantive and legitimate needs of patients, doctors, pharmacists, and drug manufacturers. It is not punitive legislation—it is progressive legislation.

The social security legislation we enacted in 1967 contained in a provision requiring the Department of Health, Education, and Welfare to study and report to the Congress on the Long drugs amendment. That report, dated January 10, 1969, represented some 18 months of hard and comprehensive effort. In his letter transmitting that report, the then-Secretary of Health, Education, and Welfare, Wilbur J. Cohen, stated:

> I strongly recommend to the Congress that legislation be enacted to establish cost and charge ranges and limits of Federal participation in reimbursement for drugs supplied in programs funded under the Social Security Act.

That report of the Task Force on Drugs, printed as House Document 91–44, went on to strongly endorse the formulary and reasonable cost range provisions basic to my amendment and stated that many millions of taxpayer dollars would be saved thereby.

This proposal is not a generic drugs bill. It is a bill designed to promote the usage in the medicare and medicaid programs of lower-cost drug products of proper quality, however, they may be named. Certainly, the formulary, which would be established under the amendment, would include a substantial number of sole-source drugs—that is, those which are made by only one manufacturer. In those cases, the Government would be willing to pay the manufacturer's brand-name price.

We are not talking about generic or brand-name drug products. We are talking about using, wherever possible,

lower-cost drug products of proper quality under whatever label.

Mr. President, this amendment is not a pro forma expression of concern over the high cost of drugs. It represents a detailed solution to a good part of the problem—at least in medicare and medicaid. The amendment was drafted with extensive assistance and comments from concerned physicians, pharmacists and others including the American Pharmaceutical Association.

I shall ask unanimous consent that the text of the amendment be printed in the RECORD at the conclusion of my remarks.

In summary, the amendment provides:

First, appointment by the Secretary of Health, Education, and Welfare of a high-level and highly-qualified nine-member Formulary Committee—who would be charged with compiling a listing of drugs—to be known as the Formulary of the United States—eligible for reimbursement under the various social security health care programs. The membership of the Formulary Committee would consist of individuals of recognized standing and distinction in medicine, pharmacy, and pharmacology, with a majority of the members being physicians. Only two of the nine members may be employees of the Government; and I would anticipate that the Secretary would probably select the Commissioner of Food anl Drugs and the Surgeon-General as the governmental members.

Drugs are to be primarily listed in the Formulary under their established or official names—not under their trade names. However, a specific trade-name product could be listed in the Formulary under that name if the Formulary Committee found that the product had "distinct demonstrated therapeutic advantages" over other standard versions of the same drug. If the Formulary Committee has not included a particular product by trade name because of the lack of substantial evidence of any superiority to other products of the same drug, a manufacturer would be at liberty to develop and present what he believed to be such evidence to the Formulary Committee for its consideration. The burden of proof, and expense, would, of course, be upon the manufacturer in such cases.

According to the Food and Drug Administration and the top officials of the official drugs compendia—the U.S. Pharmacopoeia and the National Formulary—serious questions concerning the equivalence of different products of the same drug have been raised with respect to only a small minority of drugs. Where this has occurred, the situation has usually been corrected through changes in compendia standards and requirements of the Food and Drug Administration. It would be foolish to ignore the possibility of such situations occurring—and it is equally foolish to exaggerate the frequence of their occurrence. If and when serious questions arise in the case of a specific drug concerning the equivalence of different products of that drug, it is intended that the Formulary include all such products of that drug which may be lawfully sold until such time as those questions are resolved.

In connection with this matter of equivalency, it is noteworthy that the Task Force on Drugs stated in one of its reports:

> The Task Force has found, however, that lack of clinical equivalency among chemical equivalents meeting all official standards has been grossly exaggerated as a major hazard to the public health.

In quoting the above statement, Dr. Edward G. Feldmann, director of the National Formulary and editor of the Journal of Pharmaceutical Sciences said:

> This major conclusion emanated from one of the most thorough and exhaustive studies ever conducted, under the direct sponsorship of the highest levels of the Federal Government, in consultation with the most eminent medical and medically related authorities in the country.

Similarly, where a physician determines that his patient needs a particular drug or a particular drug product which is not included in the Formulary or for which reimbursement is otherwise limited, the Federal Government would reimburse in full for his prescription where it is properly prepared. Proper preparation of the prescription in such cases means that the drug is described in the doctor's handwriting by its official name and the name of its manufacturer. Thus, the physician is free to prescribe what he wants immediately in situations where he knows or suspects unusual patient reactions may occur.

The Formulary concept is not a new one. Many State and local governments, as well as most accredited hospitals, employ formularies in order to assure rational prescribing and avoid unnecessary expense. In recognition of the commonsense already being practiced by the majority of hospitals in prescribing and dispensing drugs, the amendment contains a provision exempting hospitals with proper formulary systems from its limitations.

Apart from cost savings, the Formulary should assist physicians who seek to prescribe rationally, but who are assaulted from all sides by what has been termed "Medicine Avenue Advertising." Our new generation of physicians certainly recognize the problem and call a spade a spade. A report on this year's convention of the Student American Medical Association appeared in the July 1970, issue of the magazine, Hospital Practice. Here is what our young doctors think about drug information and promotion today:

> In reference committee hearings and private conversations, students showed ingrained distrust of pharmaceutical advertising and detail men, yet they admitted they themselves were not sufficiently informed to judge manufacturers' claims.
>
> With a rap on the head to the source of one-sixth of SAMA's revenue, the House set new advertising standards for "The New Physician," demanding conspicuous display of the generic name of each drug and of its chief hazards. It required that all ads give the approximate cost to the patient, but on being reminded later that some state laws would forbid this, it directed the editors to insert a page listings suggested prices for all medications advertised in a given issue. The House also voted against "Madison Avenue" promotion at its meetings unless the officers should find "the participation to be of educational value and not for the promotion of pharmaceuticals."

Certainly, the Formulary of the United States, prepared on an objective basis by the most competent people, empowered with access to all information available to the Federal Government concerning drugs would be an invaluable reference tool for physicians in treating all of their patients—not just those on medicare and medicaid. As a matter of fact, I think part of the panic of the big drug companies over this amendment is that they fear this Formulary would encourage and assist doctors in more rational and less-costly prescribing for all Americans.

The Formulary Committee would be charged with selecting those drugs necessary for proper patient care—regardless of price. The committee would not concern itself with cost—its concern would relate solely to the professional and scientific aspects of drug selection.

The Secretary of Health, Education, and Welfare would, on the other hand, have responsibility, under the amendment, of establishing reasonable cost ranges for those drugs listed in the Formulary Committee. Contrary to the propaganda of the Pharmaceutical Manufacturers Association, this procedure does not involve "price fixing" of drugs. Prices are established by the manufacturers and the Secretary would look to those established prices and select from them in determining the reasonable range of prices charged by different manufacturers of the same drug. Under the amendment, the Secretary cannot tell any manufacturer what to charge for his drug product. That would still be a matter of the manufacturer's costs, competition, and conscience.

The Secretary's responsibility would be to exclude from the reasonable cost range overpriced products of a given drug where lower priced products of that same drug are generally available and of proper quality. He selects, just as any prudent buyer does, from the price tags placed on those drug products by each producer. He does not put the tags on the products.

For example, prednisone of proper quality might be generally available from 10 different manufacturers who sell it at prices ranging from $1 to $12 per 100. Five of those may sell their products at $2.50 per 100 or less. The Secretary might then decide that the maximum in the reasonable cost range for prednisone should be $2.50. Thus, the acquisition cost of prednisone reimbursable under the Federal programs could not be greater than $2.50 plus the reasonable cost, professional fee, or reasonable charge of the dispenser of the drug.

Now, if a State wanted to cover the higher priced prednisone under its medicaid plan, it would be privileged to do so, but Federal matching funds would be available only up to the first $2.50 of acquisition cost.

Again, the manufacturer of the $12 prednisone is at liberty to prove to the professional satisfaction of the Formulary Committee that his product is therapeutically superior to the other prednisones, and if he were successful, the $12 price would be fully matched with Fed-

eral funds. Or, if a doctor were persuaded that it was desirable for his patient to have the $12 product, he could write his medicare prescription out for prednisone and the name of the manufacturer of that particular product; and again, the whole $12 price would be fully matched with Federal funds.

Under the amendment, in establishing the reasonable cost ranges the Sectary would take into account differences in prices charged by manufacturers to different types and sizes of dispensers in different geographic areas. All of this goes to the cost of the drug to the dispenser. As far as the price to the patient is concerned, the amendment permits the pharmacy to adjust the acquisition cost upward through means of either a reasonable professional fee or a reasonable charge. The latter two methods prevail in pharmacies throughout the country. The acquisition cost plus professional fee or charge could not exceed the pharmacy's usual and customary charge to the general public for the same prescription.

The 1967 drugs amendment limited reimbursement to acquisition cost plus a professional fee. While I still believe that the professional fee approach—where the pharmacy received a fixed amount regardless of the cost of the product—is an excellent means of removing any incentive to dispense higher cost drugs, I recognize that the majority of pharmacies still employ the markup method. The principal change from the 1967 amendment, therefore, is expanding the method of reimbursing pharmacies to include reasonable charges or markups. I am confident that pharmacies which charge on a markup basis will dispense the appropriate drug product and not seek to maximize prescription cost at the expense of the Government. Officials of the National Association of Retail Druggists have assured me that retail pharmacy will function just as responsibly with a reasonable charge method of payment as they would with professional fees. This change is the principal difference between the 1967 amendment and the proposal I offer today. The amendment contains additional minor changes mainly of a clarifying and technical nature designed to make its intent unambiguous.

Drug manufacturers and processors are now required to register with the Food and Drug Administration. Under the amendment, those registered would be required to place their names and registration numbers on each package of their prescription drug products. Where a registered firm was found by the Food and Drug Administration to be producing or handling substandard drugs, it would be prohibited from placing its registration number and name on the package of the substandard product. No medicare or medicaid payments could be made for any drug product which did not bear the names and registration numbers of those concerned with its production and packaging. The pharmacist would have only to check the drug package for the names and registration numbers in order to determine that the product had been manufactured in accordance with official standards.

The registration approach has been repeatedly endorsed by the American Pharmaceutical Association as a vital aid to informed drugs purchasing and dispensing. Some of the advantages of this requirement of informed labeling were well stated in an editorial by Dr. George P. Provost in the American Journal of Hospital Pharmacy. That editorial said:

> We support the proposal that package labels of drug products show the actual manufacturer and his lot number . . . Besides the fact that the pharmacist should know exactly whose product he is dispensing, such a practice would truly be revealing. We would discover that many products marketed by some of the largest and best known pharmaceutical firms are actually manufactured by private-label houses. Some of these private label companies market products under their own label, and the quality of these products has often been questioned because of their source or their lack of a well-known trade name. The large firms, although they may have developed and tested the product, are thus acting as repackaging houses for the lesser-known firm's material.

Based upon past experience, we may anticipate rather aggressive attempts by the big drug companies to defeat this vitally important and needed amendment. Hopefully, this time the companies will confine themselves to the merits of my amendment. Previously, one of the largest drug companies affronted the integrity of the Senate by ordering investigators to look into the private affairs of a Finance Committee staff member who had been working on drug matters at my direction. After their stupidity was uncovered, the company tendered a complete letter of apology to the Senate employee. Additionally, they made a substantial financial settlement—$10,000—which the Finance Committee staff man directed his attorney to donate to District of Columbia Children's Hospital.

Hopefully, for the sake of the responsible drug companies, they will not attempt such irresponsible behavior again.

Mr. President, I ask unanimous consent that the text of the amendment, which I now submit to H.R. 17550, be printed in full at this point in the RECORD.

The PRESIDING OFFICER (Mr. EAGLETON). The amendment will be received and printed and will be appropriately referred and, without objection, the amendment will be printed in the RECORD, as requested by the Senator from Louisiana.

The amendment (No. 929) was referred to the Committee on Finance, as follows:

AMENDMENT NO. 929

On page 158 after line 19, insert the following new title:

TITLE IV.—QUALITY AND COST CONTROL STANDARDS FOR DRUGS

QUALITY AND COST CONTROL FOR DRUGS PAYABLE FROM FEDERAL FUNDS

SEC. 401. Title XI of the Social Security Act is amended by inserting immediately below the heading of such title the following part: "PART A—MISCELLANEOUS" and by adding at the end of such title the following new part:

"PART B—QUALITY AND COST CONTROL FOR DRUGS PAYABLE FROM FEDERAL FUNDS

"SEC. 1130. (a)(1) There is hereby established, within the Department of Health, Education, and Welfare, a Formulary Committee, a majority of whose members shall be physicians and which shall consist of two officials of such Department designated by the Secretary, and of seven individuals (not otherwise in the regular full-time employ of the Federal Government) who are of recognized professional standing and distinction in the fields of medicine, pharmacology, and pharmacy, to be appointed by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. The Chairman of the Committee shall be elected, from the appointed members thereof, by majority vote of the members of the Committee. The term of office of the Chairman shall be one year, but the same person may hold such office for any number of terms.

"(2) Each appointed member of the Formulary Committee shall hold office for a term of five years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and except that the terms of office of the members first taking office shall expire, as designated by the Secretary at the time of appointment, one at the end of the first year, one at the end of the second year, one at the end of the third year, one at the end of the fourth year, and one at the end of the fifth year, after the date of appointment. A member shall not be eligible to serve continuously for more than two terms.

"(b) Appointed members of the Formulary Committee, while attending meetings or conferences thereof or otherwise serving on business of the Committee, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(c)(1) The Formulary Committee is authorized to engage such technical assistance as may be required to carry out its functions, and the Secretary shall, in addition, make available to the Formulary Committee such secretarial, clerical, and other assistance as the Formulary Committee may require to carry out its functions.

"(2) The Secretary shall furnish to the Formulary Committee such office space, materials, and equipment as may be necessary for the Formulary Committee to carry out its functions.

"FORMULARY OF THE UNITED STATES

"SEC. 1131. (a)(1) The Formulary Committee shall compile, publish, and make available a Formulary of the United States (hereinafter in this title referred to as the 'Formulary').

"(2) The Formulary Committee shall periodically revise the Formulary and the listing of drugs so as to maintain currency in the contents thereof.

"(b)(1) The Formulary shall contain an alphabetically arranged listing, by established name, of those drugs which the Formulary Committee finds are necessary for recipients of aid, assistance, benefits, or services under the several programs operated or supported by the Department of Health, Education, and Welfare and for which Federal funds are to be expended. The Formulary Committee shall exclude from the Formulary any drugs which the Formulary Committee determines are not necessary for proper patient care, taking into account other drugs that are available from the Formulary.

"(2) The Formulary Committee may also include in the Formulary, either as a separate part (or parts) thereof or as a supplement (or supplements) thereto, any or all of the following information:

"(A) A supplemental list or lists, arranged by diagnostic, prophylactic, therapeutic, or other classifications, of the drugs included in the listing referred to in paragraph (1).

"(B) The proprietary names under which a drug listed in the Formulary by established name is sold, and the names of each supplier (as manufacturer or distributor) of the final dosage form of such a listed drug who has been certified to the Committee by the Food and Drug Administration as producing or distributing such drug in conformity with the requirements of the Federal Food, Drug, and Cosmetic Act and (where applicable) the Public Health Service Act.

"(C) Prescribing information (including conditions of use required in the interest of rational drug therapy) which will promote the safe and effective use, under professional supervision, of the drugs referred to in paragraph (1).

"(D) The guide or guides as to reasonable cost ranges issued pursuant to section 1133.

"(E) A prominent statement that payment from Federal Funds is restricted to a reasonable acquisition cost range established by the Secretary pursuant to this part, for a drug listed in the Formulary to establishments dispensing drugs plus the reasonable fees, or costs, or charges of such establishments for dispensing such drug, unless the prescriber, in his order, has specifically designated a drug by its established name together with the name of the manufacturer of the final dosage form thereof.

"(F) Any other information which in the judgment of the Formulary Committee would be useful in carrying out the purposes of this part.

"(c) In considering whether (under the authority contained in subsection (b)) a particular drug shall be included in the Formulary, the Formulary Committee is authorized to obtain (upon request therefor) any record pertaining to the characteristics of such drug which is available to any other department, agency, or instrumentality of the Federal Government, and, as a condition of such inclusion, to require suppliers of drugs to make available to the Committee information (including information to be obtained through testing) relating to such drug. If any such record or information (or any information contained in such record) is of a confidential nature, the Formulary Committee shall exercise utmost care in preserving the confidentiality of such record or information and shall limit its usage thereof to the proper exercise of such authority.

"(d)(1) The Formulary Committee shall establish such procedures, as may be necessary to determine the propriety of the inclusion or exclusion, in the Formulary, of any drug, including such data and testing as it may require of a proponent of the listing of a drug in the Formulary.

"'(2) The Formulary Committee, prior to making a final determination to remove from listing in the Formulary any drug which would otherwise be included under subsection (b) of this section, shall afford a reasonable opportunity for a hearing on the matter to any person engaged in manufacturing, preparing, propagating, compounding, or processing such product who shows reasonable ground for such a hearing. Any person adversely affected by the final decision of the Formulary Committee may obtain judicial review in accordance with the procedures specified in section 505(h) of the Federal Food, Drug, and Cosmetic Act.

"(3) Any person engaged in the manufacture, preparation, propagation, compounding, or processing of any drug not included in the Formulary which such person believes to possess the requisites to entitle such drug to be included in the Formulary pursuant to subsection (b), may petition for inclusion of such drug and, if such petition is denied by the Formulary Committee, shall, upon request therefor, showing reasonable grounds for a hearing, be afforded a hearing on the matter. The final decision of the Formulary Committee shall, if adverse to such person, be subject to judicial review in accordance with the procedures specified in section 505 (h) of the Federal Food, Drug, and Cosmetic Act.

"QUALIFIED DRUG

"SEC. 1132. As used in this title, the term 'qualified drug' means a drug—

"(a) which (1) is listed in the Formulary, or (2) is furnished to a patient by a hospital which (A) is accredited by the Joint Commission on Accreditation of Hospitals or the American Osteopathic Association, and (B) utilizes a formulary system established by a pharmacy and therapeutics committee (or equivalent committee) in accordance with standards established by such commission or association, or (3) is a prescription legend drug prescribed in the handwriting of a lawful prescriber by its established name together with the name of the manufacturer of the final dosage form thereof, and

"(b) the label on the package or container from or in which such drug is dispensed in final dosage form bears, in accordance with regulations of the Secretary, the registration number (assigned under section 510(e) of the Federal Food, Drug, and Cosmetic Act) of the person or establishment which manufactured, prepared, propagated, compounded, or processed such drug in such form and, if different, also the registration number (so assigned) of the final packager of such drug.

"REASONABLE ACQUISITION COST RANGE

"SEC. 1133. (a)(1) The Secretary shall establish and publish (and periodically revise so as to keep current) a guide or guides showing the reasonable acquisition cost range (to establishments dispensing drugs) of each qualified drug listed in the Formulary and the names of the suppliers of the products upon which the cost range for a qualified drug is based. If the sources from which such a drug is available charge different prices therefor to different classes or types of dispensers, the Secretary may, in establishing the reasonable acquisition cost range for any drug, establish such a range for each class or type of dispenser of such drug.

"(2)(A) The reasonable acquisition cost range of any particular drug shall not exceed the amount or amounts at which such drug is generally available for sale (to establishments dispensing drugs) in a given strength or dosage form; and in any case in which a drug is so available and so sold by more than one supplier, the Secretary shall exclude, in determining such cost range, the amounts for such drugs of such suppliers as are sold at prices which vary significantly from the amounts for the lowest or lower cost drugs which have been determined to be of proper quality and which are generally available. If a particular drug in the Formulary is available from more than one supplier, and such drug as available from one supplier possesses distinct therapeutic advantages (as determined by the Formulary Committee on the basis of its scientific and professional appraisal of information available to it, including information and other evidence furnished to it by the supplier of such drug), then the reasonable acquisition cost of such supplier's drug shall be the price at which it is generally available to establishments dispensing drugs.

"(3) In considering (for purposes of establishing a reasonable acquisition cost range for any drug) the various sources from which the varying prices at which such drug is generally available, there shall not be taken into account the price of any drug which does not meet the conditions set forth in section 1132(b).

"REASONABLE CHARGE FOR DRUGS

"SEC. 1134. (a) For purposes of this part, the term 'reasonable charge' means the following:

"(1) When used with respect to a prescription legend drug, such term means the lesser of—

"(A)(i) those charges for a qualified drug which do not exceed the cost (which may be based upon the approximate or average cost of such drugs to comparable dispensers of comparable size and purchasing capacity in a given geographic area) to the dispenser of the drug dispensed and which, in the case of a drug described in section 1132 (a) (1) or (2), are within the reasonable acquisition cost range established pursuant to section 1133, plus (ii) the reasonable fee, or reasonable cost, or reasonable charge determined pursuant to this section, or

"(B) the usual or customary charge at which the dispenser sells or offers such drug to the public.

"(2) When used with respect to a prescribed non-legend drug, such term means those charges which do not exceed the usual or customary price at which the dispenser offers or sells the product to the general public, plus a reasonable billing allowance.

"(b) The Secretary shall, after appropriate consultation with private organizations representing those who render pharmaceutical services and governmental agencies affected, establish criteria for determining (1) the reasonable fees, or costs, or charges of the dispenser for dispensing such drug and (2) reasonable billing allowances for prescribed non-legend drugs dispensed.

"(c) Whenever the Secretary determines that, in a particular State or other geographic area, the price at which a particular drug is generally available to dispensers of such drug varies substantially from the price at which such drug is usually sold to dispensers in other areas, he may make appropriate adjustments in the reasonable acquisition cost range for such drug with respect to such area.

"(d) Nothing in this section shall be construed to prevent any supplier or dispenser of any drug from charging less than the reasonable acquisition cost or reasonable charge.

"DEFINITIONS

"SEC. 1135. For the purposes of this part—

"(1) The term 'drug' means a 'drug' as defined in section 201 of the Federal Food, Drug, and Cosmetic Act (including those specified in section 351 of the Public Health Service Act).

"(2) The term 'established name' with respect to a drug means its 'established name' as defined in section 502(e) of such Act.

"(3) The term 'prescription legend drug' means a drug described in section 503(b)(1)(A), (B), or (C) of such Act.

"(4) The term 'prescribed nonlegend drug' means a drug which is not a prescription legend drug but is dispensed upon prescription of a practitioner licensed by law to prescribe or administer such drug.

"LIMITATIONS ON FEDERAL LIABILITY FOR CHARGES OF PROVIDERS OF SERVICES

"SEC. 1136. Any dispenser of drugs whose services (including the cost of the drug supplied) are reimbursable under any title of this Act on the basis of 'reasonable cost' shall not be entitled to a reasonable fee or reasonable charge or billing allowance as determined pursuant to this part; nor shall such fee, charge, or billing allowance be payable under any such title with respect to any drug that can (as determined in accordance with regulations) be self-administered, is furnished as an incident to a physician's professional service, and is of a kind commonly furnished in physicians' offices and commonly either rendered without charge or included in the physicians' bills."

LIMITATIONS ON FEDERAL FINANCIAL LIABILITY UNDER MEDICAL INSURANCE AND ASSISTANCE PROGRAMS

SEC. 452. (a) Effective wth respect to expenditures made after June 30, 1972, section 1903 of the Social Security Act, is further amended by adding at the end thereof the following new subsection:

"(g) Notwithstanding the preceding provisions of this section, in determining (for purposes of subsection (a)) the amounts expended as medical assistance by a State under its State plan approved under this title, there shall not be counted (1) so much of the cost of any drug as exceeds the reasonable charge for such drug as determined under section 1134, or (2) any part of the cost of such drug if such drug is not a qualified drug as determined under section 1132."

(b) With respect to services furnished after June 30, 1972, section 1861(v) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

"(5) Notwithstanding the preceding provisions of this subsection, if any services provided under this title include the furnishing of any drug or biological to an individual, there shall not be counted in determining the cost of such services—

"(A) so much of the cost of such drug or biological as exceeds the reasonable charge therefor as determined under section 1134, or

"(B) any part of the cost of such drug or biological if it is not a qualified drug as determined under section 1132."

ASSIGNMENT OF REGISTRATION NUMBERS TO DRUG PRODUCTS—USE OF SUCH NUMBER ON DRUG LABEL

Assignment of Registration Numbers

SEC. 403. (a) Section 510(e) of the Federal Food, Drug, and Cosmetic Act is amended to read as follows:

"(e) The Secretary shall assign a registration number to every person or establishment, registered in accordance with this section, that manufactures, prepares, propagates, compounds, or processes a prescription legend drug or drugs in final dosage form, or that (if different) is the final packager (as defined by regulation) of such drug or drugs in such form, and he may assign a registration number to any other person or establishment so registered."

LABEL DISCLOSURE OF REGISTRATION NUMBER—WHEN REQUIRED OR PROHIBITED

(b) Such Act is further amended by inserting after section 510 and before section 511 the following new section:

"PLACEMENT OF REGISTRATION NUMBER ON DRUG LABEL—WHEN REQUIRED OR PROHIBITED

"SEC. 501A. (a) Except as otherwise provided in subsection (b)—

"(1) every person who owns or operates an establishment registered under section 510, in which is manufactured, prepared, propagated, compounded, or processed, in final dosage form, a drug or drugs intended for use by man, shall, in accordance with regulations, cause the registration number assigned to such person or establishment pursuant to subsection (e) of such section and the complete name of such person or establishment to be placed on the label of each package or container containing any such drug so manufactured, prepared, propagated, compounded, or processed, in such establishment, and

"(2) unless the establishment referred to in paragraph (1) is also the final packager (as defined by regulation) of such prescription legend drug or drugs in such form, the person who owns or operates the establishment which is such final packager shall cause to be placed on the label of each final package or container of such drug so packaged both the complete name and registration number (assigned pursuant to section 510(e)) of such person or final packaging establishment and the name and registration number referred to in paragraph (1).

"(b) Any other person owning or operating an establishment having a registration number assigned pursuant to section 510 may, except as otherwise provided in subsection (c) or by regulation, place such registration number on packages of drugs of which it is a manufacturer, packer, or distributor.

"Prohibition Against Placing of Registration Number on Packages of Drugs Made During Period of Law Violation

"(c)(1) If the Secretary has, by order, determined that a drug that is intended for use by man and that is being manufactured, prepared, propagated, compounded, or processed by a person to whom, or in an establishment to which, a registration number has been assigned pursuant to section 510(e), is not in conformity with applicable law, the registration number assigned to such person or to such establishment (as may be specified in such order) may not, after the Secretary has served notice of such order (or if the order specifies a later effective date, then such date) and while such order is in effect, be placed, by anyone having notice of such order, on the label of any package of such drug manufactured, prepared, propagated, compounded, or processed by such person or in such establishment. The Secretary's order shall set forth the respects in which he has determined that such drug is not in conformity with applicable law.

"(2) For the purposes of this subsection, a drug shall, with respect to any person or establishment referred to in an order pursuant to such paragraph, be deemed not to be in conformity with applicable law if such drug (A) is deemed to be adulterated or misbranded within the meaning of this Act, or (B) is a new drug with respect to which there is not in effect an approval of an application filed pursuant to section 505(b) of this Act or which is not in conformity with such approved application, or (C) is a drug with respect to which occurs an act or omission (attributable to such person or establishment or to any person in his employ or under his control) that is prohibited by section 301(e), (f), (l), (o), (q), or (s) of this Act, or (D) is a product referred to in section 351 of the Public Health Service Act and (i) fails to meet a standard relating thereto prescribed pursuant to that section, or (ii) with respect to which there is not in effect a required license issued by the Secretary, or (iii) with respect to which there is a violation of subsection (b) or (c) of that section.

"(3) Notice of the Secretary's order issued pursuant to paragraph (1) shall be served by telecommunication, or in the manner specified in section 505(g), upon the person registered under section 510 and referred to in such order, and thereupon such person and all other persons in such person's employ or under his control shall be deemed to have notice of such order for the purposes of this subsection.

"(4) The Secretary shall terminate an order issued in accordance with paragraph (1) with respect to a drug when he is satisfied that the conditions or practices giving rise to such drug's not being in conformity with applicable law no longer obtain.

"(5) Any person adversely affected by an order of the Secretary pursuant to paragraph (1) may, at any time while such order is in effect, file with the Secretary a petition to modify, revoke, or terminate such order. The Secretary, prior to making a final decision on such petition, shall afford to the petitioner, upon a showing of reasonable grounds therefor, a reasonable opportunity for a hearing on the matter. When in the judgment of the Secretary the public interest will not be jeopardized thereby he may stay the effectiveness of his order pending his final decision on such petition. The petitioner, if adversely affected by the final decision of the Secretary, may obtain judicial review thereof in accordance with the procedures specified in section 505(h).

"(6) The Secretary may cause such inspections to be made of the establishments of persons registered as producers of drugs under section 510, and such samples of drugs to be obtained from such persons and establishments and analyzed, and employ such other tests and procedures, as may be necessary to determine, on a current basis, whether any drug being manufactured, prepared, propagated, compounded, or processed by any such person or establishment for use by man is not in conformity with applicable law within the meaning of this subsection. In conducting such inspections (or any investigation or other proceeding related thereto) the Secretary may exercise any authority conferred upon him under this Act with respect to inspections and other procedures for the enforcement of section 510."

(c) Section 301 of such Act is amended by adding at the end thereof the following new paragraphs:

"(r) The placing, or permitting to be placed, on the label of any package containing any drug a registration number in violation of section 510A(c).

"(s)(1) The failure to place on the label of a drug package a registration number or other information required to be placed thereon by section 510A(a).

"(2) The labeling of any drug in such manner as to indicate or imply, contrary to fact, that the label of any package of such drugs conforms to paragraph (1) or (2) (or both) of section 510A(a) (when read without regard to the exception preceding such paragraphs)."

(d) Section 301 of such Act is further amended by inserting the following immediately before the period at the end of paragraph (i): "or by section 510A".

(e) Section 503(a) of such Act is amended by inserting the following after "labeling or packaging requirement of this Act": ", except any applicable requirement of section 510A(a),".

ORDER OF BUSINESS

The PRESIDING OFFICER. Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS OF SENATORS

THE ORIGINAL CONSTITUTION

Mr. BYRD of West Virginia. Mr. President, on Thursday, September 17, the Dominion-News of Morgantown, W. Va., published an excellent article on the original Constitution of the United States.

The well-researched article was written by Mr. Ray Martin, associate editor of the Dominion-News, and not only relates the history of the Constitution, but also tells of its great significance in molding our country.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SIGNED 183 YEARS AGO TODAY AT PHILADELPHIA: ORIGINAL CONSTITUTION CAME AFTER MONTHS OF DEBATE

(By Ray Martin)

It was 183 years ago today that the original Constitution of the United States of America was signed by a majority of the men who fashioned the document after months of debate at Philadelphia.

How did this document come into existence?

On June 11, 1776, the Congress resolved that a committee should be appointed to draw up articles of confederation between the Colonies. A plan proposed by John Dickinson of Delaware formed the basis of the articles as proposed to Congress and, after some debate and a few changes, adopted Nov. 15, 1777. Representatives of the several states signed the Articles of Confederation during 1778 and 1779.

The Articles of Confederation, which took effect March 1, 1781, constituted the first effort of Americans to solve what has been termed the problem of imperial order.

A certain amount of dissatisfaction surrounded the document following its ratification. The inability of the government of the Confederation to conclude commercial treaties with foreign nations, the mounting financial and currency difficulties, and the apparent impossibility of amending the Articles of Confederation by ordinary processes, all led to a demand for a drastic revision of the Articles of Confederation.

The immediate impulse for action which eventually led to the Constitution came from a group of men who wished to open up navigation on the Potomac River.

In 1785 George Washington invited the commissioners of Virginia and Maryland to meet at Mount Vernon and discuss the problems of communication between the East and the West. These commissioners drew up resolutions asking the cooperation of Pennsylvania in the project.

Acting upon this suggestion, James Madison pushed through the Virginia legislature a resolution appointing a commission to meet with other commissioners to take into consideration the state of the union. Delegations representing New York, New Jersey, Pennsylvania, Delaware, and Virginia assembled at Annapolis, Md., the first Monday in September, 1786. Representatives of New Hampshire, Massachusetts, Rhode Island and North Carolina never attended the Annapolis meeting. Four States, Connecticut, Maryland, South Carolina and Georgia did not appoint delegates to the session.

At the conclusion of its deliberations on Sept. 14, 1786, the Annapolis Convention sent its recommendation to Congress, which on Feb. 21, 1787, adopted a resolution that "it is expedient that on the second Monday in May next a convention of delegates who shall have been appointed by the several states be held at Philadelphia for the sole and express purpose of revising the Articles of Confederation."

A quorum, however, did not assemble at Philadelphia until May 25, when the convention proceeded to organize. It continued its work throughout the summer of 1787 and on Sept. 15 agreed to the Constitution as reported from the Committee on Style. On Sept. 17 the Constitution was signed and submitted to Congress.

By resolution of Sept. 28, Congress submitted the Constitution to the several states. By June 21, 1788, nine states had ratified the Constitution; Rhode Island, the last of the 13 states to ratify, acted on May 29, 1790.

Congress by resolution of Sept. 13, 1788, fixed the date for the election of a president and the organization of the new government under the Constitution.

And thus the document which begins with these familiar words began to guide the destiny of the United States of America and its people:

"We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

Thanks to the notes kept by Maj. William Pierce of Georgia, a member of Congress and a delegate to the 1787 convention, it is possible to make observations in a personal sense about the men who framed the Constitution.

Rhode Island was the only state not represented at the Philadelphia convention in 1787.

Ten delegates appointed by their respective states never attended the sessions, including Patrick Henry of Virginia.

The completed Constitution was signed by 39 delegates and 16 who had participated in the deliberations did not sign the document before its transmittal to the Congress.

Delegations from three states—Pennsylvania, Delaware and South Carolina—had 100 per cent representation at the signing of the Constitution.

The membership of the Constitutional Convention of 1787 came from all walks of life. The absence of a so-called "generation gap" probably played an important role in drafting a document which has served persons of all ages well in that it is living document through its amendment provisions.

The youngest delegate at Philadelphia was 24-year-old Charles Pinckney of South Carolina. The senior delegate, from the standpoint of age, was Pennsylvania's Ben Franklin at 82, who was described as having the mental agility of a 25-year-old.

Other delegates ranged in age from 30 to 60. Eighteen of the representatives were between 36 and 40 years of age. Sixteen of them were in the 30 to 35 category. Eight were between 41 and 50 and a similar number in the 51 to 60 grouping.

The ages of two of the delegates attending the 1787 parley were not known to Major Pierce, when he compiled his personal vignettes of the various representatives at Philadelphia.

During the discussions prior to the adoption of the Constitution, there had been many differences, many debates, many divisions. But the one that struck deepest, and came closer than any other to defeating the convention and the Constitution, was the struggle between the small and the large states, the slave states and the free states over representation in Congress.

The Constitution, as adopted, gave each state two senators and one representative for every 30,000 people, as determined by a decennial census. In determining the number of people in each state all "free persons" were counted, plus "three fifths of all other persons," except Indians not taxed. Congress was granted the power to apportion "direct taxes" among the states on the same basis. And all bills "for raising revenue" had to originate in the House. This is what has become known in the annals of our history as "The Great Compromise."

The United States Senate was conceived as a curb on the House. George Washington suggested the analogy of drinking coffee: "We pour legislation into the senatorial saucer to cool it."

The slave states of the South got their slaves counted in the census, with the result that five free persons in Virginia, as an example, had as much power in choosing representatives in the House as seven persons in New York.

Equal representation of each state in the Senate reassured the small states and gave the North the balance of power in that chamber.

The power of the House to originate revenue bills put "the purse strings" in the hands of the people.

"The Great Compromise" was accepted by a vote of 5-to-4, with Massachusetts being divided. If it had failed, the Constitution in all likelihood would have failed, too.

Luther Martin, Maryland's first attorney general and a convention delegate, observed: "We were on the verge of dissolution, scarce held together by the strength of a hair."

Referring to slavery, John Rutledge of South Carolina said: "The people of the states will never be such fools as to give up so important an interest."

The occasion for Rutledge's pronouncement was a motion by the 34-year-old Martin to give Congress the power to tax or prohibit the importation of slaves.

As indicated earlier, the question of slavery had already entered the debates. The South had got its voting strength increased in the House by including three-fifths of the slaves in the census. That was a political issue. The Martin motion introduced a moral one.

The convention delegates did not line up on a sectional basis. George Mason of Virginia denounced "this infernal traffic" in slaves. Oliver Ellsworth of Connecticut thought the "morality or wisdom of slavery" was a question for the states.

The weight of the Constitutional Convention was on the side of avoiding the moral issue. Many of the delegates at Philadelphia knew that if Luther Martin's motion was pressed, some of the South would be permanently alienated.

Thus, another compromise was born. It was proposed that Congress could not prohibit the slave trade prior to 1808 but that it could place a tax, not exceeding $10 each on slaves imported. North and South united to adopt this provision, the four middle states (New Jersey, Pennsylvania, Delaware, and Virginia) voting no.

Virginia's George Mason later revealed what had happened. A few southern states made a bargain with New England: If New England avoided the slavery issue, the South would vote down the proposal to require a two-thirds vote of each house of Congress to make a regulation of commerce.

Although everyone knew the topic of discussion, it is interesting to note that the word "slaves" was sedulously avoided. It does not appear in the Constitution, for, as Luther Martin commented, its use might be "odious to the ears of Americans."

Before the vote was taken on the final or engrossed version of the Constitution at Philadelphia on Sept. 1878, the following words written by Ben Franklin were read to the delegates by James Wilson, a fellow representative from Pennsylvania:

"I confess that there are several parts of this Constitution which I do not at present approve, I am not sure I shall never approve them: For having lived long, I have experienced many instances of being obliged by better information, or fuller consideration, to change opinions even on important subjects, which I once thought right, but found to be otherwise. It is therefore that the older I grow, the more apt I am to doubt my own judgment, and to pay more respect to the judgment of others.

"Most men indeed as well as most sects in religion, think themselves in possession of all truth, and that wherever others differ from them it is so far error. Steele, a Protestant in a dedication, tells the Pope, that the only difference between our churches

in their opinions of the certainty of their doctrines is, the Church of Rome is infallible and the Church of England is never in the wrong. But though many private persons think almost as highly of their own infallibility as of that of their sect, few express it so naturally as a certain French lady, who in a dispute with her sister, said, 'I don't know how it happens, Sister, but I meet with no body but myself, that's always in the right.'

"In these sentiments, Sir, I agree to this Constitution with all its faults, if they are such; because I think a general government necessary for us, and there is no form of government but what may be a blessing to the people if well administered, and believe farther that this is likely to be well administered for a course of years, and can only end in despotism, as other forms have done before it, when the people shall become so corrupted as to need despotic government, being incapable of any other. I doubt too whether any other convention we can obtain, may be able to make a better Constitution. For when you assemble a number of men to have the advantage of their joint wisdom, you inevitably assemble with those men, all their prejudices, their passions, their errors of opinion, their local interests, and their selfish views. From such an assembly can a perfect production be expected? It therefore astonishes me, Sir, to find this system approaching so near to perfection as it does; and I think it will astonish our enemies, who are waiting with confidence to hear that our councils are confounded like those of the Builders of Babel; and that our states are on the point of separation, only to meet hereafter for the purpose of cutting one another's throats.

"Thus I consent, Sir, to this Constitution because I expect no better, and because I am not sure, that it is not the best. The opinions I have had of its errors, I sacrifice to the public good. I have never whispered a syllable of them abroad. Within these walls they were born, and here they shall die. If everyone of us in returning to our constituents were to report the objections he has had to it, and endeavor to gain partisans in support of them, we might prevent its being generally received, and thereby lose all the salutary effects and great advantages resulting naturally in our favor among foreign nations as well as among ourselves, from our real or apparent unanimity. Much of the strength and efficiency of any government in procuring and securing happiness to the people, depends, on opinion, on the general opinion of the goodness of the government, as well as of the wisdom and integrity of its governors.

"I hope therefore that for our own sakes as a part of the people, and for the sake of posterity, we shall act heartily and unanimously in recommending this Constitution (if approved by Congress and confirmed by the conventions) wherever our influence may extend, and turn our future thoughts and endeavors to the means of having it well administered.

"On the whole, Sir, I can not help expressing a wish that every member of the Convention who may still have objections to it, would with me, on this occasion doubt a little of his own infallibility, and to make manifest our unanimity, put his name to this instrument," said the Franklin address which was addressed to the presiding officer of the convention, George Washington.

When the Constitution was adopted and ratified it provided that the senators from each state would be elected by the legislatures of the several states. This was done within the framework of a compromise which expressed the belief that a sharp departure from the federal government representing states instead of people could bring about a defeat of the Constitution. Also, it was said that direct election on the entire Congress would be conferring too much freedom on the people at one time.

The practice of the selection of U.S. senators by the legislatures of the several states continued until the ratification of the 17th Amendment on May 31, 1913, which gave this power to the people themselves.

As the nation celebrates the 183d anniversary of the signing of the original Constitution, the Senate is debating an amendment which would abolish the Electoral College and provide for the direct election of the President by the voters.

As the debate got under way, a draft of a proposed new Constitution for the "United Republics of America," with six branches of government and a President limited to a single nine-year term was unveiled by Rexford Guy Tugwell, a member of the so-called "braintrust" in President Franklin D. Roosevelt's administration.

The Tugwell document, described as the 37th draft of a still unfinished project, appeared in the latest issue of the Center magazine, published in Santa Barbara, Calif., by the Center for the Study of Democratic Institutions.

The Tugwell proposal provides for popular election of the President, but it goes far beyond that in its redesign of the American government.

Among the changes recommended:

Abolition of existing states and substitution of no more than 20 "republics," each of which would have at least five per cent of the national population.

Create three additional branches of the national government—an electoral branch to administer elections and set regulations for political parties, a planning branch to develop long-term budgets and goals, and a regulatory branch, to coordinate the work of the administrative agencies.

Finance all political activity from a one per cent income tax surcharge and forbid personal expenditures by any candidate.

Give the President a single nine-year term, but provide for a new election if 60 per cent of the voters rejected his leadership after three years in office.

Create jobs for two vice presidents, elected on the same slate as the President, one to handle foreign, financial and military affairs and the other internal affairs. The President would assign the duties and determine which man would be his successor in the event of death.

Make the Senate an appointive body, with lifetime tenure, similar to the British House of Lords.

Elect members of the House for three-year terms, with 300 chosen from election districts and 100 elected by the nation-at-large.

Establish a National Watchkeeper, elected by the Senate, to oversee the "adequacy, competence and integrity of government agencies."

Have the Chief Justice (renamed the Principal Justice) nominated by other sitting judges, not the President, and give him an appointment for 12 years. During his term, he would appoint all lesser judges.

Require the high court, on a constitutional question, to "return to the House of Representatives statutes it cannot construe." Only if the House failed to resolve the question within 90 days could the court make its own judgment. The Senate could override decisions of the court.

Create a series of citizens' duties, paralleling the guarantees of individual rights carried over from the present Constitution. For example, the article guaranteeing freedom of expression, movement and communication says "the exercise of the rights may not diminish the rights of others or of the republic."

Abandon trial by jury.

The Tugwell plan fails to take into account one of the major problems prevalent in the nation—that is the strengthening of institutions of local government, which is closest to the people.

The Constitution which the Founding Fathers gave us reflected their fear of a powerful executive and their reliance on state government.

Since its adoption, the Constitution has been amended on several occasions. The very process of amendment makes it almost impossible to advance any proposal that is not part of the political consensus of the time.

This process of amendment stands in sharp contrast to the exercise in constitution-making brought forth by Tugwell and associates in California. The efforts can and will provide the basis for thought but the Tugwell constitution—born in the isolation of an academic laboratory—cannot begin to compare with the present Constitution as amended, which is the product of the cauldron of political contention.

CULEBRA

Mr. MANSFIELD. Mr. President, naval shelling of the small, inhabited island of Culebra, a municipality of the Commonwealth of Puerto Rico, presents this body with a grave responsibility. Many Senators have already concerned themselves with this problem.

The issue is simple. The Navy should cease conducting its training with live ordnance on or near this populated island. This is as much for the sake of the Navy as it is for the harassed residents of Culebra. I am advised that uninhabited sites are available which would permit superior, more realistic training. Furthermore, regardless of any safety records or precautions, the continued shelling of Culebra represents a risk of fatal accident to innocent civilians.

I am informed, moreover, that all Puerto Rico feels very strongly that the Navy should cease its firing on Culebra and its nearby keys. This fact alone is a very compelling argument, since our warm and special relations with the Commonwealth are involved. And, beyond this, our image in Latin America as a whole is also involved. Considerable damage could be suffered by this country and by the Navy if an accident should now occur after this issue has been thoroughly aired here and abroad.

The Senate has been stirred by the situation of the Culebrans, and it is time for the Navy to respond. I am aware that the Senator from Washington (Mr. JACKSON) is attempting to persuade the Navy to do so. I am hopeful that his efforts in committee will succeed. But, I wish to make it clear that if no satisfactory solution is reached before the Military Construction Authorization Act comes to a vote, I shall support the Goodell-Cranston amendment to cut off further funding for this continued shelling.

SCHOOL PRAYER AMENDMENT

Mr. SCOTT. Mr. President, I was delighted recently to announce that the constitutional amendment I introduced to permit voluntary prayer in public schools is now cosponsored by a total of 25 U.S. Senators. On the basis of this overwhelming ground swell of support evidenced by these cosponsorships, I have again asked the Senator from Indiana

(Mr. BAYH), chairman of the Judiciary Subcommittee on Constitutional Amendments, to conduct hearings this year on this most important legislation.

The people of my Commonwealth of Pennsylvania have been especially outspoken on this issue. They have petitioned the courts for years, and, despite setbacks there, have in some communities recently reinstituted voluntary prayer. In at least one school, the exercise centers on the daily prayer from the CONGRESSIONAL RECORD, a reminder of the fact that we, as national leaders in Congress, begin each daily session with the opportunity for prayer. It is this same opportunity for prayer which my resolution would make available to others, particularly to the Nation's schoolchildren, who otherwise are denied a privilege we in Congress take for granted.

I point with pride to two specific examples of the support that this legislation has. Over 400 residents of Butler County came forth to sign petitions in support of my amendment at the Butler County Fair. At the Westmoreland County Fair, over 700 persons came forward to evidence their support.

I believe in the separation of church and state. I do not believe in the separation of children from the opportunity for prayer or meditation. I believe that public hearings, including attention to the voluntary nature of this amendment, could do much finally to resolve this question, and I again urge hearings for this purpose.

SENATOR BENNETT ANSWERS AMERICAN HOSPITAL ASSOCIATION OBJECTIONS TO PROFESSIONAL STANDARDS REVIEW ORGANIZATION PROPOSAL

Mr. WILLIAMS of Delaware. Mr. President, the distinguished Senator from Utah (Mr. BENNETT) is necessarily absent from the Senate today because of a death in the family. In his absence, Senator BENNETT has asked me to place in the CONGRESSIONAL RECORD his statement responding to the American Hospital Association's objections to Senator BENNETT's proposal establishing a Professional Standards Review Organization which is currently undergoing hearings in the Senate Finance Committee.

I ask unanimous consent that Senator BENNETT's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR BENNETT

Mr. BENNETT. Mr. President, on August 20, I submitted an amendment to H.R. 17550, designed to establish professional mechanisms for the review of hospital, medical and other types of health care covered under the Medicare and Medicaid programs.

The amendment would establish Professional Standards Review Organizations of proper size (probably a minimum of 300 physicians) and competence to assure that Medicare and Medicaid pay only for medically-necessary services provided in accordance with professional standards and that physicians are encouraged to use, where appropriate, less costly alternative sites and modes of treatment.

I describe the amendment in detail in my remarks on August 20 when it was submitted, and included in the Record the text of the amendment, as well as a section-by-section summary of its provisions. I urge Senators to review the Record for that day and see the amendment from my perspective. It is an important amendment. It offers a means of controlling Medicare and Medicaid costs by placing physicians in command of substantially all utilization review functions.

This seems entirely appropriate to me, inasmuch as it is the physician who orders or provides virtually all health care services rendered to the ill and infirm. He is the one best able to review the health services ordered by other physicians, and he is the one most qualified to determine when services, such as hospital stays, are no longer needed, or which services can be provided equally as well on an out-patient basis at lower cost.

Utilization review today—as carried on largely by hospitals—is a dismal failure. Hearings before the Committee on Finance and its Subcommittee on Medicare and Medicaid attest to its failure. The report of the staff of the Committee on Finance on the Medicare and Medicaid program chronicles the failings of utilization review as it has developed in the hospitals. Let me quote from the staff report:

"The detailed information which the staff has collected and developed indicates clearly that the utilization review requirements have, generally speaking, been of a token nature and ineffective as a curb to unnecessary use of institutional care and services. Utilization review in medicare can be characterized as more form than substance. The present situation has ben aptly described by a State medical society in these words: 'Where hospital beds are in short supply, utilization review is fully effective. Where there is no pressure on the hospital beds, utilization review is less intense and often token.' "

At another point, the staff report notes a Health, Education and Welfare survey which shows that in 1968, ten percent of hospitals surveyed were not conducting a review of extended stay cases and that 47 percent were not reviewing any admissions. I ask unanimous consent that the full excerpt to which I refer be printed at this point in the record.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

UTILIZATION REVIEW PLANS LARGELY IGNORED BY INSTITUTIONS

The requirement for a utilization review mechanism is one of several which a hospital or extended care facility must meet in order to be eligible to participate in the medicare program. Each institution must have a written utilization review plan and copies of that plan are required to be maintained by the State health agencies (which perform certification functions for the program) and by the intermediaries. But whether the terms of the plan are a-tually being carried out is quite another matter and that is the test the law requires to be met. In actual fact, many State health agencies (and intermediaries) know that utilization review plans are not being followed, but they take no action to remove certification or to require that the plan be properly implemented. Based on a sample of hospitals taken in the middle of 1968, the Social Security Administration found:

1. 10 percent of the hospitals not conducting a review of extended stay cases.

2. 47 percent of hospitals were not reviewing any admissions (a basic statutory requirement).

3. 42 percent of hospitals did not even maintain an abstract of the medical record or other summary form which could provide a basis for evaluating utilization by diagnosis or other common factor.

In one State, the health agency conducted a detailed program review in November 1968. Their findings were that half of the hospitals and all of the extended care facilities failed to perform any sample reviews of cases which were not in the long-stay category (a statutory requirement).

Only recently did the Social Security Administration conduct a nationwide sample study of utilization review plans in extended care facilities. The results are not yet complete, but indications are that failure to comply with the statutory utilization review requirements will be found on an even greater scale in ECF's than the demonstrated poor compliance in hospitals.

The long delay by the Social Security Administration in seeking to determine the extent of compliance and application of these vital provisions of the law may very well be a prime factor in the much-higher-than anticipated utilization of ever-more-costly institutional care and services.

The staff recommends that the Social Security Administration and State health agencies increase their educational and enforcement efforts to assure that hospitals and extended care facilities have operating and effective utilization review plans. Combined with a tightening of the regulations related to utilization review plans such activity should help reduce the case-load and lower the costs of the program, consistent with congressional objectives established in the original law.

Mr. BENNETT. Mr. President, utilization review is a statutory requirement for institutions participating in the medicare program, and the widespread laxity among institutions in setting up effective utilization review procedures has contributed mightily to the financial crisis facing Medicare today. The Committee on Finance was advised by the Department of Health, Education and Welfare that Medicare is confronted with a $216 billion actuarial deficit. Much of this deficit could have been avoided if utilization review had been vigorously pursued from the beginning. Unfortunately, it was not.

It is my belief that organized medicine can give Medicare more effective review than it has received up to now, enabling this major health program to more efficiently meet its commitment to the aged citizens of America. I think we owe our taxpayers—who, after all, must bear the bulk of Medicare costs—the responsibility of seeing that the program delivers the highest quality care we can provide, but that it does so in an atmosphere where excessive services—such as overlong hospital stays—and unneeded services are weeded out and not paid for by the program.

Against this background, I believe it is most unfortunate that the American Hospital Association has directed a letter-writing campaign to defeat my amendment. In a letter addressed to the chiefs of staff of member hospitals, the Association presents a distorted appraisal of my amendment.

But this is not the first time it has misinformed its members—although I am certain no misrepresentation was intended—about amendments in the Senate Finance Committee. I recall very well, and I am sure other Senators will also, the charge they led in 1967 to upset a health facility planning amendment in the Social Security bill of that year which the Committee had just agreed to. They misread the amendment, and therefore failed to note that we had so modified it that they no longer had real cause for alarm.

We retained that amendment in the Senate, despite their opposition, but we lost it in the conference because of their opposition. I recall this bit of history simply to note that the Social Security bill passed by the House this year contains the same sort of planning amendment the Senate passed in 1967—with one big difference: This year the Hospital Association indicated general support of the provision. I feel confident that the hospitals

would have supported the Senate version in 1967 if they had been fully—and fairly—informed about it.

Similarly, I believe if they were fully and fairly informed about my Professional Standards Review Organization amendment, they would find little cause for alarm. Patients who need hospitalization will get it under my amendemnt just as surely as they get it today. But hospitals no longer would be permitted to bill Medicare for patients who do not need hospitalization, or for patients who safely may be discharged from the hospital sooner than they leave today. That, along with assuring proper care, is the purpose of utilization review. Yet, today it functions only spasmodically and sporadically; and in some instances, appears to place the financial interests of medical care institutions above the interests of the taxpayers who support the program and the aged patients hospitalized under it by keeping their otherwise empty beds filled—at Medicare expense.

The American Hospital Association appears bent on defeating my amendment. In the following paragraphs, I shall explore the arguments they make against my amendment and show how they have misunderstood its provisions. But first, I want to comment on the last paragraph of their letter directed to their member hospitals. It reads:

"We hope we can defeat this legislation if you express your views to the Senate Finance Committee. But if we do, we must take this opportunity to make sure our own voluntary utilization review mechanisms work! Let's be sure we are giving our patients optimal quality care, neither over-utilizing nor under-utilizing our facilities, voluntarily keeping our pricing mechanisms under control, using less expensive out-patient, ambulatory, or home care programs whenever possible. In this way, we will be sure that we give our patients more for their health dollar!"

I applaud this expression of concern over the very problem with which my amendment is concerned. But it is four years too late, and the shortcomings of utilization review as we have it today, generally speaking, are too ingrained in the system to expect significant improvements without basic and comprehensive changes in the review structure. It reminds me of the title of that famous Broadway play: "Promises, Promises."

Now I turn to my analysis of the Hospital Association criticisms.

Argument: They agree with the concept of peer review and concede that only physicians can review medical services. However, they say that such review must take place in the hospital by the medical staff.

Answer: Review solely within the hospital is generally inadequate. This sort of review has largely been a failure in the past, as hospital utilization review committes appear reluctant either to antagonize fellow staff members (who often refer and consult with each other) or to reduce the hospital's bed census. Secondly, institutional utilization review committes are usually too small to make efficient use of computer profiles, and other aids to the review process. Thirdly, and perhaps most important, only one aspect of medical care is reviewed. Hospital utilization review committees, which may meet as infrequently as once a month, do not provide a logical nor comprehensive focus for the continuing review of total patient care—physicians' office services, skilled nursing home care, drugs, physical therapy, and so forth. The top operating official of the American Hospital Association, Dr. Edward L. Crosby, also recognized these problems. In the October, 1969, issue of *Hospital Progress* he states: "Personally, I don't think utilization review has ever worked."

The amendment provides for comprehensive locally-based review of all medical services provided under the Medicare and Medicaid programs, as opposed to current review activities which are fragmented and uncoordinated. The amendment would free reviewers from the institutional pressures which currently restrict their activities.

Argument: The amendment removes quality control and utilization review functions from the hospital staff.

Answer: The amendment most emphatically does not do this. Hospitals would continue to be able to establish quality or utilization control mechanisms which they believe lead to improved patient care (both Medicare and non-Medicare) within their institutions.

The amendment calls for the establishment of a comprehensive review system to review all of the health care services—not just hospital care—provided in a geographic area to assure that Medicare and Medicaid funds are properly expended.

The amendment simply and logically provides that in an area where a PSRO is functioning effectively, the Secretary may waive any present requirements in law or regulations imposed upon hospitals for utilization review as it relates to Medicare and Medicaid patients. It frees the hospitals to carry out their quality and other utilization review activities in whatever fashion is best suited to particular institutions without Medicare pushing and pressuring.

Argument: The amendment sets up a "control mechanism" which excludes the practicing physician and other providers from the control process.

Answer: This statement is difficult to understand, as the entire thrust of the amendment is to place review responsibilities in the hands of practicing physicians at the local level rather than leaving those responsibilities with intermediaries, carriers, and the government.

Argument: The amendment requires the maintenance of patient care profiles and ongoing review of physicians and institutions, and this would require a duplication of all physicians' and hospitals' medical records.

Answer: The profiles called for in the amendment can easily be constructed and have already been constructed in many areas of the country, using the claims data which the carriers and intermediaries must maintain and utilize in the present claims payment process.

Part B Intermediary letter number 70–5 issued by the Social Security Administration in February 1970 directed all carriers to establish charge and service profiles for each physician. No additional duplication of hospitals' or physicians' records would be necessary under the amendment.

Argument: The amendment requires approval, in advance, from the Professor Standards Review Organization before a doctor "can admit any patient to the hospital, except in an emergency."

Answer: The physician's privilege of admitting patients to a hospital is absolutely not affected by the amendment. His admission privileges will continue to be governed solely by the limitation presently imposed upon him by the organized medical staff of his hospital. The amendment simply provides that a proposed hospital admission, if disapproved by the Professional Standards Review Organization in advance will not be *payable* under Medicare or Medicaid. Thus, the doctor can still admit his patient—but he, the patient and the hospital would have to look beyond Medicaid for payment. This is similar to the present practice of Blue Cross-Blue Shield and private health insurance with one important improvement. Instead of care being provided and then having payment denied, under the Bennett Amendment, everyone will know where they stand in advance, rather than after the fact. If a Professional Standards Review Organization does not disapprove otherwise covered hospital care in advance, that care would be paid for until such time as the Professional Standards Review Organization acted.

Argument: The amendment gives physicians, through the Professional Standards Review Organizations authority to inspect hospital records and facilities.

Answer: Government already has and exercises the authority to inspect hospital records and facilities through conditions of participation and through State and local health departments.

Argument: The amendment is in effect government control of medical practice with the county medical society and other physician organizations acting as the government's agent.

Answer: The entire point of the amendment seems, again, to have been missed. The amendment was developed on the premise that the government cannot and should not control medical practice where there are effective local professional alternatives. The amendment clearly places responsibility for the review of medical practice in the hands of local practicing physicians wherever possible. The arguments of the Hospital Association seems to be against the ability and capacity of the local physicians to review medical practice. The amendment is an expression of faith that properly qualified and motivated physicians can and will do what is so desperately required in the Medicare and Medicaid programs. Where that is not the case, the amendment provides for alternative review mechanisms to be established.

Argument: The amendment will cost more than any potential savings.

Answer: This argument bears little relationship to reality. Authoritative estimates of overutilization of hospital care alone in this country range from 15 percent to 35 percent. That is to say that 15 percent to 35 percent of hospital days represent hospital care which is avoidable or not medically necessary.

These estimates have been given in testimony by medical organizations such as the Sacramento and San Joaquin Medical Foundations, and by individual physicians such as Dr. Amos Johnson, past President of the American Academy of General Practice. Dr. Angelo Angelides of the Association for Hospital Medical Education stated that "30 percent to 35 percent of the patients in acute short-term general hospitals do not need to be in this type of costly facility."

Mr. Walter McNerney, President of the Blue Cross Association, and a member of the Medicare Advisory Council, agreed at a meeting of that Council that where bed space is available, patients are admitted to hospitals for rest rather than medical care.

With payments for hospital care amounting to about one-half of the government's $15 billion Medicare and Medicaid costs, potential savings from proper professional control of hospital overutilization are readily apparent.

Argument: The amendment ". . . affronts the integrity of the practicing physician" by creating a review process.

Answer: On the contrary the amendment is based upon a firm respect for the integrity of the practicing physicians. The thrust of the amendment is that physicians as members of a profession can and should be responsible for the care they order and render. The amendment represents a forthright move away from using outside agencies such as insurance companies to review physicians' practice in favor of using practicing physicians who have hospital staff privileges to review care in other hospitals.

Argument: The amendment is "regressive" as it assumes perpetuation of "episodic" treatment rather than encouraging "preventive" treatment.

Answer: The amendment most assuredly does not emphasize episodic treatment over preventive care.

The amendment calls for physicians to review care on the basis of whether the care is "medically necessary" and whether the quality of the care meets professionally recognized standards.

Appropriate preventive care and treatment is not only medically necessary, but such care is an integral part of high quality care. Under the amendment it would be provided without question just as it is today.

"Medically unnecessary" care refers *not* to preventive care, but to unnecessary care such as unneeded surgery and needless extensions of hospital stays—the payment for which should not be a charge to Medicare—or for hospital care where services could and should have been provided on an outpatient basis. Under the amendment this outpatient care, much of which is presently covered by Medicare, would be provided and its cost would remain reimbursable.

In an upcoming article on the Bennett Amendment in the October issue of *Hospital Practice,* this conclusion is reached: "The Bennett proposal represents a gamble, or a series of political, economic, and professional gambles. The Senator says he is open to suggestions for improving his proposal. His invitation to scoffers in the midst of the Medicare-Medicaid costs crisis is direct: Put up or shut up."

SHOES—TEXTILES—NOT OIL

Mr. McINTYRE. Mr. President, last Friday afternoon the distinguished Senator from South Carolina (Mr. HOLLINGS) submitted amendments to both the family assistance bill and the social security bill. The content of each amendment was the proposed Foreign Trade Act of 1970, in the form in which that bill was reported by the House Ways and Means Committee.

I commend the Senator from South Carolina for this step, which is directed at assuring the Senate of the opportunity to vote in this session of Congress on this bill which is of such great importance to the workers of the shoe and textile industry.

However, I would like to make clear at the outset my opposition to one section of this amendment. I refer to the section which would forbid the President of the United States from carrying out, if he chose to do so, the recommendations of the Cabinet Task Force on Oil Import Control.

This one provision of the trade bill will lock into place the present system of controlling the flow of oil to homeowners and businesses in the United States of fuel to heat their homes and run their businesses. It directly affects every single one of my constituents.

I intend to support that part of the amendment of the Senator from South Carolina that would help the shoe and textile workers and their families and the communities in which they work. I do, however, want the record to be clear and unequivocal that I plan to continue my opposition to the provision which freezes the present unsatisfactory oil import program into its existing form.

THE LEAGUE OF WOMEN VOTERS, THE CHAMBER OF COMMERCE, THE ABA, AND THE AFL-CIO—DO THEY PRACTICE WHAT THEY PREACH?

Mr. ERVIN. Mr. President, the League of Women Voters has been one of the outspoken supporters of Senate Joint Resolution 1, the direct election of the President amendment. Thus, it was no surprise when I read in the New York Times of Friday, September 18, that the president of the League of Women Voters, Mrs. Lucy Wilson Benson, had described herself as "dismayed" by the Senators' refusal to shut off debate. Mrs. Benson continued:

> A small group of Senators has effectively blocked a measure that reaffirms the power and the value of each individual's vote.

Frankly, I am dismayed by any efforts to gag the Senate after only a week and a half of debate on a proposed constitutional amendment which could have the most far-reaching consequences for our system of Government. Numerous constitutional experts have testified that the results of Senate Joint Resolution 1 on our political stability cannot be predicted, and most reasonable people, even many of those who support Senate Joint Resolution 1 feel that it should be thoroughly debated.

Beyond the obvious inequities in gagging intelligent discussion of a far-reaching constitutional amendment, I think we should look at the League of Women Voters as an organization to see how they have decided to elect their president. In article IX of the League of Women bylaws, it states very clearly that "the convention shall elect officers and directors." Article IX states further that the convention shall be made up of delegates from the local league chapters with each delegate representing 100 voting members. Article VII defines one of the officers as being that of the president.

Mr. President, I ask unanimous consent that articles IX and VII of the bylaws of the League of Women Voters be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

BYLAWS OF LEAGUE OF WOMEN VOTERS

ARTICLE VII: OFFICERS

Sec. 1. Enumeration and Election of Officers. The officers of the League of Women Voters of the United States shall be a President, a first Vice-President, a second Vice-President, a Secretary, and a Treasurer. These officers shall be elected by the Convention and shall hold office until the close of the next regular biennial Convention or until their successors have been elected and qualified.

Sec. 2. The President. The President shall preside at all meetings of the organization and of the Board of Directors unless she shall designate some one to preside in her stead. She may, in the absence or disability of the Treasurer, sign or endorse checks, drafts and notes. She shall be, ex officio, a member of all committees except the nominating committee. She shall have such usual powers of supervision and management as may pertain to the office of the President and perform such other duties as may be designated by the Board.

Sec. 3. The Vice-Presidents. The two Vice-Presidents, in the order of their rank, shall, in the event of absence, disability, resignation, or death of the President, possess all the powers and perform all the duties of that office. In the event that neither Vice-President is able to serve in this capacity the Board of Directors shall elect one of its elected members to fill the vacancy. The Vice-Presidents shall perform such other duties as the President and Board may designate.

ARTICLE IX: CONVENTION

Sec. 1. Place, Date, and Call. A Convention of the League of Women Voters of the United States shall be held biennially at a time and place determined by the Board of Directors. The President shall send a first call for the Convention to the presidents of local and state Leagues at least eight months prior to the opening date of the Convention fixed in such call. Thereafter the Board of Directors may advance or postpone the opening date of the Convention by not more than two weeks. A final call for the Convention shall be sent by the President to the presidents of local and state Leagues.

Sec. 2. Composition. The Convention shall consist of: (a) the delegates chosen by the members through the local Leagues in the number provided in Section 4 of this Article; (b) three delegates chosen by the board of each state League; and (c) the members of the Board of Directors of the League of Women Voters of the United States.

Sec. 3. Qualifications of Delegates; Voting Procedures. Each delegate shall be a voting member of the League of Women Voters of the United States. Each delegate shall be entitled to one vote only at the Convention even though the delegate may be attending in two or more capacities. Absentee or proxy voting shall not be permitted. The Convention shall be the sole judge of whether a delegate is qualified to vote.

Sec. 4. Representation. The members of the League of Women Voters of the United States who are organized into local Leagues shall be entitled to voting representation in the Convention as follows: The members in each local League shall be entitled to one delegate who shall be chosen by the members through the local League; the members in each local League having more than 100 voting members shall be entitled to one additional delegate for each additional 100 voting members or major fraction (50 or more) thereof. The records in the national office of paid voting members on January 1 of the year in which the Convention is held shall determine the official membership count for this purpose.

Sec. 5. Powers. The Convention shall consider and authorize for action a Program, shall elect officers and directors, shall adopt a budget for the ensuing year, and shall transact such other business as may be presented.

Sec. 6. Quorum. One hundred voting delegates, other than the Board of Directors, shall constitute a quorum for the transaction of business at the Convention, provided that the delegates are enrolled in local Leagues from at least ten states.

Mr. ERVIN. Mr. President, I certainly have no quarrel with the way the League of Women Voters elect their president. As a matter of fact, I feel that they have decided on the most effective way to run a large organization. I believe that their method of electing delegates at the local level, which is in effect a unit rule vote, is the most effective way to govern fine large organizations such as the League of Women Voters.

However, I see a glimmer of an inconsistency in the position of the league's president when she thoroughly chastises the Senate for blocking measures which "reaffirm the power and value of each individual's vote," and yet, she is not willing to have the presidency of her own organization subjected to the harsh, unwieldy realities of one-man, one-vote. In short, Mrs. Benson was elected by a type of electoral college with a unit rule in effect.

While I am on this subject, Mr. President, a Washington Post editorial of Friday, September 18, has stated that so

many fine organizations support direct elections that the Senate should stop debate and pass the measure. The distinguished Senator from Indiana (Mr. BAYH) has stated time and time again that many fine organizations support direct election. Let us take a look at those organizations.

The Senator from Indiana has made a great deal of the support of direct election by the U.S. Chamber of Commerce. That outstanding organization, which certainly provides a great service to the country, elects its president in a way which I feel surely serves the best interest of a large organization. The procedure goes like this: The president of the chamber of commerce is elected under article VIII of its bylaws by a majority vote of the board of directors of the chamber of commerce. Under article X, section 3 only 20 members of the board constitute a quorum. Under article XI of the bylaws of the chamber of commerce, it appears under section 1 that "each year 25 directors shall be selected by the board of directors for terms of 2 years." Thus, it appears that in the chamber of commerce the board of directors which elects itself elects its president. I ask unanimous consent that article VIII and article XI of the bylaws of the chamber of commerce be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

BYLAWS OF THE CHAMBER OF COMMERCE

ARTICLE VIII: OFFICERS

Section 1. The elective officers of this Chamber shall be a President, a Chairman of the Board of Directors, a Chairman of the Executive Committee, one Vice President to represent each Division of the Chamber, and a Treasurer. These officers shall be elected annually by the Board of Directors at a regular meeting held not less than 30 days prior to the annual meeting. Election shall be by ballot and a majority of the votes cast shall elect.

Each elective officer shall take office at the last session of the Board held during the annual meeting following his election and shall serve for a term of one year, and until his successor is duly elected and qualified. If the annual meeting should be postponed or cancelled the Board shall specify the date, not later than 60 days following the date of election, upon which newly elected officers shall take office.

No President, Chairman of the Board of Directors, or Chairman of the Executive Committee shall serve for more than one term of office; and no Vice President shall serve for more than three consecutive terms of office. No officer who has served the maximum terms allowed above shall serve more than 90 days additional while awaiting the election of his successor. For the purposes of this section, a portion of a term shall be considered a full term.

ARTICLE XI: ELECTION OF DIRECTORS

Section 1. Each year twenty-five Directors shall be elected by the Board of Directors, for terms of two years.

Of the Directors elected each year; one shall be elected from each election district.

Section 2. Directors shall be elected at a regular meeting of the Board held not less than 30 days prior to the annual meeting, unless the Board shall otherwise provide.

Section 3. To be eligible for service as a Director a person must be a Business or Professional Member of the Chamber in good standing, or an officer or employee of a Business or Professional Member in good standing.

Section 4. No person shall serve as a Director for more than three consecutive terms of office and in this connection a portion of a term shall be considered a full term.

Section 5. The election districts, the number and boundaries of which shall be changed only by a two-thirds vote of the Board of Directors, shall be as follows:

District I. Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, Puerto Rico, Virgin Islands.

District II. New York, New Jersey, Pennsylvania, Delaware.

District III. Maryland, District of Columbia, Virginia, West Virginia, North Carolina, South Carolina.

District IV. Georgia, Florida, Alabama, Mississippi, Tennessee.

District V. Kentucky, Ohio, Indiana, Michigan.

District VI. Illinois, Wisconsin, Iowa.

District VII. Missouri, Kansas, Arkansas, Oklahoma, Texas, Louisiana.

District VIII. Minnesota, North Dakota, South Dakota, Nebraska.

District IX. Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Idaho, Nevada.

District X. Washington, Oregon, California, Alaska, Hawaii, Guam.

Mr. ERVIN. I submit, Mr. President, that the chamber of commerce is such a finely run organization that this method of electing a president must be serving its purpose well. Contrary to what the Senator from Indiana says, I believe that we should look to the practices of the shrewd businessmen who make up the governing body of the chamber of commerce rather than to what they say. I think their practices rather than their preachings tell us that the direct election of the president of their organization would cause so much fractionalism and splintering that it would not be a governable and viable organization. Actually, the chamber's method for electing a president is far more oblivious to the wishes of the majority of its members than the unit rule method of our present electoral college method.

No one need ask where the American Bar Association stands on this issue. A recent editorial in the American Bar Association Journal stated that the passage of the direct-election amendment should have its organization's No. 1 priority. Now I have been a member of the American Bar Association for many years, but no one ever asked me how I felt on this matter. There was certainly no direct election by the members of the bar association to find out if we supported direct election. In March of this year, an American Bar Association editorial stated that direct election was "the first and most immediate and demanding objective of our association's efforts."

Turning now to the constitution and bylaws of the American Bar Association, under article VIII, section 1, the president "shall be elected by the house of delegates at each annual meeting by a majority vote of those present." Under section 3 of article VI of the constitution of the ABA, it shows that the house of delegates is composed primarily of State delegates. Of course, there are other members also. Under section 5 of article VI, it provides that State delegates shall be elected by the members of the American Bar Association within each State. It is obvious, Mr. President, that it is almost as close as we can come to an election setup analogous to our electoral college. At this point, I ask unanimous consent that article VIII, section 1; article VI, sections 3, 4, 5, and 6 be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

CONSTITUTION AND BYLAWS OF AMERICAN BAR ASSOCIATION

ARTICLE VIII: OFFICERS OF THE ASSOCIATION

SECTION 1. *President, President-Elect, Secretary and Treasurer.* The following officers shall be elected by the House of Delegates at each annual meeting by a majority vote of those present and voting, and shall serve for the year beginning with the adjournment of the annual meeting at which they are elected and ending with the adjournment of the next annual meeting:

A President-Elect who shall become President of the Association upon the adjournment of the next succeeding annual meeting; and shall not thereafter be eligible for the office of President; A Secretary; and A Treasurer.

CONSTITUTION ART. VI, SEC. 1—ARTICLE VI: THE HOUSE OF DELEGATES

SECTION 3. *Membership of House of Delegates.* The House of Delegates shall be composed of the following:

The State Delegates, one from each State, chosen as hereinafter provided;

The State Bar Association Delegates, chosen as hereinafter provided;

Such Local Bar Association Delegates as may be chosen by and from Local Bar Associations as hereinafter provided;

Fifteen Delegates chosen by the Assembly;

The Delegates of such membership organizations of the legal profession as may be admitted to affiliation pursuant to Section 8 of this Article;

The President of the National Conference of Commissioners on Uniform State Laws;

The Chairman of the National Conference of Judicial Councils;

The President of the Association of American Law Schools;

The Attorney-General of the United States;

The Deputy Attorney-General of the United States;

The Director of the Administrative Office of the United States Courts;

The Solicitor-General of the United States;

The President of the National Association of Attorneys-General;

The Delegates representing the respective Sections of the Association;

Two delegates representing the Law Student Division of the American Bar Association;

The Chairman of the Conference of Chief Justices;

The members of the Board of Governors;

Former elected members of the Board of Governors for the two years immediately following the completion by each of the term for which elected.

Former Presidents of the American Bar Association, former Chairmen of the House of Delegates, and also former Secretaries and Treasurers of the Association with four years or more of service in such capacity, who have registered in attendance at a meeting of the Association or House of Delegates, the membership of such former officers becoming effective upon registration and continuing until the opening of the next meeting of the House of Delegates. No person, except delegates from the Law Student Division of the Association, shall be eligible to be a member of the House of Delegates in any capacity, who is not a member of the American Bar Association in good standing.

SECTION 4. *State Delegates.* There shall be one State Delegate in each State. Each State

Delegate shall be the Chairman of the delegate group from his State in the House of Delegates.

SECTION 5. *Nomination and Election of State Delegates.* Not less than one hundred and fifty days before the opening of the annual meeting in each year, twenty-five or more members of the Association in good standing and accredited to a State from which a State Delegate is to be elected in that year, may file with the Board of Elections, constituted as hereinafter provided, a signed petition (which may be in parts), nominating a candidate for the office of State Delegate for and from such State. The Board of Elections shall thereupon cause the name of each nominee, and the names of the signers of his nominating petition, not exceeding a total of twenty-five such names, to be published in the next issue of the AMERICAN BAR ASSOCIATION JOURNAL. Not less than one hundred and twenty days before the opening of the annual meeting in such year the Board of Elections shall cause appropriate ballots to be prepared for the election of such State Delegates, bearing the names of the nominees, if any, for the office of State Delegate from a State and a space for personal choice; and shall cause a ballot to be mailed to each member of the Association in good standing in such State, with a request that such ballot, duly marked, punched or otherwise completed in accordance with the rules and regulations of the Board of Elections, be mailed or delivered to the Board of Elections not later than a date to be fixed by the Board of Elections. Said date shall be not later than sixty days before the opening of the annual meeting in such year, on which date the Board of Elections shall declare the polls for the election of such State Delegate duly closed, and shall supervise the counting and tabulation of the ballots and determine, announce and publish the results of such election, and shall certify the same to the House of Delegates.

The term of each State Delegate shall begin with the adjournment of the annual meeting following his election and shall end with the adjournment of the third annual meeting thereafter.

If a State Delegate shall fail to register at any meeting of the House of Delegates by 5 o'clock P.M. on the opening day thereof the office of such State Delegate shall be deemed to be vacant during that particular meeting, and the State Bar Association delegate from that state with the greatest length of continuous service in the House of Delegates of the American Bar Association (or if there be two or more present with equal length of service, one of them selected by lot by the Chairman of the House of Delegates) shall serve as interim successor for that particular meeting; but if such state Delegate shall fail to register by 5 o'clock P.M. on the opening day of the next session of the House of Delegates then his office shall be declared to be vacant. In case there shall exist any vacancy in the office of State Delegate, other than an interim vacancy for one particular meeting, the State Bar Association Delegate from that state with the greatest length of continuous service in the House of Delegates of the American Bar Association (or if there be two or more present with equal length of service, one of them selected by lot by the Chairman of the House of Delegates) shall serve as State Delegate from that state for the unexpired term, if one year or less, or, if for more than one year, until the vacancy shall be filled by nomination and election as hereinabove provided; and the said Chairman, immediately upon learning of any such vacancy, shall be charged with the duty of carrying this provision into effect. In any case, when a vacancy shall have been filled by nomination and election as hereinabove provided, the nominated and elected successor shall serve for the unexpired term. In all elections a plurality of the votes cast shall elect. In case of a tie vote, the Board of Elections shall determine the choice by lot. One year, as used in this section, shall mean from the opening of one annual meeting until the adjournment of the next succeeding annual meeting. Whenever the State Bar Association Delegate with the greatest length of continous service in the House of Delegates (or, if there be two or more present with equal length of service, one of them selected by lot by the Chairman of the House of Delegates) shall, as provided herein, serve for any interim term as State Delegate, said Bar Delegate shall not lose his status as Bar Delegate but shall revert to any unexpired term as State Bar Delegate or to any new term for which he has been designated whenever the interim service terminates as hereinbefore provided; however, the State Bar Association may, for the period during which the Bar Delegate is serving as State Delegate, certify an interim State Bar Delegate to serve during such period with all the privileges of any other State Bar Delegate, except that the period of service of such interim State Bar Delegate shall not be considered in computing the length of continuous service in the House of Delegates.

SECTION 6. *Selection of State Bar and Local Bar Association Delegates.* Each State Bar Association shall be entitled to at least one delegate in the House of Delegates. State Bar Associations in States which have in excess of two thousand lawyers shall be entitled to one additional delegate for each additional twelve hundred and fifty lawyers above such two thousand; *provided, however,* that no State Bar Association shall be entitled to more than five delegates. Any local association having one thousand or more members in good standing, thirty percent or not less than 2,000 of whom are members of the American Bar Association, whichever is less, shall be entitled to one delegate; provided that the activities of such local association are not limited or related principally, to social or library activities or to a specialized field of law, and that such association is comprised predominantly of members of the Bar who reside or have an office within a single city, county, or other political subdivision within a State. When a State Bar Association is entitled to additional delegates, the number of such additional State Bar Association delegates shall be reduced by the number of delegates elected by local bar associations within such State; *provided, however,* that such reduction shall not reduce the number of delegates to less than two State Bar Association delegates, where the State Bar Association is entitled to five delegates. Each state and local bar association delegate shall be chosen in such manner as such association shall determine. The terms of such delegates shall be for two years ending at the adjournment of the annual meeting in even numbered years. Any local association represented in the House of Delegates prior to the 1957 annual meeting which continues to have thirty percent of its members who are members of the American Bar Association shall continue to be entitled to a delegate. In the event of the resignation, disqualification or death of any such delegate, the association which he represents may select and certify a successor to serve for the balance of his unexpired term. Each state and local bar association shall certify to the House of Delegates the names and addresses of the delegate or delegates elected for that Association. The number of members in good standing of the local bar association and of the American Bar Association shall be taken as of the thirty-first day of December next preceding the selection of such Delegates. The term "State Bar Association" shall be deemed to include the Bar organization of a State, whether its Bar be integrated or voluntary; *provided* that if, as to any State, the question shall arise as to which State Bar Association may select Delegates, the question shall be determined by the House of Delegates.

Mr. ERVIN. Mr. President, it is very obvious that the American Bar Association feels that the best way to run its organization is to have delegates from each State select a representative to represent its thousands of members at the national level. In fact, each State is entitled to one delegate for every 2,000 lawyers within the State plus an additional delegate for every additional 1,250 lawyers within the State. But no State association is entitled to more than five delegates.

Thus, we see once again how a large organization has attempted to keep its compromises and its fights and its fractionalisms to a minimum by having them fought out at a local level. This is exactly what our electoral college does. It has been an instrument of stability in this Nation because compromises are worked out at the local level before our President is voted on. If the American Bar Association elected its president directly, it would be split by a host of splinter candidates and extremists demanding equal time for their views. This is the same thing that would happen if the United States adopts direct election of the President. I can only ask this question: Why will not the American Bar Association support the same sound practices for the election of our President and the maintenance of our governmental stability that it supports for the election of its president and the maintenance of its organizational stability?

Senator BAYH also has cited time and time again that the AFL–CIO's support of direct election is a reason for prompt passage of this measure. It is very interesting to notice how that fine, well-run organization elects the leader to represent the thousands and thousands of its members. Section 3 of article V of the AFL–CIO constitution states that the president shall be elected by the convention, by written ballot, with each affiliate having the number of votes to which it is entitled on a rollcall vote, as provided in article IV. Article IV, section IV, of the AFL–CIO constitution establishes the following scale to determine the number of delegates to which each union is entitled. Generally, each union is entitled to one delegate for each 4,000 members.

Mr. President, I ask unanimous consent that sections 1, 2, and 3 of article V and sections 1, 2, 3, and 4 of article IV of the AFL–CIO constitution be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

BYLAWS OF AFL–CIO CONSTITUTION

ARTICLE V: OFFICERS

Section 1. The officers shall consist of a President and a Secretary-Treasurer, who shall be the Executive Officers, and 33 Vice Presidents.

Sec. 2. Each officer shall be a member of an affiliated organization.

Sec. 3. The officers shall be elected by the convention, by written ballot, with each affiliate having the number of votes to which it is entitled on a roll call vote, as provided in Article IV. Nominations shall take place on the third and election on the fourth day

of the convention. The Executive Officers shall be elected by majority vote. In the event that more than two candidates are nominated for President or Secretary-Treasurer, and no one candidate receives a majority of the votes cast, all except the two candidates receiving the highest votes shall be eliminated from the list of candidates and a second vote taken. The Vice Presidents shall be elected by plurality vote, and the 33 candidates receiving the highest number of votes shall be elected. In the event of a tie vote, a second vote will be taken only among the candidates whose tie prevented the election of 33 Vice Presidents. The candidates for Vice President shall be listed on the ballot in the order in which nominated. Each ballot must, to be valid, be voted for 33 candidates for Vice President and must cast the full voting strength of the delegate or affiliate voting. The ballot shall be signed by the delegate voting, and shall show the affiliation and the voting strength of the delegate. If an affiliate votes by bloc, the ballot shall be signed by the chairman of the delegation and shall show the affiliate and its voting strength. Each candidate may designate an observer who may be present during the tabulation of the signed ballots. The results of the election, including each delegate's vote or, in case of a bloc vote, each affiliate's vote shall become an official part of the Convention record.

Sec. 4. Each officer elected at the convention shall take office immediately upon his election and shall serve until his successor is elected at the next regular convention.

ARTICLE IV: CONVENTION

Section 1. The convention shall be the supreme governing body of the Federation and, except as otherwise provided in this Constitution, its decisions shall be by a majority vote.

Sec. 2. The regular conventions of the Federation shall be held every two years, beginning in 1955, at a time during the last four months of the year. The time and the place for holding the regular conventions shall be designated by the Executive Council which shall give at least 90 days' notice of the time and place designated.

Sec. 3. (a) Special conventions may be called by direction of a regular convention, by order of the Executive Council, or on request of national and international unions representing a majority of the total membership of the Federation, as evidenced by the records of the Secretary-Treasurer to the last convention.

(b) In the event a special convention has been called all affiliated organizations shall be given at least 30 days' notice, together with a statement of the particular subject or subjects to be considered at such convention.

(c) Representation to special conventions shall be on the same basis and subject to like qualifications and procedure governing regular conventions.

(d) A special convention shall be clothed with like authority and power conferred upon regular conventions, its decisions shall be equally binding and it shall be governed by the same procedure applicable to regular conventions; however, such special conventions shall be limited solely to the subject or subjects specifically and definitely indicated in the call for such special convention.

Sec. 4. Each national or international union and organizing committee shall be entitled to the number of delegates indicated in the following scale:

	Delegates
Less than 4,000 members	1
Over 4,000 members	2
Over 8,000 members	3
Over 12,000 members	4
Over 25,000 members	5
Over 50,000 members	6
Over 75,000 members	7
Over 125,000 members	8
Over 175,000 members	9

Plus one additional delegate for each 75,000 members over 175,000.

Each directly affiliated local union and each national trade and industrial department shall be entitled to one delegate. Each industrial union council and each state or local central body shall be entitled to one delegate. Directly affiliated local unions, with the approval of the President, may combine with other such unions within a reasonable distance to elect a single delegate to represent such unions.

Mr. ERVIN. It would seem to me, Mr. President, that if the AFL–CIO recommended method of directly electing the President is such a wonderful way for all people to participate in electing the President that they would change their own rules to reflect this feeling. In other words, the unions of the AFL–CIO elect delegates to their convention and these delegates in turn elect the president. This is certainly equivalent to the unit rule, for the possibility exists that a president could be elected by the AFL–CIO who had not received a majority of the votes of its membership.

The National Federation of Independent Businessmen has also been cited time and time again by the Senator from Indiana as being one of the outstanding organizations in support of direct election. Without further comment I will just state that their president is selected by the majority of a nine-member board of directors. The board of directors in turn is selected by the member business organizations with each organization having only one vote for the directors.

Mr. President, my remarks are not intended to embarrass the fine organizations I have discussed. I mean only to point out that the statements of the numerous Senators and newspapermen who have cited the support of these organizations for direct election as a reason for passing it should not be unanswered. I think we should look beyond the statements of these organizations and consider their practices because they all operate on the theory that direct election is not the best way to elect the head of their organizations. Actions speak louder than words. I hope the Senate will examine the practices of these organizations and think of the reasons for these practices before they vote for direct election. These organizations contain intelligent men of outstanding organizational ability and they have decided that direct election is not for them.

BACKER OF BILLIE SOL ESTES STILL HOLDS $36,000 JOB IN AGRICULTURE DEPARTMENT

Mr. WILLIAMS of Delaware. Mr. President, yesterday in a syndicated column entitled "Watch on Washington," Mr. Clark Mollenhoff calls attention to the fact that the man who approved the appointment of convicted promoter Billie Sol Estes to the National Cotton Advisory Committee continues to hold his $36,000 job with the Agriculture Department.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WATCH ON WASHINGTON

(By Clark Mollenhoff)

WASHINGTON, D.C.—The man who approved the appointment of convicted promoter Billie Sol Estes to the National Cotton Advisory Committee continues to rule the personnel roost at the Department of Agriculture in the Nixon administration.

To the amazement of many and the disgust of a few in the White House and Congress, Joseph Robertson holds the $36,000-a-year post as assistant secretary of agriculture for administration. Robertson's job controls budget, legal and press functions.

President Nixon is aware of the key role Robertson had in the appointment of Billie Sol, who has since been convicted of fraud charges and is serving a federal prison term. The President has indicated he wants something done about removal of Robertson, but this is a big government in which the will of the President isn't always given first consideration.

If Hubert H. Humphrey had been elected president in 1968 it could be understood why Robertson's role in the Billie Sol appointment might be overlooked. Robertson, a liberal Democrat from Minnesota, was appointed by Agriculture Secretary Orville Freeman in 1961. Robertson did a fine political job for the Freeman organization at the Agriculture Department as many Republicans will testify.

It was in the Billie Sol Estes case that Robertson went beyond the call of normal political duties. To understand the full measure of his unusual service, it is important to know that Robertson overruled the recommendations of his security chief when he appointed Billie Sol to the National Cotton Advisory Committee.

John Francis, the security chief, had placed on Robertson's desk two reports regarding evidence which eventually led to conviction of Estes. One was a 109-page Agriculture Department report with evidence that Estes used illegal "schemes and devices" to purchase cotton allotments. The other was an FBI report dealing with the liquid fertilizer tank frauds.

A busy subcabinet officer might contend his other duties precluded his understanding the significance of reports on possible criminal acts. However, in this case, a hand written note by Robertson disposed of the security chief's warning that there was "sufficiently derogatory" information to make an adverse report on Estes.

With two reports of possible crime on his desk and with the adverse recommendation, Robertson wrote on Dec. 22, 1961: "Mr. Francis, after reviewing this entire matter carefully with the general counsel's office and after a thorough study of the matter, I think Mr. Estes should be appointed to this committee."

This was above and beyond the call of normal political duty and far above the normal bureaucratic negligence.

When the roof caved in on the Estes case a few months later, the important political question was not how much Billie Sol had stolen from the government and others. It was simply this: How did Billie Sol get appointed to an important advisory committee with the many warnings of his wheeling and dealing? The answer: Joe Robertson gave his approval.

Understandably, congressional investigators encountered difficulty obtaining evidence pinning the responsibility for a whole range of favorable actions for Billie Sol. It was important for the department to discourage cooperation with outside investigators. In this, Robertson's personal role was vital.

While Robertson has remained in power, the personnel office under his jurisdiction

has continued to pursue those who testified on the departmental "favoritism" accorded Estes. N. Battle Hales, a key witness in identifying those responsible for the "favoritism," is a case in point.

Hales was harassed by Robertson's subordinates and prodded to resign. A department doctor was asked to make a finding of mental instability on the basis of a press conference transcript in which Hales elaborated on the "favoritism."

Hales was forced to use leave time to attend hearings to protect himself, and when the hearings were concluded he was transferred out of Washington to what was described as an "important" job in Louisiana that required his special talents. Hales recognized the transfer for what it was, but after routine protests accepted it.

He had hardly settled in the so-called "important" job when it was abolished. To save his government career, Hales asserted seniority and veterans preference rights to take a job in Kansas City. He knew the harassment could continue but he resolved to give Robertson's men no reason to fire him.

A secretary to Hales fared even worse. She tried to protect the records in Hales' office safe from Freeman's investigators. She was seized by a doctor, police were called and, with no notice to her family or Hales, she was taken to a mental hospital.

Stripped and placed in a padded cell, she was held incommunicado for days until the protestations of Senator John J. Williams of Delaware and the press resulted in a hearing. Only then was she released after an unspeakable 12-day ordeal.

Though proved sane, she was so shaken by the experience that she declined to go back to the Agriculture Department and took a disability retirement.

This took place under Joe Robertson's jurisdiction and he admits knowledge of the facts. He says he only followed orders from Charles S. Murphy, the under secretary of agriculture, when he approved appointment of Estes. He says he did not initiate action to put Hales' secretary in a mental institution without a hearing, but only saw that the law was complied with.

Robertson says he did not initiate the action to transfer Hales or to abolish his job. He did approve the transfers, but conducted no investigation of complaints that Hales was being harassed. "I saw that the law was complied with," Robertson states.

The secret to Joe Robertson's success is the career status of his job and his continued administrative control of the department. Agriculture Secretary Clifford Hardin says he cannot see that he has "cause" to remove Robertson and relies heavily upon him in running the department. Hardin is convinced Robertson is more loyal to him than he ever was to Freeman.

Although there is Republican grumbling about Robertson's continued role in the Agriculture Department, it seems likely that most Republicans will muffle their displeasure rather than openly criticize the Nixon administration. The man who approved Billie Sol appears to be firmly in command.

AL DEL GRECO: DEAN OF NEW JERSEY SPORTSWRITING

Mr. WILLIAMS of New Jersey. Mr. President, we in this Nation owe much to our sports columnists and sports reporters. They write of disciplined aspiration, of conflict by the rules. In so doing, they tell much about the human spirit and the human capacity to try harder the next time.

One of the best of these writers is now lost to New Jersey and to the Nation. He was Al Del Greco, columnist for the Record, in Hackensack, N.J., for more than 40 years. He died last week of a heart ailment at age 64.

It was my good fortune to know Mr. Del Greco and to enjoy him, not only as a writer, but as the toastmaster of an annual gathering of the descendants of Italians who immigrated to the United States. His sense of humor—one of the mainstays in the 20,000 or so columns he wrote for the Record—was the major ingredient of those gatherings, as it was one of the deeply human assets which made Mr. Greco loved by his readers and by those who knew him as a friend.

The Record, in its columns last week, offered many tributes to Mr. Del Greco. One came from Jim Sutphen, senior managing editor. He said:

Al and I started on The Record more than 40 years ago. We have shared a great many laughs, a lot of excitement, and a few tears. I have never known a man with a more devastating contempt for the phonies in the many worlds in which he moved, or a man with greater appreciation of the good and decent things in sports, his associates, and his profession.

Another tribute was an editorial written by associate editor William C. Caldwell, who was writing sports when Mr. Del Greco joined the newspaper in 1928. Mr. President, I ask unanimous consent that this editorial be printed in the RECORD as a memorial to a man who gave the world a generous measure of compassion, good humor, and understanding of his fellow man.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

AL DEL GRECO

Al Del Greco was a public institution, established and famous. He knew it, and took pains to say or do nothing that would be inconsistent with his reputation. He was, then, tough, sardonic, cynical, earthy and worldly both, candid to the edge of cruelty in his judgments on his fellowmen whether they were the athletic heroes of the season or United States Senators or bookmakers. This was his reputation, and he was faithful to it and to the countless tens of thousands who knew him and expected of him the kind of integrity they never required of their legislators and archbishops. Al was himself. Let that first be said.

And then let it be said, as it could not be said as long as he might wander into the newsroom with that hobgoblin grin and repudiate the libel in a gravelly baritone that could be heard in the next block—let it be said that Del Greco was an incurable idealist, a hopeless romantic, was the starry-eyed small boy who never grew up and didn't want to.

He was a sports writer—when the subject interested him one of the best in that mysterious field of literature. He admired that which was admirable in the athletes he knew through four decades and more; their strength, skill, intelligence, courage. He had no use for the man he suspected of doing less than his best; and for the muscular egotist who gave himself pompous airs off the field or outside the ring. Al had nothing but curt contempt. His ethical standards were high, and he tested every man he knew in politics and public life against them, and the hilarious acidity of his comment on the world around him was not a sneer but a cry of despair. Let it be said, then, that he was an idealist. Perhaps the only man who never disillusioned him was the late Vince Lombardi. They were much like each other. They had things in common and still do.

He loved the contact sports, played them, was trained to teach them. He loved the look and crash and smell of the physical games, and although he played the gentlemanly sports and wrote about them competently they did not engage him and he declined to accept an excitement over golf or tennis or track and field, not to say yachting, which he did not feel. But when the game had been honest and the men brave, when it mattered to him who won and how, then when the shadows slanted down the field, he would hurry back to his desk, and, hunched over his typewriter, take up the tale of arms and the man in a transport of joy not much unlike old Vergil's.

Al would never have stood for this, but he was a poet, a young and ageless poet, and it is heartbreaking to know that we shall not see him again. To his wife and family is extended the deepest sympathy of us who were privileged to be his friends and companions.

HEARINGS ON INTEREST RATES

Mr. HARRIS. Mr. President, in a continuing effort to bring the Federal Government home to the people, to listen and to give people a better chance to have their say and to let their views be known, I held hearings in Oklahoma City on July 20, 1970, on economic conditions in the State, and particularly on the impact of high interest rates.

On that occasion, a great number of highly knowledgeable people appeared to give their views and recommendations. Their testimony was thoughtful and well-prepared.

I was struck again by the unfairness of the tight money, high interest rate policy which has been in effect too long. The burden of that policy falls unevenly on people and on various segments of our economy. Such a policy does not serve the proper social goals of this country. A notable example, which emerged clearly at the Oklahoma City hearings, is housing. While on one hand the Federal Government is promoting home ownership, through various programs and agencies, on the other hand it has instituted a high interest rate policy which makes home ownership totally impossible for millions of Americans.

The Oklahoma City hearing also pointed out the same kind of paradoxical effect in regard to small business.

While Federal programs seek to promote the growth and health of small business, the high interest rate policy has been very damaging to many of them and has kept a great many other small businesses from growing. This unfair effect was particularly pointed out in regard to minority enterprises, which this administration and others have indicated they wanted to see flourish.

Mr. President, I believe that other Senators can benefit from the views expressed in the Oklahoma City hearings which I held. Accordingly, I ask unanimous consent that the full transcript of that hearing be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HARRIS. I intend to deliver copies of this printed transcript to the chairmen of the Senate Finance Committee, the House Ways and Means Committee, the Banking and Currency Com-

mittees in both the House and Senate, the Joint Economic Committee, and the Senate Select Committee on Small Business in the hope that the views expressed by these knowledgeable Oklahomans may be taken to heart and used in making policy in the highest councils of our Government.

EXHIBIT 1

PUBLIC HEARING ON CREDIT AND ECONOMIC CONDITIONS—OKLAHOMA CITY, OKLA., JULY 20, 1970

OPENING STATEMENT BY SENATOR FRED R. HARRIS

This is a public hearing here in Oklahoma City on the impact of high interest rates and other economic problems in Oklahoma. It is a continuation of a series of hearings I have undertaken in an effort to bring the federal government home to the people, to listen and to give the people of the state an opportunity to speak out on issues that have impact and effect on their own lives.

A young married couple today faces probably the greatest credit needs they will have anytime in their lives. They need a house, a car, and furniture—most of which they have to buy on credit, yet they have not had time to accumulate any assets or much of a credit rating. Thus, a young married couple today in Oklahoma have the greatest need of credit at a time when they have the least opportunity to get it. The credit problems of young married couples are typical of what so many average wage earners face, and the problems are much more serious now because of the high interest rate policy and the general national economic situation.

As you know, I am a member of the Finance Committee which has certain jurisdiction in this subject matter. This hearing today on interest rates will help me develop information for use in passage of legislation which I and others have introduced and supported in the Congress to return stability to the national economy and bring interest rates down.

We have a very lengthy and impressive list of witnesses today on the various aspects of the financial problems we are experiencing here in Oklahoma. Mr. Bob Lewallen.

We will transcribe these hearings and the written record then will be taken back by me to the Senate Finance Committee and the other relevant committees of the House and Senate, and to the members of the Senate itself to aid me and others as additional ammunition for bringing about the kind of action we should have. I appreciate everyone who is here, both participants and spectators. We will appreciate hearing first from Mr. Bob Lewallen, manager of Penn Square.

TESTIMONY OF MR. BOB LEWALLEN, MANAGER OF PENN SQUARE IN OKLAHOMA CITY

The information that I have is on the national level at first, and then Oklahoma and our own problem locally. The information comes from the International Council of Shopping Centers. In the first part of this year, they conducted a survey of several hundred shopping center owners across the United States, asking if they had applied for loans for reconstruction of present shopping centers they owned or new construction. From this survey of approximately 30 to 35 states came this information from approximately 200 shopping center owners. 22 per cent of the respondents indicated that they had delayed expansion of existing shopping centers. 30 per cent of the respondents indicated that they had delayed development of new centers and this is an average of what they had across the United States. 63 new projects totalling 15,965,000 square feet of leaseable area were delayed because of the high interest rates. Then the information that they also received was on the interest rates themselves, what they were having to pay as "kickers" to get the construction money. The examples—they list each one of them and how they range—are on construction loans rather than permanent buildings. On the construction loans the interest rates ran from 8½ per cent to 13 per cent with a median of 9½ per cent, plus kickers. Now these kickers they had to give were anywhere from 1 point to 2 points. One loan at 9½ per cent was 2 points plus 1 million in CDs as a kicker to get the loan. These range up to 10 per cent with 2½ points paid, 9½ per cent with 3 points being paid. This is for their construction loans. Then the information goes into the permanent loans which included the same people, of course, who were in the construction loan information. This interest rate ran from 7¾ per cent up to 10 per cent. Again the median was 9½ per cent plus kickers. An example of one loan at 9¾, 20 per cent of any percentage rents plus 3 points. Horrible! One of the loans made at 10 per cent for permanent construction was $200,000 in life insurance policies. So the kickers vary, but they are most definitely there. It went into the savings and loan companies at 10½ per cent, 2 per cent of gross annual rents, 100,000 CDs held without interest for two years. Now these are the people who got the loan. It did not go into construction—what they had to turn down. This is what information that they have received for the latter part of 1969—the last three or four months of '69. They are just now compiling the information we sent in for the first part of 1970 and we should receive the 1970 information soon. We did receive a bulletin from the Council of Shopping Centers and all indications are that it has not changed from the latter part of 1969. Oklahoma was included in this survey; however, they did not state what part of the state this information came back from.

As fars we are concerned locally at Penn Square, we have several projects that we would like to kick off. Expansions of present stores, the possibility of enclosing the mall, etc., projects that would mean several million in expenses. We cannot afford or we cannot get loans at an interest rate that is economical for us. Now, I guess most good business people know that with a structure of $12 to $15,000,000 that soon after you get $7 or $8 million or $3 or $4 million into a structure it is somewhat smart to get that money out, if the interest rate is reasonable and refinance, putting your money into a new shopping center or a new business. With the big difference on what we have on our present loans and what they are asking now, we cannot afford to refinance. It is just bad business; the merchants will not pay for it. We have considered another shopping center in Oklahoma City, and are presently working on it. We know, however, that unless the interest rates change, unless we can receive something more feasible we do not care if the interest rate is 20 percent if the merchant will pay that kind of rent, but the merchants will not do it. This is what has happened in our expansion. The merchants say, "No, we will not pay that kind of rent for what it is going to cost us to build." So we have just stopped, and until the money market becomes more attractive we are not going to refinance the loan we have to expand.

Senator HARRIS. Bob, I thank you very much. Yours is very useful testimony.

Our next witness is Mr. Jack Clark of Clark Motor Company. Jack, we appreciate very much your being here and we will be pleased to hear from you at this time.

TESTIMONY OF MR. JACK CLARK, PRESIDENT OF CLARK MOTOR COMPANY, OKLAHOMA CITY, AND LEGISLATIVE CHAIRMAN OF THE STATE AUTOMOBILE DEALERS ASSOCIATION

Thank you. Senator, my remarks will be brief, in the interest of time. I speak as the President of Clark Motor Company and also as the Legislative Chairman of the State Automobile Dealers Association. The current high interest costs have had four main effects on the retail automobile business. I think it goes without saying that everybody is familiar with the fact that the automobile business is somewhat depressed at this time, probably largely as a result of high money costs. The four effects are as follows: Reduced sales—the consumers are unable to afford these high financing charges. Second, there is, of course, increased dealership expenses; the cost of floor-planning an adequate inventory of new vehicles is almost prohibative now. The third important factor is the inability to expand service facilities; capital loans are just not available to increase the size of the service departments and increase the parts inventories that these multitudes of models make necessary. And fourth, an area that hasn't been discussed much, is reduced competition. The smaller dealers, because of high money costs, are being forced out of business, and at the same time in the metropolitan markets you are seeing those dealerships being taken over by factory-owned stores. So that you are eliminating the private capital, small entrepreneur type of retail establishment.

To elaborate on this just a little bit: on reduced sales the interest rates, as you have mentioned, have gone up most for the people who are least able to pay; those are the same people who need private transportation the most to get to and from work. High interest costs have curtailed new and used vehicle sales because many people are unable or unwilling to make these higher monthly payments. The auto industry has suffered a decline, and, as a result, the entire economy of the country has suffered to some extent. In the matter of increased dealership expenses, which is a matter that those of us in the business are vitally interested in, practically all dealers "floor-plan" their new car inventory; they borrow money on their inventory. With the present multitude of models and options, dealers now must stock tremendous numbers of different cars to meet the consumer demand. A million dollar inventory, which is not uncommon in Oklahoma City, now costs $7,300 per month in floor-plan interest charges. This cost, obviously, must ultimately be passed on to the consumer. In the matter of inability to expand service facilities, as you know, the vehicle population is constantly going up. We are producing more cars than we are scrapping; so, there are more cars on the road. It, therefore, becomes necessary to constantly enlarge service departments and parts inventories to assure customer satisfaction with their vehicles. Tight money makes it a very difficult thing to do. It is hard to finance additional service facilities and parts inventories. Therefore, the vehicle owner faces delays and frustrations. The service departments are crowded, the parts are not always on hand at the moment that they are needed. In the area of reduced competition, we have seen some seven or eight small town dealers in the State Automobile Dealers Association go out of business in the last six months. It is hard to pin the blame exactly on tight money, but there has been no question in our minds that tight money has had some direct influence on that. In many cases where the small town dealers do go out of business, the factory is unable to provide a replacement dealer. Money is tight, and the return on an automobile dealership is not great enough to cause a lot of venture capital. So, in some cases, you see a situation where, in a way, the owners of those makes of car have become "orphans"; they no longer have a place to get their cars repaired. As I mentioned, when a dealer goes out in the metro market, venture capital replacement is not easily available, so that the manufacturer moves in and runs the dealership himself as a factory store. Those of us who compete against fac-

tory stores think that there are certain evils attached thereto.

Senator HARRIS. What percentage of the dealerships in Oklahoma are factory stores?

Mr. CLARK. Senator, it is a rather small percentage; they are concentrated in Oklahoma City and Tulsa. The manufacturers have a policy of not going into the smaller markets at all.

Senator HARRIS. What would it be around the country? Has it amounted to very much yet?

Mr. CLARK. No, sir. This is just a guess, but I would say maybe five percent. Again take a situation like Dallas, speaking of Chrysler Corporation dealerships; it is my understanding that there is only one private capital Chrysler Corporation dealership in Dallas. There are about eleven factory stores. In a smaller market you do not see any factory stores at all.

In summary, the high interest situation has had a distinctly detrimental effect on the retail automobile business. Our customers, the general public, have been adversely affected and, of course, the auto industry and the economy of the country as a result have been depressed.

Senator HARRIS. Thank you very much, Jack. Our next witness is Jim Bradshaw, Vice President of the Oklahoma City Retailers Association.

TESTIMONY OF MR. JIM BRADSHAW, VICE PRESIDENT OF THE OKLAHOMA CITY RETAILERS ASSOCIATION

Senator Harris, my name is J. V. Bradshaw, Executive Vice President of the Oklahoma City Retailers Association, and the Credit Bureau of Oklahoma City.

You ask that we discuss the tight money market, however, I believe the various businessmen of our Association will cover this subject in depth.

I would like to have you, as our able Representative of the people of Oklahoma, consumer and business, to consider the various pieces of legislation passed and pending. Much of this legislation is of a consumer protection nature and some of it very good.

However, we need to take a much more in-depth look at this type of legislation if our legislators are actually interested in the small business man. Much of the consumer legislation has a tremendous impact on the smaller business man and in many instances hurts the consumer more than helping him.

A prime example is the "Truth In Lending" law—the consumer, for the most part does not understand it, and is only irritated by the delay caused by additional forms and figures. He blames the businessman and the lending institution because he can no longer just walk in and out in a few minutes when he wishes to purchase goods or services.

At present, we are considering setting up yet another larger Consumers Affairs Bureau that could serve no purpose other than harrassment to business.

Also, please consider the impact of the proposed "Class Action Bill" and the House version of the Invasion of Privacy Bill.

What I am saying is simply that you gentlemen who represent us in Washington and also in our local State Government should do an in-depth study of the already passed legislation such as "Truth In Lending" to see if we have served any useful service to the average citizen before we pass more of the same type of Protective Legislation that may very well protect no one and inconvenience many.

We realize there are many merchants who prey on the poor; however, laws will never correct this condition unless we permit ourselves to forget the American Free Enterprise system and become a total socialized nation.

Thank you very much, Senator, for your time, and if I can ever be of help, please let me know.

Senator HARRIS. Mr. Bradshaw, do you have anything to add on the economic situation or on interest rates?

Mr. BRADSHAW. No, I left that to the people who are in business.

Senator HARRIS. Mr. Frank Russell, of Russell Wholesale Beauty Supply here in Oklahoma City, is our next witness. Mr. Russell, we would be very pleased to hear from you at this time.

TESTIMONY OF MR. FRANK RUSSELL OF RUSSELL WHOLESALE BEAUTY SUPPLY IN OKLAHOMA CITY

Thank you, Senator Harris. At this time I thank you very much for the opportunity to come by and relate some of the experiences we have had with money. This more or less is a personal one, but it covers a lot of other people too. Now I do not have anything written down here, but I have sixty years of experience with it so we will tell you what we have here. I happen to be in the beauty supply business and I am on the Board of the Southwest Dealers, fifty-nine of us in business in Southwest Estates and we have similar problems as far as money. We have stock—many of us have plenty of stock inventory—but we do not have necessary money to build warehousing so that we can increase our business.

Last year, we lost about $40,000—or we sold $40,000 that we did not deliver because we did not have the stuff in the warehouses. We have small warehouses and you cannot keep this product in it. If we had the money—and I have tried several times to borrow the money from SBA and many other people, but their interest is quite high and then they are never going to lend it to you anyway. So, it puts a handicap on our production. We could produce more, make more profit, and have more people working, if we could borrow money. I think every businessman at some time in his life needs to borrow money for certain things. We have stock, we have plenty of it, but we need these things; we need extra money for improvements. I want to say that our type businesses are all in the same situation. Some of them do not have the chance to buy franchises from people who are now offering them. We need to do these things so that we can employ our people. We have about 10 people working for us, and we could have 25 to 30 people, if we had necessary warehouses and all this kind of thing to help get our business out. Cafes and other things that often authorize people for franchises, we do not have the money to buy them.

I would not want to borrow money if I were not qualified to pay it back. We hope and trust that somebody in the Senate, or somewhere along there, can get some of this done; somebody will. We need the same opportunities as anybody else in borrowing money, the same interest.

I have three young fellows who I just hired, crackerjack guys out of the University. We have a problem leasing cars for them. They have got to go on their routes and do their jobs, but they have a problem leasing cars. I have to go and lease a car, which is all right, but they have a problem, too, in the insurance. We cannot get insurance. We cannot get the credit people to approve the insurance.

Now, this is a little off the subject, but I might use it since I am talking to you. The projects we have from the Federal Government. We let people have money; it trickles down to the fellows who need it; they get about 25 to 30 percent of it, but it does not help. We have got to start in the neighborhood with these people who are qualified and who will get up and do this work in order to quit this ghetto business. When people do not have something, they lose faith in themselves because they do not have any encouragement. Now, I am not talking about everybody, but some people are never going to do any thing if you help them. Now, I am talking about the majority of people. They need some concrete ideas from the people in their neighborhood on how to quit their ghetto.

Now, these places over here on this side of town, where they are broken down and torn down—it is not that way on the other side, because people can borrow money. If any person can borrow money to fix their house up and take care of it on the right kind of interest, they would do it. But when they go down and they are hurt on the interest, they do not care. Take this car I bought out here. I went up there and they said GMAC is charging 8 percent now. Well, I said I can't pay any 8 percent, any $600 or $700 added to what the car costs. I have to make out a check for it because I was not going to pay any $600 or $700 interest. It takes money out of my business which I use to operate on. So, I want to say, please see if you can get somebody down here to talk to these people so that we can get this business going, this loan business. We hope and trust this hearing will bring out that we can do better on these loans and high interest rates that we have been burdened with. When a guy does not pay his bills, he does not ask for any money at all. When a fellow pays his bills, he should get the same interest rate that anybody else gets. I want to thank you very much.

Senator HARRIS. Thank you very much, Mr. Russell.

Jack Copeland is an equipment dealer at Walters, and he also heads an Operation Mainstream Program there. Jack, we are glad you are here and will appreciate anything you have to say about interest rates and economic conditions.

TESTIMONY OF MR. JACK COPELAND OF COPELAND EQUIPMENT IN WALTERS

I think that my talk will be a repetition of a lot of what Mr. Clark had to tell us because the machinery business is a whole lot like the automotive business. We all know that this so called tight money has had its effect to a great extent on machinery sales. Farm machinery sales are way off and the whole industrial sales are off 25 per cent from what they were last year.

Now, in Cotton County we have been particularly fortunate in the last bumper wheat crop. A little farther west they have not made that bumper wheat crop. The inflationary prices on machinery have gotten so high that a lot of them cannot buy it. A lot of them cannot get the money to buy it even if they wanted to. Now, I have lost, in my particular business, four big machinery sales because of low wheat prices and high interest rates. If you fellows are not familiar with farming operations, they got about a $1 to $1.22 a bushel for wheat this year. The subsidy is around 47 cents a bushel, but that is on a base which varies from one place to another. Personally, I do not think a farmer can raise wheat for $1.20 a bushel. I don't think he can buy my machinery and pay for it at $1.20 a bushel.

Now, for instance there are two finance companies—I imagine Mr. Clark knows who I am talking about—who have discontinued floor-planning all together. One of them will, as of the first of August, discontinue floor-planning farm equipment, and the other has already quit. They are not even soliciting the retail paper. They will buy it if it is bona fide, but it has got to be 100 per cent. They will still continue to buy a little, but they are not pressing for the business. They just do not have the money to buy the paper. Most of our banks are limited on what they can loan, and again, that high interest rate is stopping a lot of them from buying there. Our retail parts sales have increased this year from what they were last year. I think the reason for that is due to their not being able to buy the new stuff and their having to repair the old machinery.

I know right now several young farmers that are going to have problems this coming year getting enough money to carry on in the cattle business and in the farming operations. A lot of it is due to the fact that they did not make enough wheat to pay out, and, of course, your banks have a limit and a lot of those banks are very small.

Fred, I might tell you I brought Mr. Eschler with me this morning. Dan is a farmer down in Cotton County and is one of the ASC Committeemen. If there are any questions you would like to ask him about the cheap wheat prices and high interest rates, maybe Dan could answer some of them.

Senator HARRIS. Jack, I want to thank you very much for your testimony, and I think it will be very useful to us.

Dan, do you have anything to add? I really appreciate your coming all the way up here.

TESTIMONY OF MR. DAN ESCHLER, FARMER FROM WALTERS AND AGRICULTURAL STABILIZATION CONSERVATION SERVICE COMMITTEE MEMBER

Fred, I do not believe that I can add anything. I work a farm and have been working with it for, I guess, a dozen years. I farm myself and I can tell you that every year it gets a little rougher. With cheaper wheat, about the only thing keeping us going is our cattle prices. Then, our farm program—you know more about it than I do—if we drop out of that thing, we are in trouble, serious trouble. That is about all.

Senator HARRIS. Thank you very much, I appreciate your being here.

Bill O'Connell of Norman is Legislative Chairman of the State Home Builders Association. Bill, I appreciate your being here and would be pleased to hear from you.

TESTIMONY OF MR. BILL O'CONNELL, LEGISLATIVE CHAIRMAN OF THE STATE HOME BUILDERS ASSOCIATION

I do not know anything I can add concerning high interest rates other than I hope they come down. When we go back to the time, the period that most of the people that you and I know started, we had at least a savings and our homes. These savings have dwindled to nothing because most of us have moved out of our moderate, our low income homes, into one that is larger and we ran into, of course, the high interest on refinancing and so forth. As the moderate incomes shift, and that is one thing I want to hit on, when your savings dwindle to when you do not have anything, you immediately have to go to credit. Of course, being a businessman and wearing two-hats—in the home building business and in the material business, we were just lucky that I happened to be in that area because one of them you cannot make a living in, and in the other one, you are just barely getting by. Whenever interest rates increase, number one, it increases the overhead because the money you have to borrow to invest in a business increases the overhead. Number two, you have got to look at that overhead and do some cutting to take care of that interest rate. I think that you will find in the past, speaking on the lumberman's side of it, we have had more lumber companies go out of business in this past year than we have ever had before. In one of our very fine cities in Central Oklahoma ten years ago, there were eleven lumber companies. Now there are three and there will be two in a very short time. What does this have to say to us? It says that the lumber business is not making any money, so if the lumber business is not making any money then we are all concerned about the economic base of this state and this community. When people are not making money they cannot afford things and, likewise, when interest rates go up again it is just another nail driven in to something that is not stable, because here again is a higher overhead, a higher cost.

On materials, we keep hearing a lot about inflation. Well, on materials we are in a critical situation, not on supply; there is a lot of supply right now, but there are a lot of backed-up inventories too. We now find materials more than they have been in many areas, mostly because of unemployment.

Whatever happens to the building industry affects about 11 major industries, including plumbing, electrical, carpentry, painting, etc. When you get into that field you are talking about one of the largest industries in this nation, and it is crippled. Now what happens to these men when they drop out of one segment? In our Home Builders Association in my local community, we have had several have to pull out of the home building industry because there is just nothing to build They have gone into other fields. We have lost these key men. We can look back in the fifties, when we built over two million houses in one year, with hand tools, not very much power, and here we are talking about gearing up to turn out houses at the rate of thirty a day. Well, we had the manpower then; I think we have the technical knowledge now to pull these men back into the industry, let alone all of the college men that would be willing to go into the segments of home building and supply in the near future. When you hear that there is a 77,000 surplus of teachers on the market nationally today, these people are going to be the ones that are going to move into the field. We are going to be highly competitive; we are going to produce a home for all segments of this community or this state on a level they can afford as long as we can maintain a balance of payments.

Truly getting down to where it hurts—how much are you paying for housing today? Housing is, of course, one of the greatest necessities that we have in our community today. Are we going to allow stacking up of people or do we want to get them out and on their own so that they can enjoy the environmental properties of that community? I believe that any time we crowd people together, we are going to enhance the possibility of those things that are causing all of the trouble today.

I believe, too that, when we are talking about the economy we find that the large corporations today are mingling and merging their corporate borrowing powers to get into large fields of community building. Now, there is nothing wrong with that except that it knocks out jobs. I am talking on the level of private businessmen, the small businessman today that is being hurt. Every home builder is a business of its own, a single business. A lumber business is a business of its own and must stand on its merit. Whenever you have large corporations coming in to put money into a field that seems to be lucrative, you are going to find that there are going to be less jobs. You can say, well, that is good because now you can hire the guy you want to hire—they are knocking on our doors—and we have a choice, but that will not last too long.

Right now the government—I am talking about the FHA—is lending money at a rate much higher than they ever have before, but, likewise, because of the tight money we have had to turn to the programs of the government, the FHA, the VA, 235, and 236 for about 60 per cent of our housing. Now, that is an increase of 28 per cent over what it was a year ago and yet the House of Representatives in considering HUD's budget cut FHA's budget by 13½ million dollars. I do not understand this when we are depending upon this segment. That is not the only reason they cut it; they wanted to cut the budget, and, of course, the interest rate went up. I think the more realistic picture that you and I know about would be that our goal and our aim that this nation should be housed as we would want it to be, being, we believe, the number one nation. That every family has the right to decent housing. Now we are dedicated to producing that housing at the lowest dollar volume, the lowest dollar value that puts them into the house. We need volume for us to keep this up.

The segment of unemployment today is high in the home building field and we are losing these key people. I think here again, if we can balance that high interest, if we can get it in reality somehow, but I do not know what it is going to take to do it. I do think, however, that $250 million appropriation for moderate income people is a great step toward that direction.

If we are looking at food, housing and clothing, those three segments and those are not the only three that we are looking at because there are some others that are of necessity to the family, but again we are looking at something that has increased. The monthly payment on that living unit has increased as much as fifty per cent over the past ten years. This is what we are concerned about. So this is my story, my testimony. I hope that we can do something about this unemployment. To get this ball rolling again, and make 1971 a better year to be in the home building business.

Senator HARRIS. Bill, I appreciate that very much. I notice that on the national level that there is the greatest demand for housing since World War II, and that housing starts are off so much we have what some have called the greatest housing crisis since World War II. You say vacancies are very low throughout the country. How do those statements nationally compare with the situation in Oklahoma?

Mr. O'CONNELL. Housing is critical in Oklahoma. To back-track just a minute: one firm in Central Oklahoma last year built one home. Prior to that it was one of the larger home building segments in Central Oklahoma. He had to move out into the industrial field, into building filling stations for oil companies. Then the oil industry got into trouble; so, there again, his crews have been stalemated. He feels he cannot get back into the home building business until something is straightened out, because the investment is too great to tie up that kind of money at high interest rates. Now, it was not too bad to speculate. But would you speculate on a market that is depressed? That is the question.

Senator HARRIS. All right Bill. Thank you very much.

Mr. Earle Cole of Cole Finance Company in Shawnee is here. Mr. Cole, we appreciate very much your coming over here, and we would be pleased to hear from you at this time.

TESTIMONY OF MR. EARL COLE, COLE FINANCE CO., SHAWNEE

Well, I can speak strongly for my company only. We have an office in Shawnee and one in Enid. We have quotings at just under a million dollars and get most of our capital from the public. Now, we have been able to sell investments to the public over the last several years, enough to take care of all the financial needs that we have had. In fact, we have increased our investments faster than we have increased our loan balance. I think we are getting all the savings we need because people are more conscious of saving today than they were a few years ago. Now, speaking for the industry wide, I think the state association and our membership, that is the older, more established finance companies, such as myself—and I have been in business since 1954—are not having too much trouble with getting money. It is costing us more and our profits are being curtailed because the rates we can charge are set by law. We cannot pass this additional cost on to the borrower, and I am sure the borrower thinks it is too high

already. The older and better established companies, and I know of six different companies in smaller communities throughout the state who get their money the same way I do, have had sufficient capital all along. Now some of the smaller, newer companies are having difficulties, particularly, under this new law. Now, whether this is because of tight money or whether it is because they are being better regulated in the State of Oklahoma than they have ever been before, since the Uniform Consumer Code was passed, I cannot say. The smaller companies and the newer companies are having difficulty getting enough money to operate on.

Senator HARRIS. Mr. Cole, you are very good to have come here, and I appreciate your testimony very much.

I want to call our next witness, Mr. Earl Austin, President of the Oklahoma City Home Builders. Earl, we are glad you are here, and we will be glad to hear from you.

TESTIMONY OF MR. EARL AUSTIN, PRESIDENT OF OKLAHOMA CITY HOME BUILDERS

Thank you very much. To reiterate what you said a minute ago, we are in a great housing crisis in this country. It is mainly because our industry has been singled out as the one industry that can do more to stop inflation. In other words, you people in Congress or in the Federal Government can grab a hold of us real quick and squeeze us down by simply making the cost of money so high that we cannot operate.

Senator HARRIS. May I say, as I think you know Earl, I do not agree with that policy as the way to go about it. I think that causing exceptionally high interest rates as a matter of government policy is the wrong way to go about controlling inflation. Just as illustrated by your own industry, such policy falls unevenly on various kinds of industries and, in my judgment, it does not promote the right kind of social goals. That is why I am opposed to high interest rates as a way of bringing down inflation. I think credit—on a voluntary basis hopefully.

Mr. AUSTIN. That is right Senator. We have been singled out; granted we are fully employed working through HUD and so forth to come up with new housing systems and new innovations to provide housing in the future. Right now if all the money became available at a rate that we could live with, we could suddenly build 2,500,000 units a year, which we must build to meet our housing goals. We would have a real tough time doing that normally, but our industry has stayed ahead of the pack and we are prepared to come in with new innovations, component housing, modules, and so forth to meet this crisis. We are convinced that the mobile home aspect is not the ultimate answer to housing. People want something a little more permanent. That is our feeling But, anyway, to get into this high interest and what it is doing to us. It has curtailed to a dangerous point the building of single family homes. The recent programs have been very instrumental in providing housing starts in the lower income group. Of course, what we say is low income now, is not necessarily too low. The 235 program, whereby the Federal Government would subsidize a family making $5,000 or less, will subsidize interest on their house down to where they pay as little as one per cent. This means that this family can move into a house where the payment would normally be $180 a month and the payment is $90 a month. This puts them into a real nice home, a good home, that they can be proud of. This type of program costs the Federal Government about $900 a year per family. That is not very much money considering the benefits we are getting back from it. But what I am saying is, these are answers to the high interest rate because they are nothing but federal subsidies. Well, of course, home building is a highly free enterprise system and we are always afraid of federal subsidies, but we have to live with what we can do.

The ultimate answer and the answer in the future to our industry is a steady supply of funds at a reasonable rate of interest with which we can operate. We are not like the automobile industry or any other industry; we cannot gear up at the start of a year and project what we are going to do that year. We would like to, but, come, say, January 1st, we say we are going to build 80 houses that year, but come July 1st and there is no money available, we could not build one single house. So, we do not build any houses. Our industry must have its flow of funds at a reasonable rate in order to provide the housing that we are going to have to have in this country. Granted that you people are doing something about it; there are some features of the 1971 Housing Bill which both the Senate and the House have approved and which is now in committee being worked out to go to the President. Senator, if this thing, if the $250 million to the Federal Home Loan Bank which would let those people lower the rate which they charge the Building and Loan Associations for their rates so that the Building and Loan Asociations could consequently maintain a level rate for us, could be worked out it would be very instrumental. I do not mind telling you that an 8½ or 9 per cent interest rate being charged to the home owner scares them. No matter how much education we do, telling them we are always going to have high interest rates in the future, it is still hard for them to move out of the 4¾ GI home that they now own into a 9 per cent outlay on a new house.

So, we have got to have a steady flow of funds at a reasonable rate. You are aware that to do this, there have got to be new sources of money for housing, sources we have not had in the past. We look around and where are those sources? The most obvious are the pension funds, these funds are getting astronomically large in this country. The different federal employees funds, labor funds, just about any industry has a large pension fund. These funds enjoy tremendous tax advantages. They enjoy it to the extent that they pay very little tax money that they invest on funds that go back into larger funds. The wealth of these funds could be put into residential mortgages and over an amortized period of time would probably yield as much, if not more, to the pension funds as a lot of these speculating situations that they get into now with common stocks and bonds, mutual funds and so forth. Fred, that is just one thing where we need your help. We are going to have to have a steady flow; I hate to keep reiterating this but it is important. In order to house this country properly we are going to have to have a steady flow of funds at a reasonable rate of interest. We are not ready to advocate that the Federal Government take over our housing industry completely and say, OK, you provide the housing and we will work for you. We want to work together, and we are doing it. I think the 1971 Housing Bill has the immediate answer to our problems, but it does not have the long range answer And that is what we need.

Senator HARRIS. All right Earl, I certainly thank you for your testimony. It will be very helpful to us, and I appreciate very much your being here to present it.

I want to call next on Professor James Baker, Professor of Banking at the University of Oklahoma, and who is here, I understand, representing the Oklahoma Bankers Association. We are glad you are here.

TESTIMONY OF PROFESSOR JAMES BAKER, PROFESSOR OF BANKING AT THE UNIVERSITY OF OKLAHOMA

I would like to speak for myself, not for the Oklahoma Bankers Association.

I think that all of the gentlemen that have spoken so far have pointed out the fact that each and every one of them needs money. They have to have the money so that they can expand, so that they can get additional franchises and so that they can supply the necessary wherewithal for the citizenry of Oklahoma. I agree with that. I can relate directly with the home builders because I am building a home now and I am having to pay the interest rate also. I think that what we are all saying is that we need the money, and why are the interest rates high? I would say that inflation and high interest rates go hand in hand. I think if you will look back over time you will find that the real rate of interest, if we can measure such a thing, has not changed greatly.

I think also that perhaps we are stressing interest rates too much and not availability as much. I would agree with the gentleman right there, Mr. Russell. He mentioned that it is a combination of both. It is a combination of high interest rates and the problem of getting the money. The last gentleman, Mr. Austin, also pointed out this problem of the sources of funds, what is happening to the sources of funds. I think that we can relate the inflation, the interest rates, the sources of funds, and the economic conditions together. As I have mentioned I think inflation and interest rates go together. I think that the economic conditions bear significantly on what we are going through at the present time. We have had four recessions since the end of World War II and during each of those recessions we have still seen a rise in the price level.

I, as well as the rest of you, have a tremendous amount of impatience, being a young married person; I have a tremendous desire for different material things. I need and want a nice home. I need and want a nice car. I need and want other material things. I think that we as a group are very impatient. We want them now; we do not want to wait. And I think the more we are made aware of the fact that we have inflation, the more we want the things now, because if we wait the price is going to go up. The point is that we are all aware of the rising prices; we all want these things now because we have impatience; and, as a result, the demand for funds is tremendous. I would disagree with what Mr. Cole said. Mr. Cole mentioned that he has plenty of money. I do not think this is typical of the institutions throughout the United States at the present time. I think the banking industry, the finance industry, the savings and loan industry, the mutual savings bank industry, and all other financial intermediaries have a shortage of funds. They cannot supply all of the legitimate credit needs in the United States, nor in their communities.

Now, the point is, how are we going to get these funds to the people who need them? One of them has to be through our financial intermediaries, of which banking is one. I think one of the problems that has cropped up in recent years has been the problem of the sources of funds changing. Mr. Austin pointed out that pension funds appear to be a natural for obtaining money for the building industry. I agree; I think pension funds are in the ball games for the long pull; they are in the long term lending portion of the market. So are insurance companies. But what has inflation done to the long term lender? Sure, I will loan you money for thirty years because I know how many people are going to die off; I know how many people are going to retire. They are looking to me for a little more performance. The only possibility for me is to take a piece of the action; otherwise, I am going to be burned on this inflation bit.

Now, I do not want to accent this thing, but I think we as a generation have been cheated. I think that we have been cheated from the inflation standpoint. We did not have enough of it somewhere, and the reason I say that is that in Germany the peo-

ple fear inflation. Why do they fear inflation? Following the war and for a period of one year in Germany, the prices rose by ten billion times. It got so bad that they had to pay the workers in Germany on the hour, every hour, so that they could run out and spend the money. I think that, if we had had such an experience in our generation, maybe we would fear inflation. Maybe we would be willing to increase our savings. Maybe we as individuals would start saving more money, and, if we save more money, then maybe we can get at the needs where the demand for funds exist. I think, somehow, we have to look toward this increase in savings.

One of the problems that we come up with is that we are all in the market for funds. Now, as I mentioned, the financial intermediaries are trying to raise money; also the Federal Government. This becomes a great problem as far as the Federal Government competing for the use of funds is concerned, Senator Harris. Now, as we are aware, in 1967 we had the sharp deficit and the Federal Government had to go in the market heavily. Well, there was a crunch on money and home building was really hit then. But why? There was a new borrower in that market and that borrower was a tremendous borrower during that particular year. This is another problem I think we face, I am not concerned with the burden of the federal debt or anything like this. What I am concerned with is that this is a source of funds. There are funds there, and there is an additional demand placed on them. What I am concerned with is the shortening maturity on that debt. I think at the present time $120 billion in the Federal Government debt comes due this year, has to be rolled over, and on the Finance Committee you are well aware of this. Now, I think that this is one of the things that definitely ought to be changed. I am sorry that President Eisenhower made that statement in this press conference when somebody asked him, "Do you think the government ought to pay more than 4¼ per cent interest on its bonds." And he said, Well, that sounds kind of illegal to me," or something like that. I think that Second Liberty Bond Amendment from 1917, when they set it up at 4¼, if that were raised and the government were able to sell those long term bonds . . .

(Tape change no record of interim statement)

During World War II from 1941 to 1945 prices rose on an annual average of 6.4 percent. And at that time they did not take the consumer price index to the implicit price deflator by going around to the black market operators. This was a salable commodity. When they took those wage and price controls off in 1946, prices rose by 11.7 per cent and in 1947 prices rose by 11.8 per cent. What I am saying is, I think wage and price controls create structural difficulties in our pricing system, such that, when they are relieved certain areas are hurt and demand builds up in certain areas, people cannot get products. And I also believe that when they are taken off we have stress; so I am a little concerned about that.

I am looking for a falling rate; I think we have seen a softening of the interest rates already. I know that in my particular area there seems to be some mortgage money available at a price. They are building a large number of homes in northern Oklahoma, and I just returned from traveling in New York, New Jersey, and Florida and a few other places and found that out here I am getting a heck of a house at a price which I could not touch in another area. I think, in part, this is a result of having a very efficient home building industry here in Oklahoma. I also feel that our State Legislators were wise in passing the Uniform Consumer Credit Code which enabled us to go through this tight money period and still have some money available to the people. If it had not been for that, we might have ended up with something like we have in Arkansas, where there is just no money available for the people. So, essentially, that is what I have to say. Do you have any questions? I would be happy to answer them.

Senator HARRIS. I wonder if you agree with Secretary of the Treasury David Kennedy, who lately said that he thought that things were such that the Federal Reserve Board ought to loosen up more on the supply of money nationally now.

Professor BAKER. I would agree with that and I think they have done so.

Senator HARRIS. I think Secretary Kennedy was talking about more loosening up than has now occurred. Do you think enough has occurred or do you agree?

Professor BAKER. I think that statement is a couple of months old.

Senator HARRIS. No, he just made it two or three days ago.

Professor BAKER. I do not know. I have not looked at the recent figures. I would say, I think that Kennedy mentioned earlier that he felt that the Federal Reserve Board had tightened up too much in 1969. They really tightened up on that money supply, and I think that we are now paying the price for that tightening. I think that the recent change in the tenor of the Federal Reserve where Arthur Burns in his January Policy Directive said that from now on we are going to start watching the growth in the money supply, rather than the interest rates. I think that is a change in the right direction. I think that is a very important point and is badly needed. The problem had been, prior to that January change in the Directive, that they were watching interest rates or trying to establish interest rate policy when they were doing it exactly backwards. They thought that interest rates were going up, so that when interest rates rose, they pumped much more money into the economy and then when they did that interest rates softened, but ultimately all that money they piped in found its way into our hands, and, as we spent it, prices went up, and the interest rate kept going up. This is one of the basic fallacies in their reasoning. I think if they had stayed to a little steadier policy on that and had followed the growth in the money supply and credit or some other aggregate we would not have a lot of the difficulties we have today.

Senator HARRIS. Most people in this country are concerned about a liquidity crisis. I think we've seen some effects of that, and we may see more, I am afraid. Many companies find it increasingly difficult to secure the kind of capital requirement that they have. What is happening in regard to Oklahoma banks changing from national banks to state banks? Is that the result of the reserves that have to be put up, or what is causing it? Is it good or bad, and what can we expect in the future?

Professor BAKER. Well if you look at our total banking industry in Oklahoma, if you add up the total assets of all our banks, we have $5 billion in assets. That makes our banking industry ¼ the size of Chase Manhattan, ¼ the size of First National City and 1 per cent of the total bank assets in the United States. Now, as far as, if all of our banks in the United States—and that is a crazy scheme—but if all of our banks converted to state non-member banks, the Federal Reserve would have no difficulty implementing monetary policy.

Senator HARRIS. What causes this switch? Is it good or bad? What should we expect in the future, or perhaps you do not feel able to comment?

Professor BAKER. I think it is probably good for Oklahoma, and the reason is the reserve requirement on state banks that are not members of the Federal Reserve System are less, the reserve requirements are lower. As a result of the lower reserve requirement the banks are able to loan more money to the people. Essentially, the conversion represents an attempt by those banks to gain more money to loan to people.

Senator HARRIS. Is that common only to Oklahoma?

Professor BAKER. Look at Illinois; Illinois has very few national banks or state banks that are members of the Federal Reserve. In Illinois they have no reserve requirement for their banks. See, our reserve requirement for the banks in Oklahoma is the same as the reserve requirement for the banks established by the Federal Reserve Board. There is one difference; the banks in Oklahoma are allowed to count the balances that they hold in another bank as a part of their reserve, whereas, with the Federal Reserve banks they can only count what they have in the vault and what they have at the FED.

Senator HARRIS. Does that represent any greater risk for the banking public?

Professor BAKER. No, the risk to the banking public is completely out now as a result of the Federal Deposit Insurance Corporation. I think that we have done away with the problem of people losing their fortunes as a result of bank failures. We do not have to worry about that.

Senator HARRIS. Thank you very much. I would like to say, what you have said in regard to the deficit in the Federal budget and the requirement that the government had to borrow money in the market as a competitor is very well taken. Last year, the Congress cut President Nixon's requested budget by $5.6 billion; we reduced his budget request $5.6 billion under what he asked us to spend. This year, President Nixon's budget is a deficit budget. I am afraid that it is going to be more of a deficit than he now admits. The budget had a kind of a one-shot fiscal windfall in it, through the sale of strategic reserves, which got us some cash, and it assumed that we would raise postage rates quickly, that we would pass the gasoline tax increase quickly and that we would delay certain salary increases. Those things aside, the budget is going to have a bigger deficit than the President at first admitted because there is way too high an estimate on corporate revenue. Corporate revenue is way down from what had been anticipated. This budget was never a surplus budget; it was always a deficit budget. I am afraid that it is going to be a far greater deficit than the President is yet willing to admit. That is why I think it is imperative that we try to cut down on non-essential expenditures, to reduce the amount of the deficit.

As we know, the amount of the deficit has to be borrowed; we have to go into the market. And, as Professor Baker indicated, it means borrowing money. Therefore, I think it imperative that the Congress decide that we are going to forego, for example, such things as supersonic transports. The question of how fast we can get to London by 1978 is not as important right now, in my judgment, as some of these other things, such as bringing interest rates down and building houses right here at home. The same is true of the space shuttle. I think that this might be an attractive thing if we had plenty of money, but, if we do not have plenty of money, then to build a space shuttle now means billions of dollars in extra expense. That might be an attractive thing if we had plenty of money, but we do not have plenty of money, and there are things such as that which we ought to cut out or delay until we can take care of more of these problems at home.

I, next, want to call on Mr. Henry Likes, President of the State AFL–CIO. He has been very helpful in earlier hearings we have had on health care delivery costs. Henry, we are glad you are here in regard to economic conditions and high interest rates. We would be pleased to hear from you at this time in behalf of the working people of the state.

TESTIMONY OF MR. HENRY LIKES, PRESIDENT OF STATE AFL–CIO, OKLAHOMA CITY

I appreciate the opportunity to appear here this morning, and I apologize for not being on time but having just concluded our convention last week, I have not caught up. I have a prepared statement, but in order to conserve time I want to extemporaneously talk about high interest rates and what effect they have on the wage earner of this state and nation. What effect they have on the home building industry, the purchase of furniture, the home essentials. I am looking in the area of young people as I am particularly interested in that. We as Oklahomans and we as citizens of this great United States, where we live in a type of an economy that we like to brag about, are not really fair to the young people. When I say this I refer to the young married people who are the future citizens of this state and nation. The prospects for these young people in buying homes is very dim and it will be for quite some time. To furnish that home with furniture at the high interest rates that are now being asked, we are not being fair to our young people.

We say to our people in Oklahoma, look we do not have any time for these people who are always protesting, but you as young married people, in the progress of raising a family, we think you are fine. But yet on the other hand Senator, we want to charge them and gouge them till there is no prospect for these young people to want to settle down in the community and purchase a home.

When you talk about 10 per cent and 12 per cent interest rates on new homes in Oklahoma and I am talking in the range of $20,000; you can hardly purchase a three bedroom home for less than $20,000. You figure up a 10 percent or 12 per cent interest and how much money that young person will plow into that home in the course of a twenty or twenty-five year loan. He will more than pay double for that home and when he gets through paying for it, if he ever pays for it, in twenty, twenty-five or thirty years, he will have put into that home more than $40,000. And once he contracts for this kind of a loan, there is no one that will let him off the hook. He will be stuck with that for the rest of his life. You can talk about 18 per cent interest on revolving charge accounts as far as usury is concerned. This is a going rate we made possible by law in this state when we passed the Consumer Credit Code. We are pricing ourselves out of business as far as high interest rates.

We are not fair to the wage earner. It is high time—and I congratulate the Senator for having these hearings—I think it is time this nation takes a real good look at it and see if we are really fair. You and I enjoy better times; more than half of the people in this room enjoy better times than this because we bought our homes or went into the process of buying our homes, at either 4 or 4½, but not over 5 per cent interest.

We made this possible after World War II was over. Now we have gotten in this mess. We contribute to the economy of this nation, but I ask the question: are we being fair to those who want to purchase these homes today or start raising a family. I brought some information here today about what is happening in Ohio with this escalator clause. They found out in Ohio that those who had secured a home four or five years in the past had an escalator clause. Now, I have not had time to check into this in Oklahoma, but I think we ought to check into it and find out if some of these contracts are in existence in Oklahoma. The President of the United States agreed with this escalator clause in order for them to continue with their loans. They either had to pay them off or recall them. They had to add one per cent on to them. The Wall Street Journal and the Ohio AFL–CIO went into this in depth and they found that 45 per cent of the people who had purchased these homes were contacted and told, if you will add one more per cent on to your loan we will let you pay your loan out now. But if you do not we are going to foreclose on your home and you should pay it out. This is the escalator clause. Now I do not know whether this exists in Oklahoma or not, but, Senator, if it does, we ought to get after it and get after it real quick because it is really unfair. I brought this along for a matter of the record.

I hope that we can put our builders back in business building homes in the state of Oklahoma; I hope that we can. All along, I hear people advocate wage and price controls, but very rarely do I hear people say anything about controlling profits. I am against wage and price controls; but I am also against profit controls. If we have to have wage and price controls, then let's have it all the way and put controls on profits. We will then know where we are. I know that when this year is over, as far as 1970 is concerned, the record will show the bankers and savings and loan companies will make the highest profits in a hundred years. This is an indicator that 1969 held. I am all for making a profit, but I am not for them making a profit at whatever price we have to pay for it.

The prospects for lower interest rates look very dim at this point in 1970; however, if the national Congress will act by 1971 we should have some relief.

I want to speak in the area of new home loans. When you look at the young people, particularly young wage earners assuming the role of raising a family and faced with the prospects of rates from 10% to 12% interest on home loans and 10% to 18% on furniture, all of which goes into making a home and raising a family, it is alarming. We can only conclude that President Nixon is not particularly concerned about helping the people who are most seriously hurt by inflation—working men and women. Despite wage increases workers have won in recent months, the average worker's buying power is today less than it was when Nixon took office. At the same time, Nixon's tight money policy has made it impossible for thousands of Americans to own their own homes. While the President sat by interest rates climbed to the highest levels in 100 years. In the past year, mortgage interest costs have gone up nearly 24%. Associated Press has written a startling series of articles telling of severe financial problems people across America are having finding a house they can afford to buy. In the first installment, AP cited a recent Congressional study which pointed out "half of all Americans cannot afford payments on a $20,000 mortgage. Yet the average cost of homes being built equals that $20,000 plus a few more." Virtually all moderate income families have been priced out of the housing market. Bankers say that they must be allowed to charge the high interest rates so money for home loans will be available.

We know of no single factor which more drastically affects the economic welfare of working men and women that do the increases in the cost of borrowing money. These increases which are shared by business and consumers alike are reflected in higher prices on the one hand and scarcity of money on the other.

What credit costs and what we can do about it legally are vast mysteries to most of us. Families are being gouged every day by zooming interest rates. Stores, credit card companies finance companies and other institutions dealing in money can easily find ways to run rates almost out of sight. One of the most frequently used, of course, is the monthly interest rate, which when stretched out over a year, imposes a figure that would shock anyone who thinks there should be laws against excessive interest. It is the monthly interest rate that hits you the hardest and is the one area where we can defend ourselves. Assume you purchase $200 of goods on credit. You are told your interest rate is 1½ percent per month. Assume you pay $100 of your debt shortly after receiving the goods, you continue to pay an annual rate of 18% on the remaining balance.

We must continue to demonstrate our interest in the national and state economic policies which have caused these problems to the working man and women and to exert whatever influence we can with members of Congress and our Legislature to work for economic policies which will correct these unfortunate situations and bring protection and relief as well as to the wage earners.

Senator HARRIS. We thank you very much.

We have asked Mr. Bob Wagner of Vern-Wagner Supply Company in Enid to be one of our witnesses in regard to interest rates today.

TESTIMONY OF MR. BOB WAGNER, VERN-WAGNER SUPPLY COMPANY, ENID

I do not have a prepared statement. I do not have a lot of figures. I do run a small business, a wholesale plumbing and heating business. It is my understanding that you want information in regard to what tight money has done to business. Principally, I have more business this year than I had last year. This is more or less a false type economy. In the first place over the last year the price that I have to pay for materials has gone up about 22 percent so this means that my inventory is worth more than 22 percent or worth less than 22 percent.

If we take a look at inventory and accounting for the period of 1969, we should have had an 11 percent increase in our inventory before we change one figure, one bath tub, one water heater. We grew 11 percent. We have to take this thing into consideration. It cost 11 or maybe even 15 percent more to replace this item. The people with whom we did business two years ago, the ones that are financially sound now cannot make this larger profit which they could make two years ago, so they are waiting for the better type house, better type commercial building to come along so that they can return to the same profits. The people who are on the border line of being successful in business or not successful, they are forbidden these jobs, they do not end up with a margin of profit necessary to pay all their accounts, their labor, and so forth. So, consequently, they do not pay me. So, the people you do want to do business and not the ones that are doing the majority of the business now. You have to take more accounts that are on the border line and are harder to collect from. This comes about because there is not enough money available to operate this type of business. In our particular business, I would not say that profit control is necessary, I think that competition probably takes care of it very well. Is there anything else I can help you with?

Senator HARRIS. I do not know of anything further, Mr. Wagner. I think that is just the testimony we need, what the businessman in this state feels in the present economic condition.

Mr. WAGNER. In the city of Enid in 1969, we had 50 per cent less housing built than 1968. In 1968, we had 50 percent less built than in 1957. So that in 1970 we are looking at about 25 per cent of the housing market that we looked at in 1957. Now this is a drastic reduction and it may not be true in Oklahoma City or Tulsa, because their housing rate has grown because of apartment houses and heavy commercial construction. In the outlying communities—we also have a branch at Woodward—this is the same situation in Woodward.

Senator HARRIS. I appreciate your coming here today.

Next, I want to call on Mr. James Wasson representing the Oklahoma Bankers Asso-

ciation. Mr. Wasson, we are glad you are here, and we would appreciate hearing from you.

TESTIMONY OF MR. JAMES WASSON, STAFF VICE PRESIDENT OF THE OKLAHOMA BANKERS ASSOCIATION

It is a real pleasure to be here and I also want to commend you for holding these types of hearings. I was especially pleased to see you make the statement about the necessary reordering of priorities as far as the federal budget goes. The real problem we are in right now has been caused by the deficit spending and the impact on the money market. That had a definite impact here in Oklahoma. We looked at the availability of funds. We have to look at consumer financing, commercial type money, housing, agricultural financing and all other types of related financing to build in our financial structure.

As Professor Baker pointed cut to you, banks are intermediaries. People put money into banks; people borrow money from banks. Banks operate on the margin of what they pay for the money and what they loan money for. The situation here is that we have seen in the past two years, what is referred to as disintermediaries. The funds are not coming into the banks at the rate loan demands are trying to take the funds out of the bank. Where is the money going? Well first of all, sophisticated investors recognize the fact that the Federal Government is paying a higher rate than the laws will allow the bank to pay. Therefore, they are taking their money out of the bank and putting it directly into the Federal Government approved bonds and other types of government securities. The Professor mentioned to you the short term, the roll over, of present bills and the debt. This tremendous pressure placed upon the federal debt then causes the short term interest rate to remain at that high level. It cannot come down. So, either we are going to have to get into long term debt financing, coupled with sound fiscal policy or a monetary policy that increases our money supply along a constant level, rather than having 38 billion dollars plugged into it in a three year period. Our economy is so complex that it cannot stand these strains without giving one way or the other.

I think when we start talking about rates of interest, we need to really look at what we are talking about and who the villain is. What is the real rate of interest? If you will go back into history and start tracing the real rate of interest, if you will trace the inflation rate and subtract it from the market rate of interest, you will actually calculate the real rate of interest. So, if the inflation rate is running at 6 per cent and you add 2½ per cent to that, which is actually what will come out to be the real rate of interest, you have the interest rate you have today. If we could see this drop down to a period, as if we had a controlled economy of about 2 to 3 per cent, we would see the rates back down to where they were a couple of years ago.

Now, I think that in Oklahoma we have seen a softening of late; I think we have seen more competition. I think that the competitiveness among lenders is there. I think that the shortage of housing funds is still a critical problem. The banking industry is making every attempt to get more and more dollars into the housing market. We are in a very bad situation as far as being able to get in long term type investments due to the extreme regulations that are placed upon us. The security of the depositor's money is paramount in every banker's thoughts when he gets into long term financing, and there is fear; nobody really knows what is happening in the future. So, 20 to 25 years from now, what is going to be the situation? Are we willing to lock in today for that long period of time? So, I think the sources of money for housing is really an area where there needs to be a long hard look. There is a Housing Bill that is in Congress right now. I think that this will ease the problem. It will make more funds available, and will take some sources that have been nonexistent in the past and put them into our money market for housing. That will be of assistance. I was pleased to read just the other day that on a particular automobile purchase a bank was advertising on a consumer purchase an annual percentage of 8.43 per cent and this was for the purchase of a new automobile. This is very competitive and I think it could almost challenge any state in the Union to come up with a competitive rate with the market rate as high as it is.

The main thing that I think we really ought to do is to be concerned about young people. Be really concerned about them in the area of economic education. I think that it is foolish if we stand here and talk about what the problems are today. The problems were not caused by anybody in this room today. The problems are problems that have been built up because of years of prosperity, because of the years and the benefits we have gained from technology. Everyone of us is living better today tnan we were ten years ago. And, granted, there is real wealth and poverty, but everyone in the whole society of America has made improvements over this ten year period. The real problem comes because we are not educating our people to economic principles. To use an old Oklahoma phrase, if you are going to dance all night, you have got to pay the fiddler. This is what we have got to do to teach economic responsibility. An individual can enter into the school system today, go completely through and obtain a doctorate degree and never have one course, never be required to have one course in personal money management. If we teach basic economic principles to our entire school system, Congress will become more economically responsible, and so, too, will more of our leaders become more economically responsible. Therefore, we eliminate these problems that we have with people going out and making purchases, instead of tightening up their belts just a little bit and being able to make a decision as to whether this should be in their budget or not. Now, it is impossible for any one person to draft a budget that fits everybody because we, as a family institution, have to make that decision. I want a nice house for my family; somebody else may want a big automobile. Well, fine, as long as it fits within the budget. But when we get into deficit financing, then, we seem to be in trouble. As more and more demands for funds come along, we are going to have the law of supply and demand. The rates are going to stay up. So, with the Federal Government's impact on the money market, with the loan demands, with more and more people coming along, we are seeing more and more demand for loans. We cannot fulfill these.

Now, in the area of bank profits, Mr. Likes mentioned that the banks were profiteers. Well, I would like to say this, that if we are profiteers, I would like for him to look around the state of Oklahoma and see some of our banks that are returning on their investment dollar a yield of less than 5 percent.

Senator HARRIS. Nationally, last year, I believe, bank profits were the largest in history, according to reports. For the first quarter of this year, bank profits were above last year. How does that apply to the little bankers? Also, are those figures generally true in Oklahoma?

Mr. WASSON. Oh, I would say that bank profits are generally up, and I think there are several reasons for this. Bankers are becoming more sophisticated investors; they are making better use of their funds. I do not think high rates have really caused this. I think it has been an increase of technology just like in everything else. But when you are talking about a return on investments that yields you less than what the money market is, you are better off not to be in the bank and to have it in government securities. The average return on all investments of the banks in Norman Oklahoma, where we have the data, is 6.1 percent of the invested dollar. That is all the stockholders and everybody in the bank had a deal with 6.1 percent, but if they had taken that dollar and bought government securities, they would have had a better investment in today's time. Also the cost of money has gone up. We have seen a trend from less demand money to more time money. Regulation Q rates have gone up now to where they are paying from 4½ to 7½ percent for funds. Well, when you are paying 7½ percent for funds and you have to operate so you have operational costs and so on, it is impossible to loan the money for anything less than it.

Senator HARRIS. Would you say that Oklahoma does not have the same situation as exists in other states?

Mr. WASSON. I do not think that it is indicative to say that we are reaping excess profits.

Senator HARRIS. I did not say anything about excess profits.

Mr. WASSON. Bank profits are up, yes, because of several factors. One of which is the better technology and the sophistication of the banker in the use of those funds. I think also the trend that you mentioned a while ago with the change from national charter banks to state charter banks. I think that one other factor involved in this thing is that the State of Oklahoma through its Banking Department has upgraded its laws to where the state bank can be on a competitive basis, as far as flexibility, with a national bank. They are working very hard to upgrade their department to give good sound examinations and so on. So, there is no longer any fear of having a state banking department that would create a bad system. This is one of the factors that should be brought out in this conversion period. It does give them availability of more funds for loans, which is good because it pumps more money into the state of Oklahoma. In other words, the national banks of the Federal Reserve keep their reserves in a Federal Reserve Bank and it is gone from the state, whereas, in Oklahoma, the state non-member bank can keep their reserves in the state of Oklahoma and that way there is more money available. I think that this trend is good. I would hate to see the elimination of the dual banking system. When a bank feels it is better off and can provide its public better service by being a national bank, it has the privilege of converting to a national bank. I think that this is good for the system.

Senator HARRIS. Well, I certainly thank you, Mr. Wasson, for being here and for your testimony.

Our next witness this morning is the President of the Oklahoma Bankers Association, Mr. Gene Rainbolt of Shawnee.

TESTIMONY OF MR. GENE RAINBOLT, PRESIDENT OF THE OKLAHOMA BANKERS ASSOCIATION

Senator, I am not prepared to make any major speeches as Mr. Wasson has done. Rather, I would like to make two or three points and then perhaps you might have a question.

As far as the availability of funds in Oklahoma, I think that the statistics will show that the country banks, that is the banks outside the metropolitan area, have had sufficient funds to meet the needs of their customers. I think you will find that the loan-deposit ratio is something like 50 per cent. We have not seen the outflow of funds in the country that we have seen in the city. Certainly, our major city banks, the four or five large banks in Oklahoma which compete in the national money market, have had the same problems that the money market

banks have had and, indeed, because of their inability because of regulations to compete for funds with rates, have seen a real outflow of funds and have had difficulty in providing all their commercial customers with the credit that was needed. Certainly, I am sure that we would all agree that even in the country, because we are all affected with insurance companies being out of the long term housing market, we have had a shortage of funds for housing. There is no question about that.

I just want to make one comment on return of bank profits which I think we lose sight of. Certainly, bank profits are up; there is no question about that. But in terms of return on investment, of 59 industrial categories, banks rank 50th. So from an investor's point of view, it is one of the least profitable industries in which he can invest. So, perhaps what we should address ourselves to is how to make business more profitable and attract more funds into the banking industry, which is a little different concept than we sometimes have. The problems in Oklahoma that have arisen because of this short money and the lack of credit, it seems to me, would certainly include housing as one of the major areas. The municipalities, because they have to sell their bonds basically in a national market and because banks have become the principal holder of municipal securities and since the need of municipal services is so great, have been unable to issue the number of bonds which they need and would like to do. As far as possible suggestions as to legislation that would help the situation, the one-bank holding company and the Senate approach to it should give us more flexibility to attract funds, to compete for funds, which in turn would enable us to provide the necessary finances. Something that is very important to the banking industry and probably the key to long term survival is the ability to compete for funds. If we are restricted in our competition, and Regulation Q does restrict what we can pay, then we are going to be unable to provide the finances that the country is going to demand. So, through both one-bank holding company legislation, through a long term look at a change in Regulation Q, giving the banks more leeway, though I realize at this time that the country cannot make that change, we would be more able to compete.

Now, there are two ideas that the Senate advanced that have not particularly gained any momentum, which would also allow the banking industry to be more active in the housing market and another area of problems, student loans. If we could develop a secondary market for conventional loans, I think that the bank would be able to enter into the financing of housing. Now, this is particularly important in the smaller towns, many of which do not have savings and loans, and which the insurance companies do look on with any favor. So, if we had the viable active secondary market for long term conventional housing loans, I think that we could enter into solving the problem. For student loans, if we could have a secondary market for student loans, the banking industry could provide virtually all the funds for those loans. I think this, too, because they tend to be long term in nature and would allow us an even more active job in providing student financing. I think that would basically state my position.

Senator HARRIS. That is an excellent summation of the presentations we have had in regard to banking in general, and I appreciate very much your coming here.

Mr. RAINBOLT. Are there any questions that you would like to ask?

Senator HARRIS. I do not know of any. We had some discussion before you came in with Professor Baker, James Wasson and others. I do not have anything further to ask you. I thank you.

Now, to wind up our morning session, Dr. A. G. Homan, Director of the University of Oklahoma Bureau of Business and Economic Research, is here and we would be glad to hear what you have to say.

TESTIMONY OF DR. A. G. HOMAN, DIRECTOR, UNIVERSITY OF OKLAHOMA BUREAU OF BUSINESS AND ECONOMIC RESEARCH

I understand that the purpose of these hearings is to document the best we can how the current slow down in the national economy is affecting the State of Oklahoma. Is that correct?

Senator HARRIS. Yes sir. And to develop any new ideas or support for legislation or support for it.

Dr. HOMAN. Naturally, of course, the primary reason why we have a slow down in the national economy, as you well know and as all of you know, is the result of the tightening of the monetary and fiscal policy in the country, which is not just affecting Oklahoma, but almost every state in the Union. The tightness of the money and capital is perhaps caused primarily by the Federal Establishment slowing down the growth of the national economy, to work off the inflationary pressure that had been building up for a number of years in the country. The primary cause, of course, of the rising wages and prices has to stem from the conflict in Vietnam and the expenditures that go with it, which at the present time, I understand, according to the latest estimates, is still running about $25 billion annual rate.

Now, the choice that the Federal Establishment took in bringing the economy to a slow down has, in general, been quite effective. The slow growth in the money supply, which as you all know is effected by the Federal Reserve System, a slow down in expenditures by the Federal Government, including cut backs in military expenditures and for space programs, have brought about an overall cooling of the economy, which, overall, has been very beneficial to slowing down the price trends in the economy. As you will have noticed, the cut back in the defense and space programs has been particularly hurting those states that have these large complexes. Oklahoma has had a share in the cut backs in these programs, especially in Tulsa, where we have some major aero-space defense companies and it has also effected some cut backs in military defense payrolls in military installations in Oklahoma. Now, the impact of these federal policies on the Oklahoma economy has been, as it has been on the United States, the effect of a slowing down of Oklahoma's rate of economic growth. The indicators which I will bring out in a moment will document that our state has also been effected by it.

The first major indicator that could show you a slow down in Oklahoma's economy, including Oklahoma City SMSA and Tulsa SMSA in particular, is the slow down in retail sales. Retail sales is probably one of the primary indicators of economic wellbeing to the business community especially. As you look at the data, you can see that from January 1969 to April of this year the retail sales have grown only a few percentage points, which, if you take into account the enormous growth in inflation we have had in the last year and a half, overall probably 8 or 9 per cent, suggests that the actual number of items sold at the retail level had definitely decreased. This is quite readily shown in terms of the number of items purchased, as you can get this information from the department stores and other retail stores. Automobiles, household appliances, building materials, and furniture have been especially seriously affected and I have some charts that I will be glad to leave with you that show that the Oklahoma economy has very definitely been affected by this.

Nondurable goods, groceries, and other soft goods have not been much affected by the slowdown. I might add, as you go through these other indicators and find the same general trends, that perhaps as much as monetary and fiscal policy has had an impact of the economy that the consumers, households, people have been reluctant to even spend as much as they normally do because of frustration and unhappiness, you might call it, about the national political, economic picture. Doubts in the country about some of the aspects of our stewardship in Washington, the war in Asia, the potential dangers in the Middle East, vacillation in some of the government programs, the uncertainty on the part of government officials to come out forthright to indicate that we are in a planned, contrived recession to work off the inflationary pressures in the economy, the contradictory statements made by government officials as to whether or not the recession was deliberate or not, or whether or not we would have one, the rising level of unemployment which has distressed an awfully lot of people who are at the margin of being employed or not employed, have made, in general, households very very cautious in their expenditures. Family expenditures for goods and services, as you well know, is still the single most important or biggest block of expenditures in the national economy. Households spend the single biggest item in total out of the national economy, and when consumers become more cautious in the things they buy, buying a car or a new refrigerator or a new appliance, added up together they make a very significant impact on the economy. I think that this is to be taken into account and we really cannot quite tell for sure as to whether the slow down in the Oklahoma economy is primarily caused by the consumer sentiment, frustration, uncertainty or whether it is caused by specific economic policies. Probably a combination of the two, but you really cannot quite tell as to what the primary factor is.

Of course, the fear of unemployment has let a lot of families decide not to spend their money for some major ticket items they would have bought otherwise. I think this is part of our national economic picture as well as it is in Oklahoma. The employment situation in Oklahoma in general looks pretty good. The level of employment in Oklahoma has reached about a million total people employed and since January of this year it has been climbing again slowly but surely. The biggest single industry factor that has shown distressing rate of growth in unemployment has been in manufacturing. Now, as you well know, the manufacturing sector of Oklahoma is very different in the various segments of the State. Tulsa, the metropolitan area, has 25 per cent of the total employment in manufacturing. Oklahoma City SMSA does not have as much. So, the impact on the Oklahoma City SMSA has not been quite as severe as it has been in Tulsa and some of the other parts of the State. The manufacturing unemployment in Oklahoma started to rise in October and November of last year and the rate of unemployment is still rising. The number of people that are actually employed now is somewhere about 7,000 or 8,000 people less than there were last year. Lay offs in manufacturing have been very definitely part of the picture in Oklahoma and more so in Tulsa, than in Oklahoma City.

Senator HARRIS. What about the rate of unemployment in the rural areas? In such areas as Atoka County or Cotton County? How often is that checked into? Also, where a person would know pretty well what jobs were available, if he had not been out looking for a job for the last couple of weeks, he would not show up as unemployed, although he really was. Is that so? What about the gathering of statistics in a rural area such as that?

Dr. HOMAN. If people do not register with the local employment office and notify the

office that they are looking for a job and cannot find one.

Senator HARRIS. Is there necessarily an unemployment office?

Dr. HOMAN. No, a lot of areas do not have an unemployment office. Generally, the Employment Securities Commission covers the whole State so there will be a regional office in every sector of the State, but many communities do not have one. For example, Norman does not even have an employment office. For as big a town as it is, it does not have an employment office, which is really quite amazing. Unless people register and say that they are unemployed and cannot find a job, they will not be registered. That is one point.

Now we do get, that is, the Employment Securities Office do get these numbers in every week from the regional offices and they are compiled. So, what we have got is the State average and this, of course, hides an awfully lot of basic information about what is going on in the rural areas. In general, we have not had any serious unemployment in the rural areas of Oklahoma, except perhaps in some of the eastern counties. Generally, our unemployment rate has not been too bad. Now, an awfully lot of people, of course, do not have full time jobs.

Senator HARRIS. I would disagree with you, but maybe you are about to answer part of it, underemployment, seasonal employment.

Dr. HOMAN. Now, that is very serious in the state and especially in Eastern Oklahoma and always has been—has been for decades and is still bad. Perhaps the best way of illustrating how people, household incomes, have been affected by the rise in inflation is to take the average wage of households in Oklahoma, plot them on a piece of paper that shows the average wage of households in Oklahoma, plot them on a piece of paper that shows that since January of last year, when the average wage in manufacturing, for example, was around $500 a month, it has gone up in that period in the last year and a half to about $540, as of May of this year. However, if you take out the rise in prices, you find that actually the real wages, that is the purchasing power of his income, has declined significantly in the last year and a half. I think that all of the national data that you can see on that confirm that this is not just our situation, but that is true pretty much throughout the country. Some cities and states are worse than others. Here in Oklahoma we have had a very significant effect in that the workers in manufacturing have not had the power to get the increases along with the rising cost of living that they have had in many other parts of the country. This is something that every retailer in Oklahoma can tell you; people have not been as willing to expend their income on consumer items as they were some years back.

As part of the economic picture of our state it probably epitomizes better than almost anything else except for unemployment and the decline in purchasing power of income—is the financial situation of the state with respect to financial institutions. I have not had time to look at all of them, but if you take, for example, looking at the time deposits in commercial banks, insured commercial banks, members of the FED, they have had an enormous decline in time deposits. Starting last year in March and going all the way through March of this year, there has been a decline in total time deposits of millions of dollars. In fact, the decline has been between $150 and $170 million of loss of deposits on the part of commercial banks. You all know that this is largely because people who held money in time deposits in commercial banks have chosen to invest these funds into the money market where they got a higher rate of return than in commercial banks. The federal regulations as to what commercial banks could pay, the so called Regulation Q, has put banks at a very serious disadvantage to compete for funds and hold them. Now, this is all, of course, part of the contrived deliberate plan by the Federal Establishment to slow down lending. In that respect, it really worked. Distressingly so, you might say, but it really was quite effective. It really was not until April of this year that time deposits again started to climb. So, they are on the way up again. Now, the chances are, in my judgment, that time deposits will continue to rise in Oklahoma. The interesting difference is that the big block of funds that was withdrawn out of commercial banks came largely out of the big city banks, rather than the country banks, so that the country banks have not really been very much affected by loss of time deposits in the state as a whole.

As to construction, there is a very mixed picture there. Both in Tulsa and Oklahoma City, commercial and industrial construction have actually kept up very well, remarkably well. New business coming in, new manufacturing establishments coming in and the dollar volume has continued to rise quite well. Residential construction on the other hand throughout the state has been very severely affected, which is quite clear in the numbers you can bring out in terms of dollar value or in terms of numbers of units. The only part of the residential construction business that has held up pretty well, in fact, has done quite well, has been the apartment unit construction that we have seen throughout Oklahoma City. We have seen all kinds of new apartments go up, which is kind of a substitute for residential construction. The people who build apartment houses can more readily get funds from the big insurance companies, which have been quite liquid in the last few years, while individual home owners have difficulties getting money, getting mortgage funds, from commercial banks and savings and loan associations, or they are unwilling to pay the high price. Increases in the down payments that people have to make, in points and all these other charges have made a lot of people, households, very leery of home construction or buying a new home. As a result of this, residential construction started to go down in the early part of last year and has not really recovered much. It has increased again a little bit in the last few months, but no one knows whether this is a continued upward trend or whether it is just going to keep on at a sluggish pace.

One of the interesting indicators about the growth and the strength of Oklahoma's manufacturing industry is the amount of power sales, electric power sales, which is gathered every year by our Bureau and it shows a very definite slackening off in the fall of last year and it is not really doing much at all right now—no real growth or up trend in there at all. The only way that you can actually test where all of this is going to go is some information that we do not have right now. We usually collect it once a year. The recession we are in right now in Oklahoma, even though it may be a mini-recession, is a recession, no matter how you look at it. I understand the academic community has not quite decided whether to call this a recession or not; neither has the National Bureau of Economic Research, which is all very interesting and academic, but we are definitely in an economic slow down. We have had for two quarters of the year a decline in the Gross National Product in real terms and by that definition we are in a recession.

It is not as severe as any of the others we have had except the one in 1967, but it is here. The distressing thing about these recessions is that it is not really brought out how many companies, stores, or families have really been hurt significantly. For example, the number of bankruptcies in retail establishments has been very significant in the last half year and the documentation on that is not good. We need much better numbers on this. The Small Business Administration and the Department of Commerce can do a much better job getting the numbers on this.

They are in a much better position to do this than Universities are or any other agency that I know of. The rising level of unemployment has caused people needs for funds to tide them over; the running out of unemployment benefits has created tremendous hardships on a great number of people. We have in Oklahoma at the present time, out of the million people that we have now employed, a little bit over four per cent of 40,000 unemployed people actively seeking for work that cannot find jobs, and that is pretty high. It has not been that high since 1967, and it is very distressing. I guess, if we could ever find any better documentation on this we could indicate that, for one thing, that the Federal Establishment in its goals and in its plans, as justified as they might be and I think they are, in bringing the economy to a slow down so that we can achieve a more orderly rate of growth some years hence so no one quarrels with that general concept—I think that this was really in order both from the standpoint of having a more decent and orderly growth in the economy and also from the international standpoint in our balance of payments—this country has got to bring prices under control or we are going to run the chance that we might someday see the dollar devalued. The once mighty surplus that we had in our trade balance in this country has really dropped just fantastically. It is down to less than a billion dollars annual rate now; it used to be about five.

The painful aspect of a contrived recession is the people at the lower rung of the ladder in our society, the people who are just barely able to hang on to jobs, are the ones that get hurt the most—and first. I think that this is distressing, and I do not think that this is necessary. Secondly, I feel that this has been talked about a great deal and there is a lot of documentation to support this, the construction industry, especialiy residential construction, has been hurt by this recession very severely. I do not think that there is any real need for that. The price we have to pay to bring the economy back into some kind of orderly balance I do not think has to be paid by the most disadvantaged people, in terms of their income and the security of their jobs, the people who have the lowest degree of competitive power to get their wages to go up with the cost of living. I do not think that this is really necessary. I think that there are always ways and means in which the Federal Establishment—I am using that word because I want to include the Federal Reserve Board, which as you know, is not an agency of government but, an independent financial central bank—can devise better ways and means to slow an economy down, rather than doing it across the board, making the banks, the construction people, and the disadvantaged people the goat of this kind of an economic plan.

Now, that is not to say that anyone can have any great hopes that we are going to do things altogether differently the next time around. I presume and I judge that we will probably have another go around in an economic squeeze, because, as we recall what happened in the 1950's, we had one recession after the other. Now, it has been my judgement that once the fall elections are over the economy will probably be brought back to a reasonable speedy degree of expansion and, then, two years from now, we will have another economic squeeze.

I might simply say that national economic policy which is geared to bringing an econ-

omy into a recession and in a very deliberate fashion, I think, should concentrate more on human values, rather than on economic success. I think both are important. I think for the long range future of our country and our economy, we have to have a sound economy, but I do not feel that there is any need for recession to be brought on deliberately that picks out the people at the lower rung of the ladder of society to make them principally pay the price in terms of unemployment. We have yet to see the worst of unemployment, because I feel pretty sure that the rate of unemployment will probably go to at least 6 per cent in the country, and in Oklahoma it will go at least to 5 per cent. So, we are not out of the woods yet. The economy nationally is close to bottoming out. We expect a very sluggish economy for the balance of this year and maybe early next year, but we will come out of this thing. The only question was the price of human value that we pay to do it all. Is it really worth it? I sincerely doubt that it is. I think that there are better ways in managing our financial affairs; we do not really need this kind of a distressing situation.

I have written a number of articles on this for the Oklahoma Business Bulletin. One of our suggestions is that the Congress of the United States, which holds the purse strings, establish a Financial Stabilization Board with a Council of Economic Forecasters. And, they should allocate annually no more funds than what is consistent with the overall flow of funds in the national economy. The Congress should actually, in co-operation with the Treasury and the FED, become the initiating body in the Federal Establishment. It would say at the beginning of each calendar, or Congressional year, that we would have no more funds appropriated than what the economy can absorb, consistent with our plans and programs for orderly growth. I think that the responsibility in this area is not with the FED, as I see it, and, as you know, the FED is responsible to the Congress for its activities, but, as you know, this is a very fuzzy relationship. The Treasury is part of the Administration and its main concern is unemployment, rather than anything else. I feel that the Congress should take it upon itself to be informed and not just through the Joint Economic Committee and a few staff people, but to have an independent board of business, financial and economic experts that will make the necessary forecasts on the growth in our economy in the next two years. If Congress will, accordingly, appropriate funds consistent with orderly growth, if we have this kind of a program, we will not find ourselves again in the next two years in another predicament like we are in right now, where we leave it up to the Administration or we leave it up to the Board of Governors, somehow working things out to bring the economy down and then get it going again. The Congress has a primary responsibility in this matter, if anybody does, and I see no justification for letting the Presidency, the Administration, and the Board of Governors sort of work things out and see what comes out. I think that the Congress and its principal leaders should be principal parties in the determination of economic policy, and they have not. They have been more concerned about their regional and their pet project interests and I think that this is a responsibility that should come out. I have written on the subject. I believe that Congress should establish a Financial Stabilization Board with independent posture and to recommend to Congress as to what they should do to keep the economy growing and to keep it stabilized.

Senator HARRIS. I appreciate very much, Dr. Homan, what you have had to say. I agree with you that it is not fair nor necessary for the average wage earner or the home building industry to bear a disproportionate share of burden of efforts to cool off the economy. I do not think that we can justify that. I appreciate that being brought out. President Johnson said in 1965 that it is not necessary that we have business cycles, a recession followed by prosperity, followed by another recession, as we used to think. That was a rather new kind of philosphy. As you know, government bulletins used to come out on business cycles, and we studied business cycles in the schools. This main thing you needed to know to understand or manage the economy was to know in which part of the cycle you found the economy. Now we do not think that those cycle are necessarily immutable and I think that is a great step forward in economic theory and economic policy. I think we need to go one step further now and admit that the unjust and uneven slowing down of segments of the economy and causing, on purpose, unemployment as the basic means of slowing down the economy is unfair. I think we must go now past that economic policy and philosophy as well. It is long overdue that we should do so. You have been very helpful to us, giving us the facts about what the situation is here in Oklahoma, and I appreciate it very much.

Now, to wind up the hearings this morning, I want to call Gene Rainbolt back to make an additional brief statement in regard to domestic priorities. Gene is an old friend of mine who has been very helpful to me personally over the years, and I appreciate his assistance in getting this hearing together and his appearance here today.

Mr. RAINBOLT. Well, I am happy to appear here, Senator. First of all, I do not think that I gave a proper conveyance of what the circumstances of the people in the country might be in terms of interest rates. I know of many country banks, including the southwest part of the state, where the ranchers and farmers are still paying less in interest rates than the national corporations. Certainly, the interest rate in the country is far less than it is in the city. I want to recognize that contribution on the part of the country banks. I think also that we need to recognize that he would be able to do a more complete job were he not having to compete with the federal agencies for his funds and this is particularly true. I am sure that you are aware of the problem of the Farm Home Administration where the local bank is having to compete directly with them. It is an impossible situation. The houses that have been built, and very appropriately so, the majority of them have been low cost houses basically, with some supplement and our bankers have been quite active in providing the interim funds necessary to build them.

As for the problem in terms of inflation, in the first five years in this upswing in the economy, we had 1 to 1½ per cent a year inflation and it was basically when we made the decision that we could have both guns and butter that we commenced this inflationary spiral. Following Dr. Homan's statement I certainly subscribe and I think the bankers will too, that we do not want these low income recipients, the least skilled, to have to carry the brunt, but by the same token neither do we want to see fiscal policy as the only tool which puts us in the role of the scapegoats to some degree. We would much prefer a policy which seems to me would be one of establishing national priorities, the things that we most need and can best afford. Certainly, the banking industry point of view, we would plead and agree these are the national priorities. The things we most need and can best afford to pay for. Thank you.

Senator HARRIS. Thank you, Gene. I think that is a good addition to our record.

There is no question that the Federal Government is like the Oklahoma house wife in that we are not unlimited in resources; we are limited. We are not going to have the kind of economic stability we want until we get out of that war in Indo China. It costs enormous amounts of money. In the meantime, there are things we can and must do. We have gone into some of those here this morning, but even after the war in Indo China is over, as I hope someday it will be, we are still going to have limited resources. We are still going to have to decide what things are more important than others. Is education more important than an SST? Is housing more important than ABM? These are the the types of decisions we are going to have to make, and, so, I think what you have said is very useful. We will break now for lunch and meet back here at one o'clock.

AFTERNOON SESSION

Senator HARRIS. I want to welcome you back here for the afternoon session of these hearings. This hearing on the economic situation in Oklahoma and the impact of high interest rates is a part of the continuing effort on my part to bring the Federal Government home to the people and to give the people the opportunity to have their say and to have it heard at the decision-making level of the Federal Government.

This morning we heard from Earl Austin, President of the Oklahoma City Home Builders and Joe O'Connell of Norman, Legislative Chairman of the State Home Builders Association. We would like to continue with the testimony of home builders by calling as our first witness this afternoon, Mr. Raymond King of Tulsa, an old friend of mine, former President of the Oklahoma State Home Builders Association. I appreciate very much your coming, and we would be glad to hear you.

TESTIMONY OF MR. RAYMOND KING, FORMER PRESIDENT OF THE OKLAHOMA STATE HOME BUILDING ASSOCIATION

It is a pleasure being here.

Senator HARRIS. We would like to hear anything you have to say about the situation in Oklahoma.

Mr. KING. Well, I thought maybe you might have some specific questions; however, I can touch on the situation in Tulsa, which I think is pretty much indicative of the State of Oklahoma and especially in the larger areas. I am not too familiar with the smaller areas except in the area of the Farmers Home, trying to do some financing that way. The situation in Tulsa at the present time is that money seems to be loosening just a wee bit. Interest rates at the present time on an 80 per cent loan for a permanent basis is 8¾ per cent and two points. If a person wants a 90 per cent loan, that is at 9 per cent and three points. Construction money in Tulsa is anywhere from about 9 per cent and points vary as to the amount of money in use, anywhere from one to the better borrowers to the maximum of four with a 1 point refund if they place the permanent loan with whoever the buyer happens to be with the particular savings and loan that might be doing the financing. Needless to say, the rates are higher than we would like to see them and I think higher than they should be. It is very difficult to pass on; well, actually, the consumer is the one who gets the final out-and-out price increases and interest rates, because money is just like bricks and stones and everything else that is a commodity and it is something that you rent for a period of time as a cost of the house. This is passed on to the buying public in addition to his permanent financing costs that he has to make. Most of the Tulsa banks are loaned up to anywhere from 70 to 75 per cent, which is reaching their maximum with a federal reserve bank and also with a state bank. Consequently, it is making it very difficult for the small businessman, including the builder, to acquire financing when the money is up for grabs or up for bid. One of the things a smaller builder does not have is the security that a larger company or a person that is in greater needs for financing has.

Senator HARRIS. What about vacancies generally in Tulsa? What is the situation generally there?

Mr. KING. The vacancy ratio in a recent survey is showing about 4½ per cent vacancy in top flight rental property. This has primarily to do with apartments. Six months ago, a survey was taken along about January and the vacancy ratio was a little over 10. The reason for that is not that the economy is bad or anything, but a large number of finished apartment units came on the market at one time; consequently, it took a while before the absorption was acquired. In your better units, for example, duplexes, I have about forty which you might call semi-luxury duplexes and they stay 100 per cent full. They have been full 100 per cent for the last 120 days. Prior to that, most of the vacancies that we had were based on the fact that we were putting so many new ones on the market at one time that it was difficult to keep them rented up. It only took about 30 days after we put our last, I believe it was 10 units on the market, to get them rented up. So the rental situation is very tight and getting tighter. The availability of rental housing, the single family house is almost non-existent. For one thing, a late model house that a builder would take in trade, you have got so much invested in them, he is not in a position to do much other than turn around and sell it, because his working capital is in great demand. There is a tightening of the market very definitely and it is coming to creating a housing shortage in the $30,000 and under price range. Of course, the difficulty of trying to build anything under say $17,000 or $18,000 today is, well, it is almost impossible to build it. This is where the HUD programs help pick up in the 235s and 236s, and on lower down, of course, is the public housing and some of the other things. There is a tightening of the market. Those of us who have had inventory are finding it being cleaned up little by little. You have a house every now and then that will stick on you and those are being cleaned up pretty well too.

Senator HARRIS. You have answered my questions. I appreciate very much what you have had to say in addition to what Earl Austin and Bill O'Connell have said about the housing situation here in the state. Have you got anything else you want to add?

Mr. KING. Well, just basically a philosophy and that is there is just no way that a working man, who has to pay taxes on his income and then pay his rent with after-tax dollars can compete in the market, both as far as security and as far as percentage points. There is no way that he can compete with the business people because the businessman pays his interest with before-tax dollars. Something is going to have to be done. As both you and I know, it looks like some of it is going to be done with either a subsidized interest rate or subsidies from the Federal Home Loan Bank Board to their local operations and to their local banks. Basically that is it. We do need to have a standardized interest rate and a standardized flow of funds. Our industry is not one that you can shut off and turn on like you do a water faucet. From the time that a builder would consider buying a piece of ground and putting the utilities in it, going through the planning commission, and here again today more and more red tape is involved as it is in everything to get anything accomplished. Consequently, until the time that he can get a buyer in that house, you are talking about a period from the very beginning to a time around six months later. He is not going to go out and buy a large piece of ground if it does not look like adequate financing is going to be there. Consequently, one of the other problems I would like to add, Senator, which has to do with our building industry, is the on-again off-again availability of funds. We are quickly losing our tradesmen in the industry to other phases of business because they have families to feed, they cannot wait till the money becomes available.

They have gone to other industries, the defense industry and space industry, places where they can acquire a job, two weeks off, and get a pay check every two weeks and not worry about being laid off for six months at a time because we, as builders, are unable to provide work for them because the available funds are not there. Consequently, when the start up comes again, then you wind up with fewer of them coming back to the industry and then we, who are builders, are competing for their labor. Prices go up and it tends to be inflationary—not tends to be, it is inflationary. This another problem along with higher real estate taxes and higher interest rates that we have to pay.

Senator HARRIS. I want to call now on Mr. Lawrence Heiliger, President of the Oklahoma City Board of Realtors. Mr. Heiliger, I suppose that the thing to do is for you to say whatever you have to say and if you want introduce the others who are with your group, they can add something if they wish. We will start in that way.

TESTIMONY OF MR. LAWRENCE HEILIGER, PRESIDENT OF THE OKLAHOMA CITY BOARD OF REALTORS

Senator, I was hoping that you would ask some questions, instead of me talking very much. We have with us today Mr. Theatus Greeson from our Executive Office and Jackie Stanley, President of the Capitol Hill Division, who is on the schedule. The Board of Directors of the Capitol Hill Division are also here. I see some people who are from Midwest City back there also. We are quite well represented in the real estate profession.

Actually, I guess what you want to know is how the interest rates are affecting the real estate market in general. I am primarily involved in the commercial, industrial business. However, I am connected with enough of the business to know something about the residential business. I think that the interest rates are affecting the working man and the people who are living in the smaller homes, you might say, more than anyone else. Whenever you determine your budget, your personal budget on how much you can afford to pay for rent and groceries etc., if there is a large difference in the interest rates of say, 3 per cent over what it was just a few years ago, this is a big item. Consequently, these people will hesitate to buy a home which we consider to be a very good investment and it is certainly wise for our country to encourage home ownership.

So, if these people do not buy homes, they are going to rent a house or an apartment some place. As you know, the apartment business, at least in this area, is booming. We have a lot of new apartment developments, primarily because of financing. In other words, an apartment developer will buy a piece of property; he will get new financing from a mortgage company supplied by an insurance company. The insurance company will demand participation in the profits that apartment house develops. Consequently, they can derive a high interest rate from their money, plus a higher percentage of the profits of the apartment house. This is the kind of loan that they want. Well, the cost is then added to the rent schedule and the tenant pays the additional rental. Actually, it is helping the insurance companies, but it is hurting the small man again. It is difficult for the small man to pay this additional cost. It is difficult for him to purchase a new home for this reason. I do not know exactly what we can do to stabilize this situation, but it seems that if we are concerned with the low income people in the country, and this is one area that we certainly should be concerned with, we should try to alleviate this. *Senator Harris:* That is a very good point. Is there anything else you want to add?

Mr. HEILIGER. Yes, there is one other problem we would like to discuss a little bit, if it is all right with you. The 235 program which was established for low income families is presently set up with a 90/10 split, I believe. 90 for new construction, 10 per cent for existing homes or existing residences. We know that there are many more existing residences in this area than there are new homes available for these people. As I understand it, the Senate intended or at least discussed the fact, that this should be a 70/30 split. In other words 30 per cent of the money should be spent for existing homes and 70 per cent for financing new construction. We would like to ask you to do whatever you can to see that this is more evenly distributed. We think that this will help not only the real estate business here, it will also help the taxpayer because we feel that a lot of times an existing home will give these people a better choice. It will give them an opportunity to possibly get more square footage because they are primarily people that have large families and they need this additional square footage. So, this, consequently, will help the situation of the people that own homes. If we have it on a 90/10 basis they are competing with new construction; consequently, they do not have as good a chance to sell their existing homes. This is something which you might say the government is providing that will give them unfair competition in disposing of their existing houses. Of course, these people need to dispose of these houses because they get transferred out of town for various reasons.

Senator HARRIS. Would the effect on the expansion of the number of housing units in the country be the same under 70/30 as it has been under 90/10?

Mr. HEILIGER. Yes, I think so. That is my feeling. I do not know, but I think we should have a little bit more of that money available and as I understand it, there is $165 million for the year 1971 that will be available for the 235 programs. If we could have it a little closer, like say 70/30 or 30 per cent for existing financing, I do not feel that the 20 per cent difference is going to affect the new housing starts that much. I feel you are going to have a lot of new house starts anyway. I think that this is good that we do have new house starts. I feel that is one way to stimulate that particular portion of the business, but I feel also that we should not penalize the people who now own their homes.

Senator HARRIS. All right, I appreciate very much what you have had to say, and I will take that back with me to Washington. Anything else?

Mr. HEILIGER. I understand that this subcommittee is meeting today.

Senator HARRIS. In the Senate?

Mr. HEILIGER. Yes. They are discussing this problem of this split. If there is something you can do to more evenly appropriate the money?

Senator HARRIS. That is in Banking and Currency?

Mr. HEILIGER. Yes, I think it is.

Senator HARRIS. Well, thank you very much. Jackie Stanley, as Mr. Heiliger said, is President of the Capitol Hill Board of Realtors. We are very pleased you are here. We'll be glad to hear from you at this time.

TESTIMONY OF JACKIE STANLEY, PRESIDENT OF THE CAPITOL HILL DIVISION OF THE BOARD OF REALTORS

Thank you Senator Harris. It is a privilege to be asked to come before your committee today and give our views, particularly in the southwest Oklahoma City area. The high interest rate has practically been a disaster in our area, due to a lot of 235 homes being built in this area. Generally, our properties

are less expensive than in the northwest part of town and it has probably cut the sale of existing properties in half. This does not, of course, include the new homes, but it is very difficult to sell an existing home when there is 235 money available. There are so many people that have already made application for these that they back up down at the mortgage company and wait until new money is appropriated for it. We certainly feel the high interest rate has really hurt the economy, especially people wanting to buy homes. Primarily our sales are between $12,000 and $15,000 and we are most concerned with the FHA and the VA loans. We do not have a lot of conventional loans in this part of town. We also have about 100 FHA-acquired properties or repossessed properties that FHA has repossessed in our part of town, the southwest part of the City, Del City, and Midwest City. This is a great concern with the high interest rates. People cannot even afford to buy a $15,000 home if they are living in a $12,000 home, because they are not getting a house that is very much larger. The payments are so high they are staying where they are. It certainly is hurting the real estate business and people who wish to buy homes. It is going to hurt the Vietnam veterans when they come home. They cannot afford to buy a house that is decent to live in. There are not enough 235 homes being built. There is not any being built in the $12,000 bracket to my knowledge at all.

Senator HARRIS. I am particularly worried about our Oklahoma veterans who are coming back here now.

Mrs. STANLEY. Well I am too, and not many of those veterans can even qualify for a $12,000 loan. They will be coming out and going to school and they are taking very few students on this 235 program. I understand that there are about 20,000, who could actually be qualified under the 235 requirement. They are not going to be allowed to buy homes. There are 20,000 of them. Where are they going to buy? Where are they going to live? It is not a concern particularly from the standpoint of making money; it is just a great national concern that all the realtors throughout the United States are well aware of. This major concern is to give some consideration to these boys coming home where they are going to live.

We would certainly like to see the interest rate lowered and stabilized. We also want the FHA local office to try to stabilize its discount to meet with what the mortgage bankers are asking on our discount. We have had this problem for the past year and a half. They have not been meeting the requirements that mortgage bankers of Oklahoma City need the points to even sell these homes and we have about 100 new ones each month on the market. This is really a serious concern for the broker in our area.

Senator HARRIS. What you said about the veterans is a point that we have not had up to this time in these hearings. Are there others here from the Board of Realtors that have anything to add? If not, I appreciate every one of you being here, and I think that your testimony is highly worthwhile.

Mr. Clyde Worthington is President of the Oklahoma Mortgage Bankers Association. Mr. Worthington, we would be very pleased to hear from you at this time.

TESTIMONY OF MR. CLYDE WORTHINGTON, PRESIDENT OF THE OKLAHOMA MORTGAGE BANKERS ASSOCIATION

I come here not so much as a spokesman of the Oklahoma Mortgage Bankers Association, but just as an individual mortgage banker and I have a prepared statement as just a private citizen.

Senator, on behalf of the Oklahoma Mortgage Bankers Association I wish to thank you for coming here today to get our views as well as those of others who share our concern in this problem of making adequate and decent housing available to the citizens of this community and the state of Oklahoma. I think Oklahoma has fared about the same as other parts of the country during this period of rising inflation and tight money market. We have seen an increase in land costs and construction costs. We have had increases in our ad valorem tax rates and insurance rates. We know that maintenance and repair costs on homes have increased to the point where some families have let their homes be foreclosed rather than try and maintain them. And we have also seen an increase in interest rates and discounts that have been a burden to both the buyer and the seller. All these things have combined to slow starts on new single family housing and have hindered and sometimes made impossible the sale of existing homes.

It is my view that Congress has been well aware of these problems and is now moving on several fronts to seek a solution. It will be my purpose to comment on some of the existing and proposed legislation and to advance an idea or two for whatever it might be worth.

I would first like to say that in some ways I think the current 8½ per cent interest rate on FHA and VA loans is something of a bargain in today's money market. When this rate is compared to current bank prime rates, yields obtainable on high grade corporate bonds, and returns of over 10 per cent investors are getting currently on loans made on other types of real estate investments—it is apparent that this is a favorable rate at this time. But this rate is now being subsidized by the home builder or by the seller of an existing property by the discounts investors require in order to make these loans produce a comparable yield. And, granted, it is a favorable rate for today's borrower, it is still a deterrent to his buying a home because of it producing such a high monthly payment for a long period of time.

I would also like to add that during all this period of tight money there has been money available for FHA and VA loans from most of our savings and loan associations and from all mortgage banking firms that do business with the Federal National Mortgage Association. This agency, which we affectionately call Fanny Mae, has been the salvation of the mortgage banking industry and just about the sole support of the residential loan market outside the savings and loan associations. In this connection we note that legislation is being proposed to permit Fanny Mae to purchase conventional residential loans. We support this move and feel that it will add considerably to the supply of money. We also feel that any interest subsidy programs made available to the Federal Home Loan Bank for middle income borrowers should also be made available to Fanny Mae. One of the major problems in our industry is the lack of interest by investors, such as life insurance companies and pension funds, in buying any type of loan on a single family residence. These investors have found more lucrative deals for their investment dollars in multi-family projects where interest rates of 10 per cent and more can be obtained in addition to provisions that permit the investor to participate in a percentage of the income. We are hopeful that these investors will recognize the need for placing at least a small percentage of their funds in single family loans and if not the Congress will study the problem. Since subsidies now seem to be the answer for the home buyer, it might be that subsidies or tax incentives might be the answer to getting these investment funds back into the housing industry.

On this matter of subsidies . . . we currently are experiencing a renewing of activity on the part of home builders to participate in the FHA Section 235 interest subsidy program. This program is designed to assist low income families to acquire a home, with the government paying a portion of the interest on the loan based on the applicants income. In some instances the buyer is required to pay only one per cent of the total interest cost. As worthwhile and well intentioned as this program may be, from our experience with it to this time, I feel it can be improved to more accurately and fully accomplish the purpose that I think Congress intended. I think the guidelines of this program and other programs that Congress now has under consideration should be drawn to assist low as well as middle income families to acquire a home at today's inflated prices. This aid should be only a small portion of the total interest cost and should be extended for a given period of time—say five years or terminated sooner if the buyer's income should reach a point where he was able to make the full payment. After 3 to 5 years the home buyer has had a chance to recover from his initial move-in expense, has probably made some improvement to the property and has acquired equity and stability in his employment to the extent he should be able to make the payment without taxpayer assistance. One of the problems I see in the current Section 235 program is basing the buyer's qualifications on income only. Why should a man making $6,500 per year with a wife and two children be qualified for government assistance on an $18,000 home, when a man making $6,750 with the same size family not be qualified because he is making too much money. What happens if the first man gets a $25 a month raise and is no longer eligible for government assistance? Will he be able to make the total payment? The second man making $6,750 will not likely qualify for the maximum FHA loan on an $18,000 home, even if he is willing to make the entire payment on the loan from his own income.

According to FHA underwriting procedures which I have no quarrel with, his income in relation to the monthly payment for principal, interest, taxes, insurance and proper maintenance and repair is not sufficient to make the payment and maintain his family, particularly if he is making monthly payments on his car or furniture. I suggest that Congress consider limiting the assistance on these programs to no more than one-half the current FHA interest rate. With the current rate at 8½ per cent, it would seem that any family with any desire and true motivation at all in wanting to own a home could pay a 4¾ per cent interest rate and let the government assist on the balance subject to the ability of the buyer to pay more, based on his income. This would help reduce the government's cost, expand and make the program available to more families and would assist families with a real desire to own a home that they could afford to pay for. This whole matter of subsidizing families in the ownership of single family homes should be carefully considered to determine first the family's actual need and that government assistance is the only manner by which the family can secure decent housing. And, second, the effect that this type program will have on existing properties and the extent of what these programs will be costing the taxpayers in years to come, as more and more families become dependent on it.

In this connection, I depart momentarily from my prepared remarks to add what I think might be some improvement in the administrative procedures of this Section 235 Program. Our office and every mortgage banker that I know of is literally swamped with applications for 235 loans. I could not say exactly what percentage are turned down, but it is a very large percentage and even those that are approved we have to process 2, 3 and 4 times to get all the information that the mortgage examiner at the FHA wants. I suggest that applicants for 235 go to a local FHA office, or if needed we

would handle it through our office, in order to receive a certificate of need. Their application would have been reviewed in the FHA office not by just one loan examiner but by a committee, and if they are certified as being in need of housing with government assistance, let them be issued a certificate that says that they can buy up to x number of dollars and the government will assist the payment to a certain per cent. It would seem to me that it would help a great deal in determining who can qualify on these programs.

On the matter of credit I would like to take this opportunity to state that the Mortgage Banking Industry feels that disclosure statements required by the Truth in Lending Regulations on FHA and VA loans are unnecessary. They are frankly misleading as to the borrower's actual cost and may in many instances be impeding FHA and VA sales. As you know, FHA and VA loans are made in strict accordance with regulations prescribed by these Federal Agencies. Interest rates, term of the loan, and ratio of the loan to value are controlled by these agencies. Therefore, we have a situation of where one Federal agency is requiring the people who are carrying out the requirements of another Federal Agency to prepare and explain a statement to the borrower that in itself is misleading as to what has actually been charged to the borrower.

In conclusion, Senator, I again express my appreciation and the appreciation of the Oklahoma Mortgage Bankers for your concern with our housing problems. Our government has made a commitment to see to it that every American family has a chance at owning or occupying decent housing. The task of eliminating ghettos and substandard housing will be monumental both in time, money and the ability of those who must do this job to find the ways and means of accomplishing it. We know that at the heart of our problem today is inflation and the involvement of our national resources in many equally vital and grave concerns of national interest. It is my hope that other members of Congress will show the same concern that you are and will come to the people who deal with these matters daily for their ideas and considered opinions on how we can solve our problems and legislation that will be in the best interest of all the people. Thank you.

Senator HARRIS. That was a very well thought out and a highly useful statement. Thank you very much.

Dr. Frank Cox is here. Dr. Cox is a dentist here in Oklahoma City and we asked him to come and be with us because of his wide knowledge of conditions in the City. He is interested in a broad range of social concerns.

TESTIMONY OF FRANK COX, D.D.S., OKLAHOMA CITY

Thank you, Senator Harris. I am very concerned about the high interest rates as they affect the new and the black entrepreneur. Currently, you know, there has been some rhetoric and discussion about getting the black man into the mainstream of American life and there have been programs devised for this purpose. I think that perhaps the most notable one is the MEP that has been devised by the SBA. Primarily, it is to help the black and other minorities get into the business of creating new businesses, provided that the amount of money that is lent is less than $25,000. Now, my concern is that in today's market for money, the interest rates are so high that anyone who gets a loan of $25,000, and has, therefore, a bank participating type of loan is really borrowing money at the highest rate of interest in the history of this country, with perhaps the exception of during the Civil War. Now, it means this: the lowest people on the economic front, the most unprepared people on the economic front, people who have the least amount of experience, are being placed into a money market where even those who know what they are doing are afraid to venture into. If there is any change whatsoever that takes the market down, the new black entrepreneur is going to find himself in a position that is completely untenable. The result of that, of course, will be predictable failure. Now, I have taken a look at the SBA program and I am certainly not an expert on money lending or money borrowing, but it is true that the program is devised in such a way that only the most qualified people are getting these loans. If my assumption is correct that any change in the economic picture results the failure of these people, in the future it will mean that as far as the black people are concerned that its most qualified, its most eager, its most ambitious people will be faced with financial problems for a long time to come, and they will be good examples of the inability of the black man to succeed in the world of economics. Now, I think they are in a poor position. I think that they need protections, because if they fail, I think the whole thing is going to crumble.

I suggested in the past, and am suggesting again because I cannot see any reason why it cannot be, that a special commission should be devised to be set up by the Federal Government. I think that this commission should have as its purpose the development of black entrepreneurship in this country. This country is, I believe, sort of existing on a half promise to itself, a promise that all the people have free access to its resources and the pursuit of happiness as the right of all Americans. But, as a matter of fact, the pursuit of happiness is being denied a large percentage of Americans. To those Americans that happen to be black, it is denied many times more. Therefore, when you come to this business of economic development, I think that this new black man, this awakening black American, should be protected. He should be protected because, if he fails, it will just mean that another failure is against our country. I do not think that this country can afford continued failure. Therefore, high interest rates to me are a very dangerous thing to the poor, to the black and to the new black American entrepreneur. If the special agency is set up, then it could have built into it those types of protections that any new fledgling member of our society needs. I believe that it would be beneficial to this country and certainly to black Americans.

That is really my biggest thing that I wanted to talk about while I am here, but I would just like to put another thought in your mind about the advantages of developing black Americans. Right now, 22 or 25 million blacks that are in this country are becoming polarized to a great extent socially, economically, and politically. I do not think there is very much you or I can do about it right now and this is sort of what is going on. But as they become polarized, they become more like one person. Like any other people who, because of some conflict, become more together as in time of war. Of course, as you know President Johnson was impressed with this idea, so much so that he named the work he attempted for the poor people as a War on Poverty. War has a way of bringing people together. The blacks are, in my estimation, in a war. There is a certain advantage it seems, however, in warring with the United States. It seems that the nations our country has participated in a war with, when it is over, they usually end up on top. A notable example, of course, is Germany. You know what is happening in Germany; the mark is now probably one of the most valuable pieces of currency in Europe. I understand we defeated the Japanese, but it would not look like it when you take a look at their economic development, especially if you compare it with the black American's development. It would seem the story written about "The Mouse That Roared" is quite true. If you really want to get ahead, you start a war. I am not so sure that Black Nationalists and the extremists do not have something like that in the backs of their minds.

At any rate, we are talking about 22, 25 or 30 million Americans, who are the exact counterparts of the people who form the majority and accept their plight. They have gone through the schools; we learned the economic and political system from the bottom up. We are part of it. We are Democrats, Republicans or whatever. We are part of this American system. We are more American than apple pie. If we think about the black Americans as a nation, I would think that this nation would want to deal with a nation as much like itself as it possibly can. The more like itself, the more likely it is to be compatible in the world to come. Now, the black Americans are very much like the white Americans. They need and want all the things that white Americans do. All they need is economic help. It is my plea that we think in terms of the black American as a nation, because we are. We are polarized into a nation. Think in terms as these, that when economic development is put into the black ghettos of America it is just as if you do the same thing with Germany or Japan or some other place. Except one thing which I think is very important—whatever dollars are developed in black America will not be going out of this country. They will be staying here and I think that is pretty important to the country. Those are the thoughts that I want to leave with you.

Senator HARRIS. Very eloquent thoughts, indeed, Dr. Cox. Our record would certainly be deficient without them. I appreciate your trouble in being here. Thanks a lot.

Mr. Richard C. East is President of the Oklahoma City Federal Savings and Loan Association. Mr. East, we are awfully glad you are here. We would be pleased to hear from you at this time.

TESTIMONY OF MR. RICHARD C. EAST, PRESIDENT, OKLAHOMA CITY FEDERAL SAVINGS AND LOAN ASSOCIATION

Thank you Senator.

Senator HARRIS. Mr. East you might introduce others who are with you from the Savings and Loan Industry and if they would like to be heard, we will be happy to do so.

Mr. EAST. Yes sir. Jim Calgan with State Federal Savings and Loan in Tulsa, and Mr. Charles Jones, Executive Officer of the Oklahoma State Savings League.

Senator HARRIS. We will be glad to hear anything you have to say about the economic conditions in the state, interest rates and how they may affect the Savings and Loan Industry and the economy generally.

Mr. EAST. Senator I can speak most directly, of course, about what happens in Oklahoma City and where we stand. I think that this will be fairly representative of the Oklahoma City area, as we are all about in the same boat everywhere. The industry at this point is just beginning to recover from a loss of funds that occurred to us late last year and the early part of this year in which government issues of bills were our principal competitor. The rates reached a point where the rate that could be paid on savings accounts was not competitive for our profit. In my own association in the early part of January we lost about 3 per cent of our total savings. Since that time, because of two or three things that have happened—a basic rate for one and a restriction on the denomination of treasury bills that could be issued—a substantial part of this money has begun to return to the savings and loan associations. In our case, where we lost somewhere in the neighborhood of 3½ million dollars in December and January, since about the first of February,

we had a net increase in savings of a little over 6 million dollars. We are pointed in the right direction to do something about the housing market and to again begin to rebuild our loan program. I think that, along with the fact we are improving our money supply directly, is the fact that some of the recent legislation in the area of secondary mortgages is going to be a big help to us. The program under which the Federal Home Bank System will provide a secondary market for FHA and GI loans, looks like it will provide a great deal of flexibility to the savings and loan associations never available to them before.

In our case, we have set out to do something about this area of the 203 programs, that is the regular FHA housing program, the GI programs and also at this time some apartment houses, and mobile home park loans under consideration that we could not have handled before, simply because we were not in a position to commit ourselves in advance to deliver three or four months in advance such large sums of money. Now, we can do it because we have this secondary market available to us as a relief valve type thing, if we need it. Our loan picture might be best described by some figures that I was working with earlier showing our place at a net increase loan volume. In spite of the fact that we actually made about 4½ or 5 million dollars in loans this first six months, the net figure was only something less than $50,000. This month so far we have increased this to, through the last weekend, $985,000 in loans and we are building or rebuilding this program so that just between now and the end of the year we will probably be able to close somewhere in the neighborhood of $2 million a month. Most of which will be in housing in one form or another. That is about where we stand as far as housing is concerned.

Senator HARRIS. That report will be very useful to us, and I appreciate it very much. I wonder whether Mr. Calgan would like to add anything to it. Mr. Calgan, we would be glad to hear from you. You are Vice-President of the State Federal Savings and Loan Association in Tulsa?

TESTIMONY OF MR. JAMES CALGAN, VICE PRESIDENT OF STATE FEDERAL SAVINGS AND LOAN ASSOCIATION IN TULSA

Yes, that is correct. I think Mr. East has outlined well the situation that we have suffered in the past and continue to suffer as far as our ability for our savings to compete with government obligations and the problems this has created with the availability of money for making home loans. I do not feel it necessary to go into that. We, in Tulsa, have become active in the lending program in the FHA and VA program, which involves the 235 loans as well, which does take into consideration, of course, the interest rate and the income of the families that are involved under those programs. We felt like for our association, that this was important because this lets some of the people qualify and obtain housing and loans that they might not be able to otherwise, because in addition to this providing relief as far as monthly payments and interest is concerned, it does help as far as some of the underwriting and qualifying criteria are concerned. We did notice in our area a great demand for the 235 housing and our appropriation in Tulsa ran short, as you probably know, before the fiscal year was ended and we had to get supplemental appropriations. We found that the demand has been good, the need has been there for 235 programs and it has been well received by the community overall. So we have in that regard attempted to become totally involved in the total housing needs of our community. We have done this through the 235 programs, the traditional FHA and VA programs and also through the Turn Key Programs which are provided through the Tulsa Public Housing Authority. The funding of HUD and their insurance release programs has, I think, helped during this tight money time, as it has been a great help in providing housing for the lower income families. I think that this is basically group work which you might like to add from Tulsa in addition to what Mr. East reported.

Senator HARRIS. Good. Well, I appreciate you coming all the way over here.

Mr. CALGAN. Thank you.

Senator HARRIS. That winds up our list of scheduled witnesses for the day. I wonder if anybody else would like to offer something at this time.

TESTIMONY FROM THE FLOOR OF MR. HAMPTON LAWTER

Senator Harris I am an educator here in the City and this is a very enlightening experience to be with you here today to listen to all the speakers. I would like to say that there are two things you mentioned this morning that I am interested in. Number one is the student loans. I would hope that this is extended and I hope this becomes easier to obtain because it is difficult sometimes. I have two sons and I hope the upper limit would be raised. It is a little bit too low now. I would hope, also, that the public could become aware of what I became aware of last year. In regard to buying a car, I did not realize that you could shop around and find different rates. I found out this year that you can, at a variation of interest rates of 1½ to 2 per cent. On a new car this amounts to quite a little bit of money over a one year period. I just wish the public could know about this. I think that maybe there needs to be a balance or something and also between finance companies and the banks. This is also the credit buying that is not mentioned until the last minute. I found this in two or three places and finally I got in the habit of asking exactly how much do you charge on $100. I could figure this out quickly.

Senator HARRIS. I thank you very much.

May I just wind up by saying that I appreciate very much every one who is here today. This has been a highly useful hearing. All of you who have left your names and addresses on our sheet will receive a copy of the testimony once we have it printed. I will take it back to the Senate Finance Committee, of which I am a member, and the other related committees. I think it will be very useful to me and others in working to stabilize the economy of our country, to loosen up on the supply of money and to bring interest rates down. The testimony we have taken here has been very worthwhile. I appreciate especially all those who have participated in the hearing and all those who have been spectators here this morning and this afternoon. Thank you all very much.

ELECTORAL REFORM

Mr. CURTIS. Mr. President, no Senator has given more study over a greater number of years on the subject of the election of a President than the distinguished senior Senator from South Dakota (Mr. MUNDT). Unfortunately, Senator MUNDT's health will not permit him to be here for this discussion. I do believe that because of the years of study that he has devoted to this matter, his opinion merits our attention.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter written to the junior Senator from Alabama, the Honorable JAMES B. ALLEN, by Senator MUNDT, dated October 14, 1969.

I also ask unanimous consent to have printed in the RECORD a table entitled, "Electoral College Strength of the States in 1968."

I further ask unanimous consent to have printed in the RECORD an article entitled, "The Constitutional Case for a State, District System of Presidential Electoral Reform," written by Senator KARL E. MUNDT, of South Dakota, and published on November 17, 1969, in the National Association of Manufacturers Report.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., October 14, 1969.

Hon. JAMES B. ALLEN,
U.S. Senator,
Washington, D.C.

DEAR JIM: The House of Representatives has laid down a mortal challenge to the federal foundation of the Senate—the federal Union of States of the Constitution. This deadly challenge to federalism is inherent in the proposal of the House to abolish the States from Presidential elections. It reopens the political settlement of 1787 between the larger and smaller States.

As we know, that political settlement established the two Houses of Congress on dissimilar principles of representation: the federal principle of equal representation of States in the Senate; and the national principle of equal representation of people in the House. The people of each State are represented by two Senators and their voters choose both of them—one man, two votes. Each of the "People of America" (Madison's phrase) is represented by one Representative chosen by the voters of his Congressional District—one man, one vote. Thus, the Constitution's allotment is one man, three votes in electing members of the Houses of Congress.

These same principles of representation are combined exactly in the foundation of the Presidency. Each State is assigned one federal Presidential Elector with each of its two Senators, and one national Presidential Elector is apportioned with each of the 435 Representatives in Congress. Dual citizenship underlies the Presidency in the same way it underlies Congress. The House proposal would take away two votes from every citizen of every State.

To remove the federal pillar from the temple of the Presidency, as the House proposes through its approval of the direct popular vote Electoral Amendment is to distort the foundation and the structural balance of the Constitution. Unwittingly, it is a step toward the elimination of the Senate itself.

The elimination of the Senate as a coordinate House of Congress is not a new idea. The ways it mght be done were listed in a textbook on government more than 25 years ago. It was put this way in *The National Government of the United States,* by William Anderson, Professor of Political Science, University of Minnesota (1946, Henry Holt and Company, New York):

"Some day the question may arise, however, and the demand for a change may be great. Could it then be accomplished, or is this one point on which the Constitution cannot legally be altered?

"It has been suggested that it can be done legally by two successive amendments. The first would simply repeal the proviso that now prohibits an amendment depriving the States of equal suffrage in the Senate. The second would be an amendment to specify the number of Senators from each State, or the ratio in which they would be apportioned. Other measures that would achieve the same substantial results would be (a) a series of amendments taking from the Senate practically all its important pow-

ers, but leaving the Senate in existence as an almost functionless organ like the human appendix, or (b) an amendment abolishing the Senate—for equality in the Senate can have no meaning if there is no Senate."

Of course, the time for such is not yet. What about the long-term future?

Is this challenge to federalism in the proposal of the House a first step toward abandonment of the federal-national foundations of the Constitution, our unique and original contribution to the art of Politics? I am sure most of its proponents have no such intention. I am equally sure, however, that among the supporters of breaking down the authority of the United States Senate as presently constructed. Is such a radical restructuring of the Constitution necessary to a proper reform of the manner of electing a President? Certainly not.

The simple structure of the Constitution prescribes the reform needed. That prescription is the election of National Electors in Districts to represent people, just as Representatives and Senators are elected to represent people and areas. The present statewide election of these Electors is the disease to be cured. The remedy will remove the dishonest distortion created by their election statewide as a group, a distortion that is a travesty on our system of Representative Government.

As a member of the federal House of Congress, I am anxious to maintain the federal component of the Presidency. If the States have no part in a President's election, what political obligation has he to protect them?

The ultimate hurdle to be taken by the Constitutional Amendment proposed by the House is ratification by 38 State legislatures. The question certain to be raised in most of them is: Shall this Legislature tell our people that their vote is to be diminished? That they must conform to the "one man, one vote" slogan of the big cities by giving up their two votes as Citizens of this State?

Any thirteen States can defeat the proposal.

The five smallest States will lose two-thirds of their present Constitutional force in Presidential elections if the direct election should carry. Another ten States will lose half of theirs, two more, two-fifths, and another three, one-third. Among these twenty States, only Arkansas is in the South, a region believed to oppose the direct election proposal.

The attached tabulation shows the electoral strength of each State in national and federal Electors and the federal percentage of the total that would be wiped out in a direct popular election. Arranged in the ascending order of national Electors, the ratification problem is clear. In fact, so clear as to suggest that the direct election movement is not intended to succeed but to postpone for many years any reform of the Electoral College.

Unfortunately, commingling of the federal and national electoral votes has obscured their separate and distinct origins. My Senate Joint Resolution 12, for which I have seventeen co-sponsors, Democrat and Republican, would write these distinctions into the Constitution so all could see them.

If passed by Congress, S.J. Res. 12 would be quickly ratified by the State Legislatures and be effective in 1972. It would be ratified because it stands four-square with the structure of the Constitution and corrects the existing inequities, inequalities, and uncertainties of our present winner-take-all Electoral procedures. And—S.J. Res. 12 does this without creating any new inequities and uncertainties in the election of our Presidents.

I strongly and respectfully urge you to avoid making a hasty and ill-considered commitment to support the House proposal for electing our Presidents by a plurality of only 40% of the people voting in a direct vote for President in the United States before "all the evidence is in" and before the far-flung ramifications of such a substantial change in our Federal System are most carefully considered.

Increasingly, columnists, editorial writers, and students of Government from all aspects of our political spectrum are raising serious doubts and expressing skeptical reservations about either the desirability or the necessity of so sharply and suddenly altering the basic Constitutional concepts which have served this country so well for so long. Among them are such observers as Max Lerner, David Lawrence, Richard N. Goodwin, Jack Knight, Ted White ("The Making of a President"), and Gould Lincoln. Others will be speaking out before long.

In addition to its destructive impact upon the Tenth Amendment and our entire Federal structure, the direct-vote for President creates other new problems, inequities, and uncertainties which we must fully understand before permanently "breaking with history" in our Presidential elections which over nearly two centuries have provided us with leaders and sustained principles of Government which have enabled America to succeed where others have failed and to enjoy a longevity and stability which others have lacked.

Among these new problems are such as: Under the direct-vote approach, how can we prevent widespread corruption in one State, or city, or area from determining the National Presidential outcome? (At present, at worst, they affect ONLY the electoral votes of the State in which corruption occurs.)

How can we retain our cherished and productive two-party system when the National votes of every candidate running for President (with or without support of a 3rd, 4th, 5th, or 6th party organization) are blazoned across the Nation on election night, thus encouraging more and more off-beat or minor-party candidates to run for President? (The proponents of the direct-vote proposal realize this without admitting it when they suggest the departure from "majority rule" and openly propose declaring as winner any candidate receiving as much as only 40% of the vote.)

How about those National Presidential run-offs when the proliferation of parties and the splinterization of votes results in no Presidential candidate getting even 40% of the vote? Figure this out for yourself: November 6th or 7th is about the average date of a Presidential election; so nobody gets 40% and a run-off becomes necessary. Allow a minimum of 2 or 3 weeks for the candidates in the run-off to rest up, to get refinanced, to re-establish their campaign organizations, and certainly a minimum of an additional three weeks will be required for the campaign itself if candidates are to make a national appeal instead of concentrating on 20 or 30 cities with vast groups of voters. The result? The run-off Presidential election will come in December, uncomfortably close to Christmas, and in many States among the storms and blizzards of dead winter.

Should top-heavy majorities in a few cities, or States, really be entitled to invalidate and nullify the smaller but frequently much more numerous majorities rolled up for one candidate or another in traditionally two-party States? Should we really place such an important premium on the ability of pressure groups, ethnic blocs, geographical areas, sectional interests, or political machines to roll up overwhelming majorities of 80 to 90% of those participating so that they can virtually obliterate the more reasonable majorities procured by a Presidential candidate in States and areas where voters make a more deliberate and objective choice?

Other pertinent objections will be raised when this historically significant issue reaches the Senate floor.

For the present, I sincerely hope that you and your staff will consider the far-flung ramifications of this proposed departure from our highly successful American history both objectively and thoroughly before becoming committed to a proposal which sounds very good when you say it fast but which has some frightening potentialities when you consider it carefully. As one who for more than 20 years has been trying to improve our Electoral College system without destroying it, I have taken the liberty of sharing with you some of the problems I envision in the House Electoral Reform proposal.

Thank you for permitting me to bring these matters to your personal attention, and I shall deeply appreciate any comments you might desire to make in reply.

With every good wish, I am

Cordially yours,

KARL E. MUNDT,
U.S. Senator.

ELECTORAL COLLEGE STRENGTH OF THE STATES IN 196 WITH FEDERAL AND NATIONAL ELECTORAL VOTES SEPARATED BY STATES[1]

[Average strength is 10.7 votes]

State	Number of votes			
	Total	National	Federal	Percent
STATES BELOW AVERAGE—33				
Alaska	3	1	2	66.7
Delaware	3	1	2	66.7
Nevada	3	1	2	66.7
Vermont	3	1	2	66.7
Wyoming	3	1	2	66.7
Hawaii	4	2	2	50.0
Idaho	4	2	2	50.0
Maine	4	2	2	50.0
Montana	4	2	2	50.0
New Hampshire	4	2	2	50.0
New Mexico	4	2	2	50.0
North Dakota	4	2	2	50.0
South Dakota	4	2	2	50.0
Utah	4	2	2	50.0
Arizona	5	3	2	40.0
Nebraska	5	3	2	40.0
Arkansas	6	4	2	33.3
Colorado	6	4	2	33.3
Oregon	6	4	2	33.3
Kansas	7	5	2	28.57
Mississippi	7	5	2	28.57
West Virginia	7	5	2	28.57
Connecticut	8	6	2	25.0
Oklahoma	8	6	2	25.0
South Carolina	8	6	2	25.0
Iowa	9	7	2	22.2
Kentucky	9	7	2	22.2
Washington	9	7	2	22.2
Alabama	10	8	2	20.0
Louisiana	10	8	2	20.0
Maryland	10	8	2	20.0
Minnesota	10	8	2	20.0
STATES ABOVE AVERAGE—17				
Tennessee	11	9	2	18.18
Georgia	12	10	2	16.67
Missouri	12	10	2	16.67
Virginia	12	10	2	16.67
Wisconsin	12	10	2	16.67
Indiana	13	11	2	15.38
North Carolina	13	11	2	15.38
Florida	14	12	2	14.29
Massachusetts	14	12	2	14.29
New Jersey	17	15	2	11.76
Michigan	21	19	2	9.52
Texas	25	23	2	8.7
Illinois	26	24	2	7.66
Ohio	26	24	2	7.66
Pennsylvania	29	27	2	6.9
California	40	38	2	5.0
New York	43	41	2	4.65

[1] Measurable loss of constitutional weight in presidential elections by popular vote is the Federal component, the 2 votes each State is assigned with its Senators. The national votes apportioned with Representatives would be replaced with popular votes; and the relative strength of a State would depend on the turnout of voters.

THE CONSTITUTIONAL CASE FOR A STATE, DISTRICT SYSTEM OF PRESIDENTIAL ELECTORAL REFORM

(By KARL MUNDT, Republican Senator from South Dakota)

The Constitution of the United States was 182 years old on Sept. 17, 1969. On Sept. 18

of this year the House of Representatives, seeking to remove inequities from Presidential elections, proposed that a President be elected by 40 percent of the nationwide popular vote, with a runoff if necessary. Unwittingly, the House has laid down a mortal challenge to the Federal structure of the Constitution and to the foundation of the Senate. This challenge goes to the heart of the political settlement of 1787 between the large and small states which is the bedrock of the Constitution.

The Constitutional Amendment passed by the House—the so-called "popular vote" system—would completely restructure the bases of the Constitution. Its certain consequences are more than minimal. It would, among other things:

Undermine state authority in Presidential elections, thereby taking two votes from every citizen of every state.

Subvert the doctrine of separation of powers by giving Congress power over Presidential election.

Substitute minority rule for majority rule, undermining the two-party system which depends ultimately on majority rule.

Fragment the two major parties and further dissolve the links connecting their Presidential campaigns with their campaigns for seats in the House and Senate.

Almost double the cost of Presidential campaigns whenever the runoff is used.

These are some of the side effects of the direct election plan. The Constitution's structure is allergic to it.

In the Senate, conversely, the Subcommittee on Constitutional Amendments has reported an Amendment to the Judiciary Committee that is wholly in keeping with the structural plan of the Constitution. It has the limited purpose:

Of requiring the State Legislatures to conform the manner of election of Presidential electors, in their respective states, to the structure of the Constitution, and abandon the long-time practice of statewide election of all of each state's electors (in the vernacular "winner take all").

Of moving the contingent election (when no one has an electoral majority) from the House of Representatives, voting by states, each state having one vote, to a joint session of the House and Senate with each member having one vote.

Of binding the electors to vote for their party candidates.

Affecting no other part of the Constitution, this amendment could have no Constitutional side-effects.

Given a clear understanding of the structure of our Constitution, I believe most Senators and Representatives would reject out of hand any scheme to restructure it and the political society it shapes. Given that same understanding, I believe businessmen will support their Senators and Representatives in preserving our Federal Republic.

It is not to excuse ourselves that we may blame the incredible momentum of the direct election movement on government intervention in business affairs. It is true that government intervention has had many side-effects on businessmen and on members of Congress for 35 years. The saddest of these side-effects, I think, has been the extraordinary demands on our time, by so many particular things, that little or no time has been left for study and reflective thought about the few general questions that basically shape every aspect of public affairs and too much of our private lives. But, a host of important particulars do overwhelm the conduct of our businesses and our work in Congress.

The prospect for lessening this government intervention will not brighten until the political conditions that brought it on and nourished it are changed. The most important change would be to make the Presidency representative of the people of the United States, just as the two houses of Congress are representative of them. That is the structural plan of the Constitution. However, there can be no improvement so long as the Executive Branch of the national government is dominated by the bloc voters of the big cities of our larger states. Ever since the big cities came to power in 1936 their political traditions—out of European social democracy—have colored the view from the White House, no matter whether the Administration was Democratic or Republican.

If we back up far enough we can often get a better view of the road we have traveled and of the road ahead. Basic questions about the Constitution require this. In just looking backwards we tend to see things in reverse. We have to back up and then look ahead.

"Your sentiments, that our affairs are drawing rapidly to a crisis, accord with my own . . . what then is to be done? . . . Would to God that wise measures may be taken in time to avert the consequences we have too much reason to apprehend."

"The United States enjoys a scene of prosperity and tranquility under the new government, that hardly could have been hoped for."

These are observations of George Washington, about five years apart. The first was in 1786, a year before the Constitution, and the second in 1791, two years after he became the first President. Much happened in those five years. Rather, much was brought about.

Five years before the Constitution, during the chaos that followed the War for Independence, Alexander Hamilton posed the alternatives that forever will be before us:

"Happy America! If those to whom thou has intrusted the guardianship of thy infancy know how to provide for thy future repose; but miserable and undone, if their negligence or ignorance permits the spirit of discord to erect her banners on the ruins of their tranquility."

We Americans are widely renowned for our "know how" in manufacturing, more so than in any other field of endeavor. But the "know how" Hamilton had in mind was in politics and statecraft. "It was he, more than any other man," said New York's Chief Justice Ambrose Spencer (1819–23), who had known him well, "who thought out the Constitution of the United States and the details of the government of the union. . . . He . . . did the thinking of the time." Yet, it was the towering figure of George Washington who supported him at every turn. Also the business leaders of the day. Without this support it is doubtful that so much could have been brought about so quickly.

The framing and ratifying of the Constitution is a more than fascinating story. It is enough for us here to point out what they did in forming "a more perfect union," structurally.

Our part of the story begins in 1774 with the Continental Congress. It was the Federal legislature of the 13 English colonies in North America, changed in 1776 to the 13 United States of America in the Declaration of Independence, and carried forward as the United States of America in the Articles of Confederation in 1781 and the Constitution in 1787. Being strictly a Federal body, each sovereign state was considered a co-equal political society, equally represented in Congress by its one vote. This sovereignty was ceded to each of them, by name, by His Britannic Majesty in the treaty which ended the war.

The Constitutional Convention also was a Federal body in which the voting was by states with one vote each. There a Congress of two houses, a House of Representatives and a Senate, was readily agreed upon. Also readily agreed to was that the House was to be representative of people. The crucial question was that of representation in the Senate.

Deputies from the larger states wanted representation in proportion to population (more senators), and deputies from the smaller states wanted the equal representation that they enjoyed in the existing Congress and in the convention in which they were sitting—for their own protection in the union. This intense struggle almost wrecked the convention. Finally it was agreed that each state should have two senators with one vote each—equal representation of the states in the Senate became a fact.

This was the political settlement between the larger and the smaller states on which the Constitution is founded. Without it there would have been no Constitution. Some call this political settlement "the Great Compromise." But, with a friend who suggested it, I prefer to call it "the Great Discovery." The convention, under the force of necessity, had discovered how to bring separately organized political societies under one great national roof. Neither the Greeks nor the Romans nor the British had been able to conceive of dual sovereignty and dual citizenship, of many states and one nation. This political settlement, this "Great Discovery," is our own original contribution to the knowledge of statecraft. It makes us unique in all the annals of mankind.

In the light of this development it is not strange that today Delaware has one representative and two senators, and that New York has 41 representatives and only two senators. Nor is it strange that the nine largest states have 223 representatives, a majority, and 18 senators, while the 26 smaller states have 52 senators, a majority, and only 76 representatives. Without this background knowledge—the reasons for the things done—the whole idea appears ridiculous.

Once the business of representation in the houses of Congress was settled the proposal that each state have one elector of President for each senator and one for each representative was quickly accepted by the convention. The whole plan of representation in Congress, and in the executive and judicial branches was well summarized in 1788 by John Dickinson, who had been a deputy from Delaware:

"In the Senate the sovereignties of the several states will be equally represented; in the House of Representatives the people of the whole union will be equally represented; and in the President and the Federal independent judges, so much concerned in the execution of the laws and in the determination of their constitutionality, the sovereignties of the several states and the people of the whole union may be considered as conjointly represented."

In demonstrating that the proposed new government was strictly republican, James Madison had this to say about its sources of power, in The Federalist No. 39:

"Each state, in ratifying the Constitution, is considered as a sovereign body. . . . In this relation, then, the new Constitution will, if established, be a Federal, and not a national constitution . . .

"The House of Representatives will derive its powers from the people of America; and the people will be represented in the same proportion, and on the same principle, as they are in the legislature of a particular state. So far the government is national, not federal. The Senate, on the other hand, will derive its powers from the states, as political and co-equal societies; and these will be represented on the principle of equality in the Senate, as they now are in the existing Congress. So far the government is Federal not national. The executive power will be derived from a very compound source. The immediate election of the President is to be made by the states in their political characters. The votes allotted to them are in a compound ratio, which considers them partly as distinct and co-equal societies; partly as unequal members of the same society."

As Dickinson and Madison make clear, the United States of America was to be a union of States and people. The Constitution had continued the union of states as the Senate, and added the union of the people of America by establishing the House of Representatives. These two unions—double representation—are joined in every Act of Congress. All this is done in Article I of the Constitution.

In order to establish the executive power on the same bases as the legislative power—and to separate them at their common sources—the Constitution assigns each state two presidential electors with its two senators, and apportions one elector with each representative apportioned to its people. This is the provision of Article II:

"Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors equal to the whole number of senators and representatives to which the state may be entitled in the Congress; but no senator or representative or person holding an office of trust or profit under the United States shall be appointed an elector."

I emphasize the clause "in such manner as the Legislature may direct" because it is the source of our problem. Under it the Legislatures have required that the national, or representative electors be chosen statewide with the Federal, or senatorial electors. This is a clear and violent distortion of the Constitution's structure.

It is worthy of note that a dozen states, including New York, require the political parties to nominate one elector candidate for each Congressional District. This is a faithful adherence to the principle of representation of people in proportion to numbers. Here is the provision of New York's Election Law:

"Section 131–1. Party nominations for the office of elector of President and Vice President of the United States, one for each congressional district and two at large, shall be made by the state committee."

But the whole thing is distorted out of all proportion by the provision for their election:

"Section 290. . . . as many electors of President and Vice President of the United States as this state shall be entitled to, shall be elected by general ticket, and each voter in this state shall have the right to vote for the whole number."

New York's "whole number" of electors in 1968 was 43, made up of two Federal electors nominated at large, plus 41 national electors nominated for the 41 Congressional Districts. Because of "the right to vote for the whole number" each New York voter cast 43 votes in last year's Presidential election. Under the structural plan of the Constitution each New Yorker would be entitled to vote for two at large Federal elector candidates and only one national elector candidate—for a total of three electoral votes.

"What effect," you may ask, "would the structural plan of the Constitution have had on the 1968 Presidential election?" The answer will surprise you.

Under the present system the Republican Party elected 302 Presidential electors, the national Democratic Party elected 191 and the third party elected 45.

On a state and district basis (the structural plan of the Constitution) the Republican elector slates won 32 states and carried 226 Congressional Districts, for a total of 290 "electoral votes." The Democratic elector candidates won 14 states and carried 163 Congressional Districts, for a total of 191 "electoral votes." And the third party elector candidates won five states and carried 47 Congressional Districts, for a total of 57 "electoral votes. The Republicans would have won 12 fewer "votes," the Democrats exactly the same number, and the third party would have won 12 more than they did. The result of the election would not have been changed. These are the net gains and losses.

Now come some measures of the distortions of the general ticket in the present system. The Democratic elector slates carried 62 Congressional Districts in the states they lost and failed to carry 62 Congressional Districts in the states they won. The Republican elector slates carried 63 Congressional Districts in the states they lost and failed to carry 75 Congressional Districts in the states they won, for a net loss of 12. The third party elector slates carried 15 Congressional Districts in the states they lost and failed to carry three Congressional Districts in the states they won, for a net gain of 12, all in the South.

The Democratic elector slates carried 17 Congressional Districts in California, a state they lost. The Republican elector slates carried 20 Congressional Districts in New York, a state they lost. The net difference between the two parties is only three. But the people in 37 Congressional Districts in these two states were grossly mis-represented in the election under the present system by having their presidential votes cast for the man they opposed.

Clearly, there would have been no advantage to either major party under the structural plan of the Constitution. The small advantage to the third party is not much. However, and this is vitally important, if, as I propose, a contingent election is moved from the House, as at present, into a joint session of the Senate and House, with member having one vote, the prospect of a third party denying a majority of the electoral vote to a major party, and forcing a contingent election by Congress, would be more remote than ever before. Third parties have no members in the Senate and House of Representatives. They would have nothing to gain.

The shapes of our political parties are imposed by the structure of the Constitution, just as water takes the shape of its containing vessel. Everyone should realize that the parties in Congressional Districts nominate and strive to elect representatives in Congress. The state parties nominate and strive to elect United States senators. And the national parties—extralegal coalitions of state parties—voluntarily convene every four years to nominate candidates for President and Vice President. They put on nationwide campaigns. But the actual election contests are within the states between party slates of elector candidates. These run statewide in each of the 50 states.

The goals of party Presidential campaigns are victories in the larger states with large blocs of electoral votes being obtainable on a winner-take-all basis, while the goals of the parties' Senate and House campaigns are quite different. A party's campaign for Senate seats is bound to regard smaller states as valuable as the largest state because all are equal in the Senate. A party's campaign for House seats is bound to regard each Congressional District as equally valuable because they are all equal. Of course the party's chances of winning must be taken into account in each district and state. It can't go all out in a hopeless state or district. The problem of the parties is how to coordinate and correlate their Presidential campaigns with their campaigns for Senate and House seats when their goals are so different. The situation would be far worse were the Presidential campaigns aimed at winning only 40 percent of the vote in a mass popularity contest.

Conversely, how simple it would be to coordinate and correlate the three kinds of campaigns if they had common goals. With one national election in each district the Presidential candidates would strive to carry a majority of the 435 districts. They would quickly relate their campaigns to those of the most important men in the districts. These are his party's candidate for the House of Representatives and his supporters. House candidates would automatically rise to their highest point on the totem pole. Presidential candidates would quickly recognize their dependence on their parties in the districts; and this would make for closer relations between House members and a President of their party.

Similarly with Senate candidates. With two Federal electors to be chosen in each state the Presidential candidates could not without risk favor the larger state over the smaller state. The Presidential contest would be spread much more evenly over the whole country. This, too, would make for smoother relations between the Senate and the White House. Party campaigns for President, for the Senate and for the House could be coordinated and closely correlated. Campaign costs could be drastically lowered because every dollar would be spent on the common goals of winning a majority of the states and a majority of the districts. More often than not the party of the successful Presidential candidate would be in the majority in the houses of Congress.

Strong parties require strong and able men at all levels of leadership. Such men are attracted to important posts in the parties. In a district and state system of Presidential elections the district chairmen of the parties would be most important in the party hierarchy.

I hope I have convinced you, my reader, that the Constitution prescribes the badly needed reform of the manner of choosing electors of President and Vice President. Certainly the awful distortion of Presidential elections produced by the statewide general ticket for electors is an appalling travesty on representation in choosing the Chief Executive of the Government of the United States.

AIR PIRACY

Mr. MATHIAS. Mr. President, at this time all Americans stand united in outrage at the reckless acts of air piracy that have caused American citizens to be held hostage by a band of self-styled insurgents claiming a law unto themselves. This act is one of the most cynical examples of political blackmail that I have yet witnessed. Thirty-eight citizens of this sovereign country—men, women, and children—have, for 15 days thus far, been held prisoner by forces who choose to regard the United States as the enemy and its citizens as negotiable chattels. It is reminiscent of the attitude toward human life of history's worst regimes and it is a situation that this Government simply can not tolerate.

There is a convincing body of argument that holds that hijacking and similar acts by Arab extremists are a part of a systematic effort designed to brand the United States as the enemy of the Arab people. If this is in fact the objective, it will not succeed. All responsible governments, Arab and non-Arab, however, they may otherwise view this crisis-ridden area, have joined in condemning this piracy. Indeed, I am informed that most of the Fedayeen organizations have joined this denunciation. At the same time, it is unfortunate that legitimate Arab governments have been powerless to control lawless insurgents who are bent on exacerbating an already explosive situation and eliminating altogether any possibility for a peaceful set-want violence. They do not seek comtlement. They do not want peace, they promise they demand revenge. As we have noted in our own country, it is the

brokers of violence who do the greatest disservice to their own cause.

I have met with the Prime Minister of Israel, Mrs. Golda Meir, along with a number of other Members of the Senate. This meeting, which included a broad exchange of ideas, has reinforced my conviction that our preoccupation with Southeast Asia has diverted us from areas like the Mideast, where, in my view, American's vital interests are more directly at stake. Hence, to some degree, the plight of the hostage results from this misalinement of priorities. By focusing so long and so exclusively on Southeast Asia we have encouraged the development of a climate favorable to the forces of extremism and prejudicial to the elements of responsibility and moderation.

The vital imperative of developing techniques to prevent hijacking is clear to all Americans and I shall in the next weeks give my fullest support to the most comprehensive and effective measures to this end.

Among other things, I shall urge that: First, guards be posted on appropriate planes; second, the United States negotiate to make hijackings an international crime requiring extradition of the hijackers; and, third, the United States place an air embargo on all countries harboring hijackers and on the other countries whose airlines continue to land there.

At this moment, however, our overriding objective is to secure the release of captive American citizens. I recognize the wisdom of quiet diplomacy and muted tones as being frequently the most effective technique to secure our interests abroad. I and my staff have been in touch with the White House and the State Department in connection with this crisis, and I deeply admire their tireless and dedicated efforts in this fast-moving situation. It is my view, however, that the time for quiet diplomacy has passed and that what is now needed is a clear and unequivocal statement that the United States will not abide the detainment of its citizens. We are not belligerents in this tragic conflict however much the hijackers try to place us in this role. Accordingly, I have recommended to the White House and the Department of State that a very strong message be conveyed to the captors pointing out the gravity of their actions and making it clear that, if our citizens are not quickly released, we will have no choice but to consider extreme alternatives for which the hijackers must bear full responsibility.

More than 150 years ago, President Thomas Jefferson sent naval forces under Commodore Stephen Decatur, of Maryland, to put an end to the extortion of Barbary pirates who were exacting tribute from all shipping that dared to pass their shores. Though the United States was only a fledgling nation, Jefferson, in his wisdom, knew that the piracy had to be ended once and for all lest all American shipping everywhere be subject to such jeopardy. I see today a striking parallel to this historic situation and believe that the United States must now be firm and decisive if we are to be spared an epidemic of air piracy and the prospect of widespread exploitation of American citizens.

SCHOOL BUSING

Mr. JORDAN of North Carolina. Mr. President, I think that every Senator will agree that my North Carolina colleague (Mr. ERVIN) is not only the Senate's foremost authority on constitutional law but also among its most steadfast champions of individual rights and liberties.

It is in that light that I speak now of action he is taking to counter what I consider the most serious threat to public education in our time—the forced busing of students to achieve arbitrary levels of race integration.

Senator ERVIN, acting in the role of an attorney rather than as a legislator, plans to file a brief before the U.S. Supreme Court challenging the legality of such busing requirements under the Civil Rights Act of 1964.

While directly representing only parties involved in a Charlotte, N.C., school case, he will actually be speaking for every child anywhere in the country who is forced to leave a neighborhood school for a more distant classroom, for every teacher who suffers from the educational disruption, and for every school official whose system is forced into chaos.

He will speak, too, for Congress whose clear intent has been ignored in the efforts to impose forced busing requirements.

I am not a lawyer and for that reason could not join in a legal brief of this nature before the Supreme Court.

I am, however, in total accord with the position he is taking and am proud to associate myself with it in this fashion.

The rightness of that position seems crystal clear to me under the language of the Civil Rights Act which says:

> Nothing herein shall empower any official or court of the United States to issue any order seeking to achieve racial balance in any school by requiring the transportation of pupils or students from any one school to another or one school district to another in order to achieve such racial balance or otherwise enlarge the existing power of the court to insure compliance with Constitutional standards.

This section of the law has not been repealed or amended.

I also feel very strongly that racial-balance busing is educationally unsound and economically unjustifiable in addition to its legal faults.

I think the destruction of the neighborhood school concept is unconscionable and a violence to the rights of black students and their parents as well as whites.

What is now happening could have been avoided if the Senate had adopted in 1968 or last year an amendment to the HEW appropriations bill forbidding the use of Federal funds for busing, school closures, or other measures beyond those required by the Civil Rights Act.

I supported that amendment strongly in both years and cosponsored with Senator ERVIN a similar amendment this year to the Elementary and Secondary Education Act.

I fervently hope that the Supreme Court will sustain his challenge and rule accordingly on the Charlotte appeal which it now has under review.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. HUGHES). Pursuant to the previous order, the Chair now lays before the Senate the unfinished business which the clerk will state.

The legislative clerk read as follows: Senate Joint Resolution 1, proposing an amendment to the Constitution of the United States relating to the election of the Presiden and the Vice President.

The Senate resumed the consideration of the bill.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAYH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, Senate Joint Resolution 1, the pending business, has been before the Senate since the day before its recess for Labor Day.

It has been the subject of active debate or potentially active debate since the Senate returned from its Labor Day recess.

Mr. President, as every Member of the Senate knows, and as the Senate is certainly painfully aware, the issues encompassed in Senate Joint Resolution 1 have not been a matter of the national interest only for this period. Rather, I think these issues have been on the minds of the most astute citizens and particularly on the minds of those who are acutely aware of the functioning of our political process for a considerably longer period of time.

For those who have forgotten, let me suggest that we cannot afford to forget the near flirtation with tragedy that occurred on election eve in 1968 when, if there had been a change of less than 42,000 votes, we would have elected no President at all on Election Day. With that change, we would have seen either

Mr. Nixon nor Mr. Humphrey have a majority of the electoral college votes, and we would have given to Governor Wallace the position of power broker. With signed affidavits from some 46 electors who were pledged to do his bidding, he could have in essence auctioned off the Nation's highest office to the highest bidder.

I have been told by some of my distinguished colleagues, "Well, now, this really never has happened. So we really should not worry about it." I suggest it borders on the irresponsible to suggest that because one is almost run over by a drunken driver, that driver should not be arrested and put in jail to keep him from running over someone else.

We have averted tragedy before. Three times previously in national elections, we have seen the shortcomings of the electoral college vote actually come to pass. We had Presidents of the United States elected with fewer votes than the men they were running against.

One of the great strengths of the Senate is that it affords an opportunity to share camaraderie at the same time we differ from our colleagues. I suggest with all due regard to those sharing different views that to permit a man to be elected with fewer votes than his opponent is to enable the power broker, whether from the right or from the left, who has only a handful of votes, to actually determine who shall be the President of the United States.

It is a system which enables votes cast for one candidate in a State at the popular vote level to be cast in actuality for his opponent when the electoral votes are cast.

This is not the type of system which brings credibility to the system of government in this space age in which we live.

Mr. ERVIN. Mr. President, will the Senator from Indiana yield at that point?

The PRESIDING OFFICER (Mr. ALLEN). Will the Senator yield to the Senator from North Carolina?

Mr. BAYH. I will be more than happy to yield to my friend, the Senator from North Carolina, if he will permit me to conclude my rather brief opening remarks. I will not only yield the floor temporarily, but will yield for the rest of the day so that the Senator from North Carolina and some others might debate the matter further.

It has deeply concerned the Senator from Indiana that a President elected under this system without a plurality—legally elected, if you please—would be sorely pressed to govern effectively, to have the credentials and the competence necessary to govern the country.

For that reason the Senator from Indiana hopes that his colleagues will see the wisdom of giving the people the right once and for all of voting directly for their President and Vice President in a direct popular vote. Only that system guarantees that the people participate directly in the system without some intervening formula or agent.

Only the direct popular vote guarantees that a person's vote is counted for the man for whom the vote was cast and has the equal weight with every other vote in the outcome.

Only a direct popular vote guarantees that the man who gets the most votes wins.

I recognize the right of every one of my colleagues to differ with my opinion and to speak about another system they might prefer. But even though they do not share my feelings about electing the President, even though they may be unalterably opposed to a direct popular vote, even though they may feel that the average citizen is not intelligent enough or dedicated enough to vote for his President and Vice President, I would hope that they would nevertheless recognize the significance in this day and age of refusing to let the Senate of the United States vote on it. This is the type of occurrence that fans suspicions and threatens the very foundation of our society.

Mr. President, I have a few concluding remarks and then I will be glad to yield to the Senator from North Carolina for a question, or to yield the floor.

This matter has been on the floor now and has been available for discussion for 2 weeks or so. We went through the ordeals last week of a cloture motion that was initiated by our distinguished minority leader. At that time certain Members of the Senate felt that we had not had a long enough period in which to debate this issue.

The Senator from Indiana would suggest that, considering the length of debate that we have seen throughout this session on other matters, he can understand—not necessarily agree with, but understand—those contentions. But the Senator from Indiana finds it very difficult to understand why there has been so little debate, if indeed any debate since the rejection of the cloture motion from some of those who protested the loudest about the inadequacy of the time for debate.

So, Mr. President, the Senator from Indiana suggests that there be debate. I think the proponents have adequately, if not eloquently, presented a case.

From time to time we may want to answer the analysis of Senate Joint Resolution 1 offered by the loyal opposition. But it is time for those who feel that we have not had enough time to debate the matter, and who are committed to further debate in the Senate, to debate the matter so that the people of the country have a chance to know all about the legislation that is now before Congress.

Let us put the record straight. The proponents of Senate Joint Resolution 1, electoral reform, have made a case.

I am anxious to see what the opposition has to say. I am glad now to yield to the Senator from North Carolina, for a question or to yield the floor.

Mr. ERVIN. Mr. President, my question concerns the statement of the Senator from Indiana that we have had three crises in this Nation which demand adoption of Senate Joint Resolution 1 as part of the Constitution.

My question is: What three crises have we had in this country to which the Senator refers?

Mr. BAYH. The Senator from Indiana hates to provoke his friend from North Carolina by any remarks he makes, but the RECORD will show that the Senator from Indiana said there have been three times when we elected a President who had fewer votes in the election than the man against whom he was running: John Quincy Adams-Andrew Jackson, the first election between Samuel Tilden and Rutherford B. Hayes, and the Benjamin Harrison-Grover Cleveland election in 1888.

Mr. ERVIN. My recollection of history does not agree with that of the Senator from Indiana. My recollection is that only one time in the history of this Nation has a President who received a plurality of the popular vote been defeated in the electoral college and that was the second time Grover Cleveland ran. He got 100,000 more popular votes than Benjamin Harrison, but Benjamin Harrison received a majority of the electoral vote.

Mr. BAYH. I want to make sure the Senator from North Carolina did not misunderstand what the Senator from Indiana said. I said there were three occasions when the man who finally ended up in the White House received fewer votes than his nearest opponent in the election. That is what the Senator from Indiana said.

The record will demonstrate that John Quincy Adams got fewer votes than Andrew Jackson the first time they ran. Also the record will show the same thing in the Tilden-Hayes election and the Cleveland-Harrison election.

Mr. ERVIN. I would say to the Senator that a great deal of historical evidence can be amassed to show that the election of 1824 was left in doubt insofar as the popular vote was concerned; that at that time many of the States were still voting by designating their electors by legislative act and not by popular vote of the people in their States; and that there is not sufficient evidence to justify an assertion as to whether John Quincy Adams or Andrew Jackson would have received a majority of the popular vote in the United States, had the States cast all of their votes by popular vote rather than by electoral vote. Also, with respect to the Hayes-Tilden election, history leaves that entire controversy shrouded in grave doubt and obscurity.

In that case there was a controversy as to how the people in Louisiana and Florida had voted, how many votes were cast in those two States, and who had been elected as presidential electors in those two States. The Republican Congress set up a commission which had a majority of one Republican. The commission adjudged that the popular votes in Louisiana and Florida had given their electoral votes to Hayes and in consequence Hayes had been chosen over Tilden by the electoral votes. The commission so adjudged by a strictly party line vote.

Now, I would like to think that Andrew Jackson received more votes than John Quincy Adams in 1824 because it so happens that my children, through their mother, are blood relatives of Andrew Jackson, and my wife is about as near a

blood relative of Andrew Jackson as anyone on the face of the earth.

But I cannot go along with the Senator from Indiana on the statement that Andrew Jackson would have received the greatest popular vote in 1824 if all States had authorized popular voting for electors. He should have received it but somehow or other those who should receive the majority vote do not always receive it.

I want to say to the Senator from Indiana that I did not use the word "provoke" as meaning I was irritated in any respect with the Senator, but that I was incited or induced to ask these questions. The word "provoked" has two different connotations. I assure the Senator I used the most benign of those two connotations.

Mr. BAYH. Inasmuch as the Senator from Indiana has nothing but the kindest regard and highest respect for his friend from North Carolina and usually not only admires the fact that he has a great proportion of benign sinews running through his body but also usually has great intellect with which he agrees on many questions, I find it difficult to believe that the latter is not the case on this occasion. I am certain my friend is not incited in a violent way. He is a man who does not easily provoke.

I would like to say that I have the record before me. Perhaps the Senator from North Carolina would like to quote from a different record. To be sure there were some electors in the 1824 election who were chosen without the benefit of popular vote. But of all the popular votes cast in 1824 Andrew Jackson received 43.13 percent of the popular vote and John Quincy Adams received 30.54 percent of the popular vote. That record is rather clear.

Eighteen hundred and seventy-six, to be sure, was not the finest moment in American history. There is great reason to be suspicious of the possibility that election was purchased or at least procured by means other than the ballot box in a legitimate and legal sense. However, the record will show that Samuel Tilden received a majority popular vote—not just plurality but a majority popular vote—of 50.99 percent, and Rutherford B. Hayes received 250,000 less popular votes than Samuel Tilden. None of us really know what happened but the fact of the matter is that it was a lot easier to procure the necessary electoral votes, by whatever means used, than it would have been to secure those 250,000 popular votes.

The record will show that in 1888 Cleveland received 48.66 percent of the popular vote and his opponent Harrison received 47.86 percent of the popular vote.

However, on all three occasions the electoral college permitted the election of the man who had fewer popular votes. If the Senator has other evidence, I would be glad to have it for the RECORD.

Mr. ERVIN. I would say with respect to the election of 1876 between Samuel J. Tilden, the Democratic candidate, and Rutherford B. Hayes, the Republican candidate, that the facts are well summarized on page 53 of appendix A of the report of the Committee on the Judiciary to the Senate. It shows that in order to sustain the proposition that Tilden received a majority of the popular vote, one has to indulge in the presumption that all the charges made by the supporters of Tilden with respect to fraud and chicanery in the election were true. That matter, as I stated, is left in obscurity.

With respect to the election of 1824, the facts in respect to it are set forth on pages 52 and 53 of appendix A attached to the committee report. In the interest of time, I ask unanimous consent that the portion of appendix A beginning with the election of 1824, on page 52, and ending with the discussion of that point on page 53 be printed at this point in the body of the RECORD.

There being no objection, the extract was ordered to be printed in the RECORD, as follows:

APPENDIX A.—HAS A POPULAR VOTE WINNER EVER LOST THE PRESIDENCY?

It is frequently said that the electoral college makes it possible for a candidate to be elected who receives fewer popular votes than his chief opponent. It is alleged that this has happened three times: in 1824, in 1876, and in 1888. We propose to examine this charge to see whether it is worthy of the attention it has received.

While it is theoretically possible for an electoral vote winner to be a popular vote loser, it is highly unlikely that such an event will occur. It is theoretically possible for the simple reason that there is not a perfect mathematical proportion between the size of the popular vote and the size of the electoral vote. That disproportion is due to the fact that each State has at least three electoral votes regardless of size—a concession that the Framers saw as necessary to shore up the federal system. So long as we believe it wise or useful for the States as States to have a say in the selection of Presidents, and so long as we believe that the smaller States ought properly to have a minimum representation, it will remain theoretically possible for an electoral winner to be a popular loser. Whether we have "winner-take-all" or some other system of awarding electoral votes, so long as the concept of electoral votes is retained with a minimum representation for small states, that theoretical possibility remains.

The decisive policy question is whether the risk of this theoretical possibility is worth running. And the most important factor in determining the worthiness of the risk is the likelihood of its occurrence. On the basis of past election results, the risk would appear to be minimal. Indeed, it is our belief that the much-feared result has never occurred.

Let us now turn to consider the three elections, which it is alleged, did produce the unwanted result.

(A) THE ELECTION OF 1824

In the election of 1824, Gen. Andrew Jackson obtained a plurality of both the popular and the electoral vote but, failing a majority in the electoral count, lost to John Quincy Adams in the House of Representatives.

The experience of 1824, however, is hardly relevant to present-day elections. None of the machinery we now possess to prevent such an outcome existed at the time; indeed, the growth of the party system and the birth of national conventions can both be directly attributed to the experience of 1824. The absence of nominating and other party machinery in 1824 accounts for the two facts which vitiate the election of 1824 as a relevant example: (1) unaffiliated a multiplicity of candidates, made it impossible for anyone to garner a majority of the electoral vote—a fact which, incidentally, was conceded by all prior to the election; (2) voters were not organized in any major sort of way on behalf of any of the candidates, with the result that voter turnout was minimal.

While accurate figures are especially difficult to obtain for early 19th century elections, most authorities are agreed that something like 350,000 votes were cast in the election of 1824, out of a total population of roughly 11 million, of whom roughly 3 to 4 million were white adult males. Of the small number of votes which were cast, Jackson obtained a total of roughly 150,000—more than any other candidate, but it was not even a majority of those voting. Jackson's plurality can in no sense be termed a "victory," nor can it be said to have constituted a "mandate."

While accurate figures are especially difficult to obtain for early 19th century elections, most authorities are agreed that something like 350,000 votes were cast in the election of 1824, out of a total population of roughly 11 million, of whom roughly 3 to 4 million were white adult males. Of the small number of votes which were cast, Jackson obtained a total of roughly 150,000—more than any other candidate, but it was not even a majority of those voting. Jackson's plurality can in no sense be termed a "victory," nor can it be said to have constituted a "mandate."

Further, there were four candidates in that election. Of the 24 States in the union at the time, the four candidates appeared together on the ballots of only five States; in six States, only three were on the ballot; and in seven only two. Moreover, six States (including New York, at that time by far the most populous State) had no popular election at all, the electors being appointed by the State legislatures.

The Presidency, in short, had yet to be conceived of as an elective office in the sense that we now understand it. Anyone who ventures to claim that Jackson's popular plurality represented the "will of the people" or that his defeat in the House was a "frustration of the popular will" understands neither the election of 1824 nor why its inconclusiveness cannot be repeated today. In the words of Prof. Eugene Roseboom, "The popular will had been so dimly revealed in 1824 that the House could not have subverted it." (*A History of Presidential Elections*, 1957, p. 88).

Mr. BAYH. Mr. President, in the event someone might be perusing the RECORD and would like to look to the source of the statistics just referred to by the Senator from Indiana, I ask unanimous consent to insert in the RECORD page 27, the chapter entitled "Election of Minority President," on over to the top part of page 28 of the study of the American Bar Association, entitled "Electing a President."

There being no objection, the extract was ordered to be printed in the RECORD, as follows:

ELECTION OF MINORITY PRESIDENTS

The electoral college method of electing a President has governed forty-five presidential elections and has produced fourteen Presidents who did not obtain a majority of the popular votes cast in the election. They are: John Quincy Adams in 1824[1] (with 30.54 percent of the popular vote); James K. Polk in 1844 (49.56 percent); Zachary Taylor in 1848 (47.35 percent); James C. Buchanan in 1856 (45.63 percent); Abraham Lincoln in 1860 (39.79 percent)[2]; Rutherford B. Hayes in 1876 (48.04 percent); James A. Garfield in

[1] In 1824 the electors were chosen by the legislature in six of the twenty-four states.

[2] Lincoln's name did not appear on the ballot in ten states.

1880 (48.32 percent); Grover Cleveland in 1884 (48.53 percent); Benjamin Harrison in 1888 (47.86 percent); Grover Cleveland in 1892 (46.04 percent); Woodrow Wilson in 1912 (41.85 percent); Woodrow Wilson in 1916 (49.26 percent); Harry S. Truman in 1948 (49.51 percent); and John F. Kennedy in 1960 (49.71 percent).

Of the fourteen minority Presidents, three of them each received fewer popular votes than his major opponent.

In 1824: Andrew Jackson received 43.13 percent of the popular vote and 37.93 percent of the electoral vote; John Q. Adams, 30.54 percent of the popular and 32.18 percent of the electoral; Henry Clay, 13.24 percent of the popular and 14.18 percent of the electoral; and William H. Crawford, 13.09 percent of the popular and 15.71 percent of the electoral. Because no candidate received a majority of the electoral vote, the selection of President devolved on the House of Representatives. Adams was selected President, receiving the votes of thirteen states to seven states for Jackson and four for Crawford. It is alleged that Adams won the election because of Clay's support.[3]

In 1876: Democratic presidential candidate Samuel J. Tilden won a majority of the popular vote (50.99 percent). He had over 250,000 popular votes more than the Republican candidate, Rutherford B. Hayes. Yet Tilden lost the election by one electoral vote (185 to 184), after certain disputed electoral votes from four states had been determined (two days before Inauguration Day) adversely to him by an Electoral Commission created by Congress.

In 1888: Grover Cleveland received 48.66 percent of the popular vote and 42 percent of the electoral vote. On the other hand, Benjamin Harrison obtained a popular vote of 47.86 percent and an electoral majority of 58 percent. Harrison was elected President. Although Cleveland had about 100,000 popular votes more than Harrison, Harrison won pivotal states by small margins. A switch of a few thousand votes in New York would have swung the election to Cleveland.

Mr. BAYH. Mr. President, let me add that this study was the result of a blue ribbon panel study over a 10-month period. At the outset of that study the panel members all had different views about electoral reform. The chairman was Dean Storey, of Texas. Also on the panel was our distinguished colleague, HENRY BELLMON, who was unalterably opposed to direct election. Also on that panel were Paul Freund, of Massachusetts; E. Smyth Gambrell, of Georgia; Ed Gossett, of Texas; William T. Gossett, of Michigan, president of the American Bar Association; William J. Jameson, of Montana; our former colleague Senator Kenneth B. Keating, of New York; Otto Kerner, then Governor of Illinois; James C. Kirby, Jr., distinguished attorney from Illinois; James M. Nabrit, Jr., of this city; Herman Phleger, of California; C. Herman Pritchett, of California; Walter P. Reuther, our late, beloved president of the United Automobile Workers; and Whitney North Seymour, of New York.

The Senator from Indiana will let the RECORD show the facts, and he will let anyone who reads the RECORD draw his own conclusion.

Mr. ERVIN. Will the Senator inform the Senator from North Carolina who appointed that commission?

Mr. BAYH. The American Bar Association.

Mr. ERVIN. Who was president of the American Bar Association at the time?

Mr. BAYH. At that time Edward W. Kuhn or Bill Gossett.

Mr. ERVIN. Yes. And Mr. Gossett was chairman of the commission.

Mr. BAYH. No, he was not. Dean Storey, of Texas, was.

Mr. ERVIN. He was a member of the commission.

Mr. BAYH. So was Ed Gossett of Texas, who was unalterably opposed to direct election.

Mr. ERVIN. The appointing power has to put one or two men on a committee who entertain views contrary to those of the appointing power so as to make it look fair. For example, there used to be an election precinct in my home county where the Democratic precinct leader was Capt. Joe Mills. Joe Mills always made returns showing that one Republican had voted. He said he did that to show the election was fair.

If the Senator will allow me to select the jurors, I will always win the case. If he allows me to appoint a commission, I can always tell him in advance what the report of a commission is going to be.

Mr. BAYH. I am sure the Senator from North Carolina does not intend to impute devious motives to those who selected this commission. I am sure the Senator from North Carolina has had a lot of matters on his mind and has not had a chance to read every word of this report, but let me put in the RECORD the foreword of the report to show the real background of this matter.

I make that unanimous consent request, Mr. President.

There being no objection, the foreword was ordered to be printed in the RECORD, as follows:

FOREWORD

The Commission on Electoral College Reform was formed by the American Bar Association at the midyear session of the House of Delegates in February, 1966. Edward W. Kuhn, then President of the American Bar Association, reported at the time that congressional and executive leaders had urged the Association to examine the subject of electoral reform. He stated that this was due in some measure to the results the American Bar Association had achieved in promoting the proposed Twenty-fifth Amendment on Presidential Inability and the Vice-Presidential Vacancy.

In selecting the members of the Commission, the American Bar Association endeavored to have different walks of life, professions, and parts of the United States represented. Thus, governors, judges, lawyers, constitutional law authorities, political scientists, and representatives from labor and management were invited to be members of the Commission. Comprising the Commission are: Henry Bellmon, the Governor of Oklahoma; Paul Freund, Professor of Constitutional Law, Harvard Law School; E. Smythe Gambrell, Georgia attorney and former President of the American Bar Association (1955–1956); Ed Gossett, Texas attorney and former member of Congress from Texas (1939–1951); William T. Gossett, Michigan attorney, former President of the American Bar Foundation, and former General Counsel to the Ford Motor Company; William J. Jameson, United States District Court Judge for Montana and former President of the American Bar Association (1953–1954); Kenneth B. Keating, Associate Judge of the New York Court of Appeals, former United States Representative (1957–1959), and United States Senator from New York (1959–1965); Otto E. Kerner, the Governor of Illinois; James C. Kirby, Jr., Professor of Constitutional Law, Northwestern University Law School, and former Chief Counsel to the Subcommittee on Constitutional Amendments of the Senate Judiciary Committee; James M. Nabrit, Jr., Deputy United States Representative to the United Nations and President of Howard University (on leave of absence); Herman Phleger, California attorney and former Legal Advisor to the United States Department of State (1953–1957); C. Herman Pritchett, Professor of Political Science, University of Chicago, on leave of absence at the University of California at Santa Barbara, and former President of the American Political Science Association; Walter P. Reuther, President of the United Automobile Workers Union and Vice-President of the AFL–CIO; and Whitney North Seymour, New York attorney and former President of the American Bar Association (1960–1961). The Commission's advisor, John D. Feerick, is a New York attorney who served as a member of the American Bar Association Conference on Presidential Inability and Succession and also as an advisor to the Special American Bar Association Committee on Presidential Inability and the Vice Presidential Vacancy. The Commission's liaison with the American Bar Association is Edward W. Kuhn, former President of the American Bar Association (1965–1966).

Upon its creation, the Commission was directed to seek a nonpartisan formula for electing a President and a Vice-President of the United States in accordance with this direction, the Commission had its staff undertake a comprehensive study of the electoral college system. After this study was supplied to the Commission, the Commission convened in Washington, D.C., on May 19 and 20, 1966.

At these meetings the Commission explored all of the pending proposals for reform of the electoral college system of electing a President and a Vice-President. It then decided that detailed studies of a number of specific questions were necessary. During the next few months the staff collected and compiled information and data regarding these questions. It studied the electoral systems of other countries, solicited the opinions of state officials regarding various aspects of the state election laws, and consulted with numerous persons and organizations knowledgeable in the area of electoral reform. The results of this comprehensive investigation were embodied in reports and memoranda which were sent to the Commission between June and October, 1966.

The Commission reconvened in Chicago, Illinois, on October 7, 1966. At that meeting the Commission discussed the subject of electoral reform in considerable detail and reached a consensus as to what it considered to be the best method of electing a President and a Vice-President. Although there was general agreement on the recommendations, it should be understood that not every member of the Commission subscribes to every recommendation. There was, however, unanimous agreement on the need for substantial reform in the present system.

In this report the Commission submits its recommendations. In addition to setting forth and explaining the recommendations, the report includes a brief history of electoral college developments from 1787 to 1966.

ROBERT G. STOREY,
Chairman.

Mr. BAYH. Let me also say to the Senator from North Carolina that the Senator from Indiana was present at that

[3] See Roseboom, A History of Presidential Elections, pp. 84–86 (The Macmillan Company 1965).

first meeting and asked the Commission to be diligent in its study. After the first meeting I said to the staff man who was with me, "We do not have a prayer of that Commission ever agreeing on anything." On that Commission were the Governor from Oklahoma, now our distinguished colleague from that State (Mr. BELLMON), who was unalterably opposed to direct election. Ed Gossett, who served in Congress during the tenure of the service of the distinguished Senator from North Carolina, was unalterably opposed to it.

So to contend that this was a stacked panel does not show the normal degree of attention that the Senator from North Carolina gives to a subject.

Mr. ERVIN. Perhaps I will accept the theory that the Senator from Indiana, by his eloquence, got that Commission started down the wrong pathway, since he appeared at the first meeting of the Commission.

I have been in Washington a long time. I have observed the actions of the American Bar Association a long time. I have observed the actions of Presidents a long time. I have noticed that whenever a committee or a commission or a board is appointed to study a proposition, a majority of the members of that committee or commission or board who are selected have a philosophy which runs in the same channel as the philosophy of those who exercise the appointing powers.

Since I came to the Senate of the United States 16 years ago, I have never known a single President to appoint a commission which did not number among its members a very substantial majority in favor of the philosophy of the President. I have never known of an absolutely impartial commission or committee or board ever set up to study anything with a view to deciding anything otherwise than in accordance with the predilections of its members.

Mr. BAYH. Mr. President will the Senator yield? I am not sure the Senator has the floor, but——

Mr. ERVIN. I do not say that to disparage anybody, but, with all due respect to the memory of the late Walter Reuther, he never had any doubt at any time on any subject in respect to what he conceived to be its proper solution.

Mr. BAYH. I hope we do not permit the focal point of the debate to shift from the question which is the pending order of business to the veracity of the panel. The record will clearly show that the assessment of that panel, while made in all good faith by my distinguished colleague from North Carolina, was incorrect.

The arguments made by my distinguished friend argue about this appointment of various panels, is a good example of the old adage about whose ox is being gored. It depends on whose ox is being gored. I remember standing on this floor and listening to the Senator from North Carolina argue persuasively on the relative merits of two nominations to the Supreme Court. He pointed out that these men had been recommended by a panel of this same bar association.

It seems to me rather inconsistent to suggest on one hand that a panel is all right if it is sustaining an individual's position, and on the other hand it should not really be considered if it comes to a contrary opinion.

Mr. ERVIN. I do not think I laid much stress on the recommendation of the American Bar Association.

Mr. BAYH. The RECORD will show that the Senator from North Carolina included that recommendation in his discussion.

Mr. ERVIN. While the Senator from Indiana and the Senator from North Carolina differ very profoundly with respect to this subject, the Senator from North Carolina and the Senator from Indiana agree in one respect. Each of them thinks a commission acts wisely when that commission makes recommendations in accord with his opinions. The Senator from North Carolina thinks a commission manifests wisdom when it agrees with his sound views, and if he were to appoint a commission to make a study, he would appoint on that commission members possessing that character of intelligence.

Mr. BAYH. There may be some wisdom in what the Senator has suggested. I think perhaps we ought to throw a couple of other items into the discussion here. Then I should like to hear from the Senator from North Carolina or some of the 10 speakers alluded to the other day that have yet to be heard from.

The Senator from North Carolina seems to agree with the Senator from Indiana that at least in the Grover Cleveland-Benjamin Harrison controversy, Harrison had fewer votes than Cleveland, but yet was the one who got the brass ring and was elected President of the United States.

I think we ought to look at what has happened in this last century. There are other occasions on which tragedies have been narrowly averted. We had better take cognizance of these. I have already referred to the cold fact of life that if there had been a change of fewer than 42,000 votes in the right three States in 1968, we would not have elected anyone President on election day, despite the fact that the present resident of 1600 Pennsylvania Avenue had about 500,000 more votes than his opponent.

If we go back to 1948, which I think is still fresh in memory of most of us in this body, we find there was an example where the incumbent President, despite expert predictions to the contrary, won a large landslide victory. President Truman had more than a 2 million vote plurality over his opponent, Governor Dewey of New York; yet the record will also show that if there had been a change of approximately 30,000 votes in the right States in that election, Governor Dewey would have been elected.

The election would not have gone to the House of Representatives; it would not have created the power broker situation that almost happend in 1968. At least under that situation the man who got the most votes could still win. But if there had been that change in 1948, Governor Dewey would have been elected, although President Truman still had a 2 million vote plurality. I do not see how any man elected under such circumstances can possibly be an effective President.

Mr. ERVIN. The Senator from North Carolina would like to observe to the Senator from Indiana that if the sun rose in the west, it would not rise in the east.

The PRESIDING OFFICER. The question is on agreeing to the joint resolution.

Mr. BAYH. The Senator from Indiana, after recovering from the shock of that profound observation, would like to suggest that the record will further show that there have been seven occasions since the turn of the century where a change of less than 1 percent of the popular vote would have sent to the White House a man who had fewer votes than the man he was running against.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. BAYH. I have listened to the eloquent, if not to me persuasive, remarks of the Senator from North Carolina, and I am sure that the country is interested to hear what he and others have to say.

Mr. ERVIN. Will the Senator yield?

Mr. BAYH. Let us get on with the debate. Let us not be found wanting later this week or next week or the week after that, by some people who have the honesty to come on the floor of the U.S. Senate and say, "We still have 10 speakers." If they have 10 speakers, let us hear them. Let the country hear this persuasive argument, and let the Senate vote.

Mr. ERVIN. Mr. President, the last observation of my distinguished friend from Indiana reminds me of a story which happened in court on one occasion. There had been some disagreement between a husband and wife, and it had wound up in litigation. The wife took the stand and testified that her husband had not spoken to her for 5 years.

This testimony moved the judge to indignation. He demanded of the husband:

How do you explain such outrageous conduct toward your wife as that?

He said:

Well, Your Honor, I hated to interrupt the lady.

I have been reluctant to interrupt the Senator from Indiana to take the floor in debate.

This amendment—that is, the proposed amendment, Senate Joint Resolution 1—is generally referred to in the press as the Bayh amendment. In view of the statement of the distinguished Senator from Indiana concerning the apprehension created in his mind by George Wallace in 1968, I think we ought to change the name of the amendment to the George Wallace amendment.

I am also reminded of the story about the so-called Wise Men of Gotham. The author of the story says that on one occasion, while journeying he met the Wise Men of Gotham, and each one of them was carrying the detached front door to his house on his back.

He was impelled by curiosity to put this question to them:

Why are you carrying the front doors of your houses on your backs?

The Wise Men of Gotham responded, in unison:

It became necessary for us to take a long journey, and we got to thinking that some burglars might knock down the front doors of our houses and steal our possessions during our absence. So, we decided to keep the burglars from knocking down the front doors of our houses during our absence by bringing our front doors with us.

Senate Joint Resolution 1 emulates their example. It opens our constitutional house to fraud, delay, and confusion.

The Senator from Indiana bemoans the fact that we have had several close elections in this country, and so he proposes a constitutional amendment that would promote these three things. I have a speech on this subject, but I shall not deliver it right now.

Three irresistable temptations would arise out of the proposal for direct election of the President. The first of those is fraud, the second is delay, and the third is confusion. That is the title of the speech I have prepared for delivery: "Fraud, Delay, and Confusion—The Three Irresistable Temptations of Direct Election."

Mr. BAYH. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. BAYH. The Senator from Indiana, of course, is a relatively junior Member of the Senate compared to his distinguished friend and colleague from North Carolina; and although he might not always agree with his friend from North Carolina, he usually is able to understand the reasoning behind his usually good judgment.

But the Senator from Indiana, at this hour is history, at this hour in the session, at this hour in the debate on this issue, would like for the Senator from North Carolina to explain the profound wisdom and reasoning behind his reluctance to go ahead and make that speech—which I am sure will be an eloquent presentation of the opposition. The Senator from Indiana would like to hear it; and I think the country would like to hear the wisdom of the Senator from North Carolina. If we are going to debate this issue, let us debate it. If that is why we are really here, to discuss the issue, let us debate it. If we are trying to be dilatory—which is certainly out of character for the distinguished Senator from North Carolina—if we are trying to throw a roadblock in the way of due process, and deny the representatives of the people the right to vote, if we are going to run and hide, seek cover instead of being willing to stand up and be counted on something, then I think that certainly the Senator from North Carolina should prevent that possible interpretation from being attributed to his refusal to make the speech which he had in his possession.

Mr. ERVIN. The Members of the Senate can readily observe that like the husband, I have to interrupt the Senator from Indiana, to get in a word, and he is not easily interruptible for very long. I say that in all kindness.

But I am in favor of the people controlling the election of the President. That is the reason why I oppose Senate Joint Resolution 1. These elections tempt men to commit fraud. Senate Joint Resolution 1 proposes to convert 184,000 separate precincts in 50 States and the District of Columbia into one great big precinct where an election may be decided by as close a vote as one majority out of 60 million or more Americans.

As I have said before, for some strange reason, men who would not steal a penny from anybody will steal their votes; and the direct election encourages men to steal votes in every one of 184,000 separate precincts.

Then, after the polls are closed and the votes are counted, there will be a period of interminable delay. There will be charges and counter charges of fraud and corruption in virtually all the precincts throughout this Nation. We will have delay, not the little delay such as the time in which Senators say a matter of this consequence ought to be debated adequately in the Senate, but a delay of many months, while efforts are made to determine the question of: Who was elected President and which charges of fraud or which charges of miscounting of votes are correct and which are incorrect?

Senate Joint Resolution 1 brings the temptation to commit fraud, and provokes the charges and countercharges which cause delay. Hence, it produces a certainty of confusion. Senate Joint Resolution 1, which makes no provision as to how the charges and countercharges are going to be determined, will bring indescribable confusion into our Nation.

Mr. BAYH. In the meantime, I think it is important for us to get on with the business of the Senate. Our distinguished leader, the Senator from West Virginia, and the majority leader, the Senator from Montana, and all of us, have many responsibilities; and they have been diligently pursuing the business of the Senate. At this time, the final disposition of this important matter stands in the way of final consummation of Senate business.

So that we can move quickly, and to let the RECORD show what is happening, I would like to propose a series of unanimous-consent requests.

I would like to ask unanimous consent to vote on the Tydings-Griffin amendment, which is the pending order of business before the Senate, amendment No. 711, at 1 o'clock tomorrow.

Mr. ERVIN. Mr. President, I object to that unanimous-consent request.

The PRESIDING OFFICER. Objection is heard.

Mr. BAYH. Mr. President, the Senator from North Carolina objected?

Mr. ERVIN. Yes.

Mr. BAYH. The Senator from Indiana is surprised.

Mr. ERVIN. I hate to surprise the Senator from Indiana. It is with great regret that I do so.

Mr. BAYH. I am persuaded to pursue the other amendments and give the Senator from North Carolina the opportunity to change his mind in the process.

The Senator from Indiana makes a similar request with respect to amendment No. 878.

Mr. ERVIN. The Senator from North Carolina objects.

The PRESIDING OFFICER. Objection is heard.

Mr. BAYH. The Senator from Indiana makes a similar request relative to amendment No. 884.

Mr. ERVIN. The Senator from North Carolina again objects.

The PRESIDING OFFICER. Objection is heard.

Mr. BAYH. The Senator from Indiana regrets having to put the Senator from North Carolina through this strain.

Mr. ERVIN. It is no strain on the Senator from North Carolina. I thank the Senator from Indiana for giving me this opportunity.

Mr. BAYH. On reflection, I am sure the Senator from North Carolina is not suffering too much pain.

The Senator from Indiana would like to propose another unanimous-consent request, that the Senate proceed to the consideration of the amendment of the distinguished chairman of the Committee on the Judiciary, the Senator from Mississippi (Mr. EASTLAND), amendment No. 885, and vote tomorrow at 1 o'clock, with final consideration of the matter 2 days hence.

Mr. ERVIN. I object to that.

Mr. DOMINICK. I object to that, because we have a pending amendment now, and the sponsors of that amendment are not before us.

The PRESIDING OFFICER. Objection is heard.

Mr. BAYH. The Senator from Indiana would suggest unanimous consent that we move to amendment No. 887, the Eagleton amendment, and that we vote on it tomorrow.

Mr. ERVIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BAYH. The Senator from Indiana asks unanimous consent that the Senate consider amendment No. 897.

Mr. ERVIN. I object.

Mr. BAYH. The Senator from Indiana asks unanimous consent that the Senate proceed to the consideration of amendment No. 898.

Mr. ERVIN. I object.

Mr. BAYH. To save the Senate and my distinguished colleague, the Senator from North Carolina, further stress and strain, let me propose a cafeteria unanimous consent request; and if any items on the menu should appeal to the taste of the Senator from North Carolina, perhaps he would suggest that he would not object to those.

The Senator from Indiana would like to suggest that the Senate move to the consideration of amendments 899, 900, 901, 905, 912, and 913, and then consider the final passage.

Mr. ERVIN. I object. I do so with great reluctance, because I dislike to be so objectionable to the Senator from Indiana.

Mr. BAYH. I think the Senator from North Carolina knows that it is very difficult for him to be objectionable to his friend, the Senator from Indiana. But whether the same can be said for the entire Senate, which the Senator from North Carolina is hindering in its con-

sideration of these measures, is something else.

Mr. President, I would like to make an observation. This is the second time the Senator from Indiana has gone through this effort, and it is abundantly clear that certain Members are not really intent on debating the issue before us, but are denying us any opportunity to move through the legislative process, with final consummation of some type of electoral reform. The irony of the last request, as in the previous request, is that the Senator from North Carolina objected to the consideration of four of his own amendments. So what we are saying, really, as a body, right now, as we proceed along at a turtle's pace, is that we are not going to consider any type of electoral reform at all. If Senators do not like the plan of the Senator from Indiana, then let us vote it down or at least see if there is enough support in the Senate to substitute other plans. Let us not stare election day 1972 in the face with the possibility that this whole thing could backfire and we could have a constitutional crisis and the Government could come tumbling down around our shoulders.

Mr. BYRD of West Virginia. Mr. President, Senators on both sides of this question having spoken, and seeing no other Senator who wishes to speak on Senate Joint Resolution No. 1, I ask unanimous consent that——

Mr. DOMINICK. If the Senator will withhold that for just a minute, I should like to inject 3 or 4 minutes of discussion here.

Mr. BYRD of West Virginia. Very well. I withhold my request.

Mr. DOMINICK. Mr. President, as I have said on a number of occasions, I would have no hesitation in voting, even today, if we could get enough Senators here to do it, on the basic direct vote amendment which was presented by the Senator from Indiana out of the committee. I say that because I am totally convinced that he could not muster a two-thirds vote in favor of that particular amendment. I say that, in turn, because he has outlined the two proposals which he thinks are most pressing; namely, first, he wants to eliminate the so-called faithless elector. That is easy to do with a minor amendment, without throwing out the baby with the bath water. We do not have to eliminate the whole electoral system just to prevent an elector from voting against the wishes of his State.

The second point the Senator from Indiana talked about is that we might possibly get a President who does not have a plurality of the vote. Well, Mr. President, that is just as likely to occur—even more likely—under the direct vote system than under the electoral system we have now.

Mr. BYRD of West Virginia. Mr. President, will the able Senator from Colorado yield?

Mr. DOMINICK. I yield.

Mr. BYRD of West Virginia. When the distinguished Senator spoke a moment ago about his being willing to reach a vote, referring to a number of Senators who are absent, did the Senator have reference to a vote on Senate Joint Resolution 1?

Mr. DOMINICK. I have said all the way through that, so far as I was personally concerned, if we could get to a vote directly on that one issue, I would be pleased to vote. I of course do not wish to bind any other Senator of my party.

Mr. BYRD of West Virginia. As long as a quorum is present, it does not make any difference how many Senators are absent beyond the point of the quorum. As long as two-thirds of the Members of the Senate who are present and voting vote for a joint resolution proposing a constitutional amendment, that resolution is adopted by such vote.

Mr. DOMINICK. I understand that very well, but as the Senator from West Virginia knows, on a vote of this magnitude, of such tremendous importance to the whole governmental structure, we do not spring off the cuff, so to speak such things without warning Senators ahead of time. That is the point I was making, so far as Senators being absent was concerned.

Mr. BAYH. Mr. President, will the Senator from Colorado yield?

Mr. DOMINICK. I yield.

Mr. BAYH. I appreciate the conscientious desire of my good friend from Colorado to bring this to a vote, but I am sure he has recognized that on two occasions the Senator from Indiana has not been permitted to do what the Senator from Colorado would like to see done.

Mr. DOMINICK. The Senator from Indiana is in a difficult position, as is the Senator from Colorado, on this. We are in this position for the following reasons: We come out with a proposition which the Senator from Indiana wants to get a vote on. Since that has been done, there have been 15 to 18 amendments filed, each one of which undoubtedly will be offered as an amendment to the proposal, each one of which will have extensive debate on it, and each one of which has been offered in good faith, I am sure, with everyone trying to reach the problem the Senator from Indiana has been talking about.

By the time we get through arguing the amendments, we will not get to a vote on the original proposition. We will be here until the snow flies before we get anywhere, which is why I think the only reasonable thing to do at this moment is to send the bill back to committee and start all over again next year. We will have plenty of time, then, to see if we can get something done, which will do something about the so-called faithless elector, and which will do something about the unit rule proposition. On both of those I happen to agree that we need changes. I do not think, as I said before, that we need to change or to throw out the whole electoral system just to arrive at two relatively minor problems which could be solved in another way.

Mr. BAYH. I appreciate the differing views of my good friend from Colorado, but I suggest that the parliamentary procedure, which has been accurately described by him, is not unique. It is not only the normal but it is an example of the finest traditions of the Senate. We have to report one particular proposal out of committee. After considering this matter as the pending order of business from September to February, then not voting on it until the last part of April, the Committee on the Judiciary reported out this measure by a vote of 11–6. It was not until the minority report was published, after 11 weeks, that this measure came before the Senate.

I know of no procedure in the Senate, no precedent at all, that suggests any Member of this body should not have the right to propose amendments. I am satisfied with it as it is, and will be willing to accept amendments if a majority of this body feels that it would improve the measure. But that is the way we do business here in the Senate. Is the Senator from Colorado suggesting that we should amend the rules of the Senate for this one particular proposal?

Mr. DOMINICK. No. The Senator from Indiana knows that I am not doing that. That is a very nice debating point he brings up.

Mr. BAYH. That is what is happening.

Mr. DOMINICK. I am simply stating what the facts are. There are 17 or 18 amendments to the bill, each one of enormous importance, some of which were not presented in committee.

For example, the amendment of the Senator from Massachusetts (Mr. BROOKE) the other day, was not presented in committee. My guess is that it has not had any extensive study to see exactly how it would work. There are a good many of these which have not been brought before the committee and which need extensive debate. My point is, if we are going to do something on this, we should do a much better job and do it next year rather than this year.

We can do it with far less trouble on other amendments than the one brought up on direct election because the Senator from Indiana knows, as has been brought out by the opponents of direct election, this does not solve the basic problem of whether we can elect a President who will have less than a majority of a state or less than a majority of the vote. This will also, in my humble opinion, accelerate the development of political machines in the large cities. It could also have the effect of frustrating the two-party system which we have had for so long in this country. Thus, I believe this is a disastrous type of amendment. I said so before. I still think so. But I am perfectly willing to debate it at length next year.

What have we had now, 8 or 9 days of debate on this so far, whereas we had 29 days of debate, I believe it was, on the military procurement bill with every conceivable type of amendment dedicated to trying to change the system which has been suggested for procurement authorizations and which had been brought out by the committee.

I think this is even more important for the whole structure of the country than that was.

So I do not think, by cutting off debate after 8 or 9 days, that we are really doing anything in helping to try to stream-

line the governmental system that we have.

Mr. BAYH. If the Senator has finished?

Mr. DOMINICK. Yes.

Mr. BAYH. Mr. President——

The PRESIDING OFFICER (Mr. GRAVEL). The Senator from Indiana is recognized.

Mr. BAYH. Mr. President, I should like to reiterate that I am well aware of all the amendments. There is nothing unique about that. I have been on the floor when we have debated as many as 30, 40, or 50 amendments to a given bill and a big majority of them have never been discussed in committee. I dare say there is not a single Member of the Senate, at one time or another, who has not proposed an amendment to a bill that was not discussed in committee. To suggest this as a reason to change Senate procedure strikes on less receptive ears, so far as I am concerned.

Mr. DOMINICK. I did not suggest that we change Senate procedure. I suggest that it could not be heard. I said it had to be debated at length.

Mr. BAYH. I hope that the Senator from Colorado, and some who share his concern, will be on the floor of the Senate to debate it. They were not here on Thursday and Friday last. Let us debate this issue, if we are going to debate it.

Mr. DOMINICK. Mr. President, the Senator from Colorado was on the floor last Friday and last Thursday and engaged in colloquy with the Senator from Massachusetts (Mr. BROOKE) on his amendment.

Mr. BAYH. Mr. President, I think the RECORD will show that that was about the extent of the debate of even those who are concerned. I think the Senator from Delaware (Mr. WILLIAMS) had probably the most astute observation to make prior to the vote on the cloture motion the other day when he suggested that we really were not getting down to the business of debating the pending business. I think that the Senator is probably right.

We have heard that we had 12 speeches. Let us hear from the other nine.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. WILLIAMS of Delaware. Mr. President, I want to repeat what I said last week; namely, that this matter should be debated and voted upon. I think that the Senate should face up to the question before we adjourn.

What disturbs me, for example, is that this resolution has not been debated. The matter was not debated last week when the resolution was laid aside and we went on to other business 5 minutes after the vote on the cloture motion.

Under the rules of the Senate the rule of germaneness applies, and Senators would not have been able to debate this resolution while other business was pending during the 3-hour period.

On the question of whether the rule of germaneness applies to the second 3 hours of the day during the second half of the session I am not too sure.

My suggestion was that if the Senator from Indiana really wants to get this resolution voted on, he should object for a few days to the laying aside of the pending business and object to all committee meetings during sessions of the Senate. This has not been a filibuster. It has been a farce as far as trying to get a vote is concerned. Under the rules of the Senate if there are no speakers we vote and not take a recess and have the Senate wait for a speaker. Debate on this resolution began September 8, but since that time it has consistently been laid aside for other Senate business and on occasions the Senate has even recessed during the day for lack of a speaker.

If I were managing this bill, I would object to all committee meetings and to the laying aside of the pending business in order to proceed to the vote on the resolution. We would push for a showdown. Then if we could not get to a vote after extended debate I think there would be more votes for cloture. At least I would vote for cloture if there were evidence of a real filibuster, but I do not think we should have cloture until a strong effort has been made to force the matter to a vote.

Any one Senator can block committee meetings and can block a unanimous-consent request to lay aside the pending business, letting the Senate go into night sessions. This has not been done. We should hold the Senate in session. If we cannot get the matter to a vote then other steps can be taken, such as cloture.

Certainly the Senate ought to debate the matter and get it to a vote. But as the record stands, on Thursday and Friday we considered other business. I do not object to that if that is the plan. I would like to see this matter come to a vote; and I repeat that if a determined effort to get it to a vote fails I will vote for cloture, but I will not vote for cloture unless a realistic effort has been made to get it to a vote under our normal procedure.

Mr. BAYH. Mr. President, I appreciate the advice and counsel of the Senator from Delaware.

For the past 8 years the Senator from Indiana has tried to cooperate with his colleagues and tried not to take advantage of them. Indeed, he has tried to utilize the parliamentary rights of any Member of the Senate.

The Senator from Indiana realizes that all other Senators have personal or legislative business that they feel is important and needs to be tended to.

It is possible for one Member of the Senate to object and to do so completely uncontested. It has been done many times.

Let the Senator from Indiana suggest to the Senator from Delaware that he would like to have a chance to sit down and privately discuss his suggested strategy with him. Since the eloquent remarks of the Senator from Delaware the other day, I have been giving serious consideration to that suggestion.

The Senator from Indiana was on the floor when no objection was made the other day—and has been on previous occasions—to laying aside temporarily the pending business. I felt that perhaps by permitting some other business to flow through the Senate, we could ultimately persuade some of our colleagues to be more cooperative and let this matter come to a vote.

The opponents of this measure have made a case, and have made it rather extensively and in detail, and a significant majority of the Members of the Senate has suggested that they are willing to vote, the Senator from Indiana would like to resolve what obligation he has to force the opponents to speak when they apparently do not want to speak, when they apparently do not want to take the time to express opposition. They want to find some other means actually to delay the consideration of this measure.

My good friend, the Senator from Colorado, has suggested that if we debate all these measures, the snow may fly. Let me say, as kindly and as beneficently as I know how, that if we discuss this matter any further, the snow will fly before we consider some of the other issues.

This matter has been before the Senate now for almost 2 years. It has been on the calendar since before Labor Day.

The consideration of this matter has been fraught with the most dilatory of tactics. Perhaps I am being a little cruel in expressing this attitude concerning the tactics of some of my friends and colleagues. But the record will show that this matter became the pending business of the Judiciary Committee in September. One member of that committee even refused to let the committee discuss it until February.

Then, the Senator from Indiana did something about which he was not too proud; he suggested that we would have to fight fire with fire and that if we were not going to vote on the matter, we were not going to vote on Supreme Court nominations. After 24 hours of fighting fire with fire, they changed their attitude and we reached an agreement to vote.

I suggest that for any Senator to suggest to the rest of the Senate that this matter has not had the opportunity for adequate consideration is not accurate.

I do not want, as one Member of the Senate, to exercise my rights and prerogatives as a Senator to the detriment of others. But I think there are times when we have the obligation to see that issues of critical national importance to this country are put to a vote even if that inconveniences the other Members of the Senate.

When the Senator from Indiana has exhausted all other avenues and realizes that there is no other alternative, he is willing to fight fire with fire. However, I am deeply hopeful that this will not be necessary. Although I know those rights are there, I am frankly not persuaded that the use of those rights is always in the best interests of our country.

Particularly, let me suggest that one of the strengths of the U.S. Senate is the free nature of the debate, the fact that we do not have a 5-minute rule, a 3-minute rule, or a 1-minute rule in the U.S. Senate, History is replete with occasions when, because of extended debate on an ill-conceived or little-considered bill, the Senate was able to fully explore

the measure and to change the minds of the country. The Senate was able to keep certain things from happening or to enable certain things to happen which were in the best interests of our country.

This matter has been considered at some length. It has been passed upon by the House of Representatives by a vote of 339 to 70. It has the strong support of the people across this country. The test required to pass it is significantly higher than the test for normal legislation.

So, the suggestion that we are about to rush something through and make it part of the statute books is again not accurate.

We need more than a majority of the Senate. We need two-thirds of the Senate before this can be enacted. It does not go on the law books until enough time has passed for three-fourths of our State legislatures to ratify it.

During this time anyone who feels there is something dangerous or suspicious, undemocratic or un-American has the opportunity to go to the countryside and put this question to the people of America. That is what we want to do here. I put this question to the Senate: "If you do not like the proposal of the Senator from Indiana, vote it down, but have the courage to stand up and vote and be counted on it."

I would like the record to show that it is very easy to interchange words in this electoral college discussion. The Senator from Colorado is not in the Chamber now but I think the record will show that the Senator from Indiana has not expressed deep concern about the possibility of a President who does not have a majority. Although I must say I did everything I could, in my meager way, to keep the present incumbent from becoming President, I am not worried because he failed to garner a majority of the popular votes. He is in office and he has the credentials of the people of the country. He is President of the United States, even though he did not get a majority vote.

It concerns me that there have been three occasions when we sent to the White House a man who had fewer votes than the man against whom he was running. The same thing would have happened again in 1948 was a time if there had been a change in a handful of votes. It is this shortcoming of the present system which concerns me, and not the fact that we will not have a majority vote.

If the Senator from Colorado is really concerned about the need for a majority vote perhaps he should propose a constitutional amendment to accomplish that. I do not think it is necessary, but let us not argue the point unless we are willing to stand behind our beliefs.

Awhile ago the distinguished Senator from North Carolina pointed out that the direct election proposal would permit the election of a President who had a plurality of only one vote out of 60 million votes cast. Very well, I would not look with relish on such an occurrence, but I would much prefer a man sitting in the White House who had one more vote than his opponent than one who had 2 million votes less. If we are going to have close elections, let the winner be the man who wins the popular vote.

The Senator from North Carolina also expressed concern about vote fraud. I invite the attention of all those who are concerned about this to the majority report of the Committee on the Judiciary. The report answers this important question quite persuasively. That section of the report shows there is a considerably greater incentive under the present system to become involved in vote fraud than there would be under the direct popular vote system.

The Senator from North Carolina alleged that Senate Joint Resolution 1 does not specify who is going to count the votes or govern the election. I suggest that anyone who wants to read Senate Joint Resolution 1 will find that practically the same language is used in Senate Joint Resolution 1 as is presently incorporated in the Constitution.

Mr. President, I have nothing further to say in support of this measure; I want it put to a vote. The Senator from Delaware was not in the Chamber a moment ago when the Senator from Indiana made 13 separate unanimous-consent requests in which he asked the Senate to consider not his proposal but 13 other proposals by Members of this body. Four of those proposals are proposals by our distinguished friend and colleague from North Carolina. The Senators from North Carolina even objected to consideration of his own amendment. As a result we see the Senate refusing to vote on any proposal whatever, with not one iota of willingness to stand up and be counted on anything so far as electoral reform is concerned.

I hope it is not necessary for the Senate to be here until the snow flies discussing electoral reform, but I have great sympathy for argument made by the Senator from Delaware. And if that is what it takes to get a vote on this matter, the Senator from Indiana is willing to put on his snowshoes.

Mr. COTTON subsequently said: Mr. President, for the past 2 weeks the Senator from New Hampshire has been unable to be present in the Senate Chamber because of illness in his family. Because of that, the Senator from New Hampshire did not have the opportunity, as he had hoped, to speak at some length and in some detail on the problem of electoral college reform.

In view of the fact that the Senator from New Hampshire has been unable to do this, I ask unanimous consent to have printed in the RECORD a copy of a report on this question which I wrote to my constituents on March 13, 1969.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

NORRIS COTTON REPORTS TO YOU FROM THE U.S. SENATE

The breathtaking closeness of the recent election is a warning that we can no longer delay overhauling the machinery for electing President and Vice President, and that we must face up to the longtime vexing problem of the Electoral College. Congress must act promptly because a constitutional amendment has to be submitted to the states and time given their legislatures to act on it before the next presidential election.

Should the Electoral College be reformed or abolished? The flash judgment of many is to discard it entirely as a leftover from the early days of the Republic, when the people were not supposed to vote directly for their President. Closer examination, however, reveals that the Electoral College still performs a vital function and, if its defects are cured, should be kept.

The Electoral College has long preserved the two-party system which has stabilized the Republic. As long as the electoral vote of each state cannot be split into fragments, splinter parties, the bane of many a foreign parliament, cannot flourish here. Under direct election a dozen parties could nominate candidates. If only a plurality were required to elect, we would always have a President favored by only a fraction of the voters. If a majority or even 40 per cent were required, a runoff election between the two leading candidates must be provided, which is almost unthinkable. The Nation is kept in a constant upheaval long enough now without superimposing a second election on the first.

Furthermore, the Electoral College isolates corruption. If bundles of ballots are miscounted or destroyed in a large city, only the electoral vote of one state is affected. If the ballots of all the people were dumped into one national pot, election frauds in a single metropolitan area could nullify the votes of several states. Thus, under the Electoral College system, state lines are a safeguard like fire partitions in a building or watertight compartments in a ship.

These are the reasons why Congress has many times refused to abolish the Electoral College.

The Electoral College in its present form has one fatal defect. Under it the winner takes all. The entire electoral vote of each state goes to the candidate who carries it—no matter how thin his margin. If a candidate squeaks through in certain key states he could enter the White House without winning the popular vote. This could easily have happened last fall as well as in the tight Kennedy-Nixon contest eight years ago.

Now, as in the past, two methods are offered to correct this defect.

One, the so-called "proportional system", would split each state's electoral vote into fractions proportionate to its popular vote. But this method, like the direct election, opens the way for splinter parties and runoff elections.

The other method, the "district system," would permit each congressional district to choose one elector. In the past this method has been rejected because congressional districts, juggled and gerrymandered by state legislatures, were glaringly unequal in population. But this inequality no longer exists. Under the "one man, one vote" decision of the Supreme Court, legislatures have been compelled to see to it that congressional districts contain, as near as practicable, equal population. This makes the district system as near perfect as any that could be devised. It guards against splinter parties and even further limits the effects of fraud or irregularities. It gives every vote the same weight, for each citizen would vote for one district elector and two at-large for his state. No longer would you be voting for four electors from New Hampshire while your cousin in New York votes for forty-five.

This is the constitutional amendment I support.

For 165 years Congress has been struggling with procedure for electing Presidents. Forty-four times it has debated and rejected direct election. Thirty-nine times it has fought over the district system and, more recently, the proportional system. Innumerable other proposals have been considered. Three times in the early years it was seriously suggested that the President be chosen from a selected group by drawing lots. The proponents of this absurd notion argued that it

would save us from the excitement of elections which, they said, "convulse the whole body politic."

And they had never watched a national convention on television!

STATUS OF UNFINISHED BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside, and that it remain in that status until the conclusion of morning business tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

LIBRARY SERVICES AND CONSTRUCTION AMENDMENTS OF 1970

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order 1179.

Mr. BAYH. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. BAYH. Mr. President, considering the press of Senate business and the desire of the Senate leadership to try to move forward, and wanting to walk that last mile, and wanting to avoid the appearance of being arbitrary in pursuance of a goal I feel is vital to our country, the Senator from Indiana is reluctant to impose an objection at this time. But let the Senate be on notice that this will not be the response of the Senator from Indiana for too long a period of time.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows: A bill (S. 3318), to amend the Library Services and Construction Act, and for other purposes.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, the pending business, S. 3318, a bill to amend the Library Services and Construction Act, extends for 5 years the present public law which expires on June 30, 1971. The bill continues with certain modifications and improvements the present programs under the law, while at the same time simplifying the administration of these programs. Another facet of the bill is that it allows a certain amount of flexibility in the utilization of Federal funds by each State. In the future, the State itself will be able to design a program to best meet its own needs.

CONSOLIDATION—TITLE I OF BILL

The bill contains a consolidation of certain categorical programs of the present Library Services and Construction Act. The concept of consolidation was urged on the committee by the administration. While the reported bill does not contain the massive consolidation supported by the administration it does consolidate three of the presently authorized programs, which are:

First, title I, which provides authorization for grants for general library services;

Second, title IV–A, which provides special library services to persons in State institutions, both correctional and medical; and

Third, title IV–B, which provides special library services for the physically handicapped.

CONSTRUCTION—TITLE II OF THE BILL

The bill continues the present program of matching grants for library construction assistance. The present brick and mortar needs of the library are great. Indeed, when the committee was considering this section of the bill there were 271 construction project applications awaiting a total of $51.5 million in Federal funds. It is hoped that the appropriations will be made to fill this outstanding need.

INTERLIBRARY COOPERATION—TITLE III

The bill continues the present grants to the States for interlibrary cooperation programs. This money is to be used at the discretion of the State to carry out what it deems necessary to improve library services on a local, interstate, and regional basis, or to improve supplementary library services to the citizens of the State. Imaginative use has been made of the funds and the committee supports the continuation of the program.

The bill before us is a rather simple, straightforward measure which extends and improves an already excellent program for another 5 years.

LENGTH OF EXTENSION

Some have questioned the reason for a 5-year extension. Suffice it to say that the previous reauthorization of this program was for a 5-year period, and that the administration bill sent up to us, S. 3549, was also for a 5-year period.

COST

It can be seen that the bill is a reasonable extension of present law. Except for title I, which calls for more funds due to the consolidation, the levels for fiscal year 1972 remain the same as those already authorized for fiscal year 1971. For the 4 fiscal years following, the authorization is raised 5 percent each year, actually, a figure less than the rate of inflation. I ask unanimous consent that a table showing the cost of the bill be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

AUTHORIZATIONS OF APPROPRIATIONS

[In millions of dollars]

Program	Fiscal year— 1971 present law	1972 proposed	1973 proposed	1974 proposed	1975 proposed	1976 proposed
Title I (library services) including specialized services	97	112	117.600	123.500	129.675	137.150
Title II (public library construction)	80	80	84.000	88.000	92.500	97.000
Title III (interlibrary cooperation)	15	15	15.750	16.500	17.300	18.200
Total	192	207	217.305	228.000	238.475	252.350

Mr. PELL. Mr. President, this is a good noncontroversial bill, one which will be of aid to people throughout the Nation. It was reported unanimously by both the subcommittee and the full committee. I urge its passage.

Mr. President, before the question is put, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOK. Mr. President, I ask for the yeas and nays on the pending bill.

The yeas and nays were ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROUTY. Mr. President, I rise in support of the pending bill, the Library Services and Construction Amendments of 1970, S. 3318, which was reported unanimously from the Committee on Labor and Public Welfare.

This measure, as reported, contains elements of the administration's proposal, S. 3549, which Senator JAVITS introduced on March 5. The administration has long sought the consolidation of categorical programs. While not going as far as the administration bill, S. 3318 does consolidate titles I and IV of the present act, the titles relating to library services programs and to programs for institutionalized and handicapped persons, thus affording greater flexibility to the States and communities. The bill calls for development and submission of only one basic State plan. Special emphasis is given to programs for the disadvantaged.

In addition, the bill includes an amendment by Senator DOMINICK and me, as minority members of the Education Subcommittee, increasing the minimum allocation to each State from $100,000 to $200,000, a provision of particular importance to the smaller States.

The Library Services and Construction Act has accomplished a substantial growth of public library services for our citizens. Through title I, public library services have been expanded, improved,

and in many cases extended to communities previously without library services. Inadequate public library facilities have been remodeled and expanded through resources appropriated under title II; new facilities have been constructed in areas where none existed before. Title III has nurtured the growth of cooperative networks, enabling libraries of different kinds—public, academic, and specialized libraries, for example—to share resources and services. States have strengthened library resources and services in State residential institutions under the auspices of title IV–A of the act, reaching thousands of prison inmates, mental patients, orphans, and so on. Finally, title IV–B has helped the States and local communities to make special library services available to physically handicapped persons who would otherwise be deprived of library services, because their handicaps prevent them from using regular library materials.

I should like to commend the distinguished chairman of our subcommittee, Mr. Pell, for his guidance and leadership in the crafting of this legislation, which is a substantial clarification and updating of a program which has served the Nation well since its enactment in 1956. Many of us here, as did I, had the opportunity to support the Library Services and Construction Act in its original form during the 84th Congress as Members of this or the other body, or have had the opportunity to support the bills continuing and modifying the program enacted in subsequent Congresses. The measure before us merits similar support.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum for a brief quorum call before the roll is called.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the committee amendment in the nature of a substitute.

The amendment was agreed to.

Mr. COOPER. Mr. President, I would like to express my support for the bill now before us, the Library Services and Construction Amendments of 1970.

For several years, I was a member of the committee which has jurisdiction in this field, and I have been a sponsor of previous extensions of the act. I have also supported appropriations for this program which has proven to be so valuable in the development of our public libraries.

I believe that it has been the efforts of the local communities which have made the impact of the program reach far beyond the actual dollars spent by the Federal Government. In my own State of Kentucky, over 75 counties have voted special library taxes to support and improve the local public libraries.

I would also like to mention the important work of the Kentucky Department of Libraries which has provided strong leadership in the development of a State public library program. In the few years that we have had title III, the interlibrary cooperation program, Kentucky has been able to develop 17 regional libraries with 90 of the 120 State counties participating. The State has also assumed a major portion of the cost of providing library services to the very poor rural areas. Presently the department operates 105 bookmobiles which bring books and other materials to these persons for the first time.

At this point, I affirm my continued support of the program, and I am glad to vote for this bill which will extend the Library Services and Construction Act for 5 more years.

Mr. STENNIS. Mr. President, as the Senate considers the Library Services and Construction Amendments of 1970, I would like to comment briefly on some of the accomplishments under this excellent program.

Since the federally assisted library services were started, with the passage of the Rural Library Services Act of 1956, $200 million in Federal funds have been provided and $135 million have been provided for library construction, since that became authorized in 1965, generating a building program of over 1,500 buildings, to serve 50 million people.

Between library services and construction, library benefits have been improved for about half our national population. This is a tremendous accomplishment over a relatively brief span of 13 years.

In Mississippi alone, since 1957, library service has been provided to almost 800,000 people, and library service has been improved for over a million people. Large sums of State and local funds have been generated by the availability of the Federal money. A total of 89 Mississippi counties have started library service where it previously was not available, and we now have 14 multicounty systems which include 46 counties.

From fiscal year 1965 through 1969, 29 new library buildings have been completed, and three are under construction. Eight of our towns have funds ready to be matched, and 28 more have applications on file for construction funds.

I wish to compliment the Committee on Labor and Public Welfare, the distinguished Senator from Texas, and the distinguished Senator from Rhode Island on this library services and construction bill, which extends the act for 5 years, and modifies and improves the programs. I am very pleased to see the increased percentage of Federal participation in library services, library construction, and interlibrary cooperation. Very encouraging also are the graduated increases in authorizations for all the programs. Grants authorized for Mississippi for library services will increase from $1,275,000 in fiscal year 1972 to $1,665,000 in 1976. Construction grant authorizations range from $965,000 in fiscal year 1972 to $1,162,000 in 1976. For financing State library networks, the grants range from $150,000 to $226,000 in fiscal year 1976.

Public library activities play a very important part in community life in Mississippi. This authorization bill helps to insure that we will continue to have a strong and vital public library program.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER (Mr. GRAVEL). The bill having been read the third time, the question is, Shall it pass?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from North Dakota (Mr. BURDICK), the Senator from Virginia (Mr. BYRD), the Senator from Nevada (Mr. CANNON), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Tennessee (Mr. GORE), the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington, (Mr. MAGNUSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Wisconsin (Mr. NELSON), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Virginia (Mr. SPONG), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON), the Senator from California (Mr. CRANSTON), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Missouri (Mr. SYMINGTON), the Senator from Texas (Mr. YARBOROUGH), the Senator from New Jersey (Mr. WILLIAMS), the Senator from New Mexico (Mr. MONTOYA), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Virginia (Mr. SPONG), and the Senator from North Dakota (Mr. BURDICK) would each vote "yea."

Mr. YOUNG of North Dakota. I announce that the Senator from Utah (Mr. BENNETT) is absent because of death in his family.

The Senator from Arizona (Mr. FANNIN), the Senators from New York (Mr. JAVITS and Mr. GOODELL), the Senator from California (Mr. MURPHY), the Senators from Illinois (Mr. PERCY and Mr. SMITH), the Senator from Ohio (Mr. SAXBE), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Alaska (Mr. STEVENS) and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from South Carolina (Mr. THURMOND) is absent on official business.

The Senator from New Hampshire (Mr. COTTON), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Michigan (Mr. GRIFFIN) are detained on official business.

If present and voting, the Senators from New York (Mr. GOODELL and Mr. JAVITS), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. PERCY), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Illinois (Mr. SMITH), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 63, nays 0, as follows:

[No. 317 Leg.]

YEAS—63

Aiken	Ervin	McGovern
Allen	Fong	McIntyre
Allott	Fulbright	Metcalf
Anderson	Gravel	Miller
Baker	Gurney	Mondale
Bayh	Hansen	Muskie
Bellmon	Harris	Packwood
Bible	Hart	Pastore
Boggs	Hatfield	Pearson
Brooke	Holland	Pell
Byrd, W. Va.	Hollings	Prouty
Case	Hruska	Proxmire
Church	Hughes	Russell
Cook	Inouye	Schweiker
Cooper	Jackson	Smith, Maine
Curtis	Jordan, N.C.	Sparkman
Dole	Jordan, Idaho	Stennis
Dominick	Long	Talmadge
Eagleton	Mansfield	Williams, Del.
Eastland	Mathias	Young, N. Dak.
Ellender	McClellan	Young, Ohio

NAYS—0

NOT VOTING—37

Bennett	Javits	Saxbe
Burdick	Kennedy	Scott
Byrd, Va.	Magnuson	Smith, Ill.
Cannon	McCarthy	Spong
Cotton	McGee	Stevens
Cranston	Montoya	Symington
Dodd	Moss	Thurmond
Fannin	Mundt	Tower
Goldwater	Murphy	Tydings
Goodell	Nelson	Williams, N.J.
Gore	Percy	Yarborough
Griffin	Randolph	
Hartke	Ribicoff	

So the bill (S. 3318) was passed.

Mr. MANSFIELD. Mr. President, the Senate is greatly indebted to the very distinguished and able chairman of the Education Subcommittee, the Senator from Rhode Island (Mr. PELL). Under his expert guidance, the Senate readily adopted the Library Services and Construction Act. Its unanimous acceptance speaks abundantly for his effective advocacy. All of us are aware of the importance of this measure. The presentation of its many features was freely outstanding. It represents another fine achievement of Senator PELL, who has served so capably as chairman of the Education Subcommittee.

Assisting in directing the bill through the Senate was the ranking minority member of the Education Subcommittee, the distinguished Senator from Vermont (Mr. PROUTY). With his backing and help, the library services measure passed the Senate today unanimously. The Senate is deeply grateful.

ENVIRONMENTAL QUALITY EDUCATION ACT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1181, H.R. 18260.

The ACTING PRESIDENT pro tempore (Mr. METCALF). The bill will be stated by title.

The assistant legislative clerk read as follows: H.R. 18260, to authorize the U.S. Secretary of Health, Education, and Welfare to establish educational programs to encourage understanding of policies and support of activities designed to preserve and enhance environmental quality and maintain ecological balance.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare, with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Environmental Quality Education Act."

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress of the United States finds that the deterioration of the quality of the Nation's environment and of its ecological balance poses a serious threat to the strength and vitality of the people of the Nation and is in part due to poor understanding of the Nation's environment and of the need for ecological balance; that presently there do not exist adequate resources for educating and informing citizens in these areas, and that concerted efforts in educating citizens about environmental quality and ecological balance are therefore necessary.

(b) It is the purpose of this Act to encourage and support the development of new and improved curriculums to encourage understanding of policies, and support of activities designed to enhance environmental quality and maintain ecological balance; to demonstrate the use of such curriculums in model educational programs and to evaluate the effectiveness thereof; to encourage the development of educational processes directed toward increasing the awareness, concern, motivation, and training with respect to the total environment, natural and manmade, which will enable our citizens to improve the environment and better the quality of their lives; to disseminate information for use in educational programs throughout the Nation; to provide training programs for teachers, other educational personnel, public service personnel, and community, labor, and industrial and business leaders and employees, and government employees at State, Federal, and local levels; to provide for community education programs on preserving and enhancing environmental quality and maintaining ecological balance.

ENVIRONMENTAL EDUCATION

SEC. 3 (a) (1) There is established, within the Office of Education, an Office of Environmental Education (referred to in this section as the "Office") which, under the supervision of the Commission, shall be responsible for (A) the administration of the program authorized by subsection (b) and (B) the coordination of activities of the Office of Education which are related to environmental education. The Office shall be headed by a Director who shall be compensated at the rate prescribed for grade GS–17 in section 5332 of title 5, United States Code.

(2) For the purposes of this section, the term "environmental education" means the educational process dealing with man's relationship with his natural and manmade surroundings, and includes the relation of population, pollution, resource allocation and depletion, conservation, transportation, technology, and urban and rural planning to the total human environment.

(b) (1) The Commissioner shall carry out a program of making grants to, and contracts with, institutions of higher education, State and local educational agencies, regional educational research organizations, and other public and private educational institutions (including libraries and museums) to support research, demonstration, and pilot projects and operational programs designed to educate the public on the problems of environmental quality and ecological balance, except that no grant may be made other than to a nonprofit agency, organization, or institution.

(2) Funds appropriated for grants and contracts under this section shall be available for such activities as—

(A) the development of curriculums (including interdisciplinary curricula) in the preservation and enhancement of environmental quality and ecological balance;

(B) dissemination of information relating to such curricula and to environmental education, generally;

(C) preservice and inservice undergraduate and post-graduate training programs and projects (including fellowship programs, institutes, workshops, symposiums, and seminars) for educational personnel to prepare them to teach in subject matter areas associated with environmental quality and ecology;

(D) programs and projects designed to familiarize public service personnel, government employees, and business, labor, and industrial leaders and employees with the problems of environment and ecology and with the means by which such problems may be solved; and

(E) community education programs. In addition to the activities specified in the first sentence of this paragraph, such funds may be used for projects designed to demonstrate, test, and evaluate the effectiveness of any such activities, whether or not assisted under this section.

(3) Financial assistance under this subsection may be made available only upon application to the Commissioner. Applications under this subsection shall be submitted at such time, in such form, and containing such information as the Commissioner shall prescribe by regulation and shall be approved only if it—

(A) provides that the activities for which assistance is sought will be administered by, or under the supervision of, the applicant;

(B) describes a program for carrying out one or more of the purposes set forth in the first sentence of paragraph (2) which holds promise of making a substantial contribution toward attaining the purposes of this section; and

(C) sets forth such policies and procedures as will insure adequate evaluation of the activities intended to be carried out under the application.

(c) (1) There is hereby established an Advistory Council on Environmental Quality Education consisting of twenty-one members appointed by the Secretary. The Secretary shall appoint one member as Chairman. The Council shall consist of persons appointed from the public and private sector with due regard to their fitness, knowledge and experience in matters of, but not limited to, academic, scientific, medical, legal, resource conservation and production, urban and regional planning, and information media activities as they relate to our society and affect our environment, and shall give due consideration to geographical representation in the appointment of such members.

(2) The Council shall—

(A) advise the Commissioner and the Office concerning the administration of, preparation of general regulations for, and oper-

ation of programs assisted under this section;

(B) make recommendations to the Office with respect to the allocation of funds appropriated pursuant to subsection (d) among the purposes set forth in paragraph (2) of subsection (b) and the criteria to be used in approving applications, which criteria shall insure an appropriate geographical distribution of approved programs and projects throughout the Nation;

(C) develop criteria for the review of applications and their disposition; and

(D) evaluate programs and projects assisted under this section and disseminate the results thereof.

(d) For the purpose of carrying out the provisions of this section, there is hereby authorized to be appropriated $6,000,000 for the fiscal year ending June 30, 1972, and $10,000,000 for each of the succeeding fiscal years ending prior to July 1, 1974.

TECHNICAL ASSISTANCE

SEC. 4. The Secretary of Health, Education, and Welfare, in cooperation with the heads of other agencies with relevant jurisdiction, shall, upon request, render technical assistance to local educational agencies, public and private organizations, institutions of higher education, agencies of local, State, and Federal Government and other agencies deemed by the Secretary to play a role in preserving and enhancing environmental quality and maintaining ecological balance. The technical assistance shall be designed to enable the recipient agency to carry on education programs which are related to environmental quality and ecological balance.

Mr. HUGHES. Mr. President, the distinguished author of the bill, the Senator from Wisconsin (Mr. NELSON), is on his way to Washington, traveling by air, and is unable to be here at this moment to handle the bill. In his absence, I will deliver a statement he would have made, had he been here, supporting the bill.

If the Senator from Wisconsin (Mr. NELSON) were here, he would have presented his statement as follows:

Mr. President, it is becoming increasingly clear that finding answers to the environmental crisis will involve bringing sweeping changes in man's attitudes, values and modes of behavior.

The world is no longer a limitless frontier, where man has the luxury of stripping one site of its resources, to move on to the next virgin territory. Unfortunately, that has been man's tradition for hundreds of years, and that comes most naturally to him.

It will not be possible to develop broad environmental policies until we totally reexamine the relationships between ourselves, nature, and the world we have created. Man must come to understand that he is part of a delicate balance, and if he degrades, diminishes, wastes or misuses vital resources, he threatens his survival and that of all living things.

To change attitudes and to develop a conscious ethic that says man must not destroy and despoil his environment will require a major educational effort, for education is the only proper way to influence beliefs in a democratic society.

The beginning of such an effort was made in April, with a nationwide series of teach-ins on the environmental crisis, called Earth Day. In all, it was estimated that more than 2,000 colleges, 10,000 high schools, and uncounted thousands of community organizations participated.

This act would give the Office of Education a firm mandate to support bold and imaginative programs in environmnetal education, from pre-school to community and adult education level.

Specifically, the bill would authorize the Commissioner of Education to fund proposals from institutions of higher learning and other public or private agencies for developing environmental curricula. These would apply to elementary, secondary, university and adult and community education programs, using the environment more as a teaching resource than it has been used in the past.

New techniques will be devised to get children out of the classroom, to study nature and to look at pollution firsthand. Efforts at the secondary and undergraduate level will emphasize the problem-solving approach. Students will see what has happened physically, investigate technological means of correcting environmental damage, and then learn what can be done, from an economic and political standpoint.

At the graduate level the bill would step up the professionalization of ecology as a discipline.

Without adequate teacher training, the best curriculum will never be used. The act would provide training for both teachers and student teachers, through new courses of study, summer workshops, symposiums, seminars and conferences. It would be particularly helpful to the Office of Education in preparing undergraduate teachers, an area in which the Office has virtually no authority.

It would create an Advisory Committee on Environmental Education, composed of 21 distinguished persons familiar with education, information media, and the problems of the environment and ecological balance. The committee would advise on the program's administration, make recommendations on the allocation of funds, review applications and evaluate projects carried out under the act.

Mr. President, incentives and proscriptions on industry and other sources of pollution are a necessary part of securing a decent environment, but they will not be sufficient.

The issue involved is not only man's survival, but also the quality of that survival. Quality is inextricably bound to the science of ecology, which is concerned with the total system of life, and not just with how we dispose of our tin cans, bottles, and sewage. It is concerned with the habitat of marine creatures, animals, birds, and man. It is concerned with man's place as part of the system, and not as the incessant conqueror of it.

A program of environment education will help us reevaluate man's role, and if the program is to be fully effective, it must take into account the problems of cities and rural areas which are intimately intertwined, as is the relationship of human endeavors to the natural environment.

The inner-city slums, sprawling suburbia, dirty rivers, wasteheaps, garbage dumps, and congestion must be the classroom of the future if we are to face the realities of a society endangered by its own environmental destruction.

Mr. President, if the Senator from Wisconsin (Mr. NELSON) had been able to be present, he would have delivered this statement in person. In his absence and as a cosponsor of the bill, I wholeheartedly associate myself with his comments. I have delivered them on his behalf.

I certainly urge my colleagues in the Senate to pass this bill on environmental quality education. I believe it will be a great step in the right direction of bringing our educational resources to bear on one of the great problems of our time.

This is an initial phase that can begin to develop through the best minds programs not only to correct what is already wrong, but also to keep a balance in the future with the rapid technological advancement that has taken place. Hopefully it will establish international cooperation that can result in a balanced ecology around the world.

Mr. PELL. Mr. President, will the Senator yield?

Mr. HUGHES. I yield.

Mr. PELL. Mr. President, As chairman of the Education Subcommittee I urge the Senate to adopt the environmental quality education bill.

Indeed, I was so struck by its importance when it was introduced that I held early hearings and offered an amendment to the bill, which was acceptable to its sponsors which established the specificity of Environmental Education within the Office of Education.

I think it is a significant bill. I am pleased that the Education Subcommittee was able to report it to the full Labor and Public Welfare Committee.

I congratulate the Senator from Wisconsin (Mr. NELSON) for introducing the bill, Representative JOHN BRADEMAS, of Indiana, who introduced the companion measure in the House, and the Senator from Iowa (Mr. HUGHES) who has ably handled the bill on the floor today.

Mr. PROUTY. Mr. President, will the Senator yield?

Mr. HUGHES. I yield to the distinguished Senator from Vermont.

Mr. PROUTY. Mr. President, I am pleased to see H.R. 18260 come before the Senate. It authorizes the Commissioner of Education to establish education programs that will encourage greater understanding of problems affecting our environment. The bill also establishes an Office of Environmental Education within the Office of Education. I would have preferred that no such Office be created and that all programs operate directly under the Secretary of Health, Education, and Welfare. However, this view did not prevail in committee. Our need for these programs is very great today, and I will support the bill as it comes before the Senate today.

Mr. President, I thank the Senator for yielding.

The ACTING PRESIDENT pro tempore. The bill is open to further amendment.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. HUGHES. I yield to the distinguished Senator from Kentucky.

Mr. COOPER. Mr. President, I do not want to delay passage of this important bill. I have asked the Senator from Iowa to yield so that I may pay my respects to him and the Senator from Wisconsin (Mr. NELSON). The Senator from Iowa has said that his statement would have been made by the Senator from Wisconsin, if he could have been present but the Senator from Iowa said that it expresses his own views.

Mr. President, as the ranking minority member of the Committee on Public Works, I can say that that committee for a member of years has been working in the preparation of bills to control pollution whether water pollution, air pollution control—a bill which will be before the Senate today—with oil slicks, with solid waste disposal, and material re-

cycling, and also with other programs such as the Federal-aid highway authorization bill and the rivers and harbors bill.

Mr. President, the bill before us provides a necessary supplement with the nationwide program to control pollution. I believe it performs a necessary function. It directs attention toward the education of our people to enable them to comprehend this danger and join in its control. I am sure, too, that the people will join in the effort to control pollution in our country and in the world.

Mr. PROUTY. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HUGHES. Mr. President, I wish to express my appreciation and gratitude to the Senator from Wisconsin (Mr. NELSON), as well as the Chairman of the Education Subcommittee, the Senator from Rhode Island (Mr. PELL), whose subcommittee handled this bill with such efficiency and rapidity, to the Senator from Vermont (Mr. PROUTY), and the Senator from Kentucky (Mr. COOPER) for their expressions of support for the bill.

I know that this will be a giant step in the right direction.

I would like to state, as I did earlier, that the Senator from Wisconsin (Mr. NELSON), the author of this bill, is traveling by air and will be unable to cast his vote on the bill.

Certainly had the Senator from Wisconsin been here, he would have voted for the bill.

The ACTING PRESIDENT pro tempore. The bill is open to amendment. If there be no amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The amendment was agreed to.

The ACTING PRESIDENT pro tempore. The question is on the third reading and passage of the bill.

The bill (H.R. 18260) was ordered to a third reading and was read the third time.

Mr. MANSFIELD. Mr. President, the senior Senator from Texas (Mr. YARBOROUGH) is necessarily absent today, however, he has a longstanding interest in environmental education and has a statement on this pending bill. I ask unanimous consent that Senator YARBOROUGH'S statement be printed at this point in the RECORD.

There being no objection, Senator YARBOROUGH'S statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR YARBOROUGH

Mr. President, the bill which is presently before us for consideration represents an important step forward in our fight to bring the sources and causes of air, water and noise pollution which threaten our society under control. This bill was originally introduced by the distinguished Senator from Wisconsin, Senator Nelson, as S. 3151. Because of its importance, I am co-sponsoring this measure and I am very pleased that it is now before the Senate for action.

This bill provides for direct attack on the problems of pollution by providing a program of education which will bring to the public's attention the threats that now exist to our environment. More specifically, the bill would establish an Office of Environmental Education within the Office of Education which would coordinate all the environment education activities of the Office of Education and administer the grant and contract program to institutions interested in establishing environmental education programs.

In addition to the Office of Environmental Education, the bill authorizes the Commissioner of Education to make grants to, and enter into contracts with, educational institutions, both private and public, and state and local agencies to assist them in developing research and demonstration projects in environmental education. This program of federal assistance will greatly stimulate interest in environmental education and encourage educational institutions and agencies throughout the country to enter into this area.

I commend the distinguished Senator from Wisconsin, Senator Nelson, for his creativeness and interest in this important area and for the leadership he is providing to the country in the fight against pollution. I sincerely hope that educational institutions and government agencies throughout the United States will take advantage of this program and bring the problems of pollution before our citizens. Only through education can we hope to save our environment. I urge all my colleagues to give this important bill their full support.

Mr. HUGHES. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUGHES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill having been read the third time, the question is: Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from North Dakota (Mr. BURDICK), the Senator from Virginia (Mr. BYRD), the Senator from Nevada (Mr. CANNON), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Tennessee (Mr. GORE), the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Wisconsin (Mr. NELSON), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota (Mr. BURDICK), the Senator from California (Mr. CRANSTON), the Senator from Washington (Mr. MAGNUSON), the Senator from Wisconsin (Mr. NELSON), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Missouri (Mr. SYMINGTON), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Texas (Mr. YARBOROUGH), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from New Mexico (Mr. MONTOYA) would each vote "yea."

Mr. YOUNG of North Dakota. I announce that the Senator from Utah (Mr. BENNETT) is absent because of death in his family.

The Senator from Arizona (Mr. FANNIN), the Senators from New York (Mr. JAVITS and Mr. GOODELL), the Senator from California (Mr. MURPHY), the Senators from Illinois (Mr. PERCY and Mr. SMITH), the Senator from Ohio (Mr. SAXBE), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from South Carolina (Mr. THURMOND) is absent on official business.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from Michigan (Mr. GRIFFIN) are detained on official business.

If present and voting, the Senators from New York (Mr. GOODELL and Mr. JAVITS), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), the Senators from Illinois (Mr. PERCY and Mr. SMITH), the Senator from Pennsylvania (Mr. SCOTT), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 64, nays 0, as follows:

[No. 318 Leg.]

YEAS—64

Aiken	Ervin	Metcalf
Allen	Fong	Miller
Allott	Gravel	Mondale
Anderson	Gurney	Muskie
Baker	Hansen	Packwood
Bayh	Harris	Pastore
Bellmon	Hart	Pearson
Bible	Hatfield	Pell
Boggs	Holland	Prouty
Brooke	Hollings	Proxmire
Byrd, W. Va.	Hruska	Russell
Case	Hughes	Schweiker
Church	Inouye	Smith, Maine
Cook	Jackson	Sparkman
Cooper	Jordan, N.C.	Spong
Cotton	Jordan, Idaho	Stennis
Curtis	Long	Talmadge
Dole	Mansfield	Williams, Del.
Dominick	Mathias	Young, N. Dak.
Eagleton	McClellan	Young, Ohio
Eastland	McGovern	
Ellender	McIntyre	

NOT VOTING—36

Bennett	Hartke	Randolph
Burdick	Javits	Ribicoff
Byrd, Va.	Kennedy	Saxbe
Cannon	Magnuson	Scott
Cranston	McCarthy	Smith, Ill.
Dodd	McGee	Stevens
Fannin	Montoya	Symington
Fulbright	Moss	Thurmond
Goldwater	Mundt	Tower
Goodell	Murphy	Tydings
Gore	Nelson	Williams, N.J.
Griffin	Percy	Yarborough

So the bill (H.R. 18260) was passed.

The title was amended so as to read:

An act to authorize the U.S. Commissioner of Education to establish education programs to encourage understanding of policies, and support of activities, designed to enhance environmental quality and maintain ecological balance.

Mr. MANSFIELD. Mr. President, although he necessarily could not be present for the final passage of this very important measure in the Senate, the very distinguished and able Senator from Wisconsin (Mr. NELSON) deserves the highest commendation of the Senate for introducing this measure and for his devoted efforts in the whole field of concern regarding the environment. All of us know of his leadership, of his success in bringing into focus the many needs along these lines. We appreciate especially his bringing this bill through Committee and making it available for adoption today in the Senate.

The very articulate and able Senator from Iowa (Mr. HUGHES) deserves special recognition and commendation for his most capable handling of the measure on the Senate floor in the absence of Senator NELSON. In addition to those of Senator NELSON, Senator HUGHES brought us the benefit of his own very thoughtful and incisive views and we are most grateful.

INSPECTION OF LIVESTOCK PRODUCTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1215, S. 3942.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The legislative clerk read the bill, by title, as follows: A bill (S. 3942) to provide for thorough health and sanitation inspection of all livestock products imported into the United States, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill.

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum. Several Senators are interested in the bill, and I hope they will be called.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, the pending legislation was originally introduced in the House of Representatives by Dr. JOHN MELCHER, Representative from the First District of Montana. JOHN MELCHER happens to be the only veterinarian in the Congress of the United States, and he is a man who knows his business when it comes to ranching and when it comes to the feed and care of livestock, sheep, and other range animals.

Congressman MELCHER has put a great deal of effort into this proposal and has used his expertise in the drawing up of legislation which would seek to bring imported frozen beef, mutton, and veal up to the same sanitary and hygenic standards as we require of American packers in our own country.

A few days ago, Representative MELCHER told the House Agriculture Committee that inspection of imported meat by examining small samples in "the confusion, dust, and grime of oceanside docks should be ended."

He also testified that present imported meat inspection methods accept some defects and impurities, and give consumers no assurance of a wholesome, sanitary product.

He also noted—and this was brought out in testimony before the Senate Agriculture Committee—that at the present time, we have only 14 foreign review officers, watching 1,100 foreign plants which export meats to us, and that that number just cannot assure sanitary processing.

He noted that on-the-dock inspection is "scant and incomplete, with less than 1 percent of all meat inspected"; also, that incomplete examination of "these scant samples of meat is neither adequate nor a real assurance of wholesomeness."

Mr. President, this is something which I think is worth the consideration of the Senate and of Congress. I am disturbed that there is some opposition to it, because the basic intent of this legislation is to place importers of foreign meat products on the same hygienic and sanitary standard as American packers are, under the law, compelled to live up to at the present time.

I would hope, therefore, that the Senate will give this most serious matter, as far as the cattle and meat industry both are concerned, its most serious consideration this afternoon.

I ask unanimous consent to have printed at this point in the RECORD testimony which I gave before the Committee on Agriculture and Forestry some weeks ago.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT OF HON. MIKE MANSFIELD, U.S. SENATOR FROM THE STATE OF MONTANA

Senator MANSFIELD. Thank you, Mr. Chairman and members of the committee, for this opportunity to appear before you in behalf of the Melcher bill, S. 3942, on inspection of imported meat.

There is nothing more important to consumers and to those who produce meat in this country—and we have both in Montana—than the maintenance of absolute confidence in the purity, wholesomeness and sanitary quality of the meat and animal products offered consumers.

Per capita consumption of beef has grown from 85 pounds in 1960 to 110 pounds last year, and of all meats from 161 pounds to 183 pounds per person. The Department of Agriculture is forecasting continued growth, and this is all because American consumers have confidence in our system of inspection and, therefore, in the quality of the meat allowed to be offered to the public at stores.

In recent years, when proof was offered that some slipshod practices existed in handling of meat, Congress has promptly provided for poultry inspection and for improved meat inspection. We have voted the most rigid requirements considered desirable on our own meatpacking and processing establishments, and we have voted to require that meat imported into the United States be produced under equally sanitary conditions so it will meet standards of wholesomeness equal to ours.

My confidence in the quality and thoroughness of inspection of imported meat was shaken when Dr. John Melcher, a Montana veterinarian who was elected to Congress just a year ago at a special election, described to me what he had learned as a result of a personal investigation into the nature of our inspection of foreign meat plants and of meat as it comes into the United States.

We have only 14 or 15 men who travel the globe to make sure that more than 1,100 foreign packing plants are designed and operated to meet our sanitation requirements, and that the day-to-day inspection of meat as it moves down the packing house lines is equal to the inspection standards and requirements we maintain. The annual report of the inspection branch at USDA shows that one of these men frequently inspects three plants a day, which certainly isn't much of an inspection of the plant, the premortem or postmortem procedures, the boning, cooking or freezing, packing and handling of meat destined for the United States. In his hour or two visit, he cannot, of course assure himself that there is premortem examination of all animals butchered around the year, or that there is thorough postmortem inspection of every carcass on the packing line 365 days a year—that has to be taken on faith that the governments in Central and South America, Oceania, Europe, and the East all provide rigid day-to-day inspection equal to ours.

We run a check on the results of the inspection on foreign plants when meat arrives in the United States. The equivalent of about 75 man-years is devoted to sampling the 1.6 billion pounds of meat shipped to us to make sure that the defects in it do not exceed certain tolerances: one minor defect per 30 pounds, one major defect over 400 pounds, and one critical defect per 4,000 pounds. Congressman Melcher will discuss those defects and their classification.

It is my understanding—and if it is not correct, we should make it so—that as meat moves down processing lines in an American packing plant, if any defect is discovered which affects the absolute wholesomeness of a piece of meat, that piece of meat is pulled off the line and the defect eliminated or the meat "tanked' and removed completely from any possibility of human use.

The bill which I introduced in the Senate, a companion to Congressman Melcher's H.R. 17444, provides for thorough inspection of all animal products imported into the United States, and that means piece-by-piece inspection, after thawing, of the fresh and frozen meat which arrives at our ports of entry.

We cannot provide hundreds or even thousands of U.S. inspectors in foreign plants to maintain daily vigilance over meat produced in each of them which may be shipped to us. We can inspect these products thoroughly which are offered for our markets, and that is what the bill proposes be done.

I am concerned about the volume of meat and animal products being imported into the United States. Unregulated, it can have extremely serious consequences for our domestic producers, upon whom we must rely for the great bulk of our meat, dairy products, and other animal foods. We deal with the problem of volume in separate import quota legislation. With others I authored the meat import law of 1965.

This question of thorough inspection in a separate question, just as important as any import quota, for failure to guarantee American consumers that imported meat—which is mixed with our own in ground and processed products and is unidentifiable as imported meat except in rare instances where it comes in, in consumer packages—is absolutely wholesome and sanitary can destroy confidence in the meat and animal

products on the shelves and in the coolers of our stores.

Congressman Melcher will testify today. As a veterinarian he can discuss with you in some detail the existing inspection procedures, and such problems as the failure of Australia to eliminate certain defects in shipments to us. This aspect of the problem is very technical and I defer to my colleague, Melcher, who is a very thorough person. At least, we have found him to be as a veterinarian in Forsyth, Mont., as a congressional candidate from the Second District, and as a Congressman, in all areas he is tops.

Mr. Chairman, I ask unanimous consent that I have inserted in the record here a letter addressed to you under date of July 14 from Bill McMillan, C. W. McMillan, in charge of the Washington office of the American National Cattlemen's Association, and also a letter addressed to me by Mr. Russell Heine, secretary-treasurer of the National Lamb Feeders Association, of which, incidentally, Mr. Roy A. Hanson of Miles City, Mont., is the president.

Senator JORDAN. It will be so ordered and will be inserted immediately after your remarks.

(The documents referred to follow:)

AMERICAN NATIONAL CATTLEMEN'S ASSOCIATION,
Denver, Colo., July 14, 1970.

Hon. B. EVERETT JORDAN,
Chairman, Subcommittee on Agriculture, Committee on Research and General Legislation, Senate Office Building, Washington, D.C.

DEAR SENATOR JORDAN: The American National Cattlemen's Association heartily endorses S. 3942, S. 3987, and S. Concurrent Resolution 73.

These bills all would provide for better inspection of meats for consumers. They would give additional assurances to the U.S. consumers that the product they purchase from domestic production or foreign nations will be wholesome.

Our Association was in strong support of amendments at the time of the passage of the Wholesome Meat Act of 1968 which require meat inspection standards in foreign meat plants exporting to the U.S. to be at least equivalent to those in our nation's federally-inspected plants. Up to that time, the regulations only stated that inspection standards should be "substantially equivalent" to those in the United States. That language provided a loophole whereby the foreign produced product needed only be "something less than" the standards of sanitation and wholesomeness existing in the United States' federally inspected plants.

One recommendation we offer to S. 3942 and S. 3987 is to make it perfectly clear that the dockside inspection of foreign meats would include product which is classified as canned, cooked and cured. The requirement for this product to be cooked is one related to animal disease, particularly to assure that the virus of foot and mouth disease is killed, thus preventing that dread disease from gaining entry into the United States. This cooking requirement does not insure that the product might be free from foreign materials considered to be unwholesome for human consumption. The requirement of dockside inspection of this product would be an additional assist in the interest of the U.S. consumers. Interestingly, most of this product arrives in the U.S. in large containers rather than "consumer size" so that administrative difficulties to inspect this product becomes much less.

Today we take the same viewpoint as we did in 1968. We support the legislation pending before your Subcommittee and urge its enactment simply because we feel that U.S. consumers are entitled to wholesome food whatever its source.

We respectively request that this letter be made a part of the hearing record. Thank you.

Cordially,

C. W. MCMILLAN,
Executive Vice President.

NATIONAL LAMB FEEDERS ASSOCIATION,
Spencer, Iowa, July 13, 1970.

Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SIR: It has been brought to our attention that you are cosponsoring a bill for stricter inspection on imported meats. We highly commend you for this action.

We realize, of course, that lamb is not subject to quota restrictions but we feel it is very important that lamb be included along with other meats in this proposed legislation.

Sincerely,

RUSSELL HEINE,
Secretary-Treasurer.

Senator JORDAN. Do you have any questions, Senator Curtis?

Senator CURTIS. Well, I am certainly in accord with the objective of the bill.

I just have one question: Where would this inspection take place as envisioned in your bill?

Senator MANSFIELD. We would hope that more thorough inspections would take place at ports of entry, but we would leave that to the committee in its judgment which is more cognizant of the entire agricultural field, and specifically this area, as to what it would recommend as to what it thought should be done.

Senator CURTIS. Well, I am for more inspection.

Senator MANSFIELD. It is going to cost money but I think it is going to be worth while.

Senator CURTIS. I am glad to have any information available on the effectiveness of inspection at the point that it originates as compared with the point of arrival.

Senator MANSFIELD. We think the foreign governments have a responsibility in this respect, too.

Senator CURTIS. And we have a responsibility in the foreign countries.

Senator MANSFIELD. That is right.

Senator CURTIS. Under the prior act, if it is not being carried out and hasn't been funded or carried out in a big enough way.

Senator MANSFIELD. That is right. You can not do it, it is an impossibility with 14 or 15 inspectors around the world.

Senator CURTIS. Does your bill envision the inspection of canned and processed meats?

Senator MANSFIELD. Yes; I think it ought to take in the whole gambit.

Senator CURTIS. Thank you, Mr. Chairman.

Senator JORDAN. Senator Burdick, do you have a question before you start?

Senator YOUNG. I want to thank the Senators from North Dakota and Montana for sponsoring this kind of legislation. I do think we have a responsibility to the consumers of the United States to see that imported foods are thoroughly inspected and as pure and wholesome as American produced foods. There is no means of accomplishing this unless you have a better inspection.

I think this should be done both in the United States and at points of origin. I think we have to spend the money to see that meat is properly slaughtered at the points of origin in foreign countries.

Senator MANSFIELD. I agree completely.

Senator JORDAN. In that respect, I am sure Senator Curtis and other members of the Agriculture Committee heard Senator Bellmon at the last meeting, I believe, or the meeting before that. He had been to Australia on another occasion and visited what they said was the best packing plant there. He said it was far below the standards that we would require here, and he was surprised that they would take him to this particular plant as their best one.

Senator YOUNG. If I may say off the record.

(Discussion off the record.)

Senator CURTIS. Senator Allen, do you have any questions?

Senator ALLEN. No, sir.

Senator CURTIS. Senator Burdick, we will be glad to hear from you at this time.

Mr. MANSFIELD. May I say further that this measure has nothing to do with imports per se. There is an import limitation, providing quotas on frozen products. That will still remain in effect. This is concerned only with the matter of raising the hygenic and sanitary standards for imported beef to the same standards which we apply to our own packers in this country.

Mr. MILLER. Mr. President, the purpose behind the pending bill is to assure American consumers of imported meats that they will be eating the same wholesome quality of meats that would result from our own inspection and standards here at home.

At the time of the "clean meat" bill's passage here in the Senate, the distinguished Senator from Nebraska (Mr. HRUSKA) and I offered an amendment which provided that, in the case of imported meats, they would be subject to the same inspection requirements as our own domestic meats. The Senate accepted this amendment, I am pleased to say, but I fear that in the haste with which we passed that legislation, we did not go far enough, and the bill authored by the distinguished majority leader is designated to fill that gap.

I point out, on page 2 of the committee report, the following language:

> Imported meat products * * * are permitted to come in and move freely in interstate commerce and be commingled in the preparation of federally inspected products, if the plant producing them has inspection deemed equivalent to Federal inspection. This provides much less opportunity for continuing surveillance and much less assurance that the products will be wholesome than do the State systems.

This undoubtedly has been found to be true, and the Senator from Montana has quoted from one of the Members of Congress who is also a veterinarian to that effect.

Mr. President, I have an amendment which I hope will satisfy the requirements of the Senator from Montana, and at the same time not cause any abrasiveness with those countries in which either they now have or are fully capable of having standards and inspection equal to ours. I am referring particularly to Australia and New Zealand. Generally, those countries and their meat producers are quite proud of the quality that they produce. I myself have visited a good many of their packing plants, as well as a good many in this country, and I would have to say that I thought that the quality of their cleanliness, their modern machinery, and the way they handled their products was equal to that in this country.

I send my amendment to the desk at this point, and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

Insert the following before the comma (,) on line 5 of page 1: "from countries which do not have standards and inspection equal to those of the United States".

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa.

Mr. MILLER. Mr. President, the point I wish to make is this: There was a gap left in the law, not intentionally but unintentionally, by the amendment which the Senator from Nebraska and I secured the adoption of at the time of the "clean meat" bill. Under our amendment, and under the existing law, a single plant which might be able to satisfy inspection requirements that are equal to those here in this country could export meat to the United States. But, as is pointed out in the committee report and as the Senator from Montana has pointed out, the surveillance of that situation is very limited. What is needed is something over that, in the country itself.

In Australia and New Zealand, they are quite capable of having standards and inspections equal to those of this country, and with the assurance that the country itself, as well as the plant, has standards and inspection equal to ours, I do not believe we are going to have a problem.

In the case of plants in countries other than those, the Senator from Montana would have a very tight requirement, which hopefully would induce those countries to adopt standards and inspection equal to ours, but until they do, they are going to have to get along under a much more restrictive situation.

I would say that with my amendment, the objectives of the Senator from Montana will be achieved, and our friendly neighbors like Australia and New Zealand, which are capable of having equal standards to ours and inspection equal to ours, will not have any misgivings over this legislation.

Mr. HRUSKA. Mr. President, I rise in support of the amendment just proposed by the Senator from Iowa.

There was an effort made, when the Wholesome Meat Inspection Act of 1967 was enacted, to meet this very problem, but apparently that effort was not extensive enough, and it should be in some way strengthened and built up.

The amendment offered by the Senator from Iowa is a good faith effort to improve the bill as nearly as we can here, by way of meeting some of the comments and exceptions taken to the bill in its present form by the Department of Agriculture.

Those exceptions and comments were made in the Department's letter of July 16 of this year. As to whether or not this amendment will fully comply with their request for tightening up the bill and making it less comprehensive than it is, as the Department of Agriculture desires, remains to be seen. But it is a good faith effort in that direction. I therefore support it, and I hope that the author of the bill will see fit to accept the amendment, if possible.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. MANSFIELD. May I say that the author of the bill is the distinguished Representative from the First District of Montana, Dr. JOHN MELCHER, and all I am doing is offering the Senate version, in cooperation with my distinguished colleague from Montana (Mr. METCALF), who is now presiding over this body.

It appears to me, from reading the amendment proposed by the distinguished Senator from Iowa, that it fits in entirely with the intent of the Melcher proposal, and certainly, if these particular countries meet the standards which our own people do, there is no need for legislation of any sort.

May I say, in passing, that when I presented my testimony before the subcommittee, under the chairmanship of the distinguished Senator from North Carolina (Mr. JORDAN), immediately afterward I received a call from a CBS station in San Francisco. Some member of the Australian Cabinet, as I recall, was so put out that he ventured the suggestion—I hope in jest, but I am not at all certain—that "Senator MANSFIELD ought to be hung, drawn and quartered"—I think I quote his exact words—for offering this type of legislation. I could not follow the Australian's reasoning, because I do not think I mentioned Australia once during the course of the testimony.

So I hope that this Minister—I cannot recall his name, unfortunately—will follow this debate today, deal with the intent on the part of the Senate so far as this particular measure is concerned, and recognize that all we are asking of those who import frozen meat is that it be of the same standard, quality, and hygenic aspect as that which we require by law of our own producers in this country.

I am delighted to accept the amendment. I think it fits in with the intent, and I hope that the amendment will be unanimously adopted.

Mr. BROOKE. Mr. President, I should like to ask some questions of the distinguished Senator from Iowa.

I am not from a livesock-producing State but from a consumer State, and I should like to ask these questions. First, let me say that I certainly am in sympathy with the purpose of the proposed legislation.

Could the Senator give us any indication of the countries which do not have inspection standards which are equal to those of the United States from which we receive a sizable amount of imports of livestock?

Mr. MILLER. Mr. President, I understand that the inspection standards of Australia and New Zealand are substantially equal to ours. There might be some little differences. But I understand, further, after talking with the Australian and New Zealand meat boards and their ministers of agriculture, that their intention was to make their inspection standards equal to ours.

I do not know for a fact, but I have heard that some of the other countries from which we do receive some limited amounts of meat imports—from South America and from Poland—do not have standards of quality and inspection systems equal to ours. There may be an individual plant that does. But, so far as the countries are concerned, that is my understanding.

The Senator from Massachusetts undoubtedly realizes that approximately 75 percent of our imported meats do come from Australia and New Zealand.

Mr. BROOKE. Would the imposition of these standards be so costly upon the exporting countries that they would be unable to export livestock to the United States?

Mr. MILLER. Mr. President, I do not know. I would say that in the case of quantities of canned hams, for example, of which we receive a considerable amount from Poland, it would probably be worthwhile for them to adopt standards equal to ours. But in the case of other countries, I can see where they might make a decision that the cost of providing standards and inspection equal to ours, for the sake of their overall population, would make it prohibitive, and therefore they would forgo the exports to the United States. That would be an individual country's decision.

I want to emphasize that the largest chunk of imported meats by far comes in from Australia and New Zealand, which is one reason why the Senator from Iowa went to those countries to inspect some of their plants, to see how they were doing.

Mr. BROOKE. What effect would this legislation have on the cost of meat in the United States?

Mr. MILLER. Mr. President, I would say that I do not believe that it would have much effect, because the bulk of this meat comes in from those two countries, which I am quite well satisfied will be able to satisfy the requirements of the amendment.

But I might turn the question this way: There is no question in my mind that the Wholesome Meat Act and its implementation will require the consumers, either directly or through their taxes, to pay more for their meats. But we made a policy decision by an overwhelming vote in Congress that it was worth it, so that we would have the assurance that we would not have people eating contaminated meat.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr HRUSKA. In answer to the first question, I should like to make a little comment, because there has been some development in the foreign meat plant inspection activities of the Department of Agriculture within the last few months.

The original question of the Senator from Massachusetts was as to what countries are complying with standards equal to ours and what are not. That will fluctuate, and it will be different from time to time, depending upon their behavior and upon their application of laws and the standards, some of which are in their statutes and some of which are not. Only recently, the Department of Agriculture embargoed further shipments of mutton from Australia or New Zealand.

I do not recall which, and I ask unanimous consent that in due time I be al-

lowed to confirm one or the other. I do not want to do injustice to the other.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HRUSKA. We had to embargo them because the conditions of processing in the plants there were so deplorable that the Department of Agriculture felt that they ought to be kept out.

Obviously, whatever the cost of such an operation is—and in that case it was embargoed—it had to be incurred, because the first consideration is the consumer, as it is in our Wholesome Meat Act itself.

So I would say, in answer to the first question, that, from the information I have on the subject, it will depend upon the constant efforts of these countries not only to impose standards which are equal to ours but also to execute them.

Mr. BROOKE. Will the Senator enlighten me as to the percentage of imports so far as the consumption of meat products in this country is concerned?

Mr. HRUSKA. In the case of beef and veal, I do not have the exact percentage, but it would be something on the order of 6, 7, or 8 percent currently. I should like to get a verification of that figure, too.

Perhaps the chairman of the Agriculture Subcommittee would have some information on that.

Mr. JORDAN of North Carolina. I cannot give the Senator the exact percentage of either of these meats, but last year, 2,300,700,000 pounds of canned and frozen meat were brought into the United States.

Mr. HRUSKA. That included the boneless beef, also.

Mr. JORDAN of North Carolina. That is correct.

Mr. HRUSKA. Plus the canned, cured, and chilled.

Mr. JORDAN of North Carolina. That is correct. A tremendous amount of meat came in.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. MANSFIELD. The distinguished Senator from Nebraska and I, among others, introduced a frozen meat import limitation bill 6 years ago. It passed both Houses. A reasonably good bill was arrived at in conference. It met with the satisfaction of the American National Cattlemen's Association, the International Livestock Feeders Association, all of the State livestock associations, and I believe with the approval of the Australia and New Zealand governments, though that is subject to a question mark at this time. But it did prevent the American market from being flooded by the frozen meat coming in and on a basis which seemed to be agreeable all around.

The pending bill in no way interferes with the imports as such based on U.S. production, and it does not apply to countries which meet U.S. hygienic, health, and sanitary standards.

In brief, what we are trying to do is to place these importers on the same plane that we, through law, place our own domestic producers.

Mr. BROOKE. If the distinguished majority leader will yield for one question, where there would be examination of frozen meats coming in, would this be a spot examination or would these frozen meats have to be thawed out, examined, refrozen, and then sold for consumption?

Mr. MANSFIELD. No. This would be made primary purpose in the countries of origin. It might mean an addition to the number of inspectors beyond the 14 we have at present covering the 1,100 plants all over the world, if my memory serves me correctly as to the number of plants. It would not be a case of freezing or chilling and then making them normal, because in that way one could develop many difficulties and that is not what we are trying to do. We are not trying to penalize a country or the product which it produces, but we are trying to establish standards which will fit in on a parity basis with our own American packers and producers.

Mr. BROOKE. I thank the Senators from Montana, Nebraska, and Iowa.

Mr. JORDAN of North Carolina. If I could add one thing there, in connection with that question. There is a spot check of meat at the port of entry into the United States——

Mr. MANSFIELD. That is right.

Mr. JORDAN of North Carolina. On packages that do come into this country.

Mr. BROOKE. Is that on frozen meats?

Mr. JORDAN of North Carolina. Anything but canned meat. There is no way to check on that——

Mr. HRUSKA. There is a spot check on that.

Mr. JORDAN of North Carolina. Yes, just on a spot check basis.

Mr. BROOKE. They would not wait to thaw out the meat and then examine it?

Mr. JORDAN of North Carolina. No. There is a system whereby an examination is made at the port of entry.

Mr. MANSFIELD. Plus the fact that we have these 14 inspectors who cover the 1,100 plants in the various countries in the world. It is an awfully hard job for them to undertake.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Iowa.

The amendment was agreed to.

Mr. HANSEN. Mr. President, as a cosponsor of S. 3942, I want to express my gratitude to the senior Senator from Montana (Mr. MANSFIELD) who was the original sponsor of the legislation in the Senate. I also appreciate the fact that the Agriculture Committee has seen fit to expedite action on this legislation. The fact that the bill has gone through the committee process so rapidly is an indication of the importance of the bill, and I hope that the Senate will see fit to pass it today.

Mr. President, under section 20 of the Federal Meat Inspection Act, only those countries with meat inspection systems that have been approved by the U.S. Department of Agriculture are permitted to ship meat to the United States.

Currently there are about 40 foreign countries which have been approved by the Agriculture Department to ship their meat into the United States.

It is important to note, however, that meat products may be exported into the United States only from foreign plants which meet this country's standards. Unfortunately, facilities to inspect these foreign plants are rather limited.

It is the responsibility of 14 veterinarians to make inspections of nearly 1,500 plants in 40 foreign countries to determine whether their meat processing routine meets the requirements of the United States. As one might guess, this means that a particular foreign plant is visited only once or twice a year.

When one compares this to the piece-by-piece inspection of domestic meat by some 8,200 meat inspectors, I think it should be evident just why this legislation is so important.

Mr. President, one inspection per year for each foreign plant is totally unacceptable to my way of thinking. I think that it is unfair to the general public here in the United States not to require the same high quality of inspected meat to come in from foreign countries as that which goes to the supermarket from domestic producers.

Aside from the fact that the foreign meat plant is inspected only once a year, a particularly disturbing fact is that the once-a-year visit is announced ahead of time. This opens the gate for a general cleanup and clearup so that a plant can plan ahead in order that its standards can be brought in line with U.S. requirements for only that 1 day.

Mr. President, when I appeared before the Agriculture Committee to testify in behalf of this bill, I tried to make the point that this bill is not drafted, nor is it intended to protect the cattle industry. The real benefactor of this legislation is the consumer. I think it is totally unacceptable that the consumer in the United States must accept meat from foreign countries that might not be pure or wholesome simply because the U.S. Department of Agriculture does not have the funds or the personnel to control the quality of meat that is imported into the United States.

Mr. President, the United States has the most thorough system for inspecting domestic meat production and processing of any country in the world. This is the way it should be.

I fully endorse the emphasis that we place on sanitation and quality control. The point is that the American consumer has the right to expect the same strict standards of sanitation of their foreign imported meat as they do of the domestic production.

Here in the United States, Government and plant inspectors inspect each piece of meat. The meat is then inspected through means of mathematical random selection. Each piece of meat is inspected and then there is a random inspection process.

Compare this to a process for foreign meat in which a plant is inspected once a year. There is no requirement that each piece of meat be inspected. There is no reason to believe each piece is.

The meat then comes to the United States in giant frozen blocks. At that time, a small sample of the frozen block is cut, unfrozen, and inspected. Depend-

ing on this small sample, the block of meat is either accepted or rejected.

The ratio of foreign meat that does not pass this final random inspection is nearly twice the domestic rate of failure. This helps to point up the problem.

As the bill is written, the foreign country that chooses to export its meat into the United States would pay the cost of the inspection. The added protection would not be levied against the United States. To my way of thinking that is entirely as it should be. Foreign imports do not contribute 1 cent to the high standard of living, the welfare programs, or other social institutions which we all enjoy.

In this regard, $1 spent on foreign meat passes through the economy here in the United States about two to two and one-half times. One dollar spent on domestic meat passes through the economy five to seven times.

Mr. President, the bill that is before the Senate today is a consumer bill. It is a bill that means as much or more to the protection of the consumer as any legislation that has been considered this year, and I hope that the Senate would proceed to give favorable consideration to it.

Mr. PEARSON. Mr. President, I want to take this opportunity to express my vigorous support for S. 3942.

In 1967 the Congress passed the Wholesome Meat Act. This was followed by the Wholesome Poultry Act in 1968. The objective of these two pieces of legislation was to assure that State inspection systems for meat would be equal to Federal inspection standards applied to meat products shipped in interstate commerce. In most cases, the State inspection systems were already comparable to Federal requirements and those laws have served to bring all States into compliance.

Ironically, however, meat products coming into this country from foreign countries are not subjected to the same stringent inspection standards that we impose on domestically produced and processed meat. It is true that the Wholesale Meat Act of 1967 provides that imported meat meet standards "equal to" our own Federal laws. However, studies and recent congressional committee hearings have demonstrated that this "equal to" objective is not being met. We simply do not have enough inspectors currently available to properly observe the quality of all the meat coming into this country. Indeed, it is my understanding that at the present only 14 inspectors are charged with the responsibility of checking on the sanitary standards of meat coming into this country from over 1,000 producing plants abroad.

The double standard here is simply not justified and it should no longer be tolerated. The legislation before us today will do a great deal to correct this situation. I recognize that there will be some difficulties encountered in administering this program, but the thing to be emphasized here is that the objective is absolutely sound, absolutely essential and that the technical mechanics of administering the program are of secondary importance, they can be overcome.

Mr. President, we must take all necessary steps to assure that imported meat meets the same standards we have wisely and properly established for domestically produced and processed meats. This bill will provide the Department of Agriculture with the necessary authority to achieve that objective. I urge its adoption.

Mr. DOLE. Mr. President, several years ago, Congress became concerned with the quality of the meat and poultry inspection system. The result was passage of the Wholesome Meat Act—Public Law 90–201—in 1967 and the Wholesome Poultry Act—Public Law 90–492—in 1968. These laws provided for all State meat inspection regulations to be "at least equal to" Federal regulations.

These laws have been difficult to implement and painful for many small businesses which faced complete remodeling of their meat slaughtering and processing plants or going out of business. This adjustment is being made—all to assure our citizens wholesome meat and poultry.

An additional provision of USDA regulations, however, is that meat and poultry from State-inspected plants is not allowed to move in interstate commerce. This regulation was made because the Department of Agriculture feared allowing interstate movement of meat from State-inspected plants might weaken the protection provided by the Federal inspection system.

The regulations for imported meat, however, provides that we may import meat from other nations under that Nation's meat inspection as long as it is "comparable to" our Federal inspection system. In other words, the foreign nation may inspect their own meat and ship it to the United States. That meat is allowed to be commingled with federally inspected domestic meat with no interstate restrictions. It must only comply with spot sampling at the port.

The purpose of the bill we consider today is to provide the consumer the same wholesome protection of meat from foreign plants as he receives from domestic plants. It provides that all meat is wholesome, by the same standards, not just the meat from our own meat plants. The American consumer deserves the protection this bill, S. 3942, provides.

Mr. BURDICK subsequently said: Mr. President, I wish to lend my support to S. 3942, the measure of the Senator from Montana (Mr. MANSFIELD), to insure that livestock products imported into the United States are subjected to adequate health and sanitation inspection.

As the sponsor of similar legislation, S. 3987, I am deeply gratified by the promptness with which the Senate has focused its attention on this major problem.

We live in an era of increasing concern over the quality of our lives: The air we breathe, the water we drink, the food we eat. In all areas, some steps are being taken to protect our health. Yet one area remains dangerously unguarded. That is the area of imported meat. The meat which enters our country from abroad is subject only to a very inadequate and random inspection conducted by a far too small staff.

In this country we are very careful about who touches the meat in our plants, and our sanitary inspection assures its wholesomeness. Our domestically produced beef is subject to strict inspections both before and after the animal is slaughtered. Every animal is thoroughly examined for health before slaughter and every carcass is again inspected for defects after slaughter. If the carcass meat is to be boned and used for hamburger, for example, it receives a further examination as it is consigned into lots for that use.

To carry out this extensive inspection process, the Federal Government has 7,050 inspectors on its payroll. This number includes 945 full-time veterinarians, 5,327 full-time food inspectors and an additional 124 veterinarians and 654 food inspectors who work part time. Working alongside these Federal meat watchers to insure high-quality and wholesome meat are also numerous State inspectors. All in all, these meat watchers keep a constant eye on 1,062 plants which slaughter and/or process either meat, animal, or poultry. This is an average of about six inspectors per plant.

Compare this system of rigid inspection of domestically produced meat with the inspection system of imported meat.

There are 1,141 foreign licensed plants around the world authorized to sell in the United States—more than the number of federally inspected plants in the United States. Yet, to inspect this larger number of foreign plants, there are only 15 veterinarians, known as "foreign review officers." This is an average of one inspector for 65 plants. In short, there are more plants operating outside the United States with fewer than 1 percent the number of Federal inspectors within the United States.

The implications of this system are obvious. These foreign plants are supposed to maintain an inspection system equal to ours. They are supposed to have premortem and postmortem inspection of animals, and they are supposed to be equally sanitary. Yet, we have only 15 men to insure proper inspection. To visit each of the 1,141 foreign plants at least once a year is an almost impossible task. I am sure these men do the best job they can, but we all can see the problems confronting one man trying to keep track of over 65 plants a year. The 15-man force is dangerously inadequate. It makes the U.S. consumer almost entirely dependent on the inspectors of the exporting nations for the premortem and postmortem and online inspection of meat produced there and sold several weeks later in this country.

The present system might be adequate if the volume of meat imports were small and if there were some reliable means of inspecting the meat once it reached the United States. But neither is the case.

Our Nation imports about 1.6 billion pounds of meat per year. That means each adult in this country consumes about 10 pounds of imported meat per year. Considering that a single ounce of impurity is capable of rendering a person deathly ill, this meat is in obvious

need of close inspection. But how closely is it being inspected?

Most of the one and a half billion pounds of meat imported in the United States is frozen or bonded out, such as meat used for hamburger, bologna, weiners, or cold cuts. This meat arrives at the docks and is sorted into lots, or consignments, to U.S. purchasers. If the meat is to go into processed products, such as weiners and sausage, it is frozen in 50 pound blocks.

There are 75 inspectors on the Federal payroll to receive and inspect the 1½ billion pounds of meat which enters this country. They make a random selection of the boxes and blocks, while the meat is sitting in outdoor temperature, for thawing and inspection. In short, less than 1 percent of this imported meat is actually examined by a Federal inspector.

After this random sampling, the meat is examined for minor, major, and critical defects. These defects may range from harmless extraneous matter to such defects as bruises, blood clots, bone fragments, insects, ingesta or stomach contents, fecal matter, or manure. Imported meat may be declared acceptable for consumption even though it contains one minor defect to each 30 pounds, one major defect in every 400 pounds, or one critical defect in every 3,000 pounds. According to this reasoning, even critical defects are permitted if they are mixed in with large amounts of meat.

On the basis of these standards, in calendar year 1969, the United States rejected 20,637,987 pounds of imported meat—slightly less than 1 percent of the beef offered and about 9 percent of lamb and mutton offered. The significance of that rejected 20 million pounds is this. Supposedly, the meat was inspected at the foreign plants to meet U.S. standards. Yet, more than 20 million pounds was rejected once it reached the United States. Clearly, the 15 foreign review officers are inadequate in numbers to cope with the inspection problems. Furthermore, since this meat receives an inadequate inspection abroad, the American consumer certainly deserves to have more than 1 percent of his meat inspected once it reaches the United States.

Mr. President, I strongly urge Senate approval of S. 3942.

The bill I have introduced solves two of the major problems relating to meat inspection which challenge the health of the American consumer. First, it specifically directs the Secretary of Agriculture "to establish a system of thorough examination and inspection of all livestock products imported into the United States—at the time of entry." This would provide greater protection for the American consumer—a greater protection that he needs and deserves. It would require a greater portion of our imported meat to be inspected, and, therefore, would decrease the chances of unwholesome imported meat entering the country.

Second, my bill provides for surveillance by U.S. Government inspectors "of all establishments abroad slaughtering animals or processing animal products for export to the United States." This provision will strengthen U.S. inspection of the slaughtering process in the foreign countries. This will further insure the purity of the meat before it leaves the foreign countries.

The cost of this thorough meat inspection to the American consumer will be small, and its benefits will be great.

Importers will pay the costs of the inspection system I propose. The American consumer deserves high-quality meat. Whether he chooses to buy foreign or domestic beef, he deserves high-quality meat. Whether he chooses to buy foreign or domestic beef, he deserves assurance of its wholesomeness.

The ACTING PRESIDENT pro tempore. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading and passage of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3942

An Act to provide for thorough health and sanitation inspection of all livestock products imported into the United States, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is directed to establish a system of thorough examination and inspection of all livestock products imported into the United States from countries which do not have standards and inspection equal to those of the United States, including all fresh and frozen or chilled meats after thawing, providing for such examination at the time of entry or before any processing or offering for sale to consumers, to prevent the entry of any disease or distribution of any unwholesome products. The Commissioner of Customs shall levy on such animal products entering the United States, in addition to any tariffs, a charge or charges set by the Secretary of Agriculture, sufficient to defray the costs of such examinations and inspections and of United States surveillance of all establishments abroad slaughtering animals or processing animal products for export to the United States.

Mr. MANSFIELD. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. HRUSKA and Mr. MILLER moved to lay the motion on the table.

The motion to lay on the table was agreed to.

NATIONAL HEALTH SERVICE CORPS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1213, S. 4106.

The PRESIDING OFFICER (Mr. BOGGS). The bill will be stated by title.

The assistant legislative clerk read as follows:

S. 4106, to amend the Public Health Service Act in order to provide for the establishment of a National Health Service Corps.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare, with amendments, on page 2, line 23, after the word "be", strike out "detailed" and insert "assigned"; in line 25, after the word "individual", strike out "detailed" and insert "assigned"; on page 3, line 8, after the word "the", where it appears the first time, strike out "President, by and with the advice and consent of the Senate.", and insert "Secretary, in consultation with the Surgeon General of the United States Public Health Service."; in line 13, after the word "Surgeon", strike out "General," and insert "General and the Secretary."; in line 18, after the word "personnel", strike out "detailed" and insert "assigned"; on page 4, line 9, after the word "such", strike out "services" and insert "services, or third parties"; after line 12 strike out:

"NATIONAL HEALTH CORPS ADVISORY COUNCIL

"SEC. 3991. (a) There is established a council to be known as the National Health Corps Advisory Council (hereinafter in this section referred to as the 'Council'). The Council shall be composed of twelve members appointed as follows:

"(1) three members from the Department of Health, Education, and Welfare, serving outside the Corps, to be appointed by the Secretary;

"(2) three members appointed by the Secretary from private life;

"(3) three members detailed to duty with the Corps, at least two of them shall be commissioned officers of the Service, to be appointed by the Secretary; and

"(4) three persons who have received more than minimal health care services from the Corps, to be appointed by the Secretary after the Corps has been in operation for a period of at least one hundred and twenty days and to be appointed from geographically dispersed areas to the extent practicable.

"(b) Members of the Council shall be appointed for a term of three years and shall not be removed, except for cause. Members may be reappointed to the Council.

"(c) It shall be the function of the Council—

"(1) to establish guidelines with respect to how the Corps shall be utilized and to consult with and advise the Director generally regarding the operation of the Corps;

"(2) to assist the Surgeon General, at his request, in the selection of commissioned officers of the Service and other personnel for assignment to the Corps, and to approve all assignments of Corps members;

"(3) to establish criteria for determining which communities or areas will receive assistance from the Corps, taking into consideration—

"(A) the need of any community or area for health services provided under this part;

"(B) the willingness of the community or area and the appropriate governmental agencies therein to assist and cooperate with the Corps in providing effective health services to residents of the community or area;

"(C) the prospects of the community or area for utilizing Corps personnel after their tour of duty with the Corps;

"(D) the recommedations of any agency or organization which may be responsible for the development, under section 314(b), of a comprehensive plan covering all or any part of the area or community involved; and

"(E) recommendations from the medical, dental, and other medical personnel of any community or area considered for assistance under this part.

On page 6, at the beginning of line 18, change the section number from "399m" to "3991.", in line 19, after the word "Service", strike out "detailed" and insert "assigned"; on page 7, line 4, after the word "to", strike out "lease" and insert

"lease, renovate,"; at the beginning of line 8, change the section number from "399n." to "399m."; in line 9, after the word "appropriated", strike out "the sum of $5,000,000 annually to carry out the provisions of this part; for the fiscal years of 1971, 1972, and 1973."; and insert "$5,000,000 for the fiscal year ending June 30, 1971; $10,000,000 for the fiscal year ending June 30, 1972; $12,000,000 for the fiscal year ending June 30, 1973; and $15,000,000 for the fiscal year ending June 30, 1974." So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Health Service Corps Act of 1970".

SEC. 2. Title III of the Public Health Service Act is amended by adding at the end thereof a new part as follows:

"PART J—NATIONAL HEALTH SERVICE CORPS

"ESTABLISHMENT OF NATIONAL HEALTH SERVICE CORPS; FUNCTIONS

"SEC. 399h. (a) There is established in the Service a National Health Service Corps (hereinafter in this part referred to as the 'Corps') which shall be under the direction and supervision of the Surgeon General.

"(b) It shall be the function of the Corps to improve the delivery of health services to persons living in communities and areas of the United States where health personnel, facilities, and services are inadequate to meet the health needs of the residents of such communities and areas. Priority under this part shall be given to those urban and rural areas of the United States where poverty conditions exist and the health facilities are inadequate to meet the needs of the persons living in such areas.

"STAFFING; TERM OF SERVICE

"SEC. 399i. (a) The Surgeon General shall assign selected commissioned officers of the Service and such other personnel as may be necessary to staff the Corps and to carry out the functions of the Corps under this part.

"(b) Commissioned officers of the Service in the Corps and other Corps personnel shall be assigned for service in the Corps for a period of twenty-five months. An individual assigned to the Corps may voluntarily extend his service in the Corps for a period not to exceed in additional twenty-five months. An individual shall have the right to petition the Director (appointed pursuant to section 399j of this part) for early release from service in the Corps at the end of twenty-four months of service therein.

"DIRECTOR OF THE NATIONAL HEALTH SERVICE CORPS

"SEC. 399j. The Corps shall be headed by a Director who shall be appointed by the Secretary, in consultation with the Surgeon General of the United States Public Health Service. It shall be the responsibility of the Director to direct the operations of the Corps, subject to the supervision and control of the Surgeon General and the Secretary.

"AUTHORITY OF SECRETARY TO UTILIZE CORPS PERSONNEL

"SEC. 399k. The Secretary is authorized, whenever he deems such action appropriate, to utilize commissioned officers of the Service and other personnel assigned to duty with the Corps to—

"(1) perform services in connection with direct health care programs carried out by the Service;

"(2) perform services in connection with any direct health care program carried out in whole or in part with the Department of Health, Education, and Welfare funds or the funds of any other department or agency of the Federal Government; or

"(3) perform services in connection with any other health care activity, in furtherance of the purposes of this Act. Should services provided under this subsection require the establishment of health care programs not otherwise authorized by law, the Secretary is authorized and directed to establish mechanisms whereby recipients of such services, or third parties shall pay, to the extent practicable, for services received. Any funds collected in this manner shall be used to defray in part the operating expenses of the Corps.

"MANPOWER LIMITATIONS SUSPENSION

"SEC. 399l. (a) Commissioned officers of the Service assigned to service with the Corps and other personnel employed in the Corps shall not be included in determining any limitation on the number of personnel which may be employed by the Department of Health, Education, and Welfare.

"(b) Notwithstanding any other provision of law, the Corps may, to the extent the Secretary determines such action to be feasible, utilize the facilities and personnel of hospitals and other health care facilities of the Service in providing health care to individuals as authorized under this part, and to lease, renovate, or purchase such other facilities as may be required to carry out the purposes of this Act.

"AUTHORIZATION FOR APPROPRIATIONS

"SEC. 399m. There is authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1971; $10,000,000 for the fiscal year ending June 30, 1972; $12,000,000 for the fiscal year ending June 30, 1973; and $15,000,000 for the fiscal year ending June 30, 1974."

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMINICK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, this bill comes from the Committee on Labor and Public Welfare, on which I have the honor to serve. The bill would amend title III of the Public Health Service Act, to provide for the establishment of a National Health Service Corps within the Public Health Service of the United States.

The function of the Corps shall be to improve the delivery of health services for persons living in communities and areas of the United States where health personnel, facilities, or services are inadequate to meet the health needs of the residents of such communities and areas. Priority is to be given to those urban and rural areas of the United States where poverty conditions exist and the health facilities are inadequate to meet the needs of the persons living there.

We suffer from a well-known shortage of health professionals, but the shortage is particularly acute in areas of urban and rural poverty and in isolated rural communities generally. Statistically, the ratio of health professionals to population is decidedly lower in such areas than in more affluent communities, where professional and economic opportunities are much greater.

The need for a program to encourage the location of health professionals in low-income or isolated areas has long been recognized, and the National Health Service Corps is such a program.

New legislation is needed to establish a National Health Service Corps, however, because the existing authority of the Public Health Service limits the provision of direct health care by the Service to selected, and narrow, population groups, such as the American Indians, merchant seamen, and Federal prisoners. This legislation, in a manner consistent with the Selective Service Act, broadens that authority to permit the provision of care to persons living in areas deficient in health personnel, and particularly to areas of urban or rural poverty.

At the level of $5 million for fiscal 1971, $10 million for fiscal 1972, $12 million for fiscal 1973, and $15 million for 1974, the corps will merely be an experimental program. It is the hope and expectation of the committee that a variety of approaches may be tested in the assignment of corps members. In establishing the pilot projects for corps assignments, the committee intends that a number of different activities, both urban and rural, should be undertaken. The Health Corps will be under the direction and supervision of the Surgeon General. Administration of the Health Corps will be provided by a Director, who will be appointed by the Secretary after consultation with the Surgeon General.

In drafting this legislation, an attempt has been made to allow the Secretary, the Surgeon General, and the Director a maximum of flexibility in administering the corps.

The committee expects that the Director of the corps shall, to the maximum extent possible, take into consideration the following criteria in determining which communities or areas will receive assistance from the corps:

First, the need of any community or area for health services provided;

Second, the willingness of the community or area and the appropriate governmental agencies therein to assist and cooperate with the corps in providing effective health services to residents of the community or area;

Third, the prospects of the community or area for utilizing corps personnel after their tour of duty with the corps;

Fourth, the recommendations of any agency or organization which may be responsible for the development, under section 314(b), of a comprehensive plan covering all or any part of the area or community involved or other similar agency where no 314(b) agency exists;

Fifth, recommendations from the medical, dental, and other medical personnel of any community or area considered for assistance.

Of great hope to the committee is the promise of this legislation to revitalize the U.S. Public Health Service and the commissioned officer corps.

As I mentioned earlier, this legislation creates an experimental program and does not commit the administration to continue the commissioned corps.

Mr. President, when the bill was first presented to our committee, it contained an advisory committee. After discussing this matter at some length in the executive markup, we decided that we should

leave the power largely in the hands of the Director, the Surgeon General, and the Secretary, and that the advisory committee was really not going to be needed. So that provision was stricken completely.

We did increase the authorization from that originally suggested by the Senator from Washington (Mr. MAGNUSON), who introduced the bill. He had an authorization providing for $5 million a year for 3 years.

We increased it substantially, but less than the Senator from Texas (Mr. YARBOROUGH), the committee chairman, would have liked. So, we compromised on that matter to its present funding of $5 million, $10 million, $12 million, and $15 million.

I feel that the bill in its present form is perfectly acceptable and should give us the ability to find means by which we can provide the needed health service to otherwise isolated areas. This would cure one of our serious health problems, that of distributing health services and medical services throughout the country.

Mr. President, at this point I ask unanimous consent to have printed in the RECORD statements by the senior Senator from Washington (Mr. MAGNUSON), the junior Senator from Washington (Mr. JACKSON), and the senior Senator from Texas (Mr. YARBOROUGH) in support of the bill.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR MAGNUSON

Mr. MAGNUSON. Mr. President, this legislation will establish a National Health Service Corps within the Public Health Service, in order to improve the delivery of health services to areas of urban and rural poverty where health services are now inadequate. The Corps will be comprised of selected commissioned officers of the Public Health Service and of other health professionals under civil service. Supervision of the Corps' activity will come from a Director.

Mr. President, the National Health Service Corps Act is an important piece of legislation for many reasons. In offering it, Senator Jackson and I had three basic purposes in mind. First, we wanted to increase the quantity and quality of health services in those areas of the country, and among those segments of the population, that need such services the most. Second, we wanted to revitalize the Public Health Service generally and the commissioned corps specifically by providing them with a mission to match their proud tradition. Finally, we hoped in offering the National Health Service Corps Act to provide a framework within which the idealism and social commitment of our young health professionals and medical school students can be put to work, serving the most disadvantaged people in the nation.

In introducing this legislation, I commented individually on these three purposes, and then proceeded to an analysis of the legislation itself.

I. THE DISTRIBUTION OF MEDICAL MANPOWER IN THE UNITED STATES

Mr. President, anyone who is even remotely familiar with health care programs and services here in the United States recognizes that we are in the midst of a severe manpower shortage in the health professions. The first aspect of this manpower shortage is an absolute shortage in the number of trained doctors, dentists, nurses, and other health professionals.

The Appropriations Subcommittee on the Departments of Labor and Health, Education and Welfare, of which I am Chairman, has listened to the staggering statistics of this absolute shortage during our hearings over the past month. The Subcommittee, the full Appropriations Committee, and the Senate as a whole will act, I hope, to provide a level of funding for the current fiscal year that will help to alleviate this shortage.

But the manpower shortage among health professionals has another facet, one that cannot be solved simply by increasing our appropriations for existing programs. This second facet involves the maldistribution of the health professionals that we do have. Physicians, dentists, and all other forms of medical personnel simply are not distributed in relation to the health needs of the United States. And so, while the nation as a whole faces a doctor shortage, the shortages in areas of urban and rural poverty are particularly acute.

It is virtually impossible for poor communities to attract and retain sufficient health professionals to meet even their most basic health needs. Senator JACKSON and I have seen this over and over again in our home State of Washington, where isolated rural communities and the core areas of our larger cities simply do not receive a level of health care that most middle-class individuals would consider adequate. The causes of this maldistribution are no mystery—poorer communities have few attractive features for a young doctor or dentist with a family to raise—yet the consequences of inadequate health care in these communities are physically, socially, and economically crippling to our poorer citizens, and shameful for our nation as a whole.

Many health problems that would appear routine or even trivial in more affluent communities become serious or near fatal in those areas where access to health care is severely restricted. The "diseases of poverty"—high infant mortality, short life expectancies, malnutrition, anemia, and so on—are exacerbated greatly when they go untreated, and contribute substantially to the vicious circle of poverty and low economic productivity.

The National Health Service Corps will not eliminate these diseases, nor will it solve completely the massive problem of maldistribution in the health professions. At the level of funding provided in this act, few communities across the nation will receive care from Corps members. But this pilot project phase, if it proves successful in more adequately meeting the health needs of the poor, can be expanded easily simply by increasing the authorization provided in this act and the appropriations to match.

What the Corps will do is provide substantial infusions of medical manpower in areas with ongoing Federally-funded health care programs. In some instances, the Secretary of HEW may choose to deploy Corps personnel in areas without existing health care programs, and authority is provided in the act to meet this eventuality. At this stage, however, and at this level of funding, the purpose of the act will be to demonstrate that the health care needs of the poor can be substantially met through a redistribution of health manpower.

A long range solution to the maldistribution of health professionals will require more than a Federal program of this type, of course, and it is our hope in offering this legislation that doctors, dentists, nurses, and other health professionals who serve in the Corps will wish to continue practicing in poverty areas after their tour of duty with the Corps has been completed. One of the factors to be taken into account in assigning Corps members, in fact, will be the prospects for continued service to the community after completion of the 25–50 month term of service in the Corps.

The National Health Service Corps thus will help meet the problem of maldistribution of health professionals in two ways: first, it will provide an infusion of health personnel into Federal health care programs in physician-deficient areas, and second, it will provide a program whereby health professionals can serve for a time in poverty areas and determine whether or not continued service in such areas would be worthwhile as a career.

II. REVITALIZING THE PUBLIC HEALTH SERVICE AND THE COMMISSIONED OFFICER CORPS

The National Health Service Corps established in this Act is to be set up within the Public Health Service. The health professionals in the Corps will be drawn primarily from the commissioned officer corps of the Public Health Service. These two facts make the Corps, even at this pilot project level of funding, an extremely significant development for both the Public Health Service and the commissioned corps.

The Public Health Service and the commissioned corps have a long and proud tradition. Founded for the purpose of protecting our seaports from importation of communicable disease, they have undergone many protean changes. The Public Health Service and the commissioned corps currently do not provide direct health services except to special population groups—American Indians, merchant seamen and the Coast Guard, and Federal prisoners. These programs are worthy ones, but being limited to such programs makes the direct health care services of the Public Health Service relatively minor in comparison with the other health care programs in which the Federal government has become involved.

Technically, of course, the Public Health Service and the Surgeon General are charged with the responsibility for administering the National Institutes of Health (NIH), the Food and Drug Administration (FDA), and the Environmental Health Service (EHS). I use the word "technically" because the *de facto* control of these organizations, insofar as there is centralized control and direction of their activities, lies with the Assistant Secretary of HEW for Health and Scientific Affairs. As a result, there is a great deal of confusion about the what the Public Health Service is, what it is doing, what it could be doing, and why it continues in existence at all.

These doubts surrounding the role and functions of the Public Health Service have contributed substantially to a lowering of morale within the commissioned corps. Proposals have been made, from time to time, to abolish the commissioned corps entirely or to transfer its functions to other, more logical, agencies. At the present time, most commissioned corps members who do not work in the direct health services programs for Indians, seamen or prisoners spend their tour of duty in the Corps performing research or administrative tasks. This conflicts with the desire of many commissioned officers to be active in providing health care commensurate with their training and interests.

The sponsors of this legislation do not believe that the commissioned corps and the Public Health Service should be allowed to wither on the vine. Neither do we feel that we can afford to wait until one study after another is undertaken to determine the future of the commissioned corps and the PHS. We feel, rather, that the commissioned corps and the PHS should be rejuvenated by assuming new responsibilities in keeping with their abilities and their proud traditions.

There is a unique cameraderie and feeling of mission among the commissioned corps that sets it aside from regular civil service. Even if this spirit is currently at a low ebb, there is ample reason—and more than ample need—to energize the commissioned corps and the PHS once again and to take advantage of these unique characteristics.

This spirit should be redirected toward meeting the most challenging health problems of this nation, not dissipated during this period of great social need.

The National Health Service Corps will not displace the other functions of the PHS, nor will it absorb an inordinate number of PHS personnel, at least during this exeprimental phase. But it will provide an additional mission, that of providing health care directly to those segments of the population who need it most and who are being inadequately served today. This challenging new mission can raise the morale of the commissioned corps and the PHS at the same time it benefits the people of this nation.

III. THE NATIONAL HEALTH SERVICE CORPS AND THE "NEW" GENERATION OF HEALTH PROFESSIONALS

The National Health Service Corps has a third purpose, and that is the utilization of the idealism and social commitment that characterize so many of our young health professionals and medical school students. I have met and talked with literally dozens of these fine young men, and women, as I know the other sponsors of this legislation have. Like so many other young adults with fine minds and excellent training, they are less than enthusiastic about the opportunities for social service within the "established" institutions of their profession. They desire instead to serve the poor, the hungry, and the needy who simply are not receiving adequate health care today, and they are willing to sacrifice more lucrative opportunities in order to perform this service.

The National Health Service Corps will provide a framework within which these men and women can achieve the service to society that they seek. It is upon the social commitment of these young men and women, in fact, that we will be relying to produce the personnel the Corps will need. Knowing that service in the Corps is an opportunity available to them should raise the morale of these health professionals during the time they are in their professional schools as well.

Ultimately, if the Corps proves to be a successful concept in improving the delivery of health care, it is not too much to anticipate that the experiences of the Corps will be drawn upon in the evaluation and planning of both government and non-governmental health care programs. In this sense, the young men and women who enter the Corps will know that their performance is important for the future of health care in the United States. The knowledge that they may be aided in the redirection of the Federal and private health efforts, combined with the satisfaction of actually serving those in greatest need, will be the prime reward for Corps members and the prime incentive for those who wish to serve in the Corps.

IV. ANALYSIS OF SECTIONS OF THE NATIONAL HEALTH SERVICE CORPS ACT

In drafting the National Health Service Corps Act, an attempt has been made to allow the Department of HEW some discretion and flexibility in administering the Corps. Passage of the Act should provide the Department with an opportunity as well as a directive, and its experimental nature necessitates a somewhat broad piece of legislation. The reasoning behind some of the sections of the Act may not be clear on first reading, so I would like to take this opportunity to clarify exactly what we had in mind in drafting the Act.

Section 399h establishes the Corps within the Public Health Service (for reasons outlined in Part II of my remarks), and defines the mission of the Corps, "to improve the delivery of health services to persons living in communities or areas of the United States where health personnel, facilities, and services are inadequate to meet the health needs of the residents of such communities and areas." The same Section further states that priority shall be given to those urban and rural areas where poverty conditions exist. As I explained above, poverty and physician-deficiency tend to go hand in hand in such areas.

Section 399i deals with the staffing of the Corps. As I noted earlier, the Corps will be composed of both commissioned officers of the Public Health Service and other civil service personnel. All Corps members will serve for a period of 25 months, with the option of extending their tours of duty for a period not to exceed another 25 months. The purpose of having a 25 month tour of duty is to allow a one month transition period within which incoming personnel can work with outgoing personnel in order to facilitate a continuity in patient care and other duties. For those members of the Corps who wish to follow their tour of duty with more schooling, this Section provides the right to petition for release from the Corps at the end of 24 months. The purpose of not allowing Corps members to serve more than 50 months is to provide an incentive to Corps personnel and to the agencies or communities within which they serve to find positions outside the Corps that will allow them to continue serving the poor. Part of the purpose for the Corps itself, after all, is to encourage health professionals to locate permanently in areas with inadequate health care. We assume that a Corps member may serve in more than one community during a 50 month tour of duty, but that by the end of that period both the Corps member and a community within which he has served should be in a position to determine whether or not the individual is willing and able to undertake a long range commitment to a needy community.

Section 399j provides that the Director of the Corps shall be appointed by the Secretary, in consultation with the Surgeon General. Establishing the Corps under a Director will give the Corps a stature similar to other Federal health agencies, and will serve to emphasize the importance that Congress attaches to this program even in its pilot project phase.

Section 399k establishes the manner in which Corps personnel may be utilized. Under Part 1 of this Section, Corps members may be used to supplement manpower in ongoing direct health care programs of the Public Health Service, meaning all programs within the Department of HEW. Part 2 specifies that Corps personnel may also be used in any direct health care program of other government agencies, such as the Office of Economic Opportunity's programs or those of the Department of Housing and Urban Development, or direct health care programs whose costs are underwritten by Federal funds. The practical effect of these two parts is to allow the Secretary to deploy corps personnel to any direct health care program that is ongoing and funded, in whole or in part, from the Treasury.

Part 3 of Section 399k authorizes the Secretary to utilize Corps personnel "in any other health care activity, in furtherance of the purposes of this act." The purpose of this Part is to allow the establishment of health care programs where none presently exist, should this be something that the Director of the Corps and the Council feel to be of value. The applicability of this section would undoubtedly arise in rural areas where no Federally-funded program currently provides health services, yet where the Director and Council feel a pilot project would be useful. This Part provides that the Secretary will establish some fee-for-service mechanism in the event a project is established under this part, such revenues as may be collected being used to partially defray the cost of the Corps operations. Under the other two Parts of this Section, no fees will be collected by the Corps, as Corps members will be serving in programs with fee mechanisms of their own. Insofar as the activities of Corps members under these two parts may contribute to more fees being paid into the program within which they are serving, such fees will continue to be paid into the general revenue of those programs. The purpose of the Corps is to provide health services, not to collect fees, but under each of these Parts a built-in precaution exists against the diversion of fees that might otherwise go to private practitioners.

In establishing criteria for assignment of Corps personnel, the report directs the Director to take into account at least five factors. The first of these factors is the community's need for health services. The second is the willingness of the community—including the program within which the Corps will serve—to assist and cooperate with the Corps and its mission; this provision will insure that administrative restrictions—such as hospital visiting privileges—from various sources in the community will not impede the Corps' operations. A third factor to be taken into account in establishing criteria for utilization of the Corps is the prospect for utilizing Corps personnel within a community after their tours of duty are complete. This is necessary to provide an incentive for the community, and the program within which the Corps member may serve, to facilitate the retention in the community of those Corps personnel who may desire to continue serving the community following completion of their tour of duty. The knowledge that assignment of Corps personnel to the program and the community in the future may hinge in part on the post-service opportunities provided for Corps personnel who have served the community in the past should encourage communities who desire Corps assistance to take positive steps toward finding permanent positions for Corps members.

A fourth factor in establishing these guidelines will be the recommendations of the 314(b) comprehensive health planning agency responsible for the area or community under consideration. These agencies not only have responsibility for the planning of health programs within their areas of jurisdiction, but through their heavy representation of poor people, insure that all health programs are consistent with the needs of those who are to receive services from them.

Finally, the recommendations of all medical personnel in the community or area under consideration for assignment of Corps personnel will also be taken into account. This insures that private practitioners, state medical societies, and other relevant organizations and individuals will not be ignored in the making of decisions affecting utilization of the Corps.

Section 3991. (a) waives the manpower ceilings on both the commissioned corps and the Department of HEW, to the extent that the number of individuals in the Corps exceeds either of these ceilings. Section 3991. (b) waives the restriction on the utilization of Public Health Service facilities and personnel for the provision of direct health care, provided the waiver is exercised only for Corps activities. This provision will allow the use of Public Health Service hospital facilities for pilot projects, if the Director and Council wish to do so. The Subsection also provides that the Corps may lease or purchase facilities in order to provide health care; this is to allow some flexibility in the event that the Council approves assignment of Corps personnel to a program or community whose facilities would be unable to accommodate the personnel assigned.

Finally, Section 399m authorizes the appropriation of $5,000,000 for FY 1971 to carry out the purposes of this Act. This sum might be spent to provide, for example, for 75

commissioned officers and 150 civil service personnel within the Corps (at a cost of $3.8 to $4 million), and for some minor leasing arrangements with respect to facilities and supplies. This sum is hardly sufficient to effect any sweeping changes in the health of our nation's poor, but if spent judiciously, could provide sufficient care in selected pilot project areas to allow some determination as to the feasibility and desirability of the National Health Service Corps concept. The committee has increased the amount for future years.

V. CONCLUSION

The purposes of the National Health Service Corps, and the manner in which it will function, have now been described in some detail. Further explanations will get forthcoming from other sponsors of this legislation here and in the House of Representatives.

In closing, I wish to make an appeal for the objective and open-minded consideration of this legislation both within Congress and beyond. At first reading, some individuals or groups may perceive in this legislation a threat to established institutions or a barrier to future innovations. Closer inspection of the bill and its provisions will reveal that nothing of the sort is intended or contained within it. The National Health Service Corps is frankly an experimental concept, and one that may lead to many different conclusions about the nature of health care in the future. In and of itself, however, the National Health Service Corps is not incompatible with any current or potential national policy on the delivery of health care; it is not a threat to the manpower needs of the Department of Defense; it will not hamper, nor be hampered by, abolition of the doctor draft or the introduction of National Health Insurance. The National Health Service Corps is not an attempt to structure the health policies of the United States government, nor need it be subjected to a "public-*vs.*-private" debate that inevitably occurs whenever innovations in health care are suggested. Its only purpose is to serve the health needs of the poor, and to provide us with a body of knowledge from which we may find more effective ways to serve those needs on a major scale in the future.

Let us not judge the Corps in advance. Let us create it, fund it, and observe its performance. Then let us draw our independent conclusions about its value and what it tells us about the future. At the very worst, by creating the Corps and setting it in operation we will have provided some health care to those who need it most, and we will have demonstrated to the poor that we truly are concerned about improving their condition. And if the Corps should fare better than this—as I hope and believe it will—its creation will have been a major step in meeting the crisis in health care that we face as a Nation today.

STATEMENT OF SENATOR JACKSON

Mr. President, my colleague from the State of Washington (Mr. MAGNUSON) and I have worked closely on this National Health Service Corps concept for months. We have discussed our ideas with officials from the Department of HEW, members of the commissioned corps of the Public Health Service, senior officers of the Service, doctors, and medical school students. We know from these discussions that there is support for our proposals.

More importantly, we know that there is a great need for our proposal—a need that is not being met today and a need that will not be met in the future unless action is taken. Senator MAGNUSON, and I have seen this need, not merely in a mass of statistics, but face to face in our own State of Washington. From the small logging towns and the tiny Indian fishing communities to the crowded neighborhoods of our inner cities, we have seen the need for this legislation. Even in our relatively affluent State, we have seen vast areas with little or no health services available, and we have seen hundreds of our constituents wracked by malnutrition and the diseases of poverty.

The poor and the isolated in our State are not unique in their need for health care; similar and even worse conditions exist in nearly every county in this Nation. In every corner of the land, poverty breeds ill health and ill health perpetuates poverty. Most Americans never see the diseases of poverty—malnutrition, anemia, high infant mortality, and low life expectancies—in their immediate communities, but this low visibility cannot obscure the statistical facts.

Fifty percent of the poor children in America have never had a polio shot or any other form of vaccination to protect them against this dreaded disease.

Two-thirds of our poor children have never seen a dentist during their lifetime.

At least half of the mothers who give birth in poor or isolated areas receive no prenatal care whatsoever.

The statistics go on and on; so does the subculture of poverty in America and the ill health that attends it. Those who speak of the need to make the poor productive, of taking them off the welfare rolls and getting them on the payrolls, must realize that little or no progress can be made in this respect until the poor and the isolated are provided a decent standard of medical care.

If a child's growth is stunted, if he cannot stay awake in class or if he is constantly ill, he cannot be expected to get ahead in life, or even to keep up. If a grown man is crippled unnecessarily by a disease that could easily have been cured, he cannot earn an adequate living for his family. If a mother is overly susceptible to illness, she cannot meet the demands of raising a family. To those without an adequate standard of health care, the promise of equal opportunity is a hollow one indeed. As President Nixon has said:

"Many of the problems of the poor are the product of ill health and many have serious medical consequences. We have already begun to develop new mechanisms for helping the poor pay medical costs, but now we must further improve our methods for delivering health services (to them) . . ."

The National Health Service Corps is an experimental attempt to deliver those health services to the segment of our population that need health care most desperately. The Corps will not be operating on a huge scale, nor will it solve this health care distribution problem by itself. What the Corps will do is to provide us with greater practical experience in meeting the health care needs of the poor. It is on this experience that we will have to draw in the years ahead, whether the ultimate answer lies in the governmental or private sector, or somewhere in between.

STATEMENT OF SENATOR YARBOROUGH

Mr. President, it is always a great privilege for a Committee chairman to bring before the Senate a bill about which he feels strongly. That is my privelege today, and I have the additional privilege of reporting to the Senate that the other members of the Committee on Labor and Public Welfare and the Subcommittee on Health not only support this bill, but are nearly unanimous in their cosponsorship of it.

It has a bi-partisan list of 27 cosponsors, a majority of whom are members of the Committee on Labor and Public Welfare. This support within the Committee, and the short period of time between the introduction of this legislation and its consideration here on the flood, testify to the conviction of the Committee that this is indeed urgently needed.

The situation with which this legislation is designed to deal is the maldistribution of health manpower in the United States—one of the most pressing in the panoply of health problems confronting this nation today. The "doctor shortage" throughout the United States is acutely intensified by this maldistribution of trained health professionals, very few of whom decide to settle or practice in isolated communities or areas of urban and rural poverty. Such areas, according to statistics received by the Subcommittee on Health, clearly lag behind our more affluent suburbs and urban areas in the quantity, quality, and availability of health services.

It is no coincidence, Mr. President, that the cosponsors of this legislation are Senators who represent States with many isolated rural communities or with large urban ghettoes. The special health needs of such communities, and the appalling shortage of trained health professionals and health facilities in such areas, are painfully obvious to every Senator familiar with the problems of his constituents.

The consequences of the lack of health care in these areas are not pleasant to contemplate, whether we read about them in our mail or in the news, whether we see them through first-hand experience or on a television documentary. The economic malaise afflicting isolated or impoverished communities is attended by a whole subculture of ill health; and the "diseases of poverty"—malnutrition, anemia, high infant and maternal mortality, high death rates, short life expectancies—abound in areas too poor or too remote to attract and support qualified doctors and other health personnel.

As the Subcommittee heard, again and again, during our hearings on S. 4106, by ever available health index the poor and the isolated are being forced to bear the crushing burden of ill health. Two-thirds of our poor children have never had a polio vaccination; over half have never seen a dentist; countless numbers have never had an eye examination for the problems that may be holding them back in school or on the job. With such statistics, it is a small wonder that the poor and the isolated become further and further removed from the promise of equal opportunity upon which our whole society is ostensibly based.

Finding a way to encourage more health professionals to locate permanently in physician-deficient areas is thus an urgent concern of the Subcommittee on Health and the full Committee on Labor and Public Welfare. The present legislation is by no means the only measure proposed or under consideration to deal with this problem; and in the future we may bring forward a variety of measures to compliment the National Health Service Corps. It is our earnest hope, in fact, that by establishing the National Health Service Corps now, by putting it into operation during the next few months, we will not only be providing health services, but will be gaining the experience upon which to base future efforts to deal with this important distribution problem.

This legislation is not complex. It establishes, within the Public Health Service and under the guidance of the Secretary of the Department of Health, Education, and Welfare, a National Health Service Corps comprised of both commissioned officers of the Public Health Service and certain civil service personnel. Corps personnel will serve for at least two years in communities where health services are now deficient, and will be encouraged to locate permanently in such communities once they have finished their tour of duty in the Corps.

The intent of the legislation is to have the Corps be an experimental approach to the problems of health care delivery in physician-deficient areas, and thus the legislation is drawn to allow a maximum of flexibility in the types of health care efforts to which Corps personnel may be assigned. It is intended that a variety of pilot projects will be

undertaken, with some rough balance between urban and rural health needs.

In many areas, National Health Service Corps personnel will be assigned to supplement manpower in ongoing health programs funded in whole or in part by the various departments and agencies of the Federal government. In urban areas, for example, Corps personnel might be assigned to health programs of the Office of Economic Opportunity, the Department of Housing and Urban Development, as well as programs of HEW. In rural areas, Corps personnel could supplement manpower in understaffed migrant and Indian health programs.

The Act provides for wide latitude to innovate programs, however. In urban areas, authority is granted for the utilization of Public Health Service Hospitals for the treatment of the local citizenry, and in rural areas it would be possible to assign a young Corps member to work with an overburdened private practitioner who requested assistance.

The possibilities for utilization of the Corps have not been limited in this legislation. The bill, and the report accompanying it, make clear, however, that local cooperation and the prospects for permanent location of Corps personnel shall be taken into account in making assignments. The Corps cannot be effective where the local citizenry of the local medical community does not desire it, and there should be more communities desiring assistance than the Corps will be able to serve in any event. Under such circumstances, the desires of the local community, as well as its need, will be taken into account in making Corps assignments.

Because this is a frankly experimental program, it is important to reiterate that it will not solve, by itself, the pressing medical manpower maldistribution problem. It should lead us to new ideas for effectively coping with this problem, including the recruitment of medical school students from the physician-deficient areas themselves. But whatever form later programs and initiatives take, the National Health Service Corps will provide a framework within which young health professionals can obtain a position, supervision in their work, affiliation with local medical institutions, and an opportunity to decide—without having first to make a substantial financial commitment—whether or not they desire to spend their careers serving those most in need.

Mr. President, I have touched briefly upon the primary problem that the National Health Service Corps is designed to deal with—the problem of maldistribution of health professionals in the United States. The report accompanying this legislation goes into this problem in somewhat greater depth, and the hearing record is replete with statistical data on this point.

I would therefore like to turn my remarks to a second problem that this legislation should help cure, a problem that is very much on my mind and clearly in the minds of Senator Magnuson and Senator Jackson when they introduced this bill, S. 4106. That problem is the apparently-imminent demise of the Public Health Service, a once-important arm of the federal health effort that is currently atrophying at an alarming rate.

The Public Health Service, as the Senate is well aware, has a long and proud tradition. In recent years, however, the status of the Service has become confused, its mandate has become uncertain, and its reason for remaining in existence has become unclear. The office of the Surgeon General of the Public Health Service has been virtually emasculated, "kicked upstairs" in HEW with the hope that it will be forgotten. Morale in the Service has never been lower, as demonstrated clearly by reenlistment and early retirement rates.

The National Health Service Corps will boost the morale of the Public Health Service, and revive, at least in part, the camaraderie that has made this Service so effective in the past. This new mission will nicely supplement the other direct-care activities of the Public Health Service—including the treatment of Indians, Alaskan natives, federal prisoners, and merchant seamen. It is a new mission designed not to extend PHS care to the entire population, not to "socialize" medicine, but to reach those population groups who simply are not receiving health care today. By providing health care directly, rather than by languishing in an administrative or research post, young Commissioned officers will be encouraged about the Service they have joined. Those who remain in the Service will have a greater reason to do so; those who leave will have been channeled, at least in part, to the areas in this country that need health services the most.

I do not envision, nor do I desire, a state of affairs where the Public Health Service is the center of the American health care system. But I do not believe that the opposite extreme—the abolition of the PHS—can or should be condoned by the Congress. There are too many important missions, such as the mission of the National Health Service Corps, that the Service can and should perform, and that will not be performed at all if the Service is allowed to die. And the Senate should make no mistake—without the National Health Service Corps, or some similar program, the Public Health Service will in fact continue to languish.

Mr. President, there is yet a third purpose of this legislation, closely tied to the purpose of providing better medical manpower distribution and revitalizing the Public Health Service. This third purpose is to provide a program that will challenge the professed idealism and social commitment of our young health professionals and medical school students.

As Chairman of the Subcommittee on Health, I have had an opportunity to meet and talk with dozens of these young men and women. Thre is no doubt in my mind that this generation of health professionals is prepared to undertake the types of sacrifices associated with practice in a poverty area. They want to turn their skills and their education to the service of the needy. Nothing could more eloquently testify to this fact than the number of letters we received from such young men and women while we had this bill under consideration, all of them urging that we adopt this program, and quickly.

The National Health Service Corps provides a fine mechanism for service to the country, and for service beyond one's self. For various reasons, it would provide an opportunity that simply is not available today. And it would provide a demonstration of our desire to accommodate those of our youth who set about patiently and constructively to bring change to isolated and impoverished communities.

Mr. President, I could elaborate on the significance of this bill, but I think by now it is clear to the Senate. It is clear in the broad, bi-partisan, and near-unanimous support for this bill on the Labor and Public Welfare Committee; it is clear in the unanimity of favorable testimony received on this bill; it is clear in the eloquent statements of the bill's authors when they first introduced it.

The National Health Service Corps will not solve the physician-maldistribution problem. But it will be an important first step. In my opinion, it should have been created long ago, and we should not delay any longer in enacting this legislation and establishing this vitally important program.

Mr. PROUTY. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. PROUTY. Mr. President, as a cosponsor of S. 4106 to provide a National Health Service Corps, I am pleased to see this bill come before the Senate. It will help our Nation alleviate the crisis affecting our health delivery system by utilizing public health service officers in rural and urban areas. I believe it will bring much relief to those areas where adequate health facilities and personnel are lacking. I hope my colleagues will join me in supporting this measure. I think it is an excellent approach.

I thank the Senator for yielding.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. COOPER. Mr. President, I would like to ask a few questions on the bill.

What type of services would the members of the National Health Service Corps perform? To be more specific, under this bill, could the Director provide and send doctors to administer medical care in isolated areas or in slums, or other areas?

Mr. DOMINICK. Mr. President, may I say to the Senator from Kentucky that his question is extremely good. We have left the delivery system as flexible as we can, depending upon the type of personnel and area.

It was anticipated during the discussion that these services would range all the way from trying to assist people to set up better sanitary facilities to having immunization programs and the opportunity to get different kinds of medicine and medical help into isolated areas of the country. The scope of the Corps program would cover everything that health services deal with.

Mr. COOPER. Mr. President, under this bill, if adopted, the Director would provide doctors and nurses for States.

Mr. DOMINICK. The language of the bill does not provide for State administration of their portion of the program. It is designed to be an experimental corps to go into isolated areas within the State or within the territories of the United States in coordination with but independent of the various States and territories.

Mr. COOPER. I understand. When I spoke of States, I was speaking of them as geographical units.

Mr. DOMINICK. The Senator is correct. It would involve all kinds of medical personnel or medical services, including paraprofessionals who would be sent into areas where the need seemed to be the worst.

Mr. COOPER. The Senator knows that at present there are programs for which appropriations are made for health services within States upon a Federal, State, and local bases. The States provide health services of a public nature to counties or municipalities including doctors and nurses. We have such programs in Kentucky. Part of the cost is provided by the Federal Government, part by the State, and part by the local county or community. But, such cooperative programs are directed to the State. The Senator is familiar with these programs.

Mr. DOMINICK. The Senator is correct.

Mr. COOPER. Why did the committee consider it necessary to move away from this established system by the direct allocation of health personnel to areas in these States?

Mr. DOMINICK. I think the feeling of the committee consistent with the feeling of the Senator from Washington (Mr. MAGNUSON) that the Corps would be a totally funded Federal effort designed to go into those areas where the State, despite its efforts, had been unable to provide public health service. It goes beyond the State public health service to the U.S. Public Health Service, and that is the intent of the measure. I would like to emphasize that this is an experimental program.

Mr. COOPER. I understand the problem. There are counties in my State where there is only one doctor. Many areas have no nurses. In fact, there are not enough nurses and doctors, private or public, in this country.

There is no provision in the bill which would require the director or Secretary to at the least consult with the State and with the State health authorities, to assure that they had the cooperation of the State, to be certain there is no overlapping of services and personnel and to prevent some of the problems we know arise when the Federal Government impinges on the authority of the States.

Mr. BYRD of West Virginia. Mr. President, before the Senator responds, would the Senator from Colorado yield to the Senator from Iowa so that he may ask for the yeas and nays on final passage?

Mr. DOMINICK. I yield to the Senator from Iowa.

Mr. HUGHES. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. DOMINICK. I say to the Senator from Kentucky that the language of the bill does not specifically require State coordination. Page 5 of the report clarifies the roll of the area or community of contemplated activity by providing for Corps consideration of the recommendations of any agency or organization which might be responsible for the development, under section 314(b), of comprehensive plan covering all or any part of the area or community involved or other similar agency where no 314(b) agency exists.

That would give the director the authority to consult with the State and State health officers, in particular to determine the needs of the community that may be trying to get more free medical help than it deserves.

Mr. COOPER. Where is that provision in the bill?

Mr. DOMINICK. It is in the report on page 5. Similar language was previously contained in the bill but it was removed when the Advisory Council was stricken from the bill in executive session.

Mr. COOPER. I am not against the objectives of this legislation. I ask these questions because I had some practical experience with Federal-State problems in this field. I was a county judge in my county. It is an administrative office more than a judicial office. I refer to the period 1930 to 1937. I have always said that if I could be satisfied with anything in my political career it would be that I was able then to argue and persuade my fiscal court to secure county health officers and county health nurses. I also learned something about local questions which have to be thrashed out before these programs are put into effect. Doctors are concerned about impingement on their professional field. Our States maintain health agencies which coordinate the work of State and Federal programs. I think it would be proper in this legislation to provide that the director coordinate the work of the Corps with State and local agencies.

I shall offer an amendment to that effect, although I must do so quickly. I am not prepared to do so for I did not see the bill until I came to the Chamber today, the first day of its report.

Mr. DOMINICK. The Senator will notice that on page 5 of the bill before us, the section relating to the advisory council, which I had stricken, goes all the way to line 17 on page 6. Language similar to what I quoted before appear on lines 9 through 13 of page 6. They appear in the report as being the intent of the committee in passing the bill; that is, among the criteria to be observed, is included the recommendations of agencies and organizations which may be responsible for the development of a comprehensive plan.

Mr. COOPER. Mr. President, I think it is important to attempt to secure the approval and cooperation of State and local agencies. I wish to ask first whether a council is to be established.

Mr. DOMINICK. There is no council.

Mr. COOPER. There is no council. Then, this plan will be under the supervision of the Surgeon General.

Mr. DOMINICK. The Secretary, the Surgeon General, and the Director of the Corps.

Mr. COOPER. Mr. President, I offer an amendment. Beginning at the top of page 5, line 12.

The PRESIDING OFFICER. The Chair is advised that we must dispose of the committee amendments first.

Mr. COOPER. Very well.

Mr. DOMINICK. Mr. President, for that purpose, I ask that the committee amendments to S. 4106 be considered and agreed to en bloc.

The request was agreed to and the committee amendments were agreed to en bloc.

Mr. COOPER. Mr. President, I offer an amendment on page 5 after line 11.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read, as follows:

On page 5, after line 11, insert a new section, as follows:

"SEC. 3991. It shall be the function of the Director—

(1) to establish guidelines with respect to how the Corps shall be utilized;

"(2) to assist the Surgeon General, at his request, in the selection of commissioned officers of the Service and other personnel for assignment to the Corps, and to approve all assignments of Corps members;

"(3) to establish criteria for determining which communities or areas will receive assistance from the Corps taking into consideration—

"(A) the need of any community or area for health services provided under this part;

"(B) the willingness of the community or area and the appropriate governmental agencies therein to assist and cooperate with the Corps in providing effective health services to residents of the community or area;

"(C) the prospects of the community or area for utilizing Corps personnel after their tour of duty with the Corps;

"(D) the recommendations of State and local health agencies; and any agency or organization which may be responsible for the development, under section 314(b), of a comprehensive plan covering all or any part of the area or community involved;

"(E) recommendations from the medical, dental, and other medical personnel of any community or area considered for assistance under this part.

On page 6, at the beginning of line 18, change the section number to "399m".

On page 7, at the beginning of line 8, change the section number to "399n".

The PRESIDING OFFICER. Is there objection to the consideration of the amendments en bloc?

Mr. DOMINICK. Mr. President, to clarify this matter for the purpose of the record, we previously knocked out the advisory council. The Senator from Kentucky's amendment is in connection with the jurisdiction of the Director of the Corps. Thus it adds local or community involvement in the services provided to the betterment of the bill.

Mr. HUGHES. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HUGHES. I would like to inquire if the passage en bloc of the amendments now requires the restating of their position, as to the number and order of the amendments.

The PRESIDING OFFICER. After these amendments have been agreed to, if they are agreed to, it could be requested that the sections of the bill be appropriately renumbered.

The question is on agreeing to the amendments of the Senator from Kentucky.

Mr. HUGHES. Mr. President, I simply want to say, from this side of the aisle—as I am apparently the only majority representative of the committee present on the floor—that this amendment apparently does strengthen the bill, and I certainly would see no objection to it, and would endorse and support it. I can see no reason why it should not be incorporated in the bill, and would encourage my Senate colleagues on the majority to support it.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc of the Senator from Kentucky.

The amendments were agreed to.

PHYSICIAN SHORTAGES IN OREGON

Mr. PACKWOOD. Mr. President, in recent years, many of us have become deeply concerned about the shortage of physicians in the United States. Experts have predicted that approximately 48,000 additional physicians currently are needed to meet our Nation's health care demands. Perhaps one of the most serious aspects of the doctor shortage in America, and certainly one that is of great concern to the people of Oregon, is the decreasing number of general practitioners in relation to our Nation's

population growth. Rural areas especially have suffered because of this growing shortage.

Many of the health needs of the rural and small community are presently being met by the general practitioner. This occurs, in most instances, because specialists tend to practice in more populated areas where needed facilities and allied health personnel are more readily available. Many of our rural general practitioners also tend to be older and when they die or retire no one takes their place. Statistics provided by the AMA's Ad Hoc Committee on Education for Family Practice clearly show this unfortunate trend:

> In 1931 there were 112,000 physicians who classified themselves as general practitioners on A.M.A.'s annual directory cards. In 1960, the number had declined to 75,000 and in 1965, to 66,000.

Mr. President, as I said before, we in Oregon have particular cause to be concerned about this situation. Recently, the Oregon State Medical Association prepared a tabulation of opportunities for physicians in our State—it included comparisons of physician and population ratios for the years 1964 and 1968. The results were not encouraging. Oregon, like the rest of our country, has a physician shortage problem. Much of our State is rural. Part of it is comprised of small, scattered communities nestled in mountainous areas. In some cases, these communities are in desperate need of a physician.

Right now the Oregon Medical Association has 259 requests for physicians in their files. This figure represents those requests received from other physicians, civic groups, and interested citizens in the various communities. One hundred and ten of these requests are for general practitioners. The remaining are divided among the various specialties. This does not represent, however, Oregon's total need for additional physicians. We are aware of areas within the State which are not represented in these figures and are in need of a physician.

In 1964, 729 general practitioners practiced medicine in our State. That number declined to 656 in 1968. Oregon counties with populations under 10,000 had a ratio of one physician for every 1,511 persons in 1964. In 1968, statistics showed one physician per 1,581 persons.

This situation holds true for the rest of the Nation. Rural communities stretching from New York to Washington State are feeling the strain. Some commentators have maintained that physician shortages in these areas will reach crisis proportions within the next 10 years.

Mr. President, it is obvious to all of us here that something must be done to ease this situation—and it must be done soon. That is why I have cosponsored two pieces of legislation which have recently been introduced in this body. One of these measures, S. 4106, the National Health Service Corps Act of 1970 is before us today. It will, if enacted, establish a corps comprised of selected commissioned officers and other health professionals which will operate within the Public Health Service Corps. The Corps' purpose would be to improve the delivery of health services to areas in the United States which have inadequate health services. The Corps would be used to supplement the Federal Government's ongoing direct health care programs and would also be used to establish new health care programs where none currently exist. Members of the Corps would be required to spend a specified period of time in designated areas.

The second, S. 4208, is entitled the Family Physician Scholarship and Fellowship Program Act. This legislation would offer Federal assistance in the form of medical education scholarships and fellowships to young men and women who agree to practice in designated physician shortage areas or to serve migratory agricultural workers and their families. In addition, the bill provides postgraduate fellowships for interns and residents. For each year of the scholarship, participants in this program would be required to serve for 1 year in the designated physician shortage area. I hope that we may soon have the opportunity to consider this important measure as well.

Both of these programs complement each other. Both are important and necessary. I cannot emphasize too strongly the need for each of them—not just in Oregon, but throughout our Nation—not just in rural areas, but in the urban ghetto.

Mr. President, in closing let me say that our Nation's health care system is beset with many problems. Demands for physician's services are increasing at a rapid rate. These demands must be met. Health services must be made available to our entire population. When we enact the legislation which I have cosponsored, we will continue to fulfill our responsibility and our obligation to the people of this Nation.

Mr. DOMINICK. Mr. President, I ask unanimous consent, in the event the bill passes—and a rollcall has already been ordered—that the clerk be authorized to renumber the sections as they ought to be, and to make such other clerical and technical modifications as may be necessary.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Colorado? The Chair hears none, and it is so ordered.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. HUGHES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HUGHES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BOGGS). Without objection, it is so ordered.

The question is, Shall the bill pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Virginia (Mr. BYRD), the Senator from North Dakota (Mr. BURDICK), the Senator from Nevada (Mr. CANNON), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Tennessee (Mr. GORE), the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), and the Senator from Wisconsin (Mr. NELSON) are necessarily absent.

I further announce that the Senator from West Virginia (Mr. RANDOLPH), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland, (Mr. TYDINGS), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that, if present and voting, the Senator from California (Mr. CRANSTON), the Senator from Washington (Mr. MAGNUSON), the Senator from New Hampshire, (Mr. MCINTYRE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Missouri (Mr. SYMINGTON), the Senator from Texas (Mr. YARBOROUGH), the Senator from New Mexico (Mr. MONTOYA), the Senator from West Virginia (Mr. RANDOLPH), the Senator from North Dakota (Mr. BURDICK), and the Senator from New Jersey (Mr. WILLIAMS) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) is absent because of death in his family.

The Senator from Arizona (Mr. FANNIN), the Senators from New York (Mr. JAVITS and Mr. GOODELL), the Senator from California (Mr. MURPHY), the Senators from Illinois (Mr. PERCY and Mr. SMITH), the Senator from Ohio (Mr. SAXBE), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from South Carolina (Mr. THURMOND) is absent on official business.

The Senator from Oklahoma (Mr. BELLMON) is detained on official business.

If present and voting, the Senators from New York (Mr. GOODELL and Mr. JAVITS), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. PERCY), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 66, nays 0, as follows:

[No. 319 Leg.]

YEAS—66

Aiken	Fong	McGovern
Allen	Fulbright	Metcalf
Allott	Goldwater	Miller
Anderson	Gravel	Mondale
Baker	Griffin	Muskie
Bayh	Gurney	Packwood
Bible	Hansen	Pastore
Boggs	Harris	Pearson
Brooke	Hart	Pell
Byrd, W. Va.	Hatfield	Prouty
Case	Holland	Proxmire
Church	Hollings	Russell
Cook	Hruska	Schweiker
Cooper	Hughes	Scott
Cotton	Inouye	Smith, Maine
Curtis	Jackson	Sparkman
Dole	Jordan, N.C.	Spong
Dominick	Jordan, Idaho	Stennis
Eagleton	Long	Talmadge
Eastland	Mansfield	Williams, Del.
Ellender	Mathias	Young, N. Dak.
Ervin	McClellan	Young, Ohio

NOT VOTING—34

Bellmon	Kennedy	Ribicoff
Bennett	Magnuson	Saxbe
Burdick	McCarthy	Smith, Ill.
Byrd, Va.	McGee	Stevens
Cannon	McIntyre	Symington
Cranston	Montoya	Thurmond
Dodd	Moss	Tower
Fannin	Mundt	Tydings
Goodell	Murphy	Williams, N.J.
Gore	Nelson	Yarborough
Hartke	Percy	
Javits	Randolph	

So the bill (S. 4106) was passed, as follows:

S. 4106

An act to amend the Public Health Service Act in order to provide for the establishment of a National Health Service Corps

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Health Service Corps Act of 1970".

SEC. 2. Title III of the Public Health Service Act is amended by adding at the end thereof a new part as follows:

"PART J—NATIONAL HEALTH SERVICE CORPS

"ESTABLISHMENT OF NATIONAL HEALTH SERVICE CORPS; FUNCTIONS

SEC. 399h. (a) There is established in the Service a National Health Service Corps (hereinafter in this part referred to as the 'Corps') which shall be under the direction and supervision of the Surgeon General.

"(b) It shall be the function of the Corps to improve the delivery of health services to persons living in communities and areas of the United States where health personnel, facilities, and services are inadequate to meet the health needs of the residents of such communities and areas. Priority under this part shall be given to those urban and rural areas of the United States where poverty conditions exist and the health facilities are inadequate to meet the needs of the persons living in such areas.

"STAFFING; TERM OF SERVICE

"SEC. 399i. (a) The Surgeon General shall assign selected commissioned officers of the Service and such other personnel as may be necessary to staff the Corps and to carry out the functions of the Corps under this part.

"(b) Commissioned officers of the Service in the Corps and other Corps personnel shall be assigned for service in the Corps for a period of twenty-five months. An individual assigned to the Corps may voluntarily extend his service in the Corps for a period not to exceed an additional twenty-five months. An individual shall have the right to petition the Director (appointed pursuant to section 399j of this part) for early release from service in the Corps at the end of twenty-four months of service therein.

"DIRECTOR OF THE NATIONAL HEALTH SERVICE CORPS

"SEC. 399j. The Corps shall be headed by a Director who shall be appointed by the Secretary, in consultation with the Surgeon General of the United States Public Health Service. It shall be the responsibility of the Director to direct the operations of the Corps, subject to the supervision and control of the Surgeon General and the Secretary.

"AUTHORITY OF SECRETARY TO UTILIZE PERSONNEL

"SEC. 399k. The Secretary is authorized, whenever he deems such action appropriate, to utilize commissioned officers of the Service and other personnel assigned to duty with the Corps to—

"(1) perform services in connection with direct health care programs carried out by the Service;

"(2) perform services in connection with any direct health care program carried out in whole or in part with the Department of Health, Education, and Welfare funds or the funds of any other department or agency of the Federal Government; or

"(3) perform services in connection with any other health care activity, in furtherance of the purposes of this Act. Should services provided under this subsection require the establishment of health care programs not otherwise authorized by law, the Secretary is authorized and directed to establish mechanisms whereby recipients of such services, or third parties shall pay, to the extent practicable, for services received. Any funds collected in this manner shall be used to defray in part the operating expenses of the Corps.

"SEC. 3991. It shall be the function of the Director—"(1) to establish guidelines with respect to how the Corps shall be utilized;

"(2) to assist the Surgeon General, at his request in the selection of commissioned officers of the Service and other personnel for assignment to the Corps, and to approve all assignments of Corps members;

"(3) to establish criteria for determining which communities or areas will receive assistance from the Corps, taking into consideration—

"(A) the need of any community or area for health services provided under this part;

"(B) the willingness of the community or area and the appropriate governmental agencies therein to assist and cooperate with the Corps in providing effective health services to residents of the community or area;

"(C) the prospects of the community or area for utilizing Corps personnel after their tour of duty with the Corps;

"(D) the recommendations of State and local health agencies; and any agency or organization which may be responsible for the development, under section 314(b), of a comprehensive plan covering all or any part of the area of community involved;

"(E) recommendations from the medical, dental, and other medical personnel of any community or area considered for assistance under this part.

"MANPOWER LIMITATIONS SUSPENSION

"SEC. 399m. (a) Commissioned officers of the Service assigned to service with the Corps and other personnel employed in the Corps shall not be included in determining any limitation on the number of personnel which may be employed by the Department of Health, Education, and Welfare.

"(b) Notwithstanding any other provision of law, the Corps may, to the extent the Secretary determines such action to be feasible, utilize the facilities and personnel of hospitals and other health care facilities of the Service in providing health care to individuals as authorized under this part, and to lease, renovate, or purchase such other facilities as may be required to carry out the purposes of this Act.

"AUTHORIZATION FOR APPROPRIATIONS

"SEC. 399n. There is authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1971; $10,000,000 for the fiscal year ending June 30, 1972; $12,000,000 for the fiscal year ending June 30, 1973; and $15,000,000 for the fiscal year ending June 30, 1974."

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, informed the Senate that Mr. WAMPLER of Virginia had been appointed as a manager on the part of the House at the conference of the two Houses on the bill (H.R. 18546) to establish improved programs for the benefit of producers and consumers of dairy products, wool, wheat, feed grains, cotton, and other commodities, to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes.

The message announced that the House had passed, without amendment, the following bills of the Senate:

S. 406. An act to amend the Federal Property and Administrative Services Act of 1949 to permit the rotation of certain property whenever its remaining storage or shelf life is too short to justify its retention, and for other purposes;

S. 2763. An act to allow the purchase of additional systems and equipment for passenger motor vehicles over and above the statutory price limitation; and

S. 3777. An act to authorize the Secretary of the Interior to enter into contracts for the protection of public lands from fires, in advance of appropriations therefor, and to twice renew such contracts.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 5365) to provide for the conveyance of certain public land held under color of title to Mrs. Jessie L. Gaines of Mobile, Ala.

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a supplementary convention on the executive calendar.

The PRESIDING OFFICER (Mr. COOK). Is there objection?

There being no objection, the Senate proceeded to consider executive business.

SUPPLEMENTARY EXTRADITION CONVENTION WITH FRANCE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Chair lay before the Senate Executive F, 91st Congress, second session.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider Executive F, 91st Congress, second session, the supplementary extradition convention with France, which was read the second time, as follows:

COMPOSITE TEXT OF EXTRADITION TREATY BETWEEN THE UNITED STATES AND FRANCE SIGNED JANUARY 15, 1909, AS IT WILL BE AMENDED BY THE SUPPLEMENTARY CONVENTION SIGNED FEBRUARY 12, 1970

(Italic indicates additions to be made by 1970 supplementary convention; brackets in-

dicate deletions to be made by that convention.)

The United States of America and the Republic of France, being desirous to confirm their friendly relations and to promote the cause of justice, have resolved to conclude a new treaty for the extradition of fugitives from justice, and have appointed for that purpose the following plenipotentiaries:

The President of the United States of America:

His Excellency Mr. Henry WHITE, Ambassador extraordinary and plenipotentiary of the United States of America to the French Republic,

And the President of the French Republic:

His Excellency M. Stephen PICHON, Senator, Minister for Foreign Affairs;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

ARTICLE I

The Government of the United States and the Government of France mutually agree to deliver up persons who, having been charged with or convicted of any of the crimes or offenses specified in the following article, committed within the jurisdiction of one of the contracting Parties, shall seek an asylum or be found within the territories of the other: Provided That this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial if the crime or offence had been there committed.

ARTICLE I BIS

Without prejudice to the jurisdictional provision of Article I of this Convention when the offense has been committed outside the territory of both contracting Parties, extradition may be granted if the laws of the requested Party provide for the punishment of such an offense committed in similar circumstances.

ARTICLE II [1]

[Extradition shall be granted for the following crimes and offenses:]

Extradition shall be granted for the following acts if they are punished as crimes or offenses by the laws of both States: [2]

1. Murder, assassination, parricide, infanticide and poisoning; manslaughter, when voluntary; assault with intent to commit murder.

2. Rape, abortion, bigamy.

3. Arson.

[4. Robbery, burglary, housebreaking or shop-breaking.]

4. Larceny; robbery, burglary, housebreaking or shopbreaking; assault with intent to rob.

5. Forgery; the utterance of forged papers, the forgery or falsification of official acts of Government, of public authority, or of courts of justice, or the utterance of the thing forged or falsified.

6. The counterfeiting, falsifying or altering of money, whether coin or paper, or of instruments of debt created by national, state, provincial, municipal or other governments, or of coupons thereof, or of banknotes, or the utterance or circulation of the same; or the counterfeiting, falsifying, or altering of seals of State.

[7. Fraud or breach of trust by a bailee, banker, agent, factor, executor, administrator, guardian, trustee or other person acting in a fiduciary capacity, or director or member or officer of any company, when such act is made criminal by the laws of both countries, and the amount of money or the value of the property misappropriated is not less than two hundred dollars, or one thousand francs.

[Embezzlement by public officers or depositaries; embezzlement by persons hired or salaried, to the detriment of their employers.

[8. Larceny; obtaining money, valuable securities or other property by false pretenses, when such act is made criminal by the laws of both countries, and the amount of money of the value of the property fraudulently obtained is not less than two hundred dollars or one thousand francs.]

7. Fraud or breach of trust by a bailee, banker, agent, factor, executor, administrator, guardian, trustee or other person acting in a fiduciary capacity, or director or member or officer of any company.

Embezzlement by public officers or depositories; embezzlement by persons hired or salaried, to the detriment of their employers.

8. Obtaining money, valuable securities or other property by false pretenses.

9. Perjury, subornation of perjury.

[10. Child-stealing, or abduction of a minor under the age of 14 for a boy and of 16 for a girl.]

10. Child-stealing; abduction of a minor.

11. Kidnapping of minors or adults.

12. Willful and unlawful destruction or obstruction of railroads, which endangers human life.

13*a*. Piracy, by the law of nations.

b. The act by any person, being or not being one of the crew of a vessel, of taking possession of such vessel by fraud or violence.

c. Wrongfully sinking or destroying a vessel at sea.

d. Revolt or conspiracy to revolt, by two or more persons on board a ship on the high seas, against the authority of the captain or master.

e. Assaults on board a ship on the high seas, with intent to do grievous bodily harm.

14. Crimes and offences against the laws of both countries for the suppression of slavery and slavetrading.

[15. Receiving money, valuable securities or other property knowing the same to have been unlawfully obtained, when such act is made criminal by the laws of both countries and the amount of money or the value of the property so received is not less than two hundred dollars or one thousand francs.

[Extradition shall also be granted for participation or complicity in or attempt to commit any of the crimes or offenses above mentioned when such participation, complicity, or attempt is punishable by the laws of the two countries.]

15. Receiving money, valuable securities or other property knowing the same to have been unlawfully obtained.

16. Offenses against the laws relating to the traffic in, possession, or production or manufacture of, opium, heroin and other narcotic drugs, cannabis, hallucinogenic drugs, cocaine and its derivatives, and other dangerous drugs and chemicals; or poisonous chemicals or substances injurious to health.

17. Offenses against the laws relating to bankruptcy.

18. Use of the mails or other means of communication in connection with schemes devised or intended to deceive or defraud the public or for the purpose of obtaining money or property by false pretenses.

19. Revolt on board an aircraft against the authority of the captain; any seizure or exercise of control, by force or threat of force or violence, of an aircraft.

ARTICLE III

Requisitions for the surrender of fugitives from justice shall be made by the diplomatic agents of the contracting Parties, or, in the absence of these from the country or its seat of government, they may be made by the consular officers.

If the person whose extradition is requested shall have been convicted of a crime or offense, a duly authenticated copy of the sentence of the court in which he was convicted, or, if the fugitive is merely charged with a crime or offense, a duly authenticated copy of the warrant of arrest in the country where the crime or offense has been committed and of the depositions or other evidence upon which such warrant was issued, shall be produced.

The extradition of fugitives under the provisions of this treaty shall be carried out in the United States and in France, respectively, in conformity with the laws regulating extradition for the time being in force in the State on which the demand for surrender is made.

ARTICLE IV

The arrest and detention of a fugitive may be applied for on information, even by telegraph, of the existence of a judgment of conviction or of a warrant of arrest.

In France, the application for arrest and detention shall be addressed to the Minister of Foreign Affairs who will transmit it to the proper department.

In the United States, the application for arrest and detention shall be addressed to the Secretary of State, who shall deliver a warrant certifying that the application is regularly made and requesting the competent authorities to take action thereon in conformity to statute.

In both countries, in case of urgency, the application for arrest and detention may be addressed directly to the competent magistrate in conformity to the statutes in force.

In both countries, the person provisionally arrested shall be released, unless within forty days from the date of arrest in France, or from the date of commitment in the United States, the formal requisition for surrender with the documentary proofs herein before prescribed be made as aforesaid by the diplomatic agent of the demanding government or, in his absence, by a consular officer thereof.

ARTICLE V

[Neither of the contracting Parties shall be bound to deliver up its own citizens or subjects under the stipulations of this convention.]

There is no obligation upon the requested State to grant the extradition of a person who is a national of the requested State, but the executive authority of the requested State shall, insofar as the legislation of that State permits, have the power to surrender a national of that State if, in its discretion, it be deemed proper to do so.

ARTICLE VI

[A fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded be of a political character, or if he proves that the requisition for his surrender has, in fact, been made with a view to try or punish him for an offence of a political character.

[If any question shall arise as to whether a case comes within the provisions of this article, the decision of the authorities of the Government on which the demand for surrender is made shall be final.]

Extradition shall not be granted in any of the following circumstances:

1. When the person whose surrender is sought is being proceeded against or has been tried and discharged or punished in the territory of the requested Party for the acts for which his extradition is requested.

2. When the person whose surrender is sought establishes that he has been tried and acquitted or has undergone his punishment in a third State for the acts for which his extradition is requested.

3. When the person claimed has, according to the law of either the requesting or the requested Party, become immune by the reason of lapse of time from prosecution or punishment.

4. If the offense for which the individual's

[1] See note following text.

[2] See note following text.

extradition is requested is of a political character, or if he proves that the requisition for his surrender has, in fact, been made with a view to try or punish him for an offense of a political character. If any question arises as to whether a case comes within the provisions of this subparagraph, the authorities of the Government on which the requisition is made shall decide.

5. When the offense is purely military.

ARTICLE VI

Extradition shall be granted, in accordance with the provisions of this Convention, for offenses in connection with taxes, duties, customs and exchange only if the Contracting Parties have so decided in respect of any such offense or category of offenses.

ARTICLE VII

No person surrendered by either of the High contracting Parties to the other shall be triable or tried or be punished for any crime or offence committed prior to his extradition, other than the offence for which he was delivered up, nor shall such person be arrested or detained on civil process for a cause accrued before extradition, unless he has been at liberty for one month after having been tried, to leave the country, or, in case of conviction, for one month after having suffered his punishment or having been pardoned.

ARTICLE VIII

Extradition shall not be granted, in pursuance of the provisions of this convention, if the person claimed has been tried for the same act in the country to which the requisition is addressed, or if legal proceedings or the enforcement of the penalty for the act committed by the person claimed have become barred by limitation, according to the laws of the country to which the requisition is addressed.

ARTICLE IX

If the person whose extradition may be claimed, pursuant to the stipulation hereof, be actually under prosecution for a crime or offence in the country where he has sought asylum, or shall have been convicted thereof, his extradition may be deferred until such proceedings be terminated, and until such criminal shall be set at liberty in due course of law.

ARTICLE X

If the individual claimed by one of the High contracting Parties, in pursuance of the present treaty, shall also be claimed by one or several other Powers on account of crimes or offences committed within their respective jurisdictions, his extradition shall be granted to the State whose demand is first received; Provided, That the Government from which extradition is asked is not bound by treaty, in case of concurrent demands, to give preference to the one earliest in date, in which event that shall be the rule; And Provided That no other arrangement is made between the demanding Governments according to which preference may be given either on account of the gravity of the crime committed or for any other reason.

ARTICLE XI

All articles seized which were in the possession of the person to be surrendered at the time of his apprehension, whether being the proceeds of the crime of offence charged, or being material as evidence in making proof of the crime or offence, shall, so far as practicable, and if the competent authority of the State applied to orders the delivery thereof, be given up when the extradition takes place. Nevertheless, the rights of third parties with regard to the articles aforesaid shall be duly respected.

ARTICLE XII [3]

[The expenses incurred in the arrest, detention, examination and delivery of fugitives under this treaty shall be borne by the State in whose name the extradition is sought; Provided, That the demanding Government shall not be compelled to bear any expense for the services of such public officers or functionaries of the Government from which extradition is sought as receive a fixed salary; And Provided, That the charge for the services of such public officers or functionaries as receive only less fees or prerequisites shall not exceed their customary fees for the acts or services performed by them had such acts or services been performed in ordinary criminal proceedings under the laws of the country of which they are officers or functionaries.]

Expenses related to the transportation of the person sought shall be paid by the requesting Party. The appropriate legal officers of the state in which the extradition proceedings take place shall, by all legal means within their power, assist the requesting Party before the respective judges and magistrates. No pecuniary claim, arising out of the arrest, detention, examination and surrender of persons sought shall be made by the requested Party against the requesting Party other than as specified in the following paragraph of this Article and other than, if legislation requires, for the lodging, maintenance and board of the person sought.

The legal officers, other officers of the requested Party, and court stenographers, if any, of the requested Party, who shall in the usual course of their duty give assistance and who receive no salary or compensation other than specific fees for services performed, shall, if legislation requires, be entitled to receive from the requesting Party the usual payment for such services performed by them in the same manner and to the same amount as though such services had been performed in ordinary criminal proceedings under the laws of the state of which they are officers.

The documents in support of the request for extradition shall be translated into the language of the requested Party at the expense of the requesting Party.

ARTICLE XIII

[In the colonies and other possessions of the two High contracting Parties, the manner of proceeding may be as follows:

[The requisition for the surrender of a fugitive criminal who has taken refuge in a colony or foreign possession of either Party may be made to the Governor or chief authority of such colony or possession by the chief consular officer of the other in such colony or possession; or if the fugitive has escaped from a colony or foreign possession of the Party on whose behalf the requisition is made, by the Governor or chief authority of such colony or possession.

[Such requisitions may be disposed of, subject always, as nearly as may be, to the provisions of this treaty, by the respective Governors or chief authorities, who, however, shall be at liberty either to grant the surrender or refer the matter to their Government.]

The provisions of the present Convention shall apply to the territories of each contracting Party.

ARTICLE XIV

The present treaty shall take effect on the thirtieth day after the date of the exchange of Ratifications, and shall not operate retroactively.

On the day on which it takes effect, the conventions of November 9, 1843, February 24, 1845, and February 10, 1858, shall cease to be in force except as to crimes therein enumerated and committed prior to that date.

The ratifications of this treaty shall be exchanged at Paris as soon as possible, and it shall remain in force for a period of six months after either of the two Governments shall have given notice of a purpose to terminate it.

IN WITNESS WHEREOF, the respective Plenipotentiaries have signed the above articles both in English and the French languages and have hereunto affixed their seals.

Done in duplicate at Paris, on the 6th January 1909.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. DOLE). Without objection, the supplementary convention will be considered as having passed through its various parliamentary stages up to and including presentation of the resolution of ratification, which will be read for the information of the Senate.

The legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of a Supplementary Convention on Extradition between the United States and France, together with two related exchanges of letters, signed at Paris on February 12, 1970, and a related exchange of notes dated June 2 and June 11, 1970.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–23), explaining the purposes of the supplementary convention.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PROVISIONS OF CONVENTION

According to the State Department's letter of submittal, the primary purpose of the supplementary convention with France "is to add to the list of extraditable offenses that of aircraft hijacking, and to clarify and expand the offenses relating to narcotics, which now will include hallucinogenic drugs and other dangerous drugs." Another new provision is incorporated in article I to provide for the discretionary return of fugitives who have committed offenses outside the territory of either France or the United States when the offense is punishable under the laws of both countries. For example, narcotics and counterfeiting are offenses which might be involved in the application of this provision.

Article II of the supplementary convention lists 19 acts for which extradition shall be granted "if they are punished as crimes or offenses by the laws of both States." This article is subject to the provisions of article VIII which states that the convention shall apply to an offense committed "before as well as after" the date it enters into force, provided it was an offense under the laws of both countries at the time of its commission. An exchange of notes appended to the supplementary convention further interprets article II by providing that "Extradition will be based on the nature of the acts and not on the particular statutory terminology." The exchange of notes agreed to states that "this modification will resolve any question concerning jurisdictional terminology of Federal offenses of the United States." It should be noted, however, that article III of the supplementary convention provides that there is no obligation upon either the United States or France to surrender one of its nationals; the executive authority in each country has discretion in this matter.

Article IV of the supplementary convention provides that extradition shall not be granted when the person whose surrender is sought has been tried and acquitted or punished; when the person has become immune by reason of lapse of time from prosecution or punishment; if the offense for which the individual's extradition is requested is of a

[3] See notes following text:

political character; or when the offense is purely military. These provisions are in accord with similar articles in other extradition agreements concluded by the United States.

Pursuant to the provisions of article VI, the requesting party is responsible for paying the transportation costs and other expenses connected with the extradition proceedings. In the exchange of notes appended to the supplementary convention, the Attorney General of the United States has been designated as the appropriate U.S. official to represent the French Government in cases of extradition requests from that country.

DATE OF ENTRY INTO FORCE

The pending supplementary convention will enter into force 30 days after the exchange of instruments of ratification. It may be terminated by either country by giving 6 months notice. As of this date, France has not ratified the convention.

COMMITTEE ACTION

The Committee on Foreign Relations held a public hearing on the Supplementary Extradition Convention With France on August 27, 1970, at which time testimony in support of the convention was received from Mr. Knute E. Malmborg, Assistant Legal Adviser, Department of State. His prepared statement is reprinted below. No witness appeared in opposition to the convention.

On August 28, 1970, in executive session, the committee ordered the supplementary convention favorably reported with the recommendation that the Senate give its advice and consent to ratification of the agreement.

For the information of the Senate, included in the appendix to this report is the text of the 1909 Extradition Treaty Between the United States and France as it will be amended by the pending supplementary convention. Also included are two related notes which were exchanged after the supplementary convention was transmitted to the Senate.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the resolution of ratification of Executive F 9, 91st Congress, second session, on the Supplementary Extradition Convention with France?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

Mr. BYRD of West Virginia. I announce that the Senator from North Dakota (Mr. BURDICK), the Senator from Virginia (Mr. BYRD), the Senator from Nevada (Mr. CANNON), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Tennessee (Mr. GORE), the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from South Dakota (Mr. MCGOVERN), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Texas (Mr. YARBOROUGH), and the Senator from New Hampshire (Mr. MCINTYRE) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON), the Senator from New Mexico (Mr. MONTOYA), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Missouri (Mr. SYMINGTON), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from North Dakota (Mr. BURDICK) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) is absent because of death in his family.

The Senator from Arizona (Mr. FANNIN), the Senators from New York (Mr. JAVITS and Mr. GOODELL), the Senator from California (Mr. MURPHY), the Senators from Illinois (Mr. PERCY and Mr. SMITH), the Senator from Ohio (Mr. SAXBE), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from South Carolina (Mr. THURMOND), is absent on official business.

If present and voting, the Senator from Utah (Mr. BENNETT), the Senators from New York (Mr. GOODELL and Mr. JAVITS), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), the Senators from Illinois (Mr. PERCY and Mr. SMITH), the Senator from South Carolina (Mr. THURMOND) and the Senator from Texas (Mr. TOWER) would each vote "yea."

The yeas and nays resulted—yeas 66, nays 0, as follows:

[No. 320 Ex.]

YEAS—66

Aiken	Fong	Metcalf
Allen	Fulbright	Miller
Allott	Goldwater	Mondale
Anderson	Gravel	Muskie
Baker	Griffin	Nelson
Bayh	Gurney	Packwood
Bellmon	Hansen	Pastore
Bible	Harris	Pearson
Boggs	Hart	Pell
Brooke	Hatfield	Prouty
Byrd, W. Va.	Holland	Proxmire
Case	Hollings	Russell
Church	Hruska	Schweiker
Cook	Hughes	Scott
Cooper	Inouye	Smith, Maine
Cotton	Jackson	Sparkman
Curtis	Jordan, N.C.	Spong
Dole	Jordan, Idaho	Stennis
Dominick	Long	Talmadge
Eagleton	Mansfield	Williams, Del.
Ellender	Mathias	Young, N. Dak.
Ervin	McClellan	Young, Ohio

NOT VOTING—34

Bennett	Kennedy	Ribicoff
Burdick	Magnuson	Saxbe
Byrd, Va.	McCarthy	Smith, Ill.
Cannon	McGee	Stevens
Cranston	McGovern	Symington
Dodd	McIntyre	Thurmond
Eastland	Montoya	Tower
Fannin	Moss	Tydings
Goodell	Mundt	Williams, N.J.
Gore	Murphy	Yarborough
Hartke	Percy	
Javits	Randolph	

The PRESIDING OFFICER (Mr. HANSEN). Two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the President be immediately notified of the agreement of the Senate to the resolution of ratification.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

Without objection, the Senate resumed the consideration of legislative business.

POLITICAL BROADCASTING—CONFERENCE REPORT

Mr. PASTORE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3637) to amend section 315 of the Communication Act of 1934 with respect to equal time requirements for candidates for public office, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of August 13, 1970, pages 28798–28799, CONGRESSIONAL RECORD.)

AGREEMENT TO VOTE

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. SCOTT. Mr. President, I would suggest to the distinguished Senator from Rhode Island, the chairman of the subcommittee, since I am the ranking minority member of the subcommittee on this side, that we seek to work out some early occasion when we can have a vote on this matter, at a time when we can have as many Senators present as possible, perhaps Wednesday or Thursday.

Mr. PASTORE. How about Wednesday at 2 p.m.?

Mr. SCOTT. Wednesday at 2 p.m. I have no objection. I would agree to that.

Mr. PASTORE. Mr. President, I ask unanimous consent that we vote on this conference report on Wednesday, September 23, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

The unanimous-consent agreement was later reduced to writing, as follows:

Ordered, That the Senate proceed to vote on Wednesday, September 23 at 2 o'clock p.m. on agreeing to the conference report on S. 3637, equal time amendment under requirements of the Communications Act of 1934.

Mr. PASTORE. Mr. President, the conference report, S. 3637, a bill amending section 315 of the Communications Act which applies to the use of broadcast facilities by legally qualified candidates for public office.

As agreed to by a majority of the conferees the major provision of the bill would:

First. Repeal the equal opportunities provision of section 315 as it applies to the use of broadcast facilities by legally qualified candidates for the offices of President and Vice President in the general election.

Second. Require broadcast licensees to charge legally qualified candidates for all public offices the station's lowest unit

rate charged any commercial time buyer for the same amount of time in the same time period. This requirement would become effective 30 days after enactment of the legislation.

Third. Sets a limitation on the amount of money a candidate for the offices of President, Senator, Congressman, Governor, or Lieutenant Governor, or anyone on his behalf could spend on the broadcast media in a general election campaign. Amounts spent by or on behalf of a vice presidential candidate would be counted as an expenditure on behalf of the candidate for President with whom he is running.

The limitation would be 7 cents multiplied by the number of votes cast for all legally qualified candidates for the office in question in the last preceding election, or $20,000, whichever is greater.

This limitation would become effective 30 days after enactment. In order to protect the integrity of any written agreements that have already been made between candidates or anyone on their behalf and broadcast licensees, however, the conference report provides that if the FCC determines that anyone who is a legally qualified candidate as of August 12, 1970, and has entered into written agreements as of that date with broadcast licensees for the purchase of time to be used 30 days after the enactment of this legislation, and such agreements in the aggregate would exceed the monetary limitation for that office in the general election, then the limitation shall not apply to any of the candidates for the office.

The limitation would become effective 30 days after enactment. This provision is moot now because of the delay in acting on the conference report.

Fourth. Sets a limitation on the amount of money candidates in a primary election for nomination for the office of U.S. Senator, U.S. Congressman, Governor or Lieutenant Governor or anyone on his behalf may spend. This amount would be 50 percent of the amount such a candidate could spend under the formula used to set the limitation on expenditures for that office in the general election. This limitation would become effective January 1, 1971.

Fifth. States could also by legislation place similar limitations on expenditures for other public offices within the State.

Mr. President, what the conferees on S. 3637 have accomplished is a major breakthrough in one of the most critical areas affecting our electoral process—the spiraling cost of campaigning for public office. The American people will be the beneficiaries and I can think of no more compelling reason for urging its adoption.

A CIVILIAN SUPERSONIC TRANSPORT

Mr. PELL. Mr. President, I have followed closely and with great interest the debate over continuation of Federal Government expenditures for development of a civilian supersonic transport.

As I have indicated previously, I am deeply concerned over questions raised by the economic justification and economic effects of this project, and the possible effects on our environment of the operation of large numbers of these aircraft. In my own view, the economic benefits on the one hand and the predictions of environmental catastrophe on the other both have been subject to some overstatement.

If anything is clear from the public debate and the opposing testimony of qualified scientists and economists, it is that there are many questions lacking definitive answers. In regard to the SST, I am not convinced that we are in a do-or-die, now-or-never position.

In my own view, we should have definitive answers to the troubling questions raised before proceeding with its further funding.

Mr. PELL. Mr. President, I am not surprised, but deplore the word that the administration will resume heavy military assistance to Greece.

I realize that the use of torture as an administrative practice has lessened.

I realize some steps are being taken to rub the sharp edges off the harshness of the military regime. But, what I regret is that the United States has yet to take an unequivocal position regretting the junta's very existence and calling for its replacement by a government which respects the principles set forth in the preamble of the North Atlantic Treaty Organization. I had also hoped that some public recognition of the King would have occurred in this period, that he would have been called upon by some high-level American official. The King is, after all, an obvious nucleus for return to normal parliamentary government in Greece.

I anticipate that many smooth words and explanations will be used in an effort to make it appear that more rapid progress cannot be made to return Greece to its democratic heritage. But, what bothers me even more than that is the continued abuse of political prisoners.

We have reached an odd Alice-in-Wonderland state where it is alleged if we do not give heavy military aid to Greece we are interfering in Greek affairs. This, despite the fact that the items which we have been shipping may well have been used to strengthen the junta's grip on the Greek people. On the other hand it is argued that if we resume shipping heavy arms, then this is a sign of noninterference. It seems doubly odd that this announcement would be coming out at the very time that there is a meeting in Strasbourg of the Council of Europe. The Council is growing in influence and importance, and we all recall, how the Council, our sister parliamentary body, was about to expel Greece until on the very eve of her expulsion, Greece withdrew voluntarily.

I merely rise at this time to add my voice to protest this decision unaccompanied as it is by a more specific evidence that the regime does indeed intend to restore the democratic institutions and civil liberties of the Greek people.

THE DEPARTMENT OF TRANSPORTATION'S LACK OF COMMITMENT TOWARD HIGH-SPEED GROUND TRANSPORTATION

Mr. PELL. Mr. President, recently the Bureau of the Census announced preliminary census figures which confirm a trend I predicted in my book "Megalopolis Unbound" in 1966; that is to say, the United States is becoming a country of megalopolises. Stretching along the east coast, along the Great Lakes, and along California shoreline, concentrated and connected communities of urban dwellers are growing in size and in dimension.

It was the existence of this trend toward megalopolization that provided the raison d'etre for the Congress passage of legislation establishing the Federal Government's high-speed ground transportation program. In the crowded urban corridors of our megalopolises it was thought that high-speed trains, running between cities as subway cars run between city stops, represented a highly viable method of relieving megalopolitan congestion. The Metroliner and Turbo-train were developed as models of that concept.

Now that the census figures have demonstrated the trend I predicted toward megalopolization, and now that the public has demonstrated its support for high-speed trains, I would have thought the policy of the Department of Transportation would be to strengthen and expand their high-speed ground transportation program. However, on the contrary, in spite of the obvious need for the program, the administration has shown no real commitment to this program. Unfortunately the facts speak for themselves.

The position of the Director of the Office of High-Speed Ground Transportation has not been filled since it became vacant in December of 1969. The position of Administrator of the Federal Rail Administration has been vacant since July of 1970.

The staff used to undertake systems analysis of overall high-speed transportation needs in urban corridors has been removed from the Office of High-Speed Ground Transportation.

Funding support for high-speed trains has been minimal. While high-speed trains, such as New England's Turbotrain, have demonstrated themselves as a ready and immediate solution to the problem of moving people at high speeds in urban corridors, the Department of Transportation has practically dropped its support for the program and has attempted to make a technological jump to the development of tracked air cushion vehicles funded through the Urban Mass Transit Administration.

Not even speaking to the question of the expansion of the program, the Department of Transportation has even expressed reluctance to continue the Turbotrain demonstration program on its present limited scale. While many millions have been committed to the tracked air vehicle development in the Department of Transportation budget, only $900,000 has been programmed for the Turbotrain program.

While I am delighted that the Department is interested in TACV's, unfortunately, tracked air cushion vehicles do not represent a realistic solution to the problem of ground passenger transportation for some years to come.

I ask unanimous consent that an article published in the Providence Journal of September 19 and an editorial published in the Providence Evening Bulle-

tin of September 15 regarding these points be printed at this point in the RECORD.

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

[From the Evening Bulletin, Sept. 15, 1970]

WHY NOT FAST TRAINS?

Scarcely a day passes without a painful reminder of how far this country has fallen behind in high-speed rail service. For instance, the British Association for the Advancement of Science announced that passenger trains in England will be traveling at 160 miles per hour on existing track within four years. Our own scientists, meanwhile, are talking in terms of developing the required technology simply to usher in high-speed rail service of any kind rather than in terms of expanded service.

This is not to disparage America's research efforts in this mode of travel. But scientists and rail experts agree that by means of a steel wheel on a steel rail, safe and comfortable speeds in excess of 150 miles per hour can be achieved. True, there are alternatives—the air-cushion vehicle, for instance—but interminable debate over alternatives can and does act like a dead head on progress. Surely Congress would be more disposed to sponsor enactment of a railroad bill that would create an agency to run the nation's passenger trains if it were clear just what type of passenger trains would be running a few years from now.

European governments and scientific communities have not worked themselves into a state of near paralysis by endlessly probing alternate technologies. In respect to high-speed rail service, it's as though the U.S. were possessed by a vision of the ultimate, beyond which there can be no conceivable improvement.

Meanwhile, the mayors of American cities warn that downtown streets may be closed to traffic because of the congestion and pollution. This is a time when the New York-Boston mainline track should be humming with Metroliner and Turbo Train service, and the best way to begin is to stop confusing the lawmakers, who control the purse strings, about alternate technologies for high-speed trains.

[From the Providence Journal, Sept. 19, 1970]

TURBOLINER TRAIN OPERATION MAY BE ENDED NEXT MONTH

Streamlined TurboLiner trains which have been carrying passengers between Boston and New York for nearly two years may stop running after October 22.

A decision on whether the service, begun as an experiment in April, 1969, will continue is expected in about three weeks.

The two streamlined trains, based at Field's Point and operated by the Penn Central Railroad, are leased to the federal Department of Transportation by the builder, United Aircraft Corporation.

The two-year lease expires Oct. 22 and contains a two-year option to be exercised 90 days before expiration. The option has not been exercised and a United Aircraft spokesman acknowledges, "The program definitely is in jeopardy."

A Transportation Department spokesman in Washington said there is only enough money left from the original 8.4-million-dollar budget to "tail off" the present program. There is no provision in the budget for the present fiscal year, not yet passed, for a continuance, he said.

Edwin Edel, director of public affairs for the department's railroad administration, said a decision on the fate of TurboLiners could be expected at least two weeks before the United Aircraft lease expires.

He said the expiring contract gives United 1.7 million dollars for leasing the two trains and 2.8 million dollars toward maintenance, fuel and operating costs of the Field's Point depot, over the two-year period. But United Aircraft, he said, is asking for about 7 million dollars for a two-year renewal and no such money is available.

The United spokesman said that on July 2, the Department of Transportation asked cost estimates on a new two-year contract and said it would choose to renew the contract if a mutually acceptable agreement could be worked out. He did not challenge the department's 7-million-dollar figure.

"We are negotiating, but the program definitely is in jeopardy," he said.

Mr. PELL. Mr. President, hopefully before this session is completed, the House of Representatives will have acted upon, and the Congress will have passed the legislation needed to establish a National Rail Passenger Corporation. If this new passenger corporation is to be successful, it will only be successful if it has new high-speed trains speeding up and down our country's urban corridors. If this vision is to be a reality, the Office of High-Speed Ground Transportation must be available to provide the corporation with the research and development support it needs in the area of high-speed ground transportation. In its present condition I do not believe the Office of High-Speed Ground Transportation can do the job.

Mr. President, while I realize that the Department's concerns are probably more focused now on the problems of moving a few people across the oceans at supersonic speeds than it is on problems of moving 19 million people up and down the east coast, I would hope that the Department could take time to reevaluate its policy posture in regard to the Office of High-Speed Ground Transportation. I believe the facts justify a reevaluation.

ORDER FOR ADJOURNMENT TO WEDNESDAY, THURSDAY, AND FRIDAY, RESPECTIVELY, AT 10 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Tuesday, Wednesday, and Thursday of this week, it stand in adjournment until Wednesday, Thursday, Friday, respectively, at 10 a.m.

The PRESIDING OFFICER (Mr. GOLDWATER). Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR CHURCH AND SENATOR YOUNG OF OHIO TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, immediately after disposition of the reading of the Journal and the disposition of any unobjected-to items on the Consent Calendar, the able Senator from Idaho (Mr. CHURCH) be recognized for not to exceed 20 minutes, and that he be followed by the able Senator from Ohio (Mr. YOUNG) for not to exceed 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL AIR QUALITY STANDARDS ACT OF 1970

Mr. MUSKIE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Order No. 1214, S. 4358.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read the bill by title, as follows: S. 4358, to amend the Clean Air Act, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maine?

There being no objection, the Senate proceeded to consider the bill.

Mr. MUSKIE. Mr. President, one of the most troubling aspects of our national mood is the crisis in confidence which afflicts too many Americans in all walks of life. It is a crisis marked by self-doubt, by a fear that our problems may be greater than our capacity to solve them, that our public and private institutions may be inadequate at a time when we need them most.

Our environmental problems have contributed heavily to that self-doubt and fear. A nation which has been able to conquer the far reaches of space, which has unlocked the mysteries of the atom, and which has an enormous reserve of economic power, technological genius, and managerial skills, seems incapable of halting the steady deterioration of our air, water, and land.

The legislation we take up today provides the Senate with a moment of truth: a time to decide whether or not we are willing to let our lives continue to be endangered by the wasteful practices of an affluent society, or whether we are willing to take the difficult but necessary steps to breathe new life into our fight for a better quality of life.

This legislation will be a test of our commitment and a test of our faith: in our institutions, in our capacity to find answers to difficult economic and technological problems, and in the ability of American citizens to rise to the challenge of ending the threat of air pollution.

I am prepared to affirm that faith—on the basis of the knowledge we have gained from existing air pollution control legislation, on the basis of our committee's studies, and on the basis of what Americans have been telling me and other Members of the Senate about their determination to overcome the obstacles to clean air.

I. THE NEED FOR THE LEGISLATION

Mr. President, we are considering this legislation in a year of environmental concern. The President devoted much of his state of the Union message to the environment, young and old together marked Earth Day in April, and Congress has considered an unprecedented number of bills dealing with the degradation of our air, water, and land.

In January of this year the President signed the National Environmental Policy Act. That law commits all agencies of the Federal Government to continuing environmental concern. In April of this year the Water Quality Improvement Act, built upon the record established by the Congress since 1965 in the

area of water pollution control, was enacted.

The bill we consider today, however, faces the environmental crisis with greater urgency and frankness than any previous legislation. The effect of these amendments to the Clean Air Act will be felt by all Americans. This bill states that all Americans in all parts of the Nation should have clean air to breathe, air that will have no adverse effects on their health. And this bill is aimed at putting in motion the steps necessary to achieve that level of air quality within the next 5 years.

It is a tough bill, because only a tough law will guarantee America clean air. It is a necessary bill, because the health of our people is at stake.

Over 200 million tons of contaminants are spilled into the air each year in America. Each year we soil more clothes and buildings, destroy more plant and animal life, and threaten irreversible atmospheric and climatic changes. And each year these 200 million tons of pollutants endanger the health of our people.

The costs of air pollution can be counted in death, disease and disability; it can be measured in the billions of dollars of property losses; it can be seen and felt in the discomfort of our lives.

A reduction of 50 percent in air pollution in urban areas would result in savings of over $2 billion in the annual costs of health care in America.

So there is a need for this legislation. During the past year all of us have recognized this need. Last month, in transmitting the first annual report of the Council on Environmental Quality, President Nixon recognized this need.

Man—

He said—

has been too cavalier in his relations with nature. Unless we arrest the depredations that have been inflicted so carelessly on our natural systems . . . we face the prospect of ecological disaster.

In hearings on the bill before us, Mr. Joseph Germano, a steelworker from Chicago, also recognized this need. He told the committee:

This old philosophy, that when you see the smoke rolling out of the tops of the blast furnaces there is prosperity, doesn't go anymore. The people don't look at that anymore. Prosperity doesn't mean anything if they are not going to live to enjoy the prosperity.

All Americans have agreed on the need for action. It is now time to determine whether that agreement has reflected only a lack of disagreement, or a genuine commitment to action.

II. A REVIEW OF THE LAW

The bill now before the Senate would amend the Clean Air Act. It is consistent with the purpose of that law and with the basic approach of the present program. In the Air Quality Act of 1967, Congress adopted this basic approach in amendments to the Clean Air Act of 1963.

The Senate report on the 1967 bill stated the purposes of the legislation:

(It) is the intent of the Committee to enhance air quality and to reduce harmful pollution emissions anywhere in the country, and to give the secretary authority to implement that objective in the absence of effective state and local control.

The committee feels that S. 4358 is consistent with those purposes and reflects knowledge gained since the law has been in force.

The 1967 act established procedures for the achievement and maintenance of federally approved regional standards of ambient air quality. These standards, based on Federal criteria documents describing the effects of pollutants on health and welfare, are adopted and enforced on the State and local level. In the event that adequate standards are not developed or enforced, the Federal Government assumes the responsibility.

The underlying wisdom of the original legislation has been confirmed. We have learned from the criteria documents which have been issued for five pollutants that more decisive action must be taken now. We have learned from the standards-setting process that public participation is important, and we have learned from experience with implementation of the law that States and localities need greater incentives and assistance to protect the health and welfare of all people.

III. WHAT WE HAVE LEARNED FROM THE LAW

From the operations of the existing law, we have learned a great deal—about the concern of Americans over air pollution, about the response of polluters to this concern, and about the sacrifices we must make to protect our health.

The effectiveness of existing law depends in great part on the willingness of people to make tough decisions concerning the quality of air they want to breathe. And it depends on their willingness to make their wishes known in public hearings on the local level. This experiment in public participation has worked. It has opened doors once closed. People have become involved in the standards-setting process. They have learned of the threats to their health and they have sought to make the program responsive to their needs.

At the same time, some industries have not exerted their best efforts to control air pollution. Two steel companies in the Chicago area, for example, dumped more pollutants into the air in 1968 than in 1963—3,500 tons more. Oftentimes, funds which should have gone for air pollution control have been spent on advertising and public relations designed to reduce the pressure on the companies to do what is necessary.

In the face of citizen concern and corporate resistance, we have learned that the air pollution problem is more severe, more pervasive, and growing faster than we had thought. Unless we recognize the crisis and generate a sense of urgency from that recognition, lead times may melt away without any chance at all for a rational solution to the air pollution problem.

IV. WHAT WE HAVE LEARNED ABOUT THE LAW

While we have learned much from the operations of the laws passed in 1963, 1965, and 1967, we have also learned much about the law itself.

It is clear that Congress was right in 1967 when national emissions standards without ambient air quality standards for stationary sources were rejected—in favor of regional ambient air quality standards with emissions standards as tools to meet them. Emissions standards alone will not—and probably cannot—guarantee ambient air quality which will protect the public health. The implementation of air quality standards must take more forms than emissions controls.

It is also clear that ambient air quality standards which will protect the health of persons must be set as minimum standards for all parts of the Nation, and that they must be met in all areas within national deadlines.

Congress did adopt emissions standards as the basic control technique for moving sources in 1965, because they are not controllable at the local level. Here we have learned that tests of economic and technological feasibility applied to those standards compromise the health of our people and lead to inadequate standards. It is clear that the long-range proposal for emission standards will only be adequate if the timetable is accelerated.

In 1963, Congress recognized that the Federal Government could not handle the enforcement task alone, and that the primary burden would rest on States and local governments. However, State and local governments have not responded adequately to this challenge. It is clear that enforcement must be toughened if we are to meet the national deadlines. More tools are needed, and the Federal presence and backup authority must be increased.

Finally, no level of government has implemented the existing law to its full potential. On all levels, the air pollution control program has been underfunded and undermanned. To implement the greater responsibilities of this bill, great financial commitments will have to be made and met at all levels. Air pollution control will be cheap only in relation to the costs of lack of control.

V. CHANGES RECOMMENDED

What we have learned—from and about the existing law—forms the basis of the changes recommended by the committee. Because we have fallen behind in the fight for clean air, it is not enough to implement existing law. We must go further. The Senate committee report on the Air Quality Act of 1967 warned polluters:

Considerations of technology and economic feasibility, while important in helping to develop alternative plans and schedules for achieving goals of air quality, should not be used to mitigate against protection of the public health and welfare.

That warning, Mr. President, has been on the books of this committee for 3 years, for all to read.

Contrary to this intent, these considerations have been used as arguments to compromise the public health. Therefore, the committee has made explicit in this bill what is implicit to standards designed to protect our health. That concept and that philosophy are behind every page of the proposed legislation.

The first responsibility of Congress is not the making of technological or economic

judgments—or even to be limited by what is or appears to be technologically or economically feasible. Our responsibility is to establish what the public interest requires to protect the health of persons. This may mean that people and industries will be asked to do what seems to be impossible at the present time. But if health is to be protected, these challenges must be met. I am convinced they can be met.

First, the bill provides for national ambient air quality standards for at least ten major contaminants that must be met by national deadlines. This means that in every region of the country, air quality must be better than that level of quality which protects health. Anybody in this Nation ought to be able at some specific point in the future to breathe healthy air.

Second, national air quality goals—protective against any known or anticipated adverse environmental effects—will be set for the major pollutants and must also be achieved within specific time-frames on a regional basis. Air quality goals are especially important because some pollutants may have serious effects on the environment at levels below those where health effects may occur. For example, the Secretary would be expected to disapprove regional air quality goals which would delay the application of controls required to protect plants and animals from the well-known hazards of exposure to fluorides.

Third, the bill provides that newly constructed sources of pollution must meet rigorous national standards of performance. While we clean up existing pollution, we must also guard against new problems. Those areas which have levels of air quality which are better than the national standards should not find their air quality degraded by the construction of new sources. There should be no "shopping around" for open sites. These standards of performance would not specify what technology must be used by particular types of sources, only the emissions performance that must be met.

Fourth, the bill provides the Secretary with the authority to prohibit emissions of hazardous substances. The committee was presented with strong evidence that any level of emissions of certain pollutants may produce adverse health effects that cannot be tolerated.

Fifth, the bill provides the Secretary with the authority to set emission standards for selected pollutants which cannot be controlled through the ambient air quality standards and which are not hazardous substances. These pollutants could later be covered by either ambient air quality standards or by prohibitions as hazardous substances.

These five sets of requirements will be difficult to meet. But the committee is convinced that industry can make compliance with them possible or impossible. It is completely within their control. Industry has been presented with challenges in the past that seemed impossible to meet, but has made them possible.

As far back as 1869, the Alkali Act prohibited the emissions of hydrogen sulfides in England. Although industry had said that requirement could not be met, there was compliance within 2 years.

At the beginning of World War II industry told President Roosevelt that his goal of 100,000 planes each year could not be met. The goal was met, and the war was won.

And in 1960, President Kennedy said that America would land a man on the moon by 1970. And American industry did what had to be done.

Our responsibility in Congress is to say that the requirements of this bill are what the health of the Nation requires, and to callenge polluters to meet them.

The committee has also recommended significant changes in title II of the Act dealing with moving sources, and especially with automobiles.

In 1968, moving sources were responsible for more than 42 percent of the total emissions of the five major pollutants—including 64 percent of the carbon monoxide and 50 percent of the hydrocarbons. In health effects, these pollutants mean cancer, headaches, dizziness, nausea, metabolic and respiratory diseases, and the impairment of mental processes. Clearly, solving the air pollution problem depends on the achievement of significant reductions in the emissions from automobiles. Clearly, protection of the public health requires quick and drastic reductions.

Since legislation to deal with the problem of automotive emissions was first introduced in 1964, the industry has known that they would have to develop the solutions to the problem. In 1965 they announced that national standards could be met in the fall of 1967.

As the report of the committee indicates, it is now clear that continued reliance on gradual reductions in automotive emissions would make achievement of the ambient air quality standards impossible within the national deadlines established in title I of this act. More important, it would continue hazards to our health long after they should have been eliminated.

In order to maintain those standards set under title I—standards which are necessary to protect the public health and which must be met in the next 5 years—the emissions standards for carbon monoxide, hydrocarbons, and nitrogen oxides which have been projected for 1980 must be met earlier. This bill would require that this be done by 1975.

To insure that production line vehicles perform adequately, this bill would require that each vehicle manufactured comply with the standards for a 50,000-mile lifetime. The manufacturer would be required to warranty the performance of each individual vehicle as to compliance with emission standards. The increased price of new cars that would be a result of this bill can be defended only if the emission control systems work satisfactorily for the life of the car.

The committee, in setting the 1975 deadline, made every effort to make that requirement consistent with what the industry has told the committee on many occasions over the years: It provides 2 years for research and development of the necessary technology, and 2 years to apply that technology in the mass production of vehicles.

In response to claims that these requirements cannot be met, the committee has included in the legislation an opportunity for a secretarial review of the 1975 deadline. A 1-year extension of the deadline could be granted upon a secretarial finding that such an extension would be necessary and justified. The bill also provides for a review of that decision by an appellate court.

It was only on the issue of secretarial review that the committee was divided. Several members, including myself, felt that an extension of the deadline was a major policy decision that should be made only by the Congress. We felt that if Congress decided the requirements of public health were not to be compromised in any way, any change in that policy would be properly reserved to the Congress.

It should be clear that the committee was unanimous on the important question of when review could be sought—either before Congress or the Secretary. In the committee's view, such review should not be available until the last possible moment. For an extension to be granted, the manufacturer would have to demonstrate not only impossibility, but also that all good-faith efforts had been made.

The committee is aware of the problems these requirements might create for individual companies. Therefore, the bill provides a procedure for mandatory licensing which would make available patents, trade secrets, or know-how necessary to achieve compliance with the Standards Act to any manufacturer who can show a need and to whom the information is not otherwise available. This provision would also apply to stationary sources.

Mr. President, I should like to make the philosophy of the bill clear, with this emphasis:

Predictions of technological impossibility or infeasibility are not sufficient as reasons to avoid tough standards and deadlines, and thus to compromise the public health. The urgency of the problems requires that the industry consider, not only the improvement of existing technology, but also alternatives to the internal combustion engine and new forms of transportation. Only a clear cut and tough public policy can generate this kind of effort.

This philosophy has been stated by the committee before. In reporting the Air Quality Act of 1967 to the Senate, the committee said:

> The Committee recognizes the potential economic impact, and therefore economic risk, associated with major social legislative measures of this type. But this risk was assumed when the Congress enacted social security, fair labor standards, and a host of other legislation designed to protect the public welfare. Such a risk must again be assumed if the nation's air resources are to be conserved and enhanced to the point that generations yet to come will be able to breathe without fear of impairment of health.

Detroit has told the Nation that Americans cannot live without the automobile.

This legislation would tell Detroit that if that is the case, they must make an automobile with which Americans can live.

The third major area in which the committee has recommended significant changes is the area of enforcement. Standards alone will not insure breathable air. All levels of government must be given adequate tools to enforce those standards.

The committee remains convinced that the most effective enforcement of standards will take place on the State and lo-

cal levels. It is here that the public can participate most actively and bring the most effective pressure to bear for clean air.

Public participation is therefore important in the development of each State's implementation plan. These plans do not involve technical decisions; they do involve public policy choices that citizens should make on the State and local level. They should be consistent with a rational nationwide policy and would be subject to the approval of the Secretary.

The powers to enforce these standards must be increased for the State and local governments as well as the Federal Government. The bill thus requires adequate State enforcement authority as a part of implementation plans and provides that abatement orders may be issued by the Secretary or his representative. Violations of these orders will be punishable by statutory penalties of as much as $25,000 for each day of a first violation.

The bill also provides the Federal Government with the authority to use the influence of the Federal contract as an incentive to compliance with standards established under this act. Federal contracts could be awarded only to facilities which were in compliance with the standards and requirements of this act.

Finally, the bill extends the concept of public participation to the enforcement process. The citizen suits authorized in this legislation would apply important pressure. Although the committee does not advocate these suits as the best way to achieve enforcement, it is clear that they should be an effective tool.

VI. WHAT THE LAW CAN MEAN

These, then, are the commitments that the Congress should make—commitments to meaningful environmental protection; effective protection of the health of all Americans; and the early achievement of these goals.

Committing the Congress with this legislation, however, will not be enough. Here we can make only promises to provide the funds and manpower necessary to set and enforce the standards. We must carry this commitment through to the appropriations of those funds. If these promises that we make here are not kept, these will be empty promises.

May I re-emphasize the point, Mr. President, that the number of personnel in the agency available today to deal with these problems is less than 1,000. We asked the administration to give us its best estimate of the numbers needed and the costs to administer and fully implement the bill before us if it is enacted into law.

The details on the administration's figures are in the report. Personnel would have to be increased to 1,741 in the present fiscal year; 2,535 in fiscal 1972; and 2,930 in fiscal 1973. In 1973, in order to provide the necessary personnel, the annual appropriations would have to be $320 million.

We talked about commitment, Mr. President. The 1967 act has not worked as well as it should have because we did not provide the manpower and the money to enforce it. For that reason, we are now forced to consider a more stringent law. So, for those who look to the law enacted in 1967, to those who are tempted to weaken this one, let me make this point.

If the Senate passes the bill, if the House passes it in this form, and if the President signs it into law, we cannot make it work unless we have as a minimum the personnel and the dollars recommended by the administration.

Mr. President, I emphasize this because it is such an important point. The committee got these detailed estimates from the administration so that we could tell the Senate and the House of Representatives in advance what it is going to cost to make this law work.

I know the traditional attitude of the Appropriations Committee is that we in the legislative committees are good at putting together the big promises, but that since we do not have to concern ourselves with the details of what it will cost or how many people it will take, we are really not a very good bunch to write the figures into the law.

This is one time a legislative committee got the details. They are here for all to see. If the members of the Appropriations Committee are interested in those details, they are here.

If there is any doubt on the part of any Senator about whether he would support the appropriations necessary to make this law work, let him vote against the bill. Let us not vote for empty promises.

Mr. President, I emphasize that this bill seeks a commitment not only from Congress but also from the people. As I said earlier in this statement, clean air will not come cheap and it will not come easy.

The legislation would require new kinds of decisions with respect to transportation and land-use policies. It would require new discipline of our desire for luxury and convenience. And it would require a new perspective on our world, a recognition that nothing is more valuable or essential to us than the quality of our air.

Mr. President, 100 years ago the first board of health in the United States, in Massachusetts, said this:

> We believe that all citizens have an inherent right to the enjoyment of pure and uncontaminated air and water and soil, that this right should be regarded as belonging to the whole community and that no one should be allowed to trespass upon it by his carelessness and his avarice, or even by his ignorance.

Mr. President, 100 years later it is time to write that kind of policy into law. The pending bill is such a law. I urge the Senate to approve it overwhelmingly.

Mr. President, at this point I would like to pay tribute to all members of the Committee on Public Works and the Subcommittee on Air and Water Pollution for their involvement in, their commitment to, and their dedication to what, for me, has been one of the most unusual experiences of committee work since I have been a Member of the Senate.

Hearings on this legislation began early this year. They were concluded early in the spring, in ample time for us to have simply passed out any one of the bills that were introduced and consider our work done. But we were conscious of the fact that the legislation already enacted had proven inadequate.

We were also conscious of the fact that in the climate of environmental concern which we faced in the country, it was important that Congress give to the country the best bill it was possible for Congress to devise.

Since the completion of the hearings, therefore, the subcommittee and the full committee have spent long hours in deliberation and consultation and finally in decision. Never was a partisan line drawn in any of those deliberations. Never was there any effort to obstruct or delay the action of the committee.

The discussions were long because it was necessary to educate ourselves, the Senate and ultimately the country as to the options available to us and the implications of these options.

We have been conscious, I think, since early June that what we were considering writing into law could result in drastic changes in the pattern of the life we live in the urban areas of America. We felt that just such changes were essential if we were really to come to grips with the problem of air pollution. We cannot solve the problem of air pollution in the city of Washington by prohibiting the backyard burning of leaves. That has already been done in some of the suburban counties. It does not begin to touch the job.

All of us in the Senate travel about this country by air. I know of no city of more than 50,000—and that includes my own State—which is not threatened already by the pall of smog. Beyond any question the automobile is the principal contributor to that pall; and the results have grown visably since 1967. The problem that troubled the committee most was not the problem of the new car, but the problem of the used car. There are more than 100 million on the road. And before this law takes effect, if it is enacted into law, four or five new generations of automobiles will become used cars at the rate of 8 million to 9 million a year.

After new cars roll out of the showrooms onto the streets and into the control of their owners, it is technologically almost impossible to make them clean cars.

In title I of this act we have written a national deadline for the purpose of implementing applicable ambient air quality standards. That is going to require every State Governor and the mayor of every city in this country to impose strict controls on the use of automobiles before the new car is a clean one.

The only way we can deal effectively with the used car is to begin making clean cars in Detroit. Under the program as it is presently planned, the used car population will not be cleaned up until 1990. Under the pending bill, the used car population would not be cleaned up until 1985.

Mr. President, that is not too soon to be concerned about the health effects of automobiles on the lives of the people living in these cities.

Drastic medicine? Yes.

Necessary? Yes.

The industry will have 5 years to make its peace with this proposal. As we bear in mind the space program and other great technological achievements of American industry, I find it difficult to believe that, whatever their present doubts, they cannot meet the challenge of this bill.

They have been able to meet such challenges in the case of war when President Roosevelt asked them to build 100,000 planes a year.

They have been able to meet such challenges in the case of national curiosity when President Kennedy asked them to make it possible to send a man to the moon in the 1960's.

Here, in the case of a national objective more serious than either of those—the national health, I think that we have an obligation to lay down the standards and requirements of this bill.

I think that the industry has an obligation to try to meet them. If, in due course, it cannot, then it should come to Congress and share with the Congress—the representatives of the people—the need to modify the policy.

That is the philosophy of this bill. The committee felt it owed no less duty to the Senate and the Congress than to state it in these terms. That is why we have this kind of bill. It was not unreasonable or arbitrary in the sense that it was ill-considered. The committee spent hundreds of hours over weeks and months before it came to this hard decision.

Mr. President, I wish to list in the RECORD at this point the names of the members of the committee: Senator RANDOLPH, Senator YOUNG of Ohio, Senator MUSKIE, Senator JORDAN of North Carolina, Senator BAYH, Senator MONTOYA, Senator SPONG, Senator EAGLETON, Senator GRAVEL, Senator COOPER, Senator BOGGS, Senator BAKER, Senator DOLE, Senator GURNEY, and Senator PACKWOOD.

After all these hundreds of hours covering weeks and months of deliberations, all those Senators—obviously of widely varying political philosophies—voted unanimously to recommend to the Senate and Congress the passage of this bill, the goals it establishes, the sense of urgency it incorporates, and the program for meeting the problem. I cannot think of a major piece of domestic legislation that has had such complete committee support from that spectrum of opinion. There was no doubt in the minds of any of them about supporting it.

It is with that recommendation that I am proud to submit the legislation to the floor of the Senate.

At this point I would like to express my heartfelt appreciation to the chairman of the committee, the Senator from West Virginia (Mr. RANDOLPH), the ranking Republican member, the Senator from Kentucky (Mr. COOPER), the ranking Republican member of the subcommittee, the Senator from Delaware (Mr. BOGGS), and every one of the members of the committee for the most conscientious attention to duty, committee meetings, and the responsibilities this legislation imposes that I have ever witnessed in a committee in my experience.

This is not the usual pat on the back one gets on the floor of the Senate. This is heartfelt. Not only did they contribute their energy and time, but the ideas in this bill could not be separated along party lines of Democratic and Republican. These are Democratic, Republican, liberal, and conservative ideas. This is an integrated piece of legislation incorporating the full thought of all members of the committee.

I would like to express my appreciation to the members of the committee staff. I include their names here because they have given such a fine example of the kind of staff work that is possible in Senate committees. They are: Mr. Richard B. Royce, chief clerk and staff director; Mr. M. Barry Meyer, chief counsel; Mr. Bailey Guard, assistant chief clerk for the minority; Mr. Tom Jorling, minority counsel; Mr. Leon G. Billings, Mr. Richard W. Wilson, Mr. Philip Cummings, Mr. Richard Grundy and Mr. Harold Brayman, professional staff members; and Mrs. Frances Williams, Miss Rebecca Beauregard, Miss Sally White, and Miss Cecily Corcoran of the committee staff.

I would like to express my appreciation to Mr. Eliot Cutler of my staff and to the members of the staffs of members of the committee.

Mr. GRIFFIN. Mr. President, will the Senator yield to me for a few minutes? I realize that the ranking Republican Member has a statement to make and I do not wish to impose too much on his time.

Mr. MUSKIE. I yield.

Mr. GRIFFIN. Needless to say, there are portions of this bill which have a significant impact on the State of Michigan. The Senator from Maine has addressed himself to those provisions. I realize, of course, that there are other important portions of the bill. I would be less than honest with the Senate if I did not indicate some serious misgivings about certain provisions of the bill which write into legislative concrete, in effect, that certain standards—standards which are exceedingly high—must be met by 1975 or 15 million workers will lose their jobs.

Is it the position of the Senator from Maine that the state of the art is such now that the standards for automobile exhaust set in this bill could be met now?

Mr. MUSKIE. If that were the case, I would say somebody has failed in discharging his responsibilities under the 1967 law in not requiring that such standards be met by models coming off the lines now. No, if we thought the technology existed today we would insist that it be incorporated in these cars today.

Mr. GRIFFIN. Is it a fact that no hearings were held by the committee with regard to the question as to whether the standards set in the bill could be met by 1975?

Mr. MUSKIE. Let me read something to the Senator from the testimony in 1967 of Mr. Thomas Mann, president of the Auto Manufacturers Association. He made several points, but on this one he said:

> My fourth point is related to the third: As research indentifies objectionable or harmful pollutants and determines dangerous levels to be avoided, it defines ambient air quality needs in terms of specific goals to be met. With these goals clearly established it becomes appropriate to project timetables for all industries or other sources of emissions so they can begin research and development work to devise methods of achieving the goals.

At that time we did not have criteria identifying the health effects of pollutants. So Mr. Mann urged research to find these defects before timetables were set. He did not say that before we set timetables the committee should be satisfied that technology is available. No. He said, "With these goals"—talking about health effect goals—"clearly established it becomes appropriate to project timetables for all industries or other sources of emissions so that they can begin research and development work to devise methods of achieving the goals."

Since then, under pressure of hearings first held by the subcommittee in 1964 and held almost every year since, the industry has come before us and clearly has been pushing technology, research, and development to the point that they now indicate to us not any commitment to what they can do, but the contention, as one president of one auto company said:

> You can't put this in the record, but we are that close.

If we are "that close," it seems to me we have to set the timetable and challenge them to meet it. They can always come back to Congress.

There is something here in Mr. Mann's testimony, in another portion of his statement, on the timetable question where he defines the process through which a company has to go in order to devise the changes necessary to meet the goals; that is a separate process, after they have been told what the goals are. He said:

> Normally, what I have referred to in the preceding paragraph takes approximately two years in addition to the time needed for design, research, and development stages.

A lot of the hardware is already being tested. We saw at the time of the hearings prototype models which already meet the 1975 standards. Various companies have differing degrees of competency to meet 1980 standards under the present program, but they recognize they have to push ahead.

There is another point I would like to make about the attitude of the automobile companies. It is surely understandable, under the pressures of customer demands and expectations, and under the kinds of pressure generated in connection with safety devices, that the industry wants to walk the extra mile in testing and refining any new technical hardware before putting it in the hands of the customers. That is where, it seems to me, we have a problem of such urgency that normal procedures have to be shortened if we are to achieve the goals.

Mr. GRIFFIN. With all deference to the distinguished Senator from Maine, I must say he has not given a very satis-

fying answer so far as the junior Senator from Michigan is concerned. Let me elaborate a bit, if I may. It is fine and very desirable to set national goals as the committee seeks to do in this bill.

The Senator from Maine referred to President Kennedy's goal to reach the moon. With respect to that goal, I would remind the Senator from Maine that the Congress did not set itself up as a group of scientists and say, in legislative concrete, that—

We shall reach the moon on such and such a date, and if we do not, those working in industries having to do with space achievements shall be put out of their jobs.

It is completely understandable——

Mr. MUSKIE. May I say that this bill does not say that.

Mr. GRIFFIN. It is understandable that the President of the United States or, perhaps, the Senate through a sense of the Senate resolution, might want to set a goal in this field, toward which we should strive. But what bothers me about this legislation is that it does not repose any real authority in those who have scientific competence and knowledge—those who could judge the state of the art and its applicability on a realistic basis to this industry at any given point in time.

With all due respect, I believe the Senator from Maine and the committee have gone too far. There ought to be some flexibility in the hands of the Secretary of Health, Education, and Welfare or a committee of scientists and engineers—people with some competent ability to judge the state of the art as it continues to develop.

As I understand the situation, without any hearings at all, the committee has, itself, made what is, in effect, a scientific judgment; it has assumed the role of scientists, and said:

This cannot be done now, but we think it can be done by 1975.

Without any particular basis for such a declaration.

Mr. MUSKIE. We made no such judgment.

Mr. GRIFFIN. Not only that it can be done, but "It will be done or you are out of business."

Mr. MUSKIE. We made no such statement.

Mr. GRIFFIN. That is the effect, as I understand it.

Mr. MUSKIE. Well, to clarify the Senator's understanding of the effect, I shall be happy to repeat what I said. We made no technological judgments in this bill. We do not presume to be in a position to do that. Neither have we made any judgment of our own with respect to the health effects of pollutants that are emitted by the automobile.

In that respect we did what Mr. Mann and the automobile industry suggested we do back in 1967. We directed the Secretary of HEW to issue criteria documents identifying those pollutants. This is what the criteria said:

Air quality criteria documents for automobile related pollutant agents have provided information on the effect of those pollutants on health and welfare. As an example, health effects can be expected from carbon monoxide exposure of 8 to 10 parts per million for an 8-hour period. Many communities exceed these concentrations with unacceptable frequency. For example, carbon monoxide concentrations in Chicago exceed the standard more than 20 percent of the time.

This is the judgment the committee made—no more, no less.

Knowing what the health effects are, we could not see ourselves in the position of saying to the country:

Emissions from automobiles are unhealthy. The agency we charged with giving us that information in 1967 has told us so. But we are going to leave it to the automobile industry to tell us when those health effects are to be eliminated.

We felt it was our responsibility, and no one else's, to establish the public policy. We are saying in this bill that this is what the public health requires. We are saying to the country, this is what the automobile ought to be measured against. We are saying to the industry, this is what you must try to do.

Congress, I assume, will be in session in 1971, 1972, 1973, 1974, and 1975—and possibly without any interruption if we continue at the present rate. The committee would be available to sit. The companies would be in a position to make their case. If the Congress, which would have made the policy in the first instance, is persuaded that the industry cannot do the job, Congress could change the policy.

It is conceivable, may I say to the Senator from Michigan, that by 1973 we may know a great deal more about the health effects of the automobile and decide that they are so bad that the companies ought to make the required changes by January 1, 1975—or stop producing cars until they do. I am not predicting that. I do not think that is necessary. I do not think that will happen.

But this would be—as it is now—a policy decision of such moment to the country that it ought to be made by nobody other than the Congress, so that the decision gets the visibility, the prestige and the responsibility that are necesary to deal with this problem.

It is not necessary to say that any company is going to be closed on January 1, 1975, but it is necessary for the Congress to say that they must meet the standards until the Congress itself decides otherwise. That is what we are asking. Five years is a long time for the companies to make their effort, then to make their case and then for Congress to consider a change of policy.

If the Senator from Michigan is going to assume that, in the face of a convincing demonstration, the Congress will irresponsibly shut down the automobile companies, then, of course, the Senator should vote against the bill.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. MUSKIE. Let me first read this letter of September 11, 1970, written to me by President E. N. Cole of General Motors. He says this:

Remarkably low emissions can be achieved with experimental laboratory cars without any regard to mass production, manufacturing tolerances, durability, maintenance, cost, and conditions of customer use.

If I understand that sentence, he is saying that the way of dealing with these emissions is now available in the laboratory—that it can be done, and that what stands between us and January 1, 1975 is the development of the mass production techniques to convert what can now be done in the laboratory into a production line automobile. This man, who is a product of an American industry whose great genius is mass production, is now telling us that what is possible in the laboratory cannot be converted to the mass production line in 5 years.

I can remember, when the astronauts were burned in their space vehicle in Cape Kennedy, how long it took to completely change the system so a safe one could be sent to the moon.

Let me give the Senator another piece of information. Then he may respond. This information concerns the clean car race of a short time ago.

I read from this report:

When the Wayne State University entry reached California, it was tested for pollution control. The results, after this 3600-mile race, showed that the student-modified internal combustion engine, using nonleaded gasoline, surpassed not only the proposed 1975 Federal standards—

And by that is meant the ones agreed to by the administration—

but were far below the proposed 1980 Federal standards—

which the subcommittee has recommended be advanced for 1975.

So these students were able to achieve what the automobile industry tells us they cannot achieve.

Mr. GRIFFIN. Mr. President, I wish to respond briefly; I shall have more to say tomorrow. I am aware of the fact that the automobile industry has made, and is making, great progress in the effort to reduce auto exhaust pollution.

Is it not the case that a 70-percent reduction in the auto exhaust pollution has been achieved, or is being achieved, as measured by standards already set? And is it not true that the provision of this bill would require what amounts to a further reduction by 90 percent of the 30 percent that has not yet been achieved? Roughly, is that not a fair statement?

Mr. MUSKIE. I think that is roughly so; yes. I will check the exact figures, but I am prepared to accept that.

Mr. GRIFFIN. Although the Senator from Maine has read some portions of a letter, I shall make the statement—on the basis of information that I have been able to gather—that the technology is not available today to meet the standards set in this bill, and it appears to me that the Senator from Maine and his committee have only a pious hope that the technology can be available for cars to be produced in 1975.

To suggest that 1975 is a long time away, with all due respect, is to indicate not very much acquaintance with the automobile industry and what is involved in producing automobiles.

Mr. MUSKIE. Mr. President, will the Senator yield? Is it all right for the Senator from Maine to rely on the testimony of the industry spokesman in 1967?

Mr. GRIFFIN. It take a long time from the drawing board stage to make a major

or significant change in an automobile—a long time until it rolls off the assembly line. That fact must not be overlooked because it can mean a great deal to those who work in the automobile industry. In fact, I understand that it can take as much as 43 months to incorporate a major change into an automobile.

So, while the committee may say that it is giving the automobile industry until 1975, it is not—because the industry must have the know-how and begin making such a change long before 1975. Indeed, it may be necessary to have the technology perfected and ready to incorporate into an automobile 43 months before the final product begins to roll off the 1975 assembly line.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. GRIFFIN. And then the Senator says, in effect, that if the industry cannot do that, it can come back to Congress for what essentially would be a political decision.

Mr. MUSKIE. Will the Senator yield?

Mr. GRIFFIN. I think that is very unwise.

Mr. MUSKIE. Will the Senator yield?

Mr. GRIFFIN. I want to make it very clear, I think the goal is fine. But the policy we establish should be administered by those with some degree of technical competence—by people who have some basis for judging the state of the art—who will not have to come back to Congress and make a political appeal.

Another point that I wish to make is this: under the bill, I understand that economic feasibility is not a factor. Accordingly, if it cost $15,000 or $20,000 to produce an automobile to meet the standards, that would not be taken into account, as I understand this bill.

Mr. MUSKIE. Is that a figure that the industry has authorized?

Mr. GRIFFIN. No, I am just saying if it should cost that much, it would not make any difference.

Mr. MUSKIE. The Senator from Maine does not use figures that lightly.

Mr. GRIFFIN. Will it?

Mr. MUSKIE. I do not know. I do not think anyone knows.

Mr. GRIFFIN. Should it be talked about, then? Does the Senator from Maine know what it would cost?

Mr. MUSKIE. No. I said in my statement—I have not hidden anything—that our responsibility is to tell the industry what the public health requires. If the Senator thinks the industry ought to make that public health decision, I do not agree with him. If he says that the industry should tell us—and that not until the industry tells us it can build this automobile should we require it—that I do not agree with him.

Where would the Senator place a decision of such importance to the public health? In the boards of directors of these great motor companies? Does Congress have no responsibility?

We began talking to the industry about this problem in 1964, not just recently. The Senator speaks as though we had only a nodding acquaintance with this problem, the industry attitudes and the development of technology over the years. We have been working on this matter for 7 years. I have been in Detroit. I have been in the laboratories of all the companies. They have not hesitated to bring their prototypes here.

We have tried to get all of the insight into and feel for the companies' capability in this area that we could, but I will say in frankness that the industry has never, during all these years, shown any sense of urgency about anything except the preservation of the internal combustion engine—no real push to do anything else, or to explore any other technology, because, they have said, "We can clean up the internal combustion engine."

They told us that in 1964; they told us that in 1965; they have told us that on innumerable occasions. So we are not talking about 5 years between now and 1975; we are talking about the years between 1964 and 1975, when they should have generated the feeling of urgency.

Sure, we set a target for them, an informal one: "You have got to clean up the automobile." Did that create a feeling of urgency? The Senator says they can do it in 43 months; why did they not do it in 43 months?

Mr. GRIFFIN. The Senator misunderstood me. I said it could take 43 months from the time the technology is available.

Mr. MUSKIE. I doubt that. That is inconsistent with Mr. Mann's testimony of 1967 that I read. He said:

> What I have referred to in the preceding paragraph takes approximately two years.

They are up to 43 months now that they are under the gun. At the time of Mr. Mann's testimony, was opposing proposals giving the States authority to set different standards in every State. I did not put these words in his mouth; he stated them.

It is not this committee's responsibility to perfect the technology required by this deadline. That we ought to have some feel for it, that we ought to have some understanding of the industry's problems, that we ought not to do it hastily or arbitrarily, I will concede as a measure of congressional responsibility. But we have been working on this matter since 1964. The Senator might look at our hearings over the years, and judge for himself why I have tried to communicate a sense of urgency to this industry.

Mr. GRIFFIN. Did the committee have any hearings in this session on this problem as to the state of the art—on the likelihood or possibility that this goal can be reached by 1975?

Mr. MUSKIE. Yes, we had testimony jointly before the Commerce Committee and before our committee from the automobile companies on the state of the art. With respect to this specific deadline, no.

Mr. GRIFFIN. On this particular bill?

Mr. MUSKIE. Yes, but not on this specific deadline.

Mr. GRIFFIN. As to whether this deadline was realistic?

Mr. MUSKIE. No.

Mr. GRIFFIN. No hearings?

Mr. MUSKIE. The deadline is based not, I repeat, on economic and technological feasibility, but on considerations of public health. We think, on the basis of the exposure we have had to this problem, that this is a necessary and reasonable standard to impose upon the industry. If the industry cannot meet it, they can come back.

I think that, in terms of public health, if we do not say that this is necessary, there is nobody to say it. But on the question of technological and economic feasibility, there are all kinds of people who complain that it cannot be done. We are the only ones who can say to the automobile industry, and make it stick, "The public health requires this."

That is what this bill says, and nothing more.

Why does not the industry say, if it wants us to make a technological judgment, "All right, we will try, and we will come back in 1973, and let us both take a look at it then." No, they want us to make that judgment now.

Mr. GRIFFIN. I want to be sure the distinguished Senator from Delaware has time to make his statement. I would not say this bill plays "Russian roulette"—let me say it plays "economic roulette," with millions of jobs in the automobile industry. Without adequate expertise, without the kind of scientific knowledge that is needed—with the hearings that are necessary and expected, this bill would write into legislative concrete requirements that can be impossible—and that will literally force an industry out of existence. That may be fine for the Senator from Maine to advocate——

Mr. MUSKIE. Mr. President, I have not said that nor advocated that.

Mr. GRIFFIN. I want to remind the Senate that a great many jobs are involved. One job out of seven in the United States depends directly or indirectly, on the manufacture, sale, or service of automobiles.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield.

Mr. MUSKIE. The Senator complains when he says I distort what he says. I thought I had made it eminently clear that I was not saying what he has just put in my mouth.

What I said—I will repeat it to make it clear—is that in the judgment of this committee—this includes Senators from the Senator's side of the aisle—some of a pretty conservative political persuasion—that Congress has the duty to say, "This is what ought to be done in the interests of the health of the country." If it cannot be done, if the industry has made a good faith effort, it can come back to Congress.

We speak of Russian roulette. If it is really that choice—and I do not agree that it is—I would rather play Russian roulette with the automobile companies than with the trapped inhabitants of urban America. Their health is involved.

But it is not a question of Russian roulette, and no amount of rhetorical exaggeration can make it that. What we are talking about is very clear and simple. We are saying that Congress, in the interest of public health, should say to the country and to the industry that this is what that health requires. Then industry should go to work over the next 5 years

to either make it possible or, if it proves to be impossible, ask Congress to change the policy.

That is all there is here, and it is tough. The Senator thinks it is tough, and we understand it is tough. We have no desire to be unreasonable. Does the Senator tell me that Senator JOHN COOPER is an unreasonable man, or Senator CALEB BOGGS, or the other Senators on this committee? They are thoughtful men, and they have given this matter thoughtful consideration, and they were not engaged in a game of Russian roulette.

Mr. BOGGS. Mr. President, I commend the distinguished chairman of the subcommittee, the floor manager of this bill, on his excellent opening statement. He has ably and carefully covered the intention of the committee as well as the provisions of the bill.

I wish to express my strong support for S. 4358, a bill that is intended to help bring clean air to every city and town in the United States.

This measure may be the most important to be considered by the Senate this year, charting, as it does, a path toward a better quality of life in America. As President Nixon stated on the first morning of this decade:

> The 1970's absolutely must be the years when America pays its debt to the past by reclaiming the purity of its air, its waters, and our living environment. It is literally now or never.

The amendments to the Clean Air Act seek to answer the President's call by improving existing laws and developing a method to insure that the air of the United States attains a level of purity compatible with public health.

The proposed legislation incorporates many of the best proposals offered by Members of the Senate, in particular the distinguished chairman of the Subcommittee on Air and Water Pollution (Mr. MUSKIE). The testimony during 11 days of hearings was also most valuable in shaping this legislation.

Yet much of the basic outline for S. 4358 was established by President Nixon in his thoughtful message on the environment last February.

Mr. President, I ask unanimous consent that the President's February 10 environmental message to Congress be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BOGGS. In addition, I ask unanimous consent that the Council on Environmental Quality's discussion on air pollution in its first annual report be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. BOGGS. At this point, I would like to discuss some of the President's proposals and the manner in which they were incorporated into the committee's bill.

One of President Nixon's most significant proposals called for establishing national ambient air quality standards. This bill incorporates that proposal, seeking to insure that the air around us will be protective of health in every corner of the nation.

President Nixon asked Congress to accelerate the designation of air quality control regions. This measure requires, 90 days after passage, that air pollution control regions be created to cover every portion of the Nation.

President Nixon's program for air pollution control sought to establish national emission standards for pollutants of an extremely hazardous character, as well as national standards of performance for major classifications of new facilities. The proposed legislation gives the President authority in both of these areas.

President Nixon sought Federal enforcement authority covering intrastate violations in addition to authority over interstate violations. This bill extends that authority to the President, while maintaining a primary enforcement reliance at the State level.

President Nixon sought court imposed fines of up to $10,000 per day for violation emission requirements. It was the committee's judgment that a penalty of up to $25,000 per day would prove more effective.

President Nixon in February announced that more stringent motor vehicle emission standards for the 1975 model year would be adopted. This bill for the first time writes into law specific standards intended to enhance air quality and to place a virtually pollution-free car on the Nation's highways by 1975.

President Nixon's environmental program sought new procedures to inspect new cars on the assembly line to assure that they meet the low-pollution standard. This measure adopts procedures for assembly line testing, and adds a provision requiring warranty of air pollution control performance for 50,000 miles.

President Nixon sought authority to regulate fuels and fuel additives. The proposed legislation gives such authority, tempered with a necessity that the need for such regulation be examined in public hearings if the Secretary seeks to control or prohibit use of a fuel for reasons other than the protection of health.

President Nixon sought financial support for research and development of low-pollution vehicles driven by unconventional power sources. This bill expands the air pollution control program to support such research and development on an accelerated basis. These points, I believe, demonstrate the tremendous contribution the administration has made to the shaping of this legislation.

There is one other section of this bill I would like to mention. It is a section that has not received broad public attention, yet it is a vital provision of the bill. This is section 118, dealing with the control of pollution from Federal facilities. President Nixon has pledged his support for effective pollution abatement at Federal facilities. This section of the bill reinforces the President's stand and encourages publicly owned and operated facilities across our Nation to become models of environmental enhancement and pollution control.

The key word is "leadership." For that is what the proposed legislation seeks to create—a method and pattern for national leadership in the fight to preserve and enhance our environment. This legislation may be characterized as tough. But a tough bill is essential to meet the vast challenge facing us.

It is a workable and realistic bill, taken as a whole. Yet I know there are provisions in the bill that raise some concern among my colleagues, as the Senator from Michigan (Mr. GRIFFIN) just stated.

One involves the warranty provision incorporated into section 207(c) of the bill. The full Committee on Public Works amended the warranty provision that had been reported by the Subcommittee on Air and Water Pollution, and I believe the full committee's change greatly improves this section, strengthening the warranty by making it more realistic.

Yet there remains a question over whether the performance of the air pollution control system should be warranted, as proposed in the bill, or whether the warranty should extend to the materials, the design, and the workmanship used to create that pollution control system.

The second concern of some magnitude involves the procedure to be employed to extend the deadline for marketing a car that will meet the standard established under section 202(b) (1) and (2). The Committee on Public Works added to section 202 a provision suggested by Senator COOPER and Senator BAKER. This provision, section 202(b)(4) would allow a vehicle manufacturer to seek a 1-year extension in the deadline if effective control technology does not exist. The Secretary's decision on the extension could be appealed to the U.S. Court of Appeals for the District of Columbia.

I commend the distinguished ranking Republican member of the committee (Mr. COOPER) and my distinguished colleague (Mr. BAKER) for their work on this provision. Such a review procedure is needed to prevent chaos in the event that the automobile industry makes every possible effort to achieve a 90-percent reduction in emissions and still cannot achieve that goal.

The distinguished Senator from Kansas (Mr. DOLE) has indicated in his individual views that he will offer an amendment that will bring the Congress into that review procedure. It is my thought that congressional review is more appropriate in light of the responsibility assumed by the Congress in setting a specific standard. Nevertheless, I want to reiterate my view that the committee was wise to provide such a possible extension, with safeguards, whether that extension is reviewed by the Congress or the courts.

In closing, Mr. President, I wish to commend my colleagues on the Subcommittee on Air and Water Pollution and the full Committee on Public Works for their vigorous and thoughtful attention to this bill over the past several months. The committee and subcommittee devoted many long hours in numerous executive sessions in consideration of this legislation, working together to create a bill that will prove to be effective and workable. The leadership provided by the chairman of the full committee (Mr.

RANDOLPH), the ranking member of the full committee (Mr. COOPER), and in particular, the chairman of the subcommittee (Mr. MUSKIE), has been an inspiration to every member of the committee. Their leadership in the effort to meet the challenge of air pollution has produced what I consider to be a responsible and thoughtful bill. I commend them.

In addition, I would like to thank the staff members of the committee, as well as the staffs for various members of the committee for their efforts to assist the committee in perfecting this legislation.

Mr. President, in closing I wish to commend this legislation to my colleagues for their consideration. I know there will be amendments seeking to strengthen and improve this bill. Undoubtedly many provisions will also receive attention in conference with the House, which has adopted legislation that has many differences with this bill. I shall listen carefully to the debate, as I know it will result in legislation that will have a beneficial impact for the decade of the 1970's and beyond. I urge support of this important legislation.

EXHIBIT 1

THE PRESIDENT'S MESSAGE ON THE ENVIRONMENT, FEBRUARY 10, 1970

To the Congress of the United States:

Like those in the last century who tilled a plot of land to exhaustion and then moved on to another, we in this century have too casually and too long abused our natural environment. The time has come when we can wait no longer to repair the damage already done, and to establish new criteria to guide us in the future.

The fight against pollution, however, is not a search for villains. For the most part, the damage done to our environment has not been the work of evil men, nor has it been the inevitable by-product either of advancing technology or of growing population. It results not so much from choices made, as from choices neglected: not from malign intention, but from failure to take into account the full consequences of our actions.

Quite inadvertently, by ignoring environmental costs we have given an economic advantage to the careless polluter over his more conscientious rival. While adopting laws prohibiting injury to person or property, we have freely allowed injury to our shared surroundings. Conditioned by an expanding frontier, we came only late to a recognition of how precious and how vulnerable our resources of land, water and air really are.

The tasks that need doing require money, resolve and ingenuity—and they are too big to be done by government alone. They call for fundamentally new philosophies of land, air and water use, for stricter regulation, for expanded government action, for greater citizen involvement, and for new programs to ensure that government, industry and individuals all are called on to do their share of the job and to pay their share of the cost.

Because the many aspects of environmental quality are closely interwoven, to consider each in isolation would be unwise. Therefore, I am today outlining a comprehensive, 37-point program, embracing 23 major legislative proposals and 14 new measures being taken by administrative action or Executive Order in five major categories:

Water pollution control.
Air pollution control.
Solid waste management.
Parklands and public recreation.
Organizing for action.

As we deepen our understanding of complex ecological processes, as we improve our technologies and institutions and learn from experience, much more will be possible. But these 37 measures represent actions we can take now, and that can move us dramatically forward toward what has become an urgent common goal of all Americans: the rescue of our natural habitat as a place both habitable and hospitable to man.

WATER POLLUTION

Water pollution has three principal sources: municipal, industrial and agricultural wastes. All three must eventually be controlled if we are to restore the purity of our lakes and rivers.

Of these three, the most troublesome to control are those from agricultural sources: animal wastes, eroded soil, fertilizers and pesticides. Some of these are nature's own pollutions. The Missouri River was known as "Big Muddy" long before towns and industries were built on its banks. But many of the same techniques of pest control, livestock feeding, irrigation and soil fertilization that have made American agriculture so abundantly productive have also caused serious water pollution.

Effective control will take time, and will require action on many fronts: modified agricultural practices, greater care in the disposal of animal wastes, better soil conservation methods, new kinds of fertilizers, new chemical pesticides and more widespread use of natural pest control techniques. A number of such actions are already underway. We have taken action to phase out the use of DDT and other hard pesticides. We have begun to place controls on wastes from concentrated animal feed-lots. We need programs of intensified research, both public and private, to develop new methods of reducing agricultural pollution while maintaining productivity. I have asked The Council on Environmental Quality to press forward in this area. Meanwhile, however, we have the technology and the resources to proceed *now* on a program of swift clean-up of pollution from the most acutely damaging sources: municipal and industrial waste.

Municipal wastes

As long as we have the means to do something about it, there is no good reason why municipal pollution of our waters should be allowed to persist unchecked.

In the four years since the Clean Waters Restoration Act of 1966 was passed, we have failed to keep our promises to ourselves: Federal appropriations for constructing municipal treatment plants have totaled only about one-third of authorizations. Municipalities themselves have faced increasing difficulty in selling bonds to finance their share of the construction costs. Given the saturated condition of today's municipal bond markets, if a clean-up program is to work it has to provide the means by which municipalities can finance their share of the cost even as we increase Federal expenditures.

The best current estimate is that it will take a total capital investment of about $10 billion over a five-year period to provide the municipal waste treatment plants and interceptor lines needed to meet our national water quality standards. This figure is based on a recently-completed nationwide survey of the deficiencies of present facilities, plus projections of additional needs that will have developed by then—to accommodate the normal annual increase in the volume of wastes, and to replace equipment that can be expected to wear out or become obsolete in the interim.

This will provide every community that needs it with secondary waste treatment, and also special, additional treatment in areas of special need, including communities on the Great Lakes. We have the industrial capacity to do the job in five years if we begin now.

To meet this construction schedule, I propose a two-part program of Federal assistance:

—*I propose a Clean Waters Act with $4 billion to be authorized immediately, for Fiscal 1971, to cover the full Federal share of the total $10 billion cost on a matching fund basis. This would be allocated at a rate of $1 billion a year for the next four years with a reassessment in 1973 of needs for 1975 and subsequent years.*

By thus assuring communities of full Federal support, we can enable planning to begin *now* for all needed facilities and construction to proceed at an accelerated rate.

—*I propose creation of a new Environmental Financing Authority, to ensure that every municipality in the country has an opportunity to sell its waste treatment plant construction bonds.*

The condition of the municipal bond market is such that, in 1969, 509 issues totaling $2.9 billion proved unsalable. If a municipality cannot see waste treatment plant construction bonds, EFA will buy them and will sell its own bonds on the taxable market. Thus, construction of pollution control facilities will depend not on a community's credit rating, but on its waste disposal needs.

Providing money is important, but equally important is where and how the money is spent. A river cannot be polluted on its left bank and clean on is right. In a given waterway, abating *some* of the pollution is often little better than doing nothing at all, and money spent on such partial efforts is often largely wasted. Present grant allocation formulas—those in the 1966 Act—have prevented the spending of funds where they could produce the greatest results in terms of clean water. Too little attention has been given to seeing that investments in specific waste treatment plants have been matched by other municipalities and industries on the same waterway. Many plants have been poorly designed and inefficiently operated. Some municipalities have offered free treatment to local industries, then not treated their wastes sufficiently to prevent pollution.

To ensure that the new funds are well invested, five major reforms are needed. One requires legislation: the other four will be achieved by administrative action.

—*I propose that the present, rigid allocation formula be revised, so that special emphasis can be given to areas where facilities are most needed and where the greatest improvements in water quality will result.*

Under existing authority, the Secretary of the Interior will institute four major reforms:

—*Federally assisted treatment plants will be required to meet prescribed design, operation and maintenance standards, and to be operated only by State-certified operators.*

—*Municipalities receiving Federal assistance in construction plants will be required to impose reasonable users' fees on industrial users sufficient to meet the costs of treating industrial wastes.*

—*Development of comprehensive river basin plans will be required at an early date, to ensure that Federally assisted treatment plants will in fact contribute to effective clean-up of entire river basin systems. Collection of existing data on pollution sources and development of effluent inventories will permit systems approaches to pollution control.*

—*wherever feasible, communities will be strongly encouraged to cooperate in the construction of large regional treatment facilities, which provide economies of scale and give more efficient and more thorough waste treatment.*

Industrial Pollution

Some industries discharge their wastes into municipal systems; others discharge

them directly into lakes and rivers. Obviously, unless we curb industrial as well as municipal pollution our waters will never be clean.

Industry itself has recognized the problem, and many industrial firms are making vigorous efforts to control their water-borne wastes. But strict standards and strict enforcement are nevertheless necessary—not only to ensure compliance, but also in fairness to those who have voluntarily assumed the often costly burden while their competitors have not. Good neighbors should not be placed at a competitive disadvantage because of their good neighborliness.

Under existing law, standards for water pollution control often are established in only the most general and insufficient terms: for example, by requiring all affected industries to install secondary treatment facilities. This approach takes little account of such crucial variables as the volume and toxicity of the wastes actually being discharged, or the capacity of a particular body of water to absorb wastes without becoming polluted. Even more important, it provides a poor basis for enforcement: with no effluent standard by which to measure, it is difficult to prove in court that standards are being violated.

The present fragmenting of jurisdictions also has hindered comprehensive efforts. At present, Federal jurisdiction generally extends only to interstate waters. One result has been that as stricter State-Federal standards have been imposed, pollution has actually increased in some other waters—in underground aquifers and the oceans. As controls over interstate waters are tightened, polluting industries will be increasingly tempted to locate on intrastate lakes and rivers—with a consequently increased threat to those waterways—unless they too are brought under the same strictures.

I propose that we take an entirely new approach: one which concerts Federal, State and private efforts, which provides for effective nationwide enforcement, and which rests on a simple but profoundly significant principle: that the nation's waterways belong to us all, and that neither a municipality nor an industry should be allowed to discharge wastes into those waterways beyond their capacity to absorb the wastes without becoming polluted.

Specifically, I propose a seven-point program of measures we should adopt *now* to enforce control of water pollution from industrial and municipal wastes, and to give the States more effective backing in their own efforts.

—*I propose that State-Federal water quality standards be amended to impose precise effluent requirements on all industrial and municipal sources. These should be imposed on an expeditious timetable, with the limit for each based on a fair allocation of the total capacity of the waterway to absorb the user's particular kind of waste without becoming polluted.*

—*I propose that violation of established effluent requirements be considered sufficient cause for court action.*

—*I propose that the Secretary of the Interior be allowed to proceed more swiftly in his enforcement actions, and that he be given new legal weapons including subpoena and discovery power.*

—*I propose that failure to meet established water quality standards or implementation schedules be made subject to court-imposed fines of up to $10,000 per day.*

—*I propose that the Secretary of the Interior be authorized to seek immediate injunctive relief in emergency situations in which severe water pollution constitutes an imminent danger to health, or threatens irreversible damage to water quality.*

—*I propose that the Federal pollution-control program be extended to include all navigable waters, both inter- and intrastate, all interstate ground waters, the United States' portion of boundary waters, and waters of the Contiguous Zone.*

—*I propose that Federal operating grants to State pollution control enforcement agencies be tripled over the next five years—from $10 million now to $30 million in fiscal year 1975—to assist them in meeting the new responsibilities that stricter and expanded enforcement will place upon them.*

AIR POLLUTION CONTROL

Air is our most vital resource, and its pollution is our most serious environmental problem. Existing technology for the control of air pollution is less advanced than that for controlling water pollution, but there is a great deal we can do within the limits of existing technology—and more we can do to spur technological advance.

Most air pollution is produced by the burning of fuels. About half is produced by motor vehicles.

Motor vehicles

The Federal Government began regulating automobile emissions of carbon monoxide and hydrocarbons with the 1968 model year. Standards for 1970 model cars have been made significantly tighter. This year, for the first time, emissions from new buses and heavy-duty trucks have also been brought under Federal regulation.

In future years, emission levels can and must be brought much lower.

The Secretary of Health, Education and Welfare is today publishing a notice of new, considerably more stringent motor vehicle emission standards he intends to issue for 1973 and 1975 models including control of nitrogen oxides by 1973 and of particulate emissions by 1975.

These new standards represent our best present estimate of the lowest emission levels attainable by those years.

Effective control requires new legislation to correct two key deficiencies in the present law:

(*a*) *Testing procedures.*—Under present law, only manufacturers' prototype vehicles are tested for compliance with emission standards, and even this is voluntary rather than mandatory.

I propose legislation requiring that representative samples of actual production vehicles be tested throughout the model year.

(*b*) *Fuel composition and additives.*—What goes into a car's fuel has a major effect on what comes out of its exhaust, and also on what kinds of pollution-control devices can effectively be employed. Federal standards for what comes out of a car's engine should be accompanied by standards for what goes into it.

I propose legislation authorizing the Secretary of Health, Education and Welfare to regulate fuel composition and additives.

With these changes, we can drastically reduce pollution from motor vehicles in the years just ahead. But in making and keeping our peace with nature, to plan only one year ahead or even five is hardly to plan at all. Our responsibility now is also to look beyond the Seventies, and the prospects then are uncertain. Based on present trends, it is quite possible that by 1980 the increase in the sheer number of cars in densely populated areas will begin outrunning the technological limits of our capacity to reduce pollution from the internal combustion engine. I hope this will not happen. I hope the automobile industry's presently determined effort to make the internal combustion engine sufficiently pollution-free succeeds. But if it does not, then unless motor vehicles with an alternative, low-pollution power source arre available, vehicle-caused pollution will once again begin an inexorable increase.

Therefore, prudence dictates that we move now to ensure that such a vehicle will be available if needed.

I am inaugurating a program to marshal both government and private research with the goal of producing an unconventionally powered virtually pollution-free automobile within five years.

—*I have ordered the start of an extensive Federal research and development program in unconventional vehicles, to be conducted under the general direction of the Council on Environmental Quality.*

—*As an incentive to private developers, I have ordered that the Federal Government should undertake the purchase of privately produced unconventional vehicles for testing and evaluation.*

A proposal currently before the Congress would provide a further incentive to private developers by authorizing the Federal government to offer premium prices for purchasing low-pollution cars for its own use. This could be a highly productive program once such automobiles are approaching development, although current estimates are that, initially, prices offered would have to be up to 200% of the cost of equivalent conventional vehicles rather than the 125% contemplated in the proposed legislation. The immediate task, however, is to see that an intensified program of research and development begins at once.

One encouraging aspect of the effort to curb motor vehicle pollution is the extent to which industry itself is taking the initiative. For example, the nation's principal automobile manufacturers are not only developing devices now to meet present and future Federal emission standards, but are also, on their own initiative, preparing to put on the market by 1972 automobiles which will not require and, indeed, must not use leaded gasoline. Such cars will not only discharge no lead into the atmosphere, but will also be equipped with still more effective devices for controlling emissions—devices made possible by the use of lead-free gasoline.

This is a great forward step taken by the manufacturers before any Federal regulation of lead additives or emissions has been imposed. I am confident that the petroleum industry will see to it that suitable nonleaded gasoline is made widely available for these new cars when they come on the market.

Stationary-source pollution

Industries, power plants, furnaces, incinerators—these and other so-called "stationary sources" add enormously to the pollution of the air. In highly industrialized areas, such pollution can quite literally make breathing hazardous to health, and can cause unforeseen atmospheric and meteorological problems as well.

Increasingly, industry itself has been adopting ambitious pollution-control programs, and state and local authorities have been setting and enforcing stricter anti-pollution standards. But they have not gone far enough or fast enough, nor, to be realistic about it, will they be able to without the strongest possible Federal backing. Without effective government standards, industrial firms that spend the necessary money for pollution control may find themselves at a serious economic disadvantage as against their less conscientious competitors. And without effective Federal standards, states and communities that require such controls find themselves at a similar disadvantage in attracting industry, against more permissive rivals. Air is no respecter of political boundaries: a community that sets and enforces strict standards may still find its air polluted from sources in another community or another state.

Under the Clean Air Act of 1967, the Federal government is establishing air quality control regions around the nation's major

industrial and metropolitan areas. Within these regions, states are setting air quality standards—permissible levels of pollutants in the air—and developing plans for pollution abatement to achieve those air quality standards. All state air quality standards and implementation plans require Federal approval.

This program has been the first major Federal effort to control air pollution. It has been a useful beginning. But we have learned in the past two years that it has shortcomings. Federal designation of air quality control regions, while necessary in areas where emissions from one state are polluting the air in another, has been a time-consuming process. Adjoining states within the same region often have proposed inconsistent air quality standards, causing further delays for compromise and revision. There are no provisions for controlling pollution *outside* of established air quality control regions. This means that even with the designation of hundreds of such regions, some areas of the country with serious air pollution problems would remain outside of the program. This is unfair not only to the public but to many industries as well, since those within regions with strict requirements could be unfairly disadvantaged with respect to competitors that are not within regions. Finally, insufficient Federal enforcement powers have circumscribed the Federal government's ability to support the states in establishing and enforcing effective abatement programs.

It is time to build on what we have learned, and to begin a more ambitious national effort. I recommend that the Clean Air Act be revised to expand the scope of strict pollution abatement, to simplify the task of industry in pollution abatement through more nearly uniform standards, and to provide special controls against particularly dangerous pollutants.

—*I propose that the Federal government establish nationwide air quality standards, with the states to prepare within one year abatement plans for meeting those standards.*

This will provide a minimum standard for air quality for all areas of the nation, while permitting states to set more stringent standards for any or all sections within the state. National air quality standards will relieve the states of the lengthy process of standard-setting under Federal supervision, and allow them to concentrate on the immediate business of developing and implementing abatement plans.

These abatement plans would cover areas both inside and outside of Federally designated air quality control regions, and could be designed to achieve any higher levels of air quality which the states might choose to establish. They would include emission standards for stationary sources of air pollution.

—*I propose that designation of interstate air quality control regions continue at an accelerated rate, to provide a framework for establishing compatible abatement plans in interstate areas.*

—*I propose that the Federal government establish national emissions standards for facilities that emit pollutants extremely hazardous to health, and for selected classes of new facilities which could be major contributors to air pollution.*

In the first instance, national standards are needed to guarantee the earliest possible elimination of certain air pollutants which are clear health hazards even in minute quantities. In the second instance, national standards will ensure that advanced abatement technology is used in constructing the new facilities, and that levels of air quality are maintained in the face of industrial expansion. Before any emissions standards were established, public hearings would be required involving all interested parties. The States would be responsible for enforcing these standards in conjunction with their own programs.

I propose that Federal authority to seek court action be extended to include both inter- and intrastate air pollution situations in which, because of local non-enforcement, air quality is below national standards, or in which emissions standards or implementation timetables are being violated.

I propose that failure to meet established air quality standards or implementation schedules be made subject to court-imposed fines of up to $10,000 per day.

SOLID WASTE MANAGEMENT

"Solid wastes" are the discarded left-overs of our advanced consumer society. Increasing in volume, they litter the landscape and strain the facilities of municipal governments.

New packaging methods, using materials which do not degrade and cannot easily be burned, create difficult new disposal problems. Though many wastes are potentially re-usable, we often discard today what a generation ago we saved. Most bottles, for example, now are "non-returnable." We reprocess used paper less than we used to, not only adding to the burden on municipal sanitation services but also making wasteful use of scarce timberlands. Often the least expensive way to dispose of an old automobile is to abandon it—and millions of people do precisely that, creating eyesores for millions of others.

One way to meet the problem of solid wastes is simply to surrender to it: to continue pouring more and more public money into collection and disposal of whatever happens to be privately produced and discarded. This is the old way; it amounts to a public subsidy of waste pollution. If we are ever truly to gain control of the problem, our goal must be broader: to reduce the volume of wastes and the difficulty of their disposal, and to encourage their constructive re-use instead.

To accomplish this, we need incentives, regulations and research directed especially at two major goals: a) making products more easily disposable—especially containers, which are designed for disposal; and b) re-using and recycling a far greater proportion of waste materials.

As we look toward the long-range future—to 1980, 2000 and beyond—recycling of materials will become increasingly necessary not only for waste disposal but also to conserve resources. While our population grows, each one of us keeps using more of the earth's resources. In the case of many common minerals, more than half those extracted from the earth since time began have been extracted since 1910.

A great deal of our space research has been directed toward creating self-sustaining environments, in which people can live for long periods of time by re-processing, recycling and re-using the same materials. We need to apply this kind of thinking more consciously and more broadly to our patterns of use and disposal of materials here on earth.

Many currently used techniques of solid waste disposal remain crudely deficient. Research and development programs under the Solid Waste Disposal Act of 1965 have added significantly to our knowledge of more efficient techniques. The Act expires this year. I recommend its extension, and I have already moved to broaden its programs.

I have ordered a re-direction of research under the Solid Waste Disposal Act to place greater emphasis on techniques for re-cycling materials, and on development and use of packaging and other materials which will degrade after use—that is, which will become temporary rather than permanent wastes.

Few of America's eyesores are so unsightly as its millions of junk automobiles.

Ordinarily, when a car is retired from use it goes first to a wrecker, who strips it of its valuable parts, and then to a scrap processor, who reduces the remainder to scrap for sale to steel mills. The prices paid by wreckers for junk cars often are less than the cost of transporting them to the wrecking yard. In the case of a severely damaged or "cannibalized" car, instead of paying for it the wrecker may even charge towing costs. Thus the final owner's economic incentive to deliver his car for processing is slight, nonexistent or even negative.

The rate of abandonment is increasing. In New York, 2,500 cars were towed away as abandoned on the streets in 1960. In 1964, 25,000 were towed away as abandoned; in 1969, more than 50,000.

The way to provide the needed incentive is to apply to the automobile the principle that its price should include not only the cost of producing it, but also the cost of disposing of it.

I have asked the Council on Environmental Quality to take the lead in producing a recommendation for a bounty payment or other system to promote the prompt scrapping of all junk automobiles.

The particular disposal problems presented by the automobile are unique. However, wherever appropriate we should also seek to establish incentives and regulations to encourage the re-use, re-cycling or easier disposal of other commonly used goods.

I have asked the Chairman of the Council on Environmental Quality to work with the Cabinet Committee on the Environment, and with appropriate industry and consumer representatives, toward development of such incentives and regulations for submission to the Congress.

PARKS AND PUBLIC RECREATION

Increasing population, increasing mobility, increasing incomes and increasing leisure will all combine in the years ahead to rank recreational facilities among the most vital of our public resources. Yet land suitable for such facilities, especially near heavily populated areas, is being rapidly swallowed up.

Plain common sense argues that we give greater priority to acquiring now the lands that will be so greatly needed in a few years. Good sense also argues that the Federal Government itself, as the nation's largest landholder, should address itself more imaginatively to the question of making optimum use of its own holdings in a recreation-hungry era.

I propose full funding in fiscal 1971 of the $327 million available through the Land and Water Conservation Fund for additional park and recreational facilities, with increased emphasis on locations that can be easily reached by the people in crowded urban areas.

I propose that we adopt a new philosophy for the use of Federally-owned lands, treating them as a precious resource—like money itself—which should be made to serve the highest possible public good.

Acquiring needed recreation areas is a real estate transaction. One-third of all the land in the United States—more than 750,000,000 acres—is owned by the Federal Government. Thousands of acres in the heart of metropolitan areas are reserved for only minimal use by Federal installations. To supplement the regularly-appropriated funds available, nothing could be more appropriate than to meet new real estate needs through use of presently-owned real estate, whether by transfer, sale or conversion to a better use.

Until now, the uses to which Federally-owned properties were put has largely been determined by who got them first. As a result, countless properties with enormous potential as recreational areas linger on in the hands of agencies that could just as well —or better—locate elsewhere. Bureaucratic inertia is compounded by a quirk of present accounting procedures, which has the effect of imposing a budgetary penalty on any

agency that gives up one piece of property and moves to another, even if the vacated property is sold for 10 times the cost of the new.

The time has come to make more rational use of our enormous wealth of real property, giving a new priority to our newly urgent concern with public recreation—and to make more imaginative use of properties now surplus to finance acquisition of properties now needed.

—*By Executive Order, I am directing the heads of all Federal agencies and the Administrator of General Services to institute a review of all Federally-owned real properties that should be considered for other uses. The test will be whether a particular property's continued present use or another would better serve the public interest, considering both the agency's needs and the property's location. Special emphasis will be placed on identifying properties that could appropriately be converted to parks and recreation areas, or sold, so that proceeds can be made available to provide additional park and recreational lands.*

—*I am establishing a Property Review Board to review the GSA reports and recommend to me what properties should be converted or sold. This Board will consist of the Director of the Bureau of the Budget, the Chairman of the Council of Economic Advisers, the Chairman of the Council on Environmental Quality and the Administrator of General Services, plus others that I may designate.*

—*I propose legislation to establish, for the first time, a program for relocating Federal installations that occupy locations that could better be used for other purposes.*

This would allow a part of the proceeds from the sales of surplus properties to be used for relocating such installations, thus making more land available.

—*I also propose accompanying legislation to protect the Land and Water Conservation Fund, ensuring that its sources of income would be maintained and possibly increased for purchasing additional parkland.*

The net effect would be to increase our capacity to add new park and recreational facilities, by enabling us for the first time to use surplus property sales in a coordinated three-way program: a) by direct conversion from other uses; b) through sale of presently-owned properties and purchase of others with the proceeds; and c) by sale of one Federal property, and use of the proceeds to finance the relocation and conversion costs of making another property available for recreational use.

—*I propose that the Department of the Interior be given authority to convey surplus real property to State and local governments for park and recreation purposes at a public benefit discount ranging up to 100 percent.*

—*I propose that Federal procedures be revised to encourage Federal agencies to make efficient use of real property. This revision should remove the budgetary penalty now imposed on agencies relinquishing one site and moving to another.*

As one example of what such a property review can make possible, a sizable stretch of one of California's finest beaches has long been closed to the public because it was part of Camp Pendleton. Last month the Defense Department arranged to make more than a mile of that beach available to the State of California for use as a State park. The remaining beach is sufficient for Camp Pendleton's needs; thus the released stretch represents a shift from low-priority to high-priority use. By carefully weighing alternative uses, a priceless recreational resource was returned to the people for recreational purposes.

Another vast source of potential parklands also lies untapped. We have come to realize that we have too much land available for growing crops and not enough land for parks, open space and recreation.

—*I propose that instead of simply paying each year to keep this land idle, we help local governments buy selected parcels of it to provide recreational facilities for use by the people of towns in rural areas. This program has been tried, but allowed to lapse; I propose that we revive and expand it.*

—*I propose that we also adopt a program of long-term contracts with private owners of idled farmland, providing for its reforestation and public use for such pursuits as hunting, fishing, hiking and picnicking.*

ORGANIZING FOR ACTION

The environmental problems we face are deep-rooted and widespread. They can be solved only by a full national effort embracing not only sound, coordinated planning, but also an effective follow-through that reaches into every community in the land. Improving our surroundings is necessarily the business of us all.

At the Federal level, we have begun the process of organizing for this effort.

The Council on Environmental Quality has been established. This Council will be the keeper of our environmental conscience, and a goad to our ingenuity; beyond this, it will have responsibility for ensuring that all our programs and actions are undertaken with a careful respect for the needs of environmental quality. I have already assigned it major responsibilities for new program development, and I shall look to it increasingly for new initiatives.

The Cabinet Committee on the Environment, which I created last year, acts as a coordinating agency for various departmental activities affecting the environment.

To meet future needs, many organizational changes will still be needed. Federal institutions for dealing with the environment and natural resources have developed piecemeal over the years in response to specific needs, not all of which were originally perceived in the light of the concerns we recognize today. Many of their missions appear to overlap, and even to conflict. Last year I asked the President's Advisory Council on Executive Organization, headed by Mr. Roy Ash, to make an especially thorough study of the organization of Federal environmental natural resource and oceanographic programs, and to report its recommendations to me by April 15. After receiving their report I shall recommend needed reforms, which will involve major reassignments of responsibilities among Departments.

For many of the same reasons, overlaps in environmental programs extend to the Legislative as well as the Executive branch so that close consultation will be necessary before major steps are taken.

No matter how well organized government itself might be, however, in the final analysis the key to success lies with the people of America.

Private industry has an especially crucial role. Its resources, its technology, its demonstrated ingenuity in solving problems others only talk about—all these are needed, not only in helping curb the pollution industry itself creates but also in helping devise new and better ways of enhancing all aspects of our environment.

I have ordered that the United States Patent Office give special priority to the processing of applications for patents which could aid in curbing environmental abuses.

Industry already has begun moving swiftly toward a fuller recognition of its own environmental responsibilities, and has made substantial progress in many areas. However, more must be done.

Mobilizing industry's resources requires organization. With a remarkable degree of unanimity, its leaders have indicated their readiness to help.

I will shortly ask a group of the nation's principal industrial leaders to join me in establishing a National Industrial Pollution Control Council.

The Council will work closely with the Council on Environmental Quality, the Citizens' Advisory Committee on Environmental Quality, the Secretary of Commerce and others as appropriate in the development of effective policies for the curbing of air, water, noise and waste pollution from industrial sources. It will work to enlist increased support from business and industry in the drive to reduce pollution, in all its forms, to the minimum level possible. It will provide a mechanism through which, in many cases, government can work with key leaders in various industries to establish voluntary programs for accomplishing desired pollution-control goals.

Patterns of organization often turn out to be only as good as the example set by the organizer. For years, many Federal facilities have themselves been among the worst polluters. The Executive Order I issued last week not only accepts responsibility for putting a swift end to Federal pollution, but puts teeth into the commitment.

I hope this will be an example for others.

At the turn of the century, our chief environmental concern was to conserve what we had—and out of this concern grew the often embattled but always determined "conservation" movement. Today, "conservation" is as important as ever—but no longer is it enough to conserve what we have; we must also restore what we have lost. We have to go beyond conservation to embrace restoration.

The task of cleaning up our environment calls for a total mobilization by all of us. It involves governments at every level; it requires the help of every citizen. It cannot be a matter of simply sitting back and blaming someone else. Neither is it one to be left to a few hundred leaders. Rather, it presents us with one of those rare situations in which each individual everywhere has an opportunity to make a special contribution to his country as well as his community.

Through the Council on Environmental Quality, through the Citizens' Advisory Committee on Environmental Quality, and working with Governors and Mayors and county officials and with concerned private groups, we shall be reaching out in an effort to enlist millions of helping hands, millions of willing spirits—missions of volunteer citizens who will put to themselves the simple question: "What and can I do?"

It is in this way—with vigorous Federal leadership, with active enlistment of governments at every level, with the aid of industry and private groups, and above all with the determined participation by individual citizens in every state and every community, that we at last will succeed in restoring the kind of environment we want for ourselves, and the kind of generations that come after deserve to inherit.

This task is ours together. It summons our energy, our ingenuity and our conscience in a cause as fundamental as life itself.

RICHARD NIXON.

The White House.

EXHIBIT 2

AIR POLLUTION

We tend to view air pollution as a recently discovered phenomenon. But since the lawn of the industrial revolution, people in many communities have endured levels of smoke pollution that would be held intolerable today. In the last half of the 19th century, a surprising number of aroused citizen groups protested the smoke-laden air of London. But their protests were lost in the overwhelming

clamor for industrial development at any price.

Progress in the United States was no more heartening. Chicago and Cincinnati passed smoke control laws in 1881. By 1912, 23 of the 28 American cities with populations over 200,000 had passed similar laws. But still there was little dent made in air pollution.

In the 1930's, 1940's, and 1950's smoke pollution reached its zenith in the United States, especially in Eastern and Midwestern industrial cities. The public outcry against these conditions resulted in the enactment of improved smoke pollution legislation, its partial enforcement, and a visible improvement in the air of some industrial cities. These local control efforts focused primarily on cutting down smoke from fossil fuels, particularly coal. The fortunate advent of diesel engines in place of steam locomotives and the increased use of gas as a fuel for space heating also helped cut back air pollution in that era.

The Donora disaster in Pennsylvania in 1948 pricked the conscience of the Nation, but the experience of Los Angeles, beginning in that same decade was a more certain sign of the complex air pollution problem which now confronts cities throughout the world. When the citizens of Los Angeles began to complain of smog, few people suspected that air pollution was a great deal more than just smoke. Los Angeles used virtually none of the fuels primarily responsible for the smoke problems of cities elsewhere; yet smog appeared and worsened. Dr. Aria J. Haagen-Smit, of the California Institute of Technology, finally pinpointed the principal sources of photochemical smog in Los Angeles—hydrocarbons and nitrogen oxides from automobile exhausts. Smog was at first thought to be a phenomenon amplified by local weather conditions and limited to Los Angeles. Today, however, most major cities are afflicted to some degree by photochemical smog as well as by other forms of air pollution.

Air pollution is for the most part a phenomenon of urban living that occurs when the capacity of the air to dilute the pollutants is overburdened. Population and industrial growth and a high degree of dependence on the motor vehicle cause new gaseous and particulate emissions to complement, interact with, and further complicate the traditional ones.

When the first Federal air pollution control legislation was passed in 1955 there were no viable ongoing State programs at all. There was little interest in the scientific community, and the public, by and large, equated air pollution with coal smoke and considered smog a problem unique to Los Angeles. It is no wonder that air pollution is regarded as a recently discovered phenomenon.

POLLUTANTS AND THEIR SOURCES

Five main classes of pollutants are pumped into the air over the United States, totaling more than 200 million tons per year. These are summarized in table 1 for 1968, the latest year for which data are available for making estimates.

Transportation—particularly the automobile—is the greatest source of air pollution. It accounts for 42 percent of all pollutants by weight. It produces major portions not only of carbon monoxide but of hydrocarbons and nitrogen oxides.

TABLE 1.—ESTIMATED NATIONWIDE EMISSIONS, 1968

[In millions of tons per year]

Source	Carbon monoxide	Particulates	Sulfur oxides	Hydrocarbons	Nitrogen oxides	Total
Transportation	63.8	1.2	0.8	16.6	8.1	90.5
Fuel combustion in stationary sources	1.9	8.9	24.4	.7	10.0	45.9
Industrial processes	9.7	7.5	7.3	4.6	.2	29.3
Solid waste disposal	7.8	1.1	.1	1.6	.6	11.2
Miscellaneous [1]	16.9	9.6	.6	8.5	1.7	37.3
Total	100.1	28.3	33.2	32.0	20.6	214.2

[1] Primarily forest fires, agricultural burning, coal waste fires.

Source: NAPCA Inventory of Air Pollutant Emissions, 1970.

Carbon monoxide (CO) is a colorless, odorless, poisonous gas, slightly lighter than air, that is produced by the incomplete burning of the carbon in fuels. Carbon monoxide emissions can be prevented by supplying enough air to insure complete combustion. When this occurs, carbon dioxide, a natural constituent of the atmosphere, is produced instead of carbon monoxide.

Almost two-thirds of the carbon monoxide emitted comes from internal combustion engines, and the overwhelming bulk of that comes from gasoline-powered motor vehicles.

Particulate matter includes particles of solid or liquid substances in a very wide range of sizes, from those that are visible as soot and smoke to particles too small to detect except under an electron microscope. Particulates may be so small that they remain in the air for long periods and can be transported great distances by the winds. They are produced primarily by stationary fuel combustion (31 percent) and industrial processes (27 percent). Forest fires and other miscellaneous sources account for 34 percent.

There are established techniques for controlling particulates from a boiler stack or from a waste air stream—among them filtering, washing, centrifugal separation, and electrostatic precipitation. These work well for most of the particles, but complete removal, especially of the very finest particles, is technically and economically difficult.

Sulfur oxides (SOX) are acrid, corrosive, poisonous gases produced when fuel containing sulfur is burned. Electric utilities and industrial plants are its principal producers since their most abundant fuels are coal and oil, which contain sulfur as an impurity. The burning of coal produces about 60 percent of all sulfur oxides emissions, oil about 14 percent, and industrial processes that use sulfur 22 percent. Most of the coal and oil is burned in electric power generation plants. About two-thirds of the Nation's sulfur oxides are emitted in urban areas, where industry and population are concentrated. And seven industrial States in the Northeast account for almost half of the national total of sulfur oxides. In rural areas, however, sulfur oxides sources may be large industrial plants, smelters, or power plants. Any one of these may throw out several hundred thousand tons of sulfur oxides in a year.

Government agencies and industry have sought to reduce sulfur oxide emissions in three ways: switching to low sulfur fuels (those with less than 1 percent sulfur), removing sulfur from fuels entirely, and removing sulfur oxides from the combustion gases.

Hydrocarbons (HC), like carbon monoxide, represent unburned and wasted fuel. Unlike carbon monoxide, gaseous hydrocarbons at concentrations normally found in the atmosphere are not toxic, but they are a major pollutant because of their role in forming photochemical smog. More than half the estimated 32 million tons of hydrocarbons produced each year comes from transportation sources, mainly gasoline-fueled vehicles. Another 27 percent comes from miscellaneous burning and 14 percent from industrial processes. About 60 percent is produced in urban areas, largely because there are more automobiles.

Nitrogen oxides (NO_x) are produced when fuel is burned at very high temperatures. Stationary combustion plants produce 49 percent of the nitrogen oxide emissions; transportation vehicles, 39 percent; and all other sources, 12 percent.

Internal combustion engines operate at very high temperatures, and so do efficient, large electric power and industrial boilers. Nitrogen that is ordinarily inert combines with oxygen in high temperature flames and tends to stay combined if the exhaust gases are cooled too quickly. The control of NO_x from stationary sources requires careful adjustment of flame and stack gas temperatures. Control of nitrogen oxides from automobiles is more difficult because reducing other pollutants can increase the output of NO_x.

Under the influence of sunlight, nitrogen oxides combine with gaseous hydrocarbons to form a complex variety of secondary pollutants called *photochemical oxidants*. These oxidants, together with solid and liquid particles in the air, make up what is commonly known as smog. The photochemical oxidant family of pollutants includes, among others, ozone, an unstable, toxic form of oxygen; nitrogen dioxide; peroxyacyl nitrates; aldehydes; and acrolein. In air they can cause eye and lung irritation, damage to vegetation, offensive odor, and thick haze.

Air pollution emissions in the United States, 1968

[Percentage by weight]

What they are:	
Sulfur oxides	15
Hydrocarbons	15
Particulates	13
Nitrogen oxides	10
Carbon monoxide	47
Where they come from:	
Fuel combustion in stationary sources	21
Solid waste disposal	5
Forest fires	8
Miscellaneous	10
Industrial processes	14
Transportation	42

Source: National Air Pollution Control Administraton, HEW.

WHAT AIR POLLUTION DOES

Air pollution adversely affects man and his environment in many ways. It soils his home and interferes with the growth of plants and shrubs. It diminishes the value of his agricultural products. It obscures his view and adds unpleasant smells to his environment. Most important, it endangers his health.

The extent of air pollution depends heavily on how weather disposes of the pollutants. The ability of the atmosphere to dilute and disperse them is limited to two factors—wind speed and the depth in the atmosphere to which air near the surface can be mixed. Although considerable variation occurs from day to day in the extent to which these factors disperse air pollution, the same patterns tend to repeat themselves over months or years. On some few days in a year, strong winds and highly unstable atmospheric conditions may disperse even the heaviest blanket of pollution. On many other days, weak winds and highly stable conditions let small quantities of pollutants accumulate and build up to serious proportions. Between these extremes, variations in weather condi-

tions create varying levels of pollution over a given area.

Many cities lie in natural basins at the confluence of rivers, around bays, or in flat areas backed against mountains. Such basins are natural gathering places for low-lying masses of warm air, which trap pollutants in the familiar phenomenon known as an "inversion." However, even communities more favorably located increasingly find that atmospheric conditions limit the amount of air available as a dumping place for pollutants.

To human health

The most important effect of air pollution is its threat to human health. Acute episodes of pollution in London, New York, and other cities have been marked by dramatic increases in death and illness rates, especially among the elderly and those with preexisting respiratory or cardiac conditions.

The incident most familiar to Americans occurred in 1948 in Donora, an industrial town in the mountains of western Pennsylvania. Almost half of the town's 14,000 inhabitants fell ill; 20 died. The worst air pollution disaster of modern times struck in London in 1952 when its famous "killer smog" increased the number of deaths in London to 1,600 more than would have normally occurred. Both of those episodes occurred when, under conditions lasting for several days, unusual weather prevented the dispersal of pollutants.

Such major disasters are cause for concern. However, of much greater significance for the American population are the subtle, long-range effects on human health of exposure to low-level, long-lasting pollution.

The causes of chronic diseases which constitute the major public health problems of our time are difficult to determine. Assessing the contribution of particular pollutants to these conditions is complicated by the seemingly infinite variety of pollutants to which persons, particularly those in urban areas, are exposed from the day of their birth. And it is difficult to separate pollution from the other biological and physical stresses to which people are subjected.

Nonetheless, it is well established that air pollution contributes to the incidence of such chronic diseases as emphysema, bronchitis, and other respiratory ailments. Polluted air is also linked to higher mortality rates from other causes, including cancer and arteriosclerotic heart disease. Smokers living in polluted cities have a much higher rate of lung cancer than smokers in rural areas.

The incidence of chronic diseases has soared sharply during this century, while the infectious diseases which were the primary public health concern in the past have been brought under control. Heart and blood vessel diseases caused more than half the deaths in the United States in 1962. Lung cancer, once a rarity, now kills more persons than all other cancer types combined. Emphysema has doubled every 5 years since World War II. Air pollution has been linked to asthma, acute respiratory infections, allergies, and other ailments in children. Such childhood diseases may well underlie chronic ills developed in later life.

Knowledge of the health effects of specific contaminants present in the air is far from complete. However, the more overt health effects of several major classes of pollutants are beginning to be defined. Those pollutants are found almost everywhere in the United States.

When *carbon monoxide* is inhaled, it displaces the oxygen in the blood and reduces the amount carried to the body tissues. At levels commonly found in city air, it can slow the reactions of even the healthiest persons, making them more prone to accidents. Moreover, it is believed to impose an extra burden on those already suffering from anemia, diseases of the heart and blood vessels, chronic lung disease, overactive thyroid, or even simple fever. Cigarette smokers, who are already inhaling significant amounts of CO in tobacco smoke, take on an additional CO burden from polluted air.

Studies show that exposure to 10 parts per million of CO for approximately 8 hours may dull mental performance. Such levels of carbon monoxide are commonly found in cities throughout the world. In heavy traffic situations, levels of 70, 80, or 100 parts per million are not uncommon for short periods.

Sulfur oxides, produced mainly by burning coal and oil, can cause temporary and permanent injury to the respiratory system. When particulate matter is inhaled with the sulfur oxides, health damage increases significantly. The air pollution disasters of recent years were due primarily to sharply increased levels of sulfur oxides and particulates.

Sulfur dioxide can irritate the upper respiratory tract. Carried into the lungs on particles, it can injure delicate tissue. Sulfuric acid—formed from sulfur trioxide when water is present—can penetrate deep into the lungs and damage tissue.

Health may be imperiled when the annual mean concentration of sulfur dioxide in the air rises above 0.04 parts per million. Deaths from bronchitis and from lung cancer may increase when this level of sulfur dioxide is accompanied by smoke concentrations of about 0.06 parts per million. American cities often exceed this annual mean substantially. The annual mean concentration of SO_2 in the air was 0.12 parts per million in Chicago in 1968; in Philadelphia it was 0.08. When SO_2 exceeds 0.11 parts per million for 3 to 4 days, adverse health effects have been observed, and this level is reached in many large cities during inversions.

Photochemical oxidants have emerged relatively recently as a major health problem, and research relating to their effects on human health is still in its infancy. However, studies have shown that eye irritation begins when peak oxidant levels reach 0.10 parts per million. Increased frequency of asthma attacks occurs in some patients on those days when hourly concentrations average 0.05 to 0.06 parts per million. Even the healthiest persons may be affected; however, a study of cross-country runners in a Los Angeles high school showed that their performances suffered when hourly average oxidant levels ranged from 0.03 to 0.30 parts per million.

Less is known about the effects on health of *nitrogen oxides,* which play such an important part in producing photochemical pollution. They have been little studied until recently. However, evidence so far suggests that they may be harmful to human health. A study in Chattanooga, Tenn., linked very low levels to these oxides in the air to children's susceptibility to Asian flu.

The lowest *particulate levels* at which health effects have been noted in the United States were reported at Buffalo. The Buffalo study suggests that the overall death rate rises in areas with an annual average concentration ranging from 80 to 100 micrograms per cubic meter. The study also reveals a tie between these levels of particulate matter and gastric cancer in men 50 to 69 years old. A similar association was found in a Nashville study. Particulate levels in this range are found in most major urban areas and are common even in smaller industrial cities.

The findings relating to particulate matter, as a class of pollutants, amply justify measures to reduce their level in the air. Included in this class of pollutants are a number of substances which are potential health hazards at much lower concentrations and which will require even more stringent controls.

Beryllium, for example, which may be emitted from industrial sources and from rocket fuel, can cause lesions in the lung, producing serious respiratory damage and even death. Since the sources of this pollutant are limited, however, it may be a problem only in specific localities.

Asbestos, long recognized as an occupational hazard, is increasingly present in the ambient air because of its use in construction materials, brake linings, and other products. Long exposure in industry produces the lung-scarring disease, asbestosis. On the other hand, mesothelioma, a type of lung cancer associated almost exclusively with asbestos exposure, does not appear to be associated only with heavy or continued exposure.

Many other particulate pollutants are a growing public health worry even though they may not constitute such an immediate and direct threat. Current studies suggest that lead levels now found in the blood and urine of urban populations—although well below those associated with classic lead poisoning—may interfere with the ability of the human body to produce blood. As air pollution becomes more widespread, increased numbers of people are being exposed to airborne lead, chiefly from automotive emissions, at levels formerly found only in congested areas.

To vegetation and materials

Air pollution inflicts widespread and costly damage on plant life and buildings and materials. Some experiences of the past warned of the effects of air polltution on plant life. Sulfur dioxide fumes from a large copper smelting plant set up after the Civil War in Copper Basin, Tenn., damaged 30,000 acres of timberland. Much of this originally forested mountain land is still barren. Today, the damage to plant life is less dramatic than in the days of unrestricted smelter operations. But the slower, chronic injury inflicted on agricultural, forest, and ornamental vegetation by increasing quantities and varieties of air pollutants has now spread to all parts of the country.

Smog in the Los Angeles basin contributes to the slow decline of citrus groves south of the city and damages trees in the San Bernardino National Forest 50 miles away. Fluoride and sulfur oxides, released into the air by phosphate fertilizer processing in Florida, have blighted large numbers of pines and citrus orchards. Livestock grazing on fluoride-tainted vegetation develop a crippling condition known as fluorosis. In New Jersey, pollution injury to vegetation has been observed in every county and damage reported to at least 35 commercial crops.

At sulfur oxide levels routinely observed in some of our cities, many plants suffer a chronic injury described as "early aging." Nitrogen dioxide produces similar injury symptoms and seems to restrict the growth of plants even when symptoms of injury are not visible. Ozone, a major photochemical oxidant, is a significant threat to leafy vegetables, field and forage crops, shrubs, and fruit and forest trees—particularly conifers. The damage from ozone in minute quantities can be great. Extended ozone exposure to 0.05 parts per million can reduce a radish yield 50 percent. Tobacco is sensitive to ozone at a level of 0.03 parts per million.

Air pollutants also damage a wide variety of materials. Sulfur oxides will destroy even the most durable products. Steel corrodes two to four times faster in urban industrial areas than it does in rural areas where much less sulfur-bearing coal and oil are burned. When particulate matter is also present in the air, the corrosion rates multiply. One-third of the replacement cost of steel rails in England is estimated to be caused by sulfur pollution. The rise of sulfur oxides levels in the air is accelerating the erosion of statuary and buildings throughout the world, and in some cities, works of art made of stone, bronze, and steel must be moved indoors to preserve them from deterioration. Particulate matter in the air not only speeds the corrosive action of other pollutants but

by itself is responsible for costly damage and soiling. Clothes and cars must be washed, houses painted, and buildings cleaned more often because of the particulates in the air. Ozone damages textiles, discolors dyes, and greatly accelerates the cracking of rubber.

To visibility

Air pollution dims visibility, obscures city skylines and scenic beauty, interferes with the safe operation of aircraft and automobiles, and disrupts transportation schedules. In one recent year, low visibility from smoke, haze, and dust was the suspected cause of 15 to 20 plane crashes. In Los Angeles, visibility in the smog frequently lowers to less than 3 miles. During the air pollution alert in the eastern States during July 1970, visibility was almost totally obscured in some areas. The Federal Aviation Administration's visibility safety factor for airplane operation without instruments is 5 miles. Nitrogen dioxide, which reaches peak levels during morning rush-hour traffic, is responsible for the whiskey-brown haze that stains the sky over many cities. Particulates, however, are the major villain in reducing visibility. Particles (ash, carbon, dust, and liquid particles) discharged directly to the air scatter and absorb light, reducing the contrast between objects and their backgrounds. Particles are also formed in the atmosphere by photochemical reactions and by the conversion of sulfur dioxide to sulfuric acid mist. Wherever sulfur pollution is significant—which is wherever large amounts of coal and oil are burned—visibility diminishes as relative humidity rises.

To climate

Air pollution alters climate and may produce global changes in temperature. Chapter V of this report deals with that subject.

WHAT AIR POLLUTION COSTS

In damages

The total costs of air pollution in the United States cannot be precisely calculated, but they amount to many billions of dollars a year. Economic studies are beginning to identify some of the more obvious costs. To paint steel structures damaged by air pollution runs an estimated $100 million a year. Commercial laundering, cleaning, and dyeing of fabrics soiled by air pollution costs about $800 million. Washing cars dirtied by air pollution costs about $240 million. Damage to agricultural crops and livestock is put at $500 million a year or more. Adverse effects of air pollution on air travel cost from $40 to $80 million a year. Even more difficult to tie down are the costs of replacing and protecting precision instruments or maintaining cleanliness in the production of foods, beverages, and other consumables. It is equally difficult to assess damage, soiling, and added maintenance to homes and furnishings or how air pollution acts on property values. The cost of fuels wasted in incomplete combustion and of valuable and potentially recoverable resources such as sulfur wasted into the air is also hard to count. It is still more difficult to determine the dollar value of medical costs and time lost from work because of air pollution—or to calculate the resulting fall in productivity of business and industry.

In control

The total investment necessary through 1975 to control the major industrial and municipal sources of particulate matter, sulfur oxides, hydrocarbons, and carbon monoxide in 100 metropolitan areas of the United States has been estimated at $2.6 billion. This includes costs for controlling both existing and new sources. By 1975, it will cost another $1.9 billion for operation, maintenance, depreciation, and interest.

These estimated costs are based on assumed future control requirements. Still, the yearly cost to control the industrial sources of these four major pollutants is relatively low, less than 1 percent of the value of the annual output of the industries involved, although the costs to some industries is much greater.

According to industry estimates, the costs of control devices to meet Federal motor vehicle emission standards are rising rapidly, both because of general increases in prices and because of the increasing stringency of the standards. The cost for 1968 and 1969 models was $18–19 per car; for 1970, $36 per car; and for 1971 models it is estimated at $49 per car. The application of more stringent standards will increase these costs still further. Thus in 1971 the cost for installing control devices on the 10 million new cars produced will be almost $500 million. However, assuming that the average vehicle life is 10 years, the cost is only $5 per car per year.

PROGRAMS IN AIR POLLUTION CONTROL

Legislative history

The first Federal legislation concerned exclusively with air pollution was enacted in July 1955. It authorized $5 million annually to the Public Health Service of the Department of Health, Education, and Welfare for research, data collection, and technical assistance to State and local governments.

Pressures for action led to the Clean Air Act of 1963. It provided grants to air pollution agencies for control programs (with special bonuses for intermunicipal or interstate areas). And it provided Federal enforcement authority to attack interstate air pollution problems.

In October 1965, the Clean Air Act was amended to permit national regulation of air pollution from new motor vehicles. The first standards were applied to 1968 models. These standards were tightened for 1970 and 1971 model cars. And even more stringent standards have been announced for 1973 and 1975.

In November 1967, the Congress passed the comprehensive Air Quality Act, which undergirds much of the current Federal air pollution control effort. That act set in motion a new regional approach to establishing and enforcing Federal-State air quality standards:

The Secretary of HEW first must designate air quality control regions within a State or within an interstate region.

The Secretary must promulgate air quality criteria which, based on scientific studies, describe the harmful effects of an air pollutant on health, vegetation, and materials. He must issue control technology documents showing availability, costs and effectiveness of prevention and control techniques.

In the designated regions, the States must show willingness to establish air quality standards.

The States then set standards limiting the levels of the pollutant described in the criteria and control technology documents. If the States fail to do this, the Secretary is empowered to set the standards.

After the States have developed air quality standards, they must establish comprehensive plans for implementing them. (These plans should set specific emission levels by source and a timetable for achieving compliance.)

The process of adopting standards and implementation plans can take up to a year and a half, and the approval process requires still more time. The process must be renewed and repeated each time criteria and control techniques are issued for a new pollutant.

On February 10, 1970, the President made a number of legislative proposals to improve the air quality program. Among them were proposals to apply air quality standards throughout the entire Nation, not just within the air quality control regions. Hearings are provided for, and the States have the option of adopting more stringent standards if they choose. The States would have 9 months from the time the national standards are established to submit a plan detailing how they would enforce the national standards, including the associated emission standards. The Federal Government would enforce the standards if the air quality in a State or region fell below the standards and the State plan was not being carried out. The provisions for national standards should markedly quicken the process of establishing enforceable standards and a workable plan for abatement.

The President's proposals also call for national emission standards for new pollutant sources considered harmful to health and welfare and which can be controlled. This authority is necessary to insure that new stationary sources are designed to reduce emissions to the lowest level consistent with available technology. National emission standards would apply to existing as well as to new stationary sources for pollutants extremely hazardous to health, such as asbestos, cadmium, or beryllium. The legislation would authorize the Secretary of HEW to move directly against sources of these pollutants when States do not act.

The President's program would also extend Federal enforcement authority to pollution within one State. And it would levy fines of up to $10,000 a day for noncompliance.

The Department of HEW first issued documents on air quality criteria and control methods for sulfur oxides and particulate matter in February 1969. This triggered the standards-setting process for these two key pollutants. In March 1970, criteria and control documents were issued for carbon monoxide, hydrocarbons, and photochemical oxidants. HEW expects to issue documents on lead, nitrogen oxides, flourides, and polynuclear organic compounds early in 1971.

By July 1, 1970, air quality regions had been designated in 40 major metropolitan areas. By the end of the summer 1970, HEW expects to designate 90 regions, providing at least one region in each State. These regions will embrace 123 million people, almost 60 percent of the U.S. population. As of July 1, 1970, 17 States had submitted standards to the Department, and 10 had been approved. No implementation plans have yet been approved.

Action on each new pollutant requires publication of air quality criteria and control technology, the development and approval of State standards for each region, and the development and approval of State implementation plans for each region. The National Air Pollution Control Administration (NAPCA) is currently studying 30 different pollutants to determine their potential effects on health. When the evaluations are completed, criteria documents will be issued, as necessary.

Federal abatement actions

Although the major current emphasis is on developing standards, some action continues under the enforcement provisions of the 1963 Clean Air Act. Since passage of the act, 10 enforcement conferences have been held. Four have dealt with single sources of pollution; six have considered all sources of pollution within major metropolitan areas, including the metropolitan areas of New York-New Jersey, Kansas City, and Washington, D.C.

Those conferences covering whole metropolitan areas have concentrated more on strengthening State and local efforts than on directly curbing polluters. The conference-public hearing procedure has been a cumbersome and time-consuming method of taking action against individual polluters.

The first air pollution enforcement action was instituted in 1965 against a chicken rendering plant in Bishop, Md. A conference was held in 1965 and a public hearing in 1967; a suit was begun in the Federal district court in 1969, and an appeal finally made to the U.S. Supreme Court. The plant was not shut

down until the Supreme Court refused to hear the appeal in May 1970—5 years after the action started. No other enforcement action has proceeded beyond the conference stage.

No enforcement has yet taken place under the 1967 act, since the standards, for the most part, have not yet been adopted nor implementation plans approved. The President has submitted comprehensive proposals to the Congress to strengthen enforcement powers. These are discussed later in the chapter.

Curbing auto pollution

The first standards set under the 1965 Amendments to the Clean Air Act applied to 1968 model vehicles. These standards required complete control of crankcase hydrocarbons and partial control of exhaust hydrocarbons and carbon monoxide.

In June 1968, HEW tightened exhaust standards for 1970 and later model vehicles and for the first time set evaporative loss standards—to be applied starting with the 1971 model year.

In July 1970, the Secretary proposed sweeping changes in procedures for testing whether new automobiles meet the Federal emission standards—when it was discovered that the existing procedures underestimated the actual amount of pollution being emitted. The new test procedures would take effect when prototypes of 1972 model cars begin their tests at the end of this year. At the same time, the Secretary confirmed the same 1975 standards for hydrocarbons and carbon monoxide and said that the nitrogen oxide and particulate standards proposed in February 1970 would be confirmed as soon as test procedures for these standards had been developed. Table 2 summarizes the effects of all these standards on automobile emissions through 1975.

Under the 1965 Amendments to the Clean Air Act, NAPCA tests only vehicles submitted by a manufacturer. If the test vehicle meets the Federal standards, all other like model vehicles sold by a manufacturer are deemed in conformity with the standards.

The first surveillance data on production line cars subject to the Federal standards were reported in the summer of 1968. The data showed that, on the average, the cars complied with the Federal standards. However, by the winter of 1969, the surveillance data showed that, on the average, hydrocarbon emissions of 1968 cars ran about 20 percent above the standard and carbon monoxide emissions about 8 percent above. Reports in 1970 show hydrocarbon emissions higher than the standard by 25 percent and carbon monoxide by about 10 percent.

TABLE 2.—EXHAUST EMISSION STANDARDS AND UNCONTROLLED VEHICLE EMISSION LEVELS BASED ON CURRENT AND PROPOSED 1972 TEST PROCEDURES

PRESENT TEST PROCEDURE

	Hydrocarbons		Carbon monoxide		Oxides of nitrogen		Particulates	
	G./mi.[1]	Percent[2]	G./mi.	Percent	G./mi.	Percent	G./mi.	Percent
Baseline (uncontrolled vehicle)	11.2		73.0					
Present standards (intended degree of control)	2.2	80	23.0	69	N A.[3]	N.A.	N.A.	N.A.
1975 standards (expected control)	.5	96	11.0	86				

PROPOSED TEST PROCEDURE

Baseline (uncontrolled vehicle)	14.6		116.3		6.0		0.3	
Equivalent present standards (achieved degree of control)	4.6	69	47.0	60				
Proposed 1972 Standards (control)	2.9	80	37.0	69				
Proposed 1973 standards (control)					3.0	50		
Proposed 1975 standards (control)	.5	97	11.0	91	.9	85	.1	66.7

[1] Grams per mile emitted.
[2] Percentage reduction from uncontrolled vehicle.
[3] No standards applicable.

Source: NAPCA.

Remedies for the failure of production line cars to perform as well as their prototypes are both administrative and legislative. New tests to be applied for the first time to 1972 models include a revised durability test. It will more accurately reflect actual operating conditions. And the manufacturer will be required to make available to NAPCA test cars to be under the control of the Federal Government in accumulating durability mileage.

Proposed Presidential amendments to the Clean Air Act would authorize HEW to withdraw approval of a particular model of car if vehicles coming off the production lines do not meet the Federal standards. Moreover, the Secretary of HEW would be explicitly authorized to test, or require manufacturers to test, vehicles at the end of production lines. Even with these safeguards, many automobiles will not meet the standards. In addition to systems that break down or are not sufficiently durable, the car owner may not provide proper maintenance.

The data on present levels of pollution in our urban environment, the projected increase in urban traffic in the years ahead, and the performance of pollution control systems under actual driving conditions make it clear that even applying stricter standards in 1975 will only prolong the downward curve in vehicle emissions until the middle 1980's. After that, carbon monoxide levels will again rise because of the sheer number of automobiles on the roads and highways.

Motor vehicle pollution is the product of a complex combustion system of engines, fuels, and fuel additives. Effective control, then, means dealing not only with engines and control devices but with the fuel itself and with fuel additives. The President's proposed legislation includes authority to establish standards and regulations for both fuel and fuel additives.

The key additive from an air pollution control viewpoint is tetraethyl lead in gasoline. It accounts for a significant portion of the particulate pollution from automobiles. Most experts believe that control systems incorporating chemical catalysts will be required to meet 1975 standards. Experience to date indicates that lead in gasoline poses serious problems to the ues of catalytic control devices. Although other control methods are likely to be available, the catalyst appears to be most economical and durable. A panel of the Commerce Technical Advisory Board concluded that lead-free gasoline should be ready within the next few years so that industry will have the chance to road-test these catalytic devices. Automobile manufacturers say that they intend to market vehicles with low-octane requirements in their 1971 models, thus reducing or even eliminating the need for lead in gasoline.

The Secretary of HEW has asked the chief executives of the Nation's petroleum companies to work toward production of a lead-free gasoline. The Secretary suggested a plan to reduce lead levels in regular grades to 0.5 gram per gallon by July 1, 1971, and to zero lead content by July 1, 1974. However, since premium gasoline containing lead will still be needed for a number of years to meet the requirements of high compression engines in older cars, the Secretary's plan provides for leaded premium gasoline as long as it is needed. To make the new gasolines competitive, the administration has requested a $4.25 per pound tax on lead used in gasoline.

An alternative to the internal combustion engine may be necessary if it cannot meet the increasingly stiff standards. The President announced in his February 10, 1970, environmental message a program to develop one or more alternatives within 5 years. He called for:

An extensive research and development program to be conducted under the general direction of the Council on Environmental Quality;

An incentive program to private developers, through Government purchase of privately produced unconventional vehicles for testing and evaluation.

Controlling sulfur oxides

Sulfur oxides are one of the most difficult classes of air pollutants to control. Because of their toxicity and pervasiveness, they are among the most dangerous air pollutants to human health and are clearly the most harmful to vegetation, buildings, and materials. Because their source is chiefly the electric power industry, their potential increase is tied to the burgeoning industry, which almost doubles its output every 10 years.

At present about 65 percent of the energy for generating electricity stems from coal; gas, oil, and hydroelectric sources account for about 34 percent; and nuclear energy the remaining 1 percent. By 1980, 22 percent of the total installed electric power capacity is expected to be nuclear. By 1990, it will be 40 percent. However, by far the greatest source of energy is now, and will continue to be for the rest of this century, the burning of coal and oil. The amount of coal used for power by the year 2000 will be four times greater than it is today.

A number of alternatives are available to control sulfur oxide pollution over the next decade. Switching fuels is possible, but only when an alternative, low-sulfur fuel is available. Most coal near the Nation's centers of population and power demand is high in sulfur. Low-sulfur coal not only is far away but also commands a higher price for use as coke by domestic and foreign steelmakers. North Africa and other areas are rich in low sulfur oil but are limited by low production and refinery capabilities. Oil import quotas bar it from certain areas of the Midwest and the West Coast, although the oil may be imported to other areas of the United States. The United States will probably continue to rely primarily on residual oil from the Western Hemisphere. And that oil will have to be desulfurized before it is used. Natural gas carries an insignificant sulfur content, but it is the scarcest of fossil fuels, and most of it is being conserved for nonpower purposes.

Sulfur can be separated from coal and oil, but the processes are costly, and some are not fully developed technically. Methods to remove sulfur from the stack gases after the fuel is burned are under development. However, none of these processes is yet in large-scale use and the costs are not yet known. Some of the stack control processes recover sulfur or a sulfur byproduct, which can be sold to help offset costs. Some are also being evaluated for their potential in reducing pollution from nitrogen oxides.

Research and development

A number of technological and research gaps in controlling air pollution still exist. NAPCA carries on an extensive research, development, and demonstration program in its own facilities and through grants and contracts. The fiscal year 1970 budget contains $59.3 million in budgeted funds for research and demonstration. The fiscal year 1971 budget requests call for $63.3 million.

Two principal areas hold high priority. One is the development of technology for the control of stationary sources. Currently, a comprehensive program is underway in NAPCA, working with the Bureau of Mines and TVA, aimed at perfecting techniques for controlling sulfur oxides. A similar program is getting underway for nitrogen oxides. The second prime priority is the development of new low emission power systems for motor vehicles. This program aims to develop at least two unconventional vehicle prototypes and to demonstrate commercial feasibility by 1975. Initial research will center on gas turbine, steam, and hybrid systems, with continued work on electrical systems. The 1971 Federal Budget sets aside $9 million for this program. The Council on Environmental Quality has worked closely with the Department of Health, Education, and Welfare, which is the lead agency for this program, and with other Federal agencies to assure that the widest range of Federal talents is enlisted in the low-emission power program. The Council has also appointed a committee to advise it on this program, headed by Dr. Ernest Starkman, of the University of California at Berkeley.

Air quality monitoring

Collecting and evaluating data on air pollutant emissions and air quality require a joint Federal-State-local effort. NAPCA is now engaged not only in operating its own air monitoring network but also in supporting State and local monitoring activities. NAPCA's own air monitoring program involves operation of more than a thousand air sampling devices at stations across the country, including six continuous monitoring stations in major cities. Over the past year, mechanized devices for measuring various gaseous pollutants were put in operation at 145 sites. This expansion of NAPCA's network reflects the increased stress on gathering data for air pollutants which have been or will be the subject of air quality criteria documents.

State and local governments, which have the primary responsibility for monitoring air quality, operate over 2,000 stations. Most of them, however, monitor air quality only intermittently.

State and local programs

With one major exception—new motor vehicles, whose control the Clean Air Act preempts to the Federal Government—primary responsibility for the control of the sources of air pollution is assigned to State and local governments. An assessment, then, of State and local air pollution control programs is a useful measure of the current efforts to cope with the problem.

A March 1970 Department of Health, Education, and Welfare report to the Congress, "Progress in the Prevention and Control of Air Pollution," traces the considerable increase in State and local budgets for air pollution control, stimulated in large part of the Federal matching grants program initiated in 1963. However, of the 55 State and territorial programs being financed by the grants program in 1970, only six have reached an annual per capita expenditure of 25 cents, which is generally considered the minimum expenditure needed for State programs. Only 23, including the six, are spending as much as 10 cents per person per year. At the local level, the situation is better: 64 of 144 grantee agencies are spending at least 40 cents per capita per year, which is generally considered the minimum needed for local programs.

Table 3, also from the March 1970 HEW progress report, shows the accelerated pace at which States have been adopting air pollution control regulations during the last several years. Prior to passage of the Clean Air Act in 1963, only nine States had adopted air pollution control regulations. By 1967–68, 30 had. By the end of 1970 it is expected that all States will have established the legal basis for controlling the sources of air pollution.

No detailed survey has been made of the adoption of air pollution regulations at the local level of government. However, local agencies set up to deal with the problem have proliferated—from 85 agencies in 1962 to more than 200 today.

TABLE 3.—STATE LAWS AND REGULATIONS

[Number of States enacting laws and regulations in specified years]

	1951–62	1963–64	1965–66	1967–68	Total
Initial law enacted	11	3	9	23	46
First regulation adopted	9	.....	4	17	30
Type of regulation:					
Administrative	9	.....	4	13	26
Fuel burning	2	.....	3	11	16
Open burning	4	.....	3	12	19
Ambient standards	2	1	1	11	15
Visible emissions	5	.....	3	14	22
Incinerator	1	1	2	13	17
Industrial process	.....	1	4	9	14
Vehicle	1	.....	.....	5	6
Sulfur oxides	.....	.....	1	5	6

Perhaps the most significant indicator of the adequacy of State and local air pollution control programs is manpower. The 1970 HEW report to the Congress, "Manpower and Training Needs for Air Pollution Control," indicates that in general control agencies are inadequately staffed. Fifty percent of State agencies have fewer than 10 positions budgeted, and 50 percent of local agencies have fewer than seven positions budgeted. Further, during 1969 the vacancy rate for all agencies was 20 percent. Recruitment of competent personnel is difficult. The report estimates that by 1974 State and local agencies will need 8,000 personnel if they are to implement the Clean Air Act properly—a jump of 300 percent over the number of persons currently employed in these programs.

The chief difficulty is the low salary rates paid by State and local agencies. The HEW report cites a study which indicates that State and local median salaries fall 20 to 50 percent below the median paid by industry for comparable positions.

EVALUATION

In evaluating the effectiveness of air quality efforts, it is useful to separate stationary from mobile sources, since the methods of control and the implementing institutions are so different. It is also useful, for purposes of perspective, to compare air quality and water quality efforts on stationary sources, since many aspects of the Federal legislation are similar.

Stationary sources

Congressional and public concern focused on water pollution many years before air pollution. The first permanent water pollution legislation was enacted in 1956, the first permanent air pollution legislation not until 1963. There are currently standards and implementation plans for almost all the interstate and coastal waters of the United States, covering most forms of water pollution. Water quality criteria have been developed, and Federal, State, and local governments and industry are beginning to commit themselves to abatement programs.

In contrast, only five air pollution criteria have been issued; only 10 State standards have been approved; and no State implementation plans have yet been approved. There is currently no basis for enforcing standards, because enforcement must await approval of implementation plans.

The air pollution effort is not as advanced as water pollution in terms of stationary sources for three major reasons. First, there is no available technology for a number of air pollutants, although most forms of industrial water pollution are amenable to control. Second, State water pollution control agencies have existed for many years in the United States and have developed capabilities, although often limited. Until enactment of the Air Quality Act of 1967, air pollution control was largely conducted by local agencies. Few States had adequate manpower and resources. Finally, the Air Quality Act of 1967 is no longer an adequate tool to cope with current pollution problems. Procedures for development and implementation of air quality standards are too slow and place an inordinate burden on both the States and the Federal Government.

The current enforcement authority is also inadequate. As with water pollution, the Federal Government has no jurisdiction if the pollution from one State is not endangering health and welfare in another State, unless the Governor of the State in which the pollution occurs requests help. The current conference-hearing procedure is unduly cumbersome and time consuming. The only court action that can be requested by the Government against a polluter is a cease-and-desist order, and the only available remedy in the case of noncompliance is to hold the polluter in contempt of court. The current act does not provide for fines to compel compliance.

Mobile sources

The attack on pollution from automotive emissions has begun to make progress. Current standards have already reduced emissions, and the 1973 and 1975 standards are expected to bring a further marked decrease. As discussed earlier, however, control systems on vehicles sold to the public lose their effectiveness more rapidly than on test vehicles, and, accordingly, the goals may not be met. Also, the current program does not deal with the millions of cars on the road with no control systems at all or with systems that do not or will not meet the required standards.

Monitoring

Although air pollution monitoring has been underway for years, the current systems—Federal, State, and local—are so spotty in coverage that it is very difficult to determine trends in the quality of air. For example, sampling stations are generally in downtown areas. The deterioration of air quality away from these regions, where the greatest amount of industrialization and urbanization has been taking place, is often not even monitored. Often trend data indicate improvement in one pollutant, while other pollutants not measured in the same city are increasing. Clearly, the total level of pollutants in our major urban areas continues to be above levels at which adverse effects on human health and destruction of vegetation, buildings, and materials occur. But improved monitoring systems are necessary to understand the status and trends of air quality and to develop better control programs.

State and local programs

As discussed earlier, until enactment of the Air Quality Act of 1967, air pollution was carried on largely by local agencies. The expenditures by State government were only $1.1 million in 1961. Even under the stimulation of Federal grants, State air pollution control agencies spent only $9.6 million in 1970, compared to $17.2 million for local air pollution control agencies and about $36 million for State water pollution agencies.

NAPCA considers inadequate some 28 to 34 State programs for areas not under the jurisdiction of a local agency. Some 14 to 20 are considered adequate or progressing rapidly, and only two to four are considered good. Local and regional programs are doing better, with 44 percent of the agencies spending what NAPCA considers adequate for a minimal program.

WHAT NEEDS TO BE DONE

The Council on Environmental Quality recommends the following:

1. *The President's legislative program should be enacted to deal more effectively with stationary sources by setting national air quality standards and national emission standards on substances harmful to health, by streamlining enforcement procedures, and by providing fines of up to $10,000 a day.*

2. *If the President's legislative program is enacted, the major Federal efforts on stationary sources should be directed toward the prompt establishment of national air quality standards covering a wide range of pollutants, and toward development of emission control limits for harmful pollutants such as asbestos, beryllium, cadmium, and other toxic materials.*

3. *Programs must be developed to improve State and local control agencies.* Highest priority should be given to increasing personnel, monitoring, and other control and enforcement activities. The recently developed program of assigning Federal personnel to the agencies is a positive step. But greatly expanded training efforts and higher pay are necessary to provide the personnel needed for effective air quality management.

4. *Federal research and development on sulfur oxides and nitrogen oxide control technology should be accelerated.* Sulfur oxides control technology for large coal- and oil-fired powerplants should be demonstrated in actual operation so that the technology can be applied throughout the industry. Both government and industry share responsibilities for this. Studies of better combustion methods to reduce oxides of nitrogen are also needed.

5. *A more balanced research and development program is necessary to hasten the development of more efficient energy processes.* Although control technology for sulfur oxides will provide appreciable improvement for several decades, a longrun answer to this type of air pollution lies in better energy conversion processes which will emit less pollutants per unit of energy produced. Gasified coal, fluidized bed combustion, breeder reactors, and nuclear fusion all hold promise. Although research for new nuclear power sources have already received significant support, greater attention must be given to these other processes. Even now, the Nation needs to use its fuel resources more effectively through development of a national energy policy. Such a policy would guide the use of natural gas, low-sulfur coal and oil, and other energy resources to assure their availability and minimize air pollution.

6. *Incentives to accelerate industry support for research and to stimulate corrective actions should be considered.* Specifically, incentives might encourage increased research by the electric power industry to develop better control methods and new types of power that are less polluting. Other incentives could encourage a shift to techniques which would reduce pollution from combustion processes.

7. *The President's legislative proposals for regulating fuel and fuel additives, taxing lead to be used in gasoline, and testing emission systems on the production line are critical for meeting motor vehicle emission standards and should be enacted.*

8. *Alternatives available to assure continued control of motor vehicle emissions under actual road conditions should be evaluated.* Some alternatives include warranty of system effectiveness by the manufacturer, incentives to States to check vehicle emissions as part of their automobile inspection procedures, and development of more foolproof emission control systems as a prerequisite for Federal certification.

9. *The development and widespread testing of an inexpensive and effective emission control system for installation on used cars should be accelerated. Consideration should be given to requiring its use on all automobiles or on vehicles in areas with severe pollution problems.*

10. *The program for development of an unconventional vehicles propulsion system (e.g., steam, gas turbine, or hybrid) should be accelerated to assure that the technology will be available if conventional propulsion systems are incapable of meeting increasingly stringent Federal standards.*

11. *Increased research should be conducted on the development of transportation systems that not only move people and goods efficiently but also help reduce both dependency on the private car and, with it, air pollution.* Although the principal goal of mass transit is more efficient transportation, it is also a method to reduce air pollution. It deserves more study as such. Also, more research is necessary on the placement of roadways and traffic flow patterns as a method of minimizing air pollution.

12. *More research should be conducted on the effects of air pollutants on man.* More knowledge is especially necessary about short- and long-term health impacts of air pollutants. The number of health effect studies should be increased and a thorough evaluation made of current epidemiological evidence.

13. *Federal, State, and local monitoring programs must be improved considerably.* There is need to develop inexpensive automated instruments to monitor air pollutants. More monitoring stations, especially in areas of rapid population growth and industrialization, are vital. And standard methods of measurement need improvement.

14. *Land use planning and control should be used by State, local, and regional agencies as a method of minimizing air pollution.* Large industries and power generating facilities should be located in places where their adverse effect on the air is minimal. There is a need for State or regional agencies to review proposed power plant sites to assure that a number of environmental values, including air pollution, are considered.

15. *The United States should work toward cooperative arrangements with other nations in limiting total amounts of air pollutants emitted into the atmosphere.* Air pollution is no longer solely a local, State, regional, or even national problem. It is ultimately an international problem and must be so recognized. As discussed in Chapter V, the addition of particulates and carbon dioxide in the atmosphere could have dramatic and long-term effects on world climate. The United States should take the initiative in forming cooperative arrangements to control air pollutants that could have widespread effects.

POTENTIAL FOR PROGRESS

During the last 15 years, much data on the health dangers from air pollution have been accumulated. During that time, progress in improving air quality has not kept pace with increased population and urbanization—except in some cities where efficiency of combustion and changes in fuel use have reduced soot.

The costs and institutional barriers to higher air quality are not as massive as in water pollution control. Abatement technology can be installed rapidly when available. Clearly the technological gaps in air pollution control must be overcome, but once breakthroughs are made, rapid progress will be possible.

The Council on Environmental Quality believes that a very high priority should be given to air pollution control. The opportunities for making significant improvements in the environment, at relatively low cost, are impressive. Indeed, the benefits which can be derived from greater control of air pollution far outweigh the costs of the control measures.

Mr. COOPER. Mr. President, the distinguished Senator from Maine (Mr. MUSKIE) has provided the Senate and the country with a concept of the pending bill and its purposes—an excellent and noble purpose, may I say. We are indebted to him for his initiative and leadership in the field of pollution control over many years.

The distinguished Senator from Delaware (Mr. BOGGS), who has been the ranking Republican member of the Subcommittee on Pollution Control for a number of years, has rendered yeoman service to the committee, to the Congress, and to the people of this country. He deserves our gratitude.

I join the Senator from Maine (Mr. MUSKIE) in saying that the work on this bill, which has characterized the work on other pollution bills, has been of the greatest interest and, I may say, the most satisfactory interest to all members of the committee. The very nature of the problem itself demands long hours of labor and the attention of each member of the committee to the intricate and delicate provisions involved in such a problem. Its immensity drew from every member his attention and his devotion in order to try to find a solution that would be fair and, more than that, would also meet the necessities of our time in the field of air pollution.

Mr. President, I cannot pay too great a tribute to the members of the staff who worked day and night with creativeness and industry to help bring this bill before the Senate.

As the Senator from Tennessee (Mr. BAKER), one of the members of the subcommittee, said, this bill is far reaching and may be as profound in its impact upon the social and economic life of our Nation as any that has been enacted into law by this session of Congress.

I would go further and say that it may have a larger impact upon the social and economic life and health of this Nation than any bill I have observed during my service in the Senate.

To all members of the committee, the majority and minority, Republican and Democratic, my congratulations. We worked together. We disagreed. We worried about many provisions of the bill. At last, however, we joined unanimously in recommending and sponsoring this bill, believing that our approach was one that could make progress toward solution of the problem of air pollution.

No, Mr. President, I have prepared some remarks. I do not wish to take much time, because some of my comments emphasize points already made by the Senator from Maine and the Senator from Delaware, but in my remarks I attempt to provide the general concept and plan of the bill and its purpose. I hasten now with my statement:

Mr. President, I would like to present an outline of the general plan of the air quality bill, which the committee developed after long and intensive consideration and has now presented to the Senate for its approval.

The bill extends for 3 years the au-

thorizations of the Clean Air Act of 1967, for extension of that authority is necessary this year, and it provides greatly increased amounts to accomplish the work laid out by the bill.

It establishes a new framework for action to achieve clean air, based in large part on recommendations of the administration and the President's Council on Environmental Quality, proposals which have been advanced by Senator MUSKIE, and those developed by the committee as the result of testimony received and through consideration of the air pollution problems facing the country. I do say at this point that many of these proposals were similar, although there were differences in specifics. This general agreement in approach shows, I think, that we have learned much about air pollution and how to go about this task. Alternative ways of proceeding and a rational plan of attack on the problems of air pollution are now better known—as they were not in earlier years.

The bill grants large powers to the Secretary of Health, Education, and Welfare which, it should be noted, will be transferred to the Administrator of the Environmental Protection Agency under the President's reorganization plan to consolidate air, water, and land pollution research, standard setting, and control and enforcement.

The bill in effect establishes a very high national priority for the goal of clean air. It will not succeed without a massive effort, not only by the Federal Government, the States, and localities, but by industry and through the willingness of citizens throughout the country to make the sacrifices necessary and to pay the price of accomplishing the goals of clean air—goals which the committee, the administration, and, I am sure, the Congress believe the public urgently desires.

It is a far-reaching bill, as profound in its impact on the social and economic life of our Nation as any I have seen during my service in the Senate. I know from our discussions, that all members of the committee are keenly aware of the scope of the challenge, of the complexities of the problem, and of the sustained and massive effort which the bill requires—in funding, training of personnel, research, private investment and enforcement. Adoption by the Senate of the National Air Quality Act of 1970, and we trust its enactment into law, will be only the beginning—the step which lays out the statutory plan.

Mr. President, I am glad to see present in the Chamber the Senator from Virgina (Mr. SPONG), the Senator from Missouri (Mr. EAGLETON)—who is now presiding—the Senator from Tennessee (Mr. BAKER), the Senator from Delaware (Mr. BOGGS), and the Senator from Maine Mr. MUSKIE). That is an indication of their deep interest that follows upon the great work they have done in the committee.

While the bill is far reaching, and sets a high challenge, we believe it necessary for life and for health, and responsive to our duty in husbandry to future generations.

I have emphasized at the outset my appraisal, for I think it important that the Congress and the country recognize the size of the task—that they know the consequences of a decision to secure clean air under an accelerated schedule. Unless this program is recognized and accepted for what it is—if it is to be underfunded or reduced in priority, or if the national affection for the environment now evident is fickle or inconstant—the bill ought not be enacted, for it would be a shame and tragic to hold out false hope. I make this point also because the scope of action required by the bill rests largely with local decisions—often hard and costly decisions.

This bill is certainly far more than an exercise in the revised authority of Federal agencies. Carrying out the program envisioned by the bill will require actions beyond the jurisdiction and control of the Senate Committee on Public Works, or of any branch of Government alone. We are making our recommendation. We hope we are correctly reflecting the desire of the Congress and of the people of our country.

This is the general plan of the bill:

First, immediately after enactment of the bill—30 days—air quality standards will be issued and then within 90 days established—a national standard applicable to the entire country, and at a level "protective of health." It would be established for each of the five major pollutants for which we now have the most knowledge on effects and about control technology, already published—particulates, sulphur oxides, hydrocarbons, carbon monoxide and photochemical oxidants—and nitrogen oxides next to be published—which account for 98 percent by weight of all air pollution.

These ambient air quality standards would apply, as I have said, to every part of the country, rather than only to the air quality regions established under the 1967 act, when we sought to first concentrate on the most critical areas, some 40 of which have now been designated. For administrative purposes in developing control or implementation plans, the Secretary would complete the designation of the important air quality regions, and the States could divide their remaining area into separate regions if they wish.

Within 9 months after standards are fixed, pollution sources must be inventoried in the entire country, hearings held, and a control plan must be developed—including emission requirements for sources, and whatever land-use, traffic or other controls may be necessary. And these plans must accomplish the air quality standards within 3 years. It is at this point that States and communities must make economic decisions, and decisions on the future growth of their areas and the kind of life they want, in considering alternative means of achieving clean air.

National air quality goals, as distinguished from standards, goals protective of public welfare as well as health and including visibility and effects on the environment, would also be established, but with flexibility to the States in the time for their achievement. Later, the Secretary could add additional agents to those in the ambient air for which national standards would be set and implementation plans required. This is the basic plan, building on the concept of the 1967 act, laid out in sections 108 through 111.

Second, in section 113 the bill establishes a procedure to control emissions from all new factories, including the expansion of facilities, in industries designated by the Secretary. These new source performance standards would require industry to apply the latest available emission control technology and processes wherever a new plant is located—and that high standard would apply even if the local implementation plan alone could be accomplished with some lesser degree of control. The concept is that wherever we can afford or require new construction, we should expect to pay the cost of using the best available technology to prevent pollution. Like national ambient air quality standards, the best control of new sources, wherever located, is also a recommendation of the President.

This provision requires that new sources, that is, the industry plants, be certified by the Secretary before they can begin operation, to insure they will meet the performance standards—a degree of Federal control beyond any I have supported in the past, which we hope will not be abused, but one we believe necessary as we begin to deal with the air pollution as a national problem.

Further, section 114 requires the Secretary to set emission standards for specific industrial pollutants—applicable to old plants as well as new. This procedure would apply to the same industries designated for new source standards of performance in section 113.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks these industries which it is expected could be designated for control.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. COOPER. Mr. President, the committee considers this approach in section 114 much more manageable than attempting to monitor in the ambient air in every region the less diverse and widespread agents, trace them back to the source, and attempt to enforce against violations of the ambient air quality—as would have been required under the 1967 act.

Taken together, the new source standards of performance, and the national emission standards for selected agents from old as well as new plants, moves a long way toward national emission standards—a concept rejected by the committee in 1967 as logical for moving sources but not for stationary sources. I point out, however, that the earlier concept of national emission controls alone was a simplistic and unsatisfactory approach, which not only raised great problems of fairness and Federal determination of local consequences but also gave no assurance that it would achieve quality of the air we breathe.

The plan proposed in the bill developed by the committee combines air quality standards, local implementation plans, and national emission standards for new sources and for specific agents

from old sources, in a way that we believe will accomplish the purpose of the country.

Once the national standards for air quality are established, the next step is for communities to determine how they wish to meet that standard. They will be assisted in drawing up their implementation plans by the knowledge of new plant performance, and of emission control for industrial pollutants, required by the Federal Government. At this point of decision, communities and States must also know what level of emissions they can expect from automobiles—and the consequent degree of traffic control or other steps which must be taken.

I must say that the most difficult part of the bill—and one which earlier had not been squarely faced—is the relationship between moving and stationary sources. We have attempted to bring about a relationship between the two in this bill, and any member of the committee can tell you that it has not been easy. The central problem is that the automobile not only is the source of at least 40 percent of the pollution, but cars move about, and we assume, therefore, must all achieve the same standard. The amount of pollution to be allowed from automobile traffic must really be decided first—and then the remaining decisions can be made, the remaining pieces of the plan can be put into place, to accomplish clean air.

The committee, has set a stringent standard and a high goal for the reduction of automobile emissions—by 90 percent of 1970 standards for new cars, by the 1975 model year. I am sure there will be debate on whether that can be accomplished.

These standards also will be set by law, and not be regulated by the Secretary. I am frank to say I do not know if these standards can be met by 1975. I do not know if the national ambient air quality standards required by the implementation plans, including stationary source controls, can be accomplished in all places by 1975. However, as emphasized by the Senator from Maine and the Senator from Delaware, we have set these standards because we believe that they can be met. Second, we know if they are to be met, the maximum effort must be made by the automobile manufacturers, and by the owners of other emission sources. We know that if delay is permitted the number of cars in use will increase, new plants will be built, existing pollution will continue, and the possibility of clean air will be set back, perhaps 5 years or longer.

There will be debate on amendments, and perhaps we will be able to review provisions in the bill, not only for automobile manufacturers, but also for the owners of other facilities with source emissions. For example, in the committee I offered, for myself and the Senator from Tennessee (Mr. BAKER), a section which provides for review by the Secretary with appeal to the courts, permitting a special extension of 1 year if certain strict requirements cannot be met. The section was adopted by the committee, and is section 202(b)(4).

I must say it is a very strict and tightly drawn provision, but it does assure the right that should be accorded everyone, the right of due process under the law.

Mr. President, in presenting this general outline of the plan of attack on air pollution provided by the bill, it might as well be said that the philosophy of the bill abandons the old assumption of requiring the use of only whatever technology is already proven and at hand and of permitting pollution to continue when it is not economically feasible to control it. The bill proceeds instead to set out what is to be achieved, and places its reliance on a great effort to develop technology, to train and put to work the manpower to accomplish that purpose, and it assumes a readiness by industry and the people or the country to pay the costs of pollution control.

There are a great many other important provisions of the bill, especially those dealing with much more stringent and timely enforcement. But I think that is the conceptual framework, and I thought it would be useful for me to give my appraisal at this time, as the Senate begins its debate and consideration of the National Air Quality Standards Act of 1970.

EXHIBIT 1

New stationary sources which the administration has advised the committee to expect would be subject to the provisions of this section include:

Cement manufacturing;
Coal cleaning operations;
Coke byproduct manufacturing;
Cotton ginning;
Ferroalloy plants;
Grain milling and handling operations;
Gray iron foundries;
Iron and steel operations;
Nitric acid manufacturing;
Nonferrous metallurgical operations (e.g. aluminum reduction, copper lead, and zinc smelting);
Petroleum refining;
Phosphate manufacturing;
Phosphoric acid manufacturing;
Pulp and paper mill operations;
Rendering plants (animal matter);
Sulfuric acid manufacturing;
Soap and detergent manufacturing;
Municipal incinerators; and
Steam electric powerplants.

The PRESIDING OFFICER. Who yields time?

Mr. MUSKIE. Mr. President, I yield briefly to the Senator from Delaware.

PRIVILEGE OF THE FLOOR

Mr. BOGGS. Mr. President, I ask unanimous consent that additional staff members of the Committee on Public Works be permitted on the floor during consideration today and tomorrow of amendments to the Clean Air Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 3153) to authorize the Secretaries of the Interior and the Smithsonian Institution to expend certain sums, in cooperation with the territory of Guam, the territory of American Samoa, the Trust Territory of the Pacific Islands, other U.S. territories in the Pacific Ocean, and the State of Hawaii, for the conservation of their protective and productive coral reefs.

The message also announced that the House insisted upon its amendment to the bill (S. 2264) to amend the Public Health Service Act to provide authorization for grants for communicable disease control and vaccination assistance, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STAGGERS, Mr. JARMAN, Mr. ROGERS of Florida, Mr. SPRINGER, and Mr. NELSEN were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15424) to amend the Merchant Marine Act, 1936; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. GARMATZ, Mr. CLARK, Mr. DOWNING, Mr. MAILLIARD, and Mr PELLY were appointed managers on the part of the House at the conference.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 10149) for the relief of Jack W. Herbstreit.

NATIONAL AIR QUALITY STANDARDS ACT OF 1970

The Senate continued with the consideration of the bill (S. 4358) to amend the Clean Air Act, and for other purposes.

Mr. SPONG. Mr. President, the proposed National Air Quality Standards Act of 1970 is without question the most significant and far-reaching environmental protection bill ever to be considered on the floor of the Senate. For the first time, specific air pollution compliance schedules would be established by legislation—a provision reflecting the committee's concern over the direct adverse effect of air pollution upon public health.

We have carefully preserved the right of the public to participate in the pollution abatement process. In one significant respect, we have broadened that right. We have written into the bill a section authorizing citizens to bring suits on their own behalf to assure enforcement of standards, emission requirements or implementation plans.

In an effort to prevent frivolous or harassing litigation, we have provided that before instituting suit a citizen must give notice to Federal and State authorities, and allow at least 30 days to permit them to initiate enforcement proceedings against the alleged violator. There would be no provision for delay following notice if there is alleged violation of the certification requirements under section 115, or a court order. The court could allow costs of litigation to either party whenever it determines that such an award was in the public interest.

It is not our intent to substitute citizen suits for the enforcement efforts of the responsible administrative agencies. Rather, we intend the provision to complement and encourage the abatement activities of governmental agencies.

I am particularly pleased, Mr. President, over those sections of the bill dealing with pollution from Federal facilities and installations. Existing law contains only an expression of intent that Federal departments and agencies should, "to the extent practicable," cooperate with Federal and State efforts for the prevention and control of air pollution.

As is pointed out in the committee report, Federal agencies have been notoriously laggard in abating pollution. The pending bill would require Federal agencies to provide leadership for the control of air pollution. Only the President could exempt a Federal facility from the act, and then only if he determined the exemption to be in the paramount interest of the United States. An exemption could not be granted because of a lack of an appropriation unless the President requested an appropriation and the Congress failed to approve such appropriation. The President would be required to report to Congress annually the specific exceptions granted, together with an explanation of the exceptions.

We cannot expect individuals and businesses to be motivated to abate pollution if their Government continues to pollute. I support wholeheartedly the mandate for the Federal Establishment to live up to the national commitment for clean air.

The committee has changed the thrust of existing law as it relates to emissions from motor vehicles. In the Air Quality Act of 1967, we required the Secretary to set such standards on the basis of economic and technological feasibility. Under the pending bill, the Secretary would set standards on the basis of the degree of control necessary to insure health-related ambient air quality levels.

In view of evidence that emissions of carbon monoxide, hydrocarbons, and nitrogen oxides now exceed safe health levels in many major metropolitan areas, the committee's decision is amply justified. The overriding purpose in the enactment of legislation of this type should be the protection of public health. The automobile is the major moving source of pollution. Its emissions are responsible for an estimated 60 percent of the Nation's urban air pollution problem. Moreover, the rate of growth in motor vehicles is twice that of our national population increase. Our population growth is about 6,000 per day, but motor vehicles are increasing at the rate of 12,000 per day.

The bill would establish as 1975 standards the emission goals proposed for 1980. Automobile manufacturers have made it abundantly clear that there are serious leadtime problems involved, and that technology may not be available to meet the 1975 standards. The committee weighed very carefully that position against the opinion that health requirements warrant an escalation in the 1980 goals.

In my view, the industry should be required to exert every effort to meet the standards set forth in the bill. Recognizing that technology may not be available to meet the standard, and that the industry's leadtime requirements may pose problems, I concluded that there should be a carefully drawn mechanism in the bill which would permit an extension of the standard.

Such a provision has been included. It would permit the Secretary of Health, Education, and Welfare, after a hearing, to grant an extension of 1 year. That decision would be subject to judicial review. During the committee's consideration of this problem it was suggested that Congress, rather than the courts, should review the Secretary's decision.

I concluded that jurisdiction should be vested in the courts because they are better equipped to obtain the information necessary on which to make a judgment. In this particular situation, most of the information would be in the hands of the automobile manufacturers. The courts can obtain that information through the discovery process, and can compel the attendance of witnesses. In any event, Congress would set the standard by this legislation, and of course Congress could amend it at any time.

Mr. President, it has been a privilege to participate in the development of this landmark bill. The Subcommittee on Air and Water Pollution devoted most of the summer to the measure, and I hope it will be enacted. I wish to thank our distinguished subcommittee chairman, the Senator from Maine (Mr. MUSKIE), for his leadership during our deliberations. Without question, he is the most knowledgeable Member of the Senate on the subject of this bill. I also am indebted to the distinguished chairman of the full committee, the Senator from West Virginia (Mr. RANDOLPH), for accommodating the members while they worked their will on the legislation.

I also wish to acknowledge the efforts and contributions of the Senator from Missouri (Mr. EAGLETON), and the minority members of the committee—particularly the Senator from Kentucky (Mr. COOPER), the Senator from Delaware (Mr. BOGGS), and the Senator from Tennessee (Mr. BAKER).

Mr. MUSKIE. Mr. President, I wish to express my appreciation for the statements made this afternoon by the distinguished Senators from Delaware, Kentucky, and Virginia. Each of them has made a significant contribution to the work on this bill, the ideas contained in it, the shape it now takes. I expressed my appreciation generally to the members of the committee earlier. I would like to reinforce it in response to the excellent statements made today.

I yield to the distinguished Senator from Tennessee (Mr. BAKER), whose work also has been indispensable.

Mr. BAKER. Mr. President, I thank our colleague from Maine. I thank him for the opportunity to speak briefly in the nature of an opening statement on an important piece of legislation. It is important that the Senate understand the potential implications of this bill.

Although as a rule I try to avoid hyperbole, I do not think it is exaggeration to say I think this bill will have a profound impact on the economic and governmental characteristics of the American Nation.

One of the most self-evident truths about the environment is the fact that the environment is a system, from which no part can be truly and finally separated. Thus, every act which impinges on one part of the environment or the "ecosystem" has an impact on other parts of the system. The death of an insect has an impact on the food chain; the detonation of a nuclear device in the atmosphere has a potential impact on the genetic characteristics of unborn children.

It is not necessary that mankind be paralyzed into inaction by the realization that his actions spread like ripples on the surface of a pond. It is also not necessary that man return to the cave to protect his environment. But it is necessary that we seek new knowledge of how our actions do affect our environment, that we rationally choose ways to minimize or eliminate effects that we do not want to occur, and that we implement these methods with a sense of urgency where the effects are immediate.

Mr. President, the concept established in this bill that the objective of healthful air be attained within a required period of time is not entirely new and one that is entirely appropriate in pollution control. In the bill it is proposed that the quality of air necessary to protect the health of persons in the United States in every area of the United States must be obtained within 3 years from this date of promulgation or approval of an implementation plan. It is proposed that this is what the Congress would determine to be the maximum time to attain this quality of air and what the American people have a right to expect.

It is important to note that in considering this bill we are considering a basic change in the philosophy of the Government of the United States toward the pollution of the air envelope upon which we all depend. When I first came to the Senate of the United States, the first legislation in this field had already been passed, largely under the guidance and directions of the subcommittee chairman, the Senator from Maine (Mr. MUSKIE).

At that time, in early 1967, the junior Senator from Tennessee was exposed to the intricacies and underlying rationale of the so-called ambient air theory; that is, that the emphasis was going to be directed toward accomplishing the improvement of the particular quality of the overall atmosphere.

I recall at that time that we also considered as an alternative to the ambient air approach the establishment of uniform national standards for all sources of emissions by class.

I remember at that time there was considerable dialog among members of the committee and witnesses on the relative methods, the so-called dilution theory and the pristine air theory.

The ambient air concept implies that it is possible or desirable to accept a certain amount of pollution; that it is not desirable to set uniform standards for every source. It is implicit in the stack standard or emission standard theory that we will not permit a degree of pollution in the atmosphere of those areas that have relatively clean air, which is probably the more idealistic and probably less attainable objective.

At that time, in 1967, the policy of ambient air quality was adopted and became the law of the land. It has proceeded apace now for more than 5 years.

The uniqueness of this legislation is that it proceeds to depart from the ambient air theory with the requirement that, at least insofar as the automobile is concerned, we are going to establish by statute certain precise emission levels that cannot be exceeded by any automobile anywhere, which brings us from the ambient theory back to the original concept of the alternative of the emission standard theory.

It is an important step, and I think I would be less than candid with my colleagues if I did not make the estimate that, if the legislation is passed—and I hope it is—it probably is the forerunner of other efforts to establish particular standards for particular sources of pollution into the atmosphere. It most certainly is not likely to be the last.

So if we establish these standards for automobiles now, which is potentially one of the most controversial sections of the bill, I think we should keep one eye cocked on the fact that we are likely to pursue this theory further rather than stop here.

I believe, on balance, that in the 4 years I have been in the Senate I have seen few, if any, other pieces of major legislation that have been as thoroughly examined and as painfully considered as the bill before us has.

I have seen the committee work together, and I have seen it work against itself, so to speak, in trying to arrive at a fair plan, under the necessities and requirements of the circumstances, for a workable solution of the problem. I have seen us evolve this new theory and yet imbed it into the original concept of the quality of ambient air. I see in the bill a melding together of the two concepts and the beginning of some new differences.

I do not suggest, as I never suggested in committee, nor do I believe any other member of the committee suggested, that the bill is perfect, or even that it is outstanding. It is good. It may turn out to be very good. It may turn out to be best of all, though, for beginning something new.

There are certain provisions in it that give me great pause. One is the very nature of the requirement that certain statutory standards be met by the automobile industry by a specific statutory date, with the provision for only a limited escape hatch.

As the distinguished Senator from Kentucky (Mr. COOPER) pointed out, there was considerable discussion of the various ways of relieving the stresses of uncertainty; and the bill as reported reflects a limited possibility of relief based on judicial review within narrow limits.

I am not certain this is the best way or only way to do it—there are other ways—but it seems to me it is the best compromise under the circumstances. If we are to consider the possibility that the automobile industry cannot in fact build production line vehicles for sale to the general public that meet these standards by the year 1975, and if we are to give credence to the allegation that they do not now have the technology in sight, then I think it is incumbent on us to provide a method of escape from the statutory provision. We have attempted to do that by judicial review.

It seems to me that judicial review—calm, judicious determination, that certain fact situations do or do not exist which would form the basis for relieving the automobile industry from compliance with these sections of the statute—is the best way to isolate that determination from the considerable political pressures which would be brought to bear if we had not then solved the problem of automobile pollution.

Other ways are suggested, one of which is similar to the procedure followed under the Reorganization Act suggested by the distinguished junior Senator from Kansas, or other methods of judicial review. The important thing to me, though, is that the bill as reported does provide an escape hatch. It does provide a method of coming to terms with the possibility that we will not be able to meet the standards set.

I frankly think we can. I frankly think the automobile industry can meet these standards. And the overriding consideration is that we must do something to clean up atmospheric pollution, and recognize the fact that the automobile is a major contributor to it.

Mr. President, another section that concerns me has to do with the regulation of vehicle fuels. The language as finally reported by the committee appears in section 8 beginning at page 74, line 12. A new section, 212, is added to the Clean Air Act.

There has been a flurry of attention recently in connection with the introduction of low-lead automobile fuels into the market. At least one major metroplitan government has announced that its fleet vehicles will use only gasoline with no lead additives.

Although it has been lead that has received the greatest attention, there are other additives used in fuels or which might be used in fuels which are potentially hazardous or undesirable. The subcommittee received testimony from witnesses to the effect that the combustion of certain aromatics present in high-octane unleaded fuels might be more hazardous to health than the presence of lead itself in emissions from vehicles burning leaded gasolines. The subcommittee also heard testimony from at least one scientific witness to the effect that more lead is introduced into the human system through the food chain than through the inhalation of lead particles present in the atmosphere.

There appears to be no unanimity among competent persons about the contribution of fuel additives to the general pollution problem. But there is no doubt that the combustion of fuels in vehicles is a significant source of air pollution.

It has seemed to me from the outset—and I have sought to have this concept embodied in the committee language—that in considering the question of fuel composition one must never lose sight of the fact that what is of interest is not the composition of the fuel per se but the emission of the products of the combustion of a given fuel into the atmosphere. This may seem like a simplistic or truistic point, but it is a central one. Put more colloquially it says, "We are concerned not with what goes into the tank but with what comes out of the tailpipe."

The committee bill provides that any manufacturer of a vehicle fuel must register that fuel with the Secretary and disclose to the Secretary, among other information, the composition of the fuel and the products of the combustion of the fuel. The Secretary is authorized to either control or prohibit the sale of any given fuel when he finds one of two things:

First. That the combustion or evaporation of such fuel produces emissions that, in and of themselves, endanger the public health or welfare; or

Second. That such emissions prevent the operation of a system that is necessary to reduce automobile emissions to the levels required by standards issued by the Secretary under section 202 of the act.

The important thing to bear in mind is that this section is not designed to give to the Secretary of Health, Education, and Welfare the authority to set about regulating the composition of fuels. The composition of fuels in the business of fuel manufacturers and those who buy their products. The business of the Secretary of Health, Education, and Welfare is seeing to it that the public health and welfare of people is protected from the harmful effects of air pollution. It is, for example, entirely possible that an economic manner can be found to meet the section 202 standards that would permit the continued us of lead additives in gasoline. In such an event, the Secretary would ban fuels containing lead only if he found that the fuel emission into the atmosphere of the combustion products of a given fuel containing lead additives was, in and of itself, an endangerment of the public health or welfare. An amendment offered in committee by Senator SPONG and now appearing as new subsection 212(c)(3) at page 77, line 3, further provides that the Secretary shall prohibit the use of any fuel until he finds that such prohibition will not result in the use of another fuel which will provide emissions dangerous to the public health or welfare in the same or greater degree.

I simply reemphasize for the record that what is intended is the regulation of fuels and not fuel additives or fuel composition. And the fuel is proposed to be regulated, not because of what is in it or how it is made up according to what formula or process, but because of emissions into the atmosphere following the combustion of the fuel.

I think it is urgently important, Mr. President, that we keep in mind that we are trying to regulate the combustion by-products of the fuel, and not shift the burden of innovation from the manufacturer of the fuel to the Secretary.

Mr. President, I referred earlier to section 202 as it relates to automobile emissions. This section of the bill has gained the greatest public attention. It relates, of course, to emission standards for moving sources, and most particularly subsection 202(b), beginning at page 46, line 21, which sets very tough new emission

standards for passenger automobiles which must be met no later than January 1, 1975. It is well known to the Senate and to the people generally that the four principal manufacturers of automobiles in the United States have stated that they know of no way in which the standards can be met.

It may prove to be true that the standards cannot be met. The industry does not know. The Secretary of Health, Education, and Welfare does not know. Certain it is that the junior Senator from Tennessee does not know. But I do know that we need to try, and to try hard. It is believed by the committee that section 202(b) provides an incentive for such an all-out effort. It is, I think, the conviction of the committee, generally, that without such an incentive such an all-out effort might not be made. This is not meant to impute to the automobile industry any lack of devotion to the public welfare. It is meant only to acknowledge a certain conviction on the part of members of the committee, and particularly of the subcommittee, nurtured from years of contact with the problem and efforts that have been made to deal with it, that an ambitious goal encourages and promotes a more satisfying result.

As I stated earlier, Mr. President, such a requirement, I think, might better not be built into the statute if it were not for the fact that we also provide a realistic appraisal and review of whether or not the industry is not able to meet the requirements of the statute. Of course, it is clear that what Congress does today, Congress can undo later, but I think that is a fairly faulty way to approach a subject as important as this.

I think the bill does provide relief in the form of judicial review under section 202, and that there is a fair opportunity for the industry to show that, with good-faith effort, it was not able to meet those standards, if that turns out to be the case.

But I underscore my comments on that particular subject by saying that I personally have great faith that the automobile industry, with the internal combustion engine, if it chooses, can meet these requirements, and that in any event we must meet them, if we are to protect the health and welfare of this and future generations.

Mr. President, I yield the floor.

(Mr. SPONG assumed the chair as Presiding Officer at this point.)

Mr. EAGLETON. Mr. President, much has been said today, and will be said, with respect to the origin and background of the pending legislation with respect to air pollution and the establishment of national air quality standards. All I wish to do, Mr. President, is add a few brief words echoing the sentiments as previously expressed, I think, by the Senator from Kentucky (Mr. COOPER), the Senator from Delaware (Mr. BOGGS), the Senator from Tennessee (Mr. BAKER), the Senator from Virginia (Mr. SPONG), and others in paying tribute both to the chairman of the subcommittee (Mr. MUSKIE) and to his very able and hard-working staff, which assisted all of us in the preparation of this measure.

No single piece of legislation, Mr. President, has demanded more of my personal attention in the past 6 months than the matter now before the Senate. As the Senator from Tennessee (Mr. BAKER) has pointed out, this may not go down in history as the most outstanding piece of legislation ever enacted, but I think, to use the Senator's words, in his judgment it will be considered to be a very good piece of legislation. And insofar as that which can be devised by mortal man—to wit, nonperfection—is concerned. I guess the accolade of "good" is about as safe a one and as appropriate a one as we can apply to the legislative process.

Thus it was with great pleasure that I joined as a cosponsor of this measure, and I repeat that in significant measure, the credit for this bill emerging in its present form to the floor of the Senate belongs to the Senator from Maine and, in no small measure, to his very able and persevering staff, who spent many, many hours during the nitty-gritty and unheroic work of assisting us in getting it into final legislative form.

I think that at the very outset, as Senator BAKER pointed out, it will be considered a very good, very meaningful, and very worthwhile piece of legislation.

Mr. MUSKIE. Mr. President, I should like to say a word about members of the committee I regard as counsel to the committee.

Senator BAKER, Senator EAGLETON, and of course the distinguished Senator from Kentucky (Mr. COOPER) have been of great value to me, as well as to the rest of the committee, I think, in picking up the legal challenges that are obviously involved in the bill. I think that by their disagreements with each other as much as by their agreements, they were able to focus our attention on important points that might otherwise have been neglected. I should like to express my appreciation. Senator BAKER this afternoon has particularly given us an example of the kind of thoughtfulness that he has addressed to this bill in that respect.

Mr. President, I yield to the Senator from Kansas. I should like to express my appreciation to him, as a member of the committee, for the work he has given to this bill. Especially I am interested in paying tribute to an amendment he will call up later in the course of this debate which I think is an ingenious answer to the troublesome problem of reviewing a policy which the bill incorporates.

Mr. DOLE. I thank the Senator. Mr. President, President Nixon, in the first Presidential message to Congress on the environment proposed far-reaching legislative and administrative initiatives to restore and preserve our precious natural resources. The President pointed out that we have "too casually and too long abused our national environment." He emphasized that "the time has come when we can wait no longer to repair the damages already done, and to establish new criteria to guide us in the future."

In his recent message "A Call for Cooperation" President Nixon declared that "reform" would be the watchword of his administration—reform of our institutions and creation of the conditions we will live with in the future. The President described our choice very clearly:

> We can choose to debase the physical environment in which we live, and with it the human society that depends on that environment, or we can choose to come to terms with nature, to make amends for the past, and build the basis for a balanced and responsible future.

A major portion of the 37-point program proposed by the President was devoted to air pollution. We have become increasingly aware that the air around us is our most valuable resource and one which we must act now to preserve. Carbon monoxide, one of the major polluants, is reaching unhealthy levels regularly in major metropolitan areas. Other contaminants entering our air cause millions of dollars in property damage and destroy plant and animal life.

The bill reported from committee is in response to this challenge and is the result of many hours of bipartisan efforts by committee members, staff members, and the executive branch. It contains elements of legislation introduced by Senator MUSKIE, chairman of the subcommittee on Air and Water Pollution, as well as significant aspects of legislation introduced by Senator SCOTT, minority leader, on behalf of the administration.

Specifically, the following Presidential administrative and legislative recommendations for control of air pollution are contained in the bill:

1. More stringent motor vehicle emission standards.
2. More effective procedures for insuring that motor vehicles meet the low pollution standards.
3. Authority to regulate fuels and fuel additives.
4. Financial support for research and development of unconventional pollution-free power sources.
5. National ambient air quality standards, with the States required to prepare implementation plans for meeting these standards.
6. Accelerated designation of interstate air quality control regions.
7. Establishment of national emission standards for pollutants which are extremely hazardous to health and for new facilities which could be major contributors to air pollution.
8. Extension of Federal authority to seek court actions against both interstate and intrastate air pollution.
9. Court authority to impose increased fines for violation of emission requirements.

My State of Kansas is fortunate that it does not face so many of the severe problems of air pollution confronting more intensively industrialized States. Passage of this bill will assist in remedying the problems which do exist and insure the preservation of the high-quality of air Kansas presently enjoys. Specific pollutants present in the Kansas City air quality control region will be subject to action by both Kansas and Missouri within 3 years.

Under this bill, we can continue to encourage the location of new industry in Kansas and other rural unspoiled regions without fear of polluting the high quality of air found there. At the same time, national standards for new stationary sources will not place some States at a comparative disadvantage affecting industry decisions on plant locations.

Kansas State officials responsible for

administering air pollution laws have expressed a hope that with the increased responsibilities mandated by this bill will come an increase in the Federal funding necessary to hire additional technical personnel. I want to specifically urge the Congress to appropriate sufficient funds to meet this need, and urge officials responsible on the Federal level to work closely with the States in fulfilling their new responsibilities.

While I am in substantial agreement with the bill as reported, I feel there are certain provisions which could be improved. We have established the 1975 model year as the deadline for achieving a 90-percent reduction in automobile emissions from specified 1970 levels. The committee, recognizing that there might not be sufficient time for the industry to meet this standard, provided for a 1-year extension of the deadline by the Secretary, subject to judicial review. However, I believe a combination of administrative and congressional action would be more consistent with the intent of Congress. I have submitted an amendment in the form of a substitute for Section 202(b)(4) to provide automobile manufacturers an opportunity to petition the Secretary for a 1-year extension of the 1975 deadline. If the Secretary who possesses the expertise and factfinding authority, finds the extension to be in the public interest, and also finds that all possible good faith efforts to meet the standard have been made, and the technology is not available, he must recommend to Congress a 1-year extension. Congress, with a complete record of information available to it, will then be in a position to determine if the Secretary's policy judgment in establishing the 1975 deadline, and it is only logical that Congress should have the authority to review that policy decision on the basis of social, health, and economic considerations, which might become apparent as that deadline approaches.

By the terms of the amendment, Congress would be given the final opportunity to act, thus placing the responsibility where it should be. The procedure is similar to that employed in the executive reorganization acts and would be more expeditious than depending on court action with the potential for delay incumbent in that process.

Adoption of this amendment will provide a responsible answer to a difficult problem, one that I know concerns every member of the committee greatly. If Congress, in a declaration of national policy, establishes stringent emission requirements for the automobile industry, it should assure congressional review of that policy judgment in the event that compliance with those standards is not possible.

I urge my colleagues to support this bill and my proposed amendment.

AMENDMENT NO. 928

I submit the amendment and ask unanimous consent that it may be printed in the RECORD.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 48, beginning with line 11, strike out all through line 6 on page 52, and insert in lieu thereof the following:

"(4)(A) Within 24 months but no later than 12 months before the effective date of standards established pursuant to this subsection any manufacturer or manufacturers may file with the Secretary an application for a public hearing on the question of a suspension of the effective date of such standards for one year. Upon receipt of such application, the Secretary shall promptly hold a hearing to enable such manufacturer or manufacturers and any other interested person to present information relevant to implementation of the standards.

"(B) In connection with any hearing under this subsection, the Secretary may sign and issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy or refusal to obey a supoena served upon any person under this subparagraph, the district court of the United States for any district in which such is found or resides or transacts business, upon application by the United States and after notice to such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(C) Within 6 months after such receipt of the application for suspension, the Secretary shall, if he finds upon a preponderance of evidence adduced at such hearing that a suspension is essential to the public interest and the general welfare of the United States, that all possible and good faith efforts have been made to meet the standards established by this subsection, and that effective control technology, processes, operating methods or other alternatives are not available or have not been available for sufficient period to achieve compliance prior to the effective date of such standards even with the full application of section 309 of this Act, recommend to Congress that (i) the effective date of such standard be suspended for a period of only one year, and (ii) the emission standard that should be applied during any such suspension which standard shall reflect the greatest degree of emission control possible through the use of technology available.

"(D) The findings and recommendations required by this subsection shall not be subject to judicial review. Such recommendations shall be effective as law at the end of the first period of 60 calendar days of continuous session of Congress after the date on which the recommendation is transmitted to it unless, between the date of transmittal and the end of the 60-day period, either House passes a resolution stating in substance that the House does not favor such recommendation.

"(E) For the purpose of this paragraph—

"(i) continuity of session is broken only by an adjournment of Congress sine die; and

"(ii) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of the 60-day period.

"(F) Nothing in this paragraph shall extend the effective date of any emission standard established pursuant to this subsection for more than one year.

Mr. COOPER. Mr. President, I know there is wide interest in the emission standards for automobiles required by the bill developed by the committee. During consideration in subcommittee and the full committee, we referred to a summary table of automobile emissions, which contains the figures in grams per mile comparing uncontrolled emissions, the 1970 standard, the proposed 1975 standard under present law, the 1980 goal put forward by the administration, and the level proposed in the bill. I ask unanimous consent that the table be printed in the RECORD for the information of Members, because I am sure that these facts will be referred to during the debate.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

AUTO EMISSIONS

[All figures in grams per mile]

	Hydrocarbons, new test	Carbon monoxide, new test	Nitric oxides, old test	Particulate matter, old test
Uncontrolled	14.6	116.3	4.0	0.4
1970 standard	2.9	37.0	----------	----------
Proposed 1975 standard	.5	11.0	.9	.1
Proposed 1980 standard	.25	4.7	.4	.03
Bill language (90 percent reduction of 1970 or uncontrolled)	.29	3.7	.4	.04

Mr. HRUSKA. Mr. President, at the outset of my remarks, I want to testify and bear witness to the great interest this Senator has had in measures dealing with pollution and with antipollution measures. Ths Senator has cosponsored the administration bill, which was introduced by the distinguished Senator from Pennsylvania (Mr. SCOTT).

I have subscribed to the very comprehensive program which the President has announced and which he is urging with such commendable loyalty and aggressiveness. After all, this is one of the leading issues, if not the leading issue, of the day. The need is urgent; it is vital. It is vital and urgent not only for proper living and for health and for safety to the millions of people in America, but also in terms of survival on a longer pull.

This bill and the subject with which it deals is monumental, and I commend the committee for it. It is a pioneering effort, and I subscribe to the words of the Senator from Tennessee that many of its provisions are the result of painstaking effort as well.

Our task in this field is a great one, as we all know. It is not only to overcome the backlog of 100 years of neglect in this field. During that time this Nation has become an industrial Nation. We have profligate with our resources. We have not been sufficiently concerned with the abuses we have committed upon our air, our soil, and our water.

Again I say that I commend the committee for the effort it has made in this bill, which contains almost 100 printed pages.

However, one thing distresses this Senator very much. Notwithstanding the importance of this bill and its monumental character, it was not until Friday, when Thursday's RECORD became available, that the text of this bill became available even to Members of the Senate.

It was not until this morning that copies of the report on this bill were available so that we could get a feeling for the rationale and the fashion in which it is to be implemented and its provisions enforced.

It has been only since last Friday that the Office of Budget and Management got the bill so that it could study it and give its opinion to the Members of Congress.

Just this morning, the Department of Justice got it for the purpose of giving its legal opinion to the Office of Budget and Management. That does not comport with the general idea of legislating carefully and properly in a field which is so important.

There is a provision in the bill analogous to S. 3201, which is known as the consumers class action bill. This is a highly technical and vital field since it directly affects the functioning of our court system.

Our courts are hard pressed these days, it took us 5 years to get to the authorized strength of 401 judges in our judicial system. It will take perhaps another year to get the full benefit of the program because of delays in getting the appointments, getting the judges qualified, and getting them ready to begin their duties.

From time to time we have had discussions about the situation that exists in the court system. One of the most dramatic presentations was made by Chief Justice Burger during the sessions of the American Bar Association in St. Louis, Mo., in August of this year—about 6 weeks ago—when he called attention to the plight of the judicial system and the heavy load and backlog, and the many antiquated procedures and practices which still prevail in the judicial system. Then he went on to say this:

> Meanwhile, not a week passes without speeches in Congress and elsewhere, and editorials, demanding new laws, new laws to control pollution, new laws to change the environment, new laws to allow class actions by consumers to protect the public; but the difficulty lies in our tendency to meet new and legitimate demands for new laws but without adequate considerations for the consequences on the courts.

That defect is reflected in this bill.

Again, let me say—and I propose to repeat this proposition another time, or perhaps two or three times—that I am entirely in sympathy with the objectives of the bill. I realize the important and the vital part it will play in the health, welfare, safety, and survival of the citizens of the Nation, born and unborn. I appreciate all those things. But we should also fix in our minds, when we expect to place a bigger burden on the judiciary system, that we have to accommodate that added burden in one of two ways.

One is to enlarge the court system, enlarge its capacity to handle an added load, or, alternatively, to adjust the priorities of our judicial system.

Shall we burden the court system with the large number of lawsuits I anticipate will result from section 304 at the expense of trying criminal cases?

Shall we do it at the expense of added delay in trying very important cases in antitrust and civil cases of all kinds They cannot, of course, all be tried at once.

As we proceed with this important legislation, we must take into consideration the burden that will be placed on the court system by section 304.

Let me invite attention to the fact that in S. 3201, the so-called consumers class action bill, there is an elaborate and far-reaching provision for bringing class actions. Many of the restraints which are normally put upon Federal court jurisdiction are removed. Serious questions are therefore raised as to whether real relief or redress for the individual results, or the cause of combating unfair trade practices is advanced.

There is very important testimony in the record before the Judiciary Committee that says there will actually be a penalty, what we call a whiplash to the consumers. Instead of advancing the cause of combating unfair trade practices and affording relief and redress to the individuals involved, the opposite will be true.

The consumers class action bill was referred to the Judiciary Committee, not for the purpose of obstruction, not for the purpose of defeating or postponing action on the bill, but for the purpose of insuring that the bill will truly serve the purposes intended.

Hearings were extended, but we heard the last witnesses today. We hope to have reported by the Judiciary Committee very soon the results of our inquiry into the subject. We hope to improve the bill so that the provisions of the Consumers Unfair Trade Practices Act can be carried out in an effective way without menacing the functioning of the court system. We want to give the court system a chance to work with some respect for national setting of priorities, considering the tremendous backlog of cases in the courts.

Mr. President, during the hearings, we heard testimony from former Judge Rifkind. His testimony included statistics on court congestion. I have excerpted that material from his testimony and ask unanimous consent that it be printed in the RECORD. It gives a very good idea of the problem which we already have, without even considering the load proposed as an additional burden upon the courts by section 304 of this bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

APPENDIX

STATISTICS ON COURT CONGESTION

From the Fiscal Year 1969 Annual Report of the Director of the Administrative Office of the United States Courts, the following information has been obtained:

COURT OF APPEALS

In fiscal year 1969, there were 10,248 appeals commenced—a record number, amounting to a 12.4% increase over the previous year. At the end of fiscal 1969, there were 7,849 cases pending in the Court of Appeals, an all time high. In 1967 there were 90 appeals docketed per judgeship on a national average, and in 1969, the figure was 106 per judgeship. The heaviest increase in appeals, according to type of case, was in habeas corpus by Federal prisoners (up 55% over previous year); appeals from denial of motions to vacate sentence under 28 U.S.C. § 2255 (up 29%); and Civil Rights appeals (up 46%).

DISTRICT COURTS

In an attachment to the Annual Report it is stated that: "The United States District Courts during 1969 experienced the largest increase in case filings (exclusive of bankruptcy) in recent years." (p. 115). During 1969, there were 110,778 civil and criminal cases filed in the district courts, an increase of 8.4% over the previous year, and at the end of the year there were 104,091 cases pending. This is the highest pending case figure in the district courts on record. This increase case load caused the median time to reach trial in civil cases to increase from 12 months in 1968 to 13 months in 1969.

On the civil side, a great portion of the increase was attributable to civil actions brought under special statutes. These types of cases increased by 17.3% during the year. For example, over the one-year period suits under Narcotic Rehabilitation Act (Pub. Law 89–793, Nov. 8, 1966) increased by 419.6%; Civil Rights suits by 51.5%; Federal prisoner petitions, by 26.7%; state prisoner petions 12.2%. Securities suits, by 15.5%; and Social Security cases by 32.3%. At the end of 1969, there were 83,957 civil actions pending, and of these 9.8% have been pending for more than 3 years. And, according to the report, "Since 1963, 3-year-old pending civil actions have increased steadily." (p. 124).

There were 33,585 criminal cases filed in the district courts during 1969, an increase of 9.3% over 1968. This increase was largely attributable to increase in certain types of cases: Selective Service cases, up 81%; Immigration cases, up 57%; and Narcotics cases, up 21%. In the attachment to the Director's Annual Report, it was stated:

"Thus overall, both the Courts of Appeals and the district courts experienced an across-the-board increase in judicial business in 1969 of approximately 10%. In spite of an increased output of terminated cases, the arrearages on the dockets of the courts of appeals increased 19% and the arrearages on the dockets of the district courts increased 7%." (p. 103) . . .

"The weighted caseload per judgeship in the United States district courts increased to 289 in 1969 compared with 265 in 1968 and 252 in 1967. The increase this year reflects primarily the 10 percent increase in the filing of civil and criminal cases. But it also reflects the changing character of the litigation. The increase in the filing of the more time-consuming cases was greater than average in 1969. In the last 2 years the weighted caseload per judgeship has increased almost 15 percent from 252 to 289. Approximately 47 additional district judgeships would be required to reduce the 1969 weighted caseload per judgeship to what it was in 1967." (p. 132)

FIRST 9 MONTHS OF FISCAL YEAR 1970

The latest figures available from the Director, Administrative Office of the United States Courts, cover the first nine months of FY 1970 (period ending March 31, 1970), and reveal that the burden of the federal courts has steadily increased.

Appeals docketed during the third quarter, FY 1970 reached 2,990, an increase of 18.5% over the same period of the previous year.

Projecting these statistics to the end of fiscal year, the Directors' Report concludes that there will be 10,806 appeals docketed during FY 1970 and that on June 30, 1970, there will be 9,136 appeals pending, an increase of 16.4% over the previous year.

DISTRICT COURTS

In the third quarter of FY 1970, 21,280 civil cases were filed in the district courts, an increase of 12.3% of the same period of the previous year. On March 31, 1970, there were 91,308 civil cases pending in the district courts, an increase of 7.5% over the previous year. On March 31, 1970, for each of the 340 judgeships, there were 269 civil cases pending in the United States district courts.

On the criminal side of the docket, the increase in the court backlog was more acute. In the first nine months of fiscal 1970, there were 29,469 criminal cases filed, an increase of 15.1% over the previous year. On March 31, 1970, there were 21,449 criminal cases pending, an increase of 22.3% over the previous year.

In Bankruptcy cases, the trend towards decreased filings has reversed itself. In the first nine months of FY 1970, there was an increase of 3.1% in the cases filed, the cases terminated during that period decreased by 6.8%, resulting in an all time record of 187,537 cases pending on March 31, 1970.

Mr. HRUSKA. Mr. President, section 304(a)(1) provides that a lawsuit "may be brought by one or more persons on their own behalf. (A) Against any person, including, but not limited to, a governmental instrumentality or agency, where there is alleged a violation by such person of any such schedule, timetable, emission requirement, standard of performance, emission standard, or prohibition, or (B) against the Secretary where there is alleged a failure of the Secretary to exercise (i) his authority to enforce standards or orders established under this act; and (ii) any duty established by this act."

Mr. President, I ask unanimous consent that for continuity of the discussion in which I am engaged the complete text of section 304 be printed at this point in the RECORD.

There being no objection, the section 304 was ordered to be printed in the RECORD, as follows:

"CITIZEN SUITS

"SEC. 304. (a) (1) In furtherance of the purpose of this Act to protect the public health and welfare and control air pollution, the district courts of the United States shall have original jurisdiction, regardless of the amount in controversy or the citizenship of the parties, to enforce, or to require the enforcement of, any applicable schedule or timetable of compliance, emission requirement, standard of performance, emission standard, or prohibition established pursuant to this Act. Civil actions for such enforcement, or to require such enforcement, may be brought by one or more persons on their own behalf. (A) against any person including, but not limited to, a governmental instrumentality or agency, where there is alleged a violation by such person of any such schedule, timetable, emission requirement, standard of performance, emission standard, or prohibition, or (B) against the Secretary where there is alleged a failure of the Secretary to exercise (i) his authority to enforce standards or orders established under this Act; or (ii) any duty established by this Act.

"(2) Nothing in this section shall affect the right of such persons as a class or as individuals under any other law to seek enforcement of such standards or any other relief.

"(3) Prior to instituting any suit, under this subsection, such person or persons shall, by certified or registered mail or personal service, notify (A) the Secretary, (B) an authorized representative of the Secretary, if any, in the field office responsible for the area in which the alleged violation occurs, (C) an authorized representative of the air pollution control agency of the State in which the alleged violation occurs, and (D) the person, or persons alleged to be in violation of such alleged violation. Such notice shall be in accordance with regulations prescribed by the Secretary as to content and specificity. No such suit shall be filed unless such person or persons shall have afforded the Secretary, his representative, or such agency, at least thirty days from the receipt of such notice to institute enforcement proceedings under this Act to abate such alleged violation; except any action under this section to abate a violation of (i) an order issued by the Secretary pursuant to section 116, (ii) clause (A) or (B) of section 113 (h)(1), (iii) section 114(f)(1), or (iv) section 115, may be undertaken, after notice, without regard to the time limitations of this subsection. In any such action, the Secretary, if not a party, may intervene as a matter of right.

"(b) The court, in issuing any order in any action brought pursuant to subsection (a) of this section, may award costs of litigation, including reasonable attorney and expert witness fees, whenever the court determines such action is in the public interest.

Mr. HRUSKA. Mr. President, it is not my purpose to get into any position that would be obstructive. Frankly, inasmuch as this matter came to my attention for the first time not more than 6 hours ago, it is a little difficult to order one's thoughts and to decide the best course of action to follow.

Had there been timely notice that this section was in the bill, perhaps some Senators would have asked that the bill be referred to the Committee on the Judiciary for consideration of the implications for our judicial system. As was the case in the consumers class action bill, this section deals with an area of governmental function which is under the jurisdiction of that committee.

I am aware of the situation which confronts us. We want to go home to campaign. We want to get out of the Senate and either adjourn sine die before the election or return after the election. I understand the emotional appeal of the bill. I know of its intent. I know all these things are true. But if in the process of taking action which might be ill advised and would result in some of the backlash, as we might call it, that was foretold and forecast for us in the case of S. 3201, I wonder if it would not be better to make haste slowly.

What is the matter with that section? I have here a memorandum that was handed to me by a member of my staff. It outlines some of the basic objections that lie as objections to section 304.

The memorandum starts out this way:

S. 4358—THE CLEAN AIR ACT

SECTION 304, CITIZENS SUITS

A. *The proposal is unprecedented in American history.*

1. The proposal is predicated on the erroneous assumption that officials of the Executive Branch of the United States Government will not perform and carry out their responsibilities and duties under the Clean Air Act. Never before in the history of the United States has the Congress proceeded on the assumption that the Executive Branch will not carry out the Congressional mandate, hence, private citizens shall be given specific statutory authority to compel such officials to do so.

2. The Hearings of the Public Works Committee do not provide either a factual or legal basis which would justify the adoption of this far-reaching and novel procedure wherein private citizens may challenge virtually every decision made by the officials of the Executive Branch in the carrying out of the numerous complex duties and responsibilities imposed by the Clean Air Act.

Mr. President, that involves not only every decision but also every lack of a decision, which the Secretary may engage in for the purpose of implementing this act.

The memorandum further states:

B. *The adoption of Section 304 will result in a multiplicity of suits which will interfere with the Executive's capability of carrying out its duties and responsibilities.*

1. The Clean Air Act provides the regulatory agencies with ample powers to formulate standards and to secure effective enforcement of the regulations. There is no need to delegate enforcement powers, direct or indirect, to private citizens.

2. Section 304 is an open invitation to the institution of Citizens Suits—encouraged by the awarding of litigation expense "including reasonable attorney and expert witness fees . . ." (Section 304(b)). This award may be granted even in a case where the actions "result in successful abatement but do not reach a verdict" (Report p. 38). A multiplicity of actions are sure to follow the enactment of Section 304 regardless of how well the regulatory agencies perform their duties and responsibilities.

Mr. President, I might add that the agency might not be at fault if it does not act promptly or does not enforce the act as comprehensively and as thoroughly as it would like to do. Some of its capabilities depend on the wisdom of the appropriations process of this Congress.

It would not be the first time that a regulatory act would not have been provided with sufficient funds and manpower to get the job done.

I need refer only to the very recent, classic example brought up in the case of the class action Packer Stockyard Act of 1940, where for decades the provisions of the act were not capable of enforcement, Congress—whether deliberately or not—continually and repeatedly refused to provide the funds and manpower necessary to enforce the provisions of that act.

Notwithstanding the lack of capability to enforce this act, suit after suit after suit could be brought. The functioning of the department could be interfered with, and its time and resources frittered away by responding to these lawsuits. The limited resources we can afford will be needed for the actual implementation of the act.

I continue to read from the memorandum:

3. A multiplicity of suits decided by the several courts will lead to a spate of conflicting decisions.

4. The public interest is not served by subjecting officials of the Executive Branch to harassing litigation. How can they perform the complex administrative and enforcement functions required under the Clean Air Act while simultaneously participating as defendants and/or witnesses in litigation? Instead of forcing such officials to act more effectively the institution of the Citizens Suits will more likely lead to paralysis within the regulatory agency.

Mr. President, I would like to dwell on this point. That is the backlash to which

we might be invited by reason of section 304.

I continue to read from the memorandum:

C. *The enactment of Section 304 would impose an impossible burden on the already burdened judicial system.*

1. Chief Justice Burger's recent ABA speech and the current hearings of the Judiciary Committee on S. 3201 have clearly demonstrated that the federal judicial system is presently faced with a ever-increasing work load of such a magnitude that Congress should not now extend the courts jurisdiction by the passage of new legislation.

2. Citizens Suits would be particularly burdensome upon the courts as they involve complex factual and legal issues in a new field of law, one in which the courts have thus far had only limited experience.

3. The Senate Committee on the Judiciary has jurisdiction over, among other things, "(1) Judicial proceedings, civil and criminal, generally. . . . (3) Federal court and judges. . . ." The Senate should suspend consideration of Section 304 pending a study by the Judiciary Committee of the section's probable impact on the integrity of the judicial system and the advisability of now opening the doors of the courts to inumerable Citizens Suits against officials charged with the duty of carrying out the Clean Air Act.

Mr. President, it is my hope that some consideration could be given to the withholding of this section so that it can be considered more thoroughly. It is very doubtful that it would be needed at the outset, before regulations had been completed and determinations made. It is doubtful that this provision is so necessary that we could not go forward with the body of the law without it.

It is my thought that this can be done without jeopardizing the administration of justice and that it can be done without imposing such a burden on the judicial court system. It already takes as long as 3 to 4 years to get to trial. How many more years will we add to this delay if we authorize legislation in section 304?

I recall again the language of the Chief Justice in St. Louis when he explained the load under which the courts are operating:

Editorials demand new laws to control pollution and change the environment, new laws allowing class actions by consumers to protect the public. The difficulty lies in our tendency to meet new and legitimate demands with new law but without consideration for the consequences on the courts.

He might add, the consequences to society of the inability of the courts to attend to the trial of civil cases.

Again, and for the third or fourth time, I want to say I am very concerned with problems of pollution, and with all the measures for this purpose that will be considered by this Congress. My record on that is clear. I cosponsored the administration bill; subscribe to the President's comprehensive plan and program in this field; I am personally convinced of the need.

At the same time, I want the RECORD clear that this Senator would very much regret the enactment into law of a section which would have an opposite effect to that which was intended instead of making progress, it would retard progress, taxing the time, resources, and manpower of the agency.

It is in that spirit that I engage in these remarks. I would like to extend such cooperation as this Senator can in his position on the Committee on the Judiciary or otherwise to get that kind of result and that kind of success.

I yield the floor.

Mr. MUSKIE. Mr. President, I think it might be helpful to Senators reading the RECORD tomorrow to make some observations with respect to section 304, the citizen suits provision, which the distinguished Senator from Nebraska discussed earlier this afternoon. So I ask unanimous consent that the section of the report beginning on page 36 and ending at the top of page 39, which covers the subject of section 304, be printed in the RECORD, at this point.

There being no objection, the extract was ordered to be printed in the RECORD, as follows:

SECTION 304. CITIZEN SUITS

The Committee has established a provision in the bill that would provide citizen participation in the enforcement of standards and regulations established under this Act. The provision in the proposed bill is carefully restricted to actions where violations of standards and regulations or a failure on the part of officials to act are alleged.

Section 304 would not substitute a "common law" or court-developed definition of air quality. An alleged violation of an emission control standard, emission requirement, or a provision in an implementation plan, would not require reanalysis of technological or other considerations at the enforcement stage. These matters would have been settled in the administrative procedure leading to an implementation plan or emission control provision. Therefore, an objective evidentiary standard would have to be met by the citizen who brings an action under this section.

Government initiative in seeking enforcement under the Clean Air Act has been restrained. Authorizing citizens to bring suits for violations of standards should motivate governmental agencies charged with the responsibility to bring enforcement and abatement proceedings.

In order to further encourage and provide for agency enforcement, the Committee has added a requirement that prior to filing a petition with the court, a citizen or group of citizens would first have to serve notice of intent to file such action on the Federal and State air pollution control agency and the alleged pollutor. Each citizen or group would have to include facts in such notice in accordance with regulations prescribed by the Secretary. The Secretary should prescribe such regulations as soon as possible after enactment, and such regulations should reflect simplicity, clarity, and standardized form. The regulations should not require notice that places impossible or unnecessary burdens on citizens but rather should be confined to requiring information necessary to give a clear indication of the citizens' intent. These regulations might require information regarding the identity and location of alleged pollutor, a brief description of the activity alleged to be in violation, and the provision of law alleged to be violated.

The Committee has provided a period of time after notice before a citizen may file an action. The time between notice and filing of the action should give the administrative enforcement office an opportunity to act on the alleged violation.

It should be emphasized that if the agency had not initiated abatement proceedings following notice or if the citizen believed efforts initiated by the agency to be inadequate, the citizen might choose to file the action. In such case, the courts would be expected to consider the petition against the background of the agency action and could determine that such action would be adequate to justify suspension, dismissal, or consolidation of the citizen petition. On the other hand, if the court viewed the agency action as inadequate, it would have jurisdiction to consider the citizen action notwithstanding any pending agency action.

The Committee emphasizes that if the alleged violation is a failure to comply with an administrative enforcement order, a violation of a standard of performance, or a prohibition or emission standard, there would be no waiting period following notice. It is the Committee's intent that enforcement of these control provisions be immediate, that citizens should be unconstrained to bring these actions, and that the courts should not hesitate to consider them.

Section 304 would provide that a citizen enforcement action might be brought against and individual or a government agency. As recognized under section 118 of the bill, Federal facilities generate considerable air pollution. Since Federal agencies have been notoriously laggard in abating pollution and in requesting appropriations to develop control measures, it is important to provide that citizens can seek, through the courts, to expedite the government performance specifically directed under section 118.

The standards for which enforcement would be sought either under administrative enforcement or through citizen enforcement procedures are the same.

The participation of citizens in the courts seeking enforcement of air quality standards should not result in inconsistent policy. The Clean Air Act should achieve objective standards against which to measure air quality. There should be no inconsistency in the enforcement of such standards. Whether abatement were sought by an agency or by a citizen, there would be a considerable record available to the courts in any enforcement proceeding resulting from the Federal and State administrative standard-setting procedures. Consequently, the factual basis for enforcement of standards would be available at the time enforcement is sought, and the issue before the courts would be a factual one of whether there had been compliance.

The information and other disclosure obligations required throughout the bill are important to the operation of this provision. The Secretary would have a special duty to make meaningful information on emitting sources available to the public on a timely basis.

The provision is drawn to avoid problems raised by class action provisions of the Federal rules of civil procedure, specifically by Rule 23. Section 304 does not authorize a "class action." Instead, it would authorize a private action by any citizen or citizens acting on their own behalf. Questions with respect to traditional "class" actions often involve: (1) identifying a group of people whose interests have been damaged; (2) identifying the amount of total damage to determine jurisdiction qualification; and (3) allocating any damages recovered. None of these points is appropriate in citizen suits seeking abatement of violations of air quality standards. There would be no jurisdictional amount required in section 304 nor is there any provision for the recovery of property or personal damages. It should be noted, however, that the section would specifically preserve any rights or remedies under any other law. Thus, if damages could be shown, other remedies would remain available. Compliance with standards under this

Act would not be a defense to a common law action for pollution damages.

Concern was expressed that some lawyers would use section 304 to bring frivolous and harassing actions. The Committee has added a key element in providing that the courts may award costs of litigation, including reasonable attorney and expert witness fees, whenever the court determines that such action is in the public interest. The court could thus award costs of litigation to defendants where the litigation was obviously frivolous or harassing. This should have the effect of discouraging abuse of this provision, while at the same time encouraging the quality of the actions that will be brought.

The Courts should recognize that in bringing legitimate actions under this section citizens would be performing a public service and in such instances the courts should award costs of litigation to such party. This should extend to plaintiffs in actions which result in successful abatement but do not reach a verdict. For instance, if as a result of a citizen proceeding and before a verdict is issued, a defendant abated a violation, the court may award litigation expenses borne by the plaintiffs in prosecuting such actions.

Enforcement of pollution regulations is not a technical matter beyond the competence of the courts. The citizen suit provision is consistent with principles underlying the Clean Air Act, that is the development of identifiable standards of air quality and control measures to implement such standards. Such standards provide manageable and precise benchmarks for enforcement.

The Committee bill would provide in the citizen suit provision that actions will lie against the Secretary for failure to exercise his duties under the Act, including his enforcement duties. The Committee expects that many citizens suits would be of this nature, since such suits would reduce the ultimate burden on the citizen of going forward with the entire action.

Mr. MUSKIE. Mr. President, I think it is important to note the limitations written into this provision of the bill by the committee that are noted in the section of the committee report which I have just inserted in the RECORD.

First of all, the section does not presume that there will be a lack of good will or good faith or dedication on the part of those administering the provisions of the law in doing so.

What we are seeking to establish is a nationwide policy. National ambient air standards implemented by plans developed at the State and local level create potentially enormous enforcement problems for State, local, and regional governments, as well as for the National Government. I think it is too much to presume that, however well staffed or well intentioned these enforcement agencies, they will be able to monitor the potential violations of the requirements contained in all the implementation plans that will be filed under this act, all the other requirements of the act, and the responses of the enforcement officers to their duties.

Citizens can be a useful instrument for detecting violations and bringing them to the attention of the enforcement agencies and courts alike. So we have provided this restrictive citizen suit provision for that purpose. We took testimony on this subject. It was strongly supported by legal scholars and several organizations. The provision, as finally written into the bill, is considerably cut down from some of the proposals that were advanced. It is not a class-action provision.

These features might be of interest:

First of all, a citizen suit can be brought only to enforce the provisions of the act or the requirements that are established as a result of the operations of the act. In other words, a citizen suit is limited to the right to seek the enforcement of the provisions of the act.

Second, before bring suit, there is a requirement in this provision that the citizen bring his intention to bring suit to the attention of the local enforcement agency, the thought being that he might trigger administrative action to get the relief that he might otherwise seek in the courts.

I think most citizens, if they were able to trigger such administrative action, would be satisfied with having done so. Thus, they would have done nothing more than the act anticipates—that is, the full and effective enforcement of the provisions of the law.

In those instances where enforcement was not triggered, that is, enforcement action by the administrative agency was not triggered, then it seemed to us the citizen ought to be able to pursue the judicial remedy.

The Senator from Nebraska raised the question of possible harassing suits by citizens. This the committee attempted to discourage by providing that the costs of litigation—including counsel fees—may be awarded by the courts to the defendants in such cases, so that the citizen who brings a harassing suit is subject not only to the loss of his own costs of litigation, but to the burden of bearing the costs of the parties against whom he has brought the suit in the first instance.

I doubt very much that individual citizens would lightly engage this possibility.

These are some of the points it seemed to me ought to be brought to the attention of the Senate, in the light of the remarks made by the distinguished Senator from Nebraska. Other points are covered by the section of the committee report which I have asked to be included in the RECORD.

Mr. BAKER. Mr. President, I call up my amendment which is pending at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read, as follows:

On page 63 insert "(1)" after "(c)" on line 19 and on page 64 insert between lines 22 and 23 a new paragraph (2) as follows:

"(2) Nothing in this subsection shall be construed as imposing any cost obligation resulting from any warranty requirement imposed by this subsection on any dealer. The transfer of any such cost obligation from a manufacturer to any dealer through franchise or other agreement is prohibited.

Mr. BAKER. Mr. President, I wish to amend the amendment by inserting after the word "obligation" in the second line, section (2), the words "on any dealer" before the word "resulting," and striking the words "on any dealer" from the third line.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

On page 63 insert "(1)" after "(c)" on line 19 and on page 64 insert between lines 22 and 23 a new paragraph (2) as follows:

"(2) Nothing in this subsection shall be construed as imposing any cost obligation on any dealer resulting from any warranty requirement imposed by this subsection. The transfer of any such cost obligation from a manufacturer to any dealer through franchise or other agreement is prohibited.

Mr. BAKER. Mr. President, the amendment to S. 4358, to amend the Clean Air Act, and for other purposes, has the effect of excluding from the application of cost responsibility under the warranty section of dealers and distributors.

Although the subject matter of this amendment is addressed in the report on the bill and, therefore, conforms to the intent of the committee, I feel that the matter should be addressed explicitly in the bill.

Mr. President, often obligations and responsibilities under product warranties are assigned or otherwise transferred, to dealers and distributors by manufacturers, often through the leverage of franchise agreements.

Mr. President, the obligations of the manufacturer under this bill to produce a clean car should be borne by the manufacturer and the manufacturer alone. Such obligations should not be transferred to any dealer.

Thus, my amendment would make it clear that the cost obligations under the warranty required by the statute run against the manufacturer of the automobile and not against dealers and distributors.

Mr. President, it might be pointed out further, that while the amendment provides against the shifting of any cost obligation resulting from the warranty it does not mean the manufacturer could not call upon his dealer network to perform services or adjustments under the warranty. It does mean that the cost of those adjustments and services would be borne by the manufacturer and not the dealer, and that the franchise agreement could not be used as leverage to require the dealer to absorb any related costs.

Mr. MUSKIE. Mr. President, I have discussed this matter with the Senator from Tennessee. Because of the careful consideration he gives to legislation, I think his amendment is an accurate reflection of the intent of the committee. It is a point the committee overlooked in its consideration of the warranty. We focused entirely upon the responsibility of the manufacturer. It did not occur to us that we would be imposing an obligation on the dealer. It was not our intent to do so. I would be willing to accept his amendment, but before doing so I yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, I rise because I joined with the Senator from Tennessee in offering this amendment.

During the discussion of the bill in committee this issue was raised by the Senator from Tennessee. I join in this matter because of the many messages I was receiving from distributors and dealers of automobiles in my State ask-

ing if obligations under the warranty ran against the distributors and agencies.

I believe the committee agreed it was not so intended, and I think the Senator from Tennessee is right in offering this clarifying amendment.

It is well to have a provision to reassure many people and I am glad to join with the Senator from Tennessee in the amendment and I support it strongly.

Mr. MUSKIE. Mr. President, I did not realize that the Senator from Michigan wanted to be recognized.

Mr. GRIFFIN. Mr. President, it occurs to me that I had better get my 2 cents worth in here because it looks as if action is about to be taken on an amendment and, frankly, it had been my understanding that this bill will be laid down but no amendment would be acted upon.

I am not at all sure this amendment is all that noncontroversial. I wonder if the Senator from Maine expects to take action on the amendment this evening.

Mr. MUSKIE. Mr. President, I would yield to the desire of Senators. I think when I discussed it with the Senator from Tennessee we looked at this amendment as a clarification of the committee intent.

If it would be helpful to the Senator from Michigan to postpone action on the amendment, I yield to the Senator from Tennessee. We were trying to dispose of whatever we could this evening, not thinking that we were by this amendment getting involved in anything complicated.

Mr. BAKER. Mr. President, if the Senator will yield, I have no objection to putting the amendment over until tomorrow.

I have discussed the amendment with the Senator from Maine (Mr. MUSKIE) and the Senator from Kentucky (Mr. COOPER) on the basis that the amendment was a clarification of the committee's amendment. If we cannot dispose of it this afternoon, I am willing to put it over until tomorrow.

However, I point out that on page 81 of the bill it states that the provision shall not include any dealer, and the report language itself makes it clear. However, the Senator from Kentucky did not feel it was spelled out with particularity, and we introduced this amendment for the purpose of clarification.

If the Senator from Michigan wants to defer action on the amendment, I am certainly willing to defer it.

Mr. GRIFFIN. I think it would be well to study the effect of the amendment.

Mr. MUSKIE. I have no objection at all.

Mr. BAKER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAKER. Is it necessary for me to get unanimous consent to withdraw the amendment at this particular time?

The PRESIDING OFFICER. The Senator from Tennessee may withdraw his amendment or he may leave it as the pending question without any action being taken on it.

Mr. BAKER. Mr. President, I do not have any idea of discommoding the Senate for the transaction of other business it may have while it is waiting for us to act on this amendment, but if it is agreeable to all concerned, I prefer that the amendment remain as the pending business.

Mr. MUSKIE. Mr. President, reserving the right to object, I would like to suggest that I have some purely technical amendments which I would like to offer at this time.

The PRESIDING OFFICER. The Chair would suggest to the Senator from Maine that that might be accomplished with the unanimous consent of the Senate.

Mr. MUSKIE. Then I have no objection to leaving the amendment as the pending business tomorrow.

I ask unanimous consent that technical amendments I send to the desk be considered at this time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendments offered by the Senator from Maine will be stated.

The assistant legislative clerk proceeded to read the amendments.

Mr. MUSKIE. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

On page 27, in line 16 change "(d)" to "(e)".

On page 34, in line 4 change "(d)" to "(e)".

On page 62, in line 3 change "(F)" to "(E)".

On page 77, in line 8 change "(2)" to "(4)" and "subsection" to "section".

On page 78, in line 11 change "subsection (a) or (b)" to "subsection (a), (b) or (c)".

On page 85, in line 17 change "its" to "the".

On page 86, in line 6 strike "under clause (1) of this subsection".

On page 91, in line 4 strike "patent application,".

On page 92, in line 8 strike "patent application,".

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc. Without objection, the amendments are agreed to en bloc.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield.

AMENDMENT NO. 930

Mr. COOPER. Mr. President, I send to the desk an amendment, in which Senator BAKER and Senator GURNEY join as cosponsors. I do not intend to call it up this evening, but I ask that it be received and printed, and lie on the table.

The PRESIDING OFFICER. The amendment will be received, printed, and will lie on the table.

Mr. COOPER. I might give notice to the chairman of the subcommittee that it is similar in substance to the amendment I offered in the committee. As the Senator knows so well, the warranty provided for in the bill goes not only to the design and assembly of the automobile propulsion system as it affects emissions, but also to its performance over a period of service, 50,000 miles, under operation by various owners.

I intend to call the amendment up at some time and discuss it, to see if my conception is correct in the view of the committee and the chairman, and then I shall decide whether I shall ask for a vote on it.

Mr. President, I ask unanimous consent that the proposed amendment for myself, Senator BAKER and Senator GURNEY, be printed at this point in the RECORD, for the information of Members.

There being no objection, the amendment No. 930 was ordered to be printed in the RECORD, as follows:

On page 63, beginning on line 23, strike out all through line 4 on page 64, and insert in lieu thereof the following: "and shall be so warranted for the lifetime of such vehicle or engine. Fifty thousand miles shall be taken as the basis for the lifetime of a vehicle or engine under this section. As a condition to the obligation of manufacturers to correct defects in design, manufacture or assembly, manufacturers may require the ultimate purchaser and subsequent purchasers of such vehicle or engines".

On page 64, line 12, strike out the words "adjustment, operation".

Mr. MUSKIE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 6 o'clock and 41 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, September 22, 1970, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 21, 1970:

DIPLOMATIC AND FOREIGN SERVICE

Horace G. Torbert, Jr., of the District of Columbia, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Bulgaria.

NATIONAL LABOR RELATIONS BOARD

Ralph E. Kennedy, of California, to be a member of the National Labor Relations Board for the term of 5 years expiring August 27, 1975, vice Frank W. McCulloch, term expired.

BOARD OF PAROLE

Curtis C. Crawford, of Missouri, to be a member of the Board of Parole for the term expiring September 30, 1976, vice Ziegel W. Neff, term expiring.

U.S. DISTRICT COURTS

L. Clure Morton, of Tennessee, to be U.S. district judge for the middle district of Tennessee, vice William E. Miller, elevated.

EXTENSIONS OF REMARKS

DEBATE ON ADMISSION OF RED CHINA TO THE UNITED NATIONS

HON. PETER H. DOMINICK

OF COLORADO

IN THE SENATE OF THE UNITED STATES

Monday, September 21, 1970

Mr. DOMINICK. Mr. President, one of the more knowledgeable persons in our country concerning the Far East, particularly Red China, is the Reverend David C. Head. I have had the pleasure of many meetings with him and know well his determination to set the record straight concerning the Communist threat to the free world from both the Soviet Union and Red China.

The Reverend Mr. Head is the author of "Communist Blueprint for World Conquest," published earlier this year by the Clergymen's Committee on China, Inc. This distinguished group, consisting of members of the clergy from many religious bodies of our country, has consistently opposed the admission of Red China to the United Nations.

With the coming debate on this subject before the United Nations, the Reverend Mr. Head's recent pamphlet, titled "The Debate on the Admission of Red China to the U.N.," published by the Clergymen's Committee on China, Inc., is extremely timely and very valuable in studying the issues involved.

As a member of the Steering Committee of the Committee of One Million, which is totally opposed to the admission of Red China under its present leadership, attitude, and direction, I welcome this added valuable material.

I ask unanimous consent that the pamphlet be printed in the Extensions of Remarks.

There being no objection, the pamphlet was ordered to be printed in the RECORD, as follows:

THE DEBATE ON THE ADMISSION OF RED CHINA TO THE U.N.

(By David C. Head)

FOREWORD

In 1966, the Clergymen's Committee on China was organized by the late Dr. Daniel A. Poling, Chairman of the Board of *Christian Herald* magazine. The organization's first public action was the polling of a cross-section of American Protestant clergymen to determine their feelings concerning the United State's relations with Communist China. More than thirty thousand clergymen completed the poll. Of those polled, 71.4% were opposed to the admission of Red China to the United Nations or United States' recognition of Peking; 93.7% were opposed to satisfying Communist China's conditions for joining the United Nations by expelling the Republic of China from the world organization.

The poll was initiated in lieu of a statement by the National Council of Churches in favor of Communist China's admission with the implication that this resolution was reflecting the views of approximately 40 million Protestants. The poll proved that, on the contrary, the General Board of the National Council of Churches had either ignored the opinion of the great majority of its constituency or it had willfully, or by other serious error in judgment, misrepresented their true views.

In 1968, the National Council of Churches again issued an official policy statement in favor of Communist China by advocating that the United States ". . . acknowledge that [Red] China has legitimate interests in Asia and that [Red] China will exert a significant influence in the region." The Clergyman's Committee on China replied to this with "An Open Letter to American Protestant Clergymen" which contained a detailed explanation of why such a stand was erroneous.

THE ROLE OF THE UNITED NATIONS

A fading hope or a future promise

"We the peoples of the United Nations determine to save succeeding generations from the scourge of war. . . ." With these words the Charter of the United Nations begins. It is the essence of all the manifold obligations assumed by the members of the United Nations. Each nation that becomes a member of this world body subscribes to the same principle that President Nixon has adopted as a guideline for United States foreign policy, namely, the pursuit of peace.

No country in the modern world can live by itself, concerned solely with its own development. Every nation has to shape its own future by sharing its destiny with others and, consequently, is exposed to the same dangers and influences. The fate of other nations, even if not our direct responsibility, is nevertheless connected with and reflected in our own destiny. The true purpose of the United Nations is found in its basic conception of being the balance between nations holding opposing ideologies. It was supposed to be the scale of world justice. Its supporters believe it to be the place where wrong is turned to right and war is turned to peace. In its ultimate purpose, its founders envisioned the United Nations to be the guide and mediator for the family of man.

It has often been said that the United Nations is the world's only hope. This expectation has frequently been disappointed, and the stress has necessarily to be on the word "only," since experience has shown that the United Nations, in the 25 years of its existence, has often been sadly inadequate. Yet, rightly or wrongly, many cling to the promises of this world organization if only for the reason that they believe there is no other hope. The United Nations' effectiveness has not been challenged by any major world wars but it has failed to prevent limited wars, and the actual deterrent to war has been the nuclear threat of a major involvement, rather than the peace-keeping influence of the United Nations. Its major failure, however, has been that it has not effected any closer cooperation and understanding between the Communist and the Free World. The gigantic struggle between totalitarianism and freedom has never been more intense than it is right now. The area of combat is not just Vietnam, or Laos, or Cambodia. It is all of Asia, it is Europe, it is certainly the Middle East, it is Africa, it is South America, and it is the United States of America. In Vietnam, the battle for survival of one ideology over the other is a real one, a visible one, daily accounted for by so many deaths on either side. Here at home and elsewhere, the destructive effects on mind and body, the hatred and division this struggle produces cannot so easily be defined and measured by so many victims or victors. All major tensions, wars and war-like actions, with the exception of the Middle Eastern situation, now having changed into the same confrontation, have been crated through international Communism. It is the defeat of Communism, not its accommodation, that would remove the cause for confrontation in the future. The United Nations has not checked the advancement of Communism, nor has it been able to interfere in communist subversive activities. This means that it has been ineffective in preserving the rights of self-determination of member states.

The obligations assumed by member nations of the United Nations, the principles and purposes as laid down in the Charter, and the daily issues on the agenda of the Assembly are all moral issues. The United Nations represents moral authority. Self-determination and human rights are moral issues. In the role of mediator, the United Nations, as a moral force, is confronted with an entirely different code of ethics in dealing with the two ideological blocs, or with the lack of such ethics in communist-dominated countries represented in the United Nations. Lenin gave the following interpretation and guideline for communist ethics by saying:

"But is there such a thing as Communist ethics? . . . Of course, there is. . . . In what sense do we repudiate ethics and morality? In the sense that they were preached by the bourgeoisie, who declared that ethics were God's commandments. We . . . do not believe in God. . . . We say that our morality is entirely subordinated to the interests of the class struggle of the proletariat. . . . We say: Morality is that which serves to destroy the old exploiting society and to unite all the toilers around the proletariat, which is creating a new Communist society. . . . For the Communist, morality consists entirely of compact united discipline and conscious mass struggle against the exploiters." [1]

While the United Nations, in its impartiality, will not condemn the immorality of Communism as such, it should nevertheless strive to preserve the rights of people where these rights still exist and pursue their reinstatement where they have been lost. As a member state of the United Nations, the United States has the obligation to insist that its principles and purposes are carried out. In addition, we bear a high responsibility in our foreign policy decisions as a nation to which other countries look for leadership. The United States' vote for or against admission of Red China to the United Nations represents the key vote for others to follow and it therefore means immeasurably more than just a change in our foreign policy. It is the crucial vote for justice or injustice.

We are a republic and the power is in the hands of everyone of us—which means that, in our role as a leading nation, everyone of us should strive for and obtain a broad understanding of public issues and the problems confronting us. The final actions of our government are based on the decisions every single American is making. In turn, our government, in dealing with communist nations, is faced with the willful decisions of a small group of their leaders who manipulate their peoples' destinies to reach their own aims. Only if this inequality in human rights can be overcome and the freedom to elect leaders through the individual's vote in all countries is made possible, can unified measurement be applied and can the United Nations succeed. So far, the United Nations is sacrificing a great deal of its effectiveness through endless vetoes of the Soviet Union. What would happen if the communist power bloc is fur-

---

Footnotes at end of article.

ther increased? Could it not be assumed that the remainder of its already limited ability to cope with world problems would lead to increased apathy, a diminution of moral stature, and eventual destruction?

19TH VOTE ON COMMUNIST CHINA'S ADMISSION

A vote comparison

The 24th session of the United Nations General Assembly convened on November 11, 1969, represented the 19th time that the admission of Communist China was voted upon, following the Albanian draft resolution seeking to expel the Republic of China and seat in its place Communist China. The resolution was defeated by a vote of 56 against, 48 in favor, with 21 abstentions and one member absent. The vote on the same resolution in 1968 was 58 to 44, with 23 abstentions. In 1967, it was 58–45–17; in 1966: 57–46–17; and in 1965: 47–47–20.

The changes between the previous vote in 1968 compared with the vote in 1969 consisted of the following: Four nations, Ghana, Libya, Mauritius, and Nigeria, all of whom abstained last year, cast their votes for Communist China. Belgium, Chile, and Italy, who had voted against admission in 1968, shifted to abstention. Senegal, who abstained in 1968, this time voted against admission.

This vote comparison shows a weakening of the United Nation's stand on the issue and it would be wrong to regard the situation with complacency just because the vote was passed for the 19th time in favor of the Republic of China.

ADMISSION MEANS ACCOMMODATIONS

A summary of reasons why Peking cannot be granted recognition by the United Nations

Dr. Wei Tao-ming, Minister of Foreign Affairs of the Republic of China and Chairman of the Chinese Delegation to the 24th Session of the General Assembly of the United Nations, in his statement on the representation of China in the United Nations before the 1,798th Plenary Meeting on November 3, 1969, gave an exhaustive summary of the reasons why Communist China should be rejected as a member nation:

"Those who champion the Chinese Communist cause have been in the habit of arguing that to bar the Communist regime from United Nations membership is to deprive the 700 million Chinese people of their representation in the world organization. It is unrealistic, they maintain, to ignore the existence of a quarter of the world's population.

"This, it seems to me, is a spurious argument. No one ignores the existence of 700 million Chinese people. In fact, it is precisely because the interests of the 700 million people should not be ignored that the seal of international approval must be withheld from a regime which has committed so many heinous crimes against them, which has deprived them of every freedom, and which has denied them even the most elementary of human rights.

"The Chinese people and the Communist regime, far from being one and the same, are in fact distinct and mutually hostile entities. The interests of the Chinese people and those of the Communist regime are different and contradictory. The Communist regime cannot, therefore, represent the Chinese people; it represents only a tiny minority . . . the Chinese Communist Party, whose total membership does not exceed two per cent of the population of Chinese. Now, even this tiny minority is torn by power struggles. The large-scale purges of the past three years have failed to enable Mao Tse-tung to consolidate his authority over his rivals, whose latent influence is still a factor to reckon with. Small wonder the official Communist press is filled with unabashed appeals for unity and vigilance in the face of 'internal enemies.' This can be explained only by an acute sense of insecurity.

"Armed clashes have been reported in a large number of provinces. Anti-Mao and anti-Communist forces have been gathering strength and momentum. Even more pernicious than all this is the prevalence of what Peking calls "anarchism," the manifestations of which are a general breakdown of discipline and widespread resistance to authority of any kind. The so-called revolutionary committees in the provinces continue to be an unstable coalition of divergent elements dominated by the military. Party cadre are still paralyzed by the fear of another purge. Every contest of power on the upper levels sends a tremor of fright through the entire structure. Below the level of the Central Committee, the Communist Party remains shattered and shadowy. All in all, it may be said that the regime has lost its effective control over a large part of the mainland. The reason is not far to seek. Basically, Communism and the cultural tradition of the Chinese people are incompatible. . . .

"But, it is argued, the interests of world peace require the presence of Peiping in the United Nations. There is, it seems . . . a touch of disingenuousness about this argument. It is difficult to believe that a regime dedicated to reshaping the world by force of arms and firmly convinced of the inevitability of war can contribute to the cause of world peace.

"For the Chinese Communists, this exaltation of force and violence is a basic article of faith. It is the central thesis of the so-called "Mao Tse-tung Thought." It has been written into the new Party Constitution adopted at the Ninth Party Congress in April this year. "War," according to Mao Tse-tung, "is the highest form of struggle for resolving contradictions, when they have developed to a certain stage, between classes, nations, states, or political groups. . . ." It is by means of war that "imperialism headed by the United States" and "modern revisionism with the Soviet Union at its center" must be eventually overthrown. It is by means of war that Peiping, as Lin Pao has made it abundantly clear in his political report to the Ninth Party Congress, intends to bring about the victory of Maoism in Asia, Africa, and Latin America. . . .

"It is a matter of record that since 1949 the Chinese Communist regime has participated in a number of military adventures, either directly or by proxy. It played a leading part in the Korean war. It attacked India in 1962 and Sikkim in 1965. Its role in the war in Vietnam needs no elaboration. All this suggests that Mao's doctrine of war and violence must be taken seriously. . . .

"Chinese Communist representatives abroad are not interested in promoting friendly relations with the governments to which they are accredited; their primary function is the propagation of subversive ideas.

"It is thus clear that the Chinese Communists negate all the principles and purposes of the United Nations Charter and reject the ideals of peace and progress toward which the world community has been striving. To seat them in the United Nations would be to encourage aggression by rewarding the aggressor, to undermine the rule of law in international relations and to undercut whatever claim the United Nations may have to being a moral force in the present-day world. . . .

"Weariness with the recurrent conflict of our times and fear of nuclear war have engendered in the minds of men a yearning for normalcy and a craving for final and formal settlements. Some seem ready to buy peace at any price. . . . Through United Nations membership, so the argument goes, the Chinese Communists will learn the art of compromise and the necessity of conforming to established standards of international conduct. . . .

"Let no one forget that the most important condition for membership is not the possession of nuclear bombs but "peace-loving." Let us, therefore, be true to our commitment to principles and purposes of the Charter. Let us refuse to be intimidated by Peiping's nuclear weapons."[2]

"RESPECT FOR HUMAN RIGHTS AND FOR FUNDAMENTAL FREEDOMS FOR ALL"

The absence of fundamental freedoms under Mao's regime is against the basic principles of the United Nations

"Respect for human rights and for fundamental freedoms for all" is the basic purpose and principle of the United Nations. Logically, a nation to be eligible to be a member of the United Nations should be able to demonstrate respect for human rights and freedom within its own state and apply it within its own regime in order to be seated in a world organization that works toward this purpose and judges other nations under this principle.

Not even the most convincing apologist could contend that there exists any fundamental freedom under Mao's reign. In the name of class struggle under the dictatorship of the proletariat, the Chinese Communist regime has existed through suppression, liquidation, purges, and revolutionary actions and measures. The Great Proletarian Cultural Revolution, which started at the end of 1965, and the Red Guard Movement showed that Mao Tse-tung had adversaries in mainland China, but it also showed that no elements exerting any influence contrary to Mao's "thoughts" are permitted to exist. Unleashed by Mao Tse-tung to reestablish and assure his primacy and to more firmly cement his own brand of Communism, the movement was intended to wipe out the last vestiges of dissidents and revisionism, and to reactivate revolutionary militancy. But foremost, it was initiated to liquidate and purge all anti-Mao, anti-Party, and anti-Socialism elements.

In effect, the Great Proletarian Cultural Revolution was an internal power struggle within the hierarchies of the Party, army, and government. It was directed against the "bourgeoisie," but it was also final attack on all ancient Chinese tradition, implemented through a wave of vandalism in which valuable art treasures and books were smashed and burned. It was the destruction of the Chinese heritage. Would this be the will of the people? Could anybody interpret this as anything but the most blatant interference with the rights of the individual?

Dr. Stephen Pan and Father Raymond de Jaegher summed up the result of the Red Guard Movement as follows:

"(1) In trying to destroy the Old World and create a New World they have succeeded to some extent in eradicating much of the ancient Chinese cultural heritage. But they have not and cannot create a new culture worth keeping, or acceptable to the Chinese.

"(2) Outwardly, the Cultural Revolution aims at the crushing of landlords, rich peasants, bad elements, and anti-revolutionary elements. No one knows exactly how many of these people have been killed by the Red Guards, or compelled to commit suicide. But the most clear and conspicuous effect of this wholesale persecution has been the annihilation of great numbers of Party leaders, intellectuals, educators, and writers.

"(3) A chaotic state of terror and 'internal strife,' as Lin Piao recently admitted, exists in present day China. The nation has become a bloody field of struggle between rightist and leftist youths, between various factions of the Red Guards, and between the Red Guards and the workers, peasants and even soldiers.

"(4) An atmosphere of hatred, suspicion, and hostility exists which has permeated

Footnotes at end of article.

workers, peasants, and the Red Guards. Widespread as it is, it will probably involve the armed forces to a large degree.

"(5) The gigantic scale of cruelty and political purges is greater today in mainland China than it ever was in the Soviet Union under Stalin. The methods used by Party members against each other are more subtle than those methods employed by Stalin.

"(6) The Proletarian Cultural Revolution and the Red Guards have made enemies all over the world. Their excesses have resulted in unfavorable reactions and criticism from Communists and non-Communists alike. The Soviet Union and other Eastern European nations are today more critical of the Red Guards than of the Free World, including the United States and the United Kingdom.

"(7) The great and intensified turmoil in continental China has proved how erroneous was the assertion made by many of the American 'China experts' that Communist China is a stable nation and the time is ripe for the United States to align herself with Peking." [3]

What happens if a tyrant is appeased? Will he become less of a totalitarian if his power is enhanced? Will it turn him into a benevolent and just leader of his people when he receives encouragement and support in his oppressive domination? The twentieth century has had its ample share of dictators and should have gathered profuse experience in understanding that denial of reality will lead to frightful disaster and that giving concessions as a sign of American good faith is a futile attempt at containment of totalitarianism.

China scholars have estimated that more than 25 million Chinese were purged as a result of the communist conquest of mainland China. Added to this stupendous figure have to be the victims of continuous purges and the "Cultural Revolution." The blood of these countless martyrs clings to the hands of those same leaders that we would honor through recognition and that we would embrace in a world body that represents human rights, justice, and peace. To not regard men like Mao Tse-tung, Lin Piao, and Chou En-lai as ruthless dictators would mean consent to ruthlessness and slaughter. This in itself should be sufficient reason for not granting these oppressors the dignity of belonging to an organization that stands for liberty of all mankind. Men who through words and deeds do not recognize human rights for their own people cannot themselves, or through those they delegate as their representatives, be made judges over the destiny of man.

THE PRINCIPLE OF UNIVERSALITY

The United Nations charter is based on the principle of selectivity, not on universality

Advocates for admission of Communist China to the United Nations base their point of view on the "principle of unversality," regardless of the fact there is no provision in the United Natoins Charter that would indicate eligibility for admission under this conception. Relevant articles in the U.N. Charter are all based on "selectivity," and not on automatic universality.

The specific articles are as follows:

Chapter I, Article 1

The Purposes of the United Nations are:

1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity and with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;

"2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;

"3. To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and

"4. To be a center for harmonizing the actions of nations in the attainment of these common ends."

Chapter I, Article 2

"Clause 3. All members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice are not endangered.

"Clause 4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any manner inconsistent with the Purposes of the United Nations."

Chapter II, Article 4

"Clause 1. Membership in the United Nations is open to all other peaceloving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations."

Article 5

"A Member of the United Nations against which preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council. The exercise of these rights and privileges may be restored by the Security Council."

Article 6

"A Member of the United Nations which has persistently violated the Principles contained in the present Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council."

Thus, the Charter clearly is based on the principle of selectivity, not universality or automatic universality. Article 4 states the condition for membership; Article 5 states the provision for suspension from membership; and Article 6 provides for the expulsion of a member persistently violating the Principles of the Charter. Under the latter, Red China would immediately be eligible for expulsion if it was a member. Because of the aggressive acts of the Chinese Communist regime in the Korean War and its aggression against its neighbors, it has been branded as an aggressor. The Korean conflict was the first and most important effort of the United Nations to halt aggression through collective action in the United Nations. For Communist China, against whom the effort of the United Nations was directed, to be seated in the United Nations while still unpurged of its aggression and of defying the will of the United Nations in Korea, would amount to a confession of failure on the part of the United Nations and would greatly reduce the prospects for future successful action by the United Nations as an instrument for the maintenance of world peace would be vitiated.

While it would be an ideal situation if the United Nations could be transformed into a universal organization—under world conditions that presently do not exist—it would, under the present Charter, be a violation of the stipulations contained therein to apply the universality principle. Furthermore, by admitting a state which has delivered no proof that it is willing to abide by the jurisdiction of the United Nations and adjust its conduct in keeping with the laws of the United Nations, but actually expresses its intention to change the aims and image of this organization, would be a fatal weakening of the United Nations. In fact, any country scrupulously holding to the obligations under the Charter cannot in good conscience vote for the admission of Communist China. Such country does not only disregard honoring the Charter but votes in favor of injustice by voting for the expulsion of a member state, the Republic of China.

Furthermore, Communist China has never officially applied for admission to the United Nations, and by their own pronouncements the Chinese leaders have admitted that they are neither prepared to abide by the principles of the United Nations nor to accept the obligations and duties embedded in such a membership. They have repeatedly made statements relating to the changes that must be effected before Red China would even consider becoming a member of this organization. Premier Chou En-lai advocated the following for the United Nations:

"The United Nations must correct all of its mistakes of the past, and must be thoroughly reorganized and transformed.

If this goal is not reached, then the possibility will increase that a new revolutionary United Nations will be set up.

Also, if a vote for the admission of Red China would mean, or have as a consequence, the expulsion of the Republic of China, the universality principle which the pro-Communist China lobbyists advocate would thereby be defeated and would represent an inconsistent action. It would mean the expulsion of a nation that has strictly adhered to its obligations as a United Nations member and has displayed full, peaceful, and constructive responsibility within the world community. The expulsion of the Republic of China, however, is the first demand of Communist China. Here are the conditions as stated by Chen Yi, the Chinese Communist Premier, on September 29, 1965:

"1. The expulsion of the Republic of China from the U.N.

"2. The complete reorganization of the U.N.

"3. The withdrawal of the General Assembly resolution condemning Peking as an aggressor in the Korean conflict.

"4. The branding of the United States as an aggressor in that conflict."

The concept of universality was rejected by the majority of the participants of the San Francisco Conference 25 years ago who recognized the danger that admittance of aggressors would make aggression a global policy. Membership in the United Nations, thus, remains a privilege, not a right.

THE DEBATE ON REPRESENTATION

Less than 5 percent of the mainland Chinese are represented by the Mao regime

One of the most popular reasonings for the admission of Communist China to the United Nations is the contention that a country populated by close to a quarter of all mankind needs to be represented in the United Nations. The fault of this logic is, however, that the admission of Red China does not mean that 750 million Chinese will be represented; it means that a handful of communist tyrants will obtain an important voice. Moreover, these leaders are not chosen by the Chinese people they are supposed to represent as their legitimate and rightful mouthpiece. The Chinese people have been at war against the Peking decision-makers for 21 long years. The 750 million Chinese people would still be unrepresented, whereas the rightful representatives of the Chinese, now seated in the United Nations, would have to be expelled in order to accommodate communist demands. The result would only be that the Republic of China would be deprived of its just place among responsible nations.

Footnotes at end of article.

TAIWAN'S POPULATION

Larger than that of 94 United Nations member nations

More than 13 million people live on the island of Taiwan, representing a larger population than that of 94 member nations of the United Nations. While nobody can deny that a true representation of nearly a quarter of the world's population is of the greatest importance for the Chinese as well as for the United Nations, it remains, nevertheless, a reality that under present conditions such a representation is not feasible. If the United Nations cannot help the Chinese people to regain their self-determination and liberty, it should at least constrain itself from giving aid to the enslavers of 750 million Chinese—and so should the United States of America.

TIME-SPAN OF COMMUNIST RULERSHIP

No reason for automatically legitimizing the Communists

Then there are those who contend that the communist rulers have been in power in mainland China since 1949 and that their control over such an extensive period of time makes them automatically legitimate. This reasoning would be to say that repetition of sin erases sin, or that the continuance of evil must be regarded through its persistence as goodness.

Again, history has given us enough examples that appeasement and accommodation may well prolong the life-span of dictators but that, in the end, justice will prevail. Hitler's control over Germany lasted an immeasurably shorter time than the Thousand-Year Reich he had proclaimed. Mussolini held total control over Italy and his regime was even briefer. Sukarno's control was broken after it had been paid for with the death of thousands upon thousands. Nkrumah was overthrown. The enslaving force and total effectiveness of Communism can, of course, not be minimized, but it can never become the cause for sanctioning injustice and brutal control and for withdrawing hope rather than extending it. Time does not make the destroyers of the heritage of the Chinese people their rightful representatives. Not only is the rigidly controlled communist dictatorship contrary to any freedom as we know and cherish it, it is also contrary to Chinese tradition which honors the rights and dignity of the individual.

Franz Michael, Associate Director, Institute for Sino-Soviet Studies at the George Washington University, evaluated the prospects and consequences of a change in leadership in an address before the National Committee on United States-China Relations as follows:

"It is possible to imagine that Maoism will continue to prevail as it has heretofore. We have no parallel in the past for such forms of modern totalitarianism and we have no indications of organized resistance in mainland China. But no leader cult has so far survived the death of its leader; and even if he is given a life-span of 150 years by official Peking propaganda, Mao cannot last many more years. The question is, what will happen after Mao's death, or even earlier, with any weakening of his control. Will the military, the main tool of power today be able to hold things together or will the military itself remain unified? What political purpose, what ideology will be the cement that unifies a nation which has gone through such extraordinary trials? Can Maoist utopianism prevail under Lin Piao or another military leader? Can a Marxist-Leninist party make a comeback? This is what the Soviets hope and work for. . . .

"Basically, the decision can be expected to fall inside China and will be determined by the opposing social, political and military forces. But in an open situation, where decisions hang in the balance, outside action may contribute to and affect the outcome. It is therefore of great importance that this situation be understood before any decision on policy with regard to mainland China is considered. It is not a question of establishing formal relations with China; with which force in China are relations to be established And what effect may such relationship have on the outcome of the internal conflict in Communist China? Unless a clear decision to influence the power struggle is made—and this would be at best a risky business—the only possible attitude must be hands off. Any political involvement today appears unpredictable in outcome and an unnecessary limitation on future freedom of action. A recognition of "China," let alone her 750 million people, whom we would like to reach, . . . will be a recognition of Mao's new type of government and a move related to the internal power struggle. It may not even be acceptable to the Maoist regime, as indicated by the contemptuous treatment recently given to Canadian and Italian efforts to establish official diplomatic relations with Peking.

"There are of course, other reasons, which make it impractical to go beyond the present contacts and extend a friendly hand to Mao Tse-tung. It is utterly unrealistic to expect that we can reconcile such action with our existing responsibilities in the Far East. We have nothing to gain and much to lose in current support from Far Eastern nations if we abandon our commitments." [4]

ISOLATION

Red China's isolation is a consequence of her own behavior

Pro-Communist China factions claim that the U.S. government is the cause of Red China's isolationist position. The truth is, of course, that Red China's diplomatic isolation is a consequence of her own behavior. This isolation, however, does not prevent her from inciting unrest in the world, particularly in Southeast Asia where she hopes eventually to gain full control.

This same faction argues that the United States would benefit by obtaining greater knowledge and understanding of Red China through closer diplomatic ties. It must be agreed that it would definitely be of the utmost benefit to the American people to gain a clearer conception of Communism and to strive for a more thorough education of the general public on this subject, but the advantages from a position of "peaceful cooperation" could, under present circumstances and with regard to the Vietnam War, where an indirect confrontation is taking place, be at best considered as one-sided. Red China has certainly enjoyed the closest cooperation and friendship with the Soviet Union and the understanding between these countries, if the same assumption that close contact solves all adversity is applied, should therefore be completely harmonious. However, if we are to believe the statements made by both countries about their current relationship, separation and estrangement have nevertheless developed. The causes for these adverse conditions are, according to Peking, the USSR's "peaceful coexistence" policy with the United States and, according to Moscow, heightened through Red China's belligerency. In other words, Peking challenges Moscow's "peaceful competition" policy and claims that it endangers the friendship between the two communist nations. She herself adheres to the proven method of militancy, subversion, and aggression in international conduct. By virtue of her ideology, Red China is incapable of proving that she is, or intends to be, a "peace-loving" nation and that she will refrain "in her international relations from the threat to use force against the territorial integrity or political independence of any state," and thereby abide by the obligations embodied in the United Nations Charter. By her own pronouncements she stands for all that is contrary to the "love for peace."

Pro-admission lobbyists furthermore claim that through admission the United States would help and hasten to break Red China's voluntary, or involuntary isolation and that it, thus would enable Peking to give valuable assistance in decisions and discussions of world affairs. Such an assumption does not, first of all, take into consideration the true reasons for her isolation. Communist China's isolation is indeed both voluntary and involuntary but not, as Peking apologists see it, through any fault of the United States government. Communist China's anxieties are not created through an antagonistic position of the United States but are deeply rooted in her inability to cope with her internal problems. They are caused by her national and revoluntionary objectives which have led to clashes in her leadership and have resulted in a near complete halt in her international contacts. Opposing factions in Peking have never been unified enough to even come to a conclusion about whether closer relationships are desirable, or whether they wish to participate in international organizations such as the United Nations. It means that they are lacking a unanimous directive concerning their willingness to adhere to international law and abide by it. By rejecting, in fact, closer relations with powers outside as well as inside international Communism—however desirable these might be at times—the rulers in Peking have shown the world that they refuse to recognize international law and conduct. It is only reasonable to assume, therefore, that they inevitably would face extreme difficulties in their dealings within a world organization and that their judgment in affairs of the world would be less than valuable.

Foremost, it is their preoccupation with their internal turmoil and difficulties that prevents any clear-cut formulation of foreign policy. It is, in the long run, not a question of how we will fit Red China into the international community but how Red China will, in the future, shape her own destiny. Which group in Communist China, if any, should be regarded as the true representative of the people? There are the (1) Mao Tse-tung faction—the ideology faction; (2) the Liu Shao-chi (or Chen Yi, or Chou En-lai) faction—the bureaucracy faction; and (3) the PLA (Peoples' Liberation Army)—the professional military faction. Mao Tse-tung's reason for initiating the "Cultural Revolution" was to rid himself of certain bureaucratic leadership elements opposed to his policies. He succeeded in training a revolutionary generation, but it is still questionable if he will be successful in handling these revolutionary elements to his own advantage and equally uncertain if the military will continue to support him. It is exactly this uncertain, unresolved situation that has prevented the forming of a unified, forward-going foreign policy and the establishment of stability in international contact.

In addition, the disastrous state of her domestic economic affairs pushed Mao Tse-tung into a policy of war hysteria not against the United States in particular (U.S. policies having diligently avoided both offense and far-reaching contact) but against the Soviet Union. This maneuvering saved Mao Tse-tung from having to explain the failure of the "Great Leap Forward" and the "Cultural Revolution" to the masses. It was designed to make the continuous food shortages plausible to the people, if not the shortcomings of his regime. All hardships and deprivations were skilfully overshadowed by the news of impending war. And once more, the inadequaries of Communism had to be paid for by the sacrifice of the helpless masses while the promotion of warfare became Mao Tse-tung's cover for his ill-famed "thoughts."

Footnotes at end of article.

AGGRESSION BY PROXY

The subversive and aggressive activities of Communist China

It is of foremost importance to recognize that it is not the United States who is "stubbornly keeping Communist China out of the United Nations" but that it is Peking who refuses to accept the stipulations laid down by the United Nations Charter by consistently flouting the "normal rules of conduct in the international community." Communist China has:

Twice carried on armed aggression against India;

Waged war against the United Nations in Korea;

Committed genocide in Tibet;

Created wide-scale disturbance in Macao and Hong Kong;

Nearly conquered Indonesia by a coup from within;

Furnishes massive material and personnel to North Vietnam;

Conducts wide-spread political, economic, and military subversion in Africa;

Gives all-out support to Castro's efforts to spread Maoist type guerrilla warfare in Latin America, including Puerto Rico—U.S. territory;

Gives ideological and financial support to many of the so-called student riots around the world—most openly in France and Italy.

"Communist China has encouraged disgraceful conduct by her diplomats abroad and has mistreated foreign diplomats and newsmen in mainland China, thus deliberately flaunting the rules of civilized international behavior.

"The prime official position of Communist China is open hostility toward the United States. Mao sees clearly that only the power and resolution of the United States stand between Communists and their avowed goal of world domination.

"So long as mainland China is controlled by Mao Tse-tung and his policies, there is no chance that any meaningful relationships can be established with the Chinese people. This has been proved time and again by the experience of France, Great Britain, India and other nations which have sought—by recognition, trade, and conciliatory gestures—to develop friendly, or at least civil, relations with the Peking regime." [5]

With reference to Red China's revolutionary conduct in world affairs, Robert Hunter and Forrest Davis write in *The New Red China Lobby*, a study written in 1963 and revised in 1966:

"Besides helping Ho Chi Minh's cadres to terrorize the North Vietnamese population into submission, Communist China extended loans and outright grants amounting to $670,000,000 to North Vietnam following the Geneva Conference in 1954. The bulk of this economic aid was to be used for the repair, expansion, and initial construction of 96 industrial enterprises. The Red Chinese constructed eleven highways and two railroad lines for the transport of supplies and arms from Communist China to North Vietnam for use in South Vietnam. In 1963, the Red Chinese supplied the North Vietnamese air force with 50 planes, including reconnaissance planes and jet fighters. At least 36 M15 and M17 fighters from the 9th Division of Red China's air force have been turned over to Hanoi.

"A group of North Vietnamese air cadets were trained in Nanning and returned to Hanoi in September 1964. Another group of 250 began training at Kunming and Mengtsu in April, 1965.

"Following the Tonkin Bay incident in August, 1964, the Chinese Communists supplied gunners, radar, and anti-aircraft guns to Hanoi. In February, 1965, a battalion of the 38th Infantry Division of Peiping's air force was dispatched to North Vietnam to undertake air defense there. Twenty thousand uniformed members of Chinese Communist engineer battalions are working to rebuild strategic sites, roads, and communications lines destroyed by U.S. and South Vietnamese bombings. The Red Chinese have spared no cost in money, equipment, and lives in an effort to secure a springboard to Southeast Asia.

"Red China's military excursions are by no means the only tactics or the most dangerous deployed against the national integrity of Asian and African states. Vietnam is but one theater in the struggle between the free and non-aligned nations and Red China. Having paired off the United States against North Vietnam, Red China is in the highly advantageous position of having another country fight her wars, while China's commitment in the war with respect to arms, manpower, and political workers remains relatively small. Red China is thus free to devote much of her energy, funds, and cadres to the highly important task of subverting and propagandizing in every Asian, African, and Latin American country, plus the United States. Through these activities Peiping is laying the groundwork for future 'wars of national liberation,' in accordance with the strategy outlined by Lin Piao." [6]

In a statement to the General Assembly of the United Nations on November 18, 1966, the representative of the Republic of China in the United Nations, Minister Wei Tao-ming, recalls "an editorial published in Peiping's official organ, *The People's Daily*, on 18 January 1966," in which "The Chinese Communists hailed the achievements of the 'First African-Asian-Latin-American People's Solidarity Conference' held in Havana":

The editorial believes that Peiping's "people's war" has gained the general acceptance of the revolutionary peoples of three continents. . . .

The General Declaration issued by this Conference is indeed a document bearing all the earmarks of being made in Peiping. There is, for example, this key paragraph:

"We condemn the reactionary governments in their conspiracy against the people, as in the case of Nigeria. This is equally valid in some countries such as Senegal, Upper Volta, Cameroon, Niger, Ivory Coast, Madagascar, Morocco, Libya and Tunisia, whose governments are the instruments of neo-colonialism."

This document goes on to say the members of the Conference are determined not only to support the liberation movement in countries under colonialism but also to support armed struggle in countries which, "although formally independent," have "long suffered exploitation and oppression of imperialism in many forms."

What are those countries that must be liberated in spite of their independence?

The list is a long one: according to its same document, Venezuela, Colombia, Brazil, Bolivia, Honduras, Guatemala, Peru, Jamaica, Trinidad and Tobago, Oman, the Democratic Republic of the Congo, Senegal, Rwanda, Uganda, Nigeria, Cameroon, Dahomey, Madagascar and others.

A more brazen disregard of the right of other peoples to choose their own form of government or their way of life it would be difficult to imagine!

All these countries . . . are members of the United Nations, The General Assembly cannot look upon this call to arms, this incitement to violence against members of the United Nations, with indifference and unconcern.[7]

Minister Wei then counteracts those who contend that the stress on guerrilla warfare is "a confession of weakness," by saying:

"The encouragement, training, financing and equipping of guerrillas in a whole series of countries could be more of a menace to national independence and freedom than even the direct use of force by Peiping.

"In almost all of the newly independent countries there are dissident elements who, with aid and encouragement from abroad, are ready to play the role which the Vietcong are playing in the Republic of Vietnam. Aggression by proxy, as shown in Vietnam, can be more deadly than open and undisguised military invasion. In the latter it is easy to pinpoint the culprit and deal with him accordingly. But in the former the aggressor works behind the scenes and is thus enabled to emerge from his dark deeds with an air of self-righteousness and condemn those who come to the aid of the victim as trying to prevent the 'revolutionary people' from exercising their legitimate right of self-determination. Vietnam should be an object lesson to all.

There can be no question that the Chinese Communist regime of Peiping is the greatest threat to international peace and security, the greatest enemy to national independence and freedom. To vote for the seating of this regime would be to negate the basic principles and purposes of the Charter and to undercut whatever claim the United Nations may have to being a moral force in this trouble-ridden, crisis-ridden world.[8]

INTERNATIONAL LAW AND NEUTRALITY

Communist Chinese do not abide by international law and reject the concept of neutrality

Peking not only disavows recognition of international law but also shows disrespect for the integrity of individuals and other nations and, in addition, does not recognize political neutrality. Mao Tse-tung gave (in 1949) the following interpretation to neutrality, and developments during the recent past are proof that he still adheres to it:

Neutrality is camouflage, the third road does not exist.

Political neutrality in international law means nonalignment and should, in its pure interpretation and application, mean noninvolvement in power blocs and power struggle. Such neutrality can easily lead a nation to isolation. At best, it is a difficult position for a nation to retain, especially for a weak nation. Confronted by Communist infiltration and aggression, such a nation will find that neutrality is no guarantee of safety, because neutrality is neither favored, respected, nor recognized by Communism.

Under Sihanouk's leadership, Cambodia claimed neutrality and was in the forefront among those promoting admission of nonaligned nations to the United Nations. Recent history can supply no more dramatic proof that neutrality cannot preserve a country's independence when it lies in the path of communist advancement and that a weak neutrality and accommodation is no insurance against Communist infiltration and interference. With his acccommodating attitude towards Peking, the Prince delivered an object lesson to the world. It might also be interesting to note in this connection that Peking allowed Prince Sihanouk to establish a "government in exile," while insisting that the Republic of China cannot occupy a seat of the Chinese in exile because it does not represent the majority of the Chinese.

THE NUCLEAR ISSUE

Nuclear threat and blackmail cannot be regarded as reason for admission

Red China's propaganda is geared to create an atmosphere of tension and unrest, advocating an impending major confrontation short of a nuclear warfare threat. In spite of this, pro-admission spokesmen defend their position that Peking could and would be pacified by diplomatic concessions. They base their urgings for Red China's admission on the theory that an appeasing action by the

Footnotes at end of article.

Western world would dwarf the belligerent tactics of those who hold the power and that such a move would pave the way for the thus created atmosphere of "peaceful coexistence."

After Communist China exploded the third nuclear device of an estimated 130 kilotons on May 9, 1966, these same lobbyists asked for a "more realistic" United States policy, claiming that our criticism of Red China was too harsh. Their voices could not challenge the fact that Peking still maintains an unconciliatory and unpeaceful position. The tragedies of Korea, Tibet, and Indonesia still speak too loudly for themselves. The respective leaders of Cambodia, Laos, Thailand, Vietnam, Malaysia, Burma, and India will readily vouch for the presently existing subversive and/or aggressive intentions of Red China. In Africa, the governments of Burundi, Niger, the Ivory Coast, Dahomey, Upper Volta, Malawi, the Central African Republic, Kenya, Ghana, the Congo all have, to varying degress, had—and still have—experience with Communist China's subversive ambitions. Some have broken off diplomatic relations with Peking in protest to these interventions; others feel that this would only drive Red China's activists underground and make advancements more difficult to detect. All these countries, and many more on other continents as well, can prove that Mao Tse-tung's revolutionary pronouncements are not just threatening rhetoric but that he means what he says and that world conquest is foremost on his agenda. But as far as American apologists were concerned, the explosion of Red China's nuclear device was to be reason enough for the United States to mellow. In other words, nobody proved that Red China was changing into a nation eligible to be included in the world of nations. She was in the process of becoming a nuclear power, she had developed a threatening device, and therefore, she should now be admitted to the United Nations.

If the threat of nuclear arms is the basis for admission, then the primary condition for membership would mean that the capability to incite fear constitutes eligibility for membership. This is not so. While Red China's nuclear capacity may well be used by her to blackmail Asia and other parts of the world, it cannot be regarded as an admission ticket to the United Nations. Aggression and the threat of aggression are not listed in the United Nations Charter as a basis for eligibility for admission. What would a compromise position accomplish? It would not only expose our allies and other nations to Red China's militant outreach but would strengthen Peking in the belief that in following the policies of the past, victory would be theirs. Such a position would only further Peking's power thrust, not curb it.

Mao Tse-tung's pronouncements on nuclear war are well known and should be recalled in this connection:

"In a nuclear war, mainland China may have to sacrifice 300 million people, and yet more than 320 million people would survive—she would still remain a great nation. Though one half of the human beings would be sacrificed in a nuclear war, yet the remaining half still could build up Communism."

The United States bears the primary responsibility for preventing the Chinese Communists from embroiling the world in a revolutionary war, and in a nuclear war. Such is our role as a world power. The U.N. has not fulfilled its role in this respect. Appeasement, however, would only whet the appetite of the Chinese aggressor. We have to show that nuclear blackmail will not deter us and weaken us. America's determination in Southeast Asia to check communist advancement, our will to fight in Vietnam, our intervention in Cambodia have shown Red China our determination to stop communist aggression.

The disadvantage to the Western world of a further increase of communist power within the world community and in the United Nations should be clear. The question then would be whether admission bears any advantages with respect to the feared extreme condition of confrontation, the use of nuclear arms, or to the prerequisite of stockpiling additional nuclear defensive weapons and the building of defensive systems. The relevant example would be the United States relationship to Soviet Russia which shows whether detente, or the offer of friendship towards a communist nation results in a guarantee for peace. With the USSR we have "peacefully coexisted" since the Geneva Conference. The Soviet Union is a co-member of the United Nations. This then should have removed the threat of nuclear war between us. Treaties concluded and negotiations in progress should furthermore have cemented this relationship to a point where neither threat of nuclear war nor adversary exists—and the arms race should presumably have halted. It should, if the reasonings of pro-admission voices are applied, have long since developed into a relationship of total trustfulness and friendship. In reality, however, the United States and the Soviet Union confront each other continuously in policymaking decisions in the United Nations as well as on all political and ideological fronts. Dealing with an even more unscrupulous regime, we could, after admission of Communist China to the United Nations, neither afford to let down our guards nor foreclose defensive options in the nuclear missile race. On the contrary, the threat to our security would grow in the same measure as Red China's leaders gain stature and with the increased confidence that their immortality has been sanctioned. After being granted recognition, they would also be placed in a position where they can function more freely and destructively on the world scene.

Strength and unity here at home, not the image of the "paper tiger," will be the only valid deterrent.

ARGUMENTS

Of pro-admission lobbyists

Aside from such general statements as, "we need a fresh look; we need a fresh approach," and the aforementioned "universality" theory, the representation issue and claim of eligibility through prevailance, it is the "let our policies toward them be separate but equal" contention—meaning that just as the Soviet Union is a member of the United Nations, the Communist Chinese have that right as well—that prompts pro-admission spokesmen to argue for Communist China's recognition.

Theodore Sorensen, during a conference on United States-China relations on March 21, 1969, worded his argument in favor of this theory thus:

"[Some may reply that] China is more hostile and Russia more friendly. It is true that Peking's words have been more hostile than Moscow's, and any overture we make now may well be rejected. But Moscow's deeds have been more threatening than Peking's; and surely our policy in terms of what we seek should not place more importance on words than on deeds. For it is the Soviets, not the Chinese, who are the chief suppliers of weapons used against our troops by the North Vietnamese and Vietcong. It is the Soviet Union, not China, whose forces pose as a potential threat to our own at the Berlin Wall and in the Mediterranean. It was the Soviets who tried to establish nuclear missile bases in the Western Hemisphere, and who ruthlessly invaded their peaceful neighbor for merely aspiring toward a greater degree of independence.

"There have been in recent years no comparable deployments of Chinese forces outside their own borders, not even any very serious threats against those American forces stationed on territory claimed by the Red Chinese. Nor is there any longer good reason to believe that the North Koreans, North Vietnamese and other Asian Communists now giving us trouble on that continent are wholly owned and operated subsidiaries of the government of Mao Tse-tung. Propaganda from Peking may be far more harsh and belligerent than the anti-American propaganda emanating from Moscow; but China in fact cannot now match the Soviet Union's economic, industrial or military capability to sustain a major threat to this country's very existence, and that difference in capability surely speaks louder than any difference in propaganda." . . .[9]

Basing his point of view in favor of admission on the conception that "there is no foundation . . . for our continuing to apply a double standard to our relations with the Soviets and the Chinese," Mr. Sorensen seems to overlook the fact that two negatives do not add up to one plus. The difference as far as the undesirable reality is concerned is that the Soviet Union is a member of the United Nations but this, again, should not be sufficient reason for knowingly to extend the communist power bloc. While it is interesting to note that Mr. Sorensen realizes that the Soviet Union has in her "deeds" continuously threatened world peace, he seems to be almost apologetic over the fact that the Red Chinese have not supplied North Vietnam with as many weapons as has the Soviet Union. He seems to suggest that we should measure our degree of friendliness to other communist nations by the amount of damage they are able to do to us and the rest of the world. The difference between economic and military strength and the disparity in strength of leadership between the Soviet Union and Communist China should be an ample explanation for the amount of weapons supplied to other militant nations.

As to Sorensen's dubiously relevant statement that "there have been in recent years no comparable deployments of Chinese forces outside their own borders," a more thorough study of Chinese communist subversive activities might be recommended. Mr. Sorensen, and others, might quickly come to the conclusion that Peking's activities are not just words and propaganda, and by a more thorough study of communist techniques he might also learn that it is pure Marxism-Leninism to let others do the actual fighting, if this can be arranged, and to "be merely" an aggressor by proxy.

At the same conference, one-time United States Ambassador to the United Nations Arthur Goldberg consents:

"My own view is that virtually nothing that the United States can do in the foreseeable future with respect to Mainland China will change the present unsatisfactory state of relationships between these two countries. Even if we were to whole-hog disavow Taiwan and establish diplomatic relations with Mainland China, I doubt that anything much or different or for the better would happen in U.S.-China relations in the near future. The extremely xenophobic character of the present Chinese regime would seem to me to preclude a genuine betterment of relationships."[10]

Nevertheless, Arthur Goldberg comes, as he himself admits, "paradoxically" to the conclusion that he will stand for a change in our China policy.

One of the most surprising statements in relation to our policy on Red China comes from Senator Jacob Javits, made at the Conference on United States-China Relations:

"If a relaxation of our own zealous ideological opposition to China leads to a similar lessening of the anti-communist ardor of some of our close allies in Asia—such as the Philippines and Thailand—we must take

Footnotes at end of article.

this calmly. For, the lesson of the past twenty years has been that nationalism, and nationalism alone, is an effective barrier against the extension of Chinese-style communism in Asia. This requires a shift of emphasis in our education and information efforts in Asia. The virtues of viable and progressive national integrity, rather than the dangers and evils of Chinese communism, should be the focus of our efforts." [11]

Further, Javits, in his suggestions to make "both admission to the United Nations and diplomatic recognition easy and natural" says:

"The Nixon Administration has a great opportunity to bury the lingering pall of McCarthyism which continues subtly to inhibit thought and debate in this country concerning China. The United States paid a very heavy price during the McCarthy period in the destruction of many of our most perceptive China experts. It was not only a period of grave human injustice to individuals but also a period of grave damage to our national stock of intellectual resources and experience which has seriously affected the clarity and accuracy of our perception of events in Asia." [12]

Not further substantiating this statement, Mr. Javits failed to explain why he gropes back to this era and does not mention why he, himself, changed his mind between 1966 and 1969. As a member of the 89th Congress, Senator Jacob Javits of New York endorsed the following declaration as of January, 1966:

"A declaration in opposition to any concessions to Communist China:

"We are opposed to the admission of Communist China to the United Nations.

"We are opposed to granting United States diplomatic recognition to the Peiping regime.

"We are opposed to trade relations between the United States and Communist China.

"We are opposed to any policy of accommodation which might be interpreted as U.S. acquiesence in, or approval of, Communist China's aggression, direct or indirect, against her neighbors.

"In endorsing the above, we earnestly believe we are acting in our national interest and the interest of freedom throughout the world and that this statement represents the thinking of the great majority of the American people." [13]

The great majority of the American people would still subscribe to this declaration; the question is only, "What has happened to Mr. Javitt's thinking?" Could it be that "his perception of events" has been influenced and that he suffered in his "clarity" when he suggested that some of our close allies in Asia lessen their anticommunist ardor? Or did he perhaps see a political advantage for himself by changing his views? Mao Tse-tung has not changed.

POLICY OF NO REWARD

U.S. policy pronouncements on the question of Red China

In January of 1970, talks between Communist China and the United States were resumed in Warsaw. No major developments have arisen from these ambassadorial exchanges. The most comprehensive pronouncements of our present government officials on positions in regard to Red China are given in "Nixon on the Issues," assembled by the Nixon-Agnew Committee during the presidential campaign of 1968. Following are the relevant statements:

On Communist China

Any American policy toward Asia must come urgently to grips with the reality of China. This does not mean, as many would simplistically have it rushing to grant recognition to Peking, to admit it to the United Nations and to ply it with offers of trade—all of which would serve to confirm its rulers in their present course. It does mean recognizing the present and potential danger from Communist China, and taking measures designed to meet that danger. It also means distinguishing carefully between long-range and short-range policies, and fashioning short-range programs so as to advance our long-range goals.

Taking the long view, we simply cannot afford to leave China forever outside the family of nations, there to nurture its fantasies, cherish its hates and threaten its neighbors. There is no place in this small planet for a billion of its potentially most able people to live in angry isolation. But we could go disastrously wrong if, in pursuing this long-range goal, we failed in the short range to read the lessons of history.

The world cannot be safe until China changes. Thus our aim, to the extent that we can influence events, should be to induce change. The way to do this is to persuade China that it "must" change: that it cannot satisfy its imperial ambitions, and that its own national interest requires a turning away from foreign adventuring and turning inward toward the solution of its own domestic problems.

Only as the nations of non-communist Asia become so strong—economically, politically and militarily—that they no longer furnish tempting targets for Chinese aggression, will the leaders in Peking be persuaded to turn their energies inward rather than outward. And that will be the time when the dialogue with mainland China will begin. For the short run, then, this means a policy of firm restraint, of no reward, of a creative counter-pressure designed to persuade Peking that its interests can be served only by accepting the basic rules of international civility. For the long run, it means pulling China back into the world community—but as a great and progressing nation, not as the epicenter of world revolution.

The dialogue with China must come, I think, during the two terms of the next president. I do not believe we should recognize Communist China now or admit it to the United Nations, because that would be in effect putting the seal of approval on Communist China's present very aggressive course against India and against our forces of course in Vietnam and against all of its neighbors.[14]

On U.N. Membership

I do not favor granting a seat in the United Nations to the Communist Chinese at this time. I do not rule it out for a future time, provided they meet certain conditions.

Why do we resist Chinese coming into the United Nations? It's because they at the present time are engaged in a course of aggression against members of the United Nations and do not qualify as a peace-loving nation, in effect, as the United Nations Charter does require.

I think that until the Chinese Communists indicate they are willing to become civilized members of the community of nations, they should not be given the prestige of being in the United Nations. And I do not believe, incidentally, that there is any excuse to say that we can't communicate with them without their being in the United Nations because we can and we do.

A strong Japan and a strong group of free nations around the perimeter of China will have more effect on mellowing the Chinese Communist leaders than anything else we could do. Because once the Chinese Communist leaders realize that there is a risk in trying to break out, then the Chinese leaders will have to turn inward and solve some of their own problems.

I think that the Chinese Communist leaders will change their policies when they realize that by not being belligerent toward the United States and toward their neighbors in Asia, including the Indians and all the rest, that by turning inward and trying to work for their own people, that they have a much greater possibility to have a better life for their own people.

The answer is that trade with China, recognition of China, admitting it to the UN, should come only when the Chinese Communists indicate by deeds that they want to be a part of the civilized family of nations and not an outlaw nation.

On Recognition

I would not recognize Red China now and I would not agree to admitting it to the UN and I wouldn't go along with those well-intentioned people that said, "Trade with them," because that may change them.

Because doing it now would only encourage them, the hardliners in Peking and hardline policy that they're following. And it would have an immense effect in discouraging great numbers of non-communist elements in Free Asia that are now just beginning to develop their strength and their own confidence. [15]

On Expansionist Policy

We have to realize, looking down the road, that Communist China within six years, seven years, at the very least, will have a significant nuclear capability. And Communist China will be outside of the nuclear club. Therefore, whoever is elected president this next time has to be thinking now as to how we develop the power around the perimeter of China which will convince the Communist Chinese leaders that they will not gain—as a matter of fact, that they will run very great risks—in the event that they attempt to expand through the area of the Pacific as they have been attempting to expand in their sorties against India and other countries who are their neighbors. [16]

On Evolution [As a Necessity]

Red China will change as they are convinced by what happens in the settlement of Vietnam. They will be convinced, as they see the strength of Japan and the other free countries on the perimeter of China growing economically and eventually, probably militarily. They will then become convinced that their best interests will be served by turning inward rather than outward. Then the dialogue will begin. Then Red China, as it changes and becomes a civilized member of the community of nations, will be recognized and will be admitted to the United Nations.[17]

CONCLUSION

The decision for or against the seating of Red China in the United Nations, in the final analysis, will be the answer to the question whether or not we ourselves believe strongly in the principles by which our own nation is guided. Do we identify ourselves with the 95 percent of the Chinese oppressed by a system that in every respect is contrary to these principles, or do we wish to support the 5 percent who are the oppressors and thereby abandon our own standard in favor of theirs? By sanctioning totalitarianism we are sanctioning oppression. It is our respect for the Chinese people and the realization that the Peking regime is against the will of the people that binds the United States to the stand of non-recognition in the hope that justice will eventually be victorious.

Just as we cannot write off Asia as a lost cause and grant Communism the right to proceed in their world conquest unchallenged, so can we not allow Communist China to gain a victory of decisive proportion by granting Peking the prestige of joining a world body that is supposed to be dedicated to the preservation and restoration of peace and justice. To do so would be tantamount to giving them the green light to lead that organization that is the hope and promise of 125 nations to ineffectiveness. Without our firmness in the past, communist conquest, for instance in South America, as well as in Asia, would be even more advanced than it is

Footnotes at end of article.

today. Communism would also become irresistible to many smaller nations that do not possess the power and strength to resist it unaided both ideologically and militarily. If we show weakness in the question of admission and recognition, we give the world one more sign that we ourselves are weakening and have given up resistance. We would, in disregard of our own national interest, give power and prestige to a hostile nation and would deny an oppressed people hope for the future.

How do we expect to contain the advancement of Communism in Southeast Asia if we help to increase Peking's power and influence? We are bound through treaties, and our foreign policy is based on the support and assistance of non-communist countries in Southeast Asia and elsewhere with the intention and obligation to help these states preserve their independence. With our own manpower we fight and pay for our ideals and convictions. Since the beginning of the Korean War, our foreign policy has been guided to prevent any further increase in communist influence. We have paid heavily for it. And yet, were we to recognize Red China, we would with the stroke of a pen undo what we have accomplished while actively fighting for our convictions and for the freedom of others, and we would unleash the forces we are opposing on the battlefield. We would, with the word "yes," tell our allies that we have given up the struggle for freedom for others—and for ourselves. We would give them the green light for expansion of their system.

Our present policy and our treaties in the Far East have saved Taiwan from communist direct aggression, have let Japan develop in peace and security, have given South Korea the chance to experience freedom and self-determination and achieve one of the world's leading economic growth rates. In spite of the communist-incited war actions in Vietnam, Laos, and Cambodia, we have, through our presence, given other countries in Southeast Asia the hope and assurance that they will not be overrun by Communism unchallenged and have extended the time-span wherein they can strengthen their own defense.

There is one simple question for those who doubt that our attitude of the past and our present policy towards Peking are logical and right. Would we wish ourselves to be governed by men like Mao Tse-tung, Lin Piao, Chou En-lai, and the like? Would we give them our vote of confidence? No, we would not. The Chinese people would not and did not. Why then should we vote for them and recognize the rulers they reject? Why would we subject others to what we do not accept for ourselves? Out of 21,000 Korean POWs, 14,000 voted not to return to their communist-ruled homeland, in spite of pressures and threats against them and their families from Peking!

Foremost, however, the effectiveness of the work of the United Nations, already heavily impaired by the communist bloc vetoes, would suffer additional impairment and it would sooner or later meet a fate similar to that of the League of Nations.

But above all, such a decisive step should take into consideration that the Communist Chinese have not adapted their foreign policy to the basic principles of international law and order and that it is, therefore, not in our national interest to grant them recognition. Nations outside the communist power bloc who have chosen the road of accommodation cannot register any advantage or safety from subversive infiltration, nor have their relationships with Red China measurably improved. The best example, however, that the ties of friendship and even unity in ideology do not minimize war-like threats lies within the communist bloc; namely, the strained Moscow-Peking position of tension. While the two countries compete in their interpretation and representation of pure Marxism-Leninism, they aggravate their relationship with offensive verbal insults, formerly reserved for the United States, and seem unable to solve their border differences. They jealously disagree over their respective areas of influence and their roles in communist advancement efforts and world conquest to which both nations are equally dedicated. Friendship treaties, even between communist nations have, furthermore, as little meaning between communist nations as they have between communist countries and the Free World. If the Communist Chinese believe it to be in their interest not to abide by the principles of the United Nations Charter in their international conduct, they would, logically, not adhere to these principles when occupying a seat in the United Nations and are thereby made a judge over the conduct of other nations. It can hardly be expected that Red China would be in a position to act as an advising contributor to the solution of world problems when it cannot solve its own to any extent.

It is, in fact, the failure of the United Nations to fulfill its objective as a peace-keeping body and its incapability of enforcing international law that makes it necessary for the United States to retain and rely on its own strength in order to preserve its superiority and to be the guardian for many weaker nations. This role of protector *against communist interference in the sovereignty of states* should actually be the task of the United Nations.

The potential for the reduction and removal of nuclear threat and fear of nuclear war does not derive from a signed treaty document, an agreement that can be willfully broken by a signator—or by a nation not included in the agreement—but lies in the removal of the cause for fear itself. As long as countries like Czechoslovakia can be overrun at the first display of an awakening independence, as long as a country like Thailand must fearfully guard its borders, as long as the North Vietnamese are encouraged by Peking and Moscow-provided weapons to invade neighboring territories, as long as India must live in anticipation of a new outbreak of war on her borders with Red China, as long as the people of East Germany and East Berlin are separated from freedom by a stone wall and barbed wire, and as long as all governments of the Free World are faced with the manifold manipulations of communist infiltration and subversion, the threat of war or of defensive warlike actions, inclusive of nuclear war, will remain a dominant threat and fear. Moscow and Peking-directed Communism is the disturber of peace. The ineffectiveness of the United Nations results, in great measure, from Moscow's ability to veto any resolution that condemns communist aggression. It is the membership and vote of nations whose governments are not guided by the peace-loving policy which the United Nations Charter prescribes that undermine its ideals.

Self-determination, human rights, freedom, liberty, and peace remain empty words if they cannot be shared with all mankind. The voices in the United States speaking for accommodation do, seemingly, not cherish what they possess. The meaning of these words is the same for all peoples and in all languages. Where men are deprived of self-determination and human rights through the rule of a totalitarian system, they suffer equally in any land. It is the extension of hope that they will regain their freedom, not the condemnation to prolonged subjugation that they deserve.

In these precarious times when the Free World confronts the advancing forces of Communism on many fronts and in many forms, we cannot afford an experiment that under every possible aspect is doomed to failure, by rewarding an aggressor with recognition. It is absolutely essential that Red China's acceptance of the standards of international conduct be adequately proven before the United Nations considers the seating of that nation. But even then, if this should mean the ouster of the Republic of China, a nation that has in its international behavior never shown default, the issue is not debatable.

EPILOGUE

We cannot believe that true Americans who love their country and value their priceless heritage of freedom under God would purposely commit national suicide by closing their eyes to the realities of communist goals.

In the realization, however, that "none are so blind as they who will not see," we continue to seek every opportunity to bring these facts before the American people. Your assistance in the form of a contribution and/or in the wider distribution of this booklet would be most welcome.

FOOTNOTES

[1] V. I. Lenin, *Selected Works*, Vol. 9, Oct. 2, 1920, pp. 474–78.

[2] Dr. Wei Tao-ming, Address, Nov. 3, 1969, U.N. advance copy, translation GX XXIV/PR–3.

[3] Dr. Stephen Pan and Father Raymond de Jaegher, *Peking's Red Guard*, Twin Circle Publishing Co., New York, pp. 169, 170.

[4] Prof. Franz Michael, "China and World Security," Address, March 10, 1969, press release, pp. 4, 5.

[5] Dr. Walter Judd, Statement to the Committee on Resolutions of the Republican National Convention, release by the Committee of One Million Against the Admission of Communist China to the United Nations, July 29, 1969.

[6] Robert Hunter and Forrest Davis, *The New Red China Lobby*, Constructive Action, Inc., Whittier, Calif., rev. ed., 1966, pp. 31, 32.

[7] *Ibid.*, pp. 187, 188.

[8] *Ibid.*, pp. 188, 189.

[9] Theodore Sorensen, Address, Conference on United States–China Relations, March 21, 1969, press release.

[10] Arthur Goldberg, "The U.S. and China—Policy Alternatives for the Future," Address, Conference on U.S.–China Relations, March 21, 1969, press release, pp. 1, 2.

[11] Jacob Javits, Address, Conference on U.S.-China Relations, March 21, 1969, press release.

[12] *Ibid.*

[13] *The New Red China Lobby, op. cit.*, pp. 169, 170.

[14] "Nixon on the Issues," Nixon-Agnew Campaign Committee, New York, 1968, p. 57.

[15] *Ibid.*, pp. 58, 59.

[16] *Ibid.*, p. 59.

[17] *Ibid.*, p. 60.

STATEMENT OF PURPOSE

Clergymen's Committee on China, Inc.

Following the establishment of the Clergymen's Committee on China in the Summer of 1966 by the late Dr. Daniel A. Poling, correspondence with many hundreds of clergymen and laymen revealed their desire for a continuing educational program providing factual information and material on Red China. Many clergymen who stand in opposition to Communism and are opposed to appeasement of this evil system wanted representation by a permanent organization.

Therefore, the Clergymen's Committee on China was incorporated and adopted the following aims and purposes for its future work:

1. To establish an educational program for the clergy and other interested Americans on China;

2. To dispel erroneous public opinions on the stand of the clergy concerning the admission of China to the United Nations;

3. To articulate the relationship between the historical and ongoing missionary concern of the Church and the vast problems it is experiencing in the Far East . . . as in many other troubled areas of the world . . . because of the militant, atheistic nature of Communism;

4. To set forth in clear perspective the fact that our present involvement in Vietnam is directly related to the overall China question, Communist aggression, Christian mission, and world peace.

LET US PROTECT OUR FLAG

HON. ODIN LANGEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 1970

Mr. LANGEN. Mr. Speaker, over a month ago I rose to protest the degradation of our national emblem by extremists on both the left and the right and by certain manufacturers and botiques that have capitalized on dissenters' desires to lower the flag to new depths of commercialism. I then introduced H.R. 18671 to increase the penalties for flag desecration and to expand the definition of desecration to include not only wanton acts to destroy or mutilate the flag but also acts of disrespect already defined by the Federal flag code.

Today, I am introducing legislation to authorize a constitutional amendment to clearly specify Congress' power to enact laws to protect the flag from desecration and to regulate display and handling of the flag. If enacted, the amendment would also prevent the flag salute from going the way of prayers in public buildings or public schools. I am introducing this amendment not because I feel that Congress now lacks this power and not because I have any doubt that anyone can now voluntarily salute the flag in a public building, but to prevent the Supreme Court from changing the existing law in this field and to end current misunderstandings over what can be done to protect the flag.

This amendment is necessary because the Supreme Court has refused to face up to the challenge presented by the flag burners and desecrators and tell them they can be punished for their criminal actions. In two cases which sought to determine whether burning or mutilation of the flag is a form of symbolic speech protected from Federal punishment by the first amendment and by State law through the first and 14th amendments, the Supreme Court has ducked the question. The Court first was asked to consider whether a State could punish for the burning of the flag in *Street* v. *New York*, 394 U.S. 576 (1969). In that case, the appellant, apparently distraught over the shooting of civil rights leader James Meredith, took an American flag to a street corner near his home in New York City and burned it. While burning the flag, Street told a small crowd that had gathered:

We don't need no damn flag.

He said to the officer who arrested him:

If they let that happen to Meredith, we don't need no flag.

The Supreme Court found that because words were spoken while the flag was burned, the State might have been punishing Street's words as well as his acts which would violate his first amendment, freedom of speech. The Court refused to rule on the main question—whether flag burning itself could be punished—and remanded the case for a determination of whether the punishment had been for more than the actual desecration. Four of the nine Justices recognized that the Court was engaged in a side-stepping operation and dissented from the decision. Chief Justice Warren warned that the decision was as bad as no decision at all because it "encourages others to test in the streets the powers of our States and National Government to impose criminal sanctions upon those who would desecrate the flag." 394 U.S. at 605.

The Supreme Court was asked last year to consider whether the cutting or sewing of a flag in a vest which was worn on a public street in Los Angeles was a protected form of expression or could be, as the Los Angeles Appellate Division of the California Superior Court has found, a violation of that State's desecration law. The Court dismissed the case on January 19, 1970, because it was not "suitable for considering this broad question." In his concurring opinion Justice Harlan stated that the question of what constitutes "symbolic speech" was significant but that there was an inadequate record for deciding the question presented since it had not been presented at his trial or original appeal in California. The Justice ominously warned that:

The Court has, as yet, not established a test for determining at what point conduct becomes so intertwined with expression that it becomes necessary to weigh the State's interest in proscribing conduct against the constitutionality protected interest in freedom of expression. *Cowgill* v. *California*, 396 U.S. 371, 372.

The Court in United States against O'Brien, the draft-card burning case, had previously found the burning of selective service registration cards to be a form of symbolic speech which could be punished only because the act barring such conduct furthered a sufficiently important governmental interest unrelated to suppression of speech—to raise and support armies—that the incidental restrictions on first amendment freedoms were no greater than essential. Is the protection of our national emblem also a sufficiently important interest? I would think so and the 1907 Supreme Court flag desecration case, Halter against Nebraska, would appear to support my contention. But the Supreme Court seems to be reluctant to speak to this issue.

Another desecration case involving the use of the flag in obscene sculptures, allegedly to emphasize dissent from national policies, Street against New York, was docketed on May 18, 1970, with no decision yet made to review this conviction that has been affirmed by the highest appellate court in New York State. This may be the opportunity for a decision on this issue of how far we can go to protect the flag from those who would use it as a vehicle for their dissatisfaction with our society.

I hope that the Court's failure to determine the constitutionality of recent antidesecration laws results only from a reluctance to deal with the desecrators until a clear fact situation reaches the Bench and is not a delaying tactic by some Justices to gather votes to overturn precedent and permit the flag to be misused for narrow political interests. This amendment would ease the Court's obvious dilemma and the concerns we all feel when we see the flag abused and wonder if something can be done to prevent it. This amendment would clear the path for Congress to enact meaningful legislation to provide uniform standards and methods for display and use of the flag with sanctions to deter those who would use the flag as a pawn to promote their narrow interests. We need to restore the flag to its position as the symbol of our Nation's highest goals and ideals, of the common purposes that unite us, rather than as a banner of division—the emblem of all—the people of the United States of America. To this end, I insert the full text of my proposed constitutional amendment in the RECORD at this point:

H.J. RES. 1377

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislators of three-fourths of the several States:

"ARTICLE ——

"Section 1. Nothing contained in this Constitution shall abridge the right of persons lawfully assembled, in any public building, school, or educational institution which is supported in whole or in part through the expenditure of public funds, to participate voluntarily in the pledge of allegiance to the flag of the United States.

"Section 2. Notwithstanding any other provision of this Constitution, the Congress shall have power by appropriate legislation to regulate the display and handling of the flag of the United States and to protect it from desecration.

"Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress."

CONSTITUTION WEEK

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 1970

Mr. HOSMER. Mr. Speaker, on this 183d anniversary of the signing of the Constitution of the United States at Independence Hall in Philadelphia, I believe it is appropriate to recall some of the words on the great document.

The preamble to the Constitution reads as follows:

We, the People of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

The Constitution and the first 10 amendments to it, called the Bill of Rights, got America off on the right foot. This document has worked so well that despite the monumental changes in American society over a period of 183 years, we have been compelled to make only 15 changes.

To those who are so dissatisfied with America today, I would challenge them to find a better document or a better form of government. For despite America's shortcomings, her people are still enjoying the most personal freedom, the highest standard of living, and the greatest hope for the future of any people who ever lived.

For this we can thank the foresight and wisdom of those who drafted and signed this great Constitution 183 years ago this week.

PRESIDENT'S COMMISSION ON OBSCENITY AND PORNOGRAPHY

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 1970

Mr. DULSKI. Mr. Speaker, within the next few days, the President's Commission on Obscenity and Pornography will submit its report to the President and to the Congress.

If what the media have reported recently in detail is indicative of what the majority report will contain, we will be faced with the task of repudiating a monumental fiasco which we created October 3, 1967, and financed to the tune of $2 million.

Unfortunately, this will not be the first time that funds, soundly appropriated with the best intentions, have come back to haunt us.

However, it may be the first time that we will be compelled to spend additional sums to undo the work of a Presidential Commission which seems to have ignored its prime mandate.

IGNORES CONGRESS MANDATE

The Commission was instructed by law, among other things, to recommend legislation or other action "necessary to regulate effectively the flow of such traffic"—in obscenity and pornography—but the Commission chooses instead to recommend abolition of present laws in this area.

Such a recommendation is diametrically opposed to the purpose for which the Commission was created. Congress had determined that the "traffic in obscenity and pornography is a matter of national concern"—Public Law 90–100.

What we were looking for were ways and means to curb the dissemination of smut.

But what is being recommended? A course of action which would serve exactly the opposite end.

One would think that the Commission's recommendations in this regard were the product of the directors of the American Civil Liberties Union. The ACLU position is a matter of record. It is vigorously opposed to any censorship of obscenity.

FOLLOW VIEWS OF ACLU

Further, and contrary to holdings of the Supreme Court—Roth-Alberts rulings, 1957—the ACLU believes that obscenity is entitled to constitutional protection as much as any other form of speech or the press.

Such preconceived beliefs obviously were the guidelines thrust upon the Commission. The Chairman of the Commission, William B. Lockhart, has long been a member of the American Civil Liberties Union. His personally appointed general counsel, Paul Bender, is an executive of the Philadelphia branch of the ACLU.

It is also interesting to note that Mr. Lockhart, as early as 1954 and as recently as 1960, authored law review articles with his colleague, Robert C. McClure, concerning censorship of obscenity.

The conclusions Mr. Lockhart drew in these articles not unexpectedly follow the line of the forthcoming Commission report.

SIMPLE REPORT WOULD BE CHEAPER

Indeed, in this light and in retrospect, perhaps it would have been more practical simply to have hired Mr. Lockhart to write a report on the subject instead of creating a Commission with preconceived conclusions. At least we should have saved most of the $2 million.

In organizing for its work, Chairman Lockhart and the Commission adopted a strict secrecy pact at its very first meeting, thereby denying the Congress and the public any knowledge of the guidelines established and the progress of the study.

The first substantial information became available only when a copy was obtained by the Chicago Tribune last month.

REPORTED MAJORITY VIEWS

The conclusions drawn by the Commission were shocking to say the least. The major findings, as reported by the Tribune, are:

1. Obscene materials, printed and photographic, have no harmful effects upon old or young.

2. Repeated exposure to "erotic stimuli" eventually creates boredom.

3. After exposure to obscenity, persons are generally less fearful of harmful effects.

4. Exposure to pornographic materials has no detrimental impact upon moral character, sexual orientation or attitudes about sexuality among youth. It has no connection with juvenile delinquency.

5. Sex offenders are less interested in erotic material than other adults. There is no evidence that exposure to it operates as a cause of misconduct in either youth or adults.

"Collectively, these studies suggest that the topic of erotica is generally defined and discussed in ways very different from that commonly supposed by articulate critics," the report states.

"Most Americans, both laymen and professionals, do not regard erotica as a matter of prime national concern, nor is there a consensus that its use is potentially harmful for the consumer or for society."

Such conclusions and the whole approach taken by the majority to the smut problem are reprehensible. The end result of what is being recommended is that we follow Denmark's lead in abolishing all controls over obscenity.

One apparent justification for this course is the claim that sex-crimes have decreased in Denmark since it repealed its obscenity statutes. Except that the claim is false. Indeed, nothing could be further from the truth.

First, it is too early to substantiate such claims or to formulate any such conclusions, since the "experiment—and that is all it really is—was begun only last year, 1969.

Second, the statistics which have been cited are grossly distorted.

DENMARK DATA IN QUESTION

Serious sex crimes such as rape and sexual assault remained at the 1968 level in Denmark, despite reports that sex crimes had fallen off in 1969 due to the legalization of pornography.

In a UPI report from Copenhagen, dated January 10, criminologists cautioned against crediting a drop in sex crimes to the new laws. Previous reports had said that sex crimes had dropped 31 percent.

The latest UPI story said that, according to police officials and criminologists, the 31-percent figure was misleading because it included public indecency, voyeurism, male prostitution and the sale of pornographic material, which is no longer considered a crime. Rape and sexual assault have not dropped.

Karl O. Christiansen, head of Copenhagen's Criminological Institution, said legalized pornography had changed Danish attitudes toward sex. He said.

We have stopped calling police every time a man is seen in a dark alley with a woman or a child.

MUST REPUDIATE MINORITY VIEW

The sad conclusion one must draw from the activities of the President's Commission, its findings and recommendations, is that it wishes the profit-hungry smut peddler to be its sole beneficiary while subjecting the great majority of the American public to an unending parade of filth, which it does not want.

I, for one, will have no part of it and I am sure that the Congress, to a man, fully concurs with me and will join me in doing everything within our power to repudiate this horrendous report.

There is one bright hope, however, to which we can look forward: the views of the minority on the President's Commission on Obscenity and Pornography, included the Reverend Morton A. Hill, S.J., Winfrey C. Link, and Charles H. Keating, Jr.

Unfortunately, these views are not those of the majority, although certainly they should be.

SQUEEZE ON MONEY IS EASING

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 1970

Mr. CONABLE. Mr. Speaker, last week, my colleague, WILLIAM WIDNALL, stressed the significance of the lowering of the prime interest rate by the First Pennsylvania Bank and Trust Co. as a sign that the economy was improving—despite the big-spending, low-taxes deficit caused by the democratically controlled Congress.

Today, I would like to draw to the attention of the House a short article appearing in the U.S. News & World Report. According to their economic unit, the money squeeze is easing—they point to half a dozen specific items to make their case.

I am sure that businessmen and consumers across the country are heartened to see these signs that the economy is turning around in response to the administration's measures to bring inflation under control. It is too bad that this viewpoint is not shared by the democratic majority in both Houses who through their control of Congress also control the fiscal balance which, in turn, has a major impact on inflation.

Despite the tremendous progress made by the administration in halting inflation and avoiding a recession, without the full cooperation of Congress in curbing the growing fiscal deficit these efforts will come to naught. I therefore urge the Democrats, even though elections are not far off, to put aside the political considerations which have led them to support inflationary measures and join with Republicans in Congress in trying to put the economy back on a steady course.

I include the U.S. News & World Report article of September 14, 1970, in the RECORD:

STUDY SHOWS SQUEEZE ON MONEY IS EASING

The squeeze on money that has plagued corporations and consumers for months is clearly easing. That is the finding of a study by the Economic Unit of "U.S. News & World Report."

Credit is more readily available, and interest rates are declining. Result in weeks ahead will be an increase in credit for home mortgages, more cash for financially pressed businesses, and a boost for the economy generally.

Bearing out the study's findings was a prediction by Commerce Secretary Maurice Stans that interest rates will go down further. Mr. Stans said on September 3, "I think we will see 6 per cent interest rates again, and perhaps not too far off."

The study pinpoints a series of business-stimulated actions by the Federal Reserve Board since the first of the year, when interest rates were setting records.

In January, banks' lendable funds were increased by open-market buying of Government securities.

In May, margins for stock purchases were cut from 80 percent to 65.

In June, interest-rate ceilings on large time deposits maturing in 30 to 89 days were eliminated.

In August, reserve requirements on large time deposits were cut to 5 per cent from 6 per cent, thus boosting banks' lending power.

An important effect of these and other moves has been a decline in interest rates. From the peaks prevailing at the turn of the year—

Treasury bills are down from 8.1 per cent to 6.3 per cent.

Commercial paper has declined from 9 per cent to 7.7 per cent.

Bond yields, on average, have dropped one-half to 1 point.

VIETNAM POLICY SURVEY

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 1970

Mr. FINDLEY. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following survey of our Vietnam policy:

SURVEY OF OUR VIETNAM POLICY

The question which must weigh most heavily upon President Nixon as he carries forward with his "irreversible" policy of troop withdrawal is whether the American people will back his policy if the going gets rough. He will find cause for reassurance, I feel, in the response to the first question on my annual survey of constituents.

As I interpret the response, my constituents want no turning back. Even if South Vietnam proves unable to defend itself, this should not deter the President from continuing with the withdrawal of our troops. I think this resolve is especially important because I fear some hard knocks are ahead for both the South Vietnamese and the United States, and this shows that Americans can stand them.

The survey shows overwhelming support for proposals to establish a $20,000 limit on individual farm payments, a mandatory prison term for anyone who possesses a firearm while committing a felony, and compulsory arbitration of paralyzing national strikes. It also shows overwhelming opposition to busing of school children just to achieve racial balance.

The survey shows strong support for direct controls on wages, prices, profits, interest rates and credit. In view of our wartime experience with similar controls, the 54 per cent affirmative vote was surprising. The extent of opposition to revenue-sharing by the federal government was also unexpected and I may add, gratifying. Almost 40 per cent oppose "no strings attached" sharing of some federal revenues with state governments.

RESULTS OF 1970 OPINION SURVEY

President Nixon has described the Vietnamization program (withdrawal of troops) as "irreversible." If South Vietnam's government shows weakness as it assumes full responsibility for ground action, what should we do about our troops?

Continue to withdraw them	8,685
Send more in	818
Halt further withdrawals indefinitely	4,396

If the existence of Israel becomes threatened, should we go to its aid with our own military forces (troops, planes, etc.)?

Yes	2,793
No	10,655
No opinion	1,294

Should the federal government share a portion of its tax revenue with state governments, with no strings attached?

Yes	7,806
No	5,738
No opinion	1,333

Where strikes would paralyze the nation's economy or endanger public health and safety, should labor disputes be settled by compulsory arbitration?

Yes	14,107
No	827
No opinion	234

Should federal farm programs contain a provision limiting to $20,000 the amount in government payments any farmer may receive each year?

Yes	13,410
No	850
No opinion	661

Do you favor a mandatory prison term for anyone possessing a firearm while committing a felony?

Yes	12,889
No	1,335
No opinion	825

Should the federal government require transportation of pupils beyond normal geographic school zones for the purpose of achieving racial balance?

Yes	814
No	14,001
No opinion	454

To curb inflation, the Administration has adopted policies which have resulted in higher-than-normal interest rates, an extension of the surtax, and cuts in a number of federal programs (defense, education, public works). Would you prefer direct controls on wages, prices, profits, interest rates, and credit?

Yes	7,814
No	5,340
No opinion	1,394

Are there poor families in your community who should receive more assistance than they get?

Yes	3,398
No	7,018
No opinion	4,010

For agriculture, which of these do you prefer:

Continue present program without change	430
Continue present program but place a limit of $20,000 on total government payments a farmer can receive in one year	4,964
Over a 5-year phaseout period, eliminate government crop production payments and price supports, and replace with a program which provides special aids for low-income farmers, lets all farmers grow the crops they wish, and adjusts total output through longterm retirement (competitive bids)	8,379

TENNESSEE MEDAL OF HONOR WINNERS HONORED AT HISTORIC VALLEY FORGE

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 1970

Mr. EVINS of Tennessee. Mr. Speaker, Tennessee is immensely proud of its 31 Congressional Medal of Honor winners—including perhaps the most famous, the late Sgt. Alvin C. York of Pall Mall in the storied Upper Cumberland area in the Fourth Congressional District which I am honored to represent in the Congress.

In this connection, the 31 Tennessee recipients of the Nation's highest mili-

tary honor were recently memorialized by the dedication of an area at Freedoms Foundation at Valley Forge.

The publisher of the Nashville Banner, Nashville, Tenn., Comdr. James G. Stahlman, secured the tract for the heroes of the Volunteer State, and he is to be commended for his patriotism and devotion to our country.

Because of the interest of my colleagues and the American people in this most significant event, I include articles concerning the tribute to the State's Medal of Honor winners in the RECORD:

GENERAL MOTT DEDICATES MEMORIAL TO STATE'S MEDAL OF HONOR MEN

VALLEY FORGE, PA.—Tennessee's 31 recipients of the Congressional Medal of Honor were memorialized today in a ceremony dedicating a one-acre area of the Congressional Medal of Honor Grove to heroes of the Volunteer State.

The "Tennessee Acre"—one of 52 set aside in the Grove for each state, the District of Columbia and Puerto Rico—was the gift of James G. Stahlman, owner and publisher of the Nashville Banner. Through the cooperation of Gov. Buford Ellington and the General Assembly of Tennessee, the state has provided for the perpetual maintenance of this plot.

Maj. Gen. Hugh B. Mott, Tennessee adjutant general, delivered the dedication address, recounting the deeds of each Tennessean whose name appears on a commemorative plaque.

Stahlman was unable to attend the ceremonies. He was represented by Frank van der Linden, chief of The Banner's Washington bureau, who unveiled the Seal of Tennessee on an eight-foot obelisk set on a memorial square in the wooded tract.

Medal recipients from Delaware and Florida also were honored in similar ceremonies which followed a general chapel service and program in the Amphitheater to the Unknown Valiant at Freedoms Foundation at Valley Forge.

The dedications were part of a Freedoms Foundation program begun in 1964 when the Congressional Medal of Honor Grove was established as a permanent shrine. Eight other states previously have dedicated their areas.

TWO HOLDERS PRESENT

Two Tennessee holders of the medal, Charles H. Coolidge of Signal Mountain and Command Sergeant Major Paul B. Huff of Fort Campbell, and their families were among those present at the dedication. Widows and relatives of seven deceased recipients also accompanied Gen. Mott here in a Tennessee Air National Guard plane Friday.

Two other Tennessee recipients are living, according to reports in the adjutant general's office. They are Charles L. McGaha, still in service and stationed at Fort Benning, Ga., and Vernon McGarity of Memphis.

Freedoms Foundation President Kenneth D. Wells said "The Grove was conceived to commemorate the valor, bravery, courage and sacrifice of our military heroes who earned the nation's supreme decoration and to inspire patriotism and a sense of duty to God and Country in all who visit it."

Gen. Mott said: "For you recipients who are here today and those others not present who somehow came through alive from outstanding heroic deeds, may I say, 'thank you' for all Tennesseans, for all Americans and for all in the free world.

"You have brought glory to the Volunteer State. You have brought honor to your country. You have brought hope for the preservation of man's freedom."

He noted that "these sacrifices for freedom were performed by young men under the age of 30, and I do not hesitate to remind young Americans today that they must include in their ranks such dedicated and courageous men whose thoughts and deeds are in the interest of all mankind and not themselves.

"On the battlefield of everyday living, youth of today must develop courageous young heroes and heroines dedicated not to the under-30 group, the academic freedom group or certain minority groups but to the preservation of freedom for all."

"ABOVE AND BEYOND"

Gen. Mott entitled his remarks "Volunteers, Above and Beyond" and observed that "in reviewing cases of the various Medal of Honor recipients from Tennessee, it is interesting to note that each had volunteered—each had volunteered extra courage and, in many cases, their lives."

He said use of the word "volunteers" was fitting "since Tennessee is the one state whose nickname is directly applied to military duty."

The term "Volunteer State," Mott recalled, "dates back to the War of 1812 when so many Tennesseeans volunteered for service, and was upheld again when the 'Volunteer State' was asked to send 2,800 men to fight in the Mexican War. Instead of 2,800, there were 30,000 volunteers who asked for military duty.

"Tennesseans have answered the call in all military actions in which the United States has been involved, and for a single purpose: the preservation of freedom. And individuals have displayed heroism throughout our nation's history—John Sevier, Andrew Jackson, Davy Crockett, Sam Houston, Nathan Bedford Forrest, Sam Davis, Sgt. Alvin C. York and so on."

The state's chief military leader, himself a holder of the Distinguished Service Cross, the nation's second highest award, for bravery in the seizure of the Remagen Bridge over the Rhine River in World War II, said he had chosen to devote his speech to the actions of each Medal of Honor recipient because "to me, the deeds of these men speak more for the dedication of this tract of land, this Tennessee Acre, this memorial . . . than words I could offer or words anyone else could offer."

SELF-SACRIFICE

"The Medal of Honor," Mott noted, "is the highest military award for bravery that can be given any individual in this nation. It is awarded only to a person performing a deed of personal bravery or self-sacrifice above and beyond the call of duty while a member of the armed forces and in combat with the enemy.

"The act must clearly distinguish gallantry above lesser forms of bravery, and it must be something which if not done would not be the subject of any criticism.

"For all the acts I have mentioned, in no individual case could someone have criticized the soldier, the airman, the Marine or the sailor if he had not performed that act of heroism.

"That . . . is the point we must remember here. These men volunteered above and beyond the call of duty. These men sacrificed. These men are heroes in the very sense of the word hero.

"Duty, honor, country—these were the elements which brought the award of the Medal of Honor to each," Gen. Mott said.

ADMONISHES YOUTH

After admonishing present-day youth to dedicate themselves to the preservation of freedom, Mott said:

"While we remember today these recipients of the Medal of Honor for military action against the enemy, I would like to take time to mention a man who has so served his country and deserves the Medal of Honor for non-military action against the enemy—a modern-day patriot who has done as much for freedom as any other Tennessean, any other American. I speak of James G. Stahlman, publisher of the Nashville Banner.

"Earlier this month, Mr. Stahlman and another newsman were awarded the American Legion's Fourth Estate Award for 1970 at the national convention in Portland, Ore. This award is given each year 'for distinguished public service in the field of communications' and for furthering the principles of Americanism through the public news media.

"It is the most recent of numerous awards given the distinguished Tennessean for patriotic endeavors. And a most recent patriotic endeavor of Mr. Stahlman was the contribution for the purchase of the Tennessee Acre we dedicate today in the Medal of Honor Grove.

"Mr. Stahlman served as an Army private in World War I and was a Navy captain in World War II—a double-barreled example of patriotism. He has received top awards from the Freedoms Foundation, Americas Foundation, Columbia University and others for patriotic service.

"His contribution here further perpetuates the principles of Americanism to which he is dedicated. For Mr. Stahlman's gesture, I can only say "thank you' for all Tennesseans, for all Americans. He is another true example of volunteers, above and beyond."

Mott concluded his address with a tribute by the late Gen. Douglas MacArthur to those who have paid the supreme sacrifice:

"His name and fame are the birthright of every American citizen. In his youth and strength, his love and loyalty, he gave all that mortality can give. He needs no eulogy from me, nor from any other man. He has written his own history and written it in red on his enemy's breast . . .

"I do not know the dignity of their birth, but I do know the glory of their death. They died unquestioning, uncomplaining, with faith in their hearts, and on their lips the hope that we could go on to victory."

About 30 Tennesseans traveled to Valley Forge for the program, most of them with the adjutant general by plane Friday to nearby Willow Grove Air Force Base. About 300 invited guests attended the general program and the three individual state dedications.

Howard H. Callaway of Pine Mountain, Ga., chairman of Freedoms Foundation trustees, was master of ceremonies for the general program. Lt. Gen. Herman Nickerson Jr., USMC (Ret.), delivered the principal dedicatory address.

In another ceremony near the Grove today, Gov. Raymond P. Shafer of Pennsylvania laid the date stone for the new General of the Army Douglas MacArthur Building now under construction. The three-level colonial and red brick building will consist of classrooms, dining facilities and guest rooms.

William B. Walton of Memphis was among the Freedom Foundation trustees and officials who had an active role in the program.

The Medal of Honor Grove—52 acres of prime woodland—is landscaped in the design of the map of the United States with each state and Puerto Rico in its approximate geographical location. As each state dedicates its acre, it is identified by a memorial square on which is set an eight-foot obelisk bearing the state seal and a bronze plaque listing the state's living and deceased medal recipients.

Within the square, a 30-foot flagpole behind each obelisk flies the state's flag. Meditation benches are on either side of each memorial plot. Glistening stainless steel commemorative plaques, bearing the name, unit and home state of individual recipients as well as the date and place of citation, will be imbedded before trees memorializing each recipient.

Several miles of winding paths connect the 52 memorial areas. The Henry Knox Build-

ing, which houses the records of the heroic deeds of the nation's more than 3,300 medal winners, also is located in the Grove. The building, a gift of the General Federation of Women's Clubs, is named for the nation's first secretary of war.

The Congressional Medal of Honor, awarded by the President in the name of Congress, was established in 1861 by Abraham Lincoln.

The Freedoms Foundation at Valley Forge was founded in 1949 to encourage all Americans to understand and defend the rights and responsibilities they enjoy under their constitutional form of government.

TENNESSEE'S LIST OF 31 WINNERS

Following is the list of Tennessee's 31 recipients of the Congressional Medal of Honor whose service was memorialized today in the Congressional Medal of Honor Grove at Valley Forge, Pa.:

Charles H. Coolidge, Army technical sergeant, born and entered service at Signal Mountain, World War II. (Attended dedication. Lives at Signal Mountain; connected with Chattanooga printing firm.)

Paul B. Huff, Army corporal, born and entered service at Cleveland, World War II. (Attended dedication. Now a command sergeant major at Fort Campbell.)

Charles L. McGaha, Army master sergeant, entered service at Cosby, World War II. (Still in service, stationed at Fort Benning, Ga.)

Vernon McGarity, Army staff sergeant, born in Stewart County, entered military service at Model, World War II. (Lives in Memphis.)

Joseph B. Adkinson, Army sergeant, born at Atoka, entered service at Memphis, World War I.

Robert L. Bonney, chief watertender, Navy, born in Tennessee (place not recorded), entered service at Nashville, in ship accident, 1910.

Charles P. Cantrell, Army private, born at Smithville, entered service at Nashville, Spanish-American War.

Josephus S. Cecil, Army first lieutenant, entered service at New River, Philippine Insurrection, 1906.

Harrison Collins, Army corporal, born in Hawkins County, Civil War.

Raymond H. Cooley, Army staff sergeant, born at Dunlap, entered service at Richard City, World War II. (Brother, W. O. Cooley of Jasper, attended dedication.)

Ray E. Duke, Army sergeant first class, born and entered service at Whitwell, Korean War (posthumous award). (Sister, Mrs. James London of Tracy City, attended dedication.)

James A. Gardner, Army first lieutenant, born at Dyersburg, entered service at Memphis, Vietnam war (posthumous award). Parents, Mr. and Mrs. Dave Gardner of Dyersburg, attended dedication.)

George L. Gillespie, Army first lieutenant, entered service at Chattanooga, Civil War.

George Grant, Army sergeant, born at Raleigh, entrance place unrecorded, Indian campaign, Dakota Territory, 1867.

Allen J. Greer, Army second lieutenant, born and entered service at Memphis, Philippines Insurrection, 1901.

Bolden P. Harrison, Navy seaman, born at Savannah, Philippines Insurrection, 1911 (posthumous award).

Oliver Hughes, Army corporal, born in Fentress County, Civil War.

George Jordan, Army sergeant, born in Williamson County, Indian campaign, New Mexico, 1880.

James E. Karnes, Army sergeant, born at Arlington, entered service at Knoxville, World War I.

Elbert L. Kinser, Marine Corps sergeant, born in Greeneville, World War II (posthumous award).

Gaines Lawson, Army first sergeant, born in Hawkins County, Civil War.

Milo Lemert, Army first sergeant, born in Iowa, entered service at Crossville, World War I (posthumous award).

William F. Lyell, Army corporal, entered service at Old Hickory, Korean War (posthumous award). (Parents, Mr. and Mrs. B. F. Lyell, and sister, Mrs. Richard Bass, of Old Hickory, attended dedication.)

William W. Morris, Army corporal, born in Ireland, entered service in Stewart County, Indian campaign in Texas, 1875.

David R. Ray, hospital corpsman second class, Navy, McMinnville, Vietnam war (posthumous award).

Walter K. Singleton, Marine Corps sergeant, entered service at Memphis, Vietnam war (posthumous award). (Parents, Mr. and Mrs. G. P. Singleton of Memphis, and three children attended dedication.)

Benoni Strivson, Army private, born at Covington, Ky., entered service at Overton, Tenn., Indian campaign in Arizona, 1868.

Edward R. Talley, Army sergeant, born and entered service at Russellville, World War I.

Calvin John Ward, Army private, born in Greene County, entered service at Morristown, World War I. (A nephew, Calvin Sipe of Greeneville, attended the dedication.)

John Harlan Willis, pharmacist's mate first class, Navy, born at Columbia, World War II (posthumous award), (Widow, Mrs. Kenneth Duke of Nashville, attended dedication.)

Alvin C. York, Army corporal, born in Fentress County, entered service at Pall Mall, World War I.

OBSERVATIONS ABOUT U.S. POLICY TOWARD ASIA

HON. EDWIN D. ESHLEMAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 1970

Mr. ESHLEMAN. Mr. Speaker, there arrived in my office several weeks ago a very interesting letter from a constituent of mine who was spending time in Japan. Prof. Francis Joseph Bassett of Millersville State College, formerly taught in Japan and this summer was back in that nation. While there he made some observations about U.S. policy toward Asia and how that policy relates to what is happening on the campuses in this country.

I believe my colleagues might be interested in some excerpts from Professor Bassett's letter, and I enclose them in the RECORD at this point:

I think the situation in Asia (as I have listened to Japanese scholars this summer at Sophia University in Far Eastern Modern History and China: 19th and 20th Century) is in a precarious and dangerous phase. If the anti-war forces can convince enough young Americans on our campuses, faculty, and the general public to start an "isolationist snowball" rolling toward complete withdrawal everywhere, we are in for real trouble. Far from spending that money saved for the ghettoes, the likelihood is that the public will ask for a tax cut and spend vast sums for defense for an isolated "fortress America." It happened before in the 1920s and 1930s and we paid a huge price with World War II but today such illusions would be more disastrous.

Most "teach-ins" at colleges are recitals of how terrible is the dictatorship of General Thieu and the Greek colonels but not one word about the total Communist states of North Korea, North Vietnam, Syria, Iraq, Bulgaria, etc. with complete repression and firing squads. I like my students but wonder how they would survive in a totalitarian society. I have always been moderate in domestic and international questions because I think it is all very complex and cannot be decided by one-sided slogans and discussions. And, Asia is most complex.

The time is rapidly approaching when we should ask ourselves—"what is the end result of immediate complete and total withdrawal from Southeast Asia" and the likelihood that it will snowball into total withdrawal from South Korea, Japan and the Phillippines. It will be a disaster for freedom everywhere.

I believe that it is fine for young people to take responsibility in the November elections, but I hope our colleges will not become solely propaganda centers for Marxism or any other ideology (or political centers with all of us asked daily to take sides) to the detriment of the true function of educational institutions. That is what South American colleges have become.

I trust that we will muddle through as we always have in American history, but reading press dispatches one gets the impression that we are "going down the drain." The irresponsible people who wish to destroy Mr. Nixon will end up destroying the presidency and the democratic institutions as well . . . "There is a large measure of goodwill toward America among the Japanese and in Asia that will hold up well if we keep our cool and turn back the defeatists.

Mr. Speaker, this American scholar on on the scene in Asia has documented through experience the case for a responsible American policy toward that area of the world. Furthermore, I think it is interesting that Vice President AGNEW has drawn some of the same conclusions after talking at length with Asian leaders. This common ground by Professor Bassett and our Vice President deserves our careful evaluation.

TRIBUTE TO MR. BEN PRIMM HAZLEWOOD

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 1970

Mr. JONES of Tennessee. Mr. Speaker, on the first day of this month, my longtime friend Mr. Ben Primm Hazlewood retired from his position as superintendent of the University of Tennessee's Agricultural Experimental Station in Jackson, Tenn. Mr. Hazlewood, who is now 70 years old, served in this capacity for a period of 41 years.

Recently, two of the outstanding periodicals of my district paid tribute to Mr. Ben. The TenneScene, a supplement carried by several weeklies, published an article on Mr. Hazlewood by Mr. Bob Parkins, editor of the Milan Mirror, and the Herald Gazette of Trenton published an article by Mr. A. H. Williams.

Because of Mr. Hazlewood's outstanding contribution to American agriculture, I insert these two articles in the RECORD:

[From the TenneScene, August 1970]

WEST TENNESSEE'S CHIEF OF AGRICULTURE WILL LEAVE BEHIND MORE THAN MEMORIES

(By Bob Parkins)

Ben Primm Hazlewood, West Tennessee's grand chief of agriculture, will close out 41 years of service when he retires Sept. 1 as

superintendent of the U–T Experiment Station in Jackson.

But the 70-year-old agricultural pioneer will leave behind much more than memories. During his tenure at the West Tennessee Experiment Station, which began in 1929, agriculture became 'revolutionized'. And "Mr. Ben" certainly had a hand—a big hand—in the sweeping current of progress that has made America the most efficient food producing nation in the world.

He also brought the station at Jackson to the front with the tremendous growth of the physical plant and an organized staff of specialists from across the state. The Jackson station has also exerted great influence upon agricultural work now being conducted at U–T Martin; the U–T Milan Field Station, and U–T's station at the Amos Plantation near Grand Junction.

"With all those facilities, West Tennessee is now as adequately equipped for research as any section I know of," Mr. Hazlewood said.

But it hasn't always been so. He recalls vividly when he came to Jackson in 1929. He began at the top as superintendent of the station, but it was small then compared to its present site. He had a staff of seven helpers and no secretary, and only 180 acres to work on. Since then, the station has grown to 650 acres and he has a staff of more than 50 persons. This includes a covey of PhD's in agricultural biology, agricultural engineering, entomology, agronomy, horticulture, dairying and weather.

Mr. Hazlewood, born at Smyrna, actually got his first job with U–T as a student in 1919. He did cleaning jobs on the campus and graduated with a B.S. degree in 1923. He stayed on at U–T as a dairy instructor, working on an advanced degree. And in 1926, he was the first student ever to receive a Master's degree in dairying at the institution located in Knoxville.

Before accepting his position at Jackson in 1929, he worked for the City of Knoxville as a dairy health inspector and later as a fieldman for Pet Milk Company.

He feels that the greatest achievement at the Jackson station was its enlargement and expansion in the 1940s. Four hundred and seventy acres were purchased and added to the station, and it has blossomed ever since.

Mr. Hazlewood has watched agriculture advance from mule days to space-age technological progress that few dreamed of 40 years ago. He recalls vividly some of his first work at Jackson which included the development of better mules through a cross-breeding program.

"We owned the last Percheron stallion that came from France, and the big fellow weighing 2,300 pounds attracted folks from all around," he said. "Importing of animals was stopped back then because of a foot and mouth disease outbreak in Europe."

He also recalls the construction of the famed "roundhouse" at the station as symbolic of the facility's spirit of cooperation. It was built as a meeting house for area farmers largely through one-dollar contributions from the farmers who went there for institutes. The cost of the building in 1918 was about $20,000.

"It has become the traditional landmark of the station," he said. "And, sadly, it has outlived its usefulness and will probably have to be torn down in the future."

He feels the future is bright for dedicated farmers. "Successful farmers today are just like the ones of the past. They are able to be successful under the same conditions that may cause their neighbor down the road to be on starvation."

He rated today's successful farmers as being the most alert businessmen in the nation. "That's because they are making a success in face of increased costs of production and slightly increased prices. In most businesses increased costs are passed on to the customer."

His formula for successful farming: "Good headwork and putting together facts makes good farmers."

He said "though we're living in a 'do good' era, it is people who make slums—not the society in which they live."

During Mr. Hazlewood's career, he's making hundreds of public addresses, written countless articles and has been very active in civic, church and community work. Named to "Who's Who in the South and Southwest" in 1968, he also was the originator of the famed slogan, "Keep Tennessee Green."

But "Mr. Ben" will move out of the big station home that he and his wife and one daughter occupied for 41 years come Sept. 1. They will move to their new home under construction near Humboldt where Mr. Hazlewood has owned a dairy farm for many years. Their daughter, Miss Jane Hazlewood, is with the Tennessee Public Health Department in Nashville.

What does he plan to do after retirement? "Just visit my old friends and enjoy life," he said. "I don't plan to interfere with my 100-cow dairy operation. Things are going well with it so there's no use in my changing it."

Of course, he'll be around to inject new thoughts and work toward an old goal that's ever-present on his mind. And that is: "More production per unit in every phase of agriculture."

Dr. Pete Gassett, an outstanding U–T Martin graduate, class of 1955, will succeed Mr. Hazlewood as station superintendent.

[From the Trenton Herald Gazette (Tenn.) Aug. 20, 1970]

(By A. H. Williams)

"Mr. Agriculture!!!"

Should two words be chosen to give one right and proper title to one man, those above, according to the judgment of the writers of These Little Pieces, would be for Ben P. Hazlewood, our "subject" today, who retires on August 31 after having served as Superintendent of the West Tennessee Experiment Station (Agricultural) for the past 41 years. There is no human (or computerized, either) method of evaluating Mr. Hazlewood's contribution to the farming economy of West Tennessee, the State as a whole, and large portions of the entire nation, Rural America, especially, as well as urban areas know and appreciate this fine man. He has been a vital part in advancing the business—big business—of agriculture in this and many other sections from the "one horse plow era" to modern day farming with its mammoth pieces of mechanized and motor driven equipment. He has seen the farm grow from "Pigmy to Giant" in its operative procedure, and HE has been a big part of and directed a large portion of the transition. And in addition to the "Major" in the curriculum of his life's work, he has several "minors" in the fields of civic and religious activities in both "town and country."

Again, it is the extreme pleasure of these writers to present a personal friend in these versatile columns. And, again, are we in the position of being unable to recall ever having formally met a person we have known, it seems, always. The M. M. (Male Member) of this team of scribes has been with Ben often in his favorite civic, luncheon club meetings; at his "place of business"; and in numerous other instances where he, Mr. Hazlewood, somehow in his modest manner seemed to over-shadow those of the entire group who knew that Ben (or "Mr. Ben" if a generation or so may have been dividing the age aspect) was engaged in a profession which lent to the accomplishment of better living for all. And the F. M. (Female Member) of this writing team has known him as well and for almost as long.

And, as of this date, for almost a half century, we have never heard an adverse word said about this noble citizen—a man who lived for more than half his life in Madison County; is not a native of Gibson County; but who is now erecting a fine new residence on the Humboldt-Trenton section of U.S. Highway 45W, just north of Humboldt, and is retiring to his "old home" where four generations of his family will have lived. He will be close enough to Jackson to maintain, he says, ties that have become close during his abode there and will be lasting; he will be close enough to Humboldt for her to reclaim him as a "home town boy" and "top citizen"; and near enough to Trenton, Milan and other points in the county and adjacent area to keep his many personal contacts; and so situated that he may "live it up at home" for the balance of his days—which his thousands and thousands of friends hope and expect to be very, very many.

Quoting from the 1967–68 Who's Who in the South and Southeast: "Hazlewood, Ben Primm, Agricultural Researcher; born Smyrna, Tennessee, June 25, 1900; son of Alexander and Georgia K. (Primm) Hazlewood; B.S. University of Tennessee, Knoxville, 1923, M.S., 1926; married Lennie Jane Sanders, June 30, 1926; one daughter, Eulalia Jane.

"Instructor Dairy Department, University of Tennessee, 1923–26, Dairy Inspector, City of Knoxville, 1926–1927; Fieldman, Pet Milk Company, Greeneville, 1927–29; Superintendent, University of Tennessee's West Tennessee Experiment Station, Jackson, 1929–70; Member Delta Tau Delta; Presbyterian, Elder and Trustee; Rotarian (President 1936–37); Contributor of articles to professional journals; Home: 605 Airways Blvd., Jackson, Tennessee."

Space prevents our giving but minute details on the active life and experiences of this devoted public servant to and for the State of Tennessee.

Since graduating from Fitzgerald-Clark Preparatory School in 1919, Mr. Hazlewood has been associated with the University of Tennessee continuously as a student, an instructor, University associated projects, and Superintendent of West Tennessee Experiment Station.

In October, 1919, after matriculating in September, he did his first work for the University offices. Later he became a part-time instructor in the Department of Vocational Training, this department being conducted for Veterans of World War I with less than a high school education. Later he became a full-time instructor in the department, teaching dairying.

In 1924 the City of Knoxville adopted the U.S. Public Health Standard Milk Ordinance. Dr. M. Jacob, later dean of the College of Agriculture, U.T., served as part-time employee of the City of Knoxville to supervise the health standards of the Knoxville dairies. After the adoption of this ordinance the details required more attention than Dr. Jacob could give and Mr. Hazlewood was employed to work with him and at the same time pursue his work toward a Masters degree. This Masters degree in dairying was granted in 1926, this being the FIRST Masters degree in this subject ever granted by the University of Tennessee.

In 1927 the Pet Milk Company opened an evaporating plant at Greenville and requested the University to recommend someone to be on their payroll and work with the Greene County people, Agricultural Extension Service and other Agricultural Agencies in developing dairying in their plant area. Mr. Hazlewood was chosen for the job and pursued the work until 1929 when the USDA Dairy Experiment Station was located at

Lewisburg. When the University was asked to recommend a man for the position of Superintendent of the new Station, Ben again "got the nod" and while the USDA was considering the appointment, the Superintendent of the West Tennessee Experiment Station resigned and Mr. Hazlewood was appointed to succeed him and there he's been since October, 1929, guiding the destiny of one of the nation's largest facilities of its kind.

At the time Ben took over the administration of the W.T.E.S. in Jacobson, acreage has been purchased in three tracts, totaling 189. The staff was composed of the Superintendent, seven helpers and no secretary.

Since that time 461 acres have been added, making a total of 650, and the staff is now made up of the Superintendent; 10 department representatives; 22 technical Aids and Plot and Dairy Assistants; four secretaries; and 10 seasonal laborers.

Many have been the activities of the Station. We asked Ben to list some of the things that were especially important besides the actual working on crop improvement and plant advancement over the years. Among the things he mentions are:

Slum Clearance: A subdvision on the north side of Highway 70, between the WTES entrance and Forked Deer River, known as Fairhope Subdivision was developed in the 20's. This development was quite diverse and had proven to be a poor location mainly because of flooding. The development created quite a number of problems for the Experiment Station. In the early 40's provision was made to relocate the residents and make the land a part of the Experiment Station property. There were 27 parcels of property involved. This clearance relieved the station of many problems—and also the occupants—and at the same time added greatly to the appearance of the station property;

1941 River-bottom Drainage and Flood Control: In West Tennessee there are approximately one million acres of riverbottom land. The original Station property (West Tennessee Experiment Station) did not include any of this type area for research work. In 1941 two hundred acres of representative bottom land adjoining the original Station became available and was added to the Station for research in the problems characteristic of this large area. At the same time 200 acres of additional upland, quite representative of West Tennessee, was also added. The addition at that time was primarily for pasture work but lately this upland area has proven to be very helpful in the expansion of small plot work which has always been the main emphasis at the West Tennessee Experiment Station (Authors' note—It is through this "small plot work" that many "discoveries" have been made in plant and crop life which has added to the sum total of the farm wealth of the West Tenessee area in particular).

Through the efforts of Mr. Hazlewood, with cooperation of the Soil Conservation Service, this 400 acres is now in cultivation, much of which was originally swamp.

Pioneer for "Keep Tennessee Green": In the early 30's when dairy products were low in prices, work at West Tennessee Experiment Station showed the economy of using all-year pastures in milk production and the attendant values of soil improving crops and erosion control. The slogan "Keep Tennessee Green" had its origin in this WTES effort to produce dairy products that could be sold profitably. Many phases of no-grain feeding and limited grain feeding were explored. This dairy project was one of the hundreds that have been originated and brought to successful conclusion by Mr. Hazlewood during his long tenure of service to the University of Tennessee through its agricultural department).

PRIVATE UTILITIES SPEND BIG TO COMBAT FEDERAL POWER IN NEW ENGLAND

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 1970

Mr. HATHAWAY. Mr. Speaker, I would like to call my colleagues attention to an article appearing on the second page of today's Washington Post, concerning the maneuverings of the private power industry to keep Federal power out of New England.

Written by Post staff writer George Lardner, Jr., the article notes that according to the Federal Power Commission, 17 New England electric utilities spent more than a half million dollars during the years 1964–68 in efforts directed against construction of the Dickey-Lincoln School hydroelectric power project in northern Maine. Apparently, figures for the period 1969 to present were not yet available to the FPC; nor, ostensibly, were sums expended by other private utilities within and outside the New England area for activities aimed at withholding a Federal power "yardstick" from the people who pay the highest prices in the country for their electricity.

Still, the expenditures that were acknowledeged to the FPC comprise shocking evidence of the true scope of private power's profit-motivated attempts to defeat both Dickey-Lincoln and the best interests of the people of New England.

On Tuesday, the $807,000 recommended by the administration and approved by the Senate for continued preconstruction planning of the Dickey facility comes to the floor of this body as an amendment in disagreement to the fiscal 1971 public works appropriations bill. I respectfully urge my colleagues to give due weight to the Lardner article in their consideration of the issue. And I sincerely hope that they will respond favorably to the proven power needs of New England by approving the requested Dickey-Lincoln planning funds.

The Post article follows:

SEVENTEEN NEW ENGLAND ELECTRIC COMPANIES BATTLE FEDERAL POWER

(By George Lardner Jr.)

Seventeen New England electric companies have spent more than half a million dollars compaigning against introduction of a federal power project in the Northeast, according to a report by the Federal Power Commission.

The private utilities listed the costs as "miscellaneous general expenses" in their annual reports to the FPC.

Most of the expenditures were evidently directed at the Dickey-Lincoln public power project, which the private companies have lobbied against with striking success the past four years.

Authorized by Congress in 1965 after a bitter fight, Dickey-Lincoln would be the first government "yardstick" for power costs in a region where consumers pay the highest electric bills in the continental United States.

Some $2.1 million in planning funds were appropriated that year and the next, but the $267-million hydroelectric project has been squelched since then, largely due to opposition in the House where the issue is scheduled to come up for another vote early this week.

Some of the private power company expense figures, which run only from 1964 through 1968, were supplied by the FPC last month in response to a request by Sen. Lee Metcalf (D-Mont.), an outspoken critic of the utility industry. Metcalf released the letter to New England congressmen who favor Dickey-Lincoln.

According to the report, 17 power companies in New England were asked how much they had spent in connection with Dickey-Lincoln and a predecessor project, Passamaquoddy, through two organizations, the Electric Coordinating Council of New England (ECCNE) and the Electric Council of New England (ECNE).

$567,057 SPENDING CITED

The utilities cited expenditures totaling $567,057 in the five-year period. The contributions ranged from Boston Edison's $123,570 to a modest $959 from the Holyoke Water Power Co.

Besides Boston Edison, other leading contributors were Massachusetts Electric ($77,213); Connecticut Light & Power ($67,749); Central Maine Power Co. ($60,723) and Hartford Electric Light Co. ($47,756).

The Electric Coordinating Council, which is composed of top utility company executives, has done much of the lobbying against Dickey-Lincoln. The Electric Council is more of a trade association, turning out advertising and compiling statistics.

The FPC report did not include any details on how the money was spent. However, a "Report for Action" on Dickey-Lincoln, prepared by three New England utility company officials around 1965, suggested an overall, industry campaign that might effectively combat "a Federal power network in our region."

RECOMMENDATIONS CITED

The recommendations included "development of feature stories, editorials, commentaries . . . a coordinated advertising program . . . appointment of a Congressional liaison team . . . contact with New England civic and political organizations" as well as "assistance from labor unions who have an interest in our business," such as the United Mine Workers.

(The UMW Welfare and Retirement Fund this year reported common-stock investments of $44.1 million in private power and utility holding companies across the country.)

The Federal Power Commission cited several justifications offered by the 17 utilities for listing the ECCNE and ECNE contributions as "miscellaneous general expenses," apparently a touchy point with FPC accountants.

UTILITIES CITE "DUTY"

"We believe we have a duty to our customers and stockholders to study any proposal that may affect the company's existing or proposed operations," one utility reported. "It is essential that data be developed in such a way that it may be presented before regulatory or other governmental bodies when the occasion should arise."

Another company said the New England utilities "had an obligation to independently evaluate the Dickey-Lincoln and Passamaquoddy proposals" for its customers. Still another reported that "most of these costs represented shared expenses for services by various public relations councils and engineering firms. The engineering evaluations were used to support presentations to Congress and others in opposition to those projects."

Dickey-Lincoln's proponents say the proposed dams on northern Maine's St. John River would save users $9 million a year and step up the peak-hour capacity New England

so badly needs to prevent blackouts and brownouts. The private companies call it a waste of taxpayer's money on a problem they can handle more efficiently.

Whatever their merits, the utility lobby's presentations have been attacked as less than straightforward. In 1967, for example, the chairman of the Electric Coordinating Council, Albert A. Cree, sent Senate-House conferees debating that year's appropriation request a study entitled: "Federal Power Commission Review Confirms Dickey-Lincoln Project Economically Inefficient."

FIGURE JUGGLING CHARGED

Lee C. White, then FPC Chairman, responded that the Commission had made no such conclusion, but on the contrary had found Dickey-Lincoln "well justified." In House debate earlier this year, Rep. John E. Moss (D-Calif.) charged that the private power companies had repeatedly "juggled figures in mailings to members of this body and presented misleading advertising programs in opposition to the project."

The House, however, led by Rep. Robert N. Giaimo (D-Conn.) voted down the $807,000 appropriation sought for the current fiscal year to continue planning work. The Senate subsequently approved the expenditure as part of the multi-million-dollar public works appropriations bill, but House conferees last week refused to go along.

The conference report, calling for a separate vote on Dickey-Lincoln, is expected to reach the House floor today or Tuesday. According to some of its less optimistic supporters, that may well be the end of it.

SOUTHERN SCHOOL DESEGREGATION

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 1970

Mr. EDWARDS of Alabama. Mr. Speaker, in view of the disastrous southern school desegregation situation which is tearing the very heart and soul out of any hopes for our young students to obtain a quality education, I have today sent President Nixon a message vividly detailing the plight which has beset my home district in Mobile, Ala.

I have continuously implored the President to back up his original request for a neighborhood school system without the need for forced busing of pupils by unloading some of the stubborn radical members of HEW and the Justice Department who have completely ignored his instructions in this matter. Thus far, there has been no indication of any degree of positive response by the White House to my pleas. Hopefully, this latest communication I have sent the President will bring about the practical and rational type of action needed to counteract the turmoil already created.

The contents of my message to President Nixon follows:

DEAR MR. PRESIDENT: I feel it imperative that you should know the full details of the school situation that exist at the present time in Mobile County, Alabama, as a result of the recent Fifth Circuit Court of Appeals desegregation orders.

In a few words, the school situation we have now in Mobile can best be termed as one comprised of no education and very little integration.

As I have personally discussed with you earlier, I honestly feel that it is the earnest desire and intent of our people to do what is right in this situation, but the unworkable and impractical districts drawn up by the Fifth Circuit Court have created a very explosive climate in Mobile County.

Our schools opened the middle of last week on a one-half day schedule and on Monday, September 14, we began classes full time. In one school in particular, Murphy High School, utter chaos has resulted and parents are now removing their children in great numbers because of their well founded fear of actual physical harm being done to these young people.

In the last few hours, a plea has come forth from the faculty members of Murphy High School requesting that Federal Marshals be sent in to maintain necessary order. Our local police force has been doing a fine job of maintaining law and order, but we all realize that they cannot and should not continue to patrol the school and its grounds during the full nine months of the school year.

Proper education cannot come about under police state enforcement. We cannot expect our children, both black and white, to receive any measurable degree of education under such conditions.

As reported in the national press, the events at Murphy High School during this week have appeared to be of a minor nature; several arrests for disorderly conduct, and a fist fight or two. Actually, two or three faculty members have been attacked and roughed up, female students have been improperly approached and insulted and many cases of attempted robbery or "shake downs" have been reported. The situation has reached the point where many families, although they cannot afford it, have removed their children from the public school system and enrolled them in private institutions. Others are enrolled in high schools in order to complete their high school education as safely as possible. Still others are just dropping out of school.

To further point out the seriousness of the situation and the fact that the Fifth Circuit Court's plan is not working, I submit to you the following enrollment and attendance figures as reported to me:

Mobile area high schools	No. of students assigned as per 5th Circuit Court U.S. plan No. 713		Number attending Sept. 9		Number attending Sept. 14	
	Negro	White	Negro	White	Negro	White
Murphy	1,027	1,300	1,825	844	1,348	409
Booker T. Washington	709	748	725	58	744	17
Blount	1,693	1,022	1,540	35	1,952	48
Williamson	491	824	508	219	577	242

Again, Mr. President, the people of Mobile appeal to you to find a more workable and equitable solution to the school integration problem we have. We realize the Board of Education is and has been under court order and that one cannot simply wave a magic wand and overturn these decisions.

Steps must be taken, however, through your office and through the Attorney General to eliminate the present crisis so as to insure the proper education, safety, and well being of all of the school children in the Mobile area.

Mr. President, I have tried to point out to you and the Attorney General over the last year that the Mobile area faced serious problems. I have pleaded with those in your administration who have been forcing our back to the wall to give us some relief. But we have received no help and now have the chaotic situation which I predicted.

It is most unfortunate that the administration, in a blind effort to integrate, has shown so little interest in the quality education which we so desperately need.

MAJORITY OF YOUNG AMERICANS ARE DEDICATED TO HELPING OUR COUNTRY

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 1970

Mr. MICHEL. Mr. Speaker, the following is a thoughtful letter written by a young constituent of mine, J. Robert Schmidt, son of Mr. and Mrs. John T. Schmidt, of Farmington, Ill., to the editor of the Farmington Bugle.

As Mr. Schmidt points out, and rightly so, older adults often judge our young people on the actions of a few misguided ones. We would do better to follow the advice of the old song:

Accentuate the positive, eliminate the negative, latch onto the affirmative.

I would certainly agree with this student that the vast majority of young Americans are dedicated to helping our country, not to tearing it down. I am sure you will agree with me after reading his fine letter:

AUGUST 22, 1970.

To the editor:

With nine years' service in various levels of student government as background, it appears that I shall soon be testifying before various public and private committees whose concern centers on the causes and cures of student unrest and rioting. Since the immediate inspiration for my remarks has been the magnificent job now being done by the Young Folk, I would like to dedicate my ideas to their example, and specifically credit to their work a part of the closing statement of my testimony; which is as follows:

In these times when we are practically taught by many of the "opinion forming" influences of our (i.e. the news media of radio and T.V., the major magazine publications, etc.) that young people are now primarily anti-establishment, pill-pushing, riot starting traitors to the American way, the greatest crime is not—perhaps—that these things do happen, but that all college students are saddled with the blame for these actions. I respectfully repeat that those who represent this destructive state of mind number no more than about five percent of the collegiates on each campus. The vast majority of students are interested in educating themselves into becoming constructive citizens whose goal is building a better world for all to enjoy.

In truth, I am eternally tired of my generation being always associated with such names as Jerry Rubin, Rennie Davis, and Tom Hayden, and of young people being so often unjustly aligned only with the actions of popping pills and committing crimes. Such deeds do occur—but, they are committed by individuals, not by the masses; they are the "scene" of a small minority, not of the vast majority of young people. It

would be far more fair and just if this generation were openly associated with such names as: Cathy Frye, Marilyn Allen, Clarence Lewis, Jill Lacefield, Mike Andrews, and Doug Rodehaver. For these are the names of only a few of the teen-agers who comprise the singing group known as the Young Folk, an organization dedicated to doing something constructive, and to bringing musical beauty into the world. Donating their time, and energes, and skills, these young people (and their predecessors) have given joy and delight to the audiences of the Heart of Illinois Fair for the past five years. Yet far more than these feats in past years the receipts from the sale of their LP record album have been donated to the Peoria County Youth Farm.

In short, these teen-agers like most young people are trying to help out in whatever way they can—for the benefit of others. These "young folk" are not working on revolution; they are working on songs and choreography which will bring a brief moment of joy and laughter to the hearts of all who will hear them. These "young folk" are not out selling drugs; they are singing—singing out to thousands each day the ideals of love, and happiness, and brotherhood. These "young folk" are not burning America down; they are building America up by bringing to themselves, and all who can hear them, a brief in the youth of this great land of liberty and freedom.

Sadly, should tomorrow some youth be caught committing a social wrong, the meager acknowledgment or attention given their good work by the public at large would be swept away as small trees are blown down before an Illinois tornado. Herein lies the real challenge for all adults and this committee—to not only stop associating all young people with evil, but to realize that most young folk are basically better than even average, and help them to remain that way. What is always needed, in ever increasing amounts, is a commitment by the adults of every community to helping young people achieve their goal of building an America that is always free, equal, and beneficial for all. Applause or even financial support for the Young Folk is not nearly enough: few can fill the special requirements of this excellent singing group. Substantial support for all such groups—as the various student government associations, the Peace Corps, Vista, "Hot Line", YMCA and YWCA, Young Republicans or Young Democrats, church organizations, and special charities—hundreds of these only will fill the bill.

Today's youth really do know "where the action is": it is in building for the future. If the adult world want college students to continue to believe that "this is where its at," they are going to have to stop criticizing the evil, and start praising the good—and help the good to get better. Only in this way will the Young Folk always be able to be the excellent example that they are of ninety-five percent of today's youth . . .

J. ROBERT SCHMIDT,
President Emeritus, Student's Senate, Illinois Central College.

ISRAEL BOND COMMITTEE OF CLEVELAND HONORS SEBASTIAN LUPICA

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 1970

Mr. VANIK. Mr. Speaker, it is with a great deal of pleasure that I take note of a special and very meaningful celebration which will take place in my community on September 27, 1970, when Mr. Sebastian Lupica, secretary of the Cleveland Federation of Labor, will be honored by the Israel Bond Committee of Cleveland.

Mr. Lupica is a native Clevelander who has come up through the ranks of organized labor, until, in 1962, he became executive secretary of the 150,000 member Cleveland area AFL–CIO Federation of Labor. Sebastians career in Labor began in 1934 when he joined the Painters Union. He was elected a business representative of the Painters District Council No. 6 in 1939 and became executive secretary of the council in 1952.

One of his major accomplishments in the Painters District Council was the creation of the Painting and Decorating Institute—an organization in which the union and the painting contractors joined together to promote more work for their industry. The institute has been a remarkable success and has received international publicity as an outstanding example of how labor and management can cooperate for the mutual benefit of both. PDI has been credited with producing more jobs for union painters and more profits for painters and more profits for painting contractors in the Cleveland area.

During Mr. Lupica's term of service as executive secretary, he has increased the participation of the Cleveland AFL–CIO in community affairs. Officers of the federation, including Sebastian, have become directors of the Greater Cleveland Growth Board—another demonstration of his philosophy of labor-management cooperation in an effort to attract industry to the Cleveland area.

Mr. Lupica has been particularly active in the effort to improve all levels of education. He has fought for the equal rights of minority groups. He has labored for better living conditions for America's retired citizens; he has worked for medicare; he has been the founder of Federation Towers, the major retirement apartment center sponsored by the Cleveland AFL–CIO.

It may seem unusual that a man of Italian extraction, Sebastian Lupica, will be conferred upon with such a high honor by the Jewish people of a great community like ours. Yet, it is perfectly in keeping with the life and spirit of Sebastian Lupica who has shown dedication and commitment to all of the people of our community. It is also understandable and in keeping with the spirit of the Jewish community of Greater Cleveland that they recognize freely and with deep affection a friend like Sebastian Lupica who has toiled tirelessly for the betterment of the people of the Jewish faith in our community and in Israel—as well as people of all other ethnic strains who reside in Cleveland.

It is a great source of pride to all of us who see a genuine, tangible expression of brotherhood of this magnitude with its outpouring of love and affection for Mr. and Mrs. Sebastian Lupica.

It is equally heartening to me to see this vast outpouring of love for this outpost of democracy, the tiny nation of Israel, which, in these times of stress, is so much in need of tangible expressions of faith and covenant in our mutual ways of life.

UNION PACIFIC EXPLORATION

HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 1970

Mr. WOLD. Mr. Speaker, Teddy Roosevelt, our first President to make natural resources a subject of major personal and national concern, once remarked that true conservation included development as well as preservation. We are fortunate to live in an age which has learned to utilize its mineral resources while simultaneously making every effort to preserve the beauty of our landscape and the ecological balance.

In this spirit, I am pleased to include in the CONGRESSIONAL RECORD an article from Span, the quarterly magazine of the Standard Oil Co. of Indiana. The article discusses the recent purchase of the oil and gas exploration rights on 7.5 million acres of land along the Union Pacific Railroad right-of-way in Wyoming, Colorado, and Utah by the Pan American Petroleum Corp., a subsidiary of Standard Oil.

This immense area has tremendous potential and, in the course of its development, will have a great impact upon the economy of my State, as well as upon the entire Rocky Mountain region. Although it is Wyoming and her neighbors who will be the primary beneficiaries in terms of jobs and collateral business transactions, the Nation, as well, will be benefited by these hitherto untapped sources of fuel. I, therefore, include the interesting article, "Exploration Along the Union Pacific," in the RECORD:

EXPLORATION ALONG THE UNION PACIFIC

There the Union Pacific railroad crosses the center of Rocky Mountain oil country, our company has launched an intensive new search for oil and gas.

The 7.5 million acres of Union Pacific land involved is probably the largest single U.S. area ever optioned for exploration to a single oil company. The block includes some of the most prospective onshore undeveloped oil and gas property in the nation.

Many portions of the option area in Wyoming, Colorado, and Utah, are virtually unexplored by the drill bit although the area encompasses parts of six major and three lesser geologic provinces where substantial oil production has existed for over a half century. Substantial oil and gas reserves are believed to exist either on or near the acreage we are exploring.

Under the contract with Union Pacific, our company holds exclusive oil and gas exploration rights on 75 per cent of the acreage covered by the agreement. Union Pacific retains all rights in the other 25 per cent.

The acreage—in a strip roughly 40 miles wide along the railroad right-of-way—is in a checkerboard pattern, rather than a solid block. It does not include U.P. lands where our company and others hold production that was developed prior to the present agreement.

"During the initial three-year contract,

we will spend or cause to be spent at least $15 million on exploration," explained William T. Smith, vice president and Denver division manager of Pan American Petroleum Corporation, our U.S. subsidiary for exploration and production.

"The $15 million includes our money," he adds, "as well as expenditures by other operators, which we encourage by financial or other support of their exploratory activities."

The encouraging potential of the Union Pacific area is reflected in the fact that nine gas and six oil wells drilled in the first seven months after the contract was signed are indicated to be potential producers. Further drilling will be required to fully evaluate the significance of these indicated discoveries.

Exploration and drilling done to date are, however, just the beginning of the extensive search. A vast amount of the Union Pacific acreage—an area bigger than the combined size of Delaware, New Jersey, and Rhode Island—is yet to be evaluated through geologic and seismic exploration and drilling.

To assure a thorough but rapid evaluation of oil and gas prospects in this large area, a cost-sharing strategy was developed. Through several types of agreements, our company encourages other oil operators to participate in the exploration program.

"This approach," says Smith, "allows us to concentrate our financial and personnel resources in areas where we feel the potential is greatest. Also, the joint operations allow us to benefit from the experience of the other operators in the area."

Our exploration drilling program is now most active in the evaluation of Union Pacific acreage in the Denver-Julesburg Basin, where our company has been one of the largest producers for several years. Thirteen of the 15 discoveries made so far are in this basin, and an estimated 250 of the first 300 wells will be drilled there.

Existing production in the Denver-Julesburg Basin extends north to south across a portion of the Union Pacific lands, and our geologists believe that this unexplored acreage has excellent productive potential.

"This part of the Union Pacific block is familiar geologic territory to us," says Don Hembre, Pan American district geologist, "and if we are successful in quickly finding new reserves here, we can recover drilling costs and help finance our longer-range exploration program."

Outside of the Denver-Julesburg Basin we are carrying out the following work:

Utah: This is the least-explored area of the Union Pacific acreage, and we are concentrating on geologic and seismic exploration to locate prospective drilling sites. Early studies indicate large accumulations of oil and gas may exist here.

Wyoming: Over half the Union Pacific acreage involved falls within five diverse geologic basins in this state. Since major oil and gas fields have previously been discovered in these basins, drilling as well as seismic and geologic studies are under way in an effort to locate additional large reserves.

In Wyoming's Washakie Basin, for instance, a recent gas discovery within the Union Pacific right-of-way tested gas at the rate of 25 million cubic feet per day from about 6,800 feet.

Deep prospect wells in excess of 10,000 feet will also be drilled in Wyoming. Such wildcats can cost several hundred thousand dollars each. (In contrast, a typical wildcat in Colorado's Denver-Julesburg Basin is drilled to about 6,000 feet and on the average costs about $20,000.) The deep Wyoming wells have a potential of finding major accumulations of oil and gas.

Colorado: Southeast of the Denver-Julesburg Basin, we are conducting subsurface geologic studies. Many wells will be required to define the complex, hard-to-find oil and gas traps we expect.

One such drilling area is in the Las Animas Arch, near the Colorado-Kansas border. Prospects are good, as indicated by multiple discoveries in the area during the last three years.

Randolph Yost, Indiana Standard director and president of Pan American, says:

"Besides the exceptionally good prospects for substantial reserves, the Union Pacific acreage is in an area laced by existing oil and gas pipelines, near centers of supply, and well served by rail and highway transport.

"Our exploration activities," he adds, "are stimulating Rocky Mountain oil industry activity, with beneficial effects to the economy now and in future years."

PLAN MIGHT REDUCE ELECTRIC RATES

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 1970

Mr. HOGAN. Mr. Speaker, several weeks ago the Subcommittee on Conservation and Natural Resources of the House Government Operations Committee held a series of hearings on matters affecting the lower Potomac estuary and Charles County in my congressional district.

At that time I presented my views on the proposed Pepco generating station at Sandy Point, Md., to the members of the subcommittee. The controversy regarding the proposed plant stems from the fact that, while the Washington Metropolitan area needs additional electrical power to prevent blackouts and shortages of electricity, we want to insure that the plant does not prove disastrous to the fishlife in the lower Potomac. Charles County certainly needs increased tax resources and this plant would be desirable from that point of view.

I suggested to the subcommittee, as an interim or even long-range alternative measure, that Pepco, and the public service commissions in the area consider restructuring their rates so that residents of the area will be encouraged to use less, not more, electricity.

Unfortunately, Mr. Speaker, when this proposal was reported by the news media, it was assumed—erroneously—that electrical rates would be raised or that I was in favor of higher rates. This is not true. My plan would probably result in a reduction in the cost of electricity for many consumers. The object of the plan would be to discourage a squandering of electricity.

For the benefit of those who may have been misled about the intent of this proposal, I include my testimony before the Subcommittee on Conservation and Natural Resources at this point in the RECORD:

STATEMENT OF REPRESENTATIVE LAWRENCE J. HOGAN BEFORE THE SUBCOMMITTEE ON CONSERVATION AND NATURAL RESOURCES, HOUSE GOVERNMENT OPERATIONS COMMITTEE, IN CONNECTION WITH HEARINGS ON THE POTOMAC ESTUARY, JULY 21 AND 22, 1970

Mr. Chairman and Members of the Committee, I appreciate having this opportunity to submit to you my concern and thoughts on these matters affecting the lower Potomac estuary and Charles County, within my Congressional District.

HULKS IN MALLOWS BAY

Regarding the 110 abandoned ship hulks which have been in Mallows Bay and Wide Water on the Potomac River for some 46 years, Congress enacted legislation in 1968 authorizing the removal of these hulks. The primary justification for their removal was the danger posed to river traffic by floating hulks and pieces which would break loose from time to time.

From information I have been able to gather, general interest in their removal ranges from lukewarm to completely cold. Since coming into office on January 3, 1969, I have not received so much as one letter or contact requesting the removal of the hulks or inquiring as to why the hulks had not been removed as authorized by Congress.

Although certain residents of the immediate area of Mallows Bay may desire to have these hulks removed for one reason or another, others consider them interesting, not unattractive and part of the ecology. I feel that neither group would approve of the expenditure of $350,000 in Federal and State tax money for their removal, which is the amount the Corps of Engineers stated would be required to remove and dispose of the hulks.

The Corps of Engineers, in fact, does not consider their removal necessary to assure safe navigation of the River, and has stated that for approximately $50,000 to $70,000 certain of the hulks could be anchored to prevent their ever being a danger to navigation. Even officials of the Potomac Electric Power Company, as you have noted, indicate a lack of interest in whatever action is taken on the hulks which are near the site of their proposed generating station at Sandy Point.

After assessing the situation and recognizing the need to reduce expenditures on the federal and state levels, I can find no compelling reason for their removal and would consider the expenditure of $350,000 for this purpose at this time excessive and wasteful and one which I could not justify to my constituents, including Charles Countians.

Evidently the Maryland State Legislature feels as I do because on two occasions proposals to appropriate funds to cover Maryland's 50% share of the costs of removal of the hulks, as required by Section 116a of the River and Harbors Act of 1968, have been deleted from appropriation measures.

I propose that the Corps of Engineers be instructed to take whatever action is necessary to stabilize these hulks to insure they do not constitute a threat to navigation of the Potomac River and that we, thereafter, leave for the pleasure of the herons, egrets, the American Bald Eagles, and the striped bass these unique islands which have grown out of these hulks and have come to be the home of a variety of wildlife over the years.

PEPCO GENERATING STATION, SANDY POINT

I consider the proposed PEPCO station at Sandy Point to be merely one example of a situation which we will have to face again and again. The Potomac Electric Power Company presently has six power plants located in the Washington area. With growing population and increasing demands for power, we can assume that in ten more years there will be a need for more generating stations, and similar situations will present themselves throughout the country.

Regarding the proposed Sandy Point station, I have two general areas of uncertainty. First, in regard to the effects on the water. PEPCO has stated that the water returned to the river will meet Maryland's maximum thermal standard of 90 degrees without a cooling tower. While four or more barges of oil per day will have to be hauled up the Potomac River from Piney Point to Sandy Point, the company gives assurances that precautions will be taken to prevent oil spills.

Further assurances have been given that the sewage treatment plant to be located at the site will meet federal standards. The main thought which crosses my mind at this point is while all these minimum standards might be met and all precautions might be taken, we are still going to be polluting and will be greatly risking serious pollution of the water in an area where the livelihood of a great many residents is derived from the Potomac River.

The standards referred to, do not prohibit sewage from being pumped into the Potomac. Precautions against oil spills do not prevent accidents which are bound to happen with the daily hauling of so many oil barges some distance up the Potomac.

Various interested marine biologists and commissions have unanimously expressed concern and uncertainty over the effects of thermal pollution upon the fish and shellfish-life in the lower Potomac, as well as uncertainty as to the effects of the 90 degree water temperature permitted under Maryland standards on the eggs and larvae in spawning beds throughout the lower Potomac.

Inasmuch as Southern Maryland bordering the lower Potomac, downstream is one of the few areas in which the water and air are still able to sustain fish and the landscape remains virtually unscarred in its natural beauty, you can understand my concern over the introduction of a possible new polluting force in the area.

The use of this particular site on the Potomac is also highly questionable because of the promising aspects of the development of Maryland Neck area for recreational purposes and because of the location of spawning beds for striped bass.

I urge that Pepco and the industry develop technological procedures which will provide much greater guarantees against thermal pollution and oil spills and we can be more certain that the fishlife in the lower Potomac will not be endangered.

As an interim or even long-range alternative measure to prevent blackouts or shortages of electricity in the Metropolitan area, I propose to Pepco and the public service commissions in the area that they consider restructuring their rates so that residents of the area will be encouraged to use less, not more, electricity. Under present rates, which are greatly reduced after a certain amount of kilowatts are consumed, people are encouraged to, and do, greatly waste electricity. This could be discouraged by establishing across-the-board rates for all electricity used, or by the setting of a reasonable rate for a reasonable amount of kilowatts, and charging higher or premium rates for electricity used in excess thereof.

I put these forth to the Subcommittee Members and interested parties in the hope that they will be of some value in balancing the needs of the environment against those of industry.

I would like to interject at this point that these two situations, the removal of the hulks and the location of the Pepco station, very much point up the need for the Potomac River Basin Compact which would provide a suitable mechanism for coordination of all aspects of water resources planning, utilization and preservation.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

THE PRESIDENTIAL TRIP

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 1970

Mr. FRASER. Mr. Speaker, September 15 it was announced that the President would visit Europe. The trip is focused primarily on the Mediterranean area.

A special dispatch to the New York Times from Paris indicates that our French allies are "piqued" because the President "is understood to have turned down an invitation to visit Paris" during his trip.

There is unhappiness in other quarters with the President's itinerary. I place in the RECORD the Times article and a statement issued September 16 by a representative of the Basque movement for autonomy within Spain.

These items indicate that Presidential visits to foreign nations are very important foreign policy instruments. They have a high symbolic value.

The itinerary for the present trip avoids, evidently, a stop in Greece. I find that a very wise choice. I sincerely hope that the remaining itinerary has been as carefully planned. The protests voiced in the items which follow indicate that some sources question that planning.

FRENCH BELIEVED PIQUED

PARIS, September 16.—President Nixon is understood to have turned down an invitation to visit Paris during his forthcoming European tour.

French officials are believed to be piqued by the refusal because the White House was reported to have explained that in the short time Mr. Nixon would have for the trip he wishes to concentrate mainly on Mediterranean countries.

One of the main objects of President Pompidou's foreign policy has been to build up France as a power in the Mediterranean. The invitation by Mr. Pompidou was reported to have been transmitted by ambassador Charles Lucet and the United States reply made it look as if Washington did not consider France to be a major power in the Mediterranean.

There has been no public display of French displeasure. After a Cabinet meeting this morning, Leo Hamon, the Government spokesman, dwelt instead on the difficulty of reconciling the two Presidents' schedules. Mr. Nixon is due to end his trip Oct. 5 and Mr. Pompidou is to leave for Moscow the next day.

BASQUES REACT AGAINST NIXON VISIT TO SPAIN

In connection with the visit of President Nixon to Spain announced yesterday, the official spokesman here of the Basque Government-in-exile, Mr. Xavier de Inurrieta, has made public today the following statement:

"The visit of President Nixon to Spain could not be more untimely nor more harmful to both the long and short term interests of the United States *vis-à-vis* all political and social strata of Spain. The President's visit undoubtedly will exacerbate the anti-American feelings, unfortunately already too strong, among all segments of Spanish society.

"When the first rumors about such a visit started circulating, the Basque Government-in-exile and the political and labor forces inside the Basque country which support it, expressed to the American Embassy in Madrid (and more recently to the State Department in Washington) their concerns about the disastrous impact such a Presidential visit could have in the present Spanish political context.

"The Government of General Franco is passing through a very difficult situation because of the notorious scandal created by the corruption, embezzlement and negligence in the administration of public funds. Almost all Cabinet Ministers, including the Vice-President of the Government, Admiral Luis Carrero Blanco, and Foreign Minister Gregorio Lopez Bravo are implicated. The State Department is very aware of the scandals. Certainly the White House is not ignorant of them. The Spanish Supreme Court is investigating them now and criminal proceedings have been started. These events have been widely reported in recent months in the world press.

"The visit of President Nixon is the culmination of a series of clumsy actions which U.S. diplomats in Spain—especially the Ambassador, Mr. Hill—have committed during the last months, alienating the best elements of public opinion in Spain. We Basques, sincere friends of the United States can only make public in the strongest terms our condemnation of actions taken for the sake of political expediency, but which could have tragic consequences and affect a problem as serious and sensitive as the evolution of Spain toward a democratic system. This evolution would permit Spain's full integration—politically, economically, and militarily—into a democratic Europe now in process of political and social unification. The President, through his visit, renders a disservice to this movement for democracy and freedom, principles which are indivisible and universal. Reflecting the general feeling of the Basque people, we denounce the visit of President Nixon as detracting from these lofty principles and as a stab in the back of those moderate elements of Spain, both inside and outside Franco's regime, who are striving to accelerate the progress toward genuinely democratic and stable government which is the only sensible way to avoid another bloody holocaust like the Spanish Civil War of 1936. We feel, by our protest, that we fulfill our duty in the present circumstances: history and future events in Spain will pass judgment on all of us."

FESTIVAL OF SAN GENNARO

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 1970

Mr. PODELL. Mr. Speaker, Saturday marked the last day of the 10-day feast of San Gennaro. San Gennaro, the Italian form of Saint Januarius, is a feast widely observed by Neapolitan and Italian populations. In New York City, it was a time for a colorful and happy celebration among members of the Italian community.

It is said that the Bishop of Naples in the later part of the third century was

to have visited Sosinus, deacon of Miseno, who had been imprisoned with other Christians during the persecution of Diocletian. Arrested and thrown to wild beasts, all were beheaded at Possuoli, Campania. Relics of the Bishop were brought to the Church of San Gennaro near the Solfatara and later removed to the Abbey of Monte Vergine. In 1947, they were returned to Naples and enshrined in the cathedral church.

The martyrdom of San Gennaro was observed on September 19. His role as patron saint of Naples has endeared his festival to the people of that city and is celebrated in other cities as well.

I believe, too, that it has even wider significance at this time for it is one method of fostering understanding between different cultures in our society. Thousands of people of all racial, religious, and cultural backgrounds thronged the streets of downtown New York to partake in the joyousness of the festival.

The feeling of a common heritage among Italians is strong and rightly so. Yet here was an important opportunity for many different people to sample parts of that cultural heritage, gain a better understanding of its meaning, and to enjoy its festivities.

The festival of San Gennaro has ended; I hope that this lesson will remain with us.

NATIONAL BLOOD DONOR MONTH

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 1970

Mr. CARTER. Mr. Speaker, a paradox exists in this age of scientific advancement. The uses of blood for surgery and for treatment of the sick and injured are multiplying daily. At the same time, blood donors—who for all our medical miracles remain the only source of this life-sustaining fluid—are failing to respond in numbers sufficient to meet the need.

It takes from 6 to 15 units—pints—of fresh blood to perform an open-heart operation. Major cancer surgery relies heavily on transfusions and organ transplants, becoming more commonplace all the time, are creating extraordinary demands for blood.

The uses of the components of whole blood, such as packed red cells, platelets, and cryoprecipitates, for controlling hemorrhage and treating victims of blood disorders, are increasing also, saving lives and adding a new dimension to transfusion therapy.

Based on today's usage, it is estimated that one out of every 80 persons in the United States will require a transfusion within the next year; that the demand for blood is growing at a rate of 12 percent each year.

On the other hand, it is estimated that less than 3 percent of the eligible blood donor population supplies the total blood requirements of the Nation, and that 75 percent of these donors are repeat donors. Women comprise only 19 percent of all blood donors.

Clearly, we need to convince more nondonors to become first-time donors, to persuade infrequent donors to give more often, and to alert all members of our communities to the moral imperative of providing a constant blood supply, adequate for the protection of all.

Although it is not a pleasant prospect, it is a fact of life that any one of us at any time might require a blood transfusion. When the time comes that we are sick or injured, most of us will readily accept the blood we need, whether or not we, ourselves, have ever been blood donors. Realizing this, should we not share the obligation to give blood in advance of possible need by yourselves or our loved ones, and be glad to give because we are well enough to do so.

Voluntary blood replacements help to reduce the cost of hospital care. If voluntary donors cannot continue to meet the demand for blood, our communities will see an increase in use of the paid donor, who sells his blood for cash. If all donors were paid for their blood, the cost of blood would rise in proportion to these donors' demands and could become exorbitant. This rising cost would be borne, in the long run, by the patient.

A statement of policy adopted by the American Association of Blood Banks declares that "blood for transfusion is human living tissue and not a commodity." If we condone the buying and selling of blood for profit, we engender commercial trafficking in blood which could lead also to the sale of human organs, such as hearts and kidneys, which will be needed for transplant operations. Voluntary blood donors, who share gifts of blood to help others, are performing a unique service for their communities and their fellow man. If we abandon this element of personal giving, something of value will be lost to all of us.

Last year I introduced a House Joint Resolution to establish January of each year as National Blood Donor Month. Historically, January has been a most difficult month to obtain sufficient voluntary donors to meet the Nation's blood requirement resulting from winter illnesses, holiday absences, and often weather. The Congress passed and the President did proclaim January 1970 as National Blood Donor Month.

Dr. Enold H. Dahlquist, Jr., president of the American Association of Blood Banks has informed me that as a result of the publicity given to this proclamation the almost nationwide shortages of 1968 and 1969 were not repeated. Many blood banks reported an increase in volunteer donors as high as 25 percent over January 1969. This is especially encouraging for when a person gives once he discovers his fears of donating blood to be groundless and he often becomes a regular donor.

I have again introduced a joint resolution to establish January of each year as National Blood Donor Month. I urge your early support of this resolution for I am convinced this action will serve to remind the public of the critical need for blood as well as the need for the public to rededicate themselves to the voluntary concept of blood donation.

PRESIDENT NIXON'S SPEECH AT KANSAS STATE UNIVERSITY

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. SPRINGER. Mr. Speaker, the President, at Kansas State University in Manhattan, Kans., on September 16, made a very forceful and descriptive speech of some of the problems connected with violence and chaos on the campuses of the universities of this country. Although there were some 40 objectors, thousands gave him a tremendous hand and four standing ovations.

Even the President says he does not have all the solutions to the problems of the universities. He is saying that the President alone cannot solve the problems of the universities. This all has to be done by capable and firm administration.

I know that all of us listen to our young people. I happen to have three in my own family in that age group. We cannot always accomplish everything they want but we are happy to listen and to do everything that we possibly can to accommodate their views which we believe are reasonable and in the public interest.

The full text of President Nixon's speech follows:

REMARKS OF THE PRESIDENT AT KANSAS STATE UNIVERSITY, MANHATTAN, KANS.

Governor Landon, President McCain, Senator Pearson, Senator Dole, all of the distinguished guests on the platform, and all the distinguished guests in this audience for this Landon Lecture Series:

I want to express first on behalf of both Mrs. Nixon and myself our warm appreciation for your welcome. It is good to be on the campus of one of America's great universities. And for the benefit of our television audience, I should explain this tie. We were flying out to Kansas on Air Force One and Senator Pearson, Senator Dole, the Members of the Congressional Delegation and others presented this tie to me and said, "You must wear it when you speak at Kansas State."

So, I put it on. Then the television director for today saw it and said, "You can't wear that tie." I said, "Why not?" He said, "Because purple doesn't go with a blue suit."

All I can say is I am proud to wear the purple of Kansas State.

I also want to thank those who made the arrangements for this meeting for having as the waiting room before we came into the auditorium here, the dressing room for the Kansas State basketball team. It is nice to be in a room with a winner, believe me.

At this great university, in this very distinguished company, I cannot help but think about the twists of fate—and of how we learn from them.

I think of the fans of Wildcat football here today who have known what it is to lose—and then who have known what it is to win.

I think back to 1936. You were not born then. But I think then, when Governor Landon—who already knew what it was to win—the only winner among governors of the Republican side in 1934—a man who knew what it was to win up to that time, learned what it was like to lose.

And I think, too, of some of the moments of my own career: as a football player who spent most of his time on the bench; as a

candidate who knew the great satisfaction of winning—and then as a candidate to learn what it is to lose.

Having won some and lost some, I know—as you know—that winning is a lot more fun.

But I also know that defeat or adversity can react on a person in different ways.

He can give up; he can complain about "a world he never made"; or he can search the lessons of defeat and find the inspiration for another try, or a new career, or a richer understanding of the world and of life itself.

When Alf Landon lost to Franklin Roosevelt in 1936, he was not a man to waste his life in brooding over what might have been. In the 34 years since then, the world has been transformed. And enriched by his experience, Alf Landon has continued to grow with the world—until now he is one of the great elder statesmen of America, a man whose wisdom and common sense, and whose outspoken concern for the welfare of this nation, have inspired and aided generations that have come thereafter.

We applaud him and commend him today for that distinguished career.

Or in a completely different field, but related, take Kansas State and its football team.

As some of you may have noted, I am somewhat of a football buff. Just three years ago, the Wildcats had a dismal seven-year record of eight wins and 60 losses. But there was a dogged spirit here, a determination, a readiness to learn new ways—and when Vince Gibson came to the campus it was that spirit, that determination, that "Purple Pride" that he helped translate into the Purple Power of today.

As for myself, I doubt that I would be President today if I had not learned from the lessons of defeat in 1960 and 1962—and I hope that I can be a better President because of those lessons.

I cite these examples not only to suggest that we here today have something in common—but also because this pattern of playing by the rules, of losing some and winning some, of accepting the verdict and having another chance, is fundamental to the whole structure on which our liberty rests.

There are those who protest that if the verdict of democracy goes against them, democracy is at fault, the system is at fault—who say that if they don't get their way the answer is to burn a bus or bomb a building.

Yet we can maintain a free society only if we recognize that in a free society no one can win all the time. No one can have his own way all the time, and no one is right all the time.

Whether in a campaign, a football game, or in debate on the great issues of the day, the answers to "losing one" is not a rush to the barricades but a study of why, and then a careful rebuilding—or perhaps even a careful re-examination of whether the other fellow may have been right after all.

When Palestinian guerrillas hijacked four airliners in flight, they brought to 250 the number of aircraft seized since the skyjacking era began in 1961. And as they held their hundreds of passengers hostage under threat of murder, they sent shock-waves of alarm around the world to the spreading disease of violence and terror and its use as a political tactic.

That same cancerous disease has been spreading all over the world and here in the United States.

We saw it three weeks ago in the vicious bombing at the University of Wisconsin. One man lost his life, four were injured and years of painstaking research by a score of others was destroyed.

We have seen it in other bombings and burnings on our campuses, and in our cities; in the wanton shootings of policemen, in the attacks on school buses, in the destruction of offices, the seizure and harassment of college officials, the use of force and coercion to bar students and teachers from classrooms, and even to close down whole schools.

Consider just a few items in the news:

A courtroom spectator pulls out a gun. He halts the trial, gives arms to the defendants, takes the judge and four other hostages, moves to a waiting getaway van—and in the gunfight that follows four die, including the judge.

A man walks into the guardhouse of a city park and pumps five bullets into a police sergeant sitting quietly at his desk.

A Nobel Prize winner working on a cancer cure returns to the cages of his experimental rats and mice to find them vandalized, with some of the animals running loose, some thrown out of windows into the sea, hundreds missing.

Just think, years of research which could have provided some progress to bring a cure to this dread disease destroyed without reason.

A police patrolman responds to an anonymous emergency call that reported a woman screaming. He arrives at the address. He finds the house deserted but a suitcase is left behind. He bends over to examine it. It explodes, blows off his head and wounds seven others.

These acts of viciousness all took place not in some other country, but in the United States, and in the last five weeks.

America at its best has stood steadfastly for the rule of law among nations. But we cannot stand successfully for the rule of law abroad unless we respect the rule of law at home. A nation that condones blackmail and terror at home can hardly stand as the example in putting an end to international piracies or tensions that could explode into war abroad.

The time has come for us to recognize that violence and terror have no place in a free society, whatever the purported cause or perpetrators may be. And this is the fundamental lesson for us to remember. In a system like ours, which provides the means for peaceful change, no cause justifies violence in the name of change.

Those who bomb universities, ambush policemen, who hijack airplanes and hold their passengers hostages, all share in common not only a contempt for human life, but also the contempt for those elemental decencies on which a free society rests—and they deserve the contempt of every American who values those decencies.

Those decencies, those self-restraints, those patterns of mutual respect for the rights and feelings of one another, the willingness to listen to somebody else, without trying to shout him down, those patterns of mutual respect for the rights and the feelings of one another—these are what we must preserve if freedom itself is to be preserved.

There have always been among us those who would choose violence or intimidation to get what they wanted. Their existence is not new. What is new is their numbers, and the extent of the passive acquiescence, or even fawning approval, that in some fashionable circles has become the mark of being "with it."

Commenting on the bombing three weeks ago at the University of Wisconsin, the Wisconsin State Journal recently said:

It isn't just the radicals who set the bomb in a lighted, occupied building who are guilty. The blood is on the hands of anyone who has encouraged them, anyone who has talked recklessly of 'revolution,' anyone who has chided with mild disparagement the violence of extremists while hinting that the cause is right all the same."

What corrodes a society even more deeply than violence itself is the acceptance of violence, the condoning of terror, the excusing of inhuman acts as misguided efforts to accommodate the community's standards to those of the violent few.

When this happens, the community sacrifices more than its calm and more even than its safety. It loses its integrity and corrupts its soul.

Nowhere should the rule of reason be more respected, more jealously guarded, than in the halls of our great universities.

It is the rule of reason that is the most important.

Yet we all know that in some of the great universities small bands of destructionists have been allowed to impose their own rule of arbitrary force.

Because of this, we today face the greatest crisis in the history of American education.

In times past we have had crises in education. I remember them. We face shortages of class rooms, shortages of teachers, shortages that could always be made up, however, by appropriating more money.

These material shortages are nothing compared to the crisis of the spirit which rocks hundreds of campuses across the country today. And because of this, to put it bluntly, today higher education in America risks losing that essential support it has had since the beginning of this country—the support of the American people.

America, and Americans, from the time of our foundation, and particularly those that did not have the opportunity to go to a great college or university, has been proud of our enormous strides in higher education. They have supported it.

The number of students in college today has doubled in the past 10 years. But at a time when the quality of education is going dramatically up, its quality is massively threatened by assaults which terrorize faculty, students and university and college administrators alike.

It is time for the responsible university and college administrators, faculty and student leaders to stand up and be counted. We must remember only they can save higher education in America. It cannot be saved by Government.

If we turn only to Government to save it, then Government will move in and run the colleges and universities, and so the place to save it is here among those, the faculty, the Administrators, the student leaders. To attempt to blame Government for all the woes of the universities is rather the fashion these days. But, really, it is to seek an excuse, not a reason, for their troubles.

Listen to this: If the war were to end today, if the environment were cleaned up tomorrow morning, and all the other problems for which Government has the responsibility were solved tomorrow afternoon—the moral and spiritual crisis in the universities would still exist.

The destructive activists of our universities and colleges are a small minority. But their voices have been allowed—

My text at this point reads: The voices of the small minority have been allowed to drown out the responsible majority. That may be true in some places, but not at Kansas State.

As a result, there is a growing, dangerous attitude among millions of people that all youth are like those who appear night after night on the television screen shouting obscenities, making threats or engaging in destructive and illegal acts.

One of the greatest disservices that the disrupters have done in fact is precisely that, to reflect unfairly on those millions of students, like those in this room, who do go to college for an education, who do study, who do respect the rules, and who go on to make change and progress in this country.

But let us understand exactly where we are. I would not for one moment call for a dull, passive conformity on the part of our

university and college students, or an acceptance of the world as it is. The great strength of this nation is that our young people, the young people like those in this room, in generation after generation, give the nation new ideas, new directions, new energy.

I do not call for a conformity in which the young simply ape the old or in which we freeze the faults that we have. We must be honest enough to find what is right and to change what is wrong in America.

But at the same time we must take an uncompromising stand against those who reject the rules of civilized conduct and of respect for others—those who would destroy what is right in our society and whose actions would do nothing to right what is wrong.

Automatic conformity with the older generation—and I say this as one of the older generation—automatic conformity with the older generation is wrong. At the same time, it is just as wrong to fall into a slavish conformity with those who falsely claim to be the leaders of the new generation, out of fear that it would be unpopular—or considered square—not to follow their lead.

It would be a tragedy for the young generation simply to pursue the policies of the past, and it would be just as great a tragedy for the new generation to become simply parrots for the slogans of protest, uniformly chanting the same few phrases—and often with the same four letter words.

Let us take one example—one example that deeply troubles, and I understand why it does deeply trouble, many of our young people today: The war in Vietnam. We know the slogans. I have heard them often. Most of them simply say end the war.

There is no difference between Americans on that. All of us want to end the war. And we are ending this war.

Ending the war is not the issue. We have been in four wars in this century. We ended World War I. We ended World War II. We ended Korea. The great question is how we end a war and what kind of peace we achieve.

If it was a peace now that would encourage those who would engage in aggression and would thereby lead to a bigger and more terrible war later, it would be peace at too great a price.

As we look back over the 20th century, as we look at that whole record of this century, only 70 years, we in America have not yet in this whole century been able to enjoy even one full generation of peace.

So, the whole thrust, the whole purpose of this Administration's foreign policy—whether it is Vietnam, or the Middle East, or in Europe, or in our relations with the developing countries or with the Communist powers—is to meet our responsibilities in such a way that at last we can have what we have not had in this century: A full generation of peace. I believe we can have it.

That is why, in Vietnam, we are carrying out a policy that will end the war. It will do it in a way that will contribute to a just and a lasting peace in the Pacific, in Vietnam, and, we trust, also in the world.

There are those who say that this is the worst of times in which to live.

What self pitying nonsense that is.

I am perhaps more aware of the problems this nation has at home and abroad than most of you. But we in America, I say proudly today, have a great deal to be proud of—and a great deal to be hopeful about for the future.

Let us open our eyes. Let's look around us. We see, as we look at the whole sweep of history, that for the first time in the whole history of man, it is becoming possible here in America to do things that nobody even dreamed could be done, even 50 years ago.

We see a natural environment, true, that has been damaged by careless misuses of technology. But we also see that that same technology gives us the ability, the ability to clean up that environment, to restore the clean air, the clean water, the open spaces, that are our rightful heritage. And I pledge we can do that and shall do it.

I know the fashionable line among some: Wouldn't it be great to live in a country that didn't have all these problems of material progress?

Not at all. I have been to them. I have seen them. And I simply would like to say to you that great as our problems are as a result of our material progress, we can do things, do things for ourselves and for others that need to be done, and we must see it in that way.

Look at our nation. We are rich, and sometimes that is condemned because wealth can sometimes be used improperly. But because of our wealth, it means that today we in America cannot just talk about, but can plan for a program in which everyone in this nation, willing and able to work, can earn a decent living, and so that we can care for those who are not able to do so on some basis.

We see a nation that now has the capacity to make enormous strides in these years just ahead, in health care, in education, in the creative use of our increasing time.

We see a nation poised to progress more in the next five years, in a material sense, than it did in the last 50 years.

We see that because of our wealth, because of our freedom, because of this much maligned system of ours, we can go on to develop those great qualities of the spirit that only decades ago were still buried by the weight of drudgery, and that in 75 percent of the world today are still buried by the weight of drudgery.

We see that we can do this in America, lift that weight of drudgery, allow the developments of the qualities of the spirit, and we can do it not just for an elite class, not just for the few, but for the many. All this can happen in America. The question is how shall we use this great opportunity? Shall we toss it away in mindless disruption and terror? Shall we let it wither away in despair? Or shall we prepare ourselves, as you are preparing yourselves, and shall we conduct ourselves in a way that we will be looked back upon as the beginning of the brightest chapter ever in the unfolding of the American dream.

Making its promise real requires an atmosphere of reason, of tolerance, and of common courtesy, with that basic regard for the rights and feelings of others that is the mark of any civilized society.

It requires that the members of the academic community rise firmly in defense of the free pursuit of truth—that they defend it as zealously today against threats from within as they have in the past defended it against threats from without.

It requires that the idealism of the young—and indeed, the idealism of all ages—be focused on what can be done within the framework of a free society, recognizing that its structures of rights and responsibilities is complex and fragile and as precious as freedom itself.

The true idealist pursues what his heart says is right in a way that his head says will work.

Idealism lies in the respect each shows for the rights of others. Despite all the difficulties, all divisions, all troubles that we have had, we can look to the future, I believe, with pride and with confidence. I speak here today on the campus of a great university, and I recall one of the great sons of Kansas, Dwight David Eisenhower. I recall the eloquent address he made at London's famous Guildhall immediately after victory in Europe.

On that day, the huge assemblage of all the leading dignitaries in Britain were there to honor him.

In his few remarks, one of the most eloquent speeches in the history of English eloquence, he said very simply, "I come from the heart of America."

Now, 25 years later, as I speak in the heart of America, I can truly say to you here today you are the heart of America—and the heart of America is strong. The heart of America is good. The heart of America is sound. It will give us—you will give us—the sound and responsible leadership that the great promise of America calls for—and in doing so, you will give my generation what it most fervently hopes for: The knowledge that your generation will see that promise of the American dream fulfilled.

SOVIET-NAZI PACT 31 YEARS OLD

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 1970

Mr. DERWINSKI. Mr. Speaker, the August edition of ELTA, the Information Service of the Supreme Committee for Liberation of Lithuania, discusses in a very effective fashion the historic consequences of the shocking deal between Stalin and Hitler and the tragic fate that befell Lithuania and its two neighboring Baltic States, Latvia and Estonia.

SOVIET-NAZI PACT 31 YEARS OLD

Thirty-one years ago, in August, Stalin and Hitler empowered their foreign ministers to sign a treaty that had momentous consequences for Europe and the world. The Molotov-Ribbentrop Pact of 1939 had two secret protocols attached to it which were discovered after World War II. By virtue of those protocols, the Soviets and the Nazis established their spheres of influence in Eastern Europe and divided the small countries therein between themselves.

A shock to some Westerners, the Stalin-Hitler agreement was in reality a most logical and practicable event. The two systems, while professing extreme differences, were alike in their basic totalitarianism. No peoples are better qualified to support this contention than the Lithuanians. Latvians and Estonians who experienced both Soviet and Nazi rule. In 1968, the Czechs and the Slovaks asserted the same when they drew signs equating the hammer and sickle with the swastika.

With all the problems besetting the world today, some may say, is there any reason to keep remembering an event that is 31 years old? But the point is that many of the contemporary problems have their roots in the Soviet-Nazi deal of 1939. The Stalin-Hitler Pact paved the way for World War II and the present-day division of Europe. On the basis of this agreement, the present leaders of the Soviet Union continue to occupy the Baltic countries, Lithuania, Latvia and Estonia—and hold a number of East-Central European states under military and political domination.

Last year, on the occasion of the 30th anniversary of the Soviet-Nazi deal, the legitimate spokesman of the silenced peoples of Estonia, Latvia and Lithuania urged all the freedom-loving peoples and their governments "to recognize that the Soviet Union's position in Europe today is the result of its deals with Nazi Germany; that any negotiations which fail to challenge the Soviet annexation of entire nations would in fact keep Hitler's spirit alive and enshrine his deeds; and that Soviet imperialism—

the archenemy of democracy—is still at work as it was thirty years ago, to achieve its aim of world domination.

The appeal of the free Balts is as valid today as it was a year ago. With the Bonn-Moscow negotitions now in progress and with the European security conference a distinct possibility in the near future, the Stalin-Hitler Pact casts its shadow over diplomatic caucuses, the foreign ministeries and negotiation tables. Any agreement today that would confirm, even if indirectly or partially, the Soviet ill-gotten gains would make its signatories into accessories of the Soviet-Nazi deal. Peace cannot be bought by concessions to dictators and by sacrifices of smaller nations.

"Level-minded negotiation with the Soviet government on serious matters," writes the noted historian Hugh Seton-Watson, "combined with measures to strengthen their confidence in each other's loyalty, can defeat Soviet pressures and maintain peace until the time when Chinese pressure on the Soviet Union is really dangerous. Then will come the time for concessions—not by the West but by the Soviet Union, not at the expense of people of Central Europe and of the Russian people, but to their advantage. Meanwhile, every defeatist statement by a Western politician, as well as every fatous gesture of convivality with Soviet officialdom, is a knife in the back of the courageous protesters in the USSR. . . ." And, we should add, of the people of Lithuania, Latvia and Estonia.

COMMEMORATION OF 300TH ANNIVERSARY OF SUFFIELD, CONN.

HON. LOWELL P. WEICKER, JR.

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 1970

Mr. WEICKER. Mr. Speaker, I recently had the opportunity to revisit one of the most charming communities in New England, the town of Suffield, Conn.

On the occasion of my last visit, however, Suffield was not a drowsy little community. It was alive with activity as the residents of Suffield prepare to celebrate the community's 300th anniversary.

I know that my colleagues in Congress will join me in saluting Suffield and wishing the community continued prosperity and orderly growth.

Ironically, Suffield would not be a part of the State of Connecticut today if its early settler had not become disillusioned with our neighboring State of Massachusetts and sought permission of the colonial courts to become part of our Nutmeg State.

Suffield was established by John Pynchon who purchased 200 acres of land from the Indians and obtained a grant from Massachusetts. From its beginning, the fertile fields in the area have supported a flourishing tobacco industry.

Beautiful colonial homes that have been restored and kept in outstanding condition dominate the center of the community. Yet the community has progressed well in the 20th century and a $1.5 million shopping mall will be opened on October 12, 1970, at ceremonies marking the official birthday of Suffield.

The residents of Suffield are planning a festive celebration to mark the community's 300 years. May their plans be successful and may their lovely community have the happiest of birthdays.

THE SST SHOULD BE BUILT

HON. CATHERINE MAY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 1970

Mrs. MAY. Mr. Speaker, the controversy which has surrounded the development of the U.S. supersonic transport plane has produced a wide range of arguments put forth by both sides. Too many of those who oppose the development of the SST, do so with seemingly little thought of the consequences if we do not complete this project. Their arguments tend to be based on "doubts" about America's technological and scientific ability to overcome the side-effect environmental problems that have accompanied new developments in almost every sphere of our modern world. They would rather quit now, and forego the great benefits to our economy and society, than to see the solutions to such problems produced—solutions that most certainly will also help us overcome other problems with which we are confronted as we attempt to cut down the noise and clean up the dirty air and water that pollutes our present environment.

One of the Members of this body who supports the continued development of the SST is the Honorable CLARENCE J. BROWN, of Ohio. Recently he addressed the "Old Crows" chapter of Dayton, Ohio, on the SST question, and pointed out in clear and responsible terms why we must go ahead now. I should point out that the "Old Crows" membership is made up of a cross-section of the scientists and scientific technicians of the Nation's defense electronics industry—people not easily fooled by pseudo-scientific rhetoric that evades answering the basic questions the SST debate has raised. Mr. BROWN'S remarks provide a depth of logic on this question that is so often missing in the arguments of the opponents of the SST program. So that my colleagues may benefit from what he said in addressing the "Old Crows" in Dayton, I include it in the RECORD:

SPEECH BY CONGRESSMAN CLARENCE J. BROWN, OHIO, BEFORE THE DAYTON, OHIO, CHAPTER OF OLD CROWS, SEPTEMBER 10, 1970

If the Joint Economic Committee had been advising Queen Isabella, you and I would still be sitting in Barcelona wondering whether the world was round. Witness the Subcommittee on Economy in Government's recent report on federal transportation expenditure, wherein they recommended that we not fund development of the supersonic transport, the SST. Their majority report is a collection of unsubstantiated "concerns" and "fears". Reading it one has the growing sense that we've been here before, and you begin to look for the warning that we may fall off the corner of the earth.

Do not misunderstand me: reasonable men may differ on whether an American SST should be developed at this time. But the disagreement should not be based on superficial, nice-sounding ideas; rather, it should be the result of practical analysis of hard facts. Flaying the SST program with half-formed criticisms, is as intellectually progressive as it would have been if the first cavemen who saw fire had gathered around it and spit on it until it was extinguished.

I dissented from the report of the majority who opposed the SST. I believe the SST program should receive federal funding. Why? Because I think both the economic facts and the social concerns argue in favor of the development of an American supersonic transport.

The economic facts I speak of are these:

The United States alone will not make the decision as to whether or not there will be a supersonic transport. The British and French, with Concorde, and the Russians with the TU–144, are already test-flying these aircraft. The age of the supersonic transport is with us, whether the United States participates or not.

Another fact is that the airline industry sells time-savings: anyplace you want to go, they can get you there faster. Time is money. Any industry that is in the business of conserving time will take advantage of any technological change that proves to be economically valid—that will enable it to perform more productively. If supersonic aircraft prove technically and economically feasible, the industry will buy them. The question then becomes whose aircraft they will buy.

Presently, the U.S. aircraft industry supplies over 85% of all the commercial planes and parts in use throughout the free world. That position of leadership will disintegrate if other nations seize the technological momentum with a new family of supersonic aircraft. Accompanying this disintegration will be a significant change in our balance of payments (with an estimated loss of $22 billion through 1990) and an equally potent blow to domestic employment—more on this later. That such a loss of a new market would adversely affect our ability to compete economically in markets for existing families of aircraft is axiomatic.

Opponents of the SST have used a balance of payments argument, too. They say that the SST will carry more U.S. tourists abroad where they will spend the U.S. dollars now burning holes in their pockets. Let's assume that supersonic travel will mean a significant increase in U.S. tourism. To argue that not building an American SST is going to prevent this is to ignore the existence of the Concorde and the Russian plane. Economically successful supersonic aircraft are going to be bought and used by the airlines, whether they are U.S. or foreign airlines and whether they are U.S. or foreign planes. Look at the 747s—look at the ads. If it is presumed that our balance of payments will be hurt by increased American travel, it is going to occur anyway, but that economic disadvantage might be ameliorated by retaining the present American aircraft leadership in world trade.

Others will argue that the SST is fine, but that it should be financed privately, that federal financing insults and weakens our free-enterprise system. While I share their reverence for the free-enterprise system their argument applied to the SST is, economically speaking, a sieve. It overlooks the fact that the SST will cost an estimated $1.5 billion to develop, and that this figure approaches the entire net worth of our major commercial transport producers. No private financial arrangement can produce the kind of financing necessary to swing the SST.

We must realistically admit that the SST business is in fact competition between na-

tions. And we must not forget the sizeable boost the federal government gave free enterprise in the development of our railroads, our highway and waterway systems, and our atomic energy resources. The history of these ventures shows that government encouragement strengthened rather than weakened our economic structure. Federal assistance to SST development sets no new precedents.

As to the federal government's return on its investment, optimistic estimates of prospective sales of an American SST show a full return plus a modest rate of interest; and this does not take into account the social and technological benefits we may expect from improved employment, for instance, nor the possible salutory effects on our balance of payments. Even using the most pessimistic market estimates, it appears likely that the social, technological and economic benefits may offset the lack of direct cash return to federal coffers. In any case, the abandonment of the $700 million already invested in the SST since it was proposed by President Kennedy promises no benefits. That down-payment is totally lost if we give up at this point.

It is one of the real political anachronisms of the present that several of my colleagues who oppose American efforts to develop a viable SST have been among the first to view with alarm the climb in unemployment in the U.S. aerospace industry. Some of them have even suggested the federal government should undertake employment in the public sector for those chronically unemployed in hard-hit industries. "Employment in the public sector" is a euphemism for the depression-born WPA. Retraining programs into careers where there is more demand for their talents have also been urged. If these two ideas fail, there is always the dole. But why not try to keep the highly skilled workers in the aerospace industry gainfully employed in something they do well—making aircraft? Developing an SST for a billion dollars that would give these workers a plane they can produce would at least give us an economic return on the expenditure of public funds for "social welfare" purposes.

And whether it is American workers or working men and women in Britain and France or Russia who develop and manufacture the supersonic aircraft, they will be contributing substantially—though in a way which defies measurement—to world understanding and, hopefully, world peace. Certainly reducing trans-Atlantic flying time to the equivalent of a flight from Dayton to Boston will have an impact on international trade relations between Europe and America. One could fly over in the morning, spend an afternoon making the sales, and return in the evening.

But our trade with Europe is already impressive. Think what it will do for our relationships with Africa, Latin America and Asia to cut travel time to one-third the present time. It could tie the world map together as closely as America has been tied together by developments in domestic aviation in the past 20 years.

That which motivates my colleagues on the Joint Economic Committee is not the economic reality, but rather, concerns about ecological possibilities. Given the current political impact of any threat of harm to our environment, all one needs to do is hint at ecological harm and politicians get nervous. They want action . . . or, as in this case, inaction, no matter how little is really known.

There is no question that we must become more jealous of maintaining and improving our environment; but it seems to me that a cleaner world can best be achieved by advancing technology, rather than retreating from it. If the SST presents a danger of a new ice age or of a fundamental alteration in weather patterns—claims which are unsubstantiated and often clearly contradictory—then would it not be best for America to be involved in researching the possibilities? After all, the U.S. government, which presumably speaks for all of us, would surely deny final approval to anything that would be detrimental and would go into world councils to stop such a threat. But we can only go armed with facts not guesses.

One cannot help but ask how the U.S. would prevent the use of the Concorde outside American airspace should this British/French supersonic craft prove harmful to the world. Given our national concern for the environment, I feel strongly that America should undertake the development of the SST, if for no other reason than to assure the world a safe supersonic transport. No other country has our technical excellence, nor is any other country as responsive as ours to concerns of the people.

Noise—in itself a form of pollution—has been another major concern of the SST opponents. Yet competent testimony has indicated that the SST at its present state of development would be only slightly noisier at the airport sideline than the 707; and at this moment, the government and industry are in the midst of research aimed at reducing the noise level even more. In the more important area of community noise, the SST will be quieter than subsonic jets because of its faster climb capability and softer operation during landing approaches. And as to sonic booms, the President has already announced that the government will not permit supersonic flights over land if no way can be found to avoid the ear-splitting booms.

What I want to emphasize is this: we can no more let our concern for the environment stop technological development than we can let technological development destroy the environment. Instead of retreating from the technology which has given us so much, we should press on and use technology to restore and improve our environment. To take the opposite course and run from technical progress is to return to the cave.

Improving the quality of life is not a new quest. Mankind has always sought to do this. It is ironic that many of the things we complain of now as threatening the quality of life—the automobile and the airplane, for instance—were developed by our ancestors to improve transportation. But times change: we are now not only concerned with getting places rapidly, but also with breathing clean air while doing so. And we can have both through advancing our technology. Let us remember that while the air may have been fresher in the horse-and-buggy era, travel was a grueling test of endurance. And if it were not for progress in forms of mechanical transportation, Manhattan and the other congested areas would be facing a pollution crisis today from horse manure.

Governing is hard. The decisions are not easy. They become particularly troublesome when an issue requires fine line-drawing between economic facts and scientific development on the technological fringe. And when those fringe developments are tied up with ecology, it is a temptation to jump on the popular—if reactionary—bandwagon. It is always more comfortable to rely on the old familiar mustard plaster than to develop penicillin.

But as I said: Governing is hard; at least, governing responsibly is. The representative really earns his pay when, as he sometimes must, he resists the current emotional winds and goes in the direction his good sense points. And the medium which moves his common sense must be the unromantic, unemotional, objective stuff of the real world: facts, and not popular fantasies.

Using prudent judgment regarding our environment is an absolute necessity, but it is an area in which much is still unknown. Planning to meet our future transportation needs is also a complex task, but much more predictable. Consideration of future developments in our economy and assuring its stability and continued growth is likewise a vital concern. Abandoning the SST seems to me to be a disservice to all these concerns—and it is especially discouraging to think it could happen as the result of nothing more than political pirouetting around the currently high-flying banner of ecology.

THE COMPUTER COMMANDS THE CONSUMER TO "FORGET IT"

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 1970

Mr. GALLAGHER. Mr. Speaker, on March 3 of this year I introduced two bills to relieve the consumer from corporate negligence in the use of the computer. Since that time, my office has been deluged with examples of indifference, carelessness, and incredible arrogance on the part of those who are supposed to run computers in large credit organizations. I reproduce below the complete text of a letter received from Sears by an understandably irate citizen:

We are in receipt of your letter inquiring about interest paid on this account.

This information is in the computer and will not be available until January 1971.

And, at the bottom of this letter, is a preprinted and rather gratuitous slogan:

Thank you for shopping at Sears.

Mr. Speaker, Sears is so grateful to this man for "shopping at Sears" that it could have forced him to delay filing IRS form 1040 ES for 3½ months. As he comments in a letter to me:

I wonder if this letter would be a bar to prosecution for failure to file and pay?

I am not prepared to comment on that legal issue, but I do believe that this absolute disregard of a legitimate customer request shows the necessity for the enacting of my bills, H.R. 16266 and 16267. There is an enormous legal lacuna surrounding the use of the computer which, as I have frequently pointed out, may inhibit the very real social and economic benefits which its proper application can provide our Nation. Certainly the Congress must begin to bring forth legislation which reflects the simple fact that business firms are misusing the wonders of computer technology. We must begin to find a process to bring responsible people from behind the data processing iron curtain. I urge my colleagues to join with me and support H.R. 16266 and H.R. 16267.

Mr. Speaker, the entire rationale of automated information systems is that they make it easier to assemble and reproduce specific data. I insert the letter as an example of the performance which so often follows that promise:

EAST BAY CREDIT CENTRAL,
September 11, 1970.

DEAR MR. ———: We are in receipt of your letter inquiring about interest paid on this account.

This information is in the computer and will not be available until January 1971.

Sincerely,

A. ESCAMILLA,
Credit Department.

A MAN CALLED LEE

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 1970

Mr. MILLER of California. Mr. Speaker, the Honorable Leland Sweeney, who has successfully served the County of Alameda as supervisor from its Third District, is retiring from public office.

Lee has served his city and his county wonderfully well and I can say that his many friends are reluctant to see him retire. They are reluctant to see him retire because of the great service he has rendered our city and our county.

It has been my privilege to know him and to have worked with him ever since he entered public life.

Lee is a former commander of the Alameda Post of the American Legion and has served as a leader on many community programs. I know, though he steps down now, that as the supervisor emeritus he will continue his interest in the welfare of the people of our fair community.

Everett Johannes, who is staff writer for the Alameda Times Star, wrote a front page story about Lee's retirement, titling it "A Man Called Lee." It is my privilege to insert it in the RECORD as part of these remarks.

"A MAN CALLED LEE": SWEENEY REVIEWS COLORFUL CAREER

(By Everett Johannes)

Call him "Needles" because he's always needling his fellow members of the Alameda County Board of Supervisors "to get 'em away from disagreements."

Or call him "Lee," because that's the affectionate way people have been addressing Leland Warren Sweeney for the 73 years since his birth in this city.

Or call him "Mr. Alameda," because Sweeney has earned that title as much as any man in Alameda's political history.

As he gets ready to retire from the post of Alameda's representative on the Board of Supervisors after 16 years of service, Sweeney yesterday reviewed his record from a comfortable chair in his living room at Southwood Drive.

As a public servant, he's responsible for creation of the Mayors Formula, which apportions funds from the sale of gasoline to the cities in the county for road work of major importance, and the Mayors Conference, which creates mutual understanding among Alameda County cities and has inspired similar organizations throughout the Nation.

Then, too Sweeney has these honors to his credit:

FULL TIME

He is the first supervisor who made the post a full-time job.

He instigated the Human Relations Commission to spur racial equality.

He championed the food stamp program in Alameda County to make "all iceboxes full iceboxes" in the county.

He appointed the first non-Caucasian person to a county commission.

He was responsible for moving Alameda's first aid facility to the Alameda Hospital, where there "are physicians instead of merely band aids."

He was as important as any man in getting Alameda a second Estuary tube.

And the brightest feather in his cap was his spearheading of a successful drive to induce BART to erect its $4½ million headquarters in Oakland—the "heart of the rapid transit district"—instead of San Francisco, which thought it had the big project "sewed up."

CONCERNS

Now, as he prepares to give up his office because he has reached mandatory retirement age, Sweeney sees three major concerns that will continue to occupy his successor.

"We've got to keep the courts in Alameda," he says.

"We've got to bring industry to Alameda, And we've got to get a new Fruitvale Bridge."

When Sweeney leaves his post Dec. 31, he will round out a political career that found him, instead of it being the other way around.

It happened this way:

In 1945, a group of Alameda civic leaders approached Sweeney and asked him to run for City Council.

"I told them I would on one condition," Sweeney said. "I said I wouldn't promise political favors."

And 25 years later, Sweeney is closing out his political career with the knowledge that he kept that condition the whole time he has been in political life.

He served more than 10 years on the Alameda City Council, including a term as mayor, before being elected to the Board of Supervisors, of which he was chairman in 1958.

The son of Michael Dennis Sweeney, early-day Alameda resident and Wells Fargo Bank cashier, Sweeney was born in the house at 2206 Encinal Ave.

"That's the house where Newt Elder, my fellow Democrat, lives now," Sweeney says.

He attended Porter and Alameda High School, where he was on the swimming team and belonged to the Kappa Alpha Pi Fraternity.

A University of California alumnus, he served as a Navy ensign in Word War I. In the course of that service, he went to Mare Island Navy Yard and met, on a blind date, a pretty slip of a girl—Louise Burgle by name.

On that blind date, he kidded her that he came from Milpitas but later admitted his home was Alameda.

And Miss Burgle said, "Small world. I was born in Alameda. We lived on Buena Vista Avenue and Webster Street."

HANDSHAKE

They shook hands.

"And it was love at first shake," Sweeney recalls.

They were married in 1923, and are the parents of two sons, Bob, who operates a cleaning business in Castro Valley, and Leland, Jr., who manages the Northern California agency for Tab's, Inc., an IBM off-branch. The Sweeneys also have three granddaughters.

As a young man, Sweeney joined Crane Co., plumbing valve and fitting manufacturers, and worked his way up from a "lumper" of pipe to manager of the Alameda and Contra Costa Counties area.

After his term on the Board of Supervisors expires, Sweeney says he'll keep active.

"I have to do something. I'm a kind of fidgety guy. I've already had a few offers."

But it will be some job that lets Sweeney set his own hours, because he has been the victim of severe heart attacks which made it necessary for him to pass up a second term as chairman of the County Board of Supervisors.

He takes an avid interest in baseball—and he used to play golf, "but I couldn't shoot worth a damn."

IRISH EYES

His favorite song? You guessed it—"When Irish Eyes Are Smiling."

Sweeney and two predecessors—Harry Bartell and the late William J. Hamilton—share the record for tenures as Alameda supervisors.

Question: "Why did you enter politics?"

Sweeney: "I wanted to serve my fellow men."

And for proof, let it be noted that Sweeney gave up a $1,130 monthly salary at Crane Company to go to work as full-time supervisor at $600!

The men who follow in his steps will have some mighty big shoes to fill.

LEGISLATIVE REORGANIZATION ACT OF 1970

HON. H. ALLEN SMITH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 1970

Mr. SMITH of California. Mr. Speaker, under leave to extend our remarks in the RECORD in connection with H.R. 17654, the Legislative Reorganization Act of 1970 which passed the House on September 17, I would like to pay my respects to a Member of the House who, in my opinion, was extremely instrumental in making it possible for this legislation to be brought to the floor of the House for consideration. In fact, without his efficient, fair cooperation I doubt very much that a bill would have ever reached the floor.

I am referring to the distinguished gentleman from Mississippi, the chairman of the House Rules Committee; namely, the Honorable WILLIAM M. COLMER. When S. 355, passed by the Senate in the 90th Congress, was deferred in the Rules Committee, a number of discussions were held with Mr. COLMER as to the proper procedure to be followed in the future. Based thereon, Mr. COLMER appointed a five-man subcommittee of the House Rules Committee to study the overall situation.

During the extensive hearings and executive sessions Mr. COLMER was extremely cooperative and attentive. He knew at all times what action was being taken. When the committee agreed upon a final bill he was exceedingly patient and cooperative in connection with the hearings before the full Rules Committee, and although neither he nor I agreed with everything that was in the bill, he cooperated to the extent that he agreed to be the principal author of this measure. He followed all activities closely in the committee and on the floor of the House. His statesmanship at all times was outstanding.

I wish to express my thanks and deep appreciation to the distinguished gentleman for the effective activities which he has taken over these many months to make it possible for the House to pass this measure. It is indeed a distinctive milestone in his tremendous career. It has been some 24 years since a reorganization bill has been passed by the House of Representatives. It is even of greater significance in that rather than simply being a legislative act or a public law, the provisions so far as the House is concerned will change the House Rules.

Mr. COLMER deserves great credit and admiration for the judicially intelligent, fair manner in which he acted at all times in connection with this very important piece of legislation.

JUDGE HAYMOND HONORED

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 1970

Mr. MOLLOHAN. Mr. Speaker, one of the country's most distinguished jurists was honored recently by the American Bar Association and I would like at this time to add my congratulations.

He is the Honorable Frank C. Haymond of the West Virginia Supreme Court. Judge Haymond received a gold medal from the bar association in recognition of his career as judge and attorney.

At this time I include in the RECORD an editorial written by the editors of the Charleston, W. Va., Gazette-Mail which appeared in the Fairmont Times. It aptly sums up the distinguished career of Judge Haymond who has brought so much richly deserved prestige and honor both to himself and West Virginia.

[From the Fairmont (W. Va.) Times, Aug. 26, 1970]

JUDGE HAYMOND PRAISED

Oliver Wendell Holmes . . . Charles Evans Hughes . . . Tom C. Clark . . . Felix Frankfurter . . . and Frank C. Haymond.

The name of Judge Frank C. Haymond of the West Virginia Supreme Court was added to the list of distinguished men earlier this month at a meeting of the American Bar Assn. in St. Louis, Mo.

The association bestowed on Haymond its highest honor—a gold medal in recognition of his long career as a lawyer and judge.

It was a golden moment for Haymond as he received the medal from ABA President Bernard G. Segal.

Standing on a podium in the Chase-Parks Plaza Hotel, he addressed his remarks to these distinguished guests, among others:

Chief Justice Warren Burger, Associate Justice Potter Stewart, former Associate Justice Tom C. Clark, the Right Honorable Lord Justice, Sir Denys Buckley of England, and U.S. Solicitor Gen. Edwin N. Griswold.

"This is, indeed, the highlight, the epitome of my three score years, less two, as a member of the legal profession," the 83-year-old Haymond told the association members.

"As I do not possess the Biblical tongue of men and angels, I cannot truly tell you how I feel at this eventful moment."

He accepted the award "not solely as an individual recipient," but as a "representative of the members of their great bar association, who through the years, in many groups and in vast numbers have worked unceasingly to improve the administration of justice, which is the chief end of our American form of government."

He said he fully recognized the generosity and democratic action of the association in bestowing the award upon a "small town lawyer."

Haymond is the first West Virginian among 35 persons who have received the medal since presentation of the award was started in 1929.

All of the other recipients were from larger states. Most were from big cities, including New York, Chicago, Philadelphia, Washington, Boston, St. Louis and San Francisco.

The first recipient, Prof. Samuel Williston, taught contract and sales to Haymond at Harvard Law School more than 50 years ago. (Williston lived to be 102 years old).

Among others were Reginald Heber Smith, Haymond's classmate at Harvard; Elihu Root, famous New York lawyer and one-time secretary of state; John Henry Wigmore, who wrote a classic treatise on evidence; and Herbert Harley, who founded the American Judicature Society.

A formal citation presented to Haymond said in part:

"Frank C. Haymond has continued with distinction a proud family judicial tradition fourth generation of judges in his family.

"He has been a judge for 31 years, 25 of them on the Supreme Court of Appeals of West Virginia, a record unequaled in this state. Six times his colleagues have chosen him president of that court . . .

"In recognition of a noble career of almost three score years spent in the service of his fellow man and in advancement of the rule of law, this association proudly presents to Frank C. Haymond the highest honor within its power to bestow, the American Bar Assn. Medal."

On the face of the large, heavy medal is molded the head and shoulders of Judge John Marshall, one of the very greatest American judges. These words from one of his opinions, are inscribed on the medal:

"To the end it may be a government of laws and not of men"

Last week Haymond took the medal out of a box on his desk. He admired the words and likeness of Marshall on the face of the medal and the goddess of Justice on the back. He said he didn't quite know yet just what he would do with the medal.

But he said he was inspired anew to continue the practice of his profession under this Socratic code:

"Listen patiently, consider soberly, answer wisely and decide impartially."

And, most important of all, Haymond said that he, the small town lawyer and 35th recipient of the award, was very proud to bring this high honor to small West Virginia, the 35th state.—*Charleston Gazette-Mail.*

MALI'S 10TH INDEPENDENCE DAY, SEPTEMBER 22, 1970

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 1970

Mr. DIGGS. Mr. Speaker, the Republic of Mali celebrates its 10th anniversary of independence on September 22. On behalf of the Subcommittee on Africa I am pleased to extend to Lt. Moussa Traore, Chief of State and President of the Military Committee of National Liberation, and to the people of Mali congratulations and every best wish for the future.

Until 1960 Mali was part of the large colonial territory of French West Africa. Prior to the arrival of the French in the 1880's Mali had a long and interesting history. Historians will recall the grandeur of the ancient Kingdom of Mali, which reached its height in the 14th century with the conquest of the fabled city of Timbuktu. Today Mali is a progressive West African nation whose primary concern is national development, in which we have been privileged to assist. On November 19, 1968, the former regime of Modibo Keita was overthrown in a bloodless coup led by the Military Committee of National Liberation. The Military Committee has announced its intention to return Mali to constitutional civilian rule as the pressing problems of national development are solved. We are confident of Mali's future and of the continued close friendship between our two countries.

NAUVOO IS RESTORED

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 1970

Mr. BURTON of Utah. Mr. Speaker, all of us know of the trials of the Morman pioneers who crossed America to settle Utah under the leadership of Brigham Young. But a fact little known about these industrious pioneers is their settling and building one of America's most beautiful cities in the mid-1800's—Nauvoo, Ill., on the banks of the Mississippi. A thriving city, Nauvoo was the largest city in the State of Illinois in the 1840's, twice the size of Chicago and three times as large as Springfield. After the murder of their prophet Joseph Smith and his brother Hyrum at nearby Carthage, Ill., the Mormons decided to abandon the town and seek a new life in the West.

After 124 years the industrious Mormons have decided to restore Nauvoo "the beautiful" into what church leaders call "the Williamsburg of the West." I congratulate them for their efforts and wish them well in this endeavor.

A recent article in the New York Times explains this worthwhile project:

MORMONS RESTORE ILLINOIS VILLAGE

(By Seth S. King)

NAUVOO, ILL.—The Utah Mormons, who were driven from here 124 years ago, have come back. As a result, this western Illinois village of 1,000 people will never be the same again.

There is ample evidence that the Church of Jesus Christ of Latter-day Saints is gaining momentum in its efforts to turn Nauvoo into what church leaders call "the Williamsburg of the West."

The non-Mormon merchants and civic leaders of Nauvoo watch all this with a mixture of approval at the thought of economic gains from visitors to the restoration and some apprehension that the Mormon plans, still not specifically outlined, will direct this potential bonanza into church-owned enterprises rather than local establishments.

40,000 VISITORS

At least 40,000 persons visited the restoration last year, and an increase of at least 10 per cent is expected by the end of this year.

Excavation of the foundations of the Nauvoo Temple, which was the largest building north of St. Louis and west of Cincinnati in the early eighteen-forties, has been completed and the site opened to visitors.

The houses occupied by Brigham Young, second president of the Mormon church; Wilford Woodruff, its fourth president, and Heber C. Kimball, a Morman church and civic leader, have been restored and refurnished with period antiques.

The buildings that once housed the Mormon Church's printing office have been restored and partially refurnished.

The blacksmith shop of Chauncey G. Webb,

where many of the wagons that took the Mormons to Utah were built, has been reconstructed on its original foundation. Its two huge forges are now in operation and a Mormon blacksmith is making the iron fittings for the restored houses, working from originals found in excavating for the restoration.

AMPHITHEATER PLANNED

Last month, workmen broke ground for a 2,000-seat amphitheater on the hillside overlooking the spot from which Mormon wagon trains ferried the Mississippi into Iowa in the winter of 1846 on their painful journey west.

Nearby, exterior work on a contemporary styled information center and auditorium was nearing completion.

The Utah church has spent more than $1-million in acquiring 1,000 acres, about half of all the property within the corporate limits of modern Nauvoo.

The restoration of Nauvoo, or as much of the towns as the church can purchase, is part of a Mormon program to re-create the setting of events that shaped the church as its center was moved westward from New York to Kirkland, Ohio, then to Independence, Mo., to Nauvoo, and finally, to Salt Lake.

PAINFUL MEMORIES

Nauvoo holds some painful memories for the Utah church, as well as the Reorganized Church of Jesus Christ of Latter-Day Saints, the branch of Mormonism formed when some followers of Joseph Smith split with Brigham Young, Smith's successor, and refused to follow him west.

In 1839, Smith found an appealing parcel of land in a sweeping crescent of the Mississippi opposite what is now Fort Madison, Iowa. He brought several hundred acres, chose a site on its highest point for a new temple, and called it Nauvoo, a Mormon version of a Hebrew word meaning "beautiful place."

Smith then brought many of his followers from Independence, where they had been under increasingly hostile pressure. They built a town of brick and log houses, created 37 business enterprises, and completed the temple. Within five years, Nauvoo had a population of nearly 15,000 and had become the largest city in Illinois, twice the size of Chicago ..nd three times as large as Springfield.

TROUBLED COMMUNITY

But even before these five years had passed, trouble was again building up for the industrious Mormons. Quarrels developed with non-Mormons in the area and robberies and murders became frequent occurrences. In 1844, Smith and his brother, Hyrum, were killed in the jail at nearby Carthage, Ill., where, according to the Mormons, they had been taken on a trumped-up charge of treason against the State of Illinois.

By the winter of 1846, Brigram Young, who had rallied most of the Nauvoo Mormons around him, decided to abandon the town and seek a new life in the West.

Eight years ago, the Utah church formed Nauvoo Restoration, a nonprofit corporation, and began quietly buying the land and what was left of the houses once owned by the Nauvoo Mormons.

SEPARATE TOURS

The reorganized Mormons, who retained the property of Joseph Smith when the Mormons left, restored the Smith homestead in 1956 and the Mansion House, a later dwelling of the Smiths the next year. The branch of the church conducts its own tours through these houses, independent of the Utah church.

Within the next seven years, the Utah church expects to have restored most of the homes and shops that were in Nauvoo when the Mormons left. It also expects to staff these shops with Mormon craftsmen, in the Williamsburg pattern, and to recreate as much as possible the life of Nauvyoo in 1846.

Whether the temple, which was destroyed by arson in 1848, two years after the Utah Mormons left, will be fully restored or part of it rebuilt has not been decided. But the corporation is planning to ring the original Mormon area with motels, a shopping center and a golf course.

POPULATION PREDICTION

"We expect that by 1980 the population of old and new Nauvoo will exceed 5,000," J. Byron Ravsten, resident manager of Nauvoo Restoration, said today.

Non-Mormon residents of Nauvoo, many of whom owned shops and lived here long before the corporation began its purchases, are well aware of the increasing volume of tourists.

But the older residents have bridled at earlier pronouncements by the Utah Mormons that the church's return to Nauvoo would rejuvenate a slumbering river village.

"We are well aware of Nauvoo's role in the history of the Mormons," said Elmer Kraus, owner of the Nauvoo Hotel and president of the Chamber of Commerce. "But after they left, Nauvoo had an interesting history of its own, including the reorganized Mormons, and we have managed to maintain a modest prosperity here since the Utah Mormons left."

COMMUNAL SETTLEMENT

Soon after the Mormons departed, the Icarians, a small French communal group, moved in and tried for seven years to maintain Nauvoo as a communal settlement.

After they failed, German Catholics began moving into Nauvoo, bringing grape vines with them and starting a modest wine industry that is still flourishing.

In 1874, Benedictine Catholics founded St. Mary's Academy, a resident high school for girls, which is now housed in a new building across the street from the old temple.

"There is definitely a big change around here already," Mr. Kraus said. "We know the village will never be like it was, but we think we'll all manage to live together, hopefully to everybody's advantage."

SCHOOL DESEGREGATION

HON. WILLIAM C. CRAMER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 1970

Mr. CRAMER. Mr. Speaker, over the past year I have intervened in a number of school desegreation cases originating in my home State of Florida and at the request of the local school boards. On September 4, 1970, I participated in oral argument in one of those cases—Stancil Small, Jr. against the District School Board of Pinellas County, Fla. The decision in that case, upholding the validity of sections 401(a) and 401(b) of the Civil Rights Act of 1964 was handed down by the State court last week on September 14. For the light it will shed on our discussion here today, I submit the text of my oral argument at this point in the RECORD:

CIRCUIT COURT ARGUMENT IN PINELLAS CASE, SEPTEMBER 4, 1970

School segregation is dead—as a legal proposition; as a way of life.

We are not here today to discuss the pros and cons of segregation.

What we are here to consider is whether classification by race is a proper constitutional remedy for removing the inequities in education stemming from former racial classifications in the Pinellas County school system.

What guides are there to assist this Court in deciding this question,

First and foremost, there is the Constitution of the United States. Whatever we do must comply with its provisions.

Then, there are the expressions of the will of the American people acting through their National Legislature—the Congress of the United States. When the Congress has acted in conformance with duly conferred Constitutional authority, its mandate becomes the law of the land. And it remains such unless and until the Supreme Court of the United States specifically rules such an Act to be unconstitutional.

Third, there are applicable State laws.

And, last but not least, there are interpretations of all of the foregoing expressions of the people's will by courts of competent jurisdiction.

In my argument, I will focus on two of the foregoing—the Constitution of the United States and, the Civil Rights Act of 1964.

I believe their commands are clear and controlling in the instant case.

* * * * *

At the time the Constitution was being discussed by the Founding Fathers, the institution of slavery was prevalent throughout the former colonies. How slaves were to be counted in the apportionment of representation in the Congress was one of the great issues of the Constitutional Convention. Indeed, it split over the question.

At no time were questions of Negro rights in any of their present ramifications considered by the Convention. The possibility of balancing of student populations in nonexistent public schools certainly never occurred to the Founding Fathers.

Nor did balancing become an issue in the turbulant years that followed. Between the adoption of the National Charter and the Civil War the great issue was not the abolishment of slavery, rather its spread to theretofore free States and territories.

That's what the famous Dred Scott case, decided by the Taney Supreme Court, was all about. It, in effect, held that Negro slaves were chattels and, as such, enjoyed no fundamental rights even in Free States.

The War Between the States was fought not to free the slaves but to preserve the Union. Lincoln, for years, hesitated to issue the Emancipation Proclamation for fear that it would seriously jeopardize the Northern Cause. When he finally did, he limited its application to Confederate areas only.

So, up to that time, at least, the notion of balancing by races was never at issue.

Not until the post-Civil War period were the Dred Scott disabilities removed and not until ratification of the 13th, 14th, and 15th Amendments were Constitutional protections for Negro citizens finally adopted. But, inasmuch as many of the States—North, South, and Border—which ratified these amendments maintained effective dual systems of laws for Blacks and Whites, the concept of racial balancing was never within their contemplation. Even in the South, which was then being reconstructed, the idea of balancing never reared its head. And, when Reconstruction was ended, Negro rights were proscribed again nationwide in laws, customs, mores, and tradition.

Such proscriptions were given judicial sanction in the famous *Plessy* case under the rationale of 'separate but equal'. And this doctrine remained the law of the land for the next half a century and more.

Where then did this proposition of classifying by race to remove racial classifications come from? Surely its genesis is not to be found in the *Brown* decisions. The Supreme Court in them simply stated that "separate

but equal" was inherently unequal, and had to be eliminated with all deliberate speed.

Ending discrimination in public accommodations and facilities, not compelling their integration, became the objective of Executive, Legislative, and Judicial action in the decade that followed. Insofar as education was concerned, the neighborhood school—equally accessible to Black and White children—remained the ideal.

But in 1963, a dramatic shift of aims and goals began. It was initiated by then-President of the United States, John F. Kennedy, in his Civil Rights Message to that Congress that year. Complaining of "the slowness of progress toward primary and secondary school desegregation", noting that it was more than 9 years since the Supreme Court's decision in the *Brown* case, he called upon the Congress to "assert its specific Constitutional authority to implement the 14th Amendment."

That authority of the Congress, and President Kennedy's clearcut recognition of it, is most important, for it underlines and controls almost everything that has happened since then.

To begin with, the Fourteenth Amendment to the Constitution, one of the post-Civil War Amendments to the U.S. Constitution, provides in pertinent part: "nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

In many cases, this declaration requires no further elaboration. For Negro citizens, it means that they are entitled to all the legal protections accorded their white peers.

But in other more complicated areas, it is not self executing. The field of public education is such an area.

Aware that the Amendment would, in many cases, require elaboration and refinement to become effective, the framers of the Fourteenth Amendment provided in Section 5 that "The Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

It was upon this provision that President Kennedy relied when he sent his 1963 Civil Rights Message to the Congress. In it he urged that instead of merely limiting Federal action to desegregation, as had been done in the past, that the Congress should authorize a far broader program. He did so in these words:

"As previously recommended, technical and financial assistance would be given to those school districts *in all parts of the country* which, voluntarily or after result of litigation, are engaged in the process of meeting the educational problems flowing from *desegregation or racial imbalance* but which are in need of guidance, experienced help, or financial assistance in order to train their personnel for this changeover, cope with any difficulty and complete the job satisfactorily (including in such assistance, loans to a district where State or local funds have been withdrawn or withheld because of desegregation)."

Accompanying his Message was a legislative proposal designed to accomplish these ends. In those provisions applicable or public education, overcoming racial imbalance was an important feature as a reading of applicable provisions makes evident.

But the people's representatives in the National Legislature refused to accept the Kennedy approach. Wedded to the neighborhood school concept, and fearful that racial balancing would destroy this *community building* institution, they attempted not only to eliminate all vestiges of balancing from the bill, but in addition to specifically prohibit any actions by Federal courts or officials which might directly or indirectly sanction it.

After due deliberation in Subcommittee, all reference to racial balancing was stricken from the bill. As set forth in additional views of several leading proponents in the report:

"The Committee failed to extend this assistance to problems frequently referred to as 'racial imbalance' as no adequate definition of the concept was put forward. The Committee also felt that *this could lead to the forcible disruption of neighborhood patterns,* might entail inordinate financial and human cost and create more friction than it could possible resolve."

Still not satisfied, however, when the measure was considered on the Floor of the House of Representatives, Congressman Cramer submitted an amendment to section 401 (b) of Title IV which provided:

"Desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance."

Significantly the Cramer Amendment was unanimously adopted by the House.

Similar fears over racial balance were raised when the measure reached the Senate. To allay when, a further amendment was offered by the leadership consisting of Senators Dirksen (Minority Leader), Mansfield (Majority Leader), Kuchel (Minority Whip) and Humphrey (Majority Whip). Realizing that without assurances, H.R. 7152 would never receive Senate approval, they offered and the Senate approved a new proviso to Section 407 (a) which read as follows:

"Provided that nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another in order to achieve such racial balance, or otherwise enlarge the existing power of the court to insure compliance with constitutional standards."

Senator Humphrey thereafter undertook to explain Title IV of the bipartisan substitute amendment. On the matter here at issue, he declared:

"Next, changes are made to resolve doubts that have been expressed about the impact of the bill on the problem of correcting alleged *racial imbalance* in public schools. *The version enacted by the House was not intended to permit the Attorney General to bring suits to correct such a situation,* and indeed, said as much in section 401(b). However, *to make this doubly clear, two amendments* dealing with this matter are *proposed.*

"The first provides that nothing in title IV 'shall empower any "court" or "official" of the United States to issue "any order" seeking to achieve "a racial balancing" in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance or otherwise enlarge the existing power of the court to insure compliance with constitutional standards.' This addition seeks simply to preclude an inference that the title confers new authority to deal with 'racial imbalance' in schools, and should serve to soothe fears that title IV might be read to empower the Federal Government to order the busing of children around a city in order to achieve a certain racial balance or mix in schools.

"Furthermore, a new section 410 would explicitly declare that 'nothing in this title shall prohibit classification and assignment for reasons other than race, color, religion, or national origin.'

"Thus, classification along bona fide neighborhood school lines, or for any legitimate reason which local school boards might see fit to adopt, would not be affected by title IV, so long as such classification was bona fide. Furthermore, this amendment makes clear that the only Federal intervention in local schools will be for the purpose of preventing denial of equal protection of the laws."

Shortly thereafter a further colloquy took place between Senators Humphrey and Byrd of West Virginia:

Mr. BYRD of West Virginia. Can the Senator from Minnesota assure the Senator from West Virginia that under title IV school children may not be bused from one end of the community to another end of the community at the taxpayers' expense to relieve so-called racial imbalance in the schools?

"Mr. HUMPHREY. I do. [T]he Constitution prohibits segregation, it does not require integration. The busing of children to achieve racial balance would be an act to effect the integration of schools. In fact, if the bill were to compel it, it would be a violation, because it would be handling the matter on the basis of race and we would be transporting children because of race. The bill does not attempt to integrate the schools, but it does attempt to eliminate segregation in the school systems. The natural factors such as density of population, and the distance that students would have to travel are considered legitimate means to determine the validity of a school district, if the school districts are not gerrymandered, and in effect deliberately segregated. The fact that there is a racial imbalance per se is not something which is unconstitutional."

Additionally, Senator Javits of New York, a staunch proponent of civil rights, was also heard from:

"Taking the case of the schools to which the Senator is referring, and the danger of envisaging the rule or regulation relating to racial imbalance, it is negated expressly in the bill. . . . Therefore there is no case in which the thrust of the statute under which the money would be given would be directed toward . . . bringing about a racial balance in the schools. If such a rule were adopted or promulgated by a bureaucrat, and approved by the President, the Senator's State would have an open and shut case under Section 603. That is why we have provided for judicial review. *The Senator knows as a lawyer that we never stop anyone from suing, nor stop any Government official from makink a fool of himself, or from trying to do something that he has no right to do. . . .*" [emphasis ours].

Thus, it could not have been much clearer that the Civil Rights Act of 1964 was not supposed to be used as a vehicle to impose racial balancing in public schools of the Nation—either North or South. Indeed, the exact opposite was intended.

Yet, almost before the ink was dry on this important legislation, Courts began to hold otherwise. The *Jefferson* case began the trend and others since have followed its lead in misreading or else disregarding the duly deliberated and solemnly enacted statutory directions of the Congress of the United States.

If the Constitution does not confer authority on the Courts to classify by race in order to remove racial classifications—

If an Act of Congress passed in accordance with section 5 of the 14th Amendment specifically prohibited such classifications—

Where then do lower Federal courts (and let's be clear on this, the United States Supreme Court has yet to rule on this question), where do lower Federal courts derive the authority to order busing and balancing as they are now doing?

It may be that Chief Justice Burger has supplied us with the answer. In a sharply worded dissent in a recent labor case, he declared:

"I am baffled as to why we should engage in 'legislating' via constitutional fiat . . . The Court's action today seems another manifestation of the now familiar constitutionalizing syndrome: once some presumed flaw is observed, the Court then eagerly accepts the invitation to find some constitutionally 'rooted' remedy. If no provision is explicit on the point, it is then seen as 'implicit' or commanded by the vague and nebulous concept of 'fairness' . . . ."

The Constitutionalizing syndrome is clearly at work in the desegregation field. In support of judicial orders to accomplish what the Courts deem desirable ends, they have focused on 'presumed flaws' in neighborhood oriented desegregation plans. They have replaced them with what they pragmatically assert are plans implicitly commanded by the Constitution.

This vague and nebulous approach to the law is itself rooted in the doctrine the commentators call "the living Constitution". Under it, the Constitution and its Amendments need no longer be interpreted according to the language in which they were framed, the intent with which they were adopted, or the customs, practices, mores, and traditions in effect at the time of their ratification. Changing times, it is asserted, give rise to changing interpretations of the basic law of our land—even interpretations at odds with the framers intentions.

Now it is certainly true that any judicial body must be accorded reasonable leeway in interpreting the law of the land in the cases that come before them. But, if the Constitution and statutes supporting it are to be worth the paper they are written on, the amendatory reach of the Courts must be limited.

There is, of course, always a temptation by well-meaning men, vested with judicial authority, to seek to impose their views of justice and right on an often, by their lights, misguided and uninformed people.

But by succumbing to such temptations, they inevitably impinge on the right of a free people to govern themselves. Such temptations must, therefore, be resisted.

All of us are concerned today by the mass disobedience by some segments of our population of laws which they profess are morally wrong, even though such laws were passed by duly elected representatives of the people. If we accord any legitimacy to the arguments of such groups, what then should our attitude be to legislation by judicial fiat? Is anyone morally bound by such edicts when they disagree with them?

To be a Government of laws not men, means to be a Government of due process—in the Executive, in the Legislative, and in the Judicial branches. To tip the balance between the branches of Government must inevitably lead to a disrespect and disregard of authority Constitutionally conferred on each. Ultimately, it must erode the foundations of all.

The Founding Fathers had their own ideas about making the Constitution a living instrument to govern a free people. They provided for an amending process under which fundamental law could be changed. In the absence of an amendment, Constitutional provisions were to be followed by the people's representatives in Congress, by the Executive and by the Judiciary, mindful of its proper role in the Constitutional scheme of things.

When this apportionment of Constitutional responsibilities is upset or ignored, the inevitable result is a crisis of confidence in all our institutions. Such a crisis is everywhere apparent today. It is nowhere more evident than in the field of desegregation.

In recent weeks, three prominent Americans—John Gardner, head of the Urban Coalition, Chancellor Alexander Heard of Vanderbilt, President Nixon's advisor on campus problems, and Senator Edmund Muskie of Maine—have spoken out on the crises confronting our country.

"All of them," according to Washington columnist, David Broder, "were saying the same thing: that America must rediscover its sense of community or fall victim to its internal divisions."

One of the strongest links of any citizen to his community is the neighborhood school system. Roy Innes, National Director of the Congress of Racial Equality pointed this out in a recent interview when he declared:

Under the old system, the school and the church were the main two institutional structures in black communities that acted as stabilizers. It can be proven very easily that Southern black communities are more stable sociologically than Northern black communities, partly because the school—even that decrepit dual-school system—acted as a focus, a coordinator of social activities. That now is lost under the integrated system.

The social disorganization you see in the Northern black areas is because of the lack of a relationship to an institution. There is no relationship between blacks and their schools in the North.

If, as the Courts have repeatedly said, "the only school desegregation plan that meets constitutional standards is one that works", does it make sense to destroy neighborhood integration in order to achieve a forced and arbitrary form of racial integration which, wherever it has been tried has failed?

In the final analysis, the legal issues in this case, and in all desegregation cases involvin racial balancing, come down to this:

Two wrongs don't make a right. Past discrimination in one direction neither justifies nor supports present discrimination in another. Just as the Equal Protection Clause does not require racial balancing in jury selection, it does not require it in school administration.

CONCLUSION

It is clear from a review of the evidence in this case that effecting a more favorable racial balance in the schools of the Largo area was uppermost in the minds of certain administrators of the Pinellas County School System.

In reflecting such views, those who would balance our schools by races are certainly sincere. But, so were the Members of the Congress of the United States when, acting in their wisdom and pursuant to their Constitutionally conferred authority, they prohibited balancing by races, religions, or national origins.

It is ironical in the extreme that their command should now be challenged by proponents of equal rights. At the time of its passage, the Civil Rights Act of 1964 was hailed by proponents of equal rights as a charter for ending discrimination in this country by outlawing racial classifications for any purposes. It was believed that in this way, the dream of full equality for all Americans would soon be realized.

Unfortunately, the Act has not lived up to expectations.

Why?

Because its provisions have not always been followed.

Because frequently they have been confused.

Because all too often they have been deliberately ignored.

We, in this country, pride ourselves on the fact that we are a Government of laws, not men.

How long can we expect to survive as a free people if we recognize the notion that men, not laws, shall govern us.

I do not envy this Court its task. Its job is a difficult one. In rendering a decision, it will have to exercise—the wisdom of Soloman, the common sense of Washington, the vision of Jefferson, and the compassion of Lincoln.

Even then, some will argue that the result will not be meaningful or important. After all, they will say, this is but one small zone, in one county, in one State, in this vast land of ours.

At best, they will argue, it will constitute too small a step to really count for much.

But they are wrong!

As the old Chinese proverb says: "A journey of a thousand miles begins with a single step."

CONGRESSMAN TEAGUE CHALLENGES PRESIDENT NIXON'S CRITICISM OF CONGRESS ON VETERANS LEGISLATION

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 1970

Mr. WILLIAM D. FORD. Mr. Speaker, I would like to go on record in support of remarks made this week by our colleague, the Honorable OLIN E. TEAGUE, chairman of the Veterans' Affairs Committee, in responding to President Nixon's recent criticism of Congress for alleged failure to enact legislation benefiting veterans of the war in Vietnam.

Congressman TEAGUE rightfully challenged the President's charge, and criticized him for injecting partisanship into veterans programs. I have conferred frequently with Congressman TEAGUE on legilation of interest to veterans, and there is no Member of this body with a better knowledge of the subject.

I think Congressman TEAGUE has done a great service to this Congress and to the Nation is exposing the hypocrisy of the President's accusations, and I would like at this time to have Congressman TEAGUE's statement printed in full in the RECORD:

CONGRESSMAN TEAGUE CHARGES PRESIDENT'S CRITICISM OF CONGRESS ON VETERANS LEGISLATION MISLEADING

In a statement released today, the President chastised the Congress for not responding to his legislative recommendations and he produced a long list of proposals to back up his contention. He would have been well advised to have omitted reference to veterans programs. In view of the sorry record of the Administration on veterans legislation, the President certainly should have remained silent. The President's message contained the following statement:

"In the meantime—and for all time—America owes an obligation to the men who have fought in Vietnam, and not less to those who back them in the Armed Forces elsewhere. The Vietnam Veterans Assistance Act which I have proposed to the Congress would provide important new GI Bill benefits relating to post-secondary school training, the provision of Small Business Administration loans to veterans from minority groups, and the provision of guaranteed loans for the purchase of mobile homes. This legislation has not been enacted; it should be."

I am astounded by the hypocrisy of this statement. Such an attempt to infer that the Administration has been trying and the Congress has been obstructing attempts to improve benefits for Vietnam veterans is downright misleading.

This Congress has passed a series of very important bills aimed directly at improving benefits for veterans of the Vietnam War and veterans of other wars. The Administration has opposed practically all of this legislation. Early in the Congress work was begun on a series of improvements in the education and training program. Most important among these was a proposal to raise education allowances by about 35%. The Administration first attempted to have consideration of this legislation deferred, and later, upon seeing that Congress would not accept such a recommendation, tried to limit the increase to 10%. Even though President Nixon had been complaining that Vietnam veterans were not utilizing the education and training program, he called the rate increase pro-

posed by Congress excessive and inflationary and threatened a veto. Despite these attempts by the President to prevent improvement and expansion of the GI Bill and its education program, a bipartisan Congress passed this legislation virtually without dissent and placed the President in such a position that he could do nothing but sign it.

Vietnam veterans who are injured in service receive service-connected compensation. Congress enacted legislation this year over the protests of the Nixon Administration to grant an 8% cost-of-living increase to disabled veterans. The Nixon Administration attempted to obstruct this legislation and urged that it be deferred. Upon seeing that Congress was determined to deal equitably with the service-connected disabled veterans and see that their compensation kept pace with the cost-of-living increases, the Administration then resorted to another maneuver which had it been successful, would have cost the disabled veterans of this country $100 million. The Administration recommended postponement of the effective date of the service-connected compensation legislation from July 1, 1970 to January 1, 1971. Congress rejected this maneuver and in a display of bipartisanship, passed the legislation, sending it to the White House with a July 1, 1970 effective date.

Earlier in the Session, the Nixon Administration attempted to block cost-of-living increases for widows and children of Vietnam servicemen who died from service-connected causes and other veterans whose deaths were service-connected. Congress took up consideration of this legislation early in the 91st Congress and passed it over the recommendation of the Nixon Administration that consideration of the legislation should be postponed pending "a study" being conducted by the Administration. Congress made adjustments in the compensation of surviving widows and children of veterans in line with cost-of-living changes and sent it to the White House despite the Administration's objections.

In an effort to realign the life insurance program covering veterans and other servicemen, Congress considered legislation to raise the amount of coverage from $10,000 to $15,000. It should be borne in mind that this is a group life insurance policy and the veterans pay the premium. Despite this, the Veterans Administration recommended against increasing insurance coverage for Vietnam servicemen exposed to combat hazards.

Before recent veterans conventions the Administrator of Veterans Affairs commended President Nixon for signing two veteran bills, when actually they were both opposed by the Administration. The bill which raised grants to paraplegics for specially adapted housing from $10,000 to $12,500 was opposed on the basis that any increase in the amount was not warranted, even though the amount was set many years ago.

The increase in the VA direct loan amount from $17,500 to $21,000 was opposed by the Administration and this opposition has continued. In its latest form, the Administration has recommended against extending the direct loan program to veterans for the purchase of mobile homes.

Congress has been greatly concerned with problems relating to the veterans hospital program, and has voted $105 million in additional funds to solve some of the serious problems confronting the medical and hospital program. The bill bearing this appropriation was vetoed by the President.

The Administration opposition to veteran legislation has not been restricted to legislation involving Vietnam veterans. The Administration has also opposed legislation designed to benefit elderly veterans. While pushing a grandiose welfare scheme which would cost billions of dollars, the Administration has opposed a bill designed to prevent elderly veterans receiving a pension from experiencing a loss in their pension as a result of the 15% social security rate increase voted by the Congress effective in April of this year. Despite the opposition of the Administration, Congress is proceeding with this legislation. Another bill aimed at solving problems of the elderly was the bill to permit any war veteran age 70 or over to enter a VA hospital without signing the oath of inability to pay, or the so-called "paupers oath." The Administration opposed this legislation.

President Nixon served in the House, in the Senate, and as Vice President prior to being elected President. His long service in the government has prepared him to understand thoroughly veterans programs. Yet, he has not chosen to accord these programs a high priority in his Administration. In view of the opposition of the Administration to almost every important piece of veterans legislation considered in the last two years, it is especially inappropriate and misleading for the President to infer that he has important legislative proposals pending before the Congress affecting the welfare of veterans which are not receiving attention. The bills which he mentioned specifically in his statement relating to amendments of the GI Bill were delayed until after Congress had completed its consideration of the new amendments to the GI Bill, and the proposals he is making are negligible. Congress actually started work on mobile home legislation before the President sent up his message recommending enactment of such legislation. Hearings have been held and this legislation is scheduled for report before the House Veterans Affairs Committee in the next few days.

It is an old political trick to blame your failures on someone else, and I suppose it is natural that the President should try to blame the Congress for the failures of his Administration, but he certainly should not refer to veterans programs unless he is prepared to answer for his long and consistent record of opposition and negativism.

Congress has always viewed veterans programs in a bipartisan way. There has been no partisanship in the Congress in the enactment of these many important programs during the last two years, and it is shame that the President would inject a note of partisanship when he has done so little for veterans.

TRAINING FOR LEADERSHIP

HON. JOHN O. MARSH, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 1970

Mr. MARSH. Mr. Speaker, from time to time, we who serve here are given the privilege of offering some advice to young people graduating from high school or college. Usually, we find it appropriate to refer in our remarks to the responsibilities of leadership which devolve on members of each oncoming generation.

In this connection, I found of interest the manner in which the special responsibilities of leadership were treated in a recent graduation address to a class of the Army Officer Candidate School at Fort Benning, Ga.

Under leave to extend my remarks, I include the text of this address by Maj. Gen. F. S. Greenlief, deputy chief, National Guard Bureau, as follows:

ADDRESS BY MAJOR GENERAL GREENLIEF

Distinguished guests, parents and friends of the graduates and, most especially, fellow officer candidate graduates.

Today is a great day for you—great, because you have achieved a difficult goal. You have hacked a tough course. You kept going when quitting would have been so much easier.

Today is a great day for the National Guard and the Army Reserve—great because your graduation today increases the depth of our most precious resource—trained leadership. Your graduation adds 208 new officers, 139 to the National Guard of the United States and 69 to the United States Army Reserve. You young officers represent an immediate improvement in our readiness. Perhaps even more significant is the potential improvement which you represent. You are an infusion of new blood. An infusion that assures the continued growth of our capability to serve state and nation.

Of the two hundred million people in this nation, at least half—one hundred million—are under thirty. This is the group to which you belong—the youth of our country. We read and hear of the youth of our country as being dissenters, hippies, yippies and anti-everything. Youth is sometimes categorized as being preoccupied with "pot," sex, and the destruction of what the men and women of my generation have built.

Nothing could be further from the truth. No generation has ever been healthier, more intelligent, better educated, more aware, and more concerned about the good of our nation, and its people, than your generation. You are probably even better looking than my generation.

Your parents and grandparents have achieved great things. They survived the worst depression in history. They probably knew hunger and despair. They stopped the German and Japanese juggernauts from taking over the world. They produced the Marshall Plan that put Europe back on its feet. They rid our country of many crippling and killing diseases. They have produced the highest standard of living of any nation in the world.

At the same time, we have failed to free ourselves of racial hatred. We have failed to produce a world which can solve its international problems without the horror of war. We have left much for you to do. Your generation will be better prepared to solve those problems than any other generation. Opportunity for service is especially great for you as young officers. You have the opportunity to serve more fully because of your dual and concurrent roles as citizen and soldier. As military officers in your own communities you must make the military active in civic action programs. Programs which will see military equipment, facilities and expertise making direct contributions in solving civil and social problems.

You as officers of the Guard and Reserve have faced up to a difficult challenge. As officers, you will be expected to achieve the same professional educational standards as your active Army counterparts. Your units will be expected to maintain the same standards of performance as active Army units. True, it will take you longer but the standards are the same.

At the same time, you will support your families by productive work in civil life. You will be true producers in our economy. You will pay more in taxes than you will receive as military pay. Yet you have volunteered your free time in the service of state and nation.

Perhaps I sound a little carried away, so I'll close this train of thought by just telling you that I, as a representative of the United States Army and the National Guard of the United States, am terribly proud of you and grateful for your service.

A brief word about leadership. We will today confer on most of you the grade of 2nd Lieutenant. We cannot confirm you as leaders. Leadership is an art and as such is developed by experience and constant practice. The men you command will accept or reject you as leaders. If they accept you as leaders, your units will achieve great results and will do it with willingness. If they do not accept you as leaders, you can achieve some acceptable results as drivers. Let me assure you—you will be more effective and happier as leaders.

Gentlemen, I thank God for men such as you. We will expect much of you.

Congratulations, good luck and Godspeed.

IS "MORE" BETTER?

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 1970

Mr. COLLIER. Mr. Speaker, there is no such thing as "free education." Education is very expensive, whether it is paid for through property taxes, income taxes, bond issues, tuition payments, or endowments. It costs a lot of money, whether the funds are provided by local, State, and Federal governments, or by students, parents, or philanthropists.

One of the best editorials on the subject of education that I have ever read appeared in the September 10 issue of the Citizen, a newspaper which is published in the congressional district which I represent. It is apparent that the writer knows more about the subject of education and its cost than do most of those who have been pontificating on the subject for decades and to whom altogether too much attention has been paid.

As I believe we ought to pay attention to some commonsense advice for a change, I am submitting the editorial, which is entitled "Is 'more' better?", for publication in the RECORD at this point:

IS "MORE" BETTER?

For far too long, the argument that "more is better" has held sway among government spenders at all levels as well as among their do-gooding, civil leader supporters.

A prime example, of course, is the public school. Of that elusive chimera, "quality education," which feeds almost exclusively on dollars, the educators told the gullible taxpayers, the more it consumed, the better the education would be afforded "our greatest natural resource," our young people.

The premise was questioned only when annual real estate tax bills grew from annoyances into economic disasters. Citizens began to ask themselves, and then the schoolmen, "Is the educational program offered today really better, in proportion to its cost, than that of 10 or 20 years ago, or is it just more expensive?"

The reaction set in swiftly, and the failure rate for tax increase referendums soared. Unhappily, the counter-move of many school boards was to refuse to believe what the public was telling them. Instead, they stoutly maintained that "more is better" and voted to borrow funds in order to support a curriculum to which all had become accustomed. (Habits, good or bad, are hard to break.)

At least at the local level, taxpayers can be and are stubborn. Repeated refusals to up the ante eventually penetrated the thickest of cranial ossifications, and costs in many districts were cut.

This meant that the seeds of further discontent, as we have observed in those school districts struck by the teaching staffs, were sown.

But painful as it is, the democratic process sooner or later grinds out a workable compromise—at least at the grassroots level. A major question is how distance between government and governed dilutes democracy's abilities.

A bigger bugbear than local school problems is federal (and to a lesser extent, state) spending and consequent taxation. After all, it is primarily the government of the United States, chiefly in the form of the Congress, that is responsible for creating the demon of inflation.

It is good to have such institutions as the Tax Foundation, which can cry out with the voice of conscience that the seductive blandishments of our representatives are largely false.

For example, don't most of us believe we are better off, financially, today than we were 10 years ago? The Foundation has bad news for all of us: it found that Mr. Average, earning $11,000 today, is no better off than he was in 1960, when he was making $7,500. In 1960, total taxes took 23 per cent of his pay. Today that's 34 per cent. And the rest of his salary increase has been devoured by price inflation. In 1960 terms, a dollar today is worth only 77 cents.

Mr. Average's taxes, the Foundation figures, have doubled in the past decade, from $1,707 to $3,475. Ten years ago, federal taxes took 11 per cent of his income; this year it'll be 14 per cent. Across the nation, state income taxes have risen in the same period by 161 percent; local taxes are up 108 per cent.

On the average, we spend 40 per cent more on government than we do on food. Doubtless we get more in government services today than we did a decade ago.

But is "more" better? Your congressman won't know how you feel unless you tell him. If you have and he won't mend his ways, there is the further remedy, the ballot box (well, voting machine). Failing that, the ultimate corrective, of course, is getting involved in politics yourself, or talking a reliable friend or neighbor into running. It's already happened at the grassroots: now it's time to move up the ladder.

THE PRESIDENT'S SPEECH AT KANSAS STATE UNIVERSITY

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. SHRIVER. Mr. Speaker, on Wednesday, September 16, 1970, President Nixon delivered a major address on the campus of Kansas State University in Manhattan, Kans. The occasion marked the opening lecture of the university's Alfred M. Landon lecture series.

It was my privilege to join with the other Members of the Kansas congressional delegation, at the invitation of the President, to travel with him to Manhattan for the speech. Alf Landon, a distinguished Kansan, former Governor and former presidential nominee of the Republican Party, introduced the President.

I am sure I speak for all members of our delegation, and for all Kansans, in stating that we are proud that the President of the United States chose a great university in Kansas to make his important and outstanding address.

Yes, in an audience of more than 15,000 there were a few hecklers. But the enthusiastic reception which President Nixon received clearly demonstrated that the great majority of our young people are willing to listen. They want to be a part of the system and are working within it. It is reassuring to know that we have so many fine young citizens preparing for their responsibilities of leadership in our country.

Under the leave to extend my remarks in the RECORD, I include an editorial from the Hutchinson, Kans., News on the appropriateness of President Nixon honoring Alf Landon and Kansas, as well as a sampling of editorials from the Wichita, Kans., Eagle, Topeka, Kans., Daily Capital, Lyons, Kans., Daily News, and Chicago Tribune on his remarks and the events on the Kansas State campus.

[From the Hutchinson (Kans.) News]

A FITTING TRIBUTE

The 83rd was a happy birthday for Alf M. Landon of Kansas.

He started four score and three just as he started many of the other 82—by donning his riding clothes and galloping along the Kaw.

He reaffirmed his faith in a government and a country he loves by telling an interviewer, "This still is a great nation, a great people. Government today is closer to an average man than it ever has been."

It should be added that men like Alf Landon have helped the average man's reach, and his political punch. He was a progressive governor and a progressive Republican candidate for President in 1936.

He is a Bull Moose who has tried to keep his party in the mainstream, but he has never abandoned it even when he thought it was going aground. At the same time, he has been quick to praise the loyal opposition when he thought it was right and that hasn't always left a good taste in the mouths of his Republican critics.

But even they recognize the icing was added to Landon's birthday cake when it was announced that President Nixon would kick off the Landon Lecture Series at Kansas State University this year. It is a high honor for Landon, the university and the state.

Perhaps President Nixon's direct recognition of Landon's contributions to the country will spur the Kansas Legislature to recognize his contributions to the state.

As has been noted before, a fitting tribute to a great Kansan would be to rename the State Office Building at Topeka the Landon Building. Democrats and Republicans alike then could take heart that the building stood for progress, at least in name.

[From the Wichita (Kans.) Eagle]

NIXON MESSAGE NOT NEW BUT WORTH REPEATING

There was little new in what President Nixon had to say to students and faculty members at Kansas State University, but his message can hardly be overemphasized.

That message was that America is afflicted with a "cancerous disease" that is spreading violence and terror as a politcal tactic.

"The time has come for us to recognize that violence and terror have no place in a free society, whoever the perpetrators and whatever their purported cause. In a system that provides the means for peaceful change, no cause justifies violence in the name of change," the President said.

There can hardly be any quarrel with that. Nixon is right when he says higher education in America risks losing the supporting of the American people because of campus disorder, and it is up to students and faculty

members to see that higher education does not collapse.

However, student dissent can't be marked off as simple agitation over the war in Vietnam, pollution of the environment and social injustice. Unrest is deep.

As Nixon pointed out, if the war were ended today, the environment cleaned up tomorrow and all other problems in the realm of government responsibility were solved, "the moral and spiritual crisis in the universities would still exist."

Not only is the President right, he may have underestimated the extent of student dissatisfaction.

But that is no reason to drag the administration's feet in taking care of such problems as can be solved by government. Ending the war and eliminating pollution might not pacify college students, but it would go a long way toward eliminating the stickiest problems, the ones which contribute the most toward unrest. And students would be less likely to fall prey to the professional agitators who foment so much of the violence students are blamed for.

The President can't solve the problem of student and faculty unrest by making a speech at Manhattan, Kan., but surely some contribution was made to bridging the communication gap.

The President made statements that should be made, and by and large, students and faculty extended the courtesy and respect due the President of the United States, or any speaker for that matter.

He didn't ask students for blind agreement, but suggested that the years ahead could be bright for America if there is an atmosphere of reason, of tolerance, of common courtesy —with the basic regard for the rights and feelings of others that is the mark of a civilized society.

In their hearts, most young people agree with this viewpoint. Some of them differ with others as to what America's future should be.

[From the Topeka Daily Capital]

COLLEGES SHAPE OWN FATE

President Nixon laid it on the line at Manhattan Wednesday when he denounced those who resort to violence and terror both in this country and abroad.

Speaking on the Kansas State University campus to a student-dominated audience, the President challenged college administrations and young people themselves to work within the framework of a free society to correct grievances.

Nixon minced no words in castigating dissenters who use criminal methods. As he strongly asserted, they deserve the contempt of every American who values the decencies of a free society.

While deploring all political violence, from hijacking of planes to ambushing policemen, the President placed special emphasis on campus disturbances. To do so to a university audience required fortitude.

To the credit of the K–State students, they frequently applauded the President's remarks and, at times, shouted and clapped down the scattered boos.

That the majority of the audience heartily endorsed his remarks was readily apparent to TV and radio listeners as well as those at Ahearn fieldhouse. Actually the few hecklers added emphasis to the points the President was putting across.

He pointed out that continued campus disturbances could result in loss of essential financial support by those disgusted by them—and he forthrightly called on college administrators, faculty and student leaders to save higher education in America.

As others have said before, he stressed that it is a minority who cause the trouble and oppose the responsible majority. To thwart the trouble-makers, he emphasized that it is the duty of the academic community to rise in defense of the free pursuit of truth and defend their institutions from within as well as from without. The idealism of the young can well be utilized in performing this necessary task.

Nixon spoke for many of us when he asserted that only within the framework of a free society employing legal methods can the problems of the colleges be solved.

That the President should deliver his address in Kansas and in honor of Alf M. Landon is a tribute to the state and its people, for Nixon knows they are overwhelmingly in favor of a strong stand against anarchistic methods.

And the response given to the President's remarks, especially those which alluded to the promising future of the nation and its democratic system, was heartening to those who believe the U.S. can overcome its troubles and move forward to even greater accomplishments.

[From the Lyons (Kans.) Daily News]

HECKLERS NEATLY HANDLED

Paradoxical as it may seem, young hecklers—rude and vulgar—at the speech of President Nixon at Kansas university yesterday actually did a favor to the state and harm to their cause.

It is always difficult to decide what to do with hecklers. They can't be ignored, they won't listen to reason, and if force is used it simply draws more attention to them.

But the hecklers got their "come uppance" from the 99.8 percent of the students who were on hand to politely listen to the President of the United States. The shouters ended up looking like fools, so overwhelmingly unpopular that they would be pitied if they weren't so arrogantly rude.

What happened was the interruptions of the President's speech actually ignited the indignity of the students and caused them increasingly throughout the speech to show the President—and the nationwide television audience—they had good manners, respected the position of the President, and were embarrassed by the few who had no manners at all. The applause of the crowd to the President's remarks grew as the heckling continued, reaching one high point when the President said there should be a willingness to listen to others without shouting them down.

Probably the standing ovation to that remark was what prompted the President to later ad lib that while his speech said that the minority has been allowed to drown out the responsible majority, "this may be true in some places, but not at Kansas State." The audience erupted with a yelling, cheering, lengthy standing ovation, which should have shown the President and the nation that the vast majority of students at Kansas State were a complete contrast to the handful of hecklers. And the irony is that without heckling there probably would not have been the tremendous show of politeness, good manners and respect.

The hecklers were shouting for the same old cause others have rudely expounded upon in the past, but the thought that came out of Kansas State is not what these people had to say, but how they were rebuked so tremendously by the others in the President's audience.—P.E.J.

[From the Chicago Tribune]

OUR CAMPUSES AND ENDS AND MEANS

At Kansas State University yesterday, President Nixon ably developed the major subject of ends and means. The topic is a classic perennial one on which it is impossible to say anything altogether novel. But it is a timely one—not only because the timeless is always timely, but also because university campuses are currently undermined by a significant minority willing to use evil means.

Nixon's major thesis was: "Violence and terror have no place in a free society, whoever the perpetrators and whatever their purported cause. In a system that provides the means for peaceful change, no cause justifies violence in the name of change." Applying his thesis to the context of higher education, Nixon said, "It is time for responsible university and college administrators, faculty, and student leaders to stand up and be counted. Only they can save higher education in America."

This needs saying, nearly incredible tho the need is. The incidence of murderous violence in campus communities has been increasing in recent months, and everyone looks forward with considerable anxiety to the school year now opening. The record all too clearly shows that the contemporary campus cutup is neither funny nor harmless, but deadly serious and ready to go to any lengths. The record shows, too, that university authorities have all too often been irresolute and compromising when they should have acted promptly and decisively. The President could have chosen no subject more appropriate to a major address on a university campus at this particular time than the one he developed at Kansas State.

The President's argument was all the more cogent for being eminently reasonable and fair. The high line he took yesterday sought no partisan advantage. He spoke as everyone's President, in terms that any good citizen, however critical he might be of some of the President's policies, can cheer and commend.

INTERNATIONAL CROSSROADS

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 1970

Mr. SCHWENGEL. Mr. Speaker, periodically, because of my great interest in volunteer efforts to build international understanding based upon moral principles, I have addressed the House and called attention to the magnificent contributions made by the "International Crossroads." This is an organization sponsored by the YMCA of Metropolitan Washington.

Their main activity is to sponsor Sunday morning breakfasts to which they invite all visitors to Washington, both foreign and domestic. All foreigners are guests of the club for breakfast, giving them an opportunity to meet with Americans and other foreign visitors. During that time, some person is selected to make a presentation on some aspect of religion and morality and the mutual world problems which would aid our better understanding of people, their cultures and philosophy.

All this, Mr. Speaker, is good will and will hasten the day when there is peace on earth and good will to all men.

Mr. Speaker, I take great pride in presenting the following statement on the 24th anniversary of the International Crossroads which was noted in May of 1970. It is my fond hope that all Members of the Congress will find time to read and ponder on the important lessons and experiences shared by some of the guest speakers who have addressed this won-

derful coming together on Sunday morning at the YMCA.

The statement follows:

INTERNATIONAL CROSSROADS: SUNDAY MORNING BREAKFAST, YMCA OF METROPOLITAN WASHINGTON—24TH ANNIVERSARY, MAY 1970

Twenty-four years ago an enterprising Washington attorney launched a most unusual goodwill program at the Central Branch YMCA. Its intent was to welcome visitors from foreign countries and from parts of the United States to the Nation's Capitol. The procedure was to be informal and friendly, the newcomers mingling with long-time Washington residents at a breakfast meeting. After the meal, highlighted by friendly table conversation, a noted speaker would be heard. Paul Brindle built far better than he had anticipated. On May 3 the International Crossroads Sunday Morning Breakfast Club celebrated the start of its 25th year with a gala meeting in a brightly decorated setting. The gathering heard a stimulating speaker and witnessed the presentation of awards to those who had supported the venture through the years.

To open our 24th Anniversary Breakfast, Chairman L. Wilfred Fleury called on Mr. Paul L. Hershey, Executive Director of the Silver Spring YMCA, Silver Spring, Maryland, to give the invocation which was followed by the beautiful hymn, "Oh, Lord Most Holy, Oh, Lord Most Mighty" sung by Mr. Steven Lambert of France now with the Washington Friends of Opera, accompanied by Mrs. Barbara Anne Ruffin on the Organ. Guests attended from many lands, among them were, Italy, New Zealand, Ireland, Canada, India, Syria, France, Cuba, Egypt and Lebanon to mention a few.

Mr. Fred Carl, chief Executive of the Central Branch YMCA, reminded the large gathering that more than 21,000 visitors had attended these Sunday morning breakfasts since they were inaugurated the first Sunday in May 1946. They came from 134 countries. The friendships made at these informal breakfasts have been kept alive for nearly a quarter of a century by Brindle and other Chairmen. Mr. Carl then introduced several former speakers and honored friends of the breakfast club, among them were Dr. Jocelyn R. Gill, Chief Project Scientist, NASA, Mr. Charles R. Norberg, Chairman of the Mayors Committee on International Visitors, Mrs. Chase S. Osborn, widow of the late Governor of Michigan, Mr. William F. Willoughby, Religious Editor of the Washington Evening and Sunday Star, Mrs. Louise Sims, who has been with the breakfast since it started in 1946, Dr. John Maurer, President of Southeastern University. A man during the introduction then arose and identified himself as being from Brooklyn, N.Y. Another guest instantly asked the presiding officer, "Do you have an interpreter for the man from Brooklyn".

We were honored to have Rep. John H. Buchanan from the great State of Alabama address us most inspiringly from his deep thinking and broad experience and who presented the Paul L. Brindle International Crossroads Breakfast Award of 1970 to the noted medical missionary and former Congressman from Minnesota, Dr. Walter H. Judd, a member of the Breakfast Club for many years. Some thoughts Rep. Buchanan brought to us on "Freedom" follow;

Representative Buchanan said he was privileged to be present once again and especially at the anniversary. From the 8th Chapter of John in the Bible, he quoted several verses:

Verse 31: "Then said Jesus to those Jews which believed on him, If ye continue in my word, then are ye my disciples indeed."

Verse 32: "And ye shall know the truth and the truth shall make you free."

Verse 33: "They answered him, We be Abraham's seed, and were never in bondage to any man; how sayest thou, Ye shall be made free?

Verse 34: "Jesus answered them, Verily, verily, I say unto you, Whosoever committed sin is the servant of sin."

Verse 35: "And the servant abideth not in the house forever; but the Son abideth ever."

Verse 36: "If the Son therefore shall make you free, ye shall be free indeed."

Rep. Buchanan said that if every nation in the world were represented by a citizen, I am confident that it would be true that, that person would represent a people who long for freedom.

I believe with the founding Fathers of the Republic that man was created to be free—endowed with unalienable life, liberty and the happiness—intended by God and given to man. This Nation has sought freedom maybe mistakenly but consistently. Think of the Berlin Wall which many have climbed to escape for freedom.

In Tuscaloosa, Alabama, a person from Cuba who had left everything to come here, said, "I have forsaken everything for freedom!"

In 1954, the Korean Government and the United Nations released 22,000 prisoners of war—gave people the choice of where they would return. Some selected to go to Taiwan, 8,000 sought freedom in South Korea—seeking freedom among all else.

Looking everywhere, you will find within those hearts the longing for peace with justice.

One thing is clearly true—in the Soviet Union and China—at the grassroots burns this desire to live free and be as free men—the hope in all nations' people is that they can say, "Nobody can make me free, I'm free already."

In the Soviet Union, churches in Moscow are so restricted—only choir practice and worship services—no teaching—no colleges—no seminaries—no benevolence—no picnics—no training—no missionaries. If rules are violated, a person is subject to imprisonment. If he takes a stand, he can almost always lose job or schooling opportunities or be harassed and discriminated by Government atheists. In this country, it's a mark of respectability to worship. These brothers and sisters in Christ, give their witness under the worst circumstances, saying, "Thy will be done"—Thy will alone—No one can limit the freedom that is within God. That is so unique and precious to Christian people.

Freedom is challenged in this Nation. We are threatened by a force against human rights and self-determination. We have been threatened by totalitarian Godless repression—crime—student unrest—deep division over Asia—by sin and deprivation. This Nation is as strong as its people are pure, built upon the shoulders of people "who are the light of the world". Strength and purity keep us strong. We are free-born people—never a slave to any man. Yet, if you look around—at the signs—there are problems. If you are still a prisoner of sin, you are not free. Until set free from sin and self, you are not really free.

Is there freedom in "uprootedness"—hypocrisy, injustice—racial discrimination—hippie thinking (I'm going to let it go to pot) or Yippie thinking (I'll tear it up and burn it down). What kind of freedom is death and the kick?

A Nation is as a tree bringing up its fruit—rooted and grounded in love of God—attaching itself to the source of all life and all growth. We find the way to World Peace—to the Prince of Peace. Every individual should fall upon his knees, every head should be bowed, every tongue should declare that Jesus Christ shall come!

Mr. Fleury introduced Mrs. Loretta Pruett, President of the Ladies Committee by saying, "Every Captain has a Mate—this is Mrs. Pruett, a lady who is known the world over, but has never left her native country. She founded a 'Little UN' and an International Fellowship House. Now, here in Washington, D.C., at the YMCA where she is 'Mom', by all, she served as a Student Counselor and as President of the Ladies Committee of ICSMBC.

Mr. Brindle was then presented and presented Certificates of appreciation to Miss Ruby Cerder and Miss Grace Sweet for the generous support they have given the Breakfast Club.

Mr. Edward R. Place, President of the Washington chapter of Phi Beta Kappa, followed in the program, reading a letter from the White House from President Nixon sending best wishes to the Paul L. Brindle award winner and the Breakfast Club. A letter was also received from Congressman Fred Schwengel who is a member of the Breakfast Board of Trustees. It stated as follows, "the Paul L. Brindle Award was to be given to Dr. Walter H. Judd who has always been a scholar, and that Congress is better because Dr. Judd served there and all have been strengthened by his leadership." He explained that Dr. Judd "is a man that can truly be called a friend".

After Mr. Place read the two letters, he called on Rep. John Buchanan to present the Award.

Rep. Buchanan, in presenting the award, said that "many privileges come to a man in public life—opportunities to meet leaders in the world and in our Government." He told Dr. Judd it was his privilege to make this presentation to a man who was 10 years a missionary, 20 years of service in Congress, a champion of people in the world yearning for freedom, foremost in foreign policy and foreign affairs. Rep. Buchanan said he had the privilege of calling Dr. Judd his friend, that there was no one in the world like him; that the country has a reason to be glad that Dr. Judd is in it.

In accepting the award Dr. Judd stated, "I almost wished I dared to imagine I deserve this award!" He stated further, "Every time a door opens, I remember it would not have happened if I had not had what come before. In my ministry, I learned the most important thing was in a talk once given by Catholic Archbishop Fulton J. Sheen of Rochester, New York, 'we are right; they are wrong; and it does not matter whether we are right or wrong if we love each other and if we serve God who is the God of us all'. This Breakfast scene—for 24 years represents that—a chance to come to meet others and worship God". He added, "I will treasure this award while I keep on trying to do my best."

Following Dr. Judd, the Nations United Display was dedicated. General Bruce C. Clarke Vice Chairman, Freedom Foundation, Valley Forge, was called on to do the dedicating. He spoke of Mrs. George Smythe's (who was present) great husband when as a cadet caught the kick-off and compared it to what we're doing in Vietnam today. The cadet didn't stop and be tabled, he won the game. General Clarke spoke of the visitors from 134 countries and his pride at being among those who could be a part of this International Crossroads Breakfast. He said that he'd been privileged to visit 35 nations in the world. He commanded in battle the United Nations forces in Korea (15 countries represented). He said that, I have known a good many men, all colors, races, creeds, of many countries, I have found from that experience that I have always admired good men where ever I have known them in whatever country. He further stated that he

thought that was true—that, that was what we were trying to put through in our little organization. In August 1961, General Clarke told us, that President Kennedy ordered men to Berlin, an additional battle group. The air was charged with what could happen.

Would World War III start? The night before President Kennedy sat up most of the night. Along about midnight he sent for a military aide and said, "I was to know all about the Colonel who is going to take this group to Berlin". The person selected didn't go to West Point. He spoke German fluently—that was important. He went to Berlin. You had your dinner that night and relaxed. The crisis was over. General Clarke said that we don't care about background—we only welcome you as good people. We will have more for our display of flags and many other items. So all can know more about each country. This is the only world we have; those who went to the moon were anxious to get back—to the only place where there's life. General Clarke stated further, "I like to think of this earth as one World—that we will be living together for the benefit of all." He wished everybody was so dedicated, "for how good it would be to have the Whole World filled with Nations United."

In closing, The Rt. Rev. Mgr. Patrick J. Ryan (former Maj. General) gave the benediction.

NIXON ADMINISTRATION CRITICISM OF CONGRESS ON VETERANS UNJUSTIFIED

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 1970

Mr. TEAGUE of Texas. Mr. Speaker, over the past 15 or more months I have become increasingly concerned about the apparent insensitivity of the Nixon administration about veterans affairs. In April of 1969, the administration attempted to reduce the medical care budget for veterans by $17.5 million when every indicator pointed to the need for much more money to meet soaring workloads in VA hospitals and clinics and correct serious staffing and operating shortages throughout the 166 VA hospital system. The Congress restored the proposed cut in medical care and Congress added $105 million to administration requests to care for America's sick and disabled veterans for fiscal years 1970 and 1971. These additional appropriations for medical care have been made over the protests of the VA Administrator who continues to insist that he does not need the money and could not use it if he had it.

Mr. Speaker, on September 11, 1970, the President made a rather intemperate and uncalled for attack on the record of the 91st Congress. I, for one, believe this Congress has amassed a good record in enacting reasoned and meaningful legislation. I know this is the case in the field of veterans affairs. And yet, Mr. Speaker, the Nixon administration has either opposed or recommended deferral or reduction in benefits of almost every piece of meaningful veterans legislation which has come before the Congress.

Mr. Speaker, I am proud of the continuation of the bipartisanship of this Congress on veterans matters which has enabled us to pass legislation—

Increasing compensation rates for disabled veterans and widows and children of deceased service-connected veterans;

To increase education and training allowances by 35 percent for Vietnam era veterans making this benefit meaningful to veterans heretofore discouraged by low rates from entering or continuing training;

To broaden and raise the amount of insurance coverage from $10,000 to $15,000 for Vietnam and other servicemen exposed to combat hazards;

Increasing housing grants for paraplegic veterans from $10,000 to $12,500 which will greatly benefit many returning seriously disabled Vietnam veterans;

Increasing maximum loans under the direct loan program from $17,500 to $21,000; and

Preserving compensation rates for service-connected veterans who have maintained these evaluations for 20 or more years.

Mr. Speaker, there are a number of other bills which this body has also acted upon, many of which will soon be acted upon in the Senate, and sent to the President for signature. This fine record of the 91st Congress is one that we can be proud of—one that has been made despite the Nixon administration's action to either oppose, recommend reductions or delays in our actions. It is a sad fact, however, that even after criticizing Congress for not acting to help America's veterans, the Nixon administration is actively opposing legislation now being considered by the Congress to—

Protect over 2 million veterans and widows from having their pensions cut because of social security increases;

Provide home mortgage protection insurance for paraplegic veterans—many of whom are young seriously disabled Vietnam veterans;

Use national service life insurance trust funds—funds which belong to veterans who are participating in this plan—to provide hard to get housing financing for GI home loans; and

Permit any war veteran age 72 or over to enter a VA hospital without signing the oath of inability to pay—the so-called "pauper's oath."

Mr. Speaker, it is distressing and incredible that the President has chosen to criticize this Congress for not acting on the administration's so-called Vietnam Veterans Assistance Act. One of several of the provisions of this act pertains to mobile homes for veterans who are unable to otherwise purchase homes in today's inflated housing market. It is a fact, Mr. Speaker, that Congress began work on this subject long before the administration recommended it and a tremendous amount of congressional research has gone into writing a bill that will both protect the veteran, the Government, and responsible mobile homebuilders from fly-by-night operations. This legislation has now been favorably reported by the House Veterans' Affairs Committee and I predict it will be overwhelmingly passed by the House in the very near future. Our version of this legislation contained a direct loan feature to enable direct Government financing in those areas, where GI financing cannot otherwise be obtained from commercial lenders. This was left out of the administration proposal. Direct Government loans have been a part of both the World War II and the Korean GI housing bills and there is no reason that Vietnam veterans should not expect at least the same housing benefits as their predecessors in the armed services received.

Mr. Speaker, I want to express my deep appreciation to my colleagues on both sides of the aisle for their outstanding support of the veterans legislative program which we have passed during the 91st Congress. We have had the utmost in cooperation from the minority members of the Veterans' Affairs Committee and from the minority leadership of the House. In view of this fine record of bipartisan cooperation in the Congress, I am distressed that the President would seek partisan advantage, particularly when the administration has made such little contribution to the cause of veteran legislation. I insert at this point in the RECORD a statement I issued to the press on September 11, 1970, detailing these fine accomplishments:

TEAGUE CHARGES PRESIDENT'S CRITICISM OF CONGRESS ON VETERANS LEGISLATION MISLEADING

In a statement released today, the President chastised the Congress for not responding to his legislative recommendations and he produced a long list of proposals to back up his contention. He would have been well advised to have omitted reference to veterans programs. In view of the sorry record of the Administration on veterans legislation, the President certainly should have remained silent. The President's message contained the following statement:

"In the meantime—and for all time—America owes an obligation to the men who have fought in Vietnam, and not less to those who back them in the Armed Forces elsewhere. The Vietnam Veterans Assistance Act which I have proposed to the Congress would provide important new GI Bill benefits relating to post-secondary school training, the provision of Small Business Administration loans to veterans from minority groups, and the provision of guaranteed loans for the purchase of mobile homes. This legislation has not been enacted; it should be."

I am astounded by the hypocrisy of this statement. Such an attempt to infer that the Administration has been trying and the Congress has been obstructing attempts to improve benefits for Vietnam veterans is downright misleading.

This Congress has passed a series of very important bills aimed directly at improving benefits for veterans of the Vietnam War and veterans of other wars. The Administration has opposed practically all of this legislation. Early in the Congress work was begun on a series of improvements in the education and training program. Most important among these was a proposal to raise education allowances by about 35%. The Administration first attempted to have consideration of this legislation deferred, and later, upon seeing that Congress would not accept such a recommendation, tried to limit the increase to 10%. Even though President Nixon had been complaining that Vietnam veterans were not utilizing the education and training program, he called the rate increase proposed by Congress excessive and inflationary and threatened a veto. Despite these attempts by the President to prevent

improvement and expansion of the GI Bill and its education program, a bipartisan Congress passed this legislation virtually without dissent and placed the President in such a position that he could do nothing but sign it.

Vietnam veterans who are injured in service receive service-connected compensation. Congress enacted legislation this year over the protests of the Nixon Administration to grant an 8% cost-of-living increase to disabled veterans. The Nixon Administration attempted to obstruct this legislation and urged that it be deferred. Upon seeing that Congress was determined to deal equitably with the service-connected disabled veterans and see that their compensation kept pace with the cost-of-living increases, the Administration then resorted to another maneuver which had it been successful, would have cost the disabled veterans of this country $100 million. The Administration recommended postponement of the effective date of the service-connected compensation legislation from July 1, 1970 to January 1, 1971. Congress rejected this maneuver and in a display of bipartisanship, passed the legislation, sending it to the White House with a July 1, 1970 effective date.

Earlier in the Session, the Nixon Administration attempted to block cost-of-living increases for widows and children of Vietnam servicemen who died from service-connected causes and other veterans whose deaths were service-connected. Congress took up consideration of this legislation early in the 91st Congress and passed it over the recommendation of the Nixon Administration that consideration of the legislation should be postponed pending "a study" being conducted by the Administration. Congress made adjustments in the compensation of surviving widows and children of veterans in line with cost-of-living changes and sent it to the White House despite the Administration's objections.

In an effort to realign the life insurance program covering veterans and other servicemen, Congress considered legislation to raise the amount of coverage from $10,000 to $15,000. It should be borne in mind that this is a group life insurance policy and the veterans pay the premium. Despite this, the Veterans' Administration recommended against increasing insurance coverage for Vietnam servicemen exposed to combat hazards.

Before recent veterans conventions the Administrator of Veterans Affairs commended President Nixon for signing two veteran bills, when actually they were both opposed by the Administration. The bill which raised grants to paraplegics for specially adapted housing from $10,000 to $12,000 was opposed on the basis that any increase in the amount was not warranted, even though the amount was set many years ago.

The increase in the VA direct loan amount from $17,500 to $21,000 was opposed by the Administration and this opposition has continued. In its latest form, the Administration has recommended against extending the direct loan program to veterans for the purchase of mobile homes.

Congress has been greatly concerned with problems relating to the veterans hospital program, and has voted $105 million in additional funds to solve some of the serious problems confronting the medical and hospital program. The bill bearing this appropriation was vetoed by the President.

The Administration opposition to veteran legislation has not been restricted to legislation involving Vietnam veterans. The Administration has also opposed legislation designed to benefit elderly veterans. While pushing a grandiose welfare scheme which would cost billions of dollars, the Administration has opposed a bill designed to prevent veterans receiving a pension from experiencing a loss in their pension as a result of the 15% social security rate increase voted by the Congress effective in April of this year. Despite the opposition of the Administration, Congress is proceeding with this legislation. Another bill aimed at solving problems of the elderly was the bill to permit any war veteran age 72 or over to enter a VA hospital without signing the oath of inability to pay, or the so-called "paupers oath". The Administration opposed this legislation.

President Nixon served in the House, in the Senate, and as Vice President prior to being elected President. His long service in the government has prepared him to understand thoroughly veterans programs. Yet, he has not chosen to accord these programs a high priority in his Administration. In view of the opposition to the Administration to almost every important piece of veterans legislation considered in the last two years, it is especially inappropriate and misleading for the President to infer that he has important leglislative proposals pending before the Congress affecting the welfare of veterans which are not receiving attention. The bills which he mentioned specifically in his statement relating to amendments of the GI Bill were delayed until after Congress had completed its consideration of the new amendments to the GI Bill, and the proposals he is making are negligible. Congress actually started work on mobile home legislation before the President sent up his message recommending enactment of such legislation before the President sent up his message recommending enactment of such legislation. Hearings have been held and this legislation is scheduled for report before the House Veterans Affairs Committee in the next few days.

It is an old political trick to blame your failures on someone else, and I suppose it is natural that the President should try to blame the Congress for the failures of his Administration; but he certainly should not refer to veterans programs unless he is prepared to answer for his long and consistent record of opposition and negativism.

Congress has always viewed veterans programs in a bipartisan way. There has been no partisanship in the Congress in the enactment of these many important programs during the last two years, and it is a shame that the President would inject a note of partisanship when he has done so little for veterans.

NIXON CERTAIN OF FUTURE PEACE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 1970

Mr. DERWINSKI. Mr. Speaker, last Wednesday and Thursday President Nixon visited Chicago and one of the items on his itinerary was a briefing provided to leading editors and publishers by the President and his foreign affairs specialist.

An excellent and most objective summation of the briefing was written by Lloyd Wendt, the distinguished editor and publisher of the Chicago Today, in that publication's Sunday, September 20 Focus section.

The summation follows:

NIXON CERTAIN OF FUTURE PEACE—OPTIMISTIC IN CHICAGO BRIEFING

(Note.—The writer of this report on Nixon administration foreign policy has covered various areas of the war in Viet Nam, reported on Israel and Arab countries, and has written on politics and foreign affairs for this newspaper from Germany and Russia. This analysis is based on experience in the field as well as briefings by top foreign affairs specialists in the Nixon administration.)

(By Lloyd Wendt)

The Nixon administration (foreign section) came to Chicago last week to give midwestern communicators a view of Nixon foreign policy, inside and long range. The vista was a heady and heartening one. If President Nixon and his advisors can bring it off, America and the world are destined to a happy and prosperous future.

The administration is optimistic despite the gloomy events and precarious situation in the Middle East. It is even more sanguine about Eastern Asia.

Is it possible that such an outlook can be justified?

Let's take a look at the administration foreign-policy position, as simplified and interpreted. This is what I get from briefings, limned against experience in the field. No secrets were disclosed, no new stances revealed. Administration spokesmen reviewed policy, forecast results up to 2000 A.D., and clashed with some of the skeptics, including me. But arugment was about details of execution, not the long-range goals, and the goals seemed to me to be these:

The administration unquestionably wants world peace. Without it we cannot live in freedom long enough to solve our pressing domestic problems. If we try to solve the domestic problems first, as some urge, we may not last long enough to enjoy the benefits of the solution. For world communism and world anarchy continue to menace us.

Our No. 1 objective, in the view of the administration, is world peace. Our No. 1 concern should be whether we have the intelligence, character and stamina to follow the long road to enduring peace. If we fail the peace because we want to give total priority to domestic problems, we will doom to disaster our future and our children's future.

That's the long view.

The Nixon administration, as I understand it, is convinced that we will win the long-range peace and that we can do it by disengaging. Reason: the United States is no longer obligated to carry the burdens of the world. We can redistribute them if we don't try to do it too fast, and providing the U.S.S.R. and/or China do not force an abrupt and disastrous change of course.

The U.S.S.R. could be trying to force us from course right now in the Middle East. But the administration is inclined to believe that hope for that troubled area still is justified, despite the chaos in Jordan.

The administration feels that we can now be less expansionist in foreign policy because the United States position of pre-eminence, forced on us in World War II, has changed. Prior American administrations were forced to embark into wars, vast foreign give-aways, and to exert world leadership alone since the other major nations lacked power because of their devastation by World War II. The U.S.S.R., England, China, Japan, Germany and France were reduced to impotency by the war. In addition, the United States alone had a nuclear capability.

This situation led the United States into the Marshal plan, to save Europe; into Korea, to rescue Japan; into VietNam in an effort to rescue southeast Asia. And, by our combined Pacific activities, we sought to help save Indonesia and Malaysia.

These policies have largely succeeded, at great cost, except in southeast Asia.

In the late sixties, according to an administration view, changing world conditions changed the problem. The Johnson administration didn't recognize the change. Nixon did and defined the new Nixon policy.

In effect, the Nixon policy states that the United States no longer has to go it alone as No. 1. We are no longer No. 1 alone. The

U.S.S.R. has recovered and has atomic capability. A power balance has been achieved, and other nations helped by us, including former enemies, can and should share the world burdens.

So, instead of going into more world situations, the United States can pull out—providing we do it the right way and providing we make it clear we are not abandoning those nations which believe in law and order and self-determination of peoples.

The Nixon policy contemplates that other nations must be willing to fight all out for their rights and freedom before the United States accepts any responsibility for aiding them. This leads logically to Vietnamization in southeast Asia. Vietnamization makes it possible for United States forces to withdraw. However, if we withdraw at once, as some urge, Vietnamization would fail, and southeast Asia would be lost, for there is, indeed, a domino effect.

Can we, I asked, get all the way out of southeast Asia? Can we depend on South Viet Nam to form a stable government, with or without the North? Can Cambodia survive? Will Thailand fight if necessary [as Malaysia and Indonesia have done, successfully]?

The administration is optimistic. It believes South Viet Nam can defend itself.

There is some merit to this view, in my opinion. When I was in Viet Nam in 1965 the VC and North Vietnamese had almost split the country in two. Yet I saw elite South Viet Nam troops defeat crack NVA forces near Pleiku, and stop the split. Tho a small battle, it was a turning point in the war. Two years later I visited a Viet province held by South Koreans. They were doing a better job of "pacifying" the area—keeping it clear of VC and North Viets—than the U.S. Army and Marines in their areas. And the South Koreans had a tough area. A few years previously, during the Korean war, we didn't think much of the South Koreans as fighters. Now they are among the best. So it may be possible that the South Viets, who have fought well at times, can indeed stabilize their country and enable the United States forces to get all the way out in the next two years.

This appears to be the Nixon timetable, and it seems realistic.

At the same time we should recognize that it will not be possible, in the foreseeable future for us to get all the way out of Southeast Asia. We will need air bases in Thailand and we will need the 7th fleet or its equivalent.

We can share the foreign-policy burden, but we can't get rid of it, any more than you and I can get rid of the burden of law-enforcement taxes. If international communism and anarchy, or both spread, all free nations will suffer.

The administration problem in the Middle East is even more difficult and complex. While we probably can succeed in bringing the Viet Nam war to an end because neither Russia nor China, themselves rivals, will totally prevent it, this is not the situation in the Middle East. There we are facing a Russian problem.

The U.S.S.R. and the U.S. could stop the Israeli-Arab war fast if both agreed it should be done. This was proved when both agreed on the India-Pakistan war and ended it within hours.

But the U.S.S.R. evidently does not agree that there should be peace in the Middle East. It appears that some experts in the administration are puzzled at the U.S.S.R. reason for helping Egypt to violate the standstill cease-fire arranged by the United States. There is no question that Egypt, aided by U.S.S.R. technicians, did violate the cease fire. Why?

During the last few years, the U.S.S.R. has been building up forces in the Mediterranean. The U.S.S.R. also has taken advantage of U.S. friendship with Israel to gain great influence in the Arab world. The United States has attempted to retain the friendship of some Arab powers while aiding Israel, with only partial success. One United States friend, Hussein, is now in big trouble.

It appears that the administration advisors believe that Russia will stop short of pushing a big war in the Middle East because there is such grave danger the United States will intervene and a world nuclear war will result. But Russia will meddle up to that point. Some advisors have pointed out that the United States is not treaty-bound to go to the defense of Israel. But, also, we have made clear that we do not intend to see Israel exterminated. We have made this especially clear to the Russians. So, the U.S.S.R. plays the dangerous game of keeping the war threat hot, but not too hot. Meantime, the administration appears to believe that the American peace effort can be salvaged. Evidently the administration has reasons for optimism it hasn't disclosed. But every American had better pray that the Middle East can be damped down before it is too late.

Possibly Russian fears of China may enable the United States to get a peace in both Asia and the Middle East and this may help explain optimism in Washington.

Russia recently concluded a treaty with Germany. This would have seemed impossible only a few years ago. The U.S.S.R. has a paranoic fear of West Germany, not without reason.

But, even greater, is the Russian fear of China. It's an ancient enmity, Karl Marx, the source of Soviet ideology, wrote back in mid-19th century that Russia and China must eventually go to war because they are the world's most implacable foes. Ironically, Marx didn't guess then that the potential enemies would both become Marxist.

But, despite his other mistakes, Marx was certainly right about U.S.S.R.-China hostility The two nations have a long border like that between the United States and Canada, and it bristles with guns on both sides and more Russian divisions than the U.S.S.R. has in Europe. China charges much Siberian land was stolen from China.

It appears that the U.S.S.R. will not dare to get into a fight with the United States until it has solved the China problem—and that problem is getting tougher, not easier.

If Russia continues to be preoccupied with China, so preoccupied it can make a compact with hated and feared West Germany, then the United States gains some extra options.

Since our goal is peace, we have more freedom to move toward peaceful settlements in both Southeast Asia and in the Middle East. We can perhaps relax more in Europe.

So it appears that the Nixon policy, as loosely described here, has a good chance of working. Providing we have the patience, nerve and good sense to try the long range solutions. This requires united effort by our citizens. It needs a little time. And it demands endless vigilance, for no one is suggesting that the U.S.S.R. is growing soft or can be trusted. That idea was exploded once again in the Sinai desert just a few nights ago.

TOM ANDERSON SPEAKS—"SILENCE IS NOT GOLDEN, IT'S YELLOW"

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 1970

Mr. RARICK. Mr. Speaker, on September 4 and 5, the Citizens Councils of America held their 15th annual leadership conference in Atlanta, Ga. The meeting was well attended by representatives of 32 States who spent 2 full days listening to speeches, lectures, and reports from outstanding pro-American leaders on the theme of "citizens power."

A high point in the program was an address by that inspirational American humorist, journalist, and evangelist, Tom Anderson. Mr. Anderson, editor of Farm and Ranch magazine, is internationally renowned for his column "Straight Talk." In his inimitable manner, Mr. Anderson proved himself to be the Patrick Henry of the hour and the Will Rogers of our decade.

His message, "Citizen Power Awakened," is so timely and inspirational to Americans who are dedicated to constitutional government and free enterprise under God, and because it is regarded as too controversial to be given any coverage by the great free press—it is too honest and straightforward for them to understand—I include the full text of Tom Anderson's great address to the Citizens Councils of America following my remarks:

ADDRESS OF TOM ANDERSON AT THE 15TH ANNUAL LEADERSHIP CONFERENCE OF THE CITIZENS COUNCILS OF AMERICA IN ATLANTA, GA., SEPTEMBER 5, 1970

This has been a tremendous convention. *Every* speaker has been supurb. *Some* speakers hate to *follow* a great speaker. As for me, I hate to follow a *poor* speaker. Recently I followed a real poor speaker and all during *my* speech they kept booing *him*.

That introduction and reception makes me as happy as a Jew looking at pork prices in a meat market. And reminds me of the country boy from Georgia who went to the big city, got fabulously wealthy and "went society" in a big way. One night he was having a seated, black tie dinner for 16 when his little brother who he hadn't seen in 17 years blew in unexpectedly. A real hayseed. The only decent thing to do was to make a place for him at the table.

Little brother took a big swig of the soup, which was unbearably hot, and spit it out across the table. The stunned guests looked at each other in silence. Little brother grinned and said: "Some damn fools woulda' swallowed that!!"

First, I'd like to read to you an open letter I have written to the "silent majority":

"As you of the great silent majority may have heard, there are prophets of doom amongst us who are predicting civil war dictatorship and disaster. Don't worry about a thing! The same thing happened to Rome and Rome recovered. A thousand years later.

If some of these fanatical alarmists had been in Rome the night Nero was doing his famous violin solo, they would have run amuck shouting fire! fire! Instead of listening to the beautiful music.

Why be a patriot when you can more easily be a non-person? As Alexander Pope said long ago: "A patriot is a fool in every age. Patriots are like sheep penned and milling, annoying the slumbering countryside with their bleatings." Why be smeared, reviled, bled and destroyed as a patriot when you can be neutral?

Whatever you do, don't join patriotic organizations! You "can do more good on the outside." Like the Woman's club where one member is designated to stay away from each meeting so she can give those attending something to talk about.

Let's learn to look on the light side! Like the Pavlovian mouse who was asked by his buddy. "How you getting along with Professor Pusey?"

"Great, I've got him trained. Everytime I ring the bell he brings me food." Be optimistic! Like the pollyanna who told his friend in the death house one hour before

his execution: "Cheer up! Just think, you *still* have your health!"

Remember, sixty-four percent of American wives and 50% of American husbands do *not* have sex outside marriage. Two or three of the best-read books in the past five years have *not* been pornographic. Only 700,000 young Americans in colleges and universities now accept the Communist condemnation of American capitalism and want to destroy the system, according to a survey by Fortune magazine. Only about half of the college student-body presidencies have been captured by the New Left.

Thirty-eight percent of girls graduating from college *are* virgins. Two-thirds of our 18–25 age group do *not* have any venereal disease. At the present rate of takeover, we will *not* become a communist dictatorship until about 1976. Seventy-eight percent of our colleges did *not* have riots last year. And 85% of the students and faculty members at riot-ridden colleges did *not* participate. Forty-one percent of our college students *still* believe in capitalism! Only ⅛ of last year's Princeton freshman class belonged to the anarchist, Marxist, anti-American students for a Democratic Society.

It is costing us taxpayers only $67,000 a year to maintain Earl Warren in retirement!

It's cheap at half the price!

There are probably fewer Marxists in our country than there are in Russia, and Russia is not even close to civil war. They don't even have riots. (They have firing squads.)

We kooks have upset the Communists so much that they might hasten the take-over, worried lest the American people wake up. They might even bomb us, since some experts say they will soon possess greater missile and anti-missile capabilities that we do. In other words, we saviors may be the death of you yet. Candidate Nixon campaigned on a "unity" program, which was as genuine as Teddy Kennedy's Chappaquiddick testimony. Teddy Kennedy—"Greater Love hath no man than this, That he laid down his friends for his life."

Lenin, too, talked about "the silent majority." He said: "The cultured classes of the capitalist countries of western Europe and America, i.e., the ruling classes, the financial aristocracy, the bourgeoisie and the idealistic Democrats should be regarded as deaf-mutes and treated accordingly . . . they close their eyes to the above mentioned truth and so become blind, deaf and dumb. They will grant us credits, which will fill the coffers of the Communist organizations in their countries while they enlarge and improve our armaments industry by supplying all kinds of wares, which we shall need for future and successful attacks against our suppliers."

What will the dedicated "deaf mutes" do? Get on their knees and pray? The Communists have slaughtered millions of people, shooting them in the back of their necks while they were on their knees praying. I am not knocking prayer! I believe in it. But I wonder how Jesus rates prayer which comes only at the end of a gun barrel? I wonder how Jesus rates *silence?* Jesus told us to *testify,* to *witness,* to stand up and be counted.

Britain's Lord McCaulay forecast in 1857: "Your republic will be as fearfully plundered and laid waste by barbarians in the 20th century as the Roman Empire was in the 5th, with the difference that the Huns and vandals that ravaged the Roman Empire will have come from without and that your Huns and vandals will have been engendered within your own country by your own institutions."

And the N.C.C. and SIECUS weren't even born yet!

But don't worry about a thing! As President Johnson told you, "We never had it so good!" And as President Nixon says, *"Let me just say this."*

"Silent majority!" If you (pardon the expression) *segregate* those words and analyze them separately, you learn that *"silence* is the wisdom of the stupid"; and that the *majority* is usually wrong. And has been throughout history. Could the great silent majority be merely a great glob of slob? They had a "silent majority" in Germany in 1938. They have a "silent majority" in Russia now. Recently a German woman said: "We Christians in Germany often ask ourselves at what point we made our mistake (i.e., permitting the Nazis to enslave our country and most of Europe). We now say it was at the *beginning.* Never let any violation of human rights go unchallenged—not even one. After you have kept silent two or three times it is too late to speak out."

An old Hungarian poem puts it like this: "If you are among the brigands and you are silent, you are a brigand yourself."

As I have remarked before, brigands, when freedom is at stake, silence is not golden, it's yellow. When wrong is rampant in the land, silence is unchristian. When God is mocked on all sides, silence is sinful.

History, good and bad, has been made not by silent majorities, but by vociferous, dedicated monorities. Whether we win or lose this titanic struggle for freedom depends on whether the dedicated minority working for what is right and good is more powerful and more effective than the dedicated minority working for what is wrong and evil.

How did we *get* to the brink of disaster, revolution and dictatorship? The so-called "liberals," aided and abetted by the silent, stupid, yellow, short-sighted ignorant majority *brought* us here.

The silent majority is not really silent of course. It prattles constantly, about the weather, food, sex, which channel to watch and Jackie and Onassis.

Obviously, the latter diversion is a complete waste of time. Onassis is still dating his long-time mistress Maria Callas, and "America's favorite woman," Jackie, while dating Franklin D. Roosevelt and others (as she always has) is furious, as usual, because Onassis is back with Callas. It is rumored that Jackie is going to see a dermatologist. She wants to have a "callas" removed.

What can *you* do? Break silence! Get noisy. Get informed. Get involved. Get ready. Do the best you *can,* where you *are,* with what you've *got. Work*—in your church, school, political party. Join an effective pro-American, anti-Communist organization. And, instead of golf, take up another beneficial, invigorating and more relevant sport—target practice.

The term "silent majority" is far from new. It was used more than a century ago. It meant those who were dead. And, after a fashion, it still does. The silent majority won't save us from war, dictatorship and slavery! The silent majority has never saved any nation.

The silent majority sat by and saw Him crucified. The silent majority permitted the reign of terror in the French Revolution. The silent majority watched as the Christians were burned at the stake. The silent majority sneered when Patrick Henry pled: "Is life so dear or peace so sweet as to be purchased at the price of chains and slavery?" The silent majority watched as the street demonstrations in Germany were taken over by a little unknown paper-hanger and corporal named Adolph Hitler.

The silent majority is yellow, and always has been. History is determined by dedicated minorities. And even by inspired individuals. Only a *few* proclaimed: "He is our risen lord!" Only a *few* defended the bridge at Concord. Only a *few* signed the Declaration of Independence.

Enough dedicated ants can destroy an elephant.

"There's a clever young fellow named somebody else,
There's nothing that fellow can't do.
He's busy from morning till late at night
Just substituting for you.
You're asked to do this, or asked to do that
And what is your reply?
Oh, why pick on me, get somebody else
He'll do it much better than I.
You've a worn-out excuse on the tip of your tongue
Too busy, too something-or-other.
When the truth of the matter is
You simply don't want to bother.
So much to do in this weary old world,
So much, and the workers so few;
And somebody else is all tired and worn
Just substituting for you.
'Tis time that this faithful old somebody else
Gets a much-needed vacation—
Suppose you start substituting for him and
Build up your own reputation."

You of the famed silent majority, when will *you* come down out of the grandstand and get into the game? When will *you* rebel? When it's too late? Thousands of American youth have trained in Cuba to become efficient revolutionaries who, when the time comes, can take over *our* country and *your* children.

What are you going to do, if in 1972 you hear a radio alert saying that a mob of 700,000 people are milling around the White House and will soon sack it? That the President and the Congress are virtual prisoners and have signed a bill "nationalizing" all essential means of production? That Congress later passed an "equal property act" making all citizens equal owners of all property? That United Nations forces have taken over to "restore order?"

What will you tell your children—if they're still alive?

Some head-buriers are still saying: "But protest is necessary and healthy! We are just going through a phase. It won't last."

They refuse to believe it. Like the drunk on the Titanic who said, as he heard the crunch: "I ordered ice—but this is ridiculous!"

Sincerely,

TOM ANDERSON.

We of the *unsilent* minority, we so-called "haters" and "aginners" are gathered here *not* because we *hate,* but because we *love.* We love God, honor, freedom, country. If we are to *win,* love, *not* hate must be our motivation, our fuel, and our goal.

Let's not be like the bar fly who fell asleep in his chair. Another drunk rubbed a piece of limburger cheese in his mustache. The limburgered lad awoke, staggered up to the bartender and whispered:

"Ain't it awful!"

"Ain't what awful?"

"The whole world stinks!"

We do have many things to be thankful for. Like the driver who was overtaken by a motorcycle cop with siren screaming. "Stop! Stop! he shouted. Your wife fell out of the car about a mile back!" Thank Heaven! The motorist answered. "I thought I had gone deaf!"

Typical Americans eat breakfast over their white tablecloths and pink newspapers, and end the day propped up before their boob tube which slyly undermines every form of religion, patriotism, decency, and self-reliance.

The world watches America, and America watches TV; America, former land of the free and home of the brave; now the land of the criminal and home of the scared; America, a land in which workers get paid for not working, preachers get paid for not believing, teachers get paid for anarchy, mothers get paid for not marrying, farmers get paid for not farming, and promoters get paid for fertilizer tanks which ain't; America, where the only God recognized in the

classroom is Santa Claus. A people who won't take a stand deserve to take a fall.

Even more appalling than the noise of the bad people is the silence of the "good people." Many "good people are mainly concerned with how to stay awake on a full stomach.

As General Van Horn Moseley said: "Those who have the most to lose will be the last to resist." (The country club set) and they're neither blind nor innocent; they are gutless and guilty.

As Hiram Mann said: "No man escapes when freedom fails. The best men rot in filthy jails and those who cried, 'Appease, appease!' are hanged by those they tried to please." Appeasers are people who feed a crocodile hoping it'll eat them last.

It is fashionable to be a moderate, a middle-of-the-roader, these days. Many middle-of-the-roaders are merely people who have no principles they'll stand up for. The middle of the road has been moving to the left for 25 years. Pontius Pilate was a middle-of-the-roader. He didn't dare make the decision to crucify Christ. He let the mob decide, the "democratic" thing to do. The middle of the road between good and evil is evil.

We conservatives are always accused of being against change—who have to be dragged into the 20th century—aginners opposed to all change. But not changing just to be changing. Like the fellow who decided just for a change he'd start parting his hair crossways, ear to ear.

His one remaining friend asked, "Well, how do you like your hair parted that way?" He said, "Fine, except for one thing. People are always whispering into my nose." You can raise a pig in your parlor. It won't change the pig, only your parlor.

A government big enough to tell business who they must hire is big enough to tell workers where they must work. A government big enough to tell you who you must sell to is big enough to tell a buyer he can't buy.

This is all part of the grand design of the collectivist conspirators: one race, coffee-colored mongrel; one church, apostate and anti-Christ; one nation, not under God but under the beast—United Nations. The one-world do-gooders now proclaim that any kind of discrimination shows moral immaturity.

Reminds me of the man who sued his wife for a divorce because she was so immature. He said: why Judge, she'd even barge into the bathroom while I was in the tub and sink all my boats.

While all men are created equal in the eyes of God and the law, they don't long stay equal even there. God has his own "elect", penalizes unrepentent sinners, and the law penalizes repeating criminals.

A centralized welfare state brings slavery, not freedom. Property rights are the very basis of human rights. The right to self-determination of associates is the very essence of human dignity. Forced equality is not democracy but dictatorship. Free men are not equal and equal men are not free. The issue is freedom—freedom of choice. Freedom to choose the doctor who's going to have to wait to get paid.

A government which allows a "have-not" majority to confiscate the "excess" earnings and assets of the "have" minority is a governmental tyranny regardless of whether it has a constitution and free elections or not. For no dictatorship is more corrupt or tyrannical than the dictatorshop of the mob. Even if there were no such thing as a Negro, "civil rights" bills are bills for the concentration of power, which the Bill of Rights specifically denies. "Open housing" and the busing edicts are additional planks in the dictator's boardwalk. Another nail in the coffin of states rights, another unconstitutional infringement of property rights, which is the most basic and sacred of all human rights.

Nixon calls his trillion dollar city renewal plan a "human investment program" and Humphrey called his a "Marshall plan for the cities." Whether there's a dime's worth of difference between them or not, both are clearly unconstitutional.

President Nixon's hang-up is "unity." My dictionary says "unity" means: continuity without deviation or change (as in purpose or action); the quality or state of being made one."

And the lion and the lamb shall lie down together. Eldridge Cleaver and George Wallace.

Take from-the-haves-and-give-it-to-the-have-nots is Marxism.

"Guaranteed annual income is Marxism. The so-called 'civil rights' movement is Marxist-oriented. Abernathy: 'Capitalism killed King.' "

Jesus didn't take the people out of the slums; He took the slums out of the people. Jesus did not minister to groups: he ministered to individuals.

No man can save our country from the top down. If we are saved from civil war, bankruptcy, and surrender we'll be saved the same way we were founded, from the bottom up, by we-the-people. But how do you save a country which doesn't want to be saved?

Since fiscal 1953, the beginning of the post-Korean war period, so-called "defense" expenditures are up 41% but domestic spending is up 242%. Since 1948, tax collections have increased $109 billion a year, or 241%. Why? Population increases? No. During the past 20 years, population of the United States rose 37% and the cost of the federal government alone grew ten times faster than the rate of population.

"Defense" spending has increased 68% since 1960, but non-defense spending has increased 97%. Spending our way into prosperity is like . . . beer . . . drink 'til . . . even with the continued Vietnamization of our no-win war. The Federal Government will spend in this fiscal year more than 200 billion, and that's more, in one year, than 32 Presidents (from Washington through half of the third term of Franklin D. Roosevelt) spent in 153 years.

In socialist America today, one-fourth of the people are already living off the other three-fourths, completely or partially. In federalized America 48 million people now get regular government checks. That's roughly—and it is rough on those of us who pay the bills and don't get any—one out of every two households in America, assuming no duplications. That's even rough on the post office, having to deliver them. I dreamed awhile back that our collectivists had an answer for that too: that they plan to integrate carrier pigeons with woodpeckers, forming a pigeonpecker corps. The pigeonpeckers would not only be able to deliver the 48 million government checks, but they would knock on the door when they got there

Government does not and cannot create great societies. Individuals create great societies, not vice versa. The only great societies in history have been free societies in which the individual had maximum rights and privileges and was the master, not the servant of government.

Total government planning has no room for true Christian charity. The best way to reduce the exploitation of man is to embrace Christianity. Christianity, not handouts, is the hope of the world.

Of course, we can't expect our leaders to be perfect.

Reminds me of the preacher who was preaching on the imperfections of man: "I, myself, am guilty of many sins of omission and commission. I dare say there's not one among you who even thinks he's perfect."

He was appalled when a little fellow timidly arose in the rear of the church and held up his hand.

"Sir, do you mean to say you think you're perfect?"

"Oh, no, Reverend! I'm just standing up in lieu of my wife's first husband!"

Our forefathers fought the revolutionary war in order to escape taxation without representation. Taxation without representation was not nearly as bad as taxation with representation as we have had in recent years. The collectivists who say "debt doesn't mean anything, we owe it to ourselves," and "the way to stop inflation is with a surtax," reminds me of the treasurer of the woman's club who got up and reported: "I am happy to state that through prudent management we ended the year with a deficit of $114.23."

A little old lady in tennis shoes jumped up and said: "I move we donate it to the Salvation Army."

The collectivists brazenly proclaim that they will "take it from the haves and give it to the have-nots who need it so much." Hitler said the same thing, in German, and Lenin said it in Russian. That's not only unconstitutional. That's stealing.

Under Republicans and Democrats, our government, through abandonment of the gold standard, through confiscatory taxation, through continuous deficit spending, through government-sponsored union racketeering, through fantastic giveaways at home and abroad, through actual sponsorship of anarchy and insurrection across our land, through deliberate subsidization of the enemy—our leaders are destroying the home of the brave and the land of the free, deliberately. I am quoted the other day as saying "unwittingly." I didn't say "unwittingly" I said "deliberately." Our major menace is not the Big Red Army from without but the Big Pink Enemy within.

It didn't just happen—it was planned that way.

Our greatest menace is not fallout, but sellout.

The so-called liberals now talk about armageddon, the last war when all shall be destroyed. If we are on the brink of armageddon, who brought us there?

The "liberals" remind me of the boy who murdered his mother and father and then threw himself on the mercy of the court because he was an orphan.

With marxism taking the world, our leaders don't even mention the Communist menace but talk of "building bridges of friendship." No candidate for the presidency or vice presidency—except George Wallace and Ronald Reagan—even mentioned the Communist scourge. They play like it doesn't exist.

Of course, we conservatives want perfection. Like the old maid who had waited so long for the right man to come along. Her little nephew said: "Auntie waited so long for her ship to come in that her pier collapsed." Some people even condemn Ted Kennedy for wearing that neck brace to the Kopechne funeral. He needed it to hold his head up! Always remember this about Ted Kennedy. There's less to him than meets the eye.

We conservatices have our slight differences of opinion—like the bride-elect who said describing her differences with her fiancee, "I want a big church wedding," she said, "and he wants to break the engagement." Lots of good Americans have broken their engagement with both so-called major political parties.

Having to choose between Democrat and Republican puts us in the position of Adam: God showed Eve to Adam and said, "now, choose a wife!"

Switching from Democrat to Republican is like switching from CBS to NBC. Reminds me

of the time the Earl of Sandwich (who invented the sandwich) was challenged by back-bencher John Wilkes in the English parliament. Sandwich was kind of a ladies man, but he was tough in debate and told Wilkes that he was a no good so-and-so and that he'd surely die on the gallows or of a dread disease.

Wilkes replied: "That depends, my lord, on whether I embrace your principles or your mistress."

We who oppose tyranny, anarchy, despotism are now called kooks. Remember, during the 1964 presidential campaign, a group of *psychiatrists* "psychoanalyzed" Goldwater from "news" paper reports and prescribed by mail psychiatric help for him? I've never known a psychiatrist who didn't need psychiatric help. Which brings to mind the letter sent to a newspaper medical column: *"Dear Doctor: Please send me the name of a good book on personal hygiene. I think I've got it."* I think most psychiatrists have "got it."

Remember, *Today's Mighty Oak* is just yesterday's Little Nut which stood it's ground. And speaking of psychiatrists, I heard about a fellow who was having his last psychiatric visit after having spent years undergoing treatment. "Since this is our last session and I'm now cured," he told the psychiatrist, "Kiss Me Goodbye." "I'm sorry." Replied the psychiatrist "I Can't Kiss You. *We really shouldn't even by lying here on the couch together."*

"Poverty" the liberals tell us, is one main reason for our "sick society." The so-called war on poverty is a blueprint for socialism and dictatorship, there is no unemployment in Russia. They shoot enough people to make the people and the jobs come out even. The U.N. charter says that all member nations should maintain full employment regardless of the consequences. It is impossible to have perpetual full employment and freedom. As important as the right to get rich, is the right to be a bum.

Of course, the only sensible way to really reduce poverty is to increase and improve private enterprise.

Some young people complain because there is no more opportunity. Somebody has estimated that 80% of the world's knowledge has been developed in the past 10 years and is doubling every 10 years. Ninety percent of all drugs being prescribed by physicians today were not even known 10 years ago. Ten years from now ¾ of all people who will work in industry will be producing products that have not yet been invented or discovered.

Where there is erosion of the national morality, property rights are always destroyed. Property rights are the foundation of morality. That's the reason one of the 10 commandments decrees: "Thou shalt not steal." The politician who will steal for you will also steal from you. Some of our politicians would steal a *dead fly from a blind spider.*

Well, we got rid of Johnson and got Nixon. Like getting a divorce and getting custody of your wife's parents. Some uninformed conservatives still think Nixon is a conservative—he's a weathervane.

Most of us don't yet know *what* to expect from President Nixon—which reminds me—

Once upon a time there were *three bears:* Papa bear, mama bear and baby bear. "Someone has eaten my porridge." Boomed papa bear in his deep sonorous voice. "Someone has eaten my porridge!" cried baby bear in her high little voice. Bitch, bitch, bitch: said mama bear, "I haven't even put it in the bowl yet!" Nixon-bear hasn't put our porridge into the bowl yet. But everything indicates it will be a better tasting, slower poison.

But isn't it nice to have a lady in the White House again? It is reported that Pat Nixon has completed her redecoration of the White House. She has moved the barbecue pits back outside, the bathrooms inside, and swimming trunks poolside. President Johnson got rid of the Louis XIV bed in his bedroom because it was too small, and got a Louis XV.

The hippies, anarchists, Communists, and atheists are not trying to *improve* our government and culture: they are bent on *destroying. They* are the aginners.

An aginner whose mother-in-law died on a trip to Australia wired the undertaker: "Embalm, cremate, and bury! Take no chances!"

The productive capacity, the "materialism," inventiveness of the American system has long been the envy of the world. Our young people think they have invented everything, including sex. Actually, scientists say that kissing started because of the craving for salt. The caveman discovered that he could cool off by licking his neighbor's cheek. And then he found it was more fun if the neighbor was female. Then he forgot about salt.

They're (young people today) are as spoiled as a butcher's dog, most of them. They're always itchin' for money but never scratchin' for it.

I heard a while back about a widow who raised five wonderful boys all by herself. Somebody asked her "How in the world did you do that." The main thing she said was a pat on the back. You must do it early enough, often enough and low enough.

Where are the comrats making the greatest inroads? In some of the richest and most literate countries like the U.S.A., England, France and Italy. And with the "intelligentsia" and clergy throughout the world.

The answer lies not in "degrees" but in morality. And to this statement the typical leftist educator likes to parry with, "What *is* morality?" Many educators are dedicated to destroying morality. "Morality is what we think it is. What society says it is, a relative thing, they prattle."

Morality is not what some educator says it is: Morality is what the Bible says it is. Students being taught new "moral codes don't need new codes but new teachers. Our Nation was founded by men who believed in God, in individual freedom, in high moral values and in personal responsibility. Whether we survive as free men or slaves depends not upon our education but upon our moral strength. Our problem is not our housing slums but our moral slums.

The hippies want to replace "dog eat dog" with "dog love dog." Both are animalism, and can only return civilization to the jungle.

Ralph Waldo Emerson said: "A man is what he *thinks* about all day long." On that basis to draw even a *picture* of a yippie brain would be *obscene.*

A psychiatrist friend of mine—I take that back—I don't have any psychiatrist *friends*—told me he sent a $325 bill to a hippie patient: $25 for listening and $300 to clean the couch. One teen-ager I know spent 2 years trying to find himself—got a haircut & there he was. When my daughter was about 21, a lady told me that my daughter had more character than anybody she ever knew. This was the supreme compliment, next to being a born again Christian—and she's that too.

Character is the only thing of value we can earn on earth which we can take with us when we die. Reputation is what we're supposed to be. Character is what we are—when nobody but God is looking. Character knows no color, race or creed. Character is a victory, not a gift. To fail is not to be lacking in character, but to be lacking in character is to fail. The main purpose of a school, in my opinion, should be to build character.

The college diploma is the most over-rated thing since Jackie Kennedy. America is a Nation of uneducated diploma worshippers. As any real Christian knows, a true Christian lives his religion, or at least tries to. And a truly educated person *lives* his education. You can tell how educated a person is by the way he spends his spare time. If it's in front of the tube, then he's a schooled boob, but not *educated.* The environment a person tries to create for himself indicates his character as well as his level of education.

Education is not a diploma. It is a way of life. An outlook. An upward reach which demands a growth of spirit.

Education belongs not to the state but to the parents.

Once upon a time three turtles went on a picnic—mama turtle, papa turtle and baby turtle. They arrived at the beautiful picnic grounds five years later. And then papa turtle discovered that he had forgotten to bring the can opener to open their cans of turtle soup. So papa sent baby turtle home to fetch the can opener.

Two years passed and baby turtle had not had time to get back. Papa turtle turned to mama turtle, stuck his neck out and said "I am very hungry. Let's eat just one sandwich each before baby turtle gets back."

"Ok," said mama turtle.

"Oh, no you don't!" screamed baby turtle as he stepped from behind a nearby tree.

"Just for that I ain't goin'!"

I'd like to add one small voice to the voice of the turtle: When it comes to goin' along with government schools, lots of us ain't *ever* goin'.

No matter how difficult the task or how long the odds, let us never quit trying. Like the fellow on the golf tee who said to his companion: "I've got to do well here! That's my mother-in-law on the club house porch."

"Don't be silly!" replied his friend. That's over 200 yards—you'll never hit her from here!"

Of course, there are many discouraging things. What hope is there for a nation which votes Jackie Kennedy as "most admired woman?" Except for the knowledge that for 10 or 15 years it was Eleanor Roosevelt.

The brainwashers' all-out effort to tell it like it ain't, reminds me of when one of the best marksmen in the country was passing through a small town and noticed numerous bull's eyes drawn everywhere, on fences, trees, walls. Every target had a bullet hole *exactly* in the center. "Who *is* this great marksman?" He asked. They took him to the town idiot.

"This is amazing markmanship! I've never seen its equal!" enthused the marksman. "How in the world do you do it?"

"Easy as pie. I shoot first and then draw the circle."

People who see our day-by-day surrender and won't believe it are like the man who had become suspicious that his wife was being unfaithful to him. One night he returned unexpectedly from a trip and drove up in time to see a strange man approaching his front door. He parked his car and watched as the man was met by his wife and embraced warmly. He continued to watch while the man sat in the living room having highballs, engaged in intimate conversation. A little later he saw the man and his wife retire to the bedroom. His wife kissed the stranger tenderly and then walked to the window and lowered the shade. Then the lights went out. The husband sighed: "If I only knew for sure!"

This is a great crowd and all of the *same* mind—or nearly so. And *few* crowds *are.* Even at some funerals—like Eleanor Roosevelt's—some come to mourn and some to make sure.

Let us *not* mourn. Let's make *sure!*

President Nixon has *told* you super patriots that our diplomats are *confronting* the

Communists eyeball to eyeball. And after that? They kiss.

We lower mentalities must realize that the Senator from Oxford, J. William Fulbright, has said: "Fundamentally . . . the American people have little, if any, need to be alerted to the menace of the cold war."

Few men of our time have dipped more deeply into the sacred fount of learning—and come up drier. Senator Fulbright makes me wish birth control could be made retroactive.

We may *not* win in our time—but *some* time the principles we are fighting for will win—because they are *right*. And if we merely sow the seeds for future generations, whether it be realized for our children or their children's children, we have only done our duty.

Some say our country has failed because its institutions have failed . . . because the Supreme Court, the President, the Church, the educational system, Congress and business have failed. Actually, we have failed because the *people* have failed. The Church hasn't failed. *Christianity hasn't failed.* It hasn't been tried. We the people just don't have *enough* of it.

A great actor was asked to entertain at a large dinner party one evening. A ripple of excitement ran through the crowd of prominent guests as he rose to speak. He chose to recite the 23rd Psalm, which he did eloquently. He finished the dramatic recitation in a thunder of applause, and the audience gave him a standing ovation.

The next speaker was an elderly white haired man, bowed and worn by long years of patient labor as a missionary. "I, too, would like to recite the shepherd's Psalm," he said quietly. Then, turning his face upward a little, and closing his eyes, he began . . . when he was through, there was not a sound. No word. No applause. And there was not a dry eye in the room.

Afterward, a man said to the great actor: "I don't understand. You both said the same thing. Your presentation was perfect in every way. Yet, when he spoke in his halting, imperfect manner, people were moved too deeply for words. What made the difference?"

"The answer is simple," replied the actor. "*I* know the Psalm: I know it well. But *he* knows the shepherd."

Many of say we know the shepherd, but few of us act like it.

Once upon a time a mighty king condemned one of his lowly subjects to die. The wretch proposed and the King agreed to call off the execution if, within a year, the condemned could teach the King's horse to fly. "Why postpone the inevitable?" a friend asked the wretch. "It's not inevitable," he replied. "The odds are four to one in my favor: 1) the King might die; 2) I might die; 3) the horse might die; 4) I might teach the horse to fly."

Jesus said, "all things are possible to him that believeth."

Bismarck said, "There seems to be some sort of special providence that looks after drunks, fools and the United States." True. God alone can save the world. But God won't save the world alone. Nor will prayer alone. God helps those who help themselves. The God-hating Communists have murdered millions of innocent people shooting them in the back of the neck while they were on their knees praying. Maybe one person can't save the world. But he can try.

In closing I would like to tell about a friend of mine named Paul who received a new automobile from his brother as a pre-Christmas present On Christmas Eve when Paul came out of his office, a little street urchin was walking around his new car admiring it.

"Is this your car, Mister?" Paul nodded. "My brother gave it to me for Christmas. "You mean your brother gave it to you and it didn't cost you nothing? Gosh, I wish . . ." He hesitated and Paul knew what he was going to wish. He was going to wish he had a brother like that. What the little boy said jarred him to his heels. "I wish" he said "I could be a brother like that."

Paul looked at him in astonishment and then impulsively asked "Would you like to ride in my new car?" "Yes, sir I'd love that." After a short ride he turned and asked "Mister, would you mind riding by my house?" Again Paul knew what he wanted. He wanted to show his family and friends that he could ride home in a new car. He was wrong again. "Will you stop right where those steps are?"

He got out and ran up the steps and a little while Paul heard him coming back—but he wasn't coming very fast. He was carrying his little polio crippled brother. He sat him down on one of the bottom steps and sorta nudged up against him and said: "There she is, Buddy, just like I told you upstairs. His brother gave it to him for Christmas and it didn't cost him nothing. Someday I'm going to give you one just like it. Then you can see for yourself all the pretty things I have been telling you about in the Christmas windows."

Paul got out and lifted the little cripple in the front seat and the shiny eyed older brother got in beside him. That began a memorable holiday ride. That Christmas Paul learned what Jesus really meant when he said "It is more blessed to give . . ."

POLITICS—A PROMISING FIELD FOR WOMEN

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 1970

Mr. FRASER. Mr. Speaker, we all have among our acquaintances many able and talented women who would make excellent public officials. Women who have been active in groups such as the League of Women Voters, PTA's, and other education groups and neighborhood and community organizations have a fine background and potential for elective office. Let us hope that the growing interest in the role of women in our society means more women will look to politics as a promising field and that they will receive the support they deserve.

The editors of the Minneapolis Tribune on September 7, 1970, published an editorial on this subject. It is worth reprinting in the RECORD:

POLITICS—A PROMISING FIELD FOR WOMEN

The number of women in politics is phenomenally low, considering the lack of legal barriers and the push for greater opportunities for women. The score nationaly is: one woman in the Senate and 10 in the House, with perhaps another five likely to get in this fall; about 300 in state legislatures, 31 in other state elective offices, and 14 as mayors of cities over 10,000.

Why don't more women run for public office? Politics is tough, competitive, tiring and often difficult to combine with family life and husbands' jobs. Many voters still assume it's a man's field, though a recent Gallup poll reported that 83 percent would support a qualified woman for Congress. Party leaders usually assume that male candidates are more likely to win, and women normally take second place in obtaining campaign funds.

But women traditionally have done well in lesser public positions in their own communities—on school boards, library and park boards, for example, and in appointive positions on state boards and advisory committees. The Minnesota Legislature, which we believe would benefit from more women members, had only two in the last session, but 13 candidates are running now. Two women council members in Minneapolis and one Hennepin County Board member have shown that women in such positions can contribute responsibly and intelligently to local government.

Politics should be one of the natural routes in the movement for greater "equality" between the sexes. More women should try it. We all would benefit.

J. IRWIN MILLER: A HOOSIER PROFILE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 1970

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following study of Mr. J. Irwin Miller, of Columbus, Ind., which appeared in the September 13 edition of the Indianapolis Star magazine.

The author, Mr. Lloyd B. Walton, points out Mr. Miller's far-ranging interests, including service on two President's Commissions, and as head of the World Council of Churches. One of Mr. Miller's primary concerns, however, has always been the improvement of his home community—Columbus. It has been largely through his guidance that the architectural and cultural improvements have come to fruition which have earned the community's reputation as the "Athens of the Prairie."

The article, which is a history of one Indiana family's rise to prominence and of Mr. Miller's dedication to the family's tradition of service to its community, State, and Nation, reads as follows:

HOOSIERS IN PROFILE: J. IRWIN MILLER

(By Lloyd B. Walton)

An Indianapolis speaker noted for his wit traveled to Columbus, Ind., to address a dinner group a couple of years ago. He trotted out his best comic lines, only to have them fall as flat as U.S. 31.

After the debacle, he apologized to the program chairman, explaining that he had dug to the bottom of his repertoire and that lines which always had been sure-fire missed. He was mortified.

"Think nothing of it," replied the program chairman. "J. Irwin Miller was in the audience. And if he doesn't laugh, nobody laughs."

In truth, although J. Irwin Miller personally has conservatively 75 million (all dollars) reasons to be jolly, he is a man of stern appearance, brief in his speech, frugal in his emotion. His Columbus office is as austere as the man, presumably to preserve its Victorian decor. He has solemnly poured thousands of dollars, uncounted hours and limitless "push" into Columbus art, architecture and culture to help justify the "Athens of the Prairie" sign outside town. He says his bank will continue to do so.

His image of spending money to do worthwhile things without being frivolous prompted Esquire magazine in 1967 to offer

Miller as their own non-nonsense Republican candidate for President. In Columbus nobody publicly laughed at that, either, and the impression around town is that while there may be a few sour-grape critics for the sake of sour-grapes, there are few citizens who genuinely resent the Miller umbrella.

It's not surprising that such a man is not easy to get to know in a few hours—and even that time is a luxury in the schedule of a man whose corporate interests span the world.

Lean and hard, as you would expect him to be (6-foot-2 and 190 pounds), J. Irwin Miller greets visitors across a well-organized desk in his office at 3d and Washington Streets, across from the Bartholomew County courthouse. At 61, Miller looks at least 10 years younger.

The few papers on the desk top are a day's work—it will be completely clear when he leaves in the afternoon. That's his secret of accomplishment, do everything right now and don't allow anything to pile up.

Behind him a heavily-laden modern bookshelf looks slightly out-of-place in contrast to the 19th Century windows towering high above them. A soft, striped rug and black leather upholstered chairs invite you to feel at home—but the sweeping second hand on a little desk clock cautions against getting too comfortable and wasting any of the moments that are dollars tc the graying-haired man behind horn-rimmed glasses.

One end of the row of books is supported by a brilliantly colored ceramic elephant Miller's wife brought him from India. Books range from technical treatises and management manuals to financial theory and Cummins annual reports. A Bible is prominent on the shelf.

Miller is attired in a conservatively-tailored blue suit, striped shirt with button-down collar and a blue silk tie embellished with miniature Yale bulldogs (he was graduated from Yale in 1931)—the tie was a gift from his wife.

When he's not commuting to Cummins facilities throughout the U.S. or Europe—and he travels to some of them every week—Miller is behind that desk every morning shortly after 8, following a hurry-up breakfast at 7:30. He dashes from his modern home on the outskirts of Columbus in a 4-year-old Jaguar.

But no matter where the week has him traveling, Miller plans to be in Columbus to spend the weekend with his family and attend First Christian Church. His workday (in the office) ends promptly at 5 p.m., and the family enjoys frequent musical get-togethers, with one of the kids on piano and dad on the violin.

His rigorous schedule helps keep him trim, but Miller admits he occasionally has to "exercise" by pushing himself away from the table to hold his weight steady. He likes all kinds of food, never smokes and takes only an occasional social drink—no preference—"Whatever the host is serving," he says.

"I try to play a little golf every week. But I'm afraid I never do any other sort of exercise."

Untold thousands of words have been written describing the history of the Irwin family and Cummins Engine Company. But Miller is reticent to glorify the family's activities. He can, and does, boil the past century into a few terse paragraphs.

"My great-grandfather, Joseph Irwin, came to Columbus in 1845 or 50," Miller says, "He had a dry goods store on this same site."

As Irwin had the largest safe in town, farmers asked him to keep their money for them. Irwin took advantage of a good public relations opportunity and did this as a service—with no charge to the customers. It was a good gimmick and business flourished. Then some of the farmers asked him to start handling all their money affairs and Irwin became a private banker.

"He built the original bank building here in 1860," says Miller. "But it was half dry goods and half bank." The present building followed—and the bank has been in business and growing ever since.

Several years ago an ultra-modern bank building was erected, and the old structure remodeled into offices.

"Great-grandfather, along with his son, William Irwin, and the Donners of Columbus, chipped in together and started a tin-plate mill at Anderson," he says. "Then in 1900 they started the first electric interurban line from Indianapolis to Louisville and sold it in 1912.

"They bought the old starch works at Edinburgh and started Union Starch and Refining Company. It has plants at Edinburgh, East St. Louis, South America and the Philippines. We sold it recently to Miles Laboratories at Elkhart.

"Clessie Cummins and uncle Will Irwin started Cummins Engine Company in 1919," he says.

Then he quickly fills in the highlights of his own years with Cummins—started as general manager in 1934, went to Navy in 1942 for two years (he was a lieutenant), Cummins retired in 1959 and Miller became president. He rose to board chairman in 1951. Cummins died in 1968 in California, having sold his interest in the company.

Life wasn't always so rushed for the lanky industrialist. There was a time when he could get together with friends and practice the music he loves so much. Miller's violin playing is strictly a hobby but a serious one—he prefers Bach and renders it on a Stradivarius.

"A long time ago, when I didn't travel so much, I played with a group of friends," he says. "We had a string quartet for about a year or so."

Miller's "thumbnail history" leaves out details such as that he is a director of American Telephone and Telegraph, Equitable Life Assurance and Chemical Bank New York Trust Company, that he is a trustee of Yale University, the Ford Foundation and of Christian Theological Seminary.

The real J. Irwin Miller comes to life as you talk with townspeople and associates. It's almost as if you are talking about three people, so active is he in business, church, civic and national affairs.

Miller had what some kids would consider a dull childhood life—but one which was ideal preparation for his adult role. He and his sister, Clementine (now Mrs. Robert S. Tangeman of New York City), learned to be quiet unless they were spoken to or could raise a question that would interest the highly-educated elders of the family. The old Irwin mansion on Fifth Street was a scene of intellectual conversations on every conceivable subject.

Miller's maternal grandfather, Zachary Taylor Sweeney, was a onetime U.S. consul in Istanbul and was the town's leading minister. Grandmother was a determined exponent of Christian social doctrine. Aunt Elsie (who still lives near Columbus, at Harrison Lakes) was a spinster who wrote religious research papers and researched deeply into music. Great-uncle Will G. Irwin was one of the state's richest men and became a Republican national committeeman. His father, Hugh Thomas Irwin, had been a professor of history and languages at Butler University. He later was elected lieutenant-governor of Indiana.

It was a fertile atmosphere for growth in religion, politics, culture and business. And the lessons sank deeply.

As a child Miller had a stuttering problem, few chums, and showed no talent for leadership. His favorite time of year was the annual family summer vacation on Canada's Lake Rosseau, north of Toronto. This became such a pleasant interlude that he still takes his wife and children there in the summertime.

It was at Oxford where he was on the rowing team that Miller gained more confidence in himself and got rid of his stammering. And there's been little time since then to even think of the past—the present is too well filled building for the future.

In 1933, fresh home from Oxford University with a master's degree, Miller jumped into the business world by going to work at Purity Stores, a chain of more than 100 supermarkets in California—nearly half-owned by his family. After nine months there he was called back to Columbus to take over as general manager of the Cummins plant.

Clessie Cummins had developed a new fuel pump and injector system that made Will Irwin think the diesel engine could be successfully used in trucks. But truck manufacturers wouldn't go for it. So, Uncle Will had Purity Stores pull the gasoline engines out of its entire fleet and installed Cummins diesels. Results were so fantastic—and economical—that it seemed obvious steady and economical production would make the cash register start humming.

But Clessie was an "individualist" and seemed to prefer working all night working out the "bugs" in an invention rather than running the business. It was Clessie's idea that J. Irwin become general manager and thrash out production problems while he increased his time at the workbench.

Miller never had any formal education in business. "Uncle Willie said business can't be taught—you have to learn it," Miller says.

How well he learned is history. There were 60 employees at the Columbus plant when Miller took over in 1934. Today there are more than 14,000 employees of Cummins scattered throughout the world.

By 1936 the firm had annual sales past the $1 million mark but never had made a cent of profit since its founding in 1919. First profits were realized in 1937, and it's been a steady climb since. Sales this year are expected to be about $450 million.

Columbus, county seat of Bartolomew County, has enjoyed an equally steady growth during those years.

"And the county is going to continue growing, Miller says. "At least the local bank is planning that it's going to." And since Miller is board chairman of the leading bank, he should know.

Success of the family's business ventures seems to have stemmed from a "built-in" knack of putting their investment dollars to work in the right place at the right time—and not wasting any of them.

This lack of waste is seen in Miller's office building. It's the old Irwin Bank building—built in 1881. As it houses Irwin Management Inc. offices it is not a prosperous revenue producing unit. Add to this a nostalgic desire to maintain some of the original "flavor" of the beginning of an empire as a monument—and the building still stands in all its Victorian austerity. The exterior has been carefully restored and preserved and the interior displays tastefully designed and furnished offices. But it's like stepping from one century into the middle of another to walk through the front door.

Miller's office is headquarters of Irwin Management Inc. which handles all of the family financial affairs—". . . some real estate, some investing, some venture capital . . . ," he says.

One of the firm's first projects as major developer was Bond Court at Cleveland in 1968. This is a $20 million office building and convention-type hotel in a downtown urban renewal project. The three-acre site is scheduled for completion in the fall of 1971.

Another development is L' Enfant Plaza at

Washington, D.C.—named in honor of Pierre L' Enfant, original planner of the nation's capital. The project consists of two 9-story office buildings separated by a four-acre plaza. It will feature an underground shopping promenade on the lower level with a theater, a service station and three levels of parking.

Miller is credited by other town leaders with being "the man whose interest and financing of quality architecture brought Columbus the title 'Athens of the Prairie.'" And he constantly is pushing others to make greater strides in improving all of Bartholomew County.

Recently he told a meeting of the Junior Chamber of Commerce: "You men are still young. You have fewer ingrained prejudices about 'going back to the good old days'—I wish I were one of you. I am jealous of you and your chance."

As proof that he means exactly what he said, in June, 1969, senior management of Cummins took an unusual step and recommended the directors elect, as the active operating management of the company, a group of young men whose average age is under 40.

The Cummins annual report says: "We consider these men extraordinarily able, and it is our belief that companies today will be best led by younger men of energy and competence, who are at home in the new conditions of the industry and market, who know how to live with change and who welcome change and seek to exploit its opportunities."

While this is a good break for the "youngsters" they still will have to press hard to keep up with the boss. His talent for keeping "on the go" is well known.

Miller is a student of history. He reads the ancient classics regularly in Greek and Latin and has been a long-time student of the Bible. He feels a scholarly interest in the past is a necessary resource on which one must draw to understand the present and perceive the future.

In 1960 Miller was the first layman ever named to head the National Council of Churches. He headed the Council through 1963 and advocated criticism of the church as a healthy thing to "keep them on their toes."

"I have considerable gratitude for right-wingers who have attacked the National Council," he says. "The church ought always to welcome criticism—the church is always strengthened by attacks from the outside. If it goes down, it goes down because of apathy and corruption on the inside."

Further, he recommends participation by the church in controversial affairs. "It gives them the opportunity of a lifetime," he says. "Your ministry can be more effective than your father's ever could. The rise of right-wing criticism is evidence that the church is influential."

On the matter of criticism by the church, he says: "The one kind of Communist infiltration in the church I fear is the kind that would make it over into the image of the government—as you have in the Russian church. There the church lets society go its own way uncorrected, a real perversion of the historic mission of the church.

"The mission of the church is to be in the world with both feet. The greatest thing the church could do for Communism would be to back out of the world. Genuine anti-Communism comes when you don't let society rest on its evils."

Moral strength and responsibility is the subject of many of Miller's discussions with church and lay leaders. He illustrates his thoughts with a moral-carrying story he remembers from the 7th grade.

"In a manual training class I learned to make drawings, to use saws, chisels and planes. Finally I had to make an upholstered footstool which would pass my teacher's critical inspection.

"This came pretty hard for me," he recalls. "But I did manage to get the pieces made and ready to put together. After they had been glued, a variety of clamps were applied, aimed at keeping the pieces together until the glue could set. After several days I was instructed to remove the clamps.

"My teacher then gave me a great fright," says Miller. "He took up my stool and began pulling on the legs to see if they would come apart. Finally this 200-pound man actually sat on my stool, and I doubt if I can ever forget the relief and pride which I felt at first learning that my stool could be put to use."

Miller used this example in a talk to an assembly of the National Council as an example of how well the council had been "glued together" and was serving the purpose for which it had been formed. He compares religion to a "glue"—an agent which binds men together and binds them to God.

Miller considers himself an "amateur politician"—he is a member of the Republican Finance Committee and in 1968 was chairman of Citizens for Rockefeller. He was a member of the President's Commission on Postal Organization and feels strongly that postal service could be greatly improved if the Post Office Department were operated as a corporation, not politically controlled.

In 1968 Miller was a member of the President's Committee on Urban Housing.

He is a strong civil rights advocate and speaks out loudly on "human" treatment for all races and creeds.

"My views on civil rights are those which are expressed by the law," he says simply. "The color of your skin isn't important."

"Columbus has a small population of minorities. And we have a very good and enforceable open housing ordinance. I supported its adoption."

Miller's feelings on equal rights for all were incorporated into the Cummins plant in the early 1930s. "Cummins was the first plant in southern Indiana to be open without restriction," he says proudly. "And it has been that way ever since."

Despite the fact Miller heads a growing corporation he has often spoken against the threat of corporations to individualism.

"I am a firm believer in individualism as a creative force," he stresses.

But he notes that conforming to the status quo tends to stifle individual creative thinking and inventiveness.

"Man has organized to get what he wants," Miller says. "This organization has brought on conformity. Perhaps for the greater number of human beings this conforming is no great worry—because organization has its comforts for the mind and spirit as well as for the body.

"Because of this organization we are no longer compelled to walk if we don't want to. The organization transports us. And for our minds the organization supplies acceptable opinions on politics, on business, on labor, on marriage or religion—we do not have to think for ourselves if we do not wish. And most of the time this is a comfort.

"And while it is fashionable to view this situation with alarm," he says, "the truth is most of the time we love it."

Miller notes that a tendency toward conformity is as true among executives as it is among workers and blames it to a fear of not being entirely accepted if they are "different."

Miller says he constantly searches for outstanding men in his organization—the ones who are creative and who are looking for more things to do or a different way to do them. Whenever a job opens, Miller has department heads make an alphabetical list of men who might qualify. They are eliminated one by one—only for good reasons. Seniority is not the final qualification for promotion. The system has "discovered" some top talent that otherwise might have been lost—or, at least, hidden for a longer time, Miller feels.

Miller and his wife, Xenia, have five children—three girls and two boys, ranging in ages from 13 to 25.

"The boys are the youngest," Miller says.

When asked if they are being groomed to step into his job, he smiles briefly and says:

"They haven't decided yet what they want to be. It's up to them. I just want them to do well whatever they decide to do."

HOGAN QUESTIONNAIRE RESULTS

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 1970

Mr. HOGAN. Mr. Speaker, shortly after President Nixon's July 1970, message on the state of our Nation's economy, I sent a questionnaire to 217,000 homes in my congressional district asking my constituents' views on the President's message and his recommendations for congressional action.

For the information of my colleagues, I would like to share with them my newsletter on the responses which I received to this questionnaire. I include this newsletter at this point in the RECORD:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 1970.

DEAR FRIEND: Last month you received a questionnaire from me asking for your views on the problems of our economy. At this writing, 11,864 responses have been received. Because there have been so many responses, it is impossible to send everyone a personal letter. I am, however, sending you this report so you will know the results of the survey and so you can compare your answers with those of your neighbors.

I am very pleased that so many of you also took advantage of the additional space we provided for a personal message to let me know your feelings about other issues. I personally read every one of your notes.

This is the best way I know to keep myself informed as to your views. I will keep them in mind as I attend to my legislative duties in the House of Representatives.

Sincerely,

LAWRENCE J. HOGAN,
Member of Congress.

QUESTIONNAIRE RESPONSES

The following represents a tabulation of all individual responses.

1. Do you think President Nixon's efforts to curb inflation are working?

	Percent
Yes	27
No	58
Undecided	15

2. If prices could be reduced, would you be willing to take a cut in pay?

	Percent
Yes	41
No	46
Undecided	13

3. Should our unemployment insurance system be expanded?

	Percent
Yes	28
No	58
Undecided	14

4. Do you favor an automatic increase in manpower training funds in times of high unemployment?

	Percent
Yes	46
No	43
Undecided	11

5. Should the authority of the Small Business Administration be increased to stimulate banks and others to make loans to small businesses at lower interest rates?

	Percent
Yes	65
No	23
Undecided	12

CONGRESSMAN LARRY HOGAN COMMENTS ON THE QUESTIONS

1. Do you think Prsident Nixon's efforts to curb inflation are working?

Although the President's program has not shown any marked success, there have been small hopeful signs. For example, while the increase in the consumers' price index varies from month to month, it no longer shows the strong rising trend. The index of wholesale prices, which usually leads the consumers' price index is pointing to a slower rate of inflation. The even more sensitive index of basic commodity prices has been declining since February.

It should be remembered that the President inherited the conditions caused by years of excessive government spending and the attempt of the previous administration to provide "guns and butter" simultaneously. We cannot really solve the problems of inflation until we end the Viet Nam War. Obviously, one of the main ways to curb inflation is to reduce unnecessary government spending. Unfortunately, the Congress has consistently increased programs beyond the President's budget, demonstrating astounding fiscal irresponsibility. The pattern is the same for virtually every program: The President requests a certain level of spending, the House increases that amount, the Senate then increases the amount approved by the House and then, after a conference, a program in excess of the House amount is invariably agreed upon. This is not the way to fight inflation or to keep taxes down.

2. If prices could be reduced, would you be willing to take a cut in pay?

This question (which confused many of those who responded) was designed to find out my constituents' feelings on wage and price controls without using the specific words which I thought might prejudice the responses.

President Nixon, in his message on the economy June 17, 1970, said that he does not favor wage and price controls because they would lead to rationing, black marketing, total Federal bureaucratic domination and would never get at the real causes of inflation.

There are pros and cons on wage and price controls, and there is a serious question as to whether or not the disadvantages outweigh the advantages. However, on July 31, 1970, I voted for a bill, the Defense Production Act, H.R. 17880, which, among other things, gives the President stand-by authority to impose wage and price controls.

Because of the great many constituents who mentioned the Congressional pay raise in connection with this question, I would like to reiterate and clarify my position on that increase.

I did not vote myself a pay raise as some have charged. In fact, I consistently opposed this ill-timed salary increase for Members of Congress. Congress established the mechanism to allow this pay raise to come to pass before I was elected. Early in the first session of the 91st Congress, I signed a discharge petition to force this measure to a floor vote. The petition failed to acquire the requisite number of signatures and the increase went into effect automatically. I feel that it was wholly inappropriate for Members of Congress to receive a salary increase at a time when the country is struggling to cope with inflation and recession.

3. Should our unemployment insurance system be expanded?

In the time since this questionnaire was mailed, the unemployment insurance system referred to in this question has been extended to include 4.4 million of the 16.6 million jobs not covered under prior law.

The responses to this question indicate that many people confused this unemployment insurance system with welfare programs. I completely agree with the numerous people who feel our welfare system must be totally revamped to prevent fraud and to make sure that able-bodied recipients are required to work. The unemployment compensation program, however, is not really a welfare program. It is operated through the States and is financially supported by employers, and State and Federal sources, with benefits from the program being limited and based upon the individual's previous employment record.

4. Do you favor an automatic increase in manpower training funds in times of high unemployment?

Manpower training programs are designed to make possible the permanent full-time employment of those who are unemployed and considered unemployable, by removing barriers and by providing those in low-income jobs with the training and opportunity to move up the career ladder. Today, the Federal Government alone spends approximately $3 billion in a variety of poorly coordinated training programs.

Although I fully support adequate funding of a coordinated and efficient manpower training system. I am concerned about the provision in this legislation which provides the automatic increase in funding during times of high unemployment. The past performances of these programs do not reflect full and efficient utilization of the funds which are appropriated by Congress. I do not believe that we can assume that full and efficient utilization will automatically follow the enactment of this legislation even though it is designed to improve greatly present efforts. When program performance does warrant the relaxation of Congressional controls and oversight on these particular programs, then is the time to consider legislating automatic appropriations.

5. Should the authority of the Small Business Administration be increased to stimulate banks and others to make loans to small businesses at lower interest rates?

Because small business is the heart of our economy—contributing approximately 40 percent of the Nation's jobs and the gross national product—it is in the interest of all consumers to see that we maintain a healthy small business community. Seventeen years ago, President Eisenhower established the Small Business Administration and today there are in the United States an estimated 5,400,000 independent businesses, of which 95 percent are small by SBA size standards.

To assist the small businessman further, I feel that the SBA should be permitted to delegate to the banks the authority to make loans that SBA guarantees, provided the bank retains a portion of the risk. Such a program will stimulate the growth of our small businesses and encourage the enterprising individual who wants to make a start on his own.

In calendar year 1969, Prince Georges and Charles Counties received a total of $666,200 for 18 SBA loans. This total amount included 11 business loans amounting to $474,500, three economic opportunity loans amounting to $41,800, and four disaster loans amounting to $149,900.

Many of you who responded to this questionnaire asked why more issues weren't covered. Two previous newsletters, sent to all homes in the Fifth District in October and November 1969, contained questionnaires on other issues. The results of these two questionnaires were reported in my February, 1970, newsletter.

For those who may have missed both the questionnaries and the results, the final tabulations are repeated below.

OCTOBER 1969 NEWSLETTER QUESTIONNAIRE

1—Do you favor a constitutional amendment to permit voluntary nondenominational prayer in public schools? Yes: 71%, No: 29%.

2—Do you favor conversion of the Post Office Department into a self-supporting government-owned corporation? Yes: 78%, No: 22%.

3—Do you favor a voluntary army over present draft? Yes: 61%, No: 39%.

4—Do you feel we are putting too much of our resources into military spending? Yes: 65%, No: 35%.

NOVEMBER 1969 NEWSLETTER QUESTIONNAITE

	Percent
I support President Nixon's Vietnam plans	59
I favor immediate unilateral withdrawal of all troops	24
I favor an all-out effort to win the war in Vietnam	17
Total	100

With regard to the above October, 1969 questionnaire: (1) I have co-sponsored the constitutional amendment to permit voluntary nondenominational prayer in public schools; (2) I co-authored and worked for the postal reform legislation which was handled by one of the committees on which I serve; (3) the voluntary army proposal is still pending; (4) I have consistently supported amendments reducing military spending.

With regard to the November, 1969 questionnaire, I have consistently supported President Nixon's plan of phased withdrawal in Viet Nam.

NEED FOR MISSILE DEFENSE

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 1970

Mr. CARTER. Mr. Speaker, in a recent editorial in the Washington Post by Joseph Alsop, this erudite writer gave a succinct account of our failure to develop missiles equal to or better than the new SAM–2's and SAM–3's. This same deficiency also applies to our inability to develop means of detecting, deflecting, or shooting down the Styx missile.

I feel that without doubt Mr. Alsop is right and that immediate steps must be taken to improve the Shrike missile to where it is capable of countering the SAM–2's and SAM–3's, and further that we must now work intensely for a means of detecting, deflecting or shooting down the Styx missile.

I commend Mr. Alsop's article for your perusal:

OUR DECAYING DEFENSE

(By Joseph Alsop)

Mercifully, we are not going to skimp on the national defense quite so dangerously as the Nixon administration originally intended. The first orders disseminated in the Pentagon—and with a war still on—were to cut next year's defense budget by another $6 billion.

With current defense spending running under $74 billion per annum, that meant bringing the budget down into the upper

$60 billion range. And that further meant a shocking degree of American disarmament behind the deceptive facade, as it were, of the fighting in Vietnam.

To give one example, the vital Sixth Fleet in the Mediterranean is already much too weak. The Soviet naval presence has been greatly increased; but the real danger is the deployment of more and more Soviet airpower and missile-power in Egypt. Even today, therefore, the Sixth Fleet would have to be heavily reinforced.

With the further naval cuts that would have been required by an over-all defense cut of $6 billion, the Sixth Fleet's position in the Mediterranean would have become absolutely untenable. Yet its withdrawal would have amounted to an order to Israeli Prime Minister Golda Meir to lead her people straight into the sea, and it would also have made the Mediterranean into a Soviet lake in a very short space of time.

The effects of the proposed economies on the other armed services were just about equal to the case above-given. More than one of the chiefs of staff therefore exercised their legal right—so rarely used in the past—to appeal directly and personally to the President himself.

There was, in fact, a kind of interim showdown. President Nixon therefore reduced the economy demand in half, to cuts on the order of $3 billion. And the joint chiefs hopefully said they could "live with" this.

Yet the evidence is all too clear that they cannot "live with" it, if that means assuring a decent level of security for the U.S. and its allies. The decay in the American defense position is in fact as dangerous as it is shocking.

It dates from the Johnson administration, when everything long range in the defense program began to be sacrificed, in order to pay the bill for the Vietnamese war within a manageable defense budget. But the sacrifices have conspicuously continued under Secretary of Defense Melvin Laird, and the resulting decay can now be dramatically documented.

In the old and simple-minded days, when the national defense used to be taken really seriously, counter-weapons were ordered to meet the threat of the Soviet SAM–2 antiaircraft missile. The result was the Shrike air-to-ground missile. This is a most effective SAM–2 killer, provided the SAM–2s are not of the advanced type now being heavily deployed along the Suez Canal.

It is also clear that the Pentagon had ample warning that more advanced SAM–2s were in production in the Soviet Union, and was aware, too, that these improved SAM–2s used a radar band which would fool the Shrike. The proof is the simple fact that prototypes were produced of an improved Shrike, which can easily kill the advanced SAM–2s.

Yet only prototypes were made, because defense cheeseparing forbade the expense of building a serious stockpile of the improved Shrikes.

This cheeseparing has already produced consequences that can justifiably be described as downright ghastly. The U.S. guaranteed Israel against the Soviet-Egyptian violations of the standstill aspect of the Suez cease-fire. These have so far consisted of massive forward movements of the SAM–2 and SAM–3 battalions. We were bamboozled when we gave the guarantees, but we are none the less deeply committed by them.

If there had been no cheeseparing, it would have been a major compensation to open the Pentagon's inventories. We could then have said to the Israelis: "OK, we were lied to. But here are air-to-ground missiles that will kill these SAM–2s and SAM–3s that have been moved forward by the Soviet and Egyptian promise-breakers."

As it is, we have feebly offered the old model Shrikes, which are no good against the most of the weapons system that is becoming such a dire threat to Israel. One may be sure, too, that this deplorable episode typifies a general condition of decay.

We ought to be raising the defense budget, but instead the rate of decay is merely being slowed a little.

BISHOP L. L. SCAIFE, OF BUFFALO, LEADER OF CHURCH, COMMUNITY

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 1970

Mr. DULSKI. Mr. Speaker, it is my sad duty to announce to the House the passing of a distinguished, internationally known, and respected churchman, Rt. Rev. Lauriston L. Scaife, who retired last June as bishop of the Episcopal diocese of western New York.

Bishop Scaife died last Saturday, September 19 at his home in my home city of Buffalo, N.Y. He elected to take early retirement last June after contracting a serious illness which made it clear to him that he would not be able to resume his priestly duties.

His passing is a deep personal loss to me. During his tenure at Buffalo since 1948, I had come to know him well and to benefit continuously from his broad experience and wise counsel.

Another priest described Bishop Scaife as "every inch a bishop; but he was tenderhearted; he was wrung with peoples troubles." What a wonderful and appropriate tribute.

I recall my meeting with him after he returned from the World Council of Churches Assembly in India some years ago. The depth of his understanding and his concern was truly heartwarming in whatever problem he encountered.

Bishop Scaife was an outstanding exponent of the ecumenical spirit, perhaps most conspicuously highlighted when he was offered and accepted the use of the Roman Catholic Cathedral in Buffalo for the installation of his successor, since his own cathedral could not accommodate the throngs that desired to attend.

He was indeed an outstanding ambassador of good will for his diocese, his community, and his country.

I recall with pleasure his visit to my Washington office, as well as the many meetings—formal and informal—which I had with him in Buffalo. Several times, most recently last June, I have had occasion to call attention to his work and his philosophies in the CONGRESSIONAL RECORD.

Mr. Speaker, my heart grieves at the loss of this great man. We all can be grateful for his having been with us, but we shall miss having his valuable contributions to the issues of the days ahead.

I extend my sincerest condolence to his devoted wife and their two daughters and to the Buffalo Episcopal diocese which has lost its great leader.

Mr. Speaker, as part of my remarks, I include an obituary from Sundays Buffalo, N.Y., Courier-Express:

LAURISTON L. SCAIFE, EPISCOPAL BISHOP, DIES AT AGE OF 62

The Rt. Rev. Lauriston L. Scaife, 62, internationally known bishop of the Episcopal Diocese of Western New York for 22 years until his retirement last June 1, died at 3:30 p.m. Saturday in his home at the Park Lane Apartments, Gates Cir., after a long illness.

Bishop Scaife, who advanced his retirement date more than two years—from his 65th birthday, Oct. 17, 1972—for health reasons, was automatically succeeded by the Rt. Rev. Harold B. Robinson, elevated from bishop coadjutor.

Burial offices will be read in the presence of diocesan clergy at 10 a.m. Tuesday in St. Paul's Cathedral, Shelton Square, where the body will lie in state until 10 p.m. that evening.

A Requiem Eucharist will be celebrated at 10:30 a.m. Wednesday in the cathedral. Burial will be in the family plot at Hingham, Mass.

Consecrated seventh bishop of the seven-county diocese on May 13, 1948, Bishop Scaife was a major influence in the church, in the civic affairs of the Buffalo area and in the world-wide ecumenical movement.

GIVEN CHANCELLOR'S MEDAL

A dynamic leader in the church and the community, he was honored with the Chancellor's Medal at the University of Buffalo's 1970 commencement, Mrs. Scaife, the former Eleanor M. Carnochan, accepted the award for her husband who was ill at home.

In presenting the award, Martin Meyerson, outgoing UB president, cited Bishop Scaife as being "a rare individual who, by his character, can show men of all backgrounds that they are indeed united by a common humanity . . . a man whose warmth can melt the barriers which impede understanding and good will."

The invitation extended by the Most Rev. James A. McNulty, bishop of the Roman Catholic Diocese of Buffalo, to hold the ceremony consecrating Bishop Robinson as a bishop early in 1968 at St. Joseph's Roman Catholic Cathedral and Bishop Scaife's acceptance set a Catholic-Protestant Episcopal precedent in this country.

UNITY OF ANGLICANS, CATHOLICS SOUGHT

In church circles Bishop Scaife was known in the United States, Canada and Europe for promoting unity between Anglicans (Episcopalians and others in the worldwide Church of England family) and Eastern Orthodox Catholics.

He had private audiences with His Holiness the Patriarch Athenagoras, world leader of Eastern Orthodox Catholics, and with the late Pope John XXIII, also deeply interested in unity with the Orthodox Church—an interest continued by successor, Pope Paul VI.

Bishop Scaife served as a member of the Episcopal delegation to the World Council of Churches General Assembly in New Delhi, India, in 1961.

NINE CONGREGATIONS FORMED

The next year Bishop Scaife visited the Soviet Union with a delegation of American religious leaders sent by the National Council of Churches to observe church life and meet with church leaders in Russia.

During Bishop Scaife's noteworthy 22-year tenure as bishop of the Western New York diocese he established nine new congregations and opened many new church buildings.

His community outreach was reflected in the founding during his term of a teen-age coffee house in South Buffalo, the Southwestern Area Migrant Committee of Fredonia; St. Augustine's Center, an urban mission on Humboldt Pky.; and St. Philip's Community Center for young and old on Goodell St.

During Bishop Scaife's tenure the number

of Sunday school teachers in the diocese was increased from 600 to 1,000 and the number of students rose by more than 1,300.

He was recognized as a leading diplomat in the United States for dealing with the Orthodox Church.

For many years he was national chairman of the Episcopal Church's commission for dealing with Eastern Orthodox, Polish National Catholic and Old Catholic churches.

LAUDED FOR ECUMENICAL SPIRIT

When the Very Rev. James J. McGinley, SJ, presented the Distinguished citizen's Award of Canisius College to Bishop Scaife in 1966, he said: "The spirit of ecumenism has been his possession for long years . . . (he) is a combination of patriotism and intelligence and Christian charity . . ."

Born in Milton, Mass., Oct. 17, 1907, Bishop Lauriston Livingston Scaife was attracted to the ministry as a choir boy of 12 at St. Michael's Church, Milton. The inspiration provided by the rector, Rev. H. Boyd Edwards, helped seal his decision.

Earlier in his youth Bishop Scaife had begun studying the piano and organ, an interest he continued through his life.

He served as assistant organist at both the Milton Academy, a preparatory school, and at Trinity College, where he earned a bachelor of arts degree in 1931.

BEGAN AS NEW YORK CURATE

Later, he taught classical language at St. Paul's School in Concord, N.H., and studied at Gottingen University in Germany and at the Harvard Graduate School.

He received the degree of sacred theology from the General Theological Seminary in 1937. While there he taught New Testament Greek.

Bishop Scaife was ordained to the Episcopal priesthood in 1938. He began his ministry as curate at St. Thomas Episcopal Church, New York City.

He served subsequently as rector of Trinity Episcopal Church, Newport, R.I., from 1942 to 1945; and as rector of Calvary Episcopal Church, Pittsburgh, Pa., from 1945 to 1948.

WAS NAVY CHAPLAIN

From 1944 to 1946 Bishop Scaife served in the Navy first as a prison chaplain and later was assigned aboard a ship in the South Pacific.

He was unanimously elected bishop of the Episcopal Diocese of Western New York on the first ballot on Jan. 20, 1948, succeeding the Rt. Rev. Cameron J. Davis.

An observer noted that Bishop Scaife "'came to the diocese at a critical time—following a depression and war. It was badly fractured—financially, socially and from the viewpoint of churchmanship."

Another priest said of Bishop Scaife: "He was every inch a bishop, but he was very tenderhearted; he was wrung by people's troubles. If he heard someone was sick, he might appear personally at the hospital, or call the patient's rector.

EVERY INCH A BISHOP

"He was a quick study; he grasped the salient points and didn't get bogged down with details. He thought in large terms, in the grand design.

"Bishop Scaife had a high regard for the old, in the best sense of the word, yet he was not afraid to venture into new territory. He had good balance in every area—social, theological and ecclesiastical."

Just before his retirement Bishop Scaife was asked what he would point out to members of the 75 churches and to Buffalo as a city.

He commented: "I would like to remind both the people of the church and the people of the city that they must settle for nothing less than perfection in their own lives and the life of their community.

STRIVE FOR PERFECTION

"There is no such thing as 'half a saint'. any more than there is a 'partially starving' child.

"We must pray constantly that God will strip us of our pride and sin, while we labor to strip our city of its slums, its polluted air and its racial injustice."

In addition to receiving a doctorate from the General Theological Seminary, Bishop Scaife was presented a doctor of divinity degree from Trinity College.

In 1949 he received a doctor of sacred theology degree from Hobart and William Smith Colleges. He also received doctor of divinity degrees from Trinity College, Toronto, Ont.; and the University of King's College, Halifax, N.S.; doctor of laws degree from Alfred University and doctor of theology degree from the St. Sergius Theological Academy of Paris.

A 33rd degree Mason, Bishop Scaife was chaplain of the Lodge of the Ancient Landmarks of Buffalo.

ACTIVE IN COMMUNITY

In 1961 he was elected grand chaplain of the Grand Council of Royal and Select Masters of the State of New York.

While bishop of the diocese he was president ex-officio of the Executive Council of the Board of Managers of the Church Charity Foundation, chairman of the Diocese Board of Trustees and of the trustees of DeVeaux School, Niagara Falls.

He also was a trustee of the Boards of Hobart and William Smith Colleges, the General Theological Seminary and a member of the standing committee on the Theological School, Bexley Hall; and of the Corporation of Seabury-Western Theological Seminary.

Bishop Scaife was a trustee of the Nichols School in Buffalo, an honorary member of the Board of Directors of the Urban League, a life member of the Buffalo & Erie County Historical Society and the Buffalo Science Museum, a board member of the Randolph Children's Home and of the Park School of Buffalo.

He is survived by his wife of 31 years, Eleanor, and two daughters, Mrs. Thomas Hadjiis of Stuyvesant, and Mrs. Barclay F. Gordon of New York City.

INCENTIVES NEEDED TO BRING DOCTORS INTO RURAL INDIANA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 1970

Mr. HAMILTON. Mr. Speaker, I include the following editorial from the Bedford—Indiana—Daily Times-Mail of August 20, 1970:

RURAL DOCTORS

A proposal by Ninth District Congressman Lee Hamilton for a federal program providing incentive for professionals in the healing arts to locate in small, rural communities, is no less than intriguing and may have considerable merit.

Aimed at encouraging young physicians, dentists and optometrists to begin their practices in medically deprived areas, the proposal, contained a bill introduced by Hamilton, would repay in full the educational debt of any of these professionals who agrees to practice for three years in an area in which shortages of those services exist.

The incentive would be a powerful one. If a student could recover his cost of medical education, or receive funds with which to pay debts incurred while getting his education, he would be in greatly improved financial situation as he begins practice. The amount would be a substantial one, but information we have received does not spell out what educational expenses would be paid—whether the amount would include all costs, including living costs, or such things as tuition, books, fees, etc. In either case, the incentive would be strong.

Most medical and dental students coming out of college to begin practice have withstood severe economic problems which develop through eight years or more of college. One parent calculated a few years ago that the total consideration—costs of living and education, loss of income while a student was establishing practice—at more than $100,000. Fortunately, young medical and dental professionals have in most cases good borrowing power to get going.

There is no secret that small communities almost everywhere have seen the disappearance of doctors and dentists. They have concentrated in the more heavily populated areas for several reasons, primarily economic. They usually go where they can enjoy a full practice.

We doubt the necessity of having dentists and optometrists locate in the small communities because most people make advance appointments for their services. But a person in a small community residing 15 or 20 miles from the nearest doctor or hospital may be in dire circumstances in certain sudden ailments.

Hamilton said there were 65 cosponsors of the bill to provide financial subsidy to young medical art graduates.

He said the Ninth District, being predominately rural, has been especially hard hit by a physician shortage. "There are very few communities in the district that have enough doctors," he said. "Much of my time," he added, "is taken in helping communities find physicians and in seeking assistance in financing medical facilities."

He said there is a general migration of medical talent from the midwest and a shortage of opportunities for internships, residencies and continuing medical education in Indiana. Also, he said an insufficient number of young people are choosing medical careers.

Hamilton said that if every student wno graduated from medical, dental or optometry school last year enrolled in the program, the nation-wide cost would be $130 million. If 10 per cent enrolled, the cost would be about $10 million. He compared this with the $290 million cost of developing a super jet transport plane.

Something to ponder.

THE PASSPORT CRISIS—A PROGRAM REPORT

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 1970

Mr. GIAIMO. Mr. Speaker, beginning July 1, post offices in 11 U.S. cities began accepting passport applications as part of a 6-month experiment involving the Post Office Department and the U.S. Passport Office. This experiment has been of special significance to the residents of Connecticut. We have had a genuine passport crisis in our State, and until now the service provided for the $2 application fee and $10 issuing fee has too often been characterized by waiting lines and delays.

The Passport Office, observing its 100th anniversary this year, maintains agencies in Washington, D.C., New York, Philadelphia, Boston, Chicago, Miami, New Orleans, Los Angeles, San Francisco, Seattle, and Houston. With the proliferation of people interested in travel abroad and the increased mobility and sophistication of the American traveler, the load has just been too great for the limited number of passport offices.

Mr. Speaker, my feeling has been that the proper approach to a solution to the overload ought to be uncomplicated and to the point. Consequently, I introduced H.R. 13123, a bill to provide more efficient and convenient passport services to our citizens, in the first session of this Congress. It was, simply and forthrightly, a bill to authorize and empower the Passport Office of the Department of State to establish, staff, and maintain passport agencies and passport service offices at new locations, according to need. During hearings on this measure earlier this year, several of my colleagues and I underscored the gravity of the passport crisis in Connecticut and other States and demanded immediate action by the State Department to alleviate the problem.

I felt then, as I do now, Mr. Speaker, that my bill is still the best approach toward solving the problem. But action has not been forthcoming on the bill, and a new opportunity for attacking the backlog and waiting line for passports arose out of the report of the Secretary of State's Committee To Expedite Travel shortly after the hearings on H.R. 13132. A select panel created earlier this year to study long-range trends in foreign travel and headed by former U.S. Senator Leverett Saltonstall, the Committee recommended the Post Office experiment as a method of alleviating the long lines and other delays. Eight of the eleven sites for the experiment are in Connecticut. Again, while I would have much preferred another method of handling the passport crisis, I felt that the Post Office experiment was an opportunity for the people of Connecticut and the Nation which must not be missed. The experiment has now been running for a few months. It is scheduled to end December 1, 1970. Some of the results are now in from the Connecticut test sites, Detroit, Houston, and Midland, Tex. They are rather well summarized in an article by Bill Andronicos in the September 23 issue of Federal Times. Mr. Speaker, I ask unanimous consent that the article be printed in the RECORD as follows:

JOINT EFFORT SUCCEEDING IN SPEEDING PASSPORTS

(By Bill Andronicos)

WASHINGTON.—A joint State Department-Post Office experiment to alleviate frustrating delays and long waiting lines for overseas-bound Americans seeking passports reportedly is meeting with marked success.

This is believed to be the first time ever, according to officials from both governmental units, that two federal departments with completely different and unrelated functions have joined efforts in a cooperative move designed to find ways to improve a public service for Americans.

The unprecedented venture already is chalking up dividends in cutting down on passport delays—and has prompted encouraging statements from officials of both departments.

Currently, the experimental program—involving the use of first class post offices to accept passport applications—is being used in some 11 passport crises areas across the country.

Enthusiastic over the reports to date, State Department officials indicated that if the program proves successful by the Dec. 1 terminating date of the postal-passport experiment, the program ultimately might be implemented permanently on a nationwide basis. This means that a travel-minded American's passport would be no further away than this nearest Post Office.

Under the experiment, an American traveler applies for a passport at a post office at one of the designated crises areas. He fills it out and returns it to the postal clerk who promptly forwards it to the State Department's Passport Office which processes the application. When adjudication of the passport is completed, the Passport Office then mails the passport back to its owner.

The experiment was spawned and put into effect July 1 at 11 crises centers as a result of recommendations made by the State Department's Committee to Facilitate Travel, a six-member panel of distinguished Americans appointed by Secretary of State William P. Rogers last March. The function of the committee has been to determine ways on how the government can better serve Americans traveling abroad. The use of post offices for passport applications constituted only one of the committee's numerous recommendations.

The entire project will be evaluated in November and a decision will be forthcoming at that time on the feasibility of implementing the program on a nationwide basis.

John E. Upston, staff director for the Secretary's Committee to Facilitate Travel, said that should the program be adopted nationwide, it would provide "a very significant convenience to Americans applying for a passport, without creating more bureaucracy—and also would take a great deal of the pressure off the existing passport agencies."

Implementation of a nationwide program of this nature, Upston explained, would free passport personnel to perform their passport adjudication duties. This would mean a speedier processing of a greater volume of passports.

On the heels of the reported successes involving the use of post offices for passport application handling, State Department officials interviewed by Federal Times paid high compliments and tribute to the efforts of both the postal employes participating in the experimenting and to the personnel within State's Passport Office and its regional units.

For example, Upston said he personally visited some of the areas in which the experiment has been put into effect—and was impressed by the interest and determination shown by postal employees to make the program a success.

"Post Office people," Upston said "are doing a tremendous job in handling passport applications—and they do so in a very thorough, professional way."

Much of the success has been attributed to the training postal personnel already have received in handling the multitude of forms the Post Office has to deal with in its daily chores, such as registered mail, postal money order and numerous other similar functions.

Officials from both departments have indicated that it is because of such training and expertise that postal clerks fit into plans to use them for handling passport applications.

Upston also was encouraged by the response from the public on the use of postal clerks for passport applications. He described the public reaction to date as "extremely favorable."

In addition, Upston lauded the top officials of both departments, including Secretary Rogers and Postmaster General Winton Blount, for their insight in agreeing to try the recommendation that postal employees be given a chance to handle passport applications on a trial basis in parts of the country where the passport rush has swelled to mammoth proportions. Both departments signed an agreement to put the plan into effect.

Postal officials reached acknowledged that the Post Office has sufficient flexibility to enable it to include the handling of passport applications in the experiments being conducted at the passport crises areas.

Van Seagraves, Post Office public information officer for finance and administration, said that the passport test program "represents the kind of public service that a strengthened postal service can provide."

Seagraves indicated that the Post Office already has adequate facilities to render this additional service in the public interest—and that the department could do so without additional overhead cost.

In lauding the experiment as "an added service to the public," Seagraves said that the postal clerks "have enjoyed doing this—and have found that it makes their jobs a lot more interesting."

Since the July 1 implementation of the pilot project in 11 areas across the country, the Post Office has reported it has handled more than 5,000 passport applications.

Although the figure represents a somewhat modest amount of applications, postal officials say this is because of the usual end-of-summer drop in passport applications. In addition, court clerks have been assisting with passport applications in some of the crises areas.

During April testimony before the House subcommittee on State Department organization and foreign operations investigating the passport problems plaguing sections of the country, William B. Macomber Jr., deputy under secretary of state for administration disclosed that passport applications ranged from a low of 70,000 in November 1968 to a peak of some 250,000 in June 1969, at the height of the overseas travel rush.

At that time, Rep. Wayne Hays, D-Ohio, and chairman of the subcommittee, warned the State Department to start immediate action to alleviate the passport dilemma confronting American citizens seeking approval to travel abroad.

The 11 cities in which the pilot project currently is underway—involving the use of postal clerks to handle passport applications until Dec. 1—include: Houston and Midland, both in Texas; Detroit; and eight Connecticut cities—New Haven, Hartford, Bridgeport, Waterbury, Stamford, Greenwich, New London and Willimantic.

Application fee for a passport is $2 and the issuing fee is $10, thus bringing the total amount paid by a passport applicant to $12. Under the State Department-Post Office agreement, the Post Office will receive $2 for each application handled.

The agreement between the two departments also specifies that should the results of the test program prove mutually satisfactory, the State Department and the Post Office will agree upon a plan for future operations by Dec. 1. Evaluations of the test program will be made in November.

Another provision of the agreement states that at the test locations, the postmaster would designate clerks to accept passport applications with the understanding that the designated individuals are "responsible, bonded, cash-accountable and accustomed to dealing with the public."

The designated clerks, the agreement adds, will accept passport applications and perform the normal acceptance functions of such applications, with the exception of adjudication and processing of passports which will continue to be carried out by personnel of the State Department's Passport Office.

Upston described the overall agreement between the two departments as being unique," in that it brought together two cabinet heads in an effort to solve "a significant problem."

In addition to the use of post office facilities, the committee has suggested expansion of the present application system to include county clerks in 1,500 counties throughout the United States.

Also, the committee stressed that a study be made to determine the desirability and feasibility of establishing regional passport issuing centers. These "passport plants," as Upston described them, would be used solely in the adjudication of passport applications, issuance of passports and maintenance of records. They would not need to be located in midtown areas, and could very well be located in suburban areas, Upston added.

Consequently, the State Department has set up a task force, under the direction of the Office of Management, to review the possibility of establishing passport issuing centers. The task force also will delve into other recommendations made by the Committee to Facilitate International Travel.

Other committee proposals currently being given State Department consideration include:

Reorganization of 10 passport field agencies to help alleviate their burden in preparing passports. The Passport Office—headed by Miss Frances Knight and currently observing its 100th anniversary this year—maintains passport agencies in 11 major cities. These are: Washington, D.C.; New York; Philadelphia; Boston; Chicago; Miami; New Orleans; Los Angeles; San Francisco; Seattle and Houston.

Simplification of the current U.S. passport application and of the passport itself as a prerequisite for the eventual development of a standardized, internationally acceptable passport, possibly a single card, adaptable to automated, electronic processing.

Upgrading the State Department's passport and visa offices to strengthen the consular function of the foreign service and introduction of legislation to amend the statutory requirement that the passport and visa offices be under the jurisdiction of the Bureau of Security and Consular Affairs, as currently is the case.

Support of objective to facilitate tourist travel to the United States and pursuit of legislation along those lines.

Establishment of an Inter-Agency Committee of International Travel Facilitation.

In appointing the Committee to Facilitate Travel last February, Secretary Rogers named former U.S. Senator Leverett Saltonstall as its chairman.

Other members of the Committee include: Tom C. Clark, former Supreme Court justice; John W. Hanes Jr., New York investment banker and former administrator of the State Department's Bureau of Security and Consular Affairs; John A. McCone, former director of the Central Intelligence Agency and under secretary of the Air Force; Mrs. Florence Lowe, communications media executive; and Charles C. Tillinghast, chairman of the board of Trans-World Airlines.

Upston is a New York financial consultant. David A. Betts, a foreign service officer, is executive assistant.

NIXON PROGRAM STUMPED BY SENIORITY

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 1970

Mr. HARRINGTON. Mr. Speaker, two articles by columnist David L. Broder have appeared in the Washington Post this week discussing the President's frustrations with the Congress and his desire for reform. Mr. Broder contends that Vice President AGNEW's denunciations of the "troglodytic leftists who dominate Congress now" and who are guilty, in the Vice President's eyes, of blocking reform and the President's programs will not wash.

The men who have blocked reform, revenue sharing and the rest—

Broder says—

are the senior members of both parties who control the agendas of the legislative committees. If Mr. Nixon really wanted to speed his "age of reform," he'd have Mr. Agnew out there calling for the replacement of the old fogies of both parties in the House and Senate.

As you are aware, Mr. Speaker, I have spoken twice to the House about the need for reform of the present seniority system which overwhelms the operations of the House. Mr. Broder's remarks are well taken. In his second article, Broder demonstrates the effect of removing the top third from the roster of the standing House committees. His conclusions make fascinating reading. They show that real reform would very probably be the order of the day if these less "senior" members were to take over.

It is ironic that the very people whom the President and Vice President so readily attack are often their strongest allies. Without the less "established" Members of Congress, the President's programs would not have a chance.

I recommend these articles to my colleagues' attention:

[From the Washington Post, Sept. 15, 1970]

TROGLODYTE PROBLEM

(By David S. Broder)

"It seems like only yesterday," Barry Goldwater told the Young Americans for Freedom last week, "that I stood in Madison Square Garden addressing your great rally of 1961 and prophesied that conservatism would indeed become the wave of the future."

The senator from Arizona recalled that was before he had been nominated for President before Richard Nixon had been elected, "before we even heard of a man named Spiro Agnew or a group known as the silent majority." He added, perhaps unnecessarily, that the accuracy of his prediction was becoming "more evident every day."

On the same day Goldwater spoke in Hartford, Vice President Agnew was kicking off the 1970 GOP campaign—"a second critical phase," as he called it, "in the historic contest begun in the fall of 1968 . . . between remnants of the discredited elite that dominated national policy for 40 years and a new national majority, forged and led by the President of the United States."

It is not at all clear that the "wave of the future" will manifest itself in anything approaching "a new national majority" in the mid-term election. Tradition, the polls and the unemployment figures all point to a Republican setback in the House. The Senate picture is still clouded with uncertainty.

But leaving aside this "pusillanimous pussyfooting" punditry, as Mr. Agnew would say, what the deuce is it that our new conservative masters have in mind to replace the policies of the "discredited elite?"

Fortunately, we do not have to guess. Mr. Nixon himself supplied an 11,000-word answer in his Friday epistle to the errant Congress. And if Mr. Agnew does not object to an aging "radical-liberal" journalist saying so, it was a darn good answer.

It strengthened the feeling that if we are fated to be governed by conservatives, this isn't the worst fate we could have, by a long shot.

They are rather stuffy and occasionally sour, but on the substantive questions they are not nearly as bad as they might be. We could have conservatives who are hellbent on fattening the military; these men have put the Pentagon on its leanest rations in years. We might have conservatives determined to remove communism from every village in Vietnam; Mr. Nixon wants mainly to get out, though he sometimes scares you out of your wits with a Cambodian operation in the process.

The harshest sustainable indictment of these Republicans is that they lack the one virtue conservatives are supposed to be born with: Competence as managers. Despite three major reorganizations and a massive increase in the White House staff, this administration is still a "pitiful, helpless giant," stumbling over its own feet.

Its record in handling Congress, the economy, the campuses and the other trouble spots is consistently one of arriving breathless, shortly after the crisis has occurred.

The administration has made a sensible diagnosis of America's ills, and its long-range game plan, which the President sketched again in last week's message, is anything but asinine.

He puts his emphasis where it belongs—on reform of existing institutions and on a rational effort to balance resources, population, economy, environment and overseas obligations so as to make the future tolerable.

What is not clear is whether we can count on the conservatives to carry out their own plan. Mr. Nixon's success in achieving major reform has been limited—a fact that Mr. Agnew blames on the "troglodytic leftists who dominate Congress now."

That analysis will not wash. The men who have blocked draft reform, welfare-reform, revenue-sharing and the rest are the senior members of both parties who control the agendas of the legislative committees. John Stennis and Mendel Rivers, John Williams and Carl Curtis, John Byrnes and Wilbur Mills—all conservatives of impeccable credentials, by administration standards—are the roadblocks to reform.

If Mr. Nixon really wanted to speed his "age of reform," he'd have Mr. Agnew out there calling for the replacement of the old fogies of both parties in the House and Senate.

Knock off the top third of almost every committee roster and that reform legislation would go sailing through.

The problem, Mr. Agnew, is not "troglodytic leftists." It is troglodytic troglodytes.

[From the Washington Post, Sept. 17, 1970]

CHANGING CONGRESS: THE LOP-OFF GAME

(By David S. Broder)

A number of readers have taken exception to the notion, advanced recently in this space, that a wholesale turnover in the membership of Congress would have a wholesome effect on the Washington climate. Specifically, it was suggested that if President Nixon wanted to obtain passage of many of the pieces of reform legislation the current Congress has blocked or ignored, "He'd have Mr. Agnew out there (on the campaign trail) calling for the replacement of the old fogies in both parties in the House and Senate."

"Knock off the top third of almost every committee roster, it was suggested, "and that reform legislation would go sailing through." Several readers have objected rather strenuously to the notion that so many senior members could be sacrificed without impairing the quality of Congress. Some were unkind enough to hint that the suggestion must

have been made with precious little thought as to the actual consequences of such a move.

They were, of course, absolutely right. It was one of those heady notions that comes impulsively off the typewriter as deadline approaches. Frankly, it had never occurred to the author that anyone would take the idea seriously enough to examine the effects. But it turns out that there is more to the idea than either its parentage or the circumstances of its birth would lead one to believe.

It is a game anyone can play. Just take the 1970 Congressional Directory, turn to the committee lists, and draw a line one-third the way down the roster of Republicans and Democrats. (For simplicity's sake, you may wish to ignore the changes that have taken place since January, and where the division of the committee yields a fractional result, you may lop off an extra man; you may as well be hung for a sheep as a lamb.)

So the system has its flaws. But look what it does for some of the major committees of the House. Appropriations is now led by two exceptionally tight-fisted gentlemen, George H. Mahon (D-Texas) and Frank T. Bow (R-Ohio). Their position on the political spectrum is roughly indicated by the "liberal quotient" assigned them by Americans for Democratic Action: 11 per cent for Chairman Mahon, and a giddy 17 per cent for ranking Republican Bow.

Perform the recommended surgery on the committee and what do you get? The chairmanship falls to Rep. Daniel J. Flood of Pennsylvania, who possesses not only the finest waxed moustache on Capitol Hill but an appreciation of the benefits of investments in education and other domestic causes that can be learned only by one who has climbed from the coal fields of Wilkes-Barre to the heights of the Harvard Law School, as he did. And instead of Bow, the ranking republican becomes Rep. Silvio O. Conte of Massachusetts, a reform-minded liberal, who has distinguished himself in battle against everything from the Cow Palace Republican platform of 1964 to unlimited farm subsidies.

You are beginning to warm to the idea, perhaps? Look at Armed Services. Instead of Rep. L. Mendel Rivers, who has made his South Carolina district a sort of Pentagon annex, the chairman would be Rep. Otis G. Pike of New York, one of the "fearless five" on the committee who last year had the audacity to lead the first public challenge to the House's routine rubber-stamping of virtually every military request.

Is the environment your interest? The one-third rule would take the chairmanship of the Interior Committee from crusty Wayne N. Aspinall of Colorado and give it to Rep. Morris K. Udall of Arizona, one of the ablest young members of the House.

Do you feel that Congress has been less than responsive to the needs of the big cities and the metropolitan areas on matters of transportation and health? The chairman of the Commerce Committee, which handles such matters, is Rep. Harley O. Staggers, of Keyser, W. Va. (pop. 8,100). The new chairman, under this system, would be Rep. Lionel Van Deerlin of San Diego (pop. 680,000), and the new ranking Republican, replacing Rep. William L. Springer of Illinois, would be Rep. James Harvey, who as mayor of Saginaw, Mich., a city of 100,000, became thoroughly familiar with urban problems and has worked to educate his fellow-Republicans about them.

On the Judiciary Committee, the one-third lop-off would transfer the chairmanship from Rep. Emanuel Celler of Brooklyn to Rep. Robert W. Kastenmeier of Madison, Wis., who is perhaps no more liberal but is about half as old as Celler and two generations closer to today's problems.

But the case rests ultimately on the most important committee of all, the tax-writing Ways and Means Committee. The one-third rule would not make much difference to the Republicans, substituting one Midwestern conservative, Rep. Harold R. Collier of Illinois, for another, Rep. John W. Byrnes of Wisconsin. But instead of the formidable Rep. Wilbur D. Mills of Arkansas as chairman, there would be—are you ready?—Rep. Martha W. Griffiths of Michigan, a scholarly judicious lady who—among many other accomplishments—has given the whole matter of federal revenue-sharing the most serious scrutiny of any member of the House. Because Mills and Byrnes are opposed, Mr. Nixon has not even been able to get a hearing on his revenue-sharing proposal, which is the keystone of his whole New Federalism program. But the foresighted Mrs. Griffiths' led her subcommittee of the Joint Economic Committee in an exploration of the proposal way back in December, 1967.

Here, we have, ladies and gentlemen, a potential chairman of Ways and Means who merits the support of both the Nixon administration and the Women's Lib. The one-third lop-off rule will put her in power. What more can one say? Only this. The results in the Senate are equally fine, and if you doubt it, as Ring Lardner said, "You can look it up."

EVALUATION OF THE NATIONAL INDUSTRIAL SAFETY STATISTICS PROGRAM

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 1970

Mr. O'HARA. Mr. Speaker, for some time now, it has become increasingly apparent that there is an effort to secure the suppression of a report by the Delphic Systems & Research Corp.—DSARC—on industrial accident reporting—a report which the taxpayers paid for through the mechanism of the Department of Labor—but which emphatically fails to support the rosy picture the opponents of any meaningful occupational safety legislation have sought to paint of occupational accident reporting and statistics.

Over the 3 years that some elements of the business community have been vigorously resisting the enactment of any meaningful legislation to protect the working men on the job—a position they have not substantively changed by their support of the essentially cosmetic administration safety bill—they have asserted that a total of only 14,000 industrial deaths a year and only 2 million disabling on-the-job accidents a year is nothing to get excited about. On the contrary, they have in effect told the Congress, "the accident rate has improved remarkably since 1926 and the Congress should just sit tight and continue to do nothing and everything will be for the best in the sweet by-and-by."

Given this strategy, Mr. Speaker, it makes considerable sense for the opponents of safety legislation to seek to suppress this latest report. Because the study by Jerome Gordon and his associates shows conclusively that existing reporting systems substantially underreport the actual extent of industrial accidents. The Gordon report suggests that it is possible that serious accidents may be as much as 10 times more frequent than disabling accidents and that even disabling accidents are seriously underreported. The Gordon report, in short, shows that even if we wished to accept the chamber of commerce notion that 2 million disabling accidents and 14,000 deaths a year are not enough to justify legislation, even that callous attitude would fail to cope with the real size of the problem.

Mr. Speaker, in response to a very vigorous demand by the chairman of the Select Labor Subcommittee, the distinguished gentleman from New Jersey (Mr. DANIELS), the Labor Department has sent the House one copy of what it calls a preliminary draft of the Gordon report. The Department seeks to soften the impact of Mr. Gordon's devastating statistics by saying that the report is "incomplete" and has not been accepted by the Department. The letter of transmittal further states that the report is a consultant's report and does not necessarily reflect the views of the Department in whole or in part.

That, Mr. Speaker, is the problem of the Department of Labor. They gave a contract to a distinguished researcher to find out the true state of the art of industrial accident reporting. He came back with some facts that the opponents of meaningful legislation do not want to believe. But even if these facts do not reflect the view of the Department, they are, nonetheless, important facts which the Congress is entitled to have before it.

The text that is available is a long one and much of it—in quite careful response to what was asked of DSARC—is of primary interest to statisticians and reporting and survey technicians. Chapter 1 of the report contains the meat of the findings and the essence of the recommendations. Mr. Speaker, I include chapter 1 of this very important report at this point in the RECORD:

AN EVALUATION OF THE NATIONAL INDUSTRIAL SAFETY STATISTICS PROGRAM

CHAPTER 1—SUMMARY OF THE STUDY AND PRINCIPAL CONCLUSIONS AND RECOMMENDATIONS

INTRODUCTION

Magnitude of the industrial safety problem

Each year 15,000 workers are killed—more than the total number of battlefield fatalities in any year of the Vietnam war—and 2.2 million workers are injured on the job. Over half a million workers are disabled by occupational diseases from the effects of asbestos, beryllium, carbon monoxide, coal dust, cotton dust, cancer-causing chemicals, dyes, unusual fuels, pesticides, radiation, and other occupational hazards such as heat, noise, or vibration. Each working day brings 55 dead, 8,500 disabled and 27,000 injured.

But the human toll of industrial injury is not by any means the whole picture. In 1966, work accidents and illnesses cost the American economy $6.8 *billion* in wage loses, medical expenses, insurance claims, production delays, time losses of other workers, the salvage value of damaged equipment, and fire losses.

In 1966 alone, 255 million man-days were lost due to work injuries, while only 25.4 million man-days were lost due to strikes and work stoppages.

According to some analysts almost 85 per cent of the total labor force is currently exposed to the risk of incurring one or more disabling injuries during a working lifetime, and that 3–5 per cent of the current labor

force will actually experience some form of seriously disabling work injury, including the possibility of loss of limb or life.

Over half a century ago, the late Justice Louis D. Brandeis remarked during the period of initial industrial safety reform that "Arithmetic is the first of the sciences and the mother of safety". However, during the most recent Congressional reviews of omnibus Occupational Safety and Health legislation in the 90th and 91st Congresses, a significant portion of the hearings dealt with the fundamental issue of just how reliable were our industrial work hazards statistics. The annual surveys of work accident statistics collected by the U.S. Bureau of Labor Statistics, in conjunction with 16 cooperating state departments of labor, two trade associations, the American Gas Association (A.G.A.), and the Automobile Manufacturers Association (A.M.A.), the National Safety Council and the 33 State Workmen's Compensation Programs provide the basic information upon which most, if not all, of the public and private safety prevention and control programs rest. Yet it was this information derived from hundreds of thousands of industrial establishments that was seriously questioned as to its validity and reliability. Further, suggestions were made in the hearings calling for the adoption of more efficient means of collecting and processing work injury data than those currently in use.

PURPOSE OF THE DELPHIC STUDY

To explore these criticisms and allegations, the Delphic Systems and Research Corporation was engaged by the Labor Standards Bureau of the U.S. Department of Labor to conduct a broad-ranging review and evaluation of the several national industrial safety statistical reporting programs.

The fundamental purposes of the investigation were three:

a. To evaluate the reliability of the existing federal, state, and non-profit industrial work injury statistical programs.

b. To test out and evaluate alternative techniques and means for collection or generation of work injury statistical information.

c. To present recommendations covering possible redesign of the BLS Annual Survey of Work Injury standards for adoption of alternate procedures for the collection and measurement of work injury statistical information that will materially increase the reliability of the program and will lead to the adoption of more and better informed policy choices for industrial safety prevention and control programs.

ORGANIZATION AND SCOPE OF THE REPORT

The principal findings and recommendations presented here are elaborated in the ensuing discussion in the following chapters of the report. The organization of the report coincides with the scope of the project.

Basically, there are one summary and three substantive portions of the report and the project; they are as follows:

Part I—Summary and Conclusions of the Study.

Part II—A Review and Evaluation of the Current BLS-Cooperative States Annual Survey of Work Injury Program.

Part III—Evaluation and Test of Alternative Means of Collection and Estimation of Work Injury Data.

Part IV—Alternative Strategies for Improving Work Injury Statistical Programs.

Part I—Summary and conclusions of the study

This section of the report elaborates on the purposes, organizational scope, general and specific findings and recommendations of the Study. Reference to supporting chapters for each proposition are provided the reader to explore in greater depth all or selected issues of interest.

Part II—A review and evaluation of the current BLS-Cooperative States annual survey of work injury program.

The first substantive section of the report basically concentrates on a critical examination of the principal national source for work injury experience information: the BLS-Cooperative States Annual Survey of Work Injury. The analysis covers three principal dimensions of effectiveness:

1. The organization, operations and resources of the present program.

2. The composition and representativeness of the reporting universe.

3. Evauation of the quality of the Information applied by reporters.

Organization, operations and resources of the present program

First, an evaluation of the current and prospective relative capabilities of the BLS-Cooperative States Annual Survey to procure and produce reliable estimates and detailed information on work injuries and related information is conducted. This effort contained in Chapter Two included the screening of sample maintenance and quality control procedures used at both the BLS Washington and regional offices and four presently cooperating State programs: New York, Wisconsin, Arkansas and Georgia. In addition a non-cooperating State system; i.e., the State of California, was examined to identify the characteristics and benefits of a major alternate data collection and work injury measurement program relying primarily on Workmen's Compensation reports of work injury. Issues of concern in this discussion include:

a. Role of the States in the BLS Annual Survey of Work Injury.

b. Relation of Cooperative State Programs to Other Program Participants.

c. Evaluation of Cooperative States to other Program Participants.

d. Recommendations for Improving the Cooperative State Programs.

Composition and representativeness of the Reporting Universe

In this second phase of this section of the report, we deal with the problems of the statistical representativeness of the BLS-Cooperative States Annual Survey of Work Injury. In Chapter Three the industrial, employment size class and regional composition of the Survey reporting universe is displayed and discussed. Chapter Four examines in parallel detail the composition of a statistical benchmark—the Survey of County Business Patterns of the Bureau of the Census. The Survey of County Business Patterns data on industry, employment size class and geographic composition of establishments is considered by many analysts as an appropriate universe to draw comparisons from to determine representativeness of other sample surveys. The last chapter in this section—Chapter Five—compares and analyzes the critical differences in the composition of the BLS-Cooperative States Annual Survey of Work Injury reporting universe with that of the County Business Patterns Survey. Gaps in coverage and recommended alternate approaches to covering them are developed and discussed.

Evaluation of the Quality of the Information Supplied by Reporters

In this third and last portion of this section of the report, a review and analysis is conducted of three critical areas: the sources of survey reports data, the quality of the information reported, and its validity.

The first two items are covered in some detail in Chapters Seven and Eight. There, the purpose, composition and results of a Survey of approximately 200 California reporters to the Annual Survey are examined in some detail. The scope of the DSARC Survey, conducted through a combination of questionnaires and on-site interviews, includes the following items of interest:

a. Operating Characteristics of the Establishments.

b. Establishment Work Injury Reporting Organization.

c. Firm Safety Activities.

d. Participation in Other Safety Programs.

e. Maintenance and Use of Basic Work Injury Source Information including alternate experience measurement concepts.

f. Preparation of Exposure and Work Injury Information.

g. Evaluation of B.L.S. Work Injury Reporting System.

The last item, validation of the information reported by firms responding to the BLS Annual Survey of Work Injury, is discussed at some length in Chapter Six. To validate BLS Survey information, reports of disabling injuries were compiled from both Form BLS 1418, "Annual Survey of Work Injuries" and Employer's Reports of Industrial Injury submitted to the State of California, Human Relations Agency, by the responding firms in the DSARC Survey. An analysis of this information provides one measure of the range of error in the enumeration of work injuries.

Part III—Evaluation and test of alternate means of collection and estimation of work injury data

In this third portion of the final report, there are two prime subjects: First, a limited analysis and evaluation of alternative resources and programs for the collection of work injury data. Second, the exposition of two statistical techniques for the estimation and projection of work injuries at the national and state levels.

Chapter Nine encompasses the first problem area in this third section of the report—the evaluation of alternative means of collection work injury and related information. In it a review and evaluation is made of selected programs in the following categories:

a. Workmen's Compensation Programs.

b. Federal Programs.

c. Trade Assciations.

d. Unions.

Chapter Ten discusses the development of and test of several regression models for the protection and estimation of aggregate work injury rates for the nation. The analysis is based upon an examination of the determinates of work injury rates in conjunction with an unpublished historical series of work injury data for Manufacturing compiled by the BLS over the period from 1957 to 1966. Results of several trial projections beyond the range of data are displayed and the benefits of the approach are discussed and assessed.

Chapter Eleven displays the results of developing so-called work injury rate tables for estimating the likelihood of disabling injuries by age and sex. The approach is illustrative of an alternate estimation and projection technique that can be developed with a combination of Workmen's Compensation work injury reports and state level estimates and projections of the civilian labor force by age and sex. Supporting data used in the discussion was derived from published and unpublished information provided DSARC by the State of California, Human Relations Agency.

Part IV—Alternative strategies for improving work injury statistical programs

In this fourth and final section of the report, suggested alternative work injury programs are described and the costs of implementing them are estimated. Chapter Twelve describes, in detail, the composition of eight program options and their associated development and annual operating costs divided into federal and state shares. This latter information is provided to assist Departmental planners and others in developing long range resource and financial estimates for improving the operations of the

national work injury statistical reporting program.

Items covered in the discussion include:

a. Data Collection Programs
b. Quality Control Surveys
c. Pilot Programs
d. Cost of Work Injury Surveys

PRINCIPAL CONCLUSIONS AND RECOMMENDATIONS

Major conclusions

The BLS Cooperative States Annual Survey of Work Injury is the *only major* national source of information providing a broad range of coverage as to both industrial and employment detail on industrial injuries. It is the least "biased" national work injury survey of establishments currently in existence. It provides more reliable and accurate information than similar programs operated by the National Safety Council and several industrial trade associations.

However, the representativeness and validity of results and operational effectiveness of the survey is seriously restricted and impaired by the following factors.

a. The virtual absence of adequate funding and manpower resources at the National, regional and state levels for effective operation of the Survey

b. The inability to *enforce* generally accepted quality control standards on survey sampling and data collection procedures at the State level of operations

c. The adherence to generally accepted standards of work injury measurement; i. e., A. N. S. I. Z–16.1, which prevents the procurement of available information which provides a more comprehensive picture of the relative hazardousness of the work environment; e g., Serious Injury Index

d. A significant lack of training of survey reporters in the treatment and handling of work injury data under the existing method of recording a measuring work injury experience—A. N. S. I. Z–6.1 Standard.

e. The virtual absence of any incentives at the establishment level for the provision of job and safety training to employees which would assist in the recognition of work hazards and in reporting work injuries.

f. A survey reporting universe that is representative only at the national level and is highly sensitive to changes in work injury rates due to shifts in establishment and employment coverage at the individual state level of detail.

g. The total absence of complementary information at the national level on the direct and indirect economic costs of work injury.

SUPPORTING FINDINGS

Accuracy of current survey

A validation of work injuries reported to the BLS and the State of California revealed that over 36 per cent of the firms examined actually had "injuries," while reporting "no injuries" to the BLS. The effect is something in the order of an absolute error of 8 per cent in the total number of injuries reported. On a national basis this means that approximately 200,000 disabling work injuries beyond the approximately 2.2 million recorded annually are missed.

Over 93 per cent of California reporters to the BLS surveyed reported "capturing" all reports of work injuries at present. The range of missed reports as a proportion of all present reports of disabling injuries for the remaining 7 per cent was from less than two to nearly 100 per cent. Factors bearing on error in counting injuries related by these firms were:

a. Difficulties in coding work injuries under the present standard.

b. Non-disabling injuries that subsequently turn "disabling" and are *not* reported by employees.

c. Foreman and supervisors who shift injured employees to less demanding jobs under the "regularly established job" criterion of A. N. S. I. Z–16.1.

Eighty and 66 per cent of California reporters to the BLS misclassified man-hours (exposure) and work injury information resulting in some minimal but unknown *inflation* of data submitted to the BLS.

Related to this inability to classify work injury data is the fact that 60 per cent of California reporters to the BLS surveyed had *no* formal and informal training in the training in the recording and reporting of work injury data.

Reinforcing this is the fact that there is slightly more than one chance out of ten that an employee entering any of the firms interviewed would receive any safety training within the first few days of employment on how job safety and health violations and work injuries are to be reported.

CONCEPT OF WORK INJURY MEASUREMENT

Fully two-thirds of California reporters had the internal resources to develop information for the construction of the "serious injury index" which combines both disabling and nondisabling injuries through reports on industrial injury submitted to State Workman's Compensation agencies.

Information compiled for these firms in California revealed a ratio of *ten serious injuries for every disabling injury reported.* Extrapolated to the national level, this means that the current annual level of 2.5 million disabling injuries reported could rise to over 25 million "serious injuries" if this more meaningful measure of the relative hazardousness of employment were adopted.

SAMPLE COVERAGE AND REPRESENTATIVENESS

The BLS-Cooperative States Annual Survey of Work Injuries cover 148,000 establishments employing nearly one-fifth of the nation's labor force—14 million workers. It is heavily concentrated in Manufacturing, which accounts for 36 per cent of all the firms reporting but nearly two-thirds overall employment.

It is dominated by large employers—over 70 per cent of total Survey employment is concentrated in firms employing 250 or more persons, although these firms constitute less than six per cent of all reporting units.

Geographically, the Survey is very heavily concentrated in only three regions—New England, Middle Atlantic and East North Central States, which account for over three-quarters of all universe reporters and nearly two-thirds of all employment.

The Survey is thus highly dependent upon the reporting of a limited number of key states and trade association agencies for development of national estimates by detailed industry and geographic area.

Two examples illustrate this point quite clearly. Over 54.3 of Contract Construction reporters are concentrated in the Middle Atlantic States, New York State in considering dropping the Contract Construction series because of serious questions as to the validity of the information reported and the result would be a reduction in coverage of nearly 43 per cent of total reporting firms and 32 per cent of employment in Construction.

442,000 persons or 32 per cent of employment in transportation, communications and utilities in the Survey is concentrated in less than .4 per cent of all reporting units (23 establishments) in that major industy.

This information cannot be broken down on a geographic basis because 11 units, accounting for 95 per cent of the employment in that small group of reporters, submit data on a regional basis consolidating administrative, manufacturing and field operations.

Alternative data collection and estimating techniques

The BLS Survey of Work Injury could take immediate advantage of employment and man-hours information, supplied by establishments on a monthly basis from payroll records to all states under the BLS Employment Hours and Earnings or "790" program.

A test of matching employment information for California reporters to the BLS between the Survey and the 790 program indicated the possible feasibility of such an approach to the procurement of exposure information—over 70 per cent of reporting firms in the analysis could be matched. Reinforcing this are the facts that the BLS 790 Program is virtually 100 per cent federally funded, with the exception of five states, and that reports of employment and work injury survey forms can be matched through a common system of establishment identification—the U/I program employer identification number.

The ultimate solution for collection of work injury information is through a uniform national system of Workmen's Compensation industrial accident reporting. However, such a scheme is not feasible for at least a minimum of five to ten years in the future because of the lack of a *national* standard for accident accounting and reporting compatible with a universally accepted system of employer identification.

An analysis of workmen's compensation accident reporting systems revealed that of the 33 jurisdictions which *require* employers to report work injuries, only fifty per cent have data in detail sufficient for this purpose. The actual extent of usable information at present is probably restricted to no more than six key states. However, taking these deficiencies into account, a national system of work injury reporting revolving around the combination of employment "exposure" data submitted through the BLS 790 and employer reports of industrial injury—a la the State of California, would be most desirable in the long run. The system could accommodate a range of alternative work injury measurement concepts, accumulate occupational disease events, and would rely on *existing* sources of information for its operation.

Tests of statistical procedures for estimating work injury rates revealed that it is possible to develop an estimated national aggregate series of work injury rates on a monthly basis with a reasonable degree of accuracy. This statistical technique might be further investigated for possible adoption by the BLS as a *supplement* to the annual counts of disabling injuries.

Another statistical procedure—the so-called work injury rate table—was tested with data on the age/sex distributions of disabling injuries and the male civilian labor force for the State of California. These tests revealed a stable age profile of disabling work injuries over a ten-year period of rapid employment changes.

The results disclosed a disabling injury frequency rate for males in the labor force between the ages of 20–24 of over *2 times* the value for workers in the prime years of labor force anticipation, ages 35–40. The technique demonstrated its feasibility as a tool for the estimation of the aggregate number of work injuries at both the State and federal levels.

Alternative statistical work injury programs—recommendations

In light of the above, a desirable work injury statistical program operated by the BLS would appear to have the following features:

Expanded coverage through either inclusion of additional states or expanding the number of establishments reporting in existing ones.

Consider experimental use of a "pilot" basis on employment "exposure" data submitted through the existing BLS employment and earnings "790" program.

Conduct quality control procedures along the lines of those executed in the DSARC study; i.e., validating injuries and detecting biases between responding and non-responding firms.

Experiment with expanded work injury measurement concepts such as the "serious injury index" discussed in the present study to explore the feasibility of possible adoption as a national mandatory standard.

Supplement existing annual work injury survey data with aggregate and state "statistical estimates".

Initiate a pilot program to explore the feasibility of procuring work injury data through State Workmen's Compensation accident reporting systems.

Initiate and conduct a recurring annual survey of the direct and indirect economic costs of work injury to detect the degree of efficiency afforded establishment management and labor interests through active loss prevention programs.

Fund regional BLS and State cooperating agency operations in the collection of the above information and tie inclusion of states in the program to a set of performance specifications.

Consider strongly the discontinuance of trade association involvement, where feasible, in the collection of work injury data and substitute either direct reporting to BLS/Washington or indirect reporting through cooperative states.

Costs of recommendations

The estimated annual costs for adoption of a range of program options based on these recommendations fall into two categories—those revolving around the use of the existing BLS survey approach and those involving acquisition of Workmen's Compensation accident reports.

The following Table summarizes the "maximum" and "minimum" programs in each category in terms of their estimated development and annual operations costs, split between "federal" and "state" shares and program components.

In the case of the BLS Survey approach alternatives, the prerequisite programs would call for a minimum increase in annual operating costs of seven times the current level of $225,000 annually. The maximum program alternative is over fourteen times the same figure.

The following are the contents of each alternative.

BLS survey

"Minimum" Alternative Program Contents

a. Keeping the existing BLS-Cooperative States Work Injury Survey Reporting Universe at its current "response" level of 150,000 firms.

b. Adding another 150,000 "responding" firms to the current survey.

c. Conduct of a serious Injury Index Study and a response analysis of survey reporters.

d. Implementing and operating an Annual Cost of Work Injury Survey encompassing reports derived from 15 States.

"Maximum" Alternative Program

a. Adding ten states to the existing BLS—Annual Survey of Work Injury Program.

b. Expanding the sample to encompass 300,000 "responding" firms nationally.

c. Conducting Serious Injury Index and response analysis studies.

d. Establishing a program for developing of statistical estimates of National Work Injury Experience.

e. Conduct of an annual cost of Work Injury Survey in 30 States.

Workmen's compensation

"Minimum" Alternative Program Contents

a. Acquisition of summary reports of Workmen's Compensation industrial accidents from 30 State programs.

b. Conduct of a Serious Injury Index and response analysis studies.

c. Implementing and conducting an annual cost of Work Injury Survey encompassing reports derived from 15 States.

"Maximum" Alternative Contents

a. Acquisition of summary reports of Workmen's Compensation industrial accidents from all 50 state programs.

b. Conduct of a serious injury index and response analysis survey.

c. Establish a program for developing statistical estimate of National Work Injury Experience.

d. Conduct of an annual Cost of Work Injury Survey in 30 States.

A final recommendation is for the creation of an inter-agency committee comprised of representatives of the BLS, LSB, Wage and Labor Standards Administration and the Bureau of Occupational Safety and Health at U.S.H.E.W. to establish and coordinate plans and programs related to the promulgation of uniform national standards for the acquisition, processing and measurement of Work Injuries, occupational diseases, and Workmen's Compensation system operations.

TABLE 1.—INCREMENTAL COSTS FOR ALTERNATIVE WORK INJURY STATISTICAL PROGRAMS

[In thousands of dollars]

	Initial investment cost			Annual operating cost		
	State	Federal	Total	State	Federal	Total
BLS survey:						
Maximum	210	230	440.0	1,825	1,205	3,030
Minimum	90	130	220.0	975	710	1,685
Workmen's Compensation:						
Maximum	102	447	549.0	200	2,090	2,290
Minimum	51	284	334.5	100	570	670

ACTIONS TAKEN DURING THE SECOND SESSION, 91ST CONGRESS

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 1970

Mr. FISHER. Mr. Speaker, at the end of each session it is appropriate that we take stock of the various actions taken. Since October 15 has been decided upon as the target date for adjournment, we can now make an appraisal.

FISCAL

Based upon action already taken on annual appropriation bills, and what may be expected, it now appears the total will approximate the administration's budget requests. The Congress did better last year when it appropriated $6 billion less than the President had recommended.

WELFARE

Closely related to the fiscal situation is the administration's welfare expansion plan, approved earlier this year by a House Republican-liberal coalition. The measure is now pending in the Senate, with the ultimate outcome in doubt.

Approval of this proposal would mean about $5 billion additional cost for welfare, which would be added to the anticipated annual deficit, and would, of course, be highly inflationary. Estimates of the cost of this welfare bonanza range from $4 to $6 billion the first year, with the likelihood the increased cost would double the following year.

Mr. Speaker, I voted against that welfare expansion. As proposed, its enactment would immediately add 14 million to the present 11 million who are receiving federally financed welfare.

The proposal calls for a guaranteed annual income of $1,600, plus $800 in food stamps, with an agreement to seek employment. Recipients would remain on relief until they make $3,920 a year, and in some States it would be much more.

While every right-thinking person wants to help the sick, the handicapped, and the unfortunate who are unable to help themselves, the pending proposal would tend to lock many people into welfare as a way of life.

Moreover, once this guaranteed income is adopted as a national policy, we can be certain pressures will call for an increase in the $1,600 minimum. Some observers regard it as a pay station on the way to the total welfare state. The American taxpayers can ill afford to shoulder this added burden.

BUSING

Mr. Speaker, another topic of major current interest is the policy, initiated by the preceding administration and being pursued by the present one, of in effect imposing compulsory busing of students away from local neighborhood schools for the sole purpose of achieving more racial mixtures of students. I am referring to schools where there is no semblance of racial discrimination, no segregation whatever.

The adverse effect of such busing applies to the parents and students of all races.

I oppose this compulsion. In reality it is an attack upon the neighborhood school concept, which is the heart and soul of our public school system.

The Congress has this year and in prior years voted against compulsory cross busing, but the Health, Education, and Welfare agency is relentless, and it gets support from lower courts.

OTHER SUBJECTS OF LEGISLATION

This Congress has tackled a number of other problems, with final action remaining on a number of bills which have been finally enacted or approved by either the House or the Senate. I will mention some of them.

Subjects covered include legislation in the fields of agriculture, crime, outer space, education, reform of the electoral college, social security, pollution, pornography, population growth, mental and other health measures, veterans legislation, housing, traffic safety, drug control, equal rights for women, postal reform, and a number of other measures of less importance.

VA HOSPITAL IN SAN ANTONIO

After a long struggle, funds were released this year for a new veterans 750-

bed $25 million hospital, to be built in the 21st district in San Antonio. Contracts for this great project are to be let in the immediate future.

OEO AND THE PEACE CORPS

Mr. Speaker, at the request of the President the Congress extended the OEO—which includes VISTA—and the Peace Corps, at a total cost of $2.3 billion. These programs have already cost some $10 billion.

Regardless of their purposes, these projects include much duplication and waste, particularly in some of the metropolitan areas where OEO has received much criticism.

Because of the pending Federal deficit—now estimated at more than $7 billion this year—and their inflationary effects, I voted against extending these programs. Any good portions could easily be salvaged and assigned to existing agencies which deal with the same subject matters, and a vast amount of money could be saved.

NATIONAL DEFENSE

Mr. Speaker, as a senior member of the House Armed Services Committee, I am pleased with the progress that has been made for national defense, although we are still lagging dangerously behind the Soviets in the rate of research and development of vital defensive and offensive weapons.

Our anti-ballistic-missile—ABM—program was approved despite opposition in the Senate to both this and other essential defense measures which had been approved in the House.

DEFENSE COSTS

Our committee has dealt with a $71 billion defense budget this year. It sounds like a lot of money, and it is. But let us in perspective review the past for a moment.

During the decade of the 1950's defense outlays were over half of the budget—57 percent, and almost 11 percent of the gross national product—GNP.

During the 1960's defense represented 45 percent of the budget, a little less than 9 percent of the GNP.

In the current budget, authorization for defense is less than 7 percent of the GNP—even with the war in Vietnam.

In other words, while our GNP is climbing steadily toward the $1 trillion mark, the percentage of that product being spent on national defense is steadily decreasing.

Projects designed to improve and strengthen defense training facilities in San Antonio, Del Rio, and San Angelo were approved.

THE 922D AIRLIFT RESERVE UNIT

Earlier this year the Department of Defense ordered the 922d Tactical Airlift reserve unit, headquartered at Kelly Air Force Base, disbanded. This group, including the 433d Military Airlift "Alamo" Wing, is one of the most efficient and popular in the country. In a 14-month period for example, the C–119's assigned to them logged 5,675 accident-free hours, spent 1,120 hours in support of various U.S. Army airborne forces, dropped an average of 1,400 paratroopers monthly, plus 141 tons of equipment.

This is but a part of the success story of the 922d. Superior performance gave the unit the coveted Loening Trophy which designates the outstanding flying group of the entire Air Force Reserve.

When this unit was ordered shut down, I called members of the group to Washington for a high-level conference with defense officials, then made the move in the Subcommittee on Airlift—of which I am a ranking member—and the committee strongly supported the retention of this vital training program.

Our recommendation was honored by the Secretary of Defense, the phasing out order was rescinded, and the 922d was retained—with modern equipment.

Mr. Speaker, in the interest of space I shall forego further discussion of the work done during the current session. The battle against inflation, pollution, and in behalf of an adequate national defense, must be continued. And there are many other problems which beset us.

IS "MORE" BETTER?

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 1970

Mr. DERWINSKI. Mr. Speaker, an extremely effective, and in my opinion, truly logical commentary appeared in the September 10 Citizen, of La Grange, Ill., which makes a very valid point from the taxpayers point of view for the need for controlling sheer growth of Government.

The editorial follows:

IS "MORE" BETTER?

For far too long, the argument that "more is better" has held sway among government spenders at all levels as well as among their do-gooding, civic leader supporters.

A prime example, of course, is the public school. Of that elusive chimera, "quality education", which feeds almost exclusively on dollars, the educators told the gullible taxpayers, the more it consumed, the better the education would be afforded "our greatest natural resource", our young people.

The premise was questioned only when annual real estate tax bills grew from annoyances into economic disasters. Citizens began to ask themselves, and then the schoolmen, "Is the educational program offered today really better, in proportion to its cost, than that of 10 or 20 years ago, or is it just more expensive?"

The reaction set in swiftly, and the failure rate for tax increase referendums soared. Unhappily, the counter-move of many school boards was to refuse to believe what the public was telling them. Instead, they stoutly maintained that "more is better" and voted to borrow funds in order to support a curriculum to which all had become accustomed. (Habits, good or bad, are hard to break.)

At least at the local level, taxpayers can be and are stubborn. Repeated refusals to up the ante eventually penetrated the thickest of cranial ossifications, and costs in many districts were cut.

This meant that the seeds of further discontent, as we have observed in those school districts struck by the teaching staffs, were sown.

But painful as it is, the democratic process sooner or later grinds out a workable compromise—at least at the grassroots level. A major question is how distance between government and governed dilutes democracy's abilities.

A bigger bugbear than local school problems is federal (and to a lesser extent, state) spending and consequent taxation. After all, it is primarily the government of the United States, chiefly in the form of the Congress, that is responsible for creating the demon of inflation.

It is good to have such institutions as the Tax foundation, which can cry out with the voice of conscience that the seductive blandishments of our representatives are largely false.

For example, don't most of us believe we are better off, financially, today than we were 10 years ago? The foundation has bad news for all of us: it found that Mr. Average, earning $11,000 today, is no better off than he was in 1960, when he was making $7,500. In 1960, total taxes took 23 per cent of his pay. Today that's 34 per cent. And the rest of his salary increase has been devoured by price inflation. In 1960 terms, a dollar today is worth only 77 cents.

Mr. Average's taxes, the foundation figures, have doubled in the past decade, from $1,707 to $3,475. Ten years ago, federal taxes took 11 per cent of his income; this year it'll be 14 per cent. Across the nation, state income taxes have risen in the same period by 161 per cent; local taxes are up 108 per cent.

On the average, we spend 40 per cent more on government than we do on food. Doubtless we get more in government services today than we did a decade ago.

But is "more" better? Your congressman won't know how you feel unless you tell him. If you have and he won't mend his ways, there is the further remedy, the ballot box (well, voting machine). Failing that, the ultimate corrective, of course, is getting involved in politics yourself, or talking a reliable friend or neighbor into running. It's already happened at the grassroots; now it's time to move up the ladder.

THE CONVERSION RESEARCH AND EDUCATION ACT OF 1970

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. HOGAN. Mr. Speaker, I have joined more than 50 of my colleagues today in cosponsoring a piece of legislation which authorizes a far-reaching plan to involve defense and space-oriented scientists, engineers, and technicians in peacetime research and development work.

Entitled the "Conversion Research and Education Act of 1970," this measure states that "reductions in defense and space research and development must be met by corresponding increases in civilian, socially oriented research and development," and provides the following:

First, that a total of $450 million be authorized, over a 3-year period, for specific programs of education, research, and assistance to small business firms, in order to aid in the conversion of defense research and development to civilian, socially oriented R. & D.;

Second, that the National Science Foundation sponsor research on conversion and that it develop and administer

retraining programs for scientists, engineers, technicians, and others involved in civilian R. & D.;

Third, that the Department of Commerce through the Economic Development Administration sponsor conversion retraining programs for management personnel in defense-related R. & D.;

Fourth, that the Small Business Administration assist small business firms in achieving conversion by providing technical grants, loan guarantees, and interest assistance payments; and

Fifth, that an advisory committee of industrialists, scientists, and educators be established to help shape and guide these programs.

Defense cutbacks have posed a particular problem for many residents of Prince Georges and Charles Counties because we have such a high percentage of Department of Defense employees and technicians employed by defense and space contractors.

This bill seeks to encourage scientists, engineers, and technicians to help solve domestic problems in such areas as health, housing, transportation, crime, and pollution. I am sure that this legislation will have a tremendous impact on those employees who have been layed off or "riffed" as a result of defense cutbacks.

SENATE—*Tuesday, September 22, 1970*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. RUSSELL).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou who are from everlasting to everlasting, whose spirit broods over Thy creation in every generation, break in upon our troubled age that men and nations may heed the divine imperative to "do justly, love mercy, and walk humbly with Thy God." We pray that in the midst of the world's crisis and confusions, its fears and frustrations, its sorrows and sufferings we may hear and heed Thy clear call guiding us to be faithful and fearless, strong and steadfast, patient and persevering under Thy sovereign grace and wisdom.

May the stern and cruel arbitrament of bomb and tank give way to peaceful adjudication, cooperation, and mutual good will.

We pray for those who bear the burdens of battle, for those who suffer from war everywhere, and especially for our own sons—prisoners of war—in distant lands. Grant them healing in sickness, courage in deprivation, and the constant awareness of Thy sustaining presence. Be with all who are dear to them that by drawing near to Thee they may be nearer to one another. Give us grace to share their burden and wisdom to labor with increased zeal for the coming peace.

In the Redeemer's name we pray. Amen.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, September 21, 1970, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MR. AND MRS. ARVEL GLINZ

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1216, S. 1074.

The PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows: S. 1074, for the relief of Mr. and Mrs. Arvel Glinz.

The PRESIDENT pro tempore. Is there objection to consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 1074

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of the money in the Treasury not otherwise appropriated, to Mr. and Mrs. Arvel Glinz of Eldridge, North Dakota, the sum of $3,521.26, in full satisfaction of all claims against the United States for reimbursement for legal expenses paid by the said Mr. and Mrs. Arvel Glinz from March 13, 1961, through April 1, 1966, in defending the title of real property transferred to them by a receiver's deed, dated March 25, 1960, such property having been bought by the said Mr. and Mrs. Arvel Glinz at a judicial sale which was held to satisfy tax liens of the United States: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1199), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to authorize and direct the Secretary of the Treasury to pay to Mr. and Mrs. Arvel Glinz the sum of $3,521.26 in full satisfaction of all claims against the United States for reimbursement for legal expenses paid by the claimants from March 13, 1961, through April 1, 1966, in defending the title of real property transferred to them by a receiver's deed, dated March 25, 1960, such property having been bought by the claimants at a judicial sale which was held to satisfy tax liens of the United States.

STATEMENT

In 1958 the Federal Government filed a suit against Fay Heasley to collect Federal income taxes of approximately $200,000 by foreclosing tax liens against a large farm owned by Mr. Heasley. In this suit, a judgment was entered for the Government, and Mr. Anderberg was appointed receiver by the Federal district court at Fargo, N. Dak., for the purpose of selling this farm at a judicial sale. Mr. Heasley's farm was sold by the receiver to the highest bidder who was Mr. Arvel Glinz. The Federal district court in Fargo, N. Dak., confirmed this sale and the Court of Appeals for the Eighth Circuit upheld the sale to Mr. Glinz.

Thereafter, Mr. Fay Heasley initiated a series of suits in State and Federal courts which were repetitious and were designed to harass and embarrass Mr. Glinz in his purchase of the farm. Many of these suits were initially directed solely against Mr. Glinz in an effort to deprive him of his purchase. Such suits necessarily occasioned legal expense to Mr. Glinz, but such legal expense was private in nature as it was for the purpose of proving title in himself. Eventually, the Government, or a Government employee, was named a defendant in all of the suits. Whenever both the Government and Mr. Glinz appeared as codefendants in one of these suits, the Government undertook to defend the suit, to the mutual benefit of the United States and Mr. Glinz, thereby relieving Mr. Glinz of any additional expense. However, the Government did not and could not pay those expenses incurred by Mr. Glinz in the hiring of his personal attorney as that attorney only represented and advised Mr. Glinz.

In a letter to the Honorable Quentin N. Burdick, the Assistant Attorney General stated as follows:

"It is these legal fees which Mr. Glinz incurred for his private benefit which are the subject of the private bill proposed by Mr. Anderberg. It is self-evident, from the foregoing factual summary, that such private legal expenses cannot be paid by the Government. It should be pointed out that the Department of Justice has, in the past, been quick to intervene and assume the burden of any litigation in such matters where it could justifiably do so in the interest of protecting purchasers at Government tax foreclosures sales."

A copy of the letter of the Assistant Attorney General is attached hereto and made a part hereof. Also attached is a letter from Henry W. Anderberg to Senator Burdick which sets forth further facts in relation to this matter. The Anderberg letter also relates

quite a number of court proceedings that are involved in this matter. These proceedings indicate the harassment to Mr. Glinz by Mr. Heasley. This situation is further documented by a letter which is hereto attached from Mr. Robert Vogel to Mr. Anderberg, Mr. Vogel being the U.S. Attorney for the District of North Dakota from 1954 to 1969. A further letter to Senator Burdick from Herman Weiss who was counsel for the receiver, Mr. H. W. Anderberg, is also attached hereto and made a part hereof. A letter from the Department of the Treasury which defers to the Department of Justice as to the merits of this matter is also attached.

A review of the foregoing shows that Mr. Glinz bought this property at a judicial sale by the U.S. Government when the Government sold the Heasley property in order to recover owed income taxes. Therefore, the Government was the primary seller of the land and insofar as this matter is concerned was an interested party from the very beginning.

The committee agrees with the statement of the Assistant Attorney General that legally no reimbursement can be made for the expenses incurred by Mr. Glinz and the file further shows that when able to do so the Government did enter the suit and carry the burden from that time on.

The committee believes that even though the Government is not legally liable for the expenses incurred by Mr. Glinz that in an equitable and moral way a liability does exist. The harassment that Mr. Glinz was subjected to arising out of the Government judicial sale is of course neither the Government's fault nor Mr. Glinz' fault. However, Mr. Glinz had to bear the burden of this harassment.

It appears to the committee that this condition of the facts makes the bill one which should be the subject of congressional relief, and that the Government should aid Mr. Glinz in this respect. Had the Government been able to intervene in the first instance, the Government would have assumed the liability incurred by Mr. Glinz. The committee, therefore, believes that the proposed legislation is meritorious and recommends favorable consideration of S. 1074.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Small Business of the Committee on Banking and Currency, the Committee on Commerce, the Committee on Foreign Relations, and the Subcommittee on Military Construction of the Committee on Armed Services be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Idaho (Mr. CHURCH) is now recognized for 20 minutes.

Mr. MANSFIELD. Mr. President, will the Senator from Idaho yield to me so that I may proceed for not to exceed 10 minutes, without taking any of his time?

Mr. CHURCH. I am happy to yield to the majority leader for that purpose.

The PRESIDENT pro tempore. The Senator from Montana is recognized for 10 minutes.

S. 4371—INTRODUCTION OF A BILL TO ABOLISH THE INTERSTATE COMMERCE COMMISSION

Mr. MANSFIELD. Mr. President, in recent weeks, I have addressed myself to the problem of our regulatory agencies, more specifically, the Interstate Commerce Commission.

It has not been easy to recommend that the duties of the Interstate Commerce Commission be abolished, but after giving the matter considerable thought and investigation, I am firmly convinced that the consumers, the shippers, and the transportation industry can best be served by abolishing the ICC and transferring the essential duties of the Commission to another department or agency of the Federal Government.

After repeated visits to Montana, I find that the interests of my constituents are not being served by the Interstate Commerce Commission. More and more the Commission is becoming industry oriented, and exhibiting a lack of initiative and imagination in its decisions and policies.

In Montana recent railroad consolidations have given little evidence that there is any improvement in service, and, in fact, there is likely to be a reduction. Repeated efforts are being made to discontinue passenger service, and there are indications of a reduction in freight service in the less populated areas.

In Montana the history of the railroad service to the public has been on a steady decline. Beginning with the abandonment of the Milwaukee Railroad's passenger train service through the State of Montana some years ago, there have been repeated efforts on the part of the other railroads to reduce and abandon service. Several efforts have been made to obtain ICC approval with the abandonment of the Mainstreeter on the Northern Pacific Railroad lines through Montana. To date, the people in Montana have been successful in keeping this service.

How much longer this will last, we do not know. Passenger service between Billings, Mont., and Denver and between Billings and Nebraska has been abandoned. Just recently, the ICC has granted a 6-month delay in the abandonment of passenger service between Butte, Mont., and Salt Lake City. This will leave this area without adequate public surface transportation.

Within the State of Montana, the railroads have started implementing a plan of complete abandonment of rail service such as that provided between Livingston and Gardiner and between Sappington and Norris. To date, these requests have been denied by the Commission. Now, there are new indications that the railroads intend to retreat further and cutback freight services to some small, isolated communities in Montana. Constituents from Circle, Brockway, and Lindsay have been informally advised that their daily freight service will be cut back to three times a week. The problems of our rural communities are serious enough without these additional cutbacks. As I have indicated on previous occasions, I fear that Montana is rapidly becoming merely a roadbed for transcontinental rail freight service between the Twin Cities and the west coast.

As my colleagues in the Senate know, I expressed my most adamant objection to the recent request for rate increases submitted by the railroads, Eastern, Western, and Southern. The 15 percent is an exhorbitant and thoroughly unreasonable request, especially in view of the rate boosts already approved by the ICC. While the Commission has refused to implement the increases until after their hearing, the previous record of such requests would give me no comfort as to the final recommendations.

I noted on yesterday that the railroads had again applied for a 15 percent increase which would be on top of the 11 percent increase granted in two segments over the past 6 months. There are no indications that the boxcar shortage has been resolved; both the grain and lumber industries are continuing to express concern about shortages. Interestingly, there are some reports that several of the large railroad companies would like to get out of the railroad business and concentrate on some of their many other investments. Whether or not this is true, it would seem so—with their continued abandonment of services to the people and lack of imaginative thinking in methods to expand and improve the railroad industry.

Insofar as the freight rate issue is concerned, the Wall Street Journal contained interesting comments suggesting that the government modernize its rail labor policy as well as its regulatory setup. It also offered the thought that the railroads themselves may need to give a little more thought to the possibility that they are pricing their services out of the market. Perhaps this is exactly what the railroads want to do.

Mr. President, I ask unanimous consent that the editorial appearing in the September 14, 1970, issue of the Wall Street Journal be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Sept. 14, 1970]

THE INTEREST IN FREIGHT RATES

In denying the Eastern and Western railroads a 15% increase in freight rates, the Interstate Commerce Commission stressed the interests of shippers and consumers. Those interests surely must be considered, but the rate question also must be pondered from the railroads' viewpoint.

An article elsewhere on this page traces the history of railroad financial problems, some of which are arising once again. Certainly the roads could use some more income from somewhere. But it is at least doubtful that interest will be served, for very well or for very long, by a long series of sizable rate boosts.

Although the ICC's language may appear to imply otherwise, the railroads have no transportation monopoly. They've received five general freight boosts since 1967, including a recent 5% interim increase, and the trend obviously has diverted some shipments to trucks, particularly to company-owned fleets.

The railroads soon will face sharply higher wage costs, as the result of labor negotiations now going on. However, as the Southern railroads pointed out when they refused to go along with the latest rate-boost request, no one can say now exactly how much higher the new labor costs will be.

In the circumstances the Southern roads are seeking a 6% interim increase in November; they plan to ask for a permanent boost only on a selective basis taking account of cost and competitive factors. Although many Eastern and Western roads are in much worse shape than the Southern lines, and thus less able to wait, the Southern strategy is at least realistic.

The railroads' troubles plainly can't be ended by diverting traffic to trucks. In the short run at least some of the lines probably can't survive without substantial Federal financial help.

In the long run Congress must modernize Federal rail labor policy; the President's proposals for dealing with the incessant, and costly, strikes now are gathering dust in Congress. The Government also must modernize the regulatory setup that now requires railroads to spend about as much time battling bureaucracy as they do fighting competitors.

The problems have piled up over many years, and they won't be disentangled overnight. In the meantime the railroads themselves may need to give a little more thought to the possibility that they are pricing their service out of the market.

Mr. MANSFIELD. Mr. President, my earlier proposal for abolishing the ICC has generated a great deal of interest. I might add that I have had comments and inquiries from many diversified points of interest. There is a need for a modernization of our Federal regulatory setup, and I firmly believe the ICC is the place to begin.

Today I introduce legislation calling for the abolishment of the Interstate Commerce Commission at the end of 18 months. During the first 12 months a special commission would be set up to determine how best to reassign the necessary functions of the ICC to other Federal departments or agencies. The remaining 6 months would be available for legislative action to accomplish the recommendations of the special commission.

The commission would be made up of representatives of the executive branch, the two Houses of Congress, and members from the private sector, representing the consumer, the carrier, and the shipper. I know that the Senate Commerce Committee has a great many crucial issues before it. We are now in the rush toward adjournment, but I do believe this is a matter of significant importance. I hope that the commitee will be able to give this legislation early and prompt consideration not later than the beginning of the next Congress at the latest.

Mr. President, I ask unanimous consent that a copy of the bill which I have introduced today seeking to bring about an abolition of the ICC be printed in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4371) to abolish the Interstate Commerce Commission at a future date and to establish a commission to make recommendations with respect to carrying out the functions of the Interstate Commerce Commission after such date, introduced by Mr. MANSFIELD, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 4371

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

ABOLISHMENT OF INTERSTATE COMMERCE COMMISSION

SECTION 1. Effective eighteen months after the date of enactment of this Act the Interstate Commerce Commission is abolished.

ESTABLISHMENT OF COMMISSION TO MAKE RECOMMENDATIONS

SEC. 2. (a) There is hereby established a National Commission on Transportation Regulation (hereinafter referred to as the "Commission") which shall be composed of fifteen members appointed as follows:

(1) six appointed by the President of the Senate, three from the membership of the Senate, two from the majority party and one from the minority party, and one each to represent carriers subject to regulation pursuant to the Interstate Commerce Act, shippers regularly using such carriers, and consumers generally;

(2) six appointed by the Speaker of the House, three from the membership of the House of Representatives, two from the majority party and one from the minority party, and one each to represent carriers subject to regulation pursuant to the Interstate Commerce Act, shippers regularly using such carriers, and consumers generally; and

(3) three appointed by the President to represent the executive branch of the Government.

(b) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment. The Commission shall elect a Chairman and a Vice Chairman from among its members. Eight members of the Commission shall constitute a quorum.

(c) The Commission shall make a full and complete investigation and study for the purpose of determining and making recommendations with respect to (1) what should be done with the functions of the Interstate Commerce Commission after the abolishment of such Commission pursuant to section 1 of this Act, and (2) what other actions should be taken to best carry out the national transportation policy as set forth in the Interstate Commerce Act.

(d) The Commission shall submit to the President and to the Congress a report with respect to its findings and recommendations not later than one year after the Commission has been fully organized.

(e) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may for the purpose of carrying out the provisions of this section hold such hearings, take such testimony, and sit and act at such times and places as the Commission, subcommittee, or member deems advisable. Any member authorized by the Commission may administer oaths or affirmation to witnesses appearing before the Commission, or any subcommittee or member thereof.

(f) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information as the Commission deems necessary to carry out its functions under this section.

(g) Subject to such rules and regulations as may be adopted by the Commission, the Chairman, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 58 of such title relating to classification and General Schedule pay rates, shall have the power—

(1) to appoint and fix the compensation of such staff personnel as he deems necessary, and

(2) to procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals.

(h) (1) Any member of the Commission who is appointed from the executive or legislative branch of the Government shall serve without compensation in addition to that received in his regular employment, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by him in the performance of duties vested in the Commission.

(2) Members of the Commission, other than those referred to in paragraph (1), shall receive compensation at the rate of $100 per day for each day they are engaged in the performance of their duties as members of the Commission and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission.

(i) There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out this section.

(j) The Commission shall cease to exist ninety days after the submission of its report.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. CHURCH. Mr. President, I commend the Senator from Montana for the bill he has offered today. As the Senator knows, I share completely with him the deep concern he has expressed regarding both the deteriorating passenger service furnished by the railroads as well as the chronic shortage of freight cars available to the Western States.

I also share the belief that the ICC has failed to discharge its responsibility to the people of the American West.

I would be honored if the Senator would permit me to join with him as a cosponsor of the bill he has introduced.

Mr. MANSFIELD. Mr. President, I would be delighted. I would expect and anticipate that all Senators, regardless of party, between the Great Lakes and the west coast would be interested in this measure, because all of us, including the chairman of the Committee on Commerce, the distinguished senior Senator from Washington (Mr. MAGNUSON), have suffered greatly from the decisions of the ICC, especially in regard to the matter of freight rates which keep industry out of Montana, Idaho, and other Western States, and the matter of the shortage of the boxcars which has a serious effect on the economy in the rural areas.

Mr. President, I ask unanimous consent that the name of the Senator from Idaho (Mr. CHURCH) be added as a cosponsor of the bill I have just introduced.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING THE SESSION OF THE SENATE TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Minerals, Materials, and Fuels of the Committee on Interior and Insular Affairs, the Committee on Finance, and the Committee on the Judiciary be authorized to meet during the session of the Senate today.

Mr. BAYH. Mr. President, I reserve the right to object, and although the Senator from Indiana does not intend to object. However, I want the record to show, so that the Senate will be on notice, that this is the last day the Senator from Indiana will permit committees to meet to the detriment of the efforts being made on the floor of the Senate.

The Senator from Indiana does not want to be overbearing or to cause inconvenience to his colleagues in the Senate. But in the opinion of the Senator from Indiana there are those in this body who are intent on preventing us from reaching a vote on a very important matter that is pending before the Senate. And if they insist on using the argument—or, in the opinion of the Senator from Indiana, the subterfuge—that they do not have enough time to study or debate the matter, the Senator from Indiana will put that argument to the test. I propose to see that this matter is studied and debated until we have had a chance to vote on it.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

SENATE RESOLUTION 469—SUBMISSION OF A RESOLUTION RELATING TO THE UNITED STATES-SPANISH BASE AGREEMENT

The PRESIDENT pro tempore. The Senator from Idaho is recognized.

Mr. CHURCH. Mr. President, I am submitting today a resolution dealing with the recently renewed base agreement between the United States and Spain. The resolution would express the sense of the Senate that nothing in this agreement shall be construed as a national commitment by the United States to defend Spain.

On August 6, 1970, as Senators know, Secretary of State William P. Rogers and the Spanish Foreign Minister Sr. Lopez Bravo an executive agreement entitled an "Agreement of Friendship and Cooperation between the United States and Spain."

Before the signing, the Senate's Committee on Foreign Relations had requested that this executive agreement be submitted to the Senate for approval as a treaty, following the traditional advice and consent procedure. The suggestion, however, was rejected by the administration.

I have told previously the story of a "double event"—vide, CONGRESSIONAL RECORD of August 25, 1970, pages 29902–29918—which occurred in the two countries prior to the signing. Ironically, in both Madrid and Washington, attempts were made to publicly examine the impending agreement before it became binding, but these efforts were ignored.

Following the signing, the Senate Foreign Relations Committee still felt that the terms of the Agreement needed to be clarified in public. Accordingly, the committee pressed the State Department for hearings, and these were agreed to. On August 26, 1970, Under Secretary of State Alexis Johnson and Deputy Secretary of Defense David Packard appeared before the committee, in both public and executive sessions, to explain—perhaps "translate" would be a better term—the scope and intent of the agreement.

Under Secretary of State Johnson declared, in his prepared statement, that the United States has made no commitment, secret or otherwise, pledging us to the defense of Spain. With reference to the agreement's preamble to the effect that both Governments "will make compatible their respective defense policies," and in regard to a phrase in article 30 of the agreement which states that "each Government will support the defense system of the other," Mr. Johnson emphasized that these phrases "cannot reasonably be interpreted as entailing any defense commitment" on the part of the United States toward Spain.

The Under Secretary said:

Our undertaking to provide military assistance is, in accordance with the words of the agreement, "conditioned by the priorities and limitations created by the international commitments of the United States." This language alone should make it clear that our Agreement with Spain does not embody any commitment; if the Agreement with Spain were regarded as a commitment, this phrase would have read "created by the other international commitments of the United States," and it does not read that way.

Mr. Johnson explicitly affirmed that the United States has given no secret pledge to defend Spain from external adversaries and has assumed "absolutely no obligation" to defend the Franco government from insurrection or rebellion from within.

Mr. President, I ask unanimous consent that the full text of Under Secretary of State Johnson's prepared remarks be printed in the RECORD at this point.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

STATEMENT OF ALEXIS JOHNSON

At the outset of this hearing I would like to insert in the record the joint statement issued by Secretary Rogers and the Spanish Foreign Minister on August 6. I would also like to insert the statement I submitted to this Committee the same day in amplification of previous testimony before this Committee on the reasons the Administration entered into an Agreement of Friendship and Cooperation with the Government of Spain, and why it was felt that this should be done in the form of an Executive agreement. As you know, this was furnished to the Committee at the time of the signing of the Agreement but I would now like to submit it for the public record of this hearing.

The new Agreement with Spain forms a broad basis for fruitful cooperation with the Spanish people in the decade of the 1970's. It takes into account the many non-military fields in which both countries now have a close mutual interest and establishes a foundation for combined efforts in other such fields in future years. Such areas include science, cultural exchange, pollution control, urban problems, and especially education. The field of education is expected to assume particular importance with the adoption of an extensive educational reform program by the Government of Spain. It is expected that a substantial portion of the $3 million already committed by the United States to non-military uses under the new Agreement will be applied to assisting this program.

So far as the military chapter of the new Agreement is concerned, the arrangements are basically a continuation of rights we have enjoyed in Spain since 1953, when the first base agreement was concluded with the concurrence of the Senate leaders, including the leaders of the Foreign Relations Committee.

There have been differences of views as to whether the new Agreement should have been concluded as a treaty, subject to approval by the Senate, rather than as an Executive agreement, as had been done by administrations of both parties since 1953. The Administration's position on this issue was set forth in the statement I submitted to this Committee on August 6. The Administration believes that the treaty form was not appropriate to the relationship we have undertaken with respect to Spain.

With the exception of this question of form, I have noted little criticism or comment with respect to the substance of the new Agreement with Spain. Certainly I know of none regarding the non-military provisions for educational, scientific and cultural cooperation and the like. The only questions I have noted have been whether or not the United States has entered into a commitment to defend Spain, and whether or not there is a secret agreement restricting United States use of the bases in Spain. I appreciate this opportunity to deal with these two questions.

It has been intimated in articles appearing in the press in the last several weeks that the new Agreement of Friendship and Cooperation signed with Spain on August 6 somehow embodies an obligation or commitment on the part of the United States to come to the defense of Spain. The text of the Agreement has been available to this Committee since my appearance on July 24, and it has now been three weeks since the text was made public. The only specific parts of it which, however, seem to have been cited are two phrases: One in the preamble stating that under stated conditions both Governments "will make compatible their respective defense policies", and a phrase in Article 30 to the effect that "each Government will support the defense system of the other."

A reading of Chapter VIII of the Agreement, which is the chapter regarding defense matters, clearly shows that these phrases have been reported out of context and in fact cannot reasonably be interpreted as entailing any defense commitment. The first phrase actually appears as a part of the following sentence:

"Consequently, both Governments, within the framework of their constitutional processes, and to the extent feasible and appropriate, will make compatible their respective defense policies in areas of mutual interest, and will grant each other reciprocal defense support as follows:"

Thus, the undertaking to make respective defense policies compatible is restricted in three ways:

1. It applies only to areas of mutual interest;

2. It is expressly limited by the constitutional processes of both countries;

3. It is applicable only where "feasible and appropriate". In addition, I must emphasize

that the undertaking is restricted to making defense policies in these areas compatible and does not require their integration, joint defense planning, joint exercises or anything of this nature.

This preambular language is immediately followed by Article 30, the source of the second phrase in question. Article 30 in its entirety reads as follows:

"Each Government will support the defense system of the other and make such contributions as are deemed necessary and appropriate to achieve the greatest possible effectiveness of those systems to meet possible contingencies, subject to the terms and conditions set forth hereinafter."

It is to be noted particularly that the support in question is limited to that required physically to prepare the military organizations of Spain and the United States to "meet possible contingencies" with which they might respectively be faced, and is expressly subject to the subsequent explicit terms and conditions.

The terms and conditions, apart from technical regulations regarding supplies, discipline of military personnel, taxes, etc., simply are to the effect that the United States is granted the use of military facilities in Spain and that in turn the United States will contribute to the modernization of Spanish defense industries and grant Spain military assistance in accordance with the existing Military Defense Assistance agreement of 1953. Thus, Article 31 provides as follows:

"The Government of the United States agrees to support Spanish defense efforts, as necessary and appropriate, by contributing to the modernization of Spanish defense industries, as well as granting military assistance to Spain, in accordance with applicable agreements. This support will be conditioned by the priorities and limitations created by the international commitments of the United States and the exigencies of the international situation and will be subject to the appropriation of funds by the Congress, whenever the case so requires, and to United States legislation."

Again, it is to be noted that this "support [of] Spanish defense efforts" is limited in the following ways:

1. It is to be given only "as necessary and appropriate";

2. It consists only of "modernization of Spanish defense industries" and "granting military assistance to Spain";

3. It is expressly subject to appropriation of funds by Congress, and, where necessary, legislative authorization.

Finally—and this directly touches the question of commitment—our undertaking to provide military assistance is "conditioned by the priorities and limitations created by the international *commitments* of the United States." This language alone should make it clear that our Agreement with Spain does not embody any commitment; if the Agreement with Spain were regarded as a commitment, this phrase would have read "created by the *other* international commitments of the United States." This is a repetition of the language of the original 1953 Defense Agreement, which I do not believe has ever been characterized as a defense commitment.

Article 32, of course, basically provides that Spain "will authorize the Government of the United States to use and maintain for military purposes certain facilities in Spanish military defense installations agreed upon by the two Governments."

Other provisions of this Agreement indirectly make it clear that there cannot be any defense commitment on the part of the United States with respect to Spain. For example, the United States is not obligated by this Agreement to keep any military forces in Spain whatsoever. While it is contemplated by the Administration that we will retain some forces in Spain throughout the five-year term of the Agreement, if at any time we should change our minds there is nothing in the Agreement to prevent the removal of all forces and military facilities from Spain forthwith. In this connection Article 33, paragraph (c) provides that "The Government of the United States may remove at any time non-permanent constructions installed at its expense, as well as its personnel, property, equipment and materiel." In case any substantial removal is contemplated during the term of the Agreement it, of course, would be the subject of consultations with Spain, but we do not require the agreement of Spain in order to carry out any such removal.

There has been some discussion of the fact that in negotiating this Agreement we omitted any reference to the 1963 Joint Declaration, a document which in the past had been characterized by some members of this Committee as constituting a commitment. The position of this Administration has been that the Joint Declaration, adopted during the Kennedy Administration, did not constitute a defense commitment. That remains our position.

Nonetheless, out of deference to the express wishes of this Committee, and so that the question of a commitment would not arise in the future, I rigorously opposed the inclusion in the new Agreement of the 1963 Joint Declaration or any language reminiscent of it. We were successful in maintaining this principle and the 1963 Joint Declaration will terminate on the entry into force of this new Agreement on September 26. Thus, even that language which in the past has given rise to speculation about a commitment now disappears. I emphasize that this was done not because of any concern on the part of the Administration that the Declaration constituted a commitment, but rather out of respect for the wishes of this Committee.

Despite the fact that this Agreement has now been public for almost three weeks and has been subject to the scrutiny of this Committee for about a month, no one has asserted, and I fail to see how one could assert, that there is any language in the new Agreement which in any way echos defense commitment language in our various multilateral and bilateral mutual security treaties.

There has been public speculation that there might be a "secret annex" to the Agreement or some other classified document which either embodies a defense commitment on the part of the United States or in some way specifically restricts our use of the bases in Spain. Such speculation is totally unfounded. In connection with the signing of the Agreement there was one exchange of confidential classified notes, which we took the initiative to make available to this Committee on the day of signing, and which is restricted entirely to a recitation of details of numbers of troops permitted to be stationed in Spain, specific locations and identity of classified defense facilities, and details of the material to be made available to Spain. This is basically technical and detailed military information, which cannot be published without affecting military security. It does not expand on, amplify, or modify any principles contained in the basic Agreement of Friendship and Cooperation. As you know from the copies you have received, it does not contain any language regarding United States defense of Spain or governing the use of the bases.

All of the basic conditions regarding our use of these military facilities in Spain are contained in the published Agreement. These appear principally in Article 33, paragraph (e), and Article 34.

Article 33, paragraph (e) provides as follows:

"In normal circumstances any substantial increase in the personnel or military equipment of the United States in Spain, or any substantial increase in the use by the United States of facilities in Spanish military installations regulated by this Agreement, will be the subject of prior consultation in the Joint Committee and agreed upon between the two Governments through diplomatic channels."

This means that increases in personnel or military equipment of the United States in Spain or increases of our use of military facilities in Spain beyond levels authorized in the exchange of notes must be agreed upon between the two Governments. This simply reflects an understanding that there is not to be any sudden substantial expansion of our military presence in Spain without the consent of the Spanish Government.

Article 34, which is the most important provision on the use of the bases, provides as follows:

"In the case of external threat or attack against the security of the West, the time and manner of the use by the United States of the facilities referred to in this Chapter to meet such threat or attack will be the subject of urgent consultations between the two Governments, and will be resolved by mutual agreement in light of the situation created. Such urgent consultations shall take place in the Joint Committee, but when the imminence of the danger so requires, the two Governments will establish direct contact in order to resolve the matter jointly. Each Government retains, however, the inherent right of self-defense."

This simply means that in Spain, as in every other country where we have military facilities, our use of them must take into account the views of the host government. Nothing more explicit or definite than this has been agreed to between the two countries.

These are the principal questions which I believe have been raised, either by members of this Committee or in the press, in the weeks surrounding the signature of the new Agreement with Spain. If the Committee has additional questions Secretary Packard and I will do our best to answer them.

Mr. CHURCH. Mr. President, the Deputy Secretary of Defense gave corroborating testimony, saying that the agreement pledged us only "to defend U.S. forces if they are attacked." In any other circumstances, according to Mr. Packard, the agreement commits the President to no course of action to be taken without congressional consent.

There were two reasons given to explain why the administration concluded it was not necessary to submit the new agreement as a treaty to the Senate. First, according to the witnesses, the consent of congressional leaders had been obtained in 1953, including certain members of the Senate Foreign Relations Committee, to handle the original base agreement with Spain by means of an executive agreement. Second, Mr. Johnson testified:

> The Administration did not consider the new Agreement a commitment to Spain of the kind which called for Senate approval.

He argued that—

> To submit it for ratification as though it did constitute a commitment would, in fact, carry with it an implication of a commitment that we did not desire it to have.

During the hearing, I inquired of Under Secretary Johnson about the 10,000 or more American military personnel stationed on Spanish soil, and whether or not their very presence did not make for a tacit "commitment" to defend Spain. I ask unanimous consent that the

transcript of that exchange be printed in the RECORD at this point.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

PRESENCE OF AMERICAN TROOPS AS A SECURITY GUARANTEE

Senator CHURCH. I press this because in November of 1968, coming back again to Spain, General Wheeler, in a meeting in Madrid with high Spanish military officials, discussing defense arrangements with the United States, said that the presence of American Armed Forces in Spain constitutes a more significant security guarantee to Spain than would a written agreement. How would you interpret that statement?

Mr. JOHNSON. If I recall rightly, Senator, I think that Under Secretary Richardson first, and myself second, testified at some length, was it not, in March of 1969 on that and the other statements and issues that came up at that time.

I can only say that it is an expression of General Wheeler's. It was not an expression of the U.S. Government.

Mr. CHURCH. Mr. President, I also asked about the joint military exercises of United States and Spanish forces and whether or not these did not give at least the appearance of a "commitment." I ask unanimous consent that the transcript of that exchange be printed here in the RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

Senator CHURCH. We will, for the next 5 years under the new agreement, maintain substantial forces in Spain, will we not?

Mr. JOHNSON. We have the right to do so under this agreement and I anticipate that we will be maintaining forces there, primarily Air and Navy, as you know.

Senator CHURCH. And we have in the past and will in the future conduct joint operations with the Spanish forces?

Mr. JOHNSON. We have not conducted any joint operations with the Spanish forces. We have in the past at times had some joint exercises.

Senator CHURCH. What is the difference between a joint operation and a joint exercise?

Mr. JOHNSON. In my own mind it is a joint exercise.

EFFECT OF JOINT MILITARY EXERCISES

Senator CHURCH. Let's use "exercise." We have in the past engaged in joint military exercises with the Franco forces and will in the future.

Mr. JOHNSON. Yes; we have.

Senator CHURCH. If we have no commitment to defend Spain, what is the need to participate in joint exercises with the Franco forces?

Mr. JOHNSON. They have been in the past, as I recall it, primarily of a training nature, using Spanish territory for training purposes in which Spanish forces have participated and, as far as the Navy and the Air Force are concerned, both we and the Spanish have both air forces and navy forces in the area, and it seems to me perfectly natural that they should work together or learn to work together so that if an emergency arose in which the Governments were to make a decision that they were operating together, they would have some knowledge and experience with each other.

Senator CHURCH. Do you not think that one effect of joint exercises is to lead the Spanish to assume that there is contemplated a joint obligation in the event of a crisis that would involve the United States in the defense of Spain?

Mr. JOHNSON. In this connection, Senator, let me say that some of the exercises that have taken place in the past have been the cause of questions in both countries. Both we and the Defense Department have now established machinery to monitor more carefully such exercises and to be sure that decisions on carrying out such exercises are reached at senior political levels of the Government.

Senator CHURCH. Do you want to add anything to that, Dave?

Mr. PACKARD. Well, I would just like to emphasize that these are training exercises and there is considerable benefit to the Spanish from training with U.S. forces. I think that is probably the direction in which the benefit flows, and this is true of the naval training exercises.

I certainly do not see that these training exercises in any way involve a commitment to do any particular thing at any particular time. I think it is an advantage to the Spanish to be able to work with our military forces, and perhaps we get some benefit from working with them. But I do not see that these training exercises in any way involve a commitment to do any particular thing at any particular time.

JOINT EXERCISES WITH NONALLIED COUNTRIES

Senator CHURCH. Are we presently conducting joint military exercises with any other foreign power with which we do not have a treaty commitment?

Mr. JOHNSON. My own impression is, it is not unusual to do so, but I cannot think of a specific case.

Mr. CHURCH. Mr. President, in further discussion, the Senator from New Jersey (Mr. CASE) addressed himself to the very heart of the committee's inquiry. I ask unanimous consent, Mr. President, that pertinent portions of his questioning be printed in the RECORD at this point.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXCERPT FROM TRANSCRIPT

Senator CASE. I say this because the word "commitment" is very often loosely used, sometimes to express an obligation so far as the future goes, sometimes to express a condition which already exists, that is, that troops are in place, therefore you are committed. We are talking about obligations for action in the future.

COMMITMENTS SUBJECT TO CONSTITUTIONAL PROCESSES

If this is so, why is a different expression used on page 2 of the treaty, in article 3 in which it is said that the obligation for expanding of exchanges in the educational and cultural fields is subject to the constitutional processes of the two countries. And chapter VIII on page 7, at the top, in which military commitments are said to be within the framework of their constitutional processes. Is there a reason for that difference in language and, if so, what is it?

Mr. JOHNSON. It was not deliberate.

Senator CASE. It was not deliberate?

Mr. JOHNSON. No, no.

Senator CASE. Mr. Secretary Packard, do you agree with that interpretation?

Mr. JOHNSON. I really had not noted the difference.

Mr. PACKARD. I agree with that. I do not see any difference of intention.

Senator CASE. No difference. In both, these conditions are inchoate and later dependent on later action by Congress.

Mr. PACKARD. Senator Case, I think there is only one commitment that is involved in this for future action and that would be for the United States to defend their military forces if they are attacked. I think that is the absolute limit of any commitment.

Senator CASE. Well, that is not a commitment to the other side.

Mr. PACKARD. That is not a commitment to the other side.

Senator CASE. And in no sense is it anything but the right of self-defense.

Mr. PACKARD. I would see nothing in this agreement that would make any commitment for us to do anything in respect to the defense of Spain.

Senator CASE. Or by itself constitute any additional power in the Executive to act without reference to Congress?

Mr. PACKARD. I would not see anything in that.

Senator CASE. That is an absolute flat statement on your part and yours, Mr. Secretary, also.

Mr. JOHNSON. It is, yes.

OBLIGATION TO DEFEND U.S. FORCES

Senator CHURCH. Senator, would you yield to me so that I might clarify that point. It is a very important point.

Under the agreement, it is clear that these bases at which American forces will be stationed are actually Spanish bases, is this not true?

Mr. JOHNSON. That is correct.

Senator CHURCH. How could an attack take place on these Spanish bases that would not constitute an attack on us and thus involve us in the necessity of responding? What kind of an attack could take place which would not also be an attack on us since we occupy the bases and since we have the right of defense? How could an attack upon these Spanish bases coming either internally or externally occur that would not constitute simultaneously an attack on us?

Mr. JOHNSON. Well, there are many Spanish bases and military facilities. We are present on only a few of them.

Senator CHURCH. Yes, but——

Mr. JOHNSON. If someone who chose to attack a facility on which we are present they would oboviusly also be attacking us as well.

PRESIDENT'S POWER TO SEND FORCES ABROAD

Senator CASE. I think the Senator from Idaho has raised a very important aspect of this whole matter, which is the power of the Executive to move American military forces onto foreign soil without the approval of Congress. I wonder if either of the Secretaries would have any comment on this, and perhaps discuss it in the light of other similar situations in which Executive agreements have been used, instead of treaties which require the consent of Congress, to station American military forces on foreign soil.

Mr. JOHNSON. Well, I would prefer to defer comment on that. That is a question that is being debated. There has been a lot of discussion, and I would prefer not to make just an off-the-cuff answer to that Senator.

Mr. CHURCH. Mr. President, Senators will recall that it was a little more than a year ago, on June 25, 1969, that the Senate, by a vote of 70 to 16, approved the national commitments resolution. We then took the position that a national commitment of the United States results from "affirmative action taken by the executive and legislative branches of the U.S. Government" expressed by means of a "treaty, convention, or other legislative instrumentality specifically intended to give effect to such a commitment."

In compliance with this principle, the new contract with Spain cannot contain a "national commitment" on the part of the United States which the Senate will recognize, since an executive agreement is not a "treaty, convention, or other legislative instrumentality."

Moreover, high-ranking officials of the executive branch of the Government have

themselves testified that the new agreement entails no commitment on our part to defend Spain.

The Senate should now act to settle any doubt and to avoid any erosion by time or practice of this significant testimony. The constitutional responsibilities of the Senate, the role of the Congress as a coequal branch of this Government, and the need to fix clearly and strongly in the mind of the Executive and in the records of this agreement, all require that the Senate state without equivocation that this agreement does not constitute a national commitment by the United States to the defense of Spain.

Mr. President, for these reasons I submit the resolution, which reads:

S. RES. 469

Whereas the Committee on Foreign Relations in accordance with its responsibility to the Senate to consider matters related to "relations with foreign nations generally", "treaties", and "intervention abroad", as provided in the Legislative Reorganization Act of 1946, as amended, has examined the Agreement of Friendship and Cooperation between the United States and Spain, signed in Washington on August 6, 1970; and

Whereas on August 26, 1970, the Committee received testimony from the Under Secretary of State for Political Affairs and the Deputy Secretary of Defense to the effect that the aforementioned agreement entails no national commitment on the part of the United States to the defense of Spain; and

Whereas the said agreement is not in consequence of "affirmative action taken by the executive and legislative branches of the United States Government" expressed by means of "a treaty, convention, or other legislative instrumentality specifically intended to give effect to such a commitment", as provided in S. Res. 85, 91st Cong., 1st session; Now therefore be it

Resolved, That it is the sense of the Senate that nothing in the said agreement shall be construed as a national commitment by the United States to the defense of Spain.

Mr. President, I ask that the resolution be received and appropriately referred.

The PRESIDING OFFICER (Mr. ALLEN). The resolution will be received and appropriately referred.

The resolution (S. Res. 469) was referred to the Committee on Foreign Relations.

COMMITTEE MEETING DURING SENATE SESSION—OBJECTION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare be authorized to meet on occupational health and safety during the session of the Senate today.

Mr. BAKER. Mr. President, I must reluctantly state that I have been requested to enter an objection to this action. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

ORDER OF BUSINESS

The PRESIDING OFFICER. The distinguished Senator from Ohio is to be recognized at this time.

Mr. CHURCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

At this time, pursuant to the previous order, the Chair recognizes the distinguished Senator from Ohio for not to exceed 20 minutes.

KY AND McINTIRE—TWO OF A KIND

Mr. YOUNG of Ohio. Mr. President, a rightwing extremist, so called, Minister Carl McIntire instead of preaching the gospel has become a bitter spokesman of hate disguised in the name of Christianity. He has invited Vice President Ky of the militarist Saigon regime to come to Washington and participate in his so-called march for freedom. This political minister and other speakers propose to speak out that Americans must fight on to complete victory and destruction of North Vietnam instead of withdrawing our combat troops and seeking a political settlement and instead of devastating destructive complete military victory for the Saigon militarist administration of Thieu and Ky.

When a news bulletin from Saigon reported some doubt as to Ky making this proposed visit, this so-called Reverend McIntire made a hurried air trip to Saigon to personally urge Vice President Ky to join him and speak at this so-called march for freedom demanding all out victory in Vietnam, Cambodia, and Laos regardless of the loss of thousands of more of our GI's killed in combat.

It is noteworthy that neither our Ambassador to Saigon, Ellsworth Bunker, nor President Nixon has extended an invitation to Ky to come to Washington. In fact, Vice President Ky made an arrogant statement in Saigon a few days ago:

U.S. Vice President Agnew came to Saigon without any invitation from me. Therefore, I don't need any invitation from President Nixon or Vice President Agnew to go to Washington.

Ky's visit is ill timed and may prove embarrassing to officials in the executive branch of our Government and also to us in the legislative branch who are sent to Washington as representatives of our people. Yet, it may be appropriate that McIntire and Ky participate in this rightwing extremist demonstration. McIntire preaches in America hate, bigotry, and oppression. Ky administers hate, bigotry, and oppression in South Vietnam.

McIntire is the puppet voice of rightwing extremist splinter groups such as the John Birch Society and Liberty Lobby, so called. Ky is the puppet voice of hate and oppression in Saigon, supporting not land reform for his people nor representing a majority of South Vietnamese, but simply expressing hatred and continuation of the rule of the militarists of Saigon and demanding continuing support of the American military-industrial complex profiting from our involvement in a civil war in Vietnam which has recently escalated and spread into Laos and Cambodia.

No one knows how the administration will react to the McIntire-Ky team in Washington, but it will be interesting to watch. The columnist Murrey Marder noted the initial reactions of Nixon advisers in an article, "Ky's Coming U.S. Visit Shakes Nixon Aides." I ask unanimous consent that the article be inserted at this point in the RECORD, and commend it to my colleagues' attention.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

KY'S COMING U.S. VISIT SHAKES NIXON AIDES

(By Murrey Marder)

WASHINGTON.—The news from Saigon that Vice President Nguyen Cao Ky plans to join the Rev. Carl McIntire's "March for Victory" in Washington landed like a live hand grenade on the desks of Nixon administration strategists.

"Thank God it will be after Election Day" said one official—before learning that the rightist-sponsored march organized by the flamboyant preacher is scheduled for Oct. 3.

The timing puts the event right in the heat of the congressional election campaign leading up to the Nov. 3 voting.

That is precisely the time when long-range administration planning has been arranged to concentrate on fending off pressures from the opposite end of the political spectrum.

At that point in the fall calendar, the administration expects to be feeling the next heavy surge of anti-war protests from students, the academic community and other elements of the peace movement, which all may be zeroing in to support dove candidates in the November election.

For this reason, it is not just coincidence that the administration scheduled the withdrawal of at least 50,000 more U.S. troops from South Vietnam by Oct. 15. The rundown of troop levels in Vietnam is steadily proceeding to meet and exceed that goal.

In addition, the administration's planning would put it in position to produce, if it is deemed necessary, a new "peace initiative" to coincide with the political campaign period.

President Nixon's new delegation chief in the deadlocked Paris peace talks on Vietnam, Ambassador David K. E. Bruce, had his first meeting there Thursday with North Vietnamese delegation chief Xuan Thuy. After a series of private meetings between Mr. Bruce and Mr. Thuy, to take "soundings" about the prospects for breaking the long impasse, Mr. Bruce is scheduled to report back to Washington on how he rates the chances for any forward movement. The current outlook is anything but bright.

Even so, the intended timetable still leaves open the option to display "flexibility" in Paris.

The political necessity, even among the administration's strongest supporters in the war, to demonstrate a pro-negotiating position was evident last Tuesday in the cease-fire appeal that came from the Senate immediately after defeat of the McGovern-Hatfield "end the war" amendment.

KY IMAGE

The administration is acutely sensitive to these requirements on the left and on the right. But no one counted on having to face a combined Nguyen Cao Ky-Carl McIntire visitation.

Vice-President Ky has a public U.S. image as a total war "escalator"—which actually is a much overdrawn simplification of his position.

Mr. Ky's presence for President Eisenhower's funeral aroused little controversy, but a Ky visit under the auspices of Mr. McIntire could be a political nightmare.

Mr. McIntire has assailed even administration conservatives with charges that they are "soft on Communism" and have tried to "sabotage" his "anti-Marxist crusade." The State Department is one of his choicest targets.

Both in Saigon and in Washington, U.S. officials privately were stunned by the prospect.

"Maybe we had better deny the vice-president a visa," one U.S. official said half-seriously in Saigon. That happens to be a political impossibility. "Maybe President Thieu can talk Ky out of it," ventured a Washington official in private. "Perhaps Ky himself will realize this is just too embarrassing," suggested another. But no one in the administration yet has figured out what to say publicly.

Mr. YOUNG of Ohio. Mr. President, Frank Mankiewicz and Tom Braden have written in their column published in today's issue of the Washington Post, and no doubt in many other leading newspapers throughout our country, a very fine column under the caption "Some Questions for General Ky."

I ask unanimous consent that this column of the nationally known and highly respected columnists be inserted in the RECORD at this point as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOME QUESTIONS FOR GEN. KY

(By Frank Mankiewicz and Tom Braden)

Unless he experiences a last-minute change of heart, Vice President Nguyen Cao Ky of South Vietnam will be in our midst within the week, to speak at a far-right "victory" rally at the Washington Monument grounds.

The rally is sponsored by the Rev. Carl McIntire, a fundamentalist radio pitchman who has characterized the Nixon administration this year as "soft on communism" and has termed the President's Vietnamization policy a "sellout." In Saigon, officials close to President Thieu are writing their American friends that Ky's motives in speaking here are "to undermine both Presidents, Nixon and Thieu."

If Ky makes himself available to U.S. journalists, here is a suggested list of questions that might be asked, all based on material previously made public, either in the United States of Vietnamese press:

1. Mr. Vice President, how do you account for the $15,000 per week you personally receive from the receipts of the Saigon race track? You have told us your people are fully mobilized for this war; if that is the case, just who goes to the races every day so as to enable the track to show a profit sufficient to pay you? (In 1967, Ky admitted he was receiving this money, and said he used it from time to time to pay disabled veterans. He had, up to that time, paid out the total sum of $65 for this purpose.)

2. Your protege, Gen. Do Cao Tri, has been much praised this year as the "Tiger of Cambodia" for his leadership of your troops there. What was his final explanation for the package he sent to Hong Kong earlier this year which was unexpectedly opened in customs and found to contain 71 million piasters in cash (official U.S. equivalent: $600,000)? Why would anyone want to send that many piasters out of the country, where they were practically worthless, unless to be used illegally—or by the enemy—for purchases back in South Vietnam?

3. Mr. Vice President, your old comrade, Gen. Dang Van Quang, is back in office as chief of intelligence. When you and he shared power as members of the "Military Revolutionary Council," he was the commander of IV Corps until dismissed for corruption. Did he ever make restitution for the money he took from his own soldiers?

4. What about your other colleague from the old days of the council, Gen Cao Van Vien, now the South Vietnamese chief of staff? Do he and his wife still lease government-owned real estate to Americans? Do they still own bordello hotels at the recreation center at Nhatrang?

5. Mr. Vice President, why was your mother-in-law, Mme. Hoang, who owns a string of "resorts" in Saigon, permitted to be the sole bidder on a construction contract at an air base to be used by the United States?

6. Finally, Mr. Vice President, what about that old smuggling rap? Back in 1964, when the CIA had set you up at the "commander" of a fictitious airline to fly South Vietnamese agents into the North, you were fired for using the planes to smuggle opium and gold from Laos. What ever happened to the 250 pounds of gold and the 450 pounds of opium which were seized? And your collaborator, Gen. Loc, who was fired as a result of the exposure from his post as director general of customs in Saigon—did he ever get his old job back?

These questions may seem light-hearted, but Gen. Ky is not. He has grown rich and powerful from this war, not from plundering his own people—whom he has more than once betrayed—but ours. He will stand in the shadow of the monuments to Lincoln and Washington, and lecture us on our responsibilities. Americans, to our shame, will applaud him.

IN DEFENSE OF ANTIOCH—FAMED AMERICAN INSTITUTION OF LEARNING

Mr. YOUNG of Ohio. Mr. President, officials of the District of Columbia Board of Education should reject the request of the subcommittee of the House District of Columbia Committee for the names of all personnel in the District of Columbia school system who ever attended Antioch College.

This is not only an insult to the fine teachers in the Washington public schools but also to Antioch College in Yellow Springs, Ohio, one of the Nation's finest institutions of higher learning.

I wish very much, Mr. President, that I could stand here and proudly say that I am an alumnus of Antioch College in Ohio.

Antioch has a great history and a noble tradition of being in the forefront in the struggle for civil rights and social justice for all Americans. Horace Mann, the father of the American system of public education, was its first president more than 118 years ago. Students and graduates of this fine liberal arts college have always been in the vanguard of those fighting tyranny, oppression, persecution, and intolerance. Antioch was the first college to adopt a work-study program whereby students alternate study years with years of work in the community.

In this manner, young boys and girls, high school graduates from Ohio and other States, who would not have the means of attending other great universities, are drawn to Antioch, where they spend 1 year on the campus studying, and then go out and spend another year working, thus enabling them to return to that college and finally to complete their higher education.

Mr. President, it is a fact that some outstanding teachers in the District of Columbia public school system are graduates of Antioch College. The District of Columbia is fortunate in that respect. It is also reported that some Vietcong flags have been seen in classrooms and—perish the thought—there has actually been some talk of Karl Marx. It is symptomatic of the myopia of the chairman of the subcommittee that he draw the inference, without any additional evidence whatever, that these two facts are related.

The chairman is a rather exceptional man indeed, because he is under indictment for bribery, conspiracy, and perjury. He has sought and obtained postponement of his trial, which to me, as a former chief criminal prosecuting attorney, seems rather queer, as usually a defendant in a criminal case who feels he is innocent of the charge, seeks a speedy trial instead of having his lawyer take steps to secure one postponement after another.

It is a perfect example of the logic of the witch hunters, of those who accuse everyone who disagrees with their brand of "Americanism" as a Communist or Communist sympathizer. We must repudiate these fearmongers, these men of small faith plotting the inquisition—investigations of our schools and colleges, of all institutions of a free society.

It has taken the Nation many years to recover somewhat from the witch hunts of the 1950's—from that era of pointless suspicion, fear, character assassination and ruined careers. Much of the debris of that period has been cleaned up but this action of the subcommittee chaired by Representative JOHN DOWDY reveals that vestiges of Joe McCarthyism remain to pollute our society.

This committee could better spend its time and energy in providing adequate appropriations for the District of Columbia school system, in helping to provide a better education for thousands of youngsters. This subcommittee is notorious in its neglect of the just needs of the District of Columbia public schools.

Furthermore if Representative DOWDY is anxious to investigate un-American organizations, he might first direct his attention to that notorious lunatic right-wing fringe group, the Liberty Lobby, which reportedly donated a large sum of money to the Congressman for his use in defending a pending criminal action against him, wherein he is charged with the crime of perjury for accepting a $25,000 bribe and of conspiracy. The Liberty Lobby, the John Birch Society, and other organizations of that ilk are the real subversive groups of our time along with some despicable extremist leftwing fringe organizations already labeled as such.

Mr. President, the District of Columbia school system is sick. It needs help. It needs money. It needs encouragement and support from the Congress. It does not need this unwarranted attack by a congressional subcommittee on the integrity of its faculty. I am hopeful that Board of Education officials will heed the advice of the local teachers' union and refuse to comply with this unconscion-

able request, made at the instigation of Representative DOWDY.

STOP ALL AID TO FASCIST GREEK COLONELS

Mr. YOUNG of Ohio. Mr. President, the Greek Fascist junta's recent disclosure that the resumption of U.S. military assistance to Greece "must be considered settled and the only question still pending is the exact date of the formal U.S. announcement of the resumption of aid" is a shocking and appalling development.

The United States stopped supplying Greece with heavy weapons and planes following the army colonels' coup d'etat in April 1967.

The arms ban was partially lifted several times, but full-scale aid has been withheld.

Twice in the last few months, in December 1969 and again in June of this year, the Senate came very close in voting for forbidding all U.S. military aid to the ruthless Greek military dictatorship. In the Senate debates, many Senators regardless of how they voted on different amendments, expressed their deep concern and opposition to the continuing repression of democratic freedom in Athens, the birthplace of democracy.

That is why I consider this amendment of the Greek junta unacceptable. I am sure that all my colleagues share my feelings of strong opposition and resentment in having a foreign government announce the intention and decisions of our Government before any statement whatever is forthcoming from officials of the executive branch or from President Nixon. It should be stressed, as this clearly indicates, that the Nixon administration failed to inform in advance the legislative branch of our Government on this crucial issue while its officials considered it expedient to brief the Greek junta. This, in my opinion, is a direct and calculated slap by Nixon administration leaders against the Senate of the United States and it must be treated as such by all of us in the Senate regardless of each one's position on the Greek regime.

Our continued support for the Fascist colonels now ruling in Athens clearly indicates that we have failed to learn that there is no difference at all between an extremist rightwing repressive regime and a leftwing Communist dictatorship. In both cases, the people suffer while a self-serving elite remains in power by terror, secret arrests, and force of arms.

Since a clique of army colonels overthrew the constitutional government of Greece in a midnight coup more than 3 years ago, the United States has given $234 million of taxpayers' money in military aid to help maintain that junta in power.

The saddest part of the tragedy in Greece is that in the minds of free people everywhere we have been accomplices of the Fascist colonels, subsidizing their sadistic regime with our arms assistance.

Mr. President, under the present ruling Fascist Greek regime thousands of political prisoners in Greece, both men and women—they say the number exceeds 34,000—have suffered physical and mental tortures beyond belief. The horrors of the concentration camps of Nazi Germany are being relived in the dungeon cells of Athens Bouboulinas Street prison where torture specialists and sadists have been given free reign to practice their scientific torture methods upon men and women imprisoned, most without trial. Many thousands—probably more than 50,000 men, women, and children have been exiled to different Greek islands far distant from their homes in Greece.

The United States can no longer afford to ignore the brutality that is being perpetrated by these Fascist colonels and their underlings. Many of them are the same colonels who received their training from the U.S. military, many as cadets at West Point, and who used American weapons to overthrow the constitutional government in Athens.

Mr. President, we must immediately stop military aid to Greece—aid which is used to perpetuate dictatorship. What is the difference in reality between a Fascist junta governing by decree and Communists governing by decree? I would like to have some rightwing extremist explain this to me.

Our interest lies in a strong democratic Greece. Without our continued extensive support the Fascist colonels could not remain in power for more than a few months. The United States should take steps to remove forthwith all support whatever for the Fascist government of Colonel Papadopoulos.

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NO KY ON OCTOBER 3

Mr. DOLE. Mr. President, on October 3 some well-meaning Americans, perhaps joined by the Vice President of South Vietnam, General Ky, are going to hold a march for victory in South Vietnam.

I would like to comment both on the march and on the proposed visit of Vice President Ky.

I think there is no question but that this march is going to backfire; that it is going to create more dissent and possible new strife in America, that it is going to give those who have used America's participation in Vietnam to stir up disorder and anarchy further excuse to do so.

It is going to accomplish no good.

Mr. President, perhaps there was a time to win the war in Vietnam. Perhaps if McNamara and Clifford and President Johnson had set out to achieve a military victory instead of a stalemate that victory could have been achieved. But that time is past.

What President Nixon is aiming for now is to make the South Vietnamese capable of defending themselves against a weakened enemy. And when that is done, ending American participation in the fighting and withdrawing American troops.

If there is a consensus in this country, it is that that is the proper step. For the most part, Americans only differ on the speed with which that withdrawal should be accomplished and whether we should make sure that the South Vietnamese can defend themselves before we withdraw.

UNREALISTIC DEMAND

The demand for total victory is unrealistic in view of today's political climate. What we seek instead is a just peace under which the South Vietnamese can decide their own future.

I cannot understand how the sponsor of the march, Dr. Carl McIntire, can disagree with this any more than I can understand how the doves can, in honor, settle for any less.

I strongly urge that Dr. McIntire call off his march. It will accomplish nothing except to give the organizers of the new mobe and the SDS, among others, a new propaganda vehicle. I might say that these forces already have been set in motion.

I also strongly urge Vice President Ky not to joint in that march for the same reason.

Some 43,000 Americans have died in Vietnam in the hope that a free Vietnam means a free Indochina and that in turn gives freedom a chance elsewhere in the world.

For General Ky now to come here and demand of Americans a new escalation involving more American lives, more American treasure and more American sacrifice is bad taste to say the least.

This may be good for the internal politics in South Vietnam, in the event there is a political struggle between Vice President Ky and President Thieu, but it would appear to me it is now time for Vice President Ky to exercise wisdom and judgment and respectfully decline the invitation extended by Mr. McIntire.

They have a right, of course, to have a march. They have a right to express their views. But I sincerely trust Vice President Ky will use his best judgment and refrain from any participation.

If he wishes to speak with Government officials, with the President or the Vice President, that is one thing, but to come to America and join in participating with a private group, does a disservice to our country and to those who have fought and died for the country of South Vietnam.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT OF MODIFICATIONS IN LOANS TO THE MINNKOTA POWER COOPERATIVE, GRAND FORKS, N. DAK.

A letter from the Acting Administrator, Rural Electrification Administration, Department of Agriculture, reporting, in accordance with REA power supply survey policy of certain modifications in REA approved loans to the Minnkota Power Cooperative of Grand Forks, N. Dak.; to the Committee on Appropriations.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the continued loss of revenue because of low rents charged for personnel quarters by the Veterans' Administration, dated September 21, 1970 (with an accompanying report); to the Committee on Government Operations.

REPORT OF NEGOTIATED SALES CONTRACTS

A letter from the Director, Bureau of Land Management, transmitting, pursuant to law, a report of negotiated sales contracts for disposal of materials during the period January 1, through June 30, 1970 (with an accompanying report); to the Committee on Interior and Insular Affairs.

REPORTS OF VETERANS' ADMINISTRATION

A letter from the Administrator, Veterans' Administration, transmitting, pursuant to law, reports concerning the activities of the Administration under fiscal year 1970 programs for the sharing of medical facilities and for exchange of medical information (with accompanying reports); to the Committee on Labor and Public Welfare.

ENROLLED BILL SIGNED

The PRESIDENT pro tempore announced that today, September 22, 1970, he signed the enrolled bill (H.R. 10149) for the relief of Jack W. Herbstreit, which had previously been signed by the Speaker of the House of Representatives.

REPORT ENTITLED "PATENTS, TRADEMARKS, AND COPYRIGHTS"—REPORT OF A COMMITTEE (S. REPT. NO. 91-1219)

Mr. McCLELLAN, from the Committee on the Judiciary, pursuant to Senate Resolution 49, 91st Congress, first session, submitted a report entitled "Patents, Trademarks, and Copyrights," which was ordered to be printed.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MANSFIELD (for himself and Mr. CHURCH):

S. 4371. A bill to abolish the Interstate Commerce Commission at a future date and to establish a commission to make recommendations with respect to carrying out the functions of the Interstate Commerce Commission after such date; to the Committee on Commerce.

(The remarks of Mr. MANSFIELD when he introduced the bill appear earlier in the RECORD under the appropriate heading.)

By Mr. GURNEY:

S. 4372. A bill for the relief of Stephen Lance Pender, Patricia Jenifer Pender, and Denese Gene Pender; to the Committee on the Judiciary.

By Mr. DODD:

S. 4373. A bill for the relief of Ana Maria Goncalves Gomes Daniel; and

S. 4374. A bill for the relief of Candida Augusto Baptista De Albuqueque; to the Committee on the Judiciary.

By Mr. METCALF (for himself and Mr. MANSFIELD):

S. 4375. A bill relating to the status of the Little Shell Band of Chippewa Indians of Montana; to the Committee on Interior and Insular Affairs.

By Mr. PACKWOOD:

S. 4376. A bill for the relief of Mrs. Alzier Northover; to the Committee on the Judiciary.

By Mr. DODD:

S. 4377. A bill for the relief of Jaime Interior Capule; to the Committee on the Judiciary.

By Mr. CRANSTON:

S. 4378. A bill for the relief of Cheong Kwong Lam; to the Committee on the Judiciary.

By Mr. HANSEN:

S. 4379. A bill for the relief of Oclides Gonzales Barrero; to the Committee on the Judiciary.

By Mr. BURDICK:

S. 4380. A bill for the relief of West Fargo Pioneer; to the Committee on the Judiciary.

By Mr. HANSEN:

S. 4381. A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance financed in whole for low-income groups, through issuance of certificates, and in part for all other persons through allowance of tax credits, and to provide a system of peer review of utilization, charges, and quality of medical service; to the Committee on Finance.

By Mr. JACKSON (for himself and Mr. MAGNUSON) (by request):

S. 4382. A bill to provide for the disposition of funds arising from judgments in Indian Claims Commission dockets Nos. 178 and 179, in favor of the Confederated Tribes of the Colville Reservation, and for other purposes; to the Committee on Interior and Insular Affairs.

ADDITIONAL COSPONSORS OF BILLS

S. 4358

At the request of the Senator from Delaware (Mr. BOGGS), the Senator from Hawaii (Mr. FONG) and the Senator from Vermont (Mr. PROUTY) were added as cosponsors of S. 4358, the National Air Quality Standards Act of 1970.

At the request of the Senator from West Virginia (Mr. RANDOLPH), the Senator from Utah (Mr. MOSS) was added as a cosponsor of S. 4358, the National Air Quality Standards Act of 1970.

At the request of the Senator from Maine (Mr. MUSKIE), the Senator from California (Mr. MURPHY) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 4358, the National Air Quality Standards Act of 1970.

S. 4370

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Minnesota (Mr. MONDALE), I ask unanimous consent that, at the next printing, the name of the Senator from Wisconsin (Mr. NELSON) be added as a cosponsor of S. 4370, to amend the Communications Act of 1934 in order to require licensees operating broadcasting stations under such act to broadcast information with respect to the dangers involved in the improper use of drugs.

The PRESIDING OFFICER (Mr. SPONG). Without objection, it is so ordered.

SENATE RESOLUTION 468—RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON COMMERCE

Mr. PASTORE, from the Committee on Commerce, reported the following original resolution (S. Res. 468); which was referred to the Committee on Rules and Administration:

S. RES. 468

Resolved, That the Committee on Commerce is hereby authorized to expend, from the contingent fund of the Senate, $100,000, in addition to the amount, and for the same purposes and during the same period, specified in Senate Resolution 324, Ninety-first Congress, agreed to February 16, 1970.

SENATE RESOLUTION 469—SUBMISSION OF A RESOLUTION TO EXPRESS THE SENSE OF THE SENATE ON THE AGREEMENT OF FRIENDSHIP AND COOPERATION BETWEEN THE UNITED STATES AND SPAIN

Mr. CHURCH submitted a resolution (S. Res. 469) to express the sense of the Senate on the Agreement of Friendship and Cooperation Between the United States and Spain, which was referred to the Committee on Foreign Relations.

(The remarks of Mr. CHURCH when he submitted the resolution appear earlier in the RECORD under the appropriate heading.)

DIRECT POPULAR ELECTION OF THE PRESIDENT AND THE VICE PRESIDENT—AMENDMENT

AMENDMENT NO. 931

Mr. ERVIN submitted an amendment, in the nature of a substitute, intended to be proposed by him, to the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States relating to the election of the President and the Vice President, which was ordered to lie on the table and to be printed.

AMENDMENT OF EXPORT-IMPORT BANK ACT OF 1945, AS AMENDED—AMENDMENT

AMENDMENT NO. 932

Mr. WILLIAMS of New Jersey. Mr. President, last week I announced my intention of proposing three specific measures designed to insure Israel of the military and economic aid she desperately needs to survive as a secure and independent nation in the Middle East. I referred to these measures as a "Marshall plan" to focus attention on the kind of farsighted commitment that is required.

Today, I am submitting on behalf of

myself and the Senator from Illinois (Mr. PERCY) a measure directed toward Israel's defense needs.

Earlier this month, the Senate adopted a measure authorizing the sale to Israel of jet aircraft under long-term credit arrangements as part of the military authorization bill. An amendment to delete the jet sale authorization was defeated overwhelmingly by a roll call vote of 87 to 7.

One of the primary reasons for this action by the Senate was the statement by Secretary of Defense Laird that "the requirements of Israel have increased significantly since 25 February 1970." Secretary Laird made this statement on August 31. Since that time, the Egyptians have continued moving the Soviet-built SAM–II missiles closer to the Suez Canal, and the Soviet Union has moved the more sophisticated SAM–III missiles close to the canal both in violation of the stand-still provisions of the cease-fire agreement.

Israel, it is clear, needs jet aircraft and other defense items. She also clearly wants to purchase this equipment, but needs satisfactory credit arrangements. The size of Israel's credit needs were reflected by Secretary Laird who recognized that:

We must provide credit to Israel in a substantially larger amount than we have anticipated.

The military authorization bill goes part of the way toward achieving that goal. However, the funds available for Israel under that legislation may, at any point in time, be limited by the other defense needs that are served by military appropriations. Furthermore, the military authorization bill makes no provision for credit sales for military equipment other than jet aircraft and equipment directly related to such aircraft.

That credit gap could be filled by the Export-Import Bank but for prohibitions which currently exist in legislation.

The Export-Import Bank Act provides in part:

The Bank shall not guarantee, insure, or extend credit, or participate in an extension of credit in connection with any credit sale of defense services to any country designated under section 4916 of the Internal Revenue Code of 1954 as an economically less developed country for purposes of the tax imposed by section 4911 of that Code. The prohibitions set forth in this paragraph shall not apply with respect to any transaction the consummation of which the President determines would be in the national interest and reports such determination (within thirty days after making the same) to the Senate and House of Representatives. In making any such determination the President shall take into account, among other considerations, the national interest in avoiding arms races among countries not directly menaced by the Soviet Union or by Communist China; in avoiding arming military dictators who are denying social progress to their own peoples; and in avoiding expenditures by developing countries of scarce foreign exchange needed for peaceful economic progress.

Israel could clearly qualify for a Presidential exception. She is directly threatened by the Soviet Union. She is a democracy which is dedicated to social progress, not only for her own people but others throughout the world, and she has tried desperately for 22 years, during which she has had to maintain a state of military preparedness constantly, to avoid expenditures needed for peaceful economic progress.

The exception in the Export-Import Bank Act, however, has been nullified by section 32 of the Foreign Military Sales Act which provides: For purposes of the Export-Import Bank Act, Israel has been classified as a less-developed country. Therefore, she is ineligible for the extension of credits for purchase of military equipment.

The Export-Import Bank has verified that Israel is ineligible. I ask unanimous consent that a recent exchange of correspondence with the Bank be printed in the RECORD at this point in my remarks.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

JUNE 26, 1970.

Mr. HENRY KEARNS,
President and Chairman, Export-Import Bank of the United States, Washington, D.C.

DEAR MR. KEARNS: Section 4 of the Export-Import Bank Extension enacted on February 22, 1968 provides that:

"(4) The Bank shall not guarantee, insure, or extend credit, or participate in an extension of credit in connection with any credit sale of defense articles and defense services to any country designated under action 4916 of the Internal Revenue Code of 1954 as an economically less developed country for purposes of the tax imposed by section 4911 of that Code. The prohibitions set forth in this paragraph shall not apply with respect to any transaction the consummation of which the President determines would be in the national interest and reports such determination (within thirty days after making the same) to the Senate and House of Representatives. In making any such determination the President shall take into account, among other considerations, the national interest in avoiding arms races among countries not directly menaced by the Soviet Union or by Communist China; in avoiding arming military dictators who are denying social progress to their own peoples; and in avoiding expenditures by developing countries of scarce foreign exchange needed for peaceful economic progress."

However, Section 32 of Public Law 90–629 enacted in October of 1968 contains a prohibition against military export financing by the Export-Import Bank in connection with the sale of defense articles and defense services entered into with economically less developed countries after June 30, 1968.

The issue raised by these two conflicting sections is whether or not Section 32 is a complete prohibition against engaging in such defense financing or whether such financing can still be entered into if the President makes the determination that it is in the national interest and so reports to the Congress.

I would, therefore, appreciate your interpretation of this Act and a list of any sales financed by the Bank to economically less developed countries since June 30, 1968. Your prompt reply to this request is sincerely appreciated.

With every good wish, I am

Sincerely,

HARRISON A. WILLIAMS, Jr.

EXPORT-IMPORT BANK OF THE UNITED STATES,
Washington, D.C., July 2, 1970.

HON. HARRISON A. WILLIAMS, Jr.
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: We have received your letter of June 26, 1970, to Mr. Kearns concerning sales of defense articles and defense services to economically less developed countries.

Mr. Kearns is presently out of the country and therefore your letter has been referred to me for reply.

Section 4 of the Export-Import Bank Act of 1945, as amended on February 22, 1968, in our opinion, was superseded by Section 32 of P.L. 90–629 which was enacted effective June 30, 1968. Therefore, the Bank is prohibited from financing any sales of defense articles or defense services to any economically less developed country. We consider Section 32 of the Foreign Military Sales Act as a complete prohibition without any Presidential waiver.

Since June 30, 1968, we have not made any loans or assisted in any financing of any sales of defense articles or defense services in any way to any economically less developed country.

If we can be of further assistance please do not hesitate to contract the undersigned.

Sincerely,

J. E. CORETTE, III,
General Counsel.

Mr. WILLIAMS of New Jersey. The measure I propose today, Mr. President, would amend the Export-Import Bank Act to authorize its full range of financial provisions to enable Israel to purchase military equipment on the most favorable terms possible.

Let me note for the RECORD, one extremely important fact about the prior relationship between Israel and the Export-Import Bank.

According to figures published by the House Foreign Affairs Committee, the average current state of loan repayment to the Export-Import Bank by all the nations which have loans outstanding is 72 percent. That is, 72 percent of all loans made have been repaid.

Israel is well above the average, having repaid 85 percent of loans made to it by the Bank. Specifically, Israel has repaid $247.6 million of a total of $288.4 million in loans.

This is to be compared with the repayment experience of three other countries to whom we have sold military equipment or are in the process of selling military equipment—Greece, Spain, and Nationalist China.

Greece has repaid $26.2 million of $37.7 million for a rate of 69 percent. Spain has repaid $205.4 million of a total loan of $551.3 million for a rate of 37 percent. Nationalist China, which has borrowed $105.8 million, has so far only repaid $18.4 million, at a rate of only 17 percent. Clearly, Israel is one of the best credit risks in the world.

I know there are many of my colleagues who do not look with favor on the Export-Import Bank making loans to the so-called underdeveloped countries for military purposes. As a general proposition, I agree. However, as we all recognize, Israel is faced with a crisis. So are we.

In my judgment, we must find every way to enable Israel to maintain a credible military deterrent.

I am offering this measure as an amendment to S. 4268 for the simple reason that hearings have already begun on S. 4268 and it therefore may be possible to enact this measure despite the limited amount of time left in this Congress.

I ask unanimous consent that my amendment be printed in the RECORD.

The PRESIDING OFFICER (Mr. MANSFIELD). The amendment will be received and printed, and will be appropriately referred; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 932) was referred to the Committee on Banking and Currency, as follows:

AMENDMENT NO. 932

At the end of the bill insert a new section as follows:

"SEC. 2. Notwithstanding section 2(b)(4) of the Export-Import Bank Act of 1945, section 32 of the Foreign Military Sales Act, section 5 of the Act of July 7, 1968 (Public Law 90-390), or any other provision of law, the Export-Import Bank of the United States may exercise its authority to extend loans, guarantees, and insurance, and to participate in extensions of credit, in connection with the sale of defense articles or defense services to Israel."

Mr. PERCY. Mr. President, I thank the distinguished Senator from New Jersey (Mr. WILLIAMS) for his able presentation of the need to extend credits and guarantees to Israel for purchases of defense articles and defense services.

The case has been made so well that I shall not make it again. I would only say this:

If Israel is not given the long-term, easy credit she needs to purchase the wherewithal for her defense, there could come a day when Soviet-equipped Arab forces would have sufficient military advantage to destroy Israel. On that day the United States would be faced with two alternatives—one, to send American men to fight for Israel, or, two, to abandon Israel to her enemies. To save Israel and to make such a choice unnecessary, we must now provide Israel with long-term easy credit for military purchases in the United States.

I would make one more point. Today the Export-Import Bank provides credits and guarantees for defense articles and defense services to Italy, Australia, and Spain. The Bank also considers eligible for such credits and guarantees the nations of Austria, Belgium, Canada, Denmark, West Germany, France, Iran, Ireland, Japan, Liechtenstein, Luxembourg, Monaco, the Netherlands, New Zealand, Norway, Portugal, San Marino, and Sweden. Yet Israel is considered ineligible because she is categorized as an economically less developed country.

It seems to me that what is good for Italy, whose borders are not threatened, should be good for Israel. It seems to me that what is good for Australia, which is not endangered by hostile adversaries, should be good for Israel. And it seems to me that if San Marino, Liechtenstein, Luxembourg, and Monaco are eligible for such credits and guarantees, Israel's need must be considered at least as great as theirs.

Moreover, I believe that loans to sustain the independence of Israel, the security of her people, the integrity of democracy in the Middle East, and to maintain a balance of power essential to peace, are good for the United States.

SOCIAL SECURITY ACT AMENDMENTS OF 1970—AMENDMENTS

AMENDMENTS NOS. 933 THROUGH 941

Mr. MONDALE. Mr. President, I am submitting today nine amendments to H.R. 17550, the Social Security Act Amendments of 1970.

To grow old and retire in the United States today is to surrender rather than gain independence. In 1935, when the Social Security Act became law, President Roosevelt regarded it as "historic" and the beginning of a "supreme achievement" of national legislation. Thirty-five years later, this Government has not redeemed that promise. We have not protected the economic trust of senior Americans; we have rather seen their rewards for labor eroded, and concurrently millions of older citizens have become imprisoned in poverty.

The average retired citizen over 65 receives only 30 percent of his previous wages. Seven million Americans over 65 are condemned to poverty; almost 30 percent of all Americans over 65 live in poverty, as opposed to 12 percent of all other citizens. Nearly half of all persons over 65 have less than $1,500 income per year; particularly distressing is the statistic that 60 percent of elderly widows are in poverty, and this figure is 85 percent for nonwhite widows. Each day I receive letters from older citizens about to lose homes because pensions cannot keep pace with property taxes. How such elderly persons manage to survive is often incomprehensible to me.

Particularly distressing is the realization that many citizens who are now retiring or approaching retirement had to bear the heavy burdens of the depression and the Second World War; in the twilight of their citizenship we owe these Americans economic security.

As technology accelerates, problems of age are exacerbated. Skills gained in earlier decades need updating. Increased mobility and corporation mergers quickly depreciate old associations. Family and personal relationships are geographically split. As economic and physical ability declines with age, vocational and social handicaps press upon the elderly as never before.

Elderly rural residents are particularly disadvantaged. Approximately 15 percent more elderly persons live in poverty in rural as opposed to other areas. The rapid advances in medical technology have generally not become available to elderly rural residents who often do not have the financial means to travel to urban medical centers. In addition to medical clinics, social service centers and housing for the elderly have not been brought to rural areas. In both rural and urban areas the presence of weakened, lonely, poverty stricken Americans quietly dying in wretched surroundings is all too hauntingly familiar.

The United States has not even kept pace with other industrialized Western nations in efforts to assist the elderly. During the last decade, Sweden, West Germany, and France have outstripped us in average amounts spent per capita on benefits to the elderly. In addition, these and other Western countries have spent significantly larger percentages of gross national product to aid older citizens, in some cases doubling our effort.

I propose, Mr. President, that we begin now to remedy this national neglect.

The 5-percent increase in across-the-board benefits in the House bill will not even match the 6-percent annual cost of living increase which is now devastating the lives of the elderly. I propose a 10-percent increase.

I propose the establishment of a $100 monthly minimum benefit level for those with substantial service, with increases tied to the cost-of-living index. I estimate that this step would remove approximately 2 million elderly citizens from poverty.

As retirement ages decrease, we must make adequate provision for those older persons who wish to remain active by working part time. Inflation demands that the amount of other income allowed under social security eligibility tests be raised to a maximum of $2400 yearly. The Nation ought to provide more incentive for the aged to remain usefully active and for the society to be able to benefit from their skills.

In the interest of equity in computing social security benefits, I propose that payments be based on a recipient's highest earnings level in a 10-year period; and in the year in which benefits begin, the retirement earnings test should not begin until after the date when benefits are actually received. Finally, death benefits should actually cover expenses for annuitants and also their wives or widows.

Little elaboration is required, Mr. President, on the high cost of medical care, and the inability of retirees to bear that cost on severely limited income.

Retirees cannot afford the cost of supplementary medical insurance, which has now risen to over $60 annually. I propose a rollback of those premiums to $3 per month after June 1971, and absorption of costs in excess of premium payments by general revenues.

I propose that persons entitled to disability insurance benefits be eligible for hospital insurance and supplementary health insurance on the same basis as persons 65 and over.

One of the most insensitive provisions of medicare is the requirement that participants pay a "blood deductible" charge for the first 3 pints of the lifegiving fluid which they may require. I propose abolishment of this absurd and inhumane regulation.

Much political capital has been made of abuses of the public purse under some of our medical programs. All investigations have revealed, however, that it is primarily vendors and practitioners of health services who have abused Government's assistance, and not the beneficiaries themselves. No dispute can be offered to the need of the elderly for prescription drugs, for instance. This is one of the most burdensome costs of age; older citizens spend three times more for drugs than do younger persons, and 20 percent of all senior citizens spend $100 or more annually on drugs.

We need to regulate abuses by suppliers of this need, and also to assist the elderly in bearing the cost. I propose to include payments for lifesaving drugs.

Finally, I propose that all persons not otherwise entitled to hospital insurance benefits would become so at age 72; the full cost of these benefits to be paid out of general revenue.

We must take adequate steps to provide equitably for older citizens. This is not largesse; it is their social and economic right. We must remove the uncertainties and insecurities of aging in the United States, and begin to redeem the promise made in 1935. I urge prompt and favorable consideration of these amendments.

The PRESIDING OFFICER (Mr. PACKWOOD). The amendments will be received and printed, and will be appropriately referred.

The amendments (Nos. 933 through 941) were referred to the Committee on Finance.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 915 TO H.R. 17604

Mr. McGOVERN. Mr. President, I ask that my name be added as a cosponsor of amendment No. 915 to H.R. 17604, to end the naval shelling, bombardment, and other weapons activities on the small inhabited island of Culebra and its surrounding cays.

Culebra, which is only 7 miles long by 2 miles wide, is a municipality of the Commonwealth of Puerto Rico inhabited by 726 U.S. citizens. These American citizens, who have fought loyally for their country in both World Wars, in Korea, and in Vietnam, have no vote in Congress, and it is therefore the responsibility of every Member of Congress to protect their rights and represent their legitimate democratic demands.

The citizens of Culebra and, indeed, of Puerto Rico as a whole have asked that the Navy cease its use of Culebra as a target. The Honorable Ramon Feliciano, mayor of Culebra has spoken for his fellow islanders:

> The constant shelling and the occurrence of accidents which the Navy has denied instilled fear and desperation in the citizens to the extent of fearing for their lives and demanding that the Navy abandon Culebra and leave the Culebrans to live in peace.
>
> We are not anti-Americans. Our town sent men to defend the Nation in all of the conflicts to defend the Democracy which is the most precious heritage of our forefathers. This beautiful patrimony has been ignored and abused in Culebra by the United States Navy in that for so many years they have not given us the opportunity to enjoy the free movement which belongs to every community of American citizens. Contrary to the rights of a town and its people they have converted us into a target for target shooting day after day consecutively up to the point of destroying our health and our spirit. The Navy must leave Culebra in peace—Testimony before the Real Estate Subcommittee, House Armed Services Committee, June 10, 1970 (stenographic transcript, pp. 14, 15).)

The Navy has been callous in ignoring the basic human rights of the humble citizens of Culebra, who have endured the use of their home island as a target since 1936. As loyal Americans, the Culebrans accepted the Navy's indifference and, according to testimony before the House Armed Services Committee, even outright harassment in the belief that their sacrifices were necessary in the interests of national defense. During this period accidents occurred, including three Culebrans who lost limbs and one who lost an eye; in addition, in 1949 nine Navy men were killed when a Navy plane bombed the supposedly safe observation post on Culebra itself. Moreover, there have been numerous near-misses, including a recent incident in which a Navy shell fell in the cistern adjacent to the townhall.

Within the last year, however, the Culebrans have been provoked to the point of no return. Since 1960, the level of weapons activity has increased to an intolerable level; during 1969, for example, the Culebra target complex was in use an average of 9½ hours per day 6 days each week, with an additional 3½ hours on Sundays. In a study completed this year, the Puerto Rican Civil Rights Commission issued a Special Report on Culebra, which concluded, inter alia:

> The military training operations in the restricted zone [the area where operations are currently being carried out] are *excessively intense, continuous, irregular and dangerous.* They comprise almost the whole perimeter of the Island of Culebra, its adjacent islets and keys. They are carried out by day and by night close to the town disturbing the tranquility, security and the sleep of its inhabitants." (English Version, p. 98.)

The final blow came when the Navy, which now owns approximately one-third of the island, proposed to acquire an additional one-third. This proposal would clearly mean an end to the economic viability of the island, where the yearly per capita income today is about $400. It is no secret, as the New York Times has observed:

> What the Navy has really wanted for fifteen years is to buy all of Culebra and resettle the island's residents elsewhere. (Editorial, July 10, 1970, p. 32C).

This became politically impossible in Puerto Rico, as the Navy has conceded. Nevertheless, when one considers the compound effect of the Navy's acceleration of bombardment and shelling and the proposed acquisition of additional land, which would be used in part for firing Walleye missiles, one must conclude that the Navy has not yet given up its intentions to eventually acquire the whole island. If one is presumed to intend the foreseeable consequences of one's actions, the Navy must be presumed to have tried to deprive the Culebrans of their homes in a most underhanded manner. The Washington, D.C., Evening Star recently declared:

> Since attempts to dissolve the already transplanted town failed a decade ago, the Navy has stepped up its shelling schedule to over nine hours a day on weekdays, over three on Sundays, perhaps out of necessity, but perhaps also in the hope of driving the natives away.
>
> That needs investigation. (Editorial, August 31, 1970, p. A–6).

It does indeed.

Puerto Rico's distinguished Representative in Congress, Resident Commissioner Jorge L. Córdova, who has had long experience dealing with the Navy on Culebra, recently declared:

> The Navy has of late assumed a position of utter and arrogant intransigence, and it is my opinion that passage of [the Goodell-Cranston] amendment is necessary.
>
> In Puerto Rico opposition to the Navy's use of Culebra as a target has been unanimously expressed by all political parties. . . ." *See* Cong. Rec., S. 14837, Sept. 1, 1970 (daily ed.)

Even the Armed Forces Journal, which calls itself "Spokesman of the Services Since 1863," cannot stomach the Navy's position on Culebra. The Editors recently declared:

> Our hearts are with the Navy, but not about Culebra." (May 23/26, 1970, p. 28).

The distinguished Senator from Washington (Mr. JACKSON) has been conducting hearings in executive session with the Navy in an attempt to bring about a compromise solution. I support Senator JACKSON'S efforts in the hope that the Navy will agree to a reasonable phaseout plan. However, if the Navy forces the issue I will do all I can to see that the Navy leaves the Culebrans in peace.

Senator JACKSON said recently:

> What is at stake is the quality of life on Culebra and the Navy's right to decide how far it can go in affecting the lives and well-being of the people of Culebra." Cong. Rec., S. 14381, Aug. 27, 1970 (daily ed.).

I agree, and I believe that the Navy has already gone too far.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS OF SENATORS

THE SITUATION IN JORDAN

Mr. PEARSON. Mr. President, recent events in Jordan are tragic and disturbing. The civil war between the forces loyal to King Hussein and the Palestinian commandoes has tragic consequences for the people of Jordan and also threatens the lives of several hundreds of Americans. But the conflict there also has implications for the long term future stability of the Middle East. This is particularly true because of Syria's ill-advised and irresponsible intervention in Jordan.

Mr. President, the U.S. Government is, of course, greatly concerned because American lives have been endangered, because of our deep commitment to peace and stability in the Middle East and also because the King Hussein government has shown considerable restraint and responsibility in the long simmering dispute between Arab and Jew. Because of Hussein's moderation, because of his ability and willingness to communicate with the West, we tend quite naturally, I think, to be interested in his survival. This interest is intensified by the fact that those who now challenge Hussein are among those who are the most bitterly hostile toward Israel and the least cooperative in recent efforts to attain a peace settlement between Israel and the Arab countries.

Because of all these factors there are

those who counsel that we should intervene in Jordan to assure the survival of the Hussein government. Mr. President, it is imperative that we stand ready to take whatever action is necessary to protect the lives of all Americans in Jordan. I would hope that this type of action will not be necessary, but should it become apparent that we must act to protect American lives, I hope that our intervention will be limited to that objective. Under present and anticipated conditions, I do not believe that major military intervention on our part would be justified or desirable. Certainly we must continue all possible diplomatic efforts to bring about an end to that war, but unless a new set of factors is injected to the conflict, I would hope that our Government would not make the decision that our interests require a major intervention. Direct involvement on our part would surely further increase Arab hostility toward the United States and further weaken our ability to negotiate with Arab leaders. Moreover, given the Russian presence in the Middle East, a major U.S. intervention would further strain our relationships and possibly close the lines of communication precisely at the time we are trying to bring about a settlement to the Israel problem. Indeed, a major intervention on our part could lead to a direct Soviet-United States confrontation.

But even in the absence of a significant Soviet presence in the Middle East, I believe that a major U.S. intervention in Jordan would be unwise. The possibility that we could get in and get out quickly is very remote. Rather, it seems likely that once involved we would find ourselves entrapped in a long and nasty conflict. I hope we will have no part of it. The Arabs can and should settle this one themselves.

PRISONERS OF WAR

Mr. MUSKIE. Mr. President, the prisoner-of-war issue continues to be one of the great tragedies of the war in Vietnam. The continued refusal of the North Vietnamese and the Vietcong even to release the names of all Americans they hold prisoner is a violation not only of the Geneva Convention on Protection of Prisoners of War but of humanitarian considerations which are not bound by political or national differences. Regardless of the conditions in prisons where Americans are being held, we must agree that the anxiety suffered by the families and friends of these Americans is a most basic form of cruelty.

Such treatment is an offensive reproach to the civilized conscience.

Our Government must continue to press for the release of the names of these Americans. This we can hopefully accomplish through united expressions of concern, such as the joint meeting of Congress today, and through bringing our concern to the attention of other nations of the world, as Mr. Borman has done.

Yet we cannot allow our efforts to stop short of what must be our highest priority in this matter—the repatriation of all Americans now held prisoner by the North Vietnamese and Vietcong.

Unfortunately, we cannot accomplish this goal through simple expressions of concern.

Nor can we accomplish this goal through the process of Vietnamization, which merely slows down the pace of the war and could keep us involved in Vietnam for some time to come.

We are engaged in a war which is in many ways different from wars we have fought in the past. Yet it is the rule in war, rather than the exception, that all prisoners are not released until the fighting has ceased. Our offer to exchange prisoners with the North Vietnamese, and their refusal even to consider this offer, must be considered, then, in light of our policy of continued pursuit of a military solution in Vietnam which may take years to accomplish.

Mr. President, I am convinced that the only way we will achieve the goal of a return of all prisoners is through a negotiated settlement. The recent offer initiated by the Hanoi delegation to the Paris peace talks must be considered closely. And we must continue to press for the undertaking of serious negotiations on all aspects of terminating this war, with the prompt release of all American prisoners in Vietnam of the highest negotiating priority.

Efforts on behalf of our men must not flag. We would break faith if our concern for them is not accompanied by our strongest possible effort to deal with the broader issues of the war, of which they are tragic victims.

A SUPPLEMENTARY EXTRADITION CONVENTION WITH FRANCE HELPS WITH HIJACKING AND NARCOTICS

Mr. McINTYRE. Mr. President, I was pleased with the action of the Senate yesterday in ratifying the further convention with France.

Although no one would argue that this convention will end such matters as hijacking or the international trade in drugs, I think it is another important nail in the coffin that may be used eventually to bury these two crimes against humanity.

Although we have a convention with France dealing with extradition procedures covering many offenses, this convention adds the crime of hijacking to those actions with which both nations will move to see that criminals are brought to justice. In face of the current wave of hijacking and the jeopardy of Americans who are flying, this convention is extremely timely. We must not sit idly by while our citizens and the citizens of other nations have their lives threatened by those who would violate human safety by hijacking airplanes.

In our previous convention with France we had extradition procedures regarding drugs. The convention ratified yesterday adds hallucinogenic drugs and other dangerous drugs. This will help in the worldwide effort to reduce the flow of drugs and to get at those who traffic in these dreadful agents.

I am happy to be one of those who support the action the Senate took in ratifying this convention.

ORGANIZED CRIME AND PROBLEMS OF THE POOR

Mr. McCLELLAN. Mr. President, I read with interest the report in the Washington Post of Friday September 18, 1970, page 1, column 2, that the House Judiciary Subcommittee now considering S. 30, the Organized Crime Control Act of 1969, has tentatively approved a tough version of the bill that passed this body on January 23, by a record vote of 73 to 1. If this report is correct, it is grounds to be encouraged, and I am hopeful that the full committee and the House itself will move expeditiously to complete the processing of this most important legislation.

Mr. President, the passage of S. 30 in the Senate was the product of a bipartisan effort. Senators on both sides of the aisle and those sharing a full range of philosophies contributed to the final product. I am hopeful that a similar effort will be achieved in the House. Too often in the past, vitally needed crime legislation has become embroiled in arid political or ideological disputes. Vitally needed crime legislation has been seen as in opposition to other public programs, including, for example, attempts to bring to bear the resources of government on pressing problems of our inner cities.

In this connection, therefore, I was most gratified to read the recent article by Mr. Eugene Methvin in the September 1970, Reader's Digest, pages 49–55. Mr. Methvin cogently argues that one essential facet of any attempt to deal with the problems of the poor is an attack on organized crime. I recommend his article for close consideration.

I ask unanimous consent that the text of the Reader's Digest and Washington Post articles be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 18, 1970]

CRIME BILL IS TOUGHENED

A House judiciary subcommittee tentatively approved a tough version of an organized crime bill already passed by the Senate, a major congressional victory for the Nixon administration.

The subcommittee added a new antibombing provision that appeared to insure the bill's popularity with the full committee and the House.

HOUSE UNIT TOUGHENS CRIME BILL

(By John P. MacKenzie)

The Nixon administration scored a congressional victory yesterday as a House judiciary subcommittee tentatively approved a tough version of an organized crime bill that has already passed the Senate.

Subcommittee liberals, who had been blocking the legislation while holding out for milder measures, yielded to administration demands for expanding the powers of anti-racketeering grand juries and extra-long sentences for convicted "professional" criminals.

The subcommittee added a new anti-

bombing provision to the ten-title bill that appeared to insure its popularity with the full committee, and the House and, in the view of administration officials, could win Senate acceptance of the entire bill as amended in the House.

This would give President Nixon a bright new trophy in his legislative war on crime to go with his District of Columbia crime law and expected success with pending narcotics legislation.

Opposition led by Chairman Emanuel Celler (D-N.Y.) and based chiefly on complaints that the bill endangered civil liberties, collapsed suddenly yesterday afternoon after four days of hard fighting during which liberals had succeeded in dismantling some sections.

Liberals objected especially to what they called the "runaway grand jury" section giving grand juries investigating organized crime more autonomy and the power to issue reports critical of public officials. After subcommittee Democrats had stricken most of the section on close party-line votes they agreed to restore the section but make the reporting provision apply only to appointed officials, exempting elected ones.

Objections to extra-high sentences when a judge finds a convicted defendant has underworld ties were based on claims that the provision lacked essential constitutional safeguards.

The subcommittee killed most of the sentencing section but then restored it with one added safeguard. It provided that an added jail term for being a hardened criminal not be "disproportionate" to the basic sentence the judge imposes for the crime for which the defendant has been convicted.

The subcommittee voted to make it somewhat easier for defendants to inspect logs of illegal electronic eavesdropping by federal agents when defense attorneys claim that the prosecution is using the fruits of illegal wiretapping or microphone bugging. The Senate version would authorize a judge to inspect them but deny access to the defense "in the interest of justice."

Less controversial sections of the bill would give the federal government broader jurisdiction to prosecute gambling, permit the prosecution to gather pretrial sworn testimony from witnesses whose lives were threatened, and create new civil as well as criminal penalties for organized crime enterprises.

Yesterday's tentative agreement was subject to a final vote that could come on Monday afternoon. Celler had been under heavy pressure from conservatives who threatened to seek a vote on a petition filed Monday to discharge the crime bill from his committee.

[From the Reader's Digest, September 1970]

HOW THE MAFIA PREYS ON THE POOR

(By Eugene H. Methvin)

In Los Angeles, a Mexican-American father of seven takes a job with a Mafia-owned trucking firm—at half the prevailing pay scale. He and the 47 other white, Negro and Mexican-American drivers, all in tough shape financially, are told that the size of their wages reflects deductions credited toward purchase of their trucks, so that they will eventually become independent owner-operators. One driver asks about documentation of this understanding—and gets a smashed face for an answer. Others do not complain for fear of losing their jobs. Over six months, a state investigator finds, the men are swindled out of $24,374 in wages.

In New Orleans, two Negro mothers, displaced from newly mechanized Mississippi farms, take jobs in a food-processing plant. Desperately hoping to escape their poverty they play the numbers lottery run by a friend of their employer, a Mafia associate. Soon the operator is advancing them money to gamble with—at 20-percent interest *per week*. In ten weeks, one owes more than $100 on a $20 loan; the other has little left from her $64 weekly salary after payments.

In a slum section of Washington, D.C., a 56-year-old bakery deliveryman stops at a "Mom and Pop" grocery. As he returns to his truck, a nervous young drug addict levels a pistol and demands money. The deliveryman stutters. The addict fires. The deliveryman falls dead. Arrested later after another holdup, the killer confesses and admits 54 robberies in as many days—of truck drivers, drugstores and grocery stores, all in his ghetto neighborhood. His purpose: to get money to buy dope from pushers. They pass most of the proceeds up the line to Mafia bosses, who import the heroin.

Slum Nightmare. "The most tragic victims of organized crime are the poor," President Nixon told Congress last year. Organized crime, declared the late Martin Luther King, Jr., is "the nightmare of the slum family." Says Sen. Edward Brooke, former Massachusetts attorney general: "The black man has been the victim of crime more than anything else, along with all who live in poverty and lack education. The Mafia moves in, and the black man does the paying."

Racketeers prey upon the nation's urban poor in five principal ways:

1. *Drugs.* Justice Department officials declare that Mafia dons dominate the international heroin traffic. For the estimated three tons of heroin smuggled into the United States annually, addicts must pay a "street value" of over $2 billion. To raise the cash, they must produce two to five times that amount of stolen property—which means millions of robberies, burglaries, muggings, purse-snatchings, shopliftings—or, often, prostitute themselves.

In fact, an estimated 50 to 80 percent of the nation's robberies and other street crimes are drug-related. A New York State narcotics-commission study of 3000 addicts found that their habits cost an average $30 a day, forcing each to steal and "fence" an average $50,000 worth of property per year. The cases are unending: A 29-year-old former Los Angeles addict, for example, admits to burglarizing 5500 homes over five years.

The staggering statistical result: an estimated annual $5 billion in stolen goods in New York, $846 million in Chicago, $500 million each in Detroit and Baltimore, $324 million in Los Angeles, $180 million in New Orleans, $36 to $50 million in Phoenix, Seattle, Miami, Louisville.

The principal victims of these crimes are black ghetto dwellers and other urban poor. A Presidential crime commission found that a person making under $3000 a year is *five times* as likely to be robbed as someone making $10,000 or more a year. A Maryland prison study revealed that convicted addicts were chiefly Negroes, "heavily concentrated" in inner-city Baltimore. Their most likely victims: the grocery delivery boy, the marginal ghetto merchant and trucker, the maid waiting for her bus to the suburbs, or the widow heading for a drugstore with her welfare check.

Then there are the indirect victims. Ghetto stores hit by repeated robberies must pass the cost to their customers or close down. "That means that mothers in those neighborhoods will have to go a little farther for the baby's milk—a major problem when there's no car," says Washington *Post* columnist William Raspberry.

In New York's Harlem and Bronx right now, 60,000 to 100,000 heroin users wander the streets committing violence. Desperate for cash to feed their own habits, pushers peddle special $2 bags of heroin at schools. Postmen delivering welfare checks must travel in pairs. One, knocked down many times, always carries $10 in cash "because addicts get mad if they find less." The state welfare agency must spend $4 million yearly in replacing stolen and forged welfare checks.

And, as always, in the background lurks the Mafia. In Washington, D.C., when authorities charged 71 persons with involvement in a vast dope-selling ring, two New York members of the Genovese Mafia family were found to be at the core of the conspiracy. Court-authorized wiretaps recorded the local ringleader boasting that he had renewed his supply and paid "the Italians" $130,000. Said Sen. John L. McClellan, "In our nation's capital we could see how a Mafia-linked narcotics network was pillaging the Negro ghetto, further debilitating and crippling its poor. Such rings represent one of the most vicious forms of slavery and piracy known to man."

2. *Gambling.* Decades ago, Mafia moguls took over the lottery racket exploiting the misery and hopelessness of ghettoized minorities. In "numbers" or "policy," players bet quarters or dollars on a number from 000 to 999. Winners are determined via a specified number reported in the news media: for example, the last three digits of the total amount bet at a certain racetrack that day. Though the odds are 999 to 1, the payoff is only 400 or 600 to 1.

A single "runner" collects bets from 150 or 200 people: the welfare mother, the $75-a-week commuting maid, janitors, laborers, stevedores. He makes regular rounds of factories, offices, apartments, or mans a "spot" in a barbershop, tenement hallway or eating place.

One top numbers racketeer is "Spanish Raymond" Marquez, a dapper 40-year-old Puerto Rican. Monopolizing the "action" among New York's million Latins, Marquez has compiled a fortune that includes six hotels and extensive real estate. Police estimate that he has 300 runners on the street all the time. FBI agents last year finally nailed Marquez and his top lieutenant on a charge of interstate transportation of gambling paraphernalia. Impounded records indicated that his "banks" handled $75 million a year. Convicted, Marquez drew the maximum five-year sentence and $10,000 fine—but went free while appealing and continued to conduct his racket until he was arrested two months later on new charges.

A New York legislative study found that three out of four adults in the ghettos play the numbers, each averaging a $3-per-week outlay. The investigators identified 20 separate banks in the central Harlem, south Bronx and Bedford-Stuyvesant ghettos. Twelve were "owned" by two Mafia families; the others were run by operators who were presumably Mafia-franchised. The combined take from the three areas was more than $105 million yearly.

3. *Loansharking.* A Presidential crime commission concluded that loansharking is organized crime's second biggest money-maker after gambling. It siphons an estimated billion dollars a year from America's poor. Numbers runners habitually refer hard-pressed bettors to loansharks.

One loanshark worked a 12-block South Philadelphia waterfront neighborhood, calling on dockworkers' wives, who borrowed $25 to $100 for household expenses, paying more than 100-percent interest. Another worked non-professional employes at the Boston City Hospital. He made his rounds on Fridays, lending money at 20 percent for the weekend, returning to collect on Monday—payday.

Sucked in through desperate need or foolhardy gambling, some borrowers try to dodge the exorbitant debts—and wind up like a stevedore who had a hand burned off with a blowtorch, or a 65-year-old widow who was beaten mercilessly. Loanshark victims are often forced into prostitution, dope peddling or other crime. A beauty-salon attendant is

pressed into spying for a burglary ring, reporting on patrons' jewelry, apartment numbers, husbands' working hours and maids' days off. A struggling luncheonette owner becomes a bookmaking and numbers front. A stevedore must pilfer and hijack valuable shipments.

And those who don't cooperate face terror. Sam DiMaggio, 57, peddled produce from a truck to Detroit's ghetto grocery stores and small restaurants. The 1967 riot left him with uncollectable accounts and a ruined business. He lost his truck, got into debt to loansharks and could not meet the payments. On March 28, 1968, DiMaggio was repairing a kitchen table while his wife cooked supper. Robert Dunaway, a Mafia enforcer, knocked and ordered DiMaggio to accompany him. Shaking, DiMaggio kissed his wife and went. Two hours later, a car, headlights out, drove up, and DiMaggio was dumped on his lawn, a bloody pulp. "I'm all busted up," he whispered. "I'm a goner. Five guys beat me up." He died a few hours later.

4. *Labor racketeering.* Nowhere is Mafia infiltration of the labor movement worse than in New York City. The immediate victims usually are the unskilled and semi-skilled, unaware of or afraid to exercise their legal rights. Last year the Justice Department launched prosecutions of top officers of the Restaurant Workers' Local 11, whose 8500 members—more than a third of them Negro or Puerto Rican—work in chain restaurants, luncheonettes and soda fountains in New York and Connecticut. President Fred Ferrara and another officer were charged with pocketing $40,000 in union funds and profiting handsomely from a "sweetheart" contract. A drugstore chain bought its coffee from a supplier who paid "commissions" to the union officers, who in turn allowed the chain easy contract terms—all at the expense of the poorly paid drugstore-counter girls.

The New York State Insurance Department also found that Ferrara and other union trustees squandered $138,000 of their members' welfare and pension funds. The accountant for all union funds was a Mafia associate under multiple indictments for raiding other union welfare funds. When rank-and-filers tried in 1969 to clean house, they came up against Ferrara's "special assistant," Joe Agone, a mafia *capo* of the Genovese family with 19 previous arrests and 11 years in prison for armed robbery. He is charged with threatening to beat up the luncheonette counterman who dared to run against Ferrara. The U.S. Department of Labor is suing to set aside the election on the ground that members were deprived of a free ballot.

In 1968, the State Investigating Commission exposed systematized looting in the 7000-member New York locals of the Laborers' International Union. Via electronic bugging, police had learned that a mafia "soldier" controlled one local and ran its daily affairs under boss Carlo Gambino's instructions. Union members, under sweetheart contracts, were forced to work for wages below union scale. The welfare and pensions funds were looted; they had to go into state-supervised receivership. Union stewards were allowed to run loanshark rackets and gambling on job sites. Mafia rule was enforced with threats, shootings, even bombings.

The commission concluded: "The interest of the laborer was consistently disregarded, while the racketeers exploited every opportunity for themselves."

5. *Corruption of officials.* After Newark's bloody riot killed 26 persons in 1967, a special governor's commission declared that a leading cause was the "widespread belief that Newark's government is corrupt." The report triggered a two-year grand-jury probe, which criticized lack of gambling-law enforcement and produced indictment of Newark's mayor and other top officials, along with scores of gambling figures and Mafiosi, on charges including extortion, bribery and kickbacks.

An engineer whose company did millions of dollars' worth of work for the city testified that Newark's then assistant director of public works introduced Mafia *capo* Anthony ("Tony Boy") Boiardo to him as "the man who really runs this town." Boiardo ordered the engineer to kick back, in cash, ten percent of all contract payments, "because there are a lot of mouths to feed at City Hall."

Thus were untold millions in scarce tax dollars siphoned from badly needed school, housing and welfare programs. Little wonder that, in the explosive weeks before Newark's 1967 riot, pickets paraded before City Hall, distributing leaflets saying: "We're tired of our Mafia government!"

Atlanta's biggest numbers ring, siphoning $5 million a year from poor Negro neighborhoods, gained such control in the police department that honest officers had to turn secretly to the state attorney general to clean house. Charlie Cato, the top racketeer, was a black, but investigators found that he received regular visits from Mafia figures from Miami and New York. One police lieutenant told state investigators that Cato paid so many top officers that "he outranks me."

Using wiretaps, the attorney general indicted Cato and 15 other top-echelon racketeers, including two policemen. "The police kept bringing these old Negro women into my court with a few lottery slips, but we never saw the big syndicate boys," said Judge Dan Duke. "Enforcement of the lottery laws had become a class operation in which the underlings and poor were prosecuted and those in the top echelons operated from a privileged sanctuary outside and above the law."

Criminologist Donald R. Cressey, author of *Theft of the Nation,* found that in a single year 90 Harlem numbers spots paid police about $2.5 million for "protection." And after three days of listening to Harlem citizens' testimony, a New York legislative committee concluded: "There is a direct relationship between civil disorders in the ghettos and the mounting anger of the ghetto resident at the society that fails to protect him from the depredations of organized crime."

Crushing Burden. In his *Autobiography,* Malcolm X, a former numbers racketeer himself, wrote: "Teen-agers in the ghetto see the hell caught by their parents struggling to get somewhere. They make up their own minds they would rather be like the hustlers whom they see dressed 'sharp' and flashing money. So the ghetto youth become attracted to the hustler worlds of dope, thievery, prostitution, general crime and immorality." In three sections of Chicago, youthful offenders were asked recently, "What is the occupation of the adult in your neighborhood whom you most want to be like in ten years?" Eight out of ten named some aspect of organized crime.

The cumulative burden of organized crime on the nation's urban poor is incalculable. In 1968, for example, experts concluded that organized crime's gross money takeout from three New York City ghettos totaled $70 million more than the state welfare department's $273 million in expenditures in the same areas! A Congressional study group of 22 Republican Representatives calculated that organized crime's annual *profits* from gambling were $6 billion—three times as large as 1968's war-on-poverty spending. In 1967, under a special anti-poverty program, the Small Business Administration loaned $50 million to marginal businessmen concentrated in urban poor areas; meanwhile, loansharks siphoned out $350 million.

"This money can come only at the expense of the health, food, clothing, shelter or education of the poor," the Congressional study group stated. "Continued indifference to organized crime threatens to turn government welfare and anti-poverty programs into a subsidy for society's most notorious predators. *A society concerned about poverty must be concerned about organized crime.*"

These are words to think about. For even now Congress has failed to approve vital crime legislation requested *16 months ago* by President Nixon. The Senate passed the Organized Crime Control Bill, 73 to 1, early this year. But it has been stalled in the House of Representatives as honest civil libertarians, racket-affiliated lawyers and organized-crime forces have battled for drastic revisions or outright rejection. It is to be hoped that those politicians who profess concern for our poor and the crisis in our cities will soon realize that one powerful solution is before them—*all-out attack against organized crime.*

PRESIDENT NIXON'S VISIT TO KANSAS STATE UNIVERSITY

Mr. DOLE. Mr. President, we are all aware of the great success of President Nixon's visit to Kansas State University, September 16.

The significance of this event has been reported and analyzed by many commenators. A particularly interesting analysis of the President's lecture was delivered by Eric Sevareid on the CBS Evening News on September 16. I ask unanimous consent that Mr. Sevareid's comments be printed in the RECORD.

There being no objection, the comments were ordered to be printed in the RECORD, as follows:

EXCERPT—CBS EVENING NEWS WITH WALTER CRONKITE

SEVAREID. Three years ago this reporter was sitting by Alf Landon's fireplace and the Kansas patriarch was saying he'd like to live long enough to see a good Republican President elected. At that point he favored George Romney of Michigan. But he's content; there he was today, 83 years old, introducing a Republican President to the college he's adopted.

No two approaches to public life could be more different than the Landon approach and the Nixon approach. They say in Kansas that political ambition is like a snake's tail—it doesn't die till sunset. That was true of Nixon, who fought down his defeats in a spectacular comeback, pre-eminently untrue of Landon. After his overwhelming defeat by Roosevelt in '36, he could have easily gone to the Senate. But, he said, here's my two little kids; what kind of education would they get, dragging them back and forth between Washington and Kansas. Anyway, he said, the Republican party ought to have one man free of ambition, free to speak his mind.

He's been speaking his mind now and then ever since, and in terms of public affection and respect, Alf Landon too has made a spectacular comeback. Historians have had to revise their estimates of him. The supposed reactionary mossback turned out to have been, all the time, an open-minded, liberal-minded progressive, for years privately urging his party to get in touch with the times. He'd still go further and faster than most Republican leaders even today. He would, for example, recognize Red China like a shot and try to get her into the United Nations.

So there isn't all that much of a gap between the patriarch and those healthy looking students he introduced the President to today. This transaction was a sharp reminder, for all who tend to generalize about them, that college students vary tremendously in their life style and outlook.

Kansas State has a few militants and

nihilists who want to kick over the whole system, but too great a number come from farms and small towns, youngsters aware how their parents had to work and save to send them to college, young people who worked themselves to get there and still work to stay there. They tend to regard higher education as a privilege to be earned, and not a right to be demanded. All told, Mr. Nixon's kind of college audience, and he made the most of it, the few hecklers serving his purpose by adding just a pinch of spice to the dish.

ADDRESS BY SENATOR MUSKIE TO NEW ENGLAND PRESS ASSOCIATION

Mr. EAGLETON. Mr. President, the junior Senator from Maine (Mr. MUSKIE) spoke recently to the annual fall meeting of the New England Press Association at Portland.

Senator MUSKIE described the shared responsibilities of politicians and the news media in helping build informative and constructive political campaigns. His remarks have great relevance this fall. They reflect Senator MUSKIE's thoughtful, calm, and rational approach to the serious problems the country faces today. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

EXCERPTS FROM THE REMARKS OF SENATOR EDMUND S. MUSKIE TO THE NEW ENGLAND PRESS ASSOCIATION, SEPTEMBER 19, 1970

Politicians and the press are, I suppose, natural antagonists, and yet, in a sense, indispensable to each other.

We seem to have a knack for raising each other's hackles.

Tonight may be no exception.

Nevertheless, I thank you for inviting me this evening.

Political campaigns are a contest for political power.

They ought to be more than that if political power is to be effectively shared with the citizens of a free society.

They ought to be educational experiences for voters and politicians alike if we are to understand—the problems we face; the objectives to be sought; and the policy choices open to us.

The politician's responsibility, then, whether in or out of a campaign, is—to illuminate the issues; to inform the voters; to educate himself.

Newspapers have a similar responsibility.

It is this responsibility—which we share—that I would like to discuss briefly tonight.

I am particularly glad to be back in Maine, after traveling the past day and a half to California and back for people who had asked me to help them this election year.

Of course, we made our brief trip across country by jet—never stopping long enough to walk the streets of the cities . . . or to wander through the countryside . . . or even play a round of golf.

We couldn't fully appreciate the land and the people on it. And the distances we covered reminded me—as we came here this evening—of something Erwin Canham once wrote:

"The day of the printed word is far from ended. Swift as is the delivery of the radio bulletin, graphic as is television's eyewitness picture, the task of adding meaning and clarity remains urgent. People cannot and need not absorb meanings at the speed of light."

Nor, might I add, at the speed of jet planes.

There is a dimension to the news that almost no medium but the written word can offer.

For it is a medium that encourages reflection.

It assaults no one's ears.

It places no time limit on our comprehension.

It requires no twisting of a dial.

As important as radio and television newscasting is, the newspaper offers us something special—the luxury of detail . . . of intellectual exercise . . . of time for contemplation.

At its best, the newspaper lives up to what Wilbur Storey of the Chicago *Times* said of it more than a century ago:

"It is a newspaper's duty to print the news, and raise hell."

Recently, of course, the press has been harvesting some of what it is supposed to raise.

I do not intend to adopt the rhetoric with which the press has been attacked—

—to single out those articles which may annoy me from time to time;

—or to specially chastise the newspapers of any single region of the country.

But I do suggest there is some merit to the notion that the press does not always meet the high standards it expects of others—especially those in public life.

We ought to understand—when we speak of freedom of the press—that what is meant is not freedom of the news media to decide what is the truth, but the right of a free people to have access to the truth.

We believe in a free press as one of our fundamental liberties—not because we believe the press is always accurate—or always fair—or always objective—or always balanced, in its presentation of the news, or in the expression of its opinions; but because we believe that if the press is truly free, the truth, in the long run, somehow emerges.

We understand that the press—owned, operated, and managed by human beings—is subject—as are politicians—to human failings.

The press can be—and sometimes is—reluctant to admit error.

It can—and sometimes does—leap to unfair editorial conclusions—on the basis of incomplete information.

It can—and sometimes does—grind its own political, economic and social ax—at the expense of the truth itself.

It can—and sometimes does—use its monopoly position in many communities—to abuse those with whom it disagrees.

It can—and sometimes does—in such situations, seek—not an enlightened public opinion, but a public opinion prejudiced by disproportionate exposure to its own point of view.

To be truly free—in terms of the right of free citizens to obtain the truth—the press should undoubtedly be free from government control.

But that is not enough.

For it should also be free from the restrictive control of those who may be tempted to use their power of control to advance their own narrow interests or points of view.

If both these objectives are to be achieved, they impose a responsibility to use that freedom to advance, not restrict, the free flow of news and ideas—to present them in a balanced, not a biased, way; to be zealous in avoiding unjustified assaults—intended or unintended—upon the integrity and reputations of those with whom it disagrees.

And it is no defense to say that those of us who raise these points are subject to the same failings—as we are.

In brief the press, and politicians, should regard their human failings—not as excuses to say whatever they please—but as shortcomings to be overcome.

Certainly, politicians sometimes try to shift the responsibility for their own shortcomings to the press.

They are not always as careful as they should be in presenting their views.

They are not always as fair as they should be in appraising their responsibilities.

And frankly, you are right when you criticize these tendencies.

I do not doubt that the editor's task of selecting the news and deciding the play and space to give it may be the most difficult test of intellectual honesty in the land.

Still, that test must be recognized. It must be taken. And it must not be failed.

This caution happens to come in the fall of an election year—a time when I believe the press must incite people—to reflect; to choose; to cast their ballots.

These points are as relevant to the community weekly and daily as they are to the metropolitan press.

Indeed, they are essential to the very integrity of grass-roots journalism—journalism of the type that produced the year's winning editorial in the Newport *Argus-Champion*—on making New Hampshire's woods more secure.

It is this kind of communication we must foster—communication that is direct . . . that is uncomplicated . . . and that educates people about the things that matter.

Having said this much about the press and my view of its responsibilities, let me be as frank about my own profession.

Just as you are indispensable to a free society, so is the practice of the arts of politics by a free people—motivated to become involved in the decision-making processes of that society.

And yet, the politician is universally regarded as being apart from his people, rather than of them. Why? Let us consider our campaign behavior.

All too often, the quality of the political dialogue in American election campaigns is a disgrace to the Republic. And this campaign—from many of the early signs—is likely to reinforce that judgment. Consider some of the manifestations—the reaching out for a "cheap" headline in order to attract attention; the distortion of an opponent's views in order to make them more vulnerable to attack; the shaping of campaign advertising to play upon the baser instincts of a voter and divert his attention from the merits of an issue.

As the campaign progresses, and as its tempo escalates, the total impression is of strident voices, flashing images, meaningless phrases, and total confusion.

Is there no way for politicians to treat their constituents as rational human beings who would truly like to know the pros and cons of every issue?

Is there no way for citizens to get a balanced exposure to the facts and the judgments which they should have to make intelligent decisions?

It is possible to generate such a campaign dialogue in such a way as to attract the attention and the interest necessary to assure a turnout at the polls?

Such a way will not be found unless you and we find it.

The fact is that politicians indulge in the kind of campaign practices to which I have alluded in order to get news coverage.

The fact is that the charge and countercharge kind of campaign does get more headlines.

The fact is that the rougher and tougher and nastier a campaign becomes, the more attention it does get from the press.

Our challenge—and we do share it—is to evaluate the level of political dialogue to the uplifting clash of ideas, the illuminating cross-fire of constructive and intelligent disagreement, the clear identification of the choices available to the voter.

Anticipating the attention this speech may get from those who may misread it, let me make three points clearly:

I am not, by indirection, criticizing anyone specifically.

I am not, as some headline writers may be tempted to suggest, "Attacking Politicians and the Press.

I am focusing on weaknesses in which politicians and the press indulge themselves, in the hope that by doing so, I may contribute to some improvement in the performance of each.

I believe such improvement to be essential to the best interest of our country.

When I was given the opportunity to campaign in other parts of the country in 1968, I wondered whether or not it would be possible to talk to people elsewhere in the same way that I have always to my own people here in Maine.

I found that Americans everywhere want to preserve their own identity . . . to protect their own potential.

They want to believe in this country again . . . to dream of a better future . . . to enjoy the life we have.

And they want plain talk . . . unevasive talk . . . and politicians who listen to them, which isn't a bad idea either.

And yet, over the past several years, the ability to communicate effectively seems to have broken down in many parts of the country.

People have a sense of drifting apart . . . of being dominated by events beyond their control . . . of facing challenges that our institutions seem unable to meet.

And so they are tired of hearing politicians talk.

They find rhetoric far outdistancing performance.

As a result, people are divided at a time when they should be working together.

They are suspicious of each other at a time when they should be learning to understand each other better.

And their spirit is low at a time when their courage is needed as never before—the courage to try new directions for peace; for economic growth; for mutual tolerance.

At times, we seem to be on the verge of testing out Thomas Jefferson's proposition:

"Were it left to me to decide whether we should have government without newspapers or newspapers without government, I should not hesitate for a moment to prefer the latter."

I suggest, however, that both a free press and a vital government remain equally necessary . . . as distinct and independent expressions of the conscience of the nation.

But there is more than a need for friendly antagonism between the press and the President—or unfriendly antagonism, for that matter.

There is more than a need to reaffirm the fundamental value of a free and vigorous press, although that too is important.

There is in 1970—and perhaps in the immediate years to come—a need for the press to help reassess the values we share . . . reaffirm the potential of Americans working together . . . and rekindle their faith in what government can help them accomplish.

That does not mean printing only what is right about America.

Of course, there is much that is right about America.

If there were not most young people would not be seeking to improve it; most disadvantaged people would not be trying to find a place in it; and most of us who have known its opportunity would not be working to perserve it.

One of the things that is right about America—that is the press has historically been associated with—is the freedom to criticize the things that are wrong; to point out what needs to be done; to arouse the public sufficiently so that their representatives get things done.

I suggest that being a gadfly remains a vital function for the press—despite those who would rather talk of the press in terms of the horsefly.

Thomas Wolfe once wrote:

"I do not believe that the ideas represented by 'freedom of thought,' 'freedom of speech,' 'freedom of press' and 'free assembly' are just rhetorical myths. I believe rather that they are among the most valuable realities that men have gained, and that if they are destroyed men will again fight to have them."

Whether those realities remain tangible in our society . . . in our lifetime, and beyond . . . will depend to a great extent on your own conscientious and dedicated and enduring efforts.

Thank you.

May I add this thought. As I travel about this country I find that all Americans of all descriptions and all circumstances share two concerns.

First, they like what Ameria has stood for; they would like it to continue to stand for those things, and they believe that this is the only way to build a society which has a place in it for everyone.

Second, there is a doubt that other Americans, who are different, share that same view of their own interest.

To bridge the gap between the two is the great challenge that faces us in this country. I think it can be met. I don't think it will be met unless politicians and the press work at it in the way I have suggested.

DOOR COUNTY, WIS.—SHOW IN COLOR

Mr. PROXMIRE. Mr. President, Door County in Wisconsin is one of the country's really beautiful areas. It is especially so at this season. The moisture wafted from Lake Michigan on the east and Green Bay on the west combines with the crisp coolness of the nights to enflame the leaves of the many trees that grace the narrow peninsula that is Door County.

The beauty of Door County in the fall makes it an attraction in the fall as well as in the summer of the year. That attraction has not missed the Christian Science Monitor.

Mr. President, I ask unanimous consent that an article written for the Monitor by Maidi Pritchard be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OCTOBER IN WISCONSIN—DOOR COUNTY BECKONS MOTORIST

(By Maidi Pritchard)

Fall is one of the most colorful times to visit Wisconsin's Door County. We like the middle of October best—the time of the "turning of the leaves." Then the county puts on its most glorious show in color.

Easily accessible from Chicago, Door County yet seems to be far away. On a peninsula, jutting into Lake Michigan, it is water and woods, sandy beaches on the west and rocky shores—washed by temperamental storms—on the east. Its air is clean and fresh. It is criss-crossed by excellent roads, but there is little traffic in October.

Door County stretches north from Green Bay to Washington Island and Rock Island—both still unspoiled and wild—can be reached by ferry. Sturgeon Bay, the county seat so named for the large number of sturgeon once caught there, today is a prosperous center of fruit canning and ship-building.

October is the best time for motoring, for hiking and picnics. For enjoying the brilliant golden-yellow of the maples above the blazing red sumac. Mixed woods of oak and aspen are accented by firs, pines, and the green of cedars. Lovely clumps of birches, their glistening white bark bursting, catch the autumn sun.

There are strawberry patches and apple and cherry orchards. This is a land of Holstein cattle and Black Angus, of big barns, winding roads, few billboards, and deep silences. Small wildlife and plentiful deer do not panic at sight.

The natives respect themselves, respect each other, and believe in cleanliness and hard work being next to Godliness. Their children still bicycle in safety to games and picnics in the fragrant woods or in sunny meadows. There are safe rocky shores or sudden sandy coves in which to play. Even at the height of the season there is little traffic.

Motoring is a delight because the main and county roads are well marked, the latter with all letters of the alphabet, from "A" to "ZZ." We can safely explore the smallest roads, knowing we will not get lost nor get stuck.

Three distinct ethnic groups settled Door County. They still preserve and live by their old traditions. The Indians came early and have almost disappeared. The few who remain are mostly Menominees. They still bow to their titular head, Chief Roy Oshkosh. There are traces of Ottawa and Huron tribes. And there is one thriving Indian trading post.

In the southeastern part of the county is the largest settlement of Belgians in the United States. Names like Brussels, Kolberg, Namur and Rosiere tell of the love and perhaps homesickness of the earlier settlers, who came from their highly civilized country to make their home among Indians.

But the Icelandic settlers have made the strongest and most lasting impact. They have created a bit of Scandinavia in Door County. There are Norwegians, Swedes, and Finns, and they have imposed their values, their way of life and their art on the land.

In spring thousands of fruit trees in bloom turn the orchards into clouds of pink and white. In summer, vacationers sail, fish, play golf, and enjoy camping. In July and August, "egg-heads" flock to the excellent theater put on by the Peninsular Players. In September Dr. Thor Johnson, founder and conductor of the Peninsula Music Festival, conducts his famous concerts at Fish Creek.

At Ellison Bay, near the rugged cliffs of the north, the Wisconsin Farm Bureau conducts summer workshops, taught by outstanding teachers from Midwestern universities, colleges, and art schools. Students of all ages and background enroll in courses in American theater, political affairs, stained glass artistry, Great Books courses, editorial writing, poetry, weaving, and contemplation. The courses are always filled. There are excellent hotels, motels, and guesthouses catering to every purse and taste and bursting at the seams.

But by October these visitors are gone and only those are left who love the county for its beauty. Then it is a bit late for camping or sailing, but just right for motoring and for enjoying the "turning of the leaves."

October 10 usually marks the start of the Swedish Fall Festival at Sister Bay, with its famous "fish-boils," that favorite stout meal of men who came here over a hundred years ago to cut wood and build ships. Everyone gathers around huge iron kettles in the street.

There, over open fires, all kinds of fish, but predominantly lake trout, are boiled together with potatoes. The pungent smell of woodfire and good food hangs in the crisp

autumn air and keeps us warm even on cold days.

There are farmers' markets, handicrafts exhibits, puppet shows, clowns, and pony rides. Helicopters drop table-tennis balls to the scrambling children. The Festival winds up several days later with the great parade, in which young and old take part with equal gusto.

Even the entire fire department joins in and everyone outdoes everyone else in wearing funny and outlandish costumes and driving ancient rigs. The air is full of happy shouts, laughter and stamping feet.

Your day is made if you can get into one of the two popular Swedish restaurants. You fill up with boiled or fried fish, with Swedish meatballs, with paper-thin Swedish pancakes covered with butter and lingon berries, and all accompanied by delicious Swedish limpa bread, hot from the oven.

The waitresses have wonderful Nordic good looks. Their long flaxen hair may fall across their faces and cover their clear blue eyes, and their miniskirts may be very short, showing somewhat sturdy legs. But they are cheerful and friendly. They smile and laugh above their heavily laden trays. They are not afraid of hard work nor of showing that they are having a wonderful time.

They minister to their elderly customers with the deference due to revered grandparents. Life here is good—unhurried and thoughtful. The girls know it and we may share it if we care for their simple style.

Before leaving the county, we take a long last look at the Boynton Chapel, set in 325 acres of untouched forest. This is a replica of an elaborately carved 15th-century Norwegian chapel near Maxwelton Braes. A broker and his wife from Highland Park, Ill., built it with their own hands in seven years. They left the chapel and the land in trust to Lawrence College. This is as fine a memorial to the spirit of Door County as one can imagine.

We always return from Door County recharged, better able to face our mixed-up times. We have not escaped to another Walden, but have gone back to the roots of our nation's strength. To nature, hard work, and creative living with people whose values are sound.

SMALL-TOWN AIRLINE SERVICE CUT

Mr. PEARSON. Mr. President, the New York Times for Sunday, September 20, contains a front-page story on the subject of air service to small towns.

I think it significant that one of our Nation's leading newspapers saw fit to make this important subject a matter of front-page importance.

This story very correctly notes the history of the present crisis in transportation in small towns across the country. It very correctly notes how the local air carriers developed from "feeder airlines" serving small communities to "regional air carriers" flying longer hauls between medium and large size cities.

It perceptively describes the problems experienced by third level or commuter air carriers in serving these abandoned communities.

But perhaps most importantly it accurately reflects how poor transportation can become a true hardship to any community. Air mail letters now take a day longer to get to Lewistown, Mont. The local florist now finds her flowers wilted because her shipments must travel by bus. The local fire department was disabled for 4 days because it took that long for a bus to bring in a needed spare part. The local hardware store owner now has to drive a considerable distance to seek out salesmen because they would not come to Lewistown any more.

In short, I commend this article to the Senate because it reflects the severity of this gathering crisis in "Small Town, U.S.A."

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SMALL TOWNS LEFT ISOLATED AS AIRLINES CUT SERVICE

(By Robert Lindsey)

LEWISTOWN, Mont., September 17.—Mayor Walter Mondale used to boast that he could live the good life in this small town in central Montana and enjoy the big cities, too. The outside world was never far away so long as the Frontier Airlines plane put down here every day.

Then last April 6 the airliner made its last stop, and Lewistown joined a fast-growing number of small towns from New England to the Far West that have been abandoned by both railroads and airlines.

"It's like we were cut off from the world," the Mayor said wistfully this morning as he looked out across the town's empty, silent airport. "We can't even get salesmen in here to sell us things any more."

At a time when airports in the nation's big cities are often choked by too much air traffic, scores of small towns like Lewistown have lost their only airline service. Over the last five years, airlines have stopped serving 66 communities. In the last year alone, Williston, N.D., Rutland, Vt., Winona, Minn.—altogether, 22 small towns have lost their air service.

The nine regional or "local service" airlines that provide most of the service to small town America contend that despite Federal subsidies—$36-million last year—passenger demand in many areas is too weak to offset fast-rising operational costs.

At the moment the Civil Aeronautics Board is considering airline applications to suspend flights at eight more towns. Industry experts estimate that the subsidized regional airlines would drop 100 of the communities that they still serve if the board would let them.

In some ways, the airlines' efforts to cut back on service parallel those of the railroads over the last 20 years. But while the railroads have worked hardest to eliminate long-distance trains, which they say produce the highest losses, the airlines have sought to eliminate short-hop service.

The airline cutbacks often occur at places that need air service badly. Lewistown is an example. It is nestled in the folds of a rolling, green plateau 710 miles north of Denver and 105 miles east of Great Falls, Mont. Long ago it was a frontier cavalry outpost, and it still has the look of a slightly modernized Western movie set.

Lewistown had a gold rush in the eighteen-nineties, an oil boom in the nineteen-twenties and a missile boom in the nineteen-sixties—when the Air Force built silos for 150 Minuteman missiles amid the straw-colored plains just outside town where 100 years ago the Sioux, Blackfeet and Gros Ventres hunted buffalo.

But now the town's economy is stagnant. It is based mostly on beef, wheat and barley, and mechanization on the region's big ranches (which run 25,000 acres and larger) and farms has cost the town hundreds of jobs.

Just this week the town fathers who have been trying for years to lure industry to Lewistown, learned from new census figures that the town's population dropped from 7,500 to 6,500 in the last decade.

"If we don't get better transportation to the large cities, our town is going to die," said Mayor Mondale, a soft-spoken lawyer with white hair.

"This is a great place to live," he went on, "but it's the guldangedest place in the world to get in or out of. People first homesteaded the town because the railroad came in here in 1903. But the railroad took away our last passenger train in 1960 because they said we had good air service. Without an airline, how are we ever going to get industry in here?"

IMPACT IN HUMAN TERMS

In Lewistown, the impact of the airline cutback on the daily lives and habits of the townsfolk was immediate and sometimes severe:

Letters carrying air mail stamps now take a day longer to reach residents.

Betty Meile, a florist who gets her roses from Salt Lake City now finds her flowers brown and wilted because the shipment has to come by bus.

Fire Chief Charles Pentacost's largest pumper was out of action for four whole days because it took that long for a bus to bring in a needed spare part from Denver.

The Curtis Breeders Association held a convention at the Yogo Inn and two out-of-town speakers missed their engagement because they had to come by car instead of by plane, as they had expected.

A hardware store owner now has to drive all the way to Great Falls to see wholesale salesmen because, without air service, they won't come to Lewistown.

Bob Brassy, the manager of the Intermountain Bus depot, has suddenly become an important figure to the town, its chief contract with the outside world and as such a focal point of local hopes and disappointments.

"Day in and day out I get chewed out because the stuff on the bus takes so long," he said, not too unhappily. "They complain about not having air service; I smile, but I know it rings my cash register."

NIXON PLEDGE RECALLED

The bus business may be up, but the loss of air service can't help but damage the town's economic welfare over the long run, and Lewistown's problems are springing up throughout rural America.

In fact the deteriorating state of small town air service, some officials believe, may jeopardize a national goal defined by President Nixon in his State of the Union message last Jan. 22. The President said then that he would work to "create a new rural environment that will not only stem the migration to urban centers but reverse it."

But officials of many predominantly rural states say that to attract large numbers of people there must be jobs and industry, and they insist neither industry nor city dwellers will emigrate to the hinterlands unless there is good transportation.

"Industrial concerns simply will not build a new plant in a location which is isolated from the home office, the key financial centers, and its suppliers and customers," Paul E. Burket, Nebraska's director of aeronautics, told a Senate subcommittee investigating the problems of small town air service last spring.

The Civil Aeronautics Board and the aviation subcommittee of the Senate Commerce Committee, which conducted extensive hearings on the situation this year, have been seeking new approaches to maintaining service in the towns that now have it and to providing new service for the communities that want it.

TOTAL OF $55.6-MILLION LOSS

After the local service airlines reported that last year they had lost a total of $55.6-

million above the $36-million subsidy, the Aeronautics Board recommended a steep subsidy increase this year—to a total of $57.8-million. Legislation that would provide the extra aid is pending in the Congress.

The local service airlines—Air West, Allegheny, Frontier, Mohawk, North Central, Ozark, Piedmont, Southern and Texas International—serve 544 cities. They are the only airlines now subsidized by Washington. The 11 "trunk," or long-haul airlines such as United and Trans World, which serve 61 cities, stopped receiving subsidies in the Nineteen-Fifties' as they became profitable.

Even if it is approved, the proposed additional subsidy for the current fiscal year is not regarded as more than a temporary answer to the small towns' problems.

The problem is rooted in economics, or as one local service airline president put it: "No airplane has been invented which is well suited to economical operation on short hops at low density air traffic points."

In making its case for dropping service here and seven other Montana and North Dakota cities that had been on a 2,200-mile round-robin circuit, Frontier contended that in 1969 it lost $667,000 on the route—even though it received a $449,000 Federal subsidy.

A Frontier executive said: "For every passenger we carried who paid a $20 fare, the Government was paying $20 in subsidy and it was costing us at least as much." Frontier said it was carrying an average of fewer than three passengers on the 50-passenger Convair turbo-props—so it used to serve Lewistown.

Many aviation leaders believe that small "air taxi" operators, using two- to nineteen-passenger planes, be a sound approach to solving the problem.

In 44 of the 66 cities that have lost their regular air service, the Civil Aeronautics Board allowed airlines to suspend flights only if an air taxi line agreed to provide service to an airport with conventional air service.

At many points around the country, especially in New England, local officials say the substitute service has been satisfactory.

But many other communities including Lewistown are unhappy because they say the substitute service tends to be undependable, the small planes are uncomfortable and the tickets are too expensive.

Air taxi operators—there are at least 1,500 in the country, including about 165 that offer some kind of scheduled services—is often shaky and many experts are concerned about safety.

The air taxis operate under much less stringent Federal safety standards than regular airlines, and, as a whole, the air taxi industry has had a poor safety record.

Between 1964 and 1968, the rate of fatal accidents per 100,000 hours of flying was 12 times higher for air taxi companies than for the regular airlines. During the first half of this year, air taxi fatal accidents increased by more than 80 per cent; over the same period in 1969; 65 persons died in 22 accidents.

The Defenders of the "Commuter" airline industry, as the new group of scheduled air taxi companies calls itself, say that most of the accidents have involved underfinanced "fly-by-night" operators. They say the scheduled air taxi lines have had a much better safety record, although there are no Federal statistics yet to back up their claim. The Federal Aviation Administration has recently proposed new regulations that would make the air taxi lines meet more of the safety standards of conventional airlines.

When Frontier stopped its service at Lewistown, an Arizona air taxi company, Apache Airlines, began to stop here once a day. But, Donald Browne, president of the First National Bank here said:

"Hardly anybody uses it because the schedules make it difficult to connect with flights out of Great Falls, and you can't depend on it. And for what they're charging, $27, you might as well drive to Great Falls."

In the summer, he said, it is a two-hour drive but in winter it can take much longer.

The efforts of local service airlines to abandon small towns have raised questions about the wisdom of decisions made by the airlines and the C.A.B. five years ago. Originally, the nine airlines were "feeder" services, carrying travelers from towns like Lewistown to larger cities where there were flight connections to New York, Chicago or other cities.

DECISIONS QUESTIONED

In recent years, they have experienced a dramatic metamorphosis. In 1965, the aeronautics board began a program intended in part to reduce the Government subsidy, then running $65-million. The heart of the program was to allow the regional airlines to fly longer and more profitable routes. The idea was that longer nonstop routes would, in effect, subsidize losses at the small towns. But things did not work out that way.

The airlines began a rush to buy expensive new jets for the new routes. In five years, their collective debt increased from $110-million to $550-million. It was a time when interest rates were skyrocketing. The airlines thus got caught in a squeeze compounded by inflation, their agreed-to reduction in subsidies, high interest, and failure of some of their new routes to pay off as expected.

Instead of subsidizing services that the airlines had been created to provide, the new routes added pressure on the lines to get out of many of the small towns.

Wherever the responsibility for today's decline in small town service lies, Aviation experts agree that it can be reversed only by a national effort.

Secor D. Browne, chairman of the Civil Aeronautics Board, says that air transportation "should not be denied citizens who live outside the great metropolitan areas for whatever reason—logistics, legal or economic."

But, he added in a recent interview in Washington, "Sombody is going to have to pay for it. Who pays for it is a decision we as a country have to make."

Meanwhile, the citizens of Lewistown and many other small communities are distressed at what they fear is impending economic hardship and possibly even the need to pull up stakes and find a home somewhere else.

"It's getting harder and harder to keep towns like ours alive," said Leon Jacobs, an airport commissioner here and owner of the E-Jay-S sporting goods store. "Without air service, we're drying up and dying away."

FINAL SCHOOL LUNCH REGULATIONS IMPROVED

Mr. McGOVERN. Mr. President, on August 31, 1970, the U.S. Department of Agriculture issued the final regulations for the national school lunch program. I am happy to say that these regulations are a vast improvement over the proposed regulations announced by USDA on July 17, 1970.

When those proposed regulations were issued, I commented on the floor of the Senate that they "clearly do not serve to fulfill the intent of Congress" which was to facilitate the provision of free and reduced-price lunches for all needy children. I inserted at that time into the record letters to Secretary Hardin from myself and other interested persons which spelled out the principal objections to the proposed regulations. Most important among those objections was an implication in section 245.3 that local school authorities were to have discretionary authority in the use of eligibility criteria, other than simply income—family size standards. Specifically, that section stated that—

> School authorities may include such additional criteria as they deem necessary to assure access to lunches by children (unable) to pay the full price of the lunch.

In my letter to the Secretary, I objected to this, saying:

> Under no circumstances shall those unable to pay be charged for their lunches. This needs to be made clear.

I recommended a change to the effect that school authorities shall use such additional criteria as is necessary to assure access to lunches by children unable to pay the full price of the lunch.

This recommendation was also made by Miss Jean Fairfax, chairman of the committee on school lunch participation, which produced the notable work, "Their Daily Bread," Mr. Ron Pollack, director of the Columbia University Center on Social Welfare Policy and Law, Mrs. Marion Wright Edelman of the Washington Research Project, and others. The desire to see a clarification of this point stemmed from a set of recommendations that were the end-product of a very successful school lunch conference sponsored by the Children's Foundation of Washington, D.C. At that conference the participants expressed a unanimous desire for unambiguous regulations clearly reflecting the intent of Congress which was to assure access to free or reduced-price lunches by all needy children. In support of these intentions, Congress promised that it would—for the first time—assure that sufficient funds are available to make the school lunch program available to all needy children.

Mr. President, the Department has clearly reflected this intent of Congress in their issuance of the final regulation. Section 245.3 now reads:

> Each school food authority shall serve lunches free or at a reduced price to all children whom it determines, in accordance with the requirements of this part are unable to pay the full price of the lunch . . . Any criteria included by a school food authority in addition to the minimum criteria specified in this section shall relate to providing free or reduced price lunches to children who would not be eligible for such lunches under such minimum criteria. In no event shall any such additional criteria operate or be applied so as to deny free or reduced price lunches to children who qualify for such lunches under the minimum eligibility criteria required by this section.

This clearly is consistent with the intent of Congress to extend the program benefits to every needy child and the program itself to every school. And the regulations now clearly emphasize that when one school in a school district serves lunch, then all other schools in that district must provide equal treatment in nutritional services for all needy children.

My only regret is that the progress of developing regulations and issuing them in final form had not begun sooner and ended at an earlier date. But, at any rate,

all is clear now. Every needy child shall be served a free or reduced-price lunch. That is the law. The regulations confirm this on the administrative level. Now we shall get on with the business at hand—to end hunger in America's classrooms.

THE ROLE OF THE GRAND JURY IN THE ADMINISTRATION OF CRIMINAL JUSTICE

Mr. McCLELLAN. Mr. President, I have just had brought to my attention by Mr. Loyal Meek a series of articles published in the Milwaukee Sentinel during the early part of this month dealing with the role of the grand jury in the administration of criminal justice. I am sure that if all Members of the Senate and the House had the opportunity to study this series, it would greatly facilitate the processing of the grand jury provisions of S. 30, the Organized Crime Control Act of 1969. Too much of the controversy surrounding these provisions can be said to be based on a failure to see the role of the grand jury in its historical context.

I ask unanimous consent that the series be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Milwaukee Sentinel, Aug. 5, 1970]

THE GRAND JURY—I: HOPE FOR "THE PEOPLE" LIES IN REVITALIZED INSTRUMENT OF JUSTICE

(By Loyal Meek)

Power to the people!

That embodies too worthy a principle to let it be perverted and monopolized by the radicals.

Despite the slogan's alien origins and undesirable associations, it still expresses the essence of democracy.

Conservatives—and a growing number of liberals—complain, however, that political power in America is rushing away from the people and toward a big, central, collective government in Washington.

STOPPING THE FLOW

How can this flow be stopped? How can we renew the principle of basing governmental powers on, as the Declaration of Independence puts it, the consent of the governed?

How can power be restored to, in the first seven words of the Constitution, "We the People of the United States," other than by violent revolution that would end all power in the hands of a tyrant?

One possible way is by a revitalization and strengthening of the federal grand jury system.

In this series of articles, The Milwaukee Sentinel will present the case for a revival of this neglected instrument of justice by which the people, in a fair, orderly and effective manner, might regain some sovereignty over their government, some control over Big Brother before it is 1984 and too late.

Subsequent articles will seek to:

Explain what the grand jury system is and how it operates.

Relate its history, both ancient and modern.

Report on the efforts being made to revitalize the federal grand jury system and to strengthen its powers.

Sketch how the system might be used to turn a government grown into an arrogant master, back into a public servant deserving of respect.

Consider how a grand jury could be a fairer and more effective means of bringing about the change and reform than the hodgepodge of self-appointed inquisitors, both official and unofficial, now galloping hither and yon over the American landscape.

"No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury. . . ."

So begins the Fifth Amendment to the Constitution.

Yet this initial clause seems almost as casually forgotten as the other clauses of the hard ridden Fifth are being intensively invoked. While the rights not to be put in double jeopardy, not to have to testify against one's self and not to be deprived of life, liberty or property without due process of law are being vigorously exercised and defended, the right of an individual not to have to answer for an infamous crime unless on a presentment or indictment of a grand jury is being largely overlooked or circumvented.

EFFORT UNDERWAY

It is not, however, so much the indictment power of the grand jury that has been neglected. Rather, it is the presentment—or reporting—power that has been underutilized. It is this inquisitorial function of the grand jury system that offers, not a panacea but at least great possibilities as a means of restoring power to the people.

An effort is well along to revitalize the federal grand jury system by expanding its reporting powers.

One of the main items in the package of anticrime measures pending in Congress is a proposal to empower special grand juries to make reports concerning noncriminal misconduct by a public officer or employe and recommend legislative, executive or administrative action in the public interest or regarding organized crime conditions in a judicial district.

That package, known as S. 30, passed the Senate, 73 to 1, and is now under consideration in the House Judiciary Committee.

Meanwhile, a revival of the federal grand jury system appears to be underway already, complete with an assertion of reporting powers.

A federal grand jury in Chicago, after an investigation into the police raid last Dec. 4 in which two Black Panther party members were killed and four others were wounded, issued a report that criticized both the police and the Panthers. By putting in calm and reasoned perspective an episode that had been steeped in wild charges and countercharges, the report provided a persuasive demonstration of how the grand jury system can be used as an investigative instrument, a way for the people to learn of conditions that need correcting.

But the provision strengthening grand juries is one of the anticrime measures drawing severe objections from some quarters. The Board of Governors of the American Bar Association recently adopted a resolution against authorizing grand jury reports commenting on noncriminal misconduct of government officials. The American Civil Liberties Union also objects to this provision, among others.

Proponents of the provision strengthening federal grand jury powers answer that reports would be subject to strict procedural restrictions. A person criticized by name in a grand jury report would be given an opportunity to file an answer before the report is made public.

This is a safeguard seldom enjoyed by persons who find themselves the targets of legislative or executive investigators or of a Ralph Nader raider.

HISTORIC FUNCTIONS

"Proper use of the grand jury's inquiring and reporting functions may mark the resurgence of that body as an important factor in effective government. At the same time, such use will protect the citizenry from the tyranny of improper accusation. These have been historic grand jury functions, somewhat neglected in the misinterpretation of that body's history and in the grand jury's preoccupation with the quasi-mechanical operations of handling routine indictments."

That was the conclusion of Richard H. Kuh, an assistant district attorney in New York County, in an article in the Columbia Law Review of December, 1955.

Today, with government grown grossly bigger and with increasing numbers of accusations being flung right and left, Kuh's conclusion packs more relevance than ever.

THE GRAND JURY—II: PANEL'S STRUCTURE DEFINED BUT AUTHORITY UNCLEAR

(By Loyal Meek)

What is a grand jury and how does it function?

In simplest terms, a grand jury is a group of citizens representing a cross section of the community, chosen by lot, serving as an arm of the court for a limited time with the power to subpena witnesses, to make inquiries in secret, to file presentments (reports) and, if probable cause is found, to return indictments.

The several states have a wide variety of grand jury systems. Wisconsin has made relatively little use of the grand jury tool but this may change as a result of recent legislation encouraging its use.

The federal grand jury system provides for juries of not less than 16 or more than 23 members.

TERM LIMITED

Federal grand juries are creatures of the federal district court. A jury serves until discharged but no more than 18 months.

The court appoints the foreman and the deputy foreman. The jury is assisted by the district attorney's office but no person other than jurors may be present while the grand jury is deliberating or voting. Indictments can be found only on the concurrence of 12 or more jurors.

To use the grand jury system as a means of restoring power to the people, it is the inquisitorial and reporting function, rather than the indicting function that needs to be revitalized.

POWERS UNCLEAR

The powers of the federal grand jury are not spelled out in detail in the federal statutes. This leaves murky its authority to ferret out and make known such things as governmental inefficiency, neglect and other misconducts short of crime.

There has long been a debate, mainly within the legal profession, over the reporting powers of grand juries.

One side says a panel of ordinary citizens, with no expertise, has no business passing judgments on public matters.

The other side contends that the grand jury not only has a reporting power but is ideally suited to police the conduct of public officials.

WEAKNESSES NOTED

Long before anyone had ever heard of Ralph Nader and his "raiders," concerned people were pointing out the weaknesses and drawbacks in investigatory groups other than the grand jury sort.

In an article in the Columbia Law Review in 1955, Richard H. Kuh contrasted the fitness of such free swinging investigatory groups to conduct serious inquisitions into official misconduct with that of a grand jury which always must act subject to enforceable restraints.

"Investigatory committees, whether of the legislative or of the executive arm of government, suffer common defects," Kuh said. "Their members, being either elected or appointed by elected officials, ordinarily are not completely free of political motivation.

"Elected officials and professional investi-

gators are apt to find their own personal interests best fostered by publicity. Consequently, investigations are most often either conducted in full public spotlight, or are punctuated by frequent reports to the public of interim results.

PARTIALITY POSSIBLE

"The hearings conducted and the ensuing reports are often uninhibited by the limitations imposed by rules of evidence. As the outcome of all these investigations is probably influenced by political considerations, partiality and a deliberate lack of thoroughness are apt to be present."

Kuh observed that these defects are not necessarily found in all such investigations. But anyone who has taken any note of investigations by congressional committees, presidential commissions and other official bodies in recent years must admit that there is a great deal of validity in Kuh's list of shortcomings.

"Similar weaknesses exist as to inquiries privately fostered," Kuh also pointed out. "Newspaper conducted investigations are ordinarily not impartial. Their reports are likely to be in line with the prevailing editorial policy and are, at least in part, designed to sell papers."

Today, similar criticism might also be made of television.

"Private organizations," Kuh continued, "whether lawyers' or veterans' associations, or other publicly spirited groups, often bestir themselves to investigate only because of a preconception as to how their studies will turn out. . . .

SEEM BETTER SUITED

"Grand juries appear better suited than either legislative or executive committees or private bodies to police the conduct of public officials. Because of the breadth of grand jury authority, contentious refusals to answer questions alleged to be beyond the scope of the investigation will probably not hamstring the investigations. The combination of subpena power and secrecy permits testimony to be taken with minimum embarrassment and, indeed, with minimum risk of reprisals to the subpenaed witnesses. . . .

"The jurors, nonprofessionals, ordinarily are not dually engaged in both investigating the misconduct of public officials and in fostering their own public careers. The effect of any unworthy ambitions of the state's (or district's) attorney on an investigation may be minimized by the mature judgment and at least nominal control exercised by the nonpolitical lay jurors.

NOT AUTONOMOUS GROUP

"Most significantly, the grand jury is not an autonomous group, completely the master of its own investigation. Its action is subject to immediate control by the court of which the jury is but an arm."

Despite its great potentialities, the federal grand jury system has largely been neglected as an instrument of the judicial process. Relatively few laws pertaining to it are in the books.

Legislation spelling out the powers of a federal grand jury was introduced in 1951 but failed to pass.

There has been considerable discussion in the law reviews in recent years on the powers of the grand jury. But there has been relatively little about the grand jury as an institution of the democratic process in the lay press.

PUBLIC CONCERN

The current flurry of legislative interest in the federal grand jury system stems mainly from the public concern with the soaring rate of crime.

A proposal to provide for special grand juries and to give them strong reporting powers is a part of a bill, S. 30, relating to the control of organized crime in the United States.

Although its backers emphasize that it is aimed primarily at organized crime, the proposal would appear to extend grand jury powers to apply generally.

In fact, by empowering special grand juries to report "concerning noncriminal misconduct, malfeasance or misfeasance in office by a public officer or employe as the basis for a recommendation of removal or disciplinary action," S. 30 appears to offer a legal tool with which power could indeed be restored to "We the people."

THE GRAND JURY—III: MODERN FORM OF SYSTEM TRACED TO 12TH CENTURY

(By Loyal Meek)

Grand jury origins have been traced to Greek, Roman and Scandinavian civilizations. In modern history, however, its earliest form was created in England in 1166 at the behest of King Henry II.

The Assize of Clarendon established bodies of laymen charged with reporting, under oath, those persons accused or believed to be robbers, murderers, thieves, or harborers of such criminals. Reports were made to the royal sheriff and royal justices, before whom the prisoners could defend themselves by swearing to their denials and submitting to the ordeal by water—if one survived submersion it was presumed to prove one's innocence.

BOOSTED ROYAL POWER

This progenitor of the grand jury strengthened royal power. For the first 200 years of its existence, the grand assize had little to do with the safeguarding of individual rights.

During the next 300 years, it apparently became a grand jury function to lodge all charges of crime whether or not private accusers came forward, and the custom of hearing witnesses in private was adopted.

Two cases which arose in England in 1681, and in which departure from the custom of secrecy was forced, marked the start of the grand jury's role as a protecter against tyranny.

The cases were heard at a time of political unrest, not unlike the present situation in the United States. Against a background of nearly equal struggle between the king and a delicately balanced parliament, a grand jury heard the evidence of treason in the Colledge and Earl of Shaftesbury cases, but refused to indict.

GUILT PROBABLE

Although these cases are celebrated for establishing the grand jury as a bulwark against despotism, in the light of the times it is not unlikely that in fact each defendant was guilty of treason, relates Bernard Kuh, New York attorney, in an article on the grand jury.

The refusal to indict may be explained, at least in part, by the fact that the jurors' political beliefs were similar to those of the accused.

A half century later, the early stirrings of American reaction to British colonial rule were mirrored by a New York Colonial grand jury, which twice refused to indict Peter Zenger, publisher of the Weekly Journal, for libel of the English governor, William Cosby.

Regardless of the political motivation, the actions of the two 1681 grand juries and of the 1734 New York Colonial grand jury in the Zenger case have been celebrated as heroic conduct protecting the right of the citizen from tyranny.

They demonstrated that an official body with power to protect against government excesses and to negate improper actions of tyrants is desirable, Kuh noted.

CLEARLY HAVE POWERS

Grand juries, by refusing to indict, clearly have those powers. They also have this power by taking the affirmative action of reporting on the derelictions of government officials.

Despite the proven value of a grand jury system, the grand jury as an inquisitorial and accusatory instrument of justice was the target of reformers in England, who sought to eliminate it, and in America, who sought to restrict it.

A definitive history of the grand jury in modern times has been written by a former Wisconsin man, Richard D. Younger, first as his doctor's thesis at the University of Wisconsin and then as a book, "The People's Panel."

JEFFERSON NATIVE

A native of Jefferson, Younger attended college in Milwaukee and Madison and was an instructor at what was then the UW Milwaukee Extension Division. Since 1954 he has been a member of the history department at the University of Houston, Texas.

After reviewing the history of the grand jury in colonial times and during the birth of the nation, Younger points out that in England in 1821, Jeremy Bentham, the great codifier and legal reformer, struck out at the grand inquest as "an engine of corruption" which was "systematically packed" on behalf of the upper class.

ARGUMENTS STILL HEARD

Bentham also opposed it on the ground of efficiency. As a utilitarian, he had little patience with a body composed of "a miscellaneous company of men" untrained in the law. He believed that a professional trained prosecutor could perform the functions of a grand jury with far greater efficiency and with less expense to the people and less bother to the courts.

These elitist arguments were picked up by opponents of the grand jury system in America and are still heard today.

In addition, the opponents of the system, harking back to the olden times when such primitive practices as ordeal by water were associated with the grand inquest, kept up a steady attack on the grand jury as barbaric.

Another favorite criticism had to do with its secrecy. Its sessions were frequently, and sometimes still are, compared to "the inquisition of the Star Chamber," even though the time tested reasons for secrecy are eminently sound.

But the basic issue in the continuing debate between the pro and con forces centered on the issue of professionalism vs. amateurism. Those who favored leaving investigation and accusation power strictly to the experts argued that laymen simply are not qualified to conduct inquiries, weigh the evidence and make the decisions that grand juries are called upon to do.

Throughout the 19th century, during which time most of the state governments were shaped, the grand jury system was under constant attack by the reformers. They scored a breakthrough in Michigan in 1859 when the Legislature all but abolished it by providing that all crimes be prosecuted upon the information of a district attorney.

STATE ENCOURAGED

Wisconsin opponents drew encouragement from the Michigan example. The Milwaukee Sentinel of that day was a foe of the grand jury system. It attacked grand juries editorially as cumbersome and expensive "instruments of private malice."

When the Wisconsin Legislature convened in 1860, Sen. Robert Hotchkiss proposed and the Senate adopted a resolution asking the Judiciary Committee to investigate the expedience of abolishing the system. Newspapers hailed this as "a good omen of reform."

The Wisconsin Senate passed the resolution calling for a constitutional amendment but its action went for nothing when the Assembly buried the resolution in committee.

After the Civil War, the campaign to abol-

ish the institution was resumed in Wisconsin.

In the referendum on Nov. 7, 1870, the people of Wisconsin voted overwhelmingly for reform and the grand jury ceased to exist in the state except when specially summoned by a judge.

THE GRAND JURY—IV: SYSTEM'S POTENTIAL CITED OVER CRY FOR ABOLITION

(By Loyal Meek)

In the last century, the grand jury as an instrument for giving power to the people has had a varied history, little of it glorious.

Prof. Richard D. Younger in his book, "The People's Panel," notes that after Wisconsin abolished regular grand juries in 1870 there followed a series of constitutional conventions in which the question of retaining the system became a hot issue.

Antijury forces fared especially well in the western states.

Despite the success of reformers in abolishing or curtailing state grand jury systems, the institution was not without its defenders.

SEEN POTENT GROUP

"Amidst the abuse and the cries for reform, there were some who saw the institution as a potent instrument of the people," Younger writes.

Judge Herman Yerkes of Pennsylvania was one who retained the belief that grand juries could provide the means of extending democratic control of government. In September, 1901, he told jurors of Bucks County that bodies such as theirs, representing the people of the community, were not outmoded or useless.

In times of great public peril or in the event of deep seated abuses, Yerkes observed, "The divided yet powerful and also combined responsibility of the secret session of the grand jury . . . has worked out great problems of reform and correction."

NOTION DISPELLED

Yerkes dispelled the often repeated idea that because the United States was not ruled by a tyrannical king, grand juries had ceased to be necessary as guardians of individual liberty.

He explained that tyrants even more irresponsible than the despots of old sought to dominate local, state and national governments.

Giant business (and now labor union) monopolies, restless of legal restraints and party bosses who did not hesitate to break judges and create courts, took the place of tyrannical monarchs as a danger to freedom in the United States. Against such ruthless forces Yerkes saw grand juries as powerful agencies of the people, challenging business or boss domination of government.

WATCHFUL EYE NEEDED

At a time when many legal scholars advised abandoning the grand inquest as an archaic relic of the past, the Pennsylvania judge saw what they had failed to see, notes Younger—that there were enemies of freedom in America which demanded the watchful eye of the grand jury if the American people were to control their government.

About 14 years later, around 1915, a layman well experienced in the work of the grand jury defended it as a valuable and democratic agency of the people.

New York publisher George Haven Putnam recognized that inquests could be slow and unwieldly bodies which frequently tried the patience of judges and prosecutors but he did not believe it was fair to judge the institution solely on that basis.

CONCERN FOR RIGHTS

Democracy does not necessarily mean deficiency, Putnam reasoned. It means a careful concern for the rights of persons who have been arrested as well as the ability of citizens to initiate investigations of abuses in government and to make officials responsible to them.

After serving on blue ribbon panels in New York City over a period of 35 years, Putnam became convinced that no other institution provided such a degree of popular participation in government. He openly challenged the advice of former President Taft, who had opposed the institution, by contending that "there is no other way citizens can bring criticism directly to bear upon public officials."

Putnam saw grand juries as more than mere law enforcement agencies. He recognized that during their term of office, the jurors acted as the representatives of the people of the country and in that capacity could call before them all public officials, high or low.

CAUSE COULD SUFFER

When such bodies ceased to sit, the cause of popular government had suffered a severe blow.

"Early in 1917, grand juries ceased to sit in England. The pressure of a life and death struggle with Germany led Parliament to suspend them for the duration of the war," Younger relates.

"Although the noise of battle hushed all but a few critics of the moves, some Englishmen saw the paradox in fighting for democracy abroad while restricting it at home. They suggested that even a democratic government such as Britain's might need the strong check against arbitrary rule which grand juries provided.

"Reformers in the United States were unable to turn the war to their advantage as their counterparts had done in England. Following the war, opposition to the grand jury in both countries increased. Finally, Parliament abolished grand juries in England, effective Sept. 1, 1933.

IDEAS CHANGED

"By the 1940's, however, the growth of dictatorship abroad and the entry of the U.S. into World War II convinced many thinking Americans that institutions which protected the rights of the people were not outmoded. Fear of executive tyranny and infringement of individual liberty gave a new importance to the inquest of the people.

"With war and other threats to freedom close at hand, mere efficiency made less appeal. It became apparent to many persons that the grand jury was more than a means of bringing individuals to trial. It was an integral part of the American democratic government."

Following World War II and until recently, however, grand juries have been forgotten for the most part in favor of other investigatory and accusatory devices, including legislative committees and presidential commissions in the official sector and self-appointed inquisitors and accusers such as Ralph Nader in the nonofficial sector.

Not that some of these inquisitions have not been useful. But as inquisitions have proliferated, they have tended to become more and more careless with the rights of those under investigation and to escalate trading in more and more reckless accusations.

Thoughtful citizens, becoming increasingly concerned about this trend, are looking for ways to counteract it. One of the ways receiving attention is through the revival of the federal grand jury system, as a means of protecting the rights and freedoms of the targets of the accused from these wide ranging and free wheeling accusers on the American scene today.

THE GRAND JURY—V: REVITALIZATION BILL BOGGED DOWN IN HOUSE

(By Loyal Meek)

A bill which would give a big boost to revitalization of the federal grand jury system has been passed by the Senate and now faces an uncertain fate in the House.

Known as S. 30, it is a package of measures relating to the control of organized crime in the United States.

S. 30 was introduced by Sen. John L. McClellan (D-Ark.), chairman of the Senate Judiciary Subcommittee on Criminal Laws and Procedures, on Jan. 15, 1969, five days before President Nixon's inauguration. It was an outgrowth of recommendations made by President Johnson's Crime Commission in 1967.

The new Republican administration soon gave S. 30 its support. Thus these measures to fight crime and corruption have a bipartisan background.

SNAGGED IN HOUSE

They received overwhelming support until they reached the House, where they have run into a snag of opposition from some liberals who have raised the bogeyman of repression.

The section of S. 30 with which this series of articles is concerned is Title I. It provides for the summoning of special grand juries at least once in every 18 month period in the 13 federal judicial districts having in excess of 4 million population and in other districts, including Wisconsin's eastern and western districts, where the attorney general determines the need on a case by case basis.

While aimed primarily at organized crime, the special grand juries would have powers to investigate and report on "noncriminal misconduct, malfeasance or misfeasance in office by a public officer" and to propose "recommendations for legislative, executive, or administrative action in the public interest based upon stated findings."

SWEEPING POWERS

These are indeed sweeping powers. But they are, at the same time, carefully restricted and controlled powers.

The Senate passed S. 30 last Jan. 23 by a vote of 73 to 1, with Sen. Lee Metcalf (D-Mont.) the lone dissenter. It acted after defeating, 13 to 59, an amendment by Sen. Charles Goodell (R-N.Y.) to delete the section allowing a grand jury to report its findings with regard to noncriminal misconduct by public officials or employes.

OBJECTIONS OUTLINED

S. 30 is now in the House Judiciary Committee, headed by Rep. Emanuel Celler (D-N.Y.). There it is encountering considerable last ditch opposition, primarily from the American Civil Liberties Union and a New York City Bar Committee which have objections to many, if not most, of the bill's provisions.

In a letter to each senator last Jan. 20, the ACLU contended that S. 30 would "make drastic incursions on civil liberties" and that it runs "counter to the letter and spirit of the Constitution."

In a major Senate speech in June designed to counter the efforts to block S. 30 in the House, McClellan answered the ACLU and NYBC objections point by point after characterizing them as indiscriminate and specious.

"There are among us today," McClellan said, "self-appointed shepherds of civil liberties who decry every attempt to strengthen the process of law enforcement in our society.

"Like the shepherd boy who so long ago endangered his flock by sounding false alarms, these modern day shepherds run the risk, too, of endangering the civil liberties of us all.

"TIDE OF LAWLESSNESS"

"No civilized society can long permit within its domain an ever rising tide of lawlessness. Such a tide is now lashing out against our society, and there are few who do not agree that it must be stopped and turned back.

"Nevertheless, I am concerned that there is a danger that if this difficult task cannot be accomplished now with the enactment of prudent reforms in the administration of our system of criminal justice, other less prudent steps will be taken at a later time—to the detriment of us all . . ."

In support of the section on special grand juries, McClellan pointed out that they would be given a degree of independence from the court and prosecutor to insulate them from political influence in sensitive organized crime investigations.

SPECIAL FEATURES

Independence would be achieved by authorizing a special grand jury to elect its own foreman and deputy foreman and by giving the jury the right to obtain review of any dispute between the jury and the court or prosecutor. This is one of the few features that the attorney general's office objected to in the entire anticrime legislation package.

In defense of this provision, McClellan pointed out that, "like regular grand juries, these special grand juries will have the benefit of the guidance and assistance of the prosecutor and the court, but the measure of independence provided by Title I will enable them to function as an effective investigatory body, acting without political fear or favor."

Crime fighters regard this feature as of crucial importance. It is a key to effectiveness in battling organized crime, which, they say, cannot operate without involving public officials somewhere along the line.

CITES SAFEGUARDS

McClellan emphasized that the new law would surround "the reporting power with safeguards which must be followed before a report critical of an identified individual can be published, including the right of the individual to require that witnesses be called before the grand jury to present the individual's side of the case, the requirement that the court determine that the evidence supports the report before it is published, the right of the criticized individual to append to the report a rebuttal which is published simultaneously with it, and the right to obtain judicial review of the report prior to its publication.

"Even so circumscribed by such strict limitations, the reporting power of the special grand jury will be a powerful instrument for public education and reform of government, and Title I will greatly aid the effort of our government and society against organized crime," McClellan said.

RESPONSE TO BAR

Responding to a resolution by the American Bar Association Board of Governors calling for elimination of the provision empowering grand juries to make reports on public officials, McClellan, in a Senate speech on July 21, pointed out that "such reports are now possible under the laws of 27 states (not counting Wisconsin), and they have proven, on the state level, to be effective and helpful in the administration of justice.

"I am therefore convinced that the right to file these reports should be clarified and restored to the federal level under the sort of careful safeguards we have provided in Title I."

THE GRAND JURY—VI: FOES OVERLOOK BENEFITS, CITE POSSIBILITY OF ABUSE

(By Loyal Meek)

It would seem logical to assume that persons concerned about protecting individual rights would be for rather than against legislation which would revitalize the federal grand jury system, including expansion of the reporting power.

But the opposite seems to be the case. The American Civil Liberties Union, for example, appears adamantly opposed to a carefully controlled extension of grand jury powers.

Opponents imagine all sorts of abuses.

Noting that pending anti-crime legislation would empower a grand jury to make reports on noncriminal misconduct of any public official or employe, an ACLU director envisioned reports criticizing "the high school janitor who fails to sweep the halls properly, or a zoo attendant who neglects his assigned duties."

OTHER QUALMS

A spokesman for the National Association of Counties worried that a grand jury could criticize him for perhaps missing too many county council meetings "or a federal legislator who misses 10 roll call votes."

Obviously, these go to ridiculous extremes to find reasons to fear giving grand juries increased reporting powers.

In probing governmental inefficiency, grand juries would have far bigger fish to fry before getting around to checking up on whether a high school janitor is sweeping the halls properly.

ABSENTEEISM ISSUE

As for checking up on an elected official's record of attendance and voting at public meetings, since these are matters of public record, they are not things a grand jury would need to take time probing.

But a grand jury might very well take into account a high rate of absenteeism in connection with an investigation of allegations of misconduct on the part of an elected official.

In fact, a tremendous backlog of unwholesome situations that need grand jury investigation has accumulated—such a pile of them that the primary problem might be where to begin.

For example, a special federal grand jury might very well find it in order to investigate a community's drug problem. With expanded powers, it might prove to be a highly effective instrument for ferreting out the pushers.

In this connection, Sen. John L. McClellan (D-Ark.), chief sponsor of legislation to strengthen the grand jury system, has asked: "Who can be more qualified to evaluate the problems of drug traffic in the ghettos than the citizens who are exposed to this depravity on a daily basis?"

NEED FOR CO-OPERATION

"I do not believe," McClelland said, "that we can stop the drug traffic or solve any other problem associated with organized crime without the co-operation and participation of those who are the victims of criminal activity."

This calls attention to one of the extra benefits to be derived from a revitalized federal grand jury system. Through direct participation, ordinary citizens called to serve on a grand jury receive an education and valuable experience in the workings of their government. In the idiom of the day, they become involved.

Such direct participation could be a strong antidote to the feelings of apathy and alienation now afflicting the American body politic.

In Wisconsin there has been a protracted political dispute over how seriously the state is infested by organized crime. A special grand jury investigation in the eastern district could issue a report that might, if it didn't settle the question, at least give a reasonably reliable indication whether organized crime is a significant problem here.

KENT STATE TRAGEDY

The Kent State tragedy offered an example of how a federal grand jury with reporting power could well serve the ends of justice.

A team of newspaper reporters that pieced together a story on the Kent shootings evidently did a thorough job. Yet, no matter how well done, a press report lacks the objectivity, credibility and finality that could be commanded by a report by a grand jury with the power to subpena witnesses and take testimony in secret.

An investigation by a presidential commission may be better than nothing but it will not begin to be as acceptable as one by a federal grand jury which would be much further removed from political prejudices and passions than any group appointed by a Republican—or Democratic—president ever can be.

OTHER TYPES OF REVIEW

Those who seek to have police review boards established to investigate such things as alleged police brutality might better turn to the grand jury system. Likewise, some of the things proposed to be done by consumer protection agencies and by ombudsmen might be done more effectively by grand juries.

In his book, "The People's Panel," Richard D. Younger points out that "the most important aspects of the grand jury are its democratic control and its local character." Says Younger:

"Governmental power has to a large extent replaced all other threats to a democracy in the United States. The increasing centralization of governmental authority and growth of a huge bureaucracy in no way responsible to the people has made it vitally necessary to preserve the grand jury.

"It often serves as the citizen's only means of checking on political appointees or preventing illegal compulsion at the hands of zealous law enforcement officials.

"At a time when centralization of power in Washington has narrowed the area of democratic control, grand juries give the people an opportunity to participate in government and make their wishes known. . . .

CHANCE TO PARTICIPATE

"Citizen panels have demonstrated repeatedly in the past that they could protest effectively in the name of the people against centralized authority. Today, grand juries remain potentially the strongest weapon against big government and the threat of statism."

In this era of demonstration and confrontation, two words in Younger's assessment of the potential use of the grand jury stand out—"protest effectively."

Certainly a grand jury report is infinitely preferable to bricks, fire bombs, shouted obscenities, political rhetoric and character assassinations as an effective means of protest.

The strengthening of the grand jury powers, as proposed in the anticrime bill now pending in the House, holds out a most promising way of restoring power of the people.

"CHILDREN IN TROUBLE: A NATIONAL SCANDAL" IN JUNE 1970 READER'S DIGEST

Mr. GURNEY. Mr. President, the June 1970 issue of the Reader's Digest contains an article entitled "Children In Trouble: A National Scandal." The article was condensed from the book of the same title by Howard James, of the Christian Science Monitor.

In an investigation of correctional institutions for young people during 1969, James observes that these institutions are often places where children—some as young as 7 or 8—"have been brutally beaten, forced into homesexual acts, rub elbows with vicious criminals, and where solitary confinement is a common occurrence."

The shocking accounts of neglect and brutality as portrayed by Mr. James are widespread and indeed a national scan-

dal. Mr. James states that "few States are free of abuses." Mr. President, I am ashamed that Florida was not among those few. The Florida School for Boys, in Marianna, does not escape Mr. James' investigation. Several instances of brutality and total lack of humanity toward youngsters are recounted to the obvious revulsion of readers.

Mr. President, I am happy to report that much in Florida has changed since Mr. James' initial visit to our State. Responding to Mr. James' revelations, Florida immediately set in motion processes that are today making the Florida Boys School a model for all such institutions across the land. Mr. Oliver J. Keller, Jr., was hired to head the Florida Division of Young Services. The results speak for themselves, Mr. President. In an article published in the Monitor of August 18, 1970, James upon revisiting Marianna states:

No institution has made such rapid progress in the past year as has the Arthur G. Dozier School for Boys. It is apparent that the Florida reform-school system, once as bad as any in the Nation, is one of the best, if not the best—in terms of changing attitudes of boys in trouble—in the South. Mr. Keller and his staff appear determined to make the system the best in the Nation. If progress continues at the present rate it seems certain this could happen.

Mr. President, I ask unanimous consent that Mr. James' recent article be printed in the RECORD. While it is sad that such a situation as existed in Marianna was allowed to occur, Florida's experience illustrates what can be done when we have the will to do so.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CARING VERSUS CRUELTY—FLORIDA BOY'S REFORM SCHOOL WORKS ITS OWN REFORM IN SHORT ORDER

(By Howard James)

MARIANNA, FLA.—Under a searing summer sun, beneath scattered pines, stand the worn-out buildings of the Arthur G. Dozier School for Boys—an institution severely criticized by this writer in the Children in Trouble series in the spring of 1969.

Now a quick glance at the grounds suggests—erroneously—that little has changed since my first visit.

The buildings appear the same. Boys in ill-fitting T-shirts and jeans move quietly across the grounds in supervised groups. Some still work hauling garbage. Others spend their time in the laundry or kitchen or do other chores to keep the reform school operating. The academic program is, perhaps, a bit better, but vocational training remains substandard.

TALKING TO THE BOYS

Steel doors have replaced the smashed wooden ones on the solitary-confinement cells. A fenced play area permits boys in the security cottage to exercise—a unit that is still overused, housing some boys for minor infractions.

Talk to the boys and staff. It is then you learn of the phenomenal change that has taken place. Most of the anger, fear, frustration, resentment, and hatred that permeated the reform school has faded. The grimness still seen at facilities in Texas, Indiana, South Carolina, and so many other states has been swept away.

It is clear the Arthur G. Dozier School has changed—significantly. Talk to Hubert Cook, staff veteran, who says conditions are the best he has seen in his 22 years at the institution. Mr. Cook runs the laundry and supervises between 18 and 24 boys each day.

"Things are so much better I don't know how to put it in words," he says. "The boys are more interested in their work. They have a good attitude. When I took over the laundry 12 years ago there had been 75 broken windows. We were averaging up to six or seven broken windows a month. But we've had only one broken in the past six months.

"We don't have a tenth of the stealing, in fact it's stopped," adds Byron Vaughn, Mr. Cook's assistant. "And we don't have clothing being damaged any more."

Messrs. Cook and Vaughn insist they know of no staff members who are unhappy with the change. Now most can go home in the evening without the exhaustion that comes from having battled angry youngsters all day.

Community attitudes have changed as well.

"I live in Marianna," Mr. Cook says. "The attitude of the people has changed as much as the boys have. They used to be frightened, but now they're proud of the school. The feeling is 100 percent better than it was.

"About three months ago our pastor started a ministerial association program out here. The school is getting a lot more community support."

Or talk to the boys, especially those who have been committed three or four times to the reform school by local courts:

"When I first came here it was bad, real bad," says one 16-year-old Negro youth. "I been here four times. In 1967 they took me up to what they called the white house and beat me with a strap because I ran away. People would go wild on you, slap you around. They wouldn't give you enough food.

"Now, I think most of the people care for you and want to help you. It still could be better, but things have changed a lot."

Richard is also 16, a white youth from northern Florida. He has been in the institution twice for fighting.

"There's been a lot of changes," he says. "There's a lot less fightin', and the kids are more concerned for each other. There seems to be more activities—softball, swimming, and trips.

"You get to make some phone calls home now, and you can go into town to go shoppin'. They've had girls here for parties, and they let some cottages go to parties at the girls' school, and there hasn't been so much sex between boys since they started that."

The story is nearly the same throughout the institution. Of a staff of some 300, it seems clear that only a handful—probably fewer than a half dozen—assault youngsters with their fists. Authorities are weeding out these men day by day. And more employees who believed in the old two-fisted method are being converted to the new program of caring and helping.

VISIT TO MINNESOTA

What brought about the change?

Oliver J. Keller Jr., who heads the Florida Division of Youth Services, was brought in to turn the department around. Last year he and key staff members visited the reform school in Red Wing, Minn. (an institution described in the Monitor series). Mr. Keller assigned Jack V. Blanton of Miami to the job of starting similar programs in all Florida juvenile institutions.

The Red Wing program was developed by Harry Vorrath of St. Paul, Minn. Mr. Vorrath has taken a popular form of group therapy and with marked improvements has made it his own. He says that his approach "stops all the hurting" that goes on and emphasizes love—"the kind of love a marine has when he crawls on his belly under fire to bring back a wounded buddy."

One who watches youngsters participate in the Vorrath program recognizes that the give and take of the group discussions closely resembles the constructive support a youngster can get in a large, happy family.

At Marianna the superintendent, Lenox E. Williams, and his staff are improving the program each day. Mr. Vorrath recently visited the school for evaluation and staff training.

The reform school at Marianna has not yet reached the level of the Red Wing institution. But the Marianna school is far larger, and Florida spends less money for staff, training, living quarters, food, and clothing.

No institution has made such rapid progress in the past year as has the Arthur G. Dozier School for Boys. It is apparent that the Florida reform-school system, once as bad as any in the nation, is one of the best, if not the best—in terms of changing attitudes of boys in trouble—in the South. Mr. Keller and his staff appear determined to make the system the best in the nation. If progress continues at the present rate it seems certain this could happen.

MOLLENHOFF EXPOSES NASA GENERAL ELECTRIC BLUNDER

Mr. PROXMIRE. Mr. President, to what extent do the giant aerospace contractors unduly influence the award of Government contracts? Is there a conflict of interest when a high Government official awards a contract to a firm where he was formerly employed or where he will be employed when his term of public service is over? Are middle-sized and small businesses discriminated against in Government procurement matters?

These and similar questions have been raised by the many improprieties disclosed in military and space procurement investigators over the past several years. But nowhere have they been raised so sharply as in the $50 million communications satellites contract first awarded to General Electric and later rescinded and reawarded to Fairchild-Hiller. An investigation by the General Accounting Office into the original award to GE revealed major irregularities—among them preferential treatment for GE at the expense of its rival bidder Fairchild-Hiller. Perhaps the most disturbing fact in the case, however, was that the head of NASA, the Agency which made the award, subsequently resigned from the big Government position and went to work for GE as a vice president.

It has now been revealed by Clark Mollenhoff, of the Des Moines Register, that Fairchild-Hiller's contract has been held up so that GE can make up its mind whether to file a formal challenge with the space agency. According to Mr. Mollenhoff, George Low, the NASA's acting Administrator, has confirmed the delay and that no time limit has been set for signing the contract. The interested thing about this delay is that it is such a clear contrast with the speed with which NASA moved in signing the GE contract after the original award last April.

One cannot help wondering how it is that a Government agency can move so swiftly to sign a contract with one of its largest contractors and move so slowly to sign the same contract after it has been reawarded to a smaller firm. In 1969,

General Electric was NASA's fifth largest contractor, with over $150 million in awards—GE was also the Pentagon's second largest military contractor with over $1.6 million in awards. Fairchild-Hiller was NASA's 40th ranked contractor with $6.9 million in awards—Fairchild-Hiller was ranked 43d as a military contractor.

I ask unanimous consent that the most recent of Clark Mollenhoff's excellent articles on the GE-Fairchild-Hiller dispute, published in the Des Moines Register, of September 19, 1970, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NASA DELAYS ON FAIRCHILD SPACE AWARD: AWAITS CHALLENGE FROM GE

(By Clark Mollenhoff)

WASHINGTON, D.C.—The National Aeronautics and Space Administration (NASA) has told General Electric officials it will not sign a contract with Fairchild Hiller until General Electric has made a decision on whether to challenge the award of the $50-million space contract.

George Low, the acting administrator of NASA, confirmed Friday that there has been no time limit placed on General Electric in making the decision, and that no time has been set for signing a contract with Fairchild Hiller.

The lack of action in moving the contract has resulted in a protest by Representative Rogers Morton (Rep., Md.), on the "current inaction," and a request that NASA inform him of its planned schedule for signing the contract with Fairchild Hiller.

Friday NASA appointed a committee to conduct a review of buying procedures to avoid challenges on major contract awards.

The original contract was let to General Electric last April amid charges by Fairchild Hiller of "irregularities and inconsistencies."

Dr. Thomas O. Paine, then administrator of NASA, disregarded the Fairchild Hiller complaints and took steps to enter into a contract with General Electric.

DEFENDS AWARD

Dr. Paine, who has since joined General Electric as a vice-president, defended the award to GE, refused to give Fairchild Hiller evaluation papers and defended the fact that General Electric was given an extra week to submit its final bid.

It was Paine who was the "selection officer," and it was Paine who personally authorized the cutting off of funds to Fairchild Hiller on Apr. 16 while continuing funding for GE through July.

A General Accounting Office report scalded the "irregularities" and "inconsistencies" of Paine's original decision, and on Sept. 5, a new NASA selection board announced a decision to reverse the decision and give the contract to Fairchild Hiller.

In the two weeks since that decision, GE officials have said that they do not consider the contract dead, and they have noted that NASA has assured them that no contract will be signed with Fairchild Hiller until GE has had full opportunity to study the record and make any challenge it wishes. Senator Hugh Scott (Rep., Pa.) is backing GE.

Representative Morton, the Republican National Chairman, sent a letter to acting Administrator Low Friday, expressing his concern over reports to him by Fairchild Hiller that no contract has been awarded.

Morton said that he has been advised by Fairchild Hiller that "no contract has yet been signed; that in fact, holding period funding has not yet been reinstated, nor have they been able to obtain from NASA a firm date for negotiation and execution of a contract."

TOO MUCH HURRY

Low was deputy administrator of NASA under Paine, who only last Tuesday went back to GE as a vice-president in charge of the nuclear power program. Paine had been employed by General Electric for 19 years prior to joining NASA in 1968.

Fairchild Hiller officials have contrasted the present delays at NASA in signing a contract with the speed with which Paine moved to sign a contract with GE last April.

Low said, "We were in too much of a hurry last April. We want to make sure that GE has every opportunity to study the record and raise any challenge."

He said he believed the April decision for GE "was right on the basis of the record before us." He said he did not know on Apr. 7 and Apr. 8 that GE had been given an extra week to submit its bid after Fairchild Hiller met a Feb. 27 deadline. Low said he could not remember when he found out about this defect in the original proceedings. He said he was unaware in April of the other "irregularities" that are now established to have taken place at the Goddard Space Center.

NO DISAGREEMENT

Low said that Paine was the "selection officer" on the award, but that he was assisted by two other officials—Low and NASA general counsel Spencer Beresford.

Low said that Paine had asked both Beresford and himself for their views on the award before he had indicated that he too believed the award should go to GE on the basis of experience in the space field.

Beresford said that he had never "disagreed" with the award, but that he did tell Edward Uhl, the president of Fairchild Hiller that he "reluctantly" voted for the award.

Beresford said that he had made "a long argument that, on the basis of horse sense and general fair play," that the award should have gone to Fairchild Hiller. He said that he indicated a willingness to "go along" with the GE decision because he did not have the technical knowledge to discuss the relative merits of the two designs, and because on that last submission, GE did have "a better price."

Subsequent events have disclosed that the better price was achieved through some questionable cost cutting techniques used by GE that were barred to Fairchild Hiller.

SUGGEST SUBCONTRACT

Beresford said Friday that he was unaware at the time that GE had been permitted a Mar. 6 deadline while Fairchild Hiller was forced to meet a Feb. 27 deadline.

Beresford told The Register that he learned from Fairchild Hiller people that there was to be a cutoff of funds, and he then suggested that there be maintenance of funding so Fairchild Hiller would not be irreparably injured while GE continued to receive money through July.

According to Beresford, Paine declared that it was normal procedure to cut funding for Fairchild Hiller and that he did not believe there could be any explanation for spending tax money for just standing by with no services.

Beresford said he suggested that perhaps there might be some way for NASA to talk to GE about a subcontract for Fairchild Hiller, or some other contract that might keep them going until the GAO finished its investigation.

Paine said another contract might provide the answer, but GE wasn't interested, and the whole matter was dropped a few days later, Beresford said.

SEES WEAKNESSES

In announcing formation of the committee to review buying procedures, Low said, "What was good enough for the sixties may not be good enough for the seventies."

"Was the original award too typical of the procedures used in the award of the sixties?" Low was asked.

Low said he did not mean that it was a result of the system that NASA used in the sixties, but that there were "weaknesses" in the system that had permitted the irregularities in the award to GE.

Low said that the GAO report on the GE award, and the subsequent re-evaluation by NASA had pointed up many weaknesses.

Should Paine, a former employe of GE, have had a role in the award to General Electric? Low was asked.

Low said that it was his understanding that at the time of the award in April, and in subsequent actions in April, May, June and early July, Paine did not intend to return to General Electric.

Low has named Beresford to the eight-man steering committee at NASA to examine NASA procurement procedures and to recommend ways in which the space organization can avoid the problems in the controversial award of the application technology satellite (ATS) contract to General Electric in April. The chairman will be Richard C. McCurdy, associate administrator for organization and management.

The review is taking place as Senator William Proxmire (Dem., Wis.) launches an investigation into the manner in which NASA handled the ATS award. He will stress the "irregularities" pointed up by GAO and the special review committee and the possible "conflicts of interest" involved in Paine's role.

COOPERATION AMONG LAW-ENFORCEMENT AGENCIES

Mr. HOLLINGS. Mr. President, in this day of soaring crime rates, it is imperative that there be the utmost cooperation among the law enforcement agencies of all areas.

I invite attention today to an example of how one city, Greenville, S.C., has met the ever-present challenge to modernize. As cities grow, the problems of law enforcement obviously become more complex. Old ways of doing things no longer suffice. This is especially true of police communications. Law enforcement agencies can only be as efficient as their communications system.

Sgt. Jack N. Lister of the Greenville, S.C., police department has written an interesting and informative account of how his city tackled and solved the problem of updating its communications. Greenville has set a pattern which other cities would do well to emulate. I invite attention to the article in the hope that other areas may profit from the Greenville experience.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A MODERN TELECOMMUNICATIONS CENTER FOR EFFECTIVE LAW ENFORCEMENT

Communications are the lifeline of effective law enforcement. As cities grow in size and population, police responsibilities also increase. Larger quarters become necessary and more officers are needed to serve the public.

Outmoded and inadequate communica-

tions facilities will negate other improvements and advancements if delays and overloads become excessive. With this thought in mind, 2 years ago the Greenville Police Department established a project team to analyze and plan a modern police telecommunications center. Assistance was provided by engineers from a prominent firm specializing in radio communications and from the local telephone company.

The term's objective was to design a system which would provide the following:

1. Adequate communications under emergency as well as normal conditions.

2. Coordination of police operations with those of other law enforcement agencies as well as with the fire, traffic engineering, and public works departments.

3. Effective use of limited manpower.

4. Data processing for making evaluations of manpower deployment and intelligence regarding hazardous traffic locations and criminal activity.

In July 1969, an application was made to the Governor's Highway Safety Coordinator for a grant under the Federal Highway Safety Act of 1966 to finance one-half of the estimated $150,000 cost of the department's communications system. This application was approved by the Governor's Highway Safety Commission and subsequently by the National Highway Safety Bureau. The mayor and city council provided a special appropriation to finance the city's share of the cost.

In November 1969, the new telecommunications system for the Greenville Police Department began operation. The equipment in this communications center was specifically manufactured according to the project team's final design for the department and is not a stock-manufactured product.

The old police radio communications system had one-frequency, one-channel capability which was inadequate even under normal operating conditions. It was subject to interference from many sources, such as generators and other machinery located inside industrial plants. The car-to-car transmissions were unreliable with numerous "dead pockets" within the city's area, where neither base nor car-to-car transmissions could be made.

Our new center allows the police dispatcher to simply and effectively coordinate police activities. Each call for police service received at the console is recorded on magnetic tape. The dispatcher has complete control of four new police channels plus access to fire, public works, and State police channels. At each of three positions the dispatcher can transmit on any selected channel or simultaneously on all channels. All channels are recorded on magnetic tape.

To further enhance the efficiency of the system, we installed new solid state mobile radios in all police vehicles. These mobile units use all four channels and can expand to 12 channels or 24 frequencies. Channel-switching is controlled by a rotary switch on the radio control head. Any voice messages transmitted from one of these mobile units are sent through one of four strategically located repeater stations. These stations automatically repeat the message with a much stronger signal to insure its reception by all other units on that channel.

IMMEDIATE ASSIGNMENT

When a call for police assistance is received at the console, the operator records the pertinent information on a pre-numbered computer card and immediately inserts it into a special clock that stamps the date and time of day. The card is then passed to the dispatcher who assigns an appropriate vehicle to answer the call. The card is again stamped with the time that the call was assigned for investigation. After the call has been assigned, the card is placed in a status slot on the console which gives the dispatcher a visual display on the status map.

The status map is divided into alphabetical districts, such as Adam, Bravo, Charlie, etc. When the complaint card is placed in the status slot, the light in the district to which the vehicle was dispatched changes from green to red. At a glance the dispatcher is able to determine the number of men and vehicles he has on call and how many he has available for assignment.

When the vehicle assigned arrives on the scene, the officer notifies the dispatcher who clocks the arrival time. Upon completion of his investigation, the field officer makes notes pertinent to his investigation on a field investigation report while the facts are still fresh in his mind. The original of this triplicate report is later matched with the original call card. The second copy will be retained by the officer for his records.

TOTAL RESPONSE TIME

If the nature of the case is such that additional in-depth investigation is required, the detective division or juvenile and narcotics section will receive the third copy. The information on this field report will bring them up to date on what actions have already been taken in the initial investigation. From the information contained on these documents, we can determine the total response time to the call.

In addition to the time element, we also know the type of complaint (which is coded under the FBI Uniform Crime classification code), the name of the complainant, his or her address, and the area of the city in which the alleged violation occurred. The field investigation report and the disposition code give us full details on each call investigated by every officer in the field. This information can be used to evaluate the individual officer's performance, as well as that of the whole department, and provides information relative to the number of crimes by types in each of the districts within the city.

To bring about a well-planned program of selective enforcement, we place this information into the data bank, which gives us instant retrieval and, in some cases, a modus operandi to use as a lead in criminal investigations. The new telecommunications system, utilized in conjunction with the computer, provides a most sophisticated approach to law enforcement.

Until the new system was installed, the Greenville Police Department was served by a manually operated switchboard with eight incoming lines and 38 extensions throughout the department. In order to make an outgoing call, a caller had to signal the PBX operator for an outside line. He then dialed his call. For interior calls, the operator manually made the connections.

For many years this system had been adequate for the needs of the department, but, as Greenville grew rapidly and as the volume of police activities increased proportionately, we realized that along with new radio communications we would also need a new telephone system. Any new system would have to handle a greatly increased number of calls as well as provide adequate flexibility and speed, particularly if we should experience a major disaster or disorder.

Local telephone engineers designed a system specifically tailored for the department's needs and demanding workload. Under this system routine calls are handled efficiently, and in an emergency the system can instantly be expanded for speedy handling of a greatly increased volume of incoming as well as interior communications.

The entire system is now dial operated with 12 lines for incoming calls. Special features permit calls to be placed on hold or transferred to other phones and three-way conferencing to be established instantly by pressing a button. If an officer is already talking when he receives another incoming call, the equipment signals him with a tone to let him know he has a call waiting. As soon as he completes his conversation and breaks the connection, his waiting call rings him without assistance from the PBX operator.

Another important feature permits the console operator, should he receive a call indicating a major community problem or disaster, to throw a switch and immediately activate the emergency communications center. This emergency center provides four additional positions for answering incoming calls. These calls are answered quickly and automatically recorded. This information can then be radioed to police vehicles, ambulance, firefighting and other emergency service vehicles.

The new telecommunications system of our police department presents an outstanding improvement in the effectiveness of law enforcement in the city of Greenville.

THE WORK OF POW-MIA FAMILIES

Mr. DOLE. Mr. President. Col. Frank Borman's appearance before Congress today marks a high point in efforts to bring the status of U.S. servicemen captured or missing in action in Southeast Asia to the attention of the American public and the world.

For the past few years, these brave men and their situation have been the concern of an increasing number of individuals in and out of public life. That this interest has been stimulated, sustained, and expanded is due chiefly to the efforts of a group of women, wives, mothers, and sisters of POW's and MIA's, who have mounted an intensive campaign to generate awareness of their loved one's plight. Their efforts, as their cause, are unique in the history of our Nation, and their dedication, zeal, and determination are unmatched by any group or movement.

The story of these courageous and tireless women is told by Daniel St. Albin Greene in the September 21 edition of the National Observer. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

POW WIVES' NEW TACTICS SHOW SIGNS OF SUCCESS: ENEMY'S TONE CHANGES, MAIL COMES THROUGH AFTER FAMILIES ABANDON SILENT AGONY, DISCREET DIPLOMACY

(By Daniel St. Albin Greene)

For five years U.S. officials tried every tactic of traditional diplomacy—oblique negotiation, reason, castigation—in vain efforts to liberate American captives in Indochina, or at least find out what has happened to them. For five years nothing worked.

Finally, last year traditional diplomacy gave way to an unorthodox new initiative, and "wife power" gradually emerged as a formidable, though unofficial, diplomatic weapon. Consequently or not, more progress has been made on the POW front since the women of the missing men went public than in the previous five years. Developments last week were the most hopeful to date:

At the Paris peace talks, the Communists' Provincial Revolutionary Government offered an eight-point peace proposal grounded on a total withdrawal of U.S. troops by next June. The Viet Cong's most provocative offer: to open discussions on "the question of releasing captured military men."

A joint session of Congress was set for this week as "a manifestation of the unity of the American people and their deep resent-

ment over the manner in which prisoners have been treated." Former astronaut Frank Borman was invited to report on his recent travels to 12 foreign capitals in a Presidential campaign to generate pressure on the Communist Vietnamese to abide by internationally recognized standards of POW treatment.

Mail from North Vietnamese prison camps has picked up substantially. Members of an American antiwar group returned from North Vietnam last week with a bundle of 374 letters from prisoners.

Relatives of missing and captive men, and some Government officials, were clearly encouraged by these developments. Yet hope was wrapped in suspicion.

Behind this is a story of systematic inhumanity, mental torment, and courage by those who endured it all: the survivors of 1,576 GIs classified as POW or MIA (missing in action), and their families, who don't know which of them will ever return home.

THE QUIET APPROACH

The early years, when the relatives waited and worried in private, were the hardest. During the Johnson Administration—as an inconspicuous force of military "advisers" grew into a full-blown army—efforts on behalf of captured servicemen were cloaked in diplomatic secrecy. Fearful that the enemy might use any excuse to take revenge on downed airmen for the destruction done by their bombing raids, U.S. spokesmen seldom made public statements about the POW issue. W. Averell Harriman, President Johnson's imperturbable ambassador-at-large in charge of POW negotiations, went about his business tactfully, unobtrusively, patiently.

The quiet approach was loudly interrupted in the summer of 1966, though, after captured airmen were paraded through angry North Vietnamese crowds, and reports were circulated that Hanoi meant to try some captives as "air pirates." The ominous reports evoked pleas from the Pope and the United Nations, as well as a thunder of warnings from Washington. The strongest came from Richard B. Russell, chairman of the Senate Armed Services Committee, who vowed that executions of American prisoners would be answered by "the application of power that will make a desert of their country."

The threats of show trials soon subsided, and U.S. officials resumed their cool campaign to repatriate prisoners. Relatives were cautioned not to say anything that might aid the enemy in attempts to brainwash captives or weaken their morale.

There were other reasons to keep quiet. Public identification of a missing man who had somehow evaded the enemy, it was feared, might reduce his chances of ultimate escape. Public attention also could conceivably make things difficult for the family of a missing man: Some have been tormented by crank phone calls and letters, by harpies and charlatans, by seducers, by antiwar zealots.

To many wives, reticence simply made life easier. During a rare evening out recently at the Officers Club on Randolph Air Force Base, in San Antonio, Judith Blevins went into some of the social problems of being a POW wife: "For the longest time, I wouldn't tell anyone my husband was a prisoner. Occasionally I'd be asked about my husband, and I would say he was missing in action. Then I would have to explain, which would make the other people feel awful for even asking, and everybody would be terribly embarrassed."

The strategy of cool diplomacy was grounded on the official assumption that a prisoner-exchange agreement would be worked out before too long—after Hanoi had milked the POW issue of all its propaganda potential. History fed this attitude. After all, U.S. fighting men had never been held by a foreign power longer than the 3½ years America was engaged in World War II. American prisoners who survived the brutal conditions of captivity in the Korean War (38 per cent of the 7,140 captives had died) were repatriated within three years of the beginning of hostilities.

Recalls Adelyn Wilson, an attractive mother of three who has been waiting three years in San Antonio for her husband to come home: "When he was shot down, I felt, well, he'll be there a year or two. Everybody was hoping then that everything would be settled in one or two years. But now . . . I just can't see an end in sight."

Another reason for guarded optimism was that North Vietnam was one of 123 nations that had signed the Geneva Convention Relative to the Treatment of Prisoners of War. This treaty had issued from a worldwide recognition after World War II that the basic human rights of war prisoners should be protected while they were detained. At the very end of the treaty, however, are three "reservations" the Democratic Republic of (North) Vietnam recorded when it signed in 1957. One of these states that "prisoners of war prosecuted and convicted for war crimes or for crimes against humanity, in accordance with the principles laid down by the Nuremberg Court of Justice, shall not benefit from the present convention. . . ." It was an ominous footnote.

But by the end of 1968 and the Johnson regime, hope had dissolved into bleak despair. The diplomats were stumped, the families of missing GIs were desperate.

Inexplicably, for four years the Communist Vietnamese had ignored U.S. pleas for a list of American prisoners. They had consistently refused to permit inspections of their POW camps by neutral teams from the International Red Cross or any other body. They had refused to release sick and wounded captives. Most irrational of all, they had permitted only about 100 prisoners to write home.

All this was in flagrant violation of the Geneva Convention. Yet Hanoi has stubbornly denied that charge on the ground that the United States is invading North Vietnam without a declaration of war, thereby forcing its troops to be war criminals unqualified for Geneva Convention protection. (This argument ignores Article 2 of the treaty, which applies its provisions to any "armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them.") North Vietnam, furthermore, has never been willing to exchange prisoners because it won't acknowledge that its troops are fighting in South Vietnam. The more than 36,000 inmates of South Vietnamese POW camps, including about 8,000 North Vietnamese soldiers, are "patriots" illegally detained, according to Hanoi.

The Nixon Administration decided that a new approach was needed. "It just didn't make sense to us to keep quiet any longer," says Richard D. Capen, Jr., legislative-affairs assistant to the Secretary of Defense.

BREAKING THE SILENCE

So in May of last year, Defense Secretary Melvin Laird held a press conference. "There is clear evidence," he declared, that the North Vietnamese are not "treating our men humanely." In his blunt statement and a supplementary briefing for newsmen, the stark facts of the POW outrage were laid out. From then on, as one Defense Department official put it, the case for war prisoners would be aired in "the court of world opinion."

Mobilizing public support for imprisoned GIs was not a novel idea, of course. The same notion had struck Sybil Stockdale a year earlier. An articulate, self-reliant blonde with four sons and an insuperable spirit, she was simply not cut out to passively sit around and hope for the best.

At a House Foreign Affairs Committee hearing last May, Mrs. Stockdale explained frankly why she had chosen to go her own way: "After I learned that my husband was being held a prisoner in North Vietnam, I tried to determine what his rights were as the captive of a foreign government. I was counseled by the U.S. Government that it was in my husband's best interests for me to remain quiet about the fact that he was a prisoner. I have never been able to determine the rationale for this policy. . . ."

She never paid much attention to it either. In 1967 she tried vainly to get somebody to bring the subject before Congress. Then she and 33 other wives in the San Diego area formed an organization to seek ways to help their missing husbands. By 1968, she was convinced that the best way was "letting the world know the truth about the rights of our husbands and sons as captives of a foreign government signatory to the Geneva Convention, and North Vietnam's total violation of its most basic tenets."

That's what Sybil Stockdale has been doing ever since. About the time the Defense Department was weighing the risks of a more aggressive POW policy, she was corresponding with other families about a matter of mutual concern: Since September 1968 the flow of mail from prison camps, which had been a sporadic dribble at best, had dwindled to nothing. Mrs. Stockdale's mail campaign instigated a deluge of telegrams to the North Vietnamese delegation in Paris, pleading for news of missing loved ones. By April 1969, the month before Mr. Laird's press conference, skimpy notes from prisoners were trickling in again.

Other local groups of POW families began sprouting up around the country. More and more women who had long concealed their strained emotions began making speeches, talking up the POW problem on radio and television, promoting write-Hanoi campaigns, and badgering Capitol Hill for more action.

Out of all this activity grew the National League of Families of American Prisoners and Missing in Southeast Asia, which opened a Washington headquarters in June in offices donated by the Reserve Officers Association, across from the U.S. Capitol. Mrs. Stockdale is chairman of the board. Iris Powers, the ebullient mother of a missing Army helicopter pilot, moved up from Florida to become the full-time national co-ordinator. The league, which has about 3,000 members, dispenses POW information, prods lawmakers and Government officials, maintains a communication network linging families of missing GIs, and is forming a speakers' bureau. Vice President Agnew donated $12,500 to the league from royalties he received from two companies producing watches and T-shirts bearing his caricature.

After years of waiting for diplomats to do something, the women were finally taking matters in their own hands.

Their Eurasian invasion began a year ago. Wives, kids, and parents of missing men began trooping to the North Vietnamese and National Liberation Front (Viet Cong) missions in Paris. Some were received cordially but coolly; other were harangued about U.S. "war crimes" and derided as dupes or agents of the U.S. Government. Many others have besieged Communist diplomats with letters, phone calls, and telegrams.

Last Christmas eve, Texas millionaire H. Ross Perot flew 58 wives and 94 children to Paris in a chartered jetliner.

Two comely young Air Force wives from Dallas were among the first to be received by the North Vietnamese in Paris. The memories of the encounter, shared in a recent get-together at Barbara "Bonnie" Singleton's suburban home, are bitter.

"I'm very emotional," acknowledged Joy Jeffrey, who did not know whether she was a wife or a widow at the time of the meeting. "When I saw the bitterness in their faces, I was terrified for my husband." Last May she received her first letter from Capt. Rob-

ert Jeffrey since Dec. 22, 1965, two days after his jet was blasted out of the sky on his third day in Vietnam.

Mrs. Singleton, whose husband's rescue helicopter crashed on his second mission, a few weeks before Bob Jeffrey went down, remembered that her hosts kept referring to the POW question as a "small matter." The visitors were advised to go back home, "gather the masses, and demand that all Americans leave Vietnam," she said. "They gave us the name and address of a man they were sure we had never heard of, and told us to contact him: Rennie Davis." (Mr. Davis, a Chicago Seven defendant and a major figure in the antiwar movement in this country, had helped arrange the release of three U.S. soldiers by the Viet Cong in 1967.)

Other wives have become unofficial globetrotting ambassadors in the widening campaign to galvanize public sentiment. Last December, Mrs. Stephen P. Hanson, Mrs. Roosevelt Hestle, Jr., Mrs. John K. Hardy, Jr., and Mrs. Arthur S. Mearns traveled some 30,000 miles seeking support from other nations. They were rudely rebuffed in Moscow. They learned in the Middle East that Israel and Arab nations promptly exchange prisoners, POW information, and sometimes even the bodies of those who die in captivity. In Vientiane, Laos, they were disheartened to learn that mail sent to GIs believed to be held in Laos was crammed in shoe boxes collecting dust in the rundown villa of the Communist Pathet Lao representative.

It remains to be seen what the women's campaign is accomplishing. Ross Perot, who has vowed to spend whatever it takes to get the men released, is convinced that the mounting public pressure is making an impact on Hanoi. "As a nation, the North Vietnamese have an inferiority complex," he told congressmen in May. "If you really pressure them on the issue, they will react. When I first began talking to North Vietnam, everybody told me to be polite. I was, and nothing happened. Finally, I told them, 'You are nothing but animals.' At that point, we started talking business, because they wanted to assure me that they were really humane people, a first-class nation, and they wouldn't mistreat these men. Making the treatment of our men a visible issue in the United States will bring the North Vietnamese to their knees."

Harsh reality indicates Mr. Perot is overly optimistic. The National Liberation Front repeatedly has insisted that the POW question can be resolved only as part of a detailed program it has proposed to end the war—with a total withdrawal of U.S. troops. Government officials theorize that the Communists plan to use the POW issue as their trump card when the diplomatic dealing reaches a climax.

Even so, the Communists' obduracy on some prisoner matters has softened a bit since the Government, and the women went public before Secretary Laird's May 1969 declaration, 638 letters had been received from 103 prisoners. At last count, 324 captives had been heard from.

The mail increase is largely due to an agreement worked out between Hanoi and an American antiwar group last December. This resulted in the establishment of the Committee of Liaison With Families of Servicemen Detained in North Vietnam, headed by Cora Weis, the wife of a New York City lawyer and a women's-liberation activist.

Mail regulations have been established too. Theoretically at least, each prisoner in North Vietnam is permitted to receive, and to write, one letter a month, and to receive one package of no more than six pounds every other month. Each message must be written on small notepaper with six lines.

Depending upon a "peacenik" group for the only mail delivery out of North Vietnamese prison camps is, to say the least, distasteful to many families. The Government is not happy with the arrangement either. But for the time being, the committee is the only mail channel available.

The Committee of Liaison released a list of 335 names that, Mrs. Weiss says, was verified by North Vietnam as the full roster of Americans it was holding last winter. The Defense Department insists it is not a complete list.

In fact, there is no way of knowing how many GIs are in the hands of Communist forces in Indochina. An official list of captives has never been provided by North Vietnam, the Viet Cong, or the Pathet Lao. The Defense Department tally is 1,576 missing or captured; some 400 men have been on the list more than four years. The department has reason to believe that 457 of the men are prisoners, 376 of them in North Vietnam. The other 1,119 are carried as MIA. The Government POW figures have been compiled from prisoners identified in propaganda material dispensed by Hanoi, letters from prison camps, and reports from men who have been released or escaped. Fourteen known prisoners, for instance, were recognized in a propaganda film of a POW Christmas service that was given to Rep. Roger Zion by North Vietnamese representatives in Paris last month. Among the filmed group was Navy Lt. Everett Alvarez, who has been a war prisoner longer than any American serviceman in history—more than six years.

Almost all of those known to be immured in North Vietnam are Navy and Air Force fliers. In contrast, little is known about the 796 men—most of them Marines and soldiers—who have been swallowed up by the jungles of South Vietnam and Laos. Only one letter has ever been received from anybody held in a VC prison camp.

Several GIs who got out have told about them, however. The best authority is Army Maj. James N. Rowe, who escaped in December 1968 after five years and two months of confinement in a jungle camp deep in the U Minh forest. He has related an incredible chronicle of near-starvation, frequent beatings, and almost unbearable loneliness. He spent most of his time in a cage about four feet wide, six feet long, and four feet high. At night leg irons were clamped on him. Other prisoners were kept in similar huts arranged in a semicircle around a central guard post, but they were forbidden to communicate with each other.

Prisoners in the north are held in less primitive circumstances, but their ordeal has its own peculiar brands of mental torture. These have been described by nine Americans who have been released by North Vietnamese, six in 1968 and three last summer. Each group was handed over to representatives of the American antiwar movement.

Far from these Asian pestholes where men waste away or survive on faith and memories, their women suffer, too, in different ways. The wife who's certain her husband is a prisoner has no way of knowing how long he will be gone. Will the children be grown up the next time he sees them?

Worse than her situation is the legal limbo enveloping the wives of men on the MIA list, such as Sharon White of St. Petersburg, Fla. Almost three years after Lt. Col. Edward White II died with two other astronauts inside an Apollo space capsule at Cape Kennedy, his kid brother, James, was shot down over Laos. Air Force Captain White—whose ambition had been to become the family's second astronaut—dropped out of sight in November 1969, and hasn't been heard from since. Yet Sharon White has not given up hope. Every month she writes four letters to her husband on the standard little six-line sheets, and mails each to a different place: the Pathet Lao representatives in Hanoi and Vientiane, and Laotian and American Red Cross headquarters. They are never answered.

"Even though it seems impossible," Mrs. White says, "I feel that somehow Jim will walk out of that jungle and someday knock on the door."

The troubles that beset POW families are more emotional than material. Most of the wives, being dependents of officers, are well provided for. An Air Force captain's salary, housing allotment, and flight and combat pay, for instance, add up to nearly $1,100 a month, and much of that is nontaxable. Men in captivity are usually promoted as soon as they are eligible (James Rowe was a first lieutenant when captured, a major when he escaped). Congress recently authorized an appropriation to compensate, at the rate of $5 per day, captured U.S. servicemen detained under conditions contrary to the Geneva Convention.

Dependents of missing enlisted men, most of whom have been killed or captured by the Viet Cong in South Vietnam, get along on substantially less than officers' families do. But all of them are entitled to free Government services, such as medical treatment and legal assistance, and they may live rent-free in some military bases if they choose. Moreover, casualty officers are always available to assist the families in every way imaginable, from helping a wife without a power of attorney sell or trade the family car, to taking a fatherless boy to a baseball game.

As always, the military services take care of their own. But what about the wife—or presumed widow—who has waited long enough, and wants to begin a new life?

HUNDREDS ARE PROBABLY DEAD

The tragic fact is that hundreds of the missing men are probably dead. One Government official working on the POW quandary says a "conservative estimate" would be that 500 of the 1,576 missing men are alive. Yet no missing man may be declared dead until after all prisoners have been repatriated and a thorough investigation made into the circumstances of his disappearance (389 MIA servicemen in the Korean War have never been accounted for).

For the woman who wants to remarry, military and Government officials can do nothing but counsel further patience. Therefore, some wives, depleted of patience, have turned their backs on the system and propriety. Nobody knows how many wives of missing GIs have remarried; one Defense Department officer says he knows of 10. Some went to Mexico for quick divorces; others simply classified themselves as widows on the marriage application, or filed affidavits stating that they believed their husbands to be dead.

A lot of other wives are at the end of their patience, too, but for different reasons. They cannot understand why the Government doesn't adopt stronger measures to get their men back.

Proclaimed Mrs. F. Harold Kushner at the House Foreign Affairs Committee hearing last spring: "I am tired of traveling, and I am tired of publicly baring my private anguish. And I am most tired of Presidential platitudes and congressional convocations. They no longer reassure me, and they have never brought any relief to the men involved."

She recommended, among other things, that no more troops be withdrawn from Vietnam until prisoners are released. Others have urged President Nixon to exert economic pressure to get friendly nations to stop doing business with North Vietnam until it agrees to abide by the Geneva Convention.

"If we are not going after a military victory," declares Louise M. Mulligan, "then our men should not have to spend another day over there. We don't want more letters—we want our men released, now!"

A STUDY OF RIOTS

Mr. McCLELLAN. Mr. President, in 1965, Eugene Methvin's article entitled "How the Reds Make a Riot," published in the Reader's Digest, won for the Digest

the coveted award for "public service in magazine journalism," given annually by Sigma Delta Chi. Mr. Methvin has now turned his award-winning article into a full-scale book-length study of riots.

I cannot, of course, say that I agree with each and every suggestion offered or viewpoint expressed by Mr. Methvin, but I can suggest that we who have responsibility in our governmental processes should become familiar with his work.

I therefore ask unanimous consent that a two-part study based on Mr. Methvin's book appearing in the Sunday News of July 22, 1970, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE RIOT MAKERS

"In July, 1964, New York's Harlem exploded into a fiery riot, and in quick succession six other cities erupted. In the next three summers 105 major urban riots in almost as many cities occurred. Then, in April, 1968, in the 10 days following Dr. Martin Luther King's assassination, 125 cities erupted at once. Federal troops had to be sent into Washington, Baltimore and Chicago. In the nation's capital smoke from the flaming blocks blotted out the Capitol dome in broad daylight . . .

"The riot era had come home to America."

—From "The Riot Makers," By Eugene H. Methvin.

(By Henry Lee)

In "The Riot Makers," a massive, 538-page book published by Arlington House, Eugene H. Methvin, a respected journalist and editor, explores some of the causes behind the holocausts. Not the amply-treated socio-economic causes, but his own controversial thesis about "the planned climatizing and incitement and even staging of civil commotion."

"There is in our day such a phenomenon: a systematic technology of subversion, hate propaganda and social demolition," he warns.

True, Methvin readily acknowledges, there are "the failures of generations long past" and the failures more recently of bureaucracy and succeeding leaders of both parties to foresee the shattering impact of the Tractor Revolution "and write agricultural and job training programs and antidiscrimination laws to correct the horrendous human dislocations it entailed."

You also can't get away from the fact that the riots erupted *"because there were those who wanted them to come about, who worked to bring them about and who did everything in their power to cause them."* (Methvin's italics.)

For example, just weeks before the four-day Newark riot of July, 1967, which killed 23 and did $15 million property damage, Gregory Calvert, national secretary of the Students for a Democratic Society, boasted to a reporter:

"We are working to build a guerilla force in an urban environment. We are actively organizing sedition."

This once at least, SDS was speaking the truth. Tom Hayden, its chief hot-head, and ghetto with their trouble-making front, "Newark Community Union Project," and as a pre-conditioner to riot, Methvin writes:

"Always there was the pervading theme of self-righteous hate and the systematic dehumanization of the chosen hate targets, representing 'The Establishment.'"

SDS cannot claim exclusive credit, of course, for this urban tragedy, but its expertise was an important factor. As a classic example of its work, take the siege of the Oakland Induction Center the following month, Methvin citing an analysis of the operation later in the SDS–SNCC newspaper, *The Movement*, writes:

"Jeff Segal, the Chicago headquarters representative, reported how the SDS organizers planned paramilitary action, complete with mobile walkie-talkie leadership teams and, operating with a screen of some 10,000 anti-draft demonstrators, seized 22 blocks in downtown Oakland, erected barricades and fought pitched battles with police.

"'We experimented with tactics that involved direct conflicts with the duly constituted forces of the law—cops. It was not guerrilla warfare or armed insurrection, but carried all the seeds for all the elements we will need when, indeed, our time does come,'" Segal wrote.

Modern industrial societies demand mobility from their labor force which frequently stretches and breaks the ties of family and community. Methvin observes. Thus, these societies spew up "political psychopaths filled fith free-floating frustration and hate."

"Perhaps significantly, Tom Hayden is the product of a divorce-broken home," he points out. "He lived with his mother alone from adolescence and in high school was a behavior problem for his teachers."

Methvin traces the roots of "mass manipulation" back to the 18th century. He calls the end product "of 175 years of cultural-technological evolution" in this mob-rousing science "the Leninoid, the graduate engineer in social demolition." He writes warningly:

"By the hundreds these Leninoids are crisscrossing America and colinizing in every major city, a whole army of Typhoid Marys attacking the very fabric of constitutional democracy and spreading an epidemic of apocalyptic expectations among the nation's youth.

"By no means all these people are members of the world Communist conspiracy, so-called, who report nightly to the Kremlin or Havana or Peking via secret radio. It's not that simple any more, if it ever was . . . Today we have a whole array of people who use techniques of Lenin without his ideology.

"They are a new breed of mass media men: conflict managers, professionals in hate propaganda and organization, hidden persuaders, image breakers and climate makers."

Methvin identifies some as ex-Communists "who shed their ideology but not their technical training," some as "just on-the-job trainees" working "with well-coached young Communist professionals like Bettina Aptheker." Some, like Stokely Carmichael and Lee Harvey Oswald, studied Marx on their own.

Among them are opportunists and "compulsive revolutionaries" who "purge their unresolved compulsions, frustrations and deep complexes," for whom any symbol of authority "from the President to the cop on the corner is a convenient lightning rod." There are also the "modern-day nihilists" who hope "to see some sort of Armageddon send our world up in flames" and "the philosopher-thugs" who "enjoy disorder and violence because these are signs of the approaching Kingdom Come, and they recite Socrates, Thoreau, Marx and Mao to justify their maraudings."

Sterling Tucker, director of the Urban League in Washington, has recently warned that "the tools of protest and demonstration are being prostituted and otherwise frighteningly, dangerously misused in a growing degree." Tucker deplores amateurs who use these techniques "not as tools, but as a lethal weapon, buck-shooting everywhere aiming at no specific target, just shooting wildly hoping that some of these shots will hit some mark.

"Others are using these important tools of change as therapeutic devices to release their anger and hostility against undefinable society; a non-specific 'they.' Just as all Negroes were once the 'they' of too large a segment of the white community, 'whitey' has become the 'they' of a growing element of the Negro community.

"Then there are those who use the once-nearly-sacred tools of protest and demonstration for purely personal gain, for their own recognition and self-aggrandizement. Such people are the most dangerous of all. For their actions are skillfully but maliciously calculated."

Trouble-making has become such a major occupation, as well as preoccupation. Methvin notes, that SDS is developing professional revolutionaries "who can work at the job of disruption full time, supporting themselves in the process.

"SDS headquarters distributes a catalog of 'Vocations for Radicals' listing scores of leftist operations offering jobs, including even radical community action agencies financed by the federal Office of Economic Opportunity.

"The ultimate aim is to have hundreds of nonprofit enterprises—bookstores, newspapers, record shops, radio stations, poster manufacturers, print-shops and sales outlets—in dozens of communities, supporting two or three people each in full-time propaganda and organizational warfare, climatizing America for disruption."

Last summer, a few experiments were conducted on infiltration of industrial plants through seasonal jobs with the hope of later developing a student-worker alliance. "Detailed instructions were given for faking character references and concealing the fact that the applicant was a college student," Methvin reports.

The Leninoids have also learned to stage-manage what Methvin calls "media-produced riots." He charges that "through moderate amounts of stimulation, using press, radio and television, they can instigate massings of pathotypes and vast upheavals." He cites a lunch-time sit-in by a couple of dozen militants at Berkeley in October, 1964. The coverage by TV cameramen, on hand in advance, "drew an estimated 5,000 people by sundown."

In addition, there's the radical-hippie "movement media," its backbone consisting of about 200 "underground" newspapers with an estimated circulation of more than one million. Methvin reports:

"Obviously many underground publishers are simple entrepreneurs profiteering on 'flower power,' bohemianism and just plain smut. Others are campus radical dropouts, true believers, preaching the apocalyptic-messianic SDS doctrine that American society is hopelessly corrupt, dominated by a few imperialistic 'exploiters' and ripe for revolution and Utopia.

"Police are conveniently referred to as 'fascist pigs' or 'psycopaths in blue.' Cartoons feature college presidents and other public figures [before his retirement, a favorite hate target was President Johnson] wearing swastikas; and classified ads commonly solicit partners for all sorts of sex activity."

Though now faction-split, the Liberation News Service sent the first alert to the "movement media" that the Democratic National Convention in Chicago was to be a target of disruption—and the announcement went out seven months before the disorders.

"Obviously, in the eyes of the radical practitioners themselves, *the movement media are not simply communications media in the journalistic sense," Methvin stresses. "They are command and control channels of insurrectional operations."* (Methvin's italics.)

In digging into the many causes behind the disorders wracking America, Methvin has

pinpointed some dozen different types of individuals who help cause riots and keep them going.

In this rogues' gallery, he includes "climate makers," young rowdies and criminals, "sandbox revolutionaries," rumor spreaders, terrorists and haters. But also implicated are the "igniters" who spark the budding trouble, vacillating civil authorities and paralyzed law enforcement authorities. Riots aren't necessarily spontaneous outbreaks, he has found.

Take the "climate makers." They are "career protesters and extremists," the people who tramp the nation with stock lists of "grievances and demands"—thus "supercharging the climate with revolutionary rhetoric."

There's Rap Brown, of the Student Non-Violent Coordinating Committee, urging "You gotta stop looting and start shooting." And Stokely Carmichael telling a Harlem audience at a SNCC fund-raising dinner, "We have to move from Molotov cocktails to dynamite."

"I'm for splitting up in twos and threes, killing the mayor, getting the utilities and poisoning the goddamn water," cried San Jose State Prof. Harry Edwards, organizer of the Negro boycott of the Olympic games.

And there was right-wing, white race supremacist Connie Lynch haranguing audiences nightly in Baltimore's Patterson Park. The result? Totally predictable. White teenagers raced through the streets to beat up Negro pedestrians and stone motorists.

Once the climate of hate is established, enter a new element:

"Teenage hoodlums and habitual criminals with long records of tangling with the law are the cutting edge of every riot," Methvin has ascertained. "A whooping 53% of the 10,771 arrestees in the 1967 summer disorders in 16 cities were under 25."

Toledo Police Chief Tony Bosh found "a very small minority of the minority group" responsible in his city's three-day eruption. Of 126 adult rioters jailed, 105 had records averaging six arrests each. Every one of the 22 young adults jailed in the first three hours had records. They averaged only 20 years old—and had three prior arrests.

"Virtually every one of the 200-odd Watts riot firebugs the arson bureau identified had prior felony records stretching back into their early teens," Methvin adds.

The "igniter" may be a drunk, a reckless driver, a fleeing thief, with politics the last thing on his mind. Then, again, he may be a provocateur.

And, always lurking in the ghetto to translate simple trouble into escalating violence are the "sandbox revolutionaries," as Methvin calls them, "a whole new generation of radicals [that] has adopted the Leninist methodology."

In July, 1966, after a white bartender in the Cleveland ghetto had ejected an unruly Negro patron, a four-day riot killed four and required a call-out of 2,000 National Guardsmen to restore peace. How had the trouble flared up so quickly and burned so long?

An investigating grand jury, which listened to 40 witnesses, found that the Revolutionary Action Movement and Deacons for Defense had been indoctrinating youth "to focus their hatreds." When the trouble came, the jury reported, the riot advance guard "were in the main young people obviously assigned, trained and disciplined in the roles they were to play."

Another incendiary device is the rumormonger. "No riot ever occurs without the aid of rumor," Harvard's Gordon Allport, a social psychologist, has written. Methvin further explains: "Wedge-driving rumors enable one group to justify violent attacks on another by depicting their victims as inhuman beasts."

Here is a case history, as a Senate investigation revealed, of how rumor—false rumor—triggered long-planned violence.

A "Leninoid nucleus" of about 35, calling themselves "Friends of SNCC," tried with indifferent success for several months to stir up the predominantly Negro campus of Texas Southern University in Houston in May of 1967. Cries of "police brutality" and similar off-campus slogans yielded few results.

Then the national president of the Communist Party's DuBois Clubs moved into a YMCA a block from the campus and held nightly meetings with the militants. They hit on such campus issues as coed dress regulations, dormitory hours and the like.

"It was then that the activities and issues began to pick up momentum," Dr. James B. Jones, dean of students and a psychology professor, later testified.

"Incidents became more serious, profane, hate-advocating and generally disruptive. We would come on campus in the morning to find the campus flooded with mimeographed leaflets with certain demands which had never been made to the administration.

The militants organized a class boycott and a SNCC organizer knocked down a woman English teacher who tried to enter her classroom. They protested "bad food," raiding the campus cafeteria and knocking the trays of dining room students onto the floor.

"After a month of this, then they were able to mobilize students for off-campus issues; on the fatal day, there was a mass picketing of a garbage dump adjoining a Negro neighborhood," Methvin reports.

"That night, moments before the rioting began, the agitators harangued a campus protest rally with, 'They have shot a 5-year-old Negro child! What are we going to do about it?' Actually, that afternoon, one white youngster playing with a pistol accidentally wounded another, also white."

No matter, the riot was on. And, sadly, Texas Southern chalked up the first riot death of the 1967 season that was to record 84 fatalities, not to mention half a billion dollars in property damage across the country.

Once the malcontents have fanned the flames, curious, loot-hungry crowds, weak in moral fiber perhaps but not essentially vicious, join in. But, as Methvin points out, "by their very presence, [they] distract the police from the violent few."

Many of them are simple victims of mob hysteria. In Detroit, the riot researcher reports, a matron stood for 10 minutes in a supermarket doorway yelling: "Don't do that!" at youngsters who were looting—"and then she started grabbing booty herself."

"In both Watts and Detroit," he adds, "hundreds swept up in the psychological epidemic later phoned police to return booty to the rightful owners. A typical report: 'There's a color television set on my front porch and I have no idea how it got there!'"

Of course, the kooks, criminals and political wild-eyes could not capitalize on riots if there were not deep-seated, legitimate grievances.

The Tractor Revolution, which slashed labor needs, uprooted Negroes by the hundreds of thousands, Methvin records: "The compression of an estimated 12 million Negroes of rural background into the cities after 1940 was one of the most wrenching cultural changes and mass migrations in human history."

As a result, in 1964-65, almost a fifth of Newark's male Negroes had sunk into "anomie," according to research by the Rutgers Center for Urban Studies. In this state, individuals are disorganized, frustrated, bitter, and seek desired ends by spastic, pointless acts, rather than by planning and rational action.

"These Newark men were totally unorganized, unattached, amoral and alienated," Methvin notes. "They 'reject all forms of culturally-sanctioned, remedial agencies, including political parties, Negro action groups, legal personnel and state agencies.' Instead they had substituted a desire to 'fight back' or a belief that 'the situation is hopeless.' In short, declared sociologist Leonard Zeitz, they hated everything."

Very much along the same lines, there was a crime-delinquency study in Los Angeles just before the Watts riot—after which the scientists discovered the study "had delineated the riot zone block by block."

"By five menacing indicators of social disorganization it stood out like a fierce, flaming prophecy," Methvin writes.

These indicators were low family income, Negro population concentrations above three-fourths, population density above 10,000 per square mile, an extreme school dropout rate and a high arrest rate for both juvenile and adults.

"From the wild Irish slums of the 19th century to the riot-torn Negro slums of today," says Daniel P. Moynihan, urban affairs aid to President Nixon, "a community that allows large numbers of young men to grow up in broken families, dominated by women, never acquiring any rational hopes for the future, asks for and gets chaos. Crime, violence and disorder are not only to be expected. They are very near to inevitable. And they are richly deserved."

But most surprising—and heartening—is that despite the deplorable conditions on which the riot-makers make bloody capital, the law-abiding citizens remain well in the majority.

A Detroit Free Press-Urban League survey showed that even among those abroad during the riot, the counter-rioters actively working against violence outnumbered the participants by almost half. In general, they were more mature, better educated, had higher incomes.

"They failed because police did not back them up in the early stages by forcefully removing the violent few hoodlums and thus deterring the more timid looters who followed in their wake." Methvin charges. "Time and again on 12th Street, young toughs yelled down counter-rioters and imposed their reign of terror."

Nonetheless, from the very first hour, Negro citizens phoned the Detroit police to report stolen goods, caches of guns and firebombs and looting outbreaks. They volunteered personal services, and homeowners toting shotguns warned they would shoot anyone stoning the firemen.

"Both the Watts and Detroit surveys showed that a solid majority of riot area residents stayed home," Methvin discloses. "There simply was no basic and widespread breakdown of respect for law and order. Indeed, quite the opposite. An overwhelming 81% of Detroit's nonrioters thought police should have been tougher from the start, and *even those who admitted some riot activity [mostly looting] thought so too—by a 60% majority!* (Methvin's italics.)

"Clearly, the riot was a temporary reign of terror by a violent few who pushed into dominance because of police inaction. And the ghetto community's response—even a majority of those who joined the 'carnival'—was an urgent plea to civil authorities:

"Please, don't let it happen again!"

THE RIOT MAKERS

(By Henry Lee)

On a sultry Saturday night in August six years ago, a domestic argument in Philadelphia touched off an arrest and rioting. About an hour later, on the testimony of a Negro clergyman who lived in the neighborood, a gang of men with sledgehammers, axes and crowbars showed up to demolish store fronts along several blocks. All were strangers.

"They conducted a systematic wrecking operation, designed to provide an irresistible invitation to loot for the poor people who lived in the neighborhood," charges Eugene H. Methvin in "The Riot Makers" (Arlington House; $8.95; to be published Sept. 30), an exhaustive study of the disturbances that have been wracking America's cities.

"It worked. The looting spread so rapidly that, to avoid wholesale slaughter, the police forces withdrew entirely, sealed off several dozen blocks of the inflamed area and let the property destruction proceed unchecked until morning. The violence lasted two days, causing two deaths and 339 injuries."

Without scanting the socio-economic causes of rioting, Methvin propounds the theory that "totalitarian world changers," as he calls them, are also responsible for fomenting and prolonging the deaths, injuries and property destruction.

"Their goal is to destroy America as we know it today in the hope that they can pick up the pieces and put them together into a perfect society, just as Lenin sought to destroy Czarist Russia even at the price of cooperating with Kaiserist Germany," he writes. "They are totalitarian destroyers, demolitionists."

This dangerous new breed of troublemaker has learned from the Communists and often cooperates with them. Many, in fact, are "red diaper babies." Methvin cites a survey of New Left youngsters at 36 campuses by pollster Sam Lubell. He found 17% had a radical family upbringing.

There are also the old-line subversives, "scavengers of discontent," like the Communist Party and its recent offshoot, the Maoist Progressive Labor Party. But the majority of the riotmakers aren't Commies in the sense "of belonging to a disciplined political party that responds to foreign dictation," Methvin has found.

"They are, rather, something new under the American sun: a truly indigenous breed of American radical, and hence far more dangerous than the conventional Communist since they are harder to deal with and identify and defend against."

Methvin cites research findings in Watts, Newark and Detroit that the people who riot "do so because of a state of mind. Social scientists could find little difference between those who rioted and those who did not, in such factors as income, education and employment.

"Indeed, 80% of those arrested in Detroit had stable jobs averaging $115 a week; in Newark, three out of every four arrestees had jobs. But one outstanding difference set those who rioted apart: *They were people filled with hate, not only for 'Whitey' but for other Negroes and, seemingly, the whole world.* (Methvin's italics.)

"For from despairing they were young men who see great possibilities for 'the good life' in America and want instant millenium. They showed a disproportionately high degree of influence by the most militant hate groups such as SNCC and the Black Muslims.

"The rioters evidently marched to the drummers who are most actively advocating a radical reorganization of American society and the Negro's place in it," a UCLA analysis of Watts rioters concluded."

As "a conscious preconditioning program" the author has found, the "New Left Leninoids," as he characterizes them, uses a sort of "3-D" Rx. He quotes one authority as calling them desanctification, disruption and disengagement.

Actually, according to Methvin, desanctification is merely "the rationale for attacks on the authority of the law the economic system, of parents, elected leaders, religion. 'Desanctification' is modern nihilism the first step toward anarchy."

"In 'disruption'" he goes on, "every institution through which public authority is exercised is an open target: police, armed forces, the family, school university corporation, bank church." And "disengagement" means separating people from "the system" and its sets of values rewards and punishments.

But the "3-D" program is merely to set the mood, and the New Leftists are far too cautious to let it go at that, just hoping that riots may result. Methvin's research has disclosed that they have developed a number of sophisticated techniques for the care and feeding of disturbances.

As an example of their up-to-the-minute approach, there's their use of walkie-talkies to direct the movements of riot agitators and to message headquarters. (In the days before transistorized walkie-talkies, Methvin reports, pigeons were sometimes used, and he cites the plight of one Red riot chieftain caught with a cageful of them. "He claimed they were symbolic 'peace doves,'" the author notes dryly.)

Whatever the cause of the rioting, these techniques are employed to accelerate and prolong the trouble. From "bravadoes" to "medical teams," from "banner carriers" to "police baiters," there are some eight or nine different riot roles, Methvin finds.

The "bravadoes" act as a loose bodyguard for the internal command and, in moving processions, carry stout wooden staves "bearing placards as camouflage." There are also "shock guards," armed with blackjacks, pipes and staves, who wait in reserve or, with moving columns, march along on the sidewalk where the spectators screen them.

"Only if police attack do they jump in as reinforcements, providing a sudden blitz to divert and disrupt long enough to allow an orderly retreat," Methvin says.

The cheering sections consist of "talented and loud-mouthed agitators," while the "banner carriers" also serve the purpose of spreading the propaganda message—plus a tactical purpose. "Key agitators keep close to designated banners where messengers from the internal or external commanders can quickly find them," Methvin reports.

Squads of sign painters daub slogans on walls and buildings, where cameramen—including New Left photographers—snap them. These slogans "will show up in the news pictures around the world and endure when the uproar is over," Methvin says.

And to provide photographic "proof" of "police brutality," he charges, police horses are attacked with razor blades on the end of placard staves, jabbed in their flanks with hatpins or lighted cigarets, or given a whiff of red pepper in their noses. This makes them "rear and rush through the crowd" while the cameras click.

Have you ever seen newsreel photos of medical "volunteers" selflessly ministering to the casualties in the heat of the disorders? They may not be as neutral as they seem, for Methvin writes:

"Where a violent 'confrontation' is planned, radical planners may arrange to have on hand teams of doctors, medical students and nurses whose sympathies and willingness to cooperate is assured. In their white uniforms, with red cross armbands, and carrying stretchers, they are usually allowed to cross police lines, and are hence valuable for reconnaissance and communication.

"Moreover, afterward they can supply affidavits attesting to 'police brutality,' and most people will accept such testimony as coming from impartial medical observers, while in fact it is from secret Communist Party members or known fellow travelers."

Melodramatic as such antics may sound, the New Left "Leninoids" are capable of them—and more. Here is a case history in the radicalization of an entire neighborhood with the inevitable result—riot.

When the Progressive Labor Party Reds moved from New York to set up a West Coast base, they methodically researched census figures on San Francisco to determine the most explosive slum for their organizational deployment. On the basis of factors like racial composition, poverty, slum crowding, they chose the Mission district and organized a so-called "tenants union."

The tee-off was a sloganeering campaign "to raise the consciousness of the state as their enemy," according to Progressive Labor, the official magazine, which described the entire how-to process.

PLP organizers began knocking on doors and building up front groups with "Hate City Hall" and "Hate the Slumlords" as slogans. Housewives were prodded into a march on city hall to demand a neighborhood traffic light, Progressive Labor explained: "Such conflict with city hall must be created if the people on the street are going to learn any lesson at all."

Then PLP's organizer John Ross, won election to the federally-financed "Mission Area Anti-Poverty Board." According to Methvin, the election was staged "at a street affair hastily convened by paid 'War on Poverty' staffers," with Ross placing third among 27 candidates for eight seats as representatives-at-large. Actually, of 80,000 potential voters in the community, only 219 bothered to register—and less than half of these actually voted.

Shortly, the PLP-front "tenants union" was parading and shouting slogans like "Down with Slumlords!," "Stop Evictions!" and! "High Rents Must Go!" The union also belabored San Francisco Traffic Engineer Charles Lang over a neighborhood light and threatened "direct action at the intersection if other methods fail. . . . We'll back up traffic all the way to Oakland if necessary."

The inflammatory mood patiently established, the culmination came on Sept. 27, 1966, after a policeman shot and killed a fleeing Negro teenager. Three days of rioting erupted, and 4,000 police, state patrolmen and National Guard had to be called out.

"Maoist Ross was there to lead a teenage picket line around the National Guard armory as troops mobilized to support the police, leading them in such slogans as 'National Guard Go Home!', 'Get Out of Vietnam!', 'Get Out of the Mission District!'" Methvin reports. "Predictably, the demonstration ended in bloodshed."

The same systematic radicalization goes on among college and even high school students. Cynically, Nick Egelson, an organizer for Students for a Democratic Society, explains: "Our strategy is simple. Take a small issue and immediately raise the question of student power."

"Almost all students are getting screwed by imperialism somehow—the draft, crappy courses, high tuition, oppressive rituals and requirements, etc. . . ." adds Allan Spector, the New England regional organizer.

"Our role in these struggles should be to stand with the students, while making the point that their exploitation is not accidental, but rather is being committed by an enemy who is consciously exploiting other people and who must be fought collectively, for the liberation of all."

Methvin, attending a workshop on high school and college organizing at an SDS convention, found the proficiency of these "sandbox revolutionaries" in sloganeering for campus disruption to be "sadly amusing."

"In the high schools, raise demands to wear long hair and miniskirts, and then politicalize them," a California State College SDSer said.

"Make small demands one at a time, and when the administration tries to draw the line, BANG! You've got an issue," added a Marylander.

At Wisconsin, still another delegate reported, dormitory students were organized "around rules, and then it was easy to move them on to such issues as the university's relation to Chase Manhattan Bank." (Its endowment funds owned some stock.)

A workshop leader on high school agitation urged that the children be shown "the schools are the mechanism for holding people as slaves, 'knowledge factories.'

"Show them how America is sexually repressed by the people who have power, as a part of the working conditions to keep the workers docile. Organizers must show students how this works and help them throw off their repression.

"Why won't school medical departments dispense free birth control pills to all? Why do they regulate dress length?"

The way SDS goes about recruiting high school students is eye-opening. Methvin describes it as "a process of grabbing minds not yet formed and shaping them to fit the radical movement." Here is how a former SDSer outlined the technique to him:

"We always recruited by letting the prospect talk first to find out what his 'big thing' is so we could use it as a hook.

"One young prospect I knew, an intellectually gifted Negro athlete, quarrelled with a white basketball coach. An underground press reporter, actually an adult secret Communist Party member of our SDS chapter, 'interviewed' him and recruited him by showing how 'liberal' radicals are and how he was a victim of 'the white racist establishment.' . . .

"We would get a budding journalist involved in an 'underground newspaper,' encourage him to print defamation and obscenity and then embroil him in a 'free speech' fight with high school authorities."

Says one close observer of New Left radicals: "I have seen young people become propaganda addicts by 'mainlining' hate from the underground press. They actually get observable personality changes, just as if they were shooting heroin."

After watching two years of disruption on the San Francisco State campus, Professor John Bunzel, head of the political science department, reached a similar conclusion.

"Some students are sort of 'hooked' on riots," he reports, "and if they don't participate in a demonstration every day, they have withdrawal symptoms."

Worse, school officials have all too often let these festering situations build and build to the riot-crisis stage through their own temporizing and appeasement.

Methvin cites the atrocious SDS demonstration against then-Defense Secretary Robert McNamara at Harvard on Nov. 7, 1966, for which Dean Monro later apologized. But when reporters pressed him on punishment of the offenders, the dean huffily retorted, "I see no reason for punishing students for what was purely a political event."

"Give me a dean who calls that a political event," said cartoonist Al Capp in a neat deflation of academic pomposity, "and I'll give you a dean who'll call rape an act of love and arson an act of urban renewal."

At Cornell, Methvin points out, President James Perkins condoned a long buildup of escalating lawlessness before the final armed revolt in April, 1969. Once, he tried to appease black militant sitters-in with doughnuts and coffee—which were smashed against the wall. When the Afro-American Society demanded money for bongo drums, he got up $1,700 and sent two black leaders to New York in the university plane.

Despite such shameless appeasement, he was once physically yanked off a speakers' platform and, Methvin writes, "By spring Perkins was an object of open derision. Student militants marched around sporting sheathed knives and prudent students were afraid to stroll the campus quadrangle at night."

A special trustees' investigating committee concluded that the university's failure to enforce disciplinary procedures over a long period led to the April eruption. The committee said:

"This committee has the strong feeling that, had discipline at Cornell been enforced over the last two or three years, simply by fair but firm adherence to the disciplinary code and judicial system in force, a tragic event of the dimension of the Willard Straight incident might well have been avoided."

In all fairness to dithering college administrative officials, public officials reacted with the same tragic appeasement. Methvin makes the flat accusation:

"The civil authorities charged with maintaining the peace and good order of American society in the 1960s permitted a dangerous climate of violence to develop. They defaulted in the city halls, courtrooms, state houses, all the way up to the White House and Supreme Court, unleashing utopian extremism and simple savagery.

"From the first ghetto riot in Harlem in July, 1964, and the first campus riot at Berkeley in October 1964, the response of the Johnson administration in Washington down to those in most city halls and colleges was to repeat the liberal litany that 'we must seek to remove the causes of discontent.'

"Implicitly of explicitly, the litany always involved conceding justice and reasonableness to the perpetrators of violence—hence condoning and even encouraging their violent behavior."

Before the November, 1964, election, Methvin charges, the Johnson administration and the New York City administration of Mayor Wagner "collaborated" to prevent the police or FBI "from exposing the full role of such communists as William Epton in climatizing and contributing to the Harlem explosion."

In part, Methvin asserts, the weak response of public officials "stemmed from an obsession with achieving 'racial justice' and paroxysms of masochism over past wrongs, real and imagined.

"In part, it was the rawest kind of racial politics and political profiteering. And in part it was simple neglect. But through carelessness, witlessness and willful political design, the authorities promoted anarchy."

Take the police. "Inexperienced and undermanned for riots," they fed the fuels of chaos, Methvin found, "first by bumbling or inaction and then by overaction."

At the time of the Detroit holocaust, "from the man on the beat to Mayor Cavanagh, the authorities were petrified. News accounts of Newark and years of 'police brutality' sloganeering had arranged their minds for inaction.

"The Mayor and Police Commissioner, called at 5:10 a.m., did not go out on 12th St. They stayed in their offices, mesmerizing themselves with the myth of a monstrous mob that simply did not exist at that time."

As one sergeant later explained the paralysis to Methvin, "Each one of us was thinking if we tried to make an arrest, we might be the trigger—and go down in history like John Wilkes Booth."

But, ironically, at least one admitted looter was outraged by this collapse of the police.

"What have we *got* them for?" Methvin quotes him as exclaiming. "They *could* have stopped it. I'd have an armful of clothes or a bagful of diamonds and a cop would say, 'Having fun?' I'd say, 'Plenty,' and go on. They seemed to enjoy seeing 12th St. tore down."

Similarly, in the early stages of Philadelphia's 1964 outbreak, "riot police simply quit," and the second day word spread, "North Philly is wide open!" Vainly, the author notes, Negro community leaders tried to have the mayor enforce "law and order" and either deputize 5,000 of them as counter-rioters or summon the National Guard.

Actually, he notes, as situations worsen and communications and chains of command go awry, the police and National Guard "are frequently little more than a mob themselves." In Newark and Detroit, Guardsmen and police, "panicked by 'sniper' fire that was often shooting by other panicky lawmen," loosed volleys killing innocent persons.

What is the answer to riots and riot-makers?

Methvin offers this five-pronged attack to be mounted by men of goodwill in government and out:

Economic and social action against discontent. "We can make war on the enemy's socio-economic base, the discontent and underdevelopment that provide him with issues to exploit . . ."

Psychological action against ideology. "Through climate-making campaigns we can destroy the enemy's philosophical and psychological bases of action . . ."

Police action against cadres. "Where the subversive organization resorts to open incitement to violence, guerrilla warfare or terrorism, we can track the insurgent down and kill or capture him . . ."

Counterorganizational warfare. "We can attack the subversive organization's activities by exposing and spotlighting its deceit and violence, creating a hostile populace which in turn puts psychological pressure on the insurgents to adopt democratic methods for social changes and 'revolutionizing' society."

Preemptive organizational warfare. "We can deprive the enemy of the opportunity to exploit social stagnation and political disorganization by preempting his opportunity to recruit and mature his own organization. We can give the ambitious and discontented young men some avenue to express constructively his urge to modernize his society and to pursue his ambitions . . ."

"Certainly we cannot stop firebombing on Springfield Ave. or 12th St. by urban renewal, minimum wage laws, job training and anti-discrimination statutes," Methvin feels.

"We can stop them by preventing the congregation and coalescence of a criminal insurrection; and by arresting the early lawbreakers before the moral holiday is signaled and the drawing effect creates a tornado of anarchy."

George Washington, who'd been quite a revolutionist himself, phrased it best of all when the weak young national government was threatened in 1786 by Shay's Rebellion in Massachusetts.

"Know precisely what the insurgents aim at," the Father of His Country said. "If they have real grievances, redress them if possible; or acknowledge the justice of them and your inability to do it in the present moment.

"If they have not, employ the force of government against them at once . . . Let the reins of government then be braced and held with a steady hand, and every violation of the constitution reprehended."

The rebellion was put down.

AMERICAN TECHNOLOGICAL KNOW-HOW—THE WONDER OF THE WORLD

Mr. PERCY. Mr. President, Americans have their faults and receive criticism for them, yet we are universally admired for our technological successes. People the world over marvel at the complicated machinery and sophisticated products which we turn out. Largely responsible for our excellent reputation in technological expertise is the machine tool industry.

Appliances, cars, typewriters, planes—none of these would be available if it were not for the machine tool industry. Without highly sophisticated, precise machine tools, we could not possibly provide the

housewife with electric ovens, washing machines, refrigerators, or blenders. A trip to the moon would still be a far-fetched dream, as would our nuclear submarine fleet, which is the backbone of our defense deterrent.

Machine tools are essential to an industrialized economy. Indeed, without them, we would still be at the level which existed during the Civil War. In this industry are 500 different types of machine tools, produced by 300 machine tool companies, of which 40 are located in the State of Illinois alone. The machine tools produced by these companies mean increased productivity. Increased productivity means higher wages, higher profits, and lower prices for the consumer. Higher profits mean more jobs. It means less tedious and physically exhausting work; it helps to provide equality of working opportunities for women.

We owe a great deal to the skills, enterprise, and dedication of those in the machine tool industry. I, therefore, consider it highly appropriate to pay tribute to this industry during the week of September 20 through September 26. Congress has passed and the President has signed a joint resolution proclaiming September 20 to 26 "National Machine Tool Week." It is with great pride that I salute the machine tool industry, an exceptionally gifted and dedicated group of Americans with whom I worked closely for more than a quarter century, in peace and in war, while in industry, and that I am pleased to commend to my colleagues now in Congress.

NAACP URGED RATIFICATION OF THE GENOCIDE CONVENTION IN 1964

Mr. PROXMIRE. Mr. President, the National Association for the Advancement of Colored People, which has fought so diligently in the field of human rights for blacks in America, has long supported the Genocide Convention. In 1964, the NAACP pledged its full support to the principles embodied in the international conventions of the U.N. Meeting in Washington, they urged "all NAACP state conference, branches, youth councils and college chapters to urge their Senators to vote favorably upon the ratification of the Genocide Convention."

I hope Senators will take note of the NAACP's support for the Genocide Convention.

In this regard, I ask unanimous consent that the statement of Clarence Mitchell, director of the Washington Bureau, National Association for the Advancement of Colored People, before the Ad Hoc Subcommittee of the Committee on Foreign Relations this spring, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF CLARENCE MITCHELL

At its annual convention in Washington, D.C., June 22–27, 1964, the NAACP by resolution pledged its commitment to the principles of international conventions dealing with abolition of the slave trade, abolition of forced labor, and the political rights of women and to the Genocide Convention, and it urged Senate approval of each of these conventions.

So much of the resolution as relates to the Genocide Convention reads as follows:

"The Genocide Convention seeks to achieve international agreement prohibiting the systematic annihilation of ethnic groups throughout the world.

"The Genocide Convention was originally submitted to the United States Senate in 1949. Many nations of the world have already approved these conventions and the United States is embarrassed not to have done likewise. (The NAACP has participated with and commends other national organizations which are urging prompt action by the United States Senate.)

"We urge all NAACP state conference, branches, youth councils and college chapters to urge their Senators to vote favorably upon the ratification of . . . the Genocide Convention."

Under NAACP policy this resolution remains in effect and represents the official position of the Association on this subject.

We regret that the prompt action urged by our Association has not as yet been taken by the Senate. We join those many other organizations who have asked this Subcommittee, the full Committee and the Senate to favorably consider the Genocide Convention without further delay.

DEFICIT SPENDING AND INFLATION

Mr. ALLOTT. Mr. President, quite often we find that our constituents are not only thinking along with us, but sometimes are thinking ahead of us in their analysis of the fiscal situation and the policies which Congress seems determined to pursue.

This is especially true in the field of deficit spending and its relationship to inflation.

I am deeply indebted to a prominent businessman of Denver, Mr. H. G. Frankel, for a statement upon this situation, which sets out very explicitly the dangers of our continued overspending in this country.

I commend it to all Members of Congress and hope that it will be read and also that Congress will pay more heed to it.

I ask unanimous consent that the statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY H. G. FRANKEL

Isn't it high time that the politicians quit kidding the American public about the true cause of inflation. There is only one basic cause of inflation and that is over-spending by the federal government—spending more each year than can be collected in taxes. There is only one way to stop inflation—balance the budget either by reducing government costs or raising taxes. High interest rates—excessive price increases—and excessive labor increases are basically not the cause but the result of inflation.

Regardless of the gross national product, the dollar must go down in value in exact proportion to the amount of government deficit financing. As a result of our overspending in the past forty years, our 1930 dollar is now down to about 35¢. How much longer will it take to whittle it down to zero?

When Franklin D. Roosevelt took us off the gold standard and put us on managed currency, he intentionally aopted the policy of spending more than our actual income with the commendable aim of restoring prosperity in the middle of a serious depression. The Keynes Theory that Roosevelt followed was to over-spend in times of depression, but conversely to create a budget surplus in times of prosperity; however, this has never materialized and with the insatiable demand for more and more billions from the Pentagon—with the unlimited growth of federal bureaucracy—and with the constant growth of more and more pressure groups who are demanding more and more subsides from the federal government, government expenditures continued to soar long after the depression. Even in the years of the greatest prosperity we have known, government spending still far exceeded income. Deficit spending has become our national policy and this spending orgy has been a politician's paradise because the way to be elected and to build up a political machine is to vote for more and more spending regardless of what taxes might be imposed to cover that spending.

In the last of Johnson's administration, we actually spent 25 billion dollars more than all of the taxes collected, which, of course, is the main reason for the dollar going down and the prices going up in 1969 and 1970.

Unfortunately, fuel has been added to the fire by the huge expenditures on the Vietnam war, which from the beginning was a bad blunder; excessive wage increases way out of proportion to actual increases in productivity which have been given to organized labor because of their dominant political position; and the inefficiency and terrible waste of the Pentagon which many of our best authorities estimate is a minimum of 10 billion dollars per year. Certainly many billions of dollars per year could be slashed off the appropriations of the Pentagon and to the armed forces without detracting in the slightest from our defenses.

Once an inflation starts, it becomes almost impossible to stop it because every inflation feeds on itself and creates more and more pressure groups demanding more and more subsidies. Controls are not the answer—controls are just a temporary expedient—controls call for more controls—they breed black markets—and ultimately must destroy our free enterprise system and our present Democratic system of government.

The politicans will never take the lead in controlling or stopping inflation simply because in order to be elected they must necessarily accede to this greater demand of pressure groups—in the past forty years time these pressure groups have controlled elections and they will continue to do so until a great mass of Americans are educated to the fact that we again have to live within our means.

In order to really stop an inflation, we have to be prepared to make personal sacrifices; unfortunately we have to be prepared for temporary increases in unemployment and temporary slowing down of the economy. It is an impossibility to stop a dope habit of forty years without some withdrawal pains.

We must demand that our congressmen and senators do not vote for any expenditures no matter how commendable unless they enact taxes to pay for these expenditures. Any congressman or senator who votes for an expenditure without providing a tax to pay for same is an inflationist and if the majority of the American public are educated to vote these inflationists out of office, then it will no longer be politically profitable for our representatives in the congress and the senate to promote reckless spending. As soon as it becomes politically unprofitable for spending programs, just that soon will we be able to balance the budget and control the inflation; but not until then.

The alternative is to ultimately confiscate

the bulk of money that the people have invested in government bonds, in saving accounts, in insurance policies and pensions which in the main are the investments of the poor; ultimately it would also destroy equity values and, far more important it would mean the end of our free enterprise system and our American Democratic Government. Free enterprise and our American idea of individual liberty and individual responsibility go hand in hand and one cannot survive the other. Before the final bust up comes, government will ultimately control and in all probability own outright our basic industries and we will have a collectivized form of government instead of a government based on individual liberty—and whether we call that government a Fascist Government or a Socialist Government or a Communist Government, the American dream which produced the greatest form of government the world has yet seen, will vanish from this earth.

THE PRERELEASE PRISON PROGRAM

Mr. HOLLINGS. Mr. President, one of the most tragic blights on the American prison system is the large volume of crime committed by the repeated offender. The Justice Department tells us that four of every five felonies committed during the last decade were perpetrated by persons previously convicted of crime.

Clearly our prison system is not doing an adequate job of rehabilitating the criminal.

William D. Leeke, director of the South Carolina Department of Correction, has authorized an invaluable article detailing the efforts South Carolina has made to rehabilitate the prisoner before he returns to society. The South Carolina prerelease program has had encouraging effects. In South Carolina only 3.1 percent of the prisoners released after undergoing prerelease training have returned to the Department of Corrections. Naturally, 40 percent of the releasees later return to prison.

The prerelease program thus helps reverse the rising tide of crime, and in the process saves the public money. Director Leekes' article deserves a wide audience.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A SUCCESSFUL STRATEGY IN THE WAR AGAINST CRIME

(By William D. Leeke)

Crime is one of the most serious domestic problems confronting the American people today. It is a pervasive problem that costs the taxpayers more than $31 billion each year and threatens the property as well as the safety of everyone.

Arrest, court, and prison records furnish insistent testimony to the fact that recidivists (repeated offenders) constitute the hard core of the crime problem (President's Commission on Law Enforcement and Administration of Justice, "The Challenge of Crime in a Free Society," 1967, p. 45). Nineteen out of every 20 persons (95 percent) who are sent to prison return to society, and 40 percent of those released from confinement later return to prison (President Richard M. Nixon, November 13, 1969). The U.S. Justice Department has estimated that four of every five felonies during the last decade were committed by a person who had previously been convicted of a crime, and U.S. Attorney General John N. Mitchell has stated that: ". . . if we can achieve a substantial decrease in the rate of recidivism, we can achieve a substantial decrease in the crime rate" ("The Case for Penal Reform," Trial Magazine, Oct./Nov. 1969, pp. 14–15).

As one considers these facts, it becomes apparent that correctional institutions and their staffs must play a crucial role in the national effort to reduce the crime rate and to re-establish a respect for law and order in our society.

EFFECTIVE CORRECTION

The Nation can no longer afford the luxury of ineffective correctional systems which further isolate and alienate the offender from the society to which he must return. Crime is largely a community-based phenomenon, and the ultimate adjustment of the offender must be within the community, not within the artificial, unnatural environment of a correctional institution. It is logical, therefore, that meaningful and effective correction must provide an opportunity for the offender, under carefully controlled conditions, to demonstrate whether or not he can adjust to the community to which he plans to return upon release.

The South Carolina Department of Corrections is the State correctional system for adult offenders. The current population of the department is more than 2,600 adult offenders. Only 100 of these are females. In addition, there are approximately 2,500 adult males incarcerated in the 43 autonomous county prisons.

Several years ago, the South Carolina Department of Corrections realized that a carefully planned, well-organized, and closely supervised pre-release program was necessary if the department expected to fulfill its responsibility to the public by returning ex-offenders to the community as law-abiding, productive, taxpaying citizens. Years of frustration and failure had proven that inmates could not be prepared to successfully cope with the many problems of re-entering a free community while exposed only to carefully controlled, artificial environment completely isolated from the community. Accordingly, a pre-release center was opened in 1964; most male inmates spent their last 30 days of incarceration at this center.

Through organized pre-release classes, group discussions, individual counseling, and limited interaction with selected members of the community, concerted efforts were made to prepare the men for their return to their respective communities.

While this 30-day pre-release program did enhance the chances for successful re-entry into the community, it soon became apparent that this program was not sufficient. Men were encountering personal, social, family, and vocational problems which could neither be anticipated nor dealt with satisfactorily in a centralized, corrections-oriented program which lasted only 30 days. More extensive inmate-community interaction for a longer period of time was needed; however, enabling legislation was necessary before the pre-release program could be extended into the community.

The South Carolina Legislature responded to the request for enabling legislation by adopting Section 55–321.1 of the *South Carolina Code of Laws*. In part, this section authorized the South Carolina Board of Corrections to extend the limits of confinement of inmates into the community and to permit selected inmates to participate in paid employment or training programs in the community.

COMMUNITY-BASED CORRECTIONS

Since the enabling legislation was passed in 1966, the South Carolina Department of Corrections has successfully initiated two programs which are designed to facilitate the return of inmates to society as law-abiding, productive citizens: (1) The Work Release Program which was begun in 1966 and (2) the Accelerated Pre-Release Program which was begun in 1968. Both programs provide the individual with an opportunity to demonstrate his readiness for total release and paid employment in the community using the skills and training he has learned or improved while incarcerated. The primary distinction between the two programs is that the work release participants may spend their last 6 to 12 months in paid employment in the community while the Accelerated Pre-Release Program participants spend only their last 90 days working in the community. Both groups return to a correctional institution during nonworking hours.

A network of community-based correctional facilities called community pre-release centers is being developed in the industrial and population centers of the State to accommodate the Work Release and Accelerated Pre-Release Program participants. Each community pre-release center will have space for 50 to 60 inmates. The ultimate goal is to have a community pre-release center within a realistic commuting distance of any geographic location in the State. When this has been accomplished, an inmate can continue his pre-release employment after he has returned home upon his release. Three community pre-release centers have been opened to date and a fourth is under construction. Since the State is geographically small, only seven or eight community pre-release centers will be necessary.

OBJECTIVES OF PROGRAMS

The primary objectives of community pre-release programs in South Carolina are as follows:

1. *The Protection of Society*—The law requires that an individual who has been incarcerated as the result of a crime must be released at the end of the specified sentence whether or not he has demonstrated his readiness for release. Most States provide methods whereby the inmate can reduce his sentence substantially. In South Carolina through a combination of methods—good behavior, 7-day work credits, and credits for the donation of blood (limited to 60 days—12 days for each of five pints—during a 12-month period)—an inmate can reduce his sentence by approximately one-third. Time off the original sentence, which is commonly referred to by inmates as "good time," can be withdrawn by the director of the South Carolina Department of Corrections if there is just cause. Inmates enter the community pre-release programs on the basis of their "good time" release date; consequently, if they are unable to adjust to the partial release provided through these programs, all or a portion of their "good time" can be revoked. When this occurs, the inmate is returned to incarceration without the costly and time-consuming necessity of arrest and judicial action. To date, 585 inmates have entered the community pre-release centers; of this number 111 (18.9 percent) have been dismissed and returned to other correctional institutions for further adjustment and incarceration.

This is obviously a sound procedure by which society, to a degree can be protected from inmates who are likely to return to criminal activities.

2. *Aid to Law Enforcement*—Before the days of community pre-release centers in South Carolina, an inmate was released at the expiration of his original sentence minus any accumulated "good time." He was provided a one-way ticket home and one suit of "suitable clothing." A notification of release was mailed to the appropriate law enforcement official; however, this official did not know when the ex-inmate would arrive, where or if he would be working, or where he would reside. These circumstances no longer exist for individuals being released through community pre-release centers. The law enforcement officials know when he will arrive, where he will be staying prior to and after release, and where he will be working.

Law enforcement officers visit the com-

munity pre-release centers on both a formal and an informal basis. They teach pre-release classes and interact with pre-release participants in small groups or individually. Through their interactions, the inmates learn to respect the law as well as law enforcement officers. Also, it should be mentioned that the South Carolina Department of Corrections has employed a number of former law enforcement officers as members of staffs at community pre-release centers.

3. *Crime Prevention*—As it was pointed out earlier, recidivists comprise the hard core of the criminal population in the United States. The South Carolina Department of Corrections is making every effort to reduce recidivism for adult offenders in South Carolina and, thus, to reduce the crime rate for the State. Table I shows preliminary recidivism data for the 30-day pre-release, accelerated pre-release, and work release programs.

TABLE I.—SOUTH CAROLINA DEPARTMENT OF CORRECTIONS' RECIDIVISM DATA[1]

30-day prerelease program[2]			90-day accelerated prerelease program[3]			6-month to 1-year work release program[4]		
	Returned to SCDC			Returned to SCDC			Returned to SCDC	
Number released	Number	Percent	Number released	Number	Percent	Number released	Number	Percent
3,243	466	14.4	213	10	4.7	137	1	0.7

[1] The above rates include only persons who were released from and returned to the South Carolina Department of Corrections. The number, if any, who returned to prison at the county level or in another State is not known.
[2] Nov. 1, 1964 to Aug. 1, 1969.
[3] Jan. 1, 1968 to Aug. 1, 1969.
[4] Jan. 1, 1968 to Aug. 1, 1969.

Preliminary analysis of the effectiveness of the community pre-release programs is most encouraging. Data in Table I show an inverse relationship between the length of the transitional period between the prison environment and the free world and the rate of recidivism. The recidivism rate increased as the length of the transitional period decreased. While only one of the 137 men who participated in the work release program returned to the South Carolina Department of Corrections, 466 of the 3,243 who participated in the 30-day pre-release program returned to the South Carolina Department of Corrections.

If the above conclusion regarding the relationship between the length of the transitional period and the recidivism rate is valid, it can only be concluded that the community pre-release programs are effective in reducing recidivism.

4. *Financial Savings to Taxpayers*—The community pre-release centers have not been in operation long enough to conclusively establish their effectiveness as a means of preventing recidivism; however, there is conclusive evidence to establish the economic justification of community pre-release programs. Table II reflects the salaries earned and taxes paid by participants in these programs.

Historically, the total cost of the incarceration of offenders has been borne by the taxpayers. At the present time, the per capita inmate cost to the South Carolina taxpayers for operating the South Carolina Department of Corrections is $1,641 per year; therefore, the cost of incarcerating 60 persons in the South Carolina Department of Corrections is $98,460 per year.

SAVINGS TO TAXPAYERS

Participants in the community pre-release programs are gainfully employed in the community, and they earn the standard civilian wages. Consequently, they are each required to pay $3.50 a day to the South Carolina Department of Corrections for room, board, and transportation. One man would, therefore, pay $1,277.50 a year to the South Carolina Department of Corrections for the privilege of participating in the community pre-release program. This represents a net savings to the taxpayers of $1,277.50 (77.8 percent) for each participant in the program. In addition to saving the taxpayers almost 80 percent of their imprisonment, residents of the community pre-release centers pay taxes—local, State, and Federal—as well as contribute to the support of their families.

CONCLUSION

Community pre-release programs and other forms of graduated release are still in the experimental stages of development. Numerous studies have been conducted in other States to ascertain their effectiveness in reducing recidivism, and the results of existing studies are not very encouraging ("Graduated Release," *Information Review on Crime and Delinquency*, December 1969). The results of previous studies are not conclusive; and, of course, the effectiveness of the pre-release programs in South Carolina cannot be determined on the basis of studies in another State. Preliminary statistics in South Carolina are most encouraging in that only 3.1 percent of the 350 persons who had been released through the combined pre-release and work release programs (shown in Table I) have returned to the South Carolina Department of Corrections. The department is engaged in a continual evaluation of the pre-release programs, and the South Eastern Correctional and Criminological Research Center at Florida State University is also researching the effectiveness of the program.

A major factor in the success of the pre-release programs in South Carolina has been the extensive community involvement in the planning and operation of the pre-release centers. The future success of the South Carolina Department of Corrections in its efforts to combat crime through the community pre-release programs will be dependent upon the continued cooperation and support of local law enforcement officials, business and industrial leaders, civic, social, and religious organizations, and private citizens. The South Carolina Department of Corrections is optimistic that this support will continue and that the community pre-release programs will remain an effective front in the war against crime in South Carolina.

TABLE II.—CUMULATIVE EARNINGS, TAXES PAID, AND OTHER DISBURSEMENTS FOR COMMUNITY PRERELEASE CENTERS OPERATED BY SCDC

	Totals for month	Totals since inception
Total men in program, Feb 28, 1970	86	
Admitted	29	585
Dismissed	5	111
Released	15	295
Paroled	4	99
Total loss	24	505
Total men in program, Mar 31, 1970	91	
Fiscal report:		
Total salaries paid	$30,945.08	$1,157,686.09
Average weekly salary	90.00	
Amount disbursed to dependents	4,670.35	191,088.57
Amount disbursed to inmates	9,400.39	185,505.76
Amount on hand	20,987.04	
State and Federal income:		
Department of corrections	9,474.50	246,852.39
S.C. State tax	489.78	13,906.30
Federal income tax	3,564.98	105,261.83
Social security	1,280.88	37,995.12
Miscellaneous deductions	73.33	4,791,06

RETIREMENT OF JOHN S. FORSYTHE

Mr. PROUTY. Mr. President, on Friday the 11th of September, John S. Forsythe, the general counsel of the Labor and Public Welfare Committee retired from Federal service. A reception in his honor was attended by over 300 of Jack's friends. Secretary of Health, Education, and Welfare Elliot Richardson joined several Senators in a personal tribute to Jack. I was sorry I was unable to attend for I would like to have said to Jack: "Thank you for a job well done."

As I look back over my 11 years of service on the Labor and Public Welfare Committee. I have said "thank you for a job well done" to Jack so many times. I have probably said these words to Jack each time we passed a bill. If I did not, I should have, because with Jack every job has been a job well done.

Jack was the general counsel of the committee when I joined it on January 20, 1959, but I had been aware of Jack's excellent work when I served in the House and he was general counsel for the Committee on Education and Labor.

Time and again in my years of service in Congress, I have looked to Jack for advice and assistance. He has always responded with excellent advice and energetic assistance and something more—the wonderful ability to see all sides of a problem.

Perhaps this ability more than anything assisted our committee to provide far-reaching legislation in every area of the committee's vast jurisdiction.

I will miss the frequent meetings with Jack and his charming wife Pat. I will miss the chance to say again "thank you for a job well done."

Mr. President, today I would just like to say one more time: "Thank you, Jack, for a job well done."

MOBILIZING WORLD OPINION FOR HUMANE TREATMENT FOR AMERICAN POW'S

Mr. DODD. Mr. President, I believe it is fitting and useful that Congress is today meeting in joint session for the purpose of voicing its united indignation over the Communist treatment of American prisoners of war, and for the purpose of also discussing what practical measures are available to us that might help to bring about their early release.

Like other Senators, I have spoken about this matter several times on the floor of the Senate. Unlike some Senators, however, I have little confidence in the ability of diplomacy by itself as an instrument for obtaining the release of the American POW's.

No one likes to be a pessimist when the lives of American servicemen are involved. But in the light of the Communist record on the treatment of prisoners in World War II and the Korean war, there is no reason at all for placing any hope in an appeal to Communist humanitarianism, and there is little reason for believing that diplomacy by itself can turn the trick.

In World War II the great majority of the Germans and Italians and Japanese who were taken prisoner by the

Soviets never returned to their families. They simply disappeared.

In the Korean war, of 7,100 Americans taken prisoner, 3,354 died in captivity, while another 389 are still listed as missing.

Such are the grim facts.

I do not believe, however, that the situation is hopeless. If the Communists are unresponsive to diplomacy, they are far more responsive to massive demonstrations of international public opinion.

As I have said before, I believe that we should raise the matter of the American POW's at every single session with the Communist negotiators in Paris; that we should mobilize all of our diplomatic resources and information facilities for the purpose of arousing world opinion; and that we should not hesitate to warn of stronger measures if the Communists refuse to agree to the elementary humanitarian request that they abide by the Geneva Convention on the treatment of POW's.

I believe that we should solicit the support of every newspaperman and every editor and every elected representative and every parliament in the free world in bringing pressure to bear not only on Hanoi but on Moscow as well.

More recently the thought occurred to me that we have been remiss in failing to seek support at the United Nations for a resolution expressing the hope that all parties to the conflict in Southeast Asia will observe the rules of the Geneva Convention on the treatment of prisoners of war.

In the POW field, the Geneva Convention is the legal and moral equivalent of the U.N. declaration of human rights; it would be no exaggeration, indeed, to say that the Convention enjoys the implicit endorsement of the United Nations as a document which represents the consensus of civilized international opinion. If the majority of the member nations are not prepared to vote for a simple resolution calling on the governments involved in the Southeast Asia conflict to respect the terms of the Geneva Convention, then I say it is high time that we reappraise the utility of the United Nations.

There is another observation that I wish to make.

I have witnessed many so-called antiwar demonstrations, and my memory of these demonstrations is that all of the placards were directed against alleged inhumanity and brutality on our part and on the part of our allies. But I do not recall seeing a single placard which called on Hanoi to stop abusing American POW's, or to accept international inspection under the Geneva Convention.

To me it seems that there is something indecent, in fact almost suspect, about a humanitarianism that is so full of concern for human suffering on one side, and so indifferent, on the other side, to the monstrous and deliberate torture of American POW's.

Let me suggest to those antiwar protestors who are not pro-Vietcong and do not want to see a Communist victory, that their protests would be far more persuasive if they called upon Hanoi to withdraw from South Vietnam at the same time as they called upon us to withdraw, and if they protested against the inhuman treatment of American POW's to Hanoi at the same time as they protested against our bombardment of Vietnam.

I hope the antiwar protesters will join us in demanding humane treatment for the American POW's because their voice would carry much weight with Hanoi. But whether they join us or do not join us, every Member of Congress, every newspaperman, every editor, every concerned member of the public, every friendly parliamentarian in other countries, every friendly, yes, and even every neutral government, has a clear moral duty in the matter of the American prisoners of war.

If we join our voices in a mighty international protest and if we seek to raise the issue at every opportunity, the chances are that before too long the Communists will decide that the retention or abuse of American POW's is simply not worth the political embarrassment that the issue is causing them internationally.

CULEBRA: THE BOMBING MUST STOP

Mr. DODD. Mr. President, roughly a month ago I received from Mr. Ramon Feliciano, mayor of the town of Culebra in Puerto Rico, a letter setting forth the complaints of his people against the continued use of the island of Culebra as a target practice area for U.S. naval vessels and naval aircraft.

Over the intervening period I have had an opportunity to study the documentation which Mayor Feliciano sent me and to acquaint myself with the arguments offered by the Navy in defense of its position.

The complaint of the Culebrans is that the increasingly intensive use of their island as a target practice area imposes almost unbearable hardships on them. They say that the cattle business on the island has been virtually ruined, that the once thriving fishing industry is now in severe economic distress, that property values have gone down, that all of the inhabitants frequently have their sleep disturbed, and that the quality of education has been seriously affected by the constant overflights of naval aircraft and the around-the-clock bursts of exploding shells and bombs.

The authoritative weekly Armed Forces Journal early this year decided to look into the Culebra issue in depth. The editors reported that they spent more money, more hours, more interviews, checking out this situation than they had spent on any story they had printed in several years.

The Armed Forces Journal, as everyone knows, has never been accused of lack of sympathy for the U.S. Army, Air Force, or Navy. But on the issue of Culebra the editors of the Journal came up with this conclusion:

> Our hearts are with the United States Navy, but not about Culebra . . . Our biases, our opinions have shifted from the Navy's side to the Culebrans as we tracked down and checked out the story . . .

I must say that my own conclusion, after examing all the facts, is exactly the same as that of the Armed Forces Journal.

I know that it will cause certain inconvenience to the Navy if it has to shift from Culebra to one of the available uninhabited islands in the Caribbean area.

It may even cause serious inconvenience.

But in this situation we must accord primacy to human considerations. As the Armed Forces Journal put it:

> The Culebran problem isn't targets: it's people—patriotic, warm, gracious, honest, candid, Americans, who aren't accustomed to dealing with bureaucratic subtlety. They are not at war with the Navy. The only enemy the Culebrans have is indifference.

That the Culebran people are united on the issue is apparent from the fact that in a recent poll 304 out of 313 Culebran families voted to have the Navy leave.

The entire Puerto Rican people have rallied around the Culebrans in their battle against bureaucratic indifference. Indeed, there is no single issue in recent decades on which the Puerto Rican people, from right to left, have been more united, and no single issue about which they have felt more passionately.

The reason for their passionate feelings on the Culebra issue should be apparent to anyone who has the least human and political sensitivity.

The Puerto Rican people feel that our continued use of Culebra as a target practice area, in total disregard of the welfare and attitude of its inhabitants, is strongly suggestive of a colonialist attitude. They feel that we are not treating the Culebrans as fellow Americans with equal rights, but as colonial subjects whose welfare and convenience we are completely free to disregard if we believe it to be in our own interests.

To say that the issue has reached explosive proportions would be no exaggeration. Indeed, Puerto Ricans who are friendly to the United States have warned us that if some relief is not given to the Culebrans and if, instead, Congress should grant the Navy's request to take over more of the island, it would play into the hands of the Puerto Rican independence movement, which is now to a large degree under Castroite extremist control. The possibility, therefore, is not excluded that if the Navy persists in its blind determination to continue and even expand the use of Culebra as a target practice area, the United States may wind up losing Puerto Rico and the vital Roosevelt Roads Naval Station.

I say that the United States must not and cannot afford to treat the Puerto Rican people as though they were colonial subjects.

We must not do so on simple, moral, and human grounds.

And we cannot afford to do so because in the long run it will undermine, not strengthen, our national security, if we should ever lose the voluntary support of the Puerto Rican people for union with the United States.

And it will further undermine our national security because our standing in

the world community is a vital element in this security.

Culebra has been used as a target practice area for almost 30 years. But the issue has become a particularly heated one over the course of the past year because of the greatly intensified scale of naval target operations in the area.

In 1969, the average daily use of Culebra and the surrounding cays for target practice was 9½ hours on Monday through Saturday and 3½ hours on Sunday. The ships of at least six other nations participated in the 1969 operation. And the Navy told the Armed Forces Journal that bombardment operations would climb from about 5,000 sorties in 1969 to over 9,000 sorties this year.

It does not require much imagination to realize what effect this nonstop bombardment must have on the life of the residents. I was particularly impressed, however, by the account of a Culebran schoolteacher, Carmelo Feliciano, who had taught school on the island for 13 years. This is what he said:

Teaching in Culebra is an extremely difficult job. The continuous flow of air traffic at low altitudes over the school, helicopters, jets and propeller planes, make an infernal noise, creating a state of tension and anxiety and rendering virtually impossible to hold the attention of the students . . .

When bombs and shells are exploding the school buildings tremble with every explosion. You can see fear in the children's eyes. They sit in school in a peculiar way as if ready to run at a moment's notice. During the periods of heavy night bombing, students fall asleep in class. They look sleepless and the teachers there know why this is so. Bombing is carried out far past midnight every day and these kids are kept awake by the noise and the tremor caused by the bombs until early morning hours . . .

Due to all this noise caused by Navy aircraft and boats bombing and shelling, and also because they live in constant fear of losing their lives, the student's work at school is very poor. There has not been an honors graduate in Culebra in more than three years.

Mr. President, it has been the hope of many people that the Navy would voluntarily reconsider its position. As the Armed Forces Journal points out, there are alternatives to Culebra in the area. And relocation to an uninhabited island would, despite temporary inconvenience, ultimately permit superior training for our Navy. In using the tiny inhabited island of Culebra, the Navy must observe certain restrictions on the speed of its boats and on the range at which they operate and on their angle of attack. On an uninhabited island, they could operate without any of these restrictions.

Since the Navy has thus far given no evidence that it intends to accede voluntarily to the legitimate protests of the Culebran people, and the Puerto Rican Government, I have asked Senator GOODELL to add my name as a cosponsor of his amendment to the military construction authorization bill, to terminate the funding of this intolerable and unnecessary activity and to persuade the Navy that the time has come to make other arrangements.

Mr. President, I ask unanimous consent to have printed in the RECORD the series of seven articles on the subject of Culebra, published in recent months in the Armed Forces Journal.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

CULEBRA: NAVY FOCUS ON CINCLANT'S BULL'S-EYE IS WAY OFF TARGET, BUT MAY BE COMING INTO RANGE

(NOTE.—What matters is the Journal sometimes gets stories that we'd rather not print. In many ways, this is one of them.

(But we don't make the news: We report it.

(Sometimes our reporting isn't as accurate, we find out, as our readers rightfully expect. (For a good example, see this week's Defense Forum.) Our research isn't always as thorough as it should be for a journal which readers expect to lay out both sides of an important issue. From time to time, we realize too late that we've really not been as fair or as objective as an independent Spokesman for the Services ought to be.

(But "Spokesman for the Services" doesn't mean "mouthpiece for the brass."

(Our hearts are with the United States Navy, but not about Culebra. Not now. Our biases, our opinions have shifted from the Navy's side to the Culebrans' as we tracked down and checked out the story on these pages. In this case, we think our facts, our research, our candor will check out better than the Navy's—at least until RAdm Norvell Ward, new Commander of the Caribbean Sea Frontier, finishes an analysis he seems quickly to have set in motion when the Culebran problem was brought personally to his attention last week.

(We have spent more money, more hours, more interviews checking out this story than any news the "new" JOURNAL has printed in 2½ years. Because we were sort of hoping there really wasn't anything of substance to report. That's why this issue went to press three days late: The substance we had hoped would evaporate, didn't. Its flavor however, showed some prospect for improvement after The JOURNAL visited Culebra last Friday and Saturday.

(This is not a news report. It's a commentary, with our opinions. It's candid, but we think it's fair. We hope the Navy—in time—can think so too.

(We chose, in many instances, not to print the names of Navymen who are quoted here, but whom we now believe to be wrong, or misinformed, or poorly advised. What bothers us is that they were the Navy "experts" on Culebra. But they were sincere and, we believe, wanted to be honest—if sometimes less than candid.

(What matters is not who said what, but what now should be done. With the Culebrans. By the Navy. For the country which both of them love.—The Editors.)

(By Ben Schemmer, Clare Lewis and the Journal Staff)

CULEBRA ISLAND, 22 May.—Like the mouse that roared, the tiny island of Culebra—owned in part by 743 Spanish-speaking, patriotic U.S. citizens who have representation but no vote in Congress—has appealed to the Governor of Puerto Rico and the House Armed Services Committee to help it win a battle with the United States Navy it has tried hard to avoid.

The Navy wants to expand gunnery and bombing operations on this docile, 7,000-acre Caribbean municipality used as CINCLANT's bull's-eye. Culebrans have accepted their odd destiny with quiet humility for over 35 years, in some respects for almost 70. Now, they want the Navy to shoot at something else.

The Navy says that it has no choice: that it needs more targets and larger safety zones on Culebra for new air-to-ground missiles like Walleye, Standard ARM, Bulldog, and Hobo glide bombs. But some of the very experts who stress this now admit they haven't even read the studies telling what's wrong with a host of other, uninhabited nearby island alternatives.

You probably read about Culebra in Life on 10 April. But Life cut into the onion no deeper than the peel, and facts available to The Journal suggest that the Navy—even though it sliced a lot longer—hasn't gone much deeper. Hopefully, the Governor of Puerto Rico and the House Armed Services Committee will cut through to the middle.

Hearings on the Culebran issue will be held this week before a HASC Real Estate Subcommittee headed by Representative Charles Bennett (D-Fla.). Since 1954 the Navy has wanted to buy the entire island, on which it already owns at least 2,683 acres. But on 31 December, Culebrans wrote to President Nixon objecting to Navy plans—never explained to them—to resettle Culebra's 450 families on the nearby island of Vieques, which in part is another Navy bombardment range.

The quiet islanders began making noise when bombardment operations peaked, early this year—led by the Navy, but with ships of at least six (and some say over 20) other nations peppering away, too.

Since, the mouse that roared has lost a major court battle, won a partial but ironic victory from the Navy (see page 39), and today could be calibrated on a political/social bull's-eye which the Navy apparently doesn't see.

After stabbing at the onion for the last ten days, our impressions of the "Culebra problem" could fill a book. The Navy would not like it. Nor does The Journal. Here, in brief, is why:

INNUENDOS

We've heard more innuendos from the Navy than facts from either side. Navy spokesmen suggested, in The Journal's preliminary inquiries, that the Culebra problem stemmed—to a large degree—from "confusion stimulated by greedy guys." What apparently were innuendos about Culebran land-owners and other U.S. citizens hoping to develop small parcels of land or exercise development options jeopardized by the Navy's Culebran plan just didn't check out.

In the case, for example, of a St. Louis Washington University professor who has a limited option on property near the harbor of Dewey, but who has been outspoken on behalf of the Culebrans—and whose interests were subtly questioned by the Navy—The Journal has a sworn affidavit that he would give up his option, *at cost*, "to the end that goals of the people of Culebra may be realized."

Suspicions that expenses incurred by Culebra's Mayor Ramon Feliciano, traveling on his islanders' behalf, were paid by land promoters just aren't true.

Slurs against a retired Methodist minister on Culebra who added his voice to the mouse's roar aren't worth the paper they're printed on—except to put the *Navy's* problem in perspective.

A group of so-called "squatters" turned out to be Culebrans who have built houses on land the Navy moved them to, but for which they can't get deeds.

SINCERITY ON BOTH SIDES

The Navy is sincere, but readers who talk with the Culebrans would probably find them even more so. The Culebran problem isn't targets: it's people—patriotic, warm, gracious, honest, candid Americans who aren't accustomed to dealing with bureaucratic subtleties. They are not at war with the Navy. The only enemy the Culebrans have is indifference. But when you're sitting on the bull's-eye, it doesn't matter whether it's friend or foe who pulls the trigger.

The Culebrans earn their living from the land, and from the sea. They have only lim-

ited access to both, and the Navy proposes to make the limits even tighter. There is no school on the island; there is, as yet, no hospital. For both, the Culebrans must go to the Puerto Rican mainland. Denial of that access becomes a major infringement on their very lives.

What the Culebrans have asked for—and for 35 years didn't get, until about two weeks ago—was a "dialogue" with the Navy.

ILL-ADVISED EXPERTS

Some Navy Culebran "experts" are, in large part, ill-advised, misinformed, or blind. Asked, "How do the Culebrans really feel?" an OpNav action officer, referred to The Journal by a higher authority, said bluntly: "The Culebrans want the Navy to stay." Asked about a very recent poll in which 304 out of 313 Culebran families voted to have the Navy *leave*, this officer said he had not heard of any such vote, but got his dope from a Culebran who "really had his pulse on the people." When The Journal later got the source's name, he turned out to be custodian of the Navy's Culebran range. Culebrans said they love this man, but that he is 70-some years old, and perhaps not attuned to his people today.

Navy spokesmen—guys on the front line on the Culebran issue—had few details on and little perception of alleged serious safety problems and near tragedies that vitally concern these U.S. citizens just miles away from CINCLANT's bull's-eye—even though most have at least been mentioned by the press. Notwithstanding Navy disclaimers on civilian accidents, it is reasonably clear that at least four serious injuries have resulted from Navy/Marine Corps operations on and near Culebra since the island first "joined" the Navy in 1901.

In 1914, Isaac Espinosa lost his right arm from a grenade or detonator he picked up on Culebra's shore. In 1935, Aberto Peña Garcia, a 15-year-od schoolboy, was killed when he playfully banged a USMC grenade with a hammer. That same year, in a different accident, Vincento Romero lost his right arm.

These accidents don't quite track with carefully structured Navy statements that "no one has been killed or injured as a result of this training." Because the Navy statement technically refers to ships' gunfire practice since 1936, after Marine Corps maneuvers were moved to Vieques. But no one The Journal was referred to had ever heard of young Sixto Colon, who lost his right eye in 1964 playing catch with an explosive toy which Culebrans say the Navy left on the island. And the Navy spokesmen didn't mention the nine *Navymen* killed in April 1946 when an aircraft dropped its ordnance on an observation post painted the same color as the target.

Navy spokesmen mention near accidents, such as the time the battleship *New Jersey*, late in the '40s or early in the '50s, lobbed shells on a cistern between the town of Dewey and the impact area. Or when the *Missouri*, about the same time, scored on the safety zone instead of the impact area. Or when "destroyers fired over the island." But no one The Journal has been referred to by the Navy seemed remotely aware of even more recent incidents in which:

The San Juan yacht *La Vagabunda* had smokepots dropped athwartships during five passes by an aircraft on a clear day while the vessel cruised amidst a flotilla of 14 others.

A bomb "or something" landed in Dewey Harbor just months ago, 400 yards from the house of Culebra's only doctor.

"1,000-lb bombs" landed intact in six to 10 feet of water just off Culebra's eastern shore.

(Each of these allegations was verified by The Journal through recorded eyewitness reports and/or on-the-ground surveys.)

ALTERNATIVES

There may not be any alternative to expanded operations on and near Culebra. CINCLANT *does* need targets, especially for new missiles with bigger "footprints." What bothers us is that the "experts" who rejected the alternatives apparently haven't read the studies about them—that's what two of the experts conceded.

The Journal doesn't want to second-guess the Navy, but Puerto Rican Governor Luis Ferre told us on 22 May that "There is so much area nearby that has *not* been exhaustively studied." He mentioned such possibilities as:

Vieques—The Navy and Marine Corps already use the island's eastern 2¾ miles for naval gunfire support/aerial close support targets, the next three miles inland for a Marine landing/maneuver area, and Vicques' western end for an "inert" naval ammunition depot. *Question:* Why not move the "ammunition depot" to Culebra, the Marine maneuver area to the western end of Vieques, and the new targets and expanded safety zones for Walleye, etc., to the freed area on Vieques' eastern coast? CINCLANT's "expert" conceded he had "never thought about it." Yet SecNav's office repeatedly deferred to this very officer on questions on the alternatives so "exhaustively studied." A CINCLANT spokesman later explained, however, that "it's really not [this officer's] job to answer these kind of questions," and referred The Journal back to Navy headquarters in Washington. Governor Ferre told The Journal Friday that the Culebra/Vieques switch could have substantial merit and that he'd probably discuss it with his "good friend Mel Laird."

Isla Palominos—At the very closest, by nautical charts The Journal looked at on the scene, this 165-foot-high island is at least 2¾ miles east of Puerto Rico, 1¾ miles from the nearest (and uninhabited) island—and it's close (10 nm) to CINCLANT's gunnery operations center at Roosevelt Roads.

Caya Lobos—A 40-foot-high island 2½ miles from the northeastern tip of Puerto Rico, which boasts of a luxurious hotel. The hotel has been empty for the past four to five years. (If the Navy needs more varied terrain than this "flat" island provides, barges of dirt could change it, we think, and dirt costs less than the rental on Culebra—even under the Navy's 30 April $70,000-a-year easement.)

We don't question Navy statements that, from a strictly military viewpoint, Culebra is "the most suitable" target complex. What's at issue is whether or not other, more "suitable" from a political/social viewpoint, still could be militarily "acceptable."

WHAT IT BOILS DOWN TO

Navy spokesmen have been less than candid. What sounded like "substantial investments" turns out to be acquisition costs of $501 for Culebran land Culebrans can't use. Injuries, incidents, and accidents alleged apparently haven't been checked out.

The irony of the "Culebra problem" merits thought. A Supreme Court ruling of 1958—won by the *American Communist Party*—held that the right to travel "across frontiers in either direction and *inside the frontiers as well*" is a right guaranteed by the fifth amendment (emphasis added). It is incongruous that Culebrans don't benefit from this ruling, while the American Communist Party does.

Culebra's new "custodian," Admiral Ward, is the Navy's former (and first) Safety Director—another irony, but perhaps a hopeful sign as well. An attorney writing Culebra's appeal to the Supreme Court is a Director of the San Juan Navy League.

And the final irony may prove to be this: The whole Culebra problem hinges on the five-mile safety zone needed for Walleye and other new guided missiles. But Walleye apparently isn't funded for production next year. And all the follow-on missiles (Condor, etc.), a Navy expert let slip, have safety-zone footprints so much larger that they "could not be tested at all on the Culebrita targets" about which the Navy has been so adamant.

The Navy may have legal as well as political and social problems with Congress over the Culebra issue. For one thing, the statute under which the new leasehold is being requested apparently requires the Navy to specify payment costs. The 30 April request says only that the new easement "exceeds $50,000." Second, a key CINCLANTFLT official told Washington attorneys representing the Culebrans—on a no-fee, "pro bono publico" (for the public good) basis—that Culebra is a "range." He said the area is not a "training camp." But Title 10 USC 2663(a)(1), from which the Navy request derives, provides condemnation power *only* for fortifications, coastal defenses, or military training camps. A fine point, perhaps—but it could be a crucial one for the Culebrans. And for the Navy as well.

As Governor Ferre told The JOURNAL, "This is an issue *everyone* can still win," given time for the dialogue Culebrans have sought—given time for a really good whack at the onion. But if *anyone* loses, no one wins. And the Culbebrans lose if the Navy wins too soon. Congress should give the Culebrans time for the Navy to catch up on its reading.

Culebran bombardment debate enters a critical phase on 1 June when House Armed Services Real Estate Subcommittee, headed by Representative Charles Bennett (D-Fla.), holds hearing on Navy 30 April acquisition request for new 2,200-acre, nonhabitation, $70,000-per-year easement to expand its Culebran target complex. Unless Congress turns down the request, Navy could begin condemnation proceedings on 2 June. Puerto Rican Senate voted 15 May—with only one dissenting vote—to oppose the Navy's plan. Culebran citizens and Puerto Rican legislators have asked for time to oppose the Navy plan: Congressman Bennett told The Journal, "I'm not going to turn down anybody who wants to appear on this issue." Hearnigs were to be in closed session, but HASC counsel James F. Shumate told Journal they now may be held in open.

Governor Luis Ferre told The Journal on Culebra 22 May, while discussing other possible target areas, "There is so much area that has not been exhaustively studied." Governor Ferre suggested at least four other nearby islands that might be used. One of them, Box of the Dead, is only six nautical miles southeast of his home town.

Joseph A. Grimes, Jr., Special Civilian Assistant to Navy Secretary John Chafee, told Journal the Navy has an "overwhelming operational problem—it needs targets." When asked "Why on Culebra?" instead of on other land the Navy already owns or leases, Grimes referred Journal to Cinclantfit, to whom he defers on operational or technical questions. But the expert to whom Grimes referred The Journal told an attorney for the Culebrans just three days later he could not cite detailed objections of alternative target sites because he has never read the Navy studies rejecting them.

"No one has been killed or injured as a result of this training," RAdm Alfred R. Matter, former Commander Caribbean Sea Frontier, told a press conference in Puerto Rico on 24 April, referred (specifically) to Navy use of Culebra "since 1936 for ships' gunfire practice." (In sentences before and after this quote. Admiral Matter referred also to aerial bombing of nearby cays and rocks—see map.) Virtually identical statements were made by SecNav Special Assistant Joseph Grimes at press conference in San Juan on 3 April, and by VAdm R. L.

Shifley, DCNO (Logistics), in 9 March letter to Representative James W. Symington (D-Mo.)—Admiral Shifley said there was no "civilian" casualties. But Navy officials told The Journal there have been both deaths and injuries, while insisting there has been "no intent to mislead" and that the blanket denials cited above represent "an honest mistake." In 1946 nine military men were killed when an aircraft dropped its ordnance on a Navy observation post—it had been painted the same color as the target, in another incident a Culebran schoolboy was killed playing with a Marine Corps grenade he found in the impact area. Still another Culebran is reported to have lost his left arm as the result of a similar accident.

"Box of the Dead"—An Alternative to Culebra?

One alternative to an expanded bombing range on Culebra which CINCLANTFLT may not have explored was mentioned to The Journal by Governor Luis Ferre and to others last week by Headquarters Caribbean Sea Frontier. It's an uninhabited island just two miles off Puerto Rico's south central coast.

It's called Isla Caja de Muertos. Translated, that means Box of the Dead. Or, literally, Coffin.

The View From the Admiral's Bridge

A fast fuse now burning close to the powder may have a dim chance of turning instead into a candle of hope, if the Navy's former Safety Director and new Commander Caribbean Sea Frontier, RAdm Norvell G. Ward, serves as an accurate "switchboard" to Washington. We hope he'll tell the Navy that what's really at stake on Culebra is people, not targets. Navy people, as well as Culebrans.

At an early breakfast in San Juan on 23 May, Admiral Ward told the Journal that:

The Navy had no record, so far as he knew, of many of the recent civilian casualties and near-miss incidents alleged (and, in The Journal's opinion, too casually dismissed by the Department of the Navy). Admiral Ward said, "Since becoming aware of the large number of alleged incidents wherein people of Culebra may have become endangered, I have asked the Missile Range Facility to report to me on all incidents they have recorded of misfires or wild shots on the bombing and gunfire support ranges."

He had not asked his staff to take a look at other possible target choices, but one senior officer there had indicated that there were other islands in the vicinity of Puerto Rico that might be alternatives. He told The Journal, "We have not studied them and do not have the necessary capability or expertise to make a meaningful study. It is the Fleet Commander who is knowledgeable of all the requirements both operationally and logistically and the needs for instrumentation. . . . I could conduct the study if provided the technical expertise, but would anticipate that CINCLANTFLT would call upon those with the expertise to make any additional study, as I assume they did in the prior studies. . . ."

He had "been in conversations both with Mr. Grimes [on Friday morning, 22 May] and with CINCLANTFLT headquarters and apprised them of the latest developments," suggesting that when they appear before the House Armed Services Subcommittee, "they should have all of the substantive facts at their fingertips, and be prepared to answer many probing [and, in The Journal's opinion, embarrassing] questions. Otherwise, the results might not be as desired."

He would check out alleged near misses involving commercial and general aviation aircraft—for his personal information.

He felt that "Mayor Feliciano is very sincere in his efforts to prevent the Navy from acquiring the land deemed necessary for safety purposes if we are to continue using the range."

Allegations of "deals" between the Navy and the Commonwealth of Puerto Rico for reacquisition of land benefiting the mainlanders, at the expense of the Culebrans, could be put in a more constructive light. "The Navy does have a plan for land reverting to the Commonwealth of Puerto Rico as it is no longer required, in accordance with agreements made when it was turned over to the Navy after the Army withdrew from the island of Puerto Rico. The Navy has excessive parcels in the past two or three years which have reverted to the Commonwealth. Specifically, yes, the Navy has plans for changing the boundaries of its land on Vieques."

Asked how his command referred to the Culebran "problem," "issue," or whatever, Admiral Ward said: "People around here call it 'the Culebra problem,' I assess it as a very serious issue, the outcome of which is uncertain, and one which, if resolved by Congress in the Navy's favor, will result in an intensification of the efforts by Mayor Feliciano to marshall public opinion behind his cause. I see it as a continuing and very difficult problem for us." How serious, in our view, depends on the kind of "switchboard" Admiral Ward turns out to be.

Call to "Big Mary"—Anything To Avoid Arrest

If you want to go swimming off Culebra, call "Big Mary" first. Big Mary is the Navy observation post on the island's northwest peninsula. Call on 122.8mc. if you want to dive into the water from an airplane, or fly over or land on the island.

It's illegal—a federal offense—if you don't, and the fine literally could be "$5,000 and/or imprisonment for a term not to exceed five years."

Luckily, The Journal found this out and got permission from Big Mary before going snorkeling with Culebran citizens to verify reports (which Navy first doubted) that "1,000-lb bombs" or big shells lie 10 or so feet down on the harbor bottom, near the island's best beaches—next to the Navy "safety zone," as well as in impact areas where Culebran fishermen drop anchor, with Big Mary's permission.

The ordnance was indeed there, big and ominous. Maybe a 1,000-lb bomb, maybe not—but too big to carry back to the Navy.

By virtue of the 1941 Executive Order creating "Culebra Island Defensive Area" and the "Culebra Island Naval Air Space Reservation," the 10-mile-long island is totally enveloped by an artificial legal barrier comprising its entire territorial waters three miles from the island's high-water mark, as well as the "air space over" it. Entry into these zones without prior okay from the military is prohibited.

The Journal asked RAdm Norvell G. Ward if it literally would be illegal to go bomb-snorkeling off Culebra without the prior okay of Big Mary. Admiral Ward affirmed the technical effect of the 1941 Executive Order. Asked for his permission to snorkel for bombs, Admiral Ward explained the Navy chain of command and asked The Journal to call Big Mary.

"Las Bombas—Vamonos!" ("The Bombs—Let's Get Out of Here!")

Culebra, San Juan. 24 May.—The resident Navy seaman in charge of firing operations on Culebra admitted in writing today that he and three other Navymen fired six mortar rounds into a bay on Flamingo Beach where "bathers were . . . earlier"—but that "when we fired the mortar rounds, we did not look at the beach." By his description, "Three rounds were fired long and three were fired short." The shells landed within 200 yards of seven children and at least one adult, interviewed and photographed on the spot today by The Journal.

The Navyman also admitted that, at the time of the near tragedy, "The red flag was not raised" (over their observation post, which has a commanding view of the beach). The flag is a standard range signal to warn those in the area that firing operations are about to begin or are underway.

Two of the children and a 30-year-old Culebran woman signed a separate statement that:

They had checked firing schedules posted throughout the town of Dewey before going swimming; "No firing was scheduled." (The Journal has the schedules: No firing was scheduled.)

Before swimming, and moments after seeing the rounds land, they had checked for the red flag on the OP above the beach; "We looked for a red flag—but saw only the United States flag."

Just one hour earlier, Journal publisher Ben Schemmer—flying into Culebra for a meeting there with Governor Luis Ferre—listened to the Navy OP, call sign "Big Mary," advise his aircraft that "We have no operations today." Schemmer had requested permission to Photograph Navy targets on Culebrita Island. Big Mary inquired, "Request why you want to take pictures of Culebrita." Told that Schemmer was an editor, Big Mary responded, "HMMMMmmm," "Wait," and then advised, "Request you remain clear of area near Twin Rocks." Targets on Twin Rocks, a federal bird sanctuary, are at least seven miles east of the beach toward which the mortar rounds were aimed.

RAdm N. G. Ward told The Journal in San Juan late today: "The incident reached my attention today and it is under active investigation to understand why it happened. There is no denial the incident occurred. The info I have is not clear and garbled."

The senior man on the island in charge of "Big Mary"—a Navy petty officer first class—said in his written statement, "I asked [the Navy range officer at Roosevelt Roads] if we could make these [mortar] firings. . . . He said go ahead." The same officer had been asked on Friday or Saturday, by Washington attorneys representing the Culebrans without fee, about the then-alleged mortar firings on Flamingo Beach last Friday, and reportedly said: "No, it's impossible, it never happened. Every mortar round was under lock and key. There were no operations scheduled and none were carried out."

The Journal was told by several Culebrans that the Navy Seaman in charge of the Friday firings said at a town meeting on 14 March (the day before the Culebrans delivered their "ultimatum" for the Navy to leave their island): "Culebra could demonstrate as much as it wants, but with one shot the Navy could blow everybody off the island."

Culebra's Fight for Life

Presidential Executive orders signed in 1901 and 1902, and reaffirmed on 26 June 1903, reserved all public lands on Culebra and adjacent cays for use of the U.S. Government, under Navy jurisdiction. Air space over the island and water three miles around it were restricted to exclusive use of the military by Presidential Executive Order 8684, signed 14 February 1941.

One effect of these Executive Orders is that private planes and ships must arrange for special Navy permission to approach or leave the island—one of 76 municipalities of the Commonwealth of Puerto Rico. *Life* magazine wrote on 10 April: "To all intents and purposes, the 700 [*sic*] islanders are prisoners on their own land."

On 5 December of last year, RAdm Alfred R. Matter, then Commander Caribbean Sea Frontier, wrote a Puerto Rican land devel-

oper—who wanted to build vacation condominiums on 225 acres on Culebra's eastern tip—an unfortunate letter which described vividly what the Executive Orders mean to U.S. citizens on the island:

"Culebra Island is a keystone in the Atlantic Fleet weapons range, which encompasses Naval Station, Roosevelt Roads, nearby Vieques Island, and thousands of square miles of ocean area. This large complex is expanding and operations are becoming increasingly intensive, frequently being conducted through seven days of the week. As such use increases, inhabitants of nearby areas such as your property will be subjected to the noise of supersonic booms, gunfire, rocket fire, and heavy air traffic."

Culebrans since have lost two legal battles to replace the "supersonic booms, gunfire, rocket fire, and heavy air traffic" with the more tranquil environment for which their neighbors on the U.S. Virgin Islands just 10 miles to the east are envied. On 11 March, the U.S. Court of Appeals in Boston upheld an earlier District Court decision and reaffirmed the Navy's legal right to bombard, strafe, and mine Culebra and its nearby cays and rocks.

Two days later, on 13 March, Culebrans voted in a town meeting to ask the Navy to withdraw from their island. What turned these docile custodians of CINCLANT's bullseye into the mouse that roared, one citizen told The Journal, was the "new generation." "We have been peaceful and tolerant, but our lives have been in danger. I am the father of two sons and a daughter. Airplanes loaded with bombs pass over. It's as simple as that."

In past years, three Puerto Rican governors have resisted DoD overtures to buy the island outright, citing a provision of the Commonwealth's Constitution that no municipality could be dissolved without approval by its own people in a referendum. On 26 March, the Puerto Rican Senate passed a unanimous resolution asking President Nixon to "re-examine the Navy's activities in Culebra for the purpose of assuring the residents . . . peace, order, free movement, and development of economic interests." Since, the Culebran issue has been widely publicized. Feature articles have appeared in the *Miami Herald* (2 April), the *San Juan Star* (4 April, 17 May), *Life* (10 April), and the *New York Times* (15 April).

President Nixon on 14 April directed staff assistant Hugh W. Sloan, jr, to write Mayor Feliciano, informing him that the Defense Department "is reviewing restrictions imposed."

On 24 April, Culebrans won a partial victory, but a questionable destiny. RAdm Alfred R. Matter announced an alternative Navy plan at a press conference in San Juan. (The Navy never consulted with Mayor Feliciano or the citizens of Culebra in developing the plan, nor were they invited to the press conference at which it was announced.)

Instead of outright purchase of the entire island, the plan would return to the Culebrans 10 miles of beach and coastline, along with 680 acres of land near the town of Dewey (named for the naval hero) for use as homesites, recreational areas, and a medical dispensary. (Earlier, the Navy had refused to turn over two acres of unused land so that Culebrans could build a hospital for which the people—only half of whom have jobs—had already raised the money.)

But the Navy still proposed to lease, and later to buy by right of eminent domain, a new parcel of 2,350 acres covering the eastern one-third of Culebra. Since the western third of the island is an impact area and safety zone for naval ship-to-shore gunnery training, Culebran families centered in the town of Dewey felt they would be "strangled." Shells would still explode 2½ miles to their west, and bombing/missile runs would intensify 3½ miles to their east. The Navy told the Journal that the bombardment operations would climb from about 5,000 sorties in FY 69 to over 9,000 sorties this year.

Governor Luis Ferre—who reportedly hadn't set foot on Culebra since 1943—greeted the revised Navy plan with enthusiasm. He said it would pave the way for the turnover to his Commonwealth of other Navy-owned land in Puerto Rico, at Ft Buchanan and Isla Grande. (He did not say, but The Journal learned, that other Navy lands on the north central coast of Vieques might also be freed.) Governor Ferre said that the Navy's new Culebran plan would "substantially improve the living conditions of residents on this island" and that it revealed a "new attitude" on the Navy's part which would probably lead to better relations in the future between the Navy and residents of Culebra.

But on 15 May, the Puerto Rican Senate voted, with only one dissenting vote, to back the Culebran islanders in opposition to the Navy plan. (In the Puerto Rican Senate, Governor Ferre's party is in the minority.) On 21 May, the Senate's minority leader indicated that he would go to Washington to testify on behalf of the Culebrans. Although Governor Ferre has been careful not to take a strong public position, it is now clear that bipartisan support is coming together throughout the Commonwealth of Puerto Rico for the Culebrans. Governor Ferre made it clear to The JOURNAL on 22 May that he would give serious study to other alternatives and would get the Navy to work with him so that peace and calm could return to Culebra.

At JOURNAL presstime, however, the Navy proposal still stood. It was submitted to Congress 30 April as a routine, 1¾-page FY 70 real estate acquisition request. But the House Armed Services Committee will give the islanders a chance to make their feelings known early next week.

Their feelings are clear. Earlier this month, 304 families of 313 polled voted to back Mayor Feliciano's request that the Navy leave Culebra. Unless the House Armed Services Committee specifically disapproves the Navy request, they could still lose: condemnation proceedings could begin the day after the mouse makes its roar heard in Congress.

CULEBRA—ACT II: HOUSE PANEL RESCHEDULES HEARINGS—NAVY STILL ADAMANT ON NEED FOR TARGETS

(By Ben Schemmer and Bruce Cossaboom)

The Navy apparently intends to turn a deaf ear to the mouse that roared—the tiny Puerto Rican island of Culebra.

Navy officials this week told Puerto Rico's Resident Commissioner in Washington, Jorge Cordova, they have no intention of abandoning their missile target range activities on the island, despite recent shore-shelling incidents and misfires on the island.

Cordova, who sits as a non-voting member of the House Armed Services Committee, met this week with Assistant Secretary of the Navy (I&L) Frank Sanders and SecNav Civilian Special Assistant (on Culebra) Joseph A. Grimes, jr.

Cordova told Sanders of his conviction (and that of the island's political leaders) that the Navy should cease use of Culebra as a target area—much less expand it, as the Navy now proposes in an action pending before the House Armed Services Real Estate Subcommittee.

Cordova told The Journal he was informed the Navy "could not accede" to this request.

The Navy is now investigating the firing incidents (Journal, 23/26 May) and told Cordova that, after studying its findings, it would try to insure that there would be no repetition of the near misses.

Cordova had suggested to the Navy that it extend its investigation beyond the shelling incidents to the whole question of the use of the island. He said the Navy should find other uses for its property on the island, and consider abandoning it altogether as a target area.

The Navy says it needs Culebra as a target range and that the "incidents don't change the picture," Cordova told The Journal.

Meanwhile, a Real Estate Subcommittee hearing on the Navy's proposal to expand bombardment activities on the island—originally scheduled for 1 June but postponed after a public furor broke over the island—has been rescheduled for 10 June.

Two days after a 23/26 May Journal Commentary suggested that "Congress should give the Culebrans time for the Navy to catch up on its reading," Representative Charles E. Bennett (D-Fla) announced on 28 May that his panel would postpone hearings on the Navy's 30 April request to lease—and later to buy—a new, 2,350-acre safety zone on the 7,000-acre island for Walleye and other guided-missiles.

Bennett's original postponement action apparently stemmed in part from news that mortar rounds fired without warning on 22 May toward a beach on which Culebran children were swimming—on a day when no firing operations were scheduled—caused the yacht on which Governor Luis Ferre was leaving the island to change course after its pilot heard the rounds.

Ironically, Ferre's visit to Culebra was his first there since 1962—and he had just been briefed by the Navy on ship-to-shore bombardment and aerial bombing exercises on and near the island. The incident happened within an hour or so after The Journal interviewed the governor on Culebra.

Ferre got his briefing from the Navy at the very observation post from which the mortar rounds were later fired. A Navy officer at Roosevelt Roads called them "marking rounds" without much explosive.

Bennett said, "Before conducting hearings on any new plans for the island, I want to first get a report from the Navy Inspector General, who has been asked to look into this most recent incident. I then plan to ask my Subcommittee to conduct its own investigation."

The Subcommittee staff declined to state whether Congressman Bennett or the Navy initiated action to postpone the hearings.

Governor Ferre told The Journal in Washington earlier this week that he does not expect to testify personally at the hearings. But he said, "Every measure must be taken to protect the lives and tranquillity of the Culebrans" and that he supports Jorge Cordova's efforts. He said the Navy may be re-examining an alternative target area, the island of Desecheo, about 20 n.m. from Ramey AFB on Puerto Rico's northwest corner.

(The Journal was in error last week when we said that Governor Ferre had suggested, when interviewed on Culebra 22 May, another possible alternative, an island called "Box of the Dead," only six miles from his home town. That alternative was mentioned by a Navy official in the area. Governor Ferre did cite the other island target alternatives mentioned in the 23/26 May issue.)

Ferre has been cautious in recent weeks, commending the Navy for its revised 24 April proposal to return to the Culebrans about 680 acres of land in and around the harbor of Dewey, but not endorsing Navy plans for a new 3,250-acre easement on the island's eastern tip.

Bi-partisan support on behalf of the Culebrans, who now want the Navy to quit

shooting at their island altogether, has been mounting.

Cordova announced on 28 May in San Juan that he would testify against Navy plans to continue, much less expand, range activities on the island. Heretofore, he has been relatively noncommittal on the issue.

Also in Puerto Rico, the Commonwealth's Senate minority leader, number two man in Governor Ferre's own party, on 26 May made public his position that the Navy should stop using Culebra as a target. The next day, the Senate's majority leader announced that he, too, opposed the Navy's continued use of the island.

DOT, WHITE HOUSE INTEREST?

The Journal also learned that at least three senior members of the White House staff have begun looking into the Culebran issue. So, apparently, has Senator Edward Brooke (R-Mass). Brooke's interest reportedly stems from a conversation he had with Transportation Secretary (and former Massachusetts governor) John Volpe, shortly after Volpe read page proofs of The Journal's 23/26 May Culebra Commentary while he was flying back to the U.S. on 25 May from a brief weekend respite on St. Thomas, 10 miles east of Culebra.

Governor Volpe told The Journal that he was unaware of but would look into allegations of near misses between commercial and general aviation aircraft flying into Culebra and St. Thomas and Navy aircraft engaged in bombing and gunnery operations on the range near Culebra.

Senator Sam Ervin's Subcommittee on Constitutional Rights may also look into the Culebran problem. (Ervin is also a member of the Senate Armed Services Committee.) Previous Supreme Court rulings indicate that restrictions imposed on the islanders' free access to and from their island may violate their rights under the Fifth Amendment. The restrictions stem from a 1941 Executive Order (#8684) which prohibits anyone from entering or leaving the island, or the airspace above it, without explicit prior Navy permission. One such Supreme Court ruling cited similar restrictions imposed on U.S. Japanese citizens impounded on the west coast during WWII and said: "We allowed the government in time of war to exclude citizens from their homes and restrict their freedom of movement only on a showing of the greatest imminent danger to the public safety—[But] the nation was then at war. No such condition presently exists."

A related report (Number 940) filed by the Committee on Naval Affairs, 2nd Session, 64th Congress, said that powers which Congress gave to the President under 18 U.S.C. 96—the authority cited for the 1941 Executive Order on Culebra—to establish defensive sea areas for purposes of national defense "is valid only in times of actual or threatened war."

The President has exercised the expropriation powers under 18 U.S.C. 96 on some 26 different occasions, designating defensive sea areas in Chesapeake Bay (Executive Order #2898), in the Los Angeles-Long Beach Harbor area (#8970), and in New York Harbor (#8978). But all of these designations have since been expressly revoked. Currently, there are only about 10 such defensive sea areas still in effect: besides Culebra, the areas affected include Pearl Harbor, Guam, Honolulu, and Whittier, Alaska.

Some of the Constitutional issues in question include:

Whether the unusual restrictions imposed on the Culebrans—who are U.S. citizens with representation but no vote in Congress—represent a curtailment of their liberty of movement to such an extent as to be prohibited under the Fifth Amendment;

Whether enforcement of the 1941 Executive Order represents a taking of property without prior compensation and without the due process of law also spelled out in the Fifth Amendment; and

Whether Congress specifically intended under 18 U.S.C. 96 for the President to create *permanent* defensive sea frontiers which would remain in force even when a state of actual or threatened war no longer existed.

Culebrans have said they decided to as the Navy to withdraw entirely from the island after bombardment operations were intensified earlier this year. But CINCLANTFLT spokesmen told the Journal that there has been negligible, if any, change in the pattern or intensity of operations over 1969. On Friday, 22 May, a blackboard in the Navy's observation post on Culebra showed that to date this year, 17,680 target runs had been carried out, compared with a total of 37,500 in all of 1969. The same blackboard showed that in 1969 rockets were fired on 228 days, strafing was conducted 114 days, air-to-ground missiles were fired on 13 days, aerial mines were emplaced on 42 days, and naval gunfire practice was conducted on 123 days. The Navy states that it needs additional land on Culebra because operations will intensify in the future.

When asked by The Journal why they remained quiet for so long about Navy bombardment operations on their island, several Culebrans stated that their previous mayors just "weren't interested" in the issue.

Cordova, in Washington before his meeting with Navy officials, told The Journal that the Navy's investigation came about as a result of the incidents, his request and those of others, and the Journal Commentary.

Cordova called The Journal publicly "more helpful" than anything else he could cite.

Three-year-old Sandy Orta, daughter of Culebra's only doctor, was swimming on Flamingo Beach Friday, 22 May, when the resident Navy seaman in charge of firing operations on the island fired six mortar rounds into the bay. The seaman, a Navy petty officer first class, admitted in writing Sunday, 24 May, that "bathers were seen on the beach earlier, but when we fired the rounds, we did not look at the beach," and that the "red [warning] flag was not raised" over the observation post from which the rounds were fired. Mrs. Carmen Orta holds Sandy here just outside their home on a hill overlooking Dewey Harbor. In late February or early March, Dr. Orta (and other Culebrans) saw a bomb or shell splash into the water just 400 yards from this spot. Navy spokesmen in the Pentagon, at Cinclantflt, and on Puerto Rico told The Journal prior to an on-the-spot visit to Culebra that they knew of no such incident. But a Culebran citizen took movies of a Navy team when they later removed the bomb from the harbor—led by the same petty officer who supervised the near-tragic mortar firings on 22 May. (The Journal now has the movie film.)

Mayor Ramon Feliciano is serving his third term as the municipality's first elected mayor. (Previous incumbents, all retired Navy personnel, had been appointed.) In the background are homes which Culebrans told The Journal they had built on land the Navy told them to move to some years back, but for which many say they have been unable to get deeds. A Navy officer in Washington, one of the "experts" on Culebra, told The Journal earlier that such Culebrans were "squatting" on Navy property. Feliciano was born on Culebra in 1923, served in Army 1943–1946 at Roosevelt Roads, was transferred to Navy boat detachment in which he became "skipper of a boat." Asked his rank while in the Service, he told The Journal, "Maybe a sergeant; I don't know." His father wrote him while he was in the Army that he had been given 24 hours to move from island's northwest peninsula because the area was needed for an expanded safety zone. Of Feliciano's eight brothers, five have served on active duty. Feliciano last won re-election in November 1968. His principal opponent: Carlos Garcia Sanes, who finished four-year Coast Guard tour the preceding April, ran on same ticket as Puerto Rico's Governor Luis Ferre.

John Dinga adjusts underwater camera in hopes of photographing bombs he had seen in 6 to 10 feet of water off Culebra's "safety zone" beaches and nearby rocks designated as federal wildlife bird sanctuaries. Large swells and rough seas (see background) prevented Dinga from getting his pictures, but he guided The Journal to one of the bombs on a snorkeling expedition—cleared in advance with the Navy—the day after Navy demolition teams (as a senior Navy officer admitted later) were sent to destroy the bombs. Dinga, who earns his living on Culebra by catching and exporting rare tropical fish, which abound in Culebran waters, discovered the bomb he showed The Journal while diving to free a stuck anchor just three weeks ago. Dinga says he has seen "perhaps ten others" like it in waters just off Culebra's beaches.

Hector Giral, one of the four general aviation pilots with whom The Journal flew to and from Culebra, flies for North Cay Airlines out of San Juan. Giral told The Journal that about five weeks ago, after being cleared into Culebra by "Big Mary," four Navy jets bombing near Luis Pena Cay came within 500 to 1,000 feet on either side of his aircraft while pulling out of their dive runs—to the east instead of to the west. Giral said he advised Big Mary of the near miss, was told to continue his approach into Culebra. Giral said that Big Mary "apologized" and suspended bombing operations for the day. Navy officials said they had no record of such recent near misses. But the other three pilots with whom The Journal flew cited numerous similar recent incidents. Several months ago one North Cay pilot reportedly resigned on the first day he flew into Culebra, claiming in his resignation that he'd come too close to being run down by Navy aircraft operating in Culebra's approach corridor.

San Juan Attorney Jose A. "Ben" Suro is representing Culebrans without fee on a "pro bono publico" basis and is paying all out-of-pocket expenses to test constitutionality of 1901–1941 Executive Orders which created artificial legal barrier enveloping the 10-to-11-mile-long island. Suro owns no land on Culebra, has no options for land on it—he just likes to anchor his yacht and relax there on weekends. Suro decided to represent Culebrans after previous Commander Caribbean Sea Frontier, RAdm Alfred R. Matter, twice refused to meet with Culebra's Mayor Ramon Feliciano (and later with Suro personally) or to discuss Culebran issue with the press—until he announced on 24 April (without advising Culebrans or inviting them to his press conference) that Navy would no longer try to take over entire island, but instead would seek to lease and later to buy new 2,350-acre easement on Culebra's eastern tip for safety zone for firing Walleye and other new guided-missiles against nearby island of Culebrita. Matter's successor, RAdm N. G. Ward—said to be first Navy admiral ever to set foot on Culebra—visited there 21 May, two weeks after assuming command in San Juan.

Transportation Secretary John Volpe has had his staff check into alleged reports of near misses between commercial aircraft flying into St. Thomas, U.S. Virgin Islands—10 miles east of Culebra—and Navy aircraft operating in the "Culebra Island Naval Airspace Reservation," created in 1941 by Executive Order. The only such recent near miss on FAA records happened 19 April of this year, involved a 727 descending into St. Thomas. Its crew reported that a Navy F-4 went into afterburner while passing within 100 feet. Navy, however, told FAA that the

727 (which was at 6,000 ft on control approach and under FAA radar control) was 15 miles "off course" and that carrier *Saratoga* sent the F-4 up to "intercept" the "unidentified" aircraft. A retired Navy captain who commanded the Atlantic Fleet Range Support Facility at Roosevelt Roads until mid-October 1969 told The Journal: "Yes, we had a lot of near misses, a lot more than we reported, but every time we had a verifiable report, we wrote the FAA and invariably they would chew the [civilian] pilot out." He said he knew of no case where a near miss occurred when civilian aircraft had not "deviated from approved air routes." He also said that about one year ago two Navy pilots "ran into each other near St. Thomas" after exercises near Culebra and that roughly 18 months ago a Navy aircraft dove into its target on a rock near Luis Pena Cay, killing the pilot. Previously CINCLANTFLT spokesmen had denied any such recent fatal accidents.

CULEBRA, INTERMISSION: THE TARGET SHOOTS BACK: CULEBRANS TESTIFY AT HASC REAL ESTATE SUBCOMMITTEE HEARINGS

(By Clare Lewis and Bruce Cossaboom)

Hearings on the Navy's plans for Culebra were scheduled to begin on Wednesday, 10 June—just as this issue went to press.

In a statement prepared for presentation before the House Armed Services Committee's Real Estate Subcommittee, attorney Richard D. Copaken, counsel for the Municipality of Culebra, said his focus would be twofold:

"1. Is there an acceptable alternative for the Navy training mission now carried out on the Island of Culebra and its neighboring cays?

2. To whom is the Navy proposal a matter of grave concern? . . ."

In describing his early conversations with Joseph A. Grimes, jr, Special Civilian Assistant to SecNav John Chafee, Copaken says: I learned that the Navy assumed that only land speculators were dissatisfied with the present level and proposed level of Navy training operations on Culebra and its neighboring cays. Mr. Grimes conceded that his assumption that the vast majority of Culebrans were content with the Navy's present operations and proposal was based on questionable sources of information that are second-hand at best. I explained to Mr. Grimes that Covington & Burling [Copaken's law firm] had an identity of interest with the Navy in ascertaining whether the Navy assumptions were accurate because if they were, Covington & Burling would be obliged to withdraw."

Copaken says, in his statement, that he urged Grimes to check out the situation for himself—to go to Culebra and talk with the islanders, adding that "Mr. Grimes refused to undertake this inquiry."

In an effort to determine the true sentiments of the majority of Culebrans, Copaken says, his firm sent Thomas C. Jones, Jr., another attorney, to the island.

Jones, in his statement, details the thoroughness with which he attempted to objectly his survey, beginning with his announcement to the crowd gathered at the airport upon his arrival that he "wanted to interview anyone interested in expressing his opinion about the general subject of the relationship between the United States Navy and the Island of Culebra."

In response to his invitation, Jones says, "A large crowd gathered outside the Town Hall and people lined up patiently to be interviewed."

Not satisfied with this approach, and fearing that he might be seeing "only the vocal persons," he extended his interviews to stopping persons at random on the street and interviewing them "in the nearest shady place," and began going house-to-house.

SEARCH FOR OBJECTIVITY

Jones' surveying practices seem to present a model of objectivity: "I attempted in every manner I could conceive of to guarantee that the results of the survey would reflect an accurate and impartial impression of the attitudes of the people of Culebra. Indeed, because the results that I was obtaining showed virtually unanimous opposition to the Navy proposal, I searched out four of the Navy's five, six, or seven employees (the number of Navy employees seems to vary between five and seven and even Admiral Ward was unable to give us the precise number) in order to see whether there was some hidden reservoir of support of the Navy that I had been unable to uncover myself. However, even the Navy employees admitted to me that there was virtually no one in Culebra who supported or would benefit from the Navy plan. Thus, I am personally convinced that if there is any error in the results of my survey it is an error which would tend to exaggerate the support for the Navy proposal rather than the opposition to it."

As a check on his findings, Jones says, he announced the results of his survey to an open town meeting of "approximately 150 Culebrans,' explaining how the results had been obtained, and inviting comment and/or criticism. "Not a single complaint was voiced," he adds.

The lopsided results are, in Jones' words, "clear and unequivocal statistics." Of the Culebrans he interviewed, 95% opposed the Navy plan, and approximately 75% wanted the Navy to leave the island altogether.

"Thus," he concluded, "Mr. Grimes' assertion was completely erroneous, as is any decision which relies on such an assumption."

Having established the Culebrans' attitudes toward the Navy, Jones' statement goes on to detail the effect on the islanders of the Navy's attitudes toward the Culebrans.

"The sketch of the life of a Culebran shows a people who have been abused by the Navy is a particularly devastating and to me unexplainable sense," Jones says. "I refer to the fact that the Navy's warning system with regard to its bombardment and shelling schedules has been absolutely unreliable. Every single fisherman with whom I spoke on this subject said that he had had to flee or turn back as a result of unannounced weapons activity. This inexcusable neglect has clearly added greatly to the anxiety and outright fear which is so apparent."

Culebra's Mayor Ramon Feliciano has come to Washington to testify at the hearings, as the next step in his efforts to improve the quality of life for the Culebrans. According to a statement prepared in conjunction with his testimony before the Subcommittee, "The constant shelling and the occurrence of accidents which the Navy has denied instilled fear and desperation in the citizens to the extent of fearing for their lives and demanding that the Navy abandon Culebra and leave the Culebrans to live in peace."

WHITE HOUSE DISINTEREST?

Mayor Feliciano has been working toward that end for some time, now. His private letter campaign to enlist Executive Branch support—if not direct intervention—on behalf of Culebra did not meet with much success, although he apparently escalated it from SecNav to the White House itself.

On 19 February, Frank P. Sanders, Assistant SecNav (I&L), replied to Feliciano "on behalf of President Nixon" that the position of the U.S. Government is that Executive Order No. 8684 "must remain in force" and that the pending court action made it "inappropriate to comment further at this time."

"Thank you for expressing your feelings on this subject to the President," Sanders told Feliciano.

Apparently Feliciano had the feeling he hadn't gotten through. On 26 March, the White House received both a telegram and a letter.

On 14 April, another letter to Feliciano "on behalf of the President" arrived but this time from Hugh W. Sloan, jr, Staff Assistant to the President.

Sloan reiterated the Navy position, essentially, and advised Feliciano that DoD "is reviewing the restrictions imposed by the naval operations to ensure that the civilian inhabitants are allowed a maximum freedom of movement, consistent with safety."

Sloan expressed regret that a personal appointment with the President requested by the Mayor could not be granted, but added "thank you for corresponding with the President."

BIRDLIFE THREATENED?

As the Culebrans' protests reached the U.S. mainland, the Department of Interior apparently began to wonder what effect all this Navy activity was having on its sanctuaries in the area.

Concerned by possible damage to nesting birds at national wildlife refuges on Culebra Island (but mainly on the adjacent small cays) the Department of Interior (Bureau of Sport Fisheries and Wildlife) sent the Chief of its Division of Wildlife Refuges, Robert Scott, and other staff members to Culebra last month to make an on-the-spot reconnaissance of Culebra Island and adjacent cays to determine means for providing greater protection for migratory birds.

Scott told The Journal that his trip produced no "specifics" about injuries or deaths that may have been suffered by birdlife on the island as a result of naval bombardments.

A Navy official indicated, however, that these small islands—never before considered to be prime targets—now face an uncertain future on this score.

They have had an uncertain past as well, according to Culebrans: In May 1968 the Navy launched a massive coordinated air strike against Twin Rocks, one of the bird refuges. "It sounded as if the world were coming to an end," said one of the Culebrans. Thousands of nesting marine birds were killed, said islanders who visited the refuge the next day.

Scott said no one had told him of this incident.

Scott explained that, as a result of his trip and Interior Department concern over the refuges—a concern not previously evidenced, apparently engendered by the current publicity—Interior and Navy have set about working out a "memo of agreement," a joint understanding for modifying and improving present wildlife management practices there.

Scott said nothing had been formalized on this, but it would probably involve having the Navy avoid using the refuges as targets during certain crucial nesting periods or targeting parts of the refuge which Interior had determined to be free of the nests.

Scott cites as a precedent for establishing peaceful Navy Interior coexistence between bull's eyes and nest eggs on the same island a joint management agreement that now prevails on "No Man's Island" off the coast of Massachusetts.

This agreement maintains the goals of both agencies, Scott said, and he sees nothing "mutually exclusive" about having birds and bombs on the same islands.

Scott explained that in 1909 Theodore Roosevelt dedicated the cays off Culebra and other small outlying islands as national wild life refuges "superimposed on a prior right" of Naval use.

The only concern on Culebra itself, Scott

told The Journal, is for a colony of nesting sooty terns in the northwest area.

Scott said the refuges themselves are located on the offshore islands, but that the "exact status of the ownership of the offshore islands is not clear to us."

Scott said the Department's realty people have been instructed to answer the question: "Who owns what?"

Scott said some of the islands are known not to be public property at all, but leased. North Cay, for example, one of the larger offshore islands, was reportedly leased by the Navy from a single individual owner.

There are no wildlife refuges on it, the Navy said, "just someone running some goats."

LAND VALUES VERSUS HUMAN VALUES

Attorney Thomas Jones apparently has no doubt that at least a portion of the problem is land value. But his investigations have led him to conclude that it is not the "speculators" the Navy points its finger at who are the culprits, but rather the Navy itself. As he says in his statement:

"There is no mystery in the strong opposition of the people of Culebra to the Navy plan. The plan is widely believed to be the penultimate step in the Navy's desire to obtain the entire island; a high-ranking Puerto Rican government official told us that the Navy has wanted to resettle the Culebrans at least since 1960.

"This date corresponds to the time when the Navy began slowly to intensify its military training maneuvers. This intensification reached the point where last year—1969—the Culebra target system was in use day and night for an average of 9½ hours per day from Monday through Saturday and 3½ hours on Sunday. An even greater intensification is planned for this year. The effect of this intensification, naturally enough, has been to decrease the value of the land which the Navy will have to pay for if it acquires additional land. . . .

"Thus, the sketch of a Culebran is the portrait of a man who feels that his present way of life is imminently threatened, a man who feels forced by his sense of self-preservation to cry out."

THE STAGE IS SET

The stage is set for the third—but possibly not the final—act in the Culebra story.

Senator Edward M. Brooke (R-Mass)—who has expressed concern over the Navy's proposal for Culebra—told The Journal that Senate Armed Services Committee Chairman John C. Stennis (D-Miss) has agreed to place a 30-day "hold" on any further Navy plan.

"There is a possibility that hearings may also be held in the Senate at a later date," Brooke told The Journal. The law requires a report to both committees on any proposed real estate action. How thoroughly the background of a given transaction should be explored is at the discretion of each committee. Sources close to SASC told The Journal there are no present plans to hold a Culebra hearing.

MORE HILL CONCERN?

Aside from the Armed Services Committee itself, at least one other member of the House has become involved in the Culebra matter: Representatives James Symington (D-Mo) received questions on Culebra from one of his constituents, a Mr. Daniel Kohl, relative to property interests there, but also expressing concern, Symington's office told The Journal, about "a small group of people being exploited."

Feeling that "some important issues are involved," Symington requested—and received—information (based on plans as of 11 May) on the Navy's plans for use of the Atlantic Fleet Weapons Range (see map).

Important issues *are* involved, and important questions being asked. Once again, Congress is faced with a matter of priorities—and it's up to the Navy to explain why its priorities should come first. All the Culebrans want is their own island back.

IS CULEBRA STEVENSON'S "TREASURE ISLAND"?

"The Navy should have learned its lesson with Bikini," observed RAdm Colby G. Rucker of The Journal in an exclusive interview.

Admiral Rucker, who retired in 1949, should know: He observed Culebran affairs at first hand throughout his 30-year naval career, beginning with a landing there as a midshipman. And when he was in the Pentagon as planner for all overseas bases just after WWII, he handled both Culebran land claims (even then a problem) and the transfer of the Bikini islanders from their Pacific atoll to clear the way for the 1946 atomic bomb tests.

Admiral Rucker's reference in linking the lesson of Bikini with Culebra was to the dissatisfaction of the Bikini islanders with any other islands but home—Bikini. "Every island we moved them to was objectively better than Bikini," said Rucker. "They had more coconut palms, more pigs, better fishing reefs, more taro patches . . . but they still weren't home to them and they were unhappy."

The Navy, when it proposed to move the Culebrans to another island, was preparing to make the same mistake, concluded Admiral Rucker.

Admiral Rucker, who spent many years of his career in the Caribbean (and who taught history and English at the Naval Academy), is steeped in the history, literature, and lore of that area.

He was amused that the Journal (23/26 May) had suggested that one alternative target for Navy use instead of Culebra might be Isla Caja de Muertos—Box of the Dead, or Coffin Island. This can also be translated as "Dead Men's Chest," Rucker pointed out. He said this is the very island referred to in the old pirate song: "Fifteen men on dead men's chest, yo-ho-ho and a bottle of rum!" The pirates evidently had marooned 15 captives on Isla Caja de Muertos.

But of greater literary interest is Admiral Rucker's well documented thesis that Culebra is Robert Louis Stevenson's "Treasure Island." The topography, the hydrography, and sailing directions for entering the harbor all jibe perfectly, says Rucker.

When asked how he had connected Stevenson with Culebra, Rucker said the literary detective work wasn't too difficult. To earn a living between books, Stevenson had worked for the *Coastal Pilot*, a publication of the Royal Navy's Hydrographer. Stevenson had never been to Culebra, but he consulted *Coastal Pilot* for details to add realism to the seafaring portion of his books. "You could sail into many a Pacific harbor just by following the directions in the right Stevenson book," added Rucker.

Admiral Rucker stressed his conviction that the Navy hasn't always been as heavy-handed and unfeeling in its dealings with the Culebrans as more recent events appear to indicate. In fact, as he describes them, earlier Navy dealings with the Culebrans could have been taken as a model for the positive aspects of what has come to be known as "Civic Action" and "winning the hearts and minds" of the people.

Bluejackets from the fleet dug the first canal across the narrow neck of the peninsula which shelters the towns of Dewey. This saved a five-mile trip for ships' boats and also for Culebran craft sailing to the fishing grounds or to mainland Puerto Rico.

Well water on Culebra is brackish (Culebrans save rainwater for drinking), and the resulting forage is a high, tough wiregrass. The Navy introduced a special breed of brahma cattle capable of subsisting on brackish water and wiregrass.

Mail from ships anchored off Culebra for gunnery practice was routed through the Dewey post office. The increase in volume was so great that Dewey qualified as a first class post office—which meant a larger salary for the postmaster and additional employment for Culebrans.

Doctors and corpsmen from the ships in the area went ashore to hold sick call for Culebrans and more serious cases were brought back to the ships for treatment.

Shortly after WWII the dynamic lady mayor of Dewey had a dispensary built—but, as it turned out, it was on Navy land. Rucker, in Washington, obtained an easement which enabled the dispensary to remain where it was. —BROOKE NIHART.

CULEBRA, ACT III: NAVY ASKED TO ZERO IN ON FACTS—COMMITTEE MAY GO SEE FOR ITSELF

(By Bruce Cossaboom and Ben Schemmer)

A missile of goodwill from the Congress will impact on the embattled island of Culebra in the very near future.

Representative Charles E. Bennett (D-Fla), Chairman of the House Armed Services Real Estate Subcommittee, which is considering the Navy's proposal to acquire more target safety zone land on the Puerto Rican island of Culebra, told The Journal he and possibly other members of the Subcommittee would make a personal visit to the island either this past weekend (at Journal presstime) or this coming weekend.

Bennett said he had been invited by the Culebrans to make the trip and that he was accommodating this request and going "simply to see things on the spot"—to measure the psychological impact of the Navy's proposal on the islanders.

The announcement came about a week after a protracted and often difficult but illuminating hearing on the Navy's twin proposals—to acquire 2,350 acres of land for target practice expansion and to dispose of 680 acres on the southern coastline near Dewey.

A parade of nearly a score of Culebran and Puerto Rican witnesses urged the Subcommittee—sometimes emotionally, sometimes with logic, at times with deference, occasionally antagonistically—to reject the Navy's proposal. The islanders now want the Navy to leave altogether.

The Navy literally stuck by its guns, arguing that Culebra is an indispensable link in the Vieques/Culebra/Roosevelt Roads target complex of the Atlantic Fleet Weapons Range, and that its studies have demonstrated conclusively that nothing comparable is available in the Atlantic Ocean. "Why should we leave?" a high Navy official asked The Journal.

The Culebrans, meanwhile, have filed with the Supreme Court of petition for a writ of certiorari, asking the nation's highest tribunal to invalidate the Executive Order which they claim has virtually strangled their economy at a time when there is no war, actual or threatened.

At the hearing, the possibility of White House involvement in the final decision was raised by Chairman Bennett. The Journal has learned that senior aides at the White House have already taken a keen interest in the controversy, although it has not been formally presented to them (except in letters from Culebrans).

Meanwhile, at Journal presstime, Navy Secretary John Chafee's office confirmed that no request by the Culebrans for a personal meeting with the Secretary has been received by the SecNav's office, although Secretary Chafee is reported to be following the case closely.

Washington attorneys for the municipality of Culebra have been critical of the fact that there has been no face-to-face confrontation between Secretary Chafee and the Culebrans.

A decision to call upon the Commander-in-Chief to be the ultimate arbiter of Culebra's dispute with the Navy—a dispute perhaps now regarded as too hot a political potato for Congress to decide alone—would not be inappropriate.

THAT FUNNY VALENTINE

After all, the problem for the Culebrans began in the White House when the late President Franklin D. Roosevelt, on 14 February 1941, signed Executive Order No. 8684—establishing the Culebra Island Naval Defense Sea Area and Culebra Island Naval Air Space Reservation—shutting off air and sea passage into or out of the island except with Navy permission.

It is true that, at the start of the hearings, the Navy announced it was, for the first time, establishing an unrestricted-access sea corridor off the southern tip of the island. But that was seen by some as "nickel and dime relief," especially since many Culebrans regularly violated the requirement to obtain Navy permission by coming and going at will.

The Culebrans want no more interim relief. They want the order rolled back, and/or the Navy to cease use of the island for firing.

"I personally believe this is of such magnitude," Bennett said at the hearing, "that . . . the White House itself ought to be involved in it to a degree. And therefore, I think at the moment that at least an offer to the White House to become involved in this decision is a wise course for the Committee to take.

"We will submit the evidence to whoever will look at it in the White House," Bennett said, "and discuss it with the highest level of our government and try to see if they can resolve it in some manner."

Bennett said also that a Subcommittee review of the Navy's study of possible alternatives to Culebra should occur "before any final decision . . . to see if the White House wants to be involved in it."

The Journal has learned, meanwhile, that certain parties in the White House have already involved themselves in the Culebran problem and that an earlier disposition in some quarters to let the Navy resolve the matter itself has given way to a more involved stance.

WHITE HOUSE OFFER A FEINT?

Sources close to the Culebran protesters, however, tell The Journal they feel Bennett's offer is no more than a procedural feint to allow the Navy to ride out this storm.

They feel the White House position will be simply to let it rest with the Navy and not deal with it "until a crisis arises" (such as a fatal firing incident on the island), or until it becomes politically embarrassing for the President to continue ignoring it.

There are already the incipient beginnings of a partisan tinge to the Culebran issue, with the interest being taken in the affair by Senator Edward M. Kennedy (D-Mass) and other Senators on the Hill. (There is presumably no partisan angle to the already expressed concern of Republican Senator Edward Brooke, also of Massachusetts.)

Kennedy has recently requested SecNav John Chafee himself to investigate and report on alternative uninhabited sites which would serve Naval training purposes and would permit the return of the entire island to the Commonwealth of Puerto Rico.

Whatever some may allege is the reason for the White House suggestion, a sincere commitment to his duties lies behind Bennett's trip to Culebra. At the hearing, one of the witnesses had expressed the hope that the Chairman would "go there when they are not shooting."

Bennett said he appreciated the invitation, but added, "I am not a traveling Congressman"—a remark he tempered by saying, "If it seems helpful to go there, I would go there."

Despite the witness' warning about not going while shooting is in progress, Bennett told The Journal that he and his colleagues hope to view a demonstration of target shooting while there, and to spend time in Dewey talking with inhabitants and officials.

In a related vein, when Culebra's Mayor Ramon Feliciano told the Subcommittee he and his friends were happy to be in Washington to answer questions, a newsman quipped it was because it was "safer" than their homeland.

THE COURSES OPEN

What courses of action are open to the White House, should it decide to become involved?

It could endorse the Navy's plans wholeheartedly and urge congressional approval. It could advise the Navy to withdraw its acquisition request and intensify its efforts to find possible site alternates.

And although it seems unlikely at the moment, a stronger course of action could be followed.

If he felt such a course were indicated, the President has the authority to modify the Executive Order even further than the Navy has already done, or revoke it altogether, or issue a new one to take care of the Culebran situation.

But the Culebrans are looking to all three branches of the federal government for help and have gone to the Supreme Court, raising some of these constitutional points:

Whether the unusual restrictions imposed on the Culebrans represent a curtailment (not similarly imposed on known Communists, for example) of their liberty of movement to such an extent as to be prohibited under the Fifth Amendment.

Whether enforcement of the 1941 Executive Order (and whether it should still be considered constitutional—another point at issue) represents a taking of property without prior compensation and without the due process of law, also spelled out in the Fifth Amendment.

The U.S. First Circuit Court of Appeals has already rebuffed the Culebrans in a decision handed down 11 March. But they have now asked the Supreme Court to take the case on a writ of certiorari. No word had come at Journal presstime on Supreme Court acceptance or rejection.

WARTIME MEASURES IN PEACETIME?

The Culebrans' attorneys have told the Supreme Court that the "issues raised by the existence and enforcement of defensive sea area orders against civilians in time of peace are of continuing importance and should be decided by this Court."

"The power to create defensive sea areas both in war time and peace time is constitutional," the Appeals panel has ruled, "and the enforcement of Executive Order 8684 does not constitute either a taking of property without compensation or constitute an unconstitutional restriction of personal liberty. . . .

"In fact," the Court maintained at another point in its decision—indicating perhaps how strongly held its views were—"as long as Puerto Rico remains a part of the U.S., it would probably be unconstitutional for Congress to allow Puerto Rico any say whatever over maritime regulations involving national defense."

Title 18 of the U.S. Code, Section 96, gave the President statutory authority to establish defensive sea areas in both wartime and peacetime, and the President has not abused his discretion in continuing in effect Executive Order No. 8684.

The Court said the government selected the "least drastic means of achieving the congressional objective of safeguarding the national security of the U.S. In any event, this Court cannot and will not, under these circumstances, substitute its judgment for that of the Executive Branch in a matter of this nature."

Legal sources close to the Culebrans concede that it is a "long shot" that the Supreme Court will even agree to review the complaints, much less substitute its judgment for that of the lower court.

They say that if the Executive Order were to be invalidated (or the statute in question be deemed unconstitutional), this would certainly prove a "fatal blow to Navy operations" on Culebra, for it would permit fishing all around the perimeter.

THE JOURNAL ASKED

On May 29, the Journal submitted to the Navy a list of questions concerning Culebra. The answers, received 12 June, are reproduced in full below (answers in italics):

1. We understand that Commander, Caribbean Sea Frontier last week asked the Atlantic Fleet Weapons Range facility for a complete report of alleged recent misfires, wild shots, and off-target firing incidents on the Culebra/Culebrita island bombardment and aerial gunnery ranges. Please provide a detailed summary of these reports, by date, location, type and cause of incident, and findings with respect to civilian or military injuries or casualties.

The report on the alleged "misfires, wild shots", etc., is not complete and not compiled. When it is, we will let you know.

2. We understand that late in 1968, a Navy pilot crashed his aircraft and was killed on a target just off Luis Pena Cay. Please provide the date and details of this accident.

An A-4C Aircraft which had conducted practice dive bombing and rocket attacks on targets west of Culebra crashed during its landing approach to NAVSTA Roosevelt Roads. The plane went into the sea four miles from the end of the runway. Cause of the crash was undetermined. This happened 6 May 1969.

3. We understand that two Navy pilots collided and both died on or near the island of St. Thomas in 1967 or 1968 enroute to or from operations in the Culebra area. Please provide the date and details of this accident, if it occurred.

Two A4C Aircraft conducting daylight bomb and rocket practice off Culebrita collided on 8 November 1968 south of Culebra and crashed into the sea. Both pilots ejected. One received minor injuries and the other was not hurt. Both were picked up by helos. Both planes hit the water well away from the shore.

4. On Saturday, 23 May, a Navy demolition team searched for and blew up ordnance found near the beaches of Culebra. Please provide details of this activity: where was the ordnance found (please mark attached map with an "X"), how many rounds of what type were found, and who, by name (Culebran or Navy person), guided the team to the sites at which the ordnance was found?

About 23 May a Navy EOD team exploded ordnance in the impact area on the Northwest Peninsula. The largest piece exploded was a 100 lb. bomb just off the shore of the impact area. This was done on a sanitation sweep.

5. Does the Navy consider the Culebran beach at Flamingo Bay to be within the "impact area" or within the "safety zone" on the island's northwest peninsula? If the beach at Flamingo Bay is not within the impact area, why did Roosevelt Roads (as alleged in a written statement of EN1 Dennis Hooper) grant permission on Friday, 22 May, for Navy personnel at the Culebran observation post to fire mortar rounds toward the beach? If these rounds were not fired at or toward an authorized target within the impact area, please name and locate with a circled "X" on the enclosed map the approximate aim point.

Part of the beach at Flamingo Bay is in the impact area and part of it is not. The mortar rounds fired on 22 May were not fired toward the beach. They were fired 10 degrees to the right (or to seaward) of the tip of NW peninsula. The angle measured from the O.P. The rounds landed about 1500 yards from Flamingo beach and three other rounds landed about 2,300 yards from Flamingo beach.

6. Is the width of the safety "footprint" of Condor, Standard ARM, Hobo (glide bomb), and of any other new missiles which had been planned to be fired on the Culebran target range larger than the safety footprint of Walleye? If so, can you specify approximately how much larger?

Based on development tests the footprint for the Standard ARM is larger and of a different shape than that of Walleye. The shape and size of the footprint are classified. The footprints for the other weapons mentioned are yet undetermined.

WHY NOT LATER? IF AT ALL

Pincers movement of encroaching footprints?—The Navy's proposed expansion nearly doubles the size of the existing safety zone on the eastern end of Culebra to accommodate the firing of the Walleye missile on Culebrita. If such a sizeable chunk of the island is needed to expand the safety zone for this missile, other more sophisticated missiles which the Navy says it might (but doesn't have any current plans to) fire against Culerbita would presumably require "footprints" so large that further habitation of the island would be ruled out. The JOURNAL suggests that if the larger area is going to be needed for these follow-on missiles, why not secure it elsewhere, now, and then also use it for Walleye? Or why acquire so much more land now, if only the existing safety zone area will be needed for presently planned firings?

THE NAVY SPEAKS: FRANK SANDERS
ASST SECNAV (I&L)

Reproduced below, in its entirety, is the text of Mr. Sanders' statement prepared for presentation before the House Armed Services Real Estate Subcommittee hearings 10–11 June:

The Navy has submitted a proposal to the Congress to adjust its land holdings on Culebra. I would like to make a short statement now to put that proposal in proper perspective.

The first thing I would like to stress is the importance of Culebra to the Navy. Culebra is an essential part of the Atlantic Fleet Weapons Range, which provides important fleet training to the ships and aircraft of the U.S. Atlantic Fleet. The type of training done at the range cannot be conducted elsewhere in the Atlantic. There have been several studies to determine if there were alternatives to this range, and therefore to Culebra. The answer in each case was no. This judgment was based on the following criteria for such a weapons training area:

1. An area within which simultaneous operations can be conducted such as, amphibious operations, ship-to-shore gunfire, air operations and deep-water fleet training.

2. An area relatively free of commercial and non-participating aircraft and ships.

3. An area within a region of optimum weather conditions.

4. An area with favorable geography, oceanography, topography, and low population density.

5. An area that is preferably on U.S. territory.

6. An area contiguous to a Navy support activity.

Despite speculation to the contrary, there is no other place in the Atlantic area which meets these unique requirements where this training could be effectively conducted.

As you know, the Navy wanted to acquire the whole island in order to be able to train in an environment of greatest safety with most of the weapons now in the fleet and most of those we anticipate will be added to the inventory in the future. However, obtaining the whole island has proved to be infeasible. Therefore, we have proposed an adjustment of our land holdings on Culebra with two objectives in mind:

1. Permit the Navy to carry out its most essential training requirements—again in an environment of maximum safety.

2. Permit the people of Culebra to develop their economy as much as possible, consistent with the safe operation of the range.

Let me dwell for a moment on safety, because that concerns the second point I want to make.

Since 1936, Navy ships and aircraft have trained on and near Culebra. Nine Navymen were killed and one injured in 1946 when an aircraft mistakenly dropped bombs on a Navy observation post. Prior to 1936, when Culebra was used for Marine training, there was a boy reportedly killed accidentally when he allegedly played with a grenade left during the training. The Navy does not conduct aerial bombing on Culebra now. Marine operations are not conducted on Culebra now. Recently, there also have been reports of some Culebrans being injured prior to 1936 and one allegedly injured since 1936—but the Navy has neither knowledge of nor have any official claims been received regarding these alleged injuries.

Therefore, since 1936, we can frankly state that the record of naval training with regard to the safety of civilians on Culebra is excellent. The safety procedures in force are designed to make the range as safe as humanly possible. Further, these safety precautions are constantly under review to insure that they meet current conditions.

This level of safety cannot be guaranteed without some impact on the movement of people in and around the island of Culebra, but I can assure you the Navy will work diligently to reduce controls as much as possible consistent with safety. For instance, at some expense to training, we have shifted the Practice Aerial Mining Range from, immediately to the south of the town of Dewey to the vicinity of the small uninhabited island of Culebrita. This provides freer sea access.

It also provides a more direct ferry route to Culebra. Further, I would like to announce that the Navy has this week established a free access sealane to Dewey and the harbor through which boats may pass without checking with the Navy, which was a requirement until this week. Additional relaxation of controls consistent with safety may be possible and the Navy will welcome suggestions from the people of Culebra.

The third point I would like to make is that the Navy proposal does facilitate some new development on Culebra. We want to release 680 acres of Navy land, including ten miles of coast line near Dewey where most Culebrans live and where the best protected harbor is located. This land also includes the airport, from which regularly scheduled flights and other civilian aircraft operate.

The fourth point I want to stress is that the Navy is by necessity opposed to any economic or tourist development that will significantly increase the risk to civilians. We cannot emphasize this safety aspect too strongly. For this reason the Navy is opposed to projects for new vacation homes and marinas on the eastern end of Culebra. Some of the proposed homes and marinas would be about a mile from existing targets that have been in use for many years. That kind of development—far removed from the town of Dewey and dangerously close to existing and proposed targets on Culebrita—would seriously degrade safety.

This Navy proposal includes compensating the landowners in this area by leasing nonhabitation easements on this land to establish safety zones, while at the same time, allowing the citizens of Culebra continued use of this land for farming and grazing. We want to do this not because we are opposed to development, but because we wish to conduct critically necessary training operations with safety for all concerned.

Thank you Mr. Chairman for the opportunity to make this opening statement. We will later present more detailed justification for the Navy's need for these easements on Culebra.

CULEBRA: ACT III, SCENE—NO ISLAND ALTERNATIVE? HONOLULU FIRM OFFER TO BID ON BUILDING ONE

(By Bruce Cossaboom)

The Culebran Cauldron cooled down to a simmer this week, but at least four new developments bubbled up in the case of Culebra vs. the U.S. Navy.

(1) A large construction firm which enlarged Pacific islands for the Navy during WWII told The Journal it would be glad to undertake a feasibility study for building an artificial island alternative to Culebra as part of the Atlantic Fleet Weapons Range—if Congress asks it to.

(2) Branded "absolutely unfounded" by Jorge L. Cordova, Puerto Rican Resident Commissioner in Washington—and dismissed by the Navy with a "no comment"—was a *San Juan Star* story citing unattributed "Washington reports" that the Navy and the Puerto Rican government have already arrived at a settlement of the Culebra dispute behind closed doors.

(3) House Armed Services Real Estate Subcommittee Chairman Charles E. Bennett (D-Fla) and at least three other members of his seven-man panel were preparing, at Journal presstime, to fly to Culebra for an on-the-spot inspection tour. (Bennett's Subcommittee is currently considering the Navy's acquisition request for additional acreage on Culebra to enlarge existing safety zones for planned expansion of firing range activities.)

(4) A Naval Research official who had been quoted by Richard Copaken (Washington attorney for the municipality of Culebra) during the Subcommittee hearings as saying that floating platforms—another suggested target alternative—are "clearly within the state of the art," now tells the Journal he was quoted somewhat out of context and that "the concept of large floating stable platforms [needed for the navy's target practice] is fraught with technological problems." This official projected deployment of such a device as falling within the 1985–90 time frame.

ISLAND-BUILDER CONFIDENT

Dillingham Land Corporation of Honolulu (together with Ocean Industries, one of its subsidiaries), a large and diversified land builder and developer, says it feels it could build an island the Navy could use as a target range near Roosevelt Roads if the proper conditions and requirements were met.

"It appears that there are some areas near Culebra where we could do it," company officials told the Journal, "but it would need intensive study. We'd be willing to do a detailed study if the Committee wanted us to," they said, adding that the company would provide its brochure for the Subcommittee's consideration in evaluating possible alternatives.

Dillingham officials said they would be glad to meet with the Navy, take soundings in the Culebra area, try to find suitable shallow banks or rock outcroppings that could be used as a base, and provide a quick answer at reasonable cost.

"We have built islands before," firm officials observed, citing a 75-acre island which the company built (at a cost of $4 million)

in the Bahamas to support facilities for the mining of calcium carbonate.

From 1939 to 1946 the company sponsored a partnership of builders which constructed all naval military installations in the Pacific. "For this project," officials noted, "we took many islands that were too small and made them larger, such as Canton Island."

The firm was awarded the Navy "E" for excellence. It claims to have more "island-building experience" than anyone else, with operations in both the Pacific and the Atlantic.

More recently (1956–58) the company rebuilt Midway Island to lengthen the airstrip there, and built a port/airfield facility at Sattahip, Thailand.

Other company officials conceded, however, that the firm has had no mountain-building experience—and the Navy insists that any man-made targets must incorporate contours and relief similar to the features found on Culebra and other real islands.

Copaken introduced the subject of artificial islands in response to the Navy's repeated assertions that there are no natural islands which it regards as viable alternatives.

Navy officials told the House Armed Services Real Estate Subcommittee that, after studying a list of a score or more possible sites, they concluded that there is no alternative to Culebra.

Navy officials told The Journal that Atlantic alternatives from Newfoundland to the Gulf Coast and the Canal Zone had been checked out and "every logical island in the Caribbean examined," but not one of them fits Admiral Moore's six ground rules as does Culebra. ("This area is unique," Admiral Moore said of the Roosevelt Roads/Vieques/Culebra complex. "It fits our desires precisely.")

But Representative Charles E. Bennett (D-Fla), Subcommittee Chairman, apparenly regarded unsupported conclusions as inadequate testimony, and asked the Navy to provide the Committee with the detailed documentation of its "no other alternative" position.

After considerable questioning on the subject, Bennett and other Subcommittee members indicated they felt the Navy should go back and study some more.

Bennett gave the Navy its choice between detailing the strong points and weak points of other areas at another adjourned meeting (which Bennett says now is not likely to be held) or to present them administratively with members of the staff. Navy officials at CINCLANTFLT Headquarters said they could not provide The Journal with this information before it is given to Congress.

Navy officials told the Journal that if the House panel rejects their request for approval of the Acquisition Report, they have, in effect, no contingency plan ready to go into operation.

"If the Navy directed you to use another target instead of Culebra," the Journal asked at CINCLANTFLT, "which would you use? What would be the next four or five best places?"

In the event of an adverse ruling, officials said, the Navy would have to "sit down and do some homework, some serious consideration." Alternatives?—"As far as we're concerned, there are none." Loss of Culebra, officials said, "would have a significant impact on the training of the Atlantic Fleet."

(Officials also told The Journal the Navy opposes any rearrangement of the target complex, any shift in target utilization, any greater increase in the density of operations in target complexes other than Culebra because this would "increase the safety hazard to Navy personnel." As a matter of fact, the casualty ratio of Navymen to Culebrans killed in accidents is ten to one right now.)

Navy officials also said that the idea of floating platforms as targets, although under study by Navy R&D, has not been keyed in specifically in conjunction with Culebra.

SOME OTHER POSSIBILITIES

Here are some of the other Caribbean island possibilities, as discussed during the hearings and in conversations between The Journal and Navy Officials, with the Navy's assessment as to why they are unsuitable as alternatives.

North Cay—A large island off the Northwest coast of Culebra. It would be "unsafe for a bombing target," the Navy told The Journal, because its necessary safety zone would extend closer to Dewey than the zone radiating from the present targets on Culebrita Island.

Mona Island—A virtually uninhabited island, owned by Puerto Rico, on the other side of the mainland from Roosevelt Roads. It would take a period of years, the Navy said, to set up the necessary surveillance radar installed as on the complex. Its location in the international shipping lanes of Mona Passage would raise questions of international law.

Vieques—This island "does not afford two vantage points from which to determine the fall of a shot precisely."

The Navy and Marine Corps already use the island's eastern 2¾ miles for naval gunfire support/aerial close support targets, the next three miles inland for a Marine landing/maneuver area, and Vieffues' western end for an inert naval ammo depot. The possibility of moving the depot to Culebra, the Marine maneuver area to the western end of Vieques, and the new targets and expanded safety zones for Walleye to the freed area on the east coast would be unworkable, the Navy told The Journal. The reason: the beaches to which it is proposed to move the Marine maneuver area are not suitable for amphibious training, the Marines say.

Desecheo—An island south of Mona, "worse" than Mona in the drawbacks it presents as an alternative, the Navy said.

East Palominos—This island doesn't have enough land mass, the Navy says, lacks suitable air space, and is in a shipping area.

Luis Pena Cay—This island off the coast of Culebra is already used as a rake station and is too close to Dewey.

The Navy stressed that any alternative would "have to be out of the shipping lanes . . . have to have the proper population density . . . have to be out of air travel lanes."

To move to some other island complex altogether would necessitate the transplantation of the Roosevelt Roads base. Bennett told Navy spokesmen he felt they should "come back and give us intensive research about that general pattern where you could still use Roosevelt Roads."

But if some are still interested in finding an alternate target to replace Culebra in the Atlantic Fleet Weapons Range, others claim that a behind-the-scenes alternative may already have been arrived at.

The *San Juan Star* cites anonymous "Washington reports" to give currency to rumors that the government of Puerto Rico (specifically Governor Luis Ferre) has made an "agreement" or a "deal" with President Nixon, SecNav John Chafee, and Henry Kissinger, the President's adviser on national security, whereby the Navy would make some concessions to the Culebrans, but would continue its operations on the island essentially unaltered.

Commissioner Cordova emphatically denied this report and said that Governor Ferre—though known to be a good friend of the President, socially and politically, and said to have been a heavy campaign contributor in the 1960 election—has not yet talked to the President personally about the Culebran issue.

But this non-visit is actually a sore point for some Culebrans, who insist that Ferre should draw on his political assets in an attempt to exert leverage on the Commander-In-Chief.

Puerto Rican Senate President Rafael Hernandez Colon—a member of the opposing political party—said at a news conference after his return from Washington (as reported in the same *Star* story) that the solution of the Culebra-Navy controversy depends upon the pressures Ferre exerts on the White House on behalf of the island.

THE KEY TO THE ISSUE?

Key to Culebra issue? Revised Navy plans to acquire all of Culebra and resettle islanders elsewhere were changed late in April when Commonwealth officials pointed out that Puerto Rico's constitution provides that no municipality can be dissolved unless its citizens vote for dissolution in a referendum.

Apparently the Navy wanted all of Culebra in order to insure safety for use of Culebrita Island as the target for new guided missiles like Walleys, Standard ARM, Condor, Bullpup A and B, and Bulldog—plus the homing glide bomb, Hobo. These require much larger safety "footprints" than the 1½-mile-radius safety zone for inert bombs and machineguns, now used on Culebrita. (Live or explosive bombs are dropped *on* nearby targets at Shark Rock and Palada Cay, however. These targets were "leased" by the Navy from the Commonwealth of Puerto Rico in 1964 and 1965 for $1 a year each, without any prior consultation with the Culebrans. For these and nine other targets totalling 60 acres, Navy pays a total of $11 a year.)

Revised Navy plan calls for getting new 1,600-acre easement on Culebra's northeast peninsula to provide a 2½-mile safety zone for what Navy calls "the precision missile, Walleye"—to be fired against Culebrita (without explosive warhead), along with Hobo glide bombs.

A SecNav official told The Journal on 15 May that the Navy also wanted this bigger safety zone for missiles like "Standard AM, Bullpup A and B, Bulldog, Shrike, and Condor" to be fired against Culebrita. *But the safe official now denies the statement.*

Navy officials tell the Journal that Standard ARM's safety footprint is bigger than Walleye's, while those of Condor and the Hobo glide bomb "are yet undetermined." Condor's, by various reports, is estimated to be much larger than Walleye's.

Thus, the Navy apparently will need some other target—not on the Culebran target range—for Standard ARM, Condor, and possibly other missiles whose safety footprints are too large for safe firing even on the expanded Culebran/Culebritan range.

This hypothesis begs the question: "Why not also fire Walleye and Hobo against this other target, wherever it is (or will be), obviating the need for a bigger safety zone around Culebrita, and thus leave the eastern tip of Culebra at least no worse off than it is now?

CULEBRA: ACT III, SCENE 3—BENNETT PAYS "TRIBUTE" TO PRESS FOR ITS CULEBRA COVERAGE

(By Bruce Cossaboom)

A congressional panel has returned from an on-the-spot visit to Culebra with basically the same devil's advocate stance it showed before—not impressed that the Culebran's case warrants the unique, press-inspired consideration it is said to be getting, but not very convinced, on the other hand, that the Navy really can't find some other target.

Members of the House Armed Services Real Estate Subcommittee, headed by Representatives Charles E. Bennett (D-Fla), returned to Washington last Sunday after a three-day inspection trip to the embattled Puerto Rican island of Culebra, part of the Navy's Atlantic Fleet Weapons Range.

The panel has under advisement a Navy

real estate acquisition proposal to take additional land on the small island to use for safety zones for proposed expanded missile activity. The Culebrans are not only opposing this proposal (which came as a substitute for taking the whole island, a plan the Navy earlier backed down on); they now want the Navy to cease using the island as a target altogether.

Bennett told The Journal shortly after his return from Culebra that the Subcommittee will probably hold one final hearing to have the Navy explain its objections to other island alternatives.

Bennett also said that the case of Culebra would not stand where it does today if it had not been blown out of all proportion by: (1) the news media; (2) potential tourist developers on Culebra; and (3) far left political groups in Puerto Rico.

Bennett said the panel told the Navy that "even if they have to go to great inconvenience and expense," they should not rule out any "alternative on pure dollars and economics" but should determine whether they can come up with a comparable target. But "that's not clear" at the present, Bennett said.

The Navy thinks it has already exhausted the possibilities: this was made clear in testimony before the House panel on 11 June and in various Journal interviews with Navy officials in Washington and at CINCLANTFLT Headquarters in Norfolk. But the House panel wants to *see* the studies—and what results from the panel's "damn the expense" directive. No specific date has been set for the next hearing, Bennett said.

The panel wants the Navy to answer these questions, Bennett said:

(1) If you feel you can't move elsewhere, why not?

(2) If you can move elsewhere, what will it cost and how much inconvenience is involved?

"We are leaning over backwards in this case," Bennett told The Journal. "I hope we can solve the problems for both sides in the dispute."

Bennett said he and other Subcommittee members who made the trip held "very extensive consultations—not hearings—with the people" on two separate visits to the island, went to nearby Vieques, flew over most of the suggested island alternatives in the Caribbean (including Mona Island) and the islets off Culebra itself, and were present on the island during what they were told was supposed to be a typical firing—with as much firing as they usually do.

Presumably, Bennett was playing his typical "devil's advocate" role while talking with The Journal about his visit to Culebra. (By one informed report, this was the *first* time he has ever traveled on Armed Services Committee matters: Bennett has made it clear that he does not enjoy traveling, and his visit to Culebra is a good measure of his determination to give the islanders a full and impartial hearing.)

Asked his impression of the noise level and intensity which the islanders experience—and which he experienced that day—Bennett told The Journal that the actual firing is not as frequent as it would sound from Culebrans' reports to Congress, since much of the time is taken up in studying and plotting the actual shots before and after firing.

"I can understand the problem," Bennett conceded, "but the noise is just barely discernible if you are carrying on a conversation. You have to remain quiet to hear it."

(His statement contrasts with those of islanders who claimed before the House panel on 10 June that the noise is more frequent and more nervewracking, keeps children awake at night, interferes with their health and education, and—according to Culbera's only doctor—causes an "extraordinary presence of nervous disorders.")

Bennett noted that the Culebrans' problem of land takeover is "not nearly as acute as many places on the U.S. mainland." (When asked for a specific example, however, of one of those "places," much less for a place where firing on a mainland U.S. target creates a comparable problem, Bennett said he did not have time to provide one offhand.)

JACKSONVILLE WORSE OFF?

He did say that more people are being displaced for a new post office in his home city of Jacksonville than live on the entire island of Culebra.

Bennett claimed that the Culebrans are getting much more attention than people in comparable situations usually get. Every national park and urban renewal acquisition involves the same thing, he said, but these property owners get far less publicity.

"No other Americans have ever been given so much attention" (in this kind of situation), he observed.

Bennett complained, indeed that the Culebra case has become "unlike most taking of lands." He said it would probably be no different than other property takeovers except for at least three factors:

(1) The exciting confrontation of the dramatic, beautiful little Caribbean island at war with the U.S. Navy—getting widespread publicity through the "wonderful news media." (If the press had similarly gone to bat for those dispossessed by Everglades National Park, Bennett suggested, there might never have been a park there.)

(2) Pressures for development of high-rise apartments for a tourist attraction—reference to such a possibility was made in some of the Culebrans' own testimony and stressed by Bennett at that time as incompatible with the island's idyllic image. (Bennett may have purposefully overlooked, in a typical devil's advocate role, that on 10 June Culebra's Mayor Ramon Feliciano said he would "have no objection to a directive" from the House Subcommittee "to turn Culebra into a National Park, thereby eliminating" any possible doubt about land speculations. The President of the Puerto Rican Senate assured the House Subcommittee that the Commonwealth's Senate would back Mayor Feliciano on such an offer.)

(3) The existence in Puerto Rico of the *Independistas*, a very "left-wing" (perhaps Communistic, Bennett suggested) splinter party "which seizes on any awkwardness in the government's position" to promote its own causes.

Bennett may have been overstating the case purposefully; during the 10 June hearings before his Subcommittee, leaders from virtually every political party on Puerto Rico testified on behalf of the Culebrans.

When SecNav Special Assistant Joseph A. Grimes, jr. opened his testimony the next day by saying, "Culebra is a political issue in the Commonwealth of Puerto Rico," he was corrected sharply (but politely) by Resident Commissioner Jorge L. Cordova. As Cordova (a non-voting member of the House Armed Services Committee) noted, "Culebra . . . *was* perhaps an issue. It is no longer an issue. The Navy has been quite successful in uniting Puerto Rico, which was otherwise divided and [which] is still divided on many *other* issues; but *not* on Culebra."

Bennett said none of the Culebrans with whom he talked had any positive remarks to make about what the Navy has tried to do in an effort to improve relations with the islanders—including the opening of a free-access sealane in the formerly completely restricted perimeter. (The Navy's Commander Caribbean Sea Frontier appointed a Navy captain to be his "personal representative for community affairs" on Culebra and for Vieques on or about 11 June. Possibly, not enough time has elapsed for this officer's work to take effect. One problem may be that, as of the last report, the Navy still did not have a Spanish-speaking officer on Culebra.)

As an example of the over-exaggerations which Bennett said may have been made in the attempt to describe the harmful effects of the shelling, Bennett cited the case of a species of parrot which is said to have been killed off as a direct result of the shelling. He noted that the bird had been "extinct for a long time." (See box on "The Ecology of Culebra.")

Bennett said that, beyond the resolution of the controversy with the Navy, the island's long-range future is likely to be one of rather rural, undeveloped status, since it is not very large and will never have a very substantial population.

He compared Culebra to the larger, nearby islands of Vieques, which has hospitals, industries, high schools—none of which could Culebra sustain, even if the Navy left the island entirely.

If their land is taken or condemned (there is no mention of "condemnation" in the Navy's current acquisition report before the Committee), "every penny the people have in it will be paid to them," Bennett stressed.

CULEBRANS GATHER SENATORIAL SUPPORT

Another Senator has enlisted on the side of the Culebrans in their battle with the Navy as the rhetorical bombardment shifts to the Senate side of Capitol Hill.

While the House Armed Services Real Estate Subcommittee awaits the Navy's presentation of its study of alternatives to Culebra as a part of the Atlantic Fleet Weapons Range, some new voices are joining the chorus of those in House and Senate who have spoken out on behalf of the Culebrans.

Both Massachusetts Senators, Edward Brooke (R) and Edward Kennedy (D), have expressed concern about the matter.

Now New York's junior Republican Senator, Charles E. Goodell, has held a New York City press conference with Puerto Rican leaders (from both the U.S. and the Commonwealth), in which he issued a strongly pro-Culebra statement.

He publicly called on the Senate Armed Services Committee to hold hearings on the Culebra affair.

Goodell also announced formation of a nationally based Save Culebra Committee, made up of Culebran and Puerto Rican leaders in New York and any national dignitaries who might wish to lend their names to the cause.

Goodell's office said one of the functions of the new popular-action group will be to develop "facts on the bad effects of the shelling of the island."

Juan Feliciano, the brother of Culebran Mayor Ramon Feliciano, will be a member of the SCC.

For the past month or so, Goodell's office told The Journal, the Senator has been working "quietly" on behalf of the Culebrans, meeting with Puerto Rican Governor Luis Ferre and other Puerto Rican leaders.

Goodell is said to have "exerted pressure" on the White House, the Navy, and the House Armed Services Committee, but finally decided to bring the matter out into the open, after it became clear to him that "all these options seem to be closed, with the Senate the only path left."

ALL DOORS SLAMMED

"Since all of the doors have been slammed in the face of the Culebrans," Goodell said at the New York meeting, "I have suggested that the Senate Armed Services Committee begin an investigation of the Culebra issue and of the Administration's handling of it."

Goodell's office told The Journal that among the Administration witnesses the Senator hopes would be called are Henry Kissinger (the President's National Security Adviser), Secretary of the Navy John Cha-

fee, and Assistant Secretary of the Navy (I&L) Frank Sanders.

Goodell stressed that he still hoped some good would come from the House Armed Services Real Estate Subcommittee's consideration of the Navy's land acquisition proposal and from Senator Henry Jackson's request to the Navy for a "full report" on the Culebran situation.

But "neither that Subcommittee nor the Navy is disposed to act favorably on the rights of Culebrans," Goodell added.

Goodell's New York speech dwelled on the economic, educational, and ecological consequences of the Navy's shelling on Culebra, and on the Navy's—now abandoned—original plan to take over the entire island.

FULBRIGHT SPEAKING OUT?

Meanwhile, Senator William Fulbright (D-Ark) reportedly was ready at Journal presstime to make a pro-Culebra speech on the Senate floor. He earlier had written the Navy expressing his concern about the issue and asking supplementary information. He was expected to include the Navy's reply in his floor statement.

And, in a related development, Representative Shirley Chisholm (D-NY) hosted on Tuesday, July 7, a "caucus" of Congressmen who have now expressed active interest in the Culebra issue. Staff members for seven Senators and six Representatives showed up, in addition to Congresswoman Chisholm herself and Puerto Rico's Commissioner Jorge Cordova, a non-voting member of the House. The meeting was reportedly intended to take an inventory of who was taking what actions, with a view toward further discussions of new initiatives that should be taken on behalf of the Culebrans.

On the Senate side, staffers attended from the offices of Senators Edward W. Brooke (R-Mass), J. W. Fulbright (D-Ark), Charles E. Goodell (R-NY), Henry M. Jackson (D-Wash), Jacob J. Javits (R-NY), Edward M. Kennedy (D-Mass), and Hugh Scott (R-Pa).

Members of the House who were represented included six New York Democrats (A. K. Lowenstein, Mrs. Chisholm, R. L. Ottinger, Ben S. Rosenthal, W. F. Ryan, and J. H. Scheuer) and C. A. Vanik (D-Ohio).

Meanwhile, as reported in last week's Journal, Senator Henry M. Jackson, Chairman of the Interior and Insular Affairs Committee and a senior member of the Armed Services Committee, has asked the Navy for a "full report" on Culebra, but had not received an answer at Journal presstime.

Jackson has also reportedly agreed to let Jorge L. Cordova, Puerto Rica's Resident Commissioner, personally air the Culebrans' case before his Armed Services Military Construction Subcommittee.

The office of Senator Brooke told The Journal (4 July) that Armed Services Committee Chairman John C. Stennis (D-Miss) has now placed an indefinite "hold" (it has been for 30 days) on any Navy action on Culebra until the issue has been resolved "satisfactorily."

Presumably, this means that the Navy's 30 April real estate acquisition request—now pending before the House Armed Services Real Estate Subcommittee, headed by Representative Charles E. Bennett (D-Fla)—cannot be acted upon without a counterpart affirmation from the Senate panel.

Culebrans may thus have a second "court of last resort" if the House panel approves the Navy's proposal.—Bruce Cossaboom.

Senator Henry M. "Scoop" Jackson (D-Wash), ranking member of the Senate's Committee on Interior and Insular Affairs, a senior member of the Senate Armed Services committee and reportedly President Richard Nixon's original choice to be Secretary of Defense—recently asked the Navy for a "full report" on Culebra, but had yet to get an answer as of Journal presstime. Senator Jackson's staff told The Journal that he has written to Puerto Rico's Resident Commissioner, Jorge L. Cordova, agreeing that Cordova personally could air the Culebrans' case before Jackson's Armed Services Military Construction Subcommittee, although the Subcommittee has no direct authority over the Navy's 30 April real estate acquisition request. Some confusion exists over whether Senator Jackson wrote the Navy as a member of the Senate Armed Services Committee or as Chairman of the Senate Interior and Insular Affairs Committee. (He is also Chairman of the Senate's Subcommittee on Government Operations for National Security Affairs and International Operations).

Senator Edward W. Brooke (R-Mass), influential member of the Senate Armed Services Committee, told The Journal on 3 June that Committee Chairman Senator John Stennis (D-Miss) had placed a "30-day 'hold' on any further action on the part of the Navy" with respect to Culebra (Journal 13 June). Now, Senator Brooks' staff tells The Journal that the "hold" is "indefinite"—the Committee has informed the Navy that no action whatever is to be taken until the issue has been "resolved satisfactorily." Presumably, this means that the Navy's 30 April real estate acquisition request—now pending before the House Armed Services Real Estate Subcommittee—cannot be acted upon without an affirmative, specific okay from the Senate body. Thus, even if the House body issues a report favorable to the Navy, Culebrans may have a second "court of last resort" before the Senate.

JOURNAL READER OFFERS AN ALTERNATIVE

An alternative for the Culebran firing range which appears to fit at least five of the Navy's six criteria has been offered to The Journal by a U.S. citizen who owns an exclusive option for a four-mile-long peninsula, rising to an elevation of 800 or 900 feet on a barely inhabited island east of Roosevelt Roads Naval Station. The Navy can have the target for $3-million, The Journal was told.

The peninsula in question is arid and barren, but apparently has the ground contours stressed by the Navy as one prerequisite for an alternative target site. The island's 900-foot high ground separates this barren peninsula from an inhabited portion reported home to about 200 to 250 people and 800 goats—in contrast with 726 Culebrans). The Navy has stressed that high ground, like that used for Culebra's rake station at the Big Mary Observation Post (Journal 23/26 May and 6 June), is needed to calibrate the fall of each round fired or bomb dropped.

While The Journal does not intend to second-guess Navy studies of possible target alternatives, the island in question is particularly intriguing in that it apparently meets at least five of the Navy's six basic criteria. Moreover, it is closer to the Roosevelt Roads naval complex than some other alternatives which the Navy has been studying. These criteria require an area which:

(1) Allows conduct of simultaneous ship-to-shore and aerial bombardment exercises;

(2) Is relatively free of commercial aircraft and shipping;

(3) Enjoys good weather;

(4) Has a low population density with favorable geography, oceanography, and topography;

(5) Is contiguous to Navy support activities; and

(6) Preferably is on U.S. territory.

The island peninsula in question may not have been a viable alternative at the time Navy studies of Culebra target needs were undertaken, in part because of assumptions that certain privately owned lands would not be released. The Journal has been offered a $150,000 commission for sale of the peninsula. Further details on this intriguing offer (the island, not the commission—although we're happy to be above-board about the whole thing) can be checked out at 1710 Connecticut Avenue. Tempting as it may be, The Journal is not in the real estate business and will forgo the commission, much as we need the money.

THE ECOLOGY OF CULEBRA

Acting Interior Secretary Fred J. Russell wrote the Society of Friends of Culebra last 23 April that the Department of the Interior was "concerned about the possible damage to nesting birds on Culebra Island and adjacent small cays caused by the use of these areas as gunnery targets." He referred specifically to Culebra as a "National Wildlife Refuge" (Journal 6 and 13 June).

On 20 and 22 June, Mr. Ricardo Cotte, U.S. Game Management Agent for the Department of the Interior on Puerto Rico, provided by telephone the following statement attesting to the unique ecology of Culebra. Having heard one senior civilian Navy official deride the alleged massacre of "sooty terns" on the island, we urge our readers—and most respectfully, the House Armed Services Real Estate Subcommittee, as well—to read this poignant summary. Perhaps Chairman Bennett then will understand why The Journal doesn't fully share his view that the "harmful effects" of the island's shelling have been "over-exaggerated."

"Culebra and the surrounding cays constitute an important eco-system in the archipelago east of Fajardo. The cays and Culebra itself provide important nesting grounds for various migratory oceanic birds, including the sooty tern, the nobby tern, laughing gulls, and possibly roseate terns as well.

"In addition, there are several important lagoons on Culebra itself, including Laguna Zoni on the eastern part of Culebra and Flamingo Lagoon, behind Flamingo Bay, in the impact area. The Bahama Pintail, a rare and endangered species, is found in these lagoons. Other species of birdlife found on Culebra include the brown pelican and the blue-faced booby.

"There are also endemic populations of white-crowned pigeons and red-necked pigeons; these birds are very rare in the area. Their former nesting grounds were in St. Croix, where Harvey Aluminum built a large aluminum plant and Hess Oil built an oil refinery, thereby forcing the birds to seek refuge in Culebra and St. Thomas.

"Although the Island of Culebra itself is not technically a part of the Wildlife Refuge, which includes all of the publicly owned cays surrounding Culebra, the Government of Puerto Rico has made Culebra a game refuge where no hunting is allowed.

"The island is itself unique in terms of both geology and vegetation. Culebra is of volcanic origin and the geological formations there are of great interest. The island is very rich in green jade, for example. The Resaca Mountains, near the Observation Post, have unique vegetation, particularly the Red Manjack trees and White Manjack trees; these trees provide the staple food of the pigeons mentioned above, as well as of the white-winged dove and the zenaida dove, which are found on Culebra.

"The whole shape of Culebra is amoebic, with many peninsulas and coves. This adds greatly to the physical beauty of the island. Flamingo Bay, with its long, curved white-sand beach is one of the most beautiful bays in the Atlantic. Culebrita Cay also has one of the most beautiful white-sand beaches in the entire Carribean. Another important beach is Balcon Beach, facing North Cay, which is a "whistling beach." It is a rare phenomenon, acknowledged by science, that on a very few beaches in the entire world the sand "whistles" or "whispers" when the wind blows. Balcon Beach is an example, in addi-

tion, there are several smaller beaches with extraordinarily beautiful rosy-white or pink sand. These are produced by the action of the waves on the coral reefs.

"The corals on the eastern and southeast portion of the island are very rare and beautiful; the only other area with similar growth is found in the St. Johns National Park. These corals, together with the beaches of unusual sinuosity, enhance the extremely rich marine environment. The water around Culebra and the surrounding cays is of great clarity; moreover, it constitutes a magnificent sporting and commercial fishing ground.

AN ECOLOGICAL DISASTER OCCURRED

"Two or three years ago on the northwest peninsula of Culebra, in the impact area, an ecological disaster occurred. The impact area contains primary nesting grounds of the sooty tern, an oceanic migratory bird which is similar to the gull, though more slender and even more graceful. Approximately 27 to 35 acres constitute the nesting grounds. Shelling of the impact area apparently caused a grass fire which burned a huge area, from 15 to 25 acres during the nesting season. This must have occurred sometime between March and May, because the birds were starting to nest. Because there are one to two eggs per nest and from three to four nests per square meter, the number of eggs that were destroyed is enormous. In addition, [I found], a number of birds which have been burned by fire."

Mr. Cotte has pictures of the incident, but said he cannot release them without prior permission of the Navy, which has "primary interest" over the island.

CORDOVA ADMITS P.R./NAVY DEAL—PROBLEM "TOO DELICATE" TO DISCUSS WITH CULEBRANS

(By Ben Schemmer)

Puerto Rico's resident Commissioner told The Journal in an interview early this week that an agreement *had been reached* as of late 1968 between the Navy and the Commonwealth of Puerto Rico for the Navy to take over the entire island of Culebra. Commissioner Jorge Cordova admitted, in effect, that he and Governor Luis Ferre were made aware of the "behind the scenes" agreement during transition discussions they had personally with outgoing Governor Sanchez Vilella, who advised the newly elected Ferre that he "had a problem" since the Culebrans soon would have to be resettled.

Presumably, Ferre's party would stand to benefit politically from revelation now of any such "behind-the-scenes" deal made under the previous, opposition administration, since it could take credit for having persuaded the Navy to change its takeover plan in favor of the new easement on the western third of the island. But Cordova also admitted, in effect, that neither he nor Ferre took *any* action for over a year to advise the Culebrans that an agreement had been reached to resettle them; and Cordova admitted they also failed to advise the Culebrans in April that the Navy had new plans for the easement which is now in dispute before the House Armed Services Committee.

Cordova said that he and Ferre were briefed on the new Navy plan several weeks before it was publicly announced by the Navy in San Juan on 24 April. Cordova said that the Culebrans had not been clued in simply because the problem was so "delicate" and because he was "not aware" that the Culebrans really were concerned—until Mayor Feliciano wrote him early in April, enclosing a copy of an appeal Feliciano had sent to the President late in March.

FACTS DON'T FIT

If Cordova's statement is true—that an agreement had been reached late in 1968 to turn Culebra over to the Navy—then Navy spokesmen have been less than candid with the press in denying it. For instance, the Navy's Director of CHINFO's Media Relations Division wrote to the United Nations correspondent for *Claridad* on 2 March of this year—apparently weeks *before* the Navy changed its mind about acquiring all of Culebra—*denying* there were any plans to expel the Culebrans from their island. Specifically, the Navy was asked by *Claridad* in a letter dated 17 February, "Does the Navy intend to expel the inhabitants of Culebra?" and "Does the Navy intend to put pressure on the inhabitants of Culebra in order to force them to leave their island?" The Navy reply (of which The Journal has a copy) to these two questions reads, "The Navy has no jurisdiction over the civilian inhabitants of Culebra. Therefore, the answer to the above two questions is no."

In the strictest technical sense, the 2 March Navy reply could be called truthful. But in any reasonable interpretation, it would have to be called "quibbling"—if Cordova's allegations about the takeover agreement are factual.

Cordova told The Journal that he and Ferre were briefed personally about the Culebra takeover agreement by SecNav Special Assistant Joseph A. Grimes, Jr., early in 1969—shortly after the Nixon Administration took office—with the Commander-in-Chief Atlantic Fleet also present. Cordova said that he has since met with Grimes "four or five" times, and that Governor Ferre had met with Grimes "two or three times" to discuss problems about resettling the Culebrans. Navy Assistant Secretary Frank Sanders was present at several of these meetings.

Cordova has since spoken out strongly not only against the Navy's new request for a safety zone easement on the island's western tip but against continued Navy ship-to-shore bombardment operations on the island's eastern tip as well.

In a telephone interview, the President of the Puerto Rican Senate (and leader of the opposition party), Rafael Hernandez Colon—reportedly the leading candidate to oppose Ferre in the 1972 gubernatorial election—told The Journal:

"The information you have revealed confirms that both the Sanchez Vilella and Ferre administrations have not kept the people of Puerto Rico informed as to their negotiations with the Navy. This information comes as a complete surprise, and tends to contradict Ferre's own statements about Culebra."

Colon said he was in Washington because he had "lost faith" in Ferre's and Cordova's efforts in behalf of the Culebrans. He said that he had just met with Senator Henry Jackson (D-Wash) about the Culebran issue, but he would reveal no details of their conversation.

CULEBRA HEARINGS RECONVENE WITH HOST OF QUESTIONS AT ISSUE

(By Ben Schemmer and Bruce Cossaboom)

Governor Luis Ferre of Puerto Rico, who had been expected momentarily to shed his ambivalent neutrality on the Navy's request to expand its Culebran bombardment range, apparently plans to remain silent until House Armed Services Subcommittee hearings have run their course. Ferre was expected last week to announce that the future of Culebra is "not negotiable" and to ask the Navy to leave the island entirely.

High Administration and several congressional sources told The Journal such a stand by Ferre would have a decisive impact in rallying White House support for the Culebrans. (Ferre reportedly was one of the largest single contributors to President Richard Nixon's 1960 campaign and is said personally to have raised substantial contributions for the President's successful 1968 bid. Ferre also told The Journal weeks ago that he is a close personal friend of Defense Secretary Melvin Laird—but Laird has yet to comment on the Culebra issue.)

Puerto Rico's Resident Commissioner in Washington, Jorge Cordova, told The Journal that he had strongly urged the Governor on Friday, 10 July—when Ferre returned from a trip to Japan and Southeast Asia—to speak out publicly on behalf of the Culebrans. Cordova said he and Ferre had discussed the Culebran issue twice that day. He expressed "surprise" that Ferre had not made the expected statement at a major news conference which Ferre held upon his return to Puerto Rico last Saturday. Cordova expressed his "disappointment" when told that The Journal had been advised at presstime that no new statement would be made by Ferre until hearings before the House Armed Services Real Estate Subcommittee had "run their course."

Ferre's ambivalence on Culebra has been of concern to the islanders and has puzzled officials in Washington, since the Culebra issue has united virtually every political faction in the Commonwealth. Observers here suggest that Governor Ferre stands to lose any political benefits he could rally by speaking out on behalf of the Culebrans *if* he defers such a stand too long—particularly in view of revelations (Journal 11 July) that he was privy, in late 1968, to details of an agreement made between the Navy and the previous administration on Puerto Rico whereby the Navy would take over the entire island and have the Culebrans resettled. Ferre (and others in his administration who were briefed by the outgoing administration and by the Navy) never advised the Culebrans that such a deal had been made.

DISCUSSIONS "CONFIDENTIAL"

When asked early this week about his part in that agreement, SecNav Special Assistant for Culebra Joseph A. Grimes, Jr, would say only, "All of my discussions with the Commonwealth of Puerto Rico have been on a confidential basis. . . . We have not divulged anything publicly about those meetings." Grimes admitted, however, that he had met with Governor Ferre and with Commissioner Cordova shortly after Grimes assumed his current Pentagon post in February 1969. He denied that CINCLANTFLT Admiral Ephraim Holmes was present at any meetings with Cordova or Puerto Rican officials, as had been alleged by Cordova in a Journal interview (4 July) when he spelled out the deal on Culebra allegedly agreed to by previous governors of Puerto Rico.

Ferre's new stand on behalf of the Culebran municipality was expected to coincide with resumption of hearings on the Navy real estate acquisition request for a new easement on the eastern third of Culebra. But Ferre's office told the Journal no such statement should be expected. Dr. Roland Perusse, Special Assistant to the Governor, told the Journal that Ferre felt "it was necessary for the Navy to guarantee the peace, welfare, and happiness of the people on the island, whatever solution is arrived at or taken into consideration." But Perusse also said that Ferre wants to see "the HASC hearings run their course before he intercedes."

The Navy acquisition request is now pending before the House Armed Services Real Estate Subcommittee. At Journal presstime, the subcommittee was to reopen its Culebra hearings on Friday, 17 July.

One of the Subcommittee's major purposes is to have the Navy explain in detail its analyses of possible alternatives for the Culebran bombardment and gunnery range. When the Navy gave the Subcommittee on 11 June a summary of those alternatives, Committee Chairman Charles E. Bennett (D-

Fla) cut the Navy off and asked Navy witnesses to do more homework and to return prepared to answer specifics they were unable to discuss at that time. For instance, the Navy had ruled out as an alternative target site the island of Mona, midway between Puerto Rico and Cuba, in part because there was no radar equipment for command and control of the ship and aerial bombardment training. But Navy witnesses were unable then to offer any figures on the cost involved or time needed to set up the required radar and telemetry network. The Subcommittee also asked the Navy to take a new and thorough look at the possibility of using artificial or floating islands as targets, and of using Navy ships for the rake (spotting) stations to score its gunnery/bombing exercises.

SENATOR JACKSON GETS NO NEW DOPE

Navy officials have been unwilling to discuss the results of any such analyses prior to making the data available to the House Armed Services Subcommittee. But no mention whatever of artificial or floating island alternatives was made in the Navy's 7 July reply to Senator Henry M. Jackson's (D-Wash) request of 19 June for a full report on the Navy's use of and plans for Culebra. The Navy's reply, signed by Assistant Navy Secretary (I&L) Frank Sanders and made available to the Journal by Senator Jackson's office, provides virtually no new insight on the Culebra issue.

The Navy's reply to Senator Jackson dismissed five nearby alternative target sites on the following grounds:

OTHER ISLANDS CONSIDERED

Mona Island

"1. The island lies in the middle of Mona Passage, a major international waterway with an average daily ship count of 17 ships within a 50 mile radius of the island. The United States is presently engaged in preliminary international negotiations with respect to extending territorial waters from 3 to 12 miles. Fundamental to the U.S. position is that the straits of the world will be left as high seas. Any U.S. proposal to restrict Mona Passage might adversely affect the U.S. negotiating position.

"2. There is a lack of reserved air space since the area is traversed by three international airways with Mona Island a major intersection for reporting purposes.

"3. Western Puerto Rico does not have a command and control facility comparable to that of Roosevelt Roads in the east, therefore, adequate air/surface surveillance and warning is not possible.

"4. The flat topography would make difficult the installation of adequate spotting facilities and profile trackers."

Isla Desecheo

"1. Located 27 miles northeastward of Mona Island and 12 miles westward of Punta Higuera, Desecheo is a small island a mile in diameter. Since it is in the Mona Passage, the same undesirable international waterway aspects associated with Mona Island are present here.

"2. As with Mona Island the lack of reserved air space and command and control facilities is also present.

"3. The size of the island is not sufficient to locate spotting facilities and profile trackers.

"4. The U.S. Department of Health, Education and Welfare and the Puerto Rico Medical School have an agreement for joint use of the island for study purposes.

Isla Palominos

"1. This small privately owned island is located in the Fajardo Roadstead only 6800 yards from the mainland of Puerto Rico. The area is a major recreational waterway and includes a commercial marina on Isla Marina, 750 yards from the mainland. The footprints of the inert Walleye missile fired at Isla Palominos would fall within 500 yards of this marina.

"2. The island does not contain sufficient land mass (1100x500 yards) for a target impact area.

"3. There is a lack of suitable reserved air space which will become more severe with the completion of the planned Fajardo commercial airport."

Caya Lobos

"1. This privately-owned island is located in the Fajardo Roadstead 5300 yards from the mainland in the same recreational waterway as Isla Palominos. It is a tourist area and contains a small aircraft landing strip.

"2. The footprints of an inert Walleye missile would fall within 300 yards of the mainland and would include Cayo Icacos.

"3. The land mass (600x300 yards) is insufficient for a target impact area."

Isla Caja de Muertos

"1. This island is 5 miles off the south central coast of Puerto Rico mainland and 7 miles from the city of Ponce, a major shipping port and center of the sugar refining industry.

"2. There are no command and control facilities to provide surveillance and warning.

"3. The land mass of the island (1½ x ½ miles) is insufficient to locate spotting stations and profile trackers. Additional land in the vicinity would be required."

OTHER DEVELOPMENTS

Other developments have been breaking fast on the Culebra issue:

The New York Times in a lead editorial of 10 July asked: "Can anyone really believe that the only suitable target area in the entire Atlantic Ocean for testing a new generation of guided missiles and glide bombs is a 7,000-acre island off Puerto Rico which 726 Americans call home? . . . It would be a salutary example of what one likes to think the United States is all about if the mightiest Navy in the world now decided on its own to weigh anchor and go elsewhere to explode its new arsenal, leaving 726 islanders in peace and quiet."

The Washington Post in an editorial of 14 July said: "It is time that high level attention be paid to the controversy over Culebra. . . . Repercussions from this use of an inhabited island as a target have spread far beyond Culebra itself. Many Puerto Ricans see in it evidence of a general lack of sensitivity in Washington to commonwealth problems . . . relations between Washington and San Juan are enormously influential in our dealings with the rest of Latin America. Even though the Navy finds Culebra a convenient area for training operations, we simply cannot afford as a nation to get into the posture of putting bombs ahead of people."

A New York film company has shot 10 hours of documentary film on Culebra, including scenes of Navy ships firing against the island (reportedly, the Navy had denied such permission to CBS and NBC news), and plans to distill this footage into a one-hour documentary in time for the HASC hearings and for sale to a nationwide TV network.

WHITE HOUSE INTERESTED?

White House interest in the Culebran issue peaked on 4 July when Presidential Counselor Bryce Harlow visited Puerto Rico for a "routine" Independence Day ceremony. Commissioner Jorge Cordova told The Journal he discussed the Culebra issue then with Harlow (who also serves as Chairman of the White House Excess Property Committee) for 15 to 30 minutes. Cordova said Harlow apparently had not been aware of the Culebra problem "other than as a newspaper or magazine reader." Cordova said also he had not heard from any White House official since (or before) about the Culebra problem—notwithstanding the fact that on 11 June HASC Subcommittee Chairman Charles E. Bennett (D-Fla) said: "The White House itself ought to be involved . . . at least an offer to the White House to become involved in this decision is a wise course of action for the committee to take . . . We will submit the evidence to whomever will look at it in the White House and discuss it with the highest level of our government and try to see if they can resolve it in some manner . . . This is government in the open."

THERE MUST BE ANSWERS

The questions below sum up the issues expected to be addressed as the House Armed Services Real Estate Subcommittee prepares to wrap up its hearings on Culebra:

(1) Where will the Atlantic Fleet fire new guided missiles and glide bombs whose "footprints" are larger than Walleye's or Hobo's—i.e., missiles which cannot be fired on the Culebrita target complex within the Navy proposed new safety easement on Culebra?

(2) Could the Navy use the targets required for these larger-footprint weapons for the Walleye and Hobo glide bomb training now planned for Culebrita—thus obviating the need for new safety easements on Culebra's eastern peninsula?

(3) Where would the Navy, under its Culebra contingency plan, conduct Atlantic Fleet gunnery and air-to-ground training in the event that Congress or the Supreme Court precludes continued use of—or expanded operations on—Culebra? How much would Atlantic Fleet training really be degraded using such contingency targets, and what would the resulting inefficiency cost, both in dollars and in fleet readiness?

JOURNAL'S ALTERNATIVE WON'T HACK IT

A Journal reader's offer to sell his option on a four-mile-long uninhabited peninsula on the eastern tip of Virgin Gorda, 47nm east of Culebra, as an alternative to the Culebran firing range, has been rejected by the Navy.

SecNav Special Assistant Joseph A. Grimes, jr., asked The Journal for details on the property shortly after the offer was spelled out in the 4 July issue. Subsequently, Grimes told The Journal the peninsula on Virgin Gorda had been considered by the Navy in earlier studies of target alternatives and still had to be ruled out.

Grimes said 1960 census figures showed that Virgin Gorda's western tip had a population of 564, not 200–250 as indicated by the Journal reader who offered to sell his option for the uninhabited eastern tip. Grimes indicated that even later figures suggest the island may now have close to 700 inhabitants.

Another major obstacle, Grimes said, is that Virgin Gorda does not offer the variety of targets found on Culebra and needed for simultaneous operations. Culebra offers two air-to-ground targets and one for ship-to-shore gunnery as well. (The third air-to-ground target which the Navy considers a necessity for simultaneous use is on the eastern tip of Vieques, roughly 12nm south of Culebra.) At most, the Virgin Gorda alternative offers only one air-to-ground target, according to Grimes.

In addition, Grimes cited problems of getting the protected or restricted airspace and control over surface craft which the Navy has over the Culebran target complex by virtue of Presidential Executive Orders designating it a defensive sea area restricted

zone. (Virgin Gorda lies in the British, not U.S., Virgin Islands.)

Representative Charles E. Bennet (D-Fla), Chairman of the House Armed Services Real Estate Subcommittee which is investigating the Culebra question, also called The Journal to ask about the 4 July offer, and said he wanted to ask the Navy to look into it. Advised of Grimes' findings, Chairman Bennett told The Journal he still planned to ask the Navy to address the alternative, but in more depth, when hearings reconvene on the Culebra issue.

Navy Calls Culebra "Irreplaceable"—Laird Says Re-Evaluate

(By Bruce Cossaboom)

The fate of Culebra is still up in the air, as the House Armed Services Real Estate Subcommittee has held its last public hearing on the Navy's study of possible alternatives to Culebra as the "keystone" of the Atlantic Fleet Weapons range.

Subcommittee Chairman Charles E. Bennett (D-Fla)—at its conclusion—announced that the panel "will have an adjourned meeting at some later date to resolve what we will do about this thing."

But it appears that the hearts of the Subcommittee are with the Navy.

The members did not seriously question at the hearing the Navy's contention that Culebra is "irreplaceable" and that it had investigated "every conceivable alternative" and found none which could be acceptable.

Chairman Bennett did say: "There are just many places in the U.S. where people make sacrifices much greater than the people of Culebra are being asked to make. They should not be asked to make these sacrifices unless the Navy really does need this for the national defense of our country."

And: "It still remains if the Navy really doesn't need this range, the Navy shouldn't have it. And that is the thing we have to decide. We have to decide whether the Navy needs it or not."

The Navy seeks to acquire a new non-habitation easement on Culebra's eastern tip for safety zones—an easement which would leave about one-third of their island for the Culebrans' use.

If the Subcommittee makes its decision on the basis of the evidence submitted by the Navy at the hearings, it could hardly rule against the Navy.

The adversary proceeding atmosphere which characterized Chairman Bennett's confrontation with both Culebrans and Navy officials at the 10–11 June hearings changed dramatically in the second-round hearing 17 July.

The devil's advocate sounded more like the witness' coach.

The Navy's Statements

The witness, Joseph A. Grimes, jr., Special Assistant to the Secretary of the Navy, brought two different statements to the hearing. He read the shorter one—a six-page general discussion of why the Navy needs an Atlantic Range, why the range is located where it is, and why Culebra is an essential part of that range—in open session.

The longer statement—11 pages going into a little more detail on four major alternatives (and dismissing all the rest of the hundreds of islands in the nearby Caribbean basin as "too small" or "too far")—was not read at all by Grimes but was distributed to the Subcommittee members at the start of the hearing. The Journal obtained a copy afterward.

But based on either statement, there was remarkably little questioning on the alternatives by Subcommittee members.

Grimes discussed briefly why Mona, Desecheo, Isla Caja de Muertos, Isla Palominas, Cayo Lobos, and Vieques do not fit the bill—ground that had already been sketchily covered at the first hearing. Nor was Grimes' statement much of an expansion of the "full report" asked of the Navy and received by Senator Henry Jackson (D-Wash) (Journal 18 July).

Overkill on an Alternative

The only new alternative raised and given any attention in the questioning—Virgin Gorda—was tossed out at the outset of the questioning by Chairman Bennett, who noted that it had been suggested by a Journal reader.

Chairman Bennett and witness Grimes teamed up for the better part of five minutes to rule out the Virgin Gorda proposal (some 10 separate objections were raised against it) with much the same data printed in The Journal 18 July ("Journal Alternative Won't Hack It") and already given to Bennett by The Journal.

The Answers Have Varied

Puerto Rico's Resident Commissioner Jorge Cordova—a nonvoting member of the Subcommittee—did press the Navy for replies to questions asked repeatedly and never more than cursorily answered.

At one point, questioning Grimes, Cordova remarked: "The answers . . . have varied from time to time, Mr. Grimes, that is why I want to clear it up." The remark was specifically addressed to the size of the bombs being dropped in the area and whether they were "live" bombs, but it could equally appropriately have been applied to most of the subjects covered.

Apparently SecDef Melvin Laird hasn't been satisfied with the Navy's answers, either. *The San Juan Star* has quoted Governor Luis Ferre's announcement of a telephone conversation he had with Laird: "The Secretary of Defense personally assured me today (15 July) that because of my efforts he has ordered Naval authorities to make an immediate re-evaluation of the Culebra situation." Ferre said Laird had promised to call him upon completion of the study, expected in about a week's time. No announcement of the second call had been made as of Journal presstime.

On another tack, Commissioner Cordova developed an illuminating comparison of the Atlantic and Pacific Fleet Weapons Ranges, with the Pacific range clearly, in Mr. Grimes' estimation, coming in second-best. Apparently no island—or, at least, no *available* island—in the Pacific range offers the "ideal" features the Navy desires on Culebra, and the Navy has had to "make do" with less (a course they reject for the Atlantic range).

The Vieques Trade-off

Grimes' longer statement for the record ruled out one early proposal for an alternative to the expanded Culebra Walleye range simply by misstating it. Puerto Rico Governor Luis Ferre suggested to The Journal on Culebra (23/26 May) that, since the Navy and Marine Corps already use Vieques' eastern 2¾ miles for naval gunfire targets, the next three miles inland for a Marine landing/maneuver area, and Vieques' *western* end for an inert naval ammo depot, the Navy might move the Vieques ammo dump to Culebra, the Marine maneuver area to the *western* end of Vieques, and use the freed area on Vieques' eastern tip for its new Walleye targets.

A CINCLANTFLT spokesman later told The Journal that the big objection to this trade-off is that the western end of Vieques doesn't have beaches as suitable as those on the island's eastern tip for marine amphibious training.

But Grimes ruled out the Vieques alternative by erroneously restating the proposal. He said: "The eastern end of Vieques has been mentioned as an alternative Walleye target. It has also been suggested that the other targets in the air-to-ground target sub-area to the east of Culebra be moved to the eastern end of Vieques. What these suggestions fail to recognize is that the *eastern* end of Vieques is already one of the three air-to-ground target sub-areas in the Culebra/Vieques complex. Furthermore, the Vieques impact area is more restricted than the two sub-areas near Culebra because safety regulations do not permit simultaneous amphibious landings, artillery fire and air-to-ground ordnance delivery unless these operations are part of a coordinated exercise."

Three Key Issues

The hearing also failed to produce any discussion—much less answers—on three key issues raised by the Journal 18 July:

(1) Where will the Atlantic fleet fire new guided missiles and glide bombs whose "footprints" are larger than the Walleye's or Hobo's—i.e. missiles which cannot be fired on the Culebrita target complex within the Navy's proposed new safety easement on Culebra?

(2) Could the Navy use the targets required for these larger-footprint weapons for the Walleye and Hobo glide bomb training now planned for Culebrita—thus obviating the need for new safety easements on Culebra's eastern peninsula?

(3) Where would the Navy, under its Culebra contingency plan, conduct Atlantic Fleet gunnery and air-to-ground training in the event that Congress or the Supreme Court precludes continued use of—or expanded operations on—Culebra? How much would Atlantic Fleet training really be degraded using such contingency targets, and what would the resulting inefficiency cost, both in dollars and in fleet readiness?

But the biggest unanswered question of all involved something brought up at the first hearing, but never mentioned at the second.

The Subcommittee in early June had asked the Navy to take a new and thorough look at the possibility of using artificial or floating islands as targets, and of using Navy ships for the rake (spotting) stations to score its gunnery/bombing exercises.

An "island builder" offered—by telegram sent at Bennett's suggestion late last week to Navy Secretary John Chafee—to make a feasibility study for an artificial island in the general vicinity of Roosevelt Roads with the necessary mass and contours.

At one point in the 17 July hearing, Grimes made Culebra sound so important as the keystone of the Atlantic Fleet Weapons Range that if it didn't exist it would have to be invented.

But the possibility of "inventing" artificial islands or floating targets and rake stations simply wasn't addressed.

In closing the hearings, Bennett castigated the press, calling much of what has been written about Culebra "distressing" and "inaccurate." Bennett has said he feels the charges against the Navy were not substantiated by what he personally experienced on his visit to Culebra, when the Navy provided him with an opportunity to observe the effects of their firings.

But Commissioner Cordova summed up *his* feelings on that subject in one last statement before adjournment: "I'm not at all satisfied that on our own short trip to Culebra we received any idea of what may go on there when Culebra is being used as a weapons range. . . . I am far from persuaded from what little we saw and heard that the complaints are necessarily unfounded. I fear that we just didn't have the opportunity to hear what actually goes on."

Dimming the Lights on Culebra

It's time to dim the lights for a while and let everyone get his bearings on Culebra.

The islanders have become targets, not just for Navy ordnance, but for publicity and politicians as well. Regrettably, the Culebra issue is now being exploited by radical factions in the Independista party, who are trying to make political hay at the expense of 726 very sincere, very concerned Culebra citizens. Thus, the glare of the spotlight has cast shadows across the island and its people.

Some Navy officials, on the other hand, have been a trifle cavalier where the Culebrans are concerned. There's a hint of evidence that is uncomfortably reminiscent of the stereotype western badman shooting at the Apache's feet to make him "dance." The Navy keeps offering assurances that the Culebrans are in no real danger, pointing to a 34-year safety record that is, undeniably, a source of pride—under the circumstances. But a handful of errant shots, recent near-tragic incidents—and years of behind-the-scenes Navy negotiations to resettle the islanders, just now coming to light—have sown seeds of fear and mistrust that can't be unburied with platitudes and quick-fix community relations programs.

We don't know how the House Armed Services Real Estate Subcommittee will report out on the Navy's request for a new, 2,350-acre safety easement on Culebra. The Navy says the island is essential to Atlantic fleet readiness. It may well be. But relations between the Commonwealth of Puerto Rico and the U.S. would benefit greatly if the Navy's Culebra experts would come up with something more substantial than the generalities and platitudes offered to date—especially when there are so many specific questions, many of them asked by the Subcommittee itself, that the experts haven't bothered to answer.

America has a remarkable history of "making do" when it had to, of improvising, of innovating new alternatives—and of still coming up to the mark when it mattered. Much of that history was made by the Navy. We're sorry to see some of its Culebra experts soil the record in the name of expediency.

If you've seen the movie "Z," there's something about it reminiscent of the Culebra issue. Two weeks ago, hopes for an objective review soared when Puerto Rico's Governor Luis Ferre announced that he'd called Defense Secretary Laird. Ferre said Secretary Laird had ordered a new Navy look, to be completed in one week. So we asked . . .

Who headed the review? From what we can learn, it was SecNav Special Assistant Joseph A. Grimes, Jr.—the Navy "expert" who's insisted from the outset that there's little more to the Culebran issue than a bunch of left-leaning Independistas, a few land speculators, and a couple of misguided journalists. The expert who's answered some of the best questions asked by the House Armed Services Subcommittee either by obfuscating or just plain ignoring them.

The Navy is big enough, smart enough to face the issues squarely instead of appealing to authority. But talking with some of the Navy's experts on Culebra is like standing underneath a waterfall yelling "Stop!" Perhaps what the Navy needs is someone in charge of the Culebra issue who understands a little better what the United States Navy is all about. Before the shadows get darker.

It's easy to get "involved." And The JOURNAL has become involved in the Culebra issue far beyond what we could have imagined when we first visited the island nine weeks (and nine Commentaries) ago. While it's hard to recognize the point at which one's involvement does more harm than good, we can't escape the feeling that point has been reached. So we're closing down the Culebra Commentaries—until there's something more constructive to report.—Benjamin F. Schemmer.

Navy's Culebra Plan Passes House Panel, May Face Tough Senate Fight

The Navy has won House Armed Services Real Estate Subcommittee approval of its request for new safety-zone easements on Culebra, but it faced some sharp questioning from Senator Henry M. Jackson (D-Wash) at Journal presstime.

HASC Chairman L. Mendel Rivers (D-SC) said, in a press release accompanying the Subcommittee report, that he "fully supported" the panel's recommendations. Rivers added, "The news media has distorted the facts about the Navy's training in the area." He did not elaborate on the charge. He also commended the Subcommittee, headed by Representative Charles E. Bennett (D-Fla), for "getting all the facts in an impartial manner."

The panel's unanimous five-page report concludes that "the Culebra complex is irreplaceable and definitely required for our national defense."

Representative Samuel S. Stratton (D-NY), however, said he supported the subcommittee's findings "somewhat reluctantly." In 2¼ pages of "Additional Views" filed with the report, Stratton said he was "not convinced that the Navy or the Department of Defense have fully explored every possible alternative." He urged that the search for an alternative target complex be continued "at a stepped-up tempo."

At Journal presstime, Senator Jackson was set to meet with Navy Secretary John Chafee and other officials to go into the Culebra issue in detail.

And Senator Charles E. Goodell (R-NY) was ready to introduce—perhaps with very influential co-sponsorship—an amendment to the defense procurement authorization bill which would not only block the Navy's new easement request but also bar continued gunnery operations on the island's northwest peninsula.

"THE CULEBRA AMENDMENT"

SEC. 507. "None of the funds authorized to be appropriated by this Act or by any other law shall be used for research, development, test, evaluation, personnel training exercises, or the procurement of weapons or other supplies by any military department if such activities include the naval shelling or air bombardment of the island of Culebra (located off the east coast of the Commonwealth of Puerto Rico), of any of the keys adjacent to such island, or of any waters within three nautical miles of such island."

Meanwhile, a member of Senator Jackson's staff told The Journal that the "hold" placed by Senate Armed Services Committee Chairman John C. Stennis (D-Miss) on the Navy's proposal—requested by both Senator Jackson and Senator Edward M. Brooke (R-Mass)—still obtains.

Regardless of the outcome of the Chafee-Jackson colloquy, Senator Goodell intends to offer his amendment to bar the Navy from using Culebra as a target.

One source in the Senate, who has a reputation for his moderate views, told The Journal, "The Navy doesn't know what it's up against on the Culebra issue." He said the amendment stands "a good chance of passing."

Senators rumored to be willing to co-sponsor or back the Goodell amendment include Senator Jackson himself and Senators Brooke, Hugh Scott (R-Pa), and John Tower (R-Tex), another high-ranking member of the Senate Armed Services Committee.

Senator Tower's office told The Journal, however, that the Texas Senator would merely "follow the lead" of Senator Jackson in the matter. If not satisfied with the results of his interrogation of Navy officials, Senator Jackson is reported to be prepared to support the Goodell amendment.

Another Senator, Jacob Javits (R-NY), has supported the Culebrans' case on the Senate floor. Senator Javits is said to have talked with President Nixon on the Culebra issue and brought to the Senate's attention a letter from New York Governor Nelson Rockefeller to SecDef Melvin Laird backing the Culebrans' position.

Even if it passes the Senate, however, the Culebra amendment faces stiff opposition from House conferees in the battle over the final shape of the procurement authorization bill. The House conferees can be expected to back the House Armed Services' panel's recommendation to the hilt.

Here are key excerpts from the Bennett Subcommittee report:

In order to obtain a realistic perspective of the operations conducted on Culebra, and its effect on the residents, the chairman and several members of this subcommittee visted Puerto Rico, Vieques, and Culebra during the period June 26 through 28, 1970.

The trip to Culebra was a revealing one from many standpoints.

1. The committee found that the inconvenience of range firings noise to the citizens of Culebra was, in fact, infinitesimally small, and that ordinary conversation would prevent it from being heard in the town of Dewey.

2. The Navy proposal will improve the present safety of Culebrans without requiring any of them to move.

3. There are, in fact, no rare Puerto Rican parrots on the island as was alleged, and possibly there never have been, but if any rare wildlife can be found there in the future its chances of survival will be improved, not harmed by the Naval proposal to limit human habitation in certain areas.

4. Contrary to testimony received during the open hearing: there are no bombs dropped on the island of Culebra *and no napalm is dropped on Culebra or any other part of the Atlantic Fleet Weapons Range;* artillery shells fired at the northwest peninsula are scarcely audible in the town of Dewey; and it can positively be stated that none of the firings which took place during the subcommittee's visit caused the school building or any other building in the town of Dewey to tremble.

5. Many areas in mainland United States suffer much greater inconvenience and discomfort from military requirements in their areas when contrasted with the very mild inconveniences experienced on Culebra.

6. The Navy has not done everything it should do to improve its relations with the people of Culebra.

During this visit, the members observed naval operations and had the opportunity to talk to many residents. During our observation of aircraft bombing from the Navy observation post, it was possible to see some of the impacts, but they were not audible even from the observation post and they were certainly not audible in the more distant town of Dewey. It was also learned that Navy aircraft on bombing and strafing maneuvers do not use, and do not plan to use, flight patterns which are directly over the island of Culebra.

While observing ship-to-shore bombardment, the subcommittee could find no evidence that the operations endangered the lives of the residents or that their health and environment would suffer as a result of present or planned Navy operations. As previously indicated, low conversation totally obscured the noise of gunfire.

This subcommittee believes that many of the complaints testified about during the hearings are caused by a lack of communication between the Navy and the residents of Culebra. We believe the Navy's failure to be sufficiently mindful of the feelings

of the people of Culebra brought about the majority of the complaints.

At the request of the subcommittee during its visit, the Navy recreated the mortar firing incident. The subcommittee found that although this incident did not actually endanger anyone, the circumstances of the unannounced firing by the Navy was inexcusable. Even though the range was not in operation, it would have been a simple matter for someone from the observation post to drive down to the beach and explain to the bathers what was about to occur, and that there was no cause for alarm. If someone had made this simple gesture, probably not a word would ever have been said about this firing. In this regard, we insist that the Navy publish firmer firing schedules and that these schedules be given wider publicity through whatever means are necessary to alert all citizens of Culebra.

PRESS CHARGES WITHOUT FOUNDATION

The Navy convinced the subcommittee that it has made an extensive search and has found no site which could be made available to the Navy to substitute for Culebra in the essential defense program of the Atlantic Fleet Weapons Range. There have been charges in the press that the Navy cares more for its weapons than for human beings. This subcommittee does not consider this to be the case. The reason for training is to develop a force to protect the way of life and the very lives of all Americans. Further, realistic training gives the fighting men of this country a better chance to survive in a combat environment. The safety zones the Navy desires, and its safety procedures, are for the very purpose of protecting the lives and property of the people on Culebra. Therefore, this subcommittee feels that the charges made by some of the news media are without foundation in fact. . . .

In addition, the Subcommittee made several very specific recommendations for improving the safety factors, and for improving relations between the Navy and the islanders.

In his "Additional Views," Representative Stratton offered the following remarks:

"Neither the Navy nor this subcommittee should ever allow ourselves to be placed, or appear to be placed, in the position of putting target practice ahead of people. Yet in my opinion the subcommittee's report skirts perilously close to that position. . . . I concur with the subcommittee in its specific actions, but am strongly of the opinion that, in the light of all the circumstances, these actions should be regarded as strictly temporary and provisional, and capable of being altered, vacated, or amended at any time that a more suitable solution to the Navy's obviously critical operational problems can be found. . . ."

Puerto Rico's Resident Commissioner Jorge Cordova, who sat with the House panel throughout its hearings but who has no vote in Congress, told The Journal that he had been expecting a report favorable to the Navy. Cordova said he now has no objections to the Navy acquiring its non-habitation easements, but only because this would be a good way of keeping the island's northeast peninsula out of the hands of land speculators and eventually converting it into a national park.

Meanwhile, in Puerto Rico, Governor Luis Ferre met with former Governor Munoz—who, for 28 years until 1964, earned his people's esteem as the "George Washington" of Puerto Rico—on the Culebra issue. In an unprecedented bipartisan statement, both said the Navy must abandon Culebra as a target range, unless such use is necessary "in a fundamental sense to the nation's security."

Munoz said he was convinced the security of the United States did not require the use of Culebra as a target range.

Ferre has appointed Robert Kilmarx of the Georgetown Center for Strategic Studies as his Special Consultant on Defense Matters, and has asked Kilmarx to report back to him within the next week on the Culebra issue.

CULEBRA COMPROMISE SHAPING UP ON HILL?

The shape of the final solution to the Culebra Controversy may already have emerged in two key documents whose issuance has now set the stage for what could be the last act in the Culebran drama.

One of the two documents is the eagerly awaited first Senate floor statement (reprinted in full in the adjoining box) of Senator Henry M. Jackson (D-Wash), whose Armed Services Subcommittee on Military Construction has been holding closed-door hearings with Navy officials on present and proposed Navy activities on Culebra.

The other key document, unveiled about a week before the Jackson announcement is an analysis of "National Security Issues and U.S. Naval Training" which Puerto Rican Commonwealth Governor Luis A. Ferre had ordered prepared by Dr. Robert Kilmarx, a defense expert working for a private think tank (Georgetown University's Center for Strategic Studies) headed by a former CNO, Admiral Arleigh Burke.

Senator Jackson directed the Navy to supply by 2 September (the Navy said the deadline would be met) answers to several questions left unresolved as a result of the Jackson/Navy hearings. Jackson wanted a designation of alternative areas for conducting the target training now done on Culebra, as well as "contingency plans" should present activities there be curtailed.

Based on the assumption that the Navy can find a viable alternative, Senator Jackson also requested the Department of the Interior to make a finding on the suitability of the federal (Navy) lands on Culebra as a national recreation area.

Like the Jackson statement, the Kilmarx study also appeared to be favorable for the Culebrans' cause, but with significant strings attached.

It concludes that while the Navy can demonstrate that the training effectiveness and efficiency of the Atlantic Fleet would be seriously degraded if its use of Culebra and offshore islets were abruptly cut off without adequate replacement, it "cannot convincingly demonstrate" that its use of Culebra is vital to the national existence of the U.S. or indispensable to U.S. security.

Therefore, Kilmarx suggested the Navy undertake a five-year phased withdrawal, move its target sites to other locations, and start work on building artificial islands which would provide target practice superior to that afforded by Culebra.

Dr. Kilmarx's "security" conclusion was based primarily on the types of weapons systems used in training at and near Culebra. They are "not designed," he pointed out, "to counter the primary Soviet strategic threat, including submarine launched ballistic missiles. It is mainly this threat, plus Soviet ICBMs and long range bombers, that could risk the national existence of the United States."

U.S. political security in the Caribbean and in Latin America might be impaired if the Culebra issue is not resolved—in time—more favorable to the Culebrans.

While the restrictions endured by the islanders are not unprecedented in U.S. history, Kilmarx noted, the special circumstances surrounding Culebra give it special political significance as a "bell weather of contemporary U.S. attitudes concerning key issues of national priority."

But the Kilmarx plan is a "something for everybody" package, designed to please the Navy as well as the Culebrans.

Dr. Kilmarx declared that man can build the Navy a better target area than God gave it in the island of Culebra, even if the Navy were to acquire the entire island for its purposes.

"The fact remains," he says, "that the islands of Culebra and Culebrita are far from optimally developed and configured for advanced Navy training activities."

Kilmarx observed that DoD action in cutting back naval readiness training "argues against modest adjustments in range facilities on or near a particular natural island in the Atlantic Fleet Weapons Range, e.g. Culebra, and more ample funding to permit the selection and development of alternative facilities which are more suitable to advanced training requirements of a modern navy of limited size. The constraints already accepted by the Navy concerning Culebra further indicate the desirability of selecting an alternative site, preferably one constructed in the test range area, which is optimized to meet the growing needs of future forces."

Puerto Rican Secretary of State Fernando Chardon, speaking for Governor Ferre in a Washington press conference held to release the Kilmarx study, said the Governor accepted the conclusion of the report that the Navy can and should cease its firing activities on Culebra but that he was still considering the specific recommendations.

SENATE MINORITY LEADER BACKS REPORT

Republican Senator Hugh Scott (Pa.), who, as Senate Minority Leader, is often the Nixon Administration spokesman in the Senate, said he supported the report's conclusion that the Navy must leave Culebra. (Whether he speaks for the Administration on this matter is not known.)

In very positive terms, Scott said: "It appears that the ultimate resolution of this matter will be the end of naval use of Culebra as a target for shelling and bombardment."

Scott said the Kilmarx report provides "independenct advice," and its conclusions and recommendations are "qualified as tentative indicating that future developments could alter them."

The time schedule for this discontinuance, Scott said, "will have to be worked out between the island and the Navy with consideration given to the problems and difficulties of both parties."

In a closely-reasoned but somewhat nitpicking 11-page critique of the Kilmarx report, Richard Copaken—the Washington attorney with the firm of Covington & Burling who represents the Culebrans here—strongly suggested that in spots, the report "reads very much like a Navy apology" and refused to concede Kilmarx's authorship of it. Copaken said the report was "signed by" Kilmarx.

Copaken noted that Kilmarx had provided for an extension beyond the five-year period if the national security were demonstrated. He calls this a "loophole" that "can be relied on to undermine even the wholly unrealistic five-year phase out period."

Meanwhile, an amendment calling for a halt to Navy shelling of Culebra continues to pick up impressive support in the Senate.

Sponsored by Representative Charles E. Goodell (R-NY), it was originally intended as an amendment to the procurement authorization bill, but Goodell held off calling it up pending the results of the Jackson hearings.

His office told The Journal the measure is now scheduled to be offered as an amendment to the military construction authorization bill, but said this would depend on the outcome of the Navy's response to Senator Jackson.

At least 48 Senators are said to back the amendment or to have indicated they lean toward its support.

HOLDING COMPANY AMENDMENT SHOULD BE STRICKEN FROM HOUSING BILL

Mr. METCALF. Mr. President, I object to the inclusion in S. 4368, the Housing and Urban Development Act of 1970, of a provision on which no testimony whatsoever has been taken. I am advised by the Banking and Currency Committee staff that the bill includes the provisions of S. 4272, a bill desired by utility holding companies. They want that bill enacted in order to subvert three recent decisions of the Securities and Exchange Commission, which has held that they must divest themselves of housing subsidiaries or stay out of the housing field.

This is not the first time that the Banking and Currency Committee has quietly, without hearings, and without justification acceded to the wishes of the utility industry. The same thing happened when Congress, after some 7 years of hearings and debate, passed the Truth-in-Lending Act. A member of the conference committee proposed, in conference, that utilities be excluded from the act, although they were included in the proposed act in both the Senate and House versions of the bill and in earlier versions of the bill in previous years. The amendment was accepted and utilities were excluded from the Truth-in-Lending Act, except as regards sale of appliances, a very minor aspect of utility sales. As a consequence, many utilities continue to levy finance charges at the rate of 100 percent or more on an annual basis, as I pointed out in introducing S. 3018, on behalf of the distinguished senior Senator from Pennsylvania (Mr. SCOTT) and myself, last year.

There are two basic reasons for objecting to the amendment sought this year by public utility holding companies. One reason is the cost to the taxpayer. The utilities which have sponsored housing admit to earnings of 20 percent or more on their equity, as a result of the tax-loss features of the program. Property of the utility's housing subsidiary is depreciated in its entirety over a 10-year period, producing a tax loss for consolidation with the parent company's return.

I believe that before Congress acts in this matter it should know whether increasing utility profit and decreasing utility tax collection is the economical way to assist housing. We should know the real cost of such housing and tax assistance to the taxpayer-ratepayer homeowner.

Second, there are serious antitrust aspects involved here, as noted by the SEC. Utilities are rapidly becoming conglomerates. Congress established the Securities and Exchange Commission and charged it with administering a portion of the Public Utility Holding Company Act. The SEC has ruled, after hearings, against the utilities. Now a committee of the Congress, without hearings, moves to reverse the SEC.

Mr. President, I resent such procedures. They do not become this body. If the holding company amendment has merit it can be considered under normal hearing and review processes during the next Congress.

Mr. President, I serve notice now that I intend to move to strike the holding company amendment from the bill. I ask unanimous consent to have printed in the RECORD several items which bear on the issue: My testimony before the Senate Antitrust Subcommittee on June 11; an article entitled "Duke Rate Hike Request Raises Major Questions," written by Allan Sloan, and published in the July 19 issue of the Charlotte, N.C., Observer; and the pertinent SEC decisions.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

TESTIMONY OF SENATOR LEE METCALF

Mr. Chairman, we had the seventeen year locust, as we do now, the year I came to Congress in 1953. Also, that year, this Subcommittee began a brief but penetrating look at the electric power industry, thanks to Senators Kefauver and Langer.

During the ensuing seventeen years this and other Congressional committees have been, insofar as antitrust activities of electric utilities are concerned, as dormant as the seventeen-year locust.

I am glad that, under your leadership, Mr. Chairman, and that of the senior Senator from Vermont, a subcommittee, locust-like, has surfaced.

I hope that you can change the cycle and stay above ground until 1987 at least. Congressional review of utility anitrust policy should be continuous.

Electric power is by far the nation's largest industry. It is growing rapidly because it has a monopoly on an essential, superior product.

The electric utilities took the lighting business away from the gas utilities half a century ago. They appear to be on their way toward domination of the heating area as well. They are going into the real estate and housing business in a big way. They are intertwined with the banking and insurance industries and have extraordinary force in politics, the educational system and the press.

Decisions within the industry are made by relatively few persons. They are not subject to the democratic election process. Their powers are used for purposes unforeseen by legislators who granted the utilities extraordinary privilege.

How can this mushrooming monopoly be contained? We have here a serious and substantial question of public policy.

DISCLOSURE

I would emphasize at the outset that more adequate disclosure of utility matters is an essential prelude to effective antitrust enforcement. Disclosure itself will diminish the need for court action.

If utility advertisements are to be believed, the industry itself wishes to live in a goldfish bowl. However, the regulatory commissions have been spectacularly unsuccessful in obtaining information from utilities as to who owns them, who works for them, the details of their income and expenditures, and policy in certain areas. Thus both antitrust enforcement and regulation require specific statutory reporting requirements of utilities.

Present reporting requirements regarding utility ownership, employment and contractual arrangements are a sham. Street names hide beneficial ownership. Payments for varied professional and political services are hidden. Terms of pooling agreements among utilities are unavailable. Interlocks among directors are unreported, as are payola expenditures to builders who are coerced by electric utilities to lock out competitive gas or oil heat companies. Increasingly, utilities are becoming conglomerates, with subsidiary activities, especially in housing and real estate, in which they compete with small businesses which do not have the immense resources of utilities.

The hearing record on S. 607, the Utility Consumers' Counsel bill, and my files contain the data which support the above summary. Your staff is welcome to use this material to supplement what it has already gathered through the previous hearings and staff investigation.

INTER-FUEL COMPETITION

Another fundamental of sound antitrust policy in this field, in addition to corporate disclosure, is encouragement of competition among fuels and different types of suppliers.

Oil companies have picked up the major coal companies already.

Large utilities such as Commonwealth Edison are leasing coal reserves near and crucially important to small municipal utilities, such as the one in Springfield, Illinois.

The one traditional source of Federally-generated electricity, hydropower, is a steadily decreasing component of our total generation.

The Administration has proposed the sale of the Federal government's uranium enrichment plants to private industry.

Seventy eight of the major electric utilities are combination companies, with a monopoly on both electricity and gas in their area. These seventy eight companies, as your Subcommittee heard last month from Staff Director David Freeman of the Office of Science and Technology, account for forty three per cent of the total sales of electric power by private companies.

The right to choose—one of the basic consumer rights enunciated by President Kennedy—is a sharply diminished right for utility consumers. As their options in shopping for utility service dwindles, the control of energy accumulates in fewer and fewer hands, farther and farther removed from the ineffectual regulatory commissions and the public, whose only function is to pay the bills emitting from distant computers.

I hope that this Subcommittee will lay out for all to see the stark facts on galloping oligopoly which has overtaken the energy industry and closely related institutions. I trust that the Congress will head off the Administration's scheme to sell off the uranium enrichment plants. Government itself and its advisory committees are so laden with agents of the energy combine that public control of a few parts of the energy system is by no means assured. But the beachhead must be held.

Congress has done poorly for the people on the issue of nuclear power. We appropriated more than two billion dollars to make nuclear power possible. We wrote an extraordinarily weak preference clause—the utilities simply circumvent it. Now they are asking for more money to deal with the environmental problems relating to nuclear power.

The Congress did somewhat better, I believe, a half century ago.

Congress attempted, in the Federal Water Power Act of Nineteen Twenty, to set long-range national policy regarding the production of hydroelectricity. Many of the licenses granted under that act were for a period of fifty years. They are beginning to expire now.

We should be devoting more time and study than we are to the policy implications of hydroelectric license renewal. There are instances where licenses should not, in my opinion, be renewed for private companies

which now have licenses. State, municipal and cooperative systems, and in at least one instance with which I am familiar, an Indian tribe could well become the licensee.

The antitrust implications of hydroelectric license renewals need the attention of this Subcommittee, Mr. Chairman, and that of the Anti-Trust Division of the Justice Department. The Federal Power Commission celebrated its Golden Anniversary a few days ago by welcoming to its platform officials from utilities which are defendants in antitrust actions; I doubt the FPC will be of much help on this important antitrust issue.

In an attempt to obtain a degree of interfuel competition I shall introduce, next week, a bill to require divestiture of combination gas-electric utilities. I hope that reports on the bill from the various agencies can be obtained on it this year, and that this subcommittee will hold hearings on it next year. I believe that passage of this bill would provide significant benefits to customers now served by combination companies and that the companies, when separated, will discover that they can prosper under the American free enterprise competitive system.

I believe that passage of such legislation will also inject another element of competition into the energy field, in that it will help the technology of total energy, by which independent power plants provide electricity, heat and cooling for shopping centers, plants, commercial buildings and public facilities. Total energy systems sometimes find it difficult or extremely costly to purchase the gas they need from combination utilities.

COMMON CARRIER CONCEPT

My third point, Mr. Chairman, deals with transmission of power. Whoever controls the vital transmission lines controls the whole system. It is the interstate highway of the electric industry, except that the back-up for the big transmission lines is not as good as our primary and secondary road system.

To appreciate the analogy, visualize a big detective—let's say he's a Pinkerton man—and a Minnesota farmer at an interstate cloverleaf. The detective says:

"Sorry, buster, you can't get on that highway. It belongs to me and my friends. Some of them might be wanting to drive through and we don't want to crowd up the road."

Now were that to actually happen there would probably be some business at the cloverleaf for both the State Highway Patrol and the ambulance. But that is exactly what is happening in the power business, today, in America.

Some large private power systems are refusing to let small city-owned and consumer-owned power systems onto the transmission network, despite their willingness to pay tolls or become paying partners in the system. That is what the Elbow Lake, Minnesota case is all about. That is what the fight is about in New England. And that is part of the fight in my State, where the Department of Interior is considering signing a wheeling contract which would give Montana Power the right to provide service deep inside the territory of rural electric cooperatives, to decide which cooperatives should be served or not served by the line, and to build additional unspecified transmission facilities, sending the bill for part of them to the Federal government.

I believe that members of the Judiciary Committee will be especially interested in this proposed contract's provision for adjudication of disputes, if any, between the Department of Interior and the Montana Power Company. Ordinarily an impartial third party is called in in such instances. The arbitration section of this contract, however, would have the third party named by an official of another investor-owned utility, the Southern California Edison Company.

That arrangement would simply insure that the government would lose its case to the two utility representatives on the Board of Arbitration.

The customers whose service would be decided by that partial board would hardly be worse off than the Minnesota town which has been denied access to the transmission system by Otter Tail Power. In the first place, there is no electric utility regulatory commission in Minnesota. If there were one, and it were like most other State commissions, it would have no authority to require a hook-up.

So Elbow Lake came to Washington and the Federal Power Commission. The FPC if fifty years old—it dates back to nineteen twenty—that is three generations of seventeen year locusts ago. And only now are the FPC and the Justice Department attempting to determine, after considerable prodding, whether the law might require the big power company with the transmission facilities to sell to little systems which it would rather starve out and buy than serve.

Mr. Chairman, I submit that such arrangements are inadequate. We can do better, and we should.

First, Congress should repeal or modify the Keating amendment. That is the proviso, carried in the Interior Department Appropriation every year since the Korean War, which prohibits the Bureau of Reclamation from using appropriated funds to construct transmission facilities in areas covered by wheeling agreements.

It is argued by its proponents that the Keating amendment saves money by preventing the construction of duplicating lines. Opponents counter that the amendment has resulted in millions of dollars of excessive wheeling in charges. Cost comparisons are difficult. The Budget states Federal expenditures for Federal transmission lines. However, you cannot find in those Budget compendiums the payments to utilities for wheeling. The utilities know how to get even Uncle Sam to use their own fuzzy accounting system.

I deal today not with costs, but with control. The Keating amendment permits private utilities, rather than the Federal government, to decide the location and size of transmission lines from Federal dams. The amendment prohibits public bodies from exercising their statutory preference in purchase of power from Federal dams.

The Keating amendment has locked inefficient, insufficient and costly transmission lines into our tenuously-connected grid, while increasing the monopoly of the private sector in the vital transmission function. I urge this Subcommittee to do all it can to obtain repeal or modification of the amendment.

Beyond that, I earnestly hope this Subcommittee will make recommendations regarding the organizational structure of the transmission function.

There are three possible organizations of power transmission which I commend to your subcommittee for study.

One, a publicly owned or publicly controlled basic grid system developed by agencies of the Federal government, offering wheeling services to all power producers and bulk purchasers.

Two, separation of the ownership of bulk transmission facilities from any control or interest of companies engaged in the production or sale of electric power, or,

Three, development of mixed public-private corporations to build and operate regional transmission systems, with capital participation and service guarantees in proportion to each utility's needs, but with the right of participation of all systems guaranteed by law.

Three years ago I began calling to the attention of the Justice Department situations in the electric power industry which in my opinion warranted antitrust action. I said then that, "The goal of power transmission in America today, whether reached through negotiation, regulation, or legislation, must be to permit all electricity, whether produced by Reddy Kilowatt, Uncle Sam, Willie Wired Hand or the city light plant, access for the same fare onto the transmission highways." I reiterate now the need for incorporation of this common carrier concept into national power policy.

UTILITY CONGLOMERATES

Fourth, I would like to deal with the changing nature of utilities and their entry into areas far afield from that for which they were franchised. I do not plan to discuss at this time their role in education, the political process and the press, but rather their relationship with other businesses.

It is important to remember that, in the economic order, utility corporations perch high above the field where risk enterprises grub for the deflated dollar. Utility corporations have the essential characteristics of states, without being burdened by the troublesome trappings of democracy. The utilities have borders, the right of eminent domain, the power to levy tax-like rates. They are the sole source of an essential product, yet their advertising budget dwarfs the outlay of State promotion and economic development departments.

The quasi-governmental utility apparatus brings together the financial and business muscle throughout the territory served by the utility. The directors and retainers come from the banking community, other industries, and the leading law firms. Often they include legislators as well. Through interlocking directorates and good will purchased through contributions and regular substantial donations to Chambers of Commerce and other organizations—the cost of which is invariably passed on to the utility consumers—this hierarchy is ideally suited for business ventures beyond the scope of the original franchise, which, if still existing, are difficult to find.

In April 1969 the Securities and Exchange Commission authorized utilities to enter the housing business over the objection of Chairman Budge. Operating utilities have amended their charters to permit their entry into fields totally unrelated to utilities.

Philadelphia Electric, for example, amended its charter to allow itself to engage in "manufacturing, processing, owning, using and dealing in personal property of every class and description" including "acquiring, owning, using and disposing of real property of every nature whatsoever." Gas utilities are entering the field in a big way too. Pacific Lighting directors have approved plans for the nineteen million dollar acquisition of two real estate development companies in California. UGI Corporation has agreed conditionally to acquire all the capital stock of five Pennsylvania real estate development companies.

More than half of this nation's utilities are now in or considering entry into the housing and real estate business according to Electrical World.

Mr. Chairman, everybody is for housing. But I raise two questions which I hope can be answered by your investigation.

How much does it cost the public to build housing through utilities?

What is the antitrust effect of the utilities' entry into this field?

Utilities have gone into housing because they can make even more money in it than they can selling utility services. They make more in housing than housing corporations do. Niagara Mohawk Power claims its hous-

ing will produce an annual average return on equity over a ten-year period in excess of twenty percent.

This high return of the utility is at the expense of the Federal taxpayer. It's the old tax loss game. Property of the utility's housing subsidiary is depreciated in its entirety over a ten year period, producing a tax loss for consolidation with the parent company's return. At the end of the depreciation period the property can be sold at cost or even given away.

Meanwhile, the utility has pocketed its high earnings, locked out competing businesses such as oil heat from its subsidiary's houses and provided fodder for reams of press releases about its compelling sense of social concern.

I tend to agree with the Michigan utility executive who said that building low and moderate income housing under existing Federal programs seems to be particularly suited to utilities. I hope that someone can evaluate this utility-suited program's effect on taxpayers.

Mr. Chairman, I submit for the record an article by a utility executive, in Public Utilities Fortnightly, on how utilities can get richer quicker in the housing business.

I also have, for the record, correspondence relating to the land development practices of South Carolina Electric & Gas. There is a special antitrust twist to this one. The utility acquires large tracts of land for residential and industrial development, then refuses to give the Mid Carolina Electric Cooperative the right of way it needs over part of the land.

I would also like to submit for the record, whatever follow-up action the staff deems advisable, information regarding Franklin Real Estate Company. It is a Pennsylvania corporation wholly owned by Ohio Power, which is a subsidiary of the American Electric Power, the largest utility holding company in the country. The president of Franklin Real Estate is Donald C. Cook, who is also president of American Electric Power and other associated firms.

In this case building contractors were induced by Mr. Cook's companies to agree not to build any house heated by anything except electricity. I shall include with this insertion, with your permission, Mr. Chairman, the decision of Judge Oren R. Lewis of the U.S. District Court in Eastern Virginia who found Virginia Electric and Power guilty of giving kickbacks to builders whom they coerced into locking out the competition.

The utilities are moving in not only on housing contractors but on housing service businesses as well. As the president of one housing development corporation wrote me just a few days ago, a public utility does not need his type of service because:

"They themselves are providing such services. It was explained that this company had qualified as an FHA consultant and was not only developing its own housing, but apparently was providing consultancy services in the field of housing for other sponsors of such housing projects."

There are three other items that I submit for the record for what value they might be in the follow-up work of this subcommittee. The first is the minutes of meetings held by the North Central Electric Association, in which key executives of the member electric utilities in this Midwestern group tell each other how to arrange the sell-out of municipal power systems.

The second is an internal report circulated among New England electric utilities, telling how they would utilize the press, the United Mine Workers, the International Brotherhood of Electrical Workers, General Electric, Westinghouse and various members of Congress to stop construction of Dickey-Lincoln Dam. And they did.

The final item relates to a recent decision by the Alabama Public Service Commission in the Alabama Power case. The commission permitted some four million dollars in bank deposits to be included in Alabama Power's rate base. When an item is permitted in the rate base the customers pay a percentage on it. So Alabama Power's customers are paying a percentage on this four million dollars, instead of drawing interest on it.

I am including the affiliations of Alabama Power's board of directors, most of them either bankers or lawyers who represent banks. I hope the subcommittee will be able to determine whether the banks represented on the board of directors are getting their proper share of this windfall.

I would refer this matter to the chairman of the Alabama Public Service Commission, Eugene "Bull" Connor, the former Birmingham Commission of Public Safety, but he voted against enforcement of law and order among bankers and utility officials, so he might not be too responsive to mere Senatorial inquiry.

I have no objection at all if you wish to share any of these materials with the Attorney General. In fact, I hope you will.

He should lift his eyes from the street to the executive suite and begin at last to crack down on the white collar crime that pervades our troubled land.

[From the Charlotte Observer, July 19, 1970]

PUBLIC POLICY IN CAROLINAS: DUKE RATE HIKE REQUEST RAISES MAJOR QUESTIONS

(By Allan Sloan)

Duke Power Co.'s request for the biggest rate increase in its history will shortly pose two major questions of public policy in North Carolina and South Carolina.

1. Should a public utility, backed by a government monopoly to sell electricity, engage in the land development business through a wholly-owned subsidiary?

2. If so, should the subsidiary's profits or losses be included with revenue from electricity to lower or increase electric rates, or should they be kept separate for the benefit or loss of Duke's stockholders.

Those questions will be weighed by the S. C. Public Service Commission in hearings beginning Tuesday, and by the N. C. Utilities Commission, which begins its own hearing Aug. 25.

Duke is asking for an 18 per cent increase which, it calculates, will cost each of its customers an average of $2.61 a month. Duke's commercial customers—who number over 100,000—will be affected also.

Duke claims that it needs the additional revenue because unexpected high rises in fuel prices have added millions of dollars to its costs, and because current high interest rates will aid substantially to the cost of borrowing the $1.5 billion it needs in the next five years to double its generating capacity and accommodate growth in the Piedmont Crescent.

In recognition of the rising price of coal—which Duke uses in steam generating plants—the company has been awarded an "emergency" increase of 4.2 per cent in both states. That increase has been in effect since June.

Duke's request for the balance of the increase comes at a time when it has branched out into land development with potential profits of millions of dollars to Duke stockholders—and in the face of a U.S. Securities & Exchange Commission order to a Michigan utility holding company to get out of the development business.

The SEC ruling is based on a federal law governing utility holding companies. Legally, Duke Power Co. is not a holding company, although it has two wholly owned subsidiaries. Thus, it is presumably exempt from the SEC ruling.

Other non-holding company utility firms elsewhere in the nation have branched out into similar non-utility operations.

But the Duke case might become a test of whether the SEC decision of June 23 shall apply also to utility companies that are not defined legally as holding companies.

Another question that may arise during the Duke rate hearings is whether it is proper for Duke—which says it needs a rate increase to improve its borrowing power—to lend a wholly-owned subsidiary millions of dollars it borrowed in its own name, and for the subsidiary to use the money to engage in activities that will benefit Duke stockholders, but which will not help the ratepayers at all.

Through its subsidiary, the Crescent Land & Timber Corp., Duke has spent millions of dollars and has established itself as a dominant force in the real estate development field in the Carolinas.

In the past four years, Crescent has acquired hundreds of thousands of acres of land, forged an alliance with the Ervin Co., one of the largest builders in the Southeast, and has entered other projects which promise to be profitable.

Created four years ago, Crescent is one of the biggest landholders in the Carolinas, with about 300,000 acres of former Duke Power land, 130,000 more acres in the Keeowaway-Toxaway area in South Carolina and hundreds of acres of residential real estate it has been buying since 1966.

At current market prices the land has a probable value of around $100 million, although it was transferred from Duke to Crescent at Duke's original purchase price of about $24 million because of legal restraint's on Duke's dealings with wholly owned subsidiaries.

Duke also borrowed, and turned over to Crescent, at cost, money to purchase additional land from the Ervin Co.

Crescent has acquired about 750 acres of the 2,300 acres the Ervin Co. once held for speculation in Mecklenburg County, and has sold considerable parts of it back to Ervin at cost plus a nominal profit.

Two apartment complexes in Charlotte previously owned by the Ervin Co., Providence Square and Four Seasons, have been purchased by Columbia Properties, in which Ervin and Crescent each own 50 per cent through two subsidiaries. Ervin will manage and expand the complexes. Contract price for Providence Square was $3.5 million, and for Four Seasons, $1.22 million.

Crescent has entered into another joint venture with the Ervin Co. in which Crescent provided land and Ervin provided development funds for Tega Cay, a large planned community near Lake Wylie.

Crescent has lent almost $3 million to Caro-Winds, a proposed amusement park-residential complex straddling the North Carolina-South Carolina border, and will become Caro-Winds' largest single stockholder when the stock is issued. Crescent has also contributed 1,165 acres towards the 3,000-acre project.

Crescent has some kind of an interest in a Lake Wylie project announced by Hilton Head Island developer Charles Frazer. Though plans have not yet been approved, the value of the venture should be in the millions of dollars.

Crescent has made a tentative start in the lucrative mobile home park held by leasing an operator land for a small part in Caldwell County.

Crescent is also ready to begin putting up land and money to build hundreds of apartment units a year throughout the Carolinas as joint ventures with builder-developers, and to develop commercial and industrial projects on its land, too.

A COMPLEX RELATIONSHIP

The story of Crescent is an interesting and complex one, involving questions of corporate finance, development tactics, all-electric construction and Crescent's relationship with its parent, Duke Power.

To learn about Crescent, The Observer made examinations of public records in North Carolina and South Carolina, talked with experts in the real estate, building and utilities fields and conducted interviews with Duke and Crescent officials and with E. Pat Hall, the developer of CaroWinds.

Charles Ervin, chairman of the board and founder of the Ervin Co., declined to meet with the Observer to discuss the relationship between his company and Crescent.

The Ervin Co. is offering its stock to the public for the first time, and is restrained by Securities & Exchange Commission rules from discussing some of the company's internal affairs.

The company, however, has published a preliminary prospectus that contains much information about its activities, and The Observer used that prospectus, as well as information from Duke and Crescent officials and other sources familiar with the Ervin Co.

People who have been following Crescent's dealings closely feel that the company, which has been supported by cash advances from Duke but is now trying to get on its own feet, is on the verge of making a lot of money.

The main reasons for this optimism lie in Crescent's ready access to cheap money via Duke, and the extremely low price it paid Duke for its 300,000 acres of non-utility land.

Crescent acquired the 300,000 acres—conservatively valued at $100 million—for $24.2 million. That was the price Duke paid when it acquired the land, much of which it has held for decades.

Asked why Duke had not realized a profit on the deal, Carl Horn, Duke's general counsel and executive vice president, said, "The laws required that the company and the subsidiary deal with each other at cost . . . There has been no profit in the transfer from Duke to Crescent of this land."

But the Securities & Exchange Commission ruling on June 23 may blight Crescent's rosy picture.

MICHIGAN CASE MAY AFFECT DUKE

The commission held that the Michigan Consolidated Gas Co., a subsidiary of American Natural Gas Co., should get out of the home construction business.

The commission said that Michigan Consolidated had to divest itself of its housing activities and had to confine itself to the utility field and to "incidental" businesses that are operationally related to utility activities.

The decision—which reversed a March, 1969, decision permitting Michigan Consolidated to build a townhouse project in downtown Detroit—is expected to be appealed.

But meanwhile, the decision casts doubt over Crescent's development activities. Duke has one other subsidiary, Mill Power & Equipment Co., but it deals only in equipment that Duke would otherwise have to buy elsewhere.

Should Crescent remain in business and make money, however, it may face another legal battle, with the N.C. Utilities Commission or the state attorney general's office.

The question is whether Crescent's profits should benefit Duke's customers, either reducing rates or reducing the requested increase, or whether all the benefits should accrue to Duke's stockholders.

To Horn, there is no question that the stockholders should be the sole beneficiaries.

Horn's position is that since the costs of carrying non-utility land are not included in the rate base, rate payers have no right to benefit from Crescent's profits.

"Dividends from Crescent will be non-utility income, and the investment will not be in the rate base," said Horn. Profits from Crescent, he said, would not be considered earnings as far as rate-fixing is concerned.

Horn's comment that Crescent's profits belong to Duke stockholders and not its customers may come under fire when the N.C. Utilities Commission begins its hearings.

In another rate increase request, brought before the commission in 1968 by the Lee Telephone Co., the attorney general contended that profits from a sister company, Centel Service Co., should be applied to telephone rates. Both Lee and Centel are owned by the Central Telephone Co.

When the utilities commission granted the increase without taking Centel's profits into account, the attorney general filed suit in the N.C. Court of Appeals, which turned down the request.

The attorney general then appealed the case to the N.C. Supreme Court, which is expected to consider it in September.

A phase of Crescent's activity that may come under scrutiny for the first time is its dealings with the Ervin Co.

Until the middle of last month—when the two companies jointly asked for shopping center zoning near the Providence Square Apartments in Charlotte and, in a separate announcement, said they were establishing a large community, Tega Cay, on the shores of Lake Wylie—the Crescent-Ervin relationship had not become apparent to the general public.

But documents in the Mecklenburg County register of deeds office show that Crescent has had dealings with Ervin since 1966. Records show that on March 31, 1966, just two weeks after it was formed, Crescent bought $852,500 worth of land from Ervin.

By June 30, 1969, records show, Crescent had made three more large purchases from Ervin and Montclaire Shopping Center, Inc., an Ervin subsidiary. The total of the four transactions were $2,222,500.

In April, 1970, according to the records, Crescent formed a joint venture with Ervin in a third company, Columbia Properties, Inc., and purchased the Providence Square and Four Seasons apartment complexes.

The Ervin Co. got $1,210,500 in cash (all put up by Crescent), and Columbia Properties and Crescent assumed mortgages of a bit over $3.5 million, making the total purchase price $4,720,000.

Since 1966, in seven major transactions not involving Ervin, Crescent acquired another $1,620,850 of land in Mecklenburg.

The records also show that in nine transactions between April 20, 1967, and June 18, 1970, Ervin bought back $555,600 of the same land it had sold Crescent earlier.

Crescent made a nominal profit on the deal, which meant, in effect, that Ervin got the land back for what Crescent had paid for it. None of the former Ervin land has been sold to any other party by Crescent.

"As I understood this," said Horn, "we had a gentleman's agreement that Duke would be offered a partnership in it (the land) for a joint venture. If Duke, didn't want it, Charlie Ervin would have the first right to buy."

Doug Booth, Duke vice president for marketing, said, "In every case, we transferred the land to him at a profit for us." Booth also said, however, that the profit was "nominal," once interest on the purchase money and taxes on the land were taken into consideration.

Booth said, "I suppose we could" sell what was once Ervin's land to someone else, but would not do so because of the "gentleman's agreement."

Booth said that the land Crescent returned to Ervin had been property that had been judged unsuitable for a joint venture between Crescent and Ervin.

"We have discovered that there are some pieces that, upon subsequent reflection, we don't feel to be quite as attractive as we had earlier thought," he said.

Booth said that the amount of land—$555,600 worth—returned to Ervin was "quite minor" in the over-all scheme of things.

You could trace this back to Duke's short term borrowings from banks at the prime rate for the purpose of advancing cash to Crescent," said Horn, adding, "This is a temporary thing."

He also said that money for the Ervin deals amounted to "such a small proportion of the over-all total (of Duke's short-term borrowings) as to be inconsequential." He did not say how much money was involved.

Since its relationship with Duke began in 1966 the Ervin Co. has made one change in building practice which has created some resentment among other local builders and speculation that the Ervin Co's business relationship with Duke is based on more than Ervin's size and expertise.

Horn said that Duke is trying as fast as it can to get Crescent on its own feet, so that it will no longer have to borrow money from Duke.

This means that Duke, which says in its rate increase request that it must refinance much of its short-term debt, will be able to restrict its borrowings to utilities purposes.

Duke's 1969 annual report says that "common stock and advances to unconsolidated subsidiaries" amounted to $21,874,000. Crescent is Duke's only unconsolidated subsidiary.

About half the money—something over $10 million—was lent to Crescent without cost to purchase land in the Keowee-Toxaway area, Horn said. Crescent and Duke, he said, are still sorting out what part of the Keowee-Toxaway land will be used for utilities purposes and what will be used for development.

It has been suggested that because of its vast land holdings and the implicit (though not explicit) backing it has from Duke, Crescent is just too big for other Carolinas developers, who must pay much more than 8.5 per cent for their money and lack holdings the size of Crescent's.

Horn does not agree with that analysis. "In a free enterprise economy," he said, "I don't see any reason why a utility should not be permitted to diversify."

Horn also feels that it would be unfair to regulate Crescent's activities the way the activities of its parent, Duke, are regulated: "The things that you regulate are those activities affecting the public interest. Your facilities are affecting the public interest only when you have a monopoly in a given area. We don't have a monopoly in the housing field."

It has been suggested that Duke, in an effort to avoid complications stemming from its ownership of Crescent, might distribute its Crescent stock to Duke shareholders. Under that procedure, known as "spinning a company off," Crescent would be totally independent and Duke would be rid of potential SEC and utilities commission investigation into Crescent.

Horn said that Duke "had never thought of" spinning off Crescent to its own stockholders.

DUKE MAY NEED SOME LAND BACK

One reason, he said, was that Duke might discover that it needed back some of the land it had sold Crescent at cost. Were Crescent an independent company, Duke would have to pay the present value of the land, Horn said, which would cost the company a lot of money.

Horn said that another factor preventing Duke from spinning off Crescent was the 300,000 acres, grossly undervalued at $24.2 million on Crescent's books.

"If Crescent were spun off," Horn said, "it

would just be an ideal target for a takeover. If you got a real shark that saw land with a book value like this—worth three or four times as much today—he'd pay a premium to get that stock. As soon as he did, everybody's lease rental on all these cottage sites along the lake would go up many-fold."

But even after Duke's planned stock offering this fall, an absolute majority of Duke shares will still be owned by the Duke Endowment, and tens of thousands more shares will be owned by other Duke family-controlled bodies.

That means that the Duke Endowment would own more than half of Crescent's shares should the company spin Crescent off. That would make it impossible for any "sharks" to buy control of a spun-off Crescent, unless the Duke family sold its shares.

Horn said that the N.C. Utilities Commission has investigated the books of Mill Power, Duke's other subsidiary, but had never looked closely into Crescent's affairs.

The reason is that Crescent did not actually have separate books until late last year.

All that may change when the rate increase request is discussed by the commission next month.

Before 1966, Ervin had built natural gas heating systems in almost all its houses. Since 1966, a glance of the Observer's files indicate, almost all of Ervin's new projects in Mecklenburg County have been all-electric.

Spokesmen for both Duke Power Co. and the Ervin Co. attribute this change to new technology in electric housing and air-conditioning systems that coincide with a surge in demand for central air-conditioning in new homes.

"NOT INTERESTED IN GAS" VENTURE

Horn and Booth denied that Crescent was using any influence to promote all-electric buildings in Ervin projects. Both pointed to some projects where, they said, Ervin is still installing gas heat, and both said that people who purchase or lease lots from Crescent are not told they must build all-electric.

Horn said he "categorically denied" Crescent's having imposed any heating requirements upon Ervin, but also said, "We're not interested in any joint venture that's going to be a great big gas development . . .

On the other hand, we have studiously avoided in any of our real estate transactions putting any condition in that the thing has to be all-electric. I've given an opinion I think we'd be in trouble under the North Carolina promotion statutes."

Amplifying the statement, Horn added: "You won't see any truck trailers out in the P&N Industrial Park (run by the Piedmont & Northern Railroad), you won't see any big rail receivers in a truck terminal. I don't apologize for not going into the development of oil- or gas-heated residential developments . . .

"In situations where our subsidiary is a partner, we choose electric heating because we think it's best, for one thing, and our stockholders should fire us all if we didn't. We don't see anything involving compulsion or restraint or trade or whatever, in a situation where we're sharing in the decision as to what's to be built."

Booth said that in the Crescent-Ervin joint ventures, Crescent puts up the land and money. Ervin provides expertise, and the two companies share in the profit.

"We picked the Ervin Co. as being a substantial, first-rate company that in our judgment was sound financially and had real good expertise in this area," he said.

"It's a risk situation and you can lose just as easily as you can make a profit in it. We wanted it to be profitable and we tried to pick a man we felt had substantial knowhow in this area."

Booth said that Crescent was not discriminating against other builders. He said that Crescent was talking to other builders, but did not name them.

"As we go down the road," Horn said, "we're not restricting this type of relationship to the Ervin Co. at all. In fact, we will probably be involved with other builders. Our only criteria will be that they be substantial builders and have the knowhow."

Said Horn: "We hold no brief for Mr. Ervin as such. We'd be willing to talk with anyone."

"Have you offered them (other builders) the exact same terms you've offered Ervin?" Ervin was asked.

"Those are negotiable," he answered. "They bring in a plan and we go over it."

Besides its major involvement with the Ervin Co.—an involvement Booth and Horn say extends beyond Mecklenburg to Durham and to Greenville, S.C.—Crescent has invested much land and money in CaroWinds, Inc.

Documents in the register of deeds office in Charlotte and in the York (S.C.) County Court house show that Crescent has lent CaroWinds $2,953,709.52 as of the end of June.

Of that sum, $939,148.02 was at seven per cent interest, 1.5 per cent less than Crescent paid Duke for its money.

In addition to the money, Crescent has contributed 1,156 acres of land—more than one-third of the project's total.

In return, according to Hall, Crescent is the largest single investor in CaroWinds and will have just under 20 per cent of the stock when it's issued.

CRESCENT'S HELP "APPRECIATED"

Hall—who could have probably raised the purchase money himself, but might have had to suffer losses to do it—said that Crescent had helped CaroWinds out of a tight spot, "and I appreciate it."

Hall's options on the CaroWinds land were expiring, and had he not been able to exercise them, the prime would doubtless have risen, dealing CaroWinds a severe—and perhaps fatal—blow.

"We've helped him (Hall) in an interim period," said Crescent President Herman Hermelink.

Said Horn: "You could trace it (the money) from Duke's short-term borrowings to advances to Crescent, and from Crescent to Pat Hall to pay this option price."

Horn said that Crescent had taken a loss on some of its loans to CaroWinds—lending almost a million dollars at seven per cent, after borrowing the money at eight-and-a-half—because all CaroWinds investors must put up some money at seven per cent to qualify to buy stock.

Crescent feels that the stock will be a good investment, Horn said, and will more than make up for the losses Crescent suffered by lending CaroWinds money below cost.

[Securities and Exchange Commission, Washington, D.C., March 31, 1969, Administrative Proceeding File No. 3-1721]

IN THE MATTER OF MICHIGAN CONSOLIDATED GAS COMPANY, MICHIGAN CONSOLIDATED HOMES CORPORATION, DETROIT, MICHIGAN (70-4648), PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, FINDING AND OPINIONS

(Holding Company Act Release No. 16331)

NON-UTILITY ACQUISITION BY UTILITY SUBSIDIARY OF REGISTERED HOLDING COMPANY

Application for approval of proposed acquisition, by public-utility subsidiary of registered holding company, of securities of non-utility subsidiary which proposed to construct low and moderate income urban housing project pursuant to National Housing Act and subject to approval of and regulation by Federal Housing Authority, *granted.*

APPEARANCES

Arthur R. Seder, Jr., and *Sidley & Austin*, for Michigan Consolidated Gas Company and Michigan Consolidated Homes Corporation.

Aaron Levy, Thomas W. Armstrong and *H. Kennedy Linge*, for The Division of Corporate Regulation of the Commission.

Commissioner Smith, with whom Commissioner Wheat joins:

This is an application under the Public Utility Holding Company Act of 1935 by a public utility subsidiary of a registered holding company to provide financing for a housing project in the Detroit inner city. The issue is whether the proposed investment would be detrimental to the carrying out of those provisions of the Act that limit the acquisition or retention of non-utility businesses.

The application is made by Michigan Consolidated Gas Company, a wholly-owned subsidiary of American Natural Gas Company, and by its subsidiary Michigan Consolidated Homes Corporation. Michigan Consolidated distributes natural gas at retail in various cities in Michigan including Detroit. In 1967 it had operating revenues of $251 million, net revenue of $24 million, and gross plant at the end of that year of $604 million.[1] Michigan Consolidated has recently organized Homes Corporation to construct and operate low and moderate income housing projects in Detroit as a "limited dividend" housing corporation under Section 221(d)(3) of the National Housing Act. Homes Corporation proposes to construct at an estimated cost of $2,340,000 a housing project of 130 units on 6.5 acres of cleared land in the Detroit inner-city area which it has an option to purchase from the Detroit Housing Commission.

To provide necessary construction funds, Homes Corporation proposes initially to issue and Michigan Consolidated proposes to acquire a maximum of $500,000 in Homes Corporation common stock and up to $3,000,000 in its short term promissory notes. It is presently estimated that during construction Homes Corporation will borrow from Michigan Consolidated only about $2,100,000 and issue to it only about $200,000 in common stock. When the construction is completed the outstanding notes will be retired with the proceeds of a $2,106,000 mortgage loan which Homes Corporation, as a limited dividend housing corporation, expects to obtain from the Federal National Mortgage Association. That loan will have a 40-year maturity and bear interest at 3%. It is contemplated that a construction company will build the housing project for a fixed fee as agent of Homes Corporation and that when completed the project will be managed by a local management firm. Homes Corporation's officers and employees will ordinarily be officers and employees of Michigan Consolidated, and Homes Corporation will be billed at cost for their services as well as for any services performed by personnel of the system service company. The project is subject to the approval of and regulation by the Federal Housing Authority.

While notice was given affording any interested persons an opportunity to request a hearing, no hearing was requested. As ordered in the notice and agreed upon by applicants and our Division of Corporate Regulation, we have considered the matter on the briefs filed by the parties and the record consisting of information and documents filed by applicants.

We believe applicants' participation in the Detroit inner city housing project meets the requirements of Section 11(b)(1) of the Act, as they have asserted. This overwhelmingly necessary and yet relatively limited investment of private capital cannot, in our

Footnotes at end of article.

view, be considered "detrimental to the carrying out" of the simplification and integration provisions of the Holding Company Act. Investment of private capital for such a purpose has been generally determined by Congress to be in the national interest [2] and specifically determined by management to be in the corporate interest—and both determinations have been made on the basis of compelling and uncontroverted facts of great significance to both the country and the company.

To parse it, the acquisition by applicant of stock and short-term notes of Homes Corporation requires, by virtue of Section 9(a)(1), approval of the Commission under Section 10. Section 10 then contains five general standards, at least two of which—10(b)(2) and 10(c)(2)—are clearly inapplicable to acquisitions of non-utility interests. A third—10(b)(1)—provides, in brief, that the acquisition must not tend towards interlocking relations or concentration of control of utility companies. This acquisition cannot. The fourth—10(b)(3)—provides that the Commission shall approve the acquisition unless it finds that the acquisition will unduly complicate the capital structure of the applicants (this acquisition will not) or will be detrimental to the public interest or the interest of investors or consumers or the proper functioning of the applicants' system. There is no basis in this record to make any such finding here; indeed, the clear weight of the evidence is to the contrary. Finally under Section 10(c)(1) as here pertinent, notwithstanding having satisfied the foregoing standards, the acquisition may not be "detrimental to the carrying out" of the provisions of Section 11.

Section 11 then instructs the Commission to take such action as it finds necessary to limit the operations of a holding company system to a single integrated system (or under certain conditions more than one) *and* to such other businesses as are "reasonably incidental, or economically necessary or appropriate to the operations" of an integrated public utility system. Section 11(b)(1) goes on to provide that the Commission may permit as (i) "reasonably incidental, or economically necessary or appropriate to the operations" of the system retention of a non-utility interest which the Commission finds is (ii) "necessary or appropriate in the public interest or for the protection of investors or consumers" and (iii) "not detrimental to the proper functioning" of the public utility system.[3]

The Commission has previously held that any interests whose retention would not be permitted under Section 11(b)(1) may not be acquired under Section 10(c)(1).[4] Any other reading would be inconsistent with carrying out the requirements of Section 11. Therefore, although there has been no court decision and relatively few Commission cases [5] dealing with an acquisition of non-utility properties, the retention cases are sufficient authority.

The Supreme Court has never dealt with the "other business" clauses of Section 11(b)(1) and its only comment with respect to them was a descriptive one made while deciding another issue. It said "other holdings may be retained only if their retention is related to the operations of the retained utility properties".[6] Several Courts of Appeal have addressed themselves to these clauses.[7] They make it clear that the burden is on an applicant to show affirmatively any "exceptional facts" [8] which the Commission must find to meet the triple test of Section 11(b)(1) for retention of non-utility properties. However, we do not read those cases as having given judicial sanction for all purposes to the particular formulation of the statutory test set forth in various Commission decisions that a showing is required of "an operating or functional relationship" [9] between the utility system and the non-utility business.

Some of the early Commission cases [10] and one Court of Appeals [11] interpreted the "other business" clauses as requiring a reference back to the Section 1(b)(4) legislative finding that the national public interest and the interest of investors and consumers are or may be adversely affected.

"when the growth and extension of holding companies bears no relation to economy of management and operation or the integration and coordination of related operating properties."

While this is a strong policy guidance against any acquisition of a non-utility business that bears "no relation" to the utility operations, that expression of concern must be read in the context of the other concerns Congress had about utility holding companies and which it expressed in Section 1(b): absence of accurate financial information for investors, overcapitalized structures that affected rate bases for consumers, excessive charges to the operating utilities by affiliates, ineffectiveness and obstruction of state regulation, control of utilities through disproportionately small investment, lack of economies in utility operations and in raising of capital, and inadequate service to consumers. None of these fundamental concerns are or can be remotely involved in the instant limited investment, nor can any of these weaknesses result from it. In our view Section 1(b) is a statement of policy that must be read as a whole to see the real problems with which Congress was then dealing.

Here there is no absentee management or geographical dispersion. This is not a speculative lark or financial manipulation by management that shows the insensitivity to a community's needs that was at the heart of Congress' concern in the Holding Company Act. This is just the reverse. Management shows a profound awareness of a very critical situation within their primary service district that directly affects both consumers and consumption,[12] and they have demonstrated a highly responsible approach to the problem.[13] Their proposal does not seem to us to raise any of the specters that haunted the utility industry in the 20's and 30's. We do not believe that the investment in the Detroit inner city housing project bears "no relation" to the operation of Michigan Consolidated. To the contrary, it "is related." [14]

There may be concern that any departure, no matter how limited, from an "operating or functional relationship" test in Section 11 would open the door to the acquisition by public utility holding companies or their subsidiaries of any kind of business enterprise. We would share that concern, in this era of business conglomeration, if such a development were reasonable forseeable. But in finding that this investment, so relatively small for Michigan Consolidated and its parent but so relatively important for the community, meets the public interest, and relationship standards of Section 11, we would certainly not be authorizing companies under the Act to launch into acquisitions of diverse commercial enterprises, or to commit disproportionate resources to unneeded housing projects, or to abuse their natural monopoly position in nonutility activities.[15]

We are here acting within a narrow sphere. The operations of the project in which Michigan Consolidated proposes to invest are regulated, and promoted, by federal law. Of the maximum amount of $3.5 million to be invested, $3.0 million will be in 18-month notes that will be refunded out of a federal mortgage loan. The whole investment is only two percent of the net worth of Michigan Consolidated at December 31, 1967, less than one percent of the consolidated net worth of its parent American Natural and the maximum equity portion is only one-seventh of the whole investment.

There is no need to give this 1935 statute an inflexible, static historical reading. Companies subject to it are now presented with the Congressionally recognized urban problems of the 1960's and 1970's that could not have been contemplated by the original enacters.[16] The desirability of private capital becoming involved in the rebuilding of our cities is widely recognized and urged,[17] and the posture today of the utility industry is substantially changed, at least in terms of the weaknesses at which the Holding Company Act was directed. Equally relevant, there has been evolving since the 1930's a broader notion of corporate responsibility to the community.[18]

In this case we are of the opinion that the applicants have affirmatively shown by "exceptional facts" that the acquisition of Homes Corporation securities in the amount applied for is (i) reasonably incidental or economically appropriate to applicants' operations, (ii) not detrimental to the proper functioning of their system, and (iii) appropriate in the public interest or for the protection of investors or consumers. Accordingly, their application should be granted.

OTHER MATTERS

The terms of the common stock and promissory notes proposed to be issued by Homes Corporation satisfy the provisions of Section 6(b) of the Act. Those relate to the issue and sale of securities intended solely to finance the business of a subsidiary that is not a holding company or a public-utility company. Although the total capitalization of Homes Corporation will consist of approximately 90% debt, a debt ratio substantially higher than that usually considered appropriate under the Act, this mode of financing is one of the incentives provided for private participation in housing projects under Section 221 of the National Housing Act, the mortgage loan will be made by FNMA, and the debt of Homes Corporation will have a minimal effect on the proforma consolidated debt of Michigan Consolidated.[19] Accordingly, it does not appear necessary to impose any conditions under Section 6(b) on the issuance of the securities by Homes Corporation.

Homes Corporation will take accelerated depreciation for Federal income tax purposes on depreciable property and will have substantial interest payments which will be deductible expenses for such tax purposes. As a result it anticipates it will have tax losses which will have the effect of reducing the effective tax on all the companies included in the American Natural system's consolidated Federal income tax return. Under Rule 45(b)(6) under the Act, a tax reduction resulting from tax losses sustained by one subsidiary of a registered holding company would be shared by all companies joining in the filing of a consolidated Federal income tax return. Since Michigan Consolidated will supply the equity investment and provide the temporary financing of construction, and because in all other respects the project is a local undertaking confined to the Michigan Consolidated service area, it is appropriate, as requested by applicants, that an exception from Rule 45(b)(6) be granted so as to authorize the allocation to Michigan Consolidated of any reduction in system taxes resulting from income tax losses of Homes Corporation.

Commissioner Owens, concurring in the result:

I join in the conclusion that the application for approval of the limited invetsment by Michigan Consolidated proposed in the regulated housing project be granted. I cannot, however, agree that such approval should be based upon a finding that the standards of Section 11(b)(1) are met. In my opinion there is no warrant for departing from the prior Commission interpretation that the "other business" clauses of that Section permit the acquisition of a non-utility business only if there is first "an affirmative showing

Footnotes at end of article.

of an *operating* or *functional* relationship between the operations of the retainable utility system and the nonutility business sought to be retained."[20] The business of Homes Corporation, which is non-utility in character, is related to the operations of the American Natural public-utility system only in that it may help to rehabilitate and preserve a major area serviced by Michigan Consolidated and thereby promote its general gas utility business. The Commission has held that a customer relationship between a non-utility company and a public utility company is not the type of operating or functional relationship which Congress contemplated when it established the standards of the "other business" clauses.[21] A relationship based on use of a utility's services could be established with respect to almost any business, and if permitted to constitute a basis of retainability under the "other business" clauses it would enable a utility system to engage in almost any sort of activity contrary to the intent of Section 11(b)(1).[22]

I would rest approval on the basis urged by the Division, that the special facts presented here justify a specific exemption under Section 9(c)(3) of the Act,[23] the Section under which the Commission has previously permitted limited acquisitions of securities of industrial development or home construction companies.[24] The proposed project in this case is part of a program under the National Housing Act designed to assist private industry in providing housing for low and moderate income families and displaced persons. Homes Corporation will be a limited dividend corporation, and will be subject to the requirements of the Federal Housing Administration with respect to the economic feasibility, construction, rents, operation, maintenance, accounts and other aspects of the project. One of its stated purposes is to stimulate others to join in a large scale construction of low and moderate cost housing in the blighted inner-city area of Detroit serviced by Michigan Consolidated, which would effectuate the policy of the Housing Act. Under these circumstances, I consider an exemption under Section 9(c)(3) for the proposed financing to be appropriate and not detrimental to the public interest or the interest of investors or consumers within the meaning of that Section.

An appropriate order granting the application and permitting the declaration to become effective will issue.

By the Commission (Commissioners Owens, Wheat, and Smith), Chairman Budge dissenting.

ORVAL L. DUBOIS, *Secretary.*

Chairman Budge, dissenting:

I am aware of the meritorious policy in the National Housing Act to assist private industry in providing programs to rehabilitate urban areas and the public interest sought to be served thereby. Unfortunately, the Housing Act does not authorize the Commission to ignore the prohibitions set forth in the Public Utility Holding Company Act.

In passing the Holding Company Act, the Congress enumerated, in Section 1(b), five separate conditions, each of which does or may, adversely affect "the national public interest, the interest of investors in the securities of holding companies and their subsidiary companies and affiliates, and the interest of consumers. . . ." Thus, paragraph (4) of Section 1(b) states that such interests are or may be adversely affected "when the growth and extension of holding companies bears no relation to economy of management and operation or the intergration and coordination of related operating properties."

In order to give meaning to Section 1(c), which provides, inter alia, that all the provisions of the Act shall be interpreted "to meet the problems and eliminate the evils as enumerated in this section", Section 11(b)(1) must be construed in such a way as to effectuate Section 1(b)(4).[25] Given such a construction, there is an obvious inconsistency between the result reached here in granting this application and that reached by the Commission and the courts over the past twenty-five years.

On numerous occasions, the Commission has interpreted the "other business" clauses in Section 11 to mean that a non-utility business can be retained in a holding company system only on an affirmative showing of an operating or functional relationship between the non-utility business and the operations of the utility system.[26] The instant application does not make out such a showing.[27] The Commission's approval here goes far beyond the acquisition of small non-controlling interests in development or construction companies which it has previously approved. Indeed, the precedent thus established may inevitably result in the defeat of the Congressionally expressed objective of preventing utility holding companies from engaging in endeavors not functionally related to utility operations.

By the same token, it seems clear to me that Section 9(c)(3) of the Holding Company Act, which has been urged as a basis for action, does not give the Commission authority to grant Michigan Consolidated's application. That Section provides a statutory exemption from Commission approval under Section 10 only if the acquisition is "appropriate in the ordinary course of business of a registered holding company." Although Section 9(c)(3) does not specifically refer to the standards of Section 11 as criteria for approval, nevertheless, in order for the statute to work as Congress intended, Section 9(c)(3) must be read consistent with the requirement in Section 11 making it the duty of the Commission to *"limit the operations* of the holding company system . . . to a single integrated public utility system . . . and to *such other businesses as are reasonably incidental or economically necessary or appropriate to the operations of such integrated public utility system."* (Emphasis added.)

In the circumstances, I believe the conclusion is inescapable that the ownership and management of a housing corporation, however desirable, does not meet either the "other business" test under Section 11 requiring an operating or functional relationship to the operations of the utility system, or the test under Section 9(c)(3) of being "appropriate in the ordinary course of business" of a registered utility holding company.[28]

FOOTNOTES

[1] American Natural has two other gas utility subsidiaries which distribute gas at retail, Wisconsin Gas Company and Central Indiana Gas Company, and it also owns all the common stock of Michigan-Wisconsin Pipe Line Company which transports natural gas. For the year ended December 31, 1967, consolidated operating revenues of the American Natural system were $440 million and consolidated net plant as of that date was over $1.1 billion.

[2] Housing and Urban Development Act of 1968, Section 2, 42 U.S.C. § 1441; National Housing Act, as amended, Section 221(a), 12 U.S.C. § 1715 *l*(a).

[3] While there has been some debate about the independent significance of the two "other business" clauses in Section 11, we have sought to obviate that by accepting the clauses as providing a triple test, each part of which must be met. *Cf. Engineers Public Service Company,* 12 S.E.C. 41, 47 (1942).

[4] *Texas Utilities Company,* 21 S.E.C. 827, 829 (1946).

[5] See, for example, in addition to *Texas Utilities Company, supra; Missouri Power & Light Company,* Holding Company Act Release No. 12524 (June 3, 1954); *Arkansas Power & Light Company,* Holding Company Act Release No. 14164 (February 15, 1960); *The Peoples Natural Gas Company,* Holding Company Act Release No. 14709 (October 1, 1962); *Mississippi Power & Light Company,* Holding Company Act Release No. 14808 (February 27, 1963).

[6] *North American Co.* v. *S.E.C.,* 327 U.S. 686, 697 (1946).

[7] *Philadelphia Co.* v. *S.E.C.,* 177 F. 2d 720, 726 (D.C. Cir. 1949); *Arkansas National Gas Corp.* v. *S.E.C.,* 154 F. 2d 597, 599 (5th Cir. 1946); *United Gas Improvement Co.* v. *S.E.C.,* 138 F. 2d 1010, 1021 (3rd Cir. 1943); *North American Co.* v. *S.E.C.,* 133 F. 2d 148, 152 (2nd Cir. 1943). In these cases the Courts upheld the Commission which, in attempting to simplify huge holding company complexes, had ordered divestment of extensive non-utility operations found not to be reasonably related to the utility system. For example, in *North American* divestment was ordered of a railroad serving several cities in Virginia, and the major bus line and a large amusement park in the District of Columbia. In this and other cases the Commission has also ordered divestment of other enterprises which it found were intended primarily as separate businesses "devoted to independent ends and only accidentally and casually serv[ing] the interests of the [utility]system." *Engineers Public Service Company,* 12 S.E.C. 41, 50 (1942).

[8] *Philadelphia Co.* v. *S.E.C., supra* note 7, at 726.

[9] *Philadelphia Company,* 28 S.E.C. 35, 75 (1948), affirmed, *supra* note 7; *General Public Utilities Corporation,* 32 S.E.C. 807, 839 (1951).

[10] *North American Company* 11 S.E.C. 194 (1942); *Engineers Public Service Company, supra* note 7.

[11] *North American Co.* v. *S.E.C., supra* note 7 at 152–3, affirmed as to constitutionality, *supra* note 6.

[12] Applicant derives over 70 percent of its total revenues from the Detroit district and has a heavy fixed investment in the physical plant in the district. It has attached as exhibits to the application photographs which graphically illustrate the substandard housing conditions in the area where it intends to construct its housing project. Similar conditions exist in other areas of the city. It is estimated that in one section of Detroit housing over 162,000 persons, 53 percent of the housing units are dilapidated, deteriorating, or lack full plumbing. *Report of the National Advisory Commission on Civil Disorders,* p. 258 (1968). Michigan Consolidated maintains that lack of adequate housing has caused increasing numbers of residential customers to move from the inner city area. The company believes that unless steps are taken to halt further deterioration, similar consequences may be expected with respect to commercial customers. The existence of conditions such as applicant has illustrated in the Detroit district pose a potential threat both to continuation of service and to Michigan Consolidated's physical property in that area.

[13] The application reflects a responsiveness to interests not only of the community and the consumers living in the project area, but also of Michigan Consolidated's investors and hence its other consumers. There is every indication that the federal program enables the project to be on sound business footing. The federal loan commitment is a protection against any investment risk of the notes of Homes Corporation to be purchased by Michigan Consolidated. Michigan Consolidated estimates that the equity investment of $200,000, on the basis of a 20-year cash flow projection that assumes sale at original cost in the twentieth year, will result in a cash flow rate of return discounted to present worth of 21.6 percent per year.

[14] See text at note 6 above.

[15] We do not view approval of the present application as inconsistent with previous

Commission decisions which have held that the mere fact that a business is a consumer is not sufficient to warrant retention under Section 11(b)(1). *Cities Service Power and Light Company*, 14 S.E.C. 28 (1943); *Philadelphia Company, supra*, note 9. Michigan Consolidated does not rest its application on the housing project's becoming a consumer of gas. The estimated gas revenues of $26,000 per year, which would result in annual net income of approximately $2,600, must be considered *de minimus* when viewed in light of either the commitment of Michigan Consolidated to the housing project or its total utility revenues. We have determined that the proposed project is appropriate to Michigan Consolidated's utility operations not because it may be a customer, but for the more encompassing reasons indicated in the text. It is also doubtful whether in previous cases where divestment was ordered the Commission could have made, as can be made here, the other findings required by Section 11(b)(1). For example, in *Philadelphia Company* (at 81) the Commission stated specifically that: "even if the standard of retainability contained in the 'other business' clauses does not require a showing of a functional relationship between the utility system and the 'other business' sought to be retained, we cannot find on the evidence before us that the continued retention of the transportation properties . . . is necessary or appropriate in the public interest or for the protection of investors or consumers and not detrimental to the proper functions of the Duquesne electric utility system."

[16] The Division of Corporate Regulation, while opposing the grant of the application under the standards of Sections 10 and 11, recognizes the exceptional circumstances present here and has recommended that the proposed acquisition be permitted pursuant to the exemption provisions of Section 9(c)(3) of the Act, to us a less satisfactory route and one as to which we have some doubt.

[17] See, *e.g.*, Report of the National Advisory Commission on Civil Disorder, by Panel on Private Enterprise, Appendix H to Commission Report (1968); Special Report, "Business and the Urban Crisis," Business Week (February 3, 1968); David Rockefeller, "The Social Responsibilities of Business to Urban America," Financial Executive (January 1969), p. 15; Downs, "Moving Toward Realistic Housing Goals," *Agenda for the Nation* (Brookings 1968), p. 141.

[18] See, *e.g., McKinsey Foundation Lecture Series* (McGraw-Hill): Blough, "Free Man and the Corporation" (1959), Watson, "A Business and its Beliefs" (1963), Oates, "Business and Social Change" (1968); *A. P. Smith Mfg. Co.* v. *Barlow*, 98 A.2d 581 (N.J. Sup. Ct. 1953); Editorial, "What Business Can Do For the Cities," Fortune (January 1968) p. 127; Albrook, "Business Wrestles With its Social Conscience," Fortune (August 1968) p. 89; Hetherington, *Fact and Legal Theory: Shareholders, Managers and Corporate Social Responsibility*, 21 Stan. L.R. 248, 290–1 (1969).

[19] As of December 31, 1967, Michigan Consolidated total debt was $260 million.

[20] *General Public Utilities Corporation*, 32 S.E.C. 807, 839–40 (1951) and cases therein cited; *Philadelphia Company*, 28 S.E.C. 35, 74–6 (1948), *aff'd Philadelphia Company* v. *S.E.C.*, 177 F.2d 720 (C.A. D.C., 1949).

[21] *The North American Company*, 32 S.E.C. 169, 183 (1950); *Cities Service Power & Light Company*, 14 S.E.C. 28, 39 (1943).

[22] *Philadelphia Company*, 28 S.E.C. 35, 78 (1948); *Cities Service Power & Light Company*, 14 S.E.C. 28, 39 (1943) and cases there cited.

[23] Section 9(c)(3) provides that the Commission may except from the prohibitions of Section 9(a) the acquisition of securities by a subsidiary of a registered holding company within such limitations as the Commission may prescribe as appropriate in the ordinary course of business and as not detrimental to the public interest or the interest of investors or consumers.

[24] See Rule 40(a)(5); *Consolidated Gas Supply Corporation*, Holding Company Act Release No. 15877 (October 17, 1967). See also *Columbia Gas of Pennsylvania, Inc.*, Holding Company Act Release No. 16078 (May 29, 1968), and *The Peoples Natural Gas Company*, Holding Company Act Release No. 16049 (April 30, 1968).

[25] *North American Co.* v. *S.E.C.*, 133 F. 2d 148 (C.A. 2, 1943), aff'g. 11 S.E.C. 194 (1942), affirmed on certiorari limited to constitutional issues, 327 U.S. 686 (1946). The Court of Appeals in upholding the Commission's interpretation of Section 11(b)(1) noted, at pp. 152–153, that it was consonant with the policy of the Act expressed in Section 1(b)(4).

[26] See cases cited in the Answering Brief of the Division of Corporate Regulation, page 14, and footnote 13 therein.

[27] A closer case than that presented here was the Commission's Section 11 proceeding against *Cities Service Power & Light Company*, 14 S.E.C. 28 (1943). There it was urged that a company operating trolley cars and motor coaches in the City of Toledo was retainable in the holding company system since it purchased all its electric energy requirements from the electric utility company and that the public interest would be served by an adequate transportation system which would attract industries to the locality. The Commission refused to permit retention, stating at page 39:

"The claim that a customer relationship between a non-utility company and a public utility company satisfies the standards of the 'other business' clauses, has already been twice rejected. [citations omitted] We find no warrant for accepting it here. The function of distributing electricity does not, in ordinary contemplation, or under the Act, comprehend ownership of the customers as 'reasonably incidental or economically necessary or appropriate.'"

In *Philadelphia Company*, 28 S.E.C. 35 (1948), the Commission found in the Section 11 proceeding that a street railway system which purchased all its electric power from the electric utility company could not be retained, saying on page 78:

"Similarly, the relationship established by reason of the consumption of electric power is not the type of operating or functional relationship which Congress contemplated when it established the standards of the 'other business' clauses, for that characteristic can also be established with respect to almost any industry and, if permitted to form the basis for retainability, would enable electric utility systems to engage in any and every sort of activity, which is precisely what Congress intended to correct through Section 11(b)(1)."

[28] This conclusion is confirmed by the fact that Michigan Consolidated contemplates undertaking similar projects of approximately 500 units per year. Such an undertaking necessarily requires the further acquisition of large tracts of land, and, perhaps, the construction of community and shopping or other commercial facilities as permitted under the Housing Act.

[United States of America before the Securities and Exchange Commission, March 31, 1969, Administrative Proceeding File No. 3–1721]

IN THE MATTER OF MICHIGAN CONSOLIDATED GAS CO., MICHIGAN CONSOLIDATED HOMES CORP., DETROIT, MICH. (70–4648), PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, ORDER AUTHORIZING ACQUISITION OF SECURITIES AND GRANTING EXCEPTION FROM RULE 45(b)(6)

An application-declaration and amendments thereto have been filed with this Commission pursuant to Sections 6, 7, 9(c)(3) and 12 of the Public Utility Holding Company Act of 1935 and Rules 43 and 45 promulgated thereunder seeking authorization for Michigan Consolidated Gas Company, a public-utility subsidiary company of American Natural Gas Company, a registered holding company, to acquire up to 5,000 shares of the $100 par value common stock and up to $3,000,000 of short-term promisory notes of Michigan Consolidated Homes Corporation and for the issuance thereof by Homes Corporation. Michigan Consolidated also requested an exception from Rule 45(b)(6) to permit the allocation of Homes Corporation's expected tax losses to Michigan Consolidated.

Briefs have been filed by Michigan Consolidated and the Division of Corporate Regulation after appropriate notice of the proposed transactions was given.

The Commission has this day concluded that the proposed acquisitions should be authorized.

Accordingly, it is ordered that said application-declaration, as amended, be, and it hereby is, granted and permitted to become effective, subject to the terms and conditions contained in Rule 24 under the Act.

It is further ordered that the request for an exception from Rule 45(b)(6) be, and it hereby is, granted.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

United States of America before the Securities and Exchange Commission, August 20, 1970, Administrative Proceeding File No. 3–2408]

IN THE MATTER OF MISSISSIPPI POWER & LIGHT CO., SUNSET PLAZA APARTMENTS, INC., JACKSON, MISS. (70–4867), PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, MEMORANDUM OPINION AND ORDER

(Holding Company Act Release No. 16814)

ACQUISITION OF SECURITIES OF NON-UTILITY COMPANY BY PUBLIC UTILITY SUBSIDIARY OF REGISTERED HOLDING COMPANY

Application under Sections 9(a) and 10 of Public Utility Holding Company Act of 1935 for approval of proposed acquisition, by public-utility subsidiary company of registered holding company, of securities of non-utility subsidiary company which proposes to construct low and moderate income housing project pursuant to National Housing Act, *denied*, as not meeting standards of that Act.

Mississippi Power & Light Company ("MP&L"), a public-utility subsidiary company of Middle South Utilities, Inc. ("Middle South"), a registered holding company, and its wholly-owned subsidiary company, Sunset Plaza Apartments, Inc. ("Sunset Plaza"), a non-utility company recently organized under Mississippi law, have filed an application-declaration and an amendment thereto with this Commission pursuant to Sections 6, 7, 9, 10 and 12 of the Public Utility Holding Company Act of 1935 ("Act") and Rules 43 and 45 promulgated thereunder regarding the following proposed transactions.

MP&L distributes electric energy at retail in various cities and towns in the State of Mississippi, including the City of Jackson. Sunset Plaza was organized for the purpose of constructing, owning and operating low and moderate income housing projects under Section 221(d)(3) of the National Housing Act, as amended. MP&L proposes, through Sunset Plaza, to construct, as a pilot project, 120 housing units for low and moderate income families in the inner-city area in the City of Jackson. To provide construction funds for the project MP&L requests authorization to acquire and Sunset Plaza to issue and sell, up to $200,000 of common stock and $2,000,000 of promissory notes. No State commission and no Federal com-

mission, other than this Commission, has jurisdiction over the proposed transactions.

Public notice of the application-declaration was issued (Holding Company Act Release No. 16781), pursuant to which interested persons were given an opportunity to request a hearing. No hearing has been requested or ordered, and MP&L has agreed that we may consider the matter on the basis of the application on file.

In light of our decision in *Michigan Consolidated Homes Corporation* on June 22, 1970 (Holding Company Act Release No. 16763), we must deny the application-declaration. The housing project, which in all relevant respects is identical with that proposed by Michigan Consolidated, lacks the operating or functional relationship required by Section 10(c)(1), which incorporates Section 11(b)(1), between such a nonutility business and the operations of an integrated public-utility system. The fact that MP&L requests approval of the pending proposal as a pilot project and that it contemplates no additional housing projects, does not serve to distinguish this application from the one rejected in the *Michigan Consolidated* case. The import of the *Michigan Consolidated* decision is that any such venture is prohibited by the Act. Accordingly, we conclude that MP&L's application-declaration cannot be approved. Nor, for reasons there stated, may we exempt the acquisitions under the provisions of Section 9(c)(3) of the Act.

It is ordered, accordingly, that said application-declaration, as amended, be, and it hereby is, denied and not permitted to become effective.

By the Commission (Chairman Budge and Commissioners Needham and Herlong), Commissioners Owens and Smith dissenting in separate statements.

ORVAL L. DUBOIS,
Secretary.

Commissioner Owens, concurring in part and dissenting in part:

I reiterate my opinion as expressed in both prior *Michigan Consolidated* proceedings (Holding Company Act Release Nos. 16331 and 16763). While I concur that Sections 10(c)(1) and 11(b)(1) do not permit a public-utility holding company registered under the Act or a subsidiary company thereof to engage in the housing business, I adhere to my views that an exemption under Section 9(c)(3) is appropriate where justified by the special circumstances of a particular application. I feel that the factual situation presented by MP&L's application closely parallels the facts in the *Michigan Consolidated* proceedings. I, therefore, would approve this application pursuant to Section 9(c)(3).

Commissioner Smith, dissenting:

As the factual pattern of the instant proposal is indistinguishable from that of *Michigan Consolidated*, I adhere to the views I expressed in both prior *Michigan Consolidated* proceedings and conclude that the application-declaration should be granted either as an "other business" permissible under Section 11(b)(1), upon which I, again, place primary reliance, or by way of an exemption under the provisions of Section 9(c)(3).

[Securities and Exchange Commission, Washington, D.C., June 22, 1970, Administrative Proceeding File No. 3-2111]

IN THE MATTER OF MICHIGAN CONSOLIDATED GAS CO., MICHIGAN CONSOLIDATED HOMES CORP., DETROIT, MICH. (70-4778), PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, FINDINGS AND OPINION

(Holding Company Act Release No. 16763)

ACQUISITION BY PUBLIC UTILITY SUBSIDIARY COMPANY OF REGISTERED HOLDING COMPANY OF SECURITIES OF NON-UTILITY COMPANY

Application under Sections 9(a) and 10 of Public Utility Holding Company Act of 1935 for approval of proposed acquisition, by public-utility subsidiary company of registered holding company, of securities of nonutility subsidiary company which proposed to construct low and moderate income urban housing projects pursuant to National Housing Act, *denied*, as not meeting standards of Holding Company Act.

Acquisition by public utility subsidiary company of registered holding company of stock and notes of wholly owned subsidiary company formed to construct and operate housing projects under National Housing Act *may not be authorized* under "other business" clauses of Section 11(b)(1) of Public Utility Holding Company Act of 1935 in absence of showing of operating or functional relationship between such nonutility business and operations of integrated public utility system.

Acquisition of ownership and management of a housing corporation *does not meet* test for exemption under Section 9(c)(3) of Public Utility Holding Company Act of 1935 as being appropriate in ordinary course of business of public-utility subsidiary company of a registered holding company.

APPEARANCES

Arthur R. Seder, Jr., and *Sidley & Austin*, for Michigan Consolidated Gas Company and Michigan Consolidated Homes Corporation.

Solomon Freedman, Aaron Levy and *H. Kennedy Linge*, for the Division of Corporate Regulation of the Commission.

On March 31, 1969, the Commission, by a divided vote, granted an application, filed pursuant to the Public Utility Holding Company Act of 1935 ("Act"), for authorization to Michigan Consolidated Gas Company ("Michigan Consolidated") to provide financing for a housing project in Detroit, Michigan, through investment in and loans to its wholly-owned subsidiary company, Michigan Consolidated Homes Corporation ("Homes Corporation"), a company which was organized to construct and operate low and moderate income housing projects as a "limited dividend" housing corporation under the National Housing Act.[1] That housing project has been virtually completed and two additional projects (Inkster and Elmwood) are presently under construction for which funds have been advanced on notes issued by Homes Corporation to Michigan Consolidated. These two companies have now filed another application relating to the financing of the two additional housing projects.

Public notice of the instant application was given affording any interested person an opportunity to request a hearing. No hearing has been requested or ordered. Pursuant to the notice and the agreement of applicants, we have considered the matter on the application, certain additional information supplied by applicants, and the briefs filed in the prior proceedings.

PROPRIETY OF ADVANCES AND NOTES

Michigan Consolidated is a gas utility subsidiary company of American Natural Gas Company, a registered holding company under the Act. As a subsidiary company of a registered holding company, Michigan Consolidated is prohibited by Section 9(a)(1) of the Act from acquiring any securities or any other interest in any business without our approval under Section 10. The prior Commission action authorized Michigan Consolidated, pursuant to its request, to acquire up to $500,000 in common stock and up to $3,000,000 of short term promissory notes of Homes Corporation, in connection with a proposal by Homes Corporation to construct a housing project of 130 units on 6.5 acres in the Detroit inner-city area at an estimated cost of $2,340,000. It was proposed that upon completion of the construction the outstanding notes would be retired with the proceeds of a mortgage loan which Homes Corporation expected to obtain from the Federal National Mortgage Association.

Footnotes at end of article.

Homes Corporation obtained a mortgage loan of $2,086,000 on the first project, and used $1,900,000 of the proceeds to retire a like amount of notes it had issued to Michigan Consolidated. It also appears that as of March 20, 1970, Michigan Consolidated had made advances of $1,855,000 and $410,000, respectively[2] evidenced by notes issued to it by Homes Corporation, to finance construction of the two new housing projects, one of which is in Inkster, a suburb of Detroit.

The application now before us requests authorization for Michigan Consolidated to acquire and for Homes Corporation to issue an additional $500,000 in Homes Corporation stock to provide equity capital for the two projects now proposed and others, and up to $6,000,000 in short term Homes Corporation notes to provide for construction and other expenses for the Inkster and Elmwood projects.

The interim financing for the two new projects was not covered by the authorization of March 31, 1969. Any reading of the opinions of the Commissioners who joined in the prior authorization makes it clear that such authorization was limited to the specific housing project described in the application then before the Commission. Repeated references were made to a housing project in the Detroit inner city, to the conditions existing in that area and to the fact that such area was in Michigan Consolidated's primary service area. That Michigan Consolidated and Homes Corporation contemplated that they might undertake additional housing construction projects in other parts of the Detroit area is not a basis for any inference or finding that the authorization covering the first project would extend to subsequent projects. Certainly, the retirement of $1,900,000 in notes issued in connection with the financing of the first housing project for which authorization was granted did not authorize advances and notes in an equivalent amount for new and different projects.[3]

THE OTHER BUSINESS CLAUSES OF SECTION 11(B)(1)

We overrule the prior Commission determination and find that authorization for financing of housing projects of this nature by registered holding companies or subsidiary companies thereof under the Holding Company Act is not permissible under the standards and requirements of that Act.

Section 10(c)(1) directs that we shall not approve "an acquisition of securities . . . or of any other interest . . . which is detrimental to the carrying out of the provisions of Section 11." Section 11(b)(1) requires us to limit the operations of a registered holding company system to a single integrated public-utility system (or under certain conditions more than one) and to "such other businesses as are reasonably incidental, or economically necessary or appropriate to the operations" of an integrated public-utility system, including interests in any other business which we find "necessary or appropriate in the public interest or for the protection of investors or consumers and not detrimental to the proper functioning of such system." Section 11(b)(1) is a basic provision of the Act[4] designed to implement the legislative findings set forth in Section 1(b) of the Act wherein the Congress enumerated five separate conditions, each of which does or may, adversely affect "the national public interest, the interest of investors in the securities of holding companies and their subsidiary companies and affiliates, and the interest of consumers. . . ." Paragraph (4) of Section 1(b) states that such interests are or may be adversely affected "when the growth and extension of holding companies bears no relation to economy of management and operation or the integration and coordination of related operating properties."

In order to give meaning to Section 1(c), which provides, inter alia, that all the provisions of the Act shall be interpreted "to

meet the problems and eliminate the evils as enumerated in this section", Section 11 (b)(1) must be construed in such a way as to effectuate Section 1(b)(4) and reflects a Congressional policy against acquisitions of interests in non-utility businesses that bear no functional relation to utility operations.

In connection with the adoption of Section 11(b)(1) Senator Wheeler, the manager of the bill in the Senate, emphasized "the principle that utility holding companies shall confine themselves to gas and elecrtic service and not continue to mix into all manner of other businesses." 79 Cong. Rec. 10,847 (74th Cong., July 9, 1935). See also *United Gas Improvement Co.* v. *S.E.C.*, 138 F. 2d 1010, 1019 (C.A. 3, 1943) where the court stated:

"The obvious intention of Congress in enacting Section 11(b)(1) was to integrate public utility holding company systems and to compel holding companies subject to the Act to relinquish interests in unrelated utilities as well as unrelated nonutility companies. The myriad, promiscuous activities and investments of some of the holding company systems was a prime cause of investors' losses."

Following this legislative purpose and the policy guidelines set forth in Section 1(b)(4), the Commission has frequently held that the two "other business" clauses of Section 11(b)(1), read together permit the retention of a nonutility business only on "an affirmative showing of an *operating* or, *functional* relationship between the operations of the retainable utility system and the nonutility business sought to be retained, and that retention would be in the public interest."[5] It is significant to note that this interpretation has been sustained by the Courts of Appeals of four circuits. *North American Co.* v. *S.E.C.*, 133 F. 2d 148, 152–153 (C.A. 2, 1943), affirmed on certiorari limited to constitutional issues, 327 U.S. 686 (1946); *United Gas Improvement Co.* v. *S.E.C.*, 138 F. 2d 1010, 1019–22 (C.A. 3, 1943); *Arkansas Natural Gas Corp.* v. *S.E.C.*, 154 F. 2d 597 (C.A. 5, 1946), cert. den. 329 U.S. 738 (1946); *Philadelphia Co.* v. *S.E.C.*, 177 F. 2d 720 (App. D.C. 1949).[6] Any property or interest whose disposition would be required under these tests may not be acquired.[7]

The business of Homes Corporation, which is non-utility in character, is related to the operations of the American Natural public-utility system only in that it may help to rehabilitate and preserve areas serviced by Michigan Consolidated and thereby promote its general gas utility business. The Commission has held that a customer relationship between a non-utility company and a public utility company is not the type of operating or functional relationship which Congress contemplated when it established the standards of the "other business" clauses.[8] A relationship based on use of the utility's services could be established with respect to almost any business, and if permitted to constitute a basis for retainability under the "other business" clauses it would enable a utility system to engage in almost any sort of activity contrary to the intent of Section 11(b)(1).[9] We accordingly conclude that there has been no showing of the appropriate relationship between the business of Homes Corporation and the gas utility business of Michigan Consolidated.

THE ORDINARY COURSE OF BUSINESS TEST IN SECTION 9(C)(3)

Nor does section 9(c)(3) of the Holding Company Act, which has been advanced by the Division of Corporate Regulation as a basis for favorable action, provided authority to grant the instant application. That section provides that an exemption from the prohibitions of Section 9(a) may be granted for the acquisition of "such commercial paper and other securities . . . as the Commission may . . . prescribe as appropriate in the ordinary course of business of a . . . subsidiary company [of a registered holding company] and is not detrimental to the public interest or the interest of investors or consumers." This clearly indicates that the securities to be acquired must be in the "ordinary course" of the business of the acquiring company. The acquisition here proposed would enable Michigan Consolidated to become engaged, through a wholly controlled subsidiary company, in the business of constructing and operating a housing development. The "ordinary course of business" of Michigan Consolidated is the operation of a retail gas business and not a housing project, nor are the retail gas business and the housing business related businesses. Section 9(c)(3) cannot be employed to evade the proscription of Section 11(b)(1) prohibiting the acquisition by a gas utility company of an interest in a business unrelated to its business.[10]

Further, given the construction of the mandate of Section 1(c), noted above, we cannot find it is not detrimental to the public interest or the interest of investors or consumers to have a registered holding company grow and extend into areas which bear no relationship to the integration and coordination of that company's integrated gas utility system.[11]

This case differs in important respects from those relied upon by applicants where the Commission issued orders exempting from Section 9(a) acquisitions of small amounts of securities of industrial development or home construction companies, which involved only investments in, and have not involved ownership and control of, another business by the acquiring company.[12] As noted, Homes Corporation is wholly owned by and under the direction and control of Michigan Consolidated.

We are fully aware of the meritorious policy in the National Housing Act to assist private industry in providing programs to rehabilitate urban areas and the public interest sought to be served thereby. However, the Housing act does not authorize this Commission to ignore the express policy findings and prohibitions set forth in the Public Utility Holding Company Act.

In the circumstances, we believe the conclusion is inescapable that the ownership and management of a housing corporation, however otherwise desirable in the context of other statutes, does not meet either the "other business" test under Section 11 requiring an operating or functional relationship to the operations of the utility system, or the test under Section 9(c)(3) of being "appropriate in the ordinary course of business" of a subsidiary company of a registered holding company.

An appropriate order will issue.

By the Commission (Chairman Budge and Commissioners Needham and Herlong), Commissioner Owens concurring in part and dissenting in part, and Commissioner Smith dissenting.

ORVAL L. DUBOIS,
Secretary.

Commissioner Owens, concurring in part and dissenting in part:

I concur with the majority in finding that the prior authorization did not cover the acquisition of short term notes for the two new projects and that approval of investment by Michigan Consolidated in the housing projects cannot be based upon a finding that the standards of Section 11(b)(1) are met. I reiterate my opinion, expressed in the prior proceeding, that there is no warrant for departing from the prior Commission interpretation that the "other business" clauses of that Section permit the acquisition of a non-utility business only if there is first "an affirmative showing of an operating or functional relationship between the operations of the retainable utility system and the non-utility business sought to be retained."[13] I also adhere to the view that no such relationship has been shown here.

I would, however, consider applications of this kind on an *ad hoc* basis and, dissenting from the majority, I conclude that, as urged by the Division of Corporate Regulation, the special circumstance present here justify a specific exemption under the provisions of Section 9(c)(3) of the Act. That Section provides that we may except from the prohibitions of Section 9(a) the acquisition of securities by a subsidiary of a registered holding company within such limitations as we may prescribe as appropriate in the ordinary course of business and as not detrimental to the public interest or the interest of investors or consumers.

I recognize that the statutory authority in Section 9(c)(3) of the Act is subject to the limitations described therein,[14] and that acquisitions pursuant to that Section should be permitted only in unusual and exceptional circumstances. The Commission has held, however, that the authority conferred upon us to exempt acquisitions by order was intended to permit us to consider the requirements of the particular applicant, rather than of holding companies or their subsidiaries generally.[15] In this case, I have taken into consideration the fact that Michigan Consolidated's proposal entails a relatively small investment in relation to its total net worth; that it is a response to important adverse developments in a major gas service area of the company and is designed to remedy their economic and operating consequences; that it is part of a Federal program under the National Housing Act as amended designed to assist private industry in providing housing for low and moderate income families and displaced persons; and that in the carrying out of its project it will be subject to an over-riding system of regulation. As a limited dividend corporation, Homes Corporation, in receiving long term low interest mortgage loans under the program, may not pay dividends in excess of 6% per year on its equity investment in the project and will be subject to regulations of the Federal Housing Administration ("FHA") with respect to the rents that may be charged and the maximum construction costs. The FHA requires such a mortgagor to submit data demonstrating the economic feasibility of its project, and to enter into a regulatory agreement covering the operation, maintenance and other aspects of the project. The mortgagor must keep accounts in accordance with a prescribed uniform system of accounts, and all plans and specifications must be approved by the FHA which also inspects construction and supervises all stages of the project. Applicants assert that their proposed projects, which they hope will lead to others joining in a large scale construction of low and moderate cost housing in the blighted inner-city area of Detroit, will effectuate national policy and will help to preserve and rehabilitate the Detroit area as a major service area of Michigan Consolidated.

I think the majority unduly constricts the scope of the Section 9(c)(3) exemption when it holds that to be entitled to such exemption a transaction must also meet the standards of Section 11(b)(1). Section 9(a) prohibits any acquisition of the type described therein unless the Commission has approved that acquisition pursuant to Section 10. Section 10(c)(1) provides that no such approval is to be granted by the Commission if it would be detrimental to the carrying out of the provisions of Section 11. Thus, it is Section 9(a) that makes both Sections 10 and 1 considerations relevant to Commission approval of the acquisition. Section 9(c)(3) states explicitly that Section 9(a) shall not apply to an acquisition approved pursuant to Section 9(c)(3). By permitting an exception from the requirements of Section 9(a), Section 9(c)(3) clearly authorizes a depar-

Footnotes at end of article.

ture from the requirements of Section 11(b)(1) so as to allow as appropriate in the ordinary course of business an acquisition of an interest unrelated to the public-utility functions of the holding company where the other stated exemptive standards are satisfied.

For the reasons I have stated I believe the cautionary standards of Section 9(c)(3) are satisfied in this case, and I would approve the proposed acquisitions as appropriate in the ordinary course of Michigan Consolidated's business and not detrimental to the public interest or the interest of investors or consumers. I am not concerned that applicants may desire to undertake additional projects in the future. Applicants request approval of two specific projects now before us, and any future acquisitions will require an application to the Commission. The authority and discretion granted to the Commission by Section 9(c)(3) provides sufficient assurance that the limitations prescribed thereunder will be observed and applied.

Commissioner Smith, dissenting:

The majority today overrules a decision of the Commission with respect to the same applicants made only a year ago.[16] I believe that the present application, as the prior one, presents an ample basis for exercise of the Commission's authority to approve acquisitions which are not "detrimental to the carrying out" of the simplification and integration provisions of the Holding Company Act. This is so whether the acquisition is deemed to fall within the "other business" clauses of Section 11(b)(1), upon which I would place primary reliance, or by way of an exemption within the provisions of Section 9(c)(3) upon which Commissioner Owens would grant the application.

In its prior decision, the Commission did not attempt to spell out definitive guidelines to the range of permissible acquisitions which a holding company system might undertake pursuant to Congressionally recognized housing programs. Nor was there any need to do so. Based upon the record developed in that case—which is virtually identical with the record before us here—the Commission determined that the application should be granted.[17] The majority now flatly precludes any administrative accommodation of the policies of the Holding Company Act to the policies of the Housing Act. Yet changes in our social and economic environment, to which many corporations are seeking to respond, affect utility holding companies as well as other members of the corporate community.

As was stated last year:

"This overwhelmingly necessary and yet relatively limited investment of private capital cannot, in our view, be considered 'detrimental to the carrying out' of the simplification and integration provisions of the Holding Company Act. Investment of private capital for such a purpose has been generally determined by Congress to be in the national interest and specifically determined by management to be in the corporate interest—and both determinations have been made on the basis of compelling and uncontroverted facts of great significance to both the country and the company."

My full views regarding the application of Section 11(b)(1) to a project such as those here involved are set forth in the prior case. While adhering to those views I shall not repeat them here, except to note that I there analyzed the cases and statutory provisions cited by the majority and reached a different conclusion.

The Act is not, as the majority construes it, an inflexible limitation of registered holding company systems to the hole business of providing utility services. If Congress had wished to impose that result, it could readily have done so in the Act. The fact is that it did not. To the contrary, Section 11(b)(1) expressly delegates to the Commission the power to "permit as [i] reasonably incidental, or economically necessary or appropriate to the operations of one or more integrated public-utility systems the retention of an interest in any business (other than the business of a public-utility company as such) which the Commission shall find [ii] necessary or appropriate in the public interest or for the protection of investors or consumers and [iii] not detrimental to the proper functioning of such system or systems" (emphasis added).

As the majority correctly points out, the Congressional delegation was certainly not an invitation to permit utility systems to engage in any sort of business merely because that enterprise might be located within the utility's primary service district and would thereby provide a source of revenue to the utility.[18] But that is not what is involved here. Here we have two local housing projects, desperately needed by the community which applicants are committed to serve, promoted and regulated by the federal government as a high national priority, and requiring only a relatively small commitment of capital. In the circumstances here I can see no basis for finding that the housing projects would in any way be "detrimental to the proper functioning of" the utility system.

The questions left then are whether the "other business" here is reasonably incidental or economically necessary or appropriate to the operations of the utility system, and necessary or appropriate in the public interest or for the protection of investors or consumers. Essentially the same questions arise under Section 9(c)(3); namely, whether the proposed acquisition may be approved as being "appropriate in the ordinary course of business . . . and as not detrimental to the public interest or the interest of investors or consumers."

The fulcrum of any reasoned analysis of these questions is the term "business." Corporate business functions are becoming broader in concept than a strict limitation to operations, and engagement in relevant community affairs is becoming a customary corporate role. Public utility companies in particular, to a far greater extent than many other industrial concerns, have a basic commitment to the areas they serve. In essence, the Holding Company Act sought to insure that commitment. It is not possible for a utility simply to pull up stakes and move to another area when its existing service district becomes difficult or impossible to service efficiently and at maximum profit to its shareholders. If large portions of the service area become dilapidated and unfit for habitation, the utility must face not only a possible reduction in revenue but the additional expense and burden of servicing areas that lie beyond the service vacuum created by such conditions.

By its enactment of the National Housing Act, Congress sought to involve large American corporations in a concerted effort to alleviate one of the primary social and economic problems of our urban society—inadequate housing, and all that entails. The Congressional mandate stems from a growing recognition by the corporate community itself that primary business purposes cannot be isolated from the fulfillment of basic social needs. It is becoming increasingly difficult to conduct business as usual unless action is taken to alleviate critical problems of our urban communities. In this case the Commission is being asked only to permit (not require) applicants to make a relatively small contribution to their community. The keystone of the Housing Act is a voluntary commitment of capital by private corporations, buttressed by federal mortgage loans and governmental supervision. Applicants made that commitment in an enlightened way and with full appreciation of its business as well as social purpose. Viewed in narrow terms, it is of course true that these investments do not directly facilitate the services of providing energy, heat, light or power. However, as noted in the Commission's opinion last year, the Act does not require a direct relationship if the requirements of the "other business" test are met.

In light of the Congressionally recognized relevance of the present investments, I think it can readily be found that those investments are, under Section 11(b)(I), both reasonably incidental and economically necessary or appropriate to the operations of the utility system. As the applicants have demonstrated, the proposed housing projects involve modest commitments of capital and provide an economic return on those investments both to investors and consumers. For the same reasons the investments are likewise, under Section 9(c)(3), "appropriate in the ordinary course of business" under any construction of that term which takes into account the dynamics of contemporary corporate functions and responsibilities. It is equally clear that the investments are necessary or appropriate in the public interest or for the protection of investors and consumers. The underlying social purpose and policy basis of these investments are entirely consistent with the broad conceptions of the public interest embodied in the Holding Company Act.

The Congressional recognition of the importance of corporate participation in the rehabilitation and rebuilding of our urban communities reflects a realistic view of the changing needs of American society. The same sense of realism should pervade the application of the standards for acquisitions under Sections 9 and 10 of the Holding Company Act. The anachronistic analysis of the majority's decision neither achieves the objective of corporate economic responsibility with which the Act was concerned nor is it in keeping with the broader notions of corporate social responsibility which have been evolving since its enactment some 35 years ago.

FOOTNOTES

[1] *Michigan Consolidated Gas Company*, Holding Company Act Release No. 16331. Commissioners Smith and Wheat held that the acquisition by Michigan Consolidated of stock and notes of Homes Corporation was permissible under the "other business" clauses of Section 11(b)(1) of the Act. Commissioner Owens, while concluding that such acquisitions could not be authorized under the standards of Section 11(b)(1), concurred in the authorization, finding that the transactions could qualify as exempted acquisitions in the ordinary course of Michigan Consolidated's business under Section 9(c)(3). Chairman Budge dissented holding that such acquisitions met neither the tests of Section 11(b)(1) nor those of Section 9(c)(3).

[2] As of May 15, 1970, six additional notes had been issued as follows: two on April 15, 1970, in the amounts of $70,000 and $15,000; two on May 13, 1970, in the amounts of $140,000 and $30,000; and two on May 15, 1970, in the amounts of $200,000 and $227,832.

[3] In view of the illegality of the transactions respecting the two projects, Michigan Consolidated must divest itself of the interests concerned. We of course do not hereby intend to and we do not undertake to withdraw or set aside the previous authorization.

[4] As the Supreme Court noted, in sustaining the constitutionality of Section 11(b)(1) in *North American Co.* v. *S.E.C.*, 327 U.S. 686 704, note 14 (1946), Section 11 is "the very heart of the title."

[5] *General Public Utilities Corporation*, 32 S.E.C. 807, 839–40 (1951) and cases therein cited; *United Light and Railways Company*, 35 S.E.C. 516, 519 (1954); *Philadelphia Company*, 28 S.E.C. 35, 74–6 (1948). *Cf.* the statement in *North American Co.* v. *S.E.C.*, 327 U.S. 686, 697 (1946), that "other holdings may be retained only if their retention is

related to the *operations* of the retained utility properties." (Emphasis supplied).

[6] In *Engineers Public Service Company*, 12 S.E.C. 41, 72–78, 90–93 (1942), the Commission required divestiture of certain non-utility properties for lack of the necessary functional relationship, but the Court of Appeals for the District of Columbia Circuit reversed, holding that such relationship was not required. *Engineers Public Service Co.* v. *S.E.C.*, 138 F. 2d 936, 946–948 (1943). The Supreme Court granted certiorari, 322 U.S. 723 (1944), but after a voluntary divestment of the properties by the company, the judgment below was vacated for mootness, 332 U.S. 788 (1947). Subsequently in *Philadelphia Co.*, v. *S.E.C.*, *supra*, the Court of Appeals noted its prior opinion and, by its reference to the Supreme Court's opinion in *North American* (noted in the text above) expressed its approval of the functional test.

[7] *Texas Utilities Co.*, 21 S.E.C. 827, 829 (1946).

[8] *The North American Company*, 32 S.E.C. 169, 183 (1950); *Cities Service Power & Light Company*, 14 S.E.C. 28, 29 (1943).

[9] *Philadelphia Company*, 28 S.E.C. 35, 73 (1948); *Cities Service Power & Light Company*, 14 S.E.C. 28, 39 (1943) and cases cited.

[10] It is suggested that the provisions of Section 9(c)(3) permit departure from the standards of Section 11(b)(1) so as to allow as appropriate in the ordinary course of business an acquisition unrelated to the public utility functions of the acquiring company. This construction would permit the acquisition, contrary to the clear Congressional intent, of any security the Commission, in its discretion, stated was in the "ordinary course of business" of the acquiring company. This would permit the Commission to ignore the mandate of the statute and would nullify the carefully drawn provisions of Section 11(b)(1) which restrict registered holding company systems to the operation of public utility properties and other properties operationally related thereto.

[11] This conclusion is confirmed by the fact that Michigan Consolidated contemplates undertaking similar projects of approximately 500 units per year. Such an undertaking necessarily requires the further acquisition of large tracts of land, and, perhaps, the construction of community and shopping or other commercial facilities as permitted under the National Housing Act.

[12] *Consolidated Gas Supply Corporation*, Holding Company Act Release No. 15877 (October 17, 1967). See also *Columbia Gas of Pennsylvania, Inc.*, Holding Company Act Release No. 16078 (May 29, 1968), and *The Peoples Natural Gas Company*, Holding Company Act Release No. 16049 (April 30, 1968). While these last two cases were not specifically issued under Section 9(c)(3), the acquisitions were of the type allowable under that section.

[13] *Michigan Consolidated Gas Company*, Holding Company Act Release No. 16331, concurring statement, page 8, and cases there cited (March 31, 1969).

[14] *Cf. In re Electric Bond & Share Co.*, 113 F. Supp. 547 (U.S.D.C., S.D.N.Y. 1953)

[15] *Electric Bond and Share Company*, 35 S.E.C. 236, 240 (1953), plan enforced, U.S.D.C., S.D.N.Y. (Civ. No. 83–49, July 16, 1953, unreported).

[16] Holding Company Act Release No. 16331 (March 31, 1969).

[17] I agree with the majority's conclusion that the Commission's prior decision did not authorize the projects here involved.

[18] As the Commission said last year (Holding Company Act Release No. 16331, p. 6): ". . . in finding that this investment, so relatively small for Michigan Consolidated and its parent but so relatively important for the community, meets the public interest and relationship standards of Section 11, we would certainly not be authorizing companies under the Act to launch into acquisitions of diverse commercial enterprises, or to commit disproportionate resources to unneeded housing projects, or to abuse their natural monopoly position in non-equity activities" (footnote omitted).

[United States of America before the Securities and Exchange Commission, June 22, 1970, Administrative Proceeding File No. 3–2111]

IN THE MATTER OF MICHIGAN CONSOLIDATED GAS CO., MICHIGAN CONSOLIDATED HOMES CORP., DETROIT, MICH. (70–4778), PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, ORDER DENYING PROPOSED ACQUISITION

(Holding Company Act Release No. 16763)

Michigan Consolidated Gas Company ("Michigan Consolidated"), a public-utility subsidiary company of American Natural Gas Company, a registered holding company, and its wholly-owned subsidiary company, Michigan Consolidated Homes Corporation ("Homes Corporation"), a non-utility company, filed an application-declaration and amendments thereto pursuant to the Public Utility Holding Company Act of 1935 ("Act"), and rules thereunder respecting the proposed issue and sale by Homes Corporation, and the acquisition by Michigan Consolidated, of shares of common stock and notes of Homes Corporation.

After appropriate notice, the Commission has considered the record and has this day issued its Findings and Opinion, on the basis of said Findings and Opinion

IT IS ORDERED, that said application-declaration, as amended, be, and it hereby is, denied and not permitted to become effective.

IT IS FURTHER ORDERED that (a) Homes Corporation forthwith divest itself of all its interests in the Inkster, Michigan, project and the Elmswood Park Rehabilitation Project No. 1; and (b) Michigan Consolidated forthwith divest itself of all its interest in Homes Corporation acquired to finance the Inkster, Michigan, project and the Elmswood Park Rehabilitation Project No. 1.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[United States of America before the Securities and Exchange Commission, August 2, 1970, Administrative Proceeding File No. 3–2111]

IN THE MATTER OF MICHIGAN CONSOLIDATED GAS CO., MICHIGAN CONSOLIDATED HOMES CORP., DETROIT, MICH. (70–4778), PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, MEMORANDUM OPINION AND ORDER DENYING MOTION

(Holding Company Act Release No. 16819)

Michigan Consolidated Gas Company, a gas utility subsidiary company of American Natural Gas Company, a registered holding company under the Public Utility Holding Company Act of 1935, and Michigan Consolidated Homes Corporation, a wholly-owned non-utility subsidiary of Michigan Consolidated Gas, filed a motion for an interim order of the Commission authorizing movants to complete the construction and financing of the two housing projects of which they were directed to divest themselves by the Commission's order of June 22, 1970 (Holding Company Act Release No. 16763).

Movants asserted that the requested authorization is a necessary step in implementing the Commission's divestiture order. They argued that divestment of the housing projects is a complicated and time-consuming process and that the authorizations would avoid undue loss and damage to applicants. The Division of Corporate Regulation of the Commission opposed the motion. It argued that the motion sought to have the Commission approve what the Commission expressly decided it has no authority to approve although movants did not suggest that the Commission rescind or amend its order of June 22, 1970.

The Commission after consideration of the matter, agreed with the position of the Division that to grant the motion would be inconsistent with and in derogation of the Commission's prior order, which held that construction and operation of the two housing projects could not be authorized under the Act. This case differs from others where acquisitions were authorized subject to divestiture. In those cases the permitted interim acquisitions related to properties which had been lawfully acquired originally, or to properties whose acquisition was incidental to an authorized acquisition of other properties whose acquisition and retention met the standards of the Act. In this case the properties involved were acquired improperly without the requisite prior approval of the Commission, and have been found to be of a kind whose acquisition is prohibited by the Act.

Accordingly, it is ordered that the motion for interim authorization be, and it hereby is denied.

By the Commission (Chairman Budge and Commissioners Needham and Herlong, with Commissioner Owens concurring), Commissioner Smith dissenting.

ORVAL L. DUBOIS,
Secretary.

Commissioner Owens, concurring:

Movants assert, in effect, that the majority of the Commission in its decision of June 22, 1970 merely ordered a divestiture which can be stayed by the Commission upon a proper showing. That is not the case. The majority determined that the Commission is not statutorily empowered to permit utility holding companies to engage in activities such as those for which Michigan Consolidated sought exemption. While I dissented from the majority opinion of June 22, 1970, I do not believe that the Commission now should permit movants to do indirectly by motion, even on an interim basis, that which the Commission has already determined it has no power to permit them to do directly by exemption. I therefore concur in the denial of the motion.

Commissioner Smith dissenting:

Michigan Consolidated asserts that the requested authorization is a necessary and appropriate step in implementing the Commission's divestiture order. In support it contends that divestment of these housing projects is a complicated and time-consuming process, particularly because they involve Government Housing programs administered by the Federal Housing Administration, and that the requested authorization is necessary both to an orderly implementation of divestiture and to avoid unnecessary loss and damage. If this were shown to be so, and a concrete program adopted for divestment as soon as practicable, I would grant the authorization rather than further penalizing the company and the projects under the Commission's prior order. The Commission has in the past shown a strong sense of practicality in the area of 1935 Act divestiture.[1] In order to consider the motion, I would have required Michigan Consolidated to provide us with a more detailed and specific statement of the items and amounts of asserted loss and damage that would be involved in a divestiture of the two projects without the interim authorization sought.

[1] See, for example, *Louisiana Gas Service Company*, 40 S.E.C. 193, 195, 198–199 (1960); *Pennzoil Company*, Holding Company Act Release No. 15963 (February 7, 1968) p. 13; *Penzoil United, Inc.*, Holding Company Act Release No. 16481 (September 23, 1969) pp. 2–3; *Illinois Power Company*, Holding Company Act Release No. 16574 (January 2, 1970) p. 12.

and also an undertaking detailing the specific steps and time sequences proposed for the prompt divestiture of such projects pursuant to the Commission's prior order assuming the interim authorization were granted.

[United States of America before the Securities and Exchange Commission, September 8, 1970, Administrative Proceeding File No. 3-2444]

IN THE MATTER OF OHIO POWER CO., CAMBRIDGE HOUSING, INC., CANTON, OHIO (70-4881), PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, MEMORANDUM OPINION AND ORDER

(Holding Company Act Release No. 16825)

ACQUISITION OF SECURITIES OF NON-UTILITY COMPANY BY PUBLIC UTILITY SUBSIDIARY COMPANY OF REGISTERED HOLDING COMPANY

Application under Sections 9(a) and 10 of Public Utility Holding Company Act of 1935 for approval of proposed acquisition, by public-utility subsidiary company of registered holding company, of securities of non-utility subsidiary company which proposes to construct low and moderate income housing project pursuant to National Housing Act, *denied*, as not meeting standards of that Act.

Ohio Power Company ("Ohio Power"), a public-utility subsidiary company of American Electric Power Company, Inc., a registered holding company, and its wholly-owned subsidiary company, Cambridge Housing, Inc. ("Cambridge Housing"), a nonutility company recently organized under Ohio law, have filed an application-declaration, and amendments thereto, with this Commission pursuant to Sections 6, 7, 9(a)(1), 9(c)(3), 10, 11, and 12 of the Public Utility Holding Company Act of 1935 ("Act") and Rules 43 and 45 promulgated thereunder regarding the following proposed transactions.

Ohio River distributes electric energy at retail in various cities and towns in the State of Ohio, including the City of Cambridge. Cambridge Housing was organized for the purpose of constructing, owning and operating low and moderate income housing projects under Section 236 of the National Housing Act, as amended. As an initial project, Cambridge Housing proposes to construct approximately 100 housing units on twelve acres of land in Cambridge.

Ohio Power proposes to acquire, and Cambridge Housing proposes to issue, up to 500 shares of common stock, par value $1,000, to provide equity capital as required. Cambridge further proposes to obtain funds of up to $2,500,000 for pre-operating and construction expenditures (1) by obtaining construction advances approved by the FHA, (2) by conventional borrowings from local banks (to be guaranteed by Ohio Power if required), or (3) by borrowing from Ohio Power, depending on the availability and attractiveness of each alternative. No approval or consent of any regulatory body, other than this Commission, is necessary for the proposed transactions.

Public notice of the application-declaration was issued (Holding Company Act Release No. 16813), pursuant to which interested persons were given an opportunity to request a hearing. No hearing has been requested or ordered, and Ohio Power has agreed that we may consider the matter on the basis of the record as it now stands.

In light of our decision in *Michigan Consolidated Homes Corporation* on June 22, 1970 (Holding Company Act Release No. 16763), we must deny the application-declaration. The housing project, which in all relevant respects is identical with that proposed by Michigan Consolidated, lacks the operating or functional relationship required by Section 10(c)(1), which incorporates Section 11(b)(1), between such a nonutility business and the operations of an integrated public-utility system. Nor, for reasons there stated, may we exempt the acquisitions under the provisions of Section 9(c)(3) of the Act. We have also denied a similar application in *Mississippi Power & Light Company*, Holding Company Act Release No. 16814 (August 20, 1970).

It is ordered, accordingly, that said application-declaration, as amended, be, and it hereby is, denied and not permitted to become effective.

By the Commission (Chairman Budge and Commissioners Needham and Herlong).

ORVAL L. DUBOIS,
Secretary.

Commissioner Owens, concurring in part and dissenting in part:

I reiterate my opinion as expressed in the *Michigan Consolidated* and *Mississippi Power & Light Company* proceedings (Holding Company Act Release Nos. 16331, 16763, and 16814, respectively). I concur in finding that Sections 10(c)(1) and 11(b)(1) do not permit a public utility holding company registered under the Act or a subsidiary company thereof to engage in the housing business. I feel, however, that the factual situation presented by Ohio Power's application closely parallels the facts in the *Michigan Consolidated* and *Mississippi Power & Light* proceedings, and am of the opinion that, under these special circumstances, an exemption under Section 9(c)(3) is justified. I, therefore, would approve this application pursuant to Section 9(c)(3).

Commissioner Smith, dissenting:

I adhere to the views I expressed in the *Michigan Consolidated* and *Mississippi Power & Light* proceedings and I would approve the application.

EQUAL EDUCATIONAL OPPORTUNITY

Mr. McCLELLAN. Mr. President, today I placed a statement in the hearing record of the Select Committee on Equal Educational Opportunity. This statement primarily concerned the segregated status of the Boston public schools—a status which present and past administrations have failed to challenge.

This statement contained many supporting exhibits, among them a letter from Mr. Stanley Pottinger, head of the Office for Civil Rights of the Department of Health, Education, and Welfare. Mr. Pottinger's letter related a 46-percent increase in segregated schools in Boston. This, of course, occurred during the period that Southern schools were being forced to integrate and the South and southern politicians were being chastised for bigotry and racism. The figures shown in this statement and these exhibits show unquestionably that if school segregation results from a sole causal factor of bigotry and racism, the cities of Boston, Detroit, and Chicago are at least as possessed of those qualities as any Southern State. In addition, the officials and citizens of these cities have not demonstrated the same quality of honesty and straightforwardness that the South has shown on this issue. Indeed, the North has been accused by many of hypocrisy, and by a northern Senator of "monumental hypocrisy." The facts in Boston are not new. Bigotry and racism have been prevalent and detailed in that city for several years. In October, 1967, "Death At An Early Age," written by Jonathan Kozol, was published. This book was a winner of the national book award and has received wide publicity.

I cannot, at this time, go into more detail as to its contents, but I will state that therein the open enrollment, or freedom-of-choice policy, was deplored as a Boston method of achieving segregation. Teachers in the Boston schools were quoted as referring to a ghetto school as a zoo, and the pupils thereof as animals. The debate then was whether Boston should integrate in the same manner and to the same degree as many of its young citizens pressed upon the South in their frequent promotion of civil disturbances in the South. According to Mr. Kozol, a few Boston citizens at mass meetings in 1965, "did not hesitate to draw a line of similarity between the events that were then taking place in Alabama and the less bloody but, in the long run, no less destructive processes of injustice that were being carried out within the Boston public schools." The statement which I made today, before the Select Committee illustrates the extent to which the citizens of Boston ignored and promoted racial injustice in Boston while simultaneously berating the South

Mr. President, the statement I made today before the Select Committee clearly and unequivocally shows that our Government has been and still is pursuing a double standard—a dual policy—with reference to enforced integration in our public school system. It enforces integration; it forces integration in the South by injunctive relief, by other court actions, and by invoking sanctions (withholding Federal aid to schools in the South) while ignoring, tolerating, and condoning school segregation in the North. Mr. President, this dual policy is a serious reproach to the integrity of our Government.

Mr. President, I ask unanimous consent that the text of my statement and the additional material be placed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

MONUMENTAL HYPOCRISY: BOSTON, MASS.

In the debates on the Senate floor leading to the establishment of this Committee, the charge was made that the North was guilty of "monumental hypocrisy" in its efforts to force integration upon the South, while the North became increasingly segregated. In defense to these charges of monumental hypocrisy, the question was asked of the South, "What about the continuing efforts to evade the constitutional mandate with 'freedom of choice' and similar plans?" [1] At this point in the hearing record we are confronted with "freedom of choice plans," better known in Boston, Massachusetts, as the "open-enrollment policy."

In August of 1965, Boston, Massachusetts, enacted a Racial Imbalance Act. The law provides for elimination of racial imbalance in the Boston school system. The remedy for failure to eliminate imbalance is that the Commissioner of Education must refuse to certify all State aid for that system. This requirement is unique in the 50 States. Under that law, the State Board of Education voted unanimously to withdraw aid from the Boston school system in 1966. Insofar as I have been able to determine aid was never terminated.

Boston also has a number of programs which have received wide publicity, designed to produce integration between minority groups and suburban students.

Footnotes at end of article.

That is the facade. That is the image of Massachusetts and of Boston—the city often represented as the cradle of American liberty, which has ostensibly taken great strides to exercise leadership in the nation in the field of quality integrated education. In hearings before the Education Subcommittee of the Senate Committee on Labor and Public Welfare, Boston was pictured in terms of its unique racial imbalance law and its progressive integration programs as well as its open-enrollment policy. The question was then posed as to the net result of these programs.[2]

Let us now look at the realities prevailing in the North and Massachusetts in general and then Boston in particular.

During the Senate debates leading to the establishment of this Committee, another question was asked of the South—"What about the monumental hypocrisy of trying to find some way to develop private schools, or to close the public schools, made by Governors of states, somehow to avoid the constitutional mandate of equal educational opportunity?"[3] The latest available statistics show that the State of New York has 816,600 students in private schools whereas the entire eleven southern states have only 569,700 such students.[4] Massachusetts has done much better in this regard, it only has 234,300 in private schools. This does not, of course, exceed the eleven southern states; it only exceeds by 20,000 students the combined private school populations of Alabama, Arkansas, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

What has happened in the City of Boston in response to its much touted drive to achieve quality integrated equal educational opportunity? According to the Department of Health, Education, and Welfare, Boston had 198 schools in 1966. Of these 198 schools, 47 contained more than 50 per cent non-Whites. In 1969, Boston operated 199 schools. Of these 199 schools, 70 contained more than 50 per cent non-Whites. Thus Boston has increased its predominantly minority group schools by 46 per cent while simultaneously publicizing its attempts to provide quality integrated education. In addition, Boston has now achieved 48 schools with more than 80 per cent minority group students. This is the net result of Boston integration "efforts."[5]

There reportedly is a great deal of transportation to achieve integration in the Boston area, but it should be noted that generally the school does not pay for the transportation, and students are allowed to transfer to schools outside the Boston school district. Although this has been touted in connection with inner-city Blacks attending suburban schools, the only group which, generally speaking, can internally finance transfer of its children to schools outside Boston is White, his "White flight" reportedly is what made the Solomon Lewenberg school a 95 per cent Black school.[6] It should also be noted that Massachusetts General Laws Annotated, Chapter 71, Section 37D, provides that "no school committee or regional school district committee shall be required as part of its plan to transport any pupil to any school outside its jurisdiction or to any school outside the school district established for his neighborhood, if the parent or guardian of such pupil files written objection thereto with such school committee." Thus the neighborhood school is preserved for those who want it—in Boston.

We have heard much concerning the necessity of faculty desegregation in the South, and of the injustices perpetrated when Black teachers lose their positions due to elimination of need for teachers in many instances when schools are merged. These Black teachers who seem to be surplus may wish to know that Boston is in great need of Negro teachers. Boston has only 5 per cent Negro teachers and 28.7 per cent Negro students.[7] If the law is enforced equally across the United States there obviously is a great need for Black teachers in Boston.

I now turn to examination of the legal response, both from Federal and State authorities. As indicated in the hearing, this matter came to my attention through the testimony of Neil Sullivan, Commissioner of Education in Boston, Massachusetts. In view of the facts as they have developed, I am extremely curious as to the reasons for which the Commonwealh of Massachusetts has declined to take action to implement its own laws.[8] Boston and Massachusetts officials have watched Boston segregate, with legally sanctioned freedom of choice as a prime tool to achieve their segregation. They have established racially identifiable schools in Boston. The State Commissioner of Education has complained of this policy to our Committee; yet the State, whatever its actions may have been under its law, has only achieved increased segregation in Boston. Federal officials did not bring Boston to the Committee's attention—indeed they apparently did not bother to brief the Attorney General on the Boston situation before his appearance on August 13.

Lest I be misunderstood, I state that this is not a partisan attack on the Republican Administration. They have only been in office since 1969. Segregation caused by legal action in Boston has been apparent and in controversy at least since 1966. State officials have not enforced State laws. Former Justice, and Health, Education, and Welfare officials have not enforced the Federal law in Boston.

The facts requiring action in this case are clear. They were specifically called to the attention of the Civil Rights Division (in the Department of Justice) in December 1969.[9] The response, on January 16, 1970, was that a parent must complain.[10] Such a parental letter was forwarded to the Justice Department on January 22, 1970.[11] It is now September 1970, and no action, other than some kind of an abbreviated investigation, has been slowly taken. I call upon the Administration to explain why its efforts in the North are not at least as vigorous and forceful as is its efforts in the South. Common northern excuses are that the South has had seventeen years to correct their racial problems and the North also should have seventeen years. My answer is that they have had those same seventeen years. In addition, Boston has been in court as early as 1966. They have declined to correct the situation, and indeed have worsened it. Both the Attorney General and Secretary Richardson are publicly committed to enforcing the law nationwide. Is it not time to take action in the North where these flagrant violations are known to exist? They have had eight months to investigate a situation in Boston which would be, under their interpretation of the law, clearly illegal in the South. As we all know, action would long since have been taken if the Boston events had occurred anywhere in the South. We can be sure that no federal funds would be available to any southern city for the 1970 school year, if that city had actively proposed segregation and refused to correct the condition as is the case in Boston.

At this point I wish to turn to a concrete example of the discrimination being practiced against the South. I recently received a letter dated August 20, 1970, from three citizens of McCrory, Arkansas. These citizens live in a farming community very close to McCrory. Because of historical factors not relevant to the present controversy, children of this community attended the schools of an adjacent district, Cotton Plant, rather than the McCrory schools. They receive their mail from McCrory and their telephones are connected with the McCrory exchange. All of their trade is done through McCrory. The children of this community obtained the consent of all necessary local officials in both the McCrory and the Cotton Plant schools to attend school in the McCrory district. McCrory is integrated, as is Cotton Plant, although Cotton Plant apparently has a higher percentage of Black pupils. Due to objections voiced by the Department of Health, Education, and Welfare, McCrory officials reversed their decision and these children will not be allowed to attend the McCrory schools. Let us contrast the situation in McCrory with that in Massachusetts.

Massachusetts General Laws Annotated, Chapter 76, Section 12B, provides ". . . any child may attend the public school where he does not reside upon such terms as the school committee of such town where he does not reside shall fix; . . ." Thus, in Boston, students may transfer not only from one high school to another in the City, they also have legislative approval for transfer out of Boston to the suburbs. I have previously given the figures supplied by HEW which indicate the degree to which Boston has segregated over the past three years. The exhibits reflect the belief of concerned Boston citizens that the open-enrollment policies have substantially increased the degree of segregation in Boston. Mr. Pottinger's letter reflects the opinion of HEW that the open-enrollment policy played a large part in the segregation of the Lewenberg High School. The facts I have related to this point are indeed, to me, astonishing. I had thought that surely the legions of Massachusetts citizens and representatives who preached the value of integration were consistent. Yet I find, to the contrary, that even as they preached Southern integration, they were segregating their own society.

According to *Boston Herald Traveler* and *Boston Globe* reports of allegations made by a mother whose child attends the Lewenberg Junior High School, the situation is even worse than presently set out. This mother testified that conditions in the Lewenberg High School, brought about by open enrollment, were "pure bedlam."[12]

In an effort to remove her child from this place of bedlam, she moved out of the Lewenberg district and attempted to send her child to the Washington Irving School ten blocks from her home. She was refused permission to transfer her child to the district in which she resided, and was forced to send her child back to the Lewenberg school because there were vacancies there and Washington Irving was crowded. We all know why there were vacancies at Lewenberg—Boston officials had aided Whites to leave Lewenberg, thus creating the vacancies. Here we have a concrete example of northern action, as opposed to northern talk. No matter how many meaningless laws are on the Massachusetts books, no matter how many Massachusetts leaders praise the virtue of integration, the deeds in Massachusetts, sadly, repudiate and violate the law, and in the Black mother's case, tragically, imposes and enforces a rank injustice.

While the citizens in Arkansas who wish to attend a school in the town with which they are connected in every way are denied that right, the city of Boston, Massachusetts, not only allows transfers, they then force Black children back into the ghetto schools from which the Whites have been allowed to transfer.

Mr. Pottinger also reported on the situation in Detroit, where the Administration has taken no action.[13] The NAACP has filed suit in Detroit pointing out that "a northern legislature has adopted the judicially discredited southern tactic of interposition and nullification (commonly known as State's rights) . . ."[14]

Not mentioned in the newspaper article is the adoption of a freedom of choice plan by the same Michigan legislature. Children in

Footnotes at end of article.

Detroit are now free to attend schools of their choice in addition to initially attending schools established by legislatively gerrymandered attendance zones. Southern children may not do these things. The NAACP has filed suit based on the belief that the Constitution applies equally in the North and in the South. The Administration has not filed suit in either Boston or Detroit. Why? Does not the Constitution apply equally to all the States—North and South? In theory it does. In practice however, it is not so applied.

One final commentary on equal application of the laws. I have a letter dated August 28, 1970, from Jerris Leonard, Assistant Attorney General Civil Rights Division,[15] in respect to an inquiry contained in a letter from me dated August 26, 1970.[16] In my letter I inquired into Administration policy on hiring and firing of Black teachers. In response, Mr. Leonard quoted to me a portion of a 1969, 5th Circuit, decision. Therein it was stated:

"1. Effective not later than February 1, 1970, the principals, teachers, teacher-aides and other staff who work directly with children at a school shall be so assigned that in no case will the racial composition of a staff indicate that a school is intended for Negro students or white students. For the remainder of the 1969–70 school year the district shall assign the staff described above so that the ratio of Negro to white teachers in each school, and the ratio of other staff in each, are substantially the same as each such ratio is to the teachers and other staff, respectively, in the entire school system.

The school district shall, to the extent necessary to carry out this desegregation plan, direct members of its staff as a condition of continued employment to accept new assignments."

I am sure we all recall, during the previous Administration, the controversy surrounding the Chicago schools refusal to integrate teaching staffs or to assign teachers to different schools in accordance with Federal policy existing in the South by court decree and Administrative guidelines. According to the August 13, 1970, Chicago Sun Times,[17] Chicago has been highly successful in continuing its segregated faculty while the Department of HEW continues to complain loudly and slap the Chicago wrist. In 1969 the Justice Department threatened to sue. It is now getting late in 1970 and Justice is still threatening to sue, but has not yet done so. Why is there no such suit? I can draw no conclusion except the obvious one—that there is one integration law for the South and another integration law for the rest of the country. If there are those who wonder why there is a virulent third party movement in the South, I submit that the facts contained in this statement are most conducive to it. Both Democratic and Republican administrations have consciously followed a program of forcing integration in the South to an extent apparently not tolerable in the rest of the country. Both parties have been captured by groups which scream for Southern integration, yet refuse to integrate their own states. This is a situation—a double standard—which no elected representative of a Southern state can contemplate with less than undisguised disgust for such "monumental hypocrisy."

FOOTNOTES

[1] Omitted.
[2] Omitted.
[3] Omitted.
[4] Digest of Educational Statistics, pp. 30, 31 (OE–10024–69).
[5] Letter from Stanley Pottinger to Sen. McClellan, see Ex. 2.
[6] Testimony of Neil Sullivan, Transcript, page 849–850. See also Ex. 3, 4, 5, 6, 7 and 8, correspondence of Allan Cohen.
[7] Stanley Pottinger letter, Ex. 2.
[8] Ex. 11, excerpt from Civil Rights Commission Report, "Racial Isolation in the Public Schools."
[9] Ex. 6.
[10] Ex. 7.
[11] Ex. 8.
[12] Ex. 12, *Boston Herald Traveler, Boston Globe*, Friday, August 21, 1970.
[13] Ex. 2, page 2.
[14] Ex. 13, *Detroit News*, August 19, 1970.
[15] Ex. 15, Letter to Sen. McClellan from Jerris Leonard, Assistant Attorney General, Civil Rights Division, dated August 28, 1970.
[16] Ex. 14, Letter to Jerris Leonard, Assistant Attorney General, Civil Rights Division, dated August 26, 1970.
[17] Ex. 16.

DEPARTMENT OF JUSTICE,
Washington, August 24, 1970.

Hon. JOHN MCCLELLAN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCCLELLAN: I would like to thank you for drawing my attention to the fact that the Justice Department may have been in error with reference to the Boston School situation, mentioned at pages 2239–2242 of the hearings before the Select Committee on Equal Educational Opportunity.

Upon reviewing our Boston, Massachusetts file, I have ascertained that we did receive a complaint pertaining to the situation you mentioned.

Pursuant to our normal procedures we deferred our investigation, as the Office of Civil Rights of Health, Education and Welfare had received an identical complaint, and that office was already investigating the matter.

The Office of Civil Rights has completed a preliminary investigation, and we have made arrangements with them to obtain a copy of their investigation.

If our review of the investigation indicates that further action is warranted, we will take such action as is necessary.

I would appreciate it if the hearing's record were corrected to reflect; that we did receive a complaint; that HEW received an identical complaint, and investigated the complaint; and that the Justice Department has made arrangements to review their investigation, and take such further action as is warranted.

Sincerely,

JERRIS LEONARD,
Assistant Attorney General, Civil Rights Division.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., August 28, 1970.

Hon. JOHN L. MCCLELLAN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCCLELLAN: This is in response to your request for the current status of Office for Civil Rights activity with respect to the school systems of Boston, Massachusetts; Detroit, Michigan; and New York, New York.

BOSTON

In January, 1970, a complaint was received by Washington OCR that the "open enrollment" student assignment policy of the Boston, Massachusetts school district has resulted in the segregation of black students at the Solomon Lewenburg Junior High School. Upon receipt of the complaint arrangements were made to meet with the Boston Superintendent, and a preliminary investigation was conducted by representatives from OCR's Washington and Boston regional offices on February 2–7, 1970.

Since enactment in 1965 of the Massachusetts Act for the elimination of racial imbalance in the public schools, Boston has entered a long-range program with the stated intention of ensuring that no school has a majority non-white student body, and with the goal of eliminating "a ratio between non-white and other students in public schools which is sharply out of balance with the racial composition of the society in which non-white children study, serve, and work" (statutory language). The main features of this program are a large scale construction program designed to locate schools so as to maximize integration and the open enrollment policy. In addition, a number of non-white children attend public schools outside the Boston district at their own expense but with cooperation of the district officials.

The open enrollment policy provides:

(a) Open enrollment is applicable if the following three conditions are fulfilled:

1. There is an available seat in the desired school.

2. There is a suitable grade and/or course of study in that school.

3. Transportation is provided by the parent.

(b) The principal makes arrangements for the transfer. Information on seat vacancies in the schools is periodically distributed through all communications media.

These measures have not resulted in the correction of the overall imbalance in the district. During 1969–70, Boston operated 199 schools, of which 70 had more than 50% minority students and 48 more than 80%. This compares with 47 schools containing more than 50% non-whites of a total of 198 schools in 1966–67. In addition, for 1969–70 there were 27,276 Negroes (28.7%) of a total 94,887 students, but only 226 Negroes (5%) of a total 4,495 teachers. The district also had 3,205 students of various Spanish language origins and 1,643 Orientals.

Because of the diversion of resources needed to fully investigate so large a district, it was decided to concentrate on the Lewenberg Junior High School. In 1966–67 the racial student enrollment was 736 whites and 384 Negroes. In 1969–70 the enrollment was 633 Negroes, 23 other minorities, and 78 whites. In discussions with the Superintendent he alleged that the change was the result of the open enrollment policy. The investigative team visited the school and confirmed that open enrollment was the cause, in conjunction with a substantial change in neighborhood racial residence patterns. While the team noted many educational deficiences at the school, no comparison was made with a representative sample of other Boston schools, so no conclusions can yet be drawn.

The investigative team has recommended a full scale investigation of the Boston public school system's compliance with Title VI of the Civil Rights Act of 1964. At the present time the preliminary report is being studied by the Office of the General Counsel, and a final recommendation to the Director is anticipated within 30 days.

DETROIT

On July 7, 1970, the State of Michigan enacted a measure which in effect defeated a program of school integration in the Detroit Public Schools. Detroit has adopted a system of high school regions beginning September 16, 1970, in response to an act of the state legislature which, as a by-product, would have for the first time largely integrated the high school student bodies.

However, by a 1970 amendment to the act establishing compact neighborhood zones drawn by a commission appointed by the governor, the school board plan was cancelled and the segregated nature of the schools has allegedly been reinforced.

OCR has communicated with various Detroit school officials since passage of the recent amendment. Detroit has been requested to supply more complete details with regard to student assignment policies and results, past, present, and future. This information has not yet been received.

On August 17, 1970, the NAACP (not Legal

Defense Fund) filed suit in the U.S. District Court for the Eastern District of Michigan (Detroit) seeking to prevent implementation of the State statute as it affects Detroit's school integration, and also seeking complete implementation of the plan in September, 1970, rather than gradually as proposed. A hearing on a motion for preliminary injunction has been set for August 28, 1970.

NEW YORK

In May 1970 the Regional Director of the Office for Civil Rights received complaints from two sources concerning alleged discrimination in the drawing of community district lines within the New York City school district. The district lines are in the Harlem area of upper Manhattan, the Lower East Side of Manhattan, and Oceanhills Brownsville in Brooklyn.

Representatives of the Office met with complainants on June 1 at which time it appeared that the district lines did not affect the assignment of students to schools since without exception school attendance areas were used in fact to make up districts. The OCR Regional Director believed it necessary, however, to obtain further information and accordingly requested a meeting with the city wide school board. That meeting was held on August 25, attended by four of the five board members, the acting chancellor and other staff of the board. The board denied that there was any valid basis for charges of discrimination including intervening charges which alleged that qualifying examinations hampered the recruitment of teachers from minority groups.

The HEW representatives requested various types of information from the board. The board indicated that it would assemble the information and designate a staff member to serve as contact with HEW to supply such additional information as may be needed.

I appreciated the opportunity to discuss school desegregation matters with you on August 21. If we can be of any further assistance, please let me know.

Sincerely yours,

J. STANLEY POTTINGER,
Director, Office for Civil Rights.

BOSTON, MASS.,
August 14, 1970.

Senator JOHN L. MCCLELLAN,
Senate Select Committee on Equal Educational Opportunities U.S. Senate, Washington, D.C.

DEAR SENATOR: I believe I have vital information to give your committee in regards to Attorney General John Mitchell's testimony of last Thursday. At that time he stated that the Justice Department have never received a complaint about Boston's segregationist open enrollment policy. As a teacher and project coordinator at the Lewenberg Junior High School community advisory board in Boston, I filed a complaint with the Justice Department last December 29th and they responded to it. I have all correspondence for your worthy investigation and I am available as well as my files if it will be useful to your committee.

ALLAN S. COHEN.

PRESS RELEASE

In response to an article in this morning's Boston Globe wherein U.S. Attorney General Mitchell stated, while appearing before the Senate's Select Committee on Equal Education Opportunity, that his office has never received a complaint about the open enrollment policy as it exists in the Boston School System, I wish to publically state that the Attorney General was very much in error in making such a statement.

As Project Co-ordinator of the School Community Advisory Board at the Solomon Lewenberg Junior High School in Mattapan on December 29, 1969, I sent letters to both the Civil Rights Division of the Justice Department and the Office for Civil Rights for the Department of Health, Education, and Welfare stating that on behalf of the Advisory Board I wished to request an investigation into the Racial Imbalance Law and the Open Enrollment Policy as it existed in Boston. I stated in those letters that under the Open Enrollment Policy the Solomon Lewenberg Junior High had gone from 5% black enrollment in 1965 to 95% black enrollment in 1969.

I received a reply from the Justice Department on January 16, 1970 confirming my request for an investigation and advising me that before such an investigation could be made an official complaint from "a parent or group of parents to the effect that his or their minor children are being deprived by a school board of the equal protection of the laws."

A letter was sent to the Justice Department conforming to their request on January 22, 1970 and signed by six (6) such interested parents.

To date, I nor the Advisory Board has received a reply to this formal complaint that the Attorney General claims was never made.

I have copies of all the correspondence mentioned above and will make the same public except for the names of those parents who signed the requested complaint.

It should be made known that the Department of HEW did respond to our request by sending a three (3) man investigating team to the Solomon Lewenberg Junior High during the last week of January and first part of February, 1970.

I would further wish to state that it is quite disheartening when the Attorney General of the United States publicly errs on such an important issue as the one at hand.

HYDE PARK, MASS.,
August 19, 1970.

Senator JOHN L. MCCLELLAN,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MCCLELLAN: Thank you for your prompt reply. Enclosed are copies of the Boston Globe news articles which preceded the press release; the Record American, Herald Traveler, and Boston Globe articles which followed the release; all correspondence to both the Civil Rights Division of the Justice Department and the Office for Civil Rights of Health, Education and Welfare; and a copy of the January 14, 1970 Herald Traveler article announcing the Justice Department complaint made by us.

As noted in the press release that I sent you, the Office for Civil Rights of Health, Education and Welfare did send a team of investigators headed by Mr. Walter J. Patterson, Office for Civil Rights, U.S. Department of Health, Education and Welfare, 7th and D Streets, S.W., Room 3636, Washington, D.C. He, Mr. Horn from the New York Civil Rights Office, and Mr. John Bynoe from the Boston Civil Rights Office visited the school, speaking with faculty, students and parents.

Mr. Patterson seemed very concerned, but as of this date his report has not been released. It would be greatly appreciated and a benefit to all that this report be released immediately; if not publicly, at least to those making the complaint.

I am looking forward to your action on this matter, and as stated before, will be available to you and the Senate Select Committee on Equal Education Opportunity. Thank you again for your concern. Hopefully the problems facing the Lewenberg and all Boston schools can be improved.

Sincerely yours,

ALLAN S. COHEN,
Project Co-ordinator, Solomon Lewenberg Junior High School Community Advisory Board.

SOLOMON LEWENBERG JUNIOR HIGH,
Mattapan, Mass., December 29, 1969.

Mr. GERRIS LEONARD,
Director, Civil Rights Division, Justice Department, Washington, D.C.

DEAR MR. LEONARD: On behalf of the Solomon Lewenberg Junior High School Community Advisory Board, we would like to request an investigation by your department into the Racial Imbalance Law of the State of Massachusetts and the Open Enrollment Policy of the Boston School System.

Under this State Law and School Department Policy the Lewenberg Junior High has undergone a change from 95% white student enrollment in 1965 to over 95% black student enrollment today. As parents, students, and teachers on the Advisory Board we wish the best education for all. We believe this can be best achieved through integrated education.

We would like to know the rationale of this law and policy and if possible to have a member of your department meet with us to discuss the problems created by this State Law and School Department Policy at the Lewenberg.

Sincerely,

ALLAN S. COHEN,
Project Co-ordinator.

SOLOMON LEWENBERG JUNIOR HIGH,
Mattapan, Mass., January 22, 1970.

Re JL:CKH:sec DJ 169-36-1 #20-025-7.

Mr. CHARLES K. HOWARD, Jr.
Attorney Education Section,
U.S. Department of Justice,
Washington, D.C.

DEAR MR. HOWARD: In reply to your letter of January 16, to Mr. Cohen, the Advisory Board project co-ordinator, we are pleased with your interest.

As parents who have children at the Lewenberg Junior High, we wish a good education for our children and hope it will be an integrated one.

The Lewenberg being a part of the Boston School Department come under the Open Enrollment Policy instituted by the Boston School System. Under this policy any child may enter any school district in which there is a vacant seat.

The Lewenberg has enrolled many out of district students from schools that are predominately black; at the same time many white pupils have transferred under the Open Enrollment Policy to overcrowded predominately white schools. Therefore, we feel that the present Open Enrollment policy defeats the Racial Imbalance Law of the State of Massachusetts and its goal of an integrated education.

Sincerely,

———— ————.

U.S. DEPARTMENT OF JUSTICE,
Washington, D.C., January 16, 1970.

Mr. ALLAN S. COHEN,
Project Co-ordinator, Solomon Lewenberg Junior High School Community Advisory Board, Mattapan, Mass.

DEAR MR. COHEN: This is in response to your letter of December 29, 1969, concerning the racial change in Lewenberg Junior High since 1965, the Racial Imbalance Law of the State of Massachusetts, and the Open Enrollment Policy of the Boston School System.

In order for the Department of Justice to conduct an investigation into possible violations of Title IV of the 1964 Civil Rights Act (Desegregation of Public Education) it is necessary that we have a complaint in writing "signed by a parent or group of parents to the effect that his or their minor children . . . are being deprived by a school board of the equal protection of the laws."

It would seem that the racial change at Lewenberg Junior High School since 1965

might well fall into the equal protection qualification if subsequent investigation proves racial considerations have contributed to this change. At any rate we are unable to tell from your letter whether or not you are a parent of a child attending school in the involved school system or whether perhaps another member of the Committee who is a parent should write us also.

We would also appreciate any other details at your disposal to assist us in determining what action is appropriate. Particularly, we would appreciate a more detailed description of the problem you describe in your letter and the identity of the school department to which you refer.

Thank you very much for bringing this matter to our attention.

Sincerely,

JERRIS LEONARD,
Assistant Attorney General, Civil Rights Division.

By: CHARLES K. HOWARD, Jr.,
Attorney, Education Section.

[From the Boston (Mass.) Herald Traveler, Aug. 15, 1970]

WARNER, HICKS DEFEND OPEN SCHOOL ENROLLMENT

Director John D. Warner of the Boston Redevelopment Authority and City Councilman Mrs. Louise Day Hicks yesterday defended Boston's open enrollment school policy in the wake of a statement by U.S. Atty. Gen. John N. Mitchell that it was illegal.

Warner also criticize State Education Commissioner Neil Sullivan for what he said was Sullivan's failure to speed up a study of possible revisions to the Massachusetts racial imbalance law.

Mitchell's remark was made Thursday in testimony before the Senate's Select Committee on Equal Educational Opportunity. In an appearance before the committee in May, Sullivan had described the open enrollment plan, which permits Boston parents to enroll their children in any city school they choose.

Mrs. Hicks said yesterday, "Boston's open enrollment policy has not been declared unconstitutional in a court of law. Boston's open enrollment policy enables a student to attend any public school in Boston on a completely free and voluntary basis provided, of course, there is a seat available and that an appropriate course of study is in operation.

"Boston has judiciously attempted to obey both state and federal laws and fortunately there still exists in our great country a judicial system," continued Mrs. Hicks. "Citizens are not dependent upon unwarranted, unproven statements of constitutional officers who should know better."

Sullivan, in his remarks before the Senate committee, said the open enrollment policy was responsible for turning the Solomon Lewenberg School in Mattapan from a predominately white school to an almost completely black school.

Sullivan said the plan "permitted the mobile-class children to escape from the school, continue to live in their community, but go to all-white schools in Boston on the periphery."

Warner denied this, saying "The Lewenberg school is black because whites have left that section of the city."

Robert Smith, public information officer of the Civil Rights Division of the Dept. of Health, Education, and Welfare, said yesterday the HEW general counsel is considering whether the open enrollment policy constitutes a violation of the 1964 civil rights act, and, if there has, whether it would come under the jurisdiction of HEW or the Justice Dept.

Allen Cohen, a teacher at the Lewenberg School, said he had sent a complaint to Atty. Charles K. Howard of the Justice Dept. Dec. 29 of last year, and said it was possible that Howard turned the complaint over to HEW.

Warner, in an afternoon press conference, said the state's racial imbalance law, which requires that every school be at least 50 per cent white, is adversely affecting Boston's school construction program.

"The city of Boston is not months or days away from a very critical situation insofar as the planning of our school construction program is concerned," Warner said.

"We are now, today, being forced into making unsound planning decisions with respect to the location of new schools, all in a frantic and, at this time, foolish effort to comply with the patently unworkable provisions of the racial imbalance law."

He denied a link between open enrollment and racial imbalance. Sullivan's remarks, he said, were "unbelievably unfair" to the citizens of Boston and showed "shocking unawareness" of the history of the open enrollment policy in Boston schools.

"An inaccurate and unjust appraisal of Boston's efforts to solve the problem of racial imbalance has now been given not only to the Congress but to the nation," Warner said.

He urged Sullivan to move "as swiftly as possible" to permit filing of legislation changing the Racial Imbalance law.

"The law may be great in Pride's Crossing or Beverly Farms, but it doesn't work as far as the city goes," said Warner.

Asked if Mrs. Hicks had been right in her opposition to the Racial Imbalance law before its enactment in 1968, Warner said, "Yes, for the wrong reasons."

Mayor Kevin H. White yesterday reaffirmed his long-standing position that the Racial Imbalance law was in principle sound but unworkable because of the 50 per cent clause.

He also urged a quick study of possible amending legislation.

Warner said a prime example of the harm being done by the law is the necessity to close the Prince School, in the Back Bay, in order to provide white children to racially balance the new Carter School in the South End, due to open in two years.

The Prince School, on Newbury Street, is racially mixed. One of Warner's children is enrolled there.

Warner said the closing of the Prince School would be deleterious in the neighborhood concept of the Back Bay.

"Does the Back Bay remain a neighborhood or become a commercial, transient area?" he said. "A neighborhood has to have a neighborhood school."

The closing of the Prince School, he said, "would have a disastrous effect on the Back Bay as a neighborhood. Families would move out rather than send their kids that far away (to the Carter School). Or they would put their children in private schools."

(From the Boston (Mass.) Record American, Aug. 15, 1970)

WARNER HITS SCHOOL BOSS SULLIVAN

Boston Redevelopment Director John D. Warner yesterday accused State Education Comr. Neil Sullivan of giving "inaccurate, unjust and unfair" testimony in Washington about Boston's racial problems.

Warner angrily charged that Sullivan's testimony to the U.S. Senate Select Committee on Equal Educational Opportunity was "such a distortion of the Boston school situation that it will make the entire problem much more difficult to solve."

The head-on collision of Sullivan and Warner pointed up a quarrel of long standing over what should be done to ease racial tensions in the Boston school system.

Warner said the state's present racial imbalance law is unworkable and that "frantic" and "foolish" attempts to comply with it is driving the city to a crisis in trying to plan for school construction.

The smouldering issue flared up again after Atty. General John Mitchell said that Boston's open enrollment school policy is unconstitutional and allows segregation through city policy.

Mitchell was appearing before the Senate subcommittee when he got into a verbal tussle with Sen. John L. McClellan (D-Ark.). McClellan was attempting to make the point that the administration sends federal agents to the South to enforce desegregation but allows segregation to flourish in the North.

McClellan quoted testimony given on May 21 by Comr. Sullivan who said that the events at the Lewenberg Junior High School in Roxbury was typical of the actual results of the city's open enrollment policy.

Sullivan said the school was almost completely white but that shortly after a few black students moved in the white students moved out and that the school is now 95 percent black.

McClellan demanded to know whether that situation was constitutional and Mitchell answered, "No, sir."

"What are young going to do about it?" McClellan asked. "We have never had a complaint," Mitchell answered.

This statement was challenged by Allan Cohen, a project coordinator for the Community Advisory Board of the Lewenberg School.

Cohen said Mitchell was in error in saying he never received a complaint and that he had sent a letter on Dec. 29, 1969, to the Justice Dept., asking an investigation of the racial imbalance law and open enrollment as it exists in Boston.

EXCERPT FROM RACIAL ISOLATION IN THE PUBLIC SCHOOLS, A REPORT OF THE U.S. COMMISSION ON CIVIL RIGHTS

D. IMPLEMENTATION

The Massachusetts policy is supported by the strongest enforcement powers. In August 1965, the Massachusetts Legislature enacted a Racial Imbalance Act, which provides that upon notification by the State Board that a school within its system is racially imbalanced, a school committee must prepare and file with the board a plan to eliminate the imbalance. If the committee fails to show progress within a reasonable time in eliminating racial imbalance in its school system, the Commissioner of Education must refuse to certify all State school aid for that system.

Massachusetts is the only State which requires, either by law or administrative regulation, that State educational funds be withheld from school systems operating racially imbalanced schools.

MOTHER HITS "BEDLAM" AT MATTAPAN SCHOOL

A Mattapan mother said yesterday at an anti-discrimination hearing that Lewenberg Junior High School in Mattapan was a place of "pure bedlam."

Mrs. Barbara Harrison of Clarkwood Street, told members of the Massachusetts Commission Against Discrimination (MCAD) "that she would rather teach her daughter herself than send her to Lewenberg school."

Mrs. Harrison brought a discrimination complaint against the Boston School Department, charging that her daughter Donna, was assigned to a 6th grade classroom at Lewenberg "because she is black."

Mrs. Harrison wants her child to attend Washington Irving school in Roslindale.

"I'll keep her home and teach her myself. I feel I can do a much better teaching job than she receives at Lewenberg," Mrs. Harrison testified. "There's pure bedlam going on there."

She testified that some teachers at Lewenberg scream at the pupils and others announce, "I don't feel like teaching today,"

and allow the students to take over the classroom.

Mrs. Harrison said teachers at the school advised her: "Take your daughter out, she doesn't belong here."

Anthony Galeota, school department engineer, outlined the school construction program designed to eliminate racial imbalance in Boston schools.

He said 14,000 non-whites, including 12,000 blacks, attended Boston elementary schools.

Mrs. Harrison's attorney, Steven Cohen, told the commission members "the number of schools built is irrelevant, the point is a child has been denied admission to a school because she is black."

Asst. Corporation Counsel Edith Fine told the commission that the Boston School Department had an open enrollment policy "which is color blind."

"It helps both blacks and whites," she said.

MOTHER ATTACKS ENROLLMENT POLICY

A black parent told the Massachusetts Commission Against Discrimination yesterday that her daughter had been assigned to the Solomon Lewenberg Junior High School this fall despite the fact that the family had deliberately moved out of the Lewenberg district to avoid going to school there.

Mrs. Barbara Harrison of 52 Clarkwood St., Mattapan, testified at a hearing on a case charging discrimination against black students in the administration of Boston's open enrollment program.

Mrs. Harrison said she preferred to have her daughter to attend the Washington Irving School, which is 10 blocks from her home, because pure bedlam is going on in the Lewenberg. Mrs. Edith Fine, attorney for the Boston School Department, said the Washington Irving school was overcrowded, but the Lewenberg had vacancies.

NAACP FILES SUIT TO RESTORE SCHOOL INTEGRATION PLAN

(By Jerome F. Hansen)

The NAACP has asked the Federal Court in Detroit to reinstate the Detroit Board of Education's original school decentralization and attendance plan.

The request was contained in a suit filed yesterday which challenged the constitutionality of a bill passed recently by the Legislature which nullified the school board's plan.

The suit was filed in large measure to vindicate the five board members who devised the plan, according to Nathaniel R. Jones, general counsel of the NAACP.

The members were A. L. Zwerding, Darneau V. Stewart, Andrew Perdue, Peter Grylls and the late Dr. Remus Robinson.

The first four voted for the plan and were recalled from office this month. Dr. Robinson was too ill at the time and did not vote.

The plan, designed to increase racial integration in 12 of the city's 22 high schools, stirred widespread controversy. Many persons objected to the distance students would have to travel to school.

However, the legislature voided the plan by ordering the boundaries drawn by a three-member committee appointed by the governor and deferring changes in attendance areas.

"As a result of the action of the Legislature," Jones said, "not only were the efforts of this school board frustrated, but their successors in office are required to carry out an unconstitutional policy maintaining the existing segregated schools."

NAACP officials, scheduled to meet Tuesday with Federal Judge Stephen J. Roth, who will handle the case, said the suit was filed because "we believe that the constitutional mandate for desegregated education must apply equally throughout the United States."

"In Michigan, we have a situation where a northern legislature has adopted the judicially discredited southern tactic of interposition and nullification (commonly known as states' rights) to prevent black and white children from enjoying their constitutional rights to an integrated education enforced by the U.S. Supreme Court." the NAACP said.

"This lawsuit is part of a continuing pattern of school desegregation suits sponsored by the NAACP in northern communities."

In addition to asking that the school board's decentralization attendance plan be reinstated, the suit also asks:

That the Legislature's plan be declared unconstitutional.

Assignment of principals, supervisors, faculty and other personnel in proportion to the school's racial makeup.

That construction of school buildings be delayed until desegregation is completed.

Named as defendants in the suit were the governor, state attorney general, State Board of Education and the Detroit school board.

The suit contends the Legislature's action violates the 14th Amendment to the U.S. Constitution.

"The (legislative) act pertains solely to the Detroit Board of Education and thereby deliberately prohibits the Detroit Board of Education from making pupil assignments and establishing pupil attendance zones in a manner which all other school districts in the state of Michigan are free to do," the suit contends.

AUGUST 26, 1970.

Mr. JERRIS LEONARD,
Assistant Attorney General,
Department of Justice,
Washington, D.C.

DEAR MR. LEONARD: In relation to our conversation on the 13th and my earlier letter to you regrading the firing or demotion of black teachers in the South, I have the following additional requests for information which I would like to place in the Committee record:

1. As early as possible I would like to have the number of complaints received by you from the Committee or the NEA concerning the Louisiana and Mississippi schools. I wish for them to be identified as NEA originating where possible.

2. I wish the specific information set out in my earlier letter as to your post-investigative evaluation of the complaints.

3. I wish to have your evaluation of whether you have been granted full access to all complaints alluded to in our hearings.

4. There has been a great deal of controversy over the firing or demotion of Black teachers in the South. On the one hand Southern school systems have received bitter complaints concerning the low quality of Black schools and teachers. On the other hand equally vociferous complaints are received when there is an attempt to upgrade teacher quality on a fair and equitable basis. Could you furnish a statement of HEW-Justice policy in the area of hiring and firing of teachers? I wish specifically to know the degree of federal involvement in teacher hiring policy you propose for the federal government.

Your prompt attention to this matter will be greatly appreciated.

Sincerely yours,

JOHN L. MCCLELLAN.

DEPARTMENT OF JUSTICE,
Washington, August 28, 1970.

Hon. JOHN L. MCCLELLAN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCCLELLAN: This is in response to your letter of August 26, 1970 requesting additional information respecting complaints about the firing or demotion of black teachers in the South.

My letter to you of the same date explains some of the problems that exist in trying to give a precise report. In addition, during these weeks when school openings are underway we do not have the staff to do a detailed analysis of the type you request. I should also note that at present the Federal Bureau of Investigation is, at our request, investigating complaints of demotions or dismissals in approximately 18 systems, and we have not yet received their investigative reports as to these systems. In these circumstances I would ask your indulgence and would propose to attempt to provide a full answer to your first two questions later in the fall.

You inquired whether we have been granted full access to all complaints alluded to in the Committee hearings. We have examined the full record of the hearings and have been given access to N.E.A. files in Washington. Because the source of some complaints is unclear and some complaints are non-specific in nature, it is difficult to assess whether the disclosure by the N.E.A. has been complete. I know that some instances of non-cooperation in the field have occurred recently but I know of no such recent problems in Washington.

Finally, you inquire into our policy as to hiring and firing of teachers. Our policy is to enforce the requirements of non-discrimination as spelled out in the court decisions. The most detailed appellate description of those rules appears in *singleton* v. *Jackson Municipal Separate School District,* 419 F. 2d 1211 (5th Cir. 1969), and I think it worthwhile to set those rules out here. The court ordered:

DESEGRATION OF FACULTY AND OTHER STAFF

The School Board shall announce and implement the following policies:

1. Effective not later than February 1, 1970, the principals, teachers, teacher aides and other staff who work directly with children at a school shall be so assigned that in no case will the racial composition of a staff indicate that a school is intended for Negro students or white students. For the remainder of the 1969–70 school year the district shall assign the staff described above so that the ratio of Negro to white teachers in each school, and the ratio of other staff in each, are substantially the same as each such ratio is to the teachers and other staff, respectively, in the entire school system.

The school district shall, to the extent necessary to carry out this desegregation plan, direct members of its staff as a condition of continued employment to accept new assignments.

2. Staff members who work directly with children, and professional staff who work on the administrative level will be hired, assigned, promoted, paid, demoted, dismissed, and otherwise treated without regard to race, color, or national origin.

3. If there is to be a reduction in the number of principals, teachers, teacher-aides, or other professional staff employed by the school district which will result in a dismissal or demotion of any such staff members, the staff member to be dismissed or demoted must be selected on the basis of objective and reasonable non-discriminatory standards from among all the staff of the school district. In addition if there is any such dismissal or demotion, no staff vacancy may be filled through recruitment of a person of a race, color, or national origin different from that of the individual dismissed or demoted, until each displaced staff member who is qualified has had an opportunity to fill the vacancy and has failed to accept an offer to do so.

Prior to such a reduction, the school board will develop or require the development of non-racial objective criteria to be used in selecting the staff member who is to be dis-

missed or demoted. These criteria shall be available for public inspection and shall be retained by the school district. The school district also shall record and preserve the evaluation of staff members under the criteria. Such evaluation shall be made available upon request to the dismissed or demoted employee.

"Demotion" as used above includes any reassignment (1) under which the staff member receives less pay or has less responsibility than under the assignment he held previously, (2) which requires a lesser degree of skill that did the assignment he held previously, or (3) under which the staff member is asked to teach a subject or grade other than one for which he is certified or for which he has had substantial experience within a reasonably current period. In general and depending upon the subject matter involved, five years is such a reasonable period.

Sincerely,

JERRIS LEONARD,
Assistant Attorney General, Civil Rights Division.

[From the Chicago (Ill.) Sun-Times, Aug. 13, 1970]

BEGIN FACULTY INTEGRATION OF SCHOOLS HERE

(By Joel Havemann)

School Supt. James R. Redmond announced Wednesday that about 700 teachers have been given school assignments to increase faculty integration in Chicago schools in September.

He said this number was about 16 per cent of the 4,400 teachers that must be assigned on the basis of race so that the Board of Education can meet federal desegregation guidelines.

Of the 700 teachers assigned so far, Redmond said 400 are new teachers or substitute teachers who have gained regular certification this summer.

The other 300 are substitutes formerly assigned to a school full-time who have been displaced by regularly certified teachers.

NO MANDATORY TRANSFERS

No regularly certified teachers have been forced to transfer in the interests of integration, Redmond said. Mandatory transfers have been attacked bitterly by the Chicago Teachers Union.

The Justice Department threatened last summer to sue the school board if it did not integrate its teaching staffs.

The Health, Education and Welfare Department suggested that the number of black teachers at any school should not deviate by more than 10 per cent from the citywide average of 34 per cent.

HEW proposed a number of desegregation steps, including about 1,000 mandatory transfers. Redmond told the school board he was negotiating with HEW officials to work out a plan acceptable to federal officials and to the board.

In other action, the school board sent telegrams to all U.S. senators and congressmen from Illinois, urging them to vote to override President Nixon's veto of the federal aid to education bill.

ON VETO OF EDUCATION BILL

Redmond said the bill would increase Chicago's share of federal aid by nearly $5 million, to an annual total of $37 million. Mr. Nixon said he vetoed the bill because it was inflationary.

Board members also criticized the efforts of school administrators to combat street gang activities in the schools.

They suggested that school officials work more closely with militant community organizations and perhaps establish a "gang intelligence unit" within the school system.

Board members responded to a report by Deputy School Supt. Manford Byrd Jr., who recommended that the quality of the schools be improved to the point where they would attract their pupils away from the gangs.

Board member Warren H. Bacon suggested that school administrators co-operate with such organizations as Operation Breadbasket, The Woodlawn Organization and the West Side Organization.

Byrd said the schools already worked with such groups as the YMCA and Boys Club.

"What we've done in the past has proved entirely inadequate," Bacon said.

Board member Alvin J. Boutte suggested the possibility of a school "gang intelligence unit" similiar to the one in the police department. Byrd said such an idea might work.

Boutte noted that the board has spent its entire 1970 budget for school security. Byrd promised that a transfer of funds into the security budget would be proposed before September.

Boutte asked whether school officials conferred enough with parents whose children had difficulties with the gangs. When Byrd said they did, several black persons in the audience groaned.

Byrd said school officials would consider the board members' suggestions.

The board meeting was disrupted by 13 Southwest Side residents wearing yellow hard hats who demanded that the board reverse its decision to place a prefabricated classroom building at the O'Toole Elementary School, 6550 S. Seeley.

One woman was escorted out of the meeting by security guards and the other 12 followed her. They demanded that the board relieve overcrowding at O'Toole by redrawing school boundary lines so that most black pupils would be eliminated from O'Toole.

The board appointed three high school principals:

Bernard E. Dawson to Calumet High. Dawson, the black former principal of Du Sable Upper Grade Center, was selected by a community screening board after the community forced out Charles L. LaForce, who was white.

James P. Maloney to Schurz High. Student disruption last January forced Maloney out of the all-black Crane High. Schurz is all white.

Edward C. Bennett to Cooley Vocational High.

Byrd said school officials would consider the board members' suggestions.

SUPPLEMENTAL STATEMENT

Mr. CHAIRMAN, yesterday some supplemental information concerning the subject of today's statement came to my attention.

The two newspaper clippings from Boston and Detroit are self-explanatory. They relate the continuing controversy in Boston over integration, and the refusal of the U.S. District Court in Detroit immediately to set aside the Michigan law requiring desegregation of the Detroit schools.

The letter from Stanley Pottinger, Director, Office for Civil Rights, Department of Health, Education, and Welfare, explains the refusal of HEW to allow transfers from Cotton Plant to McCrory. I note that the HEW policies and Fifth Circuit Decision quoted in the letter, if enforced in Boston, would no doubt have prevented a large part of the segregation that now exists in that city. It is my contention that Boston has in effect created a dual system in that city, using the open enrollment policy to accomplish this fact.

I am hopeful that someday we will in fact see a national policy on integration that is enforced equitably and without preference or discrimination as between the states of the South and the states of the North and other sections of our country. I believe that the statement that I have made today proves that we do not have a single standard national policy on school integration, and that we have never had such a policy.

I ask unanimous consent that this material, the news clippings and the letter from Mr. Pottinger, be placed in the hearing record following my statement.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., September 21, 1970.

Mr. EMON A. MAHONY, Jr.,
Assistant to Hon. John L. McClellan,
U.S. Senate, Washington, D.C.

DEAR MR. MAHONY: Bill van den Toorn has told me of your concern about the question of student transfers from one school district to another.

I understand that the question arose with specific regard to the Cotton Plant school district in Arkansas. There the Board of Education approved the transfer applications of roughly 50 white students who wished to enroll in a school of the neighboring McCrory school district. The transfer, if effectuated, would have left the Cotton Plant High School nearly all-black and as such, would have conflicted with the proposed desegregation plan submitted by the district and accepted by the Office for Civil Rights on June 11, 1970. The plan provided that all students in grades 10–12 (141 black students and 58 white students) would attend the Cotton Plant High School at the start of the 1970–71 school year.

It has been the longstanding policy of the Office for Civil Rights to disapprove transfer arrangements when their effect is to undo legally required desegregation. In this regard, Subpart C, Section 16 of the "Policies on Elementary and Secondary School Compliance with Title VI of the Civil Rights Act of 1964" provides:

"School systems are responsible for assuring that no arrangement is made nor permission granted for students residing in one school system to attend school in another school system in any case where the result tends to maintain what is essentially a dual school structure in either system."

The U.S. Court of Appeals for the Fifth Circuit recently ruled with respect to several school desegregation cases that:

"If the school district grants transfers to students living in the district for their attendance at public schools outside the district, or if it permits transfers into the district of students who live outside the district, it shall do so on a non-discriminatory basis, except that it shall not consent to transfers where the cumulative effect will reduce desegregation in either district or reinforce the dual school system." *Singleton v. Jackson Municipal Separate School District.* 419 F. 2d 1211 (5th Cir. 1970).

In advising school officials that the proposed transfer arrangement in this case violated the requirements of Title VI, our Regional Office at Dallas was acting consistent with established policy and judicial standards.

We appreciate your interest in this matter. If I can be of further assistance, please let me know.

Sincerely yours,

J. STANLEY POTTINGER,
Director, Office for Civil Rights.

[From the Boston (Mass.) Herald Traveler, Sept. 9, 1970]

ANOTHER LOOK AT "IMBALANCE"

Commr. of Education Neil V. Sullivan, an ardent champion of racial balance in the public schools and the use of busing to bring about this end, has taken a gingerly step in the opposite direction.

He has appointed an Advisory Committee on Racial Imbalance, the presumed purpose of which is to review and study the state's racial imbalance law which has proved so disruptive to the Boston school system, and to recommend changes or perhaps even repeal.

Sullivan, a former superintendent of schools in Berkeley, Calif., where he racially

balanced the schools by cross-busing, arrived here a year and one-half ago to take over supervision of secondary and elementary public education at $30,000 a year, and has sat on his hands while the educational problems of the capital city worsened.

He agreed to appoint the special panel to review the racial imbalance law at the insistence of John D. Warner, aggressive new director of the Boston Redevelopment Authority, who sees the city in a crisis situation because of the controversial statute.

But warner does not intend to sit back and permit Sullivan's blue ribbon panel of 14 to study the problem to death while conditions created by the racial imbalance law worsen and a $100 million school building program planned by the city grinds to a halt.

"I intend to keep the pressure on him," declares the tough-minded Warner. "While I am, of course, pleased that the commissioner has appointed this study panel, I want to see it go into action immediately.

"Consequently, I will ask how soon this special committee intends to meet, and will ask to appear before the committee at the earliest opportunity to state my views concerning the damage the racial imbalance law is doing to the city of Boston in its efforts to build new schools.

"This year is, of course, lost, but if we get moving on the problems now, perhaps by the opening of the next school year the situation with respect to racial imbalance can be put back into its proper perspective, and progress in the building of new schools can commence."

But if Sullivan's record in Berkeley, Calif., is any criterion, he may not be easy to push into taking direct action to wipe the racial imbalance law off the statute books, or even change it drastically.

Sullivan blasted no less a personage than President Nixon when the nation's chief executive had the temerity to question the advisability of busing children from one end of a city to the other to achieve racial balance.

And he also took on U.S. Atty. Gen. John Mitchell and the then Secretary of Health, Education and Welfare, Robert Finch, when they disagreed with him on the same subject.

Since then, Sullivan has been relatively silent, apparently because of a rap on the knuckles he received from Gov. Sargent, who made it clear that he did not approve of department heads making major policy statements without clearing them through the governor's office.

But Sullivan is a controversial figure, as evidenced by some of the statements attributed to him while he was in Berkeley, Calif.

For instance, in October of 1968, the Berkeley High School faculty steering committee met with Sullivan to discuss the Berkeley Unified School District's acceding to demands made by the high school's Black Student Union.

One of the questions put to Sullivan, according to a report published in the steering committee's bulletin, was:

"Many teachers are concerned that ready giving in on the part of the administration to the demands of a small group will convince all students that militancy is the only way to get things done. What is your opinion on this?"

"Damn right it is," replied Sullivan, according to the published report. "History has shown that the only way to get things done is to get a shotgun and stick it up against the other people's neck."

Consequently, it is not anticipated that Sullivan will remain silent for long, particularly since he has been challenged by the hard-driving Warner to get off his racial balancing kick, and provide the leadership necessary to straighten out the problems created in the Boston school system by the racial imbalance law.

Warner is no pushover, however, as Sullivan will find out if he is determined to persist in pursuing a philosophy which simply cannot work in a city like Boston.

The BRA director has already expressed his indignation over Sullivan's testimony before a Senate committee headed by U.S. Sen. John McClellan of Arkansas.

Sullivan criticized Boston's open enrollment plan, in which any pupil, anywhere in the city, can go to the school of his choice, provided there is a vacancy. He said he considered the policy "racist."

Warner has termed Sullivan's remarks "unfair and unwarranted, and showed a tragic lack of knowledge of the city's problems."

He points out that the open school enrollment policy was instituted years ago, long before the conception of the racial imbalance law, which is proving so harmful to Boston.

"The key is that this racial imbalance law doesn't work," Warner asserts. "It has a classic ability to harm both blacks and whites. In the long run it will force busing of kids around the city and this is not healthy.

"It requires the building of schools on the peripheries, and that is wrong. There is no substitute for the strong neighborhood school, and the racial imbalance law makes this impossible."

Warner is convinced that the time to do something about the racial imbalance law is now, if the city is to replace with new schools the antiquated structures which should have been replaced long ago.

And it would appear he does not intend to permit Sullivan to serve as the stumbling block.

[From the Detroit Free Press, Aug. 4, 1970]

U.S. COURT BLOCKS INTEGRATION PLAN FOR CITY SCHOOLS

(By William Grant)

U.S. District Judge Stephen J. Roth denied Thursday a request by the National Association for the Advancement of Colored People that the Detroit school system be required to put its controversial high school integration plan into effect next week.

The NAACP had made its appeal as part of a suit challenging the right of the Michigan Legislature to prohibit the school system from implementing the plan which was adopted by the school board last April 7.

A hearing on that suit has been set for the first two weeks in November, but the NAACP had asked that Judge Roth order the plan implemented pending the final outcome of the case.

Judge Roth said Thursday that to issue the temporary order would be, in effect, deciding the whole case.

"The best interests of the schools, the students and the parents will be served if no order is issued at this time," Roth said.

Attorneys for both sides were notified by telephone Thursday morning of Judge Roth's decision. The judge has been hearing cases in Flint and his office said a written opinion will be available early next week.

The decision means Detroit students will enroll next Wednesday as if the school board had never adopted its April 7 high school integration plan.

Charles Wolfe, executive deputy superintendent for the school system, said:

"Students will follow the same school attendance pattern they have for the past several years. Anyone with any question should call either their neighborhood school or the regional school office."

The school board voted 4–2 April 7 to alter school boundaries to balance the racial composition of 11 of the city's 22 public high schools.

But the Legislature passed a new state school decentralization law in July which prohibited the board from implementing the integration plan.

And Detroit voters Aug. 4 recalled from office the four board members who had approved the plan.

RESUMPTION OF FULL-SCALE MILITARY SHIPMENTS TO GREECE

Mr. FULBRIGHT. Mr. President, the Department of State has now announced the resumption of full-scale military shipments to Greece. This decision will be regarded by many here in the United States, in Europe, and in Greece as most unfortunate. That the announcement comes at this particular time is, perhaps, not accidental.

We have been told that the decision "in principle" to resume military shipments to Greece was made some time ago. I might note, however, that this decision was not then communicated to the Senate. Since taking that decision "in principle," the administration has undoubtedly been trying to figure out how to announce it in a way that would attract the least attention while at the same time making it appear more justifiable. In this respect, the present Middle East crisis may even have been viewed as a most convenient and timely development.

Given the present public preoccupation with events in Jordan, the resumption of heavy military aid to Greece may pass almost unnoticed. For those few who do take notice, there is the convenient argument that this is a moment when the United States must shore up the southern flank of NATO. At best the only relevance of the NATO bases in Greece to events in Jordan is the fact that they are the only eastern Mediterranean ports still open to our 6th Fleet. Without access to these bases it would undoubtedly be far more difficult for us to involve ourselves in Jordan.

There is, of course, a precedent for the technique used in announcing this decision. In October 1968, following the Soviet invasion of Czechoslovakia the State Department "relaxed" the embargo long enough to ship a few "selected items" of major equipment to Greece.

Although the Committee on Foreign Relations was duly notified of this action, the magnitude of the deliveries involved was not immediately apparent. We were subsequently surprised to learn that they included a squadron of jet fighters and some minesweepers. Fortunately the alleged or presumed threat to Greece from Czechoslovakia never materialized, but the colonels got their equipment anyway.

The State Department maintains that the junta has made substantial progress toward the restoration of political freedom in Greece. They further argue that the continuation of our embargo is unlikely to move the junta toward further reforms.

The recent release by the junta of some political prisoners is a positive step. No one knows, however, what number remain in prison or in exile on the Greek Islands. Insofar as I know, those still being held do not yet have recourse to

civilian courts to seek their release. Martial law remains in effect and there is no sign of a restoration of parliamentary government.

The colonels appear to have done just enough to pry loose the tens of millions of dollars of equipment which the Defense Department has been so anxious to give them. The eagerness of the Defense Department to release this materiel must have increased recently following reports that the Greek junta was considering the purchase of tanks from France. The Defense Department would certainly not welcome the prospect of losing a good recipient for its giveaways.

It remains to be seen what impact, if any, our resumption of full-scale military aid to Greece will have on our other allies on NATO's flank, the Turks. It may well be that the Turks, seeing their traditional Greek enemy being strengthened, will demand that their own forces be similarly augmented—out of concern over the Russians, of course.

This is a sad, but familiar ring to this entire affair. We espouse high-sounding principles on the one hand while dealing with dictators for military bases on the other. The administration might at least spare us the pain of its rhetoric and get on with its deals—provided, of course, the price is right.

DECLINE OF U.S. CASUALTIES IN VIETNAM

Mr. HANSEN. Mr. President, without question one wartime casualty is too many. But nevertheless it is heartening to see the continuing decline in our casualties in Vietnam as a result of President Nixon's decision to wipe out the North Vietnamese Cambodian sanctuaries as a result of his Vietnamization program and as a result of his withdrawal of American troops.

I am sure we all noticed that again last week, casualties dropped below the 60 mark to 54. They have been running below the hundred mark each week since July 1.

Mr. President, as I said, we cannot be satisfied over any wartime casualties, but let me point out that this war is taking only a small fraction of the lives we lose every day to other forms of violence.

For instance, we lose an average of more than 4,000 Americans each month in automobile fatalities. In July, the last month for which I have figures, 4,880 persons were killed in auto accidents.

During the first 6 months of 1970, approximately 10,000 persons lost their lives by drowning and in other public accidents, 13,500 more were killed in home accidents and 7,000 in accidents at work.

Concerned Americans, acting through many organizations on many fronts, are trying to reduce this tragic toll of lives. For example, highway deaths reflect a smaller mortality per passenger mile.

All of us are gratified with the progress that is being made to end the war in Vietnam. The drop in casualties is solid evidence of that progress.

We all wish the President Godspeed in successfully terminating this conflict.

PROTECTION OF THE GARNER VALLEY IN CALIFORNIA

Mr. CRANSTON. Mr. President, recently the California Legislature adopted Assembly Joint Resolution No. 62, which memoralizes the President and the Congress of the United States to take immediate action to preserve Garner Valley or portions thereof in California.

As the sponsor of the bill (S. 4045) to purchase 6,400 acres of privately held lands within the valley and add them to the San Bernardino National Forest, I am delighted by the action taken by the California Legislature. It is but one more indication of the support within California for immediate efforts to protect this valley from high-density commercial and residential development and to preserve its potential as an open space area and as a natural resource.

Mr. President I ask unanimous consent that the text of Assembly Joint Resolution No. 62 be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

ASSEMBLY JOINT RESOLUTION No. 62—RELATIVE TO GARNER VALLEY

Whereas, Garner Valley in the San Jacinto Mountains in Riverside County is a scenic area within short traveling distance from major population centers of California; and

Whereas, There exists a crucial need for recreational land near major population centers in California and the nation; and

Whereas, The preservation of present recreational land is of highest priority in California's fight to preserve her environment; and

Whereas, The several thousand acres of Garner Valley are adjacent to the San Bernardino National Forest; and

Whereas, Proposed development of this area may have adverse ecological effects upon such surrounding lands; and

Whereas, A recent United States Forest Service report indicates the advisability of protecting Garner Valley to insure the conservation of federal lands in this area; and

Whereas, This study specifically notes that Garner Valley is a key watershed in the upper reaches of the San Jacinto River, and proper management of both private and national forest lands is essential from a flood control, water quality, and soil erosion standpoint; and

Whereas, The federal government owns surplus property which consists of less desirable recreational land throughout California and in the vicinity of the City of Riverside, and it may be in the best interest of the people of the State of California and the nation to preserve Garner Valley and allow development on other surplus land; now therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to take immediate action to preserve Garner Valley or portions thereof; and be it further

Resolved, That such action emphasize the possibility of exchanging surplus land or other federal properties in the vicinity of the County of Riverside or elsewhere for such Garner Valley land; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of Interior, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

LEGISLATIVE COUNSEL'S DIGEST

AJR 62, as introduced, Veysey (Rls.) Garner Valley.

Memorializes the President and Congress of the United States to take immediate action to preserve Garner Valley or portions thereof, possibly by trading surplus federal land for land therein.

Fiscal Committee—No.

ABSENCE RECORD OF GENERAL SESSIONS JUDGE MARY C. BARLOW

Mr. WILLIAMS of Delaware. Mr. President, yesterday the Washington Evening Star published an editorial entitled "Judge Barlow's Return."

This editorial very properly calls attention to the responsibility that Judge Barlow has to the citizens of Washington and to the American taxpayers to tender her resignation from the court.

The manner in which she has insisted upon holding title to her position while at the same time neglecting her duties as a judge over the past few years is a reflection on the integrity of the court.

On August 16, 1970, an article appeared in the Washington Post entitled "Judge Barlow Hasn't Worked in a Year and Yet She Refuses To Resign Her Position," commenting upon the disgraceful absenteeism of Judge Barlow in relation to her duties.

In the face of this miserable record, if she refuses to tender her resignation the Judiciary Committee should consider action toward seeking her removal.

I ask unanimous consent that both the editorial and the article be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

JUDGE BARLOW'S RETURN

Resuming her judicial duties the other day after an absence of more than a year and a half, D.C. General Sessions Judge Mary C. Barlow said she thought she might be able to work "a full day from now on." We think the decision is regrettable. In the public interest, as well as her own, Judge Barlow should retire.

In a brief discussion of her absence with reporters, the judge referred to a number of ailments she has suffered during a prolonged illness. Under such circumstances, no one has any desire to be cruel. Certainly Chief Judge Harold H. Greene was not last February, when he unsuccessfully requested her retirement "in view of the extraordinary demands that are being made on the court and its judges in these times of unprecedented case loads . . ."

The point is that today General Sessions, in the midst of its transition to the status of the city's new Superior Court, faces an even heavier burden, which inevitably will be passed on to its judges in the form of greater personal demands. It was evident her first day back, and hardly surprising, that Judge Barlow was operating under great strain. It is not likely that the strain will let up.

Judge Barlow is fully eligible for retirement on the basis of two-thirds of her $34,000 salary. She would not gain a great deal by awaiting a salary increase to $36,000 next spring. In view of her incredibly bad attendance record since 1965, she surely can harbor

no hopes of reappointment when her present term expires a year from now. Nor, in all candor, can the court, confronted with its new challenges, afford to wait that long.

JUDGE MARY BARLOW HAS NOT WORKED IN A YEAR—AND YET SHE REFUSES TO RESIGN HER POSITION

(By William N. Curry)

Back on Feb. 28, 1950, Secretary of State Dean Acheson was tilting with a Senate Appropriations subcommittee over a favorable comment he made about State employee Alger Hiss. Elsewhere on the Hill, a police inspector was asserting his belief that inadequacies in Washington's police force were "hampering law enforcement." And in still another hearing room, Mary C. Barlow was swearing to the Senate District Committee that if she ever became disabled, she would resign from the Municipal Court judgeship she was then hoping to assume.

Miss Barlow received that judgeship, and she stayed on the bench when the court later became the Court of General Sessions.

Since 1967 she has served exactly 51.5 days at court and she has served none since Jan. 1, 1969, yet Judge Barlow has repeatedly refused to resign.

Meanwhile, Judge Barlow enjoys the $6,500 in annual salary boosts the Congress has voted for the court's judges since 1968, the year Miss Barlow showed up at court seven times. She now makes $34,000 a year.

Beyond the money, Judge Barlow's insistence on tying up one of the court's 23 authorized judgeships means just that much more work for a court that can barely keep pace with its rising workload, let alone reduce its oppressive backlog.

Commenting on the court's backlog of pending cases, Chief Judge Harold H. Greene says, "It depends entirely on the number of judges. The more judges, the smaller the backlog." In a report issued early this year, Judge Greene said the court received 4,357 more criminal jury cases in 1969 than it did in 1968. The number continues to rise. Today the court operates with only one more judge than it had in 1968.

By hard work and long hours, temporary measures and tighter administration, the court has kept even with its increased workload. The backlog remains stable, however, with more than 3,100 criminal cases scheduled for jury trials.

When President Truman named her for the Municipal Court post in 1950, Mary Catherine Barlow, at 32, was the youngest federal judge ever appointed by a President. At the time, Miss Barlow was law librarian for the 10 judges then on the Municipal Court bench. She was also teaching legal bibliography at the old National University Law School. A native of Grafton, W. Va., she had once been a professor of law at the old Columbus University. Although she was admitted to the D.C. Bar in 1943, when Judge Barlow assumed the bench on March 28, 1950, she had never done trial work.

Her dearth of in-court experience brought opposition to her appointment at the Senate District Committee hearing that February day in 1950. But the committee's chairman, Matthew M. Neely, a West Virginia Democrat, quickly put an end to that. After all, it was he who had been Miss Barlow's voice at the White House; he had sponsored her appointment in competition with some 400 other eager candidates for the then-$13,000 a year post.

Another point came up at the hearing. Juvenile Court Judge Fay Bentley had sparked a controversy over when a judge should resign. Judge Bentley was a patient at St. Elizabeth's Hospital and steadfastly refused to call it quits until her appointment expired.

Mindful of this at the hearing, Sen. Lester C. Hunt (D-Wyo.) said he had a routine question he liked to ask all prospective federal judges: Would he or she resign upon becoming incapacitated or disabled?

A *Washington Post* account of the hearing reports: "After pointing out that the Municipal Court term is 10 years, Miss Barlow said she would resign if permanently incapacitated."

The Evening Star said: "Miss Barlow said she would resign if incapacitated."

Another judicial nominee before the committee that day, Thomas C. Scalley, said that he, too, would quit if he could not serve the court. He is still on the bench at 72 and reports to work daily.

The Senate committee unanimously approved her nomination; the full Senate followed several days later, and Miss Barlow was sworn in on March 28, 1950. There followed 10 years of regular work on the bench by Judge Barlow.

With the expiration of her first appointment in 1960, the Eisenhower Administration let it be known that Mary C. Barlow, a Democrat, would be a one-term judge. But the Kennedy victory saved Miss Barlow, and she was officially reappointed in September of 1961, having stayed on the bench during the interim 19-month period.

During her first term and the first few years afterward, Judge Barlow served the court regularly. In 1964, or thereabouts, her attendance fell off drastically. According to available court records, which begin with 1965, Judge Barlow was present at court 137 days in 1965 (at a $23,500 salary). This amounted to about 50 per cent absenteeism.

In 1966, Judge Barlow's days at court dropped off to 105.5, and in 1967 she came to court 44.5 days.

In February of 1967, Judge Barlow's dentist-husband (she still goes by her maiden name) told a reporter: "Judge Barlow is ill and has been ill for some time. I am sure she will be back in court soon."

Nevertheless, the following year, 1968, with her salary then up to $27,500, Judge Barlow came to court only seven days, putting in about 30 hours of effort. Court records do not show the last day she came to court in 1968, but whatever day it was, it was, indeed, "the last." She was not there at all in 1969. Or so far this year.

Judge Barlow's $34,000 salary this year could be even higher if a pending court-reorganization bill raises that salary.

The case of Mary C. Barlow began a new phase on March 28, 1970. For that was the first day that Miss Barlow became eligible for a retirement pension.

For years, Judge Barlow's friends at the court had somewhat defended her refusal to quit. This was because the retirement plan she is under requires at least 20 years' service to earn a pension. If Judge Barlow had retired even one day before the 20 years of service, she would have received no retirement pay. With those interim 19 months of service, her 20th anniversary was March 28, although her second 10-year term will expire in September, 1971.

So, many people expected Judge Barlow to retire on March 28, her 20th anniversary. But she didn't.

Desirous of getting the General Sessions Court up to full strength, Chief Judge Greene early this year coaxed Judge Barlow to retire. In a Feb. 3 letter, Judge Greene expressed his feeling over her absenteeism, both as a judge and as a citizen concerned about crime. He wrote:

DEAR JUDGE BARLOW: I am informed that as of March 28, 1970, you will have served on the Court for a total of 20 years, and pursuant to the Act of April, 1942, you will be eligible for retirement at a substantial pension. The purpose of this letter is to respectfully suggest that you take advantage of this statute to retire at that time rather than to await the end of your second full term, which will expire on Sept. 18, 1971.

As you know, I have never been critical of your prolonged absence from the Court, even though the other judges and I have been subjected to a great deal of criticism and have had to perform a considerable amount of additional work because of that absence. I consistently maintained that position because I felt that, because of your prior service to the court and to the community, you should be permitted to continue to serve without interference until you were eligible for a pension.

That eligibility will now become fixed next month. In view of the extraordinary demands that are being made on the Court and its judges in these times of unprecedented caseloads and public concern with backlogs and delays, it is most important that all judges authorized to the Court be active and able to participate fully in its work. For that reason, it would seem that you would want to consider retirement as of the date of eligibility for a pension.

Please let me know what your decision will be, for I expect to be asked about this matter by the press and the Congress.

With best wishes,

Sincerely yours,

HAROLD H. GREENE.

Seventeen days later, Judge Barlow sat down with a ball-point pen and wrote the following letter on embossed General Sessions stationary ("Mary C. Barlow/Judge" printed at the top):

DEAR JUDGE GREENE: Thank you for your recent letter. I do appreciate your graciousness and many, many kindnesses.

My physicians indicate I will be able to return to work in the near future. After that we shall discuss my retirement.

Chief, I have been informed that I have no desk; no chairs; no table; and no rug or carpeting on the floor (of her chambers). I am sure you will take the necesary steps to amend these oversights.

With warm wishes,

Most sincerely,

MARY.

So Chief Judge Greene fixed up her office to get it ready for Judge Barlow's return. Despite her statement about being "able to return to work in the near future," six months later she still hasn't showed up for work.

Meanwhile, by hanging on, Judge Barlow stands to pocket an even higher pension. At ⅔ of her present $34,000 salary, her pension today would be $22,666. Any salary increase would further up her pension.

The recently enacted, controversial D.C. crime law (which takes full effect in January) could prove to be Judge Barlow's undoing. It provides for a five-member Commission on Judicial Disabilities and Tenure. The Commission will be empowered to give the heaveho to judges for "willful and persistent failure to perform judicial duties" and to retire involuntarily a judge who "suffers from a mental or physical disability which is or is likely to become permanent and which prevents or seriously interferes with the proper performance of his judicial duties."

On behalf of the court, Chief Judge Greene issued this statement when asked about Judge Barlow: "We strongly support the removal commission."

The caller who phones Judge Barlow at her residence in the Kennedy-Warren Apartment is told by a housekeeper that she is in "but Judge Barlow is ill." All calls are referred to her husband, dentist Lawrence Smallwood.

Dr. Smallwood is asked if Judge Barlow intends to retire soon.

"I haven't heard a thing about it. I don't know."

Does she have any plans to return to court soon?

"I don't know."

Could he disclose the nature of her illness?

"No, I don't have anything to say about it at all."

Is there anything Dr. Smallwood would like to say about Judge Barlow's absenteeism?

"Not a thing. I don't even know what you're driving at. Thank you for calling."

MANPOWER TRAINING ACT AND FAMILY ASSISTANCE

Mr. JAVITS. Mr. President, the Senate passed yesterday, by a vote of 68 to 6, the Employment and Training Opportunities Act of 1970, sponsored by Senator NELSON and representing a highly sophisticated effort on the part of all of the members of the Committee on Labor and Public Welfare, to respond to the administration's initial call for a reform and expansion of our manpower training programs. Of particular significance was the Senate's acceptance of a substantial public service employment program initially authorizing as many as 250,000 jobs and related training for unemployed and underemployed persons. While I sought to refine the public service provisions in order to emphasize the development and eventual mobility of individual participants in the program, I am pleased with the overall acceptance of such a program, which Senator NELSON, others on the committee, and I have long advocated.

Although the Senate has passed this essential legislation, the House of Representatives has not completed action on various manpower training and employment proposals now before it. The Senate, on the other hand, has failed to act upon the House-passed Family Assistance Act, proposed by the administration.

Mr. President, the "twain" must meet in this session if we are to keep our basic commitments to put an end to poverty. It would be not only a colossal irony, but a cruel deprivation to the poor, the unemployed, and the underemployed, if these two measures—which are so essential and so philosophically as well as administratively related—remained locked up on opposite sides of the Capitol.

The Senate's passage of the manpower training bill should assure those who fear the potential costs of the Family Assistance Act that employment and training opportunities in substantial numbers will be available to provide alternatives to welfare dependency. Similarly, those who fear the establishment of "work relief" programs as a substitute for welfare programs must recognize that—in addition to guaranteeing a certain level of income—the Family Assistance Act contains substantial work incentives and arrangements for referral to manpower training, as well as day care provisions—that will encourage and make it possible for hundreds of thousands and eventually millions of persons on welfare to seek "regular" employment to break the welfare syndrome.

Mr. President, I am not urging that any reform is better than no reform since I expect the family assistance plan to represent a successful start in our efforts to provide a basic level of living for all Americans. We should pass it in this session and the legislation should represent a firm commitment to its application to all of the Nation's poor—including its working poor—within a reasonable period of time.

NEITHER HEAT NOR LIGHT

Mr. EAGLETON. Mr. President, on occasions there is more heat than light in this Chamber, but soon there may be less of both.

Senators may have noticed that some lights have been turned off and elevators shut down in the Senate Office Buildings today, but according to many experts, it will get worse.

In the face of high demands for electricity, the Potomac Electric Power Co.—Pepco—has reduced its voltage by 5 percent. To residents of Washington and its suburbs this is only a slight inconvenience—this afternoon. But next week, or next summer, in Washington or elsewhere, this inconvenience could turn to tragedy.

This administration seems to accept chronic shortages of power and cutbacks in consumer service as inevitable. It will be, if this administration continues to ignore the problem. In an administration noted for its rhetoric rather than action, even the rhetoric is missing.

After the power blackout in 1965, and a Johnson administration study, legislation was proposed. However, it was cast aside nearly 19 months ago by the Nixon administration.

Instead of action, the American people got another task force. Instead of strong FPC regulation in the public interest, the FPC got a former lawyer for private utilities opposed to strong action.

Mr. President, it takes 10 years to plan and build new power plants and power lines. So it is critical that the administration stop filibustering and footdragging on legislation—now.

It should either support one of the bills presently before this session of Congress, or propose a bill of its own, or admit to the public that it is incapable of protecting the interests of the American people in assuring reliability of electric power service and protection of the environment.

Mr. President, I ask unanimous consent that a part of a statement on this same general subject matter which I issued on August 30, 1970, as chairman of the Democratic Policy Council's Committee on the Human Environment be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

ELECTRIC RELIABILITY—THE SILENT ADMINISTRATION

Immediately after the massive New York City blackout in 1965, the Democratic administration carefully studied the electric power supply problem and the environmental problem connected with generating and transmitting electricity. As a result of those studies, legislation to deal with these problems was developed by the Federal Power Commission and unanimously transmitted to the Congress. President Johnson made electric reliability legislation a high priority subject in his 1967 Message on Consumer Protection.

When Mr. Nixon took office, these studies and the concrete proposals which grew out of them were cast aside. Now, nearly nineteen months after Mr. Nixon took office, his administration has failed to propose *any* alternative to the legislation proposed by the Johnson administration or to a number of other bills introduced more recently by Democratic senators and representatives including Senators Kennedy, Magnuson, and Muskie, and Representatives Friedel, Long (Maryland), Macdonald, and Moss (California) on which congressional committees have held extensive hearings.

Rather, Mr. Nixon has passed the buck to another of his special White House task forces which has been restudying the problem for more than a year while the power shortage crisis has become more critical with each passing day. Meanwhile, the chairman of the Federal Power Commission, Mr. Nassikas, a former lawyer for private utilities, has stated to congressional committees that he would recommend another presidential veto if Congress should pass the electric reliability legislation which is before it. Like the power companies he is supposed to regulate as chairman of the Federal Power Commission, Mr. Nassikas favors so-called "voluntary" and "co-operative" action between the power companies and state and federal authorities to solve the power crisis—with the federal government and the states having no real power to look out for the best interests of power consumers or to prevent actions by the companies that would damage our air, water, and land.

Many experts outside the administration blame the "voluntary" and "co-operative" approach for the problems we now face, including the industry's failure to make adequate plans to serve today's electricity needs. Those experts feel this approach can't be expected to solve the problems it caused in the first place.

It takes as much as 10 years to plan and build new power plants and power lines. So it is critical that the administration stop filibustering and footdragging on legislation to resolve the conflicts between power plants and power lines, and the environment. The administration should either support one of the bills that has been pending for more than a year before the Congress, or propose a bill of its own, or admit to the public that it is incapable of protecting the interests of the American people in assuring reliability of electric power service and protection of the environment.

There are further urgent steps the administration should take to assure a more rational use of our natural resources:

1. It should take immediate action to review carefully the electricity rates for industries that use large amounts of power—rates that encourage them to waste rather than conserve electricity. It should also scrutinize the promotional practices of electric utilities that encourage consumers to use more power than can be made available to them.

The administration has a responsibility to the American public to see that our natural resources are wisely used and not wasted, and it should take immediate action to live up to that obligation.

2. Utilities are faced with widespread and rapidly worsening shortages of low-pollution oil, natural gas, and coal, which are used to generate electricity. The administration should permit the greater importation of less-expensive, low-pollution oil which is in critically short supply, for power generation purposes.

3. There is increasing evidence that some natural gas producers are holding substantial supplies of their low-pollution natural gas out of the market in anticipation of a rise in gas prices. The administration should use its existing authority under the Outer Continental Shelf Lands Act to direct those gas producers to produce the gas being held out of the market and make it available to power companies at today's prices for power generation purposes.

4. Low-pollution coal is becoming scarcer and more expensive as the result of shortages of railroad coal cars, strikes and unrest in the

coal fields attributed to the administration's half-hearted and reluctant enforcement of the landmark Coal Mine Health and Safety Act passed by Congress last year. The administration should begin immediately to enforce vigorously the Coal Mine Health and Safety Act, as congressional leaders have repeatedly urged, so the miners will go back to work and produce the clean-burning coal needed to meet the present electricity crisis. And the Interstate Commerce Commission should take immediate steps to alleviate the coal-car shortage by requiring that cars be returned to shippers instead of being held for short-term coal storage by coal users.

5. The administration should seriously consider using the broad allocation of price control authority available to it under the Defense Production Act. Mr. Nixon was all too eager to use the authority of that act to bail the Penn Central Railroad out of its financial difficulties; he should be equally willing to use that authority to require that low-pollution fuels be made available to fuel-short power companies at reasonable prices in their time of great need.

THE HEALTH OF OUR PEOPLE

Mr. HANSEN. Mr. President, all of us are concerned about the health of the American people. There are several proposals before this Congress which provide a variety of ways under which the Federal Government can be of assistance in providing health care to the citizens of this country.

The question many of us raise is whether it is the role of the Federal Government to provide care or to create a climate in which the people can provide such care for themselves, with the Federal Government helping those who do not have the means to provide for their own health care.

I believe most Americans favor the latter approach in health care as well as in most other areas. I do not believe that it is practical or reasonable for the Federal Government to undertake the provision of health care to all Americans. If the experience we have had under medicare, and especially under medicaid, is any criteria, near chaos might well result if the Government tried to provide health care to all Americans. Earlier this year we heard an estimate in the Senate Finance Committee that the medicare hospital insurance program will probably have a $216 billion deficit over the next 25 years based on the present contribution schedule.

Now the Federal Government is already involved, and it certainly has an important role to play, in the providing of health care to the poor who do not have the ability to provide it for themselves. The Federal Government is engaged in the operation of over 100 neighborhood health centers. The Federal Government provides help for the migrant workers, and this Congress has extended this program for 3 more years with the hope that it will become even more effective than it has to be. Through medicaid the Federal Government and the States jointly undertake to provide health care to all of the millions of Americans who are on welfare or who are unable to provide for themselves.

Despite all of these Government programs, over 90 percent of Americans under 65 are providing protection for themselves through health insurance. I believe that health insurance offers the vehicle for all Americans to protect themselves against the high cost of major illness or accident.

Accordingly, I am pleased to introduce a bill which makes use of the health insurance vehicle to provide for the poor and which provides incentives for the rest of the population to buy their own protection.

This approach, known, as "medicredit," relies heavily on the principle of putting a little something aside for a rainy day. But it also recognizes that some people cannot do this and directs the Federal Government to take care of the needs of these people. In addition, this legislation contains review mechanism to control cost, quality, and utilization of medical care.

In the Senate Finance Committee, on which I serve, I have been struck by the differences between medicare and medicaid. I find that medicare generally is working better. Why? I think one reason is because medicare is more an insurance plan while medicaid is more a welfare plan.

Medicredit is an insurance plan. It would replace medicaid by giving to the poor a comprehensive health insurance policy, paid for by the Government. It would give them basic protection against illness and accident without coinsurance or deductibles.

For the rest of the population medicredit provides a tax credit—on a sliding scale—in order to promote the coverage of health insurance for the rest of the population.

Mr. President, the subject of the legislation which I introduce today will be an issue which the Congress will be facing in the years to come. It is an important subject which can have a great impact on the fiscal well-being of the Federal Government.

I introduce this legislation at this time in the Senate to call the attention of my distinguished colleagues and the public to the problems we are facing in our efforts to provide quality medical care to the citizens of the United States. As soon as this bill is printed, I urge all Senators to direct their attention to its provisions and to analyze the bill carefully. I hope that all interested organizations and individual citizens during the months ahead will do likewise. When the Congress meets again in January, it is my hope that the analysis conducted in the next several months will result in comments and suggestions which will be useful in developing this type of legislation. Then when the Congress does act on this subject, we will have had the opportunity to receive and consider views and suggestions from all sources.

I ask unanimous consent that a brief explanation of the medicredit bill be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

MEDICREDIT BILL

Part A of Medicredit would provide for the issuance of health insurance certificates to those individuals or families whose income tax liability is $300 or less. Such a certificate entitles the owner to a qualified medical care insurance policy.

Part B of this proposal would establish a graduated scale of income tax credits to be allowed for the purchase of health insurance. The credits would be based on tax liability. The amount of the credit would be based on the amount of allowable premium, i.e., the cost of a qualified health care insurance policy.

A qualified health care insurance policy under Parts A and B would be issued by carriers registered with the appropriate state insurance body. The policy would also have to provide basic institutional and medical care benefits, including: 60 days of inpatient hospital services, including maternity and extended care facilities; emergency room or outpatient services; and all medical services, including diagnostic and therapeutic services when performed by or under the direction of an M.D. or D.O. in the hospital, home, office, or elsewhere.

Supplemental coverage could also be provided under a qualified program. This coverage could include: prescription drugs; additional days of inpatient hospital services; cost of blood in excess of three pints; other personal health services provided by or under the direction of an M.D. or D.O.; and up to $25,000 for hospital and medical expenses in addition to those provided by the basic policy after the first $300 of these additional expenses.

The coverage would be subject to certain deductibles and coinsurance provisions for Part B participants. An allowable supplement would be a provision to eliminate this deductible and coinsurance requirement.

A Health Insurance Advisory Board would establish regulations for the administration of the program and would set minimum federal standards for qualified insurance companies and plans. And a Federal Health Insurance Redemption Fund would be created to redeem the health insurance certificates issued under this program. Monies for the Fund would be appropriated from the general revenues.

Part C of Medicredit would establish a Peer Review Organization (PRO) program. The Secretary of HEW would contract with state medical societies for the operation of a PRO in each state. Under the program there would be first local and then statewide review by M.D.'s and D.O.'s of reports and allegations of improprieties bearing on reasonableness of charges, need for services rendered, or quality of services rendered by the provider. A finding against the provider could result in his suspension or exclusion from participation in the Federal Government health programs.

NEW OCEAN FREIGHT SERVICE BY SEATRAIN LINES

Mr. FONG. Mr. President, on July 20, a new trade link was established between Guam, Hawaii, and the mainland United States when Seatrain Lines inaugurated ocean freight service over that route. It marked another step in bringing closer these three American areas separated in the vast Pacific.

I am particularly pleased that the American territory of Guam is being assisted through Seatrain Lines' new service to promote its economic development. Under Gov. Carlos G. Camacho's leadership, Guam has experienced notable economic growth and development, and I am sure this growth will be further stimulated by the entry of the new shipping service to Guam.

I ask unanimous consent to have printed in the RECORD the remarks which were made July 20 at the inaugural cere-

monies by Governor Camacho and Frank D. Troxel, vice president of Seatrain Lines.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY CARLOS G. CAMACHO, GOVERNOR OF GUAM

Mr. Troxel, Mr. Lewis, Captain Schwartzman, Admiral Pugh, Bishop Flores, distinguished guests, ladies and gentlemen: It is with great pleasure, on behalf of the people of Guam, that I accept this calabash, a gift from Governor Burns and the people of the state of Hawaii. It is, indeed, heartwarming to know that it symbolizes great and mutual respect that exists between our territory and Hawaii, and between our people and their people. And in addition, it commemorates the inaugural voyage of the Seatrain Lines' *Georgia* from the U.S. mainland to Hawaii and to our very shores.

I would like, at this time, to officially and publicly acknowledge and thank Governor Burns and the good people of Hawaii for the wonderful present. And likewise, I'd like to congratulate Seatrain on this happy occasion and extend my best wishes to all the staff and employees of Seatrain. I welcome Captain Schwartzman and *Georgia's* crew to our fair island.

It is my sincere hope that Seatrain's entry into the Guam trade will be satisfying and rewarding. We welcome the services you are rendering to our people and our territory, and we appreciate whatever contribution you can make to our economic growth and welfare.

I am happy to note that Seatrain will provide ocean freight service for both container and non-containerized cargo between the United States mainland and Guam. Likewise, an extra dimension of the service will be that it also links Guam and the state of Hawaii, further boosting trade and commerce between the two.

I am particularly gratified that Seatrain has agreed to come into the Guam route with a tariff designed to keep down the cost of living. As I understand it, it will provide services at rates fully competitive with the ocean freight rates which prevailed in the Guam trade prior to an increase made on break-bulk cargo.

But much more than this, the coming of Seatrain to Guam will create more jobs for our people, generate more capital, stimulate greater business activities and, generally speaking, boost our over-all fledging economy.

We all know how vital the shipping lines are to our livelihood. We are currently importing more than 90 percent of our foodstuff, clothing, building materials, and other commodities essential to our everyday lives. We are very much dependent on outside activities, and the addition of Seatrain into the Guam route is most welcomed.

Again, I offer my congratulations to Seatrain and I bid you all a warm Hafa Adai. It is my real pleasure to be here today and I like to thank Seatrain for their gracious invitation to participate in this ceremony.

Thank you very much.

REMARKS BY FRANK D. TROXEL, SEATRAIN LINES

All of us at Seatrain who have contributed to the implementation of our Guam Service are very excited with the arrival of our 1st vessel. The Seatrain Georgia arrived yesterday at noon and will sail tonite at midnite. Our second vessel the Seatrain Louisiana sailed from the San Francisco Bay Area at 8:00 a.m. this morning so our Guam Service is well underway.

We're confident we have tailored a service that will offer many benefits to the people of Guam. We are very gratified with the success of our initial sailings and extremely appreciate the customer support we have received.

We, too, are grateful for the cooperation and help we've received from Governor Camacho and the Director of his various departments. Without his help, Secretary Moylan's, Jim Brooks', Joe Sarmiento's, and many others we certainly would not be in the Guam trade today.

It was very refreshing to us to see your government and Commercial Port people cut through time consuming procedures to accomplish the things necessary for us to start our service. Having dealt with other governments and other ports, I can only say it was remarkable. You should be proud of your representatives, they did an excellent job.

It is our hope that the Seatrain Service will measure up to the amount of effort put forth to make it a reality.

Our continuing objective will be to offer your transportation requirements the most attractive transportation alternative. You now have a choice.

All of us at Seatrain look forward to growing with Guam.

Thank you.

INVOLVEMENT OF STATES AND LOCAL GOVERNMENTS IN SOLVING URBAN PROBLEMS

Mr. MONDALE. Mr. President, when Hubert Humphrey was the Vice President, his office spearheaded a number of efforts to involve States and local governments in solving urban problems and to make the Federal Establishment more responsive to the needs and capabilities of these units of government. In a word, to give meaning to what was known then as "creative federalism."

Although President Nixon has announced his support for a "new federalism," two publications that have recently come to my attention indicate how little progress has been made over the past 19 months.

The first of these is a report by David Broder from the National Governors' Conference entitled "The New Federalism: Nixon's Sickly Infant." Mr. Broder points out that none of the "four legislative pillars" of Mr. Nixon's program—welfare reform, revenue sharing, manpower training, and grant consolidation—has been enacted. It is noteworthy that Members of Congress from the President's own party have been prominent in opposing some of these proposals. State and local officers from both parties have also raised numerous and well-founded objections.

Mr. Broder also points out that day-to-day communication between local officials and Federal bureaucrats has deteriorated; and that Vice President AGNEW has downgraded his role as liaison to local and State governments. At the close of his article Mr. Broder quotes from an intensive analysis of the New Federalism prepared by William G. Colman, former executive director of the Advisory Commission on Intergovernmental Relations.

After noting the general forces which may favor a vigorous federalism, such as the difficulty of managing categorical aid programs, Mr. Colman cites a long list of obstacles:

First, the increasing economic and social interdependence in our society;

Second, the strength of program specialization at all levels of government;

Third, the antagonism of categorical aid beneficiaries to revenue sharing;

Fourth, the willingness of national legislators and administrators to advise State and local officials;

Fifth, the inferior revenue raising ability at the State and local level;

Sixth, the problem of coordinating efforts between mayors and Governors;

Seventh, the concern and disillusionment among civic leaders in the North and West over the impact of the "Southern strategy" on vital urban problems; and finally,

Eighth, the fact that the policy and legal actions to effect decentralization must be taken in Washington.

These forces present a threat not only to the abstract concept of cooperation in a federal system but also to the solution of the difficult social and technical problems which plague our society.

I ask unanimous consent that Mr. Broder's article and Mr. Colman's address be printed in the RECORD so that in the coming months, as various proposals come before the Senate, we will have a perspective from which to judge their impact on the delicate balance of intergovernmental politics and power.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 9, 1970]

THE NEW FEDERALISM: NIXON'S SICKLY INFANT

(By David S. Broder)

LAKE OF THE OZARKS, MO., Aug. 8.—A year ago today, President Nixon unveiled to a national television audience his answer to America's "crisis of confidence in the capacity of government to do its job."

He called it the New Federalism and he promised it would reverse the basic trend in American politics from the New Deal through the Great Society.

"A third of a century of centralizing power and responsibility in Washington has produced a bureaucratic monstrosity, cumbersome, unresponsive and ineffective," he said. "It is time for a New Federalism in which power, funds and responsibility will flow from Washington to the states and to the people."

Today, on the first birthday of the New Federalism, as state executives gather here for the annual Governors' Conference, the flow of power from Washington which Mr. Nixon called forth is a barely discernible trickle.

The "bureaucratic monstrosity" has grown by another few thousand employees and another several billion dollars, and the scorecard on the major initiatives Mr. Nixon outlined in his speech shows as many setbacks as gains. The highlights:

The four legislative pillars of the New Federalism—welfare reform, revenue-sharing manpower training and grant consolidation—are snarled in the passageways of Capitol Hill.

It is not certain that any of the four will become law this year, and revenue-sharing—which Mr. Nixon has called "the financial heart of the New Federalism"—is almost certainly dead.

A good deal of progress has been made in the important but unglamorous area of simplifying and standardizing federal programs. But the latest edition of the Catalog of Federal Domestic Assistance, a massive loose-leaf guide to the $28 billion federal cookie jar, lists 1,019 separate programs, including 55 varieties of help for "higher education, general" and 40 categories of emergency preparedness.

"LITTLE PROGRESS"

Rep. William V. Roth Jr. (R-Del.), the congressman who spurred compilation of the catalog, said a study of the document makes it "apparent that in most areas there has been little progress in the consolidation of programs . . . (and) in some areas, the number of programs has proliferated alarmingly."

Despite the high-publicity Nixon trips to "take the presidency to the people," state and local officials complain that day-to-day liaison between Washington, the state capitols and city halls is worse in this administration than the last. Vice President Agnew's Office of Intergovernmental Relations is regarded as undermanned and relatively impotent, and Agnew himself comes in for criticism for allegedly neglecting his assignment as chief White House liaison man on New Federalism projects.

With financially hardpressed state and local executives chronically dissatisfied with the volume of federal aid, criticism is bound to echo. The convention in June of the U.S. Conference of Mayors produced widespread complaints of "neglected" by the Nixon administration.

MOST ARE REPUBLICANS

This week's gathering of governors is likely to be more muted in its criticism—if only because two-thirds of the state executives are Republicans, while most of the big-city mayors are Democrats.

But interviews with federal, state and local officials in the past two weeks produced a bipartisan expression of concern that the "crisis" Mr. Nixon spoke of a year ago has produced no comparable response from either the President or Congress.

Last September, when the New Federalism concept looked fresh and promising, the President, the Vice President, half the Cabinet and three dozen top administration officials went to the governors' meeting in Colorado Springs to drum up support for the proposals.

This year, the top brass from Washington is conspicuous by its absence—just as it was at the mayors' meeting in June.

Agnew's failure to appear at either of these meetings is viewed by a number of governors and mayors as another bit of evidence that he is subordinating the liaison job to other activities.

Three weeks after taking office, Mr. Nixon formally designated Agnew as "my liaison with the executive and legislative officials of state and local government." The President created a new Office of Intergovernmental Relations (OIR) "to operate under the immediate supervision of the Vice President" in strengthening ties between Washington and the state and local officeholders.

Agnew was not available to discuss his role as the President's liaison man, but a staff aide, C. D. Ward, said the Vice President gives "high priority" to the job. Ward cited Agnew's work with the Advisory Commission on Intergovernmental Relations—particularly his role as a catalyst in the ACIR conference on crime control legislation, held at the Western White House. ACIR members confirmed that Agnew was "active and extremely helpful" in that session.

But sources inside and outside government agreed the Vice President has turned over most of the day-to-day liaison work to the OIR. And there is serious criticism of OIR's functions, even from state and local officials who profess strong personal liking for this director, former Gov. Nils Boe of South Dakota.

THREE-MAN STAFF

The entire staff of OIR consists of Boe; Wendell Hulcher, the former mayor of Ann Arbor, Mich.; and Robert Janes, former chairman of the Hennepin County, Minn., board of commissioners.

The presidential directive creating OIR specified that each domestic cabinet department designate a liaison man to the office, but Boe said in an interview that the original plan to give him control of that liaison staff was dropped "because we could not get room for them all" in the Executive Office Building.

As a result, requests for information or assistance from local officials are now routed from Boe's office to the departmental liaison man and back through OIR, in a cumbersome time-consuming procedure.

The second criticism of OIR is that it is divorced from the policy-making machinery of the government and fails to get local officials' views before men whose decisions really count.

Boe himself notes that a group of governors and mayors was brought in to discuss the Nixon welfare bill before it went to Congress last year. But he concedes, "We're not successful in doing that all the time."

From others with long experience in this area come complaints that the reorganized White House domestic staff setup has no one who speaks the views of state and local governments, that White House legislative liaison men treat governors and mayors like a private interest group, a bunch of outsiders." "The problem," said one man, "is simply this: We don't know who to talk to and we don't know who will really carry our concerns to the place where it counts."

The complaints about faults in the liaison process are matched by the praise from state and local officials for the efforts—directed largely by Budget Bureau career men—to carry out the presidential mandate for simplifying the administration of Federal programs.

PRIORITY PROGRAM

Although many of these efforts predate the Nixon administration, Richard P. Nathan, assistant director of the Office of Management and Budget, commented that progress has been more rapid in the past year "because the business of managing government has presidential priority."

James L. Sundquist of the Brookings Institution, a student of federalism and a former official in the Kennedy and Johnson administrations, agrees, calling Mr. Nixon "the first President since Franklin Roosevelt who has devoted serious thought" to governmental organization.

Some of the administrative changes that draw praise include:

The establishment of standard regional boundaries for five key agencies—Health, Education and Welfare, Housing and Urban Development, Labor, Office of Economic Opportunity and Small Business Administration.

Where each of the agencies previously sliced the country into varying regions, all five now have 10 common regions, with a common headquarters city in each. By September, a mayor or governor will be able to contact the field representatives of all five agencies on a single trip to a single city.

A series of Budget Bureau directives have given local officials opportunity to comment in advance on proposed federal program regulations and to comment on grant applications to the federal government from other governmental units in their area.

This "early warning system" is designed to head off problems between states and cities and between separate agencies of both. Another phase of the same effort encourages states to standardize planning districts within their borders, just as the federal government has made its own field operations uniform.

A variety of measures has been undertaken to cut red tape, reduce processing time and decentralize decision-making in federal grant-in-aid programs. This is a three-year effort, only halfway toward completion, but already HUD, HEW and the Office of Management and Budget can point to some rather dramatic reductions in manpower, time and paperwork in particular programs.

Efforts are being made to standardize the audit and accounting methods for federal aid programs, with the hope of reducing the cost to local governments of processing this kind of data for Washington. Success in this area could facilitate actual consolidation of programs, little of which has actually taken place so far.

BUILT-IN LIMITS

There are built-in limits, however, on how far the process of simplification can be carried by administrative action.

The most serious roadblocks to the New Federalism are found on Capitol Hill, where Democratic committee majorities have delayed or rejected virtually all the major bills the President has proposed in this area.

The costliest part of the New Federalism package, the welfare reform bill, has passed the House and—after considerable buffeting—appears likely to be reported in altered form by the Senate Finance Committee.

It has the best chance of becoming law this year of any of the proposals in the New Federalism. But the ironic fact—acknowledged by administration officials—is that the welfare reform bill is centralizing in its impact on the federal system, imposing a national standard for payments that now vary widely from state to state and increasingly shifting the burden of welfare bills to the national treasury.

Theoreticians of the New Federalism argue that income maintenance for needy families is properly a job for the national government. They defend the Family Assistance Plan as part of a necessary reshuffling of roles between Washington and the localities.

But the parts of the reshuffle that are supposed to shift power and money out of Washington are not taking place. Revenue-sharing—a landmark proposal that would have given states and cities an eventual $5 billion a year, free of strings, for their own use—is up against an apparently impenetrable roadblock on Capitol Hill.

The administration succeeded in getting agreement last year, for the first time, among state, county and city officials on a formula for dividing the funds that would be turned back from the Treasury. But the bill is stuck in the House Ways and Means Committee, with no prospect for hearings and only seven of the 25 members favorable to the idea. As a practical matter, it is dead for this year.

Another major component of the President's New Federalism package—an overhaul of the manpower training programs—was dealt a heavy setback by the Senate Labor and Public Welfare Committee last week.

The administration proposed legislation to consolidate 11 separate manpower programs and transfer their administration—with broad latitude—to the states and major cities. The Senate committee altered the plan to let the big cities continue to deal directly with Washington on manpower problems and tacked on a new program of federal grants for public service jobs, which the Labor Department said defeated the whole purpose of shifting control to the states.

Committee action is still some time distant in the House and at the moment there is doubt whether any legislation—let alone the kind of legislation Mr. Nixon sought—will be approved this year.

The last major piece of legislation sought by Mr. Nixon was authority for the President to consolidate separate legislative grant-in-aid programs, subject only to veto by Congress within 60 days.

Sen. Edmund S. Muskie (D-Maine) has included the grant-consolidation power in a broader Intergovernmental Cooperation

Act approved by his Government Operations subcommittee. But the legislation has been stymied in the full committee since last January. Similar bills in the House are still at the subcommittee stage.

Overall, progress on the legislative front has been much slower than administration advocates of the New Federalism had hoped, but many of the architects of the program profess to be optimistic about the future.

They claim progress in involving states in the operations of the anti-poverty program, strengthening the Model Cities program as an aid to mayors, and increasing interest among state and local executives in regional programs for other areas, like the existing Appalachia program.

A speech which former Secretary of Labor George P. Shultz made last March, in which he described the New Federalism as "more than a catch phrase" and called it "a new approach" to government that would prove to be the key to the whole Nixon program, has drawn fresh attention since he moved up as head of the Office of Management and Budget. A White House aide said, "I don't think it's accidental that the one man in the Cabinet who best grasped the New Federalism idea is the man the President has put in charge of his domestic program."

Elliot L. Richardson, former lieutenant governor and attorney general of Massachusetts, pledged to push grant consolidation and streamlining as his top goal in the first speech he delivered last month after becoming Secretary of Health, Education, and Welfare.

A top New York State official, with long experience in federal-state relations said, "From my own perspective, on the long term, I think real progress is coming. This is no longer an issue that concerns just a few people."

While Mr. Nixon has put his own brand on the program, it is no longer a partisan matter. Muskie, the leading Democratic presidential hopeful, has espoused many of the same programs for the past six years.

Although revenue-sharing is dead for this Congress, Assistant Secretary of the Treasury Murray L. Weidenbaum, chief architect of the administration proposal, says, "I am convinced it is just a matter of time" until it is adopted.

Noting that the legislation has been cosponsored by one-third of the members of the Senate and one-fifth of the members of the House, Weidenbaum insists that the outlook is "basically hopeful."

Nathan, the Office of Management and Budget specialist in this area, predicts passage of revenue-sharing next year. "Public pressure will bring it about," he says. "The process is working. By the end of two more years, relations between Washington and the states and cities will have changed so fundamentally that the decentralizing process will continue on it own."

Others flatly disagree.

Milwaukee's Democratic Mayor Henry W. Maier, current head of the U.S. Conference of Mayors, calls New Federalism "a gimmick to back away from the reordering of priorities we need. They're using the states as a buffer—an excuse to avoid doing anything significant to meet the urban crisis."

Others, who do not suspect the administration of cynicism, still profess to see a large gap between the rhetoric and the action on the New Federalism front.

"They talk federalism," said one Washington lobbyist for the cities, "but their own decision-making system is as centralized as any I've ever seen here."

Officials at the Advisory Commission on Intergovernmental Relations, the agency with the greatest institutional stake in strengthening federalism, are rather optimistic about the future.

David B. Walker and John Shannon, its assistant directors, see signs of improving fiscal health and administrative competence among the states, and the likelihood of a substantial improved power and fiscal balance, with revenue-sharing, federal assumption of welfare costs and state relief of local property taxation for education—all within the next five years.

"A lot of what this commission has stood for over the years is what we see happening now," says executive director William R. MacDougall.

But his predecessor in that post, William G. Colman, offers a sober caution to the optimists.

"The New Federalism has a difficult road ahead," he warned in a recent speech. "Despite some supportive influences and a favorable political climate, the built-in factors of opposition, inertia and apathy make its enactment questionable and its ultimate implementation throughout the federal system even more doubtful.

"If meaningful governmental decentralization cannot be achieved at this stage of the swing of the political pendulum, then the long range prognosis is poor. The New Federalism is in danger of bogging down . . ."

THE NEW FEDERALISM: RHETORIC OR REALITY?

(Address of Wm. G. Colman)

At the end of 1968, the Advisory Commission on Intergovernmental Relations concluded its *Tenth Annual Report* with this observation:

"So, at the beginning of 1969, the Nation continues its search for a New Federalism—dedicated to balance; designed to correct structural, functional, and fiscal weaknesses; and rooted in a vital partnership of strong localities, strong States, and a strong National Government. Federalism, after all, seeks to enhance national unity while sustaining social and political diversity. The partnership approach is the only viable formula for applying this constitutional doctrine to late Twentieth Century America. Yet, this approach can succeed only if all of the partners are powerful, resourceful, and responsive to the needs of the people. The alternative is a further pulverizing of State and local power, and the consequent strengthening of the forces of centralization."

Thus did the Commission set the stage and, indeed, herald the phrase for what was to become in the course of the year one of the few major domestic initiatives of the incoming administration of Richard M. Nixon, the thirty-seventh President of the United States.

Six months later on August 9, 1969, the President in a speech to the Nation, said that "after a third of a century of power flowing from the people and the States to Washington, it is time for a New Federalism in which power, funds and responsibility will flow from Washington to the States and to the people." This was followed in a few days by the unveiling of the Family Assistance Plan, representing the first attempted major overhaul of the nation's welfare system since its inauguration by Franklin Roosevelt in 1935.

As we all know, the Nixon welfare plan is still before the Congress with reasonably good prospects for passage. If enacted, the Family Assistance Plan will be a tremendous new step in Federal domestic policy with major implications for intergovernmental relations as well. Regardless of qualifications and caveats to the contrary, it marks as surely as the sunrise a complete Federal takeover of welfare financing—a step urged by nearly all of the Governors and Mayors and by many others concerned with restoring fiscal balance in the American federal system. We can all agree that the new welfare plan is starkly real for its implications for the nation's poor and for the federal system. Of course, under the Family Assistance Plan, money and power become more Washington-based than less, so one must conclude that it is an exception to the President's description of the New Federalism.

But what of the New Federalism—is it to represent reality in the various areas of domestic government, or is it to be only rhetoric?

Rhetoric, in the face of an economic and budgetary squeeze that leaves little if any room for revenue sharing?

Rhetoric, in the face of a growing war in Indochina that threatens to pre-empt the attention and concern of the President, the Congress and the American people for how long no man can say?

Rhetoric, in the face of powerful political and economic forces that greatly prefer to concentrate their efforts in the single arena of Washington to dispersing them among fifty State capitals and innumerable city halls?

Reality or Rhetoric—indeed that is the question—for the New Federalism and for the new directions that the President would like to see the Nation take. He would like to see a strengthening of State and local government and a shifting in the locus of many decisions from Washington to the countryside. These aims find agreement with many politicians and scholars, but both the President and they know full well that the barriers to progress in this direction are incredibly difficult. So let us assess these difficulties in some detail and endeavor to judge whether and how they may be surmounted. Hopefully we will then be in a better position to answer the key question—Rhetoric or Reality?

In order to conduct this assessment we need to look not only at the barriers to decentralization but also the forces that are favorable. Let us begin by identifying those influences and conditions that may augur well for the Nixon-Agnew program. These may be categorized as (1) a "Management Imperative"; (2) agressive Republican governors; (3) emotional attachment to the concept of limited government; (4) desire of most governors and mayors of both parties to have fewer Federal strings tied to Federal aid; and (5) a constitutional system that usually assures the basic initiative in domestic affairs to State and local governments.

1. THE MANAGEMENT IMPERATIVE

Experience in 1967–68 and since that time has shown the management mess that results from trying to run the country from Washington with all important decisions made at the center. At this juncture it would be well to review briefly the history of Federal grant-in-aid programs from a management point of view. In 1960, Federal grants-in-aid to State and local governments totaled about $6 billion (of which $5 billion was for highway and welfare) and involved fewer than 45 separate grant-in-aid programs. These programs had evolved slowly from the 1880's on. Prior to 1930, ten such programs had been established covering land grant colleges, State experiment stations, and extension services; highway construction; forestry cooperation; and vocational education and rehabilitation.

During the New Deal period 14 additional programs were initiated covering public assistance, employment security, public and child health services, fish and wildlife, public housing, and school lunches.

During the post World War II period running through 1959, 20 new programs were established. Of these, five were extensions of already existing programs. Major new fields entered by the Federal Government during this period were: airports and hospital construction, mental health facilities, urban renewal, aid to "federally impacted" school districts, sewage treatment plants and library services.

So at the beginning of 1960, Federal financial aid for specific public services was a significant but by no means dominant aspect of

government in the United States. Except for highways and welfare, Federal aid did not constitute a sizeable proportion of State and local spending in any major functional area. The 44 programs were visible, comprehensible, and manageable. Most governors, mayors or city managers could, if asked, enumerate all or most of the types of Federal aid for which their jurisdictions were eligible.

In 1960, however, public and Congressional opinion was beginning to shift toward a more active involvement of the National Government in many new areas of activity. Public pressure for the "Forand Bill"—the precursor of medicare and medicaid—was mounting. A White House Conference on Education conducted by the Eisenhower Administration a few years earlier had shown strong underlying sentiment for Federal aid for elementary and secondary education. Indeed, medical care for the aged and aid for teachers' salaries was to become a recurring theme in the campaign oratory of John F. Kennedy in the 1960 presidential election.

During the short Kennedy years, many grant-in-aid proposals that had lain on the Congressional shelf for the better part of two decades were dusted off and started through the legislative process. A 1961 statute launched the Federal Government into the new areas of mass transportation assistance and grants for open space. A large program of Federal assistance for mental health was authorized; other new grants involved educational television, air pollution control, health services to migratory workers, and manpower development and training.

The second session of the 88th Congress, at the advent of the Johnson presidency, saw the beginnings of a vast expansion in categorical grant programs: Food stamps, farm labor housing, water resources research, coordinated regional health facilities, outdoor recreation, and the enactment of the Economic Opportunity Act with the launching of the widely heralded "war on poverty."

In the first session of the 89th Congress the enactment of new grant programs reached a high water mark: approximately 25 were legislated during the session. Sizable new programs included medicaid, aid for Appalachia, elementary and secondary educational aid, water and sewer lines, law enforcement assistance, State technical services, solid waste disposal, and highway beautification. Many of the programs enacted earlier were also expanded and broadened.

The second session of the 89th Congress continued to enact new programs, but by 1966 the symptoms of "program indigestion" had become visible everywhere.

The total number of separate statutory authorizations for grants-in-aid had reached the neighborhood of 400.

Various organizations began to publish "catalogs" of available Federal programs for the use of State, local, and private organizations. In fact, the number of grant catalogs was proliferating to the point that a "Catalog of Catalogs" published by the Advisory Commission on Intergovernmental Relations covered nine single-spaced pages!

All of this added up to a "management mess." Too many cooks were spoiling the broth, with duplication, overlapping, and proliferation the order of the day. The patience of governors and mayors began to give way, and the paper tide of grant applications engulfed the Washington bureaucracy.

In assessing this history and the current situation two factors stand out. First, there are over forty thousand units of local government in the United States, not counting school districts. It is utterly impossible, from a management point of view, for any Federal agency to try to deal intelligently with direct applications from this host of possible beneficiaries. When direct Federal-local relations were confined to major capital undertakings such as urban renewal, public housing, airports and the like, the Federal agencies were able to cope. But when this list is expanded to countless small projects from small units, and for such purposes as sewer lines, parks, and water supply facilities, the need for one or more middle stage of review—at the metropolitan or State level, or both—becomes very clear. This means some devolution of authority for priority setting within which Federal grants would then be made. Yet such a change, though fairly inevitable, is strongly resisted as we shall see later.

Another aspect of the management imperative for decentralization is the desirability of avoiding rigid national uniform standards in many fields of intergovernmental concern. Such standards are essential in some programs, such as veterans compensation but undesirable in others such as education of the disadvantaged, city rebuilding and rural economic development. Even here, however, one finds some State and local officials favoring national standards because of their conviction that standards set in Washington are sure to be more liberal than those that would emanate from their own legislature, county commission or city council.

2. OPPORTUNITY FOR REPUBLICAN GOVERNORS

The New Federalism is attractive to those Republican Governors dedicated to the concept of exercising States' responsibilities in order to protect States' rights because it blunt criticism from the conservative wing of their party toward positive but expensive costly State steps to deal with the urban crisis and other domestic problems. A major fiscal fact of life confronting all Governors through the Sixties and certain to continue through the Seventies if not longer, is the recurring necessity to raise tax rates in order to meet State services demands as well as helping local governments meet theirs. This is because the structure of the State-local tax system dictates that collections barely keep pace with economic growth while expenditure demands in this sector are rising at about double the growth rate of the GNP.

Thus, Governors, are faced with a continuing, tough political problem. Nearly all urban industrial States have Republican Governors. The conservative wing of their party as well as many other voters in both parties are resistant to a larger role for State government if it means higher State taxes. The New Federalism arguments of the Nixon Administration help persuade conservative Republican legislators to go along. (Most Democrats oppose these tax plans for political, though not for idealogical, reasons.) A current example is Illinois, where Governor Ogilvie succeeded in pushing through an income tax and similar in Washington where Governor Evans has had to push for higher taxes and higher spending.

3. THE ILLUSION OF LIMITED GOVERNMENT

Despite the Goldwater debacle of 1964 and the clear fact that an increasingly technological and complex society is bound to require an increase in governmental activity at all levels, some people harbor the illusion that someway, somehow, the New Federalism will reduce the total role of government in our lives. They fail to recognize that the President is calling for a shift rather than a reduction, and that if government activity is decreased in Washington it must be commensurately increased by State and local governments. If there were any doubts on this score, the Nixon-Finch-Moynihan welfare plan should have dispelled them, because States and localities were finding the welfare load too heavy to bear, hence the proposed shift of much of the financing and standard setting to Washington. As we have noted earlier, this is the reverse of the general direction contemplated by the New Federalism, but a step felt by many to strengthen the federal system in the long run.

Nevertheless, there is and will continue to be a partially valid case for the proposition that if functions are carried out at the State level they will be financed on a less grandiose scale than from Washington. If one means by this that not every program need necessarily be completely nation-wide in application (e.g. people in Wyoming just might be able to get along without a Federal open space program) then certainly some savings would accrue. But if one hopes that by leaving responsibility to the States, governmental activity in some domestic areas can be avoided, then he is engaging in costly self delusion. Failure of States and localities to act places the ball back in the court of the Congress—where it has been for most of the third of a century to which Mr. Nixon refers—due in no small measure to the abdication of responsibility by State and local leadership.

Nonetheless, invalid though the concept may be, the limited government syndrome must be rated a favorable factor for the New Federalism—at least over the near term.

4. DEMAND OF MAYORS AND GOVERNORS FOR FEWER AID STRINGS

Beginning in 1968 and continuing to date there has been a rising crescendo of complaint from State and local officials about overlapping, duplicating and contradictory Federal regulations governing grant-in-aid programs; the New Federalism seeks to lessen the number of programs through consolidation and to simplify the regulations. Practically all of these officials, regardless of party, support the principle of Federal revenue sharing. They all support grant consolidation, grant simplification and joint funding, and uniform fiscal reporting requirements so that recipient governments are no longer required to maintain a multiplicity of accounting records to document grant-in-aid expenditures. The united support of the mayors and governors for these aspects of the New Federalism is a significant, but not as yet decisive source of political strength of governmental decentralization.

5. THE CONSTITUTIONAL INITIATIVE

Although Article X of the United States Constitution has lost much of its legal significance, there usually must be a reasonable showing of State and local inability or unwillingness to act before a new Federal program can be passed through the Congress. There is a considerable built-in resistance to new Federal programs, and if proponents cannot demonstrate that State and local governments have had a reasonable opportunity to act and have not done so, the opponents of Federal action usually as a minimum, can secure delay till another Congress. This is a play that for both political and parochial reasons is usually supported by most governors and some mayors. It would appear likely that all new Federal programs will have to meet this test—at least, during the lifetime of the Nixon-Agnew Administration.

It should be pointed out that the great flurry of legislative enactments following the Johnson landslide of 1964 dealt for the most part with proposed programs that had been kicking around the Congress for quite a long while—proposals that had long before met the test of State unwillingness or inability to act.

It should also be emphasized, however, that while slowness in the enactment of new Federal programs may be assured by the constitutional structure of the federal system, this in no way assures that existing programs will be decentralized. So in effect we are dealing here with a factor that must be adjudged favorable only because it helps keep an already difficult task for the New Federalism from becoming more so.

So in brief we may say that there are several important but not conclusive influences working in behalf of the goals of the New Federalism. These include management necessities for decentralization, the assist given to and by several vigorous Republican governors, the desires of conservatives for limited government at all levels, the rising clamor of mayors and governors for fewer aid strings and the constitutional nature of federalism which politically tends to place domestic initiatives in the first instance with State and local governments. To these influences one must add the growing political charisma of Vice President Agnew. (At the moment, this is an intangible but very important part of the bookmaker's odds on the New Federalism.)

Now let us examine the obstacles that confront the Nixon-Agnew program. They include:

The growing complexity of society and a trend that generally has continued since the world began of a gradually increasing role of government in the lives of men; and parallel with the flow of people from the hinterland to the city, a flow of power from the periphery to the center;

A "vertical functional autocracy" extending from Washington to the farms, small towns and cities comprising specialists and subspecialists in every field and at each level of government and dedicated to further program growth and further program specialization;

A "Categorical Majority" made up of beneficiaries of Federal and Federally aided programs that emerges only when the combined interests of all or most of them are threatened such as by the initiation of revenue sharing and a consolidation of Federal grants as contemplated by the New Federalism;

The ego of personal decision making that renders unlikely the voluntary surrender of responsibility by Congressional committees or subcommittees and their counterpart program administrators in the Executive Branch;

Fiscal imbalance in the federal system that inhibits program initiative by State and local officials and makes politically tempting to them the palming off of responsibility to Washington on the ground of lack of revenue sources;

The increasing political and policy polarity between mayors and governors that threatens the kind of united front before the Congress that is vital if revenue sharing and other aspects of the New Federalism are to survive;

Growing suspicion and disenchantment on the part of urban political and civic leaders in the North and West who fear a political sacrifice on the altar of the Southern Strategy; and

Most important of all, the fact that the policy and legal actions to effect decentralization must be taken at the center.

1. GROWING COMPLEXITY OF SOCIETY

As the technological explosion continues, the number of domestic fields in which the National government must act, and often pre-empt, grows inexorably. This point is so apparent that it should be axiomatic, but the stubborn view prevails in some quarters that it should be possible in some way to reduce the overall role of government so that it will take in the future a smaller portion of the GNP than it does now. Instances of new Federal functions necessitated by technological advance are legion. In some of these the Federal government has had to pre-empt the field; in others, comparable or complementary action by State and local governments has been required. Regulation of the airways with tens of thousands of employees; regulation of television channels; the establishment of COMSAT for satellite communications; air pollution prevention, abatement, and control; and massive programs for combating water pollution are but a few examples. Certainly, eternal vigilance is required to assure that government does not expand faster than necessary, but expand it will; because expand it must!

This means that unless centralization of our governmental system is to proceed apace, significant decentralization action must be effected each year, *just to keep even*, in the light of new Federal functions sure to arise from technological advances.

2. THE VERTICAL FUNCTIONAL AUTOCRACY

Cabinet officers, governors, county commissioners and mayors continue to lose coordinative program control as the number of Federal grant-in-aid programs multiplies into more and more categories and sub-categories; this condition is highly unfavorable to effective decentralization of governmental functions within the American federal system. When Congress, in the 1930's enacted a number of grant-in-aid programs to assist hard-pressed State and local governments in meeting their responsibilities in such costly fields as welfare and housing, there began, concurrently with these programs, the onset of "functional government" in the United States. This new institutional arrangement was characterized by a chain of direct Federal-State-local functional and professional communication—bypassing in many instances the decision making prerogatives of Cabinet officers, the Executive Offices of the President, Governors, legislators, and county commissioners, Functional government reached its zenith in the mid- and late 1960's when categorical grant programs passed the 400 mark. With each new category and sub-category, a new crop of specialists and sub-specialists was spawned at all levels of government to administer and to propagandize and few, if any, counterbalancing efforts were made to strengthen the position of the departmental secretaries, the Governors, or the mayors. The functional specialists are aided and abetted by private groups—many of them well organized and politically influential—that benefit directly or indirectly from the narrowly focused individual programs.

The program specialists in each aided field typically consult with one another in the formulation of grant regulations. Similar consultations produce draft amendments to existing legislation and draft bills for completely new programs. The passing of general political leadership is not so marked at the Federal level because plans of the specialists must receive the approval of Cabinet officers and the Budget Bureau before transmittal to the Congress. In State and local government the story is different—with elected executives and lawmakers being told that a grant is available if matching money can be raised and the accompanying package of regulations adopted. The lure of "50 cent" (or cheaper) dollars is usually impossible to resist.

Following the November 1966 elections, there ensued a rising chorus of dissent from publicly elected officials of State and local governments.

Restive State, city and county officials began urging a policy of consultation before action in the framing of Federal grant-in-aid regulations. Consequently, a Budget Bureau circular was issued requiring that drafts of grant regulations being considered by Federal agencies be submitted for review and comment to organizations of State and local government. This process got underway slowly in mid-1967, and two and one-half years later its efficacy was still questionable because too often draft regulations had become fairly well frozen before submission to State and local officials. However, accompanying this formal procedure was a growing number of productive informal conferences between agency officials and State and local organizations. This increase in consultation was due not only to growing agency cooperation but to the growing insistence and "clout" of the Washington based organizations of State and local officials. Although the purpose of the Budget Bureau effort is to help political executives get coordinating control over functional programs, its ultimate success is much in doubt.

3. THE CATEGORICAL MAJORITY

Beneficiaries of the categorical grant-in-aid system tend to oppose strongly any efforts to merge categories because they feel better able to maintain their priority status through the Congress than in fifty separate State legislatures.

Previous efforts of the Johnson and Nixon administrations to achieve a reduction in the number of separate categorical grants have not been successful, due to opposition from the sub-categorical beneficiaries involved. In effect, a Federal categorical grant with State/and/or local matching provisions represents a congressionally mandated nation-wide priority for that category in relation to other governmental functions not covered by a categorical grant.

For example, several hundred millions of dollars are now appropriated annually for vocational education. As these funds are allocated to, and matched by, the various States, vocational education enjoys a certain relative earmarking in relation to other phases of education that are categorically aided. If the vocational category were merged with the other educational categories, it would no doubt fare better in relation to the others in some States and not so well in others. As a consequence, the vocational education "lobby"—i.e. the supervisors, teachers, counselors and all other professional groups that are paid wholly or partly from grant funds—are quick to bombard Congress when any kind of grant consolidation in this area is under consideration.

In addition to opposition from catgorical lobbyists when the consolidation of particular grants is under consideration, most of these interests unite in opposition to general legislation that would provide additional flexibility to State and local governments in the administration of Federal aid or that would permit the beginnings of a revenue sharing system. The widespread network of categorical lobbyists, including not only professional organizations but suppliers of material and equipment used in the respective programs, are joined by organized labor in opposing revenue sharing. They fear the beginning of revenue sharing because of the possibility that, in time, it might displace the entire categorical aid system. Labor is fearful that its own social priorities, hammered into Federal legislation after painstaking effort, would be widely ignored by individual States and localities as they set their own priorities in the use of shared revenues.

4. THE EGO OF DECISIONMAKING

Inevitably people at the center, whether legislators or administrators, believe themselves better equipped to make decisions as to program emphasis and funding priorities among subject matter fields than the beneficiary State or local officials.

People at the center see their unique qualifications for this kind of decision making stemming from several vantage points: (a) Closeness to the "big picture," with vision unobscured by conflicting local parochial interests; (b) intimate awareness of so-called "legislative intent" in establishing or continuing the grant (and failure to pay obeisance to legislative intent twenty-four hours a day could result in future fund reductions—so say the knowing bureaucrats); and (c) knowledge of program activities on a nation-wide basis and consequently, a su-

perior ability to identify a project with so-called "innovation" or "demonstration" utility.

Also, it is a rare conversation with a Federal program administrator on this general subject that does not produce during its course a wry comment on some recent occurrence that tends to indicate inadequacy, incompetence or parochialism on the part of State or local officials in the handling of Federally aided programs. These comments are usually accompanied by sanctimonious remarks about the dire need of upgrading the capability of these governments to discharge their legal functions.

5. FISCAL IMBALANCE IN THE FEDERAL SYSTEM

Rear guard opposition to the income tax in some major industrial States is handcuffing State responsibilities in meeting urban problems and in making a shift of domestic government financing to Washington politically attractive to timid and courageous Governors alike.

States, as well as the localities, have been laboring under increasing handicaps as more of them strive to meet their responsibilities. The Federal income tax has funded a rapidly rising magnitude of domestic expenditure from the Federal budget since 1950 with actual net decreases in rates over this period. State governments, dependent upon consumption taxes and moderate- to low-rate income taxes, have had to raise rates and impose new taxes time after time in order to keep abreast of increasing educational and other domestic expenditures. Local governments have had to do likewise with property taxes and miscellaneous nuisance taxes. The political landscape has been strewn with defeated Governors, mayors, and county officials who courageously committed suicide at the polls by doing what had to be done to increase the resources of government to meet, in part at least, the escalating service demands from an insatiable (and largely unappreciative) public.

6. POLITICAL SCHISM BETWEEN MAYORS AND GOVERNORS

Emphasis given to State government under the New Federalism causes disquiet in the ranks of big city mayors; unless States and cities unite and stay united in support of the New Federalism, its legislative outlook is bleak.

It would be well at this point to examine the question of State involvement in urban affairs and try to identify the issues and concerns that often separate the Governor and Mayor.

State government has a number of possible contributions to make to urban problems generally and specifically, to furthering the objectives of present and future urban programs. (1) Leadership and action in "civilizing the jungle" of local government overlapping and fragmentation—uniquely a State responsibility; (2) planning and priority setting on a regional and State-wide basis; (3) a coordination and management focus to avoid necessity of direct Federal relations with thousands of local units; (4) provision of technical assistance; and last but not least (5) massive financial aid to cities and city problems, drawing upon general revenues of the State.

This is an impressive list. Why do not mayors and their constituents welcome state involvement with open arms? As viewed by big city mayors, the principal, and about the only advantage of State involvement, is financial. Even here, unless the added monies are considerable, the mayor may see the policy, administrative, and political liabilities as outweighing the added dollars. Mayors see major policy dangers in State involvement: A tendency to block or give lower priority to programs benefitting low income or minority groups; suburban legislative dominance and growing suburban influence on governors; and added influence of State functional departments which more often than not have a rural or suburban bias. Most big city mayors also allege that State involvement would add a "third layer" to already complicated city grant relationships with Federal agencies.

As viewed by the urban poor, some of the disadvantages of State involvement cited by the mayors obtain. However, the reaction of local poverty agencies to State involvement varies depending upon the amount of additional financial resources that might result and upon their assessment of the relative moral and political support they may expect from City Hall or the State House. (It is no accident that Newark blacks have had a much better image of the former State Commissioner of Community Affairs than of the mayor of Newark, for during the riots, one was compassionate and the other insensitive.)

7. FEAR OF THE SOUTHERN STRATEGY

Over the past several months, political and civic leadership in the nation's central cities have become increasingly worried about the depth of the Administration's commitments to help solve urban problems.

A variety of recent incidents and trends have caused many of those deeply concerned with urban problems to have doubts as to whether the Nixon Administration can find it politically tolerable to support a commitment to the urban poor and a commitment to the Southern Strategy at one and the same time. The Kevin Phillips book, the obvious political hay being reaped through Agnew speeches, the Moynihan memorandum about "benign neglect," the Haynsworth and Carswell, nominations, and the potent influence of the Attorney General in the councils of the Administration have all fueled these concerns.

Others point to the Family Assistance Plan and to the perseverance and sincerity of Secretary Romney as proofs positive of a very strong Administration resolve to cope with the urban crisis. Certainly HUD and HEW have not been found wanting in this regard, and they are the two agencies most directly concerned. Also, is mentioned the decision by Secretary Volpe—an unpopular one in many quarters—to stop building urban highways at the expense of low income housing.

Many contend that State Involvement in Federal urban programs as contemplated in the New Federalism would enable Southern State governments to freeze out programs benefitting Negroes; they point, for example, to the widespread pattern of discrimination in the administration of the food stamp program in the South whereunder many counties having a sizeable non-white population simply do not participate. There is of course little doubt that if left to their own devices a number of Southern States would not *initiate* programs primarily benefitting blacks; the question is, should any of the States—South or North—be permitted to participate, under specified conditions, as equal partners with Federal and local governments and private organizations in carrying out Federal urban programs?

In summary, the major concerns of mayors, the urban poor, and the organizations representing both, regarding State involvement is that conservative forces at the State level would slow programs down, re-direct policies, and, in the South, act in a way detrimental to civil rights. To come to grips with these valid concerns we should try to assess the extent to which programs would be slowed down or redirected along lines more conservative than those of the national Administration and the administering Federal agencies. This necessarily is a subjective evaluation and everyone's list of States somewhat different. The following tabulation is my own assessment.

Would be less conservative	More conservative	Basically no change
New York, Massachusetts, Pennsylvania, Connecticut, Hawaii, Washington, Oregon, New Mexico, Maine, Rhode Island, Michigan, Alaska, Illinois, Maryland, and Wisconsin.	Montana, Idaho, Nevada, South Dakota, Wyoming, Oklahoma, Missouri, Kentucky, Louisiana, Mississippi, Tennessee, Alabama, Indiana, and Georgia.	California, Arizona, Colorado, North Dakota, Iowa, Nebraska, Kansas, Texas, Arkansas, Ohio, Delaware, Vermont, New Hampshire, Virginia, New Jersey, North Carolina, South Carolina, Florida, West Virginia, Minnesota, and Utah.

8. THE CENTER CONTROLS DECENTRALIZATION DECISIONS

Although the President and his Cabinet may be personally and politically committed to decentralization, most of the smaller decisions going to make up the warp and woof of the New Federalism are made by the bureaucracy and by Congressional subcommittee and committee chairmen and staff directors.

The plaint of Presidents that they often do not control their own house is uniquely jutsified in regard to plans, decisions, laws, and regulations to frame, enact and implement governmental decentralization. With respect to many governmental policies espoused by any new administration, the bureaucracy may be slow moving and sometimes resistant. In the case of decentralization, the bureaucracy is personally and emotionally involved. Empires of program review and Princely States of regulation-writing are threatened to the core by revenue sharing and grant consolidation. The committee and subcommittee fiefdoms are most unfriendly. Even when decentralization legislation is passed on occasion, through the combined persuasive efforts of governors, mayors and the political leadership of the Executive Branch, its implementation must depend on regulations drafted by the bureaucracy, and strings and conditions appear as by magic.

We will all agree that the New Federalism faces a number of hazards—a technologically-dictated larger Federal role in American society; a functionally and ego-involved bureaucracy allied with special interests to create a categorical majority; sporadic internecine warfare between mayors and governors; suspicious big city political and civic leadership and the urban poor; and reluctant Congressional committees and subcommittees.

Now we come to the crucial point of our inquiry. If these hazards are to be surmounted, what kind of things must occur? In the first place, generalities of the New Federalism must be replaced with further specifics, especially with regard to urban affairs, because it is in the great urban areas that much of the doubt and resistance about the New Federalism exists. There must be developed a national intergovernmental strategy to help bring about a great sweep of State and local action that will make the New Federalism not only a policy for the national government but for the nation as a whole.

Some of the components of such an overall policy are fairly easy to identify, but very difficult to obtain. A summary of them will convey a sense of the scope and depth that is necessary if the New Federalism is to truly move from the realm of the rhetoric into the world of reality.

(1) ADOPTION OF EXPLICIT NATIONAL AND STATE URBAN GROWTH POLICIES

There must be formulated some conscious public policies which can accommodate the tremendous scale of urbanization and redevelopment bound to occur over the next few years. To continue to leave this pattern to chance and to competitive and contradicting policies of thousands of local governments is to invite economic and social chaos.

At a minimum, such a national urbanization policy would assure that individual Federal programs did not operate contrary to national goals. Some possible new components for such a policy would include financial incentives for industrial location in large city poverty areas and rural growth centers; migration allowances to facilitate population movement from labor surplus to labor shortage areas; preference in the award of Federal contracts to areas to which it is desired to attract population and similar preferences in the location of public buildings and other facilities; expansion of governmental assistance for family planning information to low income families; and initiation of new types of Federal support, under certain conditions, to large-scale urban development and to the creation of new communities.

State urbanization policies would be expected to include components comparable to those suggested for a national policy with the extremely important addition of a State land development agency empowered to acquire, hold, site develop and sell off land to private developers for use in accordance with the State's urbanization policy and with State, regional and local land use plans.

(2) FEDERAL INCENTIVES FOR LOCAL GOVERNMENT MODERNIZATION

Federal carrots and sticks should be provided to assist State legislatures and governors over the very difficult hurdles standing in the way of modernizing the structure of local government in metropolitan areas so that government services can be provided economically, efficiently and with fiscal equity.

Only the State governments have the power to rationalize and render less harmful to orderly urban development the complex array of overlapping local governments that characterizes most of the country's major metropolitan areas. This herculean task requires State constitutional and statutory changes along the following lines:

Removing the shackles that frustrate local efforts to marshal the resources required to meet local needs by clarifying the legal powers of general-purpose local governments, authorizing them to determine their own internal structure, modernizing out-dated means of controlling local government tax and debt levels, and liberalizing municipal annexation procedures.

Arming local governments with an "arsenal of weapons" for meeting the challenges of urban growth by facilitating county consolidation, authorizing counties to perform urban functions and to establish subordinate service and taxing areas, empowering major cities and urban counties to create neighborhood "sub-units" of government in order that disaffected citizens may be brought closer to and involved in the process of local government, permitting voluntary transfer of functions between cities and counties, granting authority for intergovernmental contracts and joint service arrangements, encouraging the establishment of metropolitan study commissions, providing for metropolitan functional authorities that offer services requiring areawide handling, and authorizing regional councils of elected officials.

Halting the proliferation of special districts and small nonviable units of local government in metropolitan areas. In the case of tiny localities, this means establishing rigorous standards for the incorporation of new municipalities, empowering State or regional boundary commissions to consolidate or dissolve nonviable units, and revising State-aid formulas to eliminate or reduce aid allotments to local governments that do not meet statutory standards of economic, geographic, and political viability.

In the case of special districts, this means making them harder to form and easier to consolidate or eliminate, increasing their "visibility" and political accountability, and requiring them to coordinate their operations with those of counties and municipalities.

(3) FEDERAL INCENTIVES FOR INCREASED STATE INVOLVEMENT IN URBAN AFFAIRS

Long overdue is a selective, logical approach rather than a universal dogmatic, and emotional attitude toward the role of State governments in urban affairs; increased reliance must be placed upon those States that are demonstrating by deeds as well as words their readiness to commit State efforts and resources to the urban crisis.

The following specific steps are suggested for State and Federal action:

Establishment of State departments of urban or community affairs. Only by first providing administratively for a continuing concern and activity regarding urban affairs can the State government hope to manage a large-scale involvement in the problem of its cities. Such departments can also provide a focus of technical assistance to smaller municipalities and counties within the State. Over half of the States have now done this.

Financial underwriting of urban functions. The States must begin to pay part of the bill for urban redevelopment, housing code enforcement, mass transit, and other major urban functions just as they have been paying for years a part of the bill for State agricultural experiment stations, county agents and rural roads. This, of course, requires a politically painful realignment of expenditure priorities within the State, but until it is done, "one man-one vote" is an empty phrase, and the chance for a strong State role in the American federal system of the future is diminished.

Channeling of Federal urban grants through the States under certain conditions. The Congress and the Federal Executive Branch must become selective in laying down patterns of intergovernmental relations surrounding Federal grants and must stop treating States like New York, Pennsylvania, and California in an identical fashion to less urbanized and under-developed States like Alabama, Mississippi, and Wyoming. Federal funds for urban purposes should flow through the State where, and only where, two basic conditions are met: The State provides adequate administrative machinery and supplies from State general revenues at least half the non-Federal share of the required funds. If the State chooses not to meet these two conditions, a Federal-local relationship should obtain with respect to the particular program. If it chooses affirmatively, then the existing Federal-local relationship would be changed to a Federal-State relationship.

The foregoing actions suggested as the urban portion of the New Federalism (in addition to the Family Assistance Plan and revenue sharing) may be objected to on the ground that the Federal budget cannot afford it. Such a reply will not and cannot enjoy credibility in the nation's troubled cities—not when six billions a year are committed to farm price supports and related agricultural subsidies; not when three billions a year are committed to lunar and interplanetary exploration; not when several billion are committed over the next few years to an economically dubious and environment polluting SST; and not when untold billions and uncounted lives are committed to an ever-expanding war in Asia.

In addition to the major policy initiatives suggested above there are a number of very critical administrative elements that must be pushed relentlessly if the President's New Federalism is to be made to work. These include:

Passage through the House of the Intergovernmental Cooperation Act of 1970, permitting joint funding of grant programs and grant consolidation authority for the President subject to Congressional veto;

Vigorous implementation of the Intergovernmental Cooperation Act of 1968;

Simplification of State plan requirements that accompany many existing Federal aid programs;

Consolidation of water and sewer grant programs, a scandalous example of grant proliferation and overlapping and

Resolution of the conflicting and confusing roles of the local community action and model cities agencies and programs.

In summary, we can see that the New Federalism has a difficult road ahead. Despite some supportive influences and a favorable political climate, the built-in factors of opposition, inertia and apathy make its enactment questionable and ultimate implementation throughout the federal system even more doubtful. If meaningful governmental decentralization cannot be achieved at this stage of the swing of the political pendulum, then the long range prognosis is poor.

The New Federalism is in danger of bogging down through preoccupation of the nation with national security and through hesitancy to make the kind of policy and fiscal commitments essential if it is to acquire and maintain a credibility sufficient for enactment.

For the Nixon Administration, the stakes are high; if the rhetoric of the New Federalism is translated into reality, then the gates of a road to an historical accomplishment will have opened; if only the rhetoric survives, then a turning on the other road will have been taken—the road to mediocrity or failure in coping with the major domestic necessity of the times—namely, the restructuring and re-ordering of our National, State and local institutions of government to render them equal to the needs and aspirations of the American people in the demanding, turbulent, and perilous years that lie ahead.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. ALLEN). Is there further morning business? If not, morning business is concluded.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. ALLEN). The Chair now lays before the Senate the unfinished business, which the clerk will state.

The legislative clerk read as follows: Senate Joint Resolution 1, proposing an amendment to the Constitution of the United States relating to the election of the President and the Vice President.

The Senate resumed the consideration of the bill.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAYH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr.

GRAVEL). Without objection, it is so ordered.

Mr. BAYH. Mr. President, the pending order of business now before the Senate is Senate Joint Resolution 1, which has been cosponsored by 40 Members of the Senate, including the present occupant of the Chair, the distinguished Senator from Alaska (Mr. GRAVEL).

Senate Joint Resolution 1 would provide basic electoral reform for this country, to prevent it from being confronted with the constitutional crisis which would be precipitated if certain shortcomings of the present electoral college system allow it to malfunction, as they have in the past and as they nearly did in 1968.

This matter was introduced into the Senate as one of the first items of business in January 1969. That is why it bears the title Senate Joint Resolution 1. It was considered at length and passed by the House by a 339 to 70 vote. It has been studied and discussed by some of the most prestigious groups in the country, including the American Bar Association, the Chamber of Commerce, the AFL–CIO, and the UAW. The League of Women Voters studied it for over a year, and after a year of study by its members, over 80 percent of its league chapters endorsed this basic constitutional reform of the present presidential election system.

The whole thrust of this reform is rather fundamental and elementary; the people of America should be given the right to vote for their President. That is about as simply and as accurately as the present proposition can be expressed.

Yet, despite the fact that Senate Joint Resolution 1 has been in the Senate process since January 1969, we have not yet been able to have the matter put to a vote. Senate Joint Resolution 1 has been the pending order of business of the Senate since September 8. This is the 11th day of active debate and consideration. I think the RECORD should show that this is as long a period of time as any other constitutional amendment in this century has been discussed. It is significantly longer than that of any amendment save the 24th amendment, the poll tax amendment, which was discussed for 11 days. This is the 11th day of debate on this particular issue.

As major a constitutional reform as the income tax amendment was only debated in the Senate for 1 day. To suggest that we have not had a sufficient time to discuss a matter of this consequence really does not comport with the attention that has been given to other constitutional amendments.

Mr. President, the proponents of Senate Joint Resolution 1, I think, have had adequate time and have taken advantage of the time in which to present the case for the amendment.

Those who are opposed suggest that they have not yet had adequate time. I am hopeful that they will take advantage of this opportunity and use the right that every Senator has to dissent and discuss any opinion they may have about electoral reform. This is one of the strengths of this body.

I must say that I find it difficult to reconcile what appear to be inconsistencies in various statements that have been made. The day before the vote on the cloture motion was taken, one of our distinguished colleagues suggested that there were 10 speakers on this subject to be heard from. Yet, to my knowledge, we have not heard a full presentation of views in opposition to Senate Joint Resolution 1 from one of these 10 speakers.

Yesterday a very distinguished Member of the Senate who is opposed to the measure suggested that he had a full and comprehensive—and knowing that particular Senator, I am sure a persuasive—speech to make. Yet, he suggested yesterday that he was not going to make that speech.

I think it is only fair to ask where those opponents are. Where are those who suggest that there are compelling reasons not to give the people of America the right to vote for their President?

Let the people have the benefit of their advice and counsel and wisdom.

I read with some interest the stories in the morning press which stemmed from the remarks the Senator from Indiana made yesterday. Most of these stories have given a true picture of what is happening.

I note with a great deal of interest that one of the headlines suggests that the Senator from Indiana threatens to shut down the Senate.

I would like to suggest that the Senator from Indiana is not threatening. The Senator from Indiana really has no desire to close down the Senate. The Senator from Indiana feels that those of us who are concerned about the possible malfunctioning of the present electoral college system have an obligation to permit the country to know what is really happening in the U.S. Senate.

It is not the Senator from Indiana or the Senator from Alaska or any of the other proponents of basic constitutional reform who are in the process of denying action in the Senate or closing down the Senate. Instead it is a handful of opponents of Senate Joint Resolution 1 who are denying the Senate the opportunity to vote on this issue. The Senator from Indiana intends to take whatever means are necessary to make this apparent to the country.

The time has come, it seems to me, that we must rip away some of the veneer and get to the heart of the matter. The heart of the matter is that we are not being permitted to vote on a critical matter which is pending before the Senate.

The Senator from Indiana would like to propose a series of unanimous-consent requests to see if in the last 24 hours there has been an increase in the benevolence or an increase in the desire to be accountable on the part of the opponents of Senate Joint Resolution 1, to see if we can start moving ahead, to see if we can start moving on some type of basic electoral reform.

UNANIMOUS-CONSENT REQUESTS

Mr. President, I ask unanimous consent that at 1 o'clock tomorrow the Senate vote on the Griffin-Tydings amendment, which is amendment No. 711.

Mr. DOLE. Mr. President, I object.

Mr. ERVIN. Mr. President, I object.

The PRESIDING OFFICER Objection is heard.

Mr. BAYH. Mr. President, I ask unanimous consent that at 1 o'clock on tomorrow the Senate vote on amendment No. 878, the Griffin amendment, and then proceed on the following day at 1 o'clock to the final consideration of the resolution.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Indiana?

Mr. DOLE. I object.

Mr. ERVIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BAYH. Mr. President, I ask unanimous consent that on tomorrow at 1 o'clock the Senate vote on the Eagleton-Dole proposal, amendment No. 884.

Mr. ERVIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BAYH. Mr. President, I ask unanimous consent that on tomorrow at 1 o'clock the Senate vote on the amendment of our distinguished chairman of the Judiciary Committee, the Senator from Mississippi (Mr. EASTLAND), relative to a 50-percent requirement on the runoff. That is amendment No. 885.

Mr. ERVIN. Mr. Presdent, I object.

The PRESIDING OFFICER. The objection is heard.

Mr. BAYH. Mr. President, I ask unanimous consent that on tomorrow at 1 o'clock the Senate proceed to vote on amendment No. 887, the amendment of the distinguished Senator from Missouri.

Mr. ERVIN. Mr. President, I object.

The PRESIDING OFFICER. The objection is heard.

Mr. BAYH. Mr. President, I ask unanimous consent that on tomorrow at 1 o'clock the Senate proceed to vote on amendment No. 897.

Mr. ERVIN. Mr. President, I object.

The PRESIDING OFFICER. The objection is heard.

Mr. BAYH. Mr. President, there are six other amendments. So, I will propose a joint unanimous-consent request.

Mr. President, I ask unanimous consent that on tomorrow at 1 o'clock, with the period of time to be decided by both amendments Nos. 898, 899, 900, 901, 905, 912, and 913.

Mr. ERVIN. Mr. President, I object at this time.

The PRESIDING OFFICER. Objection is heard.

Mr. ERVIN. Mr. President, I would like to advise my distinguished friend, the Senator from Indiana, that as soon as I can consult with other parties and get a printed copy of an amendment which I submitted this morning, we may oblige the Senator with a vote.

The amendment I submitted this morning would do everything that the Senator says he wants to do.

My amendment would allow every voter to vote for president and vice president instead of for presidential electors. It would abolish the office of presidential elector. It would keep the electoral votes of States as they now exist, but would divide the electoral

votes among the presidential and vice presidential candidates in accordance with the popular vote in each State.

I do not believe in 40 percent Presidents as the resolution of the Senator from Indiana would provide.

My amendment would provide that the candidate who receives the majority of the electoral votes cast by the people directly for President or Vice President would be President or Vice President respectively.

It would further provide that in the event no one received a majority of the electoral vote, the Senate and the House of Representatives, sitting in joint session, by a majority vote—each Senator and each Representative having one vote—would decide the matter.

It would do everything that the resolution of the Senator from Indiana would do in practical effect, except to convert 184,000 separate precincts into one great big precinct where any fraud or any miscount of votes or any breakdown of a voting machine would not put the question of electing the President in jeopardy for months and months and would not require a runoff election.

Unfortunately, unlike my distinguished friend from Indiana, Members of the Senate who share my views do not have a single leader. They have many chiefs and many generals; and perhaps not as many Indians or as many sergeants, corporals, or privates, as may be desirable. But I assure my friend from Indiana I will do all I can to get him to vote on that amendment when it is printed and available to all Senators. I introduced it this morning.

The PRESIDING OFFICER. Objection is heard on the unanimous-consent requests of the Senator from Indiana.

Mr. BAYH. Mr. President, I appreciate the desire of the Senator from North Carolina to move forward on this. It is rather interesting. I do not know the specifics of the amendment presented by the Senator from North Carolina but it sounds strangely like an amendment he just objected to considering and voting on tomorrow.

Mr. ERVIN. Mr. President, the only thing different in this amendment from the amendment the Senator from Indiana had before him as a member of the Committee on the Judiciary, and my pending amendment 901 is that this amendment requires a majority President. I do not believe in having a 40-percent President; I believe in having a majority President. I do not believe that a 40-percent President could command more than 40 percent support from the country and I do not think a President with 40 percent support can readily discharge the duties of the Presidency.

That is the only difference between the amendment which I introduced this morning, and which will be printed and placed on the desks of all Senators in the morning, and amendment 901, which is identical with an amendment proposed by me in the Senate Judiciary Committee and which has been pending about as long as Senate Joint Resolution 1 has.

I thank the Senator.

Mr. BAYH. I appreciate the Senator from North Carolina explaining it. In other words, instead of the amendment 901 approach, the Senator would require a majority of the electoral vote.

Mr. ERVIN. That is right; to be determined by the people who vote directly for President and Vice President.

Mr. BAYH. And if there is not a majority of the electoral vote?

Mr. ERVIN. All the Senators and Representatives, sitting down together in a joint session——

Mr. BAYH. A majority of electoral votes?

Mr. ERVIN. Yes.

Mr. BAYH. Not a majority of the popular vote.

Mr. ERVIN. That is correct. But the electoral vote will be a direct reflex of the popular vote in every State because every person would vote directly in his State for President and Vice President.

Mr. BAYH. Is the Senator from North Carolina telling the Senate his proposal will guarantee a majority of the people supporting the President?

Mr. ERVIN. No, and neither will the Senator's amendment guarantee that any choice of the President will be a free choice of the majority. Many persons will not come out and vote, some will have sold their votes, and many will have been dragged to the polls on one deceptive pretext or another. The Senator's amendment will not guarantee that the President chosen is the majority choice of the people for another reason. The number of people who go out to vote does not always depend on who is running for President or Vice President. Many times the number depends on a hot contest for the governorship of a particular State or a Senate seat in a particular State, or a hot contest in respect to matters submitted to a referendum. Indeed, the number might even depend on a hot contest between opposing candidates for local office in metropolitan centers.

My amendment will come pretty close to guaranteeing that under ordinary circumstances the man who becomes President is not only the choice of the majority of the people in a majority of the States, but he is also the choice of the majority of the people in the entire United States. It does not require any two elections, or two campaigns and the expenditure of millions and millions of dollars to conduct two elections, to assure that the United States will remain a Republic and not be converted into a totalitarian aggregation of individuals as Germany was when Germans elected a President by direct popular vote and got Adolf Hitler as Fuhrer and the world got World War II as a consequence because Hitler became the actual head of state.

The Senator's amendment would also make it certain that the two major parties would not continue to function as such, and that there would be a proliferation of splinter parties, such as has disabled France in her ability to function efficiently as a country for almost a generation.

Mr. BAYH. Mr. President——

Mr. ERVIN. I am just explaining the amendment.

Mr. BAYH. Mr. President, I appreciate that the Senator is just explaining the amendment, but the Senator is doing so in a way that is not normally his custom. He is a good student of history but he must have gotten his pages upside down or read from some novel as to how this would work compared with other countries.

We might as well put to rest this straw man of Nazi Germany or the proliferation of parties in other countries as a misassessment of the facts. The facts are that Hitler did not come to power in Germany under a popular vote. He came to power by a vote of the legislature in Germany.

Mr. ERVIN. No.

Mr. BAYH. And the Senator is suggesting we have a joint session, or the same thing that brought Adolf Hitler to power.

Mr. ERVIN. No.

Mr. BAYH. The Senator would suggest that von Hindenburg was elected. He got rid of the popular vote; he got in control of the Third Reich.

Mr. ERVIN. In Germany they elected the President by popular vote and the President made Hitler the Prime Minister.

Mr. BAYH. The Reichstag, by vote of the legislature; by the vote of the legislature.

Mr. ERVIN. Yes; he may have been confirmed by the Reichstag.

Mr. BAYH. By the legislature of Germany. The very plan the Senator has set forth here as a panacea is what brought the little corporal to power. To suggest otherwise is distorting history.

Mr. ERVIN. No.

Mr. BAYH. Another claim that needs to be laid straight is the assertion that this will cause a proliferation of the parties, like in Europe. It is all right to suggest that certain things are going on in other countries that we do not like, but it does not follow that the same thing would go on here as in other countries. I suggest the Senator read Senate Joint Resolution 1.

We have a provision that the Senator from North Carolina does not like. The Senator has criticized the 40-percent provision.

Mr. ERVIN. Yes.

Mr. BAYH. It is in there to keep from prevent the proliferation of parties we have seen in France and other countries. If the Senator does not want such a proliferation he should not criticize that 40-percent provision. In France, in the last election, if they had had a 40-percent provision there would not have been a runoff and they would have had the same winner.

I suggest that if the Senator is going to try to set up straw men, at least he should tailor them a little more to the facts than he has. He usually is factual and tenacious in seeing that everything said relates directly to the facts. I am sure he did not intend that, but he said that.

Mr. ERVIN. I would like to thank the Senator for his instruction in history, and I would like to ask him if there is any tuition fee for it.

Mr. BAYH. The Senator from Indiana is hardly in a position to charge tuition for his suggestion to the Senator. True

knowledge is free. If the Senator from North Carolina wants to learn from the operation of knowledge, the Senator from Indiana is not going to charge a tariff.

I suggest, and I want the RECORD to show that the Senator from Indiana has the greatest respect for his friend and colleague from North Carolina. I have joined him in his courageous stands on several issues. But the Senator from North Carolina is wrong to suggest that the facts stated by the Senator from Indiana are inaccurate.

At an early date I shared the concern and still share the concern of the Senator from North Carolina that we not have a proliferation of our parties. The RECORD will show and the committee record will show the Senator from Indiana was not persuaded to support direct popular vote until this matter of party proliferation could be laid to rest.

The 40-percent provision, which denies splinter parties the opportunity to keep major parties from being victorious on the first ballot, is one of the main reasons why the Senator from Indiana enthusiastically supports Senate Joint Resolution 1.

Mr. President, I suggest that, although my friend from North Carolina suggests that his amendment be considered, it is similar to ones that have been proposed earlier. This is not a new, novel proposal made by the Senator from North Carolina. It has been discussed in this body and acted on; hearings have been held on this type of proposal. It does not provide that a majority of the people shall elect their President.

If there are people in this body who feel that is important, then let them come forth with an amendment that provides that a majority of the people shall elect their President. So far, there has been only one man who has done that, and it is the Senator from Mississippi. No one who has stressed the weakness of the 40-percent provision has proposed that the people of the country should have the opportunity to elect their President, save the Senator from Mississippi.

Let me stress that if we require a pure, mathematical majority, we are going to deny men like Richard Nixon access to the White House, we are going to deny men like Harry Truman access to the White House, we are going to deny men like John Kennedy access to the White House and we are going to deny men like Woodrow Wilson access to the White House.

The country has had, and does have, Presidents, and some of them have been outstanding Presidents, who were not the choice of the majority of the people. But the cardinal sin of the proposal of the Senator from North Carolina is that it does not even guarantee that the man who is President of the United States gets the most votes. In fact, using the proportional plan, Richard Nixon would have been elected President instead of John F. Kennedy in 1960. I can also cite the case of William Jennings Bryan. Presidents would have been elected who had fewer votes than the men they were running against, under the proposal of the Senator from North Carolina.

The proposal of the Senator from North Carolina does not guarantee that everybody's vote counts the same. Let the RECORD show that. Although I hope we have a chance to vote on the proposal of the Senator from North Carolina, it certainly does not deal with the basic concern of the Senator from Indiana. I think we need to let the people vote for their President. I think we need to guarantee that each vote counts the same. I think we need to guarantee that the man who wins gets the most votes. The fact is that our proposal for direct, popular vote is the only plan that guarantees that.

To those who are concerned about the runoff, let the Senator from Indiana stress what he said before. I share that concern. I said earlier I am willing to consider alternatives. In fact, one of the proposals made by the Senator from Indiana, which was objected to by the Senator from North Carolina, was to come to the consideration of the Tydings-Griffin amendment, which would eliminate the runoff. Perhaps there is a better proposal for eliminating the runoff, but I do not think we can be against the runoff and be consistent unless we permit action on something to remove the runoff.

The Senate is now being refused the right to amend Senate Joint Resolution 1 to take the runoff out of there, and the RECORD ought to show that.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. BAYH. I am glad to yield.

Mr. ERVIN. If the Senator from Indiana wants the Griffin-Tydings amendment, all he has to do is modify Senate Joint Resolution 1 and accept it.

Mr. BAYH. With respect to the plan of action recommended by the Senator from North Carolina, let the Senator from Indiana suggest that he is advised that once a proposal is reported out of committee, it takes floor action to amend it. If the Senator presents it on the floor as his own amendment, then he can get it modified.

Would the Senator from North Carolina not object, and would other Senators not object, if the Senator from Indiana moved to revise Senate Joint Resolution 1 and to accept the Tydings-Griffin proposal?

Mr. ERVIN. At the present time I would object.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. PASTORE. I would hope, if we did accept the modification, we could at least have a vote on the resolution itself once we had accepted the amendment. I think the trouble has been that for one reason or another there has been a strategy of delaying tactics. Here we are pretty close to the month of October, only about 45 days away from a very important election. There are some in this body who are not running for election but there are some who are. We have tried earnestly to set up our schedules in such a way that we might be able to adjourn sine die by the middle of October. Even then, that would give most of us only 2 weeks really to go home and do some campaigning.

It seems to me that, the way we are proceeding, we cannot finish this business by an October deadline; and I cannot for the life of me see why we cannot come back after election day and finish our business. I think that needs to be done. After all, it is important to the country what the composition of the Senate will be come January 1, 1971. One-third of us are up for reelection. The entire membership of the other body is up for reelection. Here we have been 2 weeks on the joint resolution. I cannot see why, as reasonable people, we cannot sit down and resolve our problems. We are always critical of other nations because they cannot agree. We are always critical of other people in the world because they cannot sit down and talk and agree. It strikes me that all we do is talk and talk and seem never to reach conclusions.

I have heard talk on this subject before. This is not something new. The proposal for reform of the electoral college and for popular election is an old chestnut. Long before the Senator from Indiana came to the Senate, the Senator from Rhode Island suggested on the floor that we have popular elections. I made the argument then that we were a country of people and not a country of geographic boundaries. I think we should follow the century old adage—of the people, by the people, and for the people; and then let it really be by the people. That is all it amounts to. We engage in all this rigmarole going back and forth as to whether we are going to agree to that or agree to this. I think the issue is very simple. We ought to come to a vote.

I do not know whether the drive is to keep us here until election day. I do not think that is fair to those of us who are up for reelection. I know we have to do our job here. The Senator from Rhode Island does do his job. After working here all week I had to go home and deliver 14 speeches this last weekend. That is a pretty strenuous program after spending a week of extended sessions here in Washington. I think this is unfair. I think the Members of the Senate should take this into consideration. We ought to look at ourselves in the mirror once in awhile and see what we are doing to other Senators.

This procedure could go on 2 or 3 weeks. It looks like it is going to go on ad infinitum—which means forever, if I may chance the translation. I think we ought to sit down as reasonable men, because, I tell Members of the Senate from my contacts back home, the image being created here could be bad for the Senate and the country.

The people of this country want our problems resolved, and here we are; we come here and talk from 10 o'clock in the morning until about 7 or 8 o'clock at night, we keep repeating the same thing over and over again, and we never come to a vote.

I am not trying to stampede anyone into a vote, but it strikes me that on a proposition of this kind, after we have

talked about it for 2 or 3 weeks, we ought to come to some solution, because if we cannot solve this problem, then God help us on all our other problems.

I thank the Senator for yielding.

Mr. BAYH. The Senator from Indiana is impressed, as always, by the eloquence and good judgment of the Senator from Rhode Island. I must say for the RECORD that although the Senator from Rhode Island had to make 14 speeches over the weekend that certainly has not limited the power and persuasiveness of the message he brings to the Senate. I, for one, appreciate it.

As I have said before, although I find myself in the middle of the bull's eye on this issue of the popular vote, there are those in this body like the Senator from Rhode Island, the Senator from Maine (Mrs. SMITH), our majority leader, and others who have favored direct popular election for some long period of time.

I want to say just one last word, and then I hope that some of those who have not yet had the opportunity to adequately express themselves on this issue in opposition, and thus are in the process of denying us a vote, will give us the benefit of their wisdom.

Yesterday, we were told by one Member of this body that he or others were prepared to stay here until the snow flies to keep us from having the opportunity to vote on this matter. Mr. President, I do not know whether this could accurately be described as a threat or not, but the Senator from Indiana does not take well to intimidation, or to the suggestion that certain types of parliamentary coercion should prohibit the Senate from voting on an issue.

I think the Senator from Rhode Island is absolutely right. The people of this country are looking to this body to see whether we have the courage to stand up and be counted on an issue that almost brought our Nation to its knees in 1968. I think the whole world is looking at us. I think we have the responsibility, as Members of this body, to show the rest of the world that we are going to let the people's will decide, that we are not going to let a few men, hiding behind the excuse that they have not had a chance to be heard, prevent the Senate from voting.

So, Mr. President, I suggest that we need to make accountable to the Senate and to the country those who would deny the Senate an opportunity to work its will. We presently have before us an important matter, the Clean Air Act. I see in the Chamber the distinguished chairman of the Committee on Public Works (Mr. RANDOLPH), and I know of his interest and concern for that matter.

We have other items of important public business—Labor and HEW appropriations, the Department of Transportation appropriations, the military construction appropriations, the foreign aid appropriation, the equal rights for women amendment, the family assistance plan, and social security proposals.

We have other items, such as the Law Enforcement Assistance Act, the consumer protection legislation, equal employment opportunity amendments, Federal highway legislation, Department of Defense appropriations, the HUD appropriation, and a whole raft of supplemental appropriation bills.

Mr. President, I do not for a moment suggest that any Member of this body should forfeit his rights, nor do I question the motives of those who disagree, but I think the time has come for those who are filibustering against direct election to be held accountable for the fact that they are not just holding up direct election, but they are holding up the entire business of the Senate, and seriously damaging the business of the country.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. BAYH. I am glad to yield to the Senator from Kansas.

Mr. ERVIN. Mr. President——

The PRESIDING OFFICER. The Senator from Indiana has the floor, and has yielded to the Senator from Kansas.

Mr. DOLE. Let me say that I have listened with great interest to the exchange between the Senator from Indiana and the Senator from North Carolina and, as one who desires electoral reform, I am not certain just when a filibuster develops; but I have not yet spoken on the subject, and have been prepared to do so for about 10 days. I am not certain how I may vote on cloture the next time around, but there are those of us who sincerely hope there can be some electoral reform, and who wish to participate in debate and make statements on our positions, and we have not yet had a chance to do so.

Perhaps, after having such opportunity, our views on cloture may change.

Mr. BAYH. Mr. President, I thank the Senator.

Mr. PASTORE. Mr. President, will the Senator yield on that very point?

Mr. BAYH. I yield.

Mr. PASTORE. I did not say anyone was wasting time. We are putting in long hours—and gladly, and we have earned the right of reaching a decision. The Senator from Kansas knows, as a former high official of his own State, that there comes a time of judgment; and we have been at this thing for a long, long time.

Let us face it. This, of course, is a serious issue, but a very simple one. I do not know what has deterred the Senator from Kansas from being able to make a speech for 10 days. I know I did not block it. There has been ample time to make speeches.

But all I am saying here is, goodness gracious, at some point let us come to a vote. If Senators have amendments, let us bring them up and vote them up or down. Let there be an expression of the will of the Senate. That is all I say. I am not undertaking to castigate anyone; I am just saying we are beginning to look silly in the eyes of the country.

Mr. BAYH. Mr. President, I might make one observation in response to the remarks of my distinguished colleague from Kansas.

I think it would be wrong for any of us to impugn the motives of any of our colleagues. Although the Senator from Indiana has become irritated and frustrated and, as one who never gets angry, has come very close to anger, he has not for a moment impugned the motives of any of his colleagues. Nor does he suggest that they should forfeit their rights.

Further, I would like to make it very clear that I agree with the Senator from Kansas that there are some Members of this body who sincerely want a chance to be heard a bit further, and to have the opportunity to explore some of the complexities of the issue before us. The Senator from Kansas, as the RECORD will show—although the Senator from Indiana has not always agreed with his position on this issue—has shown enough interest to pursue the matter in some detail, and, indeed, to get involved in a very thorough study, and to make a concrete proposal, which is probably the first really new proposal that has been laid before this body on the whole business of electoral reform.

I do not fully agree with the Senator from Kansas, but I certainly cannot deny the fact that he has explored a number of ramifications of it.

So there are some who legitimately want a further chance to be heard. But, Mr. President, I think the RECORD will also show that there are some Members of this body who say they want to be heard, and have been standing on the floor of the U.S. Senate and have refused to make a speech that they say they have to make on the subject.

I think we need to divide fish from fowl. For those who want a legitimate chance to be heard on this issue, the Senator from Indiana is prepared to exercise his rights in such a way that they will have that opportunity. But I must say the Senator from Indiana is not yet convinced that that opportunity will deter all Members of the Senate from wanting to keep the Senate from voting.

Did the Senator from North Carolina wish me to yield? I am prepared to yield the floor, and I hope that the Senator from North Carolina has that speech ready today that he said he had ready yesterday, but decided not to deliver.

Mr. ERVIN. Mr. President, I should like to point out that this body spent 7 weeks, or about 7 weeks, in May and June, discussing what kind of an order the President ought to issue to the troops in Vietnam with respect to whether they should be permitted to cross the Cambodian border or not. We spent approximately 5 weeks in July and August during which we debated the question of what day the American forces should be withdrawn from Vietnam. We have spent 2 weeks on this matter theoretically, but actually we have not. We have done more work, have passed more bills, during the 2 weeks we have been theoretically on this proposal than the Senator from North Carolina can recall having been passed at any other similar period of time within the 16 years he has been a Member of the Senate.

Amending the Constitution is serious business. Hence, the Senate should stop and discuss the question for a reasonable period of time. A great constitutional scholar, Professor Black, of Yale Law School, has said that Senate Joint Resolution 1, if adopted, would be the most radical amendment ever placed in the

Constitution of the United States, because it would change our whole system of government. Mr. Theodore H. White, a great scholar in this field, has stated that he could not imagine a worse calamity to this country than to have popular elections of Presidents, which would, in essence, convert 184,000 voting precincts into one great, big voting precinct.

The Senator from North Carolina suggested some time ago that controversial matters such as this should go over to January, when they could be given due consideration in an atmosphere of calmness, when the Senate is not attempting to wind up its affairs, and when one-third of the Members of the Senate are not out campaigning for reelection. I think that would have been a rational way in which to seek a proper solution to this question.

But the Senator from North Carolina does not care to prolong discussion at this time. The Senator from North Carolina does not claim that he has absolute possession of all the truth on this or any other subject and that those who are opposed to him have no truth whatever on their side; but he does think that the matter is a debatable matter and that we at least ought to spend a reasonable time debating it. The Senator from North Carolina has taken very little time in this discussion.

Mr. ALLEN. Mr. President, will the Senator yield for a question?

Mr. ERVIN. I am glad to yield to the Senator from Alabama.

Mr. ALLEN. As the junior Senator from Alabama reads the resolution of the distinguished Senator from Indiana, it provides that the resolution, the change in the Constitution, shall not become effective until 1 year after the first April 15 following the ratification of the amendment by 38 States. Is that correct?

Mr. ERVIN. I believe that is what the amendment provides.

Mr. ALLEN. Would that not make it physically impossible to have this amendment applicable to the 1972 presidential election?

Mr. ERVIN. In my judgment, yes.

Mr. ALLEN. This amendment would have to be ratified by 38 States prior to April 15 of next year.

Mr. ERVIN. Not only would it have to be ratified by 38 States, but also, depending on how Nebraska, with its unicameral legislature, voted, it would have to be ratified by not less than 75 and possibly as many as 76 separate, independent legislative bodies in 38 States, before it could become a part of the Constitution; and I do not believe that that could be done prior to the 1972 election.

Mr. ALLEN. The question then occurs to the junior Senator from Alabama, if the amendment, even though ratified, could not apply to the 1972 election, what is the hurry?

Mr. ERVIN. I see no reason to hurry when it comes to changing the organic law which lays down the basic rights and the basic responsibilities of more than 200 million Americans. I think the Senate should give great consideration to this matter. I do not think we ought to amend the Constitution in such a drastic manner in the closing days of a congressional session, when at least one-third of the Senators primarily have their minds, as the distinguished Senator from Rhode Island indicated, upon the election.

At one time, I was called upon, as a judge, to define what a fair trial was. I defined a fair trial to consist of the trial of the issues before an impartial jury and an impartial judge, in an atmosphere of judicial calm. I think that matters of this kind should be decided in the same way by the Senate of the United States. I think we should have a time when we can be calm, when we can be deliberate, and when we can act as reasonable men, and not be in a hurry to try to change the organic law of 200 million people and the organic law which is to govern the untold generations of millions and millions of Americans who will come after us.

Amending the Constitution is a serious business. It is not amended for a day. If we make a mistake in amending the Constitution, we cannot recover from it as we could from a bad act of Congress. We could repair our error only by a new amendment. An amendment may remain a part of the Constitution until the last lingering sound of Gabriel's horn trembles into ultimate silence.

I think that our duty to the American people requires that we consider this matter in a calm and deliberate atmosphere. If we are going to do anything let us be certain that it is wise. Amending the Constitution is not a task which should be performed by harried and hurried Senators.

Mr. ALLEN. I ask the distinguished Senator a further question: Is it not true that the Senate itself in the past has passed an entirely different version of an amendment to the Constitution providing for the election of the President? Did it not at one time submit the proportional plan?

Mr. ERVIN. Substantially the amendment I am now proposing was passed by the Senate some years ago by a majority virtually as overwhelming as the House version of Senate Joint Resolution 1 received in the House. Having been a former Member of the House, I know that on final passage the many House Members vote for things they hope the Senate will correct, and I think they did that in this instance.

Mr. ALLEN. Did not at one time the distinguished Senator from Indiana (Mr. BAYH) espouse an entirely different version? Did he not at one time espouse the automatic plan, as opposed to the direct election plan?

Mr. ERVIN. I am not sure.

Mr. ALLEN. The hearings before the Committee on the Judiciary indicate that.

I should like to ask the distinguished Senator a further question: If the Senate and the House should submit this amendment to the States for ratification, would it not take the affirmative vote of 38 States?

Mr. ERVIN. Thirty-eight States, having anywhere from 75 to 76 separate and independent legislative bodies.

Mr. ALLEN. Is it not a fact, also, that if the amendment were before the States for ratification, that would effectually prevent Congress from submitting a different plan if later on, as the 1976 election approached, the consensus in the two Houses was that a different plan would be better? Would that not, in effect, stop for 7 years any meaningful reform?

Mr. ERVIN. Yes; as the Persian poet said:

> The Moving Finger writes; and, having writ,
> Moves on: nor all your Piety nor Wit
> Shall lure it back to cancel half a Line,
> Nor all your Tears wash out a Word of it.

Mr. ALLEN. I thank the distinguished Senator for this information.

Mr. BAYH. Mr. President, I have listened with a great deal of interest to my two friends, the Senator from North Carolina and the Senator from Alabama. I do not want my following remarks to be considered at all disparaging toward them, nor to impugn their thoughts, because I know that their motives are, to use one of the favorite expressions of the Senator from North Carolina, "as pure and clean as the new fallen snow."

But, Mr. President, I think it is rather inconsistent for a Member of this body to suggest that this matter needs to be discussed fully and completely and that the Constitution should not be amended unless we have had adequate discussion and that we have not had adequate discussion, and then, in the same breath or in a preceding breath, to say, "Well, I don't want to discuss this any further at this time."

Now just a minute—just a minute. This matter was introduced into this body in January of last year, 1969—almost 2 years ago. This matter was the subject of the same type of tactic in the Judiciary Committee from September to February of this year. It took from February to April before we could finally get a vote. Then it took 11 more weeks to get a report written by those opposed to it. I think that the record will certainly show——

Mr. ALLEN. Mr. President, will the Senator from Indiana yield for a question?

Mr. BAYH. I yield.

Mr. ALLEN. I should like to ask the Senator from Indiana, if he should stop monopolizing the floor, would it not be incumbent upon someone to come forward and speak, or the Griffin-Tydings amendment would be put to a vote.

Mr. BAYH. I think the assessment of the Senator from Alabama is accurate. I must say, I take issue with the use of the word "monopolizing." I think the RECORD will show that on most of the days between the present date and the day after the Labor Day recess, there has been ample opportunity for others to be heard. I have said repeatedly that I think the proponents of this matter have had ample opportunity to make their case, and that they have done so pretty well. But someone has to stand on the floor of this Senate and tell the Senate and the country what is going on, and what is about to go on in the next 5 minutes. After the Senator from Indiana sits down, the Senator from West Virginia (Mr. BYRD) is going to propose a unanimous-consent request that we put aside

this matter and go on to some other business.

Mr. ALLEN. Could not the Senator from Indiana object then?

Mr. BAYH. The Senator from Indiana has no desire to object because he thinks there has been ample discussion. I am willing to go directly to a vote.

Mr. President, I ask unanimous consent that at 1 p.m. on tomorrow, we vote on final passage of Senate Joint Resolution 1.

Mr. ERVIN. Mr. President, I object.

The PRESIDING OFFICER (Mr. CRANSTON). Objection is heard.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, and I do not intend to object, but would not the Senator have to waive rule XII?

Mr. BAYH. Mr. President, I ask unanimous consent to waive rule XII and that the Senate go on to consideration, on tomorrow, of Senate Joint Resolution 1.

Mr. ERVIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ALLEN. Mr. President, reserving the right to object, the Senator from West Virginia would have to lay aside the Griffin-Tydings amendment because that is the actual pending business before the Senate, is it not?

Mr. BAYH. The Senator tried to get a vote on that amendment, and on 13 other matters, and found that he was unable to do so.

I think the record is absolutely clear that this is not an effort to explore the faults and shortcomings of Senate Joint Resolution 1. In the next 5 minutes the Senator from Alabama, the Senator from North Carolina, and any other Member of the Senate can have all afternoon, all night, and all day tomorrow to tell us what is wrong with Senate Resolution 1.

Mr. President, I yield the floor.

ELECTORAL REFORM—ITS TIME HAS COME

Mr. MONTOYA. Mr. President, a nation is only as strong and viable as its basic institutions. This is particularly the case in a republic resting upon democratic principles. Only the will of its people and their collective belief in their government and institutions maintain the stability of such a society. Upon such bedrock has our Nation rested.

In our country, the Constitution has been both shaper and preserver of these institutions. Its flexibility has allowed us to restructure those institutions in order to reflect the evolution of our Nation and changing needs of its people. Only in this manner have we survived and grown. Constitutional amendments have been vehicles for constructive change. Such constitutional evolution is what is demanded today if the will of our people is to be adhered to rather than thwarted.

Our formal electoral process has a kink in it at the very end in the form of our electoral college. Long ago the need for reform of this portion of our system was proven. A call was then sounded for abolition of the electoral college. Again the summons echoes in this Chamber and across the land. Its replacement would be direct election of the President and Vice President by the people themselves—which is as it should really be. To delay reform or dilute its pure form in this case would be denying the overwhelming will of the people, vigorously expressed. Pollster George Gallup found 81 percent of those responding favorable to direct election. The Lou Harris poll counted 78 percent in favor of such a reform move.

I heartily agree with the distinguished majority leader's conclusion that:

> The presidency has evolved, out of necessity, into the principal political office . . . for safeguarding the interests of all the people in all the States. And since such is the case . . . the presidency should be subject to the direct and equal control of all the people.

Opponents of this proposal we have under consideration take a position defending the electoral college as an integral part of a Federal system that would collapse if we changed any single part of it. They envision such contemplated reform as a radical, self-destructive effort. This is in error.

The original compromise has never worked, whereby the electoral college was brought into being. It has not effectively balanced off large and small States. The electoral college has long ago become subservient to the changing will of our major political parties. In fact, rather than being a group of the best minds of our country, it has degenerated into a sinecure given out as a political sop. This appendage has withered before our eyes to the point where it is a liability to the concept of democratic institutions. It is dangerous in that it is not responsive to the direct will of our people. As such, it can go in any direction without constitutional control or national sanction. Herein lies potential danger and even destruction for the Nation, as the last national election amply proved. Many a coast-to-coast shudder went through the national frame in the face of several alternatives we all too well remember.

America and her form of democracy have evolved. All this reform seeks to do is institutionalize it. Popular vote is the clearest voice our people can speak with. Yet it is still possible, as of this moment, to elect a man as President who would not command the popular mandate of the American people. This is, in truth, the very negation of democracy, rather than its affirmation. By passing this reform, we would robustly reaffirm the concepts our Nation was founded on and in the name of.

We must look ahead to future crises. The mists of a distant future are not totally impenetrable. There will be other third parties brought into being by basic dissatisfaction of significant elements among the electorate. There will be other instances of no single candidate gaining a clear mandate. There will be further threats of wholesale political manipulation. There may very well be more than one unfaithful elector whose behavior could be accepted rather than challenged. Where, therefore, would a future generation stand in such an instance? Would we be faithful to our charge if we stood aside today and refused to discharge our clear responsibility?

We dare not abrogate our duty and abandon America to the vagaries of the future in the name of preserving a fossil. Reality dictates reform now. Vision cries out for statesmanship now. Our only real choice is to give power back to the people, from whom it springs and to whom it truly belongs. We can do no less, immediately.

Our Federal principle enshrines the will of the people, finding its supreme expression in free choice of their own leaders. To deny them the fullest form of such a supreme right is to make a mockery of all principles this Republic was founded and rests upon. It calls into question the validity and meaning of our system of government in the eyes of an increasingly aware, questioning electorate.

The Constitution was created in less than 100 working days. Can we not, in this time of a national demand for a responsive legislative branch, come forth with one simple reform that is so clear to all eyes? The Nation looks to this Chamber at this moment, as in other moments of drama and crisis, for leadership—for decision—for simple decisiveness.

Now is not any time for obfuscation. Now is no time for waving a tattered flag of tradition. Now is no time for delay, weak excuses, or feeble flappings over precedents. This is an hour for setting precedents—for letting in a few fresh breezes into America's rooms—for giving the people a sign that their Government is responsive.

Nor is this a time for half measures. We are either going to abolish the Electoral College and politically emasculate tomorrow's demagogs, or we shall continue to trip gaily along the brink of an abyss. A meaningful, succinct, and comprehensive amendment has been offered. It is before us now. The American people are with us. Delay is inexcusable. Let us act.

STATUS OF THE UNFINISHED BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that it remain in that status until the conclusion of morning business on tomorrow, and that the Senate proceed to the consideration of Calendar No. 1214, S. 4358, and that, when S. 4358 is stated by the clerk, the able senior Senator from West Virginia (Mr. RANDOLPH) then be recognized.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from West Virginia?

Mr. ALLEN. Mr. President, reserving the right to object, the junior Senator from Alabama has come to the Senate Chamber each day while Senate Joint Resolution 1 has been the unfinished business. He has seen the distinguished Senator from Indiana come in and, as the sponsor of the resolution, gain the floor. He has discussed this matter at length and has challenged the opponents of the measure to come forward and present their opposition to the resolution

and then, after having talked for an hour or an hour and a half, the business has been laid aside, enabling him to come back the next day and charge opponents of the measure with not coming forward and speaking against the resolution.

So, Mr. President, in order to see whether there is any discussion that needs to be had, that should be had, or that Senators desire to make, with respect to the pending joint resolution, at this time the junior Senator from Alabama is going to interpose an objection to the request that the business be laid aside.

The PRESIDING OFFICER. The objection is heard.

The Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, shortly, the Senate will recess to participate in a joint meeting with the House. It was the hope of the leadership that we might be able to set aside the unfinished business until the conclusion of morning business on tomorrow and allow the senior Senator from West Virginia (Mr. RANDOLPH), who is the chairman of the Public Works Committee, to make a statement on the pending Clean Air Act before the Senate recesses to meet with the House. I would hope that the able Senator from Alabama would not repeat his objection if I seek to renew my unanimous-consent request.

Mr. ALLEN. Mr. President, reserving the right to object, and in view of the request that the Senator from Alabama regards as a personal request, but with the assurance to the distinguished Senator from Indiana that there are many who oppose this resolution and who are willing, ready, and able to speak on the resolution, the junior Senator from Alabama will withdraw his objection.

The PRESIDING OFFICER. The objection is withdrawn.

Mr. BAYH. Mr. President, reserving the right to object, although I have no intention of objecting, the Senator from Indiana is not going to allow the assertion that he has monopolized the floor and prohibited the opponents of Senate Joint Resolution 1 from having adequate opportunity to discuss the matter remain unchallenged in the RECORD.

The Senator from Indiana wants to be as tolerant, as understanding, as congenial, and as cooperative as he possibly can with his colleagues. For these reasons, on each previous morning when a unanimous-consent request was made, he has suggested that the proponents of electoral reform had made their case and it was incumbent upon those who disagreed to express their opposition, as they have a right to do. At no time has there been a single soul willing to stand up and say, "I want to be heard. This is why I do not want electoral reform and that is why I do not want electoral reform." No one has said that they want to be heard.

Today we do not find anything different than we found the last 10 days.

Mr. President, I do not object.

Mr. BYRD of West Virginia. Mr. President, I wish to express my gratitude both to the Senator from Indiana and the Senator from Alabama for their cooperation. The leadership wants to state at this point that it has enjoyed the cooperation of both sides on this matter over the several days that the resolution has been before the Senate. This has enabled the Senate to proceed with other business. I want to express my personal thanks to each Senator.

The PRESIDING OFFICER. The Chair would advise the Senator from West Virginia that he must reoffer his unanimous-consent request.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that it remain in that status until the conclusion of morning business on tomorrow, and that the Senate proceed to the immediate consideration of Calendar No. 1214, S. 4358, and that the able Senator from West Virginia (Mr. RANDOLPH) then be recognized immediately after the S. 4358 is laid before the Senate.

Mr. BAKER. Mr. President, reserving the right to object, do I correctly understand the request of the distinguished Senator from West Virginia to be that we may fully proceed with the Clean Air Act then?

Mr. BYRD of West Virginia. Yes.

Mr. BAKER. And we are not limited just to the speech by the Senator from West Virginia (Mr. RANDOLPH)?

Mr. BYRD of West Virginia. No. The unfinished business would not again come before the Senate until the conclusion of morning business on tomorrow.

Mr. BAKER. I thank the Senator from West Virginia.

The PRESIDING OFFICER (Mr. CRANSTON). Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

NATIONAL AIR QUALITY ACT OF 1970

The PRESIDING OFFICER (Mr. CRANSTON). Without objection, the Chair lays before the Senate, Calendar Order No. 1214, S. 4358, which the clerk will state.

The assistant legislative clerk read as follows:

S. 4358, a bill to amend the Clean Air Act and for other purposes.

The Senate resumed the consideration of the bill.

Mr. RANDOLPH. Mr. President, I ask the distinguished Presiding Officer of this body to advise the Senator from West Virginia and his colleagues who sit with him the approximate time that Members of this body will join the Members of the House of Representatives in connection with the joint meeting.

The PRESIDING OFFICER (Mr. CRANSTON). That will depend on the request that will be made by the leadership.

The Chair recognizes the Senator from Montana.

ORDER FOR RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. MANSFIELD. Mr. President, I ask that, at the appropriate time, after a quorum call has been requested, the Senate stand in recess subject to the call of the Chair at the conclusion of the joint meeting between the two Houses in the other Chamber.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR RECOGNITION OF SENATOR RANDOLPH

Mr. RANDOLPH. Mr. President, the membership will return to the Senate Chamber following the joint meeting. Shall I continue to have the privilege of the floor at that time?

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from West Virginia (Mr. RANDOLPH) have the floor when the Senate reconvenes following the recess.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, in view of the quorum call which is anticipated, I would desire then, I say to the distinguished majority leader, to make my remarks when we return from the joint meeting.

Mr. McCLELLAN. Mr. President, will insertions in the RECORD be in order when we return from the joint meeting?

Mr. MANSFIELD. Not until the time under the Pastore germaneness rule expires.

Mr. McCLELLAN. When would that be?

Mr. MANSFIELD. It should be roughly about that time.

Mr. McCLELLAN. Mr. President, I thank the Senator.

JOINT MEETING OF THE TWO HOUSES—ADDRESS BY COL. FRANK BORMAN, A SPECIAL REPRESENTATIVE OF THE PRESIDENT, ON PRISONERS OF WAR

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the call not exceed beyond 12:13 p.m., at which time, I ask unanimous consent, the Senate stand in recess until the conclusion of the joint meeting in behalf of the U.S. prisoners of war. I would urge every Senator to attend that joint meeting today because it is of great importance.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. Under the previous order, the Senate stands in recess subject to the call of the Chair.

Thereupon, at 12:13 p.m., the Senate, preceded by the Deputy Sergeant at Arms, Mr. William H. Wannall, and the Chief Clerk of the Senate, Mr. Darrell St. Claire, proceeded to the Hall of the House of Representatives to hear the address by Col. Frank Borman.

(The address delivered by Colonel Borman appears in the proceedings of the

House of Representatives in today's RECORD.)

At 1:08 p.m., on the expiration of the recess, the Senate, having returned to its Chamber, reassembled and was called to order by the Presiding Officer (Mr. MANSFIELD).

NATIONAL AIR QUALITY STANDARDS ACT OF 1970

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I shall propound a unanimous-consent request, with the proviso that it be without prejudice to the senior Senator from West Virginia (Mr. RANDOLPH) who is to be recognized under the previous order.

I ask unanimous consent that during further consideration of the pending bill, Calendar No. 1214, S. 4358, the Clean Air Act, debate on any amendment be limited to 1 hour, with the time to be equally divided between the sponsor of the amendment and the manager of the bill; that time on any amendments to amendments, and motions, and appeals, except for motions to lay on the table be limited to 30 minutes, the time to be controlled by the mover of the amendment to the amendment and the manager of the bill; that the time on the bill be limited to 4 hours with the time to be equally divided and controlled between the manager of the bill and the minority leader or his designee; that no amendments not germane to the provisions of the bill be in order; and that time under the bill may be allotted by those in control thereof to any Senator on any amendment, motion, or appeal.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. GRIFFIN. Mr. President, reserving the right to object, I am among those who find some aspects of the bill very controversial.

I want to indicate that I was disturbed originally because it was suggested that only 2 hours of debate be granted on the bill. At my request, the distinguished majority leader and the distinguished acting majority leader have extended that period to 4 hours which will provide additional time in the event the 1 hour and the half hour allotted to a particular amendment might not be sufficient in any particular situation.

This is a very, very important piece of legislation. It is going to have a far-reaching impact on the whole economy, to say nothing of the automobile industry. Yet, I realize that there is only so much time that can profitably be devoted in the Senate in terms of having someone listen to those who want to speak.

I feel that this will be satisfactory and that we can move along and deal with the issues that need to be dealt with.

Mr. President, I do not object.

Mr. GURNEY. Mr. President, reserving the right to object, I want to make an inquiry about the unanimous-consent request.

I intend to offer an amendment to the Dole amendment, a perfecting amendment. With regard to the time provision in that amendment, as I understand it, under the unanimous-consent request, mine would be an amendment to an amendment. I could offer that at any time after the Dole amendment is offered, and I would have a half hour on that amendment.

Mr. GRIFFIN. Mr. President, it is a half hour on the amendment.

Mr. GURNEY. The Senator is correct.

Mr. COOPER. Mr. President, I have no objection to the agreement. However, representing the minority side, I would like to ask if the Senator from Maine (Mr. MUSKIE) has been consulted and if the chairman of the committee, the Senator from West Virginia (Mr. RANDOLPH), has been consulted.

Mr. BYRD of West Virginia. Mr. President, in response to the question of the able Senator from Kentucky, may I say that the Senator from Maine (Mr. MUSKIE) on yesterday afternoon was agreeable to entering into such an agreement. He thought that we were on the verge of having such an agreement. However, at that time there was some objection from the other side. I am confident that there will be no objection from the Senator from Maine, because on yesterday he had thought we were about to reach such an agreement, and he had worked for it.

Mr. COOPER. Mr. President, the Senator from West Virginia was out of the city, I think.

Mr. BYRD of West Virginia. Mr. President, I do not think there would be any objection on his part. I believe I can confidently state that, Mr. President.

Mr. SPONG. Mr. President, was the consultation of the Senator from West Virginia (Mr. BYRD) with the Senator from Maine (Mr. MUSKIE) about the possible time limitation prior to or after the remarks of the Senator from Nebraska (Mr. HRUSKA) on yesterday?

Mr. BYRD of West Virginia. Mr. President, I think I can answer the Senator. My consultation with the Senator from Maine on yesterday occurred following any remarks by the Senator from Nebraska (Mr. HRUSKA).

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, further reserving the right to object, I am thinking now in terms of the fact that we have a policy luncheon and have some matters on the agenda which will require my attention. When will the time begin to run?

Mr. MANSFIELD. I might say that an amendment is pending now. I do not think there will be much difficulty on that amendment, however.

Mr. GRIFFIN. In the meantime, the time will be taken out of the 1 hour allotted to the pending amendment, which will be satisfactory. It would not take away from the time on the bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Chair will see to it that nothing is done before the Republican conference and the Democratic Policy Committee have completed their discussions and until some speakers are on the floor. The time will not begin to run until the distinguished Senator from West Virginia has completed his remarks.

Mr. MANSFIELD. Mr. President, by necessity, the distinguished senior Senator from Washington (Mr. MAGNUSON) could not be present during the consideration of the Clean Air Act amendments. The Senate will not be without his thoughts and views on this measure, however, Senator MAGNUSON has prepared a statement on this antipollution bill and in it he offers his strong support, and recounts for the Senate some of his own achievements and those of the committee he chairs—the Committee on Commerce—in this most important area.

I ask unanimous consent that Senator MAGNUSON'S statement be printed at this point in the RECORD.

There being no objection, Senator MAGNUSON'S statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR MAGNUSON

Mr. President, the Senator from Maine (Mr. Muskie) and his colleagues on the Public Works Committee are to be congratulated for the firm, responsible legislative steps they have taken in S. 4358 to bring automobile air pollution under control. By legislatively mandating the production of low-emission vehicles, Senator Muskie and his colleagues have demonstrated resolve to bring about the production of low-emission vehicles which would significantly reduce air pollution in this country.

Low-emission vehicle development has been a matter of continuing concern to the Senate and the Public Works Committee and Commerce Committee. In 1967 joint hearings were held to explore electric car technology. Those initial hearings were followed in May 1968 by joint hearings to explore steam car technology. On the basis of these hearings and other investigations, the Senate Commerce Committee published a report entitled "The Search for a Low-emission Vehicle" which concluded that the existing legislative approach to vehicular air pollution was inadequate, that other technologies for vehicle propulsion were feasible, and that a new low-emission vehicle had to be produced if we were going to stop the air pollution epidemic.

In January of this year the Senate Commerce Committee and the Public Works Committee again jointly searched for low-emission vehicles in hearings on S. 3072, the Federal Low-Emission Vehicle Procurement bill—a bill which was unanimously approved by this body on March 26th of this year and which now awaits action in the House. This procurement legislation is an essential first step toward realizing the goal of low-emission vehicles by 1975. By offering a guaranteed government market to both innovative producers and the automobile industry itself, the legislation can stimulate early development and production of smogless cars. The premium paid by the government for these cars can help defray costs resulting from necessary acceleration of present research, development and production programs. The procurement legislation also offers vehicle manufacturers the opportunity to fleet test under controlled conditions their low-emission vehicles to insure satisfactory consumer performance when full production is undertaken.

In addition to the joint efforts of the Senate Commerce Committee and the Senate Public Works Committee in the area of automobile air pollution control, both Committees have cooperated in developing legislative provisions authorizing the setting of air pollution standards for other transportation modes, including aircraft and vessels. In March the Commerce Committee participated

in joint hearings on the legislative proposals from which the reported air pollution bill was derived. I am happy to say that the Public Works Committee accepted several suggestions which our Committee made concerning the proper involvement of the Federal Aviation Administration and the Coast Guard when setting standards and conducting compliance tests on aircraft and vessels, matters within the jurisdiction of the Senate Commerce Committee.

Ordinarily the Senate Commerce Committee would request re-referral of a piece of legislation which so profoundly affects transportation matters. But because of the joint efforts already undertaken, because of the lateness of the session, and because of the compelling need to take positive action on this legislation now, no such request will be made.

I support S. 4358 and urge its swift enactment.

Thank you Mr. President.

The PRESIDING OFFICER. The Senator from West Virginia (Mr. RANDOLPH) is recognized.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time under the agreement not begin to run against the Senator from West Virginia (Mr. RANDOLPH) until such time as he has consumed, if he does so consume, 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, our attention to this legislation is of the utmost importance. I am sure that my able colleague on the committee, the junior Senator from Tennessee (Mr. BAKER), would feel it appropriate for me to reemphasize, although perhaps not in his exact words, what he said within the committee at the time we were working on the measure. He indicated on that occasion that the National Air Quality Standards Act of 1970, could well be the most significant domestic measure that would be presented during the 91st Congress.

I echo that expression. I have stated that the matter is of extreme importance to many segments of American life including, of course, all the people of the United States.

In this legislation it is proposed that we establish a national policy for the protection of the health of the citizens of our Republic. I think it should be very clearly understood that this is not the beginning. As we come today, and as we began yesterday, the consideration of this legistion we were building on the legislative framework of the Clean Air Act of 1965 and the 1967 Air Quality Act amendments.

So I think it is pertinent to say that within the Committee on Public Works, and especially within the Subcommittee on Air and Water Pollution, we have been giving attention to these matters, responsible to our colleagues in the Senate, a Senate that I think is responsive to the American people, although we are not always in agreement on the procedures that are proposed in this measure.

The pending bill would require the establishment within 3 to 5 years of its enactment State implementation plans to achieve national ambient air standards to protect the health of citizens of this country.

I undescore that this objective may be very difficult to achieve in this time bracket. It is my belief that an extension of this proposed schedule will probably be required in certain instances.

However, I feel that if we can achieve the objectives in the hoped-for time period we would control and abate today's air pollution and also prevent in part the occurrence of future air pollution problems, and we would do so reasonably and realistically without doing violence to legitimate and necessary business. In the process, both industry and Government will be hard pressed to provide the required capital and manpower for what I know will be a mammoth, but necessary, undertaking.

This legislation will test the willingness of the citizens of this Nation to control and abate environmental pollution. Ultimately every individual citizen would be called on to pay the increased costs associated with the achievement of an environment that protects and improves the public health within this country.

I think it is necessary also to stress the fact that effective implementation in 3 years would require a major commitment by Government and industry. The pending bill contains authorizations of $1.190 billion. This is the commitment of the Federal Government, a commitment, of course, that must be followed within the appropriation process. I have said on many occasions that often we authorize from the standing committees programs for which we have extreme difficulty in providing the necessary funds with which to do the job. It is going to be necessary, if this task is to be completed, that we have the funds to do the work. That is why I call the attention of my colleagues again not only to the authorization activity which results in the measure before us, but also to the responsibility which this body will have to appropriate the required funds.

Equally important will be the commitment of those units of government at the State and local level, and certainly the private sector of our economy. Sometimes we are not as eager as we should be to commend business and industry when, by and large, with exceptions—and this is understandable—business and industry attempt with Congress to move forward in these matters, making their own viewpoints known. Sometimes, very candidly, the differences that exist are, in reality, our strengths. We do not have to be uniform in the presentation of a bill to have a unity on the measure because certainly the detail provisions must be subject to very close scrutiny. But it is the purpose of this legislation, which I hope the Senate will approve, as well as the actual words of the act as presented.

I earlier mentioned that we have a framework of action. It is a framework which began with Clean Air Act of 1965 and the Air Quality Control Act of 1967. Frankly, there has been the necessity to change that program and there will be the necessity in the months and years ahead to refine the pending measure.

The National Air Quality Standards Act of 1970, I believe, will accelerate the effort to provide clean air through additional policies and procedures for action. It is important that we act and that we do so not just in a desire to act but to do it with knowledge and intelligence. I hope we are doing that in this legislation.

Progress in implementing the policies in this legislation will receive continuous review by the Committee on Public Works over the 3-year authorization period. Where necessary, further congressional action will be provided. During this time all affected parties will have an opportunity to present their views. Under review by the committee will be the commitment of both industry and Government to air quality.

I want to state again with emphasis that I would rather have us feel that this is not a matter of Government as a senior partner and industry as a junior partner. I would like to think of this as a partnership, a full partnership, a partnership of understanding, a partnership of concern, a partnership of action in reference to what we are doing in this legislation.

I call attention to the fact that in the past the Federal staffing and funding have left much room for improvement, as has the commitment of funds and personnel and staff at each level of Government.

In 1967, it was estimated that the staff of the National Air Pollution Control Administration would have to increase to 1,900 in fiscal 1970 if the Air Quality Act of 1967 were to be implemented in its full potential. Yet, as of May 1, 1970, NAPCA had only 971 full time permanent workers on its staff as compared with provision for 1,116 in its 1968 budget. This inadequacy has been the chief deterrent to progress in the NAPCA effort to abate air pollution. If implementation of the act of 1970 is to be achieved, the administration—and I am not critical of the administration when I make this statement—must fund and staff the National Air Pollution Control Administration at the required level.

We must have the development of new and improved emission control systems for both stationary and moving sources. Funds were provided in the Air Quality Act of 1967 to stimulate development of the required technology. This research and development effort has been severely underfunded in the intervening years, a situation that must be remedied.

I call upon the Members of the Senate and the House, I call upon all the people of the country who are concerned with this problem, to see that this situation is remedied in the months ahead. For example, we placed in the 1967 act authorization for a 5-year research and development program for the control of sulfur oxide emissions from stationary sources. This program called for a Federal expenditure of $394 million, including $215 million for the period from 1968 through 1970. Yet, in this 3-year period the estimated actual expenditure has been only $82 million, or $123 million behind schedule. The estimated expenditure for fiscal 1971 was $94 million, as compared to the currently planned expenditure of $26 million.

I reviewed this research effort in some detail in my Senate remarks on S. 4092 and the current fuels and energy crisis on July 16, 1970, and in testimony on the bill before the Interior Committee on September 2, 1970.

This was in connection with my remarks when I introduced a bill, with the cosponsorship of more than 60 of my colleagues, to establish a Fuels and Energy Commisison in this country, keeping in mind environmental factors. That was on September 2, before a subcommittee of the Committee on Interior and Insular Affairs, in which this situation, which certainly is a crisis, was stressed.

The remedies to air pollution, however, must not rely solely on add-on devices. Insufficient attention has been given to such other alternatives as fuel cleaning, more efficient methods for combusting fuels, and the development of synthetic fuels with low potential for environmental impact.

The committee, therefore, has expanded the research and development authority under section 104 of the Air Quality Act. The development of control methods, process changes, and improved operating procedures all offer potential remedies to reduce atmospheric emissions. These alternatives can be funded and developed under that act. The private sector can actively participate as well as support its own development efforts. In concert between the Federal Government and industry there can be accelerated development of new and improved means to reduce atmospheric emissions.

The legislation being debated today reflects an evolutionary developmental effort by providing for the establishment of performance standards for new stationary sources. This provision would require the application of the most effective means of preventing and controlling air pollution for new stationary sources.

The overriding purpose of performance standards for new stationary sources is to prevent the occurrence of new air pollution problems. These standards will insure that when an industry moves into any area with low pollution levels, that this new facility does not appreciably degrade the existing air quality. The first plant in a new area must meet the same standards of performance as subsequent plants, thus spreading the responsibility equally among all facilities for maintaining clean air.

This legislation also provides for emission standards for hazardous materials. Concern is for material which in trace quantities in the ambient air contribute to a high risk of serious irreversible or incapacitating effects on health. It is anticipated that this provision will be employed to control only those materials which are extremely hazardous or toxic to people. It is anticipated that a limited number of pollutants come within this category.

It may be desirable to provide a total prohibition of emissions for these contaminants, but it is recognized that emissions may be possible without endangering public health. The committee intended that the burden of providing that emissions are possible without endangering the health of persons should rest with the emitter.

An administrative procedure, Mr. President, as I conclude my remarks, is provided for those industries that discharge hazardous materials to present scientific and medical evidence that the public health is not in danger when low level discharge of these materials is permitted. It is intended that the Secretary, in establishing the emission standards for these materials, would give recognition to the fact that trace materials may occur as impurities in many types of combustion. In this regard, section 115 would apply to primary producers of hazardous materials rather than to general combustion processes in which these materials appear as pervasive but in almost immeasurably small quantities.

Mr. President, as I indicated in my first few words, this is a significant approach to a very pressing problem. I think that in the 91st Congress, we cannot overstate the gravity of the situation, and the compelling need to enact such legislation. I think it is without question one of the most far-reaching environmental protection measures to be considered, perhaps not only in this Congress, but over a considerable period of years. It is also one which will have broad economic impact. I recognize this, and I am concerned to a great degree, as I have stated within the subcommittee, within the committee, and again on the Senate floor. I must remind Americans that there will be price tags on the costs which they will pay for goods and services.

And so, as we desire, and properly so, to enhance the quality of our environment, to provide cleaner air, that Americans may live in greater health, we know that what we are doing will be felt, not so much today or tomorrow, but it will be felt by those generations that will be active in the United States of America 10, 15, or 20 years from now.

For the reasons that I have stated, Mr. President—and, of course, there are other reasons which members of our committee, and especially our subcommittee, have presented and will present—I urge the enactment of S. 4358.

If this bill is passed, and if this bill or a revised measure goes to the President of the United States and is signed into law, I feel that we can proceed with an accelerated effort to improve the air which is breathed by the increasing population of men, women, and children of this country—some 209 million persons living in this Nation today. What the figures will be in a few years we do not know, except that we have every indication that our population will increase, and the people in this country will desire, in large numbers, to continue to live in the urban and the closely clustered suburban areas of our country. So this is a real problem, a problem that concerns all of us, not just industry and business and Government, but the people of the United States as a whole; and I hope that we here today, and subsequently on the amendments that shall be voted, will make a further commitment to do this job and to do it, Mr. President, while we still have time.

Mr. GURNEY. Mr. President, I support S. 4358, the National Air Quality Standards Act of 1970, which was reported by our Committee on Public Works on September 19, 1970, by a unanimous vote of its members.

I have been privileged to serve on the Committee on Public Works and I wish to take this occasion to pay particular tribute to the leadership of our chairman, the distinguished senior Senator from West Virginia (Mr. RANDOLPH), and to the leadership of the ranking minority member, the distinguished Senator from Kentucky (Mr. COOPER) and also that of chairman of the Subcommittee on Pollution, the distinguished Senator from Maine (Mr. MUSKIE) and the ranking member on that subcommittee, the distinguished Senator from Delaware (Mr. BOGGS). They all are to be commended upon their work on this bill.

Mr. President, the need for improving the quality of the air nationwide has been apparent for some time, but I think it was brought home to us all at the end of last July and in the first week of August when almost the entire east coast of the United States was smothered in a choking smog. As we looked at our great cities through watery eyes the realization came, I think, with great urgency that the Congress must act decisively about this incredible state of affairs. The quest for solutions to our national problems of air pollution which a decade ago had been the regard of merely a handful of scientists and forward-looking conservationists has become an issue of a national overwhelming concern.

As President Nixon said in his February message on the environment:

> The time has come when we can wait no longer to repair the damage already done and to establish new criteria to guide us in the future.

Autos and trucks, generally agreed to be the biggest single source of pollutants in the air, came in for a great deal of criticism last August. Fifteen States filed suits in the Supreme Court in an attempt to force automakers to produce pollution-free cars at the earliest possible date.

We have had our share of the prophets of doom and gloom who have told us again and yet again that the battle has been lost before it has been joined and that our planet is inexorably succumbing to the poison of its own chemical and natural waste products.

I do not share, nor can I ever share, such pessimism. It seems to me that the genius of the American spirit which produced so much for so many can, if properly channeled and directed, be turned to the problem of successfully cleaning up our environment. It is axiomatic that this battle will be a costly one and I think it deserves the highest priority in our national councils. If the fight against polluted air, filthy water, and solid waste is to be won, we must have a united attack upon it by all levels of Government: Federal, local, and State, by

industry, and by individuals throughout the Nation. I think the prospects of mounting such a victorious offensive are real and substantial. I think we are on the way. I think that this bill, S. 4358, the National Air Quality Standards Act of 1970, which has been presented to the Senate by the distinguished chairman of the Public Works Committee, is a significant contribution to that fight.

The National Air Pollution Control Administration tells us that five chemical contaminants are the most offensive and dangerous factors in air pollution today. The most pervasive of these is carbon monoxide, of which we have 100 million tons per year coming largely from autos, trucks, and buses. It has been stated by the National Institutes of Health that even in small amounts, carbon monoxide diminishes the reflexes of individuals and impairs their judgment.

Sulfur dioxide, of which 33 million tons are dumped into the air annually, is an irritating gas which comes mostly from burning of oil and coal and it adversely affects the individual's lungs and his throat. If he has any respiratory difficulty at all, be it minor such as a cold, or major such as emphysema, sulfur oxide aggravates that ailment.

Particulates, of which 28 million tons find their way into the air in the United States annually, are tiny bits of solid matter, some of which are extremely dangerous to the respiratory system. Again, they come mainly from the burning of coal and from smokestacks which are not properly filtered.

Hydrocarbons, of which half of the 32-million-ton total is each year discharged from trucks and autos, are reputed to be a key ingredient in the smog that surrounds so many of our cities these days.

Nitrogen oxides, of which 20 million tons yearly find their way into our air stream, is another smog-inducing element, which daily pours out of motor vehicle tailpipes and also from combustion of fuel, coal, oil, and so forth, at stationary sources.

Tallied up, the public health officials estimate that 91 million tons of toxic material annually go into our atmosphere as a result of the internal combustion engines in automobiles, trucks, and buses. Our bill is aimed specifically at reduction of the toxic substances poured into the air by automobiles and by stationary users of fuels in our hope that we can significantly lower the level of air contamination in future years. We cannot, obviously, outlaw the internal combustion engine; we cannot forbid the burning of coal or oil. The problem, as I see it, is one of balancing: How we can develop standards and procedures and controls which will reduce significantly the present level of air contamination, while at the same time not causing a severe economic dislocation. It is not sufficient at this time to point an accusatory finger at industry, or at the consuming public, or at the utilities, or at the car manufacturers, or at any group within our society and try to make them the villain of this tableau. There is no villain. There is only a problem which needs to be remedied. Our bill in my judgment is a rational and viable approach to this problem.

In many ways the bill presently under consideration is a trail-blazer on the part of Congress. We have spelled out and specifically written into this act the emission standards to be imposed on sources of pollution, and when we did that, we did it with the realization that we were entering unknown and unexplored territory. I think the situation in our country demands this kind of action. But, like a surgeon's most powerful drug, such a drug is fraught with danger unless expertly administered and unless the patient is safeguarded against its deleterious side-effects. And so, while I support wholeheartedly the intent of our committee in this piece of legislation, I would offer several caveats which I think must be recognized from the outset.

I am troubled by two portions of the bill: First, the establishment within the bill of emission standards for motor vehicles to be established and made operational by January 1, 1975, and second, by the provision which relates to judicial review of the Secretary of Health, Education, and Welfare's determination in this regard. On the question of setting standards by 1975, our committee has been informed by the entire automobile industry that the technology to effect the desired result will not be available for wholesale use on millions of motor vehicles by 1975. I do not know if this contention on the part of the automobile industry is, in fact, correct, and as I pointed out in my individual views which were submitted with the report, no one knows whether this contention is correct, since hearings were not held on this specific subject. As I stated in my individual views, I think that mandating standards set out in this bill for a January 1, 1975, achievement is open to the criticism that it is arbitrary. Nevertheless, I think that the January 1971, deadline can be left in the bill provided we also include some sensible way to prevent economic dislocation should the technology not be available on that date. The inclusion of the deadline is a goal for automakers to speed such technological development. Hopefully they will achieve it. If they do not, I would suggest that the manufacturer or manufacturers be allowed to apply for two extensions of 1 year each in order to make such performance and emission standards a reality. The bill as it now stands provides for a 1-year extension subject to judicial review in the U.S. Court of Appeals for the District of Columbia circuit. My suggestion would be that the Secretary of Health, Education, and Welfare should be empowered to make such an extension or extensions on the facts presented to him, and that a determination on his part either to grant or withhold such a suspension should not be subject to judicial review.

I say this not because of any resentment or dislike for the process of judicial review. On the contrary, I think judicial review is eminently suitable in most instances. I think, however, that this is an extraordinary case and that the process of judicial review would not serve the best interests of the general public. I think that it would be potentially time consuming and might very well delay, instead of hasten, the implementation date of emission standards which we all want to see. We have reposed great authority and responsibility in our bill in the Secretary of Health, Education, and Welfare. It is he who is responsible for the promulgation of air quality standards and their supervision and enforcement.

In the final analysis, in my judgment, it should be the Secretary who should have the authority to make the determination about whether a suspension of the January 1, 1975, deadline is desirable and/or necessary. The Secretary has experts at his disposal within the Department of Health, Education, and Welfare; he has developed a wealth of technical knowledge within the Department on this subject. His engineers have been working closely with the auto industry for some time now on solving the air pollution problem. There is no one in or out of Government better able to make a sound judgment on whether or not the auto manufacturers can meet the January 1, 1975, deadline. If evidence presented to the Secretary shows that the automakers have made good faith attempts to lick this technological problem and have failed to meet standards set in the bill by January 1, 1975, he can, and should, grant suspension.

I think we can rely on the good faith and the bona fides of the Secretary of Health, Education, and Welfare. I do not think that he would use the suspension power which we have granted him in this bill lightly or casually. It is my understanding that he would only grant such a suspension after a long and exhaustive administrative proceeding at which all points of view, including the point of view of the environmentalist and conservationist groups, had been heard, considered, and digested. To subject his final determination in this regard to judicial review would seem to me to be unwise and unwarranted. As I have said, it might well delay the implementation process of this bill.

While there are other more technical corrections which I think we can make in the bill, they are for the most part perfecting amendments as distinguished from substantive changes. I think, on the whole, that the Congress should feel a sense of accomplishment with this bill. I think we have met the problem of air pollution head on. There is no shirking or avoiding in this bill; it is a sweeping public statement by Congress that it is a national goal and a high national priority to diminish the level of air pollution which we currently have in the Nation and a full-fledged confrontation with this great national problem.

Many, many long hours of thought and work have gone into this bill. It is a comprehensive and, to a certain extent, complex piece of legislation, but we are dealing with a far-reaching and a very complex subject that needs and demands the frontal attack which we in the Committee of Public Works have mounted by this bill. It is probably not a perfect piece of legislation. After all, we are none of us experts on chemistry or in chemical contaminants, but we have availed ourselves of the expertise which we could find extant in the executive

branch, and we have heard from industry and numerous environmental experts in the private sector. It is my hope that Congress will pass this bill and send it to the President. I have every confidence that the President will sign it into law and that we will be on our way to finding a national solution for the staggering health problem of air pollution.

Mr. President, I yield back the remainder of my time and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SPONG). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MUSKIE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER (Mr. CASE). The Senator from Tennessee is recognized for 5 minutes.

Mr. BAKER. Mr. President, a parliamentary inquiry. Is the pending amendment my amendment No. 926?

The PRESIDING OFFICER. Would the Senator please restate his parliamentary inquiry in loud and ringing tones. The Chair did not hear the Senator.

Mr. BAKER. The Senator from Tennessee apologizes to the Chair. His parliamentary inquiry was whether the pending business is his amendment No. 926.

The PRESIDING OFFICER (Mr. CASE). The Senator is correct.

Mr. BAKER. I thank the Chair.

Mr. President, I spoke on this amendment yesterday and pointed out that its purpose and intent is to exempt from the provisions of the warranty section of the bill a cost obligation running against the dealer or distributor.

It is clear from the bill, and I think it is clear from the language of the report, that no such result was intended and that the warranty provisions would run entirely against the manufacturer who, after all, is responsible for designing and manufacturing the automobile, which is the subject of this title.

But to make it abudantly clear, so that there can be no misunderstanding, the Senator from Tennessee felt it would be appropriate to provide that specific exemption in the body of the bill itself.

That is the purpose of this amendment. It was my understanding yesterday that the manager of the bill, the distinguished Senator from Maine (Mr. MUSKIE), was agreeable to accepting it. Since yesterday there has been the opportunity to have the amendment printed. It is on the desk of every Senator now. I have had occasion to discuss it with a number of Senators on both sides of the aisle.

I am prepared at this time to yield back the remainder of my time.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. BAKER. Mr. President, I would be happy to yield to the distinguished Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. MUSKIE. Mr. President, I take just a moment to reaffirm my support for this amendment, which I expressed on yesterday.

It does reflect the intent of the legislation and of the committee and clarifies that intent.

For that reason I support it.

Mr. President, I yield back the remainder of my time.

Mr. BAKER. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from Tennessee.

The amendment was agreed to.

Mr. BAKER. Mr. President, I move that we reconsider the vote by which the amendment was agreed to.

Mr. MUSKIE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MUSKIE. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

At the end of the bill insert a new section as follows:

"SEC. 14. If Reorganization Plan No. 3 of 1970 becomes effective prior to the date of enactment of this Act, wherever in any amendment made by this Act the term (1) "Secretary" or "Secretary of Health, Education, and Welfare" is used it means the Administrator of the Environmental Protection Agency, or (2) "Department of Health, Education, and Welfare" is used it means the Environmental Protection Agency."

Mr. MUSKIE. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Maine is recognized for 5 minutes.

Mr. MUSKIE. Mr. President, I will not take 5 minutes to explain the amendment. This is a technical amendment. It is intended to make clear that if the President's proposed Environmental Protection Agency becomes law under the reorganization plan which he submitted to Congress, all references in the bill to the Department of Health, Education, and Welfare will relate to the new agency.

The amendment is necessary in the event that Agency becomes the administering Agency of this program.

Mr. President, I do not think there is any question about the amendment. If there is none, I yield back the remainder of my time.

Mr. BOGGS. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from Maine.

The amendment was agreed to.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Leonard, one of his secretaries.

INTERIM REPORT BY SECRETARY OF THE INTERIOR—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Interior and Insular Affairs.

To the Congress of the United States:

In accordance with Public Law 89–605, as amended, I am pleased to transmit an interim report by the Secretary of the Interior which summarizes his progress in negotiations on a compact for the Hudson River Basin.

I share the Secretary of the Interior's concern over the need for coordinated comprehensive planning and action for the Hudson River Basin and strongly support the approach to negotiations provided for by Public Law 89–605, as amended. The involvement of the States and the Federal Government from the start of the negotiations has enabled both levels of government to have their respective voices heard in determining the most appropriate management solution for the complex problems of this important river basin. I am directing the Secretary of the Interior to proceed with his mission to reach an agreement with the States of New Jersey and New York.

RICHARD NIXON.

THE WHITE HOUSE, *September 22, 1970.*

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (S. 3014) to designate certain lands as wilderness, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 12870. An act to provide for the establishment of the King Range National Conservation Area in the State of California;

H.R. 16710. An act to amend chapter 37 of title 38, United States Code, to remove the time limitations on the use of entitlement to loan benefits, to authorize guaranteed and direct loans for the purchase of mobile homes, to authorize direct loans for certain disabled veterans, and for other purposes; and

H.R. 18731. An act to increase from $20 to $40 per day the per diem allowance authorized in lieu of subsistence for members of the American Battle Monuments Commission when in a travel status.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 12870. An act to provide for the establishment of the King Range National Conservation Area in the State of California; and

H.R. 18731. An act to increase from $20 to $40 per day the per diem allowance author-

ized in lieu of subsistence for members of the American Battle Monuments Commission when in a travel status; to the Committee on Interior and Insular Affairs.

H.R. 16710. An act to amend chapter 37 of title 38, United States Code, to remove the time limitations on the use of entitlement to loan benefits, to authorize guaranteed and direct loans for the purchase of mobile homes, to authorize direct loans for certain disabled veterans, and for other purposes; to the Committee on Banking and Currency.

NATIONAL AIR QUALITY STANDARDS ACT OF 1970

The Senate continued with the consideration of the bill (S. 4358) to amend the Clean Air Act, and for other purposes.

AMENDMENT NO. 928

Mr. DOLE. Mr. President, I call up amendment No. 928.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to state the amendment.

Mr. DOLE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the RECORD.

The amendment reads as follows:

On page 48, beginning with line 11, strike out all through line 6 on page 52, and insert in lieu thereof the following:

"(4) (A) Within twenty-four months but no later than twelve months before the effective date of standards established pursuant to this subsection any manufacturer or manufacturers may file with the Secretary an application for a public hearing on the question of a suspension of the effective date of such standards for one year. Upon receipt of such application, the Secretary shall promptly hold a hearing to enable such manufacturer or manufacturers and any other interested person to present information relevant to implementation of the standards.

"(B) In connection with any hearing under this subsection, the Secretary may sign and issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpena served upon any person under this subparagraph, the district court of the United States for any district in which such is found or resides or transacts business, upon application by the United States and after notice to such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(C) Within six months after such receipt of the application for suspension the Secretary shall, if he finds upon a preponderance of evidence adduced at such hearing that a suspension is essential to the public interest and the general welfare of the United States, that all possible and good faith efforts have been made to meet the standards established by this subsection, and that effective control technology, processes, operating methods, or other alternatives are not available or have not been available for sufficient period to achieve compliance prior to the effective date of such standards even with the full applications of section 309 of this Act, recommend to Congress that (i) the effective date of such standard be suspended for a period of only one year, and (ii) the emission standard that should be applied during any such suspension which standard shall reflect the greatest degree or emission control possible through the use of technology available.

"(D) The findings and recommendations required by this subsection shall not be subject to judicial review. Such recommendations shall be effective as law at the end of the first period of sixty calendar days of continuous session of Congress after the date on which the recommendation is transmitted to it unless, between the date of transmittal and the end of the sixty-day period, either House passes a resolution stating in substance that the House does not favor such recommendation.

"(E) For the purpose of this paragraph—

"(i) continuity of session is broken only by an adjournment of Congress sine die; and

"(ii) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the sixty-day period.

"(F) Nothing in this paragraph shall extend the effective date of any emission standard established pursuant to this subsection for more than one year."

Mr. DOLE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOLE. Mr. President, we are under a time limitation of 1 hour.

The PRESIDING OFFICER. The Senator is correct, 1 hour, 30 minutes on each side.

How much time does the Senator from Kansas yield himself?

Mr. DOLE. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 10 minutes.

Mr. DOLE. Mr. President, in 1968, moving sources were responsible for more than 42 percent of the total emissions of the five major pollutants—including 64 percent of the carbon monoxide and 50 percent of the hydrocarbons. In health effects, these pollutants may cause cancer, headache, dizziness, nausea, metabolic and respiratory diseases, and the impairment of mental processes. In particular, the President pointed out in his message on the environment that—

Studies show that exposure to 10 parts per million of carbon monoxide for approximately 8 hours may dull mental performance. Such levels of carbon monoxide are commonly found in cities throughout the world. In heavy traffic situations, levels of 70, 80 or 100 parts per million are not uncommon for short periods.

Solving our air pollution problems therefore depends on the achievement of significant reductions in automobile emissions. Because of this fact, the Public Works Committee determined that the establishment of motor vehicle emission standards is a policy decision so important to public health that it should be made by the Congress, rather than the Secretary of Health, Education, and Welfare. Because Congress has made the establishment of emission standards a question of congressional policy, it should retain the authority to review that policy decision on the basis of social, health, and economic considerations. Congress will have a complete record on the basis of the Secretary's findings, which will enable it to act expeditiously, if action is required.

Further, the argument for judicial review is convincing, but I cannot agree with that approach for several reasons. First, there is an increasing tendency to delegate responsibility for policy decisions to the judiciary. While that branch of Government is less susceptible to political and economic pressures, it has been increasingly subjected to the pressure of a growing backlog of cases. The senior Senator from Nebraska, in discussing section 304 of this bill, noted yesterday that Chief Justice Burger had called attention to the plight of the judicial system. The words of the Chief Justice are worthy of our serious consideration:

Meanwhile, not a week passes without speeches in Congress and elsewhere, and editorials, demanding new laws, new laws to control pollution, new laws to change the environment, new laws to allow class actions by consumers to protect the public; but the difficulty lies in our tendency to meet new and legitimate demands for new laws but without adequate considerations for the consequences on the courts.

The Senator from Nebraska also inserted the appendix of the fiscal year 1969 annual report of the Director of the Administrative Office of the U.S. Courts. It contained convincing figures that indicate the Congress must be very careful not to further overload the judicial system.

Although the provision for judicial review contained in the bill provides that the automobile manufacturers' petition would be expedited, the decision of the U.S. Court of Appeals for the District of Columbia is subject to review by the U.S. Supreme Court. It is likely that if the automobile manufacturers do not appeal, other interested persons or the United States will. Furthermore, there are other procedural safeguards incumbent in the judicial process that may delay the final decision on whether an extension will be granted until the issue becomes moot.

I believe congressional review, based on the Secretary's findings and recommendations, is the best answer to the difficult problem created by the establishment of a 1975 deadline.

Mr. President, let me read some excerpts from the amendment so that it may be fully understood.

The amendment reads in part:

"(4) (A) Within twenty-four months but no later than twelve months before the effective date of standards established pursuant to this subsection any manufacturer or manufacturers may file with the Secretary an application for a public hearing on the question of a suspension of the effective date of such standards for one year. Upon receipt of such application, the Secretary shall promptly hold a hearing to enable such manufacturer or manufacturers and any any other interested person to present information relevant to implementation of the standards."

The next section indicates that in connection with the hearings, of course, certain subpoenas and other procedures will be followed.

Section (C) states:

"(C) Within six months after such receipt of the application for suspension the Secretary shall, if he finds upon a preponderance

of evidence adduced at such hearing that a suspension is essential to the public interest and the general welfare of the United States, that all possible and good faith efforts have been made to meet the standards established by this subsection, and that effective control technology, processes, operating methods, or other alternatives are not available or have not been available for sufficient period to achieve compliance prior to the effective date of such standards even with the full applications of section 309 of this Act, recommend to Congress that (i) the effective date of such standard be suspended for a period of only one year, and (ii) the emission standard that should be applied during any such suspension which standard shall reflect the greatest degree or emission control possible through the use of technology available."

Mr. President, I specifically note the language in section (D):

"(D) The findings and recommendations required by this subsection shall not be subject to judicial review. Such recommendations shall be effective as law at the end of the first period of sixty calendar days of continuous session of Congress after the date on which the recommendation is transmitted to it unless, between the date of transmittal and the end of the sixty-day period either House passes a resolution stating in substance that the House does not favor such recommendation."

Mr. President, the chairman of our subcommittee and the ranking minority member of the subcommittee stressed time and time again that we are making very difficult policy decisions. They have been made time after time by Congress, but we have to accept the responsibility for making these very difficult decisions. The same is true with respect to emission standards for model year 1975. It seems to me that if we wish to be consistent, Congress must accept responsibility for extension of that deadline in the event the standards cannot be met.

While I have no quarrel with judicial review as an orderly procedure, in this instance where Congress imposes standards, if good faith efforts are made, an extension might be necessary. Why, should not Congress have the final word on whether or not the extension should be granted? By Congress making the final judgment, the automobile industry would not have to wait 1, 3, 4, 5, 6 months, or 2 years for a court to act, but would have a decision within 60 days.

I have no pride of authorship in the amendment. I believe it fits the situation. It puts the matter squarely up to Congress: Should we pass a law which everyone agrees imposes very strict standards, and then back away from it and say, "Leave it up to the Court or the Secretary." I feel if we are willing to impose deadlines today we should be willing to determine in the future whether the deadlines should be extended.

Therefore, I strongly suggest this amendment does offer some compromise.

Mr. President, in conclusion I wish to say that this amendment is the result of efforts by the subcommittee and the full committee to find the best possible avenue of resolving a very difficult problem. If we tell a great industry it must meet certain standards by January 1, 1975, or the 1975 model year, then as indicated earlier, we must accept the responsibility for making the final judgment. My amendment would be a substitute for language now contained in the bill and would give Congress this vital responsibility. It is patterned very much after the reorganization acts submitted by the executive branch from time to time.

If either the House or the Senate do not accept the recommendations of the Secretary, for a 1-year extension, then there is not a 1-year extension, but at least we then come to grips with the problem we created by the passage of this legislation. It occurs to me that in fairness to the industry, to the courts, and the Secretary, this should be a partnership. There should be a coming together and this amendment would provide that compromise because in the first instance the Secretary holds the hearings, he makes the recommendations, and we have 60 legislative days in which to act or not to act.

It does offer a compromise and we would not "pass the buck," so to speak, to the judiciary system of the United States.

Mr. BOGGS. Mr. President, will the Senator yield for 3 minutes?

Mr. DOLE. I yield 3 minutes to the Senator from Delaware.

Mr. BOGGS. Mr. President, I wish to commend the distinguished Senator from Kansas (Mr. DOLE) for offering this amendment, together with his excellent presentation and explanation of the amendment.

I wish to express my strong support for the amendment.

One of the most significant aspects of this legislation is the deadline proposed under section 202(b) which requires a specific degree of emission control by the 1975 automotive model year.

We must realize that a possibility exists that good faith effort will still find the automotive industry short of that low-pollution goal. Therefore, the committee wisely provided a provision for secretarial review, on the question of granting relief for 1 year in the deadline. Under the proposal made by the Senator from Kentucky (Mr. COOPER) and the Senator from Tennessee (Mr. BAKER) and incorporated into the bill, the Secretary's decision would be subject to judicial review.

The Dole amendment preserves the basic thrust of section 202(b)(4), but returns the responsibility for review of the Secretary's decision to the Congress.

It is my view that congressional review is more appropriate in light of the responsibility that the Congress is assuming in establishing a specific standard of emissions control.

The amendment of the Senator from Kansas (Mr. DOLE) encourages the Congress to meet that responsibility.

I am happy to join with him, and I do support his amendment.

I thank the Senator for yielding.

Mr. MUSKIE. Mr. President, will the Senator yield to me for a minute or two?

Mr. DOLE. I yield.

The PRESIDING OFFICER. The Senator from Maine has his own time.

Mr. MUSKIE. Mr. President, I support the amendment and the time in opposition should go to someone else. I would suggest, if he is willing, the Senator from Kentucky take the time in opposition.

The PRESIDING OFFICER. Who yields time?

Mr. COOPER. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 1 minute.

Mr. COOPER. Mr. President, the Senator from Delaware is controlling the time.

Mr. BOGGS. The Senator from Kansas is controlling time for those in favor.

Mr. MUSKIE. Technically I control time of those against.

Mr. COOPER. I understand the Senator from Florida (Mr. GURNEY) will offer an amendment to the amendment of the Senator from Kansas. Is it the Senator's intent to offer that amendment now?

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. GURNEY. Once we debate the issues on the Dole amendment I do intend to offer an amendment to the Dole amendment to change the time provision in the Dole amendment.

Mr. COOPER. Is the Senator prepared to offer his amendment now?

Mr. RANDOLPH. Mr. President, I cannot hear the discussion that is going on. I am not critical but I make the point of order that the Senate is not in order.

The PRESIDING OFFICER. The Senate is not in order and the Senate will be in order.

Since the Senator from Maine is supporting the amendment, the minority leader or his designee will control time in opposition.

Mr. BOGGS. Mr. President, the Senator from Kentucky (Mr. COOPER) is in opposition.

The PRESIDING OFFICER. The Senator from Kentucky has control of the time in opposition. Does the Senator yield himself time?

Mr. COOPER. I yield myself 2 minutes.

Mr. President, if the Senator from Florida is not ready to send his amendment to the Dole amendment to the desk, I am ready to present my case against the Dole amendment.

Mr. GURNEY. Mr. President, if the Senator would yield, I shall be very happy to send my amendment to the desk. Then we can dispose of the whole thing.

Mr. COOPER. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time to the Senator from Florida?

Mr. DOLE. Mr. President, I yield 1 minute to the Senator from Florida.

Mr. GURNEY. Mr. President, I send an amendment to the amendment to the desk.

The PRESIDING OFFICER. The Chair is advised that the Senator may not offer his amendment until all time is yielded back or used on the pending amendment.

Mr. GURNEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GURNEY. Can the amendment simply be read? That is all I want to do.

The PRESIDING OFFICER. The amendment may be read.

The assistant legislative clerk read the amendments intended to be proposed to the amendment of Mr. DOLE, as follows:

On page 1, beginning on line 1, strike "Within twenty-four months but no later than twelve months".

On page 1, line 2, capitalize the word "before".

On page 1, line 4, after the word "application" insert the following: "in a timely manner to be determined by the Secretary".

Mr. GURNEY. Mr. President, I shall take just a minute to explain my amendment briefly, so the Senator from Kentucky can have the two amendments before him and present his argument to both.

All this amendment does is change the time provision in the Dole amendment in which application can be made to the Secretary for relief under the bill. The Dole amendment provides that application cannot be made before 2 years prior to January 1, 1975, when the standards take effect, and they cannot be made any later than 1 year prior to that date. My amendment simply provides that the automobile manufacturers may make application——

The PRESIDING OFFICER. The time of the Senator from Florida has expired.

Mr. DOLE. Mr. President, I yield 1 minute to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GURNEY. My amendment merely provides that the automobile manufacturers may go to the Secretary at any time, in a manner to be determined timely by him, to present their case.

The reason why I am offering the amendment is that, as I understand it, a great deal of leadtime is necessary, somewhere between 2 and 2½ years, of tooling-up-time processes for the manufacturers, and that they need a longer time than 24 months.

Mr. DOLE. Mr. President, I yield 2 minutes to the Senator from Maine (Mr. MUSKIE).

Mr. MUSKIE. Mr. President, two issues have been raised. I would like to respond to the first one initially in the 2 minutes the Senator has just given me.

The issue raised by the Senator from Florida I shall discuss later, but, with respect to the Dole amendment, I support it. I supported it in committee. It was offered in committee as a substitute for the judicial review provision which is in the bill.

I support it for these reasons, all of which I think have been touched upon by the distinguished Senator from Kansas:

First of all, we are making a congressional policy decision if we enact the law. It is a serious one and without precedent. We have done it because of the urgency of the problem. If the policy is changed, only the Congress should change it. The advantage of the Dole amendment is that it would bring the decision back to Congress to be made. For that reason I support the Dole amendment.

The second reason why I support the Dole amendment is that this is a technical question. I think the judiciary, within the judicial review provisions in the bill, would find it difficult to come to grips with technical decisions of this complexity. On the other hand, in the administration we have an agency established by Congress which has developed the expertise, know-how, and background to review any request for a change in the deadline. The Dole amendment would put that machinery into motion. After it had completed its work, the Secretary would then make a recommendation to the Congress, and the policy decision would be made here, with the benefit of all the background developed by the Secretary in the administrative process.

So I think the Dole amendment is an ideal way to get at the question of whether or not to postpone the deadline at some point in the future. For that reason, I support it. I think it makes a great deal of sense. It was offered in committee. The vote was very close. As I recall it, it was 8 to 6. So the committee was pretty closely divided on it. For that reason, I have no hesitation to support this amendment, as I did in committee, to support it on the floor, and to urge the Senate to support it, as well.

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. Mr. President, I ask the Senator from Kentucky to yield me time.

Mr. COOPER. I shall yield the Senator, but first I yield myself 30 seconds.

This is an important amendment. It involves the only possibility of review, what I would call due process of law, in this provision of the bill. I can attest that it is hard to understand the bill, with all its provisions, even after working on it for weeks and months. The Senator from Maine knows that so well.

I would like to ask unanimous consent that we may have a quorum call, without the time being taken from either side, in order to get more Senators to listen to the debate on this bill which will have great impact upon the economic and social fabric of this country.

Mr. MUSKIE. Mr. President, is this to be a live quorum?

Mr. COOPER. No.

Mr. MUSKIE. I have no objection.

The PRESIDING OFFICER. The clerk will call the roll, and without objection the time will be taken from neither side.

The assistant legislative clerk proceeded to call the roll.

Mr. COOPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. COOPER. Mr. President, I yield to the distinguished Senator from Michigan (Mr. GRIFFIN), but since this is a statement, as I understand it, or a discussion of the bill, I ask that the time be taken from the time allotted to the bill.

The PRESIDING OFFICER. The Senator from Michigan himself has the time on the bill.

Mr. GRIFFIN. I thank the Senator. Mr. President, I yield myself 15 minutes.

Mr. President, while Senators are considering the merits of the Dole amendment and the proposed amendment thereto offered by the Senator from Florida (Mr. GURNEY), I should like to address myself to some broader aspects of the bill.

I am deeply concerned about this bill because it introduces a novel concept to automotive emission control—the concept of brinkmanship. An industry pivotal to the U.S. economy is to be required by statute to meet standards which the committee itself acknowledges cannot be met with existing technology.

Mr. President, brinkmanship is risky business. It is especially risky when it is applied to a key industry, and when it is based upon such questionable premises.

Mr. President, there can be no argument about the need for establishing and pursuing air quality standards that will protect the public health. We are long past the day when anyone could think that improving our air quality will be neither painful nor expensive.

But another unavoidable fact is that air pollution—whether coming from factory smokestacks, automobile tailpipes, or backyard incinerators—is the end product of an otherwise highly successful economic system which is second only to the environment in assuring the physical well-being of most Americans.

Obviously, to the extent that it is reasonably necessary to penalize the economy to gain cleaner air, we must do so. But if we penalize the economy excessively—beyond what is necessary—we shall win no victory.

In that light, it becomes important to point up some of the problems which title 2 of the bill is likely to cause the automobile industry. It is significant that the most far reaching of these provisions was devised when the bill was considered by the subcommittee in executive session, long after hearings had been concluded. Indeed, as I understand it, there has never been testimony in either the House or Senate on the concepts put forth in section 202 of this bill. Because that is the situation, I want to develop some facts for the record—facts which otherwise might not come to the attention of Senators because of the absence of hearings on section 202.

Interestingly enough, for Congress to establish standards, as proposed in section 202 without even a hearing or the benefit of written comment, is to set an example which no administrative agency would dare to follow.

Amid the current fad to blame the automobile for a variety of problems, Congress should not lose sight of the fact that the manufacture, sale and servicing of motor vehicles is a vital industry in the U.S. economy. The availability of automotive transportation is a basic factor in the personal economy and daily living of most of the identical people we seek to protect from the effects of pollution.

Mr. President, 800,000 Americans are directly dependent upon the automobile industry for their livelihoods and more than 14 million other jobs are dependent

upon its products—in all, 28 percent of all private nonfarm employment in the United States. Cars and trucks generate 10 percent of all taxes collected by Federal, State, and local governments combined. Expenditures for automotive transportation account for more than 16 percent of our gross national product. Even a slight dip in auto sales, to say nothing of a strike at General Motors, sends shock waves throughout the financial community.

This bill, as written, proposes to give the automobile industry from 18 to 30 months to make a technological breakthrough that has withstood more than 15 years of research—and even this illogically short time frame ignores procedural requirements of the legislation which could easily consume in excess of 12 months.

This bill, as written, would saddle the automobile industry with additional problems, harassments, and unreasonable demands and expenses at a time when rapidly rising costs are already putting it under a severe handicap in competing with foreign producers—to the detriment of our balance of payments.

In short, Mr. President, this bill holds a gun at the head of the American automobile industry in a very dangerous game of economic roulette.

Such a monumental gamble should not be taken unless we are reasonably sure the potential results are worth the risk we incur. Let us look, therefore, at what it is that we actually stand to gain.

Section 202 of the bill would require that, by 1975, emissions of hydrocarbons and carbon monoxide be reduced by 90 percent below the 1970 levels. It would require that oxides of nitrogen, which are not now federally regulated, undergo a similar reduction 5 years after standards are set. Since the Secretary is expected to set standards in 1971, the 90-percent reduction in nitrogen oxides would be required in 1976.

At first blush, those sound like impressive gains. They are, in effect, a 5-year advance over the timetable that the President, supported by the Department of Health, Education, and Welfare, announced last February.

However, I think we need to look more closely at these legislatively imposed standards if we are to put them into perspective with the full record as it stands today.

To start with, it is interesting to note that last month the Council on Environmental Quality submitted data attributing 42 percent of manmade pollutants to transportation. I understand that the automobile share is set at 39 percent—39 percent, not the 60 to 90 percent that has been so frequently charged. It is a serious mistake to pin too much hope on cleaning up the air by cracking down on automobiles. Total elimination of automotive pollution would still leave us with more than 60 percent of the total pollution problem to deal with.

Yet this bill concentrates its heaviest fire on the smaller part of the job. It is another serious mistake to fall into the trap of thinking that stationary sources of pollution can be offset by reducing automotive pollution. It may be recalled that Mayor Lindsay recently enunciated that fallacious policy in reference to allowing expansion of Consolidated Edison's Astoria plant to relieve New York City's severe power shortage. He indicated it would be possible to offset added pollution from the powerplant by curtailing auto emissions—but the apparent logic of this position is quite misleading.

The fact is that the photochemical smog and the carbon monoxide concentrations caused, in large part, by automotive emissions are not to be confused with the kind of air pollution that brought on London's famous "killer fog" of 1952 or the 1948 tragedy in Donora, Pa. Those catastrophes were not caused by hydrocarbons, oxides of nitrogen, or carbon monoxide—the major automotive pollutants. They were caused by the combination of sulfur oxides and particulates, which come from stationary sources, including power generating plants. Motor vehicles contribute about 1 percent of the sulfur oxides and, even with leaded gasoline, about 3 percent of the particulates in our national air. I might mention that London's progress in cleaning its atmosphere has been accomplished by putting controls on everything but automotive vehicles.

Furthermore, the automobile contributes 39 percent of our total manmade air pollution only when pollutants are measured on a tonnage basis, primarily because of carbon monoxide. On the same weight basis, however, it takes something like 220 times as much carbon monoxide to attain the same "threshold health effect" as that which results from sulfur oxides. This was the judgment of California's health authorities, who have had more actual experience with pollution than anybody else, in setting their ambient air standards.

The point is that when pollutants are measured by their effects on health rather than by their gross weight, the automobile's role in the picture drops off sharply. In the June 1970 issue of Environmental Science and Technology, two University of California professors concluded that automobiles are responsible for only 12 percent of total U.S. air pollution when measured by pollution harmfulness.

Whichever figure we choose to accept—12 percent or 39 percent—much of this automotive pollution is being produced by older uncontrolled automobiles which predate the use of present emission controls. The committee report itself makes this clear. These older cars are being scrapped at the rate of more than 7 million a year. Let us look from an emissions viewpoint at the new and used cars which are replacing them.

Beginning in 1963, automobiles were equipped with crankcase ventilation systems which eliminate 20 percent of the hydrocarbon emissions from an uncontrolled vehicle.

Another 60 percent of the hydrocarbons and all of the carbon monoxide comes from the exhaust pipe. Beginning with the 1966 models in California and 1968 nationwide, exhaust controls substantially lessened that source of emissions. In the 1968 and 1969 models, 62 percent of hydrocarbons and 54 percent of carbon monoxide emissions were eliminated. Improvements in 1970 controls raised these percentages to 69 percent for hydrocarbons and 70 percent for carbon monoxide.

So, Mr. President, as we consider this bill, it is very important to keep in mind that the automobile industry already—due to their own efforts and due, certainly, to the prodding by governments, both State and Federal, has already about eliminated 70 percent of the pollutants coming out of automobile exhausts. Now, this bill would require the further elimination of 90 percent of the remaining 30 percent within a very short period of time—by 1975—even though the technology to do so does not exist today.

Of the 31 percent of the remaining hydrocarbon emissions, nearly two-thirds resulted from evaporation from the gas tank and carburetor. Evaporative control systems on all 1971 cars have virtually shut off that source of pollution.

All told, then, 80 percent of the hydrocarbons and up to 70 percent of the carbon monoxide emissions have been eliminated on 1971 models. Oxides of nitrogen will come under control in California in 1971 and nationwide in 1973.

The committee report cites testimony from the National Air Pollution Control Administration to the effect that these gains are illusory because present exhaust controls quickly lose their efficiency through use. However, NAPCA qualified this conclusion by noting that it was based on a broad interpretation of field surveillance tests conducted by the State of California.

Actually, these tests show that the durability of exhaust control systems has improved year by year with the technology. For 1969 cars, carbon monoxide emissions were more than 15 percent below the standard even for the greatest amounts of driving mileage reported. Even though hydrocarbon deterioration has been more resistant to solution, less than 6 percent of the hydrocarbon reduction has been found to be lost through deterioration at 50,000 miles of driving.

The PRESIDING OFFICER. The Senator's 15 minutes have expired.

Mr. GRIFFIN. I yield myself an additional 10 minutes.

Some experts allege that lead additives are a major factor in the deterioration of emission control. Reduction in the amounts of lead additives in gasoline appears to be a further step in improving the long-range performance of emission controls. More rapid progress will be made in this area as petroleum companies move almost daily to expand the availability of such fuels, for which the major part of current U.S. auto engine production is designed.

The best proof of how well present emission controls work is the fact that air quality already is improving as far as automotive emissions are concerned. Even in Los Angeles, with its steady increase in automotive population, the peak output of hydrocarbons and carbon monoxide was reached in 1966 and has been

steadily declining ever since. At the current rate—including the rate of automotive growth—even if no improvements in emission controls were made beyond the 1971 level, by 1980 Los Angeles would have less automotive hydrocarbons in its air than it had in 1940. Its carbon monoxide levels would be back to where they were late in the forties.

This much has been accomplished with relatively little additional cost to the car buyer and with relatively little sacrifice in vehicle performance. From here on, however, the costs go up sharply and the actual improvement to the atmosphere becomes less and less at each step.

Consider, for example, what the section 202 standards—which the automobile industry says it has no reason to hope it can meet by 1975—would accomplish as compared with the 1975 standards set by HEW, which the automobile industry has expressed confidence it can meet.

Whether or not our confidence in the industry's ability exceeds its own, the fact is that meeting the requirements of section 202 would result in only minimal improvements in air quality.

Since 80 percent of the hydrocarbon emissions already have been eliminated in the 1971 cars, under either the HEW requirement or section 202, the control would be nearly total by 1975—95 percent in the one instance and 98 percent in the other. Not a very significant difference.

Section 202 would bring oxides of nitrogen under 90 percent control 5 years after standards are set, compared with HEW's 83 percent by 1975. In New York City's own "Emission Inventory Summary," incidentally, only 18 percent of total emissions of oxides of nitrogen were attributed to surface transportation. That would seem to indicate that again section 202 offers a very limited amount of improvement over HEW standards—about a 1-percent reduction of oxides of nitrogen in New York City, for example.

Reduction of carbon monoxide levels would be 97 percent under section 202 and 86 percent under the HEW timetable. The significance of the gain, however, is somewhat dimmed by recent scientific findings that nature renders atmospheric carbon monoxide harmless in about a month's time. Formerly, it was believed that carbon monoxide lasted about 3 years, which would gravely increase the danger of cumulative buildup.

Unquestionably, any improvement at all in air purity is much to be desired. The desire, however, should not be allowed to overcome our sense of the practical. We are not living in Camelot, where the very elements could be controlled by decree.

Mr. President, in my several years in both houses of this Congress, I have never encountered so remarkable a statement as this passage from the committee report pertaining to section 202:

> The Secretary is expected to press for the development and application of improved technology rather than being limited by that which exists. In other words, *standards should be a function of the degree of control required, not the degree of technology available today.*

Mr. President, I suggest that confirms the statement I have made over and over again; that the technology for achieving the standards set in legislative concrete by this bill are not available.

Also according to the report, the standards envisioned by section 202 are derived from a paper presented in June of this year at the annual meeting of the Air Pollution Control Association by D. S. Barth of HEW.

What the report does not mention is that Mr. Barth, in presenting his paper, clearly and repeatedly stated that he was preparing a groundwork for standards rather than proposing firm conclusions on which official standards should be based.

In his calculations, Mr. Barth used what can only be called a "best ball" approach which at each step compounded the safety factors for health protection.

For present air quality, he used one-time peak values rather than statistically valid maximum readings. For desired air quality, he applied the lowest values ever reported, not the most widely-accepted values of what is needed to avoid detrimental effects on health. For the background concentration factor, he used the highest reported values of "natural pollution" rather than more generally accepted figures. And in anticipating the future growth of the automotive population, he went far beyond most estimates including that published by the Department of Transportation.

By using this "best ball" approach—that is, by assuming the worst at each stage of his calculations—Mr. Barth arrived at hypothetical vehicle emission goals which are from six to 20 times more severe than would be indicated if more widely accepted values were applied.

That is the basis of the standards proposed in section 202 with what the committee report refers to as, quote, "requirements for margins of safety," end quote.

If we are to believe both the bill and the automobile industry—one saying that these standards must be met by 1976 at the latest and the other saying that the technology for doing it is not yet in sight—we could be headed for an economic and transportation crisis in 5 or 6 years' time.

In this conneciton, I have mentioned that the automobile industry believes it could meet the 1975 standards proposed by the administration. I should also mention that there was one qualification to their promise. At the White House meeting last November, industry officials indicated their confidence in meeting the standards if and only if the 1970–71 Federal standards were stabilized through the 1974 model year. They emphasized that meeting the 1975 goals would require the full concentration of their efforts without being diverted onto interim goals. Imposing new 1975 standards and requiring a change of research effort at this point can only handicap the effort to meet either set of goals.

This is especially so because the automobile industry does not have 5 years, or even the 6 years the bill provides at the discretion of the Secretary of Health, Education, and Welfare, in which to come up with the answer. The leadtimes involved in the mass production of a machine as complex as the automobile at reasonable cost and acceptable reliability drastically reduce the grace period that the manufacturers would have.

If the provisions of the present bill were to take effect at the end of this session, the industry would have 3½ years left before starting up 1975 model production. Three and a half years is about the normal production leadtime, particularly for sophisticated antipolluting systems which may require major changes in the configuration of the vehicle. Even if production leadtime is compressed to 2 years, simple arithmetic shows that automotive engineers would have only 18 months in which to invent the new approach or 30 months if the industry can gain the 1 year only suspension of the standards provided for in the bill.

Actually, the industry does not have that much time because procedural requirements grant the Secretary 6 months in which to make his momentous decision on whether to grant the suspension. Then appellate provisions are provided—and I am sure they will be used no matter what the Secretary's decision is. These appellate provisions include an appeal to the circuit court of appeals which, I conclude, cannot consume less than 3 months, and application to the Supreme Court for a writ of certiorari which almost certainly would consume at least 3 months more.

During this period, cars cannot be built for the simple reason that the emissions systems are integral to the car design and the design cannot be established until the standards are set. In this connection, it is important to bear in mind that the Secretary, if he extends the statutory deadline, must establish new standards which are the most stringent that the technology can meet.

Even if the Secretary does this concurrently with his decision to extend the deadline, car manufacturers would be unable to build to that specification until they know for certain that the Secretary's judgment will not be overturned.

A few days ago, the junior Senator from Wisconsin (Mr. NELSON) released a letter he had written to the chairman of the Senate Public Works Committee. In that letter, which received wide publicity, the Senator criticized the automobile industry for claiming that it cannot do by 1975 what a group of students had already accomplished in the 1970 cross-country clean air car race.

Judging from what I have read in the papers and seen on television, that seemed like a plausible charge, and it was certainly a serious one. I therefore decided to look into the matter to determine for myself whether or not the automobile manufacturers are trying to pull the wool over our eyes.

I should like to summarize what I found out.

My colleague, the junior Senator from Wisconsin, said that the automobile companies "know the results—of the clean air car race—and are deeply embarrassed by them."

Of course the manufacturers know the results of the race. To their credit, sev-

eral of them were deeply involved in it—providing vehicles, special equipment, financing, testing facilities, and expert technical advice.

The junior Senator from Wisconsin went on to discuss the winning car, a highly modified 1971 Ford Capri. He said:

> What the giants of the automobile industry are claiming cannot be done, was demonstrated to the American public by a team of night students at Wayne State who are employed as technicians by Ford Motor Co. . . . without the financial or technical resources available to the auto industry.

The facts are these: The winning car was put together by a team of five students and two other young engineers. Three of the students and the other two team members are highly regarded engineers at Ford Motor Co. Without taking away from their accomplishment in the least, I am sure that they would be the first to acknowledge that they received not only every encouragement but financial and technical assistance as well from Ford Motor Co., which worked closely with them in selecting their emission control equipment.

Now let us consider what it is that the vehicle and others in the race are supposed to have demonstrated. It was said:

> The student-modified internal combustion engine using nonleaded gasoline surpassed not only the proposed 1975 Federal standards, but were far below the proposed 1980 Federal standards which your subcommittee has recommended be advanced for 1975. The above results demonstrate the fact that a 1971 Ford internal combustion engine can meet the proposed 1980 standards today.

It was also claimed that a total of nine of the cars in the race met the proposed 1975 standards and that two of them met the proposed 1980 standards.

The facts are that nobody knows whether any of these cars met the 1975 or the 1980 proposed standards. The reason is that none of them were tested by using either the present or the proposed Federal emission test procedures. This is not just a technicality. When we are measuring pollution in terms of parts per million—and that is what we are talking about—different test procedures can yield results that vary by 100 percent or more. That is why detailed test procedure requirements are an integral part of Federal emission standards.

The test procedures used during the clean air car race were less stringent and yielded lower results than would be obtained from the Federal Government's present and proposed procedures. Consequently, the race test results cannot be equated with the results that are obtained when a car is tested for emissions certification by the Department of Health, Education, and Welfare.

For the moment, let us assume that nine cars in the race would meet the proposed 1975 Federal standards and two would meet the proposed 1980 standards if tested in the prescribed manner.

It was argued that such results support those provisions of the legislation proposed by your Subcommittee on Air and Water Pollution which would require compliance with the proposed 1980 Federal emission standards by 1975. Senator NELSON said:

> One can also conclude that the accomplishments of the Wayne State University students with a minimum of experience with a major manufacturer should be well within the expertise of all segments of the entire automobile industry.

Of course, there is no question that automobile manufacturers could build cars exactly like the Wayne State Capri. The question is whether this would be a practical and realistic way of meeting the emission standards we are now being asked to freeze into law.

Let us take a look at that car. To make up for the loss of performance resulting from the complex emission control equipment added to the car, an engine three times as big as the standard engine was installed. To make up for the loss of performance and fuel economy resulting from the extra weight and the emission equipment, the car was lightened by substituting plastic for much of the original steel and glass and removing virtually all of the interior trim and unessential hardware—hardly a practical substitution for normal use.

The principal modifications, of course, were the addition of an extremely complex and costly emission control system, including four platinum catalytic converters. Aside from the very high cost of the platinum in the exhaust system, the fact is that there is now a worldwide shortage of platinum and it is totally impractical to contemplate use in production line cars of large quantities of this precious material, such as was used in the winning car.

Furthermore, the car and its emission control equipment were specifically designed merely to meet the requirements of the race—that means designed to get across the country once, in good time and with minimum emissions. They were not designed to perform satisfactorily for 50,000 miles as demanded by the warranty provisions of the clean air bill. In fact, the winning car suffered a 60-percent deterioration in hydrocarbon control on its 3,600-mile trip.

The car entered in the race was a car that would cost substantially more than today's cars to build, and would probably require frequent replacement of its platinum converters.

In short, there is no basis for the conclusion that this car or any other car in the race represents an immediately available, practical way to meet the emission standards included in the bill. All that is proved by the results of the race is that it is possible, if cost and practicality are no object, to build a car that comes close to meeting the proposed standards for somewhat less than 4,000 miles.

A serious problem in the bill is the warranty provision. The warranty provision is impractical, and I suggest that it may be unenforceable. In the first place, a warranty based on emission standards requires some method of measurement in the field. I understand that at present it would require some $50,000 worth of equipment and several trained technicians and would take 13 hours of time to measure and test the performance of one car.

I am aware of the fact that the committee report speaks about development by the HEW Secretary of a quick-testing procedure.

Interestingly enough, I find no reference whatever to this in the bill. There is no assurance whatever that the HEW Secretary will be able to develop such a quick-testing procedure—or when he will be able to do so. Many people have been trying to develop a quick, inexpensive testing procedure—and they have had little success so far.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GRIFFIN. Mr. President, I yield myself an additional 2 minutes.

The PRESIDING OFFICER. The Senator from Michigan is recognized for an additional 2 minutes.

Mr. GRIFFIN. Mr. President, the goals set forth in this bill are commendable. There is no reason that we should not put as much pressure as we can reasonably place upon the automobile industry to meet reasonable goals to control the pollution caused by automobiles. I am all for that.

I am very deeply concerned, however, that in this particular legislation, the Senate seems to place itself in the position of scientists and automotive engineers. As Senators, we do not have the expertise that is needed. And, obviously, the committee is not willing to delegate any authority to those who do have expertise.

President Kennedy announced a goal when he said we would go to the moon by a certain date. But no one suggested a law that would have put space industries out of business if we had fallen short in developing the needed technology.

Certainly some expertise—more expertise than the junior Senator from Michigan has, should be employed in determining what is feasible and reasonable in this field.

The Senator from Kansas has offered an amendment, and I know he believes it moves in the right direction. Frankly, I think it does not. He would provide for a 1-year extension period dependent upon another vote of Congress.

Frankly, I think one of the problems with this legislation right now is that—and I say this with all due respect for my colleagues and without pointing the finger at either side of the aisle—too many of the decisions with regard to this bill are being made on a political basis.

I know it is difficult politically to vote for any amendment that would be characterized by the press as weakening the clean air bill. Everyone is for clean air and against pollution.

But without an adequate understanding of what is really involved in some respects, I am afraid that some Senators—and I say this with all due respect—will be casting their votes on a political basis.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GRIFFIN. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 2 additional minutes.

Mr. GRIFFIN. If these standards prove to be completely unrealistic and threaten to put the automobile industry out of business, the amendment offered would

require the industry to come back to Congress for what I fear could be another political decision. I believe the decision should be in the hands of an administrator who, surrounded with experts, can look at facts objectively.

I believe the amendment offered by the Senator from Florida is helpful and that it would provide a little more flexibility. I shall vote for it, but, unfortunately, I shall then vote against the amendment offered by the Senator from Kansas.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. GRIFFIN. I believe we are back on the amendment now.

Mr. DOLE. Mr. President, I yield myself 2 minutes. First, I wish to inquire of the time remaining.

The PRESIDING OFFICER. Thirty minutes remain on the amendment.

Mr. DOLE. How much time remains on my side?

The PRESIDING OFFICER. The Senator has 25 minutes remaining.

Mr. DOLE. Mr. President, I wish to say to the distinguished Senator from Michigan, first of all, that I commend him for pointing out and emphasizing what a tremendous burden we place on the automobile industry. I share the views expressed by the distinguished Senator from Michigan. As he indicated, there is a tremendous problem and my point is we create the problem by fixing a date for imposition of certain standards.

We should be willing to face up to that problem in the future. Congress should be willing, at that time, to make a judgment on whether there should be an extension. We should not pass that judgment on to the courts.

I have been doing some checking to find out how long it takes for a case to go from the court of appeals to the U.S. Supreme Court. I would guess the average time would be several months and perhaps a year or longer. It occurs to me that if we are willing in the first instance to impose stringent standards, we should not duck the responsibility when it comes to changing those standards. I hope the Senate will accept the principle that we do provide for an extension. My substitute provides for an extension. After a determination by the Secretary of Health, Education, and Welfare, who has the expertise, and in the event the House and the Senate do not act, the deadline is then extended for not more than 1 year. I am unable to say what will happen in conference. The House bill has no such provision.

I know the Senator is aware that we are making an effort to be of assistance to him and others.

The PRESIDING OFFICER. Who yields time?

Mr. COOPER. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 5 minutes.

Mr. COOPER. Mr. President, I understand the pending business is the question of whether or not the Dole amendment will be substituted for section 202(b)4 in the bill, which was a subsection placed in the bill in committee by an amendment offered by the Senator from Tennessee and me. The choice is clear cut.

I might say that the Senate can make a choice of the type review it wants. The original draft of the bill in committee provided no review of the effective date to the manufacturer. The bill, as we all know, provides that by January 1, 1975, or by the time the 1975 model is ready to be introduced into commerce, the automobile must be in conformity with standards proposed by the bill to be fixed by law. I support that provision.

As I said, under early drafts in the committee, if it should develop that in the intervening time the automobile companies could prove that using all available technology, and proceeding in good faith, they were not able to meet these standards, they would have no way to present it except that Congress might act as it saw fit.

I know of no other pollution control bill, which does not provide for a review of administrative decisions. I think it is unfair to any group of citizens in our country not to provide for them a method of review, a method whereby they can be dealt with fairly. That is the principle of due process which is imbedded, not only in our Constitution but throughout our legal system. It is a process provided by the 14th amendment to the Constitution.

The amendment which the Senator from Tennessee (Mr. BAKER) and I offered, in Committee, which was adopted by a vote of 10 to 3 in committee—equally divided on both sides of the aisle, majority and minority—is identical with the Dole amendment in the first requirement. In both provisions the manufacturers, upon application to the Secretary, may present their case and must prove that they have acted in good faith and exhausted all reasonable possibilities to come into conformity with the required standards.

Following the administrative proceeding, the Secretary makes a decision either granting or denying an extension of 1 year. At that point our amendments differ.

The amendment of the Senator from Kansas provides that the Secretary's decision granting an extension shall become final within 60 days, unless within that period one House of Congress by resolution overturns that decision. The amendment which was adopted in committee provides that within 30 days of the Secretary's decision the applicant or other interested party can appeal to the U.S. Court of Appeals for the District of Columbia. There is no further trial, the action of the court of appeals shall be taken on the record made by the Secretary; and such record shall be presumed to be correct. Following the court of appeals decision the applicant, or any other intervenor could carry the case to the Supreme Court, if he so desired.

It has been said this is a long procedure, but if it took longer than 1 year the case would become moot. There is no remission of emission standards and requirements during the period of appeal.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COOPER. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 2 additional minutes.

Mr. COOPER. Mr. President, the committee will make every provision to expedite the matter. I think it is eminently fair.

Under the present law, the law we are amending, the Secretary is required every year to make reports to Congress and, of course, Congress, at any time, can take whatever action it desires.

I point out that the amendment of the Senator from Kansas would provide 60 days between the finding of the Secretary and the required action by Congress.

Mr. President, when we think of the year and one-half spent in developing this bill, I submit that 60 days permits little if any substantive consideration by Congress. In fact, if one house acted quickly, the other house would be frozen out of any action.

I can think of no instance where there is not provided to our citizens an opportunity to have an administrative decision reviewed by the courts. The courts by design and tradition are insulated and therefore are less subject to pressure and emotion than even Congress. I think judicial review is best in this case.

This remedy is available not only to the manufacturers. The Secretary could permit other interested parties to intervene. The Sierra Club, other conservationists, and Mr. Nader could present their case. They, too, could appeal to the courts if they so desired.

I ask the Senate to return the constitutional method of due process. I think it is fair to all parties concerned and fair to the Congress.

Mr. BAKER. Mr. President, will the Senator yield me 5 minutes?

Mr. COOPER. I yield 5 minutes to the Senator from Tennessee.

Mr. BAKER. Mr. President, I oppose the Dole amendment. I support the committee version. I have no great quarrel with the Dole proposal. The Congress is faced with this basic problem. Do we require in this bill an accomplishment for the automobile industry that we are not certain can be accomplished, at least by the time set forth—1975? The answer we have made in the bill we have reported is, "Yes, we do," and I support that for the reasons I noted in my opening statement.

The committee has decided that the automobile industry can accomplish the emissions standards we require in the bill in the time established. But I believe, in view of the element of doubt that still remains, we should require a realistic escape hatch, so that, if we guessed wrong, someone can administer redress.

That redress can come from three sources. It can come from the executive department; it can come from the legislative department; or it can come from the judiciary. That really is the question that confronts us on the Dole amendment. Where do we put it?

There is a good bit to be said for each case and a good bit to be said against

each. Of the three propositions, none is perfect. I prefer judicial review, and I shall elaborate on that in a moment.

I gather, from the remarks of the distinguished Senator from Michigan, that he would prefer that the judgment on relief be vested in the Executive department, in the Secretary. I judge, further, that the only fair intendment of the proposal of the junior Senator from Kansas is that it be vested in the legislative department, in the form of a plan similar to that found in the Reorganization Act.

The proposal in the bill offered in concert by the senior Senator from Kentucky and myself provides for review by the judiciary, but on a very limited basis, on the basis that the relief the court can grant is circumscribed to one question only: That the extension beyond 1975 will be granted for 1 year or it will not be granted for 1 year; and that the extension can be granted, if it is to be granted, only on certain specified statutory grounds.

We do not run the risk that the court will insert itself into policymaking determinations in this field, as it must restrict itself to the basis of jurisdiction conferred on it by the statute.

What are the relative merits, really, of the three contentions? I believe the question before the country in 1975, if the automobile industry has not succeeded in producing a clean car according to the statutory standards, will be essentially a question of fact—that is, whether the industry applied good faith efforts and whether it was possible within the then state of the art to produce a clean car.

Questions of fact, historically and traditionally, are best tried, and have always been best tried, except in certain specific instances, by the judiciary. They are certainly more amenable to being tried in the judiciary than they are by 535 legislators. The procedure for determining these issues is already formalized and imbedded in the judicial precedents of this country, indeed reduced to writing in this statute.

But, not least of all, it occurs to me that if in 1975 the automobile industry, for whatever reason, has not produced a clean car, the amount and type of interest in the judgment of the Secretary, the Congress, and the courts will be extraordinary indeed, because the net effect of this statute, Mr. President—and I think it is important that we realize it—is to simply say, "Produce a clean car by 1975 or stop producing internal combustion cars."

If there is to be a 1-year reprieve, I have an idea that there will be a substantial interest in the proceedings by which that is determined. I believe the court, in the sanctity of its judicial undertaking, in the calm, cool deliberations of its factfinding function, in its detachment from the immediate pressures——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COOPER. Mr. President, I yield 2 minutes to the Senator from Tennessee.

Mr. BAKER. Is best suited to undertake this task, rather than 535 legislators, 435 of them standing for election in 12 months and one-third of the Senate standing for election in 1976, to say nothing of the pressure, the heat, and the confrontation of a political campaign for President in 1976. The Congress is probably the least likely place to have clear, calm determination of that fact issue.

Congress is perfectly within its right to reserve to itself the determination of this issue of fact, but I believe we are doing ourselves a disservice if we do not vest it in the judiciary.

That leaves only the other alternative, then, of the executive department. I would have no great quarrel with letting the Secretary decide whether or not the automobile industry had used good faith and had made its very best effort to produce a clean car by 1975, but this may be the biggest industrial judgment that has been made in the United States in this century. It may have the biggest impact on the economy that any of us have participated in in recent years. It is going to be of extraordinary importance and an extraordinarily emotional situation if the industry has not produced a clean car, according to this formula, by 1975.

I can guarantee my colleagues that, whatever judgment we make, whichever of the three departments we elect to determine whether or not the industry would have a 1-year reprieve in the event it had not produced a clean car, will not be perfect. I think we must realize that the best we can do is the best we can do and that there will be a great deal of criticism of whatever judgment we make, but I believe the judiciary is the one best equipped, best suited, and best able to make this determination.

Mr. MUSKIE. Mr. President, I wonder if the Senator from Kansas wanted to ask for the yeas and nays on his amendment.

Mr. DOLE. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. SPONG. Mr. President, will the Senator from Kentucky yield me 2 minutes?

Mr. COOPER. Mr. President, I yield the Senator from Virginia 3 minutes, and more if he needs it.

Mr. SPONG. I thank the Senator.

Mr. President, the question on the Dole amendment is the determination by the Senate of the best method by which the Secretary's decision concerning the capability and technology available for the automobile industry to meet what this bill requires of it by January 1, 1975, can best be judged to be correct.

I want to concur in the statements already made that, as between Congress deciding within a 60-day period whether the Secretary has been correct in his judgment, and a court of law deciding it, having the right of subpena, the right of discovery, the right of calling expert witnesses, and making a judgment, we would be serving the public interest if we placed this issue where it would be subject to judicial review rather than our own.

For that reason, I oppose the Dole amendment and support the amendment offered in the committee by Senators COOPER and BAKER.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. SPONG. I yield.

Mr. GRIFFIN. I associate myself with the Senator's line of reasoning. I personally would prefer an administrative decision. I think it would be better placed there. But I can see there would be very little chance that this body would accept that change.

But as to a choice between a judicial decision and what I regret to say, unfortunately, might be a political decision in Congress, I think the industry and the public would be better served by a judicial decision.

Mr. SPONG. I thank the Senator from Michigan.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. Mr. President, I yield myself 2 minutes.

It is important that we review how these different procedures might apply. As the Senator from Kentucky pointed out earlier, the Dole amendment and the language now in the bill are very much alike in the initial stages. The first possible time that a petition could be filed with the Secretary would be September 1, 1972, if we take the model year, or January 1, 1973, if we go on a calendar date basis. Then we allow the Secretary 6 months to make a recommendation.

If we take the first date, the petition being filed on September 1, 1972, then he would have until March 1, 1973. If we take a calendar date, he would have until July 1, 1973. Then after that finding, if we use the judicial review approach, he would have 30 days in which to file a petition with the U.S. Court of Appeals in the District of Columbia. That would either be April of 1973 or August of 1973. I have been trying to determine just how long it might take for this case to be heard by the court of appeals. I have been informed that it might be as short as 3 or 4 months, but possibly it might extend to 6 months, 8 months, or even a year.

Then, of course, there is the right of appeal to the U.S. Supreme Court. The point I wish to make is that it would probably be a moot question, because it would never be determined by the Court by the time the 1975 model year was on the market.

I might ask the Senator from Kentucky a question at this point: In the event the Court has not made a final determination, and January 1, 1975, was rolling around, or the 1975 model was available, and the matter was still in court, what would be the effect of the judicial review section? Would the standards apply, or would they be held in abeyance while the Court made the determination?

Mr. COOPER. Mr. President, I discussed this in the short statement I made.

I point out, first, that even though application is made, there is no relaxation or postponement of the application of emission requirements. Automobile companies must continue to come into conformity, and if they have not reached conformity on the effective date, the burden would fall on them.

The Senator asks me what would hap-

pen if the court had not passed upon it at that time. We discussed this in the committee. The Senator from Virginia and I discussed it, and the Senator from Maine asked questions about it.

It was our judgment, first, that Congress can limit the courts in respect to the remedy they can grant and this the committee has done by limiting jurisdiction to a 1-year extension. Our judgment was that if it took more than 1 year to reach a decision, the case was moot, and the automobile companies would have to come into conformity or seek a remedy from Congress. On the other hand, I want to be straightforward and honest about it: I cannot determine nor direct how or when a court might determine the question of due process, and I do not believe anyone can do that. The provision does provide for an expedited procedure and I expect the court would make every effort to handle such a matter with dispatch.

I must say again, however, that I do not believe that the Senator's amendment provides due process. Although there is authority to the contrary, I still believe that even if no review is provided in this measure, an interested person could go into court and say, "I have been denied constitutional due process," and my judgment is that the court would grant some review. Thus the Senator's provision may still give rise to judicial review, without, however, the directions contained in the committee bill.

The committee bill places very concrete limits upon judicial review and I think it is as precise in its limits as any method of review can be.

Mr. DOLE. I say with all due respect to the distinguished Senator from Kentucky that this does appear to be a weakness in the judicial review section. There has been much stress on the point that time is of the essence, and we must make a final determination at the earliest possible time, unless we want to penalize unfairly a great industry in America.

Under the so-called Dole amendment, we have the same effective date, but then, after the Secretary makes his decision, he has 6 months. He would make that decision either on March 1, 1973, or July 1, 1973, again depending on whether he used the model year to determine the date or the calendar year. Then the Congress would have to act within 60 days. So we would be certain, that the decision made by one House of Congress or the decision made by the Secretary would be final not later than September 1, 1973, and perhaps as early as May 1, 1973.

I say again that perhaps the underlying weakness of judicial review, in this particular instance, is the fact that there might not be a decision by January 1, 1975, or by the time the 1975 model was on the market and we would then do a disservice to an important industry.

But if we make the judgment in the first instance, as we are about to do today, despite political pressures, political pressures which are surely greater now than they will be in 1975, because hopefully there will be progress and less pollution then, I am convinced that the political pressures will be something we can withstand.

If Congress is willing to impose stringent standards today, then Congress should be willing to face up to that judgment 2 years from now. If we were wrong, the extension should be granted; and if we were right, the extension should not be granted. Of course, if we are totally wrong or far off base, then perhaps the entire law would need to be revised. But it occurs to me that if we are willing, in September of 1970, to state that 5 years from now we are going to meet certain standards, then the same body, the same Congress, should say 2 years hence that we were right or we were wrong. We should make the final judgment; we should not pass it off onto some court because of imagined political pressures in Congress.

Mr. President, I reserve the remainder of my time.

Mr. GURNEY. Mr. President, I ask unanimous consent that my amendment to the pending Dole amendment be considered at this time.

The PRESIDING OFFICER. Is there objection?

Mr. MUSKIE. Mr. President, reserving the right to object, would the effect of the unanimous-consent request, if agreed to, be to terminate the time otherwise still available on the Dole amendment?

The PRESIDING OFFICER. No. It would allow the Gurney amendment to be called up at this time.

Mr. MUSKIE. Would the effect be to add the time on the Gurney amendment to the time still remaining on the Dole amendment?

The PRESIDING OFFICER. It would add 15 minutes to a side.

Mr. MUSKIE. I have no objection.

The PRESIDING OFFICER. Is there objection?

Several Senators addressed the Chair.

Mr. RANDOLPH. Mr. President, I would like the Chair to clarify one thing. He may already have done that, but——

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. Mr. President, reserving the right to object——

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. I yield the Senator 1 minute.

Mr. MUSKIE. Mr. President, I yield the Senator from West Virginia a minute on the bill, or whatever time the Senator may require.

Mr. RANDOLPH. I would simply like a clarification from the Presiding Officer that perhaps has been given, but I could not hear it.

I first inquire, if this is not permitted as requested by the junior Senator from Florida, what time now remains on the Dole amendment?

The PRESIDING OFFICER. One minute to the Senator from Kansas, 8 minutes to the Senator from Kentucky.

Mr. DOLE. Mr. President, reserving the right to object, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOLE. In either event, the first vote would come upon the Gurney amendment; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Who yields time?

Mr. BOGGS. I yield the Senator 1 minute on the bill.

Mr. BAKER. Will the Chair inform the Senator from Tennessee if he is correct in his understanding that the Gurney amendment would be subject to the limitation previously agreed upon?

The PRESIDING OFFICER. There would be a limitation of one-half hour, 15 minutes to the side.

Mr. BAKER. I thank the Chair.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Florida? The Chair hears none, and it is so ordered. The amendment will be stated.

AMENDMENT NO. 928

The legislative clerk read the amendment, as follows:

On page 1, beginning on line 1, strike "Within twenty-four months but no later than twelve months".

On page 1, line 2, capitalize the word "before".

On page 1, line 4, after the word "application" insert the following: "in a timely manner to be determined by the Secretary".

Mr. GURNEY. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. GURNEY. Mr. President, this amendment would change the time provisions in the Dole amendment in which application for relief may be sought under the Dole amendment. We have been talking in the last 15 or 20 minutes, on the argument of both the Dole amendment and the provision now in the bill about the judicial review, about the importance of time. Time is important in this provision, because there has to be a very considerable lead time for the automobile manufacturers to jell their model, the elements that go into the model as well as the antipollution device, and order tools to manufacture the antipollution device; and I am informed that it means a very considerable body change. So there will have to be many tools besides the ones needed to manufacture the antipollution device. All this requires time.

This is a tough bill. We all admit that it is so. That is the reason why we have in the bill at this time a review method, so that relief can be obtained from this bill for at least 1 year, under the judicial review measure. That is why the Senator from Kansas (Mr. DOLE) has offered his differing amendment for relief, also, because no one is sure in the automobile industry, in the Public Works Committee which heard this matter, or in the Secretary of Health, Education, and Welfare's shop whether the automobile industry can meet this January 1, 1975, deadline. Everyone says that right now it is not within the state of the art, although we will hope that it can be met by January 1, 1975. The point is that if it cannot, then we must have relief for this great industry in America

that employs so many people and means so much to the prosperity of the country.

I have heard all kinds of differing people on what kind of leadtime is required by the automobile industry. Some say 3 years; some say three and a half years. The shortest I have heard is 2 years.

The Dole amendment provides that the automobile industry cannot make application to the Secretary until 24 months prior to the effective date of January 1, 1975. Then we add 6 months that the Secretary has within which to make his determination, and add 2 months more within which Congress has to either agree with the Secretary or not agree with the Secretary, and we have shortened the 24 months to 8 months less. I have not heard any statement from anybody that says that is enough leadtime within which the automobile industry can tool up and produce the 1975 models requiring this antipollution device.

All my amendment does is to take out this 24-month period and the 12-month period, and it puts in there this language: "in a timely manner to be determined by the Secretary."

In other words, the Secretary, himself may determine what is timely on the part of the automobile industry within which to make application for relief under this bill. No one is better prepared to make that determination than the Secretary. He has the experts within his shop who have been dealing with the matter of air pollution for a matter of years. As a matter of fact, I am informed that they continually check closely with the automobile industry in Detroit, finding out what is going on within the experimental stages now, within the research and development on this antipollution device; and the Secretary, indeed, would know when it was timely for the automobile industry to make an application.

I know that arguments will be made that the automobile industry is going to appear before the Secretary within a day or two after this bill is passed if we put in "in a timely manner." The other argument, on the other end of the pole, is that they will wait until the last minute. I do not believe that they have that bad faith, but I think something else will compel them to do otherwise. Obviously, the automobile industry is not going to go to the Secretary within a day or two or a week or two or a month or two after this bill becomes law, because they want the best case they can get, too.

The best case they can get is to wait as long as they can, showing the results of their research and development. On the other end of the pole, they are not going to wait until the last minute, either, because they cannot do that. They have to jell their model; they have to order their tools; they have to be in a condition to get in their 1975 models.

So it seems to me that the only sensible way to handle this matter is to leave it up to the Secretary to determine, when the application comes to him, and in a timely fashion. Then I think we will have a sensible approach to this matter and a relief method that will work.

I reserve the remainder of my time.

Mr. MUSKIE. Mr. President, I will not take too much time, but I should like to make some points that I think are relevant to the amendment.

First of all, the provision in the bill was written after consideration by the committee, without dissent in committee. The purpose of the provision is this: We wanted the provision for appeal to be made available late enough in this 5-year time frame so that the industry would make, and be forced to make, a good faith effort toward achieving the objectives of the bill before resorting to the courts. At the same time, we wanted to provide that there would be sufficient time to resolve the appeal and to get a decision so that the industry could then respond to that decision in its production schedules.

So the committee carefully, and after considerable deliberation, agreed on the 12- to 24-month formula. In other words, the appeal must be initiated and completed within calendar year 1973.

The question that the Senator from Florida raises and is concerned about is whether there would then be time to put production models into the process. Let me cite the record.

The California standards which were the first standards applying to automobiles, were adopted by California in May of 1964. The industry managed to incorporate them in the 1966 model cars, which were in the showrooms in the fall of 1965. In other words, a little more than a year after California imposed the standards, California automobiles were being manufactured in accordance with those standards.

With respect to Congress, Congress enacted the current law in the fall of 1965, applicable to the 1968 model cars, which were available in the fall of 1967. So that 2 years after the authority was given to the Secretary, and less than 2 years after the Secretary actually imposed the standards, the industry was producing cars that conformed to the standards.

Here is another piece of testimony that is revealing. It was by Vice President Ackerman, of Chrysler Corp., in 1959, long before pollution control standards were involved. At that time, without the pressure of deadlines, he said this:

> Once these hurdles are over—

He was talking about the hardware being available—

> Once these hurdles are over, we have said that we believe this thing could be available within a year.

So there is time to respond to the results of the review process, whether it is the review process incorporated in the bill, the so-called Cooper amendment, or the review process proposed by the Senator from Kansas (Mr. DOLE).

For that reason, Mr. President, I oppose the amendment and urge the Senate to vote against it.

I am prepared to yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Florida yield back the remainder of his time?

Mr. GRIFFIN. Mr. President, would the Senator from Florida yield to me, briefly?

Mr. GURNEY. I yield 5 minutes to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, I rise to indicate my strong support for the amendment offered by the Senator from Florida. He points out that the lead time required by the industry is all-important to the applicability of this particular legislative measure.

Yesterday, the distinguished Senator from Maine, in discussing this measure, referred to testimony back in 1967 by Mr. Mann of the automobile association. He cited Mr. Mann's testimony as evidence that only 2 years was actually required to put such a change into effect, as I recall the statement.

Mr. MUSKIE. If the Senator will yield there, simply to clarify my use of the testimony, it was to indicate that by the testimony of the industry itself, not more than 2 years was necessary. There is evidence, which I have already placed in the RECORD today, indicating less than that time is sufficient.

Mr. GRIFFIN. I want to read from Mr. Mann's testimony. It appears on page 402 of the hearings of 1967. He says:

> Normally what I have referred to in the preceding paragraph takes approximately two years, in addition to the time needed for research, design, and development stages.

On yesterday, in a colloquy with the Senator from Maine, I said that it could take as much as 43 months from the drawing board stage until automobiles actually come off the assembly line—that much time to incorporate such technology—if and when it is available. At the present time, it is not available.

So, I wish to emphasize that the 2 years referred to yesterday is in addition to such time as would be needed for research, design, and development.

The Senator from Florida, I think, moves in the right direction by providing some measure of flexibility. He makes the case, very wisely, that there would be no reason or motive for the industry to rush in without a case, so that they would not go in prematurely in any event. But they would like the opportunity to go in as early as the case is available to make sure that this legislation will not absolutely close the automobile industry down—and that could happen if we put them in a completely unrealistic straitjacket.

Accordingly, I hope very much that the amendment of the Senator from Florida will be agreed to.

Mr. GURNEY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. PACKWOOD). Seven minutes remain to the Senator from Florida.

Mr. GURNEY. I shall not take all 7 minutes but I would like to reply to the Senator from Maine in his arguments against the amendment.

I could detect only two arguments against it. One has to do with the fact that California standards as applied to aid emissions and requiring pollution devices in California a few years ago did not need the amount of time that I am talking about. I do not see that this is an analogous situation at all. What was done in California a few years ago is

nothing so drastic as what we are proposing to do here. We go way beyond the California standards.

What I am saying is that perhaps California standards could be met in the 2-year leadtime, but now we have a completely changed situation.

Mr. MUSKIE. If the Senator from Florida would yield on that point, the attitude of the industry prior to the time it was required to conform to the California standards was the same as it is in this case. They said it could not be done. But, it was done.

Mr. GURNEY. Then I might further treat with the other argument made by the Senator from Maine, which seems to me to be even more untenable. I, too, read the testimony he read to the Senate a short time ago, the testimony by the vice president of General Motors Corp. in 1959. That was 11 years ago. We have proceeded 11 years beyond 1959 in this pollution business.

We have here now a bill that is as different from the situation he was talking about in 1959 as the North Pole is from the South Pole. They could not be further apart. Thus, I do not think the arguments made by the Senator from Maine are viable in either case.

Finally, in closing and wrapping up the arguments on behalf of my amendment, I do not disagree with the Dole amendment. I am supporting it. It is a good one. But I also think, as the Senator from Michigan (Mr. GRIFFIN) just pointed out, that if we put in the arbitrary dates of 24 months before this that the automobile industry must apply, it cannot apply any later than 12 months before that date, we do, indeed, put them in a straitjacket.

The facts and circumstances are, when we all admit, in the committee, in the industry, and the people in Government who are experts in this business, that we do not even know whether they can be met, the industry itself says it does not have the technology to do it, although it hopes to be able to meet it. Under these facts and circumstances, we look ridiculous in the Senate not to give the Secretary of Health, Education, and Welfare a little leeway as to when he will receive this application for relief.

All I say is that my amendment makes more viable, more sensible, and more reasonable when this application may be presented to the Secretary of Health, Education, and Welfare.

Mr. President, I yield back the remainder of my time.

Mr. MUSKIE. Mr. President, I should like to read one quotation to the Senate from a letter by President Cole of General Motors, dated January 31, 1969, which reads:

> It is apparent that it is technically feasible to achieve very low pollution levels with internal combustion engines—levels at least as low as known ambient air quality needs. More importantly, of the various approaches to controlling vehicular pollution, the gasoline engine seems to offer a better cost-benefit relationship than the unconventional powerplants in the lower right-hand corner of these charts.

May I also read from the hearings of 1967. This is testimony by an industry spokesman:

> Since the late 1940's, General Motors engineers and scientists have been doing basic research on emissions and developing the results of these into practical hardware. Between now and 1980, we sincerely believe that current research and engineering development programs on our current gasoline engines will result in continued progress toward solution of this important problem.

Later in the testimony, there was the same pessimism about meeting deadlines that the Senator has expressed.

Since the late 1940's, a quarter of a century ago, the industry has been occupied with this problem by its own statements. It has been developing technology. Every time it is pressed to apply the technology, it pleads for time. It says it is not possible. It said this to California in 1964. It said this to us in the hearings in 1964 and in 1965. It says it again now.

What we need in this 5-year period is a period not only for production line work but also time for development of the concepts which have been on the drawing boards all these years. Because that is time the committee does not want to reduce, that is why we fix a time when the appeal time starts. It is as simple as that.

Mr. GURNEY. Let me point out that the Senator and I do not disagree on the applicable time——

The PRESIDING OFFICER. The Chair would advise the Senator from Florida that he has yielded back his time.

Mr. MUSKIE. I yield 1 minute to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for 1 minute.

Mr. GURNEY. I thank the Senator from Maine.

We do not disagree on that at all. My amendment, of course, in no way weakens the applicable standard date, which is January 1, 1975.

It simply revises the method and the time by which the automobile industry could make application to the Secretary, which I think is reasonable.

Mr. MUSKIE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from Florida to the amendment of the Senator from Kansas. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. CANNON), the Senator from Tennessee (Mr. GORE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. MCGEE), the Senator from Utah (Mr. Moss), the Senator from Rhode Island (Mr. PELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) and the Senator from Missouri (Mr. SYMINGTON) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON) is absent on official business.

The Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from New York (Mr. GOODELL), the Senator from Nebraska (Mr. HRUSKA), the Senator from California (Mr. MURPHY), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Maryland (Mr. MATHIAS) is detained on official business.

If present and voting, the Senator from New York (Mr. GOODELL), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), and the Senator from Texas (Mr. TOWER) would each vote "nay."

The result was announced—yeas 22, nays 57, as follows:

[No. 321 Leg.]

YEAS—22

Bennett	Hart	Saxbe
Cotton	Hatfield	Smith, Ill.
Curtis	Holland	Stennis
Eastland	Jordan, Idaho	Thurmond
Fulbright	Miller	Williams, Del.
Griffin	Packwood	Young, N. Dak.
Gurney	Pearson	
Hansen	Russell	

NAYS—57

Aiken	Eagleton	Metcalf
Allen	Ellender	Mondale
Allott	Ervin	Montoya
Anderson	Fong	Muskie
Baker	Gravel	Nelson
Bible	Harris	Pastore
Boggs	Hartke	Percy
Brooke	Hollings	Prouty
Burdick	Hughes	Proxmire
Byrd, Va.	Inouye	Randolph
Byrd, W. Va.	Jackson	Ribicoff
Case	Javits	Schweiker
Church	Jordan, N.C.	Scott
Cook	Long	Smith, Maine
Cooper	Mansfield	Spong
Cranston	McCarthy	Talmadge
Dodd	McClellan	Williams, N.J.
Dole	McGovern	Yarborough
Dominick	McIntyre	Young, Ohio

NOT VOTING—21

Bayh	Hruska	Murphy
Bellmon	Kennedy	Pell
Cannon	Magnuson	Sparkman
Fannin	Mathias	Stevens
Goldwater	McGee	Symington
Goodell	Moss	Tower
Gore	Mundt	Tydings

So Mr. GURNEY's amendment to Mr. DOLE's amendment (No. 958) was rejected.

Mr. MUSKIE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BOGGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COOPER. I yield 5 minutes to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I suggest we might have a little order in the Senate.

The PRESIDING OFFICER. The Senate will be in order so the remarks of the Senator from West Virginia can be heard.

Mr. RANDOLPH. Mr. President, by a vote of more than 2 to 1 we have defeated the Gurney amendment and we now are approaching the vote on the

Dole amendment. I think the core of the problem as presented in the Committee on Public Works, and again as we have considered the matter in the Senate this afternoon, is, in effect, whether we are for or against judicial review which is embodied in the amendment offered by the Senator from Kentucky and the Senator from Tennessee in the Committee on Public Works.

The amendment of the Senator from Kansas was defeated in committee. The chairman of the Subcommittee on Air and Water Pollution has indicated that the vote was close. The vote was 8 to 6.

I think it is important, however, to realize that the vote in the Committee on Public Works on the Cooper-Baker amendment was 10 to 3 for that amendment.

Mr. President, I supported the amendment of Senators COOPER and BAKER in the committee. I did so because I thought it was important to have judicial review. I feel very strongly today, as I did then, that the bill, before the Senate, should include the Cooper-Baker language.

The basic reasons supporting such review have certainly been amply set forth during the consideration of this measure by other speakers, including Senators COOPER, BAKER, and SPONG.

Mr. President, in my opinion, judicial review is superior to the pending proposal of the junior Senator from Kansas (Mr. DOLE). It is superior because judges, I feel, will be less subject to the pressures and cross currents of opinions expressed outside the courtroom.

Furthermore, it is axiomatic that the Congress can act on the law, can amend it, at any time it believes circumstances necessitate such action.

If we abolish court review by defeating the Cooper-Baker amendment and approve the Dole amendment, then our only recourse would be to the Congress. If we sustain the principle of court review in the Cooper-Baker amendment, Congress can still act whenever conditions seem to require it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MUSKIE. Mr. President, is there any time left?

The PRESIDING OFFICER. The Senator from Kansas has 1 minute, the Senator from Kentucky has 3 minutes.

Mr. DOLE. Mr. President, may I have 30 seconds?

Mr. MUSKIE. Mr. President, since there are Senators present on the floor who were not here earlier, I would simply like to say that I supported the Dole amendment in committee. I support it here, for the following reasons: First, if this bill is enacted into law, it is a congressional decision which ought to be modified only by Congress. Second, the Secretary would continue to have the staff and know-how necessary to do the job better than the courts. His recommendation would come to Congress. Congress would have to act affirmatively to affirm his recommendation.

Mr. DOLE. Mr. President, I yield myself 30 seconds to say the only difference between the Baker-Cooper amendment and my amendment is as to whether the court or Congress shall determine the matter. If Congress imposes the standards, we should make the judgment 2 years hence.

Mr. COOPER. Mr. President, I yield myself 1 minute to clarify a statement previously made. The Secretary, in each case, will first review all the evidence, with all its technical staff. This would be the record available in either case.

It should be noted also that the Baker-Cooper amendment was adopted in committee by a 10-to-3 vote. I would like to repeat that this provision will give the due process which I believe Congress wants to give to all its citizens.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. COOPER. I yield back my time.

Mr. DOLE. I yield back my time.

The PRESIDING OFFICER. All time on the amendment having been yielded back, the question is on agreeing to the amendment of the Senator from Kansas. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Tennessee (Mr. GORE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) and the Senator from Missouri (Mr. SYMINGTON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON) is absent on official business.

The Senator from Kentucky (Mr. BAKER), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from New York (Mr. GOODELL), the Senator from Nebraska (Mr. HRUSKA), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. SMITH), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Maryland (Mr. MATHIAS) is detained on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT) and the Senator from Texas (Mr. TOWER) would each vote "yea."

On this vote, the Senator from California (Mr. MURPHY) is paired with the Senator from New York (Mr. GOODELL). If present and voting, the Senator from California would vote "yea" and the Senator from New York would vote "nay."

The result was announced—yeas 32, nays 43, as follows:

[No. 322 Leg.]

YEAS—32

Bennett	Gurney	Mondale
Bible	Harris	Muskie
Boggs	Hartke	Nelson
Church	Hatfield	Packwood
Cotton	Hughes	Pastore
Cranston	Jackson	Pearson
Dole	Jordan, Idaho	Proxmire
Eagleton	McClellan	Saxbe
Ellender	McGovern	Thurmond
Fong	Metcalf	Williams, N.J.
Gravel	Miller	

NAYS—43

Aiken	Fulbright	Randolph
Allen	Griffin	Ribicoff
Allott	Hansen	Russell
Anderson	Hart	Schweiker
Brooke	Holland	Scott
Burdick	Hollings	Smith, Maine
Byrd, Va.	Inouye	Spong
Byrd, W. Va.	Javits	Stennis
Case	Jordan, N.C.	Talmadge
Cook	Long	Williams, Del.
Cooper	Mansfield	Yarborough
Curtis	McIntyre	Young, N. Dak.
Dominick	Montoya	Young, Ohio
Eastland	Percy	
Ervin	Prouty	

NOT VOTING—25

Baker	Hruska	Pell
Bayh	Kennedy	Smith, Ill.
Bellmon	Magnuson	Sparkman
Cannon	Mathias	Stevens
Dodd	McCarthy	Symington
Fannin	McGee	Tower
Goldwater	Moss	Tydings
Goodell	Mundt	
Gore	Murphy	

So Mr. DOLE's amendment was rejected.

Mr. COOPER. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. RANDOLPH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 927

Mr. MANSFIELD. Mr. President, in behalf of the Senator from Washington (Mr. MAGNUSON), I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 927) is as follows:

AMENDMENT NO. 927

On page 79, beginning with line 6, strike out all through line 16 and insert in lieu thereof the following:

SEC. 213. (a) For the purpose of this section—

(1) "Board" means the Low-Emission Vehicle Certification Board;

(2) "Federal Government" includes the legislative, executive, and judicial branches of the Government of the United States, and the government of the District of Columbia;

(3) "motor vehicle" means any vehicle, self-propelled by mechanical or electrical power, designed for use in the United States on the highways except any vehicle designed or used for military field training, combat, or tactical purposes;

(4) "low-emission vehicle" means any motor vehicle which produces significantly

less pollution than the class or model of vehicle for which the Board may certify it as a suitable substitute; and

(5) "retail price" means (a) the maximum statutory price applicable to any class or model of motor vehicle; or (b) in any case where there is no applicable maximum statutory price, the most recent procurement price paid for any class or model of motor vehicle.

(b)(1) There is established a Low-Emission Vehicle Certification Board to be composed of the Secretary or his designee, the Secretary of Transportation or his designee, the Chairman of the Council on Environmental Quality or his designee, the Director of the National Highway Safety Bureau in the Department of Transportation, the Administrator of General Services, and two members appointed by the President. The President shall designate one member of the Board as Chairman.

(2) Any member of the Board not employed by the United States may receive compensation at the rate of $125 for each day such member is engaged upon work of the Board. Each member of the Board shall be reimbursed for travel expenses, including per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently.

(3)(A) The Chairman, with the concurrence of the members of the Board, may employ and fix the compensation of such additional personnel as may be necessary to carry out the functions of the Board, but no individual so appointed shall receive compensation in excess of the rate authorized for GS–18 by section 5332 of title 5, United States Code.

(B) The Chairman may fix the time and place of such meetings as may be required.

(C) The Board is granted all other powers necessary for meeting its responsibilities under this section.

(c) The Secretary shall determine which models or classes of motor vehicles qualify as low-emission vehicles in accordance with the provisions of this section.

(d)(1) The Board shall certify any class or model of motor vehicles—

(A) for which a certification application has been filed in accordance with paragraph (3) of this subsection;

(B) which is a low-emission vehicle as determined by the Secretary; and

(C) which it determines is suitable for use as a substitute for a class or model of vehicles at that time in use by agencies of the Federal Government.

The Board shall specify with particularity the class or model of vehicles for which the class or model of vehicles described in the application is a suitable substitute. In making the determination under this subsection the Board shall consider the following criteria:

(i) the safety of the vehicle;

(ii) its performance characteristics;

(iii) its reliability potential;

(iv) its serviceability;

(v) its fuel availability;

(vi) its noise level; and

(vii) its maintenance costs as compared with the class or model of motor vehicle for which it may be a suitable substitute.

(2) Certification under this section shall be effective for a period of one year from the date of issuance.

(3) (A) Any party seeking to have a class or model of vehicle certified under this section shall file a certification application in accordance with rules established by the Board and published in the Federal Register.

(B) The Board shall publish a notice of each application received in the Federal Register.

(C) The Secretary and the Board shall make determinations for the purpose of this section in accordance with procedures established by the Secretary and the Board, respectively, and published in the Federal Register.

(D) The Secretary and the Board shall conduct whatever investigation is necessary, including actual inspection of the vehicle at a place designated in the certification application rules established under this section.

(E) The Secretary and the Board shall receive and evaluate written comments and documents from interested parties in support of, or in opposition to, certification of the class or model of vehicle under consideration.

(F) Within ninety days after the receipt of a properly filed certification application, the Secretary shall determine whether such class or model of vehicle is a low-emission vehicle, and within one hundred and eighty days of such determination, the Board shall reach a decision by majority vote as to whether such class or model of vehicle, having been determined to be a low-emission vehicle, is a suitable substitute for any class or classes of vehicles presently being purchased by the Federal Government for use by its agencies.

(G) Immediately upon making any such determination or decision, the Secretary and the Board shall each publish in the Federal Register notice of such determination or decision, including reasons therefor and in the case of the Board any dissenting views.

(e)(1) Certified low-emission vehicles shall be acquired by purchase by the Federal Government for use by the Federal Government in lieu of other vehicles if the Administrator of General Services determines that such certified vehicles have procurement costs which are no more than 150 per centum of the retail price of the least expensive class or model of motor vehicle for which they are certified substitutes.

(2) In order to encourage innovative development of inherently low-polluting propulsion technology, the Board may, at its discretion, raise the premium set forth in paragraph (1) of this subsection to 200 per centum of the retail price of any class or model of motor vehicle for which a certified low-emission vehicle is a certified substitute, if the Board determines that the certified low-emission vehicle is powered by an innovative, inherently low-polluting propulsion system.

(3) Data relied upon by the Board and the Secretary in determining that a vehicle is a certified low-emission vehicle shall be incorporated in any contract for the procurement of such vehicle.

(f) The procuring agency shall be required to purchase available certified low-emission vehicles which are eligible for purchase to the extent they are available before purchasing any other vehicles for which any low-emission vehicle is a certified substitute. In making purchasing selections between competing eligible certified low-emission vehicles, the procuring agency shall give priority to (1) any class or model which does not require extensive periodic maintenance to retain its low-polluting qualities or which does not require the use of fuels which are more expensive than those of the classes or models of vehicles for which it is a certified substitute; and (2) passenger vehicles other than buses.

(g) For the purpose of procuring certified low-emission vehicles any statutory price limitations shall be waived.

(h) The Secretary shall, from time to time as the Board deems appropriate, test the emissions from certified low-emission vehicles purchased by the Federal Government. If at any time he finds that the emission rates exceed the rates on which certification under this section was based, the Secretary shall notify the Board. Thereupon the Board shall give the supplier of such vehicles written notice of this finding, issue public notice of it, and give the supplier an opportunity to make necessary repairs, adjustments, or replacements. If no such repairs, adjustments, or replacements are made within a period to be set by the Board, the Board may order the supplier to show cause why the vehicle involved should be eligible for recertification.

(i) There is authorized to be appropriated annually not to exceed $50,000,000 for paying additional amounts for motor vehicles pursuant to, and for carrying out the provisions of, this section.

(j) The Board shall promulgate the procedures required to implement this section within ninety days after the effective date of this section.

The PRESIDING OFFICER. The Senate will be in order. Who yields time?

Mr. MUSKIE. Mr. President, I yield myself 5 minutes.

This amendment has been offered by the distinguished Senator from Montana in behalf of the Senator from Washington (Mr. MAGNUSON). It is an amendment that I am prepared to take, but I should like to read this description of it which was prepared by the Senator from Washington (Mr. MAGNUSON).

As most of the Senate is aware, the Senator from Washington necessarily could not be present during the Senate's consideration of this bill because of an illness in his family. His statement is as follows:

STATEMENT BY SENATOR MAGNUSON

This amendment is designed to create a comprehensive Federal low-emission vehicle procurement program which would stimulate the development, production, and distribution of motor vehicles which emit few or no pollutants. The procurement program would stimulate low-emission vehicle production and distribution by creating immediately a guaranteed market which would pay certain fixed premiums for low-polluting vehicles and provide controlled conditions for field testing new concepts in automotive propulsion.

This amendment is substantially identical to my bill, S. 3072, which this body passed without a dissenting vote on March 26, 1970, but which the House has not acted upon. It would establish a Low-Emission Vehicle Certification Board composed of the Secretary of Transportation, Secretary of Health, Education, and Welfare, the Chairman of the Council on Environmental Quality, the Director of the National Highway Safety Bureau, the Administrator of General Services, and two Presidential designees. This Board would receive applications from developers of low-emission vehicles and determine if those vehicles were suitable substitutes for existing vehicles in use by agencies of the Federal Government.

To obtain certification for a vehicle, a developer would make application to the Certification Board in a manner prescribed by the Board. Upon receipt of this application the Board would ask the Secretary of Health, Education, and Welfare to determine whether the vehicle embodies a significant advance in pollution emission control technology. If the Secretary so finds, then the Board would determine whether or not the vehicle was suitable for use as a substitute for any class or model of vehicles then in use by the Federal agencies. In making such determinations the Board would consider such factors as the safety of the vehicle, its performance characteristics, its reliability, potential, its serviceability, its noise level, and its maintenance characteristics.

Any vehicle determined by the Secretary of Health, Education, and Welfare to be a low-emission vehicle and certified by the Board to be a suitable substitute is then eligible for purchase at a premium of 150 percent of the retail procurement cost of the least expensive class or model of comparable vehicles. At its discretion the Board may in-

crease that premium to 200 percent if the vehicle being purchased embodies an innovative propulsion system which is "inherently low-polluting"—one not depending upon some complicated add-on device to make it smogless.

To the extent that such low-emission vehicles are available, at prices within the premium ceiling, the Administrator of General Services is required to purchase them.

I urge my colleagues to again endorse this Federal procurement proposal. In the first place, this amendment will enable the automobile industry to begin at once to test new propulsion systems under controlled conditions to insure their satisfactory performance in the general consumer market by 1975 or 1976. Secondly, the premium payments will help defer some of the prototype development costs. Thirdly, the bill will make feasible independent innovative development of low-emission vehicles so that all paths to low-emission vehicle development can be explored and the 1975 legislative mandates can be met through the best technologies presently available to this Nation.

There is a final need for this legislation. The Federal Government, particularly as it places greater and greater demands on the private sector not to pollute, has a strong obligation not to disrupt the environment when conducting its own activities. Therefore, the reduction in pollution from governmental vehicles, even apart from the considerations previously mentioned, establish a need for this amendment—now.

The legislation represented by this amendment has already been enacted by the Senate once this year, Mr. President. I was privileged to be a cosponsor of it with the distinguished Senator from Washington. We held joint hearings—the Committee on Commerce and the Committee on Public Works. So I recommend that the Senate adopt the amendment.

Mr. BOGGS. I yield myself 1 minute.

Mr. President, in view of the statement offered by the manager of the bill, the Senator from Maine, and the fact that the Senate has previously acted on this matter, I have no objection to accepting the amendment.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. GRIFFIN. It is the identical bill that was passed?

Mr. MUSKIE. Yes, it is. There are a few technical amendments, I might say.

Mr. President, I yield back the remainder of my time.

Mr. BOGGS. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BOGGS. Mr. President, the distinguished senior Senator from California (Mr. MURPHY) who, up until this Congress, was a member of the Senate Public Works Subcommittee on Air and Water Pollution, and who has always been a strong advocate of legislation to fight pollution, is necessarily absent today. The Senator cosponsored the bill which is before us today, and he has prepared a statement in support of the measure.

Mr. President, I ask unanimous consent to have Senator MURPHY's statement printed in the RECORD.

There being no objection, Senator MURPHY's statement was ordered to be printed in the RECORD, as follows:

SENATOR MURPHY STRONGLY SUPPORTS BILL DESIGNED TO ACHIEVE CLEAN AIR BY 1975

Mr. President, as a cosponsor, I strongly support S. 4358. This measure is tough, timely and desperately needed.

I want to congratulate Senator Muskie and the ranking Republican member, Senator Boggs, and the members of the Subcommittee and full Committee of the Public Works Committee for bringing this effective measure to the Senate Floor. Up until this Congress, I was a member of the Public Works Subcommittee on Air and Water Pollution. In this capacity I helped to shape and strongly supported all the air pollution legislation enacted since 1965. My interest in the problem since leaving the Committee has continued undiminished. I know of the careful and thorough manner with which the Committee considers legislation; I know of the cooperative and bipartisan spirit that operates in the Committee for the benefit of the nation. This has produced again a unanimous recommendation to the Senate on a bill for the benefit of the entire nation.

There was a time when smog was considered a unique type of scientific curiosity resulting from the unsual photochemical reactions which occurred in Los Angeles. I have had the pleasure of crossing this vast and great country many times in recent years. I have seen the pollution problem grow until, today, it is nationwide. Dr. John R. Goldsmith of the Cal. Department of Public Health has declared "there is no more clean air in the United States . . ."

In California, where the concern over the pollution problem is probably the greatest in the country, we have experienced a similar spread of pollution.

In San Gabriel and San Fernando Valleys, which neighbor Los Angeles, smog is frequently heavier than in Los Angeles itself.

Sacramento Valley which already has a smog problem, may face pollution greater than Los Angeles within the next decade or two according to a University of California agriculture engineer.

Fresno citizens 25 years ago were able to see the Sierra Nevada Mountains in the distance. Today these mountains can only be seen in the morning.

Smog in the Los Angeles basin has resulted in a slow decline of citrus groves south of the city and trees have been damaged in the San Bernardino National Forest 50 miles away.

No longer do we hear isolated voices of concern in California; the citizens of California are almost one voice crying out in rising crescendo against the attack on the state's beauty and against the impairment of the quality of life.

California has pioneered the nation's battle against pollution. The Los Angeles County Air Pollution District probably has the toughest air pollution laws in the country against pollution from stationary sources. California has also been the bellwether in the nation's battle against pollution from the automobile. I might say that I am pleased that the "Murphy Amendment" which was added to the Air Quality Act of 1967, after a difficult fight, is preserved and is found in Section 210(b) of this measure. This amendment grants to California the right to set automobile emission standards higher than the nation. California has taken advantage of the amendment and has enacted legislation at the state level giving California the strongest anti-pollution laws with respect to automobile emissions in the country. Notwithstanding, these strict controls, the automobile remains the principal polluter in California. This is a particular concern for California which already has more cars per capita than any other state.

In addition, California is adding to its present number at a rate faster than any other state. If present trends continue, it has been projected that 42 million Californians will be operating 23 million vehicles by the year 2000. These 23 million vehicles will consume 25 billion gallons of gas or three times the present consumption. We are running as fast as we can, but our efforts have only given us a "dangerous status quo."

Air pollution has an adverse affect on both man and his environment. Over 200 million tons of contaminates are emptied annually into America's skies. Pollution soils our clothes and our homes. It causes economic dangers to our agricultural products. As the number one agriculture state in the nation, this obviously is a major concern to California. A recently concluded eight-year study by the Air Resources Center at the University of California at Riverside showed smog was causing economic damage to citrus crops. The study found air pollution cutting the yield per tree by as much as half and reducing the cost value by $33 million. This same study found the greatest economic loss from smog to ornamental plants and shrubs of homeowners. This damage was estimated to be a staggering $125 to $144 million each year. Air pollution also limits visibility. The beauty of California is blurred. Air transportation is made more hazardous. For example, as a result of Los Angeles smog, visibility frequently is lower than three miles. The July, 1970, air pollution alert on the East Coast nearly obscured visibility in some areas.

While this damage to our eyes, our sensitivities, and our pocketbooks are important, the most important effect of air pollution is the danger it poses to the nation's health. There had been several disaster warnings about the air pollution crisis. These occurred in 1930 in Meuse Valley of Belgium, in Donora, Pennsylvania in 1948, in London in 1952 and again in 1962, and in New York in 1953, 1963 and 1966. The news reports on Japanese efforts to control air pollution, particularly in Tokyo, and the reports considered at international conferences in recent years on the subject of pollution show pollution to be a worldwide problem. According to a *Washington Post* article of July 27, 1970, the Japanese characterize their air pollution problem as exposing citizens to the greatest danger of their lives. There probably have been other crises in smaller, less conspicuous locations, where the conditions were not recognized for what they were or where the situation was not reported. The major air pollution disasters were important in that they presented dramatic evidence of the deleterious effects of air pollution.

Most health workers in the field of respiratory diseases now agree that air pollution is capable of producing serious health effects. Rene Dubos pointed out in his book, "Man, Medicine and Environment": "Chronic respiratory disease is now the leading cause of disability among adults in all the industrial ized parts of northern Europe and is becoming increasingly prevalent in the United States . . . Like chronic bronchitis, cancer, and many other types of pathological manifestations, the multifarious effects of environmental pollutants may not be detected until several decades after the initial exposure."

In *Hospital Practice*, May, 1970, John Goldsmith discusses community surveys in Los Angeles and Pasadena which show that air pollution has a significant effect in aggravating the condition of asthmatics. Other epidemiological studies report that relatively little air pollution aggravates chronic bronchitis. Controlled clinical studies in Los Angeles showed that patients with bronchitis or moderately advanced emphysema are seriously affected by Los Angeles type

smog. Goldsmith also states that the available evidence suggests that air pollution may actually be a causative agent in emphysema. Emphysema is now the fastest growing cause of death in the United States, doubling every five years since World War II.

Dr. John W. Jutila, a microbiologist at the Montana State University, is reported as saying that "Environmental microinsults accumulate to become life threatening to more and more individuals. Acceleration of the aging process and the onset of cancer are among the threats posed by a fouled environment." In an extensive review by Stephen Ayres and Meta Buehler in *Clinical Pharmacology and Therapeutics*, May–June, 1970, the authors summarize their results by saying: "An impressive body of scientific information points to the inescapable conclusion that the levels of pollutant contamination existing today in many American cities are sufficient to produce profound health consequences."

The first annual report of the Council of Environmental Quality states:

"It is well established that air pollution contributes to the incidents of such chronic diseases as emphysema, bronchitis and other respiratory ailments. Polluted air is also linked to higher mortality rates and other causes including cancer, arteriosclerotic heart disease."

The incidents of chronic disease has increased rapidly during the past century. Although it is difficult to determine the cause of chronic diseases, there is enough evidence to make one thing certain—air pollution is not doing any of us any good. So the direct proof of cause and effect relationship between air pollution and health still is and should be the subject of research and discussion in medical research. One is reminded of the controversy which still drags on about cause-effect relationships between smoking and cancer. Disagreements still continue and people are still suffering ill health. Although the evidence and statistics I have cited are convincing and point out the urgency for new and tough action, I believe the report which was carried in *Today's Health* for this month which included the following quotation even more cogently depicts the need for action:

"Just recently there was an article in the newspaper about grade school children in the area south of Chicago's loop drawing pictures in art classes. In the last three years the sun no longer appears. Before, there was always a bright smiling sun in the sky. No longer. The sun is gone. There is no sun in the pictures now. Children in the schools now accept this, and it's very, very frightening. They accept pollution as a natural part of their environment. 'What ever happened to clean air?'"

I am not willing to accept pollution as a natural part of my environment. I want to help put the "sun" back into the pictures of those grade school children in Chicago. I support this measure and consider the elimination of air pollution as one of the nation's priority problems not only in terms of the obvious and immediate benefits in the form of improved health, but also in terms of indirect benefits which will accrue through improved plant growth and the aesthetic benefits associated with our environment.

I am under no illusions that the cleaning up to America's air will be cheap, but in considering the cost, we must also consider the cost of inaction. Recent articles point both costs out. The *U.S. News and World Report* in its August 17 issue estimated the cost to be over $13 billion over the next five years. However, this same report describes damages from polluted air to be over $65 billion over the same period, and this does not include damage to health.

Lester B. Lave and Eugene P. Seskin pointed out in their recent analysis of the cost effects of air pollution on human health in *Science*, August 21, 1970:

"The evidence is extremely good for some diseases (such as bronchitis and lung cancer) and only suggestive for others (such as cardiovascular diseases and non-respiratory tract cancers) . . . We therefore make the assumption that there would be a 25 to 50 per cent reduction in morbidity and mortality due to bronchitis if air pollution in the major urban areas were abated by about 50 per cent . . . Approximately 25 per cent of mortality from lung cancer can be saved by a 50 per cent reduction in air pollution . . . It seems likely that 25 per cent of all morbidity and mortality due to respiratory disease could be saved by a 50 per cent abatement in air pollution levels . . . There is evidence that over 20 per cent of cardiovascular mortality could be saved if air pollution were reduced by 50 per cent . . . We have estimates that 15 per cent of the cost of cancer would be saved by a 50 per cent reduction in air pollution . . . We estimate the total annual cost that would be saved by a 50 per cent reduction in air pollution levels in major urban areas, in terms of decreased morbidity and mortality, to be $2080 million . . . Psychological and aesthetic effect of air pollution on vegetation, cleanliness, and the deterioration of materials have not been included in these estimates."

Mr. President, the bill before the Senate today builds on the experience and lessons gained under the present air pollution legislation, as well as the mounting and increased awareness of health dangers associated with the pollution problem. As the committee report observes, the problem of air pollution "is more severe, more persuasive, and growing at a more rapid rate than was generally believed."

I would like to discuss some of the features of the bill that is before the Senate today.

(1) The bill provides that by model year 1975 an almost pollution-free automobile must be achieved. 1975 cars must at a minimum reduce pollution by at least ninety per cent from the 1970 standards. While industry has expressed concern that they will not be able to meet these standards, the health and safety of our people requires that they do so and I feel they can. They have risen to similar challenges in the past and have met standards set in California, which initially they felt could not be met. Industry must do so again. Motor vehicles account for 42 per cent of the five major pollutants in the nation. In California, the car is our principal pollution problem. Pollution equipment under the bill would be required to have a fifty-thousand mile warranty. The bill continues the federal preemption of emission standard setting authority for automobiles, which means this states are not permitted to establish their own standards. The "Murphy Amendment," however, added to the 1967 Air Quality Act is preserved intact. Thus, California will continue to be able to establish standards more stringent than the federal standards. The Secretary of Health, Education, and Welfare is also authorized to certify used car control devices.

(2) The bill provides for regulations of fuels and additives.

(3) The bill establishes national ambient air quality standards with specific timetables that must be met. This provision would help to guarantee for all of our citizens cleaner air in the future.

(4) The bill establishes air quality goals.

(5) The bill requires that new industry built in the nation must achieve standards of performance based on the latest available control technology.

(6) The legislation prohibits any emission of pollution deemed extremely hazardous to health.

(7) The bill authorizes national emission standards for selected pollutants. This provides authority to control pollution not covered by the ambient air standards or by hazardous substance emission controls.

(8) The bill requires federal facilities to clean up. I have felt for some time that the federal government should set an example for the nation. Yet, I have discovered that the federal government often not only is not a model, but actually is a major polluter in some areas. This has to stop. President Nixon has issued an executive order requiring federal facilities to clean up, and these steps are overdue and indeed welcome.

(9) The bill authorizes increased research relating to fuels and vehicles.

(10) The bill authorizes research concerning the health effects of air pollution. Recently the Senate adopted a Smith-Murphy amendment to the Regional Medical bill, calling for a report by the Secretary of Health, Education, and Welfare on the health consequences of pollution. Certainly, we need to know more about this aspect of the problem.

(11) The bill authorizes the Secretary of Health, Education, and Welfare to abate any pollution that presents an imminent and substantial danger to health.

(12) The bill prohibits the federal government from entering contracts with any company under an abatement order or found to have knowingly violated air quality laws.

(13) The bill provides for necessary penalties and controls to make certain that the standards, goals, and intent of the bill is carried out.

(14) The bill establishes an Office of Noise Abatement and Control in the Department of Health, Education and Welfare. Although it is clearly understood that if the Environmental Protection Agency as proposed by the President is established, this noise pollution function would also be transferred.

Earlier I predicted that the 70's would become known as the Decade of Environment. It is not coming any too soon. The President, as his first official act of 1970 signed into law the National Environmental Policy Act of 1970, establishing a three-member White House Council on Environmental Quality. In April, S. 7, the Water Quality Improvement Act, which I cosponsored was enacted. In addition, the President has proposed the creation of a new environmental Protection Agency to coordinate, centralize and accelerate the Nation's pollution fight. This was particularly pleasing to me because I had earlier cosponsored with Senator Scott S. 3388, a bill proposing a similar national agency. I have written the President urging that this agency be located in California. I ask unanimous consent that my press release on this subject be included into my remarks. The Senate on September 1, passed the Environmental Quality Education Act which I supported to establish education programs to encourage and enhance environmental quality. The bill the Senate is considering today will probably rank as the most significant anti-pollution legislation passed by the Congress.

So, Mr. President, the air pollution problem is far more today than a scientific curiosity or a favorite topic for jokes. It is a national disgrace and a menace to the health and welfare of our people. We have already reached that point in our lives when vast national regions are being affected by enormous contaminated air masses. In 1966 I warned the Senate Subcommittee on Air and Water Pollution that "time is running out." I said: "In my judgment the pollution problem is one of the most serious domestic problems facing our country today. While serious, it is not yet critical. The time is not on our side. It is running out. The delay will not only be costly in terms of dollars, but even more important, will be the possible detriment to human health and the interference with the general well-being of our society."

Mr. President, time now has run out. It is, as President Nixon has declared, "now or never" in our battle against pollution. We have reached that point and that time in our history when we must call a halt to the fouling of our environment. We must pro-

vide our citizens with the quality of air that they rightly demand and deserve. S. 4358 should do the job.

The PRESIDING OFFICER. Who yields time? The bill is open to further amendment.

AMENDMENT NO. 930

Mr. COOPER. Mr. President, I call up my amendment No. 930.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. COOPER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 63, beginning on line 23, strike out all through line 4 on page 64, and insert in lieu thereof the following: "and shall be so warranted for the lifetime of such vehicle or engine. Fifty thousand miles shall be taken as the basis for the lifetime of a vehicle or engine under this section. As a condition to the obligation of manufacturers to correct defects in deisgn, manufacture, or assembly, manufacturers may require the ultimate purchaser and subsequent purchasers of such vehicle or engines".

On page 64, line 12, strike out the words "adjustment, operation".

Mr. COOPER. Mr. President, amendment No. 930 is an amendment proposed by myself and Mr. BAKER and Mr. GURNEY. It arose out of the discussion in the committee, and I shall explain briefly its purpose. I am not going to ask for a vote, but I do think some record of the issues shoud go into this debate.

The bill provides for a comprehensive warranty by the manufacturer running in favor of any purchaser or subsequent purchaser. The warranty, as I see it, is a warranty that the design and the manufacture of the system and parts in the car which were designed to control pollutants will be effective in favor of any initial purchaser or subsequent purchaser. In addition there is language in the bill which extends the warranty to include "performance". It would seem to me that such warranty would not only guarantee the design and equipment of the car itself but also would guarantee operation by the owner of every car, in effect, perhaps a hundred million car owners in this country.

I must say, however, that in the discussion, the Senator from Maine answered such issues quite persuasively. Inasmuch as I am not an automobile engineer or technician in any way, I can just say that I would not be in a position to rebut those arguments without more information and without more help from other members of the committee who understand engineering.

I think there is a problem with this section, and I have only raised it as an issue but I do not think it should be determined on the floor of the Senate. I do not know whether the problem is as great as I thought it was in the first instance. I bring it up so that in conference we could have a full discussion.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. GRIFFIN. I agree with the Senator that there are serious problems in regard to the warranty provisions.

Page 82 of the bill, section 215, provides that warranty provisions shall be effective 90 days after the enactment of this section.

Keep in mind that testing procedure to determine in the field whether or not the extent to which an automobile exhaust is polluting the air have not yet been developed. Keep in mind that it has been admitted on the floor of the Senate over and over again that the technology to make it possible to comply with the standards written into this bill is not in existence today. The hope is that it will be developed. But the warranty goes into effect 90 days after the bill is enacted.

I wonder whether the Senator from Maine could explain how it is that a warranty would go into effect 90 days after enactment in this particular situation.

Mr. MUSKIE. I say to the Senator that since the emission standards were set by the Secretary under the 1965 law, automobiles presumably should have been meeting the standards. The fact is that they have not.

For example, according to testimony of the National Air Pollution Control Administration—I read from the report:

The more complete data confirmed that slightly more than one-half of the cars tested failed to meet either the hydrocarbon or the carbon monoxide standard. For one model, more than 80 percent of the cars tested failed one or more tests. Due to the small number of cars, these emission data were not extrapolated to 50,000 miles. However, on the basis of the California data, one would expect that the emissions would tend to increase to some extent with increased mileage accumulation.

So the record is that, although the industry has been able to get certification of the new cars and has sold them—and has sold them under the assurance that they were meeting the standards—the fact is that the cars are not meeting the standards.

So what we are concerned about is not only the tests or the standards that the cars meet while they are in the factory, but also whether or not they continue to meet these standards afterward. We are asking the consumers of America to pay an extra cost, which undoubtedly will be imposed upon these cars, for cleaner cars. The only way we can assure them that they are getting what they are paying for is to impose upon the manufacturer a responsibility and an obligation to build into these cars a durability quality that will permit the cars to meet the performance standards required.

We think that the warranty is essential. The used car population of this country now numbers more than 100 million and is increasing at the rate of a million and a half, discounting those taken off the road. If we are to clean up the used car population of this country, we have to require that new cars meet not only the standards on the production line but also the standards in performance. Unless they do, the whole exercise is useless, so far as I am concerned.

Mr. GRIFFIN. Of course, the goals and objectives are very desirable; I'm sure we are all for them.

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. I yield myself time on the bill.

The question is, How realistic and how practical is the proposed legislation? Until now, warranties that have been required, as I understand it, have related to workmanship and material in the automobile as it came off the assembly line. Now, under this bill, we would extend the warranty far beyond that. We would say that not only does the material and workmanship have to meet certain standards when it comes off the assembly line—but also, that, it must still perform in accordance with those standards 50,000 miles later.

Now, the fact is that testing procedures with regard to exhaust emission to establish whether a car, in the field, 10,000 miles later, or 50,000 miles later, is still performing are not available. Is that not correct, I would ask the Senator from Maine?

Mr. MUSKIE. May I say to the Senator that in the bill as presented to the committee, we had a provision that the warranty should not be required until the Secretary was satisfied that the testing procedures were available. It was at the request of the industry that that was changed to 90 days after enactment. I suggested a few moments ago to the Senator that I would be happy to revert to the committe language if that would meet his problem, but he was not interested. We are interested in relating the warranty and its application to the availability of the appropriate testing procedures.

May I say another thing to the Senator, and this is from the testimony of Mr. Williams of the Automobile Manufacturers Association, in 1965, where he suggested that national standards be tested against the criteria one of them being, that (c)—

Control of emissions by establishment of performance standards rather than design standards.

The industry itself emphasized from the beginning, until they were faced with this deadline, that performance should be the test and that it should be geared to the requirements of ambient air. That has been their case since 1967 and before.

Now that we take them up on that, they inject other arguments, that we should not insist upon performance standards, which they cannot guarantee, but that we should go only to the design standards, that the warranty should not be related to performance but to design.

The story is different, now that we take them up on the guidelines they laid down in 1967, which we have been trying to follow.

Mr. GRIFFIN. Mr. President, the goals and objectives of this legislation are fine. But I do not think that the bill before the Senate is very realistic. I agree with the Senator from Kentucky, I do not believe that we can rewrite this

measure on the Senate floor. I would offer an amendment, but it is almost impossible to rewrite the bill in such manner. I hope this exchange has demonstrated that there are real problems in the bill, and I hope this will not be lost upon the conferees representing the Senate.

Mr. MUSKIE. Mr. President, I ask unanimous consent to have printed in the RECORD the language of the committee report dealing with this question of the warranty.

There being no objection, the excerpt from the report, ordered to be printed in the RECORD, follows:

SECTION 207. VEHICLE AND VEHICLE ENGINE COMPLIANCE TESTING

Section 207 would represent a significant departure from prior provisions for control of vehicle emissions. At the present time compliance with national emission standards for vehicles and engines is determined on the basis of whether the average of a class or model complies with the standard. Section 206 continues this procedure. Under section 206 prototype models would be certified as to compliance with standards and production-line sample-testing would be authorized to assure that the average of the models coming off the production line conforms to preproduction certification.

Under section 207, each production line vehicle would be required to comply with applicable emission standards. Each vehicle would be required to comply with standards for a 50,000-mile lifetime. The manufacturer would be required to warranty the performance of each individual vehicle as to compliance with emission standards. The dealer would not carry any obligation under this provision.

This section would provide two methods to determine whether or not individual cars will perform to the emission standard. First, the Secretary would be provided with the authority to test representative samples of vehicles on the road and, if he found that a representative sample of a model or class fails to continue to comply with the standards within the 50,000-mile period, he could require the manufacturers to recall that model or class for the purpose of correcting any nonconformity.

The second compliance testing method would be triggered by the development of a quick test procedure. The Secretary would be required to develop a test which could be quickly and uniformly applied to individual vehicles on the production line and on the road to determine whether or not those vehicles comply or continue to comply with the standards for which they were certified. The quick test would have to be correlated with the precertification test procedure. It would have to be a test which could be applied in a reasonable period of time related to the normal time for a regular vehicle inspection. A quick test should avoid unnecessary slowdown of production lines, unnecessary consumer inconvenience, while providing a method to determine whether individual vehicles on the road are continuing to meet the standards for which they were certified.

The need to assure individual vehicle compliance became evident after sample-testing of vehicles on the road (both from California and nationally) revealed deterioration from conformance with the standard.

According to testimony of the National Air Pollution Control Administration:

"The more complete data confirm that slightly more than one-half of the cars tested failed to meet either the hydrocarbon or the carbon monoxide standard. For one model, more than 80 percent of the cars tested failed one or more tests. Due to the small number of cars, these emission data were not extrapolated to 50,000 miles; however, on the basis of the California data one would expect that the emissions would tend to increase to some extent with increased mileage accumulations."

This bill would require the American people to make a substantially greater investment in motor vehicles to assure that air quality standards are implemented. This investment would be defensible only if the emission control systems continued to conform to standards for the lifetime of the vehicle. Substantial deterioration from the emission standard would mean that the manufacturer was not designing emission control systems which meet the intent of this legislation. It would mean that air quality standards in regions throughout the Nation would not be effectively maintained, and it would mean that potentially billions of dollars of consumer investment would be to no purpose.

The Committee has no reason to believe that emission controls would be inexpensive. The automobile industry has indicated that achievement of the 1975 standards set by the bill would be costly—whether such standards were achieved through cleaning up the internal combustion engine or through development of an alternative power source.

The manufacturers informed the Committee that they would not be able to guarantee conformity with emission standards for the anticipated 10-year life of a vehicle. The committee bill provides that 50,000 miles would be the maximum that a vehicle would be required to conform to the standards for which it was certified. The Committee bill would provide that a manufacturer may require reasonable evidence of proper maintenance of a vehicle and must provide written instructions on maintenance, adjustments, service and operation. The Committee hopes that, if the motorist complied with these instructions, emission controls would not deteriorate after 50,000 miles to the extent that ambient air quality would be impaired. The Committee further expects the manufacturer to endeavor to either improve the quality control of emission systems or explore better ways to assure continued compliance beyond 50,000 miles of use.

The warranty required by this section would not become effective until 90 days after enactment of this Act. This delay would be needed so that the manufacturer could prepare instructions for the motor vehicle purchaser. The Committee expects these instructions to be reasonable and uncomplicated. They would have to be approved by the Secretary. During such time as the warranty provision is effective, vehicles manufactured after that date would be required to comply with present standards. Vehicles manufactured in future years would have to be warranted to comply with such standards as may be applicable.

The Committee intends that the public should be made aware of the actual cost, not the manufacturer's price of any air pollution control equipment and warranty. While the Committee recognizes that separation of specific costs for air pollution control may be difficult, it is quite likely there would be a marked increase in cars in 1975. To the extent that such costs are attributed to the control of air pollution emissions the Committee intends that those increases be the actual cost of the air pollution systems involved.

The Committee also recognizes the difficulty in any recall provision of notifying the owners of vehicles. The burden would be placed on the manufacturer to notify both the initial and subsequent purchasers of vehicles. The Committee expects that the manufacturer would not only depend on the files of the franchise dealer, but would, to the extent practicable, use State motor vehicle department registration files to obtain the names and addresses of subsequent purchasers of cars. By establishing a 50,000 mile, no year lifetime for the purpose of warranty, the Committee did not intend to relieve the automobile manufacturers of their responsibility to notify owners of older cars. The 50,000-mile period can be assumed to be 4 to 5 years and the manufacturer should be expected to notify any owner of a vehicle that is five years old or less as to failure to continue to perform to the standard. A decision not to require the manufacturer to repair the vehicle could be made after notice and after finding that the vehicle had exceeded the 50,000-mile warranty period.

Mr. MUSKIE. Mr. President, let me make clear precisely what it provides. It provides that there shall be a manufacturer's warranty of performance for 50,000 miles.

Throughout discussions with the industry over the past 6 or 7 years, that is what they were stating, 50,000 miles. They do not consider that technology would be effective or worthwhile, in terms of cost to the consumer, unless it meets the 50,000-mile test. So we are asking for that, because unless automobiles will perform for a practical proportion of their life, meeting standards initially may not be worthwhile. Fifty thousand miles is not all their life, 100,000 miles being nearer to a measure of the life of a motor vehicle, but we have taken 50,000 miles, comparable to the 50,000-mile guarantee some companies gave us a few years ago on the drive train and the lubrication question, and we have used that 50,000-mile test on performance.

We understand, of course, that performance depends at present as well upon the extent to which the operator maintains his car. We have said in the report, and made it clear in the language of the bill, indeed, that unless the individual operator meets the manufacturer's instructions with respect to maintaining the car as it relates to the clean air provisions of the automobile, the warranty will not be available to the owner. That is the language of the bill. It was written into the bill, on page 64.

May I read it?

As a condition to the obligation of manufacturers to correct deficient performance, manufacturers may require the ultimate purchaser and subsequent purchasers of such vehicles or engines (a) to provide reasonable evidence of the time when such vehicles or engines were first placed in regular service and (b) to provide reasonable evidence that prescribed maintenance, adjustment, and service requirements and schedules have been observed. The manufacturer shall furnish with each vehicle or engine written instructions for the proper maintenance, adjustment, operation, and service by the owner or operator.

In addition, Mr. President, the bill provides grant-in-aid programs to States and communities to develop inspection programs and services comparable to the safety inspection services programs, that enable both operator and manufacturer to stay on top of the maintenance problem. That is the key. The industry has recognized that, from the time of its 1967 testimony and before. We have merely responded to that concern of theirs.

We understand that it is not presently possible to build a maintenance-

proof, clean car, but that it is possible—with the use of a system that is built with some durability in it and some responsibility imposed upon the operator—to assure reasonably clean operation of such an automobile. We have to have the two. One without the other is like a one-legged man.

Mr. ALLOTT. Mr. President, will the Senator from Maine yield me some time?

Mr. MUSKIE. I yield 5 minutes to the Senator from Colorado.

The PRESIDING OFFICER (Mr. PACKWOOD). The Senator from Colorado is recognized for 5 minutes.

Mr. ALLOTT. Mr. President, I think we are all trying to get at the same thing, but on this subject, which I had not intended to speak on, that the Senator from Maine was discussing, it raises some questions in my mind.

First, where is an operator going to get the maintenance necessary to keep his car operating at the supposed level as when he purchased it?

My experience with various cars, and I am sure it is no different from anyone else's in the Senate, is that, to secure competent maintenance on a car at the present time in any respect is almost an impossibility. In fact, even for rather simple operations, it is nothing unusual to have to take back the car two or three times.

So, that is a weak spot in the bill. Whether we can do anything about it, I do not know, but it certainly is a weak spot in the bill.

We are assuming that the automobile manufacturers are able to develop the kind of emission controls as contemplated in the bill either by 1975 or 1976. Yet, we still would have another problem.

For example, if I am delivered a car in Washington, D.C., which contains the so-called proper emission controls, and it is in working condition and performance and up to the standards which have been set, and I drive that car to Denver, Colo., that car will no longer meet those qualifications which held in Washington, D.C.

On the other hand, when I reach Denver, if I am fortunate enough to find a garage in which I can get the emission controls on the car corrected so that they meet the standards when the car was delivered to me, I still have a problem when I leave and drive to, say, Vail or Dillon, and I cross two mountain passes, one of which is a few thousand feet, under 12,000 feet, and the other is in excess of 11,000 feet, the car will not meet the emission standards there. Therefore, under the provisions of the bill, I am contributing to a violation of the bill and its purposes. Because one simply cannot create an emission control which will be workable at sea level, at 5,000 feet, at 11,000 feet, or at 12,000 feet or, again, at 8,500 feet.

I do not know whether this means that, as an operator I would have to—and this would affect a lot of people in my State—have my car taken to a garage at each change of altitude, but there are factors like this—although I have not gone extensively into consideration of the bill—which have to be considered. As I say, the first thing which concerns me is the ability of an operator of a vehicle to get it adequately cared for and the second thing is the change in climatic conditions. The car is affected by climatic conditions and not just by altitude. The change in emission in any particular application of a car is caused by a change in climate and a change in altitude.

Mr. GRIFFIN. Mr. President, will the Senator yield rather briefly?

Mr. ALLOTT. I yield.

Mr. GRIFFIN. Mr. President, I want to clear up something I said earlier. At one point I believe I indicated that are no testing procedures available at the present time. That was an error. It is possible to test the exhaust of a car now. But I am told that it takes $50,000 worth of equipment, several highly trained technicians, and 13 hours of time for each test of each car.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GRIFFIN. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 5 minutes.

Mr. GRIFFIN. Mr. President, I am referring to the kind of a test that would be necessary to determine the performance level after 10,000 or 50,000 miles.

Mr. ALLOTT. That is on an individual car.

Mr. GRIFFIN. That is on one individual car. Now, what is lacking and needed is a quicker, more convenient, and cheaper way of testing.

Although the bill itself does not say anything about this, the committee report contemplates that the Secretary of Health, Education, and Welfare, hopefully, will develop some quick testing procedure—a procedure not available at the present time. In the meantime, there are no practical testing procedures.

There is no indication in the bill as to who would pay the cost, how it is to be paid, or who would provide the equipment. However, the warranty provision goes into effect, nevertheless, 90 days after enactment of the bill.

Mr. ALLOTT. The Senator is correct. However, it is the Senator from Michigan and I, the users, who are going to pay for the testing and for whatever controls are put on the car. There can be no question about this. That is true of the American people in this whole area of environment, ecology control, and so forth.

There is no use in kidding ourselves. The American people will be spending a lot more for a lot of products in order to have the industries meet the standards that Congress is promulgating now. I think they are proper. I think we are proceeding in the right direction. However, it is John Q. Public who pays and who will pay for the testing and for the maintenance and all the rest of it.

Mr. MUSKIE. Mr. President, in response to the point made by the distinguished Senator from Michigan, the committee has long been aware of the need for a quickie test, so-called. This is why we geared the warranty provision to such time as the Secretary is satisfied such a test exists. The 90-day provision that is in here now, and that might be in effect imposing the requirement on the industry before such a test is developed, is at the insistence of the industry.

I repeat that the bill proposed by the committee would have been geared to the establishment of a quickie test.

I have no objection to modifying the bill to return it to what it was. I assume that the industry had some reason for insisting upon the 90-day provision.

With respect to the points made by the Senator from Colorado, he says that the points he made reflect the weakness of the bill. I take issue with that statement. The weaknesses that are reflected are endemic in the industry and the internal combustion engine.

The industry itself has recognized this over the years. And it has constantly striven to make the automobile maintenance-proof. It has undertaken to stretch out the life of the lubrication system, to reduce the number of times or the frequency of lubrication, and so on.

The industry recognizes that the American motorist is not a good maintenance engineer. Therefore the industry has worked to make the car maintenance proof.

I think the greatest problem the industry faces is the shortage of mechanics across this country. As a matter of fact, if there were sufficient mechanics and if each owner followed the particular maintenance schedules of the automobiles, without any new technology or new devices, they would be substantially cleaner vehicles. I do not know the extent to which they might be cleaned up, but I suspect that 50 percent might not be a bad target at which to shoot. That is because of maintenance problems.

We cannot by legislation remake the automobile industry. We brought pressure on the industry from the beginning, 7 years ago, to press with urgency, not merely for control of the internal combustion engine, but for the electric automobile, the external combustion engine, and other ideas that might develop in order to get away from the problem of the internal combustion engines. That is because the internal combustion engine has greater maintenance problems than the electric or the external combustion engine would if it were developed.

The industry likes the internal combustion engine. It likes the comfort and the conveniences it has built into it.

The pending bill does not say to the industry. "You have to stick with this." It does not say that Congress is committed to the internal combustion engine.

We cannot solve the problem of whatever technology the industry chooses to put its bets on. All we can do is to set the standards.

The automobile industry has created all of the problems from the top to the bottom. The corner service station is related to the fact that Detroit built an automobile with an internal combustion system.

The dealer on Main Street is a product of the manufacturer in Detroit. He gets his franchise from them. He gets the manufacturer's requirements as to what kind of building he should construct, what kind of service he should provide.

The key to controlling the situation is in Detroit. As a matter of fact, the Senator from Tennessee (Mr. BAKER) has persisted in making the point that it is not for us to say how these things should be done, but rather what performance standards are to be met.

So, if the bill is weak in not providing for the solution of the maintenance problem, I would welcome an amendment that would cure that weakness. But I do not think there is any way of writing a law that will create maintenance capability all across the country. Only the automobile industry can do that.

Mr. ALLOTT. Mr. President, I would have to take exception to the statement about the automobile industry, because I think the internal combustion engine has resulted in great efficiency. The torque, the r.p.m., speed of pickup, all of those factors are things that the American people have demanded.

Mr. MUSKIE. Mr. President, they have demanded it because of the automobile industry's advertising. There is plenty of testimony to the effect that we do not need power built into the automobiles. The appetite for the power has been stimulated by advertising.

The Senator knows that if the industry had chosen to put its muscle behind low power cars, lighter cars, cheaper cars, emission-free cars, it could have sold them. Does the Senator from Colorado doubt that?

Mr. ALLOTT. I think only within limits could they have done that. My feeling is that what the automobile industry has done is to meet the demand of the public. I admit, they have advertised and promoted the product just as one would promote suds or some other kind of detergent. This is part of the American way of life.

Mr. MUSKIE. Mr. President, I can recall driving an automobile back in the mid-thirties——

Mr. ALLOTT. Mr. President, I will get the floor later if the Senator wants it.

Mr. MUSKIE. I thought the Senator had yielded the floor. I had gotten the floor and was speaking and the Senator from Colorado interrupted to ask me a question.

Mr. ALLOTT. The Senator yielded to me. It is all right.

Mr. MUSKIE. Mr. President, I can recall driving my first automobile. It had 100 horsepower. I cannot recall demanding 200. I cannot recall even thinking about it until the industry put it in my mind.

Mr. President, now I insist on something at least that powerful or more. The idea did not originate with me, but with the industry. I must say I enjoy it.

I say to the Senator that this bill is not directed only to the automobile industry. This bill is going to require that the American motorist change his habits, his tastes, and his driving appetites. Of course, he has to, if we are to revert to a lighter car and a lower powered car. Those two factors, without any technology, could drastically reduce emission. The consumer also must make sacrifices in addition to those made by the manufacturer. So it is rather pointless to argue about whether the appetite rose in industry advertising or within the minds of consumers. The fact is both must now modify their concept of what tomorrow's automobile should be.

Mr. GRIFFIN. Mr. President, I yield 5 minutes on the bill to the Senator from Colorado.

The PRESIDING OFFICER (Mr. BAYH). The Senator from Colorado is recognized.

Mr. ALLOTT. Mr. President, I want to say in response to what has been said here that I am sorry there really is only one authority on automobiles on the floor although apparently there are others who have driven a little bit.

Mr. MUSKIE. Would the Senator identify the authority?

Mr. ALLOTT. Would the Senator repeat his question?

Mr. MUSKIE. Would the Senator identify that exclusive authority? I had not recognized it.

Mr. ALLOTT. I have been listening to him for a little bit here.

Mr. President, I am frank to say, to get back to this matter, we will have several problems and one will be with maintenance. I think if it were possible today to check the personal car of each Senator, I would doubt very much if any is operated within 75 percent of its specifications. It is impossible to get repairs to get them to operate at much more than that—maybe 80 percent, and I am being kind at that. That is the point I make.

In the operation of this particular matter one cannot apply the same standards to an automobile here and an automobile that is driven to Denver or over into the mountains, and have that car meet the standards that it did when it was originally made and delivered, even if it were 100 percent. No one can deny that. No automotive engineer that I know of anywhere in the country will deny it.

Second, I do think that we have to think not only in terms of what is going to happen to our engines when we have to drive them across the country, but we have to think of maintaining them. These are the two points I make. Nothing I have heard convinces me otherwise, and I am susceptible to being convinced. I would like to hear if there are answers to those points.

But what are we going to do with people who have the kind of country we have in Colorado where one goes from 3,000 feet in some parts of our State to 12,000 feet, and 12,000 feet is nothing unusual in our State; and then, the car will have to be adjusted every 5 miles as it goes up 1,000 feet. These are the problems we face.

I do not say the bill is wrong for that reason, but there are problems we have to face and it does not do any good to say the automobile industry inflicted this on us.

Mr. HART. Mr. President, may I have 3 minutes?

Mr. MUSKIE. I yield 3 minutes to the Senator from Michigan.

Mr. HART. Mr. President, getting back to the testing requirements, my able colleague from Michigan raised a point I thought was completely valid; namely, that the obligation becomes effective 90 days after enactment but there is not available presently the means within reason to make the tests.

I was surprised to hear from the able Senator from Maine that originally he had shared that concern, but the committee had changed the language at the specific request of the automobile manufacturers.

None of us claims infallibility about anything, but I wonder if Detroit, given the opportunity for second thoughts on this, would not agree with my colleague from Michigan, that the original position of the committee would be much more desirable. Under the original language the obligation would not become applicable until 90 days after there was available reasonably the means for a test. The Secretary would be obliged to make an executive finding, that such a test existed before the obligation would arise.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. GRIFFIN. I do not know. I take the Senator from Maine at his word. I do not know what the position of the industry was before his committee. I find it inconceivable that they would ask for a warranty to go into effect 90 days after enactment if there was a provision in the bill that said it would not go into effect until a certain testing procedure was developed; and we have no idea at the present time how long it will take to develop.

Mr. HART. I find in the committee report language to suggest it was indeed the committee's original intention and, for some reason, apparently at Detroit's request they put in the requirement that it go into effect 90 days after enactment. We find in the report on page 29, fourth paragraph, this language:

> The second compliance testing method would be triggered by the development of a quick test procedure. The Secretary would be required to develop a test which could be quickly and uniformly applied to individual vehicles on the production line and on the road to determine whether or not those vehicles comply or continue to comply with the standards for which they were certified.

Mr. GRIFFIN. If I may pursue this further, when we talk about the Secretary developing quick tests, I wonder if anybody, including the Senator from Maine, has any idea how much it will cost to make quick tests available all over the country and how long it will take.

Mr. MUSKIE. If we knew we would not need to give the Secretary discretion, would we?

Mr. HART. But we have not given him discretion in the bill as reported.

I feel it would be preferable to state something on the order of:

> Within 90 days after the Secretary establishes methods and procedures for the tests required that this obligation be established.

I cannot understand why that is not in the interest of the manufacturers and all dependent on the industry.

Mr. MUSKIE. I find that language completely acceptable. I agree it is asking a great deal to impose a warranty

before we have a test to measure whether or not the warranty is being violated.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MUSKIE. I yield myself another 5 minutes.

The PRESIDING OFFICER. The Senator from Maine is recognized for another 5 minutes.

Mr. MUSKIE. I would be perfectly agreeable. May I suggest that here are three Senators discussing this matter. Why do we not decide what should be in the bill and recommend it to the Senate? We seem to be in agreement. I am for it and the two Senators are for it.

I suggest we offer the amendment to the bill and let the Senate act on it.

Mr. GRIFFIN. I would support the amendment. It is a small step in the right direction, but it points out how ridiculous this portion of the legislation is.

Mr. MUSKIE. Mr. President, if the Senator will yield, as compared to what the committee had in the bill, if it has become ridiculous because of this provision, the source of the ridiculousness is not the committee.

Mr. GRIFFIN. Mr. President, I yield myself 5 minutes.

It is ridiculous to say a warranty shall be effective 90 days after enactment when there is no testing procedure available. It would also be ridiculous to say the warranty provision would be effective 90 days after the Secretary develops a quick test, whatever that is, when we have no idea if this quick test can be made available throughout the country in 90 days, how much it would cost, or what would be involved. It is legislating in the dark, and it is ridiculous.

Mr. HART. Mr. President, let us take the small step, anyhow.

I would offer as an amendment the addition of this language beginning on page 63, at line 19, striking nothing, but inserting prior to the language appearing on line 19:

Within 90 days after the Secretary shall have established feasible methods and procedures for making tests as required by subsection (b)—

And, as a necessary conforming amendment, I am advised that a change on page 82, line 10, would be required; namely, deleting the reference to "207 (c)".

I would inquire of the manager of the bill——

The PRESIDING OFFICER. The Chair is advised by the Parliamentarian that an amendment is pending.

Mr. COOPER. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. COOPER. I am withdrawing my amendment to amend section 207. I think the discussion that insued following my calling it up indicates some of the problems that we had in the committee. Since I am no engineer—in fact, since 1936, I have not owned a car, nor have I driven a car in 20 years—I think there are problems in the warranty amendment. However, trying to separate the warranty as between a construction and design warranty from a warranty which would extend to performance of automobiles driven by 100 million drivers is extremely difficult.

There are provisions in the bill which seem to put pressure on the manufacturers to produce a design which will last 50,000 miles or the life of the car. These include certification by the Secretary; second, a provision that it will require testing on the production line; third, a provision that the Secretary can test it at any time; fourth, that the Secretary can order recall of any number of cars from any number of owners; and finally, penalties of up to $10,000 if a car is put in commerce which will not meet these standards.

So it seems to me there was a question as to whether there should be a performance warranty. As I have said, my knowledge is not sufficient to comprehend it. With other problems of the committee, we may not have gone into it as fully as we could. I wanted to raise the matter because I think it is proper that we have some further discussion of it in conference; but I withdraw the amendment.

The PRESIDING OFFICER. The amendment of the Senator from Kentucky is withdrawn.

Mr. HART. Mr. President, I offer an amendment providing that the following language be inserted on line 19, page 63:

Within 90 days after the Secretary shall have established feasible methods and procedures for making tests as required by subsection (b)—

The PRESIDING OFFICER. Will the Senator send his amendment to the desk?

Mr. HART. Mr. President, this amendment is offered by my colleague from Michigan (Mr. GRIFFIN) and myself.

The PRESIDING OFFICER. The amendments offered by the Senator from Michigan will be stated.

The legislative clerk read the amendments, as follows:

On page 63, line 19, after "(c)", insert "Within 90 days after the Secretary shall have established feasible methods and procedures for making tests as required by subsection (b),".

On page 82, line 10, strike out "207 (c),".

The PRESIDING OFFICER. Who yields time?

Mr. MUSKIE. Mr. President, as I have already indicated, I am willing to accept this amendment. I am happy to yield back my time.

Mr. HART. Mr. President, I think I have indicated that the amendment is offered both by myself and my colleague (Mr. GRIFFIN).

I yield back my time.

The PRESIDING OFFICER. All time on the amendment having been yielded back, the question is on agreeing, en bloc, to the amendments offered by the Senator from Michigan (Mr. HART) for himself and Mr. GRIFFIN.

The amendments were agreed to en bloc.

Mr. COOPER. Mr. President, I call up two amendments which were to be offered by the Senator from Tennessee (Mr. BAKER), but which have not yet been called up.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment, as follows:

On page 90, line 24, after the word "know-how" insert the following: "which is being used or intended for public or commercial use and".

Mr. COOPER. Mr. President, it was necessary for the junior Senator from Tennessee (Mr. BAKER) to leave the city. Prior to his departure he sent to the desk two amendments to modify section 309 regarding mandatory licensing. I understand he discussed the amendments with the manager of the bill (Mr. MUSKIE) and the manager on the minority side (Mr. BOGGS). I believe there is no opposition to the amendments. The Senator from Tennessee asked if I would call the amendments up for adoption and include for the RECORD his statement in support of the amendments.

To the extent that section 309 covers all know-how and trade secrets known to the owner of my patent, know-how or trade secret, it is too broad to be meaningful. It is important that any know-how or trade secrets used in the manufacture of commercially available devices, vehicles or engines be licensed, but it would be unworkable to require all industries to disclose all know-how and trade secrets, whether used commercially or not.

Thus, the section should be limited to know-how or trade secrets used commercially, whether or not the section is limited to the industries covered in title II.

Mr. MUSKIE. Mr. President, I discussed this amendment with the Senator from Tennessee and the Senator from Kentucky. The American Bar Association patents section raised this question. It is a technical matter. I am perfectly willing to accept the amendment, and also the next amendment which I think the Senator will offer. I think there is no objection on the part of the committee.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. MUSKIE. I yield back my time.

Mr. COOPER. I yield back my time.

The PRESIDING OFFICER. All time on the amendment having been yielded back, the question is on agreeing to the amendment offered by the Senator from Kentucky.

The amendment was agreed to.

Mr. COOPER. Mr. President, I send to the desk the other amendment which was intended to be offered by the Senator from Tennessee (Mr. BAKER).

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment, as follows:

On page 92, beginning at line 7: strike out the subsection (c) and subsection (d) and insert the following new subsections:

"(c) If the owner of any United States letters patent, patent application, trade secret, or know-how and any applicant for a license thereunder pursuant to subsection (a) are unable to agree upon reasonable royalties to be charged under such license or upon any other provision which might be included in such license pursuant to subsection (b), either party may seek a declaration of the amount of royalties to be charged or any other provision of such license in an action for declaratory judgment under Sections 2201 and 2202 of Title 28 of the United States

Code in a court of competent jurisdiction regardless of the amount in controversy or the citizenship of the parties.

"(d) The court, in issuing any order or judgment on any action brought pursuant to subsection (c) of this Section may award or apportion the cost of litigation, including reasonable attorney and expert witness fees whenever the court determines that such action will do justice in the case.

"(e) Nothing in this section shall be construed to grant an exemption from the antitrust laws of the United States or any judgments, ordered or decreed thereunder."

Mr. COOPER. Mr. President, this is the other amendment that was to have been offered by the junior Senator from Tennessee (Mr. BAKER). He asked me if I would call it up. He informed me that he had discussed it with the manager of the bill (Mr. MUSKIE) and the manager on the minority side (Mr. BOGGS).

Senator BAKER has an explanation of some length, which I shall not read in full but summarize it in substance, as I understand it. Under this section of the bill, if there were a matter which came to arbitration as to royalties, it would be resolved through the rules of the American Arbitration Association. Senator BAKER's amendment would provide for substituting a judicial declaratory judgment approach to resolve royalty disputes in the place of the compulsory arbitration route.

I ask unanimous consent that the complete statement of the Senator from Tennessee be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

DECLARATORY JUDGMENT ROUTE

Section 309(c) of the bill, as amended in Committee, deviates from other provisions of the bill with respect to the manner in which disputes arising under the act should be resolved. It heaps compulsory arbitration upon compulsory licensing, without any right of judicial review.

The bill provides for arbitration under the rules of The American Arbitration Association then in effect. Congress has no control over those rules and they may be changed over night without Congressional control or approval. On the other hand, the rules under which the federal judiciary operates are subject to control by Congress and the procedures available in the Federal Courts under the declaratory judgment statute are well established and adapted to resolve disputes over such things as royalty rates and protection of know-how and trade secrets against disclosure to unauthorized persons.

The purpose of substituting the declaratory judgment route for the compulsory arbitration route, is not only to utilize well known, established procedures in the Federal Courts but also to establish legal precedents to aid in the implementation of the legislation.

Utilization of the federal judiciary will also maintain a balance between the Executive Branch and the judiciary in implementation of all of the provisions of the act instead of relegating the determination of legal relationships to lay arbiters outside the framework of our national government.

The provision for awarding or allocating costs, attorney and expert witness fees is substantially the same as that set forth in Section 304(b) with respect to citizen suits and allows for the application of equitable principles in allocating such costs to prevent injustice.

Mr. MUSKIE. Mr. President, I have already indicated that I have discussed this matter with the Senator from Tennessee and the Senator from Kentucky. This is another amendment in response to questions raised by the section of the American Bar Association dealing with this subject. I think it makes sense. I support the amendment, and I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Kentucky yield back the remainder of his time?

Mr. COOPER. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment offered by the Senator from Kentucky in behalf of the Senator from Tennessee (Mr. BAKER).

The amendment was agreed to.

Mr. RANDOLPH. Mr. President, I send to the desk an amendment, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 69, line 20, insert after "except" the following: "In the case of vehicle or vehicle engines".

On page 70, lines 22 and 23, strike "particularly such control, regulations or restrictions necessary". On line 23 after "with" insert "plans for the implementation of".

Mr. RANDOLPH. Mr. President, I have discussed this amendment with the able Senator from Maine, the chairman of our subcommittee.

The language of section 210, as reported, seemed to me not to appear to fully reflect the intent of the committee with regard to Federal preemption for aircraft, as well as vessels and commercial vehicle operations. The omission on page 69, line 22 of the word, "vehicle," before the word "engines" clouds the precision of the preemption and raises the question of whether States will have the authority to require more restrictive emission standards for aircraft engines than those established by the Secretary under section 202(a). This problem can be remedied by the addition on line 20 after the word "except", the words: "in the case of vehicles and vehicle engines".

Mr. MUSKIE. Mr. President, I think the amendment clarifies the intent of the legislation, and I support it. I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from West Virginia yield back the remainder of his time?

Mr. RANDOLPH. I do.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from West Virginia.

The amendment was agreed to.

Mr. RANDOLPH. Mr. President, I send to the desk another amendment, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 10, line 20, insert the following language as a new paragraph (4) at section 109(a):

"Section 109 (a) (4): The Secretary may establish a standing consulting Committee for each air pollution agent or combination of agents published pursuant to subsection (a)(1) of this section, which shall be comprised of technically qualified individuals representative of state and local governments, industry and the academic community. Such Committee shall recommend to the Secretary appropriate information as he may request on pollution control techniques applicable to such air pollution agent or combination thereof for distribution to the States and to appropriate air pollution control agencies. Such information shall include (i) data relating to the technology and costs of emission control, (ii) such data as are available on the latest available technology and alternative methods of prevention and control of air pollution, and (iii) data on alternative fuels, processes, and operating methods which will result in elimination or significant reduction of emissions."

Mr. RANDOLPH. Mr. President, I have also discussed this amendment with the able Senator from Maine. It is my belief that since enactment of the 1967 amendments to the Clean Air Act, it has become apparent that one of the deficiencies in the operation of the National Air Pollution Control Administration has been the agency's lack of understanding of industrial pollution control techniques. It is, of course, easy for Government to arrive at a set figure for industry to meet without giving due consideration to whether those requirements are obtainable on the basis of available control technology.

At times Government officials may believe that where the literature sets out a method which has been proven in the laboratory or in a pilot plant, then this method can be successfully utilized by industry in abating a given air pollution problem. This may or may not be true. Occasions have arisen when there has been a distinct conflict between inexperienced Government technical personnel and industry representatives who must do the "nuts and bolts" work of solving a given air pollution problem. For that reason, I believe it is important that the Secretary of Health, Education, and Welfare have the authority to establish standing consulting committees on the pollutants for which criteria have been issued. These standing committees would advise the Secretary on the appropriate control technology for each pollutant. Following the procedure specified, the information would then be issued to State and local control agencies in the form of a control techniques document.

Senators have noted that we use the language "as he may request." Certainly this would be done after consultation with appropriate advisory committees and Federal departments and agencies.

It should be emphasized that under the present language of section 107(c) of the Clean Air Act, the Secretary of Health, Education, and Welfare is authorized to issue to the States and appropriate air pollution control agencies information on recommended pollution control techniques after consultation with appropriate advisory committees and Federal departments and agencies.

All of us recognize that air pollution and its control is a major issue facing the country today. We all want to improve the quality of the air we breathe as rapidly as possible. However, in the process we need to use care that the control methods which are recommended by Government are based on available con-

trol technology and not merely on theoretical considerations.

I sincerely believe the amendment I have proposed today would be helpful in assuring that the control techniques recommended by NAPCA are practical ones and ones capable of being used successfully by industry in the strenuous efforts which will be needed if this country is to solve its air pollution problems.

I commend, as I have done on many occasions, the able leadership of the Senator from Maine (Mr. MUSKIE). I compliment him for the work he has done on this important bill.

Mr. MUSKIE. I thank the distinguished Senator from West Virginia.

I have indicated my willingness to accept this amendment. Before doing so, I would like to reemphasize that the concept of this bill as it relates to national ambient air quality standards and the deadlines for the automobile industry is not keyed to any condition that the Secretary finds technically and economically feasible. The concept is of public health, and the standards are uncompromisable in that connection.

Nevertheless, under the law since 1967, and after the enactment of this law if it becomes law, there is a requirement on the Secretary, when he issues the criteria documents, to issue, in addition, information on the technology available to deal with the pollutants in question.

The amendment of the Senator from West Virginia would create a mechanism in the form of consulting committees to provide information to the Secretary on request.

Mr. RANDOLPH. That is right.

Mr. MUSKIE. To assist him in preparing those technological documents. I think it would be a most useful device, and for that reason, I support the amendment.

Mr. RANDOLPH. Mr. President, commenting just briefly further, not desiring to take additional time, except to underscore what I have said: This is not a matter of competition between Government and industry. I think, actually, we can complement one the other in an effort to achieve the technology which is needed.

I appreciate the reasonableness of the position taken by the able Senator from Maine.

Mr. MUSKIE. I yield back the remainder of my time.

Mr. RANDOLPH. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from West Virginia.

The amendment was agreed to.

Mr. MUSKIE. Mr. President, I yield 3 minutes to the distinguished Senator from Kentucky (Mr. COOK) on the bill.

Mr. COOK. Mr. President, yesterday the Senate took up consideration of S. 4358, the National Air Quality Standards Act of 1970. All of the members of the Public Works Committee deserve credit for their tireless efforts in marking up and reporting out what may very well be one of the most significant pieces of legislation of the 91st Congress.

Of course, much attention has been focused on certain sections of the bill, such as section 202 which requires that 1975 model automobiles achieve at least a 90-percent reduction from the 1970 emission standards.

Because of this very close examination of these sections by many of my distinguished colleagues, I shall confine my remarks to section 306, "Federal procurement."

It is with great interest that I take up this section, because on March 20 I introduced S. 3614, the Federal Procurement and Environmental Enhancement Act of 1970. In essence, it would prohibit all departments, independent agencies, and other instrumentalities of the United States using federally appropriated funds, from purchasing goods, materials and services from any person operating in violation of Federal air or water pollution control laws. On May 6 I testified before the Air and Water Pollution Subcommittee on behalf of this measure—which, incidentally, was cosponsored by 10 of my colleagues, including the distinguished senior Senator from Montana. Also, the distinguished chairman of the Air and Water Pollution Subcommittee introduced two major air and water quality bills containing similar, but less comprehensive provisions.

With three exceptions, I shall not explain in detail the provisions of S. 3614. However, I ask unanimous consent that my testimony be printed in the RECORD at this point.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF SENATOR COOK

Mr. Chairman, I thank this very busy and productive subcommittee for allowing me the opportunity to discuss the concept of prohibiting the federal government from purchasing goods or services from persons in violation of federal pollution control laws.

On March 20, I introduced S. 3614, the "Federal Procurement and Environmental Enhancement Act of 1970," which would accomplish this purpose by amending the Clean Air and the Federal Water Pollution Control Act. If enacted, it would prohibit all departments, independent agencies and other instrumentalities of the United States using federally appropriated funds from purchasing goods, materials and services from any person operating in violation of these two laws. It would require the establishment of contract regulations and the insertion thereof, in all federal procurement contracts.

Sections 13(B)(C) and 113 (B)(C) make mandatory the establishment of contract regulations, and the insertion thereof, in all federal procurement contracts.

By Section (C)(1), the contractor or seller agrees to furnish adequate proof or compliance with the aforementioned air and water pollution acts. I would interpret this to mean a simple statement of compliance. In the alternative, at the time of contract the seller agrees to implement an affirmative plan for compliance pursuant to those acts.

This section takes into account those manufacturers who are earnestly trying to comply with federal pollution laws, while penalizing those who refuse to comply. At the discretion of the Secretary, it also permits the transaction of business with those persons who have filed implementation schedules with the Federal Water Pollution Control Administration and the National Air Pollution Control Administration.

Second, upon notice of a violation—and with notice to the seller—the government is compelled to terminate the agreement. Section (C)(2) also relieves the government of any damages, penalties or other liabilities.

Third, Section (C)(3) permits the continuance of a contract, otherwise terminated, if the seller has implemented an affirmative plan or schedule pursuant to the Air and Water Pollution Control Acts.

Fourth, the last contractual requirement, Section (C)(4) exempts the government from adjusting either the contract price or the delivery or performance schedule due to continuation of the agreement under (C)(3).

A distinction is made in Section (F) between a "contract directly related to a pollution action" and all others. Only in the former would the termination, continuance, and exemption procedures of (C)(2), (3) and (4) apply. The Secretary of the Department of Health, Education, and Welfare or of the Department of the Interior, after consulting with the appropriate contracting agency head, determines the direct relatedness of the pollution action to the contract.

As an example, where the "X" Supply Company's paper factory is violating either the Air or Water Pollution Control Law—all "X" paper contracts with the government are subject to immediate suspension and termination. However, all other "X" contracts supplying other office equipment are not subject to this immediate action.

Section (F) is intended to prevent undue chaos where a large manufacturer supplies a diverse number of items to many government agencies. An immediate end to all such contracts may produce unnecessary adverse effects. Therefore, this section provides that such contracts not directly related "shall continue until completed, at which time the prohibition becomes effective." Consequently, once the government is notified that "X's" paper factory is an unrepentant polluter, henceforth, "X" will be ineligible for all procurement contracts.

Section (A) declares that such person is ineligible for a period up to 3 years. At the discretion of the Secretary, the seller may become eligible prior to 3 years if he determines that the pollution has been abated.

To insure that the vast reaches of the federal bureaucracy are informed of individual violations, Section (B) causes both the Secretary of the Department of Health, Education, and Welfare and the Department of the Interior to establish the necessary notification procedures.

Finally, Section (D) exempts the Department of Defense from this act, if the Secretary determines that such exemption is necessary for national defense. It does provide, however, for public hearings on the pollution action. In this manner, the necessary attention may be focused on the problem to encourage voluntary compliance.

Also, the distinguished chairman of this subcommittee has introduced two bills containing similar provisions. Senator Muskie's S. 3546, the "National Air Quality Standards Act of 1970" and S. 3637, the "National Water Quality Standards Act of 1970" state that no federal department or agency shall procure goods from those in violation of these standards.

Mr. Chairman, since the introduction of these measures a number of objections have been raised questioning the need and practicability of such a prohibition.

As to the first objection, I can only say that the prevention of further degradation of the environment requires a total commitment by all—especially the federal government. With a budget exceeding $200 billion per year, the federal government is the largest single purchaser of goods and services. A substantial portion of this amount is for procurement of goods and materials ranging from highly sophisticated weapons

systems to ordinary supplies necessary for day-to-day operation.

As to its feasibility, it has long been the established policy of this government to declare that an agreed-upon public policy be followed in the government's dealings in the free marketplace. Desired policy has been implemented by both executive fiat and legislation.

Legislatively, the Congress enacted the "Buy American Act" (41 USC 10). This law requires the use of American manufactured materials and American mined supplies in "every contract, for construction, alteration or repair of any public building". Failure on the part of the contractor to comply may result in his name being placed on a debarment or blacklist and declared an ineligible bidder for a 3-year period.

There have been a variety of standard labor clauses dealing with employment and labor and prescribed for use in government contracts. The Davis-Bacon Act, the *Copeland Anti-Kickback Act* and the *Work Hours Act* (5 USC 673(c); 28 USC 1499; 40 USC 327–332) govern the employment of laborers and mechanics on public works projects. The *Davis-Bacon Act* (40 USC 276a–276a–5) prescribes that such employees are entitled to the minimum wage as determined by the Secretary of Labor to the prevailing corresponding classes of laborers and mechanics or similar projects in the locale where the contract is to be performed. The Copeland Act prohibits the requiring by a contractor from requiring any "kickbacks from any employees so defined in the regulations." The Act is intended to aid in the enforcement of minimum wage provisions of the Davis-Bacon Act and other similar statutes. The Work Hours Act requires that employees must be paid at least time and one-half their basic rates of pay for hours worked in excess of eight hours per day or forty per week.

Contracts for the procurement of services are governed by the terms of the *Walsh-Healy Act*, (41 USC 35). Any contract entered into by the executive or legislative branch or any instrumentality of the United States shall include provisions relating to minimum wages, child labor, maximum working hours and health and safety conditions. A breach of any of these conditions requires not only the cancellation of the contract, but subjects the party to fines as well. In 1965, the Congress passed the *Service Contract Act*, (41 USC 351), extending to employees of government service contracts the federal minimum wage law, a breach of this law subjects the contractor to cancellation and the difference in the wages paid and what is required by law to be paid.

Because of Congress' concern with the decline of the small businessman, 41 USC 252 provides that "a fair proportion of the total purchases and contracts for property and services for the government shall be placed with small business concerns."

By executive action all government contracts and subcontracts must contain an equal opportunity clause prohibiting contractors from discriminating against employees on the basis of race, color, creed, religion or national origin, in hiring, promotion, pay rates and job training. The contract clause also requires affirmative action on the part of the contractor and compliance with executive orders 10925 and 11246, and regulations issued by the Secretary of Labor pursuant to those orders. It also requires the filing of reports and for termination in cases of non-compliance.

The protection of American industry small business, and the social and civil rights of the American laborer are all worthy of a firm governmental policy of enforcement through the procurement of goods and services. I contend that the protection of the environment deserves no less a firm policy.

An additional question raised about S. 3614 is the lack of hearing procedures ensuring a fair termination because of a pollution violation. Experience has shown that the time consuming and complicated procedures required by the Federal Water Pollution Control Act provides more than ample opportunity for an alleged polluter to be accorded a full hearing. In regard to hearings on the contract cancellation due to a pollution violation, the existing standard government contract procedures governing such matters would apply. However, if the present regulations are inadequate, I support any necessary curing legislation.

Also, after reviewing all the pending legislative measures, it appears that they are limited in application to the Federal Water Pollution Control Act and the Clean Air Act. However, because of the long and tedious enforcement procedures involved in these acts, the Department of Justice has recently filed charges under an obscure 1899 federal statute. This law, Section 13 of the River and Harbor Act, (33 USC 407), prohibits the dumping or depositing of "any refuse matter of any kind or description" into any navigable water or tributary thereof. I suggest, therefore, that the subcommittee also consider applying the governmental procurement ban to those persons found in violation of this law.

Mr. Chairman, while the Congress is considering these bills, the Executive Branch has also expressed an interest in this idea. On February 21 I wrote to the Secretary of Defense concerning the President's February 4 executive order in regard to the prevention, control and abatement of air and water pollution at all federal facilities. In the letter, I suggested that the Department of Defense take the lead in administratively implementing—by amending the Armed Services procurement regulations—the suggestions that later developed into S. 3614. The Department ruled that a White House directed inter-agency task force was exploring the possibility of developing "a comprehensive federal program for utilizing purchasing, contracting and other policies to reduce environmental pollution". (At this point, I insert for the record, copies of this correspondence). I have requested a status report on the work of the task force, but thus far I have received no reply.

On February 24, I wrote a letter to every cabinet level department requesting their comments on the implementation of the procurement ban at the department level. Most of the replies stated that (1) any revision of procurement contracts should be directed to the General Services Administration, or (2) the White House is presently studying this matter. However, the Department of Interior replied that they have "reached the conclusion that we must include provisions in our contracts and grants requiring contractors and grantees to comply with regulatory standards." But, the Department also recommended that to have the desired effect any such procurement requirements must have government-wide application. (I include in the record, my letter and the replies from Interior and the other departments.)

Mr. Chairman, the federal government has an obligation to provide moral leadership in the fight for a livable environment. The passage of this legislation would not only be a positive step in this direction, but also give industry additional incentive to comply with existing law. I, therefore, urge the subcommittee to give serious consideration to this proposal.

Mr. COOK. Mr. President, section 306 of the committee bill, while similar in principle, departs considerably from S. 3614 and the existing law upon which it was modeled. First, the procurement prohibition takes effect only upon a "knowing" violation of standards defined in the act. I see no reason for the insertion of an additional factor which can only work to the detriment of the purpose of the section. The word "knowing" creates a presumption not found in similar and existing laws.

Other Federal procurement laws are not encumbered by such language. The Buy American Act—41 U.S.C. 10, 10(b)—bars a contractor from Government work for a period of 3 years upon "a failure to comply with such provisions" of that act. The Walsh-Healy Act—41 U.S.C. 35—relating to minimum wages, maximum working hours, child labor laws, and health and safety conditions, subjects a violator to its penalty provision upon "any breach or violation of any of the stipulations" in the contract. Also, the Service Contract Act—41 U.S.C. 351—which extends to employees of Government service contracts the Federal minimum wage law, subjects a violator to the procurement penalty upon "any violation" or "when a violation is found." Mr. President, I contend that pollution violators deserve no greater protection than other lawbreakers.

Another major difference between the two measures is that section 306 of the committee bill only applies prospectively. Therefore, a polluter presently in violation of air quality standards is allowed to continue any existing contract, and to continue profiting from the U.S. Government at the expense of the community. However, S. 3614 applies not only prospectively, but also provides for the cancellation during the life of the contract should a pollution violation occur after both parties enter into the agreement.

Again, I can only cite the Walsh-Healy Act which permits the Federal Government to cancel a contract and "to make open market purchases or enter into other contracts for the completion of the original contract, charging any additional cost to the original contractor." The Service Contract Act also provides for "cancellation" and the charging of additional cost.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MUSKIE. I yield 2 additional minutes to the Senator.

Mr. COOK. The last major difference between the two measures is that S. 4358 would apply the procurement ban only to "any facilities subject to such action by the court which are owned, leased, or supervised by such person." In explaining this language, the committee report states that procurement sanctions are limited "to contracts affecting only the facility not in compliance, rather than an entire corporate entity or operative division." It further states that a company with a "contract unre'ated to the violation" is eligible for business with the Federal Government. I must differ with the committee on this point. It is possible, even with the strong sanctions contained in this act, that a large and diversified corporation may continue its multi-million dollar contractual arrangements with the Government even though one of its plants or factories is guilty of a so-called "unrelated violation." I can see no reason for such distinction.

A company is either in compliance with the law, or it is not in compliance. The Government will either do busi-

ness with pollution lawbreakers, or it will not do business with pollution lawbreakers.

If a total procurement ban is in effect for the entire company it will certainly encourage compliance with the law. That I believe should be the purpose of section 306. That is the purpose of S. 3614.

Mr. President, I feel very strongly about the points I have discussed. However, I am fully aware of the pressures that the Public Works Committee operated under in drafting this far-reaching legislation. I commend the committee for reporting out the most stringent pollution control legislation in history. Therefore, in order that the Senate conferees may press for complete acceptance of the bill in conference with the House, I decline to offer my suggestions as amendments. However, since the House bill differs from ours, I fully expect my distinguished colleagues to retain section 306 in conference.

Mr. MUSKIE. I yield myself 2 minutes.

Mr. President, I compliment the distinguished Senator from Kentucky for having pressed this concept. Had it not been for his interest, I am sure that we would not have it even in its present form in the committee bill.

I ask unanimous consent to have printed at this point in the RECORD the portion of the committee report relating to this subject, so that we may have a full understanding of what the committee had in mind.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

SECTION 306. FEDERAL PROCUREMENT

The Committee considered proposals offered by Senator Muskie and by Senator Cook to assure that the Federal Government does not patronize or subsidize polluters through its procurement practices and policies.

Section 306 would make any person or corporation who fails to comply with a court order issued under this Act or who is convicted of a knowing violation of any schedule or timetable of compliance, emission requirement, prohibition, emission standard, or standard of performance, ineligible for a Federal contract for any work to be done at the polluting facility. This ineligibility would continue until the Secretary certifies that the facility is in compliance with the court order or the provisions of the Act.

This section would be limited, whenever feasible and reasonable, to contracts affecting only the facility not in compliance, rather than an entire corporate entity or operating division.

There might be cases where a plant could not participate in a Federal contract due to a violation but another plant owned by the same company might bid and transfer work to the first plant. This type of action would circumvent the intent of this provision. In this case, the company's second facility should also be barred from bidding until the first plant returns to compliance.

There would also be instances where a second plant within a corporation was seeking a contract unrelated to the violation at the first plant. In such a case, the unrelated facility should be permitted to bid and receive Federal contracts.

It is anticipated by the Committee that the Executive Branch will, in the near future, publish new Federal contract guidelines that will enable the Federal Government to suspend or revoke a contract once the contracting party is found to be in noncompliance with the air pollution standards or other requirements of this Act. This executive action would be specifically mandated by section 306(c).

The effectiveness of this section would depend on fast, accurate dissemination of information. All Federal agencies would have to be rapidly apprised of any abatement order or conviction which would bar a facility from eligibility for Federal contracts. The Secretary would also have to act expeditiously to certify that a facility had achieved compliance, and notify all Federal agencies of that fact. Delays in reporting such information, leading to inaccurate public disclosures, would quickly render this section unworkable.

Mr. MUSKIE. Mr. President, earlier I sent to the desk an amendment on behalf of myself and the Senator from Kentucky (Mr. COOPER). I call up the amendment at this time.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. MUSKIE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 48, line 11, insert the following new paragraph (4), and renumber succeeding paragraphs:

"(4) Six months following enactment of this section, and each year thereafter, the Secretary shall report to the Congress with respect to the development of systems necessary to implement the emission standards established pursuant to this section. Such reports shall include information regarding the continuing effects of such air pollution agents on the public health and welfare, the extent and progress of efforts being made to develop the necessary systems, the costs associated with development and application of such systems, and, following such hearings as he may deem advisable, any recommendations for additional Congressional action necessary to achieve the purposes of this Act. In gathering information for the purposes of the paragraph and in connection with any hearing, the provisions of subsection (5)(B) of this section shall apply."

Mr. MUSKIE. Mr. President, this is an amendment which I offered in committee in lieu of the judicial review amendment which Senator COOPER introduced and which the committee adopted. Nevertheless, the Senator from Kentucky (Mr. COOPER) thought that this provision ought to be included as complementary to his amendment on judicial review, because it provides for periodic reports to Congress on the development of systems necessary to implement the emission standards established pursuant to this section.

I think that those reports would be useful to Congress. I think they would be useful to us in evaluating any request for an extension of the deadline that might be made. So I offered the amendment, and the Senator from Kentucky supports it, and, so far as I know, the whole committee does.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield.

Mr. COOPER. Mr. President, I am glad the Senator has offered this amendment. It would present to Congress, I believe, every 6 months——

Mr. MUSKIE. Six months would be the first one, and then every year thereafter.

Mr. COOPER. Progress on this bill; so if it became apparent to Congress that some action should be taken, it would be in a better position to do so. I am very pleased that the Senator has offered this amendment.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. HANSEN. Mr. President, before that, will the Senator yield?

Mr. MUSKIE. I yield.

Mr. HANSEN. Mr. President, I was just talking with a Member of Parliament from Israel. In discussing the proposed legislation before the Senate this afternoon, he observed that the nation of Israel had passed similar legislation some 8 years ago. He also observed that that legislation had never been enforced.

My question to the distinguished Senator from Maine is this: Am I correct that if the situation arose in time of war or in time of emergency when it was obvious that the paramount interest of the country would require that these standards be held in abeyance, when other concerns are of greater moment to us than the quality of the air under this legislation, does the President, or does someone in this country have the authority to suspend them for such time as may be required, in order to serve the paramount interest of the country?

Mr. MUSKIE. Congress has such authority, and only Congress.

Mr. HANSEN. Only Congress. The President does not have that authority.

Mr. MUSKIE. No.

Mr. HANSEN. I thank my distinguished colleague.

The PRESIDING OFFICER (Mr. GURNEY). The question is on agreeing to the amendment of the Senator from Maine.

The amendment was agreed to.

Mr. BOGGS. Mr. President, on behalf of the distinguished minority leader, the Senator from Pennsylvania (Mr. SCOTT), I ask unanimous consent that a statement by him in support of S. 4358, the bill now pending before the Senate, be printed in the RECORD.

There being no objection, Senator Scott's statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR SCOTT

Mr. President, I want to congratulate Senator Randolph and the members of the Public Works Committee on the excellent bill they have reported to us. S. 4358 represents the combined input of the Administration, both Houses of Congress and numerous concerned groups from the national community. I note with pleasure that many of the provisions of President Nixon's S. 3466, Amendments to the Clean Air Act, which I had the pleasure to work on and introduce, have been included in the Committee version. This legislation represents the highest form of nonpartisan political cooperation. Senators from both sides of the aisle took an active personal interest in developing the strongest possible air pollution control legislation. The bill before us represents a dynamic and aggressive assault on our national air pollution problems.

Every year, 200 million tons of contaminants are spilled into the air. The presence

of these contaminants is not only dangerous from a health point of view, but it is also extremely costly in terms of economic damage to clothing, buildings, plant life and animal life. Unless this outpouring of contaminants is controlled, scientists tell us we may very well experience irreversible atmospheric and climatic changes capable of producing a snowballing adverse effect to the health and safety of our citizens. Four aspects of this bill are worthy of special note. They would accomplish:

1. The implementation of a system of national ambient air quality standards to reduce at least ten major contaminants. These national ambient air quality standards should provide a minimum level of national air quality protection. Along with national air quality goals and standards for newly constructed sources of pollution, the Secretary of HEW has the authority to enforce a cleaner air standard.

2. The "Hazardous Substances" provision gives the Secretary of HEW the authority to prohibit emissions of those substances having an adverse effect on the health of the surrounding community.

3. Automobile emissions comprise nearly 50 percent of our national air pollution control problem. By 1975, subject to possible delay of one year, the automobile industry will have to meet certain emission standards. This provision is tough, but necessary if we are to make a serious impact on our air pollution control problems.

4. The bill establishes a novel concept of public participation in the environmental enforcement process. The citizens suits authorized in the legislation will guarantee that public officials are making good on our national commitment to provide meaningful environmental protection.

Mr. President. No discussion of the environment would be complete if I were not to pay a special tribute to the Ranking Minority member of the Sub-committee on Air and Water Pollution, the distinguished Senator from Delaware, Mr. Boggs. Few men in this chamber have contributed as much to the betterment of our environment than the Senator from Delaware. His efforts, together with those of the Chairman of the Sub-committee, Mr. Muskie, and all members, both Republican and Democrat, are reflected in this meaningful piece of legislation.

In 1947, a rare air inversion over the town of Donora, Pennsylvania, trapped emissions from industrial plants in the Pittsburgh area. A lethal cloud of contaminants suffocated Donora for five days. During this period of time, over twenty people died and hundreds of others experienced severe respiratory problems. To guarantee that future generations of Americans can live without fear of the destruction of the very air they breathe, I urge immediate passage.

Mr. GRIFFIN. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 5 minutes.

Mr. GRIFFIN. The Senator from Nebraska (Mr. HRUSKA) could not be here this afternoon, but he was very much concerned and wanted an indication of his concern reflected in this debate, regarding the provision in this bill authorizing certain class actions against the Secretary of Health, Education, and Welfare, or a manufacturer, in the event of noncompliance.

As a member of the Committee on the Judiciary, it is disturbing to me that this far-reaching provision was included in the bill without any testimony from the Judicial Conference, the Department of Justice, or the Office of Budget and Management concerning the possible impact this might have on the Federal judiciary.

No hearings were held. Obviously, it is related to other legislation providing for class actions—legislation being considered now by the Commerce and Judiciary Committees.

It would seem to me, even if such actions were to be authorized, that it would have been more appropriate to allow them to be instituted at some later date, after a period of time had elapsed, after Congress had an opportunity by 1975 or 1976 to see whether these standards could be met.

But to write such a provision into this bill now, without any idea of what it means—especially in terms of our judicial system—seems very unfortunate.

The Senator from Nebraska (Mr. HRUSKA), the ranking member of the Judiciary Committee, wanted that concern expressed. I certainly share it.

I yield now to the Senator from Kentucky.

Mr. COOK. Mr. President, I am very much concerned about this, as a member of both the Commerce and Judiciary Committees. I suggested at a much earlier date that we conceivably in the respective committees could get together and make a pattern for class actions.

I want the Senate to understand that we are now taking up in the Judiciary Committee a suit in the District of Columbia that, it is contended, could possibly include as many as 117 million plaintiffs. There is presently a suit in New York with 3,750,000 plaintiffs. There was a settlement made in a case, not too long ago, which was a class action, which was settled for a sum of approximately $135 million, and the judge in writing his opinion suggested acceptance of this for some 70,000 or 80,000 plaintiffs, stating that they should accept this settlement because the chances of their recovery on a trial were 50–50, if not less.

I would only say to the Senator that I am glad he brought this up. I am very much concerned about this discussion of a plaintiff being able to bring an action which he himself—and members like him—seeks, but he knows not whether anyone else has been damaged in any way, shape, or form. Yet, we set ourselves up here in a position to make it more convenient to settle a case than to try it on its own merits because of the overall estimated cost of a trial.

I repeat, I am glad the Senator brought up that point, because we have been struggling between the Commerce and Judiciary Committees for many weeks in an effort to bring up a motion for a class action suit.

I am sorry that we did not have an opportunity to sit down with the Public Works Committee and come up with basic standards for all class action suits that would be, at least, legally sanctioned by Congress. Suffice it to say that I am glad the Senator brought it up and that these remarks are in the RECORD.

Mr. GRIFFIN. Mr. President, as in the case of Senators, the various interested agencies could not learn about some provisions of this bill until a text was finally available on Monday of this week.

Mr. MUSKIE. Mr. President, let me say in response that first, there were hearings. This provision was included in legislation introduced last winter. There was considerable testimony. We have here, for instance, the testimony of Governor Sargent of Massachusetts, endorsing it.

We have the testimony of Paul Treusch, President of the Federal Bar Association, endorsing it. We have the testimony of Douglas Head, the Republican Attorney General of the State of Minnesota, endorsing it. We have Prof. James Jeans of the American Trial Lawyers Association, endorsing it.

Furthermore, this is not a class action provision. I suggest that Senators read it.

Senate bill 3201, to which comparison was made by the Senator from Nebraska (Mr. HRUSKA) on yesterday, is a class action bill. S. 4358 is not. S. 4358 is limited to citizens acting on their own behalf.

Senate bill 3201 provides damages and a remedy for recovery of fines and restitution, and other monetary damages. The pending bill is limited to seek abatement of violation of standards established administratively under the act, and expressly excludes damage actions.

Senate bill 3201 provides for redress of consumer injury. The pending bill is limited to an action for enforcement on abatement of violations of administratively set standards.

Mr. President, I ask unanimous consent to have printed in the RECORD two staff memoranda prepared for me in response to the comments yesterday of the Senator from Nebraska (Mr. HRUSKA.)

There being no objection, the memorandums were ordered to be printed in the RECORD, as follows:

MEMORANDUM

1. The Administrative Procedure Act provides that reviewing courts "shall . . . compel agency action unlawfully withheld." The concept of compelling bureaucratic agencies to carry out their duties is integral to democratic society. Senator Hruska mentioned yesterday an example of where an administrative agency failed to act. The concept in the bill is that administrative failure should not frustrate public policy and that citizens should have the right to seek enforcement where administrative agencies fail.

2. Extracts from the hearing record on the citizen suit provision:

a. Governor Sargent, Republican Governor of Massachusetts, speaking on behalf of the National Governors Conference in response to a question if he supported the concept. Governor Sargent replied as follows: "Yes, I do. As a matter of fact, in my message to the legislature this year, I proposed a bill of rights which would give to the citizens of our State the right to clean air, the right to waters that are not contaminated, and the opportunity to take legal action if legal action is called for."

b. Paul Treusch, President of the Federal Bar Association "Section 4, by adding Section 108(c)(13), authorizes suits for private enforcement of air quality standards, implementation plans, and emission standards established under this section. We are very much in favor of this provision. Not only will this provision help establish a distinct public attitude of participation in the quality of our environment, it will give the public a problem-resolving tool to protect and enhance air quality."

c. Douglas Head, Republican Attorney

General, State of Minnesota "The provision for private civil suits would be supported, I believe, by a large number of attorneys general with the caveat . . .

"The one danger that we can see from the men that I have talked with is the multiplicity of suits that would override compliance agreement already entered into by the Pollution Control Agency so that I believe that citizens should be very carefully correlated with the present enforcement provision so that we do not unnecessarily duplicate the enforcement of the law and that we do not unnecessarily clog up the courts where we are in fact making very swift efforts to enforce." The provision as currently drafted affords these protections.

d. Professor James Jeans for the American Trial Lawyers Association ". . . but we do want to commend the authors of the bill for the recognition of the value of private actions in a democratic society."

3. The fact that (a) citizens will be enforcing the same standards as administrative agencies, (b) notices are required to administrative agencies prior to bringing of an enforcement by citizens, and (c) clear discretion of the court to consolidate actions, will avoid multiplicity of suits.

4. The provision on the award of cost litigation is intended by the Committee, as it is stated in the report, to provide a mechanism for the courts to avoid frivolous and harassing litigation by permitting the courts to award costs to defendents when plaintiffs seek only harassment.

5. The provision in the bill S. 4358 providing for citizen suits bears little resemblance to the provision mentioned by Senator Hruska in the bill S. 3201.

a. S. 3201 provides for class action, such class required to meet the complex and difficult requirements of Rule 23 of the Federal Rules of Civil Procedures. S. 4358 is limited to citizens acting on their own behalf.

b. S. 3201 is designed to provide a damages remedy for recovery of fines, restitution and other monetary damages. S. 4358 is limited to seeking abatement of violations of standards established administratively under the Act and expressly excludes damage actions.

c. S. 3201 provides for redress of consumer inqury. S. 4358 is limited to an action for enforcement or abatement of a violation of an administratively set standard.

6. Citizen enforcement may add to the burden of the courts—but in a democracy, the answer cannot lie in the denial of citizen access to the courts—In a society of Government of and by the people we foreclose participation by citizens at our peril. The provision is directed at providing citizen enforcement when administrative bureaucracies fail to act.

7. Time for establishment of enforceable standards is at a maximum twelve months away and it will be considerably more time before many administrative standards are eligible for enforcement—so any impact on the courts is in effect postponed until the courts will have the additional judges mentioned by Senator Hruska.

8. The Council on Environmental Quality, chaired by Russell Train, has established a Legal Advisory Committee to assist the Council. The Committee's chairman is Whitney North Seymour, Jr., United States Attorney for the Southern District of New York, and it includes many others. I ask unanimous consent that the membership of the Committee be inserted at this point in the record.

Malcolm Baldwin, Esq. senior legal associate, the Conservation Foundation, Washington, D.C.; William T. Coleman, Esq., Dilworth, Paxson, Kalish and Levy, Philadelphia, Pa.; Prof. David Currie, University of Chicago Law School and coordinator for Environmental Quality to the Governor of Illinois; Prof. Frank P. Grad, director, Legislative Drafting Service, Columbia Law School; Roger P. Hansen, executive director, Rocky Mountain Center on Environment, Denver, Colo.; A. Wesley Hodge, Esq., Hodge, Hillis and Dahlgren, Seattle, Wash.; Prof. Louis Jaffe, Harvard Law School; William F. Kennedy, Esq., corporate counsel, General Electric Co.; Nicholas Robinson, chairman, Environmental Law Council, Columbia Law School; Prof. Ann Strong, director, Institute for Environmental Studies, University of Pennsylvania; Prof. Joseph Sax, University of Michigan Law School; David Sive, Esq., Winer, Neuberger and Sive, New York City.

The Advisory Committee last week passed the following resolution on citizen participation in the courts:

It is the sense of the Advisory Committee that: Private litigation before courts and administrative agencies has been and will continue to be an important environmental protection technique supplementing and reinforcing government environmental protection programs.

ARGUMENTS ON CITIZEN SUITS

1. The citizen suit provision is new to members of the Senate and has not had adequate hearing.

A similar provision was included in S. 3546 as introduced, and substantial testimony from citizens' groups supported it as a key provision in this year's air pollution legislation.

2. This provision would encourage frivolous or harassing suits against industries and government agencies.

The bill provides no action for damages, only for the abatement of violation of standards, which are public policy. Expressly for the purpose of limiting harassing or frivolous suits, the bill provides that the court may award the costs of litigation, including reasonable attorney and expert witness, to either party as the public interest requires. The court would surely award costs to the defendant, a potentially expensive risk for the plaintiff, where the litigation was obviously harassing or frivolous.

3. A citizen suit provision is based on the assumption that the Federal and State agencies will be incompetent, corrupt or otherwise not discharge their responsibilities.

Citizens in bringing such actions are performing a public service. The limited resources of many State enforcement agencies, bearing the first line of responsibility under this bill, will be fully extended. This provision, requiring 30 days notice to State and Federal agencies, in which they may initiate abatement proceedings, will allow many violations to come to their attention which might otherwise escape notice. The only exceptions to this 30 day period for administrative action come for hazardous emissions or those of which the Secretary can be assumed to already have noticed.

4. Authorizing citizens actions against polluters and government agencies would burden already clogged courts.

A great number of these actions would come to the courts anyway, even if vigorously pursued by administrative agencies. Enforcement of an order to abate must be obtained in the courts, whether an agency or a private citizen initiates action. But more importantly, should the granting and protection of a right to clean air rooted in public policy be limited to what the courts can comfortably handle? We must legislate to protect the public health, then strengthen our court system as appears necessary.

5. The courts do not have the competence to handle the issues in air pollution control actions, and sending such actions there rather than confining them to expert administrative agencies, delays and confuses enforcement.

Enforcement of air pollution standards and regulations is not a technical matter beyond the competence of courts. This provision merely asks the court to do what it does best: a fact finding job as to violations of a definite numerical standard. If a violation is found, a judicial remedy is fashioned as indicated above, citizen enforcement would not disrupt administrative enforcement, but would reinforce and extend it. Standards would be the same under either mode.

Mr. MUSKIE. Mr. President, we are talking, gentlemen, about apples and pears. What we are talking about here is a judicial way for citizens to enforce the provisions of this act.

May I make another point about it, that before any citizen can bring an action, he is required to notify the enforcement agency concerned of his intent to do so, and the specific, alleged violation which he has in mind. In other words, the idea is to use citizens to trigger the enforcement mechanism. If that enforcement mechanism does not respond, then the citizen has his right to go to court. This is a much more limited application of the concept of citizen access to the courts than anything that has been discussed by the Senator from Nebraska (Mr. HRUSKA) or the Senator from Kentucky (Mr. COOK).

Mr. COOK. Mr. President, I merely brought this up in regard to the remarks of the Senator from Michigan (Mr. GRIFFIN), because I felt that it would be a good opportunity to do so. I am sorry that that opportunity has passed. I felt it was a good opportunity when I first suggested it, that we might change the uniform standards for class actions because the call for class actions was in the language, regardless of the amount in controversy, or the citizenship of the parties, which is in the language on page 83, lines 18 and 19, which constitutes, in essence, a class action. I felt that uniformity of language for class actions for this bill, and S. 3201, would be a good step forward in the name of uniformity.

Mr. MUSKIE. This does not require as class actions do, identification of the class or group before a suit is brought in the name of a class. This can be brought by an individual citizen. The court has authority to consolidate actions that might be taken by individual citizens.

Mr. COOK. May I say that the opportunity for the court to consolidate actions has been a part of Federal rules of procedure for a long, long time. That is already in existence.

Mr. MUSKIE. I understand. But the important distinction I want to make, if it is one—and I am told that it is—is that it is not necessary for a citizen to take advantage of this right to establish himself as a member of a class. He can bring suit as an individual citizen under this provision.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield.

Mr. RANDOLPH. Mr. President, the Senator from Maine mentioned several individuals who appeared at the hearings on that occasion. I would like the RECORD to reflect that one of the gentlemen was Stanley Preiser, of West Virginia, who is recognized as one of the finest trial lawyers not only in our State but also in the Nation.

Mr. GRIFFIN. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 3 minutes.

Mr. GRIFFIN. Mr. President, I understand now that hearings were held around a year ago—and I stand corrected. I was mistaken.

Mr. MUSKIE. They were held on March 23 of this year, and not a year ago.

Mr. GRIFFIN. But, in spite of the impact upon the Federal courts, it is still true, I take it, that the views of the Justice Department and the views of the Bureau of the Budget was not requested.

Mr. MUSKIE. This is part of every bill. Administrative agencies are asked to report. This provision is in the legislation introduced. If these departments did not report on the matter, it is not my responsibility. It is theirs.

Mr. GRIFFIN. Mr. President, I wanted to make the point that this is a matter which is very much within the interest of the jurisdiction of the Judiciary Committee. I do stand corrected on the point that some hearings were held.

Mr. COOK. Mr. President, will the Senator yield 1 minute to me?

Mr. MUSKIE. Mr. President, I yield 1 additional minute to the Senator from Kentucky.

Mr. COOK. Mr. President, I state to the Senator from West Virginia that I am delighted that Mr. Preisor testified. Mr. Preisor and I went to law school together. He is a fine and distinguished lawyer.

I say again to the Senator from Maine that I merely brought this up for the RECORD. Page 84, lines 9 and 10 state:

> Nothing in this section shall affect the right of such persons as a class or as individuals—

That is plural. It is not as an individual, but as individuals who would constitute a class.

I merely set this out for the legislative record.

I say this to again emphasize that I think they are discussing and indicating a class action.

In this instance there is no jurisdictional amount in the bill. Therefore, the limit of authority is the $10,000 amount to get into the Federal courts.

I merely say that S. 3201 is the same. It allows anyone to bring suit in Federal court on the basis of $10 or more. But we are writing new authority and a new cause of action in the Federal court and not placing a jurisdictional amount on it.

I might say that I have no objection except that I think in the future we will eliminate all jurisdictional amounts in Federal court and we had better be ready to appoint a whale of a lot more Federal judges.

Mr. MUSKIE. Mr. President, I read from page 83, lines 24 and 25 of the bill. It states that such actions "may be brought by one or more persons on their own behalf."

Mr. HART. Mr. President, will the Senator yield?

Mr. MUSKIE. Mr. President, I yield 2 minutes to the Senator from Michigan.

Mr. HART. Mr. President, I would like to address myself at this time to section 304 of S. 4358, the citizen suit provision of the bill. I regard this provision as one of the most attractive features of the bill and am therefore disturbed by criticism of it which has been offered both within and without this Chamber.

The basic argument for the provision is plain: namely, that Government simply is not equipped to take court action against the numerous violations of legislation of this type which are likely to occur. In testifying on a similar bill before the Senate Subcommittee on Energy, Natural Resources and the Environment, former Attorney General Ramsey Clark spoke convincingly of this inevitable incapability. Mr. Clark stated:

> It will be impossible for government enforcement to control all significant acts of pollution. . . . The extension of private right, . . . and effective sanctions for the persons directly affected or concerned will be essential if vital interests are to be protected. Our experience in areas of massive unlawful racial discrimination, such as in schooling, employment, and housing tells us that however hard it might try, government will never have the manpower, the techniques, or the awareness necessary to enforce the law for all. Private enforcement of those laws is the only way the individual can be assured that the rights cannot be violated with impunity.
>
> Pollution control is another such area. If we are really serious about controlling the quality of our environment before it destroys the quality of our lives, we must give the individuals affected by, or concerned about pollutions in his life, the power to stop them through legal process.
>
> Far from risking an undue or inhibiting interference with Government enforcement, it will provide powerful supplementary enforcement. . . . and an effective and desirable prod to officials to do their duty.

It has been argued, however, that conferring additional rights on the citizen may burden the courts unduly. I would argue that the citizen suit provision of S. 4358 has been carefully drafted to prevent this consequence from arising. First of all, it should be noted that the bill makes no provision for damages to the individual. It therefore provides no incentives to suit other than to protect the health and welfare of those suing and others similarly situated. It will be the rare, rather than the ordinary, person, I suspect, who, with no hope of financial gain and the very real prospect of financial loss, will initiate court action under this bill. For the most part, only in the case where there is a crying need for action will action in fact be likely. In such cases, I would argue that action must be in the public interest.

The bill also provides for a notice requirement to State and Federal pollution agencies prior to the bringing of suit. This requirement, it is expected, will have the effect of prodding these agencies to act. In many cases, it is hoped, they will be able to act without resorting to the courts.

Even if litigation is in fact expanded under this bill, it must still be contended that such expansion is justifiable. As Ramsey Clark also stated at the hearings previously referred to:

> There is no question that justice is denied in America because it is delayed, and court backlogs are a serious problem for society from every standpoint. But society has to have priorities and survival should be a pretty high priority. Survival depends upon the protection of our environment, and I think legal redress in America will be a major method of protecting that environment. The imposition of any additional caseload that might follow from this bill on the courts is one that it must gladly assume.

It may be that our judicial system must be expanded to provide for this caseload. Or it may be, as Mr. Clark states, that we may have to adjust the priorities within that system. The time perhaps has come to take major action to compel that adjustment. It is in part for that reason that some have suggested the elimination of threshold procedural defenses that consume a court's time en route to its examination of the merits of cases. And it is in part for that reason that some have suggested an end to the fault principle that monopolizes so much time in automobile accident litigation.

It has been argued that even if the courts can meet the burden of cases arising under this bill, defendants may be unduly harassed by frivolous suits which may be brought. The bill defends this criticism by providing that the court "may award costs of litigation, including reasonable attorney and expert witness fees, whenever the court determines such action is in the public interest." Given the escalating costs of attorneys fees today, I find it difficult to imagine that many will engage in the frivolity which appears so worrisome to some.

Yesterday, the distinguished Senator from Nebraska (Mr. HRUSKA) referred to Chief Justice Burger's remarks about the dangers inherent in providing additional rights of action enforceable in Federal courts.

I am aware of the Chief Justice's caution in this area, and I believe it to be soundly based. However, I would remind my colleagues of another cautionary remark to which he referred in one of his opinions, namely, *Office of Communication of United Church of Christ* v. *FCC*, 359 F. 2d 994 (1966). In that opinion referring to the right of citizens to appear before the FCC, he cited with approval a statement of the late Edmond Cahn, which reads:

> Some consumers need bread; others need Shakespeare; others need their rightful place in the national society—what they all need is processors of law who will consider the people's needs more significant than administrative convenience.

It is my hope that both we and those administering our judicial system will take heed of that advice and continue to be guided by it.

Mr. President, I was off the floor when the Senator from Kentucky made his remarks and I may not be responding to what was said.

I would make this point, however, relative to the specific issue now before the Senate.

In legislation of this type, we will find very likely noncompliance which in number or degree are far beyond the capacity of the Government to respond to. This is one of the frustrations.

We do not have to serve on commissions such as the Commission on Civil Disorders or Violence or anything else to know that one of the frustrations across

this country is the increasing number of our citizens who feel that Congress has made them a promise, but that there are no means of obtaining delivery on that promise.

The burden on the Department of Justice is so great that the agency cannot respond to it. To allow the citizen the right to sue on his own behalf may indeed increase the burden on the Federal courts. But this is not an adequate response to the frustrated citizen who seeks that right.

Our obligation, I feel, is to bear that burden by expanding the capacity of the court system to respond to the frustrated citizens.

Mr. MATHIAS. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 62, after line 22, insert:

"(d) The Secretary shall publish in the Federal Register the results of each of his tests of vehicles and vehicle engines under this section, as promptly as possible and at least every six months, in such nontechnical manner as will reasonably disclose to prospective purchasers (at retail) of new motor vehicles and new motor vehicle engines the comparative performance of the vehicles and engines tested in meeting the air pollution emission standards required by the regulations prescribed under section 202 of this Act."

Mr. MATHIAS. Mr. President, this is an amendment which would require that every 6 months the Secretary publish automobile pollutant emission levels which have been determined for the various makes and models of cars in the Federal Register.

It makes it possible, therefore, for the public to actively participate in the program for purity and cleaner air by purchasing the cars which are in greatest compliance with the purpose of this act.

Mr. MUSKIE. Mr. President, on the face of the amendment, it is perfectly consistent with the objectives of the bill and the desire to make the performance standards understandable to the public.

I want to indicate to the Senator from Maryland that I am willing to take the amendment to conference, if the Senate approves, with the further understanding that if there are problems as we evaluate the matter, I will take them up with the Senate and with the conferees.

Mr. MATHIAS. Mr. President, I thank the Senator from Maine.

Mr. MUSKIE. Mr. President, I yield back the remainder of my time.

Mr. MATHIAS. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maryland.

The amendment was agreed to.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. MUSKIE. Mr. President, I ask unanimous consent that the Committee on Public Works be discharged from further consideration of H.R. 17255.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUSKIE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 17255.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 17255) to amend the Clean Air Act and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maine?

There being no objection, the Senate proceeded to consider the bill.

Mr. MUSKIE. Mr. President, I ask unanimous consent that all after the enacting clause be stricken and that the text of S. 4358, as amended, be substituted.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment in the nature of a substitute.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

Mr. MUSKIE. Mr. President, I ask for the yeas and nays on passage.

The yeas and nays were ordered.

LEGISLATIVE PROGRAM

Mr. GRIFFIN. Mr. President, for the convenience of the Senate, I take this time to ask the distinguished majority leader if he can advise us about the schedule for the rest of the day and the rest of the week, if possible.

Mr. MANSFIELD. I would like to take up Calendar No. 1235, S. 3220, the antiobscenity proposal having to do with the receipt of unsolicited material through the mail in the homes of citizens of Montana and the Nation, Rhode Island and elsewhere. It is unsolicited and is an invasion of privacy. The bill was reported unanimously by the Committee on Post Office and Civil Service.

I would like to speak with the distinguished Senator from New Hampshire in connection with Calendar 1047, S. 3765, the so-called Flammable Fabrics Act, which I understand has reached completion or is on the verge of reaching completion.

Then, there is Calendar 1233, S. 3650, concerning crime penalties for transporting explosives, to be followed on Thursday by Calendar No. 1234, S. 4368, the housing and urban development bill, to be followed by Calendar No. 1236, S. 2348, the Federal Broker-Dealer Insurance Corporation, to be followed by Calendar No. 1153, S. 2453, a bill to further promote equal employment opportunities for American workers.

Then, of course, in between there will be some five or six unobjected-to items on the Calendar, having to do with designating a certain week in a certain manner.

Mr. GRIFFIN. Would it be the intention of the majority leader to take up this one bill on obscenity tonight?

Mr. MANSFIELD. I would like to take up the antiobscenity bill, if it meets with the approval of the minority leader and the Senate.

Mr. GRIFFIN. We are trying to reach our Members on this side of the aisle.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. CURTIS. Can we rely on the fact that the housing bill will not be called up before Thursday?

Mr. MANSFIELD. That is correct.

If it meets with approval, I would like to take up the antiobscenity bill and complete it tomorrow. I understand there are a number of engagements tonight. Is that all right?

Mr. GRIFFIN. Yes.

Mr. BYRD of West Virginia. There will be no further rollcall votes tonight?

Mr. MANSFIELD. On this tentative basis, no. But there will be a vote on the antiobscenity matter tomorrow.

ORDER FOR RECOGNITION OF SENATOR KENNEDY TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow morning, immediately following the disposition of the reading of the Journal and the disposition of any unobjected-to items on the legislative calendar, the able Senator from Massachusetts (Mr. KENNEDY) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (S. 2565) to amend the act fixing the boundary of Everglades National Park, Fla., and authorizing the acquisition of land therein, in order to increase the authorization for such acquisitions, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 719) to establish a national mining and minerals policy, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 18127) making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Quality Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1971, and for other purposes; that the House recede from its disagreement to the amendments of the Senate numbered 17, 20, 21, and 22 to the bill, and con-

curred therein; and that the House receded from its disagreements to the amendment of the Senate numbered 4 to the bill and concurred therein, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 13301. An act to provide for the adjustment by the Administrator of Veterans' Affairs, of the legislative jurisdiction over lands belonging to the United States which are under his supervision and control;

H.R. 13519. An act to declare that the United States holds 19.57 acres of land, more or less, in trust for the Yankton Sioux Tribe;

H.R. 14678. An act to strengthen the penalties for illegal fishing in the territorial waters and the contiguous fishery zone of the United States, and for other purposes;

H.R. 15911. An act to amend title 38 of the United States Code to increase the rates, income limitations, and aid and attendance allowances relating to payment of pension and parents' dependency and indemnity compensation; to exclude certain payments in determinig annual income with respect to such pension and compensation; to make the Mexican border period a period of war for the purposes of such title; and for other purposes;

H.R. 16811. An act to authorize the Secretary of the Interior to declare that the United States holds in trust for the Eastern Band of Cherokee Indians of North Carolina certain lands on the Cherokee Indian Reservation heretofore used for school or other purposes;

H.R. 18448. An act to provide mortgage protection life insurance for service-connected disabled veterans who have received grants for specially adapted housing; and

H.R. 18686. An act to authorize the lease and transfer of Burley tobacco acreage allotments.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 5365. An act to provide for the conveyance of certain public land held under color of title to Miss Adelaide Gaines of Mobile, Ala.;

H.R. 13543. An act to establish a program of research and promotion for United States wheat; and

H.R. 17795. An act to amend title VII of the Housing and Urban Development Act of 1965.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 13301. An act to provide for the adjustment by the Administrator of Veterans' Affairs, of the legislative jurisdiction over lands belonging to the United States which are under his supervision and control; to the Committee on Labor and Public Welfare.

H.R. 13519. An act to declare that the United States holds 19.57 acres of land, more or less, in trust for the Yankton Sioux Tribe; and

H.R. 16811. An act to authorize the Secretary of the Interior to declare that the United States holds in trust for the Eastern Band of Cherokee Indians of North Carolina certain lands on the Cherokee Indian Reservation heretofore used for school or other purposes; to the Committee on Interior and Insular Affairs.

H.R. 14678. An act to strengthen the penalties for illegal fishing in the territorial waters and the contiguous fishery zone of the United States, and for other purposes; to the Committee on Commerce.

H.R. 15911. An act to amend title 38 of the United States Code to increase the rates, income limitations, and aid and attendance allowances relating to payment of pension and parents' dependency and indemnity compensation; to exclude certain payments in determining annual income with respect to such pension and compensation; to make the Mexican border period a period of war for the purposes of such title; and for other purposes; and

H.R. 18448. An act to provide mortgage protection life insurance for service-connected disabled veterans who have received grants for specially adapted housing; to the Committee on Finance.

H.R. 18686. An act to authorize the lease and transfer of Burley tobacco acreage allotments; to the Committee on Agriculture and Forestry.

NATIONAL AIR QUALITY STANDARDS ACT OF 1970

The Senate continued with the consideration of the bill (S. 4358) to amend the Clean Air Act, and for other purposes.

Mr. GRIFFIN. Mr. President, yesterday the Senator from Maine (Mr. MUSKIE) quoted a paragraph from a letter written by Mr. E. N. Cole. I believe the Senator used the paragraph out of context to support an argument diametrically opposite to the burden of the entire letter.

A copy of the letter was sent to me and to other Senators. I ask unanimous consent that the complete text of the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

GENERAL MOTORS CORP.,
Detroit, September 17, 1970.

Hon. EDMUND S. MUSKIE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MUSKIE: I was distressed to learn that the Senate Public Works Committee has voted approval of an air pollution bill which would require that 1975 model cars have a 90 per cent reduction in emissions from 1970 levels.

As you may recall, in our meeting August 25 I stated that General Motors does not at this time know how to get production vehicles down to the emission levels that your bill would require for 1975 models. Accomplishment of these goals, as far as we now know, simply is not technologically possible within the time frame required.

Many persons appear to have the impression that your bill seeks to clean up 90 per cent of auto emissions. Instead, the bill actually would require more extreme reductions. Specifically, your bill requires reductions 90 per cent below the low levels already achieved as of 1970. As a result, the following reductions would be required, compared to 1960 pre-control levels: hydrocarbons, 98%; carbon monoxide, 97.5%. As to nitrogen oxides and particulates we would be required to reduce them 90% each within five years after publication of health criteria for them. Moreover, we would have to achieve even greater reductions than these for the various emissions, as the bill requires us to warrant that every car we build remains within the standards for 50,000 miles. Our ability to achieve the required particulates reduction would depend absolutely on the availability of unleaded fuel.

My purpose in writing to you is to emphasize as strongly as possible that General Motors presently does not have the technological capability to make 1975 model *production* vehicles that would achieve emission levels the legislation requires. We are aware that there has been a reluctance among some in Washington to accept this statement.

General Motors has committed itself publicly to eliminating the automobile's part of the pollution problem at the earliest possible date. We are making good progress toward that goal. Some of the experimental engines and control systems in our Research Laboratories have achieved very low emissions under laboratory conditions. This experimental hardware has encouraged us to believe that we will be able to meet the federal government's proposed 1975 standards, which would result in reductions of 95% and 86% in hydrocarbons and carbon monoxide, respectively, compared to pre-control vehicles.

Remarkable low emissions can be achieved with experimental laboratory cars without any regard to mass production manufacturing tolerances, durability, maintenance, cost, and conditions of customer use. It is quite another thing to engineer control systems that can be mass-produced and operated under all conditions, and still meet stringent standards over the lifetime of the vehicle, as would be required by the warranty provisions.

The legislation, in effect, is asking the automobile industry to mass-produce systems developed through space age technology. There is a distinct difference between handbuilding one moon rocket at a time and the requirement that your legislation would impose—manufacturing millions of units that would have the same close tolerances that space hardware demands.

I urge you to consider amending the legislation to give the Secretary of Health, Education and Welfare authority to determine administratively (1) the air quality needs to meet health requirements and (2) whether the technology exists to permit the mass production of long-lived automotive control systems which would perform at this level.

In view of the great interest of members of Congress and the public in this important matter, I am taking the liberty of sending copies of this letter to others who are vitally concerned, as you are, with this subject.

Sincerely,

E. N. COLE.

Mr. COOPER. Mr. President, in connection with the discussion of the section on class action, I ask unanimous consent to have printed in the RECORD an article written by Mr. Joseph Thebodeaus, who I understand is legal adviser to the Governor of Michigan.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MICHIGAN'S ENVIRONMENTAL PROTECTION ACT OF 1970: PANACEA OF PANDORA'S BOX

I. INTRODUCTION

Michigan House Bill 3055[1] is the most revolutionary—almost radical—measure to have been enacted in the burgeoning field of environmental law. It creates in every person and entity, irrespective of standing or injury, the right to sue any person or entity for the protection of the environment. First introduced in the Michigan House on April 1, 1969, it was labeled "an April fool joke". Little more than a year later, on "Earth Day", April 22, 1970, it emerged from the House. It passed the Senate on June 26, 1970, and was signed by Governor William G. Milliken

Footnotes at end of article.

on July 27, 1970. It will become effective October 1, 1970.

Professor Joseph L. Sax [2] had been retained by the West Michigan Environmental Action Council [3] to draft the bill. Just how and by whom the decision was made to introduce it on the House side only, through a low-profile member of that body, and under lone Democratic sponsorship into a legislative structure of which Republicans controlled both the Senate and Governor's office, is now left only for conjecture.[4] Any detriment which might have come about as a result of that decision, however, never materialized. Rabid public reaction, aided and abetted by political grandstanding, incident to 3055's passage overcame all obstacles.

The bill owes its enactment to that reaction. The sex appeal of the "environmental crisis" peaked shortly after the bill's introduction. Introduced at any other time, it never would have been the subject of even one committee hearing; introduced when it was, members of the Michigan House were standing in line to have their names appended as co-sponsors. As the legislative process unfolded, it became obvious that anything with a "3055" label would have been passed and signed. This is a classic story of a notion whose time was ripe.

As introduced, and to a lesser extent as passed, 3055 had and has potential problems. At best, it may clog the circuit courts in Michigan for some time; at worst, it threatens to throw them into chaotic disrepair. Moreover, it could hopelessly confuse substantive legal principles of public nuisance, environmental and administrative law.

Governor Milliken was confronted with the dilemma of wanting to support the bill's concept, while having serious reservations about the form and operative effect of some of its provisions. But suggestions for constructive change were not warmly received. In addition to the ordinary inertia which accompanies any attempt at change, several factors surrounding 3055, but totally unrelated to its merits, exacerabated the difficulty.

First, the bill had only Democratic sponsorship. Accordingly, the Governor's support was somewhat suspect.

Second, owing to its sex appeal, and owing to typical knee-jerk "boobus americanus" reaction, 3055 readily assembled a sizeable lay following which generated great pressure in behalf of something, about which it had little or no substantive knowledge. Who, in 1970, could be against the environment? Who, in 1970, could favor pollution? Support was for the measure as introduced, period, without any changes, irrespective of their merits. Either you supported the measure completely, or you were against it completely. The Governor's public posture in attempting to effect constructive change was, therefore, extremely precarious.

Third, from the perspective of legal and technical competence prerequisite to grasping some of the intricacies of the bill, the House Committee on Conservation and Recreation, to whom it was assigned, was lacking.[5]

Fourth, suspicious of support from the Governor's office, reveling in the great attention given the bill and thus to his committee, and convinced that the proposal of any amendment was an attempt to emasculate the measure, the committee chairman took an intractable position that no amendment would be appended in his committee.[6]

Finally, into the consideration of this intricate and complex bill was injected the debilitating influence of party politics in an election year.

These factors would have considerable impact on the direction and legislative intent of 3055.

Footnotes at end of article.

It was with some diffidence, then, that on March 18, 1970, the House Conservation and Recreation Committee hearing was approached with sixteen pages of analysis and suggested amendments to the bill in hand. Apprehension was particularly high since it was known that the design of the "hearing" was to rubber-stamp the Sax version, report it out, and ram it through. Thus, with some skepticism, if not trepidation, the Governor's representative opened his remarks to the committee:

"It should first be noted that the Governor supports this bill in concept. It is only for the purpose of attempting to help in insuring its effectiveness and making it a workable piece of legislation that I am here today. Workable from the private citizens' point of view; from the public administrative agencies' points of view; and most of all workable from the courts' point of view. For it will be, in the final analysis, the courts which will bear the burden of 3055. They are the ones who will have the burden, not only in added caseload, but more importantly in the exercise of their judicial discretion.

"Accordingly, it is my initial observation that, to be workable, this bill must be workable in, for and by the courts. If they are left to drift in a morass of legal vagueries or ill-defined standards, or worse, no standards at all, within which to exercise their powers, then not only will this legislation be unworkable in and of itself, but it will have the more deleterious and long-range effect of impeding whatever progress, albeit inadequate, we are making in the effort to save our environment.[7]"

With those and other preliminary observations having been made, pertaining to the title of the bill, broadening the class of parties-plaintiff, and potential *res judicata* and estoppel problems incident to declaring all actions brought under the bill to be in the name of the "State",[8] several major problems with the Sax draft were singled out. To some extent these problems still exist. Others were corrected by amendment. Others, still, are inherent in the basic concept of the legislation.

For reference an appendix is provided. It contains a draft of Enrolled House Bill 3055 as signed by Governor Milliken on July 27, 1970,[8a] a draft of the bill as introduced on April 1, 1969, and the version of 3055 as introduced in Congress on March 10, 1970.[8b] The draft of the enrolled bill is printed with marginal numbering of each line. In the following pages, references to line numbers will be to this draft.

II. ANALYSIS

A. Constitutional basis

Though introduced in April, 1969, 3055 did not receive any attention until mid-January, 1970, when the House Conservation and Recreation Committee held its first of many public hearings. Paraphrased, the bill provides that:

"Any person or entity shall have the right to maintain an action for declaratory and equitable relief against any person or entity for the protection from pollution, impairment or destruction, of the air, water and other natural resources of the state."

In addition to its foundation in the general police power regulating the public health, safety and welfare, 3055 has a more specific constitutional basis in the Michigan Constitution of 1963:

"The conservation and development of the natural resources of the state are hereby declared to be of paramount public concern in the interest of the health, safety and general welfare of the people. The legislature shall provide for the protection of the air, water and other natural resources of the state from pollution, impairment and destruction." [9]

The operative language is the second sentence, a substantial part of which is incorporated verbatim into the bill.[10] That language has generated much of the controversy surrounding 3055; because of it, 3055, by design, lacks specificity in standard and definition. This is its great weakness.

While it may have sounded suspect to the overwhelmingly lay membership of the House committee to question language in a statute which had been taken virtually verbatim from the Michigan Constitution, it was argued that the same language, without qualification, had a different significance in the context of a statute. The fact that language is drawn verbatim from a constitutional provision, does not necessarily render it workable, or even constitutional, within the confines of a statute. Language as it appears in a constitution is not self-executing.[11] It is only a directive to the legislature, and, as such, contemplates further legislative action to implement it. In this instance, not only does the constitutional language specifically direct the legislature to implement the provision, but the pertinent minutes of the Constitutional Convention clearly reflect the intent that this language was not to be self-executing.[12] It is axiomatic that if constitutional language is not in and of itself self-executing, then the verbatim recitation of the same language in a statutory provision does not effect execution of the constitutional provision and does not, therefore, implement the provision.

Moreover, implementation of any constitutional language requires that it be done in accordance with due process, which implies guidelines or standards within which the statute itself and the constitutional provision can be effectively enforced. Accordingly, adoption by a statute of constitutional language, unqualified by guidelines or standards for enforcement, runs the risk of violating due process.[13] This is true, irrespective of the fact that the courts, as a practical matter in the first instance, might find the unqualified language unworkable.

In particular, although drawn directly from Article 4, § 52, the terms "pollution, impairment and destruction" are relative. They are unrestrictive, unqualified, and undirective. As is noted above, to employ wide-open and ill-defined language in any statute is dangerous; to do so in one of such sweeping ramifications as 3055 could prove disastrous. To some extent each of us is polluting, impairing and destroying our air, water and other natural resources with each breath we take. Presumably, under the parameters of 3055 each of us could be enjoined from drawing another one.[14]

Prerequisite to further consideration of this, its most critical aspect, however, is some examination of the mechanics of 3055.

B. Operative sections

Section 1

Section 1 (lines 9 and 10) states the title of the act. Aside from the political gamesmanship reflected in the appearance in the title of the names of one Democratic House member and one Republican Senator, adoption of section 1 was not accompanied by any great fanfare or controversy; nor is it of any great significance.

Section 2

Section 2(1), (lines 11 to 21) provides that:

"The attorney general, any political subdivision of the state, any instrumentality or agency of the state or of a political subdivision thereof, any person, partnership, corporation, association, organization or other legal entity may maintain an action in the circuit court having jurisdiction where the alleged violation occurred or is likely to occur for declaratory and equitable relief against the state, any political subdivision thereof, any person, partnership, corporation, association, organization or other legal entity for the protection of the air, water and other natural resources and the public trust therein from pollution, impairment or destruction."

As introduced in April, 1969, section 2 was not as inclusive of parties-plaintiff as the enrolled bill reflects. It formerly included only "[t]he attorney general, a city, village or township or a citizen of the state. . . ." This technical change enables every person or entity, including the state or any agency, to sue any other person or entity, including the state or any agency, for the protection of the environment.

It is significant that the state and its agencies are susceptible to injunctive action under the bill. This reflects the increasingly accepted view, and motive behind 3055, that administrative agencies are not doing their job to protect and preserve natural resources. Proponents of the bill argued that these agencies, while entrusted with this responsibility, are not upholding it. It was the expressed intent of the House committee, therefore, that, not only would the polluter be susceptible to actions under the bill, but that the relevant regulatory body could also be subjected to the court's equitable and declaratory jurisdiction.

Section 2(2), (lines 22 to 29) signals this lack of confidence in administrative procedures:

"(2) In granting relief provided by subsection (1) where there is involved a standard for pollution or for an anti-pollution device or procedure, fixed by rule or otherwise, by an instrumentality or agency of the state or a political subdivision thereof, the court may:

"(a) Determine the validity, applicability and reasonableness of the standard.

"(b) When a court finds a standard to be deficient, direct the adoption of a standard approved and specified by the court."

The section was inserted in Senate committee, after House passage, and the House later concurred in the Senate amendment. But it could cause problems.

In particular, it has been suggested that section 2(2)(b) may be an unconstitutional delegation of legislative authority, and may violate the principle of separation of powers. It purports to give the courts the authority to write, not merely interpret, the law. Moreover, it enables the courts to superintend administrative prerogative. The Michigan Constitution of 1963 provides that:

"The powers of government are divided into three branches; legislative, executive and judicial. No person exercising powers of one branch shall exercise powers properly belonging to another branch except as expressly provided in this constitution."[15]

To some extent the courts, especially activist courts, legislate now; perhaps rightly so, in some cases. But section 2(2)(b) gives more than tacit approval of, or recognition to, this fact. It writes it into law. Unquestionably, the branches of government must work together in a spirit and practice of cooperation.[16] It is also squarely within judicial prerogative, as provided in section 2(2)(a) to, "[d]etermine the validity, applicability and reasonableness of (a) standard."[17] But the courts cannot legislate. They cannot ". . . direct the adoption of a standard. . . ."[18]

"There is a distinction between legislative and judicial acts. The legislature makes the law—courts apply it. To enact laws is an exercise of legislative power; to interpret them is an exercise of judicial power. To declare what the law shall be is legislative; to declare what it is or has been is judicial. The legislative power prescribes rules of action. The judicial power determines whether, in a particular case, such rules of action have been transgressed. The legislature prescribes rules for the future. The judiciary ascertains existing rights.[19]"

Nor it is legally sufficient to reply that the legislature has vested the courts with authority to adopt appropriate standards. That begs the question and flies directly in the face of improper delegation of legislative authority:

"In view of the recognized division of powers between the different departments of government any attempt to vest the courts with legislative authority would be invalid.[20]"

And further:

"The power given to a court under the Constitution is judicial power. It is beyond the power of the legislature to take from it that judicial power, and it is equally beyond the authority of the legislature to confer upon it power not judicial.[21]"

Moreover, the delegation of rule making power, if possible in the first instance, is nonetheless invalid if it does not set forth standards or guidelines in connection therewith.[22] It might be argued that section 2(2)(b) is no more than an expression of the court's declaratory and equitable jurisdiction. That is, that to ". . . direct the adoption of a standard . . ." is no more than a logical extension of the court's equitable powers. This assumes, however, that the section is applicable, not as a general principle, but only as to each case on an ad hoc basis. But that assumption and interpretation does not track with the literal language which clearly has a much broader applicability. Furthermore, it was the legislative intent that it be a generally applicable principle.[23]

Section 2a (lines 30 to 34) authorizes the court, where it has ". . . reasonable ground to doubt [his] solvency" or ". . . [his] ability to pay any cost or judgment . . .", to require of the plaintiff the posting of a bond not to exceed $500.00. The section is designed to preclude the harassing suit or the action which is totally without merit.[24] The section itself is probably equally unmeritorious. Because of the nominal amount stipulated, any well-intentioned litigant will post it without difficulty. But if he is well-intentioned, then the posting of the bond is unnecessary. On the other hand, if the lawsuit is of an harassing, unmeritorious nature, the nominal bond will not preclude it. It can still be brought without great imposition. Further, the limit on amount is so small that it would not cover any substantial cost that might be invoked.

It would seem more sensible to simply have relied in this regard on the court's equity power. The suit need not be entertained at all. Moreover, in the exercise of its equity jurisdiction, the court can demand the posting of a bond of any size, or any other condition.

Likewise, in the exercise of that jurisdiction, it can award or apportion costs. Accordingly, it would seem that section 3(3) (lines 51 and 52) is also unnecessary.

In addition, as is noted below, if the court is in need of an escape hatch, section 3(2) (lines 48 to 50) provides it through the creation of the role of the master or referee whose findings and recommendations can serve as a basis for dismissal or other disposition of an action, short of a full evidentiary hearing.

Section 2a may, however, be more than just an unnecessary appendage. In setting a fixed maximum dollar limit on the bond which may be required, the section may similarly limit the court's otherwise unlimited equitable power to require a bond in any amount. By singling out a lesser power, the section may constrain the court's otherwise unbridled authority to do equity. This clearly was not the legislative intent. Quite the contrary, notwithstanding that the foregoing observations were made in committee, a representative moved from the House floor that the bond provision be inserted so as to afford the courts authority to prevent the harassing suit. Its effect may be just the opposite.

Section 3

Section 3(1) (lines 35 to 47) was the focal point of much debate, and appropriately so, for it is a key part of the bill. It reads:

"When the plaintiff in the action has made a prima facie showing that the conduct of the defendant has, or is likely to pollute, impair or destroy the air, water or other natural resources or the public trust therein, the defendant may rebut the prima facie showing by the submission of evidence to the contrary. The defendant may also show, by way of an affirmative defense, that there is no feasible and prudent alternative to defendant's conduct and that such conduct is consistent with the promotion of the public health, safety and welfare in light of the state's paramount concern for the protection of its natural resources from pollution, impairment or destruction. Except as to the affirmative defense, the principles of burden of proof and weight of the evidence generally applicable in civil actions in the circuit courts shall apply to actions brought under this act."

In short, it says that the plaintiff must first show a prima facie case of his right to relief.[25] If the defendant chooses to rebut that showing by the presentation of some evidence, the burden shifts back to the plaintiff. In the alternative, the defendant may, ". . . by way of an affirmative defense. . .", prescind from the plaintiff's initial showing and assume the burden of showing that there is ". . . no feasible and prudent alternative . . ." to his conduct. If he takes the latter approach, the defendant must also show that his ". . . conduct is consistent with the promotion of the public health, safety and welfare in light of the state's paramount concern for the protection of its natural resources . . ." The section concludes that, except as to the "affirmative defense", the principles of burden of proof and weight of the evidence shall be the same for proceedings under 3055 as they are for all other civil actions in the circuit courts.[26]

As originally drafted, section 3(1) did not provide for the alternative defenses. Once the prima facie case had been shown, it placed the burden on the defendant throughout, and required much more of the defendant's proof. It simply stated that, once the plaintiff established his prima facie case:

"[t]he defendant has the burden of establishing that there is no feasible and prudent alternative and that the conduct, program or product at issue is consistent with and reasonably required for promotion of the public health, safety and welfare in light of the state's paramount concern for the protection of its natural resources from pollution, impairment or destruction."

This may have been asking a bit much of the defendant, notwithstanding the arguments of the proponents of the language. They argued that in most, if not all, environmental lawsuits technological knowledge and expertise are exclusively with the defendant; that he is solely in a position of knowing whether an alternative method to his conduct does or does not exist, and that only he and his evidence can establish that fact.[27]

Thus, the original language was an indirect means of obtaining discovery—and more. Placing the entire burden of proof on the defendant effectively compelled him to come forward with the evidence—for or against himself. This is a complete reversal of common law jurisprudence and civil practice. While there is some merit to the proponents' rationale, the effect of this complete reversal is of questionable advisability. It at least prejudges the defendant's conduct, may be of questionable constitutionality (fifth amendment due process) and begs the question: Is the remedy under the Act a penalty? It is true that technological data is usually exclusively with the defendant. But discovery is available. The de-

Footnotes at end of article.

fendant should not have to prove the plaintiff's case. He should not have to prove the case against himself.

The language of the enrolled bill to some extent corrects this inequity. Instead of requiring the defendant, once a prima facie showing is made, to sustain the entire burden throughout, he is now afforded the option of simply rebutting that showing, or of going beyond and showing that there is " . . . no feasible and prudent alternative . . . " to his conduct. This is in contrast to the Sax draft, by the terms of which he was compelled to show ". . . no feasible and prudent alternative . . ." to his conduct. Under the enrolled bill, if the defendant does not raise the question of "feasible and prudent alternative", it need not be put in issue. In most cases, however, the defendant will ultimately see fit to litigate the question. But he need not, if he is able to overcome the plaintiff's case by way of a lesser showing. This change was made in House committee for the express purpose of alleviating the inequities inherent in the Sax draft.

Nevertheless, there is still a weakness in section 3(1). The terms "feasible and prudent" are left all alone and unqualified. What may be feasible and prudent in one instance, may not be in another. What may be feasible and prudent from one prospective may not be from another. There are technological, economic, geographical, physical, and other kinds of feasibility and prudence. It was argued—ultimately in vain, though for a time some converts were won—that these terms, like "pollution, impairment and destruction", are relative and in need of further definition.

For the short while (2 drafts) during which that argument met with some success, the language "considering all relevant surrounding circumstances and factors" was inserted to qualify "feasible and prudent alternative." It was later removed as the *quid pro quo* for the insertion of the term "unreasonable" to modify "pollution, impairment and destruction." [28]

Hopefully, the courts are still free to consider "all relevant surrounding circumstances and factors." But because of the constructive legislative intent, perhaps not. They certainly are not compelled to do so. Broad, and perhaps vague, as that language is, it might have afforded the courts paradoxically more latitude and more direction in a given instance. Now, presumably, a determination of feasibility and prudence could—and may have to—turn on a single factor to the exclusion of consideration of all others.

In the Sax draft, section 3(1) also required that the defendant's conduct be ". . . reasonably required for promotion of the public health, safety and welfare in light of the state's paramount concern for the protection of its natural resources from pollution, impairment or destruction. . ." Requiring that a particular endeavor of private enterprise be "reasonably required" by the public health, safety and welfare is totally unreasonable and disconsonant with basic human motivation and activity. People do not ordinarily do things because required by the public health, safety and welfare to do them. Their conduct may, and must, be "consistent with" these considerations.

But the test as originally drafted is a greater one than is exacted of public and nonprofit entities. If business were required to show that it is "reasonably required" by the public health, safety and welfare (let alone by "the protection of [the state's] natural resources") then it would be unable to justify its existence. The test was perhaps unconstitutional, totally unworkable, and, at least in total disregard of the ordinary course of business and the conduct of human affairs. In a word, it was academically idealistic and practically unrealistic. As finalized in the enrolled bill, the test now is simply "consistent with" these considerations, and this would seem most satisfactory, necessary and sufficient.

Although not in the least bit controversial, section 3(2) (lines 48 to 50) has some significance. It provides for a master or referee to assist the court. Specifically, to the master or referee is delegated the responsibility of taking ". . . testimony and making a record and a report of his findings to the court in the action." It is the design of this section: to provide for a preliminary screening of actions; to weed out the unmeritorious action; to give the court some basis in fact for doing so, short of a full-blown hearing on the merits; and, in general, to provide the court with an informal precis of the case before or shortly after issue is joined.

Section 3(3) (lines 51 and 52) merely affirms what is inherent in the equitable powers of the court—to apportion costs as justice requires.

Section 4

Section 4(1) (lines 53 to 56) authorizes the court to grant temporary or permanent relief, or impose any conditions required, to protect the air, water and other natural resources.

Section 4(2) (lines 57 to 68) provides that, in doing so, the court may remit the whole matter to an appropriate administrative agency or agencies. There is sound authority for doing so:

"The doctrine of primary jurisdiction, like the rule requiring exhaustion of administrative remedies, is concerned with promoting proper relationships between the courts and administrative agencies charged with particular regulatory duties. 'Exhaustion' applies where a claim is cognizable in the first instance by the administrative agency alone; judicial interference is withheld until the administrative process has run its course. 'Primary jurisdiction,' on the other hand, applies where a claim is originally cognizable in the courts, and comes into play whenever enforcement of the claim requires the resolution of issues which, under a regulatory scheme, have been placed within the special competence of an administrative body; in such a case the judicial process is suspended pending referral of such issues to the administrative body for its views. *General American Tank Car Corp. v. El Dorado Terminal Co.*, 308 U.S. 422, 433 (1939).

"No fixed formula exists for applying the doctrine of primary jurisdiction. In every case the question is whether the reasons for the existence of the doctrine are present and whether the purposes it serves will be aided by its application in the particular litigation. These reasons and purposes have often been given expression by this Court. In the earlier cases emphasis was laid on the desirable uniformity which would obtain if initially a specialized agency passed on certain types of administration questions. See *Texas & Pacific R. Co.* v. *Abilene Cotton Oil Co., 204 U.S. 426*. More recently the expert and specialized knowledge of the agencies involved has been particularly stressed. See *Far East Conference* v. *United States, 342 U.S. 570*.[29] "

Proceedings at the administrative level are to be conducted pursuant to the Administrative Procedures Act of 1969,[30] and the court is to retain jurisdiction of the matter pending their completion. At that time, the court is to determine whether "adequate protection" has been afforded the air, water and other natural resources.

During debate in House committee, commercial and industrial interest lobbied strongly for mandatory, rather than discretionary remittance. They argued that somewhere there exists the opportunist on the bench who, for political reasons, will fail to remit a case which should be referred to the administrative level; that there is the judge who will seize upon the right case at the right time (just prior to his own reelection bid), short-circuit the administrative process, and grandstand to the voters.

The conservationists argued, on the other hand and inconsistently with much of their rationale relating to other provisions of the bill, that to require referral would deprive the judge of discretion in the exercise of his equitable powers. More importantly, they argued that to require referral of cases could preclude or stifle decisive action where needed in a given case. In addition, since the judge who voraciously seeks out more of a caseload than he already has is a rarity, (notwithstanding the political opportunist) it seems unlikely that the courts will be at all reluctant to preliminarily remit an appropriate case to the administrative proceedings. This is particularly true, since the court retains jurisdiction pending completion of the proceedings.

The last sentence of section 4(2) and the first sentence of section 4(3) (lines 65 to 71) contain the essence of the philosophy behind 3055. Those two sentences read:

"In so remitting the court shall retain jurisdiction of the action pending completion thereof for the purpose of determining whether adequate protection from pollution, impairment or destruction has been afforded.

"Upon completion of such proceedings, the court shall adjudicate the impact of the defendant's conduct on the air, water or other natural resources and on the public trust therein in accordance with this act."

In addition to affording immediate access to the courts, 3055 provides for immediate review of administrative actions. But it is the kind of judicial review that is significant. Ordinarily, the scope of review is limited to those cases where the administrative decision is:

(a) In violation of the constitution or a statute.

(b) In excess of the statutory authority or jurisdiction of the agency.

(c) Made upon unlawful procedures resulting in material prejudice to a party.

(d) Not supported by competent, material and substantial evidence on the whole record.

(e) Arbitrary, capricious or clearly an abuse or unwarranted exercise of discretion.

(f) Affected by other substantial and material error of law.[31]

Direct review under 3055, however, is available irrespective of these considerations and of whether the agency followed established substantive rules, regulations or guidelines. The courts have always had authority to review administrative regulations, and the exercise of discretion thereunder, to protect constitutional rights.[32] But they have not had the authority to pass judgment upon the substantive content of a rule or regulation absent a showing of its unconstitutional operation. Absent a showing of one of the generally accepted bases for overturning administrative decisions, to arm the courts with override authority of the kind granted pursuant to section 4(3) (". . . adjudicate the impact of defendant's conduct. . .") comes perilously close to running afoul of the improper delegation and separation of powers principles noted above.[33]

"The legislative power prescribes rules of action. The judicial power determines whether, in a particular case, such rules of action have been transgressed.[34] "

Section 4(3), with its directive to the courts to override substantive administrative rules, regulations and guidelines, in adjudicating the effect of a defendant's conduct on the environment, is, by operation, legislating. Moreover, it does so with no provision for standards or guidelines. Needn't the defendant have promulgated notice of the standards which he must meet? Or can he, in lieu of being held accountable to specifically prescribed and promulgated rules and standards, be set adrift in the ill-defined

Footnotes at end of article.

morass of "pollution, impairment or destruction" and "reasonable requirements of the public health, safety and welfare"? The former would seem to be the rule.

"This Court has been specially vigilant in the guardianship of personal and property rights as against uncontrolled delegation of the power to legislate and enforce at will. See the leading case of *Osius v. City of St. Clair Shores, 334 Mich. 693, 698 (48 ALR2d 1079)*:

"There is no doubt that a legislative body may not delegate to another its lawmaking powers. It must promulgate, not abdicate. This is not to say, however, that a subordinate body or official may not be clothed with the authority to say when the law shall operate, or as to whom, or upon what occasion, provided, however, that the standards prescribed for guidance are as reasonably precise as the subject matter requires or permits. [35] ' "

And acceptance of the rule is becoming widespread:

"There is growing recognition among the state courts of the healthy principle that a person who relies in good faith on an agency rule should be held harmless from loss if that rule is later held invalid, or is amended.[36]"

Section 4(4) is a technical override of section 64 of the Administrative Procedures Act of 1969 [37] which, in conjunction with section 4, could permit the vesting of jurisdiction, upon review of the administrative proceedings, in a court other than that which first took cognizance of that matter. Section 4(4) insures that judicial review will be conducted by the court originally taking jurisdiction.

Section 5

Section 5(1) (lines 79 to 88) provides for intervention at both the administrative and judicial review levels. Its scope is as all-inclusive as is that of parties-plaintiff and defendant under section 2.

Section 5(2) (lines 89 to 95) purports to superimpose on the administrative agency the same directive as is given the court under section 4(3). That is, an override of duly established and promulgated agency standards and guidelines is provided. Accordingly, the analysis of section 4(3) is equally applicable to this section. The only distinction is that this section is expressly operative at the administrative level, (and arguably operative upon judicial review) whereas, section 4(3) is expressly operative upon judicial review.

Of the remaining sections 5(3) (lines 96 and 97), 6 (lines 98 and 99), and 7 (line 100), 5 (3) is designed to prevent a multiplicity of suits by stating that the doctrines of res judicata and estoppel are applicable. It would be seem that, under its equitable power, the court could invoke them in any event.

Section 6 states that 3055 is supplementary to, not supplantive of, existing administrative procedure.

Section 7 provides the effective date of October 1, 1970.

III. IN RETROSPECT

A. Reasonable pollution?

References have been made to the lack of definition of terms and preciseness of language in 3055. With no small amount of effort were some of the Governor's proposed changes inserted and retained in the bill. Other changes were also made. Perhaps a sufficient number of constructive changes were effected to have constituted a decent average in most leagues.

But it will forever be a cause of great chagrin that the term "unreasonable" was stricken from the final draft after it reached the floor of the House.[38] The manner in which it was removed is likewise a source of concern and a sad commentary on legislative processes. The term was not used in the Sax draft. It was inserted in House committee. As has been noted, the qualifying language relating to "feasible and prudent alternative" had been deleted by agreement of all concerned in exchange for retaining "unreasonable".[39]

Nonetheless, one Democratic Representative, who, as chairman of the House committee, had been privy to all drafting sessions, moved, as the bill was reported from committee onto the calendar, that "unreasonable" be stricken. He had rallied the number of his Democratic colleagues sufficient to obtain the necessary minimum 56 votes and the word was excised.[40] Enough attention was thereby forcused on it that any attempt to reinsert the word would have been an exercise in futility. Public recation, without understanding the full significance of the term and spurred by conservations paranoia,[41] misguidedly brought sufficient pressure to bear to keep it out.

Thus, whereas an agreement had been made by all principals involved, one questionably motivated act undid it all. Whereas a fairly sound model had been prepared, the measure may now be of questionable constitutionality for lack of definition.

"[A]ny statute which subjects those who violate its terms to criminal prosecution or to an action for damages must give [sufficiently definite] notice. Even a statute subjecting violators merely to injunction or to deprivation of a prospective gain should give notice where the secondary effect of such a sanction is to destroy the value of an existing investment of time or money." [42]

In any event the courts are now deprived of any handle, which they might otherwise have had, upon which to rationally, and with precedent, decide the matters which come before them under the act.

This is particularly true, since, in reviewing cases pursuant to 3055, the courts are directed to prescind from administrative rules, regulations, guidelines, standards and actions.[43] As such, they have no criteria upon which to base their decisions. The terms "pollution, impairment and destruction" are in desperate need of qualification. It was strongly felt that the term "unreasonable" afforded the semblance of definition.

The action of once having expressly inserted the word "unreasonable" in the bill and subsequently removing it, may give rise to a constructive legislative intent that the courts are to regard "pollution, impairment and destruction" in the absolute; that, notwithstanding their broad equity powers, they are precluded from adopting a "rule of reason".

Is there such a thing as reasonable pollution? The conservationists and the chairman of the House committee answered, "No." It can only be hoped—for the sake of plaintiffs, defendants, commerce, industry, the courts and all of us—that, notwithstanding the controversy over the term "unreasonable" and the ultimate resolution of that controversy, the courts find that answer erroneous.

B. The public trust

A concept to which much significance is attached in 3055 is that of "the public trust". As first introduced, the Sax draft used the term in several different contexts. In section 2 it refers to ". . . public trust in the natural resources of the state". In section 3 the phrase is ". . . natural resources or the public trust of the state". In section 4 it speaks simply of "the public trust".

Unquestionably, Professor Sax knew what he meant by the term. But the confusing and different contexts in which it was used and the complexity of the concept itself, as Sax defined it, was disconcerting. Moreover, there are different conceptions of public trust. Accordingly, a motion was made in House committee that it be stricken. As a compromise, an expression consistently used throughout the enrolled bill was decided upon. Now the act speaks in terms of the ". . . air, water, or other natural resources or the public trust therein".

Sax urges a very special significance to the term. He states that:

"Confusion has arisen from the failure of many courts to distinguish between the government's general obligation to act for the public benefit, and the special, and more demanding, obligation which it may have as a trustee of certain public resources." [44]

Presumably, as was said at the outset, the state's authority to regulate these matters stems from its police power.

But to Sax's thinking, the public trust is obviously something very distinct from the protection of the air, water and other natural resources through the police power.

Among its salient characteristics are the public nature of the resource and use thereof, the fact that the use is not to be substantially altered, and the fact that it cannot be alienated to a private interest for a consideration (quasi-private condemnation of resources). Thus, it differs substantially from the preservation and protection to be afforded the state's natural resources under the police power. It connotes a trusteeship—a fiduciary duty to the public.

The public trust has received recognition, and in fact, is still in its embryonic stages, in the courts. It is a principle, the thrust of which is to preserve to the people their natural surroundings in the highest quality possible commensurate with the normal conduct of human affairs. Incidentally, it has made the people aware of their surroundings and made administrative agencies responsive to the people. It has afforded public access to administrative determinations. It strikes at the heart of the low-visibility agency decision making. Says Sax:

"[P]ublic trust law is not so much a substantive set of standards for dealing with the public domain as it is a technique by which courts may mend perceived imperfections in the legislative and administrative process. The public trust approach which has been developed . . . and the exercise in applying that approach to existing situations . . . demonstrate that the public trust concept is, more than anything else, a medium for democratization.[45]"

III. CONCLUSION

That is where 3055 began. That is its underlying rationale. To democratize environmental law. To take a step, legislatively, into an area into which up to now only the courts have ventured. To short cut the process. To codify into a statute what has been only dicta in the cases that the people are the very real beneficiaries of a trust, the corpus of which is their environment. Will it work?

As 3055 left House committee with most of his recommended changes adopted, Governor Milliken gave this assessment:

"This bill certainly will not be the total answer to all our environmental problems. It is not a panacea. It will not be the total answer to all our environmental problems. But, it will serve to bring some of them into focus; perhaps more quickly than they are now.

"It will also, in some cases, produce quicker action from those agencies and instrumentalities of state and local government whose responsibility it is to protect the environment, as well as from the polluters themselves.

"Most importantly, it will permit direct citizen involvement in bringing much of this about, and hopefully, in so doing, will produce an increasing consciousness and conscience in every citizen of this state concerning the protection and preservation of his environment. For, ultimately, the quality of our environment is, not only the concern, but the responsibility, of every citizen.

"If this measure takes us one step closer to

Footnotes at end of article.

that realization it will have been wortn the effort of its enactment.[48]"

3055 may do this and much more. Its concept is bold, though its execution might have been better. If it can withstand constitutional attack, or if it can be satisfactorily amended to provide for more definitive standards, it could revolutionize environmental law. The potential ramifications are virtually unlimited. Which of them will be realized, and to what extent, must await case-by-case development under the Act.

The businessman-industrialist—especially in Michigan—awaits in frightened expectation; the activist-conservationist in childlike frenetic excitation.

FOOTNOTES

[1] *Mich. Comp. L. of 1948*, § 691.1201–07 (Act 127, P.A. 1970).

[2] Professor of Law, University of Michigan. A.B., 1957, Harvard University; J.D., 1959, University of Chicago. Has taught at the University of Colorado and at the University of California at Berkeley. In Washington, D.C., from July, 1969, to July, 1970, he studied, on a Ford Foundation grant, the use of law in environmental quality controversies.

[3] An organization, in turn comprised of 50 or more organizations, the natures of which span the spectrum from local PTAs, to black unity councils, to Kiwanis clubs, to garden clubs to conservation groups, WMEAC was formed in the Spring of 1968 at the initiation of Mrs. Willard E. Wolfe of Grand Rapids. Its stated purpose is to coordinate information, to educate the public, and "take whatever action is necessary" to protect the environment. This action has largely taken the form of encouraging legal and legislative action and generating support therefor. WMEAC has been most successful in enlisting the support of otherwise not primarily conservation oriented groups. It first confronted Professor Sax on January 28, 1969, with its problem: a need to effect governmental action in the protection of the environment. 3055 is the result.

[4] Representative Thomas J. Anderson, Democrat of the 28th House District, introduced the bill as its sole sponsor. An engineer by profession, after 10 years of local political activity, he was first elected to the House in 1964. He was reelected in 1966 and 1968 and stands for reelection in November, 1970. He is co-chairman of the House Conservation and Recreation Committee. *Mich. Man. 1969–70* (Mich. Dept. Ad.) at 191.

[5] The House Committee on Conservation and Recreation is comprised of 13 members, one of whom is a member of the bar. *Mich. Leg. Hdb. 1969–70*. (Comp. by Kenyon and Thatcher, 1969). Since the bill was labeled a conservation measure, it was assigned to that committee. More appropriately it might have been referred to House Judiciary.

[6] Representative Warren N. Goemaere, Democrat of the 72nd House District, although technically designated "co-chairman", is chairman of the committee for the 1970 session. Like Anderson, he was first elected to the House in 1964, was reelected in 1966 and 1968, and stands for reelection in November, 1970. *Mich. Man. 1969–70, supra*, Note 4, at 197.

[7] Testimony of the author, Hearings on H.B. 3055 before House Conservation and Recreation Committee, *75th Mich. Leg.*, Mar. 18, 1970 (unreported).

[8] See Appendix, *infra*, House Bill 3055 as introduced April 1, 1969, § 2. The purpose for removing the reference to the "State" in the enrolled bill was to avoid potential res judicata or estoppel problems; to avoid a construction that would preclude an action where a prior suit had litigated the same issue on similar or identical facts, but through a different party-plaintiff. Though maintained in the names of distinct parties-plaintiff, because the cases were declared to be in "the name of the State", the legal identity of the single party—the State—might have been imputed to the plaintiffs.

The reference to the doctrines of res judicata and estoppel in the enrolled bill (See Appendix, *infra*, § 5(3), (lines 96 and 97) is to the customary application of those doctrines.

[8a] *Mich. Comp. L. of 1948*, § 691.1201–07 (Act 127, P.A. 1970).

[8b] Environmental Protection Act of 1970, S3575, 91 Cong. 2nd sess., 1970.

[9] *Mich. Const.*, art. 4, § 52.

[10] See Appendix, *infra*, Enrolled House Bill 3055, §§ 1, 3(1), 4(1), 4(2), 4(3), 5(1) and 5(2).

[11] *McDonald v. Schnipke*, 380 Mich, 14, 22, 25, 26, N.W. (1968).

[12] *Mich. Const. Con. 1961—Official Record* (Knapp. ed.) Committee Proposal 125, Vol. II, at 2602–05. Mr. Millard reported as follows (at 2602):

"The proposed section submitted herewith is merely declaratory and has no automatic self executing quality. The wording has been examined by Professor William Pierce of the law school of the University of Michigan, who asserts that the section would not alter existing water law in any respect, either in riparian rights, meander lines or otherwise. Nor would the declaration of a public paramount interest in the air interfere with the traditional common law doctrine of the control of air space above real property. Nor would existing vested rights in property holders of the various forms of 'natural resources' be in any fashion disturbed."

The consequence of adoption of the provision, in short, does not lie in any alteration of existing law.

Mr. Hatch reemphasized the fact that the language is not self executing (at 2603):

"I want to make it perfectly clear that this amendment is merely declaratory. It has no automatic self executing qualities."

And Mr. Millard confirmed this again (at 2605):

"We have to have some protection against the waste of our natural resources. We do that now. Our legislature does have control over the natural resources, the use of them, and I feel that in the future that this is more or less just a memorializing of the legislature, that they have the right, the power. We are not giving them any power. They have that power. We are just telling them to look out into the future for our natural resources, the air and the water, and to make some regulations so that they will not be used up for the other generations that are to follow."

[13] *McKibbin v. Corp. & Sec. Comm.*, 369 Mich., 69, N.W. (1963). Although speaking of the delegation of authority to an agency, the rule of *McKibbin* is equally—and more—applicable to a delegation to the courts.

[14] *Time Mag.*, August 24, 1970, at 37. The first state law of its kind in the U.S., the Michigan statute could inspire a flurry of odd-ball suits. If a Detroit resident dislikes auto pollution, for example, he might well ask a court to ban all downtown traffic.

[15] *Mich. Const.*, art. 3, § 2.

[16] See *People v. Piasecki*, 333 Mich. 122, 52 N.W. 2d 626 (1952); *Local 321, State, County and Municipal Workers of America v. Dearborn*, 311 Mich. 674, 19 N.W. 2d 140 (1945); and Parker, "Separation of Powers Revisited", 49 *Mich. L. Rev*, 1009 (1951).

[17] *Lewis v. Grand Rapids*, 222 F.Supp. 349, 378 (W.D. Mich. 1963).

[18] *Northwood Properties Company v. Royal Oak City Inspector*, 325 Mich. 419, 39 N.W. 2d 25 (1949).

[19] *In re Consolidated Freight Co.*, 265 Mich. 340, 343, 251 N.W. 431, (1933).

[20] *Goethal v. Kent County Supervisors*, 361 Mich, 104, 113, 104 N.W. 2d 794 (1960).

[21] *Johnson v. Kramer Freight Lines*, 357 Mich. 254, 257–8, N.W. (1959).

[22] *McKibbin, Supra*, Note 13.

[23] Sec. 2(2) was added in the Senate Conservation and Tourist Industry Committee. Senator Basil W. Brown, Democrat of the 6th Senatorial District, proposed and moved the adoption of the language. A most able lawyer, Senator Brown later informally speculated that the language may not survive constitutional attack.

[24] See Appendix, *infra*, Environmental Protection Act of 1970, S. 3575, 91 Cong., 2d Sess. § 4(e) (1970), which provides:

"No bond shall be required by the court of the plaintiff: *Provided*, That the court may, upon clear and convincing evidence offered by the defendant that the relief required will result in irreparable damage to the defendant, impose a requirement for security to cover the costs and damages as may be incurred by defendant when relief is wrongfully granted: *Provided further*, That such security shall not be required of plaintiff if the requirement thereof would unreasonably hinder plaintiff in the maintenance of his action or would tend unreasonably to prevent a full and fair hearing on the activities complained of."

Quite clearly the provision says nothing, except that the court may or may not, in its discretion, require bond. The language in Enrolled Bill 3055 was appended on the floor of the House, it having been decidedly rejected in House Committee.

[25] Black's Law Dictionary 1353 (4th ed. 1951) says of *prima facie case* that: "A litigating party is said to have a prima facie case when the evidence in his favor is sufficiently strong for his opponent to be called on to answer it. A prima facie case, then, is one which is established by sufficient evidence, and can be overthrown only by rebutting evidence adduced on the other side."

[26] *Mich. Gen. Ct. R.* 601 states: "The burden of proof, presumptions, judicial notice, and other rules of evidence shall be according to the common law except as modified by statute or court rule."

Thus, the "exception" for the "affirmative defense" is somewhat ambiguous. If in fact section 3(1) makes an exception from the common law rule that the burden of establishing such a defense is on its proponent, it fails to state what rule shall govern. Accordingly, an assumption must be made that no "exception" is in fact created.

[27] Professor Sax strongly urges this point. See Sax, "The Public Trust Doctrine in Natural Resource Law: Effective Judicial Intervention", 68 Mich. L. Rev. 473 (1970).

[28] On April 14, 1970, a meeting was held in the Washington, D.C. office of Professor Sax. In attendance were: Representatives Anderson and Goemaere, Senator Gordon Rockwell, Chairman of the Senate Conservation and Tourist Industry Committee, Mr. James L. Rouman, then Executive Director of the Michigan United Conservation Clubs, Professor Sax, and the author. With all present concurring, the author agreed to the deletion of this language and, in turn, Professor Sax agreed that the word "unreasonable" remain in the bill. Representative Goemaere subsequently moved that the word "unreasonable" be stricken—see pp 20–22, *infra*.

[29] *United States v. Western Pacific R.R. Co.*, 352 U.S. 59, 63–4 (1956).

[30] *Mich. Comp. L. of 1948*, §§ 24.201–24.313.

[31] Id. § 24.306.

[32] *Lewis v. Grand Rapids, supra*, at Note 17.

[33] Cf. pp. 8 and 9, Notes 15–22, *supra*.

[34] *In re Consolidated Freight Co., supra*. Note 19, at 343.

[35] *O'Brien v. State Hwy Commr*, 375 Mich 545, 557, N.W. (1965).

[36] Cooper, *State Administrative Law*, 267 § 4(D) (1965).

[37] *Mich. Comp. L. of 1948*, § 24.264.

[38] See S. 3575, 91 Cong., 2d Sess. (1970), §§ 2(b), 3(a) and 4(a), wherein the word "unreasonable" appears. The insertion of the term was made by staff personnel before in-

troduction to the U.S. Senate Committee on Commerce.

[39] Cf. pp. 14 and 15, Note 28, *supra*.

[40] The Michigan House has 110 members. Thus, 56 votes were needed to carry Representative Goemaere's motion. The House of the 75th Legislature has a constituency of 57 Democrats and 53 Republicans, *Mich. Leg. Hdb. 1969–70*. The record role call on Representative Goenaere's motion reflects 51 Democrats and 5 Republicans voting "Yea", H. Journal No. 57, 75th Leg. Reg. Sess. (1970), roll call No. 335 at 1296.

[41] The Michigan United Conservation Clubs, through Dr. Frederick L. Brown, its president, was signally effective here. Spooked by a prior legislative hassle of some years before when the word "willful" crept into a conservationist piece of legislation, Brown vehemently and vociferously opposed the term "unreasonable." From his testimony, and specific references to the fact, it was clear that Brown and other conservationist interests erroneously imputed to the word the same connotation as is commonly ascribed to "willful".

[42] *62 Harv. L. Rev.* 77, 78–9 (1948).

[43] Cf. pp 8, 9, 17–19, Notes 15–22, 31–36.

[44] Sax, *supra*, Note 27 at 478.

[45] Id. at 509.

[46] Press release, Governor William G. Milliken, Mar. 31, 1970.

From the perspective of both Legal Advisor to Governor William G. Milliken and ad hoc counsel to the House committee which drafted the measure, the author affords an incisive analysis of Michigan House Bill 3055, The Environmental Protection Act of 1970, effective October 1, 1970. The Michigan Legislature maintains no permanent record of its committee hearings or floor debate. Accordingly, through his observations and recollections, the author here provides the only recorded history, with a focus on legislative intent, of the passage of this remarkable Act. Since the Michigan version is expected to be the model for the enactment of similar measures in other states (now pending in Colorado, Massachusetts, New York, Pennsylvania, Tennessee and the U.S. Congress, and expected to be introduced in Texas and California) and since there promises to be much litigation brought pursuant to the Act, this article should be of particular value to legislative members and administrative officials, as well as to corporate, government and private attorneys.

Appendix

(Enrolled House Bill No. 3055 as signed by Governor William G. Milliken on July 27, 1970 (Act 127, P.A. 1970, Mich. Comp. L. 1948, §§ 691.1201–07))

An Act to provide for actions for declaratory and equitable relief for protection of the air, water and other natural resources and the public trust therein; to prescribe the rights, duties and functions of the attorney general, any political subdivision of the state, any instrumentality or agency of the state or of a political subdivision thereof, any person, partnership, corporation, association, organization or other legal entity; and to provide for judicial proceedings relative thereto.

The People of the State of Michigan enact:

Sec. 1. This act, shall be known and may be cited as the "Thomas J. Anderson, Gordon Rockwell environmental protection act of 1970".

Sec. 2 (1) The attorney general, any political subdivision of the state, any instrumentality or agency of the state or of a political subdivision thereof, any person, partnership, corporation, association, organization or other legal entity may maintain an action in the circuit court having jurisdiction where the alleged violation occurred or is likely to occur for declaratory and equitable relief against the state, any political subdivision thereof, any instrumentality or agency of the state or of a political subdivision thereof, any person, partnership, corporation, association, organization or other legal entity for the protection of the air, water and other natural resources and the public trust therein from pollution, impairment or destruction.

(2) In granting relief provided by subsection (1) where there is involved a standard for pollution or for an anti-pollution device or procedure, fixed by rule or otherwise, by an instrumentality or agency of the state or a political subdivision thereof, the court may:

(a) Determine the validity, applicability and reasonableness of the standard.

(b) When a court finds a standard to be deficient, direct the adoption of a standard approved and specified by the court.

Sec. 2a. If the court has reasonable ground to doubt the solvency of the plaintiff or the plaintiff's ability to pay any cost or judgment which might be rendered against him in any action brought under this act the court may order the plaintiff to post a surety bond or cash not to exceed $500.00.

Sec. 3. (1) When the plaintiff in the action has made a prima facie showing that the conduct of the defendant has, or is likely to pollute, impair or destroy the air, water or other natural resources or the public trust therein, the defendant may rebut the prima facie showing by the submission of evidence to the contrary. The defendant may also show, by way of an affirmative defense, that there is no feasible and prudent alternative to defendant's conduct and that such conduct is consistent with the promotion of the public health, safety and welfare in light of the state's paramount concern for the protection of its natural resources from pollution, impairment or destruction. Except as to the affirmative defense, the principles of burden of proof and weight of the evidence generally applicable in civil actions in the circuit courts shall apply to actions brought under this act.

(2) The court may appoint a master or referee, who shall be a disinterested person and technically qualified, to take testimony and make a record and a report of his findings to the court in the action.

(3) Costs may be apportioned to the parties if the interests of justice require.

Sec. 4. (1) The court may grant temporary and permanent equitable relief, or may impose conditions on the defendant that are required to protect the air, water and other natural resources or the public trust therein from pollution, impairment or destruction.

(2) If administrative, licensing or other proceedings are required or available to determine the legality of the defendant's conduct, the court may remit the parties to such proceedings, which proceedings shall be conducted in accordance with and subject to the provisions of Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.313 of the Compiled Laws of 1948. In so remitting the court may grant temporary equitable relief where necessary for the protection of the air, water and other natural resources or the public trust therein from pollution, impairment or destruction. In so remitting the court shall retain jurisdiction of the action pending completion thereof for the purpose of determining whether adequate protection from pollution, impairment or destruction has been afforded.

(3) Upon completion of such proceedings, the court shall adjudicate the impact of the defendant's conduct on the air, water or other natural resources and on the public trust therein in accordance with this act. In such adjudication the court may order that additional evidence be taken to the extent necessary to protect the rights recognized in this act.

(4) Where, as to any administrative, licensing or other proceeding judicial review thereof is available, notwithstanding the provisions to the contrary of Act No. 306 of the Public Acts of 1969, pertaining to judicial review, the court originally taking jurisdiction shall maintain jurisdiction for purposes of judicial review.

Sec. 5. (1) Whenever administrative, licensing or other proceedings, and judicial review thereof are available by law, the agency or the court may permit the attorney general, any political subdivision of the state, any instrumentality or agency of the state or of a political subdivision thereof, any person, partnership, corporation, association, organization or other legal entity to intervene as a party on the filing of a pleading asserting that the proceeding or action for judicial review involves conduct which has, or which is likely to have, the effect of polluting, impairing or destroying the air, water or other natural resources or the public trust therein.

(2) In any such administrative, licensing or other proceedings, and in any judicial review thereof, any alleged pollution, impairment or destruction of the air, water or other natural resources or the public trust therein, shall be determined, and no conduct shall be authorized or approved which does, or is likely to have such effect so long as there is a feasible and prudent alternative consistent with the reasonable requirements of the public health, safety and welfare.

(3) The doctrines of collateral estoppel and res judicata may be applied by the court to prevent multipilicity of suits.

Sec. 6. This act shall be supplementary to existing administrative and regulatory procedures provided by law.

Sec. 7. This act shall take effect October 1, 1970.

This act is ordered to take immediate effect.

House Bill No. 3055, as Introduced April 1, 1969

A bill to provide for action for declaratory and equitable relief for protection of the air, water and other natural resources of the state; to prescribe the duties of the attorney general, political subdivisions and the citizens of the state; and to provide for judicial proceedings relative thereto.

The people of the State of Michigan enact:

Sec. 1. This act shall be known and may be cited as the "natural resource conservation and environmental protection act of 1969".

Sec. 2. The attorney general, a city, village or township or a citizen of the state may maintain an action for declaratory and equitable relief in the name of the state aganist any person, including a governmental instrumentality or agency, for the protection of the air, water and other natural resources of the state from pollution, impairment or destruction, or for protection of the public trust in the natural resources of the state.

Sec. 3 (1) When the plaintiff in the action has made a prima facie showing that the conduct of the defendant has, or is reasonably likely to pollute, impair or destroy the air, water or other natural resources or the public trust of the state, the defendant has the burden of establishing that there is no feasible and prudent alternative and that the conduct, program or product at issue is consistent with and reasonably required for promotion of the public health, safety and welfare in light of the state's paramount concern for the protection of its natural resources from pollution, impairment or destruction.

(2) The court may appoint a master or referee, who shall be a disinterested person and technically qualified, to take testimony and make a report to the court in the action. The costs thereof may be apportioned to the parties if the interests of justice require.

Sec. 4. (1) The court may grant temporary and permanent equitable relief, or may impose conditions on the defendant that are

required to protect the public trust or air, water and other natural resources of the state from pollution, impairment or destruction.

(2) If administrative, licensing or other such proceedings are required or available to determine the legality of the defendant's conduct, program or product, the court may remit the parties to such proceedings. In so remitting the court may grant temporary equitable relief where appropriate to prevent irreparable injury to the natural resources or public trust of the state. In so remitting the court shall retain jurisdiction of the action pending completion thereof, for the purpose of determining whether adequate consideration has been given to the protection of the public trust and the air, water or other natural resources of the state from pollution, impairment or destruction, and, if so, whether the agency's decision is supported by the preponderance of the evidence upon the whole record.

(3) If such consideration has not been adequate, the court shall adjudicate the impact on the public trust and air, water and natural resources of the state in accordance with the preceding sections of this act, or where, as to any such administrative, licensing or other proceeding, judicial review thereof is available, the parties shall be remitted to the processes of such review as augmented by section 5, and upon the vesting of jurisdiction in any other court of the state, the court may dismiss the action brought hereunder without prejudice to the parties.

Sec. 5. (1) In such administrative, licensing or other proceeding, and in a judicial review thereof made available by law, the attorney general, a city, village or township, or a citizen of the state may intervene as a party on the filing of a verified pleading asserting that the proceeding or action for judicial review involves conduct, programs or products which may have the effect of impairing, polluting or destroying the public trust or air, water or other natural resources of the state.

(2) In any such administrative, licensing or other proceeding, the agency shall consider the alleged impairment, pollution or destruction of the public trust of air, water or other natural resources of the state and no conduct, program or product shall be authorized or approved which does, or is reasonably likely to have such effect so long as there is a feasible and prudent alternative consistent with the reasonable requirements of the public health, safety and welfare.

(3) In an action for judicial review of any proceeding described in subsection (2), the court, in addition to any other duties imposed upon it by law, shall grant review of claims that the conduct, program or product under review has, or is reasonably likely to impair, pollute or destroy the public trust or the air, water or other natural resources of the state, and in granting such review it shall follow the standards and proceedings set forth in this act in addition to the review authorized by Act No. 197 of the Public Acts of 1952, as amended, being sections 24.101 to 24.110 of the Compiled Laws of 1948.

Sec. 6. In an action where a plaintiff or intervenor seeking judicial adjudication as provided by this act has failed to intervene in any administrative, licensing or other such proceedings, the court may remit such plaintiff or intervenor to such proceeding for amplification of the record therein, and may order the granting of intervention and the granting of review therein as provided in section 5. However, where intervention was available in such administrative, licensing or other proceedings, and where the plaintiff or intervenor seeking judicial adjudication hereunder wilfully and inexcusably refused intervention therein, the court may dismiss the action with prejudice to the plaintiff or intervenor.

S. 3575

(Environmental Protection Act of 1970, 91st Cong., 2d Sess., introduced Mar. 10, 1970, by Senators PHILIP A. HART and GEORGE MCGOVERN)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Environmental Protection Act of 1970".

SEC. 2. (a) The Congress finds and declares that each person is entitled by right to the protection, preservation, and enhancement of the air, water, land, and public trust of the United States and that each person has the responsibility to contribute to the protection and enhancement thereof.

(b) The Congress further finds and declares that it is in the public interest to provide each person with an adequate remedy to protect the air, water, land, and public trust of the United States from unreasonable pollution, impairment, or destruction.

(c) The Congress further finds and declares that hazards to the air, water, land, and public trust of the United States are caused largely by persons who are engaged in interstate commerce, or in activities which affect interstate commerce.

SEC. 3. (a) Any person may maintain an action for declaratory or equitable relief in his own behalf or in behalf of a class of persons similarly situated, for the protection of the air, water, land, or public trust of the United States from unreasonable pollution, impairment, or destruction which results from or reasonably may result from any activity which affects interstate commerce, wherever such activity and such action for relief constitute a case or controversy. Such action may be maintained against any person engaged in such activity and may be brought, without regard to the amount in controversy, in the district court of the United States for any judicial district in which the defendant resides, transacts business or may be found: *Provided,* That nothing herein shall be construed to prevent or preempt State courts from exercising jurisdiction in such action. Any complaint in any such action shall be supported by affidavits of not less than two technically qualified persons stating that to the best of their knowledge the activity which is the subject of the action damages or reasonably may damage the air, water, land, or public trust of the United States by pollution, impairment, or destruction.

(b) For the purpose of this section, the term "person" means any individual or organization; or any department, agency, or instrumentality of the United States, a State or local government, the District of Columbia, the Commonwealth of Puerto Rico, or a possession of the United States.

SEC. 4. (a) When the plaintiff has made a prima facie showing that the activity of the defendant affecting interstate commerce has resulted in or reasonably may result in unreasonable pollution, impairment, or destruction of the air, water, land, or public trust of the United States the defendant shall have the burden of establishing that there is no feasible and prudent alternative and that the activity at issue is consistent with and reasonably required for promotion of the public health, safety, and welfare in light of the paramount concern of the United States for the protection of its air, water, land, and public trust from unreasonable pollution, impairment or destruction.

(b) The court may appoint a master to take testimony and make a report to the court in the action.

(c) The court, or master, as well as the parties to the action, may subpoena expert witnesses and require the production of records, documents, and all other information necessary to a just disposition of the case.

(d) Costs may be apportioned to the parties if the interests of justice require.

(e) No bond shall be required by the court of the plaintiff: *Provided,* That the court may, upon clear and convincing evidence offered by the defendant that the relief required will result in irreparable damage to the defendant, impose a requirement for security to cover the costs and damages as may be incurred by defendant when relief is wrongfully granted: *Provided further,* That such security shall not be required of plaintiff if the requirement thereof would unreasonably hinder plaintiff in the maintenance of his action or would tend unreasonably to prevent a full and fair hearing on the activities complained of.

SEC. 5. The court may grant declaratory relief, temporary and permanent equitable relief, or may impose conditions on the defendant which are required to protect the air, water, land, or public trust of the United States from pollution, impairment, or destruction.

SEC. 6. This Act shall be supplementary to existing administrative and regulatory procedures provided by law and in any action maintained under the Act, the court may remand the parties to such procedures: *Provided,* that nothing in this section shall be deemed to prevent the granting of interim equitable relief where required and so long as is necessary to protect the rights recognized herein: *Provided further,* That any person entitled to maintain an action under this Act may intervene as a part in all such procedures: *Provided further,* That nothing herein shall be deemed to prevent the maintenance of an action, as provided in this Act, to protect the rights recognized herein, where existing administrative and regulatory procedures are found by the court to be inadequate for the protection of such rights: *Provided further,* That, at the initiation of any person entitled to maintain an action under the Act, such procedures shall be reviewable in a court of competent jurisdiction to the extent necessary to protect the rights recognized herein: *and provided further,* That in any such judicial review the court shall be bound by the provisions, standards, and procedures of sections 2, 4, and 5 of this Act, and may order that additional evidence be taken with respect to the environmental issues involved.

Mr. YOUNG of Ohio. Mr. President, the legislation we are considering today may well be the most important environmental protection measure ever before this Congress. Its provisions could mean that, within 5 years, the air in our cities will be fit to breathe, no longer endangering the health of our citizens.

To accomplish this vitally necessary task will be difficult. With our factories and our automobiles we have utterly befouled our urban air. To clean it will take bold and drastic steps. This bill provides such steps.

National air quality standards will be set at the level necessary to protect public health, and States and regions would be required to attain that quality of air within a statutory deadline. While States and regions would continue to have the primary responsibility for implementing those standards, and enforcing timetables and emission requirements on particular sources, the Secretary of Health, Education, and Welfare would have backup authority to do any task a State was unwilling or unable to do itself.

One important aspect of this bill deals with emissions of hazardous substances. The definition of substances subject to this section has been tightly drawn by

the committee, so that only air pollution agents which even in trace amounts cause or contribute to an increase in mortality or serious irreversible or incapacitating reversible damage to health, will be included.

The provision requires national emission standards for such substances. The standard must preliminarily be set at zero for any substance the Secretary finds hazardous, putting the burden on the emitter to show that a higher emission level will not be hazardous. It was not intended by the committee that a technically unachievable zero emission level be set unless the substance is so dangerous that any emissions endanger health. Only in that case would emissions be prohibited, a step which conceivably could force plants to suspend operations. Every possible procedural safeguard is available to an affected industry under the hazardous substance provision: the protections of the Administrative Procedures Act, a public hearing in which to make its case before the Secretary, and judicial review of any standard or order to abate to which it takes exception.

The bill also sets a dramatic goal for controlling emissions from new automobiles. By 1975, the emissions from cars must reach the levels which the National Air Pollution Control Administration has projected are necessary to protect the public health. To avoid disrupting a major industry, which contributes much to the national economy, the committee approved a mechanism for extending the deadline 1 year if the automobile industry, having made all good faith efforts, is unable to meet the standards by 1975.

This is not an arbitrary provision. It reflects the understanding of control technology the committee gained through extensive hearings and meetings with the auto industry and the National Air Pollution Control Administration. The members of the committee were confident that this deadline can be met, and that a clean car can be achieved without wrecking the auto industry.

In this bill, $1,190 million is authorized for the costs of research and air pollution control. This is only the Federal commitment. The States and cities must also heavily involve themselves in this effort, as must the private sector.

S. 4358 is the product of much work by the Subcommittee on Air and Water Pollution, and by the parent Committee on Public Works, of which I am a member. It is a tough bill which will give us, finally, the tools to clean up this Nation's air.

Mr. NELSON. Mr. President, the United States today is at a crucial point in the battle to halt the continuing deterioration of our physical surroundings and to begin to provide improved quality of life for all our citizens and their descendants. As the widespread increase in smog episodes and oil-clogged beaches demonstrated this summer, environmental pollution is a national issue which reaches all communities, regardless of size and location, and touches each of our lives, regardless of age or social status. Poisoned air, contaminated water, and despoiled land rob each one of us of a treasured national heritage and threaten our health and physical property. To reverse this trend, it will require the unified commitment for environmental quality of each one of us—individual citizens, public officials, and the industrial community.

On his 80th birthday, Walter Lippmann gave evidence of his continued prescience and ability to accurately survey our national condition when he noted:

> Our only hope is that a sufficiently large number of people will become actively concerned about the destruction of the environment . . . If a sufficiently powerful group of people understand . . . (they) can lead the rest.

Mr. President, today the Senate of the United States is in a position to offer this Nation the leadership needed to succeed in the fight to halt air pollution. Senator Edmund S. Muskie and the Senate Public Works Committee have brought to the floor of the Senate the toughest piece of environmental legislation ever considered by Congress.

S. 4358, the National Air Quality Standards Act of 1970, could mark the turning point in the struggle against air pollution. The 1975 deadlines for compliance with national air quality standards and the development of a clean car are essential to the protection of public health. The new enforcement provisions in the act mean business and will insure compliance with those deadlines.

I especially want to congratulate Senator MUSKIE—not only for his leadership in writing the new bill, but also for bucking the strong tide of industry opposition to this legislation. Senator MUSKIE, Chairman RANDOLPH, and the other members of the committee have offered Americans new hope for a clean and healthy environment.

As Senator MUSKIE stated yesterday:

> The legislation we take up today provides the Senate with a moment of truth: a time to decide whether or not we are willing to let our lives continue to be endangered by the wasteful practices of an affluent society, or whether we are willing to take the difficult but necessary steps to breathe new life into our fight for a better quality of life.

I emphatically agree. This legislation is a test of our commitment to providing national leadership and national policy for air pollution control.

Air pollution directly attacks the health of all Americans. This bill before us is a firm congressional statement that all Americans in all parts of the Nation should have clean air to breathe, air which does not attack their health. And this bill sets the goal of achieving clean air in the Nation within the next few years.

The responsibility of this body and of the Congress is to determine what the public interest requires to protect the health of tough decisions and equally rigorous challenges. But the situation is of such a critical nature that we cannot shirk this responsibily. It is the proper time to state the goals and outline for clean air. This bill is an acceptance of this responsibility to protect the public health and states an outline for clean air in clear, precise terms.

It is particularly encouraging to see that S. 4358 recognizes the motor vehicle as the most serious single cause of air pollution in the country. Earlier this year I proposed that January 1, 1975, be the national goal for the manufacture and sale of nonpolluting automobile engines, that all air pollution control devices on motor vehicle engines have an extended warranty to make sure that they function after the vehicle is on the road, and that individual States be allowed to set stricter emission standards for motor vehicles than required by the Federal Government. The Public Works Committee has taken this same basic position.

Contrary to the statements of industry, this bill does not dictate technology. The measure simply states that it shall be the national policy to have a clean automobile engine in 5 years. It issues a public challenge to the automobile industry to devote their vaunted technological and manufacturing resources to the task of meeting this goal. This is a challenge which is certainly proper for Congress to issue. It is a statement of national policy which cannot be compromised by the Automobile Manufacturers Association.

If the Senate and the Congress agree to make clean air within the next 5 years a national goal, we must also be prepared to commit the resources necessary to meet this promise. Clean air is not just the business of industry. If the national challenge for clean air is issued, it will require the hard work and determination of each of us—private citizen and public official as well as the business community. We face the opportunity to join together in working for an improved quality of life—a quality of life that we will share together in any case. The question is not whether we have the means to make cooperative effort; it is whether we have the will and determination. Today, this question is directly posed to the Congress and to this body.

Mr. PROUTY. Mr. President, I would like to make a few remarks at this time about the new air pollution bill, S. 4358.

As cosponsor of S. 3466, the original administration bill on air pollution, I want to add my expression of support for this new bill. Three years ago, we passed the Air Quality Act and hopefully initiated an era of gradually reduced air pollution.

It soon became clear that the disease proved too strong for our first attempt to cure it. For a variety of reasons, pollution has increased. Ironically, as we all know, the problem is a byproduct of affluence—and as we grow richer in the years to come, we must not let bad air compete with our economic progress for the future.

The National Air Quality Standards Act of 1970 contains tough provisions to counteract our pressing problem. I do not wish to enumerate the points of the bill, for excellent summaries have already been given. Rather, I would like to concentrate on some important aspects of the bill, the reasons for which enactment is imperative.

An important underlying philosophy of the bill is that it is the right and duty of each State to develop its own plans to

implement the standards set by the Secretary. To be sure, minimum Federal standards are a must, as they free the 50 States from the necessity of competing for business by lowering their standards. Yet States especially imperiled by foul air are not enjoined from passing more stringent measures.

The sensible means of attacking this problem which varies so radically from one region to the next is, therefore, at the State level with the Federal Government willing and able to assist when needed.

An innovative feature of the bill, in keeping with the urgency of the problem, is the establishment of definite deadlines. State implementation plans must be designed to assure attainment of national ambient air quality standards within 3 years of acceptance. The auto manufacturers are required to reduce pollutant emissions by 90 percent on their 1975 models. In each case the basic tenet of the new bill is explicit: for the first time, air quality standards will take precedence over objections of economic impracticality and technical impossibilities. Products which make life easier at the cost of life itself are worthless. Thus, we are saying that industry must make peace with our environment and we are placing the emphasis on how we grow instead of how fast we grow.

Would-be polluters are forewarned: A livable environment is more important to man and his survival than all of the marketable gadgets produced by our economy to make our life easier.

The air pollution bill, therefore, provides reasonable and effective methods for solving the air pollution problem that has plagued us for so long. It merits our support, not just as an expression of concern, but as a national commitment consistent with the right of all citizens to clean air.

Mr. MONTOYA. Mr. President, today the U.S. Senate faces a critical choice. As a member of the subcommittee on Air and Water Pollution of the Public Works Committee, which is chaired by the distinguished Senator from Maine (Mr. MUSKIE), I have watched this body and this country become increasingly aware of the problems of environmental quality.

Air pollution is not simply a problem of the east coast or Los Angeles. America is industrial and mobile, and that means air pollution. I have received numerous letters from constituents in New Mexico raising concerns about the quality of the air they breathe as New Mexicans and as travelers to other parts of this country. The city of Albuquerque is desperately trying to cope with a growing air pollution problem, and requested funds of over $263,000 for its program: the amount granted totaled only $64,000. I would hope that the stimulus of the passage of this bill and the increased funds it authorizes would help communities like this across the Nation.

Today we vote on the National Air Quality Standards Act of 1970, and our vote may have great influence on the kind of world we inhabit within the next 10 years, and the kind of world we leave our children and grandchildren. There is no time left for delay, for reexamination after reexamination. The problem of clean air has become critical now.

Why is this so? Primarily for two reasons. First, the growth of the sources of air pollution is rising rapidly. This is particularly true when we examine the case of the automobile. This Nation produces about 191 million tons of air pollutants annually, and 92 million tons, or 48 percent of the total, is produced by automobiles. Now here is the most startling fact relating to air pollution and automobiles: The number of motor vehicles in this country grows twice as fast as the number of people. Every moment we delay we compound the problem, and we will eventually have to face the results of any delay. Postponement would simply make the problem more difficult and costly to cure.

Automobiles are not the only source of air pollution growing at a very rapid rate. Studies indicate that the use of electric power will increase even faster. If these studies are correct, and such studies have usually underestimated the increases in the past, then this country will be using five times more electricity in the year 2000 than we presently use. We must decide to put proper controls on the new plants that will produce this power now, before they are built. It is false economy to build first and then attach control devices during some later state of panic. The present bill under consideration would instruct industry to take proper steps now, by requiring new facilities to adopt the best available pollution control technology. This is a sensible provision, not an unrealistic requirement.

The second reason clean air has become a critical problem is that we have not forced ourselves and our economic system to include pollution as a "cost" to anyone. We have allowed, in fact encouraged, industry to pollute. If we do not adopt the present bill before us, essentially in the same form given it by the Air and Water Pollution Subcommittee and the full Public Works Committee, then we will be continuing the same inadequate system with the same inherent mistakes. We can no longer afford those mistakes. In the past an industry received no reward if it controlled its pollution. In fact, it was penalized by raising its own costs of production. The present bill would put all new facilities on the same footing, and would also do much to give Americans clean air. Competitive disadvantage is not created when all new facilities are required to adopt the same level of pollution control technology. This is a reasonable and workable scheme, and I would hope that my Senate colleagues would agree with this concept.

S. 4358 calls for the establishment of national air quality standards. This by no means eliminates the States, for they are responsible for devising implementation plans so that each State can reach the level set in the national standards. Our State and regional organizations simply have not moved fast enough in cleaning up this country's air. The present bill accelerates the cleanup schedule while maintaining the States as part of that program.

The intense activity on the part of the automobile industry with regard to the deadline of January 1975, for compliance with emission standards that had previously been targeted for 1980 has drawn the attention of the press and the public to this portion of the bill. I want to make myself completely clear on this point: Automobiles have not been singled out as a whipping boy; challenging deadlines have been set because automobiles are such a dominant part of the air-pollution problem. They simply cannot be ignored. The car industry says that it does not know how it will meet these standards by the date set in the bill. Yet four young students from Wayne State University hav already figured out how, and have driven across the country in an automobile that meets the 1980 standards right now. This car used unleaded gas—gas that is now available at service stations across the country—and a 1971 Ford Capri V–8 engine. In other words, this was not some little two-cylinder engine nursed across the country by an exotic fuel. The students attached catalytic mufflers, an exhaust recirculation system, an electric fuel pump, insulated fuel line, a carburetor sensitive to temperature changes, and produced a relatively clean engine.

In short, a relatively clean engine by 1975 is not an unreasonable hope, given the experience of these students. The past record of the auto industry shows that it can usually move faster than it thinks it can when called upon to do so. The present bill does not say that Congress knows how to build such an engine. It simply says that the public health is in danger, and that we must call on the industry with the knowhow to produce such an engine. 1975 may be too late. 1980 is undoubtedly too late. We are faced with a crisis, and must act now. Smog killed 20 and made 5,900 ill in Donora, Pa., in 1948. Nothing happened. Impure air killed 4,000 in London in 1952. Very little happened. Foul air caused more than 700 deaths above normal in New York in 1953, 1963, and 1966. Very little happened. Carbon monoxide levels in Chicago, New York, and some other cities have reached a level at which the public health is impaired. The eastern seaboard received another scare this summer when it appeared that a serious air pollution crisis was bearing down on these urban centers. Unnoted by these statistics are the many people who have respiratory diseases that are aggravated by the kind of air they must breathe.

Mr. President, we must act now, and we should act favorably on S. 4358 without adding any crippling amendments.

Mr. COOPER. Mr. President, yesterday, I spoke on the bill, but today I emphasize again the importance of the bill. Following its well developed tradition, the Committee on Public Works has brought to the Senate floor a unanimously and bipartisanly reported bill S. 4358, to amend the Clean Air Act, and for other purposes. It is particularly significant that this bill was reported from committee unanimously and that the committee considered the bill in bipartisan fashion for the amendments to the Clean Air Act represent a great deal more than pollution control provisions, rather, in fact they constitute social legislation which, as the distin-

guished Chairman of the Subcommittee has pointed out, constitute perhaps the most significant piece of domestic legislation that will be considered by the Congress this session.

The quest for environmental quality has brought the society to the point of making difficult choices. Difficult choices because they affect economics, growth, development, and many of the other traditional social activities and goals. To many, the placing of any constraints on these activities is outweighed by a continued unrestricted growth and development. However, the committee, in these Clean Air Act amendments, views the restoration and maintenance of public health as a paramount objective. The committee is also cognizant of the fact that continued degradation of the environment through air pollution could cause serious changes in the natural systems regulating the biosphere and possibly destroy the earth's ability to sustain life.

These are not meant to be alarmist fears. However, the evidence which is accumulating should give every reasonable man cause for concern. We now know, although with varying degrees of precision, that incident sunlight striking the surface of the earth has been reduced significantly as a result of air pollution. In Washington, D.C., for instance, the Smithsonian Institution has recorded a 16-percent reduction in incident sunlight striking the surface of the earth at the Mall. We know that the air pollution is triggering competing forces, one causing or tending to cause a cooling of the earth's atmosphere and the other causing or tending to cause a heating of the earth's atmosphere, but we are as yet not clear as to which of these forces are predominating. Both have great implications for continued success of life on the earth.

Similarly there is now evidence that air pollution is causing a significant deterioration in the fertility of our soil through the leaching of essential nutrients that occurs when acid rainfall percolates through the soil. All of these factors must be given great attention by all of those of us who are concerned about the future.

However, the committee has recognized that short-term adverse effects of air pollution involving the health of the citizens of this Nation must be remedied as soon as possible. Since the enactment of the Clean Air Act in 1963 and the Air Quality Act of 1967, a great deal of information has been learned about the character of air pollution, its extent, and about its effects on health and welfare. The data can only be summarized as requiring action. In many areas of this Nation, and in almost every metropolitan region above 50,000 people, the quality of the air is well below that necessary to maintain public health. For some pollution agents the problem is particularly severe; for instance, carbon monoxide, sulfur oxide, oxides of nitrogen, and hydrocarbons. The effects produced in these high pollution areas range from outright disease causation, to mutagenicity and carcinogenicity, to substantial increase in respiratory disease, and, significantly, to decreased work performance and attendance. All of these problems have reached proportions where the committee believes that it is necessary to act to bring air pollution under control and attain the quality of air necessary to protect the health of our persons. This is the general objective of the bill before the Senate today.

The bill continues the subdivision of the Clean Air Act into three titles to provide a comprehensive and systematic air pollution control program. Title I deals with stationary sources of pollution; title II deals with moving sources of pollution; and title III contains general administrative provisions applicable to the overall act. In part, the major changes proposed in title I result from the adoption of the President's proposal to establish national ambient air quality standards. Through such standards every area of the Nation will be subject to a standard and, therefore, required to develop an implementation plan. The committee modified the President's proposal somewhat so that the national ambient air quality standard for any pollution agent represents the level of air quality necessary to protect the health of persons. Further the bill requires the attainment of this quality of air within an established period of time, 3 years, measured from the date of approval or promulgation of the implementation plan. The committee has adopted this framework based upon a decision that the attainment of the quality of ambient air necessary to protect health is a high priority for this Nation.

In order to provide ultimately for clean air and avoid the chronic degradation of the environment and thereby improve the quality of life, the committee has provided that in addition to establishing national ambient air quality standards the Secretary shall establish national ambient air quality goals; such goals representing the quality of air which will not produce any known or anticipated adverse effect on men or the environment. The committee recognizes that the attainment of such a quality of air cannot be achieved in many areas of the Nation for many years and, therefore, provides that each region shall establish the period of time necessary to achieve national ambient air quality goals subject, of course, to the approval of the Secretary.

The bill does require that the States, in submitting their implementation plan, include those provisions necessary to achieve the ambient air quality goal. The committee recognizes, however, that, in many instances, the program necessary to move from national ambient air quality standards to national air quality goals will require more detailed and extensive analysis than that required for standards and therefore provides an additional 18 months for the development of that portion of the implementation plan.

Another benefit of the concept of national ambient air quality goals is that it provides for the retention and maintenance of present ambient air quality in regions where that air quality is of the quality established by the goal.

The bill recognizes that the control and attainment of ambient air quality standards and goals is dependent upon rigorous application of emission controls. Consequently, the bill provides through four separate procedures for the application of such controls.

First, the bill provides that in developing each implementation plan each air quality control region in every State is required to establish emission requirements for every source of air pollution within such region in order to achieve the quality of ambient air established by the national air quality standard.

Second, the Secretary is required to establish emission standards for pollution agents or combination of such agents, called selected pollution agents, which are not appropriate for the establishment of ambient air criteria and national ambient air quality standards. The Secretary is to establish these emission standards for both new and existing stationary sources which are national in scope.

Third, the Secretary is authorized to initiate an innovative administrative process leading to the development of emission controls for those substances which he finds to be extremely hazardous to health of persons. The Secretary establishes these emission controls through the publication of the proposed prohibition of such pollution agents and promulgates such prohibition unless he determines that a departure from a zero emission for such pollution agent will not jeopardize the health of persons whereupon he promulgates an emission standard prescribing the permissible level of emissions for such pollution agents.

In establishing a fourth class of emission controls, the committee has adopted another of the President's recommendations and requires the Secretary to establish emission controls for all new air pollution facilities of national scope. Through such standards of performance maximum available technology will be installed in all new facilities. With this mechanism, the committee believes that new facilities will be constructed to achieve maximum air pollution control, and, at the same time provide that all new facilities are equal with respect to air pollution control and therefore eliminate a large element of "forum shopping" that is possible if new facilities are not required to meet the level of pollution control.

The committee has further refined the opportunity for public participation in the administrative procedures under the act. It has been demonstrated, pursuant to existing law, that public participation is extremely important in the development of air pollution programs across the country. In requiring that each air quality control region consider the establishment of ambient air quality standards more stringent than the nationally promulgated standard, the bill provides a clear opportunity for the citizens of each region to choose the quality of air that they desire through full consideration of the issues in a public forum.

It has become abundantly clear that air pollution control, as is the case in any good law, is dependent upon a credible and enforceable statute. One of the

principal difficulties for the existing law has been the lack of a decisive enforcement authority and the bill before the Senate seeks to streamline and expedite this authority so that procedural delays in enforcement activities do not frustrate the clear intent of the National Air Quality Standards Act of 1970.

In amending title II the committee recognized that a great portion of the pollution problems in many areas are attributable to emissions of pollution agents from moving sources, including the automobile, commercial vehicles, aircraft and vessels. The committee, therefore, proposes to authorize the establishment of emission standards for all classes of moving vehicles, including both new and old commercial vehicles, vessels and aircraft in distinction to existing law which authorized the establishment of emission standards for only new vehicles. In addition, reflecting the percent contribution to air pollution made by the automobile, the committee has directed to the light duty vehicle particular attention, designed to achieve a reduction in emissions necessary, if the urban areas of the country are ever to achieve and maintain national ambient air quality standards and goals.

Under existing law the test the Secretary must consider in establishing emission controls for automobiles is whether such control is economically and technologically feasible. This, in effect, has made technology and economic feasibility factors, which are under the control of industry, dictate public policy rather than respond to public policy. The committee, recognizing the paramount interest in achieving ambient air quality necessary to protect the health of its citizens proposes to establish emission standards for automobiles based upon requirements related to ambient air quality rather than technological or economic feasibility. Through this mechanism the committee expects to develop maximum incentive to stimulate new technical and economic means of reducing vehicle emissions. Without such incentive, such innovation is not likely to be forthcoming.

The bill, therefore, sets the date of 1975 as the date after which it will be unlawful to sell any automobile which does not meet emission controls for two pollution agents, carbon monoxide and hydrocarbons, which must represent a 90-percent reduction from the level set by emission standards applicable in 1970. In addition, the bill establishes procedure to establish an additional emission standards representing 90-percent reductions for those pollution agents, such as nitrogen oxide, which have not yet been the subject of emission controls under existing law. In establishing these emission standards and strict schedules for compliance the committee recognized that it may be impossible for a manufacturer or manufacturers to comply with such standards before the effective date.

As is widely known the committee struggled with various provisions to provide for a single year suspension of such effective date upon a showing of certain evidence by an applicant for such suspension. These alternatives ranged from provision that would have made a suspension available only from Congress, to suspension issued by the Secretary with no review, to suspension issued by the Secretary which, if not opposed by either House of Congress within a set period would become effective, to secretarial decision with review by an appellate court.

Mr. President, the committee adopted by a vote of 10 to 3 an amendment I offered with Senator BAKER, to establish a standard administrative procedure on the part of the Secretary, following which he would issue a decision to, or not to grant a suspension. Such secretarial decision is reviewable, by the terms of the provision, in the U.S. Court of Appeals for the District of Columbia. It should be noted that the suspension provision is for 1 year only and there are particular guidelines that the Secretary and, independently, the court must review prior to granting, affirming, or denying any such suspension. These guidelines, or tests, include first, the public interest of the United States, second, that all good faith efforts have been made to achieve compliance with the standard, and third, that the technology or other alternatives are not or have not been available to achieve compliance.

I prefer the judicial review framework in the bill for I believe that through the administrative process the Secretary can develop on the record all of the technical and other relevant information necessary to achieve a sound judgment. Similarly, and in accordance with general administrative law, such decision of the Secretary, should be reviewable in the court of appeals so that the interests of all parties can be fully protected. With the record developed by the Secretary, the court, as an unbiased, independent institution, is the appropriate forum for reviewing such decision and making a judgment as to its quality. The normal rules of the court also provide the greatest amount of insulation from the political pressures that will undoubtedly surround a judgment of this type. At the same time, judicial review provides for full procedural and substantive due process for all interested parties. I therefore recommend to the Senate that this provision in the bill be retained.

I think the Committee on Public Works is to be commended for accompanying the stringent substantive provision regarding the air pollution control program with several procedural requirements and opportunities to clearly incorporate due process protection in the application of the proposed law. In three areas provision is made to seek relief from, or review of, administrative actions or the application of the statute. The first of these is a general judicial review provision so that administrative promulgations and decisions made pursuant to the act may be reviewed while maintaining the basic integrity of the act. In section 308 the committee recognizes that administrative actions will affect the interests of persons and that such actions should, therefore, be reviewable.

The second procedural opportunity for relief allows a Governor of a State to seek relief from the effect of the expiration of the period in which the bill would require the attainment of the quality of air established by the ambient standard. In so doing the committee recognizes there may be cause for impossibility of performance but adds safeguards so that the provision will only be used sparingly and where necessary so as to provide incentive for the maximum effort to seek air quality.

The third specific relief provision is that I offered relating to the automobile provision discussed above.

The committee bill also breaks new ground in extending public participation, an essential element throughout the act, to enforcement proceedings. In section 304, the bill proposes to grant jurisdiction to the Federal district courts to hear charges of violation of particular provisions of the act brought by citizens acting in their own behalf. As originally proposed the provision troubled me with respect to its impact on administrative enforcement efforts and, of course, on the courts. During its consideration the committee made particular efforts to draft a provision that would not reduce the effectiveness of administrative enforcement, and not cause abuse of the courts while at the same time still preserving the right of citizens to such enforcement of the act.

The citizen suit provision has developed in a context of other proposals authorizing citizen access to the courts for environmental remedies at both the State and Federal level. Some of these proposals by, in effect, authorizing the development of a common law of pollution could reduce the effectiveness of the Clean Air Act. The most significant of these is an act recently signed into law by Governor Milliken of the State of Michigan.

Mr. President, the bill before the Senate may be the most significant domestic legislation of this Congress. It may be the most significant measure in a domestic sense of any Congress. It is a very complex bill. For me, it has been an educational process. The committee worked very well together and every member of the committee entered into the discussions. As ranking minority member I am very proud of the minority side as well as the majority and would like to particularly praise the staff of the committee.

Yesterday I spoke at length about them, and today I repeat that to Senator MUSKIE and to Senator BOGGS who have been leaders on these measures for many years I pay deep tribute, and to all members of the committee for their devoted work. To Senator RANDOLPH—the able chairman of the full Senate Committee on Public Works, who presided in the full committee over our final deliberation and acceptance of the bill. By the unanimous vote of the committee, may I say great credit is due, his fairness and objectivity helped produce the bill. And may I say, he was a strong right arm in supporting the approval of the Secretary—judicial views, written into the bill.

A MOVE TOWARD SURVIVAL

Mr. YARBOROUGH. Mr. President, the proposed National Air Quality Standards Act of 1970 is among the most crucial pieces of legislation to be considered before the Senate this year. I

highly commend the efforts of Senator MUSKIE and his colleagues on the Public Works Committee who have worked so diligently on this piece of legislation.

We have heard an abundance of rhetoric regarding the urgency of the pollution problem. The National Air Quality Standards Act goes beyond the usual "call to action" or "statement of concern." The bill sets standards, establishes deadlines, and provides for the implementation of comprehensive attacks on the problem of air pollution. The effects of this act will be felt by every American. Our citizenry should be provided with breatheable air for the sake of their personal physical health. The very survival of mankind is threatened if we continue to abuse the fragile balance of our environment. This bill seeks to bring about the necessary improvement in the quality of our air by January 1, 1975. We can no longer afford to allow millions of tons of contamination to be dumped into our atmosphere year after year by automobile and industrial emissions. We hear many suggestions that this legislation establishes a goal, the achievement of which is beyond the capacity of American technology. I do not believe that we lack the ability to come up with the answers to the dilemma which confronts us. Certainly, the gravity of the challenge should not deter us from action.

I have worked for the passage of antipollution legislation since coming to the Senate in 1957. As chairman of the Senate Subcommittee on Health, I urge Senators to support this bill, which is so important to the health of the American people.

AIR QUALITY—A TIME FOR DECISIVE ACTION

Mr. McINTYRE. Mr. President, I stand today in support of the National Air Quality Standards Act of 1970. This bill, one of the most comprehensive ever on the subject, is essential to the national quest for environmental improvement defined so well by our President. It is a tough bill but there is no more room for laxity. Too much is at stake.

To many, it may seem strange that the toughest of our environmental legislation yet focuses on air quality. Other forms of pollution are far more apparent and seemingly widespread even to the layman. The issue here, however, is nothing less than the present and future health of our Nation. I, for one, feel that tough new approaches are not only justified but mandatory. And new toughness in other areas will, hopefully, soon follow.

We cannot delay. We cannot compromise. We must act. A more flexible approach to the problem was attempted in 1967 with the Air Quality Act. But we have learned much since then and all relevant evidence points to the conclusion that more stringent measures are essential. I support them. And I will support such supplemental measures that are reasonably required to implement the public policy expressed in this bill.

I know there has been considerable pressure to allow more flexibility in certain provisions of this bill. The time for flexibility is gone. Four years ago, the Senate passed a very flexible law for air quality. Yet today, industry and citizens dump 200 million tons of pollutants into the atmosphere each year. For the 4 years of operation under the Air Quality Act, this cannot be seen as a reduction in levels of pollution. In many areas, the levels of pollution have actually increased. Flexibility has run its course. Now we must act.

These words are not a condemnation of American industry or of our way of life. Rather, these words and the legislation of which I speak are a reaffirmation of traditional American ideals.

American industry and the American people always have manifested a profound capacity to respond to a challenge clearly stated in terms of national need. This bill states such a challenge. And I believe that the American people and our industry can meet it. We must recognize that the challenge is real, tangible, and of imminent importance to the continued welfare of our Nation.

I am sure the Senate will respond. The course will be hard. Yet we have risen to such challenges before. The American people had only glimpsed the potential of our technology in 1960 when President Kennedy proposed that we land a man on the moon in a decade. Yet we did it. And we managed to beat the timetable by over a year. The present challenge poses the same conceptual dilemma. Much technology needs to be developed in our quest for air quality. I feel that it will be, and I ask that all Americans share that faith as they share the effort.

I would like to add my praise at this time to my colleagues, led by the distinguished Senator from Maine (Mr. MUSKIE) for their tireless efforts in writing this legislation. This bill, as Senator MUSKIE has said, is not partisan legislation or liberal legislation or conservative legislation. It should be noted that the committee that reported this bill included men reflecting all philosophies and points of view. And these men reported this bill unanimously to the Senate.

It should also be noted that our President, Mr. Nixon, has played a major role in the development of this bill. The administration submitted legislative proposals that formed the basis for much of this legislation. Some of the proposals were kept, some changed and many more were added by the committee, yet the President deserves credit for his leadership and open-mindedness in providing the support of his administration for a strong and comprehensive bill.

As written, this legislation would provide the mechanism for a large-scale attack on this Nation's air pollution problem by:

First. Requiring designation of major air quality control regions within 90 days.

Second. Setting procedures to achieve air quality standards that would insure the protection of health. After standards and goals are set, the States will have 9 months to develop a plan to implement the standards.

Third. Requiring that implementation plans be designed to achieve conformance with air quality standards within 3 years.

Fourth. Allowing States to adopt even stricter air quality standards than those set by the Federal Government.

Fifth. Authorizing regulations to require that new industries meet emission performance standards based on the latest control technology, processes, and operating methods.

Sixth. Providing for civil—$10,000—and criminal—up to $50,000 and 2 years—penalties for violations and authorizing pollution abatement orders.

Seventh. Requiring that national emission standards also apply to vessels and aircraft and providing that 1975 model cars must achieve at least a 90-percent reduction in polluting exhaust from the 1970 standards. Penalties would range up to $10,000 per vehicle.

Eighth. Requiring a warranty of 50.-000 miles on a vehicle's emission system performance and authorizing the Secretary of Health, Education, and Welfare to have cars road tested and recall those produced if they do not meet standards.

Ninth. Authorizing certification of low-emission vehicles for research and development purposes and for Federal acquisition of such vehicles for demonstration purposes.

Tenth. Authorizing $125 million in research for fiscal 1971, $150 million for 1972, and $175 million for 1973 for research relating to fuels and vehicles.

Eleventh. Providing 3-to-1 funding to States and providing for the option assignment of Federal personnel in place of cash grants.

Twelfth. Permitting citizens to file suits to enforce standards.

Thirteenth. Authorizing $725 million for 3 years for enforcement, grant assistance, and administration.

Fourteenth. Establishing an Office of Noise Abatement and Control within the Department of Health, Education, and Welfare.

I repeat, this is a strong bill. It attacks in forceful manner such problems as ambient air standards and interjurisdictional problems. The result is worthy of full support and strong, timely enforcement. It is my hope that Americans will familiarize themselves with the terms and far-reaching philosophy of this legislation. The task now is to transform the language into reality and into air that we can all share in good health and common gratitude.

Mr. GRAVEL. We can all be grateful, Mr. President, for the committee's able and lucid report on this complicated and desperately needed bill, which I have the honor to cosponsor. However, I would like to take this opportunity to raise one objection to the treatment in the report of the growing radioactive hazard to our environment.

In discussing section 115, the committee did not specifically cite man-made radioactivity as a "hazardous air pollution agent" for which the secretary should immediately consider prohibiting release. Yet the phrase, "hazardous to the health of persons" as defined in paragraph 7B of that section most certainly would apply to man-made radiation as well.

The Council on Environmental Quality stated in its first report that "radiation is potentially a more dangerous pollutant to man than pesticides." Yet, the com-

mittee report—page 18—still puts pesticides and radioactive substances side-by-side.

For 25 years we have recognized a link between radiation and both cancer and genetic mutations.

Recent calculations indicate that cancer might increase 10 percent if we all were to receive chronic radiation even at the low levels presently permissible. Fortunately, we are not yet receiving the permissible dose. This is one area where we still have the chance to prevent such an environmental tragedy.

Even the most conservative scientists in the current debate over radiation acknowledge that radiation is two to three times more powerful at producing cancer than they thought just 10 years ago.

It should be remembered, when we consider the meaning of the phrase "hazardous to health," that a single "hot particle" of radioactive plutonium lodged in the lung is capable of causing a lethal cancer. Furthermore, although there are 50 trillion cells in our bodies, it takes only one single cell, smashed by radiation, to cause a malignancy.

There is no doubt whatsoever that radiation damages human cells. New instruments have made it possible to observe broken and damaged chromosomes inside the cells. As an Alaskan I am particularly concerned that these observations have been made on Eskimos whose doses of radiation from fallout were below the present guidelines used by the Atomic Energy Commission. Chromosomes, of course, carry the genetic heritage of the human race.

AEC experts, plus the few independent experts in the field of radiation, all agree that we must assume no amount of radiation is so low that it is harmless. With regard to genetic damage, the AEC says it quite simply in one of its booklets called "the genetic effects of radiation." "There is no safe amount of radiation as far as genetic effects are concerned."

The Nobel-prize winner, Dr. Joshua Lederberg, recently stated that, if we all were to receive the presently permissible dose of radiation, we could expect a 10-percent increase in the human mutation rate.

Obviously, the "hazard to health" presented even by very low doses of radiation is staggering—since 25 percent of all human diseases and illnesses have a known genetic component, and that does not mean just obscure diseases; that includes the Nation's No. 1 killer: Heart disease.

Dr. Lederberg estimates the cost of the extra medical care generated by a 10-percent increase in the mutation rate would be about $10 billion a year in a country of 200 million people.

Further, he explicitly warns that we must not wait to deal with radiation until we can observe our disease-rate and mental damage growing:

> A level of risk that approaches the intolerable, once we are well aware of it, may be impossible to verify by direct measurements of disease diffused throughout the population. In exceptional circumstances, an effect like the peculiar malformations induced by thalidomide comes to the surface, and then achieves a *visibility* and notoriety all out of proportion to other agents. If the malformation induced by thalidomide were a mental retardation of ten percent of the I.Q. instead of a highly characteristic and unusual deformation of the limbs, in an equal number of subjects, we would be *unaware* of it to this day.

The urgency of prohibiting further emissions of radioactivity to our air and water now, not 5 years from now, becomes even more striking when we realize that more than 100 radioactive powerplants are already in preparation in 28 States, and that the AEC expects to license another 400 or 500 within the next 30 years.

Each 1,000 megawatt nuclear powerplant will produce, every year that it operates at 75-percent capacity, as much radioactivity as the explosion of several hundred Hiroshima-size bombs. That could mean the equivalent of 250,000 bombs every year, if there were 500 plants operating.

Their waste will have to be contained at the plant, during transportation, at the fuel-cleaning plants, and during processing for perpetual storage.

Complete containment would have to be assured at every step of the way, and no accidents. Even 1-percent leakage in the annual total would mean a 2,500 bomb equivalent.

The nuclear industry is saying that it is expensive, but technically feasible, to design zero-release nuclear powerplants.

My position is that nuclear malfunctions, which are frequent, and accidents, which will occur with unknown frequency, will give us quite enough additional radiation without accepting any routine releases at all.

The AEC is trying to calm the public, so it compares the present level of routine releases of manmade radiation with levels of natural radiation, from the rocks and the stars. The nuclear industry even sponsored a 2-page advertisement to that effect in Newsweek, September 21. The trouble is: "Two wrongs don't make a right."

Natural radiation is also lethal. It is true that the levels of natural radiation are still higher than the levels from a technology just emerging from its infancy. Is that any comfort, when nuclear technology is being designed under standards which would permit the tripling of our natural dose?

In the face of the obvious failure of environmental dilution to render DDT, mercury, lead, and automobile exhaust harmless, there is something pathetic—and frightening—about current AEC assurances that dilution will take care of radioactive emissions. The fact is that radioactive substances are known to reconcentrate in the animal chain to over 1 million times their initial concentration in the radioactive effluent.

With a matter as hazardous as radioactivity, we simply cannot count on dilution alone. Instead, we must consider steps to prohibit and prevent releases of man-made radioactivity.

Under section 115 of this bill the Secretary of Health, Education, and Welfare will have the power to control standards for emission of hazardous air pollution agents. Certainly he should use that power to force those who are proposing admissible levels of radioactive contamination of our air to prove in public hearing—if they can—that radioactive agents are not hazardous to the health of human beings.

I am a firm believer, Mr. President, in the goal of a zero level of acceptable man-made radioactive pollution of our environment. Those who propose anything less should be required within the terms of this legislation to justify their plans before the American people.

The PRESIDING OFFICER. Do Senators yield back the remainder of their time?

Mr. MUSKIE. I yield back the remainder of my time.

Mr. GRIFFIN. I yield back the remainder of my time.

The PRESIDING OFFICER. The bill having been read the third time, the question is: Shall it pass?

The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN (after having voted in the negative). On this vote I have a live pair with the Senator from Arizona (Mr. FANNIN). If he were present and voting he would vote "yea." If I were permitted to vote, I would vote "nay." I withdraw my vote.

Mr. WILLIAMS of Delaware (when his name was called). I have a pair with the junior Senator from Arizona (Mr. GOLDWATER). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I withhold my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Tennessee (Mr. GORE), the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. MCGEE), the Senator from Utah (Mr. Moss), the Senator from Rhode Island (Mr. PELL), the Senator from Georgia (Mr. RUSSELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Utah (Mr. Moss), the Senator from Washington (Mr. MAGNUSON), the Senator from Missouri (Mr. SYMINGTON), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Wyoming (Mr. MCGEE) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON) is absent on official business.

The Senator from Tennessee (Mr. BAKER), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from New York (Mr. GOODELL), the Senator from Nebraska (Mr. HRUSKA), the Senator from California, (Mr. MURPHY), the Senator from Pennsylvania (Mr. SCOTT) the Senator from Alaska

(Mr. STEVENS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from New York (Mr. GOODELL), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The respective pairs of the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER) have been previously announced.

The result was announced—yeas 73, nays 0, as follows:

[No. 323 Leg.]

YEAS—73

Aiken	Fong	Mondale
Allen	Fulbright	Montoya
Allott	Gravel	Muskie
Anderson	Gurney	Nelson
Bayh	Hansen	Packwood
Bennett	Harris	Pastore
Bible	Hart	Pearson
Boggs	Hatfield	Percy
Brooke	Holland	Prouty
Burdick	Hollings	Proxmire
Byrd, Va.	Hughes	Randolph
Byrd, W. Va.	Inouye	Ribicoff
Case	Jackson	Saxbe
Church	Javits	Schweiker
Cook	Jordan, N.C.	Smith, Maine
Cooper	Jordan, Idaho	Smith, Ill.
Cotton	Long	Spong
Cranston	Mansfield	Stennis
Curtis	Mathias	Talmadge
Dole	McCarthy	Thurmond
Dominick	McClellan	Yarborough
Eagleton	McGovern	Young, N. Dak.
Eastland	McIntyre	Young, Ohio
Ellender	Metcalf	
Ervin	Miller	

NAYS—0

PRESENT AND GIVING LIVE PAIRS AS PREVIOUSLY ANNOUNCED—2

Griffin, against.
Williams of Delaware, against.

NOT VOTING—25

Baker	Hruska	Scott
Bellmon	Kennedy	Sparkman
Cannon	Magnuson	Stevens
Dodd	McGee	Symington
Fannin	Moss	Tower
Goldwater	Mundt	Tydings
Goodell	Murphy	Williams, N.J.
Gore	Pell	
Hartke	Russell	

So the bill (H.R. 17255) was passed.

Mr. MUSKIE. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. BOGGS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MUSKIE. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of Senate amendments to H.R. 17255 and that the bill be printed as it passed the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUSKIE. Mr. President, I ask unanimous consent that S. 4358 be postponed indefinitely.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUSKIE. Mr. President, I ask unanimous consent that an article which appeared in the Louisville, Ky., Courier-Journal and Times, discussing the role of the distinguished Senator from Kentucky (Mr. COOPER) in this matter, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

POLLUTION SHOWDOWN: COOPER AND COMPANY VERSUS DETROIT

(By Leonard Pardue)

WASHINGTON.—The Senate Public Works Committee, which seems an unlikely dragon-slayer, has aimed its lance at the stoutly armored automobile industry, and the battle will be joined this week.

The committee, whose senior Republican member is Sen. John Sherman Cooper of Kentucky, has proposed that the industry be required, by Jan. 1, 1975, to start producing cars that don't pollute the air with their exhausts.

The industry has responded that it cannot meet the deadline. It casts doubt on its ability to invent effectively anti-pollution devices that quickly and, beyond that, stresses the difficulty of rapid alteration of production lines.

The committee's weapon is a bill it has endorsed that would rewrite federal air pollution-control procedures. The measure is scheduled to come before the Senate this week, probably tomorrow.

The contest pits the nation's largest industry against a committee that has traditionally devoted much of its time to building highways and dams and to improving navigation facilities on rivers and in harbors.

Those preoccupations have had to yield in recent years, first to responsibility for water pollution-control efforts (because of the committee's concern with waterways), and then to attempts to clean up the nation's air.

"This committee used to be rather staid in its jurisdiction," said Sen. Cooper in an interview last week. "Suddenly we find ourselves in charge of most of the environmental questions."

As Cooper sees it, the committee came to its conclusions about the need for a deadline for Detroit because there are so many cars and they have so much to do with air quality.

"This is the major factor of pollution. Every effort must be made to correct it," he said.

The bill would simply require that cars produced after the beginning of 1975 emit 90 per cent less pollutants than federal standards permit for 1970 models. In effect, that means a pollution-free automobile.

Cooper gave these two specific arguments for setting the 1975 deadline:

"If you don't fix these standards, you won't get the maximum effort on the part of the companies to meet them." In other words, the committee believes necessity will be the mother of invention.

Delay in producing a nonpolluting car raises the possibility that there will be "further degrading of the air." Cooper pointed out that the 10-year average life of a car means it will take a decade for the full impact of the pollution-free car to be felt. "We have all these used cars—they're practically hopeless" in terms of pollution control, he said.

The committee isn't really sure the auto industry can meet the deadline. "I don't suppose anyone knows exactly whether they can make it or not," Cooper says.

A provision of the committee's bill would permit the secretary of health, education and welfare or the courts to extend the deadline a year, if the industry could show the impossibility of meeting the 1975 requirement. Cooper put forward that part of the bill—in the interest, he said, of offering the industry recourse to the courts as a matter of due process of law.

Another ameliorating part of the bill, from the manufacturers' standpoint, would permit the auto companies to share their technological advances in the pollution field without running afoul of federal anti-trust laws.

The committee appears to have come to its decision to seek a deadline partly because of its conclusions about antipollution requirements for factories and power-generating plants.

That section of the bill would completely reorganize the current federal approach toward state and regional pollution-control programs.

The HEW secretary would be required to establish national clean-air standards that limit pollutants to amounts safe for the health of persons. States and interstate pollution-control regions (such as the one encompassing the metropolitan Louisville area) would have to write plans to achieve those stands. They would have to restrict pollution to whatever extent necessary to bring about air that is safe to breathe.

The bill, in fact, gives implicit sanction to such local actions as forbidding an industry to locate in an area if its exhausts would damage air quality, or restricting traffic in certain areas, if that would help clear the air. It does this by saying that implementation plans properly may include "land-use and transportation controls and permits."

The bill sets out specific timetables for each of the steps involved in setting national standards, adopting local plans, and achieving the goals. The schedule proposed in the bill would mean that in about 4½ years, the air everywhere should be at least as clean as the national standards say it should be.

This concept of requiring clean air by a specific date was advocated most forcefully in the committee's deliberations by Senator Thomas Eagleton, D-Mo. He is a member of the subcommittee on air and water pollution, as is Cooper.

Sen. Edmund Muskie, the Maine Democrat who is subcommittee chairman, draws most of the credit as author of the legislation, but it was Eagleton who confronted officials of the National Air Pollution Control Administration, during a hearing, with the question of a specific deadline.

Dr. John T. Middleton, the agency's director, said the law ought to allow "a reasonable time" for compliance, particularly since all the technical devices for controlling exhausts don't yet exist.

"I am trying to force the state of the art" of pollution control, Eagleton replied.

He also argued that it would be inconsistent to write legislation to attain clean air without guaranteeing that the goals would be met by a certain date.

That thinking prevailed, and "the concept of deadlines runs throughout this bill," says Bailey Guard, Cooper's chief aide on the committee.

While Guard insists that the sections of the bill regarding national clean-air standards and local efforts to meet them are of utmost importance, it is the timetable for the auto industry that is receiving most of the attention.

"Detroit is complaining bitterly," Guard said, gesturing toward some telegrams and letters on a table in his office. Already local auto dealers in Kentucky have mobilized to send wires to Cooper to protest the bill.

Cooper in a sense acknowledges that they have reason to complain. He calls the committee's stand "a hard position"—one that will cost auto companies "large sums of money" for research; that may result in "higher costs for motor cars"; that may force manufacturers to "revolutionize their propulsion systems."

There are critics of the internal-combustion engine (most notably the Ralph Nader task force that studied air pollution) who think some substitute must be found.

The bill, in fact, would increase federal funds for research into other propulsion methods, such as steam and electricity, but this is an effort that Detroit welcomes. One industry witness before Muskie's subcommittee said he is confident the research will show there is no feasible alternative to the internal-combustion engine.

Should the industry fail to develop a clean gasoline-burning engine in time for use in 1975 or '76, and should no alternate engine be available, the thinking is that Congress might then change the law, relaxing the pollution requirements or giving the industry more time to meet them.

"Recourse to the Congress is always there," Cooper said. Muskie has taken the same view.

So the stage is set for this week's debate on the future of the auto industry and the future of the air we breathe.

Cooper believes the Senate is likely to approve the committee's bill. It would probably then wind up in a Senate-House conference committee, where its fate is difficult to predict. However, some clean-air bill must be approved this year, because the current law expires.

In any case, it is perhaps a measure of the depth of the national air-pollution problem that moderate men like Cooper and Sen. Jennings Randolph of West Virginia, the Public Works Committee chairman, have come to support such rigorous action.

"We spent God knows how many hours going over the bill line by line, all of us learning all the time," Cooper said. "If this is successful, it will have a tremendous effect on reduction of air pollution, there's no question about that."

Mr. MANSFIELD. Mr. President, once again the Senate has witnessed one of those rare legislative achievements under the leadership of the Senator from Maine (Mr. MUSKIE). By the passage of this bill, the most far-reaching hope of achieving the goal of a pollution-free atmosphere comes closer to realization. His mastery of the subject matter and the brilliance of his presentation are reflected in the unanimity of the vote. Some would classify this bill as the strongest, the toughest, the most far-reaching. I can only say that it is the best. I know of the long hours, of the many meetings required under the leadership of Senator MUSKIE to bring about this achievement. To Senator MUSKIE and his entire subcommittee, the country is indebted.

I wish to pay special tribute to the ranking Republican member of his subcommittee, the able Senator from Delaware (Mr. BOGGS). His cooperation and assistance, advice and contribution are so indelibly impressed in every phase of this measure.

To the chairman of the full committee (Mr. RANDOLPH) and the ranking member of the full committee (Mr. COOPER), the Senate owes a special thanks for their efforts in bringing about this achievement.

To the Senator from Kansas (Mr. DOLE) and Kentucky (Mr. COOK) and the Senators from Michigan (Mr. HART and Mr. GRIFFIN) and the Senator from Florida (Mr. GURNEY), their cooperation with the leadership and contributions to this debate are greatly appreciated.

The Senate as a whole can be justly proud of its record in the enactment of this bill.

DESIGNATION OF OBSCENE OR OFFENSIVE MAIL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 1235, S. 3220.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read the bill by title, as follows: S. 3220, a bill to protect a person's right of privacy by providing for the designation of obscene or offensive mail matter by the sender and for the return of such matter at the expense of the sender.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Post Office and Civil Service with an amendment to strike out all after the enacting clause and insert:

That section 3010(a) of title 39, United States Code, as enacted by section 2 of the Postal Reorganization Act (Public Law 91-375; 84 Stat. 749), is amended—

(1) by inserting "(1)" immediately after the subsection designation "(a)"; and

(2) by striking out all after the word "thereof" the first time it appears and inserting in lieu thereof the following: "the following notice in outstanding type: 'The Enclosed Material Is Sexually Oriented Advertising, And May, If Unrequested By The Addressee, Be Returned To The Sender Unopened At No Cost To The Addressee.'

"(2) Any unrequested sexually oriented advertisement may be returned to the sender at no cost to the addressee. Any such unrequested advertisement returned to the sender under this paragraph shall be delivered to the sender, who shall pay return postage plus a service charge (not less than 50 cents for each piece of mail matter so delivered) to be determined by the Postal Service."

SEC. 2. Section 3010 of such title is further amended by inserting at the end thereof the following new subsection:

"(e) (1) A sender who fails to mark the envelope or other cover of mail matter as required by subsection (a) (1) of this section, or who refuses to pay the postage or the service charge for any piece of unrequested mail matter, returned under subsection (a) (2) of this section, shall be subject to a civil penalty of $5,000 for each piece of such matter which is not marked or refused.

"(2) A civil action to collect any such civil penalty may be brought by the United States in the district court of the United States for any judicial district in which the sender resides, has his principal place of business, or is found, or in the district court for the judicial district to which mail matter, subsequently resulting in the civil action to collect the civil penalty, was sent. Process of any such court for any such district issued in any such action may be served in any other judicial district."

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the final vote on this bill occur at the hour of 12:30 tomorrow afternoon, and I ask that rule XII be waived.

The PRESIDING OFFICER. Is there objection? Without objection, rule XII will be waived.

The order subsequently reduced to writing is as follows:

Ordered, That the Senate proceed to vote at 12:30 p.m. on September 23, 1970, on S. 3220, to protect a person's right of privacy by providing for the designation of obscene or offensive mail matter by the sender and for the return of such matter at the expense of the sender.

Mr. MANSFIELD. Mr. President, I yield to the Senator from Florida (Mr. HOLLAND).

AMENDMENT OF ACT FIXING THE BOUNDARY OF EVERGLADES NATIONAL PARK, FLA.

Mr. HOLLAND. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2565.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2565) to amend the Act fixing the boundary of Everglades National Park, Fla., and authorizing the acquisition of land therein, in order to increase the authorization for such acquisitions", which was to strike out all after the enacting clause, and insert:

That section 8(a) of the Act entitled "An Act to fix the boundary of Everglades National Park, Florida, to authorize the Secretary of the Interior to acquire land therein, and to provide for the transfer of certain land not included within said boundary, and for other purposes", approved July 2, 1958 (72 Stat. 280) as amended (83 Stat. 134; 16 U.S.C. 410p), is amended by striking out "$2,000,000" and inserting in lieu thereof "$22,000,000".

SEC. 2. The second sentence of section 2 of the said Act of July 2, 1958, is amended by inserting a period after the word "otherwise" and deleting the remainder of the sentence.

Mr. HOLLAND. Mr. President, this matter has been cleared on both sides. This is the bill to authorize the acquisition of all remaining inholdings in Everglades National Park. Two amendments were adopted by the House which were necessitated by the fact that a measure affecting the Everglades National Park had been passed since this bill was introduced, making two technical amendments necessary.

At the request of the Senator from Nevada (Mr. BIBLE), chairman of the subcommittee, and with the approval of the Senator from Colorado (Mr. ALLOTT), the ranking minority member of the committee, I move that the Senate concur in the two House amendments.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Florida.

The motion was agreed to.

Mr. HOLLAND. Mr. President, I move that the action of the Senate in approving the motion be reconsidered.

Mr. GRIFFIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLAND. Mr. President, I thank the majority leader for yielding to me.

DESIGNATION OF OBSCENE OR OFFENSIVE MAIL

The Senate continued with the consideration of the bill (S. 3220) to protect a person's right of privacy by providing for the designation of obscene or offensive mail matter by the sender and for the return of such matter at the expense of the sender.

Mr. MANSFIELD. Mr. President, I send to the desk an amendment to the pending bill and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment, as follows: Between lines 19 and 20 on page 5 insert the following:

(3) Each piece of mail required to carry the above notice must be sent at the rates prescribed for first class mail.

Mr. MANSFIELD. Mr. President, the intent of this amendment is to place an added burden on the pusher—the peddler, if you will—of pornographic literature, literature which is unsolicited, lewd literature which is an invasion of the right of privacy of the individual. This amendment seeks to cope with a problem which has become quite prevalent through the use of second-, third-, and even fourth-class mail.

It is my hope that this proposal, affecting unsolicited obscene literature, pornographic material through the mails, will be given the most serious consideration.

The way it operates at the present time, the U.S. Government, because of the fact that it does deliver, collect, and deposit mail, acts as a handmaiden to these pushers of pornography. This is one way to face up to a problem which has become quite prevalent.

In my own State of Montana, based on the correspondence I have received from many of my constituents—and I know in other States of the Nation as well—many people are greatly offended by this unsolicited literature.

This bill has nothing to do with what one seeks to acquire, but, I repeat, has to do only with unsolicited pornographic material delivered to the homes of the citizens of this country; I think when these materials are sent without request or solicitation there is a clear invasion of a person's right of privacy. Those individuals that market these materials should be limited in their distribution to those individuals that specifically request them. This bill will put a burden on these distributors to bear the financial risk of paying return postage plus a service charge if any party receives their materials without prior request. In addition, first-class postage rates must be used by the distributors to send out their products. This added burden is imposed by the amendment just adopted by the Senate. I believe, Mr. President, that this bill is an excellent start in protecting the option of the individual not to view pornographic literature.

Mr. President, I ask unanimous consent that a statement contained in the report of the Committee on Post Office and Civil Service be printed in the RECORD at this point.

There being no objection, the excerpt from the report (No. 91–1217) was ordered to be printed in the RECORD, as follows:

STATEMENT

In favorably reporting S. 3220 with amendments to the Senate, the committee first took into account the obvious and urgent need to find an effective way of stopping the delivery through the mails of unsolicited salacious and prurient materials. The written and photographic pornography brought to the attention of the committee is shocking, often perverse; clearly people who naturally find such materials repulsive, degrading, and offensive should be protected from it and should have the right to protect their families from it.

Increasing numbers of complaints directed against the unsolicited delivery of pornography to homes and offices have been received by the committee and by other Members of Congress; and the committee's public hearing emphasized that the tide of unsolicited pornography in the mails is highly repugnant to many thousands of recipients who have no idea how their names came to be a part of the senders' mailing lists. It is apparent that Senator Mike Mansfield and those who joined him as cosponsors of S. 3220 have, through this bill, pointed to a clear and present avenue through which every citizen's privacy can be invaded; and that this measure merits congressional action.

The committee weighed carefully the requirements for effective legislative action in the same scale with the responsibility to protect every citizen's rights guaranteed by the first and fifth amendments. In the balance against those rights also is the constitutional right of privacy which has been clearly defined by the Supreme Court. Trespassers may be lawfully ejected from private property or removed by police. Uninvited salesmen, purveying whatever product, may be ordered off the doorstep. These rights to protect one's privacy are rooted deep in ancient common law.

The committee through this bill as amended seeks to assure that this same fight to protect one's privacy in his home is applied to protect every citizen from unsolicited pornography, in any medium of communication, delivered through the mails. If the sanctity and privacy of the home are protected by the common law right to eject trespassers, so should ordinary decent, family life be protected from pornographic materials moving gratuitously into the mailbox from the mail stream.

This measure as amended involves no censorship. It is silent on mail matter ordered or requested by the addressee, who, when he breaks the seal, knows what to expect. S. 3220 is designed to protect the family member, possibly an impressionable child, from the shock of unsuspectingly opening an unmarked envelope and finding within it lurid and blatant sexual photographs or other sexual material.

This bill supports and adds to current law which now provides a measure of protection against unsolicited pornography.

In 1967, the Congress enacted title III of Public Law 90–206 providing that the recipient of any pandering advertisement was authorized to file a complaint with the Postmaster General and thus initiate a series of administrative actions designed to stop any further mailing to the addressee of such mail. In its 1969 term, the Supreme Court of the United States sustained the constitutionality of that statute.

The Postal Reorganization Act signed into law in August 1970 includes a provision, to become effective February 1, 1971, permitting any person to file with the postal service a statement that he or his minor children or both do not wish to receive from any source any sexually oriented advertisement. The act provides that the postal service will maintain a list of these persons and will make the list available to mailers at cost. The General Counsel of the Post Office Department testified that the postal service contemplates maintaining the list by computer and making computer printouts of nationwide names and addresses available for sale to mailers. Mailers are prohibited from sending sexually oriented advertisements to anyone whose name has been on the list for more than 30 days. The act provides for the use of court orders to enjoin violation of this prohibition. Civil penalties are reserved for willful violations.

S. 3220 AS INTRODUCED

S. 3220 as introduced provides that the envelope or other cover of any mail matter that includes obscene mail matter or mail matter that may be obscene or offensive shall be marked by the sender: "The Enclosed Material May Be Obscene or Offensive to the Addressee."

Obscene mail matter, for the purposes of the bill, is defined.

The bill further provides that any mail matter received by the addressee and determined by him in his sole discretion to be obscene may be returned to the sender. The addressee is required to write "Obscene Mail Matter" on the returned envelope. Provision is made that the sender pay the first-class rate for the return of the mail matter plus a service charge of not less than 50 cents.

A sender who fails to mark the cover or who refuses to pay the postage or service charge will be subject to a civil penalty of $5,000 for each such failure.

The committee considered the following possible misapplications of the bill as introduced:

The addressee may return to the sender, at the sender's expense and with a surcharge imposed upon him, any mail matter "determined by him [the addressee] in his sole discretion to be obscene." Thus any mailing could be returned, if the addressee were willing to state that he found it obscene. This would impose postage and penalty costs upon the sender and subject him to the hazard of a $5,000 fine if he failed to pay the costs. The committee heard testimony that many copies of a recent issue of a national magazine reporting on current sexual mores in a way inoffensive to most people would doubtless have been returned as obscene, at great and unwarranted cost to the publisher. Political advertisements, mail-order catalogs, or any mail would be subject to return. The Post Office Department noted that "In its most evenhanded form, [the bill] is saying that the mailing of any matter may cost the sender 62 cents, if the addressee chooses to return it as obscene."

S. 3220 covers all mail matter which may fall within the bill's definition of obscenity, imposing restrictions not only upon unsolicited pornographic material but also upon mail which the addressee has ordered and is purchasing. Inoffensive art publications depicting nudes, for example, would be required by law to be labeled as possibly being obscene. All advertisement for such a publication could be returned to the sender at his expense.

COMMITTEE AMENDMENTS

The committee has amended S. 3220 in such a way as to minimize these possible misapplications. As amended, the bill expands the provisions of section 3010 of title 39, United States Code, as enacted by Public Law 91–375, and Postal Reorganization Act.

Presently, section 3010 imposes restrictions upon sexually oriented advertisements. Thus, the thrust of the amended bill is to provide further protection for addressees from offensive advertising material sent through the mail. The bill as introduced applies to any obscene mail matter or mail matter that may be obscene or mail matter that the addressee deems to be obscene. The committee believes that it is advertisements which constitute the greatest bulk of unsolicited sexual mail. Other such mail is generally ordered or requested.

Section 3010(a) provides that sexually oriented advertisements shall bear the name and address of the sender and such mark or notice as the postal service may prescribe. The amended bill amends section 3010(a) by requiring the following notice to be printed on the cover: "The Enclosed Material Is Sexually Oriented Advertising and May, If Unrequested by the Addressee, Be Returned To the Sender Unopened At No Cost To The Addressee."

The amended bill provides that any unrequested sexually oriented advertisement may be returned unopened at no cost to the addressee. Return postage shall be paid by the sender plus a service charge of not less than 50 cents.

Retained unchanged is the provision of Public Law 91-375 discussed earlier which allows any person to file with the postal service notice that he desires to receive no sexually oriented advertisements; the provision that the postal service shall maintain lists of such persons and make them available to mailers at a cost; the provision that mailers may not send sexual advertisements to anyone whose name has been on the list for 30 days.

Retained also is section 3010's definition of "sexually oriented advertisement," which contains the following exclusion: "Material otherwise within the definition * * * shall be deemed not to constitute a sexually oriented advertisement if it constitutes only a small and insignificant part of the whole of a single catalog, book, periodical, or other work the remainder of which is not primarily devoted to sexual matters."

This exclusion from the definition of sexually oriented advertisements, absent from the bill as introduced, will serve effectively to exempt advertisements which are not salacious and prurient in intent and will prevent wholesale and possibly malicious misuse of the right to return.

The right to return mail at the expense of the sender if the mail is determined in the sole discretion of the addressee to be obscene is not retained in the amended bill.

S. 3220 as amended adds a new section following closely the provisions of the bill as introduced: postage plus service charge to be paid by the sender and liability to a $5,000 civil penalty for noncompliance.

The committee also amended the title of the bill to make it more descriptive of the bill's purpose. The title now refers to sexually oriented advertisements rather than to obscene and offensive mail matter.

SUMMARY

S. 3220 as amended adds to the procedure by which the privacy of the home may be protected from sexually oriented material by placing reasonable and enforceable restrictions upon sexual advertisements. The committee believes that it is through advertisements of sexual material that privacy is most often invaded.

1. Under Public Law 90-206, through a complaint to the Postmaster General, a citizen can set in motion administration action designed to halt the delivery at his home of pandering advertisements.

2. Through section 3010 of title 39, United States Code, as enacted by Public Law 91-375, the sender of sexually oriented advertisements must, by law, state on the cover that the enclosed material is sexually oriented.

3. A person who does not wish to receive sexually oriented advertisements in his own name or in the name of his minor children may so advise the postal service and the postal service shall make his name available to mailers who are prohibited from sending him such advertisements.

4. Under the provisions of S. 3220 as amended any unrequested sexually oriented advertisement may be returned to the sender at no cost to the addressee. Return postage of such unrequested advertisements will be paid by the sender plus a surcharge of not less than 50 cents.

When a question arises whether there is a violation on the part of the sender, a determination will be made by a district court of the United States. The court will have recourse to the definition spelled out in law excepting certain advertising matter from the general restrictions.

The committee believes that these explicit provisions of law, taken together, will protect the privacy of the home from invasion by unsolicited sexual material and will protect publishers and advertisers from unjustified misapplication of the law.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MANSFIELD. Mr. President, there will be no vote on this measure tonight. I know of no further amendments. We will vote on it at 12:30 tomorrow, as agreed by the Senate.

The PRESIDING OFFICER. Does the Senator wish third reading now?

Mr. MANSFIELD. No; I would prefer waiting until tomorrow.

POTENTIAL U.S. INTERVENTION IN THE MIDDLE EAST

Mr. HATFIELD. Mr. President, as the situation in the Middle East becomes more volatile and the fate of the present government in Jordan more in doubt, I think that we should give careful consideration to exactly what American interests in the area are and, from that perspective, determine what action should be taken by our Government.

There has been a great deal of publicity given to the potential unilateral military intervention of the United States into Jordan to either try to safely evacuate American citizens there or to support the government of King Hussein. The only type of intervention, I believe, in which our country should engage should be with food and medical supplies, and then preferably through multilateral or third party efforts. To unilaterally move into Jordan, no matter how humanitarian our motives, could even possibly increase the present danger to American lives, particularly the hostages, and precipitate a major confrontation and possibly a third world war.

We have an obligation to protect American lives in the Middle East, but the question is how to best accomplish this end. It has been reported that Egypt expressed a willingness to send an airplane to evacuate 100 newsmen, mostly American, from Amman. Possibly an Arab country, such as Egypt, Lebanon, or Kuwait, or a third party, such as the Red Cross or the United Nations, could do the same for our other citizens. If American military personnel were to arrive in Amman it would be very difficult to delineate between a humane project to withdraw civilian people and the military-political implications. It has been stated, for instance, we could not safely evacuate our citizens without politically and militarily securing Amman. Clearly, this action would have severe consequences.

We have permitted over the past 22 years a vacuum to be created in the Middle East and are now suffering the consequences of neglecting the third force which we helped to create: the Palestinian refugees. But we must start to solve this problem by supporting the territorial integrity of Israel and all of the nations in the Middle East. And if the integrity of Jordan is judged to be jeopardized by another country, we should consider sending Jordan military materiel, as in the case of Israel, but not personnel.

This is the time for more aggressive diplomatic action in the Middle East. The United States based upon historic, cultural, and religious ties with all the parties in the Middle East, has an opportunity to play a reconciling role in a situation which has been sadly neglected in the past.

LEGISLATIVE PROGRAM

Mr. BYRD of West Virginia. Mr. President, just as a reminder to Members, tomorrow the Senate will vote, at 12:30 p.m., on S. 3220, the bill dealing with pornographic mail, and at 2 p.m. there will be a vote, under the previous order, on the conference report on S. 3637, the equal time amendment under the requirements of the Communications Act of 1934.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. ALLEN. As to the vote on the anti-pornographic bill at 12:30, at what time is it anticipated that the bill will be laid before the Senate and become the pending business?

Mr. BYRD of West Virginia. Mr. President, I cannot answer the question, except to say this: The Senate will adjourn until 10 o'clock tomorrow morning, and the able Senator from Massachusetts (Mr. KENNEDY) will be recognized under the previous order for not to exceed 15 minutes. Following that order, there will be a period for the transaction of routine morning business. I am just not in a position to state what the situation will be with regard to Senate Joint Resolution 1 tomorrow morning. I knew the able Senator has that in mind.

Mr. ALLEN. That is what I had in mind. I wondered how much time is to be allocated to Senate Joint Resolution 1. Apparently it is going to be pretty well frozen out, under this plan.

Mr. BYRD of West Virginia. I do know that there have been discussions today between the majority leader and the Senator from Indiana (Mr. BAYH), and other Senators, but I am not in a position to know, much less to say, what the situation will be in the morning.

Mr. ALLEN. Is it anticipated that Senate Joint Resolution 1 might possibly be indefinitely postponed tomorrow?

Mr. BYRD of West Virginia. I doubt that that will be the case.

Mr. ALLEN. The junior Senator from Alabama hopes that is the case.

Mr. GRIFFIN. Mr. President, will the Senate yield?

Mr. BYRD of West Virginia. I yield.

Mr. GRIFFIN. Mr. President, along a related line, of course, the ranking minority member of the Post Office and Civil Service Committee (Mr. FONG) will, I think, have some remarks with regard to the pending bill on which a vote is to be taken at 12:30 tomorrow. Although the acting majority leader, of course, cannot assure us, would it be the intention there would be some time in advance of the vote, which would be equally divided, perhaps, to discuss the bill tomorrow?

Mr. BYRD of West Virginia. I think that can be arranged. How much time does the distinguished Senator think the Senator from Hawaii would want?

Mr. GRIFFIN. I imagine 15 minutes.

Mr. BYRD of West Virginia. Mr. President, without having had an opportunity to discuss this matter with the principal parties, I take the liberty of presenting the following unanimous-consent request:

I ask unanimous consent that, beginning at 12 o'clock noon tomorrow, there be 30 minutes of debate on the pending bill, the time to be equally divided between the able majority leader and the able minority leader, or their designees.

Mr. ALLEN. Mr. President, reserving the right to object, does that anticipate that at that time Senate Joint Resolution 1 will have been displaced as the pending business for the day?

Mr. BYRD of West Virginia. No, not for the day. Just for that particular time, the half hour for debate, and the time which would be required for the rollcall, which has already been ordered.

May I say to the able Senator, I am just in no position to state, because I do not know, what the situation will be tomorrow with respect to Senate Joint Resolution 1. As it now stands, the Senator will recall that earlier today, under the unanimous-consent request, Senate Joint Resolution 1 was made the order of business for tomorrow following the conclusion of the period for the transaction of routine morning business. That order still stands.

Mr. ALLEN. Then after the disposition of this bill, would we go back, then, to Senate Joint Resolution 1?

Mr. BYRD of West Virginia. I would suspect so, unless, prior to that time, arrangements have been agreed upon to set Senate Joint Resolution 1 aside for a longer period.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. BYRD of West Virginia. I ask unanimous consent that, following the statement by the Senator from Massachusetts (Mr. KENNEDY) tomorrow, for which an order has already been granted, there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. There could very well be, depending on the hour at which the period for the transaction of routine morning business is concluded, some discussion of Senate Joint Resolution 1 prior to 12 o'clock, when the Senate will again return to the pending measure.

Mr. ALLEN. I thank the Senator.

Mr. BYRD of West Virginia. So, Mr. President, in recapitulation, the Senator from Massachusetts will speak for 15 minutes following the prayer and the disposal of any unobjected-to bills on the Legislative Calendar tomorrow morning. There will then be a period for the transaction of routine morning business, and if that period for the transaction of routine morning business should close prior to 12 o'clock noon, Senate Joint Resolution 1, which is the unfinished business, will automatically come back before the Senate.

In any event, at 12 o'clock noon tomorrow, time on the pornographic mail measure would begin running. There would be one-half hour of debate, and at the close of that period, the vote on the bill would occur.

The PRESIDING OFFICER. The Senator from West Virginia is mindful also of the conference report on which there is a unanimous consent for a vote at 2 p.m.

Mr. BYRD of West Virginia. Yes. There will be a vote at 2 p.m. on the conference report, and this request was agreed to yesterday.

May I say to the Senator from Alabama that I hope we can make progress on various measures tomorrow.

Mr. ALLEN. I interpose no objection.

Mr. BYRD of West Virginia. I understand that. Hopefully, some time tomorrow the majority leader may be in a position to state what the situation will be with regard to future action on Senate Joint Resolution 1.

Mr. ALLEN. I thank the distinguished Senator.

Mr. BYRD of West Virginia. I know that the majority leader is very hopeful of getting on with the conduct of business on the calendar awaiting action, while at the same time giving the junior Senator from Indiana an ample opportunity to expound upon the virtues of Senate Joint Resolution 1 before another cloture vote is reached.

Mr. ALLEN. The junior Senator from Alabama is anxious to hear the distinguished Senator from Indiana.

Mr. BYRD of West Virginia. And I am sure that the distinguished Senator from Alabama will have some additional contributions to make with respect to that measure.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 51 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, September 23, 1970, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 22, 1970:

U.S. CIRCUIT COURTS

John Paul Stevens, of Illinois, to be a U.S. circuit judge for the seventh circuit, vice Elmer J. Schnackenberg, deceased.

Robert H. McWilliams, Jr. of Colorado, to be U.S. circuit judge for the 10th circuit, vice Jean S. Breitenstein, retired.

U.S. DISTRICT COURTS

Sam C. Pointer, Jr., of Alabama, to be a U.S. district judge for the northern district of Alabama, vice a new position created under Public Law 91-272 approved June 2, 1970.

Walter K. Stapleton, of Delaware, to be a U.S. district judge for the district of Delaware, vice Edwin D. Steel, Jr., retired.

Frank J. McGarr, of Illinois, to be a U.S. district judge for the northern district of Illinois, vice a new position created under Public Law 91-272 approved June 2, 1970.

FEDERAL TRADE COMMISSION

David S. Dennison, Jr., of Ohio, to be a Federal Trade Commissioner for the term of 7 years from September 26, 1970, vice Philip Elman.

NATIONAL MEDIATION BOARD

David H. Stowe, of Maryland, to be a member of the National Mediation Board for the term expiring July 1, 1973, vice Leverett Edwards, term expired.

HOUSE OF REPRESENTATIVES—*Tuesday, September 22, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Let us come boldly to the Throne of Grace, that we may obtain mercy and find grace to help in time of need. Hebrews 4: 16.

O God and Father of us all, who hast taught us not only to think of ourselves but to think of others and to be concerned about them, we remember before Thee all who are burdened and oppressed, particularly our prisoners of war. Comfort them with the sense of Thy presence, strengthen them for the ordeal they are facing, give them patience in their suffering, keep the hope of deliverance alive within them, and grant a happy issue out of all their affliction—a safe return to their loved ones.

Bless their families, weary and heavy laden, living in dark uncertainty yet still hoping and praying and working for the return of those they love with all their hearts.

May we here highly resolve to continue to do our best to seek the release of the captives, the end of war, and the beginning of peace on earth: through Jesus Christ our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

RECESS

The SPEAKER. The Chair declares a recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 2 minutes p.m.) the House stood in recess subject to the call of the Chair.

JOINT MEETING OF THE TWO HOUSES OF CONGRESS TO RECEIVE COL. FRANK BORMAN, SPECIAL REPRESENTATIVE OF THE PRESIDENT ON PRISONERS OF WAR

The SPEAKER of the House presided.

At 12 o'clock and 23 minutes p.m., the Doorkeeper (Hon. William M. Miller) announced the President pro tempore and Members of the U.S. Senate who entered the Hall of the House of Representatives, the President pro tempore taking the chair at the left of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to conduct the special representative of the President on prisoners of war, Col. Frank Borman, U.S. Air Force retired, into the Chamber, the gentleman from Oklahoma, Mr. ALBERT; the gentleman from Louisiana, Mr. BOGGS; the gentleman from South Carolina, Mr. RIVERS; the gentleman from Pennsylvania, Mr. MORGAN; the gentleman from Texas, Mr. TEAGUE; the gentleman from Virginia, Mr. DANIEL; the gentleman from Michigan, Mr. GERALD R. FORD; the gentleman from Illinois, Mr. ARENDS; the gentleman from Indiana, Mr. ADAIR; the gentleman from Tennessee, Mr. BROCK; and the gentleman from Indiana, Mr. ZION.

The PRESIDENT pro tempore. The President pro tempore appoints on behalf of the Senate as members of the committee to escort Colonel Borman into the Chamber the following: the Senator from Montana, Mr. MANSFIELD; the Senator from Louisiana, Mr. ELLENDER; the Senator from Arkansas, Mr. FULBRIGHT; the Senator from Mississippi, Mr. STENNIS; the Senator from West Virginia, Mr. BYRD; the Senator from Pennsylvania, Mr. SCOTT; the Senator from Vermont, Mr. AIKEN; the Senator from North Dakota, Mr. YOUNG; the Senator from Colorado, Mr. ALLOTT; and the Senator from Michigan, Mr. GRIFFIN.

The Doorkeeper announced the Cabinet of the President of the United States.

The Members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 12 o'clock and 33 minutes p.m., the Doorkeeper announced Col. Frank Borman, special representative of the President on prisoners of war.

Col. Frank Borman, special representative of the President on prisoners of war, accompanied by the committee of escort, entered the Chamber and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, this is indeed a solemn and historic occasion. In holding this joint meeting the Congress reflects the extraordinary sense of moral outrage held by the American people over the manner in which the North Vietnamese and the Vietcong have treated prisoners of war. This sense of moral outrage is held without regard to partisanship or philosophy and is completely independent of one's views on policy about the conflict in Vietnam.

The treatment of American prisoners of war is neither a political nor a military question. It is fundamentally a moral question. The treatment of prisoners of war is also covered by the Geneva Conventions relative to the treatment of prisoners of war.

I know I speak for every Member of the Congress of the United States and for a united Nation when I say that our hearts and minds have experienced immeasurable anguish over the plight of these brave men and intense resentment over their treatment; also that our hopes and prayers go to them and their loved ones in this their hour of travail.

It gives me, my distinguished colleagues, great pleasure to introduce Col. Frank Borman, the President's Representative on Prisoners of War, who has labored so long and diligently on this matter.

[Applause, the Members rising.]

Colonel BORMAN. Mr. Speaker, Mr. President, and Members of the Congress, distinguished guests: few Americans in their lifetime have the opportunity to address this audience once. As some of you may remember, this will be my second time. I am deeply honored, as I am sure you know. The last time I was here, which was just last year, I was able to tell you about the voyage of Apollo 8, and I was able to report to you that it was an American success and a human triumph.

I have recently returned from a 25-day trip around the globe in furtherance of the cause of our prisoners of war, and I must tell you that I can only report American anguish and human tragedy.

It is very difficult to discuss the plight of the prisoners of any war without discussing the war itself, but I propose not to do that today, for two reasons:

First, it is quite obvious to any serious student of the intercourse of nations that our course in Southeast Asia cannot be influenced in any significant manner by the treatment or the cause of the prisoners. In other words, we cannot permit them to be political hostages.

Second, I think that the length of the incarceration of many of the men and certainly the conditions of imprisonment of all the men make the humanitarian aspect of this question a transcendent one, and it is certainly one that all Americans can unite behind, regardless of their opinion of the Vietnamese war.

I would ask you to undergo a little exercise that I found helpful on the trip as I tried to renew my faith every evening after a frustrating day. I tried to place myself mentally in the position of a prisoner in a North Vietnamese prison camp, and if you will indulge me for just a few moments, I would like you to place yourselves in that position just briefly, and as you formulate some of the questions and consider your surroundings, allow me to anticipate, if I may, a few of the things that you may be interested in.

First of all, I think you would be amazed to find that a great many of your fellow countrymen, in Government and out of Government, in the Congress, in the States, and even in the Armed Forces, are surprised to find that the Geneva Conventions on the Treatment of Prisoners of War apply to you.

I would like to read, if I may, from article 2 of this convention.

> The present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties . . .

There is no question that the Geneva Conventions do apply to our prisoners in North Vietnam and in the other areas of Southeast Asia.

The next question that I am sure you must be considering, particularly if you have been there any length of time at all, is the question of war criminal charges that have been so blatently and absurdly broadcast by the North Vietnamese and have indeed been rebroadcast and transmitted by many dissident groups within this country. I am told by many fellow returnees that this is one you are greeted with every morning.

I suppose particularly if you are a pilot—and most of you who are incarcerated in North Vietnam are pilots—you would find this a rather difficult charge to comprehend, because I am sure that many of you remember that as a result of a conscious policy of our Government to limit the destruction in North vietnam to military targets, you were oftentimes forced to fly specified routes over the heaviest antiaircraft concentrations in history. You were specifically ordered and desperately attempted to hit only military targets, and at times it seemed that even basic tactics, local tactics, were being sent from Washington in an effort to ascertain that you did not hit anything but the specified military targets.

I submit to you that the war criminal charge is utter rubbish and would not stand up in any reasonable court in any country in the world.

Next, I am sure that one of the questions that you would have is how many of your fellow countrymen share your fate. I have to report to you that I, unfortunately, cannot answer, because the North Vietnamese have never issued a formal and official list of any of their prisoners. Think about that, in the over 6 years that they held our prisoners, never once have they issued a formal list of the people that they hold, another obvious violation of the Geneva Convention.

I could tell you that there are about 1,500 U.S. citizens missing in Southeast Asia. We have received letters from 323 prisoners in North Vietnam, and one held by the Vietcong in South Vietnam. From propaganda broadcasts, pictures, and returnees, we have reason to believe that there are about 376 Americans incarcerated in North Vietnam, 78 in South Vietnam, and three in Laos, making a total of 457 that we know were at one time alive out of the 1,500 that are missing.

I would also have to report to you that some of your fellow prisoners have been

held longer than any other prisoners in the history of this country, some over 6 years.

What are the conditions of your imprisonment and your capture? By and large it is a similar story. After your capture you were probably beaten, dragged through villages, in some cases tortured.

If you have been a prisoner for any length of time, you have probably lost 45 to 60 pounds. Your food generally consists of two meals, one largely rice and squash soup and an evening meal of pig fat. It is designed barely to keep you alive, it appears, as is the medical care, destined to barely avert death rather than promote health.

I would also have to regret to tell you that we have documented cases of 19 of your fellow prisoners being murdered or allowed to die in South Vietnam, and just recently the North Vietnamese have spoken of five deaths in their prisons.

You might be interested to know, also that you are probably held in solitary confinement. Your recreation consists of two daily broadcasts in English by the Hanoi radio. Many of your fellow prisoners have resorted to mental gymnastics. One of them even constructed mentally a logarithm table. Another one was able to salvage bits of toilet paper and make himself a deck of cards and play solitaire until he was discovered and his deck of cards destroyed.

I am sure the questions that would influence you and concern you the most would be questions of your family, your loved ones, and your children at home. Again I would have an unfortunate answer. I could only report it has been a difficult time for them—first not knowing your fate and then this coupled with the usual problems of trying to be both mother and father to growing children. children who in many cases you have never even seen. But I could also report to you that they have fought for you with a wonderful spirit, with great dedication, and that they have done this without falling into an ever-ready trap of attacking their own Government for your incarceration.

I could also report to you, I think in a hopeful manner, that since May of 1969 your case has been before the people of the world. At that time the President made a conscious decision to publicize the plight of our prisoners in the hope that the forces of world opinion would do something to cause more humanitarian treatment and consideration of early release. I think this decision was right. And I could also report to you that I can confidently say that every member of the executive department, the Congress, and the overwhelming majority of Americans are working daily to insure that you do receive the humanitarian treatment that you deserve and for your early release.

Well, if I can bring you back to the Halls of Congress, I would like to report to you on the trip that I recently made in conjunction with Colonel Kegley, who is an expert on the prisoner situation from the Department of Defense. I want to emphasize that this is my report even though I went as a special representative of the President, and I have written some notes here on yellow paper. I still have not reviewed this report with any member of the executive department, and it is essentially the same one that I presented to the President in San Clemente.

Colonel Kegley and I visited 14 countries. We went first to Moscow, Warsaw, Stockholm, Paris, Geneva, Belgrade, Algiers, Teheran, Delhi, Bangkok, Vientiane, Saigon, Hong Kong, and Tokyo. I wish I could tell you we were able to contact the North Vietnamese or the Vietcong directly. I can only say that we tried through third parties in three countries and we were unsuccessful. I wish I could tell you we were able to go to Hanoi—we were prepared to—to discuss the situation. I can tell you the closest we got was Vientiane, Laos. I can tell you that we found a vast amount of sympathy around the world. I can tell you that the North Vietnamese will receive new and additional entreaties from many of the countries that we visited, and I can tell you that I found, particularly in the International Red Cross, a very hopeful, I think, agency for dealing as a third party for the prisoners in Vietnam.

You are probably aware that even in the tension-wracked Middle East, the International Red Cross has been very, very successful in humanitarian aspects in dealing with prisoners. As a matter of fact, while I was in Geneva they were in the process of arranging the transfer of a downed Israel pilot who was being returned by the Egyptians after being severely wounded.

Of course, the problem is a little difficult in North Vietnam because as of this date the North Vietnamese have not even permitted a representative of the International Red Cross into the country, let alone into the prison camps.

I can also tell you that while I was in Vietnam I discussed the treatment of and visited the North Vietnamese and the Vietcong prisoners of war, and I can tell you that they are being conducted in keeping with the Geneva Conventions. There are some 36,000 prisoners held in South Vietnam between 8,000 and 9,000 of them North Vietnamese, although, as you know, the North Vietnamese have refused to admit that they even have soldiers in South Vietnam.

The camp was clean. The representatives of the International Red Cross, both at Geneva and on the site, are perfectly satisfied with the conditions of the prisoners held by the South Vietnamese. You probably know that just last July, in further compliance with the Geneva Conventions, the South Vietnamese released 62 wounded and disabled North Vietnamese prisoners north of the demarkation line.

Although it had no direct relationship to the prisoner-of-war situation, because of the huge amount of publicity that was accorded to the Con Son conditions, I thought it was imperative that I stopped and report back to the President and to you on the conditions that I found. I was very disturbed by some of the reaction in this country which essentially said, How can we be concerned about our prisoners when we are treating, or the South Vietnamese are treating prisoners of war from the other side so badly?

I can tell you there were only 29 prisoners of war in the Con Son Prison. They had all been convicted of felonies, murders and so on, in the ordinary prison camps and had been transferred to Con-Son. None of them were in the so-called tiger cages. Though I visited the tiger cages at the time they were not occupied, in all candor I found a much less disturbed situation than I had been led to believe by the publicity that was accorded them by the media throughout the world.

I found for instance, that the tiger cages were not pits, but part of a 2-story building that, instead of a ceiling, had bars. It is true they were very small and, as I said, there were no people in them at the time. I could see where overcrowding and long incarceration in these cells would be very undersirable.

Nevertheless, I submit to you that this was a very much misrepresented case in the press of the world. I can also tell you that one of the blocks has now been destroyed and another is unoccupied.

Time after time, as we dealt with the governments around the world, I heard the comment that the North Vietnamese consider our prisoners their trump card in negotiations. In essence, based upon my trip, I would say that really, in addition to having political hostages in the Middle East, we have political hostages in Vietnam.

The releases that have been accorded—nine by the north and 23 in the south—have almost always been spaced properly and made with dissident groups in this country in an effort to extract the maximum amount of propaganda from the few releases that have been made.

I strongly urge that the peace groups within this country, if they are really interested in the majority of our prisoners. urge their contacts in North Vietnam to begin dealing with the International Red Cross, which is the proper and recognized authority for this purpose.

Finally, if I may, I would like to transmit to you some of the suggestions that I have as a result of this trip.

First, I think it is imperative that every American continue maximum effort to mobilize world opinion and world awareness of this problem.

Second, I think that we should again continue to try to convince the North Vietnamese of our sincerity in this purpose and of the requirement to separate the political question of peace in Vietnam and our disinvolvement from the humanitarian conditions of incarceration of our prisoners.

Third, I think it is important and it is a moral obligation of every Member of the Congress and every American to make certain that every effort is made to provide proper care and support for the families of prisoners that are left behind here in the States.

Finally, as I mentioned before, I think it is important that we continue to press for the use of the International Red

Cross in inspection of the prison camps in North Vietnam.

Finally, in closing, I would like just briefly to tell you, again in the words of, I think, a great patriot, of the kind of men who are incarcerated over there in North Vietnam. General MacArthur had a great and a long association with the American fighting man. I would like to quote from a speech he made just before he died, speaking of an American soldier:

> Their story is known to all of you; it is the story of the American man-at-arms. My estimate of him was formed on the battlefield many, many years ago, and has never changed. I regarded him then as I regard him now—as one of the world's noblest figures, not only as one of the finest military characters but also as one of the most stainless. His name and fame are the birthright of every American citizen.

I think that is accurate.

I would implore you, gentlemen, Members of Congress, who have so much else on your mind, striving with the daily problems of a great country—the problems of war, securing equal opportunity, social problems that beset this country—I request that all of you in some way, every day, remember the people, the U.S. citizens, who are prisoners, and I strongly beg you not to forsake your countrymen who have given so much for you.

[Applause, the Members rising.]

At 12 o'clock and 57 minutes p.m., Col. Frank Borman, Special Representative of the President on Prisoners of War, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper escorted the invited guests, the members of the President's Cabinet, from the Chamber.

JOINT MEETING DISSOLVED

The SPEAKER. The purposes of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses of Congress hereby dissolved.

Accordingly (at 12 o'clock and 58 minutes p.m.) the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

The SPEAKER. The House will continue in recess until 2 o'clock p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 o'clock p.m.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PRISONERS OF WAR—IS IT OUR MOVE?

Mr. BROWN of California. Mr. Speaker, I am sure that I can say, without contradiction, that every single Members of Congress joins in sympathy with the families of American prisoners of war or men missing in action. It would be ridiculous for anyone to assume otherwise.

Additionally, we do not need a joint session of Congress to prove that we strongly want the People's Republic of North Vietnam and the National Liberation Front of South Vietnam to follow the provisions of the Geneva Convention relating to prisoners of war.

What, then, can be accomplished by today's joint session?

I do not anticipate that our rhetoric here today will be a great factor in influencing the thinking or the humanity of North Vietnamese officials. The only influence we can hope to have, then, is on those who are within our own Government or the governments of our allies who can effect steps that might aid these prisoners and their families.

In this respect we must bend all efforts to see that every demand that is made on behalf of American prisoners of war is also being met by the Republic of South Vietnam regarding prisoners from the armies of North Vietnam or the National Liberation Front. We have a great tendency to deny responsibility for these prisoners. It is my understanding that prisoners taken by American forces are turned over to the South Vietnamese forces and our concern too often seems to stop there. We know that the treatment we ask for American prisoners has not always been afforded to those prisoners held by South Vietnam.

I do not say that taking these steps to assure compliance with the Geneva treaty by South Vietnam would automatically bring North Vietnam into line. In fact, I do not believe it would, since North Vietnam is using these prisoners for political leverage.

At the same time, it is obviously necessary to make certain that our own ally is complying with the provisions of the Geneva Convention if we are going to seriously demand that North Vietnam follow suit.

Of course, the negotiating table is obviously the place where we are going to have to deal with North Vietnam in respect to the treatment and the release of American prisoners held by them. This was confirmed just a few days ago when their top negotiator in Paris included the prisoners of war as part of their price for U.S. withdrawal by July 1, 1971.

The only reports that I have seen concerning our Ambassador's reaction to this proposal indicated that he felt it contained nothing new, and he apparently was shrugging it off as being relatively meaningless.

I hope that this joint session can bring home the fact to the administration, the Department of State, and our negotiators in Paris, that we do not consider any proposal to negotiate the release of the prisoners in North Vietnam as unimportant. If we are not prepared to meet the terms set down, we should discuss what our terms are. That is the purpose of negotiations.

Personally, I and many of my colleagues have already urged that we withdraw our troops by next July 1.

Are our negotiators prepared to discuss withdrawal under any terms—at any date?

The end of U.S. participation in this war is the key to the release of these prisoners of war. In my opinion, current plans for Vietnamization, with even drastically reduced direct support from the United States, will not spell the end to the suffering of American prisoners of war in North Vietnam.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House, by Mr. Leonard, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On September 16, 1970:

H.R. 13434. An act to provide for the disposition of judgment funds on deposit to the credit of the Hualapai Tribe of the Hualapai Reservation, Ariz., in Indian Claims Commission dockets Nos. 90 and 122, and for other purposes; and

H.R. 14097. An act to authorize the use of funds arising from a judgment in favor of the Citizen Bank of Potawatomi Indians of Oklahoma in Indian Claims Commission docket No. 96, and for other purposes.

On September 18, 1970:

H.R. 13716. An act to improve and clarify certain laws affecting the Coast Guard Reserve; and

H.R. 16416. An act to reimburse the Ute Tribe of the Uintah and Ouray Reservation for tribal funds that were used to construct, operate, and maintain the Uintah Indian irrigation project, Utah, and for other purposes.

On September 19, 1970:

H.R. 14827. An act to provide for the disposition of funds to pay a judgment in favor of the Sac and Fox Tribes of Oklahoma in Indian Claims Commission docket No. 220, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 11953. An act to amend section 205 of the act of September 21, 1944 (58 Stat. 736), as amended;

H.R. 13543. An act to establish a program of research and promotion for U.S. wheat; and

H.R. 17795. An act to amend title VII of the Housing and Urban Development Act of 1965.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 13978. An act to amend the Agricultural Adjustment Act of 1933, as amended, and reenacted and amended by the Agricultural Marketing Act of 1937, as amended, to authorize marketing research and promotion projects incuding paid advertising for almonds; and

H.R. 18260. An act to authorize the U.S. Secretary of Health, Education, and Welfare to establish educational programs to encourage understanding of policies and support of activities designed to preserve and enhance environmental quality and maintain ecological balance.

The message also announced that the Senate had passed a bill of the following titles, in which the concurrence of the House is requested:

S. 3318. A bill to amend the Library Services and Construction Act, and for other purposes.

THE CONTINUING ROBLEM OF PRISONERS OF WAR

(Mr. SIKES asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SIKES. Mr. Speaker, the problem of American military personnel who are missing in action and presumed to be prisoners of war continues to be a tragic and painful one. Despite a tremendous effort by our Government and despite unstinted help from the International Red Cross and from many interested governments, the Communists have shown neither concern nor humane compassion toward prisoners or their families.

Although piecemeal lists have been leaked to groups in this country that the Communists consider sympathetic, there is no complete and comprehensive list available. One of the saddest statements that has been made in connection with this problem was by Frank Borman at a joint session of Congress when he stated that the best estimates show approximately 450 of the missing to be alive and in Communist hands. That means as many as a thousand of those missing must be presumed dead, and that two out of every three families who have been clinging to hope for the return of their husbands and fathers are doomed to disappointment.

This is a sad commentary on Communist injustice, but it should steel the resolve of the American people to stand by their principles and not yield to Communist demands or Communist persuasion.

PERSONAL EXPLANATION

Mr. DANIEL of Virginia. Mr. Speaker, on Monday, September 21, I was unavoidably detained at the White House and missed rollcall No. 310. Had I been present, I would have voted in the affirmative.

VICE PRESIDENT KY URGED TO CANCEL PLANS TO SPEAK AT PRO-VIETNAM RALLY IN WASHINGTON

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, the intention of South Vietnam's Vice President Ky to address a pro-Vietnam rally in Washington can only compound problems for President Nixon.

Since President Nixon already has more than enough pressure on him, I urge that Mr. Ky cancel his plans to speak.

The United States has quite enough problems trying to unite its own people on a course of action in Vietnam while propping up the Thieu-Ky regime at the same time. The Vietnam war has caused us enough political, social, and economic problems here—including inflation and diversion of more than 100 billion badly needed dollars—without Vice President Ky gratuitously trying to pressure President Nixon.

I frankly resent this effort by Mr. Ky to muscle the administration and the Congress—especially since it falls on the heels of Mr. Thieu appearing on television here several weeks ago to lecture America on what it must do in Vietnam. Both Mr. Ky and the North Vietnamese should understand that American policy will be determined on the basis of our own national interest and not on the basis of carping by outsiders.

We have sacrificed a great deal to keep Thieu and Ky in power. If they in turn had spent more time tackling corruption and the lack of initiative in their own government, both the United States and South Vietnam would be much better off today.

With so-called friends like Mr. Ky, President Nixon does not need any enemies—certainly not now, when he is under considerable pressure from both the left and right concerning the war.

The last thing President Nixon needs is a political roadshow starring Nguyen Cao Ky.

TRIBUTE TO THE LATE MRS. ADA ROBERTSON

(Mr. FOUNTAIN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FOUNTAIN. Mr. Speaker, some Members of this body may not be aware of the great loss recently suffered by Turner Robertson, the highly capable and dedicated chief page of the House.

It is my sad duty to report that his mother, Mrs. Ada Robertson, died on September 16, 1970, in Roanoke Rapids, N.C. The funeral service was conducted on September 18, 1970.

Blessed by a loving family, Mrs. Robertson is survived by her son, Turner, and also by Foster Robertson of Washington, D.C.; a daughter, Mrs. Clifton R. Heuay of Roanoke Rapids, N.C.; a sister, Mrs. Lillie Shearin of Warrenton, N.C.; four grandchildren and two great-grandchildren.

Mrs. Robertson lived a long, happy, and productive life, attaining the advanced age of 86. She earned the respect and admiration of all who knew her and will be greatly missed by her family and those who regarded her as a valued friend.

Happy though our memories may be and bright though they may remain in our hearts and minds, it is sadly difficult for anyone to adjust to the loss of his mother.

But, I know that the memory of his mother's love, wisdom and understanding, patience and courtesy, is something that Turner Robertson will always retain enshrined in his memory, and I am confident that these blessings will always bring him great comfort and satisfaction.

I am sure I speak for all Members of the House of Representatives when I express deep and profound sympathy for the irreplaceable loss suffered by Turner Robertson and his family. Our hearts go out to him and his loved ones at this time of sorrow.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. FOUNTAIN. I am delighted to yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Let me express for those who serve on our side our deepest condolences on the death of the mother of Turner Robertson, and extend to the family our very best wishes in this hour of sadness.

Mr. FOUNTAIN. I thank the gentleman from Michigan.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. FOUNTAIN. I yield to the distinguished gentleman from Oklahoma.

Mr. ALBERT. I join the distinguished gentleman from North Carolina in this expression of sorrow on the part of the House over the death of the mother of one of our most faithful servants in the House.

Mr. FOUNTAIN. I thank the gentleman from Oklahoma for his expression.

Mr. SIKES. Mr. Speaker, I want to join my colleagues in expressing deep concern at the bereavement suffered by our good and distinguished friend Turner Robertson and his family at the death of his mother. This is indeed a tragic time for all the family and, while words of sympathy can accomplish but little, there is a measure of comfort in the knowledge that friends share in the sorrow which is an inevitable part of these occasions.

ROLLCALL VOTES

(Mr. QUIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. QUIE. Mr. Speaker, yesterday I was participating in a Drake University student meeting on the subject "Social Responsiveness of Education" and later addressed the Iowa Association of Private Colleges and Universities, so I missed some rollcall votes.

On rollcall No. 307, I would have voted "yea." This was on S. 2763, which would allow the GSA authority to purchase options on Government vehicles, the cost of which options would bring the price over the statutory limitation. Since such options could include pollution control devices, I believe passage of the bill is essential.

On rollcall No. 308, I would have voted "yea." This was on H.R. 14678 which increases penalties for illegal fishing in the 12-mile fishery zone around the coastal United States.

On rollcall No. 309, I would have voted "yea." This vote was on H.R. 15911 which increases non-service-connected pensions and also increases income limitations so that no veteran or his survivor would lose pension benefits as a result of

the social security increase which became effective on January 1, 1970. This bill also increases the income limitation under the old pension system. I strongly support this bill.

On rollcall No. 310, I would have voted "yea." The bill under consideration was H.R. 16710 which removes the termination date for the VA-guaranteed home loan program. It also authorizes the Administrator to guarantee loans on mobile homes and authorizes direct loans for specially adapted housing for quadriplegic and paraplegic veterans.

HUDSON RIVER BASIN COMPACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interior and Insular Affairs:

To the Congress of the United States:

In accordance with Public Law 89–605, as amended, I am pleased to transmit an interim report by the Secretary of the Interior which summarizes his progress in negotiations on a compact for the Hudson River Basin.

I share the Secretary of the Interior's concern over the need for coordinated comprehensive planning and action for the Hudson River Basin and strongly support the approach to negotiations provided for by Public Law 89–605, as amended. The involvement of the States and the Federal Government from the start of the negotiations has enabled both levels of government to have their respective voices heard in determining the most appropriate management solution for the complex problems of this important river basin. I am directing the Secretary of the Interior to proceed with his mission to reach an agreement with the States of New Jersey and New York.

RICHARD NIXON.

THE WHITE HOUSE, *September 22, 1970.*

CONFERENCE REPORT ON H.R. 18127, PUBLIC WORKS-AEC APPROPRIATIONS, 1971

Mr. EVINS of Tennessee. Mr. Speaker, I call up the conference report on the bill (H.R. 18127) making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Quality Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1971, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of September 17, 1970.)

Mr. EVINS of Tennessee (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The SPEAKER. The gentleman from Tennessee is recognized for 1 hour.

Mr. EVINS of Tennessee. Mr. Speaker, we bring you today the conference report on the public works and Atomic Energy Commission appropriation bill for 1971. The original House bill provided a total new obligational authority of $5,236,808,000. The Senate bill provided $5,258,965,000, an increase of $21,887,000 over the House bill. In this conference report we recommend the appropriation of $5,239,324,000, agreed to by the conferees, which is $24,109,000 under the budget estimate.

Mr. Speaker, this is a significant statement when you realize that we are bringing back a conference report $24 million under the budget for public works, for water, pollution control, power, and the AEC. The major increase in the bill over 1970 is $200 million for water pollution control construction grants. We have provided a total of $1 billion for these grants, which, together with the carryover of unobligated balances, will provide a total program for waste treatment plants of $1.4 billion. This is adequate to take care of the current needs.

The largest single item in the bill is the AEC, totaling $2,282 million. This is $80.24 million below the budget estimate.

The major decreases in the AEC budget include $16.1 million made in the 1970 authorizing act; $26 million based on delay in the demonstration plant program for the liquid metal fast breeder reactor, and $30 million based on the carryover of unobligated balances not anticipated in the budget.

Mr. Speaker, this is a summary of the overall conference action, but again I repeat it is $24 million under the budget.

Funds in the bill for the Corps of Engineers and the Bureau of Reclamation funds are required primarily to finance contracts on projects that are under construction.

The bill includes nine budgeted items for planning and 18 unbudgeted items representing a total of only 27 new planning projects for the Corps of Engineers. This is much under the average for the past several years.

There are a total of 47 new construction starts contained in the conference report for the corps including 16 contained in the budget. This again is considerably less than the new starts approved during the period 1963–67 when they averaged 63 per year.

For the Bureau of Reclamation there are only five new construction starts including three unbudgeted.

Mr. Speaker, this is an austere bill considering the urgent needs to accelerate water pollution control, water quality control, power generation, flood control, and other water resources programs.

I might point out that in the Corps of Engineers program, for example, there is a current backlog of over 400 authorized projects that have never been started.

This backlog includes 169 projects which have not even been initiated for planning.

However, because of the need to exercise fiscal restraint at this time, we are recommending only the limited number of new planning and new construction starts representing the highest priority projects which should not be further delayed if essential benefits are to become available in time. Certainly, the committee hopes that at an early date our fiscal situation will permit a more adequate funding program for initiating planning and construction on projects in the backlog. In my opinion, higher priority must be given to the urgent water resources program, or we will be faced with a very costly, inefficient crash program in the years ahead to meet our essential water supply, water quality, power, and flood control requirements.

Let me say again, Mr. Speaker, that this conference report is $24 million under the budget.

Now, Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Arizona (Mr. RHODES), the distinguished ranking minority member on the subcommittee.

Mr. RHODES. Mr. Speaker, I thank the gentleman from Tennessee for yielding.

Mr. Speaker, I support the conference report. It is my opinion that the House conferees have done a very fine job in bringing this bill back only $2,516,000 over the bill as it passed the House.

I also feel that the Appropriations Committees on both sides of the Capitol have done a particularly good job in bringing in a bill which is below the budget in a year when, certainly, the fiscal situation of the country requires that we use restraint.

Mr. Speaker, I cannot help but say, however, that I sincerely hope the budgetary situation of the country will be such in the years to come that we can deal more adequately with the needs of the country for flood control, for water pollution control, for reclamation, and for all the other important subjects and areas which are covered in this bill. I regard this as a barely adequate bill. I wish we could have appropriated more money insofar as outlays are concerned for many of the projects included herein. We have not, except in a very few instances, appropriated up to the capability of the various agencies involved to expend funds in this particular fiscal year.

But again I repeat that in view of the situation which the country faces, I think it is a good bill, I think it is a statesmanlike bill, and I support it.

Mr. EVINS of Tennessee. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Wisconsin (Mr. DAVIS).

Mr. DAVIS of Wisconsin. Mr. Speaker, I wish to associate myself with the comments that have been made. This con-

ference report represents a successful effort on behalf of the managers on the part of the House. However, I believe there are a few points that merit discussion.

The apparent modest increase in funds in this conference report over the amount of the bill as passed by the House reflects a number of changes accomplished primarily by shifting funds out of the Atomic Energy Commission into the other agencies that are represented in the bill.

I personally believe that the Senate reductions in the Atomic Energy Commission, except for those restored in the conference report, were sound. But it does detract from the satisfaction of bringing in a bill below the budget if one realizes that these cuts in the Atomic Energy Commission were used as the basis for increasing the amounts available for other agencies. This is particularly true with respect to the Corps of Engineers.

I am concerned that in doing this we may have permitted the Corps of Engineers to extend themselves beyond their available resources and manpower. However, I have been around here long enough to know that when one goes to conference the best one may be able to accomplish is to keep the increase over the House bill to a minimum. At least this has been achieved in this conference report.

Mr. Speaker, I think all of the membership should also be aware that when we do come to amendment No. 4, the chairman of the subcommittee will move to recede and concur with the Senate amendment. This would have the effect of restoring the funds for the so-called Dickey-Lincoln project in New England which has been a source of considerable controversy in the past. I assume it will again be the source of controversy here today. The motion of the gentleman from Tennessee to recede and concur would add some $807,000 for planning for this highly controversial project. Because of this, I wanted all of my colleagues to be aware that this situation will occur on the motion of the gentleman from Tennessee to recede and concur with respect to amendment No. 4.

Mr. BOW. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of Wisconsin. I yield to the gentleman from Ohio.

Mr. BOW. Mr. Speaker, I thank the gentleman for yielding.

Is this not the same project that the House has voted on on six separate occasions prior to this time?

Mr. DAVIS of Wisconsin. I am uncertain whether it is six, five, or seven, but I know it has been voted on a number of times in the past few years.

Mr. BOW. Mr. Speaker, I say to the gentleman from Wisconsin that I have a list of six votes in which the House has turned down this project, and it would seem to me that we should again turn it down.

May I ask the gentleman this question: When we come to that point in the proceedings you just described, I understand that a vote to turn this project down would be a vote of "no" against the motion to recede and concur. That is, a vote of "no" would be against the project and would substantiate the position the House took previously this year, and on six separate votes in other years.

Mr. DAVIS of Wisconsin. That is correct.

Mr. BOW. I thank the gentleman.

Mr. EVINS of Tennessee. Mr. Speaker, I yield 10 minutes to the distinguished gentleman from Mississippi (Mr. WHITTEN), a member of the conference committee.

Mr. WHITTEN. Mr. Speaker, as a member of the conference I support the provisions of this conference report, and I am sure that since the works provided reach into every nook and corner of the country that the report has had the attention of practically all the membership of the House.

My colleagues on the Appropriations Subcommittee on Public Works have covered rather thoroughly the main provisions of this bill.

Mr. Speaker, as the membership knows, due to the untimely death of our good friend, Mike Kirwan, long-time chairman of this subcommittee, I now rank next to our distinguished and able chairman, GEORGE MAHON, of Texas, on the committee. It is a real privilege to serve with him and other members of the committee. We spend perhaps more hours in hearings, certainly as many hours, as any committee in the Congress. This we did on this bill.

Since the main provisions of the overall bill, which provides attention to the entire Nation, have been covered I shall limit myself to saying, as I said when we overrode the President's veto of the appropriations for public works in 1959:

> The more we owe, the more our obligations, the more seriously we are involved with countries around the world, the more imperative it is that we take care of our natural resources here at home. We must conserve our streams, protect our people and property from floods, protect our soil from erosion, reforest our land, and thus look after our own country first, for this is the basis on which all the rest depends.

If we keep these things in mind, you will see why it is that our committee is proud of the job we have done here.

LOWER MISSISSIPPI

Again, I shall not review the overall situation which has been amply covered; but in my own area, whose interests I also have the obligation to look after, I would point out that we have provided $84 million for the Mississippi River and tributaries, which, with the carryover of $20 million, certainly should protect lower Mississippi from levee breaks and the resulting disaster.

YAZOO BASIN

In the Yazoo Basin we provided $225,000 for the Greenwood project. We provided $260,000 for initiating the upper auxiliary channels, which is the final segment of the flood control plan passed years ago by the Congress at the instance of that able Member from Mississippi, Hon. Will Whittington. We provide $80,000 for beginning the Ascalmore-Tippo and Opossum Bayou project and direct that the work proceed from the south to the north.

We have provided funds for main stem levees, and $1,220,000 for tributaries, $550,000 for the Big Sunflower River project; Yazoo backwater, $1,687,000; control structure in Muddy Bayou—Eagle Lake—$100,000.

We provide funds and direct that the Corps of Engineers cooperate with the Soil Conservation Service on bank caving in the Yazoo Basin.

RESERVOIR AND ADJACENT AREAS

It has been my pleasure to work in this area through the years. With time, sometimes it is forgotten, but under legislation which I got the Congress to pass the counties adversely affected by the reservoirs in my district each year receive 75 percent of the land rentals on lands taken off the tax rolls for flood control. These funds go to roads and schools. Not only that, but I am proud also that with regard to the two reservoirs built after I came here, Enid and Grenada, a part of the overall project, the people were given the right of trial by jury as to the value of their lands—a right which I got the Congress to give to them. Unfortunately, we still have the problem of having the Corps of Engineers to fix rentals at a reasonable figure. We still have the problem of periodic flooding with the remaining water problems, but I truly believe with the upper auxiliary channel and the Ascalmore-Tippo and Opossum Bayous work that we will have the matter substantially solved. As was so well pointed out by the Corps of Engineers, had these projects been in existence, the floods of year before last would have covered only 25,000 acres instead of 165,000 acres and the floodwaters would have been 3 to 5 feet lower at both Swan Lake and Greenwood.

BRIDGES

In addition to this, we have provided for Sardis, Arkabutla, Enid, and Grenada Reservoirs, with a ramp to be built at Enid, for the completion of the Paducah Wells and Crowder Bridge which at my instance the subcommittee included several years ago so that a part of the school district and county would not be separated from the other.

THE TENNESSEE-TOMBIGBEE WATERWAY

In presenting this matter I am somewhat leaving the biggest until last in some respects, for this bill provides for the first time for $1,000,000 to begin construction of the Tennessee-Tombigbee navigation project—a project that will extend from Demopolis., Ala, above Mobile, to the reservoir formed by the Pickwick Lake and Dam near the Alabama-Tennessee line—an overall distance of 253 miles.

THE YELLOW CREEK PROJECT

In addition to this, our committee has provided for $1,250,000 to begin construction of the Yellow Creek Port project, the first port on the Tennessee River on the Mississippi side. This, together with Tennessee-Tombigbee, should bring great development to the entire area of northeastern as well as eastern Mississippi, giving to our State what few States have had—a waterway on each side of the State, together with the gulf on the south—truly a bright picture for our people.

Additionally, our committee has provided funds for the continuation of the planning study of Hatchie River.

Of course, throughout the area we provided for flood prevention and watershed protection of the Corps of Engineers' share of flood control projects.

OTHER WORKS FOR OUR COUNTRY

Mr. Speaker, I would be remiss if I did not point out that it is also my privilege in looking after our own country to serve on another subcommittee of the Appropriations Committee—that for agriculture, where with the support of the members of the subcommittee and of the Congress we have taken care of rural electrification, rural home loans, watershed development, agricultural conservation program, the Soil Conservation Service, research and extension, school lunch and school milk, and hundreds of other programs which go to the well-being of all Americans, the latest major one being water and sewerage loans which will be greatly enlarged from funds we are making available this year.

As we pointed out in our last report, truly the bill might be termed the "bill for the protection of human health" or the "bill for the protection of the consumer." I mention these matters here because all of this effort is in line with our argument when we overrode the President's veto in 1959, that we must take care of the physical resources of our own country first, for all the rest depends upon that. This our committee has tried to do.

Mr. MICHEL. Mr. Speaker, I have consistently opposed the Dickey-Lincoln project.

In 1965, the House of Representatives on a record vote opposed the authorization of the excessively costly and unnecessary Dickey-Lincoln power project in Maine. At that time, total Federal expenditures were only $117,181,000,000, and the total public debt stood at $326,609,000,000. At that time the total cost of Dickey-Lincoln was put at $227,000,000.

Now, in September 1970, we are being asked by the conferees to provide preconstruction planning funds for this same costly project. For fiscal 1971, total Federal expenditures will have risen to more than $200,088,000,000—70 percent higher. The total public debt as of the end of the 1970 fiscal year has risen to $383,428,000,000—11 percent higher. The total admitted cost of the project also has risen to at least $369,000,000. With inflation and the normal escalation of construction costs, the total cost of the project ultimately may well be as high as $545,000,000—140 percent more than the original estimate.

If the House was correct in opposing the authorization of a $227,000,000 project in 1965 with Federal expenditures at only $117,181,000,000, we will be even more correct today in 1970 in voting against a $545,000,000 project at a time when public expenditures will be in excess of $200,088,000,000 per year.

Eight times the House has voted this project down; the first time was in 1965; the last time was on June 24, 1970. Today, the House should again refuse to provide money for this project when the need for economy is greater, by many times, than it was 5 years ago when the project is almost twice as costly as when it was first rejected.

This House has a duty to protect the taxpayers. They are the forgotten men. Let us demonstrate that we support the forgotten people. Let us support the taxpayers. Let us stand against waste in Government. Let us demonstrate to the Nation that we stand against needless Federal spending that will serve only to push inflation prices still higher.

Mr. BERRY. Mr. Speaker, I wish to express my appreciation to the House conferees, as well as those from the other body, who worked so diligently in ironing out the differences between the House and Senate public works appropriations bills.

One item in this bill is most important to my home State of South Dakota, the appropriation for the Oahe Irrigation Unit. Still in its planning stages, the $850,000 item for Oahe, as provided for in this bill, will complete the advance planning and permit the Bureau of Reclamation to proceed with designs and specifications for the pumps and motors for the Oahe Pumping Plant, as well as the plant structure.

The Oahe Irrigation Unit is vital to the economy and agricultural growth of South Dakota, particularly at a time when there is a mass exodus from the farms all across the Nation. The first stage of the Oahe Unit will irrigate 190,000 acres at an estimated cost of over $200 million, all but 10 percent of this, however, which represents nonreimbursable costs, will be repaid to the Federal Government.

In addition to irrigation, 17 towns and cities in the project area will be furnished municipal and industrial water supplies.

I cannot stress too strongly the importance of this project to South Dakota because irrigation is the key to stabilizing and revitalizing the economy.

I urge my colleagues to lend their support to this bill.

Mr. REIFEL. Mr. Speaker, the citizens of South Dakota and I were greatly pleased when we were informed that the House conferees on the public works appropriations bill for fiscal 1971 had approved the $850,000 funding level for the Oahe Irrigation Unit.

This project is vital to South Dakota. The Oahe Unit, patterned after the Garrison Irrigation Unit, in our sister State of North Dakota, will help stabilize the agricultural base in our State. Such a stabilized agricultural base reflects well on the prosperity of the South Dakotans who live in our towns and cities. The net result is an entire State cooperating and prospering together.

During my 10 years in Congress it has been a distinct pleasure to work with the members of the Appropriations Subcommittee on Public Works. The subcommittee's efforts in appropriating moneys for public works projects across the Nation has been outstanding. Their diligence and professionalism should be applauded.

On behalf of all South Dakotans, I sincerely thank the House conferees for their kindness toward South Dakota and their decision to accept the $850,000 funding level for the Oahe Irrigation Unit.

Mr. EVINS of Tennessee. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

AMENDMENT IN DISAGREEMENT

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate Amendment No. 4. Page 6, line 17, strike out "$825,689,000" and insert "$871,808,000".

MOTION OFFERED BY MR. EVINS OF TENNESSEE

Mr. EVINS of Tennessee. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. EVINS of Tennessee moves that the House recede from its disagreement to the amendment of the Senate numbered 4 and concur therein with an amendment, as follows: In lieu of the sum proposed, insert "$852,063,000, of which $807,000 shall be available to continue planning on the Dickey-Lincoln School Dam and Reservoirs, Maine,".

Mr. EVINS of Tennessee. Mr. Speaker, the only controversial item in this conference report, I believe, concerns the Dickey-Lincoln School project in the State of Maine.

May I say at the outset to my colleagues, this project has been recommended by three Presidents—President Kennedy, President Johnson, and President Nixon and it has been recommended in several budgets submitted to the Congress.

The project is recommended by the U.S. Corps of Engineers, with a cost-benefit ratio that is almost 2 to 1. In other words, about $2 will be received in benefits for every dollar that is expended. The project cost will be repaid with interest from the power revenues.

This project has the strong bipartisan and unanimous support of the Maine delegation. Both the Senators and House delegation from Maine, and the Governor of Maine support it. This is a Maine project and the State of Maine supports it.

The merits of the project have been debated many times. The need for the project is obvious in view of the blackouts and the brownouts in electric power experienced by the consumers in New England and the East. The power situation is becoming desperate. I am told that today there are brownouts here in Washington, even affecting this Capitol Building.

This project is one of the last great major natural power sites remaining in America. We have public power in the Southwest, in the Southeast, in the Far West, and in the great Northwest. New England is the only area in the Nation that does not have public power, and a power yardstick. Why discriminate against the consumers in New England and in the East? Why deprive the people of Maine and the East from the benefits of a power yardstick to maintain reasonable electric power rates?

A statement was placed in the RECORD yesterday, and it appears this morning for all Members to see, detailing the

enormous amount of money being spent by private utilities interested in blocking this project.

The public interest, not the private power interests, should be served. This has been demonstrated to be a good project which will mean lower cost power for consumers in New England which now pay the highest electrical rates in the Nation.

A colleague asked me recently, "Why do you support a project in New England when you have TVA power in the South?" I replied, "It has always been my philosophy that all sections of the Nation have the right to develop low-cost electric power for the benefit of the consumers, the people who have to pay the bills."

I have supported the great reclamation and public power projects in the Northwest and throughout the United States, and I support this project in the East.

The amount carried in the bill is only $807,000 to resume preconstruction planning.

There is no logical basis for denying such a project in the East. There is opposition against it. But there is no logical basis for denying this project in northern Maine. It has been recommended by the Senate, time and time again, by three Presidents, by the Corps of Engineers, and by the majority of our committee. We have brought this item back in disagreement to give the House an opportunity to work its will, but I urge that the funds for planning included in the conference report, be retained in the interest of those in New England and the East.

I yield 4 minutes to the gentleman from Pennsylvania (Mr. SAYLOR), a very able, distinguished, and most eloquent Member of this House.

Mr. SAYLOR. Mr. Speaker, I rise in opposition to the motion to concur in the Senate amendment. There just must be a way for Members of this House of Representatives to say "no" to a proposal to destroy vast portions of our natural beauty by the unnecessary construction of a hydroelectric project and make it stick. How many more times must the "larger" body of the Congress reject this project?

Because Dickey-Lincoln is one of the most destructive projects ever proposed by the Army Engineers in terms of our natural heritage, it is vigorously opposed by national and regional conservation organizations. Included in these groups are: Appalachian Mountain Club, Maine Audubon Society, Maine Fish and Game Clubs, Massachusetts Audubon Society, National Wildlife Federation, Natural Resources Council of Maine, New England Advisory Board on Fish and Game Control, Sierra Club, State Biologists Association of Maine, and the Wilderness Society.

Dickey-Lincoln would create an artificial reservoir of dead-surface water spread over 140 square miles of the upper St. John Basin, plus six dams around its perimeter to keep it from spilling over, plus various powerplants, switchyards, transmission lines, project buildings, and spoil areas. It would have a reservoir fluctuation of 40 vertical feet, and a shoreline exposure at low pool exceeding 42 square miles. It would take the despoilers only 7 years to destroy what has taken nature an eternity to create for the benefit of mankind.

The upper St. John Basin is the largest remaining wilderness in Eastern United States and should be preserved in its unique wilderness condition. For generations, the Great Maine Woods have provided a caliber of outdoor adventure and inspiration that cannot be experienced elsewhere in the Northeast. Dickey-Lincoln would destroy much of this area. In addition, the area's famed scenic qualities include the entire portion of the river and valley above the mouth of the Allagash, which enters the St. John between the proposed Dickey and Lincoln damsites. The most vibrant two-thirds of the upper St. John above the mouth of the Allagash would disappear beneath Dickey Reservoir. The "Fish River Chain of Lakes" would be traversed by extra-high-voltage transmission lines. The strikingly beautiful mountain setting of Deboullie Mountain, about 4 air miles from Dickey damsite, would be excavated to obtain gravel and stone for Dickey Dam.

Mr. Speaker, there has been a substantial revision in our thinking on priorities as they relate to our environment. We, the people of the United States, have come a long way toward recognizing there is more to life than merely living. We are now concerned with those things which may contribute to the betterment of life.

I realize there are also some other priorities on use of our natural resources which must be met. But, I assure my friends here today Dickey-Lincoln is not a case requiring further sacrifice of the Nation's diminishing areas of unique natural beauty for a vitally needed water resource project. Dickey-Lincoln's only water resource purpose other than power is not significant. In my opinion, the values of the Upper St. John and its Great Maine Woods are far too precious to be sacrificed for power development. Construction of Dickey-Lincoln in the middle of these Great Maine Woods would result in a level of intrusion and ecological disturbance throughout the entire region that would forever destroy its unspoiled, cathedral-like wilderness quality.

Therefore, Mr. Speaker, I most earnestly urge every Member in this body to join with me in voting to reject any appropriation for further planning of the Dickey-Lincoln power project. Let us say "No" this time with such overwhelming emphasis that it can be put to rest for all time.

Mr. EVINS of Tennessee. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New Hampshire (Mr. WYMAN).

Mr. WYMAN. I rise in opposition to the request of the gentleman from Tennessee.

It has been asked a great many times why a Representative from New England might be against Dickey-Lincoln, and the answer to that is for many reasons, principal among which is the cost to the public taxpayer. This is an uneconomic and a wasteful project of the first magnitude. It just is not so that the benefit-to-cost ratio of this project is 1.9 to 1. The actuality is that the benefit-to-cost ratio is about 0.8 to 1. Dickey-Lincoln power would not pay for itself. It would benefit the area only by way of huge Federal subsidy, which means at the expense of the general public.

What is sought here is to have the taxpayers of the United States, to the tune of half a billion dollars, pay for this at a time of fiscal crisis when Federal funds are already in deficit. Understandably, the Representatives from Maine want to have jobs for their constituents and to have lower cost power in that area of the country whoever pays for it.

But those of us who serve on the Appropriations Committee and on the Ways and Means Committee and other committees of this body that are charged with the responsibility for voting for sound fiscal projects and voting against uneconomic and wasteful projects owe it to the public in order to serve the public interest, to once and for all, decisively, today retire this project to the back recesses of committee files.

There is no sense in spending five times as much money to build Dickey-Lincoln as it would cost for an alternate equivalent source of power. As the gentleman from Ohio has pointed out here earlier in the discussions, the utilities that have been so often falsely berated as being some kind of monsters that bleed the general public—even though their rates are determined by public regulatory commissions and who are limited to a 6- or 7-percent return on their invested capital—those utilities have built and are building millions of kilowatts of power in the New England grid, 12 million to be added by 1976, and they are building them at a cost of approximately one-fifth of the capital that would be involved as a charge to the taxpayers of the United States for building this Dickey-Lincoln project.

Not only that, Mr. Speaker, but this project which is almost entirely for peaking power availability, is 400 miles away from where the peaking power would be used. It would not even supply a fixed source of power, but only peaking power that can be supplied by local generators close at hand, tied onto a system by a private utility at a fifth of the cost.

I think in the circumstances of the present discussion that we ought to take note of the fact that the cost of alternates that were stated in the report to former President Johnson in 1965, were stated in terms of a steam-electric plant facility in the Boston area and in Maine, stating the cost of these alternates on the highside, projecting an annual cost at $23.50 per kilowatt-year and 2.6 mills per kilowatt-hour—when at the same time a unit was built in Bow, N.H., that cost only $110 per kilowatt with an annual cost of only $13.87 per kilowatt-year. The cost-benefit ratio of this project has been repeatedly distorted and misrepresented by the device of using such alternates. The cost of Dickey-Lincoln is substantially understated in this way.

I submit, Mr. Speaker, that to build a project for peaking power purposes 400 miles from the source of supply with an $80 million transmission line, when it would be on the line only 2 hours a day, is something that this Congress

ought not to be doing at this time when there is a short supply of money and there is a tremendous argument in America about shifting priorities in the allocation of dollars in short supply.

If actual cost of power from modern plants is used for comparison then Dickey-Lincoln has a benefit-to-cost ratio of less than unity.

Mr. HATHAWAY. Mr. Speaker, will the gentleman yield?

Mr. WYMAN. I yield to the gentleman from Maine.

Mr. HATHAWAY. Mr. Speaker, is the gentleman from New Hampshire familiar with the Zenker Associates report, which was requested by the Governors of Maine, Vermont, Connecticut, Rhode Island, and Massachusetts, which was recently published, which estimates the cost-to-benefit ratio at 1.56?

This is done by an unbiased Washington organization which is expert in the field of electric power generation, and which also recommends the Dickey-Lincoln School project as part of the whole power picture in the New England area.

The SPEAKER pro tempore. The time of the gentleman from New Hampshire has expired.

Mr. EVINS of Tennessee. Mr. Speaker, I yield 10 minutes to the distinguished gentleman from Maine (Mr. HATHAWAY).

Mr. WYMAN. Mr. Speaker, will the gentleman yield, to permit me to respond?

Mr. HATHAWAY. I am happy to yield to the gentleman from New Hampshire.

Mr. WYMAN. So that there will be continuity in the record.

In response to the gentleman's question to me about this Zender Associates report, I must again state that the alternatives have been misstated. No matter what experts have proposed, these benefit-to-cost ratios—the Army Corps of Engineers, Zinder Associates or other persons—the truth of the situation on the Dickey-Lincoln School project is that it will cost a little bit more than each dollar we put into it for what we get, so that the benefit is something less than even. It is not 2 to 1. It is something less than even. We cannot get away from it; it is a subsidized operation.

Mr. HATHAWAY. I cannot see how the gentleman can disagree not only with the Zender report, done by an independent agency in Washington, but also with the staff study done by the Appropriations Committee and the study by the Corps of Engineers, which evaluates most projects and public works bills. There is no reason to believe they would distort the figures with regard to the Dickey-Lincoln project when they do not distort the figures with regard to other projects. This happens to be the only one ever questioned.

I am inclined to believe these objective judgments, rather than the gentleman's judgment that the benefit-to-cost ratio is not warranted.

Mr. Speaker, I have stood in this position many times, and have advocated this project to the Members of the House over and over again. I have talked about the value of the project, about the 1.9 to 1 benefit-cost ratio.

This project has had bipartisan support not only from the current Democrat Governor of Maine but also from the former Republican Governor of Maine. The project has been endorsed by both the Republican Senator from Maine and the Democrat Senator from Maine. It is in President Nixon's budget not only for this year but was in the budget last year, for the $807,000 which we are requesting now.

I believe that should provide objective assurance to the Members that this project has bipartisan support.

The gentleman from Pennsylvania mentioned that this is going to destroy a vast part of the wilderness area of Maine. The gentleman from Pennsylvania is on the floor. I should like to discuss this point with him.

The vast area that it will destroy is about one-half of 1 percent of Maine's woodlands; 85 percent of Maine is covered with woodlands. One-half of 1 percent of that area is not even significant.

Maine has 3,600 streams flowing throughout the State, and this project would stop up six of them—six out of 3,600.

It is true that every time we pave a road or build a house or build a building—whether it is this building we stand in or an office building—almost anything we do, we destroy the environment some percentage. But in this case, just as in the building of a house, we destroy only an iota. Certainly the benefits to be derived by having low-cost electricity in an area paying the highest price for electricity in the Nation—which, by the way, has one of the lowest per capita incomes with which to pay for high-cost electricity—certainly is worth the price of one-half of 1 percent of Maine's woodlands, and it seems to me it is worth the price of six out of 3,600 streams, to benefit the people not only of Maine but also of all New England.

Another argument which has been raised in the past, and which I know will be raised before the debate is over today, is with respect to the cost figure for the Dickey-Lincoln project. Let me read from the Zender report which has been mentioned, and which should be distributed in the very near future. I do have a part of an advance copy here. I want to read that portion with respect to the cost of this project.

The report was as follows:

> The capital cost of the Dickey-Lincoln school project was estimated by the Corps of Engineers in January, 1970 to be $248,000,000. This compares with their 1964 estimate of $217,700,000, giving an increase of only 14 percent in 5 years. Although in general hydroelectric construction costs have increased an average of 5 percent per year in this period, changes in design could offset the escalation and the Corps of Engineers estimate is considered reasonable.

That is the objective judgment of an impartial consulting firm here in the Washington area which concludes, by the way, by stating that the Dickey-Lincoln School project would fit admirably into a bulk power system operated by an interstate compact agency.

Now, what is the real argument here?

Mr. KYROS. Mr. Speaker, will the gentleman yield to me?

Mr. HATHAWAY. I yield to my colleague from Maine.

Mr. KYROS. I thank the gentleman for yielding.

I would like to associate myself with the remarks made by my colleague and say this in addition: Walking up here into the Chamber today, along the passageways you notice that all of the lights are shut off. They are shut off for one reason, and that is there is a brownout, a shortage of power. There is a shortage of power going on all over the Northeast. This power source that we are speaking of here would just be anotheranother power source in the armory of power sources that we need. This is a power source that—ecologically and environmentally, with hydroelectric power being used, would do the least destruction to the air and the earth.

I would like to point out, also, to my distinguished colleague from New Hampshire, a very good friend of mine, who has fought along with us in New England and elsewhere in this House many times, the gentlman from New Hampshire (Mr. WYMAN), although I respect his views and know that he would like to have the interests of Maine at heart, because he is a woodsman and has a very keen concern for the people of Maine as well as those of New England, that Maine remains one of the last sources where electric energy, has not yet reached the demands of the people. We need energy. There is a discussion going on about oil going into Maine and going into the bays, and there is great concern about pollution taking place, but there is not that concern about putting in this Dickey-Lincoln project. So I would suggest in all fairness that the people in the State of Maine have spoken. I know that the gentleman from New Hampshire has great love, affection, and concern for them. They are concerned about getting power in there. I say that Maine remains one of the last areas in the United States that does not have a public power project. If we spelled out all of these projects throughout the United States, it would be shocking to see how left out the Northeast is. We are entitled to our fair share; $800,000 is not an excessive sum of money to spend in the State of Maine this year to go forward with the planning for this project.

So, Mr. Speaker, for that reason I would encourage the people here to support this project.

Mr. HATHAWAY. I thank our colleague for his excellent comments.

What this amounts to really is a fight between the public interests and the private interests. I think that the investor-owned utilities are unduly concerned about putting a public power yardstick into the Northeast area. This is the only part of the country left where you can put in a hydroelectric power project. We all know that it is the only nonpolluting source of energy. It is not going to take up a large amount of the space in that area. Evidently, as the gentleman from Tennessee (Mr. EVINS), has pointed out, they are willing to spend $560,000 in the period from 1964 to 1968

to try to defeat this project. They are evidently very much concerned that this will be a Federal takeover in that area. This is just not true. There will not be space to put any more of these projects in that area.

Mr. Speaker, we are faced here with a great power shortage. We are faced with it here today. The gentleman from Maine (Mr. KYROS) and I did not engineer this shortage for our purposes, but it is a real power shortage which is existing in the Capitol of our Nation—they have turned off half of the light bulbs in the basement—and we do not know how long this situation will exist. Privately owned and investor-owned utilities are trying to meet the shortage, but they will not be able to do it in time. If we had continued with the appropriations from the first authorization of the Dickey-Lincoln School project, this project would be on the line now. Mr. Luce, the chairman of the board of Consolidated Edison, said a couple of weeks ago here in testifying before one of the committees that he could very well have used the power from the Dickey-Lincoln project to alleviate the shortage in New York. We are hesitating today longer than we should. We need this additional power. They are trying to do something through nuclear and pump storage, but we all know that the people of the country are boycotting this and are coming out against nuclear and pump storage plants because they have a great fear of damage to our environment.

Now, I guess certain people feel that they are going to hold up the completion of many of these nuclear plants and in view of that, it is of the utmost urgency to proceed immediately to construct the Dickey-Lincoln School project.

Mr. BURTON of California. Mr. Speaker, will the gentleman yield?

Mr. HATHAWAY. I shall be glad to yield to the distinguished gentleman from California.

Mr. BURTON of California. Mr. Speaker, I would like to commend our distinguished colleague, the gentleman from Maine (Mr. HATHAWAY), for his most persistent and effective efforts in this area and urge support of his position. Further, I associate myself with the gentleman's remarks and I hope the House will provide the funds with which to move ahead with this very important project.

Mr. HATHAWAY. I thank the gentleman for his contribution.

Mr. KYROS. Mr. Speaker, will the gentleman yield?

Mr. HATHAWAY. I yield to my distinguished colleague.

Mr. KYROS. It has often been stated that power would be in use hundreds of miles from the source of generation. Could the gentleman tell us where the power is going and for what purpose it is to be used?

Mr. HATHAWAY. Most of the power will be sold in Maine where you will not have to have the long transmission problems. It is my opinion that they were talking about a line from the Dickey-Lincoln School Dam to Boston. In the meantime, because of transmission lines already constructed or partially constructed, that has been shortened to about 150 miles and, furthermore, the benefit-cost ratio—they figure on the Federal Government picking up one-half of the tab with respect to transmission lines, and with the other half being picked up by the private utilities.

Mr. EVINS of Tennessee. Mr. Speaker, I yield 10 minutes to the distinguished gentleman from Connecticut (Mr. GIAIMO), a valued member of the committee.

Mr. BOW. Mr. Speaker, will the gentleman yield?

Mr. GIAIMO. I would be delighted to yield to the distinguished gentleman from Ohio.

Mr. BOW. I thank the gentleman for yielding.

I simply rise to support the committee and the House of Representatives. As I stated before, there have been six separate votes on this issue in the House. I feel that we should support the House and the committee. Our committee originally came in without this project contained in the bill. I want to support the position of our committee.

Mr. Speaker, we have had six separate votes on this project. If you check the record of the other body, you will find there have been no votes on it. Therefore, based upon the number of times which this project has been considered in the House of Representatives, I believe it is incumbent upon us to support the position of our committee and the House.

Mr. GIAIMO. I thank the distinguished gentleman from Ohio for his remarks.

Mr. Speaker, I am opposed to the Dickey-Lincoln project. As the gentleman from Ohio has stated, we have voted against this project many times in the House, but still there is this effort made on the part of the other body to prevail over the House on this project.

Mr. Speaker, at this time I do not want to go into all the arguments, the pros and cons, concerning this project. We have been doing this for 5 years consistently in the House. The record is filled with facts and statistics which mitigate against this project.

One of the problems is that there is too much misinformation promulgated by some of the proponents of the project. The record should be set straight with reference to this matter.

For example, a statement was made several moments ago to the effect that most of this electricity would be used in Maine rather than for peaking power electricity, which is the very essence of hydroelectric power. The very purpose of the Dickey-Lincoln project was for peaking power electricity for the Boston grid system and the New England grid system. Electric power for the State of Maine can come into existence through the construction of thermal plants. The only justification for hydroelectric power as represented by the Dickey-Lincoln project is because it would supply peaking power for other areas.

Secondly, reference was made to the brownouts. We know there are brownouts and power shortages in the country. We know there are power shortages in the northeast.

In fact, reference was made to the New England power shortage. If my memory is correct, this summer New England transported and sold power to New York. The utilities in New England are alert. They are trying to provide for the power needs of the area. There are approximately 16 new plants either under construction or scheduled for completion by 1976 which are designed to produce the necessary electricity. But the really critical question that we should ask ourselves here today is this: Knowing that we will need power, knowing that the power needs of the American people are growing, how do we get them the cheapest power? I submit that it is not through this extravagant Dickey-Lincoln project.

Also, we should ask ourselves another question which we roll over all too easily at times. In these pressing days of crises, when we are burdening the taxpayers of America with more and more obligations, should the Government undertake a half-billion-dollar project, if in fact this project can be done by the nongovernmental sector, and in fact can be done more cheaply than the Government could do it?

I believe the House of Representatives has come to the conclusion on many occasions that this is the case. Therefore, why should we burden the taxpayers of America with another half a billion dollars in expenditures for a very questionable program, and one which would result in high-cost electricity?

The gentleman from Maine, Mr. HATHAWAY—and I will yield to the gentleman in a moment—has made reference to the Zinder report which purports to favor the Dickey-Lincoln project, and it does. Everybody knows that these are consultants, and they are eminent consultants, and they are hired by the Governors to come forth with a report. But if you will look at the Zinder tables in the report, particularly to table 7–7, you will see that it indicates that the cost of the Dickey-Lincoln power project would be at least $18.7 million, at a Federal interest rate of 4⅞ percent; more than the cost for alternative private power at $13.3 million plus $5 million in taxes. That is the Zinder report to which reference was made.

Mr. HATHAWAY. Mr. Speaker, will the gentleman yield?

Mr. GIAIMO. I yield to the gentleman from Maine.

Mr. HATHAWAY. The gentleman should further state that in the Zinder report they give the benefit-to-cost ratio of 1.56 to 1, and they recommend it be included in the power package in New England.

Mr. GIAIMO. Correct, and I will say to the gentleman from Maine that we have been talking about the benefit-to-cost ratio in this House for 5 years now, and we have come up with different benefit-to-cost ratios from 1.9 to 1.5, to 1.3, to less than 1 to 1. Benefit-to-cost ratios involve many factors and depend upon what you intend to show. When you add to the original estimates

of the Corps of Engineers interest, which is high today, as the gentleman knows; when you add the cost of escalation in prices because of inflation; and when you add the fact that it will be 10 years before this is on the line and completed, the benefit-to-cost ratio is questionable and subject to these varying factors. The Corps of Engineers does not properly reflect these factors in arriving at a benefit-to-cost ratio.

The fact of the matter remains that we are talking about a half-a-billion-dollar project.

I do not see any need for a further extended rebuttal here of the claims made in the other body on Dickey-Lincoln; They are just a repeat of the arguments already posed and rejected in the House today. Actually, in the other body, where Dickey-Lincoln was reintroduced into this appropriation bill—and actually it was done so without hearings and without a vote—never has there been a record vote on this legislation. There has been no debate, there has been no discussion, and this project has been given appropriations each year without debate and without record vote.

I believe that the House of Representatives, which has looked into this matter and which has made a record in this matter by debate and record voting, should not continually be asked to recede and concur in the actions of the other body, which has never in 5 years taken a single recorded vote on this matter.

Mr. HATHAWAY. Mr. Speaker, if the gentleman will yield further, is the gentleman saying that every vote we take here in the House that is not recorded is not on a good bill, and should not be passed?

The other body is so sure on this project, and I would beg to differ with the gentleman, they had hearings, they had hearings on each appropriation in committee, and further let me say to the gentleman——

Mr. GIAIMO. I will yield to the gentleman for questions, but not for a speech.

Mr. HATHAWAY. I think it is rather an endorsement of the project rather than an argument to be used against it.

Mr. GIAIMO. The fact of the matter is that the gentleman from Maine well knows that in 1965 the House voted against it, in 1967 on three occassions we voted against it, and again in 1968, and in 1969, and in 1970 the House refused to put funds for Dickey-Lincoln into the bill.

The fact is that in all of that time the other body, which has consistently reinserted this project in the bill and into the conference report, has never once taken a recorded position on this highly questionable program.

Mr. HATHAWAY. Mr. Speaker, will the gentleman yield for just one observation?

Mr. GIAIMO. I yield to the gentleman.

Mr. HATHAWAY. In 1966 the House passed unanimously the largest appropriation that this project has had, $1.3 million without a vote at all.

Mr. GIAIMO. That does not gainsay the fact that the other body has never taken a recorded position on the Dickey-Lincoln project and, yet, we are asked time after time and year after year to give in to allow this highly questionable project, which will cost in excess of one-half billion dollars.

I think the time has come to say no finally and to vote against this project. In this regard I would like to ask one question of the gentleman from Tennessee.

As I understand it, the gentleman's motion will be to recede and concur in the Senate amendment, which provides a total appropriation of $852,063,000, of which $807,000 shall be available to continue planning on the Dickey-Lincoln School Dam in Maine. That is the gentleman's motion as I understand it?

Mr. EVINS of Tennessee. That is correct.

Mr. GIAIMO. Those of us who oppose the Dickey-Lincoln project should vote against the gentleman's amendment and then the gentleman will have to make additional amendments from there, if the gentleman's motion is voted down.

Mr. EVINS of Tennessee. We have some motions, the gentleman is correct.

Mr. GIAIMO. In other words, those who are opposed to the Dickey-Lincoln project should vote no on the motion by the gentleman from Tennessee.

Mr. CLARK. Mr. Speaker, will the gentleman yield?

Mr. GIAIMO. I yield to the gentleman.

Mr. CLARK. Mr. Speaker, I am normally a patient man and tolerant of the need to have full discussion of issues in this Chamber. But to start an eighth or ninth round of debate and voting on this patently ridiculous Dickey project is a bit much. Every year we vote to kill this unnecessary, unwarranted, absurd appropriation and every year the Senate tries to stuff it down our throats and then every year we say "No" a second time. With the pressing business of the Nation to be dealt with in this Chamber, I say this nonsense has gone far enough.

It is no longer just a case of throwing away some $807,000 of the taxpayers' money—which eventually would be followed by another half billion dollars—but I wonder how much money is consumed every time we allocate time on this floor to discuss this cat that seems to have 99 lives.

I submit, Mr. Speaker, to you and to my fellow Members that this House is being held up to ridicule which as a legislative body we are asked time and time and time again to consider this worn out, worthless public works project.

Let us finally say "No" in a resounding fashion and make it clear to those on the other side of the rotunda that we will no longer tolerate this frivolous waste of our time and certainly will not now—or at any time in the future—condone the waste of a half billion dollars of money paid by the taxpayers of America who are already groaning under the load placed on their backs.

Mr. EVINS of Tennessee. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Maine (Mr. KYROS).

Mr. KYROS. Mr. Speaker, we have just heard the remarks of my distinguished colleague, the gentleman from Pennsylvania that this power project is trying the tolerance and the patience of the House and, indeed, it will for the next 100 years because the people of the State of Maine want this project. They are entitled to their rightful share of public power in this country.

If these arguments were made for the last 35 or 40 years, when all other regions of this Nation have had public power projects, there would not be a single kilowatt flowing in the United States today.

It seems to me, this argument has been made over and over again today by the opponents of this project—not on facts but about wasted dollars.

It is all right to spend money for an SST, an ABM, a Vietnamese war or a venture into space but it is not all right for the people of the State of Maine. Our State needs power, just like any other State. This is a nonpolluting form of power. The project has been studied and has been endorsed by this administration. It is supported by the Corps of Engineers. I think it should go forward.

Mr. EVINS of Tennessee. Mr. Speaker, I yield 10 minutes to the distinguished gentleman from Massachusetts (Mr. BOLAND) to close debate.

Mr. BOLAND. Mr. Speaker, I support the motion of the gentleman from Tennessee. This motion, as he explained, will provide the amount recommended by the President and by the Bureau of the Budget to continue planning on the Dickey-Lincoln School Dam and Reservoir. The Senate added the $807,000 necessary to continue this project. Up to date the Corps of Engineers has spent $2,154,000 on the project, and it would seem to me we ought to continue planning. Even the $807,000 recommended in this bill will not complete planning. It will take 2 more years to complete planning of the project.

Let me also emphasize that a majority of the House conferees concurred in the action in support of the recommendation to recede and concur with the Senate.

Mr. Speaker, I know that the Members of the House are familiar with the pros and the cons of Dickey-Lincoln. I know of few projects that have run the obstacle course of this House as often as it has. I know, too, that no other project that your Subcommittee on Appropriations for Public Works has considered that has developed more conflicting facts, data, and figures than this one has. Those of us who support this project rely on the testimony of the Governor of Maine and the Members of the Maine congressional delegations in the House and in the Senate as to the need for the construction of this first multipurpose project in New England, and probably—undoubtedly the last one. But beyond that, and more importantly and persuasively, I think, are the positions, the arguments, and the support that Federal agencies like the Federal Power Commission, the Department of the Interior, and the Corps of Engineers give to this project. These are Federal entities that represent the public's interest. They have not pulled their facts

out of thin air. Their support is grounded in extensive studies, and all of them have concurred and concluded that Dickey-Lincoln should be built.

Mr. Speaker, let me dwell for a moment on some of the reasons why the Members of the House should support this motion:

First, need: Power shortages in the Northeast grow more alarming each year. The area's principal suppliers, their dwindling reserves now at only 13.9 percent, cannot provide the power needed at peak consumption times. Brownouts, commonplace in the Northeast's biggest cities, are spreading rapidly to smaller communities. The Dickey-Lincoln project would be close to an ideal solution to the problem. Capable of turning out 730,000 kilowatts, Dickey-Lincoln's giant hydroelectric generators could provide the peaking power necessary during periods of high demand. Other kinds of power supply—thermal plants, for example, or pumped storage plants—can provide firm power but not peaking power. Thermal plants take too long to warm up; pumped storage plants have small reserves. Dickey-Lincoln, by contrast, could release vast amounts of energy at the flick of a switch. Private power companies argue that their Big 11 Power Loop—a planned energy network apparently designed as a response to Dickey-Lincoln—will meet the Northeast's future power needs. But the Zinder report a painstakingly objective analysis cited below, disputes this contention. The report shows that the Big 11 Power Loop cannot meet the region's future demands—certainly not its peak demands. Dickey-Lincoln is plainly necessary.

Second, cheaper power: Dickey-Lincoln is the cheapest available way of giving the Northeast the peaking power it needs. This is not speculation, but a fact. Studies conducted by the Congress, by the administration, and by private firms make this fact startlingly obvious. One study—this one carried out by the Zinder Co., an independent and highly regarded consulting firm based in Washington, D.C.—shows that New England pays the highest power costs in the country. Indeed, it pays rates a staggering 20 percent higher than those in States outside of New England but most nearly like our own. The report's conclusion: Dickey-Lincoln would bring our power costs much closer to the national average. The project, moreover, would give competition to New England's private power companies for the first time, providing a yardstick by which consumers can measure private rates. The competition generated by big public power projects—TVA is an obvious example, Bonneville, another one—has resulted in lower private rates in the areas these projects serve. Competition in power production, like competition in every other field, yields more efficient and economical methods. New England is now the only area in the United States that lacks such competition.

Third, feasibility and cost: Dickey-Lincoln's cost-benefit ratio is 1.9 to 1, virtually the highest ratio to come before the Congress this year. The ratio is fair and honest. It was reached by the same formula used to evaluate every other Federal power project considered here. In fact, the data used in calculating the ratio even included half the cost of Dickey-Lincoln's transmission facilities—a cost the conventional formula does not demand. Despite the contentions of Dickey-Lincoln's opponents, the project is among the most economically promising in the country. Its total cost, as estimated by the U.S. Army Corps of Engineers under equally rigorous procedures, comes to $248 million. This figure is deemed "reasonable" by even the most hard-eyed skeptics in the administration and Congress. True, as the project's opponents maintain, the cost certainly might increase. In all likelihood, it will. But so would the cost of any alternative power project—especially nuclear projects. Opponents argue that a pumped storage plant would be cheaper. The contention remains valid, however, only if you ignore the energy cost of operating such a plant. Once this cost is considered, a pumped storage plant's price tag rises significantly above Dickey-Lincoln's. A host of studies—studies carried out by the Corps of Engineers, by the Interior Department, by the Federal Power Commission, by Senate and House committees—plainly show that Dickey-Lincoln is warranted. It would give the Northeast lower cost peaking power than any other source.

Fourth, pollution: Dickey-Lincoln, like all hydroelectric projects, would be wholly free of pollutants. Other power sources taint the air or foul the water. Even nuclear plants, once thought pollution free, heat river waters to levels that threaten the whole ecological cycle of life in and near the river. In an era when pollution threatens our very way of life the environmental advantages alone of hydroelectric plants are a powerful argument in their favor.

Fifth, recreational benefits: The lake created by Dickey-Lincoln would offer fishing, boating, camping, and other recreational opportunities. The demand for such opportunities in New England, already high, is expected to double within the next decade. The Dickey-Lincoln Lake would help meet this demand, providing facilities like boating docks and campsites. Granted, the project would flood some wilderness area. But it seems a small price to pay for a project that would not pollute the water, that would not pollute the air, that would not take up the kind of valuable urban space used by fossil fuel plants. Many conservation groups support the project. It is designed to preserve the wild Allagash Waterway, one of the few remaining free-flowing streams in the East. The project's water reserves, moreover, would help ease pollution by flushing out the Aroostook River during the low water months of summer.

Sixth, regional economic benefits: Construction of Dickey-Lincoln would be a welcome stimulus to northern Maine's sluggish economy, pouring millions of dollars into the area and providing many jobs. The project—during both construction and operation—would help put northern Maine back on its feet. Still further, Dickey-Lincoln offers great potential for irrigating the region's potato fields. Studies have shown that Maine's yearly rainfall is not enough to bring the fields up to their maximum yield. Irrigation provided by Dickey-Lincoln would provide the water to reach a point very close to this maximum. It is estimated, in fact, that such irrigation would add the equivalent of $20 million each year in more Maine potatoes. And, although largely unexplored so far, the project's role in flood control might turn out to be considerable.

Mr. GIAIMO. Mr. Speaker, will the gentleman yield?

Mr. BOLAND. Mr. Speaker, I am pleased to yield to the gentleman from Connecticut.

Mr. GIAIMO. Mr. Speaker, I wanted the gentleman to yield so I could ask him about his figure of $248 million. I do not want to get into an extended argument with the gentleman, but I am sure the gentleman knows full well that figure does not take into account the escalation costs during the time of construction, and it does not take into account the actual interest rates which will have to be paid for the money, and the gentleman knows that figure is way out of line with what the true costs will be when the project is finished.

Mr. BOLAND. Mr. Speaker, in my response to the gentleman from Connecticut, let me pass on the latest Federal Power Commission data on costs, which are less for Dickey-Lincoln on a comparable basis than for alternative plants, for pump storage plants, or for steam generating plants. Those costs are $22.2 million, which is 17.7 mills per kilowatt-hour at market. For Dickey-Lincoln the cost is $20.17 million, which is 7.4 mills per kilowatt-hour of market, at an annual saving of $0.5 million.

I know there is wide disparity and a deep gap in the costs used by the proponents and opponents of the bill. Those who support this bill base their figures on those figures developed by the agencies of the Government that are concerned with the public interest and concerned with power costs in New England. They are based on the recommendations of the Federal Power Commission, the Corps of Engineers, the Department of the Interior, and on our own staff study by the Subcommittee on Public Works.

Mr. WYMAN. Mr. Speaker, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from New Hampshire (Mr. WYMAN).

Mr. WYMAN. Mr. Speaker, I have a very brief question of the gentleman. Does not the gentleman agree if the project were feasible that we could back up enough water to make this thing pay, that if this were the case, the private facilities would seek to build it here, as the gentleman from Maine said, which is the last available location for this type of facility in the Northeast?

Mr. BOLAND. I can understand the opposition of the private utilities. This is a multipurpose project, and most of the multipurpose public power projects which have been built around the Nation have been opposed by the private utilities. I can understand their reasons for it.

Mr. Speaker, I urge this House to vote "yes" on the motion to recede and concur.

Mr. EVINS of Tennessee. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. EVINS).

Mr. EVINS of Tennessee. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 131, nays 230, not voting 68, as follows:

[Roll No. 311]

YEAS—131

Adams	Fascell	Minish
Addabbo	Foley	Mink
Albert	Ford,	Moss
Alexander	William D.	Murphy, Ill.
Anderson,	Fraser	Murphy, N.Y.
Calif.	Fulton, Tenn.	Myers
Andrews, Ala.	Gallagher	Natcher
Andrews,	Gibbons	Nix
N. Dak.	Gilbert	Obey
Annunzio	Gonzalez	O'Hara
Ashley	Gray	O'Neal, Ga.
Aspinall	Green, Pa.	Pepper
Barrett	Gubser	Perkins
Bell, Calif.	Hamilton	Pickle
Bevill	Hanley	Poage
Bingham	Hanna	Podell
Blanton	Hansen, Wash.	Price, Ill.
Blatnik	Harrington	Pryor, Ark.
Boggs	Hathaway	Pucinski
Boland	Hechler, W. Va.	Rees
Bolling	Helstoski	Reuss
Brademas	Hicks	Rhodes
Brasco	Holifield	Rivers
Brown, Calif.	Howard	Roberts
Burlison, Mo.	Hungate	Rodino
Burton, Calif.	Ichord	Roybal
Byrne, Pa.	Jacobs	Ryan
Carter	Johnson, Calif.	Scheuer
Chisholm	Jones, Ala.	Sisk
Clay	Jones, N.C.	Smith, Iowa
Cohelan	Jones, Tenn.	Stafford
Conyers	Kastenmeier	Stokes
Corman	Kazen	Stubblefield
Culver	Kluczynski	Stuckey
Daniels, N.J.	Koch	Sullivan
Davis, Ga.	Kyros	Symington
Dingell	Leggett	Tiernan
Eckhardt	McCarthy	Udall
Edmondson	Macdonald,	Ullman
Edwards, Calif.	Mass.	Van Deerlin
Edwards, La.	Matsunaga	Whitten
Eilberg	Meeds	Wright
Evans, Colo.	Melcher	Wyatt
Evins, Tenn.	Mikva	Yates
Farbstein	Miller, Calif.	Young

NAYS—230

Abbitt	Clancy	Fallon
Abernethy	Clark	Feighan
Adair	Clausen,	Findley
Anderson, Ill.	Don H.	Fish
Arends	Clawson, Del	Flood
Ashbrook	Cleveland	Flowers
Beall, Md.	Collier	Ford, Gerald R.
Belcher	Collins	Foreman
Bennett	Colmer	Fountain
Berry	Conable	Frelinghuysen
Betts	Corbett	Frey
Biaggi	Coughlin	Friedel
Biester	Cramer	Fulton, Pa.
Blackburn	Crane	Fuqua
Bow	Cunningham	Galifianakis
Bray	Daniel, Va.	Garmatz
Brinkley	Davis, Wis.	Gaydos
Broomfield	de la Garza	Gettys
Brotzman	Delaney	Giaimo
Brown, Ohio	Dellenback	Goldwater
Broyhill, N.C.	Denney	Goodling
Broyhill, Va.	Dent	Green, Oreg.
Buchanan	Derwinski	Griffin
Burke, Fla.	Devine	Gross
Burke, Mass.	Dickinson	Gude
Burleson, Tex.	Donohue	Hagan
Burton, Utah	Dorn	Haley
Byrnes, Wis.	Downing	Hall
Cabell	Duncan	Hammer-
Caffery	Dwyer	schmidt
Casey	Edwards, Ala.	Hansen, Idaho
Cederberg	Erlenborn	Harsha
Celler	Esch	Harvey
Chamberlain	Eshleman	Hastings
Hébert	Mollohan	Sebelius
Heckler, Mass.	Monagan	Shipley
Henderson	Montgomery	Shriver
Hogan	Moorhead	Sikes
Horton	Morgan	Skubitz
Hosmer	Morse	Slack
Hull	Morton	Smith, Calif.
Hunt	Mosher	Snyder
Hutchinson	Nedzi	Springer
Jarman	Nelsen	Stanton
Jonas	O'Neill, Mass.	Steed
Kee	Passman	Steiger, Ariz.
Keith	Patten	Stephens
King	Pelly	Talcott
Kyl	Pettis	Taylor
Landgrebe	Philbin	Teague, Calif.
Langen	Pirnie	Teague, Tex.
Latta	Poff	Thompson, Ga.
Lennon	Pollock	Thomson, Wis.
Lloyd	Preyer, N.C.	Vander Jagt
Long, Md.	Price, Tex.	Vanik
Lujan	Quie	Waggonner
Lukens	Railsback	Wampler
McClory	Randall	Watson
McCloskey	Rarick	Watts
McClure	Reid, Ill.	Weicker
McDade	Reid, N.Y.	Whalen
McDonald,	Riegle	Whalley
Mich.	Robison	White
McEwen	Roe	Whitehurst
McMillan	Rogers, Fla.	Wiggins
Madden	Rooney, N.Y.	Williams
Mahon	Rooney, Pa.	Wilson, Bob
Mailliard	Roth	Wilson,
Mann	Rousselot	Charles H.
Marsh	Ruppe	Winn
Martin	Ruth	Wolff
Mathias	Sandman	Wydler
Mayne	Saylor	Wylie
Michel	Schadeberg	Wyman
Miller, Ohio	Scherle	Yatron
Mills	Schmitz	Zablocki
Minshall	Schwengel	Zion
Mizell	Scott	Zwach

NOT VOTING—68

Anderson,	Grover	Pike
Tenn.	Halpern	Powell
Ayres	Hawkins	Purcell
Baring	Hays	Quillen
Brock	Johnson, Pa.	Reifel
Brooks	Karth	Rogers, Colo.
Brown, Mich.	Kleppe	Rosenthal
Bush	Kuykendall	Rostenkowski
Button	Landrum	Roudebush
Camp	Long, La.	St Germain
Carey	Lowenstein	Satterfield
Chappell	McCulloch	Schneebeli
Conte	McFall	Smith, N.Y.
Cowger	McKneally	Staggers
Daddario	MacGregor	Steiger, Wis.
Dawson	May	Stratton
Dennis	Meskill	Taft
Diggs	Mize	Thompson, N.J.
Dowdy	Nichols	Tunney
Dulski	O'Konski	Vigorito
Fisher	Olsen	Waldie
Flynt	Ottinger	Widnall
Griffiths	Patman	Wold

So the motion was rejected.

The Clerk announced the following pairs:

Mr. Hays with Mr. Ayres.
Mr. Purcell with Mr. Camp.
Mr. Thompson of New Jersey with Mr. Cowger.
Mr. Anderson of Tennessee with Mr. Brock.
Mr. Brooks with Mr. Bush.
Mr. Chappell with Mr. Dennis.
Mr. Nichols with Mr. Kleppe.
Mr. Daddario with Mr. Meskill.
Mr. Flynt with Mr. McCulloch.
Mr. Fisher with Mr. Johnson of Pennsylvania.
Mr. Rostenkowski with Mr. McKneally.
Mr. Stratton with Mr. Button.
Mr. St Germain with Mr. Brown of Michigan.
Mr. Pike with Mr. Kuykendall.
Mr. McFall with Mr. Conte.
Mr. Karth with Mrs. May.
Mr. Carey with Mr. Grover.
Mr. Dulski with Mr. Mize.
Mr. Rosenthal with Mr. MacGregor.
Mr. Ottinger with Mr. Halpern.
Mr. Olsen with Mr. O'Konski.
Mr. Vigorito with Mr. Reifel.
Mr. Long of Louisiana with Mr. Quillen.
Mr. Landrum with Mr. Roudebush.
Mr. Hawkins with Mr. Lowenstein.
Mr. Rogers of Colorado with Mr. Diggs.
Mr. Staggers with Mr. Schneebeli.
Mr. Baring with Mr. Smith of New York.
Mrs. Griffiths with Mr. Steiger of Wisconsin.
Mr. Satterfield with Mr. Taft.
Mr. Patman with Mr. Widnall.
Mr. Dowdy with Mr. Wold.
Mr. Waldie with Mr. Dawson.
Mr. Tunney with Mr. Powell.

The result of the vote was announced as above recorded.

MOTION OFFERED BY MR. EVINS OF TENNESSEE

Mr. EVINS of Tennessee. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. EVINS of Tennessee moves that the House recede from its disagreement to the amendment of the Senate numbered 4 and concur therein with an amendment, as follows: In lieu of the sum proposed, insert "$851,256,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HALL. Mr. Speaker, I demand a division.

Mr. EVINS of Tennessee. I will say to the gentleman, all it would do is strike out the money for the project deleted.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the motion be reread.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk reread the motion.

The SPEAKER. The question is on the motion offered by the gentleman from Tennessee.

The motion was agreed to.

AMENDMENTS IN DISAGREEMENT

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 17: On page 14, line 22, insert: *"Provided further,* That funds appropriated for fiscal year 1970 and allocated to States shall not be reallotted in accordance with section 8(c) of the Federal Water Pollution Control Act, as amended, until May 15, 1971."

MOTION OFFERED BY MR. EVINS OF TENNESSEE

Mr. EVINS of Tennessee. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. EVINS of Tennessee moves that the House recede from its disagreement to the amendment of the Senate numbered 17 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment numbered 20: Page 17, line 9, strike "and".

Mr. EVINS of Tennessee. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. EVINS of Tennessee moves that the House recede from its disagreement to the amendment of the Senate numbered 20 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment numbered 21: Page 17, line 10, insert: "and $5,000 for the Cascade Irrigation District, Ellenberg, Washington,".

Mr. EVINS of Tennessee. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. EVINS of Tennessee moves that the House recede from its disagreement to the amendment of the Senate numbered 21 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment numbered 22: Page 17, line 15, insert: *"Provided further,* That of the amount herein appropriated not to exceed $140,000 may be used for archeological salvage of the cargo of the steamboat *Bertrand* in the Missouri River Basin."

Mr. EVINS of Tennessee. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. EVINS of Tennessee moves that the House recede from its disagreement to the amendment of the Senate numbered 22 and concur therein.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and on the several motions was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. EVINS of Tennessee. Mr. Speaker, I as unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the conference report just adopted, and insert tables.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. MADDEN. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

ESTABLISHING SLEEPING BEAR DUNES NATIONAL LAKESHORE, MICH.

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1198 and ask for its immediate consideration.

The Clerk read as follows:

H. RES. 1198

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 18776) to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Indiana is recognized for 1 hour.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1198 provides an open rule with 2 hours of general debate for consideration of H.R. 18776 to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes.

The purpose of H.R. 18776 is to establish the Sleeping Bear Dunes National Lakeshore in the State of Michigan and to provide for its administration as a unit of the national park system.

The lakeshore would consist of three basic mainland units in Benzie and Leelanau Counties, Mich., which are separated by the towns of Glen Arbor and Empire but which are joined together by a scenic road. Including this road, the mainland unit totals about 41,000 acres of land. The main features of the area would include not only the Sleeping Bear Dunes, but Pyramid Point and Empire Dunes, as well. The 31.5 miles of shoreline feature many clean beaches and clear water for swimming, boating, and fishing, as well as picturesque settings for hiking trails, scenic attractions for photographers, picnic spots for family outings, and an abundance of interesting flora and fauna for nature study.

South Manitou Island and North Manitou Island would be included in the lakeshore, adding another 19,789 acres of land and 33.5 miles of shoreline.

The sum of $19,800,000 is authorized to be appropriated for land acquisition, which appropriation will be made from moneys available in the land and water conservation fund. In addition, $18,769,000 is authorized to be appropriated for the development of the area.

The lakeshore would be an outstanding recreation area and, Mr. Speaker, I urge the adoption of House Resolution 1198 in order that the bill may be considered.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me say at the outset of my remarks that this is a controversial piece of legislation. There has been much opposition to it in the State of Michigan, particularly from the residents who live in this area, by people who own property in this area, and by others who will be adversely affected by it.

Mr. Speaker, I cannot recall the number of sessions in which this legislation has been introduced, but I know there have been many. This fact speaks for itself. It is a controversial piece of legislation and I hope that during general debate some of the controversial features will be discussed. I have learned that the $19.8 million for land purchases and the $18,769,000 for development of the area will only be a starter. I have been advised, if this lakeshore area is going to be developed as the proponents would like, there will have to be a good many more millions of dollars of the people's tax money poured into it.

Mr. Speaker, while this bill is being debated we ought to keep this in mind and try to find out exactly how much money is going to be required to be put into the area and then determine whether or not the taxpayers will be getting their money's worth.

House Resolution 1198 provides for an open rule with 2 hours of debate.

Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from Illinois (Mrs. REID).

(Mrs. REID of Illinois asked and was given permission to revise and extend her remarks.)

Mrs. REID of Illinois. Mr. Speaker, I do not plan to take up time to speak in regard to the rule for the consideration of H.R. 18776, but I must rise at this time to inform my colleagues that I do oppose this legislation. I will not oppose the rule because I want to see a rule adopted that will permit thorough debate of this measure. In my judgment, there are many phases of this bill which should be considered very carefully. I shall make a more detailed statement during the general debate, which I trust will have your thoughtful consideration.

Mr. LATTA. Mr. Speaker, I might point out the fact that the rule provides for 2 hours of general debate. It is an open rule. I hope a full discussion will be had on the legislation.

Mr. MADDEN. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. TAYLOR. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 18776) to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from North Carolina.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committe of the Whole House on the State of the Union for the consideration of the bill H.R. 18776, with Mr. WRIGHT in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from North Carolina (Mr. TAYLOR) will be recognized for 1 hour, and the gentleman from Pennsylvania (Mr. SAYLOR) will be recognized for 1 hour.

The Chair recognizes the gentleman from North Carolina.

Mr. TAYLOR. Mr. Chairman, I yield such time as he may consume to the gentleman from Colorado (Mr. ASPINALL).

Mr. ASPINALL. Mr. Chairman, I am pleased to rise in support of H.R. 18776 which would establish the Sleeping Bear Dunes National Lakeshore in the State of Michigan.

INTRODUCTION

As many Members of the House are aware, this legislation is not new. Measures providing for the creation of the Sleeping Bear Dunes National Lakeshore have twice been approved by the other body and the Committee on Interior and Insular Affairs recommended its approval during the 89th Congress; however, the legislation matured too late in the session to receive the attention of the House at that time. During the 90th Congress, the urgency of some of the more glamorous park areas—like the Redwoods—and the financial situation of the land and water conservation fund precluded its consideration.

Now some of these things are in the background. The Redwood National Park has been created and substantial progress has been made in the acquisition of many parklands. This administration has made a dedicated effort to utilize the funds made available by the Congress to transform authorized areas into meaningful national parks. Furthermore, the land and water conservation fund, itself, has a greater capacity to implement these authorizations now than it had 2 or 3 years ago when the income to the fund was unpredictable.

CHANGING ATTITUDE

Because circumstances are different today than they were during the first months of this Congress, the Committee on Interior and Insular Affairs has been very active in the field of parks and recreation. A good deal of the credit for the conservation accomplishments of the 91st Congress will go to the gentleman from North Carolina (Mr. TAYLOR) who has patiently and diligently guided the Subcommittee on National Parks and Recreation to a record of accomplishments which we can all appreciate and applaud.

It is appropriate that we discuss this matter on its merits, Mr. Chairman.

DISCUSSION OF THE AREA

First, I want to point out that this proposed national lakeshore is located on Lake Michigan where it is reasonably accessible to the millions of people living in the Great Lakes region. It is a beautiful area with recreational, scenic, and natural values transcending regional interest so that it will be attractive to people from all parts of the Nation.

Basically, the proposal involves a mainland unit and an island unit. The mainland unit totals about 41,000 acres of land and will make available to the public about 31.5 miles of Lake Michigan shoreline. Included in this area are some unique sand dune formations, stretches of beach for swimming and sunbathing, and natural features suitable for a variety of outdoor activities: hiking, camping, fishing, boating, and so forth.

Offshore, there are two large virtually uninhabited islands. The bill combines the outdoor resources of South Manitou Island—5,332 acres—which contains an outstanding combination of botanical values—including a small forest of virgin timber and the largest known white cedar in the United States—with the large, undeveloped area of North Manitou Island—14,457 acres. Together they double the shoreline included in the lakeshore and add a different dimension to its recreation potential.

DISCUSSION OF LOCAL AND STATE INTEREST

I would not want anyone to be misled about this proposal, Mr. Chairman. It has always been relatively controversial. As has been the case with many other park proposals, most of the opposition arises from landowners in the area. In testimony before our committee, spokesmen for these people presented their case clearly and expressed the concern of residents of the area. The members of the committee listened carefully to all points of view and we revised the legislation in an effort to remove some of the irritants and to make the bill more acceptable to them. Needless to say, everyone is not satisfied, but the members of the committee are convinced that the merits of this proposal argue persuasively for the enactment of H.R. 18776, as amended.

It is significant to note that this Congress, unlike any heretofore, has seen every member of the Michigan congressional delegation introduce or cosponsor a bill to establish the Sleeping Bear Dunes National Lakeshore. In addition, this year the Governor of the State and both Houses of the State legislature went on record in favor of the lakeshore and indicated that the State would donate its lands to the United States for this purpose—except for 300 acres to be managed as an anadromous fishery in conjunction with the lakeshore. And finally, Mr. Chairman, even one of the local boards of county commissioners—Benzie County—formally endorsed the national lakeshore.

DISCUSSION OF THE COST

Enactment of H.R. 18776 will require a considerable Federal investment if it is to accomplish the objective which we have in mind. Unlike areas in the West where huge parks and recreation areas have been carved out of the public domain, most of these lands have long since passed into private ownership so that satisfaction of the public need will require a significant land acquisition effort. The most recent appraisal information available to the committee indicates that the lands needed can be acquired for $19,800,000. To the extent that property owners take advantage of the many built-in options available to them, this cost might be significantly reduced. I am very hopeful that this estimate, like others in more recent years, will prove to be reliable and that no increase will be necessary in the years ahead. I hasten to add, however, that if this administration continues to fund authorizations as promptly as possible—as it has—then we should see this project completed at a cost near the estimate provided.

For development of the area, the bill calls for an appropriation of $18,769,000. This is a most important item if the visitor load anticipated at this area is to be properly dispersed throughout this lakeshore. Overcrowded conditions would not only destroy the resource which we seek to protect for all Americans for all time, but it would thwart the recreational objective of this legislation.

In conclusion, Mr. Chairman, I want to reiterate that this proposal has been thoroughly reviewed by the committee. We feel that it resolves the objections which have been raised over the years and we urge its approval by the Members of the House.

Mr. SAYLOR. Mr. Chairman, I yield 15 minutes to the gentlewoman from Illinois (Mrs. REID).

Mrs. REID of Illinois. Mr. Chairman, it is a rare occasion, indeed, when I disagree with my former colleagues on the Committee on Interior and Insular Affairs or when I fail to support the recommendations of my good friends and congressional neighbors in the Michigan delegation—and I regret that I must do so on this occasion. It was my privilege to serve on the Interior Committee during my first 4 years in the Congress—on the National Parks Subcommittee, as a matter of fact. It was a most valuable experience for which I shall always be grateful—and certainly when I left that group to become a member of the Committee on Appropriations I did so with an even greater appreciation of the heavy responsibility of the Congress to this and future generations for the preservation and protection of our Nation's natural beauty and wise development of its recreational potential. In this regard, let me add that the people of this country owe a deep debt of gratitude not only to our distinguished colleague, Chairman ASPINALL, but also to the ranking Republican, the gentleman from Pennsylvania (Mr. SAYLOR), and the members of the Subcommittee on Natural Parks and Recreation, for their conscientious and dedicated efforts in these important matters.

But both as a citizen and a Member of this body, I would be remiss in my duties here if I remain silent on this legislation—if I fail to express for the record what I know to be substantial and growing opposition to this proposal—and why I feel that H.R. 18776 is not wise legislation.

National parks legislation is, of course, unique, for while these bills are considered under broad national policy guidelines, they still have greater impact on some groups of citizens than others. I recognize, too, that seldom is it possible for all Members of the House to have personal knowledge of areas affected—and since I am well acquainted with the Sleeping Bear area, I feel it is incumbent upon me to bring my views to your attention.

I say that I have personal knowledge of this section because for many years my family has owned a cottage on Crystal Lake in Michigan—and although this is not or never has been within the boundaries or will be directly affected by proposals for a national lakeshore at Sleeping Bear, nevertheless the time that I have spent vacationing there over the years has given me an opportunity to know the area, to assess the degree of

public support from the people most directly affected, and to form a judgment as to the necessity for this new facility. I know, too, of the deep sense of pride which local residents have traditionally taken in the natural beauty of Sleeping Bear and the diligence with which they have sought through wise planning to preserve it—and I was pleased that the chairman of the subcommittee, the gentleman from North Carolina (Mr. TAYLOR), did pay them a specific compliment for their efforts in his opening comments during these hearings.

Certainly I can understand why the people there feel that the establishment of a national lakeshore is not the best way to conserve the natural beauty of the area, and their fears are borne out by the predictions of officials of the National Park Service that there will be some 3 million visitations to the proposed park annually, which actually means the bulk of these will be in a very short period—mostly during the summer months. Contrary to what many conservationists and preservationists believe, the purpose of this measure is not preservation, but recreation. In my judgment, the result will be the destruction of the natural beauty of Sleeping Bear which the local people have so well protected over the years.

It seems to me that in these times when the President is asking for greater fiscal responsibility—when the people of the Nation are clamoring for control of inflation—and when we are becoming increasingly aware of the need for careful planning in the future if we are to restore environmental quality and avoid the follies of past actions, there are several questions we must ask ourselves not only on this but on all future legislation dealing with new authorizations for such facilities:

First, is it essential?

Second, is there reasonable public support in the area most directly involved?

Third, are the provisions for acquiring the property just and equitable?

Last, will this add to the already difficult problems of environmental pollution?

There are many others, of course, but these seem to me to be the obvious and critical ones in this instance.

So we ask ourselves—is this legislation essential?

I must say in all candor that I do not believe it is—even though I recognize the growing need for public recreation areas. Today we are being asked to authorize many millions for still another Federal recreational facility in a State already rich in recreational opportunities—and while this may be desirable from the standpoint of mass public recreation, I think the times require that we distinguish between what is necessary and what may be merely desirable for some. If you have read the committee hearings on this bill, you know that Michigan now has six federally controlled parks, forests, and refuges—that over 18 percent of the State is already in public ownership—and not only does Michigan rate second in national forest acreage east of the Rockies, it leads the Nation in the number of State parks and recreation areas. Its State parks alone total more acreage than that of Illinois, Ohio, Indiana, and Wisconsin combined. At a time when we are so concerned with priorities—when so many other areas of the Nation still lack adequate recreational facilities—this does not seem to me to be a priority item.

What about public support in the area? As I have already pointed out, widespread opposition exists among a majority of the residents and not only residents, but many in the surrounding areas, for instance, the Traverse City Chamber of Commerce adopted a resolution opposing the bill. The greatest support for the proposal comes from those who live a considerable distance away and would have infrequent opportunity to make use of the park. I believe that the success of such a project depends to a considerable degree on enthusiastic public support from those most directly concerned.

And now as to the provisions for acquiring property, I feel these are not equitable as written with a cutoff date of December 31, 1964. Under this bill, any property in the area which has been improved within the last 5 years is subject to condemnation, and this is certainly not consistent with treatment afforded citizens in other States in previous legislation enacted by the Congress. I shall offer an amendment at the proper time to correct this inequity.

How would the establishment of this lakeshore affect the already difficult problem of environmental pollution? Everyone today is concerned about ecology, but the residents of the Sleeping Bear area have observed pollution control programs for many years. Certainly there is no need for a Federal takeover because the State of Michigan already owns the Sleeping Bear Dunes. It is a State park, and it is fully protected and open to the public. There is no fee for entrance to this State park—although private concessions do operate dune buggies at a modest charge. On the other hand, national parks do have entrance fees of from $1 to $7 for those who do not hold a Golden Eagle Passport which sells for $10 a year.

Furthermore, land in the designated area is presently zoned under county and township ordinances and is protected against undesirable uses. Three million visitations annually to the Sleeping Bear area will create an environmental pollution problem of immense proportions. I might point out, also, that the proposal provides that the State of Michigan donate the State-owned land in the park area to the Federal Government. Apparently the State has indicated a willingness to donate the land. However, this would require action on the part of the State legislature since there is a law in Michigan which prevents such land from being donated. A resolution was adopted on June 8, 1970, by the State legislature to repeal this law—but this was merely a resolution of intent and not provide for outright repeal. There is no assurance that this will be done. Here we are being asked to legislate on the assumption that another legislative body may act accordingly. In my judgment, this is not good legislative procedure—and I am sure you will agree. Even if such action is taken, the right of the State of Michigan to give away public land could well be challenged in the courts.

Also, and a most important point to consider, the question of funding this legislation raises great doubts in my mind. At this particular time when so many urge the Congress to curb the inflationary spiral and reduce taxes, I feel that this is not the time to initiate more costly Federal projects.

Also, the cost estimates which have been projected thus far for the Sleeping Bear National Lakeshore are unreasonably low. Under the provisions of this legislation, acquisition of land is estimated at $19.8 million, and development $18.8 million, with an escalating provision for ordinary fluctuations in cost. Those acquainted with land values—and I would say experts might be those who have recently purchased land—in the area know that $75 million is a more accurate cost figure for acquisition. As a matter of fact, an undeveloped tract in the area recently sold for $1,000 an acre, and unimproved land throughout the vicinity is now selling for from $1,000 to $1,500 an acre, with lake frontage $200 a foot.

The cost of the 35-mile highway needed for access to the proposed park is estimated at $300,000 per mile, but, as we all know, the cost of the Interstate System has averaged about $1 million per mile—and in view of the terrain in this area many feel that the cost will equal or exceed this figure.

To be taken into consideration also is the fact that there is no sewer system to accommodate the expected 3 million visitors annually, and to solve the sewer problem would cost the Federal Government an additional $12 to $15 million although there is a ceiling of $18.8 million for all development. There is not an adequate sewer system in the entire taking area at this time—a fact we should not overlook.

We are now many millions of dollars behind in appropriations for parks already authorized. What will happen in the Sleeping Bear area if this legislation is passed and announcement is made of a newly authorized National Lakeshore in Michigan, when no provisions are ready for this great influx of people because of lack of funds and facilities? Rather than preserving an area of great natural beauty for future generations, which should be the purpose of this legislation, the result of this bill could be disastrous, causing irreparable damage, however unintentional.

It seems to me, too, that the question of administering such a large recreational project must also be considered in view of the recent news reports of difficulties being encountered in Yellowstone National Park and elsewhere—and it may be wise to defer development of new areas until it is demonstrated that we can properly police and administer what we already have. What good are more recreation areas if they are only playgrounds for vandals and of no use to those for whom they are intended.

Also, in reply to a query in the hearing before the Interior Committee as to whether it might be necessary to take additional property to accommodate the influx of visitors, the Director of the National Park Service responded that this legislation would allow flexibility, should such circumstances develop.

These are just a few of the reasons I feel that the Sleeping Bear project is not feasible. Certainly I share the deep concern of all in the Congress over the preservation of our natural landmarks and recognize the need for proper recreational areas; but since the Sleeping Bear Dunes is already under preservation by the State of Michigan and local zoning ordinances and may be enjoyed by the public now, free of charge, it is my opinion that the substantial costs involved—the fact that legislation must be enacted by the State of Michigan before this bill is effective—and the fact that this is principally a recreation rather than a preservation project—with the potential for severe damage to the ecology of the region—makes approval under present conditions impractical.

It has been suggested that if a national park is strongly desired in this area, it would be far more feasible to develop the 444,000-acre Manistee National Forest which is less than a 30-minute drive from the Sleeping Bear area—and actually closer to the large urban centers—land which is presently owned by the Government and which is underdeveloped.

These are my sincere and impartial convictions. My only interest is wise legislation—and I repeat that I would be remiss in my duties if I did not voice what I know to be the objections and vital concerns of those most directly involved.

I hope you will consider H.R. 18776 very carefully and that you will agree with me that this legislation does not merit approval.

Mr. TAYLOR. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. O'HARA).

Mr. O'HARA. Mr. Chairman, I would be remiss if I did not begin my remarks by thanking all of those Members of the House, especially the chairman of the full committee, the gentleman from Colorado (Mr. ASPINALL); the ranking member, the gentleman from Pennsylvania (Mr. SAYLOR); and the chairman of the subcommittee, the gentleman from North Carolina (Mr. TAYLOR), for their endurance and tremendous effort that finally has brought this bill before the House of Representatives.

As the chairman mentioned in his opening statement, this bill has been twice approved by the other body. In the 89th Congress, this bill was approved by the House Committee on Interior and Insular Affairs. However, this is the first time the bill has ever come before the House.

I think, too, that the efforts of the Michigan delegation ought to be noted in connection with bringing this bill to the floor today, particularly the work of my good friend, a member of the committee, Mr. RUPPE, and Mr. VANDER JAGT, who represents the area in which the proposed park is located.

Mr. Chairman, we have had a great deal of difficulty with this bill. But I think that it is the kind of difficulty that we have encountered with other bills in the past and that we are going to encounter frequently in the future as we make a stepped-up effort to conserve open space and scenic areas that are so rapidly being depleted by urbanization and by development. We are going to have to move quickly and firmly in this field. We are going to encounter difficulites such as we had with Sleeping Bear more frequently in the future as we try to preserve open space, recreational areas, and scenic areas that our citizens—especially the people who live in the very heavily populated eastern and midwestern parts of the United States can enjoy.

Mr. Chairman, I might point out that Sleeping Bear Dunes lies within an easy day's automobile drive of well over 10 million people.

Now, there are other beautiful parks already established around the country, but many of them will never be visited by the residents of some of the large urban centers of the Great Lakes area. Sleeping Bear is a beautiful national lakeshore that will be visited by millions of those who reside in our cities and suburbs in our generation and in generations to come.

So, Mr. Chairman, I am very proud and very pleased that we have gotten this far.

I wish to assure the members of the Committee that this bill has been very carefully considered by the Committee on Interior and Insular Affairs and has been extensively amended since its first introduction. All legitimate objections have been given very careful and very thorough consideration. We have a far different and a very much better and fairer bill before us today than any bill that has been before us on this subject or, indeed, on any park proposal with which I am familiar.

Mr. Chairman, I think it is a bill of which the Committee on Interior and Insular Affairs, as well as the entire House can be proud.

Mr. SAYLOR. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan (Mr. VANDER JAGT).

Mr. VANDER JAGT. Mr. Chairman, I rise in support of H.R. 18776.

This legislation, if adopted, will establish the Sleeping Bear Dunes National Lakeshore of 61,000 acres in my congressional district in western Michigan.

Mr. Chairman, this legislation is supported by the administration, it is supported by Michigan's Governor, Michigan's Legislature and Michigan's Department of Natural Resources. It is also supported by every conservation group in the State of Michigan and these groups are dedicated to the preservation of the environment. It is supported by the entire Michigan congressional delegation on both sides of the aisle.

Proposals to create a Sleeping Bear National Lakeshore have been before the Congress for 10 years. I opposed the original proposal as I would oppose it today and as I would continue to oppose it in the future.

Mr. Chairman, in my first public utterance on the subject at a public rally in 1964, I said I was opposed to it and my opposition was based upon two fundamental objections, the lack of reimbursement provisions to the local units of government for any loss of tax revenues and condemnation provisions as they related to unimproved property. Those two objections were voiced again in testimony before the Committee on Interior and Insular Affairs when it held hearings in Traverse City in 1964.

When I came to this body my first official business was to publish a position paper on Sleeping Bar Dunes spelling out where I stood on the issue. I said that my objections went to these points and suggested that probably the ideal approach would be an appropriation by the Federal Government to the State of Michigan for the purpose of enlarging the two existing State parks located in the area.

To say that the legislation which I then introduced met with little enthusiasm would be the understatement of this afternoon. It was received with the active support of not a single Member of this body. It did not receive the support of the Michigan Governor or the legislature, or the Department of Natural Resources. It was rejected by the previous administration. And when it was rejected finally and completely and fully by this administration I began to get the message that maybe my bill was not going to go anywhere. That was not an eventuality that had been unanticipated. I observed in that position paper what I think everyone else has run into somewhere along the line; one does not always get exactly one's way in the legislative process. I said, if my bill were rejected and if the support for Sleeping Bear remained overwhelming, I would see my duty and my responsibility to work as hard as I could to obtain modification and commitments that would enable the solving of those two problems that had been unsolved in the 6 or 7 years the Sleeping Bear Park legislation had been kicking around.

As the situation stands today, those two problems have been totally and completely resolved.

I extracted, first of all, from then Gov. George Romney and later from our present Gov. William Milliken, and from Michigan legislative leaders on both sides of the aisle, an indication that they intended to provide State reimbursement for any loss of local tax revenues. That indication has now been formalized in a resolution adopted unanimously by both houses of the Michigan Legislature stating their intent to provide for State reimbursement so that not 1 penny of tax tax revenue will be lost to any of the local units of government.

Mr. RUPPE. Mr. Chairman, will the gentleman yield?

Mr. VANDER JAGT. I yield to the gentleman from Michigan.

Mr. RUPPE. Mr. Chairman, I thank the gentleman for yielding, and I would ask the gentleman: Would it be a fair ob-

servation to state then that the State representatives and the State senators in the area affected will definitely work in the Michigan Legislature to see that the June resolution is implemented so that indeed the local units of government will be reimbursed insofar as their tax revenue losses are incurred when that property goes into Federal ownership?

Mr. VANDER JAGT. The local representatives and the State senators have so stated to me, and every member of the Michigan House and, in fact, every member of the Michigan Senate so voted, because the vote was unanimous that it is the intention of the Michigan Legislature to provide for the reimbursement for any loss of local tax revenues.

Mr. RUPPE. So that there is no question as to the loss of revenue at the local level?

Mr. VANDER JAGT. No; this is on the basis of the June 1970 resolution that was unanimously passed.

But that leaves us with a second problem, and that is condemnation as it relates to unimproved property. There is no problem as I see it with the condemnation as it relates to improved property, for the longstanding cottage owner on the land will continue to own his cottage outright, lock, stock, and barrel, forever under the provisions of this legislation. This right of the improved property owner runs with the land. The longtime property owner retains his property in fee simple in perpetuity. It goes to each subsequent purchaser. But the owner of unimproved property could find himself in a far less desir..ble situation under previous bills. He could decide to sell his property, but the Federal Government could very well say that "we will take it some day, but we will not take it now," and therefore the owner would not want to develop that land and really use it and enjoy it, because it might be taken away from him at any moment. That leaves the owner with the dubious right of continuing to pay taxes on the land that he could not use for 20 or 30, or even 40 years, until the Government decided to take it off his hands.

That was the problem under previous bills.

We began negotiations with the Department of the Interior, and the National Park Service and, frankly, our negotiations were not bearing a great deal of fruit. Then the administration indicated to me that they were just about ready to endorse Sleeping Bear Dunes legislation.

Faced with the prospect of my administration endorsing legislation that was unacceptable to me, and to many of my constituents, we redoubled our efforts in negotiations, and out of those efforts came section 3 of this bill.

Section 3 of this bill requires the Secretary within 30 days of its passage to publish a map fixing the land into three categories:

Public use and development, land that will be condemned by the Government; private use and development, land that will not be condemned by the Government, and the third category, environmental conservation, mainly unimproved property. A great segment of it will never be subject to condemnation, but rather to the right of the Government to purchase scenic easements.

One hundred fifty days after the passage of this legislation, the Secretary is required to have completed these negotiations and agreements, agreeing with many of the unimproved property owners never to condemn that land in exchange for scenic easements.

So I think with section 3 together with the hardship clause in this bill, which directs the Secretary to purchase unimproved property immediately, if the situation I describe were to arise, and also with the fact that the National Park Service and the Department of the Interior have assurred that they anticipate 50 percent of funding within the first 2 years for land acquisition purposes, and also by virtue of the fact that the Congress this year has upped the allocation from $200 million to $300 million annualy, and also by virtue of the fact that the administration has indicated it is releasing funds that have been held back, I think the possibility of the situation we were worried about under previous legislation ever emerging as a realistic possibility has been removed. The property owner has moved from a status of uncertainty to a status of certainty.

This bill before us now contains greater safeguards and protections for property owners of the area than any national lakeshore legislation or park legislation that has ever been before this body. That achievement would not have been possible without the cooperation of the original sponsors of the leigslation. It would not have been possible without the cooperation of the chairman and in particular the painstaking attention and study given to it by the chairman of the subcommitee, the gentleman from North Carolina.

It also would not have been possible without the counsel, guidance and help and understanding of the ranking minority member, the distinguished gentleman from Pennsylvania nor without the help, understanding and cooperation of many friends and colleagues on the committee on both sides of the aisle.

But an interesting thing has happened to this bill on its way to this moment in its legislative history. Although the opposition in 1966 really centered around those two fundamental problems, now that the problems have been removed, the opposition remains.

As we look at the opposition, we see that those who are opposed have not been as interested in solving problems as in using the problems as arguments to defeat the legislation.

This opposition has been presented to this body I think extremely effectively and extremely eloquently and persuasively and persistently, and I think very importantly, by the gentlewoman from Illinois.

I think the opposition is based really on one underlying thought. I think it is a genuine, real concern—a downright fear that if this legislation passes, it will destroy rather than preserve and enhance the environment they have come to know so well and have so much over the years. That is a concern that is not only important to express and to bring out, but it is one that deserves our very careful attention.

The argument is that 3 million people will be invading the area and they will bring with them hot dog stands and "Coney Island" concessions, leaving behind beer cans and wrappers and all of the encroachments of civilization. They also argue that we have taken care of the area through local zoning for the past 50 years and there is every reason to believe we can do a good job in the next 50 years.

If I could accept that argument—if I could believe that the area would remain, as it is today, forever I would be tempted to join the ranks of those who are opposed. But that is not the case. Change is already occurring.

Even with this cloud hanging over the area for the last 10 years we have seen development bit by bit and piece by piece. At this very moment there are dozens of developers, some of whom are known to me, waiting in the wings ready to pounce and proceed with pent-up speed to develop this area—if this House is so unwise as to reject the protections contained in this legislation this afternoon.

Mr. McCLURE. Mr. Chairman, will the gentleman yield?

Mr. VANDER JAGT. I yield to the gentleman from Idaho.

Mr. McCLURE. I would just like to reaffirm what I have said before the committee and subcommittee in hearings, that I have never in my experience in Congress witnessed a more valiant fight to represent the interests of the people whom he represents than was demonstrated in the fight of the gentleman in the well. I think the legislation which we have before us today reflects his concern over the local interests that he does represent, and I want to commend him very highly for the kind of legislation which has resulted.

Mr. VANDER JAGT. I thank the gentleman from Idaho. I am glad that I yielded to him.

In my remaining 30 seconds, let me just call attention to what will happen to the area, I believe, if we do not enact this legislation.

First, let me correct one possible misunderstanding. Much of the opposition and material that has been received in our offices refers to 3 million individuals invading the area. This is taken from testimony by the Director of the National Park Service before the committee. He is talking not about 3 million individuals, but about 3 million visitor-days.

If four people stay there 7 days—that is referred to as 28 visitors-days and not four people. There is a whale of difference between 3 million people and 3 million visitor-days.

There are two State parks within the area now with a couple of hundred acres of developed State park lands. Last year they logged over 700,000 visitors, which was double what it was 5 years ago. The Michigan Conservation Department estimates that it will double to 1½ million within the next 5 years, and in the 5-year period after that it will go up to 3 mil-

lion visitor-days—the very figure that strikes so much fear and concern in the hearts of those who are opposed. It is not a question of whether we are going to have 3 million visitor-days in the area. The question is how—how is the best way to cope with the inevitable population explosion in the area that we are going to have?

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. TAYLOR. I yield 3 minutes to the gentleman from Michigan.

Mr. VANDER JAGT. I thank the subcommittee chairman.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. VANDER JAGT. I yield to the gentleman from Arizona.

Mr. UDALL. I think one of the toughest jobs is to be a Congressman in an area where a big national park proposal is pending, which is surrounded with controversy. In that situation you really separate the statesman from the politician. You separate the men from the boys.

I want to say that the gentleman from Michigan, who is in the well, has done as fine a job as I have seen in a tough situation of that kind in my 10 years on the committee. I want to commend him for it. It is a real tribute to his ability to negotiate. It is a real tribute to his statesmanship that he is able to come here today with the entire Michigan delegation, with problems in the Michigan Legislature ironed out. It would be a crime against the next generation and future generations if this bill were not passed. I think we owe something to the coming generations. We have the money. We are big enough as a country to do this. I would not take $1 billion for Grand Canyon National Park. Future generations will condemn us deservedly if we do not avail ourselves of this opportunity and if we let 10 years of work on this project go down the drain.

I hope we will stand together and defeat all crippling amendments. I want to say to the gentleman from Michigan that I believe he has done a magnificent job.

Mr. VANDER JAGT. I sincerely thank the gentleman from Arizona. We would be hurting not only future generations but even those who are opposed to the legislation if we were to defeat it, because the proponents and the opponents of the legislation are not very far apart. They have exactly the same objective, exactly the same goal, and that is the preservation of the natural beauty of this area.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. VANDER JAGT. I yield to the gentleman from Michigan.

Mr. DINGELL. I would like to commend my friend from Michigan for a very able presentation and commend him for his position on behalf of this legislation. We in Michigan are proud of what he has done, and also what our good friend and colleague JIM O'HARA has done on this legislation. Our delegation is strongly and uniformly in favor of the legislation. Again I wish to express the thanks of the delegation from Michigan to the gentleman from Michigan (Mr. VANDER JAGT) and the members of the committee for having made this legislation possible.

Mr. VANDER JAGT. I thank my good friend from Michigan and commend him for his very able work on this legislation.

With the inevitable invasion into the area of 3 million visitors these days the question I repeat is: How can we best cope with this problem? Not whether the people will come but how we can cope with them. Certainly our chances of preserving the environment are greater if we can spread 3 million visitor days over 61,000 acres rather than cramming them into a couple of hundred acres. And the spillover and overflow into the surrounding communities will be less if there are 61,000 acres of opportunity rather than 300 acres of opportunity.

That is why every single conservation group in the State of Michigan, every single group that has studied it nationally, groups that are dedicated to preservation, have studied the situation, are unanimously and in solid support of this legislation. That is what they believe will happen in terms of protecting and enhancing the environment. If this legislation passes.

But that is not enough. In closing, I would like to point out what I think goes to the heart of what the dispute is all about. Let me point out what I think is the most important change we were able to make in the original proposal. The preamble states that it shall be one of the primary purposes of this legislation to see that the area's features are preserved in their natural setting and protected from developments and uses which would destroy the scenic beauty and natural character of the area.

The Secretary is then directed to "administer and protect the Sleeping Bear Dunes National Lakeshore in a manner which provides for recreational opportunities consistent with the maximum protection of the natural environment within the area."

A more ringing reaffirmation rather than destruction simply never has appeared in Lakeshore legislation than is contained in this bill. I say to achieve the goal both the opponents and proponents are trying to achieve, we must support this legislation. That goal of both is the preservation of the majesty of Sleeping Bear and the beauty of its surroundings.

Mr. TAYLOR. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, last year during the August recess some of the members of the subcommittee on National Parks and Recreation had an opportunity to visit this proposed lakeshore and discuss it with interested proponents and opponents. While we did not hold formal hearings at that time, we did hold extensive hearings in Washington last June. At that time the members of the subcommittee heard every witness desiring to testify.

We were impressed by the beauty of this area, by the open undisturbed beaches on Lake Michigan, the beautiful blue inland lakes surrounded by rolling ridges and overlooks, and well-spaced and well-kept summer homes.

I could understand why the National Park Service felt that this area was needed for park purposes and I could understand why the cottage and summer homeowners wanted it left undisturbed for their enjoyment. No one today will contend that this area is unworthy of national recognition.

Rising above Lake Michigan are some of the Nation's most spectacular sand dunes which offer a different type of scenery and a fairly unique recreational opportunity. Likewise, the islands in this area make a contribution to the overall purpose of the project.

There is plenty of beautiful clean water, and water is a recreation magnet.

We concluded that the Sleeping Bear Dunes area is a magnificent part of this country.

As a result of the hearings, we revised the legislation to reflect some of the amendments suggested and incorporated them into a clean bill, which was reviewed by the full committee before being reported to the House. Among the changes adopted by the committee were provisions which were designed to satisfy objections raised to the legislation.

We included language in the bill to emphasize that the thrust of the lakeshore legislation should include preservation of the scenic beauty of the area as recommended by some of the opponents of the bill.

We included a classification system in the bill recommended as a constructive improvement by the resident congressman, the gentleman from Michigan (Mr. VANDER JAGT), who spoke so effectively a few minutes ago, which assures property owners of a prompt decision by the Secretary of the Interior with respect to the need for their lands for the lakeshore in an effort to satisfy some of the opponents of the bill.

We are recommending language which enables a qualified property owner—on his own initiative—to avoid the threat of condemnation if he voluntarily restricts the use of his property to uses compatible with the purposes of this act. Of course, the bill includes, also, the usual language suspending the power of eminent domain where approved zoning ordinances are in effect. And we provided that the Secretary should expedite the acquisition of those properties where the owners wished to sell and we required him to make every effort to negotiate the purchase of a property before taking action to condemn it.

In other words, Mr. Chairman, the members of the committee made a sincere effort to satisfy the opponents of this legislation, and I agree with the statement made by the gentleman from Michigan (Mr. VANDER JAGT) a few minutes ago. We have gone further in protecting the property owners in this bill than in any similar bill which has come out of our committee and been presented on the floor of this House for many years.

We feel that much has been achieved and that, while some opposition remains, there has also been some shift in attitude favorable to this bill.

Four years ago this matter was quite controversial. Today, local people remain concerned about the proposal and that is

true of all national parks and recreation areas authorized, but all of the members of the Michigan delegation have introduced bills calling for the establishment of the lakeshore. In addition, the Governor's representative testifying before our subcommittee stated that the State administration favored the creation of a national lakeshore and the State legislature approved a resolution indicating that it would make the State-owned lands available by donation if the lakeshore is established. I believe the State of Michigan went further than any other State has gone on a project similar to this by agreeing to assume the responsibility of in lieu tax payments to the counties involved until the tax loss is offset by economic growth produced by the national lakeshore. The Board of County Commissioners of Benzie County approved a resolution supporting this lakeshore proposal.

Conditions at Sleeping Bear, as in other natural recreation areas, are changing. Detroit and Chicago are within easy driving distances. Visitors are increasing and there will be future problems of crowding and pollution whether a park is created or not.

We must admit, however, that creating a national lakeshore area will greatly increase the number of summer visitors to the area; but on the other hand the National Park Service will invest millions of dollars to provide facilities to handle the crowds and will help solve the problems of growth. I want to emphasize that no witness with any experience in park planning indicated that this lakeshore would be incapable of carrying the visitor load anticipated.

The park would consist of three detached units connected only by the proposed scenic road and by State roads. Even though the scenic road is an expensive element of the overall proposal, I believe that it is necessary. Its deletion would diminish the manageable use of the area by the public and would cause congestion of the existing roads located in privately owned areas.

To local businessmen, the prospect of millions of additional visitors is good news. It means a demand for more motels and restaurants, service stations, and other service establishments. It means a needed boost in the local economy.

To the nonresident owners of the summer homes it means sharing a beautiful section of America. The question here, as in many other park proposals, is should the area be left primarily for the enjoyment of the fortunate few who are in position to purchase summer homes there, or should a portion of this beautiful area be dedicated to the recreational needs of all of the people of Michigan and Illinois and the country.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. TAYLOR. Mr. Chairman, I yield myself 1 additional minute.

We might like to put this national lakeshore somewhere else if we could find an equally desirable location where there would be no opposition, but I know of no such place. If we are going to provide recreational opportunities then they must be located where they can do the most good for the most people. They must be superlative in every respect and we think Sleeping Bear is such a place.

H.R. 18776 will make it possible for everyone to have an opportunity to enjoy the Sleeping Bear area. At the same time, it will provide the maximum possible protection for private individuals owning property in the area. For these reasons we feel that the bill should be approved and I urge its adoption.

Mr. SAYLOR. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. RUPPE), a member of the committee.

Mr. RUPPE. Mr. Chairman, legislation to create the Sleeping Bear Dunes National Lakeshore in Michigan has been under active consideration since 1961. Since that time, all 19 Michigan representatives have supported various proposals for the establishment of the national lakeshore. Two successive Governors and both houses of the Michigan Legislature have registered their interest in the passage of such legislation. Today, finally, a Sleeping Bear Park proposal has been brought to the floor of the House.

The recreational value of the 60,000 acres under consideration is unquestioned. The mainland and the islands to be included harbor over 60 miles of Lake Michigan shoreline for vacationers and sightseers. The breathtaking dunes, and the surrounding forest land, provide scenic sites for hiking and picnicking. The area is accessible to midwestern cities, and will therefore help to provide outdoor relaxation space for the people of our midwestern metropolitan areas. It is no wonder that the National Park Service has recommended for over 10 years that the Sleeping Bear Dunes area be included in our recreational system.

Perhaps more important, however, in this time of conservation crisis, is the need to preserve the unique Sleeping Bear Dunes for its ecological value. The dunes area itself lies on a great headland extending into Lake Michigan. Here, the ever-shifting winds off the lake shape a dynamic landscape of dune forms. Geographers, naturalists, and conservationists alike call this the most spectacular dunes display in the United States. The setting includes much more—forested hillsides, quite inland lakes, broad sandy plains covered with pine forests alternating with grassy swales. In fact, the islands large variety of plant growth, including some 50 acres of virgin timber. and the United States largest northern white cedar, is also of continuing interest to the environmental scientist. Certainly, we have a responsibility to preserve the Sleeping Bear Dunes area, not only for future recreational use, but also for future environmental study.

The Sleeping Bear Dunes landscape is however already endangered. Precisely because of its special attractiveness, it is under threat of dismemberment and dilution of its unique character. A quiet wooded peninsula between Lake Michigan and a nearby inland lake can be a haven for restful relaxation along a nature trail. Or, it can be the site of a subdivision—and that subdivision stands today. The extensive shoreline along Lake Michigan offers many an opportunity for a sunset stroll along the sands. Or, that stroll can be marred by "no trespassing" signs and crowded cottages—and those cottages are abuilding today. The threat to the area is not some kind of massive, intentional assault, but the slow and subtle encroachments of individual developments, subdivisions, roadways, and commercial establishments. Taken all together, these constitute a real and present danger to the Sleeping Bear Dunes landscape.

Mr. Chairman, it is essential that this area be brought under unitary planning and control, so that its development and use can be stabilized, so that public use will not be haphazard. That is the intent and main objective of this legislation.

Residents of the Sleeping Bear area, not surprisingly, have been concerned with the necessary changes which must be made to establish the national lakeshore. The members of the Interior Committee, and the Michigan cosponsors of the legislation, have worked especially hard to protect current area property owners. Allowances have been made for those citizens who previously improved their land, and wish to maintain their property within the lakeshore boundaries. The bill, furthermore, gives unprecedented flexibility to the Secretary of the Interior to work with private citizens groups to provide for equitable acquisition procedures for needed land. There are also provisions which require the Secretary to work with local units of government to enact proper zoning restrictions to safeguard area residents. The bill then, directs the Department of the Interior to insure that the national lakeshore benefits, not jeopardizes, the interests of area residents.

The Interior Committee has seen the need to expand the national park system, to provide for the outdoor relaxation needs of our increasingly urban nation. The committee voted to report this bill to the House floor, because the Sleeping Bear Dunes National Lakeshore will be an outstanding addition to our outdoor sport system. At the same time, the committee has sought to put this unique area under Federal jurisdiction, so that it will be protected from future overdevelopment and ruin. Under the direction of the Department of the Interior, the area will be preserved for the use of current area residents, and for the many future visitors to the northern Michigan region.

I would like to congratulate the chairman of the full committee for his interest in the legislation as well as that interest and support expressed by the ranking member, the gentleman from Pennsylvania (Mr. SAYLOR); the chairman of the subcommittee, the gentleman from North Carolina (Mr. TAYLOR), deserves both the commendation and appreciation, for his interest, sponsorship, and wise counsel on this legislation; and to my colleague from Michigan (Mr. O'HARA) for his unquestioned efforts to bring the various proponents and opponents of the legislation into agreement on legislation that would be in the best

interests of the people involved and of the State of Michigan and yet preserve these precious dunes for future Americans. I would like to congratulate, too, the gentleman from the district involved (Mr. VANDER JAGT) for developing legislation which protects the interests of the property owners to a greater extent than has ever been the case heretofore in legislation of this type.

Mr. TAYLOR. Mr. Chairman, I have no further requests for time.

Mr. SAYLOR. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. KYL).

Mr. KYL. Mr. Chairman, I first want to note that it takes considerable courage for a Member to offer opposition to a bill of this kind, because at least the political opposition almost immediately begins to complain that the one raising objections is antienvironment or anticonservation.

Our Member from Illinois who has objected to this legislation has demonstrated courage and she has also made a very thoughtful and logical presentation.

Mr. Chairman, I voted to permit this bill to come to the floor in the committee in spite of some very serious reservations which are similar to those expressed by the gentlewoman from Illinois and others.

This is the first time this bill has appeared on the floor; it is not the last time this matter will appear on the floor. I do not care what kind of an appraisal the Department of the Interior makes on land, I do not think their appraisal is accurate. We have further evidence that in this instance particularly, when land is selling for $1,000 and $1,500 an acre, it appears obvious that the estimated cost here is going to be twice what the Department says it is.

Now, really, maybe that is not very important. However, it has happened almost every time before.

There is certainly another matter which is important. Mr. Chairman, before we get through with these discussions about saving and preserving areas, the cat gets out of the bag as it did in the hearings, as it did in the discussions and as it has now on the floor of the House.

Many of the people who tell us to preserve this area are arguing the case not because their first consideration is preserving the land, but it is rather economic development, to build the filling stations and the hotels and so on that are going to come to this area. We need a new highway because otherwise the State roads would be chock full of people. And then we get into the argument as to whether there will be 3 million people a year or 3 million visitor-days. What I think about is the damage resulting when 3 million people walk over the dunes once.

Mr. Chairman, the gentleman from North Carolina said that we visited this place and there are open, undisturbed beaches. They are there. They are beautiful. These dunes are tremendous, ecologically and esthetically. Any way you want to look at them they are beautiful. I want to save them. I do not know how you can save these fragile dunes by marching 3 million people across them.

Now, someone says, perhaps, we are going to make a wilderness out of them. Mr. Hartzog said we probably could not because they are crisscrossed with jeep trails and roads. I do not want those dunes lost. We do have another area with woods even closer to the big cities than is the beach. There are 440,000 acres of forest which the Government owns closer to these cities that need recreation. It is there.

Mr. Chairman, if we want a playground, let us put in those words.

The subcommittee chairman says we need recreational opportunities. One does not go and stand behind a fence and look at these dunes and get that recreational opportunity.

Mr. Chairman, the State owns 21,000 acres of land and 7 miles of beaches. This is protected. I want to protect that whole area. I am absolutely sincere about it.

I do not know what property in that area is worth, and I hasten to add that neither I nor the distinguished gentlewoman from Illinois owns any property or has financial interest in that area in any way. There is one thing that absolutely should be taken care of in this bill.

Mr. Chairman, we talk about what we have done for the property owners here. We say we have protected their rights more than we have protected the rights of people anywhere else. That is true with reference to some of the people. It is a little like the expression by George Orwell that some people are equal but some are more equal than others. I say this because if you happened to purchase your property and built on it after December 1964, you do not have all of these protections which we so nobly provided for the other citizens. I think, maybe, that as citizens of the United States these people have just as much right to the same treatment, whether they built their home in 1965 or 1963.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SAYLOR. Mr. Chairman, I yield 2 additional minutes to the gentleman from Iowa.

Mr. KYL. Mr. Chairman, I thank the gentleman for the additional time.

Mr. Chairman, I am not unhappy with anyone who has promoted this legislation. I think that the members of the committee and the members of the Michigan delegation have been completely and totally interested in conservation, and they will admit there is some question of preservation.

I do hope, though, in response to an amendment which will be offered by the gentlewoman from Illinois (Mrs. REID) that we can provide the treatment about which we boast to all of these people here, and not just to some of the people. I think we would then have improved this bill a very great deal.

Mr. Chairman, I yield back the balance of my time.

Mr. SAYLOR. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I rise in strong support of this legislation, and I hope that the House will pass this bill today and that it will become law in this session of this Congress.

In 1957, the Park Service of this country was ordered by the Congress to make surveys of the lakeshore areas of the Great Lakes, and this was one of the areas selected for national park status. Since that time there has been some opposition to it. The gentleman who represents the area, the gentleman from Michigan (Mr. VANDER JAGT), told you why, as a member of the State legislature at that time, he was opposed to it.

He has also told you that since that time the two principal objections to it have been resolved.

Now, let us look into what has happened to this legislation:

In the 89th Congress the Committee on Interior and Insular Affairs reported this bill. It went to the Committee on Rules. Unfortunately, because of the date at that time, the Committee on Rules refused to grant a rule. Let me show you what that has cost the taxpayers of this country. In a 4-year period the estimated price by the Park Service of this land has tripled, and if this bill is defeated today and it is brought up at the next session of the Congress it will have increased—and perhaps tripled—again.

Now, I heard the plea then that we should not do this because of the costs involved. Well, is it not strange that the President of the United States, who has made that plea on account of our finances, has had the Director of the Park Service and the Secretary of the Interior state to our committee and to the Congress of the United States that this is one of the bills he wants in this session of the Congress?

Now, it has been said that there were some things that were not taken care of, and that we ought to wait for the State legislature to act. The policy that we have in this bill is the same basic policy that we have had in a number of other bills. Just picking two that comes to mind in the great State of Texas, I recall that it reserved all of its public lands when it was admitted to the Union. In addition, it reserved all of its minerals for school purposes and for the education of children. Under no circumstances could those minerals be given away.

Well, very frankly, when we considered both the Big Bend National Park and the Guadalupe Mountains National Park we told the State legislature—at the recommendation of the House Committee on Interior and Insular Affairs and the corresponding unit on the other side of the Capitol—"If you want a park, you give us the minerals."

The State legislature gave to all of the people—not just to the people of Texas, but to all of the people of the United States—those minerals. We now have two viable units of our national park system with a reasonable Federal investment.

I believe that the State Legislature of Michigan said and I believe what the last two Governors of the State of Michigan said; namely, if the Congress would pass this bill and set aside this area for all the people of the United States, they will give to the people of the United States all of the State land that is in the area.

I was impressed by the statement of the gentleman from Michigan (Mr. VANDER JAGT), who represents that district. Let me recall to you what his figures were for the two little State parks that are included in the lakeshore. On about 21,000 acres, they already have—in 1970—700,000 visitor-days a year. In 5 years they expect 1,500,000 visitors, and in 10 years in those parks, if nothing is done, they expect 3 million.

So what we are trying to do is what our colleague, the gentleman from Iowa suggested, to make sure that this area is preserved.

The Park Service originally asked for a larger unit. We have included two islands offshore. If we pass this bill and make the appropriations for acquisition, within a very short time this will become one of the real viable units of our national park system—and it will be preserved.

You are not going to keep people out of that area. There are at the present time 436 improvements within the boundaries. Almost 300 of them are summer residences and about 61 are year-round residences.

But is it not strange that the State legislature has already told the counties that they will not lose any tax revenues? Is it not strange that one of the counties already has passed a resolution saying that they support this?

Let me remind the Members of this House about a situation that developed a few years ago. I remind you of this because it has tremendous significance today.

A number of years ago we recommended, as a unit of the national park system, the Cape Code National Seashore—one of the really old inhabited sections of our country. From some of the little towns on Cape Cod came a number of vestrymen to tell the Members of the Congress how bad is was going to be, but there was an underlying current of people who were in favor of this, people not just in Massachusetts and not just in Cape Cod, but people all over the United States. So we passed that piece of legislation. The Secretary of the Interior and the Park Service said to the people in the Cape Cod area, if you will adopt the kind of ordinances and regulations that we ask you to do, we will not take your property unless it is absolutely necessary. They agreed to it and if you go up to Cape Cod today, and talk to people who are there, they will say, "Thank God that Congress had the wisdom to tell us a few years ago what should be done. What the Congress did was not just for us and our benefit, but it was for the benefit of all the people, even though we are the real beneficiaries of it."

So, Mr. Chairman, today I urge that this bill be passed and that it be passed unanimously.

Mr. SAYLOR. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Chairman, it has been my pleasure to serve in the Congress in this body for as long as this issue has been before the House and the Senate and the two committees in each of the bodies. At the outset it was a most controversial proposal in the State of Michigan, and it was controversial for various reasons, one being the amount of acreage that was involved.

Another controversial proposal involved what the State legislature might do or what its reaction might be.

I think it is fair to say at the very beginning that Michigan newspaper editorial attitude was far from unanimous either way, and that feeling was predominantly the result of these differences involving acreage, local taxes, and so forth. But over the years—and it has been a long time—individuals who had different views on these controversial positions have been able to sit down and, to a substantial degree, I think, reconcile those differences. The net result is that we now have a bill before us that has an overwhelming majority of the Members of the House from our State, on both sides of the aisle, supporting this legislation. I am proud to be a cosponsor of the bill before the House today

It has been my personal privilege, and I think it is a privilege for any American to have visited and walked or wandered around that beautiful area in our State. It certainly is an area of the country that must be preserved for future generations.

Let me make it crystal clear that I do not believe the people who have lived there generation after generation, and who live there now, would in any way destroy that area for the future. Over the years they have really been the ones who have basically preserved the area. I am certain that if they had not had this conscientious, dedicated interest in its preservation, long before now it would have been utilized for commercial purposes, and that gorgeous part of our State would have been destroyed or certainly damaged beyond repair.

So, I am not critical at all of those who have lived there one generation after another and who honestly believe that their method is the best way to save that area for future generations.

But I think we have to recognize that the more certain way, the more positive way to see to it that this area is not only preserved but open to more people or to all the people is by the enactment of this legislation. I just feel that this is the better course of action in trying to save an area in our State, not only for the 8 million residents of Michigan but also the literally millions and millions and millions of other Americans who, we hope, will come to see this gorgeous spot and be inspired by the sight and the natural beauty of that area of Michigan.

Mr. Chairman, I do endorse, I do support, and I hope the House will approve this legislation.

Mr. TAYLOR. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. WILLIAM D. FORD).

Mr. WILLIAM D. FORD. Mr. Chairman, I should like the RECORD to show that both FORDS of Michigan are in complete accord in support of this legislation. I wish to associate myself with the remarks of the gentleman from Michigan (Mr. GERALD R. FORD).

From the very beginning of my career as a U.S. Congressman I have been supporting Senator PHILIP HART's neverending battle to set aside for the use and benefit of people now, and in future generations, some of the most extraordinarily beautiful land and shoreline in this country—the Sleeping Bear Dunes of Michigan.

We vote today on H.R. 18776, a bill to establish the Sleeping Bear Dunes National Lakeshore in Michigan and I urge all of my colleagues to support this legislation. Creation of the Sleeping Bear Dunes National Lakeshore will allow us to preserve a portion of Michigan's natural beauty which is not only a source of pleasure and recreation but also a force in shaping our values, molding our attitudes and feeding our spirits.

As a cosponsor of this legislation I am pleased to say that this bill is now supported by all of the Representatives from the State of Michigan. It has the support of the administration, the Secretary of Interior, the Governor of Michigan, the Michigan Natural Resources Commission, the Michigan Tourist Council, the Michigan United Conservation Clubs, the Mackinac chapter of the Sierra Club, and the vast majority of the citizens of the State of Michigan.

The proposed lakeshore would take in 61,000 acres which includes approximately 31 miles of shoreline on the mainland and 13 miles of shoreline on South Manitou Island which lies 7 miles off the mainland. The dunes within this area rise 460 feet above lake level and are unrivaled in the world by any other lakeside sand dunes.

As described by a 1965 Senate report:

> The original Landscape in the area was formed by lobes of glacial ice advancing into the Grand Traverse-Sleeping Bear area. Between the lobes there were deposited great linear hills of glacial debris. The subsequent action of the wind and waves in creating dunes and blocking bays left the area marked with inland lakes. The whole region is one of the hills and lakes affording unusual vistas from hilltops across the inland lakes and dunes to Sleeping Bear Bay, Good Harbor Bay and Lake Michigan.
>
> The geological formation created by ice, wind and water are readily traced and demonstrated to visitors in the area.
>
> The biological features are many and varied, ranging from the maple-beech forest surrounding Glen Lake to the swamps of cedar, birch, jack pine, tamarack, spruce, and other species. Many rare plants are found on South Manitou Island, including the largest known northern white cedar tree in the United States. South Manitou Island also has a large nesting colony of herring gulls.
>
> A large number of books, studies, and papers by geologists, biologists, and botanists written about the area make it well known in scientific, as well as tourist and vacationist circles.

This area is rich in a wide variety of recreational activities. Swimming, sunbathing, boating, water sports, hiking, camping, picnicking, photography, fishing and nature study are all popular activities with visitors to Sleeping Bear.

The area is also rich in history, including the Chippewa Indian tale explaining the name of the area. According to the legend, a mother bear and her two cubs began swimming across the Great Lake to escape a forest fire raging on the Wisconsin shores. As they swam the cubs fell behind, and soon were lost to their

mother's sight. When the mother bear reached the Michigan shore, she climbed a high bluff and lay down to await her offspring. The cubs, however, failed to reach the shore and became what is known today as the offshore islands of North and South Manitou. The mother bear, curled in anticipation, continues to wait, gazing from her bluff across the Manitou passage.

After all these years of waiting it is surely time for us to take action to preserve the Sleeping Bear for the enjoyment of future generations.

The opportunities to preserve this beautiful area for public outdoor recreation and education are diminishing each year without the comprehensive, planned, conservation, management and use that National Lakeshore status would provide. Such status would allow for the preservation, use and development of the Sleeping Bear area by: first, halting impairment of natural features by early acquisition of undeveloped nonagricultural land; second, protection and preservation of natural features while yet making them accessible to visitors through public ownership; and, third, rehabilitation or restoration of features already impaired.

Time is running out for Sleeping Bear unless we act. Our children will not be satisfied with tales of what it used to be like; they will want to see it for themselves—unspoiled and preserved in its natural beauty.

Senator PHIL HART has been constant and unswerving in his continued efforts, over the years, to have this area developed by the Federal Government for the people of Michigan and I am proud that we are, at long last, finally ready to act here in the House.

The CHAIRMAN. If there are no further requests for time, the Clerk will read.

The Clerk read as follows:

H.R. 18776

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Congress finds that certain outstanding natural features, including forests, beaches, dune formations, and ancient glacial phenomena, exist along the mainland shore of Lake Michigan and on certain nearby islands in Benzie and Leelanau Counties, Michigan, and that such features ought to be preserved in their natural setting and protected from developments and uses which would destroy the scenic beauty and natural character of the area. In order to accomplish this purpose for the benefit, inspiration, education, recreation, and enjoyment of the public, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to take appropriate action, as herein provided, to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore. In carrying out the provisions of this Act, the Secretary shall administer and protect the Sleeping Bear Dunes National Lakeshore in a manner which provides for recreational opportunities consistent with the maximum protection of the natural environment within the area.

(b) In preserving the lakeshore and stabilizing its development, substantial reliance shall be placed on cooperation between Federal, State, and local governments to apply sound principles of land use planning and zoning. In developing the lakeshore, full recognition shall be given to protecting the private properties for the enjoyment of the owners.

SEC. 2. (a) The area comprising that particular land and water described in section 12 of this Act and generally depicted in a map identified as NL SBD 91,000 dated May 1969, which is on file in the office of the National Park Service of the Department of the Interior, is hereby designated for establishment as the Sleeping Bear Dunes National Lakeshore.

(b) As soon as practicable after the date of enactment of this Act and following the acquisition by the Secretary of those lands owned by the State of Michigan within the boundaries of the area designated for inclusion in the lakeshore (excepting not to exceed three hundred acres in the Platte Bay area) and of such additional lands, if any, as are necessary to provide an area which in his opinion is efficiently administrable for the purposes of this Act, he shall establish the Sleeping Bear Dunes National Lakeshore by publication of notice thereof in the Federal Register.

SEC. 3. (a) Within thirty days, or as soon as possible thereafter, after the effective date of this Act, the Secretary shall publish in the Federal Register a map or other description of the lakeshore delineating areas constituting the following categories:

Category I, public use and development areas.

Category II, environmental conservation areas.

Category III, private use and development areas.

(b) Lands and interests therein designated as category I may be acquired by the Secretary in accordance with section 8 of this Act.

(c) Within one hundred and fifty days after the effective date of this Act, the Secretary shall publish in the Federal Register an additional map or other description of those lands, if any, designated as within categories II and III for acquisition by him in fee in accordance with section 8 of this Act.

(d) Except as provided in subsection (f) of this section, the Secretary may, after the publication provided for in subsection (c), acquire only such interests in lands designated as category II, other than those to be acquired in fee simple, as he deems appropriate to insure the continued conservation and preservation of the environmental quality of the lakeshore.

(e) Except as provided in subsection (f) of this section, the Secretary may, after the publication provided for in subsection (c), acquire only such interests in lands designated as category III, other than those lands to be acquired in fee simple, as he deems appropriate to protect lands designated for acquisition.

(f) Not later than one hundred and fifty days after the effective date of this Act, the Secretary shall notify owners of real property in categories II and III, other than property designated by him for fee acquisition, of the minimum restrictions on use and development of such property under which such property can be retained in a manner compatible with the purpose for which the lakeshore was established. If the owner of any real property in categories II and III agrees to the use and development of his property in accordance with such restrictions, the Secretary may not acquire, without the consent of such owner, such property or interests therein for so long as the property affected is used in accordance with such restrictions, unless he determines that such property is needed for public use development. The foregoing limitations on acquisition shall also apply to any owners of real property to whom the Secretary did not, within the time set forth, give such a notice, except that if any property owner has not, within ninety days of the notice agreed to use the property in accordance with the notice, then the Secretary may acquire, without limitation, fee or lesser interests in property by any of the methods set forth in section 8 of this Act: *Provided,* That nothing contained in subsections (d) and (e), and in this subsection, which limits the acquisition of the fee simple title to property within the lakeshore, shall prevent the Secretary from acquiring, without the consent of the owner, the fee simple title whenever in the Secretary's judgment the estimated cost of acquiring the lesser interest would be a substantial percentage of the estimated cost of acquiring the fee simple title.

SEC. 4. (a) There is hereby established a Sleeping Bear Dunes National Lakeshore Advisory Commission. The Commission shall cease to exist ten years after the establishment of the lakeshore pursuant to section 2 of this Act.

(b) The Commission shall be composed of ten members, each appointed for a term of two years by the Secretary, as follows:

(1) Four members to be appointed from recommendations made by the counties in which the lakeshore is situated, two members to represent each such county;

(2) Four members to be appointed from recommendations made by the Governor of the State of Michigan; and

(3) Two members to be designated by the Secretary.

(c) The Secretary shall designate one member to be Chairman. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(d) A member of the Commission shall serve without compensation as such. The Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibilities under this Act on vouchers signed by the Chairman.

(e) The Secretary or his designee shall consult with the Commission with respect to matters relating to the development of the lakeshore and with respect to the provisions of sections 9, 12(f), and 13 of this Act.

SEC. 5. In administering the lakeshore the Secretary shall permit hunting and fishing on lands and waters under his jurisdiction in accordance with the laws of the State of Michigan and the United States applicable thereto. The Secretary, after consultation with the appropriate agency of the State of Michigan, may designate zones and establish periods where and when no hunting shall be permitted for reasons of public safety, administration, or public use and enjoyment and issue regulations, consistent with this section, as he may determine necessary to carry out the purposes of this section.

SEC. 6. (a) The administration, protection, and development of the lakeshore shall be exercised by the Secretary, subject to the provisions of this Act and of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented, relating to the areas administered and supervised by the Secretary through the National Park Service; except that authority otherwise available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of this Act.

(b) In the administration, protection, and development of the area, the Secretary shall prepare and implement a land and water use management plan, which shall include specific provisions for—

(1) development of facilities to provide the benefits of public recreation;

(2) protection of scenic, scientific, and historic features contributing to public enjoyment; and

(3) such protection, management, and utilization of renewable natural resources

as in the judgment of the Secretary is consistent with, and will further the purpose of, public recreation and protection of scenic, scientific, and historic features contributing to public enjoyment.

(c) Within two years from the date of enactment of this Act, the Secretary of the Interior shall review the area within the Sleeping Bear Dunes National Lakeshore and shall report to the President, in accordance with subsections 3(c) and 3(d) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132 (c) and (d)), his recommendation as to the suitability or nonsuitability of any area within the lakeshore for preservation as wilderness, and any designation of any such area as a wilderness shall be accomplished in accordance with said subsections of the Wilderness Act.

(d) In developing the lakeshore the Secretary shall provide public use areas in such places and manner as he determines will not diminish the value or enjoyment for the owner or occupant of any improved property located thereon.

SEC. 7. Nothing in this Act shall be construed as prohibiting any governmental jurisdiction in the State of Michigan from assessing taxes upon any interest in real estate retained under the provisions of section 10 of this Act to the owner of such interest.

SEC. 8. (a) The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, transfer funds, transfer from any Federal agency, or exchange lands and interests therein for the purposes of this Act. When an individual tract of land is partly within the area designated, the Secretary may acquire the entire tract by any of the above methods to avoid the payment of severance costs. Land so acquired outside the designted area may be exchanged by the Secretary for non-Federal lands within such area, and any portion of the land not utilized for such exchanges may be disposed of in accordance with the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended (40 U.S.C. 471 et seq.).

(b) In exercising his authority to acquire property under this Act, the Secretary shall give immediate and careful consideration to any offer made by an individual owning property within the lakeshore to sell such property to the Secretary. An individal owning property within the lakeshore may notify the Secretary that the continued ownership by such individual of that property would result in hardship to him, and the Secretary shall immediately consider such evidence and shall within one year following the submission of such notice, subject to the availability of funds, purchase such property, offered for a price which does not exceed its fair market value.

(c) Any property or interests therein, owned by the State of Michigan or any political subdivisions thereof, may be acquired only by donation. Notwithstanding any other provision of law, any property owned by the United States on the date of enactment of this Act located within such area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative judisdiction of the Secretary for use by him in carrying out the provisions of this Act.

(d) With respect to that property which the Secretary is authorized to acquire by condemnation under the terms of this Act, the Secretary shall initiate no condemnation proceedings until after he has made every reasonable effort to acquire such property by negotiation and purchase. The certificate of the determination by the Secretary or his delegatee that there has been compliance with the provisions of this subsection and of subsection (b) of this section shall be prima facie evidence of such compliance.

(e) Nothing in this Act shall be construed to prohibit the use of condemnation as a means of acquiring a clear and marketable title, free of any and all encumbrances.

SEC. 9. (a) The Secretary shall, at the request of any township or county in or adjacent to the lakeshore affected by this Act, assist and consult with the appropriate officers and employees of such townships or county in establishing zoning bylaws for the purpose of this Act. Such assistance may include payments to the county or township for technical aid.

(b) No improved property within the area designated for inclusion in the lakeshore shall be acquired by the Secretary by condemnation so long as the affected county or township has in force and applicable thereto a duly adopted, valid zoning bylaw approved by the Secretary in accordance with the provisions of subsection (d) of this section and the use of improved property is in compliance therewith. In the event that the affected county or township does not have in effect and applicable to any improved property a duly adopted, valid zoning bylaw so approved, the Secretary shall be prohibited from acquiring such property by condemnation, if the owner thereof notifies the Secretary in writing of such owner's agreement to use his property in a manner consistent with the applicable standard set forth in subsection (d) of this section, and such prohibition against condemnation shall remain in effect for so long as such property is so used.

(c) If the Secretary determines that any such property referred to in subsection (b) of this section covered by any such bylaw is being used in a way which is not in substantial compliance with such bylaw, or that any such property referred to in subsection (b) with respect to which an agreement has been made is being used in a manner which is not substantially consistent with such applicable standards, he shall so notify the owner of any such property in writing. Such notice shall contain a detailed statement as to why the Secretary believes that such use is not in substantial compliance with such zoning bylaw or why such use is not substantially consistent with such applicable standards, as the case may be. Any such owner shall have sixty days following the receipt by him of that written notification within which to discontinue the use referred to in such notification. Discontinuance of such use within such sixty-day period shall have the effect of prohibiting the Secretary from acquiring such property by condemnation by reason of such use. In any case in which such use is not discontinued within such sixty-day period, the Secretary may, in his discretion, acquire such property by condemnation.

(d) Any zoning bylaw or amendment thereto submitted to the Secretary for approval for the purposes of this Act shall be approved by him if such bylaw or amendment contains provisions which—

(1) contribute to the effect of prohibiting the commercial and industrial use (other than a use for a commercial purpose as authorized under section 13 of this Act) of all property within the boundaries of such area which is situated within the county or township adopting such bylaw or amendment;

(2) are consistent with the objectives and purposes of this Act so that, to the extent possible under Michigan law, the scenic and scientific values of the lakeshore area will be protected;

(3) are designed to preserve the lakeshore character of the area by appropriate restrictions upon the burning of cover, cutting of timber (except tracts managed for sustained yield), removal of sand or gravel, and dumping, storage, or piling of refuse and other unsightly objects or other uses which would detract from the natural or traditional lakeshore scene

(4) provide that no construction, reconstruction, moving, alteration, or enlargement of any property, including improved property as defined in this Act, within the lakeshore area shall be permitted, if such construction, reconstruction, moving, alteration, or enlargement would afford less than a fifty-foot setback from all streets measured at a right angle with the street line, and a twenty-five-foot distance from the abutters' property lines. Any owner or zoning authority may request the Secretary of the Interior to determine whether a proposed move, alteration, construction, reconstruction, or enlargement of any such property would subject such property to acquisition by condemnation, and the Secretary, within sixty days of the receipt of such request, shall advise the owner or zoning authority in writing whether the intended use will subject the property to acquisition by condemnation; and

(5) have the effect of providing that the Secretary shall receive notice of any variance granted under, and of any exception made to the application of, such bylaw or amendment.

(e) The approval of any bylaw or amendment pursuant to subsection (d) shall not be withdrawn or revoked by the Secretary for so long as such bylaw or amendment remains in effect as approved. Any such bylaw or amendment so approved shall not be retroactive in its application.

SEC. 10. (a) Any owner or owners of improved property situated within the area designated for inclusion in the lakeshore on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain, for a term of not to exceed twenty-five years, or for a term ending at the death of such owner or owners, the right of use and occupancy of such property for any residential purpose which is not incompatible with the purposes of this Act or which does not impair the usefulness and attractiveness of the area designated for inclusion. The Secretary shall pay to the owner the value of the property on the date of such acquisition, less the value on such date of the right retained by the owner. Where any such owner retains a right of use and occupancy as herein provided, such right during its existence may be conveyed or leased for noncommercial residential purposes in accordance with the provisions of this section.

(b) Any deed or other instrument used to transfer title to property, with respect to which a right of use and occupancy is retained under this section, shall provide that such property shall not be used for any purpose which is incompatible with purposes of this Act, or which impairs the usefulness and attractiveness of such area and if it should be so used, the Secretary shall have authority to terminate such right. In the event the Secretary exercises his power of termination under this subsection he shall pay to the owner of the right terminated an amount equal to the value of that portion of such right which remained unexpired on the date of such termination.

SEC. 11. As used in this Act, the term "improved property" means a detached one-family dwelling, construction of which was begun before December 31, 1964, together with so much of the land on which the dwelling is situated, such land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the lands so designated. The amount of the land so designated shall in every case be at least three acres in area, or all of such lesser acreage as may be held in the same ownership as the dwelling, and in making such designation the Secretary shall take into ac-

count the manner of noncommercial residential use in which the dwelling and land have customarily been enjoyed: *Provided, however,* That the Secretary may exclude from the land so designated any beach or waters on Lake Michigan, together with so much of the land adjoining any such beach or waters, as the Secretary may deem necessary for public access thereto. If the Secretary makes such exclusion, an appropriate buffer zone shall be provided between any residence and the public access or beach.

SEC. 12. In order to facilitate visitor travel, provide scenic overlooks for public enjoyment and interpretation of the national lakeshore and related features, and in order to enhance recreational opportunities, the Secretary is authorized to construct and administer as a part of the national lakeshore scenic roads of parkway standards generally lying within the parkway zone designated on the map specified in section 2(a) of this Act. Such scenic roads shall include necessary connections, bridges, and other structural utilities. Notwithstanding any other provision of this Act, the Secretary may procure for this purpose land, or interest therein, by donation, purchase with appropriated or donated funds, or otherwise: *Provided,* That land and interest so procured shall not exceed one hundred and fifty acres per mile of scenic road, except that tracts may be procured in their entirety in order to avoid severances. Property so acquired in excess of the acreage limitation provided in this section may be exchanged by the Secretary for any land of approximately equal value authorized for acquisition by this Act.

SEC. 13. In any case not otherwise provided for in this Act, the Secretary shall be prohibited from condemning any commercial property used for commercial purposes in existence on December 31, 1964, as long as, in his opinion, the use thereof would further the purpose of this Act, and such use does not impair the usefulness and attractiveness of the area designated for inclusion in the lakeshore. The following uses, among others, shall be considered to be uses compatible with the purposes of this Act: Commercial farms, orchards, motels, rental cottages, camps, craft and art studios, marinas, medical, legal, architectural, and other such professional offices, and tree farms.

SEC. 14. The Secretary shall furnish to any interested person requesting the same a certificate indicating, with respect to any property which the Secretary has been prohibited from acquiring by condemnation in accordance with provisions of this Act, that such authority is prohibited and the reasons therefor.

SEC. 15. There are authorized to be appropriated not more than $19,800,000 for the acquisition of lands and interests in lands and not more than $18,769,000 (June 1970 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the type of construction involved herein.

Mr. TAYLOR (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, lines 18 through 24, strike out all of section 2(a) and insert in lieu thereof:

"SEC. 2. (a) The Sleeping Bear Dunes National Lakeshore (hereinafter referred to as the 'lakeshore') shall comprise the land and water area generally depicted on the map entitled 'A Proposed Sleeping Bear Dunes National Lakeshore Boundary Map', numbered NL–SBD–91,000 and dated May 1969, which shall be on file and available for public inspection in the offices of the National Park Service of the Department of the Interior."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 8, line 11, strike out "two" and insert "four".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 10, line 5, strike out "property," and insert "property".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 10, line 22, strike out "delegatee" and insert "designated representative".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 11, line 6, strike out "townships" and insert "township".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 14, lines 3 and 4, strike out the words "the abutters' property lines." and insert "all contiguous properties."

The committee amendment was ageed to.

AMENDMENT OFFERED BY MR. ASPINALL

Mr. ASPINALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ASPINALL: On page 7, line 6, delete "(f)".

Mr. ASPINALL. Mr. Speaker, this corrects a clerical error in the bill by removing a reference to a subsection no longer contained in the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. ASPINALL).

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. REID OF ILLINOIS

Mrs. REID of Illinois. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. REID of Illinois: Page 16, line 8 and page 18, line 1, strike out "1964" and insert in lieu thereof "1968".

Mrs. REID of Illinois. Mr. Chairman, I offer a very simple amendment. It would merely change the cutoff date for compensation for improved properties as specified in section 11 from December 31, 1964, to December 31, 1968, which is approximately a year and a half from the date when serious consideration of this legislation began. As presently written in the bill, property on which improvements were made which increased its value in any way after the cutoff date of December 31, 1964, would be subject to condemnation—and I think almost everyone will agree that this is unreasonable under the circumstances. In my judgment, this is a matter of equity since this legislation should conform with precedents provided in earlier measures establishing national parks calling for cutoff dates from 1 to 2 years preceding the effective date of the act.

For example, the effective date of the Cape Cod National Seashore Act was August 7, 1961, with a cutoff date of September 1, 1959—roughly a period of less than 2 years. Also, the Fire Island Act had an effective date of September 11, 1964, with a cutoff date of July 1, 1963—slightly more than 1 year. The Assateague Island Act had an effective date of September 21, 1965, and a cutoff date of January 1, 1964—here again a period of less than 2 years. Why, then, should the people in Michigan be asked to accept a cutoff date of approximately 5 years under these same circumstances? Certainly it could not be argued that they had sufficient warning of impending approval of a national lakeshore in their area since they had no positive reason to know that the legislation would in fact be enacted—at least no more so than people in similar situations in the States of Massachusetts, New York, Maryland, or Virginia.

My amendment is no more than simple justice. It assures for the people of Michigan the same treatment the Congress has previously given to a great number of citizens in other States. It will also continue a precedent which may protect the interests of citizens in all of the 50 States in the future should similar situations arise in any of our districts. I ask for your support as a matter of fairness and justice.

Mr. ASPINALL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, first may I say that the gentlewoman from Illinois, as usual, with her degree of understanding of fairness and a desire to cooperate, advised me yesterday as to what was in her mind concerning this particular amendment.

I must say, as I oppose the amendment, I do so out of deference to the argument made by the gentlewoman, but I must bring to the attention of my colleagues just exactly what is involved.

The cutoff dates of other national park authorizations have some bearing, but they certainly are not controlling in this respect. December 31, 1964, happens to be the date which the people of the area were advised would probably be the cutoff time for some features of this bill. They knew that they were taking a chance if the Federal Government did authorize the Sleeping Bear Dunes National Lakeshore. They knew that they would not be given the same treatment

as those who had improved their properties prior to that time would receive.

Five years does seem like a rather extended period of time, but one of the areas to which the gentlewoman made some reference happened to involve 3 years. This just happens to be a longer period.

I should say that this bill is centered around this longer period of time. In fact, all of the bills introduced or considered by the Congress since 1965 which would authorize this lakeshore provided for this cutoff date. As a result, anyone who constructed improvements after that time did so with the knowledge that if the legislation were enacted then the property involved might be acquired by condemnation, if necessary.

It is not a question of providing compensation for improvements; it is a question of condemnation rights.

The provision in the bill recognizes that some people who have lived in the area for many years constructed improvements on their lands long before any national lakeshore was contemplated. These properties have been taken into consideration, and the acquisition and development costs reflect this fact.

I want to repeat this: that the acquisition and development costs which we are authorizing by this particular legislation reflect the fact that the properties involved have a cutoff date of December 31, 1964.

It is essential, however, that a date be established in the bill so that everyone involved in the proposal will know whether or not his property would be subject to the acquisition provisions of the bill.

Of course, every private property owner is entitled to just compensation for his property. It makes no difference what the cutoff date is. Regardless of the cutoff date, if his property is acquired by the Government for the lakeshore, he is entiled to just compensation.

If a person constructed improvements after the cutoff date and if the Government needs the property for public use and development—and this is the part to which the gentleman from Michigan (Mr. VANDER JAGT) made reference—then the property may be acquired, but the Government must pay the fair market value of the property as of the time of the taking. That is true whether it is taken now or whether it is taken 5 years in the future.

In other words, the only effect of the cutoff date is to preclude someone who developed his property after December 31, 1964, from employing the provisions of the bill which were incorporated for the purpose of protecting people who made improvements prior to the active consideration of the legislation.

This happens to be one of the most important provisions in this kind of legislation.

This is an important issue, because it will affect the cost of this lakeshore. A change in the date could radically affect the development program presented to the committee because it would exempt properties from eminent domain procedures which could otherwise be acquired if necessary. Of course, if a particular property is not needed for public purposes, it should not be acquired by the National Park Service regardless of when it was improved, but if it was improved after the cutoff date and if it is essential to the public use and enjoyment of the area, then the Government should not be precluded from acquiring it at its fair market value.

Needless to say, the Congress could provide that none of the privately owned lands should be exempt, but usually protections are written into legislation of this type for people who improved their properties prior to the active consideration of the legislation. Some people have gambled that this legislation would never be enacted and they have improved their lands without regard to it. If those lands are needed for this lakeshore, then they are not exempt. We should not change the date at this time, because it would substantially alter the program and would probably result in greater costs to the Government and restrict the public benefit to be derived from the area.

Mr. SAYLOR. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would like to associte myself with the remarks of the chairman of the full committee, the gentleman from Colorado (Mr. ASPINALL).

From the very time that the first piece of legislation was introduced in this area this cutoff date has been included so that everyone in the area knows, and has had reason to know, that this would be the cutoff date. If this bill had passed in 1966, in the 89th Congress, when it was first reported to the Committee on Rules, this would have been only a 2-year period. The additional 4-year period has resulted from the failure of the House to act since 1966.

I would sincerely hope that this amendment would not be approved. As the gentleman from Colorado explained any property taken by condemnation for public use, entitles the person owning it to full compensation or fair market value of the property as of the date of the taking.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to the gentleman.

Mr. UDALL. I would like to say that the 1964 cutoff date is not a new date that the committee plucked out of the air this year to penalize anyone, but it was the date in the bill reported in the 89th Congress and subsequent Congresses as well. It is probably the date we have always had—or at least it is the latest one. If we pass this amendment, we might simply reward some speculators or other people who gambled on the fact that the Congress would never put this area in the national park system.

Mr. SAYLOR. That is a fair analysis of the situation.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Illinois (Mrs. REID).

The question was taken; and on a division (demanded by Mrs. REID of Illinois) there were—ayes 21, noes 29.

Mrs. REID of Illinois. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mrs. REID of Illinois and Mr. TAYLOR.

The Committee again divided, and the tellers reported that there were—ayes 24, noes 29.

So the amendment was rejected.

The CHAIRMAN. If there are no further amendments, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. WRIGHT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 18776) to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes, pursuant to House Resolution 1198, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

AMERICAN PRISONERS OF WAR

(Mr. ANDERSON of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON of Illinois. Mr. Speaker, today the Congress met in a rare and important joint session to hear a report on American war prisoners being held in North Vietnam and to once again focus national and international attention on this tragic situation. The sad fact is that for 5 years the Hanoi regime has remained totally insensitive, unreceptive, and unresponsive to appeals for human decency in the treatment of American war prisoners. For 5 years the Hanoi regime has openly flouted the provisions of the 1949 Geneva Convention on the Humane Treatment of Prisoners—a pact which they signed in 1957. For 5 years they have failed to release the names of those American servicemen being held prisoner, failed to release the seriously sick and injured, failed to permit the impartial inspections of all prisoner-of-war facilities, and failed to permit the free exchange of mail. All of these abuses are in direct contravention to the Geneva Convention, and all of these abuses constitute the most flagrant violations of the laws of human decency and morality. Can there be a more shocking example of man's inhumanity to man than the treatment accorded to these prisoners, their wives, and families?

Let there be no mistake about it, what we are really talking about today is the dual imposition of torture by the North Vietnamese Government. Not only are the American prisoners of war being maltreated and being denied the decency and care to which they are entitled, but their wives, children, and parents have undergone untold suffering from being denied even the most basic information on the condition and whereabouts of these missing and captured servicemen.

Mr. Speaker, as if to compound all this human suffering and misery, the North Vietnamese and Vietcong are now trying to use American POW's as bargaining bait for a larger peace settlement. In their so-called peace initiative announced last week, they said they would be willing to consider discussing the release of American prisoners if the United States would only promise to be out of South Vietnam by mid-1971. While I would hope that we will thoroughly explore any new peace initiatives, I consider it a cynical and perverted exploitation of human misery to tie the fate of these individual prisoners to an overall peace settlement. This is just one more page in what columnist Chalmers Roberts has termed "the most sordid chapter" of the Vietnam war—the chapter relating to "the deliberately induced agony of the prisoners and their treatment by the Communists."

Mr. Speaker, let us reaffirm our resolve on this special day to keep this issue before the eyes of the public, both at home and abroad so that we might bring the pressure of world opinion to bear on the North Vietnamese. Let us continue to press this issue before the United Nations. And let us continue to press at the Paris talks for compliance with the Geneva Convention on the Humane Treatment of Prisoners, and for a negotiated exchange and release of prisoners.

Mr. Speaker, I want to take this opportunity to also announce that I am today joining with the gentleman from Indiana (Mr. MYERS) as a cosponsor of a resolution to designate this Veterans Day as a "National Day of Support for the U.S. Prisoners of Southeast Asia." I urge my colleagues to lend their support to this resolution which is designed to attract national and international support for the proper treatment and early release of Americans imprisoned in Southeast Asia.

NATIONAL DAY OF SUPPORT FOR U.S. PRISONERS OF WAR HELD IN SOUTHEAST ASIA

(Mr. MYERS asked and was given permission to address the House for 1 minute.)

Mr. MYERS. Mr. Speaker, I am, today, introducing a resolution which would designate November 11, 1970, as a national day of support for U.S. prisoners of war held in Southeast Asia. An observance such as this would serve as focal point for the many individuals and organizations who have been working to arouse the conscience of the world in support of the Americans imprisoned in Southeast Asia.

After hearing Col. Frank Borman's vivid account of the situation and conditions that our boys are facing as prisoners in Southeast Asia, I feel that we must exhaust every possible means to insure their proper treatment and earliest possible release.

November 11 is of special significance to the millions of Americans who have served their country in the Armed Forces. It seems appropriate to me that we should dedicate this year's observance of Veteran's Day in honor of the more than 1,500 Americans listed as prisoners or missing in action.

These men deserve our vocal and prayerful support to demonstrate to them and to their captors that they have not been forgotten. Hopefully, a strong national response will encourage reciprocal acts of justice and humanitarian treatment on the part of the Communists.

I have been encouraged by recent declarations from the Communist delegation to the Paris peace talks which at least demonstrate their awareness of our concern for the treatment and release of American prisoners. The Appeal for International Justice on May 1, the National Day of Prayer on May 3 declared by the President, as well as the congressional letter to Communist leaders signed by more than 400 U.S. Congressmen, have all served to enlist public opinion in favor of early release and humane treatment of the prisoners.

A national day of support on November 11 for U.S. prisoners of war now held in Southeast Asia could reinforce this Nation's determination to do everything within the bounds of peaceful endeavor to help these prisoners. Hopefully, every community, including civic, church, and veteran's organizations will organize appropriate ceremonies and activities on November 11 to leave no doubt in the mind of the enemy about our concern for the American men held in their prisons.

I ask that the President of the United States lead the national observance with appropriate ceremonies in Washington and I invite every Member of Congress to join in support of this resolution.

POLITICAL BROADCASTING

(Mr. VAN DEERLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. VAN DEERLIN. Mr. Speaker, tomorrow, at 2 p.m., the Senate will vote on the conference report on S. 3637, the political broadcasting legislation. As is well known, this legislation, cleared by the House 247 to 112 last week, would repeal the equal-time requirement of the Communications Act as it effects candidates for President and Vice President, and would impose statutory limits on spending for radio and television commercials by all candidates for Federal office, and for Governor and Lieutenant Governor.

As a member of the subcommittee which worked on this bill, I am delighted that it now seems on the verge of enactment.

For a time, last month, partisan considerations threatened to blow apart the carefully wrought compromise plan prepared by our Subcommittee on Communications and Power.

The main item of contention was the Senate provision, incorporated in the conference report, to make the new limitations on expenditures effective 30 days after enactment. This provision now is moot, because of the delay in acting on the conference report, and the limitations will not apply until after the November 3 elections.

The case for the bill was summed up yesterday by an excellent editorial in the Los Angeles Times. I include the editorial in the RECORD, as follows:

LIMIT TELEVISION CAMPAIGNS

(ISSUE.—*What would pending legislation do to reduce the advantage enjoyed by the rich political candidate in the TV age?*)

As a practical matter, it is too late to impose federal limitations on radio and television campaign spending in this year's election contests. Congress should nonetheless pass the bill which is awaiting final action in both houses, and President Nixon should sign it.

Under the terms of the measure approved by a conference committee, no candidate for federal office (including the Presidency) or for governor or lieutenant governor of any state, could spend more than 7 cents on these media for each vote cast in the previous election.

In primary contests, allowable spending for broadcast time would be 3½ cents a vote. These limitations would reduce such spending substantially from the customary levels of recent major elections.

In recognition of the fact that a lot of political spots are paid for by committees or "friends" of candidates, the limitations would apply to broadcast spending in behalf of a candidate as well as by the candidate himself.

The major impetus for the pending legislation has come, unsurprisingly, from the Democrats.

As members of a party which is out of power and in considerable disarray besides, their fund-raising has been far less productive than that of the Republicans. The idea of a legislative equalizer thus has an obvious and understandable appeal to the hard-pressed Democrats.

There is no question, however, that support for the measure goes far beyond narrow partisan considerations. It reflects genuine concern, even alarm among thoughtful citizens as to what unbridled television campaigning is doing to the democratic process.

As one commentator noted, television has tipped the political system in favor of the man who is already in office, on the one hand, and the man of wealth on the other. The one can command TV attention because of his position. The other can buy it.

The millionaire candidate who spends his way from obscurity to success, via television, has become an especially familiar figure on the political scene this year.

In Ohio, astronaut John Glenn suffered an upset defeat in the Democratic senatorial primary to a politically obscure businessman who mounted a major blitz on TV.

In New York, Rep. Richard Ottinger was scantily known outside his own district until he "borrowed" $1.7 million from his mother and went after the Democratic senatorial nomination. After an enormously expensive television campaign, he got it.

The same kind of thing happened in several other states.

The point is not that the worst men won in such cases; the opposite may quite often be true.

But no democracy can safely tolerate a situation where wealth becomes a prerequisite for elective office.

The pending bill does not wholly solve the problem, of course.

The rich candidate could still spend his money on billboards or newspaper ads, or use his enormous personal resources for pre-campaign image-building. And the measure does nothing to correct the evil of the 30-second TV spot, in which the object is not so much to discuss the issues as to avoid or distort them.

The bill is a step in the right direction, however, and should be enacted.

WE SHOULD ELIMINATE THE CRUDE AND COSTLY PROCESS OF STRIKES IN AGRICULTURE

(Mr. TALCOTT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. TALCOTT. Mr. Speaker, the lettuce strikes in my district recently have reaffirmed a growing conviction by all affected parties that strikes are a crude and costly process—an outmoded and ineffectual method for settling labor-management disputes.

In the dear, dead days beyond recall, when labor-management relations was new and developing, the strike may have achieved some well-deserved gains for the workingman. Labor and management are much more mature, sophisticated, knowledgeable, and compassionate now. The technique of brute power, intimidation, and coercion are no longer necessary, or acceptable.

In a society which deplores war and terrorism and which is revolted by extortion and violence, we certainly must apply our wit and energy to develop a substitute for the strike and lockout in labor-management relations.

A strike seldom accomplishes anything for anybody. After the strike has ended or abated, there still must be negotiation. Really, every dispute must be negotiated. Neither disputant is going to be beaten into subjection. Forced agreements are not mutually beneficial, and, therefore, can neither serve the parties nor endure. Negotiation is the wise, decent, effective process for settling disputes. If negotiation is the civilized way of the future, why not use it now? Why go through the agony, losses, and waste of a strike? Why not negotiate first?

Acceptance of the concept of negotiation will require some new attitudes and the abatement of some old and specious cliches and shibboleths.

Acceptance of negotiation as a tool of both labor and management will require the reestablishment of good will—a mutual respect and confidence. The reestablishment of good will would be salutary. Strikes and lockouts diminish good will. Negotiation could help to make good will invincible.

Strikes and lockouts are outmoded and uncivilized; negotiation can achieve anything a strike can achieve; and all of the parties appreciate this. All parties would like to put strikes out of their minds.

Strikes hurt everybody and no longer help anybody. The rank and file worker, the regular union member is especially hurt. He loses work and wages. His family must do without and suffer. No strike fund or loan arrangement measures up to wages.

Agricultural workers are especially prejudiced by a strike and loss of work—the losses usually occur when work is most plentiful and wages are highest. And when the strike is over, the harvest and work is finished and there is no other job until the next harvest. There is no recoupment. Agricultural workers' families know that a strike is ruinous to them. Many agricultural workers tell me they will never again strike, especially at harvesttime for anybody or for any cause.

Many wives of workers have told me how much they resented the recent lettuce strike which deprived them, and particularly their children, of so many things they bady needed. They will not permit their husbands to strike again at harvesttime for any labor leader or cause. They, too, believe more can be accomplished by negotiation than by striking. They believe it would be far wiser and more productive to negotiate than to worry through another strike period without income, food, clothing, and other necessities, especially when work is plentiful.

Actually, responsible labor leaders would prefer to settle disputes and grievances by negotiation rather than by strikes. Good labor leaders can accomplish much more by negotiation than by strikes. Most workers today no longer applaud the labor leader that threatens to call out "his men." "His men" do not want to be "called out." The union members are now expecting more from their labor leaders—they expect their leaders to accomplish results by their ability and persuasiveness and the facts. They do not want to be used—they do not want to lose work simply because some labor leader cannot sell his position well or does not perform well.

Labor leaders, who are responsible and capable—and most of them are—know how their members feel. They do not want to strike. Strikes usually make the labor leader look bad. Strikes cost the union members money and misery. Now, because the strike is available, the labor leader is often inadvertently overwhelmed and plunged into a strike situation which he would truly prefer to avoid.

The labor leader, the worker and his family, the employer and the consumers would all benefit if the strike was outlawed and a system of fair arbitration established for the settlement of farm labor-management disputes.

The Christian Science Monitor's view is worth contemplating.

I include the editorial of September 17, 1970, from the Christian Science Monitor entitled, "Crude and Costly Process":

CRUDE AND COSTLY PROCESS

The autoworkers have struck General Motors. A third of a million workers are home today. Factories across the continent, which normally would be turning out 132,000 cars a week, have skeleton crews looking after them. Half the output of America's largest industry is stilled, perhaps—if informed guesses are right—until Christmas. Many of the 40,000 small supplier companies to General Motors will begin cutting back shortly, too, if they haven't already.

Thus, for all the sophistication and subtlety of the American wage bargaining process, how crude it seems in effect.

True, the United Auto Workers has $120 million in its strike fund. At the rate of $30 to $40 per worker a week, this will last a month and a half. But this is about $150 less than the workers' regular pay. General Motors too has been long enough in the black to "afford" a strike. But given the jump Ford and Chrysler will gain on them, and an already gray sales picture, the cost of the strike will be dear.

The auto strike, too, will likely alter the national economic picture substantially. General Motors accounts for half of the domestic car output. A period of unproductivity will likely wipe out whatever other gain the economy may have made in gross national product this fall.

Specifically, the union is asking for a 61.5 cents an hour raise. The average salary now is about $4. The company has offered 38 cents. The union wants the larger figure to make up for the 26 cents an hour it says it gave up when it signed away an unlimited cost-of-living clause three years ago. It wants the clause reinstated. And it also wants a retirement plan that would let workers retire at $500 a month after 30 years' service.

The auto union's salary demands are not outrageous, relative to recent settlements for the construction trades. But still it is hard for the outsider to assess whether the companies (especially Chrysler, which is in tough financial shape) can afford them. Or, rather, whether the American public can afford them in the form of higher prices.

In fairness, one can credit the gains—in working conditions, jobs for minorities, as well as basic salary advances—the auto union has won for workingmen over the years. One can understand General Motors' reluctance to yield without a fight. Its power, it still feels, is great.

There is a third party to the dispute, however. This is the government. But it has been a silent party. Paradoxically, the wasteful standoff between the union and corporate giants must frustrate the administration's economic "game plan," which called for a business upturn this fall. It won't help its fall election image in many key industrial states, either.

Current economic wisdom accepts strikes and unemployment as ways to temper an unruly economy. This "wisdom" has to be challenged. A tri-effort between business, labor, and government must be made. The government must contribute more than silence and not let the others slug it out to everyone's loss.

PRISONERS OF WAR

(Mr. LOWENSTEIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOWENSTEIN. Mr. Speaker, I want to take the occasion of Colonel Borman's speech to the joint session today to express again my deep concern about the treatment of American prisoners in North Vietnam, and to reiterate that this protest unites all Americans regardless of their views about the war.

The Government of North Vietnam is a signatory to the Geneva Convention dealing with the treatment of prisoners of war. It is a continuing outrage that that Government has never disclosed the names of the men it is holding and has

refused to carry out any of its other responsibilities under that convention.

There are those who have written off these men as human footnotes in the long tragedy of the war. Others use their suffering for political purposes, to press a particular approach to the issue of war. Cynical and self-serving attitudes like these are utterly unacceptable and will be rejected by those of us who have friends and family in North Vietnamese prisons and by millions of others who have not forgotten the gallant human beings who are the victims of the wanton cruelty of the North Vietnamese Government.

So, I must say again today—as I said here over a year ago—that the barbarity and stupidity of the North Vietnamese Government in this matter makes peace more difficult to achieve, not less, and undermines efforts everywhere to maintain minimal standards of behavior and compassion to the detriment of that Government as well as to their victims.

I have protested the mistreatment of prisoners by South Vietnam as well as by North Vietnam, and I shall continue to do so as long as prisoners are mistreated in a war that costs America so dearly in lives and resources every day. But we must do more than talk, and I am accordingly sending letters today to Premier Pham Van Dong of North Vietnam and to President Nguyen Van Thieu of South Vietnam. I believe these letters express the sentiments of most Americans of all backgrounds and points of view, and I include their texts in the RECORD. The text of the letter to the Premier of North Vietnam is similar to a letter sent to him recently by a large number of my colleagues here, and I am delighted to learn that a number of colleagues are planning a similar letter to the President of South Vietnam as well.

Furthermore, on this unusual day when Members of the House and Senate have sat together in rare unity, I want to urge every Member of Congress to join in the great effort to show the North Vietnamese Government the overwhelming sentiment of the American people—and of men of good will everywhere—concerning the mistreatment of prisoners of war by that Government.

To help in that effort, I am helping to circulate a letter to be sent to the Premier of North Vietnam. I hope millions of Americans will take a moment to sign this letter or to send letters of their own working, and that this outpouring of feeling will help persuade the Hanoi government to change its policy regarding prisoners of war forthwith. That government continues to deny that it is mistreating prisoners. If this is the case, they can only gain by allowing a representative of the International Red Cross to visit the prisons and interview the prisoners.

Be that as it may, Mr. Speaker, let today be noted as a turning point in the effort to arouse every American to the need for action on behalf of these gallant men and their families. We can repay them for the suffering they have endured, but we can work harder to bring their suffering to an early end. We can, in fact, do no less.

The letters follow:

His Excellency PHAM VAN DONG,
Premier, Democratic Republic of Vietnam,
Hanoi, North Vietnam.

PREMIER PHAM VAN DONG: As a member of the United States House of Representatives, I am directing an appeal to your humanity and that of your nation in the matter of our Prisoners of War.

It is with a growing sense of outrage that the American people and the Members of Congress view your nation's continued insensibility to the feelings of the families of these prisoners. You have disregarded basis standards of human decency and morality in your nation's continued refusal to abide by the terms of the Geneva Convention. That Convention requires you to publish the names of those prisoners in your custody, to provide them with proper food and medical care, to permit inspections of your prisoner of war facilities, and to allow the free flow of mail between prisoners and their families.

I shall not discuss here the merits of present American policies in Southeast Asia. The American people hold differing views on such policies, but we are united in our concern that you exercise compassion and humanity to those of our sons who are in your custody. This concern far transcends questions of international policies; it recognized a kindred humanity apart from consideration of race, color or political persuasion.

I have also written to President Nguyen Van Thieu urging his government to abide by the standards of the Geneva Convention in its treatment of military and political prisoners of war.

People everywhere look to you, as the leader of your nation, to respond to this plea.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C.

His Excellency NGUYEN VAN THIEU,
President, Republic of Vietnam,
Saigon, Vietnam.

DEAR PRESIDENT THIEU: As Members of the United States House of Representatives, we are directly appealing to your humanity and that of your nation in the matter of military and political prisoners of war now held by your government. In the conflict that is taking place in Vietnam, prisoners of war must include those taken in actual combat as well as those men, women, and children who are taken into custody by your government as political prisoners.

It is with a growing sense of outrage that the American people and many Members of Congress view your nation's continued insensibility to the feelings of the families of these prisoners. You have disregarded basic standards of human decency and morality in your nation's continued refusal to abide by the terms of the Geneva Convention. That Convention requires that you not only publish the names of those prisoners in your custody, provide them with proper food and medical care, permit inspections of your prisoner of war facilities and allow the free flow of mail between prisoners and their families but that you also provide recognized standards in your detention facilities. Your government's violation in providing such facilities was recently documented at Con Son and caused most Americans to be filled with revulsion against your practices.

As Members of the House of Representatives, we will not now attempt to debate the merits of present American policies in Southeast Asia. Many of us hold differing views on such policies, but we are united in our insistence that you exercise compassion and humanity to those prisoners of war who are now in your custody. This concern far transcends questions of international politics; it recognizes a kindred humanity apart from consideration of race, color, or political persuasion.

We are among those Members of Congress who have written a letter to Premier Pham Van Dong appealing to his humanity and that of his government in the matter of prisoners of war who are our sons now in their custody and have advised him that the families of these men and a concerned American people look to him as the leader of his government to respond to our plea.

We look to you for a similar response.

TAX RELIEF FOR RELATIVES OF POW'S

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 20 minutes.

Mr. FINDLEY. Mr. Speaker, today we have gathered together in this great Chamber to hear the President's Special Emissary on Prisoners of War in Southeast Asia, and consider the fate of those men who are missing in action.

Unfortunately, despite appeals, despite exhortations, despite declamations, most will agree that the impact of what we say here today will be quite limited. The voicings of a Congress which does not exercise the warmaking power cannot be expected to impress too deeply upon the consciousness of North Vietnam.

What purpose do we then serve? Why do we convene in joint session over the issues of prisoners of war and the missing in action?

Perhaps there are two reasons. In a very real sense, we are all prisoners—willing prisoners of the hope that somehow, someway we will find a way to help bring loved ones home, unite families, and ease the anguish of uncertainty. Toward this end we must spare no efforts. None of us can rest until every avenue, no matter how unlikely, has been traveled. Along that road, undoubtedly, our country has a long way to go.

A special reason for our meeting must surely be to consider specific ways in which we can help family and loved ones left behind by the cruel uncertainties of war. While we can do little to influence the behavior of our enemy, we can ease the burdens which our enemy has imposed upon families of men held captive or missing.

In the first session of the 91st Congress, the House passed an appropriate bill sponsored by the distinguished chairman of the Ways and Means Committee, the gentleman from Arkansas (Mr. MILLS) which provided extra pay for men held prisoner of war. Subsequently that bill was passed by the Senate and signed into law by President Nixon.

Additional steps, concrete and resolute, should now be taken. Such steps can and should be directly related to the unique problems of those most effected by North Vietnam's flagrant violation of international law.

Of the mental anguish and emotional trauma suffered by family and loved ones we can offer only our heartfelt sympathy and understanding. Beyond that, we should move to ease financial strains caused by North Vietnamese intransigence on the issues of prisoners of war and the missing in action.

Many mothers and fathers, sisters, brothers, and wives, have spent thou-

sands of dollars in attempts to learn whether their loved ones are in fact dead or alive, and in attempts to seek their freedom. For most it was not a question of whether to spend the money. Prisoners of the same hope which convenes us here today in joint session, these people have understandably grasped at the most slender straws because they provided the only hope in an otherwise bleak future.

Expenses of such a nature—transportation, hotels, meals, telephone calls—these are hardly the stuff of which vacations are made. Nor can anyone say they are less essential than legitimate business deductions. Yet, today there is no way these expenses can be charged off against income to ease the tax burden.

Therefore, today I am introducing a bill to amend the Internal Revenue Code to permit a taxpayer to deduct expenses incurred in traveling outside the United States to obtain information concerning a member of his immediate family who is missing in action, or who is or may be held prisoner, in the Vietnam conflict.

In addition, I am proposing that the Internal Revenue Code be further amended to relieve prisoners of war and those missing in action from income tax liability during the time they are held in a detained status by the enemy.

These proposals were drafted after consultation with my constituents, Dr. and Mrs. Gordon Perisho of Quincy, Ill. Their son, Comdr. Gordon Perisho, has been listed as missing for 2½ years. In their extensive efforts to learn whether he is alive, they have observed firsthand the financial sacrifice made by many parents, wives, and other relatives of our men missing in action.

These are small steps, realistic steps, which the Congress can take. They can be the foundation of a tribute we erec to these brave men who have given so fully to their country. After all the oratory of this day has ended, these more durable steps can attest to the undying gratitude of the Nation.

Text of bill follows:

H.R. 19380

A bill to amend the Internal Revenue Code of 1954 to permit a taxpayer to deduct expenses incurred in traveling outside the United States to obtain information concerning a member of his immediate family who is missing in action, or who is or may be held prisoner, in the Vietnam conflict, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to additional itemized deductions for individuals) is amended by redesignating section 218 as section 219 and by inserting after section 217 the following new section:

"SEC. 218. EXPENSES INCURRED IN SEEKING INFORMATION CONCERNING FAMILY MEMBERS WHO ARE OR MAY BE PRISONERS OF WAR.

"(a) IN GENERAL.—Under regulations prescribed by the Secretary of his delegate, there shall be allowed as a deduction the amount of any expenses (includible under subsection (b)) which are paid or incurred during the taxable year by the taxpayer, or by another person with respect to whom the taxpayer is entitled for such taxable year to an exemption under section 151, in connection with a trip outside the United States for the purpose of locating or communicating with a member of the taxpayer's immediate family who is or may be a prisoner of war or is otherwise in a missing status (as defined in section 551(2) of title 37, United States Code) during and in connection with the Vietnam conflict, for the purpose of ascertaining whether such member is alive, or for the purpose of seeking his release from imprisonment or detention.

"(b) EXPENSES INCLUDIBLE.—The expenses which may be included in the deduction under subsection (a) with respect to any trip shall include the costs of transportation, board, lodging, telephone calls, and other items and services on or in connection with such trip, but only to the extent that they are directly related to and necessary for the purpose (specified in subsection (a)) for which the trip was made."

(b) The table of sections for part VII of subsection B of chapter 1 of such Code is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 218. Expenses incurred in seeking information concerning family members who are or may be prisoners of war.

"Sec. 210. Cross references."

SEC. 2. Section 112 of the Internal Revenue Code of 1954 (relating to certain combat pay of members of the Armed Forces) is amended by adding at the end thereof the following new subsection:

"(d) PRISONERS OF WAR, ETC.—Gross income does not include compensation received for active service as a member of the Armed Forces of the United States for any month during any part of which such member is in a missing status (as defined in section 551(2) of title 37, United States Code) during the Vietnam conflict."

SEC. 3. As used in sections 1 and 2, the term "Vietnam conflict" includes combatant activities by United States forces in Vietnam and other areas of Southeast Asia, and directly related military, naval, air, and supply activities, conducted on or after February 28, 1961, and prior to such date as may be specified by the President by Executive order as the date of the termination of such activities.

SEC. 4. The amendments made by sections 1 and 2 of this Act shall apply only with respect to taxable years ending after the date of the enactment of this Act.

HUMANE TREATMENT AND EARLY RELEASE OF AMERICAN PRISONERS OF WAR

The SPEAKER. Under a previous order of the House, the gentleman from Tennessee (Mr. BROCK) is recognized for 5 minutes.

Mr. BROCK. Mr. Speaker, it is long past time for this country to demonstrate unequivocal and total commitment in gaining humane treatment and early release of American prisoners of war. Within this Nation, hawk and dove alike owe these men no less than this. That is why I am proud of the leaders in the House and the Senate for arranging today's meeting. That is why I am privileged to be here today to discuss our Government's efforts on behalf of our men presently missing in action and presumed to be prisoners of war in North Vietnam, and Laos.

I have long felt that if the story of these gallant men could be told, there would be an overwhelming demand from the American people to force their captors to abide by the Geneva Convention and provide humane treatment for American military personnel, including communication with their families.

That is why I assigned a member of my staff to work closely with the National League of Families of MIA's and POW's in their fight to bring this story to the attention of the world. The courage and dedication of the families of these men has been an inspiration to me in my efforts. I have written some 18 letters to the foreign press, and to those embassies continuing to maintain diplomatic relations with North Vietnam, urging them to use their office to obtain humane treatment for our POW's.

A continuing personal lobbying effort was made by my staff to encourage other Members of the Congress to also write these "Ambassador letters." So many contacts were made, it is not possible to know exactly how many letters resulted. I have in my file, however, copies of letters written by nine Members of the Congress contacted by my office. One of them is that written by my good friend, Congressman ROGER ZION, who sponsored the letter to Hanoi, signed by 406 Members of the House. His subsequent trip to Paris to deliver the letter to the representative of the Hanoi regime gave us one of the most hopeful signs yet received that the rising tide of world opinion was having its effect on their leaders. The film which he secured from the head of the permanent delegation in Paris, Delegate General Mai Van Do, gave new hope to a number of families who were able to identify their loved ones after viewing it.

One of the objectives of the League of Families, brought out before the Subcommittee on National Security of the Foreign Affairs Committee, in late April and early May was the desirability of a joint meeting to hear the POW story. To this end, in late July my office was privileged to arrange meetings with the leadership in the House, Congressman GERALD FORD and Congressman CARL ALBERT, and representatives of the League of Families to discuss the possibility of such a meeting. I want to thank all the Members of both Houses who have worked arduously on this grave issue.

I want also to express my gratitude to the Congressional Secretaries Club for publishing the address of the Ambassadors and foreign press at our request.

I am now hopeful that today's meeting is an indication that the long years of frustration and heartbreak may be nearing an end, and that our prayers and efforts are to be rewarded. For the privilege of playing some small part in that result, I am deeply grateful.

TAKE PRIDE IN AMERICA

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. There are more than 200 ballet com-

panies in the United States today. A member of the Netherlands Ballet recently stated:

American dance is the most advanced and richest in choreographic development in the world today.

THE TRAGIC SITUATION OF OUR PRISONERS OF WAR

The SPEAKER. Under a previous order of the House, the gentleman from Delaware (Mr. ROTH) is recognized for 5 minutes.

Mr. ROTH. Mr. Speaker, a year ago this body also devoted an afternoon to the consideration of the tragic plight of the Americans held prisoner by North Vietnam. Numerous appeals by Members of Congress, by thousands of American citizens, by the international press, and by Government leaders around the world have produced promises by the North Vietnamese but little else. The individual prisoner is still not allowed to write to his family on a regular basis and is probably not allowed to receive the mail faithfully sent to him. He is held in a terrible isolation, without adequate food and medical care. A recent North Vietnamese film shown on television reveals that the prisoners are still being exploited for propaganda purposes in direct violation of the Geneva Convention. With over 1,500 American men missing in action, Hanoi has yet to provide even a list of the men it holds. Despite a slight increase in the amount of mail coming from the prisoners, there are still many families who have no knowledge at all of the fate of their men.

Mr. Speaker, I am deeply concerned about the situation of the prisoners of war. Hanoi cannot continue its intransigent inhumanity toward these helpless individuals. It is tragic that men at the peak of their lives must lie isolated in crude jails denied all access to the outside world and denied even the comfort of mail from their families. The families, too, suffer unbelievable anxiety, wondering if husband or father or son is suffering, uncared for, from hunger or illness, and possibly not even knowing whether he is dead or alive. These families are unable to make plans for the future, but must live from day to day, trying not to wonder if husband or son will ever be seen again.

I would like to pay tribute to the gallant families of the prisoners of war. A group of wives from Delaware have again urged all possible action on behalf of their men and to assure me of their continued support for all our attempts to secure their release. I add my voice to theirs and again urge our Government to do all it possibly can to make Hanoi realize that such inhumanity toward the prisoners and their families cannot be tolerated. During the past year I have sent two letters to President Nixon supporting his attempts to gain better treatment for American war prisoners and I wish to reaffirm that position now. It is essential that we Americans continue to supplement the President's efforts by voicing public outrage at the North Vietnamese behavior. World outcry seems to be the only means of forcing Hanoi to modify its stand, and it has already produced a small result: Hanoi has allowed an increased amount of mail from the POW camps. Perhaps if it is pointed out to them often enough, the North Vietnamese will realize that causing unnecessary anguish to the prisoners and their innocent families can only harm their cause. Perhaps then they will add action to their promises of decent treatment.

THE CONTROVERSY OVER IMPENDING VISIT OF VICE PRESIDENT NGUYEN CAO KY OF THE REPUBLIC OF VIETNAM

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. SCHMITZ) is recognized for 5 minutes.

Mr. SCHMITZ. Mr. Speaker, there seems to be quite a bit of controversy over the impending visit of the Vice President of the Republic of Vietnam, Nguyen Cao Ky, to our country. Some object to his visit as interference in the internal affairs of our Nation, others object to it on the grounds that he is coming to participate in a rally which openly calls for victory, and others on the grounds that they are not particularly fond of the man. I object to the fact that he is not getting the royal welcome which he deserves.

Vice President Ky has been a pillar of strength and steadfastness in the Republic of Vietnam. This is the man who put an end to the game of musical governments in South Vietnam. When Ky became South Vietnam's youngest Premier in 1965, his was the ninth government in that land since the Diem government had been toppled less than 2 years earlier. Since then the situation has improved tremendously as far as stability of that government goes and there have been several free elections. He is very pro-Western, a nationalist, and a hard anti-Communist. Perhaps this is his problem.

Let Khrushchev, Tito, or Kosygin grace our shores with their benign presence and there are loud hurrahs, accolades to world peace, and gushings of good will. Let a Tshombe or an Ian Smith even try to get into the United States and insurmountable problems with visas develop. The red carpet is rolled out for the Reds and rolled up for those who have indicated that they wish to do less than emulsify us at the earliest possible moment.

Fortunately the Nixon administration has not followed this policy. The visits of President Suharto, General Mobutu, Chiang Ching-Kuo, and now Vice President Ky indicates that we are not only inviting those with a demonstrated record of opposition to the Communists to visit us, but even if they are not invited, as is the case with Ky, by the administration, they are not denied access to a free land. Since the administration is making these steps in the right direction, it is unfortunate, to say the least, that the Congress is backsliding. Why do we insist on insulting our allies? What do you think the reaction would be if Vice President AGNEW were to make known his intention to visit one of our allies and a substantial number of legislators in the country he intended to honor with his presence, were to tell him that he was not wanted. I think even the liberals who would just as soon see the Vice President out of the country, might feel a little miffed. Ky has promised not to run for any office in the United States so he poses no direct political threat to anyone.

What is this strange state of mind which seems to inflict itself upon some people when an ally announces he will be making the trek across the waters? I am sure the Vice President is up on his shots. Just what has the Vice President of the Republic of Vietnam done to deserve such shabby treatment? Common courtesy no less than identity of purpose and a shared war would seem to me to demand a somewhat less shabby reception from people in positions of responsibility.

PRESSING ISSUES OF THE DAY

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WILLIAMS) is recognized for 15 minutes.

VIETNAM WITHDRAWAL

Mr. WILLIAMS. Mr. Speaker, as September began, U.S. troop strength in South Vietnam was below 400,000 for the first time in 3½ years. This compared with the troop strength of approximately 540,000, and escalating, which existed when President Nixon took office in January 1969.

That the majority of Americans continued to support the Nixon de-escalation program was demonstrated in major public opinion polls. Nowhere was public support more dramatically demonstrated than in the Democratic-controlled U.S. Senate, which, on September 1, 1970, voted, 55 to 39, to reject the Hatfield-McGovern amendment to "end the war." With the withdrawal of U.S. troops from Vietnam proceeding on schedule, we are making a major move toward the day when the military draft may be replaced with an all-volunteer professional armed force, supplemented by an expanded reserve force, which I want to see effected as soon as practical.

DISTRICT OF COLUMBIA DELEGATE

On September 9, 1970, the Senate voted final congressional approval of a bill to give the District of Columbia a nonvoting delegate in the House of Representatives. This measure, which, with my support, passed the House on August 10, would provide the District of Columbia delegate with a 2-year term, an office in the House of Representatives, a full staff, and all privileges except a vote. He would, therefore, enjoy the same status currently enjoyed by the nonvoting delegate from the territory of Puerto Rico.

INFLATION, DEBT, AND TAXES

On September 8, 1970, the International Monetary Fund warned that U.S. inflation threatened the stability of the world's monetary system. The very next day, this inflationary threat caused Treasury Secretary David Kennedy to ask Congress for $2.6 billion in new taxes

to reduce the budgetary deficit which might run as high as $15 billion for fiscal year 1971.

In September 1970, the U.S. Treasury Department was borrowing money at 7.8 percent and higher, to pay off maturing Federal obligations and to cover the cost of deficit spending. The Government-created Federal National Mortgage Association was borrowing money at 8.9 percent, in direct competition with the U.S. Treasury Department. These high interest rates mean that by 1973, the U.S. taxpayer will be paying over $30 billion annually in interest on the $380 billion we now owe. Thus, Federal deficit spending, resulting from the actions of the Democratic-controlled Congress, continues as the major cause of the inflation which endangers our economy.

I believe that we should now consider wage, price, and rent controls, and that the Congress should establish a commission to determine fair wages for those engaged in manufacturing and in the rendering of services. Prices should be set at a level which would give manufacturers, distributors and retailers a fair return. I recognize that wage and price controls are distasteful to those of us who believe in the free enterprise system, but, unfortunately, they now appear to be necessary if runaway inflation is to be stopped. Meanwhile, we must reduce Federal spending, balance the budget, and begin to pay off the money we owe. If this can be done, controls would be necessary for only a short time.

NATIONAL FAMILY WEEK

On September 9, 1970, I cosponsored House Joint Resolution 1362, to authorize the President to annually designate as National Family Week the week beginning with the fourth Thursday in November. This week would coincide with Thanksgiving and with the spirit and events surrounding it. Emphasis would be placed upon the importance of the family as the nucleus of our society. This legislation would encourage special State and community observances. Its greatest service would be its emphasis upon these two most basic truisms: From love of, and loyalty to, one's family flows loyalty to, and love of, one's country. From respect for discipline within the home comes respect for discipline within the school, community, State, and Nation.

PIRACY AND BLACKMAIL

Palestinian guerrilla hijackings of commercial airliners, blowing them up, and holding passengers and crews hostage constitute outrageously barbarous acts of international piracy and blackmail. They do intolerable violence to such basic human rights as those of freedom, dignity, privacy, tranquility, and lawful mobility.

In instituting the peace initiative which these hijackings have endangered, President Nixon acted in proper presumption that the Arab governments were in lawful control of all persons within their legal borders. As the Palestinian guerrillas continued to successfully challenge established Arab governments, it became quite clear that all other recognized national governments would be compelled to take appropriate action to protect human rights and international peace.

President Nixon's decision to place armed guards on certain national and international flights was a necessary step toward that essential goal; so was his decision to personally review U.S. 6th Fleet exercises in the Mediterranean. His quickly announced Mediterranean visit made clear that the President sought to personally dramatize the U.S. interest in peace in that critical theater, and to take the personally courageous lead in "showing the flag" to those who would do violence to everything it symbolizes.

Meanwhile, there was reason to consider the possible necessity of curtailing commercial air flights to any nation permitting aid, comfort, or asylum to hijackers, whether by determined policy or by simple inability to control them.

CREDIT CARDS

On September 10, 1970, the House, with my support, passed H.R. 16542, to regulate the mailing of unsolicited credit cards. I considered this a necessary instrument for the protection of consumers against the abuse and tragedy which can result from the mailing of credit cards on an unsolicited basis.

For example, it is totally unfair for a person to be held responsible, not only for a credit card which he does not order but which, having been stolen en route, he becomes aware of only after he begins to receive the bills for purchases made by the thief.

I recognize the increasingly more important and convenient role which credit cards play in today's economic and accounting system; but I believe that it is most desirable that a credit card-issuing company give the intended recipient the courtesy of stating, in advance, whether he wishes to receive such a card.

ANDERSON MISINFORMATION CONTINUES

In his column of September 15, 1970, Jack Anderson tried to explain away the inaccurate statements and innuendos of his column of July 25, 1970, to which I took exception in my Washington Report of August 1970.

The fact remains that, with 22 other members of the House Banking and Currency Committee, I struck from H.R. 17880 the poorly written section which provided for uniform cost-accounting standards to be used by defense contractors. A stronger, more comprehensive, and restrictive section was then added relative to uniform cost accounting standards to be used by defense contractors. A simple reading of this bill as reported out of the committee and passed by the House, with my support, would show this to be true. Apparently, Mr. Anderson did not read the bill or failed to read and understand the facts set forth in my August Washington Report.

With regard to Mr. Anderson's mentioning my use of my congressional franking—mailing—privilege, even he must know that this privilege is designed to facilitate communication with constituents—and that it includes the mailing of questionnaires and reports regarding congressional matters. I will continue to use my Washington Report, which is not printed at public expense, as a means of keeping my constituents informed; when necessary, I will continue to correct inaccuracies by Jack Anderson or any other newsman when such inaccuracies refer to me.

Thank you.

FORD FOUNDATION POLICE DEVELOPMENT FUND

The SPEAKER. Under a previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 10 minutes.

Mr. RARICK. Mr. Speaker, on June 30, the House passed H.R. 17825, authorizing amendments to the Omnibus Crime Control and Safe Streets Act of 1968. Because the people I represent recognize that with Federal funds come Federal controls and they do not sanction a national police force, I was one of two Members who voted "no" to this bill. See page H6210 of the CONGRESSIONAL RECORD of that date.

Since June 30, there have been constant developments in the law enforcement movement, purportedly to upgrade peace officers but all bearing the mark of a federally controlled police force.

The original act provides for liaison and cooperation with privately funded foundations and organizations. Less than 30 days later, July 23, to be precise, the American people were informed that the Ford Foundation had funded, with 30 million of its tax-exempt dollars, a police development fund to be active on a national scale to improve the effectiveness of police departments throughout the country.

Mr. McGeorge Bundy, titular head of the Ford Foundation billions, hand selected as chairman of the board of directors of Ford's new National Police Foundation, Mr. Ivan Allen, Jr., a former mayor of Atlanta, Ga.

Mr. Allen's controversial record as an ultraliberal mayor of Atlanta is only overshadowed by his dubious credentials in law enforcement experience and activity.

While Mr. Allen's public relations department accredits his 8 years of public service with a $13 million arts center, a civic center, an exhibit hall, and a symphony orchestra, silence prevails on any accomplishments in the field of law and order. The absence of statistics such as decrease in crime, police benefits, narcotics, youth, and his rapport with the police of his city suggest an unfavorable police rapport.

No serious-minded person places any credence in Chief Herbert Jenkins, who was a member of the infamous L. B. J. crimebusters committee which concluded that the root of all the crime in the United States was the fault of the white people.

Mr. Allen's record leaves much to be desired and raises serious questions as to whether or not he is an agitator rather than a conservator of the peace.

He announces with pride that his first official act as mayor was to abolish all the ordinances and laws of the city that he did not approve of because of his feeling that they contained racial implica-

tions. This done, he accredits himself with personally leading the integration of all of his city's facilities; that is, restrooms, water fountains, and restaurants. He further accepts the credit for integrating Atlanta's once-proud and effective police force and having initiated the revolutionary new program of community rapport by unarmed police officers opening lines of communication with poor people.

Such would hardly appear to afford him the background of expertise in law enforcement to qualify him as the chairman of a national body which we can expect to testify before Congress on crime reform legislation to deter the criminals and restore law and order and confidence in our police officers. In fact, from what we know so far, it is not clear whether or not Mr. Allen would know a criminal if he saw one.

His credentials most certainly qualify him for friendship and alliance with Ralph David Abernathy and Julian Bond but where is there any record of his combating or controlling crime?

Mr. Speaker, I include several related newsclippings and the Dan Smoot Report of July 27:

[From the Baton Rouge (La.) State-Times, July 23, 1970]

EX-MAYOR OF ATLANTA—POLICE FUND AIDE NAMED

ATLANTA.—During his eight years as mayor of Atlanta, Ivan Allen Jr. gave high priority to improving his police force and devising ways to cut down on crime.

Now he has a chance to perform a similar chore on the national scale.

He was named Wednesday as chairman of the board of directors of a police development fund to which the Ford Foundation is giving $30 million.

The fund's job will be to improve the effectiveness of police departments throughout the country.

Allen, a wealthy, 59-year-old merchant who was mayor from 1962 until last January, said the new post affords him "a significant opportunity" to use his experience "in resolving one of the most critical problems we face."

He said crime "has gone far beyond local capabilities to cope with it."

Allen, a silver-haired man, was mayor during a turbulent time of sit-ins and stormy racial controversy and lived in the midst of controversy and confrontation.

Police Chief Herbert T. Jenkins Jr., who served under Allen, said the former mayor is "the No. 1 man in the nation" for the new job.

EXCELLENT CHANCE

"I think it's excellent, great, just wonderful," Jenkins said. "Allen demonstrated clearly that he had better understanding of local government and local law enforcement than any other mayor in the country."

Jenkins was a member of President Lyndon B. Johnson's National Advisory Commission on Civil Disorders.

One of the first things Allen did when he took office as mayor was to erase from the city's books every law providing for segregation by race.

When he became mayor, Atlanta had 48 Negro policemen. When he left, there were nearly 200 out of a department total of 941 and black officers now include one captain, five lieutenants, four sergeants and 22 detectives.

When President Johnson's crime commission report came out, Allen moved promptly to implement it.

The city was one of the first to employ community service officers, who, without guns, patrolled selected areas to increase police rapport with poor black and white citizens.

During racial disturbances in 1966, Allen personally led police and tried to break up the crowds. Disregarding rocks and tear gas, he went into jeering crowds in an effort to calm demonstrators.

On one occasion when he climbed onto a police car to speak, he was shaken off by the crowd. He had told police they were not to use force until he gave the command. He finally ordered tear gas.

RID CITY OF BLIGHT

Under Allen, Atlanta did much to rid its central core of the urban blight which he regarded as a continuing source of crime.

One of his first official acts was to integrate city hall facilities such as rest rooms and water fountains. He personally led a group of blacks into the whites-only restaurant, and it was open to all from then on.

Influential with fellow members of the business community, he was instrumental in bringing integration to privately owned hotels and restaurants in 1963, six months after passage of the federal Civil Rights Act.

During Allen's years as mayor, Atlanta built a municipal stadium, a $13 million arts center, a civic center and an exhibit hall, and acquired a symphony orchestra which has won respect in the music world.

He is married and the father of three sons.

[From the New York Times, July 22, 1970]

FORD FUND TO AID POLICE IN REFORM—NEW UNIT EXPECTED TO GRANT $30 MILLION FOR INNOVATIVE PROGRAMS ACROSS THE UNITED STATES

(By M. A. Farber)

The Ford Foundation plans to establish an independent, $30-million agency that would grant money to police departments throughout the country to help them reform their operations and training.

A key aim of the agency would be to finance basic innovations that it feels might be neglected in the use of massive Federal anti-crime funds. The agency's support would be designed to provide greater leverage and opportunities for "enlightened" police officials who could demonstrate the value of reforms, particularly in urban areas.

In the last decade, the foundation has given about $30-million for upgrading the country's system of criminal justice, including the courts, correctional practices and institutions, delinquency services and the police. They have granted $6-million for police work alone.

Among the kinds of projects the agency might aid are the following:

Redefining law enforcement functions, to enable the police to focus more on criminal investigation and less on such activities as traffic control, licensing and serving papers.

Devising guidelines for making arrests in non-emergency situations.

Developing skilled management personnel, who might not be sworn officers, for police departments.

Creating new positions for short-term recruits who might be college graduates and community police officers who would reside in neighborhoods where they work.

Promoting better community relations through such methods as teenage patrol corps, strict police enforcement of housing codes and consumer credit regulations and grievance mechanisms for residents.

Finding improved ways to evaluate police performance.

McGeorge Bundy, president of the Ford Foundation, declined to comment yesterday on reports regarding the new agency, but an announcement by the foundation is expected today.

The agency, to be called the Police Development Fund, would be governed by a board of directors composed of high city and police officials and academic experts in the fields of law and the administration of justice. Ivan Allen Jr., former Mayor of Atlanta, is expected to head the board.

The agency would make three types of grants initially: large-scale grants to police departments for major reforms; smaller grants to about a dozen departments for a variety of specific changes and a number of grants for police education and training.

The latter category might include a short-term institute for training mid-career supervisory police officers and an extensive police department-university educational venture. The agency could also institute a continuing university fellowship program for senior officers.

The agency would not assist general projects for increased police manpower or the purchase of equipment.

It is believed that the agency will have an initial life of five years, giving it $6-million, on the average, to distribute each year. A decision on continuing the agency, with renewed financing, would be made by the Ford Foundation around 1973.

With assets of $30-million, the agency would probably be the largest private organization devoted exclusively to police work. Under the Omnibus Crime Control and Safe Streets Act of 1968, however, the Federal Government is now spending about $500-million a year for law enforcement planning, training and operation.

Eighty-five per cent of the Federal funds are channeled through the states and this procedure has disturbed many of the nation's Mayors.

These city leaders have complained that the states are adding to the bureaucratic tangle, depriving the cities of administrative talent and allocating the funds on a per capita basis that ignores the concentration of crime in urban areas while enriching rural and suburban sections where crime is relatively low.

The views of these Mayors are said to be shared to some extent at the Ford Foundation, where the staff reportedly also feels that sizable sums of Federal aid will not guarantee fundamental changes in police affairs.

[From the Atlanta Journal, July 22, 1970]

ALLEN TO HEAD FORD PANEL ON AID TO POLICE

The Ford Foundation Wednesday named Former Atlanta Mayor Ivan Allen Jr. as head of a major new subsidiary fund that will make grants aimed at improving the effectiveness of police departments throughout the country.

Allen is the chairman of the board of directors of the Police Development Fund, which will receive $30 million from the parent organization over the next five years.

Creation of the fund was announced by McGeorge Bundy, Ford Foundation president, at a press conference in New York, with Allen standing by.

Bunday said the police development fund will be the largest private agency in the country concerned exclusively with police work.

"We hope the fund will be a major instrument to which police departments can look for help in improving their effectiveness," he said.

The fund, he said, will make three types of grants—large grants to police departments in three or four cities to bring about major reforms; smaller grants in some 10 to 12 cities covering a broad range of individual police functions, and selective police education and training projects.

Allen heads the board of trustees which includes men from the legal, academic and minority communities as well as police officials.

Other board members are:

Michael Canlis, president of the National Sheriffs' Association and sheriff of San Joaquin County, Calif.

Former Mayor Richard Lee of New Haven, Conn.

Prof. Hubert Locke of Wayne State University, former deputy police commissioner of Detroit.

Mayor Steven May of Rochester, N.Y.

David McCandless, director of the Southern Police Institute, Louisville, Ky.

Stanley Schrotel, former police commissioner of Cincinnati.

Lawrence Pierce, former deputy commissioner of New York City.

Quinn Tamm, president of the International Association of Chiefs of Police (IAACP).

James Vorenberg, director of the Harvard Center for the Advancement of Criminal Justice and former executive director of the President's Commission on Law Enforcement and Administration of Justice.

And Prof. James Q. Wilson of Harvard University.

The executive director for the fund is Charles H. Rogovin, former head of the Law Enforcement Assistance Administration of the U.S. Department of Justice and former attorney general of Massachusetts.

A key aim of the new agency would be to finance efforts by police departments to employ new methods and approaches in their law enforcement activities.

Bundy said the foundation is "particularly happy" to have Allen as board chairman of the new fund and also to have Rogovin as its executive director.

"Each of them has established an enviable reputation for distinguished and progressive work in this hard field," he said.

The foundation indicated the thrust of its grant-making through the new agency will be to projects that might be neglected in federal anticrime programs.

The kinds of projects that will draw the interest of the new agency were detailed in some degree in a booklet outlining reasons for creating the new fund. Some of these:

Redefining police functions so that emphasis will be more on investigation of crimes and less on such things as traffic control, licensing of vendors, etc.

Fixing new concepts for arrest responsibilities in nonemergency situations.

Developing skilled management personnel for police departments.

Creating new positions for college graduates or others who will work in particular neighborhoods as, perhaps, community service officers.

Working to improve community relations.

Improving departmental efforts to evaluate their own performances.

[From the Washington Post, Sept. 15, 1970]

FOUNDATION TO UPGRADE POLICE UNITS

(By Anne Hebald)

The 39-year-old president of the new Police Foundation here has specific ideas on how American police forces can change, and $30 million of Ford Foundation money to put his ideas to work.

Charles Howard Rogovin, who heads the month-old agency, says he hopes it will be a catalyst for change in police practices across the country.

Some of his ideas include introducing into the traditionally conservative world of police organization such innovations of modern corporate management as executive development programs and even "sensitivity" tests.

The foundation initially called the Police Development Fund, was created July 22 by the Ford Foundation to be "the largest private agency in the country concerned exclusively with police work."

Rogovin, who resigned as administrator of the Justice Department's Law Enforcement Assistance Administration in April, in a recent interview discussed both his own enthusiasm for creative change in police work and the upsurge of national interest in the role of the police.

As little as 10 years ago, he said, "people hardly gave the police a second thought.

"Opinions about the police? Nobody had them—except of course, the police."

Now, Rogovin said, interest in police and police work have become important aspects of national culture and conversation for young and old alike.

Talk everywhere is studded with such phrases as "police-community relations," "police brutality" and the epithet "pig."

It is in this context, of a rising national willingness to discuss and rethink the role of police in society, that the Police Foundation intends to work.

"This is not going to be a cocoon-type operation," he added. "I'm not running any study group. Although I don't disparage study groups, this just isn't one of them."

The Police Foundation, as he sees it, will be a catalyst in the interplay among local police departments and the academic community and private industry.

"There are thousands of very, very bright cops all over the country," he said, eyes widening behind tinted lenses, "whose departments simply don't have the money to implement any creative ideas.

"But the Police Foundation, with $30 million and an ability to tap some of the country's best minds, can act as a broker between a local (police) department and top scholars and business executives."

Rogovin emphasized the foundation is "not going to be in the hardware business. We're not going to be buying fancy new radio equipment or the very latest in squad cars."

"I'd say we're going to be in the change business," added associate director Mark H. Furstenberg.

In the next five years, the foundation will disburse between "three and six major grants of several million dollars each," Rogovin said, rather than many small ones.

One of the areas he suggested for a major grant could be a program aimed at improving or defining the policeman's image in his community.

"There's certainly no secret about the alienation that's developed between citizens and their police," Rogovin said.

In the aftermath of the Chicago police operations at the 1968 Democratic Convention, added Furstenberg, came a new public concern over who becomes a policeman and how his leaders are trained.

On television screens over the decade of the 60s, he said, Americans "saw their police in a series of unfavorable, turmoil-filled situations—from Southern sheriffs on the civil rights marches to the Watts riots in 1968 and a host of student demonstrations in which we saw young people beaten by police."

Part of the task of the Police Foundation, Rogovin suggests, will be to translate a national concern into action.

A particular approach, he says, may come through management training.

"What's to say that an excellent foot patrolman will, in 10 years, make a good inspector of field operations?" Rogovin asks.

Such questions have increasingly concerned thoughtful police officials here and elsewhere in recent years.

"While private industry and the military have had executive training programs for decades," he said, "police departments have had none."

Through the Police Foundation's 14-man board of directors, headed by Ivan Allen Jr., former mayor of Atlanta, the foundation will have close ties to the nation's top corporations and most advanced academic programs.

Board members include Harvard police expert Prof. James Q. Wilson, former New Haven mayor Richard C. Lee and James D. Vorenberg, director of the Harvard Center for the Advancement of Criminal Justice.

The scholarly world as well as police stand to benefit from the new foundation, Rogovin asserts. Academic pioneers in the near-virgin field of the history and sociology of American police will get a first-hand look at their subjects.

"We'll be able to invite, for instance, a noted professor of psychology, sociology, American history or economics to study a given problem in police work. He would gain not only some grant funds but also first-hand knowledge in a new, burgeoning field of academic inquiry: police work."

A former Philadelphia public defender, Rogovin switched sides in 1964 to become the city's chief assistant district attorney. Two years later he was named assistant director of the President's Commission on Law Enforcement and the Administration of Justice. At the time he was also in charge of the Organized Crime Task Force.

In 1967 he became assistant attorney general for Massachusetts and chief of the organized crime section.

After a year as administrator of the Justice Department's $480 million anticrime agency, the Law Enforcement Assistance Administration, Rogovin resigned in April over the so-called "troika" directorship of LEAA.

A Democrat, he chafed for some time under the agency's three-headed leadership system.

Rogovin anticipates an "enormous exchange of ideas" between the board and himself and between police departments and the foundation. In the first month alone, he received 120 grant requests from departments throughout the country.

He said the foundation will begin action on grant requests by Dec. 1. The foundation will open its permanent office in mid-October at 1015 18th St. NW.

[From the New Orleans States Item, July 2, 1970]

U.S. FUNDS FOR PRISON EXPECTED IN 7–8 MONTHS

(By Tom Frazer)

Federal funds for a new parish prison may be available in seven or eight months, Carl Corbin, executive director of Metropolitan Area Committee, said today.

Corbin was a member of a New Orleans delegation that went to Washington yesterday to check on the city's application for federal funds to help build a new parish prison.

"I would say all of us who went to Washington came away feeling optimistic. It was a very encouraging conference," Corbin said.

The New Orleans group met with congressional and government representatives.

Corbin said New Orleans is seeking funds from Housing and Urban Development and from the Law Enforcement Assistance Administration.

He said representatives of HUD and LEAA attended the meeting, and "all seemed to feel that there was good hope for financial assistance to the parish prison project within a matter of seven or eight months."

Mayor Moon Landrieu, who was unable to attend the Washington meeting because of commitments in Baton Rouge, said, "This meeting was most important in our efforts to solve our parish prison problem."

He explained the city initiated the meeting "because a parish prison is of highest priority in our agenda of city improvements. We want the federal government to commit its share of the funds. The men representing the city in Washington reviewed our plans to date and called for haste in having the funds committed."

The city's application for urban renewal assistance has been reviewed and recommended for funding by the HUD regional office in Fort Worth, Tex., but federal funds have not been committed for 1970–71.

Recently Federal District Court Judge Herbert W. Christenberry Jr. ordered the mayor and City Council to make improvements at parish prison and to submit a progress report within 30 days.

Representing the city at the meeting were Frank J. Vaccarella, federal programs coordinator for New Orleans; Sheriff Louis A. Heyd Jr.; Corbin; Frank Keevers, director of the Community Improvement Agency; Victor Friese, consultant to the city on urban renewal, and Dick Cherry, the city's representative in Washington.

Also present were Larry Carpenter of Justice Department; Richard Velde, associate of LEAA; Lawrence Cox, assistant secretary of HUD for urban renewal, and Norman Watson, assistant for urban renewal projects.

[The Dan Smoot Report, July 27, 1970]

NATIONAL POLICE FORCE

The Omnibus Crime Control and Safe Streets Act of 1968 established the Law Enforcement Assistance Administration (LEAA) in the Justice Department, to channel tax money from the federal government to states for state and local law enforcement. Congress appropriated $63 million for LEAA in 1969, $268 million in 1970. The Nixon administration requested $480 million for fiscal 1971.

On June 30, 1970, the House, by a roll-call vote of 342–2, passed HR 17825, authorizing $650 million for LEAA in fiscal 1971, $1 billion for fiscal 1972, $1.5 billion for fiscal 1973.[1] The two Congressmen who voted against it were Maston O'Neal (Georgia Democrat) and John R. Rarick (Louisiana Democrat). Rarick was the only Member of the House who voiced opposition. He said:

"The crime situation in the United States has reached such crisis proportions that the members of Congress are hearing from the folks at home with demands that something be done. The political impulse seems to be to do something, even if it is wrong.

"We are being asked to ignore the cause of the problem—the many crime-favoring Supreme Court laws. We are being urged to hoodwink our people into thinking that by massive expenditures of Federal money, by so-called upgrading our local and state police officers, and modernizing our correctional facilities, we can deter the criminal threat.

"The crime problem in the United States is not the fault of Congress—nor the police officers, nor the taxpayers. Congress is hiding its head in the sand if it thinks it can fool the people into believing that by giving away more of their money, they will be any safer from the criminal element which roams our streets and highways like some sacred cow. . . .

"We already have enough laws on the books.

"The . . . problem is that as we continue to talk about reducing crime, our law enforcement agencies are denied the freedom to enforce the laws. This bill offers no solution. It but provides for $3.2 billion to be doled out over 3 years for grants to local and State police who agree to comply with various edicts and guidelines laid down by the Attorney General of the United States and enforced by the administrator of . . . LEAA. Except for this purported financial assistance, the measure offers only false promises of help to the police of America in their efforts to stop crime.

"Those of us who live in the South are familiar with Federal funding programs based upon compliance. The funded State or local organization loses all semblance of representing its local people and becomes completely subservient to the funding agency. In this instance, any law enforcement agency accepting Federal funds, which does not toe the line of compliance, can expect to be threatened with loss of funds and if not whipped into line, have its funds cut off.

"We of the South have witnessed firsthand what has happened to our State and local governmental agencies that accepted Federal funds. We need only point to the wholesale destruction of our public schools and public education system which are in many areas either abandoned by a large segment of our people or made wholly inadequate to educate the youth.

"With Federal funds necessarily comes Federal control. It is utterly ridiculous for any rationally informed person to believe that we can buy personal safety or freedom from crime. It is equally ridiculous to believe that we can hand out Federal money and not end up with Federal control and domination over our local police.

"Up to now, the sociological pseudointellectuals have sought to justify throwing away billions of tax dollars with their theories that we can buy off criminals with massive Federal programs and funds. While they still refuse to acknowledge the utter futility of their upside-down thinking, some of the same spokesmen, that is, Ramsey Clark, the National Governors' Conference, the League of Cities, the U.S. Conference of Mayors, the National Association of Counties, the National Commission on the Causes and Prevention of Violence, and representatives of do-gooder organizations now support this bill and ask Congress to buy the police away from the people and put them under the control of an appointed Fed.

"The police power under the Constitution of the United States, with rare exception caused by judicial fiat, has historically been reserved to the States. Now, after 190 years of constitutional government with the police being under the State and local control, we are told that the Constitution must be warped if it says what it does not say.

"If it is a national police force that the Federal bureaucrats want, they have the Army, Navy, and Marines. I, for one, oppose every effort to destroy local police forces, or to even chance the 'foot-in-the-door' power building which is constantly sought by the socialist bureaucrats in their craze for domination of every facet of local and State government.

"This is bad legislation—spurred on by emotion and frustration—more laws by the democracy phobia of the mob—demands without regard or consideration for the further erosion and destruction of constitutional government.

"I intend to abide by my oath of office by casting my peoples' vote against this bill. I will continue to support my local police in upholding their responsibilities to maintain law and order to their people, unbridled by additional unnecessary Federal controls and redtape."[2]

Of course, Congressman Rarick is correct. Federal aid to local law enforcement is unconstitutional. It will lead to federal domination of police (just as federal aid to education has led to federal domination of schools). At first, federal influence will be felt (is already being felt in some areas) in the *quality* of men recruited for police work and selected for promotion to key positions. Under pressure and guidance of federal bureaucrats who dispense tax money from Washington, local and state law enforcement agencies will emphasize the hiring and promoting of college graduates trained in sociology. A college degree, instead of experience in the field, will become the stepping stone to advancement in police work.

But the kind of indoctrination imparted by departments of sociology in many universities will unsuit, rather than improve, a man for effective police work. The thin blue line of police officers who correctly look upon themselves as defenders of society—and who presently constitute the only real defense of our civilization against barbarism and anarchy—will gradually vanish. Law enforcement leadership will begin to reflect the permissive attitude generally prevalent in the federal courts and federal bureaucracy: the attitude that "society" and not the criminal is responsible for crime—that it is not society but the criminal who needs protection.

This permissive attitude of the federal courts is one cause of the breakdown in law enforcement. As federal influence brings the attitude into local law enforcement, enforcement will become less effective. Indeed, I anticipate that law enforcement effectiveness will *decrease* as federal aid to local law enforcement *increases*.

Something must be done will become a universal cry; and the chief criers will be the people responsible for the deteriorating situation: those who led the drive for federal aid to local law enforcement. They will not acknowledge that they have erred. They will not recommend a change in direction. They will fight the fire by throwing more fuel on it. That is, they will demand more federal aid.

As federal aid increases, federal *influence* on local law enforcement will evolve into federal *control*. At the end of that road is the instrument for total control that all dictatorships require: a national police force.

Then, the character of American law enforcement will undergo another, and this time a rather abrupt, change. When a national police force becomes a recognized, accepted, operating reality, it will no longer be ineffective and permissive. It will be ruthlessly efficient and repressive. Its mission, however, will not to be to protect the public, but to protect entrenched political power *against* the public.

Then, Congressman John Rarick's June 30, 1970, speech in the House (if not purged from the record) will be an important historical document: it will reveal the identity of the *one* man out of 535 Members of the federal Congress who had the acumen to perceive the truth, the political courage to tell it, and the integrity to act upon it.

One of Mr. Rarick's points should be particularly re-emphasized and remembered: the argument for expenditure of federal tax money to curb crime by improving local law enforcement, insinuates that crime is the fault of law enforcement, which is inferior and needs improving; that Congress is responsible, because it has not heretofore appropriated enough money to improve local law enforcement; and that the taxpayers are responsible, because they have discouraged the spending of tax money for law enforcement. This puts no blame on criminals for committing crimes; on courts for helping criminals and hampering law enforcement; or on liberal politicians and bureaucrats who, by supporting governmental programs that violate the fundamental law of the land (the Constitution) set an example of lawlessness.

In reference to the argument that federal aid will improve local law enforcement, we should note that the trend I anticipate—the effectiveness of law enforcement will *decline* as federal aid *rises*—has already begun to set in. The first appropriation to curb crime by giving comprehensive federal aid to local law enforcement was for 1969; and the crime rate in 1969 was higher than the crime rate in 1968. The second appropriation for federal aid to law enforcement was for 1970; and the crime rate in 1970 is higher than the crime rate in 1969.

The Crime Control and Safe Streets Act is presently awaiting action in the Senate, where it will doubtless pass. The only opposition is from those who want the federal aid given directly to cities, instead of being given

---

[1] Congressional Quarterly Weekly Report, June 19, 1970, p. 1581.

[2] *Congressional Record*, June 30, 1970, p. 22107.

to state governments for reallocation to law agencies in the state.

This bill is only one of several of President Nixon's crime-control proposals. Other major bills awaiting final action by Congress:

The Preventive Dentention Act, aimed at the problem of indicted hard-core criminals being given pre-trial release and allowed to remain free to commit other crimes while awaiting trial;

The Drug Control Act, whose most controversial feature is the "no-knock" provision authorizing search warrants which would permit law officers to enter a premise without first knocking or announcing their intention;

The Organized Crime Control Act, aimed at underworld criminal syndicates.

The primary thrust of these three crime-control bills is toward giving law enforcement a little more leeway than it now has in handling the worst kinds of criminals: hard-core habitual criminals to whom release-on-bail is encouragement to commit more crimes; the traffickers in dangerous drugs; the denizens of the powerful, organized criminal underworld. And the tenor of these three bills is to put the blame for crime on criminals.

It is interesting to note that Members of Congress who are most aggressive in supporting the federal-aid-to-law-enforcement bill (which insinuates that poor law enforcement is the cause of crime) are most aggressive in opposing these crime-control bills which rest on the assumption that it is the criminal who is responsible for crime. They find nothing unconstitutional in a bill that provides federal aid for local law enforcement, although the Constitution does not authorize the federal government to subsidize local police. These same Members of Congress, however, consider as unconstitutional legislation which would, in some degree, restore to police certain powers that were traditionally and constitutionally theirs until taken away by act of Congress and court decisions in recent years.

THE SST

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 15 minutes.

Mr. REUSS. Mr. Speaker, an excellent column on the SST by Anthony Lewis appeared in the New York Times yesterday. Mr. Lewis, until recently London Bureau chief of the Times, discusses the ostensibly formidable competitive threat posed by the British-French Concorde. In Britain, he says, "The Concorde project is viewed as an extremely doubtful proposition," and he reports that "pressure on the new Conservative Government to kill the Concorde for economic reasons is heavy and growing."

I ask that the Lewis column be inserted in the RECORD. In addition, I ask that two recent items from the Paris Herald Tribune also be inserted in the RECORD. They are an August 29, 1970, story discussing the prospects of German participation in building a second-generation Concorde, and a September 17, 1970, story on current French attitudes toward the Concorde.

The items follow:

[From the New York Times, Sept. 21, 1970]

THE GUNS OF SEPTEMBER

(By Anthony Lewis)

WASHINGTON.—Historians have shown us, with painful conviction, how the World Wars could have been avoided if a few men had been wiser. But the sovereigns and the generals and the diplomats acted as if they could not escape events; they marched toward disaster, saying stubbornly that there was no alternative.

The world must reckon now with the possibility of biological as well as military catastrophe. And if in the end we do fatally injure the environment that sustains life on earth, some stellar historian should record that we were led to this disaster, by men who were well-meaning but without vision.

A depressing example is at hand on the most important environmental issue now awaiting legislative decision. The issue is the proposed American supersonic transport; the example of lemming reasoning is a column in Newsweek by Henry C. Wallich, the Yale economist.

Professor Wallich first makes the case against the building of the SST with succinct persuasiveness:

"The nuisance that the plane will cause to man at rest or at work outweighs its convenience to man on the wing. Sideline noise at the airport, take-off roar nearby, sonic boom wherever it goes at full speed will make the plane a prime nuisance. Disturbance to the upper atmosphere is a remote but serious threat. The traveler's gain in time is unimpressive. . . . Rarely will so many be bothered on any day to save so little time for so few."

But then Prof. Wallich turns around and tells us that we must continue building the SST. The reason, he says, is economic: the competitive threat posed by Franco-British and Soviet supersonic aircraft.

The Concorde is on test flights. It is likely to be commercially viable, Mr. Wallich says, and the airlines are "lining up" to buy it. Even if the United States wanted to stop supersonic transport it is powerless to do so: We could not close our airports to them, because other countries would retaliate against our jumbo jets. The loss of aircraft sales would hurt our balance of payments.

"We cannot escape," Professor Wallich concludes. The words are worthy of the Emperor Franz Josef.

Even before reaching the larger questions, it has to be said that Mr. Wallich's facts are shaky.

In Britain, the Concorde project is seen as an extremely doubtful proposition. The last Government tried to cancel it years ago but was advised by its lawyers that France could successfully sue in the World Court; that legal advice has come under question. Pressure on the new Conservative Government to kill the Concorde for economic reasons is heavy and growing.

The airlines have shown little enthusiasm and placed few firm orders for Concorde. Najeeb Halaby of Pan American, a believer in supersonic flight, has criticized Concorde's design as inadequate for passengers and uneconomic. As for Russia's SST, the TU-144, nothing suggests that major Western airlines are about to buy Soviet aircraft.

In any event, there is the question of American power that Professor Wallich raises. Can he really believe that Britain will ban jumbo jets from London airport, with all those affluent tourists, if we ban Concorde? That is too silly a notion to discuss. Whatever has happened to America's military role in the world, the economic weight of tourism across the Atlantic remains. If supersonic planes were barred from all U.S. airports, Britain's response would be to cancel Concorde.

Most of the steps we have to consider to preserve our surroundings are hard. Limiting the damage of automobile exhaust may greatly raise the cost of the basic American means of transportation. Restricting electric generating plants to smokeless fuel may deprive cities of urgently-needed power.

But the SST is an easy issue. There is no basic public need; it would serve only a tiny number of people, and them marginally. Economic benefits are doubtful. And the damage the SST would do is unarguable except in degree.

If we are unable to get off the road to the SST, how can there be hope on the tougher issues? That is why the forthcoming Senate vote on the SST appropriation will be the most important in a long time.

[From the Paris Herald-Tribune, Aug. 29, 1970]

ROGERS SEES CONCORDE ROLE FOR GERMANY

WASHINGTON, August 28.—U.S. Secretary of State William P. Rogers says that he understands that West Germany may decide to join Britain and France in a second-generation Concorde supersonic airplane.

Mr. Rogers's statement was contained in a packet of endorsements that cabinet officers and heads of government agencies submitted to a Senate subcommittee yesterday.

[In Bonn, an Economics Ministry spokesman today described as "rubbish" a suggestion that West Germany might soon join the Anglo-French consortium building the Concorde, Reuters reported.]

Mr. Rogers based his support of America's SST program on the threat of the British-French Concorde SST program to the world leadership of American aircraft manufacturers.

Not only is the initial Concorde aircraft progressing favorably, but Mr. Rogers said he understood that West Germany might decide to join Britain and France in a second-generation Concorde that would be comparable in size and economy to the U.S. plane.

Mr. Rogers said that it was estimated that $500 million in new financing would be required for Concorde-2 "but the consortium of companies already in being is technically qualified to proceed."

FRENCH DENY REPORT

PARIS, August 28 (Reuters).—The French makers of the Concorde supersonic airliner said today that they knew of no German plans to join the Anglo-French consortium building the plane.

"We know of no such plans at present," an official of the Société Nationale Industrielle Aérospatile said.

[From the Paris Herald-Tribune, Sept. 17, 1970]

GAULLIST SAYS CONCORDE DRIVE THREATENS AIRCRAFT INDUSTRY

(By Stephens Broening)

PARIS, September 16.—A ranking Gaullist deputy, in a private report to the party's ruling political bureau, has termed the Anglo-French supersonic Concorde airliner a doubtful commercial venture which may condemn France's civil aviation industry to death by 1980.

Former Foreign Trade Minister Charles de Chambrun sites the Concorde as only one example of what he says has been official waste. Although he never mentions Gen. Charles de Gaulle's name in the 17-page report, Mr. Chambrun condemns the prestige-oriented industrial policy of the former president.

"A summary analysis of the years since 1962 reveals a maddening truth: in aeronautics, SECAM [the French color TV system], shipyards and electronics, we have wasted, or have committed ourselves to waste, $10 billion on projects without any serious hopes for commercial outlets," he says.

Mr. de Chambrun warned his fellow Gaullists that further errors on this scale could have serious consequences for the regime.

ABERRATIONS SEEN

Focusing on aeronautics, Mr. de Chambrun said that, "in the future we will be able to call the 1960–1970 period one of 'missed opportunities' if not one of 'intellectual aberrations'."

"Everything seems to indicate today that our aeronautics industry is condemned for 1980, for we shall have nothing more to sell," he added.

The report was made last June 17.

Mr. de Chambrun argues that in 1962, when France and Britain signed the agreement for the joint development of the Concorde, the French industry had the option of pushing on with a medium-range carrier based on the commercially successful Caravelle or putting everything into the supersonic venture.

According to Mr. de Chambrun, France made the wrong choice and "gratuitously abandoned" an expanding market to the British and Americans. He cited the success of the BAC–111, the DC–9 and the Boeing 737, with which a "super-Caravelle" could have competed.

CONCENTRATION ORDERED

"Because of the Concorde operation," he said, "any new creation of commercial airplanes has been forbidden in France since 1962. At the same time, Great Britain has assured itself of markets with the BAC–111 and has built the Trident and the VC–10, while France has renounced any new civil aviation projects.

"The whole Concorde operation excludes—and for a long time to come—any other operation of any significance."

Meanwhile, Mr. de Chambrun said, the Concorde project has far exceeded initial cost estimates. The original estimates were $490 million for development, to be shared equally by France and Britain. Today, Mr. de Chambrun said, development costs are nearing $2 billion and France has already spent $720 million.

Moreover, he said, "what is tragic is that today its commercialization is not assured. I would even go so far as to say that it is even more problemmatical than it was four years ago."

THE 74 OPTIONS TAKEN

"Thanks to governmental pressures, special credits to developing countries, pressure by the Foreign Ministry and the solidarity of Air France, some 50 to 60 planes will probably be sold," Mr. de Chambrun said. Airlines have taken 74 options to buy; none of them is firm.

Mr. de Chambrun complained that "we had been told a theoretical figure of 450 which can only be attained if we win the market of the American airlines. Today, none of them has decided to take Concorde, and the reasons are very simple."

He said that the rising volume of subsonic air traffic "has created such problems that the best-informed authorities don't envisage a solution in the most ideal conditions before 1980. As if by chance, the American supersonic transport will be on the market at that time."

The Concorde, being built by Sud Aviation of France and the British Aircraft Corp., is designed to carry 120 passengers at 1,400 miles an hour from London to New York. Several design changes and increased weight have created performance problems which it is hoped that current tests on two prototypes will resolve.

FOR CONVERSION RESEARCH AND EDUCATION

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, I am today introducing a bill designed to redirect the great wealth of talented manpower from the decelerating defense and space industries to employment which will aid in the resolution of our pressing social ills.

Our economy in the aftermath of World War II and the Korean war was characterized by the need for substantial adjustments in our manpower training programs. As the war in Southeast Asia winds down, we find ourselves in a similar situation. Job loss due to the reduction of military activities is in this case further compounded by the recent general cutbacks in the budgets of both the Department of Defense and the National Aeronautics and Space Administration.

At present the number of scientific, technical, and engineering personnel in defense and space-related activities is unprecedented. One out of two such personnel in the Federal Government is employed by the Department of Defense, the National Aeronautics and Space Administration, or the Atomic Energy Commission. Over $14 billion is being spent on research and development by these three agencies. Of the engineers, technicians, and scientists employed by industry, one in every four is engaged in defense-related work.

We as a nation cannot afford to let this talent stagnate as defense-related jobs disappear and unemployment grows. In today's economy it appears that the initial victims of the job shortage are scientific, technical, and engineering personnel, and we must take immediate remedial measures.

I have been interested in the problem of conversion for some time. In 1964, I first introduced legislation to establish a National Economic Conversion Commission. This Commission would consider the problems arising from a conversion from heavy defense spending to a civilian economy, and encourage appropriate planning and programing by all sectors of the economy to facilitate the Nation's economic conversion capability.

With the gradual phaseout of the Vietnam war, the problem of conversion has become serious and immediate. Every effort should now be made to plan and implement programs for an orderly transition from defense research to programs designed to solve pressing domestic problems.

For this reason I am introducing the Conversion Research and Education Act of 1970, legislation which authorizes $450 million over a 3-year period for general conversion research, for retraining of defense and space-oriented scientists and technicians, and for assistance to defense-related small business firms. Specifically, the bill provides that the National Science Foundation sponsor conversion research and that it develop and administer retraining programs for technical personnel. It provides further that the Economic Development Administration of the Department of Commerce sponsor conversion programs for management personnel. Finally, the Small Business Administration is asked to assist small firms in conversion by providing technical grants, loan guarantees, and interest assistance payments.

I believe there is widespread support in the House for legislation of this nature, and I am hopeful of speedy and careful consideration. It is essential that the Congress give full airing to such proposals. The future of the country depends on how we attack and resolve such problems as poverty, housing, and environmental pollution. We can fully utilize our problem-solving resources only through the effective conversion of scientific and technical talent from disappearing defense jobs to the needs of the civilian economy.

JAMES FARMER PRAISES PROJECT TO RETURN OVERSEAS PROPERTY FOR USE BY THE STATES

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, during the 90th Congress the Committee on Government Operations recommended that the Department of Health, Education, and Welfare, the Department of Defense, the General Services Administration, and the State surplus property agencies explore possibilities for returning unneeded overseas property to the United States for further Federal utilization and for donation to the States. This recommendation is contained in House Report No. 865, 90th Congress, which resulted from a study by a subcommittee under my chairmanship.

Through an outstanding feat of cooperation, the groups concerned, acting on the committee's recommendation, have developed a unique pilot project that shows both substantial tangible results for today and great promise for tomorrow. Already over 250 container vans have now been shipped from Germany and Japan to the United States, at the expense of the States, for channeling into our Federal donable property program. This program, established by the Congress under the Federal Property Act, provides surplus personal property to our States for education, public health, and civil defense purposes.

Last August 25, the Army pier at Oakland, Calif., was the scene of a notable episode in this story. An entire shipload of property from the Far East arrived with over 9,000 measurement tons of Federal property unneeded by the Government overseas. Some 4,750 tons of this property were earmarked for the donation program. The rest is to be distributed by GSA for further Federal utilization.

At a ceremony to celebrate the ship's unloading, attended by high Federal and State officials, Assistant Secretary of Health, Education, and Welfare, James Farmer, spoke some significant words about the importance of the event and of the program itself. They are words of hope and help that inspire as well as inform. They are, I believe, worthy of the attention of all Members of the Congress; and I inserted it in the RECORD at this point:

SHIPLOAD OF PROPERTY FROM PACIFIC-ASIA AREA

I am sure that representatives of the Department of Defense, GSA, HEW and the National Association of State Agencies for

Surplus Property, who comprised the task force organized to carry out the recommendations in the 14th report of the House Committee on Government Operations to the 90th Congress, regarding the return of personal properties no longer needed by DOD overseas operations, did not believe that the "overseas program" they devised would be the great success nor achieve the outstanding results that it has up to this time. It took the combined efforts of all members of the task force over six months to develop an experimental program to enable the return of property overseas, no longer needed by Department of Defense activities, to the United States for further federal utilization and for donation for health, education, and civil defense purposes on a basis which would enable the costs—in the case of federal utilization—to be economical and—in the case of donation—to be within the realm of "donation."

My office of surplus property utilization assigned one of its members to spearhead the screening and shipment of property in Germany. The National Association of State Agencies for Surplus Property formed an Overseas program group whose initial twelve State members contributed sufficient funds to enable that organization to also furnish a screener to work in Germany. With the advice, counsel and assistance of GSA and DOD staffs, both here and in Germany, the test program began operating on a full-time basis in May 1969. The first containerload of property, approximately 40 measurement tons, was received by the Maryland State Agency for Surplus Property the latter part of June. Many of the items in that container and in subsequent containers were of the kinds and types desperately needed by health, education and civil defense institutions, and which had not been available in the surplus stream within the continental United States for many years.

By the middle of November 1969, it was apparent that the test program for Germany had proven quite successful. As a result, in a meeting at that time with officials of DOD, GSA, our department, and the National Association of State agencies for surplus property, it was determined the Germany program would be put on an indefinite basis and extended to include the whole of Europe. It was also determined the same test procedures would be tried in the Pacific area. A similar joint task force group visited Department of Defense Installations in Japan, Vietnam, Thailand and Okinawa to discuss the proposal with officials at these installations to lay the groundwork for starting the test program. As a result, it was decided the test program would be initiated only in Japan and Okinawa. Here again, through the cooperative efforts of all members of the Task Force and with the financial assistance of the National Association of State agencies for surplus property, my office of surplus property utilization was able to assign a member of its staff to Okinawa and the National Association of State agencies for surplus property provided a man to work in Japan and another to work in Okinawa. The General Services Administration also placed staff in Okinawa and subsequently in Japan. The first container-load of property arrived at the California State Agency for surplus property from Okinawa in January 1970. Here again as in the case of property returned from Germany, the kinds and types made available are sorely needed by Health, Education and Civil Defense entities.

Just to give you some idea of the impact these programs have had on the surplus property utilization program of the department, through August 1970, 161 containers of property which had a federal acquisition cost of $7.8 million have been returned from Germany and distributed to the presently participating 27 state agencies for surplus property. 21 containers of property have been received from the Pacific area, having an acquisition cost of $7 million through the same date.

We are today witnessing and celebrating the return of a complete shipload of property from the Pacific-Asia area for further Federal reutilization and for donation for health, education and civil defense purposes. The combined efforts of all the Federal and State agencies concerned is represented by this shipload of property. Never, in the history of the surplus property utilization program, have we witnessed such complete cooperation and dedication by Federal and State agencies in accomplishing a goal as we have witnessed in this overseas program. I want to express on behalf of HEW our sincere appreciation to Mr. Kunzig, the Administrator of GSA, to Dr. Marrs, of the Defense Department, and to Mr. Underwood, president of the National Association of State Agencies for Surplus Property, for the significant contributions they have made in making this overseas program a true success. As far as I can recall, this is the first time in the history of our country that property no longer needed in overseas defense operations has been so returned to the Continental United States for further Federal reutilization and for donation to health, education and civil defense institutions. I also believe that the foresightedness of the then chairman of the special subcommittee on donable property of the House Committee on Government Operations. Congressman John S. Monagan, in making the recommendation in the 14th report of that committee to the 90th Congress, should be commended. There is no doubt but that, as a result of this program, Federal agencies and health, education and civil defense donees will save millions of tax dollars which would otherwise have been spent to purchase property they will now receive through this overseas program. In this manner, swords are being beaten into plowshares. Materials no longer needed for defense are now returning to aid in the defense of all the people of this Nation against disease, ignorance and illiteracy, and poverty. At the same time, the taxpayers are receiving a partial return of the tax dollars used to acquire this property.

SUPPORT OF AMERICAN PRISONERS OF WAR

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, I join my colleagues in welcoming and commending Col. Frank Borman after his important mission to 12 foreign capitals on behalf of American prisoners of war.

Colonel Borman's appearance before a joint session of Congress dramatizes the plight of our captured servicemen and of their families who have tried so desperately, but in vain, to learn the fate of their sons, husbands, and fathers. The Defense Department estimates that over 1,500 men are missing or captured in Vietnam. Some 400 of these men have been on the Department's list for more than 4 years.

Despite intense American diplomatic efforts during the last 5 years, the North Vietnamese and Vietcong have refused even minimal cooperation. Not only have they failed to release U.S. prisoners, but have ignored pleas for a list of prisoners. They have consistently refused to permit inspection of their POW camps by neutral observers. They have refused to release sick and wounded captives. Finally, they have permitted only about 100 prisoners to write home.

The North Vietnamese and Vietcong have even failed to respond to the direct pleas of the wives of missing American servicemen. POW wives have courageously organized themselves in an effort to learn of their husbands. Local groups of POW families rising up around the country have initiated write-Hanoi campaigns, made speeches, and appeared on television. Many have assumed the role of global ambassadors, meeting with the North Vietnamese in Paris, as well as with other world leaders. These efforts have dramatized the plight of the POW's to the world. However, they have failed to move Hanoi and the National Liberation Front.

Such mistreatment of prisoners is a flagrant violation of the Geneva Convention. Earlier in this session of Congress I cosponsored a resolution urging the North Vietnamese Government and the National Liberation Front of South Vietnam to comply with the requirements of the Geneva Convention relating to the treatment of prisoners of war, and pressing the U.S. Government to take all appropriate steps to obtain prompt release of prisoners. This resolution, which was adopted by the House on December 2, 1969, as an amendment to a bill supporting the President's efforts to obtain peace with justice in Vietnam, was an important step in dramatizing the inhumane treatment of American prisoners of war and of their families.

Today's joint session of Congress with Col. Frank Borman is a further essential step. The U.S. Congress should and must serve as a focal point for the individuals and groups who have worked so hard to improve the treatment and obtain the release of Americans in Southeast Asian prisons. For this reason I fully support an additional resolution being introduced into the House today dedicating this year's observance of Veterans Day to the American prisoners of war. These men deserve the unqualified support of all Americans. In enacting this resolution, the Congress will demonstrate that these men have not been forgotten and that every effort will be made to secure proper treatment and release.

Perhaps the weight of public opinion, led by the Congress, may be able to accomplish what diplomacy has thus far been unable to do. It is quite appropriate that the upcoming Veterans Day be dedicated to those who have given so much for their country. These Americans deserve nothing less than our firmest support in the effort to bring them home.

THE OCCUPATIONAL SAFETY AND HEALTH ACT

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, understandably, everyone wants to save life and limb and there is general support for legislation to improve safety standards in industry. The House may consider such a measure next week. My distinguished

colleague, the Honorable WILLIAM STEIGER of Wisconsin, and I and others have joined in introducing an Occupational Safety and Health Act which is to be offered as a substitute for H.R. 16785 reported by the Education and Labor Committee.

We seek a substitute bill to provide an effective health and safety bill but one without the serious objections which have been voiced to the committee bill. In simple terms, we want to avoid too much power from Washington in this field.

For instance, we propose that the program be administered by a board which is directly concerned with the problems of health and safety in industry. We believe this is preferable to vesting all functions in the Secretary of Labor in a centralized Washington operation.

This is a new program. It will have to try its wings. The substitute bill gives flexibility in its application. This is needed in a new program. We think a bill which does not mandate cumbersome standards-setting processes would be more effective by virtue of being more acceptable both to labor and management and will create far fewer problems. In this connection, as one illustration, the committee bill gives the inspectors dictatorial powers which in the wrong hands could work against an effective program.

The committee bill does not spell out guidelines on safety and health standards and we consider this an invitation to bureaucratic meddling which can produce untold problems in the operation of the bill.

In other words, we seek to avoid an unworkable bill or one which creates unreasonable problem. We want the program to succeed. We encourage the development and use of State plans and a realistic acceptance of programs best adapted to the individual States and to local communities. This in itself is of considerable importance.

We do not consider the substitute bill to be slanted toward any particular group, but believe that it will encourage cooperation between labor and management and Government to achieve a realistic and useful program which actually does save life and limb.

WAR RISK INSURANCE

(Mr. VANIK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. VANIK. Mr. Speaker, yesterday Transportation Secretary Volpe announced that the Federal Government will offer airline "war risk insurance" to cover 334 planes operated by American international air carriers. The Secretary of Transportation said that the Department of Transportation will offer aviation war risk coverage because it is not available at "a reasonable rate" from commercial insurers. He further stated that annual premiums for the Government insurance would be 20 cents per $100 of insurance, double the present commercial rates but considerably less than the threat of higher commercial rates resulting from the increased risks arising from the recent hijacking and the destruction of four airliners by Arab commandos.

This action by the Department of Transportation puts the Federal Government into the insurance business on a large scale, committing the taxpayers of America to a potential liability of $3.2 billion on private equipment.

The Secretary of Transportation has committed the administration to this insurance program under the same provisions of the law which the administration attempted to provide for Defense Department loans of almost $1 billion to the insolvent Penn-Central Railroad.

Let us understand what is going on in this situation. The Federal Government is insuring private property which is principally mortgaged, or in some cases owned substantially by commercial banks. What this really amounts to is an insurance coverage on a bank loan asset. In a sense, the taxpayers of America are paying the premium for insurance on a bank loan to the airlines.

This may be a perfectly necessary decision and I am not prepared to pass final judgment on the wisdom of the administration's action. However, if the U.S. Government is to become an insurer of last resort, why should it stop when it insures the assets of American bankers? Why not consider providing insurance coverage to homeowners in urban areas who are unable to obtain insurance on their property or their small business activity simply because it is located in a high-risk area? For the same reason, why should not the Federal Government consider the possibility of extending casualty and liability coverage to motorists who are assessed impossible premiums or who cannot obtain coverage at a reasonable rate simply because they happen to live in a high-risk community.

If we bail out the banker and the giant corporation, why not help the small homeowner and the citizen.

TWO PRESIDENTS SUGGEST A RESPONSIBLE APPROACH TO CAMPUS UNREST

(Mr. ANDERSON of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANDERSON of Illinois. Mr. Speaker, I recently received a letter from a young lady in my district who was about to enroll at Western Illinois University for the fall term. In her letter she expressed considerable concern and apprehension about the possibility of campus violence—a fear which I am sure is plaguing the minds of the students' parents as well. The coed enclosed with her letter a letter she had received from Western Illinois University President John T. Bernhard. In his letter, President Bernhard pointed out that although Western has been fortunate in avoiding "violent and criminal extremes, it would be folly not to face the adverse possibilities of an unpredictable future."

With that the president went on to discuss not only the policies and procedures of the university relating to the outbreak of trouble, but the responsibility of the university community to prevent such an occurrence in the first place. In his words:

> No rules, regulations, laws or policemen—however useful and necessary—can keep a university dynamic and viable. Only strong human dedication can keep the torch of learning vital and bright.

And the president made a forthright appeal to the students:

> Please do all you can to oppose violent and destructive acts on our campus. Be a forthright agent for positive action leading to progress within the context of peaecful change. If you move in this humane and civilized direction, Western will benefit immensely from your personal dedication.

Mr. Speaker, when I read this letter I was struck of how closely the thoughts of President Bernhard paralleled those enunciated by President Nixon in his Kansas State University speech last week:

> It is time for responsible university and college administrators, faculty and student leaders to stand up and be counted. Only they can save higher education in America. It cannot be saved by government.

And again, from President Nixon's speech:

> It requires that the members of the academic community rise firmly in the defense of the free pursuit of truth—that they defend it as zealously today against threats from within as they have at other times against threats from without.

Mr. Speaker, here are the forceful and forthright statements of two presidents—one, the president of a university; the other, the President of the United States. Despite their differing responsibilities and perspectives they share a common hope and belief that the university community can and should deal effectively with its own problems with a minimal amount of outside intervention. That belief will be vigorously tested and challenged across the Nation this year. Its affirmation will depend primarily on whether those in the academic community are willing, in President Nixon's words, to "take an uncompromising stand against those who reject the rules of civilized conduct and of respect for others," or whether they, "fall into a slavish conformity with those who falsely claim to be the leaders of the new generation, out of fear that it would be unpopular—or considered square—not to follow their lead." In the meantime, the rest of the Nation waits, and watches, and hopes and prays that our institutions of higher learning can master what President Nixon has termed, "the greatest crisis in the history of American education today."

Mr. Speaker, for those who have not yet taken the time to read President Nixon's Kansas State speech I commend it to their reading and refer them to the September 17 RECORD, page E8272. I am inserting at this point in the RECORD the full text of the letter which Western Illinois University President John T. Bern-

hard sent to all his students last July. The letter follows:

WESTERN ILLINOIS UNIVERSITY,
Macomb, Ill., July 1970.

DEAR STUDENT: As you well know, the campuses of many American colleges and universities have in recent months been scarred by terrible episodes of violence, bloodshed, and destruction. Much of our collegiate turbulence stems from a sense of emotional outrage created by the war in Indochina, the allegedly slow pace of domestic reform, and the conviction that has now become the scapegoat of American youth society. Much of this ferment is based upon legitimate concern about the future plight of humanity in a world growing more bitter each day.

Unfortunately, some of this outrage has erupted into forms that are wanton and inhumane. Apparently, a small hard-core militant group is determined to achieve a major objective: the destruction of the American university as a keystone of our total society. Obviously, no university worthy of its name can tolerate the intolerable; but this is easier said than done.

A university is both powerful and fragile. Its great strength lies in its educational mission and in its general service to the public—key elements which support the progress of human civilization. However, a university is also very vulnerable to physical attack. It is almost defenseless; it cannot become an armed camp and at the same time encourage freedom of thought; nor can it financially support a large police establishment. As a last resort of self-defense, it must rely upon the assistance of outside law enforcement agencies.

At Western, we have been fortunate in avoiding violent and criminal extremes. While our students are interested in and concerned about the large society around them, they are genuinely committed to democratic dialogue and peaceful change. This is a condition for which all friends and supporters of W.I.U. are indeed grateful and proud. Hopefully, it will continue to be the case, but it would be folly not to face the adverse possibilities of an unpredictable future.

In all fairness, I think that you should be aware of the attached major policy statement of our Board of Governors, issued first on May 15, 1969, and revised on February 21, 1970. I have also attached a statement of internal procedure which we are prepared to apply at Western should any unhappy disturbance arise in the future. Please study these statements carefully and make yourself aware of all the implications connected with disruptive campus behavior. Your full cooperation and support in this sensitive area are very much needed and will be greatly appreciated.

Above all else, the university must remain a congenial abode of the *free* human spirit. This is a subtle but extremely significant element, without which the campus would merely be a collection of cold buildings and isolated individuals. Without the good will of faculty, students, staff, alumni, and friends, no university can ever achieve or retain this quality of spirit. No rules, regulations, laws, or policemen—however useful and necessary—can keep a university dynamic and viable. Only strong human dedication can keep the torch of learning vital and bright.

In all earnestness, I urge your active support for the future destiny of Western Illinois University. Please do all you can to oppose violent and destructive acts on our campus. Be a forthright agent for *positive* action leading to progress within the context of peaceful change. If you move in this humane and civilized direction, Western will benefit immensely from your personal dedication.

Best wishes for a bright future at W.I.U.!

Very sincerely,

JOHN T. BERNHARD,
President.

THE INNOVATION MIRAGE

(Mr. ANDERSON of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANDERSON of Illinois. Mr. Speaker, I recently received a copy of the convocation speech delivered at Rockford College in my hometown of Rockford, Ill., by its distinguished president and my good friend, John Howard. President Howard chose as his topic, "The Innovation Mirage." His thoughtful presentation questions the automatic worth we tend to attach to change and innovation in our society and what all this portends for the quality of our civilization. President Howard poses the questions:

Why should anyone presume that newness, per se, is to be equated with worthiness? Why is that which is different automatically regarded as an improvement?

And to this he adds the observation that, among other things, the speed with which change is taking place has a disorienting and confusing impact upon people.

Mr. Speaker, at this point in the RECORD I include the full text of President Howard's convocation speech. It provides considerable food for thought not only for educators but for anyone interested and concerned about the future direction of our society. The speech follows:

THE INNOVATION MIRAGE

(Opening convocation address by President John A. Howard, Sept. 9, 1970, at Rockford College)

In 1933, the city of Chicago celebrated its centennial with a World's Fair. The theme of that fair was, "A Century of Progress." All forty-eight states, a great many foreign countries and most of the major manufacturers provided a vast array of exhibits to dramatize the cultural and technological achievements of man. The millions of visitors marvelled at what they saw. It is unlikely that it occurred to any of them to question the theme. Man's progress was impressive and the world had converged on Chicago to congratulate itself.

Anyone who would boast today that man had just completed a century of progress would encounter many startled responses of "A century of WHAT?" or words to that effect. The grand sweep toward an even brighter day has lost its momentum. Man is beset with so many quandaries he is not even sure which direction is forward. We have lots of things on the increase—hostilities and polarities, psychoses and neuroses, air and water impurities, an over-production of babies—but few people would claim that these abundances or any others add up to progress.

Given the present state of affairs, man needs to put on his thinking cap and try to figure out what will make it possible for man to live with himself and with other people. All the material comforts and labor-saving devices and medical advances are to no avail if people are suffering personality disintegration as individuals and fighting each other when they are in groups. Somehow we are going to have to domesticate mankind so that he will not destroy himself individually or collectively.

It may be that the very magnitude of our difficulties will provide the impetus for more people to pay attention to the general predicament. In a recent article entitled "Vertical Is To Live—Horizontal Is To Die", Buckminster Fuller observes how the consciousness of the results of carelessness forces a person to be careful. The airplane mechanic, recognizing that lives could be endangered if he does his work sloppily, exercises the greatest care when he is performing his professional duties, but in all likelihood, at the end of the day he gets into his car and is just as foolish on the highway as everyone else. Fuller uses the phrase, "inherent integrity of spontaneous behavior," to describe the high level of performance of air transport personnel, who automatically work with great care, conditioned as they are to the critical responsibilities they bear.

Another writer concerned with flight personnel and human behavior, Earl Hubbard, states, "It is not a question of taste—as to whether you drink or take pot or sulk. It is a question of survival . . . The right to do as you please may be debatable in a dormitory, but it is not debatable on the frontiers of space . . . Moral behavior is survival behavior. Moral behavior is concerned with the survival of the race of man."

Perhaps the time has come to recognize that we are really dealing with the survival of man at least as much in the dormitories as in preparing a plane for flight. People may have become so interdependent and human problems may have become so threatening that our society will not survive free-wheeling behavior on the part of the college student or the housewife or the store clerk, any more than the plane could stay in the air if the mechanics and flight engineers and pilots took such an attitude. Buckminster Fuller often refers to the earth as a space-ship. It could be that we are rapidly reaching the time when all earth-dwellers are going to have to perform with the same high degree of responsibility toward each other that astronauts do in their miniature spaceships.

There is no doubt that man must discover some better ways to conduct himself. We who are blessed with the vocation of using our minds, whether temporarily involved in that vocation as students or permanently as teachers, have an extraordinary opportunity, and probably an obligation, to think our way through the troubles that lie about us and seek some more effective answers. That process requires challenging and re-working the common assumptions of our time if we are to identify and proclaim more productive ones.

This morning I wish to examine with you a very pervasive assumption that seems to underlie much of man's present activity. The assumption is that innovation is a good thing. In one of the books assigned this year for precollege reading by the entering students, *The Silent Language*, Edward Hall states, "Not only do we Americans segment and schedule time, but we look ahead and are oriented almost entirely toward the future. We like new things and we are preoccupied with change." He is right. We are preoccupied with change. The individual or the organization that is constantly springing something new not only attracts interest, but attracts allegiance as well.

Corporations which used to advertise their stability and venerability with reminders that they had been in business since 1868 or some other impressive by-gone year, now wish to convey an impression of being ahead of the times. Watch the ads and you will be startled, I think, to note how many are bristling with the innovation image.

However, it isn't just the profit-making enterprises that are so inclined. Education, too, has caught the bug. College admissions literature, including our own, presents innovation as a recurrent theme, with each academic institution proclaiming itself to be a fertile source of novelty, experiment and invention. In response to the advice of the academic community, President Nixon has announced his support for the establishment of a National Academy for Higher Education

which would have as one of its primary functions to serve as a clearing house for information about innovations which colleges and universities have undertaken. One of the newest periodicals serving higher education is entitled simply, *Change*, and features innovative theory and practice. A recent publication by the Committee for Economic Development is labelled, "The Schools and the Challenge of Innovation." Innovation is an "in"-thing. If you can out-innovate the next guy, it is presumed you are headed straight for glory.

A question poses itself. Why should anyone presume that newness, per se, is to be equated with worthiness? Why is that which is different automatically regarded as an improvement? Actually, the speed with which change is taking place has a disorienting and confusing impact upon people. John Jay Chapman vividly described this phenomenon:

"The young person . . . during the past quarter century has been like a rat in a bag which the rat-catcher keeps agitating lest the creature's teeth get a purchase on the prison. The . . . youth cannot be expected to get hold of any idea while the kaleidoscope is turning so furiously. He is numb and dizzy. He cannot connect his reading with his environment; for the books of the world have been projected out of quietude. They reflect stability, depth, relaxation, and all those conditions of peace and harmony which make thought possible. The youth, therefore, discards books as incomprehensible—foolish in fact. Education has for the time being lost its significance."

Although this excerpt is drawn from an essay more than fifty years old, it seems altogether pertinent today. The college student now is likewise beset with the circumstances of perpetual flux on campus as well as off. Even before the colleges became embroiled in the push and shove turbulence of groups pressing their demands and grievances, the colleges were emulating the outside world with new courses, new calendars, new curricula, new teaching devices and new horizons succeeding each other as swiftly as new styles in women's clothing.

It is possible that the vogue for independent study is an off-shoot of the fascination with innovation. Like many other novelties, this one seems to have been accepted without critical analysis and to be carried on without meaningful evaluation. It should be ascertained, for instance, whether the aggregate learning of the students involved in independent study surpasses, equals, or is less than what would have occurred in a more formal class situation. We ought to know what are the characteristics of the student who will maximize the opportunity he has in independent study and which students will flounder on their own. A high grade point average may not automatically signify competence for solo study. Furthermore, it needs to be asked whether the kind of learning achieved by the student gifted in independent study is worthier learning for him than what he would have achieved had he been in a class where the teacher presented a distillation of what he has found most important in his years of professional study. These questions are not intended as an assault upon independent study as a technique, which certainly has some validity, but rather as an illustration of how unthinkingly that which is new and in vogue is taken up by the academic community. In the new mythology where the innovation god sits on one of the lofty thrones, the sacrifices seem to be offered with little thought of the purposes served or the value of that which is sacrificed.

Now there may be those who perceive in these comments the setting up of a straw-man to be knocked down for oratorical effect. They might assert that innovation in the current parlance is a label generally used only when the enthusiast for a particular innovation has already perceived merit in the new thing which he champions. No, I do not think that is the case. Newness *does* seem to be regarded as worthiness. Perhaps the best way to support that assertion is to turn the coin over.

Consider oldness for a moment. Of all the terms in current usage, one of the most devastating, belittling, demeaning, stop-in-the-tracksing epithets that can be applied is "reactionary". It is a red-flag word and the mere pronouncement of it tends to conjure up a vision of a dangerous, unthinking, unyielding type. And that is a parodox, for if the word does produce that result, it is an unthinking, unyielding reaction. The word, reactionary, used in a political or social context properly describes one who favors a return to former political or social policies. Surely, thinking man does not want to rule out the possibility of reinstituting policies that have proven workable in the past when successor policies have proven ineffective. Thinking man doesn't, but contemporary man blinded by the supposed virtue of innovation seems to.

Take, for instance, the swelling chorus of cries for relevance in the curriculum, and relevance in this usage seems to mean that which deals only with me, today. The relevance seeker says, "Forget all this business of classics and philosophy and history and literature—it doesn't reach me." Undoubtedly many who hold that attitude do so with great earnestness. Nevertheless, their views cannot be permitted to prevail in academic institutions. Lincoln was once trying a case in court. Following one of Lincoln's statements, the opposing attorney, with great indignation, snorted that he had never heard of such a thing. Lincoln replied, "Your honor, I cannot permit the distinguished counsel's ignorance, however great it may be, to take precedence over my knowledge, however limited it is."

To set aside man's recorded experience in favor of man's present gropings is upside-down logic. Although technological developments have created wholly different circumstances in which man lives, human nature seems to remain a constant. Even the most cursory review of such works as Homer, the Book of the Dead, the Bible and the Essays of Marcus Aurelius will establish that man's motives and man's behavior were the same several thousand years ago as they are today. With regard to human nature, the old French proverb seems on target—"Plus ca change, plus c'est la meme chose." ("The more something changes, the more it remains the same thing.") It is, I submit, only as we can come to understand humanity that we will be better able to provide the modes of conduct and the social institutions which will make human survival possible.

To illustrate this point, let us turn to two recent analyses of two very different cultures. The first is a lecture which Dr. Walter Judd gave at Rockford College last January in which he compared the way of life of pre-revolutionary China with the way of life of contemporary western society. He observed that westerners have chosen to esteem progress, development, achievement, acquisition of things, and accumulation of power. It is a culture based on changes which are designed to increase material prosperity and to liberate man from labor and care. Our heroes are the movers and shakers, the go-getters, the businessmen and the political leaders. We exalt youth and vigor and we put the sixty-five year olds out to retirement pasture. The unit of organization is the state, which in some western nations is said to exist for the individual, while in other western nations is said to be the entity for which the individual exists.

In ancient China, by contrast, the family was the basic unit of goverance and allegiance. Any offense committed by an individual was an offense against the people closest to the offender, his family. The individual's sense of right and wrong was heightened by the hurt he did to those closest to him when he committed an offense against the commonly held and clearly defined limits of morality. The overriding concern of the people was not for material things or for accomplishment but for kindness and courtesy and modesty and propriety and integrity in dealing with other human beings. The human virtues were those which made life pleasanter for others. Their educational program was not designed to make a vigorous, independent, driving, go-getter out of the child, but rather to teach him the wisdom of the past, to arm him with the highest thoughts of the sages. Their heroes were the contemplative scholars who had achieved uncommon understanding about beauty and goodness. The highest respect in each family was accorded to the eldest, so that a person, knowing that one day those he loved the most would count on him for his judgment, would, as a result, strive to prepare himself in wisdom for this trust. It was a society designed for stability, not for change. It was one in which the meagerness of material things was offset, or really overcome by the kindness and respect which people gave to each other. That civilization lasted twenty-five hundred years.

The other analysis I would call to your attention is a work by Christopher Booker, entitled, *The Neophiliacs*. In this volume, Mr. Booker considers what took place in Britian from 1956 to 1969. After commenting on the headliners of the era, the authors, musical groups, fashion experts, television personalities and the various adventures in revolt that took place in this period, he recounts the growing disillusionment with "Swinging London" and with its impact upon the lives of the people—"The lessened stature of politicians, a diminution in the general sense of community and responsibility, a feeling that life had become generally more unreal and fraught with neurosis, a widespread unease at the new power and influence of technology, a sense that too much importance was being attached to the trivial and superficial, a sense of the undoubted moral confusion that was following from the relaxation of conventional standards . . . the growth of an increasingly violent tradition of 'protest' attached to so many causes that it had eventually come out in its true colors as a condition of indiscriminate rebellion."

He observes that Britain had seen the fulfillment of the two components of the twentieth century dream: "the technological dream, whereby man would achieve a golden age . . . through a complete scientific mastery of his environment," and the libertarian dream, whereby man "would at last be able to fulfill himself through the sweeping away of social and political barriers and hierarchies, through a complete understanding of his own psychology, and through the pursuit of a new and total freedom in the arts and social relationships." He notes that during this fourteen year period there was a great acceleration in the fulfillment of both aspects of the dream, "toppling the barriers which kept the deram out of reach and therefore intact. The dream has come true . . . and its hollowness is increasingly exposed. Both technological advance and personal liberation from restraints and inhibition have proven to be hollow prizes and the society which won them is suffering the hangover of disillusionment.

In our country, the excesses of liberation have not yet run their full course, but there is here, too, a growing recognition that what has been thought to be the liberation avant-garde may, in fact, have been the trend toward a new and more devastating kind of imprisonment, that the bonds of obligation

to others have been thrown off in favor of the chains of a life without hope or direction or purpose. In an article in the May issue of the *Saturday Review*, Peter Schrag laments "To live or grow up in America in 1970 is to search for a center that doesn't exist." "The events and the forces we have created, and which we honor, tend to displace and destroy." "A generation ago . . . we regarded our discontinuities as signs of progress. Other things being equal, change was always for the better." After recognizing that that faith in change has been ill-founded, he concludes with the comment, "We are now all refugees in our own country."

All right, things are not as we would like them to be. We can sit around wringing our hands and wallowing in self-pity and some find a perverse enjoyment in doing exactly that. Or we can recognize that there has seldom been a time when the world was so ready for intelligent, highly informed courageous leadership. In a letter to the Harvard Bulletin, a Radcliffe graduate, Barbara Bernstein, berates two Harvard students who proclaimed that the world is over. She says, "Yes, the world is indeed sick, even in the critical ward, the nation is in the hands of Yahoos on the loose (both in and out of elective office), the problems overbearing. And what will deliver the coup de grace? The cop de out. It is very sensitive and intelligent to recognize just how horrible things are, but it is sheer self-indulgence to deny any responsibility for correcting them."

If the leadership of our society is largely composed of Yahoos, then that misfortune must, in part, be attributed to an educational system which graduates Yahoos. In education, as in all other functions of our society, it may be that we have been too heavily focused on novelty and innovation and individualization, encouraging the natural instincts for aggressive experimentation in behalf of one's self and minimizing man's time-proven necessity for norms of personal conduct which the individual must accept in order for a society to work. If we permit the thrust for contemporay relevance to prevail, then we cut ourselves off from the vast library of man's past triumphs and mistakes, a library which offers a roadmap of where man has been and how he got there and which identifies those roads that lead to a dead end.

It is both the task and the opportunity of the liberal arts to engage in a profound scrutiny of the nature of man and to discover what has given purpose and meaning to man's life in the past and what are the accepted standards and limits which have made living together in a society bearable or even enjoyable. We must, I believe, eradicate the foolish bias which assumes that that which has been said and thought and done in the past is irrelevant and recognize that on the contrary, it is only by familiarizing ourselves with the experience of an ancient China or recent England or classical Greece and Rome that we can better interpret what is happening now and more clearly perceive the options which are open to us. The Yahoos of this generation who occupy positions of power and influence must be succeeded by people of your generation whose judgments will be formed on a broad base of specific knowledge of man's history and culture and philosophical analyses. Without such a base of humane knowledge the decisions of leadership are doomed to be determined by what is popular, or by guesswork, or we will continue to see, to quote Peter Schrag again, "those entrusted with management try to invent (or enforce) conditions and problems that make their stewardship appear successful."

Actually, we in the liberal arts colleges face a double challenge: first, to steep ourselves in the wisdom of the ages at a time when innovation and nowness have upstaged wisdom, and we must, I think, be wary of the product or project sold on the basis of its innovativeness; and second, to diminish the hurly-burly of the campus scene so that our primary attentions can be directed to learning and contemplation rather than dissipated in the constant warring of power politics.

A cartoon in the *Saturday Review* last spring depicted an automobile sales area. The customer was saying to the salesman, "I drive in rush-hour traffic a lot. I need a car that can really creep." This may be an appropriate parable on which to end this commentary. Higher education has become sort of a perpetual rush-hour. Perhaps we need to acknowledge that circumstance and try to develop an educational vehicle that will shut out some of the noise and distraction on all sides, a vehicle which is not sold because of its innovation and gimmickry, but which will be intentionally designed for the slow pace of learning, which wisdom requires.

THE OIL-IMPORT QUOTA

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, with the advent of winter, the Northeast is again threatened by a very serious fuel oil shortage; indeed, there have been warnings that such fuel oils may have to be rationed.

Mr. Speaker, the oil-import quota program in recent years has created a serious deficit in our country's supply of oil and it has placed a particularly heavy cost on the home oil consumer. New York consumes more heating oil than any other State, and under the quota system the retail price of home heating oil in New York State in 1969 averaged 17.6 cents per gallon. This compares with the average price in Montreal of 14 cents and in Iowa of 15.5 cents. This may seem like pennies, but each extra penny actually costs New York consumers $45 million annually.

Last year, on May 1, I joined with the distinguished gentleman from Massachusetts (Mr. CONTE) in cosponsoring a bill providing a schedule for the gradual, but total, elimination of the mandatory oil-import program. Mr. CONTE's bill has the sponsorship of 65 Members of the House.

On January 30, 1970, I joined with a group of 19 New York Congressmen in writing to the President urging that he give particular attention to the cost to the consumer of any import program he might authorize.

THE CABINET TASK FORCE REPORT

On February 20, 1970, the Cabinet Task Force on Oil Import Control recommended to the President that the import-control program be phased out over a period of 3 to 5 years and that a system of variable tariffs be substituted for it. But the President decided to continue the quota restrictions on oil imports, at the cost of $5 billion a year to consumers.

On June 17 the President did sign a proclamation amending the oil import program so as to admit 40,000 barrels per day of home heating oil in the east coast. This is a help, but it is not enough; more imports will be needed to correct the growing shortage. Furthermore, the President's order requires that the oil come from the Caribbean where there is the threat of price escalation. In July, 54 Members of this body, myself included, wrote to the Interior Department's Oil Import Administrator, urging that a minimum of 150,000 barrels per day be admitted, to meet the problems of price and supply in the home heating oil situation.

Although the oil-import quota was ostensibly imposed in the interest of national security, the fact is that the present import-quota program actually impairs national security, in addition to imposing high costs on the consumer.

The oil industry claims that domestic oil prices above the world price are required in order to provide an incentive to discover domestic oil and to maintain domestic capacity to process crude oil into the products required by the American economy. Since 1959 oil import quotas have resulted in high prices, but none of the hoped for benefits have been achieved.

According to the Cabinet Task Force's report, the total number of exploratory wells drilled declined by 32.8 percent during the period 1959 to 1968. This decline is no coincidence but is the result of the present oil policy.

STATE PRORATION LAWS

State proration laws are part of the underlying cause of the oil industry's inability to meet the Nation's needs. State proration laws regulate the amount of production on the basis of a maximum efficient rate or market demand, whichever is less. In practice, the result is a rationing on the basis of market demand. Under market demand rationing, the State agency responsible estimates that at a given price a certain amount of oil will be consumed and allows only that amount to be produced.

But, the States, in computing the amount each well may contribute to the total, take into account the cost of each well and allow wells to produce enough to cover their costs. Thus, the most inefficient and high-cost wells are allowed to produce 100 percent of the time while the efficient low-cost wells are allowed to produce less than 50 percent of the time.

The proration laws are effective only because of Federal policy. In 1935 the Connolly "Hot Oil" Act was passed, preventing interstate shipment of oil not drilled in conformity with State regulations, and making State control supreme. Until 1950, virtually all domestic oil came from Continental United States, of which about half came from Texas and Louisiana and these States literally controlled U.S. oil prices.

By 1959, low-priced imports threatened to make the State proration law ineffective by giving buyers the opportunity to buy low-priced oil in place of high-priced domestic oil. It was then that President Eisenhower issued an Executive order placing a quota on oil imports. In 1962, the Congress expressly provided for such quotas. The effect was to reinforce the State proration laws.

When offshore oil came into production on Federal lands, the Department of the Interior again reinforced State proration by allowing production only to the extent allowed by the contiguous State.

DOMESTIC REFINERY CAPACITY AND THE RESIDUAL OIL CRISIS

The impairment of national security by the present quota system is dramatized by the recent sharp rise in prices for residual oil—50 percent—resulting from the unavailability of oil from certain middle eastern areas.

Residual oil is one of the most important products to be made from crude oil, for it is residual oil which is used to heat buildings and run electric generators. Seventy-one percent of the Nation's demand for residual fuel is concentrated in the east coast of the United States.

But, domestic oil companies no longer build or wish to build refineries which make residual fuel. Instead they prefer to use new processes to make virtually all crude oil into more profitable gasoline and jet fuel. The high prices for these fuels are, of course, supported by State proration laws and the import quota. As a result, since 1966 residual oil has been imported without restriction into the east coast area and 40 percent of all residual fuel used is imported.

Now that there is a crisis in foreign oil—the very thing the oil-import quota was supposed to be designed to meet—domestic refiners cannot meet it because they cannot make it. Thus, there is no shortage of crude oil, but only a shortage of residual oil in the United States today because domestic refineries are not able to manufacture it. If there had not been the market dislocation resulting from the State proration laws and import controls, the oil industry might still have refineries to make residual oil because it might have been profitable.

The fact that no provision has been made for the maintenance of residual oil supplies demonstrates that the basic concern with the import program is not national security, but oil company profits. As the task force report itself stated with respect to the residual oil problem:

One may wonder whether the security test should be different when imports do not threaten the profits of the domestic industry than when they do.

Canadian oil was until recently not subject to the quota as overland oil. But, President Nixon on March 11, 1970, put Canadian oil under the import quotas. To date, no explanation has been offered justifying this on the basis of national security by the administration.

COSTS TO THE CONSUMER

It has been estimated that the direct costs of the Federal oil program to the consumers for 1969 alone was $4.8 billion. That amount would have been saved by consumers if the import program had been ended at the beginning of 1969. Because the import program has built up costs within it, such as the lack of available transportation for cheaper oils, and so forth, the cost increases each year. It is estimated that the cost to consumers per year for 1970 to 1985 rises from $6.040 billion per year to $9.692 billion per year by 1985.

The burden of this cost falls disproportionately heavily on the east coast of the United States. This is illustrated by the fact that the import ticket which allows oil to be imported sells for $1.50 per barrel on the east coast compared to $1.05 on the gulf coast and $0.85 on the west coast.

At the present time the quota's primary purpose is to allow the oil producing States to effectively impose high prices on the citizens of consuming States. If the national security requires that we rely on domestic oil, then steps should be taken to insure that oil is produced efficiently and the required refinery capacity is available.

WHY THE PROPOSED SLEEPING BEAR NATIONAL LAKESHORE IS UNACCEPTABLE TO THE RESIDENTS AND LANDOWNERS OF THE SLEEPING BEAR DUNES AREA

(Mr. CRANE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CRANE. Mr. Speaker, I take this opportunity to congratulate my colleague, the distinguished gentlewoman from Illinois for her statement in opposition to the Sleeping Bear Dunes National Park proposal.

Because my congressional district borders on Lake Michigan, and because many citizens of my district also have summer homes in this area, I have received a considerable quantity of mail on the subject.

I will admit that the mail has been both pro and con, but the overwhelming arguments are on the side of those who oppose this bill.

So that my colleagues are aware of these arguments, I ask that a list of them be inserted in the RECORD at this point.

WHY THE PROPOSED SLEEPING BEAR NATIONAL LAKESHORE IS UNACCEPTABLE TO THE RESIDENTS AND LAND OWNERS OF THE SLEEPING BEAR DUNES AREA

I

The various bills introduced in the 91st Congress propose a lakeshore recreation area, not a park. Thus the emphasis would be on recreation not preservation. We believe that this would tend to destroy the very thing the local people have so well protected, namely the beauty of the area.

II

No need for a federal take-over exists because the State of Michigan already owns much of the Sleeping Bear Dunes and it is fully protected and open to the people. The State of Michigan owns a total of 21,000 acres (land and water) in the "taking area" and included in the state ownership is approximately 17 miles of frontage on Lake Michigan.

III

The size of the proposed national recreation area is unnecessarily large (71,000 acres, land and water.) It would include 66.5 miles of shoreline and 41,000 acres on the mainland plus both North and South Manitou Islands.

IV

None of the proposed bills in Congress contain any provision for payment "in lieu of taxes" to local units of government. This would create a grave hardship for the schools and local government, and would make it necessary for those outside the park to pay higher property taxes to make up for land taken off the tax rolls.

V

The school districts that will lose a sizeable portion of their tax base if Congress approves any of the present proposals (namely: Honor, Glen Lake and Benzie Central Schools) all have outstanding bond issues secured by all the taxable lands in the districts. To now decimate the districts by Congressional action, is to take away a part of the bondholders' security.

VI

Although the security of the United States is not involved, all of the bills would grant to the National Park Service authority to condemn large areas of so called unimproved land. This is a violation of the basic right of American citizens to be secure in the ownership of property and not be subject to undue seizure.

VII

Michigan has 2,959 miles of shoreline. The state owns 480 miles of this, the Federal Government 85.7 miles and the Local Government 55.8 miles. So roughly one-sixth (⅙) of the Michigan shoreline is publicly owned. Isn't this enough?

VIII

The Federal Government owns 34% of all the land in the United States. Isn't this enough?

IX

Michigan has 6,350,000 acres of state and federally owned land. 72 state parks are located in the scenic areas of Michigan. This state has been cited many times for its outstanding state park system. Since the private sector supports the public sector reason must prevail over bureaucratic desire.

X

The legislation now pending in Congress proposes that property owners may only keep their house and three acres of land as long as they lived up to park regulations. We feel this is of doubtful legality as it restricts the free use and alienation of private property.

XI

While forests and fields may to the authors of the proposed legislation be unimproved property, they belong to residents and taxpayers who harvest their maple syrup, fire wood, logs and deer, and derive relaxation from them. Or they may have been purchased as an investment in land or to produce timber. Even so they have the same rights to their property as does the owner of the most expensive home on the lakeshore.

XII

The proposals describe improved property as a single dwelling that was started before December 31, 1964, plus three acres of land. This so called cut-off date, we believe, makes the exercise of the Secretary's discretion both retroactive and of doubtful legality.

XIII

President Nixon has called for an increase of state and local responsibilities. We therefore urge the State Department of Natural Resources to develop the 21,000 acres they now own in the Sleeping Bear Area by using a part of the $100,000,000 bond issue that was approved in Michigan last year for this purpose.

XIV

President Nixon has asked the Congress to cut federal spending as an anti-inflation measure. We urge the Congress to save an estimated 50 million dollars as will be required to initiate the Sleeping Bear Recreation Area. We urge the Congress to save this money as our contribution to the anti-inflation program.

XV

All present proposals in Congress provide that the State of Michigan donate the state owned land in the park area to the Federal

Government. However there is a law on the books in Michigan which prevents the land from being donated.

XVI

All the land in the designated area of the "playground" is presently zoned under county or township ordinances and is protected against undesirable uses, and further government controls are neither needed nor desired.

The above listed are some of the reasons why we have opposed the establishment by Congress of a Sleeping Bear Recreational Area. More could be documented. But in essence we say that it is just plain wrong for the Federal Government to take over a populated area, push families from their ancestral homesteads and established homes, dismember established governmental districts and schools, and force the surviving local taxpayers to help pay for the creation of this federal incursion into local matters by increased local taxes.

CITIZENS COUNCIL OF THE SLEEPING BEAR DUNES AREA.

December 22, 1969.

[From the Detroit Free Press, Aug. 10, 1970]

SLEEPING BEAR REAWAKENS

(By Judd Arnett)

Long-time readers of this pillar, if any, will be distressed to learn that it may be necessary to launch another attack against the bureaucratic predators who are panting once more to get their hot little hands on the Sleeping Bear Dunes.

If you are now saying "oh, no!" then you are doubtless recalling the previous running fight over this issue which lasted three or four years and was not terminated until Congress decided it didn't have the money to buy the land, anyhow.

Well, Congress doesn't have the money today, either. In fact, the Department of the Interior, under which such matters fall, is already over-committed on the purchase of lands for park purposes to the tune of $490 million. This is why a number of projected recreation areas, including the Pictured Rocks in the Upper Peninsula, have not been developed despite federal agreement-to-purchase.

It may be ten years, or in some instances much longer, before Interior has enough money to bring these lands into park use. In the meantime, property owners have no idea what will happen to their investments in the years ahead; and in some instances the suspension of building and development is leading to economic hardship.

For the uninitiated, Sleeping Bear Dunes is a tract of unspoiled acreage fronting on Lake Michigan in Leelanau and Benzie Counties, with Traverse City the nearest large community. The size of the proposed park in years past depended on the ambitions of the gentleman attempting to seize it.

Sometimes it was 40,000 acres, again it was upward of 75,000. The argument, of course, was always to "protect the lake shore" and in particular the dunes, which are unique among natural formations.

Initially, the National Park Service went into the area without the advice or consent of the home owners and carved out the section it coveted, including some inland lakes and residential sections long established. Then a bill was written to authorize purchase, again without the advice or consent of those most directly and deeply involved, and Sen. Philip A. Hart became its champion.

There is one more thing you should know about Sleeping Bear Dunes, past and present. Under private and state ownership (there are considerable state holdings in the region), it has remained beautiful and uncontaminated. There are no honky-tonks or two-bit souvenir stands featuring goods fresh off the boat from Japan; through private donations and surveys, pollution has been prohibited; on state lands there are camping facilities (although nearly a mile of shoreline has not been developed), and motels and hotels accommodate other visitors.

In every true sense, Sleeping Bear Dunes has been available to the public at all times. The region has supported a good school system, roads have been adequate to needs—for many property owners, this is home the year around. There is, in short, the principle of the ownership of private property involved in this issue, now as then, and this column has been interested in the full protection of it.

The old bill to seize it was a mess, and the new bill, once again sponsored by Senator Hart, in conjunction with Rep. Guy Vander Jagt, is no better.

The new one may be worse, in fact, for whereas the previous one would have turned Sleeping Bear into a national park, with all of the eventual protection that implies, the latest version calls only for the establishment of a "national lakeshore." And in the matter of government gobbledygook, it holds its own. Listen to this:

"(b) In exercising his authority to acquire property under this Act (H.R. 12230) the Secretary shall give immediate and careful consideration to any offer made by an individual owning property within the lakeshore to sell such property to the Secretary. An individual owning property . . . may notify the Secretary that the continued ownership by such individual of that property would result in hardship to him, and the Secretary shall immediately consider such evidence and shall within one year following the submission of such notice, subject to the availability of funds, purchase such property offered for a price which does not exceed its fair market value."

Any property owner who would willingly submit to such an absurd contract would be a fool. It comes down to this: if the Federal Government wants to buy the land in question, let it come up with the cash or a reasonable facsimile thereof. That is the way business is done.

GENERAL LEAVE TO EXTEND

Mr. CORMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the speech given today by the gentleman from North Carolina (Mr. FOUNTAIN).

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MIZE (at the request of Mr. GERALD R. FORD), for September 21 through September 28, on account of official business.

Mr. MCFALL (at the request of Mr. ALBERT), for Monday, September 21, and Tuesday, September 22, on account of death in the family.

Mrs. HANSEN of Washington for September 23, 24, 25, 28, and 29, on account of official district business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GOLDWATER) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. FINDLEY, for 20 minutes, today.

Mr. BROCK, for 5 minutes, today.

Mr. MILLER of Ohio, for 5 minutes, today.

Mr. ROTH, for 5 minutes, today.

Mr. HALPERN, for 5 minutes, today.

Mr. SCHMITZ, for 5 minutes, today.

Mr. WILLIAMS, for 15 minutes, today.

(The following Members (at the request of Mr. CORMAN) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. RARICK, for 10 minutes, today.

Mr. REUSS, for 15 minutes, today.

Mr. TUNNEY, for 15 minutes, on September 23.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. YATES and to include extraneous matter.

Mr. MADDEN and to include an editorial.

Mr. CORBETT and to include extraneous matter.

Mr. EDMONDSON and to include extraneous matter.

Mr. BROWN of California, immediately following the recess today.

(The following Members (at the request of Mr. GOLDWATER) and to include extraneous matter:)

Mr. ROBISON in two instances.

Mrs. MAY.

Mr. STEIGER of Wisconsin in two instances.

Mr. BUSH in two instances.

Mr. WOLD.

Mr. WEICKER.

Mr. EDWARDS of Alabama.

Mr. HARSHA.

Mr. NELSEN.

Mr. ASHBROOK in two instances.

Mr. SCHERLE in two instances.

Mr. SCHMITZ in three instances.

Mr. LANGEN.

Mr. BOB WILSON.

Mr. TEAGUE of California.

Mr. SCHWENGEL.

Mr. KLEPPE.

Mr. PELLY in two instances.

Mr. MICHEL.

Mr. WYLIE.

Mr. PETTIS in two instances.

Mr. REID of New York.

Mr. HORTON.

Mr. BURKE of Florida.

Mr. LATTA.

Mr. PRICE of Texas in two instances.

Mr. WHITEHURST.

Mr. MARTIN.

Mr. DERWINSKI in three instances.

(The following Members (at the request of Mr. CORMAN) and to include extraneous material:)

Mr. RODINO.

Mr. MURPHY of New York in three instances.

Mr. VAN DEERLIN in four instances.

Mr. WILLIAM D. FORD in three instances.

Mr. UDALL in 10 instances.
Mr. ASHLEY in three instances.
Mr. DINGELL in three instances.
Mr. DORN in two instances.
Mr. ANDERSON of California.
Mr. VANIK in three instances.
Mr. NIX.
Mr. WOLFF in two instances.
Mr. KLUCZYNSKI in two instances.
Mr. DAVIS of Georgia in two instances.
Mr. HELSTOSKI in four instances.
Mr. HUNGATE in four instances.
Mr. HOWARD in two instances.
Mr. TUNNEY.
Mr. CULVER in two instances.
Mr. MOSS in five instances.
Mrs. GRIFFITHS in two instances.
Mr. BRASCO.
Mr. CONYERS in five instances.
Mrs. SULLIVAN in four instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3318. A bill to amend the Library Services and Construction Act, and for other purposes; to the Committee on Education and Labor.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 5365. An act to provide for the conveyance of certain public land held under color of title to Miss Adelaide Gaines of Mobile, Ala.;

H.R. 13543. An act to establish a program of research and promotion for U.S. wheat; and

H.R. 17795. An act to amend title VII of the Housing and Urban Development Act of 1965.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on the following days present to the President, for his approval, bills of the House of the following titles:

On September 21, 1970:

H.R. 1747. A bill for the relief of Jose Luis Calleja-Perez;

H.R. 16900. A bill making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending June 30, 1971, and for other purposes;

H.R. 17613. A bill to provide for the designation of the Veterans' Administration facility at Bonham, Tex.; and

H.R. 17734. A bill for the relief of Sherman Webb and others.

On September 22, 1970:

H.R. 10149. A bill for the relief of Jack W. Herbstreit.

ADJOURNMENT

Mr. CORMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 55 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 23, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2394. A letter from the Attorney General, transmitting a report on the activities of the Department of Justice in the enforcement of title II (extortionate credit transactions) of the Consumer Credit Protection Act during fiscal year 1970; to the Committee on Banking and Currency.

2395. A letter from the Acting Chairman, U.S. Atomic Energy Commission, transmitting a draft of proposed legislation to amend Public Law 91–273 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 15405. A bill to render the assertion of land claims by the United States based upon accretion or avulsion subject to legal and equitable defenses to which private persons asserting such claims would be subject; with amendments (Rept. No. 91–1459). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLLING: Committee on Rules. House Resolution 1218. Resolution for consideration of H.R. 16785. A bill to assure safe and healthful working conditions for working men and women; by authorizing enforcement of the standards developed under the act; by assisting and encouraging the States in their efforts to assure safe and healthful working conditions; by providing for research, information, education, and training in the field of occupational safety and health; and for other purposes. (Rept. No. 91–1460.) Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. O'HARA:

H.R. 19377. A bill to assure an opportunity for employment to every American seeking work; to the Committee on Education and Labor.

By Mr. ANDREWS of Alabama:

H.R. 19378. A bill to reduce pollution which is causd by litter composed of soft drink and beer containers, and to eliminate the threat to the Nation's health, safety, and welfare which is caused by such litter by banning such containers when they are sold in interstate commerce on a no-deposit, no-return basis; to the Committee on Interstate and Foreign Commerce.

By Mr. DINGELL:

H.R. 19379. A bill to carry out the recommendations of the Presidential task force on women's rights and responsibilities, and for other purposes; to the Committee on the Judiciary.

By Mr. FINDLEY:

H.R. 19380. A bill to amend the Internal Revenue Code of 1954 to permit a taxpayer to deduct expenses incurred in traveling outside the United States to obtain information concerning a member of his immediate family who is missing in action, or who is or may be held prisoner, in the Vietnam conflict, and for other purposes; to the Committee on Ways and Means.

By Mr. GARMATZ (for himself, Mrs. SULLIVAN, Mr. CLARK, Mr. LENNON, Mr. ROGERS of Florida, Mr. MAILLIARD, Mr. PELLY, Mr. KEITH, and Mr. GROVER):

H.R. 19381. A bill to revise and improve the laws relating to the documentation of vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. HANNA:

H.R. 19382. A bill to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of U.S. Government, and for other purposes; to the Committee on Banking and Currency.

By Mr. KYROS:

H.R. 19383. A bill to amend the Federal Water Pollution Control Act to protect the navigable waters of the United States from further pollution by requiring that synthetic petroleum-based detergents manufactured in the United States or imported into the United States be free of phosphorous; to the Committee on Public Works.

By Mr. McMILLAN:

H.R. 19384. A bill to provide for the retirement of officers and members of the Metropolitan Police force, the Fire Department of the District of Columbia, the U.S. Park Police force, the Executive Protective Service, and of certain officers and members of the U.S. Secret Service, and for other purposes; to the Committee on the District of Columbia.

By Mr. MATSUNAGA:

H.R. 19385. A bill to amend section 5(c) of the Home Owners' Loan Act of 1933; to the Committee on Banking and Currency.

By Mr. MONAGAN:

H.R. 19386. A bill to authorize the National Science Foundation to conduct research and educational programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes; to the Committee on Science and Astronautics.

By Mr. BLATNIK (for himself, Mr. GERALD R. FORD, Mr. DULSKI, Mr. MOSHER, Mr. ROSTENKOWSKI, Mr. NELSEN, Mr. DINGELL, Mr. SMITH of New York, Mr. MCCLORY, Mr. REUSS, Mr. CEDERBERG, Mr. ANNUNZIO, Mr. ASHLEY, Mr. THOMSON of Wisconsin, Mr. MIKVA, Mr. VIGORITO, Mr. MACGREGOR, Mr. STEIGER of Wisconsin, Mr. BYRNES of Wisconsin, Mr. PUCINSKI, Mr. MADDEN, Mr. STANTON, Mr. LANDGREBE, Mr. FRASER, and Mr. KARTH):

H.R. 19387. A bill to amend the act creating the St. Lawrence Seaway Development Corporation to terminate the accrual and payment of interest on the obligations of the Corporation, and for other purposes; to the Committee on Public Works.

By Mr. BLATNIK (for himself, Mr. O'KONSKI, Mr. SCHADEBERG, Mr. QUIE, Mr. ESCH, Mr. VANDER JAGT, Mr. HARVEY, Mr. ZABLOCKI, Mr. LANGEN, Mr. ZWACH, Mr. NEDZI, Mr. FEIGHAN, and Mr. O'HARA):

H.R. 19388. A bill to amend the act creating the St. Lawrence Seaway Development Corporation to terminate the accrual and payment of interest on the obligations of the Corporation, and for other purposes; to the Committee on Public Works.

By Mr. BURTON of California (for himself, Mr. CAREY, Mr. SAYLOR, Mr. STEIGER of Arizona, Mr. JOHNSON of California, Mr. KYL, Mr. TAYLOR, Mr. HOSMER, Mr. DON H. CLAUSEN, Mr. EDMONDSON, Mrs. MINK, Mr. O'HARA,

Mr. FOLEY, Mr. RYAN, Mr. KASTENMEIER, Mr. MEEDS, Mr. TUNNEY, Mr. BURTON of Utah, Mr. MCCLURE, Mr. LUJAN, Mr. RUPPE, Mr. ALBERT, Mr. GERALD R. FORD, Mr. MORTON, and Mr. MATSUNAGA):

H.R. 19389. A bill to provide that the unincorporated territories of Guam and the Virgin Islands shall each be represented in Congress by a Delegate to the House of Representatives; to the Committee on Interior and Insular Affairs.

By Mr. MILLS (for himself and Mr. BYRNES of Wisconsin):

H.R. 19390. A bill to provide for the protection of persons and property aboard U.S. air carrier aircraft, and for other purposes; to the Committee on Ways and Means.

H.R. 19391. A bill to amend the Tariff Act of 1930 to grant to the transferee of merchandise in bonded warehouse the right to administrative review of customs decisions; to the Committee on Ways and Means.

By Mr. DON H. CLAUSEN:

H.R. 19392. A bill to amend Public Law 875, 81st Congress, to require the Office of Emergency Preparedness to investigate and study the need for action plans for preventing or minimizing effects of disasters; to the Committee on Public Works.

By Mr. FULTON of Pennsylvania:

H.R. 19393. A bill to amend title XI of the Federal Aviation Act of 1958 to provide that, in cases of international aircraft hijacking, American air carriers shall be prohibited from transporting certain persons until such time as the hijacker has been extradited to the flag country of the hijacked aircraft, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FULTON of Tennessee:

H.R. 19394. A bill to amend title 18 of the United States Code to provide for better control of interstate traffic in explosives; to the Committee on the Judiciary.

H.R. 19395. A bill to provide that Interstate Route No. 80 shall be known as the 80th Division Memorial Highway; to the Committee on Public Works.

By Mr. HUNGATE:

H.R. 19396. A bill to amend the Internal Revenue Code of 1954 to terminate certain tax preferences for builders and dealers in low and moderate income housing; to the Committee on Ways and Means.

By Mr. LANGEN:

H.R. 19397. A bill to protect the personal security and academic freedom of students, faculty, staff, and other employees of institutions of higher education by requiring the adoption of procedures by the States to govern the treatment of disruptive campus violence by students, staff, and other employees, as a precondition to Federal assistance, and to assist such institutions in their efforts to prevent and control campus disorders; to the Committee on Education and Labor.

By Mr. MINSHALL:

H.R. 19398. A bill to amend title 38, United States Code, to authorize educational assistance to wives and children, and home loan benefits to wives, of members of the Armed Forces who are missing in action, captured by a hostile force, or interned by a foreign government or power; to the Committee on Veterans' Affairs.

By Mr. MURPHY of New York:

H.R. 19399. A bill to amend the Internal Revenue Code of 1954 to treat a portion of tuition paid to certain educational institutions as a charitable contribution; to the Committee on Ways and Means.

By Mr. NIX (for himself and Mr. DERWINSKI):

H.R. 19400. A bill to provide for periodic, pro rata distributions among the States and other jurisdictions of deposit of available amounts of unclaimed Postal Savings System deposits, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PERKINS (for himself, Mr. AYRES, Mr. BRADEMAS, and Mr. REID of New York):

H.R. 19401. A bill to extend for 1 additional year the authorization for programs under the Vocational Rehabilitation Act; to the Committee on Education and Labor.

By Mr. SCHWENGEL:

H.R. 19402. A bill to authorize the Secretary of Agriculture to receive gifts for the benefit of the National Agricultural Library; to the Committee on Agriculture.

By Mrs. SULLIVAN:

H.R. 19403. A bill to enable consumers to protect themselves against arbitrary, erroneous, and malicious credit information; to the Committee on Banking and Currency.

By Mr. THOMSON of Wisconsin:

H.R. 19404. A bill to retain May 30 as Memorial Day and November 11 as Veterans Day; to the Committee on the Judiciary.

By Mr. YATRON:

H.R. 19405. A bill to prohibit assaults on State law enforcement officers, firemen, and judicial officers; to the Committee on the Judiciary.

By Mr. FULTON of Pennsylvania:

H.R. 19406. A bill to repeal section 7275 of the Internal Revenue Code of 1954 which provides penalties for offenses relating to certain airline tickets and advertising; to the Committee on Ways and Means.

By Mr. GRAY:

H.R. 19407. A bill to amend the Public Health Service Act to provide a program of grants to medical schools to provide scholarships to students who will provide service to communities determined to have a shortage of and need for physicians; to the Committee on Interstate and Foreign Commerce.

By Mr. McDADE:

H.R. 19408. A bill to amend the Public Health Service Act and other laws to provide increased research into, and prevention of, drug abuse and drug dependence; to provide for treatment and rehabilitation of drug abusers and drug dependent persons; and to strengthen existing law enforcement authority in the field of drug abuse; to the Committee on Ways and Means.

By Mr. McEWEN (for himself, Mr. DON H. CLAUSEN, Mr. HARSHA, Mr. MILLER of Ohio, Mr. DUNCAN, Mr. SCHADEBERG, Mr. ZION, Mr. MCDONALD of Michigan, Mr. SNYDER, Mr. GROVER, Mr. HAMMERSCHMIDT, Mr. DENNEY, and Mr. KING):

H.R. 19409. A bill to amend the act creating the St. Lawrence Seaway Development Corporation to terminate the accrual and payment of interest on the obligations of the Corporation, and for other purposes; to the Committee on Public Works.

By Mr. WYLIE (for himself, Mr. WILLIAMS, Mr. HANNA, and Mr. STEPHENS):

H.R. 19410. A bill to enable consumers to protect themselves against arbitrary, erroneous, and malicious credit information; to the Committee on Banking and Currency.

By Mr. BENNETT:

H.J. Res. 1379. Joint resolution to amend the joint resolution entitled "Joint Resolution to establish the first week in October of each year as National Employ the Physically Handicapped Week," approved August 11, 1945 (59 Stat. 530), so as to broaden the applicability of such resolution to all handicapped workers; to the Committee on the Judiciary.

By Mr. FREY:

H.J. Res. 1380. Joint resolution authorizing the President to designate November 16 to November 22 as "National Good Grooming Week"; to the Committee on the Judiciary.

By Mr. MYERS (for himself, Mr. ROUDEBUSH, Mr. ADAIR, Mr. BRAY, Mr. ZION, Mr. MOORHEAD, Mr. TUNNEY, Mr. YATRON, Mr. MANN, Mr. ABBITT, Mr. KEITH, Mr. DICKINSON, Mr. ANDERSON of California, Mr. FRIEDEL, Mr. WYMAN, Mr. KLEPPE, Mr. ALEXANDER, Mr. ANDERSON of Tennessee, Mr. JOHNSON of California, Mr. MAYNE, Mr. ROGERS of Florida, Mr. ABERNETHY, Mr. CLARK, Mr. DON H. CLAUSEN, and Mr. GERALD R. FORD):

H.J. Res. 1381. Joint resolution authorizing the President to declare November 11 (also known as Veterans Day) as a National Day in Support of U.S. Prisoners of War in Southeast Asia; to the Committee on the Judiciary.

By Mr. MYERS (for himself, Mr. BEVILL, Mr. SHRIVER, Mr. STANTON, Mr. EILBERG, Mr. WEICKER, Mr. HICKS, Mr. MIZELL, Mr. ROBISON, Mr. BIAGGI, Mr. BELCHER, Mr. MICHEL, Mr. FREY, Mr. DENNEY, Mr. RUTH, Mr. MURPHY of New York, Mr. LEGGETT, Mr. CORBETT, Mr. HECHLER of West Virginia, Mr. BENNETT, Mr. WYLIE, Mr. HOSMER, Mr. TALCOTT, Mr. WHALEN, and Mr. STRATTON):

H.J. Res. 1382. Joint resolution authorizing the President to declare November 11 (also known as Veterans Day) as a National Day in Support of U.S. Prisoners of War in Southeast Asia; to the Committee on the Judiciary.

By Mr. MYERS (for himself, Mr. ERLENBORN, Mr. SCHWENGEL, Mr. BRINKLEY, Mr. HAGAN, Mr. MESKILL, Mr. ROONEY of Pennsylvania, Mr. GRIFFIN, Mr. RHODES, Mr. ROE, Mr. PELLY, Mr. MAILLIARD, Mr. ANDERSON of Illinois, Mr. NICHOLS, Mr. PETTIS, Mr. WATSON, Mr. PRICE of Texas, Mr. KING, Mr. RYAN, Mr. MCCLORY, Mr. CRANE, and Mr. GOLDWATER):

H.J. Res. 1383. Joint resolution authorizing the President to declare Novemher 11 (also known as Veterans Day) as a National Day in Support of U.S. Prisoners of War in Southeast Asia; to the Committee on the Judiciary.

By Mr. MYERS (for himself, Mr. ROTH, Mr. CARTER, Mr. WHITEHURST, Mr. RODINO, Mr. FASCELL, Mr. BUCHANAN, Mr. PUCINSKI, Mr. EDWARDS of California, Mr. HORTON, Mr. BARING, and Mr. PICKLE):

H.J. Res. 1384. Joint resolution authorizing the President to declare November 11 (also known as Veterans Day) as a National Day in Support of U.S. Prisoners of War in Southeast Asia; to the Committee on the Judiciary.

By Mr. HUNGATE:

H. Con. Res. 742. Concurrent resolution relative to U.N. Charter review; to the Committee on Foreign Affairs.

By Mr. OTTINGER:

H. Con. Res. 743. Concurrent resolution regarding persecution of Jews in Russia; to the Committee on Foreign Affairs.

By Mr. OTTINGER (for himself, Mr. PUCINSKI, Mr. HALPERN, Mr. KOCH, Mr. BINGHAM, Mr. REES, Mr. DINGELL, Mr. TUNNEY, Mr. PELLY, Mr. BURTON of California, Mr. DON H. CLAUSEN, Mr. PHILBIN, Mr. FLOOD, Mr. KARTH, Mr. MIKVA, Mr. MOSS, Mr. MINISH, Mr. FARBSTEIN, Mr. SCHEUER, Mr. BIAGGI, Mr. HARRINGTON, Mr. BIESTER, Mr. EILBERG, Mr. HOWARD, and Mr. ADDABBO):

H. Con. Res. 744. Concurrent resolution regarding persecution of Jews in Russia; to the Committee on Foreign Affairs.

By Mr. OTTINGER (for himself, Mr. MCCARTHY, Mr. WINN, Mr. BRASCO, Mr. VANIK, Mr. WHALEN, Mr. MORSE, Mr. GUDE, Mr. BROWN of California, Mr. BUTTON, Mr. HICKS, Mr. MCKNEALLY, Mr. REID of New York, Mr. MILLER of California, Mr. PIKE, and Mr. ASHLEY):

H. Con. Res. 745. Concurrent resolution

regarding persecution of Jews in Russia; to the Committee on Foreign Affairs.

By Mr. REID of New York:

H. Con. Res. 746. Concurrent resolution to establish a joint committee to investigate the treatment of prisoners of war in Vietnam; to the Committee on Rules.

By Mr. YATES (for himself, Mr. ANDERSON of Illinois, Mr. BARING, Mr. BUCHANAN, Mr. BYRNE of Pennsylvania, Mr. CHAPPELL, Mr. COHELAN, Mr. CONTE, Mr. DERWINSKI, Mr. GAYDOS, Mr. GRAY, Mr. GUDE, Mrs. HECKLER of Massachusetts, Mr. HOWARD, Mr. JONES of North Carolina, Mr. KEITH, Mr. MOLLOHAN, Mr. OBEY, Mr. O'NEILL of Massachusetts, Mr. POLLOCK, Mr. SCOTT, and Mr. STOKES):

H. Con. Res. 747. Concurrent resolution urging the President to determine and undertake appropriate actions with respect to stopping armed attacks on aircraft and passengers engaged in international travel; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mrs. GRIFFITHS introduced a bill (H.R. 19411) for the relief of Mrs. Maria G. Orsini (nee Mari), which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

593. By the SPEAKER: Petition of the board of directors, National Association of Manufacturers, New York, N.Y., relative to the treatment of American prisoners of war in Southeast Asia; to the Committee on Foreign Affairs.

594. Also, petition of the City Council, Philadelphia, Pa., relative to declaring a boycott of Arab states in an effort to curb aircraft hijackings; to the Committee on Interstate and Foreign Commerce.

595. Also, petition of the Mountain Maternal Health League, Inc., Berea, Ky., relative to family planning; to the Committee on Interstate and Foreign Commerce.

596. Also, petition of the Dallas County Republican Executive Committee, Dallas, Tex., relative to a joint meeting of Congress concerning American prisoners of war in Southeast Asia; to the Committee on Rules.

EXTENSIONS OF REMARKS

SENATOR RANDOLPH MAKES SIGNIFICANT ADDRESS ON CRISIS IN WATER RESOURCES

HON. ERNEST F. HOLLINGS

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Tuesday, September 22, 1970

Mr. HOLLINGS. Mr. President, on September 15 our colleague, Senator JENNINGS RANDOLPH delivered an important address at the Fourth Annual Governors' Conference on Water Resources in Columbia, S.C.

Sharing the platform with Gov. Robert McNair and introduced by Dr. R. C. Edwards, president of Clemson University, Senator RANDOLPH drew on his knowledge and experience as chairman of the Senate Public Works Committee to present a very thorough and thoughtful discussion of the water resources problems faced by the United States.

Because of the importance of this subject to all Americans, I ask unanimous consent that the text of Senator RANDOLPH's address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

WATER RESOURCE CONSERVATION AND DEVELOPMENT

(Address by Senator JENNINGS RANDOLPH)

"And the spirit of God moved upon the face of the waters."

Thus in the second verse of the Bible we read of our most basic of natural resources.

You are aware of the exalted status of water in the world today. We are acutely conscious that water is vital to life and that without it the earth would be barren and lifeless.

Yet water, perhaps because of its basic nature and abundance, is too often taken for granted. Its value is indicated by the references to water in everyday conversation:

Bread and water, the most meager of meals, but capable of sustaining life; soap and water, the combination that keeps our world clean. And for relaxation, there are some persons who mix bourbon and water.

As with so many of the necessities of life, the great quantities of water available have lulled us into its misuse and waste. We are only now awakening to the fact that the supplies of water are not limitless. Even though most of the earth's surface is covered with water, much of its population is suffering from or faced with serious water shortages.

We are in much the same situation as the ancient mariner surrounded by water but dying of thirst. Our growing population and industry have an apparently insatiable thirst that is becoming more and more difficult to slake.

The increasing consumption of water by people and industry is not the only problem we face with regard to this vital resource.

Water provides an important means of transportation, and rivers, harbors and waterways must be maintained in a modern condition to facilitate the movement of goods in commerce.

The demand for clean water forces several challenges on us. When it is a matter of basic water shortage, the challenge is a relatively simple one—new sources must be tapped and ways devised to deliver the water to where it is needed.

On the other hand, many localities have large supplies of water at their doorsteps but find them of limited use because of severe pollution. We are now harvesting the bitter fruit of two centuries of haphazard development and neglect. Streams that once were clear and pure now are rainbow-colored from wastes dumped into them, foul smelling and rapidly becoming devoid of life. The tragic cases of Lake Erie and the Hudson River are regrettably not isolated instances of a contamination buildup but will be increasingly typical if we continue to let pollution outstrip our abatement efforts.

The needs we face regarding water may force us to make some very difficult decisions in the near future. Not the least of these is likely to be an increased price for the water we use. Cost also is an obvious and unavoidable factor in eliminating pollution, one that I believe will be willingly paid in return for a cleaner world.

But even beyond economic considerations lies the possibility of drastic changes in the traditional American way of life if we are to cope successfully with our mounting water problems.

The use of water, for instance, may have to be curtailed if supplies adequate for the basic necessities are to be provided. Some areas have already had experience with reducing the consumption of water during periods of drought, and it is not inconceivable that water use restrictions could become a permanent way of life. Unrestricted air conditioning, lawn watering or car washing may become things of the past for many citizens, an ironic end product for an economic and social system that prides itself on providing an increasingly high standard of living for all people.

An integral part of managing our precious water supplies is the recycling and reuse of water. Adoption of methods to recapture water previously disposed of would have the double benefit of reducing pollution and increasing the supply.

Then too, water supply problems could lead to an acceleration of encouraging a dispersal of population. If areas of high population concentration can not obtain adequate water supplies, then it might be necessary to restrict population growth and channel it to where there is enough water. It is further possible that companion restrictions will have to be instituted to control the location and water consumption of industry.

Radical solutions? Possibly, but the time may be approaching when the old, leisurely ways of dealing with problems are no longer valid.

The availability of good water in adequate quantities is, after all, a life and death matter. If it takes extreme measures to assure this supply, then there is no alternative but to adopt extreme measures.

Crisis situations require strong, positive actions, and I fear we are moving toward a crisis of the environment, including water, and that disaster may be avoidable only by radical action. These situations have occurred before. Most of us recall the dark days of 1933 and the trail-breaking action that was necessary to get the American economy moving again.

Government acted then, and government is willing and able to meet the new crisis.

The Federal Government has a long history of involvement in the development and management of water resources of all types. It dates when Thomas Jefferson was President and has changed in nature as water resource needs change.

Starting with the removal of snags and sand bars from the Ohio and Mississippi Rivers, the Federal effort during the 19th Century was devoted almost entirely to the improvement of navigational facilities. The Corps of Engineers has been involved in South Carolina since 1852, when it undertook its first navigable project in the Charleston Harbor. The 1970 Omnibus Rivers and Harbors Bill, now pending in the Senate and the House, would authorize a $1½ million dollar flood control project on the Reedy River in the Greensboro area. This involves eight miles of channel enlargement.

The Public Works Appropriations Bill, now in a Senate-House Conference, includes money for two South Carolina projects, $150,000 to plan further navigation in the Cooper River-Charleston Harbor area and $284,000 for construction of erosion control and hurricane protection facilities on Hunting Island Beach. Flood control started to become a consideration in 1879 with the formation of the Mississippi River Commission.

The turn of the century saw further ex-

pansion of the concept of water resources development, and in 1906 the Inland Waterway Commission saw the need for comprehensive plans considering all possible uses for waterways.

Since that time there have been many dramatic success stories in the development of water resources. The canalization of the Ohio River is one good illustration of how waterway development can contribute to a region's growth. Cargo carried by the river multiplied four-fold in the first few years after the system was completed in 1922, continued to grow steadily and has taken another spurt since 1955 when construction was started on new and larger replacement structures. Billions of dollars worth of new industrial development has taken place in the Ohio River Basin since World War II.

The Committee on Public Works, which I chair, has direct responsibility in the Senate for much of the legislation affecting water resources development. Through our Subcommittee on River and Harbors-Flood Control we are striving to maintain an orderly and systematic program of development of these vital resources.

Some critics refer to these activities as politically motivated porkbarrel, but I believe objective examination of water resources development will inevitably result in a contrary conclusion. As with our other public works programs, development of waterways is an important investment in the future economic and social growth of the United States. I know of no porkbarrel critics who advocate a halt in this important work. This criticism, invalid as it is, is something that we have learned to live with because we know that what we are doing is justified and is for the benefit of the entire country.

I am not naive enough to believe that during the past century and a half there were not some public works decisions based on political expediency, but I believe these have been few in number.

We have likewise developed evaluative techniques to the point where it would be difficult indeed to authorize an unjustified project over the objections of an increasingly sophisticated and alert public even if we wanted to.

The Committee on Public Works has further involvement in water through its jurisdiction over legislation affecting the environment. For much of the past decade the Committee and its Subcommittee on Air and Water Pollution have given serious attention to the protection of water from the increasing contamination to which I referred earlier.

From these efforts has come a constant flow of legislation designed to progressively protect the integrity of our water supplies from abuse and to correct the damage of the past. Major legislation, The Water Quality Improvement Act of 1970, was signed into law early this year, and the Committee has begun consideration of new legislation to combat water pollution.

The protection of water cannot be divorced from other environmental matters. The central importance of water in our life means that all environmental matters must be considered as they relate to each other. This, in fact, is the very essence of ecology, a science which deals with all aspects of nature and their close interaction with each other.

Water must be considered when viewing the impact of electrical power production on the environment, for the water used in power plants becomes heated and thus can inflict rivers and lakes with damaging thermal pollution.

Water is used in solid waste disposal not only as a carrier of waste but as a purifying agent in waste treatment plants. Likewise, the burial of solid waste must be planned so as not to contaminate natural water supplies. Water also is an ingredient in the cleaning of air in industrial operations.

As our country has changed over the years, bringing with it new concepts about the uses of water and the development of water resources, the Federal Government has concurrently altered its approach to the problems associated with water.

Although national economic growth continues to be a primary goal, we now recognize that other objectives, such as balanced regional growth and environmental enhancement, must be included.

The logical outcome of this thinking is legislation directed to planning water resource development on a larger scale than in the past. It is in many ways a sharp departure from previous practices, but I believe we can no longer plan water resources on a project-by-project basis. Instead, we must utilize program planning techniques that take into consideration the total water needs of a region or the Nation.

The most comprehensive example of this approach is section 206 of the Appalachian Regional Development Act of 1965 which authorized a comprehensive water resources plan for the 13-state Appalachian region.

The Army Corps of Engineers established a special office to conduct the study and this spring published its report calling for $2.6 billion worth of projects in the region. This was probably the most comprehensive study of water resource development ever made and took into consideration all aspects of water supply and use.

The result is a preliminary blueprint for the development of the water resources that are an essential part of the overall economic improvement plan for the Appalachian region.

Governor McNair served as federal cochairman of the Appalachian Regional Commission during part of the time the study was underway.

In the six counties of South Carolina that are within the Appalachian region the study recommended water resource projects totaling more than $80 million, including the major Clinchfield Reservoir extending into North Carolina.

This section of the Appalachian Development Act and the results that flow from it will, I believe, prove to be an important milestone in water resource legislation and could well set the pattern for future development.

South Carolina is fortunate in that parts of the State are located in the Coastal Plains Region in addition to the Appalachian Region.

The Coastal Plains Regional Commission has declared marine resources development to be one of its major aims.

Through my personal friendship with your able and active Senators Thurmond and Hollings, I know they share my own interest in the activities of both of these regional development programs.

I hope that in your deliberations you will keep in mind not only the new technological capacity that is now available in managing water resources, but the new demands that are placed on a natural resource that is in many cases in limited supply.

I reemphasize—the United States is faced with serious and complex questions concerning water, questions not only of supply but of maximum utilization and conservation. There is no alternative but to find the realistic answers and without delay.

THE SOUTH ASKS WHY

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. EDWARDS of Alabama. Mr. Speaker, on September 17, the Washington Evening Star carried a piece entitled "For Fair Appraisal of the South—All the Souths," by syndicated columnist James J. Kilpatrick.

It points out why the South has become justifiably bitter over the current school desegregation crisis that is strangling the very life out of the meaning of quality education in this Nation.

I include that article in the RECORD at this point:

FOR FAIR APPRAISAL OF THE SOUTH—ALL THE SOUTHS

(By James J. Kilpatrick)

AUBURN, ALA.—It is an old observation that there is no such thing as "one South." There are many Souths. And never has the truism been truer than it is today.

Yet a reporter who spends a few days traveling by car, deep in Dixie, finds a common thread binding much of the South together. The thread has a nice ironic twist to it—a twist not lost on white Southerners themselves. They invented the doctrine of "separate but equal," and applied it hypocritically for nearly a hundred years. Now they are on the receiving end of discrimination; they are protesting at the top of their lungs; and they are demanding equality under the law.

It might be funny if there were not such incipient tragedy mixed with it. For all the superficial tranquility with which new levels of desegregation have been accepted, racial tensions are running high.

In Richmond, Charlotte, Atlanta, Mobile, Jackson, one encounters the same bitter resentment. One hears it expressed at service stations and lunch counters, in the homes of old friends. Newspapers are overflowing with letters making the identical point: When it comes to the racial composition of public schools, it is a harsh rule for the South, and no rule at all for anywhere else.

Mississippi's able attorney general, Albioun Summer, has been traveling widely in recent weeks in an effort to expose the situation and to publicize the South's valid grievance. The schools of his state have been subjected since early this year to the Dacronian edicts of the 5th U.S. Circuit. Mississippi also has had to bear the stinging criticism of Minnesota's Sen. Walter Mondale, a traveling evangelist for the virtues of coerced integration.

Judge Summer looks about the South, and he sees a blizzard of court orders to the same effect: Neighborhood schools must be broken up; children must be bused by the thousands to attain racial balance; facilities must be integrated without regard to the teachers' wishes—and if parents do not like it, well, let the parents be charged with contempt and threatened with sentence to jail.

All right, says Judge Summer; if this is what the Constitution demands, the Constitution must demand it everywhere. But how, he wonders, could the gentleman from Minnesota have overlooked the opportunities for evangelism in his own home state?

During the past school year, some 68,000 pupils attended the 101 schools of Minneapolis. Of these 5,500 pupils, or 8.1 percent; were black. The great bulk of these black pupils of Minneapolis were concentrated in a handful of schools—at Hay, Bethune, Willard, and Field elementary schools, at Lincoln and Bryant junior high schools, and at Central and North high schools.

Meanwhile—horrible to contemplate—such elementary schools in Minneapolis as Morris Park and Lowell were lily white. Minnehaha had 1 black child in an enrollment of 516; Putnam had 1 in 455; Corcoran had 7 in 667. At Jordan Junior High, there were 2 blacks among 1,200. At Roosevelt High School, Judge Summer found 15 blacks in a student body of 2,331.

The situation was the same last year in neighboring St. Paul. Monroe Junior and Senior High School, for example, reported not a single black student in an enrollment of 1,037. Seven elementary schools—Van Buren, Sibley, Grant, Adams, Whittier, Deane and Gordon—counted white children, 3,020; and black children, 1.

Now, this is the kind of thing that outrages Mondale; it outrages him in Mississippi. It is the kind of thing that has resulted in massive court-ordered busing in Richmond, Norfolk and Charlotte. But no federal judge has ordered Minneapolis to do anything. St. Paul has not been converted; its acts have led to no perils. The South is asking why.

SPREAD OF V.D. AMONG TEENS GROWING WORRY IN DENMARK

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. HELSTOSKI. Mr. Speaker, nations which relax their moral standards must pay the piper.

One example of this is the following United Press International article reporting a shocking condition in Denmark. This is the nation which some would like us to copy by removing all restrictions on the sale and distribution of pornographic material.

A loud warning signal has been sounded in Denmark. We should heed it and brush aside any suggestions for action that will cause a furthering lowering of morals and decency in the United States.

The article follows:

SPREAD OF VD AMONG TEENS GROWING WORRY IN DENMARK

COPENHAGEN, DENMARK.—They look like a row of demure school girls. School girls they are. Demure they are not.

The 12 and 13 year olds lining the bench are sitting in a state run venereal disease clinic. And they have given Denmark a new worry.

The pill, a general relaxation moral standards and sexual freedom among the young are responsible for a 40 percent increase in VD cases over the past year, in the opinion of District Doctor Bent Maegaard Nielsen.

"I'm not preaching morals," said Nielsen, a leading authority in the field, "but some of the youngsters these days get venereal diseases the way the older generation got a hangover. Girls of 12 and 13 have to be called in for treatment and we must explain to them the consequences if they fail to name their partners.

"In fact up to the age of 20 a majority of VD carriers are female. After that males outnumber them two to one."

Not everyone uses the state-run clinics but many prefer them since the treatment is free and well-organized. One of the best known is at the Kommunehospitalet, Copenhagen's Municipal Hospital, and every weekday morning there is a line of patients waiting in the hospital's white-washed corridors.

The wooden benches are occupied by youngsters from all walks of life, interspersed with an occasional middle-aged workman or bricklayer. Few appear embarrassed.

"Tracing their partners is the hardest and most delicate part of the job," Nielsen said. "Especially if three or more are involved. A few reel off names as though they were reading a telephone book.

"PROTECTIVE

"Others simply refuse to name anyone"—it is a penal offense to have relations with girls under 15 and the girls tend to protect their contacts.

Nielsen said it was not true that prostitutes were largely responsible for the spread of the disease.

"That may have been the case 20 or 50 years ago," he said, "but not today". He said there are now so many cases of VD, doctors have given up the hope they once had that antibiotics would eliminate the disease.

CONGRESSMAN CORBETT'S LATEST PUBLIC OPINION POLL

HON. ROBERT J. CORBETT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. CORBETT. Mr. Speaker, here are the results of my latest poll of public opinion in the 18th District of Pennsylvania. I hope they prove interesting and informative to my colleagues:

1. Did you approve of President Nixon's use of ground troops in Cambodia? Yes, 77%; No, 23%.

2. Should the *Federal* government have a role in trying to protect consumers against fraudulent advertising, inadequate product warranties, and deceptive packaging? Yes, 95%; No. 5%.

3. Should the United States sell enough jet aircraft to Israel to replace combat losses and maintain military balance in the Middle East? Yes, 70%; No, 30%.

4. Some women's organizations claim women are denied full equality. Should the Constitution be amended to guarantee equal rights? Yes, 34%; No, 66%.

5. Would you favor legislation to authorize a court to keep a criminal defendant in "preventive detention" for up to 60 days if his record indicates he is likely to commit a dangerous crime while free on bond awaiting trial? Yes, 93%; No, 7%.

6. Would you approve President Nixon's proposal to bring all the federal government's anti-pollution activities into one independent Environmental Protection Agency? Yes, 86%; No, 14%.

7. Should some sort of selective service law be enacted when the present one expires in June 1971? Yes, 80%; No, 20%.

8. Do you believe conscientious objector status against military duty should be allowed for other than strictly religious grounds? Yes, 21%; No, 79%.

9. Would you prohibit federal scholarship and loans assistance to college students convicted of violence in protests and demonstrations? Yes, 89%; No, 11%.

10. The Senate passed the Cooper-Church Amendment to restrict the President's use of funds and prohibit future military operations in Cambodia? Should the House approve the amendment, too? Yes, 37%; No, 63%.

11. Should Communists or other revolutionaries be permitted to teach in tax-supported educational institutions? Yes, 7%; No, 93%.

12. In general, do you approve of Vice President Agnew's criticisms of campus protestors, racial militants, antiwar demonstrators and the news media? Yes, 86%; No, 14%.

13. Would you risk a recession and higher unemployment in order to stop inflation? Yes, 69%; No, 31%.

14. How do you rate President Nixon's performance in office up to this time? 49% good; 41% fair; 10% bad.

INTERSTATE COMMERCE AND THE ENTERTAINMENT INDUSTRY—OR BIGOTRY FOR PROFIT

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. BRASCO. Mr. Speaker, on September 21, 1970, the Communications and Power Subcommittee of the House Committee on Interstate and Foreign Commerce held hearings on House Concurrent Resolution 262, a "sense of Congress" resolution I had introduced calling for the cessation of the production and distribution in interstate and foreign commerce of motion pictures and television programs which degrade or demean racial, religious, or ethnic groups.

It is a sad fact that our motion picture and television industry has indulged in such production and distribution. This is an incontestable damning situation that blithely continues as we meet here today.

It is bad enough to do this in the sheer name of profit. It is intolerable to do it with Government permission. It is inexcusable to deliberately carry on such activities at this particularly critical juncture of American history.

Our society has prided itself at being pluralistic—many groups living and working together. Inevitable differences have always been met and ironed out through use of the art of compromise. This has always been our unique national genius. The only time it failed, we had civil war.

Today that pluralism is endangered—through polarization of our society based on accentuation of our differences. By singling out how one group differs from another, pluralism as a principle works against us—rather than in our favor. It is therefore critical for those in the mass media to be aware of the potential for good—and harm—that resides in their hands. Too often they have been remiss in handling that responsibility. We can no longer allow them such leeway.

It is particularly important for us to realize that today successful entertainment depends often on mass media that cross interstate and international boundaries as if they were not there. Modern technology has created new worlds for massaging the brains and pleasure centers of the mass mind. It is not only easy to get across a simple entertainment idea—it is also easy to get across an evil concept or a distorted picture of an entire group of people. This has, and is, being done with disconcerting frequency by our mass media—especially movies and television. Results have verged on the disastrous. Let me cite just a few examples.

I am of Italian-American ancestry. Of course, this is a source of enormous pride to me. Ordinarily, I avoid hypersensitivity in this area. Yet in recent months, I have been appalled at some of the images movies and television have created of my own people. Ask millions of Americans who do not come into contact with too many Italian Americans about the picture they have of these citizens. Most think that every Italian American

is either a close blood relative to Al Capone or would like to be. Consistently, through programs such as the "Untouchables" or "The FBI," Italian Americans are pictured as illiterate mobsters who dress flashily, smoke huge cigars, smuggle heroin, kill innocent people, and belong to the Mafia or Cosa Nostra. If this is true, then so will the Mona Lisa start at fullback for the New York Jets. We laugh, but many believe.

Movie after movie has been made portraying them in similar fashion. Today's film is tomorrow's evening movie or television and the day after tomorrow's late show. Scores of millions of Americans live in areas where Italian Americans are few. Their only images of such fellow citizens is formed in great part by such presentations. By creating such intolerably warped pictures of Italian Americans, the minds of millions are made up, and the entire image set as if in concrete. Here again we see pluralism used against America. We all have seen or experienced that ourselves.

These films are also liberally distributed abroad, again with permission of our National Government. Foreigners have even less grounds, experience, and personal contact to use for comparison. In almost every case, their image of the people portrayed is formed completely by movies or television shows they are exposed to.

It is also well known that such distribution of American films and television programs literally saturates dozens of countries. We dominate their markets in these areas. It is also well to bear in mind that although many people in some of these countries cannot read or write, all can understand the relatively simple imagery of a movie or television show.

The same outrageous portrayals have been made of Spanish-speaking Americans. Here it has been just as blatant. The image is appalling. He is lazy. He makes revolutions. He sleeps much and drinks too much tequila. He is dirty and smelly, lacking ambition. I refer in particular to several portrayals of these Americans on television commercials for cigarettes and potato chips.

Again we have the same situation. Go out into the streets of an average American community. Ask people what images come to mind in regard to such people.

Stereotypes we have fought against for years are everpresent in the minds of millions of Americans. And they are growing in frequency and level of outrageous distortion—again mainly due to presentations on film and on our television screens.

The same is true of portrayals of the Irish, Jews, blacks, and an entire range of ethnic groups from Eastern Europe. Look at the images being impressed on our national mind of Polish-Americans—instead of giving such citizens their due as hardworking builders of America, they and others from Eastern Europe are either ignored or portrayed as dull beasts of burden. No mention is made of their heritage or cultural contributions.

Jews are tightfisted peddlers in the mass media lexicon. They are "those clever little storekeepers" who are always plotting to do one thing or another to gain some commercial advantage. The Irish are almost always portrayed as beefy police types who drink heavily and think little. Almost every variety show on television and many serial programs eagerly exploit and perpetuate such stereotypes. Movies blithely ignore any pretense at fairness, simply ignoring pleas of various organizations representing such groups who are laboring to halt these portrayals.

Mr. Speaker, this is more than an ordinary complaint. Millions of Americans belonging to these groups are being rubbed raw by such outrageous commercial warping and exploitation of what they hold most dear—their identities, heritage and culture. One of the main reasons for the present strictures inexorably tearing our society's fabric are portrayals by movies and television I have described. I realize they will howl denials in platoons and battalions. Yet I shall stick to my guns and refute those protestations ahead of time. They are responsible and cannot deny it.

Recent public demonstrations by several of these groups is ample evidence of the truth of what I am saying. Italian-Americans have vigorously protested such stereotyping—publicly and in large numbers. I think they were absolutely correct and expect more such happenings if nothing is done.

The same is true of the outrage felt and expressed by the Nation's Spanish-speaking community and still other groups.

There are at least 40 million Americans who can be called "ethnics"—in that they are still closely in tune with their heritage from the "Old Country." They favor old recipes, preserve the language, worship accordingly and often maintain a special language press. These are citizens who live in our cities, especially the larger ones in the East, Midwest, and west coast.

They are aware that in the past they have been ignored by Government, established political groups and the mass media. Their political power is great. Their indignation is strong and growing. They violently resent, with increasing bitterness, the images of themselves, distorted beyond reasonable recognition, that appear on their movie and television screens.

These are people who work terribly hard, complain relatively little, support the Nation's principles and ideals passionately, and are slow to anger. Their lives revolve around work, church, neighborhood, and family.

They are the backbone of our industry and are mainstays of America's great unions. They feel themselves pressed on many sides and seek understanding of their frustrations, ambitions, and desires. In such a light it is easy to understand why they are so enraged over outrages being perpetrated at their expense by the mass media—particularly movies and television.

Mr. Speaker, I am not a "professional media baiter," as some few people in public life have become in recent months. I respect and admire the free media of a free nation. Yet freedom to entertain is not a license to do anything in the name of making a profit. Use of the public airwaves and methods of communication carries with it a responsibility to understand and anticipate effects such entertainment is going to have. The sensitivities of others are no longer negotiable.

We live in a volatile age complete with unprecedented violence, bigotry, and public anger. Continuation and proliferation of images I have already described courts increased desperate strife. It rubs salt into already raw wounds. It accelerates the process of national mistrust and polarization. It cuts out that middle ground from under men of moderation and good will, whose main desire in such times throughout our history has been to compromise. Yet if there is no middle ground, there can be no compromise.

It is the duty of television and movies to understand this and act accordingly. If not, we court ultimate disaster and political polarization. And perhaps it is necessary to remind ourselves a second time that the one time this process reached its ultimate conclusion, we had Civil War.

America is not immune to internal collapse as a result of internecine struggle. It is the duty of this body, as one charged with regulation of the rights which have been abused in this case, to come down hard on these people. If they will not abide by the law, then they should and must be made to toe the line or lose their access to the publicly owned methods of communication.

NOVEMBER 11, 1970: A NATIONAL DAY OF SUPPORT FOR U.S. PRISONERS OF WAR

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. WYLIE. Mr. Speaker, I am happy to cosponsor a joint resolution introduced today by the gentleman from Indiana (Mr. MYERS), which would designate November 11, 1970—Veterans' Day—as a national day of support for U.S. prisoners of war. It is indeed fitting that this bill be introduced following the joint session, during which we heard a report from Col. Frank Borman, the President's special representative on prisoners of war matters.

This bill is the most recent attempt to focus worldwide attention on the American POW problem. Congress has previously passed House Concurrent Resolution 362, which I also cosponsored, calling for strict observance of the POW provisions of the Geneva Accord. I, as well as many other Members, have written to Postmaster General Blount urging the issuance of a commemorative stamp, and have written personal letters of encouragement and support to the U.S. chief negotiator at the Paris peace talks, urging that the treatment of POW's be given top discussion priority. In addition, I have corresponded with Mr. Ross H. Perot asking how a Member of Congress can effectively aid the POW's. I believe

we can be encouraged in our efforts by the recent statements of the Communist delegation in Paris which illustrates their awareness of our concern for the treatment and release of American prisoners.

November 11 is an appropriate date on which to honor the more than 1,500 Americans listed as prisoners of war or missing in action, and to demonstrate that we are determined in our efforts to obtain the early release and humane treatment of our POW's.

It is my hope that community, groups, church, and veterans' organizations across the Nation will plan appropriate ceremonies on November 11 to demonstrate the concern of American citizens for our soldiers being held captive by the Communists.

A RESOLUTION PROPOSING A REVIEW OF THE UNITED NATIONS CHARTER

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. HUNGATE. Mr. Speaker, I have today introduced a resolution proposing a review of the United Nations Charter. It seems most timely to propose a review of the charter as the 25th anniversary of the signing occurs in October.

The safety and stability of nations throughout the world is dependent upon an effective United Nations capable of bringing about peaceful settlement of international disputes, and capable of seeking cooperative solutions to world problems.

Although the United Nations Charter has withstood a quarter century of many difficult international situations, the ability of the United Nations to function as an international peace-keeping force is a matter of great controversy. The question of its effectiveness, as the United Nations begins its second quarter century, should be of extreme concern to all member states.

Gen. Carlos P. Romulo, Foreign Affairs Secretary of the Philippines and a signer of the United Nations Charter, said he thinks the charter should be rewritten to cover "changed circumstances" in international politics.

Romulo said:

When we wrote the charter, none of us knew anything about the atom bomb. Also, the charter is designed for open aggression only. Since 1945, new kinds of aggression have appeared: Aggression by propaganda, aggression by subversion. We need a better definition of aggression.

Romulo also explained that a provision in the charter suggested restudy of the document after 10 years.

My resolution reads as follows:

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the United States position at the forthcoming 25th General Assembly of the United Nations should be that the General Assembly call a Conference for the Review of the United Nations Charter in accordance with Article 109 of the Charter not later than 1973, that in the meantime a Committee of the General Assembly review suggestions from governmental and non-governmental sources, and that member governments be requested to prepare recommendations and to exchange views with respect to United Nations Charter review and revision in order to facilitate the organization of the said conference and to further the chances of its success.

SEC. 2. The President is hereby requested to initiate high-level studies in the executive branch of the Government to determine what changes should be made in the Charter of the United Nations, to promote a just and lasting peace through the development of the rule of law in the limited field of war prevention. The President is further requested to report to the Committee on Foreign Relations of the Senate and Committee on Foreign Affairs of the House of Representatives, within twelve months after the date of approval of this resolution, the results of such studies.

We cannot afford to jeopardize the goal of a lasting world peace—no matter how remote that possibility may seem today—by failing to provide the tools necessary for the United Nations to be effective in working toward this goal. A review of the United Nations Charter would seem an essential first step.

I would again like to call your attention to the World Peace Through Law Center. Earlier this year, the organization's president, Charles S. Rhyne, established a special committee on the review of the U.S. Charter. President Rhyne appointed Dr. Max Habicht of Geneva, Switzerland, as chairman of the special committee on which I am privileged to serve. It is hoped that the committee will complete its work by April 1, 1971, so that the charter review may be presented to the Fifth World Conference on World Peace Through Law to be held in July 1971.

At the biennial conference last year in Bangkok, Thailand, we adopted the following resolutions concerning the United Nations and its charter:

RESOLUTION 3: STRENGTHENING UNITED NATIONS CHARTER

Whereas, the stated purpose of the World Peace Through Law Center has been to work together to build law rules and legal institutions for World Peace Through Law;

Whereas, time is of the essence due to the spread of arms and tensions in the world; and

Whereas, the United Nations is the most realistic center for effective law rules and institutions,

Resolved, that the Center establish forthwith a special study committee on possible revision and strengthening of the United Nations.

RESOLUTION 19: INTERNATIONAL MEDIATION AND CONCILIATION SERVICE AND COMPULSORY ARBITRATION OF INTERNATIONAL DISPUTES

Whereas, the need for utilizing all promising procedures for peacefully settling disputes between nations is all too evident.

Resolved, that the Bangkok Conference urges the establishment within the framework of the United Nations of a permanent available service of competently trained mediators and conciliators to facilitate peaceful settlements between nations in conflict; and

Further resolved, that the United Nations Charter be amended to provide a method for the compulsory arbitration of international disputes.

I shall hope this resolution receives the strong support of my colleagues as conflicts between nations today are no longer isolated incidents, but involve and threaten many nations and any world peace effort, and international problems such as increasing aircraft hijacking demand immediate efforts toward international cooperation in seeking solutions.

BUSING—CONSTERNATION FOR BLACK AND WHITE

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. BURKE of Florida. Mr. Speaker, the Federal Courts' decisions directing the busing of students to achieve a racial balance in our schools has caused deep consternation and objection by parents of young children, both white and black.

Many of us in the Congress have indicated our concern, too, because the Cramer amendment to the 1964 Civil Rights Act specifically prohibits busing to achieve a racial mix.

This week I joined with a number of other Members of Congress in a suit involving the school board of Charlotte-Mecklenburg County, N.C., now before the U.S. Supreme Court, which challenges the busing requirements ordered by lower Federal courts. This precedent setting action of our intervening, I believe, is necessary to bring to the Supreme Court the urgency of the problem existing in our school system and to indicate, through our intervention, the concern of our citizens toward this new and radical educational concept put forth by Federal bureaucrats and Federal judges requiring assignment of students by a computerized numbers system.

The brief asks the U.S. Supreme Court to follow the mandate of the U.S. Congress as written in the 1964 Civil Rights Act. In that act is an amendment, written by Congressman WILLIAM C. CRAMER, specifically prohibiting the busing of students to achieve racial balance in the public school systems. The wording of the amendment is set forth in sections 401 and 407 of the Civil Rights Act and is crystal clear but several lower Federal Court judges have chosen to deliberately ignore the intent of the act and instead ordered the busing of young students miles across town to strange neighborhoods to attend school.

The sad part is the U.S. Supreme Court has not acted to clarify this situation and we, as concerned Representatives of the people in the U.S. Congress, hope by our action to make it very clear to the High Court that busing is not nor was it intended to be the law of the land.

In a related action, a number of Members of Congress have joined in a sense of Congress resolution urging the U.S. Supreme Court to hear the Charlotte-Mecklenburg case as soon as possible and to make a prompt decision so that the Nation may be guided on the busing question, and our young will not be required to forsake their neighborhood schools for a strange new atmosphere, miles from home.

What we need in America today is less rhetoric and more action in order to bring commonsense back to our education system.

We need leadership and I think our action before the U.S. Supreme Court will help provide this guidance.

I hope that through our efforts the Supreme Court will act in favor of the people and be able to salvage the wreckage that has occurred in our school system as a result of the questionable schemes put forth by the social welfare planners on the Federal level.

The type of education our children will receive in the future will depend on what the Supreme Court decides. If the Court's decision is unfavorable, without a direct finding upholding the language of the 1964 Civil Rights Act which prohibits busing, this opinion will be an affront to the Congress and to you, the people, who we, as your Representatives, were elected to represent.

JOINT SESSION OF THE CONGRESS WILL SERVE TO MAKE OUR FEELINGS CLEAR TO NORTH VIETNAM ON OUR PRISONERS OF WAR

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. HOWARD. Mr. Speaker, I rise to register my support and appreciation for the effort which has gone into this joint session of the Congress today to discuss the question of our men, who are being held as prisoners of war in North Vietnam.

Hanoi must be made to realize that all Americans, regardless of their political party or political philosophy, are outraged over the treatment of American prisoners of war by the Republic of North Vietnam. I believe this joint session of the Congress will serve to help make these feelings abundantly clear to that government.

As we all know, there are many differences of opinion among the Members of Congress as to the best course to follow our involvement in Vietnam. But there is no divisiveness in our opinions about the treatment of our men who are being held prisoner by Hanoi. There is no divisiveness in our sympathy for the families of these men—many of whom do not know whether their loved ones are even alive or not.

Hanoi must realize that we are united in our insistence that they exercise compassion and humanity to those of our sons who are in their custody. This concern far transcends questions of international politics because it recognizes a kindred humanity apart from consideration of race, color, or political persuasion.

As one of those who signed the congressional letter to Premier Pham Van Dong, protesting the conditions in the North Vietnamese prisoner of war camps, I salute this effort today in further asserting the outrage of the U.S. Government, and all its citizens, over the continued refusal of the Hanoi government to honor the terms of the Geneva Convention.

I am also most appreciative of the efforts of Col. Frank Borman who has directed his energies toward pressing the North Vietnamese to honor their commitment to the basic tenets of decency and kindred humanity.

LABOR'S NO. 1 LEGISLATIVE GOAL

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mrs. GRIFFITHS. Mr. Speaker, it is not surprising that support for national health insurance is widespread and enthusiastic. It is estimated that nine out of 10 Americans are medically indigent in the sense that the average wage and salary earner faces a financial crisis, should he contract a serious or extended illness.

Following is the text of the Labor Day message of President George Meany of the AFL–CIO. Although, the executive council of the AFL–CIO endorsed the national health insurance bill I have introduced, H.R. 17806, in late February 1970, I welcome President Meany's assurance that national health insurance is "labor's No. 1 legislative goal."

The message referred to follows:

TEXT OF A LABOR DAY RADIO BROADCAST BY AFL–CIO PRESIDENT GEORGE MEANY, SEPTEMBER 7, 1970

Traditionally, Labor Day is the day when the AFL–CIO not only looks to the future but reports to the American people on what steps American workers are planning to meet that future.

So, today, I want to report to you on Labor's Number One legislative goal—a goal not only for America's workers and their families, but for all the American people: rich and poor; young and old; black and white; employed and unemployed.

That goal is to upgrade America's standard of health; to establish a new and better system for delivering health care and health services to the people who need them.

Now we are not pretending to be doctors. We believe that only members of the medical profession should have any voice in medical decisions. Any other position would be silly.

But while medical treatment is the doctor's business, health is everybody's business. The nation's health is the nation's business.

So all of us must be concerned about whether there's enough health care available, how it is delivered and distributed, and how much we have to pay for it.

We are concerned not only as workers, but as citizens. We have a stake in the nation and the nation's health.

Labor has always believed that the right to a decent standard of health care has to be considered a basic human right. As long as that right is denied or abridged, this nation's promise to its citizens of the right to life, liberty and the pursuit of happiness cannot be kept.

So this is a right that labor has been fighting for and moving toward for a very long time.

A national health insurance program has been on the national agenda since early in the century. It was proposed as part of the original Social Security Act 35 years ago, but special-interest groups succeeded in blocking it.

We have made some progress since then, a step or two at a time. We have succeeded in wiping out the barriers that once denied access to medical services because of color, race or national origin. We have succeeded in winning a measure of justice for the sick who also happen to be very old or very poor—these are the Medicare and Medicaid programs, for which labor fought very hard.

Those two programs helped, but not nearly as much as they should have. They didn't begin to do the job that must be done.

That job must not be delayed any longer. The money barrier must be wiped out. We must stop restricting the right to life and health to those who can pay, and denying it to those who cannot.

On behalf of American workers and the American people, the AFL–CIO is going to devote as much of its energy and as much of its resources as may be necessary to see that the United States has a first-class system of comprehensive health protection for all its people.

And we will not rest until that task is complete.

Let me outline some of the facts that compelled us to make that decision:

Americans like to think of themselves as first among the family of nations in every branch of human endeavor. In health we are not number one, or number two either. We are a long way from ranking among the top ten, according to an official United Nations report.

Think of this:

There are 35 other nations where 10-year-old boys can expect to live longer.

There are 10 other nations where 10-year-old girls can expect to live longer.

There are 13 other nations where new-born babies have a better chance of survival.

These are averages. For the poor who live in city ghettos, matters are much worse.

In nearly every area of human health we lag behind every developed nation in the Western world. And we are slipping farther behind every day.

We say: The United States must be Number One in medical care. We can't avoid this step if the nation is to live up to its promise.

Now, there are those—as there always have been—who say America can't afford this. They are the same people who blocked national health insurance before, and who have fought every piece of progressive social legislation from the child-labor laws and minimum wages to Social Security, Civil Rights and Voting Rights.

Their argument is always the same: good health is too expensive. Tax increases would wreck the country. Doctors would be regimented and worked to death for starvation wages. Socialism would inevitably follow.

Those arguments don't hold water, any more than they ever have.

Let's take the question of money.

If we were getting our money's worth, this would be the healthiest, longest-lived nation on earth, because Americans spend more on health care and health services than the citizens of any other nation—more in total cash, more per capita, and more as a percentage of gross national income.

We spend more than 60 billion dollars a year—nearly 7 percent of our gross national product—to be healthy. We spend about $300 a year for every man, woman and child in America in this way—far more than any of the nations that rank ahead of us—and we don't get our money's worth.

It is perfectly clear that we don't need to spend any more money to give this nation the finest health care in the world. We already spend enough to do that.

So there must be something wrong with the way we spend our money. There must be something wrong with the way medical services are marketed and delivered.

There is a great deal wrong with it. In the age of sophisticated computers, the medical profession still operates like an 18th century cottage industry.

No other profession, no other craft or trade, is fragmented so chaotically and so wastefully.

Doctors, as small businessmen, spend about a fourth of their time on business details. Patients spend hours in waiting rooms, and more hours traveling from one specialist to the next.

And the price we pay for what medical care we get is soaring out of sight. It is the fastest-climbing item of all the goods and services we buy.

Over the last 10 years, while prices in general rose 25 percent, doctor bills rose 50 percent. And hospital bills rose 150 percent. The $100-a-day hospital room is here, and the price is still going up.

Blue Cross and Blue Shield and other sickness-insurance programs are not doing the job. Unions work hard to win such programs at the bargaining table, only to find that they consume an impossibly high share of each economic settlement.

Union members find that at best, these plans cover only a third of their bills, and the rest must come—somehow—out of their pocket.

And one American in four lacks even this protection. And for him, sickness means not only incapacity, but impoverishment, as well.

As a result, very few patients go to doctors until they feel sick enough to justify the expense in time and money.

Then, of course, the doctor has to ask whether the patient can afford the treatment he needs. Does he have money? Is he insured? Is he eligible for Medicare or Medicaid? Is his credit good?

Those are not medical questions, and it is unfair that the doctor should have to let them influence his judgment. Under our present fee-for-service system, the doctor doesn't have any income until he has a sick patient who can pay his bill, or a third party to pay the bill for him.

We have heard a great deal about the shocking expense of Medicare and Medicaid, which were exploited as get-rich-quick schemes by some doctors.

But Medicare and Medicaid—and Blue Cross-Blue Shield and commercial insurance programs as well, are not really health-insurance. They are bill-paying insurance.

Under our present system, the doctor's income doesn't start until a bill is incurred. And if you write a blank check and guarantee that whatever bill is sent is going to be paid, it isn't reasonable to expect that bill to be a small one.

Is it any wonder that some people whose bills are guaranteed receive services that are unnecessary? Or that some bills are submitted for services that are not performed? It's unfair to put that much strain on anybody's ethics.

Hospital costs are subject to similar pressures.

Most of our community hospitals operate on a "cost-plus" basis, which means the higher their costs run, the more they feel justified in charging.

Americans learned something about cost-plus during World War II, when it was the basis for war-profiteering scandals in several industries.

Cost-plus does not encourage efficiency. And, of course, we shouldn't be surprised that many hospitals are over-crowded, because they lose money on every empty bed.

There are no incentives for the medical profession or the hospitals to hold costs down. And the insurance companies, too, find it easier to raise their rates than to complain at the shocking increases in medical and hospital charges.

They operate on a cost-plus basis, too, and a larger cash flow improves their financial position.

All along the line, our present system has built-in mechanisms that increase prices and reduce efficiency.

That is the system labor wants changed.

Let me emphasize that we are not talking about putting controls on the practice of medicine, or on the earnings of physicians or anybody else.

We believe a good doctor is entitled to be rewarded for his ability to promote health and keep his patients well.

We believe a hospital is entitled to be rewarded for its ability to cure its patients and get them back home and back to work. We believe hospital workers should be paid a decent wage. And all this costs money—that we know.

But how should the money be used?

We believe health is the goal, not treatment or hospitalization. There is something absolutely and fundamentally wrong with a system that gears the earnings of doctors to the sickness of their patients, and the earnings of hospitals to the number of beds they can fill and keep filled.

There is a better system. It is already serving about five million people, right here in the United States.

It is called prepaid group practice, and it is based on a very simple idea: You pay your health-insurance premium regularly to a medical group. In return, you get whatever medical care you need, without any exclusions or fine-print exceptions.

Prepaid group practice is based on the free association of doctors who band together in order to offer a comprehensive package of medical services to their subscribers.

They contract to provide the whole spectrum of medical service—preventive medicine, clinical medicine and surgery, in-patient and out-patient and nursing-home care—and all the rest.

They centralize their business operations and they concentrate on the efficient practice of medicine. These doctors have found that they can contract to do all of these things for about $100 per patient a year. And they can keep decent hours, pay themselves a bonus at the end of the year.

Their patients have fewer operations and spend less time in the hospital than the rest of the population, because the doctors and the hospitals that contract their services in this way have every reason to hold costs down: the money they save is their own.

Some doctors—like some patients—don't like to belong to a group. They have found other ways of providing quality health care while still controlling costs. One way is for medical societies to contract to provide health care to group subscribers. The subscribers choose from among the participating doctors and the medical society pays the doctor from its general fund on a fee-for-service basis.

And all the studies that are made—even those by people who want to prove it won't work—show that prepaid health care is making life better than ever before for doctor and patient alike.

We believe it is time to make such programs available to all Americans, and we are supporting legislation to do just that.

A bill to make it possible has already been introduced by Congresswoman Martha Griffiths of Michigan, and it is supported by a number of her colleagues. On the Senate side, Senators Edward Kennedy of Massachusetts, John Cooper of Kentucky, William Saxbe of Ohio and Ralph Yarborough of Texas have submitted a similar bill, and they are gathering supporters, too.

And there is nothing coercive about the program we want. It provides the freedom that Americans demand.

Doctors can choose their patients. Patients can choose their doctors. Methods of payment are as open as methods of treatment.

But it does provide that complete medical care—the best in the world—will be available to all Americans at reasonable costs.

Under the legislation we advocate, financing would be through the existing Social Security system, with supplementation from the government's general revenues.

Self-employed persons could participate, just as they can participate now in the Social Security program. The unemployed would be exempt from payment but would receive all services.

The whole program, providing vastly greater efficiency for both doctor and patient, providing complete, instead of partial, medical care, and covering every person in the land, would cost no more than we already spend.

And the 60 billion dollars we spend for medical care would, for the first time, return 60 billion dollars' worth of medical care.

The old system won't do, any longer. That much is clear, even to the special-interest groups that have fought reform for generations. They have decided they can't avoid some sort of change any longer, and they are busy drafting bills to salvage as much of the old order as they can for their constituents. The American Medical Association has a program. The Chamber of Commerce and the insurance industry are working on theirs.

Special-interest bills are not what is needed.

The trade union movement believes the emphasis belongs first on all the people who need medical care and can't get it, and then on providing that care in a way that is just and fair to them, and to the people who supply that care.

We are convinced that a majority of the American people, and a majority of Congress, agree that building the highest possible level of national health is a matter of the most urgent priority—that delay can no longer be tolerated.

The answer is National Health Insurance and the AFL–CIO believes it can—and must—be enacted.

CBRON SEEKS TO BE THE VOICE OF MORE THAN 900,000 CITIZENS BAND LICENSEES

HON. JOHN W. DAVIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. DAVIS of Georgia. Mr. Speaker, I have just learned of the formation of a new national association in a field which has long needed effective representation before Congress and the Federal Communications Commission. I refer, Mr. Speaker, to Citizens Band Radio Operators National, CBRON, which seeks to be the voice of more than 900,000 citizens band licensees in every State of the Union.

I have long been an enthusiastic CB radio licensee and have established a rewarding and interesting rapport with many of my constituents in the Seventh District of Georgia through this truly citizens' communications medium. The president of CBRON, as the new association is known, is well known to and respected by many Members of this House and I wish the Citizens Band Radio Operators National success in this pioneer-

ing effort to weld the nearly 1 million CB'ers into an effective voice in the Nation's Capital.

DEDICATING VETERANS DAY 1970 TO THE 1,500 MEN HELD CAPTIVE BY THE GOVERNMENT OF NORTH VIETNAM

HON. LOWELL P. WEICKER, JR.

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. WEICKER. Mr. Speaker, because we are a democracy and we have the freedom to disagree and engage in dialog on Government policy, we often convey to other nations in this world the impression that we are not a strong or a united people.

This misinterpretation of one of our basic strengths—the right to dissent—has led some nations, especially some Asian nations where autocratic rule is the foundation of government, to take foolhardy, hard-line positions in dealings with us.

I believe that we must now make perfectly clear to the Democratic Republic of Vietnam that the dissent and the dialog in our Nation about the presence of the U.S. forces in Southeast Asia should not be interpreted as a national weakness and thus be the basis for a hard-line position in negotiations for release of Americans that are held captive.

We must also make clear that while there is difference in opinion about the war in Vietnam, we are united in demanding humane treatment of our men who are "missing in action" or are known captives of the Democratic Republic of Vietnam. We are also united in our efforts to negotiate the release of all of those men as quickly as possible.

In Connecticut, there are 24 known families who worry and fear for the safety of loved relations that are held captive by North Vietnam or are missing in action.

If these 24 families were North Vietnamese families, I and probably every other Member of Congress would do everything possible to assure them that their loved ones were receiving humanitarian treatment and their physical, medical, and spiritual needs were being met.

This is not much to ask of any government. We are only asking that if you profess to be a civilized nation—act like one.

The first step in proving to the world that the Democratic Republic of Vietnam is a nation of international stature would be to release a list of all prisoners held and allow the International Red Cross to inspect the facilities where the prisoners are being held captive.

We also urge that serious negotiations begin immediately for the release of all of these men held captive. There must be some terms under which the Democratic Republic of North Vietnam will be willing to release these men. We urge the Democratic Republic to make public its conditions for the release of our men.

Again, I urge the Republic of North Vietnam not to mistake dialog on Government policy as a division in the determination of the people of the United States to have our men who are held captive returned safely.

Today I join my colleagues in sponsoring a joint resolution dedicating Veterans Day, November 11, 1970, to the 1,500 men held captive by the Government of North Vietnam. In dedicating this day to these men, we will demonstrate to them and their captors that they have not been forgotten.

LEST WE FORGET

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. SCHERLE. Mr. Speaker, "Have you forgotton him?" the sign reads in boldface capitals. Above it is printed a haunting photograph, blurred and dim, of a defeated, despairing face. The man who gazes out from the poster with unfocused eyes has not been washed or shaved for weeks. His face is swollen, discolored, and gaunt. He looks hungry. His striped prison uniform is buttoned askew to accommodate an injured arm in a makeshift bandage and sling. He looks as if he does not care whether he lives or dies.

"Do you care about him?" the poster inquires. He is one of 1,500 prisoners of war held by the North Vietnamese and the Vietcong. An American officer, but hardly recognizable as such, hardly even human in appearance, his is the look of a trapped and wounded animal. In another sense, of course, his is an all too human look, the face of suffering humanity, the embodiment of man's inhumanity to man. You have seen this face before, looking out through the barbed wire of Nazi and Japanese concentration camps in World War II.

This and other similar photographs of American prisoners of war are displayed beneath the rotunda of the U.S. Capitol as part of an exhibit to dramatize their plight to the American public, who might otherwise forget. The display was mounted by H. Ross Perot, the Texas millionaire who has adopted their cause as his own. His sources are occasional photographs published by Hanoi and the reports of the nine prisoners freed by North Vietnam and the 20 or so escaped from or were released by the Vietcong.

Besides the photographs is a display even more chilling if possible: Realistic replicas of two forms of detention used by the Communists for captured Americans, each occupied by a lifelike model of a prisoner, bruised and battered from beatings, with swollen belly and emaciated limbs. The first is a bamboo cage, just large enough to accommodate a man lying down, but not standing up. One American officer, detained by the Vietcong in South Vietnam for 5 years, spent much of his time in such a cage, exposed to hordes of mosquitoes and torrential monsoon rains. The second, a more permanent structure used by the North Vietnamese, is a concrete cell block, about 10 feet by 10 feet, unventilated and containing only a wooden bench and a small pail. Prisoners confined in these cells have only the teeming cockroaches and rats for company. The heat is stifling, the food scant and revolting—a bit of rice, fish heads, pig fat or pumpkin stew—and the medical attention nonexistent. Prisoners suffer constantly from malnutrition, dysentery, and periodic beatings. Other amenities, such as letters from home are practically unknown. In fact, their families rarely even know whether they are dead or alive, because Hanoi refuses to release the names of their captives.

One turns away from the exhibit sickened and horrified by this sudden glimpse of an existence difficult even to imagine, let alone endure. It staggers the mind to realize what it must be like to subsist for years under such circumstances, deprived of freedom, deprived of the most basic human needs, deprived even of hope. These pathetic shadows of men could be our fathers or sons, our brothers, our husbands. We must determine to do whatever we can to rouse public indignation against this monstrous treatment of human beings. Such brutality cannot go unrecorded in history, such suffering must not be forgotten.

The statement of Comdr. Lloyd Bucher follows:

STATEMENT FROM COMDR. LLOYD BUCHER, CAPTAIN OF THE U.S.S. "PUEBLO," SEPTEMBER 17, 1969

I cannot talk to the legal aspects of the treatment of prisoners by North Vietnam. Nor do I know more than has been reported in the news concerning the treatment received by those servicemen who are presently there. However, if the North Vietnamese accord prisoners the same treatment that is meted out by their sister regime in North Korea, then I can discuss the subject knowledgeably. More U.S. prisoners of war died in the Korean war than in any war in which we have been engaged. But this was the first time we directly engaged a country whose basic premise is the communist military dictatorship. North Vietnam is under the rule of the same type of Communism. In past wars, the enemy were basically people in the ranks, soldiers and sailors who bore us no individual personal hatred. That is not true with the average Communist soldier. From the cradle they are fed the most fantastic lies imaginable about the people of the United States. They have no other source of information, and no one dares to question. Then what treatment can we expect from them? Remember, it is the highly indoctrinated soldier that is guarding their prisoners, preparing their food, seeing to sanitation and administering medical treatment. Brutality can be expected and brutality is what the prisoner will receive in most instances. People under Communism are continuously indoctrinated and believe that only when we as a nation cease to exist, will there be happiness in the world. The man on the street in North Korea believes this with all his being. In short, any treatment that the usual guard in North Korea inflicts on a prisoner less than brutal murder, he considers humane because, after all, hasn't he been told from his very beginning that cruel death is all any American deserves.

On the positive side, I have an overwhelming faith, generated from my own experiences, that our servicemen can and will survive. The American serviceman is endowed with the peculiar quality of being able to find enough humor in the worst of situations to buoy him over the toughest imaginable circumstances. His humor, together with his faith in his God and his Country, and his love of family and friends produce in him as tough a man as has ever been born on this earth. To all the wives, children, parents and friends of servicemen who are prisoners of the North Viet I ask you to have faith in him and his ability to survive. Remember, too, that he is more concerned about your suffering and mental anguish than he is about his own problems.

LET US END CAMPUS VIOLENCE

HON. ODIN LANGEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. LANGEN. Mr. Speaker, thank the Almighty for our great majority of young people who believe in America. Most of them desire a worthwhile and meaningful education and are willing to work hard toward that goal. In any college town you will find the great number of college students employed during their off hours as dishwashers, construction workers, clerks and salesmen, delivery personnel, and at a host of other legitimate jobs. These students are to be commended for their positive attitudes and productive contributions to the betterment of our society.

And for recreation, our equally ingenious college students have long ago given us the tradition of the college prank: The goldfish, the telephone booth, stuffing people in a Volkswagen, and whatever the presumably intellectual bent of college students turns to from time to time. To the serious side of student creativity and steadfastness, the public response is one of praise and encouragement. To the lighter side of campus life, the adult response is amused tolerance, a boys-will-be-boys attitude.

Unfortunately, the peaceful college scene of a few years ago has given way to a new era. Our great body of students as well as citizens in general have been horrified by the new scene of sit-ins and break-ins and the resulting infringement upon the right to study.

Violence, arson, and bombing—these are not tools of study, they are not just college pranks, nor are they flights of fancy when the moon is full. These are brazen and brutal acts of criminality, and must be dealt with in a no-nonsense manner. The American people have had enough; the vast majority of decent and law-abiding citizens and students on our Nation's campuses want an end to the violence.

The simple fact of the matter is that on nearly every college campus there exist those nests of violence-prone students and nonstudents who are behind the disturbances. I speak of those few professional students who insidiously promote discontent, agitate disturbance, and provoke violence. These same people then conveniently fade into the background to escape the danger inherent when inevitably the police are called to restore order. I speak specifically of those fellow-traveling teaching assistants and professors who loftily promote violence from their ivory towers. I speak of the shadowy figures in the SDS and other organizations whose tracks may always be found in the wake of violence.

And while the police apprehend the bombers and snipers, this solves only a part of the problem. Rooting out the promoters, the inciters, the bankrollers, the fellow travelers is the all-important part. While law enforcement officials can do part of the job, the really critical challenge must be met by the college administrators, the leaders in Government, and most important the vast majority of law-abiding students, parents, and citizens who must stand up in defense of our free society.

The cry of "academic freedom" is certain to be raised at the first sign of a demand that the colleges purge themselves of the rotten elements which infest our campuses. The cry is a red herring.

Which is more hazardous to academic freedom? An environment where decent students are prevented from pursuing learning by those who constantly demonstrate, disrupt, and commit acts of violence? Or an environment where those who want to learn have their wishes respected and fulfilled?

Which is more hazardous to academic freedom? A society fearful that an everyday act of going to class or using the library may get one's throat cut? Or a society in which those who truly want to learn have no obstacle placed in their way?

The answers are obvious. Academic freedom is not a shield behind which those who want to destroy the academy can hide. Academic freedom is a guaranty against unwarranted political interference with the pursuit of learning.

The solution, then, is clear. The few students, the nonstudents, the teachers, the hangers-on, the Jeremiahs of doom and destruction must be identified, isolated, and thrown out. Public colleges and public universities are supported by public moneys so that the public interest in intellectual advancement can be forwarded. The forces of anti-intellectualism and Gestapo-type activity do not belong on the campus.

So let us now do what has to be done. Let us save our colleges from further decline. Accordingly, I am today introducing legislation to protect the legitimate atmosphere of academic freedom of students, faculty, staff, and other employees of institutions of higher education by requiring the adoption of procedures by the States to control campus disruption as a precondition to Federal assistance, and to assist such institutions in their efforts to prevent disorder.

It is time to strike a hard blow for our great majority of law-abiding college students and against the small but vocal minority of revolutionary pseudo-libertarians, who like a pack of wolves, seek to destroy the real freedom of every American citizen.

POLITICAL KIDNAPING AS A WEAPON OF WAR

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. SCHMITZ. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

POLITICAL KIDNAPING AS A WEAPON OF WAR

Col. Roger Trinquier, Modern Warfare: "Our enemies are submitting us to a kind of hateful extortion, to which we shall have to accede in the end if we cannot destroy the warfare system that confronts us."

The Pueblo is seized by North Korean Communists and U.S. servicemen are held for political ransom. An American AID official is kidnaped in Uruguay by "Tupamaros," the action arm of the NIM (National Liberation Movement) organized by Cuban trained Communists such as Raul Sendic, and is murdered when the government refuses to yield to their demands. A California Judge is kidnaped from his own courtroom and has his head blown off with a gun reportedly purchased by an American Communist who teaches philosophy at the University of California at Los Angeles. Four commercial airliners are successfully seized and American citizens are held by Communist-led and supplied guerrilla units in Jordan. Kidnaping is obviously assuming increasing dimensions as a facet of world wide terrorism. A red thread runs through this international fabric of terror. The message is clear. Resistance to the Soviet dominated wave of the future is costly. Surrender and live in "peace."

The United States has not responded firmly to the increasing threat. We seem confounded by events and bemused by platitudes about world peace in the middle of what is actually a world war. Our intellectual leaders resemble a group Arthur Koestler described as "men of good will, with strong frustrations and feeble brains, the wishful thinkers and ideological moral cowards, the fellow travelers of the death train." Lincoln once admonished the American people that they would have to disenthrall themselves if the nation were to survive. This holds true for today. We must discard the misconceptions which paralyze or make futile our attempts to meet the challenge.

On the international level we must learn that "restraint," in the sense of no response to enemy atrocities against our citizens and soldiers, is not the sign of a great nation. If we do not wish to see our fellow citizens waylaid by every two-bit guerrilla band, we must take effective action against this increasingly popular practice. We must make kidnaping American nationals highly detrimental to the continued existence of the offending parties. If nothing else, the Communists understand the use of force. We must increase this understanding.

On the national level we must discard several of the false ideas which make it impossible for us to protect ourselves and our families from the ideologically motivated criminals whose violent atrocities are increasing. The first misconception which we must set aside is the idea that if we just allow the terrorists to do their worst, the people will eventually turn against them and that will be the end of it. The Communists feel, and have demonstrated in Vietnam and Algeria, among other places, that *SUCCESSFUL*

TERRORISM INCREASES POPULAR SUPPORT FOR THE TERRORISTS. By popular support they do not mean allegiance. friendship, sympathy or identification of aims. They simply mean a condition where the populace is so cowed that they are afraid to oppose the terrorists. Violence that is not successfully checked by the government turns the people away from the forces of order and drives them toward the only group which can provide protection. This becomes, by default, the very group which is committing the violence—the terrorists.

Another misconception is that "repression" increases sympathy and support for the marauders. This is simply a new twist of the old "liberal" line that punishment somehow causes crime. Subversion and terror result from the efforts of individual men and women intent upon overthrowing the government. Swift legal action against the organizing and directing cadre of the subversive effort stops the revolution at the point it should and must be stopped—the point of origin. Efforts now underway to eliminate the Federal government's capability to gather information regarding these people will make action against the guiding center impossible. Intelligence functions are the eyes of the forces which preserve our freedom. We cannot defend against what we cannot see.

The worst error of thought is that a free nation cannot combat subversion and remain free. The truth is that we cannot fail to combat these forces and remain free.

THE INTERNAL SECURITY BILL—S. 12

This week, in order to lift the curtain of silence over one of the most important and most needed pieces of legislation before Congress, I am taking the opportunity afforded by the expansion of my Weekly News Report to outline some of the most significant provisions of the Internal Security Bill, S. 12. This bill, which California Senator George Murphy has co-sponsored along with 16 other Senators, is presently resting in the Senate Judiciary Committee with little immediate prospect of favorable action. Every American who shares the widespread concern about the wave of revolutionary violence and subversion in our country today should become familiar with the provisions of this bill and demand to know why no action is being taken to make it law.

S. 12 provides what so many Americans have been asking for: a full set of legal tools to bring an end to the violent disruptions on our campuses and in our cities, and to put a stop to all direct or indirect support of members of the Communist Party by public funds.

Title I of S. 12 would extend the statute of limitations on prosecution for treason, espionage, sabotage and subversive activities to 15 years, and would apply present law on penalties for giving aid and comfort to the enemy in wartime to any adversary with which the United States is "engaged in open hostilities," whether or not such hostilities are part of a Congressionally declared war.

Title II would prohibit the employment in any defense facility or in any tax-supported school or college of any "individual who wilfully and knowingly chooses to be a member of a Communist organization (and thereby subject to Communist discipline);" such organization having been certified as "Communist-action" by the Subversive Activities Control Board according to a carefully prescribed procedure. If S. 12, introduced in January 1969, had been passed and signed into law last year, the University of California could never have employed Angela Davis.

Title III would require "agents of a foreign principal" in the United States to register with the U.S. Government and to file with the Library of Congress and the Attorney General copies of all propaganda they send through the U.S. mails. Title IV would prohibit the issuing of passports or other documents certifying U.S. citizenship to anyone refusing to swear or affirm his allegiance to the United States. This would strike directly at the present virtually unrestricted travel into and out of the United States by revolutionaries who claim all of the privileges of American citizenship while openly repudiating loyalty to their country.

Title V would prohibit reprisals by Federal agencies or officials against witnesses appearing before Congressional committees, and would deny to the Federal court the jurisdiction they are now asserting over the operations of Congressional committees, including investigating committees.

Title VI would create a centralized Security Administration to conduct personnel security clearances, taking them out of the hands of the present executive departments, such as the State Department, which have often proved bitterly hostile to the very concept of security checks, essential though they obviously are.

Title VIII would set penalties of $10,000 and five years' imprisonment for the use of the mails, telegraph, telephone, radio or television to incite a riot, or for interstate travel for that purpose. Title IX would provide for travel restrictions to designated countries when the President and the Secretary of State find this to be in the interest of national security.

Title X would deny tax exemption to any organization making donations to any individual or organization advocating the violent overthrow of the U.S. government. Convicted riot instigator Jerry Rubin and his lawyer, William Kunstler, have both made extensive use of tax-exempt foundations for the deposit and receipt of funds.

PEACE POSSIBLE IN MIDEAST

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. MICHEL. Mr. Speaker, to say the least, the situation in the Middle East in general, and Jordan in particular, has reached the ominous stage and the current fighting in Jordan will determine the chances for real peace in the area.

Mr. C. L. Dancey, editor of the Peoria Journal Star has visited the Middle East no less than five times and has actually spent a period totaling more than 4 months in traveling throughout the area observing conditions and reporting on the underlying causes of all the unrest. In an editorial entitled "Peace Possible in Mideast," he brings all of his first-hand experience to bear and points out that in spite of the present discouraging picture, that peace is not an impossible goal when all parties concerned come to their senses and settle down to serious negotiations.

I include the editorial in the RECORD at this point:

[From the Peoria Journal Star, Sept. 18, 1970]

PEACE POSSIBLE IN MIDEAST

The situation in the Middle East is immensely complicated, and the chances for a real peace there very likely depends on the outcome of the present fighting in Jordan, ironically enough.

The success and the aims and determination of the Jordanian army will be a key to the future, a future in which the guerrillas have made a desperate and dangerous gamble indeed.

The guerrillas themselves are not united, but engaged in a vicious internal rivalry and power struggle for what they hope may mean total power at some future day.

For example, George Habash, the leader of the clique responsible for the recent hijacking is a fanatic Maoist, a militant Communist of the Choinese brand of the faith. Yet he operates within a general movement that relied for its recent emergence as a meaningful force entirely upon Russian support and supplies!

The Russians do not love the Maoists, needless to say.

Neither does Hussein. Neither does Nasser.

Even Syria and Iraq have condemned the hijacking, partly, perhaps, because George Habash was the master-mind for it.

Pravda in Moscow has condemned it, and called for returning to the peace table.

Yet, much of the fanatic guerrilla manpower cares little about the ideologic aims of which they have been made pawns by their various leaders, and react as a group to any "anti-guerrilla" action against anybody for any reason.

Hussein, against this mixed background has, in effect, declared martial law. Syria and Iraq have threatened him, but as a compact force the Jordanian army is probably superior to both Syria and Iraq's armed forces, and they also know that any movement of main forces by either one would very likely provoke violent Israeli reaction. (Whether an efficient army as a compact force can handle widespread and scattered guerrilla problems is something else, that remains to be seen.)

One of the real risks of these "Arab" countries is the internal weakness of their own still existing and often persecuted minorities.

A half-million druse live within quite close proximity to the Israel-Syrian cease-fire line as it now stands, and there is some pressure from Druse brothers on the Israel side for the "liberation" of this significant segment of Syria's six million population.

The Circassians in villages overrun by the Israeli welcomed the change of regimes and had to be blackmailed to belatedly abandon their homes and cross into Syria with threats of violent reprisals against their youth (who had been previously drafted into the Syrian army.) The Circassian youth in uniform became "hostages" to that demand, virtually unnoticed by the world, two years ago.

The Kurds have repeatedly revolted in Iraq with considerable successes against Iraqi army units, and their dissatisfaction smolders beyond question.

The Bedouin in the Negev never left Israel in the original war in 1948, and those in Sinai killed a good many Egyptian soldiers during the 1967 war on their own hook, as it were.

Thus, the "Arab World" itself is ripped by a dozen schisms racial, religious, and political, which makes it unstable, unpredictable, unmanageable and is one of the prime reasons for its lack of strength in times of crisis.

There is a lot of tinder there which can explode in many different directions.

If Hussein's martial law can and does destroy the power of the guerrillas and give him a secure position for the first time in his life, it also gives him the power to make a peace agreement work.

Nasser already has that power if he chooses to use it.

By their acceptance of the U.S. peace plan, both regimes have accepted "in principle" the right of Israel to exist and the necessity to recognize Israel and do business with Israel in a normal fashion—just as Israel has accepted "in principle" a withdrawal from major parts of the occupied territories as a condition of peace. These things went with the "cease-fire."

Undoubtedly, these steps in response to the U.S. peace proposals, produced the desperation and the upsurge on the part of the guerrillas.

If the present mess results in firm positions for both Hussein and Nasser, and pro-

vides them the ability to implement the peace plan, effectively, real negotiations for peace will become possible.

Those negotiations may involve knottier problems than the cease-fire, itself, certainly, but they would also provide a chance for peace that has not existed, otherwise.

And peace itself is a very, very important goal, and may be a very badly needed condition for all concerned—including the Soviets. (This is an unmanageable, shaky, scarey, and dangerous part of the world for them to play games, and they may be realizing it more and more.)

The way is very difficult, but peace is not impossible.

Not too long ago, it was impossible and inconceivable.

C. L. DANCEY.

APPROVING VETERANS' BENEFITS

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 1970

Mr. PRICE of Texas. Mr. Speaker, today the House is scheduled to take up three bills concerning veterans. I urge all my colleagues to give these bills their most careful attention.

The first bill, H.R. 15911, increases the monthly benefit rates and the annual income limitations applicable in payment of non-service-connected disability and death pension to wartime veterans and their widows in the current program. Under this proposal the same would also apply to payments of service-connected dependency and indemnity compensation to parents of deceased veterans. While the bill has several significant features, one of the most important is that if H.R. 15911 were enacted into law, it will mean that those individuals who had social security increases of 15 percent effective the first of this year, will not lose any of their VA non-service-connected pension. Moreover, on the whole, pension increases will average 9.5 percent, taking into account the 15 percent social security increase.

The second bill, H.R. 18448, would authorize the Administrator of Veterans' Affairs to purchase a mortgage protection life insurance from commercial insurer for seriously disabled veterans who have received grants for specially adapted housing. This would provide a limited group of veterans in most cases paraplegics and quadriplegics, with mortgage protection life insurance which is almost impossible for them to obtain from commercial sources. While this insurance will not extend to all veterans with service-connected disabilities, it will be a great comfort to those veterans who have sustained particularly disabling injuries.

The third bill, H.R. 16710, would authorize the Administrator of Veterans' Affairs to make guaranteed and direct loans to paraplegic veterans for the purchase of mobile homes in those instances where the mobile homes are to be used for permanent dwellings. It would also remove time limitations on the duration of veterans eligibility for guaranteed and direct loans for the purchase or construction of homes. Both the current housing shortage and the general restraint under which the financial community is operating dramatically point up problems so many of our veterans encounter when attempting to find suitable housing. This bill will provide needed relief in both these areas.

Mr. Speaker, the problems of our Nation's veterans, particularly the disabled ones, are great indeed. We here in Congress must never lose sight of the fact that many of the veterans' problems were created because they answered America's call for help in two World Wars, Korea, and now in Vietnam. We here in Congress have a solemn obligation to help those valiant men who have sacrificed so much so that we might retain and fully enjoy our democratic freedoms.

I urge my colleagues to join in a nonpartisan manner and voice their approval of these three bills.

HUMANE TREATMENT OF MILITARY DOGS

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. MOSS. Mr. Speaker, on September 16, I introduced legislation designed to permit our military working dogs to return to the United States after having served their useful purpose for a sufficient length of time with our Armed Forces overseas. The number of the bill is H.R. 19241.

Dogs have been used for military purposes as far back as the days of ancient Greece. The Romans drafted dogs for attack work, recognizing them as a definite army unit. Official recognition by the U.S. Army that dogs could be used for military purposes came on March 13, 1942, when the Quartermaster General was authorized to formulate a program, which was formally inaugurated in July of 1942. This was the beginning of the K–9 Corps.

Initial training was limited to dogs for sentry work. Later it was expanded to include scout, messenger, sledge, and pack dogs, and dogs for use in connection with mine detection, the latter of which did not prove feasible. Many different breeds of dogs were tried out with the German Shepherd proving to be the most satisfactory.

Since 1966, approximately 10,000 German Shepherds have been procured by the military and shipped to South Vietnam and other overseas military posts to help guard American military bases and personnel. By the time these animals are trained, they represent about a $6,000 investment each.

The dogs have extremely sharp senses—40 times the smell, 20 times the hearing, and 10 times the vision of a human soldier. The U.S. Army estimates that these animals whose job it is to "alert to the danger" or "receive the fire of the enemy" reduce patrol casualties 65 percent. Such a record, if compiled by a human soldier, would merit his country's highest reward. However, the reward received by our dog soldiers is often euthanasia when they have outlived their usefulness to the military.

All three services utilize dogs and their handlers for sentry duty but the Air Force is responsible for supplying dogs for the other services. The Air Force has not been permitting our dogs to return to the United States even after reasonable service, wounds, or inability to be retrained to another handler. They claim a health hazard from communicable canine diseases. However, my investigations have uncovered a number of paradoxical situations in view of the purported health problem. For example, "Prince," a 7-year-old scout dog with three tours in Vietnam to his credit was returned with his unit earlier this year. Ceremonies, where he received a second Purple Heart, brought "Prince" to the attention of military authorities. Even though the animal had been in this country for 3 months with no sign of disease, he was caught in the web of policy, and was immediately sent back overseas to an uncertain fate, since he was beyond the age of usefulness. Yet, at about the same time, our newspapers were full of the story of a legless marine veteran whose $5 Vietnamese dog was flown from Vietnam to his stateside hospital bed. I believe this was a humane act. I point out, though, that both animals came from the same disease environment, with the military dog no doubt having the far superior medical background.

During World War II, from 1942 to 1945, over 10,000 dogs were used by our military. When the conflict ended, and a dog was considered surplus to Army needs, the canine was immediately transferred to a reprocessing section for the purpose of rehabilitation for civilian life. Under the policy through which dogs had been secured for the Army, they were first offered to their original owners. In the event the original owner did not desire return of the dog, the animal was declared surplus to the needs of the Quartermaster and the Office of Surplus Property of the Treasury Department was notified of availability for sale to the public. The Treasury Department then announced availability of dogs for purchase at a minimum cost, and for handling and transportation. Requests from prospective purchasers were sent to Dogs for Defense, Inc., the nonprofit civilian agency which had originally been set up to secure dogs for the Army. Each request was investigated to insure that the would-be purchaser was in a position to give the dog a good home. Reports on the prospective buyers were then forwarded to the Treasury Department where, if the report on a particular applicant was favorable, negotiations for sale were started.

My bill, H.R. 19241, authorizes the Secretary of Defense to return any dog trained for military use and used by the U.S. armed services outside the United States to the States so that it may either be restrained for other military assignments or law enforcement assignments within the United States or be turned over to a humane organization

whose facilities permit them to care for such dog during the remainder of its life at no cost to the Government. The humane organization itself may retrain the dog for use by civilian individuals for noncommercial purposes.

Our country's history is replete with stories of courageous cavalry horses and to this day, no old Army post tour is complete without viewing its statue or plaque to a hero horse of another era. When our last cavalry horse died a few years ago, after 20 years' retirement in green pastures, newspapers across the country carried loving obituaries. No such monuments have been erected to our hero military dogs in this country. The opposite is true in South Vietnam, however. A soldier's devotion grows each time his dog gives him a warning which saves his life and the lives of his buddies. If his animal is wounded, the man carries his dog to the aid station and is often inconsolable if the animal dies. This closeness is demonstrated by small cemeteries which have sprung up in that wartorn country, attesting to the affection between soldier and dog.

The Animal Protection Institute of America, which is based in Sacramento, Calif., supports this legislation. The institute has received many letters from our fighting men in South Vietnam, some of which I have seen, which lead me to believe that the "no return" policy for these dogs has become a morale factor for the men, especially now that the Defense Department is turning over American military dogs to the ARVN as our troops are brought home. Our soldiers are concerned for the continued good treatment of their dogs. Some fear the animals could be eaten, as dogs are considered a source of food by some of the South Vietnamese people.

There has been a mounting outcry in this country from citizens who love animals and from those only interested in fair play against the continuation of a "no return" policy for our military working dogs. I have already received many letters on the subject and several telephone inquiries from other congressional offices.

My bill deserves a prompt hearing in the name of humaneness. The text of the legislation is as follows:

TO PROVIDE FOR THE HUMANE DISPOSITION OF MILITARY DOGS

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, when the Secretary of Defense has determined that any dog trained for military use and used by the United States armed services outside the United States is no longer suitable for military use by such services outside the United States, or that such dog has been used for a sufficient length of time, or that such dog is to be removed from use with such services for any other reason, and that such dog is in a reasonable healthy condition so as to present no health hazard to either the animal population or the human population residing within the United States, the Secretary shall return such dog to the United States so that it may either be retrained for other military or law enforcement assignments within the United States or housed in permanent kennels owned by a suitable humane organization whose facilities permit them to care for such dog during the remainder of its life at no cost to the Government. Such suitable humane organization is not prohibited from retraining such military dog for use by civilian individuals for non-commercial purposes.

A JOINT CONGRESSIONAL COMMITTEE TO INVESTIGATE THE TREATMENT OF PRISONERS OF THE VIETNAM WAR

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. REID of New York. Mr. Speaker, I am today introducing a House concurrent resolution which would establish a joint congressional committee to investigate the treatment of prisoners of the Vietnam war.

The committee, which would be composed of five Members of each of the Houses of Congress, would conduct a study of the treatment of prisoners of war, those being held by the North Vietnamese, the National Liberation Front, and the South Vietnamese. It would also include study of treatment of such prisoners by the United States. In other words, it would attempt, as much as possible, to study the entire question of prisoners of war and treatment they receive by all parties involved in the Vietnam war.

The disrupted and endangered lives of these men and their families is one of the great tragedies of this war. I believe that a committee of this nature would be helpful in calling the immediate attention of the American people to this tragic situation and also in making Hanoi and the NLF more aware of the great importance which the Congress as a whole attaches to the issue. We have a responsibility to make this a public issue. We must all be aware of the burdens which the families of these men endure and, in this way, we may better share their plight and more importantly hopefully help our valiant men.

In the absence of a response to end the war and release of all prisoners, we must make available to the world information as to what the parties involved in this conflict are doing with those men they hold captive. We all, the United States, South Vietnam, North Vietnam, and the NLF must, in order to survive as a human race, strenuously work to achieve the highest level of moral concern for all mankind. The regulations for treatment of war prisoners were established in the Geneva Convention for the purpose of making a moral rule part of international law. But, regardless of legal requirements, standards of morality demand humane treatment for all prisoners of war. Violation of this convention will result in defeat for the violators in the minds of all civilized men.

It is time for this Congress to investigate to the fullest extent possible the conduct of all nations involved with POW's in this war. I am, therefore, hopeful that the House and Senate will pass this resolution and that this joint committee will be established. We must not relinquish any opportunity to obtain and disseminate as much information as is possible and available on our brave men who are captives.

It is clear that the Geneva Convention has been violated—most conspicuously by North Vietnam and also by South Vietnam. International Red Cross officers should have access immediately to all of our some 376 prisoners of war to insure food, medicine, and care are afforded to all our men.

At the present time and shockingly—the United States has not yet received even a list of our prisoners held by North Vietnam nor has access by the Red Cross ever been granted.

PEACEFUL INTEGRATION OF SOUTHERN SCHOOLS

HON. WILLIAM H. HARSHA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. HARSHA. Mr. Speaker, in a recent column appearing in several papers including the Philadelphia Inquirer, Don Bacon of the Newhouse News Service, writes about the unprecedented efforts made by President Nixon to achieve peaceful integration of southern schools.

The President has personally met with ad hoc committees of the Seven State Advisory Committee on Education which he established. At his direction, the President's staff has been in daily contact with southern political, business, and civic leaders to explain his obligation and to seek their cooperation.

I believe Mr. Bacon's article is a worthy analysis of the President's efforts on integration of schools in the South, and I therefore request that it be printed in the RECORD. The article follows:

NIXON DESERVES A LOT OF CREDIT FOR SELLING SOUTHERNERS ON PEACEFUL SCHOOL INTEGRATION

(By Don Bacon)

WASHINGTON.—"It would be very easy to demagogue this thing," President Nixon recently told a group of Southerners, who were concerned about the administration's big push to end formal school segregation in Dixie.

The political implications of Southern school desegregation and the effect this latest drive would have on Mr. Nixon's dream of a firmly based Southern Republican wing were obvious to everybody in the room.

But, the President continued, he had a higher responsibility to enforce the law—and beyond that, to lead the nation, if he could, out of this energy-sapping, racial morass.

It was time, he said, to settle these things, to clean the slate so that the next generation could start fresh.

These weren't just words. Mr. Nixon was putting a large chunk of his own prestige on the line as he asked the South to understand, to cooperate and to assist in the final burial of the dual school system.

The question of peaceful school openings in the South this fall has been on the President's mind since he stated his desegregation policy in March, and almost constantly during the last five weeks. Under his personal direction, the White House staff has been in daily touch with Southern political, business and civic leaders, explaining the

President's obligation and asking, even begging, for their help.

It is remarkable that Presidents Eisenhower, Kennedy and Johnson never really tried to persuade Southern leaders to cooperate in ending school desegregation, as Mr. Nixon did this past summer. Faced with Southern resistance, they turned quickly to Federal force. And the underlying problem was only made worse.

There is no known record of how many Southern leaders—respected men holding high political, social and economic positions in their states and communities—Mr. Nixon personally appealed to.

More than a hundred served—and are serving—on the President's seven State Advisory Committees on Education. He pointedly met for at least a half an hour with each of these ad hoc committees, explaining what he had to do as President and appealing for their assistance.

In the Oval Office and by telephone, he talked with countless other prominent Southerners, including the Republican state chairmen in Mississippi and North Carolina. Each got the same basic message: The administration would enforce court-ordered desegregation this fall and it would be to everyone's advantage, particularly the South's if it could be done in a spirit of cooperation rather than coercion.

In each instance, Mr. Nixon asked the Southerners for frankness, and was pleased when he got it. Searched for ways to demonstrate the administration's cooperative spirit.

When several Southern leaders mentioned that it would help symbolically if Mr. Nixon came to Southern "turf" to explain his desegregation intentions, he quickly agreed. His Aug. 14 meeting with the chairmen and vice chairmen of the several state biracial advisory committees in New Orleans demonstrated best his personal interest in achieving peaceful transition to unitary schools.

He emphasized the Federal funds that would be available to help Southern school districts through the desegregation process. And when some Southerners complained about the long, complex forms that the applying districts had to fill out before the Department of Health, Education, and Welfare would consider their aid requests, Mr. Nixon turned quickly to his staff and said: "I want those forms shortened and simplified." The order has been carried out.

The results of Mr. Nixon's efforts are evident as districts throughout the South this past week have peacefully desegregated. There is reason to hope that other areas this week and next will desegregate peacefully.

Sen. Walter Mondale of Minnesota, a leading Democratic critic of the administration's civil rights policy, and most black civil rights leaders are not about to give Mr. Nixon credit for accomplishing anything in this field, or, for that matter even approaching the problem in good faith. But it's time somebody did.

ON UNCLAIMED POSTAL SAVINGS DEPOSITS

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. NIX. Mr. Speaker, I will today introduce a bill that is an administration request.

The U.S. Treasury Department has requested that legislation be introduced that would permit the unclaimed deposits in the now defunct postal savings system to escheat to the State treasuries.

The U.S. Treasury is anxious to distribute these funds in a fair and equitable fashion but they do not believe they can do so under the present law.

The passage of this bill will protect the States, the Federal Government, and the depositors should any make claims in the future.

The amount of money involved in unclaimed deposits is $65.1 million resulting from unclaimed accounts. Many of the depositors are dead or missing. The money had been on hand a lengthy period of time. However, should any depositors make a claim, or those representing estates of deceased depositors money would be made available to pay the claims by the Treasury.

I think that it is necessary that this bill be introduced and passed to assure equity, and avoid any possible injustice.

A full explanation of this legislation submitted by the Secretary of the Treasury is herewith incorporated and included:

THE SECRETARY OF THE TREASURY,
Washington, D.C.

Hon. JOHN W. MCCORMACK,
The Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: There is transmitted herewith a draft of a proposed bill, "To provide for periodic, pro rata distributions among the states and political subdivisions of available amounts of unclaimed Postal Savings System deposits, and for other purposes."

The proposed bill is designed to provide a more practical and equitable method than exists under present law for the fifty states, the District of Columbia, Puerto Rico, the Virgin Islands and Guam to obtain an appropriate portion of the unclaimed amounts in the Postal Savings System attributable to deposits in post offices in those states and political subdivisions while retaining in the Treasury sufficient funds to meet indefinitely possible claims by or on behalf of depositors.

The Postal Savings System is being liquidated by the Treasury Department under Public Law 89–377 (39 U.S.C. 5225–5229) which discontinued the System as of April 27, 1966, and transferred the remaining funds and accounts to the Secretary of the Treasury as of June 30, 1967. As of that date there were 579,516 unpaid individual depositor accounts with an estimated aggregate unpaid liability of $65.1 million. As of December 31, 1969, 481,851 accounts remained unpaid representing an estimated aggregate liability of $12.5 million. Detailed information on the liquidation of the System is contained in the attached Treasury Department Memorandum.

Over the past several years a number of states have sought by representations to the Treasury Department, by litigation in a federal court, and by revision of their own statutes to obtain custody or ownership of the unclaimed postal savings deposits of depositors in those states. The Treasury Department has taken the position, incorporated in its regulations on this subject, 31 CFR 357.3, August 12, 1969, 34 F.R. 13031, that a state may obtain unclaimed deposits only under a court judgment determining the state to be the owner of the deposits through escheat under an appropriate state statute, thus enabling the state to claim the deposits as the rightful owner. The deposits escheatable are those of depositors whose last known addresses are in the escheating state. The legal situation is discussed in more detail in the attached Treasury Department Memorandum.

Under the Treasury Department's regulations, states undertaking escheat may now obtain lists by post officers of the deposits made in their states and the account cards showing addresses for those accounts which the Post Office Department had segregated as "inactive," that is accounts held 20 years without activity. Lists and the remaining account cards covering active accounts would be available at the end of the 5-year period since the Postal Savings System was discontinued. As of December 31, 1969, 15 states had requested and received the lists of inactive accounts.

However, this procedure is not satisfactory to the states, nor to the Treasury Department, nor presumably to claimants appearing subsequently to the completion of any escheat proceedings. Most states do not have appropriate escheat statutes and are reluctant to adopt them as they prefer their unclaimed property statutes allowing a state administrator to hold and distribute unclaimed property as a custodian. Also, the determination of last known addresses necessitates review of the thousands of individual account cards for the accounts of depositors in that state remaining unpaid. The procedure also requires extensive paper work for the Treasury Department. Most important, payment of escheated accounts to the states may mean unwelcome referrals of tardy claimants to the states and possible cutoff of their claims. Further the possibility of escheat action is believed not to be available to the four named political subdivisions since they are not states and therefore do not possess the power of sovereignty which permits escheat.

To provide an alternative to this costly and time-consuming situation, the proposed bill would add two further sections to chapter 85 of title 39 of the United States Code. The first new section would authorize the Secretary of the Treasury to divide the remaining principal and accrued interest of unclaimed Postal Savings Systems deposits, held in the trust fund account established pursuant to 31 U.S.C. 725p as directed by 39 U.S.C. 5228, into a retention balance and a distribution balance; the first division would be made within sixty days after enactment and subsequent divisions would occur on such dates as the Secretary may set during the four following years. The retention balance of remaining principal and accrued interest would be held available to pay individual claims for particular accounts by or on behalf of depositors. The Secretary would be authorized to proceed to distribute the distribution balance, on a pro rata share basis, among each of the fifty states, the District of Columbia, Puerto Rico, the Virgin Islands and Guam, in all of which areas postal savings accounts were maintained. Each pro rata share would be determined by the ratio between (1) the dollar amount of the principal of unclaimed deposits, remaining in the trust fund account as of the dates of each division into a retention and a distribution balance, which were on deposit in post offices within the state or political subdivision immediately prior to the transfer of the unpaid deposit to the Secretary from the Post Office Department according to System and Treasury records, and (2) the dollar amount of the principal of the total remaining deposits. The retention balance on hand after the fifth and final pro rata distribution would be held in perpetuity in the trust fund account to honor subsequent claims by or on behalf of depositors regardless of the provisions of unclaimed or abandoned property laws of the states and political subdivisions, which category of laws include escheat statutes. All determinations by the Secretary would be final and conclusive.

The second new section to be added to title 39 of the Code would authorize permanent indefinite appropriations to the trust fund account, in the event; which the Secretary would seek to guard against, that the trust fund balance (because of the share distribu-

tion payments) is insufficient to pay claims by or on behalf of depositors.

Enactment of the proposed bill in the near future would eliminate significant burdens and expenses for the States. These include such activities as (1) legislative action to enact an appropriate escheat statute; (2) sorting out the addresses on account cards acquired from the Treasury for all unliquidated accounts pertinent to the State; (3) advertising each account in the appropriate locality or otherwise attempting to reach each depositor by mail; (4) obtaining the state court judgment of escheat; and (5) handling individual claims received after escheat. All burdens for the Treasury, which are implicit in the foregoing, would likewise be precluded by the proposed legislation. As for the general public, the proposed legislation would preserve for all future claimants the right to look directly to the United States for their money, promptly upon submission of their claims, on the basis of the same full faith and credit of the United States which prompted their deposits in the Postal Savings System in the first place.

It would be appreciated if you would lay the proposed bill before the House of Representatives. An identical bill has been transmitted to the President of the Senate.

Sincerely yours,

———, ———.

TREASURY DEPARTMENT MEMORANDUM

Re: Draft bill "To provide for periodic, pro rata distributions among the states and certain political subdivisions of available amounts of unclaimed Postal Savings System deposits, and for other purposes.

Letters to the Speaker of the House of Representatives and the President of the Senate explain the need for the proposed legislation. This memorandum provides supplementary information on the Department's liquidation of Postal Savings System deposits, on the activity of a number of states in seeking to participate in the liquidation of the deposits and on the legal issues presented by this activity.

Liquidation of the Postal Savings System was undertaken by the Department of the Treasury on July 1, 1967, pursuant to Public Law 89–377 (39 U.S.C. 5225–5229). As of that date, there were 579,516 unpaid individual depositor accounts, with an aggregate unpaid liability of $65,139,270, consisting of $53,118,292 in unpaid principal and $12,020,978 for estimated accrued interest. (These figures reflect amounts initially estimated by the Post Office Department as subsequently adjusted by the Treasury). Based on its original estimates, the Post Office Department transferred to the Treasury a total of $56,788,958.29, to cover unpaid principal of $52,933,771 plus $3,855,187.29 for estimated accrued interest. This sum was deposited in the Treasury trust fund account established pursuant to 31 U.S.C. 725p, in accord with 39 U.S.C. 5228. A supplementary transfer is expected from the Post Office Department, in the amount of $8,350,311.37 to provide the total funds required to meet the unpaid liabilities for principal and estimated accrued interest, as of July 1, 1967, as reconstructed by the Treasury.

During the 2½ years up to December 31, 1969, the Treasury has liquidated 97,665 accounts, about 17 percent of the number unpaid at July 1, 1967. In funds, however, these liquidations account for about 81 percent of the original unpaid balances; viz., total payments of $52,554,658, consisting of $43,139,493 in principal and $9,415,165 for accrued interest.

At December 31, 1969, therefore, a total of 481,851 individual accounts remained unclaimed and unpaid, with an aggregate liability of $12,584,612 ($9,978,799 for principal and $2,605,813 for estimated accrued interest). It is expected that claims will continue to be received in the future, at decreasing rates, for an indefinite number of years.

The Treasury has maintained the individual account records in the liquidation operations with the same distinctions previously maintained by the Post Office Department as between active accounts and inactive accounts, the latter being accounts with no transactions for 20 or more years. Of the 481,851 accounts unliquified at December 31, 1969, there were 168,241 in the inactive category (almost 35 percent). The unpaid liabilities for the inactive accounts totalled $2,101,123 (almost 17 percent). Claims activity for individual accounts in the inactive category has declined considerably and can be expected to be negligible in the future. This is due primarily to the fact that 144,000 (or 85 percent) of the inactive accounts have unpaid deposits of only $1 or $2 (mainly $1 with an aggregate of $152,000 in unpaid principal).

Before this Department assumed the actual functions of liquidating the Postal Savings System, inquiries were received from several states regarding escheat to them of System deposits. The Treasury General Counsel examined the possibility of such escheat and concluded in a December 22, 1967 Opinion that, under appropriate regulations, this Department might pay the amount of designated unclaimed deposits to a state which establishes through appropriate state court proceedings that, under its escheat law extending to funds held in the United States Treasury, it claims such deposits as their rightful owner, but not a state claiming as custodian for rightful owners. The opinion was based upon judicial opinions, precedential rulings by the Justice, Post Office and Treasury Departments, and the provision in 39 U.S.C. 5222 that court judgments on the rights to postal savings deposits were conclusive. Following the rule of *Texas* v. *New Jersey*, 379 U.S. 674 (1965), the Opinion further held that an escheating state must be the state of the last known address of the depositor whose unclaimed deposit is sought to be escheated.

The General Counsel's Opinion observed the essential distinction between an escheat law and the usual state abandoned property law, modeled on the Uniform Disposition of Unclaimed Property Act. An escheat law by judicial proceeding substitutes for the private, individual depositors the state as owner of the deposits by a transfer of right and title to the deposits, while an abandoned property law turns over to a state as a custodian, by administrative action, the abandoned or unclaimed property until claim therefor is made by the rightful owner. The General Counsel concluded that state custody of unclaimed deposits was in no way superior to the custody in perpetuity by the United States contemplated by the Postal Savings System legislation.

Because of disagreement with that Opinion, the States of Indiana and Montana instituted suits in United States District Courts against the United States to compel an accounting for and payment of unclaimed deposits under their abandoned property laws; five other states joined in the Indiana suit; both are still pending. Because of opposition, for the same reason, to proposed Treasury regulations to govern payments of deposits which included escheat payments to the states, drafted in accord with the General Counsel's Opinion and published in the August 20, 1968 Federal Register, eighteen states submitted presentations of their views that their abandoned property laws necessitated transfer to them of custody of the unclaimed deposits made in their states. Representatives of nine of those states appeared to present these views at a November 1968 hearing held in this Department. However, more recently representatives of some of these and several other states have met with various Treasury officials for the purpose of discussing practical procedures under the final regulations. Two states have recently amended their escheat statutes to perfect their claims to designated unclaimed deposits.

The final regulations on applications for unclaimed deposits by states, promulgated in the August 12, 1969 Federal Register, provided for the payment of such deposits on the basis of a state court judgment of escheat of deposits of persons whose last known addresses were in that state, and that information and records, including lists of depositors, as originally obtained from the Post Office Department, are now available from the Treasury with respect to the so-called inactive accounts only; and will become available for the active accounts on May 1, 1971. The regulations indicate that the lists of depositors, by post offices in the various states, show only account numbers, post offices of deposit, depositors' names and unpaid principal amounts, but do not show last known addresses of the depositors; that each corresponding account card, formerly used by the Post Office Department to document transactions in the accounts, must be consulted for those addresses, and that no lists exist for inactive accounts with principal balances of less than $3.

The Office of Intergovernmental Relations, Office of the Vice President, distributed copies of the regulations to the governors of the states in August 1969, at this Department's suggestion. In accord with the regulations, as of December 31, 1969, fifteen states have requested and been furnished lists for unpaid inactive accounts in principal amounts of $3 or more formerly maintained within those states. Three of those states have requested and received the corresponding account cards which reflect last known addresses. In the absence of enactment of the proposed bill, it is assumed that many of those states which do not now have appropriate escheat laws will enact such laws or amend existing law in order to become eligible to apply for payment of unclaimed postal savings deposits.

TITLE 31—MONEY AND FINANCE: TREASURY; CHAPTER II—FISCAL SERVICE, DEPARTMENT OF THE TREASURY; SUBCHAPTER A— BUREAU OF ACCOUNTS; PART 257—PAYMENT ON ACCOUNT OF DEPOSITS IN POSTAL SAVINGS SYSTEM

APPLICATIONS BY STATES

The Treasury Department has recently been informed by the Offices of the Attorneys General of the States of Connecticut and New York that their laws governing the escheat of abandoned private property have been amended to provide for judicial proceedings to determine the escheat of private funds in the hands of Federal officials, including unclaimed postal savings deposits held by the Secretary of the Treasury in a trust fund for payment to rightful owners under the Act of March 28, 1966, 39 U.S.C. 5225–5229. The Treasury Department accordingly finds that it is necessary to promulgate regulations providing for the fair and orderly consideration and disposition of the claims by these and other States based on succession to the right and title to unclaimed postal savings deposits of depositors whose last known addresses were in such State, established by a judgment of escheat.

The Treasury Department further finds that appropriate regulations may be promulgated based upon the proposed regulations on this subject published for comment in the Federal Register for August 20, 1968, 33 F.R. 11779, as § 257.3 of this part, and withheld from promulgation in the publication of the

remainder of this part in the Federal Register of October 1, 1968, 33 F.R. 14644. Section 257.3 was then reserved to allow for a hearing of representatives of States which claimed a right to hold unclaimed funds in custody for rightful owners under their abandoned property laws. Such a hearing was held November 15, 1968. The Department has fully considered such claims for custody and determined that it has no authority, power, or obligation to transfer the funds it holds under Federal statute in trust for rightful owners to a State trustee, custodian, or administrator of abandoned property for liquidation by him.

Further, the Department finds, in accord with 5 U.S.C. 553, that publication of these regulations for additional comment would serve no useful purpose and would delay the effective date of regulations needed immediately.

Accordingly, § 257.3, heretofore reserved, is hereby promulgated to read as follows:

§ 257.3 Application by States.

(a) *Entitlement.* The Treasury Department will recognize and pay a claim by a State for unclaimed postal savings accounts, made in conformity with these regulations, where the State has obtained a State court judgment of escheat transferring to the State the right and title, as owner, to unclaimed deposits of persons whose last known addresses were in that State, under a State escheat law applicable to private funds held by Federal officials for their rightful owners.

(b) *Accounts considered unclaimed.* (1) The Treasury Department has determined that accounts transferred by the Post Office Department under 39 U.S.C. 5228 as inactive accounts, being at the time of transfer 20 or more years without activity, and not since paid, nor pending payment, nor held by the Treasury on the request of the depositor, are now unclaimed in the hands of the Treasury.

(2) The accounts transferred by the Post Office Department as active accounts and remaining unpaid or unclaimed as of May 1, 1971, being 5 years subsequent to the closing date of the Postal Savings System, will be deemed on that date to be unclaimed in the hands of the Treasury Department.

(c) *Information and records on inactive accounts.* The Bureau of Accounts will provide, without charge, to the appropriate State official designated by the State's Attorney General:

(1) A list of depositors by post offices in that State, produced from magnetic tapes prepared by the Post Office Department, which shows the account number, the post office of deposit, the depositor's name, and the unpaid principal for unclaimed inactive accounts with principal balances of $3 or more.

(2) The individual account cards of depositors at post offices in that State, which show addresses and account transactions, covered by the list, when notified by the State's Attorney General that these cards are needed to initiate judicial proceedings for the escheat of unclaimed accounts of depositors whose last known addresses were in that State, and upon written agreement by the State's representative to return to the Bureau of Accounts promptly all account cards showing last addresses in another State.

(3) The Bureau of Accounts will permit access by State representatives at the Bureau, to the account cards of depositors at that State's post offices, with principal balances of $1 or $2 for compiling lists when the State intends to seek escheat of these accounts.

(d) *Information and records on active accounts.* On or after May 1, 1971, the Bureau of Accounts will furnish, without charge, to the designated State representative:

(1) A list of depositors at post offices in that State, produced from magnetic tapes received from the Post Office Department, which shows the account number, the post office of deposit, the depositor's name, and the unpaid principal for unclaimed active accounts, regardless of amount.

(2) The individual account cards of depositors at post offices in that State which show addresses and account transactions, covered by the list, when notified by the State's Attorney General that these cards are needed to initiate judicial proceedings for the escheat of unclaimed accounts of depositors whose last known addresses were in that State, and upon written agreement by the State's representative to return to the Bureau of Accounts promptly all account cards showing last addresses in another State.

(e) *Payments of claims by Bureau.* The Bureau of Accounts will continue to process and pay claims for deposits, the records for which have been transferred to a State, until the date of a judicial decree escheating title to unclaimed accounts to the State. For this purpose the State's representative accepting the account cards shall return to the Bureau such account cards as may be needed.

(f) *Principal payment.* The amount paid to a State will be the amount which represents the total of the principal balances shown on the lists of those accounts covered by an escheat decree, but the total amount of the principal for active accounts will be reduced by a small uniform percentage reflecting the margin of error in the records between the total of principal balances shown on the list of active accounts provided by the Post Office Department and the lesser and more accurate, total amount for such accounts shown by the books of the Board of Trustees of the Postal Savings System and transferred to the Secretary of the Treasury.

(g) *Interest payment.* The interest accrued on the principal balances of the escheated accounts will be computed on the total principal to be paid and will be calculated by a uniform formula for inactive accounts and another for active accounts, designed to provide an equitable percentage payment of interest based on the Bureau's experience as to the percentage of interest, to principal paid on inactive and active accounts liquidated.

(h) *Payment terms—indemnity commitment.* Payment of principal and interest, in accordance with the foregoing provisions, will be made to a State upon receipt of a copy of a final judgment on escheat of title to the accounts listed in the judgement, in accordance with the State's law, and upon receipt of a commitment by the State to indemnify the United States for any loss suffered as a result of the escheat of the unclaimed accounts.

(5 U.S.C. 301; 31 U.S.C. 725p)

Effective date. These regulations will become effective upon publication in the FEDERAL REGISTER.

Dated: August 6, 1969.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 69-9479; Filed Aug. 11, 1969, 8:47 a.m.]

SUMMARY

Treasury proposed legislation.

The bill would amend 39 U.S.C. by adding two new sections thereto to authorize the Secretary to make five pro rata distributions among the 50 states and four named political subdivisions of so much of the amount of the remaining unclaimed Postal Savings System deposits as he deems not needed for honoring claims. Each share would be determined according to a specified ratio. The amount retained after the final such distribution would continue to be held in trust for depositors. Permanent indefinite appropriations would be authorized if necessary to provide extra funds to pay depositors' claims.

DO NOT BLOCK SST PROGRESS—U.S. PILOTS WILL FLY SST'S, BUT WHOSE?

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. PELLY. Mr. Speaker, much time has been given to opposing viewpoints on the U.S. continuation of the supersonic transport prototype development. The debate has become very heated, and, yet, the voice of those who will be responsible for actually flying the SST's has virtually gone unnoticed.

Because of this, and in the hope of presenting a solid case in favor of the U.S. SST program, I include two excellent editorials which recently appeared in aviation magazines at this point in the RECORD:

[From the Air Transport World magazine, September 1970]

DO NOT BLOCK SST PROGRESS

Plans for producing a supersonic transport plane for airline use now are unfolding on both sides of the Atlantic—but the opposition shows few signs of discouragement.

In the U.S., an extremely lucky choice has been made in the selection of William Magruder to be director of Supersonic Development Programs in the Department of Transportation. He is highly qualified on the technical side, articulate and fairminded.

He is going about his job in exactly the right way, explaining to all who will listen what the facts really are and initiating research and the appointment of top level panels to get to the bottom of things in areas where there is reasonable doubt of the truth.

Magruder deserves the full backing of the air transport industry and of all interested in aviation progress, and he seems to be on the road to getting it.

Boeing, meanwhile, has gone ahead and put the finishing touches on the national industrial team which will build the U.S. SST.

It has signed contracts will all six major SST subcontractors—Aeronca Inc., Cleveland Pneumatic, Fairchild Hiller (Republic Div.), North American Rockwell, Northrop Corp. and Rohr. Next year almost 20,000 people will be employed directly on the U.S. SST program, some 8000 of which will be in the subcontractor programs.

Overseas, the remarkable success so far, and the ahead-of-schedule accomplishment of the French-British Concorde's supersonic flight test program conducted by André Turcat of France and Brian Trubshaw of Britain, appears to have put this project far ahead of the criticism.

The Concorde could well be in airline service by late 1973 and the U.S. SST by 1978.

There are many impressive endorsements of the two Free World SST projects including those of labor unions, the Airport Operators Council International, and the airline pilots who already have been allowed to fly the Concorde in subsonic and supersonic flight.

Thirteen of the largest Free World airlines—nine U.S. and four foreign carriers—have just endorsed in the strongest terms, development of the U.S. SST, and urged continuation of the prototype program.

But to us, some of the finest affirmative arguments on the question of whether the world's airlines really want and need an SST have come from the heads of some of the smaller international airlines—and have been largely overlooked. Take three as widely separated in geography and background as Can-

ada's John C. Gilmer, president of CP Air; Colombia's Juan Ortega, chief executive of Avianca, and the Philippines' Benigno ("Benny") Toda, head of Philippine Air Lines.

Says Gilmer; who already has opted for the U.S. SST and planked down $600,000 to guarantee three delivery positions: "In the hot contest for the air travel dollar, no top-flight airline can afford to fly second fastest."

Ortega notes: "The Concorde is the plane which attracts me most because it completely changes the conditions of travel. The SSTs will sharply affect all the airlines operating long routes."

And Toda adds: "Speed is what air travelers want and it is what a successful airline will have to give them. The SST problem for the airlines is like the jet problem of a few years back—you either get in, or you'll have to get out."

Critics of the SST seldom mention that airline fares have not gone up—and in many cases actually have gone down—during the past quarter of a century because of the constant increase in work performance capability of airline aircraft. They might ponder on the fact that the postwar DC-3 carrying 24 passengers at 150 miles an hour had a rating of 3600 seat miles an hour.

The Concorde, carrying 130 passengers at 1400 mph, will rate at 182,000 seat miles an hour and the U.S. SST, transporting 300 at 1800 mph, will rate at 540,000 seat miles an hour.

The current attempts to block the SSTs are somewhat akin to what almost happened a century ago when certain groups opposed to railroads attempted to cut off developments at the pony express level.

U.S. Pilots Will Fly SST's, but Whose?

As the U.S. Senate nears its decision day on the supersonic transport, the much-headlined SST, it must face up to the basic question: Whose SST will our U.S. pilots fly, the one built by the British and French, the Russians or the Americans? For surely one of these advanced aircraft will be used by U.S. airlines starting in the 70's and the only mystery remaining is whose version it will be.

In its deliberations the Senate must separate the proverbial wheat from the chaff, it must sort out and label the political opportunism that is floating around, and listen carefully to the serious participants in this crucial debate.

No one has been more honest and candid than the SST project director himself, former test pilot Bill Magruder. Before he took the job, he insisted on being absolutely sure the United States needs the SST, and he explored the entire world aviation community to find the facts. His has been the most credible and sensible approach to the entire subject, and the Senate should heed his words.

Magruder has made every effort to meet both friend and foe, and to provide facts in the face of rumor and fiction. He agrees, as every modern man does, that research and testing must be pursued toward the ultimate end of noise and pollution, and that if the facts ever argue against the SST he will be the first to say so. He is a man who can be believed.

There are those opposed to the SST whose objections appear to be purely political, however. For example, Columnist Milton Viorst, writing in *The Washington Star* on July 11, made these comments about one of the leading anti-SST senators: "Until now, Ed Muskie's problem has been his reputation as a good guy, competent and conscientious, but without the necessary toughness to be a fighting leader of the people. . . . Muskie recognizes now that, to maintain his lead for the Democratic nomination two years hence, he needs some new momentum. He's going out in search of it in the battle to destroy the great white elephant of our time, the SST. . . . The SST fight has the potential for drama. It is clearcut and vivid, and it will pit whoever leads it directly against President Nixon, who has taken an exposed position in the SST's behalf. . . . Muskie believes he can build a major coalition against the SST—ranging from radicals opposed to the military-industrial complex through environmentalists to conservatives opposed to excessive federal spending."

Viorst declared: "If Muskie wins big on the SST, it will surely enlarge his stature as a fighting Democrat. It will also boost his campaign in Maine for re-election to the Senate this fall." And so it is with many another solon on Capitol Hill.

It is the essence of American politics to use every issue for its inherent advantages. But when the bell rings to record the vote, let that vote be based on the facts and the needs of the nation, rather than politics.

The United States will inevitably use somebody's SST. U.S. pilots will inevitably fly it. U.S. passengers will roam the world in it. The only question remaining for the United States Senate to answer is, who will build the aircraft that our airlines will use, our pilots will fly, and our passengers will patronize?

Will it be the British-French Concorde, the Russian Tu-144 or the American SST? Common sense dictates that the answer be: American.

AN OPEN LETTER TO COLLEGE STUDENTS FROM J. EDGAR HOOVER

HON. DELBERT L. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. LATTA. Mr. Speaker, J. Edgar Hoover has written an open letter to college students wherein he lists eight ploys being used by radical extremists to lure them into following their violent and destructive ways on campus. This letter should be read by every student in America. In order to help accomplish this, I insert the letter at this point in the RECORD. The letter is as follows:

OPEN LETTER TO COLLEGE STUDENTS FROM J. EDGAR HOOVER

As a 1970 college student, you belong to the best educated, most sophisticated, most poised generation in our history.

The vast majority of you, I am convinced, sincerely love America and want to make it a better country.

You do have ideas of your own—and that's good. You see things wrong in our society which we adults perhaps have minimized or overlooked.

You are outspoken and frank and hate hypocrisy. That is good too.

There's nothing wrong with student dissent or student demands for changes in society or the display of student unhappiness over aspects of our national policy. Student opinion is a legitimate aspect of public opinion in our society.

But there is real ground for concern about the extremism which led to violence, lawlessness and disrespect for the rights of others on many college campuses during the past year.

The extremists are a small minority of students and faculty members who have lost faith in America. They ridicule the flag, poke fun at American institutions, seek to destroy our society. They are not interested in genuine reform. They take advantage of the tensions, strife and often legitimate frustrations of students to promote campus chaos. They have no rational, intelligent plan of the future either for the university or the nation.

The extremists are of wide variety: adherents of the Students for a Democratic Society (SDS) including the Weatherman; members of the Young Socialist Alliance (YSA), the Trotskyist youth group; the Communist Party's Young Workers Liberation League (YWLL). Or they may be associated with the Student Mobilization Committee to End the War in Vietnam (SMC), a Trotskyist dominated antiwar group.

Many are not associated with any national group. The key point is not so much the identification of extremists but learning to recognize and understand the mentality of extremism which believes in violence and destruction.

Based on our experience in the FBI, here are some of the ways in which extremists will try to lure you into their activities:

They'll encourage you to lose respect for your parents and the older generation. This will be one of their first attacks, trying to cut you off from home. You'll hear much about the "failures" and "hypocrisy" of your parents and their friends. The older generation has made mistakes. But—your parents and millions of other adults worked hard, built, sacrificed and suffered to make America what it is today. It is their country too. You may disagree with them, but don't discredit their contributions.

They'll try to convert you to the idea that your college is "irrelevant" and a "tool of the establishment." The attack against the college administration often is bitter, arrogant and unreasoning. SDSers, for example, have sought to disrupt the colleges by demanding the right to select professors, determine the curriculum and set grading standards.

They'll ask you to abandon your basic common sense. Campus extremism thrives on specious generalizations, wild accusations and unverified allegations. Complex issues of state are wrapped in slogans and cliches. Dogmatic statements are issues as if they were the final truth. You should carefully examine the facts. Don't blindly follow courses of action suggested by extremists. Don't get involved in a cause just because it seems "fashionable" or the "thing to do." Rational discussion and rational analysis are needed more than ever before.

They'll try to envelop you in a mood of negativism, pessimism and alienation toward yourself, your school, your nation. This is one of the most insidious of new left poisons. SDS and its allies judge America exclusively from its flaws. They see nothing good, positive and constructive. This leads to a philosophy of bitterness, defeatism and rancor. I would like you to know your country more intimately. I would want you to look for the deeper unifying forces in America, the moods of national character, determination and sacrifice which are working to correct these flaws. The real strength of our nation is the power of morality, decency and conscience which rights the wrong, corrects error and works for equal opportunity under the law.

They'll ask you to believe that you, as a student and citizen, are powerless by democratic means to effect change in our society. Remember the books on American history you have read. They tell the story of the creative self-renewal of this nation through change. Public opinion, time after time, has brought new policies, goals and methods. The individual is not helpless or caught in "bureaucracy" as these extremists claim.

They'll encourage you to hurl bricks and stones instead of logical argument at those who disagree with your views. I remember an old saying: "He who strikes the first blow has run out of ideas." Violence is as ancient as the cave man; as up-to-date as the Weatherman. Death and injury, fear, distrust, ani-

mosity, polarization, counterviolence—these arise from violence. The very use of violence shows the paucity of rational thought in the SDS, its inability to come up with any intelligent critque of our society.

Personally, I don't think the outlook for campus unrest this year is as bleak as some prophets of pessimism proclaim. The situation at some colleges is serious but certainly not hopeless.

Along with millions of other adults, I'm betting on the vast majority of students who remain fair-minded, tolerant, inquisitive, but also firm about certain basic principles of human dignity, respect for the rights of others and a willingness to learn. I am confident our faith has not been misplaced.

THE NATIONAL AGRICULTURAL LIBRARY GIFTS ACT

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. SCHWENGEL. Mr. Speaker, today I have introduced the National Agricultural Library Gifts Act. The bill has as its objective the advancement of scientific research and information services by giving statutory authority to the Secretary of Agriculture to accept gifts for the National Agriculture Library. This Library has over 1 million volumes, and comprises the world's largest collection of printed material on the agricultural sciences. In its new building in Beltsville, Md., the Library provides scholars with opportunities for study, and has also attracted the attention of potential donors of valuable collections of primary, as well as secondary, source material. For example, the Library has been offered the world's largest and most complete collection of historical literature and related material on American poultry. The National Agricultural Library does not enjoy statutory authority to accept gifts, as does the Library of Congress, the National Library of Medicine, and some other Federal libraries. The Office of the General Counsel of the U.S. Department of Agriculture has indicated that such statutory authority is needed in view of decisions of the Comptroller General concerning the need for specific statutory authority in order to accept gifts and to assure clear title, free of any possible future litigation, for gifts that the Library might accept. At present, the Library is forced to consider with uncertainty, not only gifts that are being offered, but a program of soliciting gifts that would add immeasurably to the stature of the Library and its services.

My longstanding interest in and support for libraries is well known to most of my colleagues. I welcome this opportunity to further human knowledge by expanding the resources of the National Agricultural Library. The text of the bill, which I commend to my colleagues follows:

A bill to authorize the Secretary of Agriculture to receive gifts for the benefit of the National Agricultural Library

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That—

SEC. 2. The Secretary of Agriculture is hereby authorized to accept, receive, hold, and administer on behalf of the United States gifts, bequests, or devises of real and personal property made unconditionally for the benefit of the National Agricultural Library or for the carrying out of any of its functions. Conditional gifts may be accepted and used in accordance with their provisions provided that no gift may be accepted which is conditioned on any expenditure not to be met therefrom or from the income thereof unless such expenditure has been approved by Act of Congress.

SEC. 3. Any gift of money accepted pursuant to the authority granted in section 2, or the net proceeds from the liquidation of any other property so accepted, or the proceeds of any insurance on any gift property not used for its restoration shall be deposited in the Treasury of the United States for credit to a separate account and shall be disbursed upon order of the Secretary of Agriculture.

AMERICA'S VIEW ON THE PORNOGRAPHY ISSUE

HON. CHARLES M. TEAGUE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. TEAGUE of California. Mr. Speaker, in recent editorials the Atlanta Constitution and the Portland Oregonian comment upon the anticipated report of the President's Commission on Pornography and Obscenity. The Constitution says that although they are against censorship, they are not necessarily against elimination of all controls on pornography. And, the Oregonian writes that now is the time for action by those who support a reasonable moral code for our Nation.

I believe that these editorials represent America's view on this issue and therefore request that they be printed in the RECORD. The editorial follows:

[From the Atlanta Constitution, Aug. 29, 1970]

PORNOGRAPHY

The President's Commission on Pornography was not President Nixon's idea—it was set up before he entered office.

The Commission's two-year study has resulted in some findings that may not surprise psychologists and sociologists, and perhaps may not surprise politicians and other students of human nature. It has supplemented the findings with recommendations that would put the United States and Denmark in the same league, pornographically speaking, specifically it recommends removal of restrictions for adults, but stronger laws against the exposure of children to pornographic pictures.

The Supreme Court has wrestled mightily with the problem of defining pornography and still hasn't reached agreement. "I know it when I see it," said Justice Potter Stewart. That may not be good law, but it strikes a responsive chord in most Americans. For a dwindling few a novel like "Ulysses" is pornographic; for some a magazine like Playboy is smut. But the general public has probably reached a more sophisticated level of judgment. The core question is what to do about pornography not how to define it. It is this question that prompted the formation of the Commission by Congress over two years ago; it is this question that $2 million in tax money was spent on trying to answer.

Recent news stories have made it clear the Commission has reached conclusions that are, to say the least, controversial. No evidence was found linking pornography to sex crime; there was no indication that pornography is harmful to children. These two points in particular have been the major arguments against relaxing censorship laws, and the Commission's majority report undermines them. It must be pointed out, however, that some members disagreed with the findings—notably President Nixon's sole appointee Charles H. Keating Jr., who has charged that the Commission was dominated by American Civil Liberties Union members. Attorney General John Mitchell has also reacted against the reported findings of the Commission.

This newspaper has always been and remains against censorship. But that does not mean we favor elimination of all controls on pornography, particularly—the Commission's findings notwithstanding—where children are concerned. The trick, admittedly a difficult one, is to respect the individual's freedom of choice and at the same time protect the public from exposure to material it finds objectionable.

We would hope that Congress studies the Commission's report and recommendations in an atmosphere of calm and reason. That's asking a lot on such an emotional issue. But effective and lasting laws are not based on the emotions of the moment; they are based on informed and cool judgment.

[From the Oregonian, Aug. 29, 1970]

ALL OUT FOR SMUT

The President's Commission on Pornography (not President Nixon's but one that President Johnson appointed on authority of Congress two years ago) has approved its controversial report in its final form. The report hasn't been released yet, but the Associated Press has learned that a recommendation is retained that all laws be repealed which prohibit adults from buying and possessing erotic books, films and other material.

This recommendation, along with findings of the commission that pornography does not cause sex crimes or harm individuals, was first revealed about three weeks ago when the AP got a look at the first draft of the report.

Children would be protected against exposure to obscene pictures, but apparently not reading material, under another recommendation. Public display of such pictures and their use in unsolicited mail advertisements also would be barred. Despite the protective laws proposed for children, the commission is said to have found no evidence that children are harmed by pornography. There is not much evidence to the contrary, either, and the public consensus was held to be in favor of protecting children.

A "sex re-education" program also has been approved. This would be a massive nation-wide effort financed by the federal government. Just what it would entail is not clear.

Only two of the 18 members of the commission are known to have voted against the proposal to repeal all federal, state and local laws censoring pornography for adults. They are identified as Father Morton A. Hill of New York City and Charles H. Keating Jr. of Cincinnati.

A commission source told the AP that repeal of all censorship laws for adults would not substantially increase the U.S. pornography "industry." Observation of the wide variety of salacious books, motion pictures and other material already available to the American public tends to confirm this statement. Court decisions and the general permissiveness of the last several years have virtually eliminated all effective censorship despite the laws still on the books.

A large number of Americans, however, do not buy the assertion that pornography does not harm individuals or lead to sex crimes and abuses. The skyrocketing veneral disease and illegitimate birth rates and the great rise in sex crimes along with other felonies are evidence that the moral laxity of recent years has had a serious effect.

Denmark, which abolished the ban on sale of pornography to adults about two years ago, is often cited as proving that a free rein to smut decreases rather than increases sex offenses. The rate of minor sex offenses dropped 31 per cent in Copenhagen and even more in other Danish cities after the law was passed. But Copenhagen's police commissioner said the other day that this doesn't mean much. People, in today's permissive climate, simply don't report incidents that formerly were considered offenses, he said. Public nudity in this country, once considered indecent exposure, now also attracts little attention.

The findings of the pornography commission will not become law without a struggle by those who believe a reasonable moral code is important to the nation. The Administration and many members of Congress who oppose letting down the legal bars will receive strong support from many segments of the populace.

OUR PRISONERS OF WAR DESERVE OUR VOCAL AND PRAYERFUL SUPPORT

HON. THOMAS S. KLEPPE

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. KLEPPE. Mr. Speaker, the plight of American military men being held prisoners of war in Southeast Asia will have to be resolved by worldwide public support.

We must seize the initiative that the United States will not stand by any longer and tolerate the inhumane treatment prepertrated on our brave men.

Negotiation through normal diplomatic channels, both direct and indirect with the enemy over the past 5 years has been fruitless.

How many of us can visualize conditions in a North Vietnamese prisoner of war camp—the solitary confinement, mental anguish, limited medical attention, inadequate diet, and public spectacle and humiliation as the prisoners are paraded through North Vietnamese villages.

According to the latest figures available, 1,576 GI's are listed as POW's or missing in action.

Of these, 457 have been identified as prisoners, 376 being held in North Vietnam.

Many of these men, mostly Air Force and Navy pilots, have not had any contact with their wives or children for 5 to 6 years because the North Vietnamese have refused to allow letters to be written.

The most effective bargaining power so far is "Wife Power" where many of the wives themselves have negotiated directly with Hanoi representatives in Paris and with Soviet leaders in Moscow.

But even this effort is wrapped in suspicion as the Communists have told these fine young ladies that they must go home and have a mass demonstration to end the war.

One group was told by a North Vietnamese representative in Paris that they should contact Rennie Davis of the convicted rabble-rousing "Chicago 7."

North Vietnam is one of the 123 signers of the Geneva Convention which deals with humane treatment of prisoners.

But so far they have refused to acknowledge this. They have refused to allow a neutral nation to go in and inspect detention centers, they have refused to hand over a list of prisoners, and they have refused all efforts to deliver mail between the prisoners and their families.

Today we should offer special praise to the National League of Families of American Prisoners in Southeast Asia, an organization made up of wives of prisoners which has set up a tiny headquarters here in Washington.

Vice President AGNEW donated $12,500 to the league from royalties he received from two firms that are producing Spiro watches and sweatshirts bearing his caricature.

I am today joining in cosponsoring a joint resolution designating Veterans' Day, November 11, 1970, as a national day of support for U.S. prisoners in Southeast Asia.

It is my hope that such an observance would serve as a focal point for the many individuals and organizations which have been working to arouse the conscience of the world in support of the Americans imprisoned in Southeast Asia.

These men deserve our vocal and prayerful support to demonstrate to them that they have not been forgotten.

Hopefully, a strong national response will encourage reciprocal acts of justice and humanitarian treatment on the part of the Communists.

RODINO REQUESTS FTC TO DETERMINE ECONOMIC IMPACT OF AUTO INSURANCE PRACTICES UPON AUTO REPAIRMEN

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. RODINO. Mr. Speaker, 17 separate studies have now been released by the Department of Transportation as part of their comprehensive automobile insurance liability and compensation study. A related issue regarding the economic impact of auto insurance companies upon the auto repair industry is a subject which merits further study.

The 1967 House Judiciary staff study of the automobile insurance industry identified this problem and indicated at that time that it required investigation. Accordingly, I addressed the following letter to the Chairman of the Federal Trade Commission:

SEPTEMBER 15, 1970.

Hon. MILES W. KIRKPATRICK,
Chairman, Federal Trade Commission,
Washington, D.C.

DEAR MR. CHAIRMAN: For the last three years I have been actively working on behalf of greater insurance protection at reasonable rates for the American driving public.

The auto insurance industry has enjoyed exemptions from federal regulation for some 25 years under the McCarran-Ferguson Act of 1945; and now through Congressional studies and hearings, numerous articles in the printed media, and the comprehensive study under the auspices of the Department of Transportation, serious questions are being aired about the availability and adequacy of auto insurance.

A related issue that deserves thorough investigation involves the many complaints of garagemen that they are being placed in economic jeopardy by powerful insurance companies that dictate the terms of auto repairs.

In view of the potentiality for the exercise of control over the auto repair industry by auto insurance companies—allegedly, the top 20 percent of the industry controls over 50 percent of the business—I request that the Federal Trade Commission undertake a study to determine the real economic impact of auto insurance industry practices upon garages performing auto repairs.

The quality and safety and completeness of repair work, and the exact repair coverage due the policyholder are issues of particular concern to the consumer. The potential power of the auto insurance industry to economically affect the auto repair industry is of grave concern to garagemen throughout the country. The motoring public must have quality, defect free repair work available at prices fair to the consumer and the garageman.

The F.T.C.'s experience as consultant to the Department of Transportation's Auto Insurance Study, and the serious questions of anti-competitive behavior and consumer protection that are involved, would appear to make the F.T.C. the suitable and appropriate agency to conduct a review of this situation.

In light of the above I would appreciate being advised regarding any plan of action you intend to undertake in this matter.

Sincerely,

PETER W. RODINO, Jr.,
Member of Congress

AIDS FOR EDUCATION

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. VANIK. Mr. Speaker, this month has seen millions of young people across the Nation returning to schools and colleges for another year of education. In our highly complex society, education largely shapes an individual's role in life. The quality and extent of the education of America's citizens is the best index of the Nation's strength.

The importance of education to my constituents is reflected in a constant stream of letters to my office requesting information on forms of education assistance, estimated cost of education at various institutions and other related matters. That quality education is important to the people of the 22d Congressional District of Ohio can be seen by the recently announced results of the national merit scholarship tests. For example, Shaker Heights High School led the State of Ohio with 36 students named as semifinalists. This is an alltime record for the school—and possibly for the

State. Third highest in the State was Cleveland Heights High School while Brush High School, also in the 22d District, ranked sixth. All the schools in the district I represent, both public and private, did well. I am also proud of the fact that the 22d sends a disproportionate number of Presidential scholars to Washington each year.

Because of the interest of my constituents in information on education, 2 years ago I prepared a speech which listed aid programs and the cost of education at various Ohio schools. I am still getting requests for reprints of that speech. For example, on September 12, I received the following letter from Mrs. John J. Gecik, of 11117 Parkview Avenue, Cleveland, Ohio:

CLEVELAND, OHIO,
September 12, 1970.

HON. CHARLES A. VANIK,
House of Representatives.

DEAR MR. VANIK: I came across a 4-page publication entitled "Aids For Your Education" which you sent us some time ago. It contains a speech which you made in the House of Representatives. It also contains a table which describes all the major programs financed by the Federal Government.

The third page told of "Cost of Higher Education" and also gave a table of costs at colleges and universities for the 1968–69 academic year.

Since I am the mother of a senior high school student, I am very interested in this matter. Do you have this same information in the 1970–71 figures? I would surely like to have it as soon as possible. Perhaps even the other close to 200 parents of the graduating class would appreciate such a report at this time. If no such publication exists, is there, at least, an up to date table of all the Major Programs of Federal gov't which assist students in obtaining college, vocational, health professions, and military training?

Any helpful publications would be appreciated.

Gratefully,

MRS. JOHN J. GECIK.

Since some of the data included in my 1968 aids for education speech has become dated, I would like to enter new data in the RECORD on this occasion.

To provide vocational training and higher education for its children, a family must begin planning and saving when the child is still quite young. They must be aware of the special programs of assistance as well as the current—and seemingly ever-rising cost of education today.

I have prepared, in table form, a brief description of all the major programs financed by the Federal Government which assist students in obtaining college, vocational, health professions, and military training. For more information on these programs, the student or interested family can write to my office, 2463 Rayburn Building, Washington, D.C. 20515, or to the school they are interested in.

The table follows:

Title	Eligibility	Assistance	Notes
A. COLLEGE ASSISTANCE			
1. National defense education loan	Enrolled students in good standing carrying at least ½ normal load, needing a loan to continue study.	$1,000 per year for undergraduates, $2,500 per year for graduates; total NDEA loan for student may not exceed $10,000 for undergraduate-graduate study.	Terms: 3 percent interest, repayable over 10 years, starting 9 months after graduation (later if in military, Peace Corps, etc.). Those who become teachers can write off 50 to 100 percent of loan. Those who receive loans after Apr. 13, 1970, and who serve in the Armed Forces after June 30, 1970, can also cancel a maximum of 50 percent of the loan.
2. Insured student loans	Accepted or enrolled and in good standing in eligible school on at least half-time basis.	$1,500 per year, $7,500 total	Terms: United States covers interest during study and part of the interest during loan repayment, which begins 9 months after graduation for students whose adjusted family income is less than $15,000 per year. Students whose adjusted family income exceeds $15,000 per year may borrow under the program, but they must pay all of the interest.
3. College work-study	School selects students who must demonstrate financial need.	School decides rate of pay, type of job	Students work up to 15 hours per week during school, 40 hours when classes are out. United States pays most of the wages of students working at needed jobs which would not otherwise get done without Federal assistance.
4. Educational opportunity grants	Enrolled students in good standing in such need that they could not continue study without the grant and a combination of other assistance.	$200 to $1,000	School selects students and size of grant.
B. COLLEGE OR VOCATIONAL EDUCATION TRAINING (See No. 2 above)			
C. HEALTH EDUCATION ASSISTANCE			
1. Health professions student loans	Full-time students enrolled, or accepted for enrollment, in accredited schools of medicine, dentistry, osteopathy, optometry, pharmacy, podiatry, and veterinary medicine.	Up to $2,500 per academic year repayable over 10 years at 3 percent. Repayment begins 1 year after leaving school.	The loan may be reduced by practice in specified shortage areas.
2. Health professions scholarships	Full-time students enrolled, or accepted for enrollment, in accredited schools of medicine, dentistry, osteopathy, optometry, pharmacy, podiatry, and veterinary medicine. Students must be of exceptional financial need for such assistance.	Up to $2,500 per year	
3. Nursing student loans	Full-time students enrolled, or accepted for enrollment, in courses leading to a diploma in nursing, an associate degree in nursing, or a baccalaureate degree in nursing or an equivalent degree, or a graduate degree in nursing.	Up to $1,500 per academic year repayable over 10 years at 3 percent. Repayment begins 9 months after leaving school.	The loan may be reduced by full-time employment as a professional nurse in any public or nonprofit private institution or agency.
4. Nursing scholarships	Full-time students enrolled, or accepted for enrollment, in courses leading to a diploma in nursing, an associate degree in nursing, a baccalaureate degree in nursing or an equivalent degree, or a graduate degree in nursing. Students must be of exceptional financial need for such assistance.	Up to $1,500 per year	
5. Public health traineeships	Individuals who have completed their basic professional education and whose skills are needed in modern public health practice.	Tuition and fees, stipend, and dependency allowance.	Trainees undertake to pursue a career in the field of public health.
6. Traineeship grants for advanced training of allied health professions personnel.	Individuals who have completed basic professional preparation in 1 of a number of designated allied health curriculums.	Tuition and fees, stipend, and dependency allowance.	Individuals undertake to pursue a career of teaching, administration, or supervision in the allied health professions, or as specialists in these fields.
7. Military medical and veterinary education assistance.	Senior medical and veterinary students	2d lieutenant pay and allowances while in school	Student incurs 3 years' military obligation after graduation.
8. Military nursing programs and assistance to dieticians and occupational and physical therapists.	Students of nursing and other specialized health profession schools.	Various levels of assistance	Student incurs 1 to 4 years' military obligation after graduation.
D. MILITARY ASSISTANCE IN UNDERGRADUATE AND GRADUATE SCHOOLS			
1. Military academies: Army, Navy, Air Force	Single males, 17 to 22, high school graduates, meeting various physical and qualifying test requirements.	4-year courses leading to B.S. with tuition, room, board, and salary supplied.	There is a 5-year service obligation after graduation. Although not military academies, the Coast Guard and Merchant Marine have similar institutions.

Title	Eligibility	Assistance	Notes
D. MILITARY ASSISTANCE IN UNDER-GRADUATE AND GRADUATE SCHOOLS—Con.			
2. Reserve Officers Training Corps: Army, Navy, Air Force, Marine.	Meet age, physical, and qualifying test requirements.	The student receives uniforms and textbook allowance for military courses. In the 3d and 4th year, he also receives $50 a month. A number of full scholarships are available especially for those interested in science.	During normal course of study student takes a number of military science courses during a 2-year or 4-year program, and attends 1 summer camp, and at graduation is commissioned a 2d lieutenant or an ensign. Obligation is up to 6 years' service in Active and Reserve units.
3. Platoon leaders class (Marine)	Meet age, physical, and qualifying test requirements.	The student receives military pay while on active duty during the 2 summer sessions and also receives uniforms and texts needed during this active-duty period.	College undergraduates attend 2 6-week sessions at the Marine Corps Base, Quantico, and upon graduation and commissioning attend a 21-week officer basic course. Aviation officers attend flight school for approximately 15 months. Students incur a 3-year service obligation upon commissioning.
4. College-level education programs	All military personnel on active duty	Most programs include full pay and allowances and college expenses.	Programs are usually based on requirements in the various specialties and personnel so educated acquire obligated service for the time spent in school.
5. Career training	do	At both the officer and enlisted level, the serviceman receives career schooling or on-the-job training to assist him with career progression in his military specialty.	Much of this training is civilian convertible in various technical and professional occupational areas. The training includes courses ranging from the elementary to college graduate level.
6. General education programs	do	All the services have programs to provide voluntary educational opportunities to all personnel, regardless of their assignment, through which they may raise their educational level and their value to the service.	These opportunities extend from elementary school to graduate degree programs and include a wide variety of schooling: group study classes on the military station, courses offered by local high schools and accredited colleges and universities on station and in the civilian community, service, and U.S. Armed Forces Institute correspondence courses, and correspondence courses offered by almost 50 universities and colleges through the institute. Services also make their correspondence courses available to personnel on inactive duty.
7. Armed Forces tuition assistance	do	The services offer up to 75 percent of tuition assistance fees for off-duty study.	Personnel may use this program to advance themselves in areas not necessarily tied to their military specialty. Obligation: 2 years' further service for officers; none for enlisted personnel.
E. VETERANS ASSISTANCE			
1. VA orphans, wives, and widows education assistance.	Sons and daughters between 18 and 26, and wives and widows of service-connected deceased veterans or 100-percent disabled veterans.	$175 per month for full-time study; $128 for ¾ time study; $81 for ½ time study.	
2. Veterans Readjustment Benefits Act of 1966.	(1) Anyone serving more than 180 days active duty, part or all after Jan. 31, 1955, discharged on conditions other than dishonorable; or (2) released from active duty after Jan. 31, 1955, for service-connected disability; or (3) any person in service 2 years and continuing on active duty.	1½ months of assistance for each month of service on active duty after Jan. 31, 1955, but not more than 36 months' assistance; however, a period of 18 months of such active duty will qualify a veteran for the full 36 months. Allowance: $1 to $230 per month plus $13 for each additional dependent over 2 depending on hours of attendance and number of dependents of student.	
F. DEPARTMENT OF JUSTICE'S NEW LAW ENFORCEMENT EDUCATION PROGRAM			
Law enforcement education program (LEEP)	Loans—Fulltime students enrolled in degree programs directly related to law enforcement. Grants—In-service employees of police, courts, and corrections agencies enrolled in courses related to law enforcement.	Loans—Up to $1,800 per academic year. Grants—$300 per semester (not to exceed the cost of tuition and fees itemized in school catalog.)	Loans canceled at the rate of 25 percent per year of fulltime employment in law enforcement.
G. SPECIAL OHIO PROGRAMS			
Ohio student grants	Individual colleges or Mr. William Coulter, Ohio Board of Regents, 88 East Broad St., Columbus, Ohio.	Grants of up to $900 a year, renewable for 4 years, are available to State residents on the basis of financial need and satisfactory academic progress. Grants may be used at public or private 2- or 4-year colleges or technical schools.	
Ohio student loans	Ohio Student Loan Commission, 21 West Broad St., Columbus, Ohio.	Insured loans up to $1,500 a year with a maximum total of $7,500 are available to Ohio residents from participating banks and lending institutions. Full- and part-time undergraduate, graduate, and vocational students may apply.	
War orphans' assistance	Ohio War Orphans Scholarship Board, Ohio Departments Bldg., room 616, 65 South Front St., Columbus, Ohio.	Tuition and fees scholarships are available for up to 4 years to the children of veterans who were killed or died as a result of service during World War I, World War II, the Korean conflict, or the Vietnam conflict. Children of veteran parents with service-connected disabilities are also eligible for assistance.	

A NEW LOOK AT LABOR DAY

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. VAN DEERLIN. Mr. Speaker, the meaning of Labor Day is explored by feature editor Ray Mintern in a recent edition of Crusader, the publication of San Diego Lodge 685 of the International Association of Machinists and Aerospace Workers.

Mr. Mintern sees Labor Day as the celebration of a heritage shared by industry as well as organized labor. He thinks that eventually this holiday will become known as "America's Day," in recognition of goals common to all Americans.

In order that Mr. Mintern's fine article might enjoy the widest possible readership, I am inserting it at this point in the RECORD:

AMERICA'S DAY

(By Ray Mintern)

Let's begin with a thought. There is no such thing as Labor Day; it's officially called Labor Day, but in truth, isn't it really "America's Day"?

Too often we forget that there is organized industry as well as organized labor, and that both share in the experience and knowledge of the past and realize that without employment for all, there is profit for none.

The days of violence and strikes are part of a heritage that, while necessary at the time, will have little place in the future. Logic, facts and economic justice are the values and power of Labor and Industry, providing they are willing to travel together on the same rails to America's destiny rather than her dispair.

Collective Bargaining is now a fundamental right on not just the worker, but also of the manager. With this privileged right comes responsibility. The day of the obscenity-screaming, half drunk, narrow-minded ne-

gotiator is gone. Wisdom, experience, vision and common goals are the needs of today. There will always be differences of opinion, but they must be settled through concord rather than conflict, and with leadership rather than arrogance.

So, on the coming day of rest, let us hope that we would not think of ourselves as belonging to a group or organization, but rather to a brotherhood of all Americans; whose endeavers now, and in the future, will guide the economy of the United States with a common purpose towards a common goal. Maybe, just maybe, the first Monday in September will someday be known as "America's Day."

SKYJACKING

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. DERWINSKI. Mr. Speaker, the recent highjackings perpetrated by radical Arab groups in the Middle East and similar episodes over the years by individuals diverting planes to Cuba must be stopped before chaos is created in international travel. A very effective editorial by WGN Radio of Chicago carried September 12–15 is a most practical commentary on this subject.

SKYJACKING

The airplane became a weapon of war, in the conventional sense, more than fifty years ago. In recent days, the airplane has been converted from a weapon to a tool, with a series of aerial hijackings aimed at securing political ends. This new tactic of seizing and holding hundreds of persons for ransom is intolerable.

Several proposals have been offered for the protection of travelers, truly innocent people, wholly uninvolved in the machinations of middle-east Machiavellis. We agree with the Airline Pilots' Association and the International Federation of Pilots who say stopping hijackings in the air is too dangerous.

We also agree, with the Air Transport Association and the Federal Aviation Agency, that hijackings must be stopped before they start . . . on the ground.

The Federal Aviation Agency and the airlines are cooperating to test a device called the "Friskem." It is designed to detect large metal objects, like guns and grenades, being carried by persons about to board flights. It is selective enough to pass smaller metal items, such as coins and keys.

A person spotted by this device then has two choices. He can submit to a search of his clothing and hand-luggage, or refuse such a search and be refused a seat on the plane.

While many civil libertarians may object that searching of passengers violates the right of privacy and the right to travel freely, we feel these invasions must be endured, at least until such time as international law brings aerial piracy to an end.

COSTS OF HIGHER EDUCATION

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. VANIK. Mr. Speaker, careful planning and preparation for meeting the cost of higher education is vital, for the expense of educational services has been increasing yearly. It has been pointed out that the average cost of attending college has more than doubled in the last 20 years. This trend can be seen in comparing the cost figures for Ohio colleges and universities which I entered in the RECORD in 1968 with those listed below. While some colleges have managed to hold the line on costs, others have gone up by as much as $500. A good gage of the problem of rising costs over the last 2 years can be seen in the estimated total cost of attending Ohio's largest school, Ohio State University in Columbus. For a citizen of Ohio, the cost in academic year 1968–69 was $1,398. This academic year it is being listed as costing $1,734—an increase of over $300.

A good idea of the range of expenses which face a family in providing a college education can be obtained from the following tables. The listing of costs at Ohio schools was prepared by the Ohio College Association and is accurate as of August 25, 1970. Also listed below, for comparison benefits, is a random sampling of colleges and universities elsewhere in the Nation compiled from figures available at the Library of Congress. Of course, if one is planning to apply to any of these schools, the cost figures should be doublechecked against those included in that particular college's catalog.

It should be noted that there are expenses above and beyond tuition, room and board. These variable costs are described below the tables:

COSTS AT OHIO COLLEGES AND UNIVERSITIES FOR THE 1970–71 ACADEMIC YEAR

	Tuition and fees, 1970–71	Board and room, 1970–71
University of Akron	$600 resident; $1,200 out of State	$1,050.00
Antioch College	$2,909	1758.00
Ashland College	$2,144	1,000.00
Athenaeum of Ohio:		
Mount St. Mary's	$1,100	900.00
St. Gregory's	$1,000	800.00
Baldwin-Wallace College	$2,125	1,047.00
Bluffton College	$1,750	900.00
Borromeo Seminary of Ohio	$1,000	900.00
Bowling Green State University	$660 resident; $1,560 out of State	1,005.00
Capital University	$1,850; $2,100 nursing and music	1,010.00
Case Western Reserve University	$2,290	$1,125–1,275.00
Cedarville College	$1,350	900.00
Central State University	$640 resident; $1,125 out of State	960.00
Cincinnati Bible Seminary	$731	850.00
University of Cincinnati	City, $510–$750; Ohio, $720–$900; Nonresident, $1,455–$1,750	1,125.00
Clark County Technical Institute	$480 county resident; $540 Ohio; $930 out of State	(2)
Cleveland State University	$555 resident; $1,110 nonresident	950.00
Columbus Technical Institute	$516 Columbus resident; $540 Ohio; $960 out of State	(2)
Cuyahoga Community College	$330	(2)
University of Dayton	$1,700	900.00
Defiance College	$1,700	910.00
Denison University	$2,320	1,150.00
Dyke College	$1,040	1,000.00
Edgecliff College	$1,300	1,000.00
Findlay College	$1,650	800.00
Franklin University	$820	(2)
Heidelberg College	$1,950	890.00
Hiram College	$2,370	860.00
Jefferson County Technical Institute	$315 county resident; $420 Ohio; $585 out of State	(2)
John Carroll University	$1,440	1,000.00
Kent State University	$672 resident; $1,572 out of State	1,023–1,209.00
Kenyon College	$2,530	1,160.00
Kettering College of Medical Arts	$1,120	697.50
Lake Erie College	$3,200 all inclusive	
Lakeland Community College	$425 district resident; $695 Ohio resident; $1,050 out of State	(2)
Lorain County Community College	$450 county resident; $705 Ohio resident; $840 out of State	(2)
Malone College	$1,382	924.00
Marietta College	$1,900	1,050.00
Mary Manse College	$1,200	950.00
Miami University	$660 Ohio resident; $1,620 out of State	1,095.00
College of Mount St. Joseph	$1,200	1,060.00
Mount Union College	$2,040	930.00
Mount Vernon Nazarene College	$1,035	795.00
Muskingum College	$2,144	$990.00
Notre Dame College	$1,100	1,000.00
Oberlin College	$2,750	1,180.00
Ohio Dominican College	$1,300	1,000.00

Footnotes at end of table.

COSTS AT OHIO COLLEGES AND UNIVERSITIES FOR THE 1970-71 ACADEMIC YEAR—Continued

	Tuition and fees, 1970-71	Board and room, 1970-71
Ohio Northern University	$1,975 liberal arts; $2,070 engineering and pharmacy	$900.00
Ohio State University	$630 resident; $1,680 out of State	1,104.00
Ohio University	$660 resident; $1,710 out of State	1,104.00
Ohio Wesleyan University	$2,250	1,075.00
Otterbein College	$2,900 all inclusive	
Penta County Technical Institute	$495	[3] 450.00
Pontifical College Josephinum	$1,200	1,200.00
Rio Grande College	$1,500	1,030.00
St. John College of Cleveland	$1,050	1,000.00
Sinclair Community College	$450 county resident; $675 Ohio resident; $900 out of State	([2])
College of Steubenville	$1,400	1,000.00
University of Toledo	$615 resident; $1,590 out of State	1,185.00
Urbana College	$1,350	990.00
Ursuline College	$1,300	1,000.00
Walsh College	$1,184	1,000.00
Western College for Women	$3,300 all inclusive	
Wilberforce University	$1,140	840.00
Wilmington College	$1,740	975.00
Wittenberg University	$2,115	1,125.00
College of Wooster	$2,365	975.00
Wright State University	$570 resident; $1,470 out of State	1,260.00
Xavier University	$1,535	1,040.00
Youngstown State University	$450 resident; $825 out of State	925.00

[1] 2 quarters.
[2] No dormitories.
[3] Room only.

COSTS AT SELECTED NON-OHIO COLLEGES AND UNIVERSITIES FOR THE 1970-71 ACADEMIC YEAR

	Tuition	Room and board
American University	$2,160	$1,000
Arizona State	320	980
University of Arizona	[1]890	800
Arkansas State	307	678
University of Arkansas	270	860
Auburn University	450	750
Augusta College	352	750
Cal. Tech	2,385	1,100
University of California (any campus)	1,200	1,075
Carnegie-Mellon University	2,200	1,150
Catholic University of America	1,900	1,110
University of Delaware	1,150	850
De Paul University	1,440	480
University of Detroit	1,700	1,120
Duke University	2,100	1,050
East Texas State	103	622
Eastern Michigan University	390	1,000
Farleigh Dickinson	1,700	1,135
Florida Atlantic University	600	945
General Motors Institute	875	740
George Washington University	1,800	1,200
Georgetown University	2,100	1,225
Georgia Tech	1,110	875
Hartford, University of	1,800	1,300
University of Idaho	550	845
Lafayette College	2,250	1,120
Lehigh	2,300	1,070
Louisiana State University	500	745
Michigan State	1,395	978
University of Michigan	1,540	1,135
Mississippi State	1,018	760
University of Mississippi	1,606	690
University of Missouri	1,200	940
Montana State	668	870
Morgan State	500	815
New York University	2,300	1,580
Niagara University	1,600	1,000
University of North Carolina (Chapel Hill)	950	1,017
Northeastern University	1,700	1,350
Northwestern University	2,400	1,200
Notre Dame University	2,000	1,050
Oklahoma State	900	760
Oklahoma, University of	900	650
Oregon State	1,407	900
Penn State	1,350	960
University of Pennsylvania	2,350	1,400
University of Pittsburgh	1,500	1,100
Purdue University	900	1,060
University of Rhode Island	900	1,120
St. John's (Jamaica, N.Y.)	1,700	1,500
University of South Carolina	1,260	850
University of South Florida	1,200	1,200
University of Southern California	1,950	1,150
Southern Illinois	618	900
Stanford University	2,400	1,216
University of Texas	400	1,000
Tufts University	2,700	1,270
Villanova University	1,800	1,200
Washington State	1,080	925
Wichita State University	950	900
William and Mary	1,358	870
University of Wisconsin	1,658	1,010

[1] Out of State.

THERE ARE ALSO VARIABLE COSTS

In addition to fixed costs—tuition, fees, room and board—a student is also faced with miscellaneous expenses. These include: books and school supplies, toilet articles, cosmetics, recreation, entertainment, clothing, linens, laundry, incidentals, haircuts, snacks, dues (fraternity, sorority, club), contributions, typewriter, physical education equipment, slide rules, and other optional items.

To realistically calculate the total cost of college education, you must add these variable costs to the fixed costs.

In determining need for financial assistance, most colleges have schedules which allow a reasonable amount to cover these miscellaneous items. Generally the allowance is a minimum of $500 per year for resident students, and $700 per year for commuting students. The larger amount specified for commuting students is to cover the cost of meals.

Printed below is a listing of selected sources of information on colleges, careers, and financial assistance for students, which may be of assistance to families desiring more information on educational subjects. This list was prepared by the Subcommittee on Education of the Senate Labor and Public Welfare Commiitee and was published June 1970.

The list follows:

SELECTED SOURCES OF INFORMATION ON COLLEGES, CAREERS, AND FINANCIAL ASSISTANCE FOR STUDENTS

American universities and colleges. Otis A. Singletary. American Council on Education, Washington, D.C., 1968.

Announcing the new student need analysis program. American College Testing Program. Financial aid services, ACT, Iowa City, Iowa, 1967.

Annual register of grant support. Alvin Renetzky. Academic Media, Inc., Los Angeles, Calif., 1969.

College scholarships. David R. Turner. Arco Publishing Co., New York, 1966.

Current financial aids for undergraduate students. Bernard G. Maxwell, editor. College Opportunities Unlimited, Inc., Peoria, Ill., 1968.

Educational scholarships, loans, and financial aids. Department of the Army, Washington, D.C., April 1969 (pamphlet 352-1).

Financial aid for higher education. U.S. Office of Education. U.S. Government Printing Office, Washington, D.C., 1969 (OE 55056).

Financial aid for students entering college. Oreon Keeslar. William C. Brown Co., Dubuque, Iowa. Fourth edition, 1969.

Financing a college education: a guide for counselors. College Entrance Examination Board, Princeton, N.J., 1966.

Guide to programs. National Science Foundation. U.S. Government Printing Office, Washington, D.C., 1969 (NSF 69-13).

How about college financing? Counselor's manual. American School Counselor Association, Washington, D.C., 1967.

How and where to get scholarships and loans. Juvenal L. Angel. Regents Publishing Co., New York, 1968.

Lovejoy's college scholarship guide. Clarence E. Lovejoy. Simon & Schuster, New York, 1967.

More education * * * more opportunity. U.S. Office of Education. U.S. Government Printing Office, Washington, D.C. 1968.

Need a lift? American Legion educational and scholarship program, Indianapolis, Ind., 1969.

Nursing scholarship program, career information. Student Loan Scholarship Branch, Public Health Service. U.S. Government Printing Office, Washington, D.C., 1969.

Nursing student loan program, career information. Student Loan Scholarship Branch, Public Health Service. U.S. Government Printing Office, Washington, D.C., 1969.

Occupational outlook handbook. Bureau of Labor Statistics. U.S. Government Printing Office, Washington, D.C., 1968-69.

Paying for a college education. Sidney Margolius. Public Affairs Pamphlet, No. 404, New York, 1967.

Where to obtain scholarships, grants, and loans. National College Student Foundation, Inc. Kennewick, Wash., 1967.

Your college education—how to pay for it. Sarah Splaver, Julian Messner, Inc., New York, 1968.

POLICE

HON. ALLARD K. LOWENSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. LOWENSTEIN. Mr. Speaker, I hope enough people are now disturbed about the increase in assaults on police and firemen so we can take steps to begin to deal with the situation effectively.

There is far too much senseless violence of all kinds in this country, but bombings of police and fire stations and the killing of police officers is especially dangerous to the safety of the republic—for the same reason that violations committed by those entrusted with enforcing the law presents special dangers. When those charged with protecting the public against violence become either its victims or its perpetrators, momentum is added to the terrible spiral that

threatens the freedom and security of all of us, individually and as a Nation.

It is now clear that in some communities police have become the special targets of violence directed against them in the performance of their duties as police, and so we must take whatever steps are necessary to protect them in the performance of those duties.

As I have remarked here before, a free society owes a special debt to those of its citizens who risk themselves to fight fire and crime. They are often underpaid, and their daily heroism often goes unrecognized. Americans have been particularly fortunate in the overall quality of our police and firemen, who have earned our gratitude across the continent and across the centuries.

It is therefore very wrong in principle, as well as very dangerous for the Nation, when those who undertake to protect everyone else have less than the best possible protection in carrying out their public duties. I am introducing a bill this week to enable the resources of the FBI to be brought to bear in many of the instances involving the death of a police officer or fireman.

I hope we will act promptly to pass this legislation. If it deters even one potential bombing, or saves even one life or brings to justice one killer, it will be useful to have such a law on the books.

A LETTER OF CONDOLENCE SENT TO MRS. MICHAEL J. KIRWAN BY FORMER PRESIDENT LYNDON B. JOHNSON

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. ASHLEY. Mr. Speaker, I am pleased and privileged to have the opportunity to pay tribute to the late Congressman Michael J. Kirwan by placing a letter of condolence to Mrs. Kirwan that was sent by former President Lyndon B. Johnson. Both of these distinguished Americans served together in the 75th Congress and both of their distinguished careers are now cataloged in the annals of history.

Mike Kirwan's fame was a legacy when I came to Congress in 1955 and I was honored to be his colleague and associate over the past 15 years. His outstanding record of services to his country is even more outstanding because of his humble beginning.

I hereby enclose the letter from President Johnson to Mrs. Kirwan which gives evidence of the warm affection the President held for Mike Kirwan:

AUSTIN, TEX.,
July 27, 1970.

Mrs. MICHAEL J. KIRWAN,
Washington, D.C.

DEAR MRS. KIRWAN: Mrs. Johnson and I are keeping you and the family close in our hearts and prayers. During these past months we have been so concerned about Mike, and we were deeply, deeply saddened to learn of his death.

We traveled long years and long roads together. Through those journeys I came to know and respect him as an outstanding legislator, a dedicated public servant and a remarkable person. There are few whose friendship I treasured as much, and none more, than his.

He leaves a legion of friends and a great legacy to the Nation. Know that your grief is shared.

Mrs. Johnson and I send our heartfelt sympathy.

Sincerely,

LYNDON B. JOHNSON.

PHYSICS FOR 5-YEAR-OLDS

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. BURTON of Utah. Mr. Speaker, a new program cropping up in our contemporary educational system is that of educating preschool children.

Organized in Utah in 1968, this program has received numerous plaudits for its accomplishments. Dr. Ethna R. Reid, director of the Granite School Center in Salt Lake City, maintains that there are fewer absenteeisms among these preschoolers with higher motivation and achievement levels indicated. However, this program, as most, is subject to financial difficulties and unless funds can be found to support it, these efforts in the area of educational progress might be completely thwarted. I submit for the RECORD an article summarizing the efforts of this successful preschool experiment:

PHYSICS FOR 5-YEAR-OLDS: UTAH EXPLOITS TOTS' BEST YEARS IN A KINDERGARTEN EXPERIMENT

(By Nelson Wadsworth)

Five-year-old Paul Warenski of Salt Lake City read 15 books on the second-grade level this past summer. He works third-grade math problems and already has a grasp of simple physics.

Paul's friend, 5-year-old Mark Yamada, reads the headlines in the daily newspaper, writes on the second-grade level, and "is more responsive" to the world around him than other children his age.

Jody Rosenblatt, also 5, likes to read Dr. Suess books, can add up a simple grocery bill, and, according to her mother, "is much more decisive than the average 5-year-old."

Paul, Mark, and Jody aren't extremely exceptional children. But one thing sets them apart from most of the millions of 5-year-olds throughout the nation who are entering kindergarten this fall. Paul, Mark, and Jody have been going to elementary school for two years now, participating in an unusual preschool program in one of Utah's public-school systems. Results of the experimental project in the first two years are convincing some educators here that the old "social-experience" concept of kindergarten may be obsolete and that children should begin elementary school at the ages of 3 or 4, in the critical formative years of their learning experience.

SURPRISE RESPONSE

The program began in 1968 in the Exemplary Center for Reading Instruction in Salt Lake County's Granite School District, the largest in Utah.

"There is currently a great flurry of experimentation and publication across the country relating to early childhood education," says Dr. Ethna R. Reid, director of the center. "We set out to discover just what could be accomplished with prekindergarten and kindergarten children in the classroom."

The district recruited 120 3- and 4-year-olds, first-come, first-served, through stories published in the local newspapers. The response was much greater than school officials anticipated, and 1,500 parents had to be turned away after the classes were filled. Most of the children came from average middle- and upper-class homes.

The following year, 100 additional 5-year-olds were incorporated into the program, selected at random from district schools.

According to Dr. Reid, the three-hour-a-day classroom program did away entirely with the traditional kindergarten "play period" concept held since the early 1900s.

"There were no fun and games," says Mrs. Michael Yamada, Mark's mother. "But Mark got enough of that at home."

TEACHING WITH SPECIAL TRAINING

The children from the outset were spurred by specially trained teachers, each recruited from district elementary schools. For the curriculum, Dr. Reid and her colleagues used experimental materials developed in the district, and for arithmetic and reading adopted the novel Directed Instructional System for the Teaching of Arithmetic and Reading, which was developed by Sigfried Engleman, psychologist, educator, and writer.

Dozens of experimental, Federally financed preschool "enrichment" centers are being operated mainly for low-income children around the land under the antipoverty Head Start program. And some private schools teach reading and writing to preschool-age children. But few U.S. public schools are enrolling middle-class nursery-school-age children in first-grade-level classwork as is being done here.

"These classes are hard work for the teacher," says Mrs. Barbara R. Call, one of the five full-time teachers in the program. "You have to keep the children on their toes every second. There can be no child sitting around vegetating. But the rewards are many. You get caught up in the enthusiasm of the children."

"The significant thing," says Mrs. James C. Warenski, Paul's mother, "is that the children are enjoying themselves while they learn. They think they are playing; so it becomes very exciting to them."

Compared with most kindergartens and first grades, there were few adjustment problems for the youngsters in the preschool program, Dr. Reid reports. Even though there were 10 emotionally disturbed and low-IQ children enrolled in the classes among the 3- and 4-year-olds, there were no start-of-school tantrums. "We found them so excited about what they were learning that they automatically adjusted," says Dr. Reid.

Absenteeism was lower than in any of the regular elementary grades. Even children who were really sick insisted on being allowed to attend class. Dull, listless children who in the elementary schools might have been branded "nonachievers" responded in the preschool program, and by the end of their first year had learned to read and were emerging from their shells.

Dr. Reid says she believes every child in the public-school system is capable of achievement if provided the proper "enriched learning environment." She says she also believes that a child's IQ can be improved if successful learning experience begins at an early age, preferably before the child reaches 4.

THE CRUCIAL YEARS

Among others, Dr. Benjamin S. Bloom, University of Chicago professor of education

and author of Stability and Change in Human Characteristics, says that the most crucial learning years in anyone's life are before the age of 4. The results in the Granite School District tend to support this idea.

Tests given the children showed marked increases in the IQs each year they participated in the preschool program. Among the 3-year-olds, the average IQ jumped from 106.3 to 119. The lowest IQ in the group, 59, actually leaped to 103. Results of achievement and personality tests also showed marked improvement, with children enrolled in the program scoring higher in social adjustment than control groups.

"Some of the older teachers are afraid of the program because it departs from the old kindergarten concept," says Mrs. Call. "They say the program doesn't give the children enough time to play, that it puts too much pressure on them."

But some parents of the children in the program insist there is less apparent pressure.

NO MONEY AVAILABLE

The preschool program was financed the first year by the parents, each paying $25 per month. Last year it was financed by the Granite School District at a cost of some $40,000. This year, the financial future of the program is uncertain.

"Unless we can raise the necessary funds, the program will have to be broken up," said Dr. Ralph C. Riches, director of elementary education in Granite School District. "We've learned a fantastic amount about preschool education in the last two years, and this will certainly be incorporated in the district's curriculum, but there are no funds available to maintain the program. . . ."

Faced by teacher demands for higher salaries and the prospect that schools may not open on schedule this fall because of a strike, administrative officials are planning the biggest belt-tightening in their district's history. But, said Dr. Riches, the experience gained in the preschool education program may be useful for improving the curriculum in all district schools.

EULOGY OF THE LATE JAMES J. GUINEA

HON. JOHN C. KLUCZYNSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. KLUCZYNSKI. Mr. Speaker, I wish to express my deep personal grief at the passing of my staff assistant and friend, James J. Guinea, who died at the Georgetown University Hospital on Sunday, September 20, 1970. He performed his many tasks as my valued assistant with high competence and devoted loyalty. I must acknowledge that I shall not be able to replace him, either in my office or in my affection.

He was uniquely informed about the history and politics in the Fifth Illinois Congressional District. He served every Member of the House of Representatives from that district for 40 years. Coming here first in 1929, he began his long and distinguished career as a congressional employee in the office of then Representative Thomas Doyle.

He served me well and faithfully from the time when I was first elected in 1950 until he retired in July 1969. He was a good friend, a hard and skillful worker, and his friendly courtesy was accorded to all who came to my office either to visit or to seek my assistance in their problems. I shall miss him, and I am sure many other Members and staff workers on the Hill will also miss him very much.

He leaves behind his loving wife, a daughter, Mary Therese Callahan, and six sisters, Helen Fawcett, Josephine Pankowski, Lenore Downey, Lillian Shanahan, Roselle Tarney, and Catherine Wainscott, of Chicago. My heart goes out to them in this hour of their grief.

FREEDOM AND PROSPERITY GO TOGETHER

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. COLLIER. Mr. Speaker, all of our freedoms are endangered when the free enterprise system is violently attacked by revolutionaries. These would-be destroyers of the "Establishment," of which free enterprise is a very important part, are nihilists and admittedly have nothing worthwhile to substitute for the much-maligned capitalistic system. All they have in mind is destruction for destruction's sake.

If they are successful in destroying free enterprise they will inevitably destroy other freedoms that have coexisted along with the free market—freedom of speech, freedom of the press, and freedom of religion. True academic freedom would also become a casualty if free enterprise falls by the wayside.

The enemies of the Establishment engage in violence on many fronts—on high school and college campuses, in industrial plants, in city skyscrapers, and in overcrowded metropolitan neighborhoods. While bombings and other lawless activities have taken their toll, there is also a more subtle and more effective manner in which these destructive forces operate—through the publishing industry.

Publications that are antagonistic to free enterprise pour forth in increasing numbers from the huge publishing houses and are lauded by the reviewers so as to insure maximum readership. Only at rare intervals do we hear about an item that deals sympathetically with the free enterprise system. I would like to invite the attention of my colleagues to one of these rare exceptions.

"How We Prosper Under Freedom," a series of lectures by Warren T. Hackett, which has recently come off the press, contains chapters on various economic laws: The Law of Production—or the Importance of Tools, the Law of Compromise—or Swapping, the Law of Distribution—or You Can Not Get Something from Nothing, the Law of Compensation—or Who Gets How Much, the Law of Inequality—or People, Like Fingerprints, Are Not Alike, the Law of Private Property—or It Should Be Yours If You Earn It, and the Law of Predictable Money—or the More That Is Printed, the Less Its Worth.

Mr. Hackett has made some very important points through other chapters: To Prosper Man Must Be Free—or Free Choice Versus Arbitrary Authority, Man Prospers Not Alone—or Teamwork Pays Off, and the Importance of Profit—or the Rewards of Risk Taking.

It was political freedom and economic freedom working together that enabled the United States to grow from a small and weak nation to a great and powerful one that stretched from Canada to Mexico and from the Atlantic to the Pacific and beyond. The resulting freedom and prosperity attracted millions of immigrants who sought escape from old world tyrannies and regimentation. Only a small handful has elected to make the journey in reverse.

Mr. Speaker, "How We Prosper Under Freedom" is one of the best explanations of the free enterprise system that I have ever seen. Just how the system works is explained in readable language. "How We Prosper Under Freedom" will find its way into the hands of high school and college students, who would profit greatly from a perusal of Mr. Hackett's lectures. Perhaps they will be able to persuade their professors to read them, too.

POLLUTING THE OCEANS

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. CULVER. Mr. Speaker, the Department of the Army recently disposed of 418 concrete coffins of lethal nerve gas by sinking them in the Atlantic Ocean off the coast of Florida. Despite the fact that experts confessed they did not know what would happen to the gas when it reached the lower depths of the ocean, this method of disposal was approved because of the recognizable hazard of continued storage and the lack of any available alternative.

I am deeply disturbed that the United States should have found itself in this position because it did not plan carefully enough for the eventual necessity of having to dispose of lethal materials when they became obsolete or too dangerous to store. This must never happen again.

The oceans of the world are rapidly becoming vast international garbage dumps, threatening their complex life cycles and the large amounts of food which they provide for mankind. A 1968 study by the Dillingham Corp., estimated that 48 million tons of sewage and solid waste were disposed of at sea each year off U.S. coastlines, along with 1 million tons of oil and 10 million tons of gasoline dumped into the seas all over the world. This is in addition to the millions of tons of other pollutants spilled into international waters by other nations yearly.

Thor Heyerdahl and members of his expedition, which recently crossed the Atlantic in a reed boat, said that he and his crew could not fill their tooth mugs from the ocean hundreds of miles out to sea because of the filthy condition of the water.

The Army and other departments of the Government are going to be faced with the task of disposing of additional large quantities of gas and other weapons. Plans should be made now so that this disposal will not further add to the ocean's worsening condition, nor contaminate other areas of our environment.

The Army now has over 400,000 gallons of nerve gas inside 1,000-pound bombs and almost 600,000 gallons of World War I mustard gas, which must be disposed of by next spring. Munitions such as bullets, artillery shells, and bombs are regularly dumped into the ocean by the Defense Department because this is cheaper and less dangerous than exploding them. Since 1964 the Navy has sunk 16 shiploads of conventional munitions into deep water. Radioactive wastes, of the type which comes from nuclear submarines and nuclear electric power generating plants, cause additional problems.

Mr. Speaker, I believe that we must have a national and international reappraisal of public policy if we are not to inflict serious damage upon the oceans of the world.

I am a cosponsor of a legislative package of four measures, which if enacted, would establish the necessary procedures and safeguards for determining and enforcing a definite policy concerning the disposal of waste products in the ocean.

The first bill would require the Council on Environmental Quality to make a complete investigation of national policy with respect to the discharging of any material into the oceans.

The second bill would give to the Council on Environmental Quality final authority to approve all plans to dispose of military materiel in the waters of the United States or any international body of water.

The third bill would change the present practice of dealing with the question of disposal only after an emergency exists, by requiring that at the time the military acquires a deadly weapon, it must report to the Council on Environmental Quality and the Congress the date beyond which the materiel cannot be safely retained and the best means of disposing of the materiel.

The fourth part of this legislative package would be in the form of a concurrent resolution and would state the sense of the Congress that pollution of the waters of the world is a matter of the greatest concern, and that the President should take such steps as may be necessary to propose an international agreement for coordinated international efforts to control disposal of dangerous materials in the oceans.

Even those of us who do not live in areas of the United States near the oceans have a great stake in preventing their destruction through thoughtless and unnecessary pollution. Many birds and fish which are not normally associated with the oceans actually have life cycles which take them to salt water for part of their lives. Numerous other animals depend indirectly upon the sea for food, and many experts see the sea as a major source of nourishment for mankind in future years as population exceeds the ability of the land masses to provide food for it. This valuable resource must not be lost because the Government did not take sufficient precautions to dispose of deadly weapons in a safe manner.

THE BUSING CRISIS

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. WHITEHURST. Mr. Speaker, recently a friend of mine in Norfolk, Mr. George B. Powell, mailed me a copy of a letter written to the editor of the Norfolk Virginian-Pilot by Mr. Michael M. Wagenheim. In this letter, Mr. Wagenheim, an attorney of great stature in our community, has made an eloquent plea to the Supreme Court to respond positively to the busing crisis with which we are now faced.

Mr. Speaker, I know that many of my colleagues share my concern over this problem, and in the thought that they would be interested in Mr. Wagenheim's opinion, I herewith offer his letter for their benefit:

MAY IT PLEASE THE COURT

As a practicing lawyer for over 45 years, and as a former president of the Virginia State Bar Association, I yield to no one in my respect for the courts. At the same time I reserve to myself the right to criticize their decisions and to complain about their actions. I trust that the coming month may minimize the need for both.

At its October Term the Supreme Court of the United States will hear the Charlotte-Mecklenburg County school case. Among the issues involved is that of compulsory busing. Let us hope that this and kindred school problems will be resolved with clarity and common sense.

From the contradictory and confusing opinions which have emanated from the various Federal courts, it is clear that educators who have spent a lifetime wrestling with intricate and difficult problems have forgotten more than some august members of the bench can ever hope to learn. As an ex-chairman of the Norfolk School Board with a 15-year hitch on that body, I venture this assertion with impunity.

Despite numerous court decisions, judicial guidelines and affirmative cures for the current ills are trifling in their intrinsic significance. Many unsolved problems remain.

The situation in Norfolk dramatically points up the need for clarification.

Carting a young child away from his neighborhood school a few blocks distant to another school miles away simply to achieve numerical racial balance is not the answer. It is satisfactory neither to blacks nor whites. There is great harm in permitting the doubts and fears this practice generates to obscure attention to the important fundamentals of properly educating children.

It has taken 16 years since the decision in the Brown case for the courts to assume a positive position on the important practical problems facing our educational system. Let us hope that October will witness a realization by the Supreme Court of the excruciatingly inadequate panaceas which have been prescribed by the courts during those 16 years. It is high time for the Supreme Court to demonstrate finally that it has learned how to deal with the critical knowledge which should have been absorbed by now. The American public has a right to expect no less.

INTRODUCTION OF LEGISLATION TO END PERSECUTION OF RUSSIAN JEWS

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. OTTINGER. Mr. Speaker, I am today introducing a resolution in the House of Representatives condemning the persecution of Jews in Russia and calling upon the President to make it a matter of top priority to negotiate permission for Russian Jews to emigrate to Israel. I am gratified to have 39 of my colleagues from both sides of the aisle show the depth of their concern by cosponsoring the resolution with me.

The treatment of Jews in Russia amounts to nothing less than spiritual and cultural genocide. There are no Jewish schools in Russia, no books on Jewish history and heritage, very little Hebraic literature, and virtually no theatrical performances. Nearly 400 synagogues have been shut down since 1956, and only 65 remain open to serve Russia's 3 million Jews. Thus, though anti-Semitism is officially illegal in Russia, virtually all those activities which would allow Soviet Jews to retain a sense of their identity and their past are proscribed by authorities.

Jews in Russia find it harder to gain admission to the universities and harder to obtain and hold jobs, not to mention advancement to positions of responsibility and prestige, regardless of ability. This pattern of discrimination is propagated by the government as anti-Zionism, but it clearly infects every aspect of daily life for this persecuted minority.

When Russian Jews apply for permission to emigrate to Israel, they are often harassed and charged with criminal activities, even though it is not unlawful to apply for exit visas. I have had in my hands petitions that were smuggled out of the Soviet Union detailing this persecution and reporting the jailing of many Jews whose sole offense is wishing to leave a country in which they are demeaned and treated as third-class citizens. It is now reported that many Jews wishing to emigrate do not apply for permission out of fear of reprisals.

The Soviet Union's cultural genocide of its 3 million Jews has aroused little

noticeable concern on the part of the Nixon administration. This past April I sent a wire to the President asking for his intercession, and more recently I forwarded the above petitions to the United Nations Commission on Human Rights asking for action on behalf of Russian Jews. Yet virtually nothing has been done, particularly through the United Nations, to focus world opinion on their struggle to escape repression.

Russian Jews continue to worship at their few remaining synagogues despite the knowledge that they are under surveillance by the Russian secret police. They continue to petition their Government for their full rights, knowing well that such boldness could result in imprisonment. They continue to circulate books in Hebraic clandestinely and print manifestoes through an underground press. It should be clear by now to the authorities that Russian Jews will not surrender their identity and be assimilated into the population as is apparently hoped.

I therefore am introducing this legislation, with broad bipartisan support, calling upon President Nixon to use the diplomatic tools available to him, including the SALT talks and Mideast conferences, to negotiate with Russia the right of its Jewish citizens to emigrate to Israel or any other country willing to receive them. The resolution condemns religious persecution along with its plea for basic human rights. I will press for wider sponsorship and action on this legislation at the earliest possible date.

DALLAS REPUBLICANS WANT ACTION FOR VIETNAM POW'S

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. COLLINS. Mr. Speaker, all of us in America are very much concerned with the prisoner-of-war situation over in Vietnam. We discussed the POW situation in our Republican executive committee in Dallas last month. We were in complete agreement on the fact that our Nation should take some positive action in assisting this fine group of our fellow citizens.

To sum up the thoughts of the Republican Party of Dallas County a resolution was passed unanimously by the executive committee of the Republican Party in its meeting on August 26, 1970. It was signed by Tom Crouch, Republican county chairman; Glo Seeburger, cochairman of Dallas County; and Peggy Dunlap, secretary of the Republican Party.

As this resolution so well speaks the sentiments of all of the members of the Republican Party in Dallas County, I wanted to have this prisoner-of-war resolution made a part of the official RECORD.

The following is the unanimously approved resolution:

PRISONER OF WAR RESOLUTION

Whereas, over 1400 American servicemen are being held prisoner of the North Vietnamese government in camps throughout Southeast Asia, and these men are in various stages of sickness and starvation and have been subjected to humiliation and brutal treatment including physical torture and brainwashing, and

Whereas, these men have been held in captivity and denied any and all forms of communications, to or from their families—for periods up to six years, (the longest time span any American soldier has ever been imprisoned), and

Whereas, the United States is withdrawing from Southeast Asia and, for the first time in our history, combat troops are leaving a combat area without the United States government first having resolved POW releases, and

Whereas, the North Vietnamese government has violated its own solemn pledge to abide by the Geneva Convention agreement of 1957 with regard to treatment of prisoners of war, and no international organization has been permitted to enter these prison camps to bring comfort or communications to these men, or assess their condition and assure their fair treatment, and

Whereas, the North Vietnamese government has repeatedly demonstrated its sensitivity to public opinion in the United States and throughout the world, when expressions of deep concern were made with regard to the treatment and fate of these men, and

Whereas, as American Citizens, we share with the families of these POW's a feeling of urgent concern for their welfare, indeed their very survival,

Be it therefore resolved, that the members of the Dallas County Republican Executive Committee join with these famlies in strongly urging all Texas Congressmen to call for a joint session of the Congress to devote a *full day* to testimonials from wives and families of the POW's in order to focus the attention of the Congress, the Nation and the world on this grave problem, unprecedented in American History, and,

Be it further resolved, that the Secretary of this Committee be instructed to send copies of this resolution to all Texas Congressmen, the President of the United States, the President of the Senate, the Speaker of the House, and all Dallas news media.

Mr. Chairman, I move the adoption of this resolution. It was voted and approved unanimously by the Dallas County Republican Executive Committee.

HOOSIER NEWSMAN ELMER DAVIS, HONORED IN SEVAREID TALK

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. HAMILTON. Mr. Speaker, the following is an excellent talk by Eric Sevareid at Columbia University. The speech, the fourth annual Elmer Davis Memorial Lecture, honors one of the giants of broadcasting history, Hoosier Elmer Davis.

In the words of Dean Elie Abel of the Columbia Graduate School of Journalism:

His Elmer Davis Memorial Lecture at Columbia University last April was heard by just a few hundred guests. It ought to be available to a wider, national audience. Because Sevareid had something important to say—and he said it uncommonly well.

The speech follows:

SPEECH BY ERIC SEVAREID

We are all here for and because of Elmer Davis. We all wish he were still around, not just for our own fellowship and relaxation but because he would be busy, in his deceptively easygoing way, relaxing some of the tensions of this turgid and humorless period in the American story. Elmer would probably admit that he wasn't young enough to know everything, but he would acknowledge that Armageddon and the Apocalypse *are* just around the corner—right where they've been for centuries.

The reason CBS hired the owlish looking fellow, the Indiana country boy cum classical scholar, was that we did seem to be turning that corner. The great war had started and a few men like Ed Klauber and Ed Murrow and Paul White saw immediately that among the potential casualties of war were truth and the language. We needed somebody who knew in his bones that the only way to confront a wild world was, as Churchill later put it, with tolerance, variety and calm. The country needed Elmer then. It needs him now. If we keep alive his memory and his example, that may help a little.

I went through those Joe McCarthy days in Washington with Davis. Rougher days than now, though not quite so ominous. A senator is not a vice president or even an attorney general. But the pressures were terrible from the un-silent majority and the charge was treason, no less. Some people in our business *were* intimidated; some men were driven off the air and out of the press. I remember another very powerful senator, chairman of the committee that could do the most direct damage to free broadcasting, who issued an ultimatum to Frank Stanton—get rid of Murrow and that fellow Sevareid, or else. Though I didn't know about that at the time because Stanton never mentioned it. He still hasn't. Many remember the climatic and winning battles, when the Army issued its challenge to McCarthy and simultaneously, though quite independently, Murrow and Friendly drove their ten-ton tank into the narrow salient of freedom still open. But it had been kept open, if just barely, for a long time by a few lonely, half-exhausted guerrilla warriors of whom none was more battle scarred than Elmer Davis.

We are told now that this country is being run by minorities and that the President is going to put an end to that. This, I don't fully understand. Minorities have always wielded the cutting edge of history; it is the conflict of minorities that makes history, that is, change. Not always well or wisely, to be sure. But that is the process and we are bound to report it, and by a higher law than the law of habit or the law of the box office.

Elmer Davis was a minority. He always reminded me of the nineteenth century commentator, William Hazlitt, who once wrote a kind of political credo for himself. He said.

"I am no politician and still less can I be said to be a party man, but I have a hatred of tyranny and a contempt for its tools; and this feeling I have expressed as often and as strongly as I could. I cannot sit down quietly under the claims of barefaced power, and I have tried to expose the little arts of sophistry by which they are defended. . . . I deny that liberty and slavery are convertible terms [perhaps Hazlitt anticipated Hitler, Stalin and Professor Marcuse] that right and wrong, truth and falsehood, plenty and famine . . . are matters of perfect indifference. That is all I know of the matter; but on these points I am likely to remain incorrigible . . . it needs no sagacity to discover that two

and two make four; but to persist in maintaining this obvious position, if all the fashion, authority, hyprocrisy and venality of mankind are arrayed against it, would require a considerable effort of personal courage, and would soon leave a man in a very formidable minority."

Davis was a formidable minority. A major minority.

I think there really is an ingredient called common sense. It is born of experience; it takes some living. I think Davis knew that the older cannot transmit experience to the younger—nature's secret arrangement for man's creativity. And that the young cannot transmit their agonies to the old—nature's secret arrangement for man's survival. The generation gap in viewpoint would have seemed perfectly natural to Elmer, but he would have doubted that men and women grow progressively more ignorant from the age of eighteen on.

What else would he be saying now, were he around? At the risk of taking liberties with his name, one can make a few rough guesses at the least.

I would guess that he would say about this war that nations are like persons in at least one respect—when a big nation makes a big mistake it can't expect to avoid paying a big price and it better face up to it, and stop the posturing and the pretending.

He would have said yes, dissent *is* right and good, but doubted that therefore the more dissent the better. He would have said that an increase in personal political passion does not equate with an increase in personal virtue. He would have questioned a sociological ideology which states that all those who are poor or in slums, or in a state of addiction or in prison, are the innocent, and that everybody else, who do their work and protect their children and obey the law, are the guilty.

He would have observed that public apathy as the trouble source is mostly a myth, that the difficulties come from the very un-apathetic, indeed the fierce conflict of intensely alert individuals, groups and interests.

He would have suggested that our freedom is in danger only in the second instance. That there has never been so much freedom. It is our public order that is in immediate danger and that if that breaks down in a massive way, both freedom and justice will surely founder. Elmer was saturated in history, knew it was no certain guide, but one of the few we have, and he would have noticed that people, given no other choices, always prefer tyranny over anarchy, because anarchy is the worst tyranny of all.

I suspect he would have pointed out to certain among the impassioned young, who are so contemptuous of the past as any kind of guide, that an individual cut off from his memory goes mad and that a society so amputated would also lose all sense of direction. He would surely have pointed out that what both successful and unsuccessful revolutions do is to increase the power, not of the person, but of the state, the power they hate the most.

Some among his hearers would surely sneer at Elmer Davis as a tired liberal, as a moderate. And he would have said, yes, he often did get tired and among the things that tired him was a repeated phenomenon, the fact that it is not only the old who perpetuate worn out ideas, but often the young who repeatedly confuse their own newness with the ideas'. And yes, he was a moderate because he had figured out that the Greeks were right—ultimately, no personal or collective life is worth living in the absence of moderation. He had come to agree with Burke that men of intemperate minds cannot be free; their passions forge their fetters.

Suppose Davis were a network broadcaster today, caught in these present alarms and excursions. It goes without saying he would refuse to be intimidated. He would even manage a chuckle or two. At the very idea of professional political propagandists telling him he was a propagandist. At those in the printed press who said we were "overreacting" when we hit back immediately and hard at the Agnew speeches which not only constituted a threat of censorship but constituted an attempted act of censorship. At those in the press who then turned right around and said we were intimidated, but offered no serious evidence to that effect.

Elmer might have had a little dry fun with this assault from the right wing to the effect that broadcast journalism is much too preoccupied with minorities and conflict, after years of assault from the left wing to the effect that broadcasting is simply a reflecting mirror for comfortable, established, middle class values and interests. He might have concluded that maybe we weren't doing so badly, after all.

He would have failed to see the logic in a legal situation which holds that the most pervasive, if not necessarily the most persuasive, medium of information and ideas is not protected by the First Amendment while less pervasive media are so protected. And he would have said to his colleagues—act always as if you were so protected. If you act otherwise, it will be otherwise. Liberties can be defended only as long as we still have them.

He would have wondered at some in the printed press who said to him, "Your end of our boat is sinking."

He would have agreed with Gallagher's Law. It was formulated by the Associated Press' Wes Gallagher as follows: "Criticism by the government rises in direct proportion to the amount of news printed or broadcast which reflects unfavorably on government policy. Criticism by the public rises in direct proportion to the amount of news read or heard that does not fit the reader's or listener's preconceived ideas of what the news should be."

And Elmer might have added something which, because he is gone, will hereafter be known as the Sevareid Stipulation: we will consider alteration of our adversary relationship when two things begin to happen—when political leaders complain when they are overpraised and when they admit policy mistakes of a serious nature. That will be the day.

Davis had a skeptical, not a suspicious nature. Mine is less virtuous. I profoundly suspect that the reason for the sudden assault by the Vice President last fall was not merely to right what he was entitled to believe were imbalances in the news; not merely to mute the antiwar criticism and win some domestic elbow room and time for his President's policies. This President had carefully studied his predecessor's credibility gap and understood its fatal nature. I deeply suspect that the deepest reason for the assault on the press had to do with this. What better way to forestall your own credibility gap than to assign it elsewhere in advance?

If that is it, as I believe, then it is exceedingly clever. But it will not work in the long run. In the long run, most people will place the blame for policies gone wrong on those who make the policies, not on those who report and try to explain them. Most people know, if the Vice President does not, that in the last generation it has been the power of government that has grown the greatest, not the power of the press, and within government, the power of the Presidency. They know that we have reached the chilling point where the more fateful the decision to be made, the fewer the men who make it.

Davis was quite aware that journalism, like war and generals and politics and politicians, is too important to leave to journalists. He knew that to be a regular reporter or commentator on a nationwide network is so different in degree from writing for a publication with a coterie of readers who read it because they find it generally agreeable—so different in degree as to be almost different in kind. It is the difference between riding inside the stage coach, however hot and bumpy, and riding shotgun, exposed to the endless hailstones and the pointed arrows.

His life was too short for our common need; but long enough for him to know that broadcast journalism, like printed journalism, has immensely improved in scope, in knowledgeability, in responsibility over his earlier days of the twenties, or the early thirties. But he would have been the first to acknowledge that the process is by no means over.

Those who would improve our practices in questionable ways come not only from the outside in the form of powerful politicians. Some come from the inside. Militant young men and women, in both newspapers and broadcasting who argue that even the *quest* for objectivity is a myth, that the prime purpose of the press is not to report the world but to reform it, and in the direction of their ideas. We have all read the learned articles that tell us objective news accounts in the hard news columns or broadcasts tend merely to deceive the reader or hearer, obscure inner truths that the reporter perceives. He must therefore personalize the hard news, infuse it with his own truth. They would not leave this to the editorial writer, columnist and commentator, whose work is clearly marked away from the hard news. They believe this will give a true integrity to news columns and news broadcasts. I believe it will ruin them. There is nothing new about this idea. In fact, this is the way it was done in the days of the yellow press and the screamers of radio's first, faltering years. This is the way it is still done in many countries. The result there is that one must read many papers, hear many broadcasts, then try to piece together what really happened in any given occurrence. Inevitably, this becomes the journalism of polemics.

What Yale's Kingman Brewster said is true for a university is true for the press. "Cynical disparagement of objectivity as a myth," he said, "seems to me both naive and irresponsible. Any claim of novelty to the observation that men are fallible at best, corruptible at worst, is naive. Its irresponsibility lies in the conclusion that, since the ideal is unattainable, it should not be held up as a standard to both practitioners and critics."

I have sounded, thus far, rather complacent, and Elmer would hate that. It may be that the best defense is a strong offense, but that is not good enough in this realm of the press, which makes the community weather, sounds the notes of the day. I think I know about our failures and blind spots because I live with them all the time and I had been raising my voice among my colleagues and bosses long before Mr. Agnew kindly offered his own assistance.

The news as presented in both broadcast and newsprint *does* tend to give a startling, not a balanced presentation of the day's events, as James Reston has put it. The television camera or the newspaper headline foucses, like a flashlight beam in the darkness, at what has just moved. All else is lost in the limbo. Three campus demonstrations simultaneously give the impression that American higher education is collapsing. But two thousand other colleges are going about their business. Two ghetto riots and a whole nation seems to be going up in smoke.

These things are news, important news, and must be reported. Think for a moment what would happen to our credibility if

people came to feel we were *not* reporting many of these things because they were violent.

And it is true that people are so constituted that they will remember the news that has excited or enraged them long after forgetting all the rest of the day's report, with its routine, moderate or constructive news. Nevertheless, we do have a severe practical problem. It is to put these events into better perspective, *as* they happen when possible. Judgment on the information and explanation cannot run as fast as the information, but they need not lag so far behind.

It is not precisely our fault that everywhere in the world human problems are now being created faster than human institutions can solve them. Even the smallest, most remote African societies are producing more history than can be domestically consumed. So we cannot really help it if much of the most important news tends to be news of violence.

It is our physical formats, as much as anything, that have not adjusted to these new realities. Consider the evening news programs of the major networks, from which millions get most of their information. Suppose instead of television, there were just three national newspapers with the same level of readship. Suppose they consisted of page one only, tabloid size. One can imagine the popular pulling and hauling they would get. Every living soul would know exactly what should not have been printed and what should have been printed in that constricted space.

I do not quite see how we are to do a markedly better job of it, how to get the better balance, unless these programs go to an hour's length. Many of us have wanted, and worked for this. In that hour, we could do what we should be always doing, in my long sustained opinion; we could provide room for rebuttals to our practices from ordinary listeners; letters to the editor, if you wish. For years the situation has cried for this and had we been doing it for these years, perhaps much of the accumulating gas of resentment would have escaped from the boiler in a normal fashion.

But while we can think free, write and speak free, we in television cannot act free in all respects because of our anomalous legal position. The federal government apparently is about to make a full hour of network evening news a practical impossibility, with a new rule removing a half hour of evening time from network usage. I very much wish local stations had the resources to report the whole nation and the whole world. But they do not; so here we stand, twisting about in our straitjacket, doing the best we can.

It remains a question whether a press form that is not fully free can long endure. I believe that it will. But it depends upon others, even more than upon ourselves who work in this form. It depends upon whether or not this society, too, surrenders to what has been called the politics of hysteria, the social curse of this astounding century. And that depends very much upon our constituted leaders, whether they choose to divide the people for short run political gain or try to draw the people together and heal our divisions.

I said I think most people will apportion credit and blame where they belong in the long run. But you don't get a chance for the long run unless you survive the short run. We are all in this together, so we had better stick together.

I can hear it now, that twangy, salty voice from Indiana. Elmer said:

"The first and great commandment is, don't let them scare you. For the men who are trying to do that to us are scared themselves. They are afraid that what they think will not stand critical examination; they are afraid that the principles on which this republic was founded and has been conducted are wrong. They will tell you that there is a hazard in the freedom of the mind, and of course there is, as in any freedom. In trying to think right you run the risk of thinking wrong. But there is no hazard at all, no uncertainty, in letting somebody else tell you what to think.

"That is sheer damnation."

COLLEGE AND UNIVERSITY OFFICIALS MEET ON CAMPUS UNREST

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, as another academic year begins, each of us shares some apprehension. In the past many legislators have been critical of school administrators in their handling of problems on campus.

I was therefore pleased to note that executives of nearly all our more than 100 State universities and land-grant colleges—about half of them presidents—met for a day and a half in Chicago early in August to discuss ways to keep their institutions open this fall. The meetings were off the record, but the tenor of the sessions is outlined in the press release from the National Association of State Universities and Land-Grant Colleges which I will include at the end of my remarks. The emphasis is on constructive, preventive measures, which if implemented, I believe, will go a long way toward improving our education system and channeling student concern toward constructive means to an end.

The press release referred to follows:

PRESS RELEASE

WASHINGTON, D.C.—Executives of the nation's state universities and land-grant colleges, comprising the Senate of the National Association of State Universities and Land-Grant Colleges, have concluded a special meeting designed to produce plans for keeping their institutions open during the coming academic year.

The university administrators, including presidents and other institutional executives of the nation's 101 state universities and land-grant colleges, met in Chicago the first week in August.

The first and overriding priority of the administrators at the meeting was to concentrate on efforts for creating an atmosphere of trust on the campus.

At the same time, the presidents and other administrators recognize the facts of life and stressed their determination to keep their institutions open. To this end, they discussed plans for tightening lines of contact with security resources open to them, on campus and off, including state and local police forces.

"Overall, the presidents and other executives of the state universities and land-grant colleges of this nation are convinced that no tactic designed to ease campus tensions can succeed unless it is founded on good will," said Dr. Richard A. Harvill, President of the National Association of State Universities and Land-Grant Colleges and of the University of Arizona.

"But the members of the National Association of State Universities and Land-Grant Colleges have considered that in view of the very serious situation which developed on our campuses last year, it would be a grave error to let the summer pass without getting together to share common experiences and to make careful plans for keeping our institutions open in the coming academic year," President Harvill said in a statement following the conference.

"No university administration can create an atmosphere of trust by itself; neither can faculty members or students acting alone—nor can the National Guard," President Harvill said.

"Students and faculty must begin to realize they have a commitment to the university," he added. "We already have seen evidence of this kind of commitment during the past spring on our campuses. We believe students and faculty, barred by a cynical minority bent on manipulating them and preventing them from pursuing their work, have realized that their own interests are at stake."

President Harvill said there was a consensus at the Chicago Senate meeting for clear statements by university executives regarding the contractual relationship that exists between the student and the institution.

"We believe this involves a clear-cut statement that the institution will stay open to fulfill its end of the contract and to meet its obligations to the student as outlined in the catalogue," Dr. Harvill said.

The administrators also voiced concern about the dangers to students and faculty members when an institution is forced to shut down. They expressed the opinion that a university shut-down clearly threatens hard-won student credits and, for faculty members and administrators, regular income.

President Harvill said presidents and other executives of the universities in the National Association of State Universities and Land-Grant Colleges are firmly committed to the principle that students and faculty members must have a stronger voice in the decision-making process.

"Students who are aware of this and who are participating in the process are not likely to strike," said President Harvill. "It would be like striking against themselves."

The state university and land-grant college executives shared their own experiences with campus disruption and discussed the best ways to deal with the question of summoning outside help when destruction threatens life or property on campus, to keep channels of communication open between administrators and key campus student and faculty leaders and to build up better understanding of the university and its function in the community.

The administrators also discussed ways to keep channels open to the mass media, which plays a role in offering a balanced report of what is taking place on campus.

The conference dealt, too, with necessity to define limits so that everyone in the campus community understands what will happen if these limits are exceeded.

The conference spent considerable time in a discussion of ways to accommodate student desires for more university involvement in social issues.

"But," noted President Harvill, "no social problem can be solved by closing down a university."

THE CONGRESSIONAL REORGANIZATION

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. PETTIS. Mr. Speaker, due to the fact that I was out of town on official congressional business, I was not present last Thursday for the vote on H.R. 17654,

the congressional reorganization measure. Had I been present I would have cast an enthusiastic affirmative vote on this vital piece of legislation.

As a cosponsor of many of the progressive amendments adopted by this body, I salute my colleagues for their action on this measure which will improve the efficiency of our procedures and give the people new faith in this institution.

A VESTED INTEREST IN APARTHEID

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. FRASER. Mr. Speaker, a few days ago two young South Africans visited my office. One of the points they made was that while they were in favor of foreign corporations investing and making profits in South Africa, they were dismayed because too many foreign corporations made even greater profits by capitulating to the racist apartheid system. They felt that great progress could be made in their country if foreign corporations gave equal pay for equal work, an elementary concept ignored under apartheid, and were less obedient before the racist industrial relations rules.

The London Sunday Times recently ran the following article in its business section. It gives one businessman's view of investing in a nation governed under the apartheid system. He was concerned that "we should, in turn, profit from such exploitation and ultimately end up with a vested interest in its maintenance." He decided not to invest.

Many American corporations do not have the luxury of choosing not to invest in South Africa. They are already there. They do, however, have the choice of not knuckling-under to the apartheid system. This choice should be clear, but, unfortunately, too many U.S. firms do not make the morally correct choice. The Wall Street Journal printed "South Africa: Dilemma for U.S. Firms," last December 11 outlining the issue. I would hope that all of us in Congress would make clear to these U.S. firms that business-as-usual in South Africa means giving-in to apartheid. Large profits because of brutal distinctions based only on race cannot please any American shareholders. They should not please the managements of these firms.

The article follows:

WHY WATES WON'T BUILD IN SOUTH AFRICA

(NOTE.—Neil Wates is managing director of Wates Ltd., one of Britain's biggest building and construction companies. In January this year, the firm was invited to make a substantial business investment in South Africa. Wates' first reaction was to refuse, as the directors did not wish to work within a system based on colour-discrimination. The South Africans' response to this was to say that Wates did not know the subject, that the firm had been totally misled by hostile propaganda, and that such a decision could not be properly made from 7,000 miles away. They accordingly asked Neil Wates to look at the situation at first hand. This remarkable document, which we are publishing in extenso in Business News today, represents his personal, individual assessment of what he found. He wishes us to make it clear that it does not commit his colleagues.)

South Africa is the ideal land for investment. In the foreseeable future there can be few more stable countries. The economic outlook is excellent—the possible fall in volume of gold production is almost bound to be offset by what I regard as an inevitable increase in the price of gold within the next two years; apart from gold secondary mineral exports are growing.

There is a rising trade in manufactured products, new markets are being opened up in the US and Japan; politically the country is extremely stable and there would seem to be no prospect of ousting the present regime; the student unrest as experienced in Europe and the US is completely unknown; there are no strikes and above all the non-whites are completely quiescent.

The opportunities for a system of industrialised building, such as the Wates System—which not only saves man hours, but above all skilled man hours and eliminates wet trades—are enormous. The white-dominated unions have a virtual stranglehold on the construction industry; the only way to loosen this hold is through eliminating the wet trades and creating totally new jobs altogether, which would enable employers to open up job opportunities for non-whites without ever being accused of taking jobs away from the whites.

In this context it is only fair to say also that I met liberal businessmen of the highest calibre who argued that economic forces were bound to bring about the downfall of apartheid—and their own system would prove a powerful weapon in the campaign.

Notwithstanding all this, the idea of doing business in South Africa is totally unacceptable to me; we could not be true to the basic principles on which we run our business and we should lose our integrity in the process. We should have to operate within a social climate where the colour of a man's skin is his most important attribute and where there is virtually no communication between the races.

We should have to operate within an economic climate which is designed deliberately to demoralise and to maintain an industrial helotry, we should, in turn, profit from such exploitation and ultimately end up with a vested interest in its maintenance.

Within the short term it must make it impossible for ourselves individually, or as a company, to connive at anything which would serve to perpetuate a system which in the last analysis has no other justification than the preservation of white supremacy as an end in itself. To analyse each of my points in a little more detail. . . .

Communication between the races: In the first place there is very little physical contact—"non-European" park seats, bus-stops, airport entrances, lavatories, taxis, buses, etc. In the second place there is very little social contact; white and non-white cannot sit in the same office, eat in the same public place and enjoy simultaneously the same cultural or physical recreations. Of course, a white can invite a non-white to his home—but it would be fraught with difficulties. Above all—following the Improper Interference Act, 1968—whites and non-whites cannot attend the same political meetings or join the same party.

As visitors we found it almost impossible to talk to Africans. For contact with "the African" we had to wait until we visited Zambia, where Africans were obtaining levels of responsibility and acquiring skills which would have frankly astonished the story-tellers in South Africa.

Under utilisation of human abilities: The policy of reserving key jobs for whites virtually means that 3.6 million whites must provide the entire management capability and key skills for a population of over 19 million. But the real scandal lies in the fact that all the real job opportunities being grasped by Africans both in supervisory management and in the area of technical skills in a country like Zambia are totally denied to them in South Africa.

The theory of separate development is plainly nonsense all the time the whites depend on the blacks for their industrial manpower—and of course there can be no meaningful development in the tribal-lands where most of the blacks are working in white areas.

Demoralising climate: White industry needs African labour; but each African must have a permit to "work, live and be." It is true that he can establish certain residential qualifications to live in a township—if for example he has worked in the area for fifteen years, or ten years in the same job. But he may not necessarily be able to live with his wife.

What he needs, of course, is a home. What he gets is life in a transit camp, without property, political—and precious few legal-rights. So far from being a protector, the law is seen as a persecutor, incredibly 934,000 people were convicted of offences in 1968, 674,000 were admitted to prison during that year and the average daily prison population was 80,000. Since it is virtually impossible not to break the law in a small way each day, major and minor offences become blurred and respect for the law goes to the wall.

It is small wonder that there is virtually a reign of terror in the native townships by night; in Soweto, near Johannesburg, the average number of murders on the peak night of the week is seven; nobody knows how much unreported crime of violence takes place.

It is no defence to point out the undeniable truth that the black South Africans are better off than blacks in many other countries. The important factor is their relative well-being to their white fellow citizens; the Africans constitute 68% of the population, but their share of the national cash income is 19%—whereas the whites constitute 19% and their share of the cash income is 73%.

The rule of law: If there is a physical reign of terror in the townships, all the ingredients are there for a legal reign of terror within the country. In South Africa, under the 1967 Terrorism Act (which created new offences and made them retrospective to 1962) it is explicitly stated that "no court shall pronounce on the validity of any action for the release of a detainee under this Act." Under the Bantu Administration Act, the President is supreme and his actions cannot be challenged in respect of the African right to remain, reside or work in certain areas.

With the Suppression of Communism Act, 1967, which virtually says, as Lord Gardiner has pointed out, that you are a Communist if the Minister says so, there are wide powers to arrest, together with the right to bar legal representation. Clearly the rule of law has been abolished and a potential reign of terror through rule by decree has been established. It is true this is currently mainly directed against the black, but it is already beginning to be used against the white and must ultimately prove self-defeating.

I travelled South Africa hoping that I would find good reasons for doing business there. But the parallel between Hitler's treatment of the Jews in the 1930s and South

Africa's treatment of the blacks today became daily more obvious to me. Just as I think with hindsight it would have been totally wrong to do anything to connive at Nazism in those days so also do I think we should do nothing that would help to perpetuate apartheid today.

SOUTH AFRICA: DILEMMA FOR U.S. FIRMS

(By Ray Vicker)

JOHANNESBURG, SOUTH AFRICA.—American companies with operations in this prosperous land often prefer to avoid mention of them back home.

When a joint ad plugging South Africa was placed with an American newspaper not long ago, the New York-headquartered Chase Manhattan Bank had its South African affiliate skip the deal. An official of Eastman Kodak Co., Rochester, N.Y., which has been processing film in South Africa for years, says his company prefers to be unnamed in any newspaper story about South Africa.

And an official of another American company with operations here goes further in explaining why: We don't want to call attention to our activities in South Africa and cause a whole mob of black militants and radical students to picket our offices in the United States."

HATE MAIL AND PICKETS

Such fears aren't unwarranted. Chase Manhattan has received its share of hate mail because of its South African connection. Charles W. Engelhard, chairman, Engelhard Minerals & Chemicals Corp., New York, who has broad South African interests, has been picketed by civil rights militants at various times. The head of one big West Coast bank holding company admits the political pressure of civil rights militants has prompted his corporation to shun an investment in South Africa.

But discussions with executives of U.S. firms in South Africa reveal that the question of such condemnation at home is not much more than a public relations problem to them. Most are sincere in believing their presence in a land committed to the policies of apartheid is ambivalent at worst, and at best greatly beneficial to the blacks of South Africa.

More interesting, perhaps, their comments reveal the ambiguities of political opposition to corporate expansion in controversial areas abroad.

There's little evidence here that criticism back home is having a major impact on investment interest in South Africa.

Book value of 275 American companies' investments in South Africa is now estimated at over $750 million, up from $667 million at the end of 1967. That's nearly double the book value of only a half dozen years ago. Since most companies understate book values, the real worth of the U.S. investment here may be much more.

And the American presence is definitely felt in this 18.7 million population nation with its California-like climate and industrialized society. Firestone Tire & Rubber Co. and Goodyear Tire & Rubber Co., with Britain's Dunlop Co., are the big three in the tire industry.

South African housewives clean carpets with locally made Hoover vacuum cleaners, while motorists purchase gasoline at Caltex pumps. Chase Manhattan and First National City provide banking services, while American portfolio capital flows into the country through American South African Investments Co., New York.

Ford Motor Co. nosed out General Motors Corp. as the country's leading auto producer and seller, taking 22.2% of the total auto market in the first seven months of this year.

Chrysler Corp.'s subsidiary here employs 4,000 people, up from 350 in 1962. International Harvester Co.'s outlet sold $20 million worth of farm equipment in 1968 up from $9 million worth in 1960. Masonite Corp., Chicago, which launched operations in 1947 with a plant equipped to produce 140,000 square feet of hardboard daily, has since expanded capacity to 630,000 square feet daily.

The reason why is obvious. "The profit return for American companies in South Africa is far better than for the average foreign investment," says Charles E. Bedaux of Charles E. Bedaux & Associates, a Johannesburg and Los Angeles, Calif., management consulting firm.

U.S. Department of Commerce figures show that though U.S. investments here account for only 1.2% of total American foreign investments they produce 2% of U.S. total overseas earnings. Net on book value for American companies here averages 15% and profits are freely repatriated. In recent years, net earnings have been nil for U.S. companies in black Africa.

Minneapolis based Minnesota Mining & Manufacturing Co., which employs 500, has a new 130,000 square foot plant on a 42 acre site and markets 3,000 products here, readily testifies to its good fortune. "Our growth has been fantastic," says managing director E. C. Woods.

In response to the political question, U.S. firms tend to justify their South African operations in terms of economic benefits which fall to black Africans.

"U.S. and other foreign investments in South Africa have created a widening range of jobs, training and educational opportunities," says a spokesman for Chase Manhattan. "Economic development has resulted in a higher living standard for many of the black people of South Africa, a standard above that of black people anywhere else on the continent."

And some black South Africans agree. Simon Seema, a 42-year-old African of the Basuto tribe, is horrified when told that some Americans want all American companies to withdraw from South Africa. "But," he says, "if American companies leave, the people who would suffer would be the African people like myself."

Mr. Seema, a kindly, gentle man, chauffeurs an Austin sedan for 3M at $168 a month, more than some white chauffeurs earn. The money helps educate his three children, including a 15-year-old boy studying to be an Anglican minister and a daughter who wants to be a nurse.

"We keep within the industrial relations rules of the country, while promoting the interest of our employes regardless of color," says John O'Brien, managing director of Chrysler Corp.'s subsidiary here. His headquarters are in a new $35 million plant located about fifteen miles east of Pretoria.

Mr. O'Brien explains that jobs are divided into five categories, "by jobs and not by color of employees." Aptitude tests help select the employes, who may be trained on the job.

On the auto assembly line the bulk of workers are African. Blacks in coveralls clamber over new Valiants. One worker handles an air screw driver with aplomb. Other Africans perform skilled work at benches.

"Most of these fellows had never been in a factory before they joined us last year or this year," explains a white production official.

Harry Goldberg, chairman, Lewis Appliance Corp., Johannesburg, which manufactures Norge appliances under license, says: "The Bantu can be trained for a whole range of skilled jobs."

In his plant, Africans cut sheetmetal, make stampings, and operate machines—all jobs for skilled workers. Mr. Goldberg says: "Aptitude tests and training can do wonders in selecting and fitting Africans for highly skilled jobs."

If such talk is common, the American companies are still not completely free to adopt liberal racial hiring policies here.

The labor relations rules of the country mentioned by Mr. O'Brien may include job reservations and restrictions, mostly dictated by white unions though some are written into law. These establish advancement areas for blacks, apparently to protect skilled jobs for whites. In some plants, for example, blacks are permitted to load and unload a machine, but a white must push the button to start it.

SOME EMPLOYERS SPEAK OUT

On the other hand, many South African industrialists have begun to protest the economic cost of condemning the huge black labor pool to menial jobs only. Progressive employers like H. F. Oppenheimer, chairman of the big DeBeers Consolidated Mines Ltd. and Anglo-American Corp. Group, continually lobby against job restrictions. And American companies with their training programs often operate against the upper limits of job reservations, though non-union companies like Chrysler and 3M are better placed to use black labor effectively than are those firms who have to deal with white unions.

An American company starting a new plant can often get certain jobs classified as "black" right at the beginning 3M even has some black foremen, though they don't supervise white workers, and some blacks doing highly skilled machine jobs normally reserved for whites.

None of this, of course, changes the fact that foreign investment here helps to strengthen a land whose way of life is unpalatable to many in the U.S. But it does reflect the often obscured fact that the decision to boycott products or otherwise attack such companies for moral or political reasons is more complicated than some might think.

Indeed, beyond the ambivalence of the effects of investment in controversial areas, other questions arise. The circumstances which move one man to boycott, for example, might move another man to buy. A person who thinks it is terrible to invest in South Africa, may see nothing wrong with Italy's Fiat helping the Soviet Union build an auto plant, though a militant anti-Communist might. Another may feel that Bolivia should be avoided as an investment area because of its recent nationalization of Gulf Oil Corp. properties. But he might be persuaded to invest in Haiti, a nation with a bloody dictatorship.

AN ABSURD PROLIFERATION

Furthermore, the matching of possible political causes and situations results in the proliferation of boycott opportunities to an absurd degree. Are Arab lands right in establishing barriers against international companies which build plants in Israel? Should those who don't like the Greek dictatorship translate their opposition into boycotting products of American companies doing business in Greece? Should those who don't like the fact that Sweden harbors American military deserters and considers offering aid to North Vietnam boycott American businesses with operations in Sweden?

In a certain sense, though, the whole argument may be academic, considering the peculiar strengths of free enterprise. In Cairo recently an Egyptian official offered a bottle of Coca-Cola to a visitor, though Coca-Cola Co., along with numerous other firms has been mired in the Arab boycott.

"I like Coca-Cola," the Egyptian official explained.

COLOR ME AMERICAN

HON. FRANK E. EVANS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. EVANS of Colorado. Mr. Speaker, "Color Me American" was the title of an

award-winning speech recently given by Miss Sylvia Cruz, a student at Trinidad High School, Trinidad, Colo.

This year Miss Cruz was Trinidad's first entry in the National Speech Tournament sponsored by the National Forensic League. With this speech she won the 1970 Colorado State Championship in original oratory.

Trinidad school officials as well as many citizens of that community are proud of her accomplishment, and I include her speech in the RECORD:

COLOR ME AMERICAN

(By Sylvia Cruz)

Several years ago, a child—marketing for her mother—walked into a store. As she entered she was not greeted by the usual "May I help you?" Instead the seemingly pleasant merchant sneered, "Get out of here you dirty, little Mexican. We don't serve your kind here."

The shocked confusion going through the small child's mind cannot be imagined by any one of you. I do not have to try to imagine it, for I was that child and I know that feeling of rejection and unbearable confusion.

I still find myself going back to that moment and questioning What really caused me to run weeping from that store? Was it the horrible reality of unreasoning racial prejudice? Was it only an isolated instance of an adult venting personal irritation upon one weaker than himself? Or did I really fit that storekeeper's description of me—perhaps making his the logical reaction of a businessman who was self-trained not to trust what was foreign to him.

You know as well as I that—sad as my experience was—it is only one trifle out of the many incidents where a member of a minority group in America has been stung by racial prejudice. Sadly, in America, the echoes of freedom cannot hide the dissonance of cries for "white power", "black power", and—most recently—"brown power".

But the question still remains: are militant groups the best way to stop racial discrimination? Are these anti-social actions the best way to attack the sincere convictions of those who are prejudiced but still reasonable and who are trying to remain open-minded?

Many minorities may think that past indifference to their plight justifies such strong action, but let us examine the alternatives through which change might come. One example of constructive reform may be found among the Japanese-Americans.

On December 7, 1941—"Day of Infamy"—the Japanese bombed Pearl Harbor and as a result of this action, 112,000 Japanese-Americans were tormented in American concentration camps. The lands and assets of these people were confiscated. When the war's end brought them their freedom they were in the position of starting over in establishing their financial security. But did they cry out with justified rage? Did they demand restitution or band into militant groups to get back what they surely felt was theirs by right? No. Instead they left the evacuation camps to contribute to a better America. I should now like to point out the difference between a progressing minority and a protesting one.

But let's go back now to that little girl and look at the demands of the "Brown Power Movement" or "The Chicano Rebellion" as it has been labeled.

This rebellion has many leaders—each with a demand unique to himself yet similar to that of his brothers. A man named Nick Reyes is lobbying in Washington to rid our television screens of the slur found there against the Mexican. Reyes says, "The national problem starts with such thing as image projected in advertising and programs. The 'Frito Bandido' is one." Yes, the Hispanos are desperately trying to stop that vicious, little, antimated character who is suggesting that all Mexican-Americans are slow, lazy, and untrustworthy. But somehow, I can't identify with or be insulted by that cute little conman. Is the "Frito Bandido" truly to blame or are the movement leaders suffering from guilty consciences and personal identification?

Going from the silly to the ridiculous, let's look at the California Grape Boycott led by Cesar Chavez for better pay and working conditions. Senor Chavez believes so strongly in his cause that early in 1968 he staged a 25 day-long fast which, unfortunately, proved nothing except that Mr. Chavez was able to stick to the diet for that long. The reason behind the fasting was "to stop the 'Gringo' from looking down the Hispano." However, this dramatic—no, hysterical—ploy only accomplished the opposite.

Latins are a colorful people. This flair for the dramatic was further demonstrated when a band of Mexican-Americans crying "Tierra o muerte" (land or death) swept down out of the foothills and captured the fortress—that is, the local courthouse in New Mexico on a hot, dusty day in June of 1967. Reis Tijerina is a name well-known to all who make the Southwest their home. Like a modern-day Robin Hood he will take from the rich—(the take: 1000 acres of land now owned by the Anglos and claimed for the Mexican people by this group)—and give to the poor—(those poor, benighted, militant followers of his.) He will do all this when he gets out of jail where he is serving a sentence for destroying national forest property. Strange: I've always had the impression that the land in a national forest was for all, not only those self-segregating few.

Even closer to my home, the cry of "Viva la Raza" rings outside our very door: another group, led by Rudolfo "Corky" Gonzales, is striving-through militant means—to have Mexican history and literature taught by Mexican teachers to Mexican children. This group is trying to brainwash the younger generation of Mexican-Americans into belief in militant revolution. The problem of where to find an adequate supply of Mexican teachers of Mexican history and literature to satisfy the more-than-adequate supply of Mexican young goes unanswered. But while the end is not reached, the means are made manifest in fighting and walk-outs at Denver West High School and several Denver-area junior high schools.

This rebellion reared its ugly head closer to me last fall, a girl friend of mine had been offered a scholarship to a college. When she arrived on campus on registration day, the check for her tuition was enclosed in the same envelope with a list of instructions beginning with mandatory attendance at a class in "non-violent demonstrations". Farther on down the list was the instruction to show up at "x" place, at "x" time, to dress warmly, and to carry her own first-aid kit in case she got hurt. Somehow, the scholarship didn't seem worth its hidden cost—and so she's come home to a schooling she can finance on her own.

Vows, threats, bribes, or banning the "Frito Bandido" are not the actual problems. Combined they form a thick fog that covers up the true minority weakness.

I feel that the main problem concerning this minority group is lack of education. Lamar B. Jones in "The Education and Training of Racial Minorities," states:

"The greatest problem concerning the Mexican-American community is education, not racial discrimination."

I believe that if education of the adults as well as the young were achieved, all would be able to compete on the same level as their Anglo neighbors. Militancy is not the way to obtain equal rights.

Too often lack of education is blamed on color. Many people feel that if they fail it is because of their color—be it black, white, red, yellow, or brown. But what these people fail to realize is that, in America, people do not have to accept failure merely because of color. Color is irrelevant.

Although I cannot be certain that I shall one day reach my goals, I can be certain that if I do not attain them, it is not because I—a Mexican-American—have failed; but rather because I—an individual—have failed.

In short, don't color me brown—color me American!

INTERNATIONAL CONTROL OF OCEANS

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. HANNA. Mr. Speaker, the advancement of the last 10 years in most areas of technology has been overwhelming. In 10 years, with a remarkably coordinated effort, three courageous Americans were able to set foot on the moon. In the next 10 years, many other frontiers remain to be crossed. Notably, there are exciting possibilities that exist for our country in learning to extract the great resources of the oceans off our shores. However, a recent proposal by President Richard Nixon threatens our ability to ever responsibly harness this potential treasure chest of resources.

President Nixon, in a recent pronouncement of U.S. policy regarding the oceans, has proposed an international agency to register claims and settle disputes involving shipping lanes and fishermen's rights. Also, the proposed agency would collect royalties on the exploited natural resources and use the funds to aid underdeveloped nations. Countries with coastlines would give up their rights beyond the 200-meter isobath. From this point to the outer edge of the Continental Shelf, governments would collect royalties on behalf of the agency.

According to President Nixon, the age-old laws of the sea can no longer cope with the needs of modern technology. I concur fully with this observation. However, I fear the President's proposal may, in fact, be pushing our policies even further beyond the capabilities of existing international law. For this reason, among others, I oppose his direction. I would urge, instead, that careful attention be given to closing this legal gap before moving so boldly as the President seems to be proposing.

A recent editorial in Barron's, the financial weekly, raises further objections, both directly and indirectly. The basis of the statement parallels statements I made before this body almost 3 years ago.

First of all, the editorial questions the wisdom of the proposal in terms of dollars and cents. I also question a blanket giveaway. Hopefully, in the next decade,

better methods of resource extraction will be perfected. When this occurs, considerable benefits will be reaped by governments from such diverse substances as cobalt, nickel, and manganese. Regardless of our position as the world's wealthiest nation, only a continuing supply of natural resources will insure our continued prosperity. In other words, will we need what we will be giving away? Also, and more importantly, will we be giving away things we do not know we have?

Further, we are on the threshold of a very important understanding relative to the responsible exploitation of our natural resources. To properly serve and preserve our environment, we must balance the extraction of our nonreplaceable resources—such as oil and minerals—with the harvesting of our replenishable resources—such as fish and marine plant life. This is vital not only to the United States, but also to the world. This is the point in time at which sound projections of policies in this regard must define the parameters for the containment of these often incompatible activities within the environment of the ocean.

I am hopeful that the President and his United Nations representatives will carefully consider these observations as they contemplate further actions in this regard.

AEROSPACE FALLOUT—SOMETHING FOR EVERYONE

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. BUSH. Mr. Speaker, quite frequently we hear that "if we had just used the billions we put in the space program to solve our social problems, this country would be so much better off." Most Americans are not aware that 1971 outlays for NASA are $3.4 billion as compared with $5.9 billion in 1966. This is a substantial reduction and I question the wisdom of any further reductions.

Very few Americans are aware of the tremendous impact this program has had on their lives. When Neil Armstrong took that first step on the moon, the whole world was a little closer together and we, in America, were especially proud that day for our country. The program has provided the opportunity to explore and to learn about the unknown. And more materialistically, it has provided thousands of jobs and expended its funds here in America, aiding our economy enormously. All this was accomplished, using 1971 figures, at only 1.7 percent of our budget and in amounts five and one-half times less than the amount paid as interest on the national debt. This country developed more technology from the space program in the last decade than in any other time in our history. This is especially noteworthy because most of the previous significant technological developments have resulted from a major war. Recently, two publications, the Christian Science Monitor and Grumman, have published articles on the "spinoffs" of the space program. So that we may all learn more about the spinoffs, I insert these articles in the RECORD at this point:

[From the Christian Science Monitor, Aug. 29, 1970]

AEROSPACE "FALLOUT"—SOMETHING FOR EVERYONE

(By Eric Burgess)

LOS ANGELES.—Jane Evans heard her husband's voice clearly on the telephone. He had just arrived from across country on a large jet and was about to pick up his automobile at the airport. He said he expected to be home within an hour even though the freeways were slick with rain.

Jane didn't stop to think that her husband's fast trip from the East Coast was a boon of aerospace technology. Even his telephone call had been automatically routed by advanced electronics first evolved to control missiles.

And his drive over the rain-slick freeway was made safe by grooves cut into the pavement to stop skidding—an innovation from aerospace work to improve runways.

As Jane prepared the evening meal for her family she removed a thin plastic that wrapped the meat. It originated from plastic developed for an Echo satellite. The electricity heating her stove was supplied through power-control techniques developed from aerospace research. Nor did she connect the beat music from her teen-age daughter's record player as an indirect product of the aerospace age.

But aerospace is all around—intimately woven into the technological pattern of American civilization. The impact on the United States standard of living is proverbial.

BENEFITS—DIRECT AND INDIRECT

Specific and direct aerospace benefits include commercial jets, computers, and communications and weather satellites. Indirect ones include new materials, manufacturing techniques, management systems, and a broadened outlook.

Benefits are not solely new gadgets—Teflon-coated kitchen utensils, transistor radios, color TV, micro-computers, flameproof materials—even though these are important spin-offs from aerospace programs. Many experts say the real payoff from aerospace is the broadening of thought—a cognizance by the many of things before known only to a select few.

They say aerospace has helped trigger a new renaissance, a revolution of rising expectations. For the first time in history great numbers of people realize that mankind has tools, resources, energy sources, and knowledge to achieve what earlier seemed impossible.

Earlier technology was applied mainly for better military posture or to amass great wealth for a few. But in the past decade technology expanded man's physical and mental realms tremendously.

Aerospace showed how to discover and invent on schedule for nonmilitary as well as military purposes. In the words of Dr. Kraft A. Ehricke, a rocket expert from Peenemunde and now chief scientific adviser at the Space Division of North American Rockwell: "Our space effort is the first nonwar-oriented techno-scientific endeavor large enough to require a national commitment.

"It set a precedent and encouraged the conception of many other large-scale efforts, such as the 'war on poverty,' the concept of a national oceans program, and the organization of a national fight against pollution—all of which, ironically, attack or criticize their seedbed, the national space program."

Nor is it by chance, says Dr. Fred Hoyle, world-famous British astronomer, that quite suddenly everyone worldwide has become seriously interested in protecting the environment. "Something new has happened to create this feeling of awareness about our planet," says Dr. Hoyle, who many years ago predicted that, once men saw the earth from space, "a new idea, as powerful as any in history, will be let loose."

This new awareness parallels the experience of Europeans as they expanded to explore and then develop other continents. Europe blossomed in art, science, social, and religious reform. Now earth as a whole is blossoming in a new awakening and a new reformation that also has many material benefits.

THRONGS IN LINDBERGH'S WAKE

Dr. Wernher von Braun, when he directed the Marshall Space Flight Center, Huntsville, Ala., once said: "The real payoff [from spaceflight] does not lie in mining the moon . . . but in enriching our economy and our science in new methods, new procedures, new knowledge, and advancing technology in general."

Only 40 years after Charles Lindbergh made his hazardous flight across the Atlantic Ocean, more than 20,000 people cross that ocean by air each day. Aerospace technology breaks down worldwide mental barriers and helps cement international goodwill—it brings the man in the street together with others on an unprecedented scale. Earlier ocean travel was too expensive in time and money.

Aerospace, as America's largest manufacturing industry, employs 1.3 million people with a $14 billion annual payroll. It is one of the great producers of national wealth, exporting (in 1969) $2.9 billion in aircraft and parts. This further American purchases of goods and products worldwide.

And there are direct benefits from aerospace technology. One is the communication satellite, which was made possible by application of large rocket boosters, miniaturized electronics, and solar cells that convert sunlight into electrical power.

REVOLUTION IN WORLD COMMUNICATIONS

Thus a relatively small, self-contained, unmanned satellite now does the work of many thousands of tons of ocean cables. Such satellites brought a revolution in global communications, helping underdeveloped countries as well as industrial nations.

In 1960 live TV could not be sent across major oceans. Now it is commonplace via satellite. And before satellites it cost $15,000 a month to rent a cable circuit across the Pacific. Via satellite it is only $4,000.

And communication satellites can assist education and link computers. They may one day transmit messages instead of mail and extend their communications links into every home, replacing telephone lines for rapid communications with information stores throughout the world.

Meteorology became a science only through application of aerospace technology. Meteorological satellites allow weather systems to be mapped and tracked on a global scale for the first time.

If Jane Evans lived in some parts of this country she would receive warnings of hurricanes because of satellites. Since 1966 these satellites have kept close watch on every major storm threatening this nation and have alerted against potential major disasters.

In response to requirements of space and planetary exploration the technologies associated with automatic computation and

advanced technical analysis took on a new and vigorous growth. Computer-analysis techniques of tremendous power were developed.

And even the computer itself was developed to meet the needs of aerospace. Now virtually every aspect of human endeavor is enhanced by the commercial application of the digital computer. To cite only a few: airline and travel reservations, accounting, law enforcement, stock-market transactions, industrial process control, engineering design, banking, and typesetting.

And the aerospace industry developed computer simulation techniques by which complex human situations can be mathematically modeled and tried out in advance. These simulation techniques brought back the Apollo 13 astronauts from near-disaster. They are being used to find solutions for pollution and traffic problems and to aid business management and planning.

Almost every major computer system in the world is made in America. Without the space effort of 5 to 10 years back these computers would not be available today. And now the computing industry is an $8 billion-a-year business that pays the highest wages of all U.S. industry. It is the fastest-growing industry and contributes most to the American balance of trade. U.S. computer exports increased 1,400 percent in the first decade of the space age.

AUTO-POLLUTION MINIMIZERS SEEN

Lt. Gen. Sam Phillips, commander of the Air Force Space and Missile Systems Organization, recently told a management group meeting in Chicago: "Of some 12,000 new products and techniques which have come into being in the last decade, a very large percentage are directly attributable to space and missile development."

W. H. Berger, president of North American Rockwell's space division, says he visualizes many applications of aerospace technology. For example, microminiaturized computers in automobiles might control fuel injection and timing to minimize exhaust pollution.

Large aerospace programs have revolutionized management techniques. They motivate and bring together many highly intelligent and energetic people of diverse technical skills, keep track of myriads of parallel processes, identify problems quickly, and continually adapt to changes needed as experience produces more knowledge.

These management techniques are capable of solving the socioeconomic problems facing the world today, say aerospace managers.

Aerospace has also made significant contributions to manufacturing technology which are only just beginning to be felt in commerce and industry. Industry now welds complex shapes and exotic new materials and manufactured items in previously impossible configurations.

Computer-controlled machining, metal-forming by hydroexplosives, chemical milling, electric-arc sculpturing, and solid-state diffusion bonding are new processes derived from aerospace.

Some manufacturing engineers say that within a few years solid-state diffusion bonding will be applied widely in chemical, petrochemical, nuclear, refining, and air-conditioning industries because it results in metal parts that have joints as strong and leakproof as the materials that are bonded together.

And filament-wound glass structures came from aerospace. Suggested as building materials for homes of the future, they are used now to fabricate large-diameter pipes—an outcome of making cases for solid-propellant rockets.

"The marriage of numerical control, the digital computer, and machine tools is one of the stunning technological innovations of our time," said Willard F. Rockwell Jr. chairman of North American Rockwell, in a keynote address to the Western Metal and Tool Exposition and Conference here.

And this all began back in 1952, he explains, because the Air Force wanted a better way to machine helicopter blades.

Now numerical control of machine tools has spread from aerospace to increase productivity four or five times.

No longer need a product be locked inerorably into an inflexible assembly line. Products can be changed to meet changing markets but still be mass produced.

APPLCATION IN WATER TRANSPORT

Automated fabrication is seen by many as the next step of aerospace applications to the nonaerospace economy. Factories will automatically manufacture commercial products through computer-aided design now commonplace in aerospace.

System engineering techniques developed for aerospace were used in the multibillion-dollar California water project designed to move more than 2 million acre-feet of water every year from northern to southern California, including the crossing of a 4,000-foot-high mountain range.

Aerospace lasers align tunnelmaking machines with unheard-of precision.

And systems-approach methods are being used to define power scheduling of the Columbia River hydroelectric system for the Bonneville Power Authority to achieve substantial savings in water consumption.

Aerospace has produced a galaxy of new materials—tough steels that are not brittle, lightweight alloys, honeycomb panels, plastics, lubricants, special coatings, fireproof textiles, refractories, and foam insulation.

A van uses foam and honeycomb structure to reduce overall weight by 50 percent.

Trains, autos, buses can use space-age materials that will reject solar heat and keep them 10 degrees cooler.

Aerospace foam provides a lightweight substitute for cork in tuna ships.

Railroad cars fabricated of aerospace materials are half the weight of steel cars.

The roof of the pavilion at Expo '70 in Japan is a fire-resistant coated beta fabric developed for aerospace. And the National Aeronautics and Space Administration has developed through its contractors a variety of fabrics, panels, plastics, and coatings that if used generally would eliminate most fire hazards in automobile, aircraft, and bus interiors, in home furnishings, and interiors of public buildings.

NASA even has nonflammable paper and nonflammable adhesive and acoustic tiles.

Ron Phillips, director of NASA's Office of Technology Transfer, recently told a convocation at Nebraska Wesleyan University: "In the area of housing, urban transportation, and the environment, we are only now beginning to make the type of national commitment which was made in space in the 1960's.

"Since this country first made its commitment to space . . . we have vastly increased our technical know-how and put it to use. We have seen overall productivity rise significantly in the United States, and along with it we have come to realize both the magnitude of new problems associated with our growth and the new capabilities which may be brought to bear on them," he says.

COST PICTURE ROUGHED IN

"Since 1950, the real output of goods and services in the U.S. has grown as much as in the entire period of prior American history dating back to 1620," he explains.

Mr. Phillips says: "We cannot solve our most pressing problems by rhetoric."

Nor is change in itself a panacea for all problems, he adds. "The generation growing up in the '60's was born into the space age and a new era. It is learning a new science, a new cosmology, a different view of man's place in the universe, and it is the recipient of vast new opportunities—on which it alone has the potential to act.

And these new technological opportunities have come mainly from aerospace.

And how much has space technology cost the nation? Less than the money spent yearly on hard narcotics by known addicts; about the same as that spent on tobacco or cosmetics; about half that spent in one city, New York, in legal gambling.

"Investments in space and aeronautics science and technology are, in fact, investments in our future," says Melvin S. Day, acting administrator for technology utilization at NASA. "The total impact, economic and social, will in the long run exceed even our own optimistic predictions," says Mr. Day.

And Dr. Heinrich Haymerle, permanent representative of Austria to the United Nations, told delegates to a recent international conference on communications in San Francisco that the rapid evolution of new technologies from space exploration is about to change the very basis of our existence.

"Perhaps the most challenging effect of the evolution of space technology will be the inevitably increasing gap in technology and involvement between those nations which conduct space programs and those not able to do so," he said.

Jane Evans has something to think about as she unwraps that meat for dinner.

[From Grumman, July 27, 1970]

SPACE "SPINOFFS" BEING DEVELOPED AT HOUSTON TO AID HEART PATIENTS

Two dramatic examples of space "spinoff"—medical units that have the potential for saving the lives of heart patients—are being developed at the Grumman facility at Houston.

The first, a portable cardiac preservation unit for keeping alive a beating heart, was shown at the annual meeting of the American Medical Association this year; it was developed originally at the Baylor University College of Medicine in Houston.

In heart transplant operations a very big problem in the past has been to have a compatible donor and recipient available at the same geographic location. The Grumman-Baylor preservation unit, also called the Extra-Systemic Organ Transporter, or ESOT, was designed to keep organs functioning over a period of time (hours, or even days), and to move them for perhaps a considerable distance, when donor and potential recipient are not in the same area.

"Grumman provided this design as a demonstration of application of space technology to medical uses, at no cost to the Baylor medical group," Senior Vice President Joe Gavin, director of Space Programs, said last week. Dick Fox and his spacecraft engineers teamed with Frank Baerst and his production men at Houston "to improve the 'package' and reduce the weight," reported Jack Buxton, Grumman's manager of Houston operations.

"For example, a Grumman suggestion," added Buxton, "was a nylon hammock to suspend lungs and heart within the chamber and a spray fog ring to maintain the required 100 percent humidity. Previously, the organs had been immersed in their saline solution and had become 'waterlogged'. Grumman was also able to put to good use its monitoring and fabrication experience gained in the space program," Buxton said.

The preservation unit promises to be particularly valuable in cardiac and other research, offering a means of maintaining a living human or animal organ under the most carefully controlled conditions. Cardiac

metabolism and functions can be studied, and effects of drug or blood administration.

Joe Gavin foresees a number of complex medical devices that could be improved by applying the new technology of manned space. "We see this one as a prototype demonstration—something that may represent a very interesting pioneering effort," he emphasized.

As a second step in the Grumman-Baylor space-medical relationship, Grumman is now investigating a Mobile Intensive Care Operating Table (MICOT), a self-contained unit for the transporting and continuous monitoring of heart attack patients.

The chamber for preserving a live heart and lungs, developed at Baylor College of Medicine and built into a highly sophisticated machine by Grumman, won first place for the best scientific exhibit at the annual meeting of the American Medical Association in Chicago. For "original investigation, and judged on originality and excellence of presentation," the Ludvig Hektoen Award, a gold medal, went to the Baylor College of Medicine exhibit featuring the Grumman Extra-Systemic Organ Transporter (ESOT).

A BILL TO REFORM THE "TAX REFORM ACT"

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. HUNGATE. Mr. Speaker, I am today introducing a bill to reform the Tax Reform Act to remove a gaping loophole that provides a boondoggler's bonanza. The goal this legislation seeks to obtain, better housing for low-income groups, is certainly worth while.

However, the tax incentive means we have chosen seems to apportion benefits according to the income of the individual, so that the larger the individual's income, the greater the benefit he receives, and conversely, the lower income the individual receives the smaller benefit.

Two examples of abuse of the tax laws are in the field of rehabilitation of low-income housing and the so-called rollover provision exempting the seller of certain low-income housing from income tax on the sale.

The problem and need for reform are well illustrated in an article in the Harvard Law Review of February 1970, by Stanley S. Surrey and an article in the Maryland Law Review, winter 1970 edition, by C. Willis Ritter and Emil M. Sunley, Jr.

For example, the recent tax-reform legislation contained a tax incentive for the rehabilitation of low-income housing using the device of 5-year amortization of capital expenditures which otherwise would be depreciated over a longer period. This device, which was proposed by the Treasury Department, has these interesting effects for individual taxpayers: For a taxpayer in the 70-percent bracket, the benefit is equivalent of a 19-percent investment credit—assuming an expenditure with a 20-year life and discount rate of 10 percent—for a taxpayer in the 20-percent bracket it is the equivalent of a 5-percent credit. In terms of interest costs on a loan made for rehabilitation purposes, the benefit of 5-year amortization is equivalent for the 70-percent bracket taxpayer to reducing an 8-percent interest charge to 3 percent; for the 20-percent bracket taxpayer it is equivalent to reducing the 8-percent charge to 7 percent. The inequitable effect of this tax incentive device was not mentioned either in the proposal or in the committee reports explaining it.

These tax incentives have decidedly adverse effects on equity between taxpayers on the same income level, and also with respect to the individual income tax, between taxpayers on different income levels. These inequitable effects are highly irrational when phrased as direct expenditure programs structured the same way. What HUD Secretary would suggest a housing rehabilitation subsidized loan program under which a wealthy person could borrow the funds at 3 percent interest but a poor person would have to pay 7 or 8 percent? That is the effect of the 5-year amortization of rehabilitation expenditures contained in the recent Tax Reform Act.

These tax incentives produce inequitable effects and upside-down benefits. These tax incentives make high-income individuals still better off and result in the paradox that we achieve our social goals by increasing the number of tax millionaires. The marketplace does not work this way—for the individual who earns his profits, even high profits, by meeting a need or desire of society, finds his rewards subject to the progressive income tax. The economic system is thus functioning as it is intended it should, and the tax system which acts as a control is also functioning as intended. But when rewards are in the form of tax incentives, the latter control is eliminated, and tax millionaires are produced.

The financial assistance afforded by the incentive with the purpose of making profits high enough to induce the desired action by a taxpayer, is not itself included in income. The tax incentive thus provides both financial assistance and freedom from taxation. That freedom itself means much more to the well-to-do individual than to one in the lower brackets. The tax incentive is thus a method of reward and assistance that is just upside-down from the way the country decided—when it adopted a progressive income tax—that the rewards of the marketplace should operate in combination with the income tax. The use that has been made—and is being made—of tax incentives is destructive of the equity of a tax system.

The report of the Senate Finance Committee estimates that the rehabilitation incentive will cost the Treasury over $400 million during its initial 5-year term and, if retained in the law after 1974, would result in annual revenue losses of some $330 million per year. Over a 10-year period, the Federal Government could spend nearly $2 billion in the effort to rehabilitate older housing, or an average of nearly $200 million per year. By comparison, the President recommended a rehabilitation loan fund of $84 million for fiscal 1970. Such tax incentives involve waste, inefficiency, and inequity.

Low- and moderate-income housing projects constructed with insured loans under section 236 of the 1968 Housing Act are subject to the control of HUD. The act contains a special provision permitting the tax-free sale of, and reinvestment in, low- and moderate-income housing. Under the newly enacted section 1039, no tax will be due on the sale of federally assisted section 221(d)(3) or 236 low-income housing projects, to the extent that the proceeds of the sale are reinvested in another project, and the basis of the old project is carried over to the new. The provision is modeled on section 1033 of the code permitting the tax-free reinvestment of amounts received from involuntary conversion of an asset. In both instances, the underlying theory is that the taxpayer has not altered his general economic situation; he has simply transferred his investment from one low-income housing project to another, and tax is due only with respect to the moneys that he actually removes from the "basket."

Section 1039 is limited to federally assisted housing projects. As passed by the Senate Finance Committee, the provision would have applied only to federally assisted housing projects, but coverage was broadened on the floor of the Senate to include low-income housing projects assisted by State and local governments, and in principle there is no distinction. The conference committee, however, rejected the Senate's inclusion of State assisted projects, presumably for concern over the difficulty of monitoring the operations of a multitude of State programs.

The ironic result of that for purposes of measuring recapture on sale, both Federal- and State-assisted low-income housing projects, are entitled to use the prereform rules for the next 5 years, but only the federally assisted projects can take advantage of the section 1039 rollover.

Housing projects qualifying for the special rollover provision include those financed under both the mortgage guarantee program of section 221(d)(3) and the interest reduction program of section 236 of the National Housing Act. Section 221(d)(3) projects are included despite the phasing out of the program to make the favorable treatment available to existing structures which were financed under that program.

Since the general intent of section 1039 is to treat the original investment in low-income housing as continuous, the holding period for purposes of section 1250 would have to be carried over to the new property, along with the basis of the old property. However, if the previous holding period was tacked on to the entire new investment, an opportunity would be created for unjustifiable tax

avoidance where the investment in the second project was substantially greater than the proceeds from the disposition of the original investment; on the sale of the second, depreciated project, the taxpayer would be able to take advantage of the holding period accumulated during the earlier, smaller investment, and reduce the applicable percentage to be applied to the total amount of depreciation claimed with respect to both investments. To meet this problem the section 1250 recapture rules applicable to disposition of assisted projects acquired in a section 1039 rollover transaction require the divisions of the second and subsequent investments into the elements representing the original and subsequent investment.

As an example of the abuse visited on our taxpayers by the present laws on housing and taxation, consider the following example:

A builder constructs a housing project for a total construction cost of $1.4 million in January of 1970.

In the first year, he claims a depreciation deduction with respect to the building of $100,000. On January 1, 1971, he sells the building for $1.8 million, therefore realizing a gain of $500,000, since his cost basis, with depreciation, has been reduced to $1.3 million. In December of 1971, he builds another project costing $1.8 million. $500,000 is therefore not recognized as taxable, since it is kept within the same category of low- and moderate-income housing. He may also be granted an extension or the 2-year provision for reinvesting his money in similar housing, and it may be granted upon the request of the builder to the Department of the Treasury.

Thus, under the guise of charitable philanthropy, we have established a form of legitimized piracy. The public interest in providing decent housing for all its citizens is easily recognized. It is difficult to discern the public interest in guaranteeing loans and subsidizing interest rates in transactions where speculators may receive tax-free income. Passage of the amendment I propose to Internal Revenue Code of 1954 will eliminate these raids on the Nation's tax revenue.

ENERGY FOR TOMORROW

HON. CATHERINE MAY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mrs. MAY. Mr. Speaker, we are all concerned about the increasing demand for electric energy in the United States, projected shortages of such energy, and about sources for adequate energy in the future.

In this regard, the Honorable Wilfrid E. Johnson, Commissioner of the U.S. Atomic Energy Commission, is today presenting the keynote address before the Fifth Intersociety Energy Conversion Engineering Conference at Las Vegas, Nev. The title of Commissioner Johnson's address is "Energy for Tomorrow." It is an excellent speech and I commend it to all who are concerned about the relationship between energy and our environment.

Commissioner Johnson's address follows:

ENERGY FOR TOMORROW

(Address by Wilfrid E. Johnson)

It is a pleasure to be here today to offer some keynote thoughts to this Fifth Intersociety Energy Conversion Engineering Conference.

The title of your conference—ENERGY 70—directs the imagination not only to the problems of today but to the challenges and the excitement which the next ten years surely hold in store. In talking about my subject "Energy for Tomorrow," I should explain that I don't intend to say too much about new and different ways of producing energy. Rather, I want to speak about the relationship between energy and our environment—where we are now, where we have to go, and some of the practical problems we will have to overcome to get there.

ENERGY AND THE ENVIRONMENT

In these days, energy and the environment seem to be inseparable subjects and perhaps properly so, at least until a better understanding of the relationship of energy to our civilization is achieved. So I propose to talk first about the environment. To begin with, an obvious but often overlooked point: Energy in all its forms is part and parcel of the natural environment in which we live. The sun delivers to us, day after day, an extremely wide spectrum of radiant energy. On a worldwide basis, it give us many thousands of times the expected rate of energy production—worldwide—from all fuel sources in the year 2000. Sunshine falling on the earth doesn't seem to disturb the earth a great deal, and it seems fairly clear that the trivial amount of energy we generate in comparison to the amount the sun delivers will have practically no overall adverse effect based on the quantity of energy alone. This is not to say that there won't be local effects which, if were not prudent, could be both severe and adverse. The generation of thermal energy from fossil fuels can impart some chemical pollutants such as sulfur dioxides and the oxides of nitrogen to the atmosphere and work must be done to minimize or eliminate their release. Nuclear energy avoids these pollutants, but today's nuclear reactors generate some radioactive materials that would not otherwise be present on the earth, and we have to contain them and control them. All thermal power plants discharge their excess heat to streams or lakes or the surrounding atmosphere. While this waste heat can have adverse effects on the surrounding environment, in many situations it can be used beneficially for both man and his surroundings, for example, to extend growing seasons through irrigation or to improve shellfish yields.

People like to talk about preserving nature in its "pristine" state, which, Mr. Webster says, refers to earlier times and carries with it the implication of purity and cleanliness and even an implication of an unchanging state of cleanliness. We know, of course, that nature itself doesn't act that way. Every mountain formed is being washed into the ocean. Streams carry millions of tons a day of good earth into the sea. Earthquakes change the face of the land. Plagues and pestilence wipe out whole populations of animals, birds, people and vegetation. The flourishing of one form of life is often at the expense of another. So the environment changes and, of course, it changes more rapidly if people are present, since man has a greater impact on his environment—for good or bad—than any other organism. Undoubtedly man currently is the great despoiler of the environment. He need not be. He can and must enhance it, and I believe that as we learn more about energy and its relationship to society and to the environment, we will see that we need more energy, not less, if we are to keep our habitat favorable to our continued existence and comfort.

ENERGY IN THE UNITED STATES

Fremont Felix, in the July 6 issue of Electrical World, made some observations about energy production and society that are relevant to the current energy situation in the United States and to future trends in energy use. Some of his more significant points are these:

The use of energy in the United States has been increasing at the rate of three to four percent per year for the last thirty to forty years. This is about the same rate of growth as the gross national product and is a little faster than the growth rate of population.

Present per capita use of all energy (oil, coal, gas, uranium) in this country is growing at a rate of about thirty percent every ten years, though it may slow to perhaps twenty percent by the end of the century.

Per capita consumption of electricity has multiplied almost 3½ times in the twenty years between 1940 and 1960.

The current ratio of electric energy use to gross national product is 1.66 kilowatt hours per dollar of gross national product. By the end of the century this ratio will probably be more than three kilowatt hours for each dollar of gross national product.

Only 24 percent of total energy consumed in the United States goes to the generation of electricity whereas many countries including Japan, the United Kingdom, the Federal Republic of Germany, Canada, Italy, Sweden, Australia, Brazil, Switzerland, New Zealand, and others, use a much higher percentage.

The United States just about matches the world average for kilowatt hours consumed per dollar of gross national product.

I am persuaded that Mr. Felix's figures are a pretty reliable indication that the United States is not needlessly and wastefully generating and using electric energy. The fact is that we need power for either purifying or recycling wastes of all kinds and this, of course, is one key to a liveable environment. As population grows and we rub elbows more and more, we simply cannot sustain the standard of living we now enjoy let alone improve it and extend it for all our people unless we produce more electric power for each person.

Jim Young (Vice President—Engineering, General Electric Company) put the matter well in a recent talk when he observed that the electric energy market is inelastic; "Producing more at lower cost does not establish more consumption. It is consumption that establishes production. Lighting to reduce crime and accidents; air conditioning and power to improve comfort and productivity; 26 million new household formations to be served in the 70's; prospects of urban residents for improving the quality of their life; and use of electrical energy to reduce pollution, and for treatment of gaseous, liquid and solid wastes—to mention just a few."

What will our electric energy needs be over the next twenty years? By 1990, per capita gross national product probably will have grown by eighty percent so that each man, woman and child in the United States, on the average, will be able to buy almost double the products and services he now does. This kind of growth will be possible only if an adequate supply of electric energy is

available. If past trends are a reliable indicator, we will need almost four times our present generating capacity by 1990. Unless we provide this generating capacity, the transportation industry, the factories, knitting mills, refineries, steel mills—in short, the tools of our economy will not be able to increase their output as they should, and our society itself will falter—our political institutions may be imperiled.

FUELS AND ENERGY

The first thing to think about when we talk of increasing the supply of electricity is the supply of fuel, and of the various fuels, those of most immediate importance are the fossil fuels—coal, oil and gas. By the end of this century, even if nuclear generating equipment produces half of our electrical requirements, we may still need more than double the amount of fossil fuel we are using today for the generation of electricity. So, unless we can produce enough coal or oil for use as fuel and do it economically, we will have some lean years ahead. I stress the word economically because we have ample reserves of coal in the ground but the challenge is to get them out cheaply; to get them shipped cheaply; and to burn them cheaply while controlling their noxious combustion products. The coal industry is aware of these challenges and it is in the interest of all of us that the industry be able to meet them.

Oil will certainly play a major role in providing our energy requirements for some years to come. It, too, has its problems with air pollution because of sulfur content (the relatively sulfur-free crudes seem to be getting in short supply), but perhaps more important for the long run is that any continuing shortage of coal is apt to put such heavy demands on our oil reserves as to diminish them unduly from the standpoint of our best interests.

Viewed against this background, I think most people can agree with Glenn Seaborg in saying nuclear energy was discovered in the nick of time because we certainly do need new fuels and we believe that nuclear fuels can greatly ease the overall energy picture from the standpoints of conservation of resources, of environmental impact, and of economics.

I would like to make it clear, however, that nuclear fuel is not a panacea, for moving as rapidly as we are able, we may still find this country seriously short of energy supplies.

UTILIZATION OF NUCLEAR FUEL

Briefly, we have proven reserves of almost 400,000 tons of yellow cake—the beneficiated uranium ore that corresponds roughly to coal or oil among the fossil fuels—counting both the Atomic Energy Commission's reserve stocks and uranium recoverable at prices up to $10 per pound. This amount is about enough to meet projected requirements for nuclear power through 1984. While a fourteen-year forward reserve is comfortable by most standards, we must improve the efficiency with which we burn nuclear fuels over the next two decades or face the likelihood of rising fuel costs; for unfortunately, the present generation of nuclear power plants recover only about two percent of the energy available in uranium.

One step in the improvement of our position with respect to nuclear fuel is effective use of plutonium recycle which can reduce raw fuel requirements per unit of useful energy produced by about twenty percent. Recycled plutonium is just beginning to be used by utilities in a cautious and semi-experimental fashion.

Another way to get more kilowatt hours from our nuclear fuel is to improve the thermal efficiency of nuclear power plants. The best type of reactor for accomplishing improved efficiency in the near term seems to be the high temperature gas cooled reactor.

A third method for improving the energy equivalence of our nuclear fuel resources is to develop the thorium-uranium fuel cycle to take advantage of the favorable nuclear characteristics of the isotope U–233 in thermal neutron reactors and to augment our uranium reserves with thorium.

Finally, there is the fast breeder type of reactor which uses plutonium as a fuel. There are two classes of this type of reactor of current interest, one cooled with liquid sodium and the other with an inert gas (helium). The liquid metal cooled fast breeder reactor is the concept on which worldwide attention has been focused and it is the object of major development programs in the United Kingdom, France, Germany, Russia, Japan and the United States. The United States program in the fast reactor field is primarily oriented toward the liquid metal cooled concept; however, the technology needed for a gas cooled fast reactor is expected to be obtained from the high temperature gas cooled reactor insofar as the coolant is concerned, and from the sodium cooled fast reactor insofar as the fuel technology is concerned.

For the longer range, we should look forward to the practical application of both sodium-cooled and gas-cooled fast breeders. If a sufficient momentum is achieved in development programs it should also be feasible to introduce a combination of the gas cooled fast breeder reactor and a closed cycle high pressure gas turbine. In such a combination the reactor coolant is also the thermodynamic fluid, and the same gas can be used for cooling the generator. The effect of leakage between pieces of equipment is minimized. Maintenance and reliability should be enhanced and environmental impact minimized This can be a most promising development. While there are no present plans for building demonstration plants of this type to the best of my knowledge, I believe several organizations are investigating the concept seriously.

I could, of course, dwell on the many technical problems associated with bringing fast breeder reactors into practical application. I think most of these problems are recognized by most of the scientists and engineers working in this field, and I would prefer now to address myself to the economic problem of accomplishing the satisfactory development and commercialization of the fast breeded types of plants.

THE COMMERCIALIZATION OF THE BREEDER REACTORS

We are all familiar with how the light water reactor business got established. Very briefly, after substantial experience with the Navy program and the successful operation of Shippingport, Yankee, and Dresden I, the manufacturers felt that it would be feasible to establish a market for light water reactors in economic competition with fossil-fueled power plants. To do so required the use of a dynamic pricing policy coupled with reasonably repetitive designs and with the manufacturers assuming the full risk by quoting turnkey plants with guaranteed performance on a fixed price basis. The beginning of commercial nuclear power was the announcement of the Oyster Creek plant in 1963. There followed a rapid increase in orders, peaking in 1968 and falling off abruptly in 1969. The industry now seems to be entering a more stable period.

The pattern was consistent, with one important exception, with the way in which the equipment manufacturers and the utility industry traditionally financed the introduction of new and improved technology where the manufacturers funded the cost of research and development and took the risk of marketing a new or improved product with the expectation of being able to provide a reasonable rate of return for their shareholders as the new business grew. The utilities, of course, compensated the manufacturers in time through purchase of their products. The one significant exception in the marketing of nuclear power was the fact that the nuclear steam supply system represented a quantum jump in technology over the conventional fossil-fueled generating plant. Previous improvements in turbines and boilers that came about through the new developments of the equipment manufacturers were typically gradual and represented a thoroughly tested and conservative scale-up of existing art. No doubt, and in large part because of the quantum jump in technology, there were large sums of money lost by the manufacturers in launching the light water reactor business, and today's prices reflect some correction due to this experience. The pattern used in establishing the light water reactor business does not appear to be a practical method for the commercialization of the fast breeders. There are several reasons for this:

First, the technology of the fast breeder is going to be extremely difficult to master—not so much in the narrow sense of building one or two plants and getting them to run, but rather in the sense of having a complete command of the technology in design, in construction, and in maintenance such that the owner and operator can be assured of reliable on-line performance for fast breeder reactors as a class of plants. In the past, I have used the term "power-worthiness" to suggest that what is required is quite like the sea-worthiness of ships or the air-worthiness of airplanes. Dependability is of prime importance since any deficiency will require increased reserve capacity with resulting increased capital costs.

Second, providing proof that a given design can demonstrate this dependability is an expensive matter. Costs of initial demonstration plants of moderate size have been variously estimated at from $500 to $1000 or more per kilowatt—two to four times the going cost for light water nuclear plants. The financing of several such plants is beyond the capability of the manufacturing industry and it is questionable how much the Government will contribute—particularly if the utility industry, which is most concerned, does not itself carry a major share of the load.

Third, even if such medium sized plants are fully successful, there remains the problem of financing and building plants of larger and more economic size (about 1000 to 1500 MWe). Any reactor vendor will undoubtedly need to construct and put into operation several such plants before costs will be proved and economic operation demonstrated. At this point in time, it does not appear that the traditional division of responsibilities and risks among the government, the equipment manufacturers and the utility industry is likely to prove adequate to a timely commercialization of the breeder.

Of course, we have asked ourselves whether ordinary economic forces don't come into play and accelerate this development. These forces include the rising costs of fossil fuels, the cost of meeting environmental restrictions and any rising trend in uranium prices that may appear. With regard to uranium prices, they seem to have been stable or actually declining over the last several years, and since there is still a stockpile hanging over the market and a restriction on imports that will sooner or later have to be removed, there is little prospect of a rising price trend for the next few years. Eventually, uranium prices must rise and bring into focus the economic significance of the breeder reactor which lies in the fact that it can almost certainly be competitive with fossil-fueled plants even if uranium prices increase to as much as $50 per pound.

The difficulty today is that the economic

forces affecting the equipment manufacturers are not of themselves sufficient to determine the optimum schedule for the successful development and marketing of the kind of "power worthy" breeder reactors we will need to have by the mid 80's.

FINANCING PROBLEM

Both industry and government are addressing themselves to this question of the source of financing for advanced development for the power industry. Everyone seems agreed that a breeder reactor is an ultimate necessity unless the controlled thermonuclear reaction is successfully developed much sooner that we now think possible. Moreover, this opinion seems to prevail on a worldwide basis and for very good reasons—including the need for more electric energy with reduced environmental effects. Several ideas have been put forward as suggestions for solving the financing problem. Some of these ideas are the following:

It is suggested by some that the government finance the design and construction of a demonstration plant (perhaps permitting a consortium of manufacturers to participate so as to share the experience, then permitting a consortium of utilities to operate and maintain it so as to develop and share the necessary operating and maintenance experience). This would be followed by an initial round of demonstration plants of large size that might be partly financed by the government. After this step the utility industry would carry the load.

Another suggestion is that of persuading the utility industry to get together with its various State regulatory bodies to work out an arrangement under which the funding of design, development and reduction-to-practice of advanced power plants would be provided for in the rates charged to utility customers. For example, one-tenth of one mill/kwhr would provide an income of some $150 to $300 million per year through the next decade and this could go a long way toward financing the fast reactor program. The Chairman of the Federal Power Commission has stated that "the electric utility industry should bear a substantially greater proportion of funding this program".

A third idea is to impose a Federal tax on electricity corresponding, in a way, to the Federal gasoline tax with, however, a proviso that would let utilities themselves have a voice in allocating some portion of the funds to developments of their own choosing—provided such developments fall into categories approved by the Federal Government.

Considering that utilities today are spending only a fraction of one percent of their revenue for equipment development, it would seem that direct funding by the utility industry itself on a pay-as-you-go basis might have considerable merit, although I am well aware of the problems and pressures on utility cash flows that have developed in the last three years.

Now if I may summarize:

Cleaning our environment, making necessary provisions for the additional people coming into our population, and trying to maintain a reasonable advance in the standard of living will require more energy (about two to three times as much by the end of this century), and a much greater proportion of this energy must be converted to electric energy. We will probably need at least six times the present electric energy capacity by the year 2000.

In the face of these needs, we are at the present time experiencing a "national energy crisis" in the words of the Chairman of the Federal Power Commission, Mr. Nassikas. Compounded of many factors, the solution of this problem is not presently in sight. Unless a solution is found, the economy and our standard of living may both falter and even decline, and the extent to which this would imperil the fabric of our society and our democratic institutions cannot be exaggerated. Energy is such a basic commodity that its rationing would bring about basic and undesirable changes in our economic and political fabric.

The proper use of nuclear fuel can help to solve the energy crisis—but it cannot do it alone. Solutions must also be found for the production, distribution and clean and economic utilization of fossil fuels in adequate amounts.

There is a time limit on the present inefficient methods of utilizing nuclear fuels. Today only about two percent of its available energy is utilized and supplies of this fuel will become expensive and perhaps marginally economic unless the more efficient breeder (which can use fifty percent of the energy in the fuel) is introduced.

Introduction of breeder reactors and their commercial establishment present difficult and serious financial problems to the electric power industry. The government has helped and in my opinion will continue to help in the research and development area. The government will also provide limited assistance in the demonstration phase. But the utility industry itself must provide the leadership and a major portion of the financing of the demonstration phase of development. This point has also been stressed publicly in a broader context by the Chairman of the Federal Power Commission. It seems evident that the utility industry must consult with its regulatory bodies and that new rate policies and/or new accounting policies must be set that will permit adequate financing of power plant design and development.

Finally, and closely related to the question of the source of financing for power plant development is the question of who directs the development program—and how do we assure that sound and realistic judgments are made in setting objectives and assessing priorities for developing effective power systems. In the last analysis, I believe this is a total system problem that must include system design, the optimum choices of power generating and transmission equipment, of power plant sites and environmental compatibility. These matters require strong utility leadership. They can no longer be the subject of uncoordinated local decisions. Planning must be coordinated on a regional and national scale. In my view, it is clearly in the interest of the utilities to accept this leadership.

There is substantial truth in the old adage—"He who pays the piper calls the tune". In my personal view, this could well prove to be a prophetic admonition to our utility industry—investor owned and public—which had done such a remarkable job over the years in meeting the nation's needs for ready kilowatts of electricity. If this industry, with a sympathetic government, cannot devise ingenious ways to bring about the kind of truly advanced technology that the coming decades demand, then ways will nevertheless be found to meet our national needs and they may prove to be insensitive to the traditional independence which has characterized decision making in this pluralistic industry.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

A REVERENCE FOR THE FLAG AND A RESPECT FOR LAW

HON. DAVE MARTIN

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. MARTIN. Mr. Speaker, I had the privilege last Saturday of participating in a fraternity ceremony at Kearney State College, Kearney, Nebr., in which we lit the "Torch of Hope."

In these days of student unrest and violence on our campuses, the students at Kearney State College last May rejected the request of several students from the University of Nebraska who wanted the students at Kearney State to go on strike. The students at Kearney State rejected their request and advised the outside agitators that they were in college to receive an education, and they felt that it was a privilege to be able to attend college.

On this same campus, the Beta Chi chapter of Sigma Tau Gamma held a ceremony last Saturday at which I gave the principle address. The members of Sigma Tau Gamma have dedicated themselves to those principles of liberty, justice, brotherhood, and order without which our free society will surely perish. A marble marker was set in place at the base of the torch with specific reference to these principles inscribed on the base, "to the end that all might live in peace and find these principles a reality in their lives."

The Beta Chi chapter at Kearney State College also approved unanimously the following resolution last year to which I alluded in my address:

Whereas, Beta Chi Chapter of Sigma Tau Gamma has stood for freedom, law and order, and

Whereas, we believe in the principles that have made America the most productive and progressive nation in the world, and

Whereas, we reject the ideas and ideals of world communism, and

Whereas, we desire to show our support for American men and women serving the Free people of South Viet Nam, and

Whereas, we desire to show our support for our president in his quest for an honorable peace, with justice in Viet Nam:

We hereby urge all Kearney State students to attend classes October 15, 1969, and

We further urge all citizens of the community to display their American flag in support of our American Service Men and Women.

I take this time to call attention of the House to this refreshing experience, and to let the Members of the House know that there are hundreds of thousands of students on our college campuses today who do have a reverence for the flag and a respect for law and order.

TAXES AND EDUCATION

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. VANIK. Mr. Speaker, as soon as budgetary conditions permit, I will urge adoption of the proposal before my committee to provide a tuition tax credit up to $600 for every taxpayer paying tuition for the education of a dependent. Higher education and vocational training leads to higher productivity and higher income. The loss to the treasury is more than offset by higher income taxes paid by more thoroughly trained citizens.

However, I do not intend to substitute the tuition tax credit for other essential programs in education which are directed toward student excellence.

EDUCATORS AND TAXES

Tax deductions are allowed to educators under certain circumstances, where further education improves teaching abilities. A lengthy reprint of the details of this section of the tax regulations is available upon request from my Washington office at 2463 Rayburn Building, Washington, D.C. 20515.

WORKING GRADUATE STUDENTS AND DOCTORS

It has recently come to my attention that graduate students who receive income from a university in exchange for teaching, research, and related educational activities by the student must treat that income as taxable. Since this income is usually extremely low and is really designed as a form of financial aid to enable students to continue their education by meeting part of the cost of tuition, room and board, it seems to me that it is unwise to tax this income. I have cosponsored legislation which would exempt a certain amount of such income each month. Young doctors, interning in hospitals, often face a similar and related problem. At a time when these persons after long and very expensive years of training have to go through further years of training as interns, their income from the hospital in which they are interning is occasionally treated as taxable—even though it is a lower income than they would be receiving as private doctors and is a part of their educational requirement.

EDUCATING THE RETARDED AND HANDICAPPED

Many parents of handicapped and retarded children have asked me about the tax deductibility of the educational and training expenses of these children.

In a letter to me of September 18, 1970, the Assistant Commissioner of the Internal Revenue Service outlined tax policy as follows:

> While ordinary education is not medical care, the cost of medical care includes the cost of attending a special school for a mentally or physically handicapped individual if his condition is such that the resources of the institution for alleviating such mental or physical handicap are a principal reason for his presence there. In such a case, the cost of attending such a special school will include the cost of meals and lodging, if supplied, and the cost of ordinary education furnished which is incidental to the special services furnished by the school.

Since public schools reject many retarded and handicapped children, the parents of such children are compelled to undergo heavy expenses in educating these children in special schools which involve transportation and costly training. These taxpayers have already paid once for the support of regular educational services. They should certainly be credited for such extraordinary expenses which they sustain in special training which can lead the retarded and the handicapped to useful and productive lives.

While the Internal Revenue Service ruling is helpful, it still leaves out many legitimate and necessary expenses. For several years now, I have introduced legislation to allow a tax credit for such expenses. It is one of the disappointments of the Tax Reform Act of 1969 that this idea was not included. I will continue to work in this area in the new Congress.

LEVEL OF FEDERAL AID FOR EDUCATION

I would also like to state for the record, that I have supported more appropriations for educational assistance at a level designed to more adequately meet the educational crisis faced by elementary, secondary, and higher education. I have voted twice this year to override the President's veto of education aid funds. I believe that such vetoes have been shortsighted and unnecessary. Investment in education is investment in America's future. There are other programs — needless subsidy programs— which should be cut before education is cut.

There must be a greater emphasis in this country on improved and quality education. In this regard, although Ohio has many fine schools and colleges, I have often been disappointed by my State. Cleveland State University's Institute of Urban Studies has just released a comprehensive analysis of the State of Ohio's programs relative to programs in other States. The results are most discouraging. In 1969, the per capita expenditure in Ohio for education was $89.67. The U.S. average was $135.05. Ohio ranked 47th in the Nation in this vital area. The University's researchers found that State aid per pupil was far below the national average, spending on capital improvements was "unusually low," and "the proportion of high school graduates going on to college appeared to be well below the national average."

The study pointed out that while Ohio usually has a great football team in the Big Ten, the other Big Ten States granted 18 percent more bachelor degrees per capita in 1967, 83 percent more masters degrees per capita, and 116 percent more doctoral degrees per capita. For each student enrolled in State colleges in Ohio compared with the other Big Ten States, Ohio was next to last in the ratio of faculty to students, last in professional library staff, and last in number of National Merit scholars enrolled.

The very existence and continuance of the private school systems of Ohio at the secondary and higher education level is critically threatened. There is grave doubt that all of these fine institutions which provided educational quality and choice can survive. It would be tragic if our distorted priorities should result in closing school doors and educational opportunities.

As we move into an increasingly technological age, Ohio's and America's greatness will depend on the education of each of its citizens.

CRY A LITTLE FOR ARIZONA; THE LAND NEEDS HELP

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. UDALL. Mr. Speaker, I really believe, or at least hope, that deep within each of us is an instinctive love of nature.

Few individuals have spent as much of their lives working with nature as has Ben Avery, veteran outdoors columnist and reporter for the Arizona Republic in Phoenix.

Devastating floods recently tore through some of our beautiful canyons in Arizona. Man had subjected some of these places to various kinds of "treatment" in accordance with "civilized" man's efforts to dominate nature and mold it to his own uses.

Mr. Avery cries out a warning, powerful and moving. We ought to ponder what he has to say and not let his be a voice in the wilderness. If we are not careful there may be no wilderness. His column of September 13, 1970, follows:

CRY A LITTLE FOR ARIZONA; THE LAND NEEDS HELP

(By Ben Avery)

Four years ago we were saddened by what happened to Bright Angel and Clear creeks—both beautiful trout streams at the bottom of Grand Canyon. An estimated 12 to 15 inches of rain in 15 hours left them barren boulder beds without shrub or tree to shade them.

Water wizards said: "That was a 100-year flood—don't worry."

Today we must all cry for Tonto creek.

And for Horton, and shed a tear or two for East Verde, Christopher, and Canyon creeks, and even little Dick Williams creek, that used to come down behind the Tonto Hatchery and harbor a few brookies.

For the most part they are barren boulder beds or deep canyons where fertile, tree shaded streams once flowed.

A Salt River Project official quipped during a conference to assess the flood: "Even we couldn't have done a better job of removing phreatophytes."

The project people called it a 300-year flood.

I say "Hogwash."

No one has even good 50-year rainfall records for Arizona. * * *

Because it operates under a political system that is dominated by the timber interests, the grazing interests, and the mining interests who reap their profits at the expense of public lands.

This system puts very little of those profits back into keeping the land productive.

I have lived in Arizona more than a half century and most of the damage we now have has occurred to the land we call Arizona in the past 25 years.

And far too much of it has been done purposely by greedy people with approval and support of such agencies as the U.S. Forest Service and U.S. Bureau of Indian Affairs for the enrichment of someone's pocketbook without regard for the long-term future.

Tonto creek and Horton creek, and Dick Williams would not have suffered so greatly had not the "Hatchery Fire" swept through that area a few months ago.

And someone should ask the Forest Service what it and the Water Users have been doing on the headwaters of Sycamore creek with bulldozer and fire.

The losses to the state's taxpayers in this storm in these areas will approach $1 million.

All the fishermen have left of Tonto Hatchery is a shell—

And storms like this can be expected any year.

In some cases the damage they cause—like in the already desert vegetation type at the bottom of Grand Canyon—is unavoidable.

But storms like this have been weathered without devastation in other parts of the high country in the past without such great loss:

We had six inches of rainfall at Sierra Ancha in 1951—before "watershed treatment began"—in one storm.

One like this went down Canyon creek some 10 years before that, and it just disrupted fishing for a year or two.

But the land is taking a beating in Arizona now such as it has never had to take before. It is taking a beating from too many people . . . too many vehicles and roads . . . too much logging . . . it had it long ago from overgrazing . . . and it's been taking it for years from hot, man-caused, forest fires that leave a scorched earth.

All of this adds up to incompetent management by the U.S. Forest Service and the urge of private land owners to strip their land of timber and subdivide for every last fast buck they can get with no thought of the next generation, the next 100 years, or the next 1,000.

The Forest Service people are not incompetent. The service . . . the fish that survived are in Roosevelt Lake. The spring is buried under 20 feet of boulders and gravel, the spring box and 300-feet of pipeline gone. A hatchery residence that once sat on the streambank, sits on the edge of a 20-foot gorge, its septic tank also in Roosevelt Lake or somewhere.

The death toll makes this a national disaster.

I just want to ask the Salt River Project if it thinks a few more acre-feet of water are worth it?

This project tin roof watershed program cannot help but produce more of this kind of destruction.

I want to ask the Forest Service if it thinks "harvesting" every possible board-foot of timber; if grazing every possible domestic animal; if trying to provide recreation for every possible human and not closing the forests because of fire danger until after the disastrous fires begin is worth turning Arizona into a wasteland?

And I hope the people of Arizona will look at Tonto creek and cry a little, then make a resolve.

If I sound bitter, I am. I camped at Kohl's Ranch over 40 years ago when there was no bridge and the stream had not been damaged by anything . . . by people . . . by roads . . . by timber cutting . . . by fire.

I cry a little for Arizona today.

CONTRASTING VIEWS—AFTER A YEAR'S EXPERIENCE

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. ROBISON. Mr. Speaker, yesterday's Wall Street Journal contained a provocative letter to the editor from the well-known economist, John Kenneth Galbraith, who wished to know if the Journal—after what he termed "a year's experience with worsening inflation, worsening unemployment, coupled with the housing depression, the liquidity crisis, the stock market slump" and so forth—had changed its mind about the past need for "some form of price and wage restraint."

The Journal's editorial reply was in the negative and was so well reasoned—whether one fully agrees or not—that it seemed useful to me for all of us, as we prepare to take to the hustings where this issue will presumably be debated, to have the benefit of these contrasting viewpoints. Under leave granted, then, both the Galbraith letter and the editorial response are here set forth:

Editor, The Wall Street Journal:

About a year ago in a rather too lengthy letter in your columns, I argued that the combination of monetary policy and fiscal policy on which the Administration was relying would not bring adequately high employment at adequately stable prices. On the contrary, though few could believe that circumstances would be so unkind, we could expect only serious inflation, serious depression or some disenchanting combination of the two. The reason, of course, is the powerful position which strong unions and strong corporations now have in the economy and the tendency for their price and wage structures to react on each other—at least in the absence of extreme underutilization of capacity and very high unemployment. The conclusion, unhappy but inescapable, is that the economists' work is not done. The modern economy requires some form of price and wage restraint backed by force of law where strong unions bargain with strong corporations.

While my argument was not ill-received by your readers if I may judge from their response, I encountered a less than warmhearted reaction from your editorial writers. Their conviction, implied if not explicit, was that conventional measures would entirely suffice.

I wonder if a year's experience with worsening inflation, worsening unemployment, coupled with the housing depression, the liquidity crisis, the stock market slump, all more or less directly traceable to reliance on monetary policy, has mellowed your resistance to a more rational economic policy. Before automatically reaffirming your earlier stand, could I remind you of the largehearted reception all religions accord to the redeemed sinner?

JOHN KENNETH GALBRAITH.

CAMBRIDGE, MASS.

A YEAR'S EXPERIENCE

In a letter elsewhere on this page, John Kenneth Galbraith wonders whether the past year's experience hasn't altered our economic views. Harrowing as some of that experience has been, we have to reply that we remain unreconstructed.

We're not at all happy that unemployment has risen or that inflation still lingers on. We take no cheer from the troubles of the housing industry, the Penn Central Transportation Co. and the stock market. It has indeed been a rough year.

At the same time Mr. Galbraith oversimplifies quite a bit when he says that all of the difficulties have been "more or less directly traceable to reliance on monetary policy." The distinguished Harvard economist knows better.

To start with, the troubles stem partly not from a wrong choice of policy but from a misapplication of it. The situation a year ago called for a judicious mix of fiscal and monetary restraint, but in recent months neither Congress nor the Administration has kept the fiscal side under control.

In the circumstances the Federal Reserve System apparently felt compelled to come down hard on monetary policy, perhaps too hard in the latter part of 1969. The unexpected severity of monetary restraint undoubtedly did increase the liquidity problems of many businesses.

None of this persuades us that the wiser course, a year ago or now, includes "some form of price and wage restraint backed by force of law." By that Mr. Galbraith presumably means formal controls of the Korean War or World War II type.

Perhaps it's partly our biases that lead us to recoil from the red tape and extensive bureaucracy implicit in that approach. But the prospect of a controlled economy, with its gray markets, shortages, ration stamps and the like, is something that should repel almost anyone.

If the controls "work," in the sense that they keep wages and prices down, the controllers take over the task of assigning the nation's resources of manpower and materials to certain uses. Even if they attack this task with the best will in the world, there's no evidence that they can handle it as efficiently and effectively as an old-fashioned free market.

Also worrisome is the fact that, at least for many politicians, wage and price controls are not supplements to reasonable financial policy but substitutes for it. Even a casual browser through the Congressional Record reads, time and again, how wage-price curbs would end all those problems of tight money and high interest rates.

The circumstance the nation faced a year ago was not, basically, that prices and wages were high and rising; it was that excessive demand was pushing prices and wages up. A reliance on controls alone, no matter how well administered, would have set the stage for a later wage-price explosion like the one that followed removal of controls after World War II.

Mr. Galbraith is certainly right when he says the nation must deal with powerful unions and powerful corporations, although we do think he overestimates the ability of unions and corporations to have everything their way, no matter what's happening in the economy. At some point companies find price increases won't stick, and unions find employers accept strikes in preference to excessive pay boosts.

The way to deal with excessive economic power is not to set traffic laws for it but to diminish it. That isn't at all easy but, in the corporate area, we still believe that wise antitrust enforcement can control abuses of power. As for unions, less pro-labor enforcement of existing laws would at least provide a start toward reasonable control.

A year ago there was so much air in the economy that even the best possible policies and actions would not have worked overnight. The Administration surely deserves some credit for the fact that unemployment

so far has been lower than in earlier postwar declines, that inflation is slowing down, that the economy does appear to be edging upward once again. Some economists even refuse to say we've had a recession.

While we don't applaud all the Government's moves in the past year, then, neither can we label them total failures. In Mr. Galbraith's view that makes us unredeemed sinners, and we will probably go right on resisting conversion to controls.

SOME SUGGESTIONS TO AMERICA'S BANK WOMEN, AND ONE TO PRESIDENT NIXON

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mrs. SULLIVAN. Mr. Speaker, it was a privilege and an honor for me this morning to participate in the 48th annual convention of the National Association of Bank-Women, Inc., at the Mayflower Hotel at a session to which Chairman WILBUR D. MILLS, of the House Committee on Ways and Means; Senator CHARLES H. PERCY, of Illinois; and Senator JOHN G. TOWER, of Texas, were also invited to speak. As I told the group, I was impressed and delighted by the growth of this organization, reflecting the increasing importance of women in positions of responsibility in the Nation's banking industry.

As a ranking member of the House Committee on Banking and Currency, and chairman of the Subcommittee on Consumer Affairs, I devoted much of my talk to a discussion of some of the legislative issues on which our committee has been working, and said that in thinking about these issues in preparation for my talk, I was struck by the degree of trust they demonstrate that a Democratic Congress has placed in a Republican President, and I think the public should be aware of it, as an illustration of the cohesiveness of a political system now being bruised in campaign oratory.

Describing unprecedented grants of authority we have made to the President in the field of credit regulation, as well as in other areas, I added:

> Thus, at this moment, our lives, our fortunes, our sacred honor, and the prices we can charge or be charged for any luxury or necessity are all in the President's hands—and he should so advise his Vice President.

This was not—nor was it intended to be—a partisan political speech, but did have some references to the political scene, and to legislative and economic issues, which may perhaps be of interest to my colleagues, and so I submit the text of my talk for inclusion in the RECORD, as follows:

ADDRESS BY CONGRESSWOMAN LEONOR K. SULLIVAN, DEMOCRAT, MISSOURI, AT 48TH ANNUAL CONVENTION OF NATIONAL ASSOCIATION OF BANK-WOMEN, MAYFLOWER HOTEL, 10:30 A.M., TUESDAY, SEPTEMBER 22, 1970

I am truly impressed and delighted by the growth and strength of this organization, because I can remember so well, during my career as a business training school director in St. Louis, when it was almost impossible to find a woman in a decision-making position in a bank, and nearly as difficult to find one working in any position which involved being "out front" and dealing directly with the public. Now, upon entering any well-run bank, you are met by a battery of bright-eyed women efficiently performing tasks which once were strictly reserved for the allegedly more businesslike male. The battle for equality in the banking industry is certainly far from won but, as one who has watched the skirmishes and confrontations in that field, I am pleased to see here so many women who like banking enough as a career to train themselves to handle important and satisfying positions in that field.

As more and more women master the skills of the banking industry in all of their ramifications, the constant search for qualified people to bring unique talents to difficult jobs will inevitably result in more women in the executive offices and the board rooms. So go to it!

Economics is certainly no exact science with immutable laws which bring about foreordained consequences, but the play of economic forces has necessitated many changes in banking, as in all other professions, in order to keep up with the vast expansions in the structure of the economy itself. So any banker type who "harrumphs" that this is a man's business is living in another era—and so is his bank.

Change is coming so fast in banking, as in other fields, too, that in the House Committee on Banking and Currency, where most legislation of direct interest to banking originates, it is increasingly difficult to differentiate between legislation which only affects banks, and that which does not. In fact, very little legislation that touches any part of the American or international economies does not also touch your industry, and vice versa.

CONGRESS NEEDS INFORMED VIEWS ON OPERATIONS OF EXISTING LAWS

And that is true, too, in legislation handled by other committees as well, from the tax bills considered by the Ways and Means Committee to the food stamp legislation in the reluctant jurisdiction of the House Committee on Agriculture.

When I first proposed a food stamp program in February, 1954, the industries which have benefitted most from the food stamp program now in operation were either opposed to it outright, or completely disinterested in the whole subject. Now it pumps more than a billion dollars a year of additional food purchasing power into the budgets of low income American families—money which would *not* otherwise be spent for food. The program requires participating families to continue to spend what they would *normally* be expected to spend for food each month, but enables them nevertheless to purchase *sufficient* food—which they could not otherwise do. In many areas of the country—and this is a matter of local option—the stamps are sold to the participants by banks; and *all* banks in participating areas must accept and handle the food coupons as money and relay them back through the Federal Reserve System. So I know that this program does affect your banks and perhaps causes you problems from time to time, and may or may not be profitable business depending upon the bank's arrangement with the state or local welfare authorities. It is but another example of the impact on every business of just about all aspects of the public business of legislation.

Hence, I want to emphasize to you—as I do to all specialized professional groups I talk to—that we in the Congress who write the laws which affect your professional lives—as well as your home lives and your activities as consumers—want and constantly need informed suggestions and ideas and comments and criticisms, on the laws we pass on their administration by the bureaucrats to whom we entrust those responsibilities.

In this connection, I have received many complaints from bankers about the Truth in Lending Act, but when I try to pin them down as to the specifics of any problems they encounter under the Act or under Regulation Z, I am often told merely that it is just extra and unnecessary paperwork. Perhaps most customers don't bother to look at the disclosure statements; enough to do, however—I know this from my mail—to convince me that it is worth the trouble, *to* the banks as well as *for* the consumer, for the bank to be able to demonstrate how its terms compare with those of competing types of credit. Occasionally, a banker will admit this to me. My complaint is that the banks have not been active enough in promoting this competitive advantage which they often enjoy as a result of full disclosure of the true facts about credit costs. Certainly the banks are not active enough in explaining to consumers what the disclosures really mean in terms of comparative costs.

Might I suggest that the bank *women* take up this project as a means of serving not only your industry but also your fellow consumers, and particularly the women who use bank services. Of course, the most advantageous credit terms the consumer can ever expect to find are those which involve paying the credit charges to himself, by saving up in *advance* for any expensive purchase. But this is apparently such an old-fashioned idea that when I persist in talking about it, some of today's young people often wonder what pre-historic era I came out of.

The good things of today and tomorrow are so broadly available now, merely by signing one's name or flashing a plastic card, that yesterday's virtues of thrift and solvency seem outmoded—except in the bankruptcy courts. But that's a different story.

PRIVATE INDUSTRY DECISIONS AFFECT PUBLIC'S BUSINESS

In mentioning the impact upon the banking industry of a program so far removed from traditional banking activities as the supplementary feeding of undernourished Americans, I was illustrating the direct consequences to every business of almost any Act of Congress. Similarly, there is a direct impact upon every family by private industry policies, too—and we feel the backwash of that in the demands we receive for legislative action to combat the often undesirable public or private consequences of decisions made in corporate boardrooms or in the bank's executive offices. If I were to try to give you a catalogue of these issues today as they relate to possible legislation, it would take far more time than I can devote or you would wish to endure in this discussion. For instance, there are deep, deep misgivings coming through to us in Congress about the consequences of overextension of credit to those who cannot handle it, or to those who misuse it—or steal it. There is a companion concern over the mechanical or human billing errors which turn a computerized credit account into a personal financial nightmare, based on an almost frantic fear that the errors might ruin one's credit standing; there has been mounting despair by the home-building industry over the level of interest rates and its effect upon home-buying capabilities—for all except the wealthy or those poor enough to qualify for federal housing subsidies.

These are some of many very real problems to millions of Americans. We are struggling in the Congress with a variety of proposed solutions, because the public insists upon having workable solutions provided by *someone*—if not by business itself, then by government, because government has proudly indicated to the public that the high costs of money which create many of these problems were deliberately programmed into the economic system by government policy, as a means of fighting the danger of inflation. Before money got tight and high in cost, bill collecting was a less frantic operation—the dunning letters did not start so quickly or become so threatening so fast.

THE GREMLINS IN COMPUTERIZED BILLING SYSTEMS

Truth in Lending went into effect just at the time the money crunch was squeezing down hardest, and many consumers still are under the impression that there was something in the Truth in Lending law which required department stores, for instance, to give up their no-interest 30 day accounts on July 1, 1969, and transfer all such accounts over to revolving credit with an 18 percent annual rate finance charge for late payments. Furthermore, many consumers came to believe that the law requires those stores to use the begining-of-the-month rather than the end-of-the-month balance on which to base the 18%, because so many stores adopted that policy as of July 1, 1969. Eventually, we will probably get enough information out to the public—although so far, as I said, the facts about Truth in Lending have still not been publicized sufficiently—but eventually consumers will know that it is not the law which sets these credit charges but rather the fact that it presently costs a very great deal to use someone else's money to indulge yourself in a purchase you cannot afford to pay for right now. Easy credit, of course, is easy today only for those who have no *intention* of repaying it.

In the meantime, as the computerization of billing multiplies, along with the computerization of everything else, the gremlins which were first discovered by airplane pilots during World War II as invisible bugs making all mechanical contraptions go wrong are now nesting in the credit industry's computers—entering wrong amounts or charging the right amounts to the wrong persons. The prevailing fear among most consumers who write to me about this problem is, as I indicated, not so much that some *legal* process might *force* them to pay debts they don't owe but rather that failure to pay a computerized bill which is disputed or clearly wrong will ruin their credit rating and cause them great harm in applying for a mortgage, or other credit, or for employment, or insurance.

It is a valid fear, as the hearings of my subcommittee on the proposed Fair Credit Reporting bill, which I call the "Good Name" Protection Act, fully documented. We are well along toward enactment of legislation which will reduce or eliminate this fear by permitting access by the consumers involved to the information in their credit files maintained by firms engaged in the business of selling personal financial or character data to prospective employers, insurers or to creditors offering consumer types of credit and residential real estate credit, *not* business credit.

IF YOU CANNOT REACH "MR. OAK" ASK FOR "MR. MAHOGANY"

The farther away the consumer gets from dealing with human beings instead of machines, the more likely errors seem to occur in his credit accounts. One large credit card operation made it almost impossible for a customer to talk to or contact an individual who might be able to set a disputed account straight. It did so by sending out its dunning letter in the names of fictitious employes—using what it called "desk names". One such "desk name" I discovered was for "Mr. Oak."

If "Mr. Oak" was not in when you called long distance, apparently you were then supposed to ask for "Mr. Steele" or "Mr. Walnut" or perhaps "Mr. Mahogany." Business should never become so big and impersonal that a complaining customer is reduced to talking only to the company's switchboard operator—or to himself.

In your banks, I hope you will impress upon top management that the pleasant voice of a real person able to straighten out a company mistake or make a dicision is still the most effective advertising and public relations device the bank can have. An intelligent woman, I might add, is better at this assignment than anyone the bank could find. The need for such assistance is particularly important in the consumer credit field, including your bank credit card activities. Don't make your customers write to their Congressmen or Congresswomen to get a $21 account, or even a $210 account, straightened out after a computer, or the person feeding the computer, goofed in debiting one person's item to another person. The intensity of public aggravation over this is so great that we now have pending before us bills to require the computers to tell the truth—or else—in effect making a Federal case out of a department store or credit card billing error.

The consumer has been flexing his muscles—or her muscles—quite a bit lately, and enjoys the consternation this seems to be causing in all circles of business. Congress, of course, is not about to put businessmen in jail for sending out an occasional wrong bill, but *somebody* at the billing end should begin to take the complaints much more seriously than creditors have been doing, and show a bit more humility during the time it takes to straighten out the errors. As consumers keep telling us, they feel their most precious possession—their reputation—is at stake. And they have no patience with those who impugn their good names.

BROAD POWERS GIVEN TO PRESIDENT NIXON

Members of Congress are particularly conscious of people's concern about their reputations right now because, of course, our own political reputations are very much at stake in this bi-ennial period of American campaign bloodletting, when all 435 seats in the House and one-third of those in the Senate are being voted on. If I may be indulged in a few remarks on this matter, I will try to be objective in my comments. They are prompted not by partisan considerations but by the fact that in preparing to meet with you this morning, and thus in thinking about some of the issues which have taken the greater part of the time of Members of the House Committee on Banking and Currency in this Congress, which I thought would be of particular interest to the women in banking, I was struck by the degree of trust a Democratic Congress has placed in a Republican President, and I think the public should be aware of it—as an illustration of the cohesiveness of a political system now being bruised in the campaign oratory.

To help in the fight against inflation, we successfully initiated in the Banking Committee legislation, now on the books, to give the President a power no other President has ever had, to instruct the Federal Reserve Board to impose Federal controls over all forms of credit—business credit, including commercial paper, as well as all forms of consumer and real estate credit. And we also gave him the power between now and next February to control, at levels prevailing last May, any price, any wage, any salary or any rent.

Leaving aside the fact that the President neither asked for nor wanted these far-reaching economic powers, and the fact that many who opposed these grants of authority maintained we were enacting them only to embarrass the President so that we could berate him politically for not using them—which was certainly not my purpose in initiating the credit control legislation—the reality of the situation is that this President now has *more* leeway in making economic decisions than any President ever had before him.

Any power which the Congress extends to a President, Congress can later take away, so there is always a strong check on irresponsibility. But, as in so many areas of Presidential authority—particularly in the use of atomic weapons—the powers of the White House are fateful and awesome ones, and rest on the conviction of the American people and of their Representatives in the Congress that Presidents should either be trustworthy or impeached.

RESTRAINT AND HONESTY IN POLITICAL DEBATES

Thus, at this moment, our lives, our fortunes, our sacred honor, and the prices we can charge or be charged for any luxury or necessity are all in the President's hands—and he should so advise his Vice President.

Some Americans in academic circles, I just read, are presently engaged in drafting a new U.S. Constitution from scratch—a brand new concept of American government; some prominent Members of Congress are trying to amend the one we have in numerous important respects—the Senate is about to debate several proposed amendments; and some Americans want to get rid of the Constitution entirely, or anything like it, and have anarchy. But in the meantime, we have amassed a body of laws which place us literally in the hands of the President of the United States, for good or for ill. I think most of us, including Members of Congress, are willing to do all we can to help and encourage and advise him in doing his job in a manner which will best serve all of us, even though we do not always agree with what he chooses to do.

Our political discussions, therefore, should be and must be directed toward policies which we think are right or wrong, rather than on charges of villainy and treason, or on attempts at character assassination and vengeance. I say this as a Democrat, of course, but I mean it as an American deeply concerned over the renewed trend in this country toward political demonology.

The Democrats in Congress can hardly picture President Nixon as "a fascist demagogue" or his top administrators in the government as "right wing fanatics" without exposing ourselves in turn to public ridicule for *giving* to such an Administration the greatest powers any President has ever had to determine every aspect of our daily lives, including our survival. We have literally placed our trust in the office of President, as well as in God, and we *must* therefore credit the President with wanting to act responsibly. In return the Administration's official family should credit us with similar motives.

There is a multitude of controversial issues which can legitimately be argued in this campaign, and they should be argued as vigorously as possible by those who are running, and by their respective supporters. But there is a duty upon you and upon other informed citizens to demand that the campaigners who seek your votes or your contributions, *do not rewrite* or invent history in discussing those legitimate issues. The biggest responsibility of all rests with the communications industry for assuring truthful, or at least reasonably factual, discussions of the issues, so that an unfair charge or deliberately deceptive claim by or attack on, a candidate is quickly but carefully analyzed by the press

and other media in terms of ascertainable facts.

KEEPING THE RECORD REASONABLY ACCURATE

For instance, I think many of the decisions of the Nixon Administration which fostered record high interest rates and tight money—while perhaps beneficial for the short run for banks—have been disastrous for the people the banks are chartered to serve, that is business and consumers. And in my campaign, I intend to say so.

When Mr. David Rockefeller writes our Committee Chairman that banks would love to do what Mr. Patman suggests, and that is, reduce the prime rate to 6%, and would do so quickly if only Congress would stop inflation, some of us of course take this with a pound, or even a ton of salt. This dispute is, of course, a *legitimate* area of political disagreement. But there should be sufficient facts given in any *political* discussion of such an issue to enable the machinist's wife in Dayton who cannot buy a home, or the businessman paying 14% or 16% or more for necessary loans to keep his business going, to be able to determine *who* did *what* to make rates so high, and *how* we can bring them down. Can we use our influence, in the respective political parties, and in the business community and with the communications industry, to achieve this kind of debate on all of the major issues?

Despite Vice President Agnew's warnings to press and television against "instant analysis" of Presidential speeches or other policy statements, the fact is that the public does need as much analysis and comment and discussion and evaluation as *informed* observers can provide, and they need it as close to the time of the original statement as possible. The key word there is "informed" analysis, and that is not always completely objective nor can it always be completely objective. But it should be fair, and above all, honest. With the expanded space now being devoted by newspapers for letters to the editor and the added time being given by radio for comments from individual citizens on public issues, there is an avenue available to any informed citizen in helping to set the record straight whenever you know false or deceptive "facts" are being given. You don't have to be *"in"* politics to do that—you just have to be aware of the importance to you, and to this entire country, of the machinery of government and of the political process which makes our government possible. Thank you.

A WELL-DESERVED COMMENDATION FOR THE STANLEY H. KAPLAN EDUCATIONAL CENTER

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. PODELL. Mr. Speaker, the importance of higher education in our society is recognized by every Member of this body and by every responsible community leader in the Nation, no matter what his or her political beliefs. It is necessary for more and more of our young people to receive a full college training in order to keep up with the technology of modern living and to deal with the complicated sociological problems which now face us. Fortunately, a college education is now available to many teenagers from lower economic levels who heretofore were unable to continue their education beyond high school.

However, we still have a disturbingly large number of young people who would like to have the opportunity of a complete college education but who cannot qualify for admission to accredited institutions or are forced to drop out after a year or two. In this regard, special commendation is due the Stanley H. Kaplan Educational Center, which is based in the Flatbush section of Brooklyn, N.Y., and has branches throughout the New York metropolitan region. The Kaplan Center, which is now in its 32d year and is the oldest and largest coaching and tutorial institution in New York, has had an unparalleled record of achievement. It has achieved a nationwide reputation, with students coming from every section of the country to enroll at the Brooklyn center. It now boasts an army of over 25,000 "alumni"—physicians, dentists, lawyers, engineers, accountants, architects, teachers, social workers, psychologists, pharmacists—to mention but a few. These professional men and women are making important contributions to our city, State, and Nation. Thousands of letters express their appreciation to Mr. Kaplan for helping them "get started."

The press has praised the Kaplan Center for its excellent record in motivating students to pass the New York State regents' examinations and helping a great many of them to win state scholarships and scholarships to private universities. Newsday's weekend magazine described Mr. Kaplan as a "master tutor whose innovative methods dissolve the psychological blocks that frustrate the underachiever." Seventeen magazine lauded his center for its "unique record of success" in helping students to substantially improve their scores on the Student Achievement Tests—college boards. Often, this improvement has been reflected in SAT scores raised by hundreds of points. The improved scores have prevented students from being consigned to a dead-end in life and helped them find the road to personal and community fulfillment.

The dramatic increases in SAT scores effected through the Kaplan Center are not the outgrowth of cramming sessions but rather result from unique, pioneering programs which sharpen verbal and mathematical skills. Reports from Kaplan "alumni" have shown that improvement in skills is not of the short-term variety but rather is maintained throughout their college life. Thus, the sharpening process of the Kaplan Center helps to prevent the tragedy of dropping out which victimizes so many college students. The Kaplan Center has long recognized that while it is important to help a deserving young person get into college it is even more important to bring his learning capacity up to the point where he can handle college work and is able to realize the full benefits that a college education can provide. A short-lived program which helps a student crash a college admissions barrier but does not prepare him to cope with the requirements for remaining in college perpetrates a cruel injustice on the young man or woman in question.

As a pioneering tutor, Mr. Kaplan was one of the first to recognize that there are many young people who have an excellent potential for learning but who are unable to exploit this potential—for psychological or other reasons—in the milieu of large elementary and high school classrooms. His specialized, personalized methods of coaching which have helped underachievers become true achievers have motivated many centers of learning to reevaluate and improve traditional teaching methods.

In the day of commercialization of educational tutoring it is refreshing to take note of a dedicated teacher who establishes an individual rapport with each of his students. Mr. Kaplan's understanding of students of different generations is evidenced by the fact that many of the young people now being helped by his center are the children of students he coached in an earlier day. The former students send the present students to the center with the request that "you do for my child what you did for me—I can't ask for anything more." There may be a generation gap in certain aspects of our national life but not where the pursuit of knowledge is concerned.

Education is one of the vital keys to solving the ills of mankind. The Kaplan Educational Center has made major contributions to the cause of education for more than three decades. On this occasion of the 32d anniversary of the center, therefore, I offer my congratulations and best wishes for many more years of service to our young people.

THE HOUSING CRISIS HITS MIDDLE AMERICAN FAMILIES

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. WILLIAM D. FORD. Mr. Speaker, our housing crisis under the Nixon administration's economic policies has become so bad that over half the Nation's population cannot buy a house or live in an apartment that is big enough to meet their needs.

The median price of all conventionally built new homes now being offered for sale is about $27,000—yet nearly half of all American families cannot afford more than $15,000. Not only is it becoming close to impossible to find a middle-priced house, housing in all price ranges is becoming scarcer.

Housing starts have declined from 1.9 million in January 1969 to 1.35 in June 1970. The January–June 1970 housing starts are 20 percent below the same period in 1969. Less than 1½ million units were completed during 1969. With an estimated current backlog of 2.6 million units we have fallen more than one-half behind the goals set in the 1968 Housing Act.

With current high interest rates and costs, most families are priced out of the housing market. A $20,000 home today with a 30-year mortgage costs the buyer

$35,000 in interest charges alone. And this is not money that goes to the builder or the worker but to the lender.

An article appearing in the Detroit News on September 7, 1970, shows how one family from Taylor, Mich., was caught in this housing bind. I insert this article in the RECORD because it shows in a personal way what is happening to millions of Americans all across this country under the administration's housing policy:

TAYLOR FAMILY IS CAUGHT IN A HOME-BUYING BIND

(By Kent Middleton)

A Taylor father, Doyle Walker, packages copper tubing from midnight to 8 a.m., six days a week, and pays $154-a-month mortgage installments on a house he and his wife don't like.

If he made less money, he could finance a better house.

The Walker family, like many solid, modest American families, is pinched by inflation and high interest rates.

They are plagued by what they consider a social injustice. They are too well off for federal assistance, but not wealthy enough to take advantage of legal loopholes and exemptions.

With the birth of their only child, Cynthia, in the spring of 1969, the Walkers were cramped in the one-bedroom, upstairs flat they then occupied in River Rouge.

They found a three-bedroom, full-basement house in Dearborn Heights for $17,500 and were prepared to pay $168 a month for it. But they could not qualify for a Federal Housing Administration (FHA) insured mortgage under section 203 of the national housing act.

Walker's $142 weekly gross salary plus $23 a week average overtime, was too low for approval. Generally, under section 203, a family's weekly gross income must at least equal the proposed monthly mortgage payment.

In September, the Walkers investigated a federally assisted mortgage plan for low- and moderate-income families. Under section 235 of the housing act, the government pays part of the interest on a mortgage—depending on family income—for houses costing up to $21,000 in some areas.

With this plan, closing costs, plus the first year's insurance and taxes—often $500 to $1,000—can be incorporated into the mortgage.

But Walker's annual income of $8,600 including overtime, was too high to get mortgage approval under section 235. To qualify for a federally assisted mortgage under the section, a family of three in Wayne County can't earn more than $7,020.

For example, one Detroit family of three with an income of $6,000 is buying a $20,000 house with $208 monthly installments. The family pays $130 per month; the federal government pays the rest.

By the spring of this year, the Walkers felt they had to leave their small flat. Cynthia was getting bigger, and very mobile.

To boost the family income, Mrs. Walker took a job three days a week for $60 at a car auction. They picked a $14,500 house, smaller and more cheaply constructed then they wanted, which was approved for a 30-year mortgage, at 8½ percent interest plus a ½ percent FHA insurance charge, under the regular section of the housing act. The FHA insures the lender that the mortgage will be paid in case the buyer defaults.

Walker's father gave the couple a "gift" to cover the $1,000 closing costs, and the family moved into the two-bedroom home with a deep front lawn, but no basement and a tiny attic. It needed many repairs.

"My income pays for the mortgage and my wife's pays for the repairs," Walker said. In four months of occupancy they have spent $300 to re-tile the bathroom and buy a sink, and $70 to paint the inside of the house. Because it has no insulation, they expect high heating bills this winter.

"We have been thinking about adopting a boy," said Walker, "but I doubt the adoption agency would approve because we wouldn't have a separate room for him."

The Walkers are not pleased with their house, but they are not bitter and say they don't mind working long hours to provide for themselves. They wonder, however, how some people with less means can finance better houses with government assistance, while they couldn't get mortgage approval for a more expensive house which they felt able to afford, even at 9 percent interest.

There is no one reason for the Walkers'—and many other middle Americans'—predicament.

Inflation and increased demand have jumped the cost of housing. The Walkers' poorly finished $14,500 house was built 12 years ago for $7,000.

Tight money policies have forced mortgage interest rates from 5½ percent in 1966 to 8½ percent now.

Housing and Urban Development guidelines for FHA assistance are flexible, but funds are limited and thousands of families are in greater need than the Walkers.

Meanwhile, the next 30 years, they can anticipate paying $154 a month for a house they do not really like because they are too rich for help and, in their words, "too poor to argue."

FAD DIETS AND FOOD MYTHS

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. WOLFF. Mr. Speaker, last week I included in the RECORD statements my colleague from New York (Mr. BIAGGI) and I received at a hearing on fad diets and food myths in New York City on September 8. In addition to those who came to the hearing, we received a number of statements from interested individuals who could not be present. Today I would like to include several of those submitted statements in the RECORD and I shall include the remaining statements tomorrow.

The statements follow:

STATEMENT OF THE FOOD AND DRUG ADMINISTRATION, PUBLIC HEALTH SERVICE, U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Gentlemen: The Food and Drug Administration has many responsibilities and challenges that involve nutrition and the public health. One of the major ones is to control interstate traffic in products falsely promoted through food faddism and nutritional quackery.

The real nutritional advances of the last 25 or 30 years have served as a basis for the growth of food faddism.

After the vitamin theory was developed in the early part of this century, the vitamin D enrichment of milk played a major role in controlling simple rickets; the cereal enrichment program, started in the late 1930's, helped to overcome vitamin and mineral deficiencies that developed in segments of the population during the depression. But the pseudoscientists misapplied worthwhile scientific discoveries, and derived what we now recognize as food faddism. They put crystalline vitamin B_1 at one time or another into almost the entire gamut of commercially produced foods. They put out pills and capsules with increasingly higher concentrations of vitamins until the amounts being furnished were far greater than needed by normal persons. They put minerals in the vitamin pills and the story was repeated. A multiplicity of ingredients was added until the average consumer could hardly expect to make a wise choice when he went to the store for vitamin-mineral capsules. Then, of course, came the door-to-door peddlers who further confused the picture with their extravagant claims for medical benefit.

The Food and Drug Administration has been given specific authority to regulate this area. Section 403(j) of the Federal Food, Drug, and Cosmetic Act states that a food shall be deemed to be misbranded:

"If it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral and other dietary properties as the Secretary determines to be, and by regulations prescribes as necessary in order fully to inform purchasers as to its value for such uses."

The regulations presently in effect were issued in 1941 and with only minor additions have remained unchanged during the past 30 years. Meanwhile, the science of nutrition has made rapid strides, and it became abundantly clear that these old regulations are obsolete by any standards whatever. They were prepared at a time when the promotion of vitamin-mineral supplements was in its infancy, when a scientifically developed program of enrichment of some basic staples, such as flour and bread, was a thing of the future, and when patterns of food distribution and consumption, as well as the incidence of nutritional deficiencies, were far different than today.

During this period and particularly in recent years, there has been a tremendous increase in the distribution of dietary foods caused by an artificially created "need" by misinformed and self-styled "nutritionists" and by some of our major food and drug firms.

There have been many misrepresentations about special dietary foods, particularly for vitamin and/or mineral products which have confused the consumer. Some of the sources of confusion are:

1. Formulation of vitamin-mineral tablets which contain many times the "minimum daily requirement" of the nutrients, designed to appeal to the layman's belief that if a little is good to satisfy his "minimum" daily requirement, then much more than that minimum would be much better for his health.

To the uninitiated, all this carried the message that a product supplying ten times the "minimum daily requirement" was a superior product, even though it was a well-established scientific fact that the particular vitamins involved were water soluble, not stored in the body, and the excess would be promptly excreted as unneeded nutrients.

2. Formulations based on no rational nutritional principles at all, for example, those which might have one-tenth of the minimum daily requirement of an expensive nutrient and ten times the minimum daily requirement of the cheaper ones.

3. So-called "shotgun" preparations, which contain not only all the vitamins and minerals which might possibly play a part in improving the nutritive well-being of the customer, but also all the other nutrients so far discovered, regardless of the fact that there is no evidence whatever to support a belief that they are needed in human nutrition. And to top this off, some formulations contain a secret base of alfalfa or yeast or some dried animal glands, on the theory that this may contain a possible, as yet undiscovered, vitamin or mineral. The formulators apparently have borrowed a leaf from the book of the ancients, who in attempting to appease all the gods erected a separate statue

to each of the known gods, then, fearing they may have overlooked one, erected another statue to the unknown god. Nothing is overlooked. Improvement is promised to eliminate every possible nutritional deficiency, established and unestablished, known and unknown.

Our own out-dated regulations have contributed to the confusion by requiring that nutrients be declared in terms of percentage of the "minimum daily requirement," and that the need in human nutrition for others has not been established.

The classification of vitamin-mineral pills as special dietary foods, rather than as drugs, resulted in the anomalous situation in which all the ingredients of these pills and tablets had to be declared on the label, even the inert ingredients which could not contribute anything of nutritional value. Our drug regulations specifically forbid the declaration of inert ingredients when this may mislead the consumer.

We believe the confusion in the area of special dietary foods is best summarized by a recent survey entitled "Consumer Concepts and Expectations Concerning Vitamin and Mineral Supplements, Fortified Foods, and Foods for Special Diets," which was conducted for FDA. It concluded "we believe that the results of this survey demonstrate that a significant portion of the public generally, despite whatever regulations and laws are now effective, is confused, misinformed, or uniformed as to the value, nature or proper role of vitamin and mineral supplements, fortified foods, and foods for special diets, and that there is substantial need for revision of currently effective standards of identity and informative labeling requirements so as to enable consumers to more intelligently select and use these articles." New regulations providing for the labeling and formulation of foods for special dietary uses were issued in June 1966.

Extensive hearings commencing in May 1968 and recently concluded were held on the regulations and adduced significant evidence and data in this area. The Hearing Examiner is presently preparing a report to the Commissioner of Food and Drugs. The Commissioner will make a tentative decision on the basis of evidence presented at the hearing, consider any exceptions filed, and announce his final decision. This decision is subject to court appeal.

Some of the principal requirements of the new regulations, as amended prior to the opening of the hearing, include the following:

Proposed the use of "Recommended Dietary Allowances" instead of "Minimum Daily Requirement," which terminology has been widely misunderstood and frequently abused. The "Recommended Dietary Allowances" establishes levels for 17 vitamins and minerals for each of four age groups and for pregnant or lactating women.

Proposed the establishment of Definitions and Standards of Identity for vitamin and mineral supplements. The standards would provide that vitamin and mineral supplements supply only those nutrients considered to be important in supplementing the diet and in stipulated quantities that are of nutritional value.

Proposed the fortification of nine additional classes of foods with certain vitamins and minerals to improve their nutritive value.

Proposed the requiring of certain factual labeling of foods intended for special dietary purposes, e.g., for weight control or control of sodium intake.

The public hearing covered such questions as:

Will standards of identity for vitamin and mineral supplements and fortified foods promote honesty and fair dealing in the interest of consumers?

Should such standards limit the nature and quantities of vitamin and mineral nutrients added to these products?

Should there be a restriction on the kinds of foods that may be fortified?

Must the calorie count of a food be reduced at least 50 percent before the product can be represented as being lower in calories?

Hopefully, the evidence adduced at the hearings and the implementation of new regulations based on current scientific information will significantly reduce confusion about special foods and protect the public from nutritional misinformation. The regulations will constitute our primary means of controlling misleading food claims, but we will also continue our regulatory efforts by way of our authority to initiate seizure, prosecution, and injunction.

Over the past several years, there has been an increase in fad diets recommended for various health reasons. Because of the American's increasing consciousness of being slim and trim, predominant among the fad diets have been those recommended for losing weight, for example, the "Drinking Man's Diet," the "Mayo Diet," etc. (the latter, of course, not being approved or endorsed by the reputable Mayo Clinic as would be inferred). Many of these diets, although they may be nutritionally acceptable, mislead the consumer as to their resulting benefits. Weight-loss diets often convey an impression that by following a particular dietary regimen, one will lose weight quickly and easily and will have better health without a need for human motivation built into its use. Minus the motivational factor and the poor palatability of these diets, it is not likely that a person will continue on such a diet for any long period of time. Some of the diets are medically and nutritionally unsound and can be harmful to the user.

The fad diets are most often promoted through books and other forms of literature. The provisions of the Federal Food, Drug, and Cosmetic Act do not give us jurisdiction over books and literature as such. Thus, we are unable to prevent distribution of writings presenting dietary regimens, regardless how unscientific the theory may be. If literature is used for the promotion of a commodity subject to the Act, it can be considered labeling for the article and subject to the Act. In this connection, we have taken action against products and the literature falsely promoting them as part of a fad diet. For example, CDC safflower oil capsules promoted by the one-time best-seller, *Calories Don't Count*, were seized because of false and misleading claims for weight control appearing in the book. Dr. Herman Taller, the book's author, was later convicted in a criminal action on 12 counts of a 49-count indictment. In 1966, quantities of foodstuffs used in Zen Macrobiotic diets, together with promotional books and pamphlets, were seized. While the foods were harmless, they were misleadingly represented by the literature as being effective for preventing and treating more than 80 diseases and conditions when used in Macrobiotic diets. Conditions listed included anemia, arthritis, appendicitis, cancer, cataracts, tuberculosis, and many other diseases. The diets were found to have caused malnutrition and even death from starvation.

Several of the books and literature used in the promotion of dietary fads are distributed via the mails as part of promotional scheme. The Frauds and Mailability Investigations Division of the Post Office Department has the responsibility for investigating these practices.

In 1968, FDA initiated seizure of thyroid-digitalis preparations prescribed for use in weight control and this combination has been removed from the market. FDA believed the use of these products for the sole purpose of weight loss in an obese person was irrational and a threat to health.

Thyroid-digitalis combination drugs were first marketed before 1938, when the Federal Food, Drug, and Cosmetic Act was passed, and thus were exempted from new drug clearance so long as neither the composition nor the labeling was changed. Thus, we have had the burden of proving the drugs misbranded by false or misleading labeling, failure to bear adequate directions for use, or by danger arising out of use under the conditions prescribed, recommended, or suggested in the labeling thereof.

Digitalis is a cardiac drug. Its principal value lies in its use in treatment of congestive heart failure and of certain cardiac arrythmias. Its main property is its ability to increase the force of the pumping action of the heart by increasing the force of the contraction of the heart muscle. The normal heart needs no such support.

Some of the symptoms of digitalis-overdosage are loss of appetite, nausea, vomiting, diarrhea. In addition, digitalis toxicity may simulate or cause congestive heart failure and irregular heart beat.

In addition, diuretics are usually used in heart failure and are frequently used in dietary regimens. This will cause a lowering of potassium levels in the muscle cells of the heart and increase the toxic action of digitalis, creating a vicious circle of problems.

Thyroid is a hormone produced by the thyroid gland and is therefore a normally occurring chemical in the human body. The amounts produced and utilized by a normal person are carefully regulated by a complex interplay of several endocrine glands.

In patients with hypothyroidism, use of thyroid is indicated. However, toxic effects may result when the supply exceeds the normal requirements of the body metabolism. These effects may result from a disease state in which excessive amounts of thyroid are produced by the person or from the administration of a drug dosage form of thyroid hormone. This toxicity is manifested by weight loss, rapid heart beat, high blood pressure, nervousness, insomnia, and other signs. This disease state may produce an overload on the heart and result in heart failure.

A view of the effects of thyroid and digitalis shows the inherent danger of prescribing them alone or in combination for weight reduction.

Thyroid-amphetamine combinations, which have also been found unsuitable for treatment of obesity, are in the process of being removed from the market.

In addition, FDA has taken steps to sharply limit the use of amphetamine drugs which have been widely abused and misused. An order published in the *Federal Register* on August 8, 1970, requires the labeling of such preparation, among other things, to state that amphetamine drugs for obesity be limited to short-term use. The National Academy of Sciences-National Research Council Drug Efficacy Study Group has reported that in obesity the effectiveness of sympathomimetic stimulants as a class (which includes amphetamine drugs) begins to diminish within a short period of time.

It is FDA's position that dietary regimens utilized for medical reasons should be under the directions of physicians.

Protecting consumers from nutritional nonsense is only one side of the coin in viewing FDA's responsibility. We are also actively seeking to improve the nutrition of our country. Although we can't prescribe diets for people or force a change in eating habits, our authority to promulgate standards of identity for foods can have a significant impact.

In the early 1940's, we established the first standard for a vitamin-enriched food—flour and related cereal products. In World War II, after the War Food Administration took the lead in getting the enrichment of bread,

based upon the enriched flour standard, widely adopted through the United States, it was possible for FDA to carry forward that movement by establishing food standards for enriched bread.

Today, any bread that is sold as enriched must contain prescribed quantities of Thiamine (vitamin B_1), Riboflavin (vitamin B_2) Niacin or Niacinamide (vitamin B_3), and Iron.

Other FDA food standards are involved in:

1. The cereal enrichment program, and changes in food distribution and use patterns, virtually eliminated frank nutritional deficiency diseases, scurvy, pellagra, and beri-beri, among the American population.

2. The vitamin D enrichment program for fluid and evaporated milk to prevent rickets.

3. The vitamin A enrichment of margarine.

4. Iodized salt has greatly reduced goiter.

We propose to establish, through the mechanism of the Food and Nutrition Board of the National Academy of Sciences-National Research Council, nutritional guidelines for selected classes of foods. We will have the Board participate in the selection of classes, but tentatively we have in mind formulated main dishes; new foods, such as analogues for meat products, dairy products, and fruit juices; staples that are important in the diet of ethnic groups in which malnutrition has been found through the surveys; and snack foods.

In the selection of the classes we have been guided by the fact that increasing formulation of finished dishes in the factory rather than the kitchen causes the housewife to lose what control she has had over the nutritional properties of the end product. She does not know the proportions of ingredients, and in many instances the ingredients themselves are unfamiliar to her so that the nutrition that she knows, be it formal or folk in nature, is no longer of much help. At the same time, the manufacturer has no guidance in setting up nutritional specifications on his product. In view of the traditional belief of many marketing people that nutrition sells no product and commands no premium, there will be many products on the market in which the nutrition is outside the control of the housewife and outside the interest of the processor. When these foods contribute significantly to the calorie intake, we feel that they should also contribute significantly to overall nutrition.

We do not propose to set formal standards of nutritional quality. If the guidelines are issued, this should be accomplished within a very small number of years, in part, because it will be done on a class basis rather than an individual food basis. We would then expect that commercial pressures would cause processors to make use of the guidelines in formulating and designing their products. If they do so extensively, there will be no reason to consider a mandatory mechanism. The nutritive properties could be achieved either by so controlling formulas and processes that nutrients normally present in the ingredients, as harvested, would be within the guideline values, or, by adding synthetic nutrients in sufficient amounts to accomplish the same purpose.

Obviously, if we are going to be concerned with nutritional quality, we must be certain that such quality improvements are stated in a meaningful and consistent manner on the label. There is an increasing consumer interest in nutritional labeling, but there does not seem to be at present a clear understanding of what would constitute good nutritional labeling or a clear understanding of exactly what the consumer wants. In any event, any effort toward nutritional labeling must be accompanied by an effective program in the media to explain to the consumer exactly what the nutritional label means. Actually, there is some nutritional labeling underway now, and it seems to be growing. It is the function of the Government to promulgate guidelines and/or regulations for nutritional labeling, taking into account the best scientific and professional advice which we would obtain in developing the guidelines for nutritional quality, as well as our own within-Government sources of scientific and medical advice, such as the National Heart and Lung Institute of the National Institutes of Health.

We are now in the process of developing an overall nutritional labeling policy and expect in the not-too-distant future to publish some specific actions pursuant to our new interest in nutritional labeling.

By use of our enforcement powers, FDA will continue to protect consumers from fraudulent promotions and potentially harmful products. New regulations presently in the final stages of administrative procedure will assist in this endeavor and will provide the public with the information to which they are entitled.

These actions coupled with our effort to provide a more nutritious food supply should be of significant assistance in improving the health and well-being of our citizens.

STATEMENT OF MEAD JOHNSON RESEARCH CENTER

Our Company would have little to contribute to these congressional hearings, since we have no interest in and do not manufacture or sell diet pills or fad diets. We market only clinically validated nutritional products, developed on the basis of thorough research and sound nutritional knowledge.

Mead Johnson has played a leading role in research in infant nutrition and in development of a broad spectrum of formulas to support good growth and development in normal infants and those with nutritional-metabolic problems. We have also developed in similar fashion a significant line of nutritional products designed to meet the special dietary needs of children and adults with various problems of absorption and disease.

About 10 years ago Mead Johnson introduced Metrecal, a dietary for weight control which could completely replace one or more of the day's meals or the total diet. The formulation of this nutritionally complete product was based on several years of studies in animals, and its effectiveness, safety and usefulness were thoroughly established and documented by many long-term clinical studies in man. Numerous publications in leading journals have reported the findings in both animals and man. Metrecal is a nutritionally sound and rational product, as shown by the following:

1. Metrecal provides a nutritionally balanced diet, restricted in calories but complete in *all other nutrients essential to man*, as defined by the Recommended Dietary Allowances of the Food and Nutrition Board, National Research Council.

2. Ingredients and nutrient levels which are needed to provide proper nutritional support in a calorically restricted diet for weight loss were first determined by thorough studies in animals, and then critically evaluated in man by leading clinical investigators.

3. Studies in man show that the Metrecal regimen enables obese individuals to lose primarily fat tissue, and not vital protein from their bodies.

4. Metrecal was originally introduced to the physician—and not to the public. Its overwhelming acceptance led to later consumer distribution, but the label still bears a statement counseling individuals to see their physician in regard to guidance in weight control.

5. Metrecal may be used as one or more of the meals in the day's diet and is available in various nutritionally equivalent forms such as liquids, cookies and diet dinners, which permit dieting with a well accepted variety of foods.

6. Metrecal was the pioneer in nutritionally complete foods which can serve as the sole diet for adults. Its formulation has been used as the prototype for the nutritional standards for "meal substitutes" in the FDA's proposed regulations for Foods for Special Dietary Uses.

7. Metrecal provides a better balance of all essential dietary nutrients than one can reasonably put together by purchasing traditional foods for a diet restricted in calories.

This scientifically balanced, nutritionally complete and clinically authenicated food product, namely Metrecal, which permits proper loss of weight, should not be confused with "fad diets." The latter, for the most part, may not be nutritionally sound nor have their metabolic effects been thoroughly studied; they often result in loss of important body protein or in weight loss based primarily on temporary loss of water, salt, etc.

Although we cannot attend your hearing, we concur that the problem of fad diets deserves attention and we trust that the foregoing information may be of some assistance to you. Thank you for giving us the opportunity to comment on this subject.

STATE OF NEW YORK,
DEPARTMENT OF HEALTH,
Albany, N.Y., August 27, 1970.

Fad diets are but one manifestation of the complex problem of nutritional misinformation and deception which often results in medical damage and financial loss. The best defense against these hazards is the informed consumer.

The Subpanel on Deception and Misinformation, of the Panel on Popular Education of the White House Conference on Food, Nutrition and Health summarized the problem and recommended, in part, that immediate steps be taken to expand the information about foods and nutrition that is available to the consumer; that the consumer's right to be heard be encouraged; and, that Federal laws, which are generally adequate to protect the American public from being deceived or misinformed, be given the force, and the agencies that enforce them be given the effectiveness, that the public expects them to have.

Very truly yours,

JOHN H. BROWE, M.D.,
Director, Bureau of Nutrition.

REPORT OF SUBPANEL ON DECEPTION AND MISINFORMATION

A SUMMARY OF THE PROBLEM

No other area of the national health probably is as abused by deception and misinformation as nutrition. Many travesties cheat the public of enormous sums of money, and of good health as well. Yet the American people falsely believe they are well protected, both by Government and by the ethics of commerce.

In many cases, the lie is a promise of extraordinary health value in some special food or system of eating. Scientists agree that the usual American diet is adequate for health. And Federal experts and agencies concur.

In many cases, labels, advertising and packaging imply a quality, quantity or content that is false. Here those who cannot afford poor food choices are especially exploited. The poor, in particular the old, the ill and the least educated, are cruelly victimized as they spend meager food dollars for needless high-priced supplements and "health" foods. Or they are lured by advertising that suggests falsely that certain cheap, widely sold products, because they contain a few added vitamins or minerals, can replace usual foods or even whole meals.

Often, proper medical care is delayed by a mistaken expectation that food can cure or prevent disease. This can be outright

quackery. Or it can be the irresponsible spread of misinformation as in the many specious plans for reducing that are foisted on the 20 percent of our population whose health is threatened by overweight.

The total medical and financial damage is unknown. It must be measured. But even while such measurement is being made, certain defense actions are urgently needed. And they are many years overdue.

The problem is complex. It ranges through the Nation's entire food and marketing system and blends with such fields as publishing and broadcasting. Yet in one view, it is simple, resting with three basic rights of the consumer, long denied:

The right to know.

The right to be heard.

The right to be protected from hidden exploitation.

The following recommendations seek to guarantee these rights, without impinging either on the freedoms of expression or the free competition of the open marketplace. But it is emphasized that this guarantee is not a job for government alone. For each right also implies a responsibility—to know, to voice complaint, and to help protect the rights of fellow citizens. The recommendations also seek to make possible the exercise of these responsibilities.

In general, it may be said that food and nutrition deception and misinformation can be virtually eliminated in the United States at a price that appears to be only a fraction of its annual cost to the Nation today.

RECOMMENDATION NO. 1

In general, Federal laws are adequate to protect the American from being deceived or misinformed. But these laws are not being obeyed or enforced as they should be. Certain bottlenecks must be removed.

Particularly, the involved Federal agencies are handcuffed by certain administrative policies, and by lack of staff, funds and facilities of a relatively minor order. These flaws often result in poor coordination of agencies, wasted effort, weak surveillance and months or years of delay in action, which permit impunity for violators and a constant barrage of deception for consumers.

The following subrecommendations are made to give the laws and the agencies the force and effectiveness that the public expects them to have:

1. At present, the involved Federal regulatory agencies (especially the Post Office, Food and Drug Administration, Federal Trade Commission, Department of Agriculture, etc.) coordinate their work in a very informal manner. Sometimes there is a failure to exchange needed investigative information.

A coordinating body is urgently needed. That body seems already to exist in the Office of Consumer Affairs.

The Office of Consumer Affairs should be charged with coordinating the activities of those agencies that regulate food deception and misinformation. It should hold regular meetings of agency representatives so that these representatives can decide on jurisdiction of questionable cases and complaints. It should follow up investigations and prosecutory actions to make sure they are promptly taken care of. It should have free access to records of the agencies to make certain there are no needless delays of action and no delays in the free exchange of information and expertise. It should channel complaints from Congress, from citizens and other agencies. Above all, it should be charged by the Office of the President with expediting defenses against deception and misinformation and have the full support of that Office. In general, it should serve as a watchdog to report regularly on slowdowns or inefficiencies that might be corrected by better administration, budget additions, executive orders or legislation.

Finally, it should seek to foster cooperation between the agencies and the Department of Justice, which prosecutes the resulting cases, and be alert for any failure of the protective system at this juncture. Sufficient budget must be provided to enable the OCA to perform these functions.

2. All pertinent agencies report that the prosecution of cases involving food and nutrition has been given a low priority. In view of the constant distortion of the public's understanding of nutrition, the great size of the public cheat (as reported by several agencies for at least a decade) and the hazard to the public health, a higher priority for food matters is urgent. It is respectfully suggested that the Office of the President should so state in messages to the appropriate agencies.

Such priority, however, should not be at the expense of other important matters. Additional responsibility should not be assigned without suitable additions to budget. Since the entire Food and Drug Administration budget is now less than 40 cents per capita per year, such additions should not be a burden to the economy. The dollars saved for the consumer should be far greater than the pennies of additional cost for the consumer.

3. The Federal Trade Commission has in recent years done very little to control deceptive and misleading food advertising. It has had neither sufficient staff, nor budget, nor facilities to do very much more than meet its other responsibilities.

It has been recommended by a floor vote of panel participants that the food-advertising responsibilities of the Federal Trade Commission be transferred to the Food and Drug Administration, on the model in which prescription drug-advertising was transferred and for much the same reasons of efficiency and economy. The panel urges that a study of this proposal should be made by an appropriate office of the administration.

4. If No. 3 of this section is not implemented, it is urged that the FTC budget for the control of food advertising deceptions be enlarged, to provide for needed staff and other needed facilities.

5. If No. 3 of this section is not implemented, the Federal Trade Commission should be enabled to act on all pertinent matters affecting interstate commerce. Many studies have shown this need.

6. The Food and Drug Administration, in the course of its work, is sometimes handicapped because it cannot require the appearance of witnesses at administrative hearings.

It is recommended that the FDA be given subpoena power within appropriate limits, as further shall determine; if this power will result in more effective consumer protection, it should be given to them.

7. One of the problems reported by regulatory agencies is their difficulty in obtaining clearance in making consumer type surveys, often a most important intelligence-gathering and evidence-gathering device.

It is therefore urged that the Bureau of the Budget study what can be done to expedite the clearance of such surveys. If present bottlenecks cannot be cleared within the existing Federal Reports Act, it is recommended that the act be amended to this purpose.

8. Under present FTC law, the sole penalty for false and misleading advertising, made without intent to defraud or mislead, is to be forced to desist from such advertising. It is felt that this is not a sufficient deterrent to deceptive promotional practices.

It is recommended that the Congress be asked to consider the institution of other penalties for advertising adjudged by due process of law to be false and misleading, especially if the advertiser has been guilty of past offenses in these matters.

RECOMMENDATION NO. 2

Since the informed consumer is best defended against deception and misinformation, immediate steps should be taken to expand the information about foods and nutrition that is available to the consumer.

The following subrecommendations are made:

1. The Subpanel earnestly calls attention to the recommendations of its main Panel on popular education of the disadvantaged groups, since a general nutrition education program is here presented.

2. The combating of misinformation depends upon the availability of correct information first of all. Yet there is no central repository for nutrition data in the United States.

It is suggested that a nutrition archive or data bank be established similar to that established in the field of tobacco smoking, funded by the Federal Government, and under the supervision of the Department of Health, Education, and Welfare.

Such a center would supply information at levels appropriate to the source of inquiry and the purposes of the inquiry. It would actively seek information and supply bibliographies but need not assemble the actual sources themselves.

3. Because there is not now and probably never will be complete agreement as to fact in nutritional science, there is also need for a source of the best current nutritional opinion. Such a source would aid, for instance, in a Government agency prosecuting a nutrition fraud, a manufacturer preparing an advertisement, or a publisher reviewing a manuscript for publication.

It is recommended that the President call upon all organizations with an interest in nutrition to federate in a National Nutrition Council to be supported by private funds solicited from its members.

Under the Council's aegis, leading nutrition experts could be assembled to discuss nutritional issues and develop by majority some practical decisions about questions of food and health. (An example of such questions is the current cholesterol confusion.) The Council might also maintain a permanent staff to promulgate the currency of opinion. Having such a source would encourage industry, advertising, publishing, and broadcasting to seek factual background for information going to the public.

It is also hoped that such a council could become a forum for the informal exchange of views among scientists, communicators, businessmen, and Government officials to help develop a spirit of cooperation in disseminating nutritional ideas of accuracy and value. It is further hoped that such discussions would foster the improvement or development of codes of ethics of those who spread ideas about nutrition, thus obviating some enforcement effort.

The Council is not seen as a purely national body. Rather it is envisioned as having parallel local groups, comprised of representatives from local organizations. Among its members would be professional and scientific groups, voluntary health agencies and trade organizations, unions, welfare and service groups.

4. Surveys show that food labels still cause confusion in the marketplace. Conformance to the law does not alleviate the problem for two reasons: (1) Not enough information appears on labels to satisfy consumers in all cases; and (2) the language required by law is often meaningless to anyone but an expert.

Food label requirements must be expanded in the light of what the consumer actually needs and wishes to know and couched in language which is meaningless enough so that the consumer may make an intelligent choice in a free marketplace. More specifically:

(a) The Food and Drug Administration, the Agriculture Department, and other Government agencies concerned with labeling should assemble advisory committees of consumers, industry, and the food sciences to develop new principles and methods of labeling which will give real meaning to the information borne by the Nation's foods.

(b) While participants from the general conference who joined the Panel voted for the inclusion of all ingredients on all labels, even including those for which standards of identity have been set, the matter is considered to be a subtle one and should be further studied. However, the principle invoked is recommended to appropriate Government agencies, to wit: That all foods should be labeled in such a way as to reassure the most skeptical consumer that he is not being deceived by omissions.

(c) Similarly, it was voted that the word "imitation" not be removed from food labels. It is understood that Panel III–2 reviewed this subject with far more care and expertise. However, we recommend that our floor vote be considered in any final decision as further evidence of the consumer's wish to know clearly what he is buying and eating.

5. Because many Government actions that bear on the consumer's interest in deception and misinformation are listed only in the Federal Register, and because few citizens are aware of the content of the Register (and fewer still are able to interpret its often technical statements) it is recommended that a Consumer's Federal Register also be published by the Government. This register should explain the actions taken or to be taken in simple lay language, as has been recommended by the Office of Consumer Affairs.

RECOMMENDATION NO. 3

The consumer's right to be heard is often neglected. This is so largely because there is little provision for channeling his voice to the appropriate agency in matters of food and nutrition. Congressmen traditionally have probably been the most conscientious Government group in seeing that complaint and opinion go to the proper recipient and are acted upon. But their staffs cannot be expected to handle the volume of communication.

It is recommended: That since the Office of Consumer Affairs is proposed to be the coordinating body in matters of food and nutrition deception and information, it also be staffed and structured so that it can become known as the best recipient, screener, and director of complaints in this field.

1. One way of hearing the consumer's voice in such matters is to study, on a continuing basis, the nature and extent of deception and misinformation and the reaction of the consumer to it. It is recommended that the Government initiate and support such research in order to learn better what must be done to combat the problem.

2. Often the consumer is not heard because his complaint is best expressed as a legal matter, one which he cannot afford to press. It is recommended that such groups and agencies as legal aid bureaus, defender organizations, and the Office of Economic Opportunity be enlisted for this purpose, using such techniques as class actions and seeking other means of legal relief. Where the law so provides, Government funds should help support such efforts.

The panel has also voted to recommend against any OEO legislation that gives the Governor of the State a veto power over OEO functions in this regard.

3. On the State level, it is recommended that model consumer-aid groups be established similar to the strike forces instituted to combat crime. Such units would concentrate on consumer fraud.

4. Since State and local consumer protective agencies are increasingly in evidence, and are sometimes most familiar with local problems, the field offices of Federal regulatory agencies should be instructed to give all possible cooperation and information. For the consumer is turning more and more to his local consumer protection agency for relief. Such liaison will also open up another excellent source of local intelligence for the regulatory arms of the Federal Government.

5. It is recommended that, before the Food and Drug Administration holds hearings in which the consumer should be heard (for example, hearings on food standards) the agency should seek consumer opinion and advice.

RECOMMENDATION NO. 4

It is strongly urged that the Federal Government constantly search for law and procedures that have not traditionally been thought of as weapons in the war against deception and misinformation, or which lately have been overlooked to some extent. Such a search might be conducted as a research project of the Office of Consumer Affairs.

RECOMMENDATION NO. 5

In accordance with the consumer's right to be protected from hidden deception, the Bureau of Standards' role should not be overlooked. Few citizens realize that problems in weights and measures, for example, are still serious and that new ones arise with each change in industrial practices.

For example, comments from the Bureau indicate that automatic filling equipment often works a serious economic cheat. Milk-carton shortages are common. The charges for prepackaged meat packaging materials are commonly made at the price of expensive meats. In many instances, the cheats are said to deprive the consumer of 3 percent of this purchase. While this sum is not as urgent a matter for the middle-class individual purchaser, it is a serious loss for the poor. And in the aggregate, it nets industry large sums. The panel is informed that good weight-and-measure surveillance would cost only an additional 6 to 8 cents per capita per annum. This sum is small compared to the amount believed to be lost.

True, such problems often lie within the jurisdiction of local agencies. But the Federal Government, perhaps through the cooperation of the Bureau of Standards and the Office of Consumer Affairs, should educate the public to the need and the potential saving, and should cooperate with and encourage local regulatory agencies, to insure that the full pound and the full quart are the rule of the American food market.

RECOMMENDATION NO. 6

It has come to the attention of the Panel that the inspection of foods is not always adequate to justify the public's feeling of trust in what it buys to eat.

It is recommended:

That those systems of inspection under which industry pays the inspector be abolished to avoid undue influence. Also inspectors should be rotated to avoid the pressures of long-term associations with particular plants and processors.

Moreover, the inspection system should always be supplemented with spot-checking to insure the impartiality and efficiency of the inspectors. The cost should be low and the health value high.

COMMENTS OF THE CONSUMER TASK FORCE

Panel IV–4: Popular education (Subpanel on Deception and Misinformation)

A problem does exist in deception and misinformation about food and nutrition by radio, television, and printed media. This area needs attention without endangering our long-established freedom of expression.

STATEMENT OF PET, INC., PRODUCT DEVELOPMENT SERVICES

Webster's New Collegiate Dictionary defines a fad as "a custom, amusement, or the like followed for a time with exaggerated zeal; a craze." With this definition it is obvious that fad diets are neither all bad or all good. Some fad diets are started by well-meaning but ill-informed groups. The diets are promoted as a means of obtaining or retaining good health. The diets may be composed of good foods but sometimes are in improper balance or exclude essential food items. Continued use may result in ill health. An example is cottage cheese and peaches advocated as a reducing diet. Cottage cheese and peaches are both good foods but in combination do not supply all needed nutrients. The diet may be helpful over a short period, but harmful if continued too long.

Nutritionists laugh at and criticize the fad diets promoted by health clubs, back-to-nature groups, etc., but they often start food fads of their own. At the present time nutritionists and physicians are greatly concerned about the relationship of dietary fat and heart disease. Many of the theories linking dietary fat, especially saturated fat, with heart disease have not been conclusively proven. Nevertheless, suggestions have been made that the national diet be changed to exclude or partially exclude saturated fats. Even if the theories linking dietary fat and heart disease are eventually proven, over-zealous promotion may still cause the diets and ideas to be classified fads.

The following is an example of over-zealous promotion. The report (Fatty Acid Composition and Total Lipid of Cream and Cream Substitutes) by Elaine R. Monsen and Lieve Adriaenssens (American Journal of Clinical Nutrition 22:458–463, 1969) has aroused interest in the popular as well as the scientific press. Mention of it was made in Readers Digest for December, 1969, pages 205–206. The article, its corrections, and the reviews all fail to put the use of coffee creamers in proper perspective to total food consumption or daily caloric intake. The dry coffee creamers contain about 35% fat (see correction, American Journal of Clinical Nutrition 23:126, 1970). The fat is largely saturated since this gives the best stability and physical characteristics. When used to whiten and flavor coffee, about a teaspoonful is used. A level teaspoon of creamer contains about 2 grams; a heaped one may contain 5 grams. Thus, 0.70 to 1.75 grams fat would be taken as a serving. If six cups of coffee per day were taken, 4.20 to 10.50 grams of saturated fat would be consumed. Some coffee creamers are served in premeasured portions of about 3 grams. One cup of whitened coffee would contain 1.05 grams fat; six cups would contain 6.30 grams, or 57 calories from saturated fat. Incidentally, the total calorie addition to six cups of coffee would be about 100 calories. On many diets the quantities mentioned would be a very minor part of the total (about 2000 to 3000 calories). Therefore, the consumer should consider quantity as well as type of fat in choosing whether or not to whiten coffee.

Fad diets may be part of our democracy. It will be difficult to eliminate or restrain them by government action. Legislation would not have popular support and would probably fail as did the prohibition of alcoholic beverages. Since some fad diets are at least partially good, perhaps such drastic measures should not be considered. Government support of nutrition education would be helpful in eliminating fads and promoting good balanced nutrition. However, what we say or write may have little influence. Once the consumer is at the table, appetite, flavor, and the laws of supply and demand largely govern what he eats.

STATEMENT OF THE RESEARCH FOUNDATION OF THE WASHINGTON HOSPITAL CENTER

I am Dr. Frederick Wolff, a Professor of Medicine, Director of Research at the Washington Hospital Center, and Head of the Division of Clinical Pharmacology at George Washington University School of Medicine, Washington, D.C. I teach medical students

and physicians, act as a consultant regarding the pharmacology of drugs, supervise physicians doing post-graduate and clinical research of the pharmacology of drugs either singly or in combination with other drugs, and treat patients.

My professional duties require that I be acquainted with current developments in the field of Pharmacology.

I have published approximately 110 articles of scientific literature in recognized medical journals. Virtually all of these articles concern the nature, action, dangers and side-effects of drugs in either the animal research or clinical setting.

One of the very widespread fad diets is associated with the spurious diagnosis of hypoglycemia. This is in most instances a vague condition, unsatisfactorily explained on rational and scientific grounds, and is occasionally associated with a "slight abnormality" of the glucose tolerance curve, particularly a low blood sugar in the fourth and fifth hour after the administration of a standard glucose load.

The symptoms complained of by the patients suggest to the unprejudiced observer that he is dealing with a syndrome found in numerous patients who break down under the demands of stressful and tense modern conditions. This is in fact functional nervous disease, neuroasthenia, a chronic anxiety state.

Unfortunately, the patient's awareness of his illness may become accentuated after he has received material by word of mouth or through certain organizational activities. This material ascribes a multitude of vague and functional symptoms to hypoglycemia. These activities are widespread, and the organizers recommend that readers of the material write to the editors of local newspapers, thus making other potential victims aware of the etiology of their unsatisfactory physical and mental conditions.

These activities and those of our colleagues who support them can be termed no other than mischievous. In the absence of a satisfactory objective and rational explanation for the symptoms of these patients, recourse is taken to promoting, by means of modern advertising techniques, the shotgun administration of adrenal cortical hormones and other unrational therapeutic machinations. In many cases the diagnosis of this "syndrome" and enthusiastic therapy with recommended drugs lead to the omission of proper diagnostic procedures which might be followed to exclude known organic causes, such as islet cell tumor, etc. The physician in charge of such a case, after exhaustive endocrine and internal medical workup, may lack the courage of his conviction to assure the patient that there is no physical cause for his disability and that either a psychiatric consultation is required or a change from his environment or some such simple solution as a prolonged vacation, if possible.

Medical anthology is replete with examples of misleading and nonexisting diagnoses, and it behooves the well-educated rational physician not to fall into the trap of labeling his patients with an imaginary diagnosis and administering prolonged, expensive, and unnecessary treatments.

The occasional patient does seem to benefit symptomatically from some alteration of his diet, including the administration of low carbohydrate and high protein meals. Only exceptional patients genuinely seem to respond to such a regimen, while the majority do not. Occasionally these diets are being given to an extreme, without any real benefit to the patient.

Many fad diets and various pills are being used in an attempt to obtain weight reduction. In extreme cases these fad diets may lead to severe under-nutrition and cause damage to patients. In occasional cases conditions approximating a medical disease known as anorexia nervosa may result which is life-threatening. Of equal, or perhaps greater, importance are the numerous types of diet pills that are being taken for prolonged periods by patients, even though scientific evidence clearly points out that all pills lose their power to produce appetite suppression after between two to three months. Most of these pills are related to the amphetamines, with the marked central stimulant activity as well as peripheral action. The widespread and uncontrolled use of amphetamine, a prescription drug, or similar agents, are fraught with dangers. These have been getting increasing emphasis during the past years. Amphetamine habituation and addiction appears to be quite common throughout the population, and according to published papers is an important contributory cause to mental illness. (Ref. 1, 2)

There is no evidence that the action of amphetamines result through depression of an appetite center. It appears that as a result of stimulation, or giving the patients an exaggerated sense of well-being, their drive towards over-eating is modified or abolished. The very ability to produce euphoria, leads to these drugs being abused, to habituation, and to addiction.

Equally mischievous is the use of other agents in combination with amphetamines like barbiturates, thyroid medication, diuretics, or other combinations for which there is no sound scientific and rational reason.

Two different aspects have to be considered in dealing with some of these problems. One is the black market in dietary fads and pills throughout the country. This can only be dealt with by extensive public education, starting in our schools, going on through colleges and adult education courses. Personnel departments of large industrial concerns, as well as government agencies could do much by sponsoring educational courses, classes or short talks in these fields. Courses in health education is something that is only taught intermittently or not at all in our schools or graduate school system.

It must also be realized that many of the patients who take to appetite suppressing drugs and fad diets commence these activities after being prescribed initial diets and pills by their physicians. I believe that the widespread prescribing of appetite suppressing drugs in the practice of medicine is in part due to shortcomings in our present educational system in medicine and to the overwhelming influence of the advertising methods of the pharmaceutical industry on the prescribing methods of physicians. (Ref. 3, 4)

The unfortunate separation of the science of pharmacology which deals with drugs in animals from the science of clinical medicine which deals with the use of drugs in the treatment of disease in patients, is one of the important factors leading to the present deplorable state of affairs. Attempts are being made in a small number of medical schools to spread the teaching of Pharmacology throughout the curriculum, including it in an increasingly intensive form during the clinical years when there would be greatest need for senior medical students to apply pharmacologic knowledge in the learning process of how to treat human disease and abnormalities. It is through the development of groups of Clinical Pharmacology that at this time attempts are being made in some schools to bridge the gap between Pharmacology and Clinical Medicine.

This development of Clinical Pharmacology is indeed a slow one, and cut-backs in medical education and research during the past three years have done much to reduce the rate of progress. It is equally important that these departments of Clinical Pharmacology should be very much involved in continued teaching at post-graduate courses, lectures, seminars and so on. Just as an airline pilot has to re-qualify himself every few years with the late models of his equipment, so should physicians and surgeons who have human life in their hands all the time, be made aware of the need to keep up to date and refresh their memory by frequent post-graduate courses, in other words be made to re-qualify.

The Food and Drug Administration as well as the Federal Trade Commission are attempting to steer the enormous flood of pills now being thrown at the American physicians into more rational channels, by at least ensuring that the information attached to these pills is accurate and as truthful as it could possibly be made. It is up to the public and its Congress to ensure that they will support these efforts, and understand the problems that the Food and Drug Administration has been having and continues to have. Congressional and watch dog committees, like the Fontaine Committee, and like today's special hearing, do their part in ensuring to keep our government agencies on their toes and inform the public of what is being done or what should be done to protect them against the unscrupulous exploitation of human weaknesses, foibles, and gullibility.

Public and Congressional support, and sufficient funds for a strong Clinical Pharmacology Program sponsored in part by the Food and Drug Administration, and in part by special allocation from the Congress to the National Institutes of Health will assist in combating the abuses of diet fads and diet pills. Only in such a way will we insure an independent strong teaching program in our medical schools and for the arrangements of post-graduate programs in Clinical Pharmacology. In this way today's hearing could make a further contribution to ensure a high quality of medical care and a profitable application of the results of scientific discoveries to our own health, and avoid the public being misled.

(1) Bonhoff, G., & Lewrenz, H.: Ueber Weckamine (Pervitin und Benzedrin). Berlin, J. S. Springer, 1954.

(2) Legge, D., & Steinberg, H.: Brit. J. Pharmacol. (1962), 18, 490–500.

(3) Peterson, O.L., et. al.: "An Analytical Study of North Carolina General Practice 1953–54", J. Med. Education, 31, 12, 2, Dec. '56.

(4) Stolley, P.D.: Prescribing Patterns of Physicians", J. Chron, Dis., 1969, Vol. 22, pp. 395–405.

STATEMENT OF LA LANNE, INC.

As stated in many of my books, "You are what you eat." There is no magic pill that is going to make a person lose weight without the danger of damaging the body and, sometimes, the mind. Starvation diets are also dangerous because the body is not getting balanced nutrition, proper amounts of protein, carbohydrates, fats, fiber, vitamins, and minerals.

It is all based on common sense by first understanding what foods are good and what are bad for the obese and the importance of exercise. It boils down to this—if you desire to lose weight, you must reduce your caloric intake, with special attention to reducing carbohydrates and fats. Choose the most nutritious foods such as whole-grain products, fresh vegetables, fruits, dairy products, lean meats, fowl, and seafood.

You asked what can be done to stop the diet-pill abuse and sale of dietetic products that contain very little food value. I believe that Federal and State Food and Drug Administration should continue to pick up samples of these products, analyze them, and if they are found lacking in proper nutrition, require the manufacturer to prove they are safe and allow the user to lose weight safely.

Thanking you for the invitation, and if I

can be of any help in your cause, please let me know.

FAD DIETS, FOOD MYTHS, AND DIET PILLS

(A statement by Ancel Keys, Ph. D., professor and director of the Division of Physiological Hygiene, School of Public Health, University of Minnesota)

FOOD MYTHS

In all populations and at all times food myths have been prominent. In the United States, many food myths of the countries of ancestry of our population have tended to persist in ethnic enclaves and some have tended to spread to the general population. However, I believe that most food myths would die out were it not for reinforcement.

Not many Americans believe or even remember such myths as the idea that garlic promotes virility, that cherries and milk make a dangerous combination that raw carrots are indigestible, that onions are a "blood tonic," and so on. But firmly believed by many Americans are food myths created or perpetuated by commercial interests. "Everybody needs milk" is a prime example. Football players are firmly persuaded that great quantities of beef and eggs are essential to build strength. Millions of people fill upon citrus juices when they feel a cold coming on. Hordes of youngsters persuade their mothers to buy them "the breakfast of champions."

The damage done by such propagandized food myths is mainly to the pocketbook. For the most part there is no threat to health in following the urging of food advertisers. But the public should be far more protected from unwarranted claims than at present. The FDA, as seems to be more often the case than not, is a negligent protector of the consumer.

FAD DIETS

Fad diets are potentially much more harmful than the kind of food mythology referred to above. Unfortunately the only protection against fad diets is education. When a new diet fad begins there should be some mechanism whereby the public is at once informed about the truth in the matter. In general, the Department of Health, Education and Welfare, and the constituent U.S. Public Health Service, have not taken effective steps to disabuse the public about diet fads as they develop.

Most diet fads concern weight reduction. Unfortunately many fat people accept any new claims about a diet that will make them happily thin. Wishful thinking prevails. But what can government do? Where rank commercialism prevails, as in the case of Dr. Taller's "calories don't count," prosecution can and should be made promptly. But the majority of fad diets are commercially inspired only in the sense that writers of books, newspaper and magazine articles can make a little money out of the royalties. I think there is almost no way that laws can prevent nonsense from being uttered.

DIET PILLS

Diet pills are quite another matter. The biggest business is in vitamin and other drug preparations that are supposed to promote health. For the most part the only objections to the sale and use of such preparations are that they promote a false sense of security in the users, and they waste a great deal of money. People buy vitamin preparations because they believe false claims that they will make them "healthier" and they are impressed by the implications in much propaganda that they will become ill or at least will weaken and age faster unless they regularly take the preparations.

This situation is to be deprecated, of course, and we should like to see much stricter control of advertising of vitamin preparations, but reducing pills raise far more serious questions. And here it would seem that governmental action could be effective. Reducing pills in general are of two types: safe and ineffective or effective but dangerous.

There is a limited place for the use of effective reducing pills but they should be restricted to sale on medical prescription only, their potential dangers should be required to be clearly stated on the label, and prescription renewals should require new prescriptions.

PEOPLE ARE BUILDING CHURCH IN NOWA HUTA, POLAND

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. DERWINSKI. Mr. Speaker, a story in the September 11 New World, the official publication of the Catholic Archdiocese of Chicago, caught my eye telling as it did of the painstaking efforts that the residents of Nowa Huta, Poland, took in erecting a church despite continued roadblocks and opposition of the Communist rulers of Poland. The story is an accurate summary of this event and is a timely reminder of the constant battle that people behind the Iron Curtain wage against their Soviet-imposed rulers, as follows:

PEOPLE ARE BUILDING CHURCH IN NOWA HUTA, POLAND

(By Bruno Bernhardt)

NOWA HUTA, POLAND.—Poland's post-war "model socialist city" near Cracow supposedly had everything a planned community should have except a church.

But a church is rising here now after 12 years of struggle by the city's more than 100,000 inhabitants, only 9% of whom are "unbelievers."

The church, dedicated to Our Lady, Queen of Poland, is a do-it-yourself project.

Churchless Nowa Huta has long been an issue and a classic example of the communist approach in this country to the need for churches.

The old Stalinist-line regime wanted to build a workers' city, a socialist city, in Cracow's suburbs. The idea was to try to make Cracow a real socialist city, because the Cracow areas were considered reactionary.

Of course, a church did not figure in the plans.

In 1956, the year of the "October Spring" in which Stalinism was set aside and Wladyslaw Gomulka came to power as first secretary of the Polish Communist party's central committee, the steel workers of Nowa Huta told Warsaw they wanted a church. They were promised one and a site in the center of the city was earmarked for it.

The townspeople conducted a contest among architects for the new church's design. Funds for erection of the church were collected in the Cracow archdiocese. Prize-winning blueprints for the church called for a structure of contemporary design with a capacity of 5,000 people.

In 1957, the late Archbishop Eugeniusz Baziak, apostolic administrator of Cracow, dedicated a cross at the site for the church—ironically located at the intersection of Marx, Great October (Russian Revolution) and Mayakovsky streets near the People's Theater. Radio Warsaw even announced that construction had begun.

But in 1959 the government revoked its construction permit and announced that a school was to be built instead.

Then violence ensued. In April, 1960, workmen started to dig up the cross. Demonstrators from among employes of the steel mill—Poland's largest—erected barricades across a street leading from the site to the city hall, which was later set on fire. Police used clubs and tear gas to disperse the crowd.

Calm was eventually restored, but there still was no church in Nowa Huta. It remained an ideal "socialist town."

As the Polish communist regime's relations with the Church thawed. Archbishop (now Cardinal) Karol Wojtyla of Cracow conferred with Polish officials in 1965. The discussion centered on providing for the religious needs of Nowa Huta Catholics, and it was indicated that the church would at long last be built.

Stefan Cardinal Wyszynski of Warsaw in the 1960s had publicly accused the Communist regime of breaking promises regarding the building of new churches. He specifically mentioned Nowa Huta in his charges.

At last, on May 18, 1969, Cardinal Wojtyla laid the foundation stone for the new church, which he and the parish priest, Father Joseph Gorzelany, had brought from Rome and which was donated and blessed by Pope Paul VI.

However, parishioners were obliged to begin construction without necessary equipment. They dug the foundations with spades and other hand tools.

Austrian Catholics donated a crane and a cement mixer. Groups of youths from other countries came to work on the church, notably members of the German youth movement Aktion Suhnezeichen (The Sign of Expiation), which had built the Church of Reconciliation at Taize, France. Also English Quakers, groups from The Netherlands, Hungary and France came, in addition to Polish students.

The church is in the form of a small ship, the mast of which is the cross. It is planned for three levels—a crypt with room for 2,000; the main nave, which will accommodate 2,500 to 3,000 persons, with the altar in the center; and an upper nave with a capacity of 2,000.

The activity of the churchless Catholic community here is on a par with large city parishes. Parishioners number some 100,000, mainly young couples who have left the countryside to work in the factories. There are annually about 1,500 Baptisms, 100 funerals and 400 weddings. There are 13,000 children in Sunday schools and 4,000 secondary pupils and students getting organized religious education.

Of the population, 52% go to Mass every Sunday and 38% less regularly.

Eleven priests care for the spiritual needs of the Catholics. All live in Nowa Huta, renting rooms with families and maintaining close contact with the people.

In the past, Mass had to be celebrated in the open air, regardless of weather. Children attending Sunday school are packed in barracks-like sheds.

THE VIEWS OF DR. STEFAN T. POSSONY ON VARIOUS NATIONAL ISSUES

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. ASHBROOK. Mr. Speaker, it is certainly one of the ironies of our time

that an era which places such a heavy accent on education could have spawned such an abundance of beliefs, policies, and values grounded on misinformation or the lack of information, infantile reasoning, and utopian fantasies. From the student, newly awakening to the realities of life, to high Government officials who should know better, the onslaught on basic and time-honored principles mounts daily. The Soviets with their armaments feed the fires of Vietnam and the Mideast, having smothered Czechoslovakia but 2 short years ago, nevertheless the Soviets are mellowing and are no longer a monolithic threat. Some school administrators deemphasize discipline in academic pursuits and individual behavior and wonder why the ROTC office is gutted or the administration facilities are "liberated." Others, clergymen, sociologists, and public officials downgrade the life-giving principle of personal responsibility and just cannot seem to fathom the rise in crime and violence.

One would have thought that with the increasing availability of educational resources a more scientific or reasoned approach to our major problems would be the order of the day. Unfortunately, prudent and balanced judgments appear at present to be more the exception.

Since coming to the United States in 1941, Dr. Stefan T. Possony, presently the director of the international political studies program at the Hoover Institution on War, Revolution, and Peace at Stanford University, has labored relentlessly to instill a degree of realism and scholarship into political, psychological, and military affairs of this Nation on both the national and international levels. Born in Vienna, Austria, in 1913, he earned his Ph. D. at Vienna University and after the Anschluss made his way to Paris and worked for the French Foreign and Air Ministries. In the United States he first joined the Institute for Advanced Studies at Princeton on a Carnegie fellowship. Later he served with the Psychological Warfare Branch, Office of Naval Intelligence, where he headed the German section. In 1952 he served on the faculty of the National War College in Washington, D.C., and in 1955 he became an associate of the Foreign Policy Research Institute at the University of Pennsylvania. In addition he was special adviser to the Assistant Chief of Staff, Intelligence, U.S. Air Force, and a trustee of the American Military Institute. Dr. Possony has taught courses on communism, psychological warfare, geopolitics, political philosophy, and on strategy and revolution in the 20th century. He has written many books on historical and military subjects and is strategy and military affairs editor of the American Security Council, a research and educational association dealing solely with issues affecting our Nation's security. Dr. Possony has also been called upon by various committees of the House and Senate to testify on various aspects of national security.

As there is today no dearth of "specialists" in our midst—those willing to expound on any issue, unencumbered by the facts and uncommitted to logical and prudent judgments—the crying need for scientific and painstaking approaches to today's problems is evident. The following views on Dr. Possony on a number of issues ranging from the conspiratorial nature of communism to various aspects of the Vietnam war provide a sane and realistic appraisal of complex issues of our day. They are herewith inserted in the RECORD at this point:

NOTES ON COMMUNISM AS A CONSPIRACY

(By Stefan T. Possony)

THE SIGNIFICANCE OF THE CONSPIRACY CHARGE

Many political crimes committed by the international communist movement are a matter of public record, and numerous crimes have been confirmed by the communists themselves (e.g. Khrushchev's speech of 1956 and televised executions in China). Hence it can be argued that there is no substantial reason to consider whether or not the communist movement constitutes a conspiracy. The proven offensives are felonies, whereas conspiracy is merely a misdemeanor. Hence the misdemeanor charge could be merged into the felony charges, as it was done by the International Military Tribunal at Nuernberg. Yet the notion that conspiracy should be merged with the resulting major offenses is not generally accepted. Under common law, if there is an indictment for felony, there also could be "conviction for a misdemeanor although the offense charged necessarily included the lesser offense." [1] "Conspiracy is a distinct offense quite apart from the contemplated crime." [2]

There are good reasons to handle the conspiracy charge on its own merit. Group offenses such as conspiracy and the actions flowing therefrom, pose unique and unsurpassed dangers to the United States, to all other countries not presently under communist rule, and to the peoples under communist domination. The threat is that of a long series of crimes against the person, property, morality and decency, as well as against sovereignty. The prevention of these serial group crimes is far more difficult than the prevention of ordinary crime, and it presupposes a clear understanding of whether those crimes are instigated by a conspiracy, or have been occurring because of other reasons.

A verdict to the effect that communism is a conspiracy makes all avowed communists and supporters of the communist cause coresponsible for the crimes committed by communist organizations in the name of communism. This co-responsibility extends to both the crimes against the person and against sovereignty, and it also involves morality.

It is proved and accepted that communism committed crimes. There also are confessions to this effect, notably Khrushchev's speech of February 1956. If it also were accepted that communism is a conspiracy, the finding would essentially be that communism is a *criminal conspiracy*.

An avowed communist defendant accused of co-responsibility for communist crimes could argue that he did not commit the crimes, that he had no criminal intent, that he was not conscious of the inherent criminality of communism but on the contrary, would consider communism to be of benefit to mankind and that, so far as his own consciousness is concerned, the crimes were committed under the guise of communism and, therefore, constituted a crime against communism itself.

The point here is that a theoretical distinction exists between communism as a *criminal* and as a *political* conspiracy. However, as long as there is one *single* communist conspiracy, although it may embrace subconspiracies and secondary or metastatic conspiracies which split off from the original combination, that conspiracy has remained a criminal one, assuming the charge to be proven. Hence those who lack criminal intent must abandon the conspiracy or else accept co-responsibility for the crimes of communism. (See below.) Otherwise their *mens rea* should be presumed.

Still another aspect must be kept in mind: that of an *international* conspiracy. If communism is proved to be an international conspiracy, then communists are international conspirators rather than members of a national political party exercising their political rights; and that party, like similar parties in other countries, is different in type from normal political parties inasmuch as it is part of an international conspiracy, is under the discipline of the leading conspirators, and is an instrument of a group whose purpose is presumably incompatible with the national interest of the United States and other sovereign states. If their international conspiracy is judged to be hostile to the United States and to other independent states, there is, for each party member, a presumption of treason in the sense of "adherence to the enemy" and possibly in the sense of "levying war" (which term includes opposing acts of Congress by force of arms and armed resistance to the draft). Note that in treason cases all parties to a crime are principals.[3]

If every communist is an international conspirator, communist governments also must be regarded as instruments of that conspiracy, and hence cannot be legitimate or lawful in any state, including the USSR. Otherwise an usurpatory regime pursuing the objectives of a conspiracy lodged outside the state and not approved by, or even known to, citizens and electorates would be legitimate: this would violate the concept of the sovereignty of the people which is upheld, albeit implicitly, in articles 1 and 3 of the USSR Constitution.

DEFINITIONS

Conspiracy is a combination between persons, or a partnership, to accomplish a criminal or unlawful act, or to do a lawful act by criminal or unlawful means. It is the result of an agreement "rather than the agreement itself", according to the Justice Holmes. Furthermore, to quote Holmes again, "the partnership may endure as one and the same partnership for years". Those who have knowledge of the existence of the combination and who aid and assist it are making themselves parties thereto. In addition they may be guilty of misprison (unlawful nondisclosure).

COMBINATION

A. Ideology. With these definitions in mind, I would contend that the "combination" is produced by the communist ideology. The type of "combination" under debate is, to quote Justice Jackson, "always 'predominantly mental in composition' because it consists primarily of a meeting of minds and an intent." [4]

The notion that a doctrine can be considered as one of the key elements of a common plan or conspiracy, i.e. a "combination" finds a precedent in the Nurenberg indictment, which regarded the nazi doctrine and its dissemination as a tool to secure the highest degree of control over the German community.[5]

Footnotes at end of article.

The communist ideology is a body of thought or belief which proclaims that:

1. The existing social system or "capitalism" will inevitably become unworkable;

2. This system deprives the workers of their rights and the longer it endures will inflict increasing harm on them;

3. This system must be overthrown by "class struggle" in which all and any practical means must be used, including force and violence, which terms in turn include armed uprising and war;

4. After the communists seized political power by whatever means, they must establish a dictatorship of the proletariat to institute a new "social order", their dictatorship to be unrestricted by any laws;

5. The capitalist system must be destroyed worldwide, the "capitalist class" must be "liquidated" everywhere, and the dictatorship must be implanted in all countries;

6. The goal of the entire operation is to establish a "classless society" and to allow the "state" to wither away.

Each communist party explicitly accepts the ideology summarized above as the rationale of all its activities.

To establish the role of ideology and its precise message in all communist organizations it is sufficient to point to the role which the works of Marx, Engels, Lenin, Stalin and Mao Tse-tung (plus lesser and later communist theoreticians) play in their transactions. The specific works from which the above summary was distilled are: Marx, *The Communist Manifesto* and *Das Kapital;* Lenin, *What is to be Done? State and Revolution,* and *Left Radicalism;* Stalin, *Problems of Leninism* and *The Colonial Question;* and *Quotations from Chairman Mao Tse-tung.*[6] Due to "de-Stalinization" and the "split" between Mao and Moscow, the works of Stalin and Mao no longer are distributed by Moscow-oriented parties. But it can be safely said that all organizations which are distributing Marx, Engels and especially Lenin as their main basic literature belong to the system of parties connected with moscow, while those which *in addition* distribute Mao and, to a lesser extent, Stalin and Ho Chi Minh belong to Peking's present system.

Communist parties explicitly accept the ideology in key party statements. Individual party members are customarily expelled if they deviate from the ideology as interpreted, at any given time, by the leadership of the party. ("Fellow Travellers" accept only parts of the ideology and must be regarded as "partial communists").

The communist ideology *per se* which is addressed to social and class matters is paralleled by a far less open doctrine bearing on national and ethnic problems. The communists, within the ideological context discussed above, claim to be internationalists in the sense that the fulfillment of communism will end national conflicts, that national boundaries will become meaningless, that a world state will come into existence and, ultimately, that nations and even languages will "merge." In the meantime, all peoples can exercise their right of self-determination. (Note that in communist semantics the word "people" means that a given ethnic group is under direct or indirect communist control.)

In implementation of this right, Article 17 of the USSR constitution provides to each Union Republic "the right freely to secede from the USSR." In reality, this right is nullified by Article 126 which says that the CPSU is "the leading core of all organizations of the working people, both public and state." The CPSU is centralistic, not federal, it runs every Union Republic, and it is opposed to secession. No procedures exist to implement Article 17. The USSR is run, not as a "federal state, formed on the basis of a voluntary union of equal soviet socialist republics," as claimed in Article 13 of the Constitution, but as a centralist state from Moscow. Within that centralist state the Great Russians, through the CPSU, exercise effective control and carry out a program of systematic Russification. Any work toward secession is regarded as treason.

The significance is that through military and revolutionary conflict various nations, now incorporated under false pretenses within the USSR, have been deprived of their sovereignty and independence; and that there exists an "empire" which is carrying on with the traditions of the old empire of the tsars. The present empire dominates, through the communist parties, the states of Eastern Europe, and other areas which are under direct or indirect CP rule, though methods, extent, and effectiveness of that domination may vary.

Thus, the "dictatorship of the proletariat" *also* is an imperial structure and the communist ideology is used as a tool for empire-building, i.e. as an instrument of oppressing entire nations. This dictatorship is holding together a group of *captive nations.*

With respect to the "national question," the communist doctrine is particularly deceptive (See Lenin's writings on self-determination, Stalin's *The National Question,* the USSR Constitution, and Milovan Djilas; *Lenin on Relations Between Socialist States,* New York, Yugoslav Information Center, 1950.) The stark reality of national oppression is not explicitly based on the communist ideology, nor is it justified by it. However, it has been adumbrated in soviet semantics since the mid-1920's, e.g. by references to the Great Russians as the "elder brothers" or the "vanguard" of the "socialist nations." It is unnecessary to investigate whether the communist conspiracy *sensu proprio* utilizes Russian imperialism as its tool or whether there is a Russian imperialist conspiracy using communism as its instrument. The essential point is that the communist ideology is intimately tied to a Russian imperialistic concept and mentality.

Note that the Nuernberg indictment charged similar doctrinal points concerning ethnic dominance and dictatorship: "That persons of so-called 'German blood' (as specified by the Nazi conspirators) were a 'master race' and were accordingly entitled to subjugate, dominate or exterminate other 'races' and peoples." And: "That the German people should be ruled under the *Fuehrerprinzip*".[7] According to the explanations given in the indictment, this principle quite obviously overlaps with the communist concept and practice of dictatorship.

B. Party. The Nuernberg indictment described the nazi party, "together with certain of its subsidiary organizations", as the "instrument of cohesion" and "an instrument for the carrying out the arms and purposes of their conspiracy" (i.e. the conspiracy of the indicted nazis). The "leadership of the nazi party, as the sole bearer of the . . . doctrines of the nazi party, was entitled to shape the structure, policies and practices of the German state and all related institution, to direct and supervise the activities of all individuals within the state and to destroy all opponents." [8]

Those formulations are fully applicable to the system of communist parties. The CP is deemed to have the highest insight, is held to be entitled to run all the states, institutions and individuals over which it established control, and proclaims its authority to subdue all opposition. However, the parties themselves are the instruments for the implementation of the aims and purposes of the communist leadership.

C. Party Leadership. Although party statutes envisage election of the party leaders by the party congress, in actuality the participants of congresses and the members of the Central Committee are appointed by the Political Bureau and the Secretariat which constitute the true leadership of the party. Of the two the Secretariat is the more important and constitutes the real "sovereign power in the party".[9] Within the Secretariat, the "First Secretary" or the "General Secretary" is the primary personage who could be called "Fuehrer". (The Russian term "vozhd" has this exact meaning and was applied to Stalin.) In no known instance have party leaders assumed and maintained the top leadership positions by virtue of properly conducted elections as prescribed by party statutes. Yet all lower party members must submit "to all the ordinances of the party".[10]

D. Common objectives and methods of conspiracy. Such common objectives and methods were described in the Nuernberg indictment to prove the existence of a nazi conspiracy. The communist parties also have common objectives and methods, notably the overthrow of the "world capitalist system" and the expansion of the "world socialist system", by means of psycho-political warfare, and force and violence.

To compare: The methods used by the nazis were listed by the indictment as follows:

1. Preparation for the "acquisition of control of state machinery"; acquisition of such control (the communist nomenclature is: "seizure of power"), and suspension of constitutional rights; consolidation of control, transformation of the state apparatus into administrative organs of the conspiracy, suppression of opposition and resistance by unlawful decrees, terror, and extermination; and placing the conquered state on a "military footing".[11]

2. Utilization of methods of psycho-political warfare, notably "fraud, deceit, threats, intimidation, fifth-column activities and propaganda", to expand the rule of the nazi conspiracy abroad.

3. When the resistance to such expansion could not be broken by the methods listed under 2., above, "the nazi conspirators deliberately planned, determined upon and launched . . . aggressive wars and wars in violation of international treaties, agreements and assurances." [12]

These methods also describe, broadly speaking, the methods applied by the communists. (See below.)

It is necessary to stress that for a time the communists adhered to the nazi conspiracy without, of course, embracing the nazi ideology. This adherence took the form of

1. Parallel voting by the German CP and the nazi party in the Reichstag and the various German diets before Hilter's ascension to power in 1933. Those votes were the main instrument through which the German republic was destroyed.

2. The so-called non-aggression pact between nazi Germany and the USSR in August 1939. This pact was a pact of joint aggression and divided Eastern Europe between the signatories. It also gave Hitler a free hand in waging war against Poland. The nazi aggression against Poland initiated world war II.

3. The pact of Paris, 1929, broken by the Nazis, also was broken by the communists. The nazis broke various treaties when they attacked Poland; parallel treaties were broken by the USSR when it seized eastern Poland (which it still is holding).

The purpose of this temporary communist adherence to the nazi conspiracy was (a) to expand communist territorial rule, (b) to increase communist power, (c) to provoke a war between Central and Western Europe for the purpose of weakening the world capitalist system and advancing the communist cause, world-wide.[13]

Footnotes at end of article.

To sum up: That communists have combined in a conspiracy is evidenced by "unity of design and purpose", notably a common ideology, a party organization, a ruling party leadership exercising dictatorial-disciplinary control, the common objective of establishing communist regimes, and common methods of operations. This conspiracy has many points of resemblance with the nazi conspiracy, and the two conspiracies were temporarily coordinated.

AGREEMENT

To prove a conspiracy, it is not necessary to show that a "formal agreement" exists between the conspirators.[14] However, the *Conditions for Admission* adopted by the Second Congress of the Communist International in 1920 do constitute such an agreement which, for that matter, explicitly envisages the perpetration of unlawful acts. Point 3 of this document stipulates that communists "everywhere" should create "a parellel illegal apparatus", which "in every way possible" should assist the revolution. It also states that wherever the communists are unable to carry on their work lawfully, "a combination of lawful and unlawful work is absolutely necessary". Such a combination is characteristic of all communist parties which ever operated anywhere.

The agreement of 1920 was enlarged by subsequent congresses, notably the Sixth and Seventh Congresses of 1928 and 1935 which laid out the general design for international strategy, i.e. a concept of operations best summarized under the (non-communist) heading of psycho-political warfare and war.

The specific communist doctrine on war can only in part be deduced from the Comentern documents, especially the products of the Sixth Congress. The communist doctrine on war can be summarized by saying that (a) the communists regard war as ultimately necessary to accomplish their goals, (b) that they prefer however, if those goals can be achieved *sans* war, (c) that psycho-political warfare should be conducted to facilitate and, hopefully, to avoid war, and (d) that war is required to "create" revolutionary situations" but must not be fought by the communists or the USSR; such revolution-producing war could be fought by communist or nationalist proxies, or by "capitalists" against "capitalist." Communist parties are acting in accordance with this outline concept, and are particularly eager to provoke their enemies one against the other.

These "agreements" incorporated by Comintern resolutions were buttressed by the obligation put upon all communists to act as "internationalists." This meant that every communist must recognize the leading role of the USSR and the CPSU is the "struggle against imperialism," assume the duty to support the USSR to the best of this ability,[15] and in case of war side with the USSR against his own country.

The Comintern was dissolved in 1943. Hence the validity of the old agreements may be disputed. However, when the Comintern was dis-established, it was stated that this organization had become organizationally obsolete and that communist coordination was henceforth to be achieved by more up-to-date and effective organizational means.

The Comintern was just another organization. It was *not* the hub of the conspiracy but merely its forum and liaison agency. The purposes for the accomplishment of which the Comintern agreements were concluded and constituted a primary step never were repudiated. The "International Communist Movement", as it is called by the communists, itself, was the reality before 1943 and has remained the reality ever since. This continuing reality is demonstrated, *inter alia*, by the following:

1. The participation by foreign communist parties in congresses of the CPSU. In part, those congresses have replaced the old Comintern congresses. The CPSU is responsible, after consultation, for convening meetings of representatives of communist parties.[16] Those meetings, i.e. international meetings of the various CP's outside the framework of a CPSU congress, have assumed the remaining functions formerly discharged by Comintern congresses. Those are the meetings which define the "general line." (See below.)

2. In his speech of January 6, 1961, Khrushchev explained that the CPSU proposed to the 1960 international communist conference "its viewpoint concerning the wording that the Soviet Union is at the head of the socialist camp and that the CPSU is at the head of the communist movement . . . The CPSU delegation proposed that the . . . wording should not be included in the statement or other documents of the communist movement."[17] The point is that this wording reflects the true state of affairs which the communists are interested in concealing.

3. From time to time the communist parties of the world, or at least a vast majority of those, hold joint conferences and issue statements to which they explicitly adhere and which may be regarded as follow-on or up-dated agreements. Thus, the declaration of the 1957 *Moscow Meeting of Communist and Workers Parties*, which was basing itself on Marxism-Leninism, "is the common program of the international communist movement. Every fraternal party has proclaimed its acceptance of this program."[18] Those statements usually include specific reference to the international movement's continuing unity of design and purpose. This system was authoritively explained by Leonid Brezhnev addressing the Twenty-third Congress of the CPSU on March 29, 1966, in the third chapter of his speech.[19] The deliberations, and decisions of that Congress still are binding early in 1968, together with the older "general line," and the traditional practice still is adhered to.

To illustrate: on March 6, 1968, the AP carried a story about the Soviet-Rumanian dispute concerning a "Soviet bloc summit meeting." It reported that the just concluded Budapest meeting of "world communist parties" had ended with a "compromise agreement" to the effect a world communist conference would be held in Moscow by the end of the year, and be "limited to forming a declaration 'condemning the anti-imperialist forces' and expressing solidarity in support of the communists in Vietnam." The only change, if any, is that the role of consultation has been upgraded and compliance with Kremlin wishes is less automatic and unanimous; compliance still is by overwhelming majority.

4. The fraternal parties adhere to a "general line" which defines that unity of design and purpose to which all parties have agreed and which all are obligated to uphold. Brezhnev put it this way: "The CPSU will work steadfastedly for stronger international unity . . . in accordance with the line worked out collectively by the world communist movement." And: "Our party will continue to promote the line for joint action by the communist parties of the world."

At the same time, the concept of "general line" denotes the possibility that in one or the other point a particular party may employ means which differ from the means used by other parties. The procedure was defined in January 1963: "The communist parties do not have rules for all, but they do have the decisions of the Moscow meetings, which are common and binding for all of them."[20] There is, however, no deviation, let alone abandonment, of the *ends* of communism. Like the general line itself, the disputer deal merely with questions of application and strategy.[21] (Tactics usually are not subject to a general line. The greater diversity or flexibility observed since Stalin's death is largely to be found in the areas of tactics and locally significant activities.)

In addition to formal international *party* meetings and published compacts or "declarations" defining the general line—which undoubtedly are complemented by far more specific secret agreements—the activities of the communist *states* are coordinated through diplomatic means. The activities of all communist organizations, whether state or party, also are coordinated by mutual *party* representations, and propaganda "lines" and slogans formally issued from Moscow. (Sometimes there are differences of a minor nature.)

The overall finding is: According to legal theory, a partnership may endure without the renewal of the original agreement. However, the original agreement of 1920 was renewed through subsequent agreements, in particular those defining and re-defining the "general line" of the international communist movement.

CONTINUITY

The continuity of the communist movement is a matter of open record and can be traced step-by-step through historical analysis. In structure and behavior, the communist parties still follow the general rules laid down in 1920. This can be demonstrated from the successive structures of all parties as well as by the large measure of parallelism displayed by communist organizations and policies, and by the similarities of "debates" about the general line, party interpretations, timing of modifications, and modes of ideological observance and political action. The international communist movement has been continuous since 1917.

TYPE OF CONSPIRACY

a. *Singleness or Multiplicity.* The question must be raised whether we are dealing with a single world-wide conspiracy, whether there are several communist international conspiracies, whether there are sub-conspiracies within the world-movement (for example, espionage conspiracies), and whether each particular communist party is in effect a particular conspiracy of its own, albeit connected with other CP conspiracies and with a superordinated world conspiracy.

In the present content, there is no reason to go beyond determination of the existence of a super-ordinated world conspiracy, unless a specific finding is to be made about any *specific* party. However, the question has been asked whether the world conspiracy does, in fact, survive or whether it has been "fractured". The aforequoted AP story, for example, shows divergencies between various communist parties, some of whom, notably the Chinese party, did not participate in the Budapest meeting. Since this was a conference rather than a congress (perhaps not even a conference in the formal sense), and since negotiations about the future congress are continuing, non-participation has little legal meaning. The important fact is that, so far, *none* of the dissident parties has repudiated the "general line" of 1960 in an unambiguous manner.

Disagreements among conspirators and arguments about redrafting the "agreement" are normal occurences and do not signify that a pre-existing conspiracy was dissolved. They would be meaningful if ultimately *no* new agreement can be drawn or the old agreement is abandoned *de jure* or *de facto*, in which case the conspiracy would either cease or be re-constituted in a different form. Despite various and sometimes vociferous disputes the overwhelming number of communist parties continue in full agreement with one another. Therefore, even as-

Footnotes at end of article.

suming that, let us say, the communist parties of Yugoslavia, China, Rumania, and Cuba quit the single world conspiracy, that conspiracy would continue, albeit with a reduced membership.

Each dissident party might establish a conspiracy of its own or several dissident parties may combine in a new joint conspiracy. There are ample indications that the parties of China and Cuba have been setting up supplementary *international* conspiracies of their own, which are more active than the original conspiracy from which they sprang. North Vietnam has remained a member in good standing of the international communist movement, and it is tied *both* to the USSR and China, who have been quarrelling. Moreover, it has its own apparatus, i.e. a sub-conspiracy of its own. The operational apparati are conspiratorial in nature.

There no longer seems to be one *single* communist conspiracy, but the soviet-oriented and the China-oriented parties each form an international conspiracy, and it might be legitimate to assume the existence of a North Vietnamese and a Cuban sub-conspiracy; but the sub-conspiracies remain linked to the two main conspiracies. No dissident party has repudiated the ends of communism. The dissidents merely deviate with respect to *some* of the means. This is true even of Tito and his Union of Communists. The soviet and the Maoist conspiracies are engaged in a major power struggle, perhaps a life and death struggle, and they may or may not reconcile.

There are, therefore, several CP conspiracies, but there is the chief conspiracy dominated by the CPSU, which also is exerting preponderant influence over the Cuban and North Vietnamese conspiracies. The Maoist undertaking is, for the time being, best regarded as a conspiracy of its own.

There are many communist splinter groups which may be tied to the ideology that is dominant in the conspiracy but which have not entered into partnership with the conspiratorial combination. Some of those groups are secretly controlled by members of the conspiracy, others are plainly hostile. The overlap between "communists" and "global conspiracy" is by no means complete.

b. *Open or Secret Conspiracies.* In a recent book on secret societies, it is stated that a certain type of political organization cannot exist without secrecy because it would "either be destroyed by its enemies, or be unable to perform its allotted role, or simply fail to hold its members."[22] The writer distinguished between four main types of political associations graded according to different degrees of secrecy: the open, the limited, the private and the secret group.

"An open group is one to which anyone may belong; it has no secrets from its members or from outsiders. A limited group selects it members according to particular rules of objectives, but does not mind outsiders knowing its business. A private group is much more exclusive. Its membership is restricted, its affairs are not usually published, and some of its activities may be kept secret. A secret society, on the other hand, is organized around the principles of elusiveness and secrecy. It places very strict limitations on recruitment and will often go to great length to screen its activities from the public gaze."[23]

This particular book covers a considerable number of historical secret societies, including the Assassins, the Knights Templar, the Rosicrucians, the Freemasons, nationalist secret societies, Chinese secret societies, the Mau Mau, the Mafia and the Ku Klux Klan, but neither the nazis nor the communists (who are mostly referred to as bolsheviks) are treated except in passing.

About the nazis it is said that they "appealed as an open nationalist group to the dark springs of anti-semitism and Aryan superiority. Though the leaders were known, their conspiracy to take over the state remained secret."[24] This description is incorrect—the plan to take over the state was fully known—and it covers considerably less than the evidence presented at Nuernberg disclosed. The bolsheviks are listed as a political secret society like the Carbonari[25] and they are discussed, very briefly, in the chapter devoted to nationalist secret societies. It is asserted:[26] "The bolsheviks were the most successful national secret society of all time, despite their claim to represent the working classes everywhere." It is added that the bolsheviks "were Russians before they were internationalists" and that they "gave up international for national strength." It cannot be said that these descriptions are very accurate either. Moreover, if the classification cited above is correct, it is not apparent under which group the communists would fall, nor is it explained why the communists are regarded as a "secret society".

The authors' difficulty is easy to understand: The communists are an *open conspiracy* in the sense that anyone who accepts the communist ideology and is willing to accept party discipline may become a party member. There are no real exclusivity rules on membership. However, this open conspiracy incorporates secret conspiracies and it withholds a considerable number of secrets "from its members" and "from outsiders", in part because it desires to hold and enlarge its membership. The *Conditions for Admission* of 1920, quoted before, clearly impose on all communist parties the obligation to engage both in legal and illegal activities, and the latter, necessarily, must be covered by secrecy. Hence the CP is *both* an open and a secret group, and it is also a limited group because the party's inner core is carefully selected; the leadership group which recruits its members by co-option may be regarded as a private group. Thus, the CP is a "mix" of the four types of associations.

Secrecy means that evidence about the true designs, purposes and methods of a group is hard to obtain and may not be conclusive until all plans have been put in motion, or until the secrets are disclosed by those who abandon the conspiracy, or until a discovery occurs of the conspiracy's written records.

A huge amount of evidence is available about the secret operations of the communist parties. However, it is not necessary to use this particular type of information: the chief characteristic of the international communist movement is that it is operating as *an open conspiracy*. There may be arguments as to whether the sum total of their plans have been disclosed, but there is no doubt that we know enough about these plans to understand their significance. The same point can be made with respect to party structure, the "agreements" linking the various parties and party organizations, and communist methods, strategies and tactics. That which is known about communism in all its aspects is readily available in documents and literature published by the communists themselves and can be learned from and be confirmed by the historical record.

The facts which are known publicly are sufficient to state that communism, as an open conspiracy, aims at subjugating all nations and states on the globe, and in order to reach this objective will use all and any means, including unlawful ones.

If all the relevant facts concerning the secret communist conspiracies could be proven before a court of law, they would teach us additional details and provide a deeper insight into the true character of the communist conspiracy. But such additional knowledge would not significantly alter the basic pattern that emerges if communism is treated merely as an open conspiracy.

The Charter on the basis of which the Nuernberg trial was conducted "adopted the principle that the Tribunal should admit any evidence which is deemed to have probative value and should not be bound by technical rules of evidence."[27] This rule was adopted because there was no reason "to insist upon jury rules for a trial where no jury would be used", and because "it enabled both prosecution and defense to select their evidence on the basis of what it was worth of proof rather than whether it complied with some technical requirement."

Another difficulty which was not avowed in this context was that it is very difficult to probe into the secrets of a strongly disciplined and well-organized conspiracy which possesses major resources of concealment. This difficulty persists even if, as was the case at Nuernberg, a large number of the conspiracy's top secret documents are available and can be validated.

In the absence of extensive secret documentary proof, the evidence called from the open literature and the historical record must be considered to be the best evidence available. Accordingly, a finding that communism, indeed, is a conspiracy should be derived from that best evidence. If that evidence has strong probative value, communism would have to be declared an open conspiracy. However, such a verdict should *not* imply a finding that the communist conspiracy is entirely and exclusively open and does not embrace secret sub-conspiracies.

CONSPIRACY IS UNLAWFUL

The rule is that an indictment for conspiracy must show either unlawful purpose or intent to effect a lawful purpose by unlawful means. It is *not* necessary to show that *both* the ends and the means are unlawful. This is important because an argument that the ends of communism are unlawful necessarily involves philosophical and theoretical considerations. By contrast, an argument about the unlawfulness of the means can be based on positive law as it exists in *all* countries.

Conspiracy involves unlawful, not merely criminal means and ends, but the term "unlawful" embraces all criminal actions. Such actions as sabotage, terrorism, espionage, and treason are clearly criminal activities. In legal practice combinations have been held to be "punishable . . . when they were formed to ruin the business of another", to defame and disgrace persons, to make false representations in order to induce persons to engage in unlawful activities, "to coerce the dismissal and resignation of policemen by unwarranted harrassment, false charges and unjustified intimidation by . . . superior officers", to make false and malicious charges, to obstruct justice, etc.[28] Virtually all types of "moral turpitude", offenses against the public peace, offenses affecting sovereignty and the administration of governmental functions, false pretenses, forgery etc., could be involved, and these offenses would be commited in furtherance of the ends of the conspiracy. Certainly, unlawful killings, especially mass killings but also false arrests (for example in concentration camps) are "unlawful".

Communist criminal activity is systematically abetted by party members engaged in propaganda and arguing for the merits of communism. Sometimes attempts are made to justify crimes on the grounds of necessity—the argument usually presupposes the necessity of revolution which is assumed a priori. The American courts have held that a conspiracy to destroy the government by force justifies conviction despite any freedom of speech claims by co-conspirators specializing in propaganda, because "the teachings may result in a violent attempt to overthrow the government."[29] Although technically this argument applies merely to

Footnotes at end of article.

CP activities within free countries, it involves the principle that a propagandist of a criminal conspiracy is co-responsible for the crimes committed by the combination. Put differently, such propaganda is unlawful or should so be held even under a regime fully upholding freedom of speech. Speech is free as long as it is speech but it is not free as an element of violence.

The crimes committed by the communists inside the communist states are unlawful, according to the local codes. That pseudo-legal procedures and provisions have been used as an instrument of terror is implicitly admitted by the reform measures introduced in the penal codes of the USSR (the 15 Union Republics have their own codes since 1960–1961), and by various amnesties since 1953. The soviet codes still have provisions for corrective labor or "re-education" camps, and for banishment. There are even "work colonies" for minors. The precise current regulations for these unlawful penal institutions promulgated, for example, in *Vedomosti Verkhnogo Sovyeta RSFSR*, 1961, No. 27, p. 556, and 1963, No. 28, p. 391ff, have not been disclosed except in summary form.[30]

There is no persuasive evidence that the old criminal practices, with or without abuse of "socialist legality" have been abandoned. Moreover, the crimes committed before 1953 are still being abetted by the government and no prosecutions were instituted to punish Stalin's partners in crime. The "rehabilitation" of innocent victims did not extend to certain groups of party members (e.g. Trotsky), let alone to the innocent victims of party terrorism, class "liquidations," artificial famine, and genocide. Even if it were alleged that Stalin's criminal conspiracy ended with Stalin's death, the conspiracy continues to protect Stalin's partners and to conceal the crimes perpetrated by them. In brief, the unlawful activity is continuing to this day.

WARS OF AGGRESSION

With respect to states under communist domination, the indictment charged conspiracy to conduct wars of aggression as a means toward reaching the ends of communism. War, whether of aggression or defense, is not outlawed by national constitutions or codes,[31] instead the waging of war is generally considered to be an inherent sovereign right. The nazis were indicted for "crimes against peace," which meant aggressive war, and the Nuernberg tribunal did convict them on this count, *inter alia*. The legal basis for this part of the indictment and of the judgment was deficient as of 1945, as I explained in my book *Zur Bewaeltigung der Kriegsschuldfrage* (Opladen, Germany, 1968). Consequently, this *specific* aspect of the Nuernberg precedent should be handled with care.

Nevertheless, the precedent *can* be used because the USSR participated in the prosecution and held membership in the International Military Tribunal. Thus, it accepted the legal construction as valid, hence binding upon them.

Moreover, the USSR drafted in 1927 a "definition" of aggression which was incorporated in several of its treaties concluded before World War II and which, since 1945, was repeatedly re-submitted (possibly with a few minor changes) to the United Nations for acceptance and international codification. Accordingly, this definition must be deemed to be binding upon the USSR. It means that the USSR must not resort to acts which the definition describes as acts of aggression nor must it support such acts. Note that according to the Soviet definition, the fomenting and supporting of uprisings from the outside is regarded as aggression.

Finally, the UN Charter has been in force since 1945 and is binding upon communist member states. Although the interpretation of this document is difficult, especially with respect to the rights and obligations of a permanent member of this Security Council, the Charter's intent clearly is that of outlawing aggressive wars, which, therefore, must be considered illegal.

There is ample evidence in official Soviet statements that the communists have not given up their commitment to the waging of aggressive war, although they usually camouflage this commitment by alleging the "imperialists" would attack first. I do not intend to pursue the matter into the problem area of nuclear war. It is irrelevant in this context whether a war is nuclear or conventional, big or small, or even international or civil. The generic term used by the communists is "revolutionary" war" which is *any* war fought for revolutionary purposes. A "revolutionary war" is by no means only a guerrilla or a limited war (which are American terms).

In his speech of January 6, 1961, Khrushchev declared that "revolutionary wars" are "admissible" and "inevitable", and regarded "a liberation war of a people for its independence" as a "holy war", which the communists "recognize". "Communists fully support . . . just wars," he said, through which people are "fighting for implementation of their right to self-determination, for independent social and national development." This line was confirmed, with less flowery language by Brezhnev in Chapters 4 and 5 of his speech to the Twenty-third Congress in 1966.

The CPC has accused the CPSU that it abandoned its commitment to war[32] and asserted that "peaceful transition from capitalism to socialism" cannot be made into a "new world-wide strategic principle for the international communist movement."[33] The CC, CPSU, replied on July 14, 1963, that this change according to which the CPSU and "other fraternal parties renounce revolution and substitute peaceful coexistence for class struggle" is an "absurd allegation". "It is the task of . . . the communist parties to make maximum use of the opportunities now available for the peaceful way to socialist revolution, not involving civil war, and to be at the same time ready for the *armed suppression* of the resistance of the Bourgeoisie."[34] Note that this phrase sheds the pretense about the alleged permanently defensive strategy of the USSR.

PEACEFUL COEXISTENCE

The allegation was made that since the international communist movement adopted "peaceful coexistence", it has ceased to be a criminal conspiracy aiming to use war or any other form of expansion, as one of its methods. The meaning of "peaceful coexistence" has been elucidated in two books by W. W. Kulski and Richard V. Allen. The CC, CPSU, explained in the above mentioned statement that this concept applies only to "inter-state relations of the socialist countries with the countries of capitalism." It can "in no way be applied to the relations between the antagonistic classes . . . to the struggle of the working class for its class interests against the bourgeoisie or to the struggle of the oppressed peoples against the colonialists. The CPSU resolutely comes out against peaceful coexistence in the ideological sphere."[35] In 1966 Breshnev used, more or less, the same phraseology and added: "Peaceful coexistence is not applicable to the relations between oppressors and the oppressed."

Peaceful coexistence has been described by the communists as a tactic of class struggle and as a strategy applicable to a particular historical "epoch". Peaceful coexistence does not exclude "armed struggle", nor assistance to national liberation wars, which are "the beginning and the necessary precondition of social liberation", and provide the revolution with its "best chances".[36] Stripped of verbiage and neat distinctions between different forms of war, this very recent statement repeats the classic Leninist and "Stalinist" doctrine that war is the main prerequisite of revolution. Mao Tse-tung holds the same belief.

Yet to put the debate between Mao and Moscow in the right perspective, it should be added that Mao indeed does deviate from the common ideology when he describes war as the *"highest* form of struggle". According to orthodox Marxism-Leninism, "war is *one* form of struggle". Mao's implication is that class struggle must be subjected to the laws of war, whereas according to the correct creed war must be subsumed under the laws of the class struggle. Mao has made a "fetish" of military violence but the class struggle is basically—and supposedly—determined by economic relationships.[37]

In brief, the communist commitment to revolutionary war remains, essentially, what it always has been. Since such a war is aggressive by nature, it is unlawful under current interpretations of international law.

THE ALLEGED RIGHT TO REVOLUTION

If the Marxian analysis which is supposed to underlie communist thinking were correct, to wit, that under capitalism the poor will get poorer, then a revolution to terminate an intolerable situation created by incessantly increasing misery would be justified, on the basis of natural law, human rights and common sense. The revolution would serve to eliminate a system which proves to be unworkable and harmful. By the same token, since Marx's analysis proved invalid, the entire ideology on which the conspiracy is grounded should fall away; and there would be no point to the revolution. There is incessant social progress in the Free World, which is not by any means matched by the progress behind the Iron Curtain. Furthermore, all functioning democratic states have ample mechanisms to ensure that, within the ambit of the Bill of Rights or of human rights otherwise formulated, reforms will be instituted whenever they will become necessary and will be desired by the majority. Hence, revolution would be unlawful, on the same legal grounds on which a right to revolution could be construed.

THE ENDS OF COMMUNISM

The alleged end of communism is to create a global "classless society". This objective is not *per se* criminal and it would not be unlawful if such a society were formed by a legitimately formed government through proper legislation. Of course, no communist government has ever been established by legal means, none of the present communist governments is legitimate by any tenable criterion, each resulted from a hidden or open power struggle, not from the application of established procedure, and their legislation is essentially by decree, even though it may be confirmed by their sham parliaments. However, there is no international law which would regulate the change of governmental system and of government, or prescribe tests for legitimacy and legislative procedure.[38] The fact is that the current communist states, save for the communist halves of the so-called divided nations, and save for China which is a case *sui generia*, have been validly recognized and are represented in the United Nations.

The globalist objective may or may not be compatible with Article 2/1 of the U.S. Charter recognizing "the sovereign equality" of *all* member states and it may or may not violate "the principle of equal rights and self-determination of peoples" recognized in Article 1/2. If all peoples (the term to be understood in Western usage) were to wish a classless society and were to agree on a world state in which equal rights could be fully respected, no rights presumbaly would be violated, although a world state would neces-

Footnotes at end of article.

sarily be contradictory to age old desires for national independence. However, the only "procedures" which the communists so far have proposed to guide the establishment of a world state have been conquest, coercion, and control, and those are illegal in terms of the Charter and of various principles of international law.

It could be argued that the alleged ends of "classless society" and world state are far too nebulous to have any real meaning, and that the establishment of a classless world state inevitably presupposes false pretenses, necessitates violations of human rights, the endlessly repeated liquidation of classes, the frequent suppression of desires for independence, the preservation of dictatorship, and the existence of many interlocking dictatorships practicing deceit.

The objective of the classless society is incompatible with another key goal of communism, namely the withering away of the state.[39] The meaning of this goal is particularly nebulous, because it is based upon an artificial or, at least, partial definition of "state" as the instrument of class rule: there would be no state if there were no classes. This goal presupposes the termination of further historical change—once created the communist social system supposedly would never disappear and would constantly recreate itself in complete world-wide harmony. This leaves open the question as to how society would or should be administered and what should be done if change were desired or should be administered and what should be done if change were desired by the majority, or would occur anyway. Utopian concepts of this sort (no state, no bureaucracy, no coercion, no trouble) are myths which, even when they are honestly believed in, conceal the real and current intentions of their present propagators.

In any event, the methods which the communists have stated they would use after the seizure of power, such as the abolition of classes, are clear in their terroristic and destructive meaning.

Alternatively, it could, therefore, be argued that the alleged aim of communism is nothing but a fraudulent misrepresentation of their true objective. The true objective is to establish dictatorships and maintain those indefinitely.

This true objective is contrary to the postulate by Marx that the dictatorship of the proletariat should be temporary and transitional, and that it would be constituted only when the proletariat has become a very large majority of the population. (See his *Critique of the Gotha Program*). But the real objective is a permanent dictatorship, not by the majority, not by the proletariat, not by the party, but by a small conspiratorial group whose freedom of action would not be hampered by any legal restrictions. In accordance with Articles 126 and 141 of the Soviet constitution, this conspiracy runs the state as its tool and embodies all rights and privileges of sovereignty. The implication is that this condition would be deliberately perpetuated by the conspiracy and be extended to states presently not under the conspiracy's rule.

The purpose and the justification of the conspiratorial dictatorship, the actual operations of the dictatorship, as well as the selection of the supreme ruler(s) are contrary to the professed ideology of communism. More specifically, they are incompatible with the party statutes, notably the principle of "democratic centralism".[41] The same point applies to the soviet state and the constant violations of Articles 134, 135, 136, and 140 of the soviet constitution and their incompatibility with Article 141.

The Kremlin dictatorship and other so-called communist dictatorships are, therefore, unlawful according to statutes supposedly binding upon communist organizations. The unlawfulness applies to four main features of the dictatorship: its criminality and aggressiveness; the disregard of the democratic procedure and the uncontrolled arbitrariness in decision-making; the position of the dictatorship as an institution standing "above" the law, the party statutes and the constitution of communist states; and the undemocratic, co-optive selection of the leaders exercising the dictatorship.

In many ways, the core of the conspiracy is vested in a small group of power-holders who use the communist ideology and the international communist movement as tools to gain, hold, and expand political power for their own purposes. The capture of communism by this conspiratorial group plus their perpetrating of crimes in the name of communism is usurpation and is unlawful, according to the stated principles of communism. Note that as a result of the systematic and deliberate disregard of the statutes and laws a person like Stalin could hold power for thirty years, yet he was an enemy of Lenin and he probably had been an agent of the tsar's secret police.[42]

OVERT ACT

There is argument whether in addition to combination and agreement, an "overt act" is required to establish the delict of conspiracy. According to some American codes, the requirement of an overt act applies to certain conspiracies, but not to all.[43] If the requirement exists, its meaning may be that the act is necessary as *evidence* of the conspiracy, or else the act serves to create a *locus poenitentiae*. This question probably is not relevant, since there has been an adequate number of overt communist acts in all parts of the world. In a recent book, Richard H. Sanger, former foreign service officer and present lecturer at the Foreign Service Institute, summarizing international political violence that occurred between 1945 and 1966, listed 59 overt acts perpetrated by the communists, such as coups, uprisings, unlawful seizures of power, and wars.[44] The list is by no means exhaustive and Sanger's data, excellent though they are, remain incomplete (for example, with respect to the Republic of South Africa).[45] Not included are such actions as espionage and assassinations like that of Bandera; and the assassination of President Kennedy is described as non-political.

DEFENSE OF COMMUNIST STATES

The communist governments regard any attempt to change them, whether by violence or not, as illegal and heavily punishable. Thus, article 131 creates "enemies of the people" and article 133 of the Soviet constitution regards treason, i.e., violation of the oath of allegiance, desertion to the enemy, impairment of the military power of the state, and espionage, as "the most heinous of crimes," which is "punishable with all the severity of the law". The dictatorships have instituted legislation to preclude all and any actions that in any way, even in a remote manner, would jeopardize their continued rule (chapters I, X, and XII of the RSFSR criminal code).

They have in the past repressed with extreme severity even mildly critical "propaganda" as well as attempts to overthrow particular communist rulers and efforts to institute a more liberal regime. Accordingly, it is the communist legal doctrine that revolutions *against* communism are unlawful, but that revolutions *for* communism are lawful. This, of course, is double-standard law. So far as the U.S. is concerned, federal statute makes it criminal to conspire and to commit any offense against the United States and to change the existing government by force.[46] In one way or the other such provisions are ubiquitous. According to a Supreme Court ruling of 1915, the offense of conspiracy is aggravated if it involves secrecy and the "deliberate plotting to subvert the laws, educating and preparing the conspirators for further and habitual criminal practices".[47] A conspiracy to destroy the government by force presents a "clear and present danger".[48]

CORESPONSIBILITY

To be guilty of conspiracy, a defendant must know or have reason to know the facts which make the purpose or the means of the combination in which he is participating unlawful, and he must have a specific intent to bring about an unlawful result.[49]

Yet lack of knowledge may *not* be used to prove innocence if the results of the combination are "inherently wrong", not merely prohibited by statute. At first glance those distinctions may not seem to be relevant because this proceeding does not deal with individual defendants. But a finding of conspiracy would put a great deal of responsibility on individual communists who, for example, have read Khrushchev's speech of 1956 and are informed about the crimes listed therein, or who know about current acts of terrorism, for example in Vietnam and Warsaw, but do not inquire as to whether such unlawful practices have been or will be stopped. Nor do they leave the conspiracy, when they discover the dictatorship is not slated to be discontinued, yet they criticize vociferously acts of law of enforcement in democratic countries, and they like to condemn democracies which they describe as dictatorships. Bad faith, therefore, be presumed.

This leads to the further point that any conspirator, as long as he remains within the conspiracy, "is liable for every act, and is bound by the act and declaration of each and all of the conspirators done or made in persuance or furtherance of said conspiracy."[50] This liability applies with particular force if a communist individual has knowledge of the range of actions which his co-conspirators may take; and he would have that knowledge if he had studied the communist literature, official communist statements and documents, and communist history. The liability of communist intellectuals who must be presumed to have extensive knowledge of these data, is therefore particularly great.

ABANDONMENT

It is naturally possible to withdraw from the conspiracy, but this requires affirmative action.[51] This need to withdraw by *positive action* applies both to individuals and to parties.

This point is important because the CPUS has alleged (ambiguously) it is now proceeding by exclusively lawful means and considers the doctrine of violence as no longer binding upon it. An analysis of the latest version of the CPUS statute (which I have not done) would show how far they have moved away from orthodoxy. There may be much shadow boxing, because the "orthodox" ideology does *not* entail an absolute commitment to force and violence. The commitment is to the potential use of all conflict techniques and to the practical utilization of these tactics which promise to be most effective in a given situation. The question of CPUS involvement in recent riots in America cities is as yet unanswered, except for propaganda support and incitement. Such incitement is a common-law misdemeanor, while a riot (of which the inciter is guilty once it occurs) is generally considered to be a felony.[52]

The CPUS is still participating in international communist meetings and in the international communist movement. They still are bound by the solidarity rule, with which they comply through their political behavior. This solidarity rule is one of the key devices through which the international communist conspiracy is perpetuated. Thus, American communism still has not abandoned the in-

Footnotes at end of article.

ternational communist conspiracy. It, therefore, must be deemed to be co-responsible for the actions of those foreign communists who are preparing, provoking and waging war against the United States.

The cotton has its bollworm, Caesar had his Brutus, Jesus had his Judas, Russian democracy had its Lenin, Lenin had his Stalin, and the United States has its communists. "Bloody treason flourishes over us."[53]

FOOTNOTES

[1] References in Justin Miller, *Handbook of Criminal Law*, St. Paul, Minn., 1934, p. 50.

[2] References in Rollin M. Perkins, *Criminal Law*, Brooklyn, Foundation Press, 1957.

[3] Treason may involve insurrection, revolt and mutiny which, however, could be crimes outside the delict of treason. Sedition has been a subject of controversy but in wartime the circulation of false reports with intent to interfere with the success of our armed forces is considered sedition. Other related but possibly independent crimes are seditious conspiracy (18 U.S.C.A. para 2384), espionage, sabotage, and terrorism. (Perkins, page 378).

[4] References in Perkins, p. 530.

[5] "Indictment against Major Nazi War Criminals, International Military Tribunal," *The Temple Law Quarterly*, Vol XIX, January 1946, No. 3. p. 175.

[6] For further references see my *A Century of Conflict*, Chicago, Regnery, 1954. Mao's statements are the briefest and clearest, e.g. "The theorectical basis guiding our thinking is Marxism-Leninism" (1954, *Quotations* p. 1). "A revolution is . . . an act of violence by which one class overthrows another" (ibid, p. 11f). "The enemy will not perish of himself. Neither the Chinese reactionaries nor the aggressive forces of U.S. imperialism in China will step down from the stage of history of their own accord" (1948, ibid. p. 11). "Classes struggle, some classes triumph, others are eliminated" (1949, ibid. p. 8). "Every communist must grasp the truth: 'Political power grows out of the barrel of a gun'." (1938, ibid, p. 61). "Revolutions and revolutionary wars are inevitable in class society and without them it is impossible . . . to overthrow the . . . the ruling classes and . . . for the people to win political power" (1937, ibid, p. 66). "The seizure of power by armed force, the settlement of the issue by war, is the central task and the highest form of revolution. The Marxist-Leninist principle of revolution holds good universally, for China and for all other countries" (1938, ibid, p. 62). Note that all these statements precede the split between Mao and the Kremlin.

[7] *Temple Law Quarterly*, p. 175.

[8] Ibid, p. 174 ff.

[9] Abdurakhman Avtorkhanov, *The Communist Party Apparatus*, Chicago, Regnery, 1966, p. 199.

[10] Ibid, p. 98.

[11] *Temple Law Quarterly*, p. 176f.

[12] Ibid, p. 175.

[13] Note that a pact between Moscow and Tokyo and the activities of communist agents in Japan (e.g. Richard Sorge) deflected Japanese aggressiveness from the USSR against the United States.

[14] Perkins, p. 530.

[15] This injunction was reaffirmed after world war II, e.g. by the First Conference of the Socialist Unity Party of East Germany in 1949. The old Stalinist definition of "internationalism" has not been superceded.

[16] The source for this disclosure is the CC of the CP of China, March 9, 1963, (References in David Floyd, *Mao Against Khrushchev*, New York, Praeger, 1963, p. 392 (Paperback).

[17] Quoted from ibid, p. 309f.

[18] This is quoted from an editorial in the Peking *People's Daily* of February 27, 1963, presumably written by a high CPC official or issued by the Central Committee (Floyd, p. 376).

[19] Key terms presently in use and used by Brezhnev are: "fraternal parties", "international unity", "joint action". Brezhnev gave statistics on conferences and meetings, e.g., "In the last 18 months alone, we have had meetings with more than 200 delegations from 60 fraternal parties". He indicated the purpose of the meetings, viz., "to strengthen the unity of the world communist movement". Note that the statute of the CPSU clearly distinguishes between "conferences" and "congresses". The congress is the highest party authority and its decisions are binding on all organizations legally participating and accepting the decisions.

[20] Floyd, p. 350. For additional aspects of the meaning of "general line" see ibid., pp. 361f, 370, 376f, 408, 416ff, 429, 439, and 443.

[21] For a Chinese listing of those differences, see ibid. pp. 340f. An answer by the CC, CPSU is printed on page 435 and accuses the Chinese of broader deviation. The AP disclosed on March 6, 1968, that a Soviet proposal to draft "a new general statement of communist principles" which is to replace the statement of 1960, was shelved. The Soviets declared that the old statement "was a compromise between Soviet and Chinese views . . . It was so indefinite it could be used to support any ideological attitude". Nevertheless, the fraternal parties at this juncture want to maintain the general line as formulated in 1960.

[22] Norman MacKenzie (Editor), *Secret Societies*, New York, Holt, Rinehart and Winston, 1967, p. 14.

[23] Ibid.

[24] Ibid, p. 203.

[25] Ibid, p. 15.

[26] Ibid, p. 201.

[27] Report by Justice Jackson, Dec. 29, 1947.

[28] Perkins, p. 542.

[29] Perkins, p. 549.

[30] A recent description of camp conditions by Mrs. Larissa Daniel, wife of the writer recently and unlawfully convicted, is contained in *Est & Ouest*, Paris, 1–15 Février, 1968, p. 16ff.

[31] There are possibly exceptions but they would be irrelevant.

[32] See, for example, Floyd, p. 376ff.

[33] Ibid, p. 411.

[34] Italic added. Quoted from Floyd, pp. 436 and 440. Such quotes are standard and could be multiplied.

[35] Quoted from ibid, page 436.

[36] E. M. Zhukov, leading party theoretician and member of the Academy addressing on Sept. 14, 1967, a "scientific conference" in Baku on national liberation movements. (Quoted from *Ost-Probleme*, Dec. 29, 1967, p. 710.)

[37] Pavel Fedoseyev in *Kommunist*, Nr. 5, 1967, also quoted from *Ost-Probleme*, op. cit., p. 692.

[38] Those are the types of problems raised in connection with *de jure* recognition of governments established through a breach of legal continuity; but practice is inconsistent and doctrines are controversial.

[39] Stalin stated that with the withering away of the dictatorship (not to be confused with the withering away of the state), the party also must wither away. But, according to Khrushchev, the party will continue to grow farther and increase its importance "as the controlling and guiding force of soviet society". See Avtorkhanov, op. cit., p. 114.

[40] Miller, p. 113.

[41] See Avtorkhanov, op cit., Chapter VI, notably pp. 102, 105f, 111f. On page 108 there are listed 59 plus 26 obligations imposed on members of the CPSU, many of which illustrate the conspiratorial character of the party.

[42] Edward Ellis Smith, *The Young Stalin*, New York, Farrar, Straus & Giroux, 1967.

[43] Perkins, p. 532.

[44] Richard H. Sanger, *Insurgent Era*, Washington, D.C., Potomac Book Inc., 1967.

[45] The incident at Sharpeville (1960) has long been considered as a spontaneous protest. The American newspaperman Guy Wright recently interviewed David Sibeko, one of the organizers of the clash, who made it clear to him "that Sharpeville was indeed part of an organized campaign to create a confrontation". Sibeko made no bones about being a communist. He is now living in Tanzania. (Guy Wright, "Revolutionary in Exile", San Francisco Examiner, March 10, 1968.)

[46] Perkins, p. 539.

[47] ibid, p. 538f.

[48] ibid, p. 549.

[49] ibid, p. 545.

[50] ibid, p. 546.

[51] Fred E. Inbau and Claude R. Sowle, *Cases and Comments on Criminal Justice*. Foundation Press, Brooklyn, 1964, p. 539.

[52] References in Perkins, p. 348.

[53] Slight paraphrase from Shakespeare, *Julius Caesar*, III/2.

BAD LEGISLATION—BAD STRATEGY

It may be difficult to define good legislation in the abstract, but it is fairly easy to identify bad legislation when you see it. The Church-Cooper amendment is an impressive example of legislation as it should not be. The purpose of the instrument—namely, to "slap down" the President—was first admitted, then denied, and finally abandoned. An artificial majority was achieved because several groups of Senators interpreted the text each in their own distinct ways. One group still opposes the President, another supports him, a third regards the amendment as a first step toward compelling the White House to accept defeat, a fourth thinks the amendment has no legal and practical significance—and there are additional interpretations.

The amendment, which has no firm precedent, is rooted in an emotional reaction. It is an improvisation, its language is unclear, and the text constitutes a compromise of conflicting intentions. It re-confirms the constitutional powers *both* of the President and of Congress, and it authorizes U.S. military operations in Cambodia if those are not designated to help the Cambodian government. The President is the only judge of how this instruction is to be carried out unless the General Accounting Office will question his judgment a few years from now. Meanwhile, the requirement, I suppose, could be complied with if bombs dropped over Cambodia were properly inscribed, for example: "From Uncle Sam to the Uncles in Hanoi as an invitation to negotiate. Please don't tell the Cousins at Phnom-Penh about this message."

All over the country the debate about the Church-Cooper amendment has created the impression as though Congress is trying to correct transgressions by the Presidency and is moving toward putting an end to the allegedly illegal use of Presidential power. This impression continues strong despite the fact that the architects of the amendment reversed their initial attitude and asserted that this legislation is intended to strengthen the hand of the President, and that the majority of the Senators voting for the amendment did not look for a constitutional confrontation. It is, nevertheless, true that the amendment reaches into the sphere reserved to the President as Commander-in-Chief and tends to restrict his freedom of action in the face of future emergencies. Certainly, as Senators repeated frequently, the President can go back to Congress and request the authority he needs; and since Cambodia is not an area for *blitzkriegs*, not much harm may have

been done from a legal point of view. It is another question whether the amendment has inflicted political and psychological damage on the United States.

The Church-Cooper amendment and the Congressional dispute are inevitably being misunderstood in foreign capitals, regardless of whether these are friendly or hostile. Such misunderstandings are inevitable simply because even highly educated foreigners do not comprehend the workings of the American political system, nor the psychology on which it is based. Depending on the ultimate legislative fate of the amendment, foreign observers may conclude that U.S. strategy has been paralyzed. This impression has been prevalent anyway for more than two years. The present experience cannot but strengthen this expectation.

The debate took place within the framework of a *crisis of American determination*, and the Senate showed it was disinclined to strengthen the national will. Indeed, many Senators went out of their way to support the forces of disunity. Dissent is a right, of course, but it is not always wise to dissent; and there are differences between coercive and democratic dissent, between dissent in war and in peace, and between coercive, defeatist, and hysterical dissent that is being stimulated or is being calmed by prominent members of Congress.

Since the amendment is widely misinterpreted in the country itself, foreign observers can hardly be expected to get the story right. It scarcely needs to be stressed that press coverage of the debate was highly one-sided and woefully incomplete. It was impossible, from a mere reading of the press, to follow, let alone understand, the Senate debate.

Debate, amendment, and media reporting did little to heal the internal divisions in America. Since the amendment is being misunderstood, since it stimulates those who want to *promote* the internal cleavage, and since American strategy will hardly conform to the day-dreaming of the "peace-movement," the episode will give rise to new disputes. A more constructive contribution by the Senate toward the settling of the Southeast Asia conflict was conceivable. Alas, the road of confusion and controversy was chosen.

Will the Church-Cooper amendment induce Hanoi and other communist capitals to negotiate meaningfully? Of course not. The question is almost ridiculous: it is "self-answering". The Senate has told Hanoi that it need not settle for anything short of complete victory. For this elementary reason, the amendment cannot possibly be in the American national interest.

Whatever the amendment means in the minds of its sponsors, in the eyes of the world it has reduced the credibility of the President of the United States. Hence it weakens his effectiveness as the spokesman of our country, constricts the President's strategic freedom, and suggests to the enemy that this country is neither willing to live up *fully* to its Vietnam commitment nor to ensure the preservation of Southeast Asian independence.

The amendment grew out of opposition to a strategic move against our enemies; a move those enemies did not anticipate and which hurt them badly. The communists invariably use an intellectual scheme by which they divide non-communists into those who "objectively" are their allies and those who "objectively" are their foes. This "objective" finding usually differs from the subjective conviction of those who are being classified. Democratic socialists often are regarded "objectively" as enemies of the communists, even when they want to be friendly. Reactionaries may be nominated to be allies, "objectively" speaking. Lenin once said of Lloyd George that "objectively" he was helping the communists, although the British Prime Minister had no such intentions.

In the same sense today's communist strategists will think that, at this juncture and temporarily, the senatorial promoters of opposition to U.S. strategy are "objectively" the allies of communist advances; and they will expect and *count* upon repeat performances. It is furthermore not unreasonable for the communists to conclude that the majority of the Senate has decided to tolerate a communist victory. Why then was it a good idea for the Senate to induce, strengthen, and confirm such miscalculations?

Interpretations similar to those made by the communists are rampant in allied countries, some of whom are tacitly drawing conclusions with respect to their own security. Conclusions imputing defeatism to the United States may be wildly unjustified—but are they really? To be sure, such evaluations do not effectively anticipate the actions the Senate may take in future; but before recovery, the Senate could become still more passionately defeatist.

The point is that ambiguity, whether it has been created inadvertently or deliberately, weakens deterrence and delays the preparedness of Asian nations as well as their mutual strategic cooperation. This risk is taken for the pleasure of making life miserable for the President, while the Senatorial pleasure-seekers feel compelled to deny that such pleasure is indulged in.

The manifestation of a cleavage between the Presidency and the Senate and the exhibition of lack of American will power cannot possibly have weakened the communist *will to victory*.

It is to be observed that will power is the *only really indispensible ingredient of strategic success*. If will power is broken once, it is most difficult, and often impossible, to revitalize it. Vietnam or Southeast Asia may or may not be important: the U.S. needs strength of will to maintain itself in a *world-wide conflict for survival*.

In psychiatry absence of will power or *abulia*, or impairment of will power (*hypobulia*), denotes a desire to achieve a goal but the desire lacks strength, determination, and energy. *Abulia* is a symptom of schizophrenia. Naturally, a nation that is split lacks will power—but the danger is that this affliction does not remain limited, for example, to strategy in one theater, but spreads to all national tasks.

Does the amendment help Cambodia to defend its independence? We have no legal commitment to defend Cambodia, but we certainly have a moral commitment, going back for almost two centuries, to stand up for independence everywhere. The Cambodians themselves want to remain neutral, but they are the victims of continuing communist aggression. They have done nothing to hurt us, they have fought together with our troops, and their troops have shown high morale; i.e. they are devoted to independence. But Cambodia needs time to organize its defenses. The Church-Cooper amendment really is in the nature of a—unique—"least favored nation clause." In this respect, the amendment is contrary to the spirit of well-nigh the entire body of American legislation relating to friendly foreign countries.

Rightly or wrongly, the Senate intends to prevent that the United States be drawn piecemeal into a commitment to defend Cambodia. This particular objective could have been obtained by different legislative means. The ostensible reason the amendment technique was chosen was to preclude that military advisers would get us entangled. Yet we did not commit ourselves to the defense of Vietnam by providing weapons and military advisers. We committed ourselves *first*, and *subsequently*, in implementation of our commitments and interests we provided the military assistance.

In other words, the reasoning behind the Church-Cooper amendment is poor. The anti-Cambodian stipulations are clearly designed to limit Presidential actions and "put the President on notice". The worse is this; the amendment, by willfully and undeservedly punishing Cambodia, puts the world on notice that it does not pay to ally itself with the United States.

This impression would be strengthened if the Church-Cooper amendment were to initiate a new American attitude toward treaties. Up to now, the United States usually took the line that a treaty is valid until it expires. Historically, we strenuously opposed foreign insistence on the so-called *rebus sic stantibus* clause which holds that fundamental changes in the situation to which the treaty is addressed necessarily invalidate treaties. Our point was that on the basis of this theory, since situations always change, treaties could not possibly be relied upon. Hence if the clause stands, it makes no sense to conclude treaties.

A Yale Law School study entitled (*Indochina: the Constitutional Crisis* (*Congressional Record*, May 13, 1970, pp. 15411 and 15414), asserted as follows: "Once approved, the treaty is of the same nature as any other duly passed law which the executive is bound to execute faithfully. If, however, the war power is a Congressional prerogative, the decisions regarding the initiation of a war should be made by both Houses of Congress and not just the Senate".

A footnote adds: "The treaty is rendered of no effect if it conflicts with subsequent legislation, since the law-making power of Congress is equally as potent as the treaty power. A treaty may supersede a prior act of Congress, and an act of Congress may supersede a prior treaty." American treaties always stipulate that the treaty will be executed in conformance with American constitutional provisions. However, this interpretation would go far beyond American diplomatic practice.

If new legislation can supersede treaties, Congress would have the power at any time to invalidate—and break—all existing treaties. The Church-Cooper amendment leans in direction of accepting this interpretation and, therefore, cannot fail but weaken the influence of the United States within the Free World alliance system and threaten the survival of *all* international mutual security arrangements.

The destruction of our alliances has been a foremost soviet objective for more than twenty years. Does the Senate want to play into the Kremlin's hands?

The Church-Cooper amendment is not one of the "end the war" amendments proposed by the super-doves. Nevertheless, it carries with it the implication that the war should be ended, not according to the strategy which was devised by the President, but according to Congressional will. The Senate is supposed to "advise" the President on matters of foreign policy and it has been giving a great deal of advice on details. Yet it has not proposed a *feasible alternate strategy*. The Senate cannot get into the operational business but it must consider the broad concepts of American strategy, for example, the question of whether containment and deterrence can be replaced by something better. The Church-Cooper amendment is really directed at containment but the Senate even failed to advise *itself* on the momentous changes the abandonment of containment would entail. The Senate does not mean it. It likes the rhetoric of the amendment, but it does not wish that the words have any consequences. Any consequences? "Well, hardly any."

An "undeclaration of war" against Presidential opposition would be the most momentous decision this country could take. It would be against common sense and

against the spirit of the Constitution to make such a decision by amending some secondary and partly unrelated legislation. Since most Presidents probably would veto a Congressional decision to terminate an unfinished war, such a vote must necessarily be by two-thirds majority in both Houses. Prudence suggests that debate should not be initiated before the relevant procedural and constitutional questions are clarified.

If there really were a move in Congress toward "undeclaring" war and toward inflicting defeat upon the United States, a constitutional crisis would be inevitable and the country would fall into deep trouble.

Congress often differed with Presidential estimates of international situations and in some instances attempted to hinder the President in the discharge of his security responsibilities. When Presidents felt they had to act contrary to Congressional desires, they usually were able to engage in maneuvers which effectively voided the Congressional interdict. President Polk brought on war with Mexico by ordering troop movements along the border. President Lincoln ordered supplies into Fort Sumter and thereby provoked the rebels. President Franklin Roosevelt was very much impeded by Congress, for example by neutrality legislation which was of great help to Hitler's aggressions. When President Roosevelt was unable to obtain Congressional support, he undertook diverse military and diplomatic moves that led to Pearl Harbor.

Five years later Congress acquiesced by whitewashing FDR. The fact remains that between 1937 and 1941 Congress was not responsive to the external threat. Hence, before it could embark upon effective strategy, the United States had to suffer a grievous defeat. Congress fully supported the war effort, of course, but it made it impossible to prevent World War II and the initial defeat needlessly prolonged the conflict. This precedent should be a warning to our contemporary wishful thinkers.

In 1954, Ho Chi Minh consented to the (temporary) independence of South Vietnam; in compensation for being allowed by Moscow to "decouple" from the Indochinese disaster, France agreed to scuttle the European Defense Community, which would have effectively and permanently protected Western Europe against Soviet attack. The interdependence between Southeast Asia and Europe, which was revealed in this case, must not be overlooked.

President Kennedy strengthened South Vietnam, when after the Bay of Pigs, he realized Khrushchev was underrating the strength of his will. Thus, he may have prevented a large war by a limited war. Again, the interdependence between Vietnam and the Caribbean, as well as Berlin, where President Kennedy feared trouble, must not be overlooked.

In 1970, we must guard that an American capitulation in Southeast Asia will not entail failure in the Middle East which, in turn, would be followed by the Soviet capture of the Suez Canal. Today, the Suez Canal is what the Panama Canal was in the past for the United States—the most potent and important link between the eastern and western portion of the country. The USSR needs the Suez Canal in order to build up its strength in the Far East and possibly to attack Maoist China.

The fundamental question is this: Does the U.S. want to stay in the strategy business? If so, the Church-Cooper amendment was a disaster which calls for speedy correction.

Leo Tolstoy told a pertinent fable:

"A hawk became tame. Whenever he was called, he sat down on his master's hand. But as soon as the master came close, the *cock* ran away.

The hawk said to the cock: "You cocks don't know gratefulness . . . You go to the master only when you are hungry. We wild birds are quite different. We have much strength and we fly fast, but we don't run away from people, on the contrary, if they whistle, we sit down on their hands. We never forget that they feed us."

The cock replied: "You don't run away from people because you never saw a broiled hawk. But we see broiled cocks every day."

The political gourmet who doesn't like chicken, could tell the same story about squabs and doves.

ACADEME'S UNINVITED GUEST

The other day, Miss Ann McGough, a senior psychology major at Kansas University, wrote a letter to her parents in McLean, Virginia, in which she said:

"We read, and report, as many sides of as many issues as we can get our hands on—for, against, against but wavering, apathetic, you name it. Is a free forum a communist inspiration? What's communism anyway? We are the most informed generation of our times and all of history. We will not be taken in by outside agitation, card-carrying commies or whatever you call influence which threatens to make us unwittingly destroy ourselves. We are vigorous, informed, and our minds have developed . . . along a continuously questioning line." (*San Jose Mercury,* July 1, 1970, p. 24.)

Miss McGough also stated that "obviously, we want a utopia—we have the greatest nation in the world, so far. It can be made better, truly free, and all we have to do to make it so for ourselves and our children is to fight for it—and without violence. We have only begun to explore the possibilities." "We must have peace now—we can't wait."

In many ways this letter is touching. Who would be nasty enough to disturb this exuberance and tell Miss McGough that the youngsters of previous generations also had pretty good information, also were enthusiastic, also wanted peace and utopia, also were impatient, and also were convinced that "all" they had to do was to "fight" for a better world. The naive belief of every new generation that they are unique and that history and progress begins now is part of the "irrationality" which keeps mankind going and advancing.

From the point of view of those who are responsible for the fate of the nation, the attitude displayed by Miss McGough—which I believe to be fairly typical—raises several questions. The enthusiasm is Miss McGough's own contribution; undoubtedly, it is matched by the eagerness of her friends and classmates.

Miss McGough is a senior, hence her university should have had ample opportunity to provide her with the knowledge and insight needed to harness enthusiasm for good purpose. Perhaps, the university did its best and Miss McGough refused to listen; but perhaps the requisite information was not being offered. Since Miss McGough seems to be a very bright youngster, I have my doubts as to where the fault lies.

"We have only begun to explore the possibilities", she writes. I read this to mean that there are many possibilities for creating utopia which "the most informed generation" is just discovering. Those would seem to be either new or as yet unused possibilities. Exploring students should look for such possibilities and undoubtedly, many capabilities for improvement have not been properly employed.

So far so good. There still is the meaning that possibilities exist *now* which would allow the immediate creation of a utopia. Here we come across a very basic misunderstanding that is widespread throughout the American campus: the modern world does possess huge economic and technological resources which our forebears were not even able to imagine. These new resources have caused many improvements and they promise enormous further progress, despite the fact that population is growing rapidly and that administrative skills in managing steadily accelerating technological advances are as yet deficient. But while the capacities of our energy and tool resources and our medical skills have been increasing, not much progress has occurred in the human possibilities, such as cultural production and distribution, administrative organization, political decision-making, human self-reliance, and so forth. In most countries, economic policies reflect deficient concepts and are less than optimal. It would be a gigantic step forward if economic policies which were predicted to be highly ineffective and which have proved to be working very badly, would be discarded—such a step would benefit the entire world.

Furthermore, in many countries the trend toward democracy, individual freedom, and political liberty has been stopped or reversed, so that, roughly since 1914, the realm of free government and human rights has been shrinking. Again it would be gigantic progress if some of the freedoms that have been lost could be restored.

As the sphere of free governemnt has been shrinking and dictatorship has been spreading, the incidence of violence and war has been growing in a frightening manner—in fact, the frequency and intensity of war and violence has been far higher in this century than in any other previous century, so far as we are able to determine this on the basis of available documentation.

Thus, we are now further removed from utopia than we were in the generation of Miss McGough's grandparents. She does not seem to be aware of this fact, nor of its causes. From my experience, she shares this unawareness with the vast majority of American students.

Miss McGough assures that she and her friends "will not be taken in by outside agitation, card-carrying commies" and other "influences" about which, apparently, her parents had been warning her. She does stress non-violence and humanistic goals, and she wants "an end to prejudice" and "a right to be an individual", and she refers to the democratic process (discussion groups, petitions, letters to Congress).

But the fact is that her article quotes Jerry Rubin as her only reference. She states bravely that she and her friends will not let Rubin take over "if he threatens our freedom now or our expanded freedom to come". But she specifically endorses Rubin's Aesopian version of the "permanent revolution": "demand, achieve, and then demand more." In a confused way she appears to have soaked up elements of the Marxian concept of "exploitation". Her belief in the vastness of unexplored possibilities for drastic improvement and her conviction that "the events we face are unprecedented in the fullest sense" reflect the Marxian concept of revolution, although the underlying idea has been clothed in American words.

This concept is not necessarily false, nor is it necessarily right. The point at issue is whether Miss McGough has *unwittingly* accepted an idea which has a Marxian lineage and, of course, goes back to the socialist tradition of the French revolution. The second point at issue is whether by being ignorant about the idea's parentage and meaning she is in a strong position to evaluate the idea critically. The third point at issue is whether Miss McGough was familiarized with the central ideas of the American revolution and American constitutionalism and thus is able to compare competing concepts in a way that is relevant to the United States.

Miss McGough's letter is little more than a paraphrase of recent writings by Herbert

Marcuse, the living prophet of utopia. Marcuse is not very popular in the USSR, but he is a proud and life-long Marxist who has worked ceaselessly to modernize Marx and to combine Marxism with Freudian psychoanalysis.

The word "utopia" was coined by Thomas More and means "no place". More wanted to show that he did not propose to build a new world but rather wanted to define a yardstick by which the accomplishments of political institutions could be measured. This yardstick idea was reflected in the original title *De Optimo Reipublicae Statu, deque Nova Insula Utopia* (Louvain, 1516).

Utopias were written since times immemorial and are part and parcel of political literature. For example, Plato wrote utopistically in *Timaeus* and developed a full utopia in his *Republic,* but then proceeded to investigate the real problems in *The Laws.* Among the classics, Bernard de Mandeville in 1705 published *The Fable of the Bees* where he described the demise of an ideal state—the book was written in the midst of a political debate about the wisdom or unwisdom of a war. There is, in brief, not *one* utopia but many, and the utopian ideas are often mutually incompatible.

The utopian writers and their modern colleagues, the authors of science fiction, made surprising predictions and have produced many excellent and practical *technical* ideas. But, on the whole, they did not think their utopias could be realized. Georges Sorael regarded utopias as *myths* which are useful to get political and revolutionary movements going. According to the East German communist *Philosophisches Woerterbuch* (1964), the founders of Marxism-Leninism viewed utopias as "amusing phantasies". They defined the utopian as a "drafter of projects who makes himself ridiculous by the *weltfremd* designing of unrealizable plans". ("Weltfremd" means something like being a "stranger in this world.") However, the unorthodox Marxist, Marcuse, believes that the task is to build a utopia and for this purpose to exploit existing and future "possibilities". This belief has impressed many American students.

Personally, I think that while by logic and experience, and even by definitions, utopia is infeasible, pre-occupation with *The Good Society* is really very healthy. This was the title of Walter Lippmann's best and promptly forgotten book (1937). Such a pre-occupation would be an excellent corrective against the predominant relativism which lists all the differences between political systems, but never gets down to evaluating their respective merits and demerits. It also would illustrate the practicality of a good society and the stupidity of perfectionism, which is a most dangerous enemy of progress. Consequently, I like Miss McCough's interest in utopia, regardless of whether she was knowingly influenced by Marcuse or not.

But I also happen to think that Marcuse is quite wrong and that, therefore, Miss McGough's ideas on utopia are wrong. I am particularly unhappy about the fact that she apparently is not familiar with the writings of Norman Cohn (*The Pursuit of the Millennium,* New York, Harper & Brothers, 1961), J. L. Talmon (*Political Messianism,* New York, Praeger, 1960), Karl A. Popper (*The Poverty of Historicism,* Boston, Beacon Press, 1957), and Thomas Molnar, *Utopia, the Perennial Hershey* (New York, Sheed and Ward, 1967). She also might have consulted a more difficult but short book, Eric Voegelin's *Science, Politics, and Gnosticism* (Chicago, Gateway-Regnery, 1968). Since her interest is so absorbing, I must presume she would have read those books if a professor or librarian had told her about them.

I am also unhappy about the fact that Miss McGough does not know her ideas about "change now" have been held by many of those writers who divided history into phases—usually there were three phases, with the author standing at the threshold of the third period of history and usually dismissing the two preceding phases as irrational. The conviction that the ancestors were stupid scoundrels while the rising generation is composed of honest and lovable brains is not particularly new and it is one of those traditions which are deteriorating with age.

The hankering for utopia and the formation of utopian concepts as activating political myths have been among the most important roots of revolutionary and military violence.

When he was still young, Ernest Renan described the French revolution as mankind's first attempt to take destiny into its own hands—that was 120 years ago and since then many hundreds of small and big wars and violent revolutions have taken place.

I am most troubled by the fact that Miss McGough does not seem to understand the crucial problem: the very idea of utopia, which is that of the divinization of society, is in full contradiction to humanism and the rights of the individual and, therefore, to freedom. It replaces the self-determining individual, who is of flesh and blood, by an artificially constructed society, which is a system of relationships and hence an *abstractum.* Consequently, all political movements which aim at establishing a utopia necessarily embrace dictatorship which in modern times means totalitarian dictatorship. Democracy and utopia are incompatible and the construct of "utopian democracy" has the same logical validity as "dry water". Upon reflection, it should be clear that even if a utopian society *could* function, it *should not exist* because human beings do have different ideas and they do not agree on many of the most vital questions in life. Hence the utopia would be that of the ruling tyrant, and the utopias of the citizens (or subjects) would be suppressed.

Who defines the utopia? Who identifies the ills that are to be eliminated? Who appoints the person who does the defining? In 1935, the late neo-Marxist sociologist, Karl Mannheim, wrote a book on the planning of society. He was a little more sceptical than Miss McGough but he, too, wanted to build a utopia. In the middle of the text, a disturbing thought struck him: who is going to plan the planners? He didn't find an answer to his question and he left the matter in suspense. No answer will be found other than that the planners are elected democratically, according to a democratic system, in which case they won't be building any pet utopias; or else the planners will usurp power by force and maintain themselves in power by tyranny, in which case they won't create a utopia either, but instead produce retrogression.

If Miss McGough had been made aware of those problems, she would have written a different letter, even if she persisted in her desire for utopia. I emphatically agree that the United States should be 'made better, truly free" and I applaud Miss McGough for saying that the multiple issues we are facing "all add up to a defense of our freedom. And by 'our' I mean everyone in this whole wide world". I trust the South Vietnamese are included—which, next to U.S. freedom, is precisely the key issue of the war she is opposing.

The goal of more freedom cannot be achieved by following Rubin's slogan of "demand, achieve, and then demand more!" It would first be necessary to know exactly what is to be demanded how and from whom? Such a question cannot be answered by generalities, but must be answered by specifics. Second, it would be necessary to investigate whether the technique of demanding is appropriate. The idea of demanding is that someone holds something you and others want, for example, the poor may be demanding the riches of the rich. Precisely this notion is inherent in all types of socialism and the "demanding and getting" is the economic essence of socialist revolution.

This particular thought was epitomized by J. P. Proudhon's slogan that "property is theft" (1840). (This dictum was first formulated in 1787 by J. P. Brissot a "bourgeois revolutionary", later decapitated. Although Friedrich Engels initially liked Proudhon's slogan, it was not taken over by the Marxists: Proudhon was in Marx's doghouse. Nevertheless, *this* is the formula which has kept alive the manifold socialist and communist assaults against private property and which also underlies Rubin's formula.

Yet by 1846, Proudhon had thought the matter over. He then wrote that property is essentially contradictory—the right of occupation and the right of exclusion, the price of labor and the negation of labor, the spontaneous product of society and the dissolution of society—property is "an institution of justice; and property is also theft". In future, a transformed property may be a positive, complete, social, and true concept. Property "which will abolish the old form of property will become equally effective and useful (*bienfaisante*) for all". (*Philosophie de la Misère,* Chapt. XI.)

So mere demanding won't do the trick. The insight is of prime importance, but did Miss McGough ever hear of it?

"Demanding" is just an Aesopian form for the good old Marxian term, "expropriating", and her infatuation with this concept shows how much Miss McGough has soaked up the basic framework of the socialist ideology. Yet she didn't mention socialism in her letter once. If Miss McGough had been studying the requirements of constructive social and political action, she probably would not give Rubin a second thought.

Social progress may necessitate occasional expropriations, under specific conditions, for specific purposes, and by specific procedures which are clearly laid down in American law. But the requisites of progress go far beyond this type of negative action. The sloganizing to which this particular student was subjected has not been helpful to her thinking.

The girl's honesty shines through every line of her letter. So does her good will and her eagernes to be a good citizen. She insists she is questioning "continuously" and is watching out for propaganda. If I take her by her word, I must conclude that she never was exposed, either in discussion groups or in class rooms, to the other side of her arguments.

"What's communism anyway?" Miss McGough asks. How come she doesn't know? The answer is simple: no one taught her the facts and no one showed her how to recognize the phenomenon. I won't try to give her a complete answer because, after all, the term "communism" covers more than a dozen states, about 100 parties, about 200 years of ideological history, and half-a-century of world history. But a few short answers can be given.

For example: communism has experimented with and advocates an economic system which, it claims, will lead to a utopia of well-being. In fact, the economies run by communist parties function far less effectively and efficiently than the economic system of the United States.

For example: communism, whether or not it professes humanistic goals, practices terrorism and mass murder. In his youth Marx did have a "humanistic" phase, but later he poked fun at humanistic goals and abused them for contrary objectives. Lenin was called a great humanist by UNESCO, but no one even tried to prove his humanism; if the founding of the Cheka is a humanist act,

why not the founding of the Gestapo? I won't waste time discussing the humanism of Stalin who, among others, exterminated his own party. I recommend Robert Conquest's *The Great Terror, Stalin's Purges of the Thirties* (New York, MacMillan, 1968). Khrushchev, Brezhnev, Mao Tse-tung and Ho Chi Minh never acted in accordance with humanistic ideas. Instead they have been responsible for the death of hecatombs of people.

For example: the communists believe in gun barrels creating political power and have been waging violent conflict ever since they appeared on the scene of history, yet Miss McGough wants peace.

For example: the communists practice dictatorship which, as Lenin said, is "unrestricted by any laws", yet Miss McGough favors democracy. She desires a "continuous debate" to filter "events, propaganda and information". But communism does not want such debate, instead it suppresses free speech and indulges in propaganda and brain-washing.

It is no less important for Miss McGough to know that communists and communist organizations make every effort to denature and subvert the democratic processes in the United States, "the greatest nation in the world—so far", as she says. *She* wants to improve the United States. The communist operation aims, not at improving this greatest nation, but at *destroying* the very economic and political institutions which made America great.

Miss McGough wrote: "We must have peace now—we can't wait." I am sure she does not want this immediate peace for the purpose of helping the communists. However, she probably would argue that a communist victory is the lesser evil than the continuing war. I presume that, as everybody else, she opposes war on the general principal that it kills people and costs money which could be put to better use. Several Senators have found it convenient to sidetrack criticism of their defeatist policies by stressing that while their viewpoints are being debated, American soldiers are getting killed. So they are and if that were the issue, the wisdom of immediate peace would be self-evident. By the same token, if there were zero fatalities, this would be no reason to continue with the war unless American purposes were served. I will not speculate on whether some of the Senatorial doves would propose immediate peace even if we did not suffer any casualties. Perhaps there is consensus for the following statement: It is United States policy to prevent unnecessary deaths.

Yet is this *really* American policy? Is this really the idea of young people like Miss McGough who argue against war, presumably on purely humanitarian grounds and *not* because they desire an American defeat?

The homicide rate in the United States is 7 per 100,000 inhabitants, and it is rising. The suicide rate is 11 per 100,000. The automobile death rate is 28 per 100,000. (Rounded figures of 1968.)

In 1968, 96 arrests per 10,000 inhabitants were made for infraction of the drug laws—the figure is significant because the illicit drug traffic causes many deaths. Dr. Hardin B. Jones, Professor of Physiology, University of California, Berkeley, who has examined the drug problem with great care, wrote:

"After a decade of nearly unchanged risk of motor vehicle deaths per capita, the motor vehicle mortality began to show an increase about 1962 amounting, by 1967, to 10,000 deaths annually in excess of the level prior to 1962. Coincident with the spurt in traffic fatalities, there was an equally abrupt increase in the out-patients cared for by mental clinics and hospitals and in the number of cases receiving bed care in mental hospitals. This amounts to 880,000 outpatient mental cases cared for in 1967, an excess of 600,000 per year from the 180,000 per year treated prior to 1960. This number is still on the increase. . . . Bed care cases by 1967 were 300,000 more than the 950,000 per year managed by our mental hospitals prior to 1960. While some other factors may also account for the increase in these tragic events, the drug craze is precisely coincident, and the consequences are precisely the expectancy from drug abuse."

Professor Jones added that there are now more than half-a-million heroin addicts, largely young people, while in 1964/1965 there were only an estimated 50,000. Those half-a-million addicts cost the United States approximately *20 billion dollars annually. This is about the cost of the Vietnam war.*

It should be observed that the life expectancy of most heroin addicts is quite short.

Against this disaster, *the U.S. war fatality rate, averaged over five years, has been 5 per 100,000 inhabitants, and it is declining.* If the number of those who are seriously crippled for life were added, the rate would still be far below the suicide rate, and if all war fatalities and casualties were lumped together, the rate would still be below the motor vehicle death rate.

This sort of statistic is neither an argument for or against the war in Southeast Asia. This war is necessary or unnecessary in terms of American security, e.g., in terms of saving or not saving larger losses.

But if it is our policy to minimize unnecessary deaths, then the ending of the Vietnam war cannot possibly be the highest priority task. In this case, the Senate should have devoted extended debates to drug addiction, automobile deaths, and crime. Moreover, the argument that because we have been fighting in Southeast Asia, we inevitably are distorting our national priorities, appears to be invalid. It would be far more correct to say that the incessant political arguments about the war have too much monopolized attention of the policy-makers, as well as of the movements which are pressing for genuine reform. But the interesting thing is that those who are particularly vocal about the "quality of American life" are most ambivalent about the drug crisis and don't seem to be overly perturbed by the motor accident, homicide, and crime rates. A malicious interpretation of this state of affairs would be that the talk about "national priorities" and "quality of life" is just diversionary propaganda designed to help the communists win the war in Southeast Asia. My personal interpretation is that communist propaganda has been extremely effective because people haven't learned to recognize and refute it. "God shall send them strong delusions, that they should believe a lie" (2 Thess. II, 11).

[From the San Jose Mercury, July 1, 1970]

A LETTER HOME: COED EXPLAINS WHY SHE PROTESTS

(EDITOR'S NOTE.—The following letter was written by Ann McGough, a senior psychology major at Kansas University, to her parents in Mclean, Va. in answer to their concern about her involvement in a student strike at the university.)

DEAR FOLKS: Where to begin? I think we all have this same problem because the issues we face are multiple and all add up to a defense of our freedom. And by "our" I mean everyone in this whole wide world. We are demonstrating to prove that we are a democracy.

By directly involving as many citizens of this world and particularly this country, and through this involvement, making ourselves aware of our humanity, we hope to have each citizen express himself and be listened to—not just heard. However, only when we have achieved these goals will everyone be free to be free. And I don't mean free to run red lights, litter, murder, and everything else this is always brought up at this point. My definition of freedom should be apparent by the time you're through reading this letter.

Obviously we want a utopia—we have the greatest nation in the world, so far. It can be made better, truly free, and all we have to do to make it so for ourselves and our children is to fight for it—and without violence. We have only begun to explore the possibilities. Our "action groups" that you're probably wondering about are involving the community.

We have organized classes for discussion of problems. Then we urge everyone in the community to start petitions, write letters to Congress, organize discussion groups. We urge everyone to join—and our numbers are growing. We have a communications control running daily circulars informing as many as possible of all the meetings and activities (22 class meetings yesterday on ecology, Vietnam, education, protest, the role of the university today), as well as our student paper and circulars devoted to current events.

We read, and report, as many sides of as many issues as we can get our hands on—for, against, against but wavering, apathetic, you name it. Is a free forum a communist inspiration? What's communism anyway?

We are the most informed generation of our times and all of history. We will not be taken in by outside agitation, card-carrying commies or whatever you call influence which threatens to make us unwittingly destory ourselves. We are vigorous, informed, and our minds have developed (because of what you've taught us—thank you) along a continuously questioning line.

We must filter the events, propaganda and information because it is all an integral part of our continuous debate. We use people like Jerry Rubin and take what he offers that fits with our ideas of a world fit to love in. If he profits from it, O.K. for him! We'll not let him take over if he threatens our freedom now or our expanded freedom to come. He said, "Do it!" He said, "Demand, achieve and then demand more!"—and we'll do that forever, because we want utopia. If we don't we'll stagnate; this war has stagnated, and we're tired of promises. We've got to do something, and the best time to start is now.

Tomorrow is the second day in the rest of your life; today is the first day in the rest of our lives. We've been given the world the way it is; we wish to give it to our children changed—better! If 5 years from now the war in Indochina is still going on, I would feel disgusted with myself for not having done all in my power to stop it, and right now.

We must act now to change our impetus. We must clear the air now, not wait for a miracle. We must have peace now—we can't wait.

How many promises must we endure—promises broken because of "incidents which arise" that must be taken care of who's looking to the future? We are. Richard Nixon's not—and he says this war is to keep our future generations free. What about this generation? We've found this situation and we will change it. If the future holds chaos, the future can and will be able to cope with it.

Surely we must work for our own satisfactions as well as those of our future generations. This may sound contradictory, but it points up a single conclusion: We believe our future generations could never condemn us for our actions because our goals are the goals that peoples everywhere—past, present, future—have striven to achieve. Our goals are an end to war, the end to needless exploitation in all areas (air, water, minerals, capital), and end to prejudice, a right to be an individual. These are humanistic goals and truly cannot be argued with.

We can argue means to the end; we can argue initiative and where it came from, but we cannot deny that we must work for these

goals. We have been blessed with the opportunity to strengthen our convictions. We stand condemned in the eyes of our world now, and in the future, if we do not honor this responsibility. We owe it to everyone.

Admittedly this letter is melodramatic. Nope—excuse me—this letter would have been melodramatic two months, even one month ago. But today is melodramatic. The events we face are unprecedented in the fullest sense. It is this state, our present state, these unprecedented, fantastically serious and dramatic times that have inspired this letter.

Love and peace,

Your ANNIE.

POLITICAL SETTLEMENT?

Congress is considering alternate courses of political action between which the country must choose. It is doing so in a strangely subdued manner.

The first alternative is to move out without delay, regardless of consequences. Such a step would not only be a *de facto* defeat, but it would be universally regarded either as the psychological collapse or the abdication of the United States as the leader of the Free World. This course of action is advocated only by a few members of Congress and I would presume that a thorough testing of the implications of their suggestion would diminish their numbers. It is, of course, conceivable that the South Vietnamese may do better than expected, while North Vietnam may be weaker than assumed. It is also possible that outside events will prevent further aggression by Hanoi, that the sino-soviet conflict may change the complexion of the problem, and that the American "cop-out" may be overlooked because we will start initiatives in other areas. We may be lucky or we may be unlucky, but we could not possibly be responsible and trustworthy.

The second alternative is that of negotiating about a coalition government. We have been trying to negotiate about it in Paris, but let's ignore that abortion. The proponents of this course contend that by reducing our military pressure, adopting a resolutely defensive strategy, and negotiating with greater skill and eagerness, we might actually get an agreement from Hanoi with which we could live or which, in any event, would save our face.

Mr. Clark Clifford, former Secretary of Defense, after arguing that we need not fight in South Vietnam and cannot win a military victory without imposing serious and irreparable injury on our own country, suggested a "rapid, orderly, complete, and scheduled withdrawal of United States forces from Indochina". He dismissed the so-called "bloodbath argument" and simply asserted that once the Americans really are leaving, "all parties seeking power in South Vietnam will have a strong incentive to negotiate a compromise settlement. All will recognize that compromise is their one assurance of a share in political power." According to him, North Vietnam indicated its willingness "to talk seriously if the United States declares the total and unconditional withdrawal of its troops from South Vietnam". (*Congressional Record,* May 18, p. 15899). Mr. Clifford's argument is surprisingly naive, because communists do not share power, but he stops short of saying that there will be a successful negotiation. We did declare our intent to withdraw, and we are withdrawing, yet Hanoi did not display any willingness to talk seriously. If we just pack up and go, what is there to negotiate? Surely not a "compromise settlement?" The talk about negotiation is simply a smoke screen. Mr. Clifford is really saying, "damn the negotiation, full speed backward".

There is not the slightest indication that Hanoi is willing to accept a *real* compromise. Their intent is to keep the talk about coalition government going as a psychological tactic to obtain American concessions, abandonments, and withdrawals. If such a government were formed, their intent would be to dominate it and in the end assume full power. The anticipation based on many precedents must be that the *propaganda* about coalition government and the so-called coalition government *itself* are merely transitions to outright communist rule: both are tactics of victory. However, since East Germany and Poland have phoney coalition governments even today, a nominal "coalition" of open and concealed communists might be kept together indefinitely.

If the anticipation were unfounded, that coalition is the decisive step toward communist victory, the Senator should have tried to refute it. But he ignored the real argument, probably because he sensed that the proposal does not have much merit, except that an agreed-upon coalition could serve as a—highly temporary—face-saver for the U.S. Unfortunately, even in the short run few people would be deceived. Defeat can be concealed as little as a broken leg.

Mr. Nicholas deB. Katzenbach, former Under-Secretary of State, must be commended for his straightforwardness. In a letter to Senator Church he wrote that he would like to see a negotiated peace "but the only alternative to Hanoi's intransigence has long since been a unilateral orderly U.S. withdrawal . . . We must have the vision and courage to accept that political fact without equivocation or delay." Mr. Katzenbach departs from this resolve by arguing that "failure to achieve our objectives is not the fault of our military forces but the failure of the Thieu government to achieve that measure of political support in Vietnam which is essential to peace. The failure is his [Thieu's], not ours." This point is hardly convincing and would dirty our faces rather than clean them.

Mr. Katzenbach's message is that the United States must in the current conflict accept "some losses, some defeats". He pointed out, quite correctly, that a strategy which tries to satisfy the objectives of no loss, no cost, and no risk can't really work. Since we don't want to pay the costs, and don't care to assume the risks, we have to accept the loss. This is a good analysis which goes to the core of our predicament. Hence the question arises whether we should really accept the loss (i.e. defeat) instead of changing our approach to the cost and risk factors. Mr. Katzenbach chooses the easy way out by implying that in the case of Vietnam the danger is minimal because only "very marginal shifts in some balance of power" are involved. This precisely is the question: is Mr. Katzenbach right in his assessment? Or would the changes in the balance of power that inevitably will result from our defeat be harmful to our security?

Mr. George W. Ball, another former Under Secretary of State, believes that, because of the extension of our commitment in Southeast Asia, "we are encouraging the soviet build-up of strength and influence in the Middle East. That is a development which poses far more danger for American interests and for the peace of the world than anything that could possibly occur five thousand miles away in Asian jungles. The possible destruction of Israel with soviet assistance is not one that we could, in our national interest, accept." If the southern littoral of the Mediterranean fell into the soviet sphere of influence, "it would shift the balance of power catastrophically against the West." (*Congressional Record,* May 26, p. 17045).

The same point was made, with considerably less emphasis, by Senator Kennedy in his letter to Mr. Alsop.

I think, too, that the balance of power would shift catastrophically if the Soviets were to assume control over the Middle East. But the balance of power also would shift catastrophically if we were defeated in Southeast Asia. Whether one catastrophe would be worse than the other is unanswerable and quite irrelevant. The greatest catastrophe would be a communist victory in *both* areas. If American *will* collapses with respect to Southeast Asia, it is an illusion to expect that it would hold up with respect to the Middle East. Almost inevitably, voluntary defeat in Southeast Asia will entail escalation of the Middle Eastern conflict and thus set in motion the very catastrophe which Mr. Kennedy and Ball want to avoid. This precisely is the sort of mechanism (or near-mechanism) which we must avoid.

Mr. Roger Hilsman, former Assistant Secretary of State for Far Eastern Affairs, reportedly one of the architects of President Diem's overthrow, addressed himself to the question of feasibility of a deal with Hanoi. He interpreted some Hanoi "signals" which were couched in "subtleties of language" and deduced from those signals that the communists would be willing to make an old-fashioned political deal—a negotiated settlement based on coalition government. The deal would be that we could withdraw slowly, "which would permit a dignified departure and help insure a peaceful transition to a coalition rule in Saigon". Reunification (under Hanoi) would be postponed for a period of five to ten years. Mr. Hilsman agreed with Hanoi's expectation that the communist side "will prevail over the Saigon regime once the United States departs".

As could be expected, he took the line that the fear of a "bloodbath" is unjustified. But "if the communists do in the end come to dominate a coalition regime in Saigon, some individuals will undoubtedly be tried as war criminals" and in "some villages" old scores will be settled. However, since there will be Western ambassadors, "it seems likely that their official policy will be one of no reprisals".

Hence, the way is clear: the Saigon goverment must first be broadened, then there must be a premier acceptable to Hanoi as head of the Saigon peace cabinet, and finally, "the different political factions . . . form a coalition government which might subsequently be ratified at the polls".

In all this, Hanoi would move with caution and try to keep friendly relations with the West because it needs a counter-balance against China. (*Congressional Record,* May 21, 1970, pp. 16490–16492).

We can dispense with the propaganda about the "bloodbath" and the quaint notion that the presence of Western ambassadors prevents purges. Mr. Hilsman is too smart to believe this prose himself.

The Hilsman message is that the communists are willing to sugar-coat the bitter pill by "decoupling" the American departure from the communist take-over of South Vietnam, but they insist on taking over South Vietnam and they want both feet in the door immediately. Mr. Hilsman even abandoned the pretense on elections and envisages merely that the polls will be used to *ratify* the communist take-over. (Of course, communist regimes will be installed in Laos and Cambodia also.)

Whatever qualifications may be invoked, once the process of communist take-over has started, it will proceed at an ever accelerated pace. Mr. Hilsman may hope for a drawn-out transition but as soon as the communists enter the government, there will be a stampede by all those who want to save their lives and careers. I witnessed such an event during 1938 in Austria when the transition took one month. In Czechoslovakia after World War II, the process took less than three years. To achieve slow-down, the communists would have to work strenuously *against* early communist take-over—that, surely, is too much to expect.

Why should Hanoi be interested in easing our troubles instead of aggravating them? There is no shred of evidence that Hanoi

wants to ease U.S. disengagement. All the signs point to a communist intent to humiliate this country and to demonstrate that the Communists are running the world *as of now.*

Mr. Hilman's hope of friendly treatment is based on Hanoi's worries about China. He calls for reassessment of Mr. Dean Rusk's notion that "Hanoi is somehow a stalking-horse for Peking and, therefore, a negotiated settlement would advance Chinese aims." The data show that Hanoi was close to Peking in 1965, subsequently moved closer to Moscow, and may now again be somewhat more intimate with Peking than with Moscow. The soviet wing in Hanoi may want protection against China, but will it stay in power? Even if it did, would this pro-soviet wing really assume that Hanoi's interests are served best if the United States remains in South Vietnam as long as the Maoists rule in Peking? I doubt it, but I do believe that the problem must be analyzed anew in the light of the sino-soviet conflict in the North and the divergent interests of the two communists super-powers in Indochina.

If Hanoi wants a counter-weight against China, they would not need ambassadors but an American presence. If they can't afford this solution (they probably can't), then they need Soviet support, and possibly a Soviet presence. In any event, if they want protection against the big neighbor, they must expand their power base and rebuild their army. One implication is that they would be ill-advised to spend their substance in continuing aggression. A second implication is that they could not afford any delay in integrating North and South Vietnam. *Hence they would not even think of streaching-out the transition period.*

The chances are that if Hanoi were worried about China (I accept this proposition with several qualifications), the last thing they would do is to antagonize Peking by entering into friendly relations with the United States.

The prospect of a lengthy withdrawal period which Mr. Hilsman is holding out can be regarded as a realistic expectation only on the assumption that Hanoi will switch toward Titoism. There are no indications that such a denouncement is in sight. Maoism at Hanoi is more probable than Titoism, but a Soviet orientation is most likely. Again, there are no indications that Moscow is interested in saving us from the consequences of defeat.

Senator Kennedy suggested that "the North Vietnamese and the Vietcong . . . will have to seek political accommodation—not political annihilation". He added that "no one seriously argues that such 'decisive victory' [that is a decisive victory by the communists] is about to occur". Mr. Kennedy buttressed his idea by inserting into the *Record* a promise by the North Vietnamese premier that "there will be no reprisals". (*Congressional Record,* May 26, 1970, p. S-7806–7809.) But he neglected to say that this promise was not made publicly and officially, and that North Vietnamese legislation has not been adjusted to fit the promise. Nor did Mr. Kennedy indicate how this promise jibes with communist massacres, like Hue, and how the communists, even if they wanted to, could keep control over the hatreds which have been engendered.

In any event, Senator Kennedy did not address himself to the problem of how a decisive communist victory could be averted in the wake of an early American withdrawal. He did not explain what the nature of the "accommodation" would be, and whether the communists really would be interested in seeking such an accommodation. If they were, why haven't they changed their negotiating tactics? What arguments do we have to induce Hanoi to be accommodating? It would seem that while Senator Kennedy rejects military victory as an illusion, the alternative he is offering is even more illusory.

Nevertheless, it must be stressed that Senator Kennedy does not want a decisive communist victory and desires a genuine accommodation. He does *not* advocate a sellout, yet he remains silent on the measures we must take to prevent an outcome which, according to his own criteria, would be disastrous.

Senator Fulbright proposed that we should seek a political settlement based on two principles: "First, the establishment of a transitional coalition government for what would become an independent, neutralist South Vietnam; and second, a commitment to a definite schedule for the ultimate total withdrawal of American forces." (*Congressional Record,* May 28, p. S-7990.)

We don't need negotiations with Hanoi to commit ourselves to a definite withdrawal schedule. Such a decision can be taken unilaterally. An agreement to a transitional coalition government is what Hanoi wants, that is, the elimination of the present office holders and their replacement by communists, semi-communists, pro-communists, technicians, and harmless individuals, the whole thing adorned by an elderly hero without brain and power. The new government would be imposed and it would organize "elections" only for the purpose of *ratifying* its existence. This is the customary prescription for defeat on the installment plan.

In other words, the United States would be asked to establish a communist dictatorship.

Surprisingly, Senator Fulbright wants South Vietnam to remain independent and neutral. Unlike Mr. Hilsman, the Senator does *not* propose that we acquiesce in the unification of Vietnam under Hanoi. This is important: Senator Fulbright appears to oppose the sellout of South Vietnam.

Yet if I read him correctly, he does *not* acknowledge that the objective of an independent South Vietnam is incompatible with the settlement he proposes, namely the transitional coalition government and the "ultimate total withdrawal of American forces" which, I presume, he wants at an early date.

The statements of those who argue for political settlement disclose most of them realize Hanoi continues to insist on an immediate coalition government and on immediate American withdrawal. But barely any of those advocates really are willing to sacrifice South Vietnam. Some belittle the danger, and others affect to ignore the mortal contradiction in their position.

On June 29, 1970 Senator Clairborne Pell asserted that the war was "unwinnable" and added: "Our history has shown that we are better off—and certainly our taxpayers are better off—with countries neutral, or even opposed, to us rather than with vulnerable, mushy allies unable to survive without American assistance. And, in my view, South Vietnam certainly meets the latter description". (*San Jose Mercury,* June 29, 1970).

The concept of the "mushy ally" is an intriguing novelty, but hardly one which will keep its attraction for long. If the United States had not helped the "mushy allies" it had in Europe after World War II, the communists would today rule in London, Paris, Bonn, Madrid, and Rome. Since most assuredly they also would be in South Korea, another mushy ally as of 20 years ago, they might even have made it to Japan.

I remember that in 1940, Englishmen and Frenchmen regarded the United States as a pretty mushy friend. It is certain that if the United States were to adopt Senator Pell's prescription, the Free World would think the United States is the mushiest ally of the 20th century, and Mao may believe we are no longer even a paper tiger but are just mush.

The concept of "mushiness" raises interesting questions concerning U.S. international commitments. Does Senator Pell imply that we should drop an alliance whenever an ally shows himself to be "mushy"? Should it be our policy to abandon allies when they prove themselves to be mushy on the battlefield? Are all those allies mushy who are weaker than a communist aggressor? Should we write off all of our alliances because, in varying degrees, every one of our allies seems to be mushy? Should we contract only alliances with very strong and resolute states? Should we invite our friends to start a gigantic arms race? Or should we instead become the ally of the USSR, the most "unmushy" state on the globe?

Has Senator Pell formulated a new liberal creed—to despise weakness and respect strength?

I am always fascinated by the spectacle of liberal Machiavellians. That political species may be described as ex-liberals who on the road to cynicism stumble over the dead body of absolutism.

Machiavelli, of course, advised the prince to "be a fox to recognize traps and a lion to frighten wolves". He would have warned that a country which wants to emulate the rabbit and the pussy-cat won't last very long.

We may be better off if in some instances had we not concluded certain alliances. Under many conditions the neutrality of foreign states can serve us well. We don't need to lose sleep over the hostility of the average have-not state. But South Vietnam has been an ally of the United States, and it also has been a victim of aggression. Consequently, the question is not whether this ally is mushy or muscular. The question is whether the United States is trustworthy and reliable or untrustworthy and treacherous? Do we or don't we keep our word? In large measure the answer to this question will determine our future.

The U.S. commitment, which Congress made in 1954, was to any member of protocol state of the Southeast Asia Collective Defense Treaty who would request "assistance in defense of its freedom."

American taxpayers are better off if there is no need to support foreign states. The purpose of our alliances and aid programs is, however, to prevent war, especially big war, and thereby to prevent that truly unbearable burdens be placed on the American taxpayer, the American citizen, the American economy, and the American political structure.

Senator Pell stated that a "unified Vietnam, even if under communist rule," would serve the national interest of the United States "better . . . than . . . the alternative course of remaining there indefinitely to shore up an independent South Vietnam." (*Congressional Record,* June 29, 1970, p. 10044.)

There is no reason to assume that the unification of Vietnam is of any significance to the United States. Whether a particular nation wants to be organized in one, two, or more states is really not an American concern, regardless of whether that nation be neutral or friendly or, if hostile, nonaggressive.

A Vietnam unified *under communist rule,* would possess some 30 plus divisions (not counting the Laotian and Cambodian forces). Except for China and the USSR, it would thus possess the strongest Asian army. How such a military development could serve U.S. national interest is impossible to fathom.

It is probably wise not to take those words too literally and to assume that Senator Clairborne Pell hardly will instruct his heirs to engrave this particular version of the American national interest on his mausoleum. Doubtless the Senator wanted to say that a local or even regional communist victory would be less painful to the United States than the indefinite continuation of the Vietnam conflict.

Perhaps our task in Vietnam would be

soluble, even at moderate cost, if Senator Pell and his friends would not have their hearts set on feeding South Vietnam to the man-killing tiger.

Senator Pell agreed that "we do have an obligation to those South Vietnamese who sided with us" and he proposed to provide asylum for our friends, preferably in Borneo. He admitted that our present strategy worked in Korea, but argued, unconvincingly, that "the strategic situation . . . is very different."

Senator Pell's most important finding which, of course, was not printed in my newspaper, was this: "In determining our national interest, we must be guided by our obligations. An obligation into which we have freely entered and which was not honored would obviously be a dishonorable action on our part and abhorrent to us. From a nation interest viewpoint, the value of our word among other nations would be cheapened." He added: "I would agree that we had an obligation to give the people of South Vietnam some support, both in material and in manpower, to help them get established since we had installed a separate government there. But after having 50,258 Americans killed and 278,814 Americans wounded there and spending more than $100 billion, I believe that our obligation has been more than met."

No doubt, we paid heavily for our commitment, yet much of this cost was due to our freely chosen ineffective strategy. Whether our obligation has been met, does not depend on our effort, but on our success. Senator Pell quoted Palmerston to the effect that it is our duty to follow our national interests. *No sophistry will suffice to prove that it is in our national interest to chose a voluntary defeat and to contrive a communist victory.*

Which affliction do we prefer? Do we have a preference for being knocked down by a left hook or a right uppercut?

Or shouldn't we approach our problems constructively?

The U.S. Government—and this includes the Senate which ratified our obligations—is committed to help the South Vietnamese preserve their independence.

If we were to write off South Vietnam, we wouldn't need a political settlement and we shouldn't seek one because this would only aggravate our problems and would be less honest and forthright than just packing up and leaving. It would be a political and moral disaster if the United States were to stand in for the communists and before leaving, impose Communism upon South Vietnam.

The proponents of transitional, i.e. pre-election coalition government are at the same time vociferous critics of the Saigon government. Their argument basically is that since the Saigon government is insufficiently democratic, we should abandon it and compel its re-construction in conformity with Hanoi's wishes.

Thus, in the name of democracy we would sacrifice a supposedly insufficiently democratic government. Also in the name of democracy we would see to it that the communists, that is the world's foremost adulators and practitioners of dictatorship, enter into the government we criticized for its democratic imperfections. But we can hardly expect that those faults will be cured through a massive infusion of dictatorial perfections.

The dictatorial coercion would be effected by the leading democracy in the world—the land of 1776 and the Bill of Rights.

There is no rule of democracy which says that a small party like the CP, which is opposed by the majority, is entitled to seats in the government. No democratic rule says that a party which is not loyal to the state is entitled to participate in the government. (American appointed and elected officials, including members of Congress, swear an oath of loyalty to the constitution.) No democratic rule says that a party which wants to abolish democracy and democratic elections, which practices terrorism, and which does not respect human rights should be helped into power and thus prove that indeed political power grows out from the barrel of a gun.

The imposition by the United States of a communist dictatorship on South Vietnam would be utterly contrary to the spirit and the ethos of democracy. If any U.S. administration ever resorts to this expedient, which I doubt, it would sell out an ally who had put his trust in us and it would also destroy the spiritual values on which our own Republic lives.

There is a vast difference between expediency and cynical betrayal of a ward, as well as between realism and heedless self-betrayal.

No responsible American statesman and no Member of Congress can *really* be willing to betray an American ally. We have lost neither our morality, nor our instinct for self-preservation. The finding is, therefore, that no political settlement is in sight.

The military defeat of North Vietnam through a more efficient application of force and Vietnamization combined with the promotion of Asian self-defense remains the alternative to rapid and openly acknowledged defeat as well as to slow and concealed defeat.

This alternative is not absolute, hence it does not exclude continuing negotiations with Hanoi. Yet Hanoi is not the government with which we must find an agreement, *that* government sits in the Kremlin. It is Moscow which keeps Hanoi in the war. It is Moscow which is running the conflict in the Middle East. It is Moscow which is preparing aggression against Maoist China. And it is Moscow which wants our acquiescence to its strategy of aggression through an agreement in the SALT talks at Vienna. All these conflicts are interrelated. Hence, aside from the fact that negotiations with Moscow still show little prospect of success, the settlement of these conflicts cannot be achieved by negotiating about each one separately. On the basis of historical experience, it is most unlikely that we will negotiate successfully from a position of weakness—which, morally and materially, is our position today.

We are swimming in a sea of illusions.

THE ERA OF DISTORTION

Misinformation is being spread systematically throughout the country. The materials printed in the *Congressional Record* provide ample proof for this contention. I leave it to others to decide whether such misinformation is due to sloppy research or to pre-judgment or, in some cases, to an undisclosed political commitment. I also leave it to others to compare the American self-made distortion with the propaganda that is distributed by communist media.

The era of distortion began when President Johnson decided to withhold essential information about the conflict in Asia. He has been widely accused of reporting falsely about U.S. operations in Vietnam, but on the whole I consider this criticism to be unjustified. However, President Johnson concealed the facts of Vietnamese communism and communism in general, and he fostered the illusion, now widespread in America, that the communists are mellowing and reforming and are anxious for mutual accommodation.

The idea behind this concealment was that President Johnson did not want a war fever which might compel him to attack the bases of aggression in North Vietnam. But it is difficult to fight a war if the people don't know why the fighting is necessary.

Mr. Johnson also gave the impression during 1964 that he would be able to prevent war and he never made a convincing case why he proved unable to redeem his promise. (He would have been compelled to confess to wishful thinking.)

Thus, from the start of the conflict, large segments of the American people have regarded the conflict as unnecessary, on the two grounds that we really need not fight the communists anywhere and should have been able to avoid the clash in Vietnam. At no time was there any systematic effort to tell the whole story and to make a convincing case.

The excitement of May 1970 was fed by several inaccurate stories, to the effect that the Administration had misled Congress about its plans. In particular, Secretary of State Rogers was misquoted concerning an alleged promise that there would be no operation in Cambodia (*Congressional Record*, May 18, p. 15834.

Senator Mansfield stated Secretary Rogers "was just as honest as the day is long. He gave us the benefit of what he knew at that time—not what he may have found out later." Senator Williams of Delaware added that in the incriminated meeting the Secretary had been asking for the opinions of the Senators. "The fact that our advice was not followed does not mean that we were not consulted or that it was not considered by the President . . . There has been a suggestion that there was no consultation of any description with the Congressional committee prior to his decision. At least to that extent, there was consultation relating to plans for Cambodia." (*Congressional Record*, May 25, p. 16915).

Senator Williams of Delaware disclosed that a report by the Committee of Foreign Relations in which the Cambodian decision was criticized "was not approved by the Committee but was released apparently by the staff . . . Unfortunately, that report was released over a weekend before the members of the Committee found out about it and the word got out all over the country that the Foreign Relations Committee unanimously had criticized the President of the United States; declaring his action unconstitutional and that this was an illegal war. In reality, the Foreign Relations Committee never took any such action, nor did it ever authorize any such report. As evidence of that, the report was unanimously withdrawn by the Committee for rewriting . . . There can be no excuse for that false report, which had a most disastrous result for our country." (*Congressional Record*, May 25, p. 16914.)

On April 28, Congressman Farbstein described the Thieu-Ky government as one which "closes newspapers and jails political opponents." (*Congressional Record*, April 1928, 1970, p. H-3588.) Senator Fulbright, by contrast, depicted the government of South Vietnam as a "military dictatorship." (*Congressional Record*, May 28, p. 17409.)

On this point, a fact sheet issued by the Committee of Concerned Asian Scholars, Harvard University, produced data which suggested irregularities affecting almost 1.7 million votes in the 1967 election in South Vietnam. Violations occurred in about 2,500 polling stations. This fact or presumed fact was statistically catapulted to mean 1.7 million out of 4.9 million votes were invalid. (*Congressional Record*, June 4, 1970, p. 18526.) That there were irregularities may be taken for granted, because such irregularities occur everywhere, also in American elections. But if there was massive fraud, it is hard to understand how and why the Thieu-Ky ticket got only 35% of the vote. Surely, the purpose of swindling in elections is to gain a majority. So if they did not reach a majority, they must have been pretty inefficient swindlers—in which case this "dictatorship" should be given credit for not fabricating pluralities of 99%. Quite a few American and western observers were watching the Vietnam elections. If there was such massive fraud, they must have been blind, deaf, and mute, and not a single Vietnamese must have drawn their attention to the swindle. If this were so, the Vietnamese must have been completely terrorized during the

election period or they must have been in favor of the fraud—thus they actually must have been supporting the Thieu ticket.

It is certainly surprising that 1.7 million is 35% of 4.9 million. The "Concerned Scholars" (the word "concerned" is a new addition to the Aesopian dictionary) did not mention the 4.9 million figure. The statistical implication would seem to be that the Thieu-Ky ticket got fraudulent votes *only*.

The writers appear to be more concerned than scholarly.

The Harvard fact sheet did not mention the multiple difficulties which organizers of elections in Southeast Asia must overcome. It did not breeze one word about the risks many Vietnamese voters took by going to the polls—83% of the entire electorate braved the communist injunction that the "people" should abstain from voting. It did not say that beginning in May of 1965, the system of appointing officials down to the hamlet level was abandoned and instead elections for provincial and municipal councils as well as for village and hamlet chiefs were instituted.

Nor did it mention that the majority of the South Vietnamese do not want to fall under communist rule and that the Saigon government is so certain of this attitude that the population is being armed.

The South Vietnamese parliament, which is beginning to function as is the Supreme Court, is usually mentioned when it is in a dispute with the Executive. The naive reader is being persuaded that there is a dictatorship in South Vietnam, "just as in North Vietnam", but he is not being told that the Vietnamese are building their democracy from scratch. Since they are achieving progress in the midst of war and in spite of a terror campaign directed against political personages, the South Vietnamese are performing a *unique* feat. The war critics emphasize the terrible destruction that is being inflicted upon Vietnam, yet the Vietnamese are not being given credit for their efforts at developing a modern state despite those handicaps. I do not know of any precedent for their accomplishment. Nor do I know of any democratic country, except the United States, which holds elections during war.

Is it objective reporting if facts of this nature are suppressed? Does it help understanding if backgrounds and circumstances are ignored? Is it fair if perfection is demanded? Is it intelligent if the nature of the communist "alternative" is ignored or if the Saigon and Hanoi regimes are measured by two different standards?

Another "Committee of Concerned Asian Scholars"—this one from Cornell University—dealt with the Geneva Accords which stipulated that elections were to be held in 1956. These writers pointed out, correctly, that neither the Accords nor, therefore, this stipulation was agreed to by the United States and South Vietnam, but apparently we were still "obliged" to hold elections at that time. They failed to indicate that the election date was not the entire stipulation. The Geneva Accords *also* called for specific conditions under which those elections were to be held. According to a declaration of June 29, 1954, we were willing "to seek to achieve unity through free elections, supervised by the United Nations to insure that they are conducted fairly." North Vietnam wanted no part of such an arrangement.

Since the conditions for free elections could not be created, the question arose which of the stipulations was to be disregarded? Were there to be elections under the wrong conditions or were there to be no elections until the right conditions existed? Since South Vietnam had not accepted the *Diktat*, is refusal to hold elections was both reasonable and legal. Even if the Geneva Accords are regarded as a "promise", this promise was conditional. Should the United States have pressed for fraudulent elections?

It was never clear whether the elections were just to determine whether the country should be reunited or whether they were to decide on the composition of a constituent assembly, or of a government, or a parliament. Those major questions were left undecided and negotiations to determine the nature and modalities of the elections never got under way.

Properly organized and supervised elections throughout the whole of Vietnam would have required that the Hanoi dictatorship test its popularity. Such elections would have presupposed that non-communists be candidates in North Vietnam. Hanoi did not show the slightest inclination to accept elections of this type. Nor will it submit to such a democratic test in future. Accordingly, the talk about elections in the whole of Vietnam has ceased; only elections in South Vietnam are still being debated. Interesting, isn't it? But it is South Vietnam which is blamed exclusively for having prevented nation-wide elections.

I think the U.S. government is wrong in regarding the Geneva Accords as basis for future arrangements. Those Accords always were a sham and they were never workable.

In discussing elections it would be useful not to ignore the electoral practices of communist countries, including North Vietnam. Suppose the regime in South Vietnam is deficient? Is it *more* or *less* democratic than the regime in North Vietnam? Is North Vietnam moving more rapidly in the direction of a democracy or of a state that is run in accordance with acceptable laws [1] than South Vietnam? Will the imposition of the Hanoi dictatorship on South Vietnam help the cause of democracy in Vietnam or elsewhere?

If the word "dictator" is used, it would be only scientific to indicate precisely what that word means in a given context and to show the differences—which are highly significant—between the "dictatorship" in South Vietnam, which is trying to build democracy, and the dictatorship in North Vietnam which does not want to move toward democracy at all, but wants to remain a dictatorship without free speech, without free elections, without proper legality, and without popular consensus.

The concerned scholars of Cornell argue that the communists "insist that a coalition government be formed before elections are held so that by sharing in power they can be protected against reprisals and ensure that elections are actually held." Is this the whole story? Is it reasonable, on the basis of the historical record, that such a coalition government could guarantee *free* elections and that it would allow a *free speech* campaign? If the communists want assurance that elections will be held, would it not be sufficient to have elections guaranteed by outside powers and supervised by an international body?

Rightly or wrongly Saigon is accused of election fraud. But why should the U.S. government support an election which predictably would be rigged from start to finish? If we oppose election frauds, we must ensure that elections be honest and free and we must not be a party to an election which we know *beforehand* will not be a "free election by secret ballot" and will not "permit the Vietnamese people to enjoy the fundamental freedoms guaranteed by democratic institutions", to quote Article 7 of the Geneva Declaration of July 21, 1954.

This entire complex, namely, whether the United States should participate in subverting democracy, is not commented upon. It is legitimate to reproduce the arguments the communists are setting forth, but "concerned scholars" *also* could be expected to concern themselves with democracy and its requirements. (*Congressional Record*, June 3, 1970, p. S-5097.)

The Cornell scholars produced a calendar of the Vietnam conflict. In this calendar they forget to mention that after large-scale infiltration of troops from North into South Vietnam began in 1959, the third Congress of the Lao Dong party on September 10, 1960, decided "to liberate South Vietnam from the ruling yoke of the U.S. imperialists and their henchmen"; [2] and they did not say one word about communist escalation during 1964 and 1965. According to their fact sheet the communists hardly even existed. (*Congressional Record*, May 28, 1970, p. E-4758.)

Professor Hans J. Morgenthau, a very careful and well-informed scholar always has opposed the Vietnam struggle, for reasons which command respect and consideration. Unfortunately, as he became emotional about the issue, he handled the facts with less than his usual care. (*Congressional Record*, May 28, E4712). For example, he talked about the "desertion rate" in ARVN as being close to 20% a year. Thus, he confused "desertion" with being "AWOL" and failed to explain the meaning of the high AWOL rate in Vietnam. The phenomenon is quite different from that in the United States. He also asserted that the American forces have been "bearing the brunt of the battle", while the ARVN "has just been able to hold their own". This description is highly unfair because it ignores U.S. decisions on operational division of labor, the armament of ARVN, and the time needed to create a well-trained officers corps, and it ignores American mistakes which slowed down the strengthening of the South Vietnamese armed forces. In both world wars, the American army which was not ready for combat, was withheld from battle for considerable time, and it wasn't very successful in its initial engagements. In 1970, Professor Morgenthau's point is out-of-date. Insofar as the "brunt of the battle" is concerned, the Vietnamese troops have consistently suffered higher casualties than the United States.

Professor Morgenthau continued :"It has been reported that the decision to send American rather than Saigon troops deep into Cambodia resulted from the fear that the latter would be 'slaughtered' by the enemy." There was no decision to send American troops *"deep* into Cambodia", and the fact is that a large ARVN force was sent into battle. In fact, ARVN units crossed the borders before U.S. units. Professor Morgenthau simply did not check the reports he read with his customary skill. It is incomprehensible that he did not hear about the employment of ARVN.

According to Professor Morgenthau, the "opposing army" (which would seem to be the North Vietnamese forces in Cambodia) reportedly consists of 30% Cambodians loyal to Sihanouk. I suggest that he would have

---

[1] The Confucian tradition of Vietnam is not "government by law" but government by virtue". The two concepts are supplementary and they do overlap. It is naive to look for exclusively western-style democracy in Vietnam, but this does not mean that a Vietnam-style democracy is not feasible. Such a democracy is possible, provided it is allowed to develop. One could expect Asian scholars to explain this difficult problem instead of confusing it.

[2] On February 13 and 14, 1961, Liberation Radio phrased this objective as follows: "overthrow the colonial regime of the American imperialists and the dictatorial power of Ngo Dinh Diem . . . and institute a government of national and democratic union." In the April 1961 issue of *Hoc Tap*, Truong Chinh confirmed that North Vietnam "is providing good support to the South Vietnamese revolution, and is serving as a strong base for the struggle for national reunification."

dismissed such reports if he had analyzed them critically. I never run across such reports and I suggest that Professor Morgenthau did not spend much time evaluating the source.

In an article in the *Washington Post*, Robert G. Kaiser quoted the President to the effect that the enemy is "concentrating his main forces in these sanctuaries . . . where they are building up to launch massive attacks on our forces and those of South Vietnam". As Mr. Kaiser informs us, "it has turned out that concentration of enemy troops in the sanctuaries did not exist". Mr. Kaiser has written many good articles, but is this reliable reporting? Why were the sanctuaries stacked full of weapons for over 70 battalions if there weren't any troops? And isn't it also clear that before our attack, the communists were operating in and from sanctuaries? As Mr. Kaiser writes it, our intelligence failed and Mr. Nixon acted on wrong information. Actually, some enemy units fled, others "withdrew in order", and some units—especially 2 regiments in the parrot's beak area—were destroyed. Those two regiments, incidentally, were defeated by ARVN. The communists suffered very high casualties all over the front, all in all some 20–30% of the force that was deployed in Cambodia by April 28, 1970.

Another interesting example of distortion is offered by the Harvard Committee on Concerned Asian Scholars. They provide a bibliography in which they quote a book by Douglas Pike. They concede that Mr. Pike's facts are reliable but his interpretations "are open to question;" as, of course, are those of the scholars who profess concern at Harvard. Mr. Pike is identified as "a USIS official with many unfounded conclusions, hostile, but detailed account." (The word "hostile" apparently means that Mr. Pike doesn't like the Vietcong). So the readers of Harvard's fact sheet have been duly warned. There also is a reference to a book by Wilfred Burchett about whom they write: "Unique experience in NLF controlled areas and North Vietnam. Also author of numerous other books on Indochina." (*Congressional Record*, June 4, p. E 5249.) If it was necessary to indicate Mr. Pike's connection with the U.S. government, surely it would have been equally necessary to disclose that Mr. Burchett has been a life-long communist and that he rarely, if ever, wrote a line which did not serve the cause of communist propaganda. It is often considered "objective" to attack a U.S. government official, but it is never objective to identify a communist as communist.

On June 11, the *San José Mercury* published an article by Stanley Karnow in which he wrote: "A neutral diplomat who often sees the Vietnamese communists confirms that the Hanoi strategists are shifting to a smaller and slower scale of 'protracted war.' Therefore he submits they may not feel compelled to replenish the material they lost in Cambodia." Surely, a statement of this sort requires evaluation, especially if the neutral diplomat was reporting accurately. For in this case, the Hanoi strategists would have decided that it is not feasible to rebuild the "spring boards" in the south and that, therefore, they must concentrate their efforts against the northern part of South Vietnam. This would still pose serious problems but it would mean that the security of the South Vietnamese heartland—Saigon and the Mekong Delta—has been significantly improved. If the report were correct, a major turning point in the war would have been reached. More than that: the neutral diplomat, assuming his report to be accurate, confirmed that *the United States did win a major victory in Cambodia.* Such a conformation, surely, should have been headlined. As it is, the story was buried and could be discovered only by detective work. TLe thrust of the accompanying prose was that the United States was unsuccessful—after all, the communists don't need the Cambodian bases anyway.

At the beginning of the Cambodian operation, three American journalists were captured by the North Vietnamese. All three were well-known correspondents with considerable experience in Southeast Asia. They have now been released and one of them, Miss Elizabeth Pond, has reported about their adventure. Here is how she described the group: "Mike is a young idealist who refused induction into the U.S. Army to fight in Vietnam. His wife of a few months is Vietnamese . . . Dick is a newspaper professional, long identified personally and editorially in his newspaper with an anti-war position. I am a woman whose reporting in Vietnam tended to be dispassionate rather than committed to a point of view. Personally I had been deeply dismayed by the American decision to send troops into Cambodia."

This may or may not be a typical sample of our correspondents in Saigon, but the group included contributors to major American newspapers. The competence of these people is not in doubt, nor is their right to express their thoughts. The U.S. public needs reporting based on their point of view.

It is, however, questionable whether American newspaper readers can get an objective picture if this sample of reporters were typical and if only or predominantly this particular viewpoint were featured. Personal conviction may very well be considered as a pre-requisite of good political reporting. But if this is so, then there must be reporters with various and conflicting convictions. We don't need *Gleichschaltung* in the American press, albeit on the subject of Southeast Asia.

Before departing from their place of captivity, one member of the group read to the communist guards "an article he had written about high morale among the pro-communist and pro-Sihanouk front troops", to quote Miss Pond. (*San Francisco Examiner*, June 25, 1970, p. 20.) What is the journalist code on which this behavior is based?

These captured newspaper people had most of their contacts with five very senior communist "cadres", probably officers of the North Vietnamese army. The man who wrote the article speaks Vietnamese, but barely a few words of Cambodian. Certainly, he was entitled to write about what he saw and heard, and it is useful to have the observations of captive newspapermen. But it is most unlikely that he had enough information to evaluate the morale of communist "front troops".

On June 12, the American wire services propagated a story according to which Cambodia decided to cede half of the country to the communists. This information supposedly was based on a "leak" from the Cambodian government and American military observers were quoted as saying that such a decision would be quite realistic. Whether it is likely or unlikely that the communists will seize and hold large portions of Cambodia is one question. The point at issue is that this particular report was false, that the Cambodian forces were fighting all over the country—incidentally, not without success—and that the Cambodian government simply did not make such a decision. High level Cambodian government officials promptly denied the story, described it as ludicrous and as "obviously communist propaganda". Yet the story made front-page headlines in every American paper, while the denial was given a lesser play. (I used the denial as it was printed in the *San Francisco Examiner* on June 13, 1970.) Aren't the wire services supposed to be careful? And shouldn't they have been adequately informed about communist troop strengths in Cambodia? Was there no realistic evaluation of the story because of lack of brainpower or because a propaganda carrier was at work?

The Cornell scholars discussed the probability of a blood bath after the American departure. They pointed out that "intense hatreds" have developed and suggested that, as provided for in the Hatfield-McGovern amendment, asylum "could and should be offered to those Vietnamese so compromised by their association with the U.S. that their lives are endangered". It "should not be difficult to receive 50,000 to 60,000 refugees from Vietnam". So far so good. Yet this analysis implies that only those Vietnamese who were associated with the United States are endangered. Thus, it disregards general communist ideas on "class struggle" and "class liquidation", and specific Vietnamese-communist notions on "blood debt". Nevertheless, the reality of the blood bath danger is recognized. Note that 60,000 South Vietnamese are the demographic equivalent of 720,000 Americans.

The Cornell scholars added: "Because of U.S. complicity in the prolongation of the war in Vietnam, the U.S. bears heavy responsibility for any killings which may occur as a result of the intense hatreds which have developed within Vietnam over the past 15 years." (*Congressional Record*, June 3, 1970, p. E5118).

I consider this statement so obviously propagandistic in nature that any detailed refutation would appear to be redundant. The authors of those lines would be very competent and skillful if they were communist sympathizers or communists. If they are patriotic Americans, I am at a loss to evaluate statements of this kind.

On June 24, 1970, the *San José Mercury* (which I would like to praise as a highly informative and objective paper) ran a highly disturbing story:

STANFORD REPORT: VIETNAM RUINED, BIOLOGISTS CLAIM

SAN FRANCISCO.—A group of Stanford University biologists reported Tuesday that U.S. military operations in Southeast Asia have ruined the land ecologically and created 'an urban nightmare.'

'The environment, the social organization, the very future of Vietnam has been so severely mortgaged by action supposedly on her behalf that an American policy of immediate and permanent cessation is clearly the most effective aid we can now give,' the report said.

The report was published by California Tomorrow, a statewide environmental organization.

The report detailed the extensive defoliation and cropland-destruction programs employed by U.S. forces, and said, 'it is impossible to identify the benefit to the people living there or to their descendants.'

'The military is transforming a basically rural agrarian society into an urban nightmare which is economically dependent on the continued presence of the United States,' the report said.

'America and its allies have forcibly transported people from hamlets into refugee camps located in and near cities, and have driven many more off their ancestral lands by bombing and defoliation.'

The report said that during the past 10 years Saigon had grown from a city of 250,000 to one of the world's largest.

'It now has 3 million people and is the world's most densely populated city,' the report said. 'The extremely rapid influx into the cities and surrounding camps has created massive problems in housing, feeding and providing medical care for the fugitives.'

The study team included graduate students, post-doctoral fellows and faculty members of Stanford's Department of Biological Sciences. The team predicted that when the fighting ends, 'The suffering and

hardship will have only begun' because of the inability of the land to support its people."

'How can we claim to be acting on behalf of people,' the report asked, 'when our action itself is prohibiting a future for them'?"

This team asserts, if we put this more bluntly, not only that we are destroying South Vietnam but that Vietnam will never recover. Since in modern history all countries engulfed in war have been able to recover, we must be acting like the Assyrians and the Mongols, or like the Romans against Carthage—and that toward our friend and not toward our enemy. Normally one would expect that the future is prohibited because most of the population is killed, but in this case the destructive agents appear to be of the "subtle" kind.

Defoliation and crop land destruction programs have affected 10 to 12% of the South Vietnamese territory, mostly in sparsely inhabited hinterland areas. Such undertakings, obviously, are not designed to be of immediate and direct benefit to the local inhabitants. If such benefit were the criterion of action, we would need an army of angels commanded by Santa Claus. Those people whose livelihood has been affected by military action are being resettled and reestablished. This is hardship but since I myself went through this process three times without any governmental help and without money, I don't think such a resettlement is a future-denying disaster. The general benefit which the Stanford writers found "impossible to identify" is that the hardship will contribute to keeping the South Vietnamese people and their descendants free of totalitarian dictatorship, which happens to be dedicated to war. If the ecologists care to regard the nature of political rule as a crucial element in the environment, they won't find it impossible to identify the benefits of a non-totalitarian system and to discover the human costs of a totalitarian communist dictatorship. I'll be glad to give them some basic information.

Not all refugees have been "forcibly transported", many left with alacrity. The abandonment of "ancestral lands" was not just due to the military action of "America and its allies", but also to communist terrorism which the Stanford biologists neglected to regard as an element of the local ecology. It also is worthy of note that the war was not initiated by South Vietnam and its American ally but by the communists of whose very existence many American academics nowadays don't want to hear. It would appear to be self-evident, on the strength of some eleven years of "revolution" and "people's war", that it is the communists who want to conquer South Vietnam, while no one wants to conquer North Vietnam. It is that attempted *conquest, not the defense* against aggression, which must be blamed for the ecological damage.

There has been a mass influx of rural people into the cities. Any self-respecting ecologist should know, and practically everybody else does know, that this is a world-wide phenomenon which also affects the communist-ruled states. The reduction of an unnecessarily large agrarian population generally is regarded as a sympton, even a condition, of economic progress. The same goes for the transformation of an agrarian into an industrialized society. The war undoubtedly acted as an accelerator and as a disturber of this process, but it is ludicrous to imply that Vietnam no longer is "a basically rural agrarian society". That's precisely what it is and I, for one, would argue that the rate of industrialization in South Vietnam has been too slow. Perhaps a faster tempo was not practical but I believe we underrated the effectiveness of "economic weapons".

The romanticism about pre-industrial agrarian bliss on "ancestral lands" is a wonderful theme for poetry but it makes no sense in a world, or in a country, which must feed a steadily growing population; and that population is aspiring for steadily rising living standards. Many war critics have argued, correctly so, that the disorganization of the traditional Vietnamese society, or its anomy, provided the main condition in which insurgency could flourish. I can't quite believe the Stanford biologists want to imply that anomic structures really should be preserved anywhere. Far from being revolution, this would mean the blackest stand-pat reaction imaginable—a policy à la Metternich, Guizot, tsar Alexander III, the Turkish sultans, and the Chinese emperors.

Naturally, the social transformation which is taking place in Vietnam may be moving too rapidly or it may be going in the wrong direction, and the war may cause harmful effects which could be avoided. It would be very useful to have valid facts and practical suggestions on how the social and ecological developments in South Vietnam could be helped constructively. To judge from the abbreviated article quoted, this wasn't the problem to which the Stanford biologists addressed themselves.

If it were American policy to maintain the agrarian status quo which existed five or ten years ago, other academics—and conceivably the same biologists—would criticize that policy also. This type of criticism finds fault with American policies *whatever* they are.

Undoubtedy the influx into the cities has created massive problems. Those problems are being solved as best they can. To be sure, they could be solved better, for example, if American, European and Japanese doctors would volunteer in larger numbers and if allied and friendly states would make available pre-fab housing and hospital and nursing facilities.

Whether or not Saigon is now the "world's most densely populated city" is known only to omniscient God. So why state as a fact that what at best is an estimate? High densities are undesirable, but urban over-population has been a problem in many countries, and so have war-caused mass-migrations. But those are not the types of problems which ruin a country and "prohibit" a nation's future.

It would seem to me that an argument to the effect that urban overpopulation negates a nation's future is characteristic of beginner's enthusiasm and of second semester term papers. Accordingly, I have the impression that papers of this type, while accredited to mature scholars, are produced by student teams. The professors may or may not give advice and, presumably, they regard such endeavors as exercises in psychodrama. There is wisdom in teaching students how to apply their particular knowledge to national problems and to get them "involved" in policy-making. But let's not confuse studying and exercising with scientific research and performance, even when the work is done by a group of *Wunderkinder*. Those less charitable than I will condemn the substitution of students for professors as flim-flam artistry.

It does not take too much insight to distinguish between real problems and artificially inflated problems. An ability to differentiate between orders of magnitude is indispensible if there is to be rational dialogue and rational decision-making. But precisely this ability is being lost because too many people have become "political activists", which means they have decided to engage in propaganda. As a result, warts and pimples are transformed into malignant tumors.

The New York Times printed an article in which it was said that because the powers of Congress have supposedly been diminished the President of the United States is now the most powerful man in the entire world, therefore, he has virtually unlimited power over the life and death of mankind. The President of the United States does possess enormous powers, but he is no absolute ruler. Most assuredly, the powers of the President of the United States are far less than those of the Secretary General of the Communist Party of the Soviet Union. This particular fact might have deserved mention: it provides the perspective and balance necessary to understand the type of power the President needs in order to protect the American nation and to ensure that mankind is not endangered.

But precisely those references to the real world are most unwelcome. Yet realistic analysis is indispensable to determine whether power is properly distributed and employed. In a recent debate by Catholic speakers before a Catholic audience, a student told me we are fighting in Vietnam for the purposes of American imperialism. He also had a long list of countries we did not bail out economically because, again, we are imperialists. Why? Is everything we do imperialistic in motivation and purpose? "Of course, it is", he replied. "The United States has been an imperialist power since 1776. It never has been anything else." He was quite unable to define imperialism.

One speaker quoted an American professor of international law who had asserted that Mr. Nixon is the biggest war criminal of them all. The speaker was asked from the audience whether this particular professor was the same who had participated in an international communist youth conference. The speaker admitted it was the same professor. The Speaker was a little embarrassed about this admission because he himself clearly was not a communist and he may have realized that he had acted as a communist propaganda carrier. To make his point he really didn't need that quote, but he could not resist. Yet the youngsters in the audience who knew nothing about Hitler or, for that matter, about Ho Chi Minh, that great nationalist, had acquired a new slogan.

Another speaker at that conference, a priest, discussed the My Lai massacre. He wanted to show that *the United States* is guilty of war crimes. Of course, he did not mention Hué, and, in fact, seemed quite unfamiliar with the case. The main difference escaped him, namely, that in the My Lai case, war crimes were (supposedly) committed by field grade officers under stress and acting in error as well as contrary to explicitly stated American policy. The suspects were indicted and if found guilty, will be convicted. War crimes have occurred in all wars and on all sides, and they are punishable according to all modern military codes. When I was in Vietnam during 1967, I learned that very systematic measures were taken to investigate all suspected war crimes and to mete out severe punishments for proven war crimes. I believe analysis would show the U.S. Army and the Marine Corps have been far more diligent than other armies in trying to prevent war crimes and in prosecuting war criminals.

War crimes occur just as normal crimes do happen, and just as people are killed on the highways because drunks want to get home. The significant question is not whether war crimes were committed by unruly or disobedient soldiers but whether such crimes were ordered by top authorities or were perpetrated as a matter of national policy. The nazi leaders were convicted because they ordered the systematic execution of acts which clearly were war crimes and crimes against humanity. They were *not* convicted because German soldiers committed unauthorized atrocities. The enormity of the Hué crime was not that it occurred—in the heat of battle, as some apologists have suggested—but that *this crime was executed on command and in implementation of explicit policy by the Hanoi dictatorship.*

When I pointed this out to the Reverend Father, he hinted that he didn't regard the difference as really important. I don't take this sort of an evasion too seriously because

debaters rarely acknowledge a mistake. But I was worried because this priest not only was ignorant about the nature of the enemy, but also was disinterested in finding out. The convenient line of self-deception was this: "Communism can't be all that bad. Let us worry about our own enormous crimes before we worry about the crimes of others." Perhaps we should worry about *all* crimes that affect the security of our nation?

At the same meeting, one person told me that communism is a "phantasy" and that there is nothing in communism of which the United States needs to be afraid. *Possibly* the evils and dangers of communism have been exaggerated; possibly they have been underrated. Why not *prove* such contentions instead of making assertions which few of the believers in communist virtue ever bother to examine?

Unsubstantiated opinions on communism are widely held and they are just as helpful to survival as the customary invitation "to have one for the road" or the more modern notion that the non-medical and illicit use of drugs is a short-cut to paradise.

The propaganda against American strategy is based on three fundamental themes.

1. Blame the United States—blame the U.S. if it does take action and blame it if it doesn't take action. Blame it for everything you can think of, including the misdeeds of the other side, and make sure that the blame is expressed in superlatives and hate-arousing language.

2. Don't ever discuss communism, don't mention communist realities and threats, don't ever admit that the communists have launched the cold war, are persevering with it, and are driving for total victory.

3. Offer no solutions other than concealed or open defeat. Use language to hide the meaning of defeat and tell people that defeat really would be a great blessing which the United States has not been trying hard enough to attain.

The trouble is that those guidelines are observed not only by communist propagandists, but also by large numbers of non-communists and by propaganda carriers.

The rule for the detection of propaganda is really simple: does the message contain an explicit and objective assessment of the threat and of U.S. strategy, and is the criticism fair and constructive?

I am afraid the idea that the U.S. government is doing everything wrong, is acting immorally, and is victimized by obsessions is the real phantasy which is plaguing many "concerned Americans".

THE PROBLEM OF TREASON

Most active and revolutionary defeatists have in the past been regarded as traitors. It may be recalled that during World War I, a former prime minister of France was indicted for treason (he was a classical defeatist of the first level). After World War II, another French prime minister was executed for treason and the chief of state was convicted for his defeatism and the consequent treason.

The U.S. Constitution (Article III, sec. 3) defines treason as, first, levying war against the United States, which in some ways would fit the actions of revolutionary defeatists; and second, as "adhering" to the enemies of the United States "giving them aid and comfort" which would fit the actions of active defeatists.

The legal question of whether a policy duly defined by the appropriate executive and legislative authorities can be treasonous is intricate, and I won't discuss it. If legally there cannot be treason of this type, *de facto* treason would be sanctioned and the perpetrators would be immune to legal prosecution. But if in the *political reality* a policy is deliberately or inadvertently treasonous, the unwritten law, that is *above* the constitution, will exact its retribution. As soon as large groups convince themselves, rightly or wrongly, that treason did occur, the survival of democracy is in grave danger. If treason prospers, "none dare call it treason," said Sir John Harrington. Is it *possible* that a country like the United States can prosper after it chose *voluntary defeat?*

Under the broader definitions of treason which are customary outside the United States, active defeatists are customarily regarded as traitors. Yet they are not necessarily dishonorable men. The conclusion of an honorable and reasonable peace is *not* treason, and a peace that forestalls a worse defeat is not treason either. It was a highly honorable act by the Emperor of Japan to stop the war in 1945. It was no less honorable of the opponents of Mussolini and Hitler when they attempted to oust the dictators in order to terminate the nazi-fascist aggression, which was doomed to failure and, above all, was highly immoral. The two dictatorships were usurpatory and hence illegal. Accordingly, these men, in order to act in the best national interest, really invoked an unwritten law higher than the "positive law" of the dictatorial states.

At this moment, the U.S. Senate is debating the question of whether it should use its constitutional prerogatives to force the termination of the war, even at the price of defeat.

Congress has the legal power to impose the termination of the war. This power is implied in the power to declare and finance war. But the explicit formulation or actual invocation of a power to end war is without precedent.

I am not sure Congress has the *effective* power to bring about defeat against firm Presidential opposition. Nor do I think that Congress will ever really embark upon a policy of voluntary defeat.

If this be true, then a temporarily defeatist policy by Congress is like a hit and run attack from a sanctuary. Such an attack may cause a major constitutional crisis, which in turn would contribute to internal strife. As a result defeat might be produced through the constitutional detour or the constitutional crisis, while not leading to defeat, would cost American lives which could have been saved.

Assuming that a defeatist course of action were agreed upon, because the President wants to avoid a national crisis, then Congress still would be duty-bound to consider two problems: *First*, however much self-generated defeatism there may be, a great deal of it necessarily has been induced by enemy psychological warfare. Next to the President, congress is the primary psychological warfare target. Accordingly, in my judgment, Congress should examine carefully whether it has been victimized by propaganda. Moreover, it must, with the highest objectivity, establish the relevant facts on which a proper decision needs to be based, thoroughly consider the costs and risks of all alternative courses of action, investigate all methods that could be used to minimize damage, and formulate the optimal course of action. This may be a time-consuming process but there is no military urgency in the present Indochina situation. It is better to delay a decision if ultimately it can be expected to be realistic and advantageous rather than rush into a decision which is not thought-through and which exhibits symptoms of crowd psychology.

Second. A vote which would result in the U.S. adhering to the cause of its enemy and in giving aid and comfort to the enemy by allowing him to defeat us, may be entirely valid legally. It would nevertheless violate the *spirit* of the constitution which I interpret to be opposed to voluntary defeat. The same problem came up during the Madison Administration. The Federalist party opposed "Mr. Madison's War" against Britain, and the British were encouraged to fight because of this opposition. The misinformation and encouragement which the "semi-traitors conveyed to the enemy both caused the war and kept it going". The Federalist party fell to pieces after the conflict. (*Congressional Record*, June 2, pp. 17939–17940.)

Congress had attempted to fetter Madison by an amendment which restricted him from ordering American troops to cross U.S. borders.

The argument that the Vietnam conflict is not a "declared war" has been demolished by Senator Ervin. Obviously, the Congressional right to impose voluntary defeat is not a matter of legal or constitutional technicalities but of very material dangers and consequences for the welfare of the American nation.

It is also a matter of importance whether or not the United States does prove itself to be a "paper tiger" which *while it hasn't been defeated on the battlefield, can be defeated by psychological warfare and by self-induced defeatism*. The demonstration of this fact would have the gravest impact upon our national future. Congress and public opinion are the major democratic institutions of our Republic. The revelation that they constitute the chief vulnerabilities of American statecraft cannot but undercut our liberty. It is just not feasible, as Senator Aiken seems to assume, for the United States to extricate itself from an on-going war by pretending that defeat is victory. Congress has the power to declare war. *It definitely does not have the power to declare victory.*

DEFEATISM

In 1760, Benjamin Franklin wrote an essay entitled *On the Means of Disposing the Enemy to Peace*. The paper was going to show the king that skill may be more effective than force. Franklin mentioned the method that was known and practiced in all ages, "the secret distribution of money among grandees, or their friends or paramours." The better method, according to Franklin, was to change "the minds of enemies," so that "they may be brought to grant willingly and for nothing what much gold would have scarcely have otherwise prevailed to obtain." This changing of mind can be accomplished through "men of learning" who are expected to produce sermons, discourses, writings, poems, and songs which emphasize the economic disadvantages of war, attack individuals benefiting from the conflict, and magnify the power of the opponent. If this is done right, then "the cry for peace . . . becomes an universal clamor, and no sound but that of peace, peace, peace, shall be heard from every quarter."

The description would seem to apply to the United States of today. Possibly our "men of learning" have been "disposing" themselves but is it beyond reason to suppose that the enemy is doing some of the disposing? The German records of two world wars prove that the techniques of psychological warfare have been used against this country with considerable effectiveness.

Franklin was describing the specific technique of "defeatism" which during World War I the Germans brought to a high level of perfection. The Germans repeated the performance during World War II with diminished skill and they proved no match for President Roosevelt's counter-measures.

In their well-developed theory, the Germans distinguished three levels of defeatism.

On the first level people spontaneously believe or allow themselves to be convinced that a particular war can't be won, either because there is not enough power or because winning would be too costly, difficult, and time-consuming.

On the second level people spontaneously believe or are persuaded that their country shouldn't win the war, for example, because they deem the war to be immoral or because they expect that victory would have harmful effects.

On the third level people commit themselves to *ensure* that the war won't be won. Those people can be found in all walks of life, but "active defeatists" operate most effectively in the military, the various branches of government, the public opinion media, sensitive positions in industry, and the labor movement. The active defeatists may adopt this attitude of their own initiative; if so, they tend to join together in action groups. They also may be recruited into action groups that already exist. Some active defeatists are loners.

During the Russo-Japanese war of 1904/1905, defeatism was practiced effectively by the liberal and socialist parties in Russia, and Japanese support to the defeatists was not lacking. The word "defeatism" was coined by Gregory Alexinsky, the first bolshevik deputy to the Russian Duma (parliament) and a friend of Lenin's. Alexinsky broke with Lenin during World War I on the very issue of defeatism which Lenin was practicing against Russia; Alexinsky believed that a German victory would hurt socialism. Alexinsky used the word "defeatism" in order to expose Lenin after the latter began to collaborate with the Germans, then at war with Russia.

The German practice of political warfare based upon defeatism, their active support of Lenin, and Lenin's acceptance of that support led in due course to the bolshevik revolution of 1917—the very event which is the not-so-remote root of our current worldwide troubles.

Note that the German government under Kaiser Wilhelm II did neither desire nor expect a bolshevik victory. In fact they opposed bolshevism, and so did the German social democrats. But both helped Lenin because this appeared to them to be a smart tactical move which would bring peace on their eastern front. The maneuver *did* bring "peace". It also brought revolutions, even in Germany, and it set up in business a group of superior strategists who were committed to the idea of permanent revolution and war. It was the most effective boomerang and the most startling self-defeat of modern strategy.

On May 21, 1970, Congressman McCloskey inserted in the *Congressional Record* (p. 16661) a commentary on U.S. policy in Southeast Asia signed by 426 attorneys from San Francisco. I quote: "Military operations cannot achieve our objectives in Vietnam. Our experience has been one of tragic and continuous failure. We fail to win a military victory . . . we have failed to negotiate peace. We have failed to eradicate corruption or to build a popular and democratic government. We have failed to protect the lives and property of the people of South Vietnam, although we originally intervened for this very purpose. Instead . . . we have spread . . . destruction up and down the nation, from which the land and the people may never recover . . . the indirect damage caused by the war, on a world-wide scale, may well have more permanent impact . . . We have come close to alienating an entire generation of young people, who are compelled to fight in a war which most regard as futile, if not immoral."

If Vietnam may *never* recover, how can the indirect damage have a "more permanent impact?" The diagnosis that Vietnam "may never recover" is most implausible, since the damage caused by the current war is nowhere close to the damage suffered by Germany, Japan, and the USSR during World War II, by the Koreans during the Korean conflict, and the damage suffered by northern and eastern France during World War I. Nor do casualties even approach the levels reached in some countries during both world wars. According to Senator Kennedy who investigated the problem thoroughly, battle fatalities of South Vietnamese number about 300,000 people. (*Congressional Record*, May 26, p. 17072.) This would be less than 2% of the total population or far less than the losses of most European belligerents in two world wars. One should deplore all loss of life but facts must be recognized: this war is far less bloody than most wars in history. Note that according to available data, one year of communist land reform, namely 1956, cost the lives of some 100,000 people. In other words, *in conflict with the communists, the alternative to bloody war is not a bloodless peace.*

The commentary ends with these words: "What we can do and should do is withdraw, so that we can start afresh. Then and only then, can we effectively set about building a secure and inhabitable world". This is a non-sequitur and little more than a wishful conclusion derived from the assumption that the war cannot be won. Translated into plain English, 426 Californian lawyers seem to believe that communist victories would render the world more secure and inhabitable. We can rest assured that most of these lawyers would *refuse* to sign a statement that is phrased in these words.

The assertion that the war is immoral is made frequently but it is rarely followed up by reasoned argument beyond pointing out that people suffer and get killed. Since this happens in every war, either every war, on this ground, must necessarily be immoral or this particular argument does not suffice to show that the Vietnam conflict is immoral. I find it rather interesting that the moralists do not carry their thinking further: are *both* sides fighting an immoral war? They didn't say so. If we are fighting an immoral war, is the commmunist aggression moral? They didn't and wouldn't say so. Most of them probably agree that Israel is fighting a moral war. If, on the *same* criteria, South Vietnam is fighting a moral war—an exclusively *defensive* war—why are we immoral in supporting them?

The active revolutionary is different from the *revolutionary defeatists*, whom Lenin added to the German roster and who makes it his goal to cause defeat in the expectation that defeat would facilitate the revolution which he proposes to promote. Lenin was an active and revolutionary defeatist because he used propaganda, political organization and activity as well as military subversion to stimulate defeat; and he exploited the resulting chaos to bring about the bolshevik revolution. Note that both the defeat of Russia and the bolshevik revolution were pushed along through incessant agitation and defeatist maneuvers in the Petrograd Soviet which in 1917 was functioning in lieu of a Russian parliament. The late Alexander Kerensky, an honest and well-meaning liberal person, helped the process by crippling the police, instead of reforming and controlling it; and by concealing the widespread treason of whose existence he was fully apprised.

The revolution of 1918 throughout Central Europe and the Middle East also were preconditioned by military disasters.

However, Lenin was a revolutionary, and he was no pacifist. Therefore, if he had judged that victory rather than defeat would help him make his revolution, he would have pursued victory.

In 1916, for example, Lenin did not merely favor the defeat of Russia but he also favored the defeat of Germany, France, Britain, and of everybody else. He merely assigned the highest priority to the defeat of his own country. The modern communist no longer is a "pan-defeatist" as was Lenin in 1916. All modern communists, of course, are opposed to the defeat of military forces under communist control. Their "pacifism" is highly selective and unilateral. For the purpose of advancing the revolutionary cause, *they favor and work toward the victory of the communist-led armies.*

In the case under discussion, *the communists regard communist victory as their highest priority objective.* Obviously, the U.S. armed forces cannot be defeated in a *military* sens in Indochina. There won't be any battles in which American divisions are being destroyed. Hence in this case *victory* for the communists means seizure of territory. So far as they are concerned, *the defeat of the U.S. would be predominantly moral and political;* and it would affect the cohesion, morale, and usability of the American armed forces.

The bolsheviks improved the German schedule of defeatism by adding the revolutionary defeatists: they also *added* united front tactics. Those tactics are usable in war and non-war situations but experience show that war and opposition to war create the optimal conditions for the establishment of broad, active, and excited united fronts.

The communists need broad-based support if they are to succeed. Yet they cannot get such support because people do not like communism. Hence the communists figure that they need (1) a hard core of party activists, (2) a large number of sympathizers whose function it is to create a favorable mood, and (3) the "neutralization" of the "masses" in the sense that the people will not resist communist activities.

The hard core group must be steeled in "struggle". Issues of war and peace involve the fiercest political contests in most societies, hence a fight like the present one is most useful to the communist hard core, its growth, and its operations.

It is impossible for the communists to get large numbers of sympathizers on any of the staple issues of the doctrine, e.g. class struggle, expropriation, dictatorship of the proletariat, etc. The cry for peace has been the *only* one to arouse pluralities and majorities. Accordingly, the CP rule is that the comrades, in an overt and covert way, should assume leadership over or, if that is impossible, infiltrate, and influence the "peace movement".

The idea is to transform peace movements into united fronts. The concept of the united front is to tie non-communists, even anti-communists, to the piedpipers of the CP, and thus make it possible for the party to direct large numbers of people. This tie is created through *one idea only*. Yet since considerable emotion is attached to the idea of ending war, the peace program takes precedence and submerges disagreements about the rest of the idea and issue palette. Moreover, those who favor peace find that they agree with the communists on their priority commitment, hence they tend to conclude that—maybe—the communists and their program are not that bad, after all.

In influencing or guiding the "peace movement" the communists also adhere to the Leninist tactic of putting forth to non-communists only "partial demands" and "minimal programs"—those proposals which appear most plausible in a given situation.* Whenever advisable, the "partial demands" are carefully insulated from the total communist program. Moreover, to make them most acceptable those demands usually are couched in Aesopian language.

The united front is the only political tactic available to the communists to create for themselves a mass following and influence national policy.

As the communists achieve strong impact, they aim to neutralize their opponents. They always try to create the impression that resistance to communism is becoming hopeless.

United front tactics provide an amplifying effect to communist propaganda, they facilitate the building up of front organizations, they activate CP recruiting, and they ease the difficulties of infiltration. All this results in severe handicaps for defense

---

Footnotes at end of article.

policies, including deterrence and containment.

The communists try to capitalize on all movements regardless of whether those propose policies which are beneficial or harmful to U.S. interests. The fact that communists support a policy of peace does not mean that this policy is wrong; it might just as well be right. But it is necessary for the promoters of any communist-supported policy to separate themselves sharply from the communists and to identify those points where objectives diverge. Close analysis would show to any patriot and non-communist that while he advocates peace to help the United States, the communists advocate "peace" to advance communism and harm the United States. Once this is understood, policies furthering national interest can be sorted out from those provoking national ruin.

The communists have excellent chances to make united front tactics prevail as long as an issue like war or peace is argued in a cloud of passionate emotionalism. A rational debate, by itself, would significantly lower American vulnerability to communist psychological warfare.

I have full confidence in American common sense. But I must point out that the successes of communist psychological warfare are visible. And I must warn that a fateful shift in U.S. policy cannot be discussed rationally if the decision-makers are not cognizant of the relevant enemy tactics. If those tactics are ignored altogether, then the enemy already has gained much of the influence he is seeking.

A Free World defeat in Indochina would have many aspects, foreign and domestic. Its primary meaning could be that the weary Trojans of the New World would pull the wooden horse into the bastion of America and enable the enemy to cross the Pacific and Atlantic, not in ships or planes, but on the waves of the brain.

American defeatism has been nourished by the slogan that we cannot win the war in Vietnam. Our objective is to stop aggression. If we are unable to attain this objective in Vietnam, we cannot be sure that we would be able to attain it elsewhere and under more difficult conditions. But if we can't stop aggression, there will be incessant war—or we must get ready to surrender. Is that what we want?

Sooner or later this country will free itself from the captivity of defeatism. The task of Congress, it seems to me, is to ensure that the costs of our defeatist disorder remain minimal.

But at this hour of our history the supreme task of Congress is to lead the nation in its liberation from mental enslavement.

FOOTNOTE

*Jerry Rubin puts it this way: "Give us an inch—and we'll take a mile. Satisfy our demands and we get 12 more." In view of this tactic and the communist notion of "incessant struggle", giving in to demands does not passify the revolutionaries. The hope that by stopping the war we would end unrest in the United States is entirely unreal: communist organizers will continue to instigate trouble and may be able, *because* of an American defeat, to fasten their pace.

TELEVISION AND THE MASS SLICKS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. RARICK. Mr. Speaker, on September 11, 1970, page 31405 of the CONGRESSIONAL RECORD, I had extended remarks on "The Free Press" to include an analytical report covering the newspaper industry by the celebrated journalist and lecturer, Mr. Gary Allen.

Mr. Allen has now followed that knowledgeable report with a like factual, documented and interpretive analysis of television and the slick paper magazines.

Many American people behold to that ancient maxim that the "policies of the king are those of his creditors." For certain, Mr. Allen's research into the ownership and finance of the organs of communication is so revealing that it constitutes must reading for everyone concerned about why today's news is so one sided and distorted.

I submit Mr. Allen's article, "Teleslick," which appears in the October 1970 edition of American Opinion, Belmont, Mass., to follow my remarks:

TELESLICK—TELEVISION AND THE MASS SLICKS

(EDITOR'S NOTE.—Gary Allen, a graduate of Stanford University and one of the nation's top authorities on civil turmoil and the New Left, is author of Communist Revolution In The Streets—a highly praised and definitive volume on revolutionary tactics and strategies, published by Western Islands. Mr. Allen, a former instructor of both history and English, is active in anti-Communist and other humanitarian causes. Now a film writer, author, and journalist, he is a Contributing Editor to American Opinion. Gary Allen is also nationally celebrated as a lecturer.)

"Communication is power," proclaimed Chairman ———. He was talking about television, upon which the great masses of Americans rely so heavily for their hard news. This, despite the fact that such news is both distorted and limited. As Dean Burch, Chairman of the Federal Communications Commission, declared on July 20, 1970: "The entire contents of a typical TV evening news show would take only three columns in a newspaper."

Even so, television in America has become almost as influential as the schools and churches in creating public opinion. There are in the United States an estimated 57.5 million homes with television, and somewhere between 40 and 50 million Americans watch television network news each night.

The ideological slant of television "news and commentary" has recently produced much indignant commment. But months before Spiro Agnew became a household word by shouting at the thunder of television's surf, a number of media newsmen had already complained to *TV Guide's* Edith Efron about the Leftist bent of their comrades. As Fred Freed of N.B.C. News put it:

"This generation of newsmen is a product of the New Deal. These beliefs that were sacred to the New Deal are the beliefs that news has grown on. This is true of the networks, of *Newsweek*, of the *New York Times*, of all media. Men of like mind are in the news. It's provincial. The blue- and white-collar people who are in revolt now do have cause for complaint against us. We've ignored their point of view. It's bad to pretend they don't exist. We did this because we tend to be upper-middle-class liberals. . . ."

Bill Leonard of C.B.S. says that television newsmen are not only "Liberals," but they are bad reporters. Speaking of his TV news colleagues, Leonard notes:

"Most reporting is lousy. It's lousy because people are lazy, because people don't think ahead, because they approach things in rote ways. We have these kinds of reporters here, unfortunately. The worst problem of all is the reporter who doesn't ask the next question—the cheap, lousy reporter who'll quote an attack but doesn't go to the other side because the answer might kill his story. . . ."

The severest criticism of television's Leftist bias came from one of the least-expected sources, A.B.C. anchorman Howard K. Smith. Mr. Smith, who describes himself as "left of center" and a "semi-socialist," is well remembered as the commentator who brought Soviet spy Alger Hiss onto nationwide TV to discuss "The Political Death Of Richard Nixon." Just what motivated Smith to become the Joe Valachi of the television industry, we do not pretend to know. The inference in his confession, published in *TV Guide*[1] for February 28, 1970, is that while he is himself a "Liberal," he is not like some of his colleagues an *anti-American*. Interviewer Edith Efron writes of Smith:

"He is generally in disagreement with political Conservatives on virtually everything. And, for that matter, he finds it psychologically easier to defend TV news departments than to criticize them. But on this issue of anti-American, pro-New-Left bias in the network news departments, his observations are identical to those coming from the right.

" 'Many of my colleagues,' Smith says, 'have the depth of a saucer. They cling to the tag, "Liberal" that grew popular in the time of Franklin Roosevelt, even though they've forgotten its content. They've really forgotten it. They don't know what "liberal" and "conservative" mean any more! They're forgotten it because the liberal cause has triumphed. Once it was hard to be a liberal. Today it's "in." The ex-underdogs, the ex-outcasts, the ex-rebels are satisfied bourgeois today, who pay $150 a plate at Americans for Democratic Action dinners. They don't know what they stand for any more, and they're hunting for a new voice to give them new bearings.'

"The search for a 'new voice,' he says, has catapulted such men into the arms of the New Left. 'They want to cling to the label "liberal," and they cling to those who seem strong—namely, the New Left. The New Left shouts tirades, rather than offering reasoned arguments. People bow down to them, so they have come to seem strong, to seem sure of themselves. As a result, there's a gravitation to them by the liberals who are not sure of themselves. This has given the New Left grave power over the old Left.' It is this New Left 'power' over many of the Nation's liberal reporters, he says, that underlies an anti-American and pro-radical bias in network coverage. . . ."

The remarkable Mr. Smith went so far as to confirm that the term "effete snobs," applied to television newsmen by the Vice President, fits media reporters like a pink glove. The self-proclaimed sophisticates of network news are, he said, seriously self-deluded about the intentions of the Communists. Howard Smith explains:

"Some [newsmen and commentators] have gone overboard in a wish to believe that our opponent has exclusively peaceful aims, and that there is no need for armaments and national security. The danger of Russian aggression is unreal to many of them, although some have begun to rethink since the invasion of Czechoslovakia. But there is a kind of basic bias in the left-wing soul that gives the Russians the benefit of the doubt."

The Leftist bigotry of the networks is not unappreciated by the Communists. In his incredible book, *Do It!* published by the Establishment firm of Simon and Schuster, self-proclaimed Communist Jerry Rubin writes that "every revolution needs a color TV." He cites Walter Cronkite of C.B.S. News as "the S.D.S.'s best organizer," and goes on to cheer about the way Cronkite "brings out the map of the U.S. with circles around the campuses that blew up today." Rubin calls these the "battle reports." He notes that "the first

Footnotes at end of article.

'student demonstration' flashed across the TV tubes of the nation as a myth in 1964. That year the first generation being raised from birth on TV was 9, 10, and 11 years old. 'First chance I get,' they thought, 'I wanna do that too.' The first chance they got was when they got to junior high and high school five years later—1969! And that was the year America's junior high and high schools exploded! . . . TV is raising generations of kids who want to grow up and become demonstrators."

Jerry Rubin calls television news "a commercial for the revolution." And, he knows what he is talking about.

Alan Dale is a well-known singer and television entertainer who has recently become a newspaper columnist and television critic in New York. He noted in a recent column that the TV networks are a propaganda machine "engaged in psychological warfare against the American people." Alan Dale says the networks "are waging the greatest advertising campaign in history—selling the propaganda of the Left to our children." Mr. Dale lays it on the line:

"You believe that communism cannot coexist with free nations. The philosophy and doctrine that is communism tells you that; the communist conquests and enslavement of the peoples of 28 nations tell you that; the communist leaders tell you that. But the voices of TV say there is nothing to fear from communism. Your children buy it!

"You believe that Revolution must be resisted by loyalists, and that treason is punishable by death. But the voices of TV say treason is an American tradition called "dissent" and America was founded on Revolution. The voices of TV compare Americans with the British of 1776. You think that's insane, but your children buy it!

"You believe that only criminals 'shoot it out' with the police. But the voices of TV say that certain groups are justified to shoot it out with the police. These groups wear uniforms and have their own 'minister of defense' within our own nation. You believe only a sucker would fall for that trick twice in 30 years. But the voices of TV say that the police should be investigated for participating in such a shoot out. Your children buy it!

"You know drugs have been around since you can remember, so you believe that it is the climate of permissiveness and indoctrination that is now turning on a generation, including your own children. But the voices of TV say that if you can drink, the kids can turn on. Your children buy it!

"You believe that in a nuclear age we need defense against nuclear attack—that such defense has probably prevented World War III. The voices of TV say America should forget about missiles and defense. Your children buy it!

"You believe that socialism and a 'one-world order' mean the end of individuality and freedom. You believe that a 'one-world order' under socialism is the consummate dream of the communists. Your dictionary tells you that is correct. But the voices of TV say socialism and a 'one-world order' will be the salvation of mankind. Your children buy it!"

If there is a fault in Alan Dale's analysis, it is that he underrates the vulnerability of adult viewers. Many of them also buy the propaganda line. Most would not recognize a Communist plot if you showed them the grave of Karl Marx. The media sell Marxists to the public as innocent and idealistic reformers, even as they depict Conservative anti-Communists as diabolical conspirators.

The Vietnam War, for example, would have been forced to a successful conclusion five years ago had the networks presented their audience of over 40 million Americans with the truth about the situation. Instead, they have propagandized for the Vietniks, Marxists, and Communists.[2] One remembers that during World War II the media devoted themselves to creating heroes out of every military figure from G.I. Joe to our generals and admirals. But they would have us believe there are no heroes in Vietnam. Every mistake, every possible situation in which our military or our allies can be made to look low, incompetent, or corrupt is magnified a hundredfold. Howard K. Smith cites one example of the thousands available:

"The networks have never given a complete picture of the war. For example: that terrible siege of Khe Sanh went on for five weeks before newsmen revealed that the South Vietnamese were fighting at our sides, and that they had higher casualties. And the Vietcong's casualties were 100 times ours. But we never told that. We just showed pictures day after day of Americans getting the hell kicked out of them. That was enough to break America apart: That's also what it did."

And what applies to Vietnam applies to every other serious problem faced by our nation. It is no wonder that Vice President Agnew's attack on the media was received with enthusiasm by so many Americans. He dared to tell the truth—that the country is being psychologically sabotaged from within. What seems to have caused the most frenzy among the media, however, is the fact that the Vice President indicated the slanting of the news is conspiratorial in nature. He spoke of a "tiny, enclosed fraternity of privileged men in New York and Washington, whose power is absolute." As Mr. Agnew observed:

"They decide what 40 to 50 million Americans will learn of the day's events in the nation and the world.

"We cannot measure this power and influence by traditional democratic standards for these men can create national issues overnight. They can make or break—by their coverage and commmentary—a moratorium on the war. They can elevate men from local obscurity to national prominence within a week. They can reward some politicians with national exposure and ignore others. For millions of Americans, the network reporter who covers a continuing issue like A.B.M. or civil rights, becomes in effect the presiding judge in a national trial by jury."

The Vice President then wondered aloud "whether a form of censorship already exists when the news that 40 million Americans receive each night . . . is filtered through a handful of commentators who admit to their own set of biases." It was a rhetorical question so obvious that many wondered why they had never heard it asked before. Theodore H. White, himself a member of the Establishment's Council on Foreign Relations, comments:

"The increasing concentration of the cultural pattern of the U.S. is in fewer hands. You can take a compass with a one-mile radius and put it down at the corner of Fifth Avenue and 51st Street in Manhattan and you have control of 95% of the entire opinion-and-influence-making in the U.S."

All of which raises the question of who owns and controls the opinion makers—selecting the membership of that little fraternity of "electronic journalists" which controls what 40 million Americans will or will not know about the day's news? It is a question worthy of investigation.

CONTROL OF C.B.S.

At the apex of the networks stands the Columbia Broadcasting System. The gargantuan C.B.S. network consists of wholly owned television outlets in New York, Los Angeles, Chicago, Philadelphia, and St. Louis *plus* over two hundred affiliate stations scattered throughout the continental United States. The network also owns radio outlets in a number of key cities and has 255 affiliated radio stations.

Chairman of the Board and key man at C.B.S. is William S. Paley. Mr. Paley is the son of Samual and Gold Palinsky, who immigrated to America from Russia before the turn of the century. Sam Paley became a wealthy cigar manufacturer. As he did not want his son in the cigar business he arranged purchase of fifty percent of C.B.S. from Paramount for $5 million. The year was 1928, and William Paley was twenty-one years old. The system had only twenty radio stations when young Paley took control. He was interested in social causes and saw great potential in radio for furthering them.

Another group interested in "social causes," the international banking firm of Lehman Brothers, a satellite of the worldwide Rothschild investment network, also became a major investor in C.B.S. Paley and his brother-in-law, Dr. Leon Levy, are however, the largest C.B.S. stockholders.

During World War II, William Paley was able to develop his propaganda theories as Deputy Chief of the Psychological Warfare Division on the Headquarters Staff of General Dwight D. Eisenhower. After V–E Day he was Deputy Chief of Information Control in Germany. So far is he to the Left that he received the order of *Polonia Restituta* from Communist Poland.

Paley is an important member of what is called the American Establishment. A devout internationalist, he is on the Advisory Council of the U.S. Committee for U.N. Day. He serves on the racial Ford Foundation's Fund for Resources for the Future. Mr. Paley is also listed in the Hearings of the Senate Internal Security Subcommittee on the Institute of Pacific Relations as "one of those to be invited to appropriate small dinners" held by the I.P.R.'s Edward C. Carter to arrange a pro-Maoist policy for America. The I.P.R. was a subsidiary of the Council on Foreign Relations, of which Paley is a member, and was primarily responsible for delivering China to the Communists. The Senate Internal Security Subcommittee has noted of it:

"The Institute of Pacific Relations (IPR) has been considered by the American Communist Party and by Soviet officials as an instrument of Communist policy, propaganda, and military intelligence.

"The IPR disseminated and sought to popularize false information originating from Soviet and Communist sources.

"Members of the small core of officials and staff members who controlled IPR were either Communists or pro-Communist.

"The IPR was a vehicle used by the Communists to orientate American far eastern policies toward Communist objectives."

Not surprisingly, the C.B.S. Foundation has been a major financial donor to the C.F.R. monolith through which the I.P.R. was spawned. Mr. Paley is reputed to be very generous to radical causes. Despite the fact that his parents came from Russia, Paley is a member of The Pilgrim Society, sometimes called the world's most secret organization, which has as its goal the reuniting of England and America.

Current Biography says of William S. Paley that "CBS policy continues to reflect his own personality, principles and taste." From his involvement with the C.F.R., the Pilgrims, the Ford Foundation, and the U.N. Day Committee, one must assume that the views of the corps of Leftist reporters at C.B.S. are indeed an extension of those of its Chairman of the Board. And those radical views reach into the homes of tens of millions of Americans every night.

The president of C.B.S. is Dr. Frank Stanton, whose Ph.D. in psychology is from Ohio State. He became president of the network at thirty-eight when William Paley moved upstairs. Under the Paley-Stanton team, team, C.B.S. has become the largest advertising and communication medium in the world.

Stanton is, like Paley, a "limousine Leftist." He is a long-time member of the C.F.R. and has been chairman of the Rand Corporation, a highly secretive think-tank whose Orwellian radicalism has periodically pro-

Footnotes at end of article.

duced international scandals. He also serves as a trustee of the Carnegie Institution and is a trustee and on the executive committee of the Rockefeller Foundation, as well as a director of the William S. Paley Foundation (where Paley hides some of the enormous profits he makes from preaching socialism). Dr. Stanton is also a director of Pan American Airways, headed by the notorious Leftist, Najeeb Halaby; is a trustee and former chairman of the radical Center for Advanced Study in the Behavioral Sciences; and, has served as chairman of the United States Advisory Committee on Information.

According to Zygmund Dobbs, perhaps the world's foremost expert on the Fabian Socialist movement, "Frank Stanton has been a Fabian socialist all of his adult life." He has, for example, been active with the Tamiment Institute (formerly the Rand School of Social Science) in New York City. The Rand School has for decades been notorious as a training ground for Marxist revolutionaries of every stripe.

Columnist Sarah McClendon has noted that Frank Stanton is a close friend of Lyndon Johnson. In 1964, while Senator Barry Goldwater was seeking the Presidency, Stanton addressed the National Broadcast Editorial Conference, declaring that TV networks ought to take sides in political controversies. He demanded they commence a continuing editorial crusade to implement the Civil Rights Act of 1964, and suggested that C.B.S. might formally endorse particular Congressional and Gubernatorial candidates.

The power and influence of C.B.S. ranges far beyond its television and radio networks. From its original base in broadcasting, it has expanded into theatrical motion pictures and film syndication, direct marketing services, the manufacture of guitars and drums, publishing; educational services, materials, and systems; research and development for industry, the military, and space technology; and, it even owns the New York Yankees.

The Columbia Broadcasting System is, in fact, the world's leading producer of phonograph records through its Columbia and Epic labels. Employing extensive full-page advertisements in "underground" newspapers around the country, the C.B.S. recording firms keep many of these revolutionary sheets afloat. Holt, Rinehart and Winston, a wholly-owned C.B.S. susidiary, is one of the nation's largest producers of textbooks and a major publisher of contemporary "literature." C.B.S. is also the world's largest exporter of films produced especially for television. It has broadcast or record producing facilities in Sweden, Australia, Switzerland, Holland, Germany, Israel, Belgium, Costa Rica, Mexico, Brazil, Canada, England, Austria, France, Italy, Japan, Argentina, and Columbia. Paley's firm owns thirteen subsidiary corporations within the United States and sixty-six corporations abroad.

While C.B.S. was originally backed by the international banking firm of Lehman Brothers, it now seems to have a lot of Harriman money behind it. W. Averell Harriman (C.F.R.) received numerous concessions from the Soviets during the Twenties to develop the mineral resourecs of Communist Russia.[3] His father had worked closely with Jacob Schiff of Kuhn, Loeb & Company, one of the chief financiers of the Russian Revolution of 1917. Among the directors of C.B.S. is Robert Lovett of the Harriman Bank, and several others are closely allied with the Rockefellers.[4]

CONTROL OF N.B.C.

The Avis of network television is the National Broadcasting Company, a subsidiary of the Radio Corporation of America. (Another subsidiary, coincidentally, Hertz Auto Rentals.) In the N.B.C. constellation are 207 television stations and 219 radio outlets.

Footnotes at end of article.

Until his recent retirement the head man at Radio Corporation (and therefore at N.B.C.) has been Brigadier General David Sarnoff.[5] Mr. Sarnoff is generally credited with founding R.C.A. As Arthur Howden Smith notes in *Men Who Run America*, it was not that simple:

"R.C.A., it should be stated, however, was not Sarnoff's brainchild. It came about because the Navy Department wanted American wireless American-owned—American Marconi was an affiliate of British Marconi. Franklin D. Roosevelt, Assistant Secretary of the Navy, took up the matter with Owen D. Young, of General Electric, and in October, 1919, General Electric bought over complete control of American Marconi and reorganized it as Radio Corporation of America. A.T.&T. bought into it in July, 1920, swapping radio patents for devices helpful in telephony. . . . Then, in November, Westinghouse electrified the country by broadcasting from an experimental station in Pittsburgh the Harding-Cox election returns. The United States became radio-minded in a week. And Westinghouse joined R.C.A. in return for a sizable block of Radio stock.

"Obviously, R.C.A. was no more than a selling agency to work up a market for the instruments the two manufacturing companies were commencing to turn out. It controlled practically every patent of value required to build such instruments. . . .

"General J. C. Harbord had been elected president on the company's organization. He was the front for the corporation. But David Sarnoff, practical radio man, general manager, was the 'works.' It was he who made the wheels go round—and in 1920 he was twenty-nine years old. He . . . shoved broadcasting as hard as he could. National Broadcasting Company was the result. In 1926, he persuaded Radio to buy station WEAF from A.T. & T. for one million dollars, and broadcasting as we know it today had its birth."

Navy Intelligence was more than slightly naive if it thought that in getting American Marconi away from the Rothschild-owned British Marconi it was freeing American broadcasting from control by the Rothschild clique and the international financiers. Since its inception, "His Master's Voice" at R.C.A.-N.B.C. came from the Rothschild's new world affiliates—Kuhn, Loeb & Company, Lehman Brothers, and Lazard Freres. Sarnoff, like his counterpart William Paley at C.B.S., was a bright young man backed by the banking *Insiders*.

In 1969, André Meyer of Lazard Freres, who had been a member of the board of directors of R.C.A. since 1947, retired. André, who was married to Bella Lehman, was replaced by Donald A. Petrie of Lazard Freres. One goes off, another comes on. The "Big Boys" are not about to relinquish control of so powerful a conglomerate as R.C.A. At the same time, Stephen M. DuBrul of Lehman Brothers joined the board of directors. Lewis L. Strauss, a partner at Kuhn, Loeb & Company, has been a board member for many years. He was also a trustee of the subversive Institute of Pacific Relations. The Chairman and chief executive officer at N.B.C. is Walter Scott, a partner in Lehman Brothers.

As radio mushroomed, the ambitious Sarnoff and his backers began looking at related fields to conquer. Arthur Howden Smith tells us how N.B.C. got into the movie business:

"Radio's laboratories had developed a device they called Photophone, and in seeking an opening for it Sarnoff came upon the twin companies of Keith-Albee-Orpheum, operator of a chain of two hundred theaters, and Film Booking Office Production, makers of motion-pictures. Both were in difficulties because they hadn't got in on the new sound equipment, and Sarnoff succeeded in obtaining a substantial interest for R.C.A. without spending a dollar or a share of stock. The theater chain became Radio-Keith-Orpheum (R.K.O.), the producing company R.K.O. Productions, later simplified to Radio Pictures."

R.C.A. subsequently sold R.K.O. to the Atlas Corporation and Lehman Brothers.

Much of what we can learn about Sarnoff comes from his biography by Eugene Lyons, the former editor of *Soviet Russia Pictorial* and a director of the Soviets' TASS news agency who had a fight with Stalin and was until recently a senior editor at *Reader's Digest*. One suspects, however, that there may be considerable eyewash involved as Lyons is Sarnoff's cousin (a matter the biography neglects to mention). Eugene Lyons was born in Uzlian, Minsk, Russia to one Minne Privin. Sarnoff was born in Uzlin, Minsk, Russia, the son of Lena Privin. Mr. Lyons writes of his cousin's political and ideological proclivities that "Snaroff is not a man of intense political feeling or overmastering convictions outside his business-scientific preserves."

Yet, we are asked to believe that David Sarnoff was at one time a fierce opponent of Communism. In 1955, he prepared a detailed memorandum boldly entitled *Program For a Political Offensive Against World Communism*. "On May 9, 1955," writes Lyons, "James Hagerty, the press secretary, released it to White House correspondents, with the implication at least of presidential blessings." You may judge how far to the Right this plan was by the fact that it was read into the *Congressional Record* with laudatory remarks by Senator Lyndon Baines Johnson. Mr. Johnson later traveled to New York to address a dinner at the Waldorf Astoria in Sarnoff's honor. There L.B.J. praised the Sarnoff memorandum and called for "the greatest political offensive in history . . . to win the cold war." The scheme was as phony as a rubber cane.

Although the Sarnoff thesis advocated an end to cream-puff appeasement of the Russians, it presented the "Liberal" line that the only threat is external and that Communism can best be thwarted by a massive redistribution of wealth in the non-Communist world and the creation of a socialist World Government to oppose the Soviet bloc. As usual, Americans were presented with false alternatives: One side (Atlantic Unionists and related groups) was proposing a socialist World Government to stop the spread of Communism, while the other (United World Federalists and similar organizations) advocated World Government with the Communists. Upon the election of John F. Kennedy, Establishment Group II came into the ascendency and Sarnoff dropped his scheme. Cousin Lyons writes:

"Around 1961 David Sarnoff ceased to talk publicly about Communism. Tacitly he acknowledged that the 'hard' line of the cold war, of which he had been so determined an exponent, no longer had much chance—that his crusade had failed . . ."

For a man without "intense political feeling," David Sarnoff has strayed into some very intense political associations. For many years he has been a member of the Establishment *Insiders'* Council on Foreign Relations—about as intensely political a group as you could hope to assemble. (R.C.A. has been a major financial contributor to the C.F.R.) Also, at the urging of President Kennedy, Sarnoff in 1961 became vice chairman of the Citizens Committee for International Development. "Its objective," writes Lyons, "was to help generate public support for the Foreign Aid Program. An equivalent organization, in which Sarnoff served as a member of the board of directors, was constituted by President Johnson in February, 1965."

The public is supposed to believe that the lobbying for foreign aid is a product of the efforts of average citizens who see the need to help America's neighbors. Far from it! The *Insiders* of international banking prof-

ited enormously from America's foreign aid program—which has cost us over $182 billion since 1946. Both J.F.K. and L.B.J. knew that Sarnoff has been a lifelong front man for the international banking fraternity, and accordingly selected him for the International Development post.

In September 1965, Sarnoff addressed three thousand delegates from more than one hundred nations at a privately sponsored World Conference on Peace Through Law, a Front promoting socialist World Government. Earl Warren was its honorary chairman, former Presidents Truman and Eisenhower were co-chairmen, and Lyndon Johnson was a featured speaker. Sarnoff advocated that world "control" (a monopoly for the *Insiders*) be arranged over international television. The "General" even served on the Rockefeller Committee on Department of Defense Organization, created by President Eisenhower to reduce control by the military over the nation's defense policies. Little wonder that Sarnoff received a medal from the Communist-dominated United Nations "for his contribution to the field of human rights."

David Sarnoff is also a member of the super-secret Pilgrim Society, whose official logo is entwined American and British flags. This group, which is dedicated to merging Britain and America, has a number of internationalist members like Paley, Sarnoff, and John Schiff whose ancestors were not British.[6] Cousin Eugene forgot to mention Cousin David's C.F.R. and Pilgrim activities.

Over a period of a decade, David Sarnoff's vice president at N.B.C. and chairman of N.B.C. International was Alfred R. Stern. Mr. Stern's mother is Marion Rosenwald Stern, daughter of Julius Rosenwald of the Sears Roebuck fortune. In 1851, his great-grandfather immigrated to America from Germany. He is reported to have been a veteran of the Red Revolution of 1848. The *National Encyclopedia of American Biography* says (Volume 26, Page 111) that Alfred's grandfather, Julius Rosenwald, gave $6 million to Stalin for "recolonization" within the Soviet Union. Included in the Rosenwald group sending millions to finance "farm development" in the workers' paradise was international financiers Felix Warburg, Louis Marshall, Herbert Lehman, and John D. Rockefeller. It has been estimated that Rosenwald's total gifts to Josef Stalin exceeded $18 million.

On August 1, 1951, Congressman Eugene Cox placed in the *Congressional Record* a report detailing the millions Alfred R. Stern's grandfather spent financing U.S. Communists. Like many of the financiers of the revolution in America today, Stern's grandfather set up a tax-free foundation to finance his pet Communist causes. Among those he backed with large sums of cash were W.E.B. DuBois, a Communist and a founder of the N.A.A.C.P., Red poet Langston Hughes, Communist James Dombrowski of the Southern Conference Educational Fund, and the late editor of the *Atlanta Constitution*, Ralph McGill.

In 1957, while Alfred R. Stern was chairman of N.B.C. International, his father—Alfred K. Stern—fled behind the Iron Curtain with his second wife, Martha Dodd. A federal grand jury had returned a three-count indictment against them for spying for Soviet Russia, which could have brought the death penalty had they been brought to trial. Both were charged with being members of a Soviet spy ring that included Boris Morros, a U.S. double agent, and Vassili Zubilin, former second secretary of the Soviet Embassy in Washington. The senior Stern and his second wife had been subpoenaed on March 14, 1957, to appear before the same grand jury which indicted the Sobels and other Soviet spies. Martha Dodd Stern is the daughter of a former U.S. Ambassador to Germany and brags of once trying to seduce Adolph Hitler.

After fleeing justice, the father of the N.B.C. International chairman set about training black revolutionaries and saboteurs in Communist Cuba. Alfred K. Stern's latest activities were indicated over a Vietcong radio station in Hanoi during August 1966. He announced a gift of $5,000 to Communist troops.

The nephew of Soviet spy Alfred K. Stern (and cousin of television executive Alfred R. Stern) is Washintgon Leftist Philip Stern, who helped staff the Kennedy State Department and was Deputy Assistant Secretary of State for Public Affairs at the time the Bay of Pigs debacle was planned. Cousin Stern sat in on the planning. His top aide was Leftist Carl T. Rowan, for whom he later arranged an appointment as Director of the U.S. Information Agency. Philip Stern also played an important role in the persecution of Senator Joseph McCarthy while an assistant to Senator Henry Jackson during the Army-McCarthy Hearings.

Like other members of the family, Cousin Philip promotes Leftist causes in the media through a tax-free foundation. In a glorifying article titled "The Happy Philanthropist—Philip Stern" the *Washington Star* details in its issue of February 1, 1970, some of the pro-Communist activities to which Philip Stern devotes himself. The *Star* notes:

"The Stern grant that made the biggest splash of 1969 was money given Seymour Hersh to research reports of a massacre of Vietnamese civilians by soldiers at My Lai. Hersh's research, aided by a special [Stern] fund to promote investigative reporting, led to stories that shocked the nation and the world."[7]

Besides bankrolling the radical Fund for Investigative Journalism, Philip Stern has also been a major benefactor of the Far Left's Institute for Policy Studies and is also author of *The Case of J. Robert Oppenheimer*, which glorifies the late Communist and "security risk."

Philip's mother (the aunt of TV's Alfred R. Stern) is Edith Rosenwald Stern, who sits on 690,000 shares of Sears Roebuck and Company—which not only keeps the wolf away from the mansion door, but allows her to indulge the Communists. When New Orleans police raided the headquarters of the Communist Southern Conference Educational Fund, for instance, they discovered a cancelled check for $5,000—a token of Mrs. Stern's esteem. Mrs. Stern also uses the media to promote her radical interests—she openly owns WDSU television and radio in New Orleans, but has otherwise chosen to finance others in the purchase of newspapers and radio and television stations.

Edith Stern's son, Edgar B. Stern Jr., is a member of the board of directors of Sears Roebuck and Company—which may explain why many newspapers, anxious for advertising revenue, are reluctant to make editorial connections between the World Communist Movement and the American Establishment. Edith's sister Marion, formerly wed to Red spy Alfred K. Stern and the mother of television's Alfred R. Stern, is currently married to Max Ascoli (C.F.R.). Mr. Ascoli was brought to this country from Italy in 1931 when the Rockefeller Foundation interceded in his behalf after he had been arrested for Red activities. Max Ascoli dumped his Italian wife to marry the wealthy Mrs. Rosenwald Stern, who financed his establishment of the radical *Reporter* magazine.

Alfred R. Stern, who was for many years chairman of N.B.C. International and vice president of N.B.C. Enterprises Division, has himself kept out of overtly Communist activities, but being raised in a home where his father was a Russian spy, his mother a committed Leftist, his grandfather and many of his relatives leading pro-Communists and financial supporters of Josef Stalin, is not the sort of environment which produces screaming eagles. Mr. Stern is currently Chairman of the Board of Television Communications Corporation, 45 Rockefeller Plaza, New York City.

Succeeding David Sarnoff at R.C.A. is his son Robert, a director of the Advertising Council, another avatar of the Council on Foreign Relations. After graduating from Harvard and studying law at Columbia, Robert Sarnoff served as an assistant to Gardner Cowles (C.F.R.), publisher of *Look* magazine. He also spent several years on the *Look* staff before joining R.C.A. He is a director of Random House Publishers, which is owned by R.C.A. (Random House's Bennett Cerf is a director of R.C.A.) and he is a director of Manufacturers Hanover Trust Company.

In 1950, Robert Sarnoff married Felicia Schiff Warburg, daughter of Kuhn, Loeb & Company's Paul Felix Warburg. She is the great granddaughter of Trotsky's financial angel, Jacob Schiff. The Sarnoff-Warburg merger wound up in the Mexican courts early this year and Felicia married F.D.R. Jr. in July.

THE LITTLE ONE

The American Broadcasting Company is the Tag-Along Tooloo of the Big Three networks. It has 153 primary television affiliates and owns a chain of 399 motion picture theaters, the largest such chain in the country. A.B.C. is also very big in the record business under the Dunhill, Impulse, A.B.C., Command, and Westminster labels. Like N.B.C. and C.B.S., it is a heavy supporter of "underground" revolutionary papers through its ads promoting acid-rock music.

A.B.C. specializes in escapist entertainment and generally leaves the documentary propaganda to the Big Two. Its news audience amounts to only 7 million, while the other networks divide up the remaining 35 million or so news watchers. It does not have the ties to the C.F.R. and international banking establishment that C.B.S. and N.B.C. do, but seems content to try to imitate their radicalism.

SLICK MAGAZINES

Although the advent of television has somewhat diminished the influence of the slick magazines upon mass opinion, their importance is still significant. The nation's second leading magazine in circulation is *Look*, with 7,750,000 copies distributed per issue. *Look* is owned by Cowles Communications, headed by Gardner and John Cowles.

The Cowles publishing empire encompasses *Harper's*, a list of trade journals, a string of newspapers and television stations, and Harper & Row publishers. Running Harper & Row for the Cowles family is Cass Canfield of the C.F.R., World Federalists, and The Pilgrims. John Cowles is married to Canfield's daughter. Both Cowles brothers are members of the *Insiders'* Council on Foreign Relations.

John Cowles runs the *Minneapolis Tribune* and *Des Moines Register*. He is a trustee of the Establishment's subversive Carnegie Endowment for International Peace and of the Ford Foundation, and he is a member of the National Policy Board of American Assembly—a Front created by Averell Harriman, the Ford and Rockefeller Foundations, and the C.F.R. to run propaganda seminars for leaders in American business, labor, communications, and the academy. He is on the Advisory Council of the U.S. Committee for the U.N. and the ultra-Leftist National Committee for an Effective Congress, which operates a "be kind to the Communists" lobby in Washington.

According to the American Legion's *Firing Line* of August 15, 1954, John Cowles joined twenty-three others signing telegrams to U.S. Senators "asking support of measures which would stifle all Congressional Investigations of Communism." Little wonder. Brother John is very serious about merging

Footnotes at end of article.

America into a World Government with the Communists. The following is from a U.P.I. dispatch of June 7, 1959:

"John Cowles, publisher of 'The Minneapolis Star and Tribune' said today that the traditional American concept of national sovereignty is obsolete. Mr. Cowles, speaking at the 109th annual commencement of the University of Rochester, said Americans have believed so deeply in the principle of national sovereignty that they have instinctively opposed anything which it could be claimed might impair national sovereignty.

"'I suggest for your open-minded consideration the proposition that national sovereignty in its traditional meaning no longer exists. It has become obsolete,' he said."

Gardner Cowles, chairman of the board of *Look*, works hard to keep up with the Leftist activities of his brother. Besides being a member of the C.F.R., he is also a member of the Atlantic Union Committee which advocates scrapping the Declaration of Independence and the Constitution and forming a political union with England and the countries of Western Europe as a first step toward a World Government. He is a member of The Pilgrims. Cowles was also head of fund-raising for the American Assembly's Freedom House, set up in honor of Wendell Wilkie by A.D.A. founder Russell Davenport of *Fortune* and notorious Communist-frontier Rex Stout.

Gardner Cowles became a member of the Institute of Pacific Relations (officially cited as "an instrument of Communist policy") at the recommendation of Alger Hiss (C.F.R.). During World War II, Gardner was deputy director of the O.W.I., where he played a role in placing the foreign language press within the U.S. under the domination of the Communist-controlled Victory Council.

Running *Look* magazine for the Cowles boys is William Attwood (C.F.R.), who once wrote that we could "thank our lucky stars that Castro is not a Communist."

What Americans can thank their lucky stars about is that *Look*, which has published more smears against anti-Communists than any other publication outside the official Communist Press, is reportedly going broke. The magazine has now become so thin that one might almost shave with it. Corporate advertisers have cut back on their budgets and the slick magazines have been hit very hard. Also, the ad men are pouring a higher percentage of their budgets into television. The Cowles have already been forced to sell a valuable newspaper in Puerto Rico to pump the $10 million proceeds into keeping *Look* afloat. Those close to the scene say *Look* could go under.

And things aren't any better over at *Life*, despite a whopping circulation of 8.5 million. Life is now down to 68 pages, less than half its former self. *Time*, the leading newsweekly,[5] with a circulation of 4.2 million (as compared to *Newsweek's* 2.5 million and *U.S. News & World Report's* 1.8) is healthy, as are Time Inc.'s *Sports Illustrated* and *Fortune*.

The Time corporation recently bought its first newspaper, the *Newark Evening News*, for $34 million—then turned around and bought thirty-two more in the Chicago suburbs. It also owns Little, Brown & Company, an Establishment book publisher; 300,000 shares of Metro-Goldwyn-Mayer; 600,000 acres of timberland; and, is part owner of media in South America, West Germany, Hong Kong, and Australia. In addition to all this, Time Inc. owns some thirty television stations in America, giving this mammoth conglomerate a voice in every form of mass media—newspapers, magazines, movies, television, book publishing, and even teaching machines.

The builder of this empire was the late Henry Luce, whose impact on American thinking has been incalculable. As Theodore White (C.F.R.) has noted, "He . . . revolutionized the thinking of American readers." Luce started his rise to publishing glory with loans from Establishmentarians Thomas Lamont and Dwight Morrow (like Lamont, a J. P. Morgan partner), Harvey Firestone, E. Roland Harriman, and various members of the Harkness family (Standard Oil fortune). Their influence became especially apparent when he started his business magazine, *Fortune*, in the middle of the depression. As John Kobler writes in *The First Tycoon*:

"It is a bemusing paradox that Fortune, the magazine of business, questioned the efficiency of the free-enterprise system and even took on a faint socialist tinge. Some of its editors and contributors stood far to the left. Luce realized this—but he also realized that he needed iconoclasts to shake up the business world and make it notice Fortune.

"Under the managing editorship of Russell Davenport, a progressive [sic] Republican, Fortune appeared to favor a mixed economy. It was Davenport who saw presidential qualities in Wendell Willkie, and interested Luce in backing him against Roosevelt. . . ."

Apparently that is what Luce's financial angels wanted. And, athough he later seemed to oppose F.D.R., Henry Luce cheered his accomplishments: "I didn't vote for F.D.R. but it was all right with me that he won. He accomplished a lot of necessary social reform."

Jeanne Harmon, a former *Life* staff writer, tells in *Such Is Life* how tolerant Luce was of the Communist cell openly working at Time-Life. Mrs. Harmon relates how headlines were suddenly altered to convey meanings never intended, and how she and her fellow reporters were subjected to pressures to ignore some stories and push others. She also reveals that Whittaker Chambers was not welcomed back to Time-Life after he had testified against Alger Hiss (C.F.R.) Mrs. Harmon's description of life with Luce was considered important enough to be reproduced by the Senate Internal Security Subcommittee.

Luce, like William Paley and Gardner Cowles, was a member of the I.P.R. (the officially cited "instrument of Communist policy"), and he and his corporation provided it with large financial contributions. The I.P.R. Hearings revealed that Henry Luce had done everything possible to bury evidence that Communists were working within the I.P.R. to ensure the sellout of Chiang to the Chinese Reds—even as he pretended to be a friend and supporter of Chiang Kai-shek.

Luce's involvement with the Communist I.P.R. helps explain why his magazines went to every length to smear Senator Joseph McCarthy. *Life* and *Time* have always attacked and ridiculed anyone who pointed out that the successes of Communism around the world have been a result of the policies of our own government. The fact that Luce was himself deeply involved with the men making those disastrous policies was undoubtedly a motivating factor.

Henry Luce was at one time actually considered an anti-Communist. Yet he always bitterly opposed anyone like Robert Taft, General Douglas MacArthur, or Barry Goldwater, whom he thought might actually *do* something about Communist subversion in the United States. Luce's bogus anti-Communism was used to promote his World Government crusades. Besides his I.P.R. membership, he was a member of the C.F.R. and the Atlantic Union. Henry Luce was also a strong supporter of the United Nations, even after Alger Hiss's role in its establishment was revealed.

In the late Fifties, Henry Luce switched from the "World Government to oppose Communism" line to the "peaceful coexistence and World Government with Communism" line, and *Life* went back to glorifying the Soviet Union as it had done during World War II. In 1966, Luce and *Time's* publisher James Linen (a sponsor of the occult Temple of Understanding and a member of the C.F.R., Atlantic Union, and The Pilgrim Society) took a group of forty-three U.S. businessmen behind the Iron Curtain to promote aid and trade with the enemy.

Editor-in-chief of all Time Inc. publications, is Hedley Donovan, a Rhodes Scholar, former reporter for the Leftist *Washington Post*, and a member of the C.F.R. and The Pilgrim Society. Other Establishmentarians in the Time Inc. hierarchy are vice chairman Roy Larsen (C.F.R.) and directors John Gardner (C.F.R.) and Sol Linowitz (C.F.R.). The late C.D. "Jackson" (C.F.R.) divided his time between the Luce interests and his role in President Eisenhower's "palace guard," where he was leader in the "get McCarthy" movement.

The man who is now reported to be leading the march of *Time* is a Canadian named Edgar Bronfman, head of the worldwide Seagram's whiskey empire, who controls Time Inc. through ownership of M-G-M. Bronfman inherited great wealth from his father Samuel Bronfman, who made his fortune as Al Capone's supplier during prohibition. Edgar Bronfman, one of those who accompanied Luce behind the Iron Curtain in 1966, is married to Ann Loeb of the Kuhn, Loeb international banking families. She is the daughter of Frances Lehman and her father is J. F. Loeb Sr. (C.F.R.), a senior partner in Loeb, Rhodes and Company, a firm with historic ties to the Rothschilds.

Bronfman, a contributor to Hubert Humphrey in 1968, is part of John Kenneth Galbraith's "Referendum '70," the goal of which is to support Vietnik candidates who are to the Left of the general Democratic Party. As Galbraith puts it: "The Democratic Party must henceforth use the word *socialism*. It describes what we need."

It is clear that the mass media in America, whether it be the newspapers we discussed in the September issue of American Opinion, network television, or the slick magazines, are disproportionately in the hands of the radicals of the Establishment. It is also clear that same Establishment is committed to the formation of a One World Government which it intends to rule—thereby gaining control of *all* the wealth of the world. The Establishment uses its mass media to promote that end.

FOOTNOTES

[1] The enormously profitable *TV Guide* is owned by Walter Annenberg, Richard Nixon's Ambassador to the Court of St. James'. Annenberg, who until recently was owner of the *Philadelphia Inquirer*, also inherited ownership of *The Daily Racing Form* from his father Moe, a quasi-hood who spent many years in prison as a result of conviction on tax evasion. Walter Annenberg is a recent addition to the board of directors of the Times-Mirror Company (*Los Angeles Times, Newsday, etc.*) along with Keith Funston (C.F.R.), former president of the New York Stock Exchange and a member of the conspiratorial Pilgrim Society.

[2] Readers may wish to write C.B.S. News suggesting production of a documentary on Aid and Trade With the Communist Enemy, discussing how America finances and equips the Vietcong and North Vietnamese through loans, gifts, and transfusions of technology to Russia and her satellites—the very arsenal of an enemy killing our sons in the field. Perhaps N.B.C. would be interested in putting together one of its famous White Papers on the Treason Road we are building to link Russia with Southeast Asia, or the Rockefeller-Eaton combine to build factories behind the Iron Curtain.

[3] See Anthony Sutton's *Western Technology And Soviet Economic Development 1917 to 1930* Hoover Institute, Stanford, 1968.

[4] In the issue of *Realty—The Real Estate Newspaper Of New York* for September 18.

1951, columnist Elias Cohen tells of his personal experiences in dealing with Schiff and Kuhn, Loeb & Company when they were in the process of maneuvering to establish the Federal Reserve System. Cohen drops this information about the relationship between Schiff and John D. Rockefeller:

"At that time, Mr. Schiff, the senior member of Kuhn, Loeb & Company, still held, together with one (James) Stillman, the power of attorney over the fortune of Mr. John D. Rockefeller, Sr.; he had been pronounced so ill that he could not, at that time, attend to any business at all and it had been necessary to turn over the direction of his affairs to these two men." Rockefeller had worked closely with the financiers of the Communist takeover of Russia since his early days in the oil business when Kuhn, Loeb & Company granted him a secret rebate on oil shipped over their Pennsylvania Railroad.

[5] Sarnoff is not a military man; F.D.R. made him an instant general during World War II.

[6] According to the group's 1969 membership list, other members in the United States of The Pilgrims, 74 Trinity Place, New York 10006, are: Frank Altschul, John Astor, Hugh D. Auchincloss, George W. Ball, Rudolph Bing, Douglas M. Black, Roger M. Blough, Brigadier General George A. Brownell, David K. E. Bruce, Ellsworth Bunker, Admiral Arleigh Burke, Arthur F. Burns, Gardner Cowles, Thomas E. Dewey, Thomas E. Dewey Jr., Clarence Dillon, C. Douglas Dillon, Hedley Donovan, Captain Douglas Fairbanks Jr., G. Keith Funston, Leonard W. Hall, Lyndon B. Johnson, James A. Linen, William McChesney Martin, The Reverend Norman Vincent Peale, Elmo Roper, Dean Rusk, and Henry M. Wriston.

[7] Hersh wrote speeches for Eugene McCarthy in his primary battles, then berated the Senator as just a "Liberal" with no feeling for the "revolution." Mr. Hersh was also connected with the notoriously pro-Communist Pacifica Foundation. In October, 1969, he was a speaker for the Vietcong Moratorium in support of the Vietcong. † Edith Rosenwald Stern's late husband Edgar was a director of the Federal Reserve Bank of Atlanta and treasurer of Lehman, Stern & Company. The Sterns and Lehmans are related. The Lehman ancestors helped start the family fortune—which now allows them to finance "Civil Rights" causes—by dealing in slaves in Montgomery, Alabama.

[8] While *Time* dominates the newsmagazine field, competitors *Newsweek* and *U.S. News* are also closely connected with the C.F.R. *Newsweek* is owned by the *Washington Post* (whose ownership and control was discussed in detail last month). Chairman of the board Frederick Beebe is a member of the C.F.R. as was the late Philip Graham. Retired editor Malcom Muir is a C.F.R. member, as is current editor Osborn Elliott. Other C.F.R. men at *Newsweek* include columnist Stewart Alsop, contributing editor Carl Spaatz, and Atlanta Bureau chief William Anderson. The top man at *U.S. News*, David Lawrence, is also a member of the C.F.R.

ITALIAN-AMERICAN TRADITIONS AND CUSTOMS HAVE BROUGHT PAGEANTRY AND PROGRESS TO AMERICA

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. ANDERSON of California. Mr. Speaker, September 19 marked the final day of the 10-day "Feast of San Gennaro"—a feast celebrated by Italian communities commemorating the martyrdom of San Gennaro.

It is said that in the third century, the Bishop of Naples was to have visited imprisoned Chistians in Sosinus during the persecution of Diocletion. He was arrested and he and his colleagues were beheaded at Possuoli. Relics of the bishop were brought to the Church of San Gennaro and later removed to the Abbey of Monte Vergine. In 1947, they were returned to Naples and enshrined in the Cathedral Church.

Mr. Speaker, our culture is a composite of the customs and traditions of many races, creeds, and nationalities. The Italian immigrants who came to America brought with them, not only the Feast of San Gennaro, but also other significant traditions. Indeed, our Nation is, to a large extent, what it is today due to the foresight, imagination, and hard work of Italian-Americans.

Men of Italian descent have been in the forefront of this Nation's progress literally from the very beginning. For example, the voyages and explorations of Christopher Columbus are the kind of progress and achievement of which I am thinking.

Admiral Morison, a noted Columbus scholar, expressed the importance of Columbus's feats in this striking assertion:

> His four voyages—the first in 1492–93; the second, in which the lesser Antilles and southern Cuba were discovered, in 1493–94; the third, in which he first touched the mainland, in 1497–98; and the fourth, in 1502–04, in which he discovered the unknown shores of the western Caribbean—are the most important in modern history.

Of all the famous and brilliant Italians whose deeds have made an imperishable record in the hearts and minds of men and women through the ages, it is Columbus whose fame will last forever. His feat is, perhaps, even more meaningful to us today as we face the vastness of space somewhat in the same manner as Columbus faced the unknown expanse of the Atlantic Ocean.

Columbus, however, was soon followed by other courageous Italian explorers. A few years after Columbus' initial voyage, an Italian navigator, Amerigo Vespucci, embarked on a voyage to these far-off shores and through his account of those wondrous lands gave his name to our two great continents and the isthmus which joins them.

On April 17, 1524, Giovanni da Verrazano, sailing for the King of France, entered what is now New York Harbor Thus, 60 years before the Englishmen sent out by Raliegh, 85 years before Hudson, 95 years before the Pilgrims of the Mayflower, Verrazano came to the shores of North America, explored them carefully, and reported his discoveries to his fellow Europeans.

The Italian contribution to the discovery and exploration of America is even more significant than the numbers of ships' captains and crew members indicate. Italy was the unquestioned leader in the fields of cartography, mathematics, ship design, and building in 15th and 16th century Europe. The dissemination of this seafaring expertise by Italian emigrants immensely aided the exploration and colonization efforts of the other European countries.

When colonies were first formed, Italians became early settlers. The first Italians to tread American soil were missionaries and soldiers. Long before the first pilgrims landed here, Fra Marco da Nizza performed his missionary duties in North America. While France and England were still struggling for domination of the new continent, Enrico Tonti was journeying through the unknown Mississippi region, and Father Eusebio Chino was exploring the unfamiliar lands of the great southwest, both in the area we now know as the State of Arizona and in the region of my own State, California.

Italians had come to Florida by 1565, and had received grants of land in Virginia by the early years of the 17th century. Father Blount, a descendant of the Blondi of Italy, assisted Lord Calvert in securing the Maryland charter. Men and women from the Piedmont settled in Delaware in 1656. An Italian built Fort Saint Louis, in what is now Illinois, in 1683.

Everywhere, Italian priests advanced along the frontier. They were devoted to the spiritual welfare of the Indian tribes, and often, therefore, they went where soldiers dared not go. The maps and descriptions of the new lands which the priests produced were invaluable aids to later explorers.

Of the 52 priests of the Society of Jesus who labored in California from 1767 to 1787, eight were natives of Italy. One of the first of the great California missions was founded at Loreto in 1697 by Father Salvatierra.

On the frontier, many Italians became fur traders. Many made their headquarters near New Orleans, but they ranged as far north as Quebec. The most successful was Joseph Vigo, who became the leading merchant in the Northwest by the time of the Revolution.

In 1778, Vigo, together with George Rogers Clark and the Canadian missionary, Father Gibault, undertook the great adventure of conquering the vast Northwestern Territory for the United States. Vigo not only joined Clark, he lent him all savings of $11,387—a fortune in those days—to equip a body of men. Captured by an Indian patrol under British command, Vigo was held hostage at the English fort of Vincennes. Upon being released, he hastened to join the American forces and on February 25, 1779, American troops, with the arms, uniforms, and powder supplied by Vigo, and with Vigo himself at the side of Clark, captured Vincennes, thereby freeing the entire Middle West from British domination. Vigo was made a colonel and left in command of Vincennes.

In the Civil War, Italians were again prominent in the defense of the Union. Generals De Cesnola, Spinola, Fardella, and Ferrero were noted for their gallantry. General Spinola later became a Member of Congress from New York. Congressional Medal of Honor winners in the Civil War included Joseph Sova,

Orlando Carmana, and General De Cesnola.

The record of bravery achieved by Italian Americans in our more recent wars is well known to all of us. It is estimated that some 845,000 men and women of Italian descent served in the Armed Forces of the United States during World War II. Twenty of the 500 Medal of Honor winners were of Italian descent. Three vessels in the U.S. Navy were named for Italian-American heroes. Many young men of Italian-American heritage gave their lives for the country they loved.

But Italians have extended their contributions past the battlefields. Constantino Brumidi, the "Michelangelo" of the Capitol, gave his adopted country a lasting gift in the magnificent paintings and frescoes he lovingly created on Capitol Hill. When Brumidi commenced work on the great frieze of the rotunda of the Capitol he was over 70 years old. Those who stand today in that great circular chamber are awed by the vastness and the grandeur of this Italian-American artist's conception.

In more recent times, Italian Americans have increasingly become major contributors in the Nation's business and professional life. They are outstanding lawyers, doctors, engineers, scientists, and businessmen in ever-increasing numbers. There are Italian American judges, legislators, and teachers throughout the country.

During the past half century, literally thousands of Italian Americans have held public office, including Governors, chief justices of State supreme courts, mayors of cities, and Members of Congress. Surely our country could not have achieved its present state of greatness without the varied and productive contributions of its Italian-American citizens.

But it is not only to the well known that this Nation owes a debt of gratitude. The Italian immigrant of 50 and 60 years ago gave an essential ingredient toward making this country strong; he gave his hard, back-breaking labor to the steel mills, the factories, the quarries, and the Nation's farms. He came with his traditions of a strong family, frugality, and his sense of generosity and hospitality. To these men and women, and to their memory, Americans will always extend a grateful thank you.

QUESTIONNAIRE

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. BOB WILSON. Mr. Speaker, all of us know that we can do a better job of representing our constituents when they themselves are alert to the big issues which the country faces. It follows that a vital part of our assignment as Members of Congress is to keep ourselves informed on the views of those who send us to Washington. With this in view, I recently sent questionnaire cards to 180,000 households in my district and am pleased to report that 58,363 have responded to this poll—or more than one-third of those receiving the questionnaire. This is the largest response yet to one of my annual questionnaires.

Even more gratifying were the responses themselves. Many persons not only answered the questions fully, but took the time, a rather precious commodity these days, to supplement their answers with letters expanding their views in some detail. Their replies disclose their concerns, indicate trends, and offer valuable guidance.

So that I can share my assessment of the replies with my colleagues in the House, I offer them for publication in the RECORD. I will review each question and the response thereto, together with my views:

QUESTION

Do you feel that the President was justified in sending American troops into Cambodia?

RESPONSE

	Percent
Affirmative	67
Negative	20
Undecided	13

It seems clear that the majority supported the President on Cambodia as I did. No invasion of Cambodian territory took place because the areas into which our troops moved were occupied by Communists in violation of Cambodian neutrality. Our action saved American lives as witness the subsequent reduction in American casualties. Moreover, our troops were withdrawn precisely when the President promised.

QUESTION

Do you think college administrators have been too lenient in dealing with campus disorders?

RESPONSE

	Percent
Affirmative	78.6
Negative	11.4
Undecided	10.0

These results reflect my own opinion on campus unrest. I have introduced legislation to give law-abiding students the legal means for filing a complaint with the Department of Justice if they are denied free access to campus facilities by disruptive students. The bill also would enable the U.S. Attorney General to proceed on his own without such a complaint whenever he determines that Federal prosecution is in the public interest. Punishment for seizure of campus buildings would be fines and imprisonment for up to 10 years.

QUESTION

Would you be willing to pay higher taxes, if necessary, to finance an all-out Federal attack on pollution?

RESPONSE

	Percent
Affirmative	46.9
Negative	33.8
Undecided	19.3

Obviously, a majority wants protection against pollution. But the percentage opposing higher taxes to meet the cost is significant. Taxes are everywhere too high and should be reduced. I think the proper route to tax reduction is reduced Federal spending. It comes down to a question of priorities. If spending on antipollution programs must be increased, then less urgent programs must be cut back. Certainly, we cannot shortchange the environment. That has been going on for far too many years. Today, we must pay the price for past neglect. Accordingly, I have cosponsored the administration's antipollution programs. Also, I am proud to have played a part in the successful programs to clean up San Diego Bay long before the national outcry for water pollution control began.

QUESTION

Is the Administration right in suggesting the centralization of our government's oceanographic effort under a proposed National Oceanographic and Atmospheric Agency?

RESPONSE

	Percent
Affirmative	43.4
Negative	16.1
Undecided	40.5

More than half of those with an opinion supported the administration's proposal which is about to become a reality. The National Oceanographic and Atmospheric Administration, set up by Executive order, recognizes the importance of oceanography and is a first step toward centralization of all Federal activities in this area which I first proposed in legislation introduced in 1964. San Diego, often called the oceanographic capital of the world, is, of course, well aware of the importance of this science, whose benefits touch the lives of millions.

QUESTION

Has the Supreme Court been too lenient with obscenity and pornography rulings?

RESPONSE

	Percent
Affirmative	63.8
Negative	22.5
Undecided	13.7

I have sponsored and worked for passage of legislation to protect the public from the smut peddler by authorizing the Postmaster General to require those mailing such material to foot the bill for a Post Office Department list of those stating they do not wish to receive it. Mailers would be on notice to omit those listed from their mailings under penalty of law.

QUESTION

Do you favor the legalization of marihuana?

RESPONSE

	Percent
Affirmative	16.3
Negative	70.1
Undecided	13.7

Because San Diego is so close to the sources of illegal drugs, I have been especially concerned about this dangerous traffic. I have introduced legislation to control the drug traffic.

Drug abuse literally threatens the lives as well as the health and safety of millions of Americans. It is on the increase, and is responsible for much of our street crime. The legislation backed by myself and others consolidates, codifies and integrates various laws pertaining to drug abuse; it tightens regulatory controls, thus protecting the public from the diversion of dangerous drugs onto the illegal market and stiffens penalties for drug pushers.

QUESTION

Would you favor a law to prevent labor contracts and building codes from blocking the use of new techniques and materials for constructing lower cost housing?

RESPONSE

	Percent
Affirmative	63.5
Negative	18.2
Undecided	18.3

The affirmative response to this question is heartening because it implies strong support for my legislation to create national guidelines for building codes and labor agreements in federally backed housing projects. My bill would help to provide more housing and protect the taxpayers' investment in these projects by preventing local codes and locally made labor agreements from blocking the use of modern techniques and materials. The measure, entitled the Housing Rights Act of 1970, would enable builders to use modular housing, prefabricated units and other time-saving and cost-cutting methods of providing more housing for low- and middle-income families. Currently, these techniques and materials are stymied by many local codes and a number of labor agreements. Yet they are needed to meet the critical housing shortage. We must build 26 million housing units over the next decade if we are to overcome this shortage.

QUESTION

Would you favor an increase in Federal taxes to combat inflation?

RESPONSE

Affirmative	14.3
Negative	67.6
Undecided	18.1

Once again, I believe this response indicates a widespread belief that Federal economy is the best antidote to inflation; a belief which I share.

QUESTION

Do you believe the United States can rely on agreements reached with the Soviet Union?

RESPONSE

	Percent
Affirmative	15.4
Negative	63.2
Undecided	20.9

Soviet failure to live up to the standstill cease-fire agreement in the Middle East is only the most recent example of Communist duplicity, and certainly explains the largely negative response to this question.

QUESTION

Do you favor bussing school children to achieve better racial balance in classrooms?

RESPONSE

	Percent
Affirmative	8.6
Negative	79.1
Undecided	12.3

No further comment by me is necessary. The people have spoken.

QUESTION

Which of these issues do you feel is most important (A) Vietnam, (B) inflation, (C) pollution, (D) campus unrest, (E) crime?

It is interesting to note that Vietnam remains the big issue, with second place going to pollution. A breakdown is provided in the following table:

	Percent
1. Vietnam	30
2. Pollution	19
3. Crime	16
4. Inflation	15
5. Campus Unrest	8
6. Undecided	12

WORLD ASKS PRESIDENTIAL PROCLAMATION DEDICATING VETERANS DAY TO AMERICAN POW'S—"U.S.A.—UNITE TO SAVE AMERICANS" PRAISES WYOMING VETERANS ORGANIZATION FOR POW EFFORTS

HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. WOLD. Mr. Speaker, since the day on which man first shouldered arms and took to the field of battle, he and his family have accepted certain contingencies as likely, if not inevitable. He considers the possibility of being wounded and disabled. He contemplates death and the manner in which he will face it. Until recently the eventuality of captivity was not viewed with the same gravity.

Since World War II, increased emphasis has focused on the prisoner of war. In past wars, a POW was considered out of the war and was not used politically in prison camps. In Southeast Asia, however, the prison camp has become an extension of the war and prisoners are being used with utmost cruelty for political purposes. Totalitarian nations, no longer content illegally to extract information from prisoners, have undertaken the most insidious forms of physical and psychological harassment to win the minds of prisoners of war and use them as instruments of propaganda.

We saw evidence of this during the Korean war when the Chinese broke down numerous prisoners causing some of them to collaborate with the enemy. Just as frightening is their success in "persuading" 21 American prisoners to settle in China.

But the treatment of American prisoners of war in the Vietnam conflict stands out. President Nixon describes the Communist record in this respect as the "most unconscionable in the history of warfare."

For years now, responsible men throughout the world have sought ways to minimize the suffering arising from prisoner-of-war camps, the worst of man's institutions.

The most notable achievement to date has been the Geneva Convention of 1949, which provides for the humane treatment of prisoners of war. Signed by 130 nations, including the United States, South Vietnam, and North Vietnam, the Convention provides such humanitarian standards as immediate release of sick and injured prisoners, complete identification of prisoners, providing prisoners the opportunity to correspond with families, and the impartial inspection of prison facilities.

Despite the fact the North Vietnamese ratified the Convention, that country has met none of the conditions and has steadfastly refused to furnish the names of prisoners.

More than 6 years have passed since the first American was captured in North Vietnam and we still have no list of the prisoners held. It is presently estimated that 1,500 American servicemen are missing or captured in Southeast Asia. At least 200 Americans have been missing for more than 4 years or longer than any of our prisoners held during World War II. About 500 men have been missing for 2 years or more.

There can be no doubt about the utter contempt of the North Vietnamese for the laws of human decency, they flatly refuse to abide by even the most fundamental provision which would let children know if fathers are alive, and parents if their sons are well. It is impossible to comprehend the anxiety and despair of a woman for 6 years who is not sure whether she's a widow or a wife.

The Geneva Convention provides that a prisoner has the right to remain in communication with his loved ones by receiving mail and sending a minimum of four cards each month. During the past 6 years our men have been held captive, fewer than 200 individuals have been allowed to write a total of about 1,000 letters. If the provisions of the convention were being applied by the Communists, POW families could be receiving as many as 6,000 letters per month. To compound the tragedy, it appears that little mail is allowed to go to the POW's.

The Geneva Convention specifies that prison camps be periodically open to groups like the International Red Cross to insure that the rights of prisoners are safeguarded. Even this minimum protection has been denied by the Communists. South Vietnam's camps, which contain all of the nearly 40,000 enemy prisoners of war, have always been open to inspection by the International Red Cross. All we have is Hanoi's lame assurance that our prisoners are being treated humanely. The facts clearly deny this.

A most important provision specifies minimum humane standards of detention, hygiene, and diet. It requires that seriously wounded or ill prisoners be repatriated as soon as they are able to travel. The facts unfold a tale of nightmarish and brutal treatment.

Medical treatment given American prisoners is primitive. Photographs show prisoners still suffering from wounds inflicted when they were shot down. The handful of returning prisoners report that poorly set bones, and inadequate medical attention leading to shrunken arms and legs are common.

There is solid evidence that our prisoners are being physically beaten, tortured, refused food, confined for long periods in solitary confinement. Seaman Douglas Hegdahl, who was released by the Communists in 1969, reported that one of his stretches of solitary confinement lasted "7 months and 10 days."

As the interviewer of 29-year-old U.S. Navy Lieutenant Robert Frishman poign-

antly observed just before his August 1969 release from North Vietnam:

He was very young, very tall, and terribly thin . . . A sickly consumed thinness . . . he walked bent like an old man . . . with his left hand he held up the right arm, shorter and shrunken . . . he looked around with a lost expression and blinked his eyes . . . obviously he had been kept in the dark for a long time . . . "It has been almost a year and a half since I last spoke to someone."

The isolation, the loneliness, and monotony appear to be a basic tactic to wear down prisoners' spirits.

As can be readily seen the Communists have no respect for international law or basic standards of human decency. There is one thing the North Vietnamese have some respect for, however, and that is world public opinion. Their policies have always been calculated to evoke sympathy abroad. Parading downed U.S. pilots before shouting civilians in Hanoi, the great publicity surrounding the release of a few American prisoners, and the use of pacifists led by David Dellinger and Rennie Davis who praised Hanoi's humane treatment of our POW's—all of this was designed to create the greatest amount of pressure on the United States to unilaterally withdraw from Vietnam. Their strategy failed but we should have learned something about the realities of world public opinion.

In the spring of 1969, the Nixon administration's efforts on behalf of prisoners shifted from the behind-the-scenes diplomatic approach as we began to publicly protest the illegal and inhumane treatment of our prisoners.

The Nixon administration has instituted numerous programs to focus national attention on the plight of the POW's and is working diligently in diplomatic circles and at the "peace" negotiations in Paris.

This Congress has been equally active and to its credit has considered the prisoner issue on a nonpartisan basis. The passage of legislation protecting POW's and their families, approval of resolutions protesting the treatment of our prisoners, congressional hearings designed to keep the public informed, and many thoughtful speeches by my colleagues represent some of our actions to encourage public pressure on North Vietnam.

Most important, Americans have expressed their distress loudly. In my State of Wyoming, the Veterans of Foreign Wars, the American Legion, and other veteran organizations have told the story of our POW's and gotten people to write letters to a wide range of public officials, including the leaders of North Vietnam, expressing abhorrence at the inhumane treatment of American prisoners.

There is no question in my mind that public protests in the United States have aroused world public opinion. Noteworthy examples of sympathetic responses include a unanimous resolution by the 21st International Conference of the Red Cross, and U.N. Secretary General U Thant's appeal to North Vietnam to "give an international humanitarian organization such as the League of Red Cross societies access to Americans in North Vietnam."

As far as we can determine all of the public clamor has not resulted in any dramatic breakthroughs. However, there are some encouraging signs that the Communists are moderating their stand on the prisoner issue.

Former Astronaut Frank Borman just recently returned from a 25-day trip to 14 countries as a special emissary for the President on our POW's. He reported that the Soviet Union and many of the other countries visited had agreed to take new initiatives on behalf of prisoners. This represents quite a change for the Soviets who last fall called American POW's "air pirates who should not be given any mercy."

In addition, there has been a slight increase in the prisoners' mail flow from Hanoi; the Communists appear to have reduced the propagandizing of the prisoners; the film given to our colleague ROGER ZION by the North Vietnamese in Paris shed a little added light on the identity of the POW's.

But this is hardly reason for rejoicing, for we are a long way from getting the Communists to apply even the minimum requirements of human decency for our prisoners.

Last week the Communists added another sordid chapter to the already lengthy litany of shame regarding the POW's and their families. In Paris the Communists announced they were "ready to set free all prisoners of war captured during the conflict" if the United States agrees to immediate and total troop withdrawal as well as replacement of the South Vietnamese Government with a coalition government. This treacherous and illegal use of POW's as a means of gaining a one-sided political settlement is blackmail of the most despicable order and must be vigorously protested to the world.

During the past couple of months, there has been an alarming decline in public attention to the POW problem. This is quite a contrast to the widespread and vocal outrage of the public during the spring and early summer months. It may be that the successful deescalation of the Vietnam conflict coupled with the agonies of the Middle East crisis have dulled the thinking of some on the suffering of the POW's.

This issue is too important to allow our national conscience to again fall victim of public silence and apathy. We must bend every effort and do everything humanely possible to help these men imprisoned in the loneliest outposts of despair and to provide hope to their wives and children. Were we in their position, we would expect nothing less.

To help insure that these brave fighting men never become "forgotten Americans," I have sent a letter to President Nixon proposing that this Veterans Day be dedicated to our POW's and their families. The theme for the day could be "U.S.A.—Unite To Save Americans."

These Americans include not only the 1,500 POW's and MIA's but their families who are suffering their own stress and torture in not knowing when, or under what conditions, they may ever see their husbands, sons, or brothers again.

This recognition is both fitting and timely because Veterans Day is the time to honor those who have and are now serving and sacrificing for their country and freedom's cause. This day provides a unique opportunity for all Americans to dedicate themselves to the goal that our POW's shall never be "forgotten Americans." Until they are free, we must resolve that we shall not rest.

I am confident that we can enlist the support of veterans organizations and other groups. They can use their resources to inform the American public about our prisoners. In addition I am encouraging the veterans groups to organize public gatherings on Veterans Day to protest Communist treatment of our men.

I can think of no more immediate way to let Hanoi and the world know that 200 million Americans are united behind 1,500 of our countrymen in demanding in the name of international law and human decency the immediate implementation by North Vietnam of the Geneva Convention.

We must not stop here, however. The United States has additional avenues of action to bring pressure on the North Vietnamese.

In the international arena, the plight of our POW's should be constantly brought up for debate in the United Nations. Rita Hauser's eloquent speech before the United Nations last fall condemning the inhumane treatment of our prisoners attracted worldwide attention.

As we approach the 25th anniversary of the United Nations, we should greatly increase world attention on the Communists' blatant violations of international law with respect to the treatment of prisoners. We should encourage the support of our allies and neutral powers by emphasizing that all nations have a stake in assuring the sanctity of international agreements such as the Geneva Convention.

All nations should be exhorted to urge North Vietnam to abide by the Convention, we should exercise the full weight of American diplomacy to make sure they do so. Nations having trade relations with North Vietnam should be encouraged either to sever or limit these relations until such time as Hanoi is willing to abide by the provisions of the Geneva Convention.

Finally, and perhaps most important, the United States should consider recommending that the United Nations or the International Committee of the Red Cross seeks ways to strengthen and improve the Geneva Prisoner of War Convention of 1949. Specific emphasis should be focused on the need for definite enforceable international sanctions against countries failing to abide by provisions of the Convention.

I earnestly hope that November 11, 1970, is recognized as I have proposed, if only for the fact that the POW's and their families will know in some small way that their suffering has not been in vain.

I believe my fellow veterans and the honored war dead to whom we pay special tribute on Veterans Day would stand with us in this cause on their day.

Mr. Speaker, I include my letter to

the President in the RECORD with my remarks:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 17, 1970.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: During the past 18 months, you have charted a courageous and forthright course in seeking the application of international law and the laws of human decency for American Prisoners of War in North Vietnam by exposing to the world the inhumane treatment of these men. Members of Congress and the public have responded to this approach with enthusiasm and on this issue there is no doubt the American people stand united.

Recently, I have noted a disturbing decline in the public attention to the plight of our men in the prison camps of Southeast Asia. It may be that the successful de-escalation of the Vietnam conflict coupled with the agonies of the Middle East crisis have dulled our thinking on the sufferings of the POWs.

These men and their families have given too much to their country and the cause of freedom to become "forgotten Americans." Frank Borman's recent trip as your emissary clearly demonstrates that under your leadership this shall never be their fate.

An additional initiative to maintain a vigilant national conscience seems justified. I respectfully submit that a Presidential Proclamation declaring Veterans Day, November 11, 1970, as the day on which all Americans can offer prayers and pay special tribute to our POWs and their families is both timely and fitting.

Such a proclamation is compatible with the intent and spirit of this legal holiday on which we honor those who have and are now serving and sacrificing for their country and freedom's cause.

This Veterans Day is an appropriate time for Americans to dedicate themselves to the goals of Peace with Honor and the resolve that our POWs shall never be "forgotten Americans."

If this proposal is acceptable, I recommend that the theme for the day be: Unite to Save Americans (USA).

Respectfully yours,

JOHN S. WOLD,
Member of Congress.

BREAKFAST CEREALS

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. DULSKI. Mr. Speaker, there have been questions raised during recent Senate Commerce Subcommittee hearings regarding the nutritional value of breakfast cereals.

Open discussion of this matter by qualified experts may have its place in the investigation of consumer products. But the broad-scale attack on breakfast cereals in general seems to me to be open to question.

Once again the broad-brush blast receives the headlines, but the all-important specifics and qualifications get lost in the fine print.

The attack, on its face, was particularly disturbing to me since a number of the more popular breakfast cereals are produced in a plant in my district—the Buffalo plant of General Mills, Inc.

REBUTTALS DO NOT CATCH UP

The industry is fully capable of defending its products and has done so. Unfortunately, as so often happens, the replies received little attention from the media.

I would point, for example, to the testimony to the same Senate subcommittee of Dr. Frederick J. Stare, chairman of the nutrition department at Harvard University. He ridiculed the rating of cereals and pointed out that a breakfast built around cereal and milk is better for most people than bacon and eggs.

Dr. Stare said that even "Popeye's spinach does not begin to compare with the overall nutritional worth of breakfast cereal—any cereal—although it, like other greens, makes a contribution to the total nutritional value of a meal."

Mr. Speaker, after these charges were aired before the Senate subcommittee, I made arrangements to visit the General Mills plant in my district.

SAW CEREALMAKING FIRSTHAND

I wanted to see firsthand how these cereals are made, inspect the quality control system, and become better acquainted with the plant's manufacturing operations.

It is not my intention to criticize the witness before the Senate subcommittee, nor to question his motivation. I do question his conclusions.

To seek to compare the nutritional value of breakfast cereals without taking into account all elements of the diet is misleading and unfair.

The Buffalo plant produces 10 cereals which were included in the much longer list supplied to the Senate subcommittee. They are: Wheaties, Kix, Twinkles, Jets, Cocoa Puffs, Frosty O's, Trix, Lucky Charms, Cheerios, and Total.

OPERATION IS IMPRESSIVE

I was impressed favorably with all phases of the operation—the management, the production controls, and, most important, the conscientious employees.

Mr. Speaker, in a recent letter to company stockholders, Board Chairman James P. MacFarland said:

Most recently ready-to-eat cereals and companies making and selling them have come under attack by a witness testifying in a Senate subcommittee hearing in Washington.

Other witnesses will refute the statements made by this witness and when the hearings are over, the rightful place of cereals in the human diet will have been fully vindicated and the misunderstandings and doubts created by such attack corrected.

An article in the September issue of Gold Medal News, published by the Buffalo plant of General Mills, deals with the nutritional value of breakfast cereals. The article follows:

THE NUTRITIVE VALUE OF BIG G BREAKFAST CEREALS

General Mills ready-to-eat Big G cereals—Wheaties, Cheerios and all our other cereals—are good, nutritious foods.

They are a wholesome source of: Health-giving vitamins, body-building proteins, energy-creating calories, and minerals necessary for our well being.

They are economical foods, too. Big G cereals are made from wheat, corn and oats, the cereal grains on which an important part of our nutritional needs are based. In addition, they have certain carefully selected minerals and vitamins added to them to restore the original grain values lost in processing. All of them provide 12% or more of the minimum daily adult requirement (MDR) for Iron, 15% or more of the requirement for Thiamine (B_1), 5% or more Niacin, and an average of 109 calories for each ounce of cereal, which is about one cup.

Kaboom and Total go beyond the nutritive values of the original grains. Each gives 100% of the minimum daily adult requirements for Iron, Vitamin A, Thiamine, Riboflavin, Niacin, Vitamin C and Vitamin D, plus 1.2 mg. of Vitamin B_6 and 2.2 mcg. B_{12} and Total adds 31U of Vitamin E. Fat content of all dry breakfast cereals is very low, so is cholesterol.

When served with milk and sugar, Wheaties gives 21% MDR of Calcium, 13% Iron, 5% Vitamin A, 19% Thiamine, 18% Riboflavin, 16% Niacin, 3% Vitamin C, and 13% Vitamin D. It also gives 10% of the Recommended Daily Allowance (RDA) of Protein and 7% of the calories. If orange juice, toast and margarine or butter are added to the cereal, milk and sugar, the combination provides a nutritious, well-balanced breakfast that gives energy and supplies 16% of the daily caloric and 21% of the protein requirements.

Dr. W. Henry Sebrell, Jr., Director of the Institute of Human Nutrition, Columbia University, says, "Cereals are one of the best overall sources of nutrients. When we compare the nutrient content of cereals with other classes of foods, we find that cereals are highest in caloric value, equal dairy products for protein, are highest for carbohydrates, are second only to dairy products for calcium, are unsurpassed for iron and thiamine content, are only slightly behind meat for niacin content, are low in fat and contain no cholesterol."

To help the homemaker provide a balanced diet, the Basic Four Food Groups were devised by nutritionists as a guide. They have been extensively used by the Department of Agriculture for its educational programs. Foods should be chosen from each group each day. The Basic Four Groups are: 1. Meat, fish, poultry, eggs and legumes, 2. Milk and dairy products, 3. Vegetables and fruits, and 4. Cereals and breads.

This is a simplified approach to foods. Actually, our diets must contain approximately 30 nutrients, but it is difficult for a housewife to purchase food on the basis of these individual nutritive needs. Cereals and breads are one of the four food groups, and are an important source of B-vitamins, carbohydrate, protein and certain minerals. Ready-to-eat cereals, when consumed with milk and sugar (as they are over 90% of the time) do make important contributions to breakfast and the entire day's food intake.

According to Dr. L. M. Henderson, Professor and Head, Department of Biochemistry, University of Minnesota, "The current concern over heart and circulatory diseases and saturated fatty acids makes the breakfast cereal a popular and practical alternative to the breakfast composed largely of animal products."

Penny for penny, all of the Big G cereals, with milk and sugar, provide more nutrient value than bacon and eggs. The cereal, milk, juice and toast breakfast provides more nutrition for the price than any other common breakfast; thus, cereals represent outstanding nutritional value as well as nutrition to consumers.

Today nutritionists consider breakfast to be the most important meal of the day. They say it should provide enough nutrients to help the individual get through the morning hours. Unfortunately, many Americans fail to heed the advice of nutritionists and breakfast is the one meal most apt to be neglected. More specifically, nation-wide surveys reveal that only one of every five children goes to school with an adequate breakfast. Moreover, 6% of children go to school with no break-

fast at all. During any given 7-day period, approximately 18.7% of the U.S. population skips breakfast at least once. In fact, the most popular "breakfast" in the country today is coffee alone.

The solution to this problem clearly lies in improved consumer awareness of the need to start the day with a proper breakfast, including the relative nutritional merits of various kinds of breakfasts.

We believe that it is right to employ advertising to sell our nutritious Big G cereal products and to encourage good eating habits at breakfast time.

CRIME INSURANCE

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. HORTON. Mr. Speaker, on Friday, September 18, in the city of Chicago my distinguished colleague from Illinois, FRANK ANNUNZIO, appeared as a witness before the Subcommittee on Small Business Problems of which I am a member.

On September 8, 1969, he introduced H.R. 13666 which provides for direct Government crime insurance. In addition to the crime insurance provision, the FAIR plans would be continued with fire, extended coverage, vandalism, malicious mischief, burglary, and theft. These lines of insurance are most important to the inner city property owners. I cosponsored this legislation with the gentleman from Illinois.

As a cosponsor of this legislation, I am convinced that the need for this insurance is timely and necessary. This insurance would enable small businessmen and homeowners to obtain insurance directly from the Department of Housing and Urban Development whenever the insurance in the private market exceeded 175 percent of the normal or manual rate. I urge my colleagues in the House to support H.R. 19100, the housing bill in which this insurance legislation is incorporated in title 7 in order to protect the interests of small businessmen and small homeowners in our major cities.

We can no longer ask the small businessman and the small homeowner in our urban areas to wait. They are looking for us as Representatives in Congress to provide a solution. If we do not give them help, they cannot stay in business and they cannot remain in the cities, and at the rate people are leaving the cities, it will not be long before our cities will decay and become ghost towns.

The statement by the gentleman from Illinois follows:

STATEMENT OF HON. FRANK ANNUNZIO

Mr. Chairman, Members of the Subcommittee, as one who is vitally concerned about the problems of small business, particularly the insurance problems, I appreciate the opportunity to testify before this distinguished subcommittee today and to you my thoughts on crime insurance.

Let me begin, not on a pessimistic note, but rather on an optimistic note. Yesterday, the Banking and Currency Committee agreed to report H.R. 19100, the Housing Act of 1970. Title 7 of that legislation contains the Urban Property Protection and Reinsurance Amendments of 1970. This title contains all of the provisions of H.R. 13666, the so-called crime insurance bill that I introduced on September 8, 1969. Quite simply, it will enable small businessmen to purchase crime insurance directly from the Federal Government at any time the premium for such insurance through the private market exceeds 175 percent of the so-called manual or average rate.

Mr. Chairman, at first glance a 175 percent rate may seem like a great amount, but, as I am certain you have found out in your hearings, rates for crime insurance that are 500 and 600 percent above manual are not uncommon.

Within a few weeks, the House of Representatives will have an opportunity to vote on the crime insurance package while, at the same time, the Senate is considering legislation that contains many of the features of my bill with two major exceptions. My legislation would allow the Government to write not only crime insurance on a direct basis, but basic property coverage if such coverage is not available within the 175 percent range. In addition, my bill would go into effect immediately. The Senate bill does not provide for basic property coverage and has a year delay in its effective date.

Mr. Chairman, we cannot wait another year, nor can we ask the small businessmen of America to wait for another year. Each day that we delay in granting relief to small business sees another group of small businessmen close their doors.

Quite clearly, Mr. Chairman, something must be done if small business is to survive in our major cities. I do not come here as a prophet of doom or gloom, but I do feel quite certain that unless crime insurance, at reasonable costs, is made available to small businessmen, the time is not too far off when there will be no small businesses in our inner cities. The trend has already begun and it is time now to take action.

I first began work on this problem in 1967, when I introduced the Small Business Protection Act to provide for a study to determine the best ways that small businessmen could protect themselves from criminal acts.

I do not contend that the study is the solution to the crime problem but rather that it does set out areas of investigation where a majority of efforts should be concentrated in solving the problem. I am unhappy that the study devotes too much space to the statistical side of crime against small business and not enough space in telling the small businessman how to safeguard his property from hoodlums and vandals.

I sincerely hope, Mr. Chairman, that your Committee will not fall victim to the statistical syndrome that seems to arise whenever the question of crime is raised. At this point, we do not need studies to show that crime is, indeed, a problem to small businessmen. We can learn this by picking up a newspaper from any metropolitan city. In fact, in many cities the crime rate has risen to such an extent that the newspapers do not have enough space to devote to crime stories but, instead, must summarize the crime news on a "boxscore" basis, much the same way the statistical aspects of baseball games are reported.

Mr. Chairman, I do not want to go into psychological reasons for the crime increase nor do I wish to attempt to affix the blame for the problem. We have heard a great deal about who is responsible for controlling crime. I do know one thing though. It is not the small businessman who is responsible for the crime rise; it is not the small businessman who can crack down on the increase of crime; but it is the small businessman who is paying for the effects of criminal acts. If ever there were an innocent victim of crime, it is the small businessman of our country.

Mr. Chairman, when I introduced my crime study bill in 1967, I did so in hopes that it would cause the insurance industry to do something about making crime insurance available to small businessmen. When I introduced the study bill, a member of my staff received a telephone call from an insurance executive inquiring whether the bill contained any provision for a direct program of government insurance. The insurance executive was told that the bill did not contain such a provision but that if insurance was not made available that my next step would be in that area. The insurance executive assured my staff member that would not be necessary since the insurance industry was ready to come to grips with the problem and to find ways to help the small businessman.

That was more than three years ago, Mr. Chairman, and we still have not seen any progress on the part of the insurance companies.

Mr. Chairman, recently the Department of Housing and Urban Development published its long-awaited study on "The Availability of Crime Insurance and Surety Bonds in Urban Areas." The Annunzio bill provides a workable solution to the problem of crime insurance in our urban areas, while the plans put forth by the Federal Insurance Administrator represent nothing more than protracted delays in solving the problem.

For instance, the plan put forth by the Federal Insurance Administrator would require the States to make crime insurance available at reasonable rates in urban areas by August of 1971. If this was not done, the Insurance Administrator would withdraw the Federal riot reinsurance coverage in those States. I do not feel that this will solve the problem and, of course, it will not guarantee that crime insurance will be made available since States may be willing to do without riot reinsurance, particularly if we have gone through a long period without any major riots in our cities.

The Insurance Administrator suggests that following this, he could order that crime insurance be made available under the so-called FAIR plans, a suggestion that I made in 1968 as an amendment to the Urban Property Insurance Act. However, in an earlier part of his report, the Insurance Administrator suggests that the inclusion of crime insurance in FAIR plans is not the answer. If crime insurance can be offered within the FAIR plans in those States which do not comply with the 1-year edict of the Federal Insurance Administrator, why is it that such coverage cannot be made available immediately? In short, if such a method of providing coverage is a good idea at one time, it is a good idea at all times, or, if it is a bad idea at one time, it is always a bad idea.

Mr. Chairman, if I felt the suggestions made by the Federal Insurance Administrator would provide meaningful solutions to helping people obtain crime insurance, I would endorse the report wholeheartedly, but in the language of our current younger generation, the report is "a cop out." It does nothing more than buy time for the insurance industry in the hope that those of us who want to provide solutions to the problem will back off and shift our attentions to some other area.

It has been suggested that my bill will cost the Government money. I do not accept this premise, but even if Government funds are expended on the program, think of the money that is lost in tax revenues to city, county, State and Federal governments each time a small businessman goes out of business because he cannot obtain insurance.

Last week, President Nixon asked Congress for more than $20 million to provide armed guards on overseas airline flights. The supplying of armed guards has been hailed as probably the best means of protecting the lives and property of airline passengers, and

I support this request for funds. But, Mr. Chairman, most of the people that we are talking about in these hearings will never have enough money to be able to afford the luxury of an airplane trip to a foreign country, and we should consider their problems with as great speed as we do the problems of hijacked airplanes.

Mr. Chairman, in April of last year, Congressman Moorhead and I conducted hearings on the insurance problem here in Chicago. We were amazed at what we uncovered. Huge areas of the city were redlined by the insurance industry and denied insurance coverage. Homeowners had their insurance policies dumped into the FAIR Plan, where their premiums were sometimes as high as five and six times what they formerly had been paying. In other cases, hundreds of homeowners had their insurance policies cancelled for no apparent reason. I am certain that your Subcommittee has found that many of these practices still exist.

In conclusion, Mr. Chairman, let me point out that unless a program of direct Federal insurance, such as that contained in my bill, is enacted, the insurance problems that you have uncovered here in Chicago will only worsen and that the ghost towns that are tourist attractions in the West may well have a new rival in the inner cities of America.

Mr. Chairman, once again let me thank you for the opportunity to appear here today and commend you and your Subcommittee for taking an interest in this problem.

EFFORTS FOR PRISONERS OF WAR IN NORTH VIETNAM

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. MURPHY of New York. Mr. Speaker, last Wednesday, two women spent a night of profound physical and mental discomfort in a fruitless quest at Kennedy Airport. The women, Mary Jane McManus and Eilene Cormier, are the wives of two American prisoners of war in North Vietnam. Their vigil was in the vain hope of receiving a packet of 750 letters from American war prisoners carried by Robert Scheer, a member of a so-called "peace" group, the U.S. People's Anti-Imperialist Delegation. Mr. Scheer, after announcing that he was bringing the letters into the country, forgot about them long enough to omit their declaration, forcing customs agents to temporarily seize them. In deliberate disregard for the feelings of the waiting wives, Mr. Scheer also delayed claiming the inspected letters. Although the women had up-to-date addresses for the families of prisoners, Mr. Scheer insisted that the letters be delivered through his organization only. Mrs. McManus and Mrs. Cormier finally left the airport, realizing that Mr. Scheer had no thought for their grief, for the anxiety of other families, nor for the pathetic plight of the prisoners themselves.

Mr. Scheer's action strips bare the true loyalties of those who engage in such practices relating to prisoners of war. His obvious purpose was to serve the propaganda aims of the North Vietnamese Government. While professing concern for the plight of the helpless Americans held by the North Vietnamese, such individuals assist North Vietnam in exploiting our missing men. Their obvious disregard for the suffering of the prisoners' families reveals that their only concern is for publicity. In fact, the plight of the prisoners is intensified by such as Mr. Scheer who encourage Hanoi in the misguided opinion that politicizing the prisoner issue will make America give up in Vietnam.

Witness the latest eight-point plan put forward by the Vietcong last Thursday: It repeats the same old proposals, but the demands for the United States to abandon South Vietnam are tied to the lure of the possible release of American men. Such bargaining can only be termed despicable. Prisoners cannot be used as pawns to enable the North Vietnamese to trade for the victory that has been denied them in the South. Hanoi has not even bothered to produce a list of POW's as a sign of good faith, and their insincerity is evident in their continued refusal to consider the treatment of their prisoners.

Hanoi must be convinced that they are wrong in their treatment of American men and that their inhumanity will only succeed in uniting this country in opposition. Such individuals as Mr. Scheer cannot be allowed to frustrate the efforts of hundreds of thousands of Americans who have worked to persuade Hanoi to apply the Geneva Convention. Individuals such as Mr. Scheer who impede the efforts of our Government and its citizens are apparently more loyal to Hanoi than to our own aims. Surely, he is in essence an enemy spokesman and should be required to register as such with the Justice Department.

But Hanoi cannot possibly believe that these disloyal individuals represent even a small proportion of American public opinion. The vast majority of Americans are united in opposing the poor treatment accorded to American prisoners. Hundreds of thousands have sent petitions and letters to the North Vietnamese urging humane treatment. I myself have urged every member of my district to join in a national letter-writing campaign on behalf of prisoners. Thousands of Americans have written to their congressional representatives urging that the Congress itself take action, and Congress has made its sentiments overwhelmingly clear. Literally hundreds of resolutions on behalf of American prisoners of war have been sponsored. One year ago the House of Representatives unanimously passed a resolution calling for better treatment for prisoners, and the measure was subsequently passed by the Senate as well without dissent. Congress has voted to encourage President Nixon to press for negotiation of the prisoner-of-war issue independent of the other problems at the Paris talks. Congress has also voted to continue the pay, promotions, and benefits of those men missing and imprisoned and to compensate them for inadequate care by the enemy. In July, 89 Senators protested in a letter to North Vietnamese Premier Pham Van Dong, and in August 400 of my colleagues signed a similar letter to the North Vietnamese delegation in Paris.

It is plain that continued public pressure is the only possible way to convince the North Vietnamese that Americans are indignantly opposed to their inhumanity toward prisoners. There is hardly a family in this country who does not know the family of a missing or imprisoned man; Americans are willing to generate a ground swell of outrage at the mistreatment and exploitation of prisoners. The evidence is that Hanoi listens to public outcry; the pressure may be slowly producing results.

The volume of mail from prisoners held in North Vietnam has increased considerably over the past year since the campaign of public pressure began. Of the 1,500 missing men, only about 100 were known to have written as of last year; now about 330 have been allowed to send mail, although it still passes through the hands of groups such as Mr. Scheer's. Hanoi has even announced loudly that it will allow letters and packages to be sent to the prisoners; maybe soon they will actually allow the prisoners to receive them.

More pressure yet is needed. Hanoi is still far, far from compliance with Geneva Convention standards for sending and receiving mail. Apparently it requires thousands of letters of protest from this country to squeeze one letter out of a North Vietnamese prison camp. I, therefore, urge my colleagues and all Americans to keep the pressure on relentlessly. The North Vietnamese must realize that Americans do not regard the prisoners as poker chips, but as precious human beings, too dear to be traded and too valuable to be left forgotten at the mercy of their captors.

PROVIDING FOR A FORMAL DECLARATION OF WAR AGAINST THE GOVERNMENT OF THE DEMOCRATIC PEOPLES REPUBLIC OF VIETNAM—NORTH VIETNAM—UNLESS CERTAIN CONDITIONS ARE MET, AND FOR OTHER PURPOSES

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. SCHMITZ. Mr. Speaker, it is time for congressional initiative to open another option for the President in his continuing efforts to free our prisoners in North Vietnam and prevent a Communist conquest of South Vietnam. Consequently, I introduced yesterday House Joint Resolution 1378 calling for a declaration of war against North Vietnam if its Communist dictators do not release all American prisoners of war and begin large-scale withdrawal of their armies from the territory of their neighbors.

We are being showered with amendments and resolutions in Congress which call for surrender in Vietnam in fact if not in name. This leads the Communists to believe that our will to resist their aggression is weakening and that they can mistreat our prisoners with impunity. Also, it tends to foreclose more forceful options which the President may feel are necessary to insure the survival of a

free Indochina and the safety of our men. My resolution is intended to show congressional support for a forward strategy. It will hopefully be instrumental in causing the Communists to reevaluate their protracted conflict strategy. It is designed to change the context of their deliberate delaying tactics from that of increasing support for their position to one of severely jeopardizing their survival.

The voices of surrender are not the voices of the majority of the American people, or even of a substantial minority. Volume of noise has been confused with wide popular support. It is my hope that this resolution, advocating a formal declaration of war, will draw enough support to put the cries of the surrender buffs in the proper perspective. I think it will show that many more Americans are in favor of a military victory in Southeast Asia than are prepared to accept a defeat. The Communists will be on notice that continued intransigence and aggression will result in their utter defeat and not victory.

The text of House Joint Resolution 1378 follows:

H.J. RES. 1378

Whereas the Communist dictatorship controlling the Democratic Peoples Republic of Vietnam has for the past fifteen years been waging a ruthless war of aggression against the people of Indochina, in which at least three-fourths of a million men, women and children, including over 50,000 American soldiers, have lost their lives; and

Whereas the above-mentioned Communist dictatorship has shown itself to be barbarous and repulsive to all civilized men by, among other things, its inhumane treatment of United States servicemen captured in the line of duty and its failure to abide by the Geneva Convention regarding the treatment of prisoners of war, to which it is a signatory; and also by its continuing acts of savage terror against the civilian population of the Republic of Vietnam, Cambodia, and Laos; and

Whereas the above-mentioned Communist dictatorship has, in the face of continued efforts by the Government of the United States and the Government of the Republic of Vietnam to arrange for an end to the bloodshed with something less than abject and complete surrender of the noncommunist nations under attack, shown itself absolutely opposed to any cessation of its aggressive activities short of the complete conquest of its intended victims; and

Whereas in the face of continuing arrogance, intransigence, and unremitting hostility the United States has shown restraint to the point of severe injury to its own national interests; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled. That, unless within thirty days following passage of this joint resolution the government of the Democratic Peoples Republic of Vietnam indicates a genuine desire for peace in Southeast Asia by (1) the release of all United States prisoners of war and also (2) the large scale withdrawal of its fighting forces back within its own territorial limits indicating to the satisfaction of the President of the United States that their aggression is ended the state of war between the United States and the Communist government of the Democratic Peoples Republic of Vietnam which has been thrust upon the United States is hereby formally declared; and the President is hereby authorized and directed to employ the entire air, naval, and military forces of the United States and the resources of the Government to carry on war against the Communist government of the Democratic Peoples Republic of Vietnam; and, to bring the conflict to a successful termination, all the resources of the country are hereby pledged by the Congress of the United States.

SEC. 2. The sending of any ground, naval or air forces to the assistance of the above-mentioned Communist government after the passage of this joint resolution will be regarded as an act of war against the United States itself.

BYELORUSSIANS OF NORTH AMERICA

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. MURPHY of New York. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following resolution adopted by the participants of the IX Convention of Byelorussians of North America on September 5–7, 1970:

RESOLUTION OF THE NINTH CONVENTION OF BYELORUSSIANS OF NORTH AMERICA

Whereas the Byelorussian people in their land have been subjected to a colonial oppression from Moscow; and

Whereas the Russian Communist dictatorship in its dealings with Byelorussia's neighbors has torn away parts of the Byelorussian ethnographic territory having incorporated the largest part of it into the Russian Soviet Federated Socialist Republic; and

Whereas the key positions in the Byelorussian SSR are occupied mainly by foreigners subservient to the Moscow center and unresponsive to the needs of the Byelorussian people; and

Whereas the Byelorussian people suffer from an incredibly low standard of living as a result of exploitation of their natural and human resources which have been used by Moscow to conduct its international schemes in Latin America, Indochina, Africa and now especially the Middle East, as well as in other parts of the world; and

Whereas a policy of forcible Russification is being carried out in the Byelorussian SSR, the Byelorussian language being eliminated more and more from administration, science, education, and publications in the BSSR; and

Whereas Byelorussia is deprived of genuine diplomatic and cultural ties with the outside world, is unable to participate independently even in such international events as the Olympic games, her only foreign representation in the United Nations being a tool of Moscow's policies; and

Whereas the Government of the BSSR, fully controlled by the Communist Party center in Moscow, does not care for any improvement of Byelorussia's political status and the economic and cultural well-being of the Byelorussian people, nor does it protest against economic exploitation and Russification of Byelorussia; and

Whereas the Byelorussian nation has and will never become reconciled to a state of colonial dependence, but has decidedly resisted Muscovite oppression in defense of its natural rights to be its own master; and

Whereas the Byelorussian people are still conducting their freedom fight—

We the Byelorussians of the United States and Canada unanimously reaffirm our will to support the fighting Byelorussian people in the Soviet Union in their struggle for cultural freedom and political independence. We are determined to seek further support for fighting Byelorussia among political leaders and statesmen of the United States of America and Canada. We and our children shall never cease our effort until Byelorussia will again become a free and democratic nation in accordance with the postulates and principles enunciated in the constitutional charters of the Byelorussian Democratic Republic whose freedom and independence were proclaimed in Miensk (Minsk) on March 25, 1918.

Long live Fighting Byelorussia!

Long live the Byelorussian Democratic Republic!

NEED FOR INCREASING AVAILABILITY OF CONSUMER CREDIT

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. CULVER. Mr. Speaker, every consumer knows how important it is to be able to obtain credit at reasonable rates. Since there are very few Americans who can afford to pay cash for the major purchases every family needs, most rely on the availability of credit from the retailer himself or from a local credit institution. In 1968 outstanding consumer credit totaled $113 billion.

In the present economic condition consumer loans are becoming more and more scarce, and more and more expensive. The problem is particularly acute for low- and middle-income citizens, because of limited savings and the lack of resources to fall back on in time of emergency. In many neighborhoods there is little or no access to legitimate, reasonably priced sources of credit, such as banks, retail establishments or credit unions. Despite their greater need these individuals are forced to rely on high priced, sometimes illegal, sources.

In an effort to ameliorate this situation, the Urban Coalition has published a study, entitled "Consumer Credit and the Low-Income Consumer," which is designed to show credit institutions how they can successfully provide credit to this section of the population. Those banks and credit unions which have been innovative in this field have discovered that the low-income consumer performs his obligation to pay nearly as faithfully as his more affluent suburban counterpart. Drawing upon the experience of these institutions, the report outlines more than 20 different models that have been successfully operated.

Mr. Speaker, the inability to participate in, and benefit from the institutions which contribute to our national prosperity is a source of great frustration. These frustrations produce the tensions which are presently disrupting life in this country. I hope that my colleagues and concerned citizens everywhere will give serious consideration to the ideas contained in the report.

I insert at this point in the RECORD excerpts from the introduction and summary:

INTRODUCTION

PROBLEMS OF THE LOW-INCOME CONSUMER

The report of the National Advisory Commission on Civil Disorders, the Kerner Commission, identified "discriminatory consumer and credit practices" as one of 12 major grievances underlying the 1967 riots. Said the report:

"Ghetto residents believe they are exploited by local merchants; and evidence substantiates some of these beliefs. A study conducted in one city (Washington, D.C.) by the Federal Trade Commission showed that higher prices were charged for goods sold in ghetto stores than in other areas. Lack of knowledge regarding credit purchasing creates special pitfalls for the disadvantaged. In many states, garnishment practices compound these difficulties by allowing creditors to deprive individuals of their wages without hearing of trial." [1]

To those who have had ready access to credit, it is hard to appreciate the problems confronting those who do not. The low-income person has a need for goods and services but is often forced to pay a premium because of lack of any previous credit record or the presence of poor previous credit performance put credit from reasonably priced and reputable sources beyond his reach. Hopefully, this report, in addition to increasing the availability of low-income credit will shed some light on the realities and mythologies about the performance of the low-income person in seeking, utilizing and repaying consumer loans and other forms of consumer credit.

EXHIBIT A

CONSUMER CREDIT: 1950-69

[In millions of dollars. Prior to 1960, excludes Alaska and Hawaii. Estimated amounts of credit outstanding as of end of year or month; extended and repaid, for entire year or month. See also Historical Statistics, Colonial Times to 1957, series X 415-422]

Type of credit	1950	1960	1965	1967	1968	1969, March
Credit outstanding	21,471	56,141	90,314	102,132	113,191	111,950
Installment	14,703	42,968	71,324	80,926	89,890	89,672
Automobile paper	6,074	17,658	28,619	30,724	34,130	34,262
Other consumer goods paper	4,799	11,545	18,565	22,395	24,899	24,306
Repair and modernization loans [1]	1,016	3,148	3,728	3,789	3,925	3,874
Personal loans	2,814	10,617	20,412	24,018	26,936	27,230
Noninstallment	6,768	13,173	18,990	21,206	23,301	22,278
Single payment loans	1,821	4,507	7,671	8,428	9,138	9,139
Charge accounts	3,367	5,329	6,430	6,968	7,755	6,340
Service credit	1,580	3,337	4,889	5,810	6,408	6,799
Installment credit:						
Extended	21,558	49,793	78,586	84,693	97,053	22,660
Repaid	18,445	46,073	69,957	81,306	88,089	22,878
Net change	3,113	3,720	8,629	3,387	8,964	−218
Policy loans by life insurance companies [2]	2,413	5,231	7,678	10,059	11,306	11,699

[1] Holdings of financial institutions; holdings of retail outlets are included in "Other consumer goods paper."
[2] Source: Institute of Life Insurance, New York, N.Y. Year-end figures are annual statement asset values; month-end figures at book value of ledger assets. These loans are excluded in consumer credit series.
Source: Board of Governors of the Federal Reserve System; Federal Reserve Bulletin, except as noted.

"LOW-INCOME" STATUS DEFINED

Throughout the study and in our conversations with banking and business leaders, we have used the terms "low-income" and "limited-income" interchangeably. Furthermore, since "low-income" and "limited-income" are relative terms, we have allowed these same banking and business leaders to use their own definitions, without pinning them down to precise dollar income figures. None of the banks to which we directed the request could furnish lending figures by income level of the borrower. The Washington, D.C., limited-income Federal credit unions did, however, furnish such figures. Because of the various interpretations of the terms "low-income" or "limited-income," we think it appropriate to review the breakdown of income for 1966 by black and by white families as reported by the National Advisory Commission on Civil Disorders.[2]

These figures, now three years old, show that almost half of the families in the United States had incomes of less than $7,000, a figure which is, for all practical purposes, "low-income." They also show a sizable group of families whose income was less than $3,000, that is, families living below the poverty level.

EXTENT OF CONSUMER CREDIT

The use of consumer credit has achieved amazing growth in the last twenty years. In 1968, outstanding consumer credit totaled $113 billion compared to $21 billion in 1950. The auto loan, the installment contract, the revolving charge, the credit card—all have brought a revolutionary change for business and the consumer.

In his classic study on *The Poor Pay More*, Professor David Caplovitz reported: ". . . 75 per cent of the families used credit for at least some of their major purchases. When we consider the use of credit for clothing, buying from peddlers, and outstanding personal loans, the proportion making use of consumer credit rises to 81 per cent." [3]

Banks, then sales finance companies, followed by retailers and credit unions account for the vast majority of consumer installment credit. We were somewhat surprised to see that credit union loans were larger than consumer finance companies' and that the credit unions alone accounted for 11 per cent of the outstanding installment credit in 1968.

It is difficult to fully communicate the frustration the low-income person in the ghetto must feel to know that he must pay a premium of 61 per cent for installment purchases (as revealed by the Federal Trade Commission study of Washington, D.C. ghetto installment credit practices). Clearly, to provide access to more economical sources of goods, services and credit is to make a significant contribution to the well-being of the disadvantaged. For example, a purchase of back-to-school clothing for $30 at main city stores might cost $50 in the ghettos. This inequity has stimulated a number of citizen approaches to the problem of access to goods, services and credit, ranging from limited-income credit unions, to buying clubs, to consumer cooperatives, as well as diverse forms of economic and social pressure.

We have accepted the fact that consumer credit is here to stay and that it is particularly essential for the poor. We also recognize that credit has brought problems with it, including over-extension, bankruptcy and abuse in a significant number of cases. Therefore, prudence in the use of credit by consumers and in extension of credit by lenders is and always will be needed. The problem confronting may banks, credit unions and retailers covered in this report is to find that often subtle line between prudence and overcaution.

Conclusion: It should be apparent from the variety of projects we have described that each bank or retaile store, each business or individual that wishes to involve himself or his company in meeting an urgent need in our urban centers among the poor should be able to find a project suitable to his means and to his commitment.

Low-income credit unions, because of their low operating costs, have the greatest capacity for providing low cost credit to the consumer. As neighborhood organizations sensitive to the needs of fellow consumers, these credit unions are in a position to educate, counsel and provide relatively small per person loans. Their effectiveness can be greatly increased by deposits of public and private funds and by technical assistance from larger credit unions, bankers and others. A Federal deposit insurance program for such credit unions would help to broaden their base. Once a viable lending institution is established it provides a base for diverse economic development activities in the community.

Retailers, working with credit unions and other community groups experienced in measuring the credit-worthiness of the low-income consumer can develop successful credit programs. Often short education courses explaining the mechanisms of this form of credit (unfamiliar to the low-income consumer) improve the program. This form of credit, although more expensive than credit union loans, is convenient for household needs, back-to-school purchases and other requirements.

Some banks will want to undertake loan programs of their own. Many banks cannot make profitable installment loans under $600, but low-income consumers need very small loans to take care of immediate needs such as food stamps, rent or auto repairs. These banks may find that they can make a more effective contribution by supporting low-income credit unions through loans, deposits, the provision of security, and management or technical assistance. They can also make a major contribution by inviting ethnic banks located in inner-city communities and banks meeting community needs to participate in their investment programs.

The work of both credit unions and banks serving inner city needs can be greatly assisted by Federal and state governments, through the deposit of public funds. Such funds could assure the viability of credit unions and greatly expand the investment capability of both inner city banks and credit unions. To date only the State of Illinois has

[1] Report of *The National Advisory Commission on Civil Disorders*, March 1, 1968, p. 7.
[2] Report of *The National Advisory Commission on Civil Disorders*, p. 123.
[3] *The Poor Pay More*, pages 100-101. The Caplovitz study is based on low-income families in four New York City housing projects in 1963.

adopted a formal program of depositing state funds in banks committed to urban development; the Federal government has taken no action in this regard.

HEROIN—THE KILLER

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. ROBISON. Mr. Speaker, I enclose, for the benefit of my colleagues, an article which appeared in the August 26, 1970, edition of the Christian Science Monitor, dealing with the problem of heroin addiction. As that article points out, and I think the fact bears repeating, only a small percentage of heroin addicts live to their mid-30's.

There are two facets to the problem: curing those who are addicted and preventing others from becoming addicted. Experience has shown that the curing process is the most difficult and that perhaps the best cure is not beginning at all. The increasing use of drugs of all types—soft and hard—exacts an enormous toll as well as causing a tremendous money drain. Such losses must be ended; such suffering must be stopped.

The article follows:

HOW TO CURE THE LURE OF HEROIN

(By Susan Hunsinger)

(NOTE.—Heroin addiction is a killer—only a small percentage of addicts live to their mid-30's. New York City alone has between 100,000 and 200,000 heroin addicts, but only 7,000 are in any treatment program. The problem cries for broader solutions. Yet present treatment methods all have definite limitations.)

BOSTON.—"Heroin addiction is one of the worst hurts man has ever invented," says a 40-year-old ex-addict who suffered under its bondage for 25 years.

And the chief obstacle to treating the addict is his insatiable desire for heroin—one fix and he forgets the "hurt."

"I've always understood why I took dope," said an ex-addict from Chicago: "Because I love dope."

Heroin, addicts say, is the ultimate drug in terms of sensual gratification.

Just removing an addict from the supply of heroin is not tantamount to curing his addiction, for he still retains the memory of heroin's appeal—a memory which somehow overpowers the memory of the suffering that accompanied it.

VULTURES DESCEND

"If you could just remember what it's like to be in those dentention centers," said one heroin victim, "to lie there on those dirty blankets from 9 to 6, to suffer attacks from sadistic corrections officers, and to ask yourself, 'What am I doing here?' and to resolve you'll never come back."

But even after 11 years' confinement in a New York state prison, away from the supply of heroin, one man explained how his release merely signaled his return to the slavery of heroin. As soon as he returned to Harlem, "the vultures" or heroin dealers—descended upon him. Before he knew it, he had exchanged an opportunity for a free education at New York University for a free half-kilo of heroin.

Some observers say the only way to escape heroin's slavery is to "grow out" of it. A study by Drs. Lee N. Robins and George B. Murphy suggests that as many as 80 percent of the addicts who reach their mid-30's may mature out of their addictions. But other experts point out that these statistics ignore the obvious: Only a small percentage of the heroin addicts live that long.

REPEATERS RIFE

These grim statistics, plus the number of addicts, suggest the importance of treatment efforts. Of the 100,000 to 200,000 addicts in New York City alone, only 7,000 are currently enrolled in any treatment program.

Many of the addicts in the U.S. have at some time in their "careers" been in prison or in some kind of treatment programs. But traditional methods have failed to instill a lasting motiavtion to "kick" the habit.

Of the addicts admitted to the United States Public Health Service hospitals in Lexington, Ky., and Fort Worth, Texas, 95 percent return to heroin within six months of their release.

"In the 30 years of our existence, we have been primarily used by communities as a central dumping ground for addicts," says Dr. Jimmy D. Hawthorne, deputy chief of the Clinical Research Center at Lexington.

The main problem at Lexington is its isolation. "You shouldn't ship off addicts to some place like Lexington," known locally as "the narcotics farm," says Dr. Hawthorne. "It just creates problems for aftercare when they go home," where there is no agency to reinforce whatever gains were made at Lexington.

"The most effective approach to treatment is community based," says Dr. Hawthorne, who readily acknowledges that "this would put us out of business."

SOME 25 COMMUNITIES

At present, there are two major approaches to the treatment of heroin addiction which have demonstrated some success—residential, drug-free therapeutic communities and methadone maintenance programs. Both approaches try to provide a replacement for heroin—in the first case, intense group support; in the latter, a synthetic narcotic.

According to the National Institute of Mental Health, there are at least 25 independent residential therapeutic communities for drug addicts in the U.S. today. All of them are basically patterned after Synanon, an 1,100-resident community which began in California in 1958 as an offshoot of Alcoholics Anonymous.

Though each of the communities has its own style and idiosyncracies, a few characteristics seem to be held in common:

1. An "open door" or voluntary community: One of the greatest strengths, and, in a sense, inherent weaknesses, in therapeutic communities is that the addict knows he does not have to stay.

One-third of those who enter Synanon leave within 30 days, according to Mrs. Pat Feinsilver, an ex-addict herself who now serves as assistant medical director at Synanon in Oakland, Calif.

But of those addicts who stay, the motivation to "kick" heroin seems to be strengthened. "Prison erodes your humanness," says Mrs. Bernice Gibbs, an ex-addict who has been at Synanon 5 years. "Synanon restores it because you are charged with being responsible and rewarded for acting responsibly."

2. A rigid system of punishment and reward: Admission to therapeutic communities is deliberately humiliating—it's something like the entrance requirements for a monastic order minus the lifetime commitment to celibacy.

First, the addict has to withdraw from heroin "cold turkey," or without the aid of other drugs. Then he has to agree not to see his family for several weeks. And he has to start at the bottom rung of the community's job ladder.

DEMOTION TO DISH PIT

The status system at Phoenix House in New York is especially pronounced. Novices start with "dingbat" jobs like cleaning the toilets or washing the dishes.

They proceed from dark "cave" rooms to brighter sleeping quarters, from six-man rooms to two-man rooms, and from the less desirable top bunks to the bottom ones. House "elders" occupy "Nirvana" on the top floor.

Even if a member reaches the top status, he can still be strictly disciplined. At Gateway House in Chicago, several male residents had shaved heads and one girl wore a stocking cap as a sign of punishment; at Phoenix House one young man, who wore a poster board which advertised "I can't be trusted," was demoted to the dish pit for getting into some "stuff" (heroin).

3. Encounter games for release of anxiety: Three times a week residents get together in groups of 8 to 10 to perform the ritual—the encounter game, which started at Synanon.

The purpose is to provide a built-in device for the expression of feelings which used to be submerged with a "fix" of heroin.

"The game is the one cohesive thing—the thing that keeps dry rot from setting in," says Reed Kimball, a Synanon resident for 11 years. "That's the one place where we can be candid in expressing our feelings about our wives, bosses, and peers. . . . We save it all for the game."

At Phoenix House the game has been compared to a "verbal street fight," where the only rule is no physical violence and the only defense is truth.

4. Sense of involvement in something greater than oneself: "Synanon is really not about drug addiction at all," says one ex-addict who now lives at Synanon City in Tomales Bay, a 1,000-acre new city north of San Francisco. "It's really a life movement where we all live together without the hate, without the prejudice, without the locks on the doors."

Synanon is proud of its interracial history and on its efforts to build an unpolluted alternative to the lonely, materialistic, "straight" society which Synanon thinks may promote addiction in the first place.

Phoenix House, which caters more to the black addicts of the city streets, also has the aura of a "movement."

"Phoenix is really teaching you how to live," commented one house resident in an encounter. "It's part of the human revolution—to try to change community values about drugs and the way people should treat each other. And ex-addicts are starting the action."

5. The reentry problem: Intense group support reinforces an addict's motivation to stay off drugs as long as he remains in the community. But when he reenters "society," that drug-free motivation can drop off.

Synanon, after 12 years of experience, solves this problem by discouraging reentry altogether. Although Synanon used to "graduate" members after about 2½ years, it claims that the majority who cut ties with Synanon returned to their "old dope-field ways."

Critics charge that Synanon simply substitutes dependence on therapeutic communities for dependence on drugs.

But Synanon residents respond that they have no place to go. "I'm 40 and I have a prison record," explains Mrs. Gibbs. "There would be no particular advantage in my leaving Synanon. My friends are here, my work is here, and I can be more effective using Synanon as my platform that I could on my own."

The three-year-old Phoenix House program in New York claims an active reentry program. Some house residents attend school on the outside and all of them have to cope

with temptations in a high drug-abuse neighborhood.

But Phoenix House "elders," who qualify for "reentry," say they have difficulty finding jobs away from the programs and even in finding landlords who will rent to "ex-addicts."

Of the 146 "graduates" of the 2½-year program, more than half work as Phoenix staff members.

OLDER PERSONS SHY AWAY

The long-term residency required by therapeutic communities discourages many older addicts from participating—particularly those who have managed to maintain some family ties.

As a result, methadone maintenance, which operates on an outpatient, nonresidential basis, appeals to many heroin addicts as well as to many cost-conscious government leaders.

To be on methadone maintenance means to be maintained on a synthetic narcotic, which is itself addictive. But unlike heroin, methadone can be taken orally and patients said it does not produce a "high." Methadone, according to medical experts, also blocks the effects of any heroin an addict might slip on the sly.

All this, the advocates say, frees the addict from his craving for heroin and frees society from his criminal activity to support his habit.

"Methadone frees you from bondage," said one patient in a methadone maintenance program in New York. "Abstinence is more idealistic, but it's not practical."

The results of the most established methadone program, developed by Drs. Vincent Dole and Marie Dyswander in New York in 1964, have attracted widespread attention. According to a recent study by Columbia University's School of Public Health and Administrative Medicine, 80 percent of the original participants remain in the program, and, of these, 82 percent have remained free of heroin. The great majority under treatment are either working, keeping house, or going to school.

Methadone maintenance programs are spreading fast. As of last count, the National Institute of Mental Health knew of 64 such programs in the U.S. Fifteen of the programs receive federal funds. Waiting lists range from three months in an Illinois program to a year in the Dole-Nyswander program in New York.

"It's really sad to have to ask people to wait," says Dr. Harvey Gollance, of the New York program, "because while they are waiting some die, some get arrested, and some go to jail."

RISKS OUTLINED

But methadone maintenance, even according to its advocates, is far from an instant panacea for this nation's heroin addicts. There are risks and principles at stake:

1. The question of indefinite maintenance: The Dole-Nyswander program encourages addicts to stay on methadone maintenance indefinitely. The program deliberately builds up patients to high tolerance for methadone. Patients say that the high dose makes it difficult to withdraw from methadone, but program directors say that a lower dose would not block the craving for heroin.

In justification of indefinite maintenance, Don Powers, a program research assistant who is himself on methadone maintenance, says, "We've had 12 people stop voluntarily, and all 12 went back to heroin. Eleven have reapplied to the program."

Even the Illinois State Drug Abuse Program, which experiments with lower doses of methadone, reports that the majority of its patients cannot get off. "Two out of three who try to get off methadone maintenance find it necessary to go back," says Dr. Jerome Jaffe, director of the program.

2. Restrictions on freedom: "The only problem I see with methadone is being 'addicted' to New York City," said one methadone patient.

A methadone patient is not free to leave the city. In order to prove that he is not "cheating," he must report to the clinic regularly to present a urine specimen for drug abuse analysis. And he has to be there to swallow his methadone mixed in "Tang" (which the addicts call "astronaut juice").

3. Half-solutions: "The worst enemies of methadone are its advocates who say it's a '2 cents a day' solution," says Dr. Mitchell Rosenthal of the drug-free Phoenix House program. The more successful methadone programs include extensive practical counseling and other services which are expensive, he points out.

ONLY PART OF THE BATTLE

"Methadone dispension is only part of the battle," says one patient. "But it's not enough on its own, because you have to change your whole life-style.

"When you're on heroin, you're moving every day. When you're on methadone, you walk out the door of the clinic and you have nothing to do. If they just gave you a bottle of methadone, without any other services, you would just turn to other drugs, such as alcohol or barbiturates."

Even in the carefully administered Dole-Nyswander program, some patients apparently have done exactly that. According to Dr. Donald Louria, president of the New York State Council on Drug Addiction, one methadone patient has succumbed to acute alcoholism and another to an overdose of barbiturates.

In less carefully administered methadone programs, there is also a real danger of patients' selling methadone on the black market, and of admitting persons who have never been addicted to heroin in the first place. Thus narcotic addiction is spread.

4. Limited application: "The biggest danger with methadone is that you write off people too soon," says Dr. Rosenthal of Phoenix House. "I don't see giving methadone to the young—it should only be a last resort for old, burned-out addicts who have tried every other route."

YOUNG ARE NOT TIRED YET

"The young people aren't tired of being addicts yet," says John Maxwell, a 40-year-old ex-addict who works at Phoenix House. "They still have fairly large circles of friends, including nonaddicts. They can still go home to mother for a place to sleep. When I tell them what they are going to go through, they just look at me as if I were crazy—they think it won't happen to them, or they think they are swifter than I am."

What they need most, says Mr. Maxwell, is not another drug but a push toward—and an opportunity for—a better life.

Critics also point out that methadone maintenance is no help at all to the non-heroin drug addict, such as the chronic amphetamine or barbiturate user.

Convinced that neither methadone maintenance nor the therapeutic community is the exclusive solution to heroin addiction, some researchers are experimenting with combination of the two.

FROM ONE MODE TO ANOTHER

In Illinois, with state and federal funds, Dr. Jaffe has set up a "multimodality" program where addicts can switch from one mode of treatment to another. At the same time, Dr. Jaffe has begun an extensive data-gathering and evaluation system to determine which programs work best for which addicts.

At Tinley Park, Ill., methadone patients and drug-free patients actually live together under the same roof in a residential therapeutic community. This arrangement gives group support to methadone patients and helps keep the drug-free patients from becoming too ingrown within the therapeutic enclave.

"It's clear that the various treatments—drug free and drug aided—are not mutually in compatible—that they can be sequential and combined," says Dr. Jaffe. And it's clear, he adds, that "every form of treatment existing in isolation is making claims for its own superiority and is unwilling to grant the merit of other forms for other addicts."

AUDITING LIVES

How much does one heroin addict "cost" per year?

If he has to steal to support his habit, $50,000 to $100,000 in thefts.

If he is put in a state prison, about $5,000.

If he is in an outpatient methadone program, about $1,200.

If he is in a residential therapeutic community, $3,200.

None of these costs, of course, takes into account the increased costs for the administration of justice and law enforcement, the cost to society in loss of productivity, or the human cost to the addict and his family.

Sources: the Massachusetts Department of Corrections, the Federal Bureau of Narcotics and Dangerous Drugs, and the Illinois State Drug Abuse Program.

WE ARE HAPPY ABOUT IT

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. DERWINSKI. Mr. Speaker, an editorial emphasizing the positive, rather than the negative, developments in our land appeared in the September 12, Lansing, Ill., Sun-Journal. This type of news treatment and the positive philosophy that it portrays is certainly welcome. It follows:

WE'RE HAPPY ABOUT IT

With all of the plane hijackings, bomb throwing and brutal personal assaults, it may be helpful, if not therapeutic, to consider some of the good things happening in our area. Unfortunately, murders, accidents and break-ins take up the big headlines in most newspapers. We are not any happier about it than you are. But there is good news . . . and it happens every day.

In our last issue, we reported a number of stories that made us feel good, even proud of the people that make up the Calumet area. Some deserve another mention.

Residents on Maple Avenue in Lansing are having a bit of a problem, with their curbs and streets because of a delay in a major sewer project. The people brought their complaints to us and Lansing's Mayor Jack O. McNary. The Mayor vowed quick action and indicated that he has already been after the contractor to get busy. It now looks as if the problem will be solved in a month. This makes us happy.

A group of neighborhood youngsters in Munster set up their own carnival last week and donated the entire proceeds ($30.67) to benefit children with muscular dystrophy. It is a far cry from the old 5c lemonade stands where the proprietors drank up the profits. We think these Munster kids are great.

While madmen were busy bombing the University of Wisconsin in Madison, school officials in Griffith used the vacation months to repair the system's six buildings. Painting, refinishings, cabinet repair and general maintenance work kept a lot of people busy. A total of 96 separate projects were tackled. We feel it was time well spent.

Griffith High School is opening its door to 14 new teachers. We hear so much about the decline in the quality of education and the lack of well qualified teachers, but one look at the qualifications of the new breed in Griffith High quickly dispels that nonsense.

There is good news in Highland, too. Highland High School has just added another Family Night to its schedule. Residents can now swim on Tuesday and Friday evening from 7 p.m. to 9 p.m. Our story also pointed out that qualified Red Cross life guards will be on duty at all times. A cool dip can do wonders for the soul.

Finally, in Calumet City we reported that nine members of the fire department are enrolling in fire fighting technology courses at Prairie State College. These men think enough of their profession to make every effort to become more efficient. The old image of firemen sitting around the firehouse, playing cards while waiting for the firebell to ring is gone forever. And we're happy about it.

So, as you can see, it's really not as bad out there as some people would lead you to believe. People are by nature thoughtful, conscientious human beings, seeking to better their life style. To be sure, there are a great many problems facing us daily, but there is also a bright side to look upon. There are a lot of other wonderful things happening in our area, far too many to mention here. But we will tell you about them on our news pages. Telling the bright side makes us happy.

PRISONERS OF WAR

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. BUSH. Mr. Speaker, I want to commend you and the leadership of the House of Representatives for scheduling this joint session today devoted to the treatment of U.S. prisoners of war by the North Vietnamese.

The use of U.S. prisoners of war as a negotiating pawn is an unforgivable breach of the elementary rules of conduct between civilized peoples and totally disregards the Geneva Convention on Humane Treatment of Prisoners, signed by North Vietnam and 125 other counties, which requires that each prisoner be permitted contact with his family as soon after detention as possible. In addition, this agreement prescribes rules for sending and receiving cards and letters, prompt identification of prisoners, adequate diet and medical care, communication with other prisoners, quick repatriation of the seriously sick and wounded, protection against abuse or reprisals, and inspections of camp conditions by a neutral intermediary.

Yet, when an American solider is captured in North Vietnam, he is secluded in prison, deprived of all contact with the outside world, and not permitted to receive mail or packages. Nor is his family informed as to whether he is well or even alive. Furthermore, for the first time in modern history the Red Cross has been denied all contact with prisoners of war.

Americans have been united in their protests. I doubt that there is an American family in this country today that has not in one form or another protested this kind of torture—by writing their Congressmen, the President of the United States, Xuan Thuy, United We Stand, and the press. We have all been quite vocal.

Yet, the situation remains unchanged.

And the very fact that it remains unchanged only proves the callousness of the North Vietnamese and their contempt for international agreements and conduct.

In view of this total disregard for these prisoners and the protests of the American people, I personally am at a loss to explain why we have not heard similar protests from the other countries who were parties to the 1949 Geneva Convention. When similar situations have occurred in the past—particularly when the Red Cross or a like agency has been denied access—there has been an outcry of world opinion. Thus, I was pleased when President Nixon took the initiative and asked Frank Borman to visit some of the major capitals of the world to further express our concern for these prisoners of war.

I hope that in the near future we will see world opinion effectively marshaled against this kind of torture so that such brutality will not be attempted again. It is my further hope that today's special joint session will help rally these forces.

TOLIBIA CHEESE, INC.—A RECORD TO BE PROUD OF

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, Wisconsin is America's dairyland and I am proud to point out that the Sixth District of Wisconsin which I represent is the leading producer of Italian cheese. One of the important producers of Italian cheeses in my district is Tolibia Cheese, Inc., of Fond du Lac. Tolibia was recently awarded the first place blue ribbon for excellence in the blue cheese category at the Wisconsin State Fair in Milwaukee. As part of my remarks I would like to include the story of how Tolibia cheese was started and how it has grown to become a leading cheese producer:

THE TOLIBIA STORY

In the year 1932, Mr. J. R. Tolibia was a successful importer located in the City of New York. His imports included olive oil, cheese, anchovies, and other European delicacies. At that time the various Italian cheeses were sold primarily to the Italian communities located in the United States. In the importing of cheese uniform quality was a constant problem. Political upheavals in Italy and other pressures from abroad added to the normal problems of importing and sometime during the year 1932 Mr. Tolibia began looking for solutions to the problems involved.

His search led him to the central Wisconsin community of Brownsville. In this area of Wisconsin, Mr. Tolibia found a near perfect environment for production of high quality milk—cool, clear streams, grasses, grain in abundance, and a hard working honest work force.

Production of top quality Italian cheese thus commenced at the small plant in Brownsville, Wisconsin. The first day's production figures read as follows: "Three vats Provolone produced by 30,000 pounds of good milk, and 15 good people."

Mr. Tolibia spoke many languages fluently, traveled extensively introducing and promoting the new domestically produced Italian cheese. The early product was of excellent quality and soon began to appear in the Italian type grocery stores. Gourmets of Italian products soon recognized T (Tolibia) Brand Cheese as a good palatable product. Mr. Tolibia constantly stressed the importance of quality of the product and his quality conscientiousness has become a part of the Tolibia organization.

The public acceptance of Provolone cheese was overwhelming and carloads of Provolone were soon being shipped by rail to all parts of the country. At that time Provolone cheese could be purchased in various sizes and shapes. The large basketball-shaped 25-pound Provolone was named "Mandarini" by Mr. Tolibia. That term is used today by the entire industry.

Shortly after the Brownsville plant began operations, Mr. Tolibia's son, J. R. Tolibia II took over the supervision of the firm's production and sales force and at that time a sales office and warehouse facility were opened at Fond du Lac, Wisconsin. Mr. Tolibia has made his home in the Fond du Lac community since that time.

The war situation in Europe in the year 1939 suddenly brounght a halt to the production of European cheese. The French Roquefort Association, developers of a highly successful market in the United States, literally went out of business. In Europe, sheep were being used for meat and there was no longer a supply of the sheep's milk required for the traditional Roquefort cheese. The Association determined that some method must be developed for substituting cow's milk for the sheep's milk.

The Association made contact with the Tolibia organization and through that contact and its resulting venture, developed what is generally recognized as the largest blue cheese manufacturing and curing operation in the world.

The marketing of blue cheese was an immediate success and today millions of pounds of blue cheese are manufactured, cured and packaged at the Fond du Lac plant. Tolibia's research department has developed curing methods which result in a unique blue cheese flavor.

In 1952 the pizza pie industry was launched and the new product was an immediate success. One of the basic ingredients of pizza pie is mozzarella cheese and as the demand for the product grew so did the demand for mozzarella cheese. Tolibia's various research programs provided the pizza industry with various blends of cheeses packed for both the institutional and consumer buyers. Millions of pounds of pizza cheese are shipped annually to various points within the United States and to areas abroad.

Tolibia Cheese is proud of the fact that it is an approved source of supply for the Armed Forces of the United States. American servicemen have been introduced to Tolibia products at military installations the world over.

At the Fond du Lac plant visitors view what is perhaps one of the most modern, up-to-date cheese manufacturing plants in the world. Cleanliness is of extreme importance at the plant, and the equipment is maintained and kept in a polished condition. Two hundred and sixty personnel are employed at

the Fond du Lac plant and the latest techniques in manufacturing and packaging are used.

The Fond du Lac plant presently uses over 750,000 pounds of milk daily in its manufacturing processes. The plant's capacity could be upped to 1,000,000 pounds if required.

The Tolibia plant at Oostburg, Wisconsin grates more than 8,000 pounds of cheese (Romano and Parmesan) per hour by use of high speed, sophisticated and highly automated equipment.

Tolibia has other plants located at Dotyville, Wisconsin and a milk receiving station at Wrightstown, Wisconsin. In addition, it has a Provolone curing unit located near the Fond du Lac plant.

Except for the research and development areas, visitors are welcome at the Tolibia plant. Many tourists each year enjoy the hospitality of guided tours.

Tolibia has met the challenge of the imports and growth at the Tolibia plants has been steady and calculated to meet growing demands.

The organization is fortunate to have several executives fluent in various foreign languages. Italian, German, Spanish, Greek and Hebrew can be heard spoken in the course of a day's telephone conversations with clients and representatives throughout the world. The Tolibia organization is proud that the firm is made up of people from various ethnical backgrounds. Each group has contributed immensely to the company's success.

The firm is a member of National Cheese Institute, American Bleu Cheese Association, and American Producers of Italian Type Cheese Association. In addition to playing an active role in those organizations, the firm maintains close contact with Wisconsin representatives in Washington.

Mr. J. R. Tolibia died in 1941. His wife, Blandina, an executive officer of the company died in 1968. President and Chief Executive Officer of Tolibia Cheese, Inc. is Mr. J. R. Tolibia II, son of the organization's founder.

Sales promotion for the organization is handled through 3 divisions. The central division is located in the Chicago area and is headed by Messrs. Frank J. Klensch and Ron Klensch. Mr. Frank Klensch is a founder of the trade organizations above mentioned. He is also a past president of the National Cheese Institute. Nichlas P. Spallas is in charge of the eastern division and sales promotions for that division are handled from the Fond du Lac office. The western division, with offices in the San Francisco area, is handled by John J. Wollak.

The Tolibia firm is cognizant of the fact that they are an integral part of the economic community of the Sixth Congressional District.

Many allied industries, several based in Wisconsin, share the Tolibia growth as major suppliers of various packaging and scientific equipment.

Each year there has been a steady increase in sales. The organization is confident that growth will continue.

SEX DISCRIMINATION IN MEDICAL SCHOOLS

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mrs. GRIFFITHS. Mr. Speaker, as an introducer of a national health plan, I am fully aware that one of the great needs of this country is for additional doctors. I am also aware of the discrimination against women in medical schools. I would like the rest of you to realize how great this discrimination is and, therefore, I would like to insert in the CONGRESSIONAL RECORD the following article written by Elizabeth Shelton, which appeared in today's edition of the Washington Post:

SEX DISCRIMINATION IN MEDICAL SCHOOLS

(By Elizabeth Shelton)

The first definitive study of the attitudes of medical schools toward women students has concluded that widespread prejudice is depriving the nation of urgently needed doctors.

Dr. Harold I. Kaplan, professor of psychiatry at New York Medical College, who conducted the seven-year study under a National Institute of Mental Health grant, said some replies to his questions were so "scandalous" that he did not include them in his report.

The study found that "a significant number" of medical schools are reluctant to accept women as students, particularly if they are married. The women must be exceptional academically in order to be admitted. If they marry and become pregnant while in school they usually are permitted some flexibility in order to complete their degrees, internships and residencies.

But, in fear of losing a year's academic credit, the new mothers take "dangerously inadequate maternity leave, causing Dr. Kaplan to wonder "how most American schools would handle academic credit in reference to a male student missing one to two months of a year's work because of infectious mononucleosis or hepatitis."

He undertook the study to find out why the slowly increasing percentage of women doctors in the United States (nine per cent of all doctors) compares so unfarovably with 65 per cent in the U.S.S.R. and 24 per cent in Great Britain.

The study offers evidence that the inhibiting factor is prejudice by admissions committees and the attitudes generally of American educators about women in medicine.

Among the answers Dr. Kaplan received to questions about what special provisions such as time off, adjusted schedules and day care centers medical schools in the U.S. allow pregnant women and new mothers:

"I think they (women medical students) ordinarily have so many emotional problems that we have not been particularly happy with their performance."

"We have admitted a few married women without children, but our experience with them has been almost uniformly poor . . . Up to the present we have refused to admit married women with children."

"Over a period of years it has been the practice of the dean and the admissions committee to scrutinize carefully applicants who are married women and even to discourage them."

". . . Pregnancy is no substitute for academic achievement and ultimate qualification."

". . . we have been so far fairly liberal on this (three to ten days' maternity leave, alternate exam dates and student loans) if the student is in good standing; although I suppose in making such awards we sentimentally reserve the notion that conception is an Act of God."

In contrast to these attitudes, the few broad-minded schools allowing married women the flexibility they need during pregnancy and motherhood reported good academic results.

At the Medical College of Pennsylvania (founded in 1888 as an all-women's school but integrated last year), the educational process of a pregnant medical student "is rarely affected." This is true also of Wake Forest, Columbia, Duke, Missouri and Meharry. At Iowa State, several new mothers solved baby-sitting problems by depositing their newborns in the Medical School's infant metabolism research center.

Dr. Kaplan reported that during the period of the study (published in the September issue of The Woman Physician, journal of the American Medical Women's Association), 42 "physicianmothers" were trained in the psychiatry residency training program at New York Medical College. "All have gone on to complete the training requirements of the American Board of Psychiatry and Neurology."

Dr. Kaplan saw no reason that similar flexibility could not be applied to all branches of medicine to permit not only the recruitment of more women physicians but also to help them complete their training.

He said in an interview that in the face of critical shortages of doctors, it is now up to the government to withhold funds from institutions that discriminate against women. He said this is authorized under the Equal Rights Act of 1964.

"The schools must be told very distinctly they are going to have to give women equal opportunity," Dr. Kaplan said. "The government will have to force them."

CONGRESSIONAL REPORT SENT TO NINTH DISTRICT RESIDENTS—AUGUST 31, 1970

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

THE CORN BLIGHT

Scores of Ninth District farmers have been expressing their concern about the invasion of the southern corn leaf blight. The full impact of the disease in the Ninth District, and in the Nation, is yet to be determined, and probably can't be assessed accurately until harvest time.

The appearance of the blight in the Corn Belt has had some immediate repercussions, however, in the grain futures market, and to a lesser extent, in livestock sales patterns around the country. If the blight reduces corn yields significantly, many segments of our economy will be affected. Consumers will feel the pinch in higher meat, dairy and egg prices. The whole range of agri-business will be affected, and, since this country exports some half-billion bushels of corn annually, even our balance of payments will be affected.

As this economic guessing game has developed, the Department of Agriculture has remained silent, indicating that a crop report at this time would be premature and could have a serious impact on the grain market. A report on the blight is to be issued in early September, USDA officials say.

Reports of damage to the corn crops across the country range from severe in the Southern states to slight in Northern areas. That pattern is duplicated in Indiana, where initial reports from county agriculture agents in Northern counties indicate the blight in from 3 to 10 percent of the crop, to as much

as 40 percent of the crop in Southern Indiana counties. It has been reported that 90 percent of the State's 92 counties are reporting some incidence of corn blight, with the most severe damage being reported in Southwestern Indiana.

It should be noted that Southern Indiana (from U.S. 40 southward) accounts for about 21 percent of the State's total corn yield, and that 35 to 40 percent of the total crop is grown in the area from Lafayette northward.

A Purdue University plant pathologist has described the blight as the most damaging epidemic to hit the State's crop since the invasion of the European corn borer in the early 1920s. Agronomists agree, however, that it is too early at this time to assess accurately any loss in Indiana's corn yield or quality.

A number of imponderables make any assessment difficult. The maturity of the crop at the time it is afflicted by the blight is a major factor. Since the disease thrives in warm, moist weather, high humidity, heavy night dew and late summer rains also affect the spread and the severity of the disease.

While the Federal government attempts to assess the entire economic impact of the corn blight, its most immediate concern must be the individual farmer whose livelihood is affected by the disease. He is the basic component in this assessment, and his ability to continue to produce must be protected.

Only a few Ninth District farmers have crop insurance, which, through a complicated procedure of production history, risk computation and premium choices, reimburses the producer for a portion of his loss. The USDA reports that 365 farmers in Bartholomew, Jackson, Decatur, Ripley and Fayette counties have insurance.

In the past, when complete crop losses have come about because of drought or flood, the Farmers Home Administration (FHA) has provided emergency loans at low interest to help the farmer stay in business—to plant next year's crops. But this year, the corn blight has struck some farms severely, while bypassing, or slightly affecting, others.

The FHA guidelines require that a 25 percent total loss in farm enterprises be reported before a county can be declared eligible for emergency loans. Each county FHA supervisor can, however, allocate a limited number of emergency loans—without a disaster area designation—when individual farmers can prove they've had special hardships.

While it appears that an accurate assessment of the blight damage is from 60 to 90 days away, it is imperative that the Department of Agriculture begin now to prepare for any eventuality. Initial reports indicate that losses in yield and quality are a certainty. The potential seriousness of the situation requires that the Federal government be able to respond quickly and effectively.

PRESIDENT GIVEN STANDING OVATION AT KANSAS STATE

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. SCHERLE. Mr. Speaker, the standing ovation given President Nixon by the 16,000 students at Kansas State University this week reaffirms my belief that less than 5 percent of the students on our campuses subscribe to the terrorist tactics that dominate the news.

Much of what the President said echoes the sentiments of most Americans, regardless of the generation in which they were born. He pointed out that those who disrupt universities and show contempt for human life and elementary decency "deserve only the contempt of every American who values those decencies." The President also dispelled the myth that college disturbances are the result of Government policy. Mr. Nixon predicted that if all these problems were "solved overnight, there would still be campus troubles." The thrust of his remarks was again to remind college administrators, as I often have, that only they can save higher education from the anarchists.

The response to Mr. Nixon's address clearly demonstrates that concerned students, parents, and citizens alike want to see our educational institutions flourish without being thwarted by a small but vocal band of dedicated disrupters. The President's Commission on Campus Unrest would be well advised to use this speech as a preamble to its report which is due this fall.

AMERICAN PRISONERS OF WAR IN SOUTHEAST ASIA

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. PRICE of Texas. Mr. Speaker, due to the continued interest of Congress and the people of the United States in the prisoner of war issue, I am inserting in the RECORD a copy of my latest newsletter concerning my recent visit with the Deputy Chief of the North Vietnamese Delegation at the Paris peace talks. We must leave no stone unturned and no avenue unexplored in the vital search for finding the most workable means of obtaining better treatment and earlier release of our captured countrymen.

The newsletter follows:

CONGRESSMAN PRICE OF TEXAS SPEAKS

On September 11th I met in Paris for one hour and forty minutes with Nguyen Minh Vy, Deputy Chief of the North Vietnamese delegation at the Paris Peace Talks, for the purpose of exploring possibilities for peace in Southeast Asia.

The North Vietnamese negotiator was firm in his position that it is the United States who is the aggressor in Vietnam, and that American troops must be withdrawn before peace could be achieved. I, in turn hammered home several points in the clearest terms: First, the United States is fighting in Vietnam to preserve the freedoms of the Vietnamese people and to enable them to choose their own form of government free from outside influences. Second, President Nixon, the Congress, and the American people will not accept anything less than an honorable resolution to the conflict. Third, a standstill cease-fire agreement would provide an excellent basis on which to revitalize the Paris Peace Talks. Fourth, unless the North Vietnamese soon indicated thought, word and deed that they were interested in seeking a peaceful solution to the war, the nations of the world would become convinced that North Vietnam was using the Paris talks merely as a propaganda forum rather than a negotiating base.

Much of my remarks centered on the Prisoner of War issue. I have introduced legislation on the subject, written letters, held meetings, and explored every path open to me in this country, and I hoped that by personally confronting the North Vietnamese with the issue I could achieve an understanding which could lead to the better treatment and earlier release of our captured countrymen.

The North Vietnamese representative advised me there are a number of Americans who have been captured, but that they are being humanely treated by their captors and are allowed to correspond with their families.

I questioned the accuracy of his statements in no uncertain terms and offered to go to Hanoi and personally verify the conditions of imprisonment. I also informed him the North Vietnamese were very ill advised to deal with what the American people considered kooks and social outcasts on the prisoners of war issue and that if they were truly interested in resolving this matter they should try dealing with representatives of the American people such as myself.

On that note I asked him specifically about information concerning five men I flew combat with in Korea. All that is known about them is that three are confirmed prisoners and two are listed as missing in action. While he did not promise any information about the five, he took their names and other information regarding the men that I had prepared in advance of the meeting.

At the conclusion of the meeting I informed Nguyen Minh Vy that if he were interested in exploring the matter of my going to Hanoi I would hope to communicate with him further and that I would even consider the possibility of returning to Paris for a second meeting.

Looking back on the meeting, it is difficult to determine precisely what gains, if any, were made. The North Vietnamese, although extremely cordial and polite, are very tough unyielding negotiators. Accordingly, I feel compelled to pursue this faint possibility with good faith. It may prove to be but another blind alley, but then again, it may prove to be the crack in their resistance to our peace overtures. In this connection, I cannot help but feel encouraged by the fact that the latest proposals put forth at the Parish talks by the North Vietnamese contain certain similarities to several of the points I had stressed so vigorously at my meeting with Vy the week before. The tone if not the substance of the proposals were much less harsh than any the Communists have dropped on the conference table for some time. For the first time a cease-fire has been mentioned in explicit terms. And, the Communists indicated they would be willing to begin immediate negotiation of the release of prisoners if the U.S. would agree to withdraw all its troops by June 30, 1971.

While these proposals are not acceptable in their present form, it must be noted that the Communists seem to have relaxed somewhat their previously totally inflexible positions. Perhaps my efforts were not completely in vain.

AMERICAN PRISONERS OF WAR

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. PETTIS. Mr. Speaker, I would like to voice my earnest hope that action taken by the Congress will serve to cre-

ate the atmosphere through which our brave prisoners of war may be treated more humanely and their release ultimately secured.

Joint sessions of the Congress, together with resolutions passed by this body, focus attention on the plight of these unfortunate individuals. The press coverage of such activities will arouse the conscience of the American citizens and generate empathy from the people of the world.

It is essential that we demonstrate to the captives and their captors that these Americans have not been forgotten. Actions by the Congress serve as a catalyst to inflame the outrage of world opinion which North Vietnam covets so dearly. If Hanoi can be made to believe that its cause is suffering because of its treatment of our POW's and MIA's, we may be able to trigger reciprocal acts of humanitarian treatment and the ultimate restoration of these men to their families.